

IN THE CIRCUIT COURT OF THE  
FIFTEENTH JUDICIAL CIRCUIT, IN AND  
FOR PALM BEACH COUNTY, FLORIDA

PROBATE DIVISION

CASE NO.: 502014CP002815XXXXNB (IH)

OPPENHEIMER TRUST COMPANY  
OF DELAWARE, in its capacity as  
Resigned Trustee of the Simon Bernstein  
Irrevocable Trusts created for the benefit  
of Joshua, Jake and Daniel Bernstein,

Petitioner,

vs.

ELIOT AND CANDICE BERNSTEIN,  
in their capacity as parents and natural  
guardians of JOSHUA, JAKE AND  
DANIEL BERNSTEIN, minors,

Respondents.

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**OPPENHEIMER TRUST COMPANY OF DELAWARE’S OMNIBUS MOTION:  
(I) TO APPOINT A GUARDIAN *AD LITEM* FOR THE MINOR BENEFICIARIES OF  
THE “GRANDCHILDREN TRUSTS;” (II) TO HOLD ELIOT AND CANDICE  
BERNSTEIN IN CONTEMPT OF COURT FOR THEIR CONTINUED VIOLATION  
OF A COURT ORDER AND REPEATED STATEMENTS ASSAULTING THE  
DIGNITY OF THE COURT; AND (III) TO ESTABLISH A SCHEDULE AND  
PROTOCOL FOR ACCOUNTING AND TURNOVER PROCEEDINGS**

Petitioner, OPPENHEIMER TRUST COMPANY OF DELAWARE (“Oppenheimer”),  
as the resigned trustee of three irrevocable trusts created by the late Simon Bernstein for the  
benefit of his minor grandchildren, Joshua, Jake and Daniel Bernstein (the “Grandchildren  
Trusts”), files this Omnibus Motion, and in support hereof, submits the following memorandum  
of law:

## I. INTRODUCTION

On July 8, 2010, in *Palm Beach Circuit Court Case Nos. 502010CP003123XXXXSB, 502010CP003125XXXXSB and 502010CP003128XXXXSB* (the “2010 Proceedings”), the Honorable Martin Colin appointed Oppenheimer as successor trustee of the three small-value “Grandchildren Trusts” at issue in this case.<sup>1</sup> The Grandchildren Trusts were settled by Simon Bernstein for the benefit of his minor grandchildren, Joshua, Jake and Daniel Bernstein (the “Minor Beneficiaries”). The “Petitions to Appoint Successor Trustee” were filed in the 2010 Proceedings by Eliot and Candice Bernstein (the “Bernsteins”), as natural guardians of the Minor Beneficiaries, following the well-publicized collapse and receivership of then-trustee, Stanford Trust Company and its affiliates.

At the time Oppenheimer accepted the appointment (on July 30, 2010), Oppenheimer was unaware that Eliot Bernstein was an adjudicated vexatious litigant who was in the midst of a ten-year-long scorched-earth campaign “to bring about a change in the legal system in efforts to root out systemic corruption at the highest levels by a rogue group of criminals disguised as attorneys at law, judges, politicians, and more.” *See Bernsteins’ Counter-Complaint filed in this action at ¶ 212*. For multiple reasons, including difficulties in dealing with the Bernsteins and the lack of liquid trust assets with which to comply with their increasingly unreasonable requests, Oppenheimer resigned as trustee of the Grandchildren Trusts effective May 26, 2014<sup>2</sup> and, thereafter, filed the instant Petition to have a successor appointed and Oppenheimer’s final accountings approved.

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<sup>1</sup> Each of the Grandchildren Trusts contain a *de minimus* amount of cash, and interests in closely held companies which Oppenheimer intends to transfer to its successor in-kind (to the extent such interests are not required to be sold to pay administrative expenses, including Oppenheimer’s attorneys’ fees incurred in this resignation and accounting proceeding).

<sup>2</sup> The fact and validity of Oppenheimer’s resignation was recognized by Judge Colin in his Omnibus Order entered in this case on November 7, 2014 (DE 35), which granted Oppenheimer’s Motion for Partial Summary Judgment as to that issue (DE 23).

For over nineteen (19) months, the Bernsteins have delayed the appointment of a successor trustee, the termination of the Grandchildren Trusts and/or the approval of Oppenheimer's accountings. They did so by inventing and obfuscating issues, filing frivolous papers, ignoring and violating multiple court orders, engaging in delay tactics, filing serial motions to disqualify judges and serial appeals (or petitions for writs) every time a ruling didn't go their way, and publicly accusing a growing number of people (now including this Court) of conspiracy. The Bernsteins' actions have needlessly caused Oppenheimer to incur hundreds of thousands of dollars in attorneys' fees just to resign. Sadly, all such fees are chargeable to the Grandchildren Trusts and, ultimately, to the Minor Beneficiaries.

A guardian *ad litem* should be appointed because: (i) the Bernsteins have no independent standing in this matter; (ii) the Bernsteins are unfit to serve as the "litigation representatives" for their minor children, the real parties in interest; (iii) the Bernsteins' interests clearly and directly conflict with their minor children's interests; and (iv) Eliot Bernstein (now joined by Candice Bernstein) is an adjudicated, serial, vexatious litigant who has been enjoined from filing certain claims in any court (but who is violating that injunction in this case). The record in this case shows that the Bernsteins are irresponsibly pursuing their own scorched earth agenda without regard for what's in their children's best interests. In doing so, they increase the cost and length of litigation to the prejudice of the Minor Beneficiaries, the Court and all parties involved.

By this Motion, Oppenheimer seeks: (i) the appointment of a guardian *ad litem* to exclusively represent the Minor Beneficiaries in this action going forward; (ii) alternatively, to strike the Bernsteins' objections to Oppenheimer's accountings due to their continued violation of paragraph nine of Judge Colin's May 4, 2015 Order (DE 68) (which required compliance by

June 1, 2015); (iii) an order establishing a schedule and protocol for the conclusion of the already-commenced accounting proceedings, the turnover of trust assets to a successor trustee or guardian, and Oppenheimer's discharge; and (iv) such other relief deemed just and proper to protect the Minor Beneficiaries and Oppenheimer from the Bernsteins' costly and abusive conduct.

**II. FACTUAL AND PROCEDURAL BACKGROUND**

**A. Oppenheimer's Tenure as Trustee of the Grandchildren Trusts**

1. On July 7, 2010, the Bernsteins, as parents and natural guardians of the Minor Beneficiaries, filed three Petitions to Appoint [Oppenheimer as] Successor Trustee [of the Grandchildren Trusts] in Palm Beach County Circuit Court, Case Nos. 502010CP003123XXXXSB, 502010CP003125XXXXSB and 502010CP003128XXXXSB, citing to the court-ordered dissolution of then-trustee, Stanford Trust Company.

2. On July 8, 2010, Judge Martin Colin entered *Final Orders on Petition to Appoint Successor Trustee*, appointing Oppenheimer as the successor trustee of each of the Grandchildren Trusts. Copies of the Final Orders are attached hereto as Exhibits "A" through "C." Those Final Orders were never challenged or appealed. On July 30, 2010 Oppenheimer formally accepted the appointments.

3. From July 30, 2010 through April 22, 2014, the Bernsteins requested distributions from the Grandchildren Trusts for the benefit of the Minor Beneficiaries and the family in general, and they accepted the benefits of the Grandchildren Trusts.

4. Because of the difficulty in dealing with the Bernsteins, and the lack of liquid trust assets to administer the Grandchildren Trusts in the manner requested by the Bernsteins, by letter dated April 22, 2014 (the "Notice of Resignation"), Oppenheimer resigned as trustee effective May 26, 2014. A copy of the Notice of Resignation is attached hereto as Exhibit "D."

5. Each of the Grandchildren Trusts provide, in relevant part, as follows:

**5.2 Resignation.** Any Trustee may resign by giving 30 days' written notice delivered personally or by mail to any then serving Co-Trustee and to the Settlor if he is then living and not disabled; otherwise to the next named successor Trustee, or if none, to the persons having power to appoint successor Trustees.

**5.3 Power to Name Other Trustees.** Whenever a successor Trustee is required and that position is not filled under the terms specified in this Trust Agreement, an individual Trustee ceasing to serve (other than a Trustee being removed) may appoint his or her successor, but if none is appointed, the remaining Trustees, if any, or the beneficiary shall appoint a successor Corporate Trustee. The appointment will be by a written document (including a testamentary instrument) delivered to the appointed Trustee. In no event may the Settlor ever be appointed as the Trustee under this Trust Agreement nor shall a Successor trustee be appointed that will cause this trust to be a grantor trust.

6. Similarly, Section 736.0705, Florida Statutes, entitled "Resignation of trustee," provides, in relevant part, as follows:

**(1) A trustee may resign:**

**(a) Upon at least 30 days' notice to the qualified beneficiaries, the settlor, if living, and all cotrustees...**

7. Section 736.0704, Florida Statutes, entitled "Vacancy in trusteeship; appointment of successor," provides, in relevant part, as follows:

**(3) A vacancy in a trusteeship of a noncharitable trust that is required to be filled must be filled in the following order of priority:**

**(a) By a person named or designated pursuant to the terms of the trust to act as successor trustee.**

**(b) By a person appointed by unanimous agreement of the qualified beneficiaries.**

**(c) By a person appointed by the court.**

8. Fla. Stat. § 736.0707 requires a resigned trustee to deliver trust property to a successor trustee or other person entitled to the property, and provides that the resigned trustee

has the duties of a trustee, and the power necessary to protect the trust property, until the property is so delivered.

**B. The Bernsteins Failed To Nominate a Successor Trustee, Despite Court Order**

9. In the Notice of Resignation, Oppenheimer requested that the Bernsteins, as natural guardians of the Minor Beneficiaries, nominate a successor corporate trustee, as required by the terms of the Grandchildren Trusts. They failed to do so.

10. On June 13, 2014, Oppenheimer filed the instant Petition (DE 1), requesting, in Count I, instructions regarding the delivery of the assets of the Grandchildren Trusts in light of Oppenheimer's resignation. *See Petition*, ¶ 1. Oppenheimer asked this Court to "either (i) appoint a successor trustee to whom Oppenheimer may deliver the Trust property or (ii) terminate the Trusts and permit Oppenheimer to deliver the Trust property to Eliot and Candice Bernstein, as the natural guardians of the Trusts' beneficiaries." *See Petition*, ¶ 19.

11. On October 20, 2014, Judge Colin heard argument on Oppenheimer's Motion for Partial Summary Judgment as to Count I of its Petition (DE 23) and granted the Motion, ruling that Oppenheimer had validly resigned on May 26, 2014. *See November 7, 2014 Omnibus Order (DE 35) at ¶ 1.*

12. Because the Bernsteins objected to the termination of the Grandchildren Trusts, Judge Colin ordered the Bernsteins to "submit the name and address of a proposed successor trustee to the Court, Oppenheimer's counsel and the proposed Successor Trustee" by October 30, 2014. *Id.* The Bernsteins failed to comply with that Order.

13. On February 26, 2015, following a "Status Check" hearing, Judge Colin again ordered the Bernsteins to designate a proposed successor corporate trustee. *See February 26, 2015 Order on Status Check (DE 52).*

14. Later that day, the Bernsteins provided the names of three corporate trustees to Oppenheimer's counsel (without supplying the names of contact people). The Bernsteins sarcastically wished Oppenheimer's counsel "[g]ood luck finding someone!" See Exhibit "E."

15. On February 27, 2015, Oppenheimer's counsel contacted the three corporate trustees proposed by the Bernsteins, informed them of the reason for the call and the nature and value of the assets of the Grandchildren Trusts (as set forth in the accountings previously filed with the Court). Oppenheimer later reported to the Court that the three proposed trustees had declined the appointment. See *Oppenheimer's February 27, 2015 Notice to Court That Respondents' Proposed Successor Trustees Have Declined the Appointment* (DE 54).

16. On March 31, 2015, at a hearing on multiple motions (DE 53), the Bernsteins proudly reported that an Illinois attorney, JoAnne Denison, had agreed to serve as successor trustee. The undersigned, as an officer of the court, presented the Court with documentation confirming that the Hearing Board of the Illinois Attorney Registration and Disciplinary Commission had recommended that Ms. Denison be suspended from the practice of law for three years for making "false statements concerning the integrity of judges, knowing they were false or with reckless disregard for their truth or falsity, and engaged in dishonest conduct and conduct prejudicial to the administration of justice." See Exhibit "F" ("*Report and Recommendation of the Illinois Attorney Registration and Disciplinary Commission, Commission No. 2013PR0001, filed November 21, 2014*"). The undersigned also presented the Court with a copy of a recent Order entered by the United States Court of Appeals for the Seventh Circuit in which the court found that Ms. Denison and a colleague had "launched a crusade" against judges and lawyers involved in a particular matter, accusing them of "theft, bribery and other misconduct." *Denison v. Stern, Case No. 14 C 375 (7<sup>th</sup> Cir. 2014)*. The

Seventh Circuit reprimanded Ms. Denison for moving her “campaign of vilification from the Internet to the courthouse” and warned Ms. Denison that “frivolous litigation will not be tolerated.” *Id.* When asked by Judge Colin whether the Bernsteins knew of Ms. Denison’s background and still wanted her to serve as their children’s trustee, Mr. Bernstein responded in the affirmative, at which time the Court informed the Bernsteins that it would not accept Ms. Denison as a successor trustee. At that time, rather than permitting the termination of the Grandchildren Trusts, Mrs. Bernstein requested one additional week to find an alternate, suitable, Florida trustee for the court to consider. The Court granted Mrs. Bernstein’s request and re-set the hearing for April 7, 2015.

17. At the time of the continued hearing on April 7, 2015, the Bernsteins had not identified any alternate trustee (corporate or otherwise) that has acknowledged that it, he or she is willing to serve as a successor trustee. The Bernsteins still have not done so as of the filing of this Motion, nor have they consented to the termination of the Grandchildren Trusts.

C. **The Bernsteins Disobey Court Orders Regarding the Accounting Proceedings, and Make the Proceedings Unduly Expensive**

18. In Count II of the instant Petition, Oppenheimer requested Court review and approval of its final accountings.

19. On November 7, 2014, this Court entered an Order providing, in relevant part, as follows:

Oppenheimer may file and serve final accountings for each of the Grandchildren Trusts with the Court. **Within twenty (20) days after Oppenheimer files and serves its final accountings, the Bernsteins, as natural guardians of the minor beneficiaries, may file form, line-item objections to the final accountings.** Thereafter, the Court will conduct appropriate proceedings on the final accountings.

The Court withholds ruling on Oppenheimer’s Motion to Appoint Guardian *Ad Litem* for Minor Beneficiaries, but may reconsider



Oppenheimer's Motion after the Bernsteins file their objections to the final accounting or at a later date.

*See November 7, 2014 Omnibus Order (DE 35) (emphasis supplied).*

20. Oppenheimer filed and served its final accountings on December 17, 2014 (DE 38).

21. On January 22, 2015, the Bernsteins filed a document entitled "**Objection to Final Accounting; Petition for Formal, Detailed, Audited and Forensic Accounting and Document Production**" (DE 40) (the "Objection").<sup>3</sup>

22. The Bernsteins filed the Objection "**individually and on behalf of [their] minor children, who are *alleged* qualified beneficiaries of Settlor's Estate and Trusts...**"

*See Objection, p. 20 (emphasis supplied).*<sup>4</sup>

23. The Objection challenges not only the final accountings, "in toto," but also the authenticity and validity of the Grandchildren Trusts, the Minor Beneficiaries' rights under the Grandchildren Trusts, and Oppenheimer's status as trustee.<sup>5</sup> Specifically, the Bernsteins:

- Object to the validity of the Grandchildren Trusts as being "alleged and legally deficient trusts," Objection, p. 1 (see fn 5 herein);
- Object to Oppenheimer's standing as trustee and characterize Oppenheimer as the "alleged Successor Trustee," Objection, p. 2 (see fn 5 herein);
- "Object to all withdrawals of trust funds by [Oppenheimer] and allege that they were done fraudulently and without proper documentation and converted to improper parties as part of a larger fraud on the beneficiaries of the

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<sup>3</sup> The Objection violated the Omnibus Order in three ways: (i) it was not served within twenty days; (ii) it contains more than "form, line-item objections;" and (iii) it purports to assert objections in the Bernsteins' individual capacities, rather than "as natural guardians of the minor beneficiaries."

<sup>4</sup> The Objection (and prior filings, including the Bernsteins' Counter-Complaint (DE 14)) leaves no doubt that that the Bernsteins are questioning the validity of the Grandchildren Trusts and/or the minor beneficiaries' rights thereunder. Such a position puts the Bernsteins squarely at odds with their children.

<sup>5</sup> Any challenges to the validity of the Grandchildren Trusts and/or the authority of Oppenheimer to administer the Grandchildren Trusts were required to be made in the 2010 Proceedings pursuant to which Oppenheimer was appointed. Any such challenges raised in these proceedings are barred by *res judicata*, collateral estoppel and other preclusion doctrines.

[Grandchildren Trusts] and the beneficiaries of the Estates and Trusts of Simon and Shirley Bernstein...” Objection, p. 2, ¶ 3 (emphasis supplied);<sup>6</sup>

- Object that the “[t]rustees named in the document conflict with each other knowing who the Trustee actually was in the alleged trust document impossible to determine,” Objection, p. 3, ¶ 7 (see fn 5 herein);
- Object that the trust accounting begins on the date Oppenheimer became accountable as successor trustee, and does not encompass periods when prior trustees were accountable, Objection, p. 5, ¶ 20 (*but see* Fla. Stat. § 736.07135, providing that a trust accounting must only report information “... from the date on which the trustee became accountable...”);
- Object to the “whole accounting” because “[a]ccount balances beginning and ending cannot be confirmed or reconciled,” Objection, p. 5, ¶ 21;
- Object to each and every section of the accountings, **“in toto”**, as follows:
  - The entire “Summary Accounting” (Summary of Account) section, Objection, p. 5, ¶¶ 19-22;
  - The entire “Receipts of Principal” section (pages 1-2 of the accountings), Objection, p. 6, ¶¶ 23-26;
  - The entire “Gains and Losses on Sales and Other Dispositions” section (pages 3-17 of the accountings), Objection, p. 10, ¶¶ 36-38;
  - The entire “Other Receipts Allocable to Principal” section (page 18 of the accountings), which section is comprised solely of “Income Taxes – Refunds” entries, Objection, p. 11, ¶¶ 39-42;
  - The entire “Disbursements of Principal” section (pages 19-20 of the accountings), including:
    - All “Accounting Fees,” Objection, p. 11, ¶¶ 43-45;
    - All “Fiduciary Fees,” Objection, p. 11, ¶¶ 46-48; and
    - All “Income Taxes,” Objection, p. 12, ¶¶ 49-52;
  - The entire “Distributions of Principal for Beneficiaries” section (pages 21-27 of the accountings), Objection, p. 12, ¶¶ 53-56;
  - The entire “Principal Balance on Hand” section (page 28 of the accountings), Objection, p. 14, ¶¶ 61-64;

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<sup>6</sup> Oppenheimer has never acted in a fiduciary capacity in connection with any Simon or Shirley Bernstein estate or trust other than the Grandchildren Trusts.

- The entire “Information Schedules” section (pages 29-33 of the accountings), which is comprised solely of “Changes in Investment Holdings” entries, Objection, p. 14, ¶¶ 66-69;
- The entire “Receipts of Income” section (pages 34-48 of the accountings), including:
  - All “Dividends” entries, Objection, p. 14, ¶¶ 70-73; and
  - All “Interest” entries, Objection, p. 14, ¶¶ 74-77; and
- Finally, the entire “Disbursement of Income” section (pages 49-50 of the accountings), including:
  - All “Accountant Fees” entries, Objection, p. 16, ¶ 78-80;
  - All “Fees and Commissions” entries, Objection, p. 16, ¶ 81; and
  - All “Fiduciary Fees” entries, Objection, p. 16, ¶¶ 82-84;

24. Because the vast majority of the Bernsteins’ objections were based upon alleged lack of documentation, Oppenheimer culled and produced nearly 2,000 pages of backup documentation related to each line item of the accountings.<sup>7</sup> Further, Oppenheimer provided the Bernsteins and the Court with annotated copies of the accountings which cross-reference each line item in the accountings to the backup documents supporting each line item. *See Exhibits “G” through “I.”* Nevertheless, the Bernsteins maintained each and every one of their objections.

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<sup>7</sup> Oppenheimer produced documents Bates-stamped **OPP0001-1521**, a Business Records Certification and three public records related to real property on March 10, 2015. *See* Oppenheimer’s “Notice of Production,” “Notice of Intent to Introduce Evidence By Means of Business Records Certification,” and “Request for Judicial Notice” filed with the Court on March 10, 2015 (DE 57-60). Oppenheimer produced documents Bates-stamped **OPP1522-1828**, a Business Records Certification and three Summaries of tax reporting and refund information on April 8, 2015. *See* Oppenheimer’s “Notice of Production,” “Notice of Intent to Introduce Evidence By Means of Business Records Certification,” and “Notice of Intent to Rely on Summaries” filed with the Court on April 8, 2015 (DE 63-65).

**D. The Bernsteins Remain In Violation of Judge Colin's Latest Order**

25. Before recusing himself, Judge Colin held two evidentiary hearings on the Bernsteins' Objection, each time necessitating the attendance of Oppenheimer's out-of-state principals and trial-like preparations, at considerable expense.

26. On March 17, 2015, the Court considered and ruled upon objections 1 through 5, and at the continued hearing on April 20, 2015, the Court considered and ruled upon objections 6 through 27 (out of 90 total objections). By the time of his recusal on May 19, 2015, Judge Colin had not sustained a single one of the Bernsteins' objections. *See May 4, 2015 Order From April 20, 2015 Continued Hearing On Respondents' Objection to Final Accounting (DE 68)*.

27. In paragraph 9 of the May 4, 2015 Order, Judge Colin ruled that:

With regard to objections 12, 13, 23, 26, and 28 through 90, in light of [the Bernsteins'] claim that they have had insufficient time to review the backup documents produced by [Oppenheimer], [the Bernsteins] shall file a notice with this Court, **on or before June 1, 2015**, indicating which of these objections they are abandoning in light of [Oppenheimer's] production of documents. For each objection that [the Bernsteins] do not abandon, [they] shall give a one-sentence reason why they are not abandoning the objection.

*See May 4, 2015 Order From April 20, 2015 Continued Hearing On Respondents' Objection to Final Accounting (DE 68) (emphasis supplied).*

28. The Bernsteins violated paragraph nine of the May 4, 2015 Order because they failed to file the required notice, withdraw any objections or state their reasons for not doing so, by June 1, 2015. They still have not done so six months later despite their clear ability to do so. Therefore, the Bernsteins remain in willful violation of the May 4, 2015 Order.

**E. The Bernsteins' Interests Are Inconsistent With Their Children's Interests**

In their pleadings, the Bernsteins proudly state that **their overarching goal in litigating this case is “to bring about a change in the legal system in efforts to root out systemic corruption at the highest levels by a rogue group of criminals disguised as attorneys at law, judges, politicians, and more.”** *Counter-Complaint* ¶ 212. No reasonable inference can be drawn that the Minor Beneficiaries have a similar interest or agenda, or that pursuing such a broad agenda is in their best interest. In addition to the inescapable conclusion that the Bernsteins' choice to engage in unnecessary, wasteful litigation to achieve their personal, “overarching goal” on their children's dime is not in their children's best interest, the Bernsteins have confirmed in their pleadings, and in the pending Objection, that they have interests which conflict with those of the Minor Beneficiaries. For instance, in their Counter-Complaint:

- The Bernsteins allege that ***beneficiary designations were changed from him to his children based upon fraudulent documents and frauds on this Court.*** *Counter-Complaint*, ¶ 253.
- The Bernsteins allege that “approximately 1/3 of all assets [are] ***either going to Eliot or his children or a combination of both depending on how this Court rules regarding the validity of the Wills and Trusts that have been challenged*** and already found fraught with fraud, fraudulent notarizations, improper notarizations, forgeries and more.” *Counter-Complaint*, ¶ 186.
- The Bernsteins allege that Mr. Bernstein himself is a beneficiary of the Grandchildren Trusts. Specifically, **they allege that “Simon and Shirley [Bernstein] set up [the Grandchildren Trusts and Bernstein Family Realty, LLC] while living, in order to fund all of their living expenses, due to the fact that Eliot has had a bomb put in his car, death threats and is in the middle of a very intense RICO and ANTITRUST lawsuit where he and his family have been in grave danger for many years fighting corruption inside the very framework of the legal system.”** The Bernsteins allege that the Grandchildren Trusts were “set up by Simon and Shirley [Bernstein] for the benefit of Eliot, Candice and their children.” *Counter-Complaint*, ¶¶ 109-110.

- Sixteen of the trust agreements identified as counterclaim-defendants are described as having beneficiaries including but not limited to “Eliot and/or his children or both.” See *Counter-Complaint*, ¶¶ 44-50, 52-60, 65.

Similarly, in their pending Objection, the Bernsteins refer to their children as the “alleged” beneficiaries and are continuing to frustrate the Minor Beneficiaries’ ability to receive any part of their trust assets by engaging in spurious, expensive litigation, no doubt in furtherance of their personal, “overarching goal” to raze the judicial system.

**F. The Bernsteins Have A Long and Proud History Of Vexatious Litigation**

As set forth in detail in Oppenheimer’s original *Motion to Appoint Guardian Ad Litem For Minor Beneficiaries* filed September 14, 2014 (DE 31),<sup>8</sup> Mr. Bernstein’s crusade against the legal system and its professionals and institutions began more than a decade ago, in 2003. In the last 13 years, Mr. Bernstein’s efforts have intensified, his “litigation skills” have been polished, and he has diversified his campaign into multiple trial and appellate courts where he defames and preys upon an ever-growing number of alleged “conspirators,” including judges and litigation counsel.

Since he began his crusade, Mr. Bernstein has filed countless Bar complaints, complaints against police agencies, petitions to protect him from police agencies, federal lawsuits against the Florida Bar, the Virginia Bar, the State of New York and hundreds of defendants, including lawyers, judges and lawmakers, and even a United States Supreme Court petition. Throughout one matter -- litigation pending in the United States District Court for the Southern District of New York (the “New York Court”) -- Mr. Bernstein made inflammatory and defamatory statements about the defendants, judges and others. His Complaint was ultimately dismissed on the merits, but he refused to acknowledge defeat. Instead, he pursued

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<sup>8</sup> The contents of the September 14, 2014 Motion are incorporated here by reference. Judge Colin never read or ruled on that Motion. Oppenheimer respectfully requests that the Court review that Motion along with the instant Motion, so that it has full context for its decision.

the action on appeal and in independent proceedings for another five years. Ultimately, the New York Court sanctioned Mr. Bernstein for repeatedly filing frivolous papers. *Eliot I. Bernstein v. State of New York, et al, Case No. 1:07-cv-11196 (DE 154), Order on Motion for Sanctions (S.D. N.Y. August 29, 2013)*. See Exhibit “J.” Among other sanctions, the Court enjoined Mr. Bernstein as follows:

**Eliot I. Bernstein is hereby enjoined from filing any action in any court related to the subject matter of this action without first obtaining leave of this Court. In moving for such leave, Bernstein must certify that the claim or claims he wishes to present are new claims never before raised and/or disposed of by any court. Bernstein must also certify that claim or claims are not frivolous or asserted in bad faith. Additionally, the motion for leave to file must be captioned ‘Application Pursuant to Court Order Seeking Leave to File.’ Failure to comply strictly with the terms of this injunction shall be sufficient grounds for denying leave to file and any other remedy or sanction deemed appropriate by this Court.**

*Id.* (emphasis supplied). Mr. Bernstein expressed his contempt for the court and the proscriptions of Rule 11 by stating the following in his Rule 11 opposition: **“Bernstein is notifying Proskauer and this Court that he will have a lifelong and generational long litigious history in pursuing his patent royalties...”** *Id.* (emphasis supplied).

In the Bernsteins’ latest pleading – the now-stayed “Counter-Complaint” filed in this action -- the Bernsteins’ purport to assert claims in more than 20 capacities against Oppenheimer and all of its

current and former divisions, affiliates, subsidiaries, stockholders, parents, predecessors, successors, assignors, assigns, partners, members, officers, directors, trustees, employees, agents, administrators, representatives, attorneys, insurers and fiduciaries,

and against seventy-six (76) additional counterclaim-defendants (not including “John Doe’s 1-5000”), and all of their

current and former divisions, affiliates, subsidiaries, stockholders, parents, predecessors, successors, assignors, assigns, partners, members, officers, directors, trustees, employees, agents, administrators, representatives, attorneys, insurers and fiduciaries.

*See Bernsteins' Answer and Counter-Complaint (DE 14).*

In contempt of the New York Court's Injunction, the Bernsteins' Counter-Complaint raises enjoined claims. For instance:

- The Bernsteins expressly incorporate the allegations of the New York lawsuit, and joined several of the same defendants, in their Counter-Complaint. *See Counter-Complaint*, ¶¶ 61-64, 217, 223.
- The Bernsteins allege that they are “pursuing Defendants, Proskauer Rose LLP, Gerald Lewin, CPA and Albert Gortz, Esq. as the main parties involved in the theft of Simon and Eliot’s Intellectual Properties.” *See Counter-Complaint*, ¶ 217.
- The Bernsteins allege “[t]hat Defendant’s [sic] Oppenheimer and JP Morgan were both initially involved in Eliot’s technologies and signed various agreements with the companies that held the Intellectual Properties...” *See Counter-Complaint*, ¶ 223.

To make matters worse, when the case was re-assigned to Judge Howard Coates after Judge Colin’s recusal, Mr. Bernstein successfully persuaded Judge Coates to recuse himself, citing to the fact that Judge Coates’ old law firm, Proskauer Rose, was (wrongfully) named as a defendant in the Bernsteins’ Counter-Complaint. Not only is Mr. Bernstein violating the New York Court’s injunction by filing unauthorized pleadings, he is using the enjoined pleadings to mislead judges, complicate issues and cause expense and delay in this case.

And just as the Bernsteins publicly disparaged and disrespected judges in the New York case and elsewhere, they continue to show contempt for the multiple judges that have presided over this case, and other Florida judges and Justices. For example, in their Florida Supreme Court filing related to this case, entitled “*Petition for All Writs, Writ of Prohibition, Writ of Mandamus and Petition to Stay Cases and Temporarily Restrain Sale, Transfer, Disposition of any Asset and for Preservation of all Evidence*” (the “Supreme Court Petition”), the Bernsteins



allege “fraud by the court,” that “Judges are involved on the attempt to fix and silence the crimes of other members of the Florida Bar and others,” that “two Florida judges [Colin and French]... [are] involved in the criminal acts described herein,” and that all Florida Supreme Court Justices are complicit. *See Supreme Court Petition, pp. 5-6.* The Bernsteins claim that, due to their own conduct in pursuing broad conspiracy claims against all three branches of government, no court (or at least no Florida court) is unbiased enough to preside over his claims.<sup>9</sup>

What the Bernsteins conduct in this case and others shows is that the Bernsteins are unable to fathom even the possibility that a judge can make an adverse ruling because it is the right ruling. When the Bernsteins lose and appeal, they consistently allege, not that the judge got the law or facts wrong or made a mistake, but rather that the judge is a criminal fraudster involved in a broad conspiracy with the lawyers in the room and others well beyond the room. This level of contempt alone (unsupported by evidence) makes the Bernsteins unfit to serve as anyone else’s representative in court. Indeed, if the Bernsteins are to be believed, their children will fare much better in the courts if they are not burdened by their parents real or imagined reputation within the legal community.

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<sup>9</sup> The Supreme Court Petition begins (at pp. 2-3) as follows:

**WARNING:**  
**POTENTIAL CONFLICTS OF INTEREST**

Eliot Ivan Bernstein has pursued in investigations since early 2000 to present, including a Petition to the White House, the White House Counsel's Office, the US Attorney General's Office, investigations to the SEC, FBI, and various State Attorney Generals, and actions with the USPTO, and other legal actions, including RICO and ANTITRUST civil litigation and criminal complaints several Florida Supreme Court Justices, The Florida Bar, several New York Supreme Court Justices, the New York Supreme Court Disciplinary Agencies 1st & 2nd, several large law firms and lawyers, political figures at the highest levels in both Florida and New York and others and this may cause any review of the following matters by any member of The Florida Bar, a subsidiary of the Florida Supreme Court, with any title in the organization, to prejudice the rights of Eliot Bernstein and his family and will be construed as a denial of due process that obstructs justice.

### III. ARGUMENT

#### A. The Court Should Appoint A Guardian *Ad Litem* For the Minor Beneficiaries

Courts should not permit a parent to act as a child's litigation representative where "it appears that the [parent] has interests which may conflict with those of the [child]." *1 Leg. Rts. Child. (Legal Rights of Children) Rev. 2d § 12:3 (2d ed. 2013)*, citing *Mistretta v. Mistretta*, 566 So. 2d 836, 837 (Fla. 5th DCA 1990) (other internal citations omitted). In this case, the Court cannot reasonably conclude that the Minor Beneficiaries' separate interests in the Grandchildren Trusts and their assets "will be fully protected" by the Bernsteins. The Bernsteins have challenged their children's rights under the Grandchildren Trusts and continue to ignore court orders and engage in a litigation strategy which virtually guarantees the dissipation of the remaining trust assets. Accordingly, the appointment of a guardian *ad litem* is mandatory. See *Mistretta* 566 So. 2d at 837-38 (denial of due process occurs when the interests of the child may be adverse to the interests of the parent); *Johns v. Dep't of Justice*, 624 F.2d 522 (5th Cir.1980); *Smith v. Langford*, 255 So.2d 294 (Fla. 1st DCA 1971). *Chapman v. Garcia*, 463 So.2d 528 (Fla. 3d DCA 1985).

Similarly, Fla. Stat. §§ 731.303(4) and 736.0305(1) and Fla. Prob. R. 5.120(a) provide authority for the appointment of a guardian *ad litem* in proceedings involving estates or trusts if the court determines that representation of a minor's interest otherwise would be inadequate. In this case, the Bernsteins' representation of the Minor Beneficiaries is not only inadequate; it is actually harming the minors' interests in their trusts.

Oppenheimer requests that a guardian *ad litem* be appointed, that all of the Bernsteins' pleadings (including their Objection and Counter-Complaint which they purported to file in

their individual capacities) be stricken, and that the guardian *ad litem* be given a reasonable amount of time to respond to the Petition and file appropriate accounting objections.

**B. The Bernsteins Should Be Sanctioned and/or Held In Contempt Of Court For Violating The Court's May 4, 2015 Order (DE 68)**

Paragraph 9 of the May 4, 2015 Order provides as follows:

**With regard to objections 12, 13, 23, 26, and 28 through 90, in light of [the Bernsteins'] claim that they have had insufficient time to review the backup documents produced by [Oppenheimer], [the Bernsteins] shall file a notice with this Court, on or before June 1, 2015, indicating which of these objections they are abandoning in light of [Oppenheimer's] production of documents. For each objection that [the Bernsteins] do not abandon, [they] shall give a one-sentence reason why they are not abandoning the objection.**

The Bernsteins willfully violated paragraph nine of the May 4, 2015 Order because they failed to file the required notice by June 1, 2015, and still have not done so six months later. Accordingly, unless this issue is deemed moot by the appointment of a guardian *ad litem*, the Bernsteins should be sanctioned and/or held in contempt of court.

1. **Inherent Authority to Sanction for Violation of Court Order**

A “deliberate and contumacious disregard of the court's authority” may justify the striking of a party’s pleadings without a finding of contempt. *Swindle v. Reid*, 242 So. 2d 751 (Fla. 4th DCA 1970). So will “bad faith, willful disregard or gross indifference to an order of the court, or conduct which evinces deliberate callousness.” *Herold v. Computer Components International, Inc.*, 252 So. 2d 576 (Fla. 4th DCA 1971); *Paranzino v. Barnett Bank of South Florida, N.A.*, 690 So. 2d 725 (Fla. 4th DCA 1997); *Cem-A-Care of Florida, Inc. v. Automated Planning Systems, Inc.*, 442 So. 2d 1048 (Fla. 4th DCA 1983).

Courts traditionally have broad authority through means other than contempt - such as by striking pleadings, assessing costs, excluding evidence, and entering default judgment - to penalize a party's failure to comply with the rules of conduct governing the

litigation process. Such judicial sanctions never have been considered criminal, and the imposition of civil, coercive fines to police the litigation process appears consistent with this authority. Similarly, indirect contempts involving discrete, readily ascertainable acts, such as turning over a key or payment of a judgment, properly may be adjudicated through civil proceedings since the need for extensive, impartial fact-finding is less pressing.

*International Union, United Mine Workers of America v. Bagwell*, 512 U.S. 821, 833 (1994)

(internal citations omitted).

The above facts illustrate the Bernsteins' continuing pattern of ignoring and violating Court orders and failing to acknowledge the Court's authority. Accordingly, an order striking the Bernsteins' Objection to Oppenheimer's accountings is appropriate.

## 2. Holding a Party in Contempt for Violation of a Court Order

“A refusal to obey any legal order, mandate or decree, made or given by any judge either in term time or in vacation relative to any of the business of said court, after due notice thereof, shall be considered a contempt, and punished accordingly.” *Fla. Stat. § 38.23 (2010)*.

A violation of a court order can form the basis for a finding of either civil or criminal contempt.<sup>10</sup> See *International Union, United Mine Workers of America v. Bagwell*, 512 U.S. 821, 833 (1994) (“Certain indirect contempts nevertheless are appropriate for imposition through civil proceedings. Contempts such as failure to comply with document discovery, for example, while occurring outside the court's presence, impede the court's ability to adjudicate the proceedings before it and thus touch upon the core justification for the contempt power.”);

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<sup>10</sup> Contempt is categorized as direct and indirect, civil and criminal. Criminal contempt, direct or indirect, “is conduct directed against the authority and dignity of the court or the judge in his judicial capacity.” *Trawick, Fla. Prac. and Proc.*, §27-6. Acts categorized as “direct criminal contempt” are committed “in the presence of the court or so near it as to interrupt or hinder judicial proceedings,” whereas acts classified as “indirect criminal contempt” are those that “tend[] to obstruct, interrupt, hinder or embarrass the administration of justice, but which [are] committed at a distance.” *Id.* Civil contempt is “the failure to do something ordered by the court for the benefit of a party in a civil action.” *Id.*

see also *Lo. v. Lo*, 878 So. 2d 424 (Fla. 3rd DCA 2004) (noting that “[r]epeated disregard of court orders and lack of candor by a party toward the Court justifies findings of either civil contempt or indirect criminal contempt). Whether the conduct is sought to be addressed by civil or criminal means depends upon the Court’s purpose in holding the contemnor in contempt – to punish for past conduct (criminal) or to secure future compliance (civil). See *Berlow v. Berlow*, 21 So. 3d 81, 84 (Fla. 3d DCA 2009); *Perez v. Perez*, 599 So. 2d 682, 683 (Fla. 3d DCA 1992).

(a) Civil Contempt

Civil contempt sanctions, or those penalties designed to compel future compliance with a court order, are considered to be coercive and avoidable through obedience, and thus may be imposed in an ordinary civil proceeding upon notice and an opportunity to be heard. See *Nical of Palm Beach, Inc. v. Lewis*, 981 So. 2d 502 (Fla. 4th DCA 2008). In civil contempt proceedings, willfulness is immaterial and not a necessary element. *Dep’t of Transportation v. Burnette*, 399 So. 2d 51, 52 (Fla. 1st DCA 1981); see also 17 *Am. Jur. 2d Contempt* § 27 (in a civil contempt action, “contempt does not require that disobedience be deliberate or willful, and a mere act of disobedience, regardless of motive, is sufficient.”). The standard of proof for civil contempt is a preponderance of the evidence. *Dep’t of Children & Families v. R.H.*, 819 So. 2d 858, 861 (Fla. 5th DCA 2002).

There is a wide array of sanctions that may be imposed for civil contempt including incarceration and imposition of a fine, and courts are free to come up with creative solutions to coerce compliance with court orders. See *Parisi v. Broward County*, 769 So. 2d 359, 365 (Fla. 2000) (“... there is a broad arsenal of coercive civil contempt sanctions available to the trial court including “incarceration, garnishment of wages, additional employment, the filing of reports, additional fines, the delivery of certain assets, the revocation of a driver's license...”); *Bowen v. Bowen*, 471 So. 2d. 1274, 1279 (Fla. 1985). Regardless of the sanction, ‘the key

safeguard in a civil contempt proceeding is a finding by the trial court that the contemnor has the ability to purge the contempt.” *Dep’t of Children and Families*, 819 So. 2d 858 (Fla. 4th DCA 2002) (citing *Parisi v. Broward County*, 769 So. 2d 359, 365 (Fla. 2000)).

(b) Criminal Contempt

The purpose of criminal contempt is to vindicate the authority of the court, to punish an intentional violation of an order of the court that is offensive to the public, and to deter such conduct. *Parisi v. Broward County*, 769 So. 2d 359 (Fla. 2000); *The Florida Bar v. Forrester*, 916 So. 2d 647 (Fla. 2005); *Levine v. Keaster*, 862 So. 2d 876 (Fla. 4th DCA 2003); *Levey v. D’Angelo*, 819 So. 2d 864 (Fla. 4th DCA 2002); *Bowen v. Bowen*, 471 So. 2d 1274 (Fla. 1985). Because the purpose of criminal contempt is to punish rather than coerce, those subject to criminal contempt have the right to the same constitutional due process afforded criminal defendants. *Bowen v. Bowen*, 471 So. 2d 1274, 1277 (Fla. 1985).

In order for a court to impose a punishment for failing to comply with its orders (indirect criminal contempt):

it must comply with Rule 3.840, Florida Rules of Criminal Procedure, including (1) the issuance of an order to show cause to be served upon the defendants stating the facts upon which each defendant must answer; (2) the appointment of counsel if the defendant is indigent; (3) the opportunity for the defendant to elect a jury trial, if the sentence the trial court seeks to impose is greater than six months; and (4) upon a finding of guilt, to afford the defendant with an opportunity to show good cause why the sentence should not be imposed and to offer evidence of mitigation.

*See Jones v. Ryan*, 967 So. 2d 342, 344-45 (Fla. 3d DCA 2007).<sup>11</sup>

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<sup>11</sup> Alternatively, “[a] criminal contempt may be punished summarily if the court saw or heard the conduct constituting the contempt committed in the actual presence of the court.” *Fla. R. Crim. P. Rule 3.830* (direct criminal contempt). In these instances, “[t]he judgment of guilt of contempt shall include a recital of those facts on which the adjudication of guilt is based. Prior to the adjudication of guilt the judge shall inform the defendant of the accusation against the defendant and inquire as to whether the defendant has any cause to show why he or she should not be adjudged guilty of contempt by the court and sentenced therefor. The defendant shall be given

To establish criminal contempt, the “evidence must establish a willful act or omission calculated to embarrass or hinder the court or obstruct the administration of justice; there must be proof that the accused intended to hinder or obstruct the administration of justice.” *Carter v. State*, 954 So. 2d 1185 (Fla. 4th DCA 2007). The requisite intent for indirect criminal contempt can be inferred from the actions of the contemnor, where it is foreseeable under the circumstances that the contemnor's conduct would prompt action disruptive of the court proceedings. *Milian v. State*, 764 So. 2d 860, 862 (Fla. 4th DCA 2000).

The standard of proof for criminal contempt is beyond a reasonable doubt. *Dep't of Children & Families v. R.H.*, 819 So. 2d 858, 861 (Fla. 5th DCA 2002). The sanctions available for criminal contempt are significantly more limited than those that are available for civil contempt.

Criminal contempts may be punished by a fine of not more than \$500, or by imprisonment of not more than twelve months. These are the limits because there is no statute defining the maximum punishments for contempt and, when there exists no provision for the punishment of a criminal offense, *section 775.02* applies, and “the court shall proceed to punish such offense by fine or imprisonment, but the fine shall not exceed \$500, nor the imprisonment twelve months.” The trial court may not, however, award attorney's fees and costs to the party who prosecutes another for indirect criminal contempt in a civil case, because a judgment of guilt in criminal contempt should not inure to the benefit of a private individual.

16 Fla. Prac., *Sentencing* § 11:49, “Punishments – Criminal Sanctions” (2009-2010 ed.) (internal citations omitted).

(c) Sanctions Requested

If the Bernsteins are not removed from this case entirely and replaced by a guardian *ad litem*, Mr. Bernstein should either be incarcerated until he complies with the May 4, 2015 Order

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the opportunity to present evidence of excusing or mitigating circumstances. The judgment shall be signed by the judge and entered of record. Sentence shall be pronounced in open court.” *Fla. R. Crim. P. Rule 3.830*.

(as a sanction for civil contempt), or the Bernsteins' pleadings and Objection should be stricken in their entirety, with prejudice (as a penalty for criminal contempt).

**IV. MOTION TO ESTABLISH SCHEDULE AND PROTOCOL TO WIND UP OPPENHEIMER'S TRUSTEESHIP**

Regardless of how the Court rules on the above issues, Oppenheimer requests an Order establishing a reasonable schedule and protocol for concluding the accounting proceedings, permitting Oppenheimer to transfer possession of any remaining trust assets (after deducting ongoing administrative expenses), and discharging Oppenheimer.

**V. CONCLUSION**

For all of the foregoing reasons, Oppenheimer requests that a guardian *ad litem* be appointed to represent the Minor Beneficiaries in this matter or, alternatively, that the Bernsteins' pleadings and Objection be stricken or they are compelled to comply with the Court's May 4, 2015 Order. In any event, Oppenheimer requests an Order establishing a schedule and protocol for the accounting proceedings and turnover of trust assets, and such other relief as is just and proper.

Respectfully submitted,

GUNSTER, YOAKLEY & STEWART, P.A.  
*Counsel for Petitioner*  
4855 Technology Way, Suite 630  
Boca Raton, FL 33431  
Telephone: (561) 961-8085

By: /s/Steven A. Lessne  
Steven A. Lessne, Esq.  
Florida Bar No. 107514  
[slessne@gunster.com](mailto:slessne@gunster.com)



**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished via e-mail to all parties on the attached Service List this 7<sup>th</sup> day of January, 2016.

/s/ Steven A. Lessne

**SERVICE LIST**

Eliot Bernstein  
2753 N.W. 34<sup>th</sup> Street  
Boca Raton, FL 33434  
[ivewit@ivewit.tv](mailto:ivewit@ivewit.tv)  
[ivewit@gmail.com](mailto:ivewit@gmail.com)

Candice Bernstein  
2753 N.W. 34<sup>th</sup> Street  
Boca Raton, FL 33434  
[tourcandy@gmail.com](mailto:tourcandy@gmail.com)

IN THE CIRCUIT COURT FOR PALM BEACH COUNTY, FLORIDA

In Re: DANIEL BERNSTEIN IRREVOCABLE TRUST  
TRUST dated September 7, 2006

PROBATE DIVISION  
FILE NUMBER:

502010CP00 3123 XXXX SB

SHARON R. BOOK  
PALM BEACH COUNTY  
SOUTH CITY BRANCH OFFICE  
2010 JUL -8 AM 9:43

**FINAL ORDER ON PETITION TO APPOINT SUCCESSOR TRUSTEE**

THIS CAUSE came before the Court on the Petition to Appoint Successor Trustee filed by ELIOT BERNSTEIN and CANDICE BERNSTEIN as parents and natural guardians of DANIEL BERNSTEIN, a minor, as sole beneficiary of the DANIEL BERNSTEIN IRREVOCABLE TRUST, and the Court, after reviewing the Petition, hearing argument of counsel, and being otherwise fully advised in the premises holds as follows:

- (A) All parties are before this Court, either by appearance, waiver and consent, or representation by counsel.
- (B) This Court has jurisdiction pursuant to Sections 736.0201 and 736.0202 of the Florida Statutes to grant the relief requested.
- (C) Oppenheimer Trust Company is hereby appointed as successor Trustee of the DANIEL BERNSTEIN IRREVOCABLE TRUST dated September 7, 2006.

Done and Ordered in Chambers at Palm Beach County, Florida this 8 day of July 2010.

  
\_\_\_\_\_  
CIRCUIT COURT JUDGE



STATE OF FLORIDA • PALM BEACH COUNTY

I hereby certify that the foregoing is a true copy of the record in my office.

THIS 8 DAY OF July, 2010

SHARON R. BOOK  
CLERK & COMPTROLLER

By   
DEPUTY CLERK

ACCEPTANCE BY SUCCESSOR TRUSTEE

THE UNDERSIGNED, pursuant to the FINAL ORDER ON PETITION TO APPOINT SUCCESSOR TRUSTEE dated July 8, 2010, by the Circuit Court for Palm Beach County, South Palm Beach County Division, in the matter of the DANIEL BERNSTEIN IRREVOCABLE TRUST DATED SEPTEMBER 7, 2006, Case No. 502010CP003123XXXXSB, does hereby accept its appointment as Successor Trustee of the DANIEL BERNSTEIN IRREVOCABLE TRUST, dated September 7, 2006, and hereby agrees to administer said Trust in accordance with the terms contained therein, effective immediately.

IN WITNESS WHEREOF, THE UNDERSIGNED has executed this Acceptance by Successor Trustee on this 30<sup>th</sup> day of JULY, 2010.

Witnesses:

[Signature]

Print Name: \_\_\_\_\_

Print Name: \_\_\_\_\_

OPPENHEIMER TRUST COMPANY

By: [Signature]

Its: CHIEF TRUST OFFICER  
S.U.P.

STATE OF FLORIDA

SS

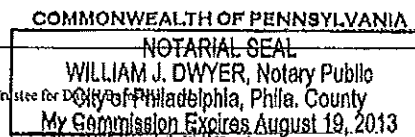
COUNTY OF PALM BEACH

THE FOREGOING was acknowledged before me this 30<sup>th</sup> day of July, 2010, by HUNT WORTHAS S.U.P. of OPPENHEIMER TRUST COMPANY.

[Signature]  
Signature - Notary Public

Print, type or stamp name of Notary Public

- Personally Known
- Produced Identification/Type of Identification Produced



2010 JUL - 8 AM 9:43  
SHARON R. BOCK  
PALM BEACH COUNTY  
SOUTH CITY BRANCH

IN THE CIRCUIT COURT FOR PALM BEACH COUNTY, FLORIDA

In Re: JAKE BERNSTEIN IRREVOCABLE TRUST dated September 7, 2006

PROBATE DIVISION  
FILE NUMBER:

502010CP003125XXXXSB

**FINAL ORDER ON PETITION TO APPOINT SUCCESSOR TRUSTEE**

THIS CAUSE came before the Court on the Petition to Appoint Successor Trustee filed by ELIOT BERNSTEIN and CANDICE BERNSTEIN as parents and natural guardians of JAKE BERNSTEIN, a minor, as sole beneficiary of the JAKE BERNSTEIN IRREVOCABLE TRUST, and the Court, after reviewing the Petition, hearing argument of counsel, and being otherwise fully advised in the premises holds as follows:

- (A) All parties are before this Court, either by appearance, waiver and consent, or representation by counsel.
- (B) This Court has jurisdiction pursuant to Sections 736.0201 and 736.0202 of the Florida Statutes to grant the relief requested.
- (C) Oppenheimer Trust Company is hereby appointed as successor Trustee of the JAKE BERNSTEIN IRREVOCABLE TRUST dated September 7, 2006.

Done and Ordered in Chambers at Palm Beach County, Florida this 8 day of July 2010.

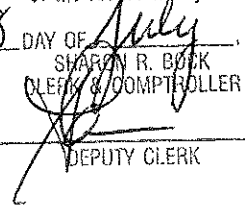
  
\_\_\_\_\_  
CIRCUIT COURT JUDGE


STATE OF FLORIDA - PALM BEACH COUNTY

I hereby certify that the foregoing is a true copy of the record in my office.

THIS 8 DAY OF July, 2010

SHARON R. BOCK  
CLERK & COMPTROLLER

By   
\_\_\_\_\_  
DEPUTY CLERK



**ACCEPTANCE BY SUCCESSOR TRUSTEE**

THE UNDERSIGNED, pursuant to the FINAL ORDER ON PETITION TO APPOINT SUCCESSOR TRUSTEE dated July 8, 2010, by the Circuit Court for Palm Beach County, South Palm Beach County Division, in the matter of the JAKE BERNSTEIN IRREVOCABLE TRUST DATED SEPTEMBER 7, 2006, Case No. 502010CP003125XXXXSB, does hereby accept its appointment as Successor Trustee of the JAKE BERNSTEIN IRREVOCABLE TRUST, dated September 7, 2006, and hereby agrees to administer said Trust in accordance with the terms contained therein, effective immediately.

IN WITNESS WHEREOF, THE UNDERSIGNED has executed this Acceptance by Successor Trustee on this 30 day of JULY, 2010.

Witnesses:

OPPENHEIMER TRUST COMPANY

[Signature]  
 \_\_\_\_\_  
 Print Name:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Print Name:

By: [Signature]  
 Its: CHIEF TRUST OFFICER  
S.V.P.

STATE OF FLORIDA  
 SS  
 COUNTY OF PALM BEACH

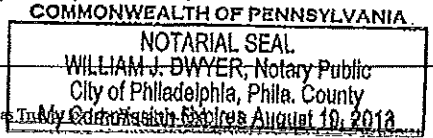
THE FOREGOING was acknowledged before me this 30 day of July, 2010, by [Signature] as S.V.P. of OPPENHEIMER TRUST COMPANY.

