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**MOTION FOR GUARDIAN AD LITUM FOR THE CHILDREN OF TED, P. SIMON,
IANTONI AND FRIEDSTEIN AND ASSIGN A TRUSTEE AD LITUM FOR TED FOR
CONFLICTS OF INTEREST, CONVERSION AND MORE 87**

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
HON. JUDGE MARTIN H. COLIN

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.

ADDITIONAL RESPONDENTS TO BE ADDED

LISA FRIEDSTEIN
JILL IANTONI
PAMELA SIMON

INTERESTED PARTIES TO BE ADDED

JOSHUA ENNIO ZANDER BERNSTEIN – ELIOT MINOR
CHILD
JACOB NOAH ARCHIE BERNSTEIN – ELIOT MINOR
CHILD
DANIEL ELIJSHA ABE OTTOMO BERNSTEIN – ELIOT
MINOR CHILD

ALEXANDRA BERNSTEIN – TED ADULT CHILD
ERIC BERNSTEIN - TED ADULT CHILD
MICHAEL BERNSTEIN – TED ADULT CHILD
MATTHEW LOGAN – TED’S SPOUSE ADULT CHILD
MOLLY NORAH SIMON – PAMELA ADULT CHILD
JULIA IANTONI – JILL MINOR CHILD
MAX FRIEDSTEIN – LISA MINOR CHILD
CARLY FRIEDSTEIN – LISA MINOR CHILD

NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the accompanying affirmation; Pro Se¹ 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**

¹ Pleadings in this case are being filed by Plaintiff In Propria Persona, wherein pleadings are to be considered without regard to technicalities. Propria, pleadings are not to be held to the same high standards of perfection as practicing lawyers. See Haines v. Kerner 92 Sct 594, also See Power 914 F2d 1459 (11th Cir1990), also See Hulsey v. Ownes 63 F3d 354 (5th Cir 1995). also See In Re: HALL v. BELLMON 935 F.2d 1106 (10th Cir. 1991)." In Puckett v. Cox, it was held that a pro-se pleading requires less stringent reading than one drafted by a lawyer (456 F2d 233 (1972 Sixth Circuit USCA). Justice Black in Conley v. Gibson, 355 U.S. 41 at 48 (1957)"The Federal Rules rejects the approach that pleading is a game of skill in which one misstep by counsel may be decisive to the outcome and accept the principle that the purpose of pleading is to facilitate a proper decision on the merits." According to Rule 8(f) FRCP and the State Court rule which holds that all pleadings shall be construed to do substantial justice.

(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 _____
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To:

Respondents sent US Mail, Fax and Email

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MICHAEL BERNSTEIN
MATTHEW LOGAN
MOLLY NORAH SIMON
JULIA IANTONI
MAX FRIEDSTEIN
CARLY FRIEDSTEIN

That Eliot requests the Court add P. SIMON, IANTONI and FRIEDSTEIN as Respondents and add each grandchild of SIMON and SHIRLEY separately as Interested Party Respondents.

PUT IN PRO SE STUFF

That for Judicial Economies of Scale and to reduce costs being billed to the estate for these proceedings and thus possibly to the beneficiaries, ELIOT requests that the following several Motions be allowed in one pleading that defies possible conventions of the Court in page limits or any other limits to number of Motions included in one pleading by accepting this Motion and not forcing ELIOT to file a number of separate motions to conform to any Court limits that would cost in extra paper, mailing, service, etc. That due to the number of alleged crimes being committed by the fiduciaries in these matters the Motion may also be lengthy as it is hard to fit this many alleged crimes into a limited few pages being a Pro Se Litigant. This Court should admonish those Attorneys at Law that attempt to discredit my pleadings or myself for page length or other such nonsense in attempts to evade the facts and evidence in each Petition against them for their crimes admitted to already before this Court and those they are responsible for admitted to by others.

PRIOR UNANSWERED PETITIONS IN THE ESTATE OF SHIRLEY BY RESPONDENTS

1. That upon learning of a variety of alleged crimes being perpetrated in the estates of SIMON and SHIRLEY, ELIOT filed the following Petitions and Motions with this Court, which remain unanswered by any of the served parties:
 - i. May 6, 2013 ELIOT 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
- ii. May 29, 2013, ELIOT filed Docket #28 “RENEWED EMERGENCY PETITION” (“Petition 2”)
- i. www.iviewit.tv/20130529RenewedEmergencyPetitionSIMON.pdf
- iii. June 26, 2013, ELIOT filed Docket #31 “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
- iv. July 15, 2013, ELIOT filed Docket #32 “MOTION TO RESPOND TO THE PETITIONS BY THE RESPONDENTS” (“Petition 4”)
- i. www.iviewit.tv/20130714MotionRespondPetitionSIMON.pdf
- v. July 24, 2013, ELIOT filed Docket #33 “MOTION TO REMOVE PERSONAL REPRESENTATIVES” **for insurance fraud and more.** (“Petition 5”)
- i. www.iviewit.tv/20130724SIMONMotionRemovePR.pdf
- vi. August 28, 2013, ELIOT 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

- vii. September 04, 2013, ELIOT filed Docket #TBD “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. (“Petition 7”)

www.iviewit.tv/20130904MotionFreezeEstatesSHIRLEYDueToAdmittedNotaryFraud.pdf.

THE ALLEGED CHANGES TO SIMON AND SHIRLEY’S BENEFICIARIES

2. That SIMON and SHIRLEY were one of the happiest and most loving couples on earth and they gave four of their five children everything from the moment they hit it big in 1970’s, maybe too much.
3. That one child, ELIOT, rejected the big house, chauffeured limousine to school, free ride in college paid for by mom and dad, etc., as wanted to be like his father, a self-made man, who made it on his own and built his own castle, as SIMON had done since he was forced to work when his father died leaving his family at the time without a breadwinner.
4. That in 2012 SIMON was considering changing him and his deceased love SHIRLEY’s long standing estates beneficiaries from the three children, ELIOT, IANTONI & FRIEDSTEIN to his ten grandchildren.

5. That TED and P. SIMON were disinherited from the estates not just because they received the family businesses and ELIOT, IANTONI and FRIEDSTEIN did not but also due to their pathetic and cruel behavior towards he and SHIRLEY in the waning years of their lives. The rift between P. SIMON and them beginning several years prior to SHIRLEY's death and lasting until the day SHIRLEY DIED and SIMON died, including isolating her very own child from her grandparents, using her child to torture and punish them.
6. That immediately after SHIRLEY died, TED and P. SIMON both ceased seeing SIMON almost entirely, after learning from TSPA, TESCHER and SPALLINA that TED had also be disinherited both because he got companies of he and SIMON's and his pathetic behavior after. That TED and PAM were recruited by IANTONI and FRIEDSTEIN to join the isolation of SIMON and together the four of them, like a gang of pack wolves began preying on SIMON, precluding their children, and ALL OF THEM, from seeing SIMON to the day he died on September 13, 2012, almost a year and half barely seeing or talking to him, a cruel and unusual punishment to a man suffering the loss of the love of his life.
7. That disputes after SHIRLEY's death now also raged between SIMON and TED, P. SIMON, IANTONI and FRIEDSTEIN over SIMON's companion, Maritza Puccio ("MARITZA") leading all four other children to gang up on SIMON and MARITZA and boycott them with their children, refusing to see him if he continued dating her, refusing to see him if MARITZA was around, extorting to meet their demands or else lose his four children and seven of the grandchildren. See Petition 1 for more details of this behavior that parallels elder abuse, for this broke SIMON's heart, which already was pretty beaten

physically from heart disease and love sickened at his recent loss and this added stress easily could have killed him.

8. That ELIOT refused to partake in the boycott and predatory behavior and it was four against one as usual, just as they were doing to SIMON and MARITZA and as SIMON would not bend to their will or demands, they stopped seeing him and talking to him almost entirely.
9. That when ELIOT would not join the gangbang, they stopped seeing and talking to him entirely too, not that ELIOT talked to them much anyway prior. ELIOT had stopped talking with TED years earlier for his acts in business against ELIOT and ELIOT's friends who worked for TED (who later also disowned TED) and ELIOT washed his hands of him then. That ELIOT washed his hands of P. SIMON years earlier as well, when she began to run the businesses and began failing to pay ELIOT according to contracts and moved to push him out of the family business and sued ELIOT in this same courthouse, as evidenced in Petition 1. ELIOT then quit work for the family business because PAM too had offended ELIOT and ELIOT's friends who worked for him and his clients and left to work for Rock-It Cargo USA, a company that moves entertainment performers and their gear worldwide and never returned to selling insurance.
10. That ELIOT did not work for SIMON or P. SIMON's companies ever and had his own businesses with his friends, thousands of miles away in California, working from their garage, whilst TED and P. SIMON worked for SIMON in palatial offices and basically counted SIMON's money.
11. That ELIOT remained close to his father after the death of SHIRLEY, as with the love birds that they were, he worried for the health of SIMON in her absence and never before

had ELIOT witnessed his father in such pain, until the pain that was heaped upon that by this isolation torture. SIMON visited SHIRLEY after she passed almost every day that he was in Boca Raton, FL to his death, just hard to find lovers like that in this day and age.

12. That ELIOT was confronted by TED's children who were sent to tell ELIOT that he was enabling SIMON to see MARITZA by visiting SIMON and her weekly with his children, as this was allegedly enabling SIMON to continue his relationship with MARITZA and they wanted ELIOT to stop seeing him and deny his children their Zeida aka Grandpa and join the "TOUGH LOVE" pogrom on his father and join their gangbang to force him to stop seeing MARITZA and for TED and P. SIMON to cut them back into the inheritance.
13. That ELIOT was appalled by learning that all other children and grandchildren were part of this isolation torture on SIMON, especially since some of the grandchildren were adults with their own minds and stated to TED's children when asked to join the gang, that what they were doing to him was killing him and making him sad, depressed and physically weak. SIMON had a heart condition where this torturous stress could kill him and ELIOT told TED's children to tell his brother TED that he was insane, as more fully described in **Petition 1, Exhibit 1**, where TED states bizarrely when confronted with this psychotic boycott of his father that gave him the world, in an email,

From: Ted Bernstein
[<mailto:TBernstein@lifeinsuranceconcepts.com>]
Sent: Saturday, April 07, 2012 11:45 AM
To: Eliot Ivan Bernstein
Subject: RE: passover

Eliot,

Although I normally do not like to have these discussions via email, it does seem important to say this in a way that is

documented in the record. None of this is directed at any person, in particular, and can be shared with anyone you feel is necessary. What follows is simply intended to be a roadmap. My primary family is Deborah and our four children. They come first, before anything and anyone. **The family I was born into is no longer, that is just a fact, it is not a matter of opinion, it just is.** [emphasis added]

14. That on May 10, 2012 SIMON called for a meeting with his five children and SPALLINA & TESCHER, to discuss the idea of ELIOT, IANTONI and FRIEDSTEIN giving up their inheritances in both estates and splitting it with the ten grandchildren instead. SPALLINA stated first that against his advice, SIMON was attempting to resolve disputes over his estate raised by TED and P. SIMON who had been disinherited entirely from the estates, as they had already been compensated with family businesses while SIMON and SHIRLEY were alive but now wanted more and wanted to be included in the estates and the problems with SIMON and MARITZA and end the ban, as they would not stop the torture unless SIMON conceded to their demands. SPALLINA then stated that this seemed the only way to solve for these disputes or words to that effect.
15. That ELIOT was unaware of what his inheritance was in SHIRLEY's estate and that he was a beneficiary, as estate counsel TSPA, TESCHER & SPALLINA, secreted this information for approximately 17 months after SHIRLEY died and failed to send him accountings, inventories or anything at all as required by law from when SHIRLEY passed in December 08, 2010 to the May 2012 meeting.

16. That when SIMON called ELIOT to inform him of the meeting to resolve the disputes with his other children, stating ELIOT was a beneficiary and therefore had to be at the meeting, ELIOT was surprised to learn he was beneficiary of SHIRLEY's estate.
17. That SIMON too was surprised that ELIOT had not received documents from TSPA, TESCHER & SPALLINA regarding his inheritance and SIMON advised ELIOT to demand documents from TSPA, TESCHER & SPALLINA at the meeting and that nothing would go into effect from the meeting until ELIOT had a chance to review the documents he was to have been given already by law and knew exactly what he was giving up if the changes went through.
18. That ELIOT agreed to do whatever SIMON thought to be best and would go along with whatever he decided to do in the end to relieve the stress and allow him to see his seven other grandchildren and four other children again.
19. That the Court should keep in mind that the meeting was held due to primarily inheritance issues raised by TED and P. SIMON, who truly had no beneficial interests as they were disinherited at that time and were not even necessary to be at the meeting as SIMON was looking for agreement to do this deal from the beneficiaries ELIOT, IANTONI and FRIEDSTEIN, who were being asked to give up their interests to help TED and P. SIMON's children and where TED and P. SIMON were giving up nothing and gaining nothing. The reason they were invited was so that they would agree to stop their abuse and let SIMON see their children he loved again and stop their harassment and torture of he and MARITZA.

20. That prior to the meeting, on information and belief, P. SIMON had even threatened SIMON with litigation for inheritance after SHIRLEY passed and in advance of his death and this crushed SIMON even further.
21. That when everyone was asked if they agreed with the new strategy, ELIOT, IANTONI and FRIEDSTEIN all agreed to do whatever was best for SIMON to relieve his stress and resolve the disputes.
22. That as SIMON had requested, in the May 2012 meeting, ELIOT demanded that TSPA, TESCHER and SPALLINA turn over the estate documents regarding his inheritance in SHIRLEY's estate that were LEGALLY owed to him as a beneficiary in order to review, so he could determine what he was signing away and granting to his children and the other grandchildren and the terms and SPALLINA agreed to send them.
23. That TESCHER and SPALLINA stated that all the documents and some new documents would be sent to everyone explaining everything and for the beneficiaries, ELIOT, IANTONI and FRIEDSTEIN to review in advance of any changes.
24. That SIMON's disputes with his other children and grandchildren however **did not end** after the May 10, 2012 meeting as agreed, as TED, P. SIMON, IANTONI and FRIEDSTEIN and their seven children continued the isolation torture against SIMON and MARITZA and in fact intensified their hate of MARITZA and ELIOT was blown away that they continued.
25. That SIMON's four other children and their seven children maintained almost no contact whatsoever with SIMON after the May 10, 2012 meeting, violating any oral agreement made to end these disputes if he decided to make the changes in the beneficiaries and the boycott was claimed to be due to his continued relationship with his companion

MARITZA and presumably because SIMON had not made the changes and the hostilities lasted until the day SIMON died.

26. That the only ones that remained close to SIMON and SHIRLEY and saw them every week with their children for almost 10 years before they died when living in Florida, was ELIOT and his wife CANDICE. SIMON and SHIRLEY adored ELIOT's children and worked hard to plan their estates to provide for ELIOT, CANDICE and their three children and protect them in the event anything happened to he and SHIRLEY from the RICO defendants in ELIOT's RICO lawsuit, especially after the car bombing, when everything changed dramatically, as more fully described in Petition 1².
27. That the dispute and hate of MARTIZA by SIMON's children raged even more viciously immediately after SIMON's death, when TED, P. SIMON, IANTONI and FRIEDSTEIN agreed to throw MARITZA out of SIMON's house, the house she had been living in with SIMON for months, in the middle of the night on the night he died, just hours later, frantically grabbing her possessions and fleeing, again despite ELIOT's protestations that this was not SIMON's intent or desire.
28. That MARITZA fled the home immediately after SIMON passed in the middle of the night claiming that certain siblings had made threats to her at the hospital and she was frightened for the harm they would do to her, again it was a gangbang of four against one, against MARITZA now.

