

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)

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OBJECTION TO MOTIONS TO BE DISCHARGED AS COUNSEL AND/OR  
PERSONAL REPRESENTATIVES AND TRUSTEES

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OBJECTION TO MOTIONS TO BE DISCHARGED AS COUNSEL AND/OR  
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Friday, February 14, 2014 / Page 1 of 34

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 (1-5000)

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**OBJECTION TO MOTIONS TO BE DISCHARGED AS COUNSEL AND/OR  
PERSONAL REPRESENTATIVES AND TRUSTEES IN SIMON AND  
SHIRLEY ESTATES**

COMES NOW, Eliot Ivan Bernstein ("Petitioner"), as Beneficiary and Interested Party both for himself personally and for his three minor children as Guardian and Trustee to the minor children who may also be Beneficiaries and Interested Parties of the Estates and Trusts of Shirley Bernstein ("SHIRLEY") and Simon L. Bernstein ("SIMON"), representing PRO SE<sup>1</sup>, and hereby files this his "OBJECTION TO MOTIONS TO BE DISCHARGED AS

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<sup>1</sup> 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 Hulsey 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.



COUNSEL AND/OR PERSONAL REPRESENTATIVES AND TRUSTEES" dated Friday, February 14, 2014 and in support thereof states, on information and belief, as follows:

**BACKGROUND**

1. That Donald R. Tescher ("TESCHER"), Robert L. Spallina ("SPALLINA"), and their law firm Tescher & Spallina, P.A. ("TSPA") moved this Court to withdraw as counsel to Theodore Stuart Bernstein ("THEODORE") who is the Personal Representative in the Estate of SHIRLEY. TESCHER and SPALLINA also move this Court to resign as Co- Personal Representatives of the Simon L. Bernstein ("SIMON") Estate and SPALLINA seeks to withdraw as counsel to TESCHER and SPALLINA as Co-Personal Representatives of SIMON'S Estate. These motions are suddenly being made over one and a half years after the Estate probate proceedings were started in the Estate of SIMON and over three years in the Estate of SHIRLEY, after several motions filed by Petitioner to REMOVE them all for CAUSE with PREJUDICE have lied dormant in the Court.
2. That SPALLINA and TESCHER also sought a petition to be discharged by this Court as part of their withdrawal and resignation petitions. Petitioner has previously sought the REMOVAL of SPALLINA and TESCHER as Co-Personal Representatives; thus Petitioner is not interested in having them continue in that role; however, their petitions raise serious concerns about the real reasons and motives for their sudden desire to flee the scene of the crimes.



3. That SPALLINA, TESCHER and their law firm TSPA state their reasons for withdrawal and desire for discharge is suddenly “irreconcilable differences<sup>2</sup>” with THEODORE as to their motion to withdrawal as counsel to THEODORE as Personal Representative of SHIRLEY’S Estate, and suddenly “irreconcilable differences” with the beneficiaries as to their motion to resign as Co-Personal Representatives under SIMON’S estate.
4. That as an initial matter, Petitioner moves this Court to have SPALLINA, TESCHER and their law firm TSPA state with specificity all of the reasons they feel they have “irreconcilable differences” as to the beneficiaries and as to THEODORE. Petitioner also moves to have them state with specificity why it is now, almost a year and half into the probate of SIMON<sup>3</sup> and over three years into SHIRLEY that they for the first time feel they have sudden “irreconcilable differences” that forced their resignation, apparently in attempts to evade the more serious matters discovered in this Court regarding their law firm TSPA filing FORGED and FRAUDULENTLY NOTARIZED DOCUMENTS to close the Estate of SHIRLEY and filing documents impersonating SIMON POST MORTEM AS THE PERSONAL REPRESENTATIVE through further FRAUDULENT ACTIVITIES and other alleged criminal acts and civil torts further discussed herein.
5. That even if the Court allows SPALLINA, TESCHER and their law firm TSPA at this time to resign and /or withdraw, Petitioner objects to their discharge. A discharge could impede the beneficiaries’ rights to relief from each or both of them and their law firm TSPA when

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<sup>2</sup> There appears no legal definition of this word other than its use in divorce cases and where the term is not applicable to these matters as a ground for withdrawal of counsel. Black’s Law Dictionary “No fault ground for dissolution of marriage under many state divorce statutes, see also irretrievable breakdown of marriage.”

<sup>3</sup> The estate was Ordered by Judge David E. French to be closed by October 02, 2013 and no filing for extension has been filed in violation of the Court Order.

this Court finally determines the proper beneficiaries and the true value of SHIRLEY and SIMON'S Estates and Trusts and where an estimated FORTY MILLION DOLLARS of missing assets have gone. Keep in mind that Petitioner states that the Estates and Trusts values have been intentionally misrepresented so THEODORE, SPALLINA, TESCHER and others could loot the Estates after illegally gaining Dominion and Control of them through a series of fraudulent and forged documents and then begin a host of alleged criminal acts to disperse assets illegally to improper beneficiaries and remove assets outside of the gross Estates.

6. That SPALLINA, TESCHER and their law firm TSPA have acted in many roles, including but not limited to: (i) Counsel to Petitioner's deceased parents, (ii) Preparation of Wills and Trusts for SIMON and SHIRLEY, (iii) Acting as Co-Personal Representatives of SIMON, (iv) Acting as counsel to themselves as Co-Personal Representatives of SIMON, (v) Acting as Co-Trustees of SIMON, (vi) Acting as Counsel to Co-Trustees of SIMON including themselves, (vii) Counsel to SIMON as PERSONAL REPRESENTATIVE of SHIRLEY'S Estate, (viii) Acting as Counsel to THEODORE as Successor Trustee to SHIRLEY'S TRUST, (ix) Acting as Co-Trustees of SIMON'S Trusts, (x) Acting allegedly fraudulently as Trustee of the Simon Bernstein Irrevocable Life Insurance Trust Dtd 1995 (that does not exist at this time), (xi) Acting as Counsel to Beneficiaries and Interested Parties of SIMON and SHIRLEY Estates and (xii) Acting as counsel to Personal Representative Theodore in SHIRLEY'S Estate. So any discharge could affect their exposure in each of these roles and further damage Petitioner and other interested parties and beneficiaries.

7. That the dizzying amount of representations by THEODORE and TESCHER, SPALLINA and TSPA, gained through a series of alleged and proven forged and fraudulent documents, which gave them total control of the Estates and provided a mechanism to **THWART ACCOUNTABILITY** of their actions to the beneficiaries of the Estates.
8. That subject to the other “irreconcilable differences” SPALLINA and TESCHER may state with specificity to this Court, it is clear from a RESIGNATION letter sent by TESCHER, see Exhibit 1 - TESCHER RESIGNATION LETTER on January 14, 2014 to the children of SIMON and SHIRLEY that TESCHER and SPALLINA disagree amongst themselves now as to who the proper beneficiaries are due to what they claim are newly discovered admittedly fraudulent documents and bad faith acts and further unclean hands, see Exhibit 2 – REPORT (“REPORT”) (**\*\*\*NOTE THAT THIS COURT MAY WANT TO ACT ON ITS OWN MOTION TO SEAL THIS EXHIBIT TO PROTECT THE SOURCE, PLEASE CONTACT PETITIONER IMMEDIATELY IF THE DECISION IS TO SEAL\*\*\***).
9. That in his letter, TESCHER states that an alleged first amendment (“FIRST FIRST AMENDMENT”) prepared by his Law Firm TSPA in 2008 in SHIRLEY’S Estate simply removed a step son of THEODORE’S and nothing else; meaning THEODORE and Pamela Beth Simon (“PAMELA”) and their lineal descendant were not proper beneficiaries as they were wholly disinherited in the 2008 estate plans of both SIMON and SHIRLEY with their lineal descendants.
10. That in his resignation letter TESCHER states that in January 2013, over four years later, SPALLINA sent a different alleged second first amendment (“SECOND FIRST



AMENDMENT") to then counsel to Petitioner, Christine Yates, Esq. ("YATES") of the Tripp Scott law firm, which removed the step son and this new SECOND FIRST AMENDMENT now allegedly changed the definition of lineal descendants so as to allegedly state that THEODORE and PAMELA'S children would be proper beneficiaries along with the other grandchildren. TESCHER claims to have never been aware of such alleged SECOND FIRST AMENDMENT.

11. That this was the stated basis of TESCHER'S resignation and in the letter he offered to make whole **losses and damages** suffered by the affected parties. It is interesting that SPALLINA sent the other alleged SECOND FIRST AMENDMENT, which allegedly changed the definition of lineal descendants in 2008, because in November 2011, SPALLINA responded to PAMELA'S counsel, Heriaud & Genin, Ltd., and a one Tamar S.P. Genin ("GENIN"), see Exhibit 3 - GENIN'S LETTER TO PAMELA, that PAMELA, THEODORE and their children were wholly cut out of the Estates of both SIMON and SHIRLEY, with them considered predeceased and wholly disinherited at that time.
12. This conversation however, occurred three years after the purported signing of the alleged SECOND FIRST AMENDMENT that is alleged to include the grandchildren back into the Estate on November 18, 2008. Therefore, why would SPALLINA tell GENIN that PAMELA and her children were cut out of the Estates and Trusts and wholly disinherited in November 2011, if SPALLINA had the other alleged SECOND FIRST AMENDMENT reinstating them back on November 18, 2008? It is also curious that both documents are titled "first amendment" instead of one of them being titled a second amendment and they both were supposedly signed on the same date on November 18, 2008.

13. That it was recently learned that the SECOND FIRST AMENDMENT was admitted altered and manufactured illegally for SHIRLEY in January 2013 by SPALLINA as part of continuing an ongoing Pattern and Practice of Fraud and more to make POST MORTEM CHANGES TO THE RIGHTFUL beneficiaries of the Estates.
14. That the existence of the alleged FIRST FIRST AMENDMENT that excludes THEODORE and PAMELA'S children likely is the basis why THEODORE may believe there is an "irreconcilable difference" as his kids would remain non-beneficiaries under that document, and obviously now clearly demonstrates that THEODORE is further conflicted and now incapable of serving as Personal Representative or in any fiduciary capacities in the Estates and Trusts, as a Personal Representative or Trustee must look out equally for the interests of all beneficiaries, which he cannot do while arguing that his issue of his family being excluded and that they should now be included back in, which is to the detriment of the other grandchildren or children of SHIRLEY and SIMON. These same conflicts would be cause to deny PAMELA from becoming a successor Personal Representative and/or Trustee as well. Since THEODORE and PAMELA have no real interests in the Estates no matter how this Court determines the beneficiaries and have already been involved in so much delay and conversion of assets improperly there is no reason for the Court to have them in any fiduciary or other capacities.
15. That it was recently learned that THEODORE was advised by counsel of the fact that distributions to his children of Estate and Trust assets should not be distributed to his children as it was improper but THEODORE ignored the advice of counsel and so transacted distributions to his children to the detriment of other beneficiaries. Again, this is solid cause for THEODORE to be instantly removed from ANY fiduciary capacities in the Estates and

Trusts for this is absolute WILLFUL, WANTON and GROSSLY NEGLIGENT behavior in disregard for law and which such conversion constitutes alleged CRIMINAL misconduct.

See Exhibit 2 - REPORT.

16. That TESCHER'S Resignation letter exposes now that the ALLEGED documents likely have been changed or wholly manufactured without his knowledge in the Estates and then posited with this Court by TSPA and others, if this Court believes anything TESCHER, SPALLINA and THEODORE say or do at this point after review of the Exhibit 2 - REPORT. With proven ALTERED, FORGED and FRAUDULENTLY NOTARIZED DOCUMENTS made part of the Court record or sent to others by their law firm TSPA already, including a POST MORTEM FRAUDULENT DOCUMENTS, this adds further confirmation to Petitioner's claims that a mass of POST MORTEM fraud was enacted to illegally attempt to change the beneficiaries through a series of Fraudulent documents, all architected and aided and abetted by TESCHER, SPALLINA, TSPA and others. This may be further evidence of POST MORTEM changes or fraudulent changes to the dispositive documents and now in addition to the proven FORGED and FRAUDULENTLY NOTARIZED documents of the now arrested and sentenced for felony acts, a one Kimberly Moran ("MORAN"), TSPA'S Legal Assistant and Notary Public, which forgeries and fraudulently notarized documents were argued before this Court to be a one off affair and this argument now fails, as more and more evidence of fraudulent activities pile up to exhibit a Pattern and Practice of criminal activities.

