

## Eliot Bernstein

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**From:** Eliot Bernstein <iviewit@gmail.com>  
**Sent:** Monday, October 7, 2013 1:01 PM  
**To:** 'Craig, Janet'; 'Robert Spallina (rspallina@tescherspallina.com)'; 'Ted Bernstein (tbernstein@lifeinsuranceconcepts.com)'  
**Cc:** 'tourcandy@gmail.com'; 'Michele M. Mulrooney ~ Partner @ Venable LLP (mmulrooney@Venable.com)'; 'Worth, Hunt'; Caroline Prochotska Rogers Esq. (caroline@cprogers.com); Andrew R. Dietz @ Rock It Cargo USA  
**Subject:** RE: EMERGENCY OCTOBER Bernstein Expenses and Reimbursements

Yes I understand what you have said but I do not think you are listening carefully to what I have said, in that much of these transactions can be construed as part of a larger fraud and where Spallina is involved in documents in the estate that are admitted fraudulent and alleged forged, well, anything he was directing you to do and all documents tendered by him to you, are suspect at this time. Further, that both you and I were led to believe that Spallina would be replacing and replenishing the SCHOOL trusts that were used at his direction to pay living expenses and now that he is not living up to that unless I participate in fraudulent transactions in the estate, well you best work out with him these problems. There are also problems with his statements to the court regarding the transfer of the Legacy account and more to Oppenheimer that may indicate further fraud. Also, it was discovered at the hearing that Ted was not the trustee to the estate of Shirley as he claimed, as none had been elected since SIMON died as the PR and Trustee and no one informed the court of his death and filed documents as if he were alive so no successors were ever granted Letters and therefore any transfer of fiduciary to Ted or Spallina with this knowledge seems a breach of fiduciary duties and trust. I also recommended to you that you seek a court order for what you were doing with Spallina and Ted in attempting to close the accounts and transfer fiduciary titles and management titles and more and I have not signed any release papers until these matters can be rectified. Have you informed your legal department of the massive fiduciary liabilities that may result from these actions and do you have a contact for me to notify them as I do not think the legal department for Oppenheimer is copied on this email?

Again, as I do not have control over any of these accounts or trusts or Bernstein Family Realty LLC that you were in charge of as alleged trustee for my children, well, all I can say is that between the parties handling these trusts and matters as trustees or any other fiduciary role presumed, I would suggest you figure out together how to now protect the minor beneficiaries you have exposed to massive immediate life threatening risks and foreclosure (from incompetence and false statements to a note holder) in order to fulfill your fiduciary obligations legally and protect the beneficiaries you have exposed.

Please let me know as soon as possible regarding the requested information herein. Eliot

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

From: Craig, Janet [mailto:Janet.Craig@opco.com]  
Sent: Monday, October 7, 2013 11:15 AM  
To: 'Eliot Ivan Bernstein (iviewit@gmail.com)'; 'Robert Spallina (rspallina@tescherspallina.com)'; 'Ted Bernstein (tbernstein@lifeinsuranceconcepts.com)'  
Cc: 'tourcandy@gmail.com'; 'Michele M. Mulrooney ~ Partner @ Venable LLP (mmulrooney@Venable.com)'; Worth, Hunt  
Subject: FW: EMERGENCY OCTOBER Bernstein Expenses and Reimbursements

Eliot,

As I have told both you and Candice previously, there are no funds available in the boys' Trusts to pay any expenses. The only assets that remain in the Trust are the shares of Bernstein Family Realty LLC and LIC Holdings, neither of which are

liquid assets. I have been informed that no further funds will be coming to these Trusts and new Trusts will be set up for the boys once the Estate administration of your parents is allowed to proceed.

Please make other arrangements for the payment of these invoices.

Janet Craig, CTFA  
Senior Vice President & Compliance Officer Oppenheimer Trust Company  
18 Columbia Turnpike  
Florham Park, NJ 07932  
Tel: 973-245-4635  
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Email: Janet.Craig@opco.com

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

From: Eliot Bernstein [mailto:iviewit@gmail.com]

Sent: Friday, October 04, 2013 4:46 PM

To: Craig, Janet; Worth, Hunt

Cc: tourcandy@gmail.com; Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Andrew R. Dietz @ Rock It Cargo USA

Subject: EMERGENCY OCTOBER Bernstein Expenses and Reimbursements

Hi Janet and Hunt ~ I have attached in the pdf file the list of all the monthly bills and expenses for the children and invoices and receipts for each to be paid by the trustee of the three children's trust and Manager of Bernstein Family Realty LLC, which I believe is still you, I have received no paperwork to show any changes. The total amount we paid was \$5,966.20 for reimbursement and there is now \$27,000.39 outstanding bills that must be paid immediately in certain cases some are due within 72 hours (see report attached notes section on first page). As we are unclear of who is now in charge of the trusts and the LLC and how the changed occurred or why, please make sure that these get paid by whomever you designated and however you designated them, as far as I am concerned Oppenheimer still appear as the trustee and manager. I have sent you transcripts of a probate court hearing whereby SPALLINA and TED were told by the Judge that he should read them their Miranda Rights, based on the admitted and acknowledged crime of fraudulently notarized and forged documents in the estate, a fraud on the Court whereby my father Simon, who was deceased, notarized documents and closed an estate months after he passed. In light of this and the fact that you sent me unsigned trust agreements repeatedly and court orders on certain of the accounts authorizing Oppenheimer that are improperly notarized, well it is all starting to look a bit suspicious of what is going on. Further, we were contacted by Walt Sahn who has been owed interest on the home owned by Bernstein Family Realty LLC that you allegedly are Manager for and that has not been paid for months while you were in charge (similar to months that you let the home go without homeowners insurance, especially in light of Mr. Sahn's loan with Bernstein Family Realty LLC, forcing this man to get counsel and begin to foreclose on the home for interest unpaid and no one at Bernstein Family Realty LLC responding to his repeated oral and written demand for payment on his loan. As you can see from his letters attached from Mr. Sahn in the bill section of the attached PDF file he has been trying to get paid by SPALLINA and TED who claim instead to be Bernstein Family Realty LLC trustees for now several months to him, which contradicts your claim and it appears bizarre that you as trustee are not in possession and knowledge of this impending foreclosure and loan on the LLC you manage for the 3 minor children, all this appears furthered by your mismanagement as trustees. The other issues about using these school trust funds to pay living expenses until Spallina was to replenish and replace any funds and then your abandoning them when Spallina refused to repay the trusts seems also careless mismanagement but may also be construed as Willful, Wanton, Reckless, and Grossly Negligent behavior in disregard of law by alleged fiduciaries of the trusts, managers of the LLC and trust and LLC counsel. I am presuming that since you are taking orders from Spallina for unknown reasons in using the children's school trust funds that Tescher and Spallina P.A. authorized that you are also using them as your counsel in these matters, as they have authorized and directed you according to your letters on how to spend and manage the funds, etc. Since these bills are now coming past due from this month and last month and the refusal to replenish and replace them is causing a CRISIS, if these problems are not rectified instantly by the trustees of the trusts and managers of Bernstein Family Realty LLC, which until an unknown time was Oppenheimer we

will have to notify the Courts and criminal authorities of your further involvement in attempting to bleed these funds and leave three minor children without SCHOOL, LIVING EXPENSES and MORE based on your actions and in conjunction with Spallina and Ted Bernstein that are suspect and perhaps criminal. Please let me know instantly what your intent is.

Thanks, Eliot

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