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.

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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

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ASSOCIATES AND OF COUNSEL),
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ROBERT L. SPALLINA, ESQ., PROFESSIONALLY,
DONALD R. TESCHER, ESQ., PERSONALLY,
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THEODORE STUART BERNSTEIN, INDIVIDUALLY,
THEODORE STUART BERNSTEIN, AS ALLEGED
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THEODORE STUART BERNSTEIN, AS ALLEGED
TRUSTEE AND SUCCESSOR TRUSTEE PERSONALLY,
THEODORE STUART BERNSTEIN, AS ALLEGED
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PROFESSIONALLY
THEODORE STUART BERNSTEIN, AS TRUSTEE FOR
HIS CHILDREN,
LISA SUE FRIEDSTEIN, INDIVIDUALLY AS A
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MARK MANCERI, ESQ., PERSONALLY,
MARK MANCERI, ESQ., PROFESSIONALLY,
MARK R. MANCERI, P.A. (AND ALL PARTNERS,
ASSOCIATES AND OF COUNSEL)
JOSHUA ENNIO ZANDER BERNSTEIN (ELIOT

MINOR CHILD)
JACOB NOAH ARCHIE BERNSTEIN (ELIOT MINOR CHILD)
DANIEL ELIJSHA ABE OTTOMO BERNSTEIN (ELIOT MINOR CHILD)
ALEXANDRA BERNSTEIN (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 TRICK[1]" 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 SE[2], 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 Monday, February 24, 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 THIS COURT and others, in efforts to change the designated beneficiaries of SIMON and SHIRLEY POST MORTEM, causing damages over a three

[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 U5CA). 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.

year period to Petitioner and his family, damages which have now become life threatening in several regards defined further 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,

    i. 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.

ii. CLOSING THE ESTATE OF SHIRLEY with a KNOWINGLY DECEASED EXECUTOR / PERSONAL REPRESENTATIVE constituting FRAUD on the COURT and FRAUD on the BENEFICIARIES and CREDITORS.

iii. 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.

iv. CONVERSION AND COMINGLING ILLEGAL DISTRIBUTIONS TO KNOWINGLY FRAUDULENT BENEFICIARIES as admitted to by SPALLINA and TESCHER.

v. VIOLATIONS and BREACHES OF FIDUCIARY DUTIES in concealing CRIMINAL ACTS and disposing of assets and absconding with them from the true and proper beneficiaries.

vi. OBSTRUCTION THROUGH DENIAL AND SUPPRESSION OF FINANCIAL INFORMATION AND ESTATE RECORDS FROM BENEFICIARIES AND CREDITORS.

vii. ALLEGED INSURANCE FRAUD and FRAUD ON US DISTRICT COURT.

viii. Put in links to District Court Filings

ix. ALLEGED THEFT OF JEWELRY and PERSONAL PROPERTIES OF DECEDENTS and other items believed to be stolen and to be determined after a full forensic accounting.

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 now former Co-Personal Representatives of the Estate by Orders issued by this Court on February 18, 2014, 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 fiduciary obligations and the resulting liabilities for their crimes committed and admitted and those alleged and under investigation. In considering the resignation and abandonment of the Estates and Trusts, the Court by now former counsel and Personal Representatives, under the provisions of Florida Probate Rule 5.430(d) and others, is now 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 the tainted former counsel and fiduciaries.

5. That in this Estate, the Court is required to appoint a successor fiduciary since both Co-Personal Representatives resigned and were removed under an adverse cloud of breaches of fiduciary duties, trust and violations of state and federal laws. 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 using "Ye Ole Hat Trick" could occur as proposed 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 and barred from any further fiduciary capacities or influence in any matters relating to the Estates and Trusts due to their egregious bad faith acts and unclean hands they have participated in, in both Estates and ALL TRUSTS, especially in regard to those capacities where they are acting as trustees for their children, due to their reckless, wanton, grossly negligent and alleged criminal acts thus far as fiduciaries and they and their children must now be represented independently in these proceedings by Guardian Ad Litums.

8. That for a glaring example of their acts of egregious bad faith with intent while acting as Trustees for their children, once Petitioner's siblings were made aware of their signatures being forged and fraudulently notarized on documents and while acting as fiduciaries for their children, they failed to take appropriate fiduciary actions once they were knowledgeable about the crimes to notify the authorities and this Court of the criminal acts that could affect the beneficiaries of the Estates. Instead, they SUPPRESSED and SECRETED this knowledge and all of them together rushed to sell off assets and distribute them to knowingly wrong beneficiaries and attempting to also fraud creditors through these fraudulent self-dealings.

