

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

IN RE: PROBATE DIVISION  
ESTATE OF SIMON L. BERNSTEIN CASE NO. 502012CP004391XXXXSB

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**CURATOR'S MOTION FOR INSTRUCTIONS REGARDING JEWELRY**

COMES NOW, Curator, Benjamin P. Brown ("Curator"), by and through undersigned counsel, files this Motion for Instructions ("Motion") and states as follows:

1. On February 25, 2014, this Court entered an Order on "Interested Person" William Stansbury's Motion for the Appointment of a Curator or Successor Personal Representative ("Order Appointing Curator"), appointing Benjamin P. Brown as Curator. On March 11, 2014, this court entered Letters of Curatorship in Favor of Benjamin Brown ("Letters").

2. By e-mail dated May 1, 2104, Eliot Bernstein ("Eliot") advised the Curator that he initiated a criminal complaint (Case Number is 13-159967) with the Palm Beach County Sheriff's Office against certain family members alleging that certain jewelry items that the decedent's spouse, Shirley, owned should have passed to the decedent's estate upon Shirley's death. Instead, the criminal complaint and related documents contend that family members stole the jewelry shortly after Shirley's death. Eliot contends that the stolen jewelry should be an asset of this Estate. The May 1, 2014 email is attached hereto as Exhibit A. The documents provided to the Curator regarding the criminal complaint are attached hereto as Exhibit B.

3. Eliot also alleges that certain items of jewelry that have been listed on the Estate Inventory<sup>1</sup> are not accurately valued, in that the original jewel was removed and replaced with a jewel of lesser value while the original jewel is missing and/or has been stolen. See, Exhibit B.

4. Emails from Eliot to the Curator, dated June 10 and 11, 2014, provided additional details regarding the allegedly stolen jewelry. The emails are attached hereto as Exhibit C.

5. Eliot has suggested, via the June 10, 2014 e-mail, that the Curator depose the family members in question in order to determine the location and status of the jewelry.

6. The Letters do not expressly authorize the Curator to retain counsel for this purpose. Additionally, the Estate's jewelry appears to be an issue covered by the accounting of the former Co-Personal Representatives and Eliot's objections thereto. The Court's Order dated June 12, 2014, attached hereto as Exhibit D, does not permit the Curator to make and prosecute objections to the former Co-Personal Representatives' accounting.

7. Finally, this Court has indicated that a successor Personal Representative will be appointed on July 11 and/or 16, 2014, who can then take whatever action may be appropriate in this regard.

8. Accordingly, by this Motion, the Curator advises the Court and all counsel and all persons on the certificate of service and e-filing list of the foregoing, and, in an abundance of caution, seeks instructions regarding the Curator's authority to expend

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<sup>1</sup> Presumably the Amended Inventory, which does not list individual items of jewelry, but instead references an appraisal of jewelry.

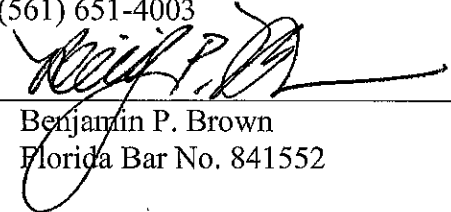
Estate assets in connection with the above described allegations and, in particular, whether the Curator is authorized to conduct discovery<sup>2</sup> regarding the allegedly stolen jewelry.

WHEREFORE, the Curator respectfully requests that this Court enter an Order providing instructions as described above, and awarding such other relief as this Court deems just and proper.

**I HEREBY CERTIFY** that a true and correct copy of the foregoing was served by e-mail upon the parties listed on the attached service list, on this 7 day of July, 2014.

MATWICZYK & BROWN LLP  
Attorney for Curator  
625 N. Flagler Drive, Suite 401  
West Palm Beach, FL 33401  
Telephone: (561) 651-4004  
Fax: (561) 651-4003

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

  
Benjamin P. Brown  
Florida Bar No. 841552

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<sup>2</sup> It is very likely that any such discovery would be conducted by the Personal Representative who should be appointed well before any such discovery would be due or could be scheduled.

## Linda McDaniel

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**From:** Ben Brown  
**Sent:** Thursday, May 08, 2014 4:26 PM  
**To:** Eliot Ivan Bernstein  
**Cc:** Ben Brown  
**Subject:** RE: Estate of Simon Jewelry Theft  
**Attachments:** Bernstein Estate Jewelry Appraisal (2).pdf; Bernstein Photographs (2).pdf

Eliot-

I have attached the jewelry appraisal and photos that T&S provided (I think you already have the appraisal as it was attached to your e-mail below). According to T&S the jewelry listed on the appraisal was delivered to us, and what they delivered to us is now in my law firm's safe deposit box.

Have you compared it to American Home Assurance Co. 8/10/09 Declarations Page so that you can specifically identify what items you believe were never inventoried in Shirley's Estate (and thus not transferred to Simon's Estate)?

Thank you,

**Ben Brown, Curator**

Benjamin P. Brown, Esq.  
625 North Flagler Drive  
Suite 401  
West Palm Beach, Florida 33401  
P: (561) 651-4004, ext. 13  
F: (561) 651-4003  
[bbrown@matbrolaw.com](mailto:bbrown@matbrolaw.com)

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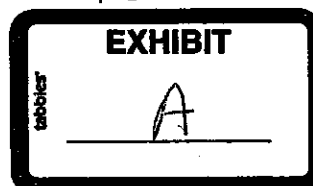
**From:** Eliot Ivan Bernstein [<mailto:iviewit@iviewit.tv>]

**Sent:** Thursday, May 01, 2014 11:20 AM

**To:** Ben Brown

**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](mailto:tourcandy@gmail.com)

**Subject:** Estate of Simon Jewelry Theft



Ben ~ Attached is a criminal complaint I have made and the corresponding incidence report for Jewelry that is missing from the Estate of Simon that should have been inventoried under Shirley and then transferred to Simon's estate but instead was stolen off with. The reports should clarify. It also looks like Ted may have fenced some of the bigger jewels when he had the items appraised as indicated in the reports. How would you like to proceed on the Estate's behalf in marshalling back the stolen jewels? Eliot

Eliot I. Bernstein  
Inventor  
Iviewit Holdings, Inc. – DL  
2753 N.W. 34th St.  
Boca Raton, Florida 33434-3459  
(561) 245.8588 (o)  
(561) 886.7628 (c)  
(561) 245-8644 (f)  
[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)  
<http://www.iviewit.tv>

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December 23, 2013 Palm Beach Sheriff Department Statement Re: Theft of Assets Including Jewelry, Tax Evasion, False Statements on Tax Forms, alleged Fraudulent Court Inventories for Simon and Shirley Bernstein,

I, Eliot Ivan Bernstein, state the following to be true to the best of my knowledge and belief.

Alleged Theft of Assets and Falsified Inventories,

That on January 11, 2013, two years after Shirley Bernstein's ("Shirley") death (DOD 12/8/10) Complainant received, an un-docketed with the Court, alleged inventory of Shirley after months of it being denied to Complainant from May 2012 when it was first requested when Complainant learned he was a Beneficiary of the Estate to January 2013. The Inventory had been denied and suppressed from Complainant in violation of Probate Rules and Statutes and was not distributed by the Personal Representative, Shirley's husband Simon, or his attorneys Robert Tescher, Esq. and Donald Spallina, Esq.

That on October 28, 2013 in an Evidentiary Hearing before this Court, Complainant received an Inventory in the Estate of Simon unsealed from Judge David French's court by Judge Colin in his court and gave it to Complainant. That again, this Inventory had been suppressed and denied from the Beneficiaries and Interested Parties in violation of Probate Rules and Statutes up until the hearing, over a year after Simon's passing.

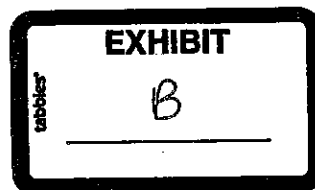
That at an October 28, 2013 Evidentiary Hearing before Judge Martin Colin, Theodore Bernstein when called to testify claimed that to the best of his knowledge, his mother was only worth \$25,000.00 in Personal Property. Complainant states that Theodore knew his mother had millions in jewelry, clothing, furnishings and art that were her personal possessions, including her paid in full Bentley, which constitute far more than twenty five thousand dollars.

