Document alleged signed on 4/9/2012 not filed allegedly until 10/24/2012, a month after Simon was deceased on 9/13/2012. Yet Simon delivers the document as the Personal Representative / Executor on this day as if alive while dead. This fact that it was posited by a dead PR/ EXECUTOR is what made Judge Colin state he had enough to read SPALLINA and TESCHER their Miranda's. Why was the document not filed for six months after SIMON allegedly signed?

IN THE CIRCUIT COURT FOR PALM BEACH COUNTY, FL

IN RE: ESTATE OF

File No. 502011000653XXXX SB

SHIRLEY BERNSTEIN,

**Probate Division** 

Deceased.

PETITION FOR DISCHARGE

vers (full waiver)

Judge Colin court rules require that all Waivers need to be notarized and this Waiver is not, "all waivers, consents, renunciations and receipt of assets must be notarized."

That in April 2012 this was

not true as Simon had not

settled the estate until

January 2013,

months after

he was dead.

Petitioner, SIMON BERNSTEIN, as personal representative of the above estate, alleges:

- 1. The decedent, Shirley Bernstein, a resident of Palm Beach County, died on December 8, 2010, and Letters of Administration were issued to petitioner on February 10, 2011.
- 2. Petitioner has fully administered this estate by making payment, settlement, or other disposition of all claims and debts that were presented, and by paying or making provision for the payment of all taxes and expenses of administration.

This is untrue on 4/9/12 as State of Florida tax forms were not submitted until October 2012

- 3. Petitioner has filed all required estate tax returns with the Internal Revenue Service and with the Department of Revenue of the State of Florida, and has obtained and filed, or file herewith, evidence of the satisfaction of this estate's obligations for both federal and Florida estate taxes, if any.
- 4. The only persons, other than petitioner, having an interest in this proceeding, and their respective addresses are:

NAME	ADDRESS	RELATIONSHIP	BIRTH DATE (if Minor)
Simon L. Bernstein	7020 Lions Head Lane Boca Raton, FL 33496	spouse	adult
Ted S. Bernstein	880 Berkeley Street Boca Raton, FL 33487	son	adult



Pamela B. Simon	950 North Michigan Avenue Suite 2603 Chicago, IL 60606	daughter	adult
Eliot Bernstein	2753 NW 34th Street Boca Raton, FL 33434	son	adult
Jill lantoni	2101 Magnolia Lane Highland Park, IL 60035	daughter	adult
Lisa S. Friedstein	2142 Churchill Lane Highland Park, IL 60035	daughter	adult

Simon on 4/9/2012 cannot state the waivers and receipts were signed by all interested parties at that time, since Eliot was the first to sign a waiver and signed it on May 15, 2012. Jill Iantoni did not sign one until after Simon deceased in October 2012.

(a)

5. Petitioner, pursuant to Section 731.302 of the Florida Probate Code, and as permitted by Fla. Prob. R. 5.400(f), files herewith waivers and receipts signed by all interested persons:

- acknowledging that they are aware of the right to have a final accounting;
- (b) waiving the filing and service of a final accounting;
- waiving the inclusion in this petition of the amount of compensation paid or to be paid to until after Simon had (c) the personal representative, attorneys, accountants, appraisers or other agents employed by the personal representative and the manner of determining that compensation;
- (d) acknowledging that they have actual knowledge of the amount and manner of determining compensation of the personal representative, attorneys, accountants, appraisers, or other agents, and agreeing to the amount and manner of determining such compensation, and waiving any objections to the payment of such compensation;
  - waiving the inclusion in this petition of a plan of distribution; (e)
  - (f) waiving service of this petition and all notice thereof;
- acknowledging receipt of complete distribution of the share of the estate to which they are (g) entitled; and
- consenting to the entry of an order discharging petitioner, as personal representative, without (h) notice, hearing or waiting period and without further accounting.

Petitioner requests that an order be entered discharging petitioner as personal representative of this estate and releasing the surety on any bond which petitioner may have posted in this proceeding from any liability on it.

On 4/9/2012 Simon could not have acknowledged that all parties were aware of their rights under 5 a,b,c,d,e,f,g and h, as none of the interested parties had got waivers until 5/10/2012 or after and some interested parties did not submit a waiver

Simon never lied on a sworn statement in his life, why would he start here?

Under penalties of perjury, I declare that I have read the foregoing, and the facts alleged are true, to the best of my knowledge and belief. Signed on \_\_\_\_ , 2012. Personal Representative SIMON L. BERNSTEIN Respectfully Submitted, TESCHER & SPALLDA, P.A. By: ROBERT L. SPALLINA, ESQUIRE Florida Bar No. 497381 4855 Technology Way, St. 720 Boca Raton, FL 33431 561-997-7008 Note Law Firm Marking and File #



Bar Form No. P-5.0550
O Florida Lawyers Support Services, Inc.
Reviewed October 1, 1998



NO NOTARY AS REQUIRED BY JUDGE COLIN RULES.