

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

IN RE: THE ESTATE OF  
SHIRLEY BERNSTEIN,  
Deceased

CASE NO. 502011CP000653XXXXSB

HON. JUDGE MARTIN H. COLIN

\_\_\_\_\_  
ELIOT IVAN BERNSTEIN, PRO SE  
PETITIONER,

V.

TESCHER & SPALLINA, P.A., (AND ALL PARTNERS,  
ASSOCIATES AND OF COUNSEL);  
ROBERT L. SPALLINA, ESQ., PERSONALLY;  
ROBERT L. SPALLINA, ESQ., PROFESSIONALLY;  
DONALD R. TESCHER, ESQ., PERSONALLY;  
DONALD R. TESCHER, ESQ., PROFESSIONALLY;  
THEODORE STUART BERNSTEIN, INDIVIDUALLY;  
THEODORE STUART BERNSTEIN, AS ALLEGED PERSONAL  
REPRESENTATIVE;  
THEODORE STUART BERNSTEIN, AS ALLEGED TRUSTEE  
AND SUCCESSOR TRUSTEE PERSONALLY;  
THEODORE STUART BERNSTEIN, AS ALLEGED TRUSTEE  
AND SUCCESSOR TRUSTEE, PROFESSIONALLY;  
THEODORE STUART BERNSTEIN, AS TRUSTEE FOR HIS  
CHILDREN;  
LISA SUE FRIEDSTEIN, INDIVIDUALLY AS A BENEFICIARY;  
LISA SUE FRIEDSTEIN, AS TRUSTEE FOR HER CHILDREN;  
JILL MARLA IANTONI, INDIVIDUALLY AS A BENEFICIARY;  
JILL MARLA IANTONI, AS TRUSTEE FOR HER CHILDREN;  
PAMELA BETH SIMON, INDIVIDUALLY;  
PAMELA BETH SIMON, AS TRUSTEE FOR HER CHILDREN;  
MARK MANCERI, ESQ., PERSONALLY;  
MARK MANCERI, ESQ., PROFESSIONALLY;  
MARK R. MANCERI, P.A. (AND ALL PARTNERS,  
ASSOCIATES AND OF COUNSEL);  
JOSHUA ENNIO ZANDER BERNSTEIN (ELIOT  
MINOR CHILD);  
JACOB NOAH ARCHIE BERNSTEIN (ELIOT  
MINOR CHILD);  
DANIEL ELIJSHA ABE OTTOMO BERNSTEIN  
(ELIOT MINOR CHILD);  
ALEXANDRA BERNSTEIN (TED ADULT CHILD);  
ERIC BERNSTEIN (TED ADULT CHILD);

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MICHAEL BERNSTEIN (TED ADULT CHILD);  
MATTHEW LOGAN (TED'S SPOUSE ADULT CHILD);  
MOLLY NORAH SIMON (PAMELA ADULT CHILD);  
JULIA IANTONI – JILL MINOR CHILD;  
MAX FRIEDSTEIN – LISA MINOR CHILD;  
CARLY FRIEDSTEIN – LISA MINOR CHILD;  
PAGE, MRACHEK, FITZGERALD & ROSE, P.A.  
(AND ALL PARTNERS, ASSOCIATES AND OF COUNSEL);  
ALAN B. ROSE, ESQ. – PERSONALLY;  
ALAN B. ROSE, ESQ. – PROFESSIONALLY;  
PANKAUSKI LAW FIRM PLLC, (AND ALL PARTNERS, ASSOCIATES AND OF COUNSEL);  
JOHN J. PANKAUSKI, ESQ. – PERSONALLY;  
JOHN J. PANKAUSKI, ESQ. – PROFESSIONALLY;  
KIMBERLY FRANCIS MORAN – PERSONALLY;  
KIMBERLY FRANCIS MORAN – PROFESSIONALLY;  
LINDSAY BAXLEY AKA LINDSAY GILES – PERSONALLY;  
LINDSAY BAXLEY AKA LINDSAY GILES – PROFESSIONALLY;  
THE ALLEGED “SIMON L. BERNSTEIN AMENDED AND RESTATED TRUST AGREEMENT” DATED JULY 25, 2012;  
JOHN AND JANE DOE’S (1-5000).

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**MOTION FOR EMERGENCY INTERIM DISTRIBUTIONS DUE TO A CONTINUED PATTERN AND PRACTICE OF FRAUD AND EXTORTION BY FIDUCIARY THEODORE BERNSTEIN AND OFFICER OF THIS COURT ALAN B. ROSE, ESQ. THREATENING THREE MINOR CHILDRENS EDUCATIONS**

COMES NOW, Eliot Ivan Bernstein (“Eliot”), PRO SE, as Beneficiary and Interested Party both for himself personally and Guardian for his three minor children (who may also be Beneficiaries and Interested Parties of the Estates and Trusts of Simon Bernstein (“Simon”) and Shirley Bernstein (“Shirley”)), and hereby files this “MOTION FOR EMERGENCY INTERIM DISTRIBUTIONS DUE TO A CONTINUED PATTERN AND PRACTICE OF FRAUD

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AND EXTORTION BY FIDUCIARY THEODORE BERNSTEIN AND OFFICER OF THIS COURT ALAN B. ROSE, ESQ. THREATENING THREE MINOR CHILDRENS EDUCATIONS” and in support thereof states, on information and belief, as follows:

1. That Emergency Interim Distributions must be made by August 8, 2014 in order to keep Petitioner’s three children in the school they have attended for almost their whole lives. This matter needs emergency actions due to an impending deadline and continued damage to three minor children caused by the ALLEGED Fiduciary of the Trusts of Simon and Shirley. Petitioner has no other remedy at law. Three minor children, including one child in his graduation year risk being removed from school, achieved placements lost, loss of college guidance process for college placement and removal in their final graduating year for non-payment of tuition.
2. That St Andrews school has been more than cooperative since payments have ceased to them on months ago due to the delays in the inheritances of Eliot and his family, caused INTENTIONALLY by a series of frauds and more committed by the former fiduciaries and counsel in the Estates and Trusts, Spallina and Tescher and their former legal client and current fiduciary Theodore.
3. That Theodore refuses to make payments in the best interests of the Trust beneficiaries violating standard rules and conduct according to established Rules regarding Trustee’s being held to a higher level of ethics and law requiring them to only act in the best interest of the beneficiaries.
4. Petitioner brings forward this action as Beneficiary of the Trusts of Simon and Shirley, Trustee of Eliot Bernstein Family Trust and Trustee of his three minor children’s trusts and potential interests as Beneficiaries, all of who are ultimate beneficiaries of the Shirley Trust and Simon Trust.
5. That several frauds have taken place by Officers of this Court and Fiduciaries, both in and upon this Court, the Beneficiaries, Creditors and Interested Parties. Most of the guilty have resigned and have

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been removed from the estate and trust proceedings and remain under ongoing investigations with the Palm Beach County Sheriff Office and others.

6. That two of the alleged participants in these fraudulent activities, Theodore and Alan, remain acting in these matters with legal capacities while both are centrally involved and benefited directly from the prior fraudulent activities and continue to commit fraud and other torts and harm true and proper beneficiaries, especially those pursuing them both civilly and criminally.
7. That there is a long list of Petitions lined up to remove Theodore in all fiduciary capacities and a hearing scheduled for August 19, 2014 to hear these matters for a number of valid legal reasons that instantly prohibit Theodore and Alan's continued alleged fiduciary and legal capacities forward in Simon and Shirley's Estates and Trusts.
8. An Emergency Order or Hearing is necessary at this time due to impending due date for tuition approaching prior to those hearings for Trustee removal and sanctioning on August 19, 2014 due to the continued breaches of fiduciary duties and more by Theodore.
9. That the Court recently urged Theodore to drop his Petition to become the Successor Personal Representative, as it rejected his bid to become the Curator, due to valid legal reasons that make his continued actions as a fiduciary legally prohibited. That to comply with the Court's wishes, Theodore, after a long protracted and costly endeavor finally at the last minute prior to the Court hearing his Petition, withdraw his Petition and Brian O'Connell was then implemented as the new Successor Personal Representative by this Court.
10. That Petitioner requested Interim Distributions/Welfare Payment from Theodore due to the pressing timeline for past due and current tuition to be paid, pursuant to the trusts language under the Trust agreements of Shirley and Simon, requesting that the alleged Trustee Theodore abide by the Trusts

and make necessary welfare distributions as provided for under the trust terms for educational funds of Eliot's three minor children to keep them in the school their grandparents Simon and Shirley had enrolled them in, paid for them to go to while living and provided for continuation of education expenses through their estate plans and eventual inheritances. Exhibit 1 – Letter to Theodore (similar letters were sent for Simon and Shirley's Trusts to Theodore).

11. Theodore's counsel, Alan Rose, refused a simple yes or no answer and chose instead to force a meeting, see Exhibit 2, to discuss this request and stated that it had to be held under the terms of Rule 90.408, which states, "Compromise and offers to compromise.—Evidence of an offer to compromise a claim which was disputed as to validity or amount, as well as any relevant conduct or statements made in negotiations concerning a compromise, is inadmissible to prove liability or absence of liability for the claim or its value."
12. That as Eliot was not planning on settling anything or negotiating with "terrorists," especially those that are using his three minor children's educations as leverage and merely was attempting to get the simple answer to if Theodore as ALLEGED Trustee would make the required educational payments for Eliot's three minor children or Eliot would have to appeal this matter to Your Honor as another example of his Pattern and Practice of breach of fiduciary duties and seek relief through the Court, therefore Eliot agreed to this meeting.
13. That at that meeting with Alan, Eliot and Marc R. Garber, Esq. (a friend of Eliot's not representing him in these matters), Alan proposed that Eliot could take distributions but only if Eliot were to open trust accounts for his children and bank accounts under those trusts to have the monies deposited in.
14. That Alan then stated that he believed Post Mortem trusts had been created by the prior PR's and Trustees of Simon's and Shirley's Estate and Trusts, Spallina and Tescher, who were also

simultaneously representing Theodore and who have now been removed from the proceedings and have admitted to Palm Beach County Sheriff Investigators to fraudulently altering Trust documents POST MORTEM in Shirley's Trust, in order to change the Beneficiary Class, Post Mortem.

