

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 (THEODORE
ADULT CHILD)
ERIC BERNSTEIN (THEODORE ADULT
CHILD)
MICHAEL BERNSTEIN (THEODORE ADULT
CHILD)
MATTHEW LOGAN (THEODORE'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 “YE OLE HAT TRICK¹” 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

¹ From Wikipedia, the free encyclopedia
Hat-trick (magic trick)

The hat-trick is a classic magic trick where a performer will produce an object (traditionally a rabbit or a bouquet of flowers) [in this case successor fiduciaries] out of an apparently empty [void of law] top hat. [1] ^ Randi, James. Conjuring. ISBN 0-312-09771-9

PRO SE², and hereby files this his,

“MOTION TO:

- (I) HALT “YE OLE 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:

BACKGROUND

1. That Petitioner moves this Court today after a long road to exposing a mass of FELONY CRIMINAL ACTS and CIVIL TORTS committed by ATTORNEY’S AT LAW ACTING AS OFFICERS OF THE COURT and others, to change the designated beneficiaries of

² 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.

SIMON and SHIRLEY, causing damages over a three year period to Petitioner and his family, damages which have now become life threatening in several regards defined herein.

2. That these WILLFUL, WANTON, RECKLESS and GROSSLY NEGLIGENT ACTS OF THE FIDUCIARIES, IN CONSPIRACY WITH OFFICERS OF THIS COURT, both of proven FORGERY AND FRAUD, including crimes committed POST MORTEM in both SHIRLEY'S NAME and SIMON'S name that are now being prosecuted, coupled with newly admitted FRAUD to change beneficiaries revealed in both this Court and a US District Court in Illinois involving alleged INSURANCE FRAUD and FRAUD on a US District Court, this Court must act on its own MOTIONS to cease all fraud and fraud on the Court, which are now proven beyond a reasonable doubt and demand the Court's immediate wrath in order to prosecute the guilty and protect the innocent, including seven minor children.
3. That the following information is irrefutable evidence that provides absolute cause for the Court's powers to protect and serve those under its custody,
 - Six Forged and Fraudulent Waivers used to close the Estate of SHIRLEY, whereby Donald R. Tescher, Esq. ("TESCHER") and Robert L. Spallina, Esq. ("SPALLINA") and their law firm Tescher & Spallina, P.A. ("TSPA") then posited these documents with this Court in efforts to alter beneficiaries. That SPALLINA and TESCHER'S LEGAL ASSISTANT AND NOTARY PUBLIC has been arrested and charged for the crime of Fraudulent Notarizations and admitted to FORGING all six signatures, including one POST MORTEM for SIMON. This was alleged to be a one off crime, done while on drugs and more.

- CLOSING THE ESTATE OF SHIRLEY with a KNOWINGLY DECEASED EXECUTOR / PERSONAL REPRESENTATIVE constituting FRAUD on the COURT and FRAUD on the BENEFICIARIES and CREDITORS.
- Newly admitted to FRAUD by ROBERT SPALLINA and DONALD TESCHER, again through their law firm and this time again through MAIL and WIRE FRAUD to attempt to change beneficiaries through ALTERING ESTATE DOCUMENTS ILLEGALLY as admitted to by SPALLINA to PALM BEACH SHERIFF OFFICERS.
- CONVERSION AND COMINGLING ILLEGAL DISTRIBUTIONS TO KNOWINGLY FRAUDULENT BENEFICIARIES as admitted to by SPALLINA and TESCHER.
- VIOLATIONS OF FIDUCIARY DUTIES in concealing CRIMINAL ACTS and disposing of assets in efforts to abscond with them from the true and proper beneficiaries.
- ALLEGED INSURANCE FRAUD and FRAUD ON US DISTRICT COURT.
- ALLEGED THEFT OF JEWELRY and PERSONAL PROPERTIES OF DECEDENTS.

