From: Foglietta, Joy A
To: "Eliot Ivan Bernstein"
Subject: RE: Shirley Bernstein Trust -- Sale of 7020 Lions Head Lane property
Date: Tuesday, March 24, 2015 10:07:56 AM

Eliot,

What time is good for us to discuss the below?

Best,

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

From: Eliot Ivan Bernstein [mailto:iviewit@gmail.com]
Sent: Tuesday, March 24, 2015 7:58 AM
To: O'Connell, Brian M.; Foglietta, Joy A
Cc: 'Andrew Dietz @ Rock-It Cargo USA, Inc.'; 'CANDICE BERNSTEIN'; 'Caroline Prochotska Rogers Esq.'; 'Eliot I. Bernstein'; 'Michele M. Mulrooney ~ Partner @ Venable LLP'; 'JoAnne M. Denison Esq. @ Denison & Associates, PC'
Subject: FW: Shirley Bernstein Trust -- Sale of 7020 Lions Head Lane property

Brian and Joy,

Below are some of my concerns in response to Alan's letter below in any attempted sale of my mother and father's home.

1. Yes, I oppose.
    a. Ted is not a qualified trustee now and we believe he was improperly and illegally inserted in the document by his former counsel Tescher and Spallina (who represented him from the day my dad died in Shirley's estate and trust until they were removed for their frauds, etc. and where Spallina admitted altering a Shirley Trust document to benefit Ted) and have so challenged the trust and Ted as Trustee for these reasons and more. If it is found that Ted was a fraudulent trustee later the property will have to be returned to the beneficiaries as we will be seeking in the Shirley Condo instance as well and the expense will be obscene. In fact, Ted signed in Shirley's condo sale a tax form as PR of her estate when the estate was already closed by my deceased father through fraud and no successor had been chosen, this is also under current investigation.
    b. There have been no trust accountings to determine anything of the value of the trust corpus in violation of statutes and while we appreciate Alan's statements that nothing is there we do not believe him or Ted.
    c. There are claims by the PR of Simon's estate, Mr. O'Connell that Ted is not a valid trustee in Simon's Trust as well.
    d. There are claims by Creditor Counsel Feaman that Alan and Ted are violating attorney conduct codes, fiduciary duties and law.
    e. There is litigation surrounding the Lions Head Lane property, including but not limited to, counter complaint, petitions and motions involving home in Shirley's estate and trust.
    f. Ted has sold one property already, Shirley's condo and distributed to improper beneficiaries including his family which is wholly cut out of Shirley's estate and trusts, against the advice of counsel per the PB Sheriff report.
    g. The beneficiaries are unknown at this time and thus the whole sale could be challenged later as part of ongoing fraud.
    h. The Trust documents have not been verified and there are challenges to whole document pending.
    i. Sheriff Report indicates Ted has knowingly made improper distributions against the advice of counsel.
    j. There is an order for a re-inventorying, we want this done before any transfer of property to any place as this will increase costs and may cause further loss.
    k. The home is being sold at firesale price, in fact Nestler Poletto weeks before Simon died had property valued at 3.2 Million dollars, market has only increased in value since. The two properties were listed for over 6M dollars in 2012 and since market has risen in value not decreased and they are trying to sell them for over 60% less than worth.
    l. They have made ludicrous claims about the condition of the home, why did Nestler not point that out when listing it at 3.2 Million only 2.5 years ago?
    m. The sale was kept secret from beneficiaries as with the Condo sale which we still have no transaction details regarding in violation of Statutes.
    n. Alan Rose is personally conflicted from representation as a Counter Defendant in Counter Complaint and should resign with his client.
2. The trustee and the beneficiaries are unknown at this time and Ted has a trust construction lawsuit so who are the beneficiaries Alan refers to and have they ever been notified of this sale, as me and my children have not been.
    a. Most of their motion is full of false statements.
3. According to Alan and Mr. Tescher at his deposition personal properties of Simon's estate were sold with the Condo, contradicting Alan and Ted's statements to the Court stating it was transferred to Lions Head Lane. Tescher and Rose claimed they intended on "truing up" missing items that still are unaccounted for. We believe that Ted is trying to dump properties knowing he is not now qualified and further tamper with the Estate properties of Simon in efforts to evade criminal investigations through this scheme to uncover the prior alleged thefts that are under ongoing investigation.

Eliot

From: Alan Rose [mailto:ARose@mrachek-law.com]
Sent: Monday, March 23, 2015 10:52 PM
To: Eliot Ivan Bernstein; Eliot Ivan Bernstein

Cc: John P. Morrissey; Ted Bernstein; O'Connell, Brian M.; Foglietta, Joy A
Subject: Shirley Bernstein Trust -- Sale of 7020 Lions Head Lane property

Mr. Eliot Bernstein:

1. Do you oppose the sale of the Trust's house in St. Andrews Country Club? If so, can you advise as to the reasons.

On behalf of the Trustee, and all of the other beneficiaries I'm sure, I would urge you to reconsider any objection or opposition to this sale.

We have filed and served the attached Motion to Approve Sale, and set it for hearing this Wednesday due to the time urgency imposed under the circumstances of this offer

2. Also, there is within the house property of the estate of Simon that has been and will continue to be safeguarded within the house and / or moved to some storage facility under control of Brian O'Connell. That property, in total, likely has limited positive economic value after storage and moving expenses, and the expenses of Mr. O'Connell to handle it, but whatever value there is will be preserved by Mr. O'Connell. That property has been stored at no expense to the estate since Simon's death, and probably should be divvied up among beneficiaries, but that is a decision for Mr. O'Connell.

Counsel for Ted S. Bernstein

From: eservice@myflcourtaccess.com [mailto:eservice@myflcourtaccess.com]
Sent: Monday, March 23, 2015 7:16 PM
To: undisclosed-recipients
Subject: SERVICE OF COURT DOCUMENT - CASE NUMBER 502014CP003698XXXXSB

Notice of Service of Court Documents

Filing Information

Filing #:	25222848
Filing Time:	03/23/2015 07:16:12 PM ET
Filer:	Alan B Rose 561-655-2250
Court:	Fifteenth Judicial Circuit in and for Palm Beach County, Florida
Case #:	502014CP003698XXXXSB
Court Case #:	2014CP003698
Case Style:	IN RE: Estate of Not Available

Documents

Title	File
Motion	M-Approve Sale of Trust Property.pdf
Notice Of Hearing	NOH on M-Approve Sale of Trust Property.pdf

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