

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

IN RE: THE ESTATE OF
SHIRLEY BERNSTEIN,
Deceased

CASE NO. 502011CP000653XXXXSB

HON. JUDGE MARTIN H. COLIN

ELIOT IVAN BERNSTEIN, PRO SE
PETITIONER,

V.

TESCHER & SPALLINA, P.A., (AND ALL PARTNERS,
ASSOCIATES AND OF COUNSEL),
ROBERT L. SPALLINA, ESQ., PERSONALLY,
ROBERT L. SPALLINA, ESQ., PROFESSIONALLY,
DONALD R. TESCHER, ESQ., PERSONALLY,
DONALD R. TESCHER, ESQ., PROFESSIONALLY,
THEODORE STUART BERNSTEIN, INDIVIDUALLY,
THEODORE STUART BERNSTEIN, AS ALLEGED
PERSONAL REPRESENTATIVE,
THEODORE STUART BERNSTEIN, AS ALLEGED
TRUSTEE AND SUCCESSOR TRUSTEE PERSONALLY,
THEODORE STUART BERNSTEIN, AS ALLEGED
TRUSTEE AND SUCCESSOR TRUSTEE,
PROFESSIONALLY
THEODORE STUART BERNSTEIN, AS TRUSTEE FOR
HIS CHILDREN,
LISA SUE FRIEDSTEIN, INDIVIDUALLY AS A
BENEFICIARY,
LISA SUE FRIEDSTEIN, AS TRUSTEE FOR HER
CHILDREN,
JILL MARLA IANTONI, INDIVIDUALLY AS A
BENEFICIARY,
JILL MARLA IANTONI, AS TRUSTEE FOR HER
CHILDREN,
PAMELA BETH SIMON, INDIVIDUALLY,
PAMELA BETH SIMON, AS TRUSTEE FOR HER
CHILDREN,
MARK MANCERI, ESQ., PERSONALLY,
MARK MANCERI, ESQ., PROFESSIONALLY,
MARK R. MANCERI, P.A. (AND ALL PARTNERS,
ASSOCIATES AND OF COUNSEL)

JOSHUA ENNIO ZANDER BERNSTEIN (ELIOT
MINOR CHILD)
JACOB NOAH ARCHIE BERNSTEIN (ELIOT
MINOR CHILD)
DANIEL ELIJSHA ABE OTTOMO BERNSTEIN
(ELIOT MINOR CHILD)
ALEXANDRA BERNSTEIN (TED ADULT
CHILD)
ERIC BERNSTEIN (TED ADULT CHILD)
MICHAEL BERNSTEIN (TED ADULT CHILD)
MATTHEW LOGAN (TED'S SPOUSE ADULT
CHILD)
MOLLY NORAH SIMON (PAMELA ADULT
CHILD)
JULIA IANTONI – JILL MINOR CHILD
MAX FRIEDSTEIN – LISA MINOR CHILD
CARLY FRIEDSTEIN – LISA MINOR CHILD
JOHN AND JANE DOE'S (1-5000)

MOTION TO

COMES NOW, Eliot Ivan Bernstein (“Petitioner”), as Beneficiary and Interested Party both for himself personally and for his three minor children who may also be Beneficiaries and Interested Parties of the Estate of Shirley Bernstein (“Shirley”), PRO SE¹, and hereby files this his Motion to Add Respondents dated December 31, 2013 and in support thereof states, on information and belief, as follows:

BACKGROUND

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

1. That Petitioner prudently filed all of the following Motions and Petitions in the Estates of Shirley and Simon timely since May 2013 that remain largely unheard in particular to each Motion within the pleadings by the courts of Judge French and Your Honor;

MOTIONS AND PETITIONS FILED BY PETITIONER

- i. That on May 6, 2013 Petitioner filed an **“EMERGENCY PETITION TO: FREEZE ESTATE ASSETS, APPOINT NEW PERSONAL REPRESENTATIVES, INVESTIGATE FORGED AND FRAUDULENT DOCUMENTS SUBMITTED TO THIS COURT AND OTHER INTERESTED PARTIES, RESCIND SIGNATURE OF ELIOT BERNSTEIN IN ESTATE OF SIMON/SHIRLEY BERNSTEIN AND MORE.”** Filed in both estates.
 - www.iviewit.tv/20130506PetitionFreezeEstates.pdf 15th Judicial Florida Probate Court and
 - www.iviewit.tv/20130512MotionRehearReopenObstruction.pdf US District Court Southern District of New York, Most Honorable Shira A. Scheindlin. Pages 156-582 reference estate matters in Simon and Shirley as it relates to RICO allegations.
- ii. That on May 29, 2013, Petitioner filed a **“RENEWED EMERGENCY PETITION”** in the estates of Shirley and Simon.
 - www.iviewit.tv/20130529RenewedEmergencyPetitionShirley.pdf
- iii. That on June 26, 2013, Docket #39 Petitioner filed in both estates a **“MOTION TO: CONSIDER IN ORDINARY COURSE THE EMERGENCY PETITION TO FREEZE ESTATE ASSETS, APPOINT NEW PERSONAL REPRESENTATIVES, INVESTIGATE FORGED AND FRAUDULENT DOCUMENTS SUBMITTED TO THIS COURT AND OTHER INTERESTED PARTIES, RESCIND SIGNATURE OF ELIOT BERNSTEIN IN ESTATE OF SHIRLEY BERNSTEIN AND MORE FILED BY PETITIONER.”**
 - www.iviewit.tv/20130626MotionReconsiderOrdinaryCourseShirley.pdf
- iv. That on July 15, 2013, Petitioner filed a **“MOTION TO RESPOND TO THE PETITIONS BY THE RESPONDENTS”** in both estates.
 - www.iviewit.tv/20130714MotionRespondPetitionShirley.pdf
- v. That on July 24, 2013, Petitioner filed a **“MOTION TO REMOVE PERSONAL REPRESENTATIVES”** for insurance fraud and more in both estates.
 - www.iviewit.tv/20130724ShirleyMotionRemovePR.pdf
- vi. That on August 28, 2013, Petitioner filed a **“NOTICE OF MOTION FOR: INTERIM DISTRIBUTION FOR BENEFICIARIES NECESSARY LIVING EXPENSES, FAMILY ALLOWANCE, LEGAL COUNSEL EXPENSES TO BE PAID BY PERSONAL REPRESENTATIVES AND REIMBURSEMENT TO BENEFICIARIES SCHOOL TRUST FUNDS”** in both estates.
 - www.iviewit.tv/20130828MotionFamilyAllowanceSHIRLEY.pdf

vii. That on September 04, 2013, ELIOT filed Docket #TBD, in the estate of Simon, a **“NOTICE OF EMERGENCY MOTION TO FREEZE ESTATES OF SIMON BERNSTEIN DUE TO ADMITTED AND ACKNOWLEDGED NOTARY PUBLIC FORGERY, FRAUD AND MORE BY THE LAW FIRM OF TESCHER & SPALLINA, P.A., ROBERT SPALLINA AND DONALD TESCHER ACTING AS ALLEGED PERSONAL REPRESENTATIVES AND THEIR LEGAL ASSISTANT AND NOTARY PUBLIC, KIMBERLY MORAN: MOTION FOR INTERIM DISTRIBUTION DUE TO EXTORTION BY ALLEGED PERSONAL REPRESENTATIVES AND OTHERS; MOTION TO STRIKE THE MOTION OF SPALLINA TO REOPEN THE ESTATE OF SHIRLEY; CONTINUED MOTION FOR REMOVAL OF ALLEGED PERSONAL REPRESENTATIVES AND ALLEGED SUCCESSOR TRUSTEE.”** Hereby incorporated by reference in entirety herein.

- www.iviewit.tv/20130904MotionFreezeEstatesSHIRLEYDueToAdmittedNotaryFraud.pdf.

viii. That on September 21, 2013 Petitioner filed in the IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT COURT ILLINOIS EASTERN DIVISION, Case No.. 13-cv-03643, an Answer and Cross Claim titled **“ELIOT IVAN BERNSTEIN ("ELIOT") (1) ANSWER TO JACKSON NATIONAL LIFE INSURANCE COMPANY ("JACKSON") ANSWER AND COUNTER-CLAIM AND THIRD-PARTY COMPLAINT FOR INTERPLEADER AND (2) CROSS CLAIM.”**

- www.iviewit.tv/20130921AnswerJacksonSimonEstateHeritage.pdf

ix. That on October 10, 2013 Petitioner filed in Shirley’s estate case Motions titled,

- (I) **MOTION TO ORDER ALL DOCUMENTS BOTH CERTIFIED AND VERIFIED REGARDING ESTATES OF SHIRLEY AND SIMON (SIMON’S DOCUMENT ARE REQUESTED AS IT RELATES TO SHIRLEY’S ALLEGED CHANGES IN BENEFICIARIES) BE SENT TO ELIOT AND HIS CHILDREN IMMEDIATELY IN PREPARATION FOR THE EVIDENTIARY HEARING ORDERED BY THIS COURT**
- (II) **MOTION TO FOLLOW UP ON SEPTEMBER 13, 2013 HEARING AND CLARIFY AND SET STRAIGHT THE RECORD**
- (III) **MOTION TO COMPEL FOR IMMEDIATE, EMERGENCY RELIEF!!!, INTERIM DISTRIBUTIONS AND FAMILY ALLOWANCE FOR ELIOT, CANDICE & THEIR THREE MINOR CHILDREN DUE TO ADMITTED AND ACKNOWLEDGED FRAUD BY FIDUCIARIES OF THE ESTATE OF SHIRLEY AND ALLEGED CONTINUED EXTORTION**
- (IV) **MOTION TO CORRECT AND DETERMINE THE BENEFICIARIES OF THE ESTATE BASED ON PRIOR CLOSING OF THE ESTATE THROUGH FRAUD ON THE COURT BY USING FRAUDULENT DOCUMENTS SIGNED BY SIMON WHILE HE WAS DEAD AND POSITED BY SIMON IN THIS COURT WHEN HE WAS DEAD AS PART OF A LARGER FRAUD ON THE ESTATE BENEFICIARIES**
- (V) **MOTION TO ASSIGN NEW PERSONAL REPRESENTATIVES AND ESTATE COUNSEL TO THE ESTATE OF SHIRLEY FOR BREACHES OF FIDUCIARY DUTIES AND TRUST, VIOLATIONS OF PROFESSIONAL ETHICS, VIOLATIONS OF LAW, INCLUDING BUT NOT LIMITED TO ADMITTED AND ACKNOWLEDGED FRAUD, ADMITTED AND ACKNOWLEDGED FRAUD ON THE COURT, ALLEGED FORGERY, INSURANCE FRAUD, REAL PROPERTY FRAUD AND MORE**

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

(VII) MOTION TO RECONSIDER AND RESCIND ORDER ISSUED BY THIS COURT “ORDER ON NOTICE OF EMERGENCY MOTION TO FREEZE ASSETS” ON SEPTEMBER 24TH FOR ERRORS AND MORE AND

(VIII) MOTION TO RECONSIDER AND RESCIND ORDER ISSUED BY THIS COURT “AGREED ORDER TO REOPEN THE ESTATE AND APPOINT SUCCESSOR PERSONAL REPRESENTATIVES” ON SEPTEMBER 24TH FOR ERRORS AND MORE

• www.iviewit.tv/20131010MotionCompelFreezeYouHaveTheRighttoRemainSilent.pdf

x. That on October 10, 2013 Petitioner filed in Simon’s estate, a **“PETITION TO DETERMINE AND RELEASE TITLE OF EXEMPT PROPERTY.”**

• www.iviewit.tv/20131010PETITIONDETERMINERELEASETITLEOFEXEMPTPROPERTYJOSHUA KIA.pdf

xi. That on December 08, 2013 Petitioner filed in the IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT COURT ILLINOIS EASTERN DIVISION, Case No.. 13-cv-03643, a motion titled, **“(1) MOTION TO STRIKE PLEADINGS AND REMOVE ADAM SIMON FROM LEGAL REPRESENTATION IN THIS LAWSUIT OTHER THAN AS DEFENDANT FOR FRAUD ON THE COURT AND ABUSE OF PROCESS AND (2) MOTION TO REMOVE ADAM SIMON FROM LEGAL REPRESENTATION ON BEHALF OF ANY PARTIES IN THIS LAWSUIT OTHER THAN AS A DEFENDANT PRO SE or REPRESENTED BY INDEPENDENT NON-CONFLICTED COUNSEL.”**

• www.iviewit.tv/20131208MotionStrikePleadingAdamSimonForFraudOnCourt.pdf

xii. That on December 10, 2013 Petitioner filed in the estate of Shirley, an Objection titled **“BENEFICIARY AND INTERESTED PARTY ELIOT BERNSTEIN OBJECTIONS TO SUCCESSOR PERSONAL REPRESENTATIVE'S OBJECTIONS TO FIRST SET OF INTERROGATORIES AND FIRST REQUEST FOR PRODUCTION OF DOCUMENTS AND THINGS PROPOUNDED BY ELIOT BERNSTEIN”**

• www.iviewit.tv/20131210PetitionerObjectionToObjectionsToDiscovery.pdf

xiii. That on December 10, 2013 Petitioner filed in the estate of Shirley, a **“MOTION TO TAX ATTORNEY' S FEES AND COSTS AND IMPOSE SANCTIONS.”**

• www.iviewit.tv/20131210TaxAttorneyFees.pdf

xiv. That on December 17, 2013 Petitioner filed in the estate of Simon, a **“OBJECTION TO MOTION TO STRIKE PETITION TO DETERMINE AND RELEASE TITLE OF EXEMPT PROPERTY”**

