

Universal Resources For Collecting and Evaluating Impartial Information

*Universal = common, available to everyone, unbiased, easy to access,
without opposition.*



Prepared for Ms. Claudia Silbert
New York Surrogate Court Room 401
31 Chambers Street
New York City, N.Y. 10007

By Marlee-Jo Jacobson
June 19, 2002

This document allows access to objective knowledge.
It was prepared to facilitate a process of high quality unbiased
decisions related to:

The Estate of Ethel Jacobson
File # 1140/2001

CC: Diane Mota, Leonard Steinman, Shelby Zarin, Joseph Gaffney

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Objective

To prove degrees of honorable or ill intention of Shelby Zarin and Diane Mota as fiduciaries for, and Marlee-Jo Jacobson as beneficiary of the Estate of Ethel Jacobson. To then establish a plan for fair decisions and settlement that resembles something recognized in the Will of Ethel Jacobson.

To save time, money and energy we want ONE IMPERSONAL TRUTH that can be filtered into all aspects of any situation – From ONE FOCUS (master) we can comfortably move into each area of concern seeking to resolve each issue ALWAYS IN ALIGNMENT WITH THE ORIGINAL HIGH POINT OR FOCUS –

HONORABLE OR ILL INTENTION IS THE ONE BIG QUESTION
DEGREES OF INFRACTION CAN BE APPLIED AS A FILTER

Notice time, cost, energy and risk relative to what we have been living with – the process acts as a partial filter. All sides must now meet a higher standard to stay in the game! (Because this original document is shared with all parties the process can quantify intention and facilitate resolution at lower cost and risk for everyone). Traditionally the document would be completed for the Court by an Executor or Estate Administrator.

Finally – the document is designed to strengthen anyone's degree of self-trust – "IT" effectively determines the problem and what information can expedite resolution at the highest level – "Greatest good for the greatest number of people at the lowest possible cost and shortest amount of time." That includes people "Judged" as guilty by human standards – God loves them too! If properly formatted the process can be applied to any problem and the document completed in less than two hours.

Overview

- Was the Estate of Ethel Jacobson set up in alignment with responsibilities of a fiduciary under the Power of Attorney held by Shelby Zarin from 1989 – Jan 2001?
 - Considering Zarin's professional licensing, what responsibility as a fiduciary can she realistically be held to?
 - Is the Estate being executed in alignment with responsibilities of a fiduciary the under the POA of Diane Mota as Executor?
 - Is Marlee-Jo Jacobson as beneficiary telling the truth relative to her role with her Mother before Shelby Zarin took POA?
 - What relevance exists between Jacobson's degree of truth and any claim Zarin may have defending her own actions?
 - How can anyone establish a connection that opens a door to Zarin being "right" in how she "set-up" the estate during her term as POA?
 - How can anyone justify the actions of Diane Mota during her term as Executor?
 - How can anyone accurately evaluate Jacobson's current financial situation relative to her intentions?
 - Considering the compensation structure of attorney's – what roles did and do attorney's play in expediting a settlement?
 - What does anyone need to determine the HIGH POINT OR FOCUS so decisions have substance?

Current Reality – the Probate Estate was depleted of all assets during the term Shelby Zarin had POA. Except for the Coop at 11 5th Avenue, assets were moved to the names of Shelby Zarin and Diane Mota. Cash and revenue from estate assets was commingled with both beneficiaries and in some instances their children. The Estate was never "set-up" properly to effectively manage asset growth and possible tax issues. Jacobson claims that both siblings collaborated in depleting the estate of all assets with the intention of taking

her share of an inheritance. What she was to receive would be determined by their judgments and standards, for their convenience rather than the wishes of the decedent.

