

## IX. FORGED AND FRAUDULENT DOCUMENTS

### FILED IN THE ESTATE OF SHIRLEY IN THIS COURT BY TESCHER AND SPALLINA CONSTITUTING A FRAUD ON THIS COURT AND THE BENEFICIARIES AND MORE

203. That once Tripp Scott received this partial and incomplete set of documents for the Estates from TS, it immediately became clear that certain documents stood out as absolute Prima Facie evidence of Forgery and Fraud in documents submitted by estate counsel TS to this Court and now part of this Court's record.
204. That over a month after Simon's passing on October 24, 2012 TS filed with this Court several "WAIVER OF ACCOUNTING AND PORTIONS OF PETITION FOR DISCHARGE; WAIVER OF SERVICE OF PETITION FOR DISCHARGE; AND RECEIPT OF BENEFICIARY AND CONSENT TO DISCHARGE" ("Waiver(s)") necessary for the closing of the estate of Shirley Bernstein that had come from Simon, Theodore, Pamela, Lisa, Jill and Petitioner, all signed at different times and locations. Exhibit 12 – Waivers Not Notarized.
205. That in a Memorandum sent by this Court to TS on Nov 05, 2012, nearly two months after Simon's death, this Court then sent back all of these Waivers for notarization by each party, stating, "Receipts for assets from all of the specific beneficiaries were not notarized." Exhibit 13 – This Court's Memo to TS.
206. That on November 19, 2012 this Court received documents that appear similar to those sent back from TS but now, they were supposedly notarized on the prior date they were signed months earlier. The earlier documents signed did not have a notary but these somehow now did.
207. That in the November 19, 2012 Waivers sent back to this Court, the Waivers appear to have been altered from those sent back by this Court, to now have a notary public seal contained on them that is falsely witnessed on a time in the past. It would be impossible to have the documents notarized in the past without a time machine but that is what

appears in the Court record. Exhibit 14 – Waivers Notarized on Dates Months in the Past.

208. That the documents returned to this Court by TS in some instances, including Petitioner's, appears at first glance to have the exact same signatures and writings from the prior documents dated and signed months earlier without notary but now had been notarized in November 2012 on the dates in the past.
209. That in the November 19, 2012 Waivers returned to the Court there was also a notarized Waiver from Simon, now notarized and signed. However, the Court did not send the document to have a notarized Waiver until two months after Simon's death and thereby raising the question of **just how Simon rose from the grave to notarize a document in November 2012 when he passed away in September 2012**, again Prima Facie evidence of Fraud and Forgery and more. Exhibit 15 – Simon's Waiver Signed Post Mortem.
210. That all of the Waivers appear to have been further altered with scienter, whereby the un-notarized documents sent back by this Court appear also to have been allegedly criminally altered by shrinking the original un-notarized documents in size and then affixing a false notary seal upon them and then creating a merged and new document, of which the signatures were then forged onto the new documents to resemble the documents submitted to the Court, which were then sent by US Mail back to this Court. This appears to be how dead men sign and notarize documents in the past post mortem or Petitioner waits for a better explanation from this Court.
211. That Petitioner's prior signed and not notarized Waiver also came back notarized, despite the fact that Petitioner has never met with TS and/or their notary to notarize any documents and therefore Petitioner's notarized document appears to be the same document sent back by the Court but now is also forged and altered to affix a fraudulent notarization and signature on documents dated and executed in the past.
212. That on information and belief, Petitioner's sisters were also not in Florida during the time period of the documents being falsely notarized in November 2012 and therefore could not have signed personally in front of the notary on a date in the past either and thus it is alleged that their signatures and notary have been forged as well.
213. That why would someone get a document back in November 2012 from the Court to notarize it and then recreate that document, using in Simon's example April 2012 as the signing date and then affix a notary seal on a document that was not originally notarized on the date in the past. Hard to understand other than when one of the parties you need to have notarize the document is dead for two months and you cannot get his signature or have him appear before a notary but you also cannot submit a document dated in the present as everyone would see a dead man signing and notarizing and find that hard to believe. So, it appears you take the document from April and you carefully craft it to look like the ones done in the past, replete with attempted forged signatures and shrink it to fit a notary and presto, you hope no one catches it.

