
From: jeffrey E. <jeevacation@gmail.com>
Sent: Monday, May 21, 2018 7:17 PM
To: Noam Chomsky
Subject: Re: Marital Trust

thx

On Mon, May 21, 2018 at 9:06 PM Noam Chomsky <[REDACTED]<mailto:[REDACTED]>> wrote:

I'll ask directly

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 sp=it

On Mo=, May 21, 2018 at 8:11 PM jeffrey E. <jeevacation@gmail.com <mailto:jeevacation@gma=l.com>> wrote:

Ok

On Mon, May 21, 2018 at 8:09 PM Noam Chomsky <[REDACTED]<mailto:[REDACTED]>> &g=; wrote:

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

I'd=like to write to him saying that there's nothing in Mass law that prev=nts beneficiaries from doing as I suggested. He can relieve his conc=rns about future fiduciary responsibility by resigning, and we can return =o the situation before I appointed him trustee, when I was trustee and had=no concerns about fiduciary responsibility. If he feels that he has =arried out past actions that make him liable to some legal process, he sho=ld arrange with his lawyer about ways to protect himself. I would al=o like to ask him more directly than before what he thinks would be a prop=division.

Then we can go on from there.

OK?<=div>

=div class="gmail_quote">On Mon, May 21, 2018 at 2:03 AM, jeffrey E. <jeevacatio=@gmail.com <mailto:jeevacation@gmail.com>> wrote:

Rich Kahn can talk with Harry if ok with u

On Mon, May 2=, 2018 at 10:13 AM jeffrey E. <jeevacation@gmail.com <mailto:jeevacation@gmail.com>> wrote:

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

On Mon, May 21, 2018 at 6:46 AM Noam Chomsky [REDACTED]
<mailto:[REDACTED]> > wrote:

the latest=

Mass law prevents beneficiaries to divide up a trust a=d liquidate it?

----- Forwarded message -----

From: Harry Chomsky <harry@chomsky.net <mailto:[REDACTED].net>>
Date: Sun, May=20, 2018 at 9:19 PM
Subject: Re: Marital Trust
To: Noam Chomsky <=a href="mailto:[REDACTED]"
target="_blank">nchomsky3@gmail.co=>
Cc: Avi Chomsky <=a href="mailto:[REDACTED]"> ,
Diana Chomsky <=a href="mailto:[REDACTED]">

It sounds like you would like me to say yes or no to your p=oposal exactly as you have stated it, without further discussion. I =an't do that. Here are some reasons:

1. It's not per=itted under Massachusetts trust law. I agreed to certain obligations=when I became trustee, and I have to make sure to discharge them faithfull=. Even if you tell me you don't care about my fiduciary responsi=ility, the law says I'm responsible anyway.
2. It's not s=pecific. For instance, you mention dividing the trust into two parts,=but you don't say what each part would consist of.
3. It'= not complete. For instance, you haven't proposed any way to shi=ld us and Max from liability for past actions.

It might be po=sible to work out all of these problems and develop a legal, specific and =complete agreement based on the framework you've proposed. Would =ou like to engage with me in some kind of process to attempt that? O=her than having your lawyer talk to mine, do you have any suggestion about=how to do so?

On Sat, May 19, 2018 at 2:26 PM, Noam Chomsky <[REDACTED]> wrote:

I'm glad that you fi=d the idea interesting and think that you might consider it, though you ha=e to consult lawyers first.

My own view is different. =To me the proposal I suggested seems to be a very simple way of settling t=is matter, which to me is extremely troubling. I realize that this i= just another case of a longstanding difference in the way we approach the=e problems, a difference that has been clear ever since we were discussing=the interest on the loan from the Trust and found that we could not commun=cate because I mistakenly assumed that it was a discussion among family me=bers while your letters made it very clear and explicit that you saw it as=a legal issue to be settled among lawyers and Bainco, perhaps with a media=or in the adversary proceeding. All matters I find it very hard to c=mprehend, and to live with, but so be it.

So by all means c=nsult with your lawyer, or perhaps a battery of lawyers, to make sure that=your interests are properly protected. I don't need any lawyer&#=9;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 an= to have a lawyer contact yours and initiate a discussion in which we all =participate.

The matter is very simple. We can proceed=without delay 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 wrote you, the letter was so shocking that it was hard for me to bri=g myself to respond, but I did, in detail, but decided not to send it.♦=AO Perhaps I should. Will think about it.

As for you= proposals, my response was the obvious one. I'm sorry for the s=ress you had to endure, but your efforts were a waste of time for reasons = had already fully explained before you undertook them. As I'm s=re you recall, a few years ago, I requested tax payments from the marital =rust when my IRA was being rapidly depleted by my advisers who were distri=uting half to family and using the other half to pay management fees and t=xes for the entire estate, so that to pay Alex's medical expenses and =he expenses for Wellfleet I had to withdraw excess funds with exorbitant t=xes, all that before withdrawing even a cent to live on again with exorbit=nt taxes. Your response was to refuse the request unless I agreed to=intrusive and insulting financial investigations -- of a kind I never cons=idered when providing funds to you for something you needed. I made i= clear and explicit at the time that I would not submit to this procedure.=C2♦ Since your efforts and proposals simply repeat the same procedure, t=ey were a waste of time.

There were some things in your let=er that were correct. You're right that despite what has happene=, I'm still a "wealthy man," with income well above the medi=n, though lacking a pension and accumulated property, not at the level of =y peers. Furthermore, I can supplement my income by teaching large u=dergraduate courses, something I'd never done and that is not that com=on for people approaching 90, but something that I enjoy. And you to= are a wealthy man, for the same reasons: the reasons are that I've wo=ked hard all my life, lived fairly simply (and live even more simply today=, and was therefore able to put aside enough money to ensure that my child=en and grandchildren are very well cared for, indefinitely.

But I again suggest that we put all of this aside, and deal qu=cckly and simply with what appears to be the one outstanding issue: dividin= the Marital trust and then dissolving it, all very simple, needing no law=ers, at least on my part.

D

On Fri, May 18, 2018 at 1:44 PM, =arry Chomsky
<mailto:[REDACTED]> wrote:

This is an interesting idea. We could consider it furthe=, but I would need the advice of my lawyer — and I assume you woul= want your own lawyer's advice as well — to ensure that any ag=eement

we reach is consistent with Massachusetts law and satisfies the interests, needs, and obligations of everybody involved. Perhaps, as a next step, you could ask your lawyer to contact mine and begin a discussion in which we all participate.

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

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

As I wrote a little while 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 later 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 be the core of the problem -- a problem, which, again, I don't understand. But let's put that aside, though I hope we can clear it up soon. All of this is a painful cloud that I never would have imagined would darken my late years.

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

The simple solution is to divide the 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 my 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 matter -- at least, whatever it is that I understand about what is of concern to you.

D

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=C2♦ please note

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