

IN THE CIRCUIT COURT FOR PALM BEACH COUNTY, FL

IN RE: ESTATE OF

PROBATE DIVISION

SIMON BERNSTEIN,

FILE NO.:50 2012 CP
004391 IZ XXXX SB

Deceased.

**RENEWED PETITION FOR DISCHARGE AND FILING OF
FINAL ACCOUNTING**

Petitioners, Donald R. Tescher and Robert L. Spallina, allege:

1. Petitioners are the former, undischarged Personal Representatives of the above estate.
2. Pursuant to the Order of this Court dated February 18, 2014, Petitioners were directed to file a Final Accounting and a Renewed Petition for Discharge, the Court having accepted their resignations and revoking their Letters of Administration.
3. As ordered by the Court in its February 18, 2014, Order, the co-Personal Representatives have delivered to Benjamin P. Brown, the Court-appointed Curator in the captioned estate, all property of the Estate, real, personal, tangible, or intangible, all of the documents and records of the Estate and all records associated with any property of the Estate, regardless of whether such property has been previously distributed, transferred, abandoned, or otherwise disposed of.
4. Attached to this Petition is the Final Accounting of the co-Personal Representatives through the date of their removal.
5. ~~The Final Accounting reflects payments to Tescher & Spallina, P.A., representing the compensation paid through December 31, 2013, to the co-Personal Representatives. Subsequently, additional compensation for the period January 1, 2014, to the date of formal discharge may be sought by the Petitioners and Petitioners request that the Court retain jurisdiction for purposes of settling the final fee matters.~~
6. As noted on the accompanying Notice and Certificate of Service, a copy of this Petition and the accompanying Final Accounting have been served on all interested persons and objections to same shall be filed in accordance with Probate Rule 5.430(i).

Wherefore, your Petitioners request that this Court enter an Order discharging the resigned co-Personal Representatives at such time as all objections, if any, to the Final Accounting have been withdrawn, abandoned, or judicially resolved.

Under penalties of perjury, we declare that we have read the foregoing, and the facts alleged are true, to the best of our knowledge and belief.

Signed on May 1, 2014.

Respectfully Submitted,

/S/ Robert L. Spallina, Esquire
ROBERT L. SPALLINA, ESQ.
Petitioner
Florida Bar No. 497381
Tescher & Spallina, P.A.
925 S. Federal Highway, Suite 500
Boca Raton, FL. 33432
Telephone: (561) 997-7008
Email: rspallina@tescherspallina.com

/S/ Donald R. Tescher, Esquire
DONALD R. TESCHER, ESQ.
Petitioner
Florida Bar No. 121086
Tescher & Spallina, P.A.
925 S. Federal Highway, Suite 500
Boca Raton, FL. 33432
Telephone: (561) 997-7008
Email: dtescher@tescherspallina.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Renewed Petition for Discharge and Filing of Final Accounting has been furnished by U.S. Mail and email to:

Benjamin P. Brown, Esq., Curator
825 N. Flagler Drive, Suite 401
West Palm Beach, FL 33401

bbrown@matbrolaw.com

Alan B. Rose, Esq.
505 S Flagler Dr., Ste. 600
West Palm Beach, Florida 33401

arose@pm-law.com

John Pankauski, Esq.
120 S. Olive Ave., Ste. 701
West Palm Beach, FL 33401

courtfilings@pankauskilawfirm.com

Peter M. Feaman, Esq.
3695 W. Boynton Beach Blvd., Ste. 9
Boynton Beach, FL 33436

service@feamanlaw.com

Eliot Bernstein
2753 NW 34th Street
Boca Raton, Florida 33434

iviewit@iviewit.tv

William H. Glasko, Esq.
Palmetto Bay Law Center
17345 S. Dixie Highway
Palmetto Bay, FL 33157

eservice@palmettobaylaw.com
tmealy@gcprobatelaw.com
bill@palmettobaylaw.com

Pamela Simon
950 North Michigan Ave., Ste. 2603
Chicago, IL 60611

psimon@stpcorp.com

this 15 day of May, 2014.