214. That this alteration of the Waivers by manipulation and alteration of the prior documents shows that this was no notarization mistake or accident but rather a carefully crafted FORGERY by TS and their notaries, attempting to make the resubmitted documents look identical to the earlier documents signed and doing a wholly amateur job of FORGERY with so many inconsistencies existing in the two documents for each party that a child can spot the numerous defects in signatures and more.
215. That Petitioner alleges that these alleged document forgeries and signature forgeries and fraudulent notarizations re-submitted to this Court by TS, Tescher and Spallina constitute an instance of irrefutable Fraud on this Court and Fraud, Fraud on Petitioner's family and Fraud on the Beneficiaries, commissioned through alleged felony violations of law by the Personal Representatives, Trustees and Estate Counsel. Yes, it appears the fraudulent documents were sent via mail or wire to the Court and others.
216. That Petitioner was never notified by TS that documents were sent back from the Court and needed to be notarized until recovering them from the Court, perhaps one of the reasons TS and others are hiding documents essential to the Estates.
217. That on January 23, 2013 after reviewing the Forged and Fraudulent documents with Tripp Scott and their Notary Public expert at their offices, Tripp Scott prepared and Petitioner signed a **REVOCAION** 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 ("Revocation") revoking the alleged Fraudulent and Forged Waiver that was submitted to this Court on Petitioner's behalf and without Petitioner's knowledge or consent by TS. Exhibit 16 - Petitioner Revocation of Waiver.
218. That Petitioner is unclear as to whether Tripp Scott filed this Revocation on behalf of Petitioner with this Court prior to having to separate representations as described further herein due to conflict between Petitioner and his children. That if Tripp Scott did not file such Revocation with this Court that such Revocation attached herein may now also be construed to be filed with this Court through submission herein.
219. That Petitioner's Revocation herein may cause this Court to reopen and re-administer the Estate of Shirley again free of such Fraudulent and Forged documents and the effects of them.
220. That Petitioner claims that Simon's Waiver should also be stricken from the record in Shirley's estate, as it too is a Fraudulent and Forged document, as it appears impossible that Simon could have signed and notarized a document post mortem and again his document was shrunk to fit the notary public seal and his signature appears to have been forged.
221. That Petitioner states that these alleged Forged and Fraudulent documents are Prima Facie evidence of the alleged criminal activity in the estate of Shirley should be reported by this Court to all appropriate criminal authorities for immediate investigation. If this Court does not intend on notifying the appropriate authorities on its own authority, which

may constitute Misprision of a Felony, including notifying the Governor of the State of Florida for the alleged illegal and improper notarizations and reporting the alleged Forgery and Fraud on the Court to criminal authorities, then Petitioner requests the Court notify him in writing that the Court is not intending on reporting the alleged criminal activity and tendering the evidences exhibited herein of such alleged criminal acts to the authorities and Petitioner will contact these authorities directly. That Petitioner feels that it is a duty of this Court to report such alleged criminal activities and exhibited Prima Facie evidence, especially where the alleged crimes are alleged committed by another Attorney at Law acting as an Officer of this Court, as is the case with TS, Spallina and Tescher.

## **X. INCOMPLETE NOTARIZATION IN THE ALLEGED 2012 AMENDED TRUST OF SIMON AND MORE**

222. That upon reviewing the documents in the estate of Simon sent by TS to Tripp Scott and those gathered by Petitioner from this Court, several more problems arose with the validity and legality of estate and other documents prepared and filed by TS with this Court, the Beneficiaries and Interested Parties, including the fact that the alleged 2012 Amended Trust of Simon dated July 25, 2012, less than two months before Simon's death on September 13, 2012, also is alleged deficient in the notarization.<sup>4</sup> See Exhibit 17 – Signature Pages of Alleged 2012 Amended Trust.
223. That in the alleged 2012 Amended Trust neither the identification that Simon appeared or was known on that date to the notary was indicated, so that Simon neither appeared before the notary or was known to the notary at the time of notarization of the alleged 2012 Amended Trust that Spallina and others have gained powers over the estates using. The failed notarization of this document making it an alleged nullified document that cannot be relied upon legally and due to the lack of care and duty by TS to properly notarize these documents, a further Breach of Fiduciary Duties by TS and further possible evidence of Notary Public Fraud by TS and others, all beneficiaries have further liabilities and burdens.
224. That the alleged 2012 Amended Trust of Simon also appears improperly witnessed by Spallina who acts as one of the two Witnesses to the alleged 2012 Amended Trust, a