[Signature]  
 HUNT WORTH

[Signature]  
 Signature - Notary Public

Print, type or stamp name of Notary Public

- Personally Known
- Produced Identification/Type of Identification Produced



IN THE CIRCUIT COURT FOR PALM BEACH COUNTY, FLORIDA

In Re: JOSHUA Z. BERNSTEIN IRREVOCABLE TRUST dated September 7, 2006

PROBATE DIVISION: FILE NUMBER:

502010 CP 003128XXXX58

SHARON R. BOCK  
PALM BEACH COUNTY  
SOUTH CITY BRANCH  
2010 JUL - 8 AM 9:43

**FINAL ORDER ON PETITION TO APPOINT SUCCESSOR TRUSTEE**

THIS CAUSE came before the Court on the Petition to Appoint Successor Trustee filed by ELIOT BERNSTEIN and CANDICE BERNSTEIN as parents and natural guardians of JOSHUA Z. BERNSTEIN, a minor, as sole beneficiary of the JOSHUA Z. BERNSTEIN IRREVOCABLE TRUST, and the Court, after reviewing the Petition, hearing argument of counsel, and being otherwise fully advised in the premises holds as follows:

- (A) All parties are before this Court, either by appearance, waiver and consent, or representation by counsel.
- (B) This Court has jurisdiction pursuant to Sections 736.0201 and 736.0202 of the Florida Statutes to grant the relief requested.
- (C) Oppenheimer Trust Company is hereby appointed as successor Trustee of the JOSHUA Z. BERNSTEIN IRREVOCABLE TRUST dated September 7, 2006.

Done and Ordered in Chambers at Palm Beach County, Florida this 8 day of July 2010.

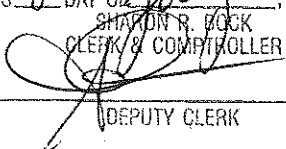
  
\_\_\_\_\_  
CIRCUIT COURT JUDGE

STATE OF FLORIDA • PALM BEACH COUNTY

I hereby certify that the foregoing is a true copy of the record in my office.

THIS 8 DAY OF July, 2010

SHARON R. BOCK  
CLERK & COMPTROLLER

By   
DEPUTY CLERK

ACCEPTANCE BY SUCCESSOR TRUSTEE

THE UNDERSIGNED, pursuant to the FINAL ORDER ON PETITION TO APPOINT SUCCESSOR TRUSTEE dated July 8, 2010, by the Circuit Court for Palm Beach County, South Palm Beach County Division, in the matter of the JOSHUA Z. BERNSTEIN IRREVOCABLE TRUST DATED SEPTEMBER 7, 2006, Case No. 502010CP003128XXXXSB, does hereby accept its appointment as Successor Trustee of the JOSHUA Z. BERNSTEIN IRREVOCABLE TRUST, dated September 7, 2006, and hereby agrees to administer said Trust in accordance with the terms contained therein, effective immediately.

IN WITNESS WHEREOF, THE UNDERSIGNED has executed this Acceptance by Successor Trustee on this 30th day of JULY, 2010.

Witnesses:

OPPENHEIMER TRUST COMPANY

[Signature]  
Print Name: \_\_\_\_\_

By: [Signature]

Print Name: \_\_\_\_\_

Its: CHIEF TRUST OFFICER  
S.V.P.

STATE OF FLORIDA

SS

COUNTY OF PALM BEACH

THE FOREGOING was acknowledged before me this 30 day of July, 2010, by [Signature] as S.V.P. of OPPENHEIMER TRUST COMPANY.

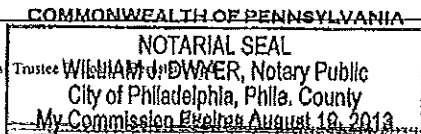
HUNT WORTH

[Signature]  
Signature - Notary Public

Print, type or stamp name of Notary Public

- Personally Known
- Produced Identification/Type of Identification Produced

N:\WPDATA\dir\Bernstein, Shirley & Simon\Grandchildren's Trusts Successor Trustee Appointments\Acceptance a





561-886-4122

STEVEN.LESSNE@GRAY-ROBINSON.COM

April 22, 2014

**VIA E-MAIL, FEDERAL EXPRESS AND CERTIFIED MAIL**

Eliot and Candice Bernstein  
as the natural guardians of Joshua, Jacob and Daniel Bernstein  
2753 N.W. 34th St.  
Boca Raton, FL 33434-3459

Re: Resignation as Trustee of Trusts for the benefit of Joshua, Jacob and Daniel  
Bernstein; Offer to Resign as Manager of Bernstein Family Realty, LLC

Dear Mr. and Mrs. Bernstein:

I represent, and am writing to you on behalf of, Oppenheimer Trust Company of Delaware (“Oppenheimer”), in its capacity as Trustee of the three trusts created by Simon Bernstein for the benefit of your minor children, Joshua, Jacob and Daniel Bernstein (the “Trusts”). This letter is directed to you, as the parents and natural guardians of Joshua, Jacob and Daniel Bernstein (the “Beneficiaries”), and will constitute due notice to the Beneficiaries under the Trusts and Florida law.

Oppenheimer hereby notifies you that it will resign as Trustee of the Trusts effective May 26, 2014 (the “Effective Date”). You, as the natural guardians of the Beneficiaries, have the right and obligation to appoint a successor corporate trustee. If you do not provide Oppenheimer, through me, with a written document evidencing that a successor corporate trustee has been appointed and has accepted the appointment before the Effective Date, Oppenheimer will petition the Court to either appoint a successor trustee or terminate the Trusts and distribute their assets to you, as natural guardians of the Beneficiaries.

For your information, the Trusts provide, in relevant part, as follows:

Eliot and Candice Bernstein  
April 22, 2014  
Page 2

**5.2 Resignation.** Any Trustee may resign by giving 30 days' written notice delivered personally or by mail to any then serving Co-Trustee and to the Settlor if he is then living and not disabled; otherwise to the next named successor Trustee, or if none, to the persons having power to appoint successor Trustees.

**5.3 Power to Name Other Trustees.** Whenever a successor Trustee is required and that position is not filled under the terms specified in this Trust Agreement, an individual Trustee ceasing to serve (other than a Trustee being removed) may appoint his or her successor, but if none is appointed, the remaining Trustees, if any, or the beneficiary shall appoint a successor Corporate Trustee. The appointment will be by a written document (including a testamentary instrument) delivered to the appointed Trustee. In no event may the Settlor ever be appointed as the Trustee under this Trust Agreement nor shall a Successor trustee be appointed that will cause this trust to be a grantor trust.

Similarly, Fla. Stat. § 736.0705, entitled "Resignation of trustee," provides, in relevant part, as follows:

**(1) A trustee may resign:**

**(a) Upon at least 30 days' notice to the qualified beneficiaries, the settlor, if living, and all cotrustees...**

Finally, Fla. Stat. § 736.0704, entitled "Vacancy in trusteeship; appointment of successor," provides, in relevant part, as follows:

**(3) A vacancy in a trusteeship of a noncharitable trust that is required to be filled must be filled in the following order of priority:**

**(a) By a person named or designated pursuant to the terms of the trust to act as successor trustee.**

**(b) By a person appointed by unanimous agreement of the qualified beneficiaries.**

**(c) By a person appointed by the court.**

Please let me know of your intentions with regard to the appointment of a successor trustee before the Effective Date.

Eliot and Candice Bernstein  
April 22, 2014  
Page 3


I am also writing to you on behalf of Oppenheimer, in its capacity as the Manager of Bernstein Family Realty, LLC (the "Company"). As you know, the Trusts are the sole owners and members of the Company, and the Company owns the house occupied by you and the Beneficiaries. Oppenheimer understands that the house is encumbered by two mortgages which probably exceed the value of the house. A third party, William Stansbury, claims that he is entitled to an equitable lien on the house, and he has sued the Company to establish such a lien. At Oppenheimer's direction, the Company is defending the lawsuit in order to avoid the claimed third lien on the house.

You have expressed unhappiness with Oppenheimer's management of the Company. In light of Oppenheimer's decision to resign as Trustee, Oppenheimer would like to offer you the opportunity to assume management of the Company, or appoint another successor manager, so that you or your chosen manager can defend the Stansbury lawsuit, operate the Company and deal with third parties on behalf of the Company as you deem to be in the best interest of the Company's members and, ultimately, your children. If you would like Oppenheimer to resign as Manager, please notify me in writing, before the Effective Date, of your selection of an appropriate successor manager and the successor's agreement to serve. Upon receipt of your selection, Oppenheimer will resign as Manager and, on behalf of the member Trusts, appoint your chosen successor.

Please note that, if you do not request Oppenheimer's earlier resignation and designate a successor manager, it is Oppenheimer's intent to resign as Manager of the Company after a successor trustee is appointed or the Trusts are terminated. At that point, it will be up to the successor trustee or you, as natural guardians of the Beneficiaries, to appoint a new manager.

If you have any questions regarding the foregoing, please contact me or have your attorney do so.

Very truly yours,

  
Steven A. Lessne FOR

SAL/sl

cc: Oppenheimer Trust Company of Delaware (via e-mail and U.S. Mail)

**From:** [Eliot Ivan Bernstein](#)  
**To:** [Lessne, Steven](#); [Alan B. Rose Esq.](#); [Alan B. Rose Esq.](#)  
**Cc:** [Andrew Dietz @ Rock-It Cargo USA, Inc.](#); [Candice Bernstein](#); [Caroline Prochotska Rogers Esq.](#); [Eliot I. Bernstein](#); [Marc R. Garber Esq.](#); [Marc R. Garber Esq. @ Flaster Greenberg P.C.](#); [Marc R. Garber Esq. @ Flaster Greenberg P.C.](#); [Michele M. Mulrooney ~ Partner @ Venable LLP](#)  
**Subject:** RE: Three Corporate Trustees as Ordered by the Court in the 2/26/15 hearing  
**Date:** Thursday, February 26, 2015 2:40:24 PM  
**Attachments:** [image001.png](#)

---

I was instructed by the Court to give you three corporate trust company names, I have complied. You are the one responsible for contacting them and transferring trusteeship to them. Good luck finding someone! If I can be of further assistance let me know. Eliot

---

**From:** Lessne, Steven [<mailto:SLessne@gunster.com>]  
**Sent:** Thursday, February 26, 2015 2:33 PM  
**To:** 'Eliot Ivan Bernstein'  
**Subject:** RE: Three Corporate Trustees as Ordered by the Court in the 2/26/15 hearing

Who are the contact people at these companies?



**Steven A. Lessne** | Shareholder  
777 South Flagler Drive, Suite 500 East  
West Palm Beach, Florida 33401  
561-650-0545

450 East Las Olas Boulevard, Suite 1400  
Fort Lauderdale, Florida 33301  
954-468-1383

[gunster.com](#) | [SLessne@gunster.com](mailto:SLessne@gunster.com)

---

**From:** Eliot Ivan Bernstein [<mailto:iviewit@iviewit.tv>]  
**Sent:** Thursday, February 26, 2015 2:25 PM  
**To:** Lessne, Steven  
**Cc:** [Alan B. Rose Esq.](#); [Alan B. Rose Esq.](#); [Andrew Dietz @ Rock-It Cargo USA, Inc.](#); [Candice Bernstein](#); [Caroline Prochotska Rogers Esq.](#); [Eliot I. Bernstein](#); [Marc R. Garber Esq.](#); [Marc R. Garber Esq. @ Flaster Greenberg P.C.](#); [Marc R. Garber Esq. @ Flaster Greenberg P.C.](#); [Michele M. Mulrooney ~ Partner @ Venable LLP](#)  
**Subject:** Three Corporate Trustees as Ordered by the Court in the 2/26/15 hearing

Mr. Lessne,

Attached are the three names per the Court's Order today of potential corporate trustees we would like as Successor to your client Oppenheimer who has already resigned as alleged Successor Trustee abandoning the Trusts for several months now without having chosen a Successor first. Please copy Candice and I of all communications with any of these companies and copies of any documents tendered to them. Thanks

1. Principal Trust Company - 1.800.332.4015 option 2
2. Reliance Trust - 404.266.0663
3. The Private Trust Co. - (800) 877-7210, ext. 7990



Eliot I. Bernstein  
Inventor  
Iviewit Holdings, Inc. – DL  
Iviewit Holdings, Inc. – DL (yes, two identically named)  
Iviewit Holdings, Inc. – FL  
Iviewit Technologies, Inc. – DL  
Uviewit Holdings, Inc. - DL  
Uview.com, Inc. – DL  
Iviewit.com, Inc. – FL  
Iviewit.com, Inc. – DL  
I.C., Inc. – FL  
Iviewit.com LLC – DL  
Iviewit LLC – DL  
Iviewit Corporation – FL  
Iviewit, Inc. – FL  
Iviewit, Inc. – DL  
Iviewit Corporation  
2753 N.W. 34th St.  
Boca Raton, Florida 33434-3459  
(561) 245.8588 (o)  
(561) 886.7628 (c)  
(561) 245-8644 (f)  
[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)  
<http://www.iviewit.tv>  
<http://iviewit.tv/inventor/index.htm>  
<http://iviewit.tv/iviewit2>  
<http://www.facebook.com/#!/iviewit>  
<http://www.youtube.com/user/eliotbernstein?feature=mhum>

Also, check out

Eliot's Testimony at the NY Senate Judiciary Committee Hearings Professional Video courtesy of NY Senate, my fav part at end  
[http://www.youtube.com/watch?v=7oHKs\\_crYIs](http://www.youtube.com/watch?v=7oHKs_crYIs)

Eliot's Testimony at the NY Senate Judiciary Committee Hearings Professional Video Handheld Camera View, my favorite version at the very end  
<http://youtu.be/3Q9MzqZv4lw>

and

Christine Anderson New York Supreme Court Attorney Ethics Expert Whistleblower Testimony, FOX IN THE HENHOUSE and LAW WHOLLY VIOLATED TOP DOWN EXPOSING JUST HOW WALL STREET / GREED STREET / FRAUD STREET MELTED DOWN AND WHY NO PROSECUTIONS OR RECOVERY OF STOLEN FUNDS HAS BEEN MADE. Anderson in US Fed Court Fingers, US Attorneys, DA's, ADA's, the New York Attorney General and "Favored Lawyers and Law Firms" @

<http://www.youtube.com/watch?v=6BIK73p4Ueo>

and finally latest blog

<http://iviewit.tv/iviewit2/?p=187>

Eliot Part 1 - The Iviewit Inventions @

<http://www.youtube.com/watch?v=L0n4hwemqW0>

Iviewit Inventor Eliot Bernstein Guest on Les Winston DisBar the Florida Bar Show #1

<http://youtu.be/i1Ao1BYvyoQ>

Iviewit Inventor Eliot Bernstein Guest on Les Winston DisBar the Florida Bar Show #2

<http://youtu.be/OaXys6bImFI>

Iviewit Inventor Eliot Bernstein Guest on Les Winston DisBar the Florida Bar Show #3

<http://youtu.be/9R1PNnJVVGU>

Iviewit Inventor Eliot Bernstein Guest on Les Winston DisBar the Florida Bar Show #4

<http://youtu.be/rUHCZFkro08>

Eliot Bernstein Iviewit Inventor Television Interview Dick Woelfle Network 125

<http://youtu.be/WEgSXJFqrhQ>

Eliot for President in 2012 Campaign Speech 1 with No Top Teeth, Don't Laugh, Ok, laugh but very important

<http://www.youtube.com/watch?v=DulHQDcwQfM>

Eliot for President in 2012 Campaign Speech 2 with No Top OR Bottom Teeth, Don't Laugh, Ok, laugh again but more important

<http://www.youtube.com/watch?v=jbOP3U1q6mM>

Eliot for President in 2012 Campaign Speech 3 most important

[https://www.facebook.com/iviewit?ref=tn\\_tnmn#!/note.php?note\\_id=319280841435989](https://www.facebook.com/iviewit?ref=tn_tnmn#!/note.php?note_id=319280841435989)

Other Websites I like:

<http://exposecorruptcourts.blogspot.com>

<http://deniedpatent.blogspot.com>

<http://www.judgewatch.org/index.html>

<http://www.parentadvocates.org>

<http://www.newyorkcourtcorruption.blogspot.com>

<http://cuomotarp.blogspot.com>

<http://www.disbarthefloridabar.com>

<http://www.constitutionalguardian.com>

<http://www.americans4legalreform.com>

<http://www.attorneysabovethelaw.com>

<http://www.VoteForGreg.us> Greg Fischer

<http://www.facebook.com/pages/Vote-For-Greg/111952178833067>  
[www.justice4every1.com](http://www.justice4every1.com)  
[www.schwagerfirm.com](http://www.schwagerfirm.com)  
[www.eldermurderabuseandexploitation.blogspot.com](http://www.eldermurderabuseandexploitation.blogspot.com)  
<https://mccormickstatefraud.wordpress.com>  
<http://www.nationallibertyalliance.org>  
[www.AAAPG.net](http://www.AAAPG.net)  
[www.corruptny.com](http://www.corruptny.com)  
[www.corruptWA.com](http://www.corruptWA.com)  
[www.killingseniors.com](http://www.killingseniors.com)  
[www.guardianpredators.com](http://www.guardianpredators.com)  
[www.guardianshipexposed.com](http://www.guardianshipexposed.com)  
<http://www.hangthebankers.com>  
[www.ddaweb.org](http://www.ddaweb.org)  
<http://tedbersteinreport.blogspot.com>

--

"We the people are the rightful master of both congress and the courts - not to overthrow the Constitution, but to overthrow the men who pervert the Constitution." - Abraham Lincoln

"Whensoever the General Government assumes undelegated powers, its acts are unauthoritative, void, and of no force." -- Thomas Jefferson, The Kentucky Resolutions of 1798

"If a law is unjust, a man is not only right to disobey it, he is obligated to do so." Thomas Jefferson

"Each time a person stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring, these ripples build a current that can sweep down the mightiest walls of oppression and resistance." - Robert F. Kennedy

"Is life so dear or peace so sweet as to be purchased at the price of chains and slavery? Forbid it, Almighty God! I know not what course others may take, but as for me, give me liberty, or give me death!" - Patrick Henry

"Dick: The first thing we do, let's kill all the lawyers." The Shakespearean Solution, Sam The Butcher, Henry The Sixth, Part 2 Act 4, scene 2, 71-78

"Gatthew 5:5 Blessed are the Geek, for they will inherit the earth." Eliot Bernstein

I live by the saying from Ellen G. White:

"The greatest want of the world is the want of men, --men who will not be bought or sold; men who in their inmost souls are true and honest, men who do not fear to call sin by its right name; men whose conscience is as true to duty as the needle to the pole, men who will stand for the right though the heavens fall." -Education, p. 57(1903)

If you are one of these people, nice to be your friend ~ Eliot



**Eliot I. Bernstein**  
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(561) 886-7628 Mobile  
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*Filed November 21, 2014*

**In re JoAnne Marie Denison**  
Attorney-Respondent

Commission No. 2013PR00001

**Synopsis of Hearing Board Report and Recommendation**  
(November 2014)

The Administrator filed a one-count Complaint against Respondent, arising out of numerous statements she made on an internet blog attacking the integrity of judges and attorneys involved in a pending adult guardianship proceeding. The Complaint charged Respondent made those statements knowing they were false or with reckless disregard for their truth or falsity. Respondent denied misconduct.

The Hearing Board found the Administrator proved Respondent made false statements concerning the integrity of the judges, knowing they were false or with reckless disregard for their truth or falsity, and engaged in dishonest conduct and conduct prejudicial to the administration of justice. The Hearing Board found, while Respondent had accused judges and other attorneys of criminal conduct, there was not clear and convincing evidence that she presented or threatened to present criminal charges, in order to obtain an advantage in a civil matter. Based on *In re Karavidas*, 2013 IL 115767, the Hearing Board dismissed the charge Respondent engaged in conduct which tends to defeat the administration of justice or bring the courts or the legal profession into disrepute.

Given the seriousness of Respondent's misconduct, and aggravating factors including Respondent's conduct in the disciplinary proceedings, the Hearing Board recommended that Respondent be suspended for three years and until further order of the Court. The Hearing Board declined to recommend disbarment given the mitigating factors present.

**BEFORE THE HEARING BOARD  
OF THE  
ILLINOIS ATTORNEY REGISTRATION  
AND  
DISCIPLINARY COMMISSION**

In the Matter of:

**JOANNE MARIE DENISON,**

Attorney-Respondent,

No. 6192441.

Commission No. 2013PR00001

**REPORT AND RECOMMENDATION OF THE HEARING BOARD**

**INTRODUCTION**

The hearing in this matter was held on January 21, 2014, January 22, 2014, January 23, 2014, January 24, 2014, March 10, 2014 and March 11, 2014, at the Chicago offices of the Attorney Registration and Disciplinary Commission (ARDC), before a Panel of the Hearing Board consisting of Sang-yul Lee, Chair, Ziad Alnaqib and Eddie Sanders, Jr. Sharon D. Opryszek and Melissa A. Smart appeared on behalf of the Administrator. Respondent was present at the hearing and appeared pro se. On February 10, 2014, Nejla K.

Lane filed an appearance as additional counsel for Respondent and appeared at subsequent hearing dates.

## PLEADINGS

### Complaint

The Administrator filed a one-count Complaint against Respondent on January 8, 2013, which was served on Respondent on January 24, 2013, through the attorney representing her at that time. The Complaint charged Respondent with misconduct based on statements she made on a web log (blog) regarding judges, attorneys and other persons involved in an adult guardianship proceeding.

PAGE 2:

### Answer

Respondent, through counsel, Kenneth Ditkowsky, filed an Answer on February 8, 2013. After Ditkowsky was disqualified from representing her, Respondent filed a *pro se* Answer on May 28, 2013. She also adopted prior counsel's Answer. Following motions by the Administrator to strike, Respondent filed a response which included a "Summary of Answer Information" (Summary). By Order dated August 5, 2013, prior counsel's Answer, Respondent's *pro se* Answer and the Summary were considered, collectively, as Respondent's Answer. In essence, Respondent admitted some of the factual allegations of the Complaint, denied other factual allegations and denied misconduct.

## ALLEGED MISCONDUCT

The Administrator alleged Respondent committed the following misconduct:

1. making a statement the lawyer knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge, adjudicatory officer or public legal officer, in violation of Rule 8.2 of the Illinois Rules of Professional Conduct (2010);
2. engaging in conduct involving dishonesty, fraud, deceit or misrepresentation, in violation of Rule 8.4(c);
3. engaging in conduct that is prejudicial to the administration of justice, in violation of Rule 8.4 (d);
4. presenting, participating in presenting or threatening to present criminal charges to obtain an advantage in a civil matter, in violation of Rule 8.4(g); and
5. engaging in conduct which tends to defeat the administration of justice or to bring the courts or the legal profession into disrepute.

## PREHEARING PROCEEDINGS

Numerous issues were raised, and resolved, during the prehearing stage of these proceedings. We leave the prehearing record to speak for itself and address those issues only as needed for purposes of our decision on the charges of misconduct and sanction recommendation.

PAGE 3:

## THE EVIDENCE

The Administrator presented testimony from Jim Halberg, Peter Schmiedel, Cynthia Farenga, Judge Jane

Louise Stuart, Adam Stern, Ricky Krakow and Respondent. Administrator's Exhibits 1 through 49, and 51 through 53 were admitted into evidence. (Tr. 97-98, 119, 127-34, 457, 1113, 1174, 1844).

Respondent presented testimony from Gloria Jean Sykes, Beverly Cooper, Kenneth A. Cooper, Yolanda Bakken and Kathleen Bakken. Respondent also testified on her own behalf. Testimony from Scott Craig Evans was barred. Respondent's Exhibits A through J, pages 3 and 4 of K and Q were admitted into evidence. (Tr. 135, 141, 1848, 1854).

### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The Administrator must prove the misconduct charged in the Complaint, by clear and convincing evidence. *In re Winthrop*, 219 Ill. 2d 526, 542, 848 N.E.2d 961 (2006). Clear and convincing evidence is a degree of proof which, considering all the evidence, produces a firm and abiding belief it is highly probable that the proposition at issue is true. *Cleary & Graham's Handbook of Illinois Evidence*, sec. 301.6 (9th ed. 2009). Clear and convincing evidence is not as stringent as the criminal standard of proof beyond a reasonable doubt, but requires more than the usual civil standard of a preponderance of the evidence. *Bazydlo v. Volant*, 164 Ill. 2d 207, 213, 647 N.E.2d 273 (1995); *People v. Williams*, 143 Ill. 2d 477, 484, 577 N.E.2d 762 (1990).

Extensive evidence was presented, which included substantial text from the blog which is the subject of these proceedings. We reviewed the evidence as a whole, even though this report discusses only that evidence we considered most relevant to the issues presented.

PAGE 4:

#### **Background Facts**

The statements at issue concern an adult guardianship proceeding and persons involved in that proceeding. Mary G. Sykes (Mary) was the subject of the proceeding, in the Probate Division of the Circuit Court of Cook County. (Adm. Ex. 1 at 1).

In July 2009, one of Mary's daughters, Carolyn Toerpe, filed a petition seeking to be appointed guardian of Mary's person and estate. Attorney Harvey Waller then represented Toerpe. In this petition, Toerpe alleged Mary, age 90, was disabled due to dementia and memory loss. (Adm. Ex. 1 at 1). Multiple doctors had diagnosed Mary with dementia and considered her incapable of making her own personal and financial decisions. (Tr. 586, 859).

Shortly after Toerpe's petition was filed, the court appointed attorney Cynthia Farenga to act as guardian ad litem (GAL) for Mary. On August 26, 2009, the court appointed attorney Adam Stern special GAL. (Adm. Ex. 1 at 2, 3). Both Stern and Farenga acted as GALs for Mary thereafter. (Tr. 797-98, 1022). The role of the GAL is to provide information to the court, assist the court in making a proper decision in the case, and represent the alleged disabled person's best interests. While the GAL does not advocate for the alleged disabled person's wishes, the GAL does inform the court of the person's wishes in relation to the guardianship. (Tr. 582, 795-96, 955). Farenga testified Mary never told her Mary wanted a lawyer. (Tr. 882).

There was significant controversy among Mary's relatives, which played out in the probate proceedings and other litigation. Mary's other daughter, Gloria Sykes (Gloria), filed counter-petitions which, while alleging Mary was disabled due to dementia, sought to have someone other than Toerpe appointed guardian. Numerous issues were raised in the probate proceedings. The court's jurisdiction was challenged, multiple times, based on the sufficiency of the notice given to Mary and her sisters of the guardianship proceedings. Those challenges were

PAGE 5:

unsuccessful, despite multiple appeals by Gloria. Gloria attended court on multiple occasions, as did other relatives. (Tr. 403-405, 584, 602-606, 737, 815; Adm. Ex. 1 at 3, 4, 5). Disagreements over visitation with Mary began shortly after the probate case was filed. From the perspective of some relatives, Toerpe was isolating Mary against her will and improperly obstructing efforts to visit with Mary. (Tr. 1187-90, 1249, 1306-1307, 1411-12, 1415-16).

In December 2009, the probate court found Mary incompetent and appointed Toerpe her guardian. Before this order was entered, the court heard evidence as to the respective plans of Toerpe and Gloria for Mary's care and gave relatives, including Gloria, the opportunity to question Toerpe about her care plan. (Tr. 258-59, 735, 872, 1025, 1426; Adm. Ex. 1 at 8).

After the guardianship order was entered, disputes continued. Attorney Peter Schmiedel began representing Toerpe. Many of the disputes concerned emotionally charged issues. There were ongoing disagreements about the nature and quality of care Mary was receiving. Accusations were made that Toerpe and her husband abused and neglected Mary. Visitation remained an ongoing, contentious issue. Two incidents exemplify the situation. Mary's 84-year-old sister, Yolanda Bakken (Yolanda), described going to Toerpe's home to visit Mary and being shoved by Toerpe and Toerpe's husband. (Tr. 581, 747, 860, 1187-90, 1301, 1313-14, 1318-19, 1353-54, 1411-13, 1416-18). In a separate incident in June 2013, Naperville police were called, by Toerpe or at her request, when Gloria and other persons, including Respondent, went to the assisted living facility where Mary was residing. (Tr. 461, 464, 1073-1077).

As noted above, the family was involved in other litigation. That litigation included actions to partition a joint tenancy between Mary and Gloria as to one house and to evict Gloria from another house, owned by a trust of which Toerpe was trustee. (Tr. 595-96, 1603-1604; Adm. Ex. 39 at 8). In addition, in June 2009, Mary had accused Toerpe of financially exploiting

PAGE 6:

her and filed a petition for an order of protection. Some of Mary's relatives believed Toerpe's petition for guardianship was filed in response to the petition for order of protection. (Tr. 490-91, 1337).

There was also controversy concerning another lawsuit (the Lumbermen's case). The Lumbermen's case involved the house Mary and Gloria owned in joint tenancy (the brown house). Gloria, who had been living in the brown house, alleged she contracted cancer due to conditions in the home. The brown house had been seriously damaged by mold. The trust owned Mary's home (the white house). In August 2002, Gloria had moved into the white house and was living there with Mary. Gloria described a very close relationship between herself and Mary. (Tr. 482-86, 589-90, 595).

The Lumbermen's case settled in October 2008, for approximately \$1.3 million. Of that amount, approximately \$700,000 was to be paid to Mary and Gloria. In October 2008, Mary executed a document (the Apportionment Agreement), which purportedly relinquished her interests in the Lumbermen's settlement to Gloria. Respondent notarized Mary's signature on the Apportionment Agreement. (Tr. 264, 280-83, 587, 591-92). Conflicting evidence was presented as to whether or not Respondent had any further involvement in the Lumbermen's case or with the Apportionment Agreement. (Tr. 264-65, 800).

In the probate proceedings, issues were raised as to Mary's mental capacity to execute the Apportionment Agreement and what, if any, portion of the Lumbermen's settlement proceeds might belong to Mary. In November 2009, the probate court entered an order freezing assets in an account held by Gloria, until these issues could be resolved. Additional issues were raised as to the manner in which Gloria had handled settlement proceeds, her compliance with court orders and whether Gloria owed Mary any additional sums for the mortgage. These matters

PAGE 7:

became the subject of significant controversy. In 2013, after a contested evidentiary hearing, the probate court found Mary lacked the mental capacity to execute the Apportionment Agreement and set that agreement aside. However, the court still had to determine how much of the proceeds belonged to Mary. (Tr. 587-96, 680-83, 800-802, 810-13, 818).

Respondent had attempted to file her appearance for Gloria in the probate case, in November 2009. (Tr. 255). Prior counsel had withdrawn. (Tr. 1684; Adm. Ex. 1 at 5). The GALs objected, on the grounds Respondent might be called as a witness, particularly as to Mary's mental capacity to execute the Apportionment Agreement. On December 7, 2009, the probate court issued an order disqualifying Respondent. (Tr. 261, 799-803, 1023-25; Adm. Ex. 1 at 7-8).

Respondent is not charged with any misconduct in relation to notarizing the Apportionment Agreement. We draw no negative inference from the fact that she did so.

We also express no opinion on the merits of the positions of differing factions in the Sykes family. Those issues are well beyond the scope of this proceeding. The case before us involves Respondent's conduct, not the propriety of decisions reached in any other proceedings.

**I. Respondent is charged with making a statement she knew was false or with reckless disregard for its truth or falsity concerning the qualifications or integrity of a judge, adjudicatory officer or public legal officer in violation of Rule 8.2 of the Illinois Rules of Professional Conduct (2010) and engaging in conduct involving dishonesty, fraud, deceit or misrepresentation, in violation of Rule 8.4(c) of the Rules.**

#### **A. Evidence Considered**

Beginning in November 2011, Respondent wrote and administered an Internet blog about the Sykes case. The blog consists of a series of writings, by various persons, including Respondent. Respondent made numerous blog posts over time. Some of those writings concern probate court and the probate system in general. Other writings relate specifically to the Sykes case and persons involved in it. The blog alleges corruption, in probate court in general and the

PAGE 8:

Sykes case in particular. For a time, there were two blogs, one of which described itself as "(a)n attorney blog concerning corruption and greed in the Probate Court of Cook County," because Respondent used hosting sites which offered different features. (Tr. 318-19, 606-610, 820-21, 1026-28, 1647; Adm. Exs. 17-32, 34-49). For simplicity, we designate them as the blog.

Respondent testified she produced the blog as a private person not as an attorney. (Tr. 384). Respondent also testified her knowledge and skill as an attorney was required to post and author the statements on the blog. (Tr. 410). On the blog, Respondent stated she published the blog primarily from a legal standpoint and it took an attorney to make the comments appearing on the blog. (Tr. 411-12). When Respondent began keeping track of time she spent on the blog, she calculated its value using her hourly rate as an attorney. (Tr. 410; Adm. Ex. 17 at 20). As admitted in Respondent's Summary, the blog was open to the public. Respondent estimated, by the time of the hearing, her blog had an audience of about 40,000. (Tr. 318).

The blog includes allegations of wrongdoing by specific individuals involved in the Sykes case. (Tr. 608-610, 821, 1026-28). These allegations are summarized in a "Table of Torts." While those persons are referenced by initials, the Table identifies the persons to whom the initials refer. Respondent prepared the Table of Torts. Because Respondent periodically added material to the Table of Torts, more than one version is in evidence. Respondent acknowledged the exhibits fairly represent snapshots of the Table of Torts. (Tr. 288-91, 303, 1594-95, 1611-14; Adm. Exs. 33, 34).

On the blog, Respondent described the Table of Torts as "TEN PAGES of questionable behavior, corruption, misfeasance, malfeasance, perpetration of misdemeanors and felonies," occurring in the Sykes case, (Adm. Ex. 24 at 16), and as a "Summary of the Case! - 90%+ of the wrongful conduct all in one convenient place." (Adm. Ex. 21 at 10). We begin, therefore, with

PAGE 9:

the Table of Torts, for the purpose of providing an overview of the blog and context for the statements with which Respondent is charged.

The Table of Torts lists various acts, which allegedly occurred beginning in 2009 and continuing into 2012. Those acts suggest: a guardian was appointed even though Mary did not want or need one, Toerpe was appointed and allowed to remain guardian even though she had stolen from Mary and did not take proper care of Mary, the GALs and probate court ignored these circumstances as well as objections from Mary's family, intimidation tactics were used and judges took action even though they knew they did not have authority. (Adm. Ex. 33). The following statements exemplify the content of the Table of Torts:

Probate court finds Mary G incompetent DESPITE numerous videos on internet showing a confident, clear thinking woman who knows she wants to live at home ? (and) be cared for by Gloria, her daughter who supported her for 11+ years. When Mary was in court, twice she tried to ask the judge to object and get an attorney. Judge Connors refused to let her say anything. (The GALs), who stand to benefit from declaring Mary incompetent, keep on saying that Mary does not object? (*Id.* at 3).

Dr. Rabin and Dr. Amdur sign off on medical reports?that Mary is incompetent, yet they know that she suffers from conditions that would affect cognitive ability testing?No CBC or BSL test is performed prior to cognitive testing?.No depositions or discovery is allowed by Gloria. The GAL's [sic] turn a deaf ear to this. (*Id.* at 4).

(Toerpe) removes money from Mary G's local bank. Mary G?discovers this and has a fit. Contacts attorney on her own, files Petition for Protective Order?.

(GALs and probate court are) made aware of theft of money but fail to investigate?.(GALs) know that (Toerpe) is the Respondent in a Petition for a Protective Order involving theft of assets from Mary G and do nothing about it. When it is mentioned to the (probate court) judge, ignores it?. (GALs) willfully, wantonly and recklessly aide [sic] and abet the filing and granting of (Toerpe's petition for plenary guardianship). (*Id.* at 1).

(Toerpe) keeps Mary in near isolation? (*Id.* at 2). ? Mary stays at (Toerpe's) and contracts an infection but is not provided medical care. She loses 10% of her body weight and cannot swallow?.Mary G was also severely dehydrated and near hospitalization. This is reported to the court, the GAL's [sic] and they ignore the abuse/neglect. (*Id.* at 9).

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Family members complain bitterly about missing gold coins and cash missing?.(This is reported to GALs) and no investigation is made?The GAL's [sic] turn a blind eye. (*Id.* at 2).

The (probate court) denies (Gloria's) repeated requests for discovery? (and) ? strikes all of Gloria's Pro Se pleadings? (*Id.* at 2)?.

Documents are filed with the court which are not read. (*Id.* at 7).

(GALs) obtain a court order to freeze Gloria's funds? ALL her accounts are frozen- not just the ones in the order, leaving her penniless on a Friday afternoon. (GALs and Waller) are immediately contacted, but do nothing. (*Id.* at 3).

(Toerpe) shuts off Gloria's gas in her home ? (Schmiedel and) ?Chase, the mortgage holder on Gloria's property? 'secure' the property-by bashing out interior walls, disconnecting security cameras, throwing rooms full of furniture into the snow? (GALs) stand by, watch the felonious behavior and do not file a Petition to Remove (Toerpe) ?. Clearly someone desperately wants Gloria gone and intimidation is one (albeit illegal) avenue. (*Id.* at 5).

(The GALs) file a bogus ARDC complaint against (Respondent)? (The probate court asked Respondent) ?you don't want to lose your law license, do you?' (*Id.* at 6).

At the time of the hearing on Dec. 10, 2009, neither (of Mary's sisters) received the proper Soldini [sic] notices advising them of their rights to object to the guardianship itself, object to appoint (Toerpe) as a guardian; remove the Guardian for improper behavior?(*Id.* at 4).

(In dealing with the Lumbermen's proceeds, despite alleged procedural irregularities), Judge Connors says she does not have to follow Illinois law of judgments and that she can set aside any order in any court at any time. Since the limitations period has run, the funds should be immediately unfrozen by the GAL's. The GAL's [sic] stand by and do nothing. (*Id.* at 6).

The Table of Torts also contains statements, which are among those set out in the Complaint to support the charges of misconduct. Those statements are as follows:

(The GALs, Toerpe, Waller and Schmiedel) stand to benefit handsomely by declaring Mary incompetent, evicting Gloria, selling her home - all against her wishes. The court does not stop this greed and evil?.

In scary shades of Greylord revisited, (Respondent) notices that (the GALs) are walking the hallways in the judges' private areas BEHIND the court room ?unescorted trips to the judges' private area is a sure fire indicator of corruption?

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Additional torts. It should be noted that because the Probate case involving Mary is without subject matter jurisdiction, the court and the GAL's actions were ultra vires or without any authority. Hence, Judge Stuart's chaining of Gloria to tell all about her bank accounts was false imprisonment. Further, (the GALs and Toerpe) sent numerous pleadings by USPS and via the internet, and those would constitute mail fraud, wire fraud (comcast [sic] is a wired service) and cyber fraud. Thanks to (Ditkowsky) for pointing this out.

(Adm. Ex. 33 at 7; Adm. Ex. 34 at 42, 44) (Table of Torts post).<sup>1</sup>

Operation Greylord was a federal investigation of widespread corruption in the Cook County court system. As a result of Operation Greylord, numerous attorneys and judges were charged with, and convicted of, federal crimes. The crimes typically involved attorneys bribing judges to whom their cases were assigned, to obtain a favorable result. (Tr. 641, 775, 1607).

The Complaint identifies ten specific blog posts, made between April 19, 2012 and August 21, 2012, to support the allegations of misconduct. Respondent admitted the Complaint accurately stated these blog posts. (Tr. 333-34).<sup>2</sup> Posts on the blog from some of those dates include submissions attributed to persons other

than Respondent. However, as to all of the specific language charged in the Complaint, either Respondent admitted authoring the language (Tr. 341, 853, 867-68, 1541, 1553, 1570-71, 1573-74, 1594, 1620) or way the language appears on the blog, *e.g.* above Respondent's name, indicates she did so. (Adm. Ex. 22 at 4-5, 11; Adm. Ex. 23 at 7; Adm. Ex. 24 at 2; Adm. Ex. 25 at 1-2; Adm. Ex. 26 at 18-19). The posts specifically identified in the Complaint are set out below.

The first post is from an entry on April 19, 2012, which suggests Mary had a large estate but "has been fleeced of her home, about a million in gold coins?as well as other property the family can and would verify if given a chance." (Adm. Ex. 22 at 5). The language at issue appears in the context of statements that Respondent and Ditkowsky have been working on the blog, in an effort to inform others of the situation involving Mary. The charged language reads:

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those attorneys who will churn fees at hundreds of dollars per hour-want us silenced. They apparently have a lot of clout in Probate and even with the ARDC?

And I would like to note (JMD) that if you follow the money trail, it leads directly to the Plenary Guardian, the GAL's [sic] Adam Stern and Cynthia Farenga, and the Guardian's attorney's [sic] Harvey Waller and Peter Schmeidel/Dorothy Soehlig!

(Adm. Ex. 22 at 4-5) (Apr. 19 post).

Schmiedel has a colleague named Deborah Soehlig. (Tr. 616). Respondent's initials are JMD.

The second post is an entry on April 25, 2012. After referencing a separate case which, allegedly, included circumstances like those in the Sykes case, the charged language stated: "(a)s in the Sykes case, currently the GAL is adding other attorneys to the case to outlawyer the daughter and churn the feeding frenzy [sic] - all with court connected lawyers." (Adm. Ex. 22 at 8-9; Adm. Ex. 39 at 10-11) (Apr. 25 post).

The third post (the Black post) is dated April 28, 2012. This entry purports to be from a facsimile transmission to Lea Black, the attorney who initially represented the Administrator in these proceedings. (Tr. 347-48; Adm. Ex. 22 at 11). In the Black post, Respondent referred to the Sykes case and stated there was a clear pattern "to exclude, snub, snob and ignore any pleading that Gloria filed," while granting, "anything offered either orally or by mere hint of suggestion by the tortfeasors," Stern, Farenga and Schmiedel, "without findings, no hearing, no discussion, and often without any written Motion or Notice of Motion." (Tr. 352; Adm. Ex. 22 at 11). The Black post continued with the following language:

Isn't this the classic case of corruption?...

The judge in the Probate Court declared in August of 2011 she did not have to follow court rules or Illinois Statutes pertaining to Civil Procedure in Court-she was exempt. Then she grants this privilege to the court officer miscreants-and now it is clear for the world to see this is a continuing pattern, ala Dorothy Brown

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who has finally provided some meager form of computerization to the Circuit Courts.

Why aren't the Circuit Courts of Cook County computerized when the federal courts have been computerized since 200? 1) a thousand incompetent and computer illiterate patronage workers would have to be fired in a single day ? and 2) politically connected judges and their



puppet attorneys (the GAL's [sic]) would be exposed for what they are: money grubbing, family strife churning leeches that create nothing but pain and misery in a family while swiping free parking money out of a well funded estate.

(Adm. Ex. 22 at 11).

The fourth post is dated May 24, 2012. To put the charged language in context, the blog post from that date began with the heading, authored by Respondent: "(f)rom Ken Ditkowsky - Reasons for a number of agencies to get involved and investigate." (Tr. 1573; Adm. Ex. 23 at 7). Text followed, apparently authored by Ditkowsky, which complained of the manner in which Mary was found incompetent, called for an investigation and stated the determination Mary was incompetent was "a foregone conclusion orchestrated by an agreement" between the GALs and the guardian's attorney. (Adm. Ex. 23 at 7). This theme continued in text posted by Respondent, which included comments that honest attorneys, "the ones not making a profit from corruption," who report their suspicions of theft by "the court and the authorities," become the subject of groundless complaints, while "the miscreants dance away with impunity." (Adm. Ex. 23 at 7). The language charged in the Complaint was part of the text Respondent posted regarding the Sykes case. That language stated: "(a)gain, the entire case was railroaded, the file was peppered with packs of lies, and these lies were rubber stamped by (the GALs) and the Probate Court in a 'done deal.' Scary." (Adm. Ex. 23 at 7) (May 24 post).

The fifth post, from June 1, 2012, asserted a transcript, to which the blog provided a link, shows Judge Stuart side stepping the major issues in the case. (Adm. Ex. 24 at 1). The language

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at issue appeared in one of three postscripts, following Respondent's name at the conclusion of the post. That language read:

?from this transcript, it is clear the judge is talking to the miscreant attys in the hallway, Scott and Gloria always see them coming from behind the judge's private areas, and it is clear that the court is being spoonfed BS law by atty miscreants rather than having to actually read cases and make decisions based upon briefing schedules.

(Adm. Ex. 24 at 2) (June 1 post).

The sixth post, from July 7, 2012, consisted of a letter from Respondent to Kevin Connelly at the Office of the Sheriff, Circuit Court of Cook County. In this letter Respondent suggested corruption in the Sykes case for multiple reasons, including lack of jurisdiction, the court and GALs acting without authority and documents missing from the court file. Respondent also suggested corruption was the reason she was not permitted to use a laptop in probate court, particularly in relation to the Sykes case. The letter stated "(a)ny day now this will blow and it may well create a scandal more far reaching than Greylord." (Adm. Ex. 25 at 2). Respondent's letter included the statements at issue, *i.e.*:

I am an attorney running a blog on <http://www.marygsykes.com/>, which appears to be a very corrupt case, with corruption reaching to the highest levels, including the ARDC?.

So, just let me know if you are on the side of cleaning up the courts or if you are a SOP patronage worker that fears every day to be thrown under the bus for whistleblowing. You get a choice today. I think Judge Evans made his choice. Too bad it's now permanently on the internet tagged under "corruption."

(Adm. Ex. 25 at 1-2) (Connelly post).

The seventh post was language from the Table of Torts. The language charged is the language contained in the Table of Torts post, set out above.

The eighth item charged involved a document posted on the blog which purported to be a motion by Farenga to dismiss the Sykes probate case for lack of jurisdiction (motion to dismiss

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post). The motion listed Farenga as the preparer. This post included a notice, suggesting Farenga intended to present the motion to the court. (Adm. Ex. 26 at 15-17). Farenga did not prepare these documents, which were contrary to her position in the Sykes case, or authorize their preparation. Respondent prepared these documents. (Tr. 850-54. 867-68).

The ninth post charged consisted of a facsimile transmission of correspondence from Respondent to Diane Saltoun, at the office of the Illinois Attorney General. The blog stated Respondent's fax to Saltoun was accompanied by her "famous" Table of Torts. (Adm. Ex. 25 at 12). In her correspondence, Respondent stated:

(w)hile the above case has a long, long history, much of which is documented on a blog to be found at [www.marygsykes.com](http://www.marygsykes.com), the reality of the situation is that this probate proceeding boils down to garden variety theft, embezzlement, malpractice and malfeasance by attorneys and the court?

Please look at the attached and all the information I will fax you shortly. This is a case that could be bigger than Greylord-what is being done to deprive grandma and grandpa of their civil rights and how the Probate court (routinely) operates.

(Adm. Ex. 25 at 12-13) (Saltoun post).

The tenth post was an entry from August 21, 2012, entitled "(a)ltered court orders, fabricating attorneys, the sage continues." After referring to orders in the probate case, with links to two of those orders, the language charged appeared. That language read:

(n)othing like the time honored true fashion of if you don't like what the order said when the parties agreed, just get the judge behind closed doors and get her to alter it. And do it messily and have two 'entered' stamps on it.

Even a grammar school child can forge a parental note with more skill and care than the minimal amount which was taken in this matter to cover up the tracks of their torts by these bumbling miscreants!

(Adm. Ex. 26 at 18-19) (Aug. 21, 2012 post).

Respondent's blog contained a disclaimer. The disclaimer identified the authors as "lawyers trying to make a difference to make things better for grandma and grandpa." (Adm.

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Ex. 17 at 2). Respondent relied on the disclaimer, which, from her perspective, made it clear the blog was not a full or accurate record of the proceedings, but a place where commentary, facts and opinions were stated. (Tr. 303, 1531-32). The disclaimer suggested statements on the blog were statements of opinion and directed the reader where to go for "accurate details." (Adm. Ex. 17 at 2-3). The disclaimer also stated:

Sorry, but portions of this blog have to be entertaining so we can get the word out?. There is most certainly a great deal of (stinging) truth in it, esp. for the GAL's [sic], the probate court and a society that ignores (thereby condoning) the sleazy world of probate, and in particular the 18th floor of the Daley Center in Chicago, but everyone needs to understand, these are not pleadings, there is no Motion, Response and Reply set by any court, together with extended legal argument recorded by a court reporter and subject to a Motion to Reconsider if errors or new evidence is found. So don't take it that way. Like a good reporter, do your own due diligence and check with the sources first.

(Adm. Ex. 17 at 3).

The blog also suggested statements on it were truthful. Specifically, the blog stated, as its mottos, "(s)unlight is the best disinfectant" and "if the truth can destroy something, then it deserves to be destroyed." (Adm. Ex. 17 at 1).

Farenga is an attorney, licensed to practice law in Illinois in 1979. Stern is an attorney, licensed to practice law in Illinois in 1994. Each is in private practice and very experienced in guardianship and probate matters. Neither Farenga nor Stern had encountered Respondent prior to the Sykes case. (Tr. 794-800, 1019-1024).

Schmiedel is an attorney, licensed to practice law in Illinois in 1974. Schmiedel has extensive experience in guardianship and probate matters. Schmiedel became involved in the Sykes probate case in early 2010, as attorney for Toerpe. (Tr. 579-81, 587).

Cook County Circuit Judge Jane Louise Stuart was elected as a judge in 1996. She described extensive experience. Judge Stuart has presided over the Sykes probate case since late 2010. By that time, Mary had already been found disabled. (Tr. 942-45).

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Normally, only one GAL is appointed in a case. Farenga and Stern testified a second GAL was appointed for Mary because, early in the proceedings, there was a court date which Farenga could not attend. Both remained on at the request of the judge because it appeared, early on, the case would be very time-consuming. (Tr. 798-99, 946-48, 1022; Adm. Ex. 1 at 3).

Mary's estate was not large, and funds were needed for Mary's care. (Tr. 629, 816-17, 838). The trust, which had owned the white house, contained some money, since the house had been sold. The trust was an entity separate from the probate estate. (Tr. 619-20). The probate estate's anticipated annual receipts were \$13,000. Early in the probate proceedings, Toerpe and Gloria each suggested Mary had limited means and did not own substantial personal property. (Tr. 807-808, 872; Adm. Ex. 1 at 1, 5, 6). Judge Stuart, Farenga and Stern testified, to the best of their knowledge, the only assets in Mary's estate consisted of her claim to a portion of the Lumbermen's proceeds and her interest in the brown house. While \$150,000 to 200,000 remained from the Lumbermen's settlement, the court had not determined what, if any, of that amount belonged to Mary. Mary's net equity in the brown house was not significant, as that property was jointly owned, subject to a mortgage and heavily damaged by mold. (Tr. 588, 593, 818-19, 952-53, 960-61, 1034).

None of the petitions for guardianship mentioned gold coins. (Tr. 869-70; Adm. Ex. 1 at 1, 5, 6). Farenga testified Ditkowsky, not Gloria, first raised the issue of gold coins and the amount changed continuously. (Tr. 870-72). Judge Stuart testified the issue was addressed in court multiple times. According to testimony from Farenga, Stern and Judge Stuart, even though they inquired, they were never presented with specific information or any real evidence showing Mary's estate included gold coins. (Tr. 884, 957-59, 971-74, 1049-1050). Schmiedel testified no such coins existed. (Tr. 642).

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Farenga and Stern each had spent hundreds of hours on Mary's matter, for which they had not been compensated. They did not expect to ever be paid in full, since Mary's estate was of limited value and any funds would be needed for Mary's own future care. Each testified they had not received any money from the estate. The only money either of them had received was approximately \$16,000, which was far less than the value of the time they had spent. While that payment was not court approved, it was paid by the trust, not the estate, so court approval was not required. (Tr. 815-20, 1029-31). Farenga and Stern had not filed fee petitions. Judge Stuart likewise testified no money had been paid to the GALs from the estate. (Tr. 959-60).<sup>3</sup> Judge Stuart testified, other than the salary she received as a judge, she had not received any benefit from the Sykes case. (Tr. 961-62).

Schmiedel estimated his firm had provided legal services worth \$200,000 in the probate case and related cases. Schmiedel testified the only money he received in the Sykes matter was court-approved fees of \$12,500 from Mary's estate and modest additional fees from the trust, which paid Schmiedel for work relating to the sale of the white house. (Tr. 619-20).

Farenga, Stern and Schmiedel were each asked about numerous specific blog posts and specific allegations of wrongdoing in relation to the Sykes case. In each instance, they testified the allegations were not true. Those allegations included churning fees, receiving improper payments, bribing judges, financially exploiting Mary, stealing from Mary's estate, *ex parte* communications with judges to fix the case and altering court orders. None had been in the area of the judges' chambers in relation to this case. Schmiedel's testimony indicated there were legitimate reasons for an attorney to be in the area of chambers; for example, one probate judge conducts mediations in chambers. (Tr. 610, 618-42, 646-50, 775-80, 821, 824-43, 846-50, 854-59, 1028-41).

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Judge Stuart testified everything concerning the Sykes matter was handled in open court. Judge Stuart testified she ruled based on the evidence and was not part of any conspiracy to rule in a specific way. While she typically receives a draft order from an attorney involved in a case, Judge Stuart testified, if the draft did not conform to her ruling, she modified the draft before entering her order. Judge Stuart was asked about, and denied, specific allegations of wrongdoing, including bribery, *ex parte* communications, financial exploitation of Mary and having any personal interest in the Sykes case. (Tr. 959-71).

The blog's allegation that the probate judge stated she did not have to follow procedures involved the fact that the probate court addressed issues concerning the Lumbermen's proceeds after the normal deadline for challenging a final judgment. However, the issues presented to the probate court concerned Mary's capacity to sign the Apportionment Agreement, *i.e.*, the validity of the contract between Mary and Gloria, not the Lumbermen's judgment. (Tr. 588, 680-83, 800-802, 948-49, 1567-68).

In relation to the allegations of coercion against Gloria, the probate court had entered an order freezing the remaining proceeds from the Lumbermen's settlement, until ownership of the funds could be determined. According to Judge Stuart's testimony, when it appeared the funds had been disbursed, Gloria was questioned several times, but claimed not to know the whereabouts of the money. Judge Stuart testified she had her deputies take Gloria to a quiet place, to contemplate whether or not to inform the court where the funds had been deposited. Judge Stuart testified Gloria returned with information three or four minutes later. (Tr. 950-53). Judge Stuart testified she did not direct her deputies to handcuff Gloria and, at the time, was not aware that had occurred. (Tr. 1008-1009). Farenga testified she was not involved in any allegedly overbroad implementation of the order freezing Gloria's account. (Tr. 891-92, 896-

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97). Schmiedel denied being involved in termination of gas service to Gloria, damage to her home or

removal of her furniture. (Tr. 752-55).

