

SIMON BERNSTEIN IRREVOCABLE TRUST U/A 9/7/06
 FBO JOSHUA Z BERNSTEIN
 OPPENHEIMER TRUST CO, SUCCESSOR TRUSTEE
 Acct Number: 21 00 0916 0 03

Transaction Description	Posting Date	Payment
DISBURSEMENTS TO COVER HOUSEHOLD EXPENSES		
BERNSTEIN FAMILY REALTY LLC - PAYMENT TO LEGACY BANK	11/08/2012	-4,313.95
BERNSTEIN FAMILY REALTY LLC - PAYMENT TO LEGACY BANK	11/29/2012	-250.00
BERNSTEIN FAMILY REALTY LLC - PAYMENT TO LEGACY BANK	11/30/2012	1,000.00
CANDICE BERNSTEIN - ONE-THIRD MONTHLY EXPENSES FOR SEPT OCT NOV	12/06/2012	-3,000.00
CANDICE BERNSTEIN - ONE-THIRD MONTHLY EXPENSES FOR DEC 2012	12/10/2012	-1,000.00
BERNSTEIN FAMILY REALTY CUSTODY ACCOUNT	12/27/2012	-3,000.00
FISERV - REIMBURSEMENT OF OVERPAYMENT BY BILL PAY SERVICE	01/30/2013	-980.95
BERNSTEIN FAMILY REALTY CUSTODY ACCOUNT	02/06/2013	-6,000.00
BERNSTEIN FAMILY REALTY CUSTODY ACCOUNT	02/27/2013	-3,000.00
BERNSTEIN FAMILY REALTY CUSTODY ACCOUNT	03/11/2013	-3,000.00
BERNSTEIN FAMILY REALTY CUSTODY ACCOUNT	04/04/2013	-3,000.00
BERNSTEIN FAMILY REALTY CUSTODY ACCOUNT	05/03/2013	-2,000.00
BERNSTEIN FAMILY REALTY CUSTODY ACCOUNT	05/17/2013	-4,000.00
BERNSTEIN FAMILY REALTY CUSTODY ACCOUNT	05/30/2013	-2,000.00
BERNSTEIN FAMILY REALTY CUSTODY ACCOUNT	06/04/2013	-1,000.00
BERNSTEIN FAMILY REALTY CUSTODY ACCOUNT	06/28/2013	-4,000.00
BERNSTEIN FAMILY REALTY CUSTODY ACCOUNT	07/03/2013	-1,000.00
BERNSTEIN FAMILY REALTY CUSTODY ACCOUNT	07/15/2013	-4,000.00
BERNSTEIN FAMILY REALTY CUSTODY ACCOUNT	08/06/2013	-1,000.00
CANDICE BERNSTEIN - LIVING EXPENSES FOR JOSHUA	09/10/2013	-90.00
BERNSTEIN FAMILY REALTY CUSTODY ACCOUNT	09/18/2013	-1,340.36
TOTAL DISBURSEMENTS TO COVER HOUSEHOLD EXPENSES		-46,975.26

SEE EXHIBIT 3 - OPPENHEIMER AND SPALLINA CORRESPONDENCES REGARDING REPAYMENT

I am out today with no access to my calendar but either day should be fine. Give me times and I will confirm.

Sent from my iPhone

On Aug 13, 2013, at 10:05 AM, "Craig, Janet" <Janet.Craig@opco.com> wrote:

I'm out of the office on Wednesday, but will be in Thursday and Friday. What's good for you?

Janet Craig
973-245-4635

From: Robert Spallina [<mailto:rspallina@tescherspallina.com>]
Sent: Monday, August 12, 2013 3:24 PM
To: Craig, Janet
Subject: RE: Bernstein Family Realty

Janet – I am out today and tomorrow but back in on Wed. Are you available that day?

From: Craig, Janet [<mailto:Janet.Craig@opco.com>]
Sent: Monday, August 12, 2013 10:27 AM
To: Robert Spallina
Subject: RE: Bernstein Family Realty

Hi Robert - I apologize. We have been very busy.

I am in the office until 3pm today. What time is best for you?

