

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

CASE NO.: 502012CA013933XXXXMB
DIVISION: AA

WILLIAM E. STANSBURY,

Plaintiff,

v.

ESTATE OF SIMON L. BERNSTEIN, and
BERNSTEIN FAMILY REALTY, LLC,

Defendants.

MOTION TO WITHDRAW AS COUNSEL FOR BERNSTEIN FAMILY REALTY, LLC

Steven A. Lessne, Esq. and the law firm of Gunster, Yoakley & Stewart, P.A. move to withdraw as counsel for Defendant, Bernstein Family Realty, LLC (“BFR”), pursuant to Florida Rule of Judicial Administration 2.505(f)(1), and state:

1. Steven A. Lessne, Esq. and the law firm of Gunster, Yoakley & Stewart, P.A. (collectively, “Gunster”) are counsel of record in this action for BFR, having been retained on BFR’s behalf by Oppenheimer Trust Company of Delaware (“Oppenheimer”), as then-Manager of BFR.

2. At the time of Gunster’s appearance, Oppenheimer was the Manager of BFR and the trustee of three trusts (the “Trusts”) which collectively owned 100% of BFR.

3. Pursuant to a Final Judgment entered on June 7, 2016 by the Honorable John L. Phillips in the matter of *Oppenheimer Trust Company of Delaware v. Eliot and Candice Bernstein, in their capacity as parents and natural guardians of Joshua, Jake and Daniel Bernstein, Palm Beach Circuit Court Case No. 502014CP002815XXXXNB (IH)*, the Trusts were

terminated and Oppenheimer was ordered to distribute BFR to Eliot and Candice Bernstein, as parents and natural guardians of Joshua, Jake and Daniel Bernstein (collectively, the “Bernsteins”). A copy of the Final Judgment is attached hereto as Exhibit “A.”

4. On June 27, 2016, Oppenheimer transferred all right, title and interest in and to BFR to the Bernsteins. *See* Exhibit “B.”

5. On July 12, 2016, Oppenheimer resigned as Manager of BFR. *See* Composite Exhibit “C.”

6. Upon information and belief, there is currently no Manager acting on behalf of BFR.

7. Gunster’s attorney/client relationship in this matter was with Oppenheimer, as then-Manager of BFR, but Oppenheimer no longer has any relationship with BFR or any authority to act on BFR’s behalf.

8. Gunster does not have, and never had, an attorney/client relationship with the current owner of BFR (the Bernsteins) and, therefore, seeks to withdraw as counsel for BFR.

9. BFR’s address and email address for service of pleadings and correspondence is c/o Eliot and Candice Bernstein, as parents and natural guardians of Joshua, Jake and Daniel Bernstein, 2753 N.W. 34th Street, Boca Raton, FL 33434-3459; iviewit@iviewit.tv, iviewit@gmail.com and tourcandy@gmail.com. The Bernsteins’ telephone numbers are 561-245-8588 (office) and 561-866-7628 (cell).

WHEREFORE, Gunster respectfully requests an order granting its Motion to Withdraw, relieving it of further responsibility for BFR in this action, and granting such other relief as is just and proper.

Respectfully submitted,

GUNSTER, YOAKLEY & STEWART, P.A.

By /s/ Steven A. Lessne, Esq.
Steven A. Lessne, Esq.
Florida Bar No.: 107514
777 South Flagler Drive, Suite 500 East
West Palm Beach, FL 33401
Telephone: (561) 650-0545
Facsimile: (561) 655-5677
slessne@gunster.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was served by electronic mail this 18th day of August, 2016 upon:

Peter M. Feaman, Esq.
3695 W. Boynton Beach Blvd., Suite 9
Boynton Beach, FL 33436
service@feamanlaw.com
mkoskey@feamanlaw.com

Brian M. O'Connell, Esq.
515 N. Flagler Drive, 20th Floor
West Palm Beach, FL 33401
boconnell@ciklinlubitz.com

Bernstein Family Realty, LLC
c/o Eliot and Candice Bernstein,
as parents and natural guardians of
Joshua, Jake and Daniel Bernstein
2753 N.W. 34th Street
Boca Raton, FL 33434
ivewit@ivewit.tv
ivewit@gmail.com
tourcandy@gmail.com

 /s/ Steven A. Lessne, Esq.

