

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

FILE NO.: 502012CP004391XXXXSB

IN RE: ESTATE OF

SIMON L. BERNSTEIN,

Deceased.

FOURTH 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 June 1, 2014 through June 30, 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 \$15,382.50. The costs owed are \$1,398.96 for a total due in the amount of \$16,781.46. The total amounts paid/owed to the Curator are depicted on Exhibit B attached hereto.

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;
- b. Continued 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 response to document request and review of documents for privilege;
- c. Drafting motions, attending court hearings and motion practice before this Court seeking instructions with regard to the administration and issues raised in connection with same, including without limitation, tangible personal property, jewelry, IRA, resolving issue of successor personal representative, matters to be heard and order of hearings in July;
- d. Communicating with counsel and interested persons regarding pending litigation in Florida (Case No. 502012CA013933 (Circuit Court, Palm Beach County, FL) and Illinois (Case No. 13CV3643 (U.S. Dist. Ct. Northern District Illinois) involving the Estate and its purported assets;
- e. Preparing for and attending mediation for Stansbury law suit action; attention to settlement and representation issues;
- f. Communicating with and providing information to various interested persons, as set forth in the Curator's invoice; and
- g. 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 petition was served by e-mail upon the parties on the attached service list on this 16 day of July, 2014.

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By: _____


Benjamin P. Brown, Curator
Florida Bar No. 841552

EMAIL SERVICE LIST
Estate of Simon L. Bernstein

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Estate of Simon Bernstein

July 10, 2014

File #: 14-00440

Inv #: 2995

Attention:

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

SUMMARY BY TASK

Task	Effective Rate	Hours	Amount
BW Billable Work	\$245.73	62.60	15,382.50
NC No Charge	\$0.00	2.00	0.00
Total		64.60	\$15,382.50
Grand Total		64.60	\$15,382.50

SUMMARY BY TIMEKEEPER

This Invoice

Timekeeper	Category	Rate	Hours	Amount
Benjamin P. Brown	Partner	350.00	32.00	11,200.00
Thornton B. Henry	Associate	250.00	1.60	400.00
Angela Dean	Paralegal	125.00	8.20	1,025.00
Linda McDaniel	Paralegal	125.00	12.20	1,525.00
Summer Associate	Law Clerk	125.00	10.60	1,232.50
Total			64.60	\$15,382.50

DISBURSEMENT SUMMARY

ctrp	court reporter	1,034.00
fed	Fed Ex	14.96
ph	Photocopies	350.00
Total Disbursements		\$1,398.96



Date	Description	Hours	Amount	Lawyer
Jun-02-14	Receipt and review of Glasko objections; review file regarding notice to grandchildren, certificates of service, notice of Tescher & Spallina accounting; review Eliot email regarding privilege vis-a-vis Stansbury; draft response in connection with same; review and revise privilege log regarding Eliot request for production; legal research in connection with Visual Scene; draft explanatory footnotes; review request for production and conference with summer associate regarding same; further confer with summer associate regarding draft of response to Eliot request for production; revise privilege log further and finalize; confer with L. McDaniel regarding status of CD production; review Eliot proposed hearing dates and respond; emails from A. Rose regarding 5/30 motion for instructions and respond; instructions to L. McDaniel regarding special set dates	1.80	630.00	BB
	telephone call with C. Bernstein regarding document readiness; e-mail to B. Brown regarding same; receipt and review B. Brown instruction e-mail regarding obtaining special set hearing time; telephone call to judicial assistant (vacation); e-mail to B. Brown regarding same; revisions to curator's privilege log; prepare same for filing and service; prepare disk of production sets of T&S documents; telephone call with E. Bernstein regarding same; meeting with C. Bernstein regarding same; receipt and review M. McCarthy e-mail to Stamos regarding retainer agreement; receipt and review Rose office e-mail regarding documents provided to mediator	1.70	212.50	LM
	Complete privilege review of Tescher Spallina documents	1.50	225.00	SA
Jun-03-14	Review Eliot email regarding furniture, jewelry document production; review file; provide additional documents; draft emails in response; instruct L. McDaniel	0.90	315.00	BB

