From: Foglietta, Joy A
To: "Eliot Ivan Bernstein"
Cc: O"Connell, Brian M.; Lobdell, Sharon R.; McDowell, Sherri H.
Subject: RE: ESTATE OF SIMON BERNSTEIN
Date: Monday, July 21, 2014 10:14:08 AM

Eliot,

Thank you for your email. Mr. O'Connell is out of the country on another matter this week, however, he would like to set up a time to speak with you next week. Are you available for a 30 minute conference on Tuesday, July 29th anytime between 2-5pm?

Thanks,

Joielle A. Foglietta, Esquire
Ciklin Lubitz Martens & O'Connell
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From: Eliot Ivan Bernstein [mailto:iviewit@iviewit.tv]
Sent: Friday, July 18, 2014 10:18 AM
To: O'Connell, Brian M.; Foglietta, Joy A; Lobdell, Sharon R.; Crispin, Ashley N.
Cc: Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Andrew R. Dietz @ Rock It Cargo USA; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Marc R. Garber Esq.; Marc R. Garber Esq. @ Flaster Greenberg P.C.; tourcandy@gmail.com; 'Eliot Bernstein'
Subject: RE: ESTATE OF SIMON BERNSTEIN

Hi Brian,

In response to your letter I have put together some of my key issues regarding the future administration of the Estate of my father. In this regard it would be best that you first understand that my father was a very wealthy individual almost his entire adult life and made considerable millions in income most years and accumulated vast personal, business and other properties. He had two paid in full multimillion dollar homes (listed when he died for over five million dollars), one in St. Andrews and one in the Aragon on the beach in Boca. He ran numerous companies and sold unique products he invented in the insurance business and sold billions of dollars of life insurance through these plans with premiums exceeding a billion dollars sold. We have information that their net worth may be between 40-100 Million dollars. My mother drove a fully paid for Bentley, my father drove a Porsche Panorama, and they traveled extensively, mostly on private jets and stayed at five star hotels throughout the world. My parents had accumulated a vast fortune of personal property assets and had stowed away millions in retirement plans and other such sheltering vehicles, which is evidenced in their elaborate estate plans done over 20 years. As you are probably aware from my filings with the courts and authorities, it is alleged that egregious acts of bad faith

were committed by their fiduciaries and counsel once they died, in efforts to thwart their estate plans and seize illegally Dominion and Control and then loot the Estates and Trusts of assets in a variety of criminal acts and civil torts. There are now two claims regarding their net worth, one by me that states that Simon and Shirley are worth far more than the four million dollars total, which was the combined value of ALL estate and trusts' assets that Robert Spallina and my brother Ted told Judge Colin in the Sept and Oct 2013 Hearings they were worth. After reviewing the production documents and the first accounting in the Estate there appears far more that has now been revealed, totaling close to 15-20 Million. Just from what we have learned thus far with no proper accountings tendered yet for any of the other trusts of my parents or any of the business entities owned there is far more than what they first claimed. In fact, Simon's estate inventory was Amended after they realized through my complaints that certain items were not listed on the original, in efforts to cover up and suddenly they claimed to have found a million dollars they added to the Estate.