EXHIBIT A

NOT A CERTIFIED COPY

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.

FINAL JUDGMENT

THIS CAUSE came before the Court upon the Motion For Entry Of Final Judgment (the "Motion") filed by Petitioner, Oppenheimer Trust Company Of Delaware ("Oppenheimer"), in its capacity as the resigned trustee of three irrevocable trusts settled by Simon Bernstein on September 7, 2006 for the benefit of his grandchildren, Joshua, Jake and Daniel Bernstein (the "Grandchildren Trusts"). Having considered the Motion, the May 11, 2016 Report and Recommendation of the grandchildren's Guardian *Ad Litem*, Diana Lewis (the "GAL"), and being otherwise duly advised in the premises, it is hereupon

ORDERED AND ADJUDGED as follows:

1. Final judgment is hereby entered in Oppenheimer's favor as to Count I of its Petition For Instructions, Approval Of Final Accounting, Release And Discharge ("Petition"). The Grandchildren Trusts are hereby terminated and, as proposed by Oppenheimer in its Plan of Distribution of Trust Assets, Oppenheimer shall distribute the liquid assets of the Grandchildren Trusts (approximately \$6,500) to the Palm Beach County Tax Collector to partially pay the property taxes due on the real property owned by Bernstein Family Realty, LLC ("BFR"), an asset wholly owned by the Grandchildren Trusts.¹ Oppenheimer shall distribute the remainder of the assets (the Grandchildren Trusts' interests in BFR and LIC Holdings, Inc.) as follows:

*to Christa Candice Bernstein
as natural guardian of
the children*

2. Final judgment is hereby entered in Oppenheimer's favor as to Count II of its Petition. Oppenheimer's accountings, as supplemented and amended, are approved in full. Oppenheimer and its former and current agents, employees and attorneys, together with Oppenheimer's parent and subsidiary companies, and all of their successors and assigns, are hereby released and discharged of all duties, claims, demands and liabilities arising out of or related to the Grandchildren Trusts or their assets.

DONE AND ORDERED in Chambers, Palm Beach County, Florida on

6-7-16, 2016.

John L. Phillips
Hon. John L. Phillips, Circuit Judge

¹ According to the Palm Beach County Tax Collector's records, BFR owes over \$13,000 in property taxes related to the home occupied by the grandchildren, including for a tax certificate sold to satisfy unpaid 2014 property taxes. The assets of the trust are insufficient to pay the property taxes in full.

Copies furnished to:

Oppenheimer Trust Company of Delaware
c/o Steven A. Lessne, Esq.
Gunster, Yoakley & Stewart, P.A.
4855 Technology Way, Suite 630
Boca Raton, FL 33431

Joshua, Jacob (Jake) and Daniel Bernstein
c/o Diana Lewis, their Guardian *Ad Litem*
ADR & Mediation Services, LLC
2765 Tecumseh Drive
West Palm Beach, FL 33409

Eliot Bernstein
2753 N.W. 34th Street
Boca Raton, FL 33434

Candice Bernstein
2753 N.W. 34th Street
Boca Raton, FL 33434

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EXHIBIT B

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June 27, 2016

Via E-Mail

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

Re: ***Oppenheimer Trust Company of Delaware v. Bernstein;***
Case No. 502014CP002815XXXXNB

Dear Mr. and Mrs. Bernstein:

As you know, I represent Oppenheimer Trust Company of Delaware, in its capacity as the resigned trustee of the irrevocable trusts settled by Simon Bernstein on September 7, 2006 for the benefit of his grandchildren (your children), Joshua, Jacob ("Jake") and Daniel Bernstein (the "Grandchildren Trusts").

