

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT IN AND FOR
PALM BEACH COUNTY, FLORIDA

IN RE: PROBATE DIVISION
ESTATE OF SIMON L. BERNSTEIN CASE NO. 502012CP004391XXXXSB

**CURATOR'S MOTION FOR INSTRUCTIONS REGARDING
MINOR INTERESTED PARTIES**

COMES NOW, Curator, Benjamin P. Brown ("Curator"), by and through undersigned counsel, files this Motion for Instructions and states as follows:

1. On February 25, 2014, this Court entered an Order on "Interested Person" William Stansbury's Motion for the Appointment of a Curator or Successor Personal Representative ("Order Appointing Curator"), appointing Benjamin P. Brown as Curator of the Estate of Simon L. Bernstein ("Estate"). On March 11, 2014, this Court entered Letters of Curatorship in Favor of Benjamin Brown ("Letters of Curatorship").

2. On May 2, 2014, the Curator filed a Motion for Instructions Regarding 2012 Will ("2012 Will Motion"), attached hereto as Exhibit A¹, and requested instructions on whether to take any action to contest the 2012 Will of Decedent.

3. On May 13, 2014, the Curator filed a Motion for Instructions Regarding May 1, 2014 Accounting ("Accounting Motion"), attached hereto as Exhibit B², and requested instructions on whether to conduct a background investigation of and/or object to the former Co-Personal Representatives' final accounting.

4. On May 23, 2014, this Court conducted a hearing on both the 2012 Will Motion and Accounting Motion. The Court orally ruled that the Curator was not

¹ Minus exhibits, which are relatively voluminous and already on file.

² Minus exhibits, which are relatively voluminous and already on file.

authorized to take the actions described in the motions. The relevant transcript pages are attached hereto as Exhibit C.

5. On May 27, 2014, the Curator emailed proposed orders on the 2012 Will Motion and Accounting Motion (“Proposed Orders”), reflecting the Court’s oral ruling at the May 23, 2014 hearing, to all counsel and *pro se* individuals who appear on the service list for this proceeding. The Proposed Orders are attached hereto as Exhibit D. The service list used on this Motion and all prior filings by the Curator is the same as the service list for the Order Appointing Curator and Letters of Curatorship.

6. On May 28, 2014, Alan Rose, Esq., counsel for Ted Bernstein, responded via email and suggested changes to the Proposed Orders. Mr. Rose’s suggested changes to the Proposed Orders are attached hereto as Exhibit E.

7. On May 28, 2014, Eliot Bernstein (“Eliot”), appearing *pro se*, responded via emails and expressed concerns regarding the rights of unrepresented, minor interested parties: 5 of Decedent’s 10 grandchildren, all of whom are beneficiaries of sub-trusts for their benefit created under the Simon L. Bernstein Trust u/a/d 9/13/12 (“Trust”). The 2012 Will provides that the residuary Estate assets pour over into the Trust. Decedent’s grandchildren thus are not direct beneficiaries of the Estate, but may be “interested persons” as defined by Florida Statutes §731.201(23).

8. Eliot’s e-mails requested that prior to entry of any Orders on the Accounting Motion or the 2012 Will Motion, that the Curator notify the Court of the minor grandchildren’s inability to make objections to the Accounting or the 2012 Will, and suggested that the Court enter an Order requiring that independent counsel be provided for them. The emails are attached hereto as Composite Exhibit F.

9. On May 28, 2014, the Curator advised Eliot via e-mail that he would submit the Orders with a letter explaining the various positions regarding the Orders. A copy of that e-mail is attached hereto as Exhibit G.³

10. Accordingly, by this Motion the Curator advises the Court and counsel of the foregoing, and, in an abundance of caution seeks instructions regarding authority to proceed pursuant to the Letters of Curatorship in light of the foregoing and the contents of Composite Exhibit F.

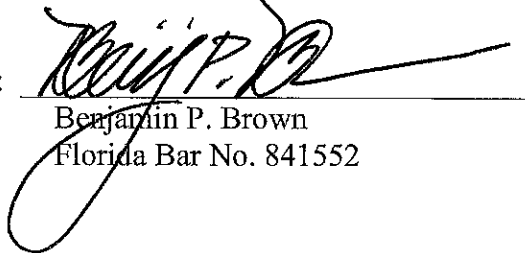
WHEREFORE, the Curator respectfully requests that this Court enter an Order providing instructions as described above, and awarding such other relief as this Court deems just and proper.

³ Without attachment, which is part of Exhibit F. The letter was sent Friday May 30, 2014 and everyone on the service list was copied. Its enclosures are substantially the same as the Exhibits to this Motion.