Respondent testified she made statements on the blog based on her knowledge of the case and discussions with others. Respondent had attended court proceedings in the probate case and reviewed pleadings and transcripts. She had spoken with family members, including Gloria and Mary's niece, Kathleen Bakken (Kathleen), as well as Gloria's former attorney. Gloria's former attorney had stated he thought the Sykes case was being railroaded and told Respondent, when he asked for discovery, the judge asked why he would want it. Given those discussions, Respondent considered the procedures in the Sykes case highly unusual and the case very corrupt. (Tr. 285, 1349-50, 1571-72, 1582-83, 1588-89, 1600, 1684, 1687-89). Respondent testified she had also received numerous complaints from people dissatisfied with the probate system in general. (Tr. 1531). Respondent testified, when she made the blog posts, she believed her statements were accurate. Respondent testified she never put an entry on her blog which she knew was not true or with reckless disregard for its truth or falsity. (Tr. 300-304, 361-62, 1672, 1675).

Respondent testified, when she was in court, she observed the judge rolling her eyes, cutting Gloria off and telling Gloria to be quiet. Respondent stated a number of orders were entered without a briefing schedule or after pleadings from Gloria had been stricken. Respondent described one occasion, on which she based the claim the GALs and Schmiedel fabricated orders, in which a draft order was prepared, which Respondent and Gloria saw, but the order entered did not match the draft. The alteration involved the inclusion of language stating a motion relating to jurisdiction was being denied, because it had been presented many times in the past. Respondent testified, on one occasion when she was present, she observed the attorneys

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going into the area of the judges' chambers. (Tr. 1554, 1574-79, 1628-31). Respondent testified many pleadings were missing when she reviewed the court file. (Tr. 1569-70).

Respondent testified she thought she had sufficient information to believe there were improper activities, like those in Greylord, based on her review of the court file. According to Respondent, attorneys had billed for many services, and those bills were approved by the court, but the services were not rendered. While no cash had changed hands, Respondent believed theft had occurred because cash and gold coins were missing. (Tr. 1699-1702).

Respondent testified, in stating certain persons stood to benefit from declaring Mary incompetent and evicting Gloria, she meant they would get substantial fees, which would be taken from sale of Mary's and Gloria's home. Respondent stated her reference to churning fees was based on the fact two GALs were appointed and her view the GALs spent a lot of time on matters inappropriately. It was unusual to have two GALs, although Respondent acknowledged Gloria's litigiousness had played a role in the court's decision to appoint two GALs. (Tr. 1539, 1596-97, 1602-1604). To the best of Respondent's knowledge, the GALs had not yet been paid through Mary's estate. (Tr. 346).

According to Respondent, some of her accusations flowed from the underlying theory that the court lacked jurisdiction and, as a result, none of its actions were legitimate. (Tr. 1616, 1621-28). Other allegations arose from Respondent's disagreement with specific actions by the court, such as the order freezing Gloria's accounts and the decision to address issues concerning the Lumbermen's settlement. (Tr. 1554-55, 1559, 1567-68).

In describing her efforts to verify her allegations, Respondent testified she reviewed the court file and spoke with as many people as possible. Respondent testified she had spoken with Kathleen and with Mary's sister, Yolanda Bakken (Yolanda) about allegations of missing cash

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and gold coins. Respondent had contacted a coin shop where she believed such coins might have been purchased; Respondent had not obtained any real information from the shop. (Tr. 1676-77, 1681-82). Respondent identified a number of additional steps she took to investigate. According to Respondent's testimony, some of those steps were still in progress, such as investigating the size of Farenga's mortgage, which Respondent considered to be disproportionately large. In other instances, Respondent had taken the actions only recently, such as having an investigator run background checks. Respondent stated she checked property records, particularly for judges, which Respondent described as raising some questionable issues. (Tr. 1722-28, 1731-46). In relation to the size of Farenga's mortgage and various property transfers in which Farenga's husband had been involved, Respondent testified she had not yet been able to conclude there had been any wrongdoing or criminal conduct. (Tr. 1738-39). Respondent also testified she had not found any suspect mortgage issues involving the judges in the Sykes matter. (Tr. 1740-41).

In relation to the Connelly post, Respondent considered it highly improper that she was not permitted to blog during the Sykes probate proceedings. (Tr. 1584-88). Respondent testified she wrote to Connelly to seek his assistance in letting her use her laptop, so she could blog and thereby, in her view, help clean up corruption. (Tr. 1590-92). In asserting corruption had reached the highest levels, including the ARDC, Respondent testified she meant numerous complaints had been filed with the ARDC but did not receive responses Respondent considered appropriate. (Tr. 1589). The Connelly post included a comment that Cook County Chief Judge Timothy Evans was permanently tagged under corruption. Respondent described an internet tag as an index feature which allows people to find a particular post or brings people to the blog who might be interested in its contents. She testified other blogs concerning probate used corruption as a tag. (Tr. 1592, 1813, 1820-22).

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Gloria testified, beginning in 2009, she and Respondent had numerous discussions about corruption in the probate court of Cook County. Gloria testified she told Respondent, in the probate division, it appeared there was a cottage industry of attorneys, the court ignored applicable statutes and there was lawlessness and discrimination. (Tr. 517-18, 521, 524).<sup>4</sup>

Yolanda testified the probate judge ignored her and Gloria, the GALs and the court had not really listened to what was going on, and the GALs had not properly informed the court of the family's concerns about Mary. Yolanda testified, when she tried to inform the court of Toerpe's interference with her efforts to visit with Mary and an ensuing physical altercation, the judge did not permit her to do so and told her it did not matter. Yolanda acknowledged having hearing problems. Yolanda was suspicious, because she did not know where the proceeds from the sale of Mary's house had gone. Yolanda also believed Mary had quite a bit of gold coins. Yolanda provided conflicting testimony as to any discussions she may have had with Respondent about Mary's estate. Yolanda assumed someone had been paying the GALs. Yolanda did not have any information about any fees the GALs may have received or any proof the GALs had stolen from Mary's estate. (Tr. 1184, 1187-89, 1235-37, 1252-56, 1290-1307, 1325).

Kathleen had been at many court hearings and had spoken with Respondent many times about her concerns with Mary's matter. Kathleen testified multiple decisions had been made which differed from what she thought the decisions should have been. Those included the decision to appoint a guardian and the choice of Toerpe as guardian, over objections from other relatives. To Kathleen, it seemed like the guardianship was a "done deal." Kathleen testified no one had listened to Mary or dealt with issues as to the lack of proper service. From Kathleen's perspective, Gloria's position was ignored. She gave examples, including a refusal by Farenga to give the court a document, ostensibly written by Mary, because Farenga believed Gloria had

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dictated the document. That incident was part of the basis on which Respondent relied in alleging impropriety by the court and GALs. Kathleen testified, on some occasions when she was in court, the order

entered did not match what Kathleen had heard. She also testified the GALs covered for Toerpe, did not follow up on matters reported to them, ignored "red flags" and did not fully inform the court of Mary's circumstances. Kathleen gave examples including, but not limited to, the altercation between Yolanda, Toerpe and Toerpe's husband, an incident in which Mary required emergency room treatment due to lack of proper care by Toerpe and alleged inaccuracies in Toerpe's inventory. Kathleen testified Toerpe did not permit other relatives to visit with Mary, even though the court ordered Toerpe to allow such visitation, and the GALs did not inform the court about visitation problems, even though Kathleen told Stern about those problems. (Tr. 1339, 1344-46, 1348-55, 1358-64, 1370-73, 1382-92, 1407-1418).

Kathleen testified it seemed someone was benefitting. (Tr. 1335). The number of people involved and hours billed seemed extreme to her. In Kathleen's view, some proceedings went on longer than they should have, while other things did not get the attention they deserved. She based her view that the judges and GALs had taken money from Mary's estate on the fact that Toerpe had been appointed guardian and given control over Mary's assets. Kathleen did not have evidence, knowledge or information the GALs were taking money or overcharging. Kathleen had not told Respondent she thought probate judges were fixing cases or taking money improperly or that the judges or GALs were engaged in any criminal activity. (Tr. 1350-52, 1355-62, 1407-1408).

### **B. Analysis and Conclusions**

Respondent is charged with violating Rules 8.2 and 8.4(c) due to statements made on her blog. The specific statements on which the charges are based are set out above. Although we referred to some other statements, our findings of misconduct are based solely on those

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statements which were specifically charged in the Complaint. Given the testimony, and the manner in which the statements at issue appeared on the blog, we find Respondent authored all the statements which were specifically charged in the Complaint.

A lawyer shall not make a statement the lawyer knows is false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge, adjudicatory officer or public legal officer. Ill. Rs. Prof'l Conduct R. 8.2(a). For the reasons stated below, we find the statements at issue impugned the integrity of the judges involved in the Sykes guardianship case, the statements were false and Respondent made the statements with reckless disregard for their truth or falsity. Therefore, the Administrator proved Respondent violated Rule 8.2 as to the statements involving the judges. It is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation. Ill. Rs. Prof'l Conduct R. 8.4(c). Having proved Respondent made statements which violated Rule 8.2(a), the Administrator also proved, by making these statements, Respondent engaged in conduct involving dishonesty, in violation of Rule 8.4(c). *In re Ditkowsky*, 2012PR00014, M.R. 26516 (Mar. 14, 2014). We also find, for the reasons stated below, Respondent's statements accused the GALs of serious misconduct, accusations which were false and which Respondent similarly made with reckless disregard for their truth or falsity. While the GALs are not within the scope of Rule 8.2, (*Ditkowsky*, 2012PR00014 (Hearing Bd. at 27)), this provides an additional basis for our finding the Administrator proved Respondent violated Rule 8.4(c).<sup>5</sup>

The statements on which the charges are based, particularly considered as a whole, clearly convey the message that corruption affected the Sykes case and its outcome, with the judges and GALs benefitting, to Mary's detriment. Specifically, the April 19 and April 25 posts accuse the attorneys of churning fees, having clout in probate and being "court-connected."

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According to the April 19 post, "the money trail" leads directly to the GALs and the guardian's attorneys. The Black post suggests the result was pre-ordained, the product of corruption, a one-sided decision made by a court which did not consider itself bound by the rules. This theme continues in the May 24 post, according to which the case was railroaded and the decision was a "done deal," with the court and GALs rubber stamping lies placed before them. The June 1 post suggests *ex parte* communication with the court, resulting in improper, biased decision making. The August 21 post reiterates this theme, suggesting the attorneys got the judge "behind closed doors" and had her change court orders to better suit their position.

The term "corruption" appears repeatedly in the statements at issue. Corruption implies dishonest or illegal behavior, such as taking bribes. Webster's New World Dictionary and Thesaurus 140 (2d ed. 2002). This meaning is clear from Respondent's statements, particularly when the statements at issue are considered as a whole. Respondent's repeated references to Greylord in the charged statements remove any possible doubt as to the intended message. Operation Greylord was a wide-reaching federal investigation of judicial corruption in Chicago. *Bracy v. Gramley*, 520 U.S. 899, 901, 117 S.Ct. 1793 (1997). As Respondent's testimony demonstrates she knew, Greylord uncovered extensive corruption in the local court system, including bribes being paid to multiple judges to obtain favorable results in pending cases. See *Guest v. McCann*, 474 F.3d 926, 929 (7th Cir. 2007). The statements at issue suggest the same thing was happening in the Sykes case. Respondent further alleges illegal behavior in the Saltoun post, in which Respondent explicitly states theft and embezzlement are occurring in the Sykes case.

The statements at issue, particularly considered as a whole, clearly impugn the integrity of the judges and attorneys in the Sykes probate case. Respondent's statements create an

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impression that Mary was found disabled without supporting evidence, by a rogue court acting without jurisdiction, which did not analyze the facts or apply the applicable law and made decisions to accommodate others based on favoritism and payoffs. Respondent's statements likewise suggest the GALs were not doing their jobs and not protecting Mary's well-being, even though they were told of circumstances which should have caused them to challenge the appointment of a guardian in general and the choice of Toerpe in particular, acting in this manner because they had been paid off and were receiving grossly excessive fees. Comments such as "follow the money trail," references to Greylord and allegations that substantial assets were missing from Mary's estate, clearly infer that money was taken from Mary's estate and used to pay off the GALs and the court. Respondent's statements imply the GALs were paid off to look the other way and do nothing, and the court was paid off to rubber-stamp the guardianship and appointment of Toerpe, regardless of the detriment to Mary.

Based on the evidence, we find such suggestions false. Judge Stuart, Farenga, Stern and Schmiedel all impressed us as credible witnesses. Given their testimony, we conclude no bribes were offered to or accepted by the judges or GALs and no improper benefits were received, by the judges or GALs. The testimony of these witnesses also convinced us there were no improper *ex parte* communications, improper altering of court orders or any other dishonest conduct in relation to the Sykes case. There was also no indication the judges or the GALs made decisions or adjusted their conduct based on dishonest or unethical factors.

The fact that some persons involved in the Sykes guardianship, for example, the judge who found Mary disabled, did not testify does not change our conclusion. Judges are presumed to be impartial, and allegations of deliberate corruption by a court are presumed false. *In re Amu*, 2011PR00106, M.R. 26545 (May 16, 2014).

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The fact Respondent's statements were false does not conclude our inquiry. We must also consider whether Respondent made the statements knowing they were false or with reckless disregard for their truth or falsity.



This is the state of mind Rule 8.2(a) expressly requires. This is also the state of mind required for the charges of misconduct, under Rule 8.2 or 8.4(c), to pass constitutional muster. *In re Zurek*, 99 CH 45, M.R. 18164 (Sept. 19, 2002); *In re Palmisano*, 92 CH 109, M.R. 10116 (May 19, 1994).

Attorneys have certain First Amendment rights. *Zurek*, 99 CH 45 (Review Bd. at 11). Lawyers have a right to criticize the state of the law. *In re Sawyer*, 360 U.S. 622, 631, 79 S.Ct. 1376 (1959). They may also fairly criticize a judge's rulings. *Amu*, 2011PR00106 (Review Bd. at 11). Similarly, there is a public interest in permitting attorneys to make proper complaints of misconduct by judges and other lawyers. *Palmisano*, 92 CH 109 (Review Bd. at 8).

However, baseless and unfounded accusations that a judge is corrupt do not fall within the boundaries of protected speech. *Amu*, 2011PR00106 (Review Bd. at 11-12). The First Amendment does not shield an attorney from professional discipline for making false statements with knowledge of their falsity or reckless disregard for their truth. *In re Hoffman*, 08 SH 65, M.R. 24030 (Sept. 22, 2010). Likewise, First Amendment protections do not apply where an attorney makes scandalous and defamatory accusations that have no basis in fact. *Zurek*, 99 CH 45 (Review Bd. at 11).

Some statements on the blog are matters of opinion or criticisms directed at the state of the law. We do not base our findings of misconduct on any such statements. The statements at issue are statements which impugn the integrity of members of the judiciary and other attorneys.<sup>6</sup>

Respondent testified she believed her statements were true. However, an attorney's subjective belief in the truth of his or her statements is not the critical consideration. *In re*

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*Greanias*, 01 SH 117, M.R. 19079 (Jan. 20, 2004). A statement made with no reasonable basis in fact is a statement made with reckless disregard for the truth. *In re Harrison*, 06 CH 36, M.R. 22839 (Mar. 16, 2009).

Respondent's accusations of gross improprieties by the judges and GALs in the Sykes probate matter lacked any legitimate factual basis. There simply was no reasonable basis on which Respondent could have believed the probate judges were bribed to reach a specific result in the Sykes case, entered orders based on improper agreements or *ex parte* communications or engaged in similar types of misconduct. Similarly, there was no reasonable basis on which Respondent could have believed the GALs reaped any improper benefits from the Sykes case or were paid to look the other way, while Mary was abused and her estate looted.

According to the testimony presented, the court's decisions were issued based on evidence and argument, not any impropriety. Judge Stuart, Stern, Farenga and Schmiedel all denied any impropriety in relation to the Sykes matter, no bribes, no improper payments, no *ex parte* communications. We found their testimony credible. Respondent did not present any real information to show she had any good faith basis to believe otherwise.

Stern and Farenga each received some funds in relation to the Sykes matter. Each had also performed a significant amount of work. These attorneys had not been compensated for the vast majority of that work. This fact does not indicate dishonesty or malfeasance on their part, nor is it inherently suspect. Instead, particularly after hearing these witnesses testify, we were convinced Farenga and Stern were acting out of concern for Mary and her well-being, and we saw no indication they were taking any funds improperly.

We also found no real evidence Mary had a sizeable estate, from which funds had been, or were being, stolen. The evidence indicated exactly the opposite. Mary's assets consisted of

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an interest in real estate with very limited net value, a still undetermined claim to a portion of settlement proceeds, and minimal income and personal property. Respondent alleged the estate contained much more, including gold coins. The probate court conducted an inquiry, but found no evidence Mary's estate contained gold coins.

Respondent testified she made some efforts to investigate. Respondent's testimony confirms she had not come up with anything to substantiate her suspicions. In fact, Respondent's statements reflected that she had not undertaken any meaningful investigation, prior to making her accusations against the judges and the GALs in the Sykes case.

The Sykes probate case was obviously a contentious legal proceeding. Mary's relatives disagreed vehemently as to her needs and the manner of her care. The disagreement was presented to the court. The court, as it had to do to resolve the issues presented to it, made decisions. Respondent and some of Mary's relatives disagreed with those decisions. We express no opinion on the propriety of any of the rulings in the Sykes case. However, disagreement with a judge's rulings does not provide an attorney with a reasonable basis to allege the judge acted corruptly. *Amu*, 2011PR00106 (Review Bd. at 10). This would be true even if a ruling may have been incorrect. *In re Feldman*, 03 CH 23, M.R. 20132 (May 20, 2005).

We reach a similar conclusion in relation to Respondent's accusations against the GALs. Given the evidence presented, there was no logical or reasonable basis for those accusations. Rather, it appears clear to us that the accusations were made essentially because the GALs did not take positions which aligned with the views of Respondent and Gloria.

Based on the evidence, we found absolutely no rational basis on which Respondent could have believed her allegations of corruption, bribery, Greylord-type activity or the like were true. Therefore, in making such allegations, Respondent acted with reckless disregard for the truth or

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falsity of her statements. *See Amu*, 2011PR00106 (Hearing Bd. at 8) (reckless disregard for the truth is shown where there is no reasonable basis for believing the statement is true).

Respondent suggests she made her comments as a private person, not as an attorney. The facts do not support this theory. At various points, the blog specifically indicates Respondent is an attorney, e.g. identifying the authors as "lawyers trying to make a difference to make things better for grandma and grandpa" and stating "it takes an attorney to make those comments?" In addition, Respondent testified it took legal knowledge to post and author the statements on the blog. Further, despite her theory that she made her statements solely as a private person, Respondent's public false and baseless accusations of corruption, by specific individuals in relation to a specific case, properly subject her discipline. *Ditkowsky*, 2012PR00014 (Review Bd. at 12).

The blog's disclaimer does not shield Respondent from discipline. Despite the disclaimer, which itself asserts some statements on the blog are true, other portions of the blog suggest statements on the blog are true. The statements with which Respondent was charged clearly accused the judges and GALs of corruption, accusations which were false and lacking in any reasonable basis. The fact that elsewhere on the blog Respondent suggests that readers do further investigation does not alter this reality.

## **II. Respondent is charged with engaging in conduct that is prejudicial to the administration of justice, in violation of Rule 8.4(d).**

### **A. Evidence Considered**

In addition to the evidence in Section I A, we consider the following evidence.

After Respondent was disqualified from representing Gloria in the probate case, Respondent continued to go to court in the probate case. Respondent assisted Gloria during some of those hearings, doing things such as suggesting questions for Gloria to ask. Respondent

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testified she did this as a friend, not as an attorney. However, in Gloria's bankruptcy proceeding, Respondent submitted a claim for fees which included billing for time in the probate matter, after Respondent was disqualified. Respondent and Gloria also continued to communicate via e-mail. (Tr. 283-86, 696, 808-809; Adm. Ex. 15 at 41-74).

Stern testified, even though Gloria was acting pro se in the probate case, much of what she did was taken from the blog. According to Farenga and Stern, the blog posts affected the probate case in that Gloria, with Respondent's support, raised various ancillary issues, which distracted from the real issues in the probate case. Because the parties were dealing with matters raised on the blog, other issues, such as Mary's entitlement to part of the Lumbermen's settlement, remained unresolved for years. (Tr. 859-60, 1041-42). Farenga also testified Respondent's blog posts also created extra work for Farenga, including the need to follow up on the veracity of statements made. (Tr. 924-25).

Schmiedel and Judge Stuart provided similar testimony, stating significant time had been spent dealing with frivolous motions filed by Gloria, which contributed to delays in resolving the case. Schmiedel testified the blog posts adversely affected the probate matter by creating the need to defend against baseless allegations and supporting Gloria in making endless challenges to the jurisdiction of the probate court. Judge Stuart also noted Gloria would bring up issues, particularly jurisdiction, which had previously been decided. Schmiedel testified the blog prompted Gloria to file baseless motions and complaints, in probate court and other courts, and, consequently, created additional work in the courtroom. (Tr. 651, 701-703, 954, 968-69).

### **B. Analysis and Conclusions**

Attorneys may not engage in conduct that is prejudicial to the administration of justice. Ill. Rs. Prof'l Conduct R. 8.4(d). To prove a violation of Rule 8.4(d), the Administrator must prove the administration of justice was actually prejudiced by the attorney's misconduct. *In re*

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*Karavidas*, 2013 IL 115767, par. 91. A violation of Rule 8.4(d) can be found where the attorney has engaged in misconduct which undermines the judicial process. *Id.* at par. 94. Baseless accusations of corruption against judges and attorneys involved in a pending case tend to interfere with the effective functioning of the judicial process. *See Hoffman*, 08 SH 65 (Review Bd. at 15). Based on the evidence in this case, Respondent's conduct prejudiced the administration of justice, and the Administrator proved Respondent violated Rule 8.4(d).

As set out above, members of the Sykes family disagreed over the guardianship and the appointment of Toerpe. Respondent had been hired to represent Gloria in matters involving Mary, and Respondent attempted to appear on Gloria's behalf in the guardianship case. Although she was disqualified and could not act as counsel of record, Respondent remained clearly aligned with Gloria and continued to act in relation to the Sykes probate case, attending court and advising Gloria. Against that background, Respondent proceeded to make baseless accusations of misconduct by the judges and attorneys involved in the pending probate case and false, unfounded allegations which cast doubt on the validity of those proceedings.

According to the credible testimony of the Administrator's witnesses, as a result of Respondent's false blog posts, the parties in the Sykes case became embroiled over frivolous and ancillary matters. Statements Respondent made on the blog also served to advise Gloria what to do and encourage her to take

unreasonable positions in court, such as the repeated challenges to the court's jurisdiction. The court and counsel spent significant time and effort dealing with topics raised on the blog, investigating the veracity of statements made on the blog and defending against allegations made on the blog. All of this caused undue complications and significant delays in resolving the real issues in the probate case. Based on the evidence, Respondent's misconduct undermined the proceedings in the Sykes case.

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In *Karavidas*, the Court concluded the attorney's conduct did not undermine the administration of justice because Karavidas was not acting as an attorney and was not involved in the judicial process at the time of his misconduct. *Karavidas*, 2013 IL 115767 at par. 97. Karavidas's actions were performed solely in his capacity as executor of his father's estate and the alleged misconduct primarily involved loans Karavidas made to himself from the estate. The Court determined the fact that his conduct eventually became the subject of court proceedings did not suffice to prove Karavidas engaged in conduct prejudicial to the administration of justice. *See Id.* at pars. 90, 96.

There is a significant difference here. For the reasons stated above, even though she was not counsel of record, Respondent continued to be involved in the Sykes probate case and her misconduct directly impacted that case and persons connected with it. Respondent made false and completely unfounded allegations that the judges and attorneys involved in that pending court proceeding were corrupt. Her conduct, unlike that in *Karavidas*, was explicitly directed toward the pending court proceedings.

*Karavidas* also directs that a complaint must plead specific facts to support a charge under Rule 8.4(d). *Id.* at pars. 72, 97. Based on this principle, in some cases involving unfounded accusations of corruption against judges and other attorneys, the Review Board has reversed findings of conduct prejudicial to the administration of justice. *Ditkowsky*, 2012PR00014 (Review Bd. at 11); *Amu*, 2011PR00106 (Review Bd. at 13). The pleading requirements of *Karavidas*, however, do not preclude finding a violation of Rule 8.4(d) here.

*Karavidas* is based on the requirement that the complaint sufficiently inform the attorney of the misconduct charged to satisfy due process principles and insure the misconduct charged is misconduct for which professional discipline may be imposed. *Karavidas*, 2013 IL 115767 at pars.

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73, 103. In *Karavidas*, the conduct which allegedly prejudiced the administration of justice was a breach of fiduciary duty, conduct not specifically proscribed by the Rules of Professional Conduct. In that context, the Court observed: "while an attorney's breach of fiduciary duty to a nonclient could constitute an act that is prejudicial to the administration of justice? if an attorney is to be disciplined for such conduct, the Administrator must, as a matter of due process, plead and prove that the breach of fiduciary duty had a prejudicial effect on the administration of justice." *Id.* at par.97.

The decision in any given case depends on the language of the complaint and the evidence in that specific case. *See In re Kirby*, 2010PR00098, M.R. 26679 (May 16, 2014) (Review Bd. at 11) (affirming the finding of a Rule 8.4(a)(5) violation). In this case, the Complaint was sufficient to put Respondent on notice of the precise misconduct charged. That misconduct was not nebulous or uncertain. The Complaint charged Respondent with misconduct based on false and unfounded blog posts alleging corruption by the GALs and the judges in a specific pending court proceeding. The Complaint identified certain specific statements to support the charges of misconduct. We have found those statements were false and Respondent made them with reckless disregard for their truth or falsity, in violation of Rules 8.2(a) and 8.4(c). From our perspective, the potential of such misconduct to impact the administration of justice is abundantly clear, and sufficiently so to satisfy the pleading requirements of *Karavidas*.

Our finding Respondent violated Rule 8.4(d) does not affect our sanction recommendation. That recommendation is based on the proven misconduct, not the number of Rule violations found. *In re Gerard*, 132 Ill. 2d 507, 532, 548 N.E.2d 1051 (1989). We would recommend the same sanction with, or without, a finding Respondent violated Rule 8.4(d).

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**III. Respondent is charged with presenting, participating in presenting or threatening to present criminal charges to obtain an advantage in a civil matter, in violation of Rule 8.4(g).**

**A. Evidence Considered**

We consider the evidence outlined in Sections I A and II A. In addition, we consider the following evidence.

The Connelly post consisted of a letter from Respondent to Connelly, in which Respondent stated Chief Judge Evans referred her to Connelly's office, in relation to her complaints that courtroom personnel, particularly in courtroom 1804, were interfering with her use of a laptop. In context, it appears Respondent intended to refer to the courtroom in which the Sykes case was pending; other evidence suggests this was courtroom 1814. (Adm. Ex. 25 at 1; Adm. Ex. 26 at 1). In her letter, Respondent complained of corruption in probate court and the Sykes case and objected attorneys were not allowed to use laptops when they were "trying to investigate and report the very important news that our Probate court is utterly corrupt." (Adm. Ex. 25 at 1). Respondent requested that Connelly respond, by permitting attorneys to use laptops or informing Respondent when he was available for a deposition, in anticipation of Respondent filing a civil lawsuit. (Adm. Ex. 25 at 1). Respondent testified she was asking Connelly to help alleviate corruption, by letting people blog in court. (Tr. 1815-16).

The Saltoun post was correspondence Respondent sent to Saltoun, at the office of the Illinois Attorney General. Respondent designates Saltoun's title as Executive Director or Executive Inspector General. (Adm. Ex. 25 at 12). In addition to posting the correspondence to Saltoun on the blog, it appears Respondent sent a copy to Ditekowsky. (*Id.* at 13). In the Saltoun post, Respondent stated the Sykes probate proceeding "boils down to garden variety theft, embezzlement, malpractice and malfeasance by attorneys and the court." (*Id.* at 12). Respondent complained there was "corruption, cronyism, embezzlement" and suggested gold

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and silver coins worth approximately \$1 million were missing from Mary's estate. (*Id.* at 12). Respondent complained the ARDC had done nothing to clean up the court system and Judge Evans and court security had done nothing about her inability to blog from the courtroom or about documents allegedly missing from the Sykes court file. Respondent directed Saltoun's attention to the Table of Torts and concluded with the suggestion that this case could be bigger than Greylord. (*Id.* at 12-13). Respondent testified she posted her fax to Saltoun on the blog to inform others of her current activities. She stated she did so as she thought others might be interested and as a way to show people how to put together a case and ask that it be investigated. (Tr. 1620-21).

**B. Analysis and Conclusions**

A lawyer may not present, participate in presenting or threaten to present criminal or professional disciplinary charges to obtain an advantage in a civil matter. Ill. Rs. Prof'l Conduct R. 8.4(g). The Administrator must prove the elements of the Rule violation charged. *In re Owens*, 144 Ill. 2d 372, 378, 581 N.E.2d 633 (1991). The Administrator must do so by clear and convincing evidence. *In re Winthrop*, 219 Ill. 2d 526, 542, 848 N.E.2d 961 (2006). The Administrator did not prove the elements required for a violation of Rule 8.4(g), by clear and convincing evidence.

Respondent is charged with violating Rule 8.4(g) based on the presentation or threat of criminal charges. To prove this charge, the Administrator was required to prove clear action presenting or threatening to present criminal charges, communicated to the intended target of such a prosecution. *See In re Lavelle*, 94 CH 187, M.R. 11951 (Mar. 26, 1996) (Hearing Bd. at 11). There also must be a clear connection between the presentation or threat of criminal charges and a purpose of gaining an advantage in a civil matter. *See In re Schaaf*, 99 SH 64, M.R. 17387 (Mar. 23, 2001).

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The following cases illustrate the type of proof which satisfies the requirements of Rule 8.4(g). In *In re Mauro*, 06 CH 18, M.R. 21548 (May 18, 2007), while representing a client in a claim for civil damages, Mauro communicated with the opposing party and suggested he would pursue criminal charges if the opponent did not agree to settle the civil claim, which arose out of the same incident. The attorney in *In re Levin*, 05 CH 71, M.R. 22344 (May 19, 2008) was representing a client in a pending civil lawsuit. The opposing party filed a motion to dismiss, supported by an affidavit, signed by Burke, an attorney. Levin informed Burke he intended to depose Burke and send the deposition transcript to the ARDC. The Hearing Board found a violation, concluding Levin was using the threat of disciplinary proceedings to attempt to get Burke to change the position stated in his affidavit. *Levin*, 05 CH 71 (Hearing Bd. at 19).

The case involving Ditkowsky, whose misconduct arose out of his involvement in the Sykes matter, provides a helpful comparison. Ditkowsky sent e-mails to Farenga, Stern and Schmiedel, with copies to law enforcement personnel, in which Ditkowsky stated the other attorneys were involved in illegal conduct, he was giving them an opportunity to back off and law enforcement officials had no excuse not to prosecute. Ditkowsky also sent an e-mail to the GALs, with a copy to local police, in which Ditkowsky suggested substantial property had not been inventoried and could be split, and called on the recipients to ask the State's Attorney to investigate. Farenga and Stern testified they understood Ditkowsky's e-mails to threaten criminal charges. Ditkowsky acknowledged part of the reason he sent these e-mails was to induce the GALs to "take a stand for Mary" and inform the court about the problems Ditkowsky believed were occurring in relation to Mary. The Hearing Board found a violation of Rule 8.4(g), based on its conclusions that statements in Ditkowsky's e-mails clearly implied a threat to bring criminal charges, Farenga and Stern interpreted the e-mails as threatening criminal

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prosecution and Ditkowsky was seeking to prompt Farenga and Stern to take a position consistent with the position Ditkowsky was seeking to advocate in the Sykes matter. *Ditkowsky*, 2012PR00014 (Hearing Bd. at 34-35).

This case is different. Many of the statements with which Respondent was charged allege criminal activity was occurring. However, the other elements necessary to prove a violation of Rule 8.4(g) were not established, particularly not by the requisite clear and convincing evidence.

None of the blog posts with which Respondent was charged clearly communicated an effort to use or threaten criminal prosecution to try to induce another person to act in a specific way in relation to the Sykes case. Respondent communicated with Connelly because he was responsible for courthouse security, not enforcement of the criminal laws. While her correspondence suggested corruption existed, Respondent did not ask Connelly to investigate or prosecute any criminal conduct. Her communication concerned her ability to blog. In the Saltoun post, Respondent recited various problems she believed existed in the Sykes case, but the Administrator did not establish the link, required by Rule 8.4(g), to any effort to gain an advantage in a civil case. This is particularly true because the evidence did not show Respondent communicated with the GALs, Schmiedel or others involved in the Sykes litigation about her correspondence with Saltoun. The motion to dismiss post seeks to prompt Farenga to act differently in the Sykes case, but does not threaten criminal charges if she does not do so.

In this case, we also note Respondent's communications were not communicated directly to persons Respondent was accusing of criminal conduct or, with the possible exception of the Saltoun post, law enforcement officials. Rather, Respondent's statements were made generally,

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on a public blog. Given the facts of this case, and the content of the statements at issue, the Administrator did not prove a violation of Rule 8.4(g), by clear and convincing evidence.

It is clear Respondent did not like the manner in which other persons were acting in relation to the Sykes case. She also clearly expressed her view that criminal conduct was occurring. However, the Administrator did not clearly and convincingly establish, in her blog posts, Respondent was attempting to use the threat of criminal prosecution to induce others to act differently in relation to the Sykes matter. Therefore, based on the evidence in this case, the Administrator did not meet his burden of proving Respondent violated Rule 8.4(g).<sup>7</sup>

**IV. Respondent is charged with engaging in conduct which tends to defeat the administration of justice and to bring the courts or legal profession into disrepute.**

**A. Evidence Considered**

We consider the evidence set out in Sections I A, II A and III A.

**B. Analysis and Conclusions**

The allegation Respondent engaged in conduct which tends to defeat the administration of justice or bring the courts or legal profession into disrepute does not provide a separate basis for finding professional misconduct. *Karavidas*, 2013 IL 115767, par.86. Therefore, that charge is dismissed.

**EVIDENCE IN MITIGATION AND AGGRAVATION**

**Mitigation**

Respondent was licensed to practice law in Illinois in 1986. She is also a patent attorney. (Tr. 254-55).

Respondent lived in the same neighborhood as Mary and Gloria. She had provided legal services to Gloria at times. (Tr. 274, 280-81, 524). Respondent knew Mary before December 2009 and thought Mary was doing well when Gloria was caring for her. (Tr. 1661-62).

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Respondent testified the purpose of the blog was to bring problems in probate court to the attention of the general public. Her goal was to remedy problems she thought existed in probate court and to help other people involved in the probate process. (Tr. 1538-39). Respondent testified she was also seeking to inform the public, so people would be better informed about probate court in general and the Sykes case in particular. (Tr. 1618-20). In Respondent's view, publishing the blog was also a way of helping Mary and Gloria. (Tr. 412; Adm. Ex. 17 at 20).

It appears various persons communicate via blogs, concerning what they perceive as the evils of the probate system, particularly in relation to guardianships for elderly persons. The opinions expressed on these blogs suggest the system permits elderly persons to be declared incompetent, leaving them vulnerable to isolation and financial exploitation. (Adm. Ex. 39 at 48-57; Adm. Ex. 41 at 33-37, 43-44; Adm. Ex. 44 at 22-31).

Beverly Cooper (Beverly) testified for Respondent as a character witness. In addition to working in a family business, Beverly produces a cable television program on community affairs. Beverly has known Respondent for three or four years. Respondent and Beverly share a concern about probate court. (Tr. 561-66). Beverly testified Respondent had helped many people without being paid. Beverly described Respondent as absolutely dedicated, honorable and charitable, a person of integrity, who considered others before herself. (Tr. 567-69).

Kenneth A. Cooper (Kenneth) also testified as a character witness. Kenneth has known Respondent for two or three years. He considers her honest, trustworthy, hardworking and dedicated. In addition to work in manufacturing, Kenneth produces a blog called ProbateSharks.com. In that capacity, Kenneth comes in contact with many people having difficulty with probate courts, in Cook County and throughout the country. Kenneth testified

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Respondent had helped many such persons, free of charge. Kenneth testified Respondent made herself available "all day, any day" and helped anyone who needed help. (Tr. 571-74).

### **Aggravation**

Farenga testified the blog caused her embarrassment and adversely affected her reputation. When Farenga's name was searched on Google, the blog came up. Farenga testified she had spent enormous amounts of time dealing with Respondent's accusations. (Tr. 861-64). Farenga testified "I can't even count the ways that this has adversely affected me financially, emotionally, my reputation." (Tr. 864).

Stern testified the blog and its allegations came up immediately when an internet search was done on him. Stern testified, since many people use the internet for research, the blog and its allegations were what clients or potential clients would see about him. (Tr. 1036, 1042-43).

Schmiedel testified the blog impugned his integrity with no basis, yet he did not have a fair ability to counter the accusations. Schmiedel testified the blog posts had cost him, his firm and the GALs, as well as Mary's estate, time and money and forced them to continuously attempt to defend against baseless attacks. Schmiedel testified the Sykes case should have been a simple one, yet the estate and everyone involved with it had been caused huge pain and expense. (Tr. 650-53). In relation to the blog posts, Schmiedel testified:

Obviously they're upsetting ?. personally and professionally?Nobody should have to endure this, nobody. These are lies. There's no basis for these lies. They know there's no basis for these lies. They're ongoing continuously?

Who should be put through this? I represent a client in a probate proceeding. It should be a simple case. Mary's doing really well?

And to have to endure this and have the public look at these things and say, wow, is Peter Schmiedel corrupt? Is he bribing judges in the Probate Division? Is that how he practices law?

That's what we're accused of.

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(Tr. 652-53).



When asked about the effect of the blog posts, Schmiedel testified various "unnecessary satellite litigation" had been filed arising out of the Sykes matter, including bankruptcy cases and a federal lawsuit against the entire Probate Division. (Tr. 651). Respondent had filed multiple suits, against persons involved in the Sykes case, which had been dismissed. In addition, the day before her disciplinary hearing began, Respondent filed a lawsuit against the GALs, Schmiedel and the Administrator, alleging violation of civil rights. (Tr. 451-56, 654-58, 861-64, 1043; Adm. Ex. 51).

Respondent testified, on the blog, she was not making accusations of criminal conduct and her allegations were of civil torts. Respondent stated this was because she did civil legal work and was not a criminal lawyer. (Tr. 1595, 1704, 1711-12, 1747-48).

For a time, after summer 2013, Respondent took down parts of her blog and password protected the blog. According to Respondent's testimony, she did so after certain incidents occurred, which Respondent interpreted as threats. (Tr. 319-23). Respondent also made changes to the blog. As a result, evidence was presented as to the content on the blog at specific points in time. (Tr. 196-247, 335-69; Adm. Exs. 17-32, 34-49). Respondent testified she later put back portions of the blog, but modified its language, to use more generic terms or remove terms such as "corruption." (Tr. 322-26, 338). According to Respondent's testimony, she rephrased the blog based on advice from attorneys, whom she consulted in relation to this disciplinary matter. (Tr. 381-84). She also testified she sometimes rephrased things on the blog to "see how they would look or how (her) audience would react." (Tr. 362). After deciding the more generic version "didn't work," and given the preferences of her audience, Respondent changed most, if not all, of the blog posts back to the original version. (Tr. 372-73, 381-84).

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Respondent denied charging Gloria fees for her time on the blog. Respondent, however, kept track of the time she spent on the blog and prepared a bill to Gloria. Respondent testified she did not expect Gloria to pay her for that time, which Respondent considered the "cost of corruption." (Tr. 384-87). Respondent defined the cost of corruption as the time she spent assisting persons who sought her assistance but could not afford to pay. At the time of the hearing, Respondent's blog reported the cost of corruption was over \$500,000. On her blog, Respondent sought donations to offset the cost of corruption. (Tr. 387-88, 395-96). She had received a few donations, once in a while. (Tr. 1748).

The Administrator questioned Respondent about certain recent blog posts. These included a blog post from March 9, 2014, before the hearing in this case concluded, in which Respondent referred to a fire, in which a number of persons died. In that post, Respondent asserted the fire had been set intentionally, by employees of the Cook County Public Guardian, for the purpose of destroying records. (Tr. 1767-72). Respondent testified she made this post based on stories she had heard from older attorneys and "probate court victims." (Tr. 1771). Respondent could not remember the names of any of these attorneys. She had not conducted any investigation into the truth of her accusation that the fire was set intentionally. (Tr. 1771-77).

### RECOMMENDATION

In making our recommendation as to discipline, we consider the proven misconduct, as well as any aggravating or mitigating factors. *In re Gorecki*, 208 Ill. 2d 350, 360-61, 802 N.E.2d 1194 (2003). We may consider the deterrent value of a sanction and the need to impress on others the seriousness of the misconduct. *In re Twohey*, 191 Ill. 2d 75, 85, 727 N.E.2d 1028 (2000). In determining a sanction, we are also guided by the purposes of discipline, which is not to punish the attorney, but to protect the public from incompetent or unscrupulous practitioners,

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maintain the integrity of the profession and protect the administration of justice from reproach. *Twohey*, 191

Ill. 2d at 85-86. While the system seeks some consistency in sanctions for similar misconduct, each case is unique and the sanction must be based on the circumstances of the individual case. *In re Timpone*, 157 Ill. 2d 178, 197, 623 N.E.2d 300 (1993).

The Administrator requested disbarment. Respondent argued no discipline should be imposed.

Respondent engaged in serious misconduct. On an internet blog which she published, Respondent made numerous posts, over time, in which she impugned the integrity of judges and other attorneys, falsely and without any reasonable basis for believing her statements were true. Such misconduct is quite serious, given the potential it carries to damage the public's perception of the court system. *In re Amu*, 2011PR00106, M.R. 26545 (May 16, 2014).

The public naturally perceives attorneys as having particular knowledge concerning the legal system and the integrity of judges. *In re Palmisano*, 92 CH 109, M.R. 10116 (May 19, 1994). Consequently, public confidence in the integrity of the judicial system can be especially undermined when an attorney makes accusations of corruption. *Palmisano*, 92 CH 109 (Review Bd. at 8). Where an attorney publicly advances allegations of judicial corruption, the public naturally assumes the allegations are true. *Amu*, 2011PR00106 (Review Bd. at 10). While appropriate public confidence in the judicial system requires that judges who are dishonest be identified and removed from the bench, baseless and indiscriminate accusations of dishonesty seriously impair the functioning of the judicial system. *Id.* at 12.

In many cases involving multiple unfounded accusations of corruption by the judiciary, the attorney has been disbarred. *In re Jafree*, 93 Ill. 2d 450, 444 N.E.2d 143 (1982); *In re Zurek*, 99 CH 45, M.R. 18164 (Sept. 19, 2002); *In re Kozel*, 96 CH 50, M.R. 16530 (June 30, 2000);

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*Palmisano*, 92 CH 109. The Administrator relies on these cases to support his request that Respondent be disbarred.

We have considered these cases. In most of these cases, the attorneys made unfounded allegations of corruption in multiple unrelated matters. *Jafree*, 93 Ill. 2d at 461-62; *Kozel*, 96 CH 50; *Palmisano*, 92 CH 109. Such a pattern is not always required. *Zurek*, 99 CH 45 (Review Bd. at 15). *Zurek* was disbarred even though his misconduct did not extend to multiple legal matters. However, his particularly disrespectful and disruptive behavior during the disciplinary proceedings, which included walking out of the hearing, suggested his underlying misconduct was not isolated. *Id.* at 14-16. The seriousness of *Zurek's* misconduct was exacerbated because *Zurek* made his allegations of corruption knowing they were false and in retaliation for adverse rulings by the judge. *Id.* at 13. No mitigating factors were present. *Id.* at 14.

Our research has disclosed some cases in which significantly less severe sanctions were imposed. In *In re Harrison*, 06 CH 36, M.R. 22839 (Mar. 16, 2009), the attorney was censured; his misconduct was an isolated incident, far more confined than that here. In *In re Hoffman*, 08 SH 65, M.R. 24030 (Sept. 22, 2010), the attorney was suspended for six months and until further order of the Court. Although *Hoffman's* inappropriate statements affected more than one matter, they were not made in the very public manner in which Respondent made her statements. Those cases are distinguishable, but illustrate the range of available discipline.

In other cases, attorneys have been suspended for a longer period, with the suspension continuing until further order of the Court. The Administrator has cited two such cases; in each, the attorney was suspended for two years and until further order of the Court. *In re Sarelas*, 50 Ill. 2d 87, 277 N.E.2d 313 (1971); *In re Greanias*, 01 SH 117, M.R. 19079 (Jan. 20, 2004).

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Sarelas filed multiple lawsuits over a nine-year period against individuals who had been involved in prior disputes in which Sarelas was also involved, as a lawyer or as a litigant. In the lawsuits, Sarelas made false and baseless allegations impugning the integrity of the defendants, who included judges and other lawyers. Sarelas also behaved disruptively in the disciplinary proceedings and sued the persons involved in the proceeding. While observing his conduct warranted disbarment, the Court declined to disbar Sarelas. The Court noted, in mitigation, Sarelas had no other misconduct, in a long career. *Sarelas*, 50 Ill. 2d at 98-99.

Greanias had represented five individuals in their respective claims before the Industrial Commission. After each matter was resolved, Greanias filed a lawsuit in which she alleged, without any reasonable basis for doing so, the Commissioners and, in some cases, opposing counsel had engaged in fraud, racketeering, conspiracy and/or bribery. In recommending a suspension for two years and until further order of the Court, the Hearing Board considered the seriousness of Greanias's misconduct, the fact that it did not arise from an isolated incident and her lack of remorse or recognition of her misconduct. The Hearing Board also considered factors in mitigation. Greanias actually believed the defendants had wronged her clients and believed, albeit unreasonably, there was a factual basis for the complaints. She did not act with a self-serving motive. Greanias had practiced law for over 20 years with no prior discipline. She cooperated during the disciplinary proceedings. Greanias had also done *pro bono* work and engaged in civic activities.

Since Respondent's hearing concluded, the Court issued its final orders in two cases. These cases are relevant in our consideration of the sanction to recommend in this case.

In *Amu*, 2011PR00106, the attorney was suspended for three years and until further order of the Court. In four separate matters in which he received unfavorable rulings, Amu falsely

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alleged the cases had been fixed and the judges were biased and corrupt. Although Amu testified he believed his statements were true, he did not have any reasonable basis for that belief. While most of the accusations were made in pleadings filed in the cases involved, Amu disseminated some of his accusations further, thereby creating a genuine risk of harm to the reputation of the judges involved. In particular, Amu posted a document on his law firm website in which he accused one of the judges of bias and corruption. Amu did not recognize the wrongfulness of his misconduct and appeared to have no concern for the consequences of his statements. The manner in which Amu behaved during the disciplinary proceedings, which included failures to comply with orders, was considered in aggravation. In mitigation, Amu presented favorable character testimony and had no prior discipline. The Hearing Board declined to recommend disbarment. In doing so, the Hearing Board observed disbarment would not advance the goals of the disciplinary system any better than a suspension until further order of the Court. *Amu*, 2011PR00106 (Hearing Bd. at 36).

In *In re Ditkowsky*, 2012PR00014, M.R. 26516 (Mar. 14, 2014), the attorney was suspended for four years and until further order of the Court. Like Respondent, Ditkowsky baselessly accused the judges and attorneys involved in the Sykes case of corruption. There are, however, differences between the two cases. Ditkowsky engaged in additional misconduct, making false representations to a third party about his status in the litigation. Some of his statements were more aggravated; Ditkowsky's accusations included allegations the judges and GALs were involved in a conspiracy to shorten Mary's life. Unlike this case, where Respondent posted her comments publicly on a blog, Ditkowsky's accusations were made in e-mail communications, albeit hundreds of them, directed to specific individuals. There are also similarities and differences in the aggravating and mitigating factors. Like Respondent,

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Ditkowsky did not display any remorse or understanding of his misconduct. Both attorneys demonstrated a lack of respect for the disciplinary process and did not appear to understand the purpose of the proceedings. Unlike Respondent, Ditkowsky did not present any mitigating evidence.

The sanctions imposed in the foregoing cases provide a framework for our consideration of the sanction to recommend here. The sanction we recommend is based on the specific evidence in this case, considered in light of this precedent. In particular, we are mindful that the Court upheld the recommendation of a suspension of four years and until further order for Ditkowsky, whose case involved similar, though not identical, misconduct and factors in aggravation. The factors distinguishing the two cases, in our view, balance out such that the sanction we recommend for Respondent is within an appropriate range.

We recommend Respondent be suspended for three years and until further order of the Court. Respondent's proven misconduct clearly was serious, even if, in isolation, some individual statements might be viewed more benignly than others. Respondent made numerous improper statements and did so over time. Her misconduct could warrant disbarment, particularly when considered with the aggravating factors present. The aggravating factors themselves are significant. However, given all the circumstances, including mitigating factors as discussed below, we have decided to recommend a sanction less severe than disbarment.

Disbarment represents the "utter destruction" of an attorney's professional life. *In re Timpone*, 208 Ill. 2d 371, 384, 804 N.E.2d 560 (2004). A suspension until further order of the Court is the most severe form of discipline short of disbarment. *Timpone*, 208 Ill. 2d at 386. This sanction protects the public and the integrity of the profession in much the same manner as disbarment; specifically, Respondent will not be able to resume practicing law until she

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establishes that she is fit to do so. *Id.* at 388-89. That is particularly important to us in this case, because the circumstances as a whole leave us with very serious doubt whether or not Respondent is willing or able to conform her future conduct to proper legal standards. We also specifically intend to recommend a sanction which is sufficiently severe to impress upon Respondent the need to change her conduct. In the opinion of the Panel, the disciplinary proceedings themselves did not make such an impression on Respondent.

We have considered the Administrator's arguments as to factors the Administrator regards as aggravating Respondent's misconduct. We itemized some of those factors above, in aggravation, *e.g.*, the changes to Respondent's blog and her effort to charge for her time on it, even though we have not addressed them in detail here. We have also considered the arguments of Respondent's counsel. These are the conclusions we have reached, and which form the basis for the discipline we recommend.

We are mindful of Respondent's due process right to notice of the misconduct with which she is charged. *In re Karavidas*, 2013 IL 115767, par. 103. However, under certain circumstances, matters not specifically charged in the Complaint can be considered in aggravation. *In re Storment*, 203 Ill. 2d 378, 400, 786 N.E.2d 963 (2002). Typically, this depends on the extent to which the uncharged conduct is similar to the charged misconduct and proved by evidence of record. *Storment*, 203 Ill. 2d at 400. In this case, it is quite fair to consider the scope and breadth of the blog in aggravation. Farenga characterized the blog as a diatribe; this is a very apt description. We consider Respondent's comments on the blog as a whole, in showing the extent and relentlessness of her unfounded accusations of corruption by individual judges and lawyers.

Respondent's misconduct caused significant harm. The harm resulting from an attorney's misconduct is legitimately considered in aggravation. *In re Nosal*, 2011PR00118,

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M.R. 26238 (Nov. 20, 2013). The persons Respondent unjustly maligned testified to ramifications they experienced. The fact that Respondent made her baseless allegations widely available, by posting them on a public blog, created a genuine risk of harm to the reputations of the individuals involved. *Amu*, 2011PR 00106 (Hearing Bd. at 33). We also are cognizant of the damage to the public's perception of the court

system which results when attorneys make false and unfounded accusations of corruption within the system. *See Palmisano*, 92 CH 109 (Hearing Bd. at 22). In this case, there was also harm, as described by the Administrator's witnesses, in that the probate proceedings became sidetracked, while the parties addressed frivolous issues raised on Respondent's blog. According to the testimony, this contributed to inordinate delays in the probate proceedings and those delays harmed Mary, by delaying the resolution of issues pertaining to her well-being, such as the proper distribution of the Lumberman's proceeds.

Respondent does not understand the nature and seriousness of her misconduct. This is an aggravating factor and, in this case, supports our recommendation that the suspension continue until further order of the Court. *See Amu*, 2011PR00106 (Hearing Bd. at 31-32). In reaching this conclusion, we considered the record as a whole, including the blog posts on which the charges of misconduct are based, Respondent's lack of remorse, Respondent's testimony and statements during the hearing, as well as her conduct in the prehearing stage of these proceedings. The blog posts Respondent made around the time of the hearing reinforce our conclusion that Respondent does not comprehend the nature and seriousness of her misconduct. In these proceedings, Respondent faces the risk of substantial discipline, based on allegations that she falsely accused others of corruption without having any legitimate basis for doing so. Yet, in recent blog posts, Respondent continues to accuse others of serious wrongdoing, without having a clue whether her allegations have any basis in reality. The fact that Respondent would

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engage in such behavior, in the midst of this hearing, confirms our view she does not have sufficient insight into her misconduct and our concern over her future ability to conform her conduct to proper professional norms.

Further, Respondent had demonstrated she does not understand certain basic elements of practicing law. For example, Respondent suggested she was not accusing others of criminal conduct, but only civil torts because, in her own practice, Respondent handled civil, rather than criminal, cases. Respondent's lack of understanding of how to practice law is also apparent from her conduct in the disciplinary proceedings.