• www.iviewit.tv/20131217ObjectionToMotionReKIAFrench.pdf

2. That the following Motions and Petitions were filed by Petitioner in the courts that

remain unheard other than limited items by this Court,

- i. MOTION TO FREEZE ESTATE ASSETS,
- ii. MOTION TO APPOINT NEW PERSONAL REPRESENTATIVES,
- iii. MOTION TO INVESTIGATE FORGED AND FRAUDULENT DOCUMENTS SUBMITTED TO THIS COURT AND OTHER INTERESTED PARTIES,
- iv. MOTION TO RESCIND SIGNATURE OF ELIOT BERNSTEIN IN ESTATE OF SHIRLEY BERNSTEIN,
- v. MOTION TO RESPOND TO THE PETITIONS BY THE RESPONDENTS,
- vi. SECOND MOTION TO REMOVE PERSONAL REPRESENTATIVES,
- vii. MOTION FOR INTERIM DISTRIBUTION FOR BENEFICIARIES NECESSARY LIVING EXPENSES,
- viii. MOTION FOR FAMILY ALLOWANCE,
- ix. MOTION FOR LEGAL COUNSEL EXPENSES TO BE PAID BY PERSONAL REPRESENTATIVES,
- x. MOTION FOR REIMBURSEMENT TO BENEFICIARIES SCHOOL TRUST FUNDS,
- xi. SECOND MOTION TO FREEZE ESTATES OF SIMON BERNSTEIN DUE TO ADMITTED AND ACKNOWLEDGED NOTARY PUBLIC FORGERY, FRAUD AND MORE BY THE LAW FIRM OF TESCHER & SPALLINA, P.A., ROBERT SPALLINA AND DONALD TESCHER ACTING AS ALLEGED PERSONAL REPRESENTATIVES AND THEIR LEGAL ASSISTANT AND NOTARY PUBLIC, KIMBERLY MORAN,
- xii. MOTION FOR INTERIM DISTRIBUTION DUE TO EXTORTION BY ALLEGED PERSONAL REPRESENTATIVES AND OTHERS,
- xiii. MOTION TO STRIKE THE MOTION OF SPALLINA TO REOPEN THE ESTATE OF SHIRLEY;
- xiv. CONTINUED MOTION FOR REMOVAL OF ALLEGED PERSONAL REPRESENTATIVES AND ALLEGED SUCCESSOR TRUSTEE.”
- xv. MOTION TO ORDER ALL DOCUMENTS BOTH CERTIFIED AND VERIFIED REGARDING ESTATES OF SHIRLEY AND SIMON (SIMON’S DOCUMENT ARE REQUESTED AS IT RELATES TO SHIRLEY’S ALLEGED CHANGES IN BENEFICIARIES) BE SENT TO ELIOT AND HIS CHILDREN IMMEDIATELY IN PREPARATION FOR THE EVIDENTIARY HEARING ORDERED BY THIS COURT
- xvi. MOTION TO FOLLOW UP ON SEPTEMBER 13, 2013 HEARING AND CLARIFY AND SET STRAIGHT THE RECORD
- xvii. MOTION TO COMPEL FOR IMMEDIATE, EMERGENCY RELIEF!!!, INTERIM DISTRIBUTIONS AND FAMILY ALLOWANCE FOR ELIOT, CANDICE & THEIR THREE MINOR CHILDREN DUE TO ADMITTED AND ACKNOWLEDGED FRAUD BY FIDUCIARIES OF THE ESTATE OF SHIRLEY AND ALLEGED CONTINUED EXTORTION
- xviii. MOTION TO CORRECT AND DETERMINE THE BENEFICIARIES OF THE ESTATE BASED ON PRIOR CLOSING OF THE ESTATE THROUGH FRAUD ON THE COURT BY USING FRAUDULENT DOCUMENTS SIGNED BY SIMON WHILE HE WAS DEAD AND POSITED BY SIMON IN THIS COURT WHEN HE WAS DEAD AS PART OF A LARGER FRAUD ON THE ESTATE BENEFICIARIES
- xix. MOTION TO ASSIGN NEW PERSONAL REPRESENTATIVES AND ESTATE COUNSEL TO THE ESTATE OF SHIRLEY FOR BREACHES OF FIDUCIARY DUTIES AND TRUST, VIOLATIONS OF PROFESSIONAL ETHICS, VIOLATIONS OF LAW, INCLUDING BUT NOT LIMITED TO ADMITTED AND ACKNOWLEDGED FRAUD, ADMITTED AND ACKNOWLEDGED FRAUD ON THE COURT, ALLEGED FORGERY, INSURANCE FRAUD, REAL PROPERTY FRAUD AND MORE
- xx. MOTION FOR GUARDIAN AD LITUM FOR THE CHILDREN OF TED, P. SIMON, IANTONI AND FRIEDSTEIN AND ASSIGN A TRUSTEE AD LITUM FOR TED FOR CONFLICTS OF INTEREST, CONVERSION AND MORE
- xxi. MOTION TO RECONSIDER AND RESCIND ORDER ISSUED BY THIS COURT “ORDER ON NOTICE OF EMERGENCY MOTION TO FREEZE ASSETS” ON SEPTEMBER 24TH FOR

- xxii. ERRORS AND MORE AND MOTION TO RECONSIDER AND RESCIND ORDER ISSUED BY THIS COURT “AGREED ORDER TO REOPEN THE ESTATE AND APPOINT SUCCESSOR PERSONAL REPRESENTATIVES” ON SEPTEMBER 24TH FOR ERRORS AND MORE
- xxiii. BENEFICIARY AND INTERESTED PARTY ELIOT BERNSTEIN OBJECTIONS TO SUCCESSOR PERSONAL REPRESENTATIVE' S OBJECTIONS TO FIRST SET OF INTERROGATORIES AND FIRST REQUEST FOR PRODUCTION OF DOCUMENTS AND THINGS PROPOUNDED BY ELIOT BERNSTEIN
- xxiv. MOTION TO TAX ATTORNEY'S FEES AND COSTS AND IMPOSE SANCTIONS
- xxv. OBJECTION TO MOTION TO STRIKE PETITION TO DETERMINE AND RELEASE TITLE OF EXEMPT PROPERTY

NOTE: All pleading listed in items (i-xiv) above filed in each of the state and federal courts listed above are hereby incorporated by reference in entirety, including but not limited to inclusion of, ALL motions, petitions, orders, etc. in each case, as they all relate to the same nexus of events in the estates of both Simon and Shirley.

3. That in the aforesaid Petitions and Motions, relating to both Simon and Shirley’s Estates and Trusts, Petitioner prayed to the courts already in numerous prior pleadings for numerous legally valid reasons to Freeze the Estates of both Simon and Shirley, Remove the Personal Representatives and Determine the Beneficiaries on various grounds of alleged criminal activity claimed in the Petitions and Motions and sought proper and just relief in each and awaits this Court to hear each Motion in particular in the order they were filed.

4. That Petitioner requests this Court consider all the allegations, evidence and reliefs sought in the prior Petitions and Motions filed by Petitioner since May 2013 in particular and now consider each Motion contained in each pleading, in light of the new and damning **ADMITTED AND ACKNOWLEDGED CRIMINAL FELONY ACTS, INCLUDING BUT NOT LIMITED TO, FORGERY, NOTARY PUBLIC FRAUD, FRAUD ON THIS COURT, FRAUD ON THE BENEFICIARIES AND INTERESTED PARTIES AND INTERSTATE MAIL AND WIRE FRAUD, COMMITTED BY ATTORNEYS AT LAW**

ACTING AS OFFICERS OF THIS COURT AND OTHERS.

5. That Moran was arrested and ADMITTED FORGERY, including one FORGED and FRAUDULENTLY NOTARIZED POST MORTEM for Simon filed in Shirley's Estate and one FORGED and FRAUDULENTLY NOTARIZED for Petitioner by Moran who was employed by Respondent the law firm of Tescher & Spallina, P.A. and worked as legal assistant / notary public to Respondents Spallina and Tescher. The documents were wholly created by Moran with Forged Signatures and Fraudulent Notarizations. That to focus on Moran's six Waivers that were FORGED AND FRAUDULENTLY NOTARIZED for six separate document for six separate people is to miss the forest from the trees, as her crimes are only a fraction of the alleged crimes taking place, using a series of alleged Fraudulent and Forged documents used in the Estates of Simon and Shirley to attempt to change the Beneficiaries post mortem that Moran's documents are merely a part of.

6. That evidence now exists that Moran made perjurious statements that contradict her own story of how and why she committed the crimes to two separate state investigatory agencies, the Notary Public Division of Governor Rick Scott and the Palm Beach County Sheriff. That Moran's attorney made a further conflicting account of the reasons for her crimes to this Court in the Evidentiary Hearing held on October 28, 2013 before Your Honor.

7. That Spallina and Tescher and others then used these FORGED and FRAUDULENT documents knowingly and with intent, along with other alleged FORGED and FRAUDULENT documents not done by Moran and filed them as part of the record in official proceedings while acting as Officers of this Court and Judge French's court in Simon's Estate, used to illegally seize Dominion and Control of the Estates and the Fiduciary roles and attempt to change the

Beneficiaries of Shirley's Estate Post Mortem. These documents are currently under ongoing investigation with authorities.

8. That a Post Mortem Simon achieved all of the following acts in Shirley's estate as if he were alive from his date of death, September 13, 2012 through January 2013, by positing court documents ILLEGALLY filed for him as if alive and in the present by Tescher and Spallina in an official proceeding, perpetrating Fraud on the Court and Fraud on the Beneficiaries. Whereby, Tescher and Spallina, then concealed from Your Honor's Court that Simon had passed and Spallina and Tescher failed intentionally to notify the Court that he was dead and elect a successor Trustee or Personal Representative to close the Estate and instead continued to file documents illegally to close the estate with Simon who was deceased. They allegedly needed Simon to appear alive when he then tried to change Shirley's beneficiaries once the estate was closed and again it is important to note that these are separate and distinct criminal acts from those of the ones committed by Moran while employed by Tescher & Spallina, P.A. and these instead were directly committed by the Attorneys at Law, Tescher, Spallina and Manceri, all part of an ongoing Pattern and Practice of Fraud on the Court and Fraud on the Beneficiaries. Simon was deceased on September 13, 2012, yet achieved all the following POST MORTEM, as if he were alive and acting as Personal Representative until the Estate was closed in January 2013;

OFFICIAL DOCUMENTS FILED WITH THE COURT AND ACTS DONE WHILE
SIMON "SERVED" ILLEGALLY AS PERSONAL REPRESENTATIVE WHILE

DEAD²

- i. On 24-Oct-2012, Simon while deceased acted as Personal Representative and filed an AFFIDAVIT/STATEMENT RE: CREDITORS, filed by Tescher and Spallina as if Simon were alive and submitting the document as an Affidavit on this date alive. Petitioner alleges that this document is FORGED and FRAUDULENT. This document was alleged signed on April 09, 2012 and not deposited with the Court by Simon acting while dead as Personal Representative until October 24, 2012 and signed by Spallina as his counsel who filed the document for him as Personal Representative knowing he was dead and could not serve as anything legally and further Spallina and Tescher failed to notify the Court that Simon was dead and could no longer act as Personal Representative. Spallina at this time was well aware that Simon was dead but concealed this information from the Court with scienter as part of a larger fraud taking place on the Court to attempt to switch Beneficiaries of the estate Post Mortem of Shirley and Simon.
- ii. On 24-Oct-2012, Simon while deceased acted as Personal Representative and filed a PETITION FOR DISCHARGE, filed by Tescher and Spallina as if Simon were alive and submitting the Petition on this date alive. Where almost all of the alleged statements made by Simon under penalty of perjury in this Petition are false, making it further suspect on the date the document is allegedly signed on April 09, 2012 and again not posited with the Court for months Post Mortem for Simon on October 24, 2013. Petitioner alleges this document is forged and fraudulent, as there are many problems with the voracity and factual accuracy of the statements made by Simon in the Petition, as virtually every statement made under penalty of perjury on that date he allegedly signed the document is proven untrue. One instance in fact is that Simon allegedly claims in the Petition that he has all the Waivers for the Beneficiaries and Interested Parties, yet his daughter Jill Iantoni (“Iantoni”) did not sign and return a Waiver until after Simon was dead in October 2012. How therefore could Simon claim in April 2012 that he had all the Waivers at any time when he was alive, as Jill’s was never returned while he was alive? At no time while living did Simon have all the Waivers and this document appears wholly forged and fraudulent or Simon was committing major perjuries in his sworn, under penalty of perjury, claims in the estate documents of his beloved wife’s estate.

² That this listing of items was filed in previous pleadings was filed with incorrect information in the list as to who filed the documents and more and this was due to Petitioner only learning of the Fraud on the Court and these documents in the September 13, 2013 hearing when they were exposed by Your Honor. Thus, Petitioner based information off the docket but upon getting and examining the documents it was learned that some of the prior statements were wrong and have been corrected herein after review of the documents and therefore any reference prior to this list should be replaced with this Amended version.

