

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

IN RE: THE ESTATE OF
SIMON BERNSTEIN,
Deceased

CASE NO. 502012CP004391XXXXSB

HON. JUDGE MARTIN H. COLIN

_____/

ELIOT IVAN BERNSTEIN, PRO SE
PETITIONER,

V.

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

MOTION TO: (I) (II) & (III)

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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)

**MOTION TO: (I) HALT “HAT TRICK” FOR DESIGNATION OF
SUCCESSOR PERSONAL REPRESENTATIVES, APPOINT CURATOR IN
INTERIM, APPOINT CORPORATE TRUSTEE AND PR AND PETITIONER
AS CO- CURATOR, CO-PERSONAL REPRESENTATIVE AND CO-
TRUSTEE IN ESTATES AND TRUSTS**

(II) EXTEND TIME TO CHOOSE SUCCESSORS, AND

**(III) MOTION FOR EMERGENCY HEARING FOR EMERGENCY
DISTRIBUTIONS TO THREE MINOR CHILDREN IN COURT'S
CUSTODIAL CARE AND PETITIONER AND HIS WIFE CANDICE**

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 SE¹, and hereby files this his

¹ Pleadings in this case are being filed by Plaintiff In Propria Persona, wherein pleadings are to be considered without regard to technicalities. Propria, pleadings are not to be held to the same high standards of perfection as

“MOTION TO: (I) HALT “HAT TRICK” FOR DESIGNATION OF SUCCESSOR PERSONAL REPRESENTATIVES, APPOINT CURATOR IN INTERIM, APPOINT CORPORATE TRUSTEE AND PR AND PETITIONER AS CO- CURATOR, CO-PERSONAL REPRESENTATIVE AND CO-TRUSTEE IN ESTATES AND TRUSTS

(II) EXTEND TIME TO CHOOSE SUCCESSORS, AND

(III) MOTION FOR EMERGENCY HEARING FOR EMERGENCY DISTRIBUTIONS TO THREE MINOR CHILDREN IN COURT’S CUSTODIAL CARE AND PETITIONER AND HIS WIFE CANDICE” dated **Friday, February 14, 2014** and in support thereof states, on information and belief, as follows:

MOTION TO HALT “HAT TRICK” FOR DESIGNATION OF SUCCESSOR PERSONAL REPRESENTATIVES, APPOINT CURATOR IN INTERIM, APPOINT CORPORATE TRUSTEE AND PR AND PETITIONER AS CO- CURATOR, CO-PERSONAL REPRESENTATIVE AND CO-TRUSTEE IN ESTATES AND TRUSTS

1. The former serving Co-Personal Representatives of the Estate, Donald R. Tescher, Esq. (“TESCHER”) and Robert L. Spallina, Esq. (“SPALLINA”) have been removed by this Court and allowed to resign as counsel for the Estates and Trusts of SIMON and SHIRLEY and have left open discharging them entirely from their obligations and liabilities for crimes committed and admitted. In considering the resignation, the Court, under the provisions of Florida Probate Rule 5.430(d) and others, is required to determine the necessity of appointing a successor fiduciary as Personal Representative and Trustee for the

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.

various capacities and vacancies to be filled by the mass exodus of former counsel and fiduciaries.

2. In this Estate, the Court is required to appoint a successor fiduciary since both Co-Personal Representatives are resigned. The Court is also empowered to appoint a curator under Florida Statute 733.506 and Florida Probate Rule 5.122(a) until a new Successor Personal Representative is appointed.
3. That prior to appointing a new PR and Trustees in the Estates several issues must first be resolved before picking one from hat could occur that will take more time to decide how successors will be chosen and who qualifies under the alleged dispositive documents.
4. That Simon and Shirley Bernstein's children, Theodore, Pamela, Jill and Lisa must be removed from any fiduciary capacities in both the Estates of Simon and Shirley and ALL TRUSTS they act as Trustee for, (especially in regard to their minor children) instantly for reckless, wanton, grossly negligent and alleged criminal acts thus far as fiduciary capacities in the Estates and Trusts and their adult children must be represented independently in these proceedings further. In fact, acting as Trustees for their children, once these siblings were made aware of their signatures being forged and fraudulently notarized documents, as fiduciaries for their children they failed to take appropriate actions to notify the authorities and this Court of the criminal acts that could affect the beneficiaries of the Estates and instead rushed to sell off assets and distribute them to knowingly wrong beneficiaries. They are also under multiple investigations for a variety of other criminal acts and civil torts involving the Estates and Trusts. These failures as fiduciaries must be considered evidence of their inability to serve in any further fiduciary capacities.