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<sup>4</sup> <http://notarypublic-florida.com/liability.htm>

A recent court decision should be of special interest to Florida notaries and their employers. In *Ameriseal of North East Florida, Inc. v. Leiffer* (673 So. 2d 68 [Fla. 5th D.C.A. 1996]), the Court ruled that a notary public and the law firm that employs her may be held liable for damages resulting from an improper notarization... Because notaries are appointed by the Governor, it is the responsibility of the Governor's Office to investigate allegations of misconduct by notaries. The Notary Section investigates hundreds of complaints each year and takes disciplinary action against those notaries found to have been negligent in their duties. Most complaints involve business deals gone awry, persons involved in legal disputes, or friends who asked the notary for a special favor.

document Spallina prepared as Counsel and whereby under the alleged 2012 Amended Trust TS is also granting TS, Tescher and Spallina powers to act in the capacities they have acted in since day one after Simon's death and these same documents also gave them interests in the Estates.

225. That since TS and Spallina have refused to send the original 2008 Trust of Simon to Tripp Scott or Petitioner after repeated requests, it remains unclear as to who the Personal Representatives of Simon's estate were designated to be in the 2008 Trust that TS was changing in the alleged 2012 Amended Trust to make TS, Tescher and Spallina the new Personal Representatives, again a guessing game.
226. That these new problems with notarizations in the estate documents of now Simon combined with the overwhelming Prima Facie evidence of alleged Forged and Fraudulent documents in the estate of Shirley, now begets the question as to just what the bigger Fraud is that is attempting to be pulled off on this Court, the Beneficiaries and Interested parties that would cause Fraudulent, Forged and incomplete documents to be submitted to this Court and others by TS, Spallina and Tescher in now both Simon and Shirley's estate.
227. That Petitioner states that these alleged Forged and Fraudulent documents are Prima Facie evidence of the alleged criminal activity in the estate of Simon should be reported by this Court to all appropriate criminal authorities for immediate investigation. If this Court does not intend on notifying the appropriate authorities on its own authority, which may constitute a Misprision of a Felony, including notifying the Governor of the State of Florida for the alleged illegal and improper notarizations as required by law and reporting the alleged Forgery and Fraud on the Court to criminal authorities, then Petitioner requests the Court notify him in writing that the Court is not intending on reporting the alleged criminal activity and tendering the evidences exhibited herein of such alleged criminal acts to the authorities and Petitioner will contact these authorities directly and immediately. That Petitioner feels that it is a duty of this Court to report such alleged criminal activities with the exhibited Prima Facie evidence, especially where the alleged crimes are alleged committed by another Attorney at Law acting as an Officer of this Court, as is the case with TS, Spallina and Tescher.

## **XI. INCOMPLETE NOTARIZATION IN THE 2012 WILL OF SIMON AND MORE**

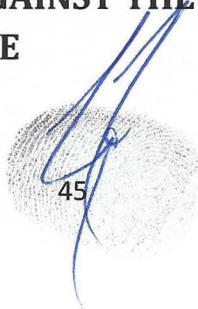
228. That the 2012 Last Will and Testament of Simon filed with this Court dated July 25, 2012, forty-nine days before Simon's death on September 13, 2012 is also deficient in the notarization, see Exhibit 18 – Signature Pages of 2012 Will of Simon, as again neither the identification that Simon appeared or was known on that date to the notary was indicated, so that Simon neither appeared before the notary or was known to the notary at the time of notarization of the alleged 2012 Amended Trust that Spallina and

others have gained powers over the estates using. The failed notarization of this 2012 Will making it an alleged nullified document that cannot be relied upon legally and due to the lack of care and duty by TS to properly notarize these documents, a further Breach of Fiduciary Duties by TS and further possible evidence of Notary Public Fraud by TS and others, all beneficiaries have further liabilities and burdens.

