

# Mark R. Manceri, P.A.

ATTORNEY AND COUNSELOR AT LAW  
2929 EAST COMMERCIAL BOULEVARD - SUITE 702  
FORT LAUDERDALE, FLORIDA 33308

MARK R. MANCERI



FLORIDA BAR BOARD CERTIFIED  
WILLS, TRUSTS AND ESTATES

WEB SITE: WWW.ESTATEPROBATELITIGATION.COM

TELEPHONE (954) 491-7099  
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December 12, 2013

Honorable Martin H. Colin  
Palm Beach County Courthouse  
200 W. Atlantic Avenue, Courtroom 8  
Delray Beach, Florida 33444

Re: Estate of Simon Bernstein/Case No.: 502012CP004391XXXXSB

Dear Judge Colin:

Pursuant to Palm Beach County Administrative Order 2.302, enclosed are courtesy copies of the following documents for your review and consideration:

1. Motion to Transfer and Consolidate dated December 12, 2013.
2. Notice of Hearing dated December 12, 2013 scheduling the Motion for hearing before Judge French on December 24, 2013.

As you can see from the Motion, we are requesting that the Estate of Simon Bernstein be transferred to your division to be consolidated with the Estate of Shirley Bernstein, Case No. 50211CP000653XXXXSB.

Should you have any questions, concerns or comments regarding the foregoing, please do not hesitate to contact me.

Yours truly,

A handwritten signature in black ink that reads "Manceri".

Mark R. Manceri, Esq.

MRM/mmp  
Enclosures

cc: Peter Feaman, Esq. (w/out enclos.); Eliot Bernstein (w/out enclos.)  
Theodore Stuart Bernstein (w/out enclos.); Lisa Sue Friedstein (w/out enclos.);  
Pamela Beth Simon (w/out enclos.) and Jill Iantoni (w/out enclos.)

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

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

**IN RE:        ESTATE OF**  
  
**SIMON BERNSTEIN**  
  
**Deceased.**

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**NOTICE OF HEARING**  
***(Motion Calendar)***

PLEASE TAKE NOTICE that the matter, as stated below, in the above-styled case, will be heard at the South County Courthouse, 200 West Atlantic Avenue, Court Room 2, Delray Beach, Florida 33444, as follows:

**MOTION/MATTER:**        Motion to Transfer and Consolidate  
  
**FILED BY:**                Mark R. Manceri, Esq.  
  
**DATE AND TIME:**        December 24, 2013 @ 8:45 a.m.  
  
**JUDGE:**                    HONORABLE DAVID E. FRENCH

**YOU WILL PLEASE GOVERN YOURSELVES ACCORDINGLY.**

FILE NO.: 502012CP004391XXXXSB

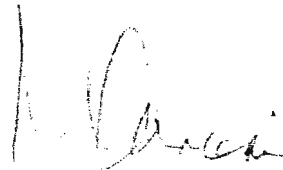
MARK R. MANCERI, P.A.  
Attorney for Donald R. Tescher and Robert L.  
Spallina, as Co-Personal Representatives  
2929 East Commercial Blvd., Suite 702  
Ft. Lauderdale, FL 33308  
Telephone: (954) 491-7099  
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[mrmlaw1@gmail.com](mailto:mrmlaw1@gmail.com)

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 to all parties on the following Service List, this 12<sup>th</sup> day of December, 2013.



Mark R. Manceri, Esq.

SERVICE LIST

Peter M. Feaman, Esq.  
Peter M. Feaman, P.A.  
3615 West Boynton Beach Blvd.  
Boynton Beach, Florida 33436

Eliot Bernstein  
2753 NW 34<sup>th</sup> Street  
Boca Raton, Florida 33434

Theodore Stuart Bernstein  
Life Insurance Concepts  
950 Peninsula Corporate Circle, Suite 3010  
Boca Raton, Florida 33487

Lisa Sue Friedstein  
2142 Churchill Lane  
Highland Park, IL 60035

Pamela Beth Simon  
950 North Michigan Avenue, Suite 2603  
Chicago, IL 60611

Jill Iantoni  
2101 Magnolia Lane  
Highland Park, IL 60035

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

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

**IN RE:       ESTATE OF  
  
              SIMON BERNSTEIN  
  
              Deceased.**

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**MOTION TO TRANSFER AND CONSOLIDATE**

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 Transfer and Consolidate pursuant to Florida Rule of Civil Procedure 1.270 and Palm Beach County Administrative Order 2.302 and in support thereof state, as follows:

1.       This Court has been assigned the Estate of Simon Bernstein. Simon Bernstein died on September 13, 2012.
2.       The Last Will and Testament of Simon L. Bernstein dated July 25, 2012 has been admitted to probate by this Court. A copy of said Will is attached hereto as Exhibit "A" and incorporated herein by reference.
3.       Simon Bernstein's surviving spouse, Shirley Bernstein, died on December 8, 2010.
4.       The Estate of Shirley Bernstein has been assigned to and is pending before the Honorable Martin H. Colin under Case No. 502011CP000653XXXXSB. A copy of the Last Will and Testament of Shirley Bernstein dated May 20, 2008 has been admitted to probate by the

Honorable Martin H. Colin. A copy of said Will is attached hereto as Exhibit "B" and incorporated herein by reference.

5. As can be seen, Simon L. Bernstein exercised the power of appointment granted to him under the Shirley Bernstein Trust Agreement dated May 20, 2008.

6. Ted S. Bernstein, as Trustee of the Shirley Bernstein Trust, holds the assets subject to the power of appointment exercised by his father, Simon L. Bernstein. Pursuant to Article III of the Will, the Shirley Bernstein Trust is incorporated by reference into the Last Will and Testament of Shirley Bernstein. The Shirley Bernstein Trust is the named residuary beneficiary under the Will of Shirley Bernstein.

7. As a result of Simon L. Bernstein's exercise of the power of appointment, three (3) of the beneficiaries are his minor grandchildren, Daniel Bernstein, Jacob Bernstein and Joshua Bernstein.

8. Eliot Ivan Bernstein, the father and natural Guardian of Daniel Bernstein, Jacob Bernstein and Joshua Bernstein has filed numerous and duplicative papers or pleadings in both this Case and the Estate of Shirley Bernstein pending before the Honorable Martin L. Colin.

9. On May 6, 2013, Eliot Ivan Bernstein filed an Emergency Petition in both the Estate of Simon Bernstein and the Estate of Shirley. The Petition is well over 100 pages in length.

10. On May 8, 2013, the Honorable Martin H. Colin entered an Order denying the Emergency Petition.

11. On May 9, 2013, the Honorable Martin H. Colin entered another Oder denying the Emergency Petition.

12. On May 29, 2013, Eliot Ivan Bernstein filed a Renewed Emergency Petition in both the Estate of Simon Bernstein and the Estate of Shirley Bernstein. Copies of said Renewed Emergency Petitions are attached hereto as Exhibit "C" and incorporated herein by reference.

13. This Court and Judge Colin both denied Renewed Emergency Petition by Orders dated May 30 and May 31, 2013 respectively. Copies of said Orders are attached hereto as Composite Exhibit "D" and incorporated herein by reference.

14. On June 26, 2013, Eliot Ivan Bernstein filed a Motion to Consider in Ordinary Course the Emergency Petition in the Estate of Shirley Bernstein.

15. On September 4, 2013 filed another Emergency Petition in the Estate of Shirley Bernstein.

16. On September 4, 2013 filed another Emergency Petition in the Estate of Simon Bernstein.

17. On September 6, 2013, this Court entered an Order Denying the Emergency Motion. A copy of said Order is attached hereto as Exhibit "E" and incorporated herein by reference.

18. While this Court has consistently declined to hear the Petitions filed by Eliot Bernstein, the Honorable Martin L. Colin entered an Order dated September 4, 2013 setting

the September 4, 2013 Emergency Motion for Hearing on September 13, 2013. A copy of said Order is attached hereto as Exhibit "F" and incorporated herein by reference.