5. That this Court based on facts and evidence already before the Court must make a wide sweeping removal of all former fiduciaries and counsel based on its own motion and to prevent any further chance of criminal wrongdoings and civil torts, especially where much of the crime is alleged and some proven already to have occurred in this Court, by OFFICERS of this Court, acting in their official capacities and under Your Honor's watchful eye and nose. As the Estates are both now open and have not been properly or legally discharged at this time, all trusts should be considered part of the Wills that create them and since discharge has not occurred in either estate of the gross estate assets into probatable and non-probatable assets, the trusts remain before this Court until all issues with proper beneficiaries, hidden assets, etc. are finalized and the estates properly closed with living Executors and the trusts discharged legally this time around.
6. Need institutional trust to be PR with 1 billion bonding per language in ALLEGED Simon Bernstein Amended and Restated Trust. That even if the language did not exist the appointment of a Co-Personal Representative of the Estates that is an Institutional Trust Company would be in the best and safest interests for the beneficiaries and creditors and to prevent further legal problems with administration and to forensically examine the damages to the various parties and assess all liabilities properly and bonded. Some examples of potential corporate trustees,
 - i. Edward Jones Trust Company
 - ii. The Northern Trust Company
 - iii. M&T Bank, Inc.

From the alleged Amended and Restated Trust of Simon,

3. Successor Trustees Not Provided For. Whenever a successor Trustee or co-Trustee is required and no successor or other functioning mechanism for succession is provided for under the terms of this Trust Agreement, the last serving Trustee or the last person or entity designated to serve as Trustee of the applicable trust may appoint his or her successor, and if none is so appointed, the following persons shall appoint a successor Trustee (who may be one of the persons making the appointment):

- a. The remaining Trustees, if any; otherwise,
- b. A majority of the permissible current mandatory or discretionary income beneficiaries, including the natural or legal guardians of any beneficiaries who are Disabled.

A successor Trustee appointed under this subparagraph shall not be a Related or Subordinate Party of the trust. The appointment will be by a written document executed by such person in the presence of two witnesses and acknowledged before a notary public delivered to the appointed Trustee and to me if I am living and not Disabled or in a valid last Will. Notwithstanding the foregoing, a designation under this Subparagraph of a successor trustee to a corporate or entity trustee shall be limited to a corporate or entity trustee authorized to serve as such under Florida law with assets under trust management of no less than one billion dollars.

7. That since the Co-Personal Representatives and Co-Trustees have resigned amidst a plethora of criminal acts and civil torts proven and alleged they should have no power of appointment and appointments they made prior to resigning and withdrawing as counsel and fiduciaries MUST be stricken by this Court.
8. That since the beneficiaries are unknown at this time and must be resolved through inspection of the dispositive documents for further fraud and forgery and the 2012 Wills and Trusts of SIMON have been challenged in the Court by Petitioner, this will take time to determine and then vote for successors.
9. That it appears that the last option of Successor Trustee that is a corporate trustee with assets of no less than a billion dollars and large bonding capabilities is the best option for the safety and protection of all parties, including but not limited to, the to be determined

beneficiaries, the creditors, the interested parties and this Court and ensures a greater level of comfort that no further bad faith acts will transpire from friends names tossed into a hat that could instantly lead to another round of litigation to get rid of another bad actor picked from a hat.