17. That subject to their reply to the irreconcilable difference questions it is clear that TESCHER and SPALLINA'S position is that THEODORE and PAMELA and their lineal descendants



are still excluded from the Estates and Trusts according to TESCHER'S Resignation letter.

To support this,

- i. That as evidenced in Exhibit 3 - PAMELA NOTE & ATTORNEY LETTER TO SIMON, is a hand-written note from PAMELA to SIMON dated January 2012, which she attached to a Letter written by her attorney GENIN dated November 28, 2011. PAMELA sent the note and letter to SIMON, which was over four years AFTER the purported alleged SECOND FIRST AMENDMENT was executed on November 18, 2008 that allegedly added back into the Estate plan PAMELA'S children. However, in direct contradiction to this, SPALLINA clearly opined in the conversations with PAMELA'S attorney GENIN held in November 2011 that THEODORE and PAMELA and their lineal descendants were wholly excluded from the Estates and Trusts of both SIMON and SHIRLEY, no mention at that time of an alleged SECOND FIRST AMENDMENT reinstating them. Why would SPALLINA state these alleged misstatements to PAMELA'S attorney, inciting PAMELA'S ire, knowing according to TESCHER and SPALLINA'S ever changing story that SHIRLEY had changed her language to include her grandchildren in the alleged SECOND FIRST AMENDMENT that SPALLINA and TESCHER allegedly prepared along with the 2008 estate plans? Another question becomes if SIMON knew that SPALLINA had leaked this information to his children without his knowledge prior to his death and caused major problems with THEODORE and PAMELA perhaps putting SIMON'S life in danger, with major pressures put on him after learning of their disinheritance that lasted all the

way to his death, as defined in Petitioner's prior Motion filed in May 2013, which provides explanation for why SIMON was being mentally tortured by THEODORE and PAMELA to make changes to his estate plans on or around this time.

- ii. TESCHER'S Resignation letter on January 14, 2014 states he only became aware of the purported alleged SECOND FIRST AMENDMENT in January 2013 when it was sent to PETITIONER'S children's counsel YATES and therefore why did TESCHER and SPALLINA wait until now, over a year after manufacturing this document to tell this Court and PETITIONER this remarkable information he allegedly discovered and instead has continued to suppress and deny the document while he had this evidence in hand and continue to practice a FRAUD ON THIS COURT AND THE TRUE AND PROPER BENEFICIARIES. In his letter TESCHER was allegedly aware of the alleged FIRST FIRST AMENDMENT excluding THEODORE'S stepson Matthew Logan allegedly executed in 2008, if one believes anything they claim or any document they have tendered any longer. That this further supports the need for forensic analysis of ALL documents that are posited in the Court's record for evidence of further fraud, fraud in and upon on the Court by OFFICERS OF THIS COURT and fraud on the Beneficiaries.

18. That one thing is clear from PAMELA'S note and her lawyer's letter is that SIMON wanted first and foremost to take care of PETITIONER and provide his family and children due to Petitioner's extraneous circumstances, including the Attempted Murder of his family and

other death threats against his family, in his pursuit of the alleged perpetrators involved in theft of his and SIMON'S Intellectual Properties. The estate plans that SPALLINA and TESCHER were contracted by SIMON and SHIRLEY to do to protect Petitioner and his family are the one thing that TESCHER and SPALLINA have instead attempted with THEODORE and PAMELA to thwart since their passing, now trying to unwind these plans and abscond with assets through a series of fraudulent actions as pled in the multiple prior UNHEARD Petitions and Motions with this Court.

19. That Petitioner instead has been in HELL since the death of his father. Tortured by not only his father and mother's loss in a short period of time but also from the absolute bad faith acts of their trusted Estate planners, who despite their claims that they have been doing these crimes to enact the wishes of SIMON prior to his death and make POST MORTEM changes at their discretion in their best interests through forgery and fraud, these are not the real motives of their actions. Their intent since day one has been to harm Petitioner, shutting him out entirely of information regarding his parents estates, forcing him to retain counsel and rack up huge legal bills and wasting precious time from protecting his family by doing his normal work, which takes up to twenty hours a day for over a decade and is necessary to reclaim his and SIMON'S Intellectual Properties and prevent another car bombing, all discussed largely in the May 06, 2013 pleading to this Court to FREEZE THE ESTATES, etc. They have made every step of the way since SIMON'S death for Petitioner and his family HELL, starving them and denying them not only of information regarding their beneficial interests but starving them of food, costs of living expenses, school funds, utility funds and attempting to steal off with assets left to protect them, including three minor children, which both SIMON and SHIRLEY had taken elaborate and extensive estate



planning steps to ensure continuation of funds and resources left to cover these expenses for Petitioner and his family for many years to come.

20. That because THEODORE acting as Personal Representative in SHIRLEY'S Estate would take the position that his children should be included in the Estates now, this creates inherent and absolute conflict because now he cannot act to all beneficiaries impartially while competing for benefits for his children at expense of other grandchildren or children of SIMON and SHIRLEY. There are many other reasons THEODORE should not be in any fiduciary capacity in the Estates, which again have been filed repeatedly with this Court but remain unheard, including damning information in the exhibited REPORT herein.
21. That according to recent information, THEODORE was advised by counsel to make no distributions of assets of the Trusts of SHIRLEY in his ALLEGED role as Successor Trustee and Personal Representative but despite knowing the beneficiaries of the distributions were improper, including to his three children, he ignored the advice of counsel and made distributions knowing they were improper, another reason that THEODORE should be removed from ALL fiduciary capacities he may have in either Estate.
22. That these recent events with the Resignation of counsel and withdrawal of Personal Representatives make it an ideal time for the Court to now determine who the proper beneficiaries are and seize and impound all records and documents and share them with the beneficiaries at long last, as they have been denied and suppressed in violation of Probate Rules and Statutes and make a determination based upon all the facts. Impound all assets. Documents should include all ORIGINAL ESTATE DOCUMENTS and all ORIGINAL Court records both in the docket and in any other log or records, as it appears that tampering

with Court files may also have occurred in the positing of certain documents in the Court record.

23. That further, the Court **may find** that the 2008 Estate documents are the last validly executed documents of SIMON and SHIRLEY, at this point Petitioner still does not have copies of certain of these documents, including the 2008 Will of SIMON and the 2008 Trust of SIMON, as they have been denied and suppressed to this point in violation of Probate Rules and Statutes. Therefore, the beneficiaries may also end up being only Petitioner and his two sisters Jill Iantoni ("IANTONI") and Lisa Friedstein ("FRIEDSTEIN") and their six lineal descendants as was allegedly stated in the 2008 documents. In this case, all the alleged changes in the alleged 2012 documents, which have all been challenged in Petitioner's prior unheard Petitions and Motions regarding the grandchildren's replacement of the three children of SIMON may be nullified entirely, along with all the 2012 documents. However, due to TESCHER'S Resignation letter and information in the REPORT exhibited herein, exposing that document fraud may have occurred in the 2008 documents they must now be questioned for further evidence of fraud.

24. That in regard to TESCHER and SPALLINA resigning and withdrawing and being discharged as Co-Personal Representatives in SIMON'S estate due to sudden "irreconcilable differences" with the children and grandchildren, their desire to withdraw, resign and be discharged, while consistent with Petitioners motions to Remove the Personal Representatives, is not for the same reasons and must be done to minimize any further risks of injury to the already damaged parties admitted to by TESCHER, through the alternative of REMOVAL with CAUSE and PREJUDICE.

25. That the beneficiaries have already been damaged from;

- i. the FORGED and FRAUDULENTLY NOTARIZED DOCUMENTS submitted by TSPA in these proceedings,
- ii. the crimes committed and admitted to by SPALLINA in the September 13, 2013 Hearing before this Court,
- iii. SPALLINA'S admitted closing the Estate of SHIRLEY with a DECEASED SIMON acting as a living Personal Representative / Executor while dead,
- iv. failing to notify the Court of his death in opposite of Probate Rules and Regulations with intent,
- v. failure to elect proper successors with intent,
- vi. SPALLINA'S admitted involvement with the MORAN FORGERIES and FRAUDULENT NOTARIZATIONS of six people, including a POST MORTEM FORGERY OF SIMON'S SIGNATURE, on six separate documents
- vii. the information in the exhibited herein REPORT, which indicates further willful, wanton, reckless and grossly negligent behavior that took place to commit fraud on certain beneficiaries and in utter disregard to Law with intent to cause harm to beneficiaries, and,
- viii. the looting of the Gross Estates of SIMON and SHIRLEY through a series of alleged criminal acts defined herein and in all prior unheard pleadings of Petitioner's since May 2013.

26. That due to the criminal acts and civil torts that TSPA, TESCHER and SPALLINA are involved in already and the damages they have caused thus far, Petitioner requests the Court to REMOVE them with CAUSE and PREJUDICE and not rule on their motions to discharge



them or allow them to withdraw based on their baseless pleadings, instead favoring Petitioner's reasons to REMOVE them with CAUSE and PREJUDICE and force reliefs sought by Petitioner in his prior Motions to Remove the Personal Representatives from damages inflicted and admitted to already. In fact, due to these crimes, nothing they say to the Court in pleadings should be allowed or ruled on and all prior pleadings motions, etc. be DISQUALIFIED from the proceedings and removed.

27. That if their response to the "irreconcilable differences" they cite is that they want to withdraw and their resignations are based on the two differing alleged "first amendments" causing a dispute of who the beneficiaries are and not all the alleged and proven criminal reasons and alleged civil torts Petitioner has demanded their REMOVAL with CAUSE for in his prior UNHEARD Motions and Petitions since May 2013, including but far from limited to, the forged and fraudulently notarized docs, the failures to follow Probate Rules and Statutes in toto, the identity theft of SIMON to close SHIRLEY'S estate, the attempt to change the beneficiaries of the Estates of both SIMON and SHIRLEY POST MORTEM, the allegations of a mass of felony crimes to loot the estate through a variety of fraudulent activities, theft of assets, etc., then their motion for discharge should be denied at this time, as the determination that the beneficiaries needs to be fixed due to problems wholly created by their errors and alleged and proven criminal acts is not cause to be removed when it is the job of the Personal Representatives to fix the problem of beneficiaries, especially where they created them and are Attorneys at Law.

28. That how can Attorneys at Law, acting as Personal Representatives have "irreconcilable differences" with beneficiaries? It is the job of the Personal Representatives to determine

who the proper beneficiaries are in an Estate and to ensure all Estate assets are protected, marshaled and distributed properly to the true and proper beneficiaries. Because they now seek to resign and withdraw, which appears consistent with Petitioner's position since the probate proceedings began that they must be dismissed for a host of more serious and disturbing problems.

29. That it is now the proper time for this Court to entertain proceedings to determine first the true net worth of the decedents SIMON and SHIRLEY. That this accounting must be accomplished first while SPALLINA and TESCHER are still in this Court's jurisdiction and certainly before any contemplated discharge. Petitioner previously stated the multiple roles these lawyers played in controlling virtually every aspect of the Estates precluding any accountability after illegally seizing Dominion and Control of the Estates through fraudulent documents and where they further denied and suppressed documents from the beneficiaries in efforts to convert assets from the true and proper beneficiaries and also steal assets outright excluding them from the Estates, as evidenced to this Court in prior pleadings.
30. That evidence already presented to this Court demonstrates that the decedents were worth many times the alleged total combined net worth of the estates and trusts of \$4,000,000.00 that SPALLINA and THEODORE have told this Court under oath and in the hearings before the Court, as an estimate. As the Estate of SHIRLEY was not represented by any party at any of the past four hearings held due to SIMON being used illegally to close the Estate of SHIRLEY, there was no Personal Representative to make claims in opposition to these claims or cross examine SPALLINA and THEODORE but enough evidence is already in the record to show this amount far below the known amount of assets.