- iii. On 24-Oct-2012, Simon while deceased acted as Personal Representative and allegedly filed a WAIVER OF ACCOUNTING AND PORTIONS OF PETITION FOR DISCHARGE; WAIVER OF SERVICE OF PETITION FOR DISCHARGE; AND RECEIPT OF BENEFICIARY AND CONSENT TO DISCHARGE, allegedly filed by Simon on October 24, 2012 POST MORTEM with the Court acting as Personal Representative while factually dead. It is alleged that this is a FORGED and fraudulent document created Post Mortem for Simon and was never filed and docketed with Judge Colin's court while Simon was alive, as this document filed Post Mortem was rejected as it lacked a NOTARIZATION per this Court's rules.
- iv. On 24-Oct-2012, Simon while deceased acted as Personal Representative and filed a NON-TAX CERT /RECEIPT/AFFIDAVIT of No Florida Estate Tax Due filed by Tescher and Spallina as if Simon were alive and acting as Personal Representative while deceased. Again this document is posited with the Court by Simon acting as Personal Representative on Oct 24, 2012 POST MORTEM. That this may in fact be evidence of Tax fraud if the document is found to be further fraudulent.
- v. On 24-Oct-2012, Simon while deceased acted as Personal Representative and filed a PROBATE CHECKLIST and allegedly this Closing Document is Dated Feb 15, 2012 but not filed until October 24, 2012 when again Simon is still dead. The document is filed by Spallina and docketed with Simon listed as Personal Representative on the document filed October 24, 2012 when he was dead, yet filed as if Simon were alive and acting as Personal Representative. This PROBATE CHECKLIST closing document is dated February 15, 2012 almost a year before the closing of the Estate on January 03, 2013, yet it is not docketed by the Court until October 24, 2012 and signed by what appears to be Spallina's signature, but in an unidentified capacity with no name under the signature. Further, this checklist done in February 2012, filed on October 24, 2013 and used to close the Estate almost a year later in January 2013 is void as it is not a properly completed checklist at the time it was filed on October 24, 2012 as required by Probate Rules and Statutes, as it wholly missing docketed items filed from October 24, 2013 forward and therefore the Petition to Discharge filed October 24, 2013 shall not be reviewed by the Court according to Florida Probate Rules and Statutes as a complete checklist was not provided. Further, Spallina knowing no successors PR's were elected to the estate and letters issued to a successor personal representative, due to his Fraud on the Court, acts as counsel in this document to the dead PR Simon he listed on this Checklist he filed with the Court on October 24, 2012 and failed to notify the Court his client was dead on this date and therefore could not be the Personal Representative.
- vi. On 19-Nov-2012, Simon while deceased acted as Personal Representative and filed an alleged replacement and BRAND NEW SIGNED AND NOTARIZED WAIVER OF ACCOUNTING AND PORTIONS OF PETITION FOR DISCHARGE; WAIVER OF

SERVICE OF PETITION FOR DISCHARGE; AND RECEIPT OF BENEFICIARY AND CONSENT TO DISCHARGE. **PROBLEM IS THAT IT WAS SIGNED FOR HIM THROUGH NOW PROVEN FORGERY AND THEN FRAUDULENTLY NOTARIZATED FOR HIM AND ALL DONE POST MORTEM AND ON WHOLLY CREATED FROM WHOLE CLOTH DOCUMENT BY MORAN.**

That this was a NEW Waiver filed again by Simon acting as Personal Representative while dead was to replace the Waiver the Court filed October 24, 2012 and rejected on November 06, 2012, which was also filed AFTER SIMON WAS DECEASED. This New and Improved Waiver was then amazingly notarized in November 2013 for Simon while he was still dead, yet the Notary Moran pre dated her Notary Statement to April 09, 2012 on a document dated April 09, 2012, even though it was alleged signed and notarized sometime in November 2012 after the Court sent it back demanding a new notarized Waiver from the deceased Simon and others. This new Waiver was forged for and notarized for a dead man and it uses dates in the past as if in the present and was filed with the Court a second time for Simon illegally for him while acting as Personal Representative while dead. Simon filed five other WHOLLY FORGED AND FRAUDULENTLY NOTARIZED WAIVERS for his five children on this date while dead, ALL FORGED and FRAUDULENTLY NOTARIZED from scratch by Moran and filed by Tescher and Spallina for Simon acting as Personal Representative as if he were alive now in November 2012 two months Post Mortem and still never notifying the Court and electing a Successor Personal Representative to replace him.

- vii. On 03-Jan-2013, Judge Colin signed an ORDER OF DISCHARGE that in part states, “On the Petition for Discharge [Petitioner showed above in (iv) to be invalid for lack of a proper Probate Checklist and showed it would have contained absolute fraudulent and perjured statements of Simon as shown in (ii) above] of Simon Bernstein as personal representative [meaning according to Judge Colin in the September 13, 2013 hearing Simon in the present as alive on the date Judge Colin is signing the Order on January 03, 2013, where Simon still was deceased] of the Estate of Shirley Bernstein, deceased.” That Order of Discharge’s date is also scratched out on the document and changed from January 3, 2013 to January 3, 2013 and the handwritten change has no marking or initials of who altered the document, which will need to be clarified through deposition of all those involved in this documents preparation, filing with the Court and signor, including but not limited to Judge Colin who signed the document.
- viii. On 03-Jan-2013, Judge Martin Colin signed a FINAL DISPOSITION SHEET in part based on FORGED AND FRAUDULENTLY NOTARIZED DOCUMENTS to close the estate of Shirley, in part on a Checklist that was not proper, in part on a Petition for Discharge that fails and more.

9. That these documents are alleged part of a larger series of frauds than merely the Moran Forgery and Fraudulently Notarized documents and these acts were only in part committed by Moran and now that we are almost over with the Moran Forgeries and Frauds we can move on to the other multitudes of alleged criminal acts, including further alleged, Document Forgeries and Fraud, Insurance Fraud, Theft of Assets of the Estates, Real Estate Fraud, Fraud on the Probate Court, Fraud on a Federal Court, Identity Theft of a Decedent and Violations and Breaches by the Fiduciaries and Counsel acting in the Estates of Simon and Shirley of virtually all of their legally required duties to the Beneficiaries and Interested Parties, all in violation of multitudes of Probate Rules and Statutes, Attorney Conduct Codes and State and Federal Law. These alleged crimes were committed by others, not just by Moran but instead mainly by Theodore and his close personal friends and business associates, Spallina and Tescher et al., the acting alleged fiduciaries and counsel of the Estates to this point.

10. That due to the Proven and Admitted Felony acts already exposed and being prosecuted, the ongoing alleged criminal acts taking place with the Estates assets, the fact that Spallina and Tescher are responsible not only for their alleged criminal acts involving Fraud on this Court and the Beneficiaries but are wholly liable for the FELONY acts of Moran of FORGERY and FRAUDULENT NOTARIZATIONS is just cause for all of the fiduciaries of the Estates and Trusts and counsel thus far be immediately removed, reported to the authorities and sanctioned by this Court. This disqualification further exacerbated now that Theodore, Spallina and Tescher all have absolute and irrefutable Adverse Interests now with Beneficiaries and Interested Parties, especially Petitioner who is attempting to have them prosecuted further for their crimes and jailed and all their personal and professional assets seized through civil and

criminal remedies and their reputations destroyed for their acts against his Mother and Father's Estates and Trusts.

11. That with evidence of PROVEN FELONY ACTS against Beneficiaries, perjury by Moran in official proceedings and Spallina, Manceri and Theodore all making false statements in the September 13, 2013 Hearing before Your Honor as fully described and identified in prior pleadings unheard at this time, Petitioner requests that ALL documents in the Estate of Shirley now be examined for further evidence of FRAUD and FORGERY. As already evidenced herein, some of the documents this Court stated in its Order Your Honor would not be considering further reviewing, those filed by Simon while alive and "serving" as Personal Representative legally are now however also called into question based on new evidence of further criminal acts alleged and evidenced further herein. Your Honor had thought these were done without a problem but this will be proven questionable. Those documents Your Honor doesn't exculpate from further review in the Order are those filed for Simon POST MORTEM as Personal Representative by Spallina while he was dead and Simon could not have legally "served" on this Court and these are still needing to be prosecuted and then adjudicated by this Court. From all of these egregious acts of bad faith and now forever unclean hands, these Personal Representatives and Counsel involved thus far CANNOT EVER AGAIN be trusted by this Court and the Beneficiaries and all of their work product in both Estates must be forensically examined and removed from the record possibly as ALL BEING A BIG FAT FRAUD ON THE COURT AND BENEFICIARIES in efforts to change beneficiaries and seize illegally the Estates of Simon and Shirley and steal assets and convert them to the improper parties illegally.

12. That Spallina admitted in the September 13, 2013 that he was the lawyer involved in Moran's actions, in using six FORGED and FRAUDULENTLY NOTARIZED WAIVERS allegedly signed by Simon and others to close the Estate of Shirley and Spallina filed these documents without Moran with the Court all Post Mortem for Simon as if he were alive and served them for him without notifying the Court he was deceased from September 13, 2012 to January 2013. This is absolute irrefutable evidence warranting not only his arrest but his immediate disqualification and reporting to proper criminal authorities for charges to filed against him for admitted CRIMINAL ACTS in and upon the Court and Beneficiaries.

13. That Petitioner wonders how Your Honor can allow Spallina, Manceri, Tescher or Theodore to continue to operate in any capacity before this Court after Spallina admitted involvement before the Court in the September 13, 2013 Hearing to the criminal acts admitted of FORGERY AND FRAUDULENT NOTARIZATIONS of his legal assistant and notary public, a one Kimberly Moran ("Moran"), who has been arrested by the Palm Beach County Sheriff and her Notary license revoked by Governor Rick Scott of Florida and arrested by the Palm Beach County Sheriff and Spallina further admitted to this Court that he, Tescher and their law firm then filed a series of documents executed and deposited by a dead Personal Representative as if alive with intent to commit fraud upon the Court and the Beneficiaries, in order to close the Estate of Shirley and Fraudulently attempt to the change of Beneficiaries of her estate POST MORTEM of her and Simon and Theodore has acted in fraudulent legal capacities and made false statements in official proceedings to this Court.

MOTION TO STRIKE ALL PLEADINGS OF MANCERI

14. That Mark Manceri, Esq. ("Manceri") has not filed as Attorney of Record for

any parties other than Tescher and Spallina personally. Manceri filed a Limited Appearance “on behalf of Ted Bernstein aka Theodore Bernstein [Petitioner is not sure if Theodore is legally also known as Ted Bernstein], as Successor Personal Representative of the Estate of Shirley Bernstein with respect to all matters relating to the Motion to Intervene filed by William E. Stansbury.”

15. That Manceri filed another Limited Appearance “on behalf of Ted Bernstein aka Theodore Bernstein [Petitioner is not sure if Theodore is legally also known as Ted Bernstein], as Successor Personal Representative of the Estate of Shirley Bernstein with respect to the Hearing to be held on October 28, 2013 at 4:00 p.m.”

16. That the present Notice of Hearing filed by Manceri is a bit tricky to unravel as to his representations as the Motion/Matter listed is for a “Motion to Transfer and Consolidate” and where the Motion to Transfer and Consolidate sent to the Court with the Notice of Hearing is a Motion to Transfer and Consolidate filed in Judge French’s court and no Motion to Transfer and Consolidate has been filed in this Court.

17. That the Motion to Transfer and Consolidate by Manceri in Judge French’s court was filed by Manceri acting as alleged counsel for Co-Personal Representatives Spallina and Tescher whom he is not Attorney of Record for in that case at the time he filed the Motion or even as of today. Robert Spallina is the only Attorney of Record for Co-Personal Representatives Tescher and Spallina, further invalidating the pleading in Judge French’s court and this present Hearing, which is predicated on the hearing for Motion to Transfer and Consolidate that was cancelled in Judge French’s court on December 24, 2013, without notice to Petitioner and screwing up his wife and her mother visiting from out of town’s Christmas

plans preparing for the hearing instead, only to show up to a closed courthouse at 8:45am, you've got to hand it to them for wasting more time of Petitioner and his family. The notice the hearing was cancelled was not sent to Petitioner until the day before the hearing never getting to him.

18. That Manceri filed a Notice of Appearance to represent Spallina and Tescher in their individual capacity **only** in these proceedings on September 11, 2013.

19. That no one appears to be representing Tescher and Spallina as Respondents in their professional capacities, as they are listed as Respondents both Personally and Professionally and their law firm is similarly not represented as a Respondent as none of them appeared at the Hearings or filed responses to any pleadings filed by Petitioner.

20. That Manceri is now a Respondent in these matters in three capacities (personally, professionally and his law firm) for good and just cause, in part due to the Excellent work of Your Honor in exposing his involvement in perpetrating and attempting to cover up the criminal matters in the September 13, 2013 Hearing, leading to Your Honor's Miranda Warning statement and where despite Your Honor later stating he may be excluded from the Miranda Warnings, it has been learned that in the hearing he made false statements to this Court as already pled to this Court in prior Motions still largely unheard by this Court.

21. Manceri is now a listed Respondent in both his Personal and Professional capacities and his law firm of Mark R. Manceri, P.A. is also a Respondent and no one has filed a Notice of Appearance or is Attorney of Record representing Manceri Personally, Professionally or his law firm.

22. That Petitioner is unclear which capacities is he moving the Court under, as

counsel for himself personally or professionally and is he also representing his law firm or is he moving the court as counsel for Spallina and Tescher in their personal capacities?

23. That other Respondents have also failed to appear or respond to Pleadings of Petitioner timely and therefore anyone who has failed to appear in person or respond either Pro Se or via counsel at this point and anyone failing to respond or appear have defaulted.

24. That Manceri should also be removed from acting before this Court in any capacity until Petitioner's prior Motions and Petitions filed in this Court since May 2013 are heard, in the order they were filed and in particular to each Motion, as some of them include allegations directly against Manceri for his alleged role in perpetrating a massive FRAUD ON THE COURT and for making false statements to the Court in a Hearing on September 13, 2013 before this Court regarding the FORGED and FRAUDULENT DOCUMENTS of Moran and the Fraud on the Court in the closing of the Estate of Shirley committed by his clients Tescher and Spallina.