15. That further evidence now proven also has this scheme being aided by Kimberly Moran who was arrested acting as Tescher and Spallina's Legal Assistant/Notary Public when found to have fraudulently NOTARIZED documents and admitted to FORGING six documents for six separate people, including Simon, POST MORTEM. Moran has since been arrested and charged for her actions while employed and under the direction of her employer Tescher and Spallina.
16. That this Court should recall stating it had enough evidence to read Miranda's to Theodore, Spallina and Tescher in a September 13, 2013 hearing, upon learning that Shirley's Estate was closed using a dead Personal Representative / Executor, Simon, through a further fraud on this Court and the Beneficiaries in efforts to change the Beneficiaries of Shirley's Estate.
17. That Alan then claimed that all Eliot had to do was open a bank account under each trust for each child and the money could transfer distributing monies to improper beneficiaries in improper amounts with all sorts of conditions, including signing a refund and release document.
18. That Alan explained to Eliot and Marc that the beneficiaries of Shirley's Trusts at this time are unknown and that three beneficiary possibilities exist (i) Eliot and his sisters Lisa and Jill and their lineal descendants, as Shirley had left it, (ii) Eliot and his sisters Lisa and Jill's lineal descendants ONLY, as Theodore and Pamela were disinherited with their lineal descendants and considered PREDECEASED for all terms thereunder and this depends on if an alleged Power of Appointment allegedly exercised by Simon holds up, as it is claimed fraudulent as well and (iii) the ten grandchildren, which is a hopeless argument that relies on the alleged Power of Appointment giving

Simon the right to change the Class of Beneficiaries in Shirley's trust, by adding new beneficiaries Post Mortem of Shirley and where even if the Power of Appointment was upheld it would only apply to the Class of Beneficiaries specifically designated by Shirley, namely, Eliot, Lisa and Jill and their lineal descendants.

19. That the dispute over the beneficiaries is due to proven and admitted fraudulent activity, including but not limited to forged documents, tampering and fabrication of documents, using a deceased PR to the close the Estate of Shirley and more that has taken place by former fiduciaries and counsel Tescher and Spallina and Theodore.
20. That Eliot explained to Alan, as he did to this Court in a September 13, 2013 hearing that he could not open up trust bank accounts in his children's name or his own until the Court determines the true and proper beneficiaries and that any distributions made to ANY party should only be made as Interim Distributions and then deducted from Eliot and/or his children's inheritances or any other parties final amount, once the beneficiaries are legally resolved by the Court.
21. That interim welfare distributions have been made in this fashion for approximately a month to Eliot and his family by Theodore from Shirley's trust and are to be deducted from the final distributions when they are determined by this Court but for some reason they are being refused to be made in this fashion, as according to Alan they can only be made to knowingly improper beneficiaries in improper distribution amounts under a series of proven fraudulent documents and acts that allow for such distributions to improper parties.
22. That Theodore and Alan continue to act to make distribution to improper beneficiaries using the known tampered and fabricated trust documents, which they have submitted to banks, law firms, trust companies and accounting firms, to induce them to facilitate the improper and illegal conversions of

the monies.

23. That Theodore and Alan despite knowing of the improper distributions that have already been taken by other parties, continue to try and make Eliot take similar improper distributions to his children in desperation to keep them in school, if only he takes them illegally as Theodore and others did.
24. That in fact, Spallina admitted to Palm Beach County Sheriff that he altered trust documents of Shirley's and forwarded them to Eliot's former Counsel, Christine Yates of Tripp Scott law firm, in efforts to bamboozle her into believing that the ten grandchildren were beneficiaries of the Shirley Trust and to make distributions to them using the falsified documents as evidence of their scheme.
25. That Theodore, while acting as ALLEGED Trustee for the Shirley Trust and simultaneously acting as Trustee on behalf of his children's possible interest in Shirley's Trust, made improper distributions from Shirley's Trust for he and Pamela's children and others, knowing at that time that the beneficiaries were improper and that the documents that allowed for these transfers were fraudulent and forged in their names and their deceased father's name, yet continued to accept and convert the monies. Eliot did not take these ILLEGAL distributions and will not until the true and proper beneficiaries are determined as he will not participate in knowingly fraudulent activities.
26. That Spallina stated to PBSO investigators that Theodore had taken distributions against the advice of counsel.
27. That Theodore stated to PBSO investigators that he had never read the Trust documents that he was operating under and only followed the advice of his counsel.
28. That once Eliot explained to Alan that he would not participate in further fraudulent distributions and would only take the money as Interim Distributions / Welfare Payments and deducted from the to be determined beneficiaries, which in any scenario is Eliot and/or his children, Alan suddenly did an



“about face” and stated that if Eliot was unwilling to do the distributions this way, that his client would then argue to the Court that there was not enough monies to make distributions for Eliot’s children schooling, that Eliot needed a guardian for his children and his children would be removed from their school they have attended throughout their childhoods in a few days.

29. That these THREATS to Eliot also failed to make Eliot partake in knowingly fraudulent activity, see Exhibit 3 – Eliot Meeting Summation to Alan.
30. That Theodore has refused to submit accountings for now two years in his alleged roles as Trustee for the Simon Trust, alleged Trustee of the Shirley Trust and for the Estate of Shirley as PR and continues to spend trust money as if it were his own and in secreted transactions, all in violation after violation of Probate Rules and Statutes and law.
31. That Eliot asked then asked Alan how under one scenario where Eliot takes the monies through fraud there could be enough monies to distribute to cover the education costs requested and under the other scenario where Eliot does not take the monies improperly until the proper beneficiaries are determined by this Court there was somehow not enough money.
32. That Eliot further explained to Alan that this was identical to the Extortionary tactics used by Theodore’s previous counsel, business partners and close friends Spallina and Tescher, prior to admitting their fraudulent scheme to change the beneficiaries and who are now under multiple ongoing investigations both in state and federal actions and who previously acted in efforts to force Eliot to take improper and illegal distributions to knowingly improper Beneficiaries (knowing of their fraudulent acts) thus gaining an implied consent to their fraudulent beneficiary scheme by forcing Eliot to partake in the knowingly fraudulent activity and release any claims against the parties involved in the fraud or watch his children suffer as monies would be withheld.

33. That Alan appears now to have picked up where Spallina and Tescher left off in this extortion attempt of Eliot and Eliot claims that this is the reason Alan tried to make the recent meeting private and confidential and not useable for any purposes by misstating with intent Rule 90.408.
34. That Alan asked Eliot to have the meeting with him and make it confidential by rewriting Section 90.408 to read as he wanted so that he could try and further Extort Eliot and then have the meeting secreted. Alan stated and misrepresented the law as follows, “The call will be subject to rule 90.408 making it a confidential settlement discussion which cannot be used for any purpose at any time, nor admitted in evidence at any hearing.” However, Rule 90.408 makes no reference to the fact that the meeting cannot be used “for any purpose at any time, nor admitted in evidence at any hearing” this language was made up by Alan and grossly misrepresented by Alan to Petitioner, a Pro Se litigant, to trick Petitioner to the meeting whereby he could threaten and extort Eliot further and then pray that Petitioner would keep the meeting confidential in fear of violating 90.408 (Alan’s version) and would be unable to use it to show others his continued extortion scheme. This shroud of secrecy Alan tried to create by creating his own version of the Statute was in hopes that in Petitioner’s layman understanding of law be convinced he was bound to secreting the meeting and what transpired from anyone.
35. That this continued play or pay extortionary threat to Eliot to participate in the fraudulent distribution scheme or else, is evidence of further criminal activity by Alan and Theodore, who both know the beneficiaries are now in dispute and this represents a gross violations of fiduciary duties, attorney conduct codes and law and as such would not be subject to any protection as confidential. One cannot ask someone to a meeting under Rule 90.408 and state it is confidential and can never be used for any purpose by misstating the Statute and then tell them if they don’t settle they will blow their

brains out and then attempt to claim that this threat could not be used in court under 90.408 or given to authorities as further evidence of criminal misconduct, as this would pave the way for settlement negotiations to become a place of secreted threats.

36. That Alan however has nothing to lose by continuing this Pattern and Practice of Abusive Legal tactics and criminal acts since he is principal player in advancing the prior schemes and frauds to take illegal distributions based on fraudulent documents in order to benefit his client Theodore, even after knowing the distributions were fraudulently made he continues to try and have Eliot now take knowingly fraudulent distributions.
37. That Alan and Theodore are Respondents in these matters and Defendants in a newly filed Counter Complaint in a related case before this Court and both could face serious prison time and loss of their possessions when found guilty of the crimes already alleged against them, including but far from limited to extortion, fraud and more.
38. That Eliot questions how long will the Court allow this legal process abuse, criminal extortion and fraud to continue, where now Eliot's three children who have been damaged for two long years while investigating and exposing these schemes and artifices to defraud that have interfered with their inheritance that are now proven and admitted to, which have directly caused delays in their inheritances and caused continued and ongoing damages to them.
39. That where the last time Eliot refused to play in their fraudulent beneficiary scheme by taking improper distributions in order to get funds for his family for life sustaining items, when Eliot refused to take them improperly, these life critical items were cut off by the fiduciaries Tescher, Spallina and Theodore, which has led to catastrophic damages to their lives as pled repeatedly to this Court in yet unheard Petitions and Motions filed by Eliot since May 2013.

40. That Petitioner and his family have been harassed and retaliated upon for their refusal to cooperate in their play or pay schemes in the past by various tactics to force them to take the monies improperly, including but not limited to; cutting of Electricity to their home without notice, cutting off the Homeowners insurance in the home the children own without notice, cutting off the children's Health Insurance without notice, cutting off monthly income provided for by Simon and Shirley in their estate plans without notice, interfering with Eliot and Candice's jobs at Telenet Systems, LLC with intent, cutting off payments to school and school related activities without notice and shutting off basic living expenses, all of these items Simon and Shirley had paid for many years prior to their death for Eliot and his children due to special circumstances involving death threats and car bombings against Eliot and his family.
41. That these items were further cut off through an elaborate fraud to take over a company, Bernstein Family Realty LLC ("BFR") set up by Simon and Shirley that had been paying for these expenses and which was established to continue to pay for them many years into the future through their inheritances.
42. That this entity was designed to specifically protect Eliot and his family from these type of calamities but were instead sabotaged by the fiduciaries, Tescher, Spallina and Theodore, once they knew that arrests of their friends was happening and they too were under investigations in state and federal actions as more fully described in Eliot's recent Counter Complaint filed in this Court in Case No. 502014CP002815XXXXSB.
43. That repeated demands for Eliot to KNOWINGLY take ILLEGAL IMPROPER DISTRIBUTIONS to UNKNOWN BENEFICIARIES or else watch his family suffer has been filed with this Court and the proper authorities as alleged EXTORTION, which has already caused irreparable damages to

Eliot, his lovely wife Candice and especially their three minor children and now their educations are being used as ransom by Alan and Theodore.