31. That Petitioner seeks an Evidentiary Hearing while SPALLINA and TESCHER are still not discharged and are still in a fiduciary position as to the beneficiaries to question them under oath after the Court has forced the release of all documents owed to beneficiaries that remain denied in violation of Probate Rules and Statutes.
32. That an example through evidence already in this Court that financial skullduggery is occurring, is that the inventory prepared by TESCHER and SPALLINA in SHIRLEY'S Estate indicated she had only \$25,000 of personal property when she died and was so stated under oath by THEODORE and SPALLINA in the October 28, 2013 Evidentiary Hearing. However, immediately after learning in the Evidentiary Hearing of October 28, 2013 of this claim, Petitioner submitted insurance documents showing SHIRLEY had in jewelry alone a much greater personal property value, evidencing nearly \$700,000 of jewels that have disappeared from the Estates that were appraised shortly before her death as her Personal Property. Petitioner has other evidence to bring to this Court that will show SIMON and SHIRLEY'S true net worth to be much higher.
33. That another example of this Skullduggery was exposed by Your Honor's release of SIMON'S sealed Inventory to Petitioner that was never published to the Beneficiaries according to Probate Rules and Statutes, which revealed an inventory missing many Personal Property assets of SIMON. Then weeks later, almost a year and half after SIMON passed in efforts to amend the Inventory once this Court released the suppressed and denied sealed original inventory that had not been "published" to the beneficiaries according to Probate Rules and Statutes. Just as evidence was pouring in to this Court and authorities of assets missing off the Inventory, TESCHER and SPALLINA suddenly submitted an AMENDED INVENTORY, which PETITIONER challenges and rejects herein, which are suddenly



adjusted to include assets TESCHER and SPALLINA knew about since SIMON'S death and in fact they were instrumental in preparing the alleged legal work regarding those newly claimed assets so they cannot claim they did not know about them when filing the original inventory.

34. That approximately ONE MILLION DOLLARS of assets were added to the original inventory, in an Estate they claim is only worth Four Million and where the original inventory claimed SIMON only had Personal Property of approximately ONE HUNDRED THOUSAND dollars. That one of the alleged assets added was a Mortgage to SIMON on the home purchased by PETITIONER'S children and this has been explained to the Court already to be in efforts to force a foreclosure and seize the home as part of an ongoing alleged EXTORTION of Petitioner.

35. That another recently discovered fact also evidences that the estimated worth of four million dollars appears deficient, is in the amount of money SIMON took in income in the years leading up to his death.

- i. That in year 2007 S. BERNSTEIN took in addition to a salary of \$252,622.00 a shareholder share of current income of LIC Holdings, Inc. of 33% of \$11,601,040.00 (86% cash distribution) or \$3,867,013.33 for a total \$4,119,635.33. Not bad for a bum who P. SIMON'S attorney GENIN accuses of stealing P. SIMON'S antique furniture and being too ill to work.
- ii. That in year 2008 S. BERNSTEIN took a salary of \$3,756,298.00.
- iii. That in 2007-2008 S. BERNSTEIN took home a total \$7,875,933.33. Yet, according to THEODORE and SPALLINA in hearings before Hon. Judge Colin, only a few years later the entire net worth of the Estates and Trusts was only

ESTIMATED at four million dollars, again, estimated because no accountings of the Estate and Trust values have been provided to the beneficiaries, in violation of Probate Rules and Statutes.

36. That the estimated net worth of the Estates and Trusts is only an estimate as no financials have been tendered to the Beneficiaries in violation of Probate Rules and Statutes and the four million dollar estimate appears far short of known assets, including but not limited to,

- i. a fully paid for Condominium that S. BERNSTEIN had listed at \$2,195,000.00 when he died,
- ii. a fully paid for home residence, which had an alleged minimal line of credit and was listed at \$3,200,000.00 by S. BERNSTEIN shortly before he died in 2012,
- iii. life insurance on the life of SIMON worth at minimum \$1,700,000.00 that is currently involved in a Federal Court Case IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT COURT ILLINOIS, Case No. 13-cv-03643 and where evidence has been submitted that both SPALLINA, THEODORE and MORAN are again involved in illegal acts including INSURANCE FRAUD, IMPERSONATING AN INSTITUTIONAL TRUST COMPANY, FRAUD ON A FEDERAL US DISTRICT COURT and FRAUD ON THE ESTATE BENEFICIARIES OF SIMON. For information regarding these alleged criminal acts to convert an asset of SIMON'S Estate from the true and proper beneficiaries, please see the URL @

[www.iviewit.tv/20140123ANSWERTOAMENDED COMPLAINT.pdf](http://www.iviewit.tv/20140123ANSWERTOAMENDED COMPLAINT.pdf), fully incorporated by reference herein.

- iv. Newly claimed Personal Property Assets of SIMON of \$1,000,000.00 recently added to an Amended Inventory of SIMON.
- v. Missing Jewelry of SHIRLEY, appraised at \$700,000.00 shortly before her death.
- vi. Missing fully paid Bentley Automobile of SHIRLEY estimated at \$350,000.00.
- vii. IRA's of another approximate \$2,000,000.00 that were stated to be there initially and now are claimed gone, and,
- viii. JP Morgan accounts with another minimum amount of \$2,500,000.00 in just one account as stated in the September 13, 2013 hearing before this Court as reserve for a creditor claim of that amount and where other accounts are alleged missing.
- ix. Oppenheimer Accounts that appear missing entirely.
- x. Stanford Bank Lawsuits for CD'S lost that were part of the Sir Robert Allen Stanford Ponzi fraud for approximately \$2,000,000.00.

WHEREFORE, Petitioner prays for all of the following relief,

That based on information in SEALED DOCUMENT, this Court would be well respected to consider all of the following reliefs,

- i. Order IMMEDIATE FINANCIAL RELIEF, like today, be granted to Petitioner and his family who have been tortured by these crimes mentally and financially for over a year and half and since his children and wife have basically been starved out, stressed out and damaged beyond human belief with intent from the crimes of these "trusted" advisors and Attorneys at Law, this relief is life sustaining at this point.
- ii. Order all expenses and legal expenses extended by Petitioner, including monies that were misused by SPALLINA from his children's educational trust funds to pay legal



and other costs involved in exposing these crimes committed and have depleted these funds with reckless disregard and absolute intent, in efforts to starve out Petitioner and his family to cease their prosecution of them and their crimes. MAKE THEM PAY THIS FROM THEIR BANK ACCOUNTS NOT THE ESTATES, as TESCHER claims he wants to make reparations for just the one bad act he now admits to have happened but ALL of their bad acts combined. These damages include not getting a single thing in over three years since his mother's death and over a year and half since his father's passing and loss of personal items his parents were leaving to him, while all of them knew of these bad acts and looted these most prized possessions from him and his family and their inheritances. That Petitioner as evidenced is the only child that with his wife and children were with SIMON and SHIRLEY from the moment they heard they were sick and could not travel to see them in California until the moment they died, every week on Sunday for brunch and once or twice a week for other engagements. The other children, mainly THEODORE and PAMELA had apparently strained and difficult relations that culminated in bad blood over the last years of their lives that left them isolated from their parents in large part and IANTONI and FRIEDSTEIN were largely inaccessible to them via distance.

- iii. ALL Attorneys at Law that have been involved in these matters in any capacities be REMOVED with CAUSE and PREJUDICE and their motions to withdraw denied and instead Petitioner's Motions and Petitions to Remove the Personal Representatives be heard instead.

- iv. That ALL Attorneys at Law seeking withdrawal first post requisite BONDS for the damages caused thus far and still being investigated in an amount no less than \$40,000,000.00 each.
- v. That Mark Manceri who has withdrawn as counsel in his multiplicity of roles in the Estates of SIMON and SHIRLEY and who should have also been REMOVED with CAUSE and PREJUDICE by this Court also be required to post requisite BOND for the damages caused thus far and still being investigated in an amount no less than \$40,000,000.00.
- vi. That the Personal Representatives of the Estates of SIMON and SHIRLEY, THEODORE, SPALLINA and TESCHER, be required to post requisite BONDS for the damages caused thus far and still being investigated in an amount no less than \$40,000,000.00 each.
- vii. That there is no discharge at this time only a REMOVAL for CAUSE as counsel and REMOVAL for CAUSE from acting as Personal Representatives.
- viii. That this Court and Your Honor post a Public Official Surety Bond, as certain crimes admitted to already and alleged have all occurred in and upon this Court, by Officers of this Court under Your Honor's supervision in an amount no less than \$40,000,0000.00, until the matters can be fully investigated and resolved.
- ix. That the Court decides the values of the Estates after full and formal forensic accountings and then determines who the proper beneficiaries are before any discharges are granted, due to the admitted exposures and liabilities to beneficiaries and additional liabilities that may result from premature discharge by Your Honor.

- x. That Petitioner wants the Attorneys at Law and the Personal Representatives all REMOVED for CAUSE with PREJUDICE and not discharged until all issues of exposure are fully resolved both in civil and criminal matters that remain ongoing and those new ones that will be filed based on the information in the SEALED DOCUMENT.
- xi. That Petitioner requests that ALL legal fees billed for SIMON and SHIRLEY estates, creditor lawsuit involvement and other legal or professional fees deducted from the corpus of the estates or trusts by any of the fleeing Attorneys at Law involved be returned in full with interest to the Estates, along with a complete accounting of all billings, work products, etc. as required by law, which have been suppressed and denied entirely in both Estates and Trusts to this point. Based on the information already disclosed in the SEALED DOCUMENT, this now becomes mandatory.
- xii. That Petitioner demands this Court follow Judicial Cannons and Law and report all crimes that have been committed in and upon this Court by Officers of this Court to the proper authorities both civilly and CRIMINALLY for full and formal investigation.
- xiii. That their Motion to Withdraw and be Discharged not be heard, until hearing ALL of Petitioner's prior motions to this Court to REMOVE counsel and the PR'S with CAUSE and PREJUDICE filed with the Court since May 2013 and unheard.
- xiv. That no discharge is issued until all investigations are complete in state and federal actions as their culpability and exposure remains open to further information relating to those other related criminal and civil actions now in progress and those soon to be filed.



- xv. That the Court should note that all of these Attorneys that are resigning or withdrawing for their stated reasons should not be moving the Court any longer, including these pleadings and in any hearings, where pleadings should have been filed by non-conflicted counsel, as they have already resigned as counsel to the Bernstein family and estates entirely and thus should be represented by independent none conflicted and not criminally involved counsel forward before the Court.
- xvi. That the Court appoint Petitioner as Successor Personal Representative and Trustee over the entire estates, as Petitioner is honest to the core with prized integrity and while not the greatest in financial management, will come prepared with a wonderful cast of characters to aid as Co-Personal Representatives and will retain wonderful counsel for the Estate, who are proven in their respective fields to money managers and lawyers of the highest caliber to assist in all those areas that Petitioner lacks. That Petitioner will do what is fair and right to his parents' wishes and will respect and honor those to the letter, once all the missing assets and properties are 100% recovered and this Court and those appointed and trusted determine the real value of the Estates of SIMON and SHIRLEY. That Petitioner's Co-Representatives would also be known to the Bernstein family members, as they have been all been valuable clients to their businesses for many many years and should be elected without objection to the members of the Bernstein family that have real interests in these matters.
- xvii. That the Court must also ask if it too must disqualify itself as Petitioner filed a motion for disqualification of Your Honor but Your Honor ruled it was not "legally sufficient" and while Petitioner is preparing a response and requesting clarification to

disqualify, Petitioner wants this Court here and now to reveal if Your Honor has discovered any reasons such as conflicts or adverse interests for your own disqualification that cannot be parsed by Petitioner and this Court openly and with full disclosure. To ensure due process, Petitioner representing himself Pro Se is entitled to know of any conflicts or adverse interest and has requested since the May 06, 2013 Petition to freeze the Estates that the Court review Petitioner's Conflict of Interest Disclosure attached to that filing as Exhibit 30, pages 400-466, which has a partial list of individuals and corporations that may cause conflict with impartial review by Your Honor.

