

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

FILE NO.: 502012CP004391XXXXSB

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

**THIRD PETITION FOR PAYMENT OF CURATOR'S FEE**

COMES NOW, Benjamin P. Brown, Esq., Curator ("Curator") of the Estate of Simon L. Bernstein, and requests that the Court enter an Order authorizing payment of Curator's fees and shows unto the Court as follows:

1. On February 25, 2014, this Court entered an Order on William Stansbury's Motion for the Appointment of a Curator or Successor Personal Representative, and on March 11, 2014, this Court issued Letters of Curatorship in favor of Benjamin Brown.

2. The Curator has rendered services and incurred expenses for the benefit of the Estate for the period May 1, 2014 through May 31, 2014 as set forth in the itemized summary of services and expenses attached as Exhibit A, for which the Curator has not been paid. The fees owed are \$13,127.50. The costs owed are \$895.34 for a total due in the amount of \$14,022.84.

3. The Curator's fees and costs described on the attached Exhibit A were incurred in discharging administration responsibilities. Such responsibilities included the following:

- a. Attending to the Estate administration, custody of the Estate's assets and obligations of the Estate; including without limitation tax reporting obligations;

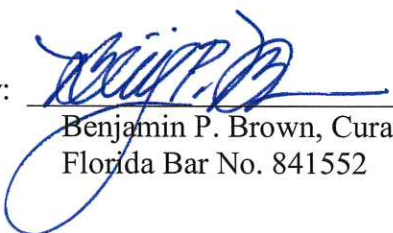
- b. Handling approximately 6,000 pages of documents from Co-Personal Representative (provided per the Court's February 18, 2014 Order to deliver file to Curator), and responding to document request and reviewing documents for privilege;
- c. Communicating with counsel and interested persons regarding pending litigation in Florida and Illinois (Case No. 502012CA013933 (Circuit Court, Palm Beach County, FL) and Case No. 13CV3643 (U.S. Dist. Ct. Northern District Illinois) involving the Estate and its purported assets, attendance at Court hearings, and motion practice before this Court seeking instructions with regard to the administration and issues raised in connection with same;
- d. Communicating with and providing information to various interested persons, as set forth in the Curator's invoice; and
- e. Such other tasks as are set forth in the invoice.

WHEREFORE, Benjamin P. Brown, Esq., as Curator, respectfully requests that this Court enter an order awarding Curator a reasonable fee for services and expenses incurred, and authorizing and directing the Curator to pay such fees and expenses of the Curator from the assets of the estate.

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by e-mail upon the parties on the attached service list on this 20 day of June, 2014.

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By: \_\_\_\_\_

  
Benjamin P. Brown, Curator  
Florida Bar No. 841552

**SERVICE LIST**

Estate of Simon L. Bernstein

Palm Beach County Case No. 502012CP004391XXXXSB

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Estate of Simon Bernstein

June 5, 2014

File #: 14-00440

Inv #: 2969

**Attention:**

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

**SUMMARY BY TASK**

<b>Task</b>	<b>Effective Rate</b>	<b>Hours</b>	<b>Amount</b>
BW Billable Work	\$247.69	53.00	13,127.50
NC No Charge	\$0.00	0.30	0.00
<b>Total</b>		<b>53.30</b>	<b>\$13,127.50</b>
<b>Grand Total</b>		<b>53.30</b>	<b>\$13,127.50</b>

**SUMMARY BY TIMEKEEPER**

**This Invoice**

<b>Timekeeper</b>	<b>Category</b>	<b>Rate</b>	<b>Hours</b>	<b>Amount</b>
Benjamin P. Brown	Partner	350.00	28.40	9,940.00
Thornton B. Henry	Associate	250.00	1.20	225.00
Linda McDaniel	Paralegal	125.00	15.80	1,975.00
Summer Associate	Law Clerk	125.00	7.90	987.50
<b>Total</b>			<b>53.30</b>	<b>\$13,127.50</b>

**DISBURSEMENT SUMMARY**

ctrp	court reporter	591.40
fed	Fed Ex	54.79
ph	Photocopies	249.15
<b>Total Disbursements</b>		<b>\$895.34</b>