I **HEREBY CERTIFY** that a true and correct copy of the foregoing was served by e-mail upon Alan Rose, Esq., Page Mrachek, 505 S. Flagler Drive, Suite 600, West Palm Beach, FL 33401, arose@pm-law.com and mchandler@pm-law.com; John Pankauski, Esq, Pankauski Law Firm, 120 S. Olive Ave., Suite 701, West Palm Beach, FL 33401, courtfilings@pankauskilawfirm.com, Peter M. Feaman, Esq., Peter M. Feaman, P.A., 3615 W. Boynton Beach Blvd., Boynton Beach, FL 33436, service@feamanlaw.com; Eliot Bernstein, 2753 NW 34th Street, Boca Raton, FL 33434, iviewit@iviewit.tv; William H. Glasko, Esq., Golden Cowan, Palm Palmetto Bay Law Center, 17345 S. Dixie Highway, Palmetto Bay FL 33157, bill@palmettobaylaw.com, on this 30 day of May, 2014.

MATWICZYK & BROWN LLP
Attorney for Curator
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Telephone: (561) 651-4004
Fax: (561) 651-4003

By: _____


Benjamin P. Brown
Florida Bar No. 841552

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT IN AND FOR
PALM BEACH COUNTY, FLORIDA

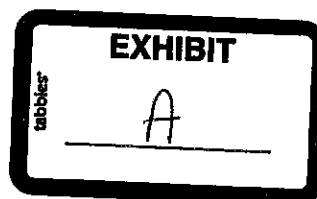
IN RE:
ESTATE OF SIMON L. BERNSTEIN

PROBATE DIVISION
CASE NO. 502012CP004391XXXXSB

CURATOR'S MOTION FOR INSTRUCTIONS REGARDING 2012 WILL

COMES NOW, Curator, Benjamin P. Brown ("Curator"), by and through undersigned counsel, files this Motion for Instructions and states as follows:

1. On February 25, 2014, this Court entered an Order on "Interested Person" William Stansbury's Motion for the Appointment of a Curator or Successor Personal Representative ("Order Appointing Curator"), appointing Benjamin P. Brown as Curator. On March 11, 2014, this court entered Letters of Curatorship in Favor of Benjamin Brown ("Letters of Curatorship").
2. On July 25, 2012, Simon L. Bernstein purportedly executed his Will ("Will"), attached hereto as Exhibit A.
3. On June 19, 2013, Eliot Bernstein ("Eliot") filed a complaint, attached hereto as Exhibit B, with the Governor of Florida's Office ("Governor's Office") Notary Section regarding Kimberly Moran's (an employee of Tescher & Spallina, P.A.) notary activities in connection with the probate of Simon L. Bernstein's Estate ("Estate").
4. On July 15, 2013, Eliot filed a sworn statement, attached hereto as Exhibit C, with the Palm Beach County Sheriff's office alleging fraud by the law office of Tescher & Spallina, P.A. in connection with the Will execution, among other wrongdoing.



5. On October 14, 2013, the Governor's Office sent a certified letter to Kimberly Moran, a witness to the Will, suspending her commission as a notary public, attached hereto as Exhibit D.

6. On October 29, 2013, Eliot filed a complaint with the Governor's Office Notary Section, attached hereto as Exhibit E, regarding the actions of Lindsey Baxley (an employee of Tescher & Spallina, P.A.), as notary, in connection with her notarization of the Will.

7. On April 21, 2014, the Governor's Office sent a letter to Lindsay Baxley, attached hereto as Exhibit F, regarding its Determination Following Investigation of Reported Notary Misconduct confirming that Ms. Baxley violated the laws governing Florida notaries public by not completing the jurat and failing to keep her contact information current and advising her to practice better adherence to the laws governing a Florida notary public.

8. On April 24, 2014, Eliot advised the Curator regarding the foregoing in an email attached hereto as Exhibit G, and requested that the Curator notify the Court, among other things.

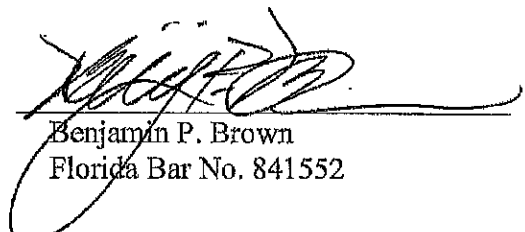
9. The Letters of Curatorship do not appear to authorize the Curator to expend Estate assets in connection with tasks described in Exhibit G. Accordingly, in an abundance of caution, the Curator makes this motion in order to obtain instructions regarding the foregoing.

WHEREFORE, the Curator respectfully requests that this Court enter an Order providing instructions as described above, and awarding such other relief as this Court deems just and proper.