Respondent's conduct in these proceedings is clear from the prehearing record. Among other things, Respondent repeatedly failed to follow the Chair's orders, failed to comply with the rules of the tribunal, and sought to have the Chair and opposing counsel communicate with her in the manner in which she wished, rather than in a manner consistent with the rules of the tribunal. Respondent raised various issues which have nothing to do with these proceedings, such as asserting that copyright protections precluded use of statements from the blog in connection with these proceedings. The manner in which an attorney conducts herself during disciplinary proceedings is legitimately considered in determining the sanction. *In re Cook*, 2010PR00106, M.R. 26581 (May 16, 2014). Respondent's conduct in these proceedings represented a significant aggravating factor.

Respondent has displayed a tendency to inappropriately personalize matters. This tendency was apparent in conduct by Respondent which included filing multiple lawsuits, which had been dismissed, against the attorneys in the Sykes matter. The presence of such a tendency reinforces our concern over Respondent's ability to conform her future conduct to professional standards. *See Amu*, 2011PR00106 (Hearing Bd. at 31-32).

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At the same time, there are mitigating factors. Based on those mitigating factors, we decline to recommend the ultimate penalty of disbarment.

Respondent presented favorable character testimony. Her character witnesses described Respondent as a person who was generous with her time, made herself available to persons who needed help and did so pro

bono.

Respondent was licensed to practice law in 1986, nearly thirty years ago. She has no prior discipline.

While Respondent acted with reckless disregard for the truth of her accusations, based on our impressions of Respondent, we do not believe she was acting out of a deliberate purpose of harming the judges and attorneys involved. Respondent genuinely, though unreasonably, believed something was wrong with the proceedings in the Sykes case. Respondent knew Mary and Gloria before the guardianship. While Respondent used decidedly misguided means, we believe she was acting out of a sincere desire to help Mary. We were also convinced Respondent truly believes there are abuses in the probate system and the system needs to be changed, to protect persons who are the subject of adult guardianship proceedings. From our perspective, it appears Respondent has genuine concern for senior citizens and perceives the senior population as vulnerable, especially to financial exploitation. This concern, as a general matter, is a legitimate one, even though Respondent had no reasonable basis for believing the judges or attorneys in Mary's case were corrupt.

We do not believe Respondent acted with a self-serving motive. The evidence did not support a theory that Respondent was reaping a significant financial benefit from her activities including operation of the blog.

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We recommend Respondent's suspension continue until further order of the Court. This sanction protects the public, by requiring Respondent to go through a reinstatement proceeding in which she will be required to prove her fitness to resume practicing law. *Timpone*, 208 Ill. 2d at 388-89. The circumstances of this case, as outlined above and particularly Respondent's lack of understanding of the ramifications of her conduct and of the importance of following proper legal procedures, leave us with serious doubt as to Respondent's ability to conform her future conduct to professional standards. These factors warrant continuing Respondent's suspension until further order of the Court. *See Amu*, 2011PR00106 (Hearing Bd. at 37-38).

For the reasons stated above, we recommend Respondent be suspended for three years and until further order of the Court.

Respectfully Submitted,

Sang-yul Lee  
Ziad Alnaqib  
Eddie Sanders, Jr.

#### CERTIFICATION

I, Kenneth G. Jablonski, Clerk of the Attorney Registration and Disciplinary Commission of the Supreme Court of Illinois and keeper of the records, hereby certifies that the foregoing is a true copy of the Report and Recommendation of the Hearing Board, approved by each Panel member, entered in the above entitled cause of record filed in my office on November 21, 2014.

Kenneth G. Jablonski, Clerk of the  
Attorney Registration and Disciplinary  
Commission of the Supreme Court of Illinois

<sup>1</sup> Our designation of specific posts refers to the portion of the posted language which is attributable to Respondent and charged in the Complaint, not the entire content of the post.

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<sup>2</sup> Evidence was presented showing Respondent made certain changes in her blog posts. That evidence does not change our conclusion that the blog contained the language with which Respondent is charged.

<sup>3</sup> Schmiedel's testimony suggested the GALs had not been paid anything at all, but for possible costs reimbursement to Stern. (Tr. 620). We are aware of this possible discrepancy, but it does not change our determination in the case.

<sup>4</sup> Gloria's testimony was interrupted, due to the need to address issues relating to discovery and privilege. Respondent was given an opportunity to determine what items Gloria intended to assert were privileged, produce additional unprivileged documents and recall Gloria as a witness. (Tr. 527-59). This topic was also addressed in a February 4, 2014 status conference. Gloria did not return on the subsequent scheduled hearing dates to complete her testimony. For the reasons stated on the record, the hearing was not continued further. (Tr. 1138-39, 1154-66).

<sup>5</sup> Given the allegations of the Complaint, for purposes of our findings of misconduct, we focus primarily on Respondent's accusations as they relate to the judges and GALs. Respondent also accused others, including Schmiedel, of wrongdoing. Based on the evidence, those accusations were equally false and unfounded.

<sup>6</sup> The Black post included comments about Circuit Court Clerk Dorothy Brown and the lack of computerization in the Cook County Court system. We do not base our decision on those comments, which might, arguably, be construed as a matter of protected opinion, rather than an attack on Brown's integrity or qualifications. *See In re Hoffman*, 08 SH 65, M.R. 24030 (Sept. 22, 2010) (Review Bd. at 18) (noting constitutional protection for expressions of opinion).

<sup>7</sup> Respondent testified she reported wrongdoing to the FBI. It was not clear from her testimony that she did so regarding the Sykes matter or that she informed others of these reports, in an effort to obtain an advantage in a civil case. (Tr. 1706-1719).



MORRISON BROWN ARGIZ & FARRA, LLC

CERTIFIED PUBLIC ACCOUNTANTS AND ADVISORS

**DANIEL BERNSTEIN  
IRREVOCABLE TRUST DATED  
SEPTEMBER 7, 2006**

**SUMMARY OF ACCOUNT  
FOR THE PERIOD  
7/30/2010 THROUGH 5/26/2014**

**Miami | Ft. Lauderdale | Boca Raton | Orlando | Baltimore | Boulder | India**

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Statement Required by U.S. Treasury Department:

The U.S. Treasury Department requires us to advise you that nothing in this correspondence or in any attachments to it, is intended to constitute a "reliance opinion" under any applicable Treasury Regulations. Nothing in this correspondence or attachment written by our firm is intended to be used, and cannot be used by any taxpayer, for the purpose of avoiding any penalties or sanctions that may be imposed under the Internal Revenue Code. Advice from our firm relating to Federal tax matters may not be used in promoting, marketing, or recommending any entity, investment plan or arrangement to any taxpayer.



## SUMMARY OF ACCOUNT

Daniel Bernstein Irrevocable Trust Dated September 7, 2006  
For Period 07/30/2010 Through 05/26/2014

	Page		Fiduciary Acquisition Value
Principal			
Receipts	1-2		\$ (3,180.87)
Net Gain (or Loss) on Sales or Other Dispositions	3-17		14,899.44
Other Receipts	18		33,393.82
			\$ 45,112.39
Less Disbursements			
Accountant Fees (Prin)	19	\$ 1,438.25	
Fiduciary Fees (Prin)	19-20	886.09	
Income Taxes (Prin)	20	3,417.07	
		5,741.41	
Balance before Distributions			\$ 39,370.98
Distributions for Beneficiaries	21-27		68,827.92
Principal Balance on Hand	28		\$ (29,456.94)
For Information:			
Changes in Investment Holdings	29-33		
Income			
Receipts	34-48		\$ 5,334.82
Less Disbursements			
Accountant Fees	49	\$ 1,438.25	
Fiduciary Fees	49-50	886.08	
		2,324.33	
Balance before Distributions			\$ 3,010.49
Distributions for Beneficiaries			0.00
Income Balance on Hand			\$ 3,010.49
Combined Balance on Hand			\$ (26,446.45)

RECEIPTS OF PRINCIPAL

Daniel Bernstein Irrevocable Trust Dated September 7, 2006  
As of 07/30/2010

Receipts Subsequent to Inventory  
(Valued when received)

09/20/2010	Cash on Hand	\$ 2,204.19	<b>1790</b>
09/20/2010	SPDR Series Trust DJ Reit 49 Units	1,928.64	<b>34</b>
09/20/2010	Vanguard Intl Equity Index Fd FTSE Emr Mkt ETF 76 Units	1,875.68	<b>34</b>
09/20/2010	Vanguard Intl Equity Index Fd FTSE Europe ETF 105 Units	4,215.61	<b>34</b>
09/20/2010	Vanguard Index Fds Growth ETF 73 Units	2,949.93	<b>34</b>
09/20/2010	Vanguard Index Fds Growth ETF 13 Units	482.30	<b>34</b>
09/20/2010	Vanguard Intl Equity Index Fd Mega Cap Gr ETF 43 Units	1,823.20	<b>34</b>
09/20/2010	Vanguard Intl Equity Index Fd Mega Cap Gr ETF 19 Units	741.38	<b>34</b>
09/20/2010	Vanguard Index Fds Small Cap Growth 23 Units	987.85	<b>34</b>
09/20/2010	Vanguard Index Fds Small Cap Growth 10 Units	383.90	<b>34</b>
09/20/2010	Vanguard Index Fds Small Cap Val 17 Units	725.39	<b>35</b>
09/20/2010	Vanguard Index Fds Value 107 Units	4,412.68	<b>35</b>
09/20/2010	Vanguard Index Fds Value 40 Units	1,477.60	<b>35</b>
09/20/2010	Ishares MBS ETF 20 Units	2,038.00	<b>35</b>
09/20/2010	Ishares Tips Bd ETF 10 Units	950.00	<b>35</b>

RECEIPTS OF PRINCIPAL

Daniel Bernstein Irrevocable Trust Dated September 7, 2006  
As of 07/30/2010

Receipts Subsequent to Inventory  
(Valued when received)

09/20/2010	Ishares 20+ Yr Tr Bd ETF 17 Units	\$ 1,613.30	<b>35</b>
09/20/2010	Ishares 7-10 Year Tr Bd ETF 19 Units	1,687.77	<b>35</b>
09/20/2010	Ishares 7-10 Year Tr Bd ETF 26 Units	2,568.38	<b>35</b>
09/20/2010	Ishares IBOXX Inv CP ETF 6 Units	542.52	<b>35</b>
09/20/2010	SPDR Series Trust Barclays Intl ETF 15 Units	741.15	<b>35</b>
09/20/2010	SPDR Series Trust BRC High Yield Bd 26 Units	803.66	<b>35</b>
09/20/2010	LIC Holdings Inc 6 Units	0.00	<b>35</b>
09/20/2010	Bernstein Family Realty LLC (33% interest)	120,000.00	
09/20/2010	Bernstein Family Realty LLC (33% interest) - 1st Mortgage	(36,667.00)	
09/20/2010	Bernstein Family Realty LLC (33% interest) - 2nd Mortgage	(121,667.00)	
TOTAL RECEIPTS SUBSEQUENT TO INVENTORY			<u>\$ (3,180.87)</u>

GAINS AND LOSSES ON SALES AND OTHER DISPOSITIONS

Daniel Bernstein Irrevocable Trust Dated September 7, 2006

For Period 07/30/2010 Through 05/26/2014

		Gain	Loss
10/14/2010 Redeem - Advantage Bank Deposit			
Net Proceeds	\$ 1,854.50	<b>25</b>	
Fiduciary Acquisition Value	1,854.50		
Net Gain		\$	0.00
11/03/2010 Sale of Vanguard Index Fds Value 22 Units			
Net Proceeds	\$ 1,019.98	<b>24</b>	
Fiduciary Acquisition Value	907.28		
Net Gain			112.70
12/07/2010 Short Term Capital Gain Distribution from Ishares MBS ETF			
Net Proceeds	\$ 49.99	<b>23</b>	
Fiduciary Acquisition Value	0.00		
Net Gain			49.99
12/07/2010 Long Term Capital Gain Distribution from Ishares MBS ETF			
Net Proceeds	\$ 0.36	<b>23</b>	
Fiduciary Acquisition Value	0.00		
Net Gain			0.36
01/06/2011 Short Term Capital Gain Distribution from SPDR Series Trust BRC High Yield Bd			
Net Proceeds	\$ 10.35	<b>23</b>	
Fiduciary Acquisition Value	0.00		
Net Gain			10.35
01/06/2011 Long Term Capital Gain Distribution from SPDR Series Trust BRC High Yield Bd			
Net Proceeds	\$ 5.61	<b>23</b>	
Fiduciary Acquisition Value	0.00		
Net Gain			5.61

GAINS AND LOSSES ON SALES AND OTHER DISPOSITIONS

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Daniel Bernstein Irrevocable Trust Dated September 7, 2006

For Period 07/30/2010 Through 05/26/2014

		Gain	Loss
01/11/2011 Redeem - Advantage Bank Deposit			
Net Proceeds	\$ 52.52	<b>25</b>	
Fiduciary Acquisition Value	52.52		
Net Gain		\$	0.00
04/21/2011 Redeem - Advantage Bank Deposit			
Net Proceeds	\$ 96.49	<b>25</b>	
Fiduciary Acquisition Value	96.49		
Net Gain			0.00
07/13/2011 Redeem - Advantage Bank Deposit			
Net Proceeds	\$ 1,139.00	<b>25</b>	
Fiduciary Acquisition Value	1,139.00		
Net Gain			0.00
07/22/2011 Redeem - Advantage Bank Deposit			
Net Proceeds	\$ 92.92	<b>25</b>	
Fiduciary Acquisition Value	92.92		
Net Gain			0.00
08/31/2011 Redeem - Advantage Bank Deposit			
Net Proceeds	\$ 657.00	<b>25</b>	
Fiduciary Acquisition Value	657.00		
Net Gain			0.00
10/14/2011 Redeem - Advantage Bank Deposit			
Net Proceeds	\$ 138.34	<b>25</b>	
Fiduciary Acquisition Value	138.34		
Net Gain			0.00
10/24/2011 Redeem - Advantage Bank Deposit			
Net Proceeds	\$ 275.00	<b>25</b>	
Fiduciary Acquisition Value	275.00		
Net Gain			0.00

GAINS AND LOSSES ON SALES AND OTHER DISPOSITIONS

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Daniel Bernstein Irrevocable Trust Dated September 7, 2006

For Period 07/30/2010 Through 05/26/2014

		Gain	Loss
12/22/2011 Redeem - Advantage Bank Deposit			
Net Proceeds	\$ 657.00	<b>25</b>	
Fiduciary Acquisition Value	657.00		
Net Gain		\$	0.00
01/06/2012 Long Term Capital Gain Distribution from SPDR Series Trust BRC High Yield Bd			
Net Proceeds	\$ 6.87	<b>24</b>	
Fiduciary Acquisition Value	0.00		
Net Gain			6.87
01/10/2012 Redeem - Advantage Bank Deposit			
Net Proceeds	\$ 146.35	<b>25</b>	
Fiduciary Acquisition Value	146.35		
Net Gain			0.00
04/23/2012 Redeem - Advantage Bank Deposit			
Net Proceeds	\$ 101.98	<b>25</b>	
Fiduciary Acquisition Value	101.98		
Net Gain			0.00
07/17/2012 Redeem - Advantage Bank Deposit			
Net Proceeds	\$ 94.25	<b>25</b>	
Fiduciary Acquisition Value	94.25		
Net Gain			0.00
10/09/2012 Redeem - Advantage Bank Deposit			
Net Proceeds	\$ 32,070.89	<b>26</b>	
Fiduciary Acquisition Value	32,070.89		
Net Gain			0.00
10/11/2012 Redeem - Advantage Primary Liq Fd			
Net Proceeds	\$ 179.52	<b>26</b>	
Fiduciary Acquisition Value	179.52		
Net Gain			0.00

**GAINS AND LOSSES ON SALES AND OTHER DISPOSITIONS**

Daniel Bernstein Irrevocable Trust Dated September 7, 2006  
For Period 07/30/2010 Through 05/26/2014

		Gain	Loss
10/22/2012 Redeem - Advantage Primary Liq Fd			
Net Proceeds	\$ 193.67	<b>26</b>	
Fiduciary Acquisition Value	193.67		
Net Gain		\$	0.00
10/25/2012 Redeem - Advantage Primary Liq Fd			
Net Proceeds	\$ 275.00	<b>26</b>	
Fiduciary Acquisition Value	275.00		
Net Gain			0.00
11/08/2012 Redeem - Advantage Primary Liq Fd			
Net Proceeds	\$ 2,000.00	<b>26</b>	
Fiduciary Acquisition Value	2,000.00		
Net Gain			0.00
11/14/2012 Redeem - Advantage Primary Liq Fd			
Net Proceeds	\$ 8,221.50	<b>26</b>	
Fiduciary Acquisition Value	8,221.50		
Net Gain			0.00
11/29/2012 Redeem - Advantage Primary Liq Fd			
Net Proceeds	\$ 250.00	<b>26</b>	
Fiduciary Acquisition Value	250.00		
Net Gain			0.00
11/30/2012 Redeem - Advantage Primary Liq Fd			
Net Proceeds	\$ 1,000.00	<b>26</b>	
Fiduciary Acquisition Value	1,000.00		
Net Gain			0.00
12/03/2012 Redeem - Advantage Primary Liq Fd			
Net Proceeds	\$ 1,803.60	<b>26</b>	
Fiduciary Acquisition Value	1,803.60		
Net Gain			0.00

GAINS AND LOSSES ON SALES AND OTHER DISPOSITIONS

Daniel Bernstein Irrevocable Trust Dated September 7, 2006  
For Period 07/30/2010 Through 05/26/2014

		Gain	Loss
12/06/2012 Redeem - Advantage Primary Liq Fd			
Net Proceeds	\$ 3,000.00	<b>26</b>	
Fiduciary Acquisition Value	3,000.00		
Net Gain		\$	0.00
12/07/2012 Short Term Capital Gain Distribution from Ishares MBS ETF			
Net Proceeds	\$ 4.55	<b>24</b>	
Fiduciary Acquisition Value	0.00		
Net Gain			4.55
12/07/2012 Long Term Capital Gain Distribution from Ishares IBOXX Inv CP ETF			
Net Proceeds	\$ 0.06	<b>24</b>	
Fiduciary Acquisition Value	0.00		
Net Gain			0.06
12/10/2012 Redeem - Advantage Primary Liq Fd			
Net Proceeds	\$ 1,000.00	<b>26</b>	
Fiduciary Acquisition Value	1,000.00		
Net Gain			0.00
12/12/2012 Redeem - Advantage Primary Liq Fd			
Net Proceeds	\$ 500.00	<b>26</b>	
Fiduciary Acquisition Value	500.00		
Net Gain			0.00
12/21/2012 Redeem - Advantage Primary Liq Fd			
Net Proceeds	\$ 2,155.77	<b>26</b>	
Fiduciary Acquisition Value	2,155.77		
Net Gain			0.00
12/28/2012 Redeem - Advantage Primary Liq Fd			
Net Proceeds	\$ 2,832.45	<b>26</b>	
Fiduciary Acquisition Value	2,832.45		
Net Gain			0.00



GAINS AND LOSSES ON SALES AND OTHER DISPOSITIONS

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Daniel Bernstein Irrevocable Trust Dated September 7, 2006

For Period 07/30/2010 Through 05/26/2014

		Gain	Loss
01/23/2013 Redeem - Advantage Primary Liq Fd			
Net Proceeds	\$ 84.97	<b>26</b>	
Fiduciary Acquisition Value	84.97		
Net Gain		\$	0.00
01/30/2013 Redeem - Advantage Primary Liq Fd			
Net Proceeds	\$ 98.00	<b>26</b>	
Fiduciary Acquisition Value	98.00		
Net Gain			0.00
01/31/2013 Redeem - Advantage Primary Liq Fd			
Net Proceeds	\$ 3,000.00	<b>26</b>	
Fiduciary Acquisition Value	3,000.00		
Net Gain			0.00
02/01/2013 Redeem - Advantage Primary Liq Fd			
Net Proceeds	\$ 3,000.00	<b>26</b>	
Fiduciary Acquisition Value	3,000.00		
Net Gain			0.00
02/06/2013 Sale of Vanguard Intl Equity Index Fd FTSE Europe ETF 50 Units			
Net Proceeds	\$ 2,480.94	<b>24</b>	
Fiduciary Acquisition Value	2,007.43		
Net Gain			473.51
02/06/2013 Sale of Vanguard Index Fds Growth ETF 43 Units			
Net Proceeds	\$ 3,119.90	<b>24</b>	
Fiduciary Acquisition Value	1,737.63		
Net Gain			1,382.27

GAINS AND LOSSES ON SALES AND OTHER DISPOSITIONS

Daniel Bernstein Irrevocable Trust Dated September 7, 2006

For Period 07/30/2010 Through 05/26/2014

		Gain	Loss
02/06/2013	Sale of Vanguard Index Fds Value 60 Units		
	Net Proceeds	\$ 3,673.93	
	Fiduciary Acquisition Value	2,474.40	
		<b>24</b>	
	Net Gain		\$ 1,199.53
02/27/2013	Redeem - Advantage Primary Liq Fd		
	Net Proceeds	\$ 100.24	
	Fiduciary Acquisition Value	100.24	
		<b>26</b>	
	Net Gain		0.00
02/28/2013	Redeem - Advantage Bank Deposit		
	Net Proceeds	\$ 570.41	
	Fiduciary Acquisition Value	570.41	
		<b>26</b>	
	Net Gain		0.00
02/28/2013	Redeem - Advantage Primary Liq Fd		
	Net Proceeds	\$ 2,429.57	
	Fiduciary Acquisition Value	2,429.57	
		<b>26</b>	
	Net Gain		0.00
03/08/2013	Redeem - Advantage Bank Deposit		
	Net Proceeds	\$ 275.00	
	Fiduciary Acquisition Value	275.00	
		<b>26</b>	
	Net Gain		0.00
03/12/2013	Redeem - Advantage Bank Deposit		
	Net Proceeds	\$ 2,977.53	
	Fiduciary Acquisition Value	2,977.53	
		<b>26</b>	
	Net Gain		0.00
04/05/2013	Redeem - Advantage Bank Deposit		
	Net Proceeds	\$ 2,939.27	
	Fiduciary Acquisition Value	2,939.27	
		<b>26</b>	
	Net Gain		0.00

GAINS AND LOSSES ON SALES AND OTHER DISPOSITIONS

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Daniel Bernstein Irrevocable Trust Dated September 7, 2006

For Period 07/30/2010 Through 05/26/2014

		Gain	Loss
04/25/2013 Redeem - Advantage Bank Deposit			
Net Proceeds	\$ 85.65	<b>26</b>	
Fiduciary Acquisition Value	85.65		
Net Gain		\$	0.00
05/03/2013 Redeem - Advantage Bank Deposit			
Net Proceeds	\$ 2,000.00	<b>26</b>	
Fiduciary Acquisition Value	2,000.00		
Net Gain			0.00
05/15/2013 Redeem - Advantage Bank Deposit			
Net Proceeds	\$ 477.07	<b>26</b>	
Fiduciary Acquisition Value	477.07		
Net Gain			0.00
05/16/2013 Redeem - Advantage Bank Deposit			
Net Proceeds	\$ 477.07	<b>26</b>	
Fiduciary Acquisition Value	477.07		
Net Gain			0.00
05/17/2013 Sale of SPDR Series Trust DJ Reit 24 Units			
Net Proceeds	\$ 1,941.47	<b>24</b>	
Fiduciary Acquisition Value	944.64		
Net Gain			996.83
05/17/2013 Sale of Vanguard Intl Equity Index Fd Mega Cap Gr ETF 17 Units			
Net Proceeds	\$ 967.85	<b>24</b>	
Fiduciary Acquisition Value	720.80		
Net Gain			247.05

GAINS AND LOSSES ON SALES AND OTHER DISPOSITIONS

Daniel Bernstein Irrevocable Trust Dated September 7, 2006

For Period 07/30/2010 Through 05/26/2014

		Gain	Loss
05/17/2013	Sale of Vanguard Index Fds Value 22 Units		
	Net Proceeds	\$ 1,435.32	
	Fiduciary Acquisition Value	907.28	
	Net Gain	<b>24</b>	
			\$ 528.04
05/17/2013	Sale of Ishares IBOXX Inv CP ETF 6 Units		
	Net Proceeds	\$ 638.36	
	Fiduciary Acquisition Value	542.52	
	Net Gain	<b>24</b>	
			95.84
05/22/2013	Redeem - Advantage Bank Deposit		
	Net Proceeds	\$ 722.00	
	Fiduciary Acquisition Value	722.00	
	Net Gain	<b>27</b>	
			0.00
06/04/2013	Sale of Ishares 20+ Yr Tr Bd ETF 17 Units		
	Net Proceeds	\$ 1,870.03	
	Fiduciary Acquisition Value	1,613.30	
	Net Gain	<b>24</b>	
			256.73
06/04/2013	Sale of Vanguard Index Fds Small Cap Growth 16 Units		
	Net Proceeds	\$ 1,592.45	
	Fiduciary Acquisition Value	687.20	
	Net Gain	<b>24</b>	
			905.25
06/04/2013	Sale of Vanguard Intl Equity Index Fd Mega Cap Gr ETF 26 Units		
	Net Proceeds	\$ 1,457.07	
	Fiduciary Acquisition Value	1,102.40	
	Net Gain	<b>24</b>	
			354.67

GAINS AND LOSSES ON SALES AND OTHER DISPOSITIONS

Daniel Bernstein Irrevocable Trust Dated September 7, 2006  
 For Period 07/30/2010 Through 05/26/2014

		Gain	Loss
06/04/2013	Sale of Vanguard Intl Equity Index Fd Mega Cap Gr ETF 19 Units		
	Net Proceeds	\$ 1,064.78	<b>24</b>
	Fiduciary Acquisition Value	741.38	
	Net Gain		\$ 323.40
06/04/2013	Sale of Ishares Tips Bd ETF 10 Units		
	Net Proceeds	\$ 1,088.57	<b>24</b>
	Fiduciary Acquisition Value	950.00	
	Net Gain		138.57
06/04/2013	Sale of SPDR Series Trust Barclays Intl ETF 15 Units		
	Net Proceeds	\$ 857.63	<b>24</b>
	Fiduciary Acquisition Value	741.15	
	Net Gain		116.48
06/04/2013	Sale of SPDR Series Trust DJ Reit 25 Units		
	Net Proceeds	\$ 1,906.96	<b>24</b>
	Fiduciary Acquisition Value	984.00	
	Net Gain		922.96
06/14/2013	Redeem - Advantage Bank Deposit		
	Net Proceeds	\$ 92.00	<b>27</b>
	Fiduciary Acquisition Value	92.00	
	Net Gain		0.00
06/28/2013	Redeem - Advantage Bank Deposit		
	Net Proceeds	\$ 2,137.00	<b>27</b>
	Fiduciary Acquisition Value	2,137.00	
	Net Gain		0.00

GAINS AND LOSSES ON SALES AND OTHER DISPOSITIONS

Daniel Bernstein Irrevocable Trust Dated September 7, 2006

For Period 07/30/2010 Through 05/26/2014

			Gain	Loss
07/01/2013 Redeem - Advantage Bank Deposit				
Net Proceeds	\$ 4,881.39		<b>27</b>	
Fiduciary Acquisition Value	4,881.39			
Net Gain			\$ 0.00	
07/03/2013 Sale of Vanguard Index Fds Growth ETF 21 Units				
Net Proceeds	\$ 1,567.63		<b>24</b>	
Fiduciary Acquisition Value	848.61			
Net Gain			719.02	
07/03/2013 Sale of Vanguard Intl Equity Index Fd FTSE Emr Mkt ETF 38 Units				
Net Proceeds	\$ 1,391.71		<b>24</b>	
Fiduciary Acquisition Value	937.84			
Net Gain			453.87	
07/03/2013 Sale of Vanguard Index Fds Small Cap Val 17 Units				
Net Proceeds	\$ 1,347.80		<b>24</b>	
Fiduciary Acquisition Value	725.39			
Net Gain			622.41	
07/16/2013 Redeem - Advantage Bank Deposit				
Net Proceeds	\$ 3,987.08		<b>27</b>	
Fiduciary Acquisition Value	3,987.08			
Net Gain			0.00	
07/19/2013 Sale of Vanguard Index Fds Small Cap Growth 7 Units				
Net Proceeds	\$ 758.89		<b>25</b>	
Fiduciary Acquisition Value	300.65			
Net Gain			458.24	

GAINS AND LOSSES ON SALES AND OTHER DISPOSITIONS

Daniel Bernstein Irrevocable Trust Dated September 7, 2006  
 For Period 07/30/2010 Through 05/26/2014

		Gain	Loss
07/19/2013 Sale of Vanguard Index Fds Value 15 Units			
Net Proceeds	\$ 993.66	<b>25</b>	
Fiduciary Acquisition Value	554.10		
Net Gain		\$ 439.56	
07/19/2013 Sale of Ishares 7-10 Year Tr Bd ETF 6 Units			
Net Proceeds	\$ 593.45	<b>24</b>	
Fiduciary Acquisition Value	592.70		
Net Gain		0.75	
07/19/2013 Sale of Vanguard Intl Equity Index Fd FTSE Europe ETF 20 Units			
Net Proceeds	\$ 927.38	<b>25</b>	
Fiduciary Acquisition Value	802.97		
Net Gain		124.41	
07/19/2013 Sale of Ishares 7-10 Year Tr Bd ETF 19 Units			
Net Proceeds	\$ 1,879.25	<b>24</b>	
Fiduciary Acquisition Value	1,687.77		
Net Gain		191.48	
07/19/2013 Sale of SPDR Series Trust BRC High Yield Bd 26 Units			
Net Proceeds	\$ 964.40	<b>25</b>	
Fiduciary Acquisition Value	803.66		
Net Gain		160.74	
07/19/2013 Sale of Vanguard Index Fds Value 3 Units			
Net Proceeds	\$ 198.73	<b>25</b>	
Fiduciary Acquisition Value	123.72		
Net Gain		75.01	

GAINS AND LOSSES ON SALES AND OTHER DISPOSITIONS

Daniel Bernstein Irrevocable Trust Dated September 7, 2006  
For Period 07/30/2010 Through 05/26/2014

		Gain	Loss
07/19/2013	Sale of Ishares 7-10 Year Tr Bd ETF 10 Units		
	Net Proceeds	\$ 1,016.28	
	Fiduciary Acquisition Value	987.84	
		<b>25</b>	
	Net Gain		\$ 28.44
07/22/2013	Redeem - Advantage Bank Deposit		
	Net Proceeds	\$ 3,432.00	
	Fiduciary Acquisition Value	3,432.00	
		<b>27</b>	
	Net Gain		0.00
07/24/2013	Redeem - Advantage Bank Deposit		
	Net Proceeds	\$ 57.94	
	Fiduciary Acquisition Value	57.94	
		<b>27</b>	
	Net Gain		0.00
08/07/2013	Redeem - Advantage Bank Deposit		
	Net Proceeds	\$ 1,000.00	
	Fiduciary Acquisition Value	1,000.00	
		<b>27</b>	
	Net Gain		0.00
08/13/2013	Redeem - Advantage Bank Deposit		
	Net Proceeds	\$ 1,716.00	
	Fiduciary Acquisition Value	1,716.00	
		<b>27</b>	
	Net Gain		0.00
09/10/2013	Redeem - Advantage Bank Deposit		
	Net Proceeds	\$ 1,800.00	
	Fiduciary Acquisition Value	1,800.00	
		<b>27</b>	
	Net Gain		0.00



GAINS AND LOSSES ON SALES AND OTHER DISPOSITIONS

Daniel Bernstein Irrevocable Trust Dated September 7, 2006  
For Period 07/30/2010 Through 05/26/2014

		Gain	Loss
09/17/2013	Sale of Vanguard Index Fds Small Cap Growth 10 Units		
	Net Proceeds	\$ 1,127.08	
	Fiduciary Acquisition Value	383.90	
		<b>25</b>	
	Net Gain		\$ 743.18
09/17/2013	Sale of Vanguard Index Fds Growth ETF 9 Units		
	Net Proceeds	\$ 726.86	
	Fiduciary Acquisition Value	363.69	
		<b>25</b>	
	Net Gain		363.17
09/17/2013	Sale of Ishares MBS ETF 20 Units		
	Net Proceeds	\$ 1,999.76	
	Fiduciary Acquisition Value	2,038.00	
		<b>25</b>	
	Net Loss		\$ 38.24
09/17/2013	Sale of Vanguard Index Fds Growth ETF 13 Units		
	Net Proceeds	\$ 1,049.90	
	Fiduciary Acquisition Value	482.30	
		<b>25</b>	
	Net Gain		567.60
09/17/2013	Sale of Vanguard Index Fds Value 25 Units		
	Net Proceeds	\$ 1,766.21	
	Fiduciary Acquisition Value	923.50	
		<b>25</b>	
	Net Gain		842.71
09/17/2013	Sale of Vanguard Intl Equity Index Fd FTSE Emr Mkt ETF 38 Units		
	Net Proceeds	\$ 1,552.97	
	Fiduciary Acquisition Value	937.84	
		<b>25</b>	
	Net Gain		615.13

**GAINS AND LOSSES ON SALES AND OTHER DISPOSITIONS**

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Daniel Bernstein Irrevocable Trust Dated September 7, 2006  
For Period 07/30/2010 Through 05/26/2014

		Gain	Loss
09/17/2013 Sale of Vanguard Intl Equity Index Fd FTSE Europe ETF 35 Units			
Net Proceeds	\$ 1,801.21	<b>25</b>	
Fiduciary Acquisition Value	1,405.21		
Net Gain		\$ 396.00	
09/17/2013 Sale of Ishares 7-10 Year Tr Bd ETF 10 Units			
Net Proceeds	\$ 992.18	<b>25</b>	
Fiduciary Acquisition Value	987.84		
Net Gain			4.34
09/19/2013 Redeem - Advantage Bank Deposit			
Net Proceeds	\$ 11,029.37	<b>27</b>	
Fiduciary Acquisition Value	11,029.37		
Net Gain			0.00
04/11/2014 Redeem - Advantage Bank Deposit			
Net Proceeds	\$ 487.00	<b>27</b>	
Fiduciary Acquisition Value	487.00		
Net Gain			0.00
Total Gains and Losses		14,937.68	38.24
Less Loss			(38.24)
Net Gain		\$ 14,899.44	

OTHER RECEIPTS ALLOCABLE TO PRINCIPAL  
Daniel Bernstein Irrevocable Trust Dated September 7, 2006  
For Period 07/30/2010 Through 05/26/2014

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Income Taxes - Refunds (Prin)

Miscellaneous

01/03/2011 2009 Federal Fiduciary Tax Refund - Check Dtd 12/28/2010	\$ 2,729.00	<b>1586, 1587</b>
01/20/2011 2008 Federal Fiduciary Tax Refund	25,569.82	<b>1541, 1542</b>
10/24/2011 2010 Federal Fiduciary Tax Refund	2,482.00	<b>1192</b>
02/12/2014 2010 Federal Fiduciary Tax Refund	2,613.00	<b>1551</b>
	<hr/>	
	33,393.82	

Total Income Taxes - Refunds (Prin) \$ 33,393.82

TOTAL OTHER RECEIPTS \$ 33,393.82

DISBURSEMENTS OF PRINCIPAL  
Daniel Bernstein Irrevocable Trust Dated September 7, 2006  
For Period 07/30/2010 Through 05/26/2014

Accountant Fees (Prin)

**(see also pg. 49)**

10/14/2010 CBIZ MHM LLC (50% Principal) - Payment of Accounting thru 7/31/10	\$ 927.25	<b>712-721, 27</b>	
10/21/2011 2010 Fiduciary Tax Preparation Fee (50% Principal)	137.50	<b>30</b>	
10/24/2012 2011 Fiduciary Tax Preparation Fee (50% Principal)	137.50	<b>30</b>	
02/26/2013 2011 Tax Preparation Fee for Amended Return (50% Principal)	61.00	<b>30</b>	
09/18/2013 2013 Fiduciary Tax Preparation and Analytics Fee (50% Principal)	175.00	<b>30</b>	
		\$ 1,438.25	

Fees and Commissions (Prin)

10/10/2012 Oppenheimer & Co Mgmt Fee 10/8 - 12/31/12 (50% Principal)	\$ 89.76	<b>29</b>	
10/15/2012 Cancel Oppenheimer & Co Mgmt Fee 10/8 - 12/31/12 (50% Principal)	(89.76)		
			0.00

Fiduciary Fees (Prin)

10/12/2010 Trust Department Fee for Quarter Ended 9/30/10 (50% Principal)	\$ 9.62	<b>29</b>	
01/10/2011 Trust Department Fee for Quarter Ended 12/31/10 (50% Principal)	55.11	<b>29</b>	
04/20/2011 Trust Department Fee for Quarter Ended 3/31/11 (50% Principal)	94.71	<b>29</b>	
07/21/2011 Trust Department Fee for Quarter Ended 6/30/11 (50% Principal)	95.27	<b>29</b>	
10/13/2011 Trust Department Fee for Quarter Ended 9/30/11 (50% Principal)	86.47	<b>29</b>	
01/09/2012 Trust Department Fee for Quarter Ended 12/31/11 (50% Principal)	91.86	<b>29</b>	
04/20/2012 Trust Department Fee for Quarter Ended 3/31/12 (50% Principal)	95.93	<b>29</b>	

**DISBURSEMENTS OF PRINCIPAL**  
Daniel Bernstein Irrevocable Trust Dated September 7, 2006  
For Period 07/30/2010 Through 05/26/2014

07/16/2012 Trust Department Fee for Quarter Ended 6/30/12 (50% Principal)	\$ 94.87	<b>29</b>
10/19/2012 Trust Department Fee for Quarter Ended 9/30/12 (50% Principal)	96.84	<b>29</b>
01/22/2013 Trust Department Fee for Quarter Ended 12/31/12 (50% Principal)	68.91	<b>29</b>
04/24/2013 Trust Department Fee for Quarter Ended 3/31/13 (50% Principal)	55.56	<b>29</b>
07/23/2013 Trust Department Fee for Quarter Ended 6/30/13 (50% Principal)	28.97	<b>29</b>
09/18/2013 Prorated Trustee Fee for Period 7/1/13 - 9/18/13 (50% Principal)	11.97	<b>29</b>
	<hr/>	\$ 886.09

Income Taxes (Prin)

07/13/2011 United States Treasury - 2011 Federal Estimated Fiduciary Tax, Voucher #2 Check number 20333	\$ 1,139.00	<b>1532, 1551</b>
08/31/2011 United States Treasury - 2011 Federal Fiduciary Estimated Tax, Voucher #3 Check number 20582	657.00	<b>1532, 1551</b>
12/22/2011 United States Treasury - 2011 Federal Fiduciary Estimated Tax, Voucher #4 Check number 21381	657.00	<b>702-705</b>
05/15/2013 United States Treasury - 2011 Federal Fiduciary Tax from Amended Return Check number 24791	477.07	<b>1551-1552, 1557</b>
04/11/2014 United States Treasury - 2013 Federal Fiduciary Income Tax Paid with Extension Check number 26932	487.00	<b>1527, 1530-1531</b>
	<hr/>	3,417.07

TOTAL DISBURSEMENTS OF PRINCIPAL

\$ 5,741.41

DISTRIBUTIONS OF PRINCIPAL FOR BENEFICIARIES

Daniel Bernstein Irrevocable Trust Dated September 7, 2006  
 For Period 07/30/2010 Through 05/26/2014

For: Daniel Bernstein  
 To St. Andrew's School - Tuition

11/14/2012	Cash on Hand Check number 23519	\$ 8,221.50	<b>684-690</b>
06/28/2013	Cash	2,137.00	<b>556-558</b>
07/22/2013	Cash	3,432.00	<b>549-551</b>
08/13/2013	Cash	1,716.00	<b>542-544</b>

For: Daniel Bernstein  
 To St. Andrew's School - Bookstore and Trip Charges

03/08/2013	Cash on Hand Check number 24173	275.00	<b>591-593</b>
06/14/2013	Cash on Hand Check number 24982	92.00	<b>565-567</b>

For: Daniel Bernstein  
 To 22 Lacrosse - U11 Summer Lacrosse Program

05/22/2013	Cash	722.00	<b>572-574</b>
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For: Daniel Bernstein  
 To Living Expenses for Daniel Bernstein

01/30/2013	Cash on Hand Check number 23976	98.00	<b>600-603</b>
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For: Daniel Bernstein  
 To Lacross Tournament

11/29/2012	Cash	250.00	<b>677-683</b>
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For: Daniel Bernstein  
 To Volvo Repairs

12/21/2012	Cash	2,155.77	<b>617-629</b>
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DISTRIBUTIONS OF PRINCIPAL FOR BENEFICIARIES

Daniel Bernstein Irrevocable Trust Dated September 7, 2006  
 For Period 07/30/2010 Through 05/26/2014

For: Daniel Bernstein		
To Health Insurance premium for Daniel Bernstein		
05/20/2013 Bernstein Family Realty LLC (33% interest)	\$ 646.36	<b>272-275</b>
05/30/2013 Bernstein Family Realty LLC (33% interest)	646.36	<b>262-265</b>
07/01/2013 Bernstein Family Realty LLC (33% interest)	646.36	<b>216-219</b>
08/05/2013 Bernstein Family Realty LLC (33% interest)	646.36	<b>174-178</b>
09/19/2013 Bernstein Family Realty LLC (33% interest)	646.36	<b>122-124</b>
For: Daniel Bernstein		
To Bernstein Family Realty LLC - Repairs - Mr. Electric		
12/12/2012 Cash on Hand Check number 23666	500.00	<b>630-631 &amp; 838-842</b>
01/18/2013 Bernstein Family Realty LLC (33% interest)	423.70	<b>481-487</b>
01/31/2013 Bernstein Family Realty LLC (33% interest)	102.63	<b>453-461</b>
For: Daniel Bernstein		
To Bernstein Family Realty LLC - Repairs - First Choice Plumbing		
01/15/2013 Bernstein Family Realty LLC (33% interest)	83.33	<b>492-495</b>
For: Daniel Bernstein		
To Bernstein Family Realty LLC - Repairs - Kool Ray Air Conditioning		
01/15/2013 Bernstein Family Realty LLC (33% interest)	108.33	<b>488-491</b>
01/31/2013 Bernstein Family Realty LLC (33% interest)	35.00	<b>449-452</b>
For: Daniel Bernstein		
To Bernstein Family Realty LLC - Security - Your Security Connection		
01/03/2013 Bernstein Family Realty LLC (33% interest)	24.37	<b>519-522</b>

DISTRIBUTIONS OF PRINCIPAL FOR BENEFICIARIES

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Daniel Bernstein Irrevocable Trust Dated September 7, 2006  
 For Period 07/30/2010 Through 05/26/2014

04/05/2013 Bernstein Family Realty LLC (33% interest)	\$ 24.37	<b>333-335</b>
07/22/2013 Bernstein Family Realty LLC (33% interest)	24.37	<b>179-182</b>

For: Daniel Bernstein  
 To Bernstein Family Realty LLC - Telephone - Verizon Wireless  
 Acct #470547806-00002

01/31/2013 Bernstein Family Realty LLC (33% interest)	283.69	<b>462-464</b>
05/06/2013 Bernstein Family Realty LLC (33% interest)	148.81	<b>301-303</b>
05/30/2013 Bernstein Family Realty LLC (33% interest)	156.88	<b>269-271</b>
07/01/2013 Bernstein Family Realty LLC (33% interest)	170.21	<b>226-228</b>
08/07/2013 Bernstein Family Realty LLC (33% interest)	151.87	<b>146-148</b>
09/19/2013 Bernstein Family Realty LLC (33% interest)	166.97	<b>134-136</b>

For: Daniel Bernstein  
 To Bernstein Family Realty LLC - Utilities - FPL Acct  
 #53111-50311

02/07/2013 Bernstein Family Realty LLC (33% interest)	148.78	<b>386-389</b>
03/11/2013 Bernstein Family Realty LLC (33% interest)	114.18	<b>352-354</b>
04/05/2013 Bernstein Family Realty LLC (33% interest)	120.99	<b>345-347</b>
05/06/2013 Bernstein Family Realty LLC (33% interest)	147.14	<b>310-312</b>
06/03/2013 Bernstein Family Realty LLC (33% interest)	153.97	<b>259-261</b>
07/01/2013 Bernstein Family Realty LLC (33% interest)	154.25	<b>229-231</b>
08/07/2013 Bernstein Family Realty LLC (33% interest)	181.89	<b>149-151</b>
09/19/2013 Bernstein Family Realty LLC (33% interest)	173.88	<b>137-139</b>

For: Daniel Bernstein  
 To Bernstein Family Realty LLC - Utilities - City of Boca Raton  
 Acct #144235-6496

01/31/2013 Bernstein Family Realty LLC (33% interest)	47.94	<b>435-438</b>
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DISTRIBUTIONS OF PRINCIPAL FOR BENEFICIARIES

Daniel Bernstein Irrevocable Trust Dated September 7, 2006  
 For Period 07/30/2010 Through 05/26/2014

02/07/2013 Bernstein Family Realty LLC (33% interest)	\$ 84.46	<b>390-392</b>
04/05/2013 Bernstein Family Realty LLC (33% interest)	70.79	<b>342-344</b>
07/11/2013 Bernstein Family Realty LLC (33% interest)	73.68	<b>187-191</b>
08/07/2013 Bernstein Family Realty LLC (33% interest)	91.63	<b>140-142</b>

For: Daniel Bernstein  
 To Bernstein Family Realty LLC - Maintenance - Claude  
 Maxime

01/31/2013 Bernstein Family Realty LLC (33% interest)	80.00	<b>446-448</b>
05/06/2013 Bernstein Family Realty LLC (33% interest)	130.00	<b>304-306</b>
09/19/2013 Bernstein Family Realty LLC (33% interest)	186.67	<b>131-133</b>

For: Daniel Bernstein  
 To Bernstein Family Realty LLC - Maintenance - Aquatic Isles  
 Pool Service Acct MM3

01/31/2013 Bernstein Family Realty LLC (33% interest)	26.87	<b>443-445</b>
02/04/2013 Bernstein Family Realty LLC (33% interest)	26.67	<b>403-405</b>
04/05/2013 Bernstein Family Realty LLC (33% interest)	81.67	<b>336-338</b>
05/06/2013 Bernstein Family Realty LLC (33% interest)	26.67	<b>307-309</b>
07/01/2013 Bernstein Family Realty LLC (33% interest)	119.78	<b>223-225</b>
09/19/2013 Bernstein Family Realty LLC (33% interest)	80.00	<b>128-130</b>

For: Daniel Bernstein  
 To Bernstein Family Realty LLC - Maintenance - Pest-Aside Inc.

03/11/2013 Bernstein Family Realty LLC (33% interest)	28.33	<b>358-360</b>
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For: Daniel Bernstein  
 To Bernstein Family Realty LLC - Cable - Comcast Acct  
 #01638 567818-02-7

01/31/2013 Bernstein Family Realty LLC (33% interest)	114.27	<b>439-442</b>
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DISTRIBUTIONS OF PRINCIPAL FOR BENEFICIARIES

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Daniel Bernstein Irrevocable Trust Dated September 7, 2006  
 For Period 07/30/2010 Through 05/26/2014

03/11/2013	Bernstein Family Realty LLC (33% interest)	\$ 243.42	<b>355-357</b>
04/05/2013	Bernstein Family Realty LLC (33% interest)	92.02	<b>339-341</b>
05/06/2013	Bernstein Family Realty LLC (33% interest)	124.10	<b>298-300</b>
05/30/2013	Bernstein Family Realty LLC (33% interest)	120.81	<b>266-268</b>
07/01/2013	Bernstein Family Realty LLC (33% interest)	126.51	<b>220-222</b>
08/07/2013	Bernstein Family Realty LLC (33% interest)	114.28	<b>143-145</b>
09/19/2013	Bernstein Family Realty LLC (33% interest)	18.23	<b>125-127</b>

For: Daniel Bernstein  
 To Bernstein Family Realty LLC - Insurance - Massey, Clark,  
 Fischer Inc.