<b>Date</b>	<b>Description</b>	<b>Hours</b>	<b>Amount</b>	<b>Lawyer</b>
May-01-14	Draft motion for instructions regarding Form 8855; review and edit motion for instructions regarding allegations of notary fraud regarding 2012 Will	0.50	125.00	TBH
	Receipt and review of Curator petition for instructions regarding email request for Estate action	0.30	N/C	TBH
	Receipt and review B. Henry draft of motion for authorization regarding form 8855; gather exhibits; prepare notice of hearing; revisions to motion for instructions (will); prepare redline; gather additional exhibits; prepare documents for JPMorgan estate accounts; e-mail with B. Brown regarding same; prepare motion for authorization and notice of hearing for filing and service; update calendar; receipt and review E. Bernstein e-mail regarding 2008 estate planning documents; e-mail with B. Brown regarding same; review T&S documents for same; e-mail to B. Brown regarding status	2.50	312.50	LM
May-02-14	Receipt and review of email from D. Simon regarding Administrator ad Litem; review file and statutes (for cites); draft detailed response; review renewed petition for discharge; telephone call from A. Rose regarding Stansbury mediation issues; receipt and review of notice of withdraw of petition to extend time; review accounting in connection with loans to other entities, including ILIT; receipt and review of court docket for Illinois case	0.80	280.00	BB
	Prepare 5/5 hearing folder; receipt and review B. Brown instruction e-mail regarding indexing T&S boxes; e-mail to B. Brown regarding 2008 estate planning documents for Simon in connection with E. Bernstein request; begin indexing of T&S boxes	0.80	100.00	LM
May-05-14	Review emails from Eliot Bernstein regarding Governor's correspondence and documents; review D. Tescher email regarding same; respond; review Illinois case docket and instructions to L. McDaniel regarding same	0.50	175.00	BB

		Page		
	Complete indexing of files received from T&S; receipt and review B. Brown e-mail regarding motion for instructions; review and respond to B. Brown instruction e-mail regarding Illinois case docket; do pacer search for same; scan and e-mail documents from Box 1, pull requested pleading from Illinois case; calendar status hearing	0.90	112.50	LM
May-06-14	Receipt and review of email from Eliot Bernstein (lengthy) regarding accounting and suggested/requested actions to take in connection with same; receipt and review of further final accounting information from Eliot; draft response in connection with emails; review file regarding same; review question on final accounting email from Eliot and draft response; receipt and review of IRA question in further email from Eliot; review file in connection with same; email to JP Morgan regarding same; finish response email to Eliot; draft email to Ted's counsel regarding hearing on petition to appoint successor personal representative; telephone call from A. Rose regarding same, Illinois case and 5/7 hearing; review P. Feaman email regarding Illinois case; review file and draft response in connection with same; provide 2008 documents to Eliot; email to B. Henry and L. McDaniel regarding 5/7 hearing, motion for instructions regarding Eliot's emails regarding accounting; telephone call from P. Feaman regarding 5/7 hearings; prepare for 5/7 hearings	2.70	945.00	BB
	Prepare three hearing folders; e-mail to B. Brown regarding court reporter; arrange court reporter; e-mail to Sabadell to Schedule B. Brown meeting with L. Cardoza; review response; e-mail to B. Brown regarding same; receipt and review B. Brown instruction emails; print additional documents for hearing; confirm court reporter; begin work on motion for instructions (accounting)	0.70	87.50	LM

