

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

IN RE: THE ESTATE OF
SIMON LEON BERNSTEIN,
Deceased

CASE NO. 502012CP004391XXXXSB

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 (THEODORE ADULT
CHILD);
ERIC BERNSTEIN (THEODORE ADULT CHILD);
MICHAEL BERNSTEIN (THEODORE ADULT

CHILD);
MATTHEW LOGAN (THEODORE'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).

**MOTION TO DISMISS/QUASH “MOVANT'S, TED S. BERNSTEIN, AS
SUCCESSOR TRUSTEE OF THE SIMON BERNSTEIN TRUST, MOTION TO
HOLD ELIOT BERNSTEIN IN CONTEMPT OF COURT AND FOR
SANCTIONS, AND TO COMPEL COMPLIANCE WITH PRIOR ORDERS
AND SERVICE RULES”; MOTION FOR CIVIL AND CRIMINAL
CONTEMPT OF COURT FOR FAILING TO FOLLOW A COURT ORDER;
MOTION FOR REMOVAL OF TRUSTEE ON THE COURT'S OWN
INITIATIVE – FLORIDA TITLE XLII 736.0706**

COMES NOW, Eliot Ivan Bernstein (“Eliot”) or (“Petitioner”), 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 TO DISMISS/QUASH “MOVANT'S, TED S. BERNSTEIN, AS SUCCESSOR TRUSTEE OF THE SIMON BERNSTEIN TRUST, MOTION TO HOLD ELIOT BERNSTEIN IN CONTEMPT OF COURT AND FOR SANCTIONS, AND TO COMPEL COMPLIANCE WITH PRIOR ORDERS AND SERVICE RULES”; MOTION FOR CIVIL AND CRIMINAL CONTEMPT OF COURT FOR FAILING TO FOLLOW A COURT ORDER; MOTION FOR REMOVAL OF TRUSTEE ON THE COURT’S OWN INITIATIVE – FLORIDA TITLE XLII 736.0706”** and in support thereof states, on information and belief, as follows:

MOTION TO DISMISS/QUASH “MOVANT'S, TED S. BERNSTEIN, AS SUCCESSOR TRUSTEE OF THE SIMON BERNSTEIN TRUST, MOTION TO HOLD ELIOT BERNSTEIN IN CONTEMPT OF COURT AND FOR SANCTIONS, AND TO COMPEL COMPLIANCE WITH PRIOR ORDERS AND SERVICE RULES

BACKGROUND AND REASONS THEODORE IS NOT AND CANNOT BE TRUSTEE OF THE SIMON TRUST MAKING THEODORE’S PLEADING PROHIBITED

PROHIBITIVE LANGUAGE IN THE DISPOTIVE DOCUMENTS THAT EXCLUDES TED AS TRUSTEE

1. That Eliot Bernstein states that Theodore Bernstein (“Theodore”) or (“Ted”) is acting knowingly and ILLEGALLY as alleged Successor Trustee of the Simon Bernstein alleged Amended and Restated Trust, in violation of the terms of the trust, which preclude Theodore’s acting as Trustee and therefore these pleadings are all PROHIBITED. The first question this Court must answer before considering ANY pleadings of Theodore in the Simon Trust or Simon Estate is if he is acting with legal authority or if he has hijacked this position and these proceedings right under Your Honor’s nose.

2. That Theodore has illegally been anointed by the former removed and resigned Trustees, Tescher and Spallina, in a Successor of Criminals scheme that violates the very terms of the Trust.
3. That if Theodore has become Successor Trustee of the Simon Trust by fraudulent appointment, he should be removed for many other reasons as well. First, Theodore is ineligible under the very terms of the ALLEGED Simon Trust to serve as successor trustee. Article IV, Section C. (3) (Page 16) of the ALLEGED Simon Trust states:

C. Appointment of Successor Trustee

3. A successor Trustee appointed under this subparagraph **shall not be a Related or Subordinate Party of the trust.** (emphasis added)

4. That Theodore further was **specifically** disqualified to be a Successor Trustee by the terms of the ALLEGED Trust. Another provision of the ALLEGED Trust also disqualifies Theodore. Article III E(1) states:

Notwithstanding the foregoing, **for all purposes of this Trust and the dispositions made hereunder,** my children, **TED S. BERNSTEIN,** PAMELA B. SIMON, ELIOT BERNSTEIN, JILL IANTONI and LISA S. FRIEDSTEIN, **shall be deemed to have predeceased me ...** " (emphasis added)

Therefore, by the very language of the Alleged 2012 Amended and Restated Trust, Theodore Bernstein is disqualified by this provision to serve as Successor Trustee or in any capacity, as Ted is considered dead for all purposes of the Trust and the dispositions made thereunder.

5. That if the ALLEGED 2012 Amended and Restated Trust is ruled legally invalid due to fraud and improper notarizations as pled to this Court and under ongoing investigations and the 2008 Trust of Simon is reverted to, Theodore will again remain wholly disinherited along with his lineal descendants, as they are in Shirley's Trusts and that language from the 2008 Simon Trust is as follows;

Notwithstanding the foregoing, as I have adequately provided for them during my lifetime, for purposes of the dispositions made under this Trust, **my children, TED S. BERNSTEIN ("TED") and PAMELA B. SIMON ("PAM"), and their respective lineal descendants shall be deemed to have predeceased the survivor of my spouse and me.**

Under the 2008 Simon Trust, Eliot and his lineal descendants are Beneficiaries of Simon's Trust, as it would be the same Beneficiary Class as Shirley (Eliot, Lisa and Jill and their lineal descendants) and Theodore and Pamela and their lineal descendants would be wholly excluded, as was the case in Shirley's Trust when she died and the Trust became irrevocable and her Beneficiary Class was established as Eliot, Jill and Lisa and their lineal descendants.

6. That the alleged changes to Simon's Wills and Trusts took place allegedly 48 days prior to Simon's sudden and unexpected death. The Governor Rick Scott's Notary Public Division has already confirmed that the documents were improperly notarized. Again, improper notarizations in these proceedings are discovered, this time committed by Theodore's personal assistant, Lindsay Baxley aka Lindsay Giles on Wills and Trusts no less and due to the improper notarizations it cannot now or ever be stated that Simon was present at the signing of these alleged documents at all. All of the witnesses to the document are involved in prior criminal Fraudulent Notarizations, Admitted Forged and Altered documents in these proceedings that this Court is fully aware of and therefore cannot now or ever be trusted or act as witness.

CONFLICT OF INTEREST FROM PROVEN AND ALLEGED CRIMINAL ACTS AND CIVIL TORTS THAT BENEFITED THEODORE AND THAT HE IS THE ALLEGED CENTRAL PARTICIPANT IN

7. That there has been PROVEN FELONY CRIMINAL ACTS in the Shirley and Simon's Estates and Trusts and further allegations of conversion, comingling and theft of assets that are estimated to be crimes that have cost the Beneficiaries, Interested Parties and Creditors millions upon millions of

dollars. There are serious factual FRAUDS and FORGERIES, with certain felony crimes already proven and admitted in the Shirley and Simon Bernstein Estates and Trusts committed by former Personal Representatives, Trustees and Counsel.

8. That there are hosts of new alleged felonious misconduct, where Theodore Bernstein and his minion of Attorneys at Law again are centrally involved in and directly benefiting from these acts, while providing no benefit to the trusts or beneficiaries.
9. That the prior CRIMINAL FELONY MISCONDUCT committed by Theodore's Counsel, Tescher and Spallina, who were acting as Officers and Fiduciaries of this Court and committed numerous Frauds Upon this Court, now appears to be continuing with Theodore's new counsel and Theodore's new claims that he is a qualified Successor Trustee of the Simon Trusts despite numerous reasons he and his counsel and this Court are aware make him ineligible to serve in any fiduciary capacity in the Simon and Shirley Estates and Trusts going forward.
10. In one instance of the fraud going on in this Court by Theodore and his prior counsel, prior Co-Personal Representatives and Co-Trustees of Simon's Estate, Tescher and Spallina, is that documents were submitted to the Court bearing fraudulently notarized and forged signatures of Simon Bernstein on a date after he had passed away and there were fraudulently notarized and forged signatures in the name of Theodore Bernstein himself. This Court was apprised of these allegations in a hearing conducted September 13, 2013 wherein the Court questioned whether the parties involved in perpetrating the Frauds, including Theodore and his Attorneys at Law, Donald Tescher, Esq. ("Tescher") and Robert Spallina, Esq. ("Spallina"), should be read their Miranda Rights. (Exhibit 1 - Transcript of Proceedings, pages 15 and 16)
11. That the Attorneys at Law for Theodore whom he introduced to the Bernstein Family, Tescher and

Spallina, have now admitted to Palm Beach County Sheriff Investigators to conspiring to altering provisions of the Shirley Bernstein Trust POST MORTEM OF SHIRLEY AND SIMON, see the Sheriff's report fully incorporated by reference herein at

<http://www.iviewit.tv/20140131PBSOReport.pdf>, hereby incorporated by reference in entirety

herein, which had the effect of directly benefitting their client, affiliate and business associate

Theodore and damaging other Beneficiaries, including Plaintiff, by fraudulently converting and comingling benefits to Theodore using fraudulent documents.

12. That additionally, Theodore's direct involvement in such criminal activity involving the Estate of Shirley and Simon should disqualify him from serving as Successor Trustee of the ALLEGED Simon Trust and disqualify him in any fiduciary capacity whatsoever in the Estates and Trusts of Simon and Shirley.
13. That Tescher and Spallina, upon their removal from these proceedings as both Fiduciaries and Counsel in Simon's Estate, in the wake of the frauds committed to benefit their client Theodore and themselves, then FRAUDULENTLY attempted to transfer Trusteeship to Theodore as their parting gift to these proceedings. This FRAUDULENT transfer of Trusteeship to Theodore when knowing he is a party that was directly involved in and who benefited directly from their fraudulent activities and who now has a conflict of interest with other beneficiaries due to the fraud that benefited him.
14. That Tescher and Spallina knew Theodore would do everything as Successor Criminal to further cover up their crimes through this fraudulent transfer of Trusteeship scheme. This attempted felonious transfer violates the very alleged Simon Trust terms that Tescher and Spallina wrote and this is reason alone for this Court to remove Theodore immediately and sanction all those involved in this felonious attempt to continue the frauds in and upon this Court, the Beneficiaries, Interested

Parties and Creditors by attempting such a criminally shady and unlawful transfer of Trusteeship that violates even the very terms of the Alleged Trust.

15. That Alan has further been retained by Theodore who was only representing him as a Defendant in the Creditor Stansbury lawsuit against the Estate and Trusts, to replace the capacities Tescher and Spallina were abdicating with their withdrawal and removal from all Bernstein family related matters. Alan too has been involved and participated in the advancement of the fraudulent schemes to benefit himself and his client Theodore from the start in cahoots with Tescher and Spallina and advancing the fraudulent schemes, again acting opposite the best interests of the Beneficiaries and Creditors et al.
16. That Alan, despite knowing of the Florida Bar Rules against advancing frivolous pleadings and legally devoid and baseless arguments allows Theodore to continue to act as ALLEGED Successor Trustee, even despite direct and explicit language excluding Theodore from acting in any capacities in the Trusts of Simon. Alan continues to represent Theodore as the alleged Trustee and thereby continues to advance pleadings in this matter that he knows are TOXIC, VEXATIOUS, FRIVOLOUS, MISLEADING AND PROHIBITED BY LAW AND THE TERMS OF THE SIMON TRUST. It is understandable as Alan's life too hangs in the balance in these matters and if Theodore is ousted by this Court in all fiduciary capacities, so goes Alan and the Estates and Trusts can finally begin to ascertain the damages done and begin hunting down those ripe for prosecution and hunting down the missing assets, documents and personal properties. No longer will Alan and Theodore be able to delay, stymie or derail these proceedings and misuse Estate and Trust assets to protect themselves whilst launching harassing campaigns against beneficiaries, including Minor Children, as more fully defined herein.

THEODORE HAS BEEN DENIED BY THIS COURT TWO RECENT MOTIONS TO BECOME A FIDUCIARY IN THE ESTATE OF SIMON

17. That this Court should take note that Theodore has TWICE attempted to become a fiduciary in the Estate of Simon despite knowing all the reasons he is unfit and further waste the courts time and the Estates and Trusts assets. Theodore's first Petition was to become Curator as Successor to Tescher and Spallina upon their termination and this was rejected on February 19th, 2014 by the Your Honor who stated in the Order, "DENIED, for the reasons stated on the record." This DENIAL was for just and sound reasons by the Court that should have applied to removal of Theodore in any and all fiduciary capacities in both Simon and Shirley's Estates and Trusts that Theodore was acting in already as a fiduciary or seeking nomination to become one.
18. That the second attempt to become a fiduciary of the Estate of Simon was made by Theodore in a hearing held in July 2014 in efforts to become Successor Personal Representative at the replacement of Benjamin Brown as Curator. The Court however strongly urged Theodore and Alan to WITHDRAW their TOXIC, VEXATIOUS, FRIVOLOUS, PROHIBITED and DOOMED pleading PRIOR to even hearing the pleading. That after considerable waste of this Court, the Beneficiaries, Creditors and everyone's time, effort and monies in a frivolous pleading certain to fail, Alan and Theodore finally WITHDREW the pleading but only after the Court warned them that they would SANCTIONED if they lost for everyone's costs. The Court's Order dated July 11, 2014 reads, "Ted Bernstein's Petition For Appointment of Successor Personal Representative is hereby ~~DENIED~~ WITHDRAWN. Again, this Court suggested such withdrawal of their pleading at the hearing and this SECOND attempt was withdrawn for just and sound reasons urged by the Court and these reasons again should have applied to removal of Theodore in any and all fiduciary capacities Theodore was acting in or seeking nomination for.

19. That for the same reasons the Court has deemed Theodore unfit in now two attempts to become a Successor Fiduciary forward, are the same reasons that should serve for this Court to act on its own Motion under Fla. Stat. 736.0706 to remove Theodore from any/all fiduciary capacities in either the Estates or Trusts of Simon and Shirley, as further discussed herein.
20. That in addition to the fact that the Trust language precludes Theodore from becoming a Successor Trustee in Simon's Trusts, Theodore is further not qualified now or has ever been to be a fiduciary in the Estates and Trusts of both Simon and Shirley, including from a continued pattern and practice of fraudulent activity, breaches of fiduciary duties and more, that include but are not limited to all of the following:

CONFLICTS OF INTEREST AND ADVERSE INTERESTS THAT PRECLUDE THEODORE FROM BEING A FIDUCIARY IN THE ESTATES AND TRUSTS OF SIMON AND SHIRLEY

21. Theodore has adverse interests and conflicts of interest that preclude him from acting as a fiduciary, including but not limited to:
- i. Theodore and his lineal descendants were wholly disinherited in Estate and Trust documents done in 2008 and only allegedly have been included through the use of forged, fraudulent, improperly notarized and legally invalid documents, all alleged to have been done only days before Simon passed. If these alleged 2012 documents and forged and fraudulent documents do not stand up, Theodore and his lineal descendants will be excluded entirely from the Estates and Trusts and this puts Theodore in conflict with other beneficiaries and impairs his ability to be impartial due to the conflicts.
 - ii. Theodore and his counsel Alan Rose ("Alan") are both further adverse to Eliot Bernstein and his family, as it is through Eliot's Pro Se efforts that Theodore's prior counsel, the

fiduciaries of Simon's Estate and Trusts and Alan's affiliates who brought him into these matters, Tescher and Spallina, have been forced out of these proceedings and removed as Fiduciaries and Counsel. Further, there has been an arrest of their employee made and where Eliot is still pursuing Tescher, Spallina, Manceri, Theodore and Alan, with criminal authorities and in state and federal civil actions for their direct involvement and benefit from the frauds, thefts, conversions and comingling of assets and more, severely impairs both Theodore and Alan's ability to be impartial to Eliot and has led to their continued retaliation and extortion of Eliot, as further defined herein. If Theodore is removed as a fiduciary in these matters by this Court and loses his illegally gained Dominion and Control of the Estates and Trusts and his ability to misuse Trust funds for his legal defenses of these actions, he and his Counsel Alan both may land in jail and lose their assets if successfully prosecuted in these matters forward.