229. That additionally there is apparently an unidentified exhibit to the 2012 Will of Simon filed with the Court on October 02, 2012 by TS, which appears to be a previous Will of Simon signed on August 15, 2000, the Will Exhibit. This Will Exhibit is never referenced as an exhibit in the 2012 Will of Simon that was prepared by TS and purportedly signed by Simon on July 25, 2012 and so what exactly it is an exhibit for is unknown. See Exhibit 19 – Relevant Signature Pages of Will Exhibit.
230. That the 2012 Will of Simon was recorded as a nine page document with this Court on October 05, 2012. The 2000 Will Exhibit to the 2012 Will of Simon was filed with the Court October 10, 2012 and docketed as an “exhibit” but no indication to what and appears to be an old Last Will and Testament prepared and executed by Proskauer on August 15, 2000. As the Will Exhibit is never referenced in the Will of Simon that was prepared by TS in 2012, the questions of if Simon knew this Will Exhibit would be affixed to his Will or would somehow become part of the estate documents filed with this Court and what purpose it would serve or rights it would convey is unknown, as this 2000 Will was voided in the 2012 Will prepared by TS.
231. That as of the date of filing, it remains unclear to Petitioner why the Will Exhibit has been entered and now part of this Court’s record and why there are now two Last Will and Testaments in the Estate of Simon filed by TS. That again, the question of what part of a larger scheme is at play here is raised and why is the involvement of Proskauer brought into such a scheme through a 2000 Will Exhibit that is over a decade old and voided??? The relation of Proskauer to Simon and Petitioner has a long and sordid history and will be further discussed and defined herein and in exhibit.
232. That in contrast the Will of Shirley filed with this Court and done in May of 2008 by TS appears to be notarized correctly and the notary properly underlines that Shirley is “personally known to me” on the date of notarization. However the document still suffers from Spallina acting as Counsel and Witness in the document in conflict, despite that no interests or powers appear to be transferred in the Will of Shirley to TS through the execution of the Will, although now all documents become questionable due to the alleged forgeries and fraud in the other documents.

## **XII. FAILURE BY PERSONAL REPRESENTATIVES TO INFORM AND DEFEND BENEFICIARIES IN CLAIMS AGAINST THE ESTATE VIOLATING FIDUCIARY RESPONSIBILITIES AND MORE**

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**EXHIBIT 12 – WAIVERS NOT NOTARIZED**

4/9/12

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 E. B. OF ULLM  
PALM BEACH COUNTY, FL  
SOUTH CITY SQUARE-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, Simon L. Bernstein, whose address is 7020 Lions Head Lane, Boca Raton, Florida 33496, 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 4/9/12, 2012.

Beneficiary  
  
By: \_\_\_\_\_  
SIMON L. BERNSTEIN





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 L. BERRY, 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, Eliot Bernstein, whose address is 2753 NW 34<sup>th</sup> 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:   
ELIOT BERNSTEIN

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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

**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 1st, 2012.

Beneficiary

By: Jill Iantoni  
JILL IANTONI

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. T. CLARK, CLERK  
PALM BEACH COUNTY, FL  
SOUTH CITY CENTER BLDG-FILED

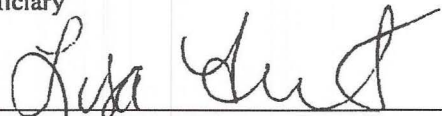
**WAIVER OF ACCOUNTING AND PORTIONS OF PETITION  
FOR DISCHARGE; WAIVER OF SERVICE OF PETITION FOR  
DISCHARGE; AND RECEIPT OF BENEFICIARY AND  
CONSENT TO DISCHARGE**

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;
- (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 August 21, 2012.

Beneficiary

By:   
LISA S. FRIEDSTEIN



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 M. BROWN, CLERK  
PALM BEACH COUNTY, FL  
SOUTH CITY SPRING, FL

**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, Pamela B. Simon, whose address is 950 North Michigan Avenue, Suite 2603, Chicago, IL 60606, 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 8/8, 2012.

