

About the Cover

by Frank O. Brown Jr.

Not many public gardens owe their existence to the work of lawyers. Photographed at the Lewis Ginter Botanical Garden in Henrico County are the three authors of articles in this Senior Lawyers Conference issue of *Virginia Lawyer* magazine. From left to right: Robert E. Hawthorne, current chair of the Senior Lawyers Conference; Marissa D. Mitchell, member of the Senior Lawyers Conference in the far distant future; and, Frank O. Brown Jr., founding chair of the Senior Lawyers Conference. The garden has been variously honored nationally in the top ten as a Best Public Garden, a Most Beautiful Botanical Garden in the U.S., and as a Best Botanical Garden in the U.S.

We were not just there at the intersection of Lakeside Avenue and Hilliard Road in Henrico County, but we were there also at the intersection of philanthropy, law, public and private generosity, stewardship, expertise in the practice of law, judicial wisdom, and the protections of our legal system. First, we were able to be there because of the vision and the generosity of Grace E. Arents, niece of Lewis Ginter, who was the son of Dutch immigrants and a prominent Richmond businessman and philanthropist. Arents died in 1926, at about 77 years of age, and her holographic will was probated in the Clerk's Office of the Henrico County Circuit Court on June 25, 1926.

In Article IV of her will, Arents gave, devised and bequeathed to her friend and companion, Mary Garland Smith, for her natural life, her farm in Henrico County, known as Bloemendaal ("Valley of Flowers" in

Dutch) and certain tangible personal property located thereon, and, upon the death of Mary Garland Smith, to the City of Richmond as a public park and botanical garden in perpetual memory of Lewis Ginter. Article IV of the will also established a trust for the maintenance and upkeep of the farm, and Article V of the will established a trust with one-fourth of the residuary estate to provide for the development and maintenance of the Lewis Ginter Botanical Garden after its establishment by the City of Richmond.

The trustee nominated in the will declined to serve as trustee of the trusts, and on November 22, 1926, Mary Garland Smith, by counsel, moved the Henrico Circuit Court to appoint First & Merchants National Bank as substituted trustee of the trusts under Article IV and V of Grace Arents' will, and the Court so ordered.

Mary Garland Smith died in 1968. After her death, the City of Richmond used Bloemendaal as a nursery for growing plants, trees and shrubs for the City, but it did not establish a public park and botanical garden in accordance with Grace Arents' will.

Dennis had the vision for what has become the Lewis Ginter Botanical Garden, one of America's top botanical gardens. Without his imagination, ingenuity, dedication, and leadership, it would not exist today. Dennis served as its general counsel from its inception until his death.

In 1981, First and Merchants National Bank, as substituted trustee under the will of Grace E. Arents, filed a bill of complaint in the circuit court of the City of Richmond, Virginia, seeking the advice and guidance of the Court respecting its duties in admin-

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istering the trust under the will of Grace Arents and respecting any other matter that may be brought to the attention of the Court in this matter. Among the defendants were the City of Richmond, J. Marshall Coleman, in his capacity as Attorney General of Virginia, and various other necessary parties. The complainant was skillfully represented by Dennis I. Belcher, of McGuire, Woods & Battle. The judge who presided over the case was the Honorable Willard I. Walker.

Thanks to the diligence, hard work and generosity of Dennis Belcher and others, and to the wisdom of Judge Willard Walker, the case resulted in many positive results, which enabled the Lewis Ginter Botanical Garden to be established in accordance with the charitable intent of Grace Arents and to be the architectural and botanical gem that it is today—a place of peace, rest and beauty—a place in

which the seeds planted in one generation, through proper nurturing, are blooming in another. The results also enabled the establishment of a strong broad-based board of directors and management structure, the attraction of significant donations and numbers of volunteers for the garden, and effective outreach to the community.

Dennis Belcher died unexpectedly during a medical procedure on April 27, 2017. He was 65 years of age. Dennis was renowned throughout the United States for his skills, leadership, and collegiality in so many areas of the law. I believe that his most enduring legacy, which contributes so much to the enjoyment and education of so many adults and children, is in the Lewis Ginter Botanical Garden, which, has 350,000 visitors per year. The garden consists of 82 acres, four lakes, 15 distinct outdoor gardens, a

conservatory, and 5,500 unique genera of plants.

Tom Word and Bill Sanderson, long-time McGuireWoods partners of Dennis, in their In Memoriam about Dennis in the July/August 2017 issue of the *Probate & Property* magazine wrote: “Dennis had the vision for what has become the Lewis Ginter Botanical Garden, one of America’s top botanical gardens. Without his imagination, ingenuity, dedication, and leadership, it would not exist today. Dennis served as its general counsel from its inception until his death.”

There is an old saying that a person dies two times, the first time on the date of physical death, and the second time when no one remembers the person any more. We remember and thank Grace E. Arents, Dennis I. Belcher, and Judge Willard I. Walker, and in this remembering, we hope to perpetuate their memories.