

Eliot Ivan Bernstein

From: Eliot Ivan Bernstein <iviewit@iviewit.tv>
Sent: Saturday, January 25, 2014 5:33 PM
To: 'Ted Bernstein'; 'judi@masseyclarkfischer.com'
Cc: 'Craig, Janet'; 'Candice Bernstein (tourcandy@gmail.com)'; Ted Bernstein; Robert L. Spallina, Esq. ~ Attorney at Law @ Tescher & Spallina, P.A. (rspallina@tescherspallina.com); Donald R. Tescher ~ Attorney at Law @ Tescher & Spallina, P.A. (dtescher@tescherspallina.com); Hunt Worth ~ President @ Oppenheimer Trust Company (Hunt.Worth@opco.com); William McCabe Esq. @ Oppenheimer Trust Company (William.McCabe@opco.com); Mark R. Manceri, Esquire @ Mark R. Manceri, P.A. (mrmlaw@comcast.net); Janet Craig, CTFA ~ Senior Vice President & Compliance Officer @ Oppenheimer Trust Company (Janet.Craig@opco.com); Caroline Prochotska Rogers Esq. (caroline@cprogers.com); Michele M. Mulrooney ~ Partner @ Venable LLP (mmulrooney@Venable.com); Andrew R. Dietz @ Rock It Cargo USA; Marc R. Garber Esq. (marcgarber@gmail.com); Marc R. Garber, Esquire @ Flaster Greenberg P.C.; Marc R. Garber Esq. @ Flaster Greenberg P.C. (marcgarber@verizon.net); Lisa S. Friedstein (Lisa@friedsteins.com); Lisa (lisa.friedstein@gmail.com); Jill M. Iantoni (jilliantoni@gmail.com); Jill M. Iantoni (lantoni_jill@ne.bah.com); Guy T. Iantoni @ GTI LIFE, Inc. (guy@gtilife.net); Guy T. Iantoni (giantoni007@gmail.com); Pamela Beth Simon (psimon@stpcorp.com)

Subject: RE: BERNSTEIN FAMILY REALTY LLC - 2753 NW 34TH ST - HOMEOWNERS RENEWAL POLICY

Tracking:

Recipient	Read
'Ted Bernstein'	Read: 1/25/2014 11:03 PM
'judi@masseyclarkfischer.com'	Read: 1/27/2014 9:25 AM
'Craig, Janet'	Read: 1/27/2014 9:37 AM
'Candice Bernstein (tourcandy@gmail.com)'	
Ted Bernstein	
Robert L. Spallina, Esq. ~ Attorney at Law @ Tescher & Spallina, P.A. (rspallina@tescherspallina.com)	Read: 1/25/2014 6:46 PM
Donald R. Tescher ~ Attorney at Law @ Tescher & Spallina, P.A. (dtescher@tescherspallina.com)	Read: 1/25/2014 5:59 PM
Hunt Worth ~ President @ Oppenheimer Trust Company (Hunt.Worth@opco.com)	
William McCabe Esq. @ Oppenheimer Trust Company (William.McCabe@opco.com)	Read: 1/25/2014 5:49 PM
Mark R. Manceri, Esquire @ Mark R. Manceri, P.A. (mrmlaw@comcast.net)	
Janet Craig, CTFA ~ Senior Vice President & Compliance Officer @ Oppenheimer Trust Company (Janet.Craig@opco.com)	
Caroline Prochotska Rogers Esq. (caroline@cprogers.com)	
Michele M. Mulrooney ~ Partner @ Venable LLP (mmulrooney@Venable.com)	
Andrew R. Dietz @ Rock It Cargo USA	

Recipient**Read**

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Pamela Beth Simon (psimon@stpcorp.com)

Read: 1/25/2014 6:01 PM

Ted, to further reply to my email below in response to your claims that I am sending information regarding BFR to you like bills and people who have claims, it is my understanding from the incorporation papers that your business address is the corporate address for BFR unless changed by the Manager, which is neither, nor has ever been Candice or I. Therefore, you have been getting bills and mail for BFR for years as far as I can tell.

See, "LIMITED LIABILITY COMPANY OPERATING AGREEMENT of BERNSTEIN FAMILY REALTY, LLC a Florida limited liability company, section 2.3 Principal Place of Business. The initial principal place of business of the Company shall be 950 Peninsula Corporate Circle, Suite 3010, Boca Raton, Florida 33431. The Company may locate its places of business and registered office at any other place or places as the Manager may deem advisable."

As you can see since Candice and I are not the Managers and you allegedly are, according to Janet who also somehow became Manager directed under an unknown authority by Spallina after Dad's death. Your close friend Spallina who arranged all these affairs be handled for BFR by Janet and then you may also be able to provide relevant information regarding your liabilities. Therefore, again, I will continue to refer people to both you and Janet at the address legally listed for BFR and you must do as legally required, I cannot do anything unfortunately at this time, as I am not the Manager after you and Robert told Janet you were taking over instead of me. In the interim, due to the actions of your referral to our family of Tescher and Spallina who have caused grave harm and damages to our family already, I suggest that you pay the interim EMERGENCY expenses sent to you as the PR of Mom's estate and as you now know the beneficiaries in her newly reopened estate will have to be litigated due to Tescher and Spallina's colossal and proverbial mess ups admitted in Don's resignation letter and other far more serious and egregious alleged and proven criminal and civil violations of law that you appear directly involved in as well that have caused these delays, losses and damages to my family. As NO final distributions can be made in Mom's estate to ANY alleged beneficiaries until the True and Proper beneficiaries are determined by the Court and all prior transfers of assets or monies to any beneficiaries will have to be returned in the interim, until it is determined if they were appropriate distributions from Mom's estate or trusts, you can see that the only relief beneficiaries can get is through interim distributions or emergency reliefs through the

