

IN THE CIRCUIT COURT OF THE FIFTEEN JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA

IN RE: ESTATE OF  
SIMON BERNSTEIN,  
DECEASED

CASE NO. 2012CP004391 IX  
PROBATE DIVISION

JUDGE DAVID E. FRENCH

ELIOT IVAN BERNSTEIN, PRO SE  
PETITIONER,

**NOTICE OF MOTION**

V.

TESCHER & SPALLINA, P.A., (AND ALL PARTNERS,  
ASSOCIATES AND OF COUNSEL), ROBERT L.  
SPALLINA (BOTH PERSONALLY & PROFESSIONALLY),  
DONALD R. TESCHER (BOTH PERSONALLY &  
PROFESSIONALLY), THEODORE STUART BERNSTEIN,  
AS PERSONAL REPRESENTATIVES ET AL., TRUSTEES,  
SUCCESSOR TRUSTEES AND ESTATE COUNSEL AND  
JOHN AND JANE DOES,

RESPONDENTS.  
\_\_\_\_\_ /

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AUG 28 2013

SHARON R. BOCK  
CLERK & COMPTROLLER  
PALM BEACH COUNTY

**NOTICE OF MOTION FOR: INTERIM DISTRIBUTION FOR BENEFICIARIES  
NECESSARY LIVING EXPENSES, FAMILY ALLOWANCE, LEGAL COUNSEL  
EXPENSES TO BE PAID BY PERSONAL REPRESENTATIVES AND  
REIMBURSEMENT TO BENEFICIARIES SCHOOL TRUST FUNDS**

**PLEASE TAKE NOTICE** that upon the accompanying affirmation; Pro Se Petitioner Eliot Ivan Bernstein will move this Court before the Honorable Judge David E. French, Circuit Judge, at the South County Courthouse, 200 West Atlantic Ave., Delray Beach, FL 33401, at a date and time to be determined by the Court, for an order for:

- i. Family Allowance;



Page 1 of 20

Wednesday, August 28, 2013

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- i. Family Allowance;



Page 1 of 20

Wednesday, August 23, 2013

- ii. Interim Distributions for Beneficiaries immediate needs of School Tuition and Living Expenses;
- iii. Legal Counsel Expenses to be paid by Spallina & Tescher, Robert Spallina and Donald Tescher (collectively herein the "Personal Representatives"), as all of these needs are a result of their misconduct and violations of law;
- iv. Reimbursement of the beneficiaries school trust funds due to depletion of these funds caused by further fraud by the Personal Representatives; and
- v. Such other relief as the Court may find just and proper.

Dated: Palm Beach County, FL

  
August 28, 2013

  
  
Elliot Bernstein  
2753 NW 34<sup>th</sup> St.  
Boca Raton, FL 33434  
(561) 245-8588



To:



**Respondents sent ~~US Mail, Fax and Email~~**

Robert L. Spallina, Esq.  
Tescher & Spallina, P.A.  
Boca Village Corporate Center I  
4855 Technology Way  
Suite 720  
Boca Raton, FL 33431  
[rspallina@tescherspallina.com](mailto:rspallina@tescherspallina.com)

Donald Tescher, Esq.  
Tescher & Spallina, P.A.  
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4855 Technology Way  
Suite 720

Boca Raton, FL 33431  
[dtescher@tescherspallina.com](mailto:dtescher@tescherspallina.com)  
Theodore Stuart Bernstein  
Life Insurance Concepts  
950 Peninsula Corporate Circle, Suite 3010  
Boca Raton, Florida 33487  
[tbernstein@lifeinsuranceconcepts.com](mailto:tbernstein@lifeinsuranceconcepts.com)

**Interested Parties and Trustees for Beneficiaries**

Lisa Sue Friedstein  
2142 Churchill Lane  
Highland Park IL 60035  
[Lisa@friedsteins.com](mailto:Lisa@friedsteins.com)

Jill Marla Iantoni  
2101 Magnolia Lane  
Highland Park, IL 60035  
[jilliantoni@gmail.com](mailto:jilliantoni@gmail.com)

Pamela Beth Simon  
950 North Michigan Avenue  
Suite 2603  
Chicago, IL 60611  
[psimon@stpcorp.com](mailto:psimon@stpcorp.com)

Eliot Ivan Bernstein  
2753 NW 34th St.  
Boca Raton, FL 33434  
[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)



IN THE CIRCUIT COURT OF THE FIFTEEN JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA

IN RE: ESTATE OF  
SIMON BERNSTEIN,  
DECEASED

CASE NO. 2012CP004391 IX  
PROBATE DIVISION  
JUDGE DAVID E. FRENCH

ELIOT IVAN BERNSTEIN, PRO SE

AFFIRMATION

PETITIONER,

V.

TESCHER & SPALLINA, P.A., (AND ALL PARTNERS,  
ASSOCIATES AND OF COUNSEL), ROBERT L.  
SPALLINA (BOTH PERSONALLY & PROFESSIONALLY),  
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AS PERSONAL REPRESENTATIVES ET AL., TRUSTEES,  
SUCCESSOR TRUSTEES AND ESTATE COUNSEL AND  
JOHN AND JANE DOES,

RESPONDENTS.

\_\_\_\_\_ /

**AFFIRMATION**

I, Eliot Ivan Bernstein, make the following affirmation under penalties of perjury:

I, Eliot Ivan Bernstein, am the Pro Se Petitioner in the above entitled action, and respectfully  
move this Court to issue an order for:

- i. Family Allowance;
- ii. Interim Distributions for Beneficiaries immediate needs of School Tuition and Living Expenses;

- iii. Legal Counsel Expenses to be paid by Spallina & Tescher, Robert Spallina and Donald Tescher (collectively herein the “Personal Representatives”), as all of these needs are a result of their misconduct and violations of law;
- iv. Reimbursement of the beneficiaries school trust funds due to depletion of these funds caused by further fraud by the Personal Representatives; and
- v. Such other relief as the Court may find just and proper.

The reasons why I am entitled to the relief I seek are the following:

### **INTRODUCTION**

- I. That on May 6, 2013 Petitioner filed Docket #23 an **“EMERGENCY PETITION TO: FREEZE ESTATE ASSETS, APPOINT NEW PERSONAL REPRESENTATIVES, INVESTIGATE FORGED AND FRAUDULENT DOCUMENTS SUBMITTED TO THIS COURT AND OTHER INTERESTED PARTIES, RESCIND SIGNATURE OF ELIOT BERNSTEIN IN ESTATE OF SHIRLEY BERNSTEIN AND MORE”** (“Petition”).

- i. [www.iviewit.tv/20130506PetitionFreezeEstates.pdf](http://www.iviewit.tv/20130506PetitionFreezeEstates.pdf) 15th Judicial Florida Probate Court and
- ii. [www.iviewit.tv/20130512MotionRehearReopenObstruction.pdf](http://www.iviewit.tv/20130512MotionRehearReopenObstruction.pdf) US District Court Pages 156-582

2. That on May 29, 2013, Petitioner filed Docket #28 **“RENEWED EMERGENCY PETITION”** (“Petition 2”)

i. [www.iviewit.tv/20130529RenewedEmergencyPetitionSimon.pdf](http://www.iviewit.tv/20130529RenewedEmergencyPetitionSimon.pdf)

3. That on June 26, 2013, Docket #31 Petitioner filed a **“MOTION TO: CONSIDER IN ORDINARY COURSE THE EMERGENCY PETITION TO FREEZE ESTATE ASSETS, APPOINT NEW PERSONAL REPRESENTATIVES, INVESTIGATE FORGED AND FRAUDULENT DOCUMENTS SUBMITTED TO THIS COURT AND OTHER INTERESTED PARTIES, RESCIND SIGNATURE OF ELIOT BERNSTEIN IN ESTATE OF SHIRLEY BERNSTEIN AND MORE FILED BY PETITIONER”** (“Petition 3”)

i. [www.iviewit.tv/20130626MotionReconsiderOrdinaryCourseSimon.pdf](http://www.iviewit.tv/20130626MotionReconsiderOrdinaryCourseSimon.pdf)

4. That on July 15, 2013, Petitioner filed Docket #32 **“MOTION TO RESPOND TO THE PETITIONS BY THE RESPONDENTS”** (“Petition 4”)

i. [www.iviewit.tv/20130714MotionRespondPetitionSimon.pdf](http://www.iviewit.tv/20130714MotionRespondPetitionSimon.pdf)

5. July 24, 2013 Docket #33 **“MOTION TO REMOVE PERSONAL REPRESENTATIVES” for insurance fraud and more.** (“Petition 5”)

i. [www.iviewit.tv/20130724SimonMotionRemovePR.pdf](http://www.iviewit.tv/20130724SimonMotionRemovePR.pdf)

6. That in the aforesaid Petition 1, Petitioner prayed to this Court already for family allowance and interim distributions at Paragraph 10 & 11 of page 99, Paragraphs 390-404 pages 82-85,

Paragraphs 44 & 46 page 109 & 110, Paragraph 3 page 97, Paragraph 59, 60 page 113-114. Petitioner requests this Court to consider the reasons stated in the Petition as part of this motion. Petitioner has urgent life threatening necessity for family allowance and interim distribution for the children and grandchildren beneficiaries' immediate needs of School Tuition and Living Expenses.

## **RULE**

7. This Court may Issue and Order for relief under RULE 5.407. PROCEEDINGS TO DETERMINE FAMILY ALLOWANCE and for Interim Distributions as stated in the Petition.

This court may Issue an Order for Interim Distribution under Fla. Prob. R. 5.380 (See also Fla. Stat. § 733.612(26)) and Fla. Stat. § 733.802 (compulsory partial distribution)

## **DISCUSSION**

8. That the amount of funds to Petitioner's family for continued living are also contained in the Petition for reasons more fully described in the Petition at Pages 99 & 109 and these amounts should also be ordered to be paid to Petitioner and his family. That additionally the Court should note the emergency needs of these funds from an Oppenheimer letter to the Personal Representatives regarding the seriousness of these matters, as evidenced herein as Exhibit 1 - July 16, 2013 Janet Craig, Oppenheimer Letter.
9. That both Simon and Shirley were funding \$100,000.00 annual living expenses continuously for years prior to their death based on an agreement with Petitioner due to special

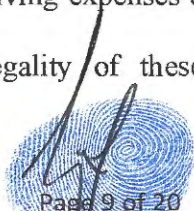


circumstances and needs of Petitioner's family as described already in the Petition at Paragraph 390-404 Page 82-85. After the death of Simon, the Personal Representatives assured Petitioner initially not to worry about the continuation of funds as they would be continued without interruption, as Simon and Shirley before their deaths had set this up through trusts, etc., which were to be funded weeks after Simon's death. Initially, Spallina claimed it would be a month or two until trusts for the kids would be funded for living and school expenses as they were the purported new beneficiaries, according to near death bed changes supposedly made and enabled through alleged Forged and Fraudulent documents, see Petition Paragraphs 203-232 Pages 40-45. Only several months later was it discovered that the documents making these near deathbed beneficiary changes and assigning new Personal Representatives who are the estates attorneys that prepared and submitted the Forged and Fraudulent Documents and witnessed them to enable their new fiduciary powers, all as part of a larger fraud on the Beneficiaries and this Court.

10. The documents giving Tescher & Spallina and TSB fiduciary powers over the estates of Simon and Shirley are currently under investigations with the Governor of Florida Notary Public Division and Palm Beach County Sheriff's Office and have been simultaneously been tendered to the US District Court of New York Southern District, to be included as further evidence of RICO violations against Petitioner in an ongoing RICO and Antitrust Civil Lawsuit, legally related by Federal Judge Shira A. Scheindlin to a Former NY Supreme Court Departmental Disciplinary Committee Whistleblower Lawsuit of Christine C. Anderson, Esq., involving a series of sophisticated financial crimes committed by criminals composed mainly of law firms and lawyers acting in violation of law. In this investigation the

Notary, Kimberly Moran, an employee of Tescher & Spallina P.A. who Notarized the said documents has accepted that he had committed a criminal act by forging and fraudulently Notarizing documents, including Notarizing documents for Simon after his death. These acts are illegal and it is very clear that the documents that give Tescher & Spallina and TSB fiduciary powers in the estates of Simon and Shirley are illegally obtained after death of Simon. Petitioner herewith produces the response of Notary Public Kimberly Moran as, Exhibit 2 - Original Complaint to the Governor's Office Notary Public Division, Response of Kimberly Moran Admitting and Acknowledging Forgery and Fraud and Petitioner's Response to Moran's Response.

11. That after Petitioner began to request accountings and documents relating to the estates of Simon and Shirley that were being withheld and suppressed from Beneficiaries AND THEIR COUNSEL, the Personal Representatives became hostile to Petitioner and their Counsel and made threats to Petitioner that if he got counsel for he or his children they would not deal kindly with him. After Petitioner sought counsel Spallina in an about face to his prior claims, now claimed there was no money left and no trusts set up and he would get nothing and they would foreclose on the home his children own. Petitioner then learned that the Personal Representatives had switched the payment of the children's living and school expenses from a Legacy Bank account of Simon's, to the children's Oppenheimer elementary school trust accounts that had been partially funded prior to Shirley and Simon's death. That this switching of the accounts has now depleted the school trusts funds almost wholly through this scheme endangering both the living expenses and school expenses of the grandchildren ages 15, 13 and 10 and the legality of these changes authorized by the Personal



Representatives is still in question as the full documents regarding the school trusts have also been withheld.

12. That the Personal Representatives switched the accounts without proper notice of what they were doing and misled the Beneficiaries and Interested Parties with the intent of wreaking havoc on the lives of the Beneficiaries, even claiming as evidenced in the Petition, that they would leave Petitioner and his family with no monies and would foreclose on their home and evict them penniless if they hired legal counsel, asked for documents or accountings and did not go along with an insurance fraud scheme already explained in the Petition and the Petition to Remove Personal Representatives” (“Petition 2”) filed with this Court on July 24, 2013. That the illegal actions of Spallina, Tescher and Tescher & Spallina as purported Personal Representatives and Estate Counsel for Simon and Shirley and their Notary Public, Kimberly Moran, have caused intentional financial hardships now on the Beneficiaries that will be LIFE THREATENING when the Oppenheimer School funds are depleted for Petitioner’s minor children in a few weeks. That all of these wanton and reckless and illegal acts have combined to cause an immediate need for interim distribution of estate assets to be ordered by this Court to maintain even basic life sustaining needs for the grandchildren.