25. That in the September 13, 2013 Hearing before this Court, Your Honor warned Manceri, Theodore, Spallina and Tescher that enough evidence of their Fraud on the Court and Beneficiaries at that moment warranted reading them their Miranda Warnings, after learning that Simon had served as Personal Representative and Trustee for four months after he was deceased and closed Shirley's Estate while dead via an admitted to Fraud on the Court to close the Estate of Shirley, in efforts to then change the Beneficiaries of Shirley's Estate through a series of alleged Fraudulent Documents that Petitioner claims are all FORGED and FRAUDULENTLY NOTARIZED and legally deficient, including an alleged 2012 Will of Simon and an alleged 2012 Amended & Restated Trust of Simon, allegedly executed SIX

weeks before Simon's death with Moran and Spallina executing the documents as witness.

That Simon's documents then were used to try and change Shirley's Beneficiaries of her Estate and Trusts and his own and these documents are all filed POST MORTEM FOR SIMON AND SHIRLEY and all suffer legal defects as already pled in Prior Motions of Petitioner largely unheard at this time in both courts.

26. That Spallina and Manceri in the September 13, 2013 Hearing did not inform Your Honor that Moran had committed FORGERY of SIX PEOPLE on SIX separate documents she wholly created from scratch and then affixed a Notary Public stamp on the documents she FORGED and instead continued the Fraud on the Court by continuing to attempt to cover up for her in this Court and claim that the documents were not forged and that she merely applied her Notary Stamp to the documents returned by the Court for Notarization and the signatures were not FORGED, **the same story Moran made in a sworn statement to the Governor's inquiry but which she** wholly contradicted to the Palm Beach Sheriff Office where she claimed to investigators, **"MORAN STATED THAT AT THIS TIME, SHE TOOK IT UPON HERSELF TO TRACE [aka FORGE] EACH SIGNATURE OF THE SIX MEMBERS OF THE BERNSTEIN FAMILY [including one for SIMON POST MORTEM] ONTO ANOTHER COPY [wholly new document] OF THE ORIGINAL WAIVER DOCUMENT. SHE THEN NOTARIZED THEM AND RESUBMITTED THEM TO THE COURT. WHEN I INTERVIEWED HER ON 9/24/13 SHE STATED SHE DID NOT REALLY HAVE A REASON SHE FORGED THE SIGNATURES, OTHER THAN TO MAYBE SAVE TIME.³"**

³ Palm Peach County Sheriff's Report Case No. 13097087 completed by Detective Ryan Miller.

27. That Moran has not been charged with Forgery at this time despite her admission and the fact that it wholly voids documents in the Estate and her current charges may not reflect her actual crimes as the current charges reflect her affixing a fraudulent notarization to documents that were signed by the people without their notice and used in official proceedings when in fact the documents were wholly Forged by Moran and then she affixed a Fraudulent Motarization on documents she wholly created and were not signed at all by the parties and were made wholly by Moran and not others. These matters of false official statements and perjury are being taken up currently with the State Attorney handling the Moran case and the Palm Beach County Sheriff to make sure we get it right on her charges.

28. That Moran in her statement above to Sheriff Investigator, Detective Ryan Miller, perjures her sworn statement to Governor's Inquiry further when she makes contradictory statements as to her reason for committing the crimes to both agencies. First telling the Governor's office in a sworn statement she did it because she was acting to save a grieving family while she was under the influence of birth control drugs that made her do it. Then later to the Sheriff, she said she did it to save time. Finally, to this Court in the Evidentiary Hearing before Your Honor, her attorney David Roth of Roth & Duncan law firm, claimed in efforts to attempt to soften the damages to Spallina and Tescher that she did it due to fear of retribution from her employer Tescher & Spallina, P.A., supposedly acting on her own without their supervision or knowledge and he too should be investigated for these contradictory statements to the Court on behalf of Moran. These contradictory statements in three official proceedings is alleged to be perjury and false official statements and more and demands the answer to WHY she would do these crimes supposedly acting alone and then lie about it to three separate formal inquiries. Nothing Moran

says or did can be trusted any longer and must be investigated forensically and charges of Perjury and more should be added to her charges as well and where there is smoke...

29. That worse yet, is Manceri and Spallina in the September 13, 2013 Hearing put forth the statements that the Waivers were not forged and just improperly notarized and never state to the Court the truth that the documents were FORGED, even when Your Honor questioned them on that directly in the Hearing further perpetrating the Fraud on the Court and the Cover Up attempt.

30. For more information on the mass of false statements made to this Court in the hearing see, Petitions and Motions Filed by Petitioner above, (ix) section (II) MOTION TO FOLLOW UP ON SEPTEMBER 13, 2013 HEARING AND CLARIFY AND SET STRAIGHT THE RECORD for a more detailed account of the false statements of Manceri, Spallina and Theodore.

31. That Spallina also falsely claimed to this Court that he learned of Moran's crimes when she was contacted by the Florida Governor Rick Scott's Notary division she was being investigated and this too is a big fat false official statement by an Officer of the Court, as Spallina knew she Forged and Fraudulently Notarized the documents in May 2013 long before Moran was contacted, when he was served Petitioner's Petition and he failed to take any actions to notify the Court or authorities, in violation of Probate Rules and Statutes and Law.

32. That Your Honor warned them twice of Miranda Warning and Your Honor on the second warning stated that Manceri "personally" might not be included in the reading of Miranda's but did not exclude Theodore, Tescher and Spallina from the second threat in any capacity or Manceri in his professional capacity.

33. Petitioner alleges that Manceri is directly involved in the nexus of criminal events occurring in the Estates of Shirley and Simon and also involved in a creditor lawsuit in Simon's Estate of a one, William Stansbury ("Stansbury"), where criminal acts and civil torts have been alleged against Theodore by Stansbury.

34. That Manceri is representing several parties in that lawsuit, including a company, Bernstein Family Realty LLC ("BFR") that is wholly owned by Petitioner's three minor children, a company that has been hijacked by Manceri, Spallina and Theodore in efforts to destroy it and cause intentional harm on Petitioner and his three minor children to stop their efforts to have them further prosecuted and other crimes exposed, as will be further defined herein. Information regarding the hijacking of BFR and other companies of Petitioner's family can be found @

<http://www.iviewit.tv/20131229EIBResponseToTedBernsteinandDonaldTescherReEmergencyDistributions.pdf> , hereby fully included by reference herein. Initial information about these extortionary tactics against Petitioner by those with ABSOLUTE IRREFUTABLE ADVERSE INTERESTS against him now were evidenced already herein in a filing with this Court listed in the Motions & Petitions Section above as (ix) section (IV) MOTION TO COMPEL FOR IMMEDIATE, EMERGENCY RELIEF!!!, INTERIM DISTRIBUTIONS AND FAMILY ALLOWANCE FOR ELIOT, CANDICE & THEIR THREE MINOR CHILDREN DUE TO ADMITTED AND ACKNOWLEDGED FRAUD BY FIDUCIARIES OF THE ESTATE OF SHIRLEY AND ALLEGED CONTINUED EXTORTION.

35. That since Manceri now has been warned by Your Honor that Miranda's may be issued for him, his clients Tescher and Spallina and Theodore for their illegal misconduct they

all now have ABSOLUTE IRREFUTABLE ADVERSE INTERESTS with Petitioner who is trying to have them all further prosecuted for their role in the alleged crimes herein and pleaded in prior Petitions and Motions to this Court and criminal acts alleged to now state and federal authorities against them.

36. For these reasons, all of Manceri's filings should be stricken from the record and Manceri should be sanctioned for these violations of procedure in filing inappropriate pleadings aware that he has Adverse Interests with Petitioner and his family and for his part in perpetrating an ongoing Fraud on this Court and Fraud on the Beneficiaries.

37. That suddenly, after an arrest is made and Manceri, Spallina, Tescher and Theodore are warned they may be the next ones apprehended when Your Honor had enough Prima Facie evidence of Fraud on the Court and Beneficiaries to read them their Miranda's twice, a bold new attempt has begun to Harass, Slander, Extort and Defame Petitioner. That this Notice of Hearing and another improperly filed pleading filed as a "First Request to Produce Directed to Eliot Ivan Bernstein" and requesting Production of boatloads of documents of Petitioner and this pleading of Manceri should be stricken as mere harassment of the victim of their victim of their crimes in efforts to now cast a spell on Petitioner as if he filed FORGED and FRAUDULENT DOCUMENTS and not them, this pleading filed when he was aware of his Adverse Interests and that he was being included as a Respondent in the proceedings and therefore knew he needed to withdraw as Counsel for any parties and retain counsel for himself, three separate and non-conflicted Attorneys at Law for each capacity he is a Respondent as defined and one for his law firm and which he still has not withdrawn as counsel and continues to act in violation of Attorney Conduct Codes and Law.

38. That if this Court decides to allow further improper pleadings from the Attorneys at Law involved in criminal acts, including Fraud Upon the Court and Beneficiaries while acting as Officers of the Court, including FILING FELONY FORGED AND FRAUDULENTLY NOTARIZED DOCUMENT by counsel and fiduciaries that are Court Appointed that now have absolute irrefutable Adverse Interests with Petitioner for his efforts to bring them to justice and Your Honor continues for some reason to ignore all this and continues to rule on these improperly filed pleadings and allow them to pervert the record further attempting now to pepper the record with false statements and more, then Petitioner asks that their pleadings only be heard in the order they were filed and after all of Petitioner's prior Motions and Petitions that remain almost entirely UNHEARD since May 2013 are heard in the order they were filed and each Motion in Particular adjudicated on first before the next is heard.

39. That Petitioner believes this Court after hearing each of Petitioner's pleadings in particular to each Motion within the pleadings filed since May 2013 and largely unheard by this Court will show the Personal Representatives, Trustees and Counsel have violated virtually all of the legal and fiduciary requirements owed to the Beneficiaries and Interested Parties under Probate Rules and Statutes since day one of administering the Estates and that all those parties involved as Fiduciaries and Counsel that have acted thus far in the Estate of Shirley and Simon will be removed, sanctioned and imprisoned for their criminal acts and Manceri's inappropriate pleadings will languish in the garbage other than as evidence of their continued Fraud on the Court and the Beneficiaries.

40. That from May 2013 forward when Spallina, Tescher, Manceri and Theodore were served Petitioner's first Petition to this Court, showing irrefutable and absolute evidence

of FORGERY and FRAUDULENT NOTARIZATIONS in documents that were admitted to the record by Spallina and Tescher and approved by this Court up until the time of the September 13, 2013 Hearing before this Court regarding the FORGERIES and FRAUDS committed in and upon the Court by Officers of the Court, not one of them having this knowledge of criminal acts their employee and notary public Moran had committed, neither Counsel nor the alleged Fiduciary to the Estate and Trusts of Shirley, Theodore, came forth to the Courts or criminal authorities to notify them of their knowledge that six forgeries had occurred on six separate documents for six separate people, including a document Forged and Fraudulently notarized for Theodore and one forged for his deceased father POST MORTEM, violating their alleged Fiduciary Duties, Attorney Conduct Codes and Law, which would have required immediate reporting by them of the criminal activities they became aware of especially to the Court and Authorities, especially when they are DIRECTLY involved in the document fraud and other frauds.

41. That in fact, none of them came forth until authorities came knocking on their doors and even after that they did not notify the Court prior to the September 13, 2013 Hearing that they had knowledge of criminal acts they were all directly involved in and were committed in and upon the Court and Beneficiaries and instead of coming clean to Your Honor at the Hearing attempted to further conceal this information in hopes to force Petitioner to Play or Pay with extortionary tactics before being prosecuted and tried and Your Honor and state and federal investigators figuring all this out. These extortionary acts continue today and have been exacerbated since Your Honor has warned them that the end may soon be near by issuing them Miranda Warnings and almost reading them their rights, and they have stepped up efforts to

Harm, Harass, Slander and Extort Petitioner and cause grave and serious emotional and physical dangers and causing intentional financial harms on him, his wife Candice Bernstein (“Candice”) and their three minor children all to try and stop Petitioner before he can have them prosecuted and jailed.

42. That instead of withdrawing from all fiduciary roles, as required by Probate Rules and Statutes and Law and confessing to their crimes honestly to the Courts and Authorities and APOLOGIZING TO THEIR VICTIMS, once they were notified of the crimes in May 2013, they instead concealed the information from the Courts and Authorities and Beneficiaries and instead hurried to commit a series of alleged Frauds on the Beneficiaries and Interested Parties to convert assets of the Estates ILLEGALLY to the wrong Beneficiaries through a series of further alleged criminal acts. The criminal acts alleged all involve Theodore and Pamela trying to convert assets in a variety of schemes, aided by Theodore’s close personal friends and business associates Tescher and Spallina, in efforts of thwarting the last wishes and desires of Simon and Shirley that wholly exclude Theodore and Pamela and their lineal descendants from the Estates and Trusts.

43. That further it is alleged that they have begun a series of fraudulent activities to attempt to lower the value of the Estates from an estimated 20-42 Million as Petitioner has pled to the Court to Theodore and Spallina’s ridiculous four million total worth they claimed in both Estates and Trusts for Simon and Shirley in their statements in the September 13, 2013 Hearing. This amount they guesstimated to Your Honor does not even add up with the current assets Petitioner has discovered in the Estates thus far and which are part of the record. That this variance in estimates of worth is due to the fact that no accountings for the Estates or

Trusts has been given to Petitioner or Beneficiaries and no Inventories of the Trusts of Simon and Shirley have been provided as required by Probate Rules and Statutes to the Beneficiaries and therefore their numbers are wholly worthless and not exact as they should be with accounting of every last cent and perhaps we now know the reasons why the records are being suppressed and denied and why they would commit all these criminal acts, as there must be far more there than they are willing to disclose and they are trying to steal off with.

