

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

FILE NO.: 502012CP004391XXXXSB

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

SECOND 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 for the period April 1, 2014 through April 30, 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 \$6,962.50. The costs owed are \$224.40 for a total due in the amount of \$7,186.90.

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 6,000 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 and interested persons 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 persons, 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 16 day of May, 2014.

MATWICZYK & BROWN LLP
625 N. Flagler Drive, Suite 401
West Palm Beach, FL 33401
Telephone: (561) 651-4004
Fax: (561) 651-4003
attorneys@matbrolaw.com

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 tbernstein@lifeinsuranceconcepts.com</p>	<p>Alan B. Rose, Esq. Page, Mrachek, Fitzgerald & Rose, P.A. 505 South Flagler Drive, Suite 600 West Palm Beach, Florida 33401 (561) 355-6991 arose@pm-law.com</p>	<p>John J. Pankauski, Esq. Pankauski Law Firm PLLC 120 South Olive Avenue 7th Floor West Palm Beach, FL 33401 (561) 514-0900 Michelle@Pankauskilawfirm.com</p>	<p>Carley & Max Friedstein, Minors c/o Jeffrey and Lisa Friedstein Parents and Natural Guardians 2142 Churchill Lane Highland Park, IL 6003 Lisa@friedsteins.com lisa.friedstein@gmail.com</p>
<p>Pamela Beth Simon 950 N. Michigan Avenue Apartment 2603 Chicago, IL 60611 psimon@stpcorp.com</p>	<p>Irwin J. Block, Esq. The Law Office of Irwin J. Block PL 700 South Federal Highway Suite 200 Boca Raton, Florida 33432 ijb@jblegal.com</p>	<p>William M. Pearson, Esq. P.O. Box 1076 Miami, FL 33149 wpearsonlaw@bellsouth.net</p>	<p>Robert L. Spallina, Esq., Tescher & Spallina, P.A. Boca Village Corporate Center I 4855 Technology Way Suite 720 Boca Raton, FL 33431 rspallina@tescherspallina.com</p>
<p>Jill Iantoni 2101 Magnolia Lane Highland Park, IL 60035 jilliantoni@gmail.com</p>	<p>Peter Feaman, Esquire Peter M. Feaman, P.A. 3615 Boynton Beach Blvd. Boynton Beach, FL 33436 pfeaman@feamanlaw.com</p>	<p>Eliot Bernstein 2753 NW 34th Street Boca Raton, FL 33434 iviewit@iviewit.tv</p>	<p>Donald Tescher, Esq., Tescher & Spallina, P.A. Boca Village Corporate Center I 4855 Technology Way Suite 720 Boca Raton, FL 33431 dtescher@tescherspallina.com</p>
<p>Lisa Friedstein 2142 Churchill Lane Highland Park, IL 60035 Lisa@friedsteins.com lisa.friedstein@gmail.com</p>	<p>William H. Glasko, Esq. Golden Cowan, P.A. 1734 South Dixie Highway Palmetto Bay, FL 33157 bill@palmettobaylaw.com</p>	<p>Alexandra Bernstein 3000 Washington Blvd, Apt 424 Arlington, VA, 22201 alb07c@gmail.com</p>	<p>Mark R. Manceri, Esq., and Mark R. Manceri, P.A., RESPONDENTS 2929 East Commercial Boulevard Suite 702 Fort Lauderdale, FL 33308 mrmlaw@comcast.net</p>
<p>Eric Bernstein 2231 Bloods Grove Circle Delray Beach, FL 33445 edb07@fsu.edu edb07fsu@gmail.com</p>	<p>Michael Bernstein 2231 Bloods Grove Circle Delray Beach, FL 33445 mchl_bernstein@yahoo.com</p>	<p>Molly Simon 1731 N. Old Pueblo Drive Tucson, AZ 85745 molly.simon1203@gmail.com</p>	
<p>Matt Logan 2231 Bloods Grove Circle Delray Beach, FL 33445 matl89@aol.com</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 iviewit@iviewit.tv</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 jilliantoni@gmail.com</p>	

Matwiczuk & Brown LLP

625 North Flagler Drive
Suite 401
West Palm Beach, FL 33401

Ph:(561) 651-4004

Fax:(561) 651-4003

Estate of Simon Bernstein

May 5, 2014

File #: 14-00440

Inv #: 2949

Attention:

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

SUMMARY BY TASK

Task	Effective Rate	Hours	Amount
BW Billable Work	\$234.43	29.70	6,962.50
Total		29.70	\$6,962.50
Grand Total		29.70	\$6,962.50

SUMMARY BY TIMEKEEPER

This Invoice

Timekeeper	Category	Rate	Hours	Amount
Benjamin P. Brown	Partner	350.00	14.00	4,900.00
Thornton B. Henry	Associate	250.00	0.80	200.00
Angela Dean	Paralegal	125.00	3.80	475.00
Linda McDaniel	Paralegal	125.00	10.90	1,362.50
Mary Ellen McCarthy	Time Keeper	125.00	0.20	25.00
Total			29.70	\$6,962.50

DISBURSEMENT SUMMARY

cort	court photocopies	4.00
cr	Courier	25.00
taxp	Tax - probate related	195.40
Total Disbursements		\$224.40



Date	Description	Hours	Amount	Lawyer
Apr-01-14	Further confer with A. Dean regarding title issues; review Stansbury action filings; attention to Sabadell account documents	0.40	140.00	BB
	Emails with Ben Brown regarding car title issues; call to Eliot Bernstein regarding same	0.20	25.00	AD
	Receipt and review subpoena to Oppenheimer; conference with B. Brown regarding same; receipt and review Lissne e-mail to Feaman regarding same; review and respond to A. Dean e-mail regarding contact info for Christine Bernstein; receipt and review Sabadell documents for Estate/substituting in B. Brown as curator	0.40	50.00	LM
Apr-02-14	Confer with A. Dean regarding Kia issues; exchange emails regarding same; receipt and review of E. Bernstein email regarding counsel providing benefit to Estate and respond	0.30	105.00	BB
	Check status of stop on car title; long email to Eliot Bernstein regarding requirements to transfer title and to schedule date regarding same	0.50	62.50	AD
	Prepare transmittal letter to Sabadell regarding original account agreements	0.10	12.50	LM
Apr-03-14	Receipt and review of Stansbury supplement to Administrator ad Litem Motion; receipt and review of letter from Shendell regarding additional documents	0.20	70.00	BB
	Check status of stop on car title; letter to Clerk to request certified copy of Order regarding the KIA	0.40	50.00	AD
	Telephone call to JA to confirm May 23rd hearing date; circulate emails to all counsel regarding same; send courtesy copies of the notice of hearing with motions to Judge Colin; calendar hearing	0.20	25.00	MEM
Apr-04-14	Emails with A. Dean regarding Kia issue, status of "stop" on title search fees transfer due to unpaid red light ticket	0.20	70.00	BB
	Check status of stop on title; emails with Ben Brown regarding status; follow up email to Eliot regarding same; call to Palm Beach county Tax Collector	0.80	100.00	AD

	regarding title issues; call with Candice Bernstein regarding appointment at Tax Collector's office and items she needs for appointment; emails with Ben Brown regarding same			
	Conference with B. Brown regarding review of documents provided by McAndrews on 3/18; review 1500 pages of documents for info regarding estate assets, accounts, tangible property; work on petition for fees	2.00	250.00	LM
Apr-07-14	Emails with A. Dean regarding Kia; receipt and review of production documents (approx. 100 "key" documents); attention to CPA and tax return; revise and finalize petition for fees; receipt and review of Eliot Bernstein pleading in Estate to remove trustee	0.70	245.00	BB
	Call with Tax Collector regarding appearance in person by curator; emails with Ben Brown regarding same; call with Candice regarding Wednesday appointment; prepare Power of Attorney	0.80	100.00	AD
	E-mail to B. Brown regarding draft motion for fees; review file in connection with same; receipt and review B. Brown revised petition for fees; prepare exhibits; memo to B. Brown regarding review of Tescher 3/18 documents; receipt and review B. Brown instruction e-mail; prepare letter to Lewin	0.50	62.50	LM
Apr-08-14	Gather documents for tomorrow's meeting with Candice Bernstein; email from Candice asking to reschedule to 4/11; emails with Ben Brown regarding same	0.30	37.50	AD
	Prepare 1st petition for fees for filing and service; review Box 2 of Tescher documents per B. Brown instruction	1.50	187.50	LM
Apr-09-14	Review Box 2 documents from L. McDaniel regarding insurance policy litigation and Estate's non-jewelry tangible personal property; review JP Morgan account statements for IRA and 7231 account; instructions to L. McDaniel; receipt and review of L. McDaniel email regarding JP Morgan transfers; review documents for 1041;	1.20	420.00	BB

