

IN THE CIRCUIT COURT FOR PALM BEACH COUNTY, FLORIDA  
PROBATE DIVISION

FILE NO.: 502012CP004391XXXXSB

IN RE: ESTATE OF  
SIMON L. BERNSTEIN,  
Deceased.

**FIRST PETITION FOR PAYMENT OF CURATOR'S FEE**

COMES NOW, Benjamin P. Brown, Esq., Curator ("Curator") of the Estate of Simon L. Bernstein, and requests that the Court enter an Order authorizing payment of Curator's fees and shows unto the Court as follows:

1. On February 25, 2014, this Court entered an Order on William Stansbury's Motion for the Appointment of a Curator or Successor Personal Representative, and on March 11, 2014, this Court issued Letters of Curatorship in Favor of Benjamin Brown.

2. The Curator has rendered services and incurred expenses for the benefit of the Estate through March 31, 2014 as set forth in the itemized summary of services and expenses attached as Exhibit A, for which the Curator has not been paid. The fees owed are \$7,832.50. The costs owed are \$649.12. The December total is \$8,481.62.

3. The Curator's fees and costs described on the attached Exhibit A were incurred in discharging administration responsibilities. Such responsibilities included the following:

- a. Coordinating and communicating with the former Co-Personal Representatives, and their counsel, in order to obtain information regarding the status of the

Estate administration, custody and nature of the Estate's assets and obligations of the Estate, ascertain status of Estate administration and reviewing approximately 7,000 pages of documents from Co-Personal Representative (provided per the Court's February 18, 2014 Order to deliver file to Curator);

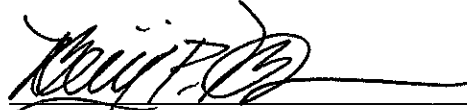
- b. Administering Estate's assets, effectuating transfers from control of the former Co-Personal Representatives, and taking steps to re-title Kia automobile;
- c. Communicating with counsel of record regarding pending litigation in Florida and Illinois (Case No. 502012CA013933 (Circuit Court, Palm Beach County, FL) and Case No. 13CV3643 (U.S. Dist. Ct. Northern District Illinois)) involving the Estate and its purported assets, attendance at Court hearing, motion practice before this Court seeking instructions with regard to the litigation;
- d. Communicating with and providing information to various interested parties, as set forth in the Curator's invoices; and
- e. Such other tasks as are set forth in the invoices.

WHEREFORE, Benjamin P. Brown, Esq., as Curator, respectfully requests that this Court enter an order awarding Curator a reasonable fee for services and expenses incurred, and authorizing and directing the Curator to pay such fees and expenses of the Curator from the assets of the estate.

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by e-mail upon the parties on the attached service list on this 8 day of April, 2014.

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By:



Benjamin P. Brown, Curator  
Florida Bar No. 841552

**EMAIL SERVICE LIST**

Estate of Simon L. Bernstein

Palm Beach County Case No. 502012CP004391XXXXSB

<p>Theodore Stuart Bernstein Life Insurance Concepts 950 Peninsula Corporate Circle, Suite 3010 Boca Raton, Florida 33487 <a href="mailto:tbernstein@lifeinsuranceconcepts.com">tbernstein@lifeinsuranceconcepts.com</a></p>	<p>Alan B. Rose, Esq. Page, Mrachek, Fitzgerald &amp; Rose, P.A. 505 South Flagler Drive, Suite 600 West Palm Beach, Florida 33401 (561) 355-6991 <a href="mailto:arose@pm-law.com">arose@pm-law.com</a></p>	<p>John J. Pankauski, Esq. Pankauski Law Firm PLLC 120 South Olive Avenue 7th Floor West Palm Beach, FL 33401 (561) 514-0900 <a href="mailto:Michelle@Pankauskilawfirm.com">Michelle@Pankauskilawfirm.com</a></p>	<p>Carley &amp; Max Friedstein, Minors c/o Jeffrey and Lisa Friedstein Parents and Natural Guardians 2142 Churchill Lane Highland Park, IL 6003 <a href="mailto:Lisa@friedsteins.com">Lisa@friedsteins.com</a> <a href="mailto:lisa.friedstein@gmail.com">lisa.friedstein@gmail.com</a></p>
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<p>Eric Bernstein 2231 Bloods Grove Circle Delray Beach, FL 33445 <a href="mailto:edb07@fsu.edu">edb07@fsu.edu</a> <a href="mailto:edb07fsu@gmail.com">edb07fsu@gmail.com</a></p>	<p>Michael Bernstein 2231 Bloods Grove Circle Delray Beach, FL 33445 <a href="mailto:mchl_bernstein@yahoo.com">mchl_bernstein@yahoo.com</a></p>	<p>Molly Simon 1731 N. Old Pueblo Drive Tucson, AZ 85745 <a href="mailto:molly.simon1203@gmail.com">molly.simon1203@gmail.com</a></p>	
<p>Matt Logan 2231 Bloods Grove Circle Delray Beach, FL 33445 <a href="mailto:matl89@aol.com">matl89@aol.com</a></p>	<p>Joshua, Jacob and Daniel Bernstein, Minors c/o Eliot and Candice Bernstein, Parents and Natural Guardians 2753 NW 34th Street Boca Raton, FL 33434 <a href="mailto:iviewit@iviewit.tv">iviewit@iviewit.tv</a></p>	<p>Julia Iantoni, a Minor c/o Guy and Jill Iantoni, Her Parents and Natural Guardians 210 I Magnolia Lane Highland Park, IL 60035 <a href="mailto:jilliantoni@gmail.com">jilliantoni@gmail.com</a></p>	

**Matwiczuk & Brown LLP**

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Estate of Simon Bernstein

April 4, 2014

File #: 14-00440

Inv #: 2936

**Attention:**

**RE:** Benjamin P. Brown, Curator of the Estate of Simon L. Bernstein

**SUMMARY BY TASK**

Task	Effective Rate	Hours	Amount
BW Billable Work	\$259.35	30.20	7,832.50
NC No Charge	\$0.00	5.00	0.00
<b>Total</b>		<b>35.20</b>	<b>\$7,832.50</b>
<b>Grand Total</b>		<b>35.20</b>	<b>\$7,832.50</b>

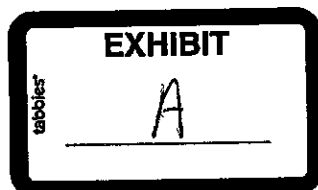
**SUMMARY BY TIMEKEEPER**

**This Invoice**

Timekeeper	Category	Rate	Hours	Amount
Benjamin P. Brown	Partner	350.00	19.20	5,320.00
Thornton B. Henry	Associate	250.00	5.10	1,275.00
Angela Dean	Paralegal	125.00	2.10	262.50
Linda McDaniel	Paralegal	125.00	7.50	850.00
Mary Ellen McCarthy	Time Keeper	125.00	1.30	125.00
<b>Total</b>			<b>35.20</b>	<b>\$7,832.50</b>

**DISBURSEMENT SUMMARY**

park	Parking	4.00
ph	Photocopies	610.77
rei	Reimbursement	34.35
<b>Total Disbursements</b>		<b>\$649.12</b>



<b>Date</b>	<b>Description</b>	<b>Hours</b>	<b>Amount</b>	<b>Lawyer</b>
Feb-24-14	Two telephone calls with counsel regarding serving as potential curator	0.50	N/C	BB
Feb-25-14	Telephone call with A. Rose; review order, Stansbury amended complaint, Bernstein's will and emails between A. Rose and P. Feaman; review P. Feaman email; attend telephone conference with P. Feaman; email regarding letters of curatorship	1.40	N/C	BB
	Receipt and review B. Brown e-mail regarding order appointing curator; print background documents for file; receipt and review B. Brown and Feaman e-mail; calendar conference call	0.70	N/C	LM
Feb-26-14	Review Bernstein email and respond to same; receipt and review of A. Rose email; draft response and provide sample order	0.40	N/C	BB
Mar-04-14	Emails with M. McAndrews regarding Tescher file copy (multiple); telephone call to her office; receipt and review of P. Feaman letter regarding Northern District Illinois federal action regarding insurance policy litigation; further emails with M. McAndrews regarding file	0.40	140.00	BB
	Emails with Ben Brown and Linda McDaniel regarding production of estate documents	0.10	12.50	AD
	Receipt and review multiple emails between B. Brown and McAndrews regarding delivery of documents; respond to same	0.30	37.50	LM
Mar-05-14	Receipt and review of A. Rose emails regarding Tescher documents, Letters; draft response in connection with same; review additional P. Feaman correspondence; emails to counsel regarding Tescher file; further emails to counsel regarding Letters, 3/11 hearing; receipt and review of Order regarding Tescher et al. resignation; receipt and review of proposed Letters, related emails; respond in connection with same and pending litigation	0.80	280.00	BB
	Receipt and review of A. Rose email regarding Tescher documents and letter; draft response in connection with same; review additional P. Feaman	0.70	245.00	BB