TESCHER & SPALLINA, P.A.
For the Estate of Simon Bernstein
925 S. Federal Highway, Suite 500
Boca Raton, FL 33432
Telephone: (561) 997-7008
Email: rspallina@tescherspallina.com

By: /S/ Robert L. Spallina, Esquire
Robert L. Spallina, Esquire
Florida Bar No. 497381

**FINAL ACCOUNTING OF PERSONAL REPRESENTATIVE,
ESTATE OF SIMON BERNSTEIN**

From: 9/13/12 Through: 2/28/14

SCHEDULE A
Receipts

<u>Date</u>	<u>Brief Description of Items</u>	<u>Income</u>	<u>Principal</u>
10/9/2012	Monarch Life Proceeds	\$0	\$2,000.00
2/15/2013	U.S. Treasury (tax refund)	\$0	\$360.00
11/20/2013	FPL reimbursement - (overpayment)	\$0	\$240.05
12/17/2013	Fee Reimbursement from Shirley Bernstein Trust (Note 1)	\$0	\$30,000.00
12/31/2013	Required Min. Distribution from Simon IRA JPM (#Ending 5007)	\$20,213.10	\$4,786.90
9/13/2012 - 2/28/2014	Sabadell (#Ending 7176) and JP Morgan (#Ending 5220)	\$51.85	\$0
	TOTAL	\$20,264.95	\$37,386.95

Note 1 - amount represents a fee reimbursement from the Shirley Bernstein Trust to the Simon Bernstein Estate for the period 9/13/2012 through 12/31/2013 for payments made from the Simon Bernstein Estate Acct at JP Morgan Ending 5220 to Tescher & Spallina, P.A.

**FINAL ACCOUNTING OF PERSONAL REPRESENTATIVE,
ESTATE OF SIMON BERNSTEIN**

From: 9/13/12 Through: 2/28/14

SCHEDULE B

Disbursements

<u>Date</u>	<u>Brief Description of Items</u>	<u>Income</u>	<u>Principal</u>
Tescher & Spallina, P.A.			
11/1/2012	Fees and Costs	\$0	\$31,448.55
11/8/2012	Fees and Costs	\$0	\$862.94
12/14/2012	Fees and Costs	\$0	\$5,876.20
2/15/2013	Fees and Costs	\$0	\$23,226.27
6/24/2013	Fees and Costs	\$0	\$20,000.00
6/26/2013	Fees and Costs	\$0	\$301.73
6/27/2013	Fees and Costs	\$0	\$20,000.00
8/29/2013	Fees and Costs	\$0	\$12,000.00
12/27/2013	Fees and Costs	\$0	\$8,800.00
Mark R. Manceri, P.A.			
2/27/2013	Attorney's Fees and Costs	\$0	\$5,000.00
6/10/2013	Attorney's Fees and Costs	\$0	\$3,797.50
8/26/2013	Attorney's Fees and Costs	\$0	\$7,009.50
9/17/2013	Attorney's Fees and Costs	\$0	\$1,448.00
12/3/2013	Attorney's Fees and Costs	\$0	\$1,053.00
1/3/2014	Attorney's Fees and Costs	\$0	\$2,446.00
Bernstein Family Realty, LLC			
9/14/2012	LOANS (Bernstein Family Realty)	\$0	\$4,000.00
10/15/2012	LOANS (Bernstein Family Realty)	\$0	\$4,000.00
Misc. Disbursements			
9/18/2012	Check payable to CASH (written pre-death by Decedent)	\$0	\$120.00

SCHEDULE B Continued
Disbursements

<u>Date</u>	<u>Brief Description of Items</u>	<u>Income</u>	<u>Principal</u>
10/1/2012	Interest Payment on LLLP Loan (autopay)	\$0	\$2,240.89
10/9/2012	American Pioneer Premium (autopay)	\$0	\$268.00
10/12/2012	Unknown - Check written pre-death	\$0	\$90.76
10/15/2012	Florida Power and Light	\$0	\$1,460.85
10/15/2012	Wells Fargo Interest Payment (HELOC)	\$0	\$1,392.86
12/26/2012	Internal Revenue Service	\$0	\$2,861.25
1/25/2013	Bank Expense (close Legacy account)	\$0	\$15.00
5/30/2013	Jewelry Appraisal	\$0	\$237.50
	TOTAL	\$0	\$159,956.80

**FINAL ACCOUNTING OF PERSONAL REPRESENTATIVE,
ESTATE OF SIMON BERNSTEIN**

From: 9/13/12 Through: 2/28/14

SCHEDULE C

Distributions

<u>Date</u>	<u>Brief Description of Items</u>	<u>Income</u>	<u>Principal</u>
12/31/2013	Required Min. Distribution to Simon Estate Acct JPM (#Ending 5220)	\$20,213.10	\$4,786.90
	TOTAL	\$20,213.10	\$4,786.90

**FINAL ACCOUNTING OF PERSONAL REPRESENTATIVE,
ESTATE OF SIMON BERNSTEIN**

From: 9/13/12 Through: 2/28/14

SCHEDULE D

Capital Transactions and Adjustments

(Does not include distributions. Distributions are shown on Schedule C.)