That after reviewing the alleged Inventories of Simon and Shirley, it has become apparent that many Personal Property assets of Shirley were not listed in the Inventories of Shirley, which would have then then transferred to Simon at Shirley's death but instead certain items were learned to be wholly excluded from the Inventories of both estates.

That Shirley and Simon were very wealthy throughout their 50 years of marriage and had collected the finest art, furniture, jewelry, clothes and more that appear to be missing from both of the Estates Inventories filed allegedly with the Court.

That anything that these parties have done in the past is questionable due to the ADMITTED and ACKNOWLEDGED FORGERY AND FRAUD committed by a one, Kimberly Moran ("Moran"), a legal assistant and notary public of Tescher and Spallina who has been arrested by the Palm Beach County Sheriff and further evidence and admissions exist that a Fraud on the Court and the Beneficiaries of the Estate of Shirley occurred committed by Tescher and Spallina who closed her Estate through a series of documents filed with the Court Post Mortem for Simon by Tescher and Spallina who used his identity as if alive to file a series of documents for him acting as Personal Representative from September 13, 2012 (DOD 9/30/12) to January 2013 while he was deceased, leading Judge Colin to state he had enough

That  
Teel  
\$  
Paid  
wholly  
disinherited  
from  
estates



evidence of Fraud on his Court in a September 13, 2013 Hearing at the point he discovered the Fraud on his Court to read Attorneys at Law, Tescher and Spallina and Complainant's brother Theodore their Miranda Rights, twice.

That I have recently come into possession of an American Home Assurance Company Policy containing a Private Collection Coverage Policy PCG 0001 332360, Effective date August 10, 2009, containing a schedule of Shirley's Jewelry insured for a value of \$613,932.00, which Complainant alleges is a fraction of her total Jewelry owned at that time and at the time of her death that now is missing from both Estates.

That Complainant alleges that Tescher, Spallina and Theodore knew about this Policy and the Jewels of Shirley insured thereunder that were Personal Property of Shirley and have intentionally and with scienter suppressed and denied this information from both the Court and the Beneficiaries and Interested Parties in the Estate to aid and abet in theft of the Jewelry and other items in the Estates.

That Shirley's Jewelry does not appear as legally required by Probate Rules and Statutes in the Inventory of Shirley as Personal Property of hers that would then transfer to Simon through her Will. It appears that only a handful of pieces that are not listed on Shirley's estate and somehow appear on Simon's Inventory. In the Jewels in Simon's appraisal for his Personal Property Jewelry, in certain instances it appears that Jewels from Shirley's estate may have been removed and replaced with lesser gems as part of an apparent jewel heist, where a 7.7 Carat Diamond is replaced with a similar diamond of lesser clarity and different color and worth several hundred thousand dollars less. Complainant states that his brother Theodore may be responsible for this heist, aided again by the Personal Representatives of the Estate of Simon, Theodore's close personal friends and business associates, attorneys at law Tescher and Spallina.

That it is alleged that after Shirley died, on a visit to see Simon, Complainant's sisters, Pamela Simon ("P. Simon"), Jill Iantoni ("Iantoni") and Lisa Friedstein ("Friedstein") removed from the Estate mountains of Shirley's Personal Properties, while their father thought they were cleaning out her closets and organizing things, they instead took off with and shipped boxes and boxes of Shirley's Personal Effects to themselves and took allegedly large portions of her Jewelry, Minks, Art and other valuable objects of hers.

That this removal of the property was claimed to be to prevent theft of the items from Simon's assistant, Rachel Walker and his new companion, Maritza Rivera Puccio ("Puccio"), who they claimed were going to rob Simon of Shirley's personal properties and they were protecting them.

That after Simon's death when Complainant questioned Spallina and Tescher and his siblings as to where Shirley's jewels and other Personal Property was, it was learned that they are now claiming these were gifts to them by Simon. That the problem with this is they were Shirley's Personal Property and had to be listed on her Inventory first before they could be transferred by Simon as gifts and they are not. By failing to list them and then gift them properly would also be tax evasion and fraud, as they are never listed as assets of the estates.

That Complainant is aware of a Bentley automobile paid for in full as a gift from Simon to Shirley, owned and titled to Shirley and driven exclusively by Shirley for several years prior to death that is also not listed on the Inventory of Shirley as Personal Property.

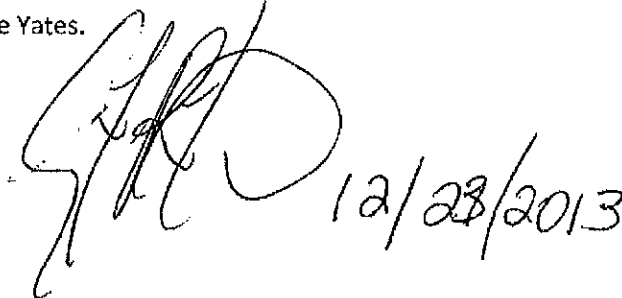
That Complainant is aware of a Porsche Panorama driven exclusively by Simon and owned by Simon that is also not on the inventory of Simon.

That Spallina alleges that there is Mortgage/Loan owed to Simon on his grandchildren's home of \$365,000.00 but failed to include it on the Personal Property Inventory of Simon even after threatening to foreclose on the minor grandchildren's home to collect it for Simon. That Complainant states this Mortgage/Loan is part of a larger fraud and being used to extort Complainant to either participate in the fraudulent conversion and comingling of estate assets they propose and cease investigations both state and federally of them or use this bogus note that Simon did not intend on collecting ever and were done as mere protection of them for the grandchildren it was purchased for and not to be used to evict them and force them on the street once he was deceased as is claimed by Spallina.

There is an insurance policy for Simon that has no Beneficiary and under Florida Law when beneficiaries are lost or missing the policy proceeds are paid to the Estate of the Decedent. That this asset does not appear on the Inventory of Simon.

That the gold Ten Commandments worth several thousand dollars was taken off the estate by Theodore and later given to Complainant by Theodore, at the time it was given Complainant he questioned his brother on how he was allocating the item and was told it would be adjusted out of his inheritance later. That the Ten Commandments was not listed on the Inventory of Simon as Personal Property and then given to Complainant, it just was completely removed from the estate by Theodore and never included in the property he had appraised or included on the Inventory. That Theodore did not have legal standing in any capacity to remove such property and make gifts of Simon's assets as he was not a fiduciary of Simon's estate and Petitioner states the items were not inventoried properly by Spallina and Tescher who allowed Theodore to seize Simon's possession when they were Personal Representatives and responsible for the all the items in Simon's estate. That Complainant states Theodore did not properly account for many of the items he removed from the Estate of Simon and has looted the Estates for his own personal benefit and others.

It was learned in the October 28, 2013 hearing when Spallina was put on the stand and claimed that he did no inventorying of Shirley's estate at all and relied only an alleged phone call with Simon to assess her Personal Property worth, where Simon allegedly stated she was only worth \$25,000.00. That Simon then allegedly signed the inventory that is alleged filed with Court, however the court's official docket stamp is not on the copy that Spallina turned over to Complainant's counsel at the time, Tripp Scott and attorney at law Christine Yates.



Handwritten signature and date: 12/23/2013



**Exhibit 1**  
**20090810 American Home Assurance Shirley Bernstein**  
**Jewelry Insurance Policy and Inventory**



American Home Assurance Co.  
Name of Issuing Company

Renewal Declarations Page

## Declarations Page

Your Declarations Page shows at a glance the coverage you have and your premium. Your Declarations Page is part of your policy. Please read your policy carefully, including your Declarations Page and any attached Endorsements, for a description of your coverage.