19. As a result of the Hearing on September 13, 2013, Judge Colin entered an Agreed Order dated September 24, 2013 Re-Opening the Estate of Shirley Bernstein. A copy of said Order is attached hereto as Exhibit "G" and incorporated herein by reference.

20. Additionally, Judge Colin found that no emergency existed as alleged by Eliot Bernstein.

21. As a result of the filings in both Estates, Eliot Bernstein has taken the position that there is a direct nexus between the Estate of Simon Bernstein and the Estate of Shirley Bernstein and that he can get the same relief in either or both Estates.

22. In the interest of judicial economy and the orderly management and administration of the Estates of Simon L. Bernstein and of Shirley Bernstein, the Movants request that this Court transfer the Estate of Simon L. Bernstein to the Honorable Martin L. Colin so that both Estates can be consolidated for discovery and trial.

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 any other relief the Court deems just, equitable and proper.



FILE NO.: 502012CP004391XXXXSB

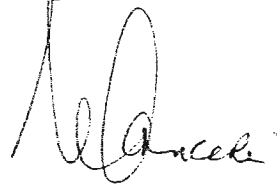
MARK R. MANCERI, P.A.  
Attorney for Donald R. Tescher and Robert L.  
Spallina, as Co-Personal Representatives  
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E-mail: [mrmlaw@comcast.net](mailto:mrmlaw@comcast.net)  
[mrmlaw1@gmail.com](mailto:mrmlaw1@gmail.com)

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 to all parties on the following Service List, this 12<sup>th</sup> day of December, 2013.



Mark R. Manceri, Esq.

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Pamela Beth Simon  
950 North Michigan Avenue, Suite 2603  
Chicago, IL 60611

Jill Iantoni  
2101 Magnolia Lane  
Highland Park, IL 60035

***EXHIBIT "A"***

WILL OF  
SIMON L. BERNSTEIN

*Prepared by:*

Tescher & Spallina, P.A.  
4855 Technology Way, Suite 720, Boca Raton, Florida 33431  
(561) 997-7008  
[www.tescherspallina.com](http://www.tescherspallina.com)

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WILL OF

SIMON L. BERNSTEIN

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I, SIMON L. BERNSTEIN, of Palm Beach County, Florida, hereby revoke all my prior Wills and Codicils and make this Will. I am a widower, but in the event that I marry subsequent to the execution of this Will, I specifically make no provision for my spouse. My children are TED S. BERNSTEIN, PAMELA B. SIMON, ELIOT BERNSTEIN, JILL IANTONI and LISA S. FRIEDSTEIN.

**ARTICLE I. TANGIBLE PERSONAL PROPERTY**

I give such items of my tangible personal property to such persons as I may designate in a separate written memorandum prepared for this purpose. I give to my children who survive me, divided among them as they agree, or if they fail to agree, divided among them by my Personal Representatives in as nearly equal shares as practical my personal effects, jewelry, collections, household furnishings and equipment, automobiles and all other non-business tangible personal property other than cash, not effectively disposed of by such memorandum, and if no child of mine survives me, this property shall pass with the residue of my estate.

**ARTICLE II. EXERCISE OF POWER OF APPOINTMENT**

Under Subparagraph E.1. of Article II. of the SHIRLEY BERNSTEIN TRUST AGREEMENT dated May 20, 2008, (the "*Shirley Trust*"), I was granted a special power of appointment upon my death to direct the disposition of the remaining assets of the Marital Trust and the Family Trust established under the Shirley Trust. Pursuant to the power granted to me under the Shirley Trust, upon my death, I hereby direct the then serving Trustees of the Marital Trust and the Family Trust to divide the remaining trust assets into equal shares for my then living grandchildren and distribute said shares to the then serving Trustees of their respective trusts established under Subparagraph II.B. of my Existing Trust, as referenced below, and administered pursuant to Subparagraph II.C. thereunder.

**ARTICLE III. RESIDUE OF MY ESTATE**

I give all the residue of my estate, including my homestead, to the Trustee then serving under my revocable Trust Agreement dated May 20, 2008, as amended and restated from time to time and on even date herewith (the "*Existing Trust*"), as Trustee without bond, but I do not exercise any powers of appointment held by me except as provided in Article II., above, and in the later paragraph titled "Death Costs." The residue shall be added to and become a part of the Existing Trust and shall be held under

LAST WILL  
OF SIMON L. BERNSTEIN

LAW OFFICES  
**TESCHER & SPALLINA, P.A.**



the provisions of said Agreement in effect at my death, or if this is not permitted by applicable law or the Existing Trust is not then in existence, under the provisions of said Agreement as existing today. If necessary to give effect to this gift, but not otherwise, said Agreement as existing today is incorporated herein by reference.

#### ARTICLE IV. PERSONAL REPRESENTATIVES

1. **Appointment and Bond.** I appoint ROBERT L. SPALLINA and DONALD R. TESCHER to serve together as my co-Personal Representatives, or either of them alone as Personal Representative if either of them is unable to serve (the "*fiduciary*"). Each fiduciary shall serve without bond and have all of the powers, privileges and immunities granted to my fiduciary by this Will or by law, provided, however, that my fiduciary shall exercise all powers in a fiduciary capacity.

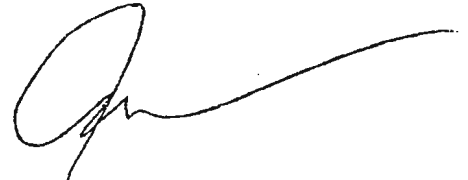
2. **Powers of Personal Representatives.** My fiduciary may exercise its powers without court approval. No one dealing with my fiduciary need inquire into its authority or its application of property. My fiduciary shall have the following powers:

a. **Investments.** To sell or exchange at public or private sale and on credit or otherwise, with or without security, and to lease for any term or perpetually, any property, real and personal, at any time forming a part of my probate estate (the "*estate*"); to grant and exercise options to buy or sell; to invest or reinvest in real or personal property of every kind, description and location; and to receive and retain any such property whether originally a part of the estate, or subsequently acquired, even if a fiduciary is personally interested in such property, and without liability for any decline in the value thereof; all without limitation by any statutes or judicial decisions, whenever enacted or announced, regulating investments or requiring diversification of investments.

b. **Distributions or Divisions.** To distribute directly to any beneficiary who is then entitled to distribution under the Existing Trust; to make any division or distribution pro rata or non-pro rata, in cash or in kind; and to allocate undivided interests in property and dissimilar property (without regard to its tax basis) to different shares, and to make any distribution to a minor or any other incapacitated person directly to such person, to his or her legal representative, to any person responsible for or assuming his or her care, or in the case of a minor to an adult person or an eligible institution (including a fiduciary) selected by my fiduciary as custodian for such minor under the Uniform Transfers to Minors Act or similar provision of law. The receipt of such payee is a complete release to the fiduciary.

c. **Management.** To manage, develop, improve, partition or change the character of or abandon an asset or interest in property at any time; and to make ordinary and extraordinary repairs, replacements, alterations and improvements, structural or otherwise.

d. **Borrowing.** To borrow money from anyone on commercially reasonable terms, including a fiduciary, beneficiaries and other persons who may have a direct or indirect interest in the



estate; and to mortgage, margin, encumber and pledge real and personal property of the estate as security for the payment thereof, without incurring any personal liability thereon and to do so for a term within or extending beyond the terms of the estate and to renew, modify or extend existing borrowing on similar or different terms and with the same or different security without incurring any personal liability; and such borrowing from my fiduciary may be with or without interest, and may be secured with a lien on the estate assets or any beneficiary's interest in said assets.

e. Lending. To extend, modify or waive the terms of any obligation, bond or mortgage at any time forming a part of the estate and to foreclose any such mortgage; accept a conveyance of encumbered property, and take title to the property securing it by deed in lieu of foreclosure or otherwise and to satisfy or not satisfy the indebtedness securing said property; to protect or redeem any such property from forfeiture for nonpayment of taxes or other lien; generally, to exercise as to such bond, obligation or mortgage all powers that an absolute owner might exercise; and to loan funds to beneficiaries at commercially reasonable rates, terms and conditions.