13. This perilous situation created by the Personal Representatives with scienter is evident from Janet Craig of Oppenheimer’s letter, Exhibit 1, whereby this Court can see that the living and school expenses of Petitioner and his immediate family were paid wholly by Simon and Shirley prior to their deaths for many years and the estate plans were set up to have these funds continued throughout the estate distribution process and without interruption in paying these expenses for necessary living expenses. Hence, for the aforesaid reasons Petitioner

requests this Court issue an order to fund \$100,000.00 annual living expenses as was done for years and set up by Simon through trust, etc. Petitioner requests this Court issue an order to put back into these school trusts approximately \$100,000.00 taken out as living expenses for 2012, as these funds were misappropriated by the Personal Representatives. It should be noted that since Oppenheimer sent the attached Exhibit 1 email on July 16, 2013, asking the Personal Representatives what they intended on doing about the situation they created and replenish the misallocated funds there has been NO response from the Personal Representatives, again showing a lack of duty and care to the Beneficiaries and woeful disregard of the their fiduciary duties.

14. That the Saint Andrews School Annual Tuition for 2013 is as follows:

- i. 23,602 Joshua
- ii. 23,602 Jacob
- iii. 19,291 Daniel

Petitioner requests this Court to issue an order for payment of aforesaid School Annual tuition for 2013.

15. That due to documents submitted to this Court by the Personal Representatives in both the estate of Simon and his wife Shirley that are alleged Forged and Fraudulent and part of a larger scheme to rob the estate and attempt to leave nothing for the Beneficiaries, legal fees are now necessary due to the actions of the Personal Representatives to determine who the Beneficiaries will ultimately be, after the Court decides on the legal standing of the documents that were submitted through Forgery and Fraud, as the documents directly impact who the ultimate Beneficiaries will be and who the Personal Representatives are.

16. That due to Fiduciary violations of the Personal Representatives including the Forged and Fraudulent documents as stated in the Petition and Petition 2, there is now a need to secure counsel for both the children and grandchildren to review the effects of acts done by the Personal Representatives, due to, including but not limited to, the suppression of documents involving the beneficiaries of a life insurance policy making it unclear who the Beneficiaries are, the sale of assets without consent or notice to Beneficiaries, missing assets, and to determine who the Beneficiaries will be in the event that the Forged and Fraudulent documents submitted to this Court are deemed legally invalid. That there is also a need for counsel for Petitioner and Petitioner's children to secure counsel for a Federal Lawsuit filed by the Personal Representatives and Theodore Bernstein acting as a purported (as he was never appointed by this Court as such) "Personal Representative" and "Successor Trustee" of Shirley's estate as more fully defined in Petition 2. All of these, legal costs, forensic accounting costs, document forensic costs, asset recovery costs, etc. should be paid by the Personal Representatives who are liable to the Beneficiaries for the problems caused directly by their alleged illegal actions under law.

17. Immediate Legal Cost estimates alone are as follows and should be mandated by the Court be paid by the Personal Representatives and Successor Trustee as all these costs are due to their illegal actions:

- i. to retain counsel for Petitioner representation \$25,000 initially for Simon estate and \$25,000 initially for Shirley estate, as evidenced in the Petition already at Pages 97.
- ii. to retain counsel for Petitioner's Children \$25,000 initially for Simon estate and \$25,000 initially for Shirley estate.

iii. to retain counsel for the insurance lawsuit Petitioner was added to by the Defendants, IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION CASE NO. 13 CV 3643. That at this time it is unknown what legal costs will be charged to represent Petitioner and Petitioner's children but as soon as Petitioner gets an estimate from counsel he will notify the court.

18. That the total interim distribution, family allowance and legal costs Petitioner and Petitioner children's requests is,

School Fund Reimbursement	\$100,000.00
2013-2014 School Tuitions	\$ 66,495.00
2013-2014 Living Expenses	\$100,000.00
Legal Costs	\$100,000.00
Other Legal Costs	TBD
<b>Total</b>	<b>\$366,495.00</b>

19. This Court has had ample time to review Prima Facie evidence submitted in the Petition of Fraud and Forgery in documents submitted to the Court as part of a Fraud on the Court and the Beneficiaries and hosts of other violations of the Personal Representatives and Successor Trustee of their fiduciary duties. Therefore, this Court can and should, act on its own motions to stop further damage to Beneficiaries and further crimes from being committed, until all of Petitioner's court filings can be heard and decided and all documents can be reviewed and analyzed for evidence of criminal activities.

20. That the Court should note it can act on its own motions as the Forged and Fraudulent documents submitted were directly submitted to the Court, NOT just Petitioner and thus the Court has a legal duty to report such Felony Misconduct and FRAUD ON THE COURT to

the Proper CRIMINAL authorities and State Bar Association or this lack of action may be construed as Misprision of Felony and Aiding and Abetting. That the Court's lack of action to this point, after months of filings and mounds of evidence presented, continues to allow the facilitation of illegal acts by the Personal Representatives and purported Successor Trustee and Personal Representative Ted Bernstein, including now alleged Insurance Fraud, Release Estate Fraud and more.

## **RULES**

21. Under Title XLII ESTATES AND TRUSTS Chapter 736 736.1004 Attorney's fees and costs.— That the Court,

- i. In all actions for breach of fiduciary duty or challenging the exercise of, or failure to exercise, a trustee's powers; and
- ii. In proceedings arising under ss. 736.0410-736.0417, the court shall award taxable costs as in chancery actions, including attorney fees and guardian ad litem fees.
- iii. When awarding taxable costs under this section, including attorney fees and guardian ad litem fees, the court, in its discretion, may direct payment from a party's interest, if any, in the trust or enter a judgment that may be satisfied from other property of the party, or both.

22. Under 733.609 Improper exercise of power; breach of fiduciary duty .- Personal Representatives are liable for damages and loss to Petitioner:

- i. Relevant law

733.609 Improper exercise of power; breach of fiduciary duty.-

(1) A personal representative's fiduciary duty is the same as the fiduciary duty of a trustee of an express trust, and a personal representative is liable to interested persons for damage or loss resulting from the breach of this duty. In all actions for breach of fiduciary duty or challenging the exercise of or failure to exercise a personal representative's powers, the court shall award taxable costs as in chancery actions, including attorney's fees.

(2) When awarding taxable costs, including attorney's fees, under this section, the court in its discretion may direct payment from a party's interest, if any, in the Estates or enter a judgment which may be satisfied from other property of the party, or both.

(3) This section shall apply to all proceedings commenced hereunder after the effective date, without regard to the date of the decedent's death.

If the exercise of power concerning the estate is improper or in bad faith, the personal representative is liable to interested persons for damage or loss resulting from a breach of his fiduciary duty to the same extent as a trustee of an express trust. In all actions challenging the proper exercise of a personal representative's powers, the court shall award taxable costs as in chancery actions, including attorney's fees. Fla. Stat. ch. 733.609(1993). *Landon v. Isler*, 681 So. 2d 755, \*756, Fla. App. LEXIS 9138 (Fla. Dist. Ct. App. 1996)

If the personal representative breaches his fiduciary duty, he may be liable to the interested persons for damage or loss resulting from that breach. *McDonald v. Mauriello* (In re Estate of Wejanowski), 920 So. 2d 190, \*191, Fla. App. LEXIS 1804 (Fla. Dist. Ct. App. 2006). " Under Florida law, an estate's personal representative has the same fiduciary duty as a trustee of an express trust. See Fla. Stat. § 733.609(1). That standard is



one of reasonable care and caution. See Fla. Stat. § 518.11 (1 )(a) (referenced by Fla. Stat. §737.302); see also State v. Lahurd. 632 So. 2d 1101 . 1104 (Fla. Dist. Ct. App. 1994 ); Estate of Rosenthal 189 So. 2d 507 508 Fla. Dist. Ct. A . 1966 .

ii. Discussion

In this case the Personal Representatives have breached their fiduciary duty by exercising their power concerning the Estates in improper manner and in bad faith and with unclean hands. Hence, they are liable to interested persons for ALL damages or loss resulting from a Breach of Fiduciary Duty and the Court has to award taxable costs including attorney's fees and other costs.

**PRAYER FOR RELIEF**

**WHEREFORE**, for the reasons set forth in detail herein, Petitioner respectfully requests that this Court in the interest of justice and to prevent further criminal acts issue an order for interim distribution for the following amounts from the Estates of Simon and Shirley to Petitioner and his family as follows:

- i. \$100,000.00 to reimburse school trust funds misappropriated to be paid in full back to the Oppenheimer Trusts for the Grandchildren's School.
- ii. \$100,000.00 to cover 2013 living and school expenses that were being paid by Simon and Shirley per the AIA agreement, paid monthly, see Petition Page 82.
- iii. \$66,495 for 2013 tuition paid monthly for continuation in school for the Grandchildren.

iv. \$100,000 for legal fee retainers due to the actions of the Personal Representatives and Successor Trustee and that these fund be paid not by the Estates of Simon or Shirley or at the expense of the Beneficiaries or Interested Parties but instead paid for by those that have caused these intentional abuses of legal process and law to create these legal fees now necessary. That in Petition 2, Exhibit 4, which evidences communications between the Grandchildren's counsel and another Attorney at Law, it becomes apparent that all of the legal expenses so far incurred by Petitioner and his children are due to the evasiveness and lack of good faith by the Personal Representatives and their continued and ongoing violations of their fiduciary duties. A quote from that legal exchange between these two Attorneys at Law reviewing these matters, "It truly troubles me that Spallina continues to spin his web of deceit, and I believe this conduct is further circumstantial evidence that 'something is very wrong'. I am very glad Eliot filed whatever he filed and I do hope he prevails. I also hope Spallina is removed and perhaps punished for all he is doing. It also troubles me that once he learns of your withdrawal, Spallina will celebrate his victory. If I was licensed in Florida, I would take this on pro bono. Simply out of principal, and I would make certain a probate judge learns of Spallina's behavior. Unfortunately, I am not a Florida lawyer. If Eliot is able to get his motions before a probate judge, I hope

he asks and you agree to testify as to how Spallina treated you. A judge may take real notice of that testimony.”

v. and for such other relief as the Court may find just and proper.

Respectfully submitted,

  
Ehood Bernstein  
2755 NW 34<sup>th</sup> St.  
Boca Raton, FL 33434  
(561) 245-8588

Dated: Palm Beach County, FL

  
2013



**EXHIBIT 1 - JULY 16, 2013 JANET CRAIG, OPPENHEIMER LETTER**



EXHIBIT

Wednesday August 28, 2013

## Eliot Bernstein

---

**From:** Craig, Janet <Janet.Craig@opco.com>  
**Sent:** Tuesday, July 16, 2013 1:56 PM  
**To:** 'Robert Spallina (rspallina@tescherspallina.com)'; 'Eliot Ivan Bernstein (iviewit@gmail.com)'; 'Candice Bernstein (tourcandy@gmail.com)'  
**Cc:** Worth, Hunt; Sigalos, Janet; Vereb, Patricia  
**Subject:** Bernstein Family Realty

Robert, Eliot and Candice,

As you are aware, during his lifetime, Simon Bernstein paid the household expenses for Eliot and Candace. Upon his death those funds were frozen and the only funds available to pay the household expenses were the education trusts that Simon set up for Daniel, Jacob and Joshua.

We are now at a point where the education trusts have insufficient assets to pay the 2013/2014 tuition for the three boys and will soon be depleted to the point where the household expenses cannot be paid. The market values of the four accounts are listed below.

Please let me know as soon as possible if the Estate of Simon Bernstein intends to reimburse the education trusts for the household expenses paid to date. If this is not possible, for any reason, Oppenheimer Trust Company will have no recourse but to Resign as Trustee in favor of Eliot and Candice Bernstein and to name them as the Successor Manager of Bernstein Family Realty. At that point we will present an Accounting for all the trusts, request a Release and Receipt for our period of administration and transfer all funds to the management of the Successor Trustee and Manager and terminate the trusts.

Please note I will be out of the office from July 20<sup>th</sup> through July 29<sup>th</sup>. I will be addressing this matter upon my return.

S. Bernstein Trust fbo Daniel	\$19,465.15
S. Bernstein Trust fbo Jacob	\$19,267.41
S. Bernstein Trust fbo Joshua	\$ 9,268.52
<u>Bernstein Family Realty</u>	<u>\$12,311.94</u>
Total	\$60,313.02

Thank you for your prompt attention to this matter.

Janet Craig, CTFA  
Senior Vice President & Compliance Officer  
Oppenheimer Trust Company  
18 Columbia Turnpike  
Florham Park, NJ 07932  
Tel: 973-245-4635  
Fax: 973-245-4699  
Email: [Janet.Craig@opco.com](mailto:Janet.Craig@opco.com)

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**EXHIBIT 2 - ORIGINAL COMPLAINT TO THE GOVERNOR'S OFFICE NOTARY  
PUBLIC DIVISION, RESPONSE OF KIMBERLY MORAN ADMITTING AND  
ACKNOWLEDGING FORGERY AND FRAUD AND PETITIONER'S RESPONSE TO  
MORAN'S RESPONSE**



EXHIBIT

Wednesday, August 28, 2013

**Kimberly Moran Response to Initial Complaint - Admitting and Acknowledging Fraudulent and Forged  
Notarizations**

A handwritten signature in black ink is positioned over a blue ink fingerprint. The signature is stylized and appears to be the name 'Kimberly Moran'. The fingerprint is a clear, circular impression of a finger.



RICK SCOTT  
GOVERNOR

STATE OF FLORIDA

# Office of the Governor

THE CAPITOL  
TALLAHASSEE, FLORIDA 32399-0001

[www.flgov.com](http://www.flgov.com)  
850-488-7146  
850-487-0801 fax

August 14, 2013

Mr. Eliot Bernstein  
2753 N.W. 34<sup>th</sup> Street  
Boca Raton, Florida 33434

Dear Mr. Bernstein:

This Office has received the sworn written statement of Ms. Moran in response to the complaint of notary misconduct filed by you. A copy of Ms. Moran's' response is enclosed for your review.

If you wish to offer further comment or provide additional information before this Office makes a final determination in this case, please reply in writing **within twenty (20) days**.

Should you have any questions, please do not hesitate to contact this Office at (850) 717-9529 or [FL\\_GOV.NOTARY@eog.myflorida.com](mailto:FL_GOV.NOTARY@eog.myflorida.com).

