

802.2(d)

June 29, 2000

BY FACSIMILE TRANSMISSION

Mr. Michael Verne
Premerger Notification Office
Bureau of Competition
Federal Trade Commission
Sixth & Pennsylvania Avenue, NW
Washington, DC 20580

Re: Application of 16 C.F.R. § 802.2(d) to the
Acquisition of Assisted Living Facilities

Dear Mike:

This letter is to confirm our conversation of this afternoon regarding the applicability of the residential property exemption, 16 C.F.R. § 802.2(d), to the acquisition of an assisted living facility discussed below.

I explained that the transaction in question was an asset acquisition meeting the Act's jurisdictional thresholds, 15 U.S.C. § 18a(a). The asset in question is an assisted living facility, not a medical facility or skilled nursing facility on the premises. There are no doctors on

skilled nursing facilities on the premises, that those assets would have to be separately valued and subject to the Act's size-of-the transaction test, 15 U.S.C. § 18a(a)(2). You also noted that if there were businesses operated on the premises other than the assisted living facility, that those businesses would have to be separately valued as well, subject to

conversation. If I have in any way misstated our conversation, please let me know so that I can correct the record.

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Thank you for your quick help in this matter.

Best regards.

[REDACTED]

cc:

[REDACTED]

AGAZZ - EXEMPT UNDER 802.2(d)

Michael Verne
6/30/00