

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

FILE NO.: 502012CP004391XXXXSB

IN RE: ESTATE OF

SIMON L. BERNSTEIN,

Deceased.

**FIFTH 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 July 1, 2014 through July 31, 2014 as set forth in the itemized summary of services and expenses attached as Exhibit A, for which the Curator has not been paid. The fees owed are \$7,012.50. The costs owed are \$753.03 for a total due in the amount of \$7,765.53.

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 of Estate IRA liquidation proceedings, and procedure;

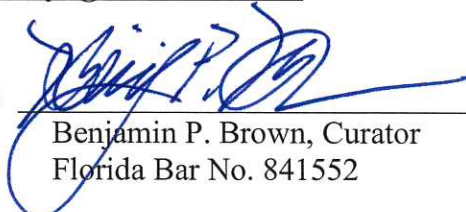
- c. Drafting motions, attending court hearings and motion practice before this Court;
- d. Communicating with counsel and interested persons regarding pending litigation in Florida (Case No. 502012CA013933 (Circuit Court, Palm Beach County, FL) and Illinois (Case No. 13CV3643 (U.S. Dist. Ct. Northern District Illinois) involving the Estate and its purported assets;
- e. Preparing an Accounting of the Curator in connection with Curator's eventual discharge and the appointment of a personal representative for the Estate;
- f. Communicating with and providing information to Brian M. O'Connell, who was appointed Personal Representative by this Court on July 24, 2014, and other 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 11 day of August, 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

August 8, 2014

File #: 14-00440

Inv #: 3014

**Attention:**

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

**SUMMARY BY TASK**

<b>Task</b>	<b>Effective Rate</b>	<b>Hours</b>	<b>Amount</b>
BW Billable Work	\$240.98	29.10	7,012.50
<b>Total</b>		<b>29.10</b>	<b>\$7,012.50</b>
<b>Grand Total</b>		<b>29.10</b>	<b>\$7,012.50</b>

**SUMMARY BY TIMEKEEPER**

**This Invoice**

<b>Timekeeper</b>	<b>Category</b>	<b>Rate</b>	<b>Hours</b>	<b>Amount</b>
Benjamin P. Brown	Partner	350.00	14.70	5,145.00
Peter Matwiczuk	Partner	350.00	0.30	105.00
Angela Dean	Paralegal	125.00	7.00	875.00
Linda McDaniel	Paralegal	125.00	7.10	887.50
<b>Total</b>			<b>29.10</b>	<b>\$7,012.50</b>

**DISBURSEMENT SUMMARY**

Cert	Certified Mail Charges	34.50
cr	Courier	25.00
ctrp	court reporter	669.73
ph	Photocopies	23.80
	<b>Total Disbursements</b>	<b>\$753.03</b>





<b>Date</b>	<b>Description</b>	<b>Hours</b>	<b>Amount</b>	<b>Lawyer</b>
Jul-01-14	Attend hearing; receipt and review of proposed order setting matters for hearing 7/11 and 7/16; related emails	1.50	525.00	BB
Jul-02-14	Receipt and review of emails regarding order from 7/1, information regarding Tescher email, email regarding Feaman advising 2/19/14 transcript; respond to same	0.20	70.00	BB
Jul-07-14	Work on Accounting	1.50	187.50	AD
Jul-07-14	Draft petition for discharge; review rules and statutes regarding same; draft letter to A. Rose regarding 6/18 request for information; follow up regarding letter to A. Rose from 6/26 regarding tangible personal property (accessibility); revise motion for instructions regarding jewelry in connection with upcoming hearings; review A. Dean email regarding discussion with A. Rose regarding tangible personal property status, attendance at Tescher deposition and 7/11 hearing; draft letter in connection with Tescher deposition	1.10	385.00	BB
	Call with Alan Rose regarding TPP located at 7020 Lions Head Lane, depositions, and this Friday's hearing; emails with Ben Brown regarding same	0.30	37.50	AD
	Receipt and review B. Brown instruction e-mail; prepare letter to Rose; revision to Motion for Instructions regarding jewelry; confer with B. Brown regarding question on same; e-mail with A. Dean regarding statements; prepare motion for instructions for filing and service	0.50	62.50	LM
Jul-08-14	Revisions to Accounting; discussion with Ben Brown regarding disbursements on accounting; email to Stephen Porter at JP Morgan to request June statements; email to Lisette Cardoza at Sabadell to request June estate account statement; receive and review same	0.60	75.00	AD
	Receipt and review B. Brown instruction e-mail; prepare letter to parties regarding not attending Tescher	0.20	25.00	LM

