

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           |
|-----------------------------------------------------------------|--------------|-------------------|
| <b>DISBURSEMENTS TO COVER HOUSEHOLD EXPENSES</b>                |              |                   |
| 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         |
| <b>TOTAL DISBURSEMENTS TO COVER HOUSEHOLD EXPENSES</b>          |              | <b>-46,975.26</b> |

SEE EXHIBIT 3 - OPPENHEIMER AND SPALLINA CORRESPONDENCES REGARDING REPAYMENT

EXHIBITS

Tuesday, May 26, 2015

Page **13** of **14**

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](mailto: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

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**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?

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**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](mailto:Janet.Craig@opco.com)

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**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

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**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](mailto:iviewit@gmail.com))'; 'Candice Bernstein ([tourcandy@gmail.com](mailto: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 20<sup>th</sup> through July 29<sup>th</sup>. 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               |
| <b><u>Bernstein Family Realty</u></b> | <b><u>\$12,311.94</u></b> |
| <b>Total</b>                          | <b>\$60,313.02</b>        |

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](mailto:Janet.Craig@opco.com)

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**Robert Spallina**

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**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](mailto:rspallina@tescherspallina.com)

If you would like to learn more about TESCHER & SPALLINA, P.A., please visit our website at [www.tescherspallina.com](http://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.

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**From:** Rachel Walker [mailto:[rachel3584@gmail.com](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](mailto:noreply2@factsmgt.com)>  
**Date:** May 22, 2012, 2:07:33 PM EDT  
**To:** <[rachel3584@gmail.com](mailto:rachel3584@gmail.com)>  
**Subject:** FACTS Payment Plan Confirmation (6300528)

**FACTS Management Company**  
**Confirmation Notification**

Agreement #: 101

Mr. Simon Bernstein:

05/

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  | Description | Amount      |
|------------------|-------------|-------------|
| Name             |             |             |
| 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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**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 |
|----------------------------|--------|---------------------------------------|-----------------|--------|
| <b>Joshua E. Bernstein</b> |        |                                       |                 |        |
| 8/31/2012                  | Charge | Balance Forward 8/1/2012              | \$0.00          | \$0.00 |
|                            |        | Bookstore Charges                     | \$903.95        |        |
|                            |        | <b>Subtotal - Joshua E. Bernstein</b> | <b>\$903.95</b> |        |



**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 |
|---------------------------|--------|--------------------------------------|-----------------|--------|
| <b>Jacob N. Bernstein</b> |        |                                      |                 |        |
|                           |        | Balance Forward 8/1/2012             | \$0.01          |        |
| 8/25/2012                 | Charge | Laptop Computer/Maintenance          | \$225.00        |        |
| 8/31/2012                 | Charge | Bookstore Charges                    | \$606.00        |        |
|                           |        | <b>Subtotal - Jacob N. Bernstein</b> | <b>\$830.99</b> |        |

**STATEMENT**

| Current   | 31-60   | 61-90   | over 90 | TOTAL     |
|-----------|---------|---------|---------|-----------|
| \$ 830.99 | \$ 0.00 | \$ 0.00 | \$ 0.00 | \$ 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

Daniel E. Bernstein

ACCOUNT  
OF:

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

11983 fourth

|                 |         |
|-----------------|---------|
| AMOUNT DUE      | \$98.00 |
| AMOUNT ENCLOSED |         |

PLEASE DETACH AND RETURN THIS PORTION WITH YOUR REMITTANCE

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

**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       |
| <b>Subtotal - Joshua E. Bernstein</b> |         |                   | <b>\$0.00</b> |

\$ 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         |            |
|            |         | 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        |
| <b>Subtotal - Jacob N. Bernstein</b> |         |                   | <b>\$35.00</b> |



\$ 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       |
|            |         | <b>Subtotal - Daniel E. Bernstein</b> | <b>\$0.00</b> |



\$ 0.00