10. That Petitioner is the only family member that has performed his duties as a possible beneficiary and trustee for his children in reporting criminal activity and FRAUD in and upon this Court and the FRAUD on the Beneficiaries including all the minor children involved, Petitioner respectfully requests to be Co-Personal Representative and Co-Trustee with anyone that is elected or magically pulled from a hat in defiance of law.
11. That as Petitioner, despite severe economic calamity to his three minor children and his wife, was unwilling to take fraudulent distributions and convert and commingle the distributions to the knowingly wrong parties, where all his siblings, with such knowledge failed to act honorably and perform their duties as alleged "Trustees" for their children, Petitioner again respectfully requests to be Co-Personal Representative and Co-Trustee with anyone that is elected or magically pulled from a hat in defiance of law.
12. That Petitioner has agreed with the Creditor Stansbury, being the other injured party by the bad faith acts and unclean hands of all those involved prior, to work with Stansbury and his Counsel to elect a new Personal Representative and Trustees and Creditor Stansbury has petitioned the Court to elect Petitioner as a Co-Personal Representative and Co-Trustee with whomever is elected or pulled from a hat, this Court should allow this election of Petitioner to again ensure that the to be determined beneficiaries are protected from further harms and the Creditor Stansbury.

13. That Creditor Stansbury and Petitioner have agreed that the best successor would be a corporate trustee and personal representative to work with Petitioner as Co-PR and Co-Trustee and where Petitioner has even offered to allow Creditor Stansbury to pick his choice of counsel to represent Petitioner, giving everyone peace of mind that the right things will be done forward, fairly and with integrity and limiting further liabilities and preventing further crimes or delays.
14. That Creditor Stansbury cannot have the only say in who the successor is or have control over that process with his choice as this would be bad for the beneficiaries and seem outside the legal process for succession.
15. That in order to choose proper successors and notify and contract with them will take time and effort that this Court must grant to get things rights and within the bounds of law and the dispositive documents, once it is determined through forensic analysis which documents are to be trusted, after admissions to authorities that changes were made ILLEGALLY to documents in a number of instances to thwart the true and proper beneficiaries already.
16. That the cost of the new Personal Representative shall not be capped or limited in any way by this Court or Your Honor as these costs are part of damages from those admittedly involved in CRIMINAL activity already and thus it actually works to harm the beneficiaries in this instance where the costs will be burdened to the guilty parties.
17. That the best and perhaps most costly trustees are now required to uncover and rectify all past problems and these costs should be encumbered by TESCHER, SPALLINA et al. The Court will need to determine with authorities whom the responsible parties are for all the bad acts and what liabilities they will share from their bad faith acts with unclean hands

that have damaged and harmed beneficiaries, including seven minor children and then assess the costs of cleaning this mess up to them and their liability policies, etc. AND NOT HAVE THESE COSTS PAID BY THE ESTATES OR THE TO BE DETERMINED BENEFICIARIES OR CREDITORS ANY LONGER due to CRIMES committed by OFFICERS OF THIS COURT and fiduciaries acting in fiduciary capacities in these matters as officers of the court that were approved by this Court.

18. In no way should the Court attempt to limit liabilities to the guilty parties by limiting the fees charged by the new PR and Trustees to the further possible detriment of creditors and the ultimate to be decided beneficiaries, especially where forensic document analysis is now required and forensic accounting is mandatory to track down missing assets and more. Any cap would further HARM the injured parties and minimize damages to the perpetrators of the crimes.
19. That Petitioner's past legal fees and costs have been wasted on fraudulent and forged documents, including fraudulent documents sent to his and his children's counsel to further perpetrate the frauds according to PB Sheriff report, causing Petitioner to have to file multiple civil and criminal complaints as a result of these bad faith actions and now NEW legal costs to repair the damages and uncover the truth and missing assets should be immediately paid by the parties who have admitted the crimes and resulting liabilities and allegedly want to immediately rectify the damages they have caused, as illustrated in Tescher and Spallina and their law firms resignation letter to the Bernstein's, where they claim they want to make reparations. All minor and adult beneficiaries counsel that have not participated in anyway in the bad faith acts should instantly be ordered by this Court to

be paid for by the guilty parties who are OFFICERS of this COURT and this too should not be limited in anyway by this Court to the disadvantage of the already damaged parties.