02/01/2013	Bernstein Family Realty LLC (33% interest)	2,795.93	<b>406-410</b>
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For: Daniel Bernstein  
 To Bernstein Family Realty LLC - Insurance - Tower Hill  
 Preferred Insurance Company

02/01/2013	Bernstein Family Realty LLC (33% interest)	137.33	<b>411-415</b>
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For: Daniel Bernstein  
 Legal Fees - Tripp Scott PA Acct #995508-0001M

02/28/2013	Bernstein Family Realty LLC (33% interest)	1,883.00	<b>381-385</b>
03/13/2013	Bernstein Family Realty LLC (33% interest)	1,178.00	<b>348-351</b>
07/11/2013	Bernstein Family Realty LLC (33% interest)	430.00	<b>183-186</b>

For: Daniel Bernstein  
 Legal Fees - Tescher & Spallina PA

11/03/2010	Cash on Hand Check number 23667	669.21	<b>706-711</b>
10/15/2013	Bernstein Family Realty LLC (33% interest)	2,000.00	<b>94-98</b>

DISTRIBUTIONS OF PRINCIPAL FOR BENEFICIARIES

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Daniel Bernstein Irrevocable Trust Dated September 7, 2006  
 For Period 07/30/2010 Through 05/26/2014

For: Daniel Bernstein  
 To Bernstein Family Realty LLC - Filing Fees - Florida  
 Department of State

04/15/2013 Bernstein Family Realty LLC (33% interest)	\$ 47.92	<b>1524</b>
03/20/2014 Bernstein Family Realty LLC (33% interest)	47.92	<b>1522-1523</b>

For: Daniel Bernstein  
 To Bernstein Family Realty LLC - Real Estate Taxes - Tax  
 Collector, Palm Beach County

12/03/2012 Cash	1,803.60	<b>668-671</b>
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For: Daniel Bernstein  
 To Bernstein Family Realty LLC - Legal Fees - Mark R. Manceri,  
 PA Trust Account

05/20/2013 Bernstein Family Realty LLC (33% interest)	1,666.67	<b>276-277</b>
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For: Daniel Bernstein  
 To Bernstein Family Realty LLC - Interest - Walter Sahn

10/15/2013 Bernstein Family Realty LLC (33% interest)	1,283.33	<b>90-93</b>
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Total for Daniel Bernstein	<hr/>	\$41,982.39
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For: Candice Bernstein  
 To Living Expenses for Daniel Bernstein

01/07/2013 Bernstein Family Realty LLC (33% interest)	881.42	<b>496-518</b>
01/31/2013 Bernstein Family Realty LLC (33% interest)	881.42	<b>416-434</b>
02/04/2013 Bernstein Family Realty LLC (33% interest)	944.81	<b>393-405</b>
03/11/2013 Bernstein Family Realty LLC (33% interest)	2,392.94	<b>361-379</b>
04/05/2013 Bernstein Family Realty LLC (33% interest)	2,918.35	<b>313-332</b>
05/06/2013 Bernstein Family Realty LLC (33% interest)	3,574.13	<b>278-297</b>
05/31/2013 Bernstein Family Realty LLC (33% interest)	1,666.67	<b>232-258</b>

DISTRIBUTIONS OF PRINCIPAL FOR BENEFICIARIES

Daniel Bernstein Irrevocable Trust Dated September 7, 2006  
For Period 07/30/2010 Through 05/26/2014

06/05/2013 Bernstein Family Realty LLC (33% interest)	\$ 1,101.21	<b>232-258</b>
07/01/2013 Bernstein Family Realty LLC (33% interest)	4,213.92	<b>192-215</b>
08/06/2013 Bernstein Family Realty LLC (33% interest)	3,235.33	<b>152-173</b>
09/10/2013 Cash on Hand Check number 23667	1,800.00	<b>528-533</b>
09/19/2013 Bernstein Family Realty LLC (33% interest)	3,235.33	<b>99-121</b>

Total for Candice Bernstein

\$26,845.53

TOTAL DISTRIBUTIONS OF PRINCIPAL FOR BENEFICIARIES

\$ 68,827.92

PRINCIPAL BALANCE ON HAND  
 Daniel Bernstein Irrevocable Trust Dated September 7, 2006  
 As of 05/26/2014

	Current Value	Carrying Value
Oppenheimer Trust Company #21 00 0916 0 03		
Advantage Bank Deposit	\$ 2,187.96	\$ 2,187.96 <b>11</b>
Other Assets		
LIC Holdings Inc 6 Units	0.00	0.00
Miscellaneous Property		
Bernstein Family Realty LLC (33% interest)	129,699.59	129,699.59
Other Liabilities		
Bernstein Family Realty LLC (33% interest) - 1st Mortgage	(36,667.00)	(36,667.00)
Bernstein Family Realty LLC (33% interest) - 2nd Mortgage	(121,667.00)	(121,667.00)
	( \$26,446.45)	( \$26,446.45)
Less: Income balance on hand	3,010.49	3,010.49
PRINCIPAL BALANCE ON HAND	( \$29,456.94)	( \$29,456.94)

INFORMATION SCHEDULES

Daniel Bernstein Irrevocable Trust Dated September 7, 2006  
For Period 07/30/2010 Through 05/26/2014

Changes in Investment Holdings

Bernstein Family Realty LLC (33% interest)	\$	82,882.85	
11/08/2012 Transfer to Bernstein Family Realty LLC - To cover Real Estate Taxes		2,000.00	<b>691-701</b>
11/30/2012 Transfer to Bernstein Family Realty - To Cover Household Expenses		1,000.00	<b>672-676</b>
12/06/2012 Transfer to Bernstein Family Realty LLC - To Cover Household Expenses		3,000.00	<b>638-643</b>
12/10/2012 Transfer to Bernstein Family Realty LLC - To Cover Household Expenses		1,000.00	<b>632-637</b>
12/27/2012 Transfer to Bernstein Family Realty LLC - To Cover Household Expenses		3,000.00	<b>611-614</b>
01/30/2013 Transfer to Bernstein Family Realty LLC - To Cover Household Expenses		3,000.00	<b>604-605</b>
01/31/2013 Transfer to Bernstein Family Realty LLC - To Cover Household Expenses		3,000.00	<b>598-599</b>
02/27/2013 Transfer to Bernstein Family Realty LLC - To Cover Household Expenses		3,000.00	<b>594-597</b>
03/11/2013 Transfer to Bernstein Family Realty LLC - To Cover Household Expenses		3,000.00	<b>587-590</b>
04/04/2013 Transfer to Bernstein Family Realty LLC - To Cover Household Expenses		3,000.00	<b>583-586</b>
05/03/2013 Transfer to Bernstein Family Realty LLC - To Cover Household Expenses		2,000.00	<b>579-582</b>
05/17/2013 Transfer to Bernstein Family Realty LLC - To Cover Household Expenses		4,000.00	<b>575-578</b>
06/04/2013 Transfer to Bernstein Family Realty LLC - To Cover Household Expenses		3,000.00	<b>568-571</b>
06/28/2013 Transfer to Bernstein Family Realty LLC - To Cover Household Expenses		5,000.00	<b>559-562</b>
07/15/2013 Transfer to Bernstein Family Realty LLC - To Cover Household Expenses		4,000.00	<b>552-555</b>

INFORMATION SCHEDULES

Daniel Bernstein Irrevocable Trust Dated September 7, 2006  
For Period 07/30/2010 Through 05/26/2014

08/06/2013 Transfer to Bernstein Family Realty LLC - To Cover Household Expenses	\$ 1,000.00	<b>545-548</b>	
09/18/2013 Transfer to Bernstein Family Realty LLC - To Cover Household Expenses	10,655.43	<b>523-527</b>	
			\$ 137,538.28
Ishares MBS ETF	\$ 2,038.00		
09/17/2013 Sale of Ishares MBS ETF 20 Units	(2,038.00)	<b>25</b>	0.00
Ishares Tips Bd ETF	\$ 950.00	<b>24</b>	
06/04/2013 Sale of Ishares Tips Bd ETF 10 Units	(950.00)		0.00
Ishares 20+ Yr Tr Bd ETF	\$ 1,613.30	<b>24</b>	
06/04/2013 Sale of Ishares 20+ Yr Tr Bd ETF 17 Units	(1,613.30)		0.00
Ishares 7-10 Year Tr Bd ETF	\$ 1,687.77		
07/19/2013 Sale of Ishares 7-10 Year Tr Bd ETF 19 Units	(1,687.77)	<b>24</b>	0.00
Ishares 7-10 Year Tr Bd ETF	\$ 2,568.38		
07/19/2013 Sale of Ishares 7-10 Year Tr Bd ETF 6 Units	(592.70)	<b>24</b>	
07/19/2013 Sale of Ishares 7-10 Year Tr Bd ETF 10 Units	(987.84)	<b>25</b>	
09/17/2013 Sale of Ishares 7-10 Year Tr Bd ETF 10 Units	(987.84)	<b>25</b>	0.00

INFORMATION SCHEDULES

Daniel Bernstein Irrevocable Trust Dated September 7, 2006  
For Period 07/30/2010 Through 05/26/2014

Ishares IBOXX Inv CP ETF	\$	542.52		
05/17/2013 Sale of Ishares IBOXX Inv CP ETF 6 Units		(542.52)	<b>24</b>	
				\$ 0.00
SPDR Series Trust DJ Reit	\$	1,928.64		
05/17/2013 Sale of SPDR Series Trust DJ Reit 24 Units		(944.64)	<b>24</b>	
06/04/2013 Sale of SPDR Series Trust DJ Reit 25 Units		(984.00)	<b>24</b>	
				0.00
SPDR Series Trust Barclays Intl ETF	\$	741.15		
06/04/2013 Sale of SPDR Series Trust Barclays Intl ETF 15 Units		(741.15)	<b>24</b>	
				0.00
SPDR Series Trust BRC High Yield Bd	\$	803.66		
07/19/2013 Sale of SPDR Series Trust BRC High Yield Bd 26 Units		(803.66)	<b>25</b>	
				0.00
Vanguard Intl Equity Index Fd FTSE Emr Mkt ETF	\$	1,875.68		
07/03/2013 Sale of Vanguard Intl Equity Index Fd FTSE Emr Mkt ETF 38 Units		(937.84)	<b>24</b>	
09/17/2013 Sale of Vanguard Intl Equity Index Fd FTSE Emr Mkt ETF 38 Units		(937.84)	<b>25</b>	
				0.00
Vanguard Intl Equity Index Fd FTSE Europe ETF	\$	4,215.61		
02/06/2013 Sale of Vanguard Intl Equity Index Fd FTSE Europe ETF 50 Units		(2,007.43)	<b>24</b>	
07/19/2013 Sale of Vanguard Intl Equity Index Fd FTSE Europe ETF 20 Units		(802.97)	<b>25</b>	



INFORMATION SCHEDULES

Daniel Bernstein Irrevocable Trust Dated September 7, 2006  
For Period 07/30/2010 Through 05/26/2014

09/17/2013 Sale of Vanguard Intl Equity Index Fd FTSE Europe ETF 35 Units	\$ (1,405.21)	<b>25</b>	
			\$ 0.00
Vanguard Index Fds Growth ETF	\$ 2,949.93		
02/06/2013 Sale of Vanguard Index Fds Growth ETF 43 Units	(1,737.63)	<b>24</b>	
07/03/2013 Sale of Vanguard Index Fds Growth ETF 21 Units	(848.61)	<b>24</b>	
09/17/2013 Sale of Vanguard Index Fds Growth ETF 9 Units	(363.69)	<b>25</b>	
			0.00
Vanguard Index Fds Growth ETF	\$ 482.30		
09/17/2013 Sale of Vanguard Index Fds Growth ETF 13 Units	(482.30)	<b>25</b>	
			0.00
Vanguard Intl Equity Index Fd Mega Cap Gr ETF	\$ 1,823.20		
05/17/2013 Sale of Vanguard Intl Equity Index Fd Mega Cap Gr ETF 17 Units	(720.80)	<b>24</b>	
06/04/2013 Sale of Vanguard Intl Equity Index Fd Mega Cap Gr ETF 26 Units	(1,102.40)	<b>24</b>	
			0.00
Vanguard Intl Equity Index Fd Mega Cap Gr ETF	\$ 741.38		
06/04/2013 Sale of Vanguard Intl Equity Index Fd Mega Cap Gr ETF 19 Units	(741.38)	<b>24</b>	
			0.00
Vanguard Index Fds Small Cap Growth	\$ 987.85		
06/04/2013 Sale of Vanguard Index Fds Small Cap Growth 16 Units	(687.20)	<b>24</b>	
07/19/2013 Sale of Vanguard Index Fds Small Cap Growth 7 Units	(300.65)	<b>25</b>	
			0.00

INFORMATION SCHEDULES

Daniel Bernstein Irrevocable Trust Dated September 7, 2006  
For Period 07/30/2010 Through 05/26/2014

Vanguard Index Fds Small Cap Growth	\$ 383.90		
09/17/2013 Sale of Vanguard Index Fds Small Cap Growth 10 Units	(383.90)	<b>25</b>	
	<hr/>		\$ 0.00
Vanguard Index Fds Small Cap Val	\$ 725.39		
07/03/2013 Sale of Vanguard Index Fds Small Cap Val 17 Units	(725.39)	<b>24</b>	
	<hr/>		0.00
Vanguard Index Fds Value	\$ 4,412.68		
11/03/2010 Sale of Vanguard Index Fds Value 22 Units	(907.28)	<b>24</b>	
02/06/2013 Sale of Vanguard Index Fds Value 60 Units	(2,474.40)	<b>24</b>	
05/17/2013 Sale of Vanguard Index Fds Value 22 Units	(907.28)	<b>24</b>	
07/19/2013 Sale of Vanguard Index Fds Value 3 Units	(123.72)	<b>25</b>	
	<hr/>		0.00
Vanguard Index Fds Value	\$ 1,477.60		
07/19/2013 Sale of Vanguard Index Fds Value 15 Units	(554.10)	<b>25</b>	
09/17/2013 Sale of Vanguard Index Fds Value 25 Units	(923.50)	<b>25</b>	
	<hr/>		0.00

RECEIPTS OF INCOME

Daniel Bernstein Irrevocable Trust Dated September 7, 2006  
 For Period 07/30/2010 Through 05/26/2014

Dividends

Advantage Bank Deposit

10/18/2010 Dividend received in October	\$	0.14	<b>12</b>
11/16/2010 Dividend received in November		0.01	<b>12</b>
12/16/2010 Dividend received in December		0.01	<b>13</b>
01/18/2011 Dividend received in January		0.03	<b>13</b>
02/16/2011 Dividend received in February		0.34	<b>13</b>
03/16/2011 Dividend received in March		0.36	<b>14</b>
04/18/2011 Dividend received in April		0.43	<b>14</b>
05/16/2011 Dividend received in May		0.36	<b>14</b>
06/16/2011 Dividend received in June		0.40	<b>15</b>
07/18/2011 Dividend received in July		0.41	<b>15</b>
08/16/2011 Dividend received in August		1.21	<b>15</b>
09/16/2011 Dividend received in September		0.20	<b>15</b>
10/17/2011 Dividend received in October		0.13	<b>16</b>
11/16/2011 Dividend received in November		0.13	<b>16</b>
12/16/2011 Dividend received in December		0.13	<b>16</b>
12/30/2011 Dividend received in December		0.06	<b>17</b>
01/17/2012 Dividend received in January		0.08	<b>17</b>
02/16/2012 Dividend received in February		0.13	<b>17</b>
03/16/2012 Dividend received in March		0.13	<b>18</b>
04/16/2012 Dividend received in April		0.13	<b>18</b>
05/16/2012 Dividend received in May		0.13	<b>18</b>
06/18/2012 Dividend received in June		0.14	<b>19</b>
07/16/2012 Dividend received in July		0.12	<b>19</b>

RECEIPTS OF INCOME

Daniel Bernstein Irrevocable Trust Dated September 7, 2006  
For Period 07/30/2010 Through 05/26/2014

08/16/2012 Dividend received in August	\$ 0.13	<b>19</b>
09/17/2012 Dividend received in September	0.14	<b>20</b>
10/09/2012 Dividend received in October	0.10	<b>20</b>
02/19/2013 Dividend received in February	0.02	<b>21</b>
03/18/2013 Dividend received in March	0.03	<b>22</b>
04/16/2013 Dividend received in April	0.02	<b>22</b>
05/16/2013 Dividend received in May	0.01	<b>23</b>
06/17/2013 Dividend received in June	0.01	<b>23</b>
07/16/2013 Dividend received in July	0.02	<b>23</b>
08/16/2013 Dividend received in August	0.01	<b>23</b>
03/17/2014 Dividend received in March	0.01	<b>23</b>
04/16/2014 Dividend received in April	0.01	
05/16/2014 Dividends	0.01	
	<hr/>	
	5.73	
Advantage Primary Liq Fd		
10/19/2012 Dividend received in October	0.17	<b>20</b>
11/16/2012 Dividend received in November	0.49	<b>20</b>
12/21/2012 Dividend received in December	0.33	<b>21</b>
12/31/2012 Dividend received in December	0.06	<b>21</b>
01/18/2013 Dividend received in January	0.02	<b>21</b>
02/22/2013 Dividend received in February	0.03	<b>21</b>
	<hr/>	
	1.10	
Ishares MBS ETF		
10/07/2010 Dividend received in October	6.01	<b>12</b>
11/05/2010 Dividend received in November	4.27	<b>12</b>

RECEIPTS OF INCOME

Daniel Bernstein Irrevocable Trust Dated September 7, 2006  
 For Period 07/30/2010 Through 05/26/2014

12/07/2010 Dividend received in December	\$	6.92	<b>13</b>
01/04/2011 Dividend received in January		6.83	<b>13</b>
02/07/2011 Dividend received in February		6.82	<b>13</b>
03/07/2011 Dividend received in March		6.50	<b>14</b>
04/07/2011 Dividend received in April		5.98	<b>14</b>
05/06/2011 Dividend received in May		6.10	<b>14</b>
06/07/2011 Dividend received in June		5.75	<b>15</b>
07/08/2011 Dividend received in July		6.43	<b>15</b>
08/05/2011 Dividend received in August		6.74	<b>15</b>
09/08/2011 Dividend received in September		5.64	<b>15</b>
10/07/2011 Dividend received in October		5.78	<b>16</b>
11/07/2011 Dividend received in November		5.43	<b>16</b>
12/07/2011 Dividend received in December		5.49	<b>16</b>
01/04/2012 Dividend received in January		5.35	<b>17</b>
02/07/2012 Dividend received in February		5.74	<b>17</b>
03/07/2012 Dividend received in March		6.07	<b>18</b>
04/09/2012 Dividend received in April		4.19	<b>18</b>
05/07/2012 Dividend received in May		3.48	<b>18</b>
06/07/2012 Dividend received in June		3.60	<b>19</b>
07/09/2012 Dividend received in July		3.79	<b>19</b>
08/07/2012 Dividend received in August		3.09	<b>19</b>
09/10/2012 Dividend received in September		2.40	<b>19</b>
10/05/2012 Dividend received in October		2.55	<b>20</b>
11/07/2012 Dividend received in November		2.57	<b>20</b>
12/07/2012 Dividend received in December		2.02	<b>21</b>

RECEIPTS OF INCOME

Daniel Bernstein Irrevocable Trust Dated September 7, 2006  
 For Period 07/30/2010 Through 05/26/2014

02/07/2013 Dividend received in February	\$ 1.81	<b>21</b>
03/07/2013 Dividend received in March	2.13	<b>22</b>
04/05/2013 Dividend received in April	5.17	<b>22</b>
05/07/2013 Dividend received in May	1.59	<b>22</b>
06/07/2013 Dividend received in June	1.14	<b>23</b>
07/08/2013 Dividend received in July	1.34	<b>23</b>
08/07/2013 Dividend received in August	1.71	<b>23</b>
09/09/2013 Dividend received in September	1.54	<b>23</b>
	<hr/>	
	151.97	
Ishares Tips Bd ETF		
10/07/2010 Dividend received in October	1.35	<b>12</b>
11/05/2010 Dividend received in November	2.55	<b>12</b>
12/07/2010 Dividend received in December	1.79	<b>12</b>
01/04/2011 Dividend received in January	2.63	<b>13</b>
02/07/2011 Dividend received in February	1.64	<b>13</b>
03/07/2011 Dividend received in March	2.74	<b>13</b>
04/07/2011 Dividend received in April	5.82	<b>14</b>
05/06/2011 Dividend received in May	5.94	<b>14</b>
06/07/2011 Dividend received in June	10.49	<b>14</b>
07/08/2011 Dividend received in July	7.55	<b>15</b>
08/05/2011 Dividend received in August	5.81	<b>15</b>
09/08/2011 Dividend received in September	0.10	<b>15</b>
10/07/2011 Dividend received in October	1.73	<b>16</b>
11/07/2011 Dividend received in November	3.60	<b>16</b>
12/07/2011 Dividend received in December	2.41	<b>16</b>

RECEIPTS OF INCOME

Daniel Bernstein Irrevocable Trust Dated September 7, 2006  
 For Period 07/30/2010 Through 05/26/2014

04/09/2012 Dividend received in April	\$ 3.24	<b>18</b>
05/07/2012 Dividend received in May	4.26	<b>18</b>
06/07/2012 Dividend received in June	8.04	<b>18</b>
07/09/2012 Dividend received in July	3.53	<b>19</b>
11/07/2012 Dividend received in November	2.92	<b>20</b>
12/07/2012 Dividend received in December	4.85	<b>20</b>
01/02/2013 Dividend received in January	0.09	<b>21</b>
04/05/2013 Dividend received in April	0.80	<b>22</b>
05/07/2013 Dividend received in May	3.11	<b>22</b>
	<hr/>	
	86.99	
 Ishares 20+ Yr Tr Bd ETF		
10/07/2010 Dividend received in October	6.67	<b>12</b>
11/05/2010 Dividend received in November	5.43	<b>12</b>
12/07/2010 Dividend received in December	5.78	<b>12</b>
01/04/2011 Dividend received in January	5.45	<b>13</b>
02/07/2011 Dividend received in February	5.44	<b>13</b>
03/07/2011 Dividend received in March	5.05	<b>14</b>
04/07/2011 Dividend received in April	6.56	<b>14</b>
05/06/2011 Dividend received in May	6.80	<b>14</b>
06/07/2011 Dividend received in June	5.98	<b>14</b>
07/08/2011 Dividend received in July	5.43	<b>15</b>
08/05/2011 Dividend received in August	5.53	<b>15</b>
09/08/2011 Dividend received in September	5.48	<b>15</b>
10/07/2011 Dividend received in October	5.20	<b>16</b>
11/07/2011 Dividend received in November	5.09	<b>16</b>

RECEIPTS OF INCOME

Daniel Bernstein Irrevocable Trust Dated September 7, 2006  
 For Period 07/30/2010 Through 05/26/2014

12/07/2011 Dividend received in December	\$ 4.93	<b>16</b>
01/04/2012 Dividend received in January	6.46	<b>17</b>
02/07/2012 Dividend received in February	4.91	<b>17</b>
03/07/2012 Dividend received in March	4.54	<b>17</b>
04/09/2012 Dividend received in April	4.93	<b>18</b>
05/07/2012 Dividend received in May	4.82	<b>18</b>
06/07/2012 Dividend received in June	4.47	<b>18</b>
07/09/2012 Dividend received in July	4.57	<b>19</b>
08/07/2012 Dividend received in August	4.63	<b>19</b>
09/10/2012 Dividend received in September	4.62	<b>19</b>
10/05/2012 Dividend received in October	4.41	<b>20</b>
11/07/2012 Dividend received in November	4.58	<b>20</b>
12/07/2012 Dividend received in December	4.16	<b>20</b>
01/02/2013 Dividend received in January	4.56	<b>21</b>
02/07/2013 Dividend received in February	4.42	<b>21</b>
03/07/2013 Dividend received in March	4.32	<b>22</b>
04/05/2013 Dividend received in April	4.34	<b>22</b>
05/07/2013 Dividend received in May	4.43	<b>22</b>
	163.99	
Ishares 7-10 Year Tr Bd ETF		
10/07/2010 Dividend received in October	10.50	<b>12</b>
11/05/2010 Dividend received in November	10.56	<b>12</b>
12/07/2010 Dividend received in December	10.77	<b>12</b>
01/04/2011 Dividend received in January	11.18	<b>13</b>
02/07/2011 Dividend received in February	10.59	<b>13</b>



RECEIPTS OF INCOME

Daniel Bernstein Irrevocable Trust Dated September 7, 2006  
 For Period 07/30/2010 Through 05/26/2014

03/07/2011 Dividend received in March	\$ 9.74	<b>14</b>
04/07/2011 Dividend received in April	11.17	<b>14</b>
05/06/2011 Dividend received in May	10.86	<b>14</b>
06/07/2011 Dividend received in June	11.00	<b>14</b>
07/08/2011 Dividend received in July	10.38	<b>15</b>
08/05/2011 Dividend received in August	10.72	<b>15</b>
09/08/2011 Dividend received in September	10.31	<b>15</b>
10/07/2011 Dividend received in October	9.51	<b>16</b>
11/07/2011 Dividend received in November	9.42	<b>16</b>
12/07/2011 Dividend received in December	9.01	<b>16</b>
01/04/2012 Dividend received in January	8.52	<b>17</b>
02/07/2012 Dividend received in February	8.59	<b>17</b>
03/07/2012 Dividend received in March	7.63	<b>17</b>
04/09/2012 Dividend received in April	7.98	<b>18</b>
05/07/2012 Dividend received in May	7.57	<b>18</b>
06/07/2012 Dividend received in June	7.68	<b>19</b>
07/09/2012 Dividend received in July	7.21	<b>19</b>
08/07/2012 Dividend received in August	7.30	<b>19</b>
09/10/2012 Dividend received in September	6.79	<b>20</b>
10/05/2012 Dividend received in October	6.36	<b>20</b>
11/07/2012 Dividend received in November	6.54	<b>20</b>
12/07/2012 Dividend received in December	6.16	<b>20</b>
01/02/2013 Dividend received in January	6.78	<b>21</b>
02/07/2013 Dividend received in February	6.30	<b>21</b>
03/07/2013 Dividend received in March	5.70	<b>22</b>

RECEIPTS OF INCOME

Daniel Bernstein Irrevocable Trust Dated September 7, 2006  
 For Period 07/30/2010 Through 05/26/2014

04/05/2013 Dividend received in April	\$ 6.51	<b>22</b>
05/07/2013 Dividend received in May	6.07	<b>22</b>
06/07/2013 Dividend received in June	6.37	<b>23</b>
07/08/2013 Dividend received in July	6.27	<b>23</b>
08/07/2013 Dividend received in August	1.41	<b>23</b>
09/09/2013 Dividend received in September	1.51	<b>23</b>
	290.97	
Ishares IBOXX Inv CP ETF		
10/07/2010 Dividend received in October	2.60	<b>12</b>
11/05/2010 Dividend received in November	2.59	<b>12</b>
12/07/2010 Dividend received in December	2.56	<b>12</b>
01/04/2011 Dividend received in January	2.57	<b>13</b>
02/07/2011 Dividend received in February	2.56	<b>13</b>
03/07/2011 Dividend received in March	2.59	<b>13</b>
04/07/2011 Dividend received in April	2.57	<b>14</b>
05/06/2011 Dividend received in May	2.56	<b>14</b>
06/07/2011 Dividend received in June	2.55	<b>14</b>
07/08/2011 Dividend received in July	2.56	<b>15</b>
08/05/2011 Dividend received in August	2.52	<b>15</b>
09/08/2011 Dividend received in September	2.48	<b>15</b>
10/07/2011 Dividend received in October	2.51	<b>16</b>
11/07/2011 Dividend received in November	2.41	<b>16</b>
12/07/2011 Dividend received in December	2.31	<b>16</b>
01/04/2012 Dividend received in January	2.33	<b>17</b>
02/07/2012 Dividend received in February	2.35	<b>17</b>

RECEIPTS OF INCOME

Daniel Bernstein Irrevocable Trust Dated September 7, 2006  
For Period 07/30/2010 Through 05/26/2014

03/07/2012 Dividend received in March	\$	2.42	<b>17</b>
04/09/2012 Dividend received in April		2.38	<b>18</b>
05/07/2012 Dividend received in May		2.33	<b>18</b>
06/07/2012 Dividend received in June		2.37	<b>18</b>
07/09/2012 Dividend received in July		2.35	<b>19</b>
08/07/2012 Dividend received in August		2.31	<b>19</b>
09/10/2012 Dividend received in September		2.31	<b>19</b>
10/05/2012 Dividend received in October		2.30	<b>20</b>
11/07/2012 Dividend received in November		2.27	<b>20</b>
12/07/2012 Dividend received in December		2.20	<b>20</b>
01/02/2013 Dividend received in January		2.17	<b>21</b>
02/07/2013 Dividend received in February		2.22	<b>21</b>
03/07/2013 Dividend received in March		2.25	<b>22</b>
04/05/2013 Dividend received in April		2.21	<b>22</b>
05/07/2013 Dividend received in May		2.17	<b>22</b>
		<hr/>	
		76.88	
SPDR Series Trust DJ Reit			
09/29/2010 Dividend received in September		23.55	<b>12</b>
12/30/2010 Dividend received in December		25.84	<b>13</b>
03/30/2011 Dividend received in March		19.70	<b>14</b>
06/29/2011 Dividend received in June		25.30	<b>15</b>
09/28/2011 Dividend received in September		24.63	<b>16</b>
12/29/2011 Dividend received in December		29.93	<b>17</b>
03/28/2012 Dividend received in March		21.36	<b>18</b>
06/27/2012 Dividend received in June		26.97	<b>19</b>

RECEIPTS OF INCOME

Daniel Bernstein Irrevocable Trust Dated September 7, 2006  
 For Period 07/30/2010 Through 05/26/2014

10/03/2012 Dividend received in October	\$ 29.36	<b>20</b>
01/04/2013 Dividend received in January	31.50	<b>21</b>
03/25/2013 Dividend received in March	20.17	<b>22</b>
09/16/2013 Dividend received in September	0.01	<b>23</b>
	<hr/>	
	278.32	
SPDR Series Trust Barclays Intl ETF		
01/06/2011 Dividend received in January	5.49	<b>13</b>
06/09/2011 Dividend received in June	1.86	<b>15</b>
07/12/2011 Dividend received in July	1.88	<b>15</b>
08/09/2011 Dividend received in August	3.06	<b>15</b>
09/12/2011 Dividend received in September	4.33	<b>16</b>
10/11/2011 Dividend received in October	3.81	<b>16</b>
11/07/2011 Dividend received in November	4.30	<b>16</b>
12/09/2011 Dividend received in December	8.17	<b>17</b>
01/06/2012 Dividend received in January	2.14	<b>17</b>
02/09/2012 Dividend received in February	1.43	<b>17</b>
03/09/2012 Dividend received in March	1.38	<b>18</b>
04/11/2012 Dividend received in April	1.44	<b>18</b>
05/09/2012 Dividend received in May	1.38	<b>18</b>
06/11/2012 Dividend received in June	1.58	<b>19</b>
07/11/2012 Dividend received in July	1.43	<b>19</b>
08/09/2012 Dividend received in August	1.35	<b>19</b>
09/12/2012 Dividend received in September	0.65	<b>20</b>
10/09/2012 Dividend received in October	1.47	<b>20</b>
11/09/2012 Dividend received in November	1.61	<b>20</b>

RECEIPTS OF INCOME

Daniel Bernstein Irrevocable Trust Dated September 7, 2006  
 For Period 07/30/2010 Through 05/26/2014

12/11/2012 Dividend received in December	\$ 2.67	<b>21</b>
01/07/2013 Dividend received in January	2.15	<b>21</b>
02/11/2013 Dividend received in February	1.49	<b>21</b>
03/11/2013 Dividend received in March	2.49	<b>22</b>
04/09/2013 Dividend received in April	1.05	<b>22</b>
05/09/2013 Dividend received in May	0.71	<b>23</b>
	59.32	
SPDR Series Trust BRC High Yield Bd		
10/12/2010 Dividend received in October	7.45	<b>12</b>
11/09/2010 Dividend received in November	7.43	<b>12</b>
12/09/2010 Dividend received in December	7.25	<b>13</b>
01/06/2011 Dividend received in January	7.60	<b>13</b>
02/09/2011 Dividend received in February	6.55	<b>13</b>
03/09/2011 Dividend received in March	6.64	<b>14</b>
04/11/2011 Dividend received in April	6.58	<b>14</b>
05/10/2011 Dividend received in May	6.64	<b>14</b>
06/09/2011 Dividend received in June	6.53	<b>15</b>
07/12/2011 Dividend received in July	6.62	<b>15</b>
08/09/2011 Dividend received in August	6.47	<b>15</b>
09/12/2011 Dividend received in September	6.57	<b>16</b>
10/11/2011 Dividend received in October	6.07	<b>16</b>
11/07/2011 Dividend received in November	6.23	<b>16</b>
12/09/2011 Dividend received in December	6.40	<b>16</b>
01/06/2012 Dividend received in January	5.69	<b>17</b>
02/09/2012 Dividend received in February	5.61	<b>17</b>

RECEIPTS OF INCOME

Daniel Bernstein Irrevocable Trust Dated September 7, 2006  
 For Period 07/30/2010 Through 05/26/2014

03/09/2012 Dividend received in March	\$ 6.13	<b>18</b>
04/11/2012 Dividend received in April	6.29	<b>18</b>
05/09/2012 Dividend received in May	6.40	<b>18</b>
06/11/2012 Dividend received in June	6.16	<b>19</b>
07/11/2012 Dividend received in July	6.13	<b>19</b>
08/09/2012 Dividend received in August	5.97	<b>19</b>
09/12/2012 Dividend received in September	5.79	<b>19</b>
10/09/2012 Dividend received in October	5.77	<b>20</b>
11/09/2012 Dividend received in November	5.84	<b>20</b>
12/11/2012 Dividend received in December	5.79	<b>21</b>
01/07/2013 Dividend received in January	5.59	<b>21</b>
02/11/2013 Dividend received in February	5.52	<b>21</b>
03/11/2013 Dividend received in March	5.58	<b>22</b>
04/09/2013 Dividend received in April	5.40	<b>22</b>
05/09/2013 Dividend received in May	5.51	<b>23</b>
06/11/2013 Dividend received in June	5.26	<b>23</b>
07/10/2013 Dividend received in July	5.31	<b>23</b>
	<hr/> 210.77	
Vanguard Intl Equity Index Fd FTSE Emr Mkt ETF		
12/29/2010 Dividend received in December	61.94	<b>13</b>
12/28/2011 Dividend received in December	68.86	<b>17</b>
09/28/2012 Dividend received in September	39.90	<b>20</b>
12/27/2012 Dividend received in December	34.20	<b>21</b>
03/28/2013 Dividend received in March	4.41	<b>22</b>
06/28/2013 Dividend received in June	38.46	<b>23</b>
	<hr/> 247.77	

RECEIPTS OF INCOME

Daniel Bernstein Irrevocable Trust Dated September 7, 2006  
 For Period 07/30/2010 Through 05/26/2014

Vanguard Intl Equity Index Fd FTSE Europe ETF

12/29/2010 Dividend received in December	\$ 242.13	<b>13</b>
12/28/2011 Dividend received in December	200.34	<b>17</b>
09/28/2012 Dividend received in September	113.19	<b>20</b>
12/27/2012 Dividend received in December	41.06	<b>21</b>
03/28/2013 Dividend received in March	13.09	<b>22</b>
06/28/2013 Dividend received in June	52.25	<b>23</b>
	<hr/>	
	662.06	

Vanguard Index Fds Growth ETF

09/30/2010 Dividend received in September	17.46	<b>12</b>
12/31/2010 Dividend received in December	17.46	<b>13</b>
03/31/2011 Dividend received in March	14.62	<b>14</b>
06/30/2011 Dividend received in June	16.77	<b>15</b>
09/29/2011 Dividend received in September	14.96	<b>16</b>
12/30/2011 Dividend received in December	19.52	<b>17</b>
03/30/2012 Dividend received in March	16.68	<b>18</b>
06/29/2012 Dividend received in June	17.97	<b>19</b>
09/28/2012 Dividend received in September	21.33	<b>20</b>
12/31/2012 Dividend received in December	36.29	<b>21</b>
03/28/2013 Dividend received in March	9.76	<b>22</b>
06/28/2013 Dividend received in June	11.09	<b>23</b>
	<hr/>	
	213.91	

Vanguard Intl Equity Index Fd Mega Cap Gr ETF

12/29/2010 Dividend received in December	139.07	<b>13</b>
12/28/2011 Dividend received in December	98.27	<b>17</b>

RECEIPTS OF INCOME

Daniel Bernstein Irrevocable Trust Dated September 7, 2006  
For Period 07/30/2010 Through 05/26/2014

09/28/2012 Dividend received in September	\$ 47.06	<b>20</b>
12/27/2012 Dividend received in December	59.83	<b>21</b>
03/28/2013 Dividend received in March	8.25	<b>22</b>
	<hr/>	
	352.48	
Vanguard Index Fds Small Cap Growth		
12/31/2010 Dividend received in December	11.91	<b>13</b>
03/29/2011 Dividend received in March	0.20	<b>14</b>
12/30/2011 Dividend received in December	13.63	<b>17</b>
03/28/2012 Dividend received in March	0.20	<b>18</b>
12/31/2012 Dividend received in December	30.26	<b>21</b>
03/26/2013 Dividend received in March	0.40	<b>22</b>
	<hr/>	
	56.60	
Vanguard Index Fds Small Cap Val		
12/31/2010 Dividend received in December	21.59	<b>13</b>
03/29/2011 Dividend received in March	0.14	<b>14</b>
12/30/2011 Dividend received in December	23.32	<b>17</b>
03/28/2012 Dividend received in March	0.49	<b>18</b>
12/31/2012 Dividend received in December	31.86	<b>21</b>
03/26/2013 Dividend received in March	0.36	<b>22</b>
	<hr/>	
	77.76	
Vanguard Index Fds Value		
09/30/2010 Dividend received in September	48.07	<b>12</b>
12/31/2010 Dividend received in December	44.13	<b>13</b>
03/31/2011 Dividend received in March	39.63	<b>14</b>
06/30/2011 Dividend received in June	40.00	<b>15</b>



RECEIPTS OF INCOME

Daniel Bernstein Irrevocable Trust Dated September 7, 2006  
 For Period 07/30/2010 Through 05/26/2014

09/29/2011 Dividend received in September	\$ 44.75	<b>16</b>
12/30/2011 Dividend received in December	51.00	<b>17</b>
03/30/2012 Dividend received in March	42.75	<b>18</b>
06/29/2012 Dividend received in June	48.50	<b>19</b>
09/28/2012 Dividend received in September	48.50	<b>20</b>
12/31/2012 Dividend received in December	61.25	<b>21</b>
03/28/2013 Dividend received in March	25.22	<b>22</b>
06/28/2013 Dividend received in June	16.81	<b>23</b>
	<hr/>	
	510.61	
Total Dividends		\$ 3,447.23
Interest		
Miscellaneous		
01/03/2011 Interest on 2009 Fiduciary Income Tax Refund - Check dtd 12/28/10	10.79	<b>1545-1546</b>
01/20/2011 Interest on 2008 Federal Fiduciary Tax Refund	1,814.87	<b>1525, 1541</b>
02/12/2014 Interest on 2012 Federal Fiduciary Tax Refund	61.93	<b>1560-1561</b>
	<hr/>	
	1,887.59	
Total Interest		1,887.59
TOTAL RECEIPTS OF INCOME		<u><u>\$ 5,334.82</u></u>

DISBURSEMENTS OF INCOME

Daniel Bernstein Irrevocable Trust Dated September 7, 2006  
For Period 07/30/2010 Through 05/26/2014

Accountant Fees

**see also pg. 19**

10/14/2010 CBIZ MHM LLC (50% Income) - Payment of Accounting thru 7/31/10	\$ 927.25		<b>712-721, 27</b>
10/21/2011 2010 Fiduciary Tax Preparation Fee (50% Income)	137.50		<b>30</b>
10/24/2012 2011 Fiduciary Tax Preparation Fee (50% Income)	137.50		<b>30</b>
02/26/2013 2011 Tax Preparation Fee for Amended Return (50% Income)	61.00		<b>30</b>
09/18/2013 2013 Fiduciary Tax Preparation and Analytics Fee (50% Income)	175.00		<b>30</b>
			<b>\$ 1,438.25</b>

Fees and Commissions

10/10/2012 Oppenheimer & Co Mgmt Fee 10/8 - 12/31/12 (50% Income)	\$ 89.76		<b>29</b>
10/15/2012 Cancel Oppenheimer & Co Mgmt Fee 10/8 - 12/31/12 (50% Income)	(89.76)		<b>29</b>
			<b>0.00</b>

Fiduciary Fees

10/12/2010 Trust Department Fee for Quarter Ended 9/30/10 (50% Income)	\$ 9.62		<b>29</b>
01/10/2011 Trust Department Fee for Quarter Ended 12/31/10 (50% Income)	55.12		<b>29</b>
04/20/2011 Trust Department Fee for Quarter Ended 3/31/11 (50% Income)	94.71		<b>29</b>
07/21/2011 Trust Department Fee for Quarter Ended 6/30/11 (50% Income)	95.27		<b>29</b>
10/13/2011 Trust Department Fee for Quarter Ended 9/30/11 (50% Income)	86.48		<b>29</b>
01/09/2012 Trust Department Fee for Quarter Ended 12/31/11 (50% Income)	91.85		<b>29</b>
04/20/2012 Trust Department Fee for Quarter Ended 3/31/12 (50% Income)	95.93		<b>29</b>

DISBURSEMENTS OF INCOME

Daniel Bernstein Irrevocable Trust Dated September 7, 2006  
For Period 07/30/2010 Through 05/26/2014

07/16/2012 Trust Department Fee for Quarter Ended 6/30/12 (50% Income)	\$ 94.86	<b>29</b>
10/19/2012 Trust Department Fee for Quarter Ended 9/30/12 (50% Income)	96.83	<b>29</b>
01/22/2013 Trust Department Fee for Quarter Ended 12/31/12 (50% Income)	68.90	<b>29</b>
04/24/2013 Trust Department Fee for Quarter Ended 3/31/13 (50% Income)	55.57	<b>29</b>
07/23/2013 Trust Department Fee for Quarter Ended 6/30/13 (50% Income)	28.97	<b>29</b>
09/18/2013 Prorated Trustee Fee for Period 7/1/13 - 9/18/13 (50% Income)	11.97	<b>29</b>
	<hr/>	\$ 886.08
TOTAL DISBURSEMENTS OF INCOME		<hr/> <hr/> \$ 2,324.33

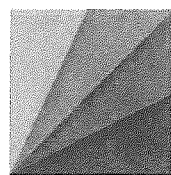
Daniel Bernstein Irrevocable Trust  
For the Period July 30, 2010 through May 26, 2014  
Disclosure Statements

1. Oppenheimer Trust Co accepted appointment as successor trustee on July 30, 2010. No assets were received by Oppenheimer Trust Co for the Jake Bernstein Irrevocable Trust until September 20, 2010.
2. There has been no activity for the Jake Bernstein Irrevocable Trust since May 26, 2014 in the Oppenheimer Trust Co account.
3. 33% interest in Bernstein Family Realty LLC – Bernstein Family Realty LLC owns a 100% interest in a personal residence located 2753 N.W. 34<sup>th</sup> St., Boca Raton, Florida. We are informed that this property is the primary residence of minors, Joshua, Jake, and Daniel Bernstein, and their parents, Eliot and Candice Bernstein. According to the Palm Beach Property Appraiser website, the property was purchased on June 18, 2008 for \$360,000. We have received information that there are currently two (2) mortgages secured by the property. The first mortgage is a promissory note dated June 20, 2008, which was amended February 15, 2012 for \$110,000. Interest is due annually at 3.5%, and the principal was due June 19, 2014. The second mortgage dated July 9, 2008 for \$365,000. The loan terms were not included with the record mortgage in Palm Beach County.

To the best of our knowledge, we have reflected the following carrying values for a 33% interest in Bernstein Realty LLC:

- \$120,000 Purchase price of personal residence  
(\$360,000 \* 1/3)
- \$ 36,667 Balance due on first mortgage (\$110,000 \* 1/3)
- \$121,667 Balance due on second mortgage (\$365,000 \* 1/3)

4. 1.33% interest in LIC Holdings Inc – LIC Holdings Inc is a holding company that was in the business of selling premium financed life insurance and related loans to acquire the insurance. Based upon all of the information received, the carrying value has been reflected at zero. The value may be different if additional information was received.



# MBAF

MORRISON BROWN ARGIZ & FARRA, LLC

CERTIFIED PUBLIC ACCOUNTANTS AND ADVISORS

## JAKE BERNSTEIN IRREVOCABLE TRUST DATED SEPTEMBER 7, 2006

SUMMARY OF ACCOUNT  
FOR THE PERIOD  
7/30/2010 THROUGH 5/26/2014

Miami | Ft. Lauderdale | Boca Raton | Orlando | Baltimore | Boulder | India

[www.mbafcpa.com](http://www.mbafcpa.com)

Statement Required by U.S. Treasury Department:

The U.S. Treasury Department requires us to advise you that nothing in this correspondence or in any attachments to it, is intended to constitute a "reliance opinion" under any applicable Treasury Regulations. Nothing in this correspondence or attachment written by our firm is intended to be used, and cannot be used by any taxpayer, for the purpose of avoiding any penalties or sanctions that may be imposed under the Internal Revenue Code. Advice from our firm relating to Federal tax matters may not be used in promoting, marketing, or recommending any entity, investment plan or arrangement to any taxpayer.

## SUMMARY OF ACCOUNT

Jake Bernstein Irrevocable Trust Dated September 7, 2006  
For Period 07/30/2010 Through 05/26/2014

	Page		Fiduciary Acquisition Value
Principal			
Receipts	1-2		\$ (3,199.46)
Net Gain (or Loss) on Sales or Other Dispositions	3-17		15,046.58
Other Receipts	18		33,392.81
			\$ 45,239.93
Less Disbursements			
Accountant Fees (Prin)	19	\$ 1,438.25	
Fiduciary Fees (Prin)	19-20	885.68	
Income Taxes (Prin)	20	3,485.34	
			5,809.27
Balance before Distributions			\$ 39,430.66
Distributions for Beneficiaries	21-27		71,643.16
Principal Balance on Hand	28		\$ (32,212.50)
For Information:			
Changes in Investment Holdings	29-33		
Income			
Receipts	34-48		\$ 5,318.16
Less Disbursements			
Accountant Fees	49	\$ 1,438.25	
Fiduciary Fees	49-50	885.70	
			2,323.95
Balance before Distributions			\$ 2,994.21
Distributions for Beneficiaries			0.00
Income Balance on Hand			\$ 2,994.21
Combined Balance on Hand			\$ (29,218.29)

RECEIPTS OF PRINCIPAL

Jake Bernstein Irrevocable Trust Dated September 7, 2006  
As of 07/30/2010

Receipts Subsequent to Inventory  
(Valued when received)

09/20/2010	Cash on Hand	\$	2,185.58
09/20/2010	SPDR Series Trust DJ Reit 49 Units		1,928.64
09/20/2010	Vanguard Intl Equity Index Fd FTSE Emr Mkt ETF 76 Units		1,875.68
09/20/2010	Vanguard Intl Equity Index Fd FTSE Europe ETF 105 Units		4,215.63
09/20/2010	Vanguard Index Fds Growth ETF 73 Units		2,949.93
09/20/2010	Vanguard Index Fds Growth ETF 13 Units		482.30
09/20/2010	Vanguard Intl Equity Index Fd Mega Cap Gr ETF 43 Units		1,823.20
09/20/2010	Vanguard Intl Equity Index Fd Mega Cap Gr ETF 19 Units		741.38
09/20/2010	Vanguard Index Fds Small Cap Growth 23 Units		987.85
09/20/2010	Vanguard Index Fds Small Cap Growth 10 Units		383.90
09/20/2010	Vanguard Index Fds Small Cap Val 17 Units		725.39
09/20/2010	Vanguard Index Fds Value 107 Units		4,412.68
09/20/2010	Vanguard Index Fds Value 40 Units		1,477.60
09/20/2010	Ishares MBS ETF 20 Units		2,038.00
09/20/2010	Ishares Tips Bd ETF 10 Units		950.00

RECEIPTS OF PRINCIPAL

Jake Bernstein Irrevocable Trust Dated September 7, 2006  
As of 07/30/2010

Receipts Subsequent to Inventory  
(Valued when received)

09/20/2010	Ishares 20+ Yr Tr Bd ETF 17 Units	\$ 1,613.30
09/20/2010	Ishares 7-10 Year Tr Bd ETF 19 Units	1,687.77
09/20/2010	Ishares 7-10 Year Tr Bd ETF 26 Units	2,568.38
09/20/2010	Ishares IBOXX Inv CP ETF 6 Units	542.52
09/20/2010	SPDR Series Trust Barclays Intl ETF 15 Units	741.15
09/20/2010	SPDR Series Trust BRC High Yield Bd 26 Units	803.66
09/20/2010	LIC Holdings Inc 6 Units	0.00
09/20/2010	Bernstein Family Realty LLC (33% interest)	120,000.00
09/20/2010	Bernstein Family Realty LLC (33% interest) - 1st Mortgage	(36,667.00)
09/20/2010	Bernstein Family Realty LLC (33% interest) - 2nd Mortgage	(121,667.00)

TOTAL RECEIPTS SUBSEQUENT TO INVENTORY

\$ (3,199.46)



GAINS AND LOSSES ON SALES AND OTHER DISPOSITIONS

Jake Bernstein Irrevocable Trust Dated September 7, 2006  
 For Period 07/30/2010 Through 05/26/2014

		Gain	Loss
10/14/2010 Redeem - Advantage Bank Deposit			
Net Proceeds	\$ 1,854.50		
Fiduciary Acquisition Value	1,854.50		
Net Gain		\$ 0.00	
11/03/2010 Sale of Vanguard Index Fds Value 22 Units			
Net Proceeds	\$ 1,020.20		
Fiduciary Acquisition Value	907.28		
Net Gain		112.92	
12/07/2010 Short Term Capital Gain Distribution from Ishares MBS ETF			
Net Proceeds	\$ 49.99		
Fiduciary Acquisition Value	0.00		
Net Gain		49.99	
12/07/2010 Long Term Capital Gain Distribution from Ishares MBS ETF			
Net Proceeds	\$ 0.36		
Fiduciary Acquisition Value	0.00		
Net Gain		0.36	
01/06/2011 Short Term Capital Gain Distribution from SPDR Series Trust BRC High Yield Bd			
Net Proceeds	\$ 10.35		
Fiduciary Acquisition Value	0.00		
Net Gain		10.35	
01/06/2011 Long Term Capital Gain Distribution from SPDR Series Trust BRC High Yield Bd			
Net Proceeds	\$ 5.61		
Fiduciary Acquisition Value	0.00		
Net Gain		5.61	

GAINS AND LOSSES ON SALES AND OTHER DISPOSITIONS

Jake Bernstein Irrevocable Trust Dated September 7, 2006  
 For Period 07/30/2010 Through 05/26/2014

		Gain	Loss
01/11/2011 Redeem - Advantage Bank Deposit			
Net Proceeds	\$ 52.47		
Fiduciary Acquisition Value	52.47		
Net Gain		\$ 0.00	
04/21/2011 Redeem - Advantage Bank Deposit			
Net Proceeds	\$ 96.44		
Fiduciary Acquisition Value	96.44		
Net Gain		0.00	
07/13/2011 Redeem - Advantage Bank Deposit			
Net Proceeds	\$ 1,139.00		
Fiduciary Acquisition Value	1,139.00		
Net Gain		0.00	
07/22/2011 Redeem - Advantage Bank Deposit			
Net Proceeds	\$ 92.88		
Fiduciary Acquisition Value	92.88		
Net Gain		0.00	
08/31/2011 Redeem - Advantage Bank Deposit			
Net Proceeds	\$ 657.00		
Fiduciary Acquisition Value	657.00		
Net Gain		0.00	
10/14/2011 Redeem - Advantage Bank Deposit			
Net Proceeds	\$ 138.29		
Fiduciary Acquisition Value	138.29		
Net Gain		0.00	
10/24/2011 Redeem - Advantage Bank Deposit			
Net Proceeds	\$ 275.00		
Fiduciary Acquisition Value	275.00		
Net Gain		0.00	

GAINS AND LOSSES ON SALES AND OTHER DISPOSITIONS

Jake Bernstein Irrevocable Trust Dated September 7, 2006

For Period 07/30/2010 Through 05/26/2014

		Gain	Loss
12/22/2011 Redeem - Advantage Bank Deposit			
Net Proceeds	\$ 657.00		
Fiduciary Acquisition Value	657.00		
Net Gain		\$ 0.00	
01/06/2012 Long Term Capital Gain Distribution from SPDR Series Trust BRC High Yield Bd			
Net Proceeds	\$ 6.87		
Fiduciary Acquisition Value	0.00		
Net Gain		6.87	
01/10/2012 Redeem - Advantage Bank Deposit			
Net Proceeds	\$ 146.30		
Fiduciary Acquisition Value	146.30		
Net Gain		0.00	
04/23/2012 Redeem - Advantage Bank Deposit			
Net Proceeds	\$ 101.94		
Fiduciary Acquisition Value	101.94		
Net Gain		0.00	
07/17/2012 Redeem - Advantage Bank Deposit			
Net Proceeds	\$ 94.21		
Fiduciary Acquisition Value	94.21		
Net Gain		0.00	
10/09/2012 Redeem - Advantage Bank Deposit			
Net Proceeds	\$ 32,051.75		
Fiduciary Acquisition Value	32,051.75		
Net Gain		0.00	
10/11/2012 Redeem - Advantage Primary Liq Fd			
Net Proceeds	\$ 179.47		
Fiduciary Acquisition Value	179.47		
Net Gain		0.00	

GAINS AND LOSSES ON SALES AND OTHER DISPOSITIONS

Jake Bernstein Irrevocable Trust Dated September 7, 2006  
 For Period 07/30/2010 Through 05/26/2014

		Gain	Loss
10/22/2012 Redeem - Advantage Primary Liq Fd			
Net Proceeds	\$ 193.63		
Fiduciary Acquisition Value	193.63		
Net Gain		\$ 0.00	
10/25/2012 Redeem - Advantage Primary Liq Fd			
Net Proceeds	\$ 275.00		
Fiduciary Acquisition Value	275.00		
Net Gain		0.00	
11/08/2012 Redeem - Advantage Primary Liq Fd			
Net Proceeds	\$ 1,777.99		
Fiduciary Acquisition Value	1,777.99		
Net Gain		0.00	
11/14/2012 Redeem - Advantage Primary Liq Fd			
Net Proceeds	\$ 9,319.50		
Fiduciary Acquisition Value	9,319.50		
Net Gain		0.00	
11/30/2012 Redeem - Advantage Primary Liq Fd			
Net Proceeds	\$ 1,000.00		
Fiduciary Acquisition Value	1,000.00		
Net Gain		0.00	
12/03/2012 Redeem - Advantage Primary Liq Fd			
Net Proceeds	\$ 1,803.60		
Fiduciary Acquisition Value	1,803.60		
Net Gain		0.00	
12/06/2012 Redeem - Advantage Primary Liq Fd			
Net Proceeds	\$ 3,000.00		
Fiduciary Acquisition Value	3,000.00		
Net Gain		0.00	

GAINS AND LOSSES ON SALES AND OTHER DISPOSITIONS

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Jake Bernstein Irrevocable Trust Dated September 7, 2006

For Period 07/30/2010 Through 05/26/2014

		Gain	Loss
12/07/2012	Short Term Capital Gain Distribution from Ishares MBS ETF		
	Net Proceeds	\$ 4.55	
	Fiduciary Acquisition Value	0.00	
	Net Gain	\$ 4.55	
12/07/2012	Long Term Capital Gain Distribution from Ishares IBOXX Inv CP ETF		
	Net Proceeds	\$ 0.06	
	Fiduciary Acquisition Value	0.00	
	Net Gain		0.06
12/10/2012	Redeem - Advantage Primary Liq Fd		
	Net Proceeds	\$ 1,000.00	
	Fiduciary Acquisition Value	1,000.00	
	Net Gain		0.00
12/12/2012	Redeem - Advantage Primary Liq Fd		
	Net Proceeds	\$ 500.00	
	Fiduciary Acquisition Value	500.00	
	Net Gain		0.00
12/28/2012	Redeem - Advantage Primary Liq Fd		
	Net Proceeds	\$ 2,832.45	
	Fiduciary Acquisition Value	2,832.45	
	Net Gain		0.00
01/23/2013	Redeem - Advantage Primary Liq Fd		
	Net Proceeds	\$ 88.75	
	Fiduciary Acquisition Value	88.75	
	Net Gain		0.00
01/30/2013	Redeem - Advantage Primary Liq Fd		
	Net Proceeds	\$ 2,478.98	
	Fiduciary Acquisition Value	2,478.98	
	Net Gain		0.00

GAINS AND LOSSES ON SALES AND OTHER DISPOSITIONS

Jake Bernstein Irrevocable Trust Dated September 7, 2006  
For Period 07/30/2010 Through 05/26/2014

		Gain	Loss
01/31/2013 Redeem - Advantage Primary Liq Fd			
Net Proceeds	\$ 3,000.00		
Fiduciary Acquisition Value	3,000.00		
Net Gain		\$ 0.00	
02/01/2013 Redeem - Advantage Primary Liq Fd			
Net Proceeds	\$ 3,000.00		
Fiduciary Acquisition Value	3,000.00		
Net Gain		0.00	
02/06/2013 Sale of Ishares 20+ Yr Tr Bd ETF 17 Units			
Net Proceeds	\$ 1,907.59		
Fiduciary Acquisition Value	1,613.30		
Net Gain		294.29	
02/06/2013 Sale of Vanguard Intl Equity Index Fd FTSE Europe ETF 40 Units			
Net Proceeds	\$ 1,975.55		
Fiduciary Acquisition Value	1,605.95		
Net Gain		369.60	
02/06/2013 Sale of Vanguard Index Fds Growth ETF 35 Units			
Net Proceeds	\$ 2,540.34		
Fiduciary Acquisition Value	1,414.35		
Net Gain		1,125.99	
02/06/2013 Sale of Vanguard Index Fds Value 65 Units			
Net Proceeds	\$ 3,991.73		
Fiduciary Acquisition Value	2,680.60		
Net Gain		1,311.13	

GAINS AND LOSSES ON SALES AND OTHER DISPOSITIONS

Jake Bernstein Irrevocable Trust Dated September 7, 2006  
 For Period 07/30/2010 Through 05/26/2014

		<u>Gain</u>	<u>Loss</u>
02/11/2013 Redeem - Advantage Primary Liq Fd			
Net Proceeds	\$ 81.00		
Fiduciary Acquisition Value	81.00		
Net Gain		\$ 0.00	
02/27/2013 Redeem - Advantage Primary Liq Fd			
Net Proceeds	\$ 100.24		
Fiduciary Acquisition Value	100.24		
Net Gain		0.00	
02/28/2013 Redeem - Advantage Bank Deposit			
Net Proceeds	\$ 1,525.40		
Fiduciary Acquisition Value	1,525.40		
Net Gain		0.00	
02/28/2013 Redeem - Advantage Primary Liq Fd			
Net Proceeds	\$ 1,474.60		
Fiduciary Acquisition Value	1,474.60		
Net Gain		0.00	
03/12/2013 Redeem - Advantage Bank Deposit			
Net Proceeds	\$ 2,981.85		
Fiduciary Acquisition Value	2,981.85		
Net Gain		0.00	
03/13/2013 Redeem - Advantage Bank Deposit			
Net Proceeds	\$ 35.00		
Fiduciary Acquisition Value	35.00		
Net Gain		0.00	
04/05/2013 Redeem - Advantage Bank Deposit			
Net Proceeds	\$ 2,937.01		
Fiduciary Acquisition Value	2,937.01		
Net Gain		0.00	

