

Subject: FW: Bernstein - Alan, Request to Stipulate to Agreed Order: Re: Emergency Motion to Distribute Funds from Court Registry 6-6-22

Date: Tuesday, July 19, 2022 at 12:08:41 PM Eastern Daylight Time

From: Eliot Bernstein <iviewit@gmail.com>

BCC: Eliot Bernstein <iviewit@gmail.com>

Attachments: Bernstein,Simon-Amended and Restated Trust Agreement.pdf, image001.jpg, image003.jpg, image004.jpg, image005.jpg, image006.jpg, image007.jpg

From: Alan Rose <ARose@mrachek-law.com>

Sent: Monday, June 6, 2022 11:31:54 PM

To: Inger Garcia <attorney@floridapotlawfirm.com>; attorney@ingergarcia.com <attorney@ingergarcia.com>; 'ServiceIMGLAW@yahoo.com' <serviceimglaw@yahoo.com>

Subject: RE: Bernstein - Alan, Request to Stipulate to Agreed Order: Re: Emergency Motion to Distribute Funds from Court Registry 6-6-22

I have forwarded the materials to my client, the Successor Trustee. That said, I do **not** expect what you describe to be acceptable, particularly spending \$75,000 of the sons' inheritance on professional fees hoping to salvage a Chapter 11 proceeding. Therefore, although I remain open to speaking, there will likely be no agreement.

Beyond that, and recognizing I have discussed these same facts with multiple lawyers purporting to represent the sons, most recently Leslie Ferderigos, I advise you that your facts and understanding/assumptions are inaccurate.

Your clients have been provided through counsel, multiple times, the Trust. It is attached.

The source of the registry deposits was **not** solely from the \$180,000 share of the Heritage settlement that was paid less GAL fees into his three children's trusts through the court registry. Less registry fees, and withdrawals that have been permitted by the Court, there are three separate registry account that total (I believe, without warranting) around \$300,000 total for all three sons. There are no other large sums expected, so the remaining balance and the proposed immediate expenditure of \$75,000+ of those funds is a substantial percentage and appears excessive.

Alan B. Rose, Esq.

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From: Inger Garcia [mailto:attorney@floridapotlawfirm.com]

Sent: Monday, June 06, 2022 10:45 AM

To: Alan Rose; attorney@ingergarcia.com; ServiceIMGLAW@yahoo.com

Subject: Re: Bernstein - Alan, Request to Stipulate to Agreed Order: Re: Emergency Motion to Distribute Funds from Court Registry 6-6-22

Dear Mr. Rose:

I represent Joshua, Jacob and Daniel Bernstein individually in the Chapter 11 case, and am about to formally enter the Shirley Bernstein Trust case 50-2014-CP-003698-XXXX-NB with Judge Keever-Agrama, that you apparently appeared at on March 31, 2022, a few weeks before a Scheduled Foreclosure Sale of real property owned by Bernstein Family Realty, LLC. My clients have asked the following questions and have provided a use of proceeds - let me know if you agree so I can file the motion to that court and set a umc hearing. I thought you stated you were a trustee of sorts in court the other day.

On behalf of my three clients, I am therefore requesting your cooperation and agreement to a Stipulated Agreed Order to present in the Registry case for the immediate release of Registry funds. If you are not willing to Agree to release the entire amount in the Registry, we are requesting that you agree to the specified amounts below and that such agreement is for release at the earliest UMC hearing available on Judge Keever-Agrama's calendar.

I now understand that you do not control the Release of funds, but unlike your appearance on March 31st, 2022 when the brothers were seeking Release of Funds so their State Court Attorney could properly negotiate a resolution with Patricia Sahm and/or what we now know should be the Estate of Walter Sahm, instead of opposing the release of these funds, an Agreed Order is requested.

As you are aware from the Bankruptcy filings, it is the position of my clients that it was a necessity to file in Bankruptcy to protect the Assets and company BFR when my clients were even denied the Registry funds to Settle with proper Sahm creditors, in part based on your opposition to the Release on March 31, 2022 even though under the BFR Operating Agreement, the brothers as Members are not individually liable for the debts of BFR, LLC. The brothers were willing to use their Registry Funds to save the Asset and Company and remain willing to do so and now need Bankruptcy Counsel and other expenses paid in Bankruptcy.

