

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

IN RE: THE ESTATE OF
SIMON BERNSTEIN,
Deceased

CASE NO. 502012CP004391XXXXSB
NOTICE OF MOTION
JUDGE DAVID E. FRENCH

ELIOT IVAN BERNSTEIN, PRO SE

PETITIONER,

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 ALLEGED PERSONAL REPRESENTATIVE,
TRUSTEE, SUCCESSOR TRUSTEE) (BOTH
PERSONALLY AND PROFESSIONALLY); AND JOHN
AND JANE DOE'S (1-5000)

RESPONDENTS.

**NOTICE OF EMERGENCY MOTION TO FREEZE ESTATES OF SIMON BERNSTEIN
DUE TO ADMITTED AND ACKNOWLEDGED NOTARY PUBLIC FORGERY,
FRAUD AND MORE BY THE LAW FIRM OF TESCHER & SPALLINA, P.A., ROBERT
SPALLINA AND DONALD TESCHER ACTING AS ALLEGED PERSONAL
REPRESENTATIVES AND THEIR LEGAL ASSISTANT AND NOTARY PUBLIC,
KIMBERLY MORAN: MOTION FOR INTERIM DISTRIBUTION DUE TO
EXTORTION BY ALLEGED PERSONAL REPRESENTATIVES AND OTHERS;
MOTION TO STRIKE THE MOTION OF SPALLINA TO REOPEN THE ESTATE OF**

**SHIRLEY; CONTINUED MOTION FOR REMOVAL OF ALLEGED PERSONAL
REPRESENTATIVES AND ALLEGED SUCCESSOR TRUSTEE**

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 to (i) **FREEZE ESTATES OF SIMON BERNSTEIN DUE TO ADMITTED AND ACKNOWLEDGED NOTARY PUBLIC FORGERY, FRAUD AND MORE BY THE LAW FIRM OF TESCHER & SPALLINA, P.A., ROBERT SPALLINA AND DONALD TESCHER ACTING AS ALLEGED PERSONAL REPRESENTATIVES AND THEIR LEGAL ASSISTANT AND NOTARY PUBLIC, KIMBERLY MORAN** (ii) **FOR INTERIM DISTRIBUTION DUE TO EXTORTION BY ALLEGED PERSONAL REPRESENTATIVES AND OTHERS** (iii) **TO STRIKE THE MOTION OF SPALLINA TO REOPEN THE ESTATE OF SHIRLEY** and (iv) **CONTINUED MOTION FOR REMOVAL OF ALLEGED PERSONAL REPRESENTATIVES AND ALLEGED SUCCESSOR TRUSTEE** and such other relief as the Court may find just and proper. That due to extraordinary circumstances defined herein that will cause an immediate lights out situation on Petitioner's family, including three minor children who are Beneficiaries of the estate, due to Admitted and Acknowledged Forgeries and Fraud by the alleged Personal Representatives and their Licensed Notary Public, Kimberly Moran ("Moran") submitted to the Florida Governor's Office Notary Public Investigations Division regarding documents of the estate filed with this Court, Petitioner requests this Court not wait for a hearing to be scheduled but instead act on its own motion immediately to stop these now **LIFE THREATENING EMERGENCIES** and to stop further crimes from being committed and order **EMERGENCY RELIEF AND PROTECTION** to the Beneficiaries to

curtail an attempted Extortion of Petitioner, as described herein. Note that the **ADMITTED FRAUD AND FORGERIES OF DOCUMENTS WAS SUBMITTED AS PART OF FRAUD ON THIS COURT DIRECTLY TO THIS COURT** and therefore these Admitted and Acknowledged Felony crimes detailed herein have been committed directly against this Court in addition to Petitioner, Beneficiaries and Interested Parties. This Court should therefore take immediate Judicial Notice of the facts contained herein, including but not limited to, Admitted and Acknowledged Forgeries and Fraud and take immediate corrective measures.

Dated: Palm Beach County, FL

_____, 2013

X _____
Eliot I. Bernstein
2753 NW 34th 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

Donald Tescher, Esq.
Tescher & Spallina, P.A.
Boca Village Corporate Center I
4855 Technology Way
Suite 720
Boca Raton, FL 33431
dtescher@tescherspallina.com

Theodore Stuart Bernstein

Life Insurance Concepts
950 Peninsula Corporate Circle, Suite 3010
Boca Raton, Florida 33487
tbernstein@lifeinsuranceconcepts.com

Interested Parties and Trustees for Beneficiaries

Lisa Sue Friedstein
2142 Churchill Lane
Highland Park IL 60035
Lisa@friedsteins.com
lisa.friedstein@gmail.com

Jill Marla Iantoni
2101 Magnolia Lane
Highland Park, IL 60035
jilliantoni@gmail.com
Iantoni_jill@ne.bah.com

Pamela Beth Simon
950 North Michigan Avenue
Suite 2603
Chicago, IL 60611
psimon@stpcorp.com

Eliot Ivan Bernstein
2753 NW 34th St.
Boca Raton, FL 33434
iviewit@iviewit.tv
iviewit@gmail.com

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. 502012CP004391XXXXSB
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);
DONALD R. TESCHER (BOTH PERSONALLY &
PROFESSIONALLY); THEODORE STUART BERNSTEIN
(AS ALLEGED PERSONAL REPRESENTATIVE,
TRUSTEE, SUCCESSOR TRUSTEE) (BOTH
PERSONALLY AND PROFESSIONALLY); AND JOHN
AND JANE DOE'S (1-5000)

RESPONDENTS.

_____ /

AFFIRMATION

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

I, Eliot Ivan Bernstein, am the Pro Se Petitioner ("Petitioner") in the above entitled action, and respectfully move this Court to issue an order to, Freeze the Estate of both Simon Bernstein ("Simon") and Shirley Bernstein ("Shirley") due to **ADMITTED AND ACKNOWLEDGED**

CRIMINAL ACTS, INCLUDING BUT NOT LIMITED TO, FORGERY, NOTARY PUBLIC FRAUD, FRAUD ON THIS COURT, FRAUD ON THE BENEFICIARIES AND INTERESTED PARTIES AND INTERSTATE MAIL & WIRE FRAUD IN SHIRLEY'S ESTATE DOCUMENTS and such other relief as the Court may find just and proper. These Criminal Acts were committed in the estate by the Law Firm of Tescher & Spallina, P.A. ("TSPA"), Robert Spallina ("Spallina") and Donald Tescher ("Tescher") acting as alleged Personal Representatives, acting further as Employer to their Legal Assistant and Licensed Notary Public, Kimberly Moran ("Moran") and finally acting in collusion with Theodore Bernstein ("Ted"), all acting under alleged Fiduciary Powers illegally gained through alleged Fraud as evidenced herein.

The reasons why I am entitled to the relief I seek are the following, based on information and belief:

INTRODUCTION

1. 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 1").

- i. www.iviewit.tv/20130506PetitionFreezeEstates.pdf 15th Judicial Florida Probate Court and

- ii. 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

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

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

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

- i. www.iviewit.tv/20130724SimonMotionRemovePR.pdf

6. That on August 28, 2013, Petitioner filed Docket #TBD “**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**” (“Petition 6”)

i. www.iviewit.tv/20130828MotionFamilyAllowanceShirley.pdf

MOTION TO FREEZE ESTATES OF SHIRLEY BERNSTEIN DUE TO ADMITTED AND ACKNOWLEDGED NOTARY PUBLIC FRAUD BY THE LAW FIRM OF TESCHER & SPALLINA, P.A., ROBERT SPALLINA AND DONALD TESCHER ACTING AS ALLEGED PERSONAL REPRESENTATIVES AND THEIR LEGAL ASSISTANT AND NOTARY PUBLIC, KIMBERLY MORAN

7. That in the aforesaid Petitions 1-6, Petitioner prayed to this Court already to Freeze the Estates of both Simon and Shirley on various grounds of alleged criminal activity claimed in Petitions 1-6. Petitioner requests this Court to consider allegations stated in those Petitions as part of this Motion and now reconsider them in light of the newly **ADMITTED AND ACKNOWLEDGED CRIMINAL ACTS, INCLUDING BUT NOT LIMITED TO, FORGERY¹, NOTARY PUBLIC FRAUD², FRAUD ON THIS COURT³, FRAUD ON**

¹ 831.02 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.

² 117.105 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.

³ “Fraud on the Court as a Basis for Dismissal with Prejudice or Default: An Old Remedy Has New Teeth”

THE BENEFICIARIES AND INTERESTED PARTIES⁴ AND INTERSTATE MAIL AND WIRE FRAUD⁵.

by John T. Kolinski, The Florida Bar Journal, February, 2004 Volume LXXVIII, No. 2.

http://www.floridabar.org/DIVCOM/JN/JNJournal01.nsf/c0d731e03de9828d852574580042ae7a/7ee566f4f7305b2085256e24006a34b6!OpenDocument&Highlight=0,disability*

"Whenever any officer of the court commits fraud during a proceeding in the court, he/she is engaged in "fraud upon the court". In *Bulloch v. United States*, 763 F.2d 1115, 1121 (10th Cir. 1985), the court stated "Fraud upon the court is fraud which is directed to the judicial machinery itself and is not fraud between the parties or fraudulent documents, false statements or perjury. ... It is where the court or a member is corrupted or influenced or influence is attempted or where the judge has not performed his judicial function --- thus where the impartial functions of the court have been directly corrupted."

"Fraud upon the court" has been defined by the 7th Circuit Court of Appeals to "embrace that species of fraud which does, or attempts to, defile the court itself, or is a fraud perpetrated by **officers of the court [ie TSPA, Spallina and Tescher] (emphasis added)** so that the judicial machinery cannot perform in the usual manner its impartial task of adjudging cases that are presented for adjudication." *Kenner v. C.I.R.*, 387 F.3d 689 (1968); 7 *Moore's Federal Practice*, 2d ed., p. 512, ¶ 60.23. The 7th Circuit further stated "a decision produced by fraud upon the court is not in essence a decision at all, and never becomes final."

4 "Florida Title XLVI CRIMES, Chapter 817, FRAUDULENT PRACTICES PART I FALSE PRETENSES AND FRAUDS, GENERALLY" and more

5 http://en.wikipedia.org/wiki/Mail_and_wire_fraud

18 U.S.C. § 1341 provides:

Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, or to sell, dispose of, loan, exchange, alter, give away, distribute, supply, or furnish or procure for unlawful use any counterfeit or spurious coin, obligation, security, or other article, or anything represented to be or intimated or held out to be such counterfeit or spurious article, for the purpose of executing such scheme or artifice or attempting so to do, places in any post office or authorized depository for mail matter, any matter or thing whatever to be sent or delivered by the Postal Service, or deposits or causes to be deposited any matter or thing whatever to be sent or delivered by any private or commercial interstate carrier, or takes or receives therefrom, any such matter or thing, or knowingly causes to be delivered by mail or such carrier according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed, any such matter or thing, shall be fined under this title or imprisoned not more than 20 years, or both. If the violation occurs in relation to, or involving any benefit authorized, transported, transmitted, transferred, disbursed, or paid in connection with, a Presidential declared major disaster or emergency (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)), or affects a financial institution, such person shall be fined not more than \$1,000,000 or imprisoned not more than 30 years, or both.[2]

Wire

18 U.S.C. § 1343 provides:

Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings, signs, signals, pictures, or sounds for the purpose of executing such scheme or artifice, shall be fined under this title or imprisoned not more than 20 years, or both. If the violation affects a financial institution, such person shall be fined not more than \$1,000,000 or imprisoned not more than 30 years, or both.

8. That Kimberly Moran (“Moran”), Legal Assistant and Licensed Notary Public working for the Law Firm of Tescher & Spallina P.A. (“TSPA”), Attorney at Law Robert Spallina (“Spallina”) & Attorney at Law Donald Tescher (“Tescher”) has in a sworn statement on August 08, 2013, in response to complaints filed by Petitioner, **Admitted and Acknowledged** to the Florida Governor Notary Public investigation division that she Criminally Forged and Fraudulently Notarized documents submitted to this Court in the estates, while in the employ and under the supervision of TSPA, Spallina and Tescher.

“To begin, I want you to know that J 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... Again, I had a major lapse in judgment, I made a mistake and I accept responsibility for my actions... 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 respectfully request that you consider my prior clean record in your review of these complaints and any disciplinary action that may be taken.”

9. That to be clear for this Court, TSPA was sent documents back from the Court for Notarization, at the direction of her employer TSPA, Moran and perhaps other unknowns, wholly recreated the documents to look similar to the ones sent back by the Court, including Forging the Signatures of six individuals, including the deceased Simon’s signature and

Petitioner's and then filed them with the Court, TSPA never sending any of these records from the Court or those they sent back to the Court to any Beneficiaries or Interested Parties and hoped no one would ever catch on. That Moran in her confession Perjures herself and claims, "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." The documents sent back are however wholly different, including forged signatures and changed content and thus Moran can no longer be trusted, as this is a major lie to State Authorities.

10. That TSPA then submitted and filed these FORGED AND FRAUDULENT documents in this Court and sent certain of these documents via US Interstate Postal Mail and Interstate Email to Beneficiaries and Interested parties as Exhibited in Moran's response, implicating further Mail and Wire Fraud and more, on six separate documents 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"** ("Waiver(s)"), rendering the Waivers used to close the estate of Shirley and begin an immediate liquidation of estate assets, NULL & VOID, other than as evidence of Forgery and Fraud and more. These documents were then used to commit other alleged Criminal Acts as alleged in Petitions 1-6 and further defined herein.
11. That Petitioner herewith produces as Exhibit 1 - Response of Kimberly Moran made UNDER PENALTY OF PERJURY containing Moran's Admissions and Acknowledgements of

Felony Criminal Acts on behalf of her employer TSPA and submitted to the Florida Governor's Office Notary Public investigation division^{6 and 7}.