Date	Description	Page	Amount	Code
Jul-09-14	deposition; e-mail to B. Brown regarding court reporter for 7/11 hearing Emails with staff regarding court reporter for 7/11 hearing; receipt and review of D. Tescher 3/14 affidavit from A. Rose in connection with D. Tescher deposition; confer with L. McDaniel regarding JP Morgan accounts, statements; draft motion regarding JP Morgan; telephone call with J. Hawkins at JP Morgan regarding motion on JP Morgan accounts; email to J. Hawkins regarding IRA account statements; review 5007 statement; telephone call with CBIZ regarding tax effect of liquidating IRA	1.20	420.00	BB
	Emails with Stephen Porter at JP Morgan regarding June Statements for IRA and checking account; receive and review same; revisions to Accounting regarding same;	0.80	100.00	AD
	Telephone calls with Hawkins at JPMorgan; receipt and review B. Brown instruction e-mail regarding letter to Hawkins; prepare and fax same; receipt and review JPMorgan account 5007 historical statements	0.30	37.50	LM
Jul-10-14	Review emails regarding Tescher deposition transcript in connection with 7/11 hearing; emails to L. McDaniel regarding ascertaining what ordered and cost; receipt and review of Stansbury notice of filing 2/18-19/2014 transcripts; receipt and review of transcripts in connection with same; confer with A. Dean regarding status of accounting and footnotes needed; receipt and review of voice mail regarding 7/9 transcript; confer with L. McDaniel regarding same; review and revise draft accounting; draft footnotes to reflect status of various items; review emails regarding 7/11 hearing; review materials for hearing to determine any curator issues	1.40	490.00	BB
	Receive and review account statement for new IRA account (8004); discussions with Ben Brown regarding transfers from the 5007 account to the 8004 account; confer with Ben Brown	1.00	125.00	AD

regarding jewelry and Eliot's objections to transferring assets to new IRA account; work on Accounting; confer with Ben Brown regarding JP Morgan accounts; further revisions to Accounting

Prepare hearing folder; e-mail to B. Brown regarding same; review response; telephone call to Feaman's office to request transcript; receipt and review Feaman office e-mail regarding same; telephone call with court reporter regarding portions of Tescher transcript ordered; e-mail to court reporter regarding additional cost/ordering info; conference with B. Brown regarding Tescher deposition transcript; telephone call with C. Bernstein regarding same; receipt and review A. Rose e-mail regarding Tescher deposition designation; e-mail and conference with B. Brown regarding same; telephone call to Rose's office to request transcript; additional conferences with B. Brown regarding same; e-mail to C. Bernstein

1.10

137.50

LM

Jul-11-14

Receipt and review of emails regarding 7/11 hearing; prepare for hearing; attend hearing; obtain certified copy of order on liquidating IRA; draft, revise and finalize letter to JP Morgan; attention to accounting

5.10

1,785.00

BB

Revisions to Accounting

0.60

75.00

AD

Receipt and review of E. Bernstein emails regarding Tescher deposition; telephone call with Feaman's office to request exhibits to Tescher deposition; telephone message with Roses' office to request copy of deposition; receipt and review of 2 voice messages from C. Bernstein; e-mail to C. Bernstein and E. Bernstein regarding Tescher deposition exhibits; telephone call and e-mail with court reporter regarding cost of the E. Bernstein examination portion of the deposition; receipt and review Feaman deposition designations; gather additional documents for hearing; telephone call with B. Brown regarding

0.90

112.50

LM

Invoice #:	3014	Page	5	
	results of hearing; prepare letter to Hawkins per B. Brown instruction; fax same; conference with B. Brown regarding service copy of Amended order regarding IRA; prepare same for service			
Jul-14-14	Telephone call with A. Rose regarding trustee outcome from Friday; telephone call with B. O'Connell's office regarding transition; email regarding same; email from A. Massuri (CBIZ) regarding invoices; draft response and exchange emails with B. O'Connell	0.60	210.00	BB
	Emails with Ben Brown regarding Accounting and Petition for Discharge; revisions to same; prepare Formal Notice of Accounting and Petition for Discharge	0.60	75.00	AD
	Receipt and review B. Brown instruction e-mail regarding transition; receipt and review M. Chandler e-mail regarding 7/16 hearing cancelled; update calendar; receipt and review B. Brown e-mail with accountant regarding outstanding bill; e-mail to B. Brown regarding statements to E. Bernstein	1.20	150.00	LM
Jul-15-14	task; bates stamp account statements Review file and assemble materials for J. Fogliatta in connection with 11:30 call; revise accounting as of 6/30/14; revise fourth fees petition and finalize; prepare for and attend telephone conference call with J. Foglietta and S. McDowell regarding transition; follow up with additional documents	1.80	630.00	BB
	Review and respond to B. Brown instruction e-mail regarding 7/11 letter to Hawkins status; review and respond to M. McAndrews e-mail regarding status of 7/16 hearing	0.30	37.50	LM
Jul-16-14	Review A. Messuri email regarding CBIZ invoices; send same to B. O'Connell; instructions to L. McDaniel regarding sending 1041 and prior invoice (paid - \$1800); review orders from 7/11 hearing; email to B. O'Connell's office regarding CBIZ and tax status	0.30	105.00	BB
	Review and execute accounting of curator	0.30	105.00	PM