9. That Petitioner's siblings are also under multiple investigations for a variety of other criminal acts and civil torts involving the Estates and Trusts and establishing a Pattern and Practice of egregious bad faith and unclean hand from willful, wanton, reckless and grossly

negligent behavior in violation of law and breaching fiduciary obligations. These failures already as fiduciaries must be considered evidence of their inability to serve in any further fiduciary capacities for their children or the Estates and Trusts or have any influence in these matters.

10. 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 damage 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.

11. The Estates of SIMON and SHIRLEY are both now open and SHIRLEY'S was 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 fraudulently SHIRLEY'S Estate through a complex Fraud on the Court. SIMON'S Estate has not been discharged despite an Order by the Court to close the Estate and no extension has been filed for. 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, recapture of illegally distributed assets, ongoing investigations and legal actions both state and federal are all finalized and the Estates legally closed with

living Personal Representatives / Executors and the Trusts formally released from the gross Estate this time around.

12. 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. The Northern Trust Company

    ii. M&T Bank, Inc.

From the alleged 2012 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 successo1· 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.

13. That since the now former Counsel, Co-Personal Representatives and Co-Trustees, TESCHER, SPALLINA and Mark R. Manceri ("MANCERI") have all 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, www.iviewit.tv/SHERIFFSUPPLEMENTALREPORT 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.

14. 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.

15. That it appears that a suitable and acceptable 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 egregious acts of bad faith will transpire from "friends" of enemies in part, 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 "Ye Ole Hat Trick."

16. That Petitioner is the only family member that has performed his fiduciary duties as a possible beneficiary and trustee for his children by engaging in due diligence and good faith in discovering and reporting criminal activity and not participating in the FRAUD in and Upon this Court and 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 Petitioner's good faith acts despite the personal damages caused him and his family by refusing to knowingly engage in the conversion and comingling of estate funds to knowingly improper parties and participate in other crimes and illegal actions, Petitioner respectfully requests to be Co-Curator, Co-Personal Representative and Co-Trustee with anyone that is elected or magically pulled in "Ye Ole Hat Trick", where such hat trick appears in defiance of law and the ALLEGED dispositive documents.

17. That as Petitioner, despite severe economic oppression and financial calamity with intent heaped upon his three minor children and his wife, yet was still 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. Where all his siblings with the same such knowledge of FORGERY AND FRAUD of their own and their father's name POST MORTEM, failed to act honorably and perform their fiduciary duties as alleged "Trustees" for their children. Petitioner, as the only surviving legally capable party to represent his own or his children's interests and those of the to be determined beneficiaries, 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.

18. That Petitioner has agreed with the Creditor Stansbury, who is the other major injured party by these egregious acts of bad faith with unclean hands of those involved in the Estates thus far, to work in good faith with Stansbury and his Counsel to elect new Personal Representatives and Trustees to resolve all issues fairly. 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.

19. That Petitioner is notices this Court that efforts were made to intentionally avoid creditors, and documentary evidence was put into the record by FEAMAN on behalf of Stansbury at the February 19th 2014 hearing, which is further grounds for immediate sanctions and reporting to the proper state and perhaps federal authorities, as part of the alleged fraud on creditors is an Insurance Contract in Illinois that is involved. Creditor Fraud is a VERY SERIOUS BREACH OF FIDUCIARY DUTIES demanding criminal sanctions in certain

cases and this Court should take appropriate Judicial Notice and act on its own Motions to report these crimes this Court has evidence regarding, especially where again, these are acts of OFFICERS OF THIS COURT under YOUR HONOR'S JURISDICTION.

20. That Creditor Stansbury and Petitioner have agreed and with Court approval are seeking a corporate trustee and personal representative to work with Petitioner as Co-Personal Representative and Co-Trustee. Where Petitioner has offered, again with Court approval, 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 for all parties, fairly and with integrity and limiting further liabilities and preventing further crimes or delays.

21. That Creditor Stansbury however cannot have the only say in whom the successors will be or have control over that process and not have Petitioner as Co-Personal Representative, as this would be bad for the beneficiaries to have the creditor in control and the lone decision and seem outside the legal process for succession in allowing creditors to choose the successors.

