

IN THE CIRCUIT COURT OF THE 15TH  
JUDICIAL CIRCUIT, IN AND FOR PALM  
BEACH COUNTY, FLORIDA

CASE NO. 502014CP002815XXXXSB

OPPENHEIMER TRUST COMPANY  
OF DELAWARE, IN ITS CAPACITY  
AS RESIGNED TRUSTEE OF THE  
SIMON BERNSTEIN IRREVOCABLE  
TRUSTS CREATED FOR THE BENEFIT  
OF JOSHUA, JAKE AND DANIEL  
BERNSTEIN,

HON. JEFFREY DANA GILLEN

Petitioner,

v.

ELIOT AND CANDICE BERNSTEIN,  
IN THEIR CAPACITY AS PARENTS AND  
NATURAL GUARDIANS OF JOSHUA,  
JAKE AND DANIEL BERNSTEIN, MINORS,

Respondents,

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**MOTION FOR EXTENSION OF TIME TO ANSWER AND COUNTER  
COMPLAIN**

COMES NOW, Eliot Ivan Bernstein (“Eliot”) and Candice Michelle Bernstein (“Candice”), both PRO SE, as Guardians for their three minor children and hereby files this “MOTION FOR EXTENSION OF TIME TO ANSWER AND COUNTER COMPLAIN” and in support thereof states, as follows:

1. That Eliot Bernstein and Candice Bernstein are in related cases to this matter in the following Probate Cases before Hon. Judge Martin Colin, Case # 502012CP004391XXXXSB and

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Case # 502011CP000653XXXXSB and a Federal Lawsuit in the US District Court of Eastern Illinois, Case # Case No. 13-cv-03643 before the Hon. Judge Amy St. Eve. Where the Trusts in this lawsuit were started and funded by Simon Bernstein (“Simon”) and Shirley Bernstein (“Shirley”) the Decedents in the ongoing Probate actions.

2. That it is unclear why Oppenheimer has filed a new case in this Court with Your Honor versus bringing this matter before Judge Colin where they know there are ongoing actions that are related to these same matters.
3. That in those complex cases there is already proven FRAUDULENT NOTARIZATIONS of documents, including Post Mortem Forgeries, arrests have been made, a conviction<sup>1</sup> and new admissions by Attorney at Law, Robert Spallina, Esq. (“Spallina”) of the Law Firm, Tescher & Spallina, P.A. (“TS”) to West Palm Beach County Sheriff Detectives<sup>2</sup> that he altered Trust documents to materially change beneficiaries through a complex fraud currently under ongoing investigation with state and federal, civil and criminal, ongoing actions.
4. That both Spallina and his partner Donald Tescher, Esq. have since been removed as acting Personal Representatives/Co-Trustees/Counsel in the Estates and Trusts of both Simon and Shirley<sup>3</sup>.

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<sup>1</sup> Kimberly Moran Arrest Report

[http://www.iviewit.tv/Simon and Shirley Estate/20131202 Kimberly Moran Arrest Report.pdf](http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/20131202%20Kimberly%20Moran%20Arrest%20Report.pdf)

and

[http://www.iviewit.tv/Simon and Shirley Estate/20140110 Kimberly Moran Criminal Docket 50-2013-CF-010745-AXXX-MB.pdf](http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/20140110%20Kimberly%20Moran%20Criminal%20Docket%2050-2013-CF-010745-AXXX-MB.pdf)

<sup>2</sup> West Palm Beach County Sheriff Report Fraud – SPALLINA ADMITS ALTERING TRUST DOCUMENTS POST MORTEM

<http://www.iviewit.tv/20140131PBSOReport.pdf>

<sup>3</sup> Spallina and Tescher Resignation Letters


[http://www.iviewit.tv/20140114 Tescher and Spallina Resignation Letter as PR in estates of Simon and Shirley.pdf](http://www.iviewit.tv/20140114%20Tescher%20and%20Spallina%20Resignation%20Letter%20as%20PR%20in%20estates%20of%20Simon%20and%20Shirley.pdf)

5. That the Notary Public, Kimberly Moran ("Moran") for TS has been arrested and convicted of Fraud and admitted to forging six documents for six separate parties including post mortem for Simon Bernstein.
6. That Moran has been relieved of her Notary Public license by the Florida Governor Rick Scott's Notary Public Division.
7. That the Estate of Shirley that was closed has been reopened by Judge Colin due to the fraudulent activity by Officers of his Court and Fiduciaries.
8. That there are 1 ½ days of hearings scheduled for July 11<sup>th</sup> and July 16<sup>th</sup> of which the outcome of those matters may have significant bearing on these matters and since Eliot and Candice are representing themselves Pro Se in those matters their time has been focused primarily on these critical hearings in Judge Colin's court and have been unable to divest time, energy and resources to Answer and Counter Complain to the initial Summons that was served.
9. That Eliot has booked extensive oral/maxillary work for three weeks with Dr. Ronik Seecharan, (561) 395-3244, following the July 16<sup>th</sup> hearing, where after he will be in severe pain and medicated throughout that time.
10. That for all of the following reasons, Eliot and Candice pray that this Court allow them 45 days from the date the attached Order is signed by Your Honor to properly respond to the Summons.

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

- i. An Extension of time to file an Answer and Counter Complaint no later than 45 days from the date of this Order.

Filed on Thursday, July 03, 2014



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

X

Candice Bernstein, Pro Se, as legal guardian on behalf of her three minor 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, Thursday, July 03, 2014.

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

X

**SERVICE LIST**

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**ORDER GRANTING MOTION FOR EXTENSION OF TIME TO ANSWER AND  
COUNTER COMPLAINT**

**UPON CONSIDERATION OF THIS MATTER** for an Extension of time, it is hereby

**ORDERED AND ADJUDGED** that the Motion for Extension of time is hereby \_\_\_\_\_ . That Respondents Eliot and Candice Bernstein are required to serve their Answer and Counter Complaint by 45 days from the date of this Order.

**DONE AND ORDERED** in Chambers, at Delray Beach, Palm Beach County,

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Florida, on this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

JEFFREY DANA GILLEN, Circuit Judge

Copies Furnished: Judge Martin Colin