PR. Therefore, since my family, including three minor children are in an EMERGENCY and in need of some of the funds available in the trusts to be taken as Interim EMERGENCY Distributions we are again demanding that you send a wire for the amounts demanded or provide a check immediately for the full outstanding balance owed to us and sent to you already, as these funds are necessary to pay the BFR bills, replenish the school trust funds in full that were misused by Spallina and Janet and reimburse our costs submitted for the last four months. These monies should have already flowed into my family through our inheritances to cover all of these expenses as was intended by Mom and Dad and which have not transacted due to you and your referred estate planners who have caused all these damages and delays, with intent and scienter. As there is more than enough money in the trust of Mom to cover my family's expenses until the matters are resolved and then later deducted from any final distributions and these monies requested are for life sustaining necessities, please advise what you intend to do in your alleged capacity as Personal Representative of Mom's Estate and respond to our requests for interim EMERGENCY relief immediately.

Eliot

From: Eliot Ivan Bernstein [mailto:iviewit@iviewit.tv]

Sent: Saturday, January 25, 2014 3:48 PM

To: 'Ted Bernstein'; 'judi@masseyclarkfischer.com'

Cc: 'Craig, Janet'; 'Candice Bernstein (tourcandy@gmail.com)'; Ted Bernstein; Robert L. Spallina, Esq. ~ Attorney at Law @ Tescher & Spallina, P.A. (rspallina@tescherspallina.com); Donald R. Tescher ~ Attorney at Law @ Tescher & Spallina, P.A. (dtescher@tescherspallina.com); Hunt Worth ~ President @ Oppenheimer Trust Company (Hunt.Worth@opco.com); William McCabe Esq. @ Oppenheimer Trust Company (William.McCabe@opco.com); Mark R. Manceri, Esquire @ Mark R. Manceri, P.A. (mrmlaw@comcast.net); Janet Craig, CTFA ~ Senior Vice President & Compliance Officer @ Oppenheimer Trust Company (Janet.Craig@opco.com); Caroline Prochotska Rogers Esq. (caroline@cprogers.com); Michele M. Mulrooney ~ Partner @ Venable LLP (mmulrooney@Venable.com); Andrew R. Dietz @ Rock It Cargo USA; Marc R. Garber Esq. (marcgarber@gmail.com); Marc R. Garber, Esquire @ Flaster Greenberg P.C.; Marc R. Garber Esq. @ Flaster Greenberg P.C. (marcgarber@verizon.net); Lisa S. Friedstein (Lisa@friedsteins.com); Lisa (lisa.friedstein@gmail.com); Jill M. Iantoni (jilliantoni@gmail.com); Jill M. Iantoni (lantoni_jill@ne.bah.com); Guy T. Iantoni @ GTI LIFE, Inc. (guy@gtilife.net); Guy T. Iantoni (giantoni007@gmail.com); Pamela Beth Simon (psimon@stpcorp.com)

Subject: RE: BERNSTEIN FAMILY REALTY LLC - 2753 NW 34TH ST - HOMEOWNERS RENEWAL POLICY

Ted, as you have previously stated you are not involved with Bernstein Family Realty LLC contradicts reality and despite your confused attempted clarification letter, I addressed that in detail and have been waiting for your long overdue response. Please reply in what capacity you have acted for the last months in opening BFR's mail and paying BFR's bills, using funds you allege are from Mom's trusts, per your own statements and actions. What right have you had to pay the bills you paid for BFR and would be opening the mail be illegal? Janet has not clarified or confirmed that you are not the Manager for BFR and according to her you accepted and volunteered for the position and she forwarded you the bills and all questions regarding BFR were to be addressed by you. I have attached her email of 8.23.13 that you refer to and it appears her language is clear as day regarding your involvement in BFR, perhaps my attaching the whole email letter and your noting the fact that you were copied on the message will clear your foggy memory. You have acted in this capacity of Manager and even stated you were going to pick and choose the bills you found relevant now for months. You have failed to respond to any demands for explanation and meetings for now over four months, despite your statements that you are trying to meet with me. Now that you are aware that I am pursuing these matters civilly and criminally against you, Robert, Donald et al. you now attempt to claim you know nothing and act stupid as your defense, which is not going to go far considering your actions which contradict your statements. Until you and Janet work out your problems I will continue to hold you both personally responsible for the damages caused to my family since you choose with Robert to have BFR bills and accounts and company management transferred to you and you began to open the mail and pay the bills you choose. I will continue to have all BFR bills and creditors and others contact you and Janet until you two can sort out what is going on. I do however wonder if you are delusional and in need of professional help as your statements so obviously contradict your actions and I can understand this fear you must be feeling as I am alleging that you, Donald, Robert and others involved have illegally seized control of BFR with Janet's aid and you know that I have reported these matters to civil and criminal authorities, alleging a continued harassment of my family in attempts to get me to drop my actions against you or else you will turn the lights out, the phones off, turn the

home protection system off and now mess with the homeowners policy, more evidence of your complete disregard for your fiduciary duties you have volunteered for and accepted.