² The Court should note that TED was the last person in possession of CANDICE's minivan before it was taken to a body shop where the bomb was put in it and where it exploded only hours before CANDICE and the children were to take possession of the vehicle, see

<http://www.iviewit.tv/Image%20Gallery/auto/Auto%20Theft%20and%20Fire%20Master%20Document.pdf> and

<http://www.iviewit.tv/CompanyDocs/2007%2004%2020%20Iviewit%20Request%20for%20FBI%20IA%20and%20IG%20investigation%20of%20FBI%20case%20download.pdf>

29. That the morning of SIMON's death, several Palm Beach County Sheriff's department officers showed up to investigate allegations that MARITZA had murdered SIMON by poison or overdose and for his money, with SIMON out of their way the gang of four children now began to prey upon MARITZA to rid her and any inheritance SIMON left her, as more fully described in Petition 1 and stole off the estate documents relating to a gift SIMON left to her immediately before dying, as he was very worried in the last week or two of life that something was going to happen to him.
30. That the morning of SIMON's death, TED ordered an autopsy of SIMON based on allegations that MARITZA may have poisoned him.

**THE DOCUMENTS USED TO ATTEMPT TO ALLEGEDLY CLOSE SHIRLEY'S
ESTATE AND CHANGE BENEFICIARIES OF SIMON AND SHIRLEY'S ESTATES**

STRIKE ONE – UN-NOTARIZED WAIVERS

31. That after the May 10, 2012 meeting TSPA, TESCHER and SPALLINA sent only one document to ELIOT, 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" ("Waiver(s)").
32. That none of the underlying documents necessary for any of the beneficiaries to sign the Waiver truthfully were enclosed and where in the language of the Waiver ELIOT was acknowledging receipt of things he never received from estate counsel TSPA, TESCHER and SPALLINA, like attorney billing records, knowledge of and receipt of the interest in the estate of SHIRLEY he had and so that he could know what he was waiving.
33. That TED, P. SIMON, ELIOT and FRIEDSTEIN signed and returned their Waivers prior to Simon's death but IANTONI did not.

34. That ELIOT signed his Waiver first, almost immediately after receiving it on May 15, 2012 but added a disclaimer on the Waiver to TSPA, TESCHER & SPALLINA that he was only signing this to relieve the instant stress on SIMON and to resolve the disputes with the gang of four but was waiting for the underlying documents to come to verify the truthfulness of his statements he made in the Waiver. ELIOT also put this disclaimer in the email sent to TSPA as exhibited in Petition 1 that he was signing due to the stress SIMON was in but waiting for the documentation. As learned in Court at the hearing, it did not matter anyway as these Waivers were ultimately rejected by the Court for their lack of notarization and were invalid anyway.
35. That with the boycott against SIMON still raging and growing worse after May 10, 2012 and with the failure of TSPA, SPALLINA and TESCHER to send further documents to make the claims in the Waiver true that ELIOT signed, ELIOT alleges that instead SIMON never made the changes as the oral agreement had been violated by his four children, TED, P. SIMON, IANTONI and FRIEDSTEIN as it had never been lived up to and therefore SIMON was not intending on making any changes to he and SHIRLEY's long established estate plans.
36. That in fact, IANTONI did not even sign her Waiver until after SIMON had passed on October 01, 2012.
37. That without IANTONI's Waiver while SIMON was alive, the statements made in an ALLEGED fraudulent and forged "Full Waiver" ("Full Waiver") of SIMON's found in the Court record, allegedly signed on April 09, 2012, could not be true at the time it was allegedly signed. SIMON allegedly states in the Full Waiver under penalty of perjury that at that time in April 2012 SIMON possessed all the Waivers from the Interested Parties

and this would **not** have been true in April 09, 2010 for SIMON had none of the children's Waivers at that time and in fact never had IANTONI's Waiver while alive.

38. That in April 2012, the statements in SIMON's Full Waiver were almost all untrue, **see Exhibit _____** - Full Waiver, as none of the children even had Waivers in April 2012 as TSPA, TESCHER and SPALLINA did not send them out until May 10, 2012 or later. Therefore, it appears that if SIMON were to have signed his Full Waiver in April, he was committing Perjury as he was attesting to the truth of the claims therein, which were wholly false at that time. SIMON did not lie once in his lifetime that ELIOT can recall and taught ELIOT his integrity, a trait ELIOT values more than the estate values. The kind of integrity that as Your Honor learned in the hearing would not allow ELIOT to take monies fraudulently gained in the estates and be converted and distributed against the desires of SIMON and SHIRLEY to the wrong parties, even to feed his children, as ELIOT would rather see his children starve to death versus teaching them that it OK to do wrongs to make a right.
39. That at the time of SIMON's death on September 13, 2012, ELIOT still had not received ANY underlying estate documents that were due to him legally as a beneficiary in the estate of SHIRLEY as they remained suppressed and denied by TSPA, TESCHER & SPALLINA, when now that SIMON was deceased and out of the way, they could submit for SIMON the changes he never made while alive and run he and SHIRLEY's estate as they saw fit, all it would take is a few fraudulent documents and some forged signatures and a bada bing it would be done.
40. That after SIMON's death ELIOT made immediate requests for the estate documents for SIMON and SHIRLEY and TSPA, SPALLINA and TESCHER refused him the documents

repeatedly telling ELIOT he was not a beneficiary of either estate and was not entitled to them.

41. That ELIOT stated even if the changes were made, he wanted to see the documents and if he was not a beneficiary he was still Trustee and Guardian for his children and entitled to them, as they were now the alleged beneficiaries and yet ELIOT was still refused the documents.
42. That immediately after ridding MARITZA, WALKER, S. BANKS, D. BANKS and others close to SIMON who loved him, the gang of four began to work against ELIOT and it appeared that TSPA, TESCHER and SPALLINA were actually Aiding and Abetting the efforts with TED and P. SIMON. Up until learning of an insurance beneficiary and fraud scheme, as defined later herein and upon learning that IANTONI and FRIEDSTEIN signed Affidavits in favor of the forgery and fraudulent documents in their own names, ELIOT thought they too were victims, not participants but these two acts show that they were merely playing ELIOT all along to get his information, with their hands deep in the stolen cookie jar.
43. That at that time ELIOT did know the business and personal relationship between TSPA, TESCHER, SPALLINA and TED and it did not make sense that suddenly TED, who was excluded from both estates entirely and was on terribly bad terms with SIMON at the time leading up to his death, was now according to SPALLINA in charge of the estates of SIMON and SHIRLEY. SPALLINA had witnessed SIMON's discontent with his other four children and six grandchildren that were terrorizing SIMON only weeks earlier in efforts to make him change the carefully crafted estate plans of he and SHIRLEY's, or else lose ten members of his family who were working in unison to force him to make changes

to his estate and stop seeing his companion MARITZA or all 10 would never see him again.

44. That approximately two months after SIMON's passing, ELIOT still had no documents in either SHIRLEY or SIMON's estates whatsoever and ELIOT was then forced to retain counsel for he and his children in efforts to get the documents from TSPA, TESCHER & SPALLINA and retained Christine Yates ("YATES") at Tripp Scott law firm in Fort Lauderdale, FL.
45. That SPALLINA, TESCHER, TED and P. SIMON repeatedly advised ELIOT to not retain counsel to review schemes they were proposing, for example, an insurance scheme (Petition 1 – EXHIBIT 6 - EMAILS REGARDING LOST HERITAGE POLICY, pages 157 – 172 and EXHIBIT 7 - SETTLEMENT AGREEMENT AND MUTUAL RELEASE (SAMR") and VII. INSURANCE PROCEED DISTRIBUTION SCHEME pages 34-44) but needed ELIOT to sign or the beneficiaries could not be changed to make them who they wanted with only 4/5 of children in the agreement.
46. That SPALLINA even threatened ELIOT if he sought counsel he would not deal kindly with him or words to that effect. TED and P. SIMON repeatedly stated that ELIOT should not get counsel as it would burn up the estate assets and they believed the proposed deal looked good and how could it not as they designed it and now it would pay TED, P. SIMON, IANTONI and FRIEDSTEIN and not their children and with no representation for their children as they were their trustees, it was a no brainer as long as they ignored their fiduciary responsibilities for their children in light of the obvious and glaring conflicts with their own children.

47. That on first contacting TSPA and SPALLINA, YATES was told they did not know who ELIOT was and played games for several weeks evading her, as evidenced in Petition 1.
48. That ELIOT's counsel YATES after repeated requests orally and in writing, finally received a partial and incomplete set of documents from TSPA, TESCHER & SPALLINA in January 11, 2013, four months after SIMON's death and problems with the estate documents were instantly noticed.
49. That ELIOT has submitted to this Court evidence that TSPA, TESCHER and SPALLINA worked together to deny YATES access to the estates information, the trusts of SIMON and SHIRLEY, the trust for ELIOT and his CHILDREN and more and other materials requested for months.
50. That one of the first things noticed when receiving the Waivers in January 2013 and comparing them to the Court docketed records was that in the Court record it showed that the alleged Waivers signed by the five children and allegedly by SIMON, that were filed in the estate in October 2013, after SIMON'S death, the Waiver's allegedly signed were NOT NOTARIZED and sent back for notarization. STRIKE ONE.

STRIKE TWO – FORGED AND FRAUDULENT REPLACEMENT WAIVERS

51. The Waivers were rejected by this Court on November 05, 2012 for failing to have a Notary Public notarize them as per Your Honor's procedural rules.
52. That the docket then showed that miraculously, all of the Waiver's, including SIMON's who was at present deceased, were tendered back to the Court by TSPA, TESCHER and SPALLINA and were now Notarized and signed in the present on some date in November 2012, the problem, they included SIMON's notarized and signed while he was factually dead at the time he was signing and notarizing.

53. That the reason the new date in November 2012 is unknown, is that the Waivers that were notarized used the old dates on them when they were NOT notarized, months before and so SIMON's was signed as if it was April 2012 when it was factually sometime in November 2012 after the Court returned them. The date on these six new, admitted fraudulent and alleged forged Waivers that were crafted by MORAN and tendered to the Court by TSPA is unknown, which is fascinating for an alleged notarized document.
54. That ELIOT never notarized his Waiver with anyone and does not know MORAN and further was never sent the Waiver by TSPA, TESCHER or SPALLINA notifying him that the Court had requested the Waiver to have a notarization, again a major problem caused wholly by TSPA, TESCHER, SPALLINA and MORAN and again evidence of suppression of documents from the beneficiaries in hiding that the Court wanted notarizations and shows multiple breaches of fiduciary responsibilities, trust and law.
55. That it appears that when SIMON passed on September 13, 2012 he had never legally made any changes to his or SHIRLEY's estate plans, due to the violation of the proposed agreement between he and his other four children and grandchildren and SIMON died with the former beneficiaries still apparently intact and the paperwork necessary to make any changes was never completed by SIMON while alive, so TSPA and MORAN completed them for him.
56. That the documents necessary to make the alleged changes to the estates all appear to be Fraudulent and Forged and almost all of them have legal defects rendering them apparently legally null and void, mostly for improper Notarizations fail to state that Simon and others appeared or were known to the Notary Public on the date the documents were allegedly

signed, as exhibited and evidenced herein as Exhibit _____ - Documents Legally Defective in the Estates.

57. That after reviewing the legally defective documents submitted in the estates it became apparent that none of the key documents to effectuate any changes to the beneficiaries made in 2012 and 2013 in either estate were legally sufficient, and in fact, legally defective, and in certain instances already admitted fraudulent, including but not limited to,

i. The Waivers

These were illegally signed and notarized on an unknown date in November by Notary Public Moran who admitted to fraudulently notarizing them not in the presence of any of the parties, SIMON, TED, P. SIMON, ELIOT, IANTONI and FRIEDSTEIN, all are admittedly fraudulently notarized and alleged forged,

ii. April 09, 2012 Petition to Discharge – Full Waiver.

Allegedly signed on April 09, 2012. Docketed with the Court October 24, 2012. The Full Waiver of SIMON in SHIRLEY's estate remains un-notarized. The Full Waiver contains false statements by SIMON and thus is legally void, if SIMON signed the Full Waiver at the time in April 09, 2012 when he is alleged to have signed. SIMON attests to statements in the Full Waiver that could not have happened at that time as some of them did not occur until AFTER he was deceased.

That at SIMON'S death the Full Waiver still had perjured statements in it by SIMON, because on the date he was deceased, September 13, 2013, IANTONI still had not even signed a Waiver and did not sign a Waiver until October 02, 2012, two months after SIMON passed. Thus, SIMON could not say that he had all the WAIVERS from all parties in his possession and other false claims as stated in the Full Waiver at

any time while he was alive. That Simon's Full Waiver allegedly signed by Simon and Witnessed by Spallina was never Notarized and remains in the docket not notarized in violation of Your Honor's own Court's rules.

That the "full waiver" is also fraught with lies by SIMON, as at the time of his alleged signing he could not have attested to the claims made in the waiver since they had not taken place yet. For instance, SIMON states the following allegedly in April 2012,

1. "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:**"[emphasis added] where this statement cannot be true in April 2012 as SIMON did not have signed waivers from **any** parties listed in the waiver as Interest Parties. IANTONI did not sign hers until after SIMON was deceased and waivers were not even sent to the Interested Parties and Beneficiaries until May 10, 2012 by TSPA, TESCHER and SPALLINA. Why would SIMON lie on a form?
2. "(a) acknowledging that they are aware of the right to have a final accounting" where this statement could not be true on that date for Eliot and others, as TSPA, SPALLINA and TESCHER did not send any documents to the beneficiaries ELIOT, IANTONI and FRIEDSTEIN noticing that they were beneficiaries or advising them of their interests in SHIRLEY's estate and no accountings or inventories were sent and so this statement would be a lie by SIMON at that time.
3. "(b) waiving the filing and service of a final accounting;" where on April 09, 2012 ELIOT and other beneficiaries had no idea there was any accounting due, as they did not know they were beneficiaries.
4. "(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;" where this could not be true for the same reasons, that the beneficiaries ELIOT, IANTONI and FRIEDSTEIN had no records of compensation paid or manner paid, etc.

5. “(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;” where ELIOT IANTONI and FRIEDSTEIN had no actual knowledge of the amount and manner of determining compensation as they had no records or knowledge. ELIOT had no knowledge he was a beneficiary until May, 10, 2012 and had no documents sent in the year and half after his mother passed notifying him from the estate counsel of any rights.
6. “(e) waiving the inclusion in this petition of a plan of distribution” where ELIOT had no knowledge he was a beneficiary until May, 10, 2012 and had no documents sent in the year and half after his mother passed notifying him from the estate counsel of any rights or interests and thus did not even know of any compensation at that alleged time in April 2012 that SIMON allegedly signed this waiver.
7. “(f) waiving service of this petition and all notice thereof;” where ELIOT had no knowledge he was a beneficiary until May, 10, 2012 and had no documents sent in the year and half after his mother passed notifying him from the estate counsel of any rights or interests and thus did not even know of any plan of distribution at that alleged time in April 2012 that SIMON allegedly signed this waiver.
8. “(g) acknowledging receipt of complete distribution of the share of the estate to which they are entitled” where ELIOT had no knowledge he was a beneficiary until May, 10, 2012 and had no documents sent in the year and half after his mother passed notifying him from the estate counsel of any rights or interests and thus did not even know of any receipt of distribution at that alleged time in April 2012 that SIMON allegedly signed this waiver.
9. “(h) consenting to the entry of an order discharging petitioner, as persona I representative, without notice, hearing or waiting period and without further accounting” where ELIOT had no knowledge he was a beneficiary until May, 10, 2012 and had no documents sent in the year and half after his mother passed notifying him from the estate counsel of any rights or interests and thus did not even know of anything to consent to release of the Personal Representative at that alleged time in April 2012 that SIMON allegedly signed this waiver.

iii. July 25, 2012 SIMON’s Will

Again we find improper, incomplete and legally void notarizations and witnessing by now Notary Public Lindsay Baxley (“BAXLEY”). BAXLEY fails to state if the two witnesses, SPALLINA & MORAN appeared before her on that day and fails to state

if SIMON appeared before her that date. SPALLINA acts as witness in estate documents his firm drafted and he has personal interests in. That BAXLEY is believed to be an employee of TED.

