

Eliot Ivan Bernstein

Subject: FW: UPDATE CASE NO. TBD - URGENT INFORMATION RE KIMBERLY MORAN ARREST and SENTENCING HEARING
Attachments: 20131203 Letter to Sheriff and State Attorney Regarding Moran Arrest and other crimes.pdf

From: Eliot Ivan Bernstein [mailto:iviewit@iviewit.tv]
Sent: Tuesday, December 3, 2013 4:17 PM
To: Michael Rachel @ Florida - State Attorney (15th Judicial Circuit) (mrachel@sa15.state.fl.us); Jean Francis @ Florida - State Attorney (15th Judicial Circuit) (jfrancis@sa15.org)
Cc: Detective Ryan Miller #7704 ~ Special Investigations Division / Financial Crimes Unit @ Palm Beach County Sheriff's Office (millerr@pbso.org); Caroline Prochotska Rogers Esq. (caroline@cprogers.com); Michele M. Mulrooney ~ Partner @ Venable LLP (mmulrooney@Venable.com); Andrew R. Dietz @ Rock It Cargo USA
Subject: UPDATE CASE NO. TBD - URGENT INFORMATION RE KIMBERLY MORAN ARREST and SENTENCING HEARING

Dear Michael, Jean and Det Miller,

I just was notified that the attachment to my earlier email below was truncated when converted to Adobe PDF in my rush to get it over to you before the hearing. Please replace that document with the one attached herein, which should have 20 pages. Sorry for any troubles, as I have been having tremendous email problems over the last several weeks due to a continued server attack, per my ISP, therefore please confirm receipt of this email and the entire attachment. Thank you and I look forward to speaking with all of you soon regarding these matters.

Eliot

Dear Jean,

I was just informed yesterday by your office that you have a hearing scheduled to charge Kimberly Moran tomorrow and I did not get a time and place as of this time. After speaking with you I expressed concerns that the wrong charges may be filed and that new evidence shows perjury in the official statements you are relying on for prosecution of Moran, which leads to a need for further investigation, not immediate prosecution. I have attached a draft letter I was sending to the Sheriff's office regarding the new crimes and misstatements in the Sheriff's arrest report that must be clarified and corrected so that Moran is charged with the exact crimes she committed and confessed to. I asked Det. Miller to have your offices call several weeks ago and he stated you would call me as you needed me and so I was awaiting a time to discuss the case with your offices for the first time and expose the new evidence and crimes alleged. I did not expect the call to be two days before the sentencing hearing and this leaves me rushing to get you this information that I was working on for Detective Miller and your offices. Due to this short notice of the hearing and the need to assess if she is being charged according to all the new evidence, I would like to have the hearing postponed until after we can meet to discuss these new issues. The new evidence shows both Moran and her employer have also perjured themselves in statements made in official proceedings to several different agencies and indicate far more serious crimes than those confessed to already. I have left several messages for Michael Rachel to call me back but I wanted you and him to have this document attached so that we may discuss it more in detail when he calls back and come to a decision regarding the hearing and the charges being filed and if they should be modified after further investigation. As a victim I feel that I deserve a chance to explain these matters before the prosecution of Moran for what I believe is the wrong crime as I will explain further when we speak why the crime being prosecuted for may in fact not be the crime admitted and confessed to. Since I have not been given ample time to review these new evidences and crimes with your offices or the Sheriff's

office matters that directly affect me and my family I ask that we not rush to prosecution. The document enclosed is a draft and due to our limited time I am sending it hurriedly without some of the exhibits installed yet and I will get you those as I finish them, if you would like any of the missing documents referenced in advance of that time please feel free to send me a request and I will email them over.

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Sent Via Email:

Tuesday, December 3, 2013

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**RE: CASE # 13097087 - RESPONSE TO SHERIFF'S ARREST REPORT FOR
KIMBERLY MORAN**

Dear Detective Ryan Miller, Jean Francis and Michael Rachel,

I received and reviewed a copy of your official report attached herein and there are several issues that need correction in light of new and damning evidence of other crimes, committed by other parties, all involved in preparing fraudulent documents in the estates of my parents and then looting the estates with the use of the forged and fraudulent documents. These **new crimes and documents are in addition to the crimes already admitted to by Moran of forgery, fraud and notary fraud** in the six Waivers initially complained about that you arrested her for already. Since these are new crimes than those originally complained about against Moran, I would like to file new criminal complaints for each crime committed by each of the new individuals alleged to have committed or participated in each crime herein, for the crimes that fall under the Sheriff's office jurisdiction. I would also like to reopen the Moran investigation based on new evidence of perjury in her statements to your office, the Governor Rick Scott's office and Judge Martin Colin and where there is perjury there is more to the story that must be investigated.