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by e-mail upon Alan Rose, Esq., Page Mrachek, 505 S. Flagler Drive, Suite 600, West Palm Beach, FL 33401, arose@pm-law.com and mchandler@pm-law.com; John Pankauski, Esq, Pankauski Law Firm, 120 S. Olive Ave., Suite 701, West Palm Beach, FL 33401, courtfilings@pankauskilawfirm.com, Peter M. Feaman, Esq., Peter M. Feaman, P.A., 3615 W. Boynton Beach Blvd., Boynton Beach, FL 33436, service@feamanlaw.com; Eliot Bernstein, 2753 NW 34th Street, Boca Raton, FL 33434, iviewit@iviewit.tv; William H. Glasko, Esq., Golden Cowan, Palm Palmetto Bay Law Center, 17345 S. Dixie Highway, Palmetto Bay FL 33157, bill@palmettobaylaw.com, on this 2 day of May, 2014.

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By:


Benjamin P. Brown
Florida Bar No. 841552

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT IN AND FOR
PALM BEACH COUNTY, FLORIDA

IN RE: PROBATE DIVISION
ESTATE OF SIMON L. BERNSTEIN CASE NO. 502012CP004391XXXXSB

CURATOR'S MOTION FOR INSTRUCTIONS REGARDING
MAY 1, 2014 ACCOUNTING

COMES NOW, Curator, Benjamin P. Brown ("Curator"), by and through undersigned counsel, files this Motion for Instructions and states as follows:

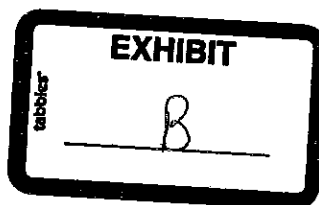
1. On February 25, 2014, this Court entered an Order on "Interested Person" William Stansbury's Motion for the Appointment of a Curator or Successor Personal Representative ("Order Appointing Curator"), appointing Benjamin P. Brown as Curator. On March 11, 2014, this court entered Letters of Curatorship in Favor of Benjamin Brown ("Letters of Curatorship").

2. On December 27, 2013, Donald R. Tescher and Robert L. Spallina, as Co-Personal Representatives ("T&S"), filed an Amended Inventory ("Amended Inventory"), attached hereto as Exhibit A.

3. On May 1, 2014 T&S filed their Final Accounting ("T&S Accounting"), attached here as Exhibit B.

4. On May 5, 2014, Eliot Bernstein ("Eliot") advised the Curator via email of his concerns about the T&S Accounting, and the Curator responded on May 6, 2014. The emails are attached hereto as Composite Exhibit C. Therein, Eliot requested, *inter alia*, that the Curator undertake a background investigation into the T&S Accounting, including, but not limited to, a review of the Decedent's tax returns, credit card

{00026868.DOC}



statements and bank account statements for the past seven (7) years and obtaining all such records directly from the financial institutions and I.R.S.

5. On May 8, 2014, Eliot, via email, asked the Curator forty-four (44) (excluding subparts) questions related to the information contained on the T&S Accounting. The email is attached hereto as Exhibit D. The questions are both general (i.e., requesting both federal and state tax returns for the Decedent as well as for business entities he owned) and specific (i.e., as relating to each schedule contained in the T&S Accounting).

6. The Curator requires instructions regarding whether the Letters of Curatorship authorize the Curator to expend Estate assets in connection with tasks described above and requested in Composite Exhibit C (primarily) and Exhibit D. Accordingly, in an abundance of caution prior to expending Estate assets pending appointment of a Personal Representative, the Curator makes this motion in order to obtain instructions regarding the actions the Curator should undertake in connection with the foregoing.

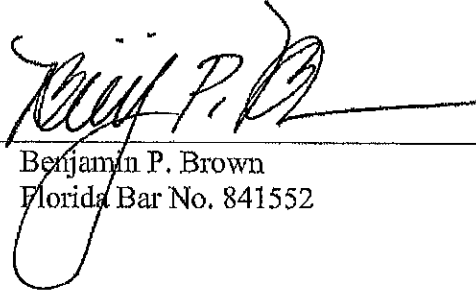
WHEREFORE, the Curator respectfully requests that this Court enter an Order providing instructions as described above, and awarding such other relief as this Court deems just and proper.

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by e-mail upon Alan Rose, Esq., Page Mrachek, 505 S. Flagler Drive, Suite 600, West Palm Beach, FL 33401, arose@pm-law.com and mchandler@pm-law.com; John Pankauski, Esq, Pankauski Law Firm, 120 S. Olive Ave., Suite 701, West Palm Beach, FL 33401, courtfilings@pankauskilawfirm.com, Peter M. Feaman, Esq., Peter M.

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service@feamanlaw.com; Eliot Bernstein, 2753 NW 34th Street, Boca Raton, FL 33434,
iviewit@iviewit.tv; William H. Glasko, Esq., Golden Cowan, Palm Palmetto Bay Law
Center, 17345 S. Dixie Highway, Palmetto Bay FL 33157, bill@palmettobaylaw.com, on
this 13 day of May, 2014.

