From: Foglietta, Joy A
To: "Candice Bernstein"; O"Connell, Brian M.
Cc: Eliot Bernstein; Lobdell, Sharon R.; McDowell, Sherri H.; Crispin, Ashley N.
Subject: RE: Simon Bernstein Estate - grandchildren tuition urgent request
Date: Friday, August 8, 2014 4:35:30 PM

Ms. Bernstein,

We wanted to acknowledge receipt of your email. Due to the complexities of the estate, we need to review the matter thoroughly and will get back to you.

Best,

Joielle A. Foglietta, Esquire
Ciklin Lubitz Martens & O'Connell
Telephone: 561-832-5900
jfoglietta@ciklinlubitz.com

From: Candice Bernstein [mailto:tourcandy@gmail.com]
Sent: Thursday, August 07, 2014 2:26 PM
To: O'Connell, Brian M.; Foglietta, Joy A
Cc: Eliot Bernstein
Subject: Simon Bernstein Estate - grandchildren tuition urgent request

Dear Mr. O'Connell,

I just wanted to follow up with you regarding our call with Joy the other day where we informed her at that time that our family was facing an emergency with our three children's school tuition and the alleged Trustee Ted's failure to provide the payment under the terms of the trust. We asked Joy to look into if the Estate could make a loan or other way to provide for the three minor children. There has been a past due balance in the amount of $43,928.20 owed that is required to be paid by tomorrow, August 8, 2014, in order for them to receive re-enrollment contracts for the 2014-2015 school year. The deposit and tuition payment will be due by August 15, 2015 so that they can continue their education at Saint Andrews School where they have attended going on their seventh year and paid for by Simon and Shirley from the start until their passing, as it was their wishes and intent to have them all graduate from the school.

In 2012 before Simon passed he paid the tuition according to a contract he had with the school directly, including a payment on 9-6-12, a week before he passed. In reviewing the documents from Tescher and Spallina's production, I came across the contract that stated Simon was the responsible party for payment to school, please see the attached PDF. Robert Spallina did not continue the payments under Simon's contract as a debt of the estate and instead shifted it to us without telling us and we ended up paying it. This is yet another fraud we have noticed the court and authorities

about. We were not informed that Simon's estate was responsible for paying the school and have never been reimbursed the $63,124.19 that we paid the school directly under Simon's contract after he passed.

At this time we are facing a true emergency due to the Trustees failure to respond to our requests with a simple yes or no to our request and have continued to play games instead perform under the Trusts. Our children are at risk of being removed from their school at this time and these actions are tragic and heartbreaking. We are looking to see if either we can be reimbursed from Simon's estate for the Simon debt we paid or take a loan from the Estate of Simon until the Court can deal with the Trustee's breaches. We discussed with Joy the possibility of an emergency loan to cover the cost of their tuition.

We have requested emergency interim distributions to Ted Bernstein and Alan Rose under the Trusts. We have exchanged emails regarding them making these payments out of trust funds that are designed for education purposes. They informed us they were requesting a hearing for a court order to do this but it has come to our attention they have not requested that hearing and refuse to answer back to us when, how and if they are making the payment to the school. Peter Feaman, Esq. also reached out to them and encouraged them to not use the children as pawns. I have attached that letter for your review as well.

Our only other option is to request an emergency hearing from the court compelling Ted Bernstein to make the distribution from the trusts. We have found out that Judge Martin Colin is on vacation for two weeks. So we would have to try to have another Judge hear the request by tomorrow if we cannot work something out with you, so please let us know your decision ASAP.

Thank you for your prompt attention to this matter. We regret having to bring this to you however we have no other options since Ted Bernstein and Alan Rose refuse to co-operate with the best interests of the minor children at stake.

Warmest regards,

Candice and Eliot Bernstein

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