	correspondence; emails to counsel regarding Tescher file and 3/11 hearing; receipt and review of Order regarding Tescher et al. resignation; receipt and review of proposed Letters Appointing Curator and related emails; respond in connection with same and pending litigation			
	E-mail with Attorney McAndrews regarding disk and additional documents; forward same to B. Brown; receipt and review disk from McAndrews; add to scans; emails with B. Brown regarding copying; receipt and review Attorney Rose e-mail regarding same	0.70	87.50	LM
Mar-06-14	Receipt and review of McAndrews email regarding additional Tescher emails; draft email regarding Tescher privilege log in connection with A. Lore 3/6 email	0.30	105.00	BB
	Receipt and review Rose letter dated 3/5; prepare notice of unavailability; prepare same for filing and service; notation to calendar	0.30	37.50	LM
Mar-07-14	Further emails regarding letters; review P. Feaman correspondence regarding North District Illinois litigation; review pleadings	0.40	N/C	BB
	Review 3/4 and 3/5 correspondence regarding litigation in district court and proposed letters of curatorship	0.30	37.50	LM
Mar-10-14	Weekend emails regarding Letters of Appointment and other matters; prepare for and attend telephone conference; confer with staff regarding notice of appearance; receipt and review of motion to stay Stansbury action; several emails regarding Letters to be issued; receipt and review of E. Bernstein email and correspondence (34 pages); confer with L. McDaniel regarding Tescher copies; receipt and review of response to motion to stay	1.30	455.00	BB
	Receipt and review B. Brown instruction e-mail ; telephone call to copy service for copy of Tescher documents; conference with M. McCarthy regarding B. Brown filing	0.20	25.00	LM

Date	Description	Page	Rate	Type
	instruction and notice of appearance and notice of unavailability			
	Draft notices of appearance and unavailability for Stansbury action for B. Brown	0.30	N/C	MEM
Mar-11-14	Receipt and review of Oppenheimer Notice of Intent; distribute Letters; confer with L. McDaniel regarding Tescher file	0.30	105.00	BB
	Review and respond to M. McCarthy e-mail regarding 3/13 hearing; prepare notice of unavailability for filing and service; update calendar; receipt and review of documents from Tescher; e-mail and conference with B. Brown regarding same; receipt and review notice of non-party Oppenheimer; calendar objection	0.90	112.50	LM
Mar-12-14	Draft email assigning tasks to B. Henry; confer with B. Henry regarding 3/13 Stansbury hearing; telephone call with P. Feaman's office regarding Letters of Curatorship; review box 1 of Tescher file (approx. 3,200 pages); emails to B. Henry and L. McDaniel regarding same, Kia auto and other issues	1.90	665.00	BB
	Receipt and review of initial email from B. Brown regarding case; review of attachments, and file; begin drafting of petitions for instruction drafting of various petitions for instruction; emails from B. Brown and to L. McDaniel as to same; receipt and review of email as to Motion to Stay; and preparing for hearing on same	1.10	275.00	TBH
	Review and respond to B. Brown request for pleadings; receipt and review B. Brown e-mail with B. Henry regarding curatorship; prepare copy of Feaman letter and attachments for B. Henry; review and respond to M. McCarthy e-mail regarding same; receipt and review B. Brown instruction e-mail to B. Henry; conference with B. Henry regarding hearing folder; receipt and review B. Brown instruction e-mail to provide letters to Feaman office; receipt and review B. Brown e-mail regarding TS1884; obtain copy of B. Henry for use at hearing; review and	1.80	225.00	LM



