

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

IN RE: THE ESTATE OF
SIMON LEON BERNSTEIN,
Deceased

CASE NO. 502012CP004391XXXXSB

HON. JUDGE MARTIN H. COLIN

ELIOT IVAN BERNSTEIN, PRO SE
PETITIONER,

V.

TESCHER & SPALLINA, P.A., (AND ALL PARTNERS,
ASSOCIATES AND OF COUNSEL);
ROBERT L. SPALLINA, ESQ., PERSONALLY;
ROBERT L. SPALLINA, ESQ., PROFESSIONALLY;
DONALD R. TESCHER, ESQ., PERSONALLY;
DONALD R. TESCHER, ESQ., PROFESSIONALLY;
THEODORE STUART BERNSTEIN, INDIVIDUALLY;
THEODORE STUART BERNSTEIN, AS ALLEGED PERSONAL
REPRESENTATIVE;
THEODORE STUART BERNSTEIN, AS ALLEGED TRUSTEE
AND SUCCESSOR TRUSTEE PERSONALLY;
THEODORE STUART BERNSTEIN, AS ALLEGED TRUSTEE
AND SUCCESSOR TRUSTEE, PROFESSIONALLY;
THEODORE STUART BERNSTEIN, AS TRUSTEE FOR HIS
CHILDREN;
LISA SUE FRIEDSTEIN, INDIVIDUALLY AS A BENEFICIARY;
LISA SUE FRIEDSTEIN, AS TRUSTEE FOR HER CHILDREN;
JILL MARLA IANTONI, INDIVIDUALLY AS A BENEFICIARY;
JILL MARLA IANTONI, AS TRUSTEE FOR HER CHILDREN;
PAMELA BETH SIMON, INDIVIDUALLY;
PAMELA BETH SIMON, AS TRUSTEE FOR HER CHILDREN;
MARK MANCERI, ESQ., PERSONALLY;
MARK MANCERI, ESQ., PROFESSIONALLY;
MARK R. MANCERI, P.A. (AND ALL PARTNERS,
ASSOCIATES AND OF COUNSEL);
JOSHUA ENNIO ZANDER BERNSTEIN (ELIOT
MINOR CHILD);
JACOB NOAH ARCHIE BERNSTEIN (ELIOT
MINOR CHILD);
DANIEL ELIJSHA ABE OTTOMO BERNSTEIN
(ELIOT MINOR CHILD);
ALEXANDRA BERNSTEIN (TED ADULT CHILD);
ERIC BERNSTEIN (TED ADULT CHILD);
MICHAEL BERNSTEIN (TED ADULT CHILD);
MATTHEW LOGAN (TED'S SPOUSE ADULT

CHILD);
MOLLY NORAH SIMON (PAMELA ADULT
CHILD);
JULIA IANTONI – JILL MINOR CHILD;
MAX FRIEDSTEIN – LISA MINOR CHILD;
CARLY FRIEDSTEIN – LISA MINOR CHILD;

NEWLY ADDED RESPONDENTS:

PAGE, MRACHEK, FITZGERALD & ROSE, P.A.
(AND ALL PARTNERS, ASSOCIATES AND OF
COUNSEL);
ALAN B. ROSE, ESQ. – PERSONALLY;
ALAN B. ROSE, ESQ. – PROFESSIONALLY;
PANKAUSKI LAW FIRM PLLC, (AND ALL
PARTNERS, ASSOCIATES AND OF COUNSEL);
JOHN J. PANKAUSKI, ESQ. – PERSONALLY;
JOHN J. PANKAUSKI, ESQ. – PROFESSIONALLY;
KIMBERLY FRANCIS MORAN – PERSONALLY;
KIMBERLY FRANCIS MORAN –
PROFESSIONALLY;
LINDSAY BAXLEY AKA LINDSAY GILES –
PERSONALLY;
LINDSAY BAXLEY AKA LINDSAY GILES –
PROFESSIONALLY;
THE ALLEGED “SIMON L. BERNSTEIN AMENDED
AND RESTATED TRUST AGREEMENT” DATED
JULY 25, 2012;
JOHN AND JANE DOE’S (1-5000).

**OBJECTION TO PROPOSED ORDERS AND PLEADINGS OF ALAN B.
ROSE, ESQ., JOHN PANKAUSKI AND THEODORE BERNSTEIN FOR
ADVERSE INTERESTS AND MORE AND REQUEST FOR VOLUNTARY
DISQUALIFICATION OF HON. JUDGE MARTIN COLIN FOR ADVERSE
INTERESTS AND MORE**

COMES NOW, Eliot Ivan Bernstein (“Eliot”), PRO SE, as Beneficiary and Interested Party both for himself personally and Guardian for his three minor children (who may also be Beneficiaries and Interested Parties of the Estates and Trusts of Simon Bernstein (“Simon”) and Shirley Bernstein (“Shirley”)), and hereby files this OBJECTION TO PROPOSED ORDERS AND PLEADINGS OF ALAN B. ROSE, ESQ., JOHN PANKAUSKI AND

THEODORE BERNSTEIN FOR ADVERSE INTERESTS AND MORE AND REQUEST FOR VOLUNTARY DISQUALIFICATION OF HON. JUDGE MARTIN COLIN FOR ADVERSE INTERESTS AND MORE proposed by Alan B. Rose, Esq. and in support thereof states, as follows:

1. That Eliot requests this Court rehear the matters from the June 12, 2014 hearing regarding the legal validity of the Officers of the Court that took part in the hearing and in addition, in particular, the part of the hearing leading to proposed orders for the rescheduling of Eliot's scheduled hearings, as Eliot was misled by opposing counsel regarding what was occurring and so it appears were others, as Exhibited in Exhibit A – Benjamin Brown, Esq. and Alan B. Rose, Esq. (“Alan”) letters regarding rescheduling the July 11, 2014 hearing calendared by Eliot.

2. That Eliot has a hearing scheduled on July 11, 2014 at 1:30pm before Hon. Judge Colin for a 1) **PETITION FOR CONSTRUCTION OF TESTAMENTARY TRUST, FOR REMOVAL OF TRUSTEE AND FOR TRUST ACCOUNTING** and 2) **OBJECTION TO FINAL ACCOUNTING AND PETITION FOR FORMAL, DETAILED, AUDITED AND FORENSIC ACCOUNTING AND DOCUMENT ANALYSIS.**¹

3. That opposing counsel Alan and John Morrissey in the weeks leading up to the June 12, 2014 sent a flurry of emails regarding scheduling dates for hearings they wanted to have heard and then along with others, such as the attorney Irwin Block, Esq., acting for former disgraced PR's Tescher and Spallina, began a campaign of emails stating they would be out of town and requesting no hearings be held during their various and sudden vacation schedules, as reflected in the docket.

¹ The Petition is located at [www.iviewit.tv/Simon and Shirley Estate/20140407PetitionForConstructionOfTestamentaryTrust.pdf](http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/20140407PetitionForConstructionOfTestamentaryTrust.pdf)

4. That at the June 12, 2014 hearing Eliot thought Alan was arranging for his own hearings to be heard on July 11, 2014 and not trying to pull a fast one and cancel Eliot's hearing to replace with his own, where Eliot's was already set on that date for weeks prior. This attempt to replace Eliot's hearings with new matter controlled and filed by Alan, who is acting with irrefutable Adverse Interests in these matters, which preclude his acting as legal counsel to any parties, but himself Pro Se as a Respondent both Personally and Professionally, due to his direct involvement in the previous proven and admitted Fraudulent activities of the former Executors/Personal Representatives, Tescher and Spallina, who retained Alan and where at minimum, Alan will be a material and fact witnesses to the events surrounding the fraud and other criminal acts alleged in all civil and criminal pleadings both ongoing and to be filed.

5. That Eliot's hearing that is scheduled on July 11, 2014 is to hear in part an Objection to Accounting, which has to be scheduled and heard within a specified time and with the new vacation schedules of the various attorneys it appears they are suddenly acting unavailable until after the due date, in efforts to deny Eliot's rights to legally challenge the accounting and at the same time through a series of misleading statements to the Court and others, trying to knock out Eliot's timely filed Objections and replace them and then claim they cannot come to Court until after Eliot's deadline. With the continued refusal of opposing counsel to cooperate with Eliot in scheduling hearings as was discussed in Court at the hearing on June 12, 2014, this may endanger Eliot's legal standing to bring the Objections timely caused by carefully crafted trickery and deny him further due process and procedure.

6. That Eliot's hearing scheduled on July 11, 2014 for his Petition from May 2014, which took weeks to schedule, due to lack of cooperation by certain of the opposing counsel in

these matters, also and more importantly is scheduled to hear a PETITION FOR CONSTRUCTION OF TESTAMENTARY TRUST, FOR REMOVAL OF TRUSTEE AND FOR TRUST ACCOUNTING. This part of the hearing is CRITICAL, as it calls for the Removal of the ALLEGED Successor Trustee, Theodore Stuart Bernstein (“Theodore”), which MUST be heard before any other matters presented by the ALLEGED Trustee Theodore and his counsel Alan and John Pankauski, Esq. (“Pankauski”) where Theodore is not now qualified to be Trustee as he has acted in egregious bad faith and with unclean hands, according in part to his own lawyers, as reported to the Palm Beach Sheriff Office Report² and where Theodore has virtually violated all rules and statutes of the probate and trust laws, including failing to notify beneficiaries procedurally of his ALLEGED fiduciary roles and failing to produce any timely accountings in any of his alleged roles of Trustee for the Estate and Trusts of Shirley and the Trusts of Simon. Theodore continues acting despite his knowledge that he is not qualified due to a plethora of legally valid reasons defined herein and in prior pleading filed.

7. That Theodore has further withheld all estate and trusts administration information and blatantly continues to violate all fiduciary duties in violation of probate and trust rules and statutes.

8. That if Theodore does not survive the hearing to remove him and is removed with his counsel Alan and Pankauski for just and good cause and can no longer act in any fiduciary capacities in the Estates of Simon and Shirley as posited in Eliot’s Motion to remove him and where Eliot’s Motion is further supported by a Joinder Motion filed by competent and ethical

² Palm Beach County Sheriff Report at www.iviewit.tv/20140131PBSOReport.pdf and Exhibit 2.

counsel, Peter Feaman, Esq. on behalf of Creditor William Stansbury (“Stansbury”)³, then Alan B. Rose, Esq. and John Pankauski, Esq., will also be removed from these proceedings with all their frivolous and vexatious pleadings, in addition to all the other reasons that Pankauski and Alan have been added as Respondents in these matters for their continued and ongoing Violations of Attorney Conduct Codes and Laws.

9. That Alan was ground floor at the crime scene, working in concert from day one with former Executors/Personal Representatives Tescher & Spallina (who left embroiled in proven and admitted Frauds, including POST MORTEM efforts to change beneficiaries) who contracted and retained Alan, paying him to deal initially with the Stansbury case. Alan’s representation in the Stansbury lawsuit has now evolved into his representing various parties at will in the Estates and Trusts of both Simon and Shirley, as he represented the parties WITHOUT ANY NOTICES OF APPEARANCES FILED DESPITE MONTHS OF APPEARANCES IN MULTIPLE CAPACITIES AS STATED IN THE RECORDS and apparently this was in effort to try and now cover up the crimes for his friends and colleagues, Tescher and Spallina, who again retained him and that he acted in concert with to aid and abet the frauds both proven and admitted already and those alleged ongoing.

10. That Alan’s involvement in the perpetrating of such frauds with those that retained him makes him a material and fact witness to the criminal frauds and precludes him from representing any parties in these matters further as Your Honor knows.

11. That Alan is also now adverse to Eliot in that Alan is trying to claim that Eliot

³ May 22, 2014 JOINDER IN PETITION FILED BY ELIOT IVAN BERNSTEIN FOR REMOVAL OF TRUSTEE AND FOR TRUST ACCOUNTING filed by William Stansbury.

<http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/20140522%20JOINDER%20PETITION%20FILED%20BY%20ELIOT%20BERNSTEIN%20FOR%20REMOVAL%20OF%20TRUSTEE%20AND%20TRUST%20ACCOUNTING.pdf>

needs a Guardian Ad Litum recently and Eliot is claiming that both Alan and Theodore need Prison Guardians for their involvement in the past and ongoing frauds and is pursuing them in a number of criminal complaints and civil actions. Where both Alan and Theodore have been reported to authorities in numerous ongoing investigations and both will be further deposed regarding their involvement in the past criminal misconduct, as Theodore is the one who brought his close personal bedfellows and business associates Donald Tescher, Esq. (“Tescher”) and Robert Spallina, Esq. (“Spallina”) into the affairs of the Bernstein family in the first place and who have all conspired in concert together to seize dominion and control of the Estates, Trusts and Assets of Simon and Shirley, illegally through criminal acts committed through LEGAL PROCESS ABUSE PROVEN IN AND UPON THIS COURT and FRAUD UPON FRAUD AGAINST THE BENEFICIARIES through the use of proven FRAUDULENT AND FORGED DOCUMENTS that enabled them to begin looting the Estates, Trusts and Assets, through a plethora of alleged other criminal acts that are all being investigated. Therefore, as a last ditch effort, Alan is now making a grandstand effort (and costing the Estates and Trusts a fortune) to smear Eliot through a series of harassing and vexatious legal actions allowed by this Court, while knowing that he is barred by Attorney Conduct Codes and Law to file pleadings due to his intimate involvement in the crimes, with the criminals already tossed out and removed by this Court and his resulting Adverse Interests. Yet, the Court, knowing of Alan’s inability to represent further due to his Adverse Interests has not forced his immediate removal and instead has allowed him to repeatedly move the Court in hearing after hearing, wasting more and more time and monies of everyone and continuing to toll new DAMAGES through this continued PATTERN AND PRACTICE OF LEGAL PROCESS ABUSE the Court allows and continues to expand.

