

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

CASE NO. 502012CP004391XXXXSB  
CP - Probate

IN RE:

ESTATE OF SIMON L. BERNSTEIN,  
\_\_\_\_\_ /

**PETITION FOR APPOINTMENT OF  
SUCCESSOR PERSONAL REPRESENTATIVE**

Petitioner, Ted S. Bernstein, alleges:

1. Simon L. Bernstein, who formerly resided at 7020 Lion's Head Lane, Boca Raton, Palm Beach County, Florida, 33496, died on or about September 13, 2012, in Palm Beach County, Florida. His last will was admitted on or about October 2, 2012.
2. Decedent left surviving the following persons as next of kin:

Name	Address	Relationship to Decedent	Age of Minor
Ted S. Bernstein	880 Berkeley Street Boca Raton, FL 33487	Son	
Pamela Beth Simon	950 N. Michigan Avenue Apartment 2603 Chicago, IL 60611	Daughter	
Eliot Bernstein	2753 NW 34th Street Boca Raton, FL 33434	Son	
Jill Iantoni	2101 Magnolia Lane Highland Park, IL 60035	Daughter	

Lisa Friedstein	2142 Churchill Lane Highland Park, IL 60035	Daughter	
-----------------	--	----------	--

3. Co-Personal Representatives Robert L. Spallina and Donald R. Tescher, were granted Letters of Administration on or about October 2, 2012, and have petitioned to resign from that role on or about January 16, 2014, without completing the administration of the estate.

4. Pursuant to Florida Probate Rule 5.430(d) and Fla. Stat. § 733.503, the court must appoint a successor personal representative upon the resignation of a personal representative.

5. A successor Personal Representative is necessary to marshal the assets and to participate in pending litigation. Petitioner requests, and is duly qualified, to be appointed as successor personal representative of the estate of decedent. Petitioner is sui juris and is a resident of Palm Beach County, Florida, and has an interest in this Estate as the Decedent's son and as trustee of the Decedent's Revocable Trust. Petitioner is best qualified to serve as successor personal representative. He already serves in a fiduciary capacity as the Successor Personal Representative of the Estate of Shirley Bernstein, which is pending in the same division of this Court. Shirley is the decedent's predeceased spouse, and the Estates were transferred to this Division because there are common and overlapping issues. In addition, Petitioner serves as the Successor Trustee of the Shirley Bernstein Trust, and has been appointed to and has accepted the appointment to serve as Successor Trustee of the Simon Bernstein Trust, into which the Estate's assets pour over. There is no successor personal representative nominated in the will, and it is believed that the Petitioner will have the support of a majority in interest of the person's entitled to the Estate.

6. Petitioner is the most qualified candidate to serve in the role of personal representative for this estate. Because Petitioner already currently serves as Successor PR for Shirley's Estate and as the Successor Trustee of both Trusts (the Shirley Bernstein Trust and the Simon Bernstein Trust), Petitioner already employs counsel and believes that there will be costs efficiencies served by the same lawyers handling both Estates. Also, Petitioner is actively involved in litigation in which claims are asserted against these Trusts and the Estate, and has familiarity with each of the lawsuits in which the estate is involved.

**WHEREFORE**, Petitioner respectfully requests that upon the resignation of the current Co-Personal Representatives, this Court revoke prior Letters of Administration and rescind any orders of appointment, and that Petitioner be appointed successor personal representative.

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

\_\_\_\_\_  
**TED BERNSTEIN**

February \_\_\_\_\_, 2014

**CERTIFICATE OF SERVICE**

I CERTIFY that a copy of the foregoing has been furnished to parties listed on attached Service List by:  Facsimile **and** U.S. Mail;  X U.S. Mail;  E-mail Electronic Transmission;  FedEx;  Hand Delivery this 7th day of February, 2014.

MRACHEK, FITZGERALD, ROSE,  
KONOPKA, THOMAS & WEISS, P.A.  
505 South Flagler Drive, Suite 600  
West Palm Beach, FL 33401

(561) 655-2250 Telephone / (561) 655-5537 Facsimile  
e-mail: [arose@mrachek-law.com](mailto:arose@mrachek-law.com)  
Attorneys for Ted S. Bernstein

By: \_\_\_\_\_  
Alan B. Rose  
Fla. Bar No. 961825

– and –

PANKAUSKI LAW FIRM P.L.L.C.  
120 South Olive Avenue, Suite 701  
West Palm Beach, FL 33401  
Phone: (561) 514-0906  
[courtfilings@pankauskilawfirm.com](mailto:courtfilings@pankauskilawfirm.com)  
Attorneys for Ted S. Bernstein

By:       /s/ John J. Pankauski        
John J. Pankauski, Esquire  
Florida Bar No.: 0982032  
Duane L. Pinnock, Esquire  
Florida Bar. No.: 0568139

## SERVICE LIST

Ted S. Bernstein  
880 Berkeley Street  
Boca Raton, FL 33487

Pamela Beth Simon  
950 N. Michigan Avenue  
Apartment 2603  
Chicago, IL 60611

Eliot Bernstein  
2753 NW 34th Street  
Boca Raton, FL 33434

Jill Iantoni  
2101 Magnolia Lane  
Highland Park, IL 60035

Lisa Friedstein  
2142 Churchill Lane  
Highland Park, IL 60035

Alexandra Bernstein  
3000 Washington Blvd, Apt 424  
Arlington, VA, 22201

Eric Bernstein  
2231 Bloods Grove Circle  
Delray Beach, FL 33445

Michael Bernstein  
2231 Bloods Grove Circle  
Delray Beach, FL 33445

Matt Logan  
2231 Bloods Grove Circle  
Delray Beach, FL 33445

Molly Simon  
1731 N. Old Pueblo Drive  
Tucson, AZ 85745

Daniel Bernstein, a Minor  
c/o Eliot and Candice Bernstein,  
His Parents and Natural Guardians  
2753 NW 34th Street  
Boca Raton, FL 33434

Jacob Bernstein, a Minor  
c/o Eliot and Candice Bernstein,  
His Parents and Natural Guardians  
2753 NW 34th Street  
Boca Raton, FL 33434

Joshua Bernstein, a Minor  
c/o Eliot and Candice Bernstein,  
His Parents and Natural Guardians  
2753 NW 34th Street  
Boca Raton, FL 33434

Julia Iantoni, a Minor  
c/o Guy and Jill Iantoni,  
Her Parents and Natural Guardians  
2101 Magnolia Lane  
Highland Park, IL 60035

Max Friedstein, a Minor  
c/o Jeffrey and Lisa Friedstein  
His Parents and Natural Guardians  
2142 Churchill Lane  
Highland Park, IL 60035

Carley Friedstein, a Minor  
c/o Jeffrey and Lisa Friedstein,  
Her Parents and Natural Guardians  
2142 Churchill Lane  
Highland Park, IL 60035

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

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