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As for waiting for Judge Colin to file charges for the crimes identified by him in his court committed by Spallina, Tescher, Manceri and my brother Ted, as you requested after talking with the Judge, this leaves me feeling uncomfortable. I cannot wait for Judge Colin to file charges, as there are statutes of limitation issues as a victim for each crime that could interfere with my rights later, if Judge Colin fails to file criminal complaints as required by Judicial Canons and Law for the crimes he discovered and exposed. Therefore, I must file the criminal complaints myself to protect my rights for every crime discovered by Judge Colin and the new crimes alleged herein. In the alternative, if you still want to wait for those crimes discovered by Colin to be filed by Colin with your agency for prosecution, can you have your legal departments contact me in writing and explain how this will not cause me a loss of my rights in any way?

In a recent Court Order, dated, November 14, 2013, Judge Colin stated, "The Court has determined that it will take no action regarding the form of the pleadings or other documents that were submitted to the Court to close the Estate while Simon Bernstein was serving as Personal Representative." Judge Colin thus ruled that all documents that were submitted by my father when he was "serving" as Personal Representative have no further process after his review. However, the documents signed and filed in the estate of my mother with Colin, filed illegally POST MORTEM in my father's name, when my father could not be "serving" as Personal Representative, as he was dead at the time they were filed, are still actionable and in need of further investigation and prosecution.

The documents still actionable in Colin's court that were submitted POST MORTEM while Simon WAS NOT "SERVING," include but are not limited to, the Moran Forged and Fraudulent Waivers, the Petition of Discharge (Full Waiver) and other documents filed POST MORTEM for my father in my mother's estate, all are alleged FORGED and FRAUDULENT. These POST MORTEM documents which were filed not just in my mother's estate but also in my father's estate (not handled by Colin), include some done by Moran, others that were not and all of these must now all be investigated for FORGERY AND FRAUD, as these documents all combine to facilitate a host of other crimes.

A pattern and practice of criminal fraud is further evidenced when the Attorneys at Law, Robert Spallina and Donald Tescher, then illegally file a multitude of fraudulent documents over a period of four months with the courts, after my father is dead, with documents he allegedly was signing in the present. These attorneys failed to notify either of the probate courts that the man closing the estate and making significant beneficiary changes in the present, my father, was dead at the time he was doing so. The estate of my mother was closed and discharged by my deceased father by these attorneys as if he

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were alive, which violates a vast number of laws and attorney ethical codes that now are cause for further investigation of not only Moran but the Attorneys at Law involved.

Judge Colin after learning of this crime perpetrated on his court, warned Attorneys at Law, Spallina, Tescher, Manceri and my brother Ted, that they should be read their Miranda Warnings, when he discovered the estate was closed illegally by a dead person at the September 13, 2013 hearing. I have provided copies of that hearing to you in prior submissions in the Moran case.

Even if Judge Colin presses charges with the Sheriff's department for the additional and new felony crimes that he discovered in his courtroom at the hearing against the Attorneys at Law and my brother Ted, this decision would have no bearing on the other documents and other crimes I am asking you to now investigate that are not before him. The other documents not before Colin, include but are not limited to, an alleged Will and Amended Trust Agreement that attempt to change beneficiaries of the estates of both my mother and father. The alleged beneficiary changes took place also are POST MORTEM, the documents used to make the changes are all legally deficient and are also alleged forged and fraudulent, all filed for my father POST MORTEM in my mother's estate, when he was not "acting" legally as Personal Representative.

In light of all these other documents, the Moran stories told regarding the Waivers being a one off event do not hold up and there is further evidence of perjury in her statements to various official agencies. Below, I have compiled a list of questions relating to your arrest report regarding Moran.

1. From the Sheriff's report you claimed,

DOCUMENTS RETURNED. THEY WERE FINALLY RETURNED IN AUGUST AND OCTOBER OF 2012.