44. That both Theodore and Alan now have irrefutable Adverse Interests and Conflicts of Interests in the Estates and Trusts of Simon and Shirley, including but not limited to, the Fact that they are UNDER INVESTIGATION for many felony offenses both state and federally, the fact that they participated directly in the fraudulent activities that have benefited them both directly, the Fact that they are Defendants and Respondents in these and related litigations, the fact that Theodore is the primary accused defendant in the Creditor action of Stansbury, all of these facts making Theodore and Alan UNFIT to act one second further as Fiduciaries or Counsel in these matters. Whereby this Court should take Judicial Notice of these facts and act on its own Motion to remove them both immediately as UNQUALIFIED at this time to act further and prevent further harms to the beneficiaries.
45. That due to these insurmountable reasons making Alan and Theodore unfit to act as fiduciaries and Officers of this Court, Eliot has asked for their voluntary disqualifications repeatedly to save this Court, Eliot, the Creditors and everyone involved from further fraud, waste and abuse of process occurring in and upon this Court, the Beneficiaries, Creditors and Interested Parties.
46. That there is a hearing is scheduled for August 19, 2014 to hear Petitions and Motions filed to remove Theodore in all fiduciary capacities relating to both the Estates and Trusts, yet this does not give Petitioner enough time to address the school tuition issue, as tuition payments need to be received by August 8, 2014 to guarantee placements in the school.
47. That it should be noted that Theodore has already made ILLEGAL distributions knowingly from Shirley's Trust to his own children (\$480,000.00) and those of Pamela (\$160,000), Jill (\$160,000)

and Lisa (\$320,000) and did this without holding any meetings under 90.408 and whereby no questions at all were asked when transferring those funds as to what they would be used for. Eliot and his three children have taken distributions of \$0.00 due to their refusal to participate in the fraud. Yet, when Eliot asks for Interim Distributions they now begin questioning what Eliot is using them for (education) and further to attempt to harass Eliot by threatening a guardian over Eliot's children for not taking the improper distributions and using the funds for his children's education. See Exhibit 4 – Alan Letter Regarding Filing a Motion re Interim Distributions.

48. That it should be noted that despite Alan's claim in his letters that there is not enough money if Eliot refuses to take the distributions illegally, there has been no accountings to the Beneficiaries of Shirley's Trust, Shirley's Estate and Simon's Trust to show how much money there actually was and Eliot has already reported to the proper authorities and this Court that the amounts they have claimed are far below what is now known and that they have further stolen and failed to report for tens of millions of dollars of assets already all under ongoing investigations, where again, Alan and Theodore are primary suspects.
49. That finally, Alan, in his attached herein letter in Exhibit 4 that he sent to others regarding the details of the meeting he alleges is a confidential meeting under 90.408, in violation of even his own made up language under that rule and attempted to recruit Pamela, Lisa and Jill to join in his proposed Motion to this Court. The problem with seeking support from them is the fact that Pamela, Lisa and Jill all took **knowingly** improper distributions having been informed of the frauds prior to the distributions and whereby they will all have to return those monies and face potential criminal charges and civil tort damages and so what worth is their strength in numbers strategy really worth in determining if this Court should grant the interim distributions for education and other emergency

needs to Eliot and his family.

50. That Alan in Exhibit 4, claims, “Eliot is not a beneficiary of the Trust, but each of his three children would be beneficiaries under the Power of Appointment by Simon, and the Trustee was prepared to make an interim \$80,000 distribution to each kid’s trust. Eliot rejected that distribution...” This evidences that Alan again was willing to make interim distributions to KNOWINGLY improper beneficiaries despite knowing that this transfer would be based on admitted fraudulent documents tendered to this Court and other fraudulent activity already proven to change the beneficiaries to Eliot’s three children and this stands as further irrefutable evidence of criminal acts still being commissioned by the Fiduciary Theodore and his Counsel Alan as Officers of this Court.

51. That Alan in Exhibit 4, claims, “As Trustee, Ted has no objection to making a payment from the Trust funds to St. Andrews School for each of Eliot’s three kids, so long as (i) the Court enters an order directing and authorizing such payment, with the approval of a guardian ad litem if the Court decides to appoint one, and also holding the Trustee harmless for complying with such order and requiring repayment if needed; (ii) the payment for each child will reduce the amount to be distributed to that child’s trust and with Eliot agreeing that if it is ultimately decided that the payments were to go to him and not his childrens’ trusts (which we believe is not the case), then these same payments would count against Eliot’s distribution; and (iii) each of you has the opportunity to be heard by responding to the email or by appearing in court.”

52. That Eliot claims that Alan is further attempting in the claim above to have this Court participate in further harassment of Eliot by threatening to have a Guardian for his children for failing to take improper distributions and Eliot claims that Theodore, Pamela, Jill and Lisa all need to have Guardian Ad Litem for taking knowingly improper distributions of Trust funds while acting as

Trustees for their children and participating in knowingly fraudulent activities of the former Trustees and Counsel, Tescher and Spallina. That these improper distributions will now have to be returned to the Trust and have thereby damaged not only Eliot and his children but their very own children and this is cause for immediate Guardians for the children of Theodore, Pamela, Jill and Lisa.

53. That Alan also seeks the Court to force Eliot to sign a Hold Harmless type agreement for the Trustee in order to accept the funds and Eliot will not sign any such agreement, where this is not stipulated in the Trust agreement, nor was one signed by other parties where distributions were knowingly illegally taken.
54. That Alan also attempts in Exhibit 4 to claim that there is not enough funds in Simon's Trusts and Estate to make distributions due to the Stansbury Creditor claim and where there is now evidence that there is more than enough monies in Simon's Trusts and Estate to cover Stansbury in full if Settlement is not reached and he prevails on his claims and this is to further mislead the Court and Beneficiaries in efforts to force the distributions from Shirley's Trust in efforts to extort Eliot to take the distributions illegally to improper parties in efforts to gain his so desired implied consent and complacency in fraud from Eliot. Again, Alan makes this claim that there are not enough funds and so may be the case due to theft and fraud alleged and under investigation and where no one knows what is in Simon's Trust as the ALLEGED fiduciaries, Spallina, Tescher and their ALLEGED Successor Theodore have all failed to file timely accountings or provide any documents to the beneficiaries relating to their inheritances, in violation of Probate and Trust Rules and Statutes. Therefore, the Simon and Shirley Trusts and Estates can either separately or combined be used to make these distributions and not only the Shirley Trust if this Court so demands.
55. That as for Alan and Theodore they need possible Prison Guardians for their egregious acts of bad



faith with unclean hands due to their reckless, wanton and grossly negligent criminal acts and civil torts committed thus far in these Estate and Trust matters, committed while acting as Fiduciaries and Officers of this Court. That as these are Fiduciaries and Officers of this Court, this Court should take further Judicial Notice of these bad acts and act on its own Motions to remove, remand and report them to all of the proper authorities.

WHEREFORE, Eliot prays for an Order,

- i. for this Court to demand Theodore, acting as the ALLEGED TRUSTEE, to submit payment to the school and deduct such amounts from final distributions to the true and proper beneficiaries,
- ii. to STRIKE the pleadings of Theodore regarding Interim Distribution if filed as suggested by Alan in his letter, Exhibit 4, and replace Theodore instantly as a fiduciary with a non conflicted, non adverse fiduciary on its own Motion. Perhaps Mr. O'Connell can serve as a replacement if he will accept such positions,
- iii. that allows any newly determined successor Trustee and Personal Representative to make immediate emergency distributions to Eliot and his family for school and other emergency needs and deduct such amounts from the final distributions made once the Court has determined who the Beneficiaries will be based on review and forensic investigations of the dispositive documents which have already been proven fraught with fraud, forgery and more,
- iv. to enter an order for sanctions and attorney fees as these matters only harm the beneficiaries and offer no benefit to the trust or estates and have all been caused by further breaches of fiduciary duties and more, and,

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- v. if this cannot be resolved before August 08, 2014 by Alan and Theodore and will take the Court additional time and resources to decide, Eliot requests this Court notify St. Andrews school of the conundrum created by Alan and Theodore and that there is enough money to pay for the education of the three minor children once the Court determines these matters herein and assure them payment will be made by whoever and however the money is ultimately distributed to in order to save the children's enrollments for the 2014-2015 year.

Filed on Monday, August 04, 2014,

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

X\_\_\_\_\_

**CERTIFICATE OF SERVICE**

I, ELIOT IVAN BERNSTEIN, HEREBY CERTIFY that a true and correct copy of  
the foregoing has been furnished by email to all parties on the following Service List, Monday,  
August 04, 2014.