Beneficiary

By:   
PAMELA B. SIMON



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 L. BELLER  
PALM BEACH COUNTY CLERK  
SOUTH CLAY STREET, WEST PALM BEACH, FL 33411

**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, Ted S. Bernstein, whose address is 880 Berkeley Street, Boca Raton, Florida 33487, 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 8/1/12, 2012.

Beneficiary

By: Ted Bernstein  
TED BERNSTEIN

GA

**EXHIBIT 13 – THIS COURT’S MEMO TO TS**

4/13

**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 - 1Y  
| | JUDGE JAMES L. MARTZ      Division - 1Z  
| | JUDGE ROSEMARIE SCHER      Division - 1X

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 & §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>.
- \_\_\_ OTHER:

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

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 14 – WAIVERS NOTARIZED IN PAST**

A handwritten signature in blue ink, appearing to be 'G. J. 14', is located at the bottom center of the page. The signature is written over a faint, circular embossed seal or stamp.



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 34<sup>th</sup> 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 to before me on May 15, 2012, by ELLIOT BERNSTEIN, who is personally known to me or who produced \_\_\_\_\_ as identification.

(Affix Notarial Seal)



Kimberly Moran  
Notary Public State of Florida

[Handwritten mark]

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, 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.

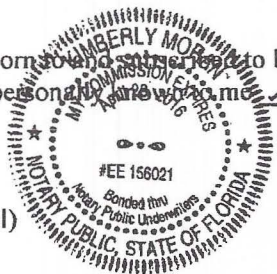
Beneficiary

By: Jill Iantoni

JILL IANTONI

Sworn to and subscribed to 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

Handwritten initials "HT" in blue ink.

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;
- (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 August 21, 2012.

Beneficiary

By: *Lisa Friedstein*  
LISA S. FRIEDSTEIN

S. FRIEDSTEIN, My commission expires August 21, 2012, by LISA S. FRIEDSTEIN, personally known to me  or who produced identification.

(Affix Notarial Seal)  
Notary Public, State of Florida  
#EE 156021  
Bonded thru  
Notary Public Underseals

*Kimberly*  
Notary Public State of Florida

*GA*

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, Pamela B. Simon, whose address is 950 North Michigan Avenue, Suite 2603, Chicago, IL 60606, 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 8/8, 2012.

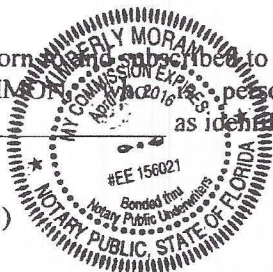
Beneficiary



By: \_\_\_\_\_  
PAMELA B. SIMON

Sworn to and subscribed to before me on August 8, 2012, by  
PAMELA B. SIMON, personally known to me \_\_\_\_\_ or who produced  
\_\_\_\_\_ as identification.

(Affix Notarial Seal)



Kimberly Moran  
Notary Public State of Florida



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, Ted S. Bernstein, whose address is 880 Berkeley Street, Boca Raton, Florida 33487, 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 8/1/12, 2012.

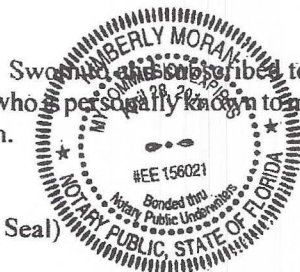
Beneficiary

By Ted Bernstein

TED BERNSTEIN

Sworn to and subscribed to before me on August 1 2012, 2012, by TED BERNSTEIN, who is personally known to me or who produced \_\_\_\_\_ as identification.

(Affix Notarial Seal)



Kimberly Moran  
Notary Public State of Florida

47

**EXHIBIT 15 – SIMON'S WAIVER SIGNED POST MORTEM**

4/15

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, Simon L. Bernstein, whose address is 7020 Lions Head Lane, Boca Raton, Florida 33496, 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.

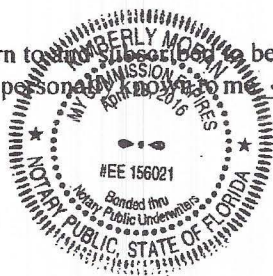
Signed on 4/9/12, 2012.