f. Abandonment of Property. To abandon any property or asset when it is valueless or so encumbered or in such condition that it is of no benefit to the estate. To abstain from the payment of taxes, liens, rents, assessments, or repairs on such property and/or permit such property to be lost by tax sale, foreclosure or other proceeding or by conveyance for nominal or no consideration to anyone including a charity or by escheat to a state; all without personal liability incurred therefor.

g. Real Property Matters. To subdivide, develop or partition real estate; to dedicate the same to public use; to make or obtain the location of any plats; to adjust boundaries; to adjust differences in valuations on exchange or partition by giving or receiving consideration; and, to grant easements with or without consideration as they may determine; and to demolish any building, structures, walls and improvements, or to erect new buildings, structures, walls and improvements and to insure against fire and other risks.

h. Claims. To enforce, compromise, adjust, arbitrate, release or otherwise settle or pay any claims or demands by or against the estate.

i. Business Entities. To deal with any business entity or enterprise even if a fiduciary is or may be a fiduciary of or own interests in said business entity or enterprise, whether operated in the form of a corporation, partnership, business trust, limited liability company, joint venture, sole proprietorship, or other form (all of which business entities and enterprises are referred to herein as "**Business Entities**"). I vest the fiduciary with the following powers and authority in regard to Business Entities:

i. To retain and continue to operate a Business Entity for such period as the fiduciary deems advisable;

ii. To control, direct and manage the Business Entities. In this connection, the fiduciary, in its sole discretion, shall determine the manner and extent of its active participation in the



operation and may delegate all or any part of its power to supervise and operate to such person or persons as the fiduciary may select, including any associate, partner, officer or employee of the Business Entity;

iii. To hire and discharge officers and employees, fix their compensation and define their duties; and similarly to employ, compensate and discharge agents, attorneys, consultants, accountants, and such other representatives as the fiduciary may deem appropriate; including the right to employ any beneficiary or fiduciary in any of the foregoing capacities;

iv. To invest funds in the Business Entities, to pledge other assets of the estate or a trust as security for loans made to the Business Entities, and to lend funds from my estate or a trust to the Business Entities;

v. To organize one or more Business Entities under the laws of this or any other state or country and to transfer thereto all or any part of the Business Entities or other property of my estate or a trust, and to receive in exchange such stocks, bonds, partnership and member interests, and such other securities or interests as the fiduciary may deem advisable;

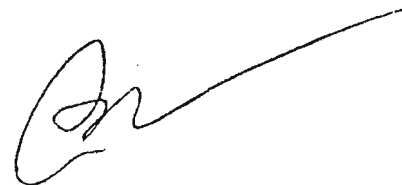
vi. To treat Business Entities as separate from my estate or a trust. In a fiduciary's accounting to any beneficiary, the fiduciary shall only be required to report the earnings and condition of the Business Entities in accordance with standard business accounting practice;

vii. To retain in Business Entities such net earnings for working capital and other purposes of the Business Entities as the fiduciary may deem advisable in conformity with sound business practice;

viii. To sell or liquidate all or any part of the Business Entities at such time and price and upon such terms and conditions (including credit) as the fiduciary may determine. My fiduciary is specifically authorized and empowered to make such sale to any person, including any partner, officer, or employee of the Business Entities, a fiduciary, or to any beneficiary; and

ix. To guaranty the obligations of the Business Entities, or pledge assets of the estate or a trust to secure such a guaranty.

j. Life Insurance. With respect to any life insurance policies constituting an asset of the estate to pay premiums; to apply dividends in reduction of such premiums; to borrow against the cash values thereof; to convert such policies into other forms of insurance including paid-up insurance; to exercise any settlement options provided in any such policies; to receive the proceeds of any policy upon its maturity and to administer such proceeds as a part of the principal of the estate or trust; and in general, to exercise all other options, benefits, rights and privileges under such policies; provided, however, no fiduciary other than a sole fiduciary may exercise any incidents of ownership with respect to policies of insurance insuring the fiduciary's own life.





k. Reimbursement. To reimburse itself from the estate for all reasonable expenses incurred in the administration thereof.

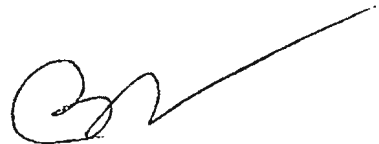
l. Voting. To vote and give proxies, with power of substitution to vote, stocks, bonds and other securities, or not to vote a security.

m. Ancillary Administration. To appoint or nominate, and replace with or without cause, any persons or corporations, including itself, as ancillary administrators to administer property in other jurisdictions, with the same powers, privileges and immunities as my fiduciary and without bond.

n. Tax Elections. To file tax returns, and to exercise all tax-related elections and options at their discretion, without compensating adjustments or reimbursements between any accounts or any beneficiaries.

3. Survivorship. A beneficiary is not deemed to survive me unless he or she survives me by five days.

4. Death Costs. My fiduciary shall pay (a) from the residuary estate my debts which are allowed as claims against my estate, (b) from the residuary estate my funeral expenses without regard to legal limitations, (c) from the residuary estate the expenses of administering my estate and (d) from the residuary estate other than the portion of the residuary estate qualifying for the marital deduction under the laws then in effect, without apportionment, all estate, inheritance and succession taxes (excluding generation-skipping taxes other than with respect to direct skips), and interest and penalties thereon, due because of my death and attributable to all property whether passing under this Will or otherwise and not required by the terms of the Existing Trust to be paid out of said trust. However, such taxes, penalties and interest payable out of my residuary estate shall not include taxes, penalties and interest attributable to (i) property over which I have a power of appointment granted to me by another person, (ii) qualified terminable interest property held in a trust of which I was the income beneficiary at the time of my death (other than qualified terminable interest property held in a trust for which an election was made under Code Section 2652(a)(3)), and (iii) life insurance proceeds on policies insuring my life which proceeds are not payable to my probate estate. My fiduciary shall not be reimbursed for any such payment from any person or property. However, my fiduciary in its discretion may direct that part or all of said death costs shall be paid by my Trustee as provided in the Existing Trust, and shall give such direction to the extent necessary so that the gifts made in Article I of this Will and the gifts made in any codicil hereto shall not be reduced by said death costs. If the amount of the above-described taxes, and interest and penalties arising by reason of my death (without regard to where payable from under the terms of this paragraph or applicable law) is increased because of the power of appointment granted to me under Subparagraph II.E.1. of the SHIRLEY BERNSTEIN TRUST AGREEMENT dated May 20, 2008, I hereby appoint to my probate estate from the property subject to such power (to the extent allowable under such power) the amount of such increase (calculating such increase at the highest applicable marginal rates) and exercise such power to this extent only, and notwithstanding the other provisions of this paragraph further direct my fiduciary to make payment of such increase in taxes,



interest and penalties to the appropriate taxing authorities from the appointed property or the proceeds thereof. Any trustee holding such appointive property may pay to my fiduciary the amount which my fiduciary certifies as due under this paragraph and is not responsible for the correctness or application of amounts so paid.

5. **Reimbursement for Debts and Expenses.** My fiduciary shall promptly reimburse my friends and members of my family who have disbursed their own funds for the payment of any debts, funeral expenses or costs of administration of my estate.

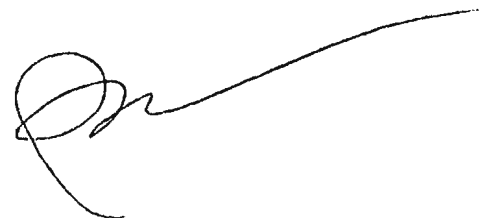
6. **Expenses of Handling Tangible Personal Property.** All expenses incurred by my fiduciary during the settlement of my estate in appraising, storing, packing, shipping, delivering or insuring an article of tangible personal property passing under this Will shall be charged as an expense of administering my estate.