	regarding CUR bates numbers regarding additional documents produced; emails to ascertain status of JP Morgan and Sabadell Bank account transfer; receipt and review of Eliot email to request tax returns			
	Conference with office assistant regarding response to E. Bernstein 1st request to produce; review and respond to B. Brown e-mail regarding status of JP Morgan account	0.40	50.00	LM
Jun-04-14	Review Eliot emails regarding tangible personal property and condo, and list of grandchildren; response; email to B. Spector regarding mediation agreement contingent on court approval; telephone call with A. Rose in connection with same; receipt and review of Eliot motion to add parties; review B. Spector acknowledgement; receipt and review of other Eliot emails to A. Rose; receipt and review of Ted's motions	0.70	245.00	BB
	Receipt and review of notice of mediation; update calendar; receipt and review M. McCarthy e-mail regarding calendaring of meeting with Spector	0.40	50.00	LM
Jun-05-14	Exchange emails with Eliot regarding tangible personal property; draft email to staff regarding accounting, motion for leave to take possession of tangible personal property; draft said motion; review file in connection with same; confer with A. Dean regarding title to condo and house; receipt and review of title reports; draft notice of filing 5/23 transcript in connection with 6/11 hearing; telephone call with B. Spector regarding 6/9 Stansbury mediation, Estate participation in settlement	1.30	455.00	BB
	Emails with Ben Brown regarding final accounting and petition for discharge; research regarding 7020 Lions Head Lane and 2494 South Ocean Blvd., Unit C-5 properties; further research regarding mortgages on 7020 property and prepare schedule regarding same	1.40	175.00	AD
	Receipt and review B. Brown email instructions regarding motion for possession; prepare same; review file in connection with exhibits; gather same;	0.50	62.50	LM

	receipt and review corrected notice of mediation; review B. Brown e-mail regarding same; obtain docket information regarding Block appearance; calendar Block unavailability			
Jun-09-14	Attend Stansbury mediation; emails with A. Messuri regarding tax returns, taxation of IRA after liquidation; email to summer associate regarding motion for instruction on taking IRA to cash	6.00	2,100.00	BB
	Receipt and review B. Brown instruction e-mail to Z. Rothman; e-mail to Z. Rothman regarding requested documents for use in preparing motion for instructions to liquidate the IRA; receipt and review notice of unavailability for Spallina; calendar; e-mail to B. Brown regarding mediation progress/status	0.40	50.00	LM
	Draft Motion for Instructions Regarding Authority to Liquidate IRA	1.60	240.00	SA
Jun-10-14	Receipt and review of mediator email and respond; telephone call from A. Rose regarding mediation result; telephone call from P. Feaman regarding same; confer with summer associate regarding motion for instructions on IRA; receipt and review of tax returns; email to Eliot regarding same; confer with L. McDaniel regarding bates-stamp; email to Eliot regarding tangible personal property motion for instructions, real estate ownership; emails regarding 6/11 hearing and special settings; revise and finalize motion for instructions on tangible personal property; receipt and review of Eliot emails regarding tax returns; attention to certificates of service regarding motions for instructions, interested persons	1.10	385.00	BB
	Draft Motion for Instructions Regarding Authority to Liquidate IRA	2.00	N/C	SA
Jun-11-14	Receipt and review of several re notices of hearing for 6/12; emails regarding same; receipt and review of Eliot email regarding jewelry; draft response to Eliot email regarding reporting conduct to criminal authorities and Stansbury	4.10	1,435.00	BB

settlement; confer with L. McDaniel and summer associate regarding motion for instructions regarding Stansbury case, obtaining Stansbury agreement, motion for instructions regarding jewelry, accounting and petition for discharge/appointment of personal representative; review file in connection with all; receipt, review and respond to multiple Eliot emails (lengthy) regarding request to IRS for certified copies of tax returns, requests to banks for certified records, jewelry issues, 2000 ILIT issues, Stansbury settlement issues; draft motion for instructions regarding tax returns, Proskauer subpoena (per earlier Eliot email) and reporting conduct; revise and finalize motion for instructions; confer with L. McDaniel and A. Dean regarding preparing accounting; receipt and review of emails in connection with same; instructions to summer associate regarding response to request for production

Emails with Ben Brown and Linda McDaniel regarding accounting; begin to gather statements, invoices, and other material to prepare accounting; prepare chart of accounts and status of statements for each account; email to Ben Brown regarding missing statements; begin draft of accounting Receipt and review of corrected notice of hearing; calendar; emails to court reporter regarding change in date of hearing; e-mail notice of hearing to court reporter; review and respond to B. Brown e-mail regarding status of accounting preparation; conference with P. Matwiczuk and A. Dean regarding same; gather info in connection with same as requested by A. Dean; emails to Sabadell and JPMorgan regarding historical records; prepare notice of hearing for 6/19; calendar; conference with B. Brown regarding whether motion for instructions needs to be filed under seal; review rules; gather