20. Due to the following acts thus far in these proceedings the Court must rule that no further influence can be had in these matters by Ted, Pam, Lisa or Jill, without Guardians Ad Litum acting to represent them in ANY capacity, for the following reasons and those reason fully defined in Petitioners prior Motions and Petitions that lie dormant and unheard by this Court,

- iv. FRAUD ON THE COURT
- v. FRAUD ON THE BENEFICIARIES
- vi. FRAUD ON THE CREDITORS,
- vii. FAILURE TO PERFORM THEIR FIDUCIARY DUTIES THUS FAR WITHIN THE PROBATE STATUTES AND RULES and LAW.
- viii. SUPPRESSED AND DENIED DOCUMENTS TO BENEFICIARIES,
- ix. PARTICIPATED IN AN ALLEGED INSURANCE FRAUD to defraud creditors, beneficiaries (including their own children) and this Court,
- x. FRAUD ON A US DISTRICT COURT
- xi. Failed to report Fraud and Forgery of their father's name and their own, while acting as "Trustee" for their children in the estates,
- xii. Are under investigation for Jewelry theft,
- xiii. Are under investigation for other matters in PB,
- xiv. Will be under new investigations for Insurance Fraud being filed with state and feds currently,
- xv. Ted is the one who brought Spallina et al in.,

- xvi. Pam has not cooperated with Sheriff investigations,
- xvii. None of them got independent counsel for conflicts with their children even when advised by competent counsel,
- xviii. Ted made distributions AGAINST THE ADVICE of COUNSEL according to Palm Beach County Sheriff report to the children of HIMSELF, P. SIMON, IANTONI and FRIEDSTEIN, all knew and were advised that these distributions were ILLEGAL at the time and yet continued in disregard for law,
- xix. Worked in conspiracy against Eliot and Creditors to harm them and have caused massive harms both financially and emotionally upon both,
- xx. Knew that Fraud and Forgery were alleged and that beneficiaries were challenged and instead of doing what was right rushed to sell assets and make distributions instead,
- xxi. That most disturbing is the fact that the Palm Beach County Medical Examiner Dr. Michael Bell, stated in a letter to Petitioner on January 10, 2014, "I will do a heavy metal screen which will take several weeks." This in regards to the possible poisoning of SIMON that was alleged by Ted and others immediately after SIMON'S death. With all of the new information of felony criminal acts by OFFICERS of THIS COURT and others, this may also indicate these acts were all PREMEDITATED and further investigations into the ALLEGED MURDER, see Palm Beach Sheriff and State Attorney Cases, SA CASE NO. 2013cf010745 and PBSO CASES #1 (13097087), #2 (13097087) & #3 (12121312). This Court should find no humor in this most

serious allegation and until these matters are fully resolved in civil and criminal ongoing investigations and actions, the parties be removed from the proceedings in any capacities that could further aid and abet and allow for a cover up to continue.

21. That Petitioner has Petitioned this Court already in prior unheard motions filed, for his siblings bad faith acts already proven to have Guardians Ad Litum appointed for their children to act as their Trustees forward for fiduciary violations that could have harmed their children already.
22. That for all these reasons stated herein Petitioner's siblings should be only present now for liability purposes and have no further influence in the Estates any longer other than a possible beneficial interest that can only be represented by a Guardian Ad Litum and all their rights to influence the outcome or make decisions be WHOLLY REMOVED for acts already committed.
23. That Petitioner must be a Co-PR in any scenario and otherwise will appeal any decision that does not include this and further if this request is not met after all the grief Petitioner has suffered from the acts of OFFICERS of THIS COURT, Petitioner will move for Judge Colin to disqualify himself under Judicial Cannons and Law on his own Motion for reasons that include exposing the injured parties to further risks and harms from such acts as pulling successors magically from a hat that is tainted and influenced further by those who have acted in bad faith with unclean hands and further allow conflicts and adverse interests to prevail through them or their counsel and this disqualification is required by Judicial Cannons, Attorney Conduct Codes, State and Federal Laws and should happen under Your Honor's own Motion knowing full well of the problems caused by these actions occurring

in and upon YOUR COURT by YOUR OFFICERS, which have already caused grave harm on beneficiaries and creditors and others, including MINOR CHILDREN.