I understand that Ginger Stanger has prepared a line by line accounting which you requested and this will be shared in a formal filing tomorrow as an Emergency unless we have an Agreed Order as an Emergency.

Here are the Designated amounts requested:

1. David Marshall Brown, Chapter 11 BFR Attorney Retainer \$37,000.00 (\$35,000.00 fees and \$2,000.00 cost retainer); per Written Retainer by David
2. Estimated Insurance Cost for Homeowners quote via Kin Insurance Quote - \$5216
3. Inger Garcia Attorney fees and Costs = \$20k
4. Leslie Ferderigos, State Attorney Cost = \$3,035
5. Fees to Sunbiz Fla Secretary of State for Reinstatement of BFR, LLC = \$952
6. Registered Agent for Reinstatement of BFR LLC = \$100
7. Bankruptcy Filing Reimbursement = \$1,738.00 and send filing fee if needed.
8. Home Inspection – \$175.00
9. Josh, Jake Danny - \$15,000.00.
10. Maciag Law, LLC - \$15,000.00 Chapter 11 Advisor - Corporate Reorganization and Turnaround speciality

In the event we can not reach a stipulation to an Agreed Order by end of day, an Emergency Motion will be filed tomorrow and I will need the following as I understand my clients have never received a copy of the following and in fact it is possible none of these documents were filed with the Court: It is my understanding that the source of the Court Registry funds is solely from the \$1.8 Million that was released to yourself and Ted Bernstein and part to Brian O'Connell from the Chicago Insurance case of Simon Bernstein in the Northern District of Illinois:

- A. Copy of the Written Trust Agreement that Ginger Stanger was Appointed under and you and the Court referenced on March 31, 2022 as having various Terms and conditions which are unknown to my clients:
- B. Copy of the written Trust Agreements my clients were initially sued under in the Shirley Bernstein case;

C. Additionally, please designate and disclose what Financial Institution the nearly \$780K is being held at for the Benefit of my Clients which represents their share of the Shirley Bernstein Condo Sale at \$1.6 million (\$160K each thus \$480 K for my clients from Condo Sale) and their share of the Lions Head Lane home sale of Simon Bernstein at \$1 million thus \$100K for each brother based on the 10 Grandchildren formula being \$300K total (3 of 10 grandchildren) thus \$480K plus \$300K = \$780K and Disclose who is holding these funds, not just where the funds are held.

I look forward to working with you to resolve these matters amicably. Thank you for your prompt professional courtesy and response.

I remain,

Inger M. Garcia, Esq. for

Florida Litigation Group, P.A.

Florida Pot Law Firm, P.A.

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From: Alan Rose <ARose@mrachek-law.com>
Sent: Thursday, June 2, 2022 12:46 PM
To: Inger Garcia <attorney@floridapotlawfirm.com>; attorney@ingergarcia.com
<attorney@ingergarcia.com>
Subject: RE: Bernstein

There have been multiple requests by various lawyers to remove all of the trust funds from the court registry, and the supervision of the probate judge, all of which were denied.

I do not agree, but I am willing to discuss matters with you, as I did with numerous prior lawyers.

From: Inger Garcia [mailto:attorney@floridapotlawfirm.com]
Sent: Thursday, June 02, 2022 12:24 PM
To: Alan Rose; attorney@ingergarcia.com
Subject: Re: Bernstein

Thank you, Alan. Do you agree that I can file a motion to release the 300k without objection so I can fund the plan and attempt to resolve the foreclosure?

Can we set up a call for Friday?

I remain,

Inger M. Garcia, Esq. for
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From: Alan Rose <ARose@mracheck-law.com>
Sent: Thursday, June 2, 2022 10:26 AM
To: attorney@ingergarcia.com <attorney@ingergarcia.com>
Subject: Bernstein

If you wish to discuss your clients issues with me, please feel free to call.

I assume the prior lawyers, including Ms. Ferderigos, are out of the picture

Alan B. Rose, Esq.

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