3.30

412.50

AD

0.90

112.50

LM

Date	Description	Page	Amount	Code
Jun-12-14	additional documents for 6/12 hearing at B. Brown request	1.50	225.00	SA
Jun-12-14	Draft second amended motion for instruction regarding Stansbury Prepare for and attend hearing (7:50 am - 11:00 am); revise motion for instructions; receipt and review of A. Rose emails, responsive emails, 7/11 hearing date (multiple emails exchanged); draft email to I. Block regarding hearing on motion for appointment of personal representative; draft letter regarding dates; emails regarding such hearing	3.60	1,260.00	BB
	Receipt and review of emails regarding jewelry and drafting of motion for instructions as to same; emails to B. Brown and L. McDaniel regarding motion	0.40	100.00	TBH
	Review Legacy Bank account closing paperwork; revisions to accounting; emails regarding new estate account at Sabadell account	0.30	37.50	AD
	Telephone call with judicial assistant regarding special set hearing times on Petition to appoint PR; receipt and review A. Dean e-mail regarding 7176 account transfer to B. Brown as curator; review and respond to B. Brown instruction e-mail; provide requested pleadings; e-mail to court reporter to order hearing transcript; review and respond to A. Rose office request for 7/11 hearing notice; review and respond to B. Brown e-mail with Block regarding scheduling in July; review response; receipt and review A. Rose e-mail to counsel regarding 7/11 scheduling; receipt and review B. Brown instruction e-mail; prepare letter to counsel regarding motions to appoint personal representative; prepare bates numbered set of tax returns; e-mail B. Brown regarding same	1.00	125.00	LM
	Draft Second Amended Petition for Instruction Regarding Scope of Involvement in Florida Litigation	1.70	255.00	SA
Jun-13-14	Attention to numerous emails through staff (out of office); attention to setting appointment of personal representative	0.70	245.00	BB

	hearing; dictate letters regarding same; attention to emails through staff regarding same			
	Sign several orders and motions; draft motion regarding jewelry; receipt and review of several filed pleadings	1.00	250.00	TBH
	Receipt and review E. Bernstein e-mail regarding objecting to setting hearing; receipt and review B. Brown instruction e-mail regarding special set hearing; telephone message to judicial assistant regarding same - 7/16 hearing slot; prepare letter to parties regarding 7/16 hearing date; receipt and review Feaman e-mail regarding review of proposed orders (2); receipt and review B. Brown instruction e-mail regarding motion for instructions (Fla. litigation) and filing of same; e-mail to B. Brown regarding Stansbury settlement agreement; review response; prepare letter to E. Bernstein regarding 6/12 hearing; receipt and review E. Bernstein and A. Rose emails; arrange for court reporter; receipt and review Stansbury settlement offer; calendar response deadline; receipt and review Glasko response regarding availability for 7/16 hearing; telephone call with Judicial Assistant; prepare notice of hearing for 7/16; prepare same for filing and service; e-mail to A. Dean regarding appraiser; review B. Brown instruction e-mail; telephone call to judicial assistant regarding August dates; receipt and review 2 omnibus motion to continue and notices of hearing; calendar; calendar; receipt and review E. Bernstein emails confirming availability	1.50	187.50	LM
	Draft Curator's Response to Eliot Bernstein's First Request for Production (begin)	0.80	100.00	SA
Jun-16-14	Call with Robert Hittel regarding whether he will be able to inspect/inventory the appraised tangible personal property; email to Ben Brown regarding same	0.30	37.50	AD
	Prepare letter to Eliot Bernstein per B. Brown instructions; revision to petition for discharge; prepare response to	0.90	112.50	LM