- iv. July 25, 2012 SIMON's Amended Trust (ELIOT is still missing a copy of the original trust as it has been suppressed and denied)

The Amended Trust has improper notarization and witnessing as Notary Public MORAN fails to state if SIMON appeared before her on that date. SPALLINA acts as witness in estate documents his firm drafted and he has personal interests in.

- v. September 28, 201(?) (hard to read last number as it was scratched out in the notarization and not initialed by any party) SPALLINA OATH OF PERSONAL REPRESENTATIVE DESIGNATION OF RESIDENT AGENT, AND ACCEPTANCE" SPALLINA.

Spallina notarizes designating himself as Personal Representative.

- vi. October 02, 201(?) (hard to read last number as it was scratched out in the notarization and not initialed by any party) TESCHER "OATH OF PERSONAL REPRESENTATIVE DESIGNATION OF RESIDENT AGENT, AND ACCEPTANCE"

Not properly notarized. Tescher signs and notarizes himself as Personal Representative.

- vii. February 09, 2011 "OATH OF PERSONAL REPRESENTATIVE DESIGNATION OF RESIDENT AGENT, AND ACCEPTANCE"

SIMON allegedly signed this in SHIRLEY's estate. Improper notarization and witnessing, fails to state that SIMON APPEARED and PRODUCED ID or WAS KNOWN to the Notary Public on that day,

viii. UNDATED "NOTICE OF ADMINISTRATION" in SIMON's estate.

The document is missing the date and the Court does not docket this document with a date or official stamp.

58. That it should be noted by the Court that still suppressed and denied to ELIOT and YATES is the original trust agreement of SIMON that allegedly is amended to effectuate the beneficial changes to the grandchildren. That in opposite of law, the Original Trust was excluded from the Amended Trust tendered to ELIOT and YATES.
59. That the original Simon Bernstein Trust and his legally valid Will remain suppressed and denied to ELIOT for over a year since SIMON's passing because SIMON may have made the changes in his estate plan to ELIOT and his children solely to inherit the estates and leaving ELIOT Personal Representative and Trustee over the estates, having possibly disinherited his other children and their adult children due to their continued spoiled rotten to the core abusive and cruel behavior to him and MARITZA.
60. That since SIMON's passing, as described herein and in Petition 1-7, his four other children, TED, P. SIMON, IANTONI and FRIEDSTEIN have worked with TSPA, TESCHER and SPALLINA, in a variety of alleged Fraudulent transactions in the estates, working together and secreting such self-dealings to the disadvantage of ELIOT and providing no information regarding the transactions to ELIOT or YATES, all the while operating on legally flawed and fraudulent documents.

61. That it is alleged that TSPA, TESCHER and SPALLINA have conspired together with P. SIMON and TED mainly, the two children with no beneficial interests in either estate directly, for TED since 2008 and since approximately 2001 for P. SIMON, in order to fraudulently seize Dominion and Control of the estates with intent by secreting information regarding the true and proper beneficiaries and replacing the wishes and desires of SIMON and SHIRLEY by creating a wholly fraudulent set of documents that appear created after SIMON and SHIRLEY's death without their knowledge and consent.
62. That these conspiratorial actions were in order to seize control of the estates and the fiduciary powers over the estate and begin looting the estates together in a variety of fraudulent ways enabled with their fraudulent documents that allegedly give them fiduciary powers to consummate these fraudulent transactions and convert the assets to the legally wrong beneficiaries according to the last known valid estate documents of SIMON and SHIRLEY.
63. That TED, SPALLINA and TESCHER have long established and undisclosed business dealings, including TESCHER sitting on boards of entities owned and/or operated by TED and referral sharing on insurance and more as described in Petition 1.
64. That in ELIOT's ADMITTED PERJURED WAIVER, SIGNED UNDER DURESS, ELIOT claimed in Section (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." That ELIOT claims this to be an admitted lie as ELIOT even today could not claim that he has "actual knowledge of the amount and manner of

determining the compensation of the personal representative, attorneys, accountants, appraisers, or other agents” as he has not neither the knowledge nor any documents to determine these factors as they were never sent to him by estate counsel prior to SIMON’s death.

65. That in ELIOT’s ADMITTED PERJURED WAIVER, SIGNED UNDER DURESS, ELIOT claimed in Section (g) that he “Acknowledges receipt of complete distribution of the share of the estate to which the undersigned was entitled,” which remains untrue today as ELIOT has never received any receipt of complete distribution of the share of the estate to which the undersigned was entitled.
66. That it is alleged that all WAIVERS signed originally by the parties were perjured in Sections (d) and (g) at the time they were signed. It is unknown if TED and P. SIMON had access to documents that ELIOT, IANTONI and FRIEDSTEIN to make their statements true but after multiple conversations with IANTONI and FRIEDSTEIN they too claimed that TSPA, TESCHER and SPALLINA had failed to send them any documents other than the Waiver relating to the estates prior to SIMON’s death.
67. That Rachel Walker (“WALKER”) immediately prior to SIMON’s death and immediately after SIMON’s death (within minutes) then removed estate documents from the home and gave them to TED, including a document to MARITZA regarding inheritance for her and a check that TED, P. SIMON and SPALLINA later claimed was unsigned. These documents of a creditor claim were then suppressed from the beneficiaries to this date and MARITZA who is believed to have retained counsel was on information and belief denied the information too.

68. That TED then secreted the MARITZA document that WALKER had given him and the check to MARITZA, claiming to ELIOT he was not giving her anything and she would never see the documents and that she had probably killed him for it.
69. That finally, TED contacted the Palm Beach County Sheriff's office and TED, IANTONI, FRIEDSTEIN and WALKER gave statements to the Palm Beach County Sheriff detectives claiming that MARITZA murdered SIMON, this all transpiring only a few hours after SIMON passed. All four siblings (other than ELIOT) and WALKER claimed MARITZA murdered SIMON for his money, as fully described in Petition 1 and failed to tell the Sheriff of the MARITZA documents and check, which would have at least provided some type of motive as MARITZA was not included in the estates.
70. That SIMON was furious according to friends and witnesses that his children continued their boycott against him after the May 10, 2012 meeting. That due to this continued disputes with his children that were not resolved and thus violating the terms of the proposed agreement to end such disputes agreed to in the May 10, 2012 meeting, it is apparent from the properly documented record that SIMON never made the changes to his or SHIRLEY's estates prior to his death.
71. That TSPA, TESCHER and SPALLINA then worked almost exclusively with TED and PAM after, and perhaps before SIMON's death, to make changes to the estate and act against the wishes and executed estate documents of SIMON and SHIRLEY, as SIMON never properly executed any estate documents to change the plans he and SHIRLEY signed in 2008 and now there is admitted fraud and alleged forgery in certain of the documents used.

72. That after reviewing the Waivers that were returned to the Court by TSPA, SPALLINA and TESCHER, it became apparent that Notary Public MORAN that worked for TSPA as a legal assistant had fraudulently notarized the Waivers and allegedly forged signatures and the Waivers returned were NOT the same documents as were signed initially by the parties. It appears now when comparing them they have been wholly recreated to look like the same documents as the originals, including using the old signing dates and then they are alleged forged with new signatures with a fraudulent Notarization affixed to them, as already Admitted and Acknowledge to by MORAN.
73. That MORAN has admitted to the Florida Governor's office that she fraudulently affixed Notary Public stamps on official records of this Court, **including Notarizing a Waiver for SIMON, two months after he passed away.** That these documents were then sent by TSPA, TESCHER and SPALLINA to this Court and furthered the crimes already committed by MORAN, by TAPA docketing them with this Court and committing Fraud on this Court.
74. That Moran is alleged to have committed perjury in her initial response to the Florida Governor's inquiry and stated that the documents sent back to the Court with the admitted fraudulent notarization were the same documents the Court had sent back to TSPA, indicating that she had not forged signatures. That even a high schooler forges their parent's signature on a ditch letter better than that committed on the documents returned to the Court by TSPA and the two documents are wholly different signatures and writings than in the initial document sent back, as evidenced herein already in exhibit.
75. That to further damn MORAN's statements made under penalty of perjury that the documents were identical, are statements made in Affidavits filed with the Court on

September 13, 2013, whereby four of the six people who signed the Waivers, claim, “6. It is my understanding that **the subsequently filed Waivers were not personally signed by me or the other heirs.**” [emphasis added]

76. That as Your Honor noted in the September 13, 2013 hearing, TSPA, TESCHER and SPALLINA failed to ever notify the Court of the fact that SIMON had passed when his Waiver was signed for him anew by MORAN or an unknown other in November 2012 and sent to this Court to close the estate at that time.
77. SIMON passed away and the estate of SHIRLEY was closed in November by a dead person attesting to facts to close the estate while deceased, using documents that are known to be Fraudulent and alleged Forged and we do know that SIMON did not sign his documents in the presence of MORAN.
78. That it is alleged that all of these legally deficient and voidable documents evidenced herein are what gave TSPA, TESCHER, SPALLINA and TED their alleged fiduciary powers in the estates, allowed the estate of SHIRLEY to be closed fraudulently, including through a fraud on this Court and together they combine to attempt to change the beneficiaries of SIMON and SHIRLEY’s estates against their estate plan wishes and desires as documented in 2008 and perhaps later changes and replace them with their own desires through fraudulent documents.
79. That once these alleged fraudulent documents that are improperly notarized and more were submitted to the Court, the documents and the powers allegedly derived from them were used to begin a fire sale liquidation of assets in the estates of SIMON and SHIRLEY, enabled with the felonious documents and thereby each transaction represents another

crime, part of the reason ELIOT's filings are so lengthy, as astutely noted to this Court by MANCERI in the hearing.

80. That once these fraudulent documents and improperly notarized documents were presented to the Respondents and Interested Parties and they knew that ELIOT was demanding these documents be null and voided and brought to the attention of the Court and authorities and to cease and desist any transactions in the interim, direct efforts by TESCHER, SPALLINA, TED, P. SIMON, IANTONI, FRIEDSTEIN, A. SIMON and D. SIMON began in secreted meetings from ELIOT and his former counsel, to liquidate and distribute assets without the knowledge and consent of ELIOT and worked together to the disadvantage ELIOT to achieve these ends.
81. That these efforts were to thwart the wishes of SIMON and SHIRLEY as documented in their last legally verified estate plan documents that appear to have never been changed by SIMON. It should be noted that SIMON was a lifetime insurance agent, who managed and operated trust companies and insurance agencies, doing thousands of complicated estate plans for high net worth clients throughout the nation and if he had wanted the changes made they would have been "bullet proof" all i's dotted and t's crossed, not legally defective.
82. That if SIMON had decided to change the beneficiaries of the estates of he and SHIRLEY, he would not have done it with incomplete documents that would not be legally valid and would have made the documented changes while alive and there would be none of these questions left to the imagination, he was meticulous in this genre of trust, insurance and fiduciary related documents, in fact, he was renowned for creating proprietary insurance plans involving complicated and extensive trusts.

83. That after the hearing on September 13, 2013 in Your Honor's Court, ELIOT was informed by a medical professional of SIMON's, a business associate of SIMON's and others that SIMON was at the time of his death considering cutting the remaining children IANTONI and FRIEDSTEIN and their children out of the estates for their continued abuses of him and MARITZA since the May 10, 2012 meeting and may have contacted SPALLINA to make those changes and thus leave ELIOT and his children as sole beneficiaries of the estates.
84. That ELIOT will provide these credible witnesses upon the promise of protection of them by this Court, as several of them fear TED, in order for them to testify to the relationship SIMON had with his children prior to his death.

STRIKE THREE – YOU'RE OUTTA THERE!

85. That with the first STRIKE dealt by the Court upon return of the un-notarized Waivers, the second STRIKE was dealt when the Court rejected the second set of Waivers in the hearings, as admittedly fraudulent and of little use other than evidence of criminal wrongdoings. So began a new third attempt to further defraud the Court and rightful beneficiaries regarding the Waiver's necessary to close the estate that is now ordered reopened by Your Honor, submitted to the Court the day of the hearings.
86. That this time the use Affidavits to attempt to right wrongs, see **Exhibit _____ - Affidavits and UN-NOTARIZED WAIVERS** signed the day before the hearing by TED, P. SIMON, IANTONI and FRIEDSTEIN and all contained an attached "Exhibit A" – THE ORIGINAL UN-NOTARIZED WAIVER.
87. That in desperation, as their schemes are unraveling and Sheriff's investigators are contacting them and there are admissions of fraudulent documents and conflicting

statements from MORAN and TED, P. SIMON, IANTONI, FRIEDSTEIN and ELIOT about forgery of signatures and an insurance beneficiary and fraud scheme is coming to light, documents stand improperly attested to, including a Will and trusts and an effort to rectify all this to Your Honor is now made in these worthless Affidavits that claim fraud and forgery on the Court and ultimate beneficiaries is OK by these four children and thus should be with you because it says it is OK by them and you cannot question the validity of the documents presented, well, the insult to Your Honor continues.

AFFIDAVITS BY PARTIES ALLEGED IN FRAUD IN EFFORTS TO MAKE FRAUD AND FORGERY OK BY THIS COURT AND INVESTIGATORS

88. That the first part of the filings on September 13, 2013, filed by MANCERI on behalf of TSPA as estate counsel and apparently TED, P. SIMON, IANTONI and FRIEDSTEIN are represented by TSPA too, as they appear not to have separate counsel submitting these to the court, are Affidavits by TED, P. SIMON, IANTONI and FRIEDSTEIN, attested to under sworn oath.
89. That one of the most damning evidences against MORAN, TSPA, SPALLINA, TESCHER and MANCERI in their claims to the Court that documents were identical other than the notary stamp, made under oath in the Affidavits is the following statement, “It is my understanding that the **subsequently filed Waivers** were not personally signed by me or **the other heirs**” [emphasis added] signed by TED, P. SIMON, IANTONI and FRIEDSTEIN.
90. These are then sworn statements that Forgery, a felony crime, has taken place. “Where there is smoke there is fire” and if forged, the question becomes WHY and the whole claim by MORAN and SPALLINA that this was an innocent one off notary mistake of

MORAN's is shattered, as this took careful planning and is a far larger crimes. The thought that MORAN would do such felony forgery acts on her own, as an employee of TSPA and where TSPA stated in the hearing that they were involved as estate counsel in the acts of MORAN and the documents were similar and identical, even after in the hearing Your Honor stated that everything changed if the documents were FORGED, TSPA, TESCHER, SPALLINA, MANCERI or TED did not come forth and tell Your Honor and attempt to purge their souls of their sins and instead they continued to perpetrate a fraud in Your Honor's courtroom and disgrace Your Honor with lies.

91. That knowing of a Felony and failing to report it to authorities is Misprision of a Felony, that attempting to cover it up and pooh pooh it through an affidavit that further states, "7. In order to permit my mother's estate to be closed **without any question of the validity of my Waiver** [emphasis added], I hereby state under oath that the attached Exhibit 'A' is my free and voluntary act as if the Waiver had been originally executed in conformity with the requirements of the Court." appears to be Aiding and Abetting the felonious crimes, especially where such Willful, Wanton, Reckless, and Grossly Negligent behavior and disregard of the law benefits certain of the parties personally to the disadvantage of others, including their own children. This may indicate that children that pack together to prey upon their father, may do so to their children too. Analogous to this would be a bank robber robbing a bank and on the way out the door after killing the guard handing out \$100.00 bills to the rest of the people in the bank who then tell authorities it was ok that he robbed the bank, we forgive him and let's move on, while pocketing the \$100.00.
92. That Your Honor's words linger from the hearing,

17 THE COURT: Mr. Bernstein, I want you to
18 understand something. Let's say you prove what

19 seems perhaps to be easy, that Moran notarized
20 your signature, your father's signature, other
21 people's signatures after you signed it, and
22 you signed it without the notary there and they
23 signed it afterwards. That may be a wrongdoing
24 on her part as far as her notary republic
25 ability, **but the question is, unless someone**
00060

1 claims and proves forgery, okay, forgery,
2 proves forgery, the document will purport to be
3 the document of the person who signs it, and
4 then the question is, will something different
5 happen in Shirley's estate then what was
6 originally intended?

