

802.2(c)

Verne, B. Michael

From: [REDACTED]
Sent: Friday, July 29, 2005 10:57 AM
To: Verne, B. Michael
Subject: Re: HSR - Unproductive Real Property Exemption

Hi Michael:

I am sure you probably do not remember, but you helped me with some HSR issues this time last year. I appreciated your help very much.

We now have a client who is purchasing 160,000 acres of timberland. We think the transaction is exempt from HSR filing requirements under the unproductive real property exemption (802.2(c)). However, the seller insists that my client execute a post-closing affidavit stating it is going to manage the timber in the same fashion as the seller did before closing, i.e. on a stand level. Seller's counsel insists that such a statement is required under HSR. However, I cannot find the requirement. The only thing I can think of is that it is somehow important to counting part of the timberland as unproductive.

Can you tell me whether the purchaser is required by HSR to execute this sort of post closing affidavit, or if not required, that it lends support to unproductivity? I am stumped.

Thank you very much.



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There is no such requirement in the exemption.

B. Michael
7/29/05