

From: Noam Chomsky <[REDACTED]>
To: Avi Chomsky <[REDACTED]>, Diana Chomsky <[REDACTED]>, Harry Chomsky <[REDACTED]>
Bcc: jeevacation@gmail.com
Subject: Marital trust
Date: Sun, 04 Feb 2018 05:38:20 +0000

[REDACTED] now writing about something else.

I don't know whether Max has informed you about our recent correspondence concerning his trusteeship of the marital trust, but whether or not he did, I'd like to tell you the facts of the matter. And to explain why I again am asking you to request that Max resign as Trustee, to be replaced by a legitimate independent Trustee.

First, about the Trust.

Mommoy and I set up the trust with Eric Menouya, at Palmer Dodge, long ago. Eric had recommended that purely for tax reasons, I should transfer part of my estate to a trust in [REDACTED] name. We agreed, in part for our own reasons: we assumed that she would survive me.

To set up a Trust, as Eric explained, I first transfer the funds to a Carol Chomsky Revocable Trust, which is then transferred to a Marital Trust in Carol Chomsky's name. That is a technicality of Trust law. Our assumption, perfectly understood by Eric (and pretty obvious without explanation) is that the funds were ours, jointly, whatever the technicalities, and would be available to the survivor. There was never the slightest idea about my managing funds for myself and her managing funds for herself. That is an outlandish idea, which never occurred to either of us. Or to Eric, I am sure. There is surely no need to explain this any further. For the same reasons, we naturally took for granted that the survivor would select the trustees, as I have been doing all along and should continue to do.

Max is interpreting the Trust differently, relying on the technicality that I transferred the funds in my estate to the CC Revocable Trust, then to be transferred to the Marital Trust. In his interpretation, Mommoy and I decided that we would make separate decisions about how the funds in my estate would be used: she would make decisions about the funds that are technically in her name, and I would be making decisions about the funds in my name. Again, that idea is outlandish and it never occurred to either of us. Surely that is obvious. We made joint decisions throughout, of course. Accordingly, we both took for granted that the funds in the Marital Trust would be available to the survivor – which, we assumed, would probably be Mommoy.

[REDACTED] frankly surprised, in fact shocked, that the technicalities of Trust Law are even coming up, let alone being used in this way.

For this reason alone – I've written to you about others, and as I wrote, there are more that I haven't mentioned – I would like to reiterate my request that you ask Max to resign as Trustee to be replaced by a legitimate independent Trustee whom I will select.

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