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May-07-14	Prepare for and attend hearings in Delray; conference with counsel, etc.; conference with Sabadell Bank regarding account; review Blanc order from 5/5 hearing; receipt and review of Eliot Bernstein email regarding 8588 (pre-hearing); draft email to Eliot regarding original documents; receipt and review of Eliot's response (lengthy) regarding same, Trust, status; draft email in response to same; emails with CBIZ regarding 8588 and provide court order to CBIZ; confer with L. McDaniel regarding providing documents to Eliot	3.70	1,295.00	BB
	Receipt and review of Curator's motion for instructions; edit same; discussion with L. McDaniel	0.20	50.00	TBH
	Pull docket at B. Brown request; e-mail to B. Brown regarding same; receipt and review L. Cardoza e-mail regarding temp checks; e-mail to B. Brown and B. Henry regarding draft motion for instructions (accounting); conference with B. Henry regarding same; revisions to motion; receipt and review order on motion for authorization; receipt and review B. Brown draft e-mail to E. Bernstein; conference with B. Brown regarding T&S documents; receipt and review B. Brown emails with A. Thierman regarding Form 8855; e-mail with A. Thierman regarding same	1.30	162.50	LM
May-08-14	Receipt and review of trustee resignations, appointment, acceptance for Simon Trust; further respond to Eliot 5/7 lengthy emails regarding Trust information and accounting, 44 categories (excluding sub-parts); confer with L. McDaniel regarding documents responsive to categories; follow up emails in connection with same; review accounting and file in connection with same; draft response to Eliot jewelry email of 5/1; revise motion for instructions regarding accounting information requests, etc. and instructions to B. Henry regarding validity of 2012 Will in connection with motion for instructions; review	1.90	665.00	BB



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	documents regarding bequests of jewelry			
	Receipt and review of emails from B. Brown regarding Eliot Bernstein communications and attachments; revise motion for instructions; email to B. Brown regarding 2012 Will and discussion with L. McDaniel as to same	0.20	50.00	TBH
	Receipt and review B. Henry instruction e-mail regarding Motion for Instructions (accounting); gather exhibits; review B. Brown e-mail request for documents; review file in connection with same; receipt and review B. Brown and E. Bernstein e-mail regarding original promissory note; e-mail to B. Brown regarding calendar item regarding estate tax return; review response; notation to calendar; receipt and review B. Brown instruction e-mail regarding setting 5/20 hearings; prepare notice of hearing	0.60	75.00	LM
May-09-14	Receipt and review of R. Spallina email responding to request for accounting backup materials; receipt and review of CBIZ email regarding accounting; provide accounting to CBIZ; receipt and review of Eliot email regarding Heritage Life Insurance	0.30	105.00	BB
	Review T&S documents in connection with E. Bernstein list of 44 questions (extensive); receipt and review B. Brown instruction e-mail regarding contacting JPMorgan regarding status of statement contact info update and historical documents; contact JPMorgan regarding same	3.00	375.00	LM
May-12-14	Receipt and review of Eliot request regarding hearing time availability and respond; receipt and review of JP Morgan IRA account statements; respond to additional emails from Eliot; draft letters to LaSalle and Heritage regarding life insurance policy	0.50	175.00	BB
May-13-14	Receipt and review of request for production from Eliot (135 requests); telephone call with A. Thierman at CBIZ and Marc List (CBIZ) regarding 1041 tax return, Bernstein Realty LLC (not Estate asset), need to sign 1041; draft motion for instructions regarding	1.10	385.00	BB



	signing 1041; revise and finalize same; review notice for 5/15 hearing; email to Eliot with 2008 documents; email from L. Friedstein regarding 2008 documents; respond with same; receipt and review of J. Jarvis (JP Morgan) email regarding IRA 2012 information			
	E-mail to Sabadell to confirm account balance; prepare checks to CBIZ and M&B; prepare ledger; compare list of 44 questions to 1st request to produce by E. Bernstein; e-mail to B. Brown regarding same; review response; e-mail to JPMorgan regarding follow up on request to account statements and getting access to account; calendar response to E. Bernstein 1st request to produce; prepare motion for instructions (accounting) and notice of hearing for filing and service; calendar; conference with B. Brown regarding 2008 documents; review emails in connection with same	0.60	75.00	LM
May-14-14	Email to Eliot regarding his request for 2013 IRA information; review file in connection with same; receipt and review of Eliot emails requesting information on prior estate planning documents; review file and respond; review A. Rose email requesting information and respond; exchange emails with R. Spallina and D. Tescher regarding 2008 Will original; prepare for 5/15 hearing; emails from CBIZ and Spallina regarding 1041 details; further emails to Eliot regarding information requested; exchange emails with Eliot regarding destruction of 2008 Will	1.40	490.00	BB
	Order file for UMC; e-mail to B. Brown regarding court reporter; prepare hearing file; prepare proposed order; receipt and review checks from Sabadell; reissue checks to CBIZ and M&B	0.70	87.50	LM
May-15-14	Prepare for and attend hearing; telephone call with A. Messuri at CBIZ; emails with CBIZ regarding mechanics of filing, court order; review 1041 and execute; email to CBIZ regarding tax return	2.50	875.00	BB