GAINS AND LOSSES ON SALES AND OTHER DISPOSITIONS

Jake Bernstein Irrevocable Trust Dated September 7, 2006  
 For Period 07/30/2010 Through 05/26/2014

		Gain	Loss
04/25/2013 Redeem - Advantage Bank Deposit			
Net Proceeds	\$ 88.00		
Fiduciary Acquisition Value	88.00		
Net Gain		\$ 0.00	
05/03/2013 Redeem - Advantage Bank Deposit			
Net Proceeds	\$ 2,000.00		
Fiduciary Acquisition Value	2,000.00		
Net Gain			0.00
05/13/2013 Redeem - Advantage Bank Deposit			
Net Proceeds	\$ 25.99		
Fiduciary Acquisition Value	25.99		
Net Gain			0.00
05/15/2013 Redeem - Advantage Bank Deposit			
Net Proceeds	\$ 477.34		
Fiduciary Acquisition Value	477.34		
Net Gain			0.00
05/17/2013 Sale of Vanguard Intl Equity Index Fd Mega Cap Gr ETF 20 Units			
Net Proceeds	\$ 1,152.77		
Fiduciary Acquisition Value	848.00		
Net Gain			304.77
05/17/2013 Sale of Vanguard Index Fds Value 20 Units			
Net Proceeds	\$ 1,297.56		
Fiduciary Acquisition Value	824.80		
Net Gain			472.76



GAINS AND LOSSES ON SALES AND OTHER DISPOSITIONS

Jake Bernstein Irrevocable Trust Dated September 7, 2006  
 For Period 07/30/2010 Through 05/26/2014

		Gain	Loss
05/17/2013	Sale of Ishares IBOXX Inv CP ETF 6 Units		
	Net Proceeds	\$ 638.36	
	Fiduciary Acquisition Value	542.52	
	Net Gain	\$ 95.84	
05/17/2013	Sale of SPDR Series Trust DJ Reit 24 Units		
	Net Proceeds	\$ 1,941.47	
	Fiduciary Acquisition Value	944.64	
	Net Gain	996.83	
05/31/2013	Redeem - Advantage Bank Deposit		
	Net Proceeds	\$ 1,500.00	
	Fiduciary Acquisition Value	1,500.00	
	Net Gain	0.00	
06/04/2013	Sale of Vanguard Intl Equity Index Fd FTSE Emr Mkt ETF 30 Units		
	Net Proceeds	\$ 1,267.57	
	Fiduciary Acquisition Value	740.40	
	Net Gain	527.17	
06/04/2013	Sale of Vanguard Intl Equity Index Fd Mega Cap Gr ETF 23 Units		
	Net Proceeds	\$ 1,287.17	
	Fiduciary Acquisition Value	975.20	
	Net Gain	311.97	
06/04/2013	Sale of Vanguard Intl Equity Index Fd Mega Cap Gr ETF 19 Units		
	Net Proceeds	\$ 1,063.32	
	Fiduciary Acquisition Value	741.38	
	Net Gain	321.94	

GAINS AND LOSSES ON SALES AND OTHER DISPOSITIONS

Jake Bernstein Irrevocable Trust Dated September 7, 2006  
 For Period 07/30/2010 Through 05/26/2014

		Gain	Loss
06/04/2013	Sale of Vanguard Index Fds Small Cap Growth 16 Units		
	Net Proceeds	\$ 1,596.13	
	Fiduciary Acquisition Value	687.20	
	Net Gain	\$ 908.93	
06/04/2013	Sale of Ishares Tips Bd ETF 10 Units		
	Net Proceeds	\$ 1,085.57	
	Fiduciary Acquisition Value	950.00	
	Net Gain	135.57	
06/04/2013	Sale of SPDR Series Trust Barclays Intl ETF 15 Units		
	Net Proceeds	\$ 857.63	
	Fiduciary Acquisition Value	741.15	
	Net Gain	116.48	
06/04/2013	Sale of SPDR Series Trust DJ Reit 25 Units		
	Net Proceeds	\$ 1,897.46	
	Fiduciary Acquisition Value	984.00	
	Net Gain	913.46	
06/28/2013	Redeem - Advantage Bank Deposit		
	Net Proceeds	\$ 2,614.00	
	Fiduciary Acquisition Value	2,614.00	
	Net Gain	0.00	
07/01/2013	Redeem - Advantage Bank Deposit		
	Net Proceeds	\$ 4,886.17	
	Fiduciary Acquisition Value	4,886.17	
	Net Gain	0.00	

GAINS AND LOSSES ON SALES AND OTHER DISPOSITIONS

Jake Bernstein Irrevocable Trust Dated September 7, 2006  
For Period 07/30/2010 Through 05/26/2014

		Gain	Loss
07/03/2013	Sale of Ishares 7-10 Year Tr Bd ETF 14 Units		
	Net Proceeds	\$ 1,351.33	
	Fiduciary Acquisition Value	1,243.62	
	Net Gain		\$ 107.71
07/03/2013	Sale of Vanguard Intl Equity Index Fd FTSE Emr Mkt ETF 46 Units		
	Net Proceeds	\$ 1,701.54	
	Fiduciary Acquisition Value	1,135.28	
	Net Gain		566.26
07/03/2013	Sale of Vanguard Index Fds Growth ETF 25 Units		
	Net Proceeds	\$ 1,882.96	
	Fiduciary Acquisition Value	1,010.25	
	Net Gain		872.71
07/16/2013	Redeem - Advantage Bank Deposit		
	Net Proceeds	\$ 3,989.03	
	Fiduciary Acquisition Value	3,989.03	
	Net Gain		0.00
07/19/2013	Sale of Ishares MBS ETF 5 Units		
	Net Proceeds	\$ 518.44	
	Fiduciary Acquisition Value	509.50	
	Net Gain		8.94
07/19/2013	Sale of Ishares 7-10 Year Tr Bd ETF 5 Units		
	Net Proceeds	\$ 483.87	
	Fiduciary Acquisition Value	444.15	
	Net Gain		39.72

GAINS AND LOSSES ON SALES AND OTHER DISPOSITIONS

Jake Bernstein Irrevocable Trust Dated September 7, 2006  
 For Period 07/30/2010 Through 05/26/2014

		Gain	Loss
07/19/2013	Sale of Vanguard Intl Equity Index Fd FTSE Europe ETF 32 Units		
	Net Proceeds	\$ 1,532.77	
	Fiduciary Acquisition Value	1,284.77	
	Net Gain		\$ 248.00
07/19/2013	Sale of Vanguard Index Fds Growth ETF 4 Units		
	Net Proceeds	\$ 322.43	
	Fiduciary Acquisition Value	161.64	
	Net Gain		160.79
07/19/2013	Sale of Vanguard Index Fds Value 14 Units		
	Net Proceeds	\$ 910.20	
	Fiduciary Acquisition Value	517.16	
	Net Gain		393.04
07/19/2013	Sale of SPDR Series Trust BRC High Yield Bd 26 Units		
	Net Proceeds	\$ 964.92	
	Fiduciary Acquisition Value	803.66	
	Net Gain		161.26
07/19/2013	Sale of Vanguard Index Fds Small Cap Growth 7 Units		
	Net Proceeds	\$ 759.31	
	Fiduciary Acquisition Value	300.65	
	Net Gain		458.66
07/19/2013	Sale of Vanguard Index Fds Small Cap Val 8 Units		
	Net Proceeds	\$ 700.82	
	Fiduciary Acquisition Value	341.36	
	Net Gain		359.46

GAINS AND LOSSES ON SALES AND OTHER DISPOSITIONS

Jake Bernstein Irrevocable Trust Dated September 7, 2006  
 For Period 07/30/2010 Through 05/26/2014

		Gain	Loss
07/19/2013 Sale of Ishares 7-10 Year Tr Bd ETF 10 Units			
Net Proceeds	\$ 967.75		
Fiduciary Acquisition Value	987.84		
Net Loss			\$ 20.09
07/22/2013 Redeem - Advantage Bank Deposit			
Net Proceeds	\$ 4,233.00		
Fiduciary Acquisition Value	4,233.00		
Net Gain		\$ 0.00	
07/24/2013 Redeem - Advantage Bank Deposit			
Net Proceeds	\$ 57.25		
Fiduciary Acquisition Value	57.25		
Net Gain		0.00	
08/07/2013 Redeem - Advantage Bank Deposit			
Net Proceeds	\$ 1,000.00		
Fiduciary Acquisition Value	1,000.00		
Net Gain		0.00	
08/13/2013 Redeem - Advantage Bank Deposit			
Net Proceeds	\$ 2,099.00		
Fiduciary Acquisition Value	2,099.00		
Net Gain		0.00	
09/10/2013 Redeem - Advantage Bank Deposit			
Net Proceeds	\$ 1,050.00		
Fiduciary Acquisition Value	1,050.00		
Net Gain		0.00	

GAINS AND LOSSES ON SALES AND OTHER DISPOSITIONS

Jake Bernstein Irrevocable Trust Dated September 7, 2006  
For Period 07/30/2010 Through 05/26/2014

		Gain	Loss
09/17/2013	Sale of Ishares MBS ETF 15 Units		
	Net Proceeds	\$ 1,554.82	
	Fiduciary Acquisition Value	1,528.50	
	Net Gain	\$ 26.32	
09/17/2013	Sale of Vanguard Index Fds Value 26 Units		
	Net Proceeds	\$ 1,762.06	
	Fiduciary Acquisition Value	960.44	
	Net Gain	801.62	
09/17/2013	Sale of Vanguard Intl Equity Index Fd FTSE Europe ETF 33 Units		
	Net Proceeds	\$ 1,693.71	
	Fiduciary Acquisition Value	1,324.91	
	Net Gain	368.80	
09/17/2013	Sale of Vanguard Index Fds Growth ETF 9 Units		
	Net Proceeds	\$ 726.86	
	Fiduciary Acquisition Value	363.69	
	Net Gain	363.17	
09/17/2013	Sale of Vanguard Index Fds Growth ETF 13 Units		
	Net Proceeds	\$ 1,049.90	
	Fiduciary Acquisition Value	482.30	
	Net Gain	567.60	
09/17/2013	Sale of Vanguard Index Fds Small Cap Growth 10 Units		
	Net Proceeds	\$ 1,127.08	
	Fiduciary Acquisition Value	383.90	
	Net Gain	743.18	

GAINS AND LOSSES ON SALES AND OTHER DISPOSITIONS

Jake Bernstein Irrevocable Trust Dated September 7, 2006  
 For Period 07/30/2010 Through 05/26/2014

		Gain	Loss
09/17/2013	Sale of Ishares 7-10 Year Tr Bd ETF 16 Units		
	Net Proceeds	\$ 1,590.49	
	Fiduciary Acquisition Value	1,580.54	
	Net Gain	\$ 9.95	
09/17/2013	Sale of Vanguard Index Fds Small Cap Val 9 Units		
	Net Proceeds	\$ 796.07	
	Fiduciary Acquisition Value	384.03	
	Net Gain	412.04	
09/19/2013	Redeem - Advantage Bank Deposit		
	Net Proceeds	\$ 10,324.06	
	Fiduciary Acquisition Value	10,324.06	
	Net Gain	0.00	
04/11/2014	Redeem - Advantage Bank Deposit		
	Net Proceeds	\$ 555.00	
	Fiduciary Acquisition Value	555.00	
	Net Gain	0.00	
	Total Gains and Losses	15,066.67	20.09
	Less Loss	(20.09)	
	Net Gain	\$ 15,046.58	

OTHER RECEIPTS ALLOCABLE TO PRINCIPAL  
Jake Bernstein Irrevocable Trust Dated September 7, 2006  
For Period 07/30/2010 Through 05/26/2014

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Income Taxes - Refunds (Prin)

Miscellaneous

01/03/2011 2009 Federal Fiduciary Tax Refund - Check Dtd 12/28/2010	\$ 2,729.00
01/20/2011 2008 Federal Fiduciary Tax Refund	25,568.81
10/24/2011 2010 Federal Fiduciary Tax Refund	2,482.00
02/12/2014 2010 Federal Fiduciary Tax Refund	2,613.00
	<hr/>
	33,392.81

Total Income Taxes - Refunds (Prin)

\$ 33,392.81

TOTAL OTHER RECEIPTS

\$ 33,392.81



DISBURSEMENTS OF PRINCIPAL  
 Jake Bernstein Irrevocable Trust Dated September 7, 2006  
 For Period 07/30/2010 Through 05/26/2014

Accountant Fees (Prin)

10/14/2010 CBIZ MHM LLC (50% Principal) - Payment of Accounting thru 7/31/10	\$	927.25	
10/21/2011 2010 Fiduciary Tax Preparation Fee (50% Principal)		137.50	
10/24/2012 2011 Fiduciary Tax Preparation Fee (50% Principal)		137.50	
02/26/2013 2011 Tax Preparation Fee for Amended Return (50% Principal)		61.00	
09/18/2013 2013 Fiduciary Tax Preparation and Analytics Fee (50% Principal)		175.00	
		175.00	
	\$		1,438.25

Fees and Commissions (Prin)

10/10/2012 Oppenheimer & Co Mgmt Fee 10/8 - 12/31/12 (50% Principal)	\$	89.74	
10/15/2012 Cancel Oppenheimer & Co Mgmt Fee 10/8 - 12/31/12 (50% Principal)		(89.74)	
		(89.74)	
			0.00

Fiduciary Fees (Prin)

10/12/2010 Trust Department Fee for Quarter Ended 9/30/10 (50% Principal)	\$	9.61	
01/10/2011 Trust Department Fee for Quarter Ended 12/31/10 (50% Principal)		55.09	
04/20/2011 Trust Department Fee for Quarter Ended 3/31/11 (50% Principal)		94.69	
07/21/2011 Trust Department Fee for Quarter Ended 6/30/11 (50% Principal)		95.25	
10/13/2011 Trust Department Fee for Quarter Ended 9/30/11 (50% Principal)		86.45	
01/09/2012 Trust Department Fee for Quarter Ended 12/31/11 (50% Principal)		91.83	
04/20/2012 Trust Department Fee for Quarter Ended 3/31/12 (50% Principal)		95.91	

DISBURSEMENTS OF PRINCIPAL

Jake Bernstein Irrevocable Trust Dated September 7, 2006  
 For Period 07/30/2010 Through 05/26/2014

07/16/2012	Trust Department Fee for Quarter Ended 6/30/12 (50% Principal)	\$	94.84	
10/19/2012	Trust Department Fee for Quarter Ended 9/30/12 (50% Principal)		96.82	
01/22/2013	Trust Department Fee for Quarter Ended 12/31/12 (50% Principal)		70.79	
04/24/2013	Trust Department Fee for Quarter Ended 3/31/13 (50% Principal)		54.57	
07/23/2013	Trust Department Fee for Quarter Ended 6/30/13 (50% Principal)		28.62	
09/18/2013	Prorated Trustee Fee For Period 7/1/13 - 9/18/13 (50% Principal)		11.21	
			<hr/>	\$ 885.68

Income Taxes (Prin)

07/13/2011	United States Treasury - 2011 Federal Estimated Fiduciary Tax, Voucher #2 Check number 20332	\$	1,139.00	
08/31/2011	United States Treasury - 2011 Federal Fiduciary Estimated Tax, Voucher #3 Check number 20581		657.00	
12/22/2011	United States Treasury - 2011 Federal Fiduciary Estimated Tax, Voucher #4 Check number 21380		657.00	
05/15/2013	United States Treasury - 2011 Federal Fiduciary Tax from Amended Return Check number 24790		477.34	
04/11/2014	United States Treasury - 2013 Federal Fiduciary Income Tax Paid with Extension Check number 26931		555.00	
			<hr/>	3,485.34
				<hr/>
	TOTAL DISBURSEMENTS OF PRINCIPAL	\$		5,809.27
				<hr/> <hr/>

DISTRIBUTIONS OF PRINCIPAL FOR BENEFICIARIES

Jake Bernstein Irrevocable Trust Dated September 7, 2006  
 For Period 07/30/2010 Through 05/26/2014

For: Jake Bernstein  
 To St. Andrew's School - Tuition

11/14/2012	Cash on Hand	\$	9,319.50
	Check number 23518		
06/28/2013	Cash		2,614.00
07/22/2013	Cash		4,233.00
08/13/2013	Cash		2,099.00

For: Jake Bernstein  
 To St. Andrew's School - Bookstore & Trip Charges

01/30/2013	Cash on Hand		1,017.99
	Check number 23977		
02/11/2013	Cash on Hand		81.00
	Check number 24050		
03/13/2013	Cash on Hand		35.00
	Check number 24191		
05/13/2013	Cash on Hand		25.99
	Check number 24769		

For: Jake Bernstein  
 To Peter Wohlgemuth DMD PA - Medical Bill

01/30/2013	Cash		630.00
03/08/2013	Cash		(630.00)
03/09/2013	Cash		630.00

For: Jake Bernstein  
 To Living Expenses for Jake Bernstein

01/30/2013	Cash		830.99
09/10/2013	Cash		1,050.00

DISTRIBUTIONS OF PRINCIPAL FOR BENEFICIARIES

Jake Bernstein Irrevocable Trust Dated September 7, 2006  
 For Period 07/30/2010 Through 05/26/2014

For: Jake Bernstein		
To Health Insurance Premium for Jake Bernstein		
05/20/2013	Bernstein Family Realty LLC (33% interest)	\$ 646.36
05/30/2013	Bernstein Family Realty LLC (33% interest)	646.36
07/01/2013	Bernstein Family Realty LLC (33% interest)	646.36
08/05/2013	Bernstein Family Realty LLC (33% interest)	646.36
09/19/2013	Bernstein Family Realty LLC (33% interest)	646.36
To: Jake Bernstein		
To Bernstein Family Realty LLC - Telephone - Verizon Wireless		
Acct #470547806-00002		
01/31/2013	Bernstein Family Realty LLC (33% interest)	283.68
05/06/2013	Bernstein Family Realty LLC (33% interest)	148.81
05/30/2013	Bernstein Family Realty LLC (33% interest)	156.88
07/01/2013	Bernstein Family Realty LLC (33% interest)	170.22
08/07/2013	Bernstein Family Realty LLC (33% interest)	151.88
09/19/2013	Bernstein Family Realty LLC (33% interest)	166.98
For: Jake Bernstein		
To Bernstein Family Realty LLC - Repairs - Mr. Electric		
12/12/2012	Cash on Hand	500.00
	Check number 23666	
01/18/2013	Bernstein Family Realty LLC (33% interest)	423.70
01/31/2013	Bernstein Family Realty LLC (33% interest)	102.64
For: Jake Bernstein		
To Bernstein Family Realty LLC - Repairs - First Choice		
Plumbing		
01/15/2013	Bernstein Family Realty LLC (33% interest)	83.34

DISTRIBUTIONS OF PRINCIPAL FOR BENEFICIARIES

Jake Bernstein Irrevocable Trust Dated September 7, 2006  
 For Period 07/30/2010 Through 05/26/2014

For: Jake Bernstein		
To Bernstein Family Realty LLC - Repairs - Kool Ray Air Conditioning		
01/15/2013	Bernstein Family Realty LLC (33% interest)	\$ 108.34
01/31/2013	Bernstein Family Realty LLC (33% interest)	35.00
For: Jake Bernstein		
To Bernstein Family Realty LLC - Security - Your Security Connection		
01/03/2013	Bernstein Family Realty LLC (33% interest)	24.37
04/05/2013	Bernstein Family Realty LLC (33% interest)	24.37
07/22/2013	Bernstein Family Realty LLC (33% interest)	24.37
For: Jake Bernstein		
To Bernstein Family Realty LLC - Utilities - City of Boca Raton Acct #144235-6496		
01/31/2013	Bernstein Family Realty LLC (33% interest)	47.95
02/07/2013	Bernstein Family Realty LLC (33% interest)	84.45
04/05/2013	Bernstein Family Realty LLC (33% interest)	70.79
07/11/2013	Bernstein Family Realty LLC (33% interest)	73.70
08/07/2013	Bernstein Family Realty LLC (33% interest)	91.63
For: Jake Bernstein		
To Bernstein Family Realty LLC - Utilities - FPL Acct #53111-50311		
02/07/2013	Bernstein Family Realty LLC (33% interest)	148.78
03/11/2013	Bernstein Family Realty LLC (33% interest)	114.17
04/05/2013	Bernstein Family Realty LLC (33% interest)	120.99
05/06/2013	Bernstein Family Realty LLC (33% interest)	147.13

DISTRIBUTIONS OF PRINCIPAL FOR BENEFICIARIES

Jake Bernstein Irrevocable Trust Dated September 7, 2006  
 For Period 07/30/2010 Through 05/26/2014

06/03/2013	Bernstein Family Realty LLC (33% interest)	\$	153.96
07/01/2013	Bernstein Family Realty LLC (33% interest)		154.26
08/07/2013	Bernstein Family Realty LLC (33% interest)		181.90
09/19/2013	Bernstein Family Realty LLC (33% interest)		173.89

For: Jake Bernstein  
 To Bernstein Family Realty LLC - Maintenance - Claude  
 Maxime

01/31/2013	Bernstein Family Realty LLC (33% interest)		80.00
05/06/2013	Bernstein Family Realty LLC (33% interest)		130.00
09/19/2013	Bernstein Family Realty LLC (33% interest)		186.66

For: Jake Bernstein  
 To Bernstein Family Realty LLC - Maintenance - Aquatic Isles  
 Pool Service Acct MM3

01/31/2013	Bernstein Family Realty LLC (33% interest)		26.86
02/04/2013	Bernstein Family Realty LLC (33% interest)		26.66
04/05/2013	Bernstein Family Realty LLC (33% interest)		81.66
05/06/2013	Bernstein Family Realty LLC (33% interest)		26.66
07/01/2013	Bernstein Family Realty LLC (33% interest)		119.78
09/19/2013	Bernstein Family Realty LLC (33% interest)		80.00

For: Jake Bernstein  
 To Bernstein Family Realty LLC - Maintenance - Pest-Aside Inc

03/11/2013	Bernstein Family Realty LLC (33% interest)		28.34
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For: Jake Bernstein  
 To Bernstein Family Realty LLC - Cable - Comcast Acct  
 #01638 567818-02-7

01/31/2013	Bernstein Family Realty LLC (33% interest)		114.28
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DISTRIBUTIONS OF PRINCIPAL FOR BENEFICIARIES

Jake Bernstein Irrevocable Trust Dated September 7, 2006  
 For Period 07/30/2010 Through 05/26/2014

03/11/2013	Bernstein Family Realty LLC (33% interest)	\$	243.41
04/05/2013	Bernstein Family Realty LLC (33% interest)		92.01
05/06/2013	Bernstein Family Realty LLC (33% interest)		124.11
05/30/2013	Bernstein Family Realty LLC (33% interest)		120.81
07/01/2013	Bernstein Family Realty LLC (33% interest)		126.52
08/07/2013	Bernstein Family Realty LLC (33% interest)		114.30
09/19/2013	Bernstein Family Realty LLC (33% interest)		18.23

For: Jake Bernstein  
 To Bernstein Family Realty LLC - Insurance - Massey, Clark,  
 Fischer, Inc.

02/01/2013	Bernstein Family Realty LLC (33% interest)		2,795.93
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For: Jake Bernstein  
 To Bernstein Family Realty LLC - Insurance - Tower Hill  
 Preferred Insurance Company

02/01/2013	Bernstein Family Realty LLC (33% interest)		137.34
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For: Jake Bernstein  
 Legal Fees - Tripp Scott PA Acct #99508-0001M

02/28/2013	Bernstein Family Realty LLC (33% interest)		1,883.00
03/13/2013	Bernstein Family Realty LLC (33% interest)		1,178.00
07/11/2013	Bernstein Family Realty LLC (33% interest)		430.00

For: Jake Bernstein  
 Legal Fees - Tescher & Spallina PA

11/03/2010	Cash on Hand Check number 23667		669.21
10/15/2013	Bernstein Family Realty LLC (33% interest)		2,000.00

DISTRIBUTIONS OF PRINCIPAL FOR BENEFICIARIES

Jake Bernstein Irrevocable Trust Dated September 7, 2006  
 For Period 07/30/2010 Through 05/26/2014

For: Jake Bernstein			
To Bernstein Family Realty LLC - Filing Fees - Florida Department of State			
04/15/2013	Bernstein Family Realty LLC (33% interest)	\$	47.91
03/20/2014	Bernstein Family Realty LLC (33% interest)		47.91
For: Jake Bernstein			
To Bernstein Family Realty LLC - Real Estate Taxes - Bernstein Family Realty LLC			
11/08/2012	Cash		1,777.99
For: Jake Bernstein			
To Bernstein Family Realty LLC - Real Estate Taxes - Tax Collector, Palm Beach County			
12/03/2012	Cash		1,803.60
For: Jake Bernstein			
To Bernstein Family Realty LLC - Legal Fees - Mark R. Manceri, PA Trust Account			
05/20/2013	Bernstein Family Realty LLC (33% interest)		1,666.66
For: Jake Bernstein			
To Bernstein Family Realty LLC - Interest - Walter Sahn			
10/15/2013	Bernstein Family Realty LLC (33% interest)		1,283.34
Total for Jake Bernstein			<u>46,597.63</u>
For: Candice Bernstein			
To Living Expenses for Jake Bernstein			
01/07/2013	Bernstein Family Realty LLC (33% interest)		881.43
01/31/2013	Bernstein Family Realty LLC (33% interest)		881.43
02/04/2013	Bernstein Family Realty LLC (33% interest)		944.80



DISTRIBUTIONS OF PRINCIPAL FOR BENEFICIARIES

Jake Bernstein Irrevocable Trust Dated September 7, 2006  
For Period 07/30/2010 Through 05/26/2014

03/11/2013 Bernstein Family Realty LLC (33% interest)	\$ 2,392.94
04/05/2013 Bernstein Family Realty LLC (33% interest)	2,918.36
05/06/2013 Bernstein Family Realty LLC (33% interest)	3,574.12
05/31/2013 Bernstein Family Realty LLC (33% interest)	1,666.66
06/05/2013 Bernstein Family Realty LLC (33% interest)	1,101.21
07/01/2013 Bernstein Family Realty LLC (33% interest)	4,213.92
08/06/2013 Bernstein Family Realty LLC (33% interest)	3,235.33
09/19/2013 Bernstein Family Realty LLC (33% interest)	3,235.33

Total for Candice Bernstein

\$25,045.53

TOTAL DISTRIBUTIONS OF PRINCIPAL FOR BENEFICIARIES

\$ 71,643.16

PRINCIPAL BALANCE ON HAND

Jake Bernstein Irrevocable Trust Dated September 7, 2006  
As of 05/26/2014

	Current Value	Carrying Value
Oppenheimer Trust Company #21 00 0916 0 03		
Advantage Bank Deposit	\$ 2,119.96	\$ 2,119.96
Other Assets		
LIC Holdings Inc 6 Units	0.00	0.00
Miscellaneous Property		
Bernstein Family Realty LLC (33% interest)	126,995.75	126,995.75
Other Liabilities		
Bernstein Family Realty LLC (33% interest) - 1st Mortgage	(36,667.00)	(36,667.00)
Bernstein Family Realty LLC (33% interest) - 2nd Mortgage	(121,667.00)	(121,667.00)
	<u>(\$29,218.29)</u>	<u>(\$29,218.29)</u>
Less: Income balance on hand	2,994.21	2,994.21
PRINCIPAL BALANCE ON HAND	<u>(\$32,212.50)</u>	<u>(\$32,212.50)</u>

INFORMATION SCHEDULES

Jake Bernstein Irrevocable Trust Dated September 7, 2006  
 For Period 07/30/2010 Through 05/26/2014

Changes in Investment Holdings

Bernstein Family Realty LLC (33% interest)	\$	82,882.81
11/30/2012 Transfer to Bernstein Family Realty LLC - To Cover Household Expenses		1,000.00
12/06/2012 Transfer to Bernstein Family Realty LLC - To Cover Household Expenses		3,000.00
12/10/2012 Transfer to Bernstein Family Realty LLC - To Cover Household Expenses		1,000.00
12/27/2012 Transfer to Bernstein Family Realty LLC - To Cover Household Expenses		3,000.00
01/30/2013 Transfer to Bernstein Family Realty LLC - To Cover Household Expenses		3,000.00
01/31/2013 Transfer to Bernstein Family Realty LLC - To Cover Household Expenses		3,000.00
02/27/2013 Transfer to Bernstein Family Realty LLC - To Cover Household Expenses		3,000.00
03/11/2013 Transfer to Bernstein Family Realty LLC - To Cover Household Expenses		3,000.00
04/04/2013 Transfer to Bernstein Family Realty LLC - To Cover Household Expenses		3,000.00
05/03/2013 Transfer to Bernstein Family Realty LLC - To Cover Household Expenses		2,000.00
05/17/2013 Transfer to Bernstein Family Realty LLC - To Cover Household Expenses		4,000.00
05/30/2013 Transfer to Bernstein Family Realty LLC - To Cover Household Expenses		1,500.00
06/04/2013 Transfer to Bernstein Family Realty LLC - To Cover Household Expenses		1,500.00
06/28/2013 Transfer to Bernstein Family Realty LLC - To Cover Household Expenses		5,000.00
07/15/2013 Transfer to Bernstein Family Realty LLC - To Cover Household Expenses		4,000.00

INFORMATION SCHEDULES

Jake Bernstein Irrevocable Trust Dated September 7, 2006  
 For Period 07/30/2010 Through 05/26/2014

08/06/2013 Transfer to Bernstein Family Realty LLC - To Cover Household Expenses	\$ 1,000.00	
09/18/2013 Transfer to Bernstein Family Realty LLC - To Cover Household Expenses	9,951.64	
	<hr/>	\$ 134,834.45
Ishares MBS ETF	\$ 2,038.00	
07/19/2013 Sale of Ishares MBS ETF 5 Units	(509.50)	
09/17/2013 Sale of Ishares MBS ETF 15 Units	(1,528.50)	
	<hr/>	0.00
Ishares Tips Bd ETF	\$ 950.00	
06/04/2013 Sale of Ishares Tips Bd ETF 10 Units	(950.00)	
	<hr/>	0.00
Ishares 20+ Yr Tr Bd ETF	\$ 1,613.30	
02/06/2013 Sale of Ishares 20+ Yr Tr Bd ETF 17 Units	(1,613.30)	
	<hr/>	0.00
Ishares 7-10 Year Tr Bd ETF	\$ 1,687.77	
07/03/2013 Sale of Ishares 7-10 Year Tr Bd ETF 14 Units	(1,243.62)	
07/19/2013 Sale of Ishares 7-10 Year Tr Bd ETF 5 Units	(444.15)	
	<hr/>	0.00
Ishares 7-10 Year Tr Bd ETF	\$ 2,568.38	
07/19/2013 Sale of Ishares 7-10 Year Tr Bd ETF 10 Units	(987.84)	
09/17/2013 Sale of Ishares 7-10 Year Tr Bd ETF 16 Units	(1,580.54)	
	<hr/>	0.00

INFORMATION SCHEDULES

Jake Bernstein Irrevocable Trust Dated September 7, 2006  
For Period 07/30/2010 Through 05/26/2014

Ishares IBOXX Inv CP ETF	\$	542.52	
05/17/2013 Sale of Ishares IBOXX Inv CP ETF 6 Units		(542.52)	
		<hr/>	\$ 0.00
SPDR Series Trust DJ Reit	\$	1,928.64	
05/17/2013 Sale of SPDR Series Trust DJ Reit 24 Units		(944.64)	
06/04/2013 Sale of SPDR Series Trust DJ Reit 25 Units		(984.00)	
		<hr/>	0.00
SPDR Series Trust Barclays Intl ETF	\$	741.15	
06/04/2013 Sale of SPDR Series Trust Barclays Intl ETF 15 Units		(741.15)	
		<hr/>	0.00
SPDR Series Trust BRC High Yield Bd	\$	803.66	
07/19/2013 Sale of SPDR Series Trust BRC High Yield Bd 26 Units		(803.66)	
		<hr/>	0.00
Vanguard Intl Equity Index Fd FTSE Emr Mkt ETF	\$	1,875.68	
06/04/2013 Sale of Vanguard Intl Equity Index Fd FTSE Emr Mkt ETF 30 Units		(740.40)	
07/03/2013 Sale of Vanguard Intl Equity Index Fd FTSE Emr Mkt ETF 46 Units		(1,135.28)	
		<hr/>	0.00
Vanguard Intl Equity Index Fd FTSE Europe ETF	\$	4,215.63	
02/06/2013 Sale of Vanguard Intl Equity Index Fd FTSE Europe ETF 40 Units		(1,605.95)	
07/19/2013 Sale of Vanguard Intl Equity Index Fd FTSE Europe ETF 32 Units		(1,284.77)	

INFORMATION SCHEDULES

Jake Bernstein Irrevocable Trust Dated September 7, 2006  
For Period 07/30/2010 Through 05/26/2014

09/17/2013 Sale of Vanguard Intl Equity Index Fd FTSE Europe ETF 33 Units	\$ (1,324.91)	
	<hr/>	\$ 0.00
Vanguard Index Fds Growth ETF	\$ 2,949.93	
02/06/2013 Sale of Vanguard Index Fds Growth ETF 35 Units	(1,414.35)	
07/03/2013 Sale of Vanguard Index Fds Growth ETF 25 Units	(1,010.25)	
07/19/2013 Sale of Vanguard Index Fds Growth ETF 4 Units	(161.64)	
09/17/2013 Sale of Vanguard Index Fds Growth ETF 9 Units	(363.69)	
	<hr/>	0.00
Vanguard Index Fds Growth ETF	\$ 482.30	
09/17/2013 Sale of Vanguard Index Fds Growth ETF 13 Units	(482.30)	
	<hr/>	0.00
Vanguard Intl Equity Index Fd Mega Cap Gr ETF	\$ 1,823.20	
05/17/2013 Sale of Vanguard Intl Equity Index Fd Mega Cap Gr ETF 20 Units	(848.00)	
06/04/2013 Sale of Vanguard Intl Equity Index Fd Mega Cap Gr ETF 23 Units	(975.20)	
	<hr/>	0.00
Vanguard Intl Equity Index Fd Mega Cap Gr ETF	\$ 741.38	
06/04/2013 Sale of Vanguard Intl Equity Index Fd Mega Cap Gr ETF 19 Units	(741.38)	
	<hr/>	0.00
Vanguard Index Fds Small Cap Growth	\$ 987.85	
06/04/2013 Sale of Vanguard Index Fds Small Cap Growth 16 Units	(687.20)	

INFORMATION SCHEDULES

Jake Bernstein Irrevocable Trust Dated September 7, 2006  
 For Period 07/30/2010 Through 05/26/2014

07/19/2013 Sale of Vanguard Index Fds Small Cap Growth 7 Units	\$ (300.65)	
		\$ 0.00
Vanguard Index Fds Small Cap Growth	\$ 383.90	
09/17/2013 Sale of Vanguard Index Fds Small Cap Growth 10 Units	(383.90)	
		0.00
Vanguard Index Fds Small Cap Val	\$ 725.39	
07/19/2013 Sale of Vanguard Index Fds Small Cap Val 8 Units	(341.36)	
09/17/2013 Sale of Vanguard Index Fds Small Cap Val 9 Units	(384.03)	
		0.00
Vanguard Index Fds Value	\$ 4,412.68	
11/03/2010 Sale of Vanguard Index Fds Value 22 Units	(907.28)	
02/06/2013 Sale of Vanguard Index Fds Value 65 Units	(2,680.60)	
05/17/2013 Sale of Vanguard Index Fds Value 20 Units	(824.80)	
		0.00
Vanguard Index Fds Value	\$ 1,477.60	
07/19/2013 Sale of Vanguard Index Fds Value 14 Units	(517.16)	
09/17/2013 Sale of Vanguard Index Fds Value 26 Units	(960.44)	
		0.00

RECEIPTS OF INCOME

Jake Bernstein Irrevocable Trust Dated September 7, 2006  
 For Period 07/30/2010 Through 05/26/2014

Dividends

Advantage Bank Deposit

10/18/2010 Dividend received in October	\$	0.14
11/16/2010 Dividend received in November		0.01
12/16/2010 Dividend received in December		0.01
01/18/2011 Dividend received in January		0.03
02/16/2011 Dividend received in February		0.34
03/16/2011 Dividend received in March		0.36
04/18/2011 Dividend received in April		0.43
05/16/2011 Dividend received in May		0.36
06/16/2011 Dividend received in June		0.40
07/18/2011 Dividend received in July		0.41
08/16/2011 Dividend received in August		1.21
09/16/2011 Dividend received in September		0.20
10/17/2011 Dividend received in October		0.13
11/16/2011 Dividend received in November		0.13
12/16/2011 Dividend received in December		0.13
12/30/2011 Dividend received in December		0.06
01/17/2012 Dividend received in January		0.08
02/16/2012 Dividend received in February		0.13
03/16/2012 Dividend received in March		0.13
04/16/2012 Dividend received in April		0.13
05/16/2012 Dividend received in May		0.13
06/18/2012 Dividend received in June		0.14
07/16/2012 Dividend received in July		0.12



RECEIPTS OF INCOME

Jake Bernstein Irrevocable Trust Dated September 7, 2006  
 For Period 07/30/2010 Through 05/26/2014

08/16/2012 Dividend received in August	\$	0.13
09/17/2012 Dividend received in September		0.14
10/09/2012 Dividend received in October		0.10
02/19/2013 Dividend received in February		0.02
03/18/2013 Dividend received in March		0.03
04/16/2013 Dividend received in April		0.02
05/16/2013 Dividend received in May		0.01
06/17/2013 Dividend received in June		0.02
07/16/2013 Dividend received in July		0.02
08/16/2013 Dividend received in August		0.01
03/17/2014 Dividend received in March		0.01
04/16/2014 Dividend received in April		0.01
05/16/2014 Dividend received in May		0.01
		<hr/>
		5.74
Advantage Primary Liq Fd		
10/19/2012 Dividend received in October		0.17
11/16/2012 Dividend received in November		0.49
12/21/2012 Dividend received in December		0.33
12/31/2012 Dividend received in December		0.07
01/18/2013 Dividend received in January		0.04
02/22/2013 Dividend received in February		0.04
		<hr/>
		1.14
Ishares MBS ETF		
10/07/2010 Dividend received in October		6.01
11/05/2010 Dividend received in November		4.27

RECEIPTS OF INCOME

Jake Bernstein Irrevocable Trust Dated September 7, 2006  
 For Period 07/30/2010 Through 05/26/2014

12/07/2010	Dividend received in December	\$	6.92
01/04/2011	Dividend received in January		6.83
02/07/2011	Dividend received in February		6.82
03/07/2011	Dividend received in March		6.50
04/07/2011	Dividend received in April		5.98
05/06/2011	Dividend received in May		6.10
06/07/2011	Dividend received in June		5.75
07/08/2011	Dividend received in July		6.43
08/05/2011	Dividend received in August		6.74
09/08/2011	Dividend received in September		5.64
10/07/2011	Dividend received in October		5.78
11/07/2011	Dividend received in November		5.43
12/07/2011	Dividend received in December		5.49
01/04/2012	Dividend received in January		5.35
02/07/2012	Dividend received in February		5.74
03/07/2012	Dividend received in March		6.07
04/09/2012	Dividend received in April		4.19
05/07/2012	Dividend received in May		3.48
06/07/2012	Dividend received in June		3.60
07/09/2012	Dividend received in July		3.79
08/07/2012	Dividend received in August		3.09
09/10/2012	Dividend received in September		2.40
10/05/2012	Dividend received in October		2.55
11/07/2012	Dividend received in November		2.57
12/07/2012	Dividend received in December		2.02

RECEIPTS OF INCOME

Jake Bernstein Irrevocable Trust Dated September 7, 2006  
For Period 07/30/2010 Through 05/26/2014

02/07/2013 Dividend received in February	\$	1.81
03/07/2013 Dividend received in March		2.13
04/05/2013 Dividend received in April		5.17
05/07/2013 Dividend received in May		1.59
06/07/2013 Dividend received in June		1.14
07/08/2013 Dividend received in July		1.34
08/07/2013 Dividend received in August		1.28
09/09/2013 Dividend received in September		1.16
		<hr/>
		151.16

Ishares Tips Bd ETF

10/07/2010 Dividend received in October		1.35
11/05/2010 Dividend received in November		2.55
12/07/2010 Dividend received in December		1.79
01/04/2011 Dividend received in January		2.63
02/07/2011 Dividend received in February		1.64
03/07/2011 Dividend received in March		2.74
04/07/2011 Dividend received in April		5.82
05/06/2011 Dividend received in May		5.94
06/07/2011 Dividend received in June		10.49
07/08/2011 Dividend received in July		7.55
08/05/2011 Dividend received in August		5.81
09/08/2011 Dividend received in September		0.10
10/07/2011 Dividend received in October		1.73
11/07/2011 Dividend received in November		3.60
12/07/2011 Dividend received in December		2.41

RECEIPTS OF INCOME

Jake Bernstein Irrevocable Trust Dated September 7, 2006  
 For Period 07/30/2010 Through 05/26/2014

04/09/2012 Dividend received in April	\$	3.24
05/07/2012 Dividend received in May		4.26
06/07/2012 Dividend received in June		8.04
07/09/2012 Dividend received in July		3.53
11/07/2012 Dividend received in November		2.92
12/07/2012 Dividend received in December		4.85
01/02/2013 Dividend received in January		0.09
04/05/2013 Dividend received in April		0.80
05/07/2013 Dividend received in May		3.11
		<hr/>
		86.99

Ishares 20+ Yr Tr Bd ETF

10/07/2010 Dividend received in October		6.67
11/05/2010 Dividend received in November		5.43
12/07/2010 Dividend received in December		5.78
01/04/2011 Dividend received in January		5.45
02/07/2011 Dividend received in February		5.44
03/07/2011 Dividend received in March		5.05
04/07/2011 Dividend received in April		6.56
05/06/2011 Dividend received in May		6.80
06/07/2011 Dividend received in June		5.98
07/08/2011 Dividend received in July		5.43
08/05/2011 Dividend received in August		5.53
09/08/2011 Dividend received in September		5.48
10/07/2011 Dividend received in October		5.20
11/07/2011 Dividend received in November		5.09

RECEIPTS OF INCOME

Jake Bernstein Irrevocable Trust Dated September 7, 2006  
For Period 07/30/2010 Through 05/26/2014

12/07/2011 Dividend received in December	\$	4.93
01/04/2012 Dividend received in January		6.46
02/07/2012 Dividend received in February		4.91
03/07/2012 Dividend received in March		4.54
04/09/2012 Dividend received in April		4.93
05/07/2012 Dividend received in May		4.82
06/07/2012 Dividend received in June		4.47
07/09/2012 Dividend received in July		4.57
08/07/2012 Dividend received in August		4.63
09/10/2012 Dividend received in September		4.62
10/05/2012 Dividend received in October		4.41
11/07/2012 Dividend received in November		4.58
12/07/2012 Dividend received in December		4.16
01/02/2013 Dividend received in January		4.56
02/07/2013 Dividend received in February		4.42
		<hr/>
		150.90

Ishares 7-10 Year Tr Bd ETF

10/07/2010 Dividend received in October		10.50
11/05/2010 Dividend received in November		10.56
12/07/2010 Dividend received in December		10.77
01/04/2011 Dividend received in January		11.18
02/07/2011 Dividend received in February		10.59
03/07/2011 Dividend received in March		9.74
04/07/2011 Dividend received in April		11.17
05/06/2011 Dividend received in May		10.86

## RECEIPTS OF INCOME

Jake Bernstein Irrevocable Trust Dated September 7, 2006  
For Period 07/30/2010 Through 05/26/2014

06/07/2011 Dividend received in June	\$	11.00
07/08/2011 Dividend received in July		10.38
08/05/2011 Dividend received in August		10.72
09/08/2011 Dividend received in September		10.31
10/07/2011 Dividend received in October		9.51
11/07/2011 Dividend received in November		9.42
12/07/2011 Dividend received in December		9.01
01/04/2012 Dividend received in January		8.52
02/07/2012 Dividend received in February		8.59
03/07/2012 Dividend received in March		7.63
04/09/2012 Dividend received in April		7.98
05/07/2012 Dividend received in May		7.57
06/07/2012 Dividend received in June		7.68
07/09/2012 Dividend received in July		7.21
08/07/2012 Dividend received in August		7.30
09/10/2012 Dividend received in September		6.79
10/05/2012 Dividend received in October		6.36
11/07/2012 Dividend received in November		6.54
12/07/2012 Dividend received in December		6.16
01/02/2013 Dividend received in January		6.78
02/07/2013 Dividend received in February		6.30
03/07/2013 Dividend received in March		5.70
04/05/2013 Dividend received in April		6.51
05/07/2013 Dividend received in June		6.07
06/07/2013 Dividend received in June		6.37

RECEIPTS OF INCOME

Jake Bernstein Irrevocable Trust Dated September 7, 2006  
 For Period 07/30/2010 Through 05/26/2014

07/08/2013 Dividend received in July	\$	4.32
08/07/2013 Dividend received in August		2.25
09/09/2013 Dividend received in September		2.41
		<hr/>
		290.76

Ishares IBOXX Inv CP ETF

10/07/2010 Dividend received in October		2.60
11/05/2010 Dividend received in November		2.59
12/07/2010 Dividend received in December		2.56
01/04/2011 Dividend received in January		2.57
02/07/2011 Dividend received in February		2.56
03/07/2011 Dividend received in March		2.59
04/07/2011 Dividend received in April		2.57
05/06/2011 Dividend received in May		2.56
06/07/2011 Dividend received in June		2.55
07/08/2011 Dividend received in July		2.56
08/05/2011 Dividend received in August		2.52
09/08/2011 Dividend received in September		2.48
10/07/2011 Dividend received in October		2.51
11/07/2011 Dividend received in November		2.41
12/07/2011 Dividend received in December		2.31
01/04/2012 Dividend received in January		2.33
02/07/2012 Dividend received in February		2.35
03/07/2012 Dividend received in March		2.42
04/09/2012 Dividend received in April		2.38
05/07/2012 Dividend received in May		2.33

RECEIPTS OF INCOME

Jake Bernstein Irrevocable Trust Dated September 7, 2006  
 For Period 07/30/2010 Through 05/26/2014

06/07/2012 Dividend received in June	\$	2.37
07/09/2012 Dividend received in July		2.35
08/07/2012 Dividend received in August		2.31
09/10/2012 Dividend received in September		2.31
10/05/2012 Dividend received in October		2.30
11/07/2012 Dividend received in November		2.27
12/07/2012 Dividend received in December		2.20
01/02/2013 Dividend received in January		2.17
02/07/2013 Dividend received in February		2.22
03/07/2013 Dividend received in March		2.25
04/05/2013 Dividend received in April		2.21
05/07/2013 Dividend received in May		2.17
		<hr/>
		76.88

SPDR Series Trust DJ Reit

09/29/2010 Dividend received in September	23.55
12/30/2010 Dividend received in December	25.84
03/30/2011 Dividend received in March	19.70
06/29/2011 Dividend received in June	25.30
09/28/2011 Dividend received in September	24.63
12/29/2011 Dividend received in December	29.93
03/28/2012 Dividend received in March	21.36
06/27/2012 Dividend received in June	26.97
10/03/2012 Dividend received in October	29.36
01/04/2013 Dividend received in January	31.50
03/25/2013 Dividend received in March	20.17
	<hr/>
	278.31



RECEIPTS OF INCOME

Jake Bernstein Irrevocable Trust Dated September 7, 2006  
 For Period 07/30/2010 Through 05/26/2014

SPDR Series Trust Barclays Intl ETF

01/06/2011 Dividend received in January	\$	5.49
06/09/2011 Dividend received in June		1.86
07/12/2011 Dividend received in July		1.88
08/09/2011 Dividend received in August		3.06
09/12/2011 Dividend received in September		4.33
10/11/2011 Dividend received in October		3.81
11/07/2011 Dividend received in November		4.30
12/09/2011 Dividend received in December		8.17
01/06/2012 Dividend received in January		2.14
02/09/2012 Dividend received in February		1.43
03/09/2012 Dividend received in March		1.38
04/11/2012 Dividend received in April		1.44
05/09/2012 Dividend received in May		1.38
06/11/2012 Dividend received in June		1.58
07/11/2012 Dividend received in July		1.43
08/09/2012 Dividend received in August		1.35
09/12/2012 Dividend received in September		0.65
10/09/2012 Dividend received in October		1.47
11/09/2012 Dividend received in November		1.61
12/11/2012 Dividend received in December		2.67
01/07/2013 Dividend received in January		2.15
02/11/2013 Dividend received in February		1.49
03/11/2013 Dividend received in March		2.49
04/09/2013 Dividend received in April		1.05

## RECEIPTS OF INCOME

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Jake Bernstein Irrevocable Trust Dated September 7, 2006  
For Period 07/30/2010 Through 05/26/2014

05/09/2013 Dividend received in May	\$	0.71
		59.32
SPDR Series Trust BRC High Yield Bd		
10/12/2010 Dividend received in October		7.45
11/09/2010 Dividend received in November		7.43
12/09/2010 Dividend received in December		7.25
01/06/2011 Dividend received in January		7.60
02/09/2011 Dividend received in February		6.55
03/09/2011 Dividend received in March		6.64
04/11/2011 Dividend received in April		6.58
05/10/2011 Dividend received in May		6.64
06/09/2011 Dividend received in June		6.53
07/12/2011 Dividend received in July		6.62
08/09/2011 Dividend received in August		6.47
09/12/2011 Dividend received in September		6.57
10/11/2011 Dividend received in October		6.07
11/07/2011 Dividend received in November		6.23
12/09/2011 Dividend received in December		6.40
01/06/2012 Dividend received in January		5.69
02/09/2012 Dividend received in February		5.61
03/09/2012 Dividend received in March		6.13
04/11/2012 Dividend received in April		6.29
05/09/2012 Dividend received in May		6.40
06/11/2012 Dividend received in June		6.16
07/11/2012 Dividend received in July		6.13

RECEIPTS OF INCOME

Jake Bernstein Irrevocable Trust Dated September 7, 2006  
For Period 07/30/2010 Through 05/26/2014

08/09/2012 Dividend received in August	\$	5.97
09/12/2012 Dividend received in September		5.79
10/09/2012 Dividend received in October		5.77
11/09/2012 Dividend received in November		5.84
12/11/2012 Dividend received in December		5.79
01/07/2013 Dividend received in January		5.59
02/11/2013 Dividend received in February		5.52
03/11/2013 Dividend received in March		5.58
04/09/2013 Dividend received in April		5.40
05/09/2013 Dividend received in May		5.51
06/11/2013 Dividend received in June		5.26
07/10/2013 Dividend received in July		5.31
		<hr/>
		210.77
Vanguard Intl Equity Index Fd FTSE Emr Mkt ETF		
12/29/2010 Dividend received in December		61.94
12/28/2011 Dividend received in December		68.86
09/28/2012 Dividend received in September		39.90
12/27/2012 Dividend received in December		34.20
03/28/2013 Dividend received in March		4.41
06/28/2013 Dividend received in June		23.28
		<hr/>
		232.59
Vanguard Intl Equity Index Fd FTSE Europe ETF		
12/29/2010 Dividend received in December		242.13
12/28/2011 Dividend received in December		200.34
09/28/2012 Dividend received in September		113.19

RECEIPTS OF INCOME

Jake Bernstein Irrevocable Trust Dated September 7, 2006  
 For Period 07/30/2010 Through 05/26/2014

12/27/2012 Dividend received in December	\$	41.06
03/28/2013 Dividend received in March		15.47
06/28/2013 Dividend received in June		61.75
		<hr/>
		673.94
Vanguard Index Fds Growth ETF		
09/30/2010 Dividend received in September		17.46
12/31/2010 Dividend received in December		17.46
03/31/2011 Dividend received in March		14.62
06/30/2011 Dividend received in June		16.77
09/29/2011 Dividend received in September		14.96
12/30/2011 Dividend received in December		19.52
03/30/2012 Dividend received in March		16.68
06/29/2012 Dividend received in June		17.97
09/28/2012 Dividend received in September		21.33
12/31/2012 Dividend received in December		36.29
03/28/2013 Dividend received in March		11.58
06/28/2013 Dividend received in June		13.16
		<hr/>
		217.80
Vanguard Intl Equity Index Fd Mega Cap Gr ETF		
12/29/2010 Dividend received in December		139.07
12/28/2011 Dividend received in December		98.27
09/28/2012 Dividend received in September		47.06
12/27/2012 Dividend received in December		59.83
03/28/2013 Dividend received in March		8.25
		<hr/>
		352.48

RECEIPTS OF INCOME

Jake Bernstein Irrevocable Trust Dated September 7, 2006  
 For Period 07/30/2010 Through 05/26/2014

Vanguard Index Fds Small Cap Growth

12/31/2010 Dividend received in December	\$	11.91
03/29/2011 Dividend received in March		0.20
12/30/2011 Dividend received in December		13.63
03/28/2012 Dividend received in March		0.20
12/31/2012 Dividend received in December		30.26
03/26/2013 Dividend received in March		0.40
		<hr/>
		56.60

Vanguard Index Fds Small Cap Val

12/31/2010 Dividend received in December		21.59
03/29/2011 Dividend received in March		0.14
12/30/2011 Dividend received in December		23.32
03/28/2012 Dividend received in March		0.49
12/31/2012 Dividend received in December		31.86
03/26/2013 Dividend received in March		0.36
		<hr/>
		77.76

Vanguard Index Fds Value

09/30/2010 Dividend received in September		48.07
12/31/2010 Dividend received in December		44.13
03/31/2011 Dividend received in March		39.63
06/30/2011 Dividend received in June		40.00
09/29/2011 Dividend received in September		44.75
12/30/2011 Dividend received in December		51.00
03/30/2012 Dividend received in March		42.75
06/29/2012 Dividend received in June		48.50

RECEIPTS OF INCOME

Jake Bernstein Irrevocable Trust Dated September 7, 2006  
For Period 07/30/2010 Through 05/26/2014

09/28/2012 Dividend received in September	\$	48.50	
12/31/2012 Dividend received in December		61.25	
03/28/2013 Dividend received in March		23.28	
06/28/2013 Dividend received in June		15.64	
		<hr/>	
		507.50	
Total Dividends	\$		3,430.64
Interest			
Miscellaneous			
01/03/2011 Interest on 2009 Fiduciary Income Tax Refund - Check dtd 12/28/10		10.79	
01/20/2011 Interest on 2008 Federal Fiduciary Tax Refund		1,814.80	
02/12/2014 Interest on 2012 Federal Fiduciary Tax Refund		61.93	
		<hr/>	
		1,887.52	
Total Interest			<hr/> 1,887.52
TOTAL RECEIPTS OF INCOME	\$		<hr/> <hr/> 5,318.16

DISBURSEMENTS OF INCOME

Jake Bernstein Irrevocable Trust Dated September 7, 2006  
For Period 07/30/2010 Through 05/26/2014

Accountant Fees

10/14/2010 CBIZ MHM LLC (50% Income) - Payment of Accounting thru 7/31/10	\$	927.25	
10/21/2011 2010 Fiduciary Tax Preparation Fee (50% Income)		137.50	
10/24/2012 2011 Fiduciary Tax Preparation Fee (50% Income)		137.50	
02/26/2013 2011 Tax Preparation Fee for Amended Return (50% Income)		61.00	
09/18/2013 2013 Fiduciary Tax Preparation and Analytics Fee (50% Income)		175.00	
		<hr/>	\$ 1,438.25

Fees and Commissions

10/10/2012 Oppenheimer & Co Mgmt Fee 10/8 - 12/31/12 (50% Income)	\$	89.73	
10/15/2012 Cancel Oppenheimer & Co Mgmt Fee 10/8 - 12/31/12 (50% Income)		(89.73)	
		<hr/>	0.00

Fiduciary Fees

10/12/2010 Trust Department Fee for Quarter Ended 9/30/10 (50% Income)	\$	9.62	
01/10/2011 Trust Department Fee for Quarter Ended 12/31/10 (50% Income)		55.09	
04/20/2011 Trust Department Fee for Quarter Ended 3/31/11 (50% Income)		94.68	
07/21/2011 Trust Department Fee for Quarter Ended 6/30/11 (50% Income)		95.25	
10/13/2011 Trust Department Fee for Quarter Ended 9/30/11 (50% Income)		86.45	
01/09/2012 Trust Department Fee for Quarter Ended 12/31/11 (50% Income)		91.83	
04/20/2012 Trust Department Fee for Quarter Ended 3/31/12 (50% Income)		95.91	

DISBURSEMENTS OF INCOME

Jake Bernstein Irrevocable Trust Datēd September 7, 2006  
For Period 07/30/2010 Through 05/26/2014

07/16/2012	Trust Department Fee for Quarter Ended 6/30/12 (50% Income)	\$	94.85	
10/19/2012	Trust Department Fee for Quarter Ended 9/30/12 (50% Income)		96.81	
01/22/2013	Trust Department Fee for Quarter Ended 12/31/12 (50% Income)		70.80	
04/24/2013	Trust Department Fee for Quarter Ended 3/31/13 (50% Income)		54.57	
07/23/2013	Trust Department Fee for Quarter Ended 6/30/13 (50% Income)		28.63	
09/18/2013	Prorated Trustee Fee For Period 7/1/13 - 9/18/13 (50% Income)		11.21	
			<hr/>	\$ 885.70
				<hr/>
				\$ 2,323.95
				<hr/> <hr/>
TOTAL DISBURSEMENTS OF INCOME				



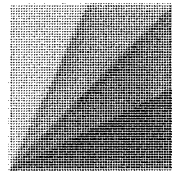
Jake Bernstein Irrevocable Trust  
For the Period July 30, 2010 through May 26, 2014  
Disclosure Statements

1. Oppenheimer Trust Co accepted appointment as successor trustee on July 30, 2010. No assets were received by Oppenheimer Trust Co for the Jake Bernstein Irrevocable Trust until September 20, 2010.
2. There has been no activity for the Jake Bernstein Irrevocable Trust since May 26, 2014 in the Oppenheimer Trust Co account.
3. 33% interest in Bernstein Family Realty LLC – Bernstein Family Realty LLC owns a 100% interest in a personal residence located 2753 N.W. 34<sup>th</sup> St., Boca Raton, Florida. We are informed that this property is the primary residence of minors, Joshua, Jake, and Daniel Bernstein, and their parents, Eliot and Candice Bernstein. According to the Palm Beach Property Appraiser website, the property was purchased on June 18, 2008 for \$360,000. We have received information that there are currently two (2) mortgages secured by the property. The first mortgage is a promissory note dated June 20, 2008, which was amended February 15, 2012 for \$110,000. Interest is due annually at 3.5%, and the principal was due June 19, 2014. The second mortgage dated July 9, 2008 for \$365,000. The loan terms were not included with the record mortgage in Palm Beach County.