44. All of these crimes alleged benefit Theodore and Pamela directly to the disadvantage of Beneficiaries and where Theodore and Pamela were both wholly disinherited from the Estates of both Simon and Shirley and were enraged with their father Simon at the time of his death for not including them back into the Estates and Trusts. Even if the alleged changes to the Beneficiaries are somehow allowed by the Courts, both Theodore and Pamela remain wholly excluded from the Trusts of Simon and Shirley and this provides the reason for their efforts to abscond with Estates and Trusts assets and fail to list them as assets of the Estates in inventories and then try to convert them in numerous illegal schemes.

45. That these frauds to convert the assets and to steal off with assets were aided by the fact that they concealed, suppressed and denied Estate documents, records and accountings from the Beneficiaries and even the alleged new Beneficiaries and continue denying and suppressing this information from either Petitioner as a Beneficiary or Petitioner as Guardian of his three minor children as Beneficiaries and in so doing have violated endless amounts of Probate Rules and Statutes as prior pled by Petitioner in his Motions and Petitions filed with the Court since May 2013. New evidence of this concealment of assets from the Courts and Beneficiaries and alleged theft of the assets will be submitted herein that prove that the

inventories submitted in the estates are fraudulent and missing assets they all were wholly aware of and have absconded with and failed to account for as fiduciaries and counsel.

46. That since illegally seizing Dominion and Control of the Estate through a series of Forged and Fraudulent Documents in both Estates, a continued Pattern and Practice of Fraudulent activities emerges by the alleged Fiduciaries and Counsel to steal off with assets and keep them from proper accountings to benefit themselves at the detriment of the Beneficiaries and Interested Parties. This concealment of information from the Beneficiaries has led to absolutely no transparency at all in the Estates, left the Beneficiaries with no proper accountings of their interests and is in violation of virtually all Probate Rules and Law, as properly pleaded in Petitioner's prior Pleadings and Motions filed and unheard in toto since May 2013.

47. That this last minute grandstanding effort by Manceri now, through improper pleadings he filed are to attempt to harass, slander, extort and defame Petitioner and hold off a possible prison sentence for he and his clients Spallina, Tescher and now Theodore. These obvious, vexatious and abuse of process pleadings filed inappropriately and failure to represent all Respondents properly and without conflict or adverse interests violate Attorney Conduct Codes and Probate Rules and Statutes and thus for the all the reasons stated herein Manceri and his pleadings should be removed by this Court and Manceri sanctioned and reported for his involvement in attempting to continue this Fraud on the Courts and Fraud on the Beneficiaries in the Estates of Shirley and Simon and should be forced to immediately retain separate counsel as Respondent in the three capacities he is listed as Respondent for.

48. That this Court must instantly remove the Fiduciaries and Counsel who are

Officers of the Court and continue to act in these matters and maintain illegally gained Dominion and Control of the Estate after they have all been involved in FORGERY, FRAUDULENT NOTARIZATIONS, FRAUD on the COURT and FRAUD on the Beneficiaries and more and prevent them from pleading and moving the Court in any way in efforts to further harass Petitioner and his family further and waste this Court's time and Petitioner's time and monies responding.

MOTION FOR EMERGENCY INTERIM DISTRIBUTIONS AND FAMILY ALLOWANCE

49. That due to the Court's failure to prevent absolute Adverse Interests and Conflicts from continuing between the alleged Fiduciaries and Counsel and the Beneficiaries and Interested Parties, especially with Petitioner now with Petitioner who is having the current alleged fiduciaries and counsel criminally pursued by state and federal Authorities and the courts for their proven, admitted and alleged criminal acts. These Adverse Interest have led them to now further a Pattern and Practice of Extortion, Slander, Defamation and abuse of process against Petitioner and attempts to cause harm to Petitioner and his family including three minor children by further illegally misusing their fiduciary capacities and legal and ethical obligations to harm and harass Petitioner before they can be further prosecuted and their whole scheme is unraveled further. Especially, after the tip of the iceberg emerged with the arrest of Moran, then Spallina, Tescher, Theodore and Manceri being caught by Petitioner and Your Honor perpetrating a Fraud on the Court, tendering FORGED and FRAUDULENT documents in the alleged Beneficiaries names and more and with state and federal criminal and civil actions filed against them by Petitioner.

50. That as these FORGERIES and FRAUDS took place in Your Honor's Court in part by Officers of Your Honor's Court and were approved by this Court, under Judicial Cannons and Law they should be sanctioned and reported by Your Honor to the proper state and federal Authorities and state and Federal courts now involved and instantly remove them from the proceedings and all their prior pleadings and submissions.

51. That this Court once it was aware of proven felonious acts by Officers of the Court should have seized all of their records and taken control of the Estate and Trusts to prevent further harm to the Beneficiaries and yet instead it appears the Court is attempting to look the other way and deny due process to Petitioner by refusing to hear his Pleadings and Motions in detail that have been filed since May 2013 and take the requisite actions against Officers of the Court who have violated Law and report all those involved in any of the crimes now proven and admitted and those alleged to all the proper authorities.

52. That the Court's continuing to allow them to operate in Fiduciary and Legal Capacities (and L-rd knows how legally this is happening) has only allowed the Adverse Interests to ferment and result in an Extortion of Petitioner and his family and attempts to defame, slander and harass them in violation of Fiduciary Duties and Law and through further alleged fraudulent and criminal acts as defined herein and in prior pleadings filed by Petitioner that remain largely unheard.

53. That Simon and Shirley took elaborate estate planning steps to protect Petitioner and his family, through the creation of Trusts and the creation of several entities designed specifically for them and their unique situation for his family that are either wholly owned or are partially owned by Petitioner and his sisters Iantoni and Friedstein, including Bernstein

Family Realty LLC (“BFR”), Bernstein Family Investments LLLP(“BFI”), Bernstein Holdings, LLC (“BHL”) and more. The records for these entities can be found at <http://www.iviewit.tv/BFR%20BFH%20BFI%20RECORDS.pdf> and are fully incorporated by reference herein. These entities designed while Simon and Shirley were alive were created to protect the assets of Petitioner and his family and their inheritances from exactly the type of crimes that are alleged to be now occurring.

54. That Simon and Shirley through these entities paid for all expenses of Petitioner, Candice and their minor children, for income, food, utilities, school through college and more and had set these up so that at their deaths the entities would be funded through Petitioner and his family’s inheritances for many years to come due to special circumstances of Petitioner and his family as more fully described in the May 2013 Petition.

55. That Theodore and Spallina have now illegally seized control of BFR over three months ago and began an extortionary campaign to shut Petitioner and his family down by illegally gaining control of BFR through an unauthorized and prohibited transfer of Manager Title in BFR from Oppenheimer to Theodore, without Petitioner’s consent as required and play games with Petitioner’s utilities, school expenses, food monies and more.

56. That the transfer of Manager Title in BFR is also questioned after Simon died as to how Oppenheimer was elected Manager and acted in such capacity, without Members approving of such transfer. That Oppenheimer similarly transferred Manager Title to Theodore without requisite notice to Members (The Members of BFR are DANIEL BERNSTEIN IRREVOCABLE TRUST dated September 7, 2006, JAKE BERNSTEIN IRREVOCABLE TRUST dated September 7, 2006 and JOSHUA Z. BERNSTEIN IRREVOCABLE TRUST

dated September 7, 2006 who own 33.3% of BFR each) and without their consent and approval as required under BFR's records, which state;

"5.1.2 Initial Managers/Designation of Managers/Voting. The Members agree that the initial Manager of the Company is SIMON BERNSTEIN. Unless otherwise specifically agreed herein, business decisions of the Company shall be made by said Manager. The Members shall vote their Interests such that only the aforementioned person is Manager of the Company for so long as he is alive and not mentally disabled or incompetent. After proper notice, in the event of death or mental disability or incompetence of the Manager, the Members shall vote on and elect a new Manager."

"5.7 Resignation. Any Manager of the Company may resign at any time by giving written notice to the Members of the Company. The resignation of any Manager shall take effect upon receipt of notice thereof or at such later date specified in such notice; and, unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective. The resignation of a Manager who is also a Member shall not affect the Manager's rights as a Member and shall not constitute a withdrawal of a Member.

"5.9 Vacancies. To the extent not expressly provided for in Section 5.1.2 "Voting Agreement of Members," and only to said extent, if any: Any vacancy occurring for any reason in the number of Managers of the Company may be filled by the affirmative vote of Members holding a majority of the Percentage Interests present at an election at a meeting of Members called for that purpose or by the Members' unanimous written consent. A Manager elected to fill a vacancy shall be elected for the unexpired term of their predecessor in office and shall hold office until the expiration of such term and until their successor shall be elected and qualified or until the Manager's earlier death, resignation or removal. A

Manager chosen to fill a position resulting from an increase in the number of Managers shall hold office until his successor shall be elected and qualified, or until his earlier death, resignation or removal.

From Bernstein Family Investments we find the following language,

"6. Business and Purposes. The purpose and business of the Partnership shall be the ownership, investment, management and control of the Property and other investment properties (including, without limitation, investments in real property, loans, business enterprises, marketable securities, either directly or through interests in corporations, limited partnerships, limited liability companies, and other entities), to provide a means for the BERNSTEIN family to own investment property and preserve its assets, and to conduct such other activities as may be necessary or appropriate to promote such business and purposes, it being agreed that each of the foregoing is an ordinary part of the Partnership's business. In addition to the foregoing, or as part thereof, the Partnership shall accomplish among other things the following: (a) maintain control over BERNSTEIN family assets contributed to it, (b) consolidate fractional interests in BERNSTEIN family assets, (c) seek to increase BERNSTEIN family wealth, (d) establish a method by which gifts can be made without fractionalizing BERNSTEIN family assets, **(e) provide protection to BERNSTEIN family assets from future claims against members of the families**, (t) facilitate the administration and reduce the costs associated with the disability or probate of the estate of members of the BERNSTEIN family, (g) provide a mechanism to resolve BERNSTEIN family disputes, and (h) if applicable, hold restricted securities until such securities become unrestricted and free of underwriting limitations of the Securities and Exchange Commission. The Partnership shall not engage in any other business without the prior consent of Limited Partners owning (in the aggregate) at least eighty (80%) percent of the limited partnership Interests owned by the Limited Partners."

57. That Petitioner does not recall a vote to transfer Manager Role to Janet Craig of Oppenheimer after Simon's death or from Janet Craig to Theodore on Spallina's direction.

Janet Craig in a letter claims she transferred the Manager role to Theodore who volunteered and she obliged, as stated in her letter of August 28, 2013 email that she copied both Theodore and Spallina where she states,

“Please be advised [Eliot] that we will not be paying bills during this transition period.

Ted Bernstein has agreed to become the Managing Member of Bernstein Family Realty and all questions regarding the payment of household bills should be directed to him.”

58. That by illegally gaining control over BFR, which receives all the bills for Petitioner’s family and their home and which has paid them continuously, promptly and without interruption for almost seven years, both prior to Simon’s and Shirley’s passing and after, suddenly, when Theodore took charge almost four months ago, ALL the bills have become seriously past due and utilities, including phone, internet, etc. have been turned off with no notice to Petitioner and Theodore is denying he has anything to do with paying the bills or BFR to various parties.

59. That an example of what is going on to harm Petitioner’s family through these games, is the recent loss of home security, which puts Petitioner’s family at risk of theft, fire and more and may cause a lapse in Homeowners coverage or price increases without it, in the following series of email communications,

From: Candice Bernstein [mailto:tourcandy@gmail.com]

Sent: Tuesday, December 31, 2013 9:08 AM

To: 'Sue Peterson'

Cc: 'Ted Bernstein'; 'Robert L. Spallina, Esq. ~ Attorney at Law @ Tescher & Spallina, P.A.'; 'Donald R. Tescher ~ Attorney at Law @ Tescher & Spallina, P.A.'; 'Hunt Worth ~ President @ Oppenheimer Trust Company'; 'William McCabe Esq. @ Oppenheimer Trust Company'; 'Mark R. Manceri, Esquire @ Mark R. Manceri, P.A.'; 'Janet Craig, CTFA ~ Senior Vice President & Compliance Officer @ Oppenheimer Trust Company'; 'Caroline Prochotska Rogers Esq.'; 'Michele M. Mulrooney ~ Partner @ Venable LLP'; 'Andrew R. Dietz @ Rock It Cargo USA'; 'Marc R. Garber Esq.'; 'Marc R. Garber, Esquire @ Flaster Greenberg P.C.'; 'Marc R. Garber Esq. @ Flaster Greenberg P.C.'; 'Lisa S. Friedstein'; 'Lisa'; 'Jill M. Iantoni'; 'Jill M. Iantoni';

'Guy T. Iantoni @ GTI LIFE, Inc.'; 'Guy T. Iantoni'; 'Pamela Beth Simon'

Subject: RE: Si Bernstein old account

Hi Sue,

Below is a letter from Janet Craig, CTFA ~ Senior Vice President & Compliance Officer @ Oppenheimer Trust Company (Janet.Craig@opco.com) who was handing the bills for Bernstein Family Realty (BFR) as Manager since Simon died. Simon was Manager of BFR prior, which owns the house we live in. Janet has been paying your bills for the last year as Manager of BFR. As you can see from Janet's letter to Ted it is clear that Ted volunteered for the job of paying the bills of BFR a few months ago when your bills suddenly and unexpectedly began not to be paid. As I do not even get the bills for the last 7 or so years this all seems strange to me that Ted seems to not know he has assumed responsibility for BFR's bills when in fact, since Ted was copied on the Oppenheimer letter below and assumed responsibility as the letter indicates, I am not sure why he told you what he did not as it appears to be a lie. Perhaps you would like to call Janet Craig, CTFA ~ Senior Vice President & Compliance Officer @ Oppenheimer Trust Company (Janet.Craig@opco.com) the former Manager of BFR at (973) 245-4635 and check who is Manager of BFR and she has transferred the position to Ted yet or if she is still paying the bill. I do believe the BFR home owners insurance may also require your services to be on and she or Ted, whoever is handling these matters may want to notify the carrier of the lapse in service. You may also want to contact Robert Spallina and Donald Tescher of Tescher & Spallina, P.A. law firm as they are also involved with Simon's estate and may know about the bills for BFR that Simon was paying for years and who and how is now paying them, since they I believe directed Janet to transfer the Manager role and bills to Ted.