I have requested several meetings over the months to discuss this with you, Donald and Robert and all of you have failed to respond or set a meeting date despite your knowing the troubles this is causing my family and my three minor children that you and Janet have fiduciary responsibilities for in your alleged Titles as Manager of my children's companies' interests and her additional duties as trustee to my children's school trust funds, which Robert Spallina directed her to misuse. I would advise that Janet and you and your lawyers should meet to discuss what and who are responsible for these problems you have intentionally created to harm my family and do note that if anything happens to my family as a result of your continued harassment and extortion of our family, I will hold you both responsible for ALL further damages as well. I know that recently you and your close personal bedfellows, Robert Spallina and Donald Tescher, have had a breaking up of sorts and it appears your friends have screwed up the estates of mom and dad for beneficiaries and further and are withdrawing and resigning in the estates from all their fiduciary and legal capacities amidst a plethora of criminal and civil charges but Robert should also be consulted here by you and Janet as he is alleged have coordinated this transfer of title with you and Janet that you accepted and that has put us in jeopardy every day since.

Please let me know what you are planning on doing regarding these urgent and life threatening situations you have put my family in. Finally, as you know from Donald and Robert's resignation letter and motions to withdraw as counsel and be discharged as PR's he and Robert apparently messed up the beneficiaries of the estate of Mom and this was to your families disadvantage it appears and it may now take months to sort out Mom's beneficiaries. While you claim to be Personal Representative for Mom's estate, although you do not appear to have followed Florida Probate Rules and Statutes in so accepting this fiduciary responsibility, I am sure you can appreciate that me and my children who are beneficiaries of her estate either way, will need interim distributions until these matters can be resolved. I have sent you last month's needs and request for interim distribution and you have wholly failed to respond with a check for the monies demanded and this can only mean you are refusing as Personal Representative to reply to a beneficiary regarding life sustaining monies for the three minor children allegedly under your care. Perhaps, you are claiming you are not PR, as you were uncertain in Court when asked and I strongly urge you to get counsel to respond to the beneficiaries according to Probate Rules and Statutes.

Eliot

Janet Craig Email Exhibit

From: Craig, Janet [<mailto:Janet.Craig@opco.com>]
Sent: Wednesday, August 28, 2013 11:28 AM
To: 'Eliot Ivan Bernstein (iviewit@gmail.com)'; 'Candice Bernstein (tourcandy@gmail.com)'
Cc: 'Robert Spallina (rspallina@tescherspallina.com)'; 'Ted Bernstein (tbernstein@lifeinsuranceconcepts.com)'
Subject: Bernstein Trust Terminations

Dear Eliot and Candice,

As you are aware, the trusts for Daniel, Jacob and Joshua have depleted over time due to the payment of your household bills. I have spoken with Mr. Spallina and he has informed me that the household bill payments will not be refunded to the trusts. We have therefore decided to terminate the trusts due to their de minimus market values.

The enclosed accountings for each trust cover the period of September 20, 2010 (our inception date) through August 26, 2013. We have also enclosed an Asset Detail showing the current market values and a Receipt, Release and Refunding Agreement for each of the accounts for your signatures. Please review all the documents carefully and contact me if you have any questions. Once your review is completed, please sign one copy of the Receipt, Release and Refunding

Agreement before a Notary Public and return it to me at the address below. A second copy should be retained for your records.

Please be advised that we will not be paying bills during this transition period. Ted Bernstein has agreed to become the Managing Member of Bernstein Family Realty and all questions regarding the payment of household bills should be directed to him

Please keep in mind that the liquidation of the assets and the distribution of funds to you will generate tax consequences reportable on your 2013 personal income tax returns, which you will be filing next year. Please do not complete your personal income tax returns until you have received the final form K-1 from us.

Janet Craig, CTFA
Senior Vice President & Compliance Officer
Oppenheimer Trust Company
18 Columbia Turnpike
Florham Park, NJ 07932
Tel: 973-245-4635
Fax: 973-245-4699
Email: Janet.Craig@opco.com

From: Ted Bernstein [<mailto:tbernstein@lifeinsuranceconcepts.com>]
Sent: Saturday, January 25, 2014 2:35 PM
To: 'Eliot Ivan Bernstein'; judi@masseyclarkfischer.com
Cc: 'Craig, Janet'; 'Candice Bernstein'; Hunt Worth ~ President @ Oppenheimer Trust Company ; William McCabe Esq. @ Oppenheimer Trust Company; Janet Craig, CTFA ~ Senior Vice President & Compliance Officer @ Oppenheimer Trust Company ; Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Andrew R. Dietz @ Rock It Cargo USA; Marc R. Garber Esq.; Marc R. Garber, Esquire @ Flaster Greenberg P.C.; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Lisa S. Friedstein; Lisa; Jill M. Iantoni; Jill M. Iantoni; Guy T. Iantoni @ GTI LIFE, Inc.; Guy T. Iantoni; Pamela Beth Simon
Subject: RE: BERNSTEIN FAMILY REALTY LLC - 2753 NW 34TH ST - HOMEOWNERS RENEWAL POLICY

Eliot > as I have previously stated in correspondence to you, I am not and never have been involved with Bernstein Family Realty, in any capacity. You have repeatedly referred to an email from August, 2013 in which Janet stated that I agreed to be the managing member of Bernstein Family Realty. I have repeatedly stated and written after August, 2013, as well as Robert Spallina, that I was never the managing member and I am not the managing member. If Janet inadvertently stated that I was, it has been clarified for you on multiple occasions that I am not. Please let this be another.

Therefore, please let this serve as another request to stop referring to me as the managing member of Bernstein Family Realty. Please stop having people contact me in relation to Bernstein Family Realty. Please stop having mail sent to me in relation to Bernstein Family Realty.

Thank you.

