

VIRGINIA:

IN THE CIRCUIT COURT OF CITY OF LYNCHBURG

RANDOLPH COLLEGE, f/k/a
THE TRUSTEES OF RANDOLPH-MACON
WOMAN'S COLLEGE, INCORPORATED,

Plaintiff,

v.

Case No. CL07-1745

SUNTRUST BANK, *et al.*,

Defendants.

ANSWER

COMES NOW defendant ROBERT F. McDONNELL, Attorney General of Virginia, through counsel, in response to Plaintiff's Complaint and states as follows:

1. Except as noted in paragraph 3 herein, Defendant admits the allegations of Paragraphs 1, 2, 3 and 7 of the Complaint.
2. Defendant lacks sufficient information and belief to admit the allegations of Paragraphs 8 through 12, inclusive, of the Complaint and on that basis such allegations are denied.
3. As to the allegations of Paragraph 3 through 7, inclusive, of the Petition which make reference to documents, Defendant submits that the documents referenced therein speak for themselves and require neither an admission nor denial.

4. As to the allegations of Paragraphs 6 and 13 of the Complaint, Defendant submits that such allegations constitute legal opinions or conclusions and require neither an admission nor denial.

5. Defendant denies any allegation not specifically admitted and demands specific proof thereof.

WHEREFORE, having fully responded to the Complaint, Defendant respectfully asks:

- (1) that the Court take jurisdiction over this matter and determine whether the proper parties are before the Court;
- (2) that the Court ensure that any transactions contemplated by the parties are legal and absent of self-dealing;
- (3) that the Court determine and respect the charitable intent of the trustee; and
- (4) that the Court take no action adverse to the Commonwealth's interest in charitable trusts.

Respectfully submitted,

ROBERT F. McDONNELL
Attorney General of Virginia


By: Donald R. Ferguson
Counsel

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Answer was mailed, postage prepaid, on this 18th of September, 2007 to Richard Cullen, Esquire, McGuire Woods, LLP, One James Center, 901 East Cary Street, Richmond, VA 23219 and Bernard C. Baldwin, III, Esquire, Edmunds & Williams, PC, 828 Main Street, 19th Floor, Lynchburg, VA 24504.


Donald R. Ferguson
Senior Assistant Attorney General

DRF/Charitable Trusts/Randolph College answer