	Request to produce by Eliot for filing and service; receipt and review Feaman request for pleadings for 6/19 hearing; prepare form 4056 - request for tax returns; receipt and review E. Bernstein filing regarding Colin; receipt and review JPMorgan estate statement; e-mail to Jarvis regarding historical information			
Jun-17-14	Revisions to accounting; call to Stephen Porter at JP Morgan regarding missing statements; emails with Stephen forwarding Letters of Curatorship and Curator's correspondence to JP Morgan; emails with Lisette Cardoza at Sabadell regarding April 2014 statement for the Sabadell account ending 7176 (old estate account)	0.80	100.00	AD
Jun-18-14	Receipt and review of emails, pleadings from 6/13, 16 and 17 (multiple and extensive); attention to issues; receipt and review of P. Feaman settlement offer and draft responsive letter; revise and finalize same; receipt and review of May JP Morgan statement and instruct staff regarding same; confer with A. Dean regarding R. Hittel inventorying of tangible personal property; review and revise proposed orders for 6/19 hearing; draft email to all interested persons regarding same; prepare for 6/19 hearings; receipt and review of Stansbury notice of dropping parties; draft notice of filing regarding 6/12 partial transcript; revise and finalize motion for instructions regarding retaining counsel; draft letter to A. Rose regarding L.I.C. financial information; review Glasko email regarding hearing and respond in connection with same	3.00	1,050.00	BB
	Confirm court reporter for hearing; e-mail to B. Brown regarding same; e-mail to Joey Jarvis regarding status of changeover on estate account (JP Morgan); telephone call with JP Morgan regarding same; prepare hearing folders for 6/19; prepare 2 draft orders; e-mail to B. Brown regarding same; pdf draft orders to B. Brown as requested; e-mail to B. Brown regarding same and	0.80	100.00	LM

redactions question on account number; e-mail to court reporter regarding time/cost regarding transcript; revisions to notice of filing; e-mail same to B. Brown

Jun-19-14

Email with Eliot regarding court reporter; prepare for and attend hearings; draft letter to all regarding Stansbury settlement offer and response; review A. Rose email regarding 7/11 attendance, willingness to re notice other motions to then; draft response; review A. Dean emails to JP Morgan; telephone call with JP Morgan regarding account statements; letter to JP Morgan regarding liquidating IRA; confer with A. Dean regarding R. Hittel tangible personal property inspection; revise fees petition; review Eliot email regarding fees and respond; review and revise motion for instructions regarding jewelry

2.50

875.00

BB

Receipt and review of B. Brown edits to motion for instructions regarding jewelry; revise and finalize same

0.20

50.00

TBH

Follow up email to Stephen Porter at JP Morgan regarding statement request; emails with Ben Brown regarding order entered regarding TPP; email to Robert Hittel regarding same; prepare draft letter to Alan Rose regarding hiring Hittel

0.60

75.00

AD

Receipt and review E. Bernstein e-mail regarding court reporter; review and respond to B. Brown e-mail regarding same; telephone call with B. Brown regarding hearing outcome and instructions; e-mail to court reporter regarding transcript; conference with M. McCarthy regarding 6/19 orders; receipt and review B. Brown instruction e-mail; conference with B. Henry regarding motion for instructions (jewelry); gather exhibits

0.50

62.50

LM

Jun-20-14

Receipt and review of emails regarding transcripts and depositions; receipt and review of orders regarding discovery; emails with L. McDaniel regarding letter with Stansbury information regarding settlement; emails with Eliot

0.30

105.00

BB

	<p>regarding same; review Eliot emails regarding notice, respond as relates to 6/24 hearings; correct letter (no charge); review jewelry motion for instructions Receipt and review of B. Brown instruction e-mail; e-mail letter to interested parties regarding Stansbury litigation; receipt and review E. Bernstein emails regarding service list and request for deposition dates; receipt and review A. Rose e-mail regarding request for E. Bernstein deposition dates; revisions to motion for instructions (jewelry); conference with B. Henry regarding same; review and respond to B. Brown e-mail regarding status of transcript ordering; e-mail court reporter regarding 6/12 remainder of transcript; e-mail to JP Morgan regarding liquidating IRA; review and respond to E.Crippen e-mail regarding 6/24 hearings noticed</p>	0.70	87.50	LM
Jun-23-14	<p>Revise and finalize letter to A. Rose regarding tangible personal property, how kept; prepare for 6/24 hearings (no charge regarding 2000 Life Insurance Trust); review and revise draft orders; confer with L. McDaniel regarding same; receipt and review of Eliot motion (lengthy); receipt and review of order denying recusal; receipt and review of Blanc order dismissing Ted et al. in Circuit Court case; emails with A. Dean regarding tangible personal property and Hittel; revise and finalize letter regarding whether tangible personal property accessible for inspection; telephone call with JP Morgan regarding process for liquidating IRA; email with L. McDaniel regarding same; review 6/12 hearing transcript; draft and finalize notice of filing same</p>	2.20	770.00	BB
	<p>Prepare hearing folders (3) for 6/24 hearing; prepare 3 draft orders; e-mail to B. Brown regarding same; review response; revisions to orders; telephone call with JP Morgan regarding instruction for liquidation of IRA; telephone call with J. Hawkins</p>	0.70	87.50	LM