22. That in order to choose proper successors and notify and contract with them will take time and effort that this Court must grant some time here to get things rights and within the bounds of law and follow the dispositive documents, once it is determined through forensic analysis which documents are to be trusted. No documents can be trusted any longer, after SPALLINA'S admission to authorities that changes were made ILLEGALLY by him to documents to thwart the true and proper beneficiaries.

23. 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 egregious bad faith and unclean hands.

24. 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 by Your Honor, as these costs are part of damages from those admittedly involved in CRIMINAL activity already and thus limiting fees actually works to damage the beneficiaries in this instance where the costs will be encumbered by the guilty parties to clean this mess up.

25. 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 the damages to the beneficiaries, including seven minor children. All legal costs forward should be paid from their liability policies, bonding and surcharges **AND NOT PAID BY THE ESTATES, TRUSTS OR THE TO BE DETERMINED BENEFICIARIES OR CREDITORS ANY LONGER.** These damages are directly attributable to CRIMES committed by OFFICERS OF THIS COURT and the fiduciaries in these matters. 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.

26. That 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 DAMAGE the injured parties and minimize damages to the perpetrators of the crimes by limiting the scope and quality of work.

27. 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 the Palm Beach Sheriff report attached herein, causing Petitioner to have to file multiple civil and criminal complaints as a result of these egregious bad faith acts and now NEW legal costs will be encumbered to repair the damages, uncover the truth and find missing assets and these costs should be immediately paid by the parties who have admitted the crimes and are liable.

28. That TESCHER and SPALLINA have stated in their resignation letter that they want to immediately rectify the damages they have caused and admitted too, presuming that they will start with a total refund with interest of all Fees, Expenses, etc., to include those paid by SIMON and SHIRLEY or their Estates and Trusts, instantly, as illustrated in TESCHER and SPALLINA and their law firms Resignation Letter to the Bernstein's, see www.iviewit.tv/TESCHERSPALLINARESIGNATIONLETTER .

29. That all of the to be determined beneficiaries costs for counsel, especially counsel for the minor children, who have not participated in anyway in the egregious 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.

30. Due to the following egregious bad faith acts done with unclean hands thus far in these proceedings, the Court must rule that no further influence or involvement can be had in these matters by THEODORE, P. SIMON, IANTONI and FRIEDSTEIN and all should be appointed Guardians Ad Litum to represent them in any beneficial interests they or their children may have, due to,

i. FRAUD ON THE PROBATE COURT WITH INTENT,

ii. FRAUD ON THE BENEFICIARIES WITH INTENT,

iii. FRAUD ON THE CREDITORS WITH INTENT,

iv. BREACHES OF FIDUCIARY DUTIES and FAILURE TO PERFORM their fiduciary duties with honesty and integrity,

v. INTENTIONAL SUPPRESSION AND DENIAL OF DOCUMENTS TO BENEFICIARIES,

vi. INTENTIONAL SUPPRESSION OF ACCOUNTINGS AND THEFT OF ASSETS,

vii. PARTICIPATING IN AN ALLEGED INSURANCE FRAUD to defraud creditors, beneficiaries (including their own children), this Court and FRAUD ON A US DISTRICT COURT

viii. Failure to report Fraud, Notary Fraud and Forgery of their father's name and their own names, while acting as "Trustee" for their children in the Estates,

ix. Ongoing investigation for Jewelry Theft and personal peoperty,

x. Ongoing investigation for document tampering and fraud,

xi. Ongoing investigation for Insurance Fraud and Fraud on a US District Court filed with state authorities and soon to be filed with federal authorities,

xii. Conspiring with TESCHER and SPALLINA, acting as Officers of the Court, to illegally change beneficiaries and convert and comingle assets POST MORTEM to the knowingly wrong parties,

xiii. P. SIMON'S utter failure to cooperate with Sheriff investigations as indicated in multiple Sheriff office reports,

xiv. Failure to retain independent counsel for conflicts with their children even when advised by competent counsel that conflicts existed and were absolute,

xv. THEODORE making knowingly illegal distributions of Estates and Trusts assets, AGAINST THE ADVICE of COUNSEL, according to Palm Beach County Sheriff report to his children and P. SIMON knowing these distributions were not proper according to the Palm Beach County Sheriff Report and yet continued to make distributions in disregard for law and against the advice of counsel,

xvi. Working in conspiracy against Eliot and Creditors to damage them and causing massive harms both financially and emotionally upon both,

xvii. Knowing of Fraud and Forgery and that the beneficiaries were challenged and instead of doing what was right as fiduciaries they instead rushed to sell assets and make illegal distributions and sales of assets instead,

xviii. Continued participation in an Extortion scheme against Petitioner to engage in torturous interference with his and his children's expected inheritances, if efforts to stop him from prosecuting their crimes and alleged crimes. This Extortion plot has been alleged enacted primarily by THEODORE, TESCHER, SPALLINA, MANCERI, PANKAUSKI and ROSE but others may also be involved as pled in prior unheard motions before this Court.