Sincerely,

A handwritten signature in cursive script that reads "Erin Tupper".

Erin Tupper  
Notary Education Coordinator  
Executive Office of the Governor, Notary Section

Enclosure(s)

Address

The Capitol, Room 209  
400 South Monroe Street  
Tallahassee, Florida 32399-0001





Kimberly Moran  
6362 Las Flores Drive  
Boca Raton, Florida 33433  
561-716-8849

August 8, 2013

Executive Office of the Governor  
The Capitol  
Erin Tupper, Notary Education Coordinator  
400 S. Monroe Street  
Tallahassee, Florida 32399-0001

Dear Ms. Tupper:

I am writing you in response to your letter dated July 23, 2013 regarding the two complaints filed by Mr. Eliot Bernstein against me regarding the waivers and consents that were signed by his father, Simon Bernstein, himself and his siblings in connection with the estate of his mother, Shirley Bernstein. As the complaints are similar my response will address both complaints.

To begin, I want you to know that I made a terrible mistake and had a momentary lapse in judgment. I am an honest and good person and I did something here that I deeply regret, have never done before and will never do again. I have brought it to my bosses' attention and they are going to take the appropriate actions to remedy this with the court.

Initially, I mailed in all of the original signed waivers and consents to the Court that were signed by the Bernstein family members, and copies of those documents were returned to me with a request for notarization. These documents have never required acknowledgment, but I assumed they now needed to be notarized as per the notice. Shortly before I received the notice, Simon Bernstein also passed away and now his five children were mourning the death of both of their parents. Looking back on it, I guess I was trying to help them as they had previously signed the documents anyway and I never even thought about what I did until I received the letter from you. The week before, I had a depo provera shot and it affected me in many ways for several months following, including clouding my judgment, causing confusion and mood changes. I am so very sorry.

Attached you will see my office's original communication with Simon Bernstein dated April 4, 2012, regarding the closing of his wife's probate estate and the need to sign the waivers and consents and to have his five children sign each of theirs as well. After receiving Mr. Bernstein's signed waiver and consent (and the other documents that he had to sign) and not receiving any from his children, we contacted Mr. Bernstein's office to follow up regarding his children's waivers and consents and we were instructed by Mr. Bernstein to send the waivers and consents directly to each of his five children for signature. I have included the correspondence to each of them all dated May 10, 2012.

Shortly after our May 10, 2012 letters were sent to each of the five Bernstein children, I received back from Eliot Bernstein an email dated May 17, 2012, a copy of which is attached. As you can see from his email, he attached a copy of the signed waiver and consent to the email and closes the email

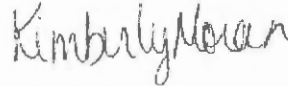
with confirmation that he will send the original by mail which I received shortly thereafter (see highlighted portions and attachment).

On August 1, 2012, I sent follow-up emails to each of the other Bernstein children who had not returned the waivers and consents and I have included those emails as well and their responses from those who replied by email and attached their signed waivers and consents. These documents were signed by all of them and the new documents that were sent to the court were identical to the documents that they previously signed.

Again, I had a major lapse in judgment, I made a mistake and I accept responsibility for my actions. I have been a notary since 2004, and in all these years I have never done this before and I promise I will never make this mistake again. I have been sick about the whole thing and deeply regret what I did. I am the primary bread winner in my family with two young children and my ability to earn a living as a legal assistant could be greatly impaired if you suspend my notary commission or more. I respectfully request that you consider my prior clean record in your review of these complaints and any disciplinary action that may be taken.

Please feel free to contact me directly at the number above with any questions.

Respectfully,

A handwritten signature in cursive script that reads "Kimberly Moran". The signature is written in black ink and is positioned above the printed name.

Kimberly Moran

LAW OFFICES  
**TESCHER & SPALLINA, P.A.**

BOCA VILLAGE CORPORATE CENTER I  
4855 TECHNOLOGY WAY, SUITE 720  
BOCA RATON, FLORIDA 33431

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WWW.TESCHERSPALLINA.COM

SUPPORT STAFF

DIANE DUSTIN  
KIMBERLY MORAN  
SUANN TESCHER

April 4, 2012

**VIA FEDERAL EXPRESS**

Simon Bernstein  
7020 Lions Head Lane  
Boca Raton, FL 33496

**Re: Estate of Shirley Bernstein**

Dear Mr. Bernstein:

Enclosed for your signature are the following documents:

1. Probate Checklist
2. Statement Regarding Creditors
3. Affidavit of No Florida Estate Tax Due (**notary required**)
4. Waivers of Accounting and Portions of Petition for Discharge; Waiver of Service of Petition for Discharge; and Receipt of Beneficiary and Consent to Discharge (one for you and each of your children)
5. Petition for Discharge

Please call me to discuss.

Sincerely,



ROBERT L. SPALLINA

RLS/km  
Enclosures



Shipment Receipt  
Outbound Shipment  
Address Information

<b>Ship to:</b>	<b>Ship from:</b>
Mr. Simon Berstein	Kimberly Moran
TESCHER & SPALLINA	TESCHER & SPALLINA
7020 LIONS HEAD LN	4855 Technology Way
	Suite 720
BOCA RATON, FL	BOCA RATON, FL
33496-5931	33431
US	US
5614779991	5619977008

Return Shipment  
Address Information

<b>Ship to:</b>	<b>Ship from:</b>
Kimberly Moran	Mr. Simon Berstein
TESCHER & SPALLINA	Life Insurance Concepts
4855 Technology Way	7020 LIONS HEAD LN
Suite 720	
BOCA RATON, FL	BOCA RATON, FL
33431	33496-5931
US	US
5619977008	5614779991

**Shipping Information**

Tracking number: 798248469035  
Date Created: 04/04/2012  
Estimated shipping charges: 14.69

**Package Information**

Service type: Standard Overnight  
Package type: FedEx Envelope  
Number of packages: 1  
Total weight: 1.00LBS  
Declared value: 0.00 USD  
Special Services: Process a return shipment, Residential Delivery  
Pickup/Drop-off: Use an already scheduled pickup at my location

**Billing Information**

Bill transportation to: Tescher & Spallina-343  
Your reference: Bernstein/11187.005  
P.O. no.:  
Invoice no.:  
Department no.:

**Shipping Information**

Tracking number: 798248469002  
Estimated shipping charges:

**Package Information**

Return label type: Print  
Service type: Standard Overnight  
Package type: FedEx Envelope  
Number of packages: 1  
RMA no.:  
Total weight: 1LBS  
Declared value: 0.00USD  
Special Services:  
Pickup/Drop-off: Use an already scheduled pickup at my location

**Billing Information**

Bill transportation to: Tescher & Spallina-343  
Your reference: Bernstein 11187.005  
P.O. no.:  
Invoice no.:  
Department no.:

Thank you for shipping online with FedEx ShipManager at [fedex.com](http://fedex.com).

**Please Note**

FedEx will not be responsible for any claims in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misrouting, unless you declare a higher value, pay an additional charge, document your actual loss, and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including insurable value of the package, loss of sales, income, interest, profit, attorney's fees, costs, and other forms of damage, whether direct, incidental, consequential, or special, is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$500, e.g., jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits. Consult the applicable FedEx Service Guide for details. The estimated shipping charge may be different than the actual charges for your shipment. Differences may occur based on actual weight, dimensions, and other factors. Consult the applicable [FedEx Service Guide](#) or the FedEx Rate Sheets for details on how shipping charges are calculated.





**Affidavit of No Florida Estate Tax Due**

DR-312  
N. 01/00

(for decedents dying on or after January 1, 2000)

IN THE CIRCUIT COURT FOR PALM BEACH COUNTY, FL  
IN RE: Estate of File No. 502011000653XXXSB  
Shirley Bernstein, Deceased. Probate Division

(this space available for case style of estate probate proceeding)

(for official use only)

STATE OF FLORIDA  
COUNTY OF PALM BEACH

I, the undersigned, SIMON BERNSTEIN, do hereby state:  
(print name of personal representative)

1 I am the Personal Representative as defined in s. 198.01 or s. 731.201, Florida Statutes (F.S.) as the case may be,  
of the Estate of SHIRLEY BERNSTEIN  
(print name of decedent)

2 The decedent referenced above whose Social Security Number is 347-30-9749, died  
on 12 / 08 / 2010 and was domiciled, as defined in s. 198.015, F.S., at the time of death in the state  
(date of death)  
of Florida

On date of death, the decedent was (check one)  a U.S. citizen  not a U.S. citizen

3 A federal estate tax return (federal Form 706 or 706-NA) is not required to be filed for the Estate

4 The Estate does not owe Florida estate tax pursuant to Chapter 198, F.S.

5 I acknowledge personal liability for distribution in whole or in part of any of the Estate by having obtained release of  
such property from the lien of the Florida estate tax

Under penalties of perjury, I declare that I have read this Affidavit and that the facts stated are true

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 20 12

Signature \_\_\_\_\_

Print Name: SIMON BERNSTEIN

Mailing Address: 7020 Lions Head Lane, Boca Raton,  
FL, 33496 Telephone \_\_\_\_\_



STATE OF \_\_\_\_\_

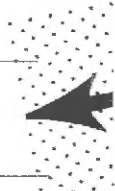
COUNTY OF \_\_\_\_\_

Sworn to (or affirmed) and subscribed before me by \_\_\_\_\_  
on this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

Personally known \_\_\_\_\_  
Or Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_

Signature of Notary: \_\_\_\_\_

\_\_\_\_\_  
(Print, Type, or Stamp Name of Notary)



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

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

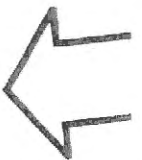
The undersigned, Simon L. Bernstein, whose address is 7020 Lions Head Lane, Boca Raton, Florida 33496, and who has an interest in the above estate as beneficiary of the estate:

- (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 \_\_\_\_\_, 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

**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 \_\_\_\_\_, 2012.

Beneficiary

By: \_\_\_\_\_  
TED BERNSTEIN

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

**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 \_\_\_\_\_, 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

**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 \_\_\_\_\_, 2012.

Beneficiary

By: \_\_\_\_\_  
ELIOT BERNSTEIN

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

**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 \_\_\_\_\_, 2012.

Beneficiary

By: \_\_\_\_\_  
JILL IANTONI

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

**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 \_\_\_\_\_, 2012.

Beneficiary

By: \_\_\_\_\_  
LISA S. FRIEDSTEIN



Pamela B. Simon	950 North Michigan Avenue Suite 2603 Chicago, IL 60606	daughter	adult
Eliot Bernstein	2753 NW 54 <sup>th</sup> Street Boca Raton, FL 33434	son	adult
Jill Iantoni	2101 Magnolia Lane Highland Park, IL 60035	daughter	adult
Lisa S. Friedstein	2142 Churchill Lane Highland Park, IL 60035	daughter	adult

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:

(a) acknowledging that they are aware of the right to have a final accounting;

(b) waiving the filing and service of a final accounting;

(c) waiving the inclusion in this petition 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) 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:

(e) waiving the inclusion in this petition of a plan of distribution;

(f) waiving service of this petition and all notice thereof;

(g) acknowledging receipt of complete distribution of the share of the estate to which they are entitled; and

(h) consenting to the entry of an order discharging petitioner, as personal representative, without 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.

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 & SPALLINA, P.A.

By \_\_\_\_\_

ROBERT L. SPALLINA, ESQUIRE  
Florida Bar No. 497381  
4855 Technology Way, St 720  
Boca Raton, FL 33431  
561-997-7008

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LAW OFFICES  
**TESCHER & SPALLINA, P.A.**

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4855 TECHNOLOGY WAY, SUITE 720  
BOCA RATON, FLORIDA 33431

ATTORNEYS  
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LAUREN A. GALVANI

TEL: 561-997-7008  
FAX: 561-997-7308  
TOLL FREE: 888-997-7008  
WWW.TESCHERSPALLINA.COM

SUPPORT STAFF  
DIANE DUSI  
KIMBERLY MORSE  
SUANN TESCHER

May 10, 2012

**VIA U.S. MAIL**

Mr. Eliot Bernstein  
2753 NW 34<sup>th</sup> Street  
Boca Raton, FL 33434

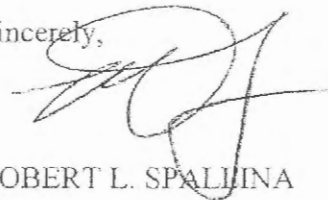
**Re: Estate of Shirley Bernstein**

Dear Mr. Bernstein:

Enclosed for your signature is a Waiver of Accounting and Portions of Petition For Discharge; Waiver of Service of Petition for Discharge; and Receipt of Beneficiary and Consent to Discharge. It is necessary for each of the beneficiaries of your mother's Estate to sign this Waiver so that the Estate can be closed and your father can be released of his duties as Personal Representative. Please sign the Waiver and return it to our office in the enclosed, self-addressed envelope.

If you have any questions, please do not hesitate to contact us.

Sincerely,



ROBERT L. SPALLINA

RLS/km

Enclosure

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

**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 \_\_\_\_\_, 2012.

Beneficiary

By: \_\_\_\_\_  
ELIOT BERNSTEIN

LAW OFFICES  
**TESCHER & SPALLINA, P.A.**

---

BOCA VILLAGE CORPORATE CENTER I  
4855 TECHNOLOGY WAY, SUITE 720  
BOCA RATON, FLORIDA 33431

ATTORNEYS  
DONALD R. TESCHER  
ROBERT L. SPALLINA  
LAUREN A. GALVANI

TEL: 561-997-7008  
FAX: 561-997-7308  
TOLL FREE: 888-997-7008  
WWW.TESCHERSPALLINA.COM

SUPPORT STAFF  
DIANE DUST  
KIMBERLY MOR  
SUANN TESCH

May 10, 2012

**VIA U.S. MAIL**

Ms. Jill Iantoni  
2101 Magnolia Lane  
Highland Park, IL 60035


**Re: Estate of Shirley Bernstein**

Dear Ms. Iantoni:

Enclosed for your signature is a Waiver of Accounting and Portions of Petition For Discharge; Waiver of Service of Petition for Discharge; and Receipt of Beneficiary and Consent to Discharge. It is necessary for each of the beneficiaries of your mother's Estate to sign this Waiver so that the Estate can be closed and your father can be released of his duties as Personal Representative. Please sign the Waiver and return it to our office in the enclosed, self-addressed envelope.

