

Sheinberg, Samuel I.

From: [REDACTED]
Sent: Wednesday, March 3, 2021 4:07 PM
To: Walsh, Kathryn E.; Berg, Karen E.; Sheinberg, Samuel I.; Six, Anne; Musick, Vesselina
Subject: FW: 802.71 clarification

From: Whitehead, Nora
Sent: Wednesday, March 3, 2021 4:06:58 PM (UTC-05:00) Eastern Time (US & Canada)
To: [REDACTED]
Cc: HSRHelp
Subject: RE: 802.71 clarification

802.71 potentially covers any transfer by a settlor to an irrevocable trust (irrespective of who settled the trust). The identity of the recipient does not matter, so long as the other regulatory requirements of the exemption are met.

From: [REDACTED]
Sent: Tuesday, March 2, 2021 12:35:12 PM (UTC-05:00) Eastern Time (US & Canada)
To: [REDACTED]
Subject: 802.71 clarification

Dear PNO Staff:

We'd like to make sure we understand the application of 802.71, exempting acquisitions resulting from a gift or transfer by a settlor to an irrevocable trust (as well as intestate succession and testamentary disposition), so just wanted to confirm two things:

Does 802.71 cover any transfer by a settlor to an irrevocable trust (irrespective of who settled the trust), or does it only apply to transfers to irrevocable trusts settled by the same trustee? We understand no "control" analysis of the trust needs to be done (e.g., looking at rights to remove and replace trustees) provided the recipient trust is irrevocable, but please let me know if that understanding is not correct.

Is a gift to any recipient covered by 802.71? We've seen several interpretations confirming 802.71 applies to gifts to tax-exempt/non-profit entities, but wanted to confirm it also applies to gifts to natural persons/family members (or their trusts).

Thanks in advance for your time and please don't hesitate to let me know if you need more information or if helpful to discuss.

