

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

**IN THE CIRCUIT COURT FOR
PALM BEACH COUNTY, FLORIDA**

**PROBATE DIVISION
FILE NO.: 502012CP004391XXXXSB
DIVISION: FRENCH**

**IN RE: ESTATE OF

 SIMON BERNSTEIN

 Deceased.**

**MOTION TO STRIKE PETITION TO DETERMINE AND
RELEASE TITLE OF EXEMPT PROPERTY**

COME NOW, Donald R. Tescher and Robert L. Spallina, as Co-Personal Representatives of the Estate of Simon L. Bernstein, by and through their undersigned counsel and hereby file this their Motion to Strike Petition to Determine and Release Title of Exempt Property filed by Eliot Bernstein dated October 10, 2013 and in support thereof state, as follows:

1. Eliot Bernstein, pro se, filed the Petition on October 10, 2013. A copy of said Petition is attached hereto as Exhibit "A" and incorporated herein by reference.
2. A copy of the Will of Simon L. Bernstein dated July 25, 2012, which has been admitted to probate is attached hereto as Exhibit "B" and incorporated herein by reference.
3. Simon L. Bernstein was predeceased by his spouse, Shirley Bernstein.
4. As can be seen, Article I of the Will leaves the Decedent's tangible personal property (i.e. including the subject KIA automobile) equally to his five (5) children identified

in the Will.

5. The Decedent's grandson, Joshua Bernstein, is not included among the class of person(s) entitled to receive exempt property as a share to the Decedent's Estate. See Florida Statute 732.402(1).

6. Additionally, the Petition reflects that the Decedent's other four (4) children were not served with a copy of the Petition.

7. Based on all of the above, the Petition must be stricken.

WHEREFORE, Donald R. Tescher and Robert L. Spallina, as Co-Personal Representatives of the Estate of Simon L. Bernstein hereby request for an Order consistent with the relief requested herein and an award of attorney's fees and costs to be paid by Eliot Bernstein.

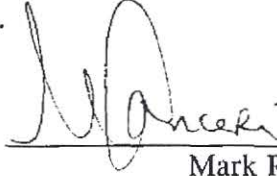
MARK R. MANCERI, P.A.
Attorney for Donald R. Tescher and Robert L.
Spallina, as Co-Personal Representatives
2929 East Commercial Blvd., Suite 702
Ft. Lauderdale, FL 33308
Telephone: (954) 491-7099
E-mail: mrmlaw@comcast.net
mrmlaw1@gmail.com

By: 

Mark R. Manceri, Esq.
Florida Bar No. 444560

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by e-mail to the designated address(es) and U.S. mail, as noted, to all parties on the following Service List, this 24th day of October, 2013.



Mark R. Manceri, Esq.

SERVICE LIST

Eliot Bernstein (U.S. mail)
2753 NW 34th Street
Boca Raton, Florida 33434

Theodore Stuart Bernstein (U.S. mail)
Life Insurance Concepts
950 Peninsula Corporate Circle, Suite 3010
Boca Raton, Florida 33487

Lisa Sue Friedstein (U.S. mail)
2142 Churchill Lane
Highland Park, IL 60035

Pamela Beth Simon (U.S. mail)
950 North Michigan Avenue, Suite 2603
Chicago, IL 60611

Jill Iantoni (U.S. mail)
2101 Magnolia Lane
Highland Park, IL 60035