7. **Dealing with Estate.** Each fiduciary may act under this Will even if interested in my estate in an individual capacity, as a fiduciary of another estate or trust (including any trust identified in this Will or created under the Existing Trust) or in any other capacity. Each fiduciary may in good faith buy from, sell to, lend funds to or otherwise deal with my estate.

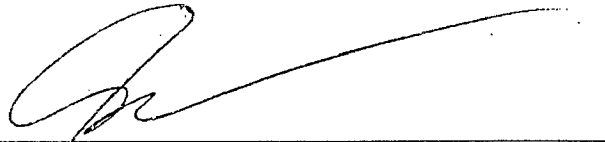
8. **Spouse.** The term "*spouse*" herein means, as to a designated individual, the person to whom that individual is from time to time married.

9. **Other Beneficiary Designations.** Except as otherwise explicitly and with particularity provided herein, (a) no provision of this Will shall revoke or modify any beneficiary designation of mine made by me and not revoked by me prior to my death under any individual retirement account, other retirement plan or account, or annuity or insurance contract, (b) I hereby reaffirm any such beneficiary designation such that any assets held in such account, plan, or contract shall pass in accordance with such designation, and (c) regardless of anything herein to the contrary, any of such assets which would otherwise pass pursuant to this Will due to the beneficiary designation not having met the requirements for a valid testamentary disposition under applicable law or otherwise shall be paid as a gift made hereunder to the persons and in the manner provided in such designation which is incorporated herein by this reference.

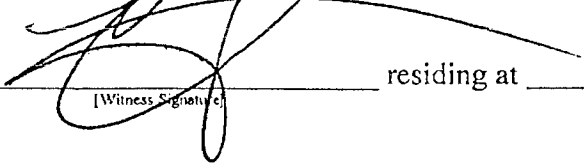
*[remainder of page intentionally left blank]*



I have published and signed this instrument as my Will at Boca Raton, Florida, on the 24 day of July, 2012.

  
SIMON L. BERNSTEIN

This instrument, consisting of this page numbered 7 and the preceding typewritten pages, was signed, sealed, published and declared by the Testator to be the Testator's Will in our presence, and at the Testator's request and in the Testator's presence, and in the presence of each other, we have subscribed our names as witnesses at Boca Raton, Florida on this 24 day of July, 2012.

  
[Witness Signature] residing at ROBERT L. SPALLINA  
7387 WISTERIA AVENUE  
PARKLAND, FL 33076  
[Witness Address]

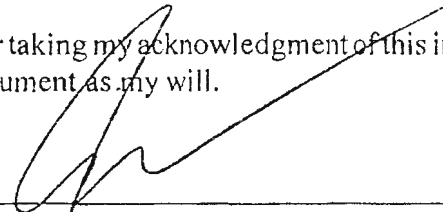
Kimberly Moran  
[Witness Signature] residing at Kimberly Moran  
6362 Las Flores Drive  
Boca Raton, FL 33433  
[Witness Address]

State Of Florida

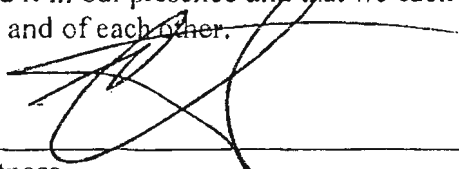
SS.

County Of Palm Beach

I, SIMON L. BERNSTEIN, declare to the officer taking my acknowledgment of this instrument, and to the subscribing witnesses, that I signed this instrument as my will.

  
SIMON L. BERNSTEIN, Testator

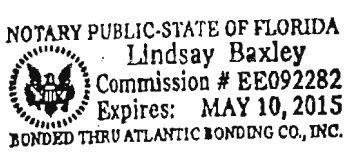
We, Robert L. Spallina and Kimberly Moran, have been sworn by the officer signing below, and declare to that officer on our oaths that the Testator declared the instrument to be the Testator's will and signed it in our presence and that we each signed the instrument as a witness in the presence of the Testator and of each other.

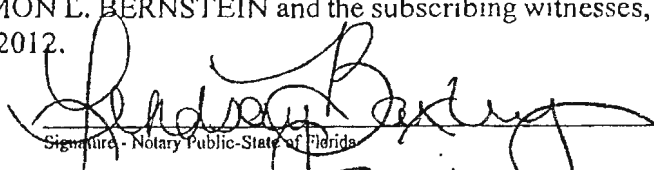
  
Witness

Kimberly Moran  
Witness

Acknowledged and subscribed before me, by the Testator, SIMON L. BERNSTEIN, who is personally known to me or who has produced \_\_\_\_\_ (state type of identification) as identification, and sworn to and subscribed before me by the witnesses, Robert L. Spallina, who is personally known to me or who has produced \_\_\_\_\_ (state type of identification) as identification, and Kimberly Moran, who is personally known to me or who has produced \_\_\_\_\_ (state type of identification) as identification, and subscribed by me in the presence of SIMON L. BERNSTEIN and the subscribing witnesses, all on this 25 day of July, 2012.

[Seal with Commission Expiration Date]



  
Signature - Notary Public - State of Florida  
Lindsay Baxley  
Print, type or stamp name of Notary Public

LAST WILL  
OF SIMON L. BERNSTEIN

***EXHIBIT "B"***

**COPY**  
SOUTH COUNTY BRANCH OFFICE  
ORIGINAL RECEIVED

FEB 10 2011

SHARON R. BOCK  
CLERK & COMPTROLLER  
PALM BEACH COUNTY

WILL OF

SHIRLEY BERNSTEIN

*Prepared by:*

Tescher & Spallina, P.A.  
2101 Corporate Blvd., Suite 107, Boca Raton, Florida 33431  
(561) 998-7847  
[www.tescherlaw.com](http://www.tescherlaw.com)

TESCHER & SPALLINA, P.A.

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WILL OF

SHIRLEY BERNSTEIN

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I, SHIRLEY BERNSTEIN, of Palm Beach County, Florida, hereby revoke all my prior Wills and Codicils and make this Will. My spouse is SIMON L. BERNSTEIN ("**SIMON**"). My children are TED S. BERNSTEIN ("**TED**"), PAMELA B. SIMON, ELIOT BERNSTEIN, JILL IANTONI and LISA S. FRIEDSTEIN.

**ARTICLE I. TANGIBLE PERSONAL PROPERTY**

I give such items of my tangible personal property to such persons as I may designate in a separate written memorandum prepared for this purpose. I give to SIMON, if SIMON survives me, my personal effects, jewelry, collections, household furnishings and equipment, automobiles and all other non-business tangible personal property other than cash, not effectively disposed of by such memorandum, and if SIMON does not survive me, I give this property to my children who survive me, divided among them as they agree, or if they fail to agree, divided among them by my Personal Representatives in as nearly equal shares as practical, and if neither SIMON nor any child of mine survives me, this property shall pass with the residue of my estate.

**ARTICLE II. RESIDENCES**

I give to SIMON, if SIMON survives me, my entire interest in any real property used by us as a permanent or seasonal residence, subject to any mortgage or other lien. If SIMON does not survive me, such interest shall pass with the residue of my estate.

**ARTICLE III. RESIDUE OF MY ESTATE**

I give all the residue of my estate to the Trustee then serving under my revocable Trust Agreement dated today, as may be amended and restated from time to time (the "*Existing Trust*"), as Trustee without bond, but I do not exercise any powers of appointment held by me except as provided in the later paragraph titled "Death Costs." The residue shall be added to and become a part of the Existing Trust, and shall be held under the provisions of said Agreement in effect at my death, or if this is not permitted by applicable law or the Existing Trust is not then in existence, under the provisions of said Agreement as existing today. If necessary to give effect to this gift, but not otherwise, said Agreement as existing today is incorporated herein by reference.

LAST WILL  
OF SHIRLEY BERNSTEIN

Shirley BERNSTEIN

TESCHER & SPALLINA, P.A.



