

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

10 JUN 28 PM 3:19

REC'D-POSTCO

COMMISSION
CLERK

DATE: June 28, 2010
TO: Ann Cole, Commission Clerk, Office of Commission Clerk
FROM: Erik Sayler, Senior Attorney, Office of the General Counsel
RE: Docket No. 100182-WS, Application for transfer of majority organizational control of Indiantown Company, Inc., holder of Certificate Nos. 387-W and 331-S in Martin County, from Linda M. Post and David Ralicki, trustees of the Robert Post Marital Trust, Postco, Inc., to Jeffrey S. Leslie.

Please place the attached email correspondence in the docket file regarding the transfer of Postco, Inc. to the Robert M. Post Marital Trust upon the death of Robert M. Post, Jr.

ELS

DOCUMENT NUMBER DATE
05314 JUN 28 2
FPSC-COMMUNICATIONS

Erik Sayler

From: Jeff Wahlen [jwahlen@ausley.com]
Sent: Monday, June 28, 2010 12:29 PM
To: Erik Sayler
Cc: jeffl@itstelecom.net
Subject: Fw: Qst

Attachments: FW: Qst



FW: Qst

Erik:

Here is the email. Post died in 2007. The stock was his asset that went to his probate estate and then into the trusts as noted below. A pretty complicated estate, but this is the basics.

-----Original Message-----

From: "Jeff Leslie" <jeffl@itstelecom.net>
To: Jeff Wahlen <jwahlen@ausley.com>

Sent: 6/28/2010 10:56:10 AM
Subject: FW: Qst

Here is the rest of the story. JL

From: Kenneth Norman [mailto:KAN@mcsomm.com]
Sent: Monday, June 28, 2010 10:52 AM
To: Jeff Leslie
Cc: David Ralicki
Subject: RE: Qst

We funded the Marital Trust and Family Trust as of 10/30/2008. We treated the Postco, Inc. stock as owned personally by Bob at the time of his death, which became an asset of the probate estate. The probate assets went to the Robert M. Post, Jr. Revocable Trust, and then the Postco, Inc. stock as allocated to the Marital Trust created by the Robert M. Post, Jr. Revocable Trust.

From: Jeff Leslie [mailto:jeffl@itstelecom.net]
Sent: Monday, June 28, 2010 10:40 AM
To: Kenneth Norman
Subject: FW: Qst

Ken, can you tell me what date the Postco, Inc. Stock was transferred into the trust? If possible I need to get this to the PSC this morning.

Thank you. JL

From: David Ralicki [mailto:david@ralickicpa.com]
Sent: Monday, June 28, 2010 10:33 AM
To: Jeff Leslie
Subject: RE: Qst

Jeff, Ken Norm an would have it as he did the recording

David

David A. Ralicki CPA/PFS

1235 SE Indian Street, Suite 102
Stuart, FL, 34997

Helping Individuals and Businesses Achieve their Financial Goals

Telephone: (772) 221-4508
Facsimile: (772)221-4509
Website: www.ralickicpa.com <<http://www.ralickicpa.com/>>
e-mail david@ralickicpa.com <<mailto:alex@ralickicpa.com>>

From: Jeff Leslie [mailto:jeffl@itstelecom.net]
Sent: Monday, June 28, 2010 10:32 AM
To: David Ralicki
Cc: Alex Ralicki
Subject: RE: Qst

David, can you give me the date the transfer was made? The PSC needs that date today if possible. Thank you. JL

From: David Ralicki [mailto:david@ralickicpa.com]
Sent: Monday, June 28, 2010 8:10 AM
To: Jeff Leslie
Subject: RE: Qst

Jeff, it was done at death as called for in his Rev Trust

David

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Website: www.ralickicpa.com <<http://www.ralickicpa.com/>>

e-mail david@ralickicpa.com <<mailto:alex@ralickicpa.com>>

From: Jeff Leslie [<mailto:jeffl@itstelecom.net>]

Sent: Sunday, June 27, 2010 3:54 PM

To: David Ralicki

Subject: Fwd: Qst

Can you let me know when and how done? Thanks. JL

Begin forwarded message:

From: "Jeff Wahlen" <jwahlen@ausley.com>

Date: June 25, 2010 4:42:33 PM EDT

To: "Jeff Leslie" <jeffl@itstelecom.net>

Subject: Qst

Jeff:

Got a call from Eric Saylor, FPSC staff atty. He is looking at the Indiantown transfer and trying to get the rec filed by Wednesday of next week.

He was looking at the 1997 order approving the transfer of Indiantown to Postco and has seen language therein explaining that the stock of Postco was owned by Bob Post individually.

He has rolled forward to what we are doing and sees that we are seeking approval of transfer of Postco from Bob Post Marital Trust to Jeff Leslie, but does not see where the FPSC has approved indirect transfer of the control of

indiantown through Postco from Bob Post to the Post Marital trust. His specific question is this: "when did the postco stock get transferred into the Post Marital Trust, upon Post's death by operation of some document, or at some earlier date?" Do you know the answer?

If the answer is upon Pot's death, we are ok. If at an earlier date, there is an argument that the transfer from bob Post to the Post Marital trust should have been approved by the FPSC and was not.

Let me know asap. I will be in T ampa Monday, but will be watching email and available by phone.

Heard you while our cell phones were connected. We can talk by phone on Monday and meet for breakfast Tuesday morning before the agenda conference.

J. Jeffry Wahlen
Ausley & McMullen
123 South Calhoun
P. O. Box 391 (32302)
Tallahassee, FL 32301
850.425.5471 (direct)
850.558.1315 (fax)
850.556.0357 (cell)

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thereto, in whole or in part, is strictly prohibited. If you have received this message in error, please immediately notify us by telephone, fax or e-mail and delete the message and all of its attachments. Thank you.

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