24. That the Court must seize all records and assets to court while these matters are decided and new PR's chosen, appointing a Curator in the interim, per law and not trying to thwart these legal duties by picking from a tainted and biased hat and allowing Petitioner and Creditor Stansbury full access to the records for immediate inspection,
25. That the Court must force bonding, surety and surcharge for damages by counsel and fiduciaries responsible for the damages thus far that have caused this mess and force the release of their insurance carrier information for personal and professional liabilities and for their law firms involved to immediately be used to cover ALL RELATED COSTS, as they have all denied repeated requests for this information by Petitioner and may have failed to properly notify their carriers evidencing further reckless, wanton, grossly negligent behavior in violation of law.
26. That all legal fees to all injured parties immediately be encumbered by the proper parties, enabling Petitioner to obtain immediate (COURT APPOINTED IF NECESSARY) counsel to represent his family further before any appointments are chosen, due to damages from acts that have directly targeted him and his three minor children and lovely wife who are in immediate danger from these acts. Petitioner is without counsel due to intentional acts of former counsel and fiduciaries that have left him penniless and about to be foreclosed on, ALL AS A RESULT OF THESE ACTIONS BY OFFICERS OF THIS COURT, FROM CRIMINAL ACTS COMMITTED IN AND UPON THIS COURT and thus this COURT IS LIABLE TO PETITIONER TO MAKE APPROPRIATE AND REASONABLE

RELIEFS TO PROTECT THE PEOPLE THE COURT IS NOW RESPONSIBLE FOR,
INCLUDING THREE MINOR CHILDREN AND A CREDITOR.

27. That those who have caused the liabilities, including the acts of Ted, Lisa, Jill and Pam, should be excluded from the settlements for damages or surcharges, surety or bonding funds and precluded from even making claims to these, as they knowingly and willfully participated and should therefore have no claims but only liabilities and all of them should also be forced to POST IMMEDIATE BONDS for their actions as Trustees to their children and others, including their own children and creditors who are all harmed by their actions thus far and would presumably have claims to all reliefs, including those against Ted, Pam, Jill and Lisa.
28. That in interim of getting the aforementioned issues resolved, the Court should immediately seize all records and assets into the custody of the Court as they are essential in determining proper successors and beneficiaries, issues that all must be resolved first and then successors elected properly according to law and the final dispositive documents chosen after full and forensic inspection by all interested parties and Creditor Stansbury. In fact, since Petitioner has challenged all 2012 Wills and Trusts of Simon in prior Petitions and Motions filed yet unheard, and has not been given copies of SIMON'S 2008 Will and 2008 Trusts EVER in violation of Probate Rules and Procedures and where these documents may have left everything to Petitioner and his family and chosen him as the true and proper Successor for the Estates and Trusts, again it would be fatal to start down the wrong path in a hurry, after this much wasted time and delay already is due to the previous bad faith acts of OFFICERS OF THIS COURT.
29. Bonding for everyone including court, no less than 100 million per person, law firm, etc.

30. All court records turned over for inspection to authorities and all original docs turned over to court and eib and Stansbury for inspection asap.
31. THEODORE should not be appointed as Personal Representative or Curator or any fiduciary capacity in the Estates of SIMON and SHIRLEY for good cause. THEODORE has a history of financial troubles, including a bankruptcy and failing businesses. THEODORE has acted in the Estate and Trusts of SHIRLEY for a year without any authority and has followed no Probate Rules and Statutes in acting in these capacities, with intent.
32. THEODORE according to Exhibit 1 – SHERIFF REPORT, appears to have been notified by his Counsel to not make distributions to beneficiaries due to knowingly wrong beneficiaries and THEODORE ignored the advice of counsel and distributed funds in efforts to convert and comingle them to improper beneficiaries in his own best interest.
33. That THEODORE should immediately be removed as PR of Shirley Estate as this Court should find that appointing him on October 29, 2013 was a bad choice by this Court for the same reasons he was DENIED to be successor PR in SIMON'S Estate and this Court must immediately remove him in this capacity to prevent further and continued and ongoing harms he is causing, including to three minor children, through an Extortion of Petitioner that has intensified once this Court gave him Letters, in violation of his fiduciary duties and in violation of State and Federal laws.
34. That THEODORE has acted as PR and Successor Trustee in self-dealings while he had no Letters in SHIRLEY'S Estate as plead already in prior motions to this Court, acting while not having Letters issued and not following Probate Rules and Statutes to enact his fiduciary capacities in willful, wanton, reckless, grossly negligent, acts in alleged violation

of law and further made self-dealing distributions allegedly against the advice of two counselors at law, as noted in the Palm Beach Sheriff Report evidenced already herein.

