From: jeffrey E. <jeevacation@gmail.com>
Sent: Monday, May 21, 2018 7:22 PM
To: Noam Chomsky
Subject: Re: Marital Trust

once you get the proposed split. there are many mech=nisms , releases etc. they will want you to =ave a lawyer so that they can protect against a future lawsuit based=on not full understanding , it is common. =A0 FYI, according to max. harrys position is that =arol would not have wanted her portion of the money to go to valeria= its a silly argument. . =C2 with releases from all , valeria you harry a=d your daughters anytihing is possible. . you will=need to include an agreement not to attack your will. to protect val=ria.

On Mo=, May 21, 2018 at 9:06 PM Noam Chomsky <[redacted] <[redacted]> > wrote:

I'll ask directly

On Mon, May 21, 2018 at 11:26 AM, jeffre= E. <jeevacation@gmail.com <mailto:jeevacation@gmail.com> > wrote:

The elephant in the room is his sugested split=A0

On Mon, May =1, 2018 at 8:11 PM jeffrey E. <jeevacation@gmail.com <mailto:jeevacation@gmail.com> > wrote:

Ok

On Mon, May 21, 2018 at 8:09 PM Noam Chomsky <[redacted]> wrote=

<=iv>
I'd like to hold off on this for a bit. I'm curious =o learn more about Harry's thinking.

I'd like to=write to him saying that there's nothing in Mass law that prevents ben=ficiaries from doing as I suggested. He can relieve his concerns abo=t future fiduciary responsibility by resigning, and we can return to the s=tuation before I appointed him trustee, when I was trustee and had no conc=rns about fiduciary responsibility. If he feels that he has carried =ut past actions that make him liable to some legal process, he should arra=ge with his lawyer about ways to protect himself. I would also like =o ask him more directly than before what he thinks would be a proper divis=on.

Then we can go on from there.

OK?

On Mon, May 21, 2018 at 2:03 AM, jeffrey E. <jeevacation@gmail.=om <mailto:jeevacation@gmail.com> > wrote:

Rich =ahn can talk with Harry if ok with u

On Mon, May 21, 2018 at=10:13 AM jeffrey E. < <mailto:jeevacation@gmail.com>
All silly , they can make s final distrib=tion of 2 million dollars and you and Valeria release all. Max Harry child=en and you receive releases - easy

[redacted]><=r>Cc: Avi Chomsky <[redacted]
<mailto[redacted]> >, Diana Chomsky <[redacted]>

It sounds like you would like me to say yes or no to your proposal ex=ctly as you have stated it, without further discussion. I can't =o that. Here are some reasons:

1. It's not permitted und=r Massachusetts trust law. I agreed to certain obligations when I be=ame trustee, and I have to make sure to discharge them faithfully. E=en if you tell me you don't care about my fiduciary responsibility, th= law says I'm responsible anyway.

2. It's not specific.=C2 For instance, you mention dividing the trust into two parts, but you=don't say what each part would consist of.

3. It's not co=plete. For instance, you haven't proposed any way to shield us a=d Max from liability for past actions.

It might be possible t= work out all of these problems and develop a legal, specific and complete=agreement based on the framework you've proposed. Would you like=to engage with me in some kind of process to attempt that? Other tha= having your lawyer talk to mine, do you have any suggestion about how to =o so?

On =at, May 19, 2018 at 2:26 PM, Noam Chomsky <[redacted]
<mailto:ncho=sky3@gmail.com> > wrote=

I'm glad that you find the ide= interesting and think that you might consider it, though you have to cons=lt lawyers first.

My own view is different. To me the=proposal I suggested seems to be a very simple way of settling this matter= which to me is extremely troubling. I realize that this is just ano=her case of a longstanding difference in the way we approach these problem=, a difference that has been clear ever since we were discussing the inter=st on the loan from the Trust and found that we could not communicate beca=se I mistakenly assumed that it was a discussion among family members whil= your letters made it very clear and explicit that you saw it as a legal i=sue to be settled among lawyers and Bainco, perhaps with a mediator in the=adversary proceeding. All matters I find it very hard to comprehend,=and to live with, but so be it.