If you have any questions, please do not hesitate to contact us.

Sincerely,



ROBERT L. SPALLINA

RLS/km

Enclosure

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

**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 Ianton, 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 \_\_\_\_\_, 2012.

Beneficiary

By: \_\_\_\_\_  
JILL IANTONJ

LAW OFFICES  
**TESCHER & SPALLINA, P.A.**

BOCA VILLAGE CORPORATE CENTER I  
4855 TECHNOLOGY WAY, SUITE 720  
BOCA RATON, FLORIDA 33431

ATTORNEYS  
DONALD R. TESCHER  
ROBERT L. SPALLINA  
LAUREN A. GALVANI

TEL: 561-997-7008  
FAX: 561-997-7308  
TOLL FREE: 888-997-7008  
WWW.TESCHERSPALLINA.COM

SUPPORT STAFF  
DIANE DUSTI  
KIMBERLY MORA  
SUANN TESCHE

May 10, 2012

**VIA U.S. MAIL**

Mr. Ted Bernstein  
880 Berkeley Street  
Boca Raton, FL 33487

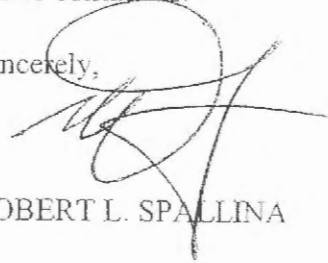
**Re: Estate of Shirley Bernstein**

Dear Mr. Bernstein:

Enclosed for your signature is a Waiver of Accounting and Portions of Petition For Discharge; Waiver of Service of Petition for Discharge; and Receipt of Beneficiary and Consent to Discharge. It is necessary for each of the beneficiaries of your mother's Estate to sign this Waiver so that the Estate can be closed and your father can be released of his duties as Personal Representative. Please sign the Waiver and return it to our office in the enclosed, self-addressed envelope.

If you have any questions, please do not hesitate to contact us.

Sincerely,



ROBERT L. SPALLINA

RLS/km

Enclosure

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

**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 \_\_\_\_\_, 2012

Beneficiary

By: \_\_\_\_\_  
TED BERNSTEIN

LAW OFFICES  
TESCHER & SPALLINA, P.A.

BOCA VILLAGE CORPORATE CENTER I  
4855 TECHNOLOGY WAY, SUITE 720  
BOCA RATON, FLORIDA 33431

ATTORNEYS  
DONALD R. TESCHER  
ROBERT L. SPALLINA  
LAUREN A. GALVANI

TEL: 561-997-7008  
FAX: 561-997-7308  
TOLL FREE: 888-997-7008  
WWW.TESCHERSPALLINA.COM

SUPPORT STAFF  
DIANE DUST  
KIMBERLY MORAN  
SUANN TESCHER

May 10, 2012

VIA U.S. MAIL

Ms. Pamela Simon  
950 North Michigan Avenue, Suite 2603  
Chicago, IL 60606

*psimon@STPESPELL.COM*

**Re: Estate of Shirley Bernstein**

Dear Ms. Simon:

Enclosed for your signature is a Waiver of Accounting and Portions of Petition For Discharge; Waiver of Service of Petition for Discharge; and Receipt of Beneficiary and Consent to Discharge. It is necessary for each of the beneficiaries of your mother's Estate to sign this Waiver so that the Estate can be closed and your father can be released of his duties as Personal Representative. Please sign the Waiver and return it to our office in the enclosed, self-addressed envelope.

If you have any questions, please do not hesitate to contact us.

Sincerely,



ROBERT L. SPALLINA

RLS/km

Enclosure

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

**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 \_\_\_\_\_, 2012.

Beneficiary

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



## Eliot Ivan Bernstein

---

**From:** Eliot Ivan Bernstein [iviewit@iviewit.tv]  
**Sent:** Thursday, May 17, 2012 8:17 AM  
**To:** Robert L. Spallina, Esq. ~ Attorney at Law @ Tescher & Spallina, P.A.  
(atrspallina@tescherspallina.com)  
**Cc:** 'Simon Bernstein'; 'Caroline Prochotska Rogers, Esquire (caroline@cprogers.com)'; Michele M. Mulrooney ~ Partner @ Venable LLP (mmulrooney@Venable.com); 'Andy Dietz'; 'Donna Dietz'  
**Subject:** Estate of Shirley Bernstein  
**Attachments:** Eliot I Bernstein.vcf; 20120515 Estate Simon Shirley Bernstein Doc.pdf

### PRIVATE & CONFIDENTIAL

May 17, 2012

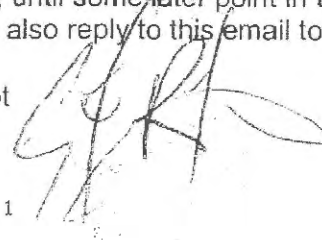
Robert L. Spallina, Esq.  
Tescher & Spallina, P.A.  
Boca Village Corporate Center I  
4855 Technology Way  
Suite 720  
Boca Raton, FL 33431

Hi Robert ~ attached 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. As I mentioned in the phone call, I have not seen any of the underlying estate documents or my mother's will at this point, yet I sign this document after our family call so that my father can be released of his duties as Personal Representative and put whatever matters that were causing him stress to rest. For my trustees I would like the following individuals in the following order to be trustees:

1. Caroline Prochatska Rogers, Esq.  
3500 North Lake Shore Drive  
17th Floor  
Chicago, IL 60657  
(773) 804-9400 ext 19  
[caroline@cprogers.com](mailto:caroline@cprogers.com)
2. Michele M. Mulrooney, Esq.  
[mmulrooney@Venable.com](mailto:mmulrooney@Venable.com)  
(will get new address shortly)
3. Andrew & Donna Dietz  
2002 Circle Drive  
Hermosa Beach, California 90254  
(310) 410-0936 ext1271  
[andyd@rockitcargo.com](mailto:andyd@rockitcargo.com)

Please send copies of all estate documents to Caroline and Michele and if my dad would like them to keep the information private and confidential, including from me, until some later point in time, you can arrange that with them directly with my approval granted herein. Please also reply to this email to confirm receipt, a hard copy of my signed document will be sent via mail.

Thank you for your efforts on behalf of my family ~ Eliot



1

Eliot I. Bernstein  
Inventor  
Iviewit Holdings, Inc. – DL  
Iviewit Holdings, Inc. – DL (yes, two identically named)  
Iviewit Holdings, Inc. – FL  
Iviewit Technologies, Inc. – DL  
Uviewit Holdings, Inc. - DL  
Uview.com, Inc. – DL  
Iviewit.com, Inc. – FL  
Iviewit.com, Inc. – DL  
I.C., Inc. – FL  
Iviewit.com LLC – DL  
Iviewit LLC – DL  
Iviewit Corporation – FL  
Iviewit, Inc. – FL  
Iviewit, Inc. – DL  
Iviewit Corporation  
2753 N.W. 34th St.  
Boca Raton, Florida 33434-3459  
(561) 245.8588 (o)  
(561) 886.7628 (c)  
(561) 245-8644 (f)  
[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)  
<http://www.iviewit.tv>  
<http://iviewit.tv/inventor/index.htm>  
<http://iviewit.tv/wordpress>  
<http://www.facebook.com/#!/iviewit>  
<http://www.myspace.com/iviewit>  
<http://iviewit.tv/wordpresseliot>  
<http://www.youtube.com/user/eliotbernstein?feature=mhum>  
<http://www.TheDivineConstitution.com>

Also, check out

Eliot's Testimony at the NY Senate Judiciary Committee Hearings Part 1  
[http://www.youtube.com/watch?v=8Cw0gogF4Fs&feature=player\\_embedded](http://www.youtube.com/watch?v=8Cw0gogF4Fs&feature=player_embedded)

and Part 2 @ my favorite part  
[http://www.youtube.com/watch?v=Apc\\_Zc\\_YNlk&feature=related](http://www.youtube.com/watch?v=Apc_Zc_YNlk&feature=related)

and  
Christine Anderson New York Supreme Court Attorney Ethics Expert Whistleblower Testimony, FOX IN THE HENHOUSE and LAW WHOLLY VIOLATED TOP DOWN EXPOSING JUST HOW WALL STREET / GREED STREET / FRAUD STREET MELTED DOWN AND WHY NO PROSECUTIONS OR RECOVERY OF STOLEN FUNDS HAS BEEN MADE. Anderson in US Fed Court Fingers, US Attorneys, DA's, ADA's, the New York Attorney General and "Favored Lawyers and Law Firms" @  
<http://www.youtube.com/watch?v=6BIK73p4Uco>

and finally latest blog  
<http://iviewit.tv/wordpress/?p=594>

Eliot Part 1 - The Iviewit Inventions @  
<http://www.youtube.com/watch?v=L0n4hwemqW0>

Eliot for President in 2012 Campaign Speech 1 with No Top Teeth, Don't Laugh, Very Important  
<http://www.youtube.com/watch?v=DulHQDcwQfM>

Eliot for President in 2012 Campaign Speech 2 with No Top OR Bottom Teeth, Don't Laugh, Very Important  
<http://www.youtube.com/watch?v=jbOP3U1q6mM>

Eliot for President in 2012 Campaign Speech 3 Very Important  
[https://www.facebook.com/ivicwit?ref=tn\\_tnmn#!/note.php?note\\_id=319280841435989](https://www.facebook.com/ivicwit?ref=tn_tnmn#!/note.php?note_id=319280841435989)

Other Websites I like:

<http://www.deniedpatent.com>  
<http://exposecorruptcourts.blogspot.com>  
<http://www.judgewatch.org/index.html>  
<http://www.enddiscriminationnow.com>  
<http://www.corruptcourts.org>  
<http://www.makecourofficialsaccountable.com>  
<http://www.parentadvocates.org>  
<http://www.newyorkcourtcorruption.blogspot.com>  
<http://cuomoiarp.blogspot.com>  
<http://www.djshartheFloridabar.com>  
<http://www.trusteeffraud.com/trusteeffraud-blog>  
<http://www.constitutionalguardian.com>  
<http://www.americans4legalreform.com>  
<http://www.judicialaccountability.org>  
[www.electpollack.us](http://www.electpollack.us)  
<http://www.ruthmpollackesq.com>  
[www.HireLyrics.org](http://www.HireLyrics.org)  
[www.Facebook.com/Roxanne.Grinage](http://www.Facebook.com/Roxanne.Grinage)  
[www.Twitter.com/HireLyrics](http://www.Twitter.com/HireLyrics)  
[www.YouTube.com/HireLyrics](http://www.YouTube.com/HireLyrics)  
[www.YouTube.com/WhatIsThereLeftToDo](http://www.YouTube.com/WhatIsThereLeftToDo)  
[www.YouTube.com/RoxanneGrinage](http://www.YouTube.com/RoxanneGrinage)  
[www.BlogTalkRadio.com/Born-To-Serve](http://www.BlogTalkRadio.com/Born-To-Serve)  
[www.ireport.cnn.com/people/HireLyrics](http://www.ireport.cnn.com/people/HireLyrics)  
<http://www.VoteForGreg.us> Greg Fischer  
<http://www.liberty-candidates.org/greg-fischer/>  
<http://www.facebook.com/pages/Vote-For-Greg/111952178833067>  
<http://www.killallthelawyers.ws/law> (The Shakespearean Solution, The Butcher)

--  
"We the people are the rightful master of both congress and the courts - not to overthrow the Constitution, but to overthrow the men who pervert the Constitution." - Abraham Lincoln

"Each time a person stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring, these ripples build a current that can sweep down the mightiest walls of oppression and resistance." - Robert F. Kennedy

"Is life so dear or peace so sweet as to be purchased at the price of chains and slavery? Forbid it, Almighty God! I know not what course others may take, but as for me, give me liberty, or give me death!" - Patrick Henry

I live by the saying,

ELLEN G. WHITE

The greatest want of the world is the want of men, --men who will not be bought or sold; men who in their inmost souls are true and honest, men who do not fear to call sin by its right name; men whose conscience is as true to duty as the needle to the pole, men who will stand for the right though the heavens fall. -Education, p. 57(1903)

If you are one of these people, nice to see your friend ~ Eliot

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**Kimberly Moran**

**From:** Kimberly Moran  
**Sent:** Tuesday, August 21, 2012 12:33 PM  
**To:** 'lisa.friedstein@gmail.com'  
**Subject:** Estate of Shirley Bernstein - Waiver  
**Attachments:** Waiver of Acctg & Consent to Discharge (Lisa S. Friedstein).pdf

Dear Lisa:

As per our discussion, attached is a copy of the Waiver. Please print, sign and return the original to our office.

Thank you so much! If you have any questions, please do not hesitate to contact us.

Sincerely,

**Kimberly Moran, Legal Assistant**  
**Tescher & Spallina, P.A.**  
4855 Technology Way, Suite 720  
Boca Raton, FL 33431  
Tel: (561) 997-7008  
Fax: (561) 997-7308

**Kimberly Moran**

---

**From:** Kimberly Moran  
**Sent:** Thursday, August 02, 2012 11:49 AM  
**To:** 'tbernstein@lifeinsuranceconcepts.com'  
**Subject:** Estate of Shirley Bernstein  
**Attachments:** Waiver of Acctg & Consent to Discharge (Ted S. Bernstein).pdf

Dear Mr. Bernstein:

Attached is a Waiver of Accounting and Consent to Discharge for your mother's estate. We are working on closing the estate and this is part of the closing package. Please sign the Waiver and return the original to our office for filing with the Court.

If you have any questions, please do not hesitate to contact us

Sincerely,

**Kimberly Moran, Legal Assistant**  
**Tescher & Spallina, P.A.**  
4855 Technology Way, Suite 720  
Boca Raton, FL 33431  
Tel: (561) 997-7008  
Fax: (561) 997-7308

**Kimberly Moran**

**From:** Kimberly Moran  
**Sent:** Wednesday, August 01, 2012 2:38 PM  
**To:** 'psimon@stpcorp.com'  
**Cc:** Robert Spallina  
**Subject:** Estate of Shirley Bernstein  
**Attachments:** Waiver of Acctg & Consent to Discharge (Pamela B. Simon).pdf

Dear Ms. Simon:

As per our telephone conversation, attached is a clean copy of the Waiver. Please sign and return the original to our office.

If you have any questions, please do not hesitate to contact us.

