

Michael R. Bakst,  
Chapter 7 Trustee

Re: Bernstein Family Realty, LLC

Michael:

I am writing in response to your letter dated June 14, 2022 as the Acting Manager of Bernstein Family Realty, LLC ( hereinafter "BFR" ) while going through the reinstatement-reorganization process that has now been converted to Chapter 7.

Please note that as I have stated on the Record that I am in need of quadruple bypass heart surgery and just 2 days ago had updated medical review and should have had this procedure already which has been directly put off due to the actions in both the State Court foreclosure and now the Chapter 11 and 7 bankruptcy proceedings.

As a result of this urgency expressed by the doctors to start this procedure, my sons as the sole beneficial owners and Members of BFR, LLC and family are making preparations for alternate acting Managers to assume responsibilities when I become unavailable. See attached Doctor Statement.

I wanted to get you at least a quick notice that I am working on the items you have requested within 24 hours as well as items needed within 5 business days.

I have attached the Insurance policy for the real estate which was provided to Heidi Feinman by attorney Inger Garcia to my knowledge prior to the last Bankruptcy Hearing on June 8, 2022 and is currently being updated as requested.

I will be able to get you an actual Bank Account number at Legacy Bank in Boca Raton, Florida maintained by Bernstein Family Realty, LLC but as the Chapter 11 Involuntary petition states, Bernstein Family Realty, LLC has virtually no Business records and the parties you will need to get these from include but are not limited to Ted Bernstein, Alan B. Rose and the Mrachek law firm, Donald Tescher, Robert Spallina, Janet Craig and Oppenheimer, one Rachel Walker and potentially others. BFR is in the process of gathering the scant records obtained via the Tescher-Spallina Bates-stamped dump but at least one Email communication from Robert Spallina confirms BFR is more than a one real estate asset entity. If you do obtain the Tescher-Spallina document dump you will see many items not chronological or complete.

Please note that in January of 2013 I received an urgent call from a gentleman from FiServ who wanted me to call Legacy Banks checks were being written out of this Account and the Account was being used for months after the initial Manager for BFR, Simon L. Bernstein, who is my father had passed away in Sept. of 2012, months before. I understand that Legacy Bank may now be taken over and acquired by Seacoast Bank as of 2021.

The Operating Agreement for Bernstein Family Realty, LLC was filed as an Exhibit to the Petition and can be found at Pacer at Case 22-13009-EPK Doc 1-7 Filed 04/19/22 and this document 1-7 also has the Operating Agreements for Bernstein Family Investments, LLP ( BFI ) and Bernstein Family Holdings all of which are relevant to the Operation of Bernstein Family Realty, LLC but again where the members of BFR and myself have virtually no records from Ted Bernstein, Donald Tescher, Robert Spallina and Alan Rose and the Mrachek law firm. All of the Documents of BFI and Bernstein Family Holdings relate to BFR and must be obtained.

As you will see from the Operating Agreement of BFR, contrary to false information stated on the Record before Judge Kimble on June 8, 2022, BFR is not a "single asset real estate" venture and was set up to Manage Investments and other closely held business and purposes.

You should also find in the Exhibit section of the original Petition a November 9, 2012 letter from my personal attorney at that time Christine P. Yates at Tripp Scott seeking Production from Tescher and Spallina which included allocation and division of all companies owned by my parents Simon and Shirley Bernstein which is at Pacer at Case 22-13009-EPK Doc 1-5 Filed 04/19/22 Page 1 of 3.

Further note that Tescher and Spallina has never provided ANY "original documentation" in any of the related matters even at the time of an alleged "Validity" hearing before Judge Phillips performed by Alan B. Rose for Ted Bernstein in December of 2015 that further never entered many key operating documents into that proceeding. After a fraud and forgery was proven committed by one of the Tescher and Spallina paralegals Kimberly Moran and then filed with the Court relating to closing of the Shirley Bernstein Estate case without any accounting, Tescher and Spallina would resign months later. After her arrest and prosecution for six forged and fraudulently notarized documents, Spallina was brought in for questioning by the Sheriff office and admitted to forging my mother's trust document via a fraudulent amendment to alter beneficiaries in her Irrevocable trust. Ted Bernstein's affidavit was one of the Affidavits forged to close Shirley Bernstein's Estate with no accounting yet Ted would later come in as Fiduciary in Shirley making no sense since if he was Fiduciary he would have Closed the Estate himself instead of using our deceased Father to Close the Estate months after his passing by forged documents.