#### ARTICLE IV. PERSONAL REPRESENTATIVES

1. **Appointment and Bond.** I appoint SIMON and TED, one at a time and successively in that order, as my Personal Representative (the "*fiduciary*"). Each fiduciary shall serve without bond and have all of the powers, privileges and immunities granted to my fiduciary by this Will or by law, provided, however, that my fiduciary shall exercise all powers in a fiduciary capacity.

2. **Powers of Personal Representatives.** My fiduciary may exercise its powers without court approval. No one dealing with my fiduciary need inquire into its authority or its application of property. My fiduciary shall have the following powers:

a. **Investments.** To sell or exchange at public or private sale and on credit or otherwise, with or without security, and to lease for any term or perpetually, any property, real and personal, at any time forming a part of my probate estate (the "*estate*"); to grant and exercise options to buy or sell; to invest or reinvest in real or personal property of every kind, description and location; and to receive and retain any such property whether originally a part of the estate, or subsequently acquired, even if a fiduciary is personally interested in such property, and without liability for any decline in the value thereof; all without limitation by any statutes or judicial decisions, whenever enacted or announced, regulating investments or requiring diversification of investments.

b. **Distributions or Divisions.** To distribute directly to any beneficiary who is then entitled to distribution under the Existing Trust; to make any division or distribution pro rata or non-pro rata, in cash or in kind; and to allocate undivided interests in property and dissimilar property (without regard to its tax basis) to different shares, and to make any distribution to a minor or any other incapacitated person directly to such person, to his or her legal representative, to any person responsible for or assuming his or her care, or in the case of a minor to an adult person or an eligible institution (including a fiduciary) selected by my fiduciary as custodian for such minor under the Uniform Transfers to Minors Act or similar provision of law. The receipt of such payee is a complete release to the fiduciary.

c. **Management.** To manage, develop, improve, partition or change the character of or abandon an asset or interest in property at any time; and to make ordinary and extraordinary repairs, replacements, alterations and improvements, structural or otherwise.

d. **Borrowing.** To borrow money from anyone on commercially reasonable terms, including a fiduciary, beneficiaries and other persons who may have a direct or indirect interest in the estate; and to mortgage, margin, encumber and pledge real and personal property of the estate as security for the payment thereof, without incurring any personal liability thereon and to do so for a term within or extending beyond the terms of the estate and to renew, modify or extend existing borrowing on similar or different terms and with the same or different security without incurring any personal liability; and such borrowing from my fiduciary may be with or without interest, and may be secured with a lien on the estate assets or any beneficiary's interest in said assets.



e. Lending. To extend, modify or waive the terms of any obligation, bond or mortgage at any time forming a part of the estate and to foreclose any such mortgage; accept a conveyance of encumbered property, and take title to the property securing it by deed in lieu of foreclosure or otherwise and to satisfy or not satisfy the indebtedness securing said property; to protect or redeem any such property from forfeiture for nonpayment of taxes or other lien; generally, to exercise as to such bond, obligation or mortgage all powers that an absolute owner might exercise; and to loan funds to beneficiaries at commercially reasonable rates, terms and conditions.

f. Abandonment of Property. To abandon any property or asset when it is valueless or so encumbered or in such condition that it is of no benefit to the estate. To abstain from the payment of taxes, liens, rents, assessments, or repairs on such property and/or permit such property to be lost by tax sale, foreclosure or other proceeding or by conveyance for nominal or no consideration to anyone including a charity or by escheat to a state; all without personal liability incurred therefor.

g. Real Property Matters. To subdivide, develop or partition real estate; to dedicate the same to public use; to make or obtain the location of any plats; to adjust boundaries; to adjust differences in valuations on exchange or partition by giving or receiving consideration; and, to grant easements with or without consideration as they may determine; and to demolish any building, structures, walls and improvements, or to erect new buildings, structures, walls and improvements and to insure against fire and other risks.

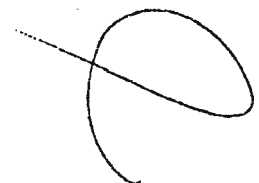
h. Claims. To enforce, compromise, adjust, arbitrate, release or otherwise settle or pay any claims or demands by or against the estate.

i. Business Entities. To deal with any business entity or enterprise even if a fiduciary is or may be a fiduciary of or own interests in said business entity or enterprise, whether operated in the form of a corporation, partnership, business trust, limited liability company, joint venture, sole proprietorship, or other form (all of which business entities and enterprises are referred to herein as "*Business Entities*"). I vest the fiduciary with the following powers and authority in regard to Business Entities:

i. To retain and continue to operate a Business Entity for such period as the fiduciary deems advisable;

ii. To control, direct and manage the Business Entities. In this connection, the fiduciary, in its sole discretion, shall determine the manner and extent of its active participation in the operation and may delegate all or any part of its power to supervise and operate to such person or persons as the fiduciary may select, including any associate, partner, officer or employee of the Business Entity;

iii. To hire and discharge officers and employees, fix their compensation and define their duties; and similarly to employ, compensate and discharge agents, attorneys, consultants, accountants, and such other representatives as the fiduciary may deem appropriate; including the right



to employ any beneficiary or fiduciary in any of the foregoing capacities;

iv. To invest funds in the Business Entities, to pledge other assets of the estate or a trust as security for loans made to the Business Entities, and to lend funds from my estate or a trust to the Business Entities;

v. To organize one or more Business Entities under the laws of this or any other state or country and to transfer thereto all or any part of the Business Entities or other property of my estate or a trust, and to receive in exchange such stocks, bonds, partnership and member interests, and such other securities or interests as the fiduciary may deem advisable;

vi. To treat Business Entities as separate from my estate or a trust. In a fiduciary's accounting to any beneficiary, the fiduciary shall only be required to report the earnings and condition of the Business Entities in accordance with standard business accounting practice;

vii. To retain in Business Entities such net earnings for working capital and other purposes of the Business Entities as the fiduciary may deem advisable in conformity with sound business practice;

viii. To sell or liquidate all or any part of the Business Entities at such time and price and upon such terms and conditions (including credit) as the fiduciary may determine. My fiduciary is specifically authorized and empowered to make such sale to any person, including any partner, officer, or employee of the Business Entities, a fiduciary, or to any beneficiary; and

ix. To guaranty the obligations of the Business Entities, or pledge assets of the estate or a trust to secure such a guaranty.

j. Life Insurance. With respect to any life insurance policies constituting an asset of the estate to pay premiums; to apply dividends in reduction of such premiums; to borrow against the cash values thereof; to convert such policies into other forms of insurance including paid-up insurance; to exercise any settlement options provided in any such policies; to receive the proceeds of any policy upon its maturity and to administer such proceeds as a part of the principal of the estate or trust; and in general, to exercise all other options, benefits, rights and privileges under such policies; provided, however, no fiduciary other than a sole fiduciary may exercise any incidents of ownership with respect to policies of insurance insuring the fiduciary's own life.

k. Reimbursement. To reimburse itself from the estate for all reasonable expenses incurred in the administration thereof.

l. Voting. To vote and give proxies, with power of substitution to vote, stocks, bonds and other securities, or not to vote a security.

m. Ancillary Administration. To appoint or nominate, and replace with or without

cause, any persons or corporations, including itself, as ancillary administrators to administer property in other jurisdictions, with the same powers, privileges and immunities as my fiduciary and without bond.

n. Tax Elections. To file tax returns, and to exercise all tax-related elections and options at their discretion, without compensating adjustments or reimbursements between any accounts or any beneficiaries.