Consistent with the Court's Final Judgment entered in the above-referenced matter, please be advised as follows:

1. The Grandchildren Trusts were terminated on June 7, 2016.
2. All of the Grandchildren Trusts' right, title and interest in and to Bernstein Family Realty, LLC ("BFR") and LIC Holdings, Inc. ("LIC") are hereby transferred to you, as the parents and natural guardians of Joshua, Jake and Daniel. By copy of this letter to counsel for LIC, LIC is hereby notified of the transfer in ownership.
3. Oppenheimer hereby resigns as Manager of BFR. The undersigned counsel (retained by Oppenheimer to represent BFR's interest in the William Stansbury litigation) will be seeking to withdraw as counsel for BFR in that proceeding. As the sole owner of BFR, you have the right and authority to appoint a new Manager for BFR, to retain counsel to represent BFR in the Stansbury litigation, and to appropriately deal with the outstanding property taxes due on your home, which is owned by BFR.
4. After payment of administrative expenses, the remaining liquid assets of the Grandchildren Trusts will be paid to the Palm Beach County Tax Collector in *partial* payment of the property taxes due on the home owned by BFR.

Eliot and Candice Bernstein
June 27, 2016
Page 2

Should you have any questions, please consult with counsel of your choosing.

Sincerely,



Steven A. Lessne

SAL/sh

cc: Alan Rose, Esq., Counsel for LIC Holdings, Inc. (*via email*)

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EXHIBIT C

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FLORIDA DEPARTMENT OF STATE
Division of Corporations

July 12, 2016

ATTN: JANET CRAIG, SVP
405 SILVERSIDE ROAD, STE 250
WILMINGTON, DE 19809

Re: Document Number: L08000054043

The Resignation/Dissociation of OPPENHEIMER TRUST CO OF DE, a Member/Manager for BERNSTEIN FAMILY REALTY LLC, a Florida Limited Liability Company was filed on July 11, 2016.

Enclosed is the certification requested.

Should you have any questions regarding this matter, please telephone (850) 245-6051, the Registration Filing Section.

Deborah Bruce
Regulatory Specialist II
Division of Corporations

Letter Number: 216A00014511

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State of Florida



Department of State

I certify the attached is a true and correct copy of the Resignation/Dissociation of OPPENHEIMER TRUST CO OF DE a Member/Manager, filed on July 11, 2016, for BERNSTEIN FAMILY REALTY LLC, a Florida Limited Liability Company, as shown by the records of this office.

The document number of this limited liability company is L08000054043.

Given under my hand and the
Great Seal of the State of Florida
at Tallahassee, the Capital, this the
Twelfth day of July, 2016



CR2EO22 (1-11)

Ken Detzner

Ken Detzner
Secretary of State



FLORIDA DEPARTMENT OF STATE
DIVISION OF CORPORATIONS

**DISSOCIATION OR RESIGNATION OF MEMBER, MANAGER FROM
FLORIDA OR FOREIGN LIMITED LIABILITY COMPANY**

(Pursuant to 605.0216, Florida Statutes)

1. The name of the limited liability company as it appears on the records of the Florida Department of State is: Bernskin Family Realty LLC

2. The Florida document/registration number assigned to this limited liability company is:
208000054043

3. The date this member/manager withdrew/resigned or will withdraw/resign is: per Court Order dtd 6/7/16

4. I, Oppenheimer Trust Co of DE, hereby withdraw/resign as a
(Print Name of Person Resigning)
Manager
(Print Title)

of this limited liability company and affirm the limited liability company has been notified of my resignation in writing.

By: Janet Craig, SVP
Signature of Dissociating Member or Resigning Manager
Janet Craig
Oppenheimer Trust Co. of Delaware

Filing Fee: \$25.00 (Required)
Certified Copy: \$30.00 (Optional)

SECRETARY OF STATE
TALLAHASSEE, FLORIDA

2016 JUL 11 P 4: 29

FILED