I am very sorry for any confusion but as you can see from Janet's letter I really have nothing to do with the bills until we needed a battery and I made a call, which is about the extent of my involvement with your company in the many years of past service that has never been interrupted until recently when Ted took things over. I have never paid your bills I just live in the house that is owned by BFR and I guess if Ted is denying his involvement despite the evidence I too am unsure what to do and feel like I am caught in the middle to as I am not even on the account. I apologize for any problems this has caused you and understand your need to take actions against the appropriate parties, of which I am not one.

Candice

From: Craig, Janet [<mailto:Janet.Craig@opco.com>]

Sent: Wednesday, August 28, 2013 11:28 AM

To: 'Eliot Ivan Bernstein (iviewit@gmail.com)'; 'Candice Bernstein (tourcandy@gmail.com)'

Cc: 'Robert Spallina (rspallina@tescherspallina.com)'; 'Ted Bernstein (tbernstein@lifeinsuranceconcepts.com)'

Subject: Bernstein Trust Terminations

Dear Eliot and Candice,

[omitted]...Please be advised that we will not be paying bills during this transition period. Ted Bernstein has agreed to become the Managing Member of Bernstein Family Realty and all questions regarding the payment of household bills should be directed to him...[omitted]

Janet Craig, CTFA
Senior Vice President & Compliance Officer
Oppenheimer Trust Company
18 Columbia Turnpike
Florham Park, NJ 07932
Tel: 973-245-4635
Fax: 973-245-4699
Email: Janet.Craig@opco.com

This communication and any attached files may contain information that is confidential or privileged. If this communication has been received in error, please delete or destroy it immediately. Please go to www.opco.com/EmailDisclosures

From: Sue Peterson [<mailto:speterson@yoursecurityconnection.com>]
Sent: Monday, December 30, 2013 2:00 PM
To: tourcandy@gmail.com
Subject: FW: Si Bernstein old account

Hi Candice, this is truly a very unfortunate situation, and we are caught in the middle of it, we responded to your request for the battery and dropshipped it to you in good faith. I really do not understand why you would give me the wrong information.

We will cancel this account today and hand it over for collection, but I wanted you to know that Mr Ted Bernstein says he is not responsible for the account.

Thank you

Sue

From: Ted Bernstein [<mailto:tedbernstein@lifeinsuranceconcepts.com>]
Sent: Monday, December 30, 2013 11:07 AM
To: 'Sue Peterson'
Subject: RE: Si Bernstein old account

Hi Sue,

Candice is mistaken. Sorry for the confusion.

From: Sue Peterson [<mailto:speterson@yoursecurityconnection.com>]
Sent: Monday, December 30, 2013 11:03 AM
To: Ted Bernstein

Cc: Lindsay Giles

Subject: Si Bernstein old account

Hi Ted,

The monitoring fees for this account has not been paid since 10/1/13, and we also sent out a battery in October when Candice called in and requested it. The invoice was sent to you because Candice advised us that the house is now part of Bernstein Family Realty, and you will process the invoices for payment.

The past due accounts are scheduled to be disabled today at close of business, and the monitoring discontinued. You may remedy the situation by bringing the account up to date before 3pm.

Thank you

Sue Peterson
Accounting Manager

60. That Reimbursements for food, medical needs and more have not been paid back to Petitioner's wife Candice since the day Theodore took over, as they have for years to provide for their family these life sustaining funds for food, etc. and these acts have basically starved Petitioner and his family and thrown great economic disasters upon them with intent and scienter for the last three months since Moran's arrest.

61. That school trust funds set aside for Petitioner's children and funded prior to death of Simon and Shirley were then illegally misused to pay for Petitioner's expenses as Spallina directed Oppenheimer to use the funds with no authority to do so and with the promise that he would replenish and replace them as needed from monies from the Estates if they were exhausted while he waited to receive monies in the Estates. When it came time to replace those funds, Spallina refused Oppenheimer's request and intentionally and with intent to harm Petitioner drained these funds and overnight has left Petitioner now with no school funds for his children, utilities and food that were supposed to have been funded with his and his children's inheritances, all on the direction of Spallina, Tescher, Theodore and Manceri who are the cause

for all of these delays in the inheritances and suppression and denial of the financial information regarding their interests and all of these proven and alleged criminal acts. Petitioner already has pled these matters to the Court in prior Motions filed that remain unheard in particular to these claims as already exhibited herein.

62. That Your Honor at the September 13, 2013 did not think Petitioner's Motion was an Emergency because no one was without food, medical, utilities at that moment on that day and despite FORGERIES and FRAUDULENT NOTARIZATIONS and a DEAD MAN CLOSING THE ESTATE AS IF ALIVE, which surprisingly this Court did not deem an Emergency in and of itself. However, since the Hearings, things have been worse every day and food monies and utilities have been shut off without notice by the fiduciaries Theodore, Spallina and Tescher, in attempts to further extort Petitioner to Play or Pay and take monies in the Estate to the improper parties despite knowing the Beneficiaries are going to have to now be litigated as learned at the October 28, 2013 hearing before Your Honor and this would amount to participating in illegal conversion of assets and Petitioner has refused to take monies that are from illegal transactions.

63. That Theodore and Spallina working together are selectively and without notice ceasing payments of school, school trips and sporting events of the children leaving no notice, costing Petitioner large deposits to be lost and the children possibly removed from school shortly due to lack of payment. For example, two of Petitioner's children have now missed, due to lack of final payment, an opportunity long in the making and in large part due to the efforts of Simon, to play with an International Israeli Lacrosse Team and travel to Poland and Israel and play in both countries with Professional Athletes and coached by Harvard's assistant

coach Ben Smith & Florida's Jeff Goldberg. This trip was already deposited for, plane tickets purchased nonrefundable, jersey's made and rosters completed, a final payment was due and the bill transitioned from Oppenheimer to Theodore, Spallina and Tescher and multiple written requests were transmitted to all parties requesting payment or knowledge as to what was happening as the children were to lose their spots and deposits and tickets. After weeks of no response, hours after the deadline expiration and the children's spots were given to others, Theodore responded that he chose not pay the deposit as he did not think it prudent.

64. That had Petitioner and his children's inheritances not been intentionally and criminally delayed, in violation of Probate Rules and Law, interfered with from the outset after Simon and Shirley's deaths and further alleged criminal acts to change Beneficiaries had not been committed by alleged Fiduciaries and counsel, monies from the inheritances and Estates and Trusts of Simon and Shirley would have flowed properly into trusts established for Petitioner and his children and the monies would have flowed seamlessly into BFR, BFI and BHL and directly to Petitioner and his children to fund their living expenses for many years to come as designed by Simon and Shirley.

65. That Petitioner was to be Manager of these entities or elected Managers to work with him, further providing his family income from managing the assets and that Spallina, Tescher, Theodore and Manceri have interfered with these entities illegally and without authority to perpetrate this extortion and to deny Petitioner and his family income and other assets that would have paid for their expenses.

66. That the Estates have enough liquid funds to release funds in the interim to cover these emergency needs of Petitioner's family while these matters caused by the

Fiduciaries and Counsel are being settled both civilly and criminally and the Beneficiaries determined by both courts. That if or why Petitioner is employed to pay these expenses suddenly heaped upon his family due to the delay's caused wholly by others responsible for these funds being transferred to the proper Beneficiaries is irrelevant as this Court and the Fiduciaries are responsible to the Beneficiaries for the damages being caused by the delays in the transference of the inheritances to the proper parties. Where such delays will now be furthered while these matters are resolved and yet, Your Honor allows them to continue to operate as Officers of this Court and as Fiduciaries despite involvement in criminal acts that they are wholly liable for and therefore the need for EMERGENCY DISTRIBUTIONS due to these intentional delays has become life threatening to Petitioner and his family, including three minor children and this Court must order EMERGENCY INTERIM DISTRIBUTIONS.

**MOTION FOR FULL ACCOUNTING DUE TO ALLEGED THEFT OF ASSETS AND
FALSIFIED INVENTORIES.**

67. That on January 11, 2013, two years after Shirley's death Petitioner received, an un-docketed with the Court, alleged Inventory of Shirley after months of it being denied to Petitioner from May 2012 when it was first requested when Petitioner finally learned he was a Beneficiary of the Estate to January 2013, due to the prior suppression and denial of this information to Petitioner by Spallina and Tescher for months.

68. That Petitioner had to retain counsel to finally get piecemeal information requested from Tescher and Spallina that was legally due Petitioner due to the repeated refusals of Tescher and Spallina to turn over the records, in violation of Probate Rules and Statutes, which has already been pled ad nauseum to this Court in Petitioner's prior pleadings that are

largely unheard at this time. An example will show how Petitioner's counsel has been abused by Spallina and Tescher thus far, running up huge bills to just secure records legally owed to Petitioner and his children and further how they were forcing litigation, another tactic to bleed the estates in legal fees from their intentional misconduct. Petitioner retained Tripp Scott law firm and Christine Yates, Esq. as counsel to secure records after months of refusal by Spallina and Tescher to turn over ANY records or financial information to Petitioner regarding his family's inheritance. Further, after learning of the conflicts forced upon Petitioner by a lost insurance policy and a lost insurance trust of Simon's that put his children and him in conflict for the proceeds, Yates was forced to represent only the children and Petitioner then was representing himself Pro Se to avoid Petitioner's OBVIOUS conflicts caused by Spallina and Tescher's lack of care. After Yates repeatedly requested information due to Petitioner, the following letter exchange illustrates between Attorney at Law Yates and another Attorney at Law, Marc R. Garber, Esq. who consults Petitioner on his RICO and other matters, the adversarial role Spallina and Tescher to Petitioner and Petitioner's COUNSEL is evident. I quote from their letter exchange,

From: marcrgarber@gmail.com
To: cty@trippscott.com
Subject: RE: Bernstein - E/O Shirley Bernstein & E/O Leon Bernstein: FW: Bernstein - E/O Shirley Bernstein &
E/O Leon Bernstein: Status
Date: Thu, 13 Jun 2013 11:02:40 -0400

Christine:

I had difficulty sleeping, as I was sorting through our conversation. What troubles me has troubled me in prior situations. Spallina is not the first "bully lawyering" situation I have seen or heard about. "If you scream loud enough and pound the table hard and often, the other side will cave". It troubles me that many times this approach works. Sometimes it becomes a fee

and time matter, other situations result in the good lawyer becoming tired of dealing with "hard headed" uncompromising opponent. I have heard some people actually seek out a bully lawyer for these reasons. The reasons include the fact that they win using this approach. Further, and as you implied, with all the time you expended, Spallina gave us very little, in terms of everything; from documents to involvement in the administration. It truly troubles me that Spallina continues to spin his web of deceit, and I believe this conduct is further circumstantial evidence that "something is very wrong". I am very glad Eliot filed whatever he filed and I do hope he prevails. I also hope Spallina is removed and perhaps punished for all he is doing. It also troubles me that once he learns of your withdrawal, Spallina will celebrate his victory. If I was licensed in Florida, I would take this on pro bono. Simply out of principal, and I would make certain a probate judge learns of Spallina's behavior. Unfortunately, I am not a Florida lawyer. If Eliot is able to get his motions before a probate judge, I hope he asks and you agree to testify as to how Spallina treated you. A judge may take real notice of that testimony.

Thanks,
Marc

From: Christine Yates [mailto:cty@TrippScott.com]

Sent: Friday, June 7, 2013 11:57 AM

To: 'Eliot Ivan Bernstein'; 'Eliot Ivan Bernstein'

Cc: Ibis A. Hernandez

Subject: Bernstein - E/O Shirley Bernstein & E/O Leon Bernstein: Status

Eliot and Candace, first I am glad that you are feeling better Eliot.

I have made no progress with Spallina in regards to obtaining documents and in my last call with him and Mark Manceri, Mr. Spallina reiterated his position that the mortgage on the property you are currently residing in was what your father wanted, and that any information regarding the trust of your father would have to be addressed to your brother as trustee. At this time, in order to receive the information you want, I believe you will need to institute legal proceedings against the estate and trust. Since a new course of action will need to be undertaken, at this time, I will be withdrawing as counsel for your children, and believe that you should now hire separate litigation counsel for them. I will be happy to assist your new counsel in providing them with any information and thank you for the opportunity you gave me to assist you.