- a. Moran claims that the Waivers were not all returned until October 2012, where one was not returned until a few weeks AFTER Simon's death because factually Jill lantoni NEVER signed and returned her Waiver while Simon was alive and she sent it to Moran in October 2012 and he died in September 2012. This fact is materially important to the investigation because it materially effects statements made on Simon's "Petition to Discharge" – EXHIBIT 2 – SIMON'S PETITION TO DISCHARGE. In the Petition to Discharge, Simon claims under penalty of perjury that he has all the Waiver's and yet he never has them all while alive as Moran's statement proves. The Petition to Discharge was allegedly signed on April 09, 2012 with an alleged Waiver of Simon, yet Tescher and Spallina file neither document with the court until months later in October 2012, after Simon was deceased, which Judge Colin even

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question in the hearing how this closing of an estate could be legally possible with a dead personal representative.

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
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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.

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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**
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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?

- b. The Petition for Discharge was filed with the court as if Simon were alive in October 2012, as if Simon were making the statements in the present at that time in October when he was deceased, further made under penalty of perjury, is full of perjurious statements made by Simon if signed at any time. For instance, in the Petition to Discharge it states that at the time Simon signed the Petition in April 2012, he possessed all the signed Waivers from his children. Obviously and without doubt this claim of Simon's cannot be true according to the statements made by Moran to the Sheriff's department, whereby she claims first to have sent them out to the children in May 2012, so how could he claim to have them all back in April 2012? Further, Moran claimed she did not receive the Waivers all back until October 2012, after Simon was deceased and therefore Simon never had all the Waivers in his possession at any time while he was alive making his sworn statement false unequivocally. Thus, how could Simon who died on September 13, 2012, claim in a sworn official document signed under penalty of perjury filed with the court, to

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- have had all the Waivers in his possession at any time while he was alive, if Jill's Waiver was not returned to Moran until October 2012? This makes the Petition to Discharge also suspect as yet, another fraudulent and possibly forged document in the chain of documents used to attempt to seize dominion and control of the estates in order to fraudulently change the beneficiaries of Simon and Shirley's estates and convert the assets through a series of frauds that have followed.
- c. Note that almost all of the statements made by Simon in the Petition to Discharge made under penalty of perjury and supposedly signed on April 09, 2012 (the same day Moran admits to forging his name on the other Waiver), are factually perjurious and untrue at the time allegedly signed or filed by Simon. So either Simon was committing fraud and perjury in the document or it is a fraudulent document forged for him POST MORTEM.
 - d. The Waivers and Petition to Discharge were filed with the Court in October 2012 through January 2013 as part of a series of alleged fraudulent documents to close the estate of Shirley, with Simon allegedly filing these documents with the court and acting as the Personal Representative & Trustee while he was deceased. The documents were filed by Tescher & Spallina with the court as if Simon were alive in order to perpetrate a Fraud on the Court through Identity Theft and more, as was learned in the September 13, 2013 hearing. Tescher and Spallina filed documents for several months POST MORTEM on Simon's behalf and never notified the court that Simon was deceased. These crimes were evidenced in the September 13, 2013 hearing, where Judge Colin first warned the lawyers and my brother that he should read them their Miranda warnings for the crimes he had prima facie evidence had taken place in his court by them, crimes separate and distinct from those of Moran and using a variety of different documents.

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
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1 should not have been notarized in the absentia
2 of the people who purportedly signed them. And

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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.
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
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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

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14 transaction?

15 MR. SPALLINA: I was involved as the
16 lawyer for the estate, yes. It did not come to
17 my attention until Kimberly Moran came to me
18 after she received a letter from the Governor's
19 Office stating that they were investigating
20 some fraudulent signatures on some waivers that
21 were signed in connection with the closing of
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22 the estate.

- i. The series of exchanges here presumes that Simon's signed the document on April 09, 2012 and it was later submitted in November. Yet, according to Moran's statement that is NOT Simon's signature on the document, it is her FORGED signature, it was not merely notarized in his absentia, it is not his signature at all on the document.
- e. Judge Colin has not at this point arrested Ted, Spallina, Tescher and Manceri for the crimes that he is fully aware of that took place in his court with these forged documents, and I am unclear if he has reported these felony crimes to the proper authorities as required by Judicial Cannons and Law at this time. These felony crimes are not those of Moran or related to her document forgeries and fraud and are wholly new crimes I did not report in my initial complaint, as I had not learned of them at that time. I do believe I sent to your offices updates regarding these matters however. That the Sheriff's department should note that the Judge stated twice in the September 13, 2013 hearing, the transcript exhibited herein, that he should read Robert Spallina, Esq., Donald Tescher, Esq., Mark Manceri, Esq. and my brother Ted, their Miranda warnings. Not for the crimes committed and admitted to by Moran that you have most successfully prosecuted but for NEW CRIMES he found they had committed, including Fraud on the Court and filing of false instruments in official proceedings through identity theft of a deceased person.
- f. Further, at the hearing Spallina LIES to the Court by stating that the signatures on the Waiver's resubmitted by Moran were the same signatures as on the alleged originals, yet Moran's statement to the Sheriff contradicts this statement entirely.

