

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

IN RE:

Case No.: 50 2012 CP 004391 SB

JUDGE MARTIN COLIN

ESTATE OF SIMON
BERNSTEIN,

Deceased.

Division: IY

**OBJECTIONS TO FINAL ACCOUNTING
OF CO-PERSONAL REPRESENTATIVES**

COMES NOW creditor of the Estate of Simon Bernstein and interested person, William E. Stansbury (“Stansbury”), by and through his undersigned counsel, and for his objections to the Final Accounting submitted by now-resigned Co-Personal Representatives Donald R. Tescher and Robert L. Spallina, states as follows:

1. Stansbury objects to the omission from the estate assets the life insurance proceeds currently at issue in the case styled *Simon Bernstein Irrevocable Insurance Trust DTD 6/21/95, Case No. 13 cv 3643*, filed in the United States District Court for the Northern District of Illinois, Eastern Division. The policy benefit is approximately \$1.7 million, and the Estate is a potential beneficiary of the policy should the federal court determine that the Plaintiff insurance trust either no longer exists or it fails for lack of identifiable beneficiaries. This potential expectancy should be represented in the Accounting.

2. Stansbury objects to Schedule B setting forth disbursements to Tescher & Spallina, P.A. in the amount of \$122,515.69. All or a portion of these fees paid are excessive, and/or are attributable to the intentional and/or negligent acts, errors and/or omissions of Tescher & Spallina, P.A. and should be disgorged to the Estate, in whole or in part.


3. Stansbury objects to the required minimum distributions to the Estate for the Simon Bernstein IRA as set forth in Schedule C for the reason that the minimum amounts represented were incorrectly calculated as per current Internal Revenue Service Regulations, Rules and/or Guidelines.

4. Stansbury, long acquainted with the Decedent, with knowledge of the Decedent's personal affairs, and upon Stansbury's own information and belief, objects to the dollar value of the furniture appraisal set forth in Schedule E on the basis that it is undervalued and understated.

5. Stansbury, upon Stansbury's information and belief, objects to the dollar value of the jewelry appraisal set forth in Schedule E on the basis that it is undervalued and understated.

WHEREFORE, interested person William E. Stansbury, respectfully requests that this Court enter an Order that:

- a) Sustains Stansbury's objections set forth above and enters judgment in favor of Stansbury sustaining the objections;
- b) Determines that the Final Accounting filed by Tescher & Spallina, P.A. is inaccurate and incomplete;
- c) Directs Tescher & Spallina, P.A. to file an Amended Final Accounting that reflects the objections raised by Stansbury as sustained by the Court's Order;
- d) Requires Tescher & Spallina, P.A. to disgorge to the Estate all fees and costs improperly paid from Estate assets;
- e) Awards attorney fees and costs to Stansbury; and,
- f) Grants such other relief as the Court deems just and proper.

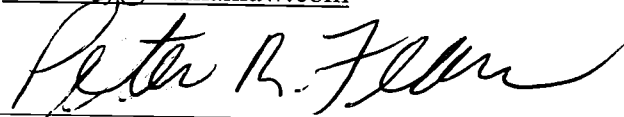

Peter M. Feaman, Esq.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing has been forwarded via e-mail service to: Alan Rose, Esq., PAGE, MRACHEK, 505 So. 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 So. Olive Avenue, Suite 701, West Palm Beach, FL 33401, courtfilings@pankauskilawfirm.com; Eliot Bernstein, 2753 NW 34th Street, Boca Raton, FL 33434, iviewit@iviewit.tv; and William H. Glasko, Esq., Golden Cowan, P.A., PALMETTO BAY LAW CENTER, 17345 S. Dixie Highway, Palmetto Bay, FL 33157, bill@palmettobaylaw.com; Benjamin P. Brown, Esq., Matwiczuk & Brown, LLP, 625 N. Flagler Drive, Suite 401, West Palm Beach, FL 33401, bbrown@matbrolaw.com; John P. Morrissey, Esq., 330 Clematis Street, Suite 213, West Palm Beach, FL 33401, john@jmorrisseylaw.com on this 2nd day of June, 2014.

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