

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

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THE PEOPLE OF THE STATE OF NEW YORK,

AFFIDAVIT

- against -

DAVID BERKOWITZ,

Defendant.

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STATE OF NEW YORK)
) ss.:
COUNTY OF NASSAU)

ROBERT M. CALICA, being duly sworn, deposes and
says:

I am a member of the firm of Meyer, English,
Cianciulli & Peirez, P. C., who were attorneys for
Mr. Nathan Berkowitz, as conservator of the estate of
David Berkowitz in a proceeding in the Supreme Court, Kings
County entitled "In the Matter of David Berkowitz, Conservatee"
bearing Kings County Clerk's index number 85067/77. Pursuant
to an order in that proceeding rendered on August 29, 1978,
Nathan Berkowitz was granted leave to resign as conservator
and this firm was permitted to withdraw as his attorneys.

2. We have been requested by Leon Stern, Esq., and
Ira J. Jultak, Esq., attorneys for the defendant in this matter
to set forth the results of efforts on the part of the

Ex "C"

conservator and his attorneys to realize assets for the conservatorship estate. Those matters are fully detailed in the affidavit of Mr. Nathan Berkowitz sworn to May 28, 1978, filed in the conservatorship proceeding, a copy of which is annexed as Exhibit A hereto.

S/

ROBERT M. CALICA

Sworn to before me this
14th day of September,
1978.

S/

BARBARA T. GEWERT
NOTARY PUBLIC, State of New York
No. 30-4630867
Qualified in Nassau County
Commission Expires March 30, 1980

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

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In the Matter of the Application of:

NATHAN BERKOWITZ,

AFFIDAVIT

For the Appointment of a Conservator
of the Property of David Berkowitz,

Index No. 85067/77

Conservatee.

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STATE OF FLORIDA)
) ss.:
COUNTY OF PALM BEACH)

NATHAN BERKOWITZ, being duly sworn, deposes and
says:

1. I am the father and the conservator of David Berkowitz in the within proceeding, pursuant to a judgment of this court granted on October 31, 1977.

2. I make this affidavit in connection with an application under §77.37 of the Mental Hygiene Law for permission to resign as David Berkowitz' conservator in this proceeding, and for the appointment of a substitute conservator. I am seeking permission to resign as conservator because I am retired, 68 years of age, reside in Boynton Beach, Florida, and, consequently, I am unable to fulfill any further duties as my son's conservator in this proceeding.

3. In an effort to realize the potential value of the literary rights of the conservatee, I have done the

following:

a. Almost immediately upon my appointment as conservator herein, I instructed my attorneys, Meyer, English, Cianciulli & Peirez, P. C., to engage in negotiations with Quadrangle/The New York Times Book Company, Inc., a publishing firm which had earlier expressed to Messrs. Leon Stern and Ira Jultak, David Berkowitz' criminal defense attorneys, interest in publishing a book concerning the conservatee. Beginning in early November, 1977, and through December, 1977, my attorneys participated in active, arduous negotiations with Quadrangle, its editorial and legal representatives, and Mr. Robert Lipsyte, a highly respected author whom Quadrangle had designated as its choice of author of the proposed publication. However, on December 13, 1977, after proposed publishing and royalty agreements had been negotiated and prepared for execution, and after I had travelled to New York for the purpose of reviewing, approving and entering (subject to court approval) into those contracts on behalf of the estate, Quadrangle withdrew its offer to enter into those agreements and determined not to publish the book concerning David Berkowitz;

b. However, Quadrangle's editor-in-chief, Mr. Roger Jellinek, offered to introduce us to another publisher whom he believed might be interested in pursuing,

on similar terms, a proposal for the publication of a book to be written by author Lipsyte. Mr. Jellinek introduced my attorneys to editorial personnel at Random House, another publishing concern, which initially expressed interest in the proposal and throughout the last half of December, 1977, and into the early part of January, 1978, my attorneys participated in discussions and negotiations with Random House personnel. Those negotiations proved unfruitful, however, when author Lipsyte, who had previously been willing to write the book if published by Random House, changed his mind and informed us that he no longer wished to do so. Random House thereupon notified us that they no longer considered the project viable and that they were no longer interested in pursuing the proposal;

c. While I had been advised to refrain from retaining a literary agent if possible, since such retention would have obligated the estate for substantial commissions payable out of any royalty earned, it ultimately appeared necessary to retain the services of a capable literary agent so that the value, if any, of the literary rights to David Berkowitz' story would not be permitted to diminish to the detriment of his estate;

d. Upon the recommendation of several literary experts, my attorneys contacted Mr. Theron Raines of Raines

& Raines, literary agents, and, pursuant to an order of this court made on or about January 17, 1978, I retained Mr. Raines, on behalf of the estate, to seek a publisher willing to publish the David Berkowitz story, and to assist us in selecting an author for this purpose.

Mr. Raines, I am informed, has engaged in diligent efforts throughout January, February, March, April and May of 1978, and despite having contacted numerous publishers, and having consulted two other authors who indicated a willingness to undertake such a project, as of this date, no further proposal has been received from any publisher for the publication of a David Berkowitz story.


4. Under such circumstances, I have reluctantly concluded that little purpose would be served by my own continuation as David Berkowitz' conservator. More importantly, since I am retired, 68 years of age, reside in Boynton Beach, Florida, and have limited personal financial resources, I am both physically and financially incapable of travelling to New York for the purpose of fulfilling any further duties as conservator of the estate of David Berkowitz in this matter.

5. For these reasons, I respectfully request that an order be made herein, permitting me to resign as conservator of the estate of David Berkowitz, on such terms as the court may deem appropriate.

6. In an application being made simultaneously, my attorneys are moving to consolidate in this court all of the pending civil actions against David Berkowitz, and for leave

to withdraw as attorneys. In the event the court deems it appropriate to continue the conservatorship proceeding and to appoint an alternative conservator, then I join in the request for consolidation and for permission for my attorneys to withdraw in this proceeding and the other civil actions against David Berkowitz.


Nathan Berkowitz
NATHAN BERKOWITZ


Sam Sudds
Sworn to before me this
25 day of MAY, 1978.

NOTARY PUBLIC STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES JUNE 5, 1979
BONDED THRU GENERAL INS, UNDERWRITERS