Several Issues are Visible -

1. Zarin kept no proper records.
2. Estate assets were never prudently invested
3. Zarin's behavior and willingness to cooperate is deplorable.
4. Neither Zarin or Mota have ever given Jacobson a note or honest accounting of money received from the decedents property in over a decade.
5. Any written agreement between siblings is and was non existent.
6. Since this case has been in court both Zarin and Mota have financially abused and manipulated Jacobson for personal gain.
7. Complete Impartial Information is currently being withheld by Zarin and Mota.
8. Nine conflicting "sworn stories" submitted by Zarin, that need to be verified are currently visible with the Court. One is "heresay" because Mota and Jacobson heard it. Independent verification is impossible. "Sworn Statements" cannot be trusted because verification is NOT independent of this case. **(See Exhibit A)**
9. Mota's Actions - supported by her attorney's –
 - The probate estate was filed at \$501,000 – one exchange membership transferred to Mota was NOT included with the original accounting. Truth of the membership being property of the decedent was "accidentally discovered" because of communication between Art Gold Esq. and Herb Bockstein Esq. during the summer of 2001. Mota had given Jacobson a note in May 1999 acknowledging that the membership was property of the decedent. Jacobson had no knowledge of how the estate was being evaluated by Mota.
 - The entire coop issue and claims against Jacobson relative to money owed by Jacobson to the estate are based on incomplete and deceptive accounting issues that Mota is partially aware of and was partially involved with at one time or another.
 - Failed and poorly timed efforts at bringing other assets back into the estate can "illude" to collaboration with Zarin to keep assets out of the estate. At the very least Mota's actions have "proven" to be self-serving and deceptive. **(See Ex B Cover Letter to - Petition to Supervise the Executor- the document is already with you).**
 - Although the executor and Zarin have both had easy access to all NYMEX resources for over a decade neither sibling has offered Jacobson or the Court verified information related to exchange transfers, leases and other pertinent information **WHY?**
10. Jacobson could be lying – maybe she did "bleed her Mother's finances." Obviously she has been living on \$2000 a month since the end of 1993. That income was generated from her Mother's assets. She could be totally incapacitated relative to an ability to support herself – or she could be telling the truth – that she was unknowingly in ill health for several years. During that time her decisions were severely impaired causing massive self-devastation. The issue is easily resolved by independently verifying her medical and professional history. Also by verifying membership transfers with NYMEX. All records are public knowledge -
11. The court already ruled that all exchange memberships were property of the decedent – Zarin is fighting the ruling.

Unresolved Financial Issues

Zarin –

1. Zarin took \$70,000 a year for three years - \$210,000 – Is that income to Zarin legitimate under current circumstances, which include the estate never being properly set-up.

2. Zarin gave an exchange membership to her son for FREE from April 2000 until recently – the estate was deprived of the seat lease income – was that action legal or illegal
3. Zarin lost \$500,000 in a speculative venture in the mid to late 90's – the loss is public knowledge because the investment was a scandal – What part of that money was property of the decedent? (Why hasn't the executor brought it to the courts attention?)
4. When Zarin was associated with Churchill Securities as a financial professional, the decedent opened an account with Zarin. Someone needs to question the origin or any bank account that has rights of survivorship left to Zarin by the decedent. Why would the decedent have joint accounts with Zarin and not Mota or Jacobson?
5. Revenue from seat leases was filtered into multiple accounts, one belonging to Zarin and her daughter – Who is the rightful owner of this money?
6. Zarin's husband was paying taxes on seat lease income declared on Zarin's tax return – on the surface this looks like joint returns – but was the decedents property being used to launder cash –
7. What other money was taken, lost or given to relatives under Zarin's POA that we cannot see ?

Mota

1. What role did Mota play in setting up the current situation?
2. Did Mota receive any income from the decedents property during the term that Zarin had POA?
3. What happened to income from the exchange membership transferred to Mota by Zarin?

Jacobson

1. Jacobson received \$227,000 over a decade as \$2000 a month living expense and small items such as a new bed, a few medical bills, etc.
2. Jacobson was forced to pay off the mortgage taken out on the coop at 11 5th avenue by Zarin and Mota – It has been proven that the mortgage was not necessary because the decedent could not have had income if exchange memberships were transferred out of the decedents name. Zarin claimed that the decedent was in a 60% TAX bracket so part of their "financial plan" was taking a mortgage as a tax write-off, yet all assets and related income were transferred to the decedents two oldest daughters under POA of Zarin.
3. Jacobson was also forced to pay all financial damages that include arrears in both maintenance and mortgage payments and excessive legal fees related to the coop at 11 5th avenue. Mark Jacobs Esq was needed to prevent the bank from foreclosing on the coop and to negotiate an agreement with the executor that did NOT financially exploit Jacobson. Normal legal fees on a real estate transaction of this size are usually between \$1500 and \$2000. The executor refused to release the coop so it could be sold for over a year unless Jacobson agreed to unrealistic financial terms dictated to her by the executor.