- iii. That Theodore and Alan are both Respondents in the probate cases in Shirley and Simon's Estates and Trusts before this Court and are now also Defendants in a related Counter Complaint recently moved to Your Honor, Case #502014CP002815XXXXSB, with allegations that directly relate to these Probate and Trust matters, including; CIVIL CONSPIRACY, CIVIL EXTORTION, THEFT, FRAUDULENT CONVERSION, INTENTIONAL INTERFERENCE WITH AN INHERITANCE/EXPECTANCY, CIVIL FRAUD, BREACH OF FIDUCIARY DUTIES, ABUSE OF PROCESS, LEGAL MALPRACTICE and EQUITABLE LIEN.
- iv. That Theodore is conflicted with the Estates and Trusts sued under the Creditor William Stansbury's lawsuit against the Estate and Trusts of Simon and Theodore Professionally

and Personally, as Theodore is the alleged primary cause of the torts claimed by Stansbury and Theodore is the primary Defendant in that action. Despite the possibility that Theodore may have or may, settle(d) his personal capacities with Stansbury, the Estate, the Trusts and the Beneficiaries will still have claims that may seek recovery from Theodore personally for any settlement with Stansbury that uses Simon or Shirley's Trust and/or Estate funds that further damage the Beneficiaries. The Estate and the Beneficiaries may make the claim that Theodore and not the Estates and Trusts are WHOLLY responsible for the torts and damages to Stansbury, as Petitioner is already making that claim and would seek immediate recovery from Theodore and this again makes irrefutable conflicts of interest.

Where evidence shows that Theodore may have benefited solely from the misconduct alleged by Stansbury and new evidence suggests that Simon was unaware that Stansbury had been defrauded by Theodore until approximately six weeks before his sudden and unexpected death. That at that time, Simon and Theodore are alleged to have been at extreme odds with each other, with Simon abandoning his offices with Theodore due to Theodore's extreme anger raged upon Simon by Theodore, his son, that was witnessed by others. Theodore was enraged at his exclusion from the Estates and Trusts and that Simon would not support him in his defense of the alleged bad faith acts against Stansbury.

Stansbury, whom Simon and Shirley loved and trusted, so much so, as to name Stansbury in their 2008 estate plans as the Personal Representative and Trustee over their entire Estates and Trusts, and not Theodore their own eldest son for good and just reasons.

Where Stansbury may again be in those fiduciary capacities if Theodore is successfully removed by this Court and the 2012 Will and Amended and Restated Trust of Simon fails due to the improperly notarized and perhaps forged documents, according to newly discovered 2008 documents of Simon's, including two new 2008 Simon Trusts and a Will, only recently produced by Tescher and Spallina, upon the Court's Order to turn over ALL of their records on their removal, after suppressing and denying these documents from Beneficiaries and this Court for almost two years despite repeated requests by beneficiaries and their counsel.

- v. That Theodore is further conflicted with the Estate and Trust of Simon and the Beneficiaries, Interested Parties and Creditors further due to a lawsuit IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION Case No. 13cv3643, SIMON BERNSTEIN IRREVOCABLE INSURANCE TRUST DTD 6/21/95 v. HERITAGE UNION LIFE INSURANCE COMPANY, adjudicated by Hon. Judge Amy St. Eve. The lawsuit filed by Theodore acting as Trustee of a NONEXISTENT TRUST is for Breach of Contract that he was advised by Tescher and Spallina et al. that he had no basis to file but Theodore filed anyway using yet another TOXIC, VEXATIOUS, FRIVOLOUS, FRAUDULENT and PROHIBITED pleading, this time acting as a "Trustee" of a NONEXISTENT TRUST that he claims he has never seen. Again Theodore effectuates this criminal illegal legal scheme to convert insurance proceeds into his own pocket is aided and abetted by his minion of Attorneys and this Fraud is now upon a Federal Court and as that crime attempts to remove an asset of the Estate of Simon out the back door, this is yet another

Fraud on this Court that Theodore is smack in the middle of costing the Estates and Trusts time, monies and attorney fees, while providing no benefit to the Estates, Trusts and Beneficiaries. Theodore has paid Tescher and Spallina from Estate and Trusts assets to remove this insurance asset from the Estate where he and sister Pamela would get none of it and thus they tried this costly scheme and fraud on a federal court to convert it into he and his sister Pamela Simon's pockets, instead of their very own children.

It should be noted that remarkably, Theodore in a January 28, 2014 police interview stated to Palm Beach County Sheriff Investigators, "Ted confirmed that **he did not make any decisions in relation to Simon's insurance policy generated out of Chicago, Illinois [emphasis added]**."

However, Theodore is actually the Plaintiff that filed the lawsuit in 2012 trying to claim the insurance proceeds through the illegal Breach of Contract legal action, which puts Theodore again directly in conflict with the Estate Beneficiaries. If that baseless lawsuit fails, the Estate would receive the benefits due to the fact that no beneficiary can be found at the time of death. The Court is already well aware of this lawsuit and has recently allowed the Personal Representative and Counsel to represent the Estate in that matter, again after over a year and half that the Estate was blocked from entry in the case to represent the Estates interest in the insurance proceeds by Tescher and Spallina, who were representing Ted initially in the Breach of Contract Lawsuit and are alleged to have made a FRAUDULENT INSURANCE DEATH BENEFIT CLAIM that led to the alleged breach.

That it should be noted that several weeks before filing the FRAUDULENT Breach of

Contract Lawsuit, Robert Spallina filed an Insurance Death Benefit Claim as the Trustee of the same LOST trust that he claims to have never seen or possessed and this claim was DENIED by the carrier as Spallina could not prove his alleged beneficial interest as the alleged Trustee of a LOST Trust he claimed to the carrier not to possess. The DENIAL OF THE CLAIM led to Theodore then claiming he was now the “Trustee” of the LOST Trust he never saw and in such IMAGINARY FIDUCIARY CAPACITY filed the Breach of Contract lawsuit against Heritage for their failing to pay on Spallina’s DENIED and FRAUDULENT INSURANCE CLAIM.

Again, this insurance scheme inures benefits directly to the pocket of Theodore and his minion of counsel and where again, it is Theodore that is completely disinherited from both the 2008 and 2012 Estates and Trusts of Simon and Shirley (not Eliot as Alan repeatedly tries to sell this Court). Without this fraudulent insurance scheme to convert the insurance proceeds from the Estate of Simon’s Beneficiaries and Creditors, Theodore would receive nothing. These conflicts of interest further demand Theodore’s removal from these proceedings in any/all fiduciary capacities he has or alleges to have in both Simon and Shirley’s Estates and Trusts.

- vi. That further disqualifying Theodore from acting as fiduciary are further statements he made to PBSO investigators and this Court that show that he is perjuring himself and unfit to serve as a fiduciary and conflicted with these matters, whereby according to the PBSO Supplemental Report,

“TED STATED THAT HE DID NOT READ ALL OF SHIRLEY’S TRUST DOCUMENTS [EMPHASIS ADDED] and that Spallina and Tescher told him several times how Shirley’s Trust was to be distributed. TED

SAID THAT HE DID READ IN THE DOCUMENTS WHERE THE 10 GRANDCHILDREN WERE TO RECEIVE THE ASSETS FROM THE TRUST [EMPHASIS ADDED]. He said that he did issue a partial distribution to the seven of the 10 grandchildren.”

Spallina stated to PBSO investigators that “SPALLINA STATED THAT AGAINST HIS ADVICE, A DISTRIBUTION WAS MADE FROM ONE OF THE TRUSTS AFTER SIMON'S DEATH. HE STATED THAT HE ADVISED AGAINST THIS...” and later states “SPALLINA REITERATED THAT TED WAS TOLD TO NOT MAKE DISTRIBUTIONS.”

That Theodore could not have read as he claims, language in the 2008 Shirley Trust (that he also claims not to have read?) that the grandchildren were to receive the assets from the Trust, as that language is NOT in the Trust anywhere at all. The only Beneficiaries defined in the Shirley Trust are Eliot, Jill and Lisa and their lineal descendants, as Theodore and Pamela and their lineal descendants are considered predeceased as evidenced already herein.

That the only possible way Theodore could have read in the Shirley Trust documents that the 10 grandchildren were to receive benefits, is if he would have read the newly alleged FRAUDULENTLY CRAFTED “Second First Amendment to Shirley’s Trust,” the very Trust document Spallina states to PBSO that he fraudulently altered for Shirley POST MORTEM by two years in January 2013. This fraud achieved allegedly by Spallina altering an alleged “First Amendment to Shirley’s Trust” whereby the altered document then fraudulently attempted to include the 10 grandchildren in Shirley’s Trust fraudulently.

The problem for Theodore here is also that he claims to PBSO in that same Supplemental Report,

“Ted said that he not spoken to Spallina about his withdrawing from being the attorney for the trusts, but that he did speak with Tescher. He said that Tescher told him he had been made aware of a fabricated document that was potentially problematic for the Estates [referencing the Second First Amendment]. He said that Tescher told him that Spallina created the fabricated document and it essentially impacted the ability for Simon to distribute funds to all 10 grandkids. Ted said that Tescher told him that he had only recently become aware of this document, approximately three weeks from today (01/28/14).”

Again, Theodore made the distributions in Sept 2013 to the 10 grandchildren before learning of the altered document, which directly contradicts his own prior claims and his illegal actions in distributing the funds to knowingly improper parties.

Theodore then wrote to Eliot further contradicting his statement that he saw language allowing him to make distributions in Shirley’s documents to the grandchildren that does not exist and where he claims again not to have known of the altered document until way after his distributions by stating to Eliot,

From: Ted Bernstein [mailto:tbernstein@lifeinsuranceconcepts.com]
Sent: Tuesday, **January 14, 2014[emphasis added]** 5:23 PM
To: Eliot Bernstein (iviewit@gmail.com)
Subject: Update

Eliot,

You may have received a letter or email from Don Tescher today. Late last week I learned of **shocking developments concerning mom and dad’s planning documents that were prepared by their counsel at the time [Ted fails to state they were his counsel too at the time]. In light of what I have learned,[emphasis added]** I will be obtaining new counsel, as Trustee and PR. Things are still unfolding. As a courtesy to you, please let me know if you would like to arrange a meeting with me and my counsel in an effort to bring you up to speed.

Sincerely,

Spallina then tells PBSO investigators in the already exhibited herein report,

Spallina told me that he and his Partner had discussions reference to fulfilling Simon's wishes of all 10 grandchildren receiving the benefit from both Simon and Shirley's Trust... That Spallina said that **they** [referring to he and his partner Tescher] noticed that the first page of the document skipped from one to three, so he took it upon himself to add in number two, before sending it to Yates [Christine Yates of the most respectable Tripp Scott law firm that represented Eliot and his children and cost them over \$50,000.00 to chase around fraudulent documents sent to her and more]. The change that number two made to the trust, amended Paragraph E of Article III, making it read that only Ted and Pam were considered predeceased, not their children. He said the original trust states that Ted, Pam and their children are deemed predeceased. Spallina said he did this at this office in Boca Raton, Florida. He said that no one else took part in altering the document.

So if Spallina sent this document to Yates in January 2013 and did not confess to it until January 2014 to PBSO investigators, how could Theodore have seen language in Shirley's Trust documents that would have allowed him to make distributions to 10 grandchildren on or about September 16, 2013, when even Ted claims he did know about the "Second First Amendment" until January of 2014.

That for Theodore's admitted alleged **failure to even read** Shirley's Trust documents before acting as the alleged Trustee and making fraudulent distributions upon language that does not exist, this Court should sanction and remove him instantly for this reckless behavior.

This breach has led to fraudulent conversion and comingling of assets to profit himself directly and in fact use trust and estate funds for counsel and fiduciaries to advance and

effectuate these schemes benefiting both he and they at the expense of the Beneficiaries and Creditors. Now Theodore tells lie after lie attempting to cover up the crimes and further mislead the Court and others, which is outrageous conduct for an alleged fiduciary that is supposed to be held to a higher standard not a lower standard for their actions. That Theodore further stated to PBSO investigators in contradiction to Spallina's prior exhibited statement herein where Spallina states he told Theodore to NOT make distributions that "He [Theodore] stated that Spallina told him it was OK to distribute the funds." That this contradiction of statements to investigators puts Theodore in direct contradiction with his own counsel's statements and shows that irrefutably, Theodore is now adverse to other beneficiaries who are claiming the distributions were illegal conversions and a comingling of funds to improper parties and thus how can he now be impartial forward under Florida Statute 736.0803, where his actions as an alleged fiduciary may benefit his children at the expense of other beneficiaries in both the Estates and Trusts of Simon and Shirley.

ACCOUNTING VIOLATIONS BY THEODORE AS ALLEGED FIDUCIARY IN THE ESTATES AND TRUSTS OF SIMON AND SHIRLEY – FLORIDA STATUTE 736.0813 DUTY TO INFORM AND ACCOUNT

22. That Theodore and his predecessors Tescher and Spallina have all failed to follow the very Terms of the Trusts he operates under, The Trust Code and Florida Probate Rules and Statutes, that all require a duty of accounting to beneficiaries.
23. To date, Theodore, nor Spallina and Tescher have ever sent any required accountings or administrative information for the trusts they claim to be trustees of to the beneficiaries, yet all have had several open checking accounts that they have administered freely with no supervision or

accountability using them as their own personal accounts and reporting to no one.

- i. Theodore refuses to provide financial information of transactions he has done or any accountings despite repeated requests and therefore breaches all duties of loyalty and accounting under the terms of the trust.
- ii. THEODORE is self-dealing, converting and co-mingling trust funds and uses trust funds for his own personal use. Petitioner has reasons to believe THEODORE and others he has recruited to the Estates and Trusts as either counsel or as Fiduciaries, in coordinated efforts are stealing Trust and Estate assets, failing to give accountings, suppressing and denying Trust documents, altering Trust and Estate documents and the Beneficiaries and Creditors need immediate relief from this Court by removing Theodore on the Court's own motion as required by law and appointing a qualified independent Trustee to marshal the assets and guarantee the terms of the trust are carried out in a non-conflicted and non-vindictive fashion against those Theodore and Alan are adverse to. No accountings have been provided for the Simon Trust for two years and in Shirley's Estate & Trusts for almost four years and Beneficiaries have been denied this information as part of the overall fraud and looting of the Estates and Trusts. Petitioner has requested accountings that are due to him under the terms of the Trusts, upon request, annually and when the PR and Trusteeship have changed according to Statute. There have been NO Annual accountings provided, NO requested accountings provided and NO accountings at the change of trusteeship by Theodore or the former removed Fiduciaries and Counsel in these matters in violation 736.0813 and 733.604.