xix. That 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" in regards to the possible poisoning of SIMON that was alleged by THEODORE and others immediately after SIMON'S death and now are being reinvestigated over a year and half after

SIMON'S death. With all of the new information of felony criminal acts by OFFICERS OF THIS COURT and others, this alleged murder by THEODORE may also indicate these acts were all PREMEDITATED and further investigations into the ALLEGED MURDER now need to be had, see Palm Beach Sheriff and State Attorney Cases, SA CASE NO. 2013cf010745 and PBSO CASES #1 (13097087), #2 (13-159967) & #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, these parties should all be removed from the proceedings in any capacities that could further aid and abet their prior crimes and allow for a cover up to continue.

31. 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 breaches of fiduciary duties that have harmed their children and other children already.

32. That for all these reasons stated herein Petitioner's siblings should be only present now for liability purposes and have no further influence or involvement 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.

33. That Petitioner takes note 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 and has failed to immediately appoint a Curator in the absence of a Personal Representative in both Estates and for failing to seize all records and

assets to protect them from further illegal acts and leave them in the custody of those who have admitted felony acts, failure to contact the appropriate State and Federal authorities (leaving this to Petitioner), require adequate bonding, surcharges, sanctions, etc.

34. That instead, it appears that this Court has let the guilty parties to continue to operate without sanctions, retain control over the assets and documents and continue to move the Court. This has apparently allowed them to make potentially damaging appointments of THEODORE to SIMON'S Trust as Trustee and this failure of the Court has also allowed the bad actors to continue damage, 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.

35. 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.

36. 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 financial and emotional damages Petitioner has suffered from the acts of OFFICERS OF THIS COURT and others in exposing their crimes through his due diligence and efforts.

37. That Petitioner will move for Judge Colin to disqualify himself if law and order is not followed in these matters forward and seek to have him disqualify under his Judicial Cannons and Law and on his own Motion, for reasons that include but are not limited to, exposing the injured parties to further risks and harms, failure to follow law and ethical

cannons after learning of FRAUD in and Upon the Court by Officers of the Court, the use of "Ye Ole Hat Trick" to pulling successors magically from a hat that is tainted and influenced by those who have acted in egregious bad faith with unclean hands allowing conflicts and adverse interests to prevail and this disqualification would be required by Judicial Cannons, Attorney Conduct Codes, State and Federal Laws, especially where this Court is directly involved and may have adverse interests now with Petitioner to cover these matters up in any way.

38. That this disqualification should happen under Your Honor's own Motion if the Court cannot follow law at this time and protect the assets, beneficiaries and creditors, 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 damage to 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 is aware that the blogosphere is abuzz with this case where DEAD MEN CLOSE ESTATES WITH POST MORTEM FORGED AND FRAUDULENTLY NOTARIZED DOCUMENTS and POST MORTEM BENEFICIARY CHANGES ARE ADMITTED and which is already becoming a public spectacle.

39. That the Court must seize all records and assets to the Court before further changes, alterations or loss occur and while these matters of successors etc. are decided properly 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.

40. That this Court needs to demand all records be given to Petitioner and Creditor Stansbury for immediate inspection to make legally qualified decisions going forward based on all available information owed to them prior to any successors being chosen.

41. That the Court must force IMMEDIATE bonding, surety and surcharges for damages by counsel and fiduciaries responsible for the damages thus far, who have caused this mess and force the release of their insurance carrier information for personal and professional liabilities to be tapped.

42. That the individuals and their law firms involved should be ordered to immediately cover ALL LEGAL COSTS and related costs and other expenses incurred past, present and future to the damaged parties. The Court should note that the now former counsel, the fiduciaries and current counsel have all denied repeated requests for thier insurance information by Petitioner and may have failed to properly notify their carriers evidencing further reckless, wanton, grossly negligent behavior in violation of law, as it would seem that their liability carriers would have counsel present and have precluded their further involvement in these matters.