Sincerely,

**Kimberly Moran, Legal Assistant**  
**Tescher & Spallina, P.A.**

4855 Technology Way, Suite 720  
Boca Raton, FL 33431  
Tel: (561) 997-7008  
Fax: (561) 997-7308

**Kimberly Moran**

---

**From:** Kimberly Moran  
**Sent:** Thursday, August 02, 2012 11:46 AM  
**To:** 'jilliantoni@gmail.com'; 'guy@gtlife.net'  
**Subject:** Estate of Shirley Bernstein  
**Attachments:** Waiver of Acctg & Consent to Discharge (Jill Iantoni).pdf

Dear Ms. Iantoni:

As per our discussion, attached is the Waiver. Please sign the Waiver and return the original to our office for filing with the Court. This is part of the closing package, and once these Waivers are filed we will receive an Order of Discharge from the Court discharging your father from his duties as Personal Representative

If you have any questions, please do not hesitate to contact us

Sincerely,

**Kimberly Moran, Legal Assistant**  
**Tescher & Spallina, P.A.**  
4855 Technology Way, Suite 720  
Boca Raton, FL 33431  
Tel: (561) 997-7008  
Fax: (561) 997-7308



**Kimberly Moran**

**From:** Guy Iantoni [guy@GTILife.net]  
**Sent:** Sunday, August 12, 2012 12:16 PM  
**To:** Kimberly Moran; Jill Iantoni  
**Subject:** RE: Estate of Shirley Bernstein  
**Attachments:** img-120812161455.pdf

Please see the attached.

Jill Iantoni

**From:** Kimberly Moran [mailto:kmoran@tescherspallina.com]  
**Sent:** Friday, August 10, 2012 3:05 PM  
**To:** Jill Iantoni  
**Cc:** Guy Iantoni  
**Subject:** RE: Estate of Shirley Bernstein

Just wanted to follow up on the Waiver. Please let me know when to expect the signed original.

Thank you!

Sincerely,

**Kimberly Moran, Legal Assistant**  
**Tescher & Spallina, P.A.**  
4855 Technology Way, Suite 720  
Boca Raton, FL 33431  
Tel: (561) 997-7008  
Fax: (561) 997-7308

**From:** Jill Iantoni [mailto:jilliantoni@gmail.com]  
**Sent:** Thursday, August 02, 2012 11:52 AM  
**To:** Kimberly Moran  
**Cc:** guy@gtilife.net  
**Subject:** Re: Estate of Shirley Bernstein

Thanks Kim. *Guy* if you can print this form out and bring home. I can complete and we will then put it in the mail, per Kim's request tomorrow/Thursday.

Jill

On Thu, Aug 2, 2012 at 10:45 AM, Kimberly Moran <kmoran@tescherspallina.com> wrote:  
Dear Ms. Iantoni:

As per our discussion, attached is the Waiver. Please sign the Waiver and return the original to our office for filing with the Court. This is part of the closing package, and once these Waivers are filed we will receive an Order of Discharge from the Court discharging your father from his duties as Personal Representative.

If you have any questions, please do not hesitate to contact us.

Sincerely,

**Kimberly Moran, Legal Assistant**  
**Tescher & Spallina, P.A.**

8/8/2013



**Kimberly Moran**

**From:** Pam Simon [psimon@stpcorp.com]  
**Sent:** Wednesday, August 08, 2012 4:00 PM  
**To:** Kimberly Moran  
**Cc:** Robert Spallina  
**Subject:** RE: Estate of Shirley Bernstein  
**Follow Up Flag:** SoArchive  
**Flag Status:** Flagged  
**Attachments:** letters.pdf

Attached is the signed document as well as a letter signed by me explaining the understanding in which I signed the letter.

Thanks,  
Pam Simon

***Pam Simon***

STP Enterprises, Inc.  
"A.L.P.S.™ (A.L.P.S.™ = Arbitrage Life Payment System)  
The nation's only client-driven life insurance payment plan"  
303 East Wacker Drive, Suite 210  
Chicago, IL 60601  
Direct: (312) 819-7474, ext. 414  
Fax: (312) 819-0773  
E-mail: [psimon@stpcorp.com](mailto:psimon@stpcorp.com)  
[www.stpcorp.com](http://www.stpcorp.com)

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**From:** Kimberly Moran [mailto:kmoran@tescherspallina.com]  
**Sent:** Wednesday, August 01, 2012 1:38 PM  
**To:** Pam Simon  
**Cc:** Robert Spallina  
**Subject:** Estate of Shirley Bernstein

Dear Ms. Simon:

As per our telephone conversation, attached is a clean copy of the Waiver. Please sign and return the original to our office.

If you have any questions, please do not hesitate to contact us.

Sincerely,

**Kimberly Moran, Legal Assistant**  
**Tescher & Spallina, P.A.**  
4855 Technology Way, Suite 720  
Boca Raton, FL 33431  
Tel: (561) 997-7008  
Fax: (561) 997-7308

8/8/2013

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

**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

**Eliot Bernstein Response to Kimberly Moran Admission & Acknowledgement of Forgery & Fraud to Governor's Office  
Notary Public Investigations Division**

A handwritten signature in black ink is written over a blue ink fingerprint. The signature is stylized and appears to be the initials 'EB'. The fingerprint is a standard ten-print impression.

**Eliot I. Bernstein**  
**Inventor**  
**Direct Dial: (561) 245-8588 (o)**  
**(561) 886-7628 (c)**

Sent Via Email: [fl\\_gov.notary@eog.myflorida.com](mailto:fl_gov.notary@eog.myflorida.com)

Friday, August 23, 2013

Erin Tuper  
Notary Education Coordinator  
Executive Office of the Governor, Notary Section  
Office of the Governor  
The Capital  
Tallahassee, FL 32399-0001  
[fl\\_gov.notary@eog.myflorida.com](mailto:fl_gov.notary@eog.myflorida.com)

**Re: Case Nos. Simon Bernstein v. Kimberly Moran & Eliot Bernstein v. Kimberly Moran. Notary Fraud, Forgery and more of Kimberly Moran Public Notary Commission #EE 156021 Expiration Date: 4/28/16**

Dear Erin Tuper,

I, Eliot Ivan Bernstein, write to you in regard to the sworn under penalty of perjury response, Exhibit 5 – August 08, 2013 Moran Response, tendered to my two complaints filed against the licensed FL Notary Public and Legal Assistant, Kimberly Moran (“Moran”) and those that employed her and commissioned her actions, the law firm of Tescher & Spallina P.A. and the Attorneys at Law, Donald Tescher (“Tescher”) and Robert Spallina (“Spallina”)<sup>1</sup>.

While appreciating Ms. Moran’s Admission and Acknowledgement of multiple Fraudulent Notarizations<sup>2</sup> and Fraud she committed in the estates of my parents, “...I did

<sup>1</sup> Title X PUBLIC OFFICERS, EMPLOYEES, AND RECORDS Chapter 117 NOTARIES PUBLIC (6) The employer of a notary public shall be liable to the persons involved for all damages proximately caused by the notary’s official misconduct, if the notary public was acting within the scope of his or her employment at the time the notary engaged in the official misconduct.

<sup>2</sup> 117.105 False or fraudulent acknowledgments; penalty.-A notary public who falsely or fraudulently takes an acknowledgment of an instrument as a notary public or who falsely or fraudulently makes a certificate as a notary public or who falsely takes or receives an acknowledgment of the signature on a written instrument is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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Eliot Ivan Bernstein • 7751 NW 34<sup>th</sup> St. • Boca Raton, FL 33434  
O (561) 245-8588 C (561) 886-7628  
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Re: Case Nos. Simon Bernstein v. Kimberly Moran & Eliot Bernstein v. Kimberly Moran. Notary  
Fraud, Forgery and more of Kimberly Moran Public Notary Commission #EE 156021  
Expiration Date: 4/28/16

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something here that I deeply regret, have never done before and will never do again. I have brought it to my bosses' attention and they are going to take the appropriate actions to remedy this with the court", yet, any compassion for her is shattered when her confession is found fraught with further lies in an attempt to cover up far more serious crimes that have been enabled by her actions. Moran's attempt to mislead your office in its investigation, as further defined herein, now also stands as alleged Perjury and more.

Moran claims in her response that once the law firm Tescher & Spallina P.A. received documents already filed with the 15th Judicial Circuit Court of Florida Probate Division ("court") returned with a court order to have the documents Notarized, Moran claims she simply Notarized them and filed the documents back to the court. The problem here is that Moran claims the documents she sent back were "identical" to the ones sent back to her by the court for Notarization and all she did was attach a False and Fraudulent Notarization and send them back in. The documents however are far from "identical" and in fact are wholly dissimilar and in fact recreated forgeries.

First, the documents allegedly signed by my six family members were filed with the court WITHOUT any Notary stamp affixed to them as evidenced in my original complaint. At first glance, it would appear that when the court sent Tescher & Spallina P.A. the documents back for Notarization they were then shrunk to fit a Fraudulently affixed Notary Public stamp to them and then they were returned to the court. However, upon closer inspection one finds that the documents submitted to the court was instead the work of carefully crafted forgeries, wholly recreated documents, including FORGING the signatures of all six parties on six separate documents, including FORGING THE SIGNATURE OF MY DECEASED FATHER who had been dead for two months.

Upon inspecting the signatures on each document that Moran already admitted to committing fraud upon, it is obvious that the two signatures are NOT the same on any of the six documents filed with the court by Tescher & Spallina, P.A. Moran apparently left all of these relevant facts about the FORGING OF SIGNATURES and recreation of the documents out of her sworn statement made under penalty of perjury to your office. This was not a minor oversight in her response, as Moran's response/sworn statement to my complaints fails to address the egregiously and illegally FORGED SIGNATURES and complete document recreation at all and instead attempts a sob story to cover this fact up. These Perjured statements now create new criminal acts from her efforts to mislead investigators and further cover up the larger crimes being committed through the misuse of these Fraudulent and Forged documents.

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Re: Case Nos. Simon Bernstein v. Kimberly Moran & Eliot Bernstein v. Kimberly Moran. Notary  
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In fact, when further comparing the document that I allegedly signed without Notarization filed with the court initially, with the one Moran Fraudulently recreated, Forged my signature on, Fraudulently Notarized and then filed back with the court, it is apparent that the Un-Notarized document's date is written in my Cursive and the date on the one Moran filed back with the court is written in Block letters by someone else. Yet, despite the fact that the date on the alleged original is in May 2012 and the date on the Forged document is also May 2012, despite her committing the Forgery in November 2012, this further proves the documents are wholly dissimilar and thus her statement that the documents were "identical" again constitutes another instance of Perjury. The fact that Moran continues to perpetrate lies and fails to confess to all of the crimes committed, leaves her confession to be a false and misleading confession, evidencing a continuing Pattern and Practice of crimes, now in order to further the initial crimes by misleading investigators through Perjured statements.

Fraudulent and Forged documents are felony crimes, again with very serious ramifications, especially in a matter where allegations by others were already made to authorities that my father might have been murdered as part of a plan to rob his estate. With these fraudulent documents now surfacing and Moran admitting to Fraud, the question remains as to what part these Fraudulent and Forged documents may have played in my father's death, if any, and, the subsequent crimes alleged being committed through the ongoing and continued use of these Forged and Fraudulent documents.

Ongoing crimes now committed by her "bosses"/employer, Tescher & Spallina, P.A. that would be impossible without these Fraudulent and Forged documents. The six documents Moran admits to committing Fraud upon thus far were then filed by the law firm of Spallina & Tescher P.A. with the 15<sup>th</sup> Judicial Circuit Court of Florida, Probate Division<sup>3</sup> allegedly as part of a larger Fraud on the Court and Beneficiaries of my father and mother's estates. Moran also admits in her response to mailing and emailing these knowingly Fraudulent documents to the court and others, which may also constitute Interstate Mail and Wire Fraud, as the Fraudulent documents were sent to beneficiaries residing outside of Florida.

Moran claims to have made a "terrible mistake," acting like her criminal acts were an innocent and benevolent error, while having a "momentary lapse in judgment."

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<sup>3</sup> 831.02 Uttering forged instruments.—Whoever utters and publishes as true a false, forged or altered record, deed, instrument or other writing mentioned in s. 831.01 knowing the same to be false, altered, forged or counterfeited, with intent to injure or defraud any person, shall be guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
History.—s. 2, ch. 1637, 1868; RS 2480; GS 3360; RGS 5208; CGL 7326; s. 2, ch. 59-31; s. 2, ch. 61-98; s. 960, ch. 71-136.



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However, these claims fail when one reviews the carefully crafted Fraudulent documents created and Forged as an integral part of a much larger series of improper and fraudulent documents that enable crimes already alleged with authorities and the courts against Ms. Moran and Ms. Moran's employer, the law firm Tescher & Spallina P.A. and Attorneys at Law, Tescher and Spallina. Crimes that I have already notified the Palm Beach County Sheriff Office, the US Federal District Court for the Southern District of New York (in a RICO and ANTITRUST lawsuit) and the 15<sup>th</sup> Judicial Circuit Court of Florida Probate Division of and whereby these Notary Public Frauds and document Forgeries are only a fraction of the criminal acts alleged. The FRAUDULENT and FORGED documents however play a significant part in all of the alleged crimes, as these documents combine with others discovered to facilitate all of the other alleged crimes. The documents give her "bosses"/employer, Tescher & Spallina P.A. and Attorneys at Law Donald Tescher and Robert Spallina, fiduciary powers as Personal Representatives over the estates of my father and mother. These Forged and Fraudulent documents in fact enable them to commit many alleged crimes thereafter that have been recently reported to the court and investigators from several agencies, including but not limited to, alleged Insurance Fraud, Real Estate Fraud, Theft, Fraud on the Court, Fraud on the Beneficiaries and more.

Moran also claims that this alleged "mistake" was a first of a kind for her that was brought on by good intentions and drugs. Yet, as I mentioned in my last call to your office and exhibited herein, there are other documents Fraudulently and improperly Notarized and submitted to the court and Beneficiaries that Ms. Moran also played an integral part in creating by either falsely witnessing or notarizing. Therefore, Moran's claims that this was a onetime event, a "mistake" that she apologizes for, is false as these other documents were signed and dated and notarized on different dates than the six she admitted to already, indicating an ongoing Pattern and Practice of criminal activity and again show that she is misleading investigators through Perjury.

