

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

x Index No. 24517/88

SUSAN CHARNEY,

Plaintiff,

- against -

IAS PART 30
HEITLER, J.

AFFIRMATION

NORTH JERSEY TRADING CORPORATION,
ALEXANDER FRIED, JUDITH HERSKOWITZ,

~~REDACTED~~

Defendants.

x

PAUL WINDELS III, an attorney duly admitted to practice before this Court, affirms,
pursuant to CPLR Rule 2106:

1. I am a member of the Bar of this Court and am receiver of the assets of North Jersey Trading Corporation ("North Jersey"), pursuant to this Court's order of May 21, 1991. I submit this Affirmation in further support of my motion for approval of my accounting and pursuant to this Court's Order dated July 6, 2006.

2. As directed by this Court's July 6, 2006, Order, I have served notice of the hearing scheduled for September 11, 2006, on all interested parties and on the Attorney General of New York and my surety. Annexed hereto as Exhibit A is a copy of that notice. I served that notice by placing true copies thereof in securely sealed envelopes with first class postage prepaid thereon and addressed to:

HON. ELIOT SPITZER
Attorney General of the State of New York
120 Broadway
New York, New York 10038

FIDELITY & DEPOSIT CO. OF
MARYLAND
c/o The Blaikie Group
111 John Street
New York, New York 10038

SUSAN CHARNEY
585 West End Avenue
New York, New York 10024

Plaintiff *pro se*

STEVEN MORRIS, ESQ.
277 Broadway
New York, New York 10007

Attorney for Estate of Steven Delibert

William T. Livingston, III, Esq.
68 Pinecrest Parkway
Hastings-on-Hudson, New York 10706

Eric Christu, Esq.
Esperante Building, Suite 1330
222 Lakeview Avenue
West Palm Beach, Florida 33401

JUDITH HERSKOWITZ
P.O. Box 403543
Miami Beach, Florida 33140

[REDACTED]
[REDACTED]
Miami Beach, Florida 33140

[REDACTED]
[REDACTED]
New York, New York 10024

Defendants *pro se*

Clifford Hark, Esq.
2650 N. Military Trail
Boca Raton, Florida 33431-6350

Hywel Leonard, Esq.
Carlton, Fields, P.A.
P.O. Box 3239
Tampa, Florida 33601-3239

3. In addition, as directed by this Court's July 6, 2006, Order, I caused notice of the September 11, 2006, hearing to be published in two newspapers off general circulation in New York City for six consecutive weeks. Annexed hereto as Exhibit B is an Affidavit of Christopher Robinson, sworn to September 1, 2006, attesting to publication of that notice in the New York Post on July 26, 2006, and August 2, 9, 16, 23, and 30, 2006. Annexed hereto as Exhibit C is an Affidavit of James T. Colarusso, sworn to August 28, 2006, and attesting to the publication of that notice in the New York Sun on July 24 and 31, 2006, and August 7, 14, 21, and 28, 2006.

4. I received a response to that notice from Neal S. Mann, Assistant Attorney General of the State of New York, dated August 14, 2006, a copy of which is annexed hereto as Exhibit D, stating that "the State of New York. . . takes no position regarding any and all of the

relief requested by the Receiver."

5. I also received two telephone messages from defendant Robert Herskowitz during the week of August 21, when I was away. During the week of August 28, I called the number given by Robert Herskowitz and reached an answering machine. The answering machine stated in a voice that resembled that of the messages I had received from Robert Herskowitz that messages could be left for "Robert". I therefore left a message returning Robert Herskowitz's calls and leaving my telephone number. I have not heard further from Robert Herskowitz. I would also note that Robert Herskowitz waived any objection to the distribution of any of the funds that are the subject of this accounting in connection with the settlement of the claims asserted in this action against him. *See* Affirmation of Steven Delibert dated May 28, 2003, and submitted in support of the distribution, ¶¶ 26-29, Ex. H.

6. Other than the response of the Attorney General and the telephone messages from Robert Herskowitz described above, I have received no response whatsoever to the notices that I served and published pursuant to the Court's July 6, 2006, Order as set forth above.

7. I declare under penalty of perjury that the foregoing is true and correct.

Dated: Scarsdale, New York
September 6, 2006


PAUL WINDELS III

State of New York
COUNTY OF NEW YORK

SS:

Christopher Robinson being duly sworn,
says that he/she is the principal Clerk of the Publisher of the

569052

New York Post

a daily newspaper of general circulation printed and published in the English language, in the County of New York, State of New York; that advertisement hereto annexed has been regularly published in the said "NEW YORK POST" once,

- on the 26 day of July, 2006
- on the 02 day of August, 2006
- on the 09 day of August, 2006
- on the 16 day of August, 2006
- on the 23 day of August, 2006
- on the 30 day of August, 2006

LEGAL NOTICE

SUPREME COURT OF THE
STATE OF NEW YORK
COUNTY OF NEW YORK

SUSAN CHARNEY, Plaintiff, Index
NS 24517/1988
- against -
NORTH JERSEY TRADING CORPOR-
ATION, et al., HEITLER, J.
Defendants.

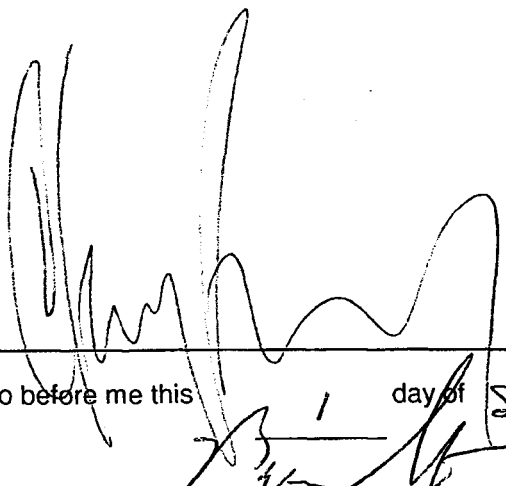
**NOTICE BY RECEIVER OF
PRESENTATION OF ACCOUNT**

To all whom it may concern:

Please take notice that the undersigned will present a full and accurate accounting of all his proceedings as receiver of defendant North Jersey Trading Corporation, to the Supreme Court of the State of New York, County of New York, 60 Centre Street, Room 438, New York, New York, on September 11, 2006, at 11:30 a.m., and will move (a) that the same be allowed and decreed to be final and conclusive upon all creditors and/or shareholders of said corporation, all persons who may have claims against it, any open or subsisting engagement, and all other interested persons, (b) that he shall be authorized to make a final payment and, upon proof of payment thereof, that he be discharged and his bond vacated, and (c) that he be relieved of any alleged omission or default, together with such other and further relief as the Court may deem just and proper. By Orders of the Court dated March 23, 2006, and July 6, 2006, any interested party is directed to show cause at that date, time, and place why that relief should not be granted.

Dated: New York, New York
July 20, 2006

PAUL WINDELS III
Receiver
187 Garth Road
Scarsdale, New York 10583
(212) 374-9280



Sworn to before me this 1 day of Sept, 2006

Notary Public

Notary Public, State of New York
Qualified in New York County
Commission Expires November 1, 2008