12. That Theodore under all scenarios, since 2008, in any final decision by this Court of who the ultimate Beneficiaries are, which is dependent upon if the improperly executed Wills and Trusts survive, is wholly disinherited and only has personal property rights at best, along with his sister Pamela who is also wholly disinherited since 2000. Yet, these two outcast children mired in rage from having been disinherited have now caused all the problems in the Estates and Trusts with their counsel by seizing illegally Dominion and Control of the Estates and Trusts and then looting it unregulated by this Court and in the process have cost the Estates and Trusts a fortune from just the proven criminal misconduct they have done.

13. That there have now been new production documents turned over by the former Executors/Personal Representatives by Order of this Court that evidence a mass of further crimes. This new evidence reveals both Theodore and his disinherited sister Pamela Simon (“Pamela”), as central drivers for a variety of alleged crimes, acting directly in conspiracy with Tescher, Spallina, Manceri, Alan and others, to commit these various frauds to loot the Estate and Trusts.

14. That further, they continue to suppress and deny documents from the Court, the Beneficiaries and Creditors with intent, maintaining control over the Estates and Trusts through their illegally seized fiduciary and legal capacities, initially enabled through a series of FORGED, FRAUDULENT and ADMITTIDLY ALTERED dispositive documents that are now all subject to removal, pending this Court’s actions.

15. That there have been no documents or valid legal evidence or procedural rules followed that would now allow Theodore to be Successor Trustee of Simon’s Estate, as he is ALLEGED to be in Alan’s toxic, frivolous, vexatious, unethical and illegal pleadings and replace his friends and business associates, Tescher and Spallina, when they were removed for FRAUD.

16. That in fact, there are significant reasons to immediately remove Theodore from further actions as an alleged Trustee of Simon's Trusts, Personal Representative in Shirley's Estate and alleged Trustee of Shirley's Trusts that are already posited in the Motion to Remove Theodore as exhibited already herein. These reasons include but are not limited to, the fact that he is Conflicted, has factual Adverse Interests with Beneficiaries (including Petitioner who is having him investigated), Creditors and Interested Parties and he is under ongoing investigations. Theodore also has been taking what are alleged to be illegal distributions in self-dealing transactions AGAINST THE ADVICE OF COUNSEL and he has acted repeatedly as a fiduciary to transact assets while having no legal standing to act in various fiduciary capacities he claims to have.

17. That Theodore further unbelievably admits that he has not read the trust documents he acts under as a fiduciary to Palm Beach County Sheriff investigators and claims he only acted on the advice of counsel Tescher, Spallina et al. as revealed in Exhibit B. Finally, Theodore's actions include a host of other alleged State and Federal Felony Criminal Acts in efforts to convert assets, change beneficiaries improperly and loot the Estates, Trusts and Assets, which crimes are all now under ongoing Criminal Investigations and State and Federal civil actions and where Theodore is a central figure in committing the alleged crimes in virtually every action.

18. That for all of these reasons and more, Eliot Objects vehemently to any Orders or any pleadings adjudicated on by this Court that are produced to this Court by counsel Alan, who is acting illegally and unethically with Conflicts of Interests, Adverse Interests and more in these matters, in order to advance frivolous and vexatious legal claims attempting now to state in his

proposed orders and pleadings that Theodore is the legally valid Successor Trustee in Simon's Trusts, while knowing that he is not now nor has ever been legally qualified to act in such fiduciary capacity and that he has further failed to follow any probate rules and statutes that would have allowed him to act in such capacity since he has ALLEGED that he is the Successor Trustee.

19. That despite polite requests⁴ from Eliot to Alan to voluntarily disqualify Theodore to save the Court, Eliot, Stansbury and others enormous legal costs, he ignores the stated and legally irrefutable claims that his client cannot act in any fiduciary capacities in both the Estates and Trusts of Simon and Shirley any longer and adds more FRAUD, WASTE and ABUSE to these matters with intent through his toxic and prohibited pleadings and hearings and keep in mind Alan is still billing for this toxic and failed legal claim of his client filed in prohibited pleadings.

20. That the Court must first, before any other pleadings or hearings are heard or held, determine if Theodore is the Successor Trustee in Simon's Trust and determine if Theodore qualifies and if so if he has followed all the rules and statutes in so becoming the ALLEGED Successor Trustee and if he can continue filing pleadings or moving the Court in this ALLEGED role despite the many obstacles that preclude him.

21. That in fact, Theodore claims to have been transferred the title of Successor Trustee by the former ALLEGED Trustees, Tescher and Spallina, who are alleged to have anointed Theodore as a final act when they were removed from these proceedings as they walked out the door and where Spallina had already told the Palm Beach County Sheriff Office at that time that Theodore was taking distributions against the advice of counsel but yet then attempted to

⁴ March 14, 2014 Letter from Eliot to Alan
<http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/20140314%20FINAL%20SIGNED%20Alan%20Rose%20Letter%20Re%20Resignations%20of%20Theodore%20Bernstein%20in%20Estates%20and%20Trust%20of%20Simon%20and%20Shirley.pdf>

put him in as Successor in a last ditch effort to attempt to hold off further prosecution for their crimes and further keep secret the records of the Estates and Trusts from Beneficiaries and continue to perpetrate new frauds in an on this Court, the Beneficiaries and Creditors. Sounds like a legit transfer? Yet, this bizarre transfer is being allowed by this Court and already costing a fortune to all injured parties and tolling new and ongoing damages, as Alan and Theodore continue to be allowed by Your Honor to violate law and submit pleadings and act in hearings, which have already cost everyone a fortune, in an already crime riddled courtroom.

22. That Petitioner believes that as Tescher and Spallina were removed under a dark cloud of egregious criminal acts proven and admitted that they would be LEGALLY PROHIBITED from choosing ANY Successor Trustee, especially Theodore, their partner in crimes, who also retained them to act as his personal counsel in several capacities, while Tescher and Spallina were simultaneously acting as Personal Representatives/Successor Trustees (no conflicts there???) and with Spallina acting as his and Tescher's Counsel in those fiduciary capacities, all further mired in Conflicts of Interests, Violations of Attorney Conduct Codes and Law.

23. That since acting illegally as ALLEGED Successor Trustee of Simon's Trusts, Theodore has not notified beneficiaries properly of his ALLEGED role, has sent no accountings and neither did the former removed Co-Trustees Tescher and Spallina send any legally required transition documents and accountings when they were removed, again, all in further violation of probate rules and statutes. Further, all of them suppressed and denied all documents and records legally owed to beneficiaries at the transfer of Trusteeship, continuing the Pattern and Practice of Fraud began by Tescher and Spallina.

24. That these new ILLEGALLY PROPOSED ORDERS by Alan are an attempt to move Eliot's scheduled hearings and replace them with a series of hearings orchestrated by Theodore and Alan, which attempt to smear, harm and further extort Eliot due to their Adverse Interests in these matters, which pit them against Eliot before he can have them jailed for their alleged crimes and further interfere with his efforts to so have them prosecuted, as fully described in Eliot's prior pleadings.

25. That all the while both Theodore and Alan are acting in violation of Law as Officers of this Court (Alan as an Attorney and Theodore as a Fiduciary) and not qualified LEGALLY to act before this Court in any legal or fiduciary capacities, other than as Defendants/Respondents. Both are centrally involved in the nexus of criminal misconduct, including but not limited to, FRAUD ON THIS COURT (by using a Dead Personal Representative to Close the Estate, my father), FORGERY (including Post Mortem Forgery of my deceased father's name), ADMITTED ALTERCATION OF TRUST DOCUMENTS by the former Executors/Personal Representatives and counsel Tescher and Spallina, improper distributions (where Ted was advised by counsel not to take DISTRIBUTIONS but then ignored counsel's legal advice as evidenced in the Palm Beach County Sheriff Report already exhibited herein), a plethora of BREACHES OF FIDUCIARY DUTIES, Extortion of Eliot and his family⁵ and much much much more.

26. That due to the fact that Alan was hired by the disgraced and removed Tescher and Spallina who have admitted to FRAUDULENTLY Altering Trust Documents with the intent

⁵ See Petitioners yet unheard MOTION RE EXTORTION at [http://www.iviewit.tv/Simon and Shirley Estate/20140314 FINAL SIGNED Alan Rose Letter Re Resignations of Theodore Bernstein in Estates and Trust of Simon and Shirley.pdf](http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/20140314%20FINAL%20SIGNED%20Alan%20Rose%20Letter%20Re%20Resignations%20of%20Theodore%20Bernstein%20in%20Estates%20and%20Trust%20of%20Simon%20and%20Shirley.pdf)

to Convert and then Converting Estate and Trust assets of both Simon and Shirley to improper Beneficiaries to the Palm Beach Sheriff County, POST MORTEM, illegally Converting assets to improper Beneficiaries in both Simon and Shirley's Estate and Trusts and Alan now further attempts to cover up the crimes for his friends through further LEGAL PROCESS ABUSE and VEXATIOUS filings. Again, Alan was retained by and worked closely with Tescher and Spallina in advancing these fraudulent schemes to change and alter the Beneficiaries and more, in both the Estates and Trusts of Eliot's Mother and Father and the FACT that he will be both a MATERIAL and FACT witness in hearings that he will need to be deposed and testify regarding his involvement and will be compelled to turn over his records and testify in all ongoing and future, civil and criminal actions, regarding the proven and admitted crimes that he was actively involved in. Alan is now officially a Respondent in these matters, which make him unable to represent parties in these matters forward, as it is prohibited by Attorney Conduct Codes and Law.

27. That this Court and the Beneficiaries/Interested Parties have all been and continue to be damaged severely by the criminal acts done thus far by OFFICERS OF THIS COURT FOR OVER THREE YEARS and allowing ANY PARTY that was involved with the previous parties in advancing the already proven and admitted crimes by this Court, is to further allow further FRAUD, WASTE and ABUSE to occur in and upon this Court and the Beneficiaries, Creditors and Interested Parties, with Your Honor knowingly acting outside the color of law in allowing these parties to continue to represent before the Court in any way.

28. That to allow those involved in the criminal activity already proven and admitted to continue to have legal and fiduciary standing and move this Court ILLEGALLY is causing CONTINUED AND ONGOING HARMS and DAMAGES TO THE BENEFICIARIES (including

five minor children), the creditors and others, accomplished through further violations allowed by this Court of Fiduciary Duties, Attorney Conduct Codes and Law and this continues to toll further DAMAGES to all parties.

29. This Court is also ETHICALLY AND LEGALLY required to be notifying CRIMINAL AUTHORITIES of the PROVEN, ADMITTED and alleged crimes of the former Executors/Personal Representatives who are primarily Attorneys at Law and the Fiduciaries of the Estates and Trusts of Simon and Shirley, as this reporting is legally required by Judicial Cannons, Attorney Conduct Codes and Law. Instead, we have evidence that the Court has acted to interfere with investigations and also has limited the Curators duties to interfere with obligations to instigate investigations on behalf of the Estate and Trusts and limiting his powers versus expanding them, in essence handcuffing the Curator from instigating necessary investigations on behalf of the Estate and ordering and demanding documents necessary to begin lifting the cover on the already proven and admitted crimes and others.

30. That this Court is also legally obligated to REMOVE all OFFICERS OF THE COURT who were involved in the Criminal Misconduct in any way in advancing such schemes up to the time of admission and discovery of the prior FRAUDS ON THIS COURT, FRAUD ON THE BENEFICIARIES and the CREDITORS, all CRIMES COMMITTED BY OFFICERS AND FIDUCIARIES OF THIS COURT, allowed and approved by Your Honor.

31. That Eliot prays that Your Honor has taken all judicially required steps to report this CRIMINAL MISCONDUCT THAT OCCURRED IN YOUR HONOR'S COURT BY ALL OFFICERS OF THE COURT INVOLVED in these matters at the time the crimes took place in and upon this Court, and therefore Eliot is asking that this Court and Your Honor immediately post

bonds immediately for past events that occurred in and upon this Court and now the new damages that are occurring through further FRAUD and FRAUD UPON THIS COURT being committed by Attorneys at Law and Fiduciaries acting in violation of Law as OFFICERS OF THIS COURT, again allowed and approved by Your Honor.

32. That the strategies of Theodore and Alan who are now ADVERSE to Eliot who is trying to put them both in jail and civilly extract every pound of flesh for their alleged criminal acts and civil torts ongoing and from their involvement in the former CRIMINAL ACTS that took place in and upon this Court, is revealed in the document that Theodore and Alan are trying to classify as Attorney/Client Privileged communications, which outlines a campaign to MISUSE TRUSTS AND ESTATE FUNDS for ABUSIVE LEGAL SCHEMES, AGAINST THE ADVICE OF COUNSEL PANKAUSKI (but not Alan?), in efforts now that they are busted, to harass, extort and defame Eliot, through a series of illegal legal debauchery outlined in the communiqué.