12. That while Moran admits to certain crimes, she fails to fully confess her actions, as she attempts to hide the fact that the Waivers filed with the Court were not the same documents that were filed originally as the documents were wholly recreated, including FRAUDULENTLY Notarizing and Forging signatures for six persons, including Fraudulently Notarizing and Forging signatures for Simon who was deceased for two months at the alleged time of the signings.
13. That Exhibit 2 is Petitioner's Response to Moran's Response submitted to the Florida Governor's office further evidencing now alleged Perjury in Moran's initial confession and further showing new documents in now both the estates of both Simon and Shirley, exhibiting further Fraud and Improper Notarizations in estate documents, including now a Will and Trust of Simon submitted to this Court and evidencing a Pattern and Practice of further Fraud and Deceit with scienter. This Court should therefore take Judicial Notice of all of the Admitted and Acknowledged Forgeries and Frauds and subsequent crimes alleged herein and in Exhibit 1-6 and again take immediate corrective actions on its own motions.
14. That in Exhibit 2 we find,

⁶ 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.

⁷ 117.105 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.

- i. exhibit 1 - an IMPROPERLY NOTARIZED WILL OF SIMON BERNSTEIN,
- ii. exhibit 2 – an IMPROPERLY NOTARIZED ALLEGED AMENDED TRUST OF SIMON BERNSTEIN and
- iii. exhibit 3 – an OATH OF PERSONAL REPRESENTATIVE DESIGNATION OF RESIDENT AGENT AND ACCEPTANCE.

All of these major documents filed in the estates of Simon and Shirley show that opposite Moran's sworn statement made under Penalty of Perjury, whereby Moran feigns that she allegedly acted alone and supposedly unsupervised (while not directly claiming this) and that the Waivers were the only six documents she allegedly violated her duties as Licensed Notary Public and Law on and that were illegal, however, on inspections of these new exhibits one finds that TSPA, Tescher, Spallina and Moran are all acting together in alleged signatory capacities on these newly discovered critical estate changing documents that are all improperly Fraudulently Notarized, including a Will and an Amended Trust in Simon's estate. These documents in Simon's estate also materially affected Shirley's estate when Simon made alleged changes to her estate with powers obtained in such documents, after almost two years after her passing.

15. That when one starts to piece all of these Illegally and Improperly Signed, Witnessed and Notarized documents together as a whole, these new flawed estate documents, many allegedly signed weeks before Simon's death, appear to be part of a larger carefully crafted PREMEDITATED plan to commit further criminal acts through illegally gained fiduciary control of the estate. Whereby the newly discovered documents work together with the six Waiver's Moran has admitted to Fraud and Forgery on to effectuate these alleged near

deathbed changes to the long established estate plans of both Simon and Shirley. These alleged changes occur while Simon was under extreme physical and mental duress as fully described in Petition 1, changing the Beneficiaries by illegally gaining Fiduciary Powers and control over the estates through the use of these FORGED AND FRAUDULENT documents, all in efforts to further the alleged Felony Financial Crimes fully described and evidenced in Petitions 1-6, again illustrating a Pattern and Practice of Carefully Planned Criminal Activities.

16. That Exhibit 3 is Petitioner's Original Complaint to the Florida Governor's Office. It should be noted by the Court that Moran only confesses to Forgery and Fraud on the six Waivers Petitioner filed with the Governor's office when she was confronted by investigators. That at no time did TSPA or Moran take it upon themselves to notify this Court or any other party for over nine months of their Criminal Acts, again only when they were confronted by investigators and forced to admission did they confess and only partially and fraught with misleading and false statements. Not even did they confess despite the fact that Petitioner had served and noticed them in Petitions 1, filed MONTHS prior to confession of the alleged at that time, and now admitted, Forgeries and Frauds in the estate.

17. That Exhibit 4 is a Cease and Desist Letter dated August 27, 2013 sent by Petitioner to TSPA, Spallina, Tescher, Ted, Moran and the Interested Parties, regarding their ceasing any actions, including any further liquidation or allegedly illegal distribution of assets in the estates of Simon and Shirley while acting as alleged Personal Representatives and alleged Successor Trustee, until investigations of their actions can be fully completed by State and Federal authorities and until this Court determines the effects to the estates and Beneficiaries caused by these admitted Forged and Fraudulent Documents submitted by TSPA, Tescher,

Spallina and Moran. The letter also demands that they further Cease and Desist in any and all actions until investigation of the effects of the newly discovered Fraudulent documents evidenced in Exhibit 2, including a Will and Trust of Simon's, are determined and this Court determines whom the ultimate Beneficiaries will now be, who is responsible for, the legal fees now caused by the Admitted Crimes, for the forensic accounting and document analysis fees that will now be incurred and other related fees and costs caused directly by this Admitted and Acknowledged Forgery and Fraud and finally determine what to do about ALL prior transactions of assets or any other transactions that have been commissioned through the use of these admittedly Forged and Fraudulent documents and the newly discovered improper and alleged Fraudulent documents evidenced in Exhibit 2-3.

18. That TSPA, Spallina, Tescher, and Moran have allegedly acted together in Criminal Conspiracy and submitted and filed with the Court, the Beneficiaries and Interested Parties, these admittedly Fraudulent & Forged documents that now appear legally void in the estates of both Simon and Shirley, impacting directly who the ultimate Personal Representatives and Beneficiaries of the estates will be henceforth.
19. That the documents giving TSPA, Tescher, Spallina and Ted Fiduciary Powers in the estates of Simon and Shirley are currently under investigations with the Governor of Florida Notary Public Division, the Palm Beach County Sheriff's Office and have been tendered to the US District Court of New York Southern District, included as further evidence of RICO violations against Petitioner, in an ongoing RICO and Antitrust Civil Lawsuit that has been legally related by Federal Judge Shira A. Scheindlin to a Former NY Supreme Court Departmental Disciplinary Committee Whistleblower Lawsuit filed by Christine C. Anderson, Esq., involving a series of sophisticated financial crimes allegedly committed by

criminals mainly operating through Law Firms and disguised as Attorneys at Law, acting in violation of law to commit a host of sophisticated financial crimes to steal technologies of Petitioner's valued in the Trillions and deny due process and procedure to their victims through Abuses of Process and Felony Obstructions of Justice.

20. That Predicate Acts alleged in the RICO, include but are far from limited to, Attempted Murder via a Terroristic Styled CAR BOMBING of Petitioner's family minivan, Death Threats, Extortion, Racketeering, Perjury, Fraud on multiple state and federal courts and prosecutorial agencies and extensive Public Office Corruptions. That several of the key Defendants in the RICO are also now currently suddenly involved in the estates of Simon and Shirley, brought into the estates by TSPA and Ted, including but not limited to Proskauer Rose, Foley & Lardner and Greenberg Traurig, each having a motive to attempt to leave Petitioner without inheritance as described herein and in Petitions 1-6.

21. That recent news evidenced in US District Court filing with Scheindlin, see URL fully included by reference herein, at www.iviewit.tv/20130512MotionRehearReopenObstruction.pdf, evidences that Joint Terrorism Task Force Funds and Resources were Illegally used and Violations of the Patriot Act are alleged against Senior Ranking Members of the New York Supreme Court and Disciplinary Departments who used these illegally gained powers to target, monitor and OBSTRUCT JUSTICE against Anderson and related cases, including but not limited, to the RICO of Petitioner⁸. That recent news has evidenced that Senator John L. Sampson, former

⁸ Cases legally related or seeking relation to Anderson in the Southern District NY
(1:07-cv-09599-SAS) Anderson v The State of New York, et al. - WHISTLEBLOWER LAWSUIT
(1:07-cv-11196-SAS) Bernstein, et al. v Appellate Division First Department Disciplinary Committee, et al. LEGALLY RELATED BY JUDGE SCHEINDLIN,
(1:07-cv-11612-SAS) Esposito v The State of New York, et al., LEGALLY RELATED BY JUDGE SCHEINDLIN,

leader of the New York Democratic Party and former Chairman of the New York Senate Judiciary Committee, whom Petitioner testified with Anderson before, was then threatened and then took bribes to cover up Public Office Corruptions involving these and other matters.

22. That further, as alleged in Petition 1, immediately after Simon's death, Spallina and Ted alleged that Simon may have been MURDERED and ORDERED INVESTIGATIONS AND AUTOPSY within hours and instantly seized control of all assets and properties in the estates and blocked any other parties, except Pamela Simon ("Pam") from information or access to the estates. That when Petitioner asked for the documents giving them their alleged Fiduciary Powers, they became hostile and would not give them to Petitioner or other Beneficiaries, even months later after Petitioner's children retained Counsel. The Court should find it strange that Spallina immediately began working with Ted and Pam, excluding Petitioner and other Beneficiaries from access to ANY information in the estates, choosing instead the two children who had been wholly disinherited in long standing estate plans of Simon and Shirley, who felt shorted and angry with Simon over their exclusions and who were a proximate cause of the duress leading to Simon being forced to make these near deathbed changes, as fully described in Petition 1. Spallina knew of the bad blood causing these changes, and in a May 10, 2012 conference call with Simon, his children, Spallina and Tescher, Spallina claimed that he even had advised Simon not to do these proposed changes but Spallina was convinced now that the proposed changes would make things better

(1:08-cv-05455-SAS) Capogrosso v New York State Commission on Judicial Conduct, et al., LEGALLY RELATED BY JUDGE SCHEINDLIN,

(1:08-cv-02391-SAS) McKeown v The State of New York, et al., LEGALLY RELATED BY JUDGE SCHEINDLIN, (08cv02852) Galison v The State of New York, et al.,

(1:08-cv-03305-SAS) Carvel v The State of New York, et al., LEGALLY RELATED BY JUDGE SCHEINDLIN and, (08cv4053) Gizella Weisshaus v The State of New York, et al.

(1:08-cv-04438-SAS) Suzanne McCormick v The State of New York, et al. LEGALLY RELATED BY JUDGE SCHEINDLIN (08 cv 6368) John L. Petrec-Tolino v. The State of New York

between Ted, Pam and Simon, making this choice to work with Ted and Pam to the total exclusion of the Beneficiaries with interests after Simon's passing, highly suspect.

23. That Ted, hours after Simon passed and after consulting with Spallina during several calls on what to do, then contacted the Palm Beach County Sheriff's Office requesting that a murder investigation begin against Simon's companion, Maritza Puccio and then had Simon's body sent for an Autopsy, as fully defined in Petition 1. That Petitioner alleges that these actions were to lock everyone from all information and access so as to further take advantage of their illegally gained Fiduciary Powers and begin to loot the estate by creating admittedly Forged and Fraudulent documents in the estate and filing them in the Court.
24. That in this new investigation by the Governor of Florida's Notary Public Investigation Division of the Fraudulent and Forged Notarized documents submitted to this Court by TSPA and illegally Notarized by Notary Public Moran who Admitted and Acknowledged that she had committed **MULTIPLE CRIMINAL ACTS BY FRAUDULENTLY NOTARIZING AND FORGING A SERIES OF DOCUMENTS** in the estate, including Notarizing key documents that altered the estate weeks before Simon's death. Many of these shoddy and legally invalid documents allegedly were signed while Simon was under extreme Physical and Emotional duress only weeks before passing. Moran admits that she Forged and Notarized a Waiver for Simon, two months after he had been pronounced dead, which makes one wonder just how many of these documents were signed illegally by Moran after Simon's death?
25. That TSPA submitted and filed all of these documents to the Court and others via US Postal Mail and Wire as evidenced in Exhibit 1 in the exhibits presented by Moran, further alleged Felony Crimes. These six admissions to Forgery and Fraud are not innocent one off

“mistakes” as Moran attempted to claim to investigators in her Response Exhibit 1. Instead it becomes evident that all these ADMITTED FORGED AND FRAUDULENT DOCUMENTS act together with the newly discovered alleged FRAUDULENT DOCUMENTS in Exhibit 2 to give TSPA, Tescher, Spallina and Ted illegally gained Fiduciary Powers used to gain control of the estates of Simon and Shirley. These Fiduciary Powers were thus illegally obtained after the death of Simon and Shirley and where many of the alleged Forged and Fraudulent documents may never have even been executed by Simon or Shirley in the first place and where these crimes now warrant further investigation and discovery into all of the original and executed documents in the estates and rights to depose Moran, Spallina, Tescher and Ted to fully explore their actions.

26. That if Simon was murdered because he failed to make the changes that were being forced upon him and then the documents were crafted or if Simon had signed them under duress and pressure and before he could change his mind or alter them he was murdered, now all needs to be analyzed to understand the exact sequence of events leading up to his death in correlation to the document Forgeries and Fraud.
27. That this Court seems to have thrown a monkey wrench into their “best laid plans” however, when two months after Simon passed, the Court returned documents submitted for Notarization in Shirley’s estate and where Simon was deceased this would be impossible and where Petitioner was already beginning to raise a brow to the actions and inactions of TSPA and Ted he would have not signed. Behaviors that appeared bizarre at that time, including suppressing documents and information from the Beneficiaries and other actions such as having the Sheriff begin a murder investigation hours after Simon passed, accusing Simon’s companion Maritza Puccio of murdering him for \$100,000.00 in documents allegedly signed

by Simon days before his death but then TSPA and Ted then secreted and suppressed these documents, even from the Sheriff, keeping these documents that provided alleged motive under wraps even today, despite repeated requests for the documents by Petitioner.

