

From: "jeffrey E." <jeevacation@gmail.com>
To: Noam Chomsky <[REDACTED]>
Subject: Re: letters about Marital Trust
Date: Wed, 31 Jan 2018 12:15:11 +0000

ok

On Wed, Jan 31, 2018 at 12:42 AM, Noam Chomsky <[REDACTED]> wrote:
Good idea. I'll change it. I thought it would be implicit in "legitimate"

On Mon, Jan 29, 2018 at 12:48 PM, jeffrey E. <jeevacation@gmail.com> wrote:
"by a trustee of my choice". otherwise they will write , we have given you choices but you havent picked one,

On Mon, Jan 29, 2018 at 2:31 PM, Noam Chomsky <[REDACTED]> wrote:

I've rewritten the proposed letter to the children, below, partially following your suggestions. Though I understand from you, based on what you have seen, that they are concerned with their inheritance, they have never brought that up with me and so I don't feel it is appropriate for me to bring the matter up. I don't want to tell them I heard it from a third party. If they do so, in response, then I'll respond as you suggest.

For now I think it's best to explain the difference between the clear intention of the Trust and Max's interpretation, based on the technicalities of the documentation, along the lines of your letter, and to request again that they ask Max to resign to be replaced by a Trustee who will not resort to technicalities to evade the clear intent of the Trust.

Does this look OK? If so, I'll send it, along with another letter bringing up matters you raise.

Noam

Letter to the three children:

You wrote me a letter to which I haven't yet sent a response. I will do so, responding to the points you raise, which are based on serious misunderstanding and information that is quite wrong. That should be clarified. But I'm writing now 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 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 M's 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 me and her managing funds for her. That is an outlandish idea, which never occurred to either of us. Or to Eric, I am sure.

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.

I'm 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 – I would like to reiterate my request that you ask Max to resign as Trustee to be replaced by a legitimate independent Trustee.

My own understanding of all of these matters is perhaps explained further by a letter, attached, which I wrote a while ago but never sent you, after I wrote you a letter, not answered, in which I explained why I felt that all of this is very simple.

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