3. Survivorship. A beneficiary is not deemed to survive me unless he or she survives me by five days.

4. Death Costs. My fiduciary shall pay (a) from the residuary estate my debts which are allowed as claims against my estate, (b) from the residuary estate my funeral expenses without regard to legal limitations, (c) from the residuary estate the expenses of administering my estate and (d) from the residuary estate other than the portion of the residuary estate qualifying for the marital deduction under the laws then in effect, without apportionment, all estate, inheritance and succession taxes (excluding generation-skipping taxes other than with respect to direct skips), and interest and penalties thereon, due because of my death and attributable to all property whether passing under this Will or otherwise and not required by the terms of the Existing Trust to be paid out of said trust. However, such taxes, penalties and interest payable out of my residuary estate shall not include taxes, penalties and interest attributable to (i) property over which I have a power of appointment granted to me by another person, (ii) qualified terminable interest property held in a trust of which I was the income beneficiary at the time of my death (other than qualified terminable interest property held in a trust for which an election was made under Code Section 2652(a)(3)), and (iii) life insurance proceeds on policies insuring my life which proceeds are not payable to my probate estate. My fiduciary shall not be reimbursed for any such payment from any person or property. However, my fiduciary in its discretion may direct that part or all of said death costs shall be paid by my Trustee as provided in the Existing Trust, and shall give such direction to the extent necessary so that the gifts made in Articles I and II of this Will and the gifts made in any codicil hereto shall not be reduced by said death costs.

5. Reimbursement for Debts and Expenses. My fiduciary shall promptly reimburse my friends and members of my family who have disbursed their own funds for the payment of any debts, funeral expenses or costs of administration of my estate.

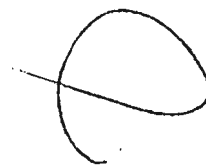
6. Expenses of Handling Tangible Personal Property. All expenses incurred by my fiduciary during the settlement of my estate in appraising, storing, packing, shipping, delivering or insuring an article of tangible personal property passing under this Will shall be charged as an expense of administering my estate.

7. Dealing with Estate. Each fiduciary may act under this Will even if interested in my estate in an individual capacity, as a fiduciary of another estate or trust (including any trust identified in this Will or created under the Existing Trust) or in any other capacity. Each fiduciary may in good faith buy from, sell to, lend funds to or otherwise deal with my estate.

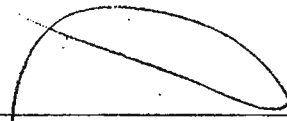
8. **Spouse.** The term "*spouse*" herein means, as to a designated individual, the person to whom that individual is from time to time married.

9. **Other Beneficiary Designations.** Except as otherwise explicitly and with particularity provided herein, (a) no provision of this Will shall revoke or modify any beneficiary designation of mine made by me and not revoked by me prior to my death under any individual retirement account, other retirement plan or account, or annuity or insurance contract, (b) I hereby reaffirm any such beneficiary designation such that any assets held in such account, plan, or contract shall pass in accordance with such designation, and (c) regardless of anything herein to the contrary, any of such assets which would otherwise pass pursuant to this Will due to the beneficiary designation not having met the requirements for a valid testamentary disposition under applicable law or otherwise shall be paid as a gift made hereunder to the persons and in the manner provided in such designation which is incorporated herein by this reference.

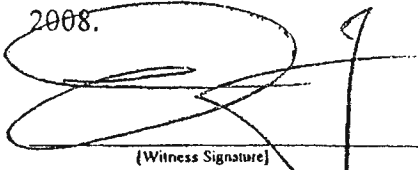
*[remainder of page intentionally left blank]*

A large, handwritten mark resembling a stylized letter 'P' or a similar symbol, located in the bottom right corner of the page.

I have published and signed this instrument as my Will at Boca Raton, Florida, on the 20 day of MAY, 2008.

  
\_\_\_\_\_  
SHIRLEY BERNSTEIN

This instrument, consisting of this page numbered 7 and the preceding typewritten pages, was signed, sealed, published and declared by the Testatrix to be the Testatrix's Will in our presence, and at the Testatrix's request and in the Testatrix's presence, and in the presence of each other, we have subscribed our names as witnesses at Boca Raton, Florida on this 20 day of MAY, 2008.

  
\_\_\_\_\_  
(Witness Signature) residing at 7357 Wisconsin Ave  
\_\_\_\_\_  
(Witness Address)

Panama, FL 33026  
\_\_\_\_\_  
(Witness Address)

DBaule  
\_\_\_\_\_  
(Witness Signature) residing at 23415 Boca Trace Dr  
\_\_\_\_\_  
(Witness Address)

Boca Raton, FL 33433  
\_\_\_\_\_  
(Witness Address)

=====

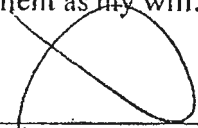


State Of Florida

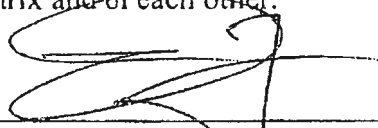
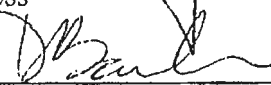
SS.

County Of Palm Beach

I, SHIRLEY BERNSTEIN, declare to the officer taking my acknowledgment of this instrument, and to the subscribing witnesses, that I signed this instrument as my will.

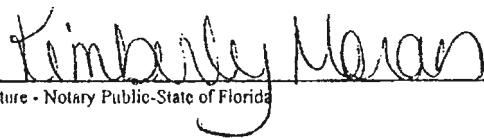
  
SHIRLEY BERNSTEIN, Testatrix

We, Robert L. Spallina and Diana Banks,  
have been sworn by the officer signing below, and declare to that officer on our oaths that the Testatrix declared the instrument to be the Testatrix's will and signed it in our presence and that we each signed the instrument as a witness in the presence of the Testatrix and of each other.

  
Witness  
  
Witness

Acknowledged and subscribed before me, by the Testatrix, SHIRLEY BERNSTEIN, who is personally known to me or who has produced \_\_\_\_\_ (state type of identification) as identification, and sworn to and subscribed before me by the witnesses, Robert L. Spallina, who is personally known to me or who has produced \_\_\_\_\_ (state type of identification) as identification, and Diana Banks, who is personally known to me or who has produced \_\_\_\_\_ (state type of identification) as identification, and subscribed by me in the presence of SHIRLEY BERNSTEIN and the subscribing witnesses, all on this 20 day of May, 2008.

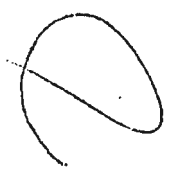
NOTARY PUBLIC-STATE OF FLORIDA  
Kimberly Moran  
Commission #DD766470  
Expires: APR. 28, 2012  
BONDED THRU ATLANTIC BONDING CO., INC.

  
Signature - Notary Public-State of Florida

[Seal with Commission Expiration Date]

Print, type or stamp name of Notary Public

F:\WPDATA\dn\Bernstein, Shirley & Simon\2008 Estate Planning\Will of Shirley Bernstein.wpd [08 15.36 41 5 19]



***COMPOSITE  
EXHIBIT "C"***

IN THE CIRCUIT COURT FOR PALM BEACH COUNTY, FL

IN RE: ESTATE OF                      PROBATE DIVISION

SHIRLEY BERNSTEIN,

FILE NO. 502011CP000653XXXXSB

DECEASED

HON. MARTIN H. COLIN

**RENEWED EMERGENCY  
PETITION**

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 PERSONAL  
REPRESENTATIVES ET AL., TRUSTEES,  
SUCCESSOR TRUSTEES AND ESTATE COUNSEL  
AND JOHN AND JANE DOES,

RESPONDENTS.