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	E-mail to B. Brown regarding 5/23 materials to judge; receipt and review order on execution for Form 1041; e-mail to B. Brown regarding 5/23 hearing; review response; prepare letter to judge; conference with B. Brown regarding documents for review for privilege	0.50	62.50	LM
May-16-14	Begin review of documents in connection with privilege log	0.50	62.50	LM
May-19-14	Email from A. Rose regarding 5/20 hearings and respond; re-notice hearing for 5/23; email to Eliot regarding IRA; email to J. Jarvis regarding same; emails with Eliot regarding hearing schedule	0.40	140.00	BB
	Prepare notice of hearing and letter to all counsel; calendar; telephone call with M. McAndrews regarding privilege log; review and respond to A. Dean e-mail regarding status of receipt of JPMorgan account opening documents; e-mail to JPMorgan regarding same; review and respond to B. Brown e-mail regarding re notice of hearing with E. Bernstein	0.50	62.50	LM
May-20-14	Receipt and review of grandchildren response to Stansbury administrator ad litem motion, curator amended motion regarding Illinois case; review motions in connection with same and prior emails regarding Curator position in connection with same	0.40	140.00	BB
	Receipt and review petition for appointment and objection by Molly et al; receipt and review M. McAndrews e-mail regarding privilege log; receipt and review privilege log	0.20	25.00	LM
May-21-14	Draft memo to summer associate regarding review of documents in connection with Eliot request for production; receipt and review of M. McAndrews privilege log; draft notice of filing in connection with same; emails with Feaman's office regarding logistics of 5/23 hearing; telephone call to J. Jarvis regarding age used for RMD	0.50	175.00	BB
	Receipt and review B. Brown instruction e-mail; prepare notice of filing T&S privilege log; receipt and	0.30	37.50	LM

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May-22-14	review B. Brown instruction e-mail; arrange court reporter Review and respond to Eliot emails regarding documents on Ted trusteeship; prepare for 5/23 hearings; receipt and review of Stansbury joinder regarding Ted removal; receipt and review of P. Feaman voice mail; telephone call with J. Jarvis regarding 2013 IRA; email to Eliot regarding same; telephone call with P. Feaman regarding administrator ad litem motion and other matters set for 5/23; provide information to Eliot regarding LaSalle	1.80	630.00	BB
	Respond to email regarding resignation documents; receipt and review court reporter emails regarding e-mail issue; e-mail to court reporter at alternate e-mail regarding 5/23 hearing coverage; review response; continue review of documents in connection with privilege log	0.70	87.50	LM
May-23-14	Prepare for and attend hearing; conference with counsel regarding potential Illinois counsel; review Eliot objections; review and comment regarding proposed agreed administrator ad litem order; receipt and review of motions to compel in Stansbury case; emails regarding agreed order; review correspondence to Judge Colin	3.60	1,260.00	BB
	Privilege review of discovery documents	3.40	425.00	SA
May-27-14	Receipt and review of emails regarding administrator ad litem issue from P. Feaman, Eliot, Morrissey; review A. Rose email regarding mediation date; draft orders on motions for instructions from 5/23; receipt and review of transcript; receipt and review of JP Morgan correspondence and forms regarding IRA; receipt and review of Eliot email regarding IRA information; conference with summer associate regarding response to Eliot request for production	0.40	140.00	BB
	Revisions to order on motion for instruction review of 2012 will and motion for instructions regarding	0.20	25.00	LM



