

February 19, 1976

Dear :

This is in reply to your exemption request of July 9, 1975 and supplemental material dated November 14, 1975.

We have carefully reviewed the information which you provided. You have indicated the following: The land that the plan wishes to purchase was owned at one time by the (named) Corporation, a participating employer. A purchase by the plan at that time would have been a prohibited transaction. When the sole shareholder of that corporation, Mr. (x) died, the corporation was dissolved and the freehold interest passed to the estate of Mr. (x). A potential prohibited transaction remained, however, since one of the executors of Mr. (x)'s estate was Mr. (y), a trustee of the plan and, therefore, a party-in-interest. Mr. (y) subsequently resigned his trusteeship, and, thus, no party-in-interest is now present.

Based on the above information, the Department considers the proposed purchase of the land from the estate of Mr. (x) not to be a prohibited transaction under section 406(a) of ERISA. Accordingly, a 408(a) exemption is not required.

Should you have any further questions, please contact the Division of Exemptions, Variances, and Determinations, Room N-4716, Washington, D.C. 20216,

Sincerely,