33. That the alleged privileged communication is not Attorney/Client privileged as the communiqué was sent directly by Theodore and sent only to Eliot (despite Alan's claims in Court that it was sent to others) in reply to an email sent by Eliot to his brother and where neither Eliot nor his brother are Attorneys at Law. Thus, the privilege claim will be proven futile, a waste of more time and monies and a further knowingly improper vexatious and legally barred pleading filed. However, what is apparent in the letter is that it threatens to further harass Eliot by digging up records from his children's school and threatening to legally harass everyone Alan and Theodore think has information about their alleged criminal activities, including Eliot, his children, his wife, the decedents closest friends and business associates, many who have offered to talk before this Court about Theodore and have already begun speaking to authorities and Your

Honor's failure to stop this illegal activity by Officers and Fiduciaries of Your Court now endangers lives, including innocent third parties and three minor children, as the letter from Theodore to Eliot exposes. Eliot has spoken to two parties already named in the letter, who received the letter prior to any privilege and they fear Theodore is set to act with hostility against them, especially after reading the letter.

34. That in fact, Theodore claims in the letter he sent to Eliot that if his other newly retained counsel, John Pankauski, does not think he is acting appropriately in his alleged fiduciary roles, misusing trust assets and unwilling to take on Eliot aggressively through Extortive and Abusive legal tactics that he be fired by Alan.

35. That Theodore does not like to listen or act on the advice of his own attorneys, as is evidenced in the Palm Beach County Sheriff Report evidenced already herein. Theodore's own attorneys have REPEATEDLY accused him of taking inappropriate distributions and failing to heed their legal advice when he does not like it and considers legal advice as mere suggestion.

36. That in yet another instance, Theodore is even accused by attorneys in the Federal Court Insurance Case before Hon. Judge Amy St. Eve that relates to the insurance policy of Simon that Theodore is trying to extricate from the Estate, whereby Theodore is accused of having filed a baseless Federal Lawsuit against the advice of counsel while acting as the ALLEGED TRUSTEE OF LOST AND MISSING TRUST WHERE NO EXECUTED COPIES ARE CLAIMED TO EXIST. This allegation of Theodore's ABUSE OF LEGAL PROCESS comes from Attorney at Law, Alexander Marks, of Jackson National Life Insurance Company⁶. Again, these acts have led

⁶ 20130626 IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION, Case No. 13 cv 3643 - JACKSON'S (I) ANSWER TO COMPLAINT AND (2) COUNTERCLAIM

to a mass of FRAUD, WASTE and ABUSE caused directly by Theodore and his legal minions, further damaging Beneficiaries, Creditors and Interested Parties and now further wasting time and resources of an Illinois Federal and State court.

37. That this Court is THE SCENE OF THE CRIMES, as it is the place where these crimes occurred, with Officers of Your Court and for Your Honor to continue to allow knowingly Conflicted and Adverse parties to continue to act before this Court and harass Eliot, attempt to Extort and defame Eliot, ALTER ESTATE/TRUST DOCUMENTS, SPEND ESTATE DOLLARS WITH NO LEGALLY REQUIRED ACCOUNTINGS AND MORE and allow for further FRAUD, WASTE AND ABUSE, can and would be construed as a GRAVE APPEARANCE OF IMPROPRIETY that is being done to further continue and cover up the CRIMES COMMITTED IN AND UPON THIS COURT BY FORMER OFFICERS OF THIS COURT AND CERTAIN CURRENT OFFICERS OF THIS COURT.

38. That the lack of Your Honor's swift and just response in the face of these CRIMINAL ACTS since Your Honor stated on the record in a September 13, 2013 hearing that you had enough evidence over six months ago to start reading Miranda Rights to Tescher, Spallina, Theodore and Manceri and yet have since failed to do so, and in fact, allowed these criminals to leisurely resign and withdraw with no Miranda Rights read and now allows others involved in the nexus of criminal events to replace them, acts as further Legal Abuse to Eliot, Creditors, Beneficiaries and gives the Appearance of Impropriety from this continued gross miscarriage of Justice.

39. The Court upon learning of the many CRIMINAL ACTS has failed to seize

AND THIRD-PARTY COMPLAINT FOR INTERPLEADER, [http://www.iviewit.tv/Simon and Shirley Estate/20130701 Heritage Jackson National Lawsuit Response RE Simon Bernstein Irrev Trust Dtd 6-21-95 v Heritage .pdf](http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/20130701%20Heritage%20Jackson%20National%20Lawsuit%20Response%20RE%20Simon%20Bernstein%20Irrev%20Trust%20Dtd%206-21-95%20v%20Heritage%20.pdf)

control of the Court, the Estates and Trusts, the minute it became aware of Criminal Acts done by Officers of this Court and rid entirely the cancer that has infected this case since day one. As Your Honor now also has irrefutable Adverse Interests due to Your Honor's direct personal involvement in the forged documents and the frauds that took place on and in Your Court would make Your Honor also a material and fact witness in these matters and ALL future civil and criminal actions. These Adverse Interests of Your Honor now require Your Honor under Judicial Cannons, Attorney Conduct Codes and Law to have already DISQUALIFIED yourself and REMOVED ALL OF YOUR ORDERS, ETC. As continued involvement in the case, especially where it appears to delay prosecution and allow continued violations of Attorney Conduct Codes and Law by Officers of the Court such as Alan, is taken that the Court and Your Honor are allowing and controlling it in this way to cover up the crimes that occurred in this Court and begin a campaign of ILLEGAL LEGAL ABUSE against Eliot, his wife and children and friends of the decedents in efforts to silence them through LEGAL PROCESS ABUSE and more in efforts to contain the CRIMINAL PROSECUTIONS of themselves, other Officers of this Court and possibly Your Honor.

40. That this Court must keep in mind that there are allegations and ongoing investigations and coroner investigations that Simon was MURDERED that have reopened due to the newly discovered crimes, including the MURDER that was alleged by THEODORE and his sister PAMELA, accusing Simon's partner, Maritza Puccio of MURDER and instigating a criminal complaint for MURDER and Coroner's Autopsy, immediately after Simon passed.

41. That Eliot has come to respect Your Honor for removing the former disgraced Executors/Personal Representatives and Attorneys at Law, Tescher, Spallina and Manceri who have acted with EGREGIOUS BAD FAITH and UNCLEAN HANDS by committing a host of

Criminal Acts and Civil Torts (a bit slow for my liking) but nonetheless done BUT for Your Honor to now replace them with other persons known involved in the prior Criminal Acts with the prior Criminals and continue to allow parties, such as Theodore and Alan, who have irrefutable Conflicts and Adverse Interests to move this Court in any Legal or Fiduciary Capacities that allow further harm and DAMAGES to the already injured victims, including to 5 Minor Children unrepresented by counsel, Creditors and others, is intolerable. Therefore, if Alan and Theodore are not removed by this Court immediately and any pleadings Alan puts forth are acted upon further by this Court, Eliot prays Your Honor immediately Disqualify Yourself and the Attorneys that are Adverse on your own motion, as is required by Law and Judicial Cannons, as it will be construed that Your Honor is acting improperly and OUTSIDE THE COLOR OF LAW with factual Adverse Interests due to involvement directly in the Criminal Events that occurred in this Court and therefore will become a witness to the Crimes that took place in Your Honor's Court with Your Honor's signature and stamp on many of the documents that are already proven and admitted fraudulent by Officers of Your Court. Without this Court acting swiftly to cease this legal abuse that denies due process and procedure and OBSTRUCTS JUSTICE and continue tolling damages on all parties, provide further solid reasons for YOUR HONORS VOLUNTARY DISQUALIFICATION AS LEGALLY REQUIRED under Judicial Cannons, Attorney Conduct Codes and Law.

42. That Eliot has politely asked this Your Honor to Disqualify for legally irrefutable Adverse Interests once before⁷ and Your Honor ruled on the Motion finding it legally insufficient, whatever that means but nonetheless Your Honor became aware of the factually sound legal

⁷ Motion filed by Eliot on January 02, 2014, Section IV
[http://www.iviewit.tv/Simon and Shirley Estate/20140101MotionDisqualifyColinMoreSERVICECOPY.pdf](http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/20140101MotionDisqualifyColinMoreSERVICECOPY.pdf)

arguments for voluntary Disqualification but has since ignored them and failed to Voluntarily Disqualify as required by Judicial Cannons and Law on Your Honor's own motion and instead apparently is waiting for Eliot to file a new pleading. However, the rules clearly indicate that Your Honor on knowing of Adverse Interests in a matter must Voluntarily Disqualify and need not wait for a Pro Se Litigant to figure out what Legally Sufficient or Legally Insufficient means.

43. That had this Court on the first proof of Fraud on the Court and Beneficiaries read the parties Tescher, Spallina, Manceri and Theodore their Miranda Warnings as threatened by Your Honor in a hearing on September 13, 2013 and not allowed them to continue to run rampant for almost year after such knowledge none of these continued problems and illegal legal process abuses would be continuing. Yet, instead Your Honor has given them increased Fiduciary roles and allowed continued vexatious pleadings versus immediately having them removed and reporting them to the proper authorities as legally required. Further Your Honor has FAILED to remove them and Freeze the Estates, Trusts and Assets and further seize all of the bad actors records. If Your Honor had acted in accordance with Judicial Cannons, Attorney Conduct Codes and Law, Eliot would not ask for your immediate Disqualification (despite that it is legally required) but that has not been the case. In fact, it appears that the Court is now allowing further Fraud, Waste and Abuse and attempting to cover up the crimes that occurred in this Court with Your Honor and allow the criminals to continue to operate and replace themselves with new criminals to continue the crimes and continue tolling new damages daily from the failure of Your Honor to act in accordance with Judicial Cannons and Law.

44. That this FRAUD must instantly be ceased by this Court and all parties involved in the proven and now admitted crimes reported to the authorities by Your Honor. The Estates and

Trusts must instantly be frozen and all records of all parties involved in the crimes (including ALL of this Court's records) seized immediately to stop further DAMAGES. Yet, as Your Honor appears unwilling to follow Judicial Cannons, Attorney Conduct Codes and Law and regulate this Court, despite the legal requirements and Eliot therefore requests Your Honor disqualify voluntarily before entering any other Orders or holds any further hearings on any other matters related.

45. That Eliot is requesting that the Chief Judge or Administrative Judge of this Court instantly be apprised of the continuing DAMAGES being caused by this Court's misconduct and Eliot requests that the Court and Your Honor now immediately post bonds, as the crimes are all occurring in and upon this Court by Officers of this Court and the DAMAGES now are directly attributable to this misconduct. If Your Honor continues to ignore Judicial Cannons and Law Eliot will be left with no recourse but to file Criminal and Civil charges against Your Honor, for the denial of due process and procedure through Adverse Interests and Conflicts, which Obstructs Justice. Eliot also requests that Your Honor not hear or dismiss the request for your own Disqualification, as done once before in these proceedings and instead have the hearing for the Disqualification demand heard by a different NON CONFLICTED or ADVERS judge, to save further the overwhelming Appearance of Impropriety that ruling on one's own Motion to Disqualify imparts beyond reasonable doubt.

46. The new parties that are all now Respondents in these matters for continuing the Frauds and who are all involved directly in the nexus of events surrounding the fraudulent activity that has taken place in these matters both upon the Court and the Beneficiaries/Interested Parties, acting all in concert with former removed Personal Representatives/Trustees/Counsel Donald

Tescher, Esq. and Robert Spallina, Esq., et al. to perpetrate the fraudulent schemes in these matters who must be hauled into this Court as Respondents and stripped instantly of any fiduciary or legal capacities, are as follows:

- i. PAGE, MRACHEK, FITZGERALD & ROSE, P.A. (AND ALL PARTNERS, ASSOCIATES AND OF COUNSEL)
- ii. ALAN B. ROSE, ESQ. - PERSONALLY
- iii. ALAN B. ROSE, ESQ. – PROFESSIONALLY
- iv. PANKAUSKI LAW FIRM PLLC, (AND ALL PARTNERS, ASSOCIATES AND OF COUNSEL)
- v. JOHN J. PANKAUSKI, ESQ. – PERSONALLY
- vi. JOHN J. PANKAUSKI, ESQ. – PROFESSIONALLY
- vii. KIMBERLY FRANCIS MORAN – PERSONALLY,
- viii. KIMBERLY FRANCIS MORAN – PROFESSIONALLY,
- ix. LINDSAY BAXLEY AKA LINDSAY GILES – PERSONALLY,
- x. LINDSAY BAXLEY AKA LINDSAY GILES – PROFESSIONALLY

47. That further, Alan has failed to file legally required Notices of Appearance for any parties he has represented while continuing to represent them before this Court at numerous hearings in violation of Attorney Conduct Codes and Law and while he has irrefutable Adverse Interests as a material and fact witness, yet continues to file pleadings and appear at hearings instead of voluntarily resigning as repeatedly requested.

48. That further, John J. Pankauski, Esq. has acted in Conflict of Interest and with Adverse Interests knowingly, as discussed in prior hearings before this Court but the Court while

determining that Pankauski appeared to be conflicted, stated that the Motion was improperly filed by Creditor William Stansbury's counsel on behalf of Eliot and that Eliot should have filed it on his own behalf. The Court then ruled that Theodore Bernstein was not going to be Personal Representative of Simon Bernstein's estate and thus the matter of Pankauski's representing Theodore in these proceedings as counsel to Theodore in that capacity was thought moot. However, despite Pankauski knowing his representations violate attorney conduct codes and law he continues to act in these matters, willingly and in violation of law and attorney conduct codes.

49. That where the Court has information of Attorney misconduct, the Court should act on its own motion to remove Pankauski from illegal representations that have hampered Plaintiff's due process and procedure rights and obstructed justice and not wait for PRO SE Eliot to file a proper pleading to remove him, as these are legally obligatory actions required by Your Honor, not Eliot.