- xviii. If there are such conflicts or adverse interests that preclude Your Honor further, is it not legally required that Your Honor act on your own motion to disqualify yourself and not wait for Petitioner who is Pro Se to get the disqualification technically right or make it legally sufficient? However, a mere statement that no conflicts or adverse interests now exist in these matters would be sufficient at this time to clarify this matter with Petitioner, as if conflicts or adverse interests exist at this point due to the criminal acts that occurred in and upon this Court, with Your Honor's Court Officers involved and Your Honor directly involved through their actions, now even becoming a material and fact witness to the events that occurred in and upon the Court, than Your Honor is required by Judicial Cannons to disqualify or to at least respond to Petitioner with a statement that insures fair and impartial due process.
- xix. That another statement that no conflicts exist with Petitioner or the Iviewit Companies, especially in relation to Judge Jorge Labarga whom Your Honor cites as

your "Mentor" in your Florida Bar Resume<sup>4</sup> would also be appropriate, as Petitioner has alleged that Jorge Labarga is intimately and centrally involved in an ongoing RICO and ANTITRUST Lawsuit and ongoing criminal investigations relating to theft of Petitioner's and SIMON'S Intellectual Properties and in fact, is the central figure in causing all Petitioner's troubles in the Florida Courts since 2004, so as to be Petitioner's nemesis. Please identify at what times Labarga mentored Your Honor and if any conversations with him have been had since these matters began. These matters relating to this possible conflict have been discussed at length recently in the US District Court Northern District of Illinois, see URL @ [www.iviewit.tv/20140205RESPONSETOREPLYREMOVEADAMSIMON.pdf](http://www.iviewit.tv/20140205RESPONSETOREPLYREMOVEADAMSIMON.pdf) , fully incorporated by reference herein. Please keep in mind that in New York, news has been published and already submitted to this Court in the May 06, 2013 Petition to freeze the Estates that in cases related to Iviewit's RICO and Christine C. Anderson's whistleblowing lawsuit that expose court and public office corruptions at the highest levels, that JUDGES were being illegally wiretapped involved in these matters and Plaintiffs like Anderson and Petitioner were being monitored illegally 24-7 for years through MISAPPROPRIATION OF JOINT TERRORISM TASK FUNDS AND RESOURCES, VIOLATIONS OF THEIR PATRIOT ACT RIGHTS, THREATS TO PUBLIC OFFICIALS AND BRIBES TO COVER UP THE CORRUPTION (including Senator John L. Sampson, former New York Senate Judiciary Committee Chairman and head of the New York Democratic party whom Petitioner and Anderson testified before and has admitted now to being threatened

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<sup>4</sup> <http://www.palmbeachbar.org/judicial-profiles/judge-martin-colin> , fully incorporated by reference herein.



and taking bribes to cover up), innocent people being SET UP IN FALSE CRIMINAL ROUNDUPS for crimes and targeted by rogue Attorneys at Law in a number of high ranking public offices for personal vendetta's, including being set up on false TERRORISM charges and more!!! (See Exhibit in May 06, 2013 Petition to this Court, Pages 319-333) So everything is not what it appears to be at times as to why people did what they involved in these matters of Petitioner's inventions and Iviewit, including LABARGA and many others and so Petitioner continues to Judge according to persons actions individually and based on their integrity. Anderson herself testifies in Federal Court how when blowing the Whistle she became targeted and was afraid to leave her Supreme Court of New York Disciplinary Department Offices, not from the people outside but rather from those inside the halls the of Justice who were threatening her for her bold stance in the face of corruption like few other whistleblowers in history.

- xx. Order that Petitioner's minor child receive his personal property of his KIA Soul automobile that was a birthday gift to him from his grandfather days before his death and is not an estate asset or personal property as SPALLINA and TESCHER have fraudulently claimed to the Court and that sits idle for over a year in front of Petitioner's home un-drivable and where a motion to Judge French has sat idle in SIMON'S court filings for months.

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 Objection to Motions to be Discharged as Counsel Motion to has been furnished by email to all parties on the following

Service List, Friday, February 14, 2014.

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

SERVICE LIST

**Respondents sent Email**

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**Interested Parties and Trustees for Beneficiaries**

Lisa Sue Friedstein  
2142 Churchill Lane  
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[lisa.friedstein@gmail.com](mailto:lisa.friedstein@gmail.com)

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Boca Raton, FL 33434  
[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)  
[iviewit@gmail.com](mailto: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



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EXHIBIT 1 - JANUARY 14TH 2014 DONALD TESCHER AND TESCHER &  
SPALLINA, P.A. RESIGNATION LETTER



EXHIBITS

TEXT OF PAM'S NOTES 1 & 2

January 2012

Dear Dad,

Please read the attached letter and information. I am hopeful that you truly just don't know how much cutting me, Scoot [David Simon, Esq. proper name], Molly and Ted's family out of your will hurts us. It has nothing to do with money. In fact, I think you need to take care of ELIOT, using a trustee, first and foremost.

The act of disinheriting a child is unheard of and unimaginable. It is outrageous and considered psychologically violent. I am hopeful you are not aware of this and that you will make the changes necessary.

Love Pam



January 2012 |

Ken Vadi:

Please read the attached letter and information. I am hopeful that you truly just haven't known how much cutting we, Scott, Melly, and Ted's family, out of your will hurts US. It has nothing to do with money. In fact, I think you need

to take care of Eliot, using a trustee,  
first and foremost.

The act of disempowering a child is  
unheard of and unimaginable. It is  
outrageous and considered psychologically  
violent. I am hopeful you are not  
aware of this and that you will  
make the changes necessary.

Love,  
John

# Heriaud & Genin, Ltd.

Attorneys At Law

161 North Clark Street - Suite 3200

Chicago, Illinois 60601

Fax: (312) 616-1808

Tamar S.P. Genin  
(312) 616-1806  
tspg@hgtrustlaw.com

Simon's hand notes and  
underlines on the document.

November 28, 2011

Ms. Pamela B. Simon  
950 North Michigan Avenue  
Apt. 2603  
Chicago, Illinois 60611

Dear Pam:

Please accept my apologies for my delay in sending you this letter. I had meant to send it to you soon after we spoke about my discussions with your parents' estate planning attorney, Robert Spallina. I know that it came as a shock when I told you that I was informed by Mr. Spallina that you, Ted and your respective family lines have not been provided for under your parents' estate plan and that your other three siblings have been provided for. Therefore, I thought that this follow-up letter was important.

As you may recall, I wrote to Mr. Spallina to request copies of your mother's Will, Trust and related financial information so that we could factor in a projected value of your remainder interest in your mother's Trust and analyze whether we should make any revisions to your and Scooter's estate plan in light of your mother's passing. We followed up with him after not receiving the requested information. In the end, I received an email from him in which he wrote "Please call me."

During my discussions with Mr. Spallina, he told me that you, Ted and your family lines were treated as "deceased" under your mother's trust because you and Ted were active in the businesses, and that each of you received a business as a gift from your parents. Mr. Spallina went on to say that your parents thought that they had adequately provided for you and Ted as a result of the gift of the business interests and that they wanted to provide for the other three children under their estate plan. I listened to what Mr. Spallina said. However, I knew based on our series of discussions over the years that, in fact, you did not receive any gift of a business interest from your parents.

*So 2 to Pam FREE*

Following is my understanding of the circumstances under which you obtained your father's interest in S.T.P. Enterprises, Inc. ("STP"), which I understand can be supported by documentation:

- You and Scooter "stepped-in" and took over the running of Si's businesses (including SB Lexington, Cambridge Associates and others) following your father's open heart surgery at Northwestern in February of

*all  
B/S*



1987, where he also contracted Hepatitis C and was told that he could no longer work full time. Following this, Si moved full time to Florida. He traveled to Israel later that year and contracted pneumonia.

- Upon reviewing the books, you and Scooter realized that Si's businesses were failing, an employee was stealing money and Si owed millions of dollars in unpaid bills and unpaid debt. In addition, you were receiving call after call from various banks asking for repayment.
- At that time, the ALPS was in its infancy. The promoter/agency was Cambridge Associates, owned 50% by Dov Kahana and 50% by Si with the positive arbitrage owned 25% by each of Cambridge, KGN, Bruce Nickerson and Scooter.
- In August 1988, Dov was exposed by you, and you and Scooter bought out Dov's 50% share for \$3,300/month for 3 years and re-formed STP to own and market the ALPS.
- The first ALPS funding was on October 25, 1988. Even though your father was not involved in the day-to-day operations of STP, and you and Scooter were buying out Dov, your father insisted on owning a 50% share in STP, with each of you and Scooter receiving a 25% share.
- To protect your reputation and save Si from bankruptcy, you and Scooter decided to work 7 days a week and to forgo receiving most of your share of the net income from the business for a number of years to turn Si's situation around. During this time, however, your father continued to receive his 50% share of the net income and had his debt re-financed and re-paid by STP.
- Ultimately you and Scooter were compelled to buy your father out because he was doing business in Florida on behalf of others in a manner that was jeopardizing the relationships that you and Scooter had made through your efforts. You and Scooter paid top dollar (\$6.5 million) to buy out your father's interest after the two of you had turned STP into a success. Although neither you nor Scooter thought that such a large sum was reasonable, you felt good knowing that it should take care of him and your mother for life.
- Just months after you purchased your father's interest in STP, you discovered that your father was doing business in direct competition with STP and utilizing STP information on his web page.

In addition, I recall based on our discussions that you and Scooter decided to help your parents by purchasing their Chicago condominium after they decided to move to St. Andrews. I understand that the two of you paid above full price with no

Ms. Pamela B. Simon

November 28, 2011

Page 3

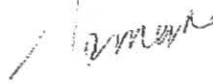
sales commission during a time when units were not selling at all, much less at full price. I also recall that the condo's furnishings were included in the purchase price even though your parents ultimately took an antique bench with them.

I do not see how either of these transactions with your parents could in any way be viewed as gifts that they made to you, and thus, justify their decision to cut you, Molly and future descendants of your family line out of receiving assets under their estate plan. I suggest that you talk this over with your father. Perhaps a review of the facts of the transactions will help his recollection about what actually occurred during the period when he was ill.

It is not the natural course to cut out certain family lines (Mr. Spallina agreed with me on this), and doing so could result in rifts between family lines for generations to come. I expect that this is not the type of legacy that your father would like to leave behind. In my experience, a child and that child's line are cut out only in extreme circumstances.

It is not too late for your father to change the current course. Since each of you, Ted, Lisa and Jill have your own independent wealth, perhaps at death your father could provide for your brother, Eliot, who is in need of financial assistance, and then divide the remainder of your parents' assets (after any debts, taxes and expenses) between the grandchildren so that each grandchild feels that he or she has been treated the same as his or her cousins. Obviously generation-skipping transfer ("GST") taxes would need to be considered, but under current tax law, potentially up to \$10 million could be transferred between your parents to the grandchildren's generation without triggering a GST tax.

Sincerely,



=====

IRS CIRCULAR 230 NOTICE: To comply with requirements imposed by the IRS, we inform you that any federal tax advice contained in this letter (including any enclosures) is not intended or written to be used, and cannot be used, for the purposes of avoiding penalties under the Internal Revenue Code. If this letter contains federal tax advice and is distributed to a person other than the addressee, each subsequent reader is notified that such advice is being delivered to support the promotion or marketing by a person other than Heriaud & Génin, Ltd. Each such taxpayer should seek advice based on the taxpayer's particular circumstances from an independent adviser.

## EXHIBIT 2 - REPORT



EXHIBITS



CASE NO. 14029489 PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1  
OFFENSE REPORT CASE NO. 14029489  
DISPOSITION: ZULU  
DIVISION: DETECTIVE

911:

## ECONOMIC CRIMES

SIGNAL CODE: 14 CRIME CODE: NON CRIME CODE: OT CODE: 9546 01/23/14 THURSDAY  
ZONE: BR GRID: DEPUTY I.D.: 7704 NAME: MILLER RYAN ASSIST: TIME D 1020 A 1020 C 1021  
OCCURRED BETWEEN DATE: 12/01/12, 0000 HOURS AND DATE: 01/31/13, 0000 HOURS  
EXCEPTION TYPE:  
INCIDENT LOCATION: 4855 TECHNOLOGY WY APT. NO.: 700  
CITY: BOCA RATON STATE: FL ZIP: 33431

NO. OFFENSES: 00 NO. OFFENDERS: UK NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0  
LOCATION: OTHER  
NO. VICTIMS: 00 NO. ARRESTED: 0 FORCED ENTRY: 0

## NAME LIST:

## ROLE:

OTHER SIMON BERNSTEIN DOB: 12/02/1935  
SEX: M RACE: W HT: 506 WT: 180 HR: GRAY EYE: BROWN  
RESIDENTIAL ADDRESS: 7020 LIONSHEAD LA BOCA RATON FL 33496 HOME PHONE: 561 000-0000  
BUSINESS PHONE: 561 000-0000  
OTHER SHIRLEY BERNSTEIN DOB: 06/29/1939  
SEX: F RACE: W HT: 502 WT: 102 HR: BLOND EYE: BLUE  
RESIDENTIAL ADDRESS: 7020 LIONSHEAD RD BOCA RATON FL 33496 HOME PHONE: 561 000-0000  
BUSINESS PHONE: 561 000-0000  
COMPLAINANT ROBERT L SPALLINA DOB: 06/09/1965  
SEX: M RACE: W HT: 511 WT: 175 HR: BLACK EYE: BROWN  
RESIDENTIAL ADDRESS: 7387 WISTERIA AV PARKLAND FL 33076 HOME PHONE: 561 997-7008  
BUSINESS PHONE: 561 000-0000  
OTHER ALAN B ROSE DOB: 10/23/1965  
SEX: M RACE: W HT: 509 WT: 170 HR: BROWN EYE: BROWN  
RESIDENTIAL ADDRESS: 21145 OREMONT CT BOCA RATON FL 33433 HOME PHONE: 561 000-0000  
BUSINESS ADDRESS: 505 S. FLAGLER DR., STE. 600, WEB, FL 33401 BUSINESS PHONE: 561 355-6991  
OTHER TED BERNSTEIN DOB: 08/27/1959  
SEX: M RACE: W HT: 0 WT: 0 HR: UNKNOWN EYE: UNKNOWN  
RESIDENTIAL ADDRESS: 800 BERKELEY ST BOCA RATON FL 33464 HOME PHONE: 561 213-2322  
BUSINESS PHONE: 561 968-8984