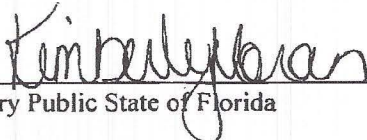
Beneficiary

By:   
SIMON L. BERNSTEIN

Sworn to and subscribed before me on April 9, 2012, by SIMON BERNSTEIN, who is personally known to me or who produced \_\_\_\_\_ as identification.

(Affix Notarial Seal)



  
Notary Public State of Florida

**EXHIBIT 16 - PETITIONER REVOCATION OF WAIVER**

4/16



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 34<sup>th</sup> 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.

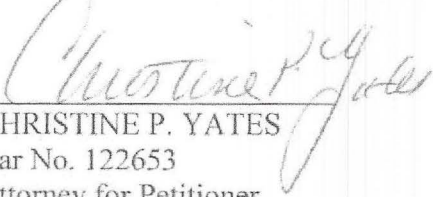
**THEREFORE**, Eliot Bernstein, through undersigned counsel, respectfully requests this Court vacate, void, nullify, and render ineffective the "Waiver of Accounting and Portions of Petition for Discharge; Waiver of Service of Petition for Discharge; And Receipt of Beneficiary and Consent to Discharge"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

[SIGNATURES ON FOLLOWING PAGE]

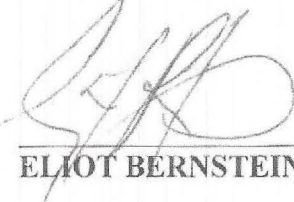


Under penalties of perjury, I declare that I have read the foregoing, and the facts alleged are true to the best of my knowledge and belief.

Signed on this 23 day of January, 2013.

  
CHRISTINE P. YATES


Bar No. 122653  
Attorney for Petitioner  
TRIPP SCOTT, P.A.  
110 SE 6<sup>th</sup> Street, 15<sup>th</sup> 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 17 - SIGNATURE PAGES OF ALLEGED 2012 AMENDED  
TRUST**

4/17

---

SIMON L. BERNSTEIN

---

AMENDED AND RESTATED TRUST AGREEMENT

---

This Amended and Restated Trust Agreement is dated this 26 day of July, 2012, and is between SIMON L. BERNSTEIN, of Palm Beach County, Florida referred to in the first person, as settlor, and SIMON L. BERNSTEIN, of Palm Beach County, Florida and SIMON L. BERNSTEIN's successors, as trustee (referred to as the "*Trustee*," which term more particularly refers to all individuals and entities serving as trustee of a trust created hereunder during the time of such service, whether alone or as co-trustees, and whether originally serving or as a successor trustee).

WHEREAS, on May 20, 2008, I created and funded the SIMON L. BERNSTEIN TRUST AGREEMENT (the "*Trust Agreement*," which reference includes any subsequent amendments of said trust agreement);

WHEREAS, Paragraph A. of Article I. of said Trust Agreement provides, inter alia, that during my lifetime I shall have the right at any time and from time to time by an instrument, in writing, delivered to the Trustee to amend or revoke said Trust Agreement, in whole or in part.

NOW, THEREFORE, I hereby amend and restate the Trust Agreement in its entirety and the Trustee accepts and agrees to perform its duties and obligations in accordance with the following amended provisions. Notwithstanding any deficiencies in execution or other issues in regard to whether any prior version of this Trust Agreement was a valid and binding agreement or otherwise created an effective trust, this amended and restated agreement shall constitute a valid, binding and effective trust agreement and shall amend and succeed all prior versions described above or otherwise predating this amended and restated Trust Agreement.

ARTICLE I. DURING MY LIFE AND UPON MY DEATH

A. **Rights Reserved.** I reserve the right (a) to add property to this trust during my life or on my death, by my Will or otherwise; (b) to withdraw property held hereunder; and (c) by separate written instrument delivered to the Trustee, to revoke this Agreement in whole or in part and otherwise modify or amend this Agreement.

B. **Payments During My Life.** If income producing property is held in the trust during my life, the Trustee shall pay the net income of the trust to me or as I may direct. However, during any periods while I am Disabled, the Trustee shall pay to me or on my behalf such amounts of the net income and principal of the trust as is proper for my Welfare. Any income not so paid shall be added to principal.