93. That now that the Prima Facie evidence of Forgery exists by admittedly by five out six signors of the Waiver denying that is their signature and claiming it was forged, the Court can presume the document is forged and not the document of the person who signed it. That without the Waivers and without Simon to sign one, the intent of SIMON is clear, he never signed one and never made any changes, as the oral agreement was violated every day after it was agreed on to the day he died.
94. That without the estate closed with these fraudulent and forged documents, no changes to the beneficial interests could be made by SIMON while he was alive by altering his Simon Bernstein Trust to change SHIRLEY's beneficiaries as the estate was really open when he died.
95. That where the fraud in SHIRLEY's estate is only enabled through execution of documents in SIMON's estate after her estate is closed, which it was not at the time he was deceased, these documents become central puzzle pieces of the bigger frauds.
96. That therefore, SIMON's documents must now be entered into this Court and reviewed in light of the total picture of Fraud that is going on in this Court and Hon. Judge French's court in SIMON 's estate as they appear legally related.

97. That Exhibit A of the Affidavits is what is alleged as the original un-notarized and rejected by the Court Waivers, which are now re-submitted to the Court, in efforts to fool the Court to accept them as valid without any question as to the validity of the Waiver being tendered to this Court and use the un-notarized Waivers now in the present as if they were notarized, which they are not in the past or present notarized. Why did they not execute new notarized Waivers in the present that could have been tendered to the Court as valid and instead are forced to attempt to have your honor again accept UN-NOTARIZED Waivers and be unable to challenge their validity? Why did they not submit the fraudulently notarized Waivers and attest to their validity as they need Notarization to conform to the requirements of this Court, perhaps because they claim that is not their signature and it was forged (without saying FORGED) and the statement would be a big leap? Where this Court has a rule that Waivers must be notarized and thus in no way can Exhibit A have been executed at that time in the past or any time henceforth in conformity with the requirements of the Court without a notarization, despite conflicted parties attempting to tell the Court that it is valid but the validity cannot be questioned cause they say so and its four against one and Your Honor loses. Where ELIOT awaits Your Honor's ruling as to the validity of Exhibit A, which the Court has already rejected once and the wholly useless Affidavits other than to show evidence of FORGERY and continued FRAUD UPON THE COURT and FRAUD UPON THE ULTIMATE BENEFICIARIES and more.

98. That it seems impossible for this Court to accept the Affidavits and Waivers submitted and close the estate of Shirley now in the present, without checking the validity of the Waivers being used and merely accepting four out of six of the Waivers as valid based on conflicted

parties representations that they are valid without question, “as if” their un-notarized Waivers are valid despite the Admission and Acknowledgement of Fraudulent Notarization and their admission that they are FORGED.

99. That these Waivers submitted are a part of a Pattern and Practice of Fraud on this Court whereby SPALLINA in the hearing confirmed that he was also “involved” as Attorney for the estate and according to Respondent Superior and Florida Law responsible directly for notary publics in their employ.
100. That in all the time TSPA, TESCHER, SPALLINA, TED, P. SIMON, IANTONI & FRIEDSTEIN had knowledge that notarizations and other documents were alleged fraudulent, shortly after May 06, 2012 when Petition 1 was served on them by ELIOT, they took no corrective actions to notify the Court or criminal authorities of the crimes that had taken place and made no protestations that this had taken place of any kind.
101. That not until the September 13, 2013 hearing before Your Honor and approximately four months after being served Petition 1 and only after the Notary Public MORAN admitted and acknowledged she fraudulently notarized documents and TSPA tendered those forged and fraudulent documents this Court, without noticing the Court of the fraud and an Emergency Hearing was granted by Your Honor to ELIOT, did TED, P. SIMON, IANTONI and FRIEDSTEIN and estate counsel TESCHER and SPALLINA finally come forward to this Court or any other authority to notify them of their admitted fraudulent and alleged forged signatures, except ELIOT, who as usual did the right thing as taught to him by his father and mother.
102. That instead these facts were ignored by all of them and TSPA, SPALLINA, TESCHER and TED continued administering the estate and liquidating assets and converting the

proceeds as quickly as they could and all the while “mum’s the word” to the Court and ELIOT, all despite ELIOT’s protestations that the documents filed were legally insufficient, fraudulent and forged and that in light of these discoveries a Court would have to determine the beneficiaries since these were KEY documents that attempted to change the beneficiaries of the estates.

103. That despite the knowledge that documents in the estates of SIMON and SHIRLEY were alleged fraudulent and forged and other essential documents improperly notarized and legally voidable for months, they did not halt the proceeding and attempt to honestly rectify any defects in fact they did the opposite. They began efforts to convert assets to the alleged improper beneficiaries and continued in opposite of the wishes of SIMON and SHIRLEY and used the fraudulent documents in question to enable them so thwart the documents on file and legally binding signed in 2008 by both SIMON and SHIRLEY and on those documents their words are clear and they appear properly documented.

104. That on or about September 12, 2013, TED, P. SIMON, IANTONI and FRIEDSTEIN signed affidavits and attempted to present them at the hearing as some form of evidence that would correct the mass of problems created by the fraudulent and alleged forged notarizations in their names, as if they all joined together as gang, TED, P. SIMON, IANTONI and FRIEDSTEIN to write affidavits that admitted fraudulent and alleged forged documents were tendered in their names and by resending this Court the rejected un-notarized copies with their affidavits that everything was OK by them and nothing changed.

105. That they forgot to send ELIOT and SIMON Affidavits, presumably knowing ELIOT would not participate in fraud and SIMON is still dead and they therefore would not

attempt to cover up felonies and excuse criminal acts done in the estate. More importantly ELIOT does not believe they have an affidavit for the one person, more important than any other to effectuate any change in the estates, the one necessary to say everything is OK with his name being forged on an admittedly fraudulent notarized Waiver and with an alleged forged signature of his in the estate of SHIRLEY, SIMON. The main man who allegedly wants to make the changes cannot now where he is dead. This hockey nonsense is more waste of this Court and everyone else time, effort and monies, other to than to point to the guilty parties who signed these bogus Affidavits as part of an attempted cover up for crimes they knowingly were partaking in through another Fraud on this Court and the ultimate beneficiaries.

106. That several problems appear with the new Affidavit and Exhibit A - Waiver attached to each affidavit signed on September 12, 2013.

DEFECTS IN WAIVERS – EXHIBIT A OF THE AFFIDAVITS RESUBMITTED TO THIS COURT WITH ANOTHER NOT NOTARIZED WAIVER ON SEPTEMBER 13, 2013, THE DAY OF THE HEARING.

107. That several problems appear with the new Affidavit and Exhibit A - Waiver attached to each affidavit signed on September 12, 2013,

- i. TED states on the UN-NOTARIZED Waiver sent back to the Court in “Exhibit A” of the Affidavit, that “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** [emphasis added] of the estate:”

That this statement by TED that he is a beneficiary of the estate of SHIRLEY at that time in August 2012 when he claims to have signed this rejected and useless Waiver

is wholly false and perjured as well, as TED was not then or now a beneficiary of the estate of SHIRLEY, even if the alleged changes had been made by SIMON. As the Court will remember, TED was disinherited from the estate as a beneficiary and the proposed changes in beneficiaries was to make his adult children beneficiaries, again skipping TED and leaving him out the estate as a beneficiary in either scenario.

- ii. That P. SIMON states on the UN-NOTARIZED Waiver sent back to the Court in “Exhibit A” of the Affidavit, that “The undersigned, PAMELA B. SIMON, whose address is 950 North Michigan Avenue, Suite 2603, Chicago, Illinois, and who has an interest in the above estate as **beneficiary** [emphasis added] of the estate:”

That this statement by P. SIMON that she is a beneficiary of the estate at that time is wholly false and perjured, as P. SIMON was not then or now a beneficiary of the estate of SHIRLEY, even if the alleged changes were made by SIMON. As the Court will remember, P. SIMON was excluded from the estate as a beneficiary and the proposed changes in beneficiaries was to make her adult child a beneficiary, again skipping P. SIMON and leaving her out of the estate as beneficiary in either scenario.

- iii. That the Waivers are all tendered to the Court and docketed in the Court on October 24, 2012, two months after SIMON passed. That on the day the Waivers were tendered to the Court by TSPA, the statements in the Waiver were materially false and estate counsel TSPA, TESCHER and SPALLINA knew that they were false statements at the time of filing but filed them regardless of the truth of the claims being made on that date to this Court by SIMON who was deceased, Without notifying the Court that the Trustee and Personal Representative had died and filed the necessary papers for successors to be chosen and approved by all beneficiaries, as

none existed at the time the Waivers were tendered to close the estate. Just close the estate with a dead man's forged and fraudulent Waiver and hope no one noticed and the perfect crimes could take places to loot the estates/

- iv. That on the date the Waivers were filed with the Court, there was no Personal Representative or Trustee of SHIRLEY's estate, as SIMON was dead and no one ever replaced SIMON or was Court appointed with Letters as successor, as evidenced in the hearing before this Court on September 13, 2013. That despite TED being named a successor to SIMON in the Trust and Will of SHIRLEY in the 2008 documents, no proper legal steps were taken to appoint TED and notice the beneficiaries and things had changed allegedly that made conflicted and not at the current time eligible to be a successor.
- v. That due to the fact there was no trustee, the following claims could not have been true in the Waivers on that date filed with the Court,
 - i. That in subsection (b) of the Waiver each party, TED, P. SIMON, IANTONI, FRIEDSTEIN "Waives the filing and service of a final or other accounting by the personal representative." Where there was no Personal Representative at that time as he was dead, this statement appears false both then and in their new Affidavits, as no successor had been chosen as of the date of the hearing.
 - ii. That in subsection (c) of the Waiver each party, TED, P. SIMON, IANTONI, FRIEDSTEIN "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." That for

the same reason as above that there was no personal representative at that time and therefore none of the people could be employed by the personal representative of whom rights were being waived for, this statement appears false both then and now.

- iii. That in subsection (d) of the Waiver each party, TED, P. SIMON, IANTONI, FRIEDSTEIN, “(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” That for the same reason as above that there was no personal representative at that time this statement also appears false as how can one determine the compensation of one that does not legally exist at the time. Also, this statement appears false as IANTONI and FRIEDSTEIN stated to ELIOT that they had no documents in the estates either at the time of SIMON’s death and after and thus how could they attest to having knowledge of something that is not true. If they did have the knowledge gained from documents or other information this would prove that TSPA, SPALLINA and TESCHER were working with certain beneficiaries to the disadvantage of another, as ELIOT did not have any documents to have such knowledge.
- iv. That in subsection (f) of the Waiver each party, TED, P. SIMON, IANTONI, FRIEDSTEIN, “(f) Waives service of the Petition for Discharge of the personal representative and all notice thereof upon the undersigned” where

there was no Personal Representative at the time to discharge or notice thereof.

- v. That in subsection (g) of the Waiver each party, TED, P. SIMON, IANTONI, FRIEDSTEIN, “(g) Acknowledges receipt of complete distribution of the share of the estate to which the undersigned was entitled” but where there was no receipt of distribution of the share of the estate to which the undersigned was entitled for IANTONI and FRIEDSTEIN, as they have claimed that they too did not receive any documents from TSPA, TESCHER and SPALLINA for months after SIMON’s passing.

108. That ELIOT claims that his un-notarized Waiver is fraught with lies and perjured statements signed again under duress and led to believe that his signed document would not be tendered without his review of the documents and that he signed only to relieve his father of instant stress, mental torture and possible heart failure. That months passed from May to October and ELIOT thought nothing ever came of the changes and his Waiver as ELIOT never received the underlying documents necessary to approve his Waiver for submission and make his Waiver valid and TSPA, TESCHER and SPALLINA knew that he could not make those claims while they suppressed and denied the documents necessary to make informed consent to Waive. As the disputes raged on with his children after the May 2012 meeting, SIMON grew angrier at his children until the day he died.

109. That TSPA, TESCHER and SPALLINA FAILED TO NOTIFY ELIOT THAT HE WAS A BENEFICIARY in the estate of SHIRLEY in violation of law and then when he did find out in May 2012, they refused to turn over ANY documents to ELIOT while he was a beneficiary of the estate of SHIRLEY to make those claims in his Waiver true and forced

him to sign them blindly in love of his father and through deceit conned ELIOT that everything due ELIOT legally as a beneficiary to make an informed consent to the Waiver would be coming soon to review and never have them months later when his Waiver was attempted to be used.

110. That when they knew they would never get ELIOT to participate in a Fraud, TSPA, TESCHER, SPALLINA and MORAN decided to commit fraud for him through forging his name when the Court sent the document back in efforts to obliterate the wishes and desires of SIMON and replace them with the wishes and desires of TED, P. SIMON, IANTONI, FRIEDSTEIN, SPALLINA and TESCHER.
111. That ELIOT's un-notarized Waiver was rejected by the Court and the notarized one is not ELIOT's original Waiver and is not ELIOT's writing in the date as with the alleged original and is not ELIOT's signature from the alleged original.
112. That ELIOT alleges that the alleged original UN-NOTARIZED document in the Court docket is also not the document ELIOT sent to TSPA, TESCHER and SPALLINA and that document may have been altered as well and ELIOT waits an opportunity to inspect the original documents and all of them with forensic experts.

MOTION TO ORDER ALL DOCUMENTS BOTH CERTIFIED AND VERIFIED REGARDING ESTATES OF SHIRLEY AND SIMON (SIMON'S DOCUMENT ARE REQUESTED AS IT RELATES TO SHIRLEY'S ALLEGED CHANGES IN BENEFICIARIES) BE SENT TO ELIOT AND HIS CHILDREN IMMEDIATELY IN PREPARATION FOR THE EVIDENTIARY HEARING ORDERED BY THIS COURT

113. That documents in the estate of SHIRLEY were discussed in the hearing relating to ELIOT and his children, involving trusts, beneficial interests and new assets that have not been disclosed to ELIOT and instead also suppressed and denied from both ELIOT and his

former counsel, with scienter. ELIOT is a beneficiary and a “trustee” for his alleged children beneficiaries and therefore must have the missing and suppressed documents in advance of the upcoming Evidentiary Hearing that have been denied and suppressed from him in both SHIRLEY and SIMON’s estates, certified and verified estate documents with the original available for forensic inspections.

114. That in the US District Court for the Northern District of Illinois Eastern Division, Case No. 13cv3643, the Hon. Judge Amy J. St. Eve ordered that suppressed and denied documents be immediately tendered to ELIOT so that he could review the documents that he was sued as a Third Party defendant in, the insurance policy that he has never seen and copies of the unexecuted lost trusts that allegedly exist, regarding the insurance beneficiary and fraud scheme alleged in that case.

115. That ELIOT and his children are entitled to these documents that have been wholly secreted from them since SHIRLEY’s passing on December 08, 2010 and SIMON’s on September 13, 2012 in opposite of law, see Exhibit _____ - LIST OF DEMANDED DOCUMENTS.

116. That one such document that should have been legally tendered to either ELIOT as beneficiary or ELIOT as TRUSTEE for his children beneficiaries, after SIMON’s death by estate counsel, was the original SIMON BERNSTEIN TRUST AGREEMENT.

117. That ELIOT and his counsel in January 2013 only received an AMENDED SIMON BERNSTEIN TRUST AGREEMENT and the original has been suppressed and repeatedly denied request after request for now approximately 16 months since the May 2012 meeting and over a year since SIMON passed away by estate counsel. Why this Court must ask if all is on the up and up are they violating law and denying and suppressing this information

so ELIOT and his children cannot make informed consent to anything or prepare properly for these hearing and where so many other documents already appear to be defective and NOT legally binding.