50. That with Attorney Fraud and Forgery proven in these matters already against Officers and Fiduciaries of this Court, this Court needs to instantly cease the continued misconduct and report these Officers of the Court to the proper authorities immediately as required under Judicial Cannons and Law, especially where they are all alleged to have acted together to perpetrate these crimes.

51. That the Court must force new NON-CONFLICTED counsel to be retained by all parties alleged to have aided and abetted or even involved in the prior criminal acts and all parties who worked with and/or were retained by any of the parties involved in the fraudulent activity already proven and admitted and acknowledged be removed as they all will all be fact and material witnesses and respondents/defendants in all related matters forward relating to their involvement

with those acts.

52. That both Theodore and Alan are involved in the ongoing Palm Beach County Sheriff Office investigation as evidenced in the exhibited herein already Palm Beach County Sheriff Report and will be soon added to federal complaints being filed for their part in other Federal and State Criminal Acts alleged regarding Estates, Trusts and other Assets.

53. That Eliot refuses to further follow orders of any kind that are ruled on based on improper and illegal pleadings submitted by Attorneys at Law that have Adverse Interests. New information that will soon be admitted to the Court when the Privilege claim fails of Alan and Ted's, which shows these Adverse Interests are driving them mad, as in insane, and they intend to use this information gained from Abusive depositions they demand and deplete with scienter Estate and Trust funds, again, Theodore acting against the advice of counsel, in order to launch a war campaign on Eliot, his lovely wife Candice, their three minor children, Creditor Stansbury and his counsel Peter Feaman, Esq. and innocent parties who have information that can be used against them. ELIOT REFUSES ANY ORDER BY THIS COURT THAT IS ORDERED ON IMPROPER PLEADINGS FILED BY ILLEGALLY ACTING ATTORNEYS AT LAW, FIDUCIARIES AND OFFICERS OF THIS COURT THAT COULD HARM ANYONE and FURTHER REFUSES TO TENDER DOCUMENTS OR BE DEPOSED BY ANY OF THOSE PARTIES LISTED ABOVE who are now listed as Defendants/Respondents in these matters for good and just cause, until this Court first has a hearing to determine if these are legal representations by qualified legal counsel and fiduciaries or further legal process abuse, a hearing whereby there are NO UNDISCLOSED CONFLICTS or PARTIES WITH ADVERSE INTERESTS adjudicating or moving this Court in illegal legal capacities or fiduciary capacities.

54. Eliot's Motion to Remove Theodore is supported by competent and ethical Attorney at Law, Peter Feaman, counsel for the Creditor Stansbury, who has filed a Motion in support of Eliot's demand to remove Theodore for hosts of legal reasons that are both sound and legally required.

WHEREFORE, Eliot requests that this Court enter an order granting,

- i. Denying ANY Orders or other Pleadings filed by Alan B. Rose, Esq. and John Pankauski, Esq. and removing any Orders already ruled on submitted that are legally barred from being filed by incompetent counsel.
- ii. Removal of Theodore Bernstein, Alan Rose and John Pankauski in any fiduciary and/or legal matters in the Estates and Trusts of both Simon and Shirley Bernstein, instantly and before hearing any other pleadings filed by Alan or Pankauski acting as counsel in these matters.
- iii. Seize all Records for the Estates and Trusts of both Shirley and Simon and all other assets, until a new Personal Representative and Trustee can be properly chosen from a qualified pool. In the interim appoint Benjamin Brown, Esq., as interim curator.
- iv. Voluntarily Disqualify yourself as a judge in these matters due to Adverse Interests with Eliot and direct involvement in the criminal acts already proven and admitted, which make impartiality impossible, as this case would cast a ominous and dark light on one of the most egregious probate cases fraught with fraud that has been ignored and suppressed in the history of probate law caused entirely by Officers of this Court who have all eluded their Miranda Rights due

to the Court's failure to follow Attorney Conduct Codes, Judicial Cannons and Law.

- v. That an Emergency Hearing be scheduled with a new Judge by Your Honor acting on Your Own Motion to schedule one immediately and have these matters heard by an impartial Judge and represented by legally competent counsel, as lives are in danger and continued FRAUD, WASTE AND ABUSE are continuing in and upon this Court, Beneficiaries, Creditors and Minor Children.

Filed on June 16, 2014,

Eliot Bernstein, Pro Se, Individually and as legal guardian on behalf of his minor three children.

X _____

CERTIFICATE OF SERVICE

I, ELIOT IVAN BERNSTEIN, HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by email to all parties on the following Service List, Monday, June 16, 2014.

Eliot Bernstein, Pro Se, Individually and as legal guardian on behalf of his minor three children

X _____

SERVICE LIST

<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 courtfilings@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@ijblegal.com</p>	<p>William M. Pearson, Esq. P.O. Box 1076 Miami, FL 33149 wpearsonlaw@bellsouth.net</p>	<p>Robert L. Spallina, Esq., RESPONDENT 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>Benjamin Brown, Esq. Matwiczuk & Brown, LLP 625 No. Flagler Drive Suite 401 West Palm Beach, FL 33401 bbrown@matbrolaw.com</p>	<p>Donald Tescher, Esq., RESPONDENT 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., RESPONDENT and Mark R. Manceri, P.A., RESPONDENT 2929 East Commercial Boulevard Suite 702 Fort Lauderdale, FL 33308 mrrmlaw@comcast.net</p>
<p>Eric Bernstein 2231 Bloods Grove Circle Delray Beach, FL 33445 eberstein@lifeinsuranceconcepts.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>	

**EXHIBIT A – ELIOT BERNSTEIN, ALAN ROSE AND BENJAMIN BROWN COMMUNICATIONS REGARDING
RESCHEDULING**

From: Alan Rose [mailto:ARose@mrachek-law.com]
Sent: Thursday, June 12, 2014 5:30 PM
To: Eliot Ivan Bernstein
Cc: Peter M. Feaman, Esq.; mkoskey@feamanlaw.com; William H. Glasko, Esq.; tmealy@gcprobatelaw.com; Robert Spallina, Esq.; Donald Tescher, Esq.; Benjamin P. Brown, Esq.; lmcDaniel@matbrolaw.com; John P. Morrissey; John Pankauski, Esq.; heather@pankauskilawfirm.com; 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: Bernstein/Simon & Shirley - ABR to Parties 06-12-14 re Draft N-Status Conf

There was a discussion outside of court today. I thought Ben Brown was sitting right there during the entire conversation, but I may be mistaken.

Tescher and Spallina's counsel indicated they were not noticed and are not available for this hearing, so they will move to continue it, it likely will be continued, and we will incur time and money doing that.

I suggested doing the status conference then, but would you consider using those two hours to do the PR motions which are more important.

That is a two hour block of time in mid July.

Also, once there is a PR that is the person to object or take the lead on objecting to Tescher and Spallina's fees, because the curator cannot do that. In my view it makes more sense to do the PR first and deal with everything else later that is only my view.

Please respond simply yes or no whether you think it is appropriate to switch the hearings and do the PR first. You might want to consult with Peter Feaman and Ben Brown first before answering to get their views

Alan B. Rose

On Jun 12, 2014, at 17:16, "Eliot Ivan Bernstein" <iviewit@iviewit.tv> wrote:

Again, I did not know you were trying to reschedule hearings of mine and I object.

From: Marie Chandler [mailto:MChandler@mrachek-law.com] **On Behalf Of** Alan Rose
Sent: Thursday, June 12, 2014 3:31 PM
To: Eliot I. Bernstein; Peter M. Feaman, Esq.; mkoskey@feamanlaw.com; William H. Glasko, Esq.; tmealy@gcprobatelaw.com; Robert Spallina, Esq.; Donald Tescher, Esq.; Benjamin P. Brown, Esq.; lmcDaniel@matbrolaw.com; John P. Morrissey; John Pankauski, Esq.; heather@pankauskilawfirm.com
Cc: Alan Rose
Subject: Bernstein/Simon & Shirley - ABR to Parties 06-12-14 re Draft N-Status Conf

(Dictated but not read prior to sending.)

EXHIBITS
Objection to Orders
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Attached are the Notices of Status Conference we are going to submit to the Court. If you have any comments to the Notices, please let us know by noon on Friday, June 13, 2014.

Best wishes.

Alan

Alan B. Rose, Esq.
arose@Mrachek-Law.com
561.355.6991
<image001.png>
505 South Flagler Drive
Suite 600
West Palm Beach, Florida 33401
561.655.2250 Phone
561.655.5537 Fax

Marie B. Chandler
Assistant to L. Louis Mrachek and Alan B. Rose
Email: mchandler@mrachek-law.com
Direct: (561) 472-2417
<image002.jpg>
505 S. Flagler Drive, Suite 600
West Palm Beach, FL 33401
Main: (561) 655-2250
Fax: (561) 655-5537

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From: Ben Brown [mailto:bbrown@matbrolaw.com]
Sent: Thursday, June 12, 2014 4:35 PM
To: Alan Rose; Eliot Ivan Bernstein; John J. Pankauski; Ted Bernstein; Irwin J. Block @ The Law Office of Irwin J. Block PL; William M. Pearson; Peter Feaman, Esq. ~ Attorney at Law @ Peter M. Feaman, P.A.; Jeffrey T. Royer Esq. ~ Attorney at Law @ J.T. Royer & Associates LLC; William Henry Glasko Esq.; tourcandy@gmail.com; Eliot I. Bernstein, Inventor ~ Iviewit Technologies, Inc.
Cc: Ben Brown
Subject: RE: SERVICE OF COURT DOCUMENT - CASE NUMBER 502012CP004391XXXXSB - Notice of Hearing

I did not suggest we re-set that hearing, and neither of those motions involves the Curator. I only spoke to the motions to appoint PR, and do not believe (but could be wrong) I was present today for the discussion about whether the 7/11 date would be used for a status conference.

Benjamin P. Brown, Esq.
625 North Flagler Drive
Suite 401
West Palm Beach, Florida 33401

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P: (561) 651-4004, ext. 13
F: (561) 651-4003
bbrown@matbrolaw.com

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From: Alan Rose [<mailto:ARose@mrachek-law.com>]
Sent: Thursday, June 12, 2014 4:28 PM
To: Eliot Ivan Bernstein; John J. Pankauski; Ted Bernstein; Irwin J. Block @ The Law Office of Irwin J. Block PL; William M. Pearson; Peter Feaman, Esq. ~ Attorney at Law @ Peter M. Feaman, P.A.; Jeffrey T. Royer Esq. ~ Attorney at Law @ J.T. Royer & Associates LLC; Ben Brown; William Henry Glasko Esq.; tourcandy@gmail.com; Eliot I. Bernstein, Inventor ~ Iviewit Technologies, Inc.
Subject: RE: SERVICE OF COURT DOCUMENT - CASE NUMBER 502012CP004391XXXXSB - Notice of Hearing

The hearing was set without consulting Tescher and Spallina's counsel; Ben Brown suggested we reset it, and I raised the issue with the Court today. That is why we are holding a Status Conference that day and then an evidentiary hearing in August.

Also, we need your deposition to be prepared to address any such hearing. Please advise what dates you are available for deposition on or after July 7th to end of July.

Alan B. Rose, Esq.
arose@Mrachek-Law.com
561.355.6991



505 South Flagler Drive
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West Palm Beach, Florida 33401
561.655.2250 Phone
561.655.5537 Fax

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EXHIBITS
Objection to Orders
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If there are any documents attached to this email with the suffix .pdf, those documents are in Adobe PDF format. If you have difficulty viewing these attachments, you may need to download the free version of Adobe Acrobat Reader, available at: <http://www.adobe.com>

From: Eliot Ivan Bernstein [<mailto:iviewit@gmail.com>]
Sent: Thursday, June 12, 2014 4:12 PM
To: Alan Rose; John J. Pankauski; Lisa@friedsteins.com; lisa.friedstein@gmail.com; Pamela Beth Simon; Ted Bernstein; Irwin J. Block @ The Law Office of Irwin J. Block PL; William M. Pearson; Jill M. Iantoni; Peter Feaman, Esq. ~ Attorney at Law @ Peter M. Feaman, P.A.; Jeffrey T. Royer Esq. ~ Attorney at Law @ J.T. Royer & Associates LLC; Benjamin P. Brown; William Henry Glasko Esq.; alb07c@gmail.com; eberstein@lifeinsuranceconcepts.com; Michael Bernstein; Molly Simon; Matt Logan; tourcandy@gmail.com; Eliot I. Bernstein, Inventor ~ Iviewit Technologies, Inc.; John P. Morrissey Esq. @ John P. Morrissey, P.A.
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.; Undisclosed List
Subject: FW: SERVICE OF COURT DOCUMENT - CASE NUMBER 502012CP004391XXXXSB - Notice of Hearing

Courtesy resend of Notice of Hearing on July 11, 2014 @ 1:30, this email was served on May 29, 2014, if your schedules conflict now please notify Judge Colin of your problem and perhaps arrange to call in. Eliot

From: Eliot Ivan Bernstein [<mailto:iviewit@gmail.com>]
Sent: Thursday, May 29, 2014 2:30 PM
To: Alan B. Rose Esq. (arose@pm-law.com); John J. Pankauski (courtfilings@pankauskilawfirm.com); 'Lisa@friedsteins.com'; 'lisa.friedstein@gmail.com'; Pamela Beth Simon (psimon@stpcorp.com); Ted Bernstein; Irwin J. Block @ The Law Office of Irwin J. Block PL (ijb@ijblegal.com); William M. Pearson (wpearsonlaw@bellsouth.net); Jill M. Iantoni (jilliantoni@gmail.com); Peter Feaman, Esq. ~ Attorney at Law @ Peter M. Feaman, P.A. (pfeaman@feamanlaw.com); Jeffrey T. Royer Esq. ~ Attorney at Law @ J.T. Royer & Associates LLC (jroyer1148@aol.com); Benjamin P. Brown (bbrown@matbrolaw.com); William Henry Glasko Esq. (bill@PalmettoBayLaw.com); alb07c@gmail.com; 'eberstein@lifeinsuranceconcepts.com'; Michael Bernstein (mchl_bernstein@yahoo.com); Molly Simon; Matt Logan (matl89@aol.com); 'tourcandy@gmail.com' (tourcandy@gmail.com); Eliot I. Bernstein, Inventor ~ Iviewit Technologies, Inc.; John P. Morrissey Esq. @ John P. Morrissey, P.A. (john@jmorrisseylaw.com)
Cc: Caroline Prochotska Rogers Esq. (caroline@cprogers.com); Michele M. Mulrooney ~ Partner @ Venable LLP (mmulrooney@Venable.com); Andrew R. Dietz @ Rock It Cargo USA; Marc R. Garber Esq. @ Flaster Greenberg P.C. (marcrgarber@verizon.net); Marc R. Garber Esq. @ Flaster Greenberg P.C. (marc.garber@flastergreenberg.com); Marc R. Garber Esq. (marcrgarber@gmail.com)
Subject: SERVICE OF COURT DOCUMENT - CASE NUMBER 502012CP004391XXXXSB - Notice of Hearing.

