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1 IN THE CIRCUIT COURT OF THE 15TH JUDICIAL CIRCUIT,
IN AND FOR PALM BEACH COUNTY, FLORIDA
2 PROBATE/GUARDIANSHIP DIVISION IY
3 CASE NO.: 502011CP000653XXXXSB

4 IN RE: THE ESTATE OF:
SHIRLEY BERNSTEIN,
Deceased

5 _____/
ELIOT IVAN BERNSTEIN, PRO SE,
6 Petitioner,

vs.

7
8 TESCHER & SPALLINA, P.A., (AND ALL PARTNERS,
ASSOCIATES AND OF COUNSEL); ROBERT L. SPALLINA
(BOTH PERSONALLY & PROFESSIONALLY); DONALD
9 R. TESCHER (BOTH PERSONALLY & PROFESSIONALLY);
THEODORE STUART BERNSTEIN (AS ALLEGED PERSONAL
10 REPRESENTATIVE, TRUSTEE, SUCCESSOR TRUSTEE) (BOTH
PERSONALLY & PROFESSIONALLY); AND JOHN AND JANE
11 DOE'S (1-5000),
Respondents.

12 _____/
13 TRANSCRIPT OF PROCEEDINGS
14 BEFORE
15 THE HONORABLE MARTIN H. COLIN
16
17 South County Courthouse
200 West Atlantic Avenue, Courtroom 8
18 Delray Beach, Florida 33344
19
20 Friday, September 13, 2013
1:30 p.m. - 2:15 p.m.

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24 Stenographically Reported By:
JESSICA THIBAUT

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1 APPEARANCES
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3 On Behalf of the Petitioner:
4 ELIOT IVAN BERNSTEIN, PRO SE
2753 NW 34th Street
5 Boca Raton, Florida 33434
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19 THE COURT: All right. So he was a
20 trustee. Was she a trustee as well?

21 MR. MANCERI: He died, your Honor. Again
22 she died December 10, 2010. He died September
23 of 2012.

24 THE COURT: Right, but was he a trustee
25 also of Shirley's trust?

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1 MR. MANCERI: Yes.

2 THE COURT: So she dies, the estate is
3 closed, her assets are in a trust. Simon then
4 dies. What happened with his estate? Judge
5 French is hearing it, but tell me what
6 happened.

7 MR. MANCERI: My understanding is that
8 money went into a trust for the grandchildren.

9 THE COURT: Grandchildren of Eliot?

10 MR. MANCERI: Well there's actually ten of
11 them, ten grandchildren, which he has three.

12 THE COURT: So the beneficiary level for
13 Simon was he skipped over his children and gave
14 everything to the grandchildren?

15 MR. MANCERI: That's correct.

16 MR. ELIOT BERNSTEIN: No.

17 THE COURT: That's not what happened with
18 your father's estate?

19 MR. ELIOT BERNSTEIN: No.

20 THE COURT: That's not what the rule says
21 to do?

22 MR. ELIOT BERNSTEIN: No.

23 THE COURT: What does the rule say to do?

24 MR. ELIOT BERNSTEIN: The rule is not
25 properly notarized. He didn't appear --

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1 THE COURT: What did the will say that The
2 Court used?

3 MR. ELIOT BERNSTEIN: The Court filed a
4 will and amended trust, both improperly
5 notarized.

6 THE COURT: You didn't answer my question,
7 so stop speaking.

8 MR. ELIOT BERNSTEIN: Okay.

9 THE COURT: If you don't answer me you
10 give up your right to participate. Stop, don't
11 speak, all right, because you waived your right
12 because you refused to answer my question,

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okay. So I'll let you answer it.
MR. MANCERI: If I can, your Honor.
THE COURT: Go ahead.
MR. MANCERI: The ten grandchildren shares
-- and I want to be clear on this, this
gentleman is only a tangible personal property
beneficiary. He and his own proper person.
And the mother. That's all he's entitled to.
No cash request, nothing directly to him,
because of his financial problems among other
issues.
THE COURT: Okay.
MR. MANCERI: He has been asked to

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establish accounts for the benefit of his
children and he refused to do it.
THE COURT: I'm not interested in that,
here's what I'm interested in.
MR. MANCERI: All right.
THE COURT: So before this latest realm of
pleadings were filed, both parents are
deceased?
MR. MANCERI: Yes.
THE COURT: They both have trusts?
MR. MANCERI: Right.
THE COURT: Simon's trusts are for the
benefit of the grandchildren?
MR. MANCERI: Correct.
THE COURT: And Shirley's trust is for the
benefit of who?
MR. MANCERI: The grandchildren now
because Simon died.
THE COURT: So children-level, Eliot, Ted
were skipped over as beneficiaries?
MR. MANCERI: That's correct, your Honor.
THE COURT: Now, tell me the best you can
the way Eliot described that there was some
deal that had been in effect with Shirley and
Simon while they were alive that kept on going

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after Shirley died to help support his
children.
MR. MANCERI: That I can't comment on
personally, your Honor, because I never met
either one of them.
THE COURT: Do you know anything about