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

4. The former serving Co-Personal Representatives of the Estate, TESCHER and SPALLINA have been removed by this Court and allowed to resign as counsel and personal representatives for the Estates and Trusts of SIMON and SHIRLEY and this Court has left open discharging them entirely from their obligations and the resulting liabilities for the crimes committed and admitted and those alleged and under investigations. 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 various capacities and vacancies to be filled by the mass exodus of former counsel and fiduciaries.
5. 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. This appointment of a Curator should have taken place simultaneously with the resignations, as the Estates, Trusts, Creditors and Beneficiaries all remain at further risk as those who have committed crimes against the Estates and Trusts remain in control and possession of all the documents and assets.
6. That prior to appointing new Personal Representatives and Trustees in the Estates and Trusts several issues must first be resolved before picking one from a hat could occur as proscribed by this Court, which will take time to decide how successors will be chosen and who qualifies under the alleged dispositive documents and law.
7. That SIMON and SHIRLEY'S children, Theodore Stuart Bernstein ("THEODORE"), Pamela Beth Simon ("P. SIMON"), Jill Marla Iantoni ("IANTONI") and Lisa Sue Friedstein ("FRIEDSTEIN") 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 those they are trustees for their children for, due to their reckless, wanton, grossly negligent and alleged criminal acts thus far as fiduciaries and their children must now be represented independently in these proceedings by Guardian Ad Litums.

8. That for a glaring example of their bad faith acts while acting as Trustees for their children, once these siblings were made aware of their signatures being forged and fraudulently notarized documents, acting 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 secreted this knowledge and all of them together rushed to sell off assets and distribute them to knowingly wrong beneficiaries. Petitioner's siblings 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 for their children or the Estates and Trusts.
9. That this Court based on facts and evidence already before the Court of FELONY CRIMINAL ACTS by OFFICERS of this COURT and others, must make a wide sweeping removal of all former fiduciaries and counsel based on its own motions to prevent any further chance of criminal wrongdoings and civil torts occurring that further harm beneficiaries and creditors, 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.
10. That as the Estates of SIMON and SHIRLEY are both now open, SHIRLEY'S reopened in part due to FORGED and FRAUDULENTLY NOTARIZED documents and the use of

SIMON while dead to act as Personal Representative / Executor to close SHIRLEY'S Estate and SIMON'S Estate has not been discharged despite an Order by the Court to close the Estate. Since the Estates and Trusts 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 Personal Representatives / Executors and the trusts discharged legally this time around.

11. That in SIMON and SHIRLEY'S trusts there will now need to be a corporate trustee to be successor Personal Representative and Trustee with one billion of assets minimum and which provides bonding according to the alleged Amended and Restated Trust of SIMON. That even if the language did not exist for the appointment of a corporate trustee in these matters, the appointment of a Personal Representative and Trustee of the Estates and Trusts that is a qualified institutional trust company would be in the best interests for the beneficiaries and creditors adding a level of protection that an individual personal representative and trustee do not offer and to prevent further legal problems with administration. Some examples of potential corporate trustees that Petitioner will be trying to engage over the next few weeks are as follows,

- 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.

12. That since the former Counsel, Co-Personal Representatives and Co-Trustees, TESCHER, SPALLINA and Mark R. Manceri ("MANCERI") have resigned amidst a plethora of criminal acts and civil torts both proven and alleged, they therefore should have no power of appointment of any successors and ANY/ALL appointments they made prior to resigning and withdrawing as counsel and fiduciaries MUST be stricken by this Court. In fact, at the hearings on February 18th and 9th 2014, THEODORE acted as Trustee for the SIMON TRUST and apparently was appointed by TESCHER and SPALLINA on the way out the door, despite SPALLINA and ALAN B. ROSE'S claims to the Palm Beach Sheriff's office as noted in, **Exhibit ____ - Sheriff's Report** that THEODORE had violated his fiduciary responsibilities against the advice of two lawyers in making distributions to his children and others that he knew were not proper.