	respond to B. Brown and B. Henry e-mail regarding objection to Petition regarding car; review B. Brown e-mail regarding same; review Tescher documents; pull docket of Simon's estate; conference with B. Henry regarding same; e-mail with B. Brown regarding obtaining copy of motion to strike			
Mar-13-14	Email to LM regarding continued document review; confer with B. Henry regarding Judge Blanc hearing; receipt and review of amended inventory; telephone call with A. Rose regarding litigation; prepare petitions regarding KIA and Florida litigation; telephone call with D. Tescher regarding obtaining 2/14 account statement for all Estate accounts; receipt and review of L. McDaniel spreadsheet based on document review in connection with determining Estate assets; receipt and review of account statement; confer with L. McDaniel regarding Letters to financial institutions; further emails regarding jewelry, tangible personal property and original promissory note	1.60	560.00	BB
	Attend hearing on Motion to Stay; review of B. Brown edits as to KIA petition, review of file as to inventory; amendment petition as to same; drafting of motion for instructions as to Illinois case, Florida case, and Kia; review of file and communications as to same	1.00	250.00	TBH
	Receipt and review B. Brown instruction e-mail; review box 2 regarding account statements; create spreadsheet regarding same for various accounts/institutions; conference with B. Brown regarding same; telephone call to McAndrews to request info; e-mail with McAndrews regarding current list of statements for estate; revisions to motion for Instructions regarding Kia; receipt and review B. Brown emails with Tescher regarding estate status, account statements, jewelry in safe deposit box.	1.50	187.50	LM
Mar-14-14	Receipt and review of tangible personal property and jewelry appraisals,	1.40	490.00	BB

	<p>promissory note; emails with D. Tescher regarding same; confer with L. McDaniel and B. Henry regarding taking possession; review amended petition regarding KIA; revise and finalize letter to E. Bernstein; receipt and review of petition for appointment of administrator a. dean litem in connection with Chicago litigation; receipt and review of E. Bernstein letter and email; respond to same; further emails regarding jewelry; confer with B. Henry regarding petition on Chicago litigation; revise petition regarding same</p>	0.50	125.00	TBH
	<p>Receipt and review of several emails and attachments regarding various obligations/duties and questions of the Curator as to resignation of trustee, transfer of car, and other various issues; drafting of petitions for instruction as to Illinois case, Florida case and transfer of car; email from B. Brown as to appraisal; review of appraisal; letter to Alan Rose and Pankauski regarding location of tangible personal property listed therein</p>	0.50	62.50	LM
Mar-17-14	<p>Receipt and review B. Brown and B. Henry e-mail regarding motion for instructions (Kia); prepare same for filing and service; e-mails with B. Brown regarding jewelry and original note from Tescher safe deposit box; review B. Brown response; receipt and review B. Henry instruction e-mail; prepare letter to Rose and Pankauski; e-mail same; prepare draft letter to banks regarding statements to come to curator; e-mail with B. Brown regarding same; receipt and review E. Bernstein e-mail regarding Kia and draft letters; review B. Brown response</p>	0.20	70.00	BB
	<p>Receipt and review of objection to Oppenheimer subpoena in Stansbury case; receipt and review of E. Bernstein response to 3/24 email; receipt and review of emails regarding court reporter for 3/26 hearing</p>	2.50	625.00	TBH
	<p>Travel to Boca to retrieve estate jewelry and original promissory note</p>			