**Policy Number:**  
PCG 0001332360

**Policy Period:** 08/10/2009 - 08/10/2010  
At 12:01 A.M. standard time at your mailing address shown below

**Name of Insured and Mailing Address:**  
Simon & Shirley Bernstein  
7020 Lions Head Lane  
Boca Raton, FL 33496

**Agency Name, Address, Phone # & Code:**  
MarketScout Corporation-IL  
40 W222 LaFox Rd Suite Q2  
St. Charles, IL 60175

(630) 377-9430

0053923

### YOU WILL BE BILLED SEPARATELY FOR ANY PREMIUM DUE.

The kind of losses that are covered and any special limits or deductibles that apply are explained in detail in your Policy.

#### Summary of Coverage

Class	Scheduled Items Amount of Coverage	Blanket Items Amount of Coverage	Blanket Items Single Article Limit	Premium
JEWELRY				

Citizens Property Insurance Corporation Emergency Assessment: \$80.00

Total Premium: \$8,061.00

**ENDORSEMENTS ATTACHED TO THIS POLICY:**  
PCP (03/06), PCG GLBA (03/06), PCP AEFL (03/06)

PCP DEC-FL (09/07)

SCHEDULE OF ITEMS

Endorsement Effective Date : 08/10/09

Policy Number: PCG 0001332360

**JEWELRY**

Item Description	Amount Insured
1 1 LDS 18K YG DIA BANGLE BRACELET 4.70 CT	\$22,045
<i>missing</i> 2 LDS 18K YG ROLEX WATCH PRESIDENT MODEL	\$12,175
3 LDS 18K YG DIAMOND AND PEARL RING	\$14,995
4 1 PR 18K YG DIAMOND & PEARL EARRINGS 1.50 CTS	\$16,406
5 18K YG & WG DIAMOND RING	\$19,097
6 18K WG DIAMOND & JADE RING SET	\$4,357
7 18K YG & PLAT DIAMOND RUBY SAPPE EMERALD RING	\$16,406
8 18K YG LAPIS & DIAMOND MARQUISE SHAPE	\$3,460
9 18K YG PLAT DIA DOME RING 71 ROUND DIAMONDS	\$9,889
10 PR 18K YG DIAMOND HOOP EARRINGS 4.48 CTS	\$13,842
11 18K YG AND WG MOBE PEARL & DIAMOND RING	\$2,320
12 18K YG PLAT MULTI COLOR DIAMOND CLUSTER RING	\$30,503
13 14K YG PLAT DIAMOND CLUSTER RING 2.25 CTS	\$6,023
14 18K YG & WG BLACK OPAL & DIAMOND RING	\$23,454
15 18K YG 3/8" WIDE DOG COLLAR NECKLACE 38.5 DWT	\$3,717
16 18K YG GARNET & DIAMOND PENDANT	\$13,202
17 18K YG COMMEMORATIVE ISRAEL MEDALLION PEND WATCH	\$8,587
18 18K WG CHOPARD LDS DIA BANGLE BRACELET WATCH	\$17,302
19 18K YG & DIAMOND W/ GREEN ENAMEL BANGLE BRACELET	\$7,691
20 18K YG BANGLE BRACELET SET W/ OPALS RUBY SAP DIA	\$8,537
21 18K YG 27" OVAL AND TWIST LINK NECKLACE	\$3,460
22 18K YG TWISTED LINK & ROPE BAR LINK NKLC 15 1/2	\$3,844
23 18K YG & WG 36" DOUBLE ROPE CIRCLE WG ROPE SQUARE	\$4,486
24 1 JADE BEAD NECKLACE 1 JADE PENDANT	\$6,153
25 LADIES DIAMOND RING 1 ROUND 4.77 CT & 2 TAPERED BAGUETTE .60 TOTAL WEIGHT SET IN PLATINUM	\$51,652
26 ONE PAIR DIA/PLATINUM EARRINGS 2.07 CTW H/SI	\$17,174
27 18K DIAMOND NECKLACE	\$12,393
28 18KT LADIES DIAMOND NECKLACE SET WITH ROUND BRILLIANT CUT PAVE DIAMONDS 5.81 CTS VS1 CLARITY, F G COLOR	\$13,072
29 RING SET IN PLATINUM, MTG RECTANGLE CUT DIAMOND 7.17 CARAT WEIGHT, COLOR H, CLARITY SI 2, WITH TWO TRILLIANTS DIAMONDS 1.45 CARAT	\$247,250

**TOTAL JEWELRY AMOUNT COVERED \$613,932**

NOTICE

To report a claim, please contact:

1-888-760-9195

## POLICYHOLDER NOTICE

Thank you for purchasing insurance from a member company of Chartis Inc. (Chartis). The Chartis member companies generally pay compensation to brokers and independent agents, and may have paid compensation in connection with your policy. You can review and obtain information about the nature and range of compensation paid by Chartis member companies to brokers and independent agents in the United States by visiting our website at [www.aigproducercompensation.com](http://www.aigproducercompensation.com) or by calling Chartis at 1-800-706-3102.

PRIVATE CLIENT GROUP

YOUR PRIVATE COLLECTIONS COVERAGE

QUICK REFERENCE

COVERAGE IS PROVIDED BY THE CHARTIS INC.  
MEMBER COMPANY NAMED ON THE DECLARATIONS PAGE.  
EACH IS A STOCK COMPANY.  
(REFERRED TO IN THE POLICY AS THE COMPANY.)

POLICY PROVISIONS	<u>Beginning on Page</u>
Section I Definitions	2
Section II Coverages	2
Section III Payment of Loss	2
Section IV Exclusions	3
Section V General Conditions	4

The Policy together with the Declarations Page and Endorsements, if any, complete the policy.

However, if the market value of the scheduled item immediately before the loss exceeds the amount of scheduled coverage for that item or the market value of the item after restoration, we will pay its market value, up to 150% of the amount scheduled. The most we will pay in any one loss is the policy limit per class.

### B. Blanket Coverage

We shall pay the amount required to repair or replace the property, whichever is less, without deduction for depreciation, for a covered loss to valuable articles with blanket coverage as shown on the Declarations Page. If the restored value of the item is less than the market value immediately prior to the loss, we shall pay the difference. We will not pay more than the blanket limit per item for loss to any one item as shown on the Declarations Page, or, in the absence of a per item limit, we will not pay more than the amount of blanket coverage for that class.

### C. Pair or Set

For a covered loss to a pair or set, you may elect to:

1. Repair or replace any part to restore the pair or set to its condition immediately before the loss;
2. Be paid the lesser of:
  - a. The difference in the market value of the pair or set immediately before and after the loss; or
  - b. The difference between the amount of coverage and the market value of the pair or set after the loss.
3. Surrender the undamaged items of the pair or set to us, in which case you will be paid the lesser of:
  - a. The amount of the blanket coverage of the pair or set; or
  - b. The market value of the pair or set immediately prior to the loss.

In no event shall the payment exceed:

1. 150% of the amount of scheduled coverage for that pair or set.
2. The blanket limit for loss to any one item as shown on the Declarations Page.

## SECTION IV - EXCLUSIONS

The following exclusions shall apply to claims for Valuable Articles coverage:

### A. Stamps and Coins

We do not cover any loss to stamps and coins caused by fading, creasing, handling, denting,

scratching, tearing, thinning, color transfer, aridity, dampness, or extreme temperature fluctuations.

### B. Collectibles

We do not cover any loss to collectibles caused during use other than as a collectible.

### C. Reparation and Restoration

We do not cover any loss or damage to fine arts, stamps, coins, musical instruments, cameras or collectibles caused by or resulting from reparation, restoration or retouching, unless approved by endorsement.

### D. Wear and Tear

We do not cover any loss caused by:

1. Wear and tear, gradual deterioration;
2. Inherent vice and latent defect;
3. Smog, rust or other corrosion;
4. Mold, wet or dry rot; or
5. Birds, vermin, rodents or insects.

### E. Breakdown

We do not cover any loss caused by electrical or mechanical breakdown, with the exception of any loss to wine caused by temperature extremes or changes in temperature resulting from the failure of a climate control system.

### F. Intentional Act

An intentional act is one whose consequences could have been foreseen by a reasonable person.