736.0813 Duty to inform and account.—The trustee shall keep the qualified beneficiaries of the trust reasonably informed of the trust and its administration.

(1) The trustee's duty to inform and account includes, but is not limited to, the following:

(a) Within 60 days after acceptance of the trust, the trustee shall give notice to the qualified beneficiaries of the acceptance of the trust, the full name and address of the trustee, and that the fiduciary lawyer-client privilege in s. 90.5021 applies with respect to the trustee and any attorney employed by the trustee.

(b) Within 60 days after the date the trustee acquires knowledge of the creation of an irrevocable trust, or the date the trustee acquires knowledge that a formerly revocable trust has become irrevocable, whether by the death of the settlor or otherwise, the trustee shall give notice to the qualified beneficiaries of the trust's existence, the identity of the settlor or settlors, the right to request a copy of the trust instrument, the right to accountings under this section, and that the fiduciary lawyer-client privilege in s. 90.5021 applies with respect to the trustee and any attorney employed by the trustee.

(c) Upon reasonable request, the trustee shall provide a qualified beneficiary with a complete copy of the trust instrument.

(d) A trustee of an irrevocable trust shall provide a trust accounting, as set forth in s. 736.08135, to each qualified beneficiary annually and on termination of the trust or on change of the trustee.

(e) Upon reasonable request, the trustee shall provide a qualified beneficiary with relevant information about the assets and liabilities of the trust and the particulars relating to administration.

24. That Theodore upon accepting the fiduciary capacity of ALLEGED Successor Trustee from Tescher via the Fraudulent Transfer of Trusteeship has failed to provide an accounting for the Trust since January 2014 and Tescher similarly failed to produce ANY Trust accountings while he was the ALLEGED Trustee.

25. That Theodore upon allegedly accepting his Letters of Administration most amazingly granted to him by Your Honor while there were serious allegations of breaches and criminal misconduct before the Court, in October 2013, has failed to provide an accounting when he became Successor PR of Shirley's Estate. It should be noted that no FINAL ACCOUNTING of the Estate of Shirley was ever completed by Simon due to fraudulent and forged waivers being submitted and other closing documents filed by Simon while he was dead for four months and so NO ACCOUNTINGS have ever been done in Shirley's Estates and Trusts, in violation of Probate and Trust Rules and Statutes.

BREACHES OF FIDUCIARY DUTIES BY THEODORE IN THE ESTATES AND TRUSTS

OF SIMON AND SHIRLEY

26. On January 28, 2014, THEODORE, in the already Exhibited PBSO report admitted to PBSO investigators regarding distributions that he made that he had never read the Trust documents in full, “Ted stated that he did not read all of Shirley’s Trust documents and that Spallina and Tescher had both told him several times how Shirley’s Trust was to be distributed.”

However, Spallina stated to PBSO, “Spallina reiterated that Ted was told to not make distributions.” Then Theodore stated, “Ted stated that Spallina told him it “was OK to distribute the funds.”

THEODORE however states in various emails produced by his counsel Tescher and Spallina in the Court Ordered production upon their termination that he had in fact read the trust document “carefully.” From an alleged email dated October 25, 2013, months prior to his statements to PBSO that he had not read the Shirley Trust and only followed the advice of counsel we find Theodore again contradicting himself when he states,

Robert Spallina

From: Ted Bernstein [tbernstein@lifeinsuranceconcepts.com]

Sent: Friday, October 25, 2013 7:34 PM

To: Robert Spallina

Subject: RE: Withdrawal Activity Report

Good news is that on quick glance, all looks kosher but Deborah and I will tie everything out over the weekend. Bad news is that there is a steadily increasing amount of money being wasted on Eliot related matters. Once we get past Monday, I want to meet with you about my damages that I have incurred as a result of my role as trustee. I have read through the document carefully [emphasis added] and I have important questions and concerns about doing some things to counter the affects and I feel that there is time sensitivity involved. I hope Kim is doing as best as can be expected [this statement regarding Kimberly Moran and Eliot having her arrested by PBSO for fraudulent notarizations and admitted forgery]. I'm available over the weekend if you need me.

Ted

There are multiple ongoing investigations into felony criminal misconduct involving Theodore and Alan, including but not limited to, Frauds, Insurance Fraud, Fraud on a State and a Federal Court, Bank Fraud, Theft of Estate and Trust Assets of Simon and Shirley totaling millions of dollars, Falsifying Documents, Criminal Breaches of Fiduciary Duties and more, all relating to Simon and

Shirley's Estates and Trusts and those who have administered them from the start.

27. That the next Breach of Fiduciary duties by Theodore is a direct attack on Eliot's three minor children and retaliation by Theodore and Alan against Eliot, whereby Theodore alleges the three minor children of Eliot's are Beneficiaries of the Shirley and Simon Trusts that he alleges to be Trustee for. In a sophisticated attempt to destroy their educational futures that were long planned and paid for by Simon and Shirley and as part of an extortive effort to get Eliot to participate in taking knowingly illegal distributions again, in the same manner he and Tescher and Spallina did, a new recent attempt was launched using the children as pawns this time with Theodore and Alan.
28. That Eliot contacted the alleged Trustee Theodore on July 25, 2014 for an interim distribution according to the terms of the alleged Trust, see Exhibit 2 – Eliot Letter to Theodore for Interim Distributions, which provides for distributions for schooling and requested a simple yes or no answer so that he could notify St. Andrew's school, who had notified Eliot that on August 09, 2014 his children would lose their enrollments for school for the 2014-2015 year for past due balances owed and current tuition due.
29. That the children have been in St. Andrew's school throughout most of their lives and which was contracted and paid for entirely by Simon and Shirley while they were alive and provisions were made to continue after their deaths that have been interfered with to cause this calamity with intent. Greater detail of this extortive attempt and fraud can be found in Eliot's recently filed Motion for Interim distributions filed in both Simon and Shirley's Estates and Trusts. See Motion for Interim Distribution @

<http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/20140815EMERGENCYMOTIONFORINTERIMDISTRIBUTIONS.pdf>

30. That despite knowing of the illegal distributions already made using the fraudulent documents and schemes to alter Shirley's Beneficiary Class by Tescher and Spallina, Alan now tried to get Eliot to take illegal distributions, this time by extorting him using his children's school tuition as the basis of the extortion play or pay this time and tried to keep the extortive attempt secreted from this Court and others by misleading Eliot with misstated and misquoted statutes regarding Settlements.
31. That even other Attorneys at Law that Alan attempted to recruit into this scheme are catching on to his schemes, as illustrated in the Creditor Stansbury's counsel, Peter Feaman, Esq.'s letter to Alan in response to his request to have the creditor release his hold on the assets in Simon's Estate and Trusts, since Eliot would not again partake in the fraudulent distribution scheme under Shirley's Trust, see Exhibit 3 - Feaman Letter to Alan. Whereby Feaman states after requesting an accounting from Alan of the alleged Simon Trust to confirm his claims about how little was left in the Trust and then being denied a copy, Feaman states to Alan,

My client tells me there are numerous witnesses who know that it was Simon's intent to provide for the St. Andrews schooling for Eliot's children. Heck, the house he bought for Eliot is within walking distance of the school! Whatever differences there are between Ted and Eliot, **the grandkids should not be used as pawns.** There is money to pay for the grandchildren's education. Stop playing games and get this done. At the end of the day, an adjustment can be made if necessary, **but stop putting the kids in the middle [emphasis added].**

32. That once Theodore and Alan could not get Eliot or Feaman to participate in their renewed extortive schemes and play by Alan's rules, Theodore then failed as an alleged Fiduciary to respond to Eliot's repeated request for a simple yes or no answer to the distribution, in order to notify the school of their decision and make preparations if necessary to relocate the children. No timely reply was given (talk about uncooperative) and they allowed the due date to pass and the children to lose their

enrollments and enacted a new series of schemes to cover up their new breaches.

33. That once they failed with scienter, in an attempt to cover up their breach of duties and failure to pay under the terms of the Trusts of Simon and/or Shirley, they then claimed they need all kinds of stipulations now from this Court to make any payment and stated they were seeking a Court Order to make the payments, which of course they have not done timely or at all and so enrollment was compromised. See Exhibit 4 - Alan Letter Regarding Seeking a Court Order for Distributions.
34. That instead of the promised Court filing to get the distributions, in efforts to now recruit the Court to aid and abet in the coverup of their breaches, they have instead filed this instant Contempt Motion against Eliot, to act as if Eliot has somehow prevented them from making the interim distributions to keep the children in school and are using this new ABUSE OF PROCESS and TOXIC, VEXATIOUS, FRIVOLOUS, COSTLY, EXTORTIVE pleading as an excuse for failing to act in a timely manner and the resulting MASSIVE DAMAGES THEY HAVE NOW CAUSED TO THREE MINOR CHILDREN'S FUTURES. In fact, it appears they intentionally created these delays through this new Fraud on the Court, in order to intentionally miss the deadline through further abuse of process by filing their Contempt Motion instead to confuse the Court while failing to act in the interests of the minor children of Eliot who they claim are the Beneficiaries. See attached Exhibit 4 – Alan's August 01, 2014 Letter Stating Trustee Not Objecting to Distributions, whereby Alan states,

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 [emphasis added]**, 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."

35. Then Theodore and Alan filed yet another TOXIC, VEXATIOUS, FRIVOLOUS, COSTLY and MISLEADING Construction of Trust motion, recently filed in now a separate hearing to make it look like they could also not make distributions without this Court's Order and a reconstruction of the Shirley Trust and to have this Court somehow now reconstruct the Shirley Trust to fit the crimes they already have committed in knowing violation of that Trust with scienter. Yes, Alan and Theodore, who aided and abetted the prior frauds and benefited directly from them, now want to have this Court reconstruct Shirley's Trust four years later to attempt to make the illegal distributions they made legal.
36. That Alan claims they cannot make interim distributions without Eliot taking the improper distributions, even asking him to sign a refund agreement, if later after wasting lots of everyone's time and money in defending these new TOXIC, VEXATIOUS, FRIVOLOUS, MISLEADING and EXTORTIVE pleadings, the Court rules the payments were improper, which everyone already knows they are and where there have even been admissions that these distributions were illegal and achieved through fraud.
37. However, their claims that Interim Distribution cannot be made and then be deducted from the to be determined Beneficiaries is wholly untrue, as Donald Tescher stated in a letter dated, December 26, 2013, "Ted as trustee of Shirley's trust did make some partial distributions and that issue was also addressed at the first hearing where Judge Colin again addressed Eliot on the proper course of action. Despite Eliot's refusal to open up trust accounts for your boys, Ted has paid necessities for your family (since the Oppenheimer trusts were depleted by your actions) to keep the house running."

Those distributions were made without a Court order.

38. That further, Theodore claimed in a letter to Candice dated December 26, 2013,

Because of my concern stemming from my fiduciary role as well as the fact that Joshua, Jacob and Danny are my nephews, Robert Spallina and I agreed that I would pay some of the bills for your family that I deemed necessary for their well being, on a temporary basis. For example, I have paid for such things as health insurance, electric, water, phones and Internet. I have made these payments from the Shirley Trust account and I will deduct these amounts from any distributions that are ultimately made to the three boys' trusts.

This statement shows that Alan and Theodore could have simply made the payments to St. Andrews school and then deducted them later after the Court determined the true and proper beneficiaries and only after review of ALL the dispositive documents by forensic analysis and more but they chose instead to try a last attempt to use Eliot's children's schooling and futures to force him to take the illegal and improper distributions the way Theodore and his sisters Pam, Lisa and Jill knowingly did already with the help of Tescher, Spallina and Alan et al.

39. That Theodore and Alan's attempt to extort Eliot by using his children's schooling as leverage and force him to either take the distributions illegally or else his children would be forced out of school has been brought to this Court's attention in a yet another unheard pleading filed by Eliot, see <http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/20140804EMERGENCYMOTIONFORINTERIMDISTRIBUTIONS.pdf> to learn further of the continued and ongoing Pattern and Practice of Fraud and Extortion being committed by Alan and Theodore against Eliot, his three minor children and lovely wife Candice.
40. This extortive attempt began when Alan tried to trick Eliot into a meeting to extort him to take **KNOWINGLY ILLEGAL DISTRIBUTIONS TO IMPROPER PARTIES** in a meeting Alan tries to claim is about a settlement that Alan claims nothing in the meeting can be used in anyway, in efforts

to keep the extortion a secret from the Courts and others.

41. The meeting was only to get a yes or no on if the ALLEGED Trustee Theodore would make the interim distributions as he has done in the past as provided for the in the ALLEGED trust he operates under and NOTHING TO DO WITH SETTLING ANY CLAIMS. Alan in fact cites to Eliot a law that he has knowingly fabricated by adding language to the law to make it appear that the meeting could not be used in any way in Court or elsewhere because he claims it is cloaked as a settlement conference and hoped Eliot as a Pro Se litigant would not fact check his legal citing and would comply with Alan's misrepresented law and be forced to keep the extortionary attempt in the dark.
42. That Alan's email to Eliot, see Exhibit 4 - Alan Email to Eliot Re: School, clearly shows that despite knowing that Shirley's beneficiaries were altered through illegal activity and despite the fact that the beneficiaries are now not known due to the fraud (again costing everyone a fortune to defend and expose), Alan tries to use Eliot's children's school tuition to extort him to take the monies illegally or else the children will be thrown out of school. Alan in his letter even claims he is aware the beneficiaries are not known at this time but in a last ditch effort to get Eliot to partake in illegal distributions, picks up where Spallina and Tescher's extortion of Eliot left off, as he demands Eliot take the distributions to the improper beneficiaries instead of, as Eliot suggested, making them as Interim Distribution until the Court rules on who the ultimate beneficiaries will be and then deduct it from that party, either Eliot or his children. All this effort to have Eliot in desperation to keep his kids in the school they were put in by his parents and paid for by them for virtually their entire lives, accept the distributions illegally to gain an implied consent and further participate in the crime leaving him no recourse against those who already took KNOWINGLY improper and illegal distributions. This is the same tactic that was tried by Tescher and Spallina before they finally

admitted to altering trust documents to make the illegal distributions to improper parties and more and after lying to the Court and others until they finally confessed.

43. That finally, it was just learned from review of the production documents turned over by Tescher and Spallina upon their resignations and by Order of this Court that the school contract for the 2012-2013 was directly with Simon and should have been a liability of the Estate and instead these costs were shifted to Eliot's children to pay by Spallina and Tescher, which is yet another fraud that is more fully expanded on in the Counter Complaint filed in the related Oppenheimer v. Eliot and Candice Bernstein lawsuit now before this Court.
44. That both Theodore and Alan have profited and benefited from aiding and abetting in the advancement of the fraudulent schemes to enrich themselves and primarily Theodore at the expense of Beneficiaries, Interested Parties and Creditors from excessive billing, self-dealing and fraudulent transfers.
45. That Theodore, his sisters Pamela, Jill and Lisa, all knew that documents had been fraudulently notarized and forged in their names and in their deceased father's name POST MORTEM at least from May 2013 when Eliot first presented the evidence to the Court in his initial Petition to this Court and served it upon them. That despite knowing of these crimes, Theodore failed to take any steps as an alleged fiduciary to report these crimes to the authorities or this Court and only admitted that he knew of the frauds to PBSO in January of 2014 when he was hauled in for questioning. In fact, Theodore and his sisters then attempted to gloss over and pardon the criminal acts of Moran et al. by submitting further fraudulent waivers to this Court and from the time they knew of the allegations launched a further aggressive and forceful campaign of terror and retribution with Tescher and Spallina et al. against Eliot, his three minor children and lovely wife Candice, in efforts

to stop them from bringing these criminal acts and civil torts they partook in to Justice.

