

The Governor's Office Notary Section Internet Complaint Form

Please carefully review this complaint form once you have included all information. You must include a copy of the improperly notarized document along with the complaint form.

Your Name: Eliot Ivan Bernstein

Address: _____
2753 NW 34th St.
Boca Raton, FL, 33434
(561) 245-8588

What is the name, commission number, and expiration date of the notary public that is the subject of this complaint?

Notary's Name: Kimberly Moran _____
Commission #: EE 156021 _____
Expiration Date: 4/28/16

DESCRIBE YOUR COMPLAINT, PROVIDE FACTS OF ALLEGED MISCONDUCT AND A COPY OF THE IMPROPERLY NOTARIZED DOCUMENT. (Please do not write on the back of this form. You may use a separate sheet if necessary. **Must be typewritten or clearly printed.**)

That Notary Public Kimberly Moran has falsely affixed a notary public stamp on the attached document illustrated as Exhibit 1 and titled, "WAIVER OF ACCOUNTING AND PORTIONS OF PETITION FOR DISCHARGE; WAIVER OF SERVICE OF PETITION FOR DISCHARGE; AND RECEIPT OF BENEFICIARY AND CONSENT TO DISCHARGE" submitted in the West Palm Beach FL Probate Court, Case No. 502011CP000653XXXXSB in the Estate of Shirley Bernstein. In addition to the fraudulent notarization affixed, my signature on this document is also a forgery. I, Eliot Bernstein, never met with Kimberly Moran to notarize or sign any documents.

Exhibit 2 is the "WAIVER OF ACCOUNTING AND PORTIONS OF PETITION FOR DISCHARGE; WAIVER OF SERVICE OF PETITION FOR DISCHARGE; AND RECEIPT OF BENEFICIARY AND CONSENT TO DISCHARGE" that I originally signed **without notarization** on May 15, 2012 and which was submitted to the court on October 24, 2012 by the law firm of Tescher and Spallina. The document was rejected by the court and was returned to Tescher and Spallina by the court to be notarized as illustrated in the attached court Memo dated November 05, 2012, and submitted as Exhibit 3. I was never noticed by the court or anyone else that this document was rejected and needed to be notarized and resigned.

That Tescher and Spallina then engaged an employee/notary public of their law firm, Kimberly Moran, to fraudulently affix her Notary Seal to a new document that was crafted to look like the one the court returned. That Exhibit 1 (the notarized waiver) and Exhibit 2 (the un-notarized waiver) appear at first glance to be similar and the only difference appears to be the newly affixed notary stamp on the one returned to the court by Tescher and Spallina on November 19, 2012, as if the original document was shrunk and then the fraudulent notary stamp affixed. However, upon closer inspection several problems become evident that serve as Prima Facie evidence of not only Notary Public Fraud but of Felony Document and Signature Forgery.

First, the court sent the document I signed on May 15, 2012 back to Tescher and Spallina on November 05, 2012 for notarization. Therefore, it would be impossible to have that same document notarized on May 15, 2012 in the past and the document would have had to be redone with a current date after

November 05, 2012 when the request for notary was made by the court, yet this is not the case as the document returned is purportedly signed and notarized on May 15, 2012 as well. I signed the original document at my home on that date and did not notarize it and sent it through US Mail to Tescher and Spallina.

The two documents appear similar regarding my signature as the forgery is done rather well and thus it seems that the original un-notarized document was shrunk to fit a notary stamp on it and then returned to the court but upon closer inspection of the signatures they are wholly different with marked differences indicating that the notarized document was crafted to look the same as the original and then a forged signature was applied to make it look like the original signature as best as the forger could do.

That these acts of the notary were supervised by the law firm of Spallina & Tescher PA and thus they have liability to the injured parties as well. These documents were transmitted to the courts through US Mail, which may also indicate Mail and Wire Fraud and made part of an Official Proceeding where Tescher & Spallina PA are officers of the Court the document was submitted to in regard to the underlying estate case. That these false instruments are now part of that court's official records. That after seeking counsel, the document containing my signature has been Revoked, as indicated in the attached Exhibit 4, titled "Revocation of WAIVER OF ACCOUNTING AND PORTIONS OF PETITION FOR DISCHARGE; WAIVER OF SERVICE OF PETITION FOR DISCHARGE; AND RECEIPT OF BENEFICIARY AND CONSENT TO DISCHARGE."