Janet Craig, CTFA
Senior Vice President & Compliance Officer
Oppenheimer Trust Company
18 Columbia Turnpike
Florham Park, NJ 07932
Tel: 973-245-4635
Fax: 973-245-4699
Email: Janet.Craig@opco.com

From: Robert Spallina [<mailto:rspallina@tescherspallina.com>]
Sent: Thursday, August 08, 2013 4:47 PM
To: Craig, Janet
Subject: RE: Bernstein Family Realty

Janet – I have not heard back from you and would like to speak to you regarding the below. Thank you

From: Craig, Janet [<mailto:Janet.Craig@opco.com>]
Sent: Tuesday, July 16, 2013 1:56 PM
To: Robert Spallina; 'Eliot Ivan Bernstein (iviewit@gmail.com)'; 'Candice Bernstein (tourcandy@gmail.com)'
Cc: Worth, Hunt; Sigalos, Janet; Vereb, Patricia
Subject: Bernstein Family Realty

Robert, Eliot and Candice,



As you are aware, during his lifetime, Simon Bernstein paid the household expenses for Eliot and Candace. Upon his death those funds were frozen and the only funds available to pay the household expenses were the education trusts that Simon set up for Daniel, Jacob and Joshua.

We are now at a point where the education trusts have insufficient assets to pay the 2013/2014 tuition for the three boys and will soon be depleted to the point where the household expenses cannot be paid. The market values of the four accounts are listed below.

Please let me know as soon as possible if the Estate of Simon Bernstein intends to reimburse the education trusts for the household expenses paid to date. If this is not possible, for any reason, Oppenheimer Trust Company will have no recourse but to Resign as Trustee in favor of Eliot and Candice Bernstein and to name them as the Successor Manager of Bernstein Family Realty. At that point we will present an Accounting for all the trusts, request a Release and Receipt for our period of administration and transfer all funds to the management of the Successor Trustee and Manager and terminate the trusts.

Please note I will be out of the office from July 20th through July 29th. I will be addressing this matter upon my return.

S. Bernstein Trust fbo Daniel	\$19,465.15
S. Bernstein Trust fbo Jacob	\$19,267.41
S. Bernstein Trust fbo Joshua	\$ 9,268.52
<u>Bernstein Family Realty</u>	<u>\$12,311.94</u>
Total	\$60,313.02

Thank you for your prompt attention to this matter.

Janet Craig, CTFA
Senior Vice President & Compliance Officer
Oppenheimer Trust Company
18 Columbia Turnpike
Florham Park, NJ 07932
Tel: 973-245-4635
Fax: 973-245-4699
Email: Janet.Craig@opco.com

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Robert Spallina

From: Robert Spallina
Sent: Friday, October 12, 2012 2:27 PM
To: 'Craig, Janet'
Subject: Bernstein Family LLC
Attachments: DOC101212.pdf

Janet - Let's discuss on Monday. There are bills to be paid and things are going to be shot off soon. Thank you

Robert L. Spallina, Esq.
TESCHER & SPALLINA, P.A.
4855 Technology Way, Suite 720
Boca Raton, Florida 33431
Telephone: 561-997-7008
Facsimile: 561-997-7308
E-mail: rspallina@tescherspallina.com

If you would like to learn more about TESCHER & SPALLINA, P.A., please visit our website at www.tescherspallina.com

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EXHIBIT 4 – EVIDENCE OF SIMON PAYING 2012-2013 CONTRACT AND SAINT ANDREWS PAYMENTS
MADE POST MORTEM BY ELIOT'S CHILDREN

you.

From: Rachel Walker [mailto:rachel3584@gmail.com]
Sent: Wednesday, October 10, 2012 7:19 AM
To: Robert Spallina
Subject: Fwd: FACTS Payment Plan Confirmation (6300528)

Sent from my iPhone

Begin forwarded message:

From: FACTS Management Company <noreply2@factsmgt.com>
Date: May 22, 2012, 2:07:33 PM EDT
To: <rachel3584@gmail.com>
Subject: FACTS Payment Plan Confirmation (6300528)

FACTS Management Company
Confirmation Notification

Agreement #: 101

Mr. Simon Bernstein:

05/2

Thank you for using FACTS Management Company to make your payment for Saint Andrew's School. The person responsible for payment on this agreement is Mr. Simon Bernstein.

The following Additional Authorized Parties have been added to the agreement:
Rachel Walker

The total balance due to Saint Andrew's School is \$55,521.00. Details about your balance are located at the end of this notice.

Your schedule of payments is listed below. Payments will be processed automatically from your checking account with Legacy Bank until the balance is paid in full.

Date	Description	Amount
06/05/2012	Payment	\$5,552.10
07/05/2012	Payment	\$5,552.10
08/06/2012	Payment	\$5,552.10
09/05/2012	Payment	\$5,552.10
10/05/2012	Payment	\$5,552.10
11/05/2012	Payment	\$5,552.10
12/05/2012	Payment	\$5,552.10
01/07/2013	Payment	\$5,552.10
02/05/2013	Payment	\$5,552.10
03/05/2013	Payment	\$5,552.10

Fee Information:

A \$30.00 FACTS returned payment fee will be assessed for each returned payment.

