

802.1

[REDACTED]

OUR FILE NUMBER:

WRITER'S DIRECT DIAL NUMBER:

September 11, 1995

VIA TELECOPIER AND
REGULAR MAIL

Hy Rubenstein, Esquire
Premerger Notification Office
H-303
Federal Trade Commission
Washington, DC 20580

This material may be subject to the
confidentiality provisions of Section
(b)(5) of the Chapter 35 of the
House under the Freedom of Information
Act.

SEP 13 1 46 PM '95
FEDERAL TRADE
COMMISSION
PREMERGER NOTIFICATION
OFFICE

Dear Mr. Rubenstein:

This will confirm our telephone conversation of September 8, 1995 regarding whether the acquisition of a residential apartment complex is exempt from the premerger notification requirements under 15 U.S.C. §18a, enacted as Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (the "HSR Act").

Based upon our telephone conversation, it is our understanding that the acquisition of a residential apartment complex constitutes the acquisition of "realty transferred in the ordinary course of business" within the meaning of 15 U.S.C. §18a(c)(1) and 16 CFR 802.1. Accordingly, it is our understanding that the acquisition of a residential apartment complex is exempt from the premerger notification requirements of the HSR Act.

Please call me to acknowledge your receipt of this letter, and to confirm that the Federal Trade Commission's position is consistent with our understanding.

Thank you for your assistance with this matter.

Sincerely,

[REDACTED]

[REDACTED]

9/19 called writer, confirmed done.