

STATE OF NEW YORK
STATE TAX COMMISSION

In the Matter of the Petition

of
THE ESTATE OF EDNA S. GOLDMAN
(OSCAR WIND, EXECUTOR)

AFFIDAVIT OF MAILING

For a Redetermination of a Deficiency or :
a Revision of a Determination or a Refund :
of Personal Income :
Taxes under Article ~~(5)~~ 22 of the :
Tax Law for the Year ~~(5) or Period(s)~~ :
1972

State of New York
County of Albany

Marsina Donnini, being duly sworn, deposes and says that
she is an employee of the Department of Taxation and Finance, over 18 years of
age, and that on the 21st day of June, 1977, she served the within
Notice of Decision by (certified) mail upon Estate of
Edna S. Goldman, &
Oscar Wind, Executor ~~(representative of)~~ the petitioner in the within proceeding,
by enclosing a true copy thereof in a securely sealed postpaid wrapper addressed
as follows: Estate of Edna S. Goldman
Oscar Wind, Executor
One Penn Plaza
New York, New York 10001
and by depositing same enclosed in a postpaid properly addressed wrapper in a
(post office or official depository) under the exclusive care and custody of
the United States Postal Service within the State of New York.

That deponent further says that the said addressee is the ~~(representative~~
~~of the)~~ petitioner herein and that the address set forth on said wrapper is the
last known address of the ~~(representative of the)~~ petitioner.

Sworn to before me this

21st day of June, 1977.

Marsina Donnini

Janet Mack

STATE OF NEW YORK
STATE TAX COMMISSION

In the Matter of the Petition

of
THE ESTATE OF EDNA S. GOLDMAN
(OSCAR WIND, EXECUTOR)
For a Redetermination of a Deficiency or
a Revision of a Determination or a Refund
of Personal Income
Taxes under Article 22 of the
Tax Law for the Year ~~(s) or Period(s)~~
1972

AFFIDAVIT OF MAILING

State of New York
County of Albany

Marsina Donnini, being duly sworn, deposes and says that she is an employee of the Department of Taxation and Finance, over 18 years of age, and that on the 21st day of June, 1977, she served the within Notice of Decision by (certified) mail upon Oscar Wind, CPA (representative of) the petitioner in the within proceeding, by enclosing a true copy thereof in a securely sealed postpaid wrapper addressed as follows: Oscar Wind, CPA
One Penn Plaza
New York, New York 10001
and by depositing same enclosed in a postpaid properly addressed wrapper in a (post office or official depository) under the exclusive care and custody of the United States Postal Service within the State of New York.

That deponent further says that the said addressee is the (representative of the) petitioner herein and that the address set forth on said wrapper is the last known address of the (representative of the) petitioner.

Sworn to before me this

21st day of June, 1977.

Marsina Donnini

Janet Mack



STATE OF NEW YORK
DEPARTMENT OF TAXATION AND FINANCE

TAX APPEALS BUREAU

STATE CAMPUS
ALBANY, N.Y. 12227

STATE TAX COMMISSION

ADDRESS YOUR REPLY TO

June 21, 1977

TELEPHONE: (518) ~~457-1723~~

Estate of Edna S. Goldman
Oscar Wind, Executor
One Penn Plaza
New York, New York 10001

Dear Sir:

Please take notice of the **Decision**
of the State Tax Commission enclosed herewith.

Please take further notice that pursuant to
Section(s) **690** of the Tax Law, any
proceeding in court to review an adverse deci-
sion must be commenced within **4 months**
from the date of this notice.

Inquiries concerning the computation of tax
due or refund allowed in accordance with this
decision or concerning any other matter relative
hereto may be addressed to the undersigned. They
will be referred to the proper party for reply.

Very truly yours,

PAUL B. COBURN
Supervising Tax
Hearing Officer

Enc.

cc: Petitioner's Representative.