RESPONSE TO MOTION FOR CONTEMPT IN PARTICULAR

CONTINUED MISREPRESENTATIONS, MISTATEMENTS OF FACTS AND WASTE, FRAUD and ABUSE in the ADMINISTRATION OF THE ESTATES AND TRUSTS

46. That if that is not enough to toss Theodore's Toxic Contempt Motion and due to his continued involvement in the proceedings as Fiduciary allowed by this Court, despite this Court knowing for months of all of these problems that make Theodore unfit, Eliot is now further forced to respond to this Contempt Motion in detail, with UTMOST CONTEMPT for the fact that the pleading has even been allowed by this Court (by a wholly unqualified Fiduciary) in the first place. This pleading submitted by Officers of the Court, Theodore and Alan that this Court is fully cognizant are not qualified to act in any legal or fiduciary capacities any longer and without removal by this Court on the Court's own initiative to prevent these Toxic and Prohibited pleadings, so begins another lengthy response to unwind the multiple lies and deceit contained therein and advanced by Theodore and Alan.
47. That this Contempt Motion filed by Alan and Theodore is more smoke and mirrors to cover a further extortion attempt of Eliot recently when he requested Interim Distributions to keep his three minor children in school and they instead tried to use this request as a way to make Eliot partake in knowingly fraudulent distributions and once that renewed attempt failed, they filed this TOXIC, VEXATIOUS, RETALIATORY, MISLEADING and PROHIBITED pleading in efforts to cover up their scheme and further breaches of fiduciary and legal duties that have caused now damages to three minor children they claim are the beneficiaries.
48. That Theodore Bernstein and Alan Rose in their first paragraph of their TOXIC, VEXATIOUS, FRIVOLOUS, EXTORTIVE, RETALIATORY AND MISLEADING Motion for Contempt against

Eliot, the victim, who has exposed the crimes proven already in these proceedings and has alleged serious felonious conduct against them, open in paragraph one by flat out lying to the Court and stating, “Eliot Bernstein, despite this Court's Order dated July 18 (Exhibit "A") has published the privileged materials, directly or indirectly, in a pleading filed in an unrelated case. (See excerpts attached as Exhibit "C".) His continued use and re-publication of the privileged information directly violates this Court's ruling.”

49. That Eliot has NOT published the privileged materials in a pleading or anywhere else, as Eliot only referenced links to public Internet sites in a pleading where the PUBLICALLY available Privileged Email has been published by Crystal Cox Investigative Blogger at her sites across the web and at “Rip Off Report.” Alan is fully aware that others, NOT ELIOT, published this PUBLIC PRIVILEGED Email all over the web making it now a public document.
50. That Cox further refuses to comply with Eliot, Alan or this Court’s order regarding the claim of privilege, despite Eliot notifying Cox twice of the claim of privilege and sending her the Court Order as required by this Court. Eliot can do nothing else about the actions of a reporter of court corruption who feels she has certain inalienable rights. The Court’s ruling states nothing about using or referencing a document that is publically available in a pleading, only that Eliot should not forward the Email to any parties and thus Eliot did not “directly” violate this Court’s Order.
51. That Alan was notified several times directly by Cox who published the email on various sites across the Internet, see Exhibit 5 - Cox Letters to Alan Regarding Privilege, explaining she would not comply with any Order or Eliot’s requests to comply with any Order and that she has a different opinion of the Publically available Privileged Email whereby she claims she does not believe it to be Privileged Email and that she would continue to publish and disseminate the Public Privileged Email

despite Eliot notifying her twice of the privilege claim and sending the Court's Order as required and Alan is fully aware of these facts. Cox has invited Alan to sue her or try and stop her and Alan has done nothing to remove the Publically available "Privileged" Email and instead attempts to now convince the Court that Eliot published the email after learning of the privilege claim in violation of the Court Order when he is knowledgeable of the truth, yet argues lies.

52. That the Court in its Order actually stated, "Eliot shall not, from the time of the Court's oral ruling, forward the email to anybody. If Eliot violates this Order, the Court may hold him in contempt of court and consider appropriate remedy for such violation." Eliot has NOT forwarded the email to anybody since the Court's Oral Order and Alan has not advanced ANY claim or evidence that Eliot has but Alan claims in his TOXIC, VEXATIOUS, FRIVOLOUS AND MISLEADING pleading that again abuses process that Eliot has "directly" violated the Order by trying to state things the Order does NOT state, in efforts to make it appear to this Court that Eliot is uncooperative and in "direct" violation and even threatens the need of a guardian for Eliot's children and more due to this minor infraction, if it is one at all.
53. That if Alan's argument of Contempt for the Order were to hold up in this Court, Alan too would be in violation of his own claim of privilege, as he then published the weblink to the Email and used it himself in the instant Contempt Motion and so would this also be considered by the Court a violation of the Privilege Order.
54. That Alan and Theodore's second paragraph is also fraught with lies and deceit to this Court, as he states in his pleading,

"2. In addition, Eliot has not complied with ¶9B of the Order dated July 18. To date, Eliot has not: (i) provided proof that he sent notice to everyone to whom Eliot sent a copy of the email; (ii) has not directed those persons to comply with Order, and instead told the

people that because he might appeal "I'm not sure what you are supposed to do in the meantime with your copies" (Exhibit "D"); and (iii) has never provided any evidence that email in fact was sent out to anyone between his receipt of it at 10:52 pm on May 22, 2014 and the hearing held on the morning of May 23, 2014, as Eliot represented on the record (as demonstrated in the transcript excerpt attached as Exhibit "E").

That these claims are all factually incorrect and Alan is aware of the fact that Eliot has:

- i. provided proof to this Court that he sent notice to everyone he sent a copy of the email to, PRIOR TO LEARNING OF ANY CLAIM OF PRIVILEGE on an Email he was sent by his brother Theodore, in reply to an email Eliot sent to Theodore (where neither of them are Attorneys or Clients of each other) and Alan was served this proof of compliance submitted by Eliot to the Court but fails to mention this fact in his pleading, see [www.iviewit.tv/Simon and Shirley Estate/20140804FINALIGNEDCOMPLIANCEWITHCOURTORDER.pdf](http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/20140804FINALIGNEDCOMPLIANCEWITHCOURTORDER.pdf) . On August 04, 2014 at 10:09am Alan was served this filing, docketed with the Court as #219;
- ii. **twice** directed those persons he sent the Email to before learning of the privilege claim to comply with the Order and Statute and provided them with the privilege statute to comply with and attached the Court Order as ordered by the Court. Alan though through clever cut and pasting of words from Eliot's notice to the parties, instead of using complete sentences to quote in context, then misleads the Court by failing to notify the Court of the whole sentence of Eliot's and the true meaning. Whereby Alan states Eliot said, "I am not sure what you are supposed to do in the meantime with your copies." This statement on its own is in effort to again mislead the Court to believe that instead of telling people to delete and destroy their copies as per the Order, Eliot told the parties he was unsure of

what they were to do. Yet, if one reads the whole document and that whole sentence in context one sees that Eliot notified them to follow the statutes and the Order and to delete, etc.

The whole sentence Alan excerpted from actually reads, “**I may appeal so** I am not sure what you are supposed to do in the meantime with your copies, **please consult counsel** **[emphasis added to the parts of the sentence Alan left out of his toxic filing]**.” Here the Court can plainly see that Alan tries to twist this statement to say that Eliot did not comply by telling people he was not sure what to do with their copies, leaving out the part about pending appeal. That Exhibit 5 – Eliot’s Letter to Privileged Email Recipients and the Proof of Compliance Eliot submitted to the Court clearly show that Eliot complied with the Court Order and noticed each party to delete the Email and comply with the attached statute and attached Order.

Eliot, due to the Court’s Order being only directed at what Eliot must do pending appeal, stated separately that he was unsure what the other parties where to do in the event of an appeal and that they should consult counsel regarding this unknown. Where Eliot is Pro Se and therefore unable to tender legal advice and the Order was unclear in this regard, stating “If **Eliot** appeals this Order, **he** [emphasis added] must obey and follow this Order pending the appeal.” Alan knew all of this and that Eliot had complied to the letter of the Order but due to this is word play game, Eliot is now forced to unravel every sentence of this TWISTED, TOXIC, VEXATIOUS, FRIVILOUS and MISLEADING pleading that takes so much time and so many pages to unwind to this Court;

- iii. repeatedly advised this Court and Alan that the privileged emails sent to parties were

destroyed by Eliot and thus do not exist, yet Alan pines to the Court that Eliot is not providing them to him. Theodore has admitted in Court under Oath that part of his strategy with Alan and others against Eliot is what Theodore stated on the record were “FORCEFUL AND AGGRESSIVE” tactics and this harassment for Emails he knows were destroyed appears part of this strategy. Alan demands that Eliot now send him the actual copies of the emails Eliot sent to people from 10:52pm on May 22, 2014 to the time of the hearing where Eliot learned of the privilege claim for the first time held on May 23, 2014. However, Alan again is fully aware that prior to Eliot first learning that there was a claim of privilege asserted, Eliot had already sent it out via email to many parties named in the Privileged Email as possible targets of their strategies against Eliot, targeted simply for helping Eliot, including Simon’s close personal friends and business associates and Eliot posted it on his social media pages, as already told to Alan and this Court in the Evidentiary Hearing and in pleadings. Yet, despite knowing this Alan needs to mislead the Court that Eliot is failing to comply.

That after the May 23, 2014 hearing Eliot, prior to learning he could challenge the claim of Attorney Client Privilege as one of his options under the law, in good faith and due to his promise to the Court that he would follow the law that he had never heard of before, went ahead and deleted all the Privileged Emails he sent and notified the parties of the claim of privilege and provided them the statutes on May 23, 2014, as Alan’s Exhibit D and Eliot’s Exhibit 5, clearly show, long before the Court Order regarding the privilege. Alan tries however to mislead the Court yet again in efforts to convince the Court Eliot is in violation of the Order which states nothing about sending Alan the destroyed emails he

sent, which would actually contradict the Order. Sending that Email with the Privileged letter attached to Alan or the Court now would violate the Court Order if the original Emails still existed, as Eliot would then be forwarding the Emails to other parties in violation of the Court Order. Eliot in his Pro Se understanding of law has from the moment he learned of the claim of privilege followed the letter of the complex law and the Court's Order.

That one thing is for certain, this whole sordid legal affair over the privilege issue has cost the Beneficiaries, the Estates and Trusts, the Creditor and this Court THOUSANDS UPON THOUSANDS OF DOLLARS in legal fees that Alan directly benefits from and where this whole manufactured legal mess problem was caused by Alan's client Theodore sending an email reply to an email Eliot sent to him, in what he and Alan then claimed to the Court was an alleged mistake. Theodore then under oath stated he meant to send his Email reply to the email Eliot sent him to Alan instead of Eliot. That Theodore claimed in the hearing when asked about this alleged "mistake" of his and how it happened claimed that it was due to his use of a brand new email system that day, a new system that somehow made replying to emails from Eliot, instead go to Alan. Thus, one thing is for certain, that Eliot was not the cause of this colossal mess, Theodore and his Attorney Alan are but we all paid and keep on paying while they now try and twist their mistake to look like this was somehow Eliot's fault or that he is not complying with the Court to protect their privileged scheme.

55. That Theodore and Alan based on these previous false premises in their TOXIC, VEXATIOUS, FRIVILOUS and MISLEADING pleading then seek an order from the Court in Paragraph 3 of the

pleading attempting to basically silence Eliot and limit his legal rights by seeking all kinds of remedies from this Court for what would be a minor infraction compared to the frauds going on in this Court by Officers of the Court who are knowledgeable of the law, Alan stating,

“Movant seeks an order finding Eliot Bernstein in contempt and awarding appropriate sanctions, which should include striking all of his pro se court filings and precluding him from further participation in this case, and an award of attorneys' fees against Eliot Bernstein. Eliot has no individual standing in this matter as he is not named as a beneficiary under Simon's Will or Trust, and it is unclear from his own filings whether he is advancing his own interests or the interests of his minor children, who may be in need of a Guardian ad Litem.”

56. That Alan in Paragraph 3 for an alleged possible violation of a complex Court Order regarding a complex and virtually precedent setting privilege claim wants to shut Eliot's rights down and have the Court Aid and Abet in this scheme, in fact stating to the Court that Eliot should be banned from the proceedings and even claims Eliot is not a beneficiary of the Will and Trust of Simon.
57. That the Court and Alan are aware that the current 2012 Alleged Will and Trust of Simon are challenged as legally void and invalid.
58. The Court and Alan are further aware that the Governor Rick Scott's Notary Public Division has already confirmed that the 2012 ALLEGED Will and Amended and Restated Trust of Simon were improperly signed and improperly notarized (failing to state if Simon was present upon signing) and where Eliot has already posited with the Court evidence that these documents suffer from further irreparable flaws in construction and may be further fraudulent and forged documents produced by Tescher and Spallina, the attorneys who enlisted Alan into these matters from the start to aid and abet them. It is hard to imagine that this Court continues to use these as the current operative dispositive documents, without first ordering that the documents be forensically examined and determine if they are actually valid.

59. That Robert Spallina has admitted to the PBSO he unlawfully ALTERED Trust documents of Shirley's Trust to allow the fraudulent trust construction that attempted to materially change the Beneficiary Class that was already established upon her death. Until these fraudulent documents were submitted Post Mortem and after her death by several years, Eliot for years was a 1/3rd beneficiary of the Estates and Trusts of his parents estate plans and when his mother Shirley died, he was a 1/3rd beneficiary of her Revocable and Irrevocable Trusts. Where Alan is fully aware that if these fraudulent documents do not prevail and fail as did the forged and fraudulent Waivers, Eliot will again be a Beneficiary. Theodore and Alan however noticeably forget to state to the Court this fact that Eliot has very real potential beneficial interests in the Estates and Trusts that gives Eliot standing in these proceedings and further attempts to mislead the Court that he has no beneficial interest and further wastes everyone's time and monies deconstructing their continued lies and misleading and false claims.
60. That Alan fails to mention that his client Theodore is the one who actually is disinherited from all versions of the Estate and Trust plans of Simon and Shirley and is really the one with no standing or beneficial interest whatsoever in any beneficial circumstance and where Theodore is considered for all purposes of even the alleged legally void documents to be PREDECEASED. No matter what scenario of beneficiaries is ruled on ultimately by this Court, Theodore in every scenario is not a beneficiary of anything at all by the very terms of all of the alleged Trust and Estate documents from 2008 and 2012.
61. That Theodore and his sister Pam were wholly disinherited in all versions of the Estate plans and have been upset about their disinheritances since being tipped off by Tescher and Spallina while Simon was alive that they had been disinherited by their parents. From that point where Spallina

tipped them off without first consulting with Simon, leaving Simon a sitting duck to the anger of his children, a war was waged against Simon by Theodore and Pamela, a wicked war whereby Theodore and Pam were trying to force Simon to make changes that used his grandchildren as pawns, a war that lasted to the day he died, as he never made their desired changes.