We do not cover any loss caused by any intentional act committed:

1. By or at the direction of you or a family member; and
2. With the intent to cause a loss.

### G. Dishonest Acts

We do not cover any loss caused by any dishonest or criminal act(s) by or at the direction of you or any family member.

### H. War

We do not cover any loss caused by:

1. Undeclared war, civil war, insurrection, rebellion or revolution;
2. Warlike act by a military force or military personnel; or
3. Destruction or seizure of property for a military purpose.

#### L. Packing/Unpacking

To the best of your ability, you will provide for the insured property to be packed and unpacked by competent packers and handlers.

#### M. Your Duties After a Loss

If you suffer a covered loss, you must perform these duties:

1. **Notification** - You must immediately notify us or your agent of your loss. In case of theft or accident, you must also notify the police or similar competent authority within 90 days of the loss.
2. **Protect Property** - You must protect property from further damage; and make any repairs that are necessary to protect the property; and keep an accurate record of your expenses. We will pay the reasonable costs of protecting the property from further damage. This will not increase the amount of coverage that applies.
3. **Prepare an Inventory** - In the event of blanket coverage, you must prepare an inventory of the damaged personal property. It should describe the property in full, then show in detail the amount insured under this policy and actual amount of the loss. You must attach bills, receipts, and other documents to support your inventory.
4. **Display Property** - You must show us the damaged property when requested.
5. **Examination Under Oath** - We have the right to examine under oath as often as we may reasonably require, you and your family members. We may also ask you to give us a signed description of the circumstances surrounding a loss and your interest in it, and to produce all records and documents we request and permit us to make copies.

#### N. Insurable Interest

We will not pay for any loss to property in which you or a family member does not have an insurable interest at the time of the loss.

#### O. Abandoning Property

You cannot abandon any property to us, or a third party, unless we agree to accept it.

#### P. Carrier and Bailees

We will not make any payments under this policy to the benefit of any carrier or other bailee of damaged property.

#### Q. Legal Action Against Us

You agree not to bring legal action against us unless you have first complied with all conditions of this policy. You also agree to bring

any action against us within one year after a loss occurs, but not until thirty (30) days after proof of loss has been filed and the amount of loss has been determined.

#### R. Vaulted Jewelry

Scheduled jewelry described on the Declarations Page as "vaulted" must be kept in a bank vault. There is no coverage while these items are out of a vault, unless we receive notice in advance of the removal.

#### S. Appraisals

If you and we fail to agree on the amount of loss, either party may make a written demand that each selects an independent appraiser. In this event, the parties must notify each other of their selection within twenty (20) days. The independent appraisers will select an arbitrator within fifteen (15) days. If an arbitrator is not agreed upon within that time, either party may request the arbitrator be selected by a judge. The independent appraisers will then appraise the loss and submit any differences to the arbitrator. A decision in writing agreed to by the two appraisers or either appraiser and the arbitrator will be binding. Each appraiser will be paid by the party that has selected him. You and we will share the expenses of the arbitrator equally.

#### T. Inspection and Surveys

We have the right but are not obligated to:

1. Make inspections and surveys at any time;
2. Give you reports on the conditions we find; and
3. Recommend changes.

#### U. Examination of Your Books and Records

We may examine and audit your books and records as they relate to this policy at any time during the Policy Period and up to three years afterward.

#### V. Salvage

When we pay for a total loss, we may keep all or part of the damaged property.

#### W. Recoveries

In the event we pay for a covered loss to property and the property is recovered, we agree to offer you an opportunity to buy it back.

#### X. Cancellation

##### 1. Your Cancellation

You may cancel this policy or any part of it at any time by notifying us in writing of the



American Home Assurance Co.  
Name of Issuing Company

This Privacy Policy relates only to policyholders who have purchased personal insurance such as private passenger automobile, homeowners, collection and personal umbrella liability insurance. If you have purchased another type of policy from another Chartis member company not listed above, please contact that company to receive a copy of the relevant privacy policy.

## PRIVACY NOTICE

The member companies of Chartis Inc. (Chartis) that provide personal auto, home, collection and umbrella insurance policies recognize the importance of respecting the privacy of our policyholders and want to make sure that you know the steps we take to protect the privacy of the customer information we collect and, in some cases, disclose.

We encourage you to read the following information about how we collect, disclose and protect your information. No action is required on your part.

### **1. What information do we collect?**

The member companies of Chartis that underwrite the insurance products listed above and its agencies collect only information necessary to underwrite and provide accurate insurance rates, and to maintain and improve customer service and claims handling for our policyholders. We obtain nonpublic personal information about you, our policyholder, from you in your request for a quotation of rates, applications, policy transactions, including claims, and other interactions with us, as well as from credit reporting agencies, motor vehicle departments, claim history reporting agencies and other third parties. For property insurance, we may send someone to inspect your property and verify information about the value and condition of your property. The information collected may include, for example, your name, address, birth date, phone number, e-mail address, driver's license number, accident/violation history, information about vehicle operators, mortgages, lien/lease holders, vehicle information, credit card information, credit report information, occupation and whether you own or rent your home. We obtain and use this information only in accordance with state and federal law.

### **2. How do we use collected information?**

The information we gather helps us identify who you are, manage our relationship with you, develop products and services that meet your needs, provide you with accurate rates and provide excellent customer service. We do not sell your information to other companies for any reason.

### **3. What information do we disclose?**

We may disclose information to affiliates and unaffiliated third parties for the purpose of servicing customers' insurance needs, performing business services for us or as otherwise permitted or required by law. For example, at times we disclose information about our policyholders such as name, address, telephone number, policy number and coverages to service providers for the provision of specific services such as inspections and appraisals after a claim and marketing our insurance products. For purposes of fraud prevention, we also participate in several insurance industry supported databases of reported claims and additional driver information. We may disclose information to organizations conducting actuarial or research studies and to companies that perform research and marketing services on our behalf.

## Amendatory Endorsement - Florida

With respect to coverage provided by this endorsement, all provisions and conditions of the policy apply unless they are changed by this endorsement.

Section V - GENERAL CONDITIONS, Legal Action Against Us is deleted and replaced by the following:

### Legal Action Against Us

You agree not to bring legal action against us unless you have first complied with all conditions of this policy. You also agree to bring any action against us within five years after a loss occurs, but not until thirty (30) days after proof of loss has been filed and the amount of loss has been determined.

Section V - GENERAL CONDITIONS, Cancellation, Item 2. Our Cancellation is deleted and replaced by the following:

### 2. Our Cancellation

We may cancel this policy subject to the following provisions:

A. When this policy has been in effect for ninety (90) days or less:

1. We may cancel immediately with no written notice if there has been a material misstatement or misrepresentation or failure to comply with underwriting requirements.
2. We may cancel with twenty (20) days notice for any reason, except we may not cancel:
  - (a.) On the basis of property insurance claims that are the result of an Act of God, unless we can demonstrate, by claims frequency or otherwise, that you have failed to take action reasonably necessary as requested by us to prevent recurrence of damage to the covered property; or
  - (b.) On the basis of filing of claims for partial loss caused by sinkhole activity damage or clay shrinkage, the total of such property claim payments for this policy exceeds the current policy limits of coverage for property damage; or
  - (c.) You have failed to repair the structure in accordance with the engineering recommendations upon which any loss payment or policy proceeds were based.

B. When this policy has been in effect for more than ninety (90) days, we may cancel with ninety (90) days notice:

1. If there has been a material misstatement;
2. If the risk has changed substantially since the policy was issued;
3. In the event of failure to comply with underwriting requirements established by us within ninety (90) days of the effective date of coverage;
4. If the cancellation is for all insureds under policies of this type for a given class of insureds;
5. On the basis of property insurance claims that are the result of an Act of God, if we can demonstrate, by claims frequency or otherwise, that you have failed to take action reasonably necessary as requested by us to prevent recurrence of damage to the covered property; or

**Exhibit 2 - Simon Bernstein Jewelry Appraisal**

Fair Market Value Appraisal  
Of  
Personal Property  
Prepared for  
The Estate of Mr. Simon Bernstein

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A handwritten signature in cursive script, appearing to read 'AM', is located in the bottom right corner of the page.