43. That all legal fees, past, present and future. 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 Petitioner and his three minor children and lovely wife who are in immediate danger from these extended tortuous, extortive, oppressive acts described herein

that began immediately with them seizing illegally Dominion and Control of the Estates and Trusts.

44. 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 with intent. ALL OF THESE BAD ACTS A RESULT OF ACTIONS BY OFFICERS OF THIS COURT, ALL FROM CRIMINAL ACTS COMMITTED IN AND UPON THIS COURT and the TRUE AND PROPER BENEFICIARIES 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.

45. That those who have caused the liabilities with intent, including but not limited to, THEODORE, P. SIMON, IANTONI and FRIEDSTEIN, should be excluded from receiving any settlements for damages, surcharges, surety or bonding funds and precluded from even making claims, 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 for the damages they caused. 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 own children from further damages, as all injured parties, including their own children will certainly have claims for damages against them as a result.

46. 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.

47. That in fact, Petitioner has challenged in prior unheard Petitions and Motions filed since May 2013 that all 2012 ALLEGED Estates and Trusts documents as Fraudulent, including but not limited to, the ALLEGED 2012 Will and Trusts of SIMON. Petitioner has not EVER been given copies of the prior SIMON 2008 Will and 2008 Trusts they allegedly replaced, in violation of Probate Rules and Statutes. 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 and forensically evaluated. Again, it would be fatal to start down the wrong path blindly by picking names from hat for successors and other such nonsense, after this much wasted time and delay already due to the previous bad faith acts of OFFICERS OF THIS COURT and others and then have to undue these hurried decisions at great cost and further delays, further damaging the injured parties and wasting court time, expending further wasted legal fees and time from all parties.

48. That Bonding for everyone involved should start at no less than $100 million dollars per person and the law firms involved to ensure protections forward for the injured a nd damaged beneficiaries and creditors et al. Bonding, surety and surcharges should apply to all of the following parties; TESCHER, SPALLINA, TSPA, MANCERI, MANCERI P.A., THEODORE, P. SIMON, IANTONI, FRIEDSTEIN, Alan B. Rose, Esq. ("ROSE"), Page, Mrachek, Fitzgerald & Rose, P.A. ("PMFR"), PANKAUSKI, Pankauski Law Firm PLLC ("PANKAUSKI PLLC"), this Court and Your Honor, in an amount no less than

$100,000,000.00 each, as the value of the Estates and Trusts remains a mystery due to intentional OBSTRUCTION, FRAUD, SUPPRESSION and DENIAL of accountings, inventories, documents and more.

49. 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 egregious bad faith and with unclean hands and who has caused most of these problems with his close business partners and bedfellows the Attorneys at Law, TESCHER and SPALLINA, and their cohorts, MANCERI, PANKAUSKI and ROSE, et al., all introduced to the BERNSTEIN family by THEODORE and were willing to admittedly break the laws to favor THEODORE over other beneficiaries with intent.

50. That THEODORE acted in the Estate and Trusts of SHIRLEY for a year without any legal authority or properly following Probate Rules and Statutes to act in these capacities, with intent to cause harm to certain beneficiaries in favor of others, including favoring his own family through knowingly fraudulent distributions against the advice of counsel and other self-dealing transactions that all appear fraudulent.

51. That THEODORE according to PALM BEACH COUNTY SHERIFF SUPPLEMENTAL REPORT ALREADY EXHIBITED HEREIN, appears to have been notified by his Counsel to not make distributions to beneficiaries due to knowingly wrong beneficiaries and THEODORE knowingly ignored the advice of counsel and illegally distributed funds in efforts to convert and comingle them to improper beneficiaries in his own best interest.

52. 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 alleged FRAUD and EXTORTION and for the same reasons he was DENIED to be successor Personal Representative in SIMON'S Estate at the February 19th 2014 hearing.

53. 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 damages 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. That THEODORE represented himself as a Trustee of the SIMON Trust in Court and Petitioner is unaware of such designation being sought or having been appointed.

54. 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 or any of the transaction details regarding his actions, as plead already in prior motions to this Court. This willful, wanton, reckless, grossly negligent egregious bad faith act are in alleged violation of law and involve 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.