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By:



Benjamin P. Brown
Florida Bar No. 841552

IN THE FIFTEENTH JUDICIAL CIRCUIT COURT
IN AND FOR PALM BEACH COUNTY, FLORIDA
CASE NO: 502012CP004391XXXXSB

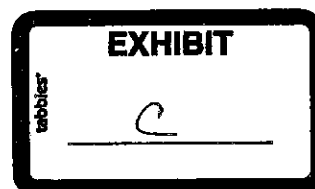
IN RE: THE ESTATE OF SIMON L. BERNSTEIN

-----/

PROCEEDINGS BEFORE
HONORABLE MARTIN COLIN

DATE: MAY 23, 2014

TIME: 9:00 a.m. to 10:00 a.m.



1 represents --

2 MR. ROSE: -- it would be enforceable as a
3 judgment if he doesn't pay -- the estate would
4 have a claim against Mr. Stansbury if he, for
5 example, didn't pay some invoices and we got
6 stuck paying the bill for a Chicago lawyer.

7 THE COURT: You want me to rule on that
8 now? Your answer is no. You're real premature
9 on that. Draft an order along the lines I
10 mention.

11 What else for today?

12 MR. BROWN: Your Honor, I had two motions
13 for instructions.

14 THE COURT: One had to do with this issue,
15 right?

16 MR. BROWN: That one I basically just took
17 a backseat to because of the administrator ad
18 litem motion.

19 The other, Eliot Bernstein sends me a lot
20 of emails with a lot of requests. I'm not
21 saying it's a bad thing. But he asks me
22 questions I don't necessarily know I can
23 answer. For instance, he got the accounting by
24 Tetra and Spallina and then sent me an email
25 that I've attached to the motion. I don't know

1 if you have the motion for instructions.

2 THE COURT: I do.

3 MR. BROWN: That had 44 different
4 questions, not including subparts, and asked
5 that I hire a forensic accountant, an analyst
6 and acquire account statements from a number of
7 third-party institutions.

8 THE COURT: Is that the motion? I don't
9 have the attachments. It says motion for
10 instructions -- that's the life insurance one.
11 Hold on.

12 MR. BROWN: It's not necessarily
13 important. Eliot is very thorough. But,
14 again, the estate has limited assets. My view
15 of what the curator should do with respect to
16 the accounting is not take the lead on
17 objecting to what Tetra and Spallina did,
18 investigating the underpinnings of the
19 accounting, that's up to -- we have a lot of
20 beneficiaries here who are very, very
21 passionate and interested in what's going on
22 with the estate.

23 THE COURT: Stop. You don't have to go
24 further. That position, that's the law. You
25 don't do that. If there's an accounting,

1 there's a rule on objections, the parties
2 object. They don't use you -- you don't work
3 for them.

4 MR. BROWN: Okay.

5 THE COURT: You work for the court.

6 MR. BROWN: I'll try and craft an order
7 that deals with that motion in that regard.

8 Also, there also was a motion, Eliot has
9 concerns about the 2012 will and its validity.
10 I think your ruling would be the same on that.
11 I don't have a role in trying to contest that
12 will --

13 THE COURT: Exactly. You're not an
14 advocate. You don't investigate things that
15 the parties may be interested in. They can do
16 what they think they need to do based on the
17 rules of procedure and statutes.

18 MR. BROWN: That's it.

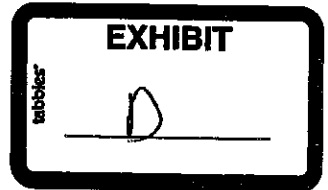
19 MR. ROSE: If I may address the privilege
20 issue?

21 THE COURT: Okay. The privilege issue,
22 okay.

23 MR. ROSE: May I approach?

24 THE COURT: Yes.

25 MR. ROSE: I can file a copy of this.



IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT IN AND FOR PALM
BEACH COUNTY, FLORIDA

PROBATE DIVISION
CASE NO. 5021012CP004391XXXXSB

IN RE: ESTATE OF SIMON L. BERNSTEIN
_____ /

**ORDER ON CURATOR'S MOTION FOR INSTRUCTIONS REGARDING
2012 WILL**

THIS MATTER came before the Court on the Curator's Motion for Instructions Regarding 2012 Will dated May 2, 2014 ("Motion"), the Court having reviewed the Motion, and the Court being otherwise fully advised in the premises, it is hereby:

ORDERED and ADJUDGED as follows:

The Motion is granted. In the event any interested person believes that the July 25, 2012 Will of Decedent that has been admitted for probate ("Will") is invalid, then such interested person may seek such remedies as are available under Florida law. The Curator is not authorized to challenge the Will, absent further order of this Court amending the March 11, 2014 Letters of Curatorship to grant such authority.

DONE AND ORDERED in Chambers, Delray Beach, Palm Beach County, Florida, on
May _____, 2014.