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EXHIBIT B – PALM BEACH COUNTY SHERIFF REPORT

EXHIBITS
Objection to Orders
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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1
CASE NO. 14029489 OFFENSE REPORT CASE NO. 14029489
DISPOSITION: ZULU
DIVISION: DETECTIVE

911:
ECONOMIC CRIMES * * *
SIGNAL CODE: 14 CRIME CODE: NON CRIME CODE: OT CODE: 9546 01/23/14 THURSDAY
ZONE: BR GRID: DEPUTY I.D.: 7704 NAME: MILLER RYAN ASSIST: TIME D 1020 A 1020 C 1021
OCCURRED BETWEEN DATE: 12/01/12 , 0000 HOURS AND DATE: 01/31/13 , 0000 HOURS
EXCEPTION TYPE:
INCIDENT LOCATION: 4855 TECHNOLOGY WY APT. NO.: 700
CITY: BOCA RATON STATE: FL ZIP: 33431

NO. OFFENSES: 00 NO. OFFENDERS: UK NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0
LOCATION: OTHER
NO. VICTIMS: 00 NO. ARRESTED: 0 FORCED ENTRY: 0

NAME LIST:

ROLE:
OTHER SIMON BERNSTEIN DOB: 12/02/1935
SEX: M RACE: W HT: 506 WT: 180 HR: GRAY EYE: BROWN
RESIDENTIAL ADDRESS: 7020 LIONSHEAD LA BOCA RATON FL 33496 HOME PHONE: 561 000-0000
BUSINESS PHONE: 561 000-0000
OTHER SHIRLEY BERNSTEIN DOB: 06/29/1939
SEX: F RACE: W HT: 502 WT: 102 HR: BLOND EYE: BLUE
RESIDENTIAL ADDRESS: 7020 LIONSHEAD RD BOCA RATON FL 33496 HOME PHONE: 561 000-0000
BUSINESS PHONE: 561 000-0000
COMPLAINANT ROBERT L SPALLINA DOB: 06/09/1965
SEX: M RACE: W HT: 511 WT: 175 HR: BLACK EYE: BROWN
RESIDENTIAL ADDRESS: 7387 WISTERIA AV PARKLAND FL 33076 HOME PHONE: 561 997-7008
BUSINESS PHONE: 561 000-0000
OTHER ALAN B ROSE DOB: 10/23/1965
SEX: M RACE: W HT: 509 WT: 170 HR: BROWN EYE: BROWN
RESIDENTIAL ADDRESS: 21145 ORMOND CT BOCA RATON FL 33433 HOME PHONE: 561 000-0000
BUSINESS ADDRESS: 505 S. FLAGLER DR., STE. 600, WEB, FL 33401 BUSINESS PHONE: 561 355-6991
OTHER TED BERNSTEIN DOB: 08/27/1959
SEX: M RACE: W HT: 0 WT: 0 HR: UNKNOWN EYE: UNKNOWN
RESIDENTIAL ADDRESS: 800 BERKELEY ST BOCA RATON FL 33484 HOME PHONE: 561 213-2322
BUSINESS PHONE: 561 968-8984

ON 01/21/13 AT 1:45 PM I MET WITH ROBERT SPALLINA AND HIS ATTORNEY DAVID ROTH. SGT. DAVID GROOVER WAS ALSO PRESENT DURING THE INTERVIEW. WE MET AT

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CASE NO. 14029489 PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 2
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DISPOSITION: ZULU

THE PALM BEACH COUNTY SHERIFF'S OFFICE, DISTRICT 1 CONFERENCE ROOM, WHICH IS LOCATED AT 3228 GUN CLUB ROAD, WEST PALM BEACH, FL. ROBERT SPALLINA STATED THAT HE AND HIS PARTNER, DONALD TESCHNER, MET SIMON AND SHIRLEY BERNSTEIN IN 2007. HE SAID THAT IN 2008 THE BERNSTEIN'S CAME TO THE TESCHNER AND SPALLINA FIRM. HE SAID THAT THEY (THE ATTORNEY'S OFFICE) CREATED WILLS AND TRUSTS FOR BOTH SIMON AND SHIRLEY IN 2008, AMONG OTHER PLANNING. SPALLINA TOLD US THAT SIMON HAD BEEN IN THE INSURANCE BUSINESS FOR 40 YEARS.

HE SAID THAT THE SUBJECT OF THE FIRST MEETINGS WAS THE SALE OF THE INSURANCE BUSINESS DOWN THE ROAD, AS WELL AS MOVING AROUND SOME STOCKS. SPALLINA STATED THE CONVERSATIONS WITH SIMON AND THE THOUGHT PROCESS WAS THAT ONCE SIMON SOLD THE INSURANCE BUSINESS HE OWNED, ALL THE FAMILY WOULD BENEFIT FROM IT (FINANCIALLY). HE SAID THE BUSINESS WAS NEVER SOLD, BUT A LOT OF PLANNING AND PREPARATION WAS DONE FOR IT, TO INCLUDE SETTING UP A FLORIDA LIMITED PARTNERSHIP AND A DELAWARE ASSET PROTECTION TRUST. SPALLINA STATED THAT SIMON WAS ALWAYS CONCERNED WITH CREDITOR PROTECTION. HE SAID THAT IS QUITE COMMON IN THE INSURANCE BUSINESS WORLD.

SPALLINA REITERATED THAT IN 2008, THE LAW FIRM DID THE DOCUMENTS FOR THE WILLS AND TRUSTS. HE STATED THEY (SIMON & SHIRLEY) HAVE FIVE CHILDREN AND 10 GRANDCHILDREN, AS WELL AS A STEP-GRANDCHILD.

SPALLINA SAID THAT THE ESTATE PLAN WAS SIMILAR TO MOST OTHERS, IT SAID SHOULD ONE SPOUSE DIE FIRST, THE OTHER WILL RECEIVE EVERYTHING (ALL ASSETS). HE SAID THAT UNDER BOTH TRUSTS, THE INITIAL DOCUMENTS READ THAT UPON THE SECOND DEATH, TWO CHILDREN (TED AND PAM) WERE EXCLUDED. HE TOLD US THIS TOOK PLACE SINCE BOTH TED AND PAM WERE SET UP WITH LIFE INSURANCE BUSINESSES AND THEY WANTED TO MAKE THE REMAINING CHILDREN (ELIOT, LISA, AND JILL) AS WHOLE AS THEY COULD. NOTE: TED WAS WORKING WITH SIMON IN THE INSURANCE BUSINESS DOWN HERE IN FLORIDA AND PAM RECEIVED A COMPANY IN ILLINOIS.

SPALLINA REITERATED THAT UPON THE DEATH OF THE SECOND SURVIVOR, EVERYTHING FROM BOTH TRUSTS GOES TO JILL, LISA, AND ELIOT ADDING THAT SHIRLEY HAD ONE OTHER STIPULATION IN HER TRUST, WHICH STATED THAT TED'S STEPSON, (MATTHEW LOGAN) RECEIVED \$200,000. HE TOLD ME THAT SHIRLEY HAD A LIKING TO MATTHEW SO SHE ADDED THAT TO HER TRUST, BUT THAT SIMON DID NOT BELIEVE IN THAT, THAT HE FELT EVERYTHING SHOULD GO TO BLOOD (A BIOLOGICAL CHILD). SPALLINA SAID THAT LATER ON IN 2008, SHIRLEY STATED SHE WANTED TO CHANGE HER TRUST DOCUMENTS IN REFERENCE TO THE MONEY LEFT TO MATTHEW LOGAN. HE STATED THAT AN AMENDMENT WAS CREATED, WHICH WAS SIGNED BY SHIRLEY ON NOV. 18, 2008 TAKING LOGAN OUT OF THE TRUST.

SPALLINA STATED THAT HE FELT THAT SIMON'S WISHES OVERRODE SHIRLEY'S IN THIS SITUATION. SPALLINA SAID THAT HE AND KIMBERLY MORAN (HIS EMPLOYEE & A NOTARY) WENT TO SHIRLEY'S HOME FOR THE DOCUMENT TO BE SIGNED. HE SAID THAT RACHEL WALKER, SHIRLEY'S ASSISTANT, WAS PRESENT WHEN THE DOCUMENT WAS SIGNED.

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SHE AND SPALLINA ARE ON THE DOCUMENT AS WITNESSES, MORAN IS THE NOTARY FOR SHIRLEY'S SIGNATURE. HE TOLD ME THAT WAS THE LAST CHANGE SHIRLEY EVER MADE TO HER DOCUMENTS AND THAT SHE PASSED ON DECEMBER 2010. SIMON WAS STILL ALIVE AND THE TRUST READ THAT EVERYTHING WENT TO HIS BENEFIT. SPALLINA REITERATED THAT HER DOCUMENTS READ THAT UPON SIMON'S DEATH, EVERYTHING (HER ASSETS) WENT TO JILL, LISA, AND ELIOT.

How could Spallina write an estate plan, know about the policy and know Si's alleged intent and then not have a copy now of the policy and further how did he file a claim as Trustee of Lost Trust when he claims here the bene's were the children, not the now lost 1995 Simon Bernstein Irrev Ins Trust?

SPALLINA STATED THAT IN 2012, SIMON CONTACTED HIM STATING THAT HE WAS HAVING CONCERNS ABOUT HOW HE HAD ELIMINATED TED AND PAM FROM HIS TRUST. HE STATED THAT IT IS POSSIBLE THAT THESE THOUGHTS CAME ON BECAUSE PAM STARTED SENDING HIM LETTERS. HE SAID THAT SHE (PAM) HAD A LAWYER CONTACT HIS OFFICE AND ASK FOR COPIES OF SHIRLEY'S TRUST DOCUMENTS. SPALLINA SAID THAT HE MET WITH SIMON, WHO SAID THAT HE WAS CONSIDERING CHANGING HIS DOCUMENTS. HE SAID THAT ONE OF THE CHANGES DISCUSSED WAS HOW TO INCLUDE TED AND PAM'S CHILDREN.

SPALLINA STATED THAT SIMON HAD A LIFE INSURANCE POLICY WITH THE BENEFIT OF \$1,600,000. HE SAID THAT THE POLICY READ THAT IF SIMON PASSED BEFORE SHIRLEY SHE RECEIVED THE BENEFIT, BUT IF SHIRLEY PASSED BEFORE HIM, THE FIVE CHILDREN RECEIVED THE BENEFITS ONCE HE PASSED. THIS POLICY ORIGINATED OUT OF ILLINOIS. SPALLINA ADDED THAT THIS POLICY AND ITS DISTRIBUTION OF FUNDS ARE CURRENTLY IN A FEDERAL COURT BATTLE.

Eliot and his family were happy for him and Maritza. The other children were estranged.

SPALLINA STATED THAT A DISCUSSION TOOK PLACE WITH HIM AND SIMON IN 2012; REFERENCE THE FACT THAT SIMON HAD ISSUES ON HOW AND WITH WHOM FUNDS WERE GOING TO BE DISTRIBUTED TO UPON HIS DEATH. HE TOLD ME SIMON WAS HAVING RESERVATIONS ABOUT TED AND PAM NOT BEING IN HIS TRUST, AS WELL AS THAT FACT THAT HE THEN HAD A GIRLFRIEND BY THE NAME OF MARITZ PUCCIO THAT HE WANTED TO PROVIDE FOR. HE ADDED THAT NO ONE IN THE FAMILY WAS HAPPY THAT PUCCIO WAS IN SIMON'S LIFE. HE ALSO TOLD ME THAT SIMON WANTED HIS GRANDCHILDREN TO RECEIVE BENEFITS FROM THE TRUST.

Changes could not be to her beneficiaries however, which is what they tried.