SIMON L. BERNSTEIN  
AMENDED AND RESTATED TRUST AGREEMENT

LAW OFFICES  
TESCHER & SPALLINA, P.A.



IN WITNESS WHEREOF, the parties hereto have executed this Amended and Restated Trust Agreement on the date first above written.

SETTLOR and TRUSTEE:

*[Handwritten signature of Simon L. Bernstein]*

SIMON L. BERNSTEIN

This instrument was signed by SIMON L. BERNSTEIN in our presence, and at the request of and in the presence of SIMON L. BERNSTEIN and each other, we subscribe our names as witnesses on this 21 day of July, 2012:

Print Name: ROBERT L. SPALLINA  
Address: 7387 WISTERIA AVENUE  
PARKLAND, FL 33076

*[Handwritten signature of Kimberly Moran]*  
Print Name: Kimberly Moran  
Address: 6362 Las Flores Drive  
Boca Raton, FL 33433

STATE OF FLORIDA

SS.

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 25 day of July, 2012, by SIMON L. BERNSTEIN.

*[Handwritten signature of Lindsay Baxley]*  
Signature - Notary Public-State of Florida  
Lindsay Baxley  
Print, type or stamp name of Notary Public

[Seal with Commission Expiration Date]

NOTARY PUBLIC-STATE OF FLORIDA  
Lindsay Baxley  
Commission # EE092282  
Expires: MAY 10, 2015  
BONDED THRU ATLANTIC BONDING CO., INC.

Personally Known \_\_\_\_\_ or Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_

SIMON L. BERNSTEIN  
AMENDED AND RESTATED TRUST AGREEMENT

*[Handwritten initials]*

**EXHIBIT 18 – SIGNATURE PAGES OF 2012 WILL OF SIMON**

4/18

502012CPO04391XXXXSB

I2

**WILL OF**  
**SIMON L. BERNSTEIN**

2012 OCT -2 AM 9:32  
SHARON R. BOCK, CLERK  
PALM BEACH COUNTY, FL  
SOUTH CITY BRANCH-FILED

*Prepared by:*

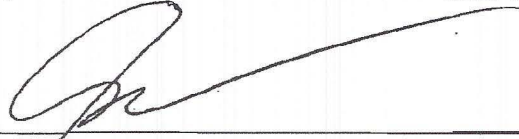
Tescher & Spallina, P.A.  
4855 Technology Way, Suite 720, Boca Raton, Florida 33431  
(561) 997-7008  
[www.tescherspallina.com](http://www.tescherspallina.com)

LAW OFFICES

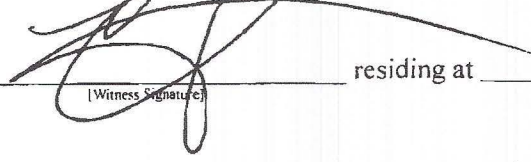
TESCHER & SPALLINA, P.A.


47

I have published and signed this instrument as my Will at Boca Raton, Florida, on the 24 day of July, 2012.

  
SIMON L. BERNSTEIN

This instrument, consisting of this page numbered 7 and the preceding typewritten pages, was signed, sealed, published and declared by the Testator to be the Testator's Will in our presence, and at the Testator's request and in the Testator's presence, and in the presence of each other, we have subscribed our names as witnesses at Boca Raton, Florida on this 27 day of July, 2012.

  
[Witness Signature] residing at 7387 WISTERIA AVENUE  
PARKLAND, FL 33076  
[Witness Address]

  
[Witness Signature] residing at 6362 Las Flores Drive  
Boca Raton, FL 33433  
[Witness Address]





State Of Florida

SS.

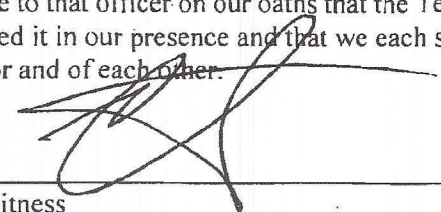
County Of Palm Beach

I, SIMON L. BERNSTEIN, declare to the officer taking my acknowledgment of this instrument, and to the subscribing witnesses, that I signed this instrument as my will.