13. That since the beneficiaries are unknown at this time due to FRAUD and must now be resolved through inspection of the dispositive documents for further fraud and forgery and the 2012 Wills and Trusts of SIMON are challenged in the Court by Petitioner in prior filed Motions that remain unheard by this Court, it will take time to determine who the eligible successors can be and then vote for successors if necessary.
14. That it appears that the 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 where parties involved already in the bad faith acts would have an influence over the hat trick.
15. 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 notifying this Court of all the minor children involved who notably are not present in these matters or at the hearings held since September 13, 2013. For his good faith acts despite the personal harms caused him by refusal to participate in crimes, Petitioner respectfully requests to be Co-Curator, Co-Personal Representative and Co-Trustee with anyone that is elected or magically pulled from a hat, where such hat trick appears in defiance of law and the ALLEGED dispositive documents.
16. That as Petitioner, despite severe economic calamity to his three minor children and his wife, was unwilling to take fraudulent distributions and convert and comingle the

distributions to the knowingly wrong parties as evidenced in the September 13, 2013 hearing before this Court and where all his siblings with the same such knowledge of FORGERY AND FRAUD failed to act honorably and perform their fiduciary duties as alleged "Trustees" for their children, Petitioner again respectfully requests to be Co-Curator, Co-Personal Representative and Co-Trustee with anyone that is elected or magically pulled from a hat in defiance of law to again ensure all laws are followed forward and the wishes and desires of both SIMON and SHIRLEY are executed faithfully.

17. That Petitioner has agreed with the Creditor Stansbury who is the other major injured party by these bad faith acts and unclean hands of all those involved prior as counsel and fiduciaries, to work with Stansbury and his Counsel to elect new Personal Representatives and Trustees and Creditor Stansbury has petitioned the Court to elect Petitioner as a Co-Curator, Co-Personal Representative and Co-Trustee with whomever is elected or pulled from a hat and this Court should allow this election of Petitioner to again ensure that the to be determined beneficiaries and the Creditor Stansbury are protected from further harms.
18. 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-Personal Representative 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.
19. That Creditor Stansbury cannot have the only say in whom the successors will be or have control over that process, as if the choice of his attorney at law, Peter Feaman, Esq. ("FEAMAN") friends were chosen without Petitioner serving as Co-PR and Co-Trustee

this would be bad for the beneficiaries and seem outside the legal process for succession in allowing creditors to choose the successors.

20. 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.
21. That in no way should THEODORE, P. SIMON, IANTONI, FRIEDSTEIN or their counsel have any input into the decision of the next Personal Representatives and Trustees as they have lost that right by their bad faith and unclean hands already.
22. That the costs and fees of the new Personal Representatives, Trustees and Curators shall not be capped or limited in any way by this Court within reason by 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 encumbered by the guilty parties to clean this mess up.
23. 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 faith and criminal 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. Then all legal costs forward should be paid from their liability policies, bonding and surecharges **AND NOT PAID BY THE ESTATES, TRUSTS 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 and have already run up staggering legal costs and wastes of time to the injured parties.

24. 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.
25. 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 acts 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 are liable and have stated that they 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, see **Exhibit _____** where TESCHER claims they want to make reparations to the injured. 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.

26. 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 THEODORE, 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. THEODORE 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. THEODORE 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 THEODORE 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.

27. 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.
28. 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 and Trusts 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.
29. That this Court has FAILED to protect the beneficiaries, creditors and interested parties once it gained knowledge that FORGERY and FRAUD occurred by OFFICERS OF THIS COURT, under the jurisdiction of Your Honor by seizing all records and assets to protect them from further illegal acts and has let them continue to operate and move the Court and make potentially damaging appointments to THEODORE prior to discharge and this failure has also allowed the bad actors to continue harm, harass, harangue and EXTORT Petitioner and his family through their alleged illegally gained fiduciary capacities that this Court has failed to stop despite knowledge of FELONY CRIMINAL WRONGDOING.
30. That this Court must now rectify these errors in Judgment and failure to perform its duties under Judicial Cannons, Attorney Conduct Codes and Law and begin to immediately

protect all injured parties forward and the Estates and Trusts of SIMON and SHIRLEY and remove all traces and influence of the prior bad actors.