62. That Simon had considered making changes to resolve the disputes between him and Theodore and Pamela in an effort to see his grandchildren again but when Simon did not make the demanded changes prior to his death in his Estate and Trusts and in Shirley's Estate and Trusts where he found any changes legally impossible, he then had POST MORTEM help from the former removed Fiduciaries Tescher and Spallina, their client Theodore, Manceri and Alan, all acting as Officers of this Court and Fiduciaries.
63. A series of frauds and felony misconduct was then instituted whereby they FRAUDULENTLY ALTERED TRUST DOCUMENTS POST MORTEM FOR SHIRLEY, FRAUDULENTLY NOTARIZED ESTATE DOCUMENTS FOR SIX PERSONS INCLUDING SIMON POST MORTEM, FORGED DOCUMENTS FOR SIX PEOPLE INCLUDING SIMON POST MORTEM, FORWARDED FRAUDULENT DOCUMENTS TO MULTIPLE PARTIES TO EFFECUATE THEIR FRAUDS, CONVERTED AND COMINGLED ASSETS and more, as the Court is already well aware of. All of these crimes were to ILLEGALLY SIEZE DOMINION AND CONTROL OF THE ESTATES AND TRUSTS and then attempted to change the beneficiaries illegally to benefit primarily Theodore and Pamela and to loot the Estate and Trusts through fraud and other felony criminal misconduct once they seized Dominion and Control.
64. That Spallina in statements to PBSO investigators in the attached herein report, even claims that they told Simon he could not make changes to Shirley's Estate but then allegedly fraudulently constructed

his alleged 2012 documents to try and enable fraud through an alleged, as Alan defines it, “Special” Power of Appointment. Constructing a Will and Trust for Simon to attempt to commit fraud and change Shirley’s documents, thereby making the 2012 Simon documents further legally invalid.

65. That the only people who should be removed from these proceedings and have all their TOXIC, VEXATIOUS, FRIVOLOUS and MISLEADING pleadings stricken and have Guardians assigned them as suggested by Alan in his Contempt pleading, are in fact, Alan and Theodore.
66. That Alan and Theodore however may need Prison Guardians to protect the Beneficiaries, Interested Parties, Creditors and the General Public from them, where they both participated in these fraudulent activities in efforts to convert and comingle illegal distributions that benefited Theodore the most and benefited his minion of attorneys at law handsomely in unnecessary legal fees charged to commit all these crimes against the very beneficiaries they are charged with protecting.
67. That the crimes were factually committed by Theodore and the Attorneys at Law who he brought into these matters from the start and who also are his business associates and bedfellows, Tescher, Spallina, Manceri and Alan, who all worked together against the interests and wishes of Simon and Shirley, the Beneficiaries, Interested Parties and Creditors in various schemes and frauds to benefit themselves.
68. That Alan has even recently suggested to Eliot that his client and he were considering dropping the ALLEGED 2012 Will and Trust of Simon alleged to be done days before his death, see Exhibit 5 – Page 14, Paragraph 1.
69. That these alleged 2102 Simon documents were allegedly signed while Simon suddenly began suffering severe medical conditions, having hallucinations with severe headaches (prompting a brain biopsy) and under extreme emotional duress, all due to pressure that Theodore and his sister Pamela

were putting on him to make changes or else never see his grandchildren again, again allegedly signing them only days before his death.

70. That Alan then makes more false claims to this Court in his Contempt Motion and seeks an Order from the Court to have Eliot comply with a request for Production and Deposition when he states,

“4. Movant also seeks a second order compelling Eliot Bernstein to appear for deposition, as he has been unwilling to agree to a deposition date. (See Exhibit "B"). Eliot has been requested to provide deposition dates and documents (Exhibit "F") and has refused.”

71. That again, Theodore and Alan are knowingly lying to the Court, as Eliot has never refused a deposition and Eliot responded to the production request in Shirley’s estate timely and per the Court Order, which is the only production request filed. Alan has raised no objection to the filing but claims Eliot has failed to comply to further mislead the Court that Eliot is somehow the bad guy and uncooperative.

72. That further the Court Order actually states,

“2. Eliot Bernstein shall appear for deposition at a mutually agreeable date and time, prior to the hearing on Eliot's pending motions/petitions.”

That Eliot has told Alan when he requested his Deposition, as Exhibit 6 – Eliot First Letter Regarding Dental Work shows, that Eliot at the time Alan was demanding his deposition was already planned to have dental work done over several weeks that would require heavy medications and showed Alan proof that he already had this work planned for months. In fact, Eliot sent Alan a Petition he filed with this Court prior to Alan’s request whereby Eliot requested an extension of time to file an Answer and Counter Complaint to the related Oppenheimer matter now before this Court (which the Court approved) and provided the Doctors name and number for Alan to confirm the

work was being done at that time. Eliot informed Alan that since there were no hearings scheduled to hear Eliot's pending motions/petitions that it would be best to wait until after the procedures and after Eliot was off the medications provided to take a deposition and that he would be happy to schedule once completed. Yet Theodore and Alan knowing this all too well, still attempt to again mislead the Court and spin things to appear that Eliot is uncooperative and violating Court orders.

73. That Alan points to his request for deposition made after knowing of Eliot medical condition, see Alan's Exhibit F, even after knowing Eliot's medical treatment was underway and again lies to the Court that Eliot failed to respond to his requests and was refusing deposition. Alan has since harassed Eliot for a deposition repeatedly during the time he is aware that Eliot is under medical treatment, despite knowing of this fact, apparently to build a false record for the Court of Eliot's lack of cooperation.
74. That on August 04, 2014 Eliot received yet another email demanding deposition during treatment and Eliot responded two days later on August 06, 2014 at 4:21pm after recovering from 5 hours of dental work, see Exhibit 7 – Eliot Second Letter to Alan Re Deposition. Whereby Alan, after receiving Eliot's response then rushed to file his Contempt Motion with the Court at 4:37pm on August 06, 2014 without disclosing to the Court that Eliot had responded to his prior requests for deposition prior to filing his TOXIC, VEXATIOUS, FRIVILIOUS and MISLEADING Contempt Motion, again claiming to the Court Eliot was uncooperative despite knowing Eliot had never refused a deposition or failed to properly respond to his requests and secreting this information from the Court.
75. That since filing his Contempt Motion Alan has made no notice to correct these false statements to the Court and acknowledge that he did receive cooperative responses from Eliot and that Eliot in no way was refusing any deposition and had already complied with the production request filed in

Shirley's estate. Further, the Court Ordered that Eliot take a deposition prior to any scheduled hearings of Eliot's pleadings and since that time there have been none scheduled, so what is the rush, it is a rush to attempt to build a frivolous case against Eliot for failing to cooperate?

76. That Alan again stretches the imagination when he states next in his TOXIC, VEXATIOUS, FRIVOLOUS and MISLEADING Motion for Contempt,

5. Movant seeks an order overruling Eliot Bernstein's Objections to discovery and compelling him to produce responsive documents within 10 days.

77. That Eliot has not made any Objections to discovery in any production request in Simon's Estate and again complied with the production request filed with the Court in Shirley's estate (the only production request made of him) as Ordered by the Court, see "Response to Production Request and Request for Protective Order" filed with this Court in Shirley's Estate @ <http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/20140630PRODUCTIONANDREQUESIFORPROTECTIVEORDER.pdf> but Alan again hopes this Court is asleep and did not see Eliot's filing in compliance, which Alan also was served a copy of. Also, Alan is aware that the production request was in Shirley's estate and not Simon's as he once attempted to trick the Court that it was in Simon's and here again he asks the Court to rule on a filing in Shirley's Estate in Simon's pleading.
78. Paragraph 6 of Alan's Motion attempts to further silence Eliot by creating another bizarre web of lies that claims that Eliot is sending Court pleadings improperly to all of his law firm members without reason, instead of to lawyers designated to receive the new Counter Complaint and pleadings regarding the probate cases. However, Eliot pointed out to Alan in his August 06, 2014 email to him already exhibited herein as Exhibit 6 that Eliot is serving all the people in his office, as they are being sued by Eliot in the Counter Complaint and the fact that they are all Respondents as well in the

Probate matters. None of them, including Alan, have told Eliot who their counsel is going to be for several months despite Eliot's repeated requests for that information they have all refused. Eliot in fact stated to Alan, again prior to his filing the Contempt Motion, in response to his request to cease sending his partners et al. the pleadings,

I am suing you and each of your partners, associates of counsel and the firm in the Oppenheimer case and you are all respondents in the Estates of Shirley and Simon as well as the firm and so I am serving them as required. Please notify me of who will be representing each of them individually and professionally and who will be representing the firm and I can notify their counsel forward instead of them individually. Also, will you be representing yourself Pro Se individually or professionally as a respondent in the probate cases and Oppenheimer counter?

Again, Alan fails to include this information in his filing with the Court or supplement his filing knowing of this information that makes his points moot, again this will cost everyone considerable time, effort and monies to defend, including reading this response.

79. That Alan also attempts to claim that Eliot is sending things to Brian O'Connell, the new Personal Representative of Simon's Estate that replaced Theodore's former counsel Tescher and Spallina that do not relate to matters that Brian is involved with. This claim is also wholly unsupported and just Alan's myopic view as no information is tendered to the Court in support of his claim. Brian O'Connell has not stated anything of this sort to Eliot or this Court.
80. That the Court should note that virtually all of the hundreds of thousands of dollars of legal bills already expended in these matters from the Estates and Trusts have come from Alan and those who retained him, namely Theodore, Spallina and Tescher, all who are billing legal fees ad nauseum for a multiplicity of Frauds, Forgeries and Altering Estate and Trust documents and other criminal acts and civil torts that all have cost Beneficiaries, Interested Parties, Creditors, this Court and Investigatory

Agencies a fortune to unravel and prove. This while they have continuously lied to the Court, committed fraud upon fraud on the Court, fraud on the Beneficiaries and Creditors and continue to make knowingly TOXIC, VEXATIOUS, FRIVOLOUS, PROHIBITED, COSTLY and MISLEADING false pleadings that abuse process misusing Trust and Estate funds to commit the crimes and then defend themselves against prosecution with Trust and Estate funds, all of this NOT BENEFITING THE BENEFICIARIES, the Trusts or Estates and in fact doing more and more damages.

81. That Alan was centrally involved in the original efforts to make illegal distributions to parties, primarily his client Theodore that were based on the fraudulent schemes to change beneficiaries committed by the former PR's, Trustees and Counsel in the Simon and Shirley Estates and Trusts as evidenced already herein. Theodore and Alan now continue in desperation to try and advance these fraudulent schemes of Spallina and Tescher again, even after they were interviewed by PBSO and became fully informed of the frauds, prior illegal distributions, conversion and comingling of funds alleged by Spallina against Theodore.
82. That further, it is Alan's constant contact with the prior Curator Benjamin Brown that resulted in almost half of the billable hours expended by Benjamin Brown in dealing with parties involved in these matters. Yet, Alan tries to spin this fact with the Court to appear that Eliot is the one inflating the legal billings. In fact, Eliot has worked Pro Se and saved the Estates and Trusts considerable legal fees and it is from his efforts that the crimes were exposed that OFFICERS OF THIS COURT COMMITTED and now ADMITTED involving complex FELONY CRIMINAL ACTS and more. In fact, Tescher and Spallina even billed the Estates and Trusts for their time at PBSO confessing to their crimes.

83. That it is Theodore and his minion of Attorneys at Law, including Alan, who are all involved directly in the criminal acts that have cost the Estates and Trusts hundreds of thousands of dollars in advancing fraudulent schemes and then hundreds of thousands more exposing them and hundreds of thousands more exposing how they are now trying to cover up those crimes through further Frauds on the Courts, Beneficiaries and Interested Parties and all the while they are allowed to continue looting the Estates and Trusts by this Court.
84. That the remainder of Paragraph 6 of Alan's Contempt pleading attempts to stop Eliot from exposing Alan and the crimes committed in these matters to the world because Eliot is sending public documents to the public, such as the pleadings in the case, which are not protected at all. Alan however must try to convince the Court that they somehow are, while citing no examples of Eliot doing anything illegal or wrong by sending public documents or documents in Eliot's possession to any party he so chooses. This spin attempted because Alan would like all his actions and everything happening in this Court that exposes the grotesqueness of the crimes he and Theodore are directly implicated in to be veiled in a cloak of secrecy going forward.
85. That Alan's Contempt Motion is fraught with lies and deceit and continues a pattern and practice in these matters of Fraud on the Court through TOXIC, VEXATIOUS, FRIVOLOUS, PROHIBITED and COSTLY pleadings and where Tescher, Spallina and Theodore left off, Alan picks up the baton with Theodore again.

WASTING ESTATE AND TRUST ASSETS AND MISMANAGEMENT

86. That Alan Rose, his client Theodore and his legal cohorts have wasted in FRIVOLOUS and ABUSIVE legal costs hundreds of thousands of dollars for others to chase down and prove the Fiduciaries and Counsel in these matters, acting as OFFICERS OF THIS COURT, have committed

not only serious breaches of duties but serious FELONY CRIMINAL MISCONDUCT and alleged criminal misconduct, including Fraud on this Court, Fraud on US Federal Court, Insurance Fraud, Fraud on Beneficiaries and Creditors, etc.

87. That in one instance of fraud, waste and abuse in this Court, over \$30,000 of legal costs alone were billed to the Estate for trying to claim a KIA Soul with a value of \$11,000 as personal property of the Estate of Simon, when Tescher, Spallina, Alan and Theodore all knew all along it was a gift from Simon to his grandson for his 15th birthday only two weeks before he passed away.
88. That only after a year of fighting for the transfer of the title as a gift, leaving the car unable to be driven by Eliot's son, just sitting in the driveway breaking a young boys heart, only when it came to "show down" in the Court did they WITHDRAW their TOXIC, VEXATIOUS, FRIVILOUS, EXTORTIVE, COSTLY pleading.
89. The car was transferred because after a year, as the new Curator Benjamin Brown was appointed, Brown filed in one of his first pleadings that the Estate was at great risk from the KIA , as they claimed the KIA as an alleged asset of the Estate and yet left it uninsured and unattended, exposing the Estate to massive liabilities if anything happened with it.
90. That in fact, the alleged KIA was later **NOT** found listed as an asset on the original inventory of Simon, or the Amended Inventory of Simon and not even on the Final Accounting Ordered by the Court provided by Tescher and Spallina at their resignations, more evidence of FRAUD ON THE COURT and minor Beneficiaries.
91. That this win to Simon's grandson finally getting his birthday gift came after over a year of holding the car as hostage in an extortion scheme already pled before the Court to force Eliot to take knowingly ILLEGAL and IMPROPER distributions in order to get the car turned over to his 16 year

old son who suffered much damage from the loss of his vehicle that precluded him from driving to school, school related activities and a job, all interfering with his future and making him very depressed.