118. That in post September 13, 2013 hearing calls with business associates of SIMON, ELIOT was informed that TED and a one Kimberly Baxley (“BAXLEY”) participated in removal of documents and effects of SIMON’s office. That it is alleged that after SIMON died, TED sent the employees of his and SIMON’s companies an email that the offices would be closed for approximately 1 week and not to come to work. That during this time, TED and BAXLEY removed and/or destroyed SIMON personal and business effects.
119. That on September 13, 2012, immediately after SIMON was deceased, TED sent WALKER to SIMON’s home as he lay dying to remove personal and business items from SIMON’s home, including but not limited to, estate documents and MARITZA documents.
120. That SHIRLEY died on December 08, 2010 and until May 15, 2012 ELIOT was still **uninformed** by TSPA, Tescher and SPALLINA that he was a beneficiary of the estate of SHIRLEY as required by law.
121. That upon learning of ELIOT’s interests from SIMON in May 2012 that had been secreted from him up to that point by TSPA, TESCHER and SPALLINA and where ELIOT demanded all such records due him or his children from May 10, 2012 forward, several times both orally and in writing, including information regarding his interests, accountings, inventories, etc. and where ELIOT and his children’s counsel was refused essential documents that remain suppressed and denied today involving both estates.
122. That the entire time that ELIOT was a beneficiary of the estate of SHIRLEY his interests were suppressed and denied from him with scienter and he received NO DOCUMENTS,

INVENTORIES, ACCOUNTINGS or any other information regarding his beneficial interests timely.

123. That then in a meeting arranged by TSPA, TESCHER and SPALLINA with SIMON and his five children, upon learning that ELIOT was a beneficiary and being asked to give up his interests to a new plan being considered that would waive his rights and interests in the estate of SHIRLEY, ELIOT asked for documents in the estate that were supposed to have been tendered to him by law by TSPA, TESCHER and SPALLINA but had not been, in order to determine what he was waiving his rights and interests in, that the Waiver requires him to sign after informed consent.
124. That ELIOT signed an alleged Waiver on May 15, 2012 with the caveat that he was signing the Waiver blindly under duress from knowing that his father was also under severe physical and emotional duress at the time, to make the changes to resolve disputes with TED and P. SIMON, so SIMON could see his other seven grandchildren again but was waiting for the underlying documents promised and legally due to ELIOT, which were necessary to make the statements in the Waiver true. ELIOT made clear he was sending the Waiver in advance to instantly relieve SIMON of any duress causing him stress as SIMON was a multiple heart attack victim and the stress caused by these disputes that used his grandchildren as hostages, prohibited from seeing SIMON almost entirely by their parents for a variety of reasons already described herein and in Petition 1.
125. That ELIOT demanded the documents from TSPA, TESCHER and SPALLINA and after being refused and further threatened with unfair and harsh treatment if he sought counsel for himself or his children by TSPA, SPALLINA, TED and P. SIMON, all claiming it was

unnecessary and a waste of money, etc., as already evidenced in Petition 1, ELIOT hired Tripp Scott and Christine C. Yates as counsel.

126. That ELIOT, LISA and JILL, agreed in the May 10, 2012 meeting to do anything that would make their father relieved of his duress from the disputes between TED, PAM and SIMON, including giving up their inheritance to the grandchildren so that TED and PAM's children could have benefits they were previously disinherited from, in long standing estate plans of SIMON and SHIRLEY. ELIOT stated that he would approve after reviewing the documents underlying the Waivers that were to be sent and TESCHER and SPALLINA agreed to send the documents.
127. That the original Waivers and the fraudulent and forged Waivers were NOT submitted until after SIMON was deceased sometime in October 2012 and then resubmitted in November 2012 in SHIRLEY's estate.
128. That the closing of the estate of SHIRLEY and alleged changes to the beneficiaries through changes in SIMON's estate, all appears done through a Fraud on the Court, which this Court acknowledged in the hearing when finding a dead man closed the estate and no one notified the Court and Your Honor claimed at that point in the hearing, to TSPA, TESCHER (not present but represented), SPALLINA, TED and MANCERI that Your Honor should read them all their Miranda Rights for the acknowledged Fraud on the Court and Fraud upon Your Honor personally and more.
129. That Your Honor should demand all documents ELIOT and his children are entitled to by law in the estate of SHIRLEY be turned over immediately and certified and verified copies of every document by any party with fiduciary capacities in the estates has in their possession or control or is cognizant that it exists, as there are already admitted that there

are missing trusts and insurance policies in addition to fraudulent and alleged forged documents.

MOTION TO FOLLOW UP ON SEPTEMBER 13, 2013 HEARING AND CLARIFY AND SET STRAIGHT THE RECORD

BIG FAT LIES

130. That a hearing was held and the Transcript for that hearing can be found @ www.iviewit.tv/20130913TRANSCRIPT.pdf, fully incorporated by reference in entirety herein.

131. That in the September 13, 2013 hearing it was learned that TED claimed to this Court,

11 MR. THEODORE BERNSTEIN: Your Honor, Ted
12 Bernstein, trustee of the estate, and I'm here
13 representing myself today.

Yet, also later learned at the hearing was that since SIMON closed the estate as Personal Representative and Trustee while dead and TSPA, TESCHER and SPALLINA failed to notify the Court that Simon was dead until the hearing on September 13, 2013 one year to the day later, that there was no Personal Representative and Trustee in the estate at the time of the hearing, as since SIMON's death no new Letters had been granted or even sought for TED or anyone else as Personal Representative, Trustee or Successor Trustee.

17 THE COURT: Okay. Who are the PR's that
18 you represent?
19 MR. MANCERI: Well, Shirley Bernstein
20 **there is no technically any PR because we had**
21 **the estate closed.**
22 THE COURT: Okay.
23 MR. MANCERI: And what emanated from
24 Mr. Bernstein's 57-page filing, which falls
25 lawfully short of any emergency, was a petition
00024
1 to reopen the estate, **so technically nobody has**

2 **letters right now.**

3 Simon Bernstein, your Honor, who died a
4 year ago today as you heard, survived his wife,
5 Shirley Bernstein, who died December 10, 2010.
6 Simon Bernstein was the PR of his wife's
7 estate.

8 As a result of his passing, and in attempt
9 to reopen the estate we're looking to have the
10 estate reopened. **So nobody has letters right**
11 **now, Judge. The estate was closed.**

12 THE COURT: So you agree that in Shirley's
13 estate it was closed January of this year,
14 there was an order of discharge, I see that.
15 Is that true?

16 MR. ELIOT BERNSTEIN: I don't know.

17 THE COURT: Do you know that that's true?

18 MR. ELIOT BERNSTEIN: Yes, I believe.

19 THE COURT: So final disposition and the
20 order got entered that Simon, your father --

21 MR. ELIOT BERNSTEIN: Yes, sir.

22 THE COURT: -- he came to court and said I
23 want to be discharged, my wife's estate is
24 closed and fully administered.

25 MR. ELIOT BERNSTEIN: No. I think it
00025

1 happened after --

2 THE COURT: No, I'm looking at it.

3 MR. ELIOT BERNSTEIN: What date did that
4 happen?

5 THE COURT: January 3, 2013.

6 MR. ELIOT BERNSTEIN: He was dead.

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7 MR. MANCERI: That's when the order was
8 signed, yes, your Honor.

9 THE COURT: He filed it, physically came
10 to court.

11 MR. ELIOT BERNSTEIN: Oh.

12 THE COURT: So let me see when he actually
13 filed it and signed the paperwork. November.
14 What date did your dad die?

15 MR. ELIOT BERNSTEIN: September. It's
16 hard to get through. He does a lot of things
17 when he's dead.

18 THE COURT: I have all of these waivers by
19 Simon in November. He tells me Simon was dead
20 at the time.

21 MR. MANCERI: Simon was dead at the time,
22 your Honor. The waivers that you're talking
23 about are waivers from the beneficiaries, I

24 believe.

25 THE COURT: No, it's waivers of
00026

1 accountings.

2 MR. MANCERI: Right, by the beneficiaries.

3 THE COURT: Discharge waiver of service of
4 discharge by Simon, Simon asked that he not
5 have to serve the petition for discharge.

6 MR. MANCERI: Right, that was in his
7 petition. When was the petition served?

8 THE COURT: November 21st.

9 MR. SPALLINA: Yeah, it was after his date
10 of death.

11 THE COURT: Well, how could that happen
12 legally? How could Simon --

13 MR. MANCERI: Who signed that?

14 THE COURT: -- ask to close and not serve
15 a petition after he's dead?

16 MR. MANCERI: Your Honor, what happened
17 was is the documents were submitted with the
18 waivers originally, and this goes to
19 Mr. Bernstein's fraud allegation. As you know,
20 your Honor, you have a rule that you have to
21 have your waivers notarized. And the original
22 waivers that were submitted were not notarized,
23 so they were kicked back by the clerk. They
24 were then notarized by a staff person from
25 Tescher and Spallina admittedly in error. They
00027

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1 should not have been notarized in the absentia
2 of the people who purportedly signed them. And
3 I'll give you the names of the other siblings,
4 that would be Pamela, Lisa, Jill, and Ted
5 Bernstein.

6 THE COURT: So let me tell you because I'm
7 going to stop all of you folks because I think
8 you need to be read your Miranda warnings.

9 MR. MANCERI: I need to be read my Miranda
10 warnings?

11 THE COURT: Everyone of you might have to
12 be.

13 MR. MANCERI: Okay.

TED's statement therefore that he is "trustee of the estate" is therefore a BIG FAT LIE to this Court and counsel knew no one legally and technically had papers and yet has allowed and aided and abetted TED in his claims as "trustee of the estate."

132. That TED has been acting in many transactions listed in Petitions 1-7 since SIMON's passing as alleged "Successor Trustee" and "Personal Representative" in the estate of SHIRLEY to fraudulently dispose of assets as an imposter without Letters, in secreted from ELIOT, self-dealing fraudulent transactions, with the aid of TSPA, TESCHER and SPALLINA, all enabled using falsified fiduciary titles with the approval of estate counsel TSPA, TESCHER and SPALLINA, who knew all along the estate was closed fraudulently by a dead man and no successors were appointed.
133. That TED under these alleged fiduciary roles has sold a Condominium and removed other items in the estate and trusts of SHIRLEY with P. SIMON, IANTONI and FRIEDSTEIN and as Your Honor learned in Court, the Condominium was sold and already divvied up between 7/10th of the grandchildren. Also stated at the hearing was ELIOT's refusal to take the money for his children on a transaction he had no details regarding, that was done behind the back of ELIOT and his children's counsel, done by alleged fiduciaries at the time and that ELIOT alleges was made fraudulently to knowingly wrong beneficiaries using documents that were fraudulent and alleged forged.
134. That it should irritate this Court that this real estate transaction was done despite protestations by ELIOT and where everyone was aware that documents in the estate did not appear legally binding and possibly criminal and yet no one came forth to the Court to clarify these issues and instead rushed to liquidate assets in undisclosed, to certain of the beneficiaries and their counsel, dealings to their advantage and the disadvantage of others,

again Willful, Wanton, Reckless, and Grossly Negligent behavior by TSPA, TESCHER, SPALLINA, TED, P. SIMON, IANTONI and FRIEDSTEIN.

135. That in the September 13, 2013 hearing it was learned that no one was representing the estate at the hearing as either the Personal Representative or Trustee (other than TED's self-professed claim), and where MANCERI was representing only TESCHER and SPALLINA as estate counsel and no one represented them personally.

5 MR. MANCERI: Good afternoon, your Honor,
6 Mark Manceri. I'm here on behalf of Robert
7 Spallina and Donald Tescher, named respondents.

136. That it would appear from the hearing transcript that several parties were not represented by counsel at the hearing, including estate counsel TSPA, SPALLINA and TESCHER, as MANCERI claims they are individually represented according to the quote above. There is no mention of counsel for TSPA, TESCHER and SPALLINA professionally and both are individually and professionally named respondents as estate counsel for SHIRLEY's estate and their law firm TSPA is also a named respondent and all need to have independent counsel, especially in light of the circumstances of fraud learned at the hearing.

137. That TED appears personally represented while claiming to be the alleged "Trustee for the Estate" as represented to Your Honor, however TED claimed to be Pro Se in the hearing representing himself personally and where TED is also a named respondent in all his alleged fiduciary capacities he has notably NO counsel to represent these bogus alleged fiduciary powers on behalf of the estate of SHIRLEY and this represents carelessness as a fiduciary that exposes the estate to risk.

138. Several parties were not represented at the hearing at all, as they did not exist at that time, such as the, Personal Representative, Trustee and/or Successor Trustee, due to the Fraud upon this Court in the closing of the estate after SIMON was dead with documents signed and notarized for him post his death and the failure of estate counsel to notify this Court that SIMON was dead and get new Letters issued to successors. This Court must ask WHY?
139. That none of the alleged beneficiaries other than ELIOT were present or represented by counsel, none of the interested parties were present or represented by counsel and none of the minor children beneficiaries were represented by counsel.
140. That in the September 13, 2013 hearing it was learned that a Fraud on the Court had occurred by TSPA, TESCHER, SPALLINA and MORAN, in filing knowingly and ADMITTEDLY FRAUDULENT and allegedly FORGED documents to this Court. That because of these criminal acts were found to be done through legal process abuse that used the Court to facilitate the crimes, Your Honor stated that you should have read them their “Miranda Warnings” at that moment it was discovered that crimes had been committed upon your Court and yourself personally, as you signed off and closed the estate based on these fraudulent and forged documents.
141. That in the September 13, 2013 hearing it was learned that SIMON ALLEGEDLY made changes to the estate of SHIRLEY, once the estate had been FRAUDULENTLY closed using FRAUDULENT documents and therefore this Court needs to look at the documents SIMON used in his estate to effectuate the ALLEGED changes in SHIRLEY’s estate and these documents in SIMON’s estate must be turned over to Your Honor and ELIOT for

inspection as to authenticity and to determine who the beneficiaries in SHIRLEY's estate and trusts now are.

18 THE COURT: I know the administration is
19 closed. What happened with her estate? Where
20 did that go? Did she have a will?
21 MR. MANCERI: Her assets went into trusts,
22 and her husband had a power of appointment
23 which he exercised in favor of Mr. Bernstein's
24 children.
25 THE COURT: Okay.

142. That in the September 13, 2013 hearing it was learned that counsel for the estate counsel SPALLINA and TESCHER, and possibly counsel for TED soon as stated in the record, MANCERI, is uncertain if TED is Successor Trustee in a trust of SHIRLEY's that TED has been acting under such capacity and where no Letters appear stating such appointment in the record, as SIMON closed the estate two months after he was dead and no successors were chosen as the estate of SHIRLEY was closed as if SIMON was alive.

7 THE COURT: So her estate assets went into
8 a trust?
9 MR. MANCERI: Correct.
10 THE COURT: And that trust is --
11 MR. MANCERI: **And Ted Bernstein, I**
12 **believe, is the trustee of that trust.**

143. This behavior is similar to how TED misrepresented himself to the Court in the beginning of the hearing as "MR. THEODORE BERNSTEIN: Your Honor, Ted Bernstein, trustee of the estate, and I'm here representing myself today." While TED claims to be "trustee of the estate" he comes to the Court in his individual capacity only as he is named as an individual respondent and represents himself pro se in that capacity and yet as a fiduciary alleged "trustee to the estate" retains no counsel for this role and where the estate and trusts appear at risk from this Willful, Wanton, Reckless, and Grossly Negligent behavior by

TED as “trustee of the estate.” Only later do we learn in the hearing that it is impossible for TED to be “trustee” due to the fraud on the court in the closing of SHIRLEY’s estate that left no successors after SIMON and this may impart criminal behavior by TED, as well as, breaches of ALLEGED fiduciary powers.

144. That in the September 13, 2013 hearing MANCERI stated that ELIOT was not a beneficiary in the estate of SHIRLEY, a claim that SPALLINA, TESCHER, SPALLINA and TED had told ELIOT since SIMON’s passing to deny him documents and other information, despite that he is Guardian and Trustee for his children if they are determined to be the ultimate beneficiaries and therefore entitled to the estate documentation either way.