We have received only one accounting for the Estate of Simon from the former PR's that has been objected to by several parties and that was produced by Court Order upon the termination of Tescher and Spallina. The alleged accounting is sorely missing any backup data and has other problems pointed out in the Curator's Ben Brown's transitional accounting to you, as well as, in my objection to their final accounting filed with the Court. We also have information that personal property, including furniture and jewelry has been distributed inappropriately to parties or simply stolen and removed from the Estate with no accounting at all and these are items alleged worth millions more. There are missing IRA account beneficiaries, missing insurance trusts, even missing insurance policies (See IL Federal Breach of Contract Lawsuit for close to two million of insurance that may come to the Estate of Simon) and more. The beneficiaries still have no accountings and in some instances no copies of the trust documents for the Simon Trusts and the Shirley Estate and Trusts exist at all (Family Trusts, etc.), again in violation of probate rules and statutes. Documents have been alleged suppressed and denied as is the case with a newly discovered alleged 2000 Insurance Trust that was uncovered in the production documents turned over by Tescher and Spallina and where there is evidence in the production that this trust was intentionally suppressed to claim that a 1995 Trust that DOES NOT EXIST was the beneficiary and suppressed this NEWLY DISCOVERED 2000 Insurance Trust from the state and federal courts, the insurance carrier and the beneficiaries to improperly convert the proceeds to improper parties and more. There is evidence that supports that Creditor Fraud was committed by attempting to move the policy out of the Estate to improper beneficiaries out of the reach of the creditor and the production documents show discussions of this between Spallina, Tescher, Ted, my sister Pam and her husband and others. This evidence has been presented to the courts already by both Mr. Feaman and myself. Documents have also been suppressed and denied not only from beneficiaries, interested parties and creditors but from courts and others in efforts to hide assets or convert them illegally to others through the document frauds that have been both proven and now admitted by the former fiduciaries and their counsel. Assets have been sold with no information provided to beneficiaries in secret self-dealing deals that my brother Ted and his minion of lawyers are neck deep in and several criminal complaints have been filed already. The production documents turned over by Tescher and Spallina have unearthed even more alleged crimes and I and others are in the process of formulating charges to bring to state and federal authorities regarding this newly discovered evidence. There are ongoing investigations of my brother Ted, my sister Pamela, Pamela's husband and David Simon,

Esq., D. Simon's brother Adam Simon, Esq. and Attorneys at Law, Tescher, Spallina, Rose, Manceri and others they employed in various combinations of the frauds alleged.

With that said, here are the points I think we should start with in these matters ASAP to prevent further crimes from taking place and continue in a rational and legal course now that Judge Colin has approved. Ben Brown did an outstanding job of finally getting beneficiaries and creditors some information and putting this all on the right course.

1. The Estate needs to first start to properly marshal the assets of the Estate and Trusts and determine what has already been distributed and to whom.
2. The Estate needs to order records for accounts that all of my father's apparently are missing, as none of them were turned over when Tescher and Spallina were ordered to turn over everything. This would include,
    a. Signed Personal and Corporate Tax Returns from the IRS (I believe Ben Brown may have ordered these) for all Trusts and Entities my father owned.
    b. Bank statements, Investment Account statements, Retirement Account statements and full documentation (it is alleged by others that the IRA is missing beneficiaries and there is was no or very little info in the production of Tescher and Spallina) Credit Card statements, Business accountings, Insurance Policies (Several appear missing from the records including those listed as assets of the Estate), etc. all going back 7 years prior to my father's death so that we can establish his spending habits and determine what his worth was on the day he died (as some accounts are now found to have been accessed for months after his death), etc.
    c. Records for all businesses owned by my dad and commissions paid to my father.
3. Forensics should then be ordered and this has already been discussed before Judge Colin in prior hearings as a good idea in light of everything. Forensics should also include document analysis on the dispositive documents because it is already alleged and brought to authorities that certain of the Wills and Trusts created, including the 2012 Simon Will that you are operating under and the 2012 Amended and Restated Trusts that my brother alleges to be Successor Trustee, are both legally invalid on a number of grounds, including fraud and more. The Governor Rick Scott's Notary Division has already determined the 2012 Simon Will and Amended and Restated Trusts to be improperly notarized and there are multiple other problems with those documents.
4. That a search for missing assets and entities should also begin.
5. Review and Report to Authorities regarding the ongoing criminal and civil actions and the soon to be filed new Criminal complaints and Civil actions and order further investigations where the Estate is involved. We have been waiting for a new PR to become involved as it is the PR's obligation to do so, as I cannot do some of this without the legal authority. For example, in regards to certain alleged fraudulent insurance claims filed by Tescher and Spallina in the IL insurance action and Fraud committed against the US Federal Court by Ted as an alleged Trustee of the missing trust, the PR is being requested to make those claims.
6. The Estate needs to marshal conflicts of interest and adverse interests carefully going forward, as was pointed out to you in Court on July 11, 2014 by both Peter Feaman and myself in regard to various conflicts with my brother Ted and the Estate that have been allowed by former PR's Tescher and Spallina despite the obvious problems. Ted is conflicted

and adverse and not fit to serve in any fiduciary capacities currently for a mass of reasons pled both by myself and Peter Feaman, including but not limited to,