31. That Petitioner must be a Co-Curator, Co-Personal Representative and Co-Trustee in any scenario forward and otherwise will appeal any decision that does not include him in these capacities, as if this request is not met after all the grief Petitioner has suffered from the acts of OFFICERS of THIS COURT trying to expose their crimes, 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, including from such acts as pulling successors magically from a hat, a hat that is tainted and influenced further by those who have acted in bad faith with unclean hands and would further allow conflicts and adverse interests to prevail through them or their counsel and this disqualification would then be required by Judicial Cannons, Attorney Conduct Codes, State and Federal Laws. This disqualification 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 OFFICERS of this Court, which have already caused grave harm on beneficiaries and creditors and others, including MINOR CHILDREN and where it would then appear that Your Honor is adverse to Petitioner and perhaps is attempting to contain these matters, as was stated in the February 19th 2014 hearing that the case already has so much "hype" and knows that the blogosphere is abuzz with this case where DEAD MEN CLOSE ESTATES WITH POST MORTEM FORGED AND FRAUDULENTLY NOTARIZED DOCUMENTS and which is already becoming a public spectacle.
32. That the Court must seize all records and assets to the Court while these matters are decided and new Personal Representatives, Curators and Trustees are chosen. That this

Court should appoint instantly a Curator in the interim, per law, and this Court should not try to thwart the legal process of deciding these successors by picking names from a tainted and biased hat.

33. That this Court needs to demand all records be given to Petitioner and Creditor Stansbury for immediate inspection to make legally qualified decisions based on all available information owed to them prior to any successors being chosen.
34. That the Court must force bonding, surety and surcharges 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 to be tapped.
35. That the individuals and their law firms involved should be ordered to immediately cover ALL RELATED LEGAL COSTS and other expenses incurred. The Court should note that they have all denied repeated requests for this insurance information by Petitioner and may have failed to properly notify their carriers evidencing further reckless, wanton, grossly negligent behavior in violation of law.
36. 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, other than an interim Co-Curator, 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 as described further herein.
37. That 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.

38. That those who have caused the liabilities, resulting from the bad faith acts of THEODORE, Lisa, Jill and Pam, should be excluded from the settlements for damages, surcharges, surety or bonding funds and precluded from even making claims to these funds, as they all knowingly and willfully participated in the crimes and should therefore have no claims for relief and instead have only liabilities to the injured parties. That THEODORE, P. SIMON, IANTONI and FRIEDSTEIN and all of those who have acted in bad faith should be forced to POST IMMEDIATE BONDS for their actions, especially to protect the beneficiaries, including their children from further harms, all injured parties from their actions will certainly have claims against them as a result.
39. That in the 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 that are chosen after full and forensic inspection by all interested parties and Creditor Stansbury.
40. That in fact, Petitioner has challenged in prior unheard Petitions and Motions filed, all 2012 documents submitted in the Estates and Trusts as Fraudulent, including but not limited to, the ALLEGED 2012 Will and Trusts of SIMON, of which Petitioner has not EVER been

given copies of SIMON'S 2008 Will and 2008 Trusts in violation of Probate Rules and Statutes 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 and this must first be resolved once the documents are obtained. Again, it would be fatal to start down the wrong path in a hurry, after this much wasted time and delay already due to the previous bad faith acts of OFFICERS OF THIS COURT and then have to undue hurried decisions based on magical hat tricks.