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

X\_\_\_\_\_

## SERVICE LIST

<p>RESPONDENT PERSONALLY, PROFESSIONALLY, AS A GUARDIAN AND TRUSTEE FOR MINOR/ADULT CHILDREN, AS AN ALLEGED TRUSTEE AND ALLEGED PERSONAL REPRESENTATIVE</p> <p>Theodore Stuart Bernstein Life Insurance Concepts 950 Peninsula Corporate Circle, Suite 3010 Boca Raton, Florida 33487 <a href="mailto:tbernstein@lifeinsuranceconcepts.com">tbernstein@lifeinsuranceconcepts.com</a></p>	<p>RESPONDENT INDIVIDUALLY, PROFESSIONALLY AND LAW FIRM and COUNSEL TO THEODORE BERNSTEIN IN VARIOUS CAPACITIES</p> <p>Alan B. Rose, Esq. Page, Mrachek, Fitzgerald &amp; Rose, P.A. 505 South Flagler Drive, Suite 600 West Palm Beach, Florida 33401 (561) 355-6991 <a href="mailto:arose@pm-law.com">arose@pm-law.com</a> and <a href="mailto:arose@mrachek-law.com">arose@mrachek-law.com</a> <a href="mailto:mchandler@mrachek-law.com">mchandler@mrachek-law.com</a> <a href="mailto:cklein@mrachek-law.com">cklein@mrachek-law.com</a> <a href="mailto:lmrachek@mrachek-law.com">lmrachek@mrachek-law.com</a> <a href="mailto:rfitzgerald@mrachek-law.com">rfitzgerald@mrachek-law.com</a> <a href="mailto:skonopka@mrachek-law.com">skonopka@mrachek-law.com</a> <a href="mailto:dthomas@mrachek-law.com">dthomas@mrachek-law.com</a> <a href="mailto:gweiss@mrachek-law.com">gweiss@mrachek-law.com</a> <a href="mailto:jbaker@mrachek-law.com">jbaker@mrachek-law.com</a> <a href="mailto:mchandler@mrachek-law.com">mchandler@mrachek-law.com</a> <a href="mailto:lchristian@mrachek-law.com">lchristian@mrachek-law.com</a> <a href="mailto:tclarke@mrachek-law.com">tclarke@mrachek-law.com</a> <a href="mailto:gdavies@mrachek-law.com">gdavies@mrachek-law.com</a> <a href="mailto:pgillman@mrachek-law.com">pgillman@mrachek-law.com</a> <a href="mailto:dkelly@mrachek-law.com">dkelly@mrachek-law.com</a> <a href="mailto:cklein@mrachek-law.com">cklein@mrachek-law.com</a> <a href="mailto:lwilliamson@mrachek-law.com">lwilliamson@mrachek-law.com</a></p>	<p>RESPONDENT INDIVIDUALLY, PROFESSIONALLY AND LAW FIRM and COUNSEL TO THEODORE BERNSTEIN IN VARIOUS CAPACITIES</p> <p>John J. Pankauski, Esq. Pankauski Law Firm PLLC 120 South Olive Avenue 7th Floor West Palm Beach, FL 33401 (561) 514-0900 <a href="mailto:courtfilings@pankauskilawfirm.com">courtfilings@pankauskilawfirm.com</a> <a href="mailto:john@pankauskilawfirm.com">john@pankauskilawfirm.com</a></p>	<p>RESPONDENT INDIVIDUALLY, PROFESSIONALLY AND LAW FIRM AND AS FORMER COUNSEL TO THEODORE BERNSTEIN IN VARIOUS CAPACITIES</p> <p>Robert L. Spallina, Esq., Tescher &amp; Spallina, P.A. Boca Village Corporate Center I 4855 Technology Way Suite 720 Boca Raton, FL 33431 <a href="mailto:rspallina@tescherspallina.com">rspallina@tescherspallina.com</a> <a href="mailto:kmoran@tescherspallina.com">kmoran@tescherspallina.com</a> <a href="mailto:ddustin@tescherspallina.com">ddustin@tescherspallina.com</a></p>
--	---	--	---

<p>RESPONDENT INDIVIDUALLY AND AS GUARDIAN AND TRUSTEE OF HER MINOR CHILD</p> <p>Pamela Beth Simon 950 N. Michigan Avenue Apartment 2603 Chicago, IL 60611 <a href="mailto:psimon@stpcorp.com">psimon@stpcorp.com</a></p>	<p>COUNSEL FOR LIMITED APPEARANCE representing Mr. Tescher in connection with his Petition for Designation and Discharge as Co-Personal Representative of the Estate of Simon L. Bernstein, deceased.</p> <p>Irwin J. Block, Esq. The Law Office of Irwin J. Block PL 700 South Federal Highway Suite 200 Boca Raton, Florida 33432 <a href="mailto:ijb@ijblegal.com">ijb@ijblegal.com</a> <a href="mailto:martin@kolawyers.com">martin@kolawyers.com</a></p>	<p>RESPONDENT INDIVIDUALLY, PROFESSIONALLY AND LAW FIRM and FORMER WITHDRAWN COUNSEL TO THEODORE BERNSTEIN IN VARIOUS CAPACITIES, NO NOTICES OF APPEARANCES</p> <p>Mark R. Manceri, Esq., and Mark R. Manceri, P.A., 2929 East Commercial Boulevard Suite 702 Fort Lauderdale, FL 33308 <a href="mailto:mrmlaw@comcast.net">mrmlaw@comcast.net</a> <a href="mailto:mrmlaw1@gmail.com">mrmlaw1@gmail.com</a></p>	<p>RESPONDENT INDIVIDUALLY, PROFESSIONALLY AND LAW FIRM AND AS FORMER COUNSEL TO THEODORE BERNSTEIN IN VARIOUS CAPACITIES</p> <p>Donald Tescher, Esq., Tescher &amp; Spallina, P.A. Boca Village Corporate Center I 4855 Technology Way Suite 720 Boca Raton, FL 33431 <a href="mailto:dtescher@tescherspallina.com">dtescher@tescherspallina.com</a> <a href="mailto:dtescher@tescherspallina.com">m</a> <a href="mailto:dtescher@tescherspallina.com">m</a> <a href="mailto:ddustin@tescherspallina.com">ddustin@tescherspallina.com</a> <a href="mailto:kmoran@tescherspallina.com">m</a> <a href="mailto:kmoran@tescherspallina.com">m</a></p>
<p>RESPONDENT INDIVIDUALLY AND AS GUARDIAN AND TRUSTEE OF HER MINOR CHILD</p> <p>Jill Iantoni 2101 Magnolia Lane Highland Park, IL 60035 <a href="mailto:jilliantoni@gmail.com">jilliantoni@gmail.com</a></p>	<p>COUNSEL TO CREDITOR WILLIAM STANSBURY</p> <p>Peter Feaman, Esquire Peter M. Feaman, P.A. 3615 Boynton Beach Blvd. Boynton Beach, FL 33436 <a href="mailto:pfeaman@feamanlaw.com">pfeaman@feamanlaw.com</a> <a href="mailto:service@feamanlaw.com">service@feamanlaw.com</a> <a href="mailto:mkoskey@feamanlaw.com">mkoskey@feamanlaw.com</a></p>	<p>COURT APPROVED CURATOR TO REPLACE THE REMOVED FORMER PERSONAL REPRESENTATIVES/CO-TRUSTEES/COUNSEL TO THEMSELVES AS FIDUCIARIES TESCHER AND SPALLINA</p> <p>Benjamin Brown, Esq., Thornton B Henry, Esq., and Peter Matwiczuk Matwiczuk &amp; Brown, LLP 625 No. Flagler Drive Suite 401 West Palm Beach, FL 33401 <a href="mailto:bbrown@matbrolaw.com">bbrown@matbrolaw.com</a> <a href="mailto:attorneys@matbrolaw.com">attorneys@matbrolaw.com</a> <a href="mailto:bhenry@matbrolaw.com">bhenry@matbrolaw.com</a> <a href="mailto:pmatwiczuk@matbrolaw.com">pmatwiczuk@matbrolaw.com</a></p>	<p>COUNSEL FOR JILL IANTONI and LISA FRIEDSTEIN</p> <p>William M. Pearson, Esq. P.O. Box 1076 Miami, FL 33149 <a href="mailto:wpearsonlaw@bellsouth.net">wpearsonlaw@bellsouth.net</a></p>

<p>RESPONDENT INDIVIDUALLY AND AS GUARDIAN AND TRUSTEE OF HER MINOR CHILD</p> <p>Lisa Friedstein 2142 Churchill Lane Highland Park, IL 60035 Lisa@friedsteins.com <a href="mailto:lisa.friedstein@gmail.com">lisa.friedstein@gmail.com</a> <a href="mailto:lisa@friedsteins.com">lisa@friedsteins.com</a></p>	<p>COUNSEL FOR JILL IANTONI and LISA FRIEDSTEIN</p> <p>William H. Glasko, Esq. Golden Cowan, P.A. 1734 South Dixie Highway Palmetto Bay, FL 33157 <a href="mailto:bill@palmettobaylaw.com">bill@palmettobaylaw.com</a> <a href="mailto:eservice@palmettobaylaw.com">eservice@palmettobaylaw.com</a> <a href="mailto:mymealy@gcprobatelaw.com">mymealy@gcprobatelaw.com</a></p>	<p>RESPONDENT – ADULT CHILD</p> <p>Alexandra Bernstein 3000 Washington Blvd, Apt 424 Arlington, VA, 22201 <a href="mailto:alb07c@gmail.com">alb07c@gmail.com</a></p>	<p>RESPONDENT/ARRESTED AND CONVICTED OF FRAUD AND ADMITTED TO FORGERY OF SIX SIGNATURES, INCLUDING POST MORTEM FOR SIMON/HAS HAD NOTARY PUBLIC LICENSE REVOKED BY FLORIDA GOVERNOR RICK SCOTT NOTARY PUBLIC DIVISION. *See notes</p> <p>Kimberly Moran <a href="mailto:kmoran@tescherspallina.com">kmoran@tescherspallina.com</a></p>
<p>RESPONDENT – ADULT CHILD</p> <p>Eric Bernstein 2231 Bloods Grove Circle Delray Beach, FL 33445 <a href="mailto:eberstein@lifeinsuranceconcepts.com">eberstein@lifeinsuranceconcepts.com</a> <a href="mailto:edb07@fsu.edu">edb07@fsu.edu</a> <a href="mailto:edb07fsu@gmail.com">edb07fsu@gmail.com</a></p>	<p>RESPONDENT – INITIALLY MINOR CHILD AND NOW ADULT CHILD</p> <p>Michael Bernstein 2231 Bloods Grove Circle Delray Beach, FL 33445 <a href="mailto:mchl_bernstein@yahoo.com">mchl_bernstein@yahoo.com</a></p>		<p>COUNSEL TO ALEXANDRA, ERIC AND MICHAEL BERNSTEIN AND MOLLY SIMON</p> <p>John P Morrissey, Esq. John P. Morrissey, P.A. 330 Clematis Street Suite 213 West Palm Beach, FL 33401 <a href="mailto:john@jmorrisseylaw.com">john@jmorrisseylaw.com</a></p>
<p>RESPONDENT – ADULT STEPSON TO THEODORE</p> <p>Matt Logan 2231 Bloods Grove Circle Delray Beach, FL 33445 <a href="mailto:matl89@aol.com">matl89@aol.com</a></p>	<p>RESPONDENTS – MINOR CHILDREN OF PETITIONER Joshua, Jacob and Daniel Bernstein, Minors c/o Eliot and Candice Bernstein, Parents and Natural Guardians 2753 NW 34th Street Boca Raton, FL 33434 <a href="mailto:jviewit@jviewit.tv">jviewit@jviewit.tv</a></p>	<p>RESPONDENT – MINOR CHILD</p> <p>Julia Iantoni, a Minor c/o Guy and Jill Iantoni, Her Parents and Natural Guardians 210 I Magnolia Lane Highland Park, IL 60035 <a href="mailto:jilliantoni@gmail.com">jilliantoni@gmail.com</a></p>	
<p>RESPONDENT/REPRIMANDED BY FLORIDA GOVERNOR RICK SCOTT NOTARY PUBLIC DIVISION FOR FAILING TO NOTARIZE AN ALLEGED 2012 WILL AND TRUST OF SIMON AND SIGNING NOTARY UNDER FALSE NAME</p> <p>Lindsay Baxley aka Lindsay Giles <a href="mailto:lindsay@lifeinsuranceconcepts.com">lindsay@lifeinsuranceconcepts.com</a></p>	<p>RESPONDENT MINOR CHILDREN</p> <p>Carley &amp; Max Friedstein, Minors c/o Jeffrey and Lisa Friedstein Parents and Natural Guardians 2142 Churchill Lane Highland Park, IL 6003 Lisa@friedsteins.com lisa.friedstein@gmail.com</p>	<p>RESPONDENT – MINOR CHILD INITIALLY NOW ADULT CHILD</p> <p>Molly Simon 1731 N. Old Pueblo Drive Tucson, AZ 85745 <a href="mailto:molly.simon1203@gmail.com">molly.simon1203@gmail.com</a></p>	

MOTION FOR EMERGENCY INTERIM DISTRIBUTIONS...