To the best of our knowledge, we have reflected the following carrying values for a 33% interest in Bernstein Realty LLC:

- |             |   |
|-------------|---|
| • \$120,000 | Purchase price of personal residence<br>(\$360,000 * 1/3) |
| • \$ 36,667 | Balance due on first mortgage (\$110,000 * 1/3)           |
| • \$121,667 | Balance due on second mortgage (\$365,000 * 1/3)          |

4. 1.33% interest in LIC Holdings Inc – LIC Holdings Inc is a holding company that was in the business of selling premium financed life insurance and related loans to acquire the insurance. Based upon all of the information received, the carrying value has been reflected at zero. The value may be different if additional information was received.



# MBAF

MORRISON BROWN ARGIZ & FARRA, LLC

CERTIFIED PUBLIC ACCOUNTANTS AND ADVISORS

## JOSHUA BERNSTEIN IRREVOCABLE TRUST DATED SEPTEMBER 7, 2006

SUMMARY OF ACCOUNT  
FOR THE PERIOD  
7/30/2010 THROUGH 5/26/2014

Miami | Ft. Lauderdale | Boca Raton | Orlando | Baltimore | Boulder | India

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## SUMMARY OF ACCOUNT

Joshua Z. Bernstein Irrevocable Trust Dated September 7, 2006  
For Period 7/30/2010 Through 5/26/2014

	Page		Fiduciary Acquisition Value
Principal			
Receipts	1-2		\$ (2,873.51)
Net Gain (or Loss) on Sales or Other Dispositions	3-19		14,523.88
Other Receipts	20		33,393.82
			\$ 45,044.19
Less Disbursements			
Accountant Fees (Prin)	21	\$ 1,438.25	
Fiduciary Fees (Prin)	21-22	847.38	
Income Taxes (Prin)	22	3,410.07	
		5,695.70	
Balance before Distributions			\$ 39,348.49
Distributions for Beneficiaries	23-30		75,722.80
Principal Balance on Hand	31		\$ (36,374.31)
For Information:			
Changes in Investment Holdings	32-36		
Income			
Receipts	37-51		\$ 5,219.39
Less Disbursements			
Accountant Fees	52	\$ 1,438.25	
Fiduciary Fees	52-53	847.40	
Other Expenses	53	4,313.95	
		6,599.60	
Balance before Distributions			\$ (1,380.21)
Distributions for Beneficiaries			0.00
Income Balance on Hand			\$ (1,380.21)
Combined Balance on Hand			\$ (37,754.52)

RECEIPTS OF PRINCIPAL

Joshua Z. Bernstein Irrevocable Trust Dated September 7, 2006  
As of 7/30/2010

Receipts Subsequent to Inventory  
(Valued when received)

09/20/2010	Cash on Hand	\$	2,211.55	<b>1818</b>
09/20/2010	SPDR Series Trust DJ Reit 49 Units		1,928.64	<b>86</b>
09/20/2010	Vanguard Intl Equity Index Fd FTSE Emr Mkt ETF 76 Units		1,875.68	<b>86</b>
09/20/2010	Vanguard Intl Equity Index Fd FTSE Europe ETF 105 Units		4,215.61	<b>87</b>
09/20/2010	Vanguard Index Fds Growth ETF 73 Units		2,949.93	<b>87</b>
09/20/2010	Vanguard Index Fds Growth ETF 13 Units		782.30	<b>87</b>
09/20/2010	Vanguard Intl Equity Index Fd Mega Cap Gr ETF 43 Units		1,823.20	<b>87</b>
09/20/2010	Vanguard Intl Equity Index Fd Mega Cap Gr ETF 19 Units		741.38	<b>87</b>
09/20/2010	Vanguard Index Fds Small Cap Growth 23 Units		987.85	<b>87</b>
09/20/2010	Vanguard Index Fds Small Cap Growth 10 Units		383.90	<b>87</b>
09/20/2010	Vanguard Index Fds Small Cap Val 17 Units		725.39	<b>87</b>
09/20/2010	Vanguard Index Fds Value 107 Units		4,412.68	<b>87</b>
09/20/2010	Vanguard Index Fds Value 40 Units		1,477.60	<b>87</b>
09/20/2010	Ishares MBS ETF 20 Units		2,038.00	<b>87</b>
09/20/2010	Ishares Tips Bd ETF 10 Units		950.00	<b>87</b>

RECEIPTS OF PRINCIPAL

Joshua Z. Bernstein Irrevocable Trust Dated September 7, 2006  
As of 7/30/2010

Receipts Subsequent to Inventory  
(Valued when received)

09/20/2010	Ishares 20+ Yr Tr Bd ETF 17 Units	\$ 1,613.30	<b>87</b>
09/20/2010	Ishares 7-10 Year Tr Bd ETF 19 Units	1,687.77	<b>87</b>
09/20/2010	Ishares 7-10 Year Tr Bd ETF 26 Units	2,568.38	<b>87</b>
09/20/2010	Ishares IBOX Inv CP ETF 6 Units	542.52	<b>87</b>
09/20/2010	SPDR Series Trust Barclays Intl ETF 15 Units	741.15	<b>87</b>
09/20/2010	SPDR Series Trust BRC High Yield Bd 26 Units	803.66	<b>87</b>
09/20/2010	LIC Holdings Inc (1.33% interest) 6 Units	0.00	<b>87</b>
09/20/2010	Bernstein Family Realty LLC (33% interest)	120,000.00	
09/20/2010	Bernstein Family Realty LLC (33% interest) - 1st Mortgage	(36,667.00)	
09/20/2010	Bernstein Family Realty LLC (33% interest) - 2nd Mortgage	(121,667.00)	
TOTAL RECEIPTS SUBSEQUENT TO INVENTORY			<u>\$ (2,873.51)</u>

GAINS AND LOSSES ON SALES AND OTHER DISPOSITIONS

Joshua Z. Bernstein Irrevocable Trust Dated September 7, 2006  
For Period 7/30/2010 Through 5/26/2014

		Gain	Loss
10/14/2010 Redeem - Advantage Bank Deposit			
Net Proceeds	\$ 1,854.50	<b>77</b>	
Fiduciary Acquisition Value	1,854.50		
Net Gain		\$ 0.00	
11/03/2010 Sale of Vanguard Index Fds Value 22 Units			
Net Proceeds	\$ 1,020.42	<b>75</b>	
Fiduciary Acquisition Value	907.28		
Net Gain		113.14	
12/07/2010 Short Term Capital Gain Distribution from Ishares MBS ETF			
Net Proceeds	\$ 49.99	<b>75</b>	
Fiduciary Acquisition Value	0.00		
Net Gain		49.99	
12/07/2010 Long Term Capital Gain Distribution from Ishares MBS ETF			
Net Proceeds	\$ 0.36	<b>75</b>	
Fiduciary Acquisition Value	0.00		
Net Gain		0.36	
01/06/2011 Short Term Capital Gain Distribution from SPDR Series Trust BRC High Yield Bd			
Net Proceeds	\$ 10.35	<b>75</b>	
Fiduciary Acquisition Value	0.00		
Net Gain		10.35	
01/06/2011 Long Term Capital Gain Distribution from SPDR Series Trust BRC High Yield Bd			
Net Proceeds	\$ 5.61	<b>75</b>	
Fiduciary Acquisition Value	0.00		
Net Gain		5.61	

GAINS AND LOSSES ON SALES AND OTHER DISPOSITIONS

Joshua Z. Bernstein Irrevocable Trust Dated September 7, 2006  
For Period 7/30/2010 Through 5/26/2014

		Gain	Loss
01/11/2011 Redeem - Advantage Bank Deposit			
Net Proceeds	\$ 52.54	<b>77</b>	
Fiduciary Acquisition Value	52.54		
Net Gain		\$ 0.00	
04/21/2011 Redeem - Advantage Bank Deposit			
Net Proceeds	\$ 96.51	<b>77</b>	
Fiduciary Acquisition Value	96.51		
Net Gain		0.00	
07/13/2011 Redeem - Advantage Bank Deposit			
Net Proceeds	\$ 1,139.00	<b>77</b>	
Fiduciary Acquisition Value	1,139.00		
Net Gain		0.00	
07/22/2011 Redeem - Advantage Bank Deposit			
Net Proceeds	\$ 92.94	<b>77</b>	
Fiduciary Acquisition Value	92.94		
Net Gain		0.00	
08/31/2011 Redeem - Advantage Bank Deposit			
Net Proceeds	\$ 657.00	<b>77</b>	
Fiduciary Acquisition Value	657.00		
Net Gain		0.00	
10/14/2011 Redeem - Advantage Bank Deposit			
Net Proceeds	\$ 138.36	<b>77</b>	
Fiduciary Acquisition Value	138.36		
Net Gain		0.00	
10/24/2011 Redeem - Advantage Bank Deposit			
Net Proceeds	\$ 275.00	<b>77</b>	
Fiduciary Acquisition Value	275.00		
Net Gain		0.00	

GAINS AND LOSSES ON SALES AND OTHER DISPOSITIONS

Joshua Z. Bernstein Irrevocable Trust Dated September 7, 2006  
For Period 7/30/2010 Through 5/26/2014

		Gain	Loss
12/22/2011 Redeem - Advantage Bank Deposit			
Net Proceeds	\$ 657.00	<b>77</b>	
Fiduciary Acquisition Value	657.00		
Net Gain		\$ 0.00	
01/06/2012 Long Term Capital Gain Distribution from SPDR Series Trust BRC High Yield Bd			
Net Proceeds	\$ 6.87	<b>75</b>	
Fiduciary Acquisition Value	0.00		
Net Gain		6.87	
01/10/2012 Redeem - Advantage Bank Deposit			
Net Proceeds	\$ 146.36	<b>77</b>	
Fiduciary Acquisition Value	146.36		
Net Gain		0.00	
04/23/2012 Redeem - Advantage Bank Deposit			
Net Proceeds	\$ 102.00	<b>77</b>	
Fiduciary Acquisition Value	102.00		
Net Gain		0.00	
07/17/2012 Redeem - Advantage Bank Deposit			
Net Proceeds	\$ 94.27	<b>77</b>	
Fiduciary Acquisition Value	94.27		
Net Gain		0.00	
10/09/2012 Redeem - Advantage Bank Deposit			
Net Proceeds	\$ 32,078.55	<b>77</b>	
Fiduciary Acquisition Value	32,078.55		
Net Gain		0.00	
10/11/2012 Redeem - Advantage Primary Liq Fd			
Net Proceeds	\$ 179.53	<b>77</b>	
Fiduciary Acquisition Value	179.53		
Net Gain		0.00	



GAINS AND LOSSES ON SALES AND OTHER DISPOSITIONS

Joshua Z. Bernstein Irrevocable Trust Dated September 7, 2006  
For Period 7/30/2010 Through 5/26/2014

		Gain	Loss
10/22/2012 Redeem - Advantage Primary Liq Fd			
Net Proceeds	\$ 193.69	<b>77</b>	
Fiduciary Acquisition Value	193.69		
Net Gain		\$ 0.00	
10/25/2012 Redeem - Advantage Primary Liq Fd			
Net Proceeds	\$ 275.00	<b>77</b>	
Fiduciary Acquisition Value	275.00		
Net Gain		0.00	
11/08/2012 Redeem - Advantage Primary Liq Fd			
Net Proceeds	\$ 4,313.95	<b>77</b>	
Fiduciary Acquisition Value	4,313.95		
Net Gain		0.00	
11/14/2012 Redeem - Advantage Primary Liq Fd			
Net Proceeds	\$ 10,219.50	<b>77</b>	
Fiduciary Acquisition Value	10,219.50		
Net Gain		0.00	
11/21/2012 Redeem - Advantage Primary Liq Fd			
Net Proceeds	\$ 3,482.00	<b>77</b>	
Fiduciary Acquisition Value	3,482.00		
Net Gain		0.00	
11/29/2012 Redeem - Advantage Primary Liq Fd			
Net Proceeds	\$ 250.00	<b>77</b>	
Fiduciary Acquisition Value	250.00		
Net Gain		0.00	
11/30/2012 Redeem - Advantage Primary Liq Fd			
Net Proceeds	\$ 1,000.00	<b>77</b>	
Fiduciary Acquisition Value	1,000.00		
Net Gain		0.00	

GAINS AND LOSSES ON SALES AND OTHER DISPOSITIONS

Joshua Z. Bernstein Irrevocable Trust Dated September 7, 2006  
For Period 7/30/2010 Through 5/26/2014

		Gain	Loss
12/03/2012 Redeem - Advantage Primary Liq Fd			
Net Proceeds	\$ 1,803.59	<b>77</b>	
Fiduciary Acquisition Value	1,803.59		
Net Gain		\$	0.00
12/06/2012 Redeem - Advantage Primary Liq Fd			
Net Proceeds	\$ 3,000.00	<b>78</b>	
Fiduciary Acquisition Value	3,000.00		
Net Gain			0.00
12/07/2012 Short Term Capital Gain Distribution from Ishares MBS ETF			
Net Proceeds	\$ 4.55	<b>75</b>	
Fiduciary Acquisition Value	0.00		
Net Gain			4.55
12/07/2012 Long Term Capital Gain Distribution from Ishares IBOXX Inv CP ETF			
Net Proceeds	\$ 0.06	<b>75</b>	
Fiduciary Acquisition Value	0.00		
Net Gain			0.06
12/10/2012 Redeem - Advantage Primary Liq Fd			
Net Proceeds	\$ 1,000.00	<b>78</b>	
Fiduciary Acquisition Value	1,000.00		
Net Gain			0.00
12/12/2012 Redeem - Advantage Primary Liq Fd			
Net Proceeds	\$ 500.00	<b>78</b>	
Fiduciary Acquisition Value	500.00		
Net Gain			0.00
12/28/2012 Redeem - Advantage Primary Liq Fd			
Net Proceeds	\$ 2,832.45	<b>78</b>	
Fiduciary Acquisition Value	2,832.45		
Net Gain			0.00

GAINS AND LOSSES ON SALES AND OTHER DISPOSITIONS

Joshua Z. Bernstein Irrevocable Trust Dated September 7, 2006  
For Period 7/30/2010 Through 5/28/2014

		Gain	Loss
01/15/2013 Redeem - Advantage Primary Liq Fd			
Net Proceeds	\$ 1,167.03	<b>78</b>	
Fiduciary Acquisition Value	1,167.03		
Net Gain		\$	0.00
01/23/2013 Redeem - Advantage Primary Liq Fd			
Net Proceeds	\$ 70.90	<b>78</b>	
Fiduciary Acquisition Value	70.90		
Net Gain			0.00
01/30/2013 Redeem - Advantage Primary Liq Fd			
Net Proceeds	\$ 1,048.58	<b>78</b>	
Fiduciary Acquisition Value	1,048.58		
Net Gain			0.00
02/06/2013 Sale of Ishares 20+ Yr Tr Bd ETF 17 Units			
Net Proceeds	\$ 1,909.63	<b>75</b>	
Fiduciary Acquisition Value	1,613.30		
Net Gain			296.33
02/06/2013 Sale of SPDR Series Trust DJ Reit 49 Units			
Net Proceeds	\$ 3,623.97	<b>75</b>	
Fiduciary Acquisition Value	1,928.64		
Net Gain			1,695.33
02/06/2013 Sale of Vanguard Intl Equity Index Fd FTSE Europe ETF 50 Units			
Net Proceeds	\$ 2,485.44	<b>75</b>	
Fiduciary Acquisition Value	2,007.43		
Net Gain			478.01

GAINS AND LOSSES ON SALES AND OTHER DISPOSITIONS

Joshua Z. Bernstein Irrevocable Trust Dated September 7, 2006  
For Period 7/30/2010 Through 5/26/2014

		Gain	Loss
		-----	-----
02/06/2013	Sale of Vanguard Index Fds Growth ETF 43 Units		
	Net Proceeds	\$ 3,126.68	
	Fiduciary Acquisition Value	1,737.63	
		<hr/>	
	Net Gain		\$ 1,389.05
		<b>75</b>	
02/06/2013	Sale of Vanguard Index Fds Value 60 Units		
	Net Proceeds	\$ 3,676.30	
	Fiduciary Acquisition Value	2,474.40	
		<hr/>	
	Net Gain		1,201.90
		<b>75</b>	
02/11/2013	Redeem - Advantage Primary Liq Fd		
	Net Proceeds	\$ 252.95	
	Fiduciary Acquisition Value	252.95	
		<hr/>	
	Net Gain		0.00
		<b>78</b>	
02/27/2013	Redeem - Advantage Primary Liq Fd		
	Net Proceeds	\$ 100.24	
	Fiduciary Acquisition Value	100.24	
		<hr/>	
	Net Gain		0.00
		<b>78</b>	
02/28/2013	Redeem - Advantage Bank Deposit		
	Net Proceeds	\$ 2,557.72	
	Fiduciary Acquisition Value	2,557.72	
		<hr/>	
	Net Gain		0.00
		<b>78</b>	
02/28/2013	Redeem - Advantage Primary Liq Fd		
	Net Proceeds	\$ 442.28	
	Fiduciary Acquisition Value	442.28	
		<hr/>	
	Net Gain		0.00
		<b>78</b>	

GAINS AND LOSSES ON SALES AND OTHER DISPOSITIONS

Joshua Z. Bernstein Irrevocable Trust Dated September 7, 2006  
For Period 7/30/2010 Through 5/26/2014

		Gain	Loss
03/11/2013 Redeem - Advantage Bank Deposit			
Net Proceeds	\$ 340.00	<b>78</b>	
Fiduciary Acquisition Value	340.00		
Net Gain			\$ 0.00
03/12/2013 Redeem - Advantage Bank Deposit			
Net Proceeds	\$ 2,981.85	<b>78</b>	
Fiduciary Acquisition Value	2,981.85		
Net Gain			0.00
03/13/2013 Redeem - Advantage Bank Deposit			
Net Proceeds	\$ 54.00	<b>78</b>	
Fiduciary Acquisition Value	54.00		
Net Gain			0.00
04/05/2013 Redeem - Advantage Bank Deposit			
Net Proceeds	\$ 2,939.27	<b>78</b>	
Fiduciary Acquisition Value	2,939.27		
Net Gain			0.00
04/15/2013 Redeem - Advantage Bank Deposit			
Net Proceeds	\$ 100.00	<b>78</b>	
Fiduciary Acquisition Value	100.00		
Net Gain			0.00
04/25/2013 Redeem - Advantage Bank Deposit			
Net Proceeds	\$ 69.02	<b>78</b>	
Fiduciary Acquisition Value	69.02		
Net Gain			0.00
05/02/2013 Sale of Vanguard Intl Equity Index Fd Mega Cap Gr ETF 30 Units			
Net Proceeds	\$ 1,733.75	<b>76</b>	
Fiduciary Acquisition Value	1,272.00		
Net Gain			461.75

GAINS AND LOSSES ON SALES AND OTHER DISPOSITIONS

Joshua Z. Bernstein Irrevocable Trust Dated September 7, 2006  
For Period 7/30/2010 Through 5/26/2014

		Gain	Loss
05/02/2013	Sale of Vanguard Index Fds Small Cap Growth 15 Units		
	Net Proceeds	\$ 1,403.76	<b>76</b>
	Fiduciary Acquisition Value	644.25	
	Net Gain		\$ 759.51
05/02/2013	Sale of Vanguard Index Fds Value 25 Units		
	Net Proceeds	\$ 1,590.96	<b>76</b>
	Fiduciary Acquisition Value	1,031.00	
	Net Gain		559.96
05/02/2013	Sale of Ishares Tips Bd ETF 10 Units		
	Net Proceeds	\$ 1,144.67	<b>75</b>
	Fiduciary Acquisition Value	950.00	
	Net Gain		194.67
05/02/2013	Sale of Ishares IBOXX Inv CP ETF 6 Units		
	Net Proceeds	\$ 654.32	<b>76</b>
	Fiduciary Acquisition Value	542.52	
	Net Gain		111.80
05/02/2013	Sale of Ishares 7-10 Year Tr Bd ETF 19 Units		
	Net Proceeds	\$ 2,000.34	<b>76</b>
	Fiduciary Acquisition Value	1,687.77	
	Net Gain		312.57
05/02/2013	Sale of Ishares 7-10 Year Tr Bd ETF 3 Units		
	Net Proceeds	\$ 315.84	<b>76</b>
	Fiduciary Acquisition Value	296.35	
	Net Gain		19.49

GAINS AND LOSSES ON SALES AND OTHER DISPOSITIONS

Joshua Z. Bernstein Irrevocable Trust Dated September 7, 2006  
For Period 7/30/2010 Through 5/26/2014

		Gain	Loss
05/02/2013	Sale of SPDR Series Trust BRC High Yield Bd 26 Units		
	Net Proceeds	\$ 1,000.79	
	Fiduciary Acquisition Value	803.66	
		<b>76</b>	
	Net Gain		\$ 197.13
05/02/2013	Sale of SPDR Series Trust Barclays Intl ETF 15 Units		
	Net Proceeds	\$ 814.72	
	Fiduciary Acquisition Value	741.15	
		<b>76</b>	
	Net Gain		73.57
05/03/2013	Redeem - Advantage Bank Deposit		
	Net Proceeds	\$ 2,000.00	
	Fiduciary Acquisition Value	2,000.00	
		<b>78</b>	
	Net Gain		0.00
05/06/2013	Redeem - Advantage Bank Deposit		
	Net Proceeds	\$ 20.00	
	Fiduciary Acquisition Value	20.00	
		<b>78</b>	
	Net Gain		0.00
05/13/2013	Redeem - Advantage Bank Deposit		
	Net Proceeds	\$ 144.95	
	Fiduciary Acquisition Value	144.95	
		<b>78</b>	
	Net Gain		0.00
05/15/2013	Redeem - Advantage Bank Deposit		
	Net Proceeds	\$ 477.07	
	Fiduciary Acquisition Value	477.07	
		<b>78</b>	
	Net Gain		0.00

GAINS AND LOSSES ON SALES AND OTHER DISPOSITIONS

Joshua Z. Bernstein Irrevocable Trust Dated September 7, 2006  
For Period 7/30/2010 Through 5/26/2014

		Gain	Loss
05/17/2013 Redeem - Advantage Bank Deposit			
Net Proceeds	\$ 4,000.00	<b>78</b>	
Fiduciary Acquisition Value	4,000.00		
Net Gain		\$ 0.00	
05/24/2013 Redeem - Advantage Bank Deposit			
Net Proceeds	\$ 700.00	<b>78</b>	
Fiduciary Acquisition Value	700.00		
Net Gain		0.00	
05/30/2013 Redeem - Advantage Bank Deposit			
Net Proceeds	\$ 627.50	<b>78</b>	
Fiduciary Acquisition Value	627.50		
Net Gain		0.00	
05/31/2013 Redeem - Advantage Bank Deposit			
Net Proceeds	\$ 1,995.31	<b>78</b>	
Fiduciary Acquisition Value	1,995.31		
Net Gain		0.00	
06/04/2013 Sale of Vanguard Intl Equity Index Fd FTSE Emr Mkt ETF 40 Units			
Net Proceeds	\$ 1,617.17	<b>76</b>	
Fiduciary Acquisition Value	987.20		
Net Gain		629.97	
06/04/2013 Sale of Vanguard Intl Equity Index Fd Mega Cap Gr ETF 13 Units			
Net Proceeds	\$ 718.62	<b>76</b>	
Fiduciary Acquisition Value	551.20		
Net Gain		167.42	



GAINS AND LOSSES ON SALES AND OTHER DISPOSITIONS

Joshua Z. Bernstein Irrevocable Trust Dated September 7, 2006  
For Period 7/30/2010 Through 5/26/2014

		Gain	Loss
06/04/2013	Sale of Vanguard Intl Equity Index Fd Mega Cap Gr ETF 19 Units		
	Net Proceeds	\$ 1,050.30	
	Fiduciary Acquisition Value	741.38	
		<b>76</b>	
	Net Gain		\$ 308.92
06/04/2013	Sale of Vanguard Intl Equity Index Fd FTSE Europe ETF 20 Units		
	Net Proceeds	\$ 1,043.18	
	Fiduciary Acquisition Value	802.97	
		<b>76</b>	
	Net Gain		240.21
06/04/2013	Sale of Vanguard Index Fds Small Cap Growth 8 Units		
	Net Proceeds	\$ 801.87	
	Fiduciary Acquisition Value	343.60	
		<b>76</b>	
	Net Gain		458.27
06/04/2013	Sale of Vanguard Index Fds Small Cap Growth 10 Units		
	Net Proceeds	\$ 1,002.33	
	Fiduciary Acquisition Value	383.90	
		<b>76</b>	
	Net Gain		618.43
06/04/2013	Sale of Vanguard Index Fds Growth ETF 15 Units		
	Net Proceeds	\$ 1,212.97	
	Fiduciary Acquisition Value	606.15	
		<b>76</b>	
	Net Gain		606.82
06/14/2013	Redeem - Advantage Bank Deposit		
	Net Proceeds	\$ 64.15	
	Fiduciary Acquisition Value	64.15	
		<b>78</b>	
	Net Gain		0.00

GAINS AND LOSSES ON SALES AND OTHER DISPOSITIONS

Joshua Z. Bernstein Irrevocable Trust Dated September 7, 2006  
For Period 7/30/2010 Through 5/26/2014

			Gain	Loss
06/28/2013 Redeem - Advantage Bank Deposit				
Net Proceeds	\$ 2,614.00		<b>78</b>	
Fiduciary Acquisition Value	2,614.00			
Net Gain			\$	0.00
07/01/2013 Redeem - Advantage Bank Deposit				
Net Proceeds	\$ 3,925.67		<b>78</b>	
Fiduciary Acquisition Value	3,925.67			
Net Gain				0.00
07/03/2013 Sale of Ishares 7-10 Year Tr Bd ETF 5 Units				
Net Proceeds	\$ 506.14		<b>76</b>	
Fiduciary Acquisition Value	493.92			
Net Gain				12.22
07/03/2013 Sale of Ishares MBS ETF 5 Units				
Net Proceeds	\$ 520.29		<b>76</b>	
Fiduciary Acquisition Value	509.50			
Net Gain				10.79
07/03/2013 Sale of Vanguard Intl Equity Index Fd FTSE Emr Mkt ETF 36 Units				
Net Proceeds	\$ 1,313.53		<b>76</b>	
Fiduciary Acquisition Value	888.48			
Net Gain				425.05
07/03/2013 Sale of Vanguard Index Fds Small Cap Val 17 Units				
Net Proceeds	\$ 1,347.80		<b>76</b>	
Fiduciary Acquisition Value	725.39			
Net Gain				622.41

GAINS AND LOSSES ON SALES AND OTHER DISPOSITIONS

Joshua Z. Bernstein Irrevocable Trust Dated September 7, 2006  
For Period 7/30/2010 Through 5/26/2014

		Gain	Loss
07/03/2013	Sale of Vanguard Index Fds Value 20 Units		
	Net Proceeds	\$ 1,280.57	
	Fiduciary Acquisition Value	738.80	
		<b>76</b>	
	Net Gain		\$ 541.77
07/16/2013	Redeem - Advantage Bank Deposit		
	Net Proceeds	\$ 3,996.49	
	Fiduciary Acquisition Value	3,996.49	
		<b>79</b>	
	Net Gain		0.00
07/19/2013	Sale of Ishares 7-10 Year Tr Bd ETF 18 Units		
	Net Proceeds	\$ 1,834.92	
	Fiduciary Acquisition Value	1,778.11	
		<b>76</b>	
	Net Gain		56.81
07/19/2013	Sale of Ishares MBS ETF 5 Units		
	Net Proceeds	\$ 518.74	
	Fiduciary Acquisition Value	509.50	
		<b>76</b>	
	Net Gain		9.24
07/19/2013	Sale of Ishares MBS ETF 5 Units		
	Net Proceeds	\$ 518.74	
	Fiduciary Acquisition Value	509.50	
		<b>76</b>	
	Net Gain		9.24
07/19/2013	Sale of Vanguard Intl Equity Index Fd FTSE Europe ETF 35 Units		
	Net Proceeds	\$ 1,761.06	
	Fiduciary Acquisition Value	1,405.21	
		<b>76</b>	
	Net Gain		355.85

GAINS AND LOSSES ON SALES AND OTHER DISPOSITIONS

Joshua Z. Bernstein Irrevocable Trust Dated September 7, 2006  
For Period 7/30/2010 Through 5/26/2014

			Gain	Loss
07/19/2013	Sale of Vanguard Index Fds Growth ETF 10 Units			
	Net Proceeds	\$ 815.38	<b>76</b>	
	Fiduciary Acquisition Value	404.10		
	Net Gain		\$ 411.28	
07/19/2013	Sale of Vanguard Index Fds Growth ETF 5 Units			
	Net Proceeds	\$ 407.56	<b>76</b>	
	Fiduciary Acquisition Value	202.05		
	Net Gain		205.51	
07/19/2013	Sale of Vanguard Index Fds Growth ETF 4 Units			
	Net Proceeds	\$ 326.05	<b>76</b>	
	Fiduciary Acquisition Value	240.71		
	Net Gain		85.34	
07/19/2013	Sale of Vanguard Index Fds Value 10 Units			
	Net Proceeds	\$ 703.58	<b>76</b>	
	Fiduciary Acquisition Value	369.40		
	Net Gain		334.18	
07/19/2013	Sale of Vanguard Index Fds Value 3 Units			
	Net Proceeds	\$ 207.18	<b>77</b>	
	Fiduciary Acquisition Value	110.82		
	Net Gain		96.36	
07/22/2013	Redeem - Advantage Bank Deposit			
	Net Proceeds	\$ 4,198.00	<b>79</b>	
	Fiduciary Acquisition Value	4,198.00		
	Net Gain		0.00	

GAINS AND LOSSES ON SALES AND OTHER DISPOSITIONS

Joshua Z. Bernstein Irrevocable Trust Dated September 7, 2006  
For Period 7/30/2010 Through 5/26/2014

			Gain	Loss
07/24/2013 Redeem - Advantage Bank Deposit				
Net Proceeds	\$ 35.64		<b>79</b>	
Fiduciary Acquisition Value	35.64			
Net Gain			\$ 0.00	
08/07/2013 Redeem - Advantage Bank Deposit				
Net Proceeds	\$ 1,000.00		<b>79</b>	
Fiduciary Acquisition Value	1,000.00			
Net Gain			0.00	
08/13/2013 Redeem - Advantage Bank Deposit				
Net Proceeds	\$ 2,099.00		<b>79</b>	
Fiduciary Acquisition Value	2,099.00			
Net Gain			0.00	
09/10/2013 Redeem - Advantage Bank Deposit				
Net Proceeds	\$ 90.00		<b>79</b>	
Fiduciary Acquisition Value	90.00			
Net Gain			0.00	
09/17/2013 Sale of Ishares MBS ETF 5 Units				
Net Proceeds	\$ 514.94		<b>77</b>	
Fiduciary Acquisition Value	509.50			
Net Gain			5.44	
09/17/2013 Sale of Vanguard Index Fds Growth ETF 9 Units				
Net Proceeds	\$ 679.58		<b>77</b>	
Fiduciary Acquisition Value	541.59			
Net Gain			137.99	

GAINS AND LOSSES ON SALES AND OTHER DISPOSITIONS

Joshua Z. Bernstein Irrevocable Trust Dated September 7, 2006  
For Period 7/30/2010 Through 5/26/2014

		Gain	Loss
		-----	-----
09/17/2013 Sale of Vanguard Index Fds Value 7 Units			
Net Proceeds	\$ 490.94	<b>77</b>	
Fiduciary Acquisition Value	258.58		
	-----		
Net Gain		\$ 232.36	
09/19/2013 Redeem - Advantage Bank Deposit			
Net Proceeds	\$ 1,694.09	<b>79</b>	
Fiduciary Acquisition Value	1,694.09		
	-----		
Net Gain			0.00
04/11/2014 Redeem - Advantage Bank Deposit			
Net Proceeds	\$ 480.00	<b>79</b>	
Fiduciary Acquisition Value	480.00		
	-----		
Net Gain			0.00
Net Gain		\$ 14,523.88	
		-----	
		-----	

OTHER RECEIPTS ALLOCABLE TO PRINCIPAL  
Joshua Z. Bernstein Irrevocable Trust Dated September 7, 2006  
For Period 7/30/2010 Through 5/26/2014

Income Taxes - Refunds (Prin)

Miscellaneous

01/03/2011 2009 Federal Fiduciary Tax Refund - Check Dtd 12/28/2010	\$ 2,729.00	<b>1762 1643,</b>
01/20/2011 2008 Federal Fiduciary Tax Refund	25,569.82	<b>1667 1626,</b>
10/24/2011 2010 Federal Fiduciary Tax Refund	2,482.00	<b>1628</b>
02/12/2014 2010 Federal Fiduciary Tax Refund	2,613.00	<b>1640-1641</b>
	<hr/>	
	33,393.82	

Total Income Taxes - Refunds (Prin) \$ 33,393.82

TOTAL OTHER RECEIPTS \$ 33,393.82

**DISBURSEMENTS OF PRINCIPAL**  
 Joshua Z. Bernstein Irrevocable Trust Dated September 7, 2006  
 For Period 7/30/2010 Through 5/26/2014

Accountant Fees (Prin)

10/14/2010 CBIZ MHM LLC (50% Principal) - Payment of Accounting thru 7/31/10	\$ 927.25	<b>79</b>	
10/21/2011 2010 Fiduciary Tax Preparation Fee (50% Principal)	137.50	<b>82</b>	
10/24/2012 2011 Fiduciary Tax Preparation Fee (50% Principal)	137.50	<b>82</b>	
02/26/2013 2011 Tax Preparation Fee for Amended Return (50% Principal)	61.00	<b>82</b>	
09/18/2013 2013 Fiduciary Tax Preparation and Analytics Fee (50% Principal)	175.00	<b>83</b>	
			\$ 1,438.25

Fees and Commissions (Prin)

10/10/2012 Oppenheimer & Co Mgmt Fee 10/8 - 12/31/12 (50% Principal)	\$ 89.76	<b>82</b>	
10/15/2012 Cancel Oppenheimer & Co Mgmt Fee 10/8 - 12/31/12 (50% Principal)	(89.76)	<b>82</b>	
			0.00

Fiduciary Fees (Prin)

10/12/2010 Trust Department Fee for Quarter Ended 9/30/10 (50% Principal)	\$ 9.62	<b>81</b>	
01/10/2011 Trust Department Fee for Quarter Ended 12/31/10 (50% Principal)	55.13	<b>81</b>	
04/20/2011 Trust Department Fee for Quarter Ended 3/31/11 (50% Principal)	94.72	<b>81</b>	
07/21/2011 Trust Department Fee for Quarter Ended 6/30/11 (50% Principal)	95.28	<b>81</b>	
10/13/2011 Trust Department Fee for Quarter Ended 9/30/11 (50% Principal)	86.49	<b>81</b>	
01/09/2012 Trust Department Fee for Quarter Ended 12/31/11 (50% Principal)	91.86	<b>81</b>	
04/20/2012 Trust Department Fee for Quarter Ended 3/31/12 (50% Principal)	95.94	<b>81</b>	



DISBURSEMENTS OF PRINCIPAL

Joshua Z. Bernstein Irrevocable Trust Dated September 7, 2006  
For Period 7/30/2010 Through 5/26/2014

07/16/2012 Trust Department Fee for Quarter Ended 6/30/12 (50% Principal)	\$ 94.87	<b>81</b>
10/19/2012 Trust Department Fee for Quarter Ended 9/30/12 (50% Principal)	96.84	<b>81</b>
01/22/2013 Trust Department Fee for Quarter Ended 12/31/12 (50% Principal)	61.87	<b>81</b>
04/24/2013 Trust Department Fee for Quarter Ended 3/31/13 (50% Principal)	45.08	<b>81</b>
07/23/2013 Trust Department Fee for Quarter Ended 6/30/13 (50% Principal)	17.82	<b>81</b>
09/18/2013 Prorated Trustee Fee for Period 7/1/13 - 9/18/13 (50% Principal)	1.86	<b>81</b>
	<hr/>	
		\$ 847.38

Income Taxes (Prin)

07/13/2011 United States Treasury - 2011 Federal Estimated Fiduciary Tax, Voucher #2 Check number 20331	\$ 1,139.00	<b>937-940</b>
08/31/2011 United States Treasury - 2011 Federal Fiduciary Estimated Tax, Voucher #3 Check number 20580	657.00	<b>937-940</b>
12/22/2011 United States Treasury - 2011 Federal Fiduciary Estimated Tax, Voucher #4 Check number 21379	657.00	<b>937-940</b>
05/15/2013 United States Treasury - 2011 Federal Fiduciary Tax from Amended Return Check number 24789	477.07	<b>1630-1631, 1636</b>
04/11/2014 United States Treasury - 2013 Federal Fiduciary Income Tax Paid with Extension Check number 26930	480.00	<b>1606-1607, 1609-1610</b>
	<hr/>	
		3,410.07
		<hr/>
TOTAL DISBURSEMENTS OF PRINCIPAL		\$ 5,695.70
		<hr/> <hr/>

DISTRIBUTIONS OF PRINCIPAL FOR BENEFICIARIES  
Joshua Z. Bernstein Irrevocable Trust Dated September 7, 2006  
For Period 7/30/2010 Through 5/26/2014

For: Joshua Z. Bernstein  
To St. Andrew's School - Tuition

11/14/2012 Cash on Hand Check number 23517	\$ 10,219.50	<b>919-925</b>
06/28/2013 Cash	2,614.00	<b>759-763</b>
07/22/2013 Cash	4,198.00	<b>745-747</b>
08/13/2013 Cash	2,099.00	<b>733-740</b>

For: Joshua Z. Bernstein  
To Charitis Property Casualty Co - Car Insurance

11/21/2012 Cash	3,482.00	<b>911-918</b>
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For: Joshua Z. Bernstein  
To St. Andrew's School - Bookstore Charges

01/30/2013 Cash on Hand Check number 23978	67.63	<b>831-833</b>
02/11/2013 Cash on Hand Check number 24051	252.95	<b>822-826</b>
03/13/2013 Cash on Hand Check number 24190	54.00	<b>807-810</b>
04/15/2013 Cash on Hand Check number 24587	100.00	<b>800-802</b>
05/13/2013 Cash on Hand Check number 24768	144.95	<b>784-786</b>
06/14/2013 Cash on Hand Check number 24981	64.15	<b>764-766</b>

For: Joshua Z. Bernstein  
To Doug Shanahan - Lacrosse Lessons

03/11/2013 Cash	340.00	<b>811-813</b>
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DISTRIBUTIONS OF PRINCIPAL FOR BENEFICIARIES

Joshua Z. Bernstein Irrevocable Trust Dated September 7, 2006  
 For Period 7/30/2010 Through 5/26/2014

For: Joshua Z. Bernstein To David Posnack JCC - Maccabi Games			
05/02/2013	Cash on Hand Check number 24704	\$ 322.50	<b>794-799</b>
05/24/2013	Cash on Hand Check number 24836	700.00	<b>777-779</b>
05/30/2013	Cash on Hand Check number 24848	627.50	<b>774-776</b>
For: Joshua Z. Bernstein To Boca Raton Family & Pediatrics - Medical Bill			
05/06/2013	Cash	20.00	<b>787-789</b>
For: Joshua Z. Bernstein To Lacrosse Tournament Expenses			
11/29/2012	Cash	250.00	<b>904-910</b>
For: Joshua Z. Bernstein To Computer Purchase			
01/15/2013	Cash	1,167.03	<b>843-849</b>
For: Joshua Z. Bernstein To Living Expenses for Joshua Bernstein			
01/30/2013	Cash on Hand Check number 23975	980.95	<b>834-837</b>
For: Joshua Z. Bernstein To Health insurance premium for Joshua Bernstein			
05/20/2013	Bernstein Family Realty LLC (33% interest)	646.36	<b>272-275</b>
05/30/2013	Bernstein Family Realty LLC (33% interest)	646.36	<b>262-265</b>
07/01/2013	Bernstein Family Realty LLC (33% interest)	646.36	<b>216-219</b>

DISTRIBUTIONS OF PRINCIPAL FOR BENEFICIARIES

Joshua Z. Bernstein Irrevocable Trust Dated September 7, 2006  
 For Period 7/30/2010 Through 5/26/2014

08/05/2013 Bernstein Family Realty LLC (33% interest)	\$ 646.36	<b>174-178</b>
09/19/2013 Bernstein Family Realty LLC (33% interest)	646.36	<b>122-124</b>

For: Joshua Z. Bernstein  
 To Bernstein Family Realty LLC - Telephone - Verizon Wireless  
 Acct #470547806-00002

01/31/2013 Bernstein Family Realty LLC (33% interest)	283.69	<b>462-464</b>
05/06/2013 Bernstein Family Realty LLC (33% interest)	148.81	<b>301-303</b>
05/30/2013 Bernstein Family Realty LLC (33% interest)	156.88	<b>269-271</b>
07/01/2013 Bernstein Family Realty LLC (33% interest)	170.21	<b>226-228</b>
08/07/2013 Bernstein Family Realty LLC (33% interest)	151.87	<b>146-148</b>
09/19/2013 Bernstein Family Realty LLC (33% interest)	166.97	<b>134-136</b>

For: Joshua Z. Bernstein  
 To Bernstein Family Realty LLC - Utilities - City of Boca Raton  
 Acct #144235-6496

01/31/2013 Bernstein Family Realty LLC (33% interest)	47.94	<b>435-438</b>
02/07/2013 Bernstein Family Realty LLC (33% interest)	84.46	<b>390-392</b>
04/05/2013 Bernstein Family Realty LLC (33% interest)	70.79	<b>342-344</b>
07/11/2013 Bernstein Family Realty LLC (33% interest)	73.68	<b>187-191</b>
08/07/2013 Bernstein Family Realty LLC (33% interest)	91.63	<b>140-142</b>

For: Joshua Z. Bernstein  
 To Bernstein Family Realty LLC - Utilities - FPL Acct  
 #43111-50311

02/07/2013 Bernstein Family Realty LLC (33% interest)	148.78	<b>386-389</b>
03/11/2013 Bernstein Family Realty LLC (33% interest)	114.18	<b>352-354</b>
04/05/2013 Bernstein Family Realty LLC (33% interest)	120.99	<b>345-347</b>

DISTRIBUTIONS OF PRINCIPAL FOR BENEFICIARIES

Joshua Z. Bernstein Irrevocable Trust Dated September 7, 2006  
 For Period 7/30/2010 Through 5/26/2014

05/06/2013 Bernstein Family Realty LLC (33% interest)	\$ 147.14	<b>310-312</b>
06/03/2013 Bernstein Family Realty LLC (33% interest)	153.97	<b>259-261</b>
07/01/2013 Bernstein Family Realty LLC (33% interest)	154.25	<b>229-231</b>
08/07/2013 Bernstein Family Realty LLC (33% interest)	181.89	<b>149-151</b>
09/19/2013 Bernstein Family Realty LLC (33% interest)	173.88	<b>137-139</b>
For: Joshua Z. Bernstein		
To Bernstein Family Realty LLC - Repairs - Mr. Electric		
12/12/2012 Cash on Hand	500.00	<b>857-858</b>
Check number 23666		<b>&amp; 838-842</b>
01/18/2013 Bernstein Family Realty LLC (33% interest)	423.70	<b>481-487</b>
01/31/2013 Bernstein Family Realty LLC (33% interest)	102.63	<b>453-461</b>
For: Joshua Z. Bernstein		
To Bernstein Family Realty LLC - Repairs - First Choice Plumbing		
01/15/2013 Bernstein Family Realty LLC (33% interest)	83.33	<b>492-495</b>
For: Joshua Z. Bernstein		
To Bernstein Family Realty LLC - Repairs - Kool Ray Air Conditioning		
01/15/2013 Bernstein Family Realty LLC (33% interest)	108.33	<b>488-491</b>
01/31/2013 Bernstein Family Realty LLC (33% interest)	35.00	<b>449-452</b>
For: Joshua Z. Bernstein		
To Bernstein Family Realty LLC - Security - Your Security Connection		
01/03/2013 Bernstein Family Realty LLC (33% interest)	24.37	<b>519-522</b>
04/05/2013 Bernstein Family Realty LLC (33% interest)	24.37	<b>333-335</b>
07/22/2013 Bernstein Family Realty LLC (33% interest)	24.37	<b>179-182</b>

DISTRIBUTIONS OF PRINCIPAL FOR BENEFICIARIES

Joshua Z. Bernstein Irrevocable Trust Dated September 7, 2006  
For Period 7/30/2010 Through 5/26/2014

For: Joshua Z. Bernstein  
To Bernstein Family Realty LLC - Maintenance - Claude  
Maxime

01/31/2013 Bernstein Family Realty LLC (33% interest)	\$ 80.00	<b>446-448</b>
05/06/2013 Bernstein Family Realty LLC (33% interest)	130.00	<b>304-306</b>
09/19/2013 Bernstein Family Realty LLC (33% interest)	186.67	<b>131-133</b>

For: Joshua Z. Bernstein  
To Bernstein Family Realty LLC - Maintenance - Aquatic Isles  
Pool Service Acct MM3

01/31/2013 Bernstein Family Realty LLC (33% interest)	26.87	<b>443-445</b>
02/04/2013 Bernstein Family Realty LLC (33% interest)	26.67	<b>403-405</b>
04/05/2013 Bernstein Family Realty LLC (33% interest)	81.67	<b>336-338</b>
05/06/2013 Bernstein Family Realty LLC (33% interest)	26.67	<b>307-309</b>
07/01/2013 Bernstein Family Realty LLC (33% interest)	119.78	<b>223-225</b>
09/19/2013 Bernstein Family Realty LLC (33% interest)	80.00	<b>128-130</b>

For: Joshua Z. Bernstein  
To Bernstein Family Realty LLC - Maintenance - Pest-Aside Inc.