23 THE COURT: So what's the resolution of

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24 the notary problem? Has that been resolved?

25 MR. SPALLINA: I can speak to it.

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1 MR. MANCERI: Please, Robert, go ahead.

2 The Judge is addressing you, be my guest.

3 MR. SPALLINA: In April of last year we

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4 met with Mr. Bernstein in April of 2012 to

5 close his wife's estate.

6 THE COURT: No, I know that part.

7 MR. SPALLINA: Okay.

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.**

- g. From the statement above Mr. Spallina, an Attorney at Law, has falsified information in a court proceeding by stating the signatures were not forged and

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were the original signatures and this poses new crimes that were not originally filed in the Moran investigation. I would like to have Spallina charged with this most serious crime of false statements in official proceedings by an attorney at law.

2. From the Sheriff's report you state,

LIMOUZIN, STATING THE DOCUMENTS WERE NOT NOTARIZED AND THEY NEED TO BE. MORAN STATED THAT AT THIS TIME, SHE TOOK IT UPON HERSELF TO TRACE EACH SIGNATURE OF THE SIX MEMBERS OF THE BERNSTEIN FAMILY ONTO ANOTHER COPY OF THE ORIGINAL WAIVER DOCUMENT. SHE THEN NOTARIZED THEM AND RESUBMITTED THEM TO THE COURTS.

a. That the "tracing" aka FORGERY is critical in these matters, as stated by Judge Colin in the Sept 13, 2013 hearing, when he states,

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...

Your investigation and arrest for fraudulent notarization of documents fails to prosecute properly for the admitted crime of forgery, as the document you are arresting her for is not a document I or my father signed that a notary stamp was then affixed to as your charges indicate. Instead, the document contains a forged signature on a document she wholly recreated and affixed a notary stamp on, which is not the document I or my father signed at all but rather a document she signed and this changes everything in the estate.

b. Further, there are conflicting statements made by Moran to two separate investigatory agencies regarding the documents, which implicate her in Perjury. Where at first Moran claims to the Governor's office that the documents were

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"identical" other than the fraudulent notary stamp she affixed and then telling a wholly different story to the Sheriff department, whereby she claims to have wholly recreated the documents and then "traced" aka forged six signatures making them wholly dissimilar and not "identical" at all. This appears to be felony Perjury and obstructing official investigations through false statements.

- c. Moran's statement above to the Sheriff's office therefore contradict her statement to the Governor, as she now admits to "tracing" aka forging the signatures, which is yet another distinct and separate felony crime times six signatures, including one for my deceased father. Therefore, Moran should be charged for felony forgery that she has now admitted to in your investigation, in addition to the fraudulent notarization of documents, which she was arrested for already.
- d. Based on these facts, I would like to press additional charges for the crime of perjury by Moran as well as forgery, as the perjury was not learned until after reviewing your arrest report with the conflicting statement. Now it becomes imperative to find out which of these statements is true, if either, and why she is lying to authorities. Again, we allege that Simon never signed a Waiver in April or November and that both documents were forged for him, along with a host of others.

ACTIONS. WE ALSO SPOKE WITH SPALLINA ALONE. SPALLINA STATED HE WAS NOT AWARE OF MORAN'S ACTIONS UNTIL SHE TOLD HIM. MORAN STATED SHE WAS MADE AWARE THAT OTHERS HAD CAUGHT ONTO WHAT SHE DID ONCE SHE RECEIVED NOTICE FROM THE GOVERNOR'S OFFICE, NOTARY EDUCATION DIVISION. ELIOT FILED A COMPLAINT ON HER WITH THE STATE. I WAS SUPPLIED WITH A COPY OF THE COMPLAINT AND CORRESPONDENCE BY ELIOT. I ALSO SPOKE WITH ERIN TUPER MAKING HER AWARE OF MY INVESTIGATION. ELIOT SUPPLIED A SWORN WRITTEN STATEMENT TO THE ORIGINAL