  
SIMON L. BERNSTEIN, Testator

We, Robert L. Spallina and Kimberly Moran,

have been sworn by the officer signing below, and declare to that officer on our oaths that the Testator declared the instrument to be the Testator's will and signed it in our presence and that we each signed the instrument as a witness in the presence of the Testator and of each other.

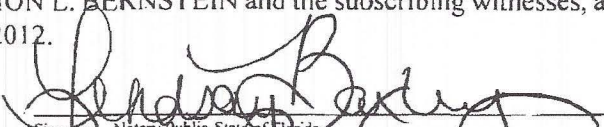
  
Witness

Kimberly Moran  
Witness

Acknowledged and subscribed before me, by the Testator, SIMON L. BERNSTEIN, who is personally known to me or who has produced \_\_\_\_\_ (state type of identification) as identification, and sworn to and subscribed before me by the witnesses, Robert L. Spallina, who is personally known to me or who has produced \_\_\_\_\_ (state type of identification) as identification, and Kimberly Moran, who is personally known to me or who has produced \_\_\_\_\_ (state type of identification) as identification, and subscribed by me in the presence of SIMON L. BERNSTEIN and the subscribing witnesses, all on this 25 day of July, 2012.

[Seal with Commission Expiration Date]

NOTARY PUBLIC-STATE OF FLORIDA  
Lindsay Baxley  
Commission # EE092282  
Expires: MAY 10, 2015  
BONDED THRU ATLANTIC BONDING CO., INC.

  
Signature - Notary Public-State of Florida

Lindsay Baxley  
Print, type or stamp name of Notary Public

LAST WILL  
OF SIMON L. BERNSTEIN

-8-

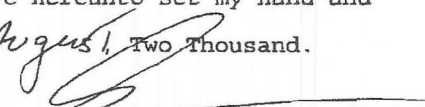
LAW OFFICES  
TESCHER & SPALLINA, P.A.

**EXHIBIT 19 – RELEVANT PAGES OF WILL EXHIBIT**

5/19

descendants. Except as provided in Article SECOND of this Will, I have not made any provisions herein for PAMELA BETH SIMON or any of her descendants not out of lack of love or affection but because they have been adequately provided for.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal this 15 day of August, Two Thousand.

  
\_\_\_\_\_  
(L.S.)

The foregoing instrument, consisting of this and seventeen preceding typewritten pages, was signed, sealed, published and declared by SIMON L. BERNSTEIN, the Testator, to be his Last Will and Testament, in our presence, and we, at his request and in his presence and in the presence of each other, have hereunto subscribed our names as witnesses, this 15<sup>th</sup> day of August, Two Thousand at 2255 Glades Road, Boca Raton, Florida.

George Karabynian residing at 1133 SW 20th Street

Boca Raton, FL

Robert [Signature] residing at 2415 NW 32nd St.

Boca Raton, FL



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

We, SIMON L. BERNSTEIN, *George O. Karibyanian* and *Robert Jacobowitz*, the Testator and the witnesses respectively, whose names are signed to the attached or foregoing instrument, were sworn, and declared to the undersigned officer that the Testator, in the presence of the witnesses, signed the instrument as his Last Will and that each of the witnesses, in the presence of the Testator and in the presence of each other, signed the Will as a witness.

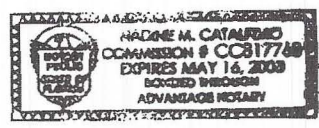
*[Signature]*  
\_\_\_\_\_  
Testator

*George O. Karibyanian*  
\_\_\_\_\_  
Witness

*[Signature]*  
\_\_\_\_\_  
Witness

Subscribed and sworn to before me by SIMON L. BERNSTEIN, the Testator, and by *George O. Karibyanian* and *Robert Jacobowitz*, the witnesses, on *August 15*, 2000, all of whom personally appeared before me. SIMON L. BERNSTEIN is personally known to me or has produced \_\_\_\_\_ as identification. *George O. Karibyanian* is personally known to me or has produced \_\_\_\_\_ as \_\_\_\_\_ identification. *Robert Jacobowitz* is personally known to me or has produced \_\_\_\_\_ as identification.

*[Signature]*  
\_\_\_\_\_  
Notary Public (Affix Seal)  
My commission expires:  
My commission number is:



*54*