110 SE Sixth Street, Suite 1500

Fort Lauderdale, FL 33301

954-525-7500

Christine T. Yates

Director

Direct: (954) 760-4916
Fax: (954) 761-8475
cty@trippscott.com

69. That instead of the alleged Co-Personal Representatives of Simon's Estate paying for counsel to review their insurance trust scheme they proposed due to an alleged lost policy and trust scheme (and if you believe that I have a bridge) and instead Spallina was forcing the legal costs to come out of Pre Funded School Trust funds of Petitioner's children, along with the other BFR bills, etc. all on his direction with Oppenheimer. As illustrated in the following correspondence regarding why Yates was resigning as counsel, Your Honor can see how they are forcing economic ruin with scienter upon Petitioner and his family further through more dubious and alleged illegal acts,

Date: Thu, 13 Jun 2013 13:05:50 +0000
From: cty@TrippScott.com
Subject: RE: Bernstein - E/O Shirley Bernstein & E/O Leon Bernstein: FW: Bernstein - E/O Shirley Bernstein &
E/O Leon Bernstein: Status
To: marcrgarber@gmail.com; iviewit@iviewit.tv; iviewit@gmail.com

Marc, it was nice to speak with you yesterday. As we discussed, the reasons for the the termination of my representation were due to the insufficiency of funds in the trust accounts and the the corresponding increase in litigation that would need to be filed in order to move this case forward. It is always a difficult decision as an attorney to proceed with litigation, using all funds in a trust to do so without a guarantee of results. This leaves the attorney in a difficult position with the trust beneficiary, their client. Also, I was concerned that attorney/client communications via email were being filed in court proceedings by Eliot in his case. I want to be able to be assured that information on behalf of my client's remains confidential. Thank you again for you time in speaking with me yesterday.

*110 SE Sixth Street, Suite 1500
Fort Lauderdale, FL 33301
954-525-7500*

Christine T. Yates

Director

*Direct: (954) 760-4916
Fax: (954) 761-8475
cty@trippscott.com*

70. That at the October 28, 2013 hearing Theodore claimed while testifying that to

the best of his knowledge, his mother Shirley was only worth in Personal Property not allocated in trusts, USD \$25,000.00. It should be noted that this was the last year unlimited marital transfers were allowed and therefore it would have benefited Simon to have inventoried and listed as many assets in Shirley's name, knowing no tax on the transfer would take place on any amount. Being a sophisticated Pioneer in estate planning tools almost his entire life, Simon would not have hid any assets or lowered their values to get them under a taxable amount as there was no fear of taxation and listing them in full was the advantage.

71. That on October 28, 2013 in an Evidentiary Hearing before this Court, Petitioner received an Inventory in the Estate of Simon electronically filed on June 11, 2013 (10 months after his DOD) unsealed by Your in Honor from Judge French's court and given to Petitioner for the first time. That again, this Inventory had been suppressed and denied from the Beneficiaries and Interested Parties in violation of Probate Rules and Statutes up until the Evidentiary Hearing, over a year after Simon's passing.

72. That on December 30, 2013 Petitioner received a NEW Amended Inventory of Simon, after this Court unsealed the previous one in the October 28, 2013 and suddenly the amount of Simon's personal properties flourished with many new assets making the amount TEN TIMES what it was when the first one was allegedly done, illustrating the failure to marshal the assets, as some of the new additions like a Promissory Note on Petitioner's children's home is listed. That Spallina and Tescher knew of this Promissory Note because they drafted and had executed the documents and knew it was to be tossed in the garbage when Simon died but now apparently to threaten Petitioner that they (his siblings) are planning on stealing the home his children own and divvying it up between them using this Note. The

children's home is detailed in the May 2013 Petition filed with this Court and largely unheard but the question now becomes if Spallina and Tescher knew of this \$365,000 Promissory Note to Simon as an asset from day one, why did they fail to list it on his inventory for 15 months, until now that they are adverse to Petitioner for having one of their own arrested and hostile in fact knowing they may be next.

73. This Amended Inventory in Simon also added some other items that Spallina and Tescher should have known about earlier, including bank accounts and more and appear to be added after realizing through Petitioner's pleadings and the creditor Stansbury in Simon's estate, notifying the Courts and Authorities that assets were missing from the Inventory of Simon and this Amended Inventory of Simon is a Cover Your Butt attempt to plug holes and further extortion of Petitioner, amended sixteen months after Simon's death. It should be noted here that Simon's Estate was ordered closed by Judge French and the deadline for closing was missed and no extensions filed, in further violation of Probate Rules and Statutes. Again, no Inventories or Accountings have been provided for the Trusts in either the Estate of Shirley or Simon at this time, in violation of Probate Rules and Statutes.

74. That after reviewing the Inventories, it has become apparent that Personal Property assets of Shirley were not listed in the Inventories of Shirley and Simon. That these missing assets, once properly accounted for and inventoried would then have transferred to Simon but instead the items PETITIONER DISCOVERED were wholly excluded from both Inventories, as if they vanished into thin air and did not exist at all. That for Simon to have done anything with these assets of Shirley's he would have first had to legally inventory them on her Personal Property list and then have them transferred tax free through the estate plans to

himself.

75. That full audits of the estates are now needed, by forensic experts that should include tax returns for 10 years personally and for any/all corporate entities they owned, ten years of bank accounts of Simon and Shirley and all other information owed to Beneficiaries and Interested Parties under Probate Rules and Statutes. The reason bank accounts are necessary now is because evidence was presented in the May 2013 Petition filed with this Court and largely unheard at this time, that Spallina and Tescher were found directing others to use Simon Bernstein's bank account for BFR months after his death and where when Legacy Bank discovered that Simon was dead and no one had notified them and people were using the account who were not authorized to use the account, well they FROZE the accounts of Simon and demanded to speak to the Personal Representative. Spallina was not a Manager of BFR at this time as Simon had died and no successor was voted in per the bylaws until Spallina nominated with no authority Janet Craig to the Manager position and directed her actions with no authority.

76. That Petitioner has requested and repeatedly been denied the full accounting of the BFR accounts at Legacy Bank that were frozen and allegedly funds transferred to Oppenheimer to see how much money was in the account when Simon died and how much transferred over once the account was frozen due to MISUSE of a bank account under FL laws under the direction of Spallina as the fiduciary, using a DEAD Simon's account for month in a company BFR that he had no legal authority to act under.

77. That with the damning evidence of PROVEN AND ADMITTED FORGERY, FRAUD ON THE BENEFICIARIES, FRAUD ON THE COURT and more, this Court should

have already called in the cavalry and made arrests from evidence the Court has that Officers of the Court are involved and worthy of Miranda Rights being issued by Your Honor and then ordered a seizure of all original documents, records and assets and demanded full forensically audited financials and document verifications and notified the proper authorities of ALL the crimes it has knowledge of, not just focus on tree, Moran, while missing the forest of crimes that her documents partially enabled. Further, this Court should force restitutions to the victims, forcing bonding and surety and payment of all Petitioner's legal costs by those who caused the costs and the Court should be acting on its own Motions after taking Judicial Notice of FORGERY AND FRAUDULENT NOTARIZED DOCUMENTS, FRAUD ON THE COURT and more, to achieve protection of the Estates and Beneficiaries and certainly not waiting for Petitioner who is Pro Se to plead all this correctly, as these crimes proven and admitted were done by Officers of Your Court, the Fiduciaries of the Estates YOU APPROVED and are allowing to continue to operate in YOUR Court and their contracted and supervised employees who they are wholly liable for under FL Law.

78. That anything that ANY of these parties who were acting in anyway in the commissioning of these crimes have done in the past is questionable and anything they do in trying to remedy these situations now, after the fact that they have been caught, are not trusted by Petitioner due to, including but not limited to;

- i. the Forgery and Fraudulent Notarization of Petitioner's name on documents filed with the Court that they all participated in,
- ii. the POST MORTEM Forgery and POST MORTEM Fraudulent Notarization of Petitioner's father name on documents filed with the Court that they all

participated in,

- iii. the fact that they then illegally used Simon's identity Post Mortem to file a series of documents to close the Estate of Shirley and then allegedly attempted to change the Beneficiaries of Shirley's with other documents that appear legally deficient and alleged Fraudulent and Forged in Simon's Estate,
- iv. the Fraud on the Court and Beneficiaries already proven committed by Officers of this Court,
- v. Bank fraud alleged in the misuse of accounts,
- vi. Violations of Petitioner's family entities and alleged criminal acts thereunder,
- vii. the ongoing alleged Insurance Fraud, Fraud on a Federal Court, Theft of Assets, Violation after Violation of Probate Rules and Statutes and Law, Extortion and more, as previously pled in Petitioner's Motions and Petitions already before this Court and exhibited herein.

79. That Petitioner has recently come into possession of an American Home Assurance Company Policy containing a Private Collection Coverage Policy PCG 0001 332360, Effective date August 10, 2009, containing a schedule of Shirley's Jewelry insured for a value of \$613,932.00, evidenced herein as **EXHIBIT 1**, which Petitioner alleges is a fraction of her total Jewelry owned at that time and at the time of her death that is now missing from both Estates and was not inventoried as her personal property and does not show up in Simon's personal property. Even if it is alleged Simon gave it away or ate it, for him to have done so the items would have to have been listed on Shirley's Inventory and then transferred legally to him to do as he pleased. If he gifted them later, gift tax returns and more would have to have

been filed and still would have been listed as Shirley's personal properties first before the gifts were made by Simon.

80. That Petitioner alleges that Tescher, Spallina and Theodore knew about this Policy and its contents insured thereunder that were Personal Property of Shirley and that they have intentionally and with scienter suppressed and denied this information from both the Court and the Beneficiaries and Interested Parties in the Estate and left these items off the Inventories intentionally. There are also alleged to be Appraisals done for Shirley's Jewelry shortly before her death for various items that also appears to have gone missing from the Estate records that were kept with each item that further confirm the value of many of Shirley's jewels. That if added in her Personal Properties, Theodore and Spallina's testimony in October 28, 2013 hearing before this Court that she had only \$25,000.00 in personal property would be grossly off just in Jewelry alone. Again, the advantage for Simon at the time with no taxable transfer was to list it all, which being an expert Estate planner he would have done.

81. That the Jewelry does not appear in the Inventories and where Petitioner's father had stated that bequeathments of various items were attached to their 2008 Wills that distributed certain items to individual Beneficiaries but those too appear missing from the Estate documents and Petitioner claims these too are being suppressed and denied, in violation of Probate Rules and Statutes.

82. That it is alleged that after Shirley died, on a visit to see Simon, Petitioner's sisters, Pamela Simon ("P. Simon"), Jill Iantoni ("Iantoni") and Lisa Friedstein ("Friedstein") removed from the Estate Shirley's Personal Properties, while their father thought they were cleaning out her closets and organizing things, they instead took off with and shipped boxes

and boxes of Shirley's Personal Effects and took all of her Jewelry, Minks, and other valuable objects of hers.

83. On information and belief this removal of the property was claimed to be to prevent theft of the items from Simon's assistant, Rachel Walker and later his companion and friend, Maritza Rivera Puccio ("Puccio"), who they claimed were going to rob Simon of Shirley's personal properties and therefore they were taking them to Chicago to their homes to protect them.

84. That later when Petitioner questioned Spallina and Tescher and his siblings on where the items were, as some were told to Petitioner by his Mother that they were being bequeathed to him, his wife and children and they attempted to now to claim these were gifts to them by Simon and they have no records of what they removed or inventories. That the problem with this is they were Shirley's Personal Property and had to be listed on her Inventory first before they could become Simon's to gift and Simon would not have committed tax evasion or other criminal acts to improperly transfer assets. Petitioner and his children have not received on item despite being Beneficiaries to either a 1/3 or 1/5 of the items depending on the ultimate beneficiaries determined by the courts.

85. That Petitioner has requested to see the Tax Returns of Simon and Shirley to confirm that at minimum, this \$613,932.00 of Jewelry was ever gifted legally but he and his children's former counsel were denied all such requests for information.

86. That Petitioner is aware of a Bentley automobile paid for in full as a gift from Simon to Shirley, owned and titled to Shirley and driven exclusively by Shirley for several years prior to her death that is not listed on the Inventory of Shirley as Personal Property, again

just vanishing into thin air, no accounting of it, no inventorying of it, poof. Again, even if Simon had later sold the car or ate it, he would have first had to inventory the item as an asset of her Estate.

87. That Petitioner has checked the Inventory of Simon and the items missing from Shirley's Inventory that are on the insurance policy do appear listed on Simon's Inventory either.

88. That in fact, on December 20, 2013 Petitioner received an Amended Inventory of Simon that also failed to include the missing Jewelry and automobile but was amended to add a ten time increase in assets, as discussed already herein.

89. That these missing and unaccounted for assets of Shirley and Simon's Estates that appear to have gone missing from the Inventories, despite whether they were gifted, sold or ate, they remain wholly unaccounted for evidencing further foul play and egregious bad faith in marshaling the assets of the Estates, in violation of Probate Rules and Statutes. Further complaints have been lodged criminally for the alleged Theft of these assets, as claims will have to be filed with the insurance companies to collect on the stolen items or have them returned in toto or accounted for if they were sold or otherwise transacted.

90. Petitioner is requesting now that the Estate of Shirley is reopened, a full and forensic accounting and inventorying of Shirley and Simon's Estate and ALL DOCUMENTS and RECORDS filed in the Court by any Party and an auditing of the Court records and files to further determine the extent of the criminal acts uncovered.

91. Due to these new discoveries in the Estate Inventories, FULL accounting is necessary and it was learned in the October 28, 2013 hearing that Spallina claimed that he did

no inventorying of Shirley's Personal Property assets at all and relied only an alleged phone call with Simon to assess her worth, where Simon allegedly stated she was only worth \$25,000.00 to his counsel Spallina. That Simon then allegedly signed this inventory and in so doing was committing fraud as he knew of the Jewelry and auto of Shirley, as did Robert Spallina, Tescher and Theodore.

92. That this Court must now overturn its prior Order to not deal with documents in Shirley's estate that were filed by Simon to close the Estate while he was "serving" as Personal Representative while alive and this Inventory of Shirley's that was ALLEGEDLY FILED must now be evaluated and investigated further and is challenged as authentic based on this new information, despite when it was alleged filed.