Moran claims in her response that the documents sent back by the court never required acknowledgement before but she assumed that the Court ordering Tescher & Spallina P.A. that they needed notarization caused her to "assume" they needed to now be Notarized. Therefore, according to her account, she decided to do the noble thing and Fraudulently Notarize the documents to help along grieving children by committing Notary Fraud in their parent's estates and feigns that she did these acts on her own on behalf of her employer. She in fact states, "Looking back on it, I guess I was trying to help them" [emphasis added] clearly indicating that she is not sure, a best "guess," if helping was truly her intent. However, in her next statement in the response, she then claims that her noble actions were not done with noble intent but instead because she was allegedly under the influence of drugs. What this false confession attempts to do is

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minimize the culpability not only of herself but additionally attempts to minimize and exculpate her “bosses”/employer, the law office of Tescher & Spallina P.A., Donald Tescher and Robert Spallina, who commissioned her to falsely Notarize and Forge these documents and filed them with the court. Surely, Tescher and Spallina were involved in both oversight and directing their employee Moran, a contracted Legal Assistant and Licensed Notary Public, in her actions.

Moran claims this happened only once in her life on the six documents she has already admitted to fraud on, yet these were not the only documents that improper Fraudulent Notarizations took place on with her involvement. For example, in Exhibit 1 – Simon’s Alleged Will filed with the court, one finds another document improperly Notarized and filed in a wholly separate court case, that of my father’s estate. This time Moran now acts as witness to another improper Notarization of my father’s signature on his ALLEGED WILL. In the ALLEGED WILL, there is a new Notary Public improperly notarizing the document, a one Lindsay Baxley (“Baxley”), Commission #EE092282, Expires May 10, 2015 and we now find Attorney at Law Robert Spallina who drafted the ALLEGED WILL, acting additionally as false witness to the ALLEGED WILL that gives him fiduciary powers over the estate.

The ALLEGED WILL is executed without any affirmation by the Notary that Simon Bernstein or the witnesses actually appeared that day before her and that they were either “Personally Known” or “Produced Identification” to her, as neither affirmation is checked for any of the parties signing. Therefore, this is a legally invalid ALLEGED WILL due to the Improper Notarization and Improper Witnessing of the document. The ALLEGED WILL also allegedly “appoints” Spallina and Tescher as “Co Personal Representatives” of the estate. The conflicts of interest created by the Law Firm of Tescher & Spallina P.A., Robert Spallina and Donald Tescher, by drafting the ALLEGED WILL and having themselves appointed as Personal Representatives in the ALLEGED WILL, while improperly witnessing and improperly executing the ALLEGED WILL via their contracted licensed Notary Public, Baxley that wholly renders the ALLEGED WILL null and void. Again, this Fraudulent and improperly notarized ALLEGED WILL exposes the beneficiaries to further massive damages.

In yet another example of improper Notarizations and Fraud, in Exhibit 2 – a copy of the ALLEGED Amended Trust of Simon is submitted to the court and similar improper Notarizations and witnessing of documents takes place. Again, Attorneys at Law Tescher and Spallina, have themselves appointed as Personal Representatives of the estate of Simon, via this document they again drafted, witnessed and executed via yet another improper and Fraudulent Notarization.

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Taken together, the combined effect of all of these improperly Notarized, Forged and Fraudulent documents completely change the Beneficiaries and Personal Representatives of my father and mother's long-standing estate plans, only weeks before my father passed away. Together the documents enable the conspirators named herein to commit a host of alleged felony crimes thereafter. Thus, we see that Moran's actions were not a one off "mistake" or a "momentary lapse of judgment" as Moran would con you to believe in her response and instead these documents combine to have far-reaching impact on the estates and Beneficiaries and allow a plethora of criminal activities to follow, all evidencing a continuing Pattern and Practice of Fraud. Moran's actions instead appear done in bad faith, with unclean hands and with scienter.

Finally, Moran, again in contradiction to her sworn statement, under penalty of perjury, claims she only did these fraudulent and improper Notarizations once, on each of the six documents submitted to the court exhibited in the original complaints. However, Exhibit 3 - Oath of Personal Representative Designation of Resident Agent and Acceptance, is yet another document that is improperly notarized directly by Moran and on a different date and time as the six documents Moran already admitted to committing Notary Fraud upon in her response.

Due to the fact that Fraud and Forgery has occurred and Fraud has been Acknowledged and Admitted to by Moran on six separate documents, the Beneficiaries and Interested Parties now are not sure exactly how many documents have been illegally created and improperly Notarized and Forged in the estates of Simon and Shirley Bernstein. Further complicating matters is that all the documents in the estates have not yet been released by Tescher & Spallina P.A. despite repeated request and required by law.

Therefore, this office needs to demand that Moran and now Baxley more fully confess truthfully to these crimes and obtain all records from them and their employer accomplices, Tescher & Spallina P.A., Donald Tescher and Robert Spallina, who under the principle of Respondeat Superior and law, are wholly liable for Moran's actions. The original records will now be necessary to verify and inspect all documents in the estate for other evidence of Notary Fraud and Forgery. Until such time that these original documents are secured and analyzed by criminal authorities, your offices, the court and counsel for the beneficiaries due to the admitted Fraud and Forgery, I do not attest to the validity of any documents submitted in my original complaint or any documents submitted to by Moran in her response and consider them all part of a larger fraud and more.

Re: Case Nos. Simon Bernstein v. Kimberly Moran & Eliot Bernstein v. Kimberly Moran. Notary  
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It is interesting to note that while vying for leniency through thinly veiled apologies for her acts, "apologies" made only after being caught, Ms. Moran fails to apologize to the victims of her crimes, including my family and my children. These admitted criminal acts now cause major damages to the Beneficiaries of the estates and have caused a host of further criminal acts against us to continue to be committed. Moran's criminal acts and breaches of public trust now leave liabilities for all parties, including the need for over \$100,000 of legal fee retainers for my family alone to begin to assess the damages caused by these Fraudulent and Forged documents and determine now whom the Beneficiaries and Personal Representatives of my parents' estates will ultimately be. The crimes will now cost the taxpayer in that they will have to be investigated and prosecuted. The courts additionally will be burdened with tremendous time, energy and money to resolve the matters resulting from these crimes. My children and family greatly affected in the next few weeks and further damaged by Moran's criminal acts, as distributions from the estates to pay basic living and school expenses may become delayed. Delayed while the criminal acts of Moran and her employer, the law firm of Tescher & Spallina P.A. and the Attorneys at Law, Donald Tescher and Robert Spallina, are more fully investigated.

Erin, please provide us with any insurance or bonding information on Moran, Baxley and Spallina & Tescher P.A. that your offices have records concerning. Efforts to obtain documents of the estates from Tescher & Spallina have failed thus far, as they are suppressing these documents, even after request by my children's counsel and myself, see Exhibit 4 - Letters from the law firm of Tripp Scott written by Attorneys at Law Christine Yates, Esq. and Marc Garber, Esq. We also would like certified copies of all records regarding Moran's license as notary and certified copies of any log books or other records that your offices can provide us with to further our due diligence and investigations. Under the circumstances presented herein and in my original complaint, I hereby request that your offices determine if Ms. Moran's sworn statement under the penalty of perjury to your offices was aided, or in any way influenced by any other person(s) and if she has or had legal counsel representing her in these matters at any time.

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Eliot Ivan Bernstein \*27527433-3411 SE \* Boca Raton, FL 33434  
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Erin Tuper  
Notary Education Coordinator  
Executive Office of the Governor of FL

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Friday, August 23, 2013

Re: Case Nos. Simon Bernstein v. Kimberly Moran & Eliot Bernstein v. Kimberly Moran. Notary  
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Please take this communiqué additionally as a formal request to open separate and independent complaints with your offices filed by me personally and one for me acting on behalf of my deceased father and mother, against Baxley and Tescher and Spallina, for their involvement in this same nexus of events on the documents additionally evidenced herein. If you need me to file separate complaint forms for each please contact me and I will file those immediately.

Respectfully Yours,


Eliot I. Bernstein  
Inventor

cc/ec:

Enclosure(s)/Attachment(s)/URL's

**All Uniform Resource Locators ( URL's ) and the contents of those URL's are incorporated in entirety by reference herein and therefore must be included in your hard copy file WITH ALL EXHIBITS, as part of this correspondence and as further evidentiary material to be Investigated. Due to allegations alleged by New York State Supreme Court Whistleblower Christine C. Anderson and similar claims in the Iviewit RICO & ANTITRUST Lawsuit regarding Document Destruction and Tampering with Official Complaints and Records, PRINT all referenced URL's and their corresponding exhibits and attach them to your hard copy file, as this is now necessary to ensure fair and impartial review.**

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Eliot Ivan Bernstein \*275... Boca Raton, FL 33434  
O (561) 245-8861 / (561) 886-7628  
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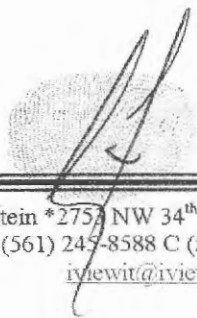
Re: Case Nos. Simon Bernstein v. Kimberly Moran & Eliot Bernstein v. Kimberly Moran. Notary  
Fraud, Forgery and more of Kimberly Moran Public Notary Commission #EE 156021  
Expiration Date: 4/28/16

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In order to confirm that **NO DOCUMENT DESTRUCTION OR ALTERCATIONS** have occurred, once complete forward a copy of this correspondence with all exhibits and materials included to, **Eliot I. Bernstein** at the address listed herein. This will insure that all parties are reviewing the same documentation and no additional illegal activity is taking place. If you, for any reason, are incapable of providing this confirmation copy, please put your reasons for failure to comply in writing and send that to **Eliot I. Bernstein** at the address listed herein. Note, that this is a request only for a copy of this Correspondence and the referenced materials and **NOT** a request for any Case Investigation information, which may be protected by law.

cmb/eib



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Eliot Ivan Bernstein \*275\* NW 34<sup>th</sup> St. \* Boca Raton, FL 33434  
O (561) 247-8588 C (561) 886-7628  
[iyewit@iviewit.tv](mailto:iyewit@iviewit.tv)

Erin Tuper  
Notary Education Coordinator  
Executive Office of the Governor of FL

EXHIBITS  
Friday, August 23, 2013

Re: Case Nos. Simon Bernstein v. Kimberly Moran & Eliot Bernstein v. Kimberly Moran. Notary  
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EXHIBIT 1 -IMPROPERLY NOTARIZED WILL OF SIMON BERNSTEIN

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Eliot Ivan Bernstein \* 2158 NW 34<sup>th</sup> St. \* Boca Raton, FL 33434  
O (561) 745-8588 C (561) 886-7628  
[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)

502012CP004391XXXXSB

I2

WILL OF

SIMON L. BERNSTEIN

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

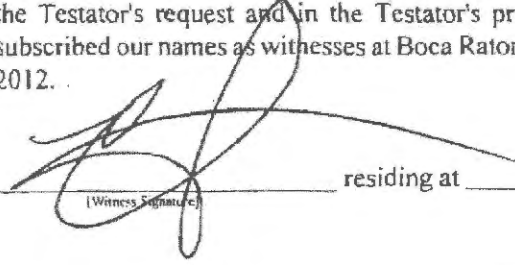
TESCHER & SPALLINA, P.A.



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

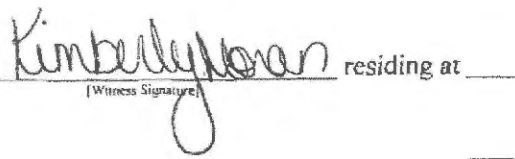
  
SIMON L. BERNSTEIN

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 24 day of July, 2012.

  
[Witness Signature]

**ROBERT L. SPALLINA**  
**7387 WISTERIA AVENUE**  
**PARKLAND, FL 33076**

[Witness Address]

  
[Witness Signature]

**Kimberly Moran**  
**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.

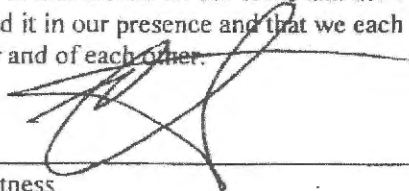
  
SIMON L. BERNSTEIN, Testator

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.

Erin Tuper  
Notary Education Coordinator  
Executive Office of the Governor of FL

EXHIBITS  
Friday, August 23, 2013

Re: Case Nos. Simon Bernstein v. Kimberly Moran & Eliot Bernstein v. Kimberly Moran. Notary  
Fraud, Forgery and more of Kimberly Moran Public Notary Commission #EE 156021  
Expiration Date: 4/28/16

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EXHIBIT 2 – IMPROPERLY NOTARIZED ALLEGED AMENDED TRUST OF SIMON  
BERNSTEIN

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Eliot Ivan Bernstein \*275<sup>th</sup> NW 34<sup>th</sup> St. \* Boca Raton, FL 33434  
O (561) 247-8588 C (561) 886-7628  
[ivewit@iviewit.tv](mailto:ivewit@iviewit.tv)

**SIMON L. BERNSTEIN**  
**AMENDED AND RESTATED TRUST AGREEMENT**

*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.**

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 \_\_\_\_\_

Erin Tuper  
Notary Education Coordinator  
Executive Office of the Governor of FL

EXHIBITS  
Friday, August 23, 2013

Re: Case Nos. Simon Bernstein v. Kimberly Moran & Eliot Bernstein v. Kimberly Moran. Notary  
Fraud, Forgery and more of Kimberly Moran Public Notary Commission #EE 156021  
Expiration Date: 4/28/16

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EXHIBIT 3 - OATH OF PERSONAL REPRESENTATIVE DESIGNATION OF  
RESIDENT AGENT AND ACCEPTANCE

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Eliot Ivan Bernstein \*277 NW 34<sup>th</sup> St. \* Boca Raton, FL 33434  
O (561) 277-8588 C (561) 886-7628  
[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)

IN THE CIRCUIT COURT FOR PALM BEACH COUNTY, FL  
IN RE: ESTATE OF  
SIMON L. BERNSTEIN,  
Deceased.

