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May 11, 2010

Jason Frank  
President  
First Maryland Disability Trust, Inc.  
1400 Front Avenue  
Suite 200  
Lutherville, Maryland 21093

Re: First Maryland Disability Trust

Dear Mr. Frank:

Thank you for your letter dated February 3, 2010 regarding the permissibility of a disabled beneficiary 65 years of age and older transferring assets into a First Maryland Disability Trust (a pooled trust) sub-account without penalty. I have reviewed this issue and agree that there is no age limitation imposed by existing federal or state law on who may transfer assets into a pooled trust sub-account. Accordingly, a disabled beneficiary 65 years of age and older may transfer assets into an approved pooled trust sub-account without penalty.

This general interpretive statement of law, however, does not address the permissibility of transferring assets from a special needs trust to a pooled trust, nor does it address the legitimacy under state law of any specific special needs trust or pooled trust. All such issues must first be reviewed and approved on a case-by-case basis by the Office of the Attorney General for the assets to be excluded from the beneficiary's resources for Medical Assistance eligibility determination purposes.

Please let me know if you have any questions about the above.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Borden'.

**Meredith L. Borden**  
Assistant Attorney General