Customer Service and Online Access:

This confirmation notification is based on the terms of your original agreement. To manage your agreement information or make payments online, go to <https://online.factsmgt.com>. If clicking the link does not work in your email program you can copy the entire link and paste it into the address box of your browser.

Please contact customer service representatives at (866) 441-4637 with any questions. If you have questions regarding the terms of your payment plan, please contact Saint Andrew's-June Shumate/Cherry Fiske at 561-210-2038.

Sincerely,

FACTS Management Company



10/23/2012

TS004317

Balance Details Name	Description	Amount
Daniel Bernstein	Tuition	\$16,443.00
Jacob Bernstein	Tuition	\$18,639.00
Joshua Bernstein	Tuition	\$20,439.00

Do NOT reply to this message. Replies will not be read.

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10/23/2012

TS004318



SAINT ANDREW'S SCHOOL

3900 JOG ROAD
BOCA RATON, FLORIDA 33434
(561) 210-2030

9/5/2012

Page 1

Joshua E. Bernstein

ACCOUNT
OF:

Mr. and Mrs. Simon Bernstein
7020 Lions Head Ln
Boca Raton, FL 33496

11988

tenth

AMOUNT DUE

\$903.95

AMOUNT ENCLOSED

PLEASE DETACH AND RETURN THIS PORTION WITH YOUR REMITTANCE

DATE	TYPE	REFERENCE	CHARGE	CREDIT
		Joshua E. Bernstein		
		Balance Forward 8/1/2012	\$0.00	\$0.00
8/31/2012	Charge	Bookstore Charges	\$903.95	
		Subtotal - Joshua E. Bernstein	\$903.95	

STATEMENT

Current	31-60	61-90	over 90	TOTAL
\$ 903.95	\$ 0.00	\$ 0.00	\$ 0.00	\$ 903.95

ALL OUTSTANDING BALANCES ARE DUE UPON RECEIPT. PAYMENTS MUST BE RECEIVED NO LATER THAN 10/3/12.
PAST DUE BALANCES AT THAT TIME WILL BE SUBJECT TO LATE CHARGES AT THE RATE OF 1½% MONTHLY.

TS004895



SAINT ANDREW'S SCHOOL

3900 JOG ROAD
BOCA RATON, FLORIDA 33434
(561) 210-2030

9/5/2012

Page 1

Jacob N. Bernstein

ACCOUNT
OF:

Mr. and Mrs. Simon Bernstein
7020 Lions Head Ln
Boca Raton, FL 33496

11987

eighth

AMOUNT DUE

\$830.99

AMOUNT ENCLOSED

PLEASE DETACH AND RETURN THIS PORTION WITH YOUR REMITTANCE

DATE	TYPE	REFERENCE	CHARGE	CREDIT
Jacob N. Bernstein				
		Balance Forward 8/1/2012		\$0.01
8/25/2012	Charge	Laptop Computer/Maintenance	\$225.00	
8/31/2012	Charge	Bookstore Charges	\$606.00	
		Subtotal - Jacob N. Bernstein	\$830.99	

STATEMENT

Current
\$ 830.99

31-60
\$ 0.00

61-90
\$ 0.00

over 90
\$ 0.00

TOTAL
\$ 830.99

ALL OUTSTANDING BALANCES ARE DUE UPON RECEIPT. PAYMENTS MUST BE RECEIVED NO LATER THAN 10/3/12.
PAST DUE BALANCES AT THAT TIME WILL BE SUBJECT TO LATE CHARGES AT THE RATE OF 1½% MONTHLY.

TS004899



SAINT ANDREW'S SCHOOL

3900 JOG ROAD
BOCA RATON, FLORIDA 33434
(561) 210-2030

9/5/2012

Page 1

ACCOUNT
OF:

Mr. and Mrs. Simon Bernstein
7020 Lions Head Ln
Boca Raton, FL 33496

Daniel E. Bernstein

11983

fourth

AMOUNT DUE

\$98.00

AMOUNT ENCLOSED

PLEASE DETACH AND RETURN THIS PORTION WITH YOUR REMITTANCE

DATE	TYPE	REFERENCE	CHARGE	CREDIT
Daniel E. Bernstein				
		Balance Forward 8/1/2012	\$0.00	\$0.00
8/31/2012	Charge	Bookstore Charges	\$98.00	
		Subtotal - Daniel E. Bernstein	\$98.00	

STATEMENT

Current	31-60	61-90	over 90	TOTAL
\$ 98.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 98.00

ALL OUTSTANDING BALANCES ARE DUE UPON RECEIPT. PAYMENTS MUST BE RECEIVED NO LATER THAN 10/3/12.
PAST DUE BALANCES AT THAT TIME WILL BE SUBJECT TO LATE CHARGES AT THE RATE OF 1 1/2% MONTHLY.