ON 01/21/13 AT 1:45 PM I MET WITH ROBERT SPALLINA AND HIS ATTORNEY DAVID  
ROTH. SGT. DAVID GROOVER WAS ALSO PRESENT DURING THE INTERVIEW. WE MET AT

printed by Employee Id #: 5264 on February 11, 2014 02:26:57PM

PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 2  
CASE NO. 14029489 OFFENSE REPORT CASE NO. 14029489  
DISPOSITION: ZULU

THE PALM BEACH COUNTY SHERIFF'S OFFICE, DISTRICT 1 CONFERENCE ROOM, WHICH IS LOCATED AT 3228 GUN CLUB ROAD, WEST PALM BEACH, FL. ROBERT SPALLINA STATED THAT HE AND HIS PARTNER, DONALD TESCHNER, MET SIMON AND SHIRLEY BERNSTEIN IN 2007. HE SAID THAT IN 2008 THE BERNSTEIN'S CAME TO THE TESCHNER AND SPALLINA FIRM. HE SAID THAT THEY (THE ATTORNEY'S OFFICE) CREATED WILLS AND TRUSTS FOR BOTH SIMON AND SHIRLEY IN 2008, AMONG OTHER PLANNING. SPALLINA TOLD US THAT SIMON HAD BEEN IN THE INSURANCE BUSINESS FOR 40 YEARS.

HE SAID THAT THE SUBJECT OF THE FIRST MEETINGS WAS THE SALE OF THE INSURANCE BUSINESS DOWN THE ROAD, AS WELL AS MOVING AROUND SOME STOCKS. SPALLINA STATED THE CONVERSATIONS WITH SIMON AND THE THOUGHT PROCESS WAS THAT ONCE SIMON SOLD THE INSURANCE BUSINESS HE OWNED, ALL THE FAMILY WOULD BENEFIT FROM IT (FINANCIALLY). HE SAID THE BUSINESS WAS NEVER SOLD, BUT A LOT OF PLANNING AND PREPARATION WAS DONE FOR IT, TO INCLUDE SETTING UP A FLORIDA LIMITED PARTNERSHIP AND A DELAWARE ASSET PROTECTION TRUST. SPALLINA STATED THAT SIMON WAS ALWAYS CONCERNED WITH CREDITOR PROTECTION. HE SAID THAT IS QUITE COMMON IN THE INSURANCE BUSINESS WORLD.

SPALLINA REITERATED THAT IN 2008, THE LAW FIRM DID THE DOCUMENTS FOR THE WILLS AND TRUSTS. HE STATED THEY (SIMON & SHIRLEY) HAVE FIVE CHILDREN AND 10 GRANDCHILDREN, AS WELL AS A STEP-GRANDCHILD.

SPALLINA SAID THAT THE ESTATE PLAN WAS SIMILAR TO MOST OTHERS, IT SAID SHOULD ONE SPOUSE DIE FIRST, THE OTHER WILL RECEIVE EVERYTHING (ALL ASSETS). HE SAID THAT UNDER BOTH TRUSTS, THE INITIAL DOCUMENTS READ THAT UPON THE SECOND DEATH, TWO CHILDREN (TED AND PAM) WERE EXCLUDED. HE TOLD US THIS TOOK PLACE SINCE BOTH TED AND PAM WERE SET UP WITH LIFE INSURANCE BUSINESSES AND THEY WANTED TO MAKE THE REMAINING CHILDREN (ELIOT, LISA, AND JILL) AS WHOLE AS THEY COULD. NOTE: TED WAS WORKING WITH SIMON IN THE INSURANCE BUSINESS DOWN HERE IN FLORIDA AND PAM RECEIVED A COMPANY IN ILLINOIS.

SPALLINA REITERATED THAT UPON THE DEATH OF THE SECOND SURVIVOR, EVERYTHING FROM BOTH TRUSTS GOES TO JILL, LISA, AND ELIOT ADDING THAT SHIRLEY HAD ONE OTHER STIPULATION IN HER TRUST, WHICH STATED THAT TED'S STEPSON, (MATTHEW LOGAN) RECEIVED \$200,000. HE TOLD ME THAT SHIRLEY HAD A LIKING TO MATTHEW SO SHE ADDED THAT TO HER TRUST, BUT THAT SIMON DID NOT BELIEVE IN THAT, THAT HE FELT EVERYTHING SHOULD GO TO BLOOD (A BIOLOGICAL CHILD). SPALLINA SAID THAT LATER ON IN 2008, SHIRLEY STATED SHE WANTED TO CHANGE HER TRUST DOCUMENTS IN REFERENCE TO THE MONEY LEFT TO MATTHEW LOGAN. HE STATED THAT AN AMENDMENT WAS CREATED, WHICH WAS SIGNED BY SHIRLEY ON NOV. 18, 2008 TAKING LOGAN OUT OF THE TRUST.

SPALLINA STATED THAT HE FELT THAT SIMON'S WISHES OVERRODE SHIRLEY'S IN THIS SITUATION. SPALLINA SAID THAT HE AND KIMBERLY MORAN (HIS EMPLOYEE & A NOTARY) WENT TO SHIRLEY'S HOME FOR THE DOCUMENT TO BE SIGNED. HE SAID THAT RACHEL WALKER, SHIRLEY'S ASSISTANT, WAS PRESENT WHEN THE DOCUMENT WAS SIGNED.

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SHE AND SPALLINA ARE ON THE DOCUMENT AS WITNESSES, MORAN IS THE NOTARY FOR SHIRLEY'S SIGNATURE. HE TOLD ME THAT WAS THE LAST CHANGE SHIRLEY EVER MADE TO HER DOCUMENTS AND THAT SHE PASSED ON DECEMBER 2010. SIMON WAS STILL ALIVE AND THE TRUST READ THAT EVERYTHING WENT TO HIS BENEFIT. SPALLINA REITERATED THAT HER DOCUMENTS READ THAT UPON SIMON'S DEATH, EVERYTHING (HER ASSETS) WENT TO JILL, LISA, AND ELIOT.

SPALLINA STATED THAT IN 2012, SIMON CONTACTED HIM STATING THAT HE WAS HAVING CONCERNS ABOUT HOW HE HAD ELIMINATED TED AND PAM FROM HIS TRUST. HE STATED THAT IT IS POSSIBLE THAT THESE THOUGHTS CAME ON BECAUSE PAM STARTED SENDING HIM LETTERS. HE SAID THAT SHE (PAM) HAD A LAWYER CONTACT HIS OFFICE AND ASK FOR COPIES OF SHIRLEY'S TRUST DOCUMENTS. SPALLINA SAID THAT HE MET WITH SIMON, WHO SAID THAT HE WAS CONSIDERING CHANGING HIS DOCUMENTS. HE SAID THAT ONE OF THE CHANGES DISCUSSED WAS HOW TO INCLUDE TED AND PAM'S CHILDREN.

SPALLINA STATED THAT SIMON HAD A LIFE INSURANCE POLICY WITH THE BENEFIT OF \$1,600,000. HE SAID THAT THE POLICY READ THAT IF SIMON PASSED BEFORE SHIRLEY SHE RECEIVED THE BENEFIT, BUT IF SHIRLEY PASSED BEFORE HIM, THE FIVE CHILDREN RECEIVED THE BENEFITS ONCE HE PASSED. THIS POLICY ORIGINATED OUT OF ILLINOIS. SPALLINA ADDED THAT THIS POLICY AND ITS DISTRIBUTION OF FUNDS ARE CURRENTLY IN A FEDERAL COURT BATTLE.

SPALLINA STATED THAT A DISCUSSION TOOK PLACE WITH HIM AND SIMON IN 2012; REFERENCE THE FACT THAT SIMON HAD ISSUES ON HOW AND WITH WHOM FUNDS WERE GOING TO BE DISTRIBUTED TO UPON HIS DEATH. HE TOLD ME SIMON WAS HAVING RESERVATIONS ABOUT TED AND PAM NOT BEING IN HIS TRUST, AS WELL AS THAT FACT THAT HE THEN HAD A GIRLFRIEND BY THE NAME OF MARITZ PUCCIO THAT HE WANTED TO PROVIDE FOR. HE ADDED THAT NO ONE IN THE FAMILY WAS HAPPY THAT PUCCIO WAS IN SIMON'S LIFE. HE ALSO TOLD ME THAT SIMON WANTED HIS GRANDCHILDREN TO RECEIVE BENEFITS FROM THE TRUST.

SPALLINA SAID THAT SIMON FIRST SUGGESTED MAKING BENEFICIARY CHANGES ON THE AFOREMENTIONED LIFE INSURANCE POLICY. SPALLINA SAID THAT HE TOLD SIMON THAT WAS A VERY BAD IDEA. HE TOLD ME THAT THERE WAS SOMETHING CALLED AN EXERCISE OF POWER OF APPOINTMENT, PUT IN BOTH SIMON AND SHIRLEY'S TRUST DOCUMENTS. HE SAID THIS GAVE THE LIVING SPOUSE THE ABILITY TO MAKE CHANGES ON THE DECEASED SPOUSE'S DOCUMENTS. HE SAID THAT HE TOLD SIMON, THAT MAYBE THEY SHOULD EXPLORE OPTIONS WITH THAT. HE SAID SIMON TOLD HIM THAT HE WANTED TO MAKE THE NECESSARY CHANGES TO HAVE BOTH TRUSTS READ THAT THE 10 GRANDCHILDREN WERE THE BENEFICIARIES. HE TOLD ME THAT HE TOLD SIMON (ST AS HE CALLS HIM) THAT HE COULD NOT MAKE THOSE CHANGES TO SHIRLEY'S TRUST BECAUSE SHE HAD WROTE TED AND PAM AND THEIR CHILDREN AS PREDECEASED IN HER TRUST.

SPALLINA REITERATED THAT SIMON CAN DO WHATEVER HE WANTS WITH HIS ESTATE, BUT ALL HE CAN DO WITH SHIRLEY'S TRUST IS GIVE IT TO LISA, JILL, AND ELIOT'S CHILDREN. HE SAID THAT SIMON WAS NOT HAPPY ABOUT THIS. HE SAID THAT SIMON

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WAS VERY ADAMANT ABOUT LEAVING EVERYTHING IN THE ESTATES TO THE GRANDCHILDREN. HE ALSO SAID THAT HE ADVISED SIMON TO NOT MAKE CHANGES TO THE LIFE INSURANCE POLICY OR THE ESTATES, MAKING PUCCIO A BENEFICIARY. HE STATED THAT THIS WILL ONLY CAUSE PROBLEMS AND CREATE LITIGATION. SPALLINA SAID THE AFOREMENTIONED DISCUSSION AND MEETING TOOK PLACE IN FEBRUARY 2012. HE SAID THE MEETING CONCLUDED WITH SIMON SAYING HE NEEDED TO THINK ABOUT THINGS.

HE TOLD ME THAT THREE MONTHS LATER, SIMON CONTACTED HIM STATING HE KNEW WHAT HE WANTED TO DO. HE SAID THAT SIMON TOLD HIM HE WANTED TO LEAVE HIS INSURANCE POLICY ALONE, BUT THAT HE WANTS BOTH TRUSTS TO GO TO HIS 10 GRANDCHILDREN. SPALLINA SAID THAT HE EXPLAINED TO HIM AGAIN, THAT ONLY HIS TRUST, NOT SHIRLEY'S CAN GO TO BOTH GRANDCHILDREN, UNLESS HE TAKES ALL OF THE ASSETS OUT OF THE SHIRLEY TRUST AND PUTS THEM INTO HIS NAME. HE SAID THE COST OF TAKING THE ASSETS OUT OF SHIRLEY'S TRUST WOULD HAVE BEEN SIGNIFICANT, BECAUSE SHIRLEY'S DEATH OCCURRED BEFORE FEDERAL ESTATE TAX CHANGES TOOK PLACE, SO AS LONG AS IT STAYED IN HER ESTATE IT WOULD BE FREE OF TAX, BUT SHOULD IT GO TO SIMON'S TRUST IT WILL BE TAXED.