**Table of Contents**

Page 1. Report Cover

Page 2. Table of Contents

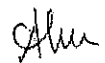
Page 3-4. Scope of Work/Terms and Conditions

Page 4. List of Equipment and Reference Materials

Page 5-9. Body of Appraisal

Page 10. NAJA Certification of Appraisal Practice

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**April Matteini, G.G.**  
**A. Matteini & Co. LLC**  
**Fair Market Value Appraisal**  
**Scope of Work /Terms and Conditions**

This appraisal (the "Appraisal") has been prepared by April L. Matteini, G.G. and A. Matteini & Co. LLC (the "Appraiser") and is intended solely for the use of The Estate of Mr. Simon Bernstein (the "Client"), or Client's duly authorized representative, and shall not be disseminated to, relied upon by, or used by any third party. By acceptance and/or use of the Appraisal and/or this appraisal report (the "Appraisal Report") by Client or Client's authorized representative(s), Client agrees to these Scope of Work/Terms and Conditions. The Appraisal Report may not be reproduced in any form without the written consent of Appraiser. Appraiser assumes no responsibility for any unauthorized use of the Appraisal. Possession of the Appraisal Report or any copy of it does not carry with it the right of publication.

To determine the value of the property subject to the Appraisal, Appraiser has used the Market Comparison approach. This approach considers the most accessible information on recent sales of like material. The market comparison approach determines the value which one would pay for an object of similar style, origin, artistic merit or maker. The values in this report are the Fair Market Values, as defined by the IRS, for the piece(s) on September 13, 2012, the date of Mr. Bernstein's death. The appraised property is assumed to be marketable. The value is not valid for retail purposes. In no way does the Appraisal constitute an offer to buy. The Appraisal should not be construed as proof of ownership of the items appraised. The appraised value is based on Appraiser's professional opinion and is not guaranteed. No opinion is expressed as to future or past value. Opinion of quality and grade may vary upon reexamination by another qualified appraiser/gemologist. Changing market conditions may require reappraisal and updated valuation in the future. It shall be Client's obligation to request a reappraisal

Unless noted, Appraiser personally inspected each item of property included in the Appraisal Report. Any sizes or weights were measured, but must still be considered approximate. The weights of mounted gemstones are estimated using accepted gemological formulas. Actual unmounted weights may differ. The quality of the evaluation of a gemstone may differ when removed from the mounting. Some enhancing treatments of diamonds and/or colored gemstones are undetectable by standard gemological equipment. Detection of any enhancements is limited to the gemological equipment on hand. Client has the option, at Client's expense, to submit any article described in the Appraisal to a fully equipped gemological laboratory for further evaluation. Mountings bearing a metal karat or content mark have not been tested to verify their content. Unless otherwise noted, watch cases have not been opened to prevent the voiding of any manufacturer's warranties. The condition of any item, unless otherwise noted, should be considered fair to good.

The descriptions of property in the Appraisal Report are statements of opinion and are not an endorsement expressed or implied, as to the merchantability, correctness of description, genuineness, authenticity or provenance of the particular piece described. The photographs attached to the Appraisal Report are for reference only and not an accurate representation of the size, color, or condition of the gemstone or jewelry.

Fees for the Appraisal are calculated hourly and/or as a flat fee. Compensation to Appraiser for completing the Appraisal is not contingent upon reporting a predetermined value, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of the Appraisal.

Client shall indemnify, defend, and hold Appraiser harmless from and against any actions, claims, liabilities, expenses,

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incurred as a result of claims based on or arising from the appraisal, including but not limited to claims raised by third parties unrelated to the immediate purpose of this appraisal. Any controversy or claim arising out of or relating to this Terms and Conditions, or breach thereof, shall be settled by arbitration in accordance with the Commercial Arbitration Rules of the American Arbitration Association, and judgment upon the award rendered by the Arbitrator(s) may be entered in any court having jurisdiction thereof.

The jewelry of The Estate of Mr. Simon Bernstein was appraised on May 14, 2013 at the office of Tescher & Spallina, 4855 Technology Way, Suite 720, Boca Raton, FL 33431. This Appraisal Report contains ten (10) pages.

As requested by counsel, this Appraisal Report has been provided via e-mail to Client's counsel, hard copies may be requested by contacting A. Matteini & Co.

Spot gold on September 13, 2012: \$1773.40 USD per oz.

Estimated Total Fair Market Value: \$63,205.00 (Sixty-three thousand two hundred five USD)

#### List of Equipment and Reference Materials

1. Stereo Microscope
2. Day light lamp
3. UV lamp
4. Fiber optic lamp
5. Gem refractometer
6. Hand held diamond gauge
7. Portable scale
8. Hand held eye loupe 10X
9. Hand held spectroscope
10. GemOro Master Diamond Grading Set (E, G, I, K, M)
11. Industry pricing guides

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**Item No. 001**

**Platinum and Diamonds Ring Mounting**

Designed as a three-stone ring mounting with a center four-prong basket head for a round stone, flanked by two round brilliant cut diamonds in similar heads, tapering hoop, signed David Stein, stamped PLAT, 6.128 dwt gross weight

**Two (2) Round Brilliant Cut Diamonds**

Measurements: 5.05mm x 5.05mm x 3.05 and 5.10mm x 5.12mm x 3.00mm

Carat weight: .47ct each by formula, .94cts total weight by formula

Clarity: VS2

Color: G

**Estimated Fair Market Value: \$1,625.00**  
**(One thousand six hundred twenty-five USD)**

**Item No. 002**

**One (1) Round Brilliant Cut Diamond**

Measurements: 10.65mm x 10.72mm x 6.6

Carat weight: 4.78ct

Clarity: SI2

Girdle: medium to thick (indented naturals)

Culet: none

Color: I

**Estimated Fair Market Value: \$31,300.00**  
**(Thirty-one thousand three hundred USD)**

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**Item No. 003**

**Platinum and Diamonds Ring Mounting**

Three stone ring mounting, designed for a rectangular cut center stone with a basket-style head, flanked by two triangle brilliant cut diamonds set in similar heads, cathedral style tapering hoop stamped Pt 950, 5.08 dwt gross weight

Two (2) Triangle Brilliants Cut Diamonds

Measurements: 6.4mm x 6.6mm x 2.70mm & 6.28mm x 7.0mm x 2.80mm

Carat weight: .65ct by formula & .70ct by formula, 1.35cts total weight by fomula

Clarity: VS2, SI1

Girdle: faceted, very thick

Color: I

**Estimated Fair Market Value: \$2,420.00**  
**(Two thousand four hundred twenty USD)**

**Item No. 004**

**One (1) Radiant Cut (Modified Rectangular Brilliant) Diamond**

Measurements: 11.12mm x 10.95mm x 6.85mm

Carat weight: 7.18ct

Clarity: I1

Color: J

**Estimated Fair Market Value: \$19,500**  
**(Nineteen thousand five hundred USD)**

**Item No. 005**

**Platinum and Diamonds Band**

Designed in an eternity style with round brilliant cut diamonds in a shared prong mounting, composed of eighteen (18) round brilliant cut diamonds, 4.90dwt gross weight

Eighteen (18) Round Brilliant Cut Diamonds

Measurements: ranging in sizes 3.7-3.8mm x 2.3-2.4mm

Carat weight: approximately .20ct each, 3.60cts total weight by formula

Clarity: SI1-I1 (most are chipped)

Color: H-I

**Estimated Fair Market Value: \$1,145.00**  
**(One thousand one hundred forty-five USD)**

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**Item No. 006**

**14kt Yellow Gold Bracelet**

Designed with elongated, flat curb links, lobster claw closure, stamped 585, 8.02dwt gross weight

**Estimated Fair Market Value: \$315.00**  
**(Three hundred fifteen USD)**

**Item No. 007**

**14kt Yellow Gold and Moss Agate Pendant Necklace**

Featuring a tooth shaped piece of polished moss agate with yellow gold end caps (one end loose) suspended from a reeded rolo link chain, stamped 585, chain weight 5.89dwt