- e. The statements by Spallina and Moran regarding when Spallina knew of the criminal acts is another highly relevant point in the investigation and evidence of perjury exists in the statements made by both Moran and Spallina. Moran claims to first learn people were on to her, when she is notified by the Governor's Office in a letter dated July 23rd 2013. Spallina states he was not aware of Moran's actions until she told him, which according to her statements to authorities was sometime after July 23rd 2013 when she was contacted by the Governor's office. This statement that they did not know until that time is materially false as they learned of the crimes of Moran and the forged and fraudulent documents on or about May 06, 2013, when Spallina was served two separate Petitions filed by me with the probate courts. The Petitions were already submitted to you in the Moran investigation and contained

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the forged and fraudulent documents and the allegations against Moran and others. The Petitions served to them on May 6, 2013 filed with both Judge Colin and Judge French were titled "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".) The Petitions containing the forged and fraudulent documents can be found @

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

www.iviewit.tv/20130512MotionRehearReopenObstruction.pdf US District Court Pages 156-582

In the September 13, 2013 hearing Spallina also claims to the Judge falsely that,

15 MR. SPALLINA: I was involved as the
16 lawyer for the estate, yes. It did not come to
17 my attention until Kimberly Moran came to me
18 after she received a letter from the Governor's
19 Office stating that they were investigating
20 some fraudulent signatures on some waivers that
21 were signed in connection with the closing of
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22 the estate.

Therefore, Spallina's claims in your investigation that he did not know about the crimes until Moran confessed to him which is factually false as he must hide that they knew of the crimes in May and did nothing but try to liquidate assets as fast as they could before anyone caught on. Spallina was well aware of the crimes of forgery and fraud alleged against Moran in May 2013 when he was served the Petitions months before he tries to claim in court and to investigators. What is important to note is that Spallina failed to take any actions to notify authorities or correct the matters with the court when he learned of them in May. Until the long arm of the law came knocking months later at Moran's door does he finally take action in September to rectify these matters, claiming that he just learned of them in July when Moran was noticed by the Governor. This again is making false statements in official investigations and in a court and I would like to file a complaint against Robert Spallina for this false statement of fact.

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3. From the Sheriff's report you claim,

IN THIS CASE. IN SPEAKING WITH SPALLINA, WE FOUND THAT THE DOCUMENT IN QUESTIONS CHANGES THE INHERITANCE OF PERSONAL PROPERTY IN THE ESTATE OF SHIRLEY BERNSTEIN FROM SIMON AND SHIRLEY'S CHILDREN TO THEIR GRANDCHILDREN.

- a. This statement from Spallina that the "document in questions changes the inheritance of personal property in the estate of Shirley Bernstein from Simon and Shirley's children to their grandchildren," contradicts the statements made to the Sheriff's office by Jill and Lisa and Ted in the report whereby they claimed "That as far as they know, the fraudulent notarization changed nothing with the estate" and Ted's claim "that the mistake did not affect the estate." The question now is who is telling the truth, Spallina or my siblings.
- b. If the documents change the beneficiaries fraudulently, this would constitute CONVERSION and THEFT that was enabled through a fraud on the court with forged and fraudulent documents and a fraud on the true and proper beneficiaries.
- c. In the October 28, 2013 Evidentiary Hearing it was learned that not only did the Waivers affect the estate of Shirley but other documents filed, including the alleged fraudulently notarized Will and Amended Trust filed by Spallina and Tescher in my father's estate, all now combine to throw into question who the ultimate beneficiaries will be in my mother's estate. The question of who the beneficiaries are will now have to be determined by the courts, due to the crimes of Moran and others. Therefore, I would say that contrary to my siblings statements that the crimes had no effect on the estate, contradicted by Spallina's statement that it changes beneficial interests, the crimes have had a devastating effect on the estate of my mother and the ultimate beneficiaries who have been damaged immensely and at great cost thus far.

4. From the Sheriff's report you stated,

AND SIMON BERNSTEIN. THE ONLY CRIMINAL WRONGDOINGS FOUND ARE THE AFOREMENTIONED FRAUDULENTLY NOTARIZED DOCUMENTS.

- a. That this statement is materially false and should be corrected in the report, as you also found criminal wrongdoings, including Forgery aka "tracing" of signatures and failed to identify this crime properly in the report or prosecute for ADMITTED FORGERY. That this statement is therefore materially false and should be corrected and the correct crimes prosecuted.

