STATEMENT OF FACTS – OPPENHEIMER TRUSTS

1. Robert Spallina and Donald Tescher of Tescher & Spallina directed Rachel Walker to turn over Legacy Bank checking accounts in the name of Bernstein Family Realty (BFR) to Candice Bernstein to begin writing checks approximately two months after Simon Bernstein’s death. Rachel had been writing checks from the account until that time.
2. BFR is owned in whole by Eliot and Candice’s three minor children.
3. Eliot, Candice and Rachel then contacted Legacy Bank to make sure Candice was authorized to write checks from the accounts.
4. Rachel told Legacy she was turning over the account to Candice to write checks because Simon was dead and she was fired by Ted Bernstein.
5. Legacy Bank was stunned to learn that Simon was deceased, a valued customer and informed Rachel that she was not a signor on the account or listed on the account and in no way could Candice write checks. After learning of Simon’s death, Legacy immediately froze the accounts and demanded to speak to the Executor/PR of the Estate.
6. Robert Spallina was contacted to contact Legacy regarding the frozen accounts and funds.
7. Spallina stated he was transferring the BFR accounts to Janet Craig of Oppenheimer Trust Co and stated she was also in charge of 3 trusts for Eliot and Candice’s children.
8. Spallina stated that Craig would be paying the bills of BFR and the children’s school from a new account he had opened at Oppenheimer for BFR and they would be transferring the funds from Legacy to Oppenheimer.
9. Despite repeated requests to Spallina for the account history from Legacy on the BFR account, no account history was tendered to show how much money was in the account at the time they froze the account.
10. Spallina then told Eliot and Candice that Janet Craig was the Manager for BFR and the Trustee for the children’s three trusts.
11. The Manager of BFR was Simon until he died and then the operating documents for the company stated the three members, Eliot’s children/Eliot and Candice as Guardians would have to vote a new manager in and this never occurred.
12. Several weeks after transferring the funds to Oppenheimer from Legacy, Janet Craig stated the new BFR account was out of funds.
13. Spallina directed Craig to then begin using the school trust fund accounts of the three minors to pay the BFR bills and stated when he got liquid cash in the estates and trusts he would replace and replenish the trust accounts as needed.
14. When funds were running low in the children’s trust funds Craig contacted Spallina to replace the missing funds and Spallina declined.
15. Craig then stated that she was resigning from the position of Manager of BFR and closing the trust accounts.
16. Craig stated she was turning over the manager position to Eliot Bernstein.
17. Craig instead then turned over records and information regarding BFR and the Trusts to Theodore Stuart Bernstein,(TED) again the transfer taking place without a proper meeting with the members voting as directed in the corporate operating agreement.
18. Craig stated Theodore would be responsible for the bills of BFR.
19. Theodore then stated after receiving all of this private and confidential information that he was not the Manager of BFR and knew nothing of Craig transferring the title to him, despite letters between them(Craig, Spallina, Ted) indicating that Theodore had accepted the transfer from Craig.
20. That Craig then stated she was still the manager, months later after denying same and again stated she was abdicating her duties as Manager of BFR and Trustee of the Trusts.
21. At some point Craig retained Robert Spallina as her counsel and paid him from the childrens trust funds.
22. That Craig then hired Stephen Lessne of Gray Robinson law firm and Eliot and Candice Bernstein contacted Lessne regarding his role as counsel in the children’s trusts and BFR.
23. Lessne contacted Eliot and Candice and stated that he was counsel for BFR in a lawsuit that was between Theodore Bernstein and William Stansbury and that he was counsel for the children’s trusts and suggested that Eliot and Candice take successorship as manager of BFR and Trustees for the Children’s Trusts.
24. Eliot and Candice refused and stated that Lessne should take action as counsel for BFR and counsel for the children to sue and investigate the actions of Spallina, Tescher, Theodore and Craig and others involved.
25. Lessne became slightly irate and it was then that Eliot and Candice asked him again who exactly he was representing and who was paying for his services.
26. Lessne then revealed that he was not acting as counsel for BFR or the children and instead was actually retained and acting on behalf of the Trustee of the Trusts and Manager of BFR, Craig/Oppenheimer, this after taking highly confidential and privileged information under the guise that he represented the Bernstein family in these matters.
27. Lessne then filed a civil lawsuit attempting to be discharged from the children’s trusts.
28. On \_\_\_\_\_\_\_\_\_\_\_ day, before Honorable Judge Martin Colin a hearing was held wherein Lessne tendered the following documents to the Court. [www.iviewit.tv/](http://www.iviewit.tv/)
29. The documents contain ALLEGED copies of the children’s trusts, Exhibit A, Exhibit B and Exhibit C. Pages \_\_\_\_\_\_
30. At the hearing when Lessne propounded the trust documents upon the Court, it was discovered that,
	1. initials on each page of the trusts were missing,
	2. signature pages were wholly missing on the trust for Daniel Bernstein that Oppenheimer had been operating under,
	3. that the named Trustee on Page 1 of the documents is alleged to be Traci Kratish, Esq. of Boca Raton, FL who the document claims is a male, while factually she is female,
	4. the named Trustee on Page 3 of the document contradicts Page 1 and claims that Steven I. Greenwald Esq. of Boca Raton, FL is Trustee and successor to him would be Larry V. Bishins, Esq. of FL,
	5. the documents chronological order of Trustees did not make sense according to other evidence regarding the trusts.
31. That after the hearing Lessne was contacted by Eliot Bernstein to turn over the documents and records in his possession to Eliot, see www.iviewit.tv/ so that Eliot could attempt to find a successor trustee as ordered by the Court.
32. That Lessne contacted Eliot and stated he had tendered the records already to Eliot, see [www.iviewit.tv/](http://www.iviewit.tv/) .
33. That on \_\_\_\_\_\_\_\_\_\_\_date Eliot, Candice and William Stansbury met with Traci Kratish, Esq. whereby Traci stated,
	1. she had never seen the document before,
	2. that she did not work for the Bernstein family at the time the document is allegedly signed,
	3. that she was not the original trustee in the document and was asked to be a trustee later, when Stanford Bank went into federal receivership due to the Sir Allen Stanford Ponzi scheme and it was only for a short time until Oppenheimer then became allegedly the successor of the trusts and this statement contradicts the chronological order as stated by Oppenheimer,
	4. that she never signed the trust documents as alleged in the documents.
34. That on December 12, 2014 Eliot and Candice contacted Steven I. Greenwald, Esq. after meeting with Detective Miller and Detective Panzer of the Palm Beach County Sheriff Office and he stated to them,
	1. he had never acted as Trustee for any Bernstein family member,
	2. he had no idea he was named in these three trusts as Trustee,
	3. that he had never and would never act as Trustee for any trusts of the Bernstein family due to the fact that his practice did not entail this type of work,
	4. that he had never accepted any trusteeship nor signed any documents or possessed any documents that named him as such.
35. That it is alleged that,
	1. 1
	2. 2
36. That the following documents and court filings provide additional information regarding these allegations and events.
	1. [www.iviewit.tv/](http://www.iviewit.tv/)
	2. [www.iviewit.tv/](http://www.iviewit.tv/)

All exhibited URL’s are hereby incorporated by reference in entirety herein.

Add in the dates that openheimer accounts were supposed to be transferred to JP Morgan around may of 2012