55. That THEODORE has acted in alleged conspiracy with TESCHER, SPALLINA, MANCERI, PANKAUSKI and others in egregious bad faith and with unclean hands to advantage himself at the expense and detriment of other beneficiaries, creditors and

interested parties and therefore the Court MUST REMOVE him and his accomplice Attorneys at Law he brought in to aid and abet his schemes immediately, in ANY/ALL CAPACITIES, and Sanction and Bond them.

56. 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 in all the state of Florida. 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. Therefore, Your Honor, after nearly 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 actions and inactions by the Court appear to favor the bad actors and allow them to continue to move the Court (and even have a name thrown in the magic hat) and 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 egregious 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. For these reasons THEODORE should not be able to choose his counsel but rather a Court Appointed Guardian should be making any decisions for THEODORE forward so to prevent further WASTE, FRAUD AND ABUSE of this Court, the beneficiaries and creditors.

57. 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 to remove and sanction PANKAUSKI and immediately cease his involvement further.

58. That in fact, ROSE and PANKAUSKI over the weekend decided to threaten Petitioner to cease blogging about their actions and those of this Court or else the grandchildren of SIMON would be damaged by such reporting by a one, Crystal Cox ("COX"), even demanding that Petitioner demand COX to cease her journalistic endeavors, which Petitioner did. The correspondences can be found online at www.iviewit.tv/RosePankauskiletters and COX'S response to their demands can be found at the URL @ http://tedbernsteinreport.blogspot.com/2014/02/alan-rose-wants-first-amendment-to-be.html . both URL'S fully incorporated by reference herein.

59. 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, Courts or Creditors and immediate reparations be ordered to be paid by THEODORE, ROSE and PANKAUSKI for their circus sideshow costs.

MOTION TO EXTEND TIME TO CHOOSE SUCCESSORS

60. 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 by beneficiaries and creditors to determine the proper course forward based on full disclosure of all Estate & Trusts Records and Court Records with full and complete transparency.

61. That Petitioner has been egregiously 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 and Petitioner allowed time to secure counsel for him and his children before successors are chosen to ensure further due process and procedure are maintained in this already tainted Court.

MOTION FOR EMERGENCY HEARING FOR IMMEDIATE 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

62. That Emergency distributions are necessary immediately to Petitioner's family from damages caused by SPALLINA, TESCHER, THEODORE, P. SIMON, IANTONI, FRIEDSTEIN, 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.

63. 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.

64. That 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 continue to damage 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.

65. 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.

66. 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.

67. 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.

68. That it is clear from Simon and Shirley Estate Plans that they both intended to provide generously for Petitioner and his family. On May 20, 2008 multiple protections were drafted for these purposes including the SHIRLEY and SIMON Trust Agreements and Wills. The Trust assets, as well as assets in the sub-trusts of SHIRLEY'S Trust, the Marital Trust and the Family Trust, are for the benefit of three of her five children. Eliot is a one third beneficiary and in addition there is language for his children to be considered qualified beneficial lineal descendants as well. On May 20, 2008 the Eliot Bernstein Family Trust was created and executed for the 1/3rd distribution. On May 20, 2008 family

partnerships were established with family trusts, including but not limited to, the entities Bernstein Family Investments, LLLP ("BFI") and Bernstein Holdings, LLC ("BHL") and Eliot Bernstein Family Trust ("EBFT"). Also, in 2008 Bernstein Family Realty, LLC ("BFR") was created to directly benefit Petitioner's family and his three minor children and to provide asset protection in regards to real estate and other properties owned by the trusts and established exclusively for Petitioner's family.

69. That in addition, it is alleged that the 2008 SIMON Trust Agreement also benefited Petitioner as 1/3rd beneficiary, however due to the SUPPRESSION and DENIAL of this document since SIMON'S death on September 13, 2012 it is impossible to ascertain if this document mirrors SHIRLEY'S done in 2008 or if SIMON made changes to this document after SHIRLEY'S death that are being concealed.

70. That a challenged 2012 Restated and Amended Trust of SIMON'S executed 6 weeks before he passed, may also include Petitioner's children as beneficiaries, which will need to be determined due to the effects of the frauds, as questions regarding the Will and Amended and Restated Trust's validity are now further questioned due to the admitted document altering, unlawful drafting, notary crimes, and post mortem forgery that have already been brought forward and remain under ongoing investigations.

71. That the crimes and misconduct discovered thus far are causing unnecessary intentional delays in probate administrations in attempts to FURTHER inflict financial harm to Petitioner and his three minor children. In the interim of discovering these alleged crimes and seeking the truth and answers, Petitioner has been exhausted of all financial means and continues to be financially burdened by the fiduciaries actions.