From: Eliot Ivan Bernstein [<mailto:iviewit@gmail.com>]
Sent: Saturday, January 25, 2014 7:34 AM
To: judi@masseyclarkfischer.com
Cc: 'Craig, Janet'; 'Candice Bernstein'; Ted Bernstein; Robert L. Spallina, Esq. ~ Attorney at Law @ Tescher & Spallina, P.A.; Donald R. Tescher ~ Attorney at Law @ Tescher & Spallina, P.A.; Hunt Worth ~ President @

Oppenheimer Trust Company ; William McCabe Esq. @ Oppenheimer Trust Company; Mark R. Manceri, Esquire @ Mark R. Manceri, P.A.; Janet Craig, CTFA ~ Senior Vice President & Compliance Officer @ Oppenheimer Trust Company ; Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Andrew R. Dietz @ Rock It Cargo USA; Marc R. Garber Esq.; Marc R. Garber, Esquire @ Flaster Greenberg P.C.; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Lisa S. Friedstein; Lisa; Jill M. Iantoni; Jill M. Iantoni; Guy T. Iantoni @ GTI LIFE, Inc.; Guy T. Iantoni; Pamela Beth Simon

Subject: RE: BERNSTEIN FAMILY REALTY LLC - 2753 NW 34TH ST - HOMEOWNERS RENEWAL POLICY

Sorry, I forgot the attachment in the last email and have attached it herein. Also I updated the letter. eb

Judi,

Judi, hi and I hope all is well. Candice has directed you to forward the information regarding Bernstein Family Realty LLC's ("BFR") homeowner policy to Janet Craig as she is the last known alleged Manager of BFR and she is still the trustee of trusts that hold assets, including shares of a company Life Insurance Concepts (LIC) and other holdings of value like the home I live in. That the bills of BFR are not the responsibility of Eliot or Candice as we are not the Managers of BFR and have no legal authority to even handle them and Janet is fully cognizant of that fact. The company that the bills names are in is BFR and we have no fiduciary responsibilities to these bills at all and do not even receive them. The trusts that were depleted are a whole other can of bees that Janet will be called to deal with as those were my children's school trust funds that were misused by Janet and others to pay bills of BFR, instead of using monies through BFR. The actions of Janet and others is currently all alleged as fraud and more before the Probate Court in my parent's estate and criminal complaints have been filed regarding these actions that are endangering the lives of my family, including three minor children. I believe Janet as Manager of BFR is the one who contracted the homeowners policy for the property owned by BFR in the first place.

Candice and I have no control of BFR, since Janet allegedly ceded her fiduciary responsibilities as Manager of BFR to my brother Theodore, in what is also alleged to have been an illegal transfer of title of BFR without proper authorization or consent of the owners, my children. That if Janet wanted the bill paid you would think she would have you contact Theodore, who she claims to have ceded the title of Manager of BFR too. That since my brother allegedly took over BFR almost all the bills of the properties owned by BFR, including my family's home have suddenly and without notice began to be turned off without notice to my family. That although Janet allegedly ceded the title of Manager to my brother, my brother claims he does not know what she is talking about. Candice and I do not typically get the bills of BFR, they are not in our name or sent to our address, as they are sent to Janet or now perhaps Theodore, depending on what they have arranged between each other. I have attached the withdrawal of counsel in my parents' estates of a one Mark Manceri, Esq. (Page 3 – Service List) who in submitting his resignation just the other week as counsel, copied Janet on his withdrawal as the manager of BFR and not Theodore, so Candice referring her to you appears correct, at least according to the lawyer she allegedly contracted and hired to represent BFR in a lawsuit Manceri. If the lawyer she contracted assumes Janet is still Manager of BFR only a few weeks ago and Manceri also represented Theodore in the estate hearings, then it would appear that Janet is still the manager for BFR according to an attorney who knows both of them as clients, has represented BFR and therefore, it appears despite her pining Janet would still be responsible for the BFR bills under the alleged title of Manager. I am unsure why she would not have told you to contact Theodore instead of us for payment and instead attempts to claim that Candice or I are supposed to pay them. As for Donald Tescher and Robert Spallina, Donald has submitted resignation as counsel for both my parents estates and Robert and Donald have submitted withdrawal of counsel and withdrawal as Personal Reps/Executors of the estate of Simon and this amidst an arrest of their Notary Public and Legal Assistant, Kimberly Moran, who has admitted to forging and fraudulently notarizing documents in my mother's estate and Tescher and Spallina then filing such documents using my deceased father's identity in the estate to attempt to change beneficiaries it appears and more.

I quote from an email dated December 29, 2013 that was sent to Janet and Theodore,

4) [Theodore] In response to your claim, “Janet Craig at Oppenheimer Trust has not “forwarded” responsibility to me. Can you help me understand why you believe she has done so and why you believe that Robert Spallina directed her to? I am not aware of Oppenheimer having any responsibility to pay bills for your family. You sought distributions from the Oppenheimer trusts for support because the trusts owned the house that you live in and those were the only monies available to pay the ongoing expenses of the home and related items because you willfully continue to avoid seeking employment. Even if Oppenheimer hypothetically did have such responsibility, it could not be forwarded to me as you have completely drained each of the boys’ trust accounts set up by mom and dad during their lifetime to support your family which is an obligation that you have to your children and not vice versa. Janet Craig has not forwarded instructions to me of any kind. I have nothing to do with Bernstein Family Realty and therefore, I have not missed any deadlines. I cannot and would not consider acting in any formal capacity as a result of the slander, defamation and misrepresentations levied against me by you.”

a) Ted, as for your claim that you are not responsible and Janet Craig has not forwarded responsibility for our family’s bills and payment of them to you, the lies are thick here so I quote Janet from her August 28, 2013 email that she copied both you and Robert on, where she states, “Please be advised [Eliot] that we will not be paying bills during this transition period. Ted Bernstein has agreed to become the Managing Member of Bernstein Family Realty and all questions regarding the payment of household bills should be directed to him.”