Therefore, Criminal Forgeries and Frauds were allegedly committed to create documents in the estates instead of having the proper parties sign to achieve their ends and avoid any problems.

28. That even today Petitioner and other Beneficiaries, despite repeated requests, have virtually no documentation in the estates, no accountings, no inventories, no attorney billing statements, no autopsy report, for over two years in Shirley's estate and almost one year in Simon's, again illustrating massive violations by the Fiduciaries of the estates, as evidenced in Petition 1, clearly showing TSPA, Spallina, Tescher and Ted violated both law and their fiduciaries responsibilities to the Beneficiaries.

29. That the documents admittedly FORGED AND FRAUDULENTLY submitted by TSPA, Spallina, Tescher & Moran to this Court constitutes not only Fraud against the Beneficiaries but Fraud on the Court as the documents were sent to this Court as part of official records.

30. That while Moran has pleaded with the Governor of Florida's Notary Public Investigation Division to have mercy on her soul and leniency for her Admitted Criminal Acts, her "confession" is mired in further alleged Lies and Perjury leaving her further acting in egregious Bad Faith and with Unclean Hands in her confession and misleading state investigators in an ongoing Pattern and Practice of continued criminal activity with intent, as evidenced herein.

31. That these Crimes Committed, Admitted and Acknowledged, in the creation of wholly Forged and Fraudulent documents evidenced in Exhibits 1,2 & 3 and new documents evidencing that a Will and Trust are legally invalid, which assign new alleged Personal Representatives and designate new Beneficiaries, in near deathbed changes allegedly made by Simon, affecting both he and Shirley's long standing estate plans, have since being filed with this Court, the Beneficiaries and Interested Parties (through Admitted and Acknowledged Mail and Wire Fraud) have allowed a plethora of continuing and ongoing alleged additional crimes to be committed against the Beneficiaries and Interested Parties, including but not limited to,

- a. Frauds on this Court,
- b. Frauds on Beneficiaries and Interested Parties,
- c. Alleged Insurance Fraud,
- d. Fraud on the US District Court Illinois, as defined in Petition 5,
- e. Alleged Real Estate Fraud, as defined in Petition 1&5,
- f. Theft of Estate Assets, as defined in Petition 1-6, and
- g. Perjury and Misleading Statements to State Investigators and this Court (the Perjury to this Court will be further evidenced herein).

32. That despite Moran's alleged Perjured and False statements that her crimes were a one-time event influenced by drugs and that only she partook in the crimes, the exact opposite is evidenced in Exhibit 2, Petitioner's Response, showing her statements to be wholly false. Where it becomes obvious her actions were instead part of a larger set of documents fraudulently created and submitted to the Court in both estates by TSPA, as they are executed on a variety of different dates, with different people supposedly present, which in several

instances one finds Tescher and Spallina as Signors and Witnesses on documents they drafted and Moran or others Notarizing them. These other allegedly Fraudulent and Legally Void documents, are also improperly Notarized and Witnessed documents, in a Will and an Amended Trust, which all carefully fit together perfectly to allow TSPA, Spallina, Tescher and Ted to ILLEGALLY seize control of the Fiduciary Powers and all aspects of the estates of Simon and Shirley. Henceforth begins a Pattern and Practice of Fraud, done in bad faith, done with unclean hands and all done with scienter.

33. That TSPA is Legally Responsible and Liable for the actions of their Legal Assistant and Licensed Notary Public Moran under Law and directly Legally Responsible and Liable for tendering the knowingly Fraudulent and Forged documents to this Court and others and then attempting to ignore this knowledge once caught and hurriedly trying to liquidate and illegally distribute assets before anyone caught on to their house of cards, which now comes burning down. For example, without these Forged and Fraudulent documents to close the estate of Shirley, the Condominium sold by the alleged Personal Representative and alleged Successor Trustee Ted could not have occurred. This transaction further occurred behind the back of Petitioner and Petitioner's former counsel Tripp Scott despite repeated requests by Petitioner and his children's counsel that any real estate or other transactions or distributions would have to have their approval first.

34. That it in an attempted soft shoe ballerina dance around these ADMITTED AND ACKNOWLEDGED FORGED AND FRAUDULENT DOCUMENTS, in order to minimize the gravity of their crimes, Spallina has recently submitted a "Motion to Reopen Estate and Set Evidentiary Hearing" to this Court in Shirley's estate, Exhibit 5 - Motion to Reopen Estate and Set Evidentiary Hearing whereby he attempts to further mislead this Court and the

Beneficiaries through vexatious filings with the Court by claiming he has only “recently” become aware of the Forgeries and Fraud in the estate documents.

35. The Motion to Reopen in Shirley’s estate should be stricken for a number of conflicts and the problems now created by the Forgeries and Fraudulent documents admitted to and therefore Tescher, Spallina, TSPA and Ted should instantly be removed from acting further in the proceedings in any of their alleged fiduciary capacities and as estate counsel and instead should be investigated and secure independent non-conflicted counsel to represent each of their alleged capacities forward. Due to the ongoing investigations and admitted to criminal acts, that TSPA, Tescher and Spallina are directly responsible for, they should not be able to move this Court through pleadings or maintain any control over the estates whatsoever.

36. That Exhibit 5 - Motion to Reopen..., filed by Spallina in conflict is irrelevant anyway as the estate of Shirley was already re-opened by Petitioner on May 07, 2013 Docket #33 and 34, whereby the Court approved Petitioner’s request to Reopen and Petitioner then paid the Court the USD \$50.00 fee on May 08, 2013. Had Tescher and Spallina been cognizant and not turned a blind eye to the Court docket and to the Petitions 1-6 served upon them, instead of rushing to abscond with and loot estate assets, they would have noted the estate being Reopened already by Order of this Court, an Order this Court provided them copy of.

37. That Spallina attempts to claim in Exhibit 5 that “It was recently brought to the attention of the Petitioner [Spallina] that certain irregularities⁹ [aka Forgery, Fraud, Fraud on the

⁹ Black’s Law Dictionary, 6th Edition, 1990

“Irregularity. The doing or not doing that, in the conduct of a suit at law, which, conformably with the practice of the court, ought or ought not to be done. 'Violation or nonobservance of established rules and practices. The want of adherence to some prescribed rule or mode of proceeding; consisting either in omitting to do something that is necessary for the due and orderly conducting of a suit, or doing it in an unseasonable time or improper manner. The

Court, Fraud on the Beneficiaries and Mail and Wire Fraud] occurred in connection with the execution of the Waivers filed in connection with the closing of this Estate.” (Emphasis added)

38. That nothing could be further from the truth, as Spallina was well aware of these “irregularities” aka **FORGERIES AND FRAUD AND MORE** since Petitioner served him Petitions 1-6 alleging the documents in the estates were legally flawed months ago. Yet, Spallina did not run to the Court at that time to Admit and Acknowledge these crimes, nor did Moran, instead Spallina rushed to liquidate and illegally distribute assets with Ted and Pamela Simon (“Pam”) in furtherance of the Pattern and Practice of criminal acts alleged in Petition 1-6. So, after knowing for months of these allegations filed with the courts and investigators, suddenly, months later and only after investigators from the Governor’s office begin investigation of TSPA, Moran, Spallina and Tescher, do they come forth to this Court claiming they just recently found out about these “irregularities, as if they were wholly unaware of these “irregularities” before. In fact, they do not come forth to this Court until after submitting the response to the Governor’s office with the Admissions of Forgeries and Fraud in the estate. The choice of word “irregularity” by Spallina is also legally incorrect and appears as a further attempt to intentionally mislead this Court now with the deliberate catachresis of the word “irregularities”, attempting to posit that the acts Moran has Admitted and Acknowledged are **not** synonymous with the word illegal and merely “mistakes” and “irregularities” when they are factually illegal felony criminal acts done with scienter and where more aptly the acts of Moran are synonymous with the word **ILLEGAL** and thus acts

technical term for every defect in mechanics of proceedings, or the mode of conducting an action or defense, as distinguishable from defects in pleadings (see e.g. Fed.R.Civil P. 32(d), irregularities in taking of depositions). Term is not synonymous with "illegality." In Canon law, any impediment which prevents a man from taking holy orders.

that OUGHT NEVER TO BE DONE and always punished with criminal sanctions and thus not “irregular” but criminal.

39. That as for the claim in Spallina’s Motion to Reopen before this Court in Shirley’s estate “we [an undefined we] believe that the appropriate procedure is to...” where after being centrally involved and liable for the Admitted Forged and Fraudulent documents in the estate, this Court should not care what Spallina or the others who compose the “we” (presumably TSPA and Donald Tescher) believe or plead any longer. Petitioner believes the “appropriate procedure” is for Tescher and Spallina and Moran and Ted to turn themselves in to criminal authorities and confess more fully the extent of their crimes in the estates and this Court should instantly assign new Personal Representatives. Plaintiff has several qualified persons available to represent the estates and beneficiaries forward.

40. That additionally, this Court should again take Judicial Notice and not only seek immediate sanctions and require maximum bonding but should also seek Criminal Prosecution of these parties for their Forgeries, Fraud, Fraud on this Court, Abuse of Process and more for those Felony Crimes already admitted to.

41. That Moran is found working on several other sets of documents as Witness to another Licensed Notary Public employee of TSPA, a one Lindsay Baxley, (“Baxley”) where Petitioner has requested further investigations and new complaints filed to delve into Baxley’s involvement in these newly discovered other documents in the estates created in collusion with Moran and Spallina and Tescher and evidenced already in Exhibit 2 herein, including an improperly Notarized and Witnessed Will and Trust.

42. That Petitioner has petitioned this Court repeatedly to take Judicial Notice and act on its own motion to FREEZE THE ESTATES and remove the alleged Personal Representatives for a multitude of Fiduciary Violations and alleged criminal acts occurring as alleged in Petition 1-6 and to stop further crimes from being committed involving more and more parties, as it appears with every week that no actions are taken by this Court, new crimes and new parties become embroiled in new alleged crimes. Again, Petitioner urges the Court to FREEZE THE ESTATES and remove these alleged Personal Representatives and Successor Trustee Ted and Estate Counsel TSPA to prevent further crimes from being committed against the Beneficiaries and Interested Parties and now other parties.

**MOTION FOR INTERIM DISTRIBUTION DUE TO EXTORTION BY ALLEGED
PERSONAL REPRESENTATIVES AND OTHERS**

43. That once TSPA and Attorneys at Law Spallina and Tescher knew that Moran would be writing a falsified confession to the Governor's inquiry and that Petitioner had contacted state and federal agencies with their **ALLEGED AT THE TIME, AND NOW ADMITTED TO, FELONY CRIMES** and further that this Court was already noticed of their crimes, TSPA, Spallina and Ted began an immediate campaign of alleged **EXTORTION** to shut down Petitioner and his family and cut them off instantly of monies funding their basic living requirements and the minor children's schooling as described more fully in Petition 6. Thus, why this Court is being petitioned herein to take immediate Judicial Notice and order instant Protective Measures for Petitioner and his family, including three minor children, in efforts to have this Court preclude such alleged Extortion attempt as further defined herein, which puts three minor beneficiaries lives in instant grave danger from actions done by those supposed to be protecting as Fiduciaries and Trustees of these

minor children. Where these actions to shut down their funding of living expenses comes only after Spallina knows their FELONY CRIMES have been exposed and ADMITTED AND ACKNOWLEDGED to by Moran and that Petitioner was filing State and Federal Criminal complaints against them. Where Spallina, Tescher and Ted know that the other FELONY CRIMES alleged in Petitions 1-6 against them may all begin to unravel with the admissions by Moran and especially with Petitioner's continued actions with authorities, providing ample motive for Harassment and Extortion to quash Petitioner and his family, exhibiting a continued conspiratorial Pattern and Practice of alleged illegal activities.

44. That as evidenced in Petition 1, both Simon and Shirley were funding Petitioner's family living expenses in a contractually agreed USD \$100,000.00 annually for years prior to their deaths based on an agreement with Petitioner due to special circumstances and needs of Petitioner's family as described already in the Petition 1 at Paragraph 390-404 Page 82-85. After the death of Simon, the alleged 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 uninterrupted continuation of funds up through new trusts Spallina was working on post mortem, which according to Spallina were to be funded only weeks after Simon's death with a wealth of cash and cash equivalents he possessed already in the estate, which he now claims have vanished. 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 purportedly "new" Beneficiaries (from now apparently legally void documents) and that the estate would continue to cover the expenses until then. The Beneficiaries had been allegedly changed, according to the near deathbed changes allegedly made by Simon and enabled through alleged Forged and Fraudulent and materially

incomplete and improperly Notarized documents, including Simon's alleged Will and alleged Amended Trust, see Petition Paragraphs 203-232 Pages 40-45 and Exhibit 2.