93. That this is NOT one of the documents that were served illegally for Simon by Tescher and Spallina Post Mortem upon the Court, used as if he were alive and "serving" them to the Court while he was dead and while legally one cannot serve anything while dead as Personal Representative, this is allegedly on of the documents Simon signed while allegedly alive. Due to what would appear possibly tax evasion and theft of assets for no reason by Simon and Spallina in preparing this inventory falsely, the document becomes suspect and where items are then found missing that everyone had knowledge of and possession of and distributions were made between certain family members (not a single item to Petitioner) and the information concealed from the Courts and Beneficiaries should again sound a FIRE ALARM IN THE COURT to take further instant action to call in the cavalry and FREEZE THE ESTATES and REMOVE THE PERSONAL REPRESENTATIVES AND COUNSEL and more.

94. That now with proven factual evidence of Post Mortem Forgery of Simon's name on documents submitted on his behalf while dead and now this Inventory which appears to be falsified appears, there is need to review ALL the documents of Shirley and Simon's Estates forensically and call in the Attorney General or State Attorney to investigate all the documents used to perpetrate the Fraud on the Court and more. Further this Court must now turn over any logs and records of the Courts for injured parties to have discovery and determine who exactly was involved and if the documents are legitimate and properly entered into the record and no documents pre or post Simon's death filed and served on his behalf with the Court should be excluded at this time from further investigation and they should instead be opened widely for inspection, again the costs burdened to the responsible parties and not to the victimized Estates or the Beneficiaries and Interested Parties. That this Court should take Judicial Notice of the crimes, proven admitted and alleged in this case thus far and again act on its own Motions as required by Judicial Cannons and Law to report all those Attorneys at Law involved thus far and the matters of the Fraud on the Court to the proper authorities and cease further harm to Beneficiaries.

95. That for all these reasons Petitioner's Motion for Full and Formal Forensic Accounting and Document Analysis be granted and paid for by those parties who have caused these problems through criminal acts and more and the costs should not be burdened further on the victims or the Estates or the Court.

**MOTION TO NOT CONSOLIDATE THE ESTATE CASES OF SIMON AND SHIRLEY
BUT POSSIBLY INSTEAD DISQUALIFY YOUR HONOR AS A MATTER OF LAW
DUE TO DIRECT INVOLVEMENT IN FORGED AND FRAUDULENTLY
NOTARIZED DOCUMENTS FILED BY OFFICERS OF THIS COURT AND
APPROVED BY YOUR HONOR DIRECTLY.**

96. That the six documents that are proven FORGED and FRAUDULENTLY NOTARIZED presented to Your Honor's Court and additionally regarding the multiple documents from September 13, 2012 to January 2013 that were filed illegally Post Mortem for Simon used to close the Estate, Your Honor and his court officials had direct involvement in and may be called as material and factual witnesses regarding these matters. As Your Honor admitted these FORGED and FRAUDULENTLY NOTARIZED documents to the record to close the Estate and had direct involvement in the Fraud on the Court that was perpetrated on the Court and Beneficiaries, including Petitioner and his three minor children, Your Honor's role in these events becomes directly inter-related and thus conflict arise and possible adverse interest arise as Your Honor may want to hurry this under the rug as it all occurred in your Court and it could be alleged that you are biased or covering up the acts of not only the guilty but your Court officers involved. Not to say that this is the case but that now it COULD be and on that ground Your Honor's handling of this case further may be improper under Judicial Cannon's and more.

97. That Petitioner requests that this Motion to Disqualify Judge Colin in Shirley's estate be heard by a non-conflicted Justice, due to Judge Colin's direct involvement in the matters, the direct involvement of Officers of his Court in FORGERIES, FRAUDULENTLY NOTARIZED DOCUMENTS and FRAUD ON THE COURT AND BENEFICIARIES and the fact that all of these Criminal Acts proven and those alleged have occurred in and upon his Court and these conflict Judge Colin from handling the matters further without the possibility of bias or prejudice or more to Petitioner who has exposed this massive Fraud on the Court.

98. That as Petitioner is the one who has exposed these Frauds on the Courts and

had them prosecuted and could lead to others arrest, including Officers and Fiduciaries of the Court directly involved causes possible Adverse Interests against Petitioner who has exposed these crimes occurring in the Court, committed by Officers of the Court and the Fiduciaries that Judge Colin approved to the record and allows to continue as Officers of the Court and Fiduciaries despite his firsthand knowledge of criminal acts they are involved in alleged violation of Judicial Cannon's and Law.

99. That this puts Judge Colin now in the uncomfortable position as Witness at minimum to what occurred and how his name and his courtroom were used to enable the frauds, but nonetheless, Judge Colin will be deposed by Petitioner regarding his signatures on the fraudulent documents in the record and his direct and personal knowledge regarding the Fraud on his Court and how exactly the crimes occurred and who was involved, crimes he himself observed on the record in both hearings, that led him to declare twice on the record in a September 13, 2013 hearing, that he had enough evidence of fraud on the court to read Tescher, Spallina, Theodore and Manceri their Miranda Warnings but inexplicably has not read them to them yet and has further enabled their criminal activities to continue and flourish. Why Judge Colin has failed to then report these felony frauds on his Court to all the proper authorities or have them arrested and instead gave the guilty parties opportunity to continue to operate as Fiduciaries and Officers of his Court and pollute the record further will also be questioned and perhaps new Judges will read them their Miranda Rights as Colin should have done but did not, as of the date of this Pleading.

100. That any state or federal investigators that Judge Colin has had contact with to this point must also be removed from further investigation and new investigators who have not

had ex parte conversations with Judge Colin must be introduced to investigate the matters without any prejudice that may have occurred in those conversations that may have impeded Petitioner's due process rights to file further complaints, including against the Officers of his Court that perpetrated the criminal Fraud on the Court or obstructed justice in any way.

101. That after speaking with Detective Ryan Miller of the Palm Beach County Sheriff who investigated the crimes of Moran, Judge Colin made it clear to him that he would be in charge of filing any criminal complaints regarding crimes permitted in his Court by Officers of his Court, Tescher, Spallina, Manceri and Ted (as an alleged Fiduciary). If Judge Colin were to fail to take the necessary actions and Petitioner was blocked of his due process and procedural rights from filing criminal complaints this could cause Petitioner to run into Statute of Limitations issues from the obstruction.

102. That Petitioner does not seek Disqualification out of disrespect or dispute with Your Honor at this time but because it now becomes the only legally justified action for Your Honor to take now that Felony Crimes have been committed in and upon Your Court and the Beneficiaries you are custodian for, including three minor children, and Your direct involvement can be questioned. Where this Court, whether intentionally or not, has allowed these FORGED and FRAUDULENTLY NOTARIZED documents to become part of the record of the Estate, polluting the record and trust in any documents filed by the Fiduciaries and Counsel of Record with the Court and therefore if Judge Colin is disqualified all orders and all records, including all Original documents filed with and by the Court should become open to inspection by the injured parties.

103. That these acts of Officers of the Court, were approved and entered into the

record by Your Honor and the Estate closed illegally with Your Honor's stamp of Approval on all of the questionable documents including those filed by Moran but many others as listed already herein done by Spallina and Tescher, which may prove later to be done without malice by Your Honor and other members of the Court but as fraud was committed upon Your Honor by Court Officers already puts Your Honor in conflict and with possible adverse interests to Petitioner inherently and partiality cannot be assured any longer and Disqualification, not recusal is sought for these reasons.

104. That instead of ruling further on Petitioner's Motions and Petitions that have languished before the Court since May 2013 virtually denying Petitioner's due process rights wholly, the Court has instead accepted new inappropriately filed motions by the opposing counsel and ruled on them despite that they were filed inappropriately by Officers of the Court and Fiduciaries who have admitted to and acknowledged Fraud on the Court and Beneficiaries. These motions filed were much later than Petitioners, almost eight months later and were filed in a cover their butt and pepper the record approach to cover up the crimes through further harassment and abuse of process in the Courts against Petitioner, which the Court may or may not be found to have been complacent in.

105. That the fact that the Court is no longer an independent Court involved directly in the criminal activity, whether innocently or not, the cases should not be merged and consolidated between the two Judges who are already involved but should instead instantly be transferred to two new Judges of the Court, who are prescreened for Conflicts with Petitioner and all prior rulings stricken and all pleadings of counsel investigated for further fraud and reheard entirely free of conflict or adverse interest with Petitioner, as he is the one who has

exposed these Frauds in the Court committed by Officers of the Court and the Fiduciaries.

106. That all Fiduciaries and Officer of the Court acting as counsel must also be disqualified instantly for their involvement in the criminal acts and all their pleadings stricken and further their records and all assets held of the Estates should immediately be seized by the new Judges hearing these matters forward and frozen and admitted as evidence.

107. That for all these reasons Petitioner's request to not consolidate the cases of Simon and Shirley at this time and if it is determined that they should be consolidated it should not be with either Judge French or Judge Colin for the obvious conflicts and adverse interest now created.

108. That Title 42 United States Code standard 1983, Entitles Petitioner to NOT have his RIGHTS Deprived as a matter of law. As does the rules of procedure, Florida Law, the Bill of Rights, the Constitution of the United States, UCC Codes, and Rules of Administrative Procedure.

109. That upon knowledge and belief, Petitioner alleges that Case Law states that when a judge acts as a trespasser of the law , when a judge does not follow the law, she then loses subject matter jurisdiction and the Judges orders are void ,of no legal force or effect . Judicial immunity is lost when a Judge lacks jurisdiction.

**MOTION FOR THE COURT TO SET EMERGENCY HEARING ON ITS OWN
MOTION DUE TO FRAUD AND FORGERY IN THE ESTATE OF SHIRLEY AND THE
DAMAGING FINANCIAL EFFECT IT IS HAVING ON BENEFICIARIES AND
INTERESTED PARTIES INCLUDING THREE MINOR CHILDREN AND
IMMEDIATELY HEAR ALL PETITIONER'S PRIOR MOTIONS IN THE ORDER
THEY WERE FILED**

110. That Petitioner requests an Emergency Hearing with new Judges to hear ongoing allegations of continued extortion by those directly involved in the criminal acts thus far in efforts to shut down Petitioner and his family and his prior unheard Petitions and Motions immediately due to life threatening calamities brought on by Respondents against he, his wife Candice and their three minor children due to the adverse interests of Respondents who are acting as Fiduciaries and counsel in these matters. Petitioner respectfully requests that the new Judges hold immediate hearings to release EMERGENCY funds for Petitioner and his family, within 48 hours, as their lives are at risk as already defined herein and in prior unheard Motions and Petitions, due to the delay in inheritances being distributed from the crimes proven and alleged herein, including due to criminal acts of Officers of the Court in and upon the Court and the Beneficiaries, including targeting Petitioner and his children who have exposed the Frauds, Forgeries, Fraud on two Courts and more with intent to harm him and his family.

111. That Petitioner requests the new Judges hearing these matters also schedule further Emergency Hearings to investigate and call in State Prosecutors to investigate the ongoing alleged criminal frauds in the Estates and on the courts and more, as defined at length in Petitioners previously unheard Motions and Petitions referenced herein that have been filed since May 2013 and virtually unheard in particular to the many Motions therein, languishing without adjudication that denies Petitioner's due process rights and is alleged to Obstruct Justice of Petitioner in violation of Judicial Cannons, Attorney Conduct Codes and Law.

Eliot Bernstein, Pro Se and as legal guardian

on behalf of his minor three children

X_____

CERTIFICATE OF SERVICE

I, ELIOT IVAN BERNSTEIN, HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by email to all parties on the following Service List, December 31, 2013.

Eliot Bernstein, Pro Se and as legal guardian
on behalf of his minor three children

X_____

SERVICE LIST

Respondents sent US Mail and Email

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

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

Theodore Stuart Bernstein
Life Insurance Concepts
950 Peninsula Corporate Circle, Suite 3010
Boca Raton, Florida 33487
tbernstein@lifeinsuranceconcepts.com

Mark R. Manceri and
Mark R. Manceri, P.A.
2929 East Commercial Boulevard
Suite 702
Fort Lauderdale, FL 33308
mrmlaw@comcast.net

Interested Parties and Trustees for Beneficiaries

Lisa Sue Friedstein
2142 Churchill Lane
Highland Park IL 60035
Lisa@friedsteins.com
lisa.friedstein@gmail.com

Jill Marla Iantoni
2101 Magnolia Lane
Highland Park, IL 60035

jilliantoni@gmail.com
Iantoni_jill@ne.bah.com

Pamela Beth Simon
950 North Michigan Avenue
Suite 2603
Chicago, IL 60611
psimon@stpcorp.com

Eliot Ivan Bernstein
2753 NW 34th St.
Boca Raton, FL 33434
iviewit@iviewit.tv
iviewit@gmail.com

JOSHUA ENNIO ZANDER BERNSTEIN (ELIOT MINOR CHILD)
JACOB NOAH ARCHIE BERNSTEIN (ELIOT MINOR CHILD)
DANIEL ELIJSHA ABE OTTOMO BERNSTEIN (ELIOT MINOR CHILD)
ALEXANDRA BERNSTEIN (TED ADULT CHILD)
ERIC BERNSTEIN (TED ADULT CHILD)
MICHAEL BERNSTEIN (TED ADULT CHILD)
MATTHEW LOGAN (TED'S SPOUSE ADULT CHILD)
MOLLY NORAH SIMON (PAMELA ADULT CHILD)
JULIA IANTONI – JILL MINOR CHILD
MAX FRIEDSTEIN – LISA MINOR CHILD
CARLY FRIEDSTEIN – LISA MINOR CHILD