



DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
WASHINGTON, D.C. 20224

OFFICE OF
CHIEF COUNSEL

Number: **INFO 2000-0131**

Release Date: 9/30/2000

CC:DOM:IT&A:3SKassell
PLR-107568-00
UIL-1221.00-00

[REDACTED]

Re: [REDACTED] Ruling Request

Dear [REDACTED]:

This is to inform you that we decline to rule on the private ruling request dated March 27, 2000, submitted by [REDACTED].

Taxpayers ask us to rule that the sale of two lots of real estate would generate capital gains and not ordinary income. Section 4.02(5) of Rev. Proc. 2000-3, 2000-1 I.R.B. 111, provides that the Service will not ordinarily issue a letter ruling concerning any matter dealing with the question of whether property is held primarily for sale to customers in the ordinary course of a trade or business. Therefore, we decline to rule.

Section 15.10(2) of Rev. Proc. 2000-1 permits the user fee to be refunded where the Service declines to rule. Accordingly, this case will be closed, and the user fee will be refunded.

If you have any further questions, please call Susan Kassell ([REDACTED]) of this office at (202) 622-4930.

Sincerely yours,

Assistant Chief Counsel
(Income Tax & Accounting)

By: _____
Christopher Kane
Assistant to the Chief
Branch 3

cc: [REDACTED]