Invoice #:	2936	Page	7	
Mar-19-14	Receipt and review of filings in Stansbury case; emails in connection with same; confer with L. McDaniel regarding 3/26 UMC hearing matters and add-ons	0.30	105.00	BB
Mar-20-14	Emails regarding filing motions and noticing for hearing	0.20	N/C	BB
Mar-24-14	Review Stansbury case motion regarding CBIZ documents; draft letter regarding original promissory note reflected on Estate inventory; receipt and review of Manceri letter regarding his fees; draft proposed order on Florida action motion; review message regarding Eliot Bernstein phone call; telephone call to E. Bernstein regarding 3/26 hearings, notes regarding insurance policy case; draft letter to Pankauski regarding KIA; receipt and review of emails and photos regarding KIA	0.90	N/C	BB
	Receipt and review of jewelry and original note receipt; draft amended petition regarding Florida action	0.20	N/C	BB
	Assemble documents for hearing folders in preparation of three motions set for 3/26 hearing date; draft proposed orders in connection with same	0.40	50.00	MEM
Mar-25-14	Emails regarding identity of trustee of Simon Bernstein Trust; review Will; prepare for hearings; telephone call with A. Rose regarding Ted Bernstein position on 3/26 matters, interests in Stansbury litigation; review document in connection with CPA for Estate; draft letter to D. Tescher regarding documents regarding Shirley's Trust and LLC; draft proposed orders and prepare for hearings	1.50	525.00	BB
Mar-26-14	Attend hearing; draft order; conference with parties; attention to effectuating KIA order; receipt and review of motion to compel regarding Stansbury; draft letter to KIA title; receipt and review of emails regarding title, red light ticket violation; draft email regarding JP Morgan account; draft related letters, several conferences with A. Dean regarding KIA issues; confer with M. McCarthy regarding dates for hearing on Illinois case	3.20	1,120.00	BB

Invoice #:	2936	Page	8	
	Emails with Ben Brown regarding order entered this morning regarding transfer of KIA automobile; emails regarding locating original title and red light ticket that prevents transfer of title because of "stop" placed on title search fees by DMV; call with Don Tescher regarding same; calls to DMV, Clerk of Court, and Penn Credit Collection Agency to obtain information on the citation and to pay the ticket; email to Ben Brown regarding same	1.00	125.00	AD
	Telephone call to JA to obtain hearing dates for life insurance proceeds motion; numerous phone calls to counsels' offices to coordinate same	0.20	25.00	MEM
Mar-27-14	Emails regarding IRA (JP Morgan W3258007) account with Tescher & Spallina regarding beneficiary and account statement; draft letter to JP Morgan regarding same; follow up regarding Sabadell Bank account; review Spallina email regarding annual report for Bernstein Holdings LLC; review Secretary of State website and exchange emails regarding manager and owner of LLC; review Estate Inventory in connection with same; email to Rose and Pankauski regarding same; attention to 2013 tax documents	0.80	280.00	BB
	Review and respond to B. Brown e-mail regarding status of letters to Sabadell and JPMorgan; receipt and review notice of appearance by Family Realty	0.30	37.50	LM
Mar-28-14	Review information regarding KIA title; email instructions to A. Dean regarding same	0.20	70.00	BB
	Research regarding forms required for transferring title to KIA and long call with Julia at Tax Collector's regarding same; emails with Ben Brown regarding same	0.80	100.00	AD
	Telephone call to JP Morgan/Chase regarding IRA account; draft inquiry letter to JP Morgan regarding same; circulate numerous emails in follow up of hearing dates for life insurance proceeds motion; telephone call from A. Rose regarding Illinois counsel involvement in hearing	0.30	37.50	MEM

	Follow up on responses from counsel regarding proposed hearing dates	0.10	12.50	MEM
Mar-31-14	Confer with A. Dean regarding KIA transfer; confer with M. McCarthy regarding hearing date on Illinois motion; emails with A. Dean regarding KIA	0.30	105.00	BB
	Emails with Ben Brown regarding Tax Collector payments and making appointment with Candice Bernstein to transfer title	0.20	25.00	AD

Totals

35.20      \$7,832.50

**DISBURSEMENTS**

**Disbursements**

**Receipts**

Mar-11-14	Photocopies (PBCopy Inv.#108467)	610.77
Mar-31-14	Parking Courthouse 3/26 hearing)	4.00
	Reimbursement Tescher 3/17 mileage-60.8 @ \$.56.5/mile)	34.35

Totals

\$649.12

\$0.00

**Total Fees & Disbursements**

**\$8,481.62**

Previous Balance

\$0.00

Previous Payments

\$0.00

**Balance Due Now**

**\$8,481.62**