45. That the Law Firm of TSPA and Attorneys at Law Spallina and Tescher acting as alleged Personal Representatives and Counsel for the estate and Ted Bernstein acting in various alleged Fiduciary Capacities, none of which capacities have been approved by this Court or noticed to Beneficiaries properly, are now acting together, again in coordinated alleged criminal conspiratorial efforts to try and deprive and deplete Petitioner's children's educational school trust accounts that began being depleted for living expenses on orders from Spallina to Oppenheimer (the alleged Trustee of the children's school trusts) to start to pay the living expenses of Petitioner's family living expenses, despite that these were pre-established educational trusts strictly set up for school expenses. The capacity Spallina is acting in under these educational trusts or what fiduciary powers he has in directing the alleged Trustee Oppenheimer remains unknown as Petitioner and his former Counsel Tripp Scott were unable to secure a full set of documents from either Oppenheimer or Spallina regarding these trusts, and in fact, in one instance of partial documents that were transmitted by Oppenheimer to Petitioner to illustrate their new fiduciary roles, one trust for one child was not signed at all. Despite repeated requests for these documents in full and signed, none have been provided.

46. That in Petition 1 it is evidenced that Spallina then directed Petitioner to begin paying the monthly expenses due his family under the Advanced Inheritance Agreement ("AIA") of approximately USD \$8333.00 per month out of a Legacy Bank account established for this purpose by Simon several years prior to his death. However, months after Simon's death, Spallina advised Rachel Walker ("Walker") who had been paying the bills of Petitioner's

family for several years, to suddenly transfer the Legacy bank accounts and checks to Petitioner and have Petitioner's spouse, Candice Bernstein begin writing checks from the account for the necessary living expenses.

47. That Petitioner objected to Candice writing checks from an account that he did not believe he or Candice had signatory powers on and therefore Petitioner with Walker initiated a call to Legacy Bank, where they were informed that not only did Walker not have signatory powers that she was using up to that point but also that Petitioner, nor anyone else had signatory powers, as Simon was the only signor on the account. What was more surprising was that no one had notified the bank of Simon's death for months and they were surprised accounts were even being used by anyone after his death and since he was the only signatory on the account in question. Legacy Bank instantly notified Petitioner and Walker that they were freezing the accounts until talking with Spallina acting as the alleged Personal Representative.

48. That Spallina then directed Petitioner to send the Legacy Bank account information and checks and credit cards Walker had delivered to him to Janet Craig ("Craig") of Oppenheimer who was to begin paying the monthly living and school expenses for Petitioner's family. That later it was learned that Spallina had then directed Craig to no longer use the Legacy Bank account and instead use Petitioner's Children School Trust accounts, set up by a different Attorney at Law, several years prior to Simon and Shirley's death for school expenses. On information and belief Spallina claimed to Craig that he would replenish the School Trusts once he worked things out in the estate and established new trusts to pay the living expenses.

49. That on July 16, 2013, Craig sent a letter to Petitioner and Spallina, entered herein as Exhibit 6 – July 16, 2013 Oppenheimer Letter Regarding Status of School Trusts, claiming that the funds were running low and could jeopardize the children’s living expenses and school and requesting Spallina put back the monies into the trust to avoid such catastrophe or the trusts would be terminated and the remaining corpuses of the trusts sent to **PETITIONER**.
50. That on August 28, 2013 Craig sent a letter entered herein as Exhibit 7 – August 28, 2013 Oppenheimer Letter Regarding Terminating School Trusts to Petitioner stating that she had spoken with Spallina and he now suddenly did not intend on reimbursing the School Trust for the misappropriated living expenses that had been misused from the School Trusts to pay for other expenses at his direction.
51. That further the letter states that after conversations with Spallina it was determined that Oppenheimer would now terminate the children’s school educational trusts, instantly, which would leave the children out of school and no monies to pay living expenses effective as of August 28, 2013, if Petitioner did not sign release letters and transfer the remaining corpuses of the children’s school trusts now to **TED** and approve TED as the new Manager of Bernstein Family Realty LLC, a new fiduciary role that Ted has apparently volunteered for and Spallina again approved and where Ted has no interest in such entity as it is owned by Petitioner’s three children divided equally? Why, this Court should ask, did Craig decide to suddenly switch and pay the Corpuses of these School Trusts now to Ted instead of Petitioner and attempt to make Ted instead of Petitioner manager of the entity and at whose direction did she change course.

52. That more importantly the children as of August 28, 2013 can no longer attend the school they were attending as the funds for their schooling were improperly used by the trustees on orders of Spallina and their living expenses that were supposed to be reimbursed by Spallina to Oppenheimer have now been denied by Spallina in order to cause instant grave financial and emotional hardships upon Petitioner's family in efforts to Obstruct Justice through Extortion and Harassment.

53. That while Craig's August 28, 2013 letter states that these actions of Oppenheimer are being taken "due to their [the children's educational trust accounts] de minimus market values" it appears that Oppenheimer should be demanding the improperly used School Trust funds back from Spallina as promised that he directed be depleted. Oppenheimer as a Professional Trustee and Fiduciary for the Educational Trusts beneficiaries should take instant legal actions if necessary to recover from Spallina those funds dedicated for their schooling that were misused at his direction and instantly before they are ejected from school and on the street virtually overnight from these actions. This Court should also make interim distribution to Petitioner's family to continue these life sustaining funds, as there is more than enough assets in the estate to be distributed to Petitioner and/or his children to cover these monthly costs until this Court can determine what the next steps in light of the allegations herein and deducted from any final distributions.

54. That this Court should also force the new (hopefully, by this point, the old alleged Personal Representatives and alleged Successor Trustee have been terminated by the Court) Personal Representatives to immediately release monthly living expenses for Petitioner and his family and order the interim distributions and family allowances pled for in Petition 6 by Petitioner, due to these catastrophic situations created wholly by TSPA, Spallina, Tescher and Ted to

force instant hardship on Petitioner to silence him from further exposing their multitudes of criminal acts.

55. That the final letter from Oppenheimer appears as an Extortion styled attempt led by Spallina to force Petitioner to release Oppenheimer as Trustee, dismantle the School Trusts and transfer the remaining funds to Petitioner's brother, who is alleged to be part of the criminal acts defined in Petitions 1-6, all on Spallina's advise acting in an unknown capacity. If Petitioner does not accept the release terms, Oppenheimer has threatened to terminate the trust instantly and transfer of the funds to his brother instantly the payment of the children's living expenses and school expenses will be terminated leaving Petitioner's children and family without, electricity, groceries, school, insurance or any other life sustaining funds, starting on August 28, 2013 as indicated in Craig's letter.

56. That this termination is not for lack of funds in the accounts to continue the trusts, as there are enough funds to sustain the family needs for another 4-5 months until matters in the estates can be sorted out but instead the termination is a way to shut down the lives of Petitioner and his family instantly and further attempt to EXTORT him in attempts to silence him in the Courts and Prosecutorial Offices by creating forced hardships virtually overnight, attempting to force Petitioner into a situation where he either signed the documents as is on the day he received these Release and other Legal Documents and transfer the monies to other disinterested parties or else no life sustaining funding from that point forward. With the allegations already levied herein and in Petitions 1-6 against Ted and Spallina et al. it is doubtful if Petitioner were blindly and without counsel sign the releases the day of receiving them and release the remaining funds to Ted that he would ever see these funds again. Craig, in prior correspondences evidenced in Petition 6 even stated that she is fully aware that the

funds are paying life sustaining expenses to the beneficiaries and despite her original protestation that these were school trusts that should not be used for these personal expenses she complied on orders from Spallina and it can be seen in her letters that she requests Spallina to reimburse the trusts immediately due to the serious problems them running out would create.

57. That further, knowing of the alleged Personal Representatives and Moran's Admission and Acknowledgement of using FELONY FORGED AND FRAUDULENT in documents in the estate, the alleged Personal Representatives know that if they can shut down the payments of Petitioner's utilities such as, Phone, Internet, Electric etc. at this time that this will hamper Petitioner's ability to provide information to the Court, the US District Court, the Palm Beach County Sheriff, the Governor's Notary Public Investigators and others, in attempt to further cover up the other serious Financial Crimes the Forged and Fraudulent Documents have enabled. This represents intentional interference in ongoing investigations and court cases both state and federally and further evidences bad faith and unclean hands of the alleged Personal Representatives, Estate Counsel and alleged Successor Trustee.

58. That this virtual overnight attempt to shut down Petitioner and his family overnight will also create further harm in precluding Petitioner's to retain and pay legal counsel for these matters, as legal fees were also being paid through these school trusts to protect the children's rights. This threat to Petitioner's children by the Trustee Oppenheimer on the direction again of Spallina, may now include Oppenheimer in violation of their Fiduciary Duties and law in the handling of these trust funds.

59. Hence it is eminent and emergent to Freeze the Estate of Simon and Shirley to stop the alleged and admitted to criminal acts by the Respondents on the basis of these illegal documents Forged and Illegally Notarized and Acknowledged by Licensed Notary Public Moran to the Governor's office and illegally tendered to this Court and others by TSPA. However, this Court must also protect the Beneficiaries and others by stopping this alleged extortion by immediately granting the relief of interim distributions as already Petitioned to the Court to stop the instant alleged extortion.

MOTION TO STRIKE THE MOTION OF SPALLINA TO REOPEN THE ESTATE

60. That this Court should strike the Motion to Reopen the Estate... filed by TSPA and Spallina to this Court in Shirley's estate based on claims by Petitioner that the Motion is fraught with misleading and untrue statements to this Court. That this Court should instead order a hearing based on Petitioner's Pleadings in Petition's 1-6 and this Motion instead in this estate.

61. That this Court should strike the Motion to Reopen the Estate, Exhibit 5, filed by TSPA and Spallina, as TSPA is now wholly conflicted with the matters and a central figure in the alleged CRIMINAL ACTS OF FORGERY, FRAUD, FRAUD ON THE COURT, MAIL AND WIRE FRAUD and more and can no longer represent any party in these matters and instead will need counsel to defend their actions before this Court and perhaps a criminal Attorney at Law to represent them forward, in any of their illegally gained fiduciary capacities. That TSPA, Spallina, Tescher, Ted and Moran should all be forced to retain counsel to represent any matters before this Court as they can no longer represent any parties without conflicts of interest or represent themselves.

62. That this Court and the Beneficiaries and the Interested Parties cannot resolve these issues as Spallina would lead one to think in the Motion to Reopen because first off it now must be determined who the Beneficiaries are due to the Forgeries and Fraud and more. Where certain Beneficiaries and Interested Parties currently have **NO ACCOUNTINGS, NO INVENTORIES, NO ATTORNEY AT LAW BILLING RECORDS and INCOMPLETE DOCUMENTS** and therefore no way to fully understand their rights at this point in time, making such hearing for resolutions before this Court premature at this time and certainly this Court should not allow a hearing moved for by those in conflict now and attempting to deceive the Court with such vexatious filings.

63. That this Court should however have a hearing to remedy the problems created by first determining who will now pay for counsel for each of the 13 potential Beneficiaries and two Interested Parties, Ted and Pamela Simon (“Pam”), who were excluded from inheritance in the estates of Simon and Shirley. That each of the five children and ten grandchildren of Simon will need separate and independent counsel to represent their interests and determine if they have beneficial interests and if so what they are and whereby this amounts to a minimum **FIFTEEN SEPARATE ATTORNEYS AT LAW**, just to determine who and what have rights in the estates. All of these costs now incurred as a direct result of **ILLEGAL ACTS ALREADY ADMITTED AND ACKNOWLEDGED**.

64. That once that is complete, the next question becomes who are the **NEW** personal representatives and successor trustees. That once that is complete, the next question becomes where the Original Signed and Executed documents are and are they legitimate. Then the question becomes where all the assets are and were assets illegally removed from the estates as is alleged in Petition 1-6 and how to recover any damages or losses from any such alleged

illegal transactions. These steps will require costly Forensic Accountants and Forensic Document Analysts and may take months to resolve before anything can be resolved before this Court with good and clear conscience and a full understanding of what has transpired.

65. That Petitioner has been advised that these legal fees and professional costs for all Beneficiaries and Interested parties to merely determine what capacities and rights they have, what assets there were, etc. may cost an estimated million dollars or more, all costs caused by the alleged Personal Representatives, their Notary Publics Moran and Baxley and the alleged Successor Trustee Ted.
66. That Petitioner already has spent over USD \$10,000.00 of monies taken from the Children's School Educational Trust Funds for counsel for his children in order to try and understand their rights in the estates, only to find that due to TSPA, Tescher, Spallina and Ted's refusal to turn over documents or cooperate with counsel, as already evidenced to this Court in Petitions 1-6, this Court can see that these legal fees were wholly wasted and produced no understanding of the rights of the minor Beneficiaries and whereby the children's counsel, Christine Yates ("Yates") of Tripp Scott became so flustered with the task of chasing down the evasive Spallina and the excessive costs incurred and felt guilty when finding that the legal bills were coming from School Educational Trust Funds that were being depleted and therefore resigned as counsel blaming TSPA, Tescher, Spallina and Ted for their lack of good faith and violations of Fiduciary Duties and suggested that the only way to resolve this would now be costly litigation that was being forced upon the children and other parties, as already evidenced in letters of Yates filed in Petitions 1-6. In the end, this legal exercise was a further waste of monies, as the documents that were tendered by TSPA to Tripp Scott were fraught with Forgeries, Fraud and were incomplete and thus further wasted monies analyzing

the Fraudulent documents and trying to determine the children's interests from documents no longer legally valid.