After speaking with my sister Jill Iantoni regarding her Waiver and my sister Lisa Friedstein, on information and belief, their signatures have also been forged and a false notarization affixed to their documents, as they claim similarly they never notarized one with Kimberly Moran as illustrated in, Exhibit 5 - Jill Iantoni Waiver containing Fraudulent Notary and Forged Signature, Exhibit 6 – Jill Iantoni UN-NOTARIZED Original Signed Waiver, Exhibit 7 – Lisa Friedstein Waiver containing Fraudulent Notary and Forged Signature and Exhibit 8 - UN-NOTARIZED Original Signed Waiver, these documents are identical in claims of fraudulent notarization as already made herein.

I affirm that I have provided the above information completely and truthfully to the best of my knowledge.

Signature _____

Date _____

RETURN TO: OFFICE OF THE GOVERNOR
NOTARY SECTION, 209 CAPITOL
TALLAHASSEE, FL 32399-0001

EXHIBIT 1 – FRAUDULENT NOTARIZATION AND FORGED SIGNATURE ON “WAIVER OF ACCOUNTING AND PORTIONS OF PETITION FOR DISCHARGE; WAIVER OF SERVICE OF PETITION FOR DISCHARGE; AND RECEIPT OF BENEFICIARY AND CONSENT TO DISCHARGE”

IN THE CIRCUIT COURT FOR PALM BEACH COUNTY, FL
IN RE: ESTATE OF File No. 502011CP000653XXXXSB
SHIRLEY BERNSTEIN, Probate Division
Deceased. Division

2012 NOV-19 PM 2:29

SHARON R. BOCK, CLERK
PALM BEACH COUNTY, FL
SOUTH CTY BRANCH-FILED

**WAIVER OF ACCOUNTING AND PORTIONS OF PETITION
FOR DISCHARGE; WAIVER OF SERVICE OF PETITION FOR
DISCHARGE; AND RECEIPT OF BENEFICIARY AND
CONSENT TO DISCHARGE**

The undersigned, Eliot Bernstein, whose address is 2753 NW 34th Street, Boca Raton, FL 33434, and who has an interest in the above estate as beneficiary of the estate:

- (a) Expressly acknowledges that the undersigned is aware of the right to have a final accounting;
- (b) Waives the filing and service of a final or other accounting by the personal representative;
- (c) Waives the inclusion in the Petition for Discharge of the amount of compensation paid or to be paid to the personal representative, attorneys, accountants, appraisers, or other agents employed by the personal representative, and the manner of determining that compensation;
- (d) Expressly acknowledges that the undersigned has actual knowledge of the amount and manner of determining the compensation of the personal representative, attorneys, accountants, appraisers, or other agents; has agreed to the amount and manner of determining such compensation; and waives any objections to the payment of such compensation;
- (e) Waives the inclusion in the Petition for Discharge of a plan of distribution;
- (f) Waives service of the Petition for Discharge of the personal representative and all notice thereof upon the undersigned;
- (g) Acknowledges receipt of complete distribution of the share of the estate to which the undersigned was entitled; and
- (h) Consents to the entry of an order discharging the personal representative without notice, hearing or waiting period and without further accounting.

Signed on May 15, 2012.

Beneficiary
By: [Signature]
ELIOT BERNSTEIN

Sworn to and subscribed before me on May 15, 2012, by ELLIOT BERNSTEIN, who is personally known to me or who produced _____ as identification.