Circuit Court Judge

Copies furnished to the parties on the attached service list

ESTATE OF SIMON L. BERNSTEIN

File No. 502012CP004391XXXXSB

Service List

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IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT IN AND FOR PALM
BEACH COUNTY, FLORIDA

PROBATE DIVISION
CASE NO. 5021012CP004391XXXXSB

IN RE: ESTATE OF SIMON L. BERNSTEIN
_____ /

**ORDER ON CURATOR'S MOTION FOR INSTRUCTIONS REGARDING
MAY 1, 2014 ACCOUNTING**

THIS MATTER came before the Court on the Curator's Motion for Instructions Regarding May 1, 2014 Accounting dated May 13, 2014 ("Motion"), the Court having reviewed the Motion, and the Court being otherwise fully advised in the premises, it is hereby:

ORDERED and ADJUDGED as follows:

The Motion is granted. The Curator is not authorized to file objections to the May 1, 2014 Final Accounting ("Accounting") filed by Donald R. Tescher and Robert L. Spallina, former Co-Personal Representatives of this Estate, or to otherwise undertake any investigation into the Accounting, absent further order of this Court amending the March 11, 2014 Letters of Curatorship to grant such authority.

DONE AND ORDERED in Chambers, Delray Beach, Palm Beach County, Florida, on
May _____, 2014.

Circuit Court Judge

Copies furnished to the parties on the attached service list

ESTATE OF SIMON L. BERNSTEIN
File No. 502012CP004391XXXXSB
Service List

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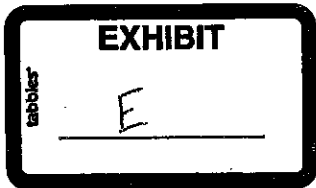
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PROBATE DIVISION
CASE NO. 5021012CP004391XXXXSB

IN RE: ESTATE OF SIMON L. BERNSTEIN
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**ORDER ON CURATOR'S MOTION FOR INSTRUCTIONS REGARDING
2012 WILL**

THIS MATTER came before the Court on the Curator's Motion for Instructions Regarding 2012 Will dated May 2, 2014 ("Motion"), the Court having reviewed the Motion, and the Court being otherwise fully advised in the premises, it is hereby:

ORDERED and ADJUDGED as follows:

Court instructs flat

~~The Motion is granted. In the event any interested person believes that the July 25, 2012 Will of Decedent that has been admitted for probate ("Will") is invalid, then such interested person may seek such remedies as are available under Florida law.~~ *required on* The Curator is not authorized to challenge the Will absent further order of this Court amending the March 11, 2014 Letters of Curatorship to grant such authority.

DONE AND ORDERED in Chambers, Delray Beach, Palm Beach County, Florida, on May _____, 2014.

Circuit Court Judge

Copies furnished to the parties on the attached service list

*of Decedent
or take any further actions
outlined in the email attached to
the Motion,*

ESTATE OF SIMON L. BERNSTEIN

File No. 502012CP004391XXXXSB

Service List

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PROBATE DIVISION
CASE NO. 5021012CP004391XXXXSB

IN RE: ESTATE OF SIMON L. BERNSTEIN

**ORDER ON CURATOR'S MOTION FOR INSTRUCTIONS REGARDING
MAY 1, 2014 ACCOUNTING**

THIS MATTER came before the Court on the Curator's Motion for Instructions Regarding May 1, 2014 Accounting dated May 13, 2014 ("Motion"), the Court having reviewed the Motion, and the Court being otherwise fully advised in the premises, it is hereby:

ORDERED and ADJUDGED as follows:

Court instructs that *required or*
The ~~Motion is granted.~~ The Curator is not authorized to file objections to the May 1, 2014 Final Accounting ("Accounting") filed by Donald R. Tescher and Robert L. Spallina, former Co-Personal Representatives of this Estate, or to otherwise undertake any investigation into the Accounting, absent further order of this Court amending the March 11, 2014 Letters of Curatorship to grant such authority.

DONE AND ORDERED in Chambers, Delray Beach, Palm Beach County, Florida, on
May _____, 2014.

Circuit Court Judge

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ESTATE OF SIMON L. BERNSTEIN

File No. 502012CP004391XXXXSB

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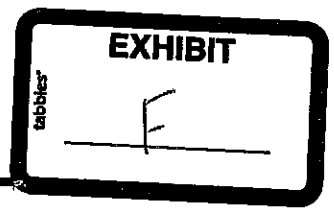
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Zack Rothman

From: Eliot Ivan Bernstein <iviewit@iviewit.tv>
Sent: Wednesday, May 28, 2014 12:07 PM
To: Ben Brown
Cc: Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Marc R. Garber Esq.; tourcandy@gmail.com; Eliot I. Bernstein, Inventor ~ Iviewit Technologies, Inc.; Alan B. Rose Esq.; Linda McDaniel; Peter Feaman, Esq. ~ Attorney at Law @ Peter M. Feaman, P.A.; William Henry Glasko Esq.; John J. Pankauski; John@Pankauskilawfirm.com
Subject: RE: E/O Simon Bernstein - ABR to Counsel 05-28-14 re Suggested Changes - draft orders M-Instructions (accounting and 2012 will)