	(multiple) regarding same; review B. Brown e-mail regarding inherited account to be opened to liquidate; prepare notice of filing transcript; e-mail to court reporter regarding "excerpt" designation on full transcript; receipt of corrected transcript; prepare same for filing and service; revision to motion for instructions (jewelry)			
	Draft Motion to Stay Proceedings	1.50	187.50	SA
Jun-24-14	Prepare for and attend hearing (no charge in connection with motion for instructions regarding 2000 Life Insurance Trust); review and revise motion for stay (Blanc case); review JP Morgan IRA new account to liquidate information; draft letter and amended order regarding same; confer with L. McDaniel regarding new account title; confer with A. Dean regarding accounting for Curator; revise letter and proposed amended order; telephone call from P. Feaman and J. Royer regarding order of hearings 7/11 and 16, etc.; emails regarding IRA; telephone calls (2) with JP Morgan regarding same; emails to CPA regarding IRA tax issues	2.50	875.00	BB
	Work on accounting; discussion with Ben Brown regarding status; emails with Linda McDaniel regarding loans to Bernstein Family Realty and Simon Bernstein Insurance Trust	0.40	50.00	AD
	Receipt and review Sabadell e-mail regarding cost of prior statements; emails with B. Brown regarding same; prepare letter to interested parties; e-mail same; receipt and review A. Rose and B. Brown emails regarding same; telephone calls with JP Morgan regarding IRA liquidation and tax consequences; receipt and review B. Brown e-mail regarding same; telephone call with JP Morgan regarding same; receipt and review Sabadell e-mail regarding costs of statements; e-mail to B. Brown regarding same; review response; order statements; pull exhibits for motion to stay; questions to B. Brown regarding same	0.60	75.00	LM

Invoice #:	2995	Page	12	
Jun-25-14	Receipt and review of emails regarding amended IRA Order (6/19) from Eliot and A. Rose; respond where appropriate; letter to JP Morgan regarding IRA information; letter to Judge regarding proposed Amended IRA Order and objection to same; finalize motion to stay Stansbury case; revise letter to Judge; review additional emails from Eliot Bernstein and A. Rose; receipt and review of emails regarding Tescher deposition	0.70	245.00	BB
	Work on accounting	0.80	100.00	AD
	Prepare letter to Prindle; e-mail to B. Brown regarding same; review response; revisions to motion to stay; prepare same for filing and service; prepare letter to Colin regarding amended IRA order; multiple revisions to same; revisions to amended order; gather additional enclosures; receipt and review Sabadell e-mail regarding charge for statements; e-mail to B. Brown regarding same; review response; respond to Sabadell; e-mail with B. Brown regarding response to Stansbury settlement letter; review response; telephone call with JP Morgan regarding estate account (3)	0.70	87.50	LM
Jun-26-14	Receipt and review of order regarding emergency and notices of hearing for 7/11, emails between Eliot and A. Rose	0.20	70.00	BB
	Arrange court reporter for 7/1 hearing; review court reporter confirmation; telephone calls with JP Morgan regarding estate switchover; conference with B. Brown regarding same ; review documents (convert T&S documents to OCR) for info regarding loans in connection with accounting; search same; conference A. Dean regarding question regarding loans in connection with accounting	0.50	62.50	LM
Jun-30-14	Receipt and review of P. Feaman response regarding successor personal representative; receipt and brief review of response to Eliot request for production (lengthy); receipt and review of motion to remove Pankauski (lengthy); receipt and review of	0.40	140.00	BB

Pankauski notice of unavailability;
 receipt and review of emails regarding
 7/11 hearing
 Emails with Mimi Anderson regarding
 schedule of hearings; emails with court
 reporter to confirm attendance at
 tomorrow's hearing

0.30

37.50

AD

Totals

64.60 \$15,382.50

DISBURSEMENTS

Disbursements

Receipts

Jun-10-14 Fed Ex (5/30/14 Courthouse/Judge Colin)
 Jun-18-14 Photocopies (filed tax returns)
 Jun-24-14 court reporter (6/12/14 hearings transcripts)
 Jun-26-14 court reporter (6/11/14 hearing)
 Jun-27-14 court reporter (6/24/14 hearing)

14.96
 350.00
 784.00
 95.00
 155.00

Totals

\$1,398.96

\$0.00

Total Fees & Disbursements

\$16,781.46

Previous Balance

\$21,209.74

Previous Payments

\$7,186.90

Balance Due Now

\$30,804.30