Monday, August 4, 2014

EXHIBIT 1 – LETTER FROM ELIOT TO THEODORE REQUESTING INTERIM DISTRIBUTIONS

MOTION FOR EMERGENCY INTERIM DISTRIBUTIONS...  
EXHIBITS

July 25, 2014

Ted S. Bernstein, Trustee  
Simon Bernstein Trust Agreement  
880 Berkeley Street  
Boca Raton, FL 33487

Sent by Certified Mail, Return Receipt Requested, and Electronic Mail

RE: Welfare Distribution from Simon's Trust

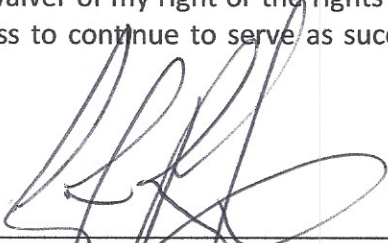
Dear Ted,

My children are in need of a distribution from Dad's revocable trust in the amount of \$43929.70 to bring current a past due account at St. Andrews School from last year and to pay for the 2014-2015 school year an additional \$81,350.00 for a total of \$125,279.70. I need to receive this distribution no later than August 6, 2014 or my children risk disenrollment at the school. (The letter from St. Andrews School to that affect is enclosed).

Under the terms of the Trust, Article II, Section C, the Trustee "shall pay to the beneficiary and the beneficiary's children, such amounts of the net income and principal of such beneficiary's trust as is proper for the Welfare of such individuals." Under Article III, Sections (E)(4) and (E)(5), the definition of a Welfare distribution includes payments for such person's "Needs," which is further defined as payments for a person's "support, health (including lifetime residential or nursing home care), maintenance and education." The trust's distribution directive to the Trustee, at least for Needs such as education funding, is mandatory not discretionary.

Please let me know how funding can be facilitated relatively quickly as the due date is rapidly approaching. Thank you in advance for your anticipated prompt cooperation.

This request for an education distribution from the Trust arises from our urgent need to pay for tuition and shall not be considered, and is not, a waiver of my right or the rights of my children to contest the validity of the Trust or your fitness to continue to serve as successor Trustee.



---

Eliot Bernstein  
2753 NW 34<sup>th</sup> Street  
Boca Raton, FL 33434-3459

(561) 245-8588 (Home)

(561) 886-7628 (Cell)

[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)



## Eliot Ivan Bernstein

---

**From:** Candice Bernstein <tourcandy@gmail.com>  
**Sent:** Tuesday, July 22, 2014 1:01 PM  
**To:** Eliot Bernstein; Eliot Ivan Bernstein  
**Subject:** from Saint Andrews

**From:** Kathy Van Valkenburg [<mailto:kathy.vanvalkenburg@saintandrews.net>]  
**Sent:** Tuesday, July 22, 2014 10:05 AM  
**To:** Candice Bernstein  
**Cc:** Kilian Forgas; Philip Cork  
**Subject:** Re: Joshua, Jacob and Danny Bernstein

Dear Mrs. Bernstein,

I have shared your email with the School Committee responsible for determining continued enrollment for students with financial issues such as yours. The Committee has decided that the outstanding balance from last year has to be paid in full by August 8th so that then re enrollment contracts can issued. When the re enrollment contracts are issued only plan A, B, or C can be chosen and the signed contract with applicable payment per the contract plan will need to be received by the Business Office by August 15th.

Hopefully you will be able to abide by these terms, so that the children will be able to return to Saint Andrew's for the upcoming academic year.

Sincerely,

Kathy Van Valkenburg

On Thu, Jul 10, 2014 at 1:44 PM, Candice Bernstein <[tourcandy@gmail.com](mailto:tourcandy@gmail.com)> wrote:

Hello Kathy,

I apologize for the delay in responding to you pursuant to our last conversation. We have been preparing for two mini-trial upcoming court hearings and have exhausted every moment in preparation. The first hearing is July 11 and will continue on July 16. We are hopeful that after these hearings and motions being heard pertaining to the release of funds for Joshua, Jake and Danny's tuition's, I will be able to provide you with the exact date you will be receiving the funds necessary for the boys to enroll for next year. I can't thank you and the admissions department enough for your patience while our family gets through this difficult time. As I have mentioned on the phone, our family has suffered from criminal wrongdoings on behalf of the executors and trustees that have been administering the probate and estate cases for my husband's parents that has affected the education trust funds set aside for our children. Unfortunately the court process has been slow, however all is going in the right direction thanks from the help of the Palm Beach County Sheriffs financial crimes division that has been handling these matters. There are substantial funds available and already set aside for tuition it is just a matter of the courts processes to finally receive the relief requested. Saint Andrews School is our top priority being brought forward to the judge this week and next and please know there is nothing more important to our family

than to see Joshua graduate this year with his friends and peers and from his beloved school that our family has proudly dedicated the last six years to be a part of and to continue future years to come. Thank you again for your kindness and support and please know how truly appreciative our family is. I will keep you posted.

Warmest regards,

Candice Bernstein

CONFIDENTIALITY NOTICE:

This message and any attachments are covered by the Electronic Communications Privacy Act, 18 U.S.C. SS 2510-2521.

This e-mail message is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message or call [\(561\) 245-8588](tel:5612458588). If you are the intended recipient but do not wish to receive communications through this medium, please so advise the sender immediately.

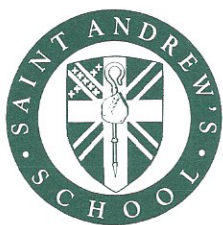
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--

Kathy J. Van Valkenburg  
Business Manager

Saint Andrew's School  
561-210-2032



# SAINT ANDREW'S SCHOOL

3900 JOG ROAD  
BOCA RATON, FLORIDA 33434  
(561) 210-2030

7/7/2014

Page 1

Joshua E. Bernstein

ACCOUNT OF:

Mrs. Candice Bernstein  
2753 NW 34th St  
Boca Raton, FL 33434-3459

11988

twelfth

AMOUNT DUE	\$15620.50
AMOUNT ENCLOSED	

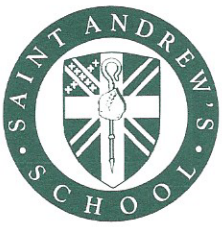
PLEASE DETACH AND RETURN THIS PORTION WITH YOUR REMITTANCE

DATE	TYPE	REFERENCE	CHARGE	CREDIT
		<b>Joshua E. Bernstein</b>		
6/30/2014	Charge	Balance Forward 6/1/2014	\$15619.00	
		Bookstore Charges	\$1.50	
		<b>Subtotal - Joshua E. Bernstein</b>	<b>\$15620.50</b>	
<b>Outstanding Balance Forward &amp; Outstanding 7/1/14 Tuition and Fees are Past Due</b>				

## STATEMENT

	31-60	61-90	over 90	TOTAL
<Current> \$ 1.50	\$ 113.25	\$ 127.50	\$ 15378.25	\$ 15620.50

ALL OUTSTANDING BALANCES ARE DUE UPON RECEIPT. PAYMENTS MUST BE RECEIVED NO LATER THAN 8/4/14. PAST DUE BALANCES AT THAT TIME WILL BE SUBJECT TO LATE CHARGES AT THE RATE OF 1½% MONTHLY.



# SAINT ANDREW'S SCHOOL

3900 JOG ROAD  
BOCA RATON, FLORIDA 33434  
(561) 210-2030

7/7/2014

Page 1

Jacob N. Bernstein

ACCOUNT  
OF:

Mrs. Candice Bernstein  
2753 NW 34th St  
Boca Raton, FL 33434-3459

11987

tenth

AMOUNT DUE

\$15975.25

AMOUNT ENCLOSED

PLEASE DETACH AND RETURN THIS PORTION WITH YOUR REMITTANCE

DATE	TYPE	REFERENCE	CHARGE	CREDIT
		<b>Jacob N. Bernstein</b>		
		Balance Forward 6/1/2014	\$15975.25	
<b>Outstanding Balance Forward &amp; Outstanding 7/1/14 Tuition and Fees are Past Due</b>				

## STATEMENT

<Current>  
\$ 0.00

31-60  
\$ 0.00

61-90  
\$ 0.00

over 90  
\$ 15975.25

TOTAL

\$ 15975.25

ALL OUTSTANDING BALANCES ARE DUE UPON RECEIPT. PAYMENTS MUST BE RECEIVED NO LATER THAN 8/4/14.  
PAST DUE BALANCES AT THAT TIME WILL BE SUBJECT TO LATE CHARGES AT THE RATE OF 1½% MONTHLY.



# SAINT ANDREW'S SCHOOL

3900 JOG ROAD  
BOCA RATON, FLORIDA 33434  
(561) 210-2030

7/7/2014

Page 1

Daniel E. Bernstein

ACCOUNT OF:

Mrs. Candice Bernstein  
2753 NW 34th St  
Boca Raton, FL 33434-3459

11983

sixth

AMOUNT DUE	\$12333.95
AMOUNT ENCLOSED	

PLEASE DETACH AND RETURN THIS PORTION WITH YOUR REMITTANCE

DATE	TYPE	REFERENCE	CHARGE	CREDIT
		<b>Daniel E. Bernstein</b>		
		Balance Forward 6/1/2014	\$12333.95	
<b>Outstanding Balance Forward &amp; Outstanding 7/1/14 Tuition and Fees are Past Due</b>				

STATEMENT

<Current>	31-60	61-90	over 90	TOTAL
\$ 0.00	\$ 0.00	\$ 0.00	\$ 12333.95	\$ 12333.95

ALL OUTSTANDING BALANCES ARE DUE UPON RECEIPT. PAYMENTS MUST BE RECEIVED NO LATER THAN 8/4/14. PAST DUE BALANCES AT THAT TIME WILL BE SUBJECT TO LATE CHARGES AT THE RATE OF 1½% MONTHLY.