(Affix Notarial Seal)



Kimberly Novas
Notary Public State of Florida

EXHIBIT 2 – ORIGINAL SIGNED AND NOT NOTARIZED “WAIVER OF ACCOUNTING AND PORTIONS OF PETITION FOR DISCHARGE; WAIVER OF SERVICE OF PETITION FOR DISCHARGE; AND RECEIPT OF BENEFICIARY AND CONSENT TO DISCHARGE”

IN THE CIRCUIT COURT FOR PALM BEACH COUNTY, FL
IN RE: ESTATE OF File No. 502011CP000653XXXXSB
SHIRLEY BERNSTEIN, Probate Division
Deceased. Division

2012 OCT 24 PM 1:31
SHARON D. HENNING, CLERK
PALM BEACH COUNTY, FL
SOUTH OF YORNBACH FILED

**WAIVER OF ACCOUNTING AND PORTIONS OF PETITION
FOR DISCHARGE; WAIVER OF SERVICE OF PETITION FOR
DISCHARGE; AND RECEIPT OF BENEFICIARY AND
CONSENT TO DISCHARGE**

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- (a) Expressly acknowledges that the undersigned is aware of the right to have a final accounting;
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- (c) Waives the inclusion in the Petition for Discharge of the amount of compensation paid or to be paid to the personal representative, attorneys, accountants, appraisers, or other agents employed by the personal representative, and the manner of determining that compensation;
- (d) Expressly acknowledges that the undersigned has actual knowledge of the amount and manner of determining the compensation of the personal representative, attorneys, accountants, appraisers, or other agents; has agreed to the amount and manner of determining such compensation; and waives any objections to the payment of such compensation;
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- (f) Waives service of the Petition for Discharge of the personal representative and all notice thereof upon the undersigned;
- (g) Acknowledges receipt of complete distribution of the share of the estate to which the undersigned was entitled; and
- (h) Consents to the entry of an order discharging the personal representative without notice, hearing or waiting period and without further accounting.

Signed on May 15, 2012.

Beneficiary

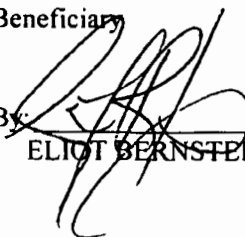
By: 
ELIOT BERNSTEIN

EXHIBIT 3 – MEMO DATED NOVEMBER 05, 2012 FROM PROBATE COURT TO HAVE
“WAIVER OF ACCOUNTING AND PORTIONS OF PETITION FOR DISCHARGE; WAIVER OF
SERVICE OF PETITION FOR DISCHARGE; AND RECEIPT OF BENEFICIARY AND CONSENT
TO DISCHARGE” NOTARIZED.

MEMORANDUM

DATE: November 5, 2012

TO: Robert L. Spallina, Esq.

FROM: Astride Limouzin Case Manager, on behalf of -
This office does not provide legal advice
For procedural inquiries Tel. #561-274-1424

| X|JUDGE MARTIN H. COLIN Division - IY
| |JUDGE JAMES L. MARTZ Division - IZ
| |JUDGE ROSEMARIE SCHER Division - IX