35. That THEODORE has acted in alleged conspiracy with TESCHER and SPALLINA in bad faith and with unclean hands with willful, wanton, reckless and grossly negligent behavior to advantage himself at the expense of other beneficiaries, creditors and interested parties.

MOTION TO EXTEND TIME TO CHOOSE SUCCESSORS

MOTION FOR EMERGENCY HEARING FOR EMERGENCY DISTRIBUTIONS TO THREE MINOR CHILDREN IN COURT'S CUSTODIAL CARE AND PETITIONER AND HIS WIFE CANDICE

36. That Emergency distributions to Petitioner's family from damages caused by Spallina Tescher thus far to be either deducted from final distributions or charged to attorneys where appropriate but however they are made they are for LIFE SUSTAINING WELFARE AND SCHOOL PAYMENTS
37. That the alleged dispositive documents provide for Welfare Payments to beneficiaries and School payments and since the Welfare and needs are directly attributable to the Criminal Acts committed by Officers of this Court and fiduciaries of the Estates and Trusts against Petitioner and have further continued a pattern and practice of alleged EXTORTION of Petitioner and his family to silence them before their crimes were exposed, this Court must cease this torturous interference with an expected inheritance to directly cause life threatening harms to Petitioner and his family, remove Ted in any fiduciary capacities, especially those that relate to Petitioner and this Court act on its own motions to rectify this situation and release the requested funds to Petitioner to feed, cloth, provide utilities and keep them in school today. Since the Court has appointed Ted as PR in SHIRLEY'S Estate

to the detriment of Petitioner he has begun a campaign of terror in opposite of his fiduciary responsibilities to harm Petitioner and his family with intent, with the aid of his minions of corrupted attorneys at law that Your Honor allows to continue to act in these matters, exposing risk to beneficiaries and creditors every minute that they maintain ANY involvement.

38. That the Court should strive to make these payments to the damaged parties by those who caused these damages and not from funds of the Estates or Trusts but either way the disbursements must be today and can be recovered from the appropriate parties in time.
39. That NO LESS than \$200,000.00 should be distributed within the week to Petitioner to cover costs already incurred in these matters from the harmful criminal acts and civil torts of Officers of this Court and others, with \$50,000.00 paid today. This money is available within the Trusts and Estates of SIMON and SHIRLEY, all still under the jurisdiction of the Court since the Estates remain open and the alleged Trusts are created under the alleged Wills and have not been discharged properly at this time. Either way, Petitioner or his children will inherit the funds and Petitioner will provide proof under seal from SIMON that his intent was always to have Petitioner and his wife Candice act as Trustees of their children's trusts to use the interest money annually for the WHOLE family. That others monies were also being left to Petitioner and Candice in separate trusts that were, and were to be created and funded already.

WHEREFORE, Petitioner prays for all of the following relief,

1. Removal of THEODORE, P. SIMON, IANTONI and FRIEDSTEIN and any of their prior counsel from any all fiduciary capacities or influence in the Estates and Trusts of SIMON and SHIRLEY.

2. Appoint Petitioner as Co-Curator, Co-Personal Representative and Co-Trustee for any all appointments by this Court of fiduciaries forward in the Estates and Trusts of SIMON and SHIRLEY to prevent further injuries to Petitioner.
3. Appoint a Curator as proscribed by law until Petitioner and Stansbury can secure a corporate PR and Trustee together with adequate bonding.
4. Allow Petitioner time to retain counsel forward in these matters.
5. Seize all records and assets immediately into the custody of the Court until such time that the true and proper beneficiaries can be determined.
6. Make Emergency Distributions as requested herein.
7. Force bonding, surcharges, surety and ALL other reliefs requested herein against the parties who have participated thus far in criminal and civil violations of law.
8. Force guilty parties to disclose all liability carriers immediately.

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 **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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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

EXHIBIT 1 -

EXHIBIT 2 -

EXHIBIT 3 -