Shirley Bernstein was an approximate 49.5 percent Owner of BFI which was involved with BFR and thus an accounting is critical to BFR from Shirley Bernstein's Estate as well as BFI and Bernstein Family Holdings.

Judge Martin Colin later allowed Tescher and Spallina to turn over Records months later and then took them much longer to provide approximately 6000 plus documents Bate Stamped which are only copies with no originals and attorneys Brian O'Connell and Alan Rose should have obtained Originals by now as acting fiduciaries but they have never shared these with BFR or myself or the Members of BFR, my sons, who are also alleged to be beneficiaries of the trusts of my parents.

One fact very prominent from Tescher, Spallina, Ted Bernstein and Alan Rose is that there has never been Disclosure of any of the "beginning" bank accounts or records prior to my father's death showing the value of his many private banking accounts, the many companies owned by Simon and my mother Shirley. There are also no records from the immediate period before Tescher and Spallina were brought into their lives by my brother Ted Bernstein for their Estate Planning. BFR is in the process of pulling out the very limited information from the Tescher-Spallina document dump relating to efforts to obtain Tax returns for BFR.

While it is a long document, I have attached for your review an All Writs Act Injunction motion Federal Court filing in related litigation that occurred in the Northern District of Illinois in relation to a Chicago Insurance policy owned by Simon Bernstein that lays out in detail the History of Document and Account withholding by Tescher, Spallina, Ted Bernstein and even Alan Rose involved as a Witness to certain alleged "Duplicate Originals" of certain Trusts magically found after one of the real estate homes had been Inventoried and searched several times. This document can also be found at Pacer at Case: 1:13-cv-03643 Document #: 214 Filed: 02/24/16 Page 1 of 132. This All Writs demonstrating the document withholding of the Estate and Trust and Company information is relevant as BFR was formed as part of the Asset Protection Estate Planning Simon Bernstein had done. See, William Stansbury Affidavit fixed as Exhibit to Chapter 11 Petition. See, Case 22-13009-EPK Doc 1-13 Filed 04/19/22 Page 1 of 10. BFR will point you to the Letter from Stansbury's attorney Peter Feaman sent to the FBI Miami Office due to the White Collar crimes going on in the case and this may already be in the Bankruptcy filings now but was filed with the State Foreclosure Court.

Further, while I am preparing the List of Potential Buyers and other information you have requested, BFR makes an immediate Request for your office to determine the following:

1. Does Ted Bernstein / Alan Rose have any Court Order "authorizing" Ted Bernstein to act as Successor Trustee of the Simon L. Bernstein Amended Trust of 2012 which is how Alan Rose has apparently Appeared in the Chapter 11 case now converted to Chapter 7 and if no Court Order appointing Ted Bernstein as Successor Trustee is available, upon what authority is Ted Bernstein claiming to act?
2. Does Counsel Shraiberg have certified Letters of Testamentary for Joanna Sahm referenced in an Amended filing in the Chapter 11 part of the case under DE No. 28 and if so, where are the Letters and what County and State were these obtained from?

These are just 2 of the initial Conflict of Interest or Potential Conflict of Interest issues BFR intends to present and thus I bring them to your attention at this time as Trustee and will be providing a more detailed List of Conflicts of Interest with the other materials requested.

BFR will also be forwarding you a List of Claims by BFR including but not limited to against Ted Bernstein, Alan Rose and the Mrachek law firm, Tescher, Spallina, Oppenheimer, Janet Craig, Robert Sweetapple and his law firm and others to be submitted.

I have also attached a general outline of LIC Holdings, Inc , another group of companies owned by Simon Bernstein that impact the flow of assets and investments to BFR, companies again where there is no accounting or minimal accounting ever provided.

Thank you for your time and consideration.

Eliot Bernstein, Acting Manager  
Bernstein Family Realty, LLC