What happened to the mortgage money?

Jewelry –

Jewelry is currently in the possession of Shelby Zarin and Diane Mota – The will reads that the coop and all contents were left to Jacobson – Under these circumstances who does the jewelry belong to?

Legal Fees –

1. **Legal fees against Jacobson** – Re coop issue – illegally withholding the coop for over one year caused excessive debt to Jacobson. The executor claims to have no “knowledge of wrongdoing.” Lawyers for the executor “set-up” the entire situation in an attempt to get working capital. Other honorable options were clearly available. Why should the estate or Jacobson pay such legal fees? If the estate has to pay such legal fees – Why should Jacobson pay one third of those fees from her share of residual assets?
2. **Legal fees for Estate Taxes** – If the executor’s lawyer’s misrepresented truth to the IRS that the executor’s exchange membership was “up for sale” when in fact the exchange has no record of the seat being placed for sale – Why should the estate pay lawyers for placing the executor in a position where she is lying to the IRS?
3. **Legal Fees for Destructive Financial Planning** – Attorney’s for the executor have submitted several petitions to the court – Feb 8, Feb 20 are only two, that are not only inaccurate, but attempt to create a perception of Jacobson as being an incompetent financial idiot. These documents also suggest that all exchange memberships be sold – “To Pay Taxes.” This “brilliant asset preservation strategy” not only destroys everything the family’s Father worked for, it deprives all innocent beneficiaries from their legacy of a life-time of financial security. The strategy also financially penalizes innocent beneficiaries for potentially “ill-intended” motives of those who had POA over the assets.

The IRS and the Court are separate issues – the IRS can be negotiated with and paid off over 60 Months. Several settlement options are available once the court decides if indeed, ill intentions did exist and to what degree each person should financially contribute to the damages. Why should anyone pay the “ Prominent Reputable Estate Planners” at New York’s largest for such brilliant advice when clearly other options are available?

4. Legal Fees Zarlin – If the Court finds that Zarlin’s actions were ill-intended, all legal fees related to Zarlin issues should be paid by Zarlin NOT by the beneficiaries being brutalized by her actions –
5. Jacobson E-Mails – People complain that Jacobson’s e-mails have no value and waste time – Jacobson will be happy to pay for time spent reading any e-mail where knowledge garnered was superfluous to the situation.

Resource Directory and Purpose

1. **The Executor** - Ask the executor for “her story” or a notarized statement of her original involvement with Zarlin in setting up the estate in its current form. Ask her for copies of her seat leases and an informal accounting of where the money from her seat lease went from date of transfer to current reality. Finally did she receive any income or gifts from 1989 until now.
 - **PURPOSE** – A statement ends all attacks from Zarlin to Mota – where Mota needs to respond – a deeper level of truth is brought up - higher quality decisions will evolve in less time and lower cost.
2. **Zarlin** – the \$500,000 loss of the mid 90’s – Ask for third party information that will qualify involvement with the investment, the law suit involved and from which bank account did the money come from for the investment. Ask for information relating to an account opened by the decedent with Zarlin while at Churchill securities and track that money to a current accounting.
 - **PURPOSE** – Investment proves whether the prudent man rule was violated and if any of that money belonged to the decedent. The Churchill

account could be the original source for an original joint account between the decedent and Zarlin.

3. **Jacobson** – Dr. Peter Zeale – 647-6430 – FIRST discovered an undiagnosed hypothyroid shortly after back surgery (sometime mid to late 1992 not sure) – ask him how an undiagnosed thyroid effects the mind – or maybe research it on the internet – I’ve been on synthroid for over a decade - My back was also misdiagnosed for three years – I was put on pain killers for the wrong symptoms from 1987,1988 through late 1991 – Dr. Helbig – an orthopedic surgeon affiliated with St. Vincents Hospital at the time. Dr. Taras Odulak 260-2213 – a chiropractor and ONLY MD who sent me a note of apology and offered a refund of my money –

- **PURPOSE** - Is Jacobson a financial moron or was she in ill health with no knowledge of how her health effected her decisions?

4. **New York Mercantile Exchange** – ON-Line FREE – www.nymex.com - Lower right is all the exchange by-laws – (look at membership prices – and seat lease prices – your understanding will multiply).

