
From: Heather Gray [REDACTED]
Sent: Thursday, May 7, 2015 7:21 PM
To: Jeffrey E.
Subject: RE: time sensitive question on Calder 1031 exchange

I think we would have a hard time treating the Calder and the Dante as like kind. And we've already had the LLC created by the kids' trusts pay for the Dante, so it's too late.

I don't know if Leon is planning on buying anything at the auctions next week, but if he does we could use that art in the Calder exchange.

From: Jeffrey E. [mailto:jeevacation@gmail.com]
Sent: Thursday, May 07, 2015 3:17 PM
To: Heather Gray
Subject: Re: time sensitive question on Calder 1031 exchange

wonder if we should consider calder for dante? like??s

On Thu, May 7, 2015 at 12:25 PM, Heather Gray [REDACTED] wrote:

Dear Melanie,

Will you please pass this message along to Leon?

Thank you!

Heather

Dear Leon,

I would like to briefly call to your attention a question on the 1031 exchange of the Calder.

We need to choose an exchange agent to be the middleman on the exchange. We can either use an art dealer as exchange agent or a non-art exchange agent such as one of the companies set up to do real estate 1031 exchanges (for example, Chicago Deferred Exchange Company).

The advantage of using an art dealer is that you can reduce or possibly eliminate the sales tax you have to pay on the art that you buy as part of the exchange, by taking advantage of the trade-in credit available to art dealers. The disadvantage is that you have to tell the dealer the terms of your deal with Christie's and of the new art purchased in the exchange. Brad and I discussed this issue and he feels, on balance, that the financial risk/reward makes it worth using an art dealer as exchange agent.

In order to use an art dealer, you need to choose a dealer in New York and ask them to act as exchange agent. It could be Pace or a dealer like Bob Mnuchin or David Zwirner. It cannot be a dealer with whom you have done business in the past two years, so it cannot be Gagosian, Acquavella, Matthew Marks or Sublime.

A dealer is most likely to agree to act as your exchange agent if you call them yourself.

We need to have the paperwork in place before the sale on Monday night, so ideally the dealer would be selected today. Art dealers usually receive a fee for acting as exchange agent. I have seen fees ranging from \$20,000 - \$50,000.

Questions:

1. Which art dealer would you like to use as your exchange agent?
2. How much will you be paying the dealer as a fee?

Please let me know once you have spoken with the dealer you select, and I will follow up with the dealer with all of the details and paperwork to put the exchange in place.

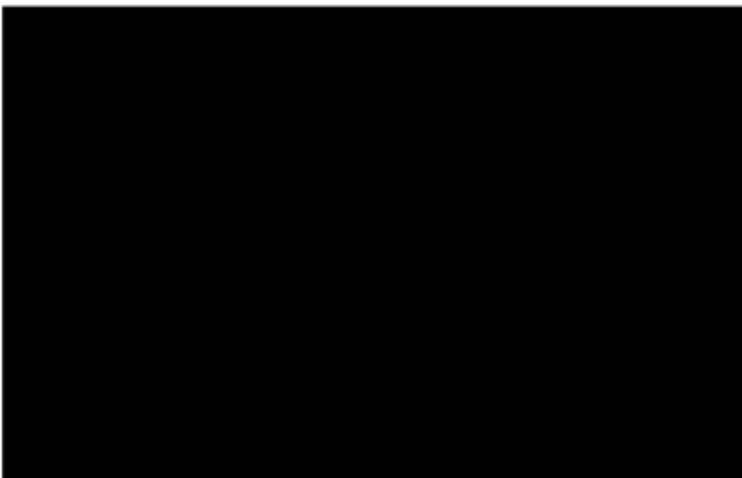
Please let me know if you have any questions. I am in the office at 646-589-0315 <tel:646-589-0315> .

Best,

Heather

Heather Gray

Elysium Management LLC



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please note

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