145. That the claim made was that SIMON closed SHIRLEY’s estate and then made changes in an Amended Trust of his to effectuate changes in her beneficiaries while he was alive and not post mortem and the Waivers had been filed and the estate was closed purportedly legally and SIMON picked new beneficiaries of SHIRLEY’s estate, changing them allegedly from ELIOT, IANTONI and FRIEDSTEIN to the grandchildren. However, after this alleged change the new beneficiaries did not get any notice of their interests, inventories, accountings, etc., not even a letter informing them they were now legally beneficiaries, etc. and the old beneficiaries got nothing at all but a Waiver. All the while that these alleged changes are taking place, estate counsel failed to state that the estate was being closed with now admittedly fraudulent and alleged forged documents that they drafted and forged and submitted to the Court for SIMON to file while he was dead, first one month after he was deceased in October 2012 and then a second time when returned by the Court for notarizations two months later in November 2012 while SIMON was still

deceased but now had a notary allegedly witnessing SIMON sign documents while dead.

Sounds like legit changes were never made in the estates of SIMON and SHIRLEY.

146. ELIOT was and remains a beneficiary if the estate was never legally closed and the alleged changes not legally made while SIMON was alive and where the Waivers allegedly signed are admitted fraudulent.

147. That now that this Court has reopened SHIRLEY's estate and where SIMON can longer make the changes he is alleged to have made while he was dead, as he is still dead, ELIOT appears to remain a beneficiary in the newly reopened estate and SIMON can no longer provide legally valid documents to make any changes or close the estate while still dead.

148. That MANCERI LIES to the Court when he states that ELIOT is not a beneficiary
"because of financial problems among other issues."

16 MR. MANCERI: The ten grandchildren shares
17 -- and I want to be clear on this, this
18 gentleman is only a tangible personal
property
19 beneficiary. He and his own proper person.
20 And the mother. That's all he's entitled to.
21 No cash request, nothing directly to him,
22 **because of his financial problems among**
other
23 **issues.**
24 THE COURT: Okay.

The only reason ELIOT is alleged not to be a beneficiary is because he is a loving son, who when asked if he would be willing to give up his 1/3 beneficial interests in both estates to save his father from TORTURE that never ended, he agreed to do anything that would end SIMON's disputes and pain caused by his other four children and their children. The only way ELIOT is not a beneficiary it appears is actually because of the hoax and

fraud committed on this Court and Judge French's Court by MANCERI, TSPA, SPALLINA, TESCHER and TED and others now, in efforts to thwart the last wishes and desires of SIMON and SHIRLEY in their last known estate documents that appear valid, signed in 2008 together, leaving TED and P. SIMON as the only perhaps "tangible personal property beneficiaries" as intended by SIMON and SHIRLEY for "other issues" described herein and in Petition 1.

149. That to correct the record and MANCERI's LIE, the only children of SHIRLEY that were disinherited entirely from the estate of SHIRLEY are TED and P. SIMON and they are still excluded even if SIMON made the alleged changes to the beneficiaries. Therefore, TED and PAM should be excluded from the estates wholly and any fiduciary capacities stripped from TED for his breaches of fiduciary duties and trust in acting in capacities he does not have before this Court and more and if Your Honor finds TED and P. SIMON worthy of integrity to act in any fiduciary capacities any longer, the only capacity they appear to have without conflict is as "trustees" of their children's inheritance trusts. That capacity would be conflicted of course if they had any fiduciary capacity in the estate or trusts of the estate of SHIRLEY.

150. That is was learned and admitted to in the September 13, 2013 hearing that WALKER, after SIMON was deceased was writing checks to pay bills from an account that she was not authorized to write them from for months after he was deceased and where SIMON was sole signatory. That these fraudulent actions by WALKER are believed to have been directed by TESCHER, SPALLINA and TED who advised her to do this. Subsequently after TED fired WALKER overnight without warning, SPALLINA told WALKER to turn the accounts over to CANDICE BERNSTEIN who should start writing the checks. As

ELIOT thought this a bit illegal, he called with WALKER, Legacy Bank, to verify the sanity of having checks written by CANDICE out of her deceased father-in-law's accounts.

151. That Legacy Bank informed ELIOT and WALKER that they were stunned nobody had notified them that SIMON was dead for all of his accounts and instantly froze the account(s). Then this account was transferred to Oppenheimer and Janet Craig by SPALLINA and ELIOT is uncertain if any of the rest of the MANCERI testimony regarding this money, his children's pre-mortem trusts and Oppenheimer's role is true. This account of the Legacy Bank transactions was misrepresented in the hearing to Your Honor by MANCERI.

152. That SPALLINA estimated to the Court with TED at the hearings, a value to the estates of SIMON and SHIRLEY of four million, which is less than the real estate properties held in SHIRLEY's estate alone and would leave SIMON dying penniless.

23 THE COURT: So what's the total corpus of
24 the what I'll call the ten grandchildren's
25 trust of both grandparents?

00047

1 MR. SPALLINA: Not taking into account the
2 litigation?

3 THE COURT: Well, no, you haven't paid
4 anything out yet.

5 MR. SPALLINA: I would say it's
6 approximately \$4 million.

That SHIRLEY had jewelry estimated in the millions and art in the millions and IRA's and Pension accounts and with estimates from SIMON's associates of a net worth shortly before his passing at between twenty to forty million, where are all the assets of the estates going or was SPALLINA stating four million to each of the ten grandchildren, which is more in line with estimates of SIMON and SHIRLEY's net worth.

153. That ELIOT after the hearing spoke with a longtime business associate of SIMON's who claimed to ELIOT and CANDICE that in 2009 he was informed by SIMON that his net worth was forty-two million dollars, USD \$42,000,000.00.
154. That in prior conversations with a health professional of SIMON's it was stated that SIMON told her shortly prior to his passing that it was worth over twenty million dollars, USD \$20,000,000.00.
155. That when requesting information to ascertain the net worth of SIMON and SHIRLEY from estate counsel, ELIOT and his children's counsel were denied basic financial information owed to them as beneficiaries and it continues to be suppressed and denied, including information on a two million dollar life insurance policy of SIMON's, which with the real estate held in SHIRLEY's estate, would put the value of the estates over six million with these three items alone, again making SPALLINA's earlier claims of a total of four million for the combined value of the inheritance left seems suspiciously low and a BIG FAT LIE.
156. That it was learned in the September 13, 2013 hearing that in one breath SPALLINA states that three assets are held in SHIRLEY's estate and almost in the next breath he states there are only two, a common problem with SPALLINA when recanting what assets are in the estates and what are missing, as more fully described in Petitions 1-7.

157. 6 trusts?

158. 7 MR. SPALLINA: Those trusts, Ted Bernstein

159. 8 is the trustee of his **mother's trust and holds**

160. 9 **three assets.**

Then just seconds later in the hearing,

19 MR. SPALLINA: Correct, and today again

20 the Shirley Bernstein trust does have liquid

21 assets in it. **There was two properties**, real
22 estate properties, the residential home and a
23 condo on the beach. The condo on the beach
24 sold back in April or May. There were funds
25 that came into the account at that time. Ted
00048
1 was going to make partial distribution.

So which is it two or three assets and if three what is the third?

161. That it was learned at the hearing that MANCERI claimed to Your Honor that he had
Affidavits from all the parties, except ELIOT, stating that the notarized signatures were the
same as the original documents signed by TED, P. SIMON, IANTONI and FRIEDSTEIN
and the four of them then claim that it was SIMON's original signature as well.

8 THE COURT: I mean everyone can see he
9 signed these not notarized. When they were
10 sent back to be notarized, the notary notarized
11 them without him re-signing it, is that what
12 happened?

13 MR. SPALLINA: Yes, sir.

14 THE COURT: So whatever issues arose with
15 that, where are they today?

16 MR. SPALLINA: Today we have a signed
17 affidavit from each of the children other than
18 Mr. Bernstein that the original documents that
19 were filed with The Court were in fact their
20 original signatures which you have in the file
21 attached as Exhibit A was the original document
22 that was signed by them.

23 THE COURT: It was wrong for Moran to
24 notarize -- **so whatever Moran did, the**
25 **documents that she notarized, everyone but**
00051

1 **Eliot's side of the case have admitted that**
2 **those are still the original signatures of**
3 **either themselves or their father?**

4 MR. SPALLINA: Yes, sir.

5 THE COURT: I got it.

That this claim is a BIG FAT LIE to Your Honor by SPALLINA and one can simply read
the Affidavits later submitted that contradictorily state that they are not the signatures of

TED, P. SIMON, IANTONI and FRIEDSTEIN on the resubmitted Waivers that were notarized, from the Affidavit,

“6. It is my understanding that the subsequently filed Waivers were not personally signed by me or the other heirs.”

162. That the above statement of SPALLINA is also incorrect, as he did not have everyone but ELIOT's Affidavit, as they did not have one for SIMON, as he remains deceased and could not have signed one and where the Prima Facie evidence already presented herein shows the two Waivers for SIMON are wholly dissimilar and not the original documents signed and that his name was also FORGED, yet SPALLINA continues with this BIG FAT LIE in your face hoping Your Honor is asleep or confused.
163. That ELIOT requests this Court determine how SPALLINA is making these false representations to this Court on others behalf made in these new Affidavits, when he is admittedly involved in the fraudulent Waivers, as he stated in the hearings when asked by Your Honor if he was involved and he stated he was and then turn around and claim that on behalf of TED, P. SIMON, IANTONI and FRIEDSTEIN that they are their same signatures on the original and notarized Waivers, when at stake if they are not the same, is the difference from Mr. SPALLINA between continued freedom and having his “Miranda Rights” read to him and prison for a long time and financial ruin.
164. That with this type of freedom or prison conflict now in play for SPALLINA it is amazing that this Court has allowed him to continue to represent the estate or any party or make any pleadings on anyone's behalf before this Court in these matters, especially on behalf of others that SPALLINA does not even represent in these matters. All these LIES in an attempt to further con Your Honor and others that those signatures are not forged and the

original and resubmitted Waivers signatures are the same and thus no harm no foul, when it is all LIES and a waste of the Courts time, effort and resources and a slap in the face insult to the victims, Your Honor and the sanctity of law.

165. That TSPA, TESCHER and SPALLINA are also wholly liable for the actions of their Notary Publics, Moran and Baxley, and therefore they together are the cause of all these problems and have WHOLLY BREACHED THEIR FIDUCIARY DUTIES, engaged in fraudulent activities and should be immediately removed from the proceedings in any capacities other than as a respondent/defendant and make no further conflicted pleas or pleadings on anyone's behalf and get independent non conflicted counsel to represent them in each of their alleged capacities to stop these LIES and FRAUDS from continuing in Your Honor's Court.

6 THE COURT: All right, so stop, that's
7 enough to give you Miranda warnings. Not you
8 personally --
9 MR. MANCERI: Okay.
10 THE COURT: Are you involved? Just tell
11 me yes or no.
12 MR. SPALLINA: I'm sorry?
13 THE COURT: Are you involved in the
14 transaction?
15 MR. SPALLINA: **I was involved as the**
16 **lawyer for the estate, yes.**

166. That in the hearing on September 13, 2013, Your Honor told ELIOT that if he were to lose his Emergency Motion that day as an Emergency, not in toto but as an Emergency, he should get his "checkbook out to pay the Court expenses, etc." or words to that effect. After learning of TSPA, SPALLINA and MORAN's admitted Felony acts, Fraud on this Court and boldface LIES to Your Honor, perhaps Your Honor should have forced SPALLINA and TESCHER to get their checkbooks out to cover all these costs and

damages resulting thus far from their fraudulent actions and force a blank check and bonding and surety to pay for the rest of this macabre scene they have admittedly created, including but not limited to all Court costs for all innocent parties/victims, counsel for all parties that are now forced to retain counsel to ascertain their rights and interests, forensics experts, forensic accountants, etc.etc.etc.

167. That it was learned in the hearing that MANCERI again LIES to the Court and disgraces

Your Honor when he states,

12 MR. MANCERI: Your Honor, could I bring
13 you up to speed on one thing maybe you're not
14 seeing on your docket.
15 THE COURT: Yes.
16 MR. MANCERI: We actually filed a motion
17 to actually reopen the estate **when we learned**
18 **about the deficiency in the affidavit issue.**
19 THE COURT: Okay.
20 MR. MANCERI: And that was signed
21 **August 28th of this year.** Do you have a copy
22 of that, Judge, can I approach?

That nothing could be further from the truth when MANCERI states that they filed a motion when they learned of the “deficiencies” aka criminal fraud and alleged forgery, as ELIOT notified TSPA, SPALLINA, TESCHER, TED, P. SIMON, IANTONI and FRIEDSTEIN of the “deficiencies” and served them the documents and information in Petitions 1-7, starting in May 2013. Noticing them and this Court about the now admitted Fraudulent Waivers and alleged FORGED Waivers and in all that time, not one of them that was served these motions and petition came to this Court to file a Motion to Re-Open or even bring the matters to Your Honor’s attention that a dead person had closed the estate and Your Honor signed off on it.

6 THE COURT: So let me tell you because I'm
7 going to stop all of you folks because I think

8 you need to be read your Miranda warnings.
9 MR. MANCERI: I need to be read my Miranda
10 warnings?
11 THE COURT: Everyone of you might have to
12 be.
13 MR. MANCERI: Okay.
14 THE COURT: Because I'm looking at a
15 formal document filed here April 9, 2012,
16 signed by Simon Bernstein, a signature for him.
17 MR. MANCERI: April 9th, right.
18 THE COURT: April 9th, signed by him, and
19 notarized on that same date by Kimberly. It's
20 a waiver and it's not filed with The Court
21 until November 19th, so the filing of it, and
22 it says to The Court on November 19th, the
23 undersigned, Simon Bernstein, does this, this,
24 and this. Signed and notarized on April 9,
25 2012. The notary said that she witnessed Simon
00028
1 sign it then, and then for some reason it's not
2 filed with The Court until after his date of
3 death with no notice that he was dead at the
4 time that this was filed.
5 MR. MANCERI: Okay.
6 THE COURT: All right, so stop, that's
7 enough to give you Miranda warnings. Not you
8 personally --
9 MR. MANCERI: Okay.
10 THE COURT: Are you involved? Just tell
11 me yes or no.
12 MR. SPALLINA: I'm sorry?
13 THE COURT: Are you involved in the
14 transaction?
15 MR. SPALLINA: I was involved as the
16 lawyer for the estate, yes.

ONLY AFTER THEY WERE CONTACTED BY AUTHORITIES and knew they were
busted and their pants were on fire did they motion the Court, only days before the hearing
and SPALLINA does not confess his involvement in the fraud on the Court to Your Honor
until directly confronted by Your Honor in the hearing. The record should be corrected to
reflect that estate counsel, TSPA, TESCHER and SPALLINA only filed a motion to
reopen only after ELIOT filed his Petition 7 – Emergency Motion and after MORAN had
already confessed to the crimes, although alleged that her statement to the Governor's

office is fraught with perjured statements made under oath and affirmed. That ELIOT had filed with them in Petition 1 in May 2013 that the documents were fraudulent and thus MANCERI's claim that they rushed on over and motioned the Court as soon as they heard, well, again, a BIG FAT LIE.

MOTION FOR INTERIM DISTRIBUTIONS DUE TO EMERGENCY NEED FOR RELIEF FOR ELIOT, CANDICE & THEIR THREE MINOR CHILDREN DUE TO ADMITTED AND ACKNOWLEDGED FRAUD BY FIDUCIARIES OF THE ESTATE OF SHIRLEY AND ALLEGED EXTORTION

168. That in the hearing Your Honor requested that ELIOT prepare in a list of reliefs for a hearing still unscheduled but instead ELIOT has inserted them here in the Prayer for Relief.

17 THE COURT: And, Mr. Bernstein, whatever
18 you want relief-wise to happen with respect to
19 Shirley's estate, not Shirley's trust, but
20 Shirley's estate, you could have a hearing on
21 that. I'll combine everyone who has an
22 interest in getting some relief.