67. Therefore, perhaps the first order of the Court should be to determine how and who will bear the burden of these legal and professional costs and force bonding or other remedies to pay for all these costs by making pay those who are admittedly at fault and where these costs are now necessary to unravel their mess and litigate these matters forward. **THESE COSTS SHOULD NOT BE ENCUMBERED BY THE BENEFICIARIES OR CERTAIN INTERESTED PARTIES**, as this was not the result of their actions.

68. That neither this Court, nor any party, can move forward with the estates now until State and Federal Criminal investigations are complete into the other alleged criminal acts and this may take even more counsel and experts for the Beneficiaries and Interested Parties, necessary to unravel the many alleged crimes, including but not limited to Insurance Fraud and Real Estate Fraud that have taken place as evidenced in Petition 1 & 5 and the resulting liabilities caused by these crimes to the TBD Beneficiaries and Interested Parties.

69. That this Court should then remove all parties it finds partook in the Criminal Acts in any way from these proceedings and remove any and all pleadings, etc. as they all may have been done in bad faith, with premeditated intent to commit criminal acts and deprive beneficiaries of their inheritances and may in fact not be the documents that Simon and Shirley and others signed at all, as is already alleged in Petitions 1-6 and Admitted and Acknowledged in part in certain instances in Moran's confession.

70. Then finally we should have a hearing with the new NON CONFLICTED Personal Representatives and Estate Counsel, TBD Beneficiaries and Interested Parties along with

their independent Attorney at Law and Your Honor to make determinations with all the facts, documents and assets as they were prior to Simon and Shirley's passing.

**CONTINUED MOTION FOR REMOVAL OF ALLEGED PERSONAL
REPRESENTATIVES AND ALLEGED SUCCESSOR TRUSTEE**

71. That this Court should strike the Motion to Reopen the Estate... filed by TSPA and Spallina, as TSPA needs instead to be instantly removed as Personal Representatives and Counsel for the Estates of Simon and Shirley and rightfully sanctioned and perhaps arrested by this Court's order for crimes against this Court, the Beneficiaries and Interested Parties and others and forced to turn over all documents, records and assets in their possession to this Court for further investigation and discovery to take place.

A. Relevant law

733.504 **Removal of personal representative; causes for removal.**—A personal representative may be removed and the letters revoked for any of the following causes, and the removal shall be in addition to any penalties prescribed by law:

- (1) Adjudication that the personal representative is incapacitated.
- (2) Physical or mental incapacity rendering the personal representative incapable of the discharge of his or her duties.
- (3) **Failure to comply with any order of the court, unless the order has been superseded on appeal.**
- (4) **Failure to account for the sale of property or to produce and exhibit the assets of the Estates when so required.**
- (5) **Wasting or maladministration of the Estates.**
- (6) Failure to give bond or security for any purpose.
- (7) Conviction of a felony.
- (8) Insolvency of, or the appointment of a receiver or liquidator for, any corporate personal representative.
- (9) **Holding or acquiring conflicting or adverse interests against the Estates that will or may interfere with the administration of the Estates as a whole. This cause of removal shall not apply to the surviving spouse because of the exercise of the right to the elective share, family allowance, or exemptions, as provided elsewhere in this code.**

(10) Revocation of the probate of the decedent's will that authorized or designated the appointment of the personal representative.

(11) Removal of domicile from Florida, if domicile was a requirement of initial appointment.

(12) **The personal representative would not now be entitled to appointment.**

Fla. Stat. ch. 733.504 authorizes the removal of a personal representative and trustee of an estate **if sufficient grounds for removal are shown.** *In re Estate of Moe Senz*, 417 So. 2d 325, Fla. App. LEXIS 21159 (Fla. Dist. Ct. App. 1982). In the case of *In re Estate of Moe Senz*, the Florida Court of Appeals for fourth district reversed the judgment of lower court stating that holding that there was sufficient evidence of numerous instances of mismanagement of the estate by appellees nephew and lawyer, which justified granting appellant widow and beneficiaries's petition for removal as personal representatives and trustees and the matter was remanded with directions to grant appellants' petition for removal of representative.

According to [Fla. Stat. ch. 733.504\(9\)](#), a personal representative may be removed for holding or acquiring conflicting or adverse interests against the estate which will adversely interfere with the administration of the estate as a whole. *In re Estate of Bell*, 573 So. 2d 57, 59, Fla. App. LEXIS 9651(Fla. Dist. Ct. App. 1990).

B. Discussion

In this case there is clear mismanagement by the alleged Personal Representatives, Estate Counsel and the Successor Trustee Ted and they are also holding conflicting/ adverse interests against the Estates and Beneficiaries. Hence they should all be instantly removed for all those reason stated herein and in Petitions 1-6. Moreover it is now clear that their acts are based on Forged and Fraudulent and Incomplete, legally invalid documents.

ALLEGED PERSONAL REPRESENTATIVES ARE LIABLE FOR DAMAGES AND LOSS TO PETITIONER, BENEFICIARIES AND INTERESTED PARTIES:

A. 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. App. 1966).

B. Discussion

In this case the alleged Personal Representatives have breached their fiduciary duty by exercising their power concerning the Estates in an improper manner and in bad faith with unclean hands. Hence, they are liable to the Beneficiaries and Interested Parties for damages and loss resulting from a Breach of their Fiduciary Duties and the Court has to award taxable costs including attorney's fees and other costs and any cost this Court deems just and reasonable.

1. Under Title XLII ESTATES AND TRUSTS Chapter 733 PROBATE CODE: ADMINISTRATION OF ESTATES 733.504 regarding removal of personal representative for cause and where the Court must determine if the Personal Representatives should be removed and the letters revoked for any of the

following causes and those already evidenced and alleged herein, and the removal shall be in addition to any penalties prescribed by law.

2. Under Title XLII ESTATES AND TRUSTS Chapter 733 PROBATE CODE: ADMINISTRATION OF ESTATES that this Court under 733.508 demand an accounting and discharge of removed personal representatives whereupon removal,

- i. a removed personal representative shall file and serve a final accounting of that personal representative's administration,
- ii. after determination and satisfaction of the liability, if any, of the removed personal representative and upon receipt of evidence that the Estates assets have been delivered to the successor fiduciary, the removed personal representative shall be discharged.

3. Under Title XLII ESTATES AND TRUSTS Chapter 733 PROBATE CODE: ADMINISTRATION OF ESTATES 733.509 Surrender of assets upon removal that this Court upon entry of an order removing a personal representative, the removed personal representative shall immediately deliver all Estates assets, records, documents, papers, and other property of or concerning the Estates in the removed personal representative's possession or control to the remaining personal representative or successor fiduciary or this Court.

4. Under Title XLII ESTATES AND TRUSTS Chapter 733 PROBATE CODE: ADMINISTRATION OF ESTATES 733.609 Improper exercise of power; breach of fiduciary duty, the Court will note that,

- i. 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.

- ii. 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.

5. Under Title XLII ESTATES AND TRUSTS Chapter 733 PROBATE CODE:

ADMINISTRATION OF ESTATES 733.619 Individual liability of personal representative should be considered by the Court where,

- i. a personal representative is individually liable for obligations arising from ownership or control of the Estates or for torts committed in the course of administration of the Estates if personally at fault.
- ii. claims based on contracts, except a contract for attorney's fee, entered into by a personal representative as a fiduciary, on obligations arising from ownership or control of the Estates, or on torts committed in the course of Estates administration, may be asserted against the Estates by proceeding against the personal representative in that capacity, whether or not the personal representative is individually liable.
- iii. issues of liability as between the Estates and the personal representative individually may be determined in a proceeding for accounting, surcharge, or indemnification, or other appropriate proceeding.

PRAYER FOR RELIEF

WHEREFORE, for the reasons set forth in detail herein, Petitioner respectfully requests that this Court in the interest of justice issue an order to:

1. FREEZE ESTATE OF SIMON BERNSTEIN DUE TO ADMITTED AND ACKNOWLEDGED NOTARY PUBLIC FORGERY, FRAUD AND MORE BY THE LAW FIRM OF TESCHER & SPALLINA, P.A., ROBERT SPALLINA AND DONALD TESCHER ACTING AS ALLEGED PERSONAL REPRESENTATIVES AND THEIR LEGAL ASSISTANT AND NOTARY PUBLIC, KIMBERLY MORAN.

2. PROVIDE FOR IMMEDIATE AND LIFE SUSTAINING INTERIM DISTRIBUTION DUE TO ALLEGED EXTORTION BY PERSONAL REPRESENTATIVES AND OTHERS.
3. STRIKE THE MOTION OF SPALLINA TO REOPEN THE ESTATE OF SHIRLEY.
4. REMOVE ALLEGED PERSONAL REPRESENTATIVES AND ALLEGED SUCCESSOR TRUSTEE AND ESTATE COUNSEL.
5. IMMEDIATELY secure all documents and records under dominion and control by the alleged Personal Representatives, Estate Counsel, Trustees of any and all Trusts and Successor Trustees, including recovering all ORIGINAL SIGNED DOCUMENTS in the estate plans of Simon & Shirley Bernstein dating back to 1995 (the year where there is now an alleged missing Irrevocable Insurance Trust of Simon) as fully defined in Petition 1 and 5.
6. Immediately Secure all telephone, fax, email records of the alleged Personal Representatives, Estate Counsel, Successor Trustees and any other parties involved in the administration of the estates since 1995, including all accounting records for Simon & Shirley Bernstein from Goldstein Lewin aka CBIZ MHM, LLC. Petitioner also requests all records relating to Simon & Shirley Bernstein from the Law Firms Proskauer Rose LLP, Foley & Lardner/Hopkins Sutter and Greenberg Traurig in connection with any and all estate planning and trust work done by their firms.
7. The Court should note that in what appears a Sham Lawsuit to allegedly illegally extract assets from the estates instigated weeks before Simon passed, at the same time he was allegedly signing MAJOR CHANGES TO HIS LONG STANDING ESTATE PLANS UNDER DURESS, that now is being litigated in Simon and Shirley's estates as a

Creditor Action against the estates of Simon and Shirley by a one William Stansbury, the Law Firm of Greenberg Traurig was acting as Counsel for Ted and others. Then months after the case was in play, Greenberg Traurig was discovered to be in conflict and removed from that case, however, this came only after Petitioner pointed out their conflict with Petitioner to Ted and Spallina regarding their direct involvement in the Intellectual Properties of Petitioner aka the “Elephant in the Room aka Iviewit, as fully defined in Petition 1. Further, the mammoth size of this “Elephant” is again evidenced herein in Exhibit 8 – AT&T Terms of Settlement Proposed showing how much in royalties are truly at stake in just one proposed license of Petitioner’s Intellectual Properties with one company, royalties that would be due the estates from thousands of companies and thus billions of dollars in motive. Again, this Abuse of Process and vexatious litigation should be investigated and rectified and all costs encumbered already to the estates billed by all counselors found acting in bad faith in this action refunded immediately to the estates. This creditor disguised action should be then turned over to investigators as potential further alleged criminal activity in efforts to abscond with estate assets, including the “Elephant in the Room” and more.

8. Under RULE 5.235. ISSUANCE OF LETTERS, BOND, due to the problems with the documentation in the Estates and unlawful activities alleged and evidenced herein, Petitioner requests the Court to direct the alleged Personal Representatives and alleged Successor Trustee and Moran to issue bonds and pay for all legal/accounting/investigative costs incurred by the Beneficiaries and Interested Parties due to their illegal actions, and further direct them to give bond to require additional

surety great enough to cover all potential losses to the Beneficiaries, which Petitioner estimates could be losses from \$20-50 million dollars or more.

9. Under RULE 5.310. DISQUALIFICATION OF PERSONAL REPRESENTATIVE; NOTIFICATION, Theodore Bernstein, Donald Tescher and Robert Spallina all appear to be acting as alleged Personal Representatives or in other fiduciary capacities who were not qualified to act at the time of appointment and whose appointments were made through Fraudulent and Forged documentation submitted and filed with this Court as described herein and would not be worthy today of being in any fiduciary capacities.
10. Immediately Appoint New NON CONFLICTED Personal Representatives, Estate Counsel, Trustees and Successor Trustees to be chosen by Petitioner and other TBD Beneficiaries, where Petitioner maintains three qualified candidates to prudently administer the estates and assets fairly for all parties. Two of Petitioner's candidates are Attorneys at Law, one a leading estate planner in the nation, one a business Attorney and one a successful business entrepreneur with an accounting degree.
11. Determine all documents in the estates where evidence indicates Fraud, Null and Void, due to the Admitted and Acknowledged Fraudulent documents submitted to this Court as part of a Fraud on the Court by TSPA, Spallina, Tescher and Moran and determine the resulting changes to Beneficiaries and Interested Parties caused, as these documents signed in near deathbed duress attempted to change the long established Beneficiaries of Simon and Shirley's estates with legally deficient documents. In the six documents that are admittedly Forged and Fraudulent, the Waivers should be wholly revoked and all accountings and other items allegedly waived in those documents should be voided and the Beneficiaries should be entitled to any and all items and rights waived to determine

the accountings, their true inheritances they have never seen in Shirley's estate. As the effect of these documents reach into changes made in the estate of Simon this Court must rectify those changes that were based on the Waivers from these proceedings.