03/11/2013 Bernstein Family Realty LLC (33% interest)	28.33	<b>358-360</b>
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For: Joshua Z. Bernstein  
To Bernstein Family Realty LLC - Cable - Comcast Acct  
#01638 567818-02-7

01/31/2013 Bernstein Family Realty LLC (33% interest)	114.27	<b>439-442</b>
03/11/2013 Bernstein Family Realty LLC (33% interest)	243.42	<b>355-357</b>
04/05/2013 Bernstein Family Realty LLC (33% interest)	92.02	<b>339-341</b>
05/06/2013 Bernstein Family Realty LLC (33% interest)	124.10	<b>298-300</b>

DISTRIBUTIONS OF PRINCIPAL FOR BENEFICIARIES

Joshua Z. Bernstein Irrevocable Trust Dated September 7, 2006  
For Period 7/30/2010 Through 5/26/2014

05/30/2013 Bernstein Family Realty LLC (33% interest)	\$ 120.81	<b>266-268</b>
07/01/2013 Bernstein Family Realty LLC (33% interest)	126.51	<b>220-222</b>
08/07/2013 Bernstein Family Realty LLC (33% interest)	114.28	<b>143-145</b>
09/19/2013 Bernstein Family Realty LLC (33% interest)	18.23	<b>125-127</b>
For: Joshua Z. Bernstein To Bernstein Family Realty LLC - Insurance - Massey, Clark, Fischer Inc.		
02/01/2013 Bernstein Family Realty LLC (33% interest)	2,795.93	<b>406-410</b>
For: Joshua Z. Bernstein To Bernstein Family Realty LLC - Insurance - Tower Hill Preferred Insurance Company		
02/01/2013 Bernstein Family Realty LLC (33% interest)	137.33	<b>411-415</b>
For: Joshua Z. Bernstein Legal Fees - Tripp Scott PA Acct #995508-0001M		
02/28/2013 Bernstein Family Realty LLC (33% interest)	1,883.00	<b>381-385</b>
03/13/2013 Bernstein Family Realty LLC (33% interest)	1,178.00	<b>348-351</b>
07/11/2013 Bernstein Family Realty LLC (33% interest)	430.00	<b>183-186</b>
For: Joshua Z. Bernstein Legal Fees - Tescher & Spallina PA		
11/03/2010 Cash on Hand Check number 23667	669.21	<b>941-946</b>
10/15/2013 Bernstein Family Realty LLC (33% interest)	2,000.00	<b>94-98</b>
For: Joshua Z. Bernstein To Bernstein Family Realty LLC - Filing Fees - Florida Department of State		
04/15/2013 Bernstein Family Realty LLC (33% interest)	47.92	<b>1524</b>

DISTRIBUTIONS OF PRINCIPAL FOR BENEFICIARIES

Joshua Z. Bernstein Irrevocable Trust Dated September 7, 2006  
 For Period 07/30/2010 Through 05/26/2014

03/20/2014 Bernstein Family Realty LLC (33% interest)	\$ 47.92	<b>1522-1523</b>
For: Joshua Z. Bernstein To Bernstein Family Realty LLC - Real Estate Taxes - Tax Collector, Palm Beach County		
12/03/2012 Cash	1,803.59	<b>895-898</b>
For: Joshua Z. Bernstein To Bernstein Family Realty LLC - Legal Fees - Mark R. Manceri, PA Trust Account		
05/20/2013 Bernstein Family Realty LLC (33% interest)	1,666.67	<b>276-277</b>
For: Joshua Z. Bernstein To Bernstein Family Realty LLC - Interest - Walter Sahn		
10/15/2013 Bernstein Family Realty LLC (33% interest)	1,283.33	<b>90-93</b>
Total for Joshua Z. Bernstein	\$50,587.27	
For: Candice Bernstein To Living Expenses for Joshua Bernstein		
01/07/2013 Bernstein Family Realty LLC (33% interest)	881.42	<b>496-518</b>
01/31/2013 Bernstein Family Realty LLC (33% interest)	881.42	<b>416-434</b>
02/04/2013 Bernstein Family Realty LLC (33% interest)	944.81	<b>393-405</b>
03/11/2013 Bernstein Family Realty LLC (33% interest)	2,392.94	<b>361-379</b>
04/05/2013 Bernstein Family Realty LLC (33% interest)	2,918.35	<b>313-332</b>
05/06/2013 Bernstein Family Realty LLC (33% interest)	3,574.13	<b>284-297</b>
05/31/2013 Bernstein Family Realty LLC (33% interest)	1,666.67	<b>232-258</b>
06/05/2013 Bernstein Family Realty LLC (33% interest)	1,101.21	<b>232-258</b>
07/01/2013 Bernstein Family Realty LLC (33% interest)	4,213.92	<b>192-215</b>
08/06/2013 Bernstein Family Realty LLC (33% interest)	3,235.33	<b>152-173</b>



DISTRIBUTIONS OF PRINCIPAL FOR BENEFICIARIES

Joshua Z. Bernstein Irrevocable Trust Dated September 7, 2006  
For Period 7/30/2010 Through 5/26/2014

09/10/2013 Cash on Hand Check number 23667	\$ 90.00	<b>727-732</b>
09/19/2013 Bernstein Family Realty LLC (33% interest)	3,235.33	<b>99-121</b>
Total for Candice Bernstein	<hr/>	\$25,135.53
TOTAL DISTRIBUTIONS OF PRINCIPAL FOR BENEFICIARIES		<hr/> <hr/> \$ 75,722.80

PRINCIPAL BALANCE ON HAND  
 Joshua Z. Bernstein Irrevocable Trust Dated September 7, 2006  
 As of 5/26/2014

	Current Value	Carrying Value	
Oppenheimer Trust Company #21 00 0916 0 03			
Advantage Bank Deposit	\$ 2,194.96	\$ 2,194.96	<b>63</b>
Other Assets			
LIC Holdings Inc (1.33% interest) 6 Units	0.00	0.00	
Miscellaneous Property			
Bernstein Family Realty LLC (33% interest)	118,384.52	118,384.52	
Other Liabilities			
Bernstein Family Realty LLC (33% interest) - 1st Mortgage	(36,667.00)	(36,667.00)	
Bernstein Family Realty LLC (33% interest) - 2nd Mortgage	(121,667.00)	(121,667.00)	
	( \$37,754.52)	( \$37,754.52)	
Less: Income balance on hand	(1,380.21)	(1,380.21)	
PRINCIPAL BALANCE ON HAND	( \$36,374.31)	( \$36,374.31)	

INFORMATION SCHEDULES

Joshua Z. Bernstein Irrevocable Trust Dated September 7, 2006  
For Period 7/30/2010 Through 5/26/2014

Changes in Investment Holdings

Bernstein Family Realty LLC (33% interest)	\$	82,882.85	
11/30/2012 Transfer to Bernstein Family Realty - To Cover Household Expenses		1,000.00	<b>899-903</b>
12/06/2012 Transfer to Bernstein Family Realty LLC - To Cover Household Expenses		3,000.00	<b>865-871</b>
12/10/2012 Transfer to Bernstein Family Realty LLC - To Cover Household Expenses		1,000.00	<b>859-864</b>
12/27/2012 Transfer to Bernstein Family Realty LLC - To Cover Household Expenses		3,000.00	<b>853-856</b>
02/06/2013 Transfer to Bernstein Family Realty LLC - To Cover Household Expenses		6,000.00	<b>827-830</b>
02/27/2013 Transfer to Bernstein Family Realty LLC - To Cover Household Expenses		3,000.00	<b>818-821</b>
03/11/2013 Transfer to Bernstein Family Realty LLC - To Cover Household Expenses		3,000.00	<b>814-817</b>
04/04/2013 Transfer to Bernstein Family Realty LLC - To Cover Household Expenses		3,000.00	<b>803-806</b>
05/03/2013 Transfer to Bernstein Family Realty LLC - To Cover Household Expenses		2,000.00	<b>790-793</b>
05/17/2013 Transfer to Bernstein Family Realty LLC - To Cover Household Expenses		4,000.00	<b>780-783</b>
05/30/2013 Transfer to Bernstein Family Realty LLC - To Cover Household Expenses		2,000.00	<b>770-773</b>
06/04/2013 Transfer to Bernstein Family Realty LLC - To Cover Household Expenses		1,000.00	<b>767-769</b>
06/28/2013 Transfer to Bernstein Family Realty LLC - To Cover Household Expenses		4,000.00	<b>753-756</b>
07/03/2013 Transfer to Bernstein Family Realty LLC - To Cover Household Expenses		1,000.00	<b>752, 754 757-758</b>
07/15/2013 Transfer to Bernstein Family Realty LLC - To Cover Household Expenses		4,000.00	<b>748-751</b>

INFORMATION SCHEDULES

Joshua Z. Bernstein Irrevocable Trust Dated September 7, 2006  
For Period 7/30/2010 Through 5/26/2014

08/06/2013 Transfer to Bernstein Family Realty LLC - To Cover Household Expenses	\$ 1,000.00	<b>741-744</b>	
09/18/2013 Transfer to Bernstein Family Realty LLC - To Cover Household Expenses	1,340.36	<b>722-726</b>	
	<hr/>		\$ 126,223.21
Ishares MBS ETF	\$ 2,038.00		
07/03/2013 Sale of Ishares MBS ETF 5 Units	(509.50)	<b>76</b>	
07/19/2013 Sale of Ishares MBS ETF 5 Units	(509.50)	<b>76</b>	
07/19/2013 Sale of Ishares MBS ETF 5 Units	(509.50)	<b>76</b>	
09/17/2013 Sale of Ishares MBS ETF 5 Units	(509.50)	<b>77</b>	
	<hr/>		0.00
Ishares Tips Bd ETF	\$ 950.00		
05/02/2013 Sale of Ishares Tips Bd ETF 10 Units	(950.00)	<b>75</b>	
	<hr/>		0.00
Ishares 20+ Yr Tr Bd ETF	\$ 1,613.30		
02/06/2013 Sale of Ishares 20+ Yr Tr Bd ETF 17 Units	(1,613.30)	<b>75</b>	
	<hr/>		0.00
Ishares 7-10 Year Tr Bd ETF	\$ 1,687.77		
05/02/2013 Sale of Ishares 7-10 Year Tr Bd ETF 19 Units	(1,687.77)	<b>76</b>	
	<hr/>		0.00
Ishares 7-10 Year Tr Bd ETF	\$ 2,568.38		
05/02/2013 Sale of Ishares 7-10 Year Tr Bd ETF 3 Units	(296.35)	<b>76</b>	

INFORMATION SCHEDULES

Joshua Z. Bernstein Irrevocable Trust Dated September 7, 2006  
For Period 7/30/2010 Through 5/26/2014

07/03/2013 Sale of Ishares 7-10 Year Tr Bd ETF 5 Units	\$ (493.92)	<b>76</b>	
07/19/2013 Sale of Ishares 7-10 Year Tr Bd ETF 18 Units	(1,778.11)	<b>76</b>	
			\$ 0.00
Ishares IBOXX Inv CP ETF	\$ 542.52		
05/02/2013 Sale of Ishares IBOXX Inv CP ETF 6 Units	(542.52)	<b>76</b>	
			0.00
SPDR Series Trust DJ Reit	\$ 1,928.64		
02/06/2013 Sale of SPDR Series Trust DJ Reit 49 Units	(1,928.64)	<b>75</b>	
			0.00
SPDR Series Trust Barclays Intl ETF	\$ 741.15		
05/02/2013 Sale of SPDR Series Trust Barclays Intl ETF 15 Units	(741.15)	<b>76</b>	
			0.00
SPDR Series Trust BRC High Yield Bd	\$ 803.66		
05/02/2013 Sale of SPDR Series Trust BRC High Yield Bd 26 Units	(803.66)	<b>76</b>	
			0.00
Vanguard Intl Equity Index Fd FTSE Emr Mkt ETF	\$ 1,875.68		
06/04/2013 Sale of Vanguard Intl Equity Index Fd FTSE Emr Mkt ETF 40 Units	(987.20)	<b>76</b>	
07/03/2013 Sale of Vanguard Intl Equity Index Fd FTSE Emr Mkt ETF 36 Units	(888.48)	<b>76</b>	
			0.00
Vanguard Intl Equity Index Fd FTSE Europe ETF	\$ 4,215.61		
02/06/2013 Sale of Vanguard Intl Equity Index Fd FTSE Europe ETF 50 Units	(2,007.43)	<b>75</b>	

INFORMATION SCHEDULES

Joshua Z. Bernstein Irrevocable Trust Dated September 7, 2006  
For Period 7/30/2010 Through 5/26/2014

06/04/2013 Sale of Vanguard Intl Equity Index Fd FTSE Europe ETF 20 Units	\$ (802.97)	<b>76</b>	
07/19/2013 Sale of Vanguard Intl Equity Index Fd FTSE Europe ETF 35 Units	(1,405.21)	<b>76</b>	
			\$ 0.00
Vanguard Index Fds Growth ETF	\$ 2,949.93		
02/06/2013 Sale of Vanguard Index Fds Growth ETF 43 Units	(1,737.63)	<b>75</b>	
06/04/2013 Sale of Vanguard Index Fds Growth ETF 15 Units	(606.15)	<b>76</b>	
07/19/2013 Sale of Vanguard Index Fds Growth ETF 10 Units	(404.10)	<b>76</b>	
07/19/2013 Sale of Vanguard Index Fds Growth ETF 5 Units	(202.05)	<b>76</b>	
			0.00
Vanguard Index Fds Growth ETF	\$ 782.30		
07/19/2013 Sale of Vanguard Index Fds Growth ETF 4 Units	(240.71)	<b>76</b>	
09/17/2013 Sale of Vanguard Index Fds Growth ETF 9 Units	(541.59)	<b>77</b>	
			0.00
Vanguard Intl Equity Index Fd Mega Cap Gr ETF	\$ 1,823.20		
05/02/2013 Sale of Vanguard Intl Equity Index Fd Mega Cap Gr ETF 30 Units	(1,272.00)	<b>76</b>	
06/04/2013 Sale of Vanguard Intl Equity Index Fd Mega Cap Gr ETF 13 Units	(551.20)	<b>76</b>	
			0.00
Vanguard Intl Equity Index Fd Mega Cap Gr ETF	\$ 741.38		
06/04/2013 Sale of Vanguard Intl Equity Index Fd Mega Cap Gr ETF 19 Units	(741.38)	<b>76</b>	
			0.00

INFORMATION SCHEDULES

Joshua Z. Bernstein Irrevocable Trust Dated September 7, 2006  
For Period 7/30/2010 Through 5/26/2014

Vanguard Index Fds Small Cap Growth	\$	987.85		
05/02/2013 Sale of Vanguard Index Fds Small Cap Growth 15 Units		(644.25)	<b>76</b>	
06/04/2013 Sale of Vanguard Index Fds Small Cap Growth 8 Units		(343.60)	<b>76</b>	
		<hr/>		\$ 0.00
Vanguard Index Fds Small Cap Growth	\$	383.90		
06/04/2013 Sale of Vanguard Index Fds Small Cap Growth 10 Units		(383.90)	<b>76</b>	
		<hr/>		0.00
Vanguard Index Fds Small Cap Val	\$	725.39		
07/03/2013 Sale of Vanguard Index Fds Small Cap Val 17 Units		(725.39)	<b>76</b>	
		<hr/>		0.00
Vanguard Index Fds Value	\$	4,412.68		
11/03/2010 Sale of Vanguard Index Fds Value 22 Units		(907.28)	<b>75</b>	
02/06/2013 Sale of Vanguard Index Fds Value 60 Units		(2,474.40)	<b>75</b>	
05/02/2013 Sale of Vanguard Index Fds Value 25 Units		(1,031.00)	<b>76</b>	
		<hr/>		0.00
Vanguard Index Fds Value	\$	1,477.60		
07/03/2013 Sale of Vanguard Index Fds Value 20 Units		(738.80)	<b>76</b>	
07/19/2013 Sale of Vanguard Index Fds Value 10 Units		(369.40)	<b>76</b>	
07/19/2013 Sale of Vanguard Index Fds Value 3 Units		(110.82)	<b>77</b>	
09/17/2013 Sale of Vanguard Index Fds Value 7 Units		(258.58)	<b>77</b>	
		<hr/>		0.00

RECEIPTS OF INCOME

Joshua Z. Bernstein Irrevocable Trust Dated September 7, 2006  
For Period 7/30/2010 Through 5/26/2014

Dividends

Advantage Bank Deposit

10/18/2010 Dividend received in October	\$	0.14	<b>64</b>
11/16/2010 Dividend received in November		0.01	<b>64</b>
12/16/2010 Dividend received in December		0.01	<b>65</b>
01/18/2011 Dividend received in January		0.03	<b>65</b>
02/16/2011 Dividend received in February		0.34	<b>65</b>
03/16/2011 Dividend received in March		0.36	<b>66</b>
04/18/2011 Dividend received in April		0.43	<b>66</b>
05/16/2011 Dividend received in May		0.36	<b>66</b>
06/16/2011 Dividend received in June		0.40	<b>67</b>
07/18/2011 Dividend received in July		0.41	<b>67</b>
08/16/2011 Dividend received in August		1.21	<b>67</b>
09/16/2011 Dividend received in September		0.20	<b>68</b>
10/17/2011 Dividend received in October		0.13	<b>68</b>
11/16/2011 Dividend received in November		0.13	<b>68</b>
12/16/2011 Dividend received in December		0.13	<b>69</b>
12/30/2011 Dividend received in December		0.06	<b>69</b>
01/17/2012 Dividend received in January		0.08	<b>69</b>
02/16/2012 Dividend received in February		0.13	<b>69</b>
03/16/2012 Dividend received in March		0.13	<b>70</b>
04/16/2012 Dividend received in April		0.13	<b>70</b>
05/16/2012 Dividend received in May		0.13	<b>70</b>
06/18/2012 Dividend received in June		0.14	<b>71</b>
07/16/2012 Dividend received in July		0.12	<b>71</b>



RECEIPTS OF INCOME

Joshua Z. Bernstein Irrevocable Trust Dated September 7, 2006  
For Period 7/30/2010 Through 5/26/2014

08/16/2012 Dividend received in August	\$	0.13	<b>71</b>
09/17/2012 Dividend received in September		0.14	<b>72</b>
10/09/2012 Dividend received in October		0.10	<b>72</b>
02/19/2013 Dividend received in February		0.02	<b>73</b>
04/16/2013 Dividend received in April		0.01	<b>74</b>
05/16/2013 Dividend received in May		0.02	<b>74</b>
06/17/2013 Dividend received in June		0.02	<b>74</b>
07/16/2013 Dividend received in July		0.02	<b>75</b>
08/16/2013 Dividend received in August		0.01	<b>75</b>
03/17/2014 Dividend received in March		0.01	<b>75</b>
04/16/2014 Dividend received in April		0.01	
05/16/2014 Dividend received in May		0.01	
		<hr/>	
		5.71	
<b>Advantage Primary Liq Fd</b>			
10/19/2012 Dividend received in October		0.17	<b>72</b>
11/16/2012 Dividend received in November		0.47	<b>72</b>
12/21/2012 Dividend received in December		0.16	<b>73</b>
12/31/2012 Dividend received in December		0.02	<b>73</b>
		<hr/>	
		0.82	
<b>Ishares MBS ETF</b>			
10/07/2010 Dividend received in October		6.01	<b>64</b>
11/05/2010 Dividend received in November		4.27	<b>64</b>
12/07/2010 Dividend received in December		5.78	<b>64</b>
01/04/2011 Dividend received in January		6.83	<b>65</b>
02/07/2011 Dividend received in February		6.82	<b>65</b>

RECEIPTS OF INCOME

Joshua Z. Bernstein Irrevocable Trust Dated September 7, 2006  
For Period 7/30/2010 Through 5/26/2014

03/07/2011	Dividend received in March	\$	6.50	<b>66</b>
04/07/2011	Dividend received in April		5.98	<b>66</b>
05/06/2011	Dividend received in May		6.10	<b>66</b>
06/07/2011	Dividend received in June		5.75	<b>67</b>
07/08/2011	Dividend received in July		6.43	<b>67</b>
08/05/2011	Dividend received in August		6.74	<b>67</b>
09/08/2011	Dividend received in September		5.64	<b>67</b>
10/07/2011	Dividend received in October		5.78	<b>68</b>
11/07/2011	Dividend received in November		5.43	<b>68</b>
12/07/2011	Dividend received in December		5.49	<b>68</b>
01/04/2012	Dividend received in January		5.35	<b>69</b>
02/07/2012	Dividend received in February		5.74	<b>69</b>
03/07/2012	Dividend received in March		6.07	<b>70</b>
04/09/2012	Dividend received in April		4.19	<b>70</b>
05/07/2012	Dividend received in May		3.48	<b>70</b>
06/07/2012	Dividend received in June		3.60	<b>71</b>
07/09/2012	Dividend received in July		3.79	<b>71</b>
08/07/2012	Dividend received in August		3.09	<b>71</b>
09/10/2012	Dividend received in September		2.40	<b>71</b>
10/05/2012	Dividend received in October		2.55	<b>72</b>
11/07/2012	Dividend received in November		2.57	<b>72</b>
12/07/2012	Dividend received in December		2.02	<b>73</b>
02/07/2013	Dividend received in February		1.81	<b>73</b>
03/07/2013	Dividend received in March		2.13	<b>74</b>
04/05/2013	Dividend received in April		5.17	<b>74</b>

RECEIPTS OF INCOME

Joshua Z. Bernstein Irrevocable Trust Dated September 7, 2006  
For Period 7/30/2010 Through 5/26/2014

05/07/2013 Dividend received in May	\$ 1.59	<b>74</b>
06/07/2013 Dividend received in June	1.14	<b>74</b>
07/08/2013 Dividend received in July	1.00	<b>75</b>
08/07/2013 Dividend received in August	0.43	<b>75</b>
09/09/2013 Dividend received in September	0.39	<b>75</b>
	<hr/>	
	148.06	
Ishares Tips Bd ETF		
10/07/2010 Dividend received in October	1.35	<b>64</b>
11/05/2010 Dividend received in November	2.55	<b>64</b>
12/07/2010 Dividend received in December	1.79	<b>64</b>
01/04/2011 Dividend received in January	2.63	<b>65</b>
02/07/2011 Dividend received in February	1.64	<b>65</b>
03/07/2011 Dividend received in March	2.74	<b>65</b>
04/07/2011 Dividend received in April	5.82	<b>66</b>
05/06/2011 Dividend received in May	5.94	<b>66</b>
06/07/2011 Dividend received in June	10.49	<b>66</b>
07/08/2011 Dividend received in July	7.55	<b>67</b>
08/05/2011 Dividend received in August	5.81	<b>67</b>
09/08/2011 Dividend received in September	0.10	<b>67</b>
10/07/2011 Dividend received in October	1.73	<b>68</b>
11/07/2011 Dividend received in November	3.60	<b>68</b>
12/07/2011 Dividend received in December	2.41	<b>68</b>
04/09/2012 Dividend received in April	3.24	<b>70</b>
05/07/2012 Dividend received in May	4.26	<b>70</b>
06/07/2012 Dividend received in June	8.04	<b>70</b>

RECEIPTS OF INCOME

Joshua Z. Bernstein Irrevocable Trust Dated September 7, 2006  
For Period 7/30/2010 Through 5/26/2014

07/09/2012 Dividend received in July	\$ 3.53	<b>71</b>
11/07/2012 Dividend received in November	2.92	<b>72</b>
12/07/2012 Dividend received in December	4.85	<b>72</b>
01/02/2013 Dividend received in January	0.09	<b>73</b>
04/05/2013 Dividend received in April	0.80	<b>74</b>
	<hr/>	
	83.88	
Ishares 20+ Yr Tr Bd ETF		
10/07/2010 Dividend received in October	6.67	<b>64</b>
11/05/2010 Dividend received in November	5.43	<b>64</b>
01/04/2011 Dividend received in January	5.45	<b>65</b>
02/07/2011 Dividend received in February	5.44	<b>65</b>
03/07/2011 Dividend received in March	5.05	<b>66</b>
04/07/2011 Dividend received in April	6.56	<b>66</b>
05/06/2011 Dividend received in May	6.80	<b>66</b>
06/07/2011 Dividend received in June	5.98	<b>66</b>
07/08/2011 Dividend received in July	5.43	<b>67</b>
08/05/2011 Dividend received in August	5.53	<b>67</b>
09/08/2011 Dividend received in September	5.48	<b>67</b>
10/07/2011 Dividend received in October	5.20	<b>68</b>
11/07/2011 Dividend received in November	5.09	<b>68</b>
12/07/2011 Dividend received in December	4.93	<b>68</b>
01/04/2012 Dividend received in January	6.46	<b>69</b>
02/07/2012 Dividend received in February	4.91	<b>69</b>
03/07/2012 Dividend received in March	4.54	<b>69</b>
04/09/2012 Dividend received in April	4.93	<b>70</b>

RECEIPTS OF INCOME

Joshua Z. Bernstein Irrevocable Trust Dated September 7, 2006  
 For Period 7/30/2010 Through 5/26/2014

05/07/2012 Dividend received in May	\$	4.82	<b>70</b>
06/07/2012 Dividend received in June		4.47	<b>70</b>
07/09/2012 Dividend received in July		4.57	<b>71</b>
08/07/2012 Dividend received in August		4.63	<b>71</b>
09/10/2012 Dividend received in September		4.62	<b>71</b>
10/05/2012 Dividend received in October		4.41	<b>72</b>
11/07/2012 Dividend received in November		4.58	<b>72</b>
12/07/2012 Dividend received in December		4.16	<b>72</b>
01/02/2013 Dividend received in January		4.56	<b>73</b>
02/07/2013 Dividend received in February		4.42	<b>73</b>
		<hr/>	
		145.12	
 Ishares 7-10 Year Tr Bd ETF			
10/07/2010 Dividend received in October		10.50	<b>64</b>
11/05/2010 Dividend received in November		10.56	<b>64</b>
12/07/2010 Dividend received in December		6.92	<b>65</b>
12/07/2010 Dividend received in December		10.77	<b>64</b>
01/04/2011 Dividend received in January		11.18	<b>65</b>
02/07/2011 Dividend received in February		10.59	<b>65</b>
03/07/2011 Dividend received in March		9.74	<b>66</b>
04/07/2011 Dividend received in April		11.17	<b>66</b>
05/06/2011 Dividend received in May		10.86	<b>66</b>
06/07/2011 Dividend received in June		11.00	<b>66</b>
07/08/2011 Dividend received in July		10.38	<b>67</b>
08/05/2011 Dividend received in August		10.72	<b>67</b>
09/08/2011 Dividend received in September		10.31	<b>67</b>

RECEIPTS OF INCOME

Joshua Z. Bernstein Irrevocable Trust Dated September 7, 2006  
For Period 7/30/2010 Through 5/26/2014

10/07/2011 Dividend received in October	\$	9.51	<b>68</b>
11/07/2011 Dividend received in November		9.42	<b>68</b>
12/07/2011 Dividend received in December		9.01	<b>68</b>
01/04/2012 Dividend received in January		8.52	<b>69</b>
02/07/2012 Dividend received in February		8.59	<b>69</b>
03/07/2012 Dividend received in March		7.63	<b>69</b>
04/09/2012 Dividend received in April		7.98	<b>70</b>
05/07/2012 Dividend received in May		7.57	<b>70</b>
06/07/2012 Dividend received in June		7.68	<b>71</b>
07/09/2012 Dividend received in July		7.21	<b>71</b>
08/07/2012 Dividend received in August		7.30	<b>71</b>
09/10/2012 Dividend received in September		6.79	<b>71</b>
10/05/2012 Dividend received in October		6.36	<b>72</b>
11/07/2012 Dividend received in November		6.54	<b>72</b>
12/07/2012 Dividend received in December		6.16	<b>72</b>
01/02/2013 Dividend received in January		6.78	<b>73</b>
02/07/2013 Dividend received in February		6.30	<b>73</b>
03/07/2013 Dividend received in March		5.70	<b>73</b>
04/05/2013 Dividend received in April		6.51	<b>74</b>
05/07/2013 Dividend received in May		3.10	<b>74</b>
06/07/2013 Dividend received in June		3.26	<b>74</b>
07/08/2013 Dividend received in July		2.51	<b>75</b>
		<hr/>	
		285.13	
Ishares IBOX Inv CP ETF			
10/07/2010 Dividend received in October		2.60	<b>64</b>

RECEIPTS OF INCOME

Joshua Z. Bernstein Irrevocable Trust Dated September 7, 2006  
For Period 7/30/2010 Through 5/26/2014

11/05/2010 Dividend received in November	\$	2.59	<b>64</b>
12/07/2010 Dividend received in December		2.56	<b>64</b>
01/04/2011 Dividend received in January		2.57	<b>65</b>
02/07/2011 Dividend received in February		2.56	<b>65</b>
03/07/2011 Dividend received in March		2.59	<b>65</b>
04/07/2011 Dividend received in April		2.57	<b>66</b>
05/06/2011 Dividend received in May		2.56	<b>66</b>
06/07/2011 Dividend received in June		2.55	<b>66</b>
07/08/2011 Dividend received in July		2.56	<b>67</b>
08/05/2011 Dividend received in August		2.52	<b>67</b>
09/08/2011 Dividend received in September		2.48	<b>67</b>
10/07/2011 Dividend received in October		2.51	<b>68</b>
11/07/2011 Dividend received in November		2.41	<b>68</b>
12/07/2011 Dividend received in December		2.31	<b>68</b>
01/04/2012 Dividend received in January		2.33	<b>69</b>
02/07/2012 Dividend received in February		2.35	<b>69</b>
03/07/2012 Dividend received in March		2.42	<b>69</b>
04/09/2012 Dividend received in April		2.38	<b>70</b>
05/07/2012 Dividend received in May		2.33	<b>70</b>
06/07/2012 Dividend received in June		2.37	<b>70</b>
07/09/2012 Dividend received in July		2.35	<b>71</b>
08/07/2012 Dividend received in August		2.31	<b>71</b>
09/10/2012 Dividend received in September		2.31	<b>71</b>
10/05/2012 Dividend received in October		2.30	<b>72</b>
11/07/2012 Dividend received in November		2.27	<b>72</b>

RECEIPTS OF INCOME

Joshua Z. Bernstein Irrevocable Trust Dated September 7, 2006  
For Period 7/30/2010 Through 5/26/2014

12/07/2012 Dividend received in December	\$ 2.20	<b>72</b>
01/02/2013 Dividend received in January	2.17	<b>73</b>
02/07/2013 Dividend received in February	2.22	<b>73</b>
03/07/2013 Dividend received in March	2.25	<b>73</b>
04/05/2013 Dividend received in April	2.21	<b>74</b>
	<hr/>	
	74.71	
SPDR Series Trust DJ Reit		
09/29/2010 Dividend received in September	23.55	<b>64</b>
12/30/2010 Dividend received in December	25.84	<b>65</b>
03/30/2011 Dividend received in March	19.70	<b>66</b>
06/29/2011 Dividend received in June	25.30	<b>67</b>
09/28/2011 Dividend received in September	24.63	<b>68</b>
12/29/2011 Dividend received in December	29.93	<b>69</b>
03/28/2012 Dividend received in March	21.36	<b>70</b>
06/27/2012 Dividend received in June	26.97	<b>71</b>
10/03/2012 Dividend received in October	29.36	<b>72</b>
01/04/2013 Dividend received in January	31.50	<b>73</b>
03/18/2013 Dividend received in March	0.02	<b>74</b>
	<hr/>	
	258.16	
SPDR Series Trust Barclays Intl ETF		
01/06/2011 Dividend received in January	5.49	<b>65</b>
06/09/2011 Dividend received in June	1.86	<b>67</b>
07/12/2011 Dividend received in July	1.88	<b>67</b>
08/09/2011 Dividend received in August	3.06	<b>67</b>
09/12/2011 Dividend received in September	4.33	<b>68</b>



RECEIPTS OF INCOME

Joshua Z. Bernstein Irrevocable Trust Dated September 7, 2006  
For Period 7/30/2010 Through 5/26/2014

10/11/2011 Dividend received in October	\$	3.81	<b>68</b>
11/07/2011 Dividend received in November		4.30	<b>68</b>
12/09/2011 Dividend received in December		8.17	<b>69</b>
01/06/2012 Dividend received in January		2.14	<b>69</b>
02/09/2012 Dividend received in February		1.43	<b>69</b>
03/09/2012 Dividend received in March		1.38	<b>70</b>
04/11/2012 Dividend received in April		1.44	<b>70</b>
05/09/2012 Dividend received in May		1.38	<b>70</b>
06/11/2012 Dividend received in June		1.58	<b>71</b>
07/11/2012 Dividend received in July		1.43	<b>71</b>
08/09/2012 Dividend received in August		1.35	<b>71</b>
09/12/2012 Dividend received in September		0.65	<b>72</b>
10/09/2012 Dividend received in October		1.47	<b>72</b>
11/09/2012 Dividend received in November		1.61	<b>72</b>
12/11/2012 Dividend received in December		2.67	<b>73</b>
01/07/2013 Dividend received in January		2.15	<b>72</b>
02/11/2013 Dividend received in February		1.49	<b>73</b>
03/11/2013 Dividend received in March		2.49	<b>74</b>
04/09/2013 Dividend received in April		1.05	<b>74</b>
		<hr/>	
		58.61	
SPDR Series Trust BRC High Yield Bd			
10/12/2010 Dividend received in October		7.45	<b>64</b>
11/09/2010 Dividend received in November		7.43	<b>64</b>
12/09/2010 Dividend received in December		7.25	<b>65</b>
01/06/2011 Dividend received in January		7.60	<b>65</b>

## RECEIPTS OF INCOME

Joshua Z. Bernstein Irrevocable Trust Dated September 7, 2006  
For Period 7/30/2010 Through 5/26/2014

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02/09/2011 Dividend received in February	\$	6.55	<b>65</b>
03/09/2011 Dividend received in March		6.64	<b>66</b>
04/11/2011 Dividend received in April		6.58	<b>66</b>
05/10/2011 Dividend received in May		6.64	<b>66</b>
06/09/2011 Dividend received in June		6.53	<b>67</b>
07/12/2011 Dividend received in July		6.62	<b>67</b>
08/09/2011 Dividend received in August		6.47	<b>67</b>
09/12/2011 Dividend received in September		6.57	<b>68</b>
10/11/2011 Dividend received in October		6.07	<b>68</b>
11/07/2011 Dividend received in November		6.23	<b>68</b>
12/09/2011 Dividend received in December		6.40	<b>68</b>
01/06/2012 Dividend received in January		5.69	<b>69</b>
02/09/2012 Dividend received in February		5.61	<b>70</b>
03/09/2012 Dividend received in March		6.13	<b>70</b>
04/11/2012 Dividend received in April		6.29	<b>70</b>
05/09/2012 Dividend received in May		6.40	<b>70</b>
06/11/2012 Dividend received in June		6.16	<b>71</b>
07/11/2012 Dividend received in July		6.13	<b>71</b>
08/09/2012 Dividend received in August		5.97	<b>71</b>
09/12/2012 Dividend received in September		5.79	<b>71</b>
10/09/2012 Dividend received in October		5.77	<b>72</b>
11/09/2012 Dividend received in November		5.84	<b>72</b>
12/11/2012 Dividend received in December		5.79	<b>73</b>
01/07/2013 Dividend received in January		5.59	<b>73</b>
02/11/2013 Dividend received in February		5.52	<b>73</b>

RECEIPTS OF INCOME

Joshua Z. Bernstein Irrevocable Trust Dated September 7, 2006  
For Period 7/30/2010 Through 5/26/2014

03/11/2013 Dividend received in March	\$ 5.58	<b>74</b>
04/09/2013 Dividend received in April	5.40	<b>74</b>
	<hr/>	
	194.69	
Vanguard Intl Equity Index Fd FTSE Emr Mkt ETF		
12/29/2010 Dividend received in December	61.94	<b>65</b>
12/28/2011 Dividend received in December	68.86	<b>69</b>
09/28/2012 Dividend received in September	39.90	<b>72</b>
12/27/2012 Dividend received in December	34.20	<b>73</b>
03/28/2013 Dividend received in March	4.41	<b>74</b>
06/28/2013 Dividend received in June	18.22	<b>74</b>
	<hr/>	
	227.53	
Vanguard Intl Equity Index Fd FTSE Europe ETF		
12/29/2010 Dividend received in December	242.13	<b>65</b>
12/28/2011 Dividend received in December	200.34	<b>69</b>
09/28/2012 Dividend received in September	113.19	<b>72</b>
12/27/2012 Dividend received in December	41.06	<b>73</b>
03/28/2013 Dividend received in March	13.09	<b>74</b>
06/28/2013 Dividend received in June	33.25	<b>74</b>
	<hr/>	
	643.06	
Vanguard Index Fds Growth ETF		
09/30/2010 Dividend received in September	17.46	<b>64</b>
12/31/2010 Dividend received in December	17.46	<b>65</b>
03/31/2011 Dividend received in March	14.62	<b>66</b>
06/30/2011 Dividend received in June	16.77	<b>67</b>
09/29/2011 Dividend received in September	14.96	<b>68</b>

RECEIPTS OF INCOME

Joshua Z. Bernstein Irrevocable Trust Dated September 7, 2006  
For Period 7/30/2010 Through 5/26/2014

12/30/2011 Dividend received in December	\$ 19.52	<b>69</b>
03/30/2012 Dividend received in March	16.68	<b>70</b>
06/29/2012 Dividend received in June	17.97	<b>71</b>
09/28/2012 Dividend received in September	21.33	<b>72</b>
12/31/2012 Dividend received in December	36.29	<b>73</b>
03/28/2013 Dividend received in March	9.76	<b>74</b>
06/28/2013 Dividend received in June	7.22	<b>74</b>
	<hr/>	
	210.04	
Vanguard Intl Equity Index Fd Mega Cap Gr ETF		
12/29/2010 Dividend received in December	139.07	<b>65</b>
12/28/2011 Dividend received in December	98.27	<b>69</b>
09/28/2012 Dividend received in September	47.06	<b>72</b>
12/27/2012 Dividend received in December	59.83	<b>73</b>
03/28/2013 Dividend received in March	8.25	<b>74</b>
	<hr/>	
	352.48	
Vanguard Index Fds Small Cap Growth		
12/31/2010 Dividend received in December	11.91	<b>65</b>
03/29/2011 Dividend received in March	0.20	<b>66</b>
12/30/2011 Dividend received in December	13.63	<b>69</b>
03/28/2012 Dividend received in March	0.20	<b>70</b>
12/31/2012 Dividend received in December	30.26	<b>73</b>
03/26/2013 Dividend received in March	0.40	<b>74</b>
	<hr/>	
	56.60	
Vanguard Index Fds Small Cap Val		
12/31/2010 Dividend received in December	21.59	<b>65</b>

RECEIPTS OF INCOME

Joshua Z. Bernstein Irrevocable Trust Dated September 7, 2006  
For Period 7/30/2010 Through 5/26/2014

03/29/2011 Dividend received in March	\$ 0.14	<b>66</b>
12/30/2011 Dividend received in December	23.32	<b>69</b>
03/28/2012 Dividend received in March	0.49	<b>70</b>
12/31/2012 Dividend received in December	31.86	<b>73</b>
03/26/2013 Dividend received in March	0.36	<b>74</b>
	<hr/>	
	77.76	

Vanguard Index Fds Value

09/30/2010 Dividend received in September	48.07	<b>64</b>
12/31/2010 Dividend received in December	44.13	<b>65</b>
03/31/2011 Dividend received in March	39.63	<b>66</b>
06/30/2011 Dividend received in June	40.00	<b>67</b>
09/29/2011 Dividend received in September	44.75	<b>68</b>
12/30/2011 Dividend received in December	51.00	<b>69</b>
03/30/2012 Dividend received in March	42.75	<b>70</b>
06/29/2012 Dividend received in June	48.50	<b>71</b>
09/28/2012 Dividend received in September	48.50	<b>72</b>
12/31/2012 Dividend received in December	61.25	<b>73</b>
03/28/2013 Dividend received in March	25.22	<b>74</b>
06/28/2013 Dividend received in June	15.64	<b>74</b>
	<hr/>	
	509.44	

Total Dividends \$ 3,331.80

Interest

Miscellaneous

01/03/2011 Interest on 2009 Fiduciary Income Tax Refund - Check dtd 12/28/10	10.79	<b>1786</b>
01/20/2011 Interest on 2008 Federal Fiduciary Tax Refund	1,814.87	<b>1620-1621</b>

RECEIPTS OF INCOME

Joshua Z. Bernstein Irrevocable Trust Dated September 7, 2006  
For Period 7/30/2010 Through 5/26/2014

02/12/2014 Interest on 2012 Federal Fiduciary Tax Refund

\$ 61.93

**1640-1641**

1,887.59

Total Interest

\$ 1,887.59

TOTAL RECEIPTS OF INCOME

\$ 5,219.39

**DISBURSEMENTS OF INCOME**

Joshua Z. Bernstein Irrevocable Trust Dated September 7, 2006  
For Period 7/30/2010 Through 5/26/2014

Accountant Fees

10/14/2010 CBIZ MHM LLC (50% Income) - Payment of Accounting thru 7/31/10	\$ 927.25	<b>79</b>	
10/21/2011 2010 Fiduciary Tax Preparation Fee (50% Income)	137.50	<b>82</b>	
10/24/2012 2011 Fiduciary Tax Preparation Fee (50% Income)	137.50	<b>82</b>	
02/26/2013 2011 Tax Preparation Fee for Amended Return (50% Income)	61.00	<b>82</b>	
09/18/2013 2013 Fiduciary Tax Preparation and Analytics Fee (50% Income)	175.00	<b>83</b>	
			\$ 1,438.25

Fees and Commissions

10/10/2012 Oppenheimer & Co Mgmt Fee 10/8 - 12/31/12 (50% Income)	\$ 89.77	<b>82</b>	
10/15/2012 Cancel Oppenheimer & Co Mgmt Fee 10/8 - 12/31/12 (50% Income)	(89.77)	<b>82</b>	
			0.00

Fiduciary Fees

10/12/2010 Trust Department Fee for Quarter Ended 9/30/10 (50% Income)	\$ 9.63	<b>81</b>	
01/10/2011 Trust Department Fee for Quarter Ended 12/31/10 (50% Income)	55.12	<b>81</b>	
04/20/2011 Trust Department Fee for Quarter Ended 3/31/11 (50% Income)	94.72	<b>81</b>	
07/21/2011 Trust Department Fee for Quarter Ended 6/30/11 (50% Income)	95.28	<b>81</b>	
10/13/2011 Trust Department Fee for Quarter Ended 9/30/11 (50% Income)	86.48	<b>81</b>	
01/09/2012 Trust Department Fee for Quarter Ended 12/31/11 (50% Income)	91.86	<b>81</b>	
04/20/2012 Trust Department Fee for Quarter Ended 3/31/12 (50% Income)	95.94	<b>81</b>	

DISBURSEMENTS OF INCOME

Joshua Z. Bernstein Irrevocable Trust Dated September 7, 2006  
For Period 7/30/2010 Through 5/26/2014

07/16/2012 Trust Department Fee for Quarter Ended 6/30/12 (50% Income)	\$ 94.88	<b>81</b>
10/19/2012 Trust Department Fee for Quarter Ended 9/30/12 (50% Income)	96.85	<b>81</b>
01/22/2013 Trust Department Fee for Quarter Ended 12/31/12 (50% Income)	61.87	<b>81</b>
04/24/2013 Trust Department Fee for Quarter Ended 3/31/13 (50% Income)	45.08	<b>81</b>
07/23/2013 Trust Department Fee for Quarter Ended 6/30/13 (50% Income)	17.82	<b>81</b>
09/18/2013 Prorated Trustee Fee for Period 7/1/13 - 9/18/13 (50% Income)	1.87	<b>81</b>
	\$	847.40

Other Expenses

11/08/2012 Transfer to Bernstein Family Realty LLC - To cover Real Estate Taxes and Discretionary School Expenses for Joshua Bernstein

4,313.95 **926-936**

TOTAL DISBURSEMENTS OF INCOME

\$ 6,599.60

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Joshua Z. Bernstein Irrevocable Trust  
For the Period July 30, 2010 through May 26, 2014  
Disclosure Statements

1. Oppenheimer Trust Co accepted appointment as successor trustee on July 30, 2010. No assets were received by Oppenheimer Trust Co for the Jake Bernstein Irrevocable Trust until September 20, 2010.
2. There has been no activity for the Jake Bernstein Irrevocable Trust since May 26, 2014 in the Oppenheimer Trust Co account.
3. 33% interest in Bernstein Family Realty LLC – Bernstein Family Realty LLC owns a 100% interest in a personal residence located 2753 N.W. 34<sup>th</sup> St., Boca Raton, Florida. We are informed that this property is the primary residence of minors, Joshua, Jake, and Daniel Bernstein, and their parents, Eliot and Candice Bernstein. According to the Palm Beach Property Appraiser website, the property was purchased on June 18, 2008 for \$360,000. We have received information that there are currently two (2) mortgages secured by the property. The first mortgage is a promissory note dated June 20, 2008, which was amended February 15, 2012 for \$110,000. Interest is due annually at 3.5%, and the principal was due June 19, 2014. The second mortgage dated July 9, 2008 for \$365,000. The loan terms were not included with the record mortgage in Palm Beach County.

To the best of our knowledge, we have reflected the following carrying values for a 33% interest in Bernstein Realty LLC:

• \$120,000	Purchase price of personal residence (\$360,000 * 1/3)
• \$ 36,667	Balance due on first mortgage (\$110,000 * 1/3)
• \$121,667	Balance due on second mortgage (\$365,000 * 1/3)

4. 1.33% interest in LIC Holdings Inc – LIC Holdings Inc is a holding company that was in the business of selling premium financed life insurance and related loans to acquire the insurance. Based upon all of the information received, the carrying value has been reflected at zero. The value may be different if additional information was received.
5. On November 8, 2012, a transfer of \$4,313.95 was made from Oppenheimer account number 21 00 0916 0 03 to Bernstein Family Realty LLC. The description stated "Discretionary Distribution for Joshua Bernstein Real Estate Taxes and School Expenses". No additional information was received regarding the specific amounts paid or distributed.

The \$4,313.95 has been reflected as an "Other expense" due to insufficient information to reflect the expense as a distribution to Joshua or capital contribution to Bernstein Family Realty LLC.

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**ELIOT IVAN BERNSTEIN and P.  
STEPHEN LAMONT,**

**Plaintiffs,**

**- against -**

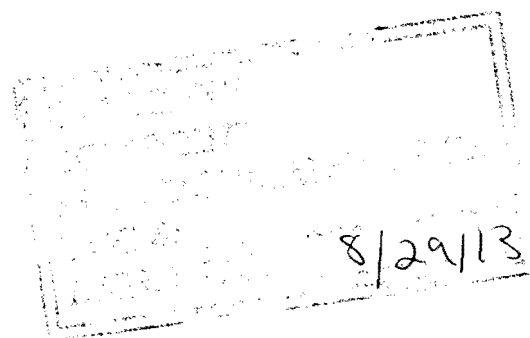
**APPELLATE DIVISION, FIRST  
DEPARTMENT DEPARTMENTAL  
DISCIPLINARY COMMITTEE, et al.,**

**Defendants.**

**SHIRA A. SCHEINDLIN, U.S.D.J.:**

**ORDER**

**07 Civ. 11196 (SAS)**



**I. BACKGROUND**

Pro se plaintiff Eliot Bernstein filed this action in December 2007.

On August 8, 2008, this Court dismissed all of his federal claims on the merits, with prejudice. Bernstein's request for leave to file a second amended complaint was denied. On January 27, 2010, the Second Circuit issued a Mandate dismissing Bernstein's appeal *sua sponte*, finding that it lacked an arguable basis in law or fact. Approximately two and one-half years later, on July 27, 2012, Bernstein filed his first motion to re-open this case, entitled "Emergency Motion to Reopen Case."

This motion, which was opposed by the Proskauer Defendants,<sup>1</sup> was denied in an

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<sup>1</sup> The "Proskauer Defendants" include Proskauer Rose LLP, Kenneth Rubinstein, Christopher C. Wheeler, Stephen C. Krane (deceased) and the Estate of

Order dated August 14, 2012 (the “August 14th Order”).<sup>2</sup> In the August 14th Order, I found plaintiff’s Emergency Motion to be “frivolous, vexatious, overly voluminous, and an egregious abuse of judicial resources.” I cautioned plaintiff that any additional frivolous filings could subject him to monetary and/or injunctive sanctions under Federal Rule of Civil Procedure 11 (“Rule 11”).

Failing to heed this Court’s warning, Bernstein filed a second motion to re-open this case<sup>3</sup> on February 28, 2013. In addition to opposing the motion, the Proskauer Defendants filed a Rule 11 motion for sanctions on May 7, 2013, which was previously served on Bernstein on April 5, 2013. Bernstein filed two additional motions on May 15, 2013: Notice of Motion to Re-Open Based on Fraud on the Court and More<sup>4</sup> and Notice of Emergency Motion for Clarification of Order<sup>5</sup>, which sought reconsideration of the August 14th Order denying Bernstein’s first motion to re-open. On May 15, 2013, this Court denied Bernstein’s second and third motions to re-open as well as his motion for

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Stephen R. Kaye.

<sup>2</sup> See Docket Entry # 141.

<sup>3</sup> See Docket Entry # 142.

<sup>4</sup> See Docket Entry # 149.

<sup>5</sup> See Docket Entry # 150.

reconsideration,<sup>6</sup> stating as follows:

Even if an alleged conflict on the part of the [New York State Attorney General's Office] were established, this would not overcome the fact that plaintiff's claims were barred on numerous jurisdictional and legal grounds. For example, the allegations against the State Defendants were based on their alleged failure to handle attorney grievances. But in dismissing these claims, this Court held that "there is no clearly established right to have complaints investigated or pursued," nor is there any "cognizable interest in attorney disciplinary proceedings or in having certain claims investigated." Furthermore, plaintiff had no standing to challenge the state court system's actions regarding attorney discipline. In addition, plaintiff's claims were barred by absolute judicial, quasi-judicial and qualified immunity as well as numerous other defenses.<sup>7</sup> Because plaintiff has not, and cannot, remedy the fundamental defects in the Amended Complaint, re-opening this action would be futile. Plaintiff's application to reopen and his request to alter or amend judgment must therefore be denied.

5/15/13 Order at 5-6 (footnotes omitted).

The Proskauer Defendants now seek monetary and injunctive sanctions against Bernstein for his vexatious and frivolous conduct. Specifically, they seek monetary sanctions in an amount not less than \$3,500 and the following injunctive relief:

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<sup>6</sup> See Docket Entry # 151.

<sup>7</sup> See *id.*

Eliot I. Bernstein is hereby enjoined from filing any action in any court related to the subject matter of this action without first obtaining leave of this Court. In moving for such leave, Bernstein must certify that the claim or claims he wishes to present are new claims never before raised and/or disposed of by any court. Bernstein must also certify that claim or claims are not frivolous or asserted in bad faith. Additionally, the motion for leave to file must be captioned "Application Pursuant to Court Order Seeking Leave to File." Failure to comply strictly with the terms of this injunction shall be sufficient grounds for denying leave to file and any other remedy or sanction deemed appropriate by this Court.

Proposed Order (Docket Entry # 146-2).

## II. LEGAL STANDARDS

### A. Rule 11 in General

The purpose of Rule 11 is "the deterrence of baseless filings and the curbing of abuses."<sup>8</sup> Filings that have a complete lack of a factual and legal basis have been found "to harass, cause unnecessary delay, or needlessly increase the cost of litigation[.]"<sup>9</sup> In appropriate cases, pro se litigants are subject to Rule 11

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<sup>8</sup> *On Time Aviation, Inc. v. Bombardier Capital, Inc.*, 354 Fed. App'x 448, 452 (2d Cir. 2009) (quoting *Caisse Nationale de Credit Agricole-CNCA, N.Y. Branch v. Valcorp, Inc.*, 28 F.3d 259, 266 (2d Cir. 1994)).

<sup>9</sup> *Lawrence v. Richman Group of CT LLC*, 620 F.3d 153, 156 (2d Cir. 2010) (quoting Rule 11(b)).

sanctions.<sup>10</sup> Pro se litigants who show contempt for the judicial system, harass defendants, and/or cause courts and litigants to waste resources may be sanctioned under Rule 11.

## **B. Injunctive Relief**

It is “beyond peradventure” that “[a] district court possess[e] the authority to enjoin [a litigant] from further vexatious litigation.”<sup>11</sup> In determining whether a litigant’s future access to the courts should be restricted, courts should consider the following factors:

- (1) the litigant’s history of litigation and in particular whether it entailed vexatious, harassing or duplicative lawsuits;
- (2) the litigant’s motive in pursuing the litigation, e.g., does the litigant have a good faith expectation of prevailing?;
- (3) whether the litigant is represented by counsel;
- (4) whether the litigant has caused needless expense to other parties or has posed an unnecessary burden on the courts and their personnel; and
- (5) whether other sanctions would be adequate to protect the courts and

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<sup>10</sup> See *Maduakolam v. Columbia Univ.*, 866 F.2d 53, 56 (2d Cir. 1989) (stating that “Rule 11 applies both to represented and pro se litigants”). See also *Malley v. New York City Bd. of Educ.*, 207 F. Supp. 2d 256, 259 (S.D.N.Y. 2002) (“The fact that a litigant appears pro se does not shield him from Rule 11 sanctions because one acting pro se has no license to harass others, clog the judicial machinery with meritless litigation, and abuse already overloaded court dockets.”) (quotation marks and citations omitted).

<sup>11</sup> *Safir v. U.S. Lines Inc.*, 792 F.2d 19, 23 (2d Cir. 1986). Accord *Lipin v. National Union Fire Ins. Co. of Pittsburgh, PA.*, 202 F. Supp. 2d 126, 142 (S.D.N.Y. 2002) (“A district court has the authority to enjoin a plaintiff who engages in a pattern of vexatious litigation from continuing to do so.”).

other parties. Ultimately, the question the court must answer is whether a litigant who has a history of vexatious litigation is likely to continue to abuse the judicial process and harass other parties.<sup>12</sup>

### III. DISCUSSION

Bernstein had no factual or legal basis for his second motion to re-open or any subsequent motion he filed. Nonetheless, Bernstein must have believed his motion had merit, as evidenced by his twenty-two page Plaintiff's Opposition to Proskauer Defendant's [sic] Motion for Sanctions ("Opposition"). But there is no subjective, bad faith requirement in Rule 11. "The mental state applicable to liability for Rule 11 sanctions initiated by motion is objective unreasonableness . . . ."<sup>13</sup> Moreover, as the following excerpt from his Opposition makes clear, Bernstein has no plans to ever end this litigation.

Bernstein is notifying Proskauer and this Court that he will have a lifelong and generational long litigious history in pursuing his patent royalties, as litigation is the key to prosecuting patents over their useful life and will also have a litigious ongoing history in pursuing the crimes and criminals who are attempting to steal them, despite whether they are cleverly disguised as Attorneys at Law, Judges, Prosecutors, etc. and despite the ridiculous Orders trying to prevent him from his due process rights and rights to his

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<sup>12</sup> *Safir*, 792 F.2d at 24.

<sup>13</sup> *In re Pennie & Edmonds LLP*, 323 F.3d 86, 90 (2d Cir. 2003).

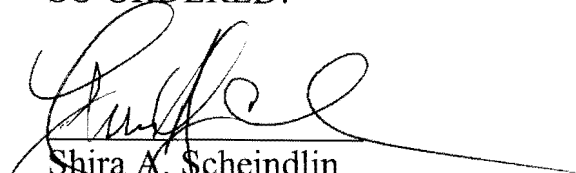
properties.<sup>14</sup>

Given these statements, this Court has no choice but to impose significant monetary and injunctive sanctions in an attempt to end this lengthy litigation.

#### IV. CONCLUSION

For the foregoing reasons, a monetary sanction in the amount of \$3,500 is hereby imposed on Bernstein as is the injunctive sanction described above. The money is to be paid to the Clerk of the Court, Southern District of New York, forthwith. If Bernstein ignores the monetary sanction, defendants may obtain an enforceable judgment in the amount of \$3,500. If Bernstein continues to file motions in this case, he may be subject to additional monetary sanctions. The Clerk of the Court is directed to close the motion for sanctions (Docket Entry # 145).

SO ORDERED:



Shira A. Scheindlin  
U.S.D.J.

Dated: New York, New York  
August 29, 2013

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<sup>14</sup> Opposition at 13.



**- Appearances -**

**Plaintiff (Pro Se):**

Eliot I. Bernstein  
2753 N.W. 34th Street  
Boca Raton, FL 33434  
(561) 245-8588

**For the Proskauer Defendants:**

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**For the State Defendants:**

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Assistant Attorney General  
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