TS004897

Joshua E. Bernstein

Mrs. Candice Bernstein
2753 NW 34th St
Boca Raton, FL 33434-3459

11988

eleventh

\$0.00

Joshua E. Bernstein

8/31/2012	Charge	Bookstore Charges	\$903.95	
9/30/2012	Charge	Bookstore Charges	\$77.00	
10/29/2012	Charge	Model UN	\$315.00	
10/29/2012	Payment	Check 82717025		\$350.00
10/31/2012	Charge	Bookstore Charges	\$32.95	
11/13/2012	Charge	FACTS Tuition Transfer	\$20439.00	
		Close FACTS		
11/13/2012	Credit	FACTS Tuition Payment		\$10219.50
		Close FACTS		
11/20/2012	Payment	Check 92918338		\$980.95
11/20/2012	Payment	Check 23517		\$10219.50
11/30/2012	Charge	Bookstore Charges	\$69.68	
12/31/2012	Charge	Bookstore Charges	\$15.00	
1/25/2013	Charge	US Yearbook	\$130.00	
1/31/2013	Charge	Bookstore Charges	\$107.95	
2/7/2013	Payment	Check 023978		\$67.63



Joshua E. Bernstein

Mrs. Candice Bernstein
2753 NW 34th St
Boca Raton, FL 33434-3459

11988

eleventh

\$0.00

2/15/2013	Payment	Check 24051		\$252.95
2/28/2013	Charge	Bookstore Charges	\$54.00	
3/27/2013	Payment	Check 24190		\$54.00
3/31/2013	Charge	Bookstore Charges	\$100.00	
4/22/2013	Payment	Check 24587		\$100.00
4/30/2013	Charge	Bookstore Charges	\$144.95	
5/16/2013	Payment	Check 24768		\$144.95
5/31/2013	Charge	Bookstore Charges	\$64.15	
6/18/2013	Payment	Check 24981		\$64.15
		Subtotal - Joshua E. Bernstein	\$0.00	


\$ 0.00

Jacob N. Bernstein

Mrs. Candice Bernstein
 2753 NW 34th St
 Boca Raton, FL 33434-3459

11987

ninth

\$35.00

Jacob N. Bernstein

10/25/2012	Charge	8th Grade Trip	\$18639.00	
		Deposit Washington DC		
10/31/2012	Charge	Bookstore Charges	\$11.00	
11/13/2012	Charge	FACTS Tuition Transfer	\$18639.00	
		Close FACTS		
11/13/2012	Credit	FACTS Tuition Payment		\$9319.50
		Close FACTS		
11/20/2012	Payment	Check 92918338		\$830.99
11/20/2012	Payment	Check 23518		\$9319.50
11/25/2012	Charge	8th Grade Trip	\$600.00	
		Balance Due		
11/30/2012	Charge	Bookstore Charges	\$6.99	
12/15/2012	Charge	Middle School Yearbook	\$65.00	
1/31/2013	Charge	Bookstore Charges	\$16.00	
2/7/2013	Payment	Check 23977		\$1017.99



Jacob N. Bernstein

Mrs. Candice Bernstein
2753 NW 34th St
Boca Raton, FL 33434-3459

11987

ninth

\$35.00

2/15/2013	Payment	Check 24050		\$81.00
2/28/2013	Charge	Bookstore Charges	\$35.00	
3/27/2013	Payment	Check 24191		\$35.00
4/30/2013	Charge	Bookstore Charges	\$25.99	
5/16/2013	Payment	Check 24769		\$25.99
6/28/2013	Charge	Bookstore Charges	\$35.00	
		Subtotal - Jacob N. Bernstein	\$35.00	



\$ 35.00

Daniel E. Bernstein

Mrs. Candice Bernstein
 2753 NW 34th St
 Boca Raton, FL 33434-3459

11983

fifth

\$0.00

8/31/2012	Charge	Bookstore Charges	\$98.00	
11/13/2012	Charge	FACTS Tuition Transfer	\$16443.00	
		Close FACTS		
11/13/2012	Credit	FACTS Tuition Payment		\$8221.50
		Close FACTS		
11/20/2012	Payment	Check 92918338		\$98.00
11/20/2012	Payment	Check 23519		\$8221.50
5/31/2013	Charge	Bookstore Charges	\$92.00	
6/18/2013	Payment	Check 24982		\$92.00
		Subtotal - Daniel E. Bernstein	\$0.00	



\$ 0.00