PROBATE DIVISION

File No. 502012CP004391

12

XXXXSB

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

**OATH OF PERSONAL REPRESENTATIVE  
DESIGNATION OF RESIDENT AGENT, AND ACCEPTANCE**

STATE OF FLORIDA  
COUNTY OF PALM BEACH

I, DONALD R. TESCHER (Affiant), state under oath that:

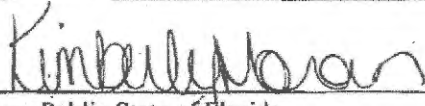
1. I have been appointed co-personal representative of the estate of SIMON L. BERNSTEIN, deceased.
2. I will faithfully administer the estate of the decedent according to law.
3. My place of residence is 2600 Whispering Oaks Lane, Delray Beach, FL 33445, and my post office address is 4855 Technology Way, Suite 720, Boca Raton, FL 33431.
4. I designate myself, a member of The Florida Bar, a resident of Broward County, Florida, whose place of residence is 2600 Whispering Oaks Lane, Delray Beach, FL 33445, and whose post office address is 4855 Technology Way, Suite 720, Boca Raton, Florida 33431, together with my partner, ROBERT L. SPALLINA, ESQ., a member of The Florida Bar, a resident of Palm Beach County, Florida, whose place of residence is 7387 Wisteria Avenue, Parkland, Florida 33076, and whose post office address is 4855 Technology Way, Suite 720, Boca Raton, Florida 33431, as agents for the service of process or notice in any action against us, either in our representative capacity, or personally, if the personal action accrued in the administration of the estate.

  
DONALD R. TESCHER, Affiant

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

(Affix Notarial Seal)



  
Notary Public State of Florida



Erin Tuper  
Notary Education Coordinator  
Executive Office of the Governor of FL

EXHIBITS  
Friday, August 23, 2013

Re: Case Nos. Simon Bernstein v. Kimberly Moran & Eliot Bernstein v. Kimberly Moran. Notary  
Fraud, Forgery and more of Kimberly Moran Public Notary Commission #EE 156021  
Expiration Date: 4/28/16


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EXHIBIT 4 – LETTERS FROM THE LAW FIRM OF TRIPP SCOTT WRITTEN BY  
ATTORNEYS AT LAW CHRISTINE YATES, ESQ. AND MARC GARBER, ESQ.

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Eliot Ivan Bernstein \* 753 NW 34<sup>th</sup> St. \* Boca Raton, FL 33434  
O (561) 245-8588 C (561) 886-7628  
[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)

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## Eliot Ivan Bernstein

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**From:** hotmail\_c29fa7bfa63d83c9@live.com on behalf of Marc R. Garber  
<marcgarber@gmail.com>  
**Sent:** Thursday, June 13, 2013 11:51 AM  
**To:** Eliot Bernstein  
**Subject:** FW: Bernstein - E/O Shirley Bernstein & E/O Leon Bernstein: FW: Bernstein - E/O Shirley Bernstein & E/O Leon Bernstein: Status

Regards,

**MARC R. GARBER**

---

From: marcgarber@gmail.com  
To: cty@trippscott.com  
Subject: RE: Bernstein - E/O Shirley Bernstein & E/O Leon Bernstein: FW: Bernstein - E/O Shirley Bernstein & E/O Leon Bernstein: Status  
Date: Thu, 13 Jun 2013 11:02:40 -0400

Christine:

I had difficulty sleeping, as I was sorting through our conversation. What troubles me has troubled me in prior situations. Spallina is not the first "bully lawyering" situation I have seen or heard about. "If you scream loud enough and pound the table hard and often, the other side will cave". It troubles me that many times this approach works. Sometimes it becomes a fee and time matter, other situations result in the good lawyer becoming tired of dealing with "hard headed" uncompromising opponent. I have heard some people actually seek out a bully lawyer for these reasons. The reasons include the fact that they win using this approach. Further, and as you implied, with all the time you expended, Spallina gave us very little, in terms of everything; from documents to involvement in the administration.

It truly troubles me that Spallina continues to spin his web of deceit, and I believe this conduct is further circumstantial evidence that "something is very wrong". I am very glad Eliot filed whatever he filed and I do hope he prevails. I also hope Spallina is removed and perhaps punished for all he is doing. It also troubles me that once he learns of your withdrawal, Spallina will celebrate his victory. If I was licensed in Florida, I would take this on pro bono. Simply out of principal, and I would make certain a probate judge learns of Spallina's behavior. Unfortunately, I am not a Florida lawyer. If Eliot is able to get his motions before a probate judge, I hope he asks and you agree to testify as to how Spallina treated you. A judge may take real notice of that testimony.

Thanks,

Marc

Regards,

**MARC R. GARBER**

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Date: Thu, 13 Jun 2013 13:05:50 +0000

From: [cty@TrippScott.com](mailto:cty@TrippScott.com)

Subject: RE: Bernstein - E/O Shirley Bernstein & E/O Leon Bernstein: FW: Bernstein - E/O Shirley Bernstein & E/O Leon Bernstein: Status

To: [marcgarber@gmail.com](mailto:marcgarber@gmail.com); [iviewit@iviewit.tv](mailto:iviewit@iviewit.tv); [iviewit@gmail.com](mailto:iviewit@gmail.com)

Marc, it was nice to speak with you yesterday. As we discussed, the reasons for the the termination of my representation were due to the insufficiency of funds in the trust accounts and the the corresponding increase in litigation that would need to be filed in order to move this case forward. It is always a difficult decision as an attorney to proceed with litigation, using all funds in a trust to do so without a guarantee of results. This leaves the attorney in a difficult position with the trust beneficiary, their client. Also, I was concerned that attorney/client communications via email were being filed in court proceedings by Eliot in his case. I want to be able to be assured that information on behalf of my client's remains confidential.

Thank you again for you time in speaking with me yesterday.



110 SE Sixth Street, Suite 1500  
Fort Lauderdale, FL 33301  
954-525-7500

**Christine T. Yates**

*Director*

Direct: (954) 760-4916

Fax: (954) 761-8475

[cty@trippscott.com](mailto:cty@trippscott.com)

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**From:** Marc Garber [<mailto:marcgarber@gmail.com>]

**Sent:** Saturday, June 08, 2013 11:15 AM

**To:** Christine Yates

**Subject:** Fwd: FW: Bernstein - E/O Shirley Bernstein & E/O Leon Bernstein: Status

Christine please call me about this. Marc Garber. 856 236 6567

----- Forwarded message -----

From: "Eliot Ivan Bernstein" <[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)>

Date: Jun 8, 2013 10:12 AM

Subject: FW: Bernstein - E/O Shirley Bernstein & E/O Leon Bernstein: Status

To: "Marc R. Garber, Esquire @ Flaster Greenberg P.C." <[marc.garber@flastergreenberg.com](mailto:marc.garber@flastergreenberg.com)>, "Marc R. Garber Esq. @ Flaster Greenberg P.C." <[marcrgarber@verizon.net](mailto:marcrgarber@verizon.net)>, "Marc R. Garber Esq."

<[marcrgarber@gmail.com](mailto:marcrgarber@gmail.com)>

Cc:

What is going on here? Give me a call when you get a sec.

---

**From:** Christine Yates [<mailto:cty@TrippScott.com>]

**Sent:** Friday, June 7, 2013 11:57 AM

**To:** 'Eliot Ivan Bernstein'; 'Eliot Ivan Bernstein'

**Cc:** Ibis A. Hernandez

**Subject:** Bernstein - E/O Shirley Bernstein & E/O Leon Bernstein: Status

Eliot and Candace, first I am glad that you are feeling better Eliot.

I have made no progress with Spallina in regards to obtaining documents and in my last call with him and Mark Manceri, Mr. Spallina reiterated his position that the mortgage on the property you are currently residing in was what your father wanted, and that any information regarding the trust of your father would have to be addressed to your brother as trustee.

At this time, in order to receive the information you want, I believe you will need to institute legal proceedings against the estate and trust. Since a new course of action will need to be undertaken, at this time, I will be withdrawing as counsel for your children, and believe that you should now hire separate litigation counsel for them. I will be happy to assist your new counsel in providing them with any information and thank you for the opportunity you gave me to assist you.

110 SE Sixth Street, Suite 1500  
Fort Lauderdale, FL 33301  
954-525-7500

Christine T. Yates

*Director*

Direct: (954) 760-4916

Fax: (954) 761-8475

[cty@trippscott.com](mailto:cty@trippscott.com)

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CONFIDENTIALITY NOTE: The information contained in this transmission is privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this transmission in error, do not read it. Please immediately reply to the sender that you have received this communication in error and then delete it. Thank you.

CIRCULAR 230 NOTICE: To comply with U.S. Treasury Department and IRS regulations, we are required to advise you that, unless expressly stated otherwise, any U.S. federal tax advice contained in this e-mail, including attachments to this e-mail, is not intended or written to be used, and cannot be used, by any person for the purpose of (i) avoiding penalties under the U.S. Internal Revenue Code, or (ii) promoting, marketing or recommending to another party any transaction or matter addressed in this e-mail or attachment.

Erin Tuper  
Notary Education Coordinator  
Executive Office of the Governor of FL

EXHIBITS  
Friday, August 23, 2013

Re: Case Nos. Simon Bernstein v. Kimberly Moran & Eliot Bernstein v. Kimberly Moran. Notary  
Fraud, Forgery and more of Kimberly Moran Public Notary Commission #EE 156021  
Expiration Date: 4/28/16

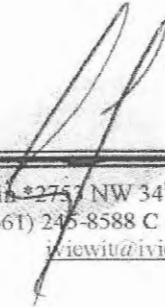
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EXHIBIT 5 – AUGUST 08, 2013 MORAN RESPONSE

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Eliot Ivan Bernstein \*2757 NW 34<sup>th</sup> St. \* Boca Raton, FL 33434  
O (561) 245-8588 C (561) 886-7628  
[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)



RICK SCOTT  
GOVERNOR

STATE OF FLORIDA

# Office of the Governor

THE CAPITOL  
TALLAHASSEE, FLORIDA 32399-0001

[www.flgov.com](http://www.flgov.com)  
850-488-7146  
850-487-0801 fax

August 14, 2013

Mr. Eliot Bernstein  
2753 N.W. 34<sup>th</sup> Street  
Boca Raton, Florida 33434

Dear Mr. Bernstein:

This Office has received the sworn written statement of Ms. Moran in response to the complaint of notary misconduct filed by you. A copy of Ms. Moran's' response is enclosed for your review.

If you wish to offer further comment or provide additional information before this Office makes a final determination in this case, please reply in writing **within twenty (20) days**.

Should you have any questions, please do not hesitate to contact this Office at (850) 717-9529 or [FL\\_GOV.NOTARY@eog.myflorida.com](mailto:FL_GOV.NOTARY@eog.myflorida.com).

Sincerely,

A handwritten signature in cursive script that reads "Erin Tupper".

Erin Tupper  
Notary Education Coordinator  
Executive Office of the Governor, Notary Section

Enclosure(s)

Address  
The Capitol, Room 209  
400 South Monroe Street  
Tallahassee, Florida 32399-0001



Kimberly Moran  
6362 Las Flores Drive  
Boca Raton, Florida 33433  
561-716-8849

August 8, 2013

Executive Office of the Governor  
The Capitol  
Erin Tupper, Notary Education Coordinator  
400 S. Monroe Street  
Tallahassee, Florida 32399-0001

Dear Ms. Tupper:

I am writing you in response to your letter dated July 23, 2013 regarding the two complaints filed by Mr. Eliot Bernstein against me regarding the waivers and consents that were signed by his father, Simon Bernstein, himself and his siblings in connection with the estate of his mother, Shirley Bernstein. As the complaints are similar my response will address both complaints.

To begin, I want you to know that I made a terrible mistake and had a momentary lapse in judgment. I am an honest and good person and I did something here that I deeply regret, have never done before and will never do again. I have brought it to my bosses' attention and they are going to take the appropriate actions to remedy this with the court.

Initially, I mailed in all of the original signed waivers and consents to the Court that were signed by the Bernstein family members, and copies of those documents were returned to me with a request for notarization. These documents have never required acknowledgment, but I assumed they now needed to be notarized as per the notice. Shortly before I received the notice, Simon Bernstein also passed away and now his five children were mourning the death of both of their parents. Looking back on it, I guess I was trying to help them as they had previously signed the documents anyway and I never even thought about what I did until I received the letter from you. The week before, I had a depo provera shot and it affected me in many ways for several months following, including clouding my judgment, causing confusion and mood changes. I am so very sorry.

Attached you will see my office's original communication with Simon Bernstein dated April 4, 2012, regarding the closing of his wife's probate estate and the need to sign the waivers and consents and to have his five children sign each of theirs as well. After receiving Mr. Bernstein's signed waiver and consent (and the other documents that he had to sign) and not receiving any from his children, we contacted Mr. Bernstein's office to follow up regarding his children's waivers and consents and we were instructed by Mr. Bernstein to send the waivers and consents directly to each of his five children for signature. I have included the correspondence to each of them all dated May 10, 2012.

Shortly after our May 10, 2012 letters were sent to each of the five Bernstein children, I received back from Eliot Bernstein an email dated May 17, 2012, a copy of which is attached. As you can see from his email, he attached a copy of the signed waiver and consent to the email and closes the email

with confirmation that he will send the original by mail which I received shortly thereafter (see highlighted portions and attachment).

On August 1, 2012, I sent follow-up emails to each of the other Bernstein children who had not returned the waivers and consents and I have included those emails as well and their responses from those who replied by email and attached their signed waivers and consents. These documents were signed by all of them and the new documents that were sent to the court were identical to the documents that they previously signed.

Again, I had a major lapse in judgment, I made a mistake and I accept responsibility for my actions. I have been a notary since 2004, and in all these years I have never done this before and I promise I will never make this mistake again. I have been sick about the whole thing and deeply regret what I did. I am the primary bread winner in my family with two young children and my ability to earn a living as a legal assistant could be greatly impaired if you suspend my notary commission or more. I respectfully request that you consider my prior clean record in your review of these complaints and any disciplinary action that may be taken.

Please feel free to contact me directly at the number above with any questions.

Respectfully,

A handwritten signature in cursive script that reads "Kimberly Moran".

Kimberly Moran



**Original Complaint of Petitioner and Petitioner on Behalf of Simon to Governor's Notary Public Investigations  
Division Regarding Tescher & Spallina and Kimberly Moran Fraudulent & Forged Documents in the Estates**

A handwritten signature in black ink is written over a blue ink fingerprint. The signature is stylized and appears to be the initials 'KS' or similar. The fingerprint is a standard ridge pattern.

## 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 34<sup>th</sup> 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.