a. The Stansbury Lawsuit – Here the Estate has conflict with Ted as Ted is a named Defendant both personally and as an alleged officer of several of the companies owned by he and my father. Many of the germane claims alleged by Stansbury were done directly by Ted that led to the lawsuit in the first place. Ted is simultaneously acting as a fiduciary for the Trusts of Simon and the Estate and Trusts of Shirley, which are sued under the Stansbury Amended Complaint and he is representing them in the Stansbury lawsuit as the fiduciary. The conflict of interest in Ted handling the Estate and Trusts claims in regard to the Stansbury lawsuit, where he is personally sued as the primary cause of the action, is in violation and breach of his fiduciary duties and yet these violations are what has been occurring under former Estate and Trusts administration or lack thereof, excluding the period Ben Brown was handling the matter for Simon's Estate. The argument is that since Ted is not under any reading of the Wills and Trusts that are determined valid by Judge Colin in the end a beneficiary. Ted has been considered with my sister Pam under the alleged 2012 and 2008 documents to be considered predeceased and disinherited entirely. If the alleged 2012 documents do not prevail their lineal descendants will also be excluded from any benefits. In my mother's estate they have even tried to change beneficiaries on her Trust and Estate that were irrevocable once she died and once my father died the beneficiaries were only me and two sisters and our lineal descendants. My father tried to make changes to my mother's estate and trusts POST MORTEM according to Spallina's alleged admission of Altering Trust documents in my mother's estate and fraud that occurred with my father closing my mother's estate POST MORTEM, as discovered by Judge Colin in the September 13, 2013 hearings where he stated he had enough evidence at that moment to read Tescher, Spallina and Ted their Miranda Rights, twice. Not only for discovering Fraudulent Notarizations and Forged Signatures but for the elaborate scheme of using my deceased father to close my deceased mother's estate and trusts through a series of Frauds on the Court and the beneficiaries, creditors and others. These efforts have all been to benefit Ted and my sister Pam and their families to the detriment of other beneficiaries, creditors, etc. With that said you can see that Ted personally would like to settle with Stansbury using Estate and Trust funds where he has no interests and not himself personally and for him to then act as a fiduciary to settle the case on both sides is prohibited. Finally, it has come to my attention that Ted may have done just this in my mother's estate and trusts with Stansbury, where Alan Rose represented both Ted's personal interests in settling the lawsuit for her Estate and Trusts on the one hand and on the other hand Rose simultaneously represented Ted as the fiduciary of the Trusts of Shirley. Where since Ted is the primary accused party of the claims committed against Stansbury, the Estate would have the argument that if the monies alleged stolen of over two million dollars from Stansbury believed to have been taken wholly by Ted and not to Simon (which evidence indicates is the case) then most of the damages or settlement monies should come from Ted personally first and then if anything remains due to Stansbury it could spill over to an estate liability. Therefore Ted and

Alan Rose must not be involved for the Estate or Trusts of Simon in any litigation relating to Stansbury as was pitched to you by Rose outside the court when he stated it would be best to let Ted and his firm handle the litigation for the estate for cost reasons and their knowledge of the case, failing to mention the obvious conflicts and other problems this represents. Both Mr. Feaman and myself objected to Ted and Rose having anything to do with these matters in conjunction with the Estate when Rose presented the idea outside the court room to you.

b. The IL Federal Breach of Contract Lawsuit – Again Ted has numerous conflicts with the Estate and Trusts in these matters and yet as an alleged fiduciary has ignored. As Mr. Feaman explained, Ted is the Plaintiff in the lawsuit, as the alleged Trustee of a Lost Trust, if Ted is successful in this scheme, the Estate and Estate beneficiaries, including possibly his Adult children, will lose the benefit. If the benefit comes to the Estate, again Ted and Pam will receive nothing and only their Adult children will have a possible claim depending on which documents survive. Alleged Insurance Fraud, Bank Fraud, Institutional Trust Fraud and more has been posited with the courts and other investigatory agencies already but this will also need the Estate to join as a party. I believe Ben Brown may have already begun taking steps like ordering copies of the missing policy from the insurers/reinsurers but I am not sure what responses he got thus far and that he successfully argued to Judge Colin to bring in Estate counsel to represent the Estate interest in the policy which had not been represented under the prior administration of the estate and trusts. Further, someone has to notice authorities that a fraudulent insurance claim was filed by Spallina and denied, where he, not Ted, acted as the alleged Trustee of the Lost Trust and that there was a suppressed and intentionally denied insurance trust and other alleged criminal acts that took place to try and convert the policy through various schemes.