CASE NUMBER: 50 2011CP000653XXXXSB Estate of Shirley Bernstein

MATTER: Documents being returned Order of discharge

- ___ Death certificate (**CERTIFIED COPY**) not submitted. F.S. §731.103, Probate Rule 5.205 & Probate Rule 5.171
- ___ Received bill for funeral expenses required (*Must be paid in full*).
- ___ Proof of will or codicil is required; it is not self-proved. Please review F.S. §732.502; 733.201; P.R. 5.210 & P.R. 5.230.
- ___ Order admitting will/ codicil/ and or appointing personal representative is either missing or incorrect. FS§733.201, R.5.210 &5.235
- ___ Petition and order designating a restricted depository, and acceptance is required FS §69.031 & FS §744.351(6).
- ___ Oath of Personal Representative, of Guardian or Administrator Ad Litem and designation of resident agent was not submitted or incorrect. Resident agent must sign the acceptance. (Rule 5.110, 5.120 and 5.320 committee notes).
- ___ Proof of publication not submitted. Rule 5.241.
- ___ Statement regarding creditors not submitted. Probate Rule 5.241 (d).
- ___ Inventory not submitted. Probate Rule 5.340.
- ___ All claims must be satisfied, struck, or dismissed.
- ___ Final certificate of estate tax or affidavit of non-tax is not submitted. FS §198.26 & 193.28
- ___ All Beneficiaries must join in the petition or they must receive formal notice on the petition. FS §735.203 & Probate Rule 5.530(b).
- XX** Receipts for assets from all of the specific beneficiaries were not notarized.
- ___ Receipt of final accounting, service of petition for discharge and/or waiver from all residuary beneficiaries or qualified trust beneficiaries are required. See. R. 5.400. Attorney fees see FS §733.6171(6), 731.302, 731.303(1)(b) and Probate Rule 5.180(b). Committee notes (one person serving in two (2) fiduciary capacities may not waive or consent to the persons acts without the approval of those who the person represents).
- ___ Proof of service of the Objection to the Claims. FS §733.705(2), Probate Rule. 5.496 & Probate Rule 5.040.
- ___ Proof of Service of the Notice to Creditors to the Agency for Health Care Administration. FS §733.2121(d) & Probate Rule 5.241 (a).
- ___ For Lost/Destroyed Wills/Codicils please comply with FS § 733.207, 733.201(2) & Probate Rule 5.510
- ___ An 8:45 a.m. motion calendar hearing (limited to 5 mins) with notice to all interested parties is required. Notice must be at least five (5) business days (Tue, Wed and Thurs). Please verify suspension dates. Files must be order via the internet at <http://15thcircuit.co.palm-beach.fl.us/web/guest/cadmin>.

SHIRLEY R. BOCK, CLERK
PALM BEACH COUNTY, FL
SOUTHSHORE BRANCH-FILED
12 NOV - 6 AM 10:18

OTHER:

**PLEASE RETURN A COPY OF THIS MEMORANDUM AND PROPOSE ORDERS WHEN REPLYING;
ADDRESS TO THE CLERK AND COMPTROLLER, 200 W ATLANTIC AVENUE, DELRAY BEACH, FL 33444**

EXHIBIT 4 – “REVOCATION OF WAIVER OF ACCOUNTING AND PORTIONS OF PETITION FOR DISCHARGE; WAIVER OF SERVICE OF PETITION FOR DISCHARGE; AND RECEIPT OF BENEFICIARY AND CONSENT TO DISCHARGE” SUBMITTED TO THE PROBATE COURT TO RESCIND DOCUMENTS BASED ON FORGED AND FRAUDULENT NOTARIZED DOCUMENTS.

IN THE CIRCUIT COURT FOR PALM BEACH COUNTY,
FLORIDA PROBATE DIVISION

IN RE: ESTATE OF
SHIRLEY BERSTEIN,

FILE NO.: 502011CP000653XXXXSB

Division: Probate

Deceased.

**REVOCATION OF: WAIVER OF ACCOUNTING AND PORTIONS OF PETITION
FOR DISCHARGE; WAIVER OF SERVICE OF PETITION FOR DISCHARGE; AND
RECEIPT OF BENEFICIARY AND CONSENT TO DISCHARGE**

The undersigned, Eliot Bernstein, whose address is 2753 NW 34th Street, Boca Raton, FL 33434, and who has an interest in the above estate as beneficiary of the estate:

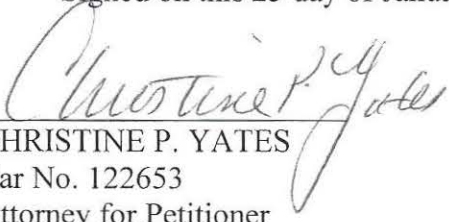
- (a) I expressly revoke the “Waiver of Accounting and Portions of Petition for Discharge; Waiver of Service of Petition for Discharge; And Receipt of Beneficiary and Consent to Discharge” (herein after the “Waiver”) I signed May 15, 2012.
- (b) Although I signed the Waiver on May 15, 2012, I did not sign it before any notary. The attached Waiver was notarized and filed with the Court without my knowledge.
- (c) It was not explained to, nor was it known by, me the rights I was waiving.
- (d) Undue pressure and influence was placed upon me to sign the above referenced pleading without an understanding of the rights and privileges that were being waived.