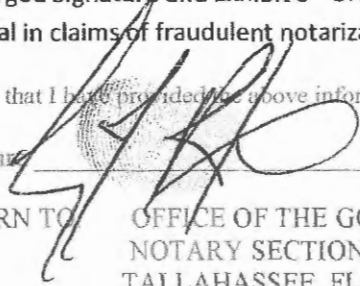
The two documents appear similar regarding my signature as the forgery is done rather well and thus it seems that the original un-notarized document was shrunk to fit a notary stamp on it and then returned to the court but upon closer inspection of the signatures they are wholly different with marked 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

06/19/13

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 PH 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 before me on May 15, 2012, by ELLIOT BERNSTEIN, who is personally known to me or who produced \_\_\_\_\_ as identification.



[Signature]  
Notary Public State of Florida

(Affix Notarial Seal)

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 H. BOGGS, 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**

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- (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.

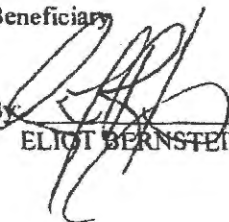
Beneficiary  
By:  \_\_\_\_\_  
ELIOT BERNSTEIN

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. #361-274-1424

| 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
- \_\_\_ Receipted 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>.
- \_\_\_ OTHER:

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

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 34<sup>th</sup> Street, Boca Raton, FL 33434, and who has an interest in the above estate as beneficiary of the estate:

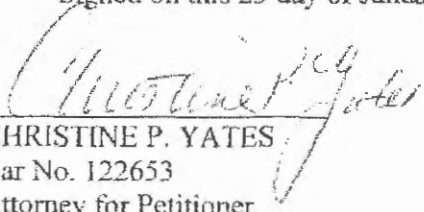
- (a) I expressly revoke the "Waiver of Accounting and Portions of Petition for Discharge; Waiver of Service of Petition for Discharge; And Receipt of Beneficiary and Consent to Discharge" (herein after the "Waiver") I signed May 15, 2012.
- (b) Although I signed the Waiver on May 15, 2012, I did not 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.

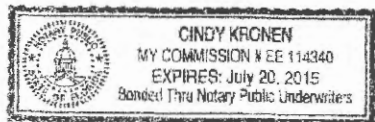


CHRISTINE P. YATES  
Bar No. 122653  
Attorney for Petitioner  
TRIPP SCOTT, P.A.  
110 SE 6<sup>th</sup> Street, 15<sup>th</sup> Floor  
Ft. Lauderdale, Florida 33301  
Telephone: (954) 760-4916  
Fax: (954) 761-8475

  
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



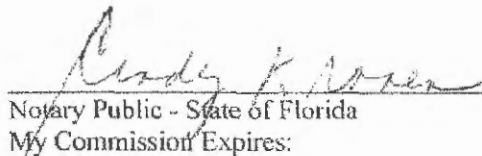
  
Notary Public - State of Florida  
My Commission Expires:

EXHIBIT 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 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

EXHIBIT 6 - JILL IANTONI UN-NOTARIZED ORIGINAL SIGNED WAIVER

A circular stamp with a textured background is located at the bottom center of the page. Overlaid on the stamp is a handwritten signature in dark ink, which appears to be "Jill Iantoni".

IN THE CIRCUIT COURT FOR PALM BEACH COUNTY, FL  
IN RE: ESTATE OF                      File No. 50201 ICP000653XXXXSB  
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

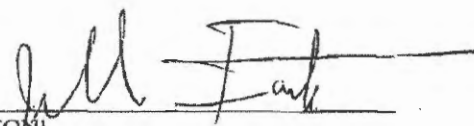




EXHIBIT 7 – LISA FRIEDSTEIN WAIVER CONTAINING FRAUDULENT NOTARY AND  
FORGED SIGNATURE



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;
- (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


Sworn to and subscribed to before me on August 21, 2012, by LISA S. FRIEDSTEIN, personally known to me or who produced identification.

(Affix Notarial Seal)



Kimberly Moran  
Notary Public State of Florida

EXHIBIT 8 - UN-NOTARIZED ORIGINAL SIGNED WAIVER

A handwritten signature in dark ink, appearing to be the initials "GT", is written over a circular, textured stamp. The stamp is partially obscured by the signature.

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. BROWN, CLERK  
PALM BEACH COUNTY, FL  
SOUTH CITY JR. HIGH-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

**Petitioner Response to Tescher & Spallina PA and Moran Regarding Distribution of Estate Assets  
Demanding they Cease and Desist Until Court and Authorities can Determine Beneficiaries of Estates  
Due to Admitted Document and Notary Forgery and Fraud**

A handwritten signature in black ink is written over a blue circular notary seal. The signature is stylized and appears to be the initials 'RS' followed by a vertical line. The notary seal is partially obscured by the signature.

## **Eliot Bernstein**

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**From:** Eliot Bernstein <iviewit@gmail.com>  
**Sent:** Tuesday, August 27, 2013 8:11 AM  
**To:** 'Kimberly Moran'; Robert L. Spallina, Esq. ~ Attorney at Law @ Tescher & Spallina, P.A. (rspallina@tescherspallina.com); Donald R. Tescher ~ Attorney at Law @ Tescher & Spallina, P.A. (dtescher@tescherspallina.com)  
**Cc:** Ted Bernstein; Pamela Beth Simon (psimon@stpcorp.com); Jill M. lantoni (jilliantoni@gmail.com); Jill M. lantoni (lantoni\_jill@ne.bah.com); Lisa (lisa.friedstein@gmail.com); Lisa S. Friedstein (Lisa@friedsteins.com); Caroline Prochotska Rogers Esq. (caroline@cprogers.com); Michele M. Mulrooney ~ Partner @ Venable LLP (mmulrooney@Venable.com); Marc R. Garber Esq. @ Flaster Greenberg P.C. (marcgarber@verizon.net); Andrew R. Dietz @ Rock It Cargo USA  
**Subject:** RE: Bernstein Grandchildren's trusts

Tescher & Spallina, P.A., Robert Spallina, Donald Tescher and Ms. Kimberly Moran,

Ms. Moran, Robert Spallina & Donald Tescher,

Ms. Moran, in reply to your employers letter below and your letter dated August 23, 2013 re "Estate of Simon Bernstein – Disposition of Jewelry", I am advising you personally and your employer Tescher & Spallina PA and its partners to refrain from any further actions in the estates of Simon and Shirley Bernstein until the probate court and state criminal authorities can make determinations regarding the ultimate beneficiaries of the estates, due to your admitted and acknowledged criminal fraud and forgery on documents submitted by Tescher & Spallina, Spallina, Tescher and yourself to the courts in the estates. Your admission and acknowledgement to the Florida Governor's Notary Public investigation of the complaints I filed against you and your employer, of your having committed Notary Fraud and Forgery in documents submitted to the courts in the estates, acting on behalf of your employer Spallina & Tescher, Robert Spallina and Donald Tescher, null and voids many, if not all, of the documents in the estates. Many other documents than the six you have admittedly forged and fraudulently notarized, also appear to have been improperly and allegedly signed and notarized improperly, including those giving powers to your employers as Personal Representatives via now legally invalid Wills and Trusts and thus negate their fiduciary duties and legal right to sell and distribute assets in the estates. Many documents requested are still being suppressed by your offices from several of the beneficiaries and interested parties and all of these documents will need to be examined for further evidence of Forgery and Fraud before any action with any assets can now legally be taken.

Each and every action you and your employers are taking with these fraudulently obtained fiduciary powers and admittedly forged and fraudulent documents will be further reported to state and/or federal authorities as further alleged criminal acts enabled by your admitted fraud and forgery with the documents and fraud upon the Probate Court and Beneficiaries. I am personally surprised and offended that you are contacting me at all on behalf of your employers while you are both aware that you are being investigated by state agencies in ongoing investigations of you and your employer and where you have already admitted and acknowledged Fraud and Forgery in my parents' estates. Since the ultimate beneficiaries cannot be determined until these matters and matters with the courts are fully resolved, any sales or distributions appear to be further criminal acts and I advise both you and your employers to instead immediately turn over all documents, records and assets in my parents estates to the Probate Court and then turn yourselves in to criminal authorities and further beg for mercy as you have already done with the Florida Governor's office for leniency for your admitted and acknowledged crimes against my family. A word of caution Ms. Moran, next time you attempt to confess to crimes you should be more truthful in your statements under penalty of perjury, for I will now be filing charges of alleged perjury for your misleading statements to the Governor's Office Notary Public investigators. Remember a confession should be without blemish and your statements are fraught with further lies and alleged criminal perjury leaving you instead with "unclean hands."

Below is a list of submissions to the Probate Court I have made in my mother's estate, similar documents were filed in my father's estate with the court that further reveal the crimes being alleged against you and your employer and I advise you and your employers to respond to the Petitions prior to our 1 hour hearing that has been approved by the judge and to be soon scheduled to hear the matters. IMMEDIATELY CEASE AND DESIST ANY FURTHER ACTIONS IN THE ESTATES OF SIMON AND SHIRLEY BERNSTEIN.

A. May 06, 2013, Docket #34, "EMERGENCY PETITION TO: FREEZE ESTATE ASSETS, APPOINT NEW PERSONAL REPRESENTATIVES, INVESTIGATE FORGED AND FRAUDULENT DOCUMENTS SUBMITTED TO THIS COURT AND OTHER INTERESTED PARTIES, RESCIND SIGNATURE OF ELIOT BERNSTEIN IN ESTATE OF SHIRLEY BERNSTEIN AND MORE"

1. [www.iviewit.tv/20130506PetitionFreezeEstates.pdf](http://www.iviewit.tv/20130506PetitionFreezeEstates.pdf) 15th Judicial Florida Probate Court and
2. [www.iviewit.tv/20130512MotionRehearReopenObstruction.pdf](http://www.iviewit.tv/20130512MotionRehearReopenObstruction.pdf) US District Court Pages 156-582

B. May 29, 2013, Docket #37 "RENEWED EMERGENCY PETITION"

1. [www.iviewit.tv/20130529RenewedEmergencyPetitionShirley.pdf](http://www.iviewit.tv/20130529RenewedEmergencyPetitionShirley.pdf)

C. June 26, 2013, Docket #39 "MOTION TO: CONSIDER IN ORDINARY COURSE THE EMERGENCY PETITION TO FREEZE ESTATE ASSETS, APPOINT NEW PERSONAL REPRESENTATIVES, INVESTIGATE FORGED AND FRAUDULENT DOCUMENTS SUBMITTED TO THIS COURT AND OTHER INTERESTED PARTIES, RESCIND SIGNATURE OF ELIOT BERNSTEIN IN ESTATE OF SHIRLEY BERNSTEIN AND MORE FILED BY PETITIONER"

1. [www.iviewit.tv/20130626MotionReconsiderOrdinaryCourseShirley.pdf](http://www.iviewit.tv/20130626MotionReconsiderOrdinaryCourseShirley.pdf)

D. July 15, 2013, Docket #40 "MOTION TO RESPOND TO THE PETITIONS BY THE RESPONDENTS"

1. [www.iviewit.tv/20130714MotionRespondPetitionShirley.pdf](http://www.iviewit.tv/20130714MotionRespondPetitionShirley.pdf)

E. July 24, 2013 Docket #41 "MOTION TO REMOVE PERSONAL REPRESENTATIVES" for insurance fraud and more.

1. [www.iviewit.tv/20130724ShirleyMotionRemovePR.pdf](http://www.iviewit.tv/20130724ShirleyMotionRemovePR.pdf)

Thank You,  
Eliot

---

**From:** Kimberly Moran [mailto:[kmoran@tescherspallina.com](mailto:kmoran@tescherspallina.com)]

**Sent:** Thursday, August 22, 2013 12:09 PM

**To:** [tbernstein@lifeinsuranceconcepts.com](mailto:tbernstein@lifeinsuranceconcepts.com); [lisa.friedstein@gmail.com](mailto:lisa.friedstein@gmail.com); [psimon@stpcorp.com](mailto:psimon@stpcorp.com); Jill Iantoni; [iviewit@gmail.com](mailto:iviewit@gmail.com)

**Cc:** Robert Spallina

**Subject:** Bernstein Grandchildren's trusts

Dear Ladies and Gentlemen:

We know that some of you are in the process of opening the subtrust accounts, so attached is a copy of the Simon L. Bernstein Amended and Restated Trust Agreement dated July 25, 2012, together with a list of the trusts with their respective EIN numbers and titling suggestions, although some brokerage firms or banks may title the accounts in their own way. The trusts are as follows:

1. Jill Iantoni, Trustee f/b/o Julia Iantoni under the Simon Bernstein Trust dtd 09-13-2012 (EIN: 30-6348369)
2. Ted Bernstein, Trustee f/b/o Alexandra Bernstein under the Simon L. Bernstein Trust dtd 09-13-2012 (EIN: 30-6348370)
3. Ted Bernstein, Trustee f/b/o Eric Bernstein under the Simon L. Bernstein Trust dtd 09-13-2012 (EIN: 30-6348371)

4. Ted Bernstein, Trustee f/b/o Michael Bernstein under the Simon L. Bernstein Trust dtd 09-13-2012 (EIN: 30-6348372)
5. Eliot Bernstein, Trustee f/b/o Joshua Bernstein under the Simon L. Bernstein Trust dtd 09-13-2012 (EIN: 30-6348368)
6. Eliot Bernstein, Trustee f/b/o Daniel Bernstein under the Simon L. Bernstein Trust dtd 09-13-2012 (EIN: 30-6348373)
7. Eliot Bernstein, Trustee f/b/o Jake Bernstein under the Simon L. Bernstein Trust dtd 09-13-2012 (EIN: 30-6348374)
8. Pam Simon, Trustee f/b/o Molly Simon under the Simon L. Bernstein Trust dtd 09-13-2012 (EIN: 30-6372583)
9. Lisa Friedstein, Trustee f/b/o Max Friedstein under the Simon L. Bernstein Trust dtd 09-13-2012 (EIN: 30-6372584)
10. Lisa Friedstein, Trustee f/b/o Carly Friedstein under the Simon L. Bernstein Trust dtd 09-13-2012 (EIN: 30-6372585)

If you have any questions, please do not hesitate to contact us.

Best regards,

**Kimberly Moran, Legal Assistant**  
Tescher & Spallina, P.A.  
4855 Technology Way, Suite 720  
Boca Raton, FL 33431  
Tel: (561) 997-7008  
Fax: (561) 997-7308