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- b. You were also given evidence of the criminal wrongdoing of Spallina, Tescher, Manceri and Ted exposed in the September 13, 2013 hearings. These crimes involved new crimes in closing the estate with a dead person as if alive and while related to the crimes of Moran, were committed with a variety of different documents and by different parties, who committed fraud on the court and more by Tescher, Spallina, Moran, Manceri, Baxley and Ted. Judge Colin identified these crimes and criminals as already exhibited herein and earlier submissions to your office in the Moran case.
- c. That you were also aware that the documents changed who received personal properties and this is a crime of conversion and theft as well, as the fraudulent and forged documents of Moran, according to Spallina, caused a conversion of personal properties to the wrong beneficiaries.
- d. Did you review the alleged Will and Amended and Restated Trust filed in my father's estate given to you? Whereby these documents also appear fraudulently notarized by now a one Lindsay Baxley, whom complaints were filed against with the Governor's office for improper notarization. On these documents, both Moran and Spallina aided Baxley, as they signed as witnesses to the documents she improperly notarized. Further, the fraudulent Will and Amended and Restated Trust give Tescher & Spallina alleged powers as executors/personal representatives of the estate of Simon and where Spallina drafted these documents as Attorney at Law only days before Simon passed away, while undergoing a battery of physical and psychological tests for problems with his brain and more. Spallina further witnesses the documents on these fraudulently notarized documents, again evidencing alleged fraud and fraudulent official documents in an official proceeding filed with the courts. This fraudulent witnessing of key estate documents that Spallina drafted, witnessed and gained financial benefits from and control of the estates with, represents new crimes which Spallina should be investigated for and prosecuted for. Again, it is alleged that the Will and Amended Trust were done post mortem and are further forgeries and that these documents were used to ILLEGALLY seize Dominion and Control over the estates and begin conversion of the properties to the knowingly wrong parties through a variety of felony frauds and thefts.
- e. Did you review the real estate documents signed by Ted that appear fraudulent and were submitted as part of the additional evidence provided to you in the Moran case? It should be noted that it was learned that prior to the October 28, 2013 Evidentiary Hearing that Ted was acting in fiduciary roles that he had not had prior to that day to liquidate assets. During the time Ted acted in the false fiduciary capacities he sold and converted real estate property and distributed the funds

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knowing that he did not have the fiduciary power to act in any capacity at the time. Ted took no legally necessary steps to properly notify the court or the alleged beneficiaries of his presumed fiduciary capacities in Shirley's estate because they were not legal. It was learned in the September 13, 2013 hearing that no successors to Simon were ever elected in the estate or trusts, as Simon closed the estate of Shirley and administered her trust while dead, as part of the fraud on the court and the beneficiaries.

- f. Ted also claimed in the September 13, 2013 hearing that he was Trustee of the estate of Shirley, which was learned later in the hearing to be a false statement, as Simon died as Personal Representative and Trustee of Shirley's estate and then while dead closed Shirley's estate as if he was alive. Simon was used to fraudulently close the estate while dead, as it was learned that Attorneys at Law Spallina and Tescher did not notify the court of his death and elect a successor Personal Representative or Trustee. Therefore, no successors were ever elected or granted Letters of Administration after Simon died, as would be the normal action when the Personal Representative dies, other than when identity theft and fraud on the court is being committed with a dead person.
5. From your report you claim,

BASED ON THE FACTS AND FINDINGS OF THIS INVESTIGATION, I FIND PROBABLE CAUSE FOR THE ARREST OF MORAN FOR CRIMINAL ACTIONS UNDER THE COLOR OF LAW OR THROUGH USE OF SIMULATED LEGAL PROCESS, F.S.S. 843.0855(3), DUE TO THE FACT THAT SHE DID WILLINGLY AND KNOWINGLY SIMULATE A LEGAL PROCESS OF A LEGAL DOCUMENT REGARDING PERSONAL PROPERTY, KNOWING THAT THE DOCUMENT CONTAINED FRAUDULENT SIGNATURES. THIS CASE REMAINS OPEN.
DETECTIVE RYAN W. MILLER #2704

- a. Moran's acts were also forgery, why was she not charged with it?
 - b. Moran's acts also became part of a fraud on a court when they were filed in an official proceeding, why was she not charged with that as well?
 - c. Identity Theft was committed regarding Simon's forged documents post mortem being filed in the courts why was she not charged with that?
6. Insurance Fraud and Fraud on a Federal Court involving Robert Spallina, Kimberly Moran and Theodore Bernstein.
- a. Robert Spallina filed a claim with Heritage Union Life Insurance Company for a policy on my father Simon Bernstein, acting as "trustee" of a what Spallina has stated is a lost trust, allegedly named the "Simon Bernstein Irrevocable Insurance Trust Dtd.