SPALLINA SAID THAT SIMON FIRST SUGGESTED MAKING BENEFICIARY CHANGES ON THE AFOREMENTIONED LIFE INSURANCE POLICY. SPALLINA SAID THAT HE TOLD SIMON THAT WAS A VERY BAD IDEA. HE TOLD ME THAT THERE WAS SOMETHING CALLED AN EXERCISE OF POWER OF APPOINTMENT, PUT IN BOTH SIMON AND SHIRLEY'S TRUST DOCUMENTS. HE SAID THIS GAVE THE LIVING SPOUSE THE ABILITY TO MAKE CHANGES ON THE DECEASED SPOUSE'S DOCUMENTS. HE SAID THAT HE TOLD SIMON, THAT MAYBE THEY SHOULD EXPLORE OPTIONS WITH THAT. HE SAID SIMON TOLD HIM THAT HE WANTED TO MAKE THE NECESSARY CHANGES TO HAVE BOTH TRUSTS READ THAT THE 10 GRANDCHILDREN WERE THE BENEFICIARIES. HE TOLD ME THAT HE TOLD SIMON (SI AS HE CALLS HIM) THAT HE COULD NOT MAKE THOSE CHANGES TO SHIRLEY'S TRUST BECAUSE SHE HAD WROTE TED AND PAM AND THEIR CHILDREN AS PREDECEASED IN HER TRUST.

SPALLINA REITERATED THAT SIMON CAN DO WHATEVER HE WANTS WITH HIS ESTATE, BUT ALL HE CAN DO WITH SHIRLEY'S TRUST IS GIVE IT TO LISA, JILL, AND ELIOT'S CHILDREN. HE SAID THAT SIMON WAS NOT HAPPY ABOUT THIS. HE SAID THAT SIMON

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WAS VERY ADAMANT ABOUT LEAVING EVERYTHING IN THE ESTATES TO THE GRANDCHILDREN. HE ALSO SAID THAT HE ADVISED SIMON TO NOT MAKE CHANGES TO THE LIFE INSURANCE POLICY OR THE ESTATES, MAKING PUCCIO A BENEFICIARY. HE STATED THAT THIS WILL ONLY CAUSE PROBLEMS AND CREATE LITIGATION. SPALLINA SAID THE AFOREMENTIONED DISCUSSION AND MEETING TOOK PLACE IN FEBRUARY 2012. HE SAID THE MEETING CONCLUDED WITH SIMON SAYING HE NEEDED TO THINK ABOUT THINGS.

What is Spallina doing advising him to not leave Maritza anything, like it is his money. What problems would it cause and to whom?

HE TOLD ME THAT THREE MONTHS LATER, SIMON CONTACTED HIM STATING HE KNEW WHAT HE WANTED TO DO. HE SAID THAT SIMON TOLD HIM HE WANTED TO LEAVE HIS INSURANCE POLICY ALONE, BUT THAT HE WANTS BOTH TRUSTS TO GO TO HIS 10 GRANDCHILDREN. SPALLINA SAID THAT HE EXPLAINED TO HIM AGAIN, THAT ONLY HIS TRUST, NOT SHIRLEY'S CAN GO TO BOTH GRANDCHILDREN, UNLESS HE TAKES ALL OF THE ASSETS OUT OF THE SHIRLEY TRUST AND PUTS THEM INTO HIS NAME. HE SAID THE COST OF TAKING THE ASSETS OUT OF SHIRLEY'S TRUST WOULD HAVE BEEN SIGNIFICANT, BECAUSE SHIRLEY'S DEATH OCCURRED BEFORE FEDERAL ESTATE TAX CHANGES TOOK PLACE, SO AS LONG AS IT STAYED IN HER ESTATE IT WOULD BE FREE OF TAX, BUT SHOULD IT GO TO SIMON'S TRUST IT WILL BE TAXED.

This is a false statement by Detective Miller as Simon has never signed a Waiver that was not forged or improper and so Simon never did sign a Waiver.

THERE WAS ALSO AN ISSUE OF SUBJECTING THE ASSETS FROM SHIRLEY'S ESTATE TO CREDITORS IF IT WENT TO SIMON'S ESTATE. SPALLINA TOLD ME THAT AT THIS TIME, SIMON SAID "GET MY CHILDREN ON THE PHONE". HE SAID THAT SIMON TOLD HIM THAT HE WANTED HIS CHILDREN TO AGREE THAT ALL ASSETS FROM BOTH TRUSTS GO TO THE 10 GRANDCHILDREN. HE SAID THAT SIMON TOLD HIM HE (SIMON) COULD GET THEM TO AGREE. SPALLINA CONFIRMED THAT THIS CONVERSATION OCCURRED ON THE SAME DATE, DURING THE SAME PHONE CALL (CONFERENCE CALL), REGARDING THE WAIVER OF ACCOUNTING FORM FOR SHIRLEY'S ESTATE IN PBSO CASE #13-097087.

This is wholly fabricated as Si called Eliot to set up the call days before the call with Spallina and Si made the call from his home and not Spallina's office.

FROM A PREVIOUS INVESTIGATION DONE BY ME, I FOUND THAT SIMON SIGNED THE WAIVER OF ACCOUNTING ON 04/09/12, SO IT IS POSSIBLE THAT THE PHONE CALL OCCURRED ON THAT DATE. I HAD ALSO NOTED IN MY REPORT THAT THERE WAS SOME DISCUSSION OF INHERITANCE AND WHO WAS TO GET WHAT. SPALLINA SAID THAT DURING THE PHONE CALL, ALL FIVE KIDS AGREED THAT CHANGING THE INHERITANCE OF BOTH ESTATES TO THE GRANDCHILDREN WAS A GREAT IDEA. HE SAID THAT ELIOT SPOKE THE MOST, STATING THINGS SUCH AS, GREAT IDEA DAD, WHATEVER YOU WANT TO DO, WHATEVER MAKES YOU FEEL BEST, WHATEVER IS BEST FOR YOUR HEALTH DAD.

Why would Si sign a Waiver on April 09, 2012 if the meeting with his three beneficial children to agree was not until May 10, 2012, something does not add up in Spallina web of lies.

SO, AFTER THE AFOREMENTIONED PHONE CALL, NEW DOCUMENTS WERE DRAWN UP FOR SIMON'S ESTATE. THESE NEW DOCUMENTS GAVE EVERYTHING TO ALL 10 GRANDKIDS. HE ALSO EXERCISED HIS POWER OF SHIRLEY'S ESTATE, LEAVING EVERYTHING TO ALL 10 GRANDKIDS, EVEN THOUGH LEGALLY HE COULD NOT INCLUDE TED AND RAM'S KIDS BECAUSE OF THE PREDECEASED LIMITATION. HE SAID THESE DOCUMENTS WERE EXECUTED AT THE END OF JULY 2012. HE SAID SEVEN WEEKS LATER SIMON DIES, UNEXPECTEDLY. I FOUND THAT SIMON PASSED ON SEPTEMBER 13, 2012 OF A HEART ATTACK.

Si was being terrorized by four of five children and seven of 10 grandchildren and Eliot did agree that whatever would get them to seize their elder abuse he would do for his father but not until he saw all docs.

SPALLINA SAID APPROXIMATELY TWO MONTHS AFTER THAT, HIS OFFICE RECEIVED A REQUEST FROM ELIOT'S ATTORNEY, CHRISTINE YATES, FOR ALL DOCUMENTS RELATING TO

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SIMON AND SHIRLEY BERNSTEIN, TO INCLUDE DOCUMENTS RELATING TO BERNSTEIN FAMILY REALITY, WHICH OWNS A HOME THAT ELIOT AND HIS FAMILY LIVE IN. HE SAID THAT HIS HOME IS ACTUALLY OWNED AND IS FUNDED BY THREE TRUSTS THAT SIMON CREATED. THE THREE TRUSTS ARE IN THE NAME OF ELIOT'S THREE CHILDREN, (JACK, JAKE, AND DAN).

SPALLINA TOLD ME THAT HE AND HIS PARTNER HAD DISCUSSIONS REFERENCE TO FULFILLING SIMON'S WISHES OF ALL 10 GRANDCHILDREN RECEIVING THE BENEFITS FROM BOTH SIMON AND SHIRLEY'S TRUSTS. HE SAID THAT HE AND HIS PARTNER, DONALD TESCHNER, DISCUSSED DOING A SCRIVENER'S AFFIDAVIT REFERENCE REINSTATING TED AND PAM'S CHILDREN INTO SHIRLEY'S TRUST, SINCE THEIR NOTES WERE UNCLEAR TO AS IF THE GRANDCHILDREN WERE OR WERE NOT DEEMED PREDECEASED, AS TED AND PAM WERE. HE TOLD ME THAT THE DECISION WAS MADE TO NOT DO THE SCRIVENER'S AFFIDAVIT, DUE TO THE CHANCE THAT IT MAY NOT WORK. HE SAID THOUGH, THAT AGAINST HIS BETTER JUDGMENT HE ALTERED THE FIRST PAGE OF THE FIRST AMENDMENT TO THE SHIRLEY BERNSTEIN TRUST AGREEMENT, BEFORE HE TURNED IT OVER TO YATES. THE ORIGINAL WAS MENTIONED EARLIER ON IN THIS REPORT AND STATES THAT SHIRLEY SIGNED IT ON NOVEMBER 18, 2008. IT TOOK MATTHEW LOGAN OUT OF THE TRUST.

SPALLINA SAID THAT THEY NOTICED THAT THE FIRST PAGE OF THE DOCUMENT SKIPPED FROM ONE TO THREE, SO HE TOOK IT UPON HIMSELF TO ADD IN NUMBER TWO, BEFORE SENDING IT TO YATES. THE CHANGE THAT NUMBER TWO MADE TO THE TRUST, AMENDED PARAGRAPH E OF ARTICLE III, MAKING IT READ THAT ONLY TED AND PAM WERE CONSIDERED PREDECEASED, NOT THEIR CHILDREN. HE SAID THE ORIGINAL TRUST STATES THAT TED, PAM, AND THEIR CHILDREN ARE DEEMED PREDECEASED. SPALLINA SAID HE DID THIS AT THIS OFFICE IN BOCA RATON, FLORIDA. HE SAID THAT NO ONE ELSE TOOK PART IN ALTERING THE DOCUMENT. HE SAID THAT HE DID IT TO MAKE SIMON'S WISHES AND THE VERBAL AGREEMENT FROM THE APRIL 2012 PHONE CONVERSATION COME TRUE. SPALLINA STATED THAT ALTHOUGH HE CREATED THE ALTERED FORM AND ATTACHED IT TO THE ORIGINALLY SIGNED/NOTARIZED FORM, HE RECEIVED NO INCOME OR GAIN FROM IT. HE STATED HE SOLELY DID IT TO FULFILL SIMON'S WISHES. HE CONFIRMED THAT THIS ALTERED DOCUMENT DID NOT GET FILED WITH THE COURTS.

SPALLINA STATED THAT AGAINST HIS ADVICE, A DISTRIBUTION WAS MADE FROM ONE OF THE TRUSTS AFTER SIMON'S DEATH. HE STATED THAT HE ADVISED AGAINST THIS AND WHEN SIMON PASSED, A FORMER PARTNER FILED A CLAIM AGAINST THE ESTATE FOR \$2,500,000.

SPALLINA ALSO TOLD ME THAT IN 2006, ALL OF THE GRANDCHILDREN RECEIVED TRUSTS FROM SHIRLEY AND SIMON. HE STATED THAT YATES WAS ACTUALLY THE ATTORNEY FOR ELIOT'S CHILDREN'S TRUSTS. SPALLINA STATED THAT SIMON WANTED ELIOT'S KIDS TO HAVE A HOME, BUT DID NOT WANT THE HOME IN ELIOT'S NAME.

SPALLINA ALSO TOLD ME THAT IN 2009 SIMON CAME TO HIM AND SAID HE IS BUYING A HOUSE FOR ELIOT AND HIS FAMILY TO LIVE IN, BUT HE DOES NOT WANT ELIOT TO OWN THE HOME. HE SAID THAT SIMON TOLD HIM THAT HE WANTED ELIOT'S

Teschner and Spallina then conspire post mortem to make changes to Shirley and Simon's estate documents.

SPALLINA ALTERS TRUST DOCUMENTS IN SHIRLEY TRUST TO CHANGE BENEFICIARIES AND COMMITS FRAUD BUT WHY? FURTHER LIES TO JUDGE COLIN IN HEARING AND TELLS HIM IT IS THE TEN GRANDCHILDREN TOO and perpetrates another fraud on the court.

Did Spallina report this to the proper authorities or court? No and instead lies to them.

Now allegedly we have Moran committing forgery and post mortem crimes and saying she acted alone and now Spallina altering others and alone and who buys this?

It was a May 10, 2012 phone call although Simon allegedly signed his documents in April 2012, story again is wholly false. See Simon April 09, 2012 docs.

Not all grandchildren, only 6 of 10

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CHILDREN'S THREE TRUSTS TO OWN THE HOME. HE THEN SET UP A LIMITED LIABILITY COMPANY, WHICH IS BERNSTEIN FAMILY REALTY. HE SAID THAT SIMON SET UP AN ACCOUNT AT LEGACY BANK. HE SAID THAT SIMON FUNDED THE ACCOUNT, TO PAY FOR THE EXPENSES AT THE HOUSE. RACHEL WALKER WAS IN CHARGE OF PAYING THOSE EXPENSES. HE SAID THAT AT SIMON'S DEATH THE ACCOUNT HAD VERY LITTLE MONEY IN IT. HE SAID THIS WAS THE TYPE OF ACCOUNT THAT ONLY ENOUGH MONEY WENT INTO IT EACH MONTH TO COVER THE NECESSARY EXPENSES FOR THE HOME, SUCH AS POWER, WATER, AND MORTGAGE.

