

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

PROBATE DIVISION  
CASE NO. 5021012CP004391XXXXSB

IN RE: ESTATE OF SIMON L. BERNSTEIN  
\_\_\_\_\_ /

**ORDER ON CURATOR'S MOTION TO INSPECT AND TAKE POSSESSION OF  
ESTATE TANGIBLE PERSONAL PROPERTY**

THIS MATTER came before the Court on the Curator's Motion to Inspect and Take Possession of Estate Tangible Personal Property dated June 10, 2014 ("Motion"), the Court having reviewed the Motion, and the Court being otherwise fully advised in the premises, it is hereby:

ORDERED and ADJUDGED as follows:

The Motion is granted in part. Curator is authorized and directed to use Estate funds to retain Robert Hittel in order to inspect the tangible personal property at described on the January 22, 2013 Fair Market Value Appraisal of the Personal Property of Simon L. Bernstein (effective date September 13, 2012) ("Appraisal") located at 7020 Lions Head Lane, Boca Raton, FL

("House") and prepare a written report regarding whether such property is located at the House and its condition (if different than described on the Appraisal). The Court defers decision on the remainder of the Motion.

*Mr. Hittel's fee shall not exceed \$500.00, Ted Bernstein and Eliot Bernstein may be present on the day Mr. Hittel conducts his inspection, but may not enter the house while Mr. Hittel conducts such inspection.*

DONE AND ORDERED in Chambers, Delray Beach, Palm Beach County, Florida, on

June \_\_\_\_\_, 2014.

\_\_\_\_\_  
Circuit Court Judge

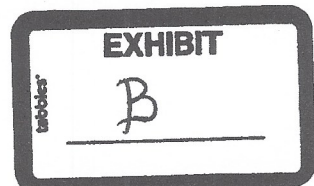
Copies furnished to the parties on the attached service list

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**SIGNED & DATED**

**JUN 19 2014**

**MARTIN H. COLIN  
CIRCUIT JUDGE**



**SERVICE LIST**

Estate of Simon L. Bernstein  
Palm Beach County Case No. 502012CP004391XXXXSB

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1           **Q. Back at the time when an interim**  
2 **distribution was being considered, what were your**  
3 **thoughts as to the merits of the lawsuit by Mr.**  
4 **Stansbury against the Shirley Bernstein estate or**  
5 **the Shirley Bernstein Trust?**

6           MR. FEAMAN: Objection to the form.

7           A. I thought it was ludicrous, frankly.

8           They continued to keep naming Mr. Spallina  
9 and myself as the trustees of that trust, which we  
10 never were in -- in all of the pleadings.

11           That trust had -- Shirley never owned any  
12 interest in the business. And I could see no  
13 reason why Mr. Stansbury was attempting to reach  
14 into that trust, other than the fact that it had  
15 some assets.

16           **Q. Now, there is an issue -- there is an**  
17 **issue on the Shirley side about whether the**  
18 **distribution should have been made to all 10**  
19 **grandchildren or to only six.**

20           Were you aware at the time of the interim  
21 distribution that there was a question about  
22 distributions to six versus 10?

23           A. Not at that time; no.

24           **Q. As far as you know, was Ted aware of the**  
25 **issue of six versus 10?**

1 MR. FEAMAN: Objection to the form.

2 A. To the best of my knowledge, I don't think  
3 he was at that time.

4 Q. One second, please.

5 Do you recall when the Shirley Bernstein  
6 Trust sold the condominium that, among the contents  
7 of the condominium would be property that would  
8 have then been owned by the estate of Simon  
9 Bernstein?

10 A. Well, under -- under Shirley's documents,  
11 all the tangible personal property passed to Simon.

12 Q. I thought -- at the time that Shirley's  
13 condo was sold, whatever contents were in it would  
14 have been owned by Simon's estate.

15 A. Correct.

16 Q. At the time you were the personal  
17 representative or copersonal representative of  
18 Simon's estate; is that correct?

19 A. At the time that the sale occurred; yes.

20 Q. Did you and the other copersonal  
21 representative agree that the -- that the property  
22 should be sold with the condominium; and that if  
23 there was ever a time in the future when there  
24 needed to be some allocation, it could be handled  
25 in the future, rather than either interfering with

1 the sale of the condo, or requiring the furniture  
2 to be to be removed from the condo?

3 MR. FEAMAN: Objection to the form.

4 A. I don't recall if I was directly involved  
5 in that discussion.

6 Q. Does it make sense to you that if the  
7 beneficiaries of the Shirley trust are the same as  
8 the beneficiaries of the Simon estate should not  
9 undergo an expense to move furniture or undertake  
10 an allocation if the money is going to the same  
11 people?

12 A. Correct.

13 Q. And if at some later point in time it  
14 makes a difference, couldn't somebody then go back  
15 and allocate some portion of the purchase price  
16 from the Shirley condo and give the money to the  
17 Simon estate for the value of the -- of his  
18 personal property that was included in the sale?

19 A. Yes, it could true up.

20 Q. Does that make more sense to you, that an  
21 estate with limited resources -- to true it up at  
22 the end, if it matters, rather than undertake that  
23 expense at the time of the sale?

24 MR. FEAMAN: Form.

25 A. From a practical standpoint, given the