	accounting; e-mail same to B. Brown; e-mail draft orders to counsel; forward same to Dana at Pankauski's office	3.00	375.00	SA
	Privilege review of discovery documents			
May-28-14	Confer with summer associate regarding potentially privileged Tescher & Spallina documents; review approx.150 documents for privilege; review A. Rose email with changes to proposed 5/23 orders; review Eliot emails objecting to same, raising notice and representation issues, raising Lucom case; review Lucom final judgment; draft emails and exchange emails (numerous) with Eliot regarding same; emails regarding proposed orders and how to handle; draft letter to Judge with all facts regarding proposed orders; draft email to summer associate regarding drafting motion for instructions regarding Eliot's concerns described above; further emails regarding status of minor trust beneficiaries vs. Estate interested persons; revise and finalize letter to Judge; review Tescher & Spallina privilege log, confirm extent; telephone call from A. Rose regarding Stansbury mediation date; email to M. McAndrews regarding Tescher & Spallina privilege log; email with Eliot regarding expected response to request for production	2.50	875.00	BB
	Receipt and review B. Brown instruction e-mail; prepare letter to Colin; review and respond to B. Brown instruction e-mail regarding documents to Zack Rothman; receipt and review notice of hearing 6/10; calendar	0.20	25.00	LM
May-29-14	Review Eliot email regarding grandchildren's ages and respond; confer with L. McDaniel regarding document production; email to Eliot regarding same; receipt and review of emails from B. Spector (Stansbury case mediator), responses; respond to Spector engagement letter; emails with A. Rose regarding Estate not paying mediation deposit or fees without court order; review response and exchange emails; review and revise motion for	1.50	525.00	BB

	instructions regarding Eliot emails regarding minors, accounting and 2012 Will; email with summer associate regarding same; confer with L. McDaniel regarding production details; review Eliot objections to accounting, persons noticed in motion for instructions			
	Emails with B. Brown regarding preparation of privilege log; review responses; begin shell for response to Eliot's request to produce	0.40	50.00	LM
	Draft motion for instructions regarding minor interested persons	1.50	187.50	SA
May-30-14	Finalize letter to Judge regarding 5/23 rulings; emails from A. Rose regarding emails concerning notice; revise and finalize motion for instructions regarding notice, 2012 Will, Accounting; review exhibits and edit same; review email from M. McAndrews regarding privilege log; confer with L. McDaniel regarding documents on privilege log responsive to Eliot request for production; legal research in connection with privilege and retainer agreement relevancy (Estilian and Finol cases); email to McAndrews providing Eliot objections per her request; draft notice of correction of title (no charge); emails with J. Morrissey regarding omission from service list (no charge); review documents from L. McDaniel whether privileged in connection with Stansbury lawsuit (numerous/throughout day); email to Eliot regarding document production status	1.90	665.00	BB
	Remove privileged documents from set to be produced; pull documents with questions; conference with B. Brown regarding same; revisions to motion for instructions regarding minor children; gather additional exhibits; revisions to letter to Colin; conference with B. Brown regarding attachments; e-mail letter to judge to counsel; e-mails with B. Brown regarding Exhibit G; prepare motion for filing and service; continue	1.20	150.00	LM

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work on privilege log and redaction of documents

Totals 53.30 \$13,127.50

**DISBURSEMENTS**

**Disbursements**

**Receipts**

May-13-14	Fed Ex (5/7/14 CBIZ)	14.96	
May-14-14	Photocopies (P.B. Copy Service Inv.#109476)	249.15	
	court reporter (5/7/14 hearing)	125.00	
May-20-14	Fed Ex (5/15/14 IRS)	24.87	
May-27-14	Fed Ex (5/16/14 Judge Colin)	14.96	
May-28-14	court reporter (5/23/14 hearing transcript)	466.40	
	Totals	<u>\$895.34</u>	<u>\$0.00</u>

**Total Fees & Disbursements**

**\$14,022.84**

**Balance Due Now**

**\$14,022.84**