b) I presume Ted that you are stating that Janet has lied in this email regarding your volunteering to be MANAGING MEMBER of BFR and responsible for the payment of the household bills forward or that you just are plain delusional. As BFR is a company owned by my family and you, Donald and Robert have nothing to do with it, or the children’s school trust funds that were depleted at Oppenheimer on Robert’s direction, I am not sure how or why you two became involved and seized BFR and hijacked these responsibilities and how exactly Oppenheimer allowed this and transferred the Managing Member role to you in violation of the BFR language I cited above and knowing I was pursuing you and Robert in the courts. Of course, as evidenced in my prior correspondences with you, Robert, Donald and Oppenheimer, I have exhibited that the documents giving Oppenheimer fiduciary rights are also flawed and improperly signed and notarized and those documents have been also submitted to the courts and will be shortly submitted to state investigators for alleged fraud. I am asking you, Robert and Donald also to explain what rights and authorities you had to interfere in BFR and the children’s school trust funds in the first place and what capacities you acted in, I have asked now for several months and NO response to these questions.

c) Ted, acting as alleged successor trustee to Shirley’s Trusts and also as alleged Personal Representative and Trustee of her Estate as you claimed on the record and with Tescher and Spallina acting as alleged Co-Personal Representatives of Simon’s estate, all of you DO have fiduciary responsibilities to my family and our expenses and responsibility to make emergency interim distributions to cover them, where the emergencies are due to the delays caused by the criminal activities already described herein caused by all of you in your attempts to loot the estates, while suppressing and denying all the information owed to me and my children as beneficiaries in violation of Probate Rules and Statutes. Again, the claim that you do not have fiduciary responsibilities in regards to my family and BFR appears delusional, as in one breath you claim you have the powers as a fiduciary to open the mail of BFR, pay BFR bills, manage my family’s company and affairs as you see fit and in the next breath you deny that you have these responsibility, despite Janet Craig specifically transferring the bills and responsibilities to you at your and Robert’s direction. I am also uncertain why Janet involved you at Robert’s request and we have requested in prior correspondences to know how you volunteered and why for the BFR Manager Position from Janet and still have not received answers. Where according to the records of BFR, no transfer of Manager Title could have taken place without the owners of BFR (my three sons trusts that I am Trustee of) approving and voting in the successor, all of which did not take place when Oppenheimer transferred the Title to you on the direction of Spallina.

d) Oppenheimer had been paying the bills of my family through BFR for over a year after Rachel had been handling it for Simon while he was Manager of BFR and then for months after he died until

Robert got busted at Legacy Bank having Rachel use Simon's BFR Legacy account months after Simon died. Ted, Robert and Donald you are all wholly aware that Oppenheimer was paying these bills that you volunteered to handle and pay as Manager of BFR and have been copied on several emails by Oppenheimer regarding the bills and their payment through BFR, so your claim that you are wholly ignorant here and have no knowledge seems further delusional.

e) Ted, to clarify, I never sought anything from Oppenheimer and let me explain. Robert directed Janet Craig from the start. First off, we would not even know Janet if Robert had not introduced us to her after he was caught using accounts of Simon's after his death that were BFR accounts that Simon was Manager and sole signatory for. Where Spallina had directed Rachel Walker to write checks from the BFR account in Simon's name after he was deceased in violation of law. After you fired Rachel abruptly, Robert then tried to get Candice to start ILLEGALLY signing checks out of the BFR account and as this seemed really illegal for Robert to tell Candice to write checks out of Simon's BFR account months after he was dead. So finding this hard to believe was legal as we were assured, we contacted Legacy Bank to check with Rachel on the line and when they found out that accounts of Simon's were being used months after his death and no one had notified them that Simon had died, well they FROZE THE ACCOUNT and told Rachel and myself that no one could use Simon's accounts any longer and that it was ILLEGAL since his death. Perhaps this is why Simon's other accounts listed in his estate Inventory were so low. Legacy Bank then directed us to have the Personal Representatives contact them immediately as they could not give Rachel or me any information as we were not on the accounts and neither was Candice. This writing of check without authorization again appears to be FELONY CRIMINAL ACTS. We have asked several times for an accounting of BFR to see how much was taken out and by whom after Simon died but have been denied and refused our requests.

f) That at this time and we are still unsure how when Simon died he was replaced as Manager of BFR by Oppenheimer, again without consent of the owners as required in the entities papers but after Robert spoke with Janet he told us Oppenheimer took over control as Manager of BFR. That then Spallina, not I, directed Oppenheimer to open a new BFR account to replace the one SEIZED AND FROZEN for illegal and unauthorized use at Legacy Bank. Spallina then introduced us to Janet and told us to have all the bills transferred to her from BFR and she began to receive them directly through BFR at her office and began paying them from the new BFR account established at Oppenheimer. I quote again from Oppenheimer's letter of August 28, 2013, copied to both you and Robert, "As you are aware, the trusts for Daniel, Jacob and Joshua have depleted over time due to the payment of your household bills. I have spoken with Mr. Spallina and he has informed me that the household bill payments will not be refunded to the trusts. We have therefore decided to terminate the trusts due to their de minimus market values... Please be advised that we will not be paying bills during this transition period. Ted Bernstein has agreed to become the Managing Member of Bernstein Family Realty and all questions regarding the payment of household bills should be directed to him" Only a week or so earlier she had stated she was turning the Managing Member role over to me but in the follow up email she suddenly at the direction of Robert and Ted switched to Ted. From that quote I think you can understand why we believe that Robert Spallina directed Janet to act, which completely contradicts your letters claim that we directed her to do anything. As stated in several correspondences and motions filed thus far and served upon all of you the use of the BFR legacy accounts for months after Simon was dead (without noticing Legacy that he was dead either) was illegal and when Robert allegedly transferred the frozen Legacy accounts and directed Janet to open a new Oppenheimer account for BFR to then pay the family expenses, which she then did for months, Janet then claimed the BFR funds were running out and Robert then directed Janet use our children's pre funded School Trusts to pay the expenses of our family, promising the inheritances were on the way and these trusts would be replenished if necessary. We have asked Robert and Donald and Oppenheimer to provide us under what authority Robert directed all of these transactions and why Oppenheimer acted under his authority and direction when they were alleged Managers of BFR and acting as Trustees of the children's school trusts, and yet no replies have been tendered regarding this after months of repeated requests to Donald, Robert and Janet.