Ben, I think before submitting this to Colin for approval the Estate should notify him of the position of the minor children in regard to them having no counsel and how the Estate should preserve these rights for them by hiring counsel to raise appropriate objections and expend Estate assets to do this on their behalf, as it will benefit the Estate too, as I do not think any of the six minors are going to file Objections on their own and may not even be aware of their rights. Eliot

From: Ben Brown [mailto:bbrown@matbrolaw.com]
Sent: Wednesday, May 28, 2014 11:36 AM
To: Eliot Ivan Bernstein; 'Alan Rose'; Linda McDaniel; 'Peter M. Feaman'; bill@palmettobaylaw.com; 'John Pankauski'
Cc: tourcandy@gmail.com; Ben Brown
Subject: RE: E/O Simon Bernstein - ABR to Counsel 05-28-14 re Suggested Changes - draft orders M-Instructions (accounting and 2012 will)

Eliot-

Both orders (with or without Alan's changes) specify that the Curator is not authorized to take the actions described in the motions, "absent further order of this Court..." That means that you are free to raise Lucom with Judge Colin when he gets back, but would need to make a motion and set it for hearing.

In the meantime, I believe Judge Colin was clear in his ruling, based on the transcript. Assuming the language as originally drafted (e.g., without Alan's changes) is OK with you (including the "absent further order of this Court..."- which Alan left in his version), I would like to go ahead and submit the orders. Alan, if I need to submit your changes as well, then I can do that and note in the cover letter who is OK with which version of the orders.

Regards,

Ben Brown, Curator.

Benjamin P. Brown, Esq.
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From: Eliot Ivan Bernstein [<mailto:iviewit@iviewit.tv>]
Sent: Wednesday, May 28, 2014 11:11 AM
To: 'Alan Rose'; Linda McDaniel; 'Peter M. Feaman'; bill@palmettobaylaw.com; 'John Pankauski'
Cc: Ben Brown; 'Marie Chandler'; Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Andrew R. Dietz @ Rock It Cargo USA; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Marc R. Garber Esq.; tourcandy@gmail.com; Eliot I. Bernstein, Inventor ~ Iviewit Technologies, Inc.
Subject: RE: E/O Simon Bernstein - ABR to Counsel 05-28-14 re Suggested Changes - draft orders M-Instructions (accounting and 2012 will)

I object to all Alan's inputs and suggest also that we send this case, <http://blogs-images.forbes.com/trialandheirs/files/2011/10/Lucom-Estate-Florida-Court-Ruling.pdf> to Judge Colin to review his decision prior to making a final order, as it appears the Estate may have obligations to object and to pursue possible fraud and forgery of the documents and not put the burden on the beneficiaries who mainly appear minors that are all still unrepresented by counsel. Eliot

From: Marie Chandler [<mailto:MChandler@mrachek-law.com>] **On Behalf Of** Alan Rose
Sent: Wednesday, May 28, 2014 9:53 AM
To: Linda McDaniel; Peter M. Feaman; bill@palmettobaylaw.com; John Pankauski; iviewit@iviewit.tv
Cc: Ben Brown; Alan Rose; Marie Chandler
Subject: E/O Simon Bernstein - ABR to Counsel 05-28-14 re Suggested Changes - draft orders M-Instructions (accounting and 2012 will)

Attached are my suggested changes to the draft orders.

Best wishes.

Alan B. Rose, Esq.
arose@Mrachek-Law.com
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From: Linda McDaniel [<mailto:lmcdaniel@matbrolaw.com>]
Sent: Tuesday, May 27, 2014 2:00 PM
To: Alan Rose; Marie Chandler; Peter M. Feaman; 'bill@palmettobaylaw.com'; John Pankauski; 'iviewit@iviewit.tv'
Cc: Ben Brown
Subject: Bernstein - draft orders on Motion for Instructions (accounting and 2012 will)

Please see the attached proposed orders for review and comment. We will submit to Judge Colin by Friday at noon (he is on vacation) if we do not have objections/comments/edits.

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Zack Rothman

From: Eliot Ivan Bernstein <iviewit@iviewit.tv>
Sent: Wednesday, May 28, 2014 11:59 AM
To: Ben Brown
Cc: Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Andrew R. Dietz @ Rock It Cargo USA; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Marc R. Garber Esq.; tourcandy@gmail.com; Eliot I. Bernstein, Inventor ~ Iviewit Technologies, Inc.
Subject: RE: Lucom-Estate-Florida-Court-Ruling.pdf