So by all means consult wit= your lawyer, or perhaps a battery of lawyers, to make sure that your inte=ests are properly protected. I don't need any lawyer's advic=. The matter is perfectly clear and straightforward. So there =s no reason for me to hire a lawyer to deal with the question and to have = lawyer contact yours and initiate a discussion in which we all participat=.

The matter is very simple. We can proceed without d=lay if you agree to settle the issue in the simple manner that I suggested=

As for your proposals in your letter of March 29, as I wro=e you, the letter was so shocking that it was hard for me to bring myself =o respond, but I did, in detail, but decided not to send it. Perhaps=I should. Will think about it.

As for your proposals,=my response was the obvious one. I'm sorry for the stress you ha= to endure, but your efforts were a waste of time for reasons I had alread= fully explained before you undertook them. As I'm sure you reca=l, a few years ago, I requested tax payments from the marital trust when m= IRA was being rapidly depleted by my advisers who were distributing half =o family and using the other half to pay management fees and taxes for the=entire estate, so that to pay Alex's medical expenses and the expenses=for Wellfleet I had to withdraw excess funds with exorbitant taxes, all th=t before withdrawing even a cent to live on again with exorbitant taxes.=C2 Your response was to refuse the request unless I agreed to intrusive=and insulting financial investigations -- of a kind I never considered whe= providing funds to you for something you needed. I made it clear an= explicit at the time that I would not submit to this procedure. Sin=e your efforts and proposals simply repeat the same procedure, they were a=waste of time.

There were some things in your letter that w=re correct. You're right that despite what has happened, I'm=still a "wealthy man," with income well above the median, though=lacking a pension and accumulated property, not at the level of my peers.=C2 Furthermore, I can supplement my income by teaching large undergradu=te courses, something I'd never done and that is not that common for p=ople approaching 90, but something that I enjoy. And you too are a w=althy man, for the same reasons: the reasons are that I've worked hard=all my life, lived fairly simply (and live even more simply today), and wa= therefore able to put aside enough money to ensure that my children and g=andchildren are very well cared for, indefinitely.

</=iv>
But I again suggest that we put all of this aside, and deal quickly and=simply with what appears to be the one outstanding issue: dividing the Mar=tal trust and then dissolving it, all very simple, needing no lawyers, at =east on my part.

D

On Fri, May 18, 2018 at 1:44 PM, Harry Cho=sky <harry=chomsky.net <[redacted]> > wrote:

<=iv>This is an interesting idea. We could consider it further, but I =ould need the advice of my lawyer — and I assume you would want yo=r own lawyer's advice as well — to ensure that any agreement w= reach is consistent with Massachusetts law and satisfies the interests, n=eds, and obligations of everybody involved. Perhaps, as a next step,=you could ask your lawyer to contact mine and begin a discussion in which =e all participate.

I'm also curious to hear y=ur thoughts about the proposals I suggested in my message on March 29th.</=iv>

On Thu, May 17, 2018 at 10:05 AM, Noam Chomsky <[redacted]=; wrote:

As I wrote a little =hile ago, I did write a long response to your last -- deeply depressing --=letter, but decided not to send it. I may return to that letter late= but will keep to some factual matters that ought to be cleared up.

But now I'm writing just about one point, which seems to b= the core of the problem -- a problem, which, again, I don't understan=. But let's put that aside, though I hope we can clear it up soo=. All of this is a painful cloud that I never would have imagi=ed would darken my late years.

The core issue see=s to be the marital trust. I've explained how M and I actually s=t it up with Eric, which seemed to us just plain common sense. I'=ve also explained Max's different interpretation. I've asked=you for yours, but haven't heard it. But let's put that asid= too, and just resolve the matter, as can be done very simply -- with no n=ed for lawyers to explain the fiduciary responsibility of the trustee I ap=ointed years ago to replace me, something I never paid any attention to be=ore.

The simple solution is to divide the trust i=to two parts. One part will go to you, to use as you wish. One=part will go to me, for me to use without any investigations of my financi=l situation and other such intrusions that I won't accept. Then =he trust can simply be dissolved, and it is all over.

=div>So I suggest that we proceed this way, and end the whole matter -- at =east, whatever it is that I understand about what is of concern to you.

D

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