92. That this scheme also cost the Creditor Stansbury, Eliot, Ben Brown, this Court and others considerable legal fees to defend and hear the frivolous pleadings regarding the KIA and travel to and fro from Court.
93. That Theodore's Attorneys at Law then put in a TOXIC, VEXATIOUS, FRIVILOUS, COSTLY and DOOMED TO FAIL Petition to make Theodore the Curator of the Estate of Simon, despite knowing of Theodore's irrefutable conflicts of interests, adverse interests, direct involvement in the former frauds, improper distributions alleged taken against the advice of counsel and a host of other solid reasons Theodore could not be a fiduciary.
94. That the Court DENIED Theodore's Petition for solid reasons and instead appointed Benjamin Brown instead to everyone's delight except Theodore and the proceedings in the Estate of Simon have been moving in a positive direction since. Again, sadly, everyone else involved had to expend considerable resources, time and monies, including the Estates and Trusts, the Beneficiaries and Creditor, all defending this TOXIC, VEXATIOUS, FRIVILOUS, COSTLY and DOOMED TO FAIL pleading paid for by the Trusts and Estates to attempt to make Theodore a fiduciary, when Alan was fully aware all along of the many problems that preclude Theodore from being a fiduciary in the Estates and Trusts of Shirley and Simon. Yet, Alan proceeded to waste everyone's time again trying to claim Theodore as the fiduciary, despite knowing these facts in advance and advising his client to voluntarily resign and this proceeding cost the Estates, Trusts, Eliot, the Creditor Stansbury and others tens of thousands in legal fees.

95. That not taking NO once from this Court regarding Theodore's appointment as a Fiduciary in the Estate of Simon, Alan and Theodore again approached the Court with a Petition to make Theodore the PR of Simon's Estate in replacement of the Curator, which again cost a fortune in travel, legal fees and time for all of the already victimized parties to have to come to Court, where we witnessed YOUR HONOR URGE STRONGLY both Alan and Theodore to WITHDRAW their TOXIC, VEXATIOUS, FRIVILOUS, DOOMED TO FAIL and COSTLY TO EVERYONE pleading for Theodore to become PR.
96. That urged Theodore, Alan and Pankauski twice to withdraw or work it out with the other parties or else face severe sanctions if they lost, including paying for EVERYONES LEGAL EXPENSES, which should have been awarded. So after two conferences motivated by the Court to try and agree with the other parties for a resolution, which both failed, suddenly, while standing before the Court ready to argue his Doomed to Fail Petition, Alan turned to his Client Theodore and his co-counsel John J. Pankauski and after their huddle in the Court, Alan turned to address the Court, only to cowardly WITHDRAW their TOXIC, VEXATIOUS, FRIVILOUS, COSTLY and DOOMED TO FAIL pleading. Again the withdrawal did not come until enormous time, money and energy was wasted by everyone to show up to Court and pled their defenses with troves of lawyers.

JUDICIAL NOTICE

97. The court needs to act on its own Motion or those petitions and motions filed by Eliot and the Creditor Stansbury to stop these Frauds on the Court, again being committed by Officers of this Court who are directly involved in and directly benefited from the prior frauds? This Court needs to put a stop this RECKLESS, WANTON and GROSSLY NEGLIGENT disregard for law, this Court, the Beneficiaries and Creditors and begin to prevent the ongoing attempts to cover up their crimes

through further fraud, waste and abuse of process. This Court needs to stop them from committing additional new crimes, including the new alleged thefts of Personal Properties (discussed further herein) and round up and rid the Court of every single person who was involved in any way with the prior fraudulent activity, as is required by law when Fraud Upon the Court has been proven. This Court needs to clean up its own Court and provide for fair and impartial due process free of the fraudsters who operate cloaked as Officers and Fiduciaries of this Court. Every day this Court leaves these reckless and unlawful Fiduciaries and Officers of this Court in place, is a day of suffering, damages and abusive costs for the already injured parties.

98. That the Court should note that all of these PROVEN AND ADMITTED FRAUDS on this Court, the Beneficiaries and the Interested Parties have ALL been committed through legal process abuse that allowed for illegal seizure of Dominion and Control of the Estates committed by OFFICERS OF THIS COURT and FIDUCIARIES, using this Court as the host for the CRIMES and ALL of these parties were APPROVED BY YOUR HONOR. Yet, despite knowing these facts, this Court continues to allow those involved and under investigation to now continue to act in Fiducial and Legal capacities, despite KNOWING THESE FACTS and knowing that under law they should have already resigned voluntary when requested and under law they should be removed by this Court on the Court's own Motion. These problems occurred and continue to occur in this Court and it is this Court's duty under law to clean up the mess it is responsible for, not wait for Eliot or others to do this.

99. That Alan and Theodore now pick up and continue the Pattern and Practice of Harassment, Extortion, Illegal Distributions of Estate and Trust funds, Fraud on the Court, Fraud on Beneficiaries, Fraud on Creditors and more committed by the prior PR's, Trustees and Counsel in the Estate and Trusts of

Simon and Shirley, Tescher and Spallina, who have been removed from these matters after MASSIVE AMOUNTS OF time, effort and costs to Petitioner and others to have them removed.

100. That Theodore has brought ALL of these people who have participated in all these fraudulent activities into the Estates and Trusts of Simon and Shirley who have all BLED THE ESTATE of hundreds of thousands in legal fees already. Where Theodore and his cohorts have benefited and continue to benefit at the expense of everyone else involved. Again, THIS COURT NEEDS TO PUT AN END TO THE FRAUDS BEING COMMITTED BY OFFICERS OF THE COURT and remove them on the Court's own motion as allowed for in instances such as these, especially where the main frauds have all been effectuated by multiple Frauds on this Court. The only remedy at law is removal, award of damages, sanctions and more.
101. That the Court can no longer look the other way or wait for Pro Se Eliot to file proper legal pleadings and have hearings where PROHIBITED pleadings are filed fraudulently and argued wasting everyone's time and simply remove those who should voluntarily withdraw. Where the Court has legal obligations to act on its own motion to stop FRAUD, WASTE and ABUSE especially in its own Court committed by Officers of the Court.
102. That this Court allowing Theodore and Alan to continue to act as fiduciaries and counsel before the Court can only be viewed by the victims as aiding and abetting the crimes and attempting to cover up the crimes that took place in this Court, especially where all these felony crimes occurred in this Court by Officers and Fiduciaries that are under the tutelage of this Court and Your Honor. That Your Honor has a duty to protect the beneficiaries and interested parties and has failed to follow law and judicial canons to protect them.

MOTION FOR CONTEMPT OF COURT FOR FAILING TO FOLLOW A COURT ORDER

103. That Plaintiff hereby reiterates and incorporates herein by reference, as if fully restated herein, preceding paragraphs 1 through 102, inclusive.
104. That after wasting so much time deconstructing the false statements in Theodore and Alan's TOXIC, VEXATIOUS, FRIVOLOUS, HARRASING, COSTLY, MISLEADING AND CONTEMPTOUS Contempt pleading, this Court can now address a far more serious CONTEMPT OF COURT issue, one committed by Theodore and Alan.
105. That Theodore and Alan are violating a Court Order that involves now attempting to further and cover up the crime of THEFT, CONVERSION AND COMINGLING OF ESTATE ASSETS, far more serious Contempt issues than a possible privilege infraction by Eliot, in fact FELONY MISCONDUCT IN VIOLATING THE COURT ORDER.
106. That Alan and his client Theodore have failed to follow the Court's Order, see Exhibit 8 – Court Order for Inspection of Residence and Accounting for Personal Property for an re-inventorying of the Estate assets of Simon, after learning in a hearing before this Court that statements made by Theodore and Alan revealed that Estate assets were missing and unaccounted for. Where it appears that Theodore and others may have stolen off with these personal properties of Simon and then lied to this Court about where they had gone.
107. That the Court was told in the hearing that furnishings of Simon's estate that were held in a Condominium held in Shirley's Trust were moved to Simon's other residence when the Condominium was sold. Despite Theodore and Alan's claim that the furniture was moved to Simon's other residence, no records of such transaction were turned over by Spallina and Tescher who were the prior responsible parties for the personal properties and the items appear in the Final Accounting submitted upon their termination in these proceedings. No mention was made in the

fraudulent estate Final Accounting prepared by Tescher and Spallina after their resignations and withdrawals that were turned over by Order of this Court that these personal property assets were disposed of in any way. The fact that the items were missing and Theodore who is alleged to be the Trustee responsible for the items could not state where they were are what led to the Court Order to verify that the assets were where they now stated. Spallina and Tescher were responsible for the items of Simon's estates and should be sanctioned.

108. That Theodore, alleging to be the Trustee of Shirley's Trust, knows that he is responsible for the marshalling of those assets of Simon's Estate contained in Condominium, as he was informed of this obligation by Spallina, see Exhibit 9 – September 14, 2012 (1 day after Simon passed) Spallina Letter to Theodore Regarding Protecting Contents of Condo, whereby it states,

On a separate note, as discussed, you are designated as the successor trustee to Si on your mother's trust document. In this regard, both the residence and the beach condo were titled in the name of her trust. **All of the contents in both places are the subject of your father's estate, over which Don and I have been named as Personal Representatives. Please make sure that both homes are secure and that the contents contained therein are protected. As a fiduciary of your mother's trust and during the period of administration of your father's estate, you owe a duty to the ultimate beneficiaries to protect the assets...**[emphasis added] It may be helpful to take pictures and even create an inventory of the contents so that when there is a division of the assets among the family there are no issues.

109. That after telling the Court that the furniture was moved to Simon's other residence and then knowing they were again going to be busted if the Court Order was complied with as the furniture is not there, Donald Tescher in his deposition on July 09, 2014, ordered by Alan (who throughout the deposition objected and represented Tescher several times), see Exhibit 10 – Tescher Deposition Regarding Furniture excerpt and partial transcript and exhibits at

<http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/20140709TescherDepositionAndExhibits>

[.pdf](#) , fully incorporated by reference herein, then claimed the contents may have been sold with the Condominium without any accounting for the properties to the Beneficiaries or anyone or even including this information in the shoddy Final Accounting Tescher and Spallina produced. Where further evidence will prove that this claim is also untrue, as the Condominium was sold without any personal properties listed as part of the transaction.

110. That when the lies they told to the Court that the furniture and other properties were moved to the other residence did not hold up as they themselves seemed confused at the hearing, the Order for the Inspection was granted by Your Honor. They then claimed that the Court ORDER could not be complied with because the items were boxed in the garage and this somehow made them unaccountable for, then they were sold without any accounting and with each claim being proven false they have continued to try and make up new explanations for where the missing items went and continue to violate the Court Ordered Inspection.
111. That it is alleged that Theodore took the possessions to his own second home and then sold that home after selling the Condominium with the contents owned by Simon's Estate in them as part of a further elaborate scheme to steal millions of dollars of assets and/or Theodore disposed of these properties in other ways for his own personal gain, as beneficiaries were NOT notified of any such sale of these items. Again, this Court and everyone else involved are wasting precious time, effort and monies to expose these nonstop frauds and thefts, all again being perpetrated by Officers of this Court who were directly involved in the prior frauds, who again appear to have lied to this Court about Estate assets and now fail to follow the Court's Order to cover up and further their crimes.
112. That Eliot will be filing yet another criminal complaint for this GRANDTHEFT of the personal properties estimated worth millions and again will have to recruit law enforcement time and efforts to

hunt down the missing items and contact all those parties involved in the transactions that Theodore, Alan and others did regarding the ILLEGAL sale of the Condominium and the subsequent missing personal properties of Simon's Estate.

113. That other crimes alleged and under investigation regarding the sale of the Condominium include Theodore signing documents as the PR of Shirley's Estate to make the sale complete when he was not appointed as the Personal Representative at the time he made the sale and signed the documents in that fiduciary capacity knowingly and with scienter.
114. That Theodore at the time of the sale knew the Estate of his mother had been closed illegally through a Fraud on the Court using his deceased father as PR to close the Estate and knew no Successor PR was ever appointed by this Court due to that Fraud and thus knew he was signing the tax documents for the sale illegally. Again, the closing of the Estate of Shirley was achieved through fraud with a DEAD Personal Representative, Simon, acting as if alive to close his deceased wife's Estate, which was all part of an elaborate FRAUD ON THE COURT by OFFICERS of the Court that has already been proven in this Court.
115. That this Court will remember in the September 13, 2013 hearing that Your Honor upon learning of this Fraud on the Court and Fraud on the Beneficiaries using a dead PR to close an estate as if alive to then attempt to enact fraudulent changes to the beneficiaries stated that you had enough evidence at that time, almost a year ago, to read Theodore, Spallina and Tescher their Miranda rights, see Exhibit 1, perhaps it is that time for the reading of these rights.
116. That Your Honor will also remember that it was proven that POST MORTEM FORGED documents for Simon were tendered to this Court by Spallina and Tescher as part of the elaborate scheme to change beneficiaries by Theodore's counsel that directly benefited Theodore the most, to the

disadvantage of other beneficiaries. Upon learning of these facts, the Court issued a second statement in the hearing that it had enough to read them their Miranda warnings and again the Court instead let them walk out the door and continue to practice law, exposing the general public to these lawyers who have committed felony crimes in these proceedings and without sanctions or required reporting, as of yet.

117. That further in the September 13, 2013 hearing it was further stated by Spallina that Moran's forgeries and fraudulent notarizations were a one off event and he knew of nothing else wrong in the Estates and Trusts, while knowing and CONCEALING FROM THE COURT that he and his partner Tescher had committed yet another FELONY CRIME by FRAUDULENTLY ALTERING TRUST documents that they failed to notify the Court of at that time they claimed they knew nothing else wrong and therefore bold face lied to the Court.
118. That Spallina, only later, in January 2014, three months after the hearing and wasting everyone's time and monies in the hundreds of thousands in that time period, then confessed to Palm Beach County Sheriff investigators that he and his partner Tescher had known they could not change the Shirley Trust Beneficiary Class (although Alan will now try and con everyone that he can do that in his new Motion for Construction) and together Spallina and Tescher had discussed their options and determined they would alter documents to perpetrate the fraud and Spallina then admitted that he ALTERED TRUST DOCUMENTS with scienter and sent them to various parties.
119. That again Spallina's confession only came when he and Tescher knew they were busted from Eliot's Pro Se pleadings and Eliot and Candice's excellent investigatory efforts that exposed their crimes and led to ongoing investigations of them and Theodore and Alan. Again, the confession came only after everyone, including this Court, the Palm Beach County Sheriff's office, the Governor Rick

Scott's Notary Public Division, the State Attorney, the Beneficiaries and Interested Parties, wasted hundreds of thousands of dollars having to force the confessions. That Eliot questions the truthfulness of the confessions as well, as it appears that it was carefully crafted and fraught with further perjured statements to try and cover up their crime as best they could.