c. That Ted, Spallina, Tescher, Manceri, Rose and others are under criminal investigations and defendants/respondents in civil actions ongoing regarding these matters and thus are unfit to serve in any capacities regarding any of the matters of either Estates or Trusts of my parents. As you learned in court the other day efforts are under way to remove Ted from fiduciary capacities he has assumed and failed to follow any probate rules or statutes in so doing, ie, no accountings, no documents sent to beneficiaries, etc.

d. Ted has adverse interests with me and my family as beneficiaries as we are pursuing him and his friends and legal counsel he brought in to these matters both criminally and civilly with both state and federal courts and authorities.

e. Ted has adverse interests with the beneficiaries as due to the fraud already proven and admitted, he and his children may receive NO benefits and thus he is adverse to the other beneficiaries.

f. For all of these reasons these conflicts and adverse interests of Ted with the Estate and Trusts need to be ceased instantly and the Estate must protect itself from further conflicted dealings with Ted and his counsel and avoid giving information to them in matters they are in conflict regarding.

g. That the Estate should begin proceedings against parties involved in the frauds and other alleged bad acts and possibly take action against Ted in Stansbury's lawsuit as

it appears Simon may not have even known of what was happening and where Ted should pay the damages personally and not the Estates or Trusts.

7. Ben Brown was ordering the transcripts of Donald Tescher's deposition to circulate and if you can also get a copy distributed of the July 11, 2014 hearing that would be great.
8. Ben Brown ordered life insurance policy copies from Heritage Union and other missing policies and the estate should follow up on these.
9. Ben Brown ordered JP Morgan and other IRA account histories and statements and the estate should follow up on getting these.
10. The most important priority for me and my three minor children, who are either approx. 33% beneficiaries or 50% beneficiaries of everything depending how the Judge rules on the dispositive documents as explained in the Oct 28, 2013 hearing before Colin by my former counsel, we are in need of emergency distributions from the Estates and Trusts, which have intentionally been denied to us and further denied due to the delays caused in both estates and the fact that neither are now closed as my mother's was reopened due to the frauds. We have also personally expended thousands of dollars in legal fees and other expenses at the same time beneficial interests were delayed and denied that are life supporting to our family and were intended by my parents to have no interruptions upon their deaths. Therefore, any emergency distributions the Estate can make for my family, especially where my children may be unenrolled from school that my parents put them in and paid for while living and even prefunded through various estate planning tools to have taken care of through college are now jeopardized. The home we live in, that the Estate of Simon claimed in an amended inventory and now the accountings to have a promissory note due is in jeopardy and all of this was created with the intent of harming and extorting my family, as has been alleged in the courts and with authorities. Most of this information can be found in Motions and Petitions I have filed with the Courts but have not yet been heard but hearings are soon to be rescheduled to begin that process. I believe both sets of alleged dispositive documents and other trust agreements have provisions for just this kind of emergency distribution under certain circumstances and if you can pay us as an advance it would certainly provide much needed and long overdue relief that is jeopardizing my family and the minor children's health and wellbeing as well. If we need to move the Court to allow this please let me know.

From: McDowell, Sherri H. [mailto:SMcDowell@ciklinlubitz.com]
Sent: Tuesday, July 15, 2014 6:17 PM
To: Alan B. Rose, Esq.; Eliot Bernstein & Eliot & Candice Bernstein; Irwin J. Block, Esq.; Jill Iantoni & Jill & Guy Iantoni; John J. Pankauski, Esq.; John P. Morrissey, Esq.; Lisa Friedstein & Lisa & Jeffrey Friedstein - 2nd e-mail; Lisa Friedstein & Lisa & Jeffrey Friedstein (lisa@friedsteins.com); Pamela Beth Simon; Peter J. Feaman, Esq.; William H. Glasko, Esq.
Cc: O'Connell, Brian M.; Foglietta, Joy A; Lobdell, Sharon R.; Crispin, Ashley N.
Subject: ESTATE OF SIMON BERNSTEIN

Please see attached letter.

Thank you.

SHERRI McDOWELL

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