	letter in connection with same; email to J. Pankauski regarding Estate's tangible personal property; review file and prior emails regarding same; review Schiller complaint and docket; draft letter to A. Rose regarding same and Estate's involvement; letter to J. Lewin regarding Estate's 1041			
	Complete review of Box 2 documents; copy selected pages for B. Brown review; telephone call with JP Morgan regarding status of changing of address for statements; e-mail to B. Brown regarding status; calendar follow up; receipt and review B. Brown comments on selected documents; scan as requested; start hearing folder for Administrator ad litem hearing; prepare draft letter to A. Rose regarding Marvin Schiller matter; prepare letter to J. Lewin regarding preparation of 2013 1040 for estate	1.50	187.50	LM
Apr-10-14	Receipt and review of emails from A. Rose and J. Pankauski regarding Schiller case and tangible personal property; respond to A. Rose	0.30	105.00	BB
Apr-11-14	Receipt and review of CBIZ memo regarding taxes; emails regarding KIA transfer (also from 4/10), status	0.30	105.00	BB
	Meet with Candice Bernstein at the Tax Collector's office to transfer title to the KIA	0.80	100.00	AD
Apr-14-14	Email to A. Messuri; email to J. Pankauski regarding tangible personal property, safekeeping, status; confer with L. McDaniel regarding hearing on fee petition; email with J. Pankauski in connection with same; receipt and review of JP Morgan and Sabadell Bank account statements; receipt and review of P. Feaman letter regarding F.S. 733.707(3); confer with L. McDaniel regarding status of requests for change of address on Estate accounts; attention to order on fees petition; email to A. Rose regarding hearing on personal representative appointment; receipt and review of E. Bernstein email regarding Bernstein Family Realty and attachments	1.20	420.00	BB

Date	Description	Page	Amount	Code
	Receipt and review B. Brown instruction e-mail; e-mail to counsel regarding scheduling UMC; review responses (2); e-mail B. Brown regarding 1041 for estate; review response; receipt and review B. Brown /Theirman emails regarding scheduling conference call; calendar; calendar extension date for 1041; receipt and review B. Brown instruction e-mail; prepare draft order on fees; e-mail same to parties for review; review responses (2)	0.50	62.50	LM
Apr-15-14	Receipt and review of emails regarding proposed Order and fee petition; respond to Eliot Bernstein email regarding charging to parties; receipt and review of responses regarding UMC hearing; draft response to P. Feaman 4/9 letter and finalize same; receipt and review of emails regarding account transfers	0.70	245.00	BB
	Receipt and review J. Pankauski emails regarding tangible personal property location and security of same; receipt and review B. Brown e-mail to parties regarding 4/22 UMC; prepare notice of hearing; prepare same for filing and service; calendar	0.30	37.50	LM
Apr-16-14	E-mail with M. McCarthy regarding documents for 4/22 hearing	0.10	12.50	LM
Apr-21-14	Prepare hearing folder; arrange for file for UMC; prepare draft order; e-mail to B. Brown regarding same	0.40	50.00	LM
Apr-22-14	Attend hearing on fees and setting personal representative petition for hearing (1.1 hr.); review Eliot email regarding T&S; emails to CBIZ regarding materials for 1041 tax return; receipt and review of documents from Box 1 regarding IRA transfers; conference and instructions to L. McDaniel regarding same; exchange emails regarding accounting; email to CBIZ regarding T&S providing information regarding 5/15 1041 filing	1.90	665.00	BB
	Emails from B. Brown and J. Pankauski regarding hearing on appointment of personal representative	0.20	50.00	TBH

