

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

IN RE: Case No.: 502011CP000653XXXXSB

ESTATE OF SHIRLEY  
BERNSTEIN,

Deceased.

Division: IY

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**MOTION TO INTERVENE**

COMES NOW William E. Stansbury (“Stansbury”), Creditor of the Estate of Simon Bernstein, the late husband of the decedent, SHIRLEY BERNSTEIN, and Plaintiff in a lawsuit against the Shirley Bernstein Trust, the beneficiary of the Estate of Shirley Bernstein, and pursuant to Florida Rule of Civil Procedure 1.230, serves this, his Motion to Intervene in this Estate and states as follows:

1. Stansbury is a Creditor of the Estate of Simon Bernstein, deceased husband of Shirley Bernstein.

2. All of the assets of the Estate of Shirley Bernstein have passed or will pass to the Shirley Bernstein Trust. The Personal Representatives of the Estate of Shirley Bernstein, the Trustees of the Shirley Bernstein Trust and the Personal Representatives of the Estate of Simon Bernstein are Defendants in Mr. Stansbury’s lawsuit against the Estate of Simon Bernstein and the Shirley Bernstein Trust. A copy of the Second Amended Complaint is attached hereto as Exhibit “A.”

3. The Shirley Bernstein Trust is the primary beneficiary of the Estate of Shirley Bernstein. There are allegations of misconduct on the part of the Personal Representatives of the Estate of Shirley Bernstein and who are also the Trustees of the Shirley Bernstein Trust. A Motion has been filed to remove the Personal Representatives of the Estate.

4. In accordance with Florida Rule of Civil Procedure 1.230:

Anyone claiming an interest in pending litigation made at any time be permitted to assert a right by intervention, but the intervention shall be in subordination to and in recognition of the propriety of the main proceeding unless otherwise ordered by the Court in its discretion.

5. Asserting an interest in property that is part of the Probate Estate is sufficient grounds for the Court to allow intervention. *See, State Dep't of Legal Affairs v. Rains*, 654 So.2d 1254, 1255 (Fla. 2d DCA 1995). In the instant case, the assets that have been transferred or may be transferred from the Shirley Bernstein Estate to the Shirley Bernstein Trust are part of the lawsuit filed by proposed Intervenor, William E. Stansbury.


6. Count X of the Second Amended Complaint alleges a constructive trust on certain assets held by the Shirley Bernstein Trust. Indeed, one of the assets may have already been sold, to wit, a condominium on the ocean in Boca Raton.

WHEREFORE, proposed Intervenor, William E. Stansbury moves this Honorable Court for an Order allowing him to intervene in this matter.

#### **CERTIFICATE OF SERVICE**

WE HEREBY CERTIFY that the above and foregoing has been forwarded via e-mail service at [mrmlaw@comcast.net](mailto:mrmlaw@comcast.net); and [mrmlaw1@gmail.com](mailto:mrmlaw1@gmail.com) to **Mark R. Manceri, Esq.**, Mark R. Manceri, P.A., *Attorney for Donald Tescher and Robert Spallina as Co-Personal Representatives of the Estate of Simon Bernstein and Bernstein Family Realty*, 2929 E. Commercial Blvd., Suite 702, Fort Lauderdale, FL 33308; at [arose@pm-law.com](mailto:arose@pm-law.com) and [mchandler@pm-law.com](mailto:mchandler@pm-law.com) to **Alan Rose, Esq.**, PAGE, MRACHEK, *Attorneys for Defendants, Ted Bernstein, LIC Holdings, Inc, Arbitrage International Management, LLC and the Shirley Bernstein Trust*, 505 So. Flagler Drive, Suite 600, West Palm Beach, FL 33401; and **Eliot Bernstein**, *pro se*, 2753 NW 34<sup>th</sup> Street, Boca Raton, FL 33434, at [iviewit@iviewit.tv](http://iviewit.tv) on this 17 day of October, 2013.

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