LEGACY BANK OF FLORIDA  
2300 GLADES RD SUITE 140W  
BOCA RATON FL 33431

PAGE: 1  
ACCOUNT: 10002657 08/31/2012  
DOCUMENTS: 10

TELEPHONE: 561-347-1970

Simon paying for school  
through BFR

000027

BERNSTEIN FAMILY REALTY LLC  
950 PENINSULA CORP. CRL #3010  
BOCA RATON FL 33487

30  
0  
10

=====

BUSINESS CHECKING ACCOUNT 10002657

=====

MINIMUM BALANCE	76.01	LAST STATEMENT 07/31/12	2,950.29
AVERAGE BALANCE	2,078.25	2 CREDITS	12,000.00
		16 DEBITS	9,002.28
		THIS STATEMENT 08/31/12	5,948.01

----- OTHER CREDITS -----

DESCRIPTION	DATE	AMOUNT
7001872/Incoming Wire Transfer/SIMON BERNSTEIN/OS1 OF 12/08/06	08/06	6,000.00
7171104/Incoming Wire Transfer/SIMON BERNSTEIN/OS1 OF 12/08/30	08/30	6,000.00

----- CHECKS -----

CHECK #..DATE.....AMOUNT	CHECK #..DATE.....AMOUNT	CHECK #..DATE.....AMOUNT
683 08/13 180.00	995320 08/03 135.00	995325 08/28 80.00
684*08/17 180.00	995321 08/01 79.75	995326 08/30 128.00
686*08/22 275.00	995322 08/02 33.00	
688*08/29 175.50	995323*08/09 128.00	

(\* ) INDICATES A GAP IN CHECK NUMBER SEQUENCE

----- OTHER DEBITS -----

DESCRIPTION	DATE	AMOUNT
FP&L ONLINE PMT CKF759467605POS	08/01	460.62
Saint Andrew's FACTS 000000006074254	08/06	5,552.10
COMCAST ONLINE PMT CKF759467605POS	08/23	287.89
FP&L ONLINE PMT CKF759467605POS	08/23	460.62
CLAUDE MAXIME ONLINE PMT CKF759467605POS	08/27	380.00
CHECK # 685 - BOCA RATON TIRE PURCHASE 685 BOCAFL	08/16	466.80

\*\*\* CONTINUED \*\*\*



you.

**From:** Rachel Walker [mailto:rachel3584@gmail.com]  
**Sent:** Wednesday, October 10, 2012 7:19 AM  
**To:** Robert Spallina  
**Subject:** Fwd: FACTS Payment Plan Confirmation (6300528)

Sent from my iPhone

Begin forwarded message:

**From:** FACTS Management Company <noreply2@factsmgt.com>  
**Date:** May 22, 2012, 2:07:33 PM EDT  
**To:** <rachel3584@gmail.com>  
**Subject:** FACTS Payment Plan Confirmation (6300528)

**FACTS Management Company**  
**Confirmation Notification**

Agreement #: 101

Mr. Simon Bernstein:

05/2



Thank you for using FACTS Management Company to make your payment for Saint Andrew's School. The person responsible for payment on this agreement is Mr. Simon Bernstein.

The following Additional Authorized Parties have been added to the agreement:  
Rachel Walker

The total balance due to Saint Andrew's School is \$55,521.00. Details about your balance are located at the end of this notice.

Your schedule of payments is listed below. Payments will be processed automatically from your checking account with Legacy Bank until the balance is paid in full.

Date	Description	Amount
06/05/2012	Payment	\$5,552.10
07/05/2012	Payment	\$5,552.10
08/06/2012	Payment	\$5,552.10
09/05/2012	Payment	\$5,552.10
10/05/2012	Payment	\$5,552.10
11/05/2012	Payment	\$5,552.10
12/05/2012	Payment	\$5,552.10
01/07/2013	Payment	\$5,552.10
02/05/2013	Payment	\$5,552.10
03/05/2013	Payment	\$5,552.10

**Fee Information:**

A \$30.00 FACTS returned payment fee will be assessed for each returned payment.

**Customer Service and Online Access:**

This confirmation notification is based on the terms of your original agreement. To manage your agreement information or make payments online, go to <https://online.factsmgt.com>. If clicking the link does not work in your email program you can copy the entire link and paste it into the address box of your browser.

Please contact customer service representatives at (866) 441-4637 with any questions. If you have questions regarding the terms of your payment plan, please contact Saint Andrew's-June Shumate/Cherry Fiske at 561-210-2038.

Sincerely,

FACTS Management Company

10/23/2012



EXHIBIT 2 - ALAN ROSE LETTER TO ELIOT REQUESTING A MEETING UNDER 90.408

MOTION FOR EMERGENCY INTERIM DISTRIBUTIONS...  
EXHIBITS

## Eliot Ivan Bernstein

---

**From:** Alan Rose <ARose@mrachek-law.com>  
**Sent:** Thursday, July 31, 2014 6:56 AM  
**To:** Eliot Ivan Bernstein  
**Subject:** Re: SERVICE OF COURT DOCUMENT - CASE NUMBER 502014CP002815XXXXSB - Eliot and Candice Bernstein v. Oppenheimer & Co., Inc. et al.

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Do you have time today for a brief discussion about your request for payment to kids school

Before that, do you have an attorney at this time. If so, please provide me the name and I will deal solely with counsel

If not, there would only be 2 conditions for a call, which iwould be a confidential settlement discussion. 1. No recording of the call; and 2. The call will be subject to rule 90.408 making it a confidential settlement discussion which cannot be used for any purpose at any time, nor admitted in evidence at any hearing.

Alternatively, if those conditions are not acceptable, when can we schedule your deposition as part of reviewing this request.

Alan B. Rose

> On Jul 31, 2014, at 6:16, "Eliot Ivan Bernstein" <iviewit@gmail.com> wrote:

>

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>

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EXHIBIT 3 – ELIOT MEETING SUMMATION TO ALAN

MOTION FOR EMERGENCY INTERIM DISTRIBUTIONS...  
EXHIBITS

## Eliot Ivan Bernstein

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**From:** Eliot Ivan Bernstein <iviewit@gmail.com>  
**Sent:** Friday, August 1, 2014 9:13 AM  
**To:** 'Alan Rose'  
**Cc:** Caroline Prochotska Rogers Esq. (caroline@cprogers.com); Michele M. Mulrooney ~ Partner @ Venable LLP (mmulrooney@Venable.com); Andrew R. Dietz @ Rock It Cargo USA; Marc R. Garber Esq. @ Flaster Greenberg P.C. (marcgarber@verizon.net); Marc R. Garber Esq. (marcrgarber@gmail.com); Marc R. Garber Esq. @ Flaster Greenberg P.C. (marc.garber@flastergreenberg.com); 'tourcandy@gmail.com' (tourcandy@gmail.com); 'Eliot Bernstein (iviewit@iviewit.tv)'; Brian M. O'Connell PA ~ Partner @ Ciklin Lubitz Martens & O'Connell (boconnell@ciklinlubitz.com); John@Pankauskilawfirm.com; John J. Pankauski (courtfilings@pankauskilawfirm.com)  
**Subject:** RE: SERVICE OF COURT DOCUMENT - CASE NUMBER 502014CP002815XXXXSB - Eliot and Candice Bernstein v. Oppenheimer & Co., Inc. et al.  
**Attachments:** 20140725 Letter to Ted (Simon Trst) for education funds.pdf

Alan, to recap our meeting regarding distributions for my children's education, which had nothing to do with a settlement offer as you tried to claim, I remain unclear as to what your client is planning on doing while acting as the ALLEGED trustee in my parents trusts regarding paying the education expenses as provided for in the trusts of my parents. We began the discussion and you claimed that distributions to be used for their education could be made as long as I was willing to open trust accounts for my children to make distributions to. You then stated that you believed trusts were already created, post mortem, by the former attorneys and fiduciaries in my parents estates and trusts Tescher and Spallina, who were involved in the administration of the estates and trusts prior to their removal and all I had to do was open bank accounts to receive the distributions to my children. These trusts you claimed were created prior to the former counsel and fiduciaries being removed for a series of frauds they were centrally involved in involving changing ILLEGALLY the beneficiaries. These new post mortem trusts were created to distribute funds in my mother's estate to IMPROPER beneficiaries through a series of fraudulent activities to convert the funds illegally by attempting to change the beneficiaries from me and my two sisters, Lisa and Jill, to the 10 grandchildren. As you astutely noted, due to the fraudulent activities, the beneficiaries at this time cannot be determined with certainty without further litigation and investigation into the fraudulent and forged documents and thus there are now three beneficiary scenarios at minimum that we know of; (i) Eliot, Lisa and Jill equally (ii) the 10 grandchildren and (iii) 6 grandchildren, the children of Eliot, Lisa and Jill only, as Ted and Pam and their lineal descendants were wholly disinherited. We also know that knowing this information, Ted, acting as alleged Trustee for Shirley's trust made distributions to his three children and to others of several hundred thousand dollars already, despite his being fully aware that the beneficiaries were wrong due to the actions of his former counsel, Spallina and Tescher, who committed the frauds to change them while representing both Ted and the estates and trusts, acts which all benefited primarily their client, business partner and friend, Ted and his family and to also enrich themselves and others, including you and your firm. As you know, in Court on September 13, 2013, I notified the court that I would not take distributions to improper parties and participate in what we now know was fraud and would wait for the court's ruling on whom the ultimate beneficiaries are before taking distributions to improper parties.

That further, you are aware that I am alleging EXTORTION against my brother, his former counsel and you for the attempts to force me to take distributions that are knowingly fraudulent and give an implied consent of sorts to the crimes or else be deprived of my family's inheritance, which has now occurred for almost two years. I stated that I was not willing to take distributions to either my children or myself until we know what the court has decided regarding the beneficiaries and until all of the criminal investigations and civil actions against your client Ted and his former counsel are wholly completed but that you could however make interim Emergency distributions for my children's education and we could later, after the Court's decision on the beneficiary issues are resolved, deduct that amount from either my children or myself at that time depending on who the proper beneficiaries are determined to be. Distributions were

already done like this for my family for a short time according to my brother Ted by he and his former counsel but then were stopped as more pressure was put on them by investigators regarding their criminal activities and in efforts to shut me down by stopping funds for life critical items to my family, including my three minor children. Yesterday, when I again refused to participate in the fraudulent distributions to improper parties you proposed once again, you did an about face and changed your tune.

