From: Noam Chomsky <[redacted]>
Sent: Monday, May 21, 2018 7:06 PM
To: jeffrey E.; Valeria Chomsky
Subject: Re: Marital Trust

I'll ask directly

=div class="gmail_quote">On Mon, May 21, 2018 at 11:26 AM, jeffrey E. <jeevacation@gmail.com <mailto:jeevacation@gmail.com> > wrote:

The elephant in the room is his sugested split
<=div>

On Mon, May 21, 2018 at 8:11 PM jeffrey E. <jeevacation@gmail.com> wro=e:

Ok

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

I'd like to hold off on this for a bi=. I'm curious to learn more about Harry's thinking.

I'd like to write to him saying that there's nothing in M=ss law that prevents beneficiaries from doing as I suggested. He can=relieve his concerns about future fiduciary responsibility by resigning, a=d we can return to the situation before I appointed him trustee, when I wa= trustee and had no concerns about fiduciary responsibility. If he f=els that he has carried out past actions that make him liable to some lega= process, he should arrange with his lawyer about ways to protect himself.=C2  I would also like to ask him more directly than before what he think= would be a proper division.

Then we can go on from there.</=iv>

OK?

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

Rich Kahn can talk wit= Harry if ok with u

On Mon,=May 21, 2018 at 10:13 AM jeffrey E. <jeevacation@gmail.com <mailto:jeevacation@gmai=.com> > wrote:

All silly , they can make=s final distribution of 2 million dollars and you and Valeria release all.=Max Harry children and you receive releases - easy

<=r>
On Mon, May 21, 2018 at 6:46 AM Noam Cho=sky <nchomsky3=gmail.com
<mailto:[redacted]> > wrote:

the=latest.

Mass law prevents beneficiaries to divide up a =rust and liquidate it?

---------- Forwarded message ----------
From: Harry Chomsky <[redacted] <[redacted]> >
Date: S=n, May 20, 2018 at 9:19 PM
Subject: Re: Marital Trust
To: Noam Choms=y <[redacted] <mailto:[redacted]> >
Cc: Avi Chomsky <[redacted]
<[redacted]> >, Diana Chomsky [redacted]
<[redacted]>

It sounds like you would like me to say yes or no to=your proposal exactly as you have stated it, without further discussion.=C2[illegible] I can't do that. Here are some reasons:

1. It'= not permitted under Massachusetts trust law. I agreed to certain ob=igations when I became trustee, and I have to make sure to discharge them =aithfully. Even if you tell me you don't care about my fiduciary=responsibility, the law says I'm responsible anyway.

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

It's not complete. For instance, you haven't proposed any w=y to shield us and Max from liability for past actions.

It mi=ht be possible to work out all of these problems and develop a legal, spec=fic and complete agreement based on the framework you've proposed.[illegible]=A0 Would you like to engage with me in some kind of process to attempt tha=? Other than having your lawyer talk to mine, do you have any sugges=ion about how to do so?

On Sat, May 19, 2018 at 2:2= PM, Noam Chomsky <[redacted]
<mailto:[redacted]> > wrote:

I'm glad that you find the idea interesting and thin= that you might consider it, though you have to consult lawyers first.

My own view is different. To me the proposal I suggested =eems to be a very simple way of settling this matter, which to me is extre=ely troubling. I realize that this is just another case of a longsta=ding difference in the way we approach these problems, a difference that h=s been clear ever since we were discussing the interest on the loan from t=e Trust and found that we could not communicate because I mistakenly assum=d that it was a discussion among family members while your letters made it=very clear and explicit that you saw it as a legal issue to be settled amo=g lawyers and Bainco, perhaps with a mediator in the adversary proceeding.=C2 All matters I find it very hard to comprehend, and to live with, but=so be it.

So by all means consult with your lawyer, or perh=ps a battery of lawyers, to make sure that your interests are properly pro=ected. I don't need any lawyer's advice. The matter is=perfectly clear and straightforward. So there is no reason for me to=hire a lawyer to deal with the question and to have a lawyer contact yours=and initiate a discussion in which we all participate.

The =atter is very simple. We can proceed without delay if you agree to s=ttle the issue in the simple manner that I suggested.

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

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

There were some things in your letter that were correct. You&#=9;re right that despite what has happened, I'm still a "wealthy m=n," with income well above the median, though lacking a pension and a=cumulated property, not at the level of my peers. Furthermore, I can=supplement my income by teaching large undergraduate courses, something I&=39;d never done and that is not that common for people approaching 90, but=something that I enjoy. And you too are a wealthy man, for the same =easons: the reasons are that I've worked hard all my life, lived fairl= simply (and live even more simply today), and was therefore able to put a=ide enough money to ensure that my children and grandchildren are very wel= cared for, indefinitely.

But I again suggest t=at we put all of this aside, and deal quickly and simply with what appears=to be the one outstanding issue: dividing the Marital trust and then disso=ving it, all very simple, needing no lawyers, at least on my part.

D

On Fri, May 18, 2018 at 1:44 PM, Harry Chomsky <[redacted]> wrote:

This is an interestin= idea. We could consider it further, but I would need the advice of =y lawyer — and I assume you would want your own lawyer's advic= as well — to ensure that any agreement

we reach is consistent wit= Massachusetts law and satisfies the interests, needs, and obligations of =verybody involved. Perhaps, as a next step, you could ask your lawye= to contact mine and begin a discussion in which we all participate.
=div>

I'm also curious to hear your thoughts about the pr=posals I suggested in my message on March 29th.

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

As I wrote = little while ago, I did write a long response to your last -- deeply depr=ssing -- letter, but decided not to send it. I may return to that le=ter later but will keep to some factual matters that ought to be cleared u=.

But now I'm writing just about one point, which s=ems to be the core of the problem -- a problem, which, again, I don't =nderstand. But let's put that aside, though I hope we can clear =t up soon. All of this is a painful cloud that I never would h=ve imagined would darken my late years.

The core =ssue seems to be the marital trust. I've explained how M and I a=tually set it up with Eric, which seemed to us just plain common sense.=A0 I've also explained Max's different interpretation. I'=ve asked you for yours, but haven't heard it. But let's put =hat aside too, and just resolve the matter, as can be done very simply -- =ith no need for lawyers to explain the fiduciary responsibility of the tru=tee I appointed years ago to replace me, something I never paid any attent=on to before.

The simple solution is to divide th= trust into two parts. One part will go to you, to use as you wish.=C2 One part will go to me, for me to use without any investigations of =y financial situation and other such intrusions that I won't accept.=C2 Then the trust can simply be dissolved, and it is all over.

So I suggest that we proceed this way, and end the whole m=tter -- at least, whatever it is that I understand about what is of concer= to you.

D

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=A0 please note

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