**RENEWED 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 - PROOF OF  
SERVICE TO ALL INTERESTED PARTIES SERVED IN  
ACCORDANCE WITH THIS COURT ORDER**



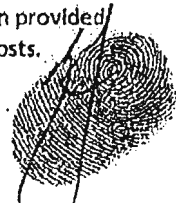


This Entire Petition is written, filed upon the knowledge, information and belief of Eliot Ivan Bernstein ("Petitioner"):

1. That in compliance with this Court's Order dated May 08, 2013 the original "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." <sup>1</sup> has been served to all Respondents and interested parties/persons to whom the Petition is directed, Theodore Bernstein, Pamela Simon, Jill Iantoni and Lisa Friedstein and as Trustees for their children .
2. That on May 14<sup>th</sup> 2013 Proof of Service on all Respondents and interested parties/persons of the original Emergency Petition was filed with the Court and Petitioner now moves this Court to adjudicate this Renewed Emergency Petition immediately as to prevent further alleged Criminal Activity and theft of assets of the estate to cease.
3. That during such time that this Court has requested proper service of the Petition, it has come to Petitioner's attention that assets of the estate are being sold or otherwise disbursed of without proper notification to Petitioner and Interested Parties by the Respondents.
4. That the Court and all Officers of the Court handling this matter have been requested to Sign a Conflict of Interest Disclosure ("COI") that was attached in the original Emergency Motion and where prior to ANY decisions or orders or rulings or pleadings submitted by any Officer of the Court, Petitioner is requesting a signed COI to ensure fair and impartial due process.
5. That it has come to the attention of Petitioner that the Justices handling the estates of Simon and Shirley Bernstein are different and that the Justices handling the cases are signing orders in each other's case and Petitioner

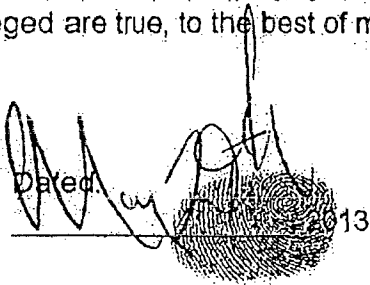
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<sup>1</sup> A Copy of the original Petition served on the Respondents and Interest parties and this Court is again provided herein for this Court, at the Court Clerk's request and an additional \$200.00 in printing and copying costs.

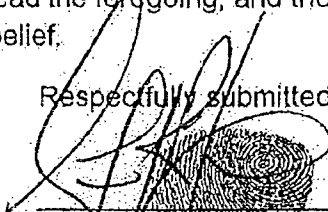


requests clarification as to who is adjudicating each case and who will be signing orders in each case. This has also confused both the Court Clerks and the Justices assistants and delayed this Emergency Petition from being heard by the Court, again allowing more time for Respondents to continue perpetrating Fraud on this Court and more.

—Under penalties of perjury, I declare that I have read the foregoing, and the facts alleged are true, to the best of my knowledge and belief.

Dated:  13

Respectfully submitted,

  
Eliot I. Bernstein, Pro Se  
2753 NW 34th St.  
Boca Raton, FL 33434  
(561) 245-8588

IN THE CIRCUIT COURT FOR PALM BEACH COUNTY, FL

IN RE: ESTATE OF PROBATE DIVISION

SHIRLEY BERNSTEIN,

FILE NO. 502011CP000653XXXXSB

DECEASED

**PROOF OF SERVICE OF: RENEWED 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 -  
PROOF OF SERVICE TO ALL INTERESTED PARTIES SERVED IN  
ACCORDANCE WITH THIS COURT ORDER**

I CERTIFY that on May 29, 2013 a copy of the "RENEWED 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 - PROOF OF SERVICE TO ALL INTERESTED PARTIES SERVED IN ACCORDANCE WITH THIS COURT ORDER" was mailed by United States Priority Mail to the entities on the attachment hereto.

Under penalties of perjury, I declare that I have read the foregoing and the facts alleged are true, to the best of my knowledge and belief.

Signed on May 29th 2013



By:

A large, stylized handwritten signature is written over the signature line on the right side of the document.

Eliot I. Bernstein, Pro Se  
2753 NW 34th St.  
Boca Raton, FL 33434  
(561) 245-8588

Sent Priority Mail on May 29, 2013 to:

**Respondents**

Robert L. Spallina, Esq.  
Tescher & Spallina, P.A.  
Boca Village Corporate Center I  
4855 Technology Way  
Suite 720  
Boca Raton, FL 33431

Donald Tescher, Esq.  
Tescher & Spallina, P.A.  
Boca Village Corporate Center I  
4855 Technology Way  
Suite 720  
Boca Raton, FL 33431

Theodore Stuart Bernstein  
880 Berkley Street  
Boca Raton, FL 33487

**Interested Parties and Trustees for Beneficiaries**

Lisa Sue Friedstein  
2142 Churchill Lane  
Highland Park IL 60035

Jill Marla Iantoni  
2101 Magnolia Lane  
Highland Park, IL 60035

Pamela Beth Simon  
950 North Michigan Avenue  
Suite 2603  
Chicago, IL 60611





This Entire Petition is written, filed upon the knowledge, information and belief of Eliot Ivan Bernstein ("Petitioner"):

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2. That on May 14<sup>th</sup> 2013 Proof of Service on all Respondents and interested parties/persons of the original Emergency Petition was filed with the Court and Petitioner now moves this Court to adjudicate this Renewed Emergency Petition immediately as to prevent further alleged Criminal Activity and theft of assets of the estate to cease.
3. That during such time that this Court has requested proper service of the Petition, it has come to Petitioner's attention that assets of the estate are being sold or otherwise disbursed of without proper notification to Petitioner and Interested Parties by the Respondents.
4. That the Court and all Officers of the Court handling this matter have been requested to Sign a Conflict of Interest Disclosure ("COI") that was attached in the original Emergency Motion and where prior to ANY decisions or orders or rulings or pleadings submitted by any Officer of the Court, Petitioner is requesting a signed COI to ensure fair and impartial due process.
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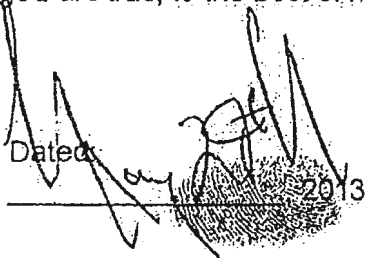
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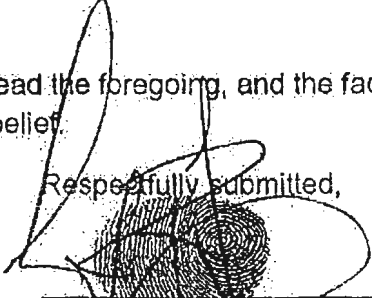
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—Under penalties of perjury, I declare that I have read the foregoing, and the facts alleged are true, to the best of my knowledge and belief.

Dated:

 2013

Respectfully submitted,

  
Elio Bernstein, Pro Se  
2753 NW 34th St.  
Boca Raton, FL 33434  
(561) 245-8588

IN THE CIRCUIT COURT FOR PALM BEACH COUNTY, FL

IN RE: ESTATE OF PROBATE DIVISION

SIMON BERNSTEIN,

FILE NO. 502012CP004391XXXXSB

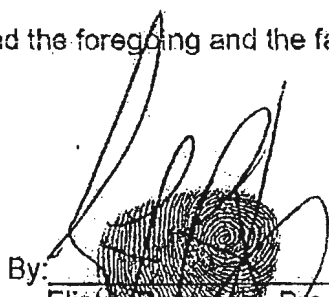
DECEASED

**PROOF OF SERVICE OF: RENEWED 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 -  
PROOF OF SERVICE TO ALL INTERESTED PARTIES SERVED IN  
ACCORDANCE WITH THIS COURT ORDER**

I CERTIFY that on May 29, 2013 a copy of the "RENEWED 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 - PROOF OF SERVICE TO ALL INTERESTED PARTIES SERVED IN  
ACCORDANCE WITH THIS COURT ORDER" was mailed by United States Priority  
Mail to the entities on the attachment hereto.

Under penalties of perjury I declare that I have read the foregoing and the facts  
alleged are true, to the best of my knowledge and belief.