12. Report TSPA, Robert Spallina, Donald Tescher and Legal Assistant Kimberly Moran to The Florida Bar and any other state or federal investigators this Court deems essential for further investigation of both the admitted Fraud and other alleged crimes that are being committed through the use of such documents, including all those alleged crimes in Petitions 1-6.
13. Preclude any further actions forward by the Respondents and Moran, including but not limited to the sale or removal of any assets from the estates and begin to review all prior transactions for further evidence of Fraud. Reclaim any assets or distributions or property removals that occurred through the use of the Forged and Fraudulent documents and illegally gained fiduciary powers.
14. Demand the personal and corporate accounting records, tax returns, etc. of TSPA and Robert Spallina, Donald Tescher personally and professionally for the periods 2005-Present
15. Demand the personal and corporate and estate accounting records and tax returns for Simon & Shirley Bernstein for the periods 1995-2013.
16. Release to the Beneficiaries and Interested Parties Certified and Exemplified Copies of any and all documents submitted by any parties in the estates of Shirley and Simon.
17. Release any information or records to the Beneficiaries and Interested Parties of any Ex Parte communications between any and all parties and this Court.

NOTE TO COURT: All Uniform Resource Locators (URL's) and the contents of those URL's are incorporated in entirety by reference herein to be included in your hard copy file WITH ALL

EXHIBITS, as part of this filing. Due to allegations alleged by former New York State Supreme Court Attorney and Attorney Misconduct Expert, Whistleblower Christine C. Anderson regarding Document Destruction in Official Court and Prosecutorial Proceedings and Tampering with Official Complaints and Records, please PRINT all referenced URL's and their corresponding exhibits and attach them to your hard copy file of this Correspondence, as this is now necessary to ensure fair and impartial review and insure that documents are not being tampered with in transit or in-house. Further, new evidence in the Iviewit RICO shows that Senior Ranking Officials of the New York Supreme Court and its Disciplinary Departments violated Anderson and the Plaintiffs in the legally related lawsuits by Federal Judge Shira A. Scheindlin to Anderson, rights, by Violations of the Patriot Act against them in efforts to "Obstruct Justice" and further MISUSED FUNDS AND RESOURCES OF THE JOINT TERRORISM TASK FORCE TO MONITOR THEM DAILY, INTERFERE WITH THEIR LEGAL CASES AND CRIMINAL COMPLAINTS, DENY THEM DUE PROCESS and more.

In order to confirm that NO DOCUMENT DESTRUCTION OR ALTERCATIONS have occurred in this instance, once docketed please return 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 or protected or confidential information, which may be protected by law.

Respectfully submitted,

Dated: Palm Beach County, FL

_____, 2013

Eliot I. Bernstein
2753 NW 34th St.
Boca Raton, FL 33434
(561) 245-8588

PROOF OF SERVICE BY E-MAIL

I, Eliot Ivan Bernstein, the Petitioner certify that on 28th day of August, 2013 I served this notice of motion by emailing a copy to all of the following:

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

Donald Tescher, Esq.
Tescher & Spallina, P.A.
Boca Village Corporate Center I
4855 Technology Way
Suite 720
Boca Raton, FL 33431
dtescher@tescherspallina.com

Theodore Stuart Bernstein
Life Insurance Concepts
950 Peninsula Corporate Circle, Suite 3010
Boca Raton, Florida 33487
tbernstein@lifeinsuranceconcepts.com

Interested Parties and Trustees for Beneficiaries

Lisa Sue Friedstein
2142 Churchill Lane
Highland Park IL 60035
Lisa@friedsteins.com

Jill Marla Iantoni
2101 Magnolia Lane
Highland Park, IL 60035
jilliantoni@gmail.com

Pamela Beth Simon
950 North Michigan Avenue
Suite 2603
Chicago, IL 60611
psimon@stpcorp.com

Dated: Palm Beach County, FL

_____, 2013

X _____
Eliot I. Bernstein
2753 NW 34th St.
Boca Raton, FL 33434
(561) 245-8588

EXHIBIT 1 - RESPONSE OF KIMBERLY MORAN



RICK SCOTT
GOVERNOR

STATE OF FLORIDA

Office of the Governor

THE CAPITOL
TALLAHASSEE, FLORIDA 32399-0001

www.flgov.com
850-488-7146
850-487-0801 fax

August 14, 2013

Mr. Eliot Bernstein
2753 N.W. 34th 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.

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

SWORN RESPONSE OF NOTARY PUBLIC

STATE OF FLORIDA
COUNTY OF Palm Beach

DATE 8/8/13

Please see attached written response.

Use additional pages if necessary.

Under penalties of perjury, I declare that I have read the foregoing response and that the facts stated in it are true.

Kimberly Moran
(Signature of Respondent)

Address: _____

Kimberly Moran
(Printed name of Respondent)

Phone: _____

Sworn to and subscribed before me this 8th day of August, 2013, by Kimberly Moran



Diane Dustin
Name of Notary Public: _____

Personally Kimberly Moran OR Produced Identification _____
Type of Identification Produced _____

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

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 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

Ship to:	Ship from:
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

Ship to:	Ship from:
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.

Please Note

FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery or misinformation, 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 intrinsic 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. 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.

IN THE CIRCUIT COURT FOR PALM BEACH COUNTY, FLORIDA
IN RE: ESTATE OF PROBATE DIVISION
SHIRLEY BERNSTEIN, FILE NO.: 502011000653CPXXXXSB
Deceased. DIVISION:

STATEMENT REGARDING CREDITORS

The undersigned, SIMON BERNSTEIN, as personal representative of the estate of Shirley Bernstein, deceased, alleges:

1. A Notice to Creditors in the estate of the decedent has been published as required by law, with the first publication occurring on March 18, 2011.
2. Diligent search has been made to ascertain the names and location or mailing addresses of all creditors of the decedent and of all other persons having claims or demands against the estate.
3. The names and, if known, the addresses of all creditors and other persons ascertained to have claims or demands against the estate and who have not filed a timely claim, or who have not had their claim included in a Personal Representative's Proof of Claim filed in this proceeding, are:

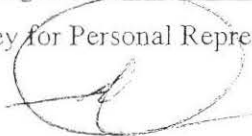
None

4. A copy of the Notice of Administration was served on each of the persons named on the attached schedule (if any) within three months after the first publication of the Notice of Administration, except as otherwise indicated on that schedule.

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.

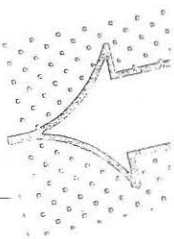
Attorney for Personal Representative:



ROBERT L. SPALLINA, ESQUIRE
Florida Bar No. 0497381
4855 Technology Way, Ste. 720
Boca Raton, FL 33431
561-997-7008

Personal Representative:

Simon Bernstein





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

Signed on _____, 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 34th Street, Boca Raton, FL 33434, and who has an interest in the above estate as beneficiary of the estate:

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

Signed on _____, 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 34 th 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

\\NF\DATA\Averara\Gomara, Shirley\Florida\Casey\Reading\Discharge Pet.pdf

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 DUSTY
KIMBERLY MORAN
SUANN TESCHER

May 10, 2012

VIA U.S. MAIL

Mr. Eliot Bernstein
2753 NW 34th 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
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CONSENT TO DISCHARGE**

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

Signed on _____, 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

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SUPPORT STAFF
DIANE DUSTY
KIMBERLY MORSE
SUANN TESCHER

May 10, 2012

VIA U.S. MAIL

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

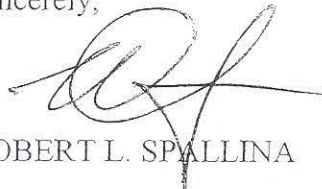
Re: Estate of Shirley Bernstein

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

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- (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

LAW OFFICES
TESCHER & SPALLINA, P.A.

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

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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

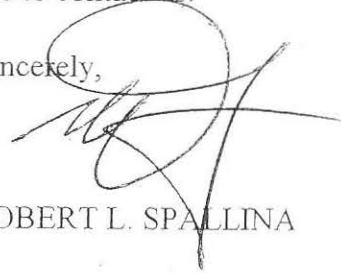
Re: Estate of Shirley Bernstein

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
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- (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
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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@STPACO.PA.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
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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:

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- (h) Consents to the entry of an order discharging the personal representative without notice, hearing or waiting period and without further accounting.

Signed on _____, 2012.

Beneficiary

By: _____
PAMELA B. SIMON

Eliot Ivan Bernstein

From: Eliot Ivan Bernstein [jviewit@jviewit.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
2. Michele M. Mulrooney, Esq.
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

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

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
<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

and Part 2 @ my favorite part
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=6B1K73p4Ueo>

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

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<http://www.youtube.com/watch?v=jbOP3U1q6mM>

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Other Websites I like:

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<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@qtilife.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

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 August 12th, 2012.

Beneficiary

By:

Jill Iantoni
JILL IANTONI

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)
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303 East Wacker Drive, Suite 210
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Fax: (312) 819-0773
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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

EXHIBIT 2 - PETITIONER'S RESPONSE TO MORAN'S RESPONSE

Eliot I. Bernstein

Inventor

Direct Dial: (561) 245-8588 (o)

(561) 886-7628 (c)

Sent Via Email: 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

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”)¹.

While appreciating Ms. Moran’s Admission and Acknowledgement of multiple Fraudulent Notarizations² and Fraud she committed in the estates of my parents, “...I did

¹ 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.

² 117.105 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.

Eliot Ivan Bernstein *2753 NW 34th St. * Boca Raton, FL 33434

O (561) 245-8588 C (561) 886-7628

ivewit@ivewit.tv

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

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.



Eliot Ivan Bernstein *2753 NW 34th St. * Boca Raton, FL 33434
O (561) 245-8588 C (561) 886-7628
iviewit@iviewit.tv

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

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 15th Judicial Circuit Court of Florida, Probate Division³ 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."

³ 831.02 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.

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

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 15th 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

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

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.

Re: Case Nos. Simon Bernstein v. Kimberly Moran & Eliot Bernstein v. Kimberly Moran. Notary
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Expiration Date: 4/28/16

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
Fraud, Forgery and more of Kimberly Moran Public Notary Commission #EE 156021
Expiration Date: 4/28/16

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.

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

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.

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

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



A handwritten signature in black ink is written over a blue ink fingerprint. The signature appears to be 'Eliot I. Bernstein'.

Eliot Ivan Bernstein *2756 NW 34th St. * Boca Raton, FL 33434
O (561) 245-8588 C (561) 886-7628
iviewit@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
Fraud, Forgery and more of Kimberly Moran Public Notary Commission #EE 156021
Expiration Date: 4/28/16

EXHIBIT 1 –IMPROPERLY NOTARIZED WILL OF SIMON BERNSTEIN



Eliot Ivan Bernstein *2233 NW 34th St. * Boca Raton, FL 33434
O (561) 245-8588 C (561) 886-7628
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 CITY BRANCH-FILED

Prepared by:

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

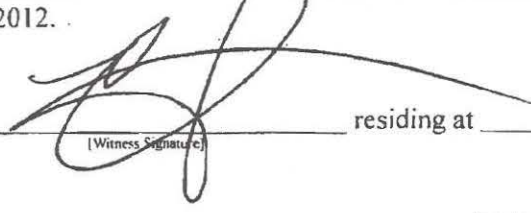
LAW OFFICES

TESCHER & SPALLINA, P.A.

I have published and signed this instrument as my Will at Boca Raton, Florida, on the 26 day of July, 2012.

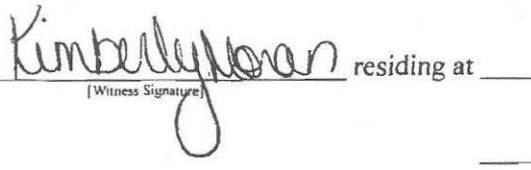

SIMON L. BERNSTEIN

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


[Witness Signature]

ROBERT L. SPALLINA
7387 WISTERIA AVENUE
PARKLAND, FL 33076

[Witness Address]


[Witness Signature]

Kimberly Moran
6362 Las Flores Drive
Boca Raton, FL 33433

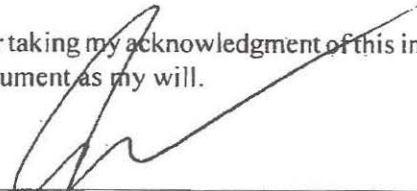
[Witness Address]

State Of Florida

SS.

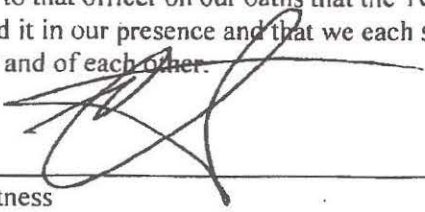
County Of Palm Beach

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,

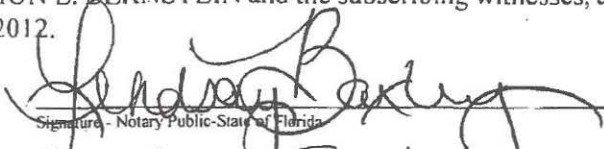
have been sworn by the officer signing below, and declare to that officer on our oaths that the Testator declared the instrument to be the Testator's will and signed it in our presence and that we each signed the instrument as a witness in the presence of the Testator and of each other.