You then claimed that if I took that stand, your client could then make an argument that he was not going to make these education distributions for my children as required in the trusts he operates under, as there are not as you allege under other circumstances, enough monies to make the distributions for their school, in your client's opinion. Again, this felt wholly like I was again being extorted to either partake in fraudulent transfers, where the distributions would be made if I took distributions to knowingly improper parties and if I did not take them that way, instead requesting interim distributions to be deducted from the ultimate beneficiaries, you would then argue that you could not make the distributions because of lack of funds, of course this claim was made despite that there have been no accountings tendered by the trustees since my parents deaths, in violation of Probate Rules and Statutes to support your contentions. As we all know there are more than enough funds coming to either my children or me to make those distributions and deduct them later and the question remains, how can there be enough money in one scenario and not in the other? Keep in mind that ILLEGAL distributions were already made in far greater sums to improper parties than the school funds my family is seeking to keep them in school, a school my parents paid for entirely, set aside funds for (that were further misused by past counsel and fiduciaries) and even arranged for the children to buy a house that abuts to the school in anticipation that they would all graduate from the school they picked and funded for them throughout their lives.

Marc Garber, Esq. was also on the call and he informed you that he knew my father for many years, knew his lifestyle well, knew that he made millions of dollars annually for many years and had accumulated a vast fortune prior to his death and that one of the key issues in the estates and trusts is where all the missing assets are, i.e. furniture, jewelry, investment accounts, corporate interests, etc. I then reminded you that you and your client have been reported to criminal authorities already for some of these missing items and civil actions are underway in Federal and State courts that also allege a mass of ongoing and new criminal acts and civil torts against the true and proper beneficiaries by Ted and his minion of attorneys, most who have already resigned and been removed from their roles as fiduciaries and attorneys due to the fraudulent activities that have already been proven, admitted and those alleged and pending. Yet, Ted and yourself, who were key players in these fraudulent activities and tried to make everyone take improper distributions still remain acting in these capacities in a desperate attempt to continue the frauds and attempt to cover up the crimes of former counsel, Spallina, Tescher and Manceri and those of Ted and yourself.

Yesterday's call that you attempted to disguise as a settlement conference where no mention of any settlement was ever made of anything, as we only discussed the distributions requested of the alleged fiduciary Ted for education funds, appeared to be just another attempt to extort me to take improper distributions and this time conceal it under a settlement conference in hopes that it could not be used in court at a future time against you. I will argue to the court that this was further abuse of process and as alleged in my recent counter complaint filed that has both you and your firm as defendants, the claim that this was a settlement conference was just another cleverly disguised attempt to extort my family to participate in crimes that you and your client are central figures in and hide that information from the court under the statutes regarding settlement conferences. As I note from the email Subject line above that you replied to, you have received the counter complaint I filed and are therefore cognizant that you are a defendant in those matters and service is forthcoming, hopefully, you have notified your liability carrier of this lawsuit, as well as, the fact that you and your firm are respondents in the Estate cases pending with Judge Colin regarding Simon and Shirley's estates. I will also again notify the Court that despite these obvious conflicts of interest, adverse interests (especially in regard to me who is trying to have you arrested and jailed and stripped of your assets) and direct involvement in the criminal matters, you still choose to continue to try and represent parties and that you and Ted continue to make extortive attempts as fiduciaries to make me participate in fraud in order to get distributions required under the trusts your client operates under for education for my children, despite the numerous conflicts and adverse interests both of you have and have been made aware of already in numerous filings before the court filed by me and other parties.

If the education distributions requested are not made, I will be adding this to the damages already caused by these schemes and frauds of you and your client and others for ruining my children's school and educational futures in efforts to have me participate in your criminal activities and give you an implied consent. As I mentioned in the conversation yesterday, **I do not negotiate with terrorists**, especially ones who attempt to use my children as hostages and will not do so even at the sake of watching my children starve or get removed from the school they have been attending for years. In fact, if your client feels that the funds requested should not be used for school, which is not in his discretion or power to determine, why is it that my requests for life sustaining monies for them is also inappropriate and he has failed to make those payments that have caused even more damages over the last two years to our family. As you know these monies are ours, not your clients or yours, although I am not sure if your client or you understand that and thus you have no real say in how or what we use them for as you claim to have. Nobody has questioned what your client and his family used their ILLEGALLY GAINED DISTRIBUTIONS for at this time, however, that then brings us to the question of if your client and the others who took those ILLEGALLY GAINED distributions knowing that the beneficiaries were improper when they took them, as they knew at the time that they were made through knowingly fraudulent and forged documents and more, have since returned those ILLEGALLY CONVERTED monies back to the trusts they were stolen from? Certainly Ted, acting as the alleged fiduciary is fully cognizant that the beneficiaries are not known at this time due to the fraud and those distributions were ILLEGAL, as you even explained in the call yesterday to me and Marc that no one knows who the beneficiaries are due to the fraud that Ted and his former counsel and administrators of the estates and trusts committed to change them illegally, including using forged and fraudulent documents done in Ted's name and even using post mortem forged and fraudulent documents done in his father's name, all to benefit Ted and his family to the disadvantage of me and my three minor children and lovely wife Candice, creditors and other interested parties.

I have requested that due to your direct involvement in perpetrating this fraudulent beneficiary scheme, which you amazingly in desperation did again yesterday in hopes that I would accept your terms and take improper and ILLEGAL distributions to improper parties before the court determines who the beneficiaries are so that my children will not be removed from their school as a result of all this fraud in a few days, that both you and Ted immediately voluntarily resign and withdraw from these matters in any legal or fiduciary roles you claim to have, so that the estates and trusts, the creditors and certain beneficiaries will not have to continue to waste monies removing you via the courts. Despite your knowledge of these valid reasons to withdraw as counsel and fiduciaries it appears you both refuse to disqualify yourselves and continue to operate in violation of, attorney conduct codes, fiduciary duties and state and federal laws, in efforts to continue to the loot the estates and abuse beneficiaries and this all will be further reported. Your client Ted and your representation is not benefiting the beneficiaries, estates and trusts in any way, in fact it is causing great harm and running up abusive legal fees to only protect Ted and his fraudulent activities. Please send over all of your and John Pankauski's legal bills to date for the estates and trusts as these have been secreted to this point from the beneficiaries.

Finally, I did not get an answer yesterday to the simple question that the meeting was held to answer, which is if your client Ted, acting as alleged Trustee, is going to make the distributions as interim distributions until the beneficiaries can be legally resolved and pay the school directly by the due date as outlined in the prior email attached herein as an Adobe pdf file or if we will have to further pursue him for his continued breaches and criminal activity in this regard. Since the delays have been caused by Ted and his counsel directly and he has already benefited from these crimes personally it seems bizarre that he would claim we are not entitled to funds requested that are far less than what has been stolen and that we are entitled to. Please reply promptly to this simple question as the school deadline rapidly approaches and it is already two years that you, your client and others have interfered with my family's inheritance through these egregious acts of bad faith done with unclean hands and through a series of fraudulent activity and more. If you refuse, we can take these matters up with Judge Colin in an Emergency hearing that I will request in efforts to keep the kids in the school, which were the express wishes of my parents, who by the way paid for all three of Ted's children to go to private school of equal status and cost to my children's school and paid for their entire colleges in full as well. Further, and tragically, my parents took Ted and his three children into their home for several years and cared for them entirely while my brother Ted recovered from his bankruptcy, tragic divorce (where his ex-wife died from an overdose and was alleged eaten by her dogs as she lay rotting in their home for weeks) and his drug addictions. After helping Ted recover to some degree, my parent's then helped him buy a home, pay his excessive tax liens, my father



went and started businesses for his benefit worth millions of dollars and all of this part of the reason he was WHOLLY EXCLUDED FROM ANY INHERITANCE IN ANY OF THE BENEFICIARY SCENARIOS and so to act and claim that my parents were basically broke and my father would have wanted his grandchildren to be thrown out of school upon his death and even threatened by you and Ted with eviction from their home, through another fraudulent scheme you are attempting with their home, is ludicrous. What all this shows is that your client Ted is not fit to be a fiduciary in any capacity and is using these alleged roles to loot our family of our inheritance to his own personal benefit and to the benefit of his counsel, all who continue to commit tort after tort and criminal act upon criminal act to harm beneficiaries and with no regard for the desires and wishes of my parents.

If I do not get a response to this email by 8/2/2014 at 12pm EST I will call for an Emergency Hearing before Judge Colin to address the matters and further report this latest attempt at extorting me to the court and the proper authorities. Finally, as I am suing you and your firm and acting as Pro Se counsel, would you please inform me of who your liability carriers are, I am sure they will be interested in the claims of legal malpractice, criminal activity and more alleged against you in all of these matters, as well as, the fact that you are a Respondent in the Estate matters and a defendant in the counter complaint filed on 7/30/2014. I am surprised your carrier is allowing you to continue to act in any capacity without counsel. As I said yesterday, you should be ashamed of yourself for this attack on minor children, as well as the crimes against my family you are alleged involved directly in and for using three minor children as hostages in your continued extortion scheme and there will be hell to pay for this.

Eliot

---

-----Original Message-----

From: Alan Rose [mailto:ARose@mrachek-law.com]

Sent: Thursday, July 31, 2014 2:34 PM

To: Eliot Ivan Bernstein

Subject: RE: SERVICE OF COURT DOCUMENT - CASE NUMBER 502014CP002815XXXXSB - Eliot and Candice Bernstein v. Oppenheimer & Co., Inc. et al.

I called this number: 561-245-8588

Is there a different number.

Alan B. Rose, Esq.  
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-----Original Message-----

From: Eliot Ivan Bernstein [mailto:[iviewit@gmail.com](mailto:iviewit@gmail.com)]

Sent: Thursday, July 31, 2014 1:21 PM

To: Alan Rose

Subject: RE: SERVICE OF COURT DOCUMENT - CASE NUMBER 502014CP002815XXXXSB - Eliot and Candice Bernstein v. Oppenheimer & Co., Inc. et al.