Taxing Bureau's Representative:

STATE OF NEW YORK

STATE TAX COMMISSION

In the Matter of the Petition	:	
	:	
of	:	
	:	
THE ESTATE OF EDNA S. GOLDMAN	:	DECISION
(OSCAR WIND, EXECUTOR)	:	
	:	
for Redetermination of Deficiency or	:	
for Refund of Personal Income Tax	:	
under Article 22 of the Tax Law for	:	
the Year 1972.	:	

Petitioner, the Estate of Edna S. Goldman, by Oscar Wind, the executor thereof, One Penn Plaza, New York, New York 10001, filed a petition for redetermination of a deficiency or for refund of personal income tax under Article 22 of the Tax Law for the year 1972. (File No. 00430).

A formal hearing was held before Michael Alexander, Hearing Officer, at the offices of the State Tax Commission, Two World Trade Center, New York, New York, on October 27, 1976 at 1:15 P.M. The petitioner appeared by Oscar Wind, CPA. The Income Tax Bureau appeared by Peter Crotty, Esq. (Arnold Dorman, Esq., of counsel).

ISSUE

Whether cash found in the safe deposit box of decedent, Edna S. Goldman, constituted income subject to personal income tax for the year 1972.

FINDINGS OF FACT

1. Oscar Wind, executor for petitioner, the Estate of Edna S. Goldman, filed a New York State personal income tax resident return for the year 1972, which indicated \$1,271.00 of adjusted gross income, two exemptions and, consequently, no tax due. The return also indicated that Edna S. Goldman died March 9, 1972.

2. On May 2, 1972 decedent, Edna S. Goldman's safe deposit box at the Bankers Trust Company at 455 Park Avenue, New York, New York, was opened and cash in the sum of \$60,500.00 was found in addition to other valuables.

3. On August 26, 1974, the Income Tax Bureau sent a Statement of Audit Changes to Oscar Wind, the executor of petitioner, stating that the cash found in the safe deposit box was deemed to represent additional income, and computed the personal income tax due to be \$7,257.67 plus interest. Accordingly, a Notice of Deficiency was issued to Edna S. Goldman (dec'd) c/o Oscar Wind, executor, on August 26, 1974, asserting a deficiency plus interest as computed in the above-mentioned Statement of Audit Changes.

4. Decedent, Edna S. Goldman, rented the safe deposit box in question in her own name on October 29, 1965. The records of the bank indicate that the last entry into the box by

Mrs. Goldman was on December 29, 1971. In January of 1972, decedent became seriously ill and was admitted to Doctors Hospital in New York City, where she subsequently died on March 9, 1972.

5. Decedent's estate totalled approximately 3.5 million dollars which was left ostensibly to three charitable organizations. In 1965 decedent and her husband, who predeceased her and made the decedent his sole beneficiary, except for a nominal trust for siblings, received approximately three million dollars for the sale of their business to the Ogden Corporation.

6. Over the course of the last twenty years of her life, decedent and or her husband had income in excess of five million dollars, on which Federal income tax of approximately 1.5 million dollars was paid, as well as \$295,570.00 in New York State income tax.

CONCLUSIONS OF LAW

A. That the decedent, Edna S. Goldman, did not deposit any part of the cash found in her safe deposit box in the year 1972.

B. That the sum of money found in the safe deposit box represented a nominal portion of decedent's assets and, given her prior history regarding the payment of income taxes, no

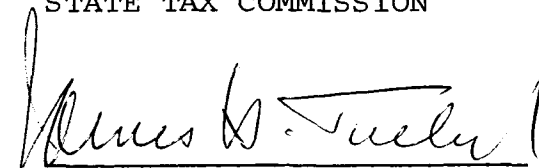
inference is warranted that such money constituted income rather than a portion of decedent's assets on which tax had been paid.

C. That the petition of the Estate of Edna S. Goldman, Oscar Wind, Executor, is granted and the Notice of Deficiency issued August 26, 1974 is cancelled.

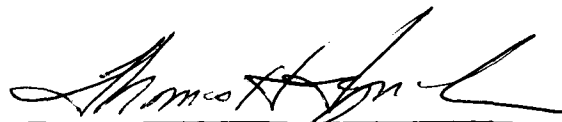
DATED: Albany, New York

June 21, 1977

STATE TAX COMMISSION


PRESIDENT


COMMISSIONER


COMMISSIONER