169. That further, ELIOT had already requested an Emergency Hearing that was not considered an emergency initially by Your Honor and ELIOT was shot down in Court for not having a good enough emergency reason but after learning that their Miranda Warning should be given at the hearing, at that moment, for apparently felony crimes discovered by Your Honor in the hearing that were COMMITTED ON THE COURT, has made CANDICE fear that these folks may cause harm upon our family and three boys as desperate men do desperate things and ELIOT agrees with CANDICE.

170. That Your Honor should consider granting some immediate relief to protect the family of ELIOT from now both threatened financial and perceived by CANDICE physical harm, as it appears that while you should have arrested them in Your Court for the Fraud perpetrated on the Court and instead let them walk out the Court free men despite the crimes committed and admitted to, well they very well could know the end is near if they do not take desperate measures to stop the inevitable prison sentence if they have their Miranda's read and this poses very serious risk to ELIOT and CANDICE and their children.

171. That Your Honor after seeing and hearing enough evidence to know that a fraud was committed on the Court and issue a Miranda Warning let them out of the Court and allows them to continue to operate as Officers of the Court and move this Court on behalf of themselves and others they do not represent is beyond belief and comprehension.

172. That further they are allowed to contact ELIOT and want to meet with ELIOT and make pleadings with the Court while in massive conflict and under investigations and have admitted to criminal acts, well there now are real emergencies and impending financial harms on ELIOT, CANDICE and their three minor children. As ELIOT stated in Court at the hearing ELIOT did not want to meet nor associate with such strange criminal bedfellows and participate in fraud, when asked to meet with them by Your Honor at the hearing.

10 MR. ELIOT BERNSTEIN: I didn't say that.
11 THE COURT: I'm not in charge of feeding
12 your children or paying your electric bills,
13 you are. You have to do what a parent does to
14 take care of their children. It doesn't sound
15 like you're doing everything that you can, but
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16 that's technically not before me.
17 But in the meantime not knowing a whole
18 lot about this case, it's my first time I'm
19 really having this type of dialogue. I heard
20 some voice that said there's cash to feed your
21 children that could become readily in your
22 pocket or in someone's pocket to pay bills that
23 could help your children. I heard that. They
24 say the stumbling block to your children
25 getting the benefit of that money is you. I
00063
1 don't know whether that's true or not, but if
2 you want your children to imminently get money
3 and they have imminent money to give your
4 children, maybe you want to sit with Ted and
5 that other side and see if there's some money
6 that could come to your children.
7 MR. ELIOT BERNSTEIN: Excuse me.
8 THE COURT: Sure.
9 MR. ELIOT BERNSTEIN: **That's like asking**
10 **me to participate in what I allege is a fraud.**

173. That the Court err's also in the quote above from the hearing in that it really is more this Court's job to feed the children of ELIOT at the moment, as the funds to feed them and provide for their futures were up until a lot of bogus documents and fraud to be set aside in trusts for ELIOT and them, established by SIMON and SHIRLEY and as stated in the last, known at this time, valid and binding and legally and properly documented Wills and Trusts signed together in 2008. That the alleged changes to the beneficiaries was not the last intent of SIMON and he did not execute those changes, others helped him after his passing in both estates to change it to suit themselves and wholly disregard the last wishes of SIMON and SHIRLEY, which were that the money would flow to ELIOT in trust and the children in trusts and provide for them solidly, in light of their special circumstances involving Car Bombings and all that jazz. SIMON and SHIRLEY set this up bullet proof together and trusted SPALLINA to carry through on making sure no discontinuation in

funding occurred and took elaborate and legal steps to insure this. The only way apparently to unwind it is through Fraud and Fraud on the Court and more.

174. That therefore it becomes an obligation of this Court to uphold those last legally documented Wills and Trusts of SIMON and SHIRLEY in 2008 and make sure the beneficiaries are protected from fraud and more, especially where this Court and Hon. Judge French's Court are being used to facilitate the crimes, as Your Honor noted in the hearing that they had committed fraud upon Your Court.

That it therefore now is an EMERGENCY as the funds to feed ELIOT, CANDICE and the kids that were set aside and carefully planned and documented for are being interfered with through FRAUD and FELONY crimes and thus perhaps Your Honor should reconsider the determination of the EMERGENCY and set the record straight and make sure that the proper beneficiaries are identified and paid immediately and all those who are alleged and admitted thus far to be involved in the FRAUD and more be removed from any fiduciary or professional roles instantly. These are crimes that are far beyond a breach of fiduciary and trust and cause for serious EMERGENCY action by this Court.

175. That ELIOT asks how can this Court allow TSPA, TESCHER, SPALLINA, MANCERI and TED to continue to represent any parties or the estates in these matters and move the Court in further pleadings when they now have MASSIVE conflicts, SPALLINA and MORAN have admitted to involvement in criminal acts and yet they are allowed to continue as Officers of Your Court and they have no problem LYING to this Court and making mockery of Your Honor to continue the fraud and continue to attempt to halt funding ELIOT and CANDICE and the minor beneficiaries life sustaining resources unless ELIOT participates in FRAUD with them and Aids and Abets the thwarting of his parents

last wishes to the wishes of his siblings and Your Honor that is a violation of the Fifth Commandment as spoken by G-d, “Honor your father and mother”

176. That these are the same people, TSPA, TESCHER, SPALLINA and TED who are in charge in the payment of ELIOT’s family finances and have threatened to turn them off and evict them to the street if they retained attorneys to review their schemes and if they did not participate in fraudulent activities and convert monies from the true and proper beneficiaries and this now puts ELIOT’s family in a desperate situation with bills no longer being paid and SPALLINA refusing to replenish and replace school funds they depleted in another scheme as described in Petition 7 and putting TED in charge of companies owned by ELIOT’s family and all to extort ELIOT to either participate in fraud or else.
177. That at the hearing Your Honor asked what bills were not paid, well the attached EXHIBIT ___, September 27, 2013 Letter from Janet Craig, is self-explanatory and the issue is not if ELIOT can get another job to pay for them but instead, where is the money that was to go to these bills from trusts established in the estate plans of SIMON and SHIRLEY to pay them and why are they not getting paid by the parties acting as Trustees and estate counsel.
178. That the Emergency Hearing was also predicated on what ELIOT alleges amounted to extortion type tactics by TSPA, TESCHER and SPALLINA and TED to foreclose on ELIOT and throw he and his family on the street, starve them and shut down his children’s income sources if he did not go along with the gang in thwarting SIMON and SHIRLEY’s desires.
179. That now with fear that ELIOT may prevail and uncover their crimes for which they may serve time and financial ruins, this starvation and homeless threat becomes a very real and

credible concern that CANDICE has for her children and it is evident that are not planning on rectifying the problems they created with intent.

180. That after the hearing on September 13, 2013, ELIOT spoke with a one Walter Sahn (“Sahm”), who called ELIOT to inform him that for months he was owed interest on \$100,000.00 loan of approximately \$3,500.00 on the house owned by ELIOT’s children through companies set up by SIMON and SHIRLEY. Sahm stated that he had contacted TED, TSPA and SPALLINA repeatedly to get such minimal interest payment owed from a company that ELIOT’s children are believed to own, Bernstein Family Realty LLC that owns their home. **See Exhibit _____ - SAHM LETTER TO ELIOT.**

181. That Sahm stated that he retained an attorney and they refuse to contact his Attorney at Law to arrange payment and he felt like TSPA, SPALLINA and TED were trying to get him to foreclose on the home and that he was aware that SIMON and SHIRLEY were so happy to get ELIOT and his children a home and worked to make sure no creditors of ELIOT or those he was involved in a RICO action against, could use dubious tactics to take the home and he did not want to file a foreclosure without first talking directly to ELIOT.

182. That SIMON put a Balloon Mortgage apparently to himself of approximately \$365,000.00 to further secure the home, on top of Sahm’s \$100,000.00 carry over loan that was left over from the sale of the home by Sahm to SIMON, when SIMON bought Sahm’s long established business from him. That this made loans and mortgages against the home to Sahm and SIMON approximately \$465,000.00 and where the home was only purchased for \$360,000.00? Unless one understands the nature of what was happening to ELIOT and his family, including a CAR BOMBING of his family’s minivan in Del Ray Beach, FL,

the transactions make no sense and these reasons are further defined herein and in Petition 1, Section "The Elephant in the Room."

183. That for months, TSPA, SPALLINA, TESCHER and TED claimed to ELIOT that he should stop making problems or they would foreclose on his home using the Balloon Mortgage to SIMON and then later that Sahn was allegedly threatening foreclosure, despite the fact that SPALLINA originally told ELIOT that SIMON's loan was to be waived by the estate as it was a sham note to protect them home that he could easily waive if ELIOT cooperated.
184. That SPALLINA informed YATES that there was imminent foreclosure from Sahn and SIMON as well and that she should advise ELIOT to take the money from an insurance contract on SIMON that ELIOT refused, on the advice of counsel that the insurance scheme was an artifice to defraud, see Exhibit _____ - ELIOT Answer and Counter Claim to Jackson National Lawsuit.
185. That SPALLINA and TED claimed that ELIOT either sign the proposed sham trust agreement for the policy to pay off Sahn's and SIMON's notes or else they would take from ELIOT and his children's inheritance the amount of the sham Balloon Mortgage, that is also legally defective in the documents for a variety of reasons and he would make sure ELIOT and his children would be left with nothing and SIMON and Sahn would foreclose on his children's home and leave them homeless, of course, this is what he claims are the wishes and desires of SIMON and Sahn and one need only read Sahn's letter exhibited herein to know that nothing could be further from the truth.

186. That almost all of the necessary documents used to attempt to effectuate changes in beneficiaries in both SIMON and SHIRLEY's estates are defective and legally should be null and void and may be part of a much more dubious set of criminal acts.
187. That after some bantering from Your Honor at the hearing of why ELIOT refuses to take money from a Condominium sale that he alleges took place using fraudulent documents with fraudulent fiduciary powers and is converting monies from the proper beneficiaries, interesting things were learned that could help alleviate the financial burdens being intentionally heaped upon ELIOT and his family.
188. That it should be noted that the sale took place behind ELIOT and his children's counsel's backs and that now taking the distributions of \$80,000 per child, knowing that it is part of fraud would ELIOT and his children part of a fraud, almost granting a waiver of immunity to the others in exchange for participation and well this is prohibited by ELIOT's integrity and the fact as Your Honor learned in the hearing, that ELIOT would rather see his children starve before teaching them that committing crimes to feed them would be right and perhaps Your Honor that is wrong in Your Court but I also follow higher orders than Your Honor, those of the simple Ten Commandments, which makes it wrong to covet that which is not rightfully yours.
189. That in the hearing MANCERI even tried to claim that ELIOT's children should have Guardians as ELIOT would not violate law for failing to commit fraud to feed his children and MANCERI would know how that goes, as he is most likely feeding his children from the fraud upon this Court, lies to this Court and the fraud upon the ultimate beneficiaries.

190. 21 MR. MANCERI: I'm very concerned about
191. 22 something Mr. Bernstein just told The Court.
192. 23 He's the one objecting they're in conflict,
193. 24 he's stating from what I'm piecing together

194. 25 that he believes that his children are
getting
195. 00065
196. 1 money that the parents really was supposed to
197. 2 go to him personally. He's got the inherent
198. 3 conflict with that mindset.
199. 4 MR. ELIOT BERNSTEIN: I'm not saying I
200. 5 don't.
201. 6 THE COURT: Okay, here's the point, if
202. 7 you're at a point where you're asking The
Court
203. 8 for an emergency because you can't feed
204. 9 children, and there's someone around the
corner
205. 10 that's holding out a \$20 bill and says you
206. 11 could have it to feed your children, and you
207. 12 go, you know, I'm not going to take that to
208. 13 feed my children because I want to have a
court
209. 14 determine that it really was mine, then I
don't
210. 15 know that you're treating this as an
emergency.
211. 16 Emergencies mean you figure out a way of
212. 17 getting the money to your children sooner
than
213. 18 later, and they say it's happening
imminently,
214. 19 cash that could pay bills for your children.
215. 20 That's what they say. If it's an emergency
and
216. 21 your kids are starving, and you as the
parent
217. 22 say that might be my money and not my kids',
so
218. 23 I want to wait for two or three years and
let
219. 24 the money stay in a bank account until I
could
220. 25 figure it out, and not feed my children, I
221. 00066
222. 1 think you need to reflect upon some of your
223. 2 decisions.
224. 3 MR. MANCERI: Your Honor --
225. Page 37
226. In Re_ The Estate of Shirley Bernstein.txt
227. 4 THE COURT: What?
228. 5 MR. MANCERI: I'm not saying we're going
229. 6 to do this, Judge, but this sounds like this
230. 7 may need an ad litem for these kids.

231. 8 THE COURT: Well, I don't know, let's not
232. 9 add fuel to the fire.
233. 10 MR. MANCERI: Because I'm troubled by what
234. 11 he's saying.
235. 12 THE COURT: All right, so --
236. 13 MR. ELIOT BERNSTEIN: Here's why I have
237. 14 not taken that money.
238. 15 THE COURT: Why?
239. 16 MR. ELIOT BERNSTEIN: Because if you told
240. 17 me, your Honor, that you just murdered him,
and
241. 18 here's \$20 from his pocket to feed your kids
242. 19 from the crime --
243. 20 THE COURT: If they were starving I would
244. 21 take the \$20.
245. 22 MR. ELIOT BERNSTEIN: On that advice, I'll
246. 23 take the money.
247. 24 THE COURT: If they were starving --
248. 25 MR. ELIOT BERNSTEIN: On that advice --
249. 00067
250. 1 THE COURT: Your kids are starving. I'm
251. 2 not giving you advice.
252. 3 MR. ELIOT BERNSTEIN: On that advice, I
253. 4 will --
254. 5 THE COURT: The \$20 didn't murder anybody,
255. 6 did it? Did the \$20-bill murder someone?
256. 7 MR. ELIOT BERNSTEIN: It's stealing money
257. 8 from people.
258. 9 THE COURT: They're not -- this isn't
259. 10 stolen money. This is your parents' money.
260. 11 MR. ELIOT BERNSTEIN: If I take that money
261. 12 and put it in my kids' accounts, it's
actually
262. 13 taking money from what we believe are the
true
263. 14 and proper beneficiaries --

264. That however what this banter did reveal is that the monies from the alleged fraudulent sale of Condominium by TED acting as alleged "Successor Trustee" and "Personal Representative" to consummate the transaction has already been converted through distributions made through this fraudulent scheme to the alleged wrong beneficiaries and that there is money from the alleged fraudulent sale and perhaps it can be accessed to please both Your Honor's idea to take tainted money and feed the children and ELIOT's

idea to refuse the money and watch his children and family suffer for failing to participate in the conversion of assets of the estate.

265. That this Court could now order that UNTIL all criminal and civil matters, in both estates, are fully resolved both criminally and civilly and the true and proper beneficiaries of both estates and ALL trusts can be determined by Your Honor, to determine how the money flows legally and seeing that Fraud and Forgery has been already committed against ELIOT's family by the illegal and fraudulent acts of opposing counsel directly, relief could be granted by Your Honor to simply use the funds that ELIOT refuses to take to the wrong parties at the moment and use them now to replenish and replace the intentionally depleted school trust funds of ELIOT's children 100% and use a portion of the those monies as agreed to in the Advanced Inheritance Agreement to provide for ELIOT, CANDICE and their children's needs, as planned by SIMON and SHIRLEY and as they have been paid for years and up until a few weeks ago on August 28, 2013.

266. That these funds can be ordered as Interim Distributions until final determinations can be made but in the meantime we continue the funding of ELIOT, CANDICE and their minor children as was intended. That by Your Honor ordering the funds of the alleged illegal condominium to be used in this manner, ELIOT does not have to take the money from the fraudulent condominium sale to the wrong beneficiaries and participate in fraud and when the Courts and CRIMINAL AUTHORITIES finish their investigations and all is rectified according to law, Your Honor can then simply deduct those monies advanced to provide for ELIOT and his family from the proper parties who ultimately inherit them, ELIOT or his children.