**Estimated Fair Market Value: \$230.00**  
**(Two hundred thirty USD)**

**Item No. 008**

**14kt Yellow Gold Neck Chain**

Designed with stylized rope twist design links and figure '8' links, completed by a lobster claw closure, stamped 585, approximately 15in., approximately 35.0 dwt

**Estimated Fair Market Value: \$1,365.00**  
**(One thousand three hundred sixty-five USD)**

**Item No. 009**

**14kt Colored Jade Cluster Ring**

Designed with six pear-shaped jade cabochons in a floral motif, (red, white lavender, black) in two-prong and v-prong heads, with stylized gold wire leaf accents, on a simple yellow gold hoop, stamped 14k, 4.12 dwt gross weight

**Estimated Fair Market Value: \$140.00**  
**(One hundred forty USD)**

**Item No. 010**

**14kt Yellow Gold Hunter's Case Pocket Watch**

43mm case with engine turned details, white enamel dial with Roman numerals (case back would not open)

**Estimated Fair Market Value: \$350.00**  
**(Three hundred fifty USD)**

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**Item No. 011**

**Pair of Costume Jewelry Earrings**

Design as chandelier earrings with rhinestone accents, white metal mounting

**Estimated Fair Market Value: No Commercial Value**

**Item No. 012**

**14kt Yellow Gold Signet Ring**

Gentleman's ring, top features a stylized B initial, signed Tiffany & Co. stamped 14kt, maker's mark for Larter & Sons, 9.37dwt gross weight

**Estimated Fair Market Value: \$490.00**

**(Four hundred ninety USD)**

**Item No. 013**

**14kt Yellow Gold and Sapphires Cufflinks**

Designed as florentine finish ovals centered by round faceted blue sapphires, 2.5mm, set in applied low prong heads, applied oval frame with circular opening, signed Avedon, stamped 14k, swivel hinged finding, 6.56dwt gross weight

**Estimated Fair Market Value: \$255.00**

**(Two hundred fifty-five USD)**

**Item No. 014**

**18kt Yellow Gold Coin Pendant Watch**

Corum, Swiss made, Circa 1970

Limited Edition Design Commemorating the Foundation of the State of Israel

One side features 12 Stars of David for the Twelve Tribes of Israel and reads: "Long Live the People of Israel", verso features 2 Stars of David and a Menorah, swiveling within a custom made oval, open frame; together with a curb link watch chain with spring ring and swivel hook, stamped 585 maker's mark, 11.66 dwt

**Estimated Fair Market Value: \$4,000.00**

**(Four thousand USD)**

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**Item No. 015**

**18kt Yellow Gold, Diamonds and Enamel Pin**

Rectangular pin, 17mm x 18mm, with a yellow gold frame and black enamel background featuring the initials AI with single cut diamond accents, stamped 18k, 2.30dwt gross weight

Ten (10) Single Cut Diamonds

Carat weight: .02ct each, .20cts total weight by formula

Clarity: VS2

Color: G-H

**Estimated Fair Market Value: \$70.00**  
**(Seventy USD)**

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**National Association of Jewelry Appraisers  
Certification of Appraisal Practice**

I, April L. Matteini, a Certified Member of NAJA, certify that, to the best of my knowledge and belief that:

1. The statements of fact contained in this appraisal report are true and correct;
2. The reported analysis, opinion and conclusions are limited only by the reported assumptions and limiting conditions, and are this appraiser's personal, unbiased, professional analysis, opinions, conclusions and valuations.
3. This appraiser has no present or prospective interest in the object (s) which is the subject of this appraisal report which might prevent making a fair and unbiased appraisal
4. The appraiser has no personal interest or bias with respect to the parties involved; the appraiser does not have a personal or business relationship with the parties involved which would lead a reasonable person to question the objectivity and validity of this report
5. The appraiser's compensation is not contingent upon action or event resulting from the analyses, opinions, or conclusions in, or the use of this report;
6. This appraiser's compensation is based on an hourly rate and is not dependent upon the amount of value determined at the conclusion of the work, neither as a fixed percentage of the value determination, nor as compensation connected to a predetermined scale relating fee to value range;
7. This appraiser has made a personal, physical inspection of the object(s) specified in this report;
8. This appraiser received no separate significant professional assistance;
9. The analyses, opinions, conclusions and valuation in this report were developed and the report prepared, in conformity with the National Association of Jewelry Appraiser's Professional Code of Ethics
10. The knowledge developed in the appraisal will be maintained confidential between this appraiser and the client.
11. This appraiser does not have a potential future interest in the articles specified in this appraisal report.
12. This appraiser does have a personal/business relationship with the parties requesting this appraisal report
13. This Estimated value was provided as a service to the client and the appraiser was not involved in the sale of the appraised item(s).



April L. Matteini, G.G. (Gemological Institute of America)  
Certified Member, National Association of Jewelry Appraisers  
A. Matteini & Co. LLC

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**Exhibit 3**  
**SHIRLEY BERNSTEIN ESTATE INVENTORY**

Copy Spallina sent Attorney Yates with no court docketing date?

IN THE CIRCUIT COURT FOR PALM BEACH COUNTY, FL  
IN RE: ESTATE OF PROBATE DIVISION  
SHIRLEY BERNSTEIN File No. 502011CP000653XXXX SB  
Deceased.

**INVENTORY**

The undersigned personal representative of the estate of SHIRLEY BERNSTEIN, deceased, who died on December 8, 2010, and whose social security number is XXX-XX-9749, submits this inventory of all the property of the estate, that has come into the hands, possession, control, or knowledge of these personal representatives:

REAL ESTATE IN FLORIDA -- Exempt (Protected) Homestead:

Description

NONE

REAL ESTATE IN FLORIDA -- Non-Exempt Homestead:

Description

Estimated Fair Market Value

NONE

*(Whether homestead property is exempt from the claims of creditors, whether it is properly devised and whether it is a probate asset may have to be determined by appropriate proceedings.)*

OTHER REAL ESTATE IN FLORIDA:

Description

Estimated Fair Market Value

NONE

\$

Total Real Estate in Florida -- Except Exempt (Protected) Homestead

\$



Estate of Shirley Bernstein  
File No. 502011CP000653XXXX SB  
INVENTORY

Spallina states in 10/28/13 Evidentiary Hearing under oath that he called Simon to get this number and did no accounting of her estate. Ted Bernstein claims at Hearing under oath that this 25,000 number was true to his knowledge although he had nothing to do with the preparation. They both knew of Shirley's jewelry and her paid in full Bentley and more.



PERSONAL PROPERTY WHEREVER LOCATED:

<u>Description</u>	<u>Estimated Fair Market Value</u>
Furniture, furnishings, household goods and personal effects	\$ <u>25,000.00 (est.)</u>
TOTAL OF ALL PERSONAL PROPERTY AND FLORIDA REAL ESTATES	\$ <u>25,000.00</u>

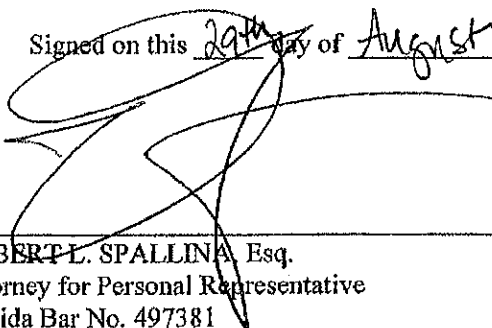
All real estate located outside the State of Florida owned by the decedent of which the personal representative is aware, if any, is described on a schedule attached hereto. [If none, so indicate]


NONE

*NOTICE: Each residuary beneficiary in a testate estate or heir in an intestate estate has the right to request a written explanation of how the inventory value of any asset was determined, including whether the personal representative obtained an independent appraisal for that asset and from whom the appraisal was obtained. Any other beneficiary may request this information regarding all assets distributed to or proposed to be distributed to that beneficiary.*

Under penalties of perjury, I declare that I have read the foregoing, and the facts alleged are true to the best of my knowledge and belief.