THERE WAS ALSO AN ISSUE OF SUBJECTING THE ASSETS FROM SHIRLEY'S ESTATE TO CREDITORS IF IT WENT TO SIMON'S ESTATE. SPALLINA TOLD ME THAT AT THIS TIME, SIMON SAID "GET MY CHILDREN ON THE PHONE". HE SAID THAT SIMON TOLD HIM THAT HE WANTED HIS CHILDREN TO AGREE THAT ALL ASSETS FROM BOTH TRUSTS GO TO THE 10 GRANDCHILDREN. HE SAID THAT SIMON TOLD HIM HE (SIMON) COULD GET THEM TO AGREE. SPALLINA CONFIRMED THAT THIS CONVERSATION OCCURRED ON THE SAME DATE, DURING THE SAME PHONE CALL (CONFERENCE CALL), REGARDING THE WAIVER OF ACCOUNTING FORM FOR SHIRLEY'S ESTATE IN PBSC CASE #13-097087.

FROM A PREVIOUS INVESTIGATION DONE BY ME, I FOUND THAT SIMON SIGNED THE WAIVER OF ACCOUNTING ON 04/09/12, SO IT IS POSSIBLE THAT THE PHONE CALL OCCURRED ON THAT DATE. I HAD ALSO NOTED IN MY REPORT THAT THERE WAS SOME DISCUSSION OF INHERITANCE AND WHO WAS TO GET WHAT. SPALLINA SAID THAT DURING THE PHONE CALL, ALL FIVE KIDS AGREED THAT CHANGING THE INHERITANCE OF BOTH ESTATES TO THE GRANDCHILDREN WAS A GREAT IDEA. HE SAID THAT ELIOT SPOKE THE MOST, STATING THINGS SUCH AS, GREAT IDEA DAD, WHATEVER YOU WANT TO DO, WHATEVER MAKES YOU FEEL BEST, WHATEVER IS BEST FOR YOUR HEALTH DAD.

SO, AFTER THE AFOREMENTIONED PHONE CALL, NEW DOCUMENTS WERE DRAWN UP FOR SIMON'S ESTATE. THESE NEW DOCUMENTS GAVE EVERYTHING TO ALL 10 GRANDKIDS. HE ALSO EXERCISED HIS POWER OF SHIRLEY'S ESTATE, LEAVING EVERYTHING TO ALL 10 GRANDKIDS, EVEN THOUGH LEGALLY HE COULD NOT INCLUDE TED AND PAM'S KIDS BECAUSE OF THE PREDECEASED LIMITATION. HE SAID THESE DOCUMENTS WERE EXECUTED AT THE END OF JULY 2012. HE SAID SEVEN WEEKS LATER SIMON DIES, UNEXPECTEDLY. I FOUND THAT SIMON PASSED ON SEPTEMBER 13, 2012 OF A HEART ATTACK.

SPALLINA SAID APPROXIMATELY TWO MONTHS AFTER THAT, HIS OFFICE RECEIVED A REQUEST FROM ELIOT'S ATTORNEY, CHRISTINE YATES, FOR ALL DOCUMENTS RELATING TO

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SIMON AND SHIRLEY BERNSTEIN, TO INCLUDE DOCUMENTS RELATING TO BERNSTEIN FAMILY REALITY, WHICH OWNS A HOME THAT ELIOT AND HIS FAMILY LIVE IN. HE SAID THAT HIS HOME IS ACTUALLY OWNED AND IS FUNDED BY THREE TRUSTS THAT SIMON CREATED. THE THREE TRUSTS ARE IN THE NAME OF ELIOT'S THREE CHILDREN, (JACK, JAKE, AND DAN).

SPALLINA TOLD ME THAT HE AND HIS PARTNER HAD DISCUSSIONS REFERENCE TO FULFILLING SIMON'S WISHES OF ALL 10 GRANDCHILDREN RECEIVING THE BENEFITS FROM BOTH SIMON AND SHIRLEY'S TRUSTS. HE SAID THAT HE AND HIS PARTNER, DONALD TESCHNER, DISCUSSED DOING A SCRIVENER'S AFFIDAVIT REFERENCE REINSTATING TED AND PAM'S CHILDREN INTO SHIRLEY'S TRUST, SINCE THEIR NOTES WERE UNCLEAR TO AS IF THE GRANDCHILDREN WERE OR WERE NOT DEEMED PREDECEASED, AS TED AND PAM WERE. HE TOLD ME THAT THE DECISION WAS MADE TO NOT DO THE SCRIVENER'S AFFIDAVIT, DUE TO THE CHANCE THAT IT MAY NOT WORK. HE SAID THOUGH, THAT AGAINST HIS BETTER JUDGMENT HE ALTERED THE FIRST PAGE OF THE FIRST AMENDMENT TO THE SHIRLEY BERNSTEIN TRUST AGREEMENT, BEFORE HE TURNED IT OVER TO YATES. THE ORIGINAL WAS MENTIONED EARLIER ON IN THIS REPORT AND STATES THAT SHIRLEY SIGNED IT ON NOVEMBER 18, 2008. IT TOOK MATTHEW LOGAN OUT OF THE TRUST.

SPALLINA SAID THAT THEY NOTICED THAT THE FIRST PAGE OF THE DOCUMENT SKIPPED FROM ONE TO THREE, SO HE TOOK IT UPON HIMSELF TO ADD IN NUMBER TWO, BEFORE SENDING IT TO YATES. THE CHANGE THAT NUMBER TWO MADE TO THE TRUST, AMENDED PARAGRAPH E OF ARTICLE III, MAKING IT READ THAT ONLY TED AND PAM WERE CONSIDERED PREDECEASED, NOT THEIR CHILDREN. HE SAID THE ORIGINAL TRUST STATES THAT TED, PAM, AND THEIR CHILDREN ARE DEEMED PREDECEASED. SPALLINA SAID HE DID THIS AT THIS OFFICE IN BOCA RATON, FLORIDA. HE SAID THAT NO ONE ELSE TOOK PART IN ALTERING THE DOCUMENT. HE SAID THAT HE DID IT TO MAKE SIMON'S WISHES AND THE VERBAL AGREEMENT FROM THE APRIL 2012 PHONE CONVERSATION COME TRUE. SPALLINA STATED THAT ALTHOUGH HE CREATED THE ALTERED FORM AND ATTACHED IT TO THE ORIGINALLY SIGNED/NOTARIZED FORM, HE RECEIVED NO INCOME OR GAIN FROM IT. HE STATED HE SOLELY DID IT TO FULFILL SIMON'S WISHES. HE CONFIRMED THAT THIS ALTERED DOCUMENT DID NOT GET FILED WITH THE COURTS.

SPALLINA STATED THAT AGAINST HIS ADVICE, A DISTRIBUTION WAS MADE FROM ONE OF THE TRUSTS AFTER SIMON'S DEATH. HE STATED THAT HE ADVISED AGAINST THIS AND WHEN SIMON PASSED, A FORMER PARTNER FILED A CLAIM AGAINST THE ESTATE FOR \$2,500,000.

SPALLINA ALSO TOLD ME THAT IN 2005, ALL OF THE GRANDCHILDREN RECEIVED TRUSTS FROM SHIRLEY AND SIMON. HE STATED THAT YATES WAS ACTUALLY THE ATTORNEY FOR ELIOT'S CHILDREN'S TRUSTS. SPALLINA STATED THAT SIMON WANTED ELIOT'S KIDS TO HAVE A HOME, BUT DID NOT WANT THE HOME IN ELIOT'S NAME.

SPALLINA ALSO TOLD ME THAT IN 2009 SIMON CAME TO HIM AND SAID HE IS BUYING A HOUSE FOR ELIOT AND HIS FAMILY TO LIVE IN, BUT HE DOES NOT WANT ELIOT TO OWN THE HOME. HE SAID THAT SIMON TOLD HIM THAT HE WANTED ELIOT'S

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CHILDREN'S THREE TRUSTS TO OWN THE HOME. HE THEN SET UP A LIMITED LIABILITY COMPANY, WHICH IS BERNSTEIN FAMILY REALTY. HE SAID THAT SIMON SET UP AN ACCOUNT AT LEGACY BANK. HE SAID THAT SIMON FUNDED THE ACCOUNT, TO PAY FOR THE EXPENSES AT THE HOUSE. RACHEL WALKER WAS IN CHARGE OF PAYING THOSE EXPENSES. HE SAID THAT AT SIMON'S DEATH THE ACCOUNT HAD VERY LITTLE MONEY IN IT. HE SAID THIS WAS THE TYPE OF ACCOUNT THAT ONLY ENOUGH MONEY WENT INTO IT EACH MONTH TO COVER THE NECESSARY EXPENSES FOR THE HOME, SUCH AS POWER, WATER, AND MORTGAGE.

SPALLINA STATED THAT PRIOR TO SIMON'S DEATH, HE WAS THE MANAGER OF BER, BUT AFTER HIS DEATH IT WAS TRANSFERRED TO OPPENHEIMER TRUST COMPANY, BECAUSE NO ONE IN THE FAMILY WANTED TO MANAGE IT. HE STATED THIS WAS BECAUSE NO ONE WANTED TO DEAL WITH ELIOT. HE SAID OTC BECAME THE TRUSTEE AND THE LEGACY BANK ACCOUNT GOT CLOSED OUT SINCE THE ACCOUNT HAD MINIMAL FUNDS IN IT AND SIMON WAS NO LONGER ALIVE TO FUND IT. HE STATED THAT OTC OPENED UP THEIR OWN BER TRUST ACCOUNT. HE SAID THAT WHEN THIS OCCURRED, THERE WAS APPROXIMATELY \$80,000 IN EACH OF ELIOT'S CHILDREN'S TRUSTS. HE SAID THAT ELIOT STARTED CALLING UP OTC ASKING FOR THEM TO PAY BILLS.

SPALLINA SAID THE PROBLEM IS THAT SINCE NEITHER ELIOT NOR HIS WIFE WERE WORKING, THEY WERE ALSO ASKING FOR THEIR CREDIT CARD BILLS TO BE PAID, ALONG WITH THE NORMAL LIVING EXPENSES. HE STATED THAT THE CREDIT CARD BILLS SHOWED CHARGES TO HIGH END RESTAURANTS, SUCH AS CAPITAL GRILL. SPALLINA SAID THAT DUE TO THE EXPENSES BEING PAID BY THE THREE CHILDREN'S TRUST, TO INCLUDE PRIVATE SCHOOL, THE TRUSTS WERE DRAINED BY AUGUST 2013.

SPALLINA STATED THAT TED BERNSTEIN IS THE TRUSTEE FOR SHIRLEY'S TRUST. HE SAID THAT SHIRLEY HAD A CONDO THAT WAS SOLD FOR \$1,400,000 AND THAT MONEY WENT INTO THE TRUST. HE SAID THAT TED DISCUSSED WITH HIS SIBLINGS, POSSIBLY EXCLUDING ELIOT, THAT THERE WAS CONCERN ABOUT A CREDITOR GETTING SOME OF THE MONEY. HE SAID THAT TED MADE A DISTRIBUTION TO SEVEN OF THE 10 GRANDCHILDREN'S TRUSTS. FOUR OF WHICH INCLUDE TED'S THREE CHILDREN AND PAM'S CHILD. SPALLINA SAID THAT TED ONLY FUNDED SEVEN OF THE GRANDCHILDREN, BECAUSE ELIOT REFUSED TO OPEN ACCOUNTS FOR HIS THREE KIDS SO THAT TED COULD FUND THEM. HE SAID THAT IN SEPTEMBER OF 2013, \$80,000 WAS DISTRIBUTED TO EACH OF THE SEVEN TRUSTS, WHICH IS A TOTAL OF \$560,000. SPALLINA REITERATED THAT TED WAS TOLD TO NOT MAKE DISTRIBUTIONS.

SPALLINA WAS ASKED AND CONFIRMED THAT THE ALTERED DOCUMENT REFERENCE SHIRLEY'S TRUST, IS THE ONLY MISTAKE THAT HE MADE. HE IS NOT AWARE OF ANY OTHER MISTAKES.