267. That this solution resolves both ELIOT and Your Honor's concerns that ELIOT and his family eat and have basic and all expenses covered for their lives in amounts provided under the estate plans and contracts signed with SIMON and SHIRLEY, as were the wishes and desires of SIMON and SHIRLEY according to their last valid wishes and desires and legally binding estate plans they signed in 2008.
268. That learned at the hearing was that despite knowing of the fraudulent and forged signatures in their names and that the Condominium may have been sold fraudulently and without notice of these crimes to the buying parties and any creditors (i.e. Stansbury), the Courts, ELIOT and ELIOT's children counsel, TED, P. SIMON, IANTONI and FRIEDSTEIN already converted the monies into some form of trust accounts that ELIOT still has no records of what these trusts are, knowing that these monies are fraudulent and may be revoked according to law as they hurried to sell the condominium and convert the monies in a fire sale before their crimes were discovered.
269. That the integrity and fiduciary trust of estate counsel and ELIOT's four siblings is now in question and this Court should demand that all those who participated in these transactions knowing that their names were fraudulent and that it was alleged that TED did not have Letters to transact on anyone's behalf all be thrown out of any fiduciary capacities they hold, at minimum, until this Court and law enforcement determine if they should be prosecuted for their crimes. Where it appears that Your Honor has allowed admitted fraudsters to continue running the estate despite Your Honor's admitted knowledge that a fraud has taken place.

MOTION TO CORRECT THE BENEFICIARIES OF THE ESTATE BASED ON PRIOR CLOSING OF THE ESTATE THROUGH FRAUD ON THE COURT BY USING FRAUDULENT DOCUMENTS SIGNED BY SIMON WHILE HE WAS DEAD AND POSITED BY SIMON IN THIS COURT WHEN HE WAS DEAD

270. That at the closing of the hearing Your Honor states,

10 THE COURT: If it comes to you as trustee
11 for your children, you are -- you have a duty
12 to only use it for the children, not yourself.
13 Not you. You still have to work for you. Now,
14 you don't have to work for your children,
15 maybe. You still have to support yourself.

16 MR. ELIOT BERNSTEIN: Yeah.

17 THE COURT: The money has to get spent on
18 your children if that's how you get it.

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19 MR. ELIOT BERNSTEIN: Right.

20 THE COURT: That's all we're talking about
21 is money to feed your children.

22 MR. ELIOT BERNSTEIN: You see, if the
23 money came to me, it's also for me and my wife
24 and feeds our children.

25 THE COURT: That's not what they said. It
00070

1 does not go to support you and your wife.

2 MR. ELIOT BERNSTEIN: If the money comes
3 to me as a beneficiary, it does. If all these
4 nonsense documents that are forged and --

That what “they said” cannot be trusted and relied upon by this Court as the Court has knowledge that they have participated in fraud and more. Yet, this exchange then answers Your Honor’s earlier question of if the documents are forged what does it change and here in your own statement we see that who gets the money has a major effect on how and who the money can be spent on and what is more important, is that the money be taken according to the final wishes of SIMON and SHIRLEY prior to all this fraud attempting to thwart their estate plans and wishes.

17 THE COURT: Mr. Bernstein, I want you to
18 understand something. Let's say you prove what
19 seems perhaps to be easy, that Moran notarized
20 your signature, your father's signature, other
21 people's signatures after you signed it, and
22 you signed it without the notary there and they
23 signed it afterwards. That may be a wrongdoing
24 on her part as far as her notary republic
25 ability, but the question is, unless someone
00060

1 claims and proves forgery, okay, forgery,
2 proves forgery, the document will purport to be
3 the document of the person who signs it, and
4 **then the question is, will something different**
5 **happen in Shirley's estate then what was**
6 **originally intended? Originally intended they**
7 **say, the other side, was for Simon to close out**
8 **the estate.**

271. That at the Emergency Hearing on September 13, 2013, counsel for TSPA, TESCHER and SPALLINA, Attorney at Law Mark Manceri (“MANCERI”), attempted to claim that ELIOT was not a beneficiary of the estate of SHIRLEY and thus was not entitled to anything but personal effects.
272. That ELIOT informed the Court that contrary to MANSERI’s claiming he was not a beneficiary, ELIOT was in fact a beneficiary until alleged forged and fraudulent documents were submitted to this Court in both estates attempting to make post mortem changes to SHIRLEY’s estate beneficiaries and if this fraud does not hold up ELIOT is a beneficiary still.
273. That without these fraudulent and forged documents ELIOT would still be a beneficiary and if these documents do not hold up in Court as valid and binding then ELIOT still is a beneficiary and why these fraudulently notarized documents that were discovered in the Court by Your Honor are so important, as they change who the true and proper beneficiaries are and allow assets to be converted to the wrong parties and cause great harm to ELIOT and CANDICE and their children.

MOTION TO ASSIGN NEW PERSONAL REPRESENTATIVES AND ESTATE COUNSEL TO THE ESTATE OF SHIRLEY FOR BREACHES OF FIDUCIARY DUTIES, VIOLATIONS OF PROFESSIONAL ETHICS, VIOLATIONS OF LAW, INCLUDING BUT NOT LIMITED TO ADMITTED AND ACKNOWLEDGED FRAUD, ADMITTED AND ACKNOWLEDGED FRAUD ON THE COURT, ALLEGED FORGERY, INSURANCE FRAUD, REAL ESTATE FRAUD AND MORE

274. That based on the evidence already presented herein and in Petitions 1-7 that the fiduciary and professional representatives of the estate of SHIRLEY, including but not limited to, TSPA, TESCHER, SPALLINA and TED have transgressed moral turpitude and law and can no longer be trusted and therefore ELIOT requests that this Court on its own motion take Judicial Notice of the crimes admitted to and acknowledged before Your Honor already and order all estate counsel removed and all fiduciaries removed in any capacities, except for ELIOT and CANDICE.
275. That with each day it appears that Your Honor allows estate counsel and alleged fiduciary TED to handle the estate and move this Court, it appears new crimes are being committed by those who have already admitted and acknowledged involvement in criminal acts and continue to lie and defraud this Court and the true and proper beneficiaries under law.
276. That for example, when an initial claim was filed for an insurance policy and the claim was rejected and the insurance carrier advised them that to pay the death benefit as claimed they would need a “court order” to approve their insurance fraud and trust beneficiary scheme. That they then tried to skin the cat by creating a new post mortem trust for SIMON to replace a lost trust, the SAMR Trust described in Petition 1, where TED would claim to be “Trustee” of a “lost” trust and convert the proceeds. ELIOT again would not participate without counsel for his children and himself approving any insurance scheme that appeared an artifice to defraud and without seeking a “court order” as they misled

ELIOT to believe they were doing from this Court, a new plan was put in place secretly behind the backs of ELIOT and his children's Counsel Tripp Scott to skin the cat without the "court order."

277. That TED, TSPA, TESCHER, SPALLINA, P. SIMON, IANTONI and FRIEDSTEIN and others then attempted a Federal Breach of Contract Lawsuit against the insurance company for failing to pay the life insurance benefit demanded and in further efforts to abscond with the benefits. Where this scheme, from Jackson's Answer and Counter Complaint to the breach of contract complaint filed by P. SIMON's husband law firm, also seems to have failed, as Jackson refused the claim, stating TED had filed the lawsuit against the advice of counsel who told him he had no "authority" to file on behalf of a "LOST" trust that he claims to remember he was "Trustee" to and remembers he was also a "beneficiary" of.
278. That in all of three attempts to convert the benefits to themselves from their children, their children have been unrepresented by independent counsel and are being represented by their parents/"trustee" who are in direct conflict with them and further allegedly suppressing information from them and failing to act as honest alleged "trustees" for their children and trying to end around this Court and a "court order."
279. That despite being advised of their conflicts by ELIOT they have moved ahead three times in efforts to convert the death benefit and in all instances failed to parse the conflicts and in fact suppressed them. That the SAMR Trust, if one looks at the signature pages proposed, one will see that they have the minor children's parents attempting to sign the deal for themselves personally and then sign on behalf of their children too to waive their own children's rights to the benefits. This is a severe breach of fiduciary and trust as Guardians and alleged "trustees."

280. That when SPALLINA was confronted by IANTONI on a conference call with several other parties present, and asked if she could one day be sued by her daughter for the insurance beneficiary and trust fraud scheme proposed by SPALLINA that appeared to convert money from her daughter to her own pocket, while she acted as alleged “Trustee” for her daughter in the transaction, SPALLINA responded that “only if she found out or you told her” or words to that effect, again exhibiting Willful, Wanton, Reckless, and Grossly Negligent behavior and disregard of the law.
281. That for these reasons TED, P. SIMON, IANTONI and FRIEDSTEIN’s children should all have Guardians Ad Litum appointed over them to protect them from the efforts of their parents who have conflicts in acting as “trustees” for their children while directly receiving benefits from their actions to inure benefits to themselves.
282. That TED should also have a Trustee Ad Litum assigned to any “alleged” roles he is claiming in the estate of SHIRLEY and SIMON, as it is apparent that he is breaching his fiduciary responsibilities in a variety of self-professed fiduciary roles.
283. That on September 22, 2013 ELIOT filed an Answer & Cross Claim against the following parties, TSPA, TESCHER, SPALLINA, TED, P. SIMON, D. SIMON, A. SIMON, THE SIMON LAW FIRM, IANTONI and FRIEDSTEIN and several business entities in a lawsuit in response to ELIOT being added as a Third Party Defendant to a secreted Lawsuit filed by A. SIMON on behalf of TED and “Simon Bernstein Irrevocable Insurance Trust, Dtd 6/21/95.” That the filing can be found at the URL @ www.iviewit.tv/20130921AnswerJacksonSimonEstateHeritage.pdf , fully incorporated in entirety by reference herein.

284. That ELIOT has filed a Cross Claim and Third Party complaint in a federal lawsuit in the US District Court, Northern District of Illinois and whereby that filing is Exhibited herein and in addition to the insurance fraud claims in Petition 1 and 7, as further evidence of fraud in the estates, enabled by the forged and fraudulent documents in SIMON's estate, as Exhibit ___ - ELIOT Answer, Cross Claim and Third Party Complaint.
285. That this Court must notify that court of its findings at the hearings and how it is alleged that all these frauds on the courts and beneficiaries may be inter related and how this lawsuit may have been filed to evade this Court and get around the court order the life carrier demanded before paying benefit to the wrong parties and stop what appears a fraudulent claim.

**MOTION FOR GUARDIAN AD LITUM FOR THE CHILDREN OF TED, P. SIMON,
IANTONI AND FRIEDSTEIN AND ASSIGN A TRUSTEE AD LITUM FOR TED FOR
CONFLICTS OF INTEREST, CONVERSION AND MORE**

286. That TED, P. SIMON, IANTONI & FRIEDSTEIN should have Guardian Ad Litum assigned to act as their children's alleged "Trustees" until this Court can determine who the ultimate beneficiaries are and why they did not come forth regarding their knowledge that their signatures were fraudulent and as stated in their Affidavits FORGED, until after the authorities contacted them and other transgressions of fiduciary roles already evidenced herein and in Petitions 1-7.
287. That as ELIOT pointed out in the hearing, each child of SIMON is now conflicted with their children directly as beneficiaries and MANCERI agreed.

6 MR. ELIOT BERNSTEIN: I think there are
7 other beneficiaries that are also --
8 THE COURT: They signed off.
9 MR. ELIOT BERNSTEIN: No, just their

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10 parents have. The children don't even know.

11 They're not even represented.

12 THE COURT: Well, the parents represent

13 the child.

14 MR. ELIOT BERNSTEIN: No, but they have

15 conflicting interests.

16 THE COURT: Well, you say that --

17 MR. ELIOT BERNSTEIN: Our attorney wrote a

18 subpoena and said it. I had to get two lawyers

19 because my attorney couldn't represent both

20 sides of this.

21 MR. MANCERI: I'm very concerned about

22 something Mr. Bernstein just told The Court.

23 **He's the one objecting they're in conflict,**

24 **he's stating from what I'm piecing together**

25 **that he believes that his children are getting**

00065

1 **money that the parents really was supposed to**

2 **go to him personally. He's got the inherent**

3 **conflict with that mindset.**

4 MR. ELIOT BERNSTEIN: I'm not saying I

5 don't.

This is true that ELIOT has a conflict with the who the beneficiaries are ultimately to be, he or his children and has the same conflict in taking insurance money to himself through the SAMR Trust and Beneficiary Scheme and putting in his pocket instead of through the estate to his children, if they are determined the beneficiaries. In fact, ELIOT was the only child that retained independent counsel for his children with one law firm for them and ELIOT no longer represented and had to sign release papers to Tripp Scott to separate ELIOT and his children from being jointly represented by counsel due to the conflicts related to assets of the estates where conflicts arose, as in the insurance policy of SIMON or the Condominium sale. That despite knowing of these conflicts between themselves and their children, each of the children, except ELIOT, failed to retain independent counsel for their children separate from their counsel (which none of them have) in efforts to parse

the inherent conflicts and still went ahead and acted as alleged “Trustees” for their children, while trying to walk the death benefit proceeds out the door of the insurance company to themselves and completely skip the estate and the requested “court order” in several failed schemes exhibited already herein and Petitions 1-7.

WHEREFORE, ELIOT PRAYS FOR THIS COURT:

- i. to seize all documents, records and assets of the estates and put them under Your Honor’s guardianship for the time being until everything can be adjudicated properly.
- ii. to release copies of all documents and records to ELIOT immediately to prepare for the upcoming Evidentiary Hearing.
- iii. to remove the personal representatives, (oops there are none), estate counsel, trustees, successor trustees, accountants and anyone else found handling estate assets at this time and have new appointments made.
- iv. to IMMEDIATELY remove TSPA, TESCHER & SPALLINA for Fraud on the Court and more, as this Court had enough evidence at the hearing, after reviewing the Court record, for your Honor to issue Miranda Right Warnings, twice, and should have arrested them on the spot but did not at that time, for unknown reasons. Certainly, they should not be pleading forward in these matters on behalf of any party and need to get counsel to represent them individually and professionally and as estate counsel in these matters forward.
- v. Removal of TED as the alleged “Trustee of the Estate of SHIRLEY Bernstein”, where TED claimed in the hearing that was he was acting as the “Successor Trustee to the Estate to the estate of SHIRLEY.” TED stated he was not represented by counsel either personally or as “Trustee of the Estate.” There are no papers in the Court record to

indicate TED as” Successor Trustee to the Estate” as the Court pointed out the estate was improperly closed by the Court due to the fraudulent filings with the Court by TSPA and MORAN.

- vi. That this Court should seize the records of TSPA, TESCHER and SPALLINA, including but not limited to, phone records dating back to the time where TSPA began representing SIMON, bank account information, files and computer hard drives and disks, tax returns, etc.
- vii. to secure counsel for ELIOT, his children and the grandchildren so that they may be properly represented by counsel at hearings and in pleadings in the future.
- viii. At dispute, now that the estate has been re-opened, is who the ultimate beneficiaries will be, in light of the bogus docs in both the estate of SHIRLEY and SIMON? Either the ten grandchildren of TED, P. SIMON, ELIOT, JILL & LISA or ELIOT, JILL & LISA and there are major differences in the outcome for ELIOT and his children beneficiaries.
- ix. That based on the evidence already presented herein and in Petitions 1-7, ELIOT requests that this Court order Forensic experts to examine ALL documents and records in the estates of both SHIRLEY and SIMON as they relate to SHIRLEY and force the parties who have created these messes through criminal acts upon this Court and others to pay all expenses to cover the costs and post further bonds and surety and any other relief Your Honor sees fit to protect the estate and ultimate beneficiaries from any of these costs due to the acts of others.
- x.

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
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(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:

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Dated: Palm Beach County, FL

_____, 2013

X _____
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EXHIBIT 1