Signed on  5/29/2013

By:   
Eliot Bernstein, Pro Se  
2758 NW 34th St.  
Boca Raton, FL 33434  
(561) 245-8588



Sent Priority Mail on May 29, 2013 to:

**Respondents**

Robert L. Spallina, Esq.  
Tescher & Spallina, P.A.  
Boca Village Corporate Center I  
4855 Technology Way  
Suite 720  
Boca Raton, FL 33431

Donald Tescher, Esq.  
Tescher & Spallina, P.A.  
Boca Village Corporate Center I  
4855 Technology Way  
Suite 720  
Boca Raton, FL 33431

Theodore Stuart Bernstein  
880 Berkley Street  
Boca Raton, FL 33487

**Interested Parties and Trustees for Beneficiaries**

Lisa Sue Friedstein  
2142 Churchill Lane  
Highland Park IL 60035

Jill Maria Iantonl  
2101 Magnolia Lane  
Highland Park, IL 60035

Pamela Beth Simon  
950 North Michigan Avenue  
Suite 2603  
Chicago, IL 60611



***COMPOSITE  
EXHIBIT "D"***

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA  
PROBATE /GUARDIANSHIP DIVISION "IY"

CASE NO. 502011CP000653XXXXSB

IN RE: THE ESTATE OF  
SHIRLEY BERNSTEIN,  
Deceased

---

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 BERSTEIN, AS PERSONAL  
REPRESENTATIVES ET AL., TRUSTEES, SUCCESSOR  
TRUSTEES AND ESTATE COUNSEL AND JOHN AND JANE  
DOES,  
Respondents.

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**ORDER DENYING RENEWED 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 AND MORE-  
PROOF OF SERVICE TO ALL INTERESTED PARTIES SERVED IN  
ACCORDANCE WITH THIS COURT ORDER**

UPON CONSIDERATION of the Renewed 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 and More-Proof of Service to all  
Interested Parties Served in Accordance with this Court Order, it is hereby

**ORDERED AND ADJUDGED** that Renewed Emergency Petition is hereby

Denied as an emergency. This matter may be set in the ordinary course.

DONE AND ORDERED in chambers, at Delray Beach, Palm Beach County,  
Florida this 31<sup>st</sup> day of May, 2013.

**SIGNED & DATED**  
MAY 31 2013

---

**MARTIN H. COLIN** JUDGE **MARTIN H. COLIN**  
Circuit Court Judge

**Copies furnished:**

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

CASE NUMBER: 2012CP004391 IX

IN RE: THE ESTATE OF  
SIMON BERNSTEIN,  
Deceased,

---

**ORDER DENYING RENEWED 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**

THIS CAUSE, submitted to the Court on May 30, 2013 the Renewed Emergency Petition to:  
Freeze Estate Assets, Appoint New Personal Representatives, Investigate Forged and Fraudulent  
Documents Submitted to the Court and other Interested Parties, Rescind Signature of Eliot  
Bernstein in Estate of Shirley Bernstein and More, filed May 29, 2013, and the Court having  
fully reviewed said Motion, and the Court file, it is hereby

ORDERED AND ADJUDGED that said Motion is hereby DENIED as an Emergency, the  
moving party is directed to address said Motion in the ordinary course.

DONE AND ORDERED in West Palm Beach, Palm Beach County, Florida this 30<sup>th</sup> day  
of May, 2013.

CIRCUIT JUDGE DAVID E. FRENCH

**SIGNED & DATED**  
**MAY 30 2013**  
CIRCUIT JUDGE  
DAVID E. FRENCH

Copies to:

Peter M. Feaman, Esquire  
3615 W. Boynton Beach Blvd.  
Boynton Beach, FL 33436

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Robert L. Spallina, Esquire  
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Boca Raton, FL 33431

***EXHIBIT "E"***

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

IN RE THE ESTATE OF:  
SIMON BERNSTEIN,

CASE NO.: 2012CP004391 IX

Deceased,

\_\_\_\_\_  
ELIOT IVAN BERNSTEIN, PRO SE,  
Petitioner,

And

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,

**ORDER DENYING PETITIONER'S EMERGENCY MOTION**  
**FILED SEPTEMBER 4, 2013**

THIS CAUSE submitted to the Court on September 4, 2013, the Petitioner's Emergency Motion, filed September 4, and the Court having carefully considered said Motion and the Court file, finds:

The Court hereby determines only that the Motion is legally insufficient. Accordingly, it is

**ORDERED AND ADJUDGED** that the Motion is **DENIED**.

**DONE AND ORDERED** in Chambers this \_\_\_\_ day of September, 2013 at West Palm Beach, Palm Beach County, Florida.

**SIGNED & DATED**  
**SEP 06 2013**  
\_\_\_\_\_  
DAVID FRENCH JUDGE  
CIRCUIT JUDGE  
DAVID E. FRENCH

cc:

Robert L. Spallina, Esq.  
Tescher & Spallina, P.A.  
Boca Village Corporate Center I  
4855 Technology Way, Suite 720  
Boca Raton, FL 33431

Donald Tescher, Esq.  
Tescher & Spallina, P.A.  
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Life Insurance Concepts  
950 Peninsula Corporate Circle, Suite 3010  
Boca Raton, Florida 33487

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Pamela Beth Simon  
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Eliot Ivan Bernstein  
2753 NW 34th St.  
Boca Raton, FL 33434

Eliot I. Bernstein  
2753 NW 34<sup>th</sup> St.  
Boca Raton, FL 33434



***EXHIBIT "F"***

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA  
PROBATE /GUARDIANSHIP DIVISION "1Y"

CASE NO. 502011CP000653XXXXSB

IN RE: THE ESTATE OF:  
SHIRLEY BERNSTEIN,  
Deceased

\_\_\_\_\_  
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.

\_\_\_\_\_  
**ORDER SETTING HEARING**

**THIS MATTER** came before the Court on the Notice of Emergency Motion to Freeze Estates.  
Upon consideration, it is hereby

**ORDERED AND ADJUDGED** that:

This case is hereby set for a hearing on Friday, September 13, 2013 @ 1:30 p.m. for 30 minutes before Judge Martin H. Colin in Courtroom 8, 200 W. Atlantic Avenue, Delray Beach, FL 33444. This matter is set for a 30 minute oral argument only (1) whether this matter is an Emergency and (2) what type of evidentiary hearing, if any, needs to be held.

**DONE AND ORDERED** in chambers, at Delray Beach, Palm Beach County, Florida this 4<sup>th</sup> day of September, 2013.

  
\_\_\_\_\_  
**MARTIN H. COLIN**  
Circuit Court Judge

Copies furnished:

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Pamela Beth Simon  
950 North Michigan Avenue, Suite 2603  
Chicago, IL 60611

***EXHIBIT "G"***

IN THE CIRCUIT COURT FOR PALM BEACH COUNTY, FL  
IN RE: ESTATE OF \_\_\_\_\_ PROBATE DIVISION  
SHIRLEY BERNSTEIN, File No. 502011CP000653XXXXSB  
Deceased.

AGREED ORDER TO REOPEN ESTATE  
AND APPOINT SUCCESSOR PERSONAL  
REPRESENTATIVES

On the motion of Tescher & Spallina, PA for administration of the Estate of Shirley Bernstein, deceased, and pursuant to an agreement announced in open Court on the record by the persons in attendance at a hearing on September 13, 2013 regarding the estate of the decedent, the Court finding that the decedent died on December 8, 2010, that the personal representative of the estate, Simon Bernstein, died on September 13, 2012, and that Ted S. Bernstein is entitled to appointment as personal representative by reason of being named in the decedent's Will dated May 20, 2008 as successor personal representatives, it is:

ADJUDGED that the estate shall be reopened and that Ted S. Bernstein is appointed as successor personal representative of the estate of the decedent, and that upon taking the prescribed oaths, filing designations and acceptances of resident agent, and entering into bond in the sum of \$\_\_\_\_\_, Successor Letters of Administration shall be issued.

DONE and ORDERED in Delray Beach, Palm Beach County, FL on \_\_\_\_\_,  
2013.

cc: Mark Maiceri, Esq.  
Eliot I. Bernstein  
All Interested Persons

Circuit Judge

**SIGNED & DATED**  
SEP 24 2013  
JUDGE MARTIN H. COLIN