I WAS SUPPLIED A COPY OF THE ALTERED DOCUMENT BY SPALLINA ON 01/22/14.

THIS NARRATIVE IS NOT A VERBATIM ACCOUNT OF THE INTERVIEW WITH SPALLINA. FURTHER INVESTIGATION WILL CONSIST OF MEETING WITH SIMON AND SHIRLEY'S CHILDREN, IN ATTEMPT TO GAIN STATEMENTS FROM THEM.

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DETECTIVE RYAN W. MILLER #7704  
01/24/14 @ 1153 HRS.  
TRANS. VIA EMAIL/CCFY/PASTE: 01/29/2014/MDR/#6405

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DISPOSITION: SULT  
DIVISION: DETECTIVE

911:

## ECONOMIC CRIMES

SIGNAL CODE: 14 CRIME CODE: \* NON CRIME CODE: OT CODE: 9546 01/29/14 THURSDAY  
ZONE: BR GRID: DEPUTY I.D.: 7704 NAME: MILLER ASSIST: TIME P 1020 A 1020 C 1021  
OCCURRED BETWEEN DATE: 12/01/12 , 0000 HOURS AND DATE: 01/31/13 , 0000 HOURS  
EXCEPTION TYPE:  
INCIDENT LOCATION: 4855 TECHNOLOGY WY APT. NO.: 700  
CITY: BOCA RATON STATE: FL ZIP: 33431

NO. OFFENSES: 00 NO. OFFENDERS: UK NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0  
LOCATION: OTHER  
NO. VICTIMS: 00 NO. ARRESTED: 0 FORCED ENTRY: 0

ON JAN. 28, 2014 I MET WITH TED BERNSTEIN WHO WAS ACCOMPANIED BY ATTORNEY ALAN ROSE. ROSE IS A CIVIL ATTORNEY, SPECIALIZING IN PROBATE AND BUSINESS LITIGATION. THIS INTERVIEW TOOK PLACE AT THE PALM BEACH COUNTY SHERIFF'S OFFICE, SPECIAL INVESTIGATIONS DIVISION'S CONFERENCE ROOM, LOCATED AT 3228 GUN CLUB ROAD, WEST PALM BEACH, FLORIDA 33406 AT 11:46 A.M. THE FOLLOWING IS A NON-VERBATIM ACCOUNT OF THE INTERVIEW:

TED STATED THAT HE AND HIS FATHER SIMON HAD AN OFFICE TOGETHER. HE TOLD ME THAT IN 2007 HE HAD NOTICED THAT TESCHER AND SPALLINA STARTED FREQUENTING THE OFFICE AND THEY CONTINUED TO VISIT THE OFFICE QUITE OFTEN INTO 2008. HE SAID THAT HE THEN REALIZED THAT HIS PARENTS WERE CONDUCTING THEIR ESTATE PLANNING. HE SAID THAT HE WAS NOT ASKED TO BE PART OF THE PLANNING, NOR DID HE INQUIRE ABOUT IT. TED TOLD ME THAT HE IS THE ELDEST CHILD OF FIVE, TO INCLUDE JILL, LISA, PAM, AND ELIOT. THE OFFICE FOR THE INSURANCE AGENCY THAT TED AND SIMON WORKED TOGETHER AT IS LOCATED AT 950 PENINSULA CORPORATE CIRCLE, BOCA RATON, FL 33487.

TED STATED THAT HE FOUND OUT UPON HIS FATHER'S DEATH, THAT HE WAS THE TRUSTEE FOR HIS MOTHER'S TRUST. HE TOLD ME THAT THE ATTORNEY'S (TESCHER AND SPALLINA) MADE HIM AWARE OF THIS. HE SAID HE WAS ALSO INFORMED HE WAS A CO-TRUSTEE FOR SOME OTHER ACCOUNT. HE TOLD ME THAT HE IS NOT GOING TO INHERIT AN INSURANCE AGENCY, BUT THAT HE AND HIS FATHER WERE PARTNERS. HE STATED THAT HE OWNS STOCK IN THE AGENCY WITH NO OPTION FOR HIM TO INHERIT OR PURCHASE HIS FATHER'S INTEREST IN THE COMPANY. HE COMMENTED ON THE FACT THAT THE BUSINESS MAKES LITTLE INCOME THESE DAYS.

TED STATED THAT IN THE FIRST PART OF 2012, HIS FATHER (SIMON) HAD A

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DISCUSSION WITH HIM, REFERENCE AN ISSUE THAT PAM RAISED WITH SIMON ABOUT HOW THE DOCUMENTS FOR THE TRUSTS WERE DRAWN UP. HE TOLD ME THAT HE BELIEVED PAM HAD SENT SIMON SOME INFORMATION OR A BOOK RELEVANT TO HER VIEW ON HOW YOU DO ESTATE PLANNING WHEN CHILDREN AND GRANDCHILDREN ARE INVOLVED. HE SAID THAT HIS FATHER DID ASK HIM HIS OPINION ON THINGS AND TED TOLD HIM THAT HE DID FEEL THAT THE GRANDCHILDREN MAY NOT UNDERSTAND IT IF THEY DID NOT RECEIVE AN INHERITANCE. HE STATED THAT HIS FATHER TOLD HIM THAT HE MADE A REALLY GOOD POINT AND SOMETHING TO CONSIDER. TED SAID THAT SOON AFTER THAT CONVERSATION HIS FATHER ANNOUNCED THAT HE WANTED TO TALK WITH HIS CHILDREN ABOUT THE DISTRIBUTION OF HIS AND SHIRLEY'S ASSETS UPON HIS DEATH. HE TOLD ME THAT A CONFERENCE CALL MEETING TOOK PLACE INCLUDING HIS (SIMON'S) FIVE CHILDREN, SIMON, AND SPALLINA. HE SAID THAT THE CONVERSATION WENT REALLY WELL AND SIMON GOT TO PROVIDE HIS WISHES VERY CLEARLY.

HE STATED THAT SPALLINA EXPLAINED THE PROCESS LEGALLY, BUT HIS FATHER MADE A STATEMENT AND ASKED EACH CHILD DIRECTLY, HOW THEY FELT ABOUT IT. TED SAID THAT IT WAS TOLD TO HIM AND HIS SIBLINGS THAT SIMON WAS LEAVING ALL OF HIS WEALTH TO HIS 10 GRANDCHILDREN EQUALLY. HE SAID THAT SIMON TOLD THEM THAT THEY (THE CHILDREN) WERE EACH GETTING 1/5 OF A LIFE INSURANCE POLICY. TED SAID THAT IT WAS OBVIOUS THAT HIS FATHER WAS NOT ASKING FOR PERMISSION, BUT STATING CLEARLY WHAT HE THOUGHT WAS RIGHT. TED SAID THAT EACH CHILD STATED THEY FELT OK ABOUT THE DECISION AND THAT IT WAS HIS WEALTH TO MAKE DECISIONS WITH. TED STATED THAT HE BELIEVES THIS WAS THE SAME PHONE CALL WHERE HE WAS TOLD BY SPALLINA HE, AS WELL AS SIBLINGS, WOULD BE RECEIVING FORMS THEY NEEDED TO SIGN AND RETURN. HE STATED THAT SOON AFTER THIS CALL HE RECEIVED THE WAIVER OF ACCOUNTING FORM FOR HIS MOTHER'S ESTATE. THIS IS THE DOCUMENT DISCUSSED IN PBSC CASE # 13-097087.

TED STATED THAT HE WAS NOT INVOLVED IN ANY OTHER DISCUSSIONS REFERENCE ESTATES UNTIL HIS FATHER'S PASSING ON SEPTEMBER 13, 2012. HE SAID THAT TESCHER AND SPALLINA TOLD HIM AFTER HIS FATHER'S DEATH THAT HE WAS THE TRUSTEE FOR HIS MOTHER'S ESTATE. HE SAID OVER MANY IN PERSON MEETINGS AND PHONE CALLS HE WAS GIVEN GUIDANCE BY THE ATTORNEYS ON HOW TO PERFORM HIS DUTIES AS A TRUSTEE, BECAUSE THIS WAS ALL NEW TO HIM. HE HAD NEVER BEEN IN THIS ROLE BEFORE. HE STATED HE WAS NOT PROVIDED A CHECKLIST OR BOOK ON HOW TO PERFORM THESE DUTIES. TED SAID THAT HE MADE IT CLEAR TO HIS SIBLINGS THAT HE IS THE TRUSTEE ON SHIRLEY'S TRUST. TED STATED THAT HE WAS TOLD THAT SHIRLEY'S TRUST WAS TO BE DISTRIBUTED AMONGST HER 10 GRANDCHILDREN. TED STATED THAT HE DID NOT READ ALL OF SHIRLEY'S TRUST DOCUMENTS AND THAT SPALLINA AND TESCHER HAD BOTH TOLD HIM SEVERAL TIMES HOW SHIRLEY'S TRUST WAS TO BE DISTRIBUTED.

TED SAID THAT HE DID READ IN THE DOCUMENTS WHERE THE 10 GRANDCHILDREN WERE TO RECEIVE THE ASSETS FROM THE TRUST. HE SAID THAT HE DID ISSUE A PARTIAL DISTRIBUTION TO THE SEVEN OF THE 10 GRANDCHILDREN. HE DID NOT ISSUE

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DISTRIBUTIONS TO ELIOT'S CHILDREN BECAUSE ELIOT REFUSED TO SET UP ACCOUNTS FOR THE FUNDS TO BE SENT TOO. HE ALSO TOLD ME THAT ELIOT TOLD JUDGE COLIN IN COURT THAT HE DID NOT WANT TO SET UP THE ACCOUNTS FOR HIS CHILDREN TO RECEIVE THE FUNDS, BECAUSE THE FUNDS BELONG TO HIM, NOT HIS CHILDREN. HE STATED THAT ELIOT HAD MENTIONED OTHER REASONS IN E-MAILS FOR NOT TAKING THE MONEY. HE ALSO STATED THAT ELIOT REFERENCED THE MONEY AS CRIME OR BLOOD MONEY.

HE STATED THAT SPALLINA TOLD HIM IT WAS OK TO DISTRIBUTE THE FUNDS. HE STATED THAT TESCHER AND SPALLINA RESPONDED VIA E-MAIL ON HOW TO RECEIVE THE FUNDS, SUCH AS SETTING UP TRUST ACCOUNTS FOR THE FUNDS TO GO INTO. TED TOLD ME THAT THERE WERE CONVERSATIONS, WHERE HE WAS TOLD THAT SIMON'S ASSETS COULD NOT BE DISTRIBUTED DUE TO CREDITORS FILING AGAINST THE ESTATE, BUT HE WAS LEAD TO BELIEVE IT WAS OK TO MAKE A PARTIAL DISTRIBUTION OF FUNDS FROM SHIRLEY'S ESTATE, BUT THAT THEY WOULD NEED TO BE CAREFUL IN REGARDS TO DISTRIBUTING FUNDS THAT WERE OBTAINED THROUGH LIQUIDATING HER JEWELRY AND PERSONAL PROPERTY. TED ALSO COMMENTED THAT ONE OF THE GOALS OF MAKING THE DISTRIBUTIONS WAS TO ASSIST ELIOT AND HIS FAMILY, BECAUSE THEY WERE RUNNING LOW ON FUNDS. HE STATED THIS DERIVED FROM ELIOT'S POTENTIAL MISUSE OF FUNDS THAT WERE IN HIS CHILDREN'S TRUSTS IN RELATION TO BERNSTEIN FAMILY REALITY (ELIOT'S HOME) AND ELIOT'S SPENDING AND EXPENSES.

TED CONFIRMED THAT HE DID NOT MAKE ANY DECISIONS IN RELATION TO SIMON'S INSURANCE POLICY GENERATED OUT OF CHICAGO, ILLINOIS. HE STATED THAT HE UNDERSTOOD THE POLICY TO BE OWNED BY SIMON PERSONALLY. HE STATED HE UNDERSTOOD THE POLICY TO READ AS, SHOULD SHIRLEY PASS BEFORE HIM, THE BENEFITS WOULD GO TO THE FIVE CHILDREN.