Call me I can hook him up

-----Original Message-----

From: Alan Rose [mailto:[ARose@mrachek-law.com](mailto:ARose@mrachek-law.com)]

Sent: Thursday, July 31, 2014 1:19 PM

To: Eliot Bernstein

Subject: RE: SERVICE OF COURT DOCUMENT - CASE NUMBER 502014CP002815XXXXSB - Eliot and Candice Bernstein v. Oppenheimer & Co., Inc. et al.

230 is fine

Do I Mr. Garber or you, or both

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-----Original Message-----

From: Eliot Bernstein [mailto:[iviewit@gmail.com](mailto:iviewit@gmail.com)]

Sent: Thursday, July 31, 2014 11:58 AM

To: Alan Rose

Cc: Garber Marc R. Esq.; Garber Marc R. Esq.

Subject: Re: SERVICE OF COURT DOCUMENT - CASE NUMBER 502014CP002815XXXXSB - Eliot and Candice Bernstein v. Oppenheimer & Co., Inc. et al.

How is 2:30 / marc r garber

Eliot I. Bernstein

Inventor

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<http://iviewit.tv/inventor/index.htm>

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> On Jul 31, 2014, at 11:14 AM, "Alan Rose" <ARose@mrachek-law.com> wrote:

>

> What is his name?

>

> I can do anytime this afternoon after 2 pm

>

> Alan B. Rose, Esq.

> arose@Mrachek-Law.com

> 561.355.6991

>

>

> 505 South Flagler Drive

> Suite 600

> West Palm Beach, Florida 33401

> 561.655.2250 Phone

> 561.655.5537 Fax

>

>

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>

>

> -----Original Message-----

> From: Eliot Ivan Bernstein [mailto:iviewit@gmail.com]

> Sent: Thursday, July 31, 2014 9:50 AM

> To: Alan Rose

> 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.; Marc R. Garber Esq. @

> Flaster Greenberg P.C.; tourcandy@gmail.com; 'Eliot Bernstein';

> Undisclosed List

> Subject: RE: SERVICE OF COURT DOCUMENT - CASE NUMBER 502014CP002815XXXXSB - Eliot and Candice Bernstein v. Oppenheimer & Co., Inc. et al.

>

> Sure we can talk, what is a good time? I do not have an attorney at

> this time but I do have a friend who is an attorney but is not  
> retained as my attorney in these matters who will also be on the call.  
> Eliot  
>  
> -----Original Message-----  
> From: Alan Rose [mailto:ARose@mrachek-law.com]  
> Sent: Thursday, July 31, 2014 6:56 AM  
> To: Eliot Ivan Bernstein  
> Subject: Re: SERVICE OF COURT DOCUMENT - CASE NUMBER 502014CP002815XXXXSB - Eliot and Candice Bernstein v. Oppenheimer & Co., Inc. et al.  
>  
> Do you have time today for a brief discussion about your request for  
> payment to kids school  
>  
> Before that, do you have an attorney at this time. If so, please  
> provide me the name and I will deal solely with counsel  
>  
>  
> If not, there would only be 2 conditions for a call, which iwould be a  
> confidential settlement discussion. 1. No recording of the call; and 2.  
> The call will be subject to rule 90.408 making it a confidential settlement discussion which cannot be used for any  
purpose at any time, nor admitted in evidence at any hearing.  
>  
> Alternatively, if those conditions are not acceptable, when can we schedule your deposition as part of reviewing this  
request.  
>  
>  
>  
> Alan B. Rose  
>  
>>> On Jul 31, 2014, at 6:16, "Eliot Ivan Bernstein" <iviewit@gmail.com>  
>> wrote:  
>>  
>> Notice of Service of Court Documents  
>>  
>> E-service recipients selected for service:  
>>  
>>  
>> Name  
>>  
>> Email Address  
>>  
>>  
>> Eliot Ivan Bernstein  
>>  
>> iviewit@iviewit.tv  
>>  
>>  
>> iviewit@gmail.com  
>>  
>>  
>> tourcandy@gmail.com

EXHIBIT 4 – ALAN LETTER REGARDING FILING A MOTION RE INTERIM DISTRIBUTIONS

MOTION FOR EMERGENCY INTERIM DISTRIBUTIONS...  
EXHIBITS

## Eliot Ivan Bernstein

---

**From:** Alan Rose <ARose@mrachek-law.com>  
**Sent:** Friday, August 1, 2014 2:12 PM  
**To:** John P. Morrissey; William H. Glasko, Esq.; Pam Simon; lisa.friedstein@gmail.com; Jill lantoni; Eliot Ivan Bernstein; Eliot Ivan Bernstein  
**Cc:** tbernstein@lifeinsuranceconcepts.com; David Simon; Marc R. Garber Esq. @ Flaster Greenberg P.C.  
**Subject:** FW: URGENT Welfare Payment from Shirley Trust Necessary for Minor Children  
**Attachments:** 20140725 Letter to Ted (Shirley Trst) for education funds.pdf

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To all:

Eliot has requested a payment for his children's educational needs. In light of the pending claim by Bill Stansbury, there is no ability to distribute money from Simon's Trust. That is why I have not copied Mr. O'Connell, the new PR, because there is no need for him to incur legal fees being involved in this issue.

Eliot also has requested a payment from the Shirley Trust for the private school tuition.

Eliot is not a beneficiary of the Trust, but each of his three children would be beneficiaries under the Power of Appointment by Simon, and the Trustee was prepared to make an interim \$80,000 distribution to each kid's trust.

Eliot rejected that distribution, and it appears that Eliot is challenging the Power of Appointment in its entirety, and also is challenging the scope of the Power of Appointment if it is allowed and recognized as valid, specifically whether there are six or ten grandchildren who benefit from the exercise of the Power of Appointment.

In light of Eliot's request, I attempted to discuss matters with him, but to no avail.

Previously, we have discussed these issues with each of you.

Given the disagreement and various claim/assertions made, Ted as Successor Trustee of Shirley's Trust will be filing, hopefully on Monday, an appropriate action for construction of Shirley's Trust.

I have enclosed Eliot's request for an "URGENT Welfare Payment" for his children's schooling. As noted above, previously Eliot rejected an interim distribution to each of his children's trusts, so there is funding available to make these payments. Eliot would need to sign a receipt and refunding agreement identical to what everyone else signed.

By this email, I am requesting the position of each of you as to Eliot's request, and specifically, whether you object to it and whether you will appear in court opposing it if and when the matter is set for hearing.

As Trustee, Ted has no objection to making a payment from the Trust funds to St. Andrews School for each of Eliot's three kids, so long as (i) the Court enters an order directing and authorizing such payment, with the approval of a guardian ad litem if the Court decides to appoint one, and also holding the Trustee harmless for complying with such order and requiring repayment if needed; (ii) the payment for each child will reduce the amount to be distributed to that child's trust and with Eliot agreeing that if it is ultimately decided that the payments were to go to him and not his children's trusts (which we believe is not the case), then these same payments would count against Eliot's distribution; and (iii) each of you has the opportunity to be heard by responding to the email or by appearing in court.

Our concern in this regard is that, given the limited resources of the Shirley Trust, someone later questioning whether Eliot and his wife should have been using the children's limited inheritance to pay for a private high school education rather than reserving the trust's funds for other uses. That is **not** our issue and we express **no** view on it, other than to recognize that it is a potential issue. Assuming the Court approves the interim distribution as described above, Ted as Trustee has no objection and will comply with the Court's Order.

Please advise as to everyone's position and availability for a hearing on this issue.

Thanks.

Alan B. Rose, Esq.

[arose@Mrachek-Law.com](mailto:arose@Mrachek-Law.com)

561.355.6991



505 South Flagler Drive  
Suite 600

West Palm Beach, Florida 33401  
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---

**From:** Eliot Ivan Bernstein [mailto:[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)]

**Sent:** Friday, August 01, 2014 10:16 AM

**To:** Ted Bernstein; Alan Rose; John@Pankauskilawfirm.com; John J. Pankauski; John J. Pankauski

**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.; Marc R. Garber Esq. @ Flaster Greenberg P.C.; tourcandy@gmail.com; 'Eliot Bernstein'

**Subject:** RE: URGENT Welfare Payment from Shirley Trust Necessary for Minor Children

Alan, please have your client Ted, acting as alleged trustee in my mother and father's trusts, respond to the attached pdf letter and email below as requested. We do not have to have any meetings to discuss this further, he can reply to the letter with a simple yes or no. If yes, Ted can make the interim distributions directly from the trust to the school and deduct such from the beneficiaries when they are decided by the Court, after full



investigation of the frauds and forgeries and more that you and your client Ted are allegedly involved in as central benefactors of the criminal acts. You can take your other issues up with the court as you see fit but this matter is wholly unrelated to any alleged settlement and comprise on any claims against you or Ted. Eliot

---

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

**Sent:** Friday, July 25, 2014 11:03 AM

**To:** Ted Bernstein; Alan B. Rose Esq. ([arose@pm-law.com](mailto:arose@pm-law.com)); [John@Pankauskilawfirm.com](mailto:John@Pankauskilawfirm.com); John J. Pankauski ([courtfilings@pankauskilawfirm.com](mailto:courtfilings@pankauskilawfirm.com)); John J. Pankauski ([Michelle@Pankauskilawfirm.com](mailto:Michelle@Pankauskilawfirm.com))

**Cc:** Caroline Prochotska Rogers Esq. ([caroline@cprogers.com](mailto:caroline@cprogers.com)); Michele M. Mulrooney ~ Partner @ Venable LLP ([mmulrooney@Venable.com](mailto:mmulrooney@Venable.com)); Andrew R. Dietz @ Rock It Cargo USA; Marc R. Garber Esq. @ Flaster Greenberg P.C. ([marcgarber@verizon.net](mailto:marcgarber@verizon.net)); Marc R. Garber Esq. ([marcrgarber@gmail.com](mailto:marcrgarber@gmail.com)); Marc R. Garber Esq. @ Flaster Greenberg P.C. ([marc.garber@flastergreenberg.com](mailto:marc.garber@flastergreenberg.com)); 'tourcandy@gmail.com' ([tourcandy@gmail.com](mailto:tourcandy@gmail.com)); 'Eliot Bernstein ([iviewit@iviewit.tv](mailto:iviewit@iviewit.tv))'

**Subject:** URGENT Welfare Payment from Shirley Trust Necessary for Minor Children

Ted et al., please see the attached Adobe PDF file letter regarding URGENT Welfare Payment from Shirley Trust necessary for Minor Children Education. Eliot

Eliot I. Bernstein

Inventor

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Boca Raton, Florida 33434-3459

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(561) 886.7628 (c)

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[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)

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