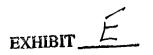
	In Re_ The Estate of Shirley Bernstein.txt
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1	IN THE CIRCUIT COURT OF THE 15TH JUDICIAL CIRCUIT, IN AND FOR PALM BEACH COUNTY, FLORIDA
2	PROBATE/GUARDIANSHIP DIVISION IY
3	CASE NO.: 502011CP000653XXXXSB
4	IN RE: THE ESTATE OF: SHIRLEY BERNSTEIN, Deceased
5	/
6	ELIOT IVAN BERNSTEIN, PRO SE, Petitioner,
Ū	VS.
7	
8	TESCHER & SPALLINA, P.A., (AND ALL PARTNERS, ASSOCIATES AND OF COUNSEL); ROBERT L. SPALLINA
	(BOTH PERSONALLY & PROFESSIONALLY); DONALD
9	R. TESCHER (BOTH PERSONALLY & PROFESSIONALLY);
	THEODORE STUART BERNSTEIN (AS ALLEGED PERSONAL
10	REPRESENTATIVE, TRUSTEE, SUCCESSOR TRUSTEE) (BOTH
	PERSONALLY & PROFESSIONALLY); AND JOHN AND JANE
11	DOE'S (1-5000), Respondents.
12	kespondents.
13	TRANSCRIPT OF PROCEEDINGS
14	BEFORE
15	THE HONORABLE MARTIN H. COLIN
16	
17	South County Courthouse
	200 West Atlantic Avenue, Courtroom 8
18	Delray Beach, Florida 33344
19	
20	Friday, September 13, 2013
	1:30 p.m 2:15 p.m.
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23	
24	Stenographically Reported By:
	JESSICA THIBAULT
25	
<u>م</u>	
1	APPEARANCES
2	
3	On Behalf of the Petitioner:
4	ELIOT IVAN BERNSTEIN, PRO SE
4	2753 NW 34th Street
5	Boca Raton, Florida 33434
5	Doca Naton, FIULIUA 20404
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In Re_ The Estate of Shirley Bernstein.txt 7 MR. MANCERI: That's when the order was 8 signed, yes, your Honor. 9 THE COURT: He filed it, physically came 10 to court. 11 MR. ELIOT BERNSTEIN: Oh. 12 THE COURT: So let me see when he actually 13 filed it and signed the paperwork. November. What date did your dad die? 14 15 MR. ELIOT BERNSTEIN: September. It's hard to get through. He does a lot of things 16 17 when he's dead. 18 THE COURT: I have all of these waivers by Simon in November. He tells me Simon was dead 19 20 at the time. 21 MR. MANCERI: Simon was dead at the time, 22 your Honor. The waivers that you're talking about are waivers from the beneficiaries, I 23 24 believe. 25 THE COURT: No, it's waivers of ቶ 00026 1 accountings. MR. MANCERI: Right, by the beneficiaries. 2 THE COURT: Discharge waiver of service of 3 discharge by Simon, Simon asked that he not 4 5 have to serve the petition for discharge. MR. MANCERI: Right, that was in his 6 7 petition. When was the petition served? THE COURT: November 21st. 8 MR. SPALLINA: Yeah, it was after his date 9 10 of death. 11 THE COURT: Well, how could that happen 12 legally? How could Simon --13 MR. MANCERI: Who signed that? 14 THE COURT: -- ask to close and not serve 15 a petition after he's dead? MR. MANCERI: Your Honor, what happened 16 17 was is the documents were submitted with the 18 waivers originally, and this goes to Mr. Bernstein's fraud allegation. As you know, 19 20 your Honor, you have a rule that you have to 21 have your waivers notarized. And the original 22 waivers that were submitted were not notarized, 23 so they were kicked back by the clerk. They 24 were then notarized by a staff person from 25 Tescher and Spallina admittedly in error. They ዩ

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In Re The Estate of Shirlev Bernstein.txt 1 should not have been notarized in the absentia 2 of the people who purportedly signed them. And 3 I'll give you the names of the other siblings, 4 that would be Pamela, Lisa, Jill, and Ted 5 Bernstein. THE COURT: So let me tell you because I'm б 7 going to stop all of you folks because I think you need to be read your Miranda warnings. 8 9 MR. MANCERI: I need to be read my Miranda 10 warnings? 11 THE COURT: Everyone of you might have to 12 be. 13 MR. MANCERI: Okay. 14 THE COURT: Because I'm looking at a 15 formal document filed here April 9, 2012, signed by Simon Bernstein, a signature for him. 16 MR. MANCERI: April 9th, right. 17 THE COURT: April 9th, signed by him. and 18 notarized on that same date by Kimberly. It's 19 20 a waiver and it's not filed with The Court until November 19th, so the filing of it, and 21 22 it says to The Court on November 19th, the 23 undersigned, Simon Bernstein, does this, this, 24 and this. Signed and notarized on April 9, 25 2012. The notary said that she witnessed Simon ዩ 00028 sign it then, and then for some reason it's not 1 filed with The Court until after his date of 2 3 death with no notice that he was dead at the 4 time that this was filed. 5 MR. MANCERI: Okav. б THE COURT: All right, so stop, that's 7 enough to give you Miranda warnings. Not you personally --8 9 MR. MANCERI: Okay. 10 THE COURT: Are you involved? Just tell 11 me yes or no. 12 MR. SPALLINA: I'm sorry? 13 THE COURT: Are you involved in the 14 transaction? 15 MR. SPALLINA: I was involved as the 16 lawyer for the estate, yes. It did not come to 17 my attention until Kimberly Moran came to me 18 after she received a letter from the Governor's 19 Office stating that they were investigating 20 some fraudulent signatures on some waivers that 21 were signed in connection with the closing of