TED CONFIRMED THAT HE WAS NOT THE TRUSTEE FOR SIMON'S ESTATE, BUT THAT IT WAS EXPLAINED TO HIM, VERBALLY, THAT ALL 10 GRANDCHILDREN WILL RECEIVE THE ASSETS FROM THAT ESTATE IN AN EQUAL DISTRIBUTION AT SOME POINT IN TIME. WE DID DISCUSS THE POWER OF APPOINTMENT PUT IN THE TRUST DOCUMENTS. IT APPEARED AS IF TED WAS NOT AWARE OF ANYTHING CALLED A POWER OF APPOINTMENT, UNTIL THE LAST FEW WEEKS. THAT WAS WHEN SPALLINA NOTIFIED THE COURTS OF HIS WITHDRAW FROM BEING THE ATTORNEY FOR SIMON AND SHIRLEY'S ESTATES. IT APPEARS IT WAS EXPLAINED TO HIM AT THAT TIME.

TED TOLD ME THAT HE AND HIS FATHER HAD A GOOD BUSINESS AND PERSONAL RELATIONSHIP. HE SAID THAT HE HAS A GOOD RELATIONSHIP WITH ALL OF HIS SIBLINGS, EXCEPT FOR ELIOT. HE SAID THAT HE GOT ALONG WITH HIS MOTHER, PRIOR TO HER PASSING. HE TOLD ME THAT RACHEL WALKER WAS EMPLOYED BY HIS MOTHER AND FATHER. HE SAID THAT HE GOT ALONG WITH WALKER AND THAT SHE HELPED HIS MOTHER, SHIRLEY, PRIOR TO SHIRLEY'S PASSING. TED TOLD ME THAT MARITZA PUCCIO WAS SOMEONE THAT WORKED FOR HIM AND AS WELL AS HIS PARENTS. HE STATED THAT SHE HELPED AROUND THE HOMES, CLEANING AND/OR CARING FOR CHILDREN. HE STATED THAT HE MET HER AROUND 2003 OR 2005. HE SAID THAT HE NO LONGER HAS A RELATIONSHIP

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DISPOSITION: ZULU

WITH HER. HE SAID THAT SIMON DID HAVE AN INTIMATE RELATIONSHIP WITH PUCCIO AFTER SHIRLEY PASSED. HE STATED THAT PUCCIO DID RECEIVE SOME TYPE OF FINANCIAL BENEFIT FROM SIMON, PRIOR TO HIM PASSING. HE SAID THAT PUCCIO WAS LIVING WITH SIMON AND HER BILLS WERE BEING PAID FOR. THIS MAY OR MAY NOT BE THE FINANCIAL BENEFIT; TED DID NOT SEEM TO BE SURE. HE DID STATE THAT IT APPEARED THAT SIMON WAS GENUINELY INVESTED INTO THE RELATIONSHIP HE HAD WITH PUCCIO.

TED SAID THAT HE HAS NOT SPOKEN TO SPALLINA ABOUT HIM WITHDRAWING FROM BEING THE ATTORNEY FOR THE TRUSTS, BUT THAT HE DID SPEAK WITH TESCHER. HE SAID THAT TESCHER TOLD HIM HE HAD BEEN MADE AWARE OF A FABRICATED DOCUMENT THAT WAS POTENTIALLY PROBLEMATIC FOR THE ESTATES. HE SAID THAT TESCHER TOLD HIM THAT SPALLINA CREATED THE FABRICATED DOCUMENT AND IT ESSENTIALLY IMPACTED THE ABILITY FOR SIMON TO DISTRIBUTE FUNDS TO ALL 10 GRANDKIDS. TED SAID THAT TESCHER TOLD HIM THAT HE HAD ONLY RECENTLY BECOME AWARE OF THIS DOCUMENT, APPROXIMATELY THREE WEEKS AGO FROM TODAY (01/29/14).

ATTORNEY ALAN ROSE PROVIDED A STATEMENT, STATING HE WISHED TO CLARIFY SOME THINGS IN REGARDS TO HOW THE ESTATE DOCUMENTS READ IN HIS OPINION. HE STATED THAT SHIRLEY'S ASSETS WENT TO LISA, JILL, AND ELIOT OR THEIR LINEAL DECEDENTS. HE STATED THAT ONCE SHIRLEY PASSED HER ASSETS WENT INTO HER TRUST. HE STATED THAT SIMON WAS THE SOLE BENEFICIARY FOR HIS LIFE. HE STATED THAT SIMON DID HAVE A POWER OF APPOINTMENT THAT HE COULD EXERCISE; REFERENCE SHIRLEY'S TRUST, CHANGING THE BENEFITS TO LISA, JILL, AND ELIOT'S CHILDREN. SIMON COULD CHANGE HIS DOCUMENTS AT ANY TIME UP TO HIS DEATH. ALAN STATED THERE IS QUESTION AS TO WHETHER OR NOT SIMON HAD THE POWER TO DISTRIBUTE THE FUNDS FROM THE TRUST TO SIX GRANDCHILDREN OR 10. THE 10 WOULD INCLUDE THE CHILDREN OF ALL FIVE OF SIMON'S KIDS.

HE STATED THAT SHIRLEY'S ORIGINAL DOCUMENTS STATE THAT TED AND FAM AND THEIR LINEAL DECEDENTS ARE CONSIDERED PREDECEASED. HE STATED THAT WERE OTHER WAYS TO MAKE SIMON'S WISHES COME TRUE FOR THE ESTATES. HE SAID THAT CHANGES COULD HAVE BEEN MADE TO SIMON'S DOCUMENTS TO REFLECT SHIRLEY'S SO THAT EQUAL DISTRIBUTIONS WERE MADE AMONGST THE 10 GRANDCHILDREN. THIS EXPLANATION OF THE DOCUMENTS GENERATED A SIMILAR IF NOT THE SAME CONCLUSION AS THAT OF SPALLINA'S FROM LAST WEEK.

I ALSO COMMUNICATED WITH ELIOT HERNSTEIN SEVERAL TIMES THIS WEEK AND LAST WEEK IN ATTEMPT TO ARRANGE AN INTERVIEW WITH HIM IN PERSON. HE CANCELED THE LAST TWO MEETINGS WE HAD SET. AT THIS TIME HE HAS REFUSED TO SET A NEW MEETING DATE.

THIS CONCLUDES MY SUPPLEMENTAL REPORT.

DETECTIVE RYAN W. MILLER #7704

01/29/14 @ 1425 HRS.

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CASE NO. 14029489 SUPPLEMENT 2 OFFENSE REPORT CASE NO. 14029489  
DISPOSITION: ZULU  
DIVISION: DETECTIVE

911:  
ECONOMIC CRIMES \* \* \*  
SIGNAL CODE: 14 CRIME CODE: NON CRIME CODE: OT CODE: 9546 01/31/14 THURSDAY  
ZONE: BR GRID: DEPUTY I.D.: 7704 NAME: MILLER ASSIST: TIME B 1020 A 1020 C 1021  
OCCURRED BETWEEN DATE: 12/01/12 , 0000 HOURS AND DATE: 01/31/13 , 0000 HOURS  
EXCEPTION TYPE:  
INCIDENT LOCATION: 4855 TECHNOLOGY WY APT. NO.: 700  
CITY: BOCA RATON STATE: FL ZIP: 33431  
NO. OFFENSES: 00 NO. OFFENDERS: UK NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0  
LOCATION: OTHER  
NO. VICTIMS: 00 NO. ARRESTED: 0 FORCED ENTRY: 0

ON 01/29/14 I ATTEMPTED TO MAKE CONTACT WITH LISA FRIEDSTEIN, JILL, LANTONI, AND PAMELA SIMON VIA E-MAIL. THEY ARE THE THREE DAUGHTERS OF SIMON AND SHIRLEY BERNSTEIN. I USED THE INFORMATION THAT WAS PROVIDED TO ME BY ELIOT ON 09/10/13. I ATTACHED READ RECEIPTS TO THE E-MAIL. I RECEIVED A READ RECEIPT FROM PAMELA 01/30/14 AT 4:59 AM. ON 01/30/14 I PLACED PHONE CALLS TO JILL AND LISA, USING THE PHONE NUMBERS ELIOT HAD PROVIDED ME. I LEFT MESSAGES ASKING THEM TO CALL ME BACK. ON 01/31/14 I BRIEFLY SPOKE WITH LISA, BUT ASKED THAT SHE CALL BACK SO WE CAN FURTHER DISCUSS THIS CASE. TO DATE, I HAVE NOT RECEIVED A CALL OR E-MAIL FROM PAM OR JILL.

THIS CONCLUDES MY SUPPLEMENTAL REPORT.  
DETECTIVE RYAN W. MILLER #7704  
01/31/14 @ 1430 HRS.  
TRANS. VIA EMAIL/COPY/PASTE: 02/04/2014/MDR/#6405

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EXHIBIT 3 - JANUARY 2012 NOTE FROM PAM TO SIMON WITH NOVEMBER  
2011 LETTER FROM PAM'S ATTORNEY



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

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BOCA VILLAGE CORPORATE CENTER I  
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BOCA RATON, FLORIDA 33431

**ATTORNEYS**

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**SUPPORT STAFF**  
DIANE DUSTIN  
KIMBERLY MORAN  
SUANN TESCHER

January 14, 2014

**VIA U.S. MAIL AND EMAIL**

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

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

Lisa S. Friedstein  
2142 Churchill Lane  
Highland Park, IL 60035

Pamela B. Simon  
950 North Michigan Ave.  
Suite 2603  
Chicago, IL 60606

Jill Iantoni  
2101 Magnolia Lane  
Highland Park, IL 60035

**Re: Estates and Trusts of Shirley Bernstein and Simon Bernstein**

Dear Ladies and Gentlemen:

It has been brought to my attention that a document was prepared in our office that altered the disposition of the Shirley Bernstein Trust subsequent to Simon Bernstein's death. Information provided to me appears to indicate that there were two versions of the First Amendment to the Shirley Bernstein Trust Agreement, both executed on November 18, 2008. Under one version the children of Pam Simon and Ted Bernstein would not be permissible appointees of Simon Bernstein's exercise of the power of appointment while under the second version that restriction was removed. As you all know, Simon Bernstein's dispositive plan, expressed to all of you during his lifetime on a conference call, was to distribute the Estate to all ten of his grandchildren. That was the basis upon which the administration was moving forward.

Under the Shirley Bernstein Trust, there is a definition of children and lineal descendants. That definition excluded Pam Simon, Ted Bernstein and their respective children from inheriting. The document also contained a special Power of Appointment for Simon wherein he could appoint the assets of the Trust for Shirley's lineal descendants. Based upon the definition of children and lineal descendants, the Power of Appointment could not be exercised in favor of Pam Simon, Ted Bernstein or their respective children, although we believe it was Simon Bernstein's wish to provide equally for all of his grandchildren.

On November 18, 2008, it does appear from the information that I have reviewed that Shirley Bernstein executed a First Amendment to her trust agreement. The document as executed appears to make only one relatively minor modification to her trust disposition by eliminating a specific gift to Ted

Bernstein's stepson. In January of 2013 a First Amendment to the Shirley Bernstein Trust Agreement was provided to Christine Yates, Esq. who, at that time, was representing Eliot Bernstein. The document provided contained a paragraph number 2 which modified the definitional language in Shirley's document so as to permit, by deleting the words "and their respective lineal descendants" from the definition, an exercise of the power of appointment by Simon Bernstein over the Shirley Bernstein Trust to pass equally to all ten grandchildren rather than only six of the grandchildren.

By virtue of The Florida Bar Rules of Professional Conduct, I am duty bound to provide this information to you. Obviously, as a result of the issues and ramifications raised by the allegations, my firm must resign from further representation in all matters relating to the Estates and Trusts of Simon Bernstein and Shirley Bernstein. Furthermore, it is my intent, and I assume also the intent of Robert Spallina, to tender our resignations as personal representatives of the Simon Bernstein Estate and as trustees of the Simon Bernstein Trust. If the majority of the Bernstein family is in agreement, I would propose to exercise the power to designate a successor trustee by appointing Ted Bernstein in that capacity. With regard to the Simon Bernstein Estate, the appointment of the successor would require a court proceeding.

I am obviously upset and distraught over this chain of events and will do all that I reasonably can to correct and minimize any damages to the Bernstein family. As I believe you know, to date there has only been a modest funding of some, but not all, of the continuing trusts for the grandchildren emanating from Shirley's Trust assets.

Very truly yours,

  
DONALD R. TESCHER

DRT/km

cc: Alan Rose, Esq.



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)

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SOUTH COUNTY BRANCH OFFICE  
ORIGINAL RECEIVED

FEB 14 2014

SHARON R. BOCK  
CLERK & COMPTROLLER  
PALM BEACH COUNTY

OBJECTION TO MOTIONS TO BE DISCHARGED AS COUNSEL AND/OR  
PERSONAL REPRESENTATIVES AND TRUSTEES

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