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6/21/95." EXHIBIT 5 – SPALLINA CLAIM FORM. That MORAN is also involved in drafting and sending via mail and wire letters on behalf of Spallina to the insurance carrier to effectuate this fraud.

- b. Robert Spallina knew he was not the "trustee" of this lost trust, as he has consistently maintained that he has never seen the trust or had possession of the trust and that due to the trust being lost, it was a "best guess" as to who the beneficiaries and trustees were, see EXHIBIT 6 – SPALLINA CORRESPONDENCES REGARDING THE "LOST" TRUST
- c. After the claim was rejected by the carrier for failing to provide a clear path to the beneficiaries or trustees and failing to provide a trust document validating Spallina's and Ted's claims to be trustees. Ted and his brother-in-law's brother, attorney at law Adam Simon, Esq. then filed a breach of contract lawsuit in Federal Court with Ted claiming to the federal court now to be the "trustee" of the lost trust. The same lost trust that Spallina claimed to be "trustee" for when filing his fraudulent insurance claim. The breach of contract suit was brought because the carrier would not pay Spallina acting as Trustee of the lost trust and asked for a probate court order approving the lost trust beneficiaries Spallina claimed. The lawsuit was filed without my knowledge despite claims the benefits were in part for me and I was notified when the life insurance company filed a counter complaint against Ted and A. Simon and sued me as a third party defendant. This suit alerted me that they were trying to abscond with the benefits through this frivolous breach of contract lawsuit, constituting Abuse of Process, Fraud on a US District Court and insurance fraud. That Ted, Pam, Jill and Lisa do not want the benefits to flow to the estate as is the law in a lost beneficiary situation typically, as their children will get the funds. In Ted and Pam's case, their children are adults and would directly receive the proceeds if paid to the estate, which provides a motive for the fraud. That the lost trust and the lost insurance policy (not even the carrier appears to have a copy) and the documents and records of certain of the trusts involved were maintained by Pam and her husband David B. Simon, Esq. Despite Rule 26 disclosures from the carrier and Ted, at this time no trust or insurance contract has been produced by any party making claim, including the insurance companies and banks involved and this may indicate suppression or destruction of documents in efforts to perpetrate a fraud.
- d. That Tescher and Spallina have also been counter sued in this federal case but have failed as of this date to respond.

7. Questions for Det Miller

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- a. Did you just take statements from people at face value when determining the voracity of their statements? Did you investigate any of the perjuries that occurred in the various criminal and civil investigations and court transcripts of Moran or Spallina that were sent to you that wholly contradict statements made to the Sheriff's office?
- b. Did you review the hearing transcript statements whereby Judge Colin identified OTHER documents that were presented to the court by Spallina, Tescher, Manceri and Ted filed POST MORTEM by my father, not the documents done by Moran but other documents used to perpetrate a fraud on the court to close the estate, using documents and claims of Simon after he was dead, using him as if he were alive?
- c. For all of these NEW crimes presented herein I would like to file NEW criminal complaints for identity theft, fraud on the court, conversion, insurance fraud, fraud, etc. against each and every party involved and for each and every crime committed where there is prima facie evidence for each and admissions. Millions of dollars of cash and assets are missing from the estates, inventories are specious, and documents are suppressed from the beneficiaries including two trusts, an insurance contract and more.
- d. Did you review the reasons for Judge Colin claiming that he should read Miranda's to Ted, Spallina, Tescher and Manceri for fraud on a court and more in the closing of Shirley's estate with a series of other apparently fraudulent documents that are all improperly notarized or otherwise signed.