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]


Signature - Notary Public - State of Florida
Lindsay Baxley
Print, type or stamp name of Notary Public

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

LAST WILL
OF SIMON L. BERNSTEIN

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

EXHIBIT 2 – IMPROPERLY NOTARIZED ALLEGED AMENDED TRUST OF SIMON
BERNSTEIN



Eliot Ivan Bernstein *2751 NW 34th St. * Boca Raton, FL 33434
O (561) 245-8588 C (561) 886-7628
iviewit@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

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]

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]
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]
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

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

Eliot Ivan Bernstein *273 NW 34th St. * Boca Raton, FL 33434
O (561) 243-8588 C (561) 886-7628
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
IZ XXXXSB

2012 OCT -2 AM 9:32
SHARON R. BOGA, 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

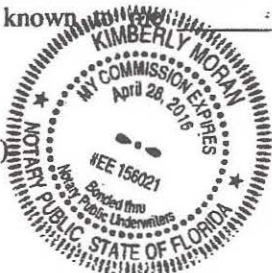
I, DONALD R. TESCHER (Affiant), state under oath that:

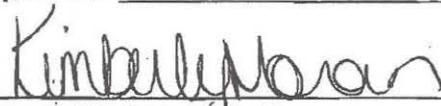
1. I have been appointed co-personal representative of the estate of SIMON L. BERNSTEIN, deceased.
2. I will faithfully administer the estate of the decedent according to law.
3. My place of residence is 2600 Whispering Oaks Lane, Delray Beach, FL 33445, and my post office address is 4855 Technology 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 to me 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

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



Eliot Ivan Bernstein * 753 NW 34th St. * Boca Raton, FL 33434
O (561) 245-8588 C (561) 886-7628
iviewit@iviewit.tv

Eliot Ivan Bernstein

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

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

From: 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; iviewit@iviewit.tv; 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

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>

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>, "Marc R. Garber Esq. @ Flaster Greenberg P.C." <marcrgarber@verizon.net>, "Marc R. Garber Esq." <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

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

EXHIBIT 5 – AUGUST 08, 2013 MORAN RESPONSE


Eliot Ivan Bernstein *2751 NW 34th St. * Boca Raton, FL 33434
O (561) 245-8588 C (561) 886-7628
iviewit@iviewit.tv



RICK SCOTT
GOVERNOR

STATE OF FLORIDA

Office of the Governor

THE CAPITOL
TALLAHASSEE, FLORIDA 32399-0001

www.flgov.com
850-488-7146
850-487-0801 fax

August 14, 2013

Mr. Eliot Bernstein
2753 N.W. 34th 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.

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

SWORN RESPONSE OF NOTARY PUBLIC

STATE OF FLORIDA
COUNTY OF Palm Beach

DATE 8/8/13

Please see attached written response.

Use additional pages if necessary.

Under penalties of perjury, I declare that I have read the foregoing response and that the facts stated in it are true.

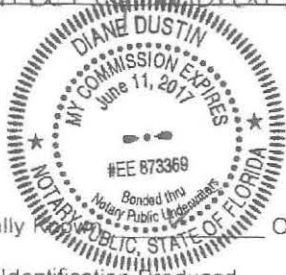
Kimberly Moran
(Signature of Respondent)

Address: _____

Kimberly Moran
(Printed name of Respondent)

Phone: _____

Sworn to and subscribed before me this 8th day of August, 20 13, by Kimberly Moran.



Diane Dustin
Name of Notary Public:

Personally OR Produced Identification _____
Type of Identification Produced _____

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

**EXHIBIT 3 - PETITIONER'S ORIGINAL COMPLAINT TO THE FLORIDA
GOVERNOR'S OFFICE**

The Governor's Office Notary Section Internet Complaint Form

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

Your Name: Eliot Ivan Bernstein

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

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

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

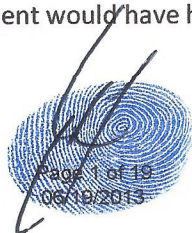
DESCRIBE YOUR COMPLAINT, PROVIDE FACTS OF ALLEGED MISCONDUCT AND A COPY OF THE IMPROPERLY NOTARIZED DOCUMENT. (Please do not write on the back of this form. You may use a separate sheet if necessary. **Must be typewritten or clearly printed.**)

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

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

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

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

A handwritten signature in blue ink is written over a circular notary seal. The seal contains the text "Page 1 of 19" and "06/19/2013".

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.

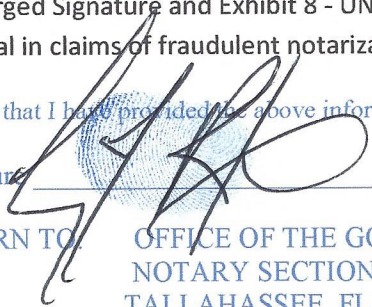
The two documents appear similar regarding my signature as the forgery is done rather well and thus it seems that the original un-notarized document was shrunk to fit a notary stamp on it and then returned to the court but upon closer inspection of the signatures they are wholly different with marked 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 PM 2:29
SHARON R. BOCK, CLERK
PALM BEACH COUNTY, FL
SOUTH CITY BRANCH-FILED

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

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

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

Signed on May 15, 2012.

Beneficiary

By: [Signature]
ELIOT BERNSTEIN

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

(Affix Notarial Seal)



Kimberly Hovans
Notary Public State of Florida

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



Page 5 of 19
06/19/2013

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 R. BERNSTEIN, CLERK
PALM BEACH COUNTY, FL
SOUTH CITY BRANCH-FILED

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

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

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

Signed on May 15, 2012.

Beneficiary

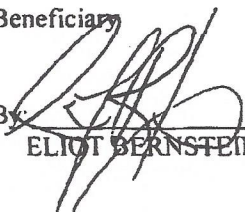
By: 
ELIOT BERNSTEIN



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

MEMORANDUM

DATE: November 5, 2012

TO: Robert L. Spallina, Esq.

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

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

CASE NUMBER: 50 2011CP000653XXXXSB Estate of Shirley Bernstein
MATTER: Documents being returned Order of discharge

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

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

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

EXHIBIT 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.

57

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

IN RE: ESTATE OF
SHIRLEY BERSTEIN,

FILE NO.: 502011CP000653XXXXSB

Division: Probate

Deceased.
_____ /

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

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

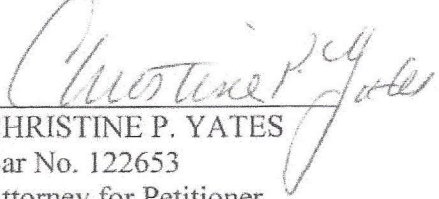
- (a) I expressly revoke the “Waiver of Accounting and Portions of Petition for Discharge; Waiver of Service of Petition for Discharge; And Receipt of Beneficiary and Consent to Discharge” (herein after the “Waiver”) I signed May 15, 2012.
- (b) Although I signed the Waiver on May 15, 2012, I did not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

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

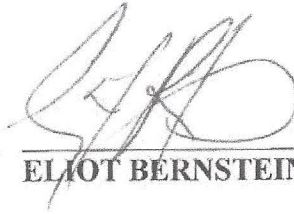
[SIGNATURES ON FOLLOWING PAGE]

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

Signed on this 23 day of January, 2013.



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



ELIOT BERNSTEIN, Beneficiary

STATE OF FLORIDA
COUNTY OF BROWARD

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



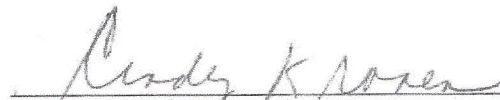

Notary Public - State of Florida
My Commission Expires:

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

57

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 blue circular stamp is located at the bottom center of the page. Overlaid on the stamp is a handwritten signature in black ink, which appears to be the initials "JL".

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

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

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

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

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

Signed on OCTOBER 1st, 2012.

Beneficiary

By: Jill Iantoni

JILL IANTONI

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.

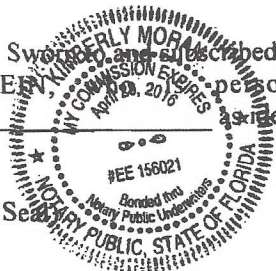
Signed on August 21, 2012.

Beneficiary

By: *Lisa Friedstein*
LISA S. FRIEDSTEIN

S. FRIEDSTEIN, who is described to before me on August 21, 2012, by LISA
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



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. REYNOLDS, CLERK
PALM BEACH COUNTY, FL
SOUTH CITY CENTER BLDG. 1000-FILED

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

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

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

Signed on August 21, 2012.

Beneficiary

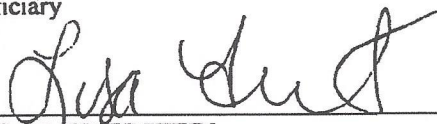
By: 
LISA S. FRIEDSTEIN

EXHIBIT 4 - CEASE AND DESIST LETTER DATED AUGUST 27, 2013

Eliot Bernstein

Subject: FW: Bernstein Grandchildren's trusts

From: Eliot Bernstein [mailto: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. Iantoni (jilliantoni@gmail.com); Jill M. Iantoni (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 15th Judicial Florida Probate Court and
2. 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

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

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

1. 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

Thank You,
Eliot

From: Kimberly Moran [<mailto:kmoran@tescherspallina.com>]

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

To: tbernstein@lifeinsuranceconcepts.com; lisa.friedstein@gmail.com; psimon@stpcorp.com; Jill Iantoni; 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

[Teschler & Spallina, P.A.](#)

4855 Technology Way, Suite 720

Boca Raton, FL 33431

Tel: (561) 997-7008

Fax: (561) 997-7308

EXHIBIT 5 – SPALLINA MOTION TO REOPEN

*** FILED: PALM BEACH COUNTY, FL SHARON BOCK, CLERK. ***

IN THE CIRCUIT COURT FOR PALM BEACH COUNTY, FL

IN RE: ESTATE OF

PROBATE DIVISION

SHIRLEY BERNSTEIN

File No. 502011CP000653XXXXSB

Deceased.

MOTION TO REOPEN ESTATE AND SET EVIDENTIARY HEARING

Comes now the undersigned, counsel to the captioned estate, and alleges as follows:

1. The Estate was closed and an Order of Discharge was entered on January 3, 2013.
2. The Personal Representative of the Estate, Simon Bernstein, died on September 13, 2012 and his probate estate is currently being administered before this Court.
3. It was recently brought to the attention of the Petitioner that certain irregularities occurred in connection with the execution of the Waivers filed in connection with the closing of this Estate.
4. In order to remove any issues regarding the rights of the surviving spouse and the five adult children of Simon and Shirley Bernstein, and as officers of the Court, it is our obligation to bring this matter to the attention of the Court and to all persons impacted by the actions, and to give these persons the opportunity to cure the irregularities.
5. We believe that the appropriate procedure is to notify the persons affected by the irregularities and to hold a hearing before this Court so that they have the opportunity, if they wish, to seek appropriate relief.

WHEREFORE, the undersigned seek an Order reopening the Shirley Bernstein probate for the sole purpose of presenting evidence regarding the irregularities and permitting the affected persons the opportunity to be heard.

Dated as of this 28 day of August, 2013.

Respectfully Submitted,
TESCHER & SPALLINA, P.A.

By: 
 ROBERT L. SPALLINA, ESQUIRE
 Florida Bar No. 497381
 4855 Technology Way, Ste. 720
 Boca Raton, FL 33431
 561-997-7008
rspallina@tescherspallina.com

**EXHIBIT 6 – JULY 16, 2013 OPPENHEIMER LETTER REGARDING STATUS OF
SCHOOL TRUSTS**

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 20th through July 29th. 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

This communication and any attached files may contain information that is confidential or privileged. If this communication has been received in error, please delete or destroy it immediately. Please go to www.opco.com/EmailDisclosures

**EXHIBIT 7 – AUGUST 28, 2013 OPPENHEIMER LETTER REGARDING
TERMINATING SCHOOL TRUSTS**

Eliot Bernstein

From: Craig, Janet <Janet.Craig@opco.com>
Sent: Wednesday, August 28, 2013 11:28 AM
To: 'Eliot Ivan Bernstein (iviewit@gmail.com)'; 'Candice Bernstein (tourcandy@gmail.com)'
Cc: 'Robert Spallina (rspallina@tescherspallina.com)'; 'Ted Bernstein (tbernstein@lifeinsuranceconcepts.com)'
Subject: Bernstein Trust Terminations
Attachments: Bernstein Joshua Acctng and Release.pdf; Bernstein Jacob Acctng and Release.pdf; Bernstein Daniel Acctg and Release.pdf

Dear Eliot and Candice,

As you are aware, the trusts for Daniel, Jacob and Joshua have depleted over time due to the payment of your household bills. I have spoken with Mr. Spallina and he has informed me that the household bill payments will not be refunded to the trusts. We have therefore decided to terminate the trusts due to their de minimus market values.

The enclosed accountings for each trust cover the period of September 20, 2010 (our inception date) through August 26, 2013. We have also enclosed an Asset Detail showing the current market values and a Receipt, Release and Refunding Agreement for each of the accounts for your signatures. Please review all the documents carefully and contact me if you have any questions. Once your review is completed, please sign one copy of the Receipt, Release and Refunding Agreement before a Notary Public and return it to me at the address below. A second copy should be retained for your records.

Please be advised that we will not be paying bills during this transition period. Ted Bernstein has agreed to become the Managing Member of Bernstein Family Realty and all questions regarding the payment of household bills should be directed to him

Please keep in mind that the liquidation of the assets and the distribution of funds to you will generate tax consequences reportable on your 2013 personal income tax returns, which you will be filing next year. Please do not complete your personal income tax returns until you have received the final form K-1 from us.

