

Haynes, Lanea

From: Sheinberg, Samuel I.
Sent: Wednesday, November 01, 2017 2:48 PM
To: [REDACTED]
Cc: HSRHelp
Subject: RE: Rule 801.1 UPE Question

[REDACTED]

We agree that the individual controls the trust.

Sam

From: HSRHelp
Sent: Wednesday, November 01, 2017 1:40 PM
To: Walsh, Kathryn E.; Berg, Karen E.; Carson, Timothy; Gillis, Diana L.; Shaffer, Kristin; Sheinberg, Samuel I.; Whitehead, Nora; Jones, Robert L.
Subject: FW: Rule 801.1 UPE Question

From: [REDACTED]
Sent: Wednesday, November 01, 2017 1:39:48 PM
To: HSRHelp
Cc: [REDACTED]
Subject: Rule 801.1 UPE Question
Auto forwarded by a Rule

Dear PNO Attorneys:

We have a question regarding UPE determination.

Where an individual has the power to “remove and replace” the Trustee(s) of irrevocable trusts, does that individual control the trusts for HSR purposes where this power is limited by an inability to replace the Trustee(s) with any person or any entity that is deemed “related or subordinate” to that individual, as such phrase is defined in IRC 672(b). We assume this limitation on trustee replacement rights does not negate a finding that the individual controls the trust for HSR purposes by reason of the power to remove and replace Trustee(s), but please confirm.

Please let me know if you require further information in order to respond.

Thanks much.

[REDACTED]

[REDACTED]