Invoice #:	2949	Page	6	
	Receipt and review B. Brown instruction e-mail; receipt and review B. Brown e-mail to McAndrews regarding accounting status; e-mail and conference with B. Brown regarding transfers in Estate and IRA accounts; pull statements as instructed; review B. Brown e-mail to accountants regarding same; receipt and review Pankauski e-mail regarding scheduling hearing on Petition to appoint personal representative; review B. Brown response; calendar potential date	0.50	62.50	LM
Apr-25-14	Receipt and review of Eliot emails regarding Tescher accounting; draft response	0.30	105.00	BB
Apr-28-14	Review file and respond to Eliot's emails regarding contempt against prior Co-Personal Representatives due to late accounting and motion for extension hearing; Baxley 4/21/14 letter from Governor regarding notary; K. Moran proceedings; receipt and review of complaint to Governor's office, Illinois federal court case and timing regarding administrator ad litem; exchange emails with Eliot regarding same; instructions to L. McDaniel in connection with same; draft notice of hearing regarding same; review JP Morgan 7231 statements; confer with L. McDaniel regarding obtaining account statements from JP Morgan; respond to Eliot email regarding JP Morgan accounts; receipt and review of Pankauski email regarding 5/7 notice of hearing; draft response regarding Rule 5.430(i) and need for 5/7 hearing; draft email to CBIZ regarding JP Morgan withdrawals made in 2013	2.40	840.00	BB
	Receipt and review B. Brown instruction e-mail; prepare letter to Morgan Stanley requesting statements; e-mail to B. Brown regarding response to Petition for Construction; receipt and review J. Pankauski e-mail regarding proposed order; review B. Brown response; e-mail to B. Brown regarding 2/14 letter referenced by E. Bernstein e-mail dated 4/28	0.40	50.00	LM

Invoice #:	2949	Page	7	
Apr-29-14	<p>Receipt and review of response to motion to compel in Stansbury action; receipt and review of K. Moran notice from Eliot; instructions to L. McDaniel regarding same; forward information regarding Bernstein entities annual reports to J. Pankauski; receipt and review of response to same; receipt and review of CBIZ email regarding info for tax returns; receipt and review of Spallina responses in connection with same; review Eliot email regarding IRA's; review Eliot email regarding affidavit, Simon letter and Illinois case; draft response; amend motion for instructions regarding Illinois case; draft notice of hearing; telephone call from R. Spallina regarding JP Morgan info needed for accounting; telephone call with JP Morgan regarding same; follow up email with orders appointing curator and granting letters of curatorship; email from CBIZ regarding details of curator appointment; draft response with attachment; review file in connection with above</p>	2.90	1,015.00	BB
	<p>Receipt and review B. Brown emails regarding Kim Moran complaint by E. Bernstein; request underlying complaint from E. Bernstein; review responses; receipt and review B. Brown and A. Dean emails regarding filing of annual reports; review Box 1 and 2 (Teschler) for JP Morgan statements at B. Brown instruction; receipt and review E. Bernstein 4/29 e-mail regarding affidavit from Jackson National; respond to B. Brown e-mail regarding certified letters of curatorship; receipt and review B. Brown instruction e-mail; gather exhibits to Amended Petition for Instructions (Illinois case) and prepare amended notice of hearing; receipt and review B. Brown emails to M. Mercer regarding taxes; receipt and review Rose letter to Judge dated 4/21 and response to motion to compel</p>	1.20	150.00	LM
Apr-30-14	<p>Review M. Mercer emails regarding JP Morgan info; further emails regarding same; draft letter to J. Jarvis re JP</p>	1.00	350.00	BB

Morgan account statements, revise and finalize same; telephone call with J. Royer regarding 5/7 administrator ad litem and personal representative hearings; telephone call with A. Rose regarding same, status of Stansbury case, Estate representation in connection with same; receipt and review of Form 8855 info from CBIZ; instructions to L. McDaniel and B. Henry regarding same Receipt and review of email from B. Brown with attachments regarding Form 8866; draft motion for authority to execute same
 Receipt and review 2 notices of change of address; update pleadings; pull copies of documents from B. Brown review of Box 1; receipt and review Mercer e-mail regarding status of review of gain/loss data; receipt and review Mercer/Spallina/B. Brown e-mails regarding financial requests/information; work on draft Motion for Instructions (will); gather exhibits; e-mail to E. Bernstein for Moran complaint; review response; receipt and review B. Brown instruction e-mail to B. Henry regarding motion for authorization regarding forms 8855

0.60 150.00 TBH

1.50 187.50 LM

Totals

29.70
 \$6,962.50

DISBURSEMENTS

Disbursements

Receipts

Apr-03-14 court photocopies (E/O Simon Bernstein)
 Apr-04-14 Courier /Courthouse 4/3/14
 Apr-08-14 Tax - probate related (title transfer to Candice)

4.00
 25.00
 195.40

Totals

 \$224.40

 \$0.00

Total Fees & Disbursements

\$7,186.90

Previous Balance
 Previous Payments

\$8,481.62
 \$8,481.62

Balance Due Now

\$7,186.90