THEREFORE, Eliot Bernstein, through undersigned counsel, respectfully requests this Court vacate, void, nullify, and render ineffective the “Waiver of Accounting and Portions of Petition for Discharge; Waiver of Service of Petition for Discharge; And Receipt of Beneficiary and Consent to Discharge” he signed May 15, 2012.


[SIGNATURES ON FOLLOWING PAGE]

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 this 23 day of January, 2013.


CHRISTINE P. YATES

Bar No. 122653
Attorney for Petitioner
TRIPP SCOTT, P.A.
110 SE 6th Street, 15th Floor
Ft. Lauderdale, Florida 33301
Telephone: (954) 760-4916
Fax: (954) 761-8475


ELIOT BERNSTEIN, Beneficiary

STATE OF FLORIDA
COUNTY OF BROWARD

SWORN TO AND SUBSCRIBED before me on January 23, 2013 by the Beneficiary, **ELIOT BERNSTEIN**, who is personally known to me or has produced the following form of identification:
Drivers License.




Notary Public - State of Florida
My Commission Expires:

EXHIBIT 5 – JILL IANTONI WAIVER CONTAINING FRAUDULENT NOTARY AND FORGED
SIGNATURE

IN THE CIRCUIT COURT FOR PALM BEACH COUNTY, FL
IN RE: ESTATE OF File No. 502011CP000653XXXXSB
SHIRLEY BERNSTEIN, Probate Division
Deceased. Division

2012 NOV 19 PM 2:29
SHARON R. BOCK, CLERK
PALM BEACH COUNTY, FL
SOUTH CITY BRANCH-FILED

**WAIVER OF ACCOUNTING AND PORTIONS OF PETITION
FOR DISCHARGE; WAIVER OF SERVICE OF PETITION FOR
DISCHARGE; AND RECEIPT OF BENEFICIARY AND
CONSENT TO DISCHARGE**

The undersigned, Jill Iantoni, whose address is 2101 Magnolia Lane, Highland Park, IL 60035, and who has an interest in the above estate as beneficiary of the estate:

- (a) Expressly acknowledges that the undersigned is aware of the right to have a final accounting;
- (b) Waives the filing and service of a final or other accounting by the personal representative;
- (c) Waives the inclusion in the Petition for Discharge of the amount of compensation paid or to be paid to the personal representative, attorneys, accountants, appraisers, or other agents employed by the personal representative, and the manner of determining that compensation;
- (d) Expressly acknowledges that the undersigned has actual knowledge of the amount and manner of determining the compensation of the personal representative, attorneys, accountants, appraisers, or other agents; has agreed to the amount and manner of determining such compensation; and waives any objections to the payment of such compensation;
- (e) Waives the inclusion in the Petition for Discharge of a plan of distribution;
- (f) Waives service of the Petition for Discharge of the personal representative and all notice thereof upon the undersigned;
- (g) Acknowledges receipt of complete distribution of the share of the estate to which the undersigned was entitled; and
- (h) Consents to the entry of an order discharging the personal representative without notice, hearing or waiting period and without further accounting.

Signed on October 1, 2012.

Beneficiary

By: Jill Iantoni
JILL IANTONI

Sworn to and signed before me on October 1, 2012, by JILL IANTONI, who is personally known to me or who produced _____ as identification.