41. That Bonding for everyone involved, including the Court and Your Honor should start at no less than \$100 million dollars per person and for the law firms involved to ensure protections forward for the injured beneficiaries and creditors et al.
42. That THEODORE should not be appointed as Personal Representative or Curator or hold any fiduciary capacities forward in the Estates and Trusts of both SIMON and SHIRLEY and for good cause. THEODORE has a history of financial troubles, including a bankruptcy and failing businesses and has proven again and again in these matters to have acted in bad faith and with unclean hands and who has caused most of these problems with his referred Attorneys at Law who were willing to admittedly break the law to favor THEODORE, their close business partner and bedfellow. 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.
43. That 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.

44. That THEODORE should immediately be removed as Personal Representative and Trustee of the SHIRLEY Estate and Trusts, as this Court should now find that appointing him on October 29, 2013 was a bad choice by this Court due to the recent further evidence of FRAUD and for the same reasons he was DENIED to be successor Personal Representative in SIMON'S Estate at the February 19th 2014 hearing. That this Court must immediately remove THEODORE in any/all fiduciary capacities in the Estates and Trusts of SIMON and SHIRLEY 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, as discussed further herein and in prior unheard Motions and Petitions filed by Petitioner.
45. That THEODORE has acted as Personal Representative and Successor Trustee in self-dealings while he had no Letters in SHIRLEY'S Estate and failed to properly and legally notify the beneficiaries of his ALLEGED Trusteeship, as plead already in prior motions to this Court, acting while not having Letters issued and not following Probate Rules and Statutes. This willful, wanton, reckless, grossly negligent acts in alleged violation of law were made in illegal self-dealing transactions and distributions, allegedly against the advice of two counselors at law, as noted in the Palm Beach Sheriff Report evidenced already herein.
46. That THEODORE has acted in alleged conspiracy with TESCHER, SPALLINA, MANCERI and others 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 and therefore the Court MUST REMOVE him immediately in ANY/ALL CAPACITIES.

47. That THEODORE again proved in the February 18th and 19th 2014 hearings that he is detrimental to the Estates and Trusts by hiring an obviously conflicted Attorney at Law, John Pankauski, Esq. ("PANKAUSKI") to attempt to represent THEODORE as counsel if he were elected Personal Representative of SIMON'S estate, which thankfully was DENIED by this Court. However, the Court, Petitioner and Creditor Stansbury were forced to sit through almost two hours to hear how the conflicted PANKAUSKI was not conflicted and apparently the only counsel THEODORE could hire. As the transcripts will reveal, PANKAUSKI was obviously conflicted with Petitioner and Creditor Stansbury, so much so that Petitioner was quasi represented by Creditor Stansbury's counsel, Peter Feaman, Esq. ("FEAMAN") to attempt to disqualify PANKAUSKI on Petitioner's affirmed statement of the obvious and overwhelming conflicts. Further, it was learned that the reason the conflict did not qualify to disqualify PANKAUSKI was the fact that Petitioner did not file the Motion to Disqualify properly through FEAMAN and not because there was no conflict and Your Honor, after two hours DENIED Petitioner's Motion and allowed PANKAUSKI not only to continue in conflict to represent THEODORE but to evade reporting the Conflict of Interest to the proper ethical and perhaps criminal authorities. These acts appear to favor the bad actors and allow them to continue to move the Court (and even have a name thrown in the hat) and instead, again expose the beneficiaries and creditors to continued risks. Finally, in the hearings it was learned that this Court had legal and ethical obligations in the event of learning of a conflict to ACT ON ITS OWN MOTION TO DISQUALIFY PANKAUSKI and report his bad faith acts and not wait for

PETITIONER or FEAMAN to file a proper pleading and waste more time, effort and legal costs of this Court, Petitioner and the Creditor Stansbury to have PANKAUSKI removed and sanctioned. That if this Court so chooses to ignore the information from the hearing regarding the obvious and overwhelming conflict exposed and instead chooses to wait for Petitioner or FEAMAN to file proper pleadings, Petitioner requests this Court notice Petitioner that he must file a proper pleading instead as a Pro Se Litigant.