72. That in all beneficial scenarios either Petitioner and/or his children are direct beneficiaries. This Pattern and Practice of fraudulent actions by the ALLEGED fiduciaries have been designed to bleed Petitioner financially and then extort Petitioner to agree to their fraudulent documents and further agree to take illegal distributions, including participate in an insurance fraud scheme in attempt to convert life insurance proceeds to the wrong beneficiaries (Petitioner's four siblings) and have the asset evade this Court, the true and proper beneficiaries and Creditor Stansbury.

73. That in Florida when no beneficiary is present at the time of death of the insured (they claim the beneficiary is a lost and missing trust that no copies exist of) the benefits are paid to the Insured's Estate. Instead they have tried several schemes to secure these monies outside the Estate, including an alleged Insurance Fraud Scheme and a Fraud on a US District Court scheme, all delaying the benefits again to the true and proper beneficiaries in a coordinated conspiracy to convert and comingle the funds committed by TESCHER, SPALLINA, TSPA, THEODORE, P. SIMON, IANTONI, FRIEDSTEIN, Adam Simon, Esq. ("A. SIMON") and David B. Simon, Esq. ("D. SIMON").

74. The ALLEGED fiduciaries, whoever they may be, because Petitioner has never been notified with any information including who they are, accountings, assets, liabilities, fees and has been demanding the information for 16 months, are maliciously harming the true and proper beneficiaries to benefit their own personal interests and now take personal defense while directly harming the true and proper beneficiaries interests in direct violation and breach of all fiduciary duties. Petitioner has spent enormous time, efforts and monies to protect his, his children's, the children of THEODORE, IANTONI and FRIEDSTEIN'S interests and has been victimized for uncovering the fraud on the beneficiaries and the

fraud on the courts and is being currently EXTORTED in a play or pay scheme fully described in prior pleadings of Petitioner that remain unheard before this Court.

75. Both SIMON and SHIRLEY have liquid assets that are being held by the ALLEGED fiduciaries. There are pending criminal investigations on the ALLEGED fiduciaries and they continue to intentionally block and delay needed monies to Petitioner and his children with intent to further damage Petitioner and block his efforts to bring their crimes to light. Again, it was SIMON and SHIRLEY'S intentions to provide generously for Petitioner and his children and maintain the structure of living they designed for Petitioner and his family, having paid between $10,000.00 to 15,000.00 per month to the family for seven years prior to their deaths and a year after SIMON'S death (until THEODORE and SPALLINA and others hijacked the companies set up to cover the expenses to cover ALL needs of Petitioner and his family. The three minor children have attended a private school that is directly behind a home that the three children's trusts hold and maintain. The household bills have been paid for their benefit since 2008. The children have successfully attended the same school that Simon and Shirley paid for continuously and thriving academically and athletically since 2008. The oldest is graduating next year and the current acts of the fiduciaries have jeopardized their school placement for next year and affecting current study and sports training. The current ALLEGED fiduciaries have refused to continue tuition payments even though both trusts contain the following language regarding "Education" and "Needs and Welfare". The trusts were created and are intended for those purposes and matter of fact state if at ANYTIME the current income of any beneficiary falls short or does not equal to the standard of living the trustee has a duty to act for the best interest of the beneficiary. It has been brought to the attention of the current and past

PR's and fiduciaries that Petitioner's household lost significant cash flow due to a career lay off and loss of employment that supported Petitioner and family for the last 8 years. In a time of need, and current economic downturn situation, Petitioner has asked for interim distributions until the estates are cleared up and the misconduct corrected. Petitioner was then harassed, lied to, avoided and refused obligated accountings and further victimized from these actions breaking and breaching all areas of trust. The ALLEGED fiduciaries have gone as far as refusing to pay bills for electricity and shutting down basic utilities such as power, water, phones and even more disturbing have recently decided to intentionally not pay medical insurance that has been paid for by Simon and Shirley for many years and is currently at risk of lapsing and not able to reinstate. Due to the novel like nightmare both estates and trusts are involved with Petitioner is in desperate need as a beneficiary and has the most to lose from the fraudulent actions by the fiduciaries and now comes forward to the Court seeking emergency distributions for emergency needs including basic care and welfare expenses.

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 IMMEDIATE 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: (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" has been furnished by email to all parties on the following Service List, Monday, February 24, 2014.

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

X_____

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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