

802.2(g)

Verne, B. Michael

From: [REDACTED]
Sent: Wednesday, April 20, 2011 12:02 PM
To: Verne, B. Michael
Subject: Section 802.2(g)

Mike:

Our client is negotiating to acquire winery. The assets include 300 hundred acres of vineyards, 100 acres of undeveloped land and the winery which includes the building and equipment to operate the winery and the trademarks. My question is whether the value attributed to the vineyards and the undeveloped property can be deducted from the total acquisition price in determining whether an HSR filing is required.

I assume that the answer is yes, but under the 2002 amendment to 802.2(g) it is not clear.

Thanks for your help,

[REDACTED]

[REDACTED]

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You can deduct the undeveloped property and the 300 acres of land, but not the grapevines or the winery.

BW
4/20/11