Ben, the problem I think you need to raise with Colin is that the Beneficiaries/Interested Parties are mostly minor children who appear unrepresented and unable to assert Objections for themselves. As Curator, you have similar powers as the PR to protect the Estate, especially in regards to the accountings and marshalling of the Estate assets properly on behalf of the interested parties/creditors and esp. the minor and unrepresented beneficiaries. As for my children, I cannot afford representation for them and am already representing myself pro se and therefore cannot represent one or the other without conflict. I think we need to have this reheard by Judge Colin due to the circumstances and make sure he is aware of the due process of minors being perhaps interfered with. Part of my understanding is that like Miller, investigations are being conducted in these matters and the acts of the prior PR's include admitted criminal acts and proven criminal acts and certainly are cause for the Estate to not accept the accountings of those who committed the crimes. It is also my understanding that Tescher and Spallina should be precluded from curing the problems in the Estates after their resignations as they are involved in and have directly caused these problems and so they should not be tendering accountings, etc. to the Estate without proper representation in efforts that can be construed as continued criminal acts to cover up their prior acts furthers. The very fact that Spallina signed the accounting in the present as their counsel as PR's, after resigning, is enough to object on behalf of the Estate. Again, on behalf of the minor children, including Lisa and Jill's children, I think the Estate should notify the Court of their lack of counsel that may be due to conflicts with their parent guardians and in my instance due to financial distress that in large part is caused by the bad actors who have interfered with our inheritances. I think the Estate, not me should seek the Court's order to get counsel for all of them, so they have a chance to object and appropriate the costs to the Estate for now or directly to the bad actors. I am not sure also if there are obligations by law or ethical conduct standards that require attorneys to report to the proper authorities, including the bar, the bad acts of other lawyers they become aware of, as those admitted to by Spallina but I was wondering if you feel obligated to notify them of what is going on with the former PR's and if to date you have done so. I think further burdening the victims to these crimes is a mistake by Colin that he may be overlooking and so we should take it back if possible, otherwise I will object to the ruling on my own behalf Pro Se.

Thanks, Eliot

I did not think you were a party to the action, just to the case cited and that you were counsel to a party is understood.

From: Ben Brown [mailto:bbrown@matbrolaw.com]
Sent: Wednesday, May 28, 2014 11:26 AM
To: Eliot Ivan Bernstein
Cc: Ben Brown
Subject: RE: Lucom-Estate-Florida-Court-Ruling.pdf

Hi Eliot-

I'm not a party in Lucom, I represent the Clarks, who are beneficiaries.

If you look at paragraph 7, you can see that Larry Miller was first appointed administrator pendent lite:

7. This Court appointed Larry Miller, Esq. as administrator to investigate and report on potential improprieties with respect to Lehman while he acted as personal representative of the Florida ancillary estate.

That took 13 months and cost \$390,000. After Miller's report, Lehman then was allowed to resign, required to account, and Miller was appointed Curator of the ancillary Florida estate (The main estate is in Panama; the Florida Court found that Lehman's appointment as Florida ancillary estate PR was void ab initio).

Paragraph 7 also states that the interested persons filed timely objections to Lehman's 4/22/08 accounting. I did not recall that Miller also filed objections, but considering his prior role as administrator pendent lite and the cost of his report, it may be that the findings were simply converted to objections, and the Court permitted that (plus no beneficiaries objected, nor would they since the money was already spent).

The distinction here is that Miller had already investigated Lehman's activities before the accounting, and spent estate assets doing that. My understanding is that I am serving as temporary limited Curator, and Judge Colin's position is that the interested parties should make their objections about whatever T&S did or did not do and conduct whatever investigation they see fit via discovery.

I have attached the transcript (I don't know if you got a copy) from 5/23 so you can see what the judge said. I don't believe Lucom will change his position in that regard, but you are of course entitled to raise it with him as you see fit.

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From: Eliot Ivan Bernstein [<mailto:iviewit@iviewit.tv>]

Sent: Wednesday, May 28, 2014 11:00 AM

To: Ben Brown

Cc: Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Andrew R. Dietz @ Rock It Cargo USA; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Marc R. Garber Esq.; tourcandy@gmail.com; Eliot I. Bernstein, Inventor ~ Iviewit Technologies, Inc.

Subject: Lucom-Estate-Florida-Court-Ruling.pdf

<http://blogs-images.forbes.com/trilandheirs/files/2011/10/Lucom-Estate-Florida-Court-Ruling.pdf>

Ben, in light of your recent motion to Colin regarding the Estate Curator not interjecting with an Objection to the Accounting on behalf of the Estate, I was wondering why on this case attached to the link that you are named in as a party they thought it was the right thing to do in tandem with the beneficiaries. Should we submit this case to the Judge to show that the Estate may also have an obligation or responsibility at minimum to object, especially with allegations of fraud, etc and not depend on the beneficiaries solely? Let me know. Eliot

Eliot I. Bernstein

Inventor

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Linda McDaniel

From: Eliot Ivan Bernstein <iviewit@iviewit.tv>
Sent: Wednesday, May 28, 2014 1:54 PM
To: Ben Brown
Cc: Linda McDaniel; Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Andrew R. Dietz @ Rock It Cargo USA; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Marc R. Garber Esq.; tourcandy@gmail.com
Subject: RE: E/O Simon Bernstein - ABR to Counsel 05-28-14 re Suggested Changes - draft orders M-Instructions (accounting and 2012 will)