		Page		
	Revisions to Accounting, Petition for Discharge, and Formal Notice; finalize and file same and serve by certified mail	1.60	200.00	AD
	E-mail to B. Brown regarding documents to Ciklin Lubitz; review response; prepare disk for Ciklin Lubitz; e-mail to B. Brown regarding status; review and respond to B. Brown e-mail regarding getting documents and CBIZ tax returns to J. Foglietta; e-mail to O'Connell's office regarding disk ready; review response; receipt and review B. Brown instruction e-mail; add additional documents to O'Connell disk; e-mail to E. Bernstein regarding JPM/Sabadell statement; receipt and review response	1.20	150.00	LM
Jul-17-14	Instructions to L. McDaniel regarding additional information to B. O'Connell's office	0.20	70.00	BB
	Conference with M. McCarthy regarding disk for O'Connell; e-mail pleadings at B. Brown request to O'Connell	0.20	25.00	LM
Jul-21-14	Conference with L. McDaniel regarding discharge hearing date, tangible personal property to B. O'Connell; letter regarding petition for discharge	0.20	70.00	BB
	E-mail to B. Brown regarding hearing dates; prepare letter to O'Connell regarding promissory note and jewelry delivery	0.20	25.00	LM
Jul-22-14	Letter to B. O'Connell regarding JP Morgan liquidating IRS; receipt and review of J. Hawkins (JP Morgan) voice mail; instructions to L. McDaniel regarding same; finalize letter regarding discharge and hearing dates	0.40	140.00	BB
	Review and respond to B. Brown e-mail regarding sending 7/11 order to JPMorgan; telephone call with JPMorgan regarding same and IRA securities sale status; e-mail to B. Brown regarding same; receipt and review B. Brown instruction e-mail regarding letter to Foglietta; prepare and e-mail same	0.40	50.00	LM
Jul-23-14	Telephone call with J. Hawkins at JP Morgan regarding liquidation of IRA per 7/11 court order; draft letter to B.	0.50	175.00	BB

	O'Connell regarding same, 7/11 order; revise and finalize same			
	Receipt and review B. Brown instruction e-mail; telephone call with Hawkins at JP Morgan regarding scheduling conference call; prepare letter to O'Connell regarding JPMorgan statements; e-mail draft to B. Brown; review response ; revise letter; gather enclosures	0.40	50.00	LM
Jul-28-14	Receipt and review of J. Hawkins email regarding IRA RMD's for 2013 and 2014; letter to B. O' Connell in connection with same	0.20	70.00	BB
	Telephone call to judicial assistant (vacation); e-mail to B. Brown regarding status of scheduling hearing; calendar follow up; review B. Brown response	0.20	25.00	LM
	Totals	29.10	<u>\$7,012.50</u>	

**DISBURSEMENTS****Disbursements****Receipts**

Jul-01-14	Courier (6/10/14 Courthouse)	25.00	
Jul-03-14	court reporter (6/19/14 hearing transcript)	356.50	
	court reporter (7/1/14 hearing)	95.00	
Jul-11-14	court reporter (7/11/14 hearing)	218.23	
Jul-18-14	Photocopies (56 pages @ \$.10 ea.)	5.60	
	Certified Mail Charges	34.50	
Jul-23-14	Photocopies (182 pages @ \$.10 each/file records to B. O'Connell)	18.20	
	Totals	<u>\$753.03</u>	<u>\$0.00</u>

**Total Fees & Disbursements****\$7,765.53**

Previous Balance

\$30,804.30

Previous Payments

\$0.00

**Balance Due Now****\$38,569.83**