120. That Eliot again apologizes to the Court for having to file a lengthy pleading to unravel the web of lies and deceit in Alan's TOXIC, VEXATIOUS, FRIVOLOUS, EXTORTIVE, PROHIBITED, COSTLY and MISLEADING pleading that is further an abuse of process but there are just so many false statements and attempts to twist things around to somehow now that they are all busted, make Eliot, the victim of their crimes already proven and admitted, look like the bad guy to the Court.
121. That it takes a lot of time to explain and unravel each of these schemes to this Court and unwind the lies in their pleadings and Eliot is doing the best he can Pro Se to comport with the statutes and rules he is not schooled in and thus admits his pleadings may fall short but Eliot has ALWAYS HAS TOLD THE TRUTH TO THIS COURT DESPITE HOW MANY PAGES IT TAKES AND HAS NEVER PUT FORTH ANY FORGED, FRADULENT, FRAUDULENTLY NOTARIZED DOCUMENTS or lied to the Court, nor has he violated any criminal codes or civil torts in these proceedings, unlike Theodore, Spallina, Tescher, Alan, Manceri, Pankauski and others.
122. That again Alan and Theodore and their cohorts costing everyone time and money on TOXIC, VEXATIOUS, FRIVOLOUS, EXTORTIVE, MISLEADING, CRUEL and COSTLY pleadings that abuse process, and Eliot, despite his lengthy, yet poetically just pleadings that may be legally faulty as expected in Pro Se pleadings, has put forth nothing abusive, unless this Court considers the length of truth abusive.
123. That if the Court wishes to stop the poetic pleadings of Eliot, the Court can simply, again on its own

motion under the circumstances, demand that the Estates and Trusts provide funds for Eliot to retain counsel, as certainly the ALLEGED Fiduciaries and Counsel in these matters (excluding Brown and O'Connell) have already wasted fortunes on legal fees to further their criminal misconduct. Where these monies of the Estates and Trusts are either Eliot's or his children's and Theodore, Spallina, Tescher, Alan, Manceri and Pankauski have used these funds of Eliot's and his children for EXCESSIVE AND ABUSIVE legal fees to execute their crimes and then more Estate and Trust funds used to further protect and shield themselves from prosecution of their crimes.

124. That Theodore and his cohorts have nothing to lose spending the Trusts and Estate funds recklessly and illegally, which are not theirs and deny the victims counsel, which is provided for in the very documents they operate under to protect the Beneficiaries. Certainly, having Eliot and his children represented by separate counsel due to the Conflicts created through the frauds that make Eliot and his children in conflict for the proceeds, caused by Tescher and Spallina et al. with scienter will not only benefit this Court but further protect, the Estates, Trusts, Beneficiaries, Interested Parties and Creditors.

MOTION FOR REMOVAL OF TRUSTEE ON THE COURT'S OWN INITIATIVE –
FLORIDA TITLE XLII 736.0706

125. That Plaintiff hereby reiterates and incorporates herein by reference, as if fully restated herein, preceding paragraphs 1 through 124, inclusive.

736.0706 Removal of trustee.—

- (1) The settlor, a cotrustee, or a beneficiary may request the court to remove a trustee, **or a trustee may be removed by the court on the court's own initiative.**
- (2) **The court may remove a trustee if:**
 - (a) The trustee has committed a **serious breach of trust**;
 - (b) The lack of cooperation among cotrustees substantially impairs the administration of the trust;

(c) Due to the **unfitness, unwillingness, or persistent failure of the trustee to administer the trust effectively, the court determines that removal of the trustee best serves the interests of the beneficiaries**; or

(d) There has been a **substantial change of circumstances** or removal is requested by all of the qualified beneficiaries, **the court finds that removal of the trustee best serves the interests of all of the beneficiaries and is not inconsistent with a material purpose of the trust, and a suitable cotrustee or successor trustee is available.**

(3) Pending a final decision on a request to remove a trustee, or in lieu of or in addition to removing a trustee, the court **may order such appropriate relief under s. [736.1001\(2\)](#) as may be necessary to protect the trust property or the interests of the beneficiaries.**

History.—s. 7, ch. 2006-217.

126. That there have been serious breaches of Trust already proven and many more alleged and under investigation, all involving Theodore Bernstein as a central party in the misconducts.
127. That it has been evidenced herein and in prior pleadings filed that Theodore is unfit and unwilling to follow probate and trust Rules and Statutes.
128. That it has been evidenced herein and in prior pleadings filed that Theodore has persistently failed as alleged Trustee to administer the trust effectively.
129. That the Court removing Theodore instantly from ALL fiduciary capacities in the Estates and Trusts of Simon and Shirley for very serious breaches of fiduciary duties and alleged criminal misconduct from his direct participation in the prior frauds causing continued torts to Beneficiaries, Interested Parties and Creditors, will best serve the interests of the beneficiaries.
130. That there has been substantial change of circumstances after discovering criminal misconduct and breaches of fiduciary duties that Theodore is directly involved in and benefited from and a continued Pattern and Practice of newly alleged criminal misconduct under ongoing investigations that justify the Court's instant removal of Theodore to protect the assets of the Estates and Trusts of Simon and Shirley to prevent further criminal acts and civil torts from occurring that damage the Beneficiaries, Interested Parties and Creditors further.

131. That the Court should find that removal of the trustee best serves the interests of all of the beneficiaries and is not inconsistent with a material purpose of the trust, and a suitable co-trustee or successor trustee is available.
132. That for all of these reasons stated herein, this Court must act as legally obligated on its own motion under 736.0706 to remove Theodore and Alan from ALL Fiduciary and Legal capacities they have in both the Estates and Trusts of Simon and Shirley, in order to remove the conflicts and adverse interests and stop further violations of, Attorney Conduct Codes, Judicial Canons, State and Federal Law that are being committed by their continued allowance by this Court to remain as Fiduciaries and Counsel before this Court and continue acting as OFFICERS OF THIS COURT. Their continued actions are wasting estate assets due to their fraudulent misadministration and attempts to cover up their own and their friends and business associates prior crimes with one lie after another to this Court and the Beneficiaries, Interested Parties and Creditors.
133. That the remedies to cure the damages from the prior Frauds In and Upon this Court, the Beneficiaries, Interested Parties and Creditors, would mandate now that the Trustees and Fiduciaries sue themselves and when this type of situation arises the only remedy at law is to remove them from this irrefutable conflict of interest.
134. That the Fiduciaries and Counsel thus far in these matters have all (except Benjamin Brown and Brian O'Connell) acted in their own best interests, basking in ill-gotten legal and trustee fees, instead of acting the best interests of the Beneficiaries and Creditors and it is expected for them to continue misusing trust and estate assets to now protect themselves from further prosecution and therefore the Court must instantly remove them.
135. That failure of the Court to remove ALL tentacles from these proceedings of those who participated,

profited and benefited from the prior CRIMINAL MISCONDUCT and FRAUD COMMITTED BY OFFICERS OF THIS COURT THAT HAS OCCURRED IN AND UPON THIS COURT, the BENEFICIARIES, INTERESTED PARTIES AND CREDITORS violates the sanctity and decorum of the Court, violates law and judicial canons and denies fair and impartial due process and procedure under law to all the other parties and allows for continuing and ongoing crimes to be committed.

136. That Eliot demands the Court take Judicial Notice of the criminal misconduct and follow its own rules and act on its own motions to restore law and order to the Court and impart fair and impartial due process to all parties and begin by STRIKING all TOXIC, FRIVOLOUS, VEXATIOUS and MISLEADING filings of the Fiduciaries and Counsel acting as OFFICERS OF THIS COURT and Remove these fiduciaries and counsel in order to stop the further fraud, waste and abuse by those Officers of this Court and alleged Fiduciary, who knowingly and with scienter continue to act in violation of Probate and Trust Rules and Statutes, despite the Court's knowledge of their participation in the prior frauds, their overwhelming conflicts of interests and adverse interests that all legally preclude their continued involvement as Fiduciaries and Counsel.
137. That Theodore and Alan wholly ignore their duties to withdraw voluntarily due to their lack of qualification and continue to act despite repeated requests to withdraw for multitudes of legally valid reasons. These continued actions further misuse Estate and Trusts assets and are accruing damages to the Beneficiaries, Interested Parties and Creditors from the Court allowing this continuing Pattern and Practice of Fraud, Waste and Abuse started by the prior fiduciaries and counsel who worked together with Theodore and Alan to perpetrate the prior frauds from the start and again this will require the Beneficiaries to ultimately sue them all for damages. Certainly if they will not voluntarily withdraw knowing they are unfit to act as fiduciaries and officers of this Court, then they will not sue

themselves either and thus this Court must smack down the gauntlet and forcefully and aggressively remove them.

138. That finally, Eliot, his lovely wife Candice and their three angelic boys have been tormented, lied to, defrauded, extorted and abused through legal process by these Officers of this Court and their crimes to deny, delay, stymie and steal off with assets of Eliot and his children's and deny them through further frauds to deny them entirely their inheritances, jeopardizing their family and even the Estates and Trusts they lack to administer legally and this has caused major damages, including directly to THREE MINOR CHILDREN with intent, including withholding the KIA, failing to provide trust assets used for education, removing health insurance etc. that borders on child abuse and now these new Successor Criminals threaten their school futures and more.

139. That Eliot and his family have refused to participate in knowingly fraudulent distributions to improper parties, while those improper parties have stolen off, converted and comingled assets knowingly and with scienter and used Eliot and his children's family monies to line their pockets and harass and extort Eliot in prayers that these criminal tactics will force Eliot to participate and thus under FL Statute 736.1012

Beneficiary's consent, release, or ratification.—A trustee is not liable to a beneficiary for breach of trust if the beneficiary consented to the conduct constituting the breach, released the trustee from liability for the breach, or ratified the transaction constituting the breach, unless:

- (1) The consent, release, or ratification of the beneficiary was induced by improper conduct of the trustee; or
- (2) At the time of the consent, release, or ratification, the beneficiary did not know of the beneficiary's rights or of the material facts relating to the breach.

This all done despite the fact that (1) above negates any such extorted consent. Despite that fact, Eliot will not commit a violation of law knowingly and also violate one or more of the Ten

Commandments and participate in their crimes under ANY circumstances, except with this Court's blessing to participate in such fraud that the Court would not give in the September 13, 2013 hearing and so Eliot doubts the Court now will with all of this new information of criminal misconduct unfolding since that hearing. Until Eliot and others can review for further evidence of FRAUD AND FORGERY, ALL the records, court records, dispositive and other documents, accountings, inventories and re-inventory ALL assets of the Estates and Trusts of Shirley and Simon, this Court must provide EMERGENCY INTERIM DISTRIBUTIONS TO ELIOT AND HIS FAMILY TO BE DEDUCTED LATER FROM HIS OR HIS CHILDREN INHERITANCES or FROM THE DAMAGES ASSESSED TO THE RESPONSIBLE PARTIES OF THESE CRIMES AND THEIR TOLLING DAMAGES. This Court should act to protect Eliot and his family who are victims of the Fiduciaries and their Counsel, who all took part and benefited from the prior Willful, Wanton, Reckless, Criminal and Egregious Acts of Bad Faith committed with Unclean Hands that again were done by Officers of this Court Under Your Direct Jurisdiction and in light of the Court's knowledge of these past and ongoing Crimes and Extortion after Extortion of Eliot to either take the improper proceeds and lose rights to claim damages against others by participating in the knowingly fraudulent activity or watch his family be starved out through fraud after fraud by Fiduciaries approved by Your Honor, as now proven, admitted and evidenced in Eliot's pleadings since May 2013, it is time this Court act to release interim distributions until all of this grotesque Fraud can be sorted out to replenish and replace monies expended by Eliot to expose these crimes, monies due to Eliot or his children that were interfered with and delayed due to CRIMINAL MISCONDUCT BY OFFICERS OF THIS COURT and thus since this Court is also partially responsible for these continued and ongoing damages caused by its Officers, damages inflicted by the delay and interference of life

sustaining inheritances that were intended to be distributed to Eliot and his family almost two years ago, as were the desires and wishes of both Simon and Shirley, due to special circumstances already defined in Eliot's initial pleadings with the Court.

140. The Extortions first started with Theodore, his former counsel, the former Fiduciaries and Counsel of the Estates and Trusts, seizing companies that were left to Eliot's families alone, acting with no legal authority and taking over a company responsible for paying the bills of Eliot's household for over 7 years while Simon and Shirley were alive and where the bills were even sent to others and controlled by others. Once the illegal corporate takeover was achieved by Tescher, Spallina, Theodore, members of Oppenheimer and others, Eliot's family's basic necessities were cut off without notice repeatedly by Tescher, Spallina, Theodore and others, including but not limited to shutting off, Security Services, Homeowners Insurance (this also exposing Simon's Estate to further MAJOR RISKS), Health Insurance for the entire Family, Electricity, Phones, School Services for the minor Children, School Tuition for the children, Utilities, Food, etc.). The company also provided income and a monthly 10-20 thousand dollar monthly stipend to cover ALL expenses of Eliot's family and this too was shut off through a combination of frauds discussed further in the Oppenheimer Counter Complaint and in prior pleadings Eliot filed, see Answer and Counter Complaint Oppenheimer @ [http://www.iviewit.tv/Simon and Shirley Estate/20140730OppenheimerAnswerAndCounter.pdf](http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/20140730OppenheimerAnswerAndCounter.pdf) , fully incorporated by reference herein.
141. That when this forced destitute failed to compel Eliot to participate in the fraud or else, they moved on using his son's birthday gift, the KIA, as a lever to force Eliot to take distributions illegally or not get the car back.
142. That when that failed, they have refused interim distributions despite REPEATED requests to act

even under the terms of the Alleged Documents they are touting, which are most likely fraudulent to begin with but even so they fail to act as required in the best interests of the Beneficiaries for items provided for the Beneficiaries in the terms thereunder.

143. Again, these criminal acts and breaches of duties are all being committed by the fiduciaries who are supposed to be protecting the beneficiaries as intended in the Estate plans but who are instead too busy forging, fraudulently notarizing, criminally altering trust documents, looting the Estates, committing Insurance Fraud and Bank Fraud, Fraud on this Court and Federal Court, Extorting Eliot and his family, Losing, Destroying and Suppressing Trust Documents, and more to care of the damages they are causing, even to minor children. They have even been alleged to have seized illegally and misused school trust funds of the children in yet another fraudulent scheme that Eliot's Counter Complaint in the new Oppenheimer Lawsuit more fully exposes.

144. This Court must now act to allow IMMEDIATE EMERGENCY RELIEF in amounts requested hereunder:

- i. \$150,000.00 for School Past Due 2012-2013 Tuition and current in full in advance as required by the school now for re-enrollment for the 2014-2015 year **DUE BY AUGUST 19, 2014 or else all three children will be removed from their school.** The date was extended after Eliot and St. Andrews school administration have worked out a delay from their earlier August 8, 2014 deadline that was missed with scienter by the Trustee's failure to respond to either Eliot or the School. That this kind delay up until the very first day of school came of course after Eliot, the school administration and others all wasted considerable time, effort and monies over the last year of games being played by the former and now current fiduciaries and their understanding after reviewing the matters

and determining that the delays were out of Eliot's hands due to the refusal of Theodore to respond and due to the delays in their inheritances caused by the former Fraud, etc. Despite Alan's claim quoted already herein that the Trustee Theodore did NOT object to making the payments to school but was now waiting for this Court to somehow get involved and allow Theodore to make the payment by the 19th of August 2014, perhaps through this toxic contempt proceeding and the toxic and prohibited trust construction nonsense and attempt to have the Court put all kinds of exculpatory stipulations on Eliot and/or his children in their taking the interim distributions as proscribed for in the trusts. Again, Alan and Theodore failed to even contact the Court timely regarding these matters to insure the children's continued schooling and instead attempt this Contempt Motion ploy to cause further harm to the minor children by missing the August 08, 2014 deadline with scienter and claiming it was Eliot's fault for not taking knowingly illegal distributions to improper parties. Again, this school as hostage game bordering child abuse against the MINOR Beneficiaries by the Fiduciary Theodore violating all duties owed to Beneficiaries by a Trustee who is only to act in the best interest of the Beneficiaries.

