Dear Mr. O’Connell,

I just wanted to follow up with you regarding our call with Joy the other day. We informed her at that time that our family was facing an emergency with our three children’s school tuition. There has been a past due balance in the amount of $43,928.20 that is required to be paid by tomorrow, August 8, 2014, in order for them to receive re-enrollment contracts for the 2014-2015 school year. The deposit and tuition payment will be due by August 15, 2015 so that they can continue their education at Saint Andrews School where they have attended going on their seventh year as were the wishes, intent and paid for by Simon and Shirley. After Shirley passed, Simon paid the tuition including a payment on 9-6-12, a week before he passed. In reviewing the documents acquired by Tescher and Spallina, I came across the contract that stated Simon was the responsible party for payment. Please find attached. Robert Spallina did not continue the payments under Simon’s contract and we paid it. We were not informed that Simon’s estate was responsible for paying the school and have never been reimbursed the $63,124.19 that we paid the school directly under Simon’s contract.

At this time we are facing a true emergency. Again our son is to graduate high school this year and has already begun the college application process with his current college advisor. Our children are at risk of being removed from their school at this time and these actions are tragic and heartbreaking. We are looking to see if either we can be reimbursed from Simon’s estate for the Simon debt we paid or if need be an emergency loan to cover the cost of their tuition so that they are kept out of the family disputes and their lives are not ruined by these actions.

We have requested emergency interim distributions to Ted Bernstein and Alan Rose. We have exchanged emails regarding them making these payments out of trust funds that are designed for education purposes. They informed us they were requesting a hearing for a court order to do this. It has come to our attention they have not requested a hearing and refuse to answer back to us when, how and if they are making the payment to the school. Peter Feeman also reached out to them and encouraged them to not use the children as pawns. I have attached that letter for your review.

Our only other option is to request an emergency hearing from the court compelling Ted Bernstein to make the distribution from the trusts. We have found out that Judge Martin Colin is on vacation for two weeks. So we would have to try to have another Judge hear the request by tomorrow if we cannot work something out with you.

Thank you for your prompt attention to this matter. We regret having to bring this to you however we have no other options since Ted Bernstein and Alan Rose refuse to co-operate with the best interests of children at stake.

Best, Candice and Eliot Bernstein