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

This communication and any attached files may contain information that is confidential or privileged. If this communication has been received in error, please delete or destroy it immediately. Please go to www.opco.com/EmailDisclosures

From: Ted Bernstein [<mailto:tbernstein@lifeinsuranceconcepts.com>]
Sent: Friday, August 30, 2013 11:35 AM
To: Eliot Bernstein (iviewit@gmail.com)
Subject: FW: Bernstein Grandchildren's trusts

Eliot,

Please let me know when you have opened the accounts that would need to be open before any potential distributions could be made to the children's trusts. Once you have done so, notify me with the information and I will need to forward you a standard release and refunding agreement that will need to be signed before any distributions can be made. Feel free to call me with any questions or concerns.

Ted

From: Kimberly Moran [<mailto:kmoran@tescherspallina.com>]
Sent: Thursday, August 22, 2013 12:09 PM
To: Ted Bernstein; lisa.friedstein@gmail.com; psimon@stpcorp.com; Jill Iantoni; 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. Eliot Bernstein, Trustee f/b/o Joshua Bernstein under the Simon L. Bernstein Trust dtd 09-13-2012 (EIN: 30-6348368)
2. Eliot Bernstein, Trustee f/b/o Daniel Bernstein under the Simon L. Bernstein Trust dtd 09-13-2012 (EIN: 30-6348373)
3. Eliot Bernstein, Trustee f/b/o Jake Bernstein under the Simon L. Bernstein Trust dtd 09-13-2012 (EIN: 30-6348374)

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

From: Eliot Bernstein [<mailto:iviewit@gmail.com>]
Sent: Friday, August 30, 2013 2:06 PM

To: Ted Bernstein

Cc: Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Andrew R. Dietz @ Rock It Cargo USA; Pamela Beth Simon; Jill M. Iantoni; Jill M. Iantoni; Lisa; Lisa S. Friedstein; Robert L. Spallina, Esq. ~ Attorney at Law @ Tescher & Spallina, P.A.; Donald R. Tescher ~ Attorney at Law @ Tescher & Spallina, P.A.

Subject: RE: Bernstein Grandchildren's trusts

Ted, please see the email below copied to you earlier and I advise again you take the same advice I gave Spallina and Tescher and cease and desist in any actions with the estates. Already, with the new admissions that the estate of Shirley was closed using ADMITTEDLY FORGED AND FRAUDULENT DOCUMENTS, for example, the real estate sale and other transactions you are doing may result in criminal charges against you as they were done only after these Forged and Fraudulent documents caused the closing of the estate. I am surprised that in whatever capacity(ies) you are writing to me for whichever estate you are representing below that you have not retained legal counsel to represent you in each fiduciary capacity you are acting in. As you know, these are most serious issues and crimes and to transact sales and distributions on knowingly forged and fraudulent documents that I have notified you of for months of may be construed as fraud. I am unaware of and have received no documents regarding trusts and have authorized no distributions or sales and have several times advised you not to act until these matters of Forged and Fraudulent documents in the estates of mom and dad could be resolved by state and federal criminal actions filed and state and federal civil actions. I would also advise you or any other party putting back ALL assets of the estates of mom and dad until a court can properly dispose of them to the proper parties. Your continued rush to sell off assets behind my back, in meetings held with others and without me with intent is most egregious and perhaps criminal! Again I suggest getting counsel in these matters before further acting in any capacity in either estate; I am surprised your good pal Spallina is not also represented by counsel at this point, especially after admitting his firm sent knowingly forged and fraudulent documents to a state probate court and other documents used to change beneficiaries and appoint Spallina as Personal Representatives also appear to be legally void due to further fraud and more.

Eliot

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

Sent: Friday, August 30, 2013 8:54 AM

To: Janet Craig, CTFA ~ Senior Vice President & Compliance Officer @ Oppenheimer Trust Company (Janet.Craig@opco.com)

Cc: Caroline Prochotska Rogers Esq. (caroline@cprogers.com); Michele M. Mulrooney ~ Partner @ Venable LLP (mmulrooney@Venable.com); Andrew R. Dietz @ Rock It Cargo USA

Subject: FW: Bernstein Grandchildren's trusts

Janet, I have attached below correspondence sent to Tescher & Spallina P.A. regarding their Admitted and Acknowledged Forgery and Fraud in the estates of my parents. After reviewing the attached herein letter to Spallina et al and the "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" I filed with the Probate Court regarding these Criminal Acts that I will forward shortly to you, I would suggest you rethink your prior correspondence to me regarding your cessation of funding the necessary life sustaining expenses for the minor children with virtually no notice of your dire actions, after you and Spallina had recent

conversations to make these sudden and catastrophic changes if I did not release you from your fiduciary duties and hand over the remaining trust values to my brother Ted who is also alleged in the Motions to the Court to be acting in criminal conspiracy with Spallina to steal estate assets and now it appears steal my children's trust fund. In what capacity and on whose behalf was Spallina acting in directing your actions? This sign and transfer the fund OR ELSE no funding starting instantly for the children's living expenses appears an attempt to extort me to make these changes under duress and with knowledge of Criminal Acts committed by Spallina against the Beneficiaries. Due to these new revelations of Criminal Acts by Tescher & Spallina in submitting Fraudulent Documents in the estates, I will not be signing any documents or releasing any fiduciaries until the completion of state and federal investigations and determinations are made in state and federal civil actions already filed, as defined herein and in the documents that will be forwarded shortly.

I will be sending over the bills and expense reimbursements due as we have been for almost a year and anticipate that until you get a Court order approving your and Spallina's new plan to cease funding necessary living expenses that these expenses will continue to be paid without severing life sustaining funding that you are fully aware of its essential nature and know the catastrophic events that this will cause the minor children in your care. I will be sending you a more formal letter hopefully early next week detailing more of what is going on and how we should best protect the children during this new crises caused by Tescher & Spallina.

Thank you,

Eliot

Eliot I. Bernstein
Inventor
Iviewit Holdings, Inc. – DL
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
<http://www.iviewit.tv>

From: Eliot Bernstein [<mailto: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. Iantoni (jilliantoni@gmail.com); Jill M. Iantoni (iantoni_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."

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

1. www.iviewit.tv/20130724ShirleyMotionRemovePR.pdf

Thank You,
Eliot

From: Kimberly Moran [<mailto:kmoran@tescherspallina.com>]
Sent: Thursday, August 22, 2013 12:09 PM
To: tbernstein@lifeinsuranceconcepts.com; lisa.friedstein@gmail.com; psimon@stpcorp.com;
Jill Iantoni; iviewit@gmail.com
Cc: Robert Spallina

Subject: Bernstein Grandchildren's trusts

Dear Ladies and Gentlemen:

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5. Eliot Bernstein, Trustee f/b/o Joshua Bernstein under the Simon L. Bernstein Trust dtd 09-13-2012 (EIN: 30-6348368)
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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

From: Ted Bernstein [<mailto:tbernstein@lifeinsuranceconcepts.com>]

Sent: Friday, August 30, 2013 7:42 PM

To: 'Eliot Bernstein'

Cc: Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Andrew R. Dietz @ Rock It Cargo USA; Pamela Beth Simon; Jill M. Iantoni; Jill M. Iantoni; Lisa; Lisa S. Friedstein; Robert

L. Spallina, Esq. ~ Attorney at Law @ Tescher & Spallina, P.A.; Donald R. Tescher ~ Attorney at Law @ Tescher & Spallina, P.A.

Subject: RE: Bernstein Grandchildren's trusts

Eliot > I am not sure that I am following you. I do not understand how you arrive at the conclusions you have reached about criminal wrongdoing. Who is acting criminally and to what end? I honestly can not follow the path you are pursuing and what you are trying to achieve here. Maybe we should all get together to discuss the issues and you can shed light on who is acting improperly, what they should be doing to act properly, what you feel you have not received that you are entitled to receive, and why. I often find that much more gets accomplished when all the interested parties come together in one place. It is my understanding that you are representing yourself in these matters so you should be able to easily articulate your position. I know with certainty that all the interested parties here would like to put an end to the apparent confusion so that unnecessary time, effort and money can stop being wasted, money that will ultimately lessen the amount each beneficiary will receive. Please let me know if you would like me to arrange a meeting for all of us to meet.

I do not think that Mom and Dad wanted this to be the manner in which their assets were distributed. I think they left very clear instruction through carefully planned documentation, created by very competent professionals. I have not seen anything to suggest the contrary but you should feel free to bring the information you have to a meeting where these things can be made aware to the appropriate people who have been charged with these responsibilities.

In the interim, please send me the bank account information that I will need in the event that distributions are made. Once you have given me that information, I will send you the release and refund agreement that I will require before I can make a distribution.

Ted

From: Eliot Bernstein [mailto:iviewit@gmail.com]

Sent: Friday, August 30, 2013 10:26 PM

To: 'Ted Bernstein'

Cc: Caroline Prochotska Rogers Esq. (caroline@cprogers.com); Michele M. Mulrooney ~ Partner @ Venable LLP (mmulrooney@Venable.com); Andrew R. Dietz @ Rock It Cargo USA; Pamela Beth Simon (psimon@stpcorp.com); Jill M. Iantoni (jilliantoni@gmail.com); Jill M. Iantoni (lantoni_jill@ne.bah.com); Lisa (lisa.friedstein@gmail.com); Lisa S. Friedstein (Lisa@friedsteins.com); 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)

Subject: RE: Bernstein Grandchildren's trusts

Ted, responding to your letter below [herein in this Exhibit it is above], attached is a Motion to Reopen Mom's estate filed by Spallina in the Probate court on August 28th 2013 for "irregularities" aka Admitted and Acknowledged Notary Forgery and Fraud of documents used in the closing documents in mom's estate. Your feign of confusion does not bid well with me now, as I have clearly articulated my points in the Motions and Petitions filed in both mom and dad's estates over the last several months alleging that documents were forged and fraudulent and other crimes you are central figure in and you are a named Respondent in those matters and Motions and Petitions, one that continues to fail to respond to them while acting in purported ignorance and continuing to violate Fiduciary roles and commit alleged

crimes. You need counsel both legal and psychological it appears and again I ask are you representing yourself in your presumed fiduciary roles in the estates or do you have counsel? I have reported these criminal and civil matters to the proper authorities and after reviewing the materials in the Petitions and other documents I have served you, again, my advice would be to meet with criminal investigators and discuss the allegations against you in light of the ADMITTED AND ACKNOWLEDGED forged and fraudulent documents in the estates.

Mom and Dad would be ashamed of your actions and your actions may in fact at this stage be viewed as criminal in nature and they certainly did not raise us in that manner. They would be shamed how you have acted since their passing, I know Dad was ashamed after Mom passed of your behavior then and now I think he would get out of the wall and slap you upside the head for what you are doing. What you are doing to my children from Josh's car to the attempt to abscond with their school trust funds and insurance funds, to missing investment funds, lost insurance trusts, missing beneficiaries, missing accounts and items from the estate to selling assets behind my and my children's counsel backs is horrific and you bring much shame upon our family and maim the image of both mom and dad and our family by violating that first commandment and others. I have no intention of meeting with you without criminal authorities present and/or judicial authorities in court. In the interim I cannot sign anything or authorize any distribution until these civil and criminal matters are wholly resolved as to do so would be to be participating in fraud, words of caution to you to. In fact, these documents that were fraudulently submitted to the court are the documents alleged to have given those in charge their fiduciary powers. I am not getting into a letter writing campaign with you, you can make your points in court and feign ignorance there or with investigators and I suggest you should immediately turn over any information or knowledge you have regarding these crimes already admitted by Spallina & Tescher to investigators in the matters and fully confess any and all roles you may have played in this macabre scene you have created and continue to take part in.

I pray you have a good explanation for your actions and that is the best I can do for you now. I am glad to see after a year after dad's passing and just days after Spallina's admissions and his Notary Public confession to crimes, including but not limited to, Forgery, Fraud, Fraud on the Court, Mail and Wire Fraud and more, you are trying to contact me and not having further secreted meetings on how to move assets around me without my knowledge or consent. From this point forward however please have your counsel contact me if you have retained counsel for any of the conflicting roles you are assuming under presumed powers. Finally, I suggest you cancel any and all transactions made, including any sales or distribution of any kind and return all properties you or others have removed from the estates without my consent or knowledge in some cases. I know you are bitter that you were cut out of mom and dad's estates entirely, yet nothing can justify what you are doing with your new best friend Spallina to my family and the other beneficiaries at this point.

G-d bless you,

Eliot

EXHIBIT 8 – AT&T TERMS OF SETTLEMENT PROPOSED

Eliot Ivan Bernstein

From: Adam Floyd [AFloyd@fblawllp.com]
Sent: Wednesday, April 11, 2012 12:47 PM
To: Eliot I. Bernstein (iviewit@iviewit.tv)
Subject: Settlement Offer

Before taking your settlement offer to my client, I want written confirmation (email is fine) to the terms.

Here are the terms you have offered:

- 33% of the value of all of AT&T's stock;
- a license to all of iViewIt's technology including any and all patents that may issue;
- a dismissal of all existing claims against AT&T;
- a covenant not to sue AT&T or F&B;
- a covenant not to file any complaints against AT&T, F&B, or an of their attorneys to the state bars, PTO bar, or any other agency.

Please let me know if this is correct. I would also strongly encourage you to provide a realistic number, if you actually are intending to resolve all issues you have with AT&T.



Adam V. Floyd
F&B LLP
5113 Southwest Parkway, Suite 140
Austin, TX 78735

T: 512.681.1501
F: 512.681.1590
afloyd@fblawllp.com
www.fblawllp.com

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