Signed on this 29th day of August, 2011.

  
ROBERT L. SPALLINA, Esq.  
Attorney for Personal Representative  
Florida Bar No. 497381  
Teschler & Spallina, P.A.  
4855 Technology Way, Suite 720  
Boca Raton, FL 33431  
Telephone: (561) 997-7008

  
SIMON BERNSTEIN, Personal Representative





**Exhibit 4**  
**Simon Bernstein Personal Property Estate Inventory**

\*\*\* FILED: PALM BEACH COUNTY, FL SHARON BOCK, CLERK. \*\*\*

IN THE CIRCUIT COURT FOR PALM BEACH COUNTY, FL  
IN RE: ESTATE OF PROBATE DIVISION  
SIMON BERNSTEIN File No. 502012CP004391IZXXXXSB  
Deceased.

INVENTORY

The undersigned co-personal representatives of the estate of SIMON BERNSTEIN, deceased, who died on September 13, 2012, and whose social security number is XXX-XX-5211, submits this inventory of all the property of the estate, that has come into the hands, possession, control, or knowledge of these personal representatives:

REAL ESTATE IN FLORIDA – Exempt (Protected) Homestead:

Description

NONE

REAL ESTATE IN FLORIDA – Non-Exempt Homestead:

Description

Estimated Fair Market Value

NONE

*(Whether homestead property is exempt from the claims of creditors, whether it is properly devised and whether it is a probate asset may have to be determined by appropriate proceedings.)*

OTHER REAL ESTATE IN FLORIDA:

Description

Estimated Fair Market Value

NONE

\$

Total Real Estate in Florida – Except Exempt (Protected) Homestead

\$



PERSONAL PROPERTY WHEREVER LOCATED:

<u>Description</u>	<u>Estimated Fair Market Value</u>
Legacy Bank of Florida - Acct. Ending 2587	\$384.25
Wells Fargo - Acct. Ending 1945	1,599.49
Sabadell Bank - Acct. Ending 9414	15,153.18
LIC Holdings, Inc. (33% ownership)	UNDETERMINED
Furniture, furnishings, household goods and personal effects	51,135.00
Jewelry	<u>\$ 63,205.00</u>
TOTAL OF ALL PERSONAL PROPERTY AND FLORIDA REAL ESTATES	<u>\$ 131,476.92</u>

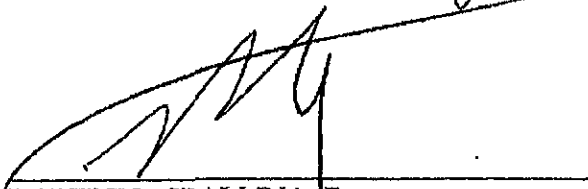
All real estate located outside the State of Florida owned by the decedent of which the personal representative is aware, if any, is described on a schedule attached hereto. [If none, so indicate]

NONE

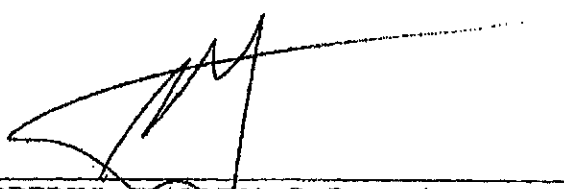
*NOTICE: Each residuary beneficiary in a testate estate or heir in an intestate estate has the right to request a written explanation of how the inventory value of any asset was determined, including whether the personal representative obtained an independent appraisal for that asset and from whom the appraisal was obtained. Any other beneficiary may request this information regarding all assets distributed to or proposed to be distributed to that beneficiary.*

Under penalties of perjury, I declare that I have read the foregoing, and the facts alleged are true to the best of my knowledge and belief.

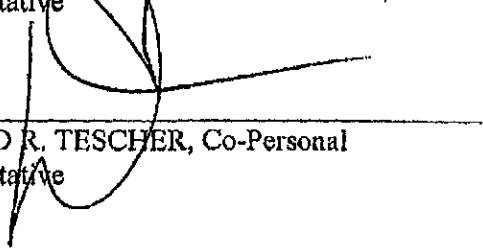
Signed on this 11 day of June, 2013.



ROBERT L. SPALLINA, Esq.  
Attorney for Personal Representative  
Florida Bar No. 497381  
Tescher & Spallina, P.A.  
4855 Technology Way, Suite 720  
Boca Raton, FL 33431  
Telephone: (561) 997-7008  
Primary: [rspallina@tescherspallina.com](mailto:rspallina@tescherspallina.com)  
Secondary: [kmoran@tescherspallina.com](mailto:kmoran@tescherspallina.com)



ROBERT L. SPALLINA, Co-Personal Representative



DONALD R. TESCHER, Co-Personal Representative



\*\*\* FILED: PALM BEACH COUNTY, FL SHARON BOCK, CLERK. \*\*\*

IN THE CIRCUIT COURT FOR PALM BEACH COUNTY, FL  
IN RE: ESTATE OF PROBATE DIVISION  
SIMON BERNSTEIN File No. 502012CP004391IZXXXXSB  
Deceased.

**INVENTORY**

The undersigned co-personal representatives of the estate of SIMON BERNSTEIN, deceased, who died on September 13, 2012, and whose social security number is XXX-XX-5211, submits this inventory of all the property of the estate, that has come into the hands, possession, control, or knowledge of these personal representatives:

REAL ESTATE IN FLORIDA – Exempt (Protected) Homestead:

Description  
NONE

REAL ESTATE IN FLORIDA – Non-Exempt Homestead:

<u>Description</u>	<u>Estimated Fair Market Value</u>
NONE	

*(Whether homestead property is exempt from the claims of creditors, whether it is properly devised and whether it is a probate asset may have to be determined by appropriate proceedings.)*

OTHER REAL ESTATE IN FLORIDA:

<u>Description</u>	<u>Estimated Fair Market Value</u>
NONE	\$

Total Real Estate in Florida – Except Exempt (Protected) Homestead \$



PERSONAL PROPERTY WHEREVER LOCATED:

<u>Description</u>	<u>Estimated Fair Market Value</u>
Legacy Bank of Florida - Acct. Ending 2587	\$384.25
Wells Fargo - Acct. Ending 1945	1,599.49
Sabadell Bank - Acct. Ending 9414	15,153.18
LIC Holdings, Inc. (33% ownership)	UNDETERMINED
Furniture, furnishings, household goods and personal effects	51,135.00
Jewelry	<u>\$ 63,205.00</u>
TOTAL OF ALL PERSONAL PROPERTY AND FLORIDA REAL ESTATES \$ <u>131,476.92</u>	

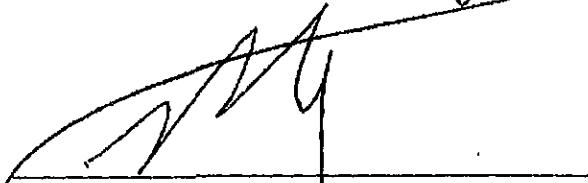
All real estate located outside the State of Florida owned by the decedent of which the personal representative is aware, if any, is described on a schedule attached hereto. [If none, so indicate]

NONE

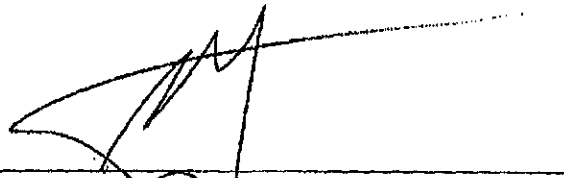
*NOTICE: Each residuary beneficiary in a testate estate or heir in an intestate estate has the right to request a written explanation of how the inventory value of any asset was determined, including whether the personal representative obtained an independent appraisal for that asset and from whom the appraisal was obtained. Any other beneficiary may request this information regarding all assets distributed to or proposed to be distributed to that beneficiary.*

Under penalties of perjury, I declare that I have read the foregoing, and the facts alleged are true to the best of my knowledge and belief.