g) From Janet's initial contact with us on December 12, 2012 she also states,

“Because of your unique situation, and at the request of your father's attorney, Robert Spallina, we have set up an automatic transfer of \$1,000 from each of the boys' trust to the Bernstein Family Realty LLC to cover the family's household bills. We will also pay any school expenses for each boy from their respective trusts.”

h) From this quote Ted, we see that from the start Oppenheimer was directed by Robert, not me, on how to misuse our children's school trust accounts for our family's business expenses and switched from having them paid from the BFR accounts to my kids' pre funded trusts for school. Ted, now that you volunteered to take the helm of the my family's business BFR and expenses as a successor fiduciary in BFR, despite the obvious conflicts created in your taking that job immediately after you became aware that I am pursuing you, Robert, Donald and Moran both civilly and criminally in state and federal forums and where it just seems strange that knowing these facts that create adverse interests, you would then suddenly and without notice to me or my family volunteer for the BFR Manager position and to pay, I mean not pay, our bills. This all happening after you and Robert had conversations with Janet to seize this management title illegally and now you falsely claim you have no responsibilities and no idea of what I am talking about and attempting to twist the truth to appear that we directed all of this with Oppenheimer despite the factual record.

i) Please, as we have requested several times of all of you, provide all details of all conversations and correspondences you, Robert and Donald have had with anyone at Oppenheimer regarding my family's businesses or accounts, which requests for this information have gone unanswered by Oppenheimer, Robert, Donald and you for months. Also include who at Oppenheimer, you, Robert and Donald are working with other than Janet and Hunt Worth, any party, including those friends of yours who transferred from the Sir Robert Allen Stanford Bank, now infamous as the Stanford Ponzi and provide all details of all correspondences with any of them in any fashion regarding my family's affairs or the affairs of the estates of Shirley and Simon.

j) Also, I asked Janet for letters that were sent by Simon shortly before his death for accountings of his accounts as he felt that monies may be missing from the accounts in large amounts and wanted full accounting and information. I also allege that large amounts may be missing from Simon's investment accounts and as I and my children have been denied as Beneficiaries accountings and inventories for the trusts and accountings for the estates, in violation of Probate Laws and Statutes, I again request herein all these records, accountings, inventories and any correspondences of Simon with Oppenheimer.

k) Please provide a complete accounting of BFR's Legacy Bank Account from start to finish, so we can ascertain how much money was illegally written from the account after Simon's death and for what.

l) Ted, contrary to your letters claim, Oppenheimer did have fiduciary capacities and still does and was paying the bills through BFR for a year and this is not “hypothetical” as your letter indicates. The Trustees of the children's trusts are still alleged to be Oppenheimer and further as the children's trusts also own stock in a company LIC Holdings, which you are also involved in, we have made several requests under Florida statutes to you, Robert, Donald and Oppenheimer for information regarding those LIC stocks and company records as shareholders and have been refused timely response to the legal requests. This stock in LIC is still in the children's trusts and shows that contrary to your claim that nothing is in the trusts, there are still assets in them. I do note that in an inventory received in Simon's estate from Judge Colin at the October 28, 2013 Evidentiary Hearing, over a year after Simon died, which was suppressed and denied and not distributed timely to the beneficiaries according to Probate Rules and Statutes by Spallina and Tescher, the LIC Holdings stock has a To Be Determined value listed in the Inventory. In fact, Simon's inventory shows these stocks and a To Be Determined value and thus your claims the trusts do not have value is absurd and again appears delusional in light of the factual evidence but it must also be determined through accountings and records still denied and suppressed.

m) I am not sure why you attempt to claim that we, Candice and I, are willfully not seeking employment. As you know I am full time employed pursuing my patent rights and I even exhibited in my petition alleging you are extorting us to the courts, that I am in current negotiations with AT&T for 30% of their entire stock and have several hundred other Fortune 500 infringers I am currently pursuing for my royalties and so I am not sure what you refer to. I am also employed currently having to defend and

protect my inheritances for my family from the likes of you and Robert and spending much time having to have prosecuted these things like FORGERY and FRAUD in the estates. I also work on a Federal RICO action I am pursuing for a Trillion dollars against many thousands of other infringers of my technologies and those responsible for attempting to steal them, some of your friends included, especially those from the Stanford Ponzi that transferred I believe to Oppenheimer and JP Morgan after Stanford was arrested for the second biggest Ponzi in US history, (where other accounts of Simon and Shirley are alleged missing) and your friends at Proskauer, Greenberg Traurig and Gerald Lewin. I believe Simon prior to his death was also questioning Oppenheimer and JP Morgan on what he thought were discrepancies in the family's accounts prior to his death and have asked Oppenheimer to produce those records and they have failed to produce those at this point or even respond. My jobs do not pay me at this time and as you know Simon and I had an agreement that covered me working to pursue both his and mine patent interests and interests in Iviewit companies. By the way, did you or Robert ever get the stock certificates from Lewin or Proskauer that they prepared and distributed to Simon regarding his interests in those Iviewit companies they set up as I do not see them on the inventory of Simon? Please, Robert, Donald and Ted respond as to what has happened with those Iviewit companies stocks, as you were in charge of contacting those parties and getting copies of them if you lost them or could not find them, like you cannot find trusts and insurance policies that were in your care and part of the estates?