Ben I have also filed prior, yet unheard, Petitions seeking Guardian Ad Lidums for Ted, Pam, Lisa and Jill's children for egregious acts they have done in violation of their obligations as Trustees for their children, including concealing their knowledge that documents were forged and fraudulent once they had knowledge and proceeded to ignore their fiduciary obligations to report such. Also, for their actions in the IL case that perhaps we should hear before Colin as well. I was advised by Tripp Scott that we all needed to have separate counsel for our children in these matters and I did as long as I could afford it have them represented. My children just need paid counsel as Estate or Trust beneficiaries, mine do not need a Guardian, as I have violated no laws or statutes at this point that jeopardize my attempting to represent my children as Guardian but as we have differing interests due to all the frauds in part, I think it would be best that their interests be represented separate from mine if possible and paid for by the Estate since I cannot. Eliot

From: Ben Brown [mailto:bbrown@matbrolaw.com]
Sent: Wednesday, May 28, 2014 12:41 PM
To: Eliot Ivan Bernstein
Cc: Ben Brown; Linda McDaniel
Subject: RE: E/O Simon Bernstein - ABR to Counsel 05-28-14 re Suggested Changes - draft orders M-Instructions (accounting and 2012 will)

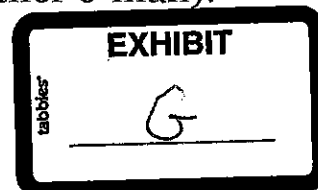
Eliot-

Respectfully, the motions were both already submitted to the judge, heard on 5/23, and he ruled. That of course does not mean he cannot re-visit the ruling (the "absent further order of this Court..." language) or fashion some other remedy. I am going to go ahead and submit the competing orders (mine as drafted, the one with the Rose changes), plus:

1. A copy of the relevant transcript pages (44-46);
2. A copy of the attached e-mail thread;
3. A letter explaining what I have attached and why.

NOTE- I will also make a motion for instructions explaining your concerns about unrepresented minor interested parties (the minor trust beneficiaries), and get that set for hearing (as I described in the other e-mail).

Regards,



Ben Brown, Curator

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Sent: Wednesday, May 28, 2014 12:07 PM

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Cc: Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Marc R. Garber Esq.; tourcandy@gmail.com; Eliot I. Bernstein, Inventor ~ Iviewit Technologies, Inc.; Alan B. Rose Esq.; Linda McDaniel; Peter Feaman, Esq. ~ Attorney at Law @ Peter M. Feaman, P.A.; William Henry Glasko Esq.; John J. Pankauski; John@Pankauskilawfirm.com

Subject: RE: E/O Simon Bernstein - ABR to Counsel 05-28-14 re Suggested Changes - draft orders M-Instructions (accounting and 2012 will)

Ben, I think before submitting this to Colin for approval the Estate should notify him of the position of the minor children in regard to them having no counsel and how the Estate should preserve these rights for them by hiring counsel to raise appropriate objections and expend Estate assets to do this on their behalf, as it will benefit the Estate too, as I do not think any of the six minors are going to file Objections on their own and may not even be aware of their rights. Eliot

From: Ben Brown [<mailto:bbrown@matbrolaw.com>]

Sent: Wednesday, May 28, 2014 11:36 AM

To: Eliot Ivan Bernstein; 'Alan Rose'; Linda McDaniel; 'Peter M. Feaman'; bill@palmettobaylaw.com; 'John Pankauski'

Cc: tourcandy@gmail.com; Ben Brown

Subject: RE: E/O Simon Bernstein - ABR to Counsel 05-28-14 re Suggested Changes - draft orders M-Instructions (accounting and 2012 will)

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which Alan left in his version), I would like to go ahead and submit the orders. Alan, if I need to submit your changes as well, then I can do that and note in the cover letter who is OK with which version of the orders.

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Sent: Wednesday, May 28, 2014 9:53 AM
To: Linda McDaniel; Peter M. Feaman; bill@palmettobaylaw.com; John Pankauski; iviewit@iviewit.tv
Cc: Ben Brown; Alan Rose; Marie Chandler
Subject: E/O Simon Bernstein - ABR to Counsel 05-28-14 re Suggested Changes - draft orders M-Instructions (accounting and 2012 will)

Attached are my suggested changes to the draft orders.

Best wishes.

Alan B. Rose, Esq.
arose@Mrachek-Law.com
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Cc: Ben Brown
Subject: Bernstein - draft orders on Motion for Instructions (accounting and 2012 will)

Please see the attached proposed orders for review and comment. We will submit to Judge Colin by Friday at noon (he is on vacation) if we do not have objections/comments/edits.

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