This has nothing to do with how the Manager role transfers in the LLC and Spallina is in no way a part of that. Nobody asked Eliot who is the legal guardian and under the documents would decide the next manager after Simon and this further evidences Spallina's criminal intent against Eliot and family.

SPALLINA STATED THAT PRIOR TO SIMON'S DEATH, HE WAS THE MANAGER OF BFR, BUT AFTER HIS DEATH IT WAS TRANSFERRED TO OPPENHEIMER TRUST COMPANY, BECAUSE NO ONE IN THE FAMILY WANTED TO MANAGE IT. HE STATED THIS WAS BECAUSE NO ONE WANTED TO DEAL WITH ELIOT. HE SAID OTC BECAME THE TRUSTEE AND THE LEGACY BANK ACCOUNT GOT CLOSED OUT SINCE THE ACCOUNT HAD MINIMAL FUNDS IN IT AND SIMON WAS NO LONGER ALIVE TO FUND IT. HE STATED THAT OTC OPENED UP THEIR OWN BFR TRUST ACCOUNT. HE SAID THAT WHEN THIS OCCURRED, THERE WAS APPROXIMATELY \$80,000 IN EACH OF ELIOT'S CHILDREN'S TRUSTS. HE SAID THAT ELIOT STARTED CALLING UP OTC ASKING FOR THEM TO PAY BILLS.

Spallina is the one who told Eliot to call Janet to pay the bills as he made her the new Manager and she would be handling. Eliot never heard of her before.

SPALLINA SAID THE PROBLEM IS THAT SINCE NEITHER ELIOT NOR HIS WIFE WERE WORKING, THEY WERE ALSO ASKING FOR THEIR CREDIT CARD BILLS TO BE PAID, ALONG WITH THE NORMAL LIVING EXPENSES. HE STATED THAT THE CREDIT CARD BILLS SHOWED CHARGES TO HIGH END RESTAURANTS, SUCH AS CAPITAL GRILL. SPALLINA SAID THAT DUE TO THE EXPENSES BEING PAID BY THE THREE CHILDREN'S TRUST, TO INCLUDE PRIVATE SCHOOL, THE TRUSTS WERE DRAINED BY AUGUST 2013.

SPALLINA STATED THAT TED BERNSTEIN IS THE TRUSTEE FOR SHIRLEY'S TRUST. HE SAID THAT SHIRLEY HAD A CONDO THAT WAS SOLD FOR \$1,400,000 AND THAT MONEY WENT INTO THE TRUST. HE SAID THAT TED DISCUSSED WITH HIS SIBLINGS, POSSIBLY EXCLUDING ELIOT, THAT THERE WAS CONCERN ABOUT A CREDITOR GETTING SOME OF THE MONEY. HE SAID THAT TED MADE A DISTRIBUTION TO SEVEN OF THE 10 GRANDCHILDREN'S TRUSTS. FOUR OF WHICH INCLUDE TED'S THREE CHILDREN AND PAM'S CHILD. SPALLINA SAID THAT TED ONLY FUNDED SEVEN OF THE GRANDCHILDREN, BECAUSE ELIOT REFUSED TO OPEN ACCOUNTS FOR HIS THREE KIDS SO THAT TED COULD FUND THEM. HE SAID THAT IN SEPTEMBER OF 2013, \$80,000 WAS DISTRIBUTED TO EACH OF THE SEVEN TRUSTS, WHICH IS A TOTAL OF \$560,000. SPALLINA REITERATED THAT TED WAS TOLD TO NOT MAKE DISTRIBUTIONS.

This whole convoluted story about BFR is BS. For months after Si died this account in his name only was used illegally. When Legacy bank found out they siezed account. Then Spallina himself transferred the manager role, with no authority to Janet Craig at Oppenheimer, against the operating agreement of the LLC which called for a vote of the Members (Eliot as Guardian of his children the Members), which Spallina illegally evaded doing. This led to hijacking of BFR and raiding the funds of BFR and the trusts.

Is Spallina Ted's counsel?

SPALLINA WAS ASKED AND CONFIRMED THAT THE ALTERED DOCUMENT REFERENCE SHIRLEY'S TRUST, IS THE ONLY MISTAKE THAT HE MADE. HE IS NOT AWARE OF ANY OTHER MISTAKES.

This is not the only mistake he made, in fact his law firm notary who he is responsible for committed six acts of FORGERY and FRAUD and signed documents post mortem for Simon.

I WAS SUPPLIED A COPY OF THE ALTERED DOCUMENT BY SPALLINA ON 01/22/14. THIS NARRATIVE IS NOT A VERBATIM ACCOUNT OF THE INTERVIEW WITH SPALLINA. FURTHER INVESTIGATION WILL CONSIST OF MEETING WITH SIMON AND SHIRLEY'S CHILDREN, IN ATTEMPT TO GAIN STATEMENTS FROM THEM.

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DETECTIVE RYAN W. MILLER #7704
01/24/14 @ 1153 HRS.
TRANS. VIA EMAIL/COPY/PASTE: 01/29/2014/MDR/#6405

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DISPOSITION: ZULU
DIVISION: DETECTIVE

911:
ECONOMIC CRIMES * * *
SIGNAL CODE: 14 CRIME CODE: NON CRIME CODE: OT CODE: 9546 01/29/14 THURSDAY
ZONE: BR GRID: DEPUTY I.D.: 7704 NAME: MILLER ASSIST: TIME D 1020 A 1020 C 1021
OCCURRED BETWEEN DATE: 12/01/12 , 0000 HOURS AND DATE: 01/31/13 , 0000 HOURS
EXCEPTION TYPE:
INCIDENT LOCATION: 4855 TECHNOLOGY WY APT. NO.: 700
CITY: BOCA RATON STATE: FL ZIP: 33431
NO. OFFENSES: 00 NO. OFFENDERS: UK NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0
LOCATION: OTHER
NO. VICTIMS: 00 NO. ARRESTED: 0 FORCED ENTRY: 0

ON JAN. 28, 2014 I MET WITH TED BERNSTEIN WHO WAS ACCOMPANIED BY ATTORNEY ALAN ROSE. ROSE IS A CIVIL ATTORNEY, SPECIALIZING IN PROBATE AND BUSINESS LITIGATION. THIS INTERVIEW TOOK PLACE AT THE PALM BEACH COUNTY SHERIFF'S OFFICE, SPECIAL INVESTIGATIONS DIVISION'S CONFERENCE ROOM, LOCATED AT 3228 GUN CLUB ROAD, WEST PALM BEACH, FLORIDA 33406 AT 11:46 A.M. THE FOLLOWING IS A NON-VERBATIM ACCOUNT OF THE INTERVIEW:

TED STATED THAT HE AND HIS FATHER SIMON HAD AN OFFICE TOGETHER. HE TOLD ME THAT IN 2007 HE HAD NOTICED THAT TESCHER AND SPALLINA STARTED FREQUENTING THE OFFICE AND THEY CONTINUED TO VISIT THE OFFICE QUITE OFTEN INTO 2008. HE SAID THAT HE THEN REALIZED THAT HIS PARENTS WERE CONDUCTING THEIR ESTATE PLANNING. HE SAID THAT HE WAS NOT ASKED TO BE PART OF THE PLANNING, NOR DID HE INQUIRE ABOUT IT. TED TOLD ME THAT HE IS THE ELDEST CHILD OF FIVE, TO INCLUDE JILL, LISA, PAM, AND ELIOT. THE OFFICE FOR THE INSURANCE AGENCY THAT TED AND SIMON WORKED TOGETHER AT IS LOCATED AT 950 PENINSULA CORPORATE CIRCLE, BOCA RATON, FL 33487.

TED STATED THAT HE FOUND OUT UPON HIS FATHER'S DEATH, THAT HE WAS THE TRUSTEE FOR HIS MOTHER'S TRUST. HE TOLD ME THAT THE ATTORNEY'S (TESCHER AND SPALLINA) MADE HIM AWARE OF THIS. HE SAID HE WAS ALSO INFORMED HE WAS A CO-TRUSTEE FOR SOME OTHER ACCOUNT. HE TOLD ME THAT HE IS NOT GOING TO INHERIT AN INSURANCE AGENCY, BUT THAT HE AND HIS FATHER WERE PARTNERS. HE STATED THAT HE OWNS STOCK IN THE AGENCY WITH NO OPTION FOR HIM TO INHERIT OR PURCHASE HIS FATHER'S INTEREST IN THE COMPANY. HE COMMENTED ON THE FACT THAT THE BUSINESS MAKES LITTLE INCOME THESE DAYS.

TED STATED THAT IN THE FIRST PART OF 2012, HIS FATHER (SIMON) HAD A

There was a buy sell done, what happened to it?



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DISCUSSION WITH HIM, REFERENCE AN ISSUE THAT PAM RAISED WITH SIMON ABOUT HOW THE DOCUMENTS FOR THE TRUSTS WERE DRAWN UP. HE TOLD ME THAT HE BELIEVED PAM HAD SENT SIMON SOME INFORMATION OR A BOOK RELEVANT TO HER VIEW ON HOW YOU DO ESTATE PLANNING WHEN CHILDREN AND GRANDCHILDREN ARE INVOLVED. HE SAID THAT HIS FATHER DID ASK HIM HIS OPINION ON THINGS AND TED TOLD HIM THAT HE DID FEEL THAT THE GRANDCHILDREN MAY NOT UNDERSTAND IT IF THEY DID NOT RECEIVE AN INHERITANCE. HE STATED THAT HIS FATHER TOLD HIM THAT HE MADE A REALLY GOOD POINT AND SOMETHING TO CONSIDER. TED SAID THAT SOON AFTER THAT CONVERSATION HIS FATHER ANNOUNCED THAT HE WANTED TO TALK WITH HIS CHILDREN ABOUT THE DISTRIBUTION OF HIS AND SHIRLEY'S ASSETS UPON HIS DEATH. HE TOLD ME THAT A CONFERENCE CALL MEETING TOOK PLACE INCLUDING HIS (SIMON'S) FIVE CHILDREN, SIMON, AND SPALLINA. HE SAID THAT THE CONVERSATION WENT REALLY WELL AND SIMON GOT TO PROVIDE HIS WISHES VERY CLEARLY.

Pam is telling Simon how to estate plan, now that is funny as Si taught Pam as he was the 40 year expert. Spallina however tipped off Pam attorney that Ted and Pam and their children were cut out of the estates.

The grandchildren, what about Ted himself being cut out that he was outraged over.

HE STATED THAT SPALLINA EXPLAINED THE PROCESS LEGALLY, BUT HIS FATHER MADE A STATEMENT AND ASKED EACH CHILD DIRECTLY, HOW THEY FELT ABOUT IT. TED SAID THAT IT WAS TOLD TO HIM AND HIS SIBLINGS THAT SIMON WAS LEAVING ALL OF HIS WEALTH TO HIS 10 GRANDCHILDREN EQUALLY. HE SAID THAT SIMON TOLD THEM THAT THEY (THE CHILDREN) WERE EACH GETTING 1/5 OF A LIFE INSURANCE POLICY. TED SAID THAT IT WAS OBVIOUS THAT HIS FATHER WAS NOT ASKING FOR PERMISSION, BUT STATING CLEARLY WHAT HE THOUGHT WAS RIGHT. TED SAID THAT EACH CHILD STATED THEY FELT OK ABOUT THE DECISION AND THAT IT WAS HIS WEALTH TO MAKE DECISIONS WITH. TED STATED THAT HE BELIEVES THIS WAS THE SAME PHONE CALL WHERE HE WAS TOLD BY SPALLINA HE, AS WELL AS SIBLINGS, WOULD BE RECEIVING FORMS THEY NEEDED TO SIGN AND RETURN. HE STATED THAT SOON AFTER THIS CALL HE RECEIVED THE WAIVER OF ACCOUNTING FORM FOR HIS MOTHER'S ESTATE. THIS IS THE DOCUMENT DISCUSSED IN PBSO CASE # 13-097087.

But now Ted claims a lost trust is the beneficiary in Federal court.

We were told we were getting "forms" note plural and the documents regarding our inheritances, those with inheritances, before anything would be done. We, Eliot, Lisa and Jill got one document only. The waiver of accounting that was never docketed with the court per Judge Colin.

Nowhere in Shirley's trust does it state the ten grandchildren will get anything. Only mentions three children, is Ted a delusional Trustee?

TED STATED THAT HE WAS NOT INVOLVED IN ANY OTHER DISCUSSIONS REFERENCE ESTATES UNTIL HIS FATHER'S PASSING ON SEPTEMBER 13, 2012. HE SAID THAT TESCHER AND SPALLINA TOLD HIM AFTER HIS FATHER'S DEATH THAT HE WAS THE TRUSTEE FOR HIS MOTHER'S ESTATE. HE SAID OVER MANY IN PERSON MEETINGS AND PHONE CALLS HE WAS GIVEN GUIDANCE BY THE ATTORNEYS ON HOW TO PERFORM HIS DUTIES AS A TRUSTEE, BECAUSE THIS WAS ALL NEW TO HIM. HE HAD NEVER BEEN IN THIS ROLE BEFORE. HE STATED HE WAS NOT PROVIDED A CHECKLIST OR BOOK ON HOW TO PERFORM THESE DUTIES. TED SAID THAT HE MADE IT CLEAR TO HIS SIBLINGS THAT HE IS THE TRUSTEE ON SHIRLEY'S TRUST. TED STATED THAT HE WAS TOLD THAT SHIRLEY'S TRUST WAS TO BE DISTRIBUTED AMONGST HER 10 GRANDCHILDREN. TED STATED THAT HE DID NOT READ ALL OF SHIRLEY'S TRUST DOCUMENTS AND THAT SPALLINA AND TESCHER HAD BOTH TOLD HIM SEVERAL TIMES HOW SHIRLEY'S TRUST WAS TO BE DISTRIBUTED. TED SAID THAT HE DID READ IN THE DOCUMENTS WHERE THE 10 GRANDCHILDREN WERE TO RECEIVE THE ASSETS FROM THE TRUST. HE SAID THAT HE DID ISSUE A PARTIAL DISTRIBUTION TO THE SEVEN OF THE 10 GRANDCHILDREN. HE DID NOT ISSUE

TED DID NOT READ THE TRUST but acted as alleged TRUSTEE???