Judi, I am truly sorry you have been thrust into the middle of this and I truly do not know what to do as I am not legally authorized to do anything under BFR at this point, although I am working on resolving the criminal aspects of what is occurring as fast as possible. I will note all of this to both the courts and criminal authorities as they have begun to not pay bills that are putting us in danger, like your bill and are home alarm fire and safety system and more. Please feel free to contact me with any questions and I will be giving your name and info to authorities to contact you and you can explain what Janet is claiming to them and hopefully we can get this resolved timely.

Thank you,

Eliot and Candice Bernstein

From: Craig, Janet [<mailto:Janet.Craig@opco.com>]
Sent: Friday, January 24, 2014 9:58 AM
To: 'Candice Bernstein (tourcandy@gmail.com)'; 'Eliot Ivan Bernstein (iviewit@gmail.com)'
Subject: FW: BERNSTEIN FAMILY REALTY LLC - 2753 NW 34TH ST - HOMEOWNERS RENEWAL POLICY

Please see below.

Janet Craig
302-792-3502

From: Craig, Janet
Sent: Friday, January 24, 2014 9:36 AM
To: 'Judi Harden'
Subject: RE: BERNSTEIN FAMILY REALTY LLC - 2753 NW 34TH ST - HOMEOWNERS RENEWAL POLICY

Judi,

Please accept my apologies for the delay in responding.

The trusts that the Bernsteins were using to pay household bills have been fully depleted. Candice and Eliot have been told that there are no funds to pay household bills and they need to make alternate arrangements. Candice should not have directed you to us as we are unable to make any payments from the trusts.

Janet Craig, CTFA
Senior Vice President
Oppenheimer Trust Company of Delaware
405 Silverside Road
Wilmington, DE 19809
Tel: 302-792-3502
Fax: 302-792-3509
Email: Janet.Craig@opco.com

From: Judi Harden [<mailto:judi@masseyclarkfischer.com>]
Sent: Friday, January 17, 2014 11:08 AM
To: Craig, Janet
Subject: BERNSTEIN FAMILY REALTY LLC - 2753 NW 34TH ST - HOMEOWNERS RENEWAL POLICY
Importance: High

Janet:

I spoke to Candice this morning and was advised I needed to forward the attached paperwork to you.

Attached is the '14 renewal application and invoice for Mr. Bernstein's home.

Also, she advised I needed to get the correct mailing address for this policy for Mr. Bernstein's home. There is also a Tower Hill flood policy that renews in March that needs to be corrected. The flood policy is direct billed so the '14 renewal may have already been mailed to the physical address. Once I get the correct address I will amend the flood policy and email you the renewal invoice.

This homeowners policy will always be billed from the agency so you can go ahead and mail to this office in West Palm Beach the signed/completed application and your payment for binding – please forward before the expiration date of 2/5/14.

Please advise!

Thanks!

Judi Harden, ACSR
Senior Personal Lines Account Manager
Massey, Clark, Fischer, Inc.
Insurance & Financial Services
Since 1958

Phone: (561)478-1660, Ext 3765 Fax: (561)478-6876

My Direct Phone: (561)296-3765

My Direct Fax: (561)296-5212

E-mail: judi@masseyclarkfischer.com

Address: 400 Executive Center Drive, Suite 205 West Palm Beach, FL 33401

Visit our Virtual Insurance Office www.masseyclarkfischer.com

In our efforts to be environmentally conscious, this is being delivered to you via email and originals will not be mailed unless otherwise requested.

Please note we are a FULL SERVICE Agency and we can provide Life, Health, Disability, Long Term Care, Bonds, Auto, Home, Flood, complete Business Insurance coverage's including Property/Liability/Auto/Workers Compensation, 401(k) Retirement Plans and Employee Group Health/Dental/Life. Please let us know if we can show you any of these other plans we offer.

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IN THE CIRCUIT COURT FOR PALM BEACH COUNTY, FLORIDA

WILLIAM E. STANSBURY,

CIVIL DIVISION

Plaintiff,

CASE NO: 502012CA013933 MB AA

DIVISION: BLANC

vs.

**TED S. BERNSTEIN; DONALD TESCHER
and ROBERT SPALLINA, as Co-Personal
Representatives of the ESTATE OF SIMON
L. BERNSTEIN and as Co-Trustees of the
SHIRLEY BERNSTEIN TRUST AGREEMENT
dated May 20, 2008; LIC HOLDINGS, INC.;
ARBITRAGE INTERNATIONAL
MANAGEMENT, LLC, f/k/a ARBITRAGE
INTERNATIONAL HOLDINGS, LLC;
BERNSTEIN FAMILY REALTY, LLC,**

Defendants.