Date	Brief Description of Transactions	Net Gain	Net Loss
9/14/12	Accounts Receivable from Bernstein Family Realty, LLC (Note 1)	\$4,000.00	
10/15/12	Accounts Receivable from Bernstein Family Realty, LLC (Note 1)	\$4,000.00	
9/2012 - 12/2013	Accrued Legal Fees from Bernstein Family Realty, LLC payable to the Estate of Simon Bernstein (Note 2)	\$17,500.00	
9/2012 - 12/2013	Accrued Legal Fees from Simon Bernstein 1995 Insurance Trust payable to the Estate of Simon Bernstein (Note 3)	\$20,000.00	
9/2012 - 2/2014	Net change in Simon Bernstein IRA Acct Ending 5007 at JPM Morgan taking into account income, gains/losses and distributions from the opening inventory value to the close of the accounting period (Note 4)	\$33,749.65	
TOTAL NET GAINS AND (LOSSES) NET GAIN OR (LOSS)		\$79,249.65	\$0.00

Note 1 - Amounts represent automatic payments that were made to Bernstein Family Realty, LLC for Sep 2012 and Oct 2012 prior to autopay being turned off. There is no agreement for the Estate of Simon Bernstein to continue paying expenses for Bernstein Family Realty, LLC post death. Please note that Bernstein Family Realty, LLC is owned by three trusts created by Simon Bernstein for his

Note 2 - Amount represents unreimbursed legal fees from Bernstein Family Realty, LLC to the Estate of Simon Bernstein for payments made from the Simon Bernstein Estate Acct at JP Morgan Ending 5220 to Tescher & Spallina, P.A.

Note 3 - Amount represents unreimbursed legal fees from the Simon Bernstein 1995 Insurance Trust to the Estate of Simon Bernstein for payments made from the Simon Bernstein Estate Acct at JP Morgan Ending 5220 to Tescher & Spallina, P.A.

Note 4 - Please note that opening inventory value of \$519,266.37 did not include a distribution to client immediately preceding death in the amount of \$50,000.00. As such, the opening inventory value is overstated by said amount and the net change in value through the end of the accounting period is understated by said amount.

**FINAL ACCOUNTING OF PERSONAL REPRESENTATIVE,
ESTATE OF SIMON BERNSTEIN**

From: 9/13/12 Through: 2/28/14

SCHEDULE E

Assets on Hand at Close of Accounting Period

(Indicate where held and legal description, certificate numbers or other identification.)

	Estimated Current Value	Carrying Value
ASSETS OTHER THAN CASH:		
Appraised Furniture and Furnishings (at Decedent's home in Boca)	\$51,135.00	\$51,135.00
Appraised Jewelry (in possession of Benjamin Brown, Curator)	\$63,205.00	\$63,205.00
Secured Promissory Note - Due from Bernstein Family Realty, LLC (in possession of Benjamin Brown, Curator)	\$365,000.00	\$365,000.00
Simon Bernstein IRA (JP Morgan Acct. Ending 5007)	\$528,016.02	\$528,016.02
Due From Bernstein Family Realty, LLC	\$25,500.00	\$25,500.00
Due From Simon Bernstein 1995 Insurance Trust	\$20,000.00	\$20,000.00
LIC Holdings, Inc. (Company stock held at corporate office)	N/A	N/A
OTHER ASSETS TOTAL	\$1,052,856.02	<u>\$1,052,856.02</u>
CASH:		
Sabadell Bank (Acct. Ending 7176)		\$29,276.78
JP Morgan (Acct. Ending 5220)		\$25,531.59
CASH TOTAL		<u>\$54,808.37</u>
TOTAL ASSETS (must agree with the Total for Item VI on Summary)		<u>\$1,107,664.39</u>