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Eliot would not take them as they are fraudulent and that is what Eliot stated in court record at hearing.

DISTRIBUTIONS TO ELIOT'S CHILDREN BECAUSE ELIOT REFUSED TO SET UP ACCOUNTS FOR THE FUNDS TO BE SENT TOO. HE ALSO TOLD ME THAT ELIOT TOLD JUDGE COLIN IN COURT THAT HE DID NOT WANT TO SET UP THE ACCOUNTS FOR HIS CHILDREN TO RECEIVE THE FUNDS, BECAUSE THE FUNDS BELONG TO HIM, NOT HIS CHILDREN. HE STATED THAT ELIOT HAD MENTIONED OTHER REASONS IN E-MAILS FOR NOT TAKING THE MONEY. HE ALSO STATED THAT ELIOT REFERENCED THE MONEY AS CRIME OR BLOOD MONEY.
HE STATED THAT SPALLINA TOLD HIM IT WAS OK TO DISTRIBUTE THE FUNDS. HE STATED THAT TESCHER AND SPALLINA RESPONDED VIA E-MAIL ON HOW TO RECEIVE THE FUNDS, SUCH AS SETTING UP TRUST ACCOUNTS FOR THE FUNDS TO GO INTO. TED TOLD ME THAT THERE WERE CONVERSATIONS, WHERE HE WAS TOLD THAT SIMON'S ASSETS COULD NOT BE DISTRIBUTED DUE TO CREDITORS FILING AGAINST THE ESTATE, BUT HE WAS LEAD TO BELIEVE IT WAS OK TO MAKE A PARTIAL DISTRIBUTION OF FUNDS FROM SHIRLEY'S ESTATE, BUT THAT THEY WOULD NEED TO BE CAREFUL IN REGARDS TO DISTRIBUTING FUNDS THAT WERE OBTAINED THROUGH LIQUIDATING HER JEWELRY AND PERSONAL PROPERTY. TED ALSO COMMENTED THAT ONE OF THE GOALS OF MAKING THE DISTRIBUTIONS WAS TO ASSIST ELIOT AND HIS FAMILY, BECAUSE THEY WERE RUNNING LOW ON FUNDS. HE STATED THIS DERIVED FROM ELIOT'S POTENTIAL MISUSE OF FUNDS THAT WERE IN HIS CHILDREN'S TRUSTS IN RELATION TO BERNSTEIN FAMILY REALTY (ELIOT'S HOME) AND ELIOT'S SPENDING AND EXPENSES.

Who is lying, Spallina, Ted or both and where oh where is Don still hiding. Note Tescher not at Sheriff with Spallina.

Whole paragraph appears delusional blabber.

Ted stated in his Federal pleadings that a lost Trust was a beneficiary, not the five children. After Spallina filed a claim stating he was Trustee of the lost Trust.

TED CONFIRMED THAT HE DID NOT MAKE ANY DECISIONS IN RELATION TO SIMON'S INSURANCE POLICY GENERATED OUT OF CHICAGO, ILLINOIS. HE STATED THAT HE UNDERSTOOD THE POLICY TO BE OWNED BY SIMON PERSONALLY. HE STATED HE UNDERSTOOD THE POLICY TO READ AS, SHOULD SHIRLEY PASS BEFORE HIM, THE BENEFITS WOULD GO TO THE FIVE CHILDREN.

Denial denial and denial and lies, he knew about the power of appointment in hearings he testified at months earlier when it was fully discussed.

Ted and Si's personal and business relations were a mess and Ted was outraged he was disinherited with his children. Ted's problems with his parent's go back many years and he was cut out years earlier.

TED CONFIRMED THAT HE WAS NOT THE TRUSTEE FOR SIMON'S ESTATE, BUT THAT IT WAS EXPLAINED TO HIM, VERBALLY, THAT ALL 10 GRANDCHILDREN WILL RECEIVE THE ASSETS FROM THAT ESTATE IN AN EQUAL DISTRIBUTION AT SOME POINT IN TIME. WE DID DISCUSS THE POWER OF APPOINTMENT PUT IN THE TRUST DOCUMENTS. IT APPEARED AS IF TED WAS NOT AWARE OF ANYTHING CALLED A POWER OF APPOINTMENT, UNTIL THE LAST FEW WEEKS. THAT WAS WHEN SPALLINA NOTIFIED THE COURTS OF HIS WITHDRAW FROM BEING THE ATTORNEY FOR SIMON AND SHIRLEY'S ESTATES. IT APPEARS IT WAS EXPLAINED TO HIM AT THAT TIME.

TED TOLD ME THAT HE AND HIS FATHER HAD A GOOD BUSINESS AND PERSONAL RELATIONSHIP. HE SAID THAT HE HAS A GOOD RELATIONSHIP WITH ALL OF HIS SIBLINGS, EXCEPT FOR ELIOT. HE SAID THAT HE GOT ALONG WITH HIS MOTHER, PRIOR TO HER PASSING. HE TOLD ME THAT RACHEL WALKER WAS EMPLOYED BY HIS MOTHER AND FATHER. HE SAID THAT HE GOT ALONG WITH WALKER AND THAT SHE HELPED HIS MOTHER, SHIRLEY, PRIOR TO SHIRLEY'S PASSING. TED TOLD ME THAT MARITZA PUCCIO WAS SOMEONE THAT WORKED FOR HIM AND AS WELL AS HIS PARENTS. HE STATED THAT SHE HELPED AROUND THE HOMES, CLEANING AND/OR CARING FOR CHILDREN. HE STATED THAT HE MET HER AROUND 2003 OR 2005. HE SAID THAT HE NO LONGER HAS A RELATIONSHIP

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He fails to say he hated Maritza and accused her of murder to the Sheriff and filed a complaint and began an autopsy claiming she poisoned him. Then the night of Si's death, he threw her out of the hospital and threatened that she be out of Si's house by the time he got there or else and she fled without even her possessions.

WITH HER. HE SAID THAT SIMON DID HAVE AN INTIMATE RELATIONSHIP WITH PUCCIO AFTER SHIRLEY PASSED. HE STATED THAT PUCCIO DID RECEIVE SOME TYPE OF FINANCIAL BENEFIT FROM SIMON, PRIOR TO HIM PASSING. HE SAID THAT PUCCIO WAS LIVING WITH SIMON AND HER BILLS WERE BEING PAID FOR. THIS MAY OR MAY NOT BE THE FINANCIAL BENEFIT; TED DID NOT SEEM TO BE SURE. HE DID STATE THAT IT APPEARED THAT SIMON WAS GENUINELY INVESTED INTO THE RELATIONSHIP HE HAD WITH PUCCIO.

Ted is hiding the document that left Maritza money and check that was with it, that he stole with Rachel Walker from Simon's home minutes after Simon died (with a host of other "estate" documents) and destroyed or hid them from the estate and beneficiaries.

TED SAID THAT HE HAS NOT SPOKEN TO SPALLINA ABOUT HIM WITHDRAWING FROM BEING THE ATTORNEY FOR THE TRUSTS, BUT THAT HE DID SPEAK WITH TESCHER. HE SAID THAT TESCHER TOLD HIM HE HAD BEEN MADE AWARE OF A FABRICATED DOCUMENT THAT WAS POTENTIALLY PROBLEMATIC FOR THE ESTATES. HE SAID THAT TESCHER TOLD HIM THAT SPALLINA CREATED THE FABRICATED DOCUMENT AND IT ESSENTIALLY IMPACTED THE ABILITY FOR SIMON TO DISTRIBUTE FUNDS TO ALL 10 GRANDKIDS. TED SAID THAT TESCHER TOLD HIM THAT HE HAD ONLY RECENTLY BECOME AWARE OF THIS DOCUMENT, APPROXIMATELY THREE WEEKS AGO FROM TODAY (01/29/14).

ATTORNEY ALAN ROSE PROVIDED A STATEMENT, STATING HE WISHED TO CLARIFY SOME THINGS IN REGARDS TO HOW THE ESTATE DOCUMENTS READ IN HIS OPINION. HE STATED THAT SHIRLEY'S ASSETS WENT TO LISA, JILL, AND ELIOT OR THEIR LINEAL DECEDENTS. HE STATED THAT ONCE SHIRLEY PASSED HER ASSETS WENT INTO HER TRUST. HE STATED THAT SIMON WAS THE SOLE BENEFICIARY FOR HIS LIFE. HE STATED THAT SIMON DID HAVE A POWER OF APPOINTMENT THAT HE COULD EXERCISE; REFERENCE SHIRLEY'S TRUST, CHANGING THE BENEFITS TO LISA, JILL, AND ELIOT'S CHILDREN. SIMON COULD CHANGE HIS DOCUMENTS AT ANY TIME UP TO HIS DEATH. ALAN STATED THERE IS QUESTION AS TO WHETHER OR NOT SIMON HAD THE POWER TO DISTRIBUTE THE FUNDS FROM THE TRUST TO SIX GRANDCHILDREN OR 10. THE 10 WOULD INCLUDE THE CHILDREN OF ALL FIVE OF SIMON'S KIDS.

HE STATED THAT SHIRLEY'S ORIGINAL DOCUMENTS STATE THAT TED AND PAM AND THEIR LINEAL DECEDENTS ARE CONSIDERED PREDECEASED. HE STATED THAT WERE OTHER WAYS TO MAKE SIMON'S WISHES COME TRUE FOR THE ESTATES. HE SAID THAT CHANGES COULD HAVE BEEN MADE TO SIMON'S DOCUMENTS TO REFLECT SHIRLEY'S SO THAT EQUAL DISTRIBUTIONS WERE MADE AMONGST THE 10 GRANDCHILDREN. THIS EXPLANATION OF THE DOCUMENTS GENERATED A SIMILAR IF NOT THE SAME CONCLUSION AS THAT OF SPALLINA'S FROM LAST WEEK.

I ALSO COMMUNICATED WITH ELIOT BERNSTEIN SEVERAL TIMES THIS WEEK AND LAST WEEK IN ATTEMPT TO ARRANGE AN INTERVIEW WITH HIM IN PERSON. HE CANCELED THE LAST TWO MEETINGS WE HAD SET. AT THIS TIME HE HAS REFUSED TO SET A NEW MEETING DATE.

THIS CONCLUDES MY SUPPLEMENTAL REPORT.
DETECTIVE RYAN W. MILLER #7704
01/29/14 @ 1425 HRS.
TRANS. VIA EMAIL/COPY/PASTE: 01/29/2014/MDR/#6405

Eliot never refused any meeting.

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911:
ECONOMIC CRIMES * * *
SIGNAL CODE: 14 CRIME CODE: NON CRIME CODE: OT CODE: 9546 01/31/14 THURSDAY
ZONE: BR GRID: DEPUTY I.D.: 7704 NAME: MILLER ASSIST: TIME D 1020 A 1020 C 1021
OCCURRED BETWEEN DATE: 12/01/12 , 0000 HOURS AND DATE: 01/31/13 , 0000 HOURS
EXCEPTION TYPE:
INCIDENT LOCATION: 4855 TECHNOLOGY WY APT. NO.: 700
CITY: BOCA RATON STATE: FL ZIP: 33431
NO. OFFENSES: 00 NO. OFFENDERS: UK NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0
LOCATION: OTHER
NO. VICTIMS: 00 NO. ARRESTED: 0 FORCED ENTRY: 0

Did he contact
Maritza or
Teschler????

ON 01/29/14 I ATTEMPTED TO MAKE CONTACT WITH LISA FRIEDSTEIN, JILL
LANTONI, AND PAMELA SIMON VIA E-MAIL. THEY ARE THE THREE DAUGHTERS OF SIMON
AND SHIRLEY BERNSTEIN. I USED THE INFORMATION THAT WAS PROVIDED TO ME BY
ELIOT ON 09/10/13. I ATTACHED READ RECEIPTS TO THE E-MAIL. I RECEIVED A READ
RECEIPT FROM PAMELA 01/30/14 AT 4:59 AM. ON 01/30/14 I PLACED PHONE CALLS TO
JILL AND LISA, USING THE PHONE NUMBERS ELIOT HAD PROVIDED ME. I LEFT MESSAGES
ASKING THEM TO CALL ME BACK. ON 01/31/14 I BRIEFLY SPOKE WITH LISA, BUT ASKED
THAT SHE CALL BACK SO WE CAN FURTHER DISCUSS THIS CASE. TO DATE, I HAVE NOT
RECEIVED A CALL OR E-MAIL FROM PAM OR JILL.
THIS CONCLUDES MY SUPPLEMENTAL REPORT.
DETECTIVE RYAN W. MILLER #7704
01/31/14 @ 1430 HRS.
TRANS. VIA EMAIL/COPY/PASTE: 02/04/2014/MDR/#6405

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