MOTION TO WITHDRAW AS COUNSEL OF RECORD

COME NOW, Mark R. Manceri, Esq., and Mark R. Manceri, P.A., pursuant to Rule 2.505 of the Florida Rules of Judicial Administration and hereby file this their Motion to Withdraw as Counsel of Record and in support thereof state, as follows:

1. MARK R. MANCERI, P.A. was retained by Donald R. Tescher and Robert L. Spallina, as Co-Personal Representatives of the Estate of Simon Bernstein; and Bernstein Family Realty LLC (hereinafter the "Clients") to represent them in these proceedings.
2. MARK R. MANCERI, ESQ. of MARK R. MANCERI, P.A. was the attorney responsible for rendering the legal services to the Clients.
3. Professional consideration(s) has arisen which prevent(s) the continued

representation of the Clients.

4. The mailing and e-mail addresses and the telephone numbers of the Clients are as follows:

Donald R. Tescher, Co-Personal Representative, 4855 Technology Way, Suite 720, Boca Raton, Florida 33431, e-mail: dtescher@tescherspallina.com; telephone number (561) 997-7008.

Robert L. Spallina, Co-Personal Representative, 4855 Technology Way, Suite 720, Boca Raton, Florida 33431, e-mail: rspallina@tescherspallina.com; telephone number (561) 997-7008.

Bernstein Family Realty, LLC, c/o Janet Craig, CTFA, Senior Vice President & Compliance Office, Oppenheimer Trust Company, 18 Columbia Turnpike, Florham Park, NJ 07932, e-mail: Janet.Craig@opco.com; telephone number (973) 245-4635..

WHEREFORE, MARK R. MANCERI, P.A. and MARK R. MANCERI, ESQ., hereby request that this Honorable Court enter an Order consistent with the relief requested herein allowing MARK R. MANCERI, P.A. and MARK R. MANCERI, ESQ. to withdraw and any other relief this Honorable Court deems just, equitable and proper.

MARK R. MANCERI, P.A.
Attorney for Donald R. Tescher and Robert L.
Spallina, as Co-Personal Representatives and
Bernstein Family Realty, LLC
2929 East Commercial Blvd., Suite 702
Ft. Lauderdale, FL 33308
Telephone: (954) 491-7099
E-mail: mrmlaw@comcast.net
mrmlaw1@gmail.com

By: 

Mark R. Manceri, Esq.
Florida Bar No. 444560

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by e-mail to the designated address(es) to all parties on the following Service List, this 10th day of January, 2014.

Mark R. Manceri, Esq.

SERVICE LIST

Peter M. Feaman, Esq.
Peter M. Feaman, P.A.
3615 West Boynton Beach Blvd.
Boynton Beach, Florida 33436

Alan B. Rose, Esq.
Page, Mrachek, Fitzgerald, et.al.
505 South Flagler Drive, Suite 600
West Palm Beach, Florida 33401

Donald R. Tescher, Co-Personal Representative
4855 Technology Way, Suite 720
Boca Raton, Florida 33431

Robert L. Spallina, Co-Personal Representative
4855 Technology Way, Suite 720
Boca Raton, Florida 33431

Bernstein Family Realty, LLC
c/o Janet Craig, CTFA
Senior Vice President & Compliance Office
Oppenheimer Trust Company
18 Columbia Turnpike
Florham Park, NJ 07932

**IN THE CIRCUIT COURT FOR
PALM BEACH COUNTY, FLORIDA**

**PROBATE DIVISION
FILE NO.: 502012CP004391XXXXSB IY
DIVISION: COLIN**

**IN RE: ESTATE OF

 SIMON BERNSTEIN

 Deceased.**

MOTION TO WITHDRAW AS COUNSEL OF RECORD

COME NOW, Mark R. Manceri, Esq., and Mark R. Manceri, P.A., pursuant to Rule 2.505 of the Florida Rules of Judicial Administration and hereby file this their Motion to Withdraw as Counsel of Record and in support thereof state, as follows:

1. MARK R. MANCERI, P.A. was retained by Donald R. Tescher and Robert L. Spallina, as Co-Personal Representatives of the Estate of Simon Bernstein (hereinafter the "Clients") to represent them in these proceedings.
2. MARK R. MANCERI, ESQ. of MARK R. MANCERI, P.A. was the attorney responsible for rendering the legal services to the Clients.
3. Professional consideration(s) has arisen which prevent(s) the continued representation of the Clients.
4. The mailing and e-mail addresses and the telephone numbers of the Clients are as follows:

Donald R. Tescher, Co-Personal Representative, 4855 Technology Way, Suite 720, Boca Raton, Florida 33431, e-mail: dtescher@tescherspallina.com; telephone number (561) 997-7008.

Robert L. Spallina, Co-Personal Representative, 4855 Technology Way, Suite 720, Boca Raton, Florida 33431, e-mail: rspallina@tescherspallina.com; telephone number (561) 997-7008.

WHEREFORE, MARK R. MANCERI, P.A. and MARK R. MANCERI, ESQ., hereby request that this Honorable Court enter an Order consistent with the relief requested herein allowing MARK R. MANCERI, P.A. and MARK R. MANCERI, ESQ. to withdraw and any other relief this Honorable Court deems just, equitable and proper.

MARK R. MANCERI, P.A.
Attorney for Donald R. Tescher and Robert L.
Spallina, as Co-Personal Representatives
2929 East Commercial Blvd., Suite 702
Ft. Lauderdale, FL 33308
Telephone: (954) 491-7099
E-mail: mrmlaw@comcast.net
mrmlaw1@gmail.com

By: 

Mark R. Manceri, Esq.
Florida Bar No. 444560

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by e-mail to the designated address(es) and U.S. mail, as noted, to all parties on the following Service List, this 10th day of January, 2014.



Mark R. Manceri, Esq.

SERVICE LIST

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