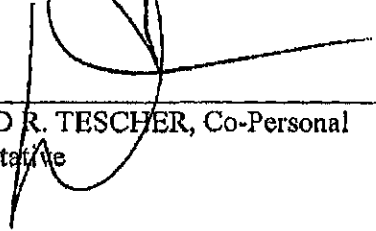
Signed on this 11 day of JUNE, 2013.



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ROBERT L. SPALLINA, Co-Personal Representative



DONALD R. TESCHER, Co-Personal Representative



## Linda McDaniel

---

**From:** Eliot Ivan Bernstein <iviewit@iviewit.tv>  
**Sent:** Wednesday, June 11, 2014 11:57 AM  
**To:** Ben Brown  
**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:** RE: SERVICE OF COURT DOCUMENT - CASE NUMBER 502012CP004391XXXXSB  
**Attachments:** 20131224 Palm Beach Sheriff Complaint Jewelry Theft Case No 13 097087 WI....pdf

Ben, there were two documents attached, the other was the PBSO Jewelry Report. I have attached again. Some jewelry was kept in the safe on the appraisal, some was in my dad's closet and other stuff I do not know where it came from. I was present at opening of 1 safe at the home that had to be broken open by a locksmith as the password was mysteriously changed from what Rachel Walker had when Si died the day before. Ted was in charge of arranging all that with Spallina, my sisters Lisa and Jill were there and I believe they took inventories of what came out of the safe and Ted took the jewels from the premise stating he was taking them to Spallina right away but I do not think that is what occurred. The safe deposit jewelry we will need to access all banks to see where they were as I could not find records in the production for any safety deposit boxes. Spallina was not in attendance at the safe cracking but I thought he was supposed to be coming. The jewelry I am most concerned about is the Jewels Pam, Lisa and Jill took and have not returned, some of that is on the insurance carriers records that are in the attached PBSO report and that is known to have been kept in safety deposit boxes. Again, I believe my dad had to access the boxes for my mom's funeral so that he could have everyone wear a piece for the day. My brother later gave me a piece of Jewelry from my father's closet worth several thousand dollars, which when I asked him how he was giving it to me he told me it would be inventoried and deducted from any inheritance and he worked it out with Spallina. When I got the appraisal and inventory I did not see the item anywhere and so reported that to authorities as well. You will also not a ring set for \$250000 appraised value for the insurance and then on a few thousand for what almost appears same set done by Ted appraiser for a few thousand dollars, which may be that there are two almost identical ring sets or that the second appraisal is for jewels which were replaced with lower quality, rating, weight, gems, again they will need to explain those differences especially where it several hundred thousand dollars in difference. Eliot

---

**From:** Ben Brown [mailto:bbrown@matbrolaw.com]  
**Sent:** Wednesday, June 11, 2014 11:34 AM  
**To:** Eliot Ivan Bernstein  
**Cc:** Ben Brown  
**Subject:** RE: SERVICE OF COURT DOCUMENT - CASE NUMBER 502012CP004391XXXXSB

Hi Eliot-

The Motion you attached relates to the furniture. We will do a separate motion re the jewelry. Was the jewelry that is on the Estate appraisal kept in a safe or safe deposit box, and if so, after your father's death when it was opened do you know who was present, was any record made of its opening?

Regards,





## Ben Brown, Curator

Benjamin P. Brown, Esq.  
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---

**From:** Eliot Ivan Bernstein [<mailto:iviewit@iviewit.tv>]

**Sent:** Tuesday, June 10, 2014 8:02 PM

**To:** Ben Brown

**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](mailto:tourcandy@gmail.com); Eliot I. Bernstein, Inventor ~ Iviewit Technologies, Inc.; Undisclosed List

**Subject:** FW: SERVICE OF COURT DOCUMENT - CASE NUMBER 502012CP004391XXXXSB

Ben, attached is the PBSO Jewelry theft complaint which has additional Jewelry that was part of Shirley's Estate and never accounted for and allegedly transferred to Simon's estate where it was carted off without accounting and was stated that it was to be returned to the rightful inheritors upon his death. It was moved by my sisters, Pam, Lisa and Jill who feared that Rachel Walker or Maritza Puccio might steal it and shipped it to their homes while he was still grieving for my mother and unaware of what they took. I believe he had removed some jewels from the safety deposit boxes for the funeral of my mother for Candice and his daughters to wear for that occasion and shortly thereafter on a trip my sisters removed all of my mother's personal possessions virtually overnight, including but not limited to, jewelry, clothing, mink coats, art, etc. There appears no records of gifts of the Jewelry to any parties and strangely it was not accounted for as my mom's personal property and then transferred to my dad as should have been done by her PR's and counsel Spallina who filed the inventory (I still challenge this inventory as legit as well). Spallina stated in court he asked my father what my mom was worth in personal effects and he stated 25,000 and that was his accounting he did. I believe both schedules of bequeathed items is missing from the dispositive documents.

You asked a while ago that I compare the inventory Ted did with the appraiser and the one from the insurance carrier that we discovered (it was not turned over to us by Spallina et al) to determine similar items but while it appears similar on some pieces there are major differences that amount to hundreds of thousands or more upon closer evaluation of what appears fenced jewels but it is hard to tell. Until we can tell if further fraud has occurred and the PBSO concluded its investigation, it is safe to assume that all pieces on both lists be listed as assets (in some cases as if there are two identical pieces) and inventoried this way and let someone explain to the Estate what the differences or similarities are. I think this complaint to PBSO and this email should also be tendered to Judge Colin for the hearing. The complaint was initially filed wrongly by PBSO under the Moran case but the PBSO has assured me that it was assigned a new and separate case number. Finally, it may be prudent for the Estate to depose Pam, Lisa and Jill to get the inventories of all jewelry, etc. that they took and where it all went and any sale receipts. Eliot

**From:** [eservice@myflcourtagency.com](mailto:eservice@myflcourtagency.com) [mailto:[eservice@myflcourtagency.com](mailto:eservice@myflcourtagency.com)]  
**Sent:** Tuesday, June 10, 2014 5:47 PM  
**Subject:** SERVICE OF COURT DOCUMENT - CASE NUMBER 502012CP004391XXXXSB

## Notice of Service of Court Documents

### E-service recipients selected for service:

Name	Email Address
Alan B Rose	<a href="mailto:arose@mrachek-law.com">arose@mrachek-law.com</a>
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Alan Benjamin Rose	<a href="mailto:arose@mrachek-law.com">arose@mrachek-law.com</a>
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Michael Bernstein	<a href="mailto:mchl_bernstein@yahoo.com">mchl_bernstein@yahoo.com</a>
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**E-service recipients deselected for service:**

Name	Email Address
No Matching Entries	

**Filing Information**

Filing #: 14658448  
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Court: Fifteenth Judicial Circuit in and for Palm Beach County, Florida  
Case #: 502012CP004391XXXXSB  
Case Style: IN RE: Estate of Not Available

Document Title: Motion

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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 FOR INSTRUCTIONS REGARDING  
MAY 1, 2014 ACCOUNTING

THIS MATTER came before the Court on the Curator's Motion for Instructions Regarding May 1, 2014 Accounting dated May 13, 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:

*Court instructs that* *required on*  
~~The Motion is granted.~~ The Curator is not authorized to file objections to the May 1, 2014 Final Accounting ("Accounting") filed by Donald R. Tescher and Robert L. Spallina, former Co-Personal Representatives of this Estate, or to otherwise undertake any investigation into the Accounting, absent further order of this Court amending the March 11, 2014 Letters of Curatorship to grant such authority.

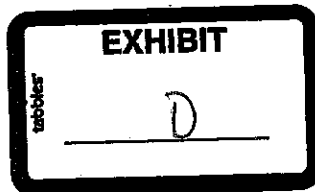
DONE AND ORDERED in Chambers, Delray Beach, Palm Beach County, Florida, on  
May \_\_\_\_\_, 2014.

**SIGNED & DATED**  
**JUN 12 2014**

**MARTIN H. COLIN**  
**CIRCUIT JUDGE**

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

Copies furnished to the parties on the attached service list



ESTATE OF SIMON L. BERNSTEIN

File No. 502012CP00439LXXXXSB

Service List

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