(Affix Notarial Seal)

Kimberly Moran
Notary Public State of Florida

EXHIBIT 6 – JILL IANTONI UN-NOTARIZED ORIGINAL SIGNED WAIVER

IN THE CIRCUIT COURT FOR PALM BEACH COUNTY, FL
IN RE: ESTATE OF File No. 502011CP000653XXXXSB
SHIRLEY BERNSTEIN, Probate Division
Deceased. Division

2012 OCT 24 PM 1:31
SHARON A. HARRIS, CLERK
PALM BEACH COUNTY, FL
SOUTH CITY ANEX-100B-FILED

**WAIVER OF ACCOUNTING AND PORTIONS OF PETITION
FOR DISCHARGE; WAIVER OF SERVICE OF PETITION FOR
DISCHARGE; AND RECEIPT OF BENEFICIARY AND
CONSENT TO DISCHARGE**

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- (f) Waives service of the Petition for Discharge of the personal representative and all notice thereof upon the undersigned;
- (g) Acknowledges receipt of complete distribution of the share of the estate to which the undersigned was entitled; and
- (h) Consents to the entry of an order discharging the personal representative without notice, hearing or waiting period and without further accounting.

Signed on OCTOBER 1st, 2012.

Beneficiary

By: _____

JILL IANTONI

EXHIBIT 7 – LISA FRIEDSTEIN WAIVER CONTAINING FRAUDULENT NOTARY AND
FORGED SIGNATURE

IN THE CIRCUIT COURT FOR PALM BEACH COUNTY, FL
IN RE: ESTATE OF File No. 502011CP000653XXXXSB
SHIRLEY BERNSTEIN, Probate Division
Deceased. Division

2012 NOV 19 PM 2:29

SHARON R. BOCK, CLERK
PALM BEACH COUNTY, FL
SOUTH CTY BRANCH-FILED

**WAIVER OF ACCOUNTING AND PORTIONS OF PETITION
FOR DISCHARGE; WAIVER OF SERVICE OF PETITION FOR
DISCHARGE; AND RECEIPT OF BENEFICIARY AND
CONSENT TO DISCHARGE**

The undersigned, Lisa S. Friedstein, whose address is 2142 Churchill Lane, Highland Park, IL 60035, and who has an interest in the above estate as beneficiary of the estate:

- (a) Expressly acknowledges that the undersigned is aware of the right to have a final accounting;
- (b) Waives the filing and service of a final or other accounting by the personal representative;
- (c) Waives the inclusion in the Petition for Discharge of the amount of compensation paid or to be paid to the personal representative, attorneys, accountants, appraisers, or other agents employed by the personal representative, and the manner of determining that compensation;
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- (e) Waives the inclusion in the Petition for Discharge of a plan of distribution;
- (f) Waives service of the Petition for Discharge of the personal representative and all notice thereof upon the undersigned;
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- (h) Consents to the entry of an order discharging the personal representative without notice, hearing or waiting period and without further accounting.

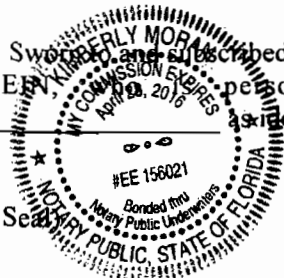
Signed on August 21, 2012.

Beneficiary

By: Lisa Friedstein
LISA S. FRIEDSTEIN

S. FRIEDSTEIN, described to before me on August 21, 2012, by LISA S. FRIEDSTEIN, personally known to me or who produced Kimberly Moran as identification.

(Affix Notarial Seal)



Kimberly Moran
Notary Public State of Florida

EXHIBIT 8 - UN-NOTARIZED ORIGINAL SIGNED WAIVER

IN THE CIRCUIT COURT FOR PALM BEACH COUNTY, FL
IN RE: ESTATE OF File No. 502011CP000653XXXXSB
SHIRLEY BERNSTEIN, Probate Division
Deceased. Division

2012 OCT 24 PM 1:31
SHARON A. ... CLERK
PALM BEACH COUNTY, FL
SOUTH CITY ... FILED

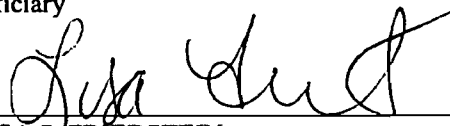
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- (f) Waives service of the Petition for Discharge of the personal representative and all notice thereof upon the undersigned;
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- (h) Consents to the entry of an order discharging the personal representative without notice, hearing or waiting period and without further accounting.

Signed on August 21, 2012.

Beneficiary

By: 
LISA S. FRIEDSTEIN