48. That again, all costs for this two hour conflict circus should be borne by those who have burdened the victims already with reckless and wanton and willful waste and certainly not be borne by the Beneficiaries, Estates, Trusts or Creditors and immediate reparations be ordered to be paid by THEODORE and PANKAUSKI for their circus sideshow. That PANKAUSKI should be REMOVED immediately from these proceedings and sanctioned.

MOTION TO EXTEND TIME TO CHOOSE SUCCESSORS

49. That for all the reasons stated above, this Court needs to allow time for the to be determined beneficiaries and Creditor Stansbury to retain proper counsel and to review and agree to options now available in light of the admitted Felony Criminal acts and more. Petitioner is seeking a minimum 30 days while the Court appointed Curator seizes records and assets immediately for review to determine the proper course forward.
50. That Petitioner has been denied funds to provide counsel as called for in the alleged dispositive documents and now necessary due to FRAUD AND FORGERY AND MORE and this must be rectified before successors are chosen to ensure further due process and procedure are maintained in this already tainted Court.

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

**AND HIS WIFE CANDICE DUE TO FRAUD, FORGERY AND EXTORTION BY
FIDUCIARIES, COUNSEL AND OFFICERS OF THIS COURT**

51. That Emergency distributions are necessary immediately to Petitioner's family from damages caused by SPALLINA, TESCHER, THEODORE, MANCERI, PANKAUSKI, MORAN, BAXLEY and others thus far. These distributions can either be deducted from final distributions to Petitioner and his children or more appropriately charged to those who caused the damages where appropriate but however they are made, these funds are for LIFE SUSTAINING WELFARE AND SCHOOL PAYMENTS, which are provided for in the alleged dispositive documents for beneficiaries in need and these needs were intentionally caused by interference in the expected inheritance of the beneficiaries.
52. 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 THEODORE 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 THEODORE 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.

53. 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 to Petitioner and they can be recovered from the appropriate parties in time when the Court can assign liabilities to the guilty parties.
54. 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 ordered paid today by whomever the Court has left in charge since letting everyone apparently flee the scene.
55. That this EMERGENCY RELIEF monies are 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 and principle in the event of any emergencies. 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**

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

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

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

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

Attorneys at Law

Alan B. Rose, Esq.
Page, Mrachek, Fitzgerald & Rose, P.A.
505 South Flagler Drive, Suite 600
West Palm Beach, Florida 33401
(561) 355-6991
arose@pm-law.com

John J. Pankauski, Esq.
Pankauski Law Firm PLLC
120 South Olive Avenue
7th Floor
West Palm Beach, FL 33401
(561) 514-0900
Michelle@Pankauskilawfirm.com

Irwin J. Block, Esq.
The Law Office of Irwin J. Block PL
700 South Federal Highway

Suite 200
Boca Raton, Florida 33432
ijb@jblegal.com

William M. Pearson, Esq.
wpearsonlaw@bellsouth.net
P.O. Box 1076
Miami, FL 33149

Peter Feaman, Esquire
Peter M. Feaman, P.A.
3615 Boynton Beach Blvd.
Boynton Beach, FL 33436
pfeaman@feamanlaw.com

Interested Parties and Trustees for Beneficiaries

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

Jill Marla Iantoni
2101 Magnolia Lane
Highland Park, IL 60035
jilliantoni@gmail.com
Iantoni_jill@ne.bah.com

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

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

JOSHUA ENNIO ZANDER BERNSTEIN (ELIOT MINOR CHILD)
JACOB NOAH ARCHIE BERNSTEIN (ELIOT MINOR CHILD)
DANIEL ELIJSHA ABE OTTOMO BERNSTEIN (ELIOT MINOR CHILD)
ALEXANDRA BERNSTEIN (THEODORE ADULT CHILD)
ERIC BERNSTEIN (THEODORE ADULT CHILD)
MICHAEL BERNSTEIN (THEODORE ADULT CHILD)
MATTHEW LOGAN (THEODORE'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 -