Barry Loyal – NYMEX Legal – 299-2203 – Barry will explain how membership transfers work, tax ramifications and he’ll offer impartial truth as to Shelby’s real job – her “sworn statement” May 16, Page 2 # 5 claims that she worked for the exchange representing the owners of memberships. Shelby was never employed by the New York Mercantile Exchange. During that time I believe that the decedent was mentally incapable of making rational decisions. Rational conversation with the decedent would have also been impossible. (Dr. Peter Zeale submitted a statement regarding the decedents mental condition).

Dawn Lowe – NYMEX Memberships - 299-2370 –(Her assistants name is Bridget.) Dawn will give the Court or DA – an accounting of all membership transfers, to whom, dates, when the memberships split two for one. Seat lease agreements that include value of lease and time frame can also be asked for. This information was always available and FREE to the Executor and Zarlin. (Zarlin claims the memberships split in the early 80’s – I believe they split after I sold mine).

Membership #	Date of Sale or Transfer	From Whom	To Whom	Value

If you need more information and history - ask Dawn for the Phone numbers of several Board Members: (Sorry I don’t have them anymore) -

- Mitchell Steinhouse – Vice Chairman *****
- Joseph Cicchetti *****
- Michael Marks *****
- Mel J Falis
- George Gero

All board members will tell you exactly what happened to everyone involved with the potato business. (Zarlin accused Jacobson of devastating her Father’s business along with her Mother’s assets) – All board members knew both George and MJ Jacobson well and will cheerfully answer anything you need to know.

- **PURPOSE** – Objective unbiased information regarding exchange memberships, value when transferred, family history, Jacobson's story offered October 15, (The people are great – they are quick on truth – the experience is good because the air is fresh!)

4. Mortgage – Lisa Gordon Esq. – 631-666-3878

Eschen & Frenkell Loan # 3561222, File # 9871-CW Premises 11 5th Avenue

- **PURPOSE** – Check date of the original mortgage with membership transfers – see how many membership were left in the decedents name when the original mortgage was taken out – Proves or disproves 60% TAX Bracket claim as justification for taking mortgage. **ALSO** – check date of mortgage with \$500,000 investment loss and see what you get!

5. IRS – Tax Fraud Department – 1-800-829-0439 -Ms. Meyers Agent # 0796016 1-800-829-0439

- **PURPOSE** – The IRS is auditing the estate and Zarlin – the IRS told Jacobson that any court ruling could be used to negotiate what the estate owes the IRS. Maybe the Court or DA can also ask who paid taxes on the seat lease income – We also have third party verification to “object to any settlement that Gaffney or Steinman” might suggest ONLY IF they try to DUMP added TAX burdens onto innocent victims!

6. Arlene Harris - ? – Ask Arlene for her a copy of the e-mail she sent Jacobson after the Feb 13 meeting with you – Also my response to her – Arlene thought that the settlement Jacobson submitted in 10-15-01 Response to a Constructive Trust was fair and was going to recommend that Shelby accept it. (It's the only e-mail I tossed because I was disgusted)

- **PURPOSE** – Shelby said that Arlene quit right after that meeting - Arlene told me that Shelby fired her – check for accuracy – Ask Arlene if she ever accessed exchange records during her legal relationship with Zarlin ?

7. St. Vincents Hospital – Medical Records 212-604-7777 – Ethel Jacobson SS # 066-03-3353

- **PURPOSE** – The decedent had two broken hips – one “shattered” thigh bone and several other injuries – including seizures. Check dates of hospital admissions through emergency – mental and physical condition for each time frame. Then coordinate the dates with any signature cards of bank accounts held in the name of Zarlin or any relative.
 - Also be specific about dates of the broken thy bone and frequency of emergency room visits around that time frame.

8. Mary Manning Nursing Home – 212-628-2800 Ext 288 Sister Kevin Patricia – she is the department head -

- **PURPOSE** - Check dates, mental and physical condition. The decedent spent most time in Mary Manning after the “shattered thigh bone” – by then her mental condition was totally deteriorated -

9. SKY View Nursing Home – 914-271-5151 – Maureen Eichler can research when the decedent was there. This was earlier in the 90's at the beginning of the decedent deteriorating mental condition (maybe between broken hips – Im not sure) but before all later hospital visits related to DA complaints of abuse and Mary Manning – this nursing home was against the decedents will forced by Zarlin –

- **PURPOSE** – Zarlin had her Mother committed – Check the dates, with exchange transfers, bank accounts opened or money lost. Or just know that the decedent was committed against her will by her own daughter.