That based on the information contained herein and in my prior complaint regarding Moran and others, I would like to file the following criminal charges in separate claims or as one conspiracy claim, including but not limited to;

1. Perjury, several counts against Moran for conflicting statements regarding forgery and fraud in investigations.
2. Forgery, against Moran
3. Fraudulent Notarizations and alleged Forgery, against Lindsay Baxley
4. Perjury and false statements in official proceedings by Robert Spallina
5. Fraud on a Court and False official documents filed in the Probate Court, against Robert Spallina, Donald Tescher and Mark Manceri.
6. Personal and Real Property Theft and Conversion against Spallina, Tescher, Manceri, Ted, Moran, Baxley, Pam, Jill and Lisa.
 - a. New evidence in approximately \$1,000,000.00 of jewelry stolen from the estates now exists that was not reported in inventories of Simon or Shirley and

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were removed from the estate by Ted, Pam, Jill and Lisa. Certain items that were listed on inventories prepared by Ted do not match up to appraisals that were done in 2010 for insurance purposes and the numbers are hundreds of thousands different for what appear identical pieces, yet the discrepancies in color and clarities may indicate that fencing of jewels took place and replacement with inferior jewels were used for Ted's appraisal. See EXHIBIT __ - TED 2013 ESTATE JEWELRY APPRAISAL AND 2010 CHARTIS INSURANCE APPRAISAL

7. Conspiracy, against Spallina, Tescher, Manceri, Ted, Moran, Baxley, Pam, Jill and Lisa
8. Identity Theft, Robert Spallina, Donald Tescher and Moran.
9. Mail and Wire Fraud against Spallina, Tescher, Moran and Baxley.
10. Insurance Fraud

Where allegations of MURDER of my father abounded from day one of his death, with claims of overdosing and poisoning and an autopsy and police investigation ordered and controlled by Ted, blaming or framing my father's girlfriend, Maritza Puccio.

While there were talks in May 2012 that my father was considering making changes to his estate plan, these plans were never completed and without the fraudulent and forged documents done post mortem for him, the changes would never have taken place.

These fraudulent and forged documents materially change the beneficiaries, the trustees and the distribution of the estates assets, converting the assets to improper parties and therefore all these other documents than the Waivers Moran admitted criminal acts in creating must be individually investigated and the crimes they permit must then also be prosecuted. Where Moran and Spallina are found perjuring statements to officials there is indisputably more to investigate and properly prosecute.

My father was an expert estate planner, he invented complex insurance plans involving complex estates for 40 years or more, he was one of the most successful in the industry and if he had wanted his estate beneficiaries changed they would have been perfect documents and not materially flawed, improperly notarized and forged and illegally notarized for him. My father stood for integrity in my life and he would have never filed perjured statements in official documents like on the Petition to Discharge or filed fraudulent inventories and other documents. My father would be ashamed of what his children have done to change the beneficiaries to their likings, POST MORTEM, through these frauds and not allow his and Shirley's last wishes to be executed properly and monies transferred to the beneficiaries they elected prior to the attempted frauds.

Thank you for your prompt consideration of these requests.

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MORAN

Respectfully Yours,



Eliot I. Bernstein
Founder & Inventor

Iviewit Holdings, Inc. – DL
Iviewit Holdings, Inc. – DL
Iviewit Holdings, Inc. – FL
Iviewit Technologies, Inc. – DL
Uview.com, Inc. – DL
Iviewit.com, Inc. – FL
Iviewit.com, Inc. – DL
I.C., Inc. – FL
Iviewit.com LLC – DL
Iviewit LLC – DL
Iviewit Corporation – FL
Iviewit, Inc. – FL
Iviewit, Inc. – DL
Iviewit Corporation

cc/ec: Honorable Shira A. Scheindlin

Honorable Martin Colin

Honorable David French

Enclosure(s)/Attachment(s)/URL's

All Uniform Resource Locators (URL's) and the contents of those URL's are incorporated in entirety by reference herein and therefore must be included in your hard copy file WITH ALL EXHIBITS, as part of this correspondence and as further evidentiary material to be Investigated. Due to allegations alleged by New York State Supreme Court Whistleblower Christine C. Anderson and similar claims in the Iviewit RICO &

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ANTITRUST Lawsuit regarding Document Destruction and Tampering with Official Complaints and Records, PRINT all referenced URL's and their corresponding exhibits and attach them to your hard copy file, as this is now necessary to ensure fair and impartial review.

In order to confirm that NO DOCUMENT DESTRUCTION OR ALTERCATIONS have occurred, once complete forward a copy of this correspondence with all exhibits and materials included to, Eliot I. Bernstein at the address listed herein. This will insure that all parties are reviewing the same documentation and no additional illegal activity is taking place. If you, for any reason, are incapable of providing this confirmation copy, please put your reasons for failure to comply in writing and send that to Eliot I. Bernstein at the address listed herein. Note, that this is a request only for a copy of this Correspondence and the referenced materials and NOT a request for any Case Investigation information, which may be protected by law.

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