10. District Attorney of Senior Abuse – Elizabeth Lowey 335-9082

- **PURPOSE** – To establish a pattern of documented abuse towards the decedent by Zarlin and to verify Jacobson’s statements in the 10-15-01 Response to a Constructive Trust. To inquire about patterns that abusive children have towards their ailing and aging parents, especially when money is involved.

Possible Ideas for Settlement –

Depending Upon the Court’s Findings –

1. **If two exchange memberships and cash belongs to Zarlin** –The value of all seat lease income from two membership from date of death forward is used to pay estate expenses because the Court already ruled that memberships were property of the estate. The court needs to determine if the financial damages incurred by Zarlin are owed to the estate –If so – those damages are reimbursed by Zarlin to the estate. That leaves the estate with one membership – the coop, jewelry and whatever is left after taxes and determination of legal fee reimbursements if any – Zarlin pays \$75,000 for her two children from what she got – the estate pays for Mota’s children. Whatever is left from the coop belongs to Jacobson – seat lease income is divided between Mota and Jacobson – if the membership is ever sold 50% of the revenue belongs to Jacobson. Jewelry is divided equally between Mota and Jacobson –

2. **If all assets are property of the decedent** – Then Zarlin defrauded the estate for personal gain. Financial damages include:

- Excessive tax burdens, because taxes were never paid on any memberships,
- A \$200,000 mortgage on a coop at 11 5th –
- Financial damages to Jacobson relative to the coop illegally withheld –
- Excessive legal fees incurred by Zarlin – (If paid by Zarlin Mota is automatically reimbursed)
 - Other “limbo” financial damages possibly caused by Zarlin, listed above need to be determined by the court –
 - Money to Mota over the past decade needs to be determined by the Court.

\$227,000 to Jacobson –

Whatever to Mota

Whatever to Zarlin

Becomes a pooled “paper trade” of money received – the least amount becomes a base and the balance is pooled back to the estate. For example:

If Mota received \$60,000 – that’s the least amount of money – deduct \$60,000 from each of the other two beneficiaries leaving

\$167,000 owed by Jacobson

Whatever owed by Zarlin – belonging to the estate

TAXES – Take value of the membership at date of transfer – then again from transfer date to date of death – For example:

Decedent to Zarlin \$350,000

Decedent to Zarlin \$250,000

Decedent to Mota \$500,000

Taxes at those values are paid by those “causing” increased harm to others –

Taxes from those values to Value at death is paid by the estate – for example –

\$350,000 to \$700,000 = \$350,000

\$250,000 to \$700,000 = \$450,000

\$500,000 to \$700,000 = \$200,000 Total \$1,000,000 Tax Burden to the estate –

Can be paid by available cash after all damages are reimbursed to the estate – this allows all three memberships to be kept –

3. Sell one membership to cover expenses –

Begin with a base of

1. Full value of the coop to Jacobson
2. One membership each to Zarlín and Mota
3. Integrate Financial Damage Scenario from # 1 above
4. Income from two memberships is split three ways – one third from each sibling going to Jacobson – for her lifetime and of her elected beneficiaries – If any membership is ever sold – Jacobson receives one third of the income -

If a membership has to be sold to cover the financial damages – someone needs to pay the price to the loser which is Jacobson –

Since both siblings and the attorney's knew exactly what they were doing – my guess is that the attorney's will pay the price! All I need is the value of the membership annually plus the annual value of the lease paid monthly for the duration of my life time and of my beneficiaries – or if the exchange explodes and the memberships disappear lawyers are off the hook!

Financial Damages

Financial damages to all beneficiaries can only be determined after the court decides if the exchange memberships were property of the decedent.

I hope this was useful and complete for you – I would appreciate anything that you perceive as incomplete (The feedback is interesting. I believe a filter or format can be developed for your system that may be useful to thousands of people over future generations) - For now

Be Well Always,

Marlee-Jo Jacobson

www.safemoneymetrics.com