- ii. \$100,000.00 for Past Due and Current bills that were interrupted over the last 10 months due to the criminal misconduct that has delayed and denied the expectancy and caused catastrophic harms to Eliot and his family and have put the Estates and Trusts at even greater risks and exposures.
- iii. \$50,000.00 for Past Legal Fees spent attempting to get documents owed beneficiaries and finally when getting them discovering and proving that some were FRAUDULENTLY

NOTARIZED POST MORTEM, FRAUDULENTLY ALTERED POST MORTEM, FORGED, MISSING, IMPROPERLY NOTARIZED and more and all caused by Officers of this Court and the Fiduciaries.

- iv. \$50,000.00 for Current Legal Fees, as despite repeated requests for such funds from the fiduciaries for counsel for Eliot and his three minor children, as provided for under the terms of the Wills and Trusts of both Simon and Shirley, as it is obvious the current fiduciary Theodore will not appropriate monies to sue him or his friends.
- v. That this Court can again either deduct these amounts later when the criminal dust settles and the beneficiaries can be determined after the dispositive documents are forensically analyzed and determined by the Court to be proper and final distributions can legally be made or this Court can start assessing these as Damages to be awarded instantly by the parties directly involved in causing these delays in the inheritance, especially for legal fees that are urgently needed and where Spallina admitted to PBSO that he sent the altered Trust document to Eliot and his children's attorney, Yates, with intent to defraud Yates and Eliot and his family.

WHEREFORE, Eliot requests this Court either on its Own Motions or based on Eliot's Pro Se pleadings enter an Order for all of the following:

- vi. an order to DISMISS/QUASH "MOVANT'S, TED S. BERNSTEIN, AS SUCCESSOR TRUSTEE OF THE SIMON BERNSTEIN TRUST, MOTION TO HOLD ELIOT BERNSTEIN IN CONTEMPT OF COURT AND FOR SANCTIONS, AND TO COMPEL COMPLIANCE WITH PRIOR ORDERS AND SERVICE RULES;
- vii. an order for CIVIL AND CRIMINAL CONTEMPT OF COURT FOR FAILING TO

FOLLOW A COURT ORDER;

- viii. an order for REMOVAL OF TRUSTEE, THEODORE BERNSTEIN, ON THE COURT'S OWN INITIATIVE UNDER FLORIDA TITLE XLII 736.0706 in Simon's Trusts and for similar reasons Shirley's Trust and any other fiduciary capacities relating to the Estates and Trusts of Simon and Shirley Bernstein;
- ix. an order for relief under s. 736.1001(2) as may be necessary to protect the trust property or the interests of the beneficiaries;
- x. an order for EMERGENCY INTERIM DISTRIBUTIONS IN AN AMOUNT EQUAL TO \$350,000.00 to either be deducted from Eliot and his children's ultimate inheritance and/or assessed in part or in whole as Damages to the proper parties.
- xi. That Eliot requests this Court after removing Theodore as ALLEGED Trustee, reject all of the claims for relief for Contempt filed by Theodore and Alan and STRIKE THIS PLEADING AND ALL THEIR PLEADINGS IN THE ESTATES AND TRUSTS made to this Court while Theodore and Alan knew of their; conflicts of interest, their adverse interests, their being material and fact witnesses to the prior frauds, their being central parties accused in the prior and ongoing fraudulent activities, their being respondents and defendants in these and related cases, their continuous breaches of fiduciary duties, their failure to follow Court Orders, their acting in Violation of the alleged terms of the alleged Simon Trust that preclude their acting as Fiduciaries and other solid reasons, all reasons that disqualify them from acting in these proceedings as Fiduciaries and Counsel in the first place. Yet despite these facts they still attempt to pull a major Fraud on this Court and act as if Theodore has legal standing when they know he does not (similar to his

claim that he is Trustee of a Lost Trust he has never seen) and who both fail to voluntarily withdraw upon repeated requests and as required by law and instead perhaps it is time that this Court should not only sanction them but perhaps finally read them and their cohorts their Miranda rights for their past involvement and continued efforts to propagate Fraud on this Court and Fraud on the Beneficiaries, Interested Parties and others.

- xii. That this Court, due to the seriousness of these matters and allegations that property in the Custody of this Court is being stolen off with in the tunes of millions of dollars, instantly seize all records and assets of the Trusts of Simon, the Trusts and Estate of Shirley and any records relating to them from all parties removed or withdrawn in these proceedings in order to marshal the assets of the Estates and Trusts as this Court is obligated to do and is required by law, especially in circumstances as defined already herein where assets are disappearing and new crimes are being discovered each day they are allowed to continue to operate in violation of law, Fiducial conduct codes and attorney conduct codes and maintain dominion and control that was ILLEGALLY SEIZED.
- xiii. That this Court find Theodore and Alan in Contempt of Court and more and Order an immediate inventory and long overdue accountings by NON CONFLICTED PARTIES of ALL ITEMS of both Simon and Shirley's Estates and Trusts conducted by the Beneficiaries and the new Fiduciaries appointed by this Court, whereby Eliot and others can take a proper inventory of all the items to determine missing items and what remains and determine if other personal properties of the beneficiaries have been stolen off with.

Filed on Sunday, August 17, 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, Sunday, August 17, 2014.

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

X _____

SERVICE LIST

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RESPONDENT INDIVIDUALLY AND AS GUARDIAN AND TRUSTEE OF HER MINOR CHILD Pamela Beth Simon 950 N. Michigan Avenue Apartment 2603 Chicago, IL 60611 psimon@stpcorp.com	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. Irwin J. Block, Esq. The Law Office of Irwin J. Block PL 700 South Federal Highway Suite 200 Boca Raton, Florida 33432 ijb@ijblegal.com martin@kolawyers.com	RESPONDENT INDIVIDUALLY, PROFESSIONALLY AND LAW FIRM and FORMER WITHDRAWN COUNSEL TO THEODORE BERNSTEIN IN VARIOUS CAPACITIES, NO NOTICES OF APPEARANCES Mark R. Manceri, Esq., and Mark R. Manceri, P.A., 2929 East Commercial Boulevard Suite 702 Fort Lauderdale, FL 33308 mrmlaw@comcast.net mrmlaw1@gmail.com	RESPONDENT INDIVIDUALLY, PROFESSIONALLY AND LAW FIRM AND AS FORMER COUNSEL TO THEODORE BERNSTEIN IN VARIOUS CAPACITIES Donald Tescher, Esq., Tescher & Spallina, P.A. Boca Village Corporate Center I 4855 Technology Way Suite 720 Boca Raton, FL 33431 dtescher@tescherspallina.com dtescher@tescherspallina.com ddustin@tescherspallina.com kmoran@tescherspallina.com kmoran@tescherspallina.com

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<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 lisa.friedstein@gmail.com lisa@friedsteins.com</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 bill@palmettobaylaw.com eservice@palmettobaylaw.com mtimealy@gcprobatelaw.com</p>	<p>RESPONDENT – ADULT CHILD</p> <p>Alexandra Bernstein 3000 Washington Blvd, Apt 424 Arlington, VA, 22201 alb07c@gmail.com</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 kmoran@tescherspallina.com</p>
<p>RESPONDENT – ADULT CHILD</p> <p>Eric Bernstein 2231 Bloods Grove Circle Delray Beach, FL 33445 eberstein@lifeinsuranceconcepts.com edb07@fsu.edu edb07fsu@gmail.com</p>	<p>RESPONDENT – INITIALLY MINOR CHILD AND NOW ADULT CHILD</p> <p>Michael Bernstein 2231 Bloods Grove Circle Delray Beach, FL 33445 mchl_bernstein@yahoo.com</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 john@jmorrisseylaw.com</p>

<p>RESPONDENT – ADULT STEPSON TO THEODORE</p> <p>Matt Logan 2231 Bloods Grove Circle Delray Beach, FL 33445 matl89@aol.com</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 iviewit@iviewit.tv</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 jilliantoni@gmail.com</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 lindsay@lifeinsuranceconcepts.com</p>	<p>RESPONDENT MINOR CHILDREN</p> <p>Carley & 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 molly.simon1203@gmail.com</p>	

EXHIBIT 1 - TRANSCRIPT OF PROCEEDINGS, PAGES 15 AND 16

Motion in Opposition...
Sunday, August 17, 2014
EXHIBITS

00001

1 IN THE CIRCUIT COURT OF THE 15TH JUDICIAL CIRCUIT,
2 IN AND FOR PALM BEACH COUNTY, FLORIDA
3 PROBATE/GUARDIANSHIP DIVISION IY
4 CASE NO.: 502011CP000653XXXXSB

5 IN RE: THE ESTATE OF:
6 SHIRLEY BERNSTEIN,
7 Deceased

8 _____/
9 ELIOT IVAN BERNSTEIN, PRO SE,
10 Petitioner,

11 vs.

12 _____/
13 TESCHER & SPALLINA, P.A., (AND ALL PARTNERS,
14 ASSOCIATES AND OF COUNSEL); ROBERT L. SPALLINA
15 (BOTH PERSONALLY & PROFESSIONALLY); DONALD
16 R. TESCHER (BOTH PERSONALLY & PROFESSIONALLY);
17 THEODORE STUART BERNSTEIN (AS ALLEGED PERSONAL
18 REPRESENTATIVE, TRUSTEE, SUCCESSOR TRUSTEE) (BOTH
19 PERSONALLY & PROFESSIONALLY); AND JOHN AND JANE
20 DOE'S (1-5000),
21 Respondents.

22 _____/
23 TRANSCRIPT OF PROCEEDINGS
24 BEFORE

25 THE HONORABLE MARTIN H. COLIN

26 South County Courthouse
27 200 West Atlantic Avenue, Courtroom 8
28 Delray Beach, Florida 33344

29 Friday, September 13, 2013
30 1:30 p.m. - 2:15 p.m.

31 Stenographically Reported By:
32 JESSICA THIBAUT

33 25

34 ♀

35 00002

36 1 APPEARANCES

37 2

38 3 On Behalf of the Petitioner:

39 4 ELIOT IVAN BERNSTEIN, PRO SE
40 2753 NW 34th Street
41 5 Boca Raton, Florida 33434
42 6

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.
14 What date did your dad die?

15 MR. ELIOT BERNSTEIN: September. It's
16 hard to get through. He does a lot of things
17 when he's dead.

18 THE COURT: I have all of these waivers by
19 Simon in November. He tells me Simon was dead
20 at the time.

21 MR. MANCERI: Simon was dead at the time,
22 your Honor. The waivers that you're talking
23 about are waivers from the beneficiaries, I
24 believe.

25 THE COURT: No, it's waivers of

♀

00026

1 accountings.

2 MR. MANCERI: Right, by the beneficiaries.

3 THE COURT: Discharge waiver of service of
4 discharge by Simon, Simon asked that he not
5 have to serve the petition for discharge.

6 MR. MANCERI: Right, that was in his
7 petition. When was the petition served?

8 THE COURT: November 21st.

9 MR. SPALLINA: Yeah, it was after his date
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?

16 MR. MANCERI: Your Honor, what happened
17 was is the documents were submitted with the
18 waivers originally, and this goes to
19 Mr. Bernstein's fraud allegation. As you know,
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

♀

00027

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.

6 THE COURT: So let me tell you because I'm
7 going to stop all of you folks because I think
8 you need to be read your Miranda warnings.

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,
16 signed by Simon Bernstein, a signature for him.

17 MR. MANCERI: April 9th, right.

18 THE COURT: April 9th, signed by him, and
19 notarized on that same date by Kimberly. It's
20 a waiver and it's not filed with The Court
21 until November 19th, so the filing of it, and
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

♀

00028

1 sign it then, and then for some reason it's not
2 filed with The Court until after his date of
3 death with no notice that he was dead at the
4 time that this was filed.

5 MR. MANCERI: Okay.

6 THE COURT: All right, so stop, that's
7 enough to give you Miranda warnings. Not you
8 personally --

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

EXHIBIT 2 – ELIOT LETTER TO THEODORE FOR INTERIM DISTRIBUTIONS

Motion in Opposition...
Sunday, August 17, 2014
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

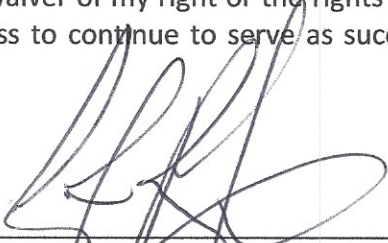
Dear Ted,

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 34th Street
Boca Raton, FL 33434-3459

(561) 245-8588 (Home)

(561) 886-7628 (Cell)

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> 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

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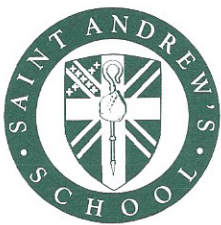
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--

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
		Joshua E. Bernstein		
6/30/2014	Charge	Balance Forward 6/1/2014	\$15619.00	
		Bookstore Charges	\$1.50	
		Subtotal - Joshua E. Bernstein	\$15620.50	
Outstanding Balance Forward & Outstanding 7/1/14 Tuition and Fees are Past Due				

STATEMENT

<Current>	31-60	61-90	over 90	TOTAL
\$ 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
		Jacob N. Bernstein		
		Balance Forward 6/1/2014	\$15975.25	
Outstanding Balance Forward & Outstanding 7/1/14 Tuition and Fees are Past Due				

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
		Daniel E. Bernstein		
		Balance Forward 6/1/2014	\$12333.95	
Outstanding Balance Forward & Outstanding 7/1/14 Tuition and Fees are Past Due				

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 30
950 PENINSULA CORP. CRL #3010 0
BOCA RATON FL 33487 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 3 - FEAMAN LETTER TO ALAN

Motion in Opposition...
Sunday, August 17, 2014
EXHIBITS

Eliot Ivan Bernstein

From: Peter M. Feaman <pfeaman@feamanlaw.com>
Sent: Tuesday, August 5, 2014 10:42 AM
To: Alan Rose
Cc: William Stansbury
Subject: RE: Eliot's Demand

By the way, what about the Shirley Bernstein Trust?
We know The Aragon Condominium Unit was sold which netted over \$1,000,000.

Where is that money?

This is an expense that the trusts clearly should pay.

My client tells me there are numerous witnesses who know that it was Simon's intent to provide for the St. Andrews schooling for Eliot's children.

Heck, the house he bought for Eliot is within walking distance of the school!

Whatever differences there are between Ted and Eliot, the grandkids should not be used as pawns. There is money to pay for the grandchildren's education. Stop playing games and get this done.

At the end of the day, an adjustment can be made if necessary, but stop putting the kids in the middle.

Peter M. Feaman

PETER M. FEAMAN, P.A.

3695 West Boynton Beach Boulevard

Suite 9

Boynton Beach, FL 33436

Telephone: 561-734-5552

Facsimile: 561-734-5554

www.feamanlaw.com

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

Sent: Tuesday, August 5, 2014 10:05 AM

To: Peter M. Feaman

Subject: Re: Eliot's Demand

My question is much simpler than that. Would Mr. Stansberry ever consent to Elliot receiving an interim distribution without there being sufficient assets to pay Mr. Stansberry's claim in full. In other words, would he agreed to a preferential distribution to Elliot that could potentially diminish or defeat his ability to collect on a claim, if he is successful

Alan B. Rose

On Aug 5, 2014, at 9:53, "Peter M. Feaman" <pfeaman@feamanlaw.com> wrote:

Until Mr. Stansbury sees an accounting of trust assets, he is not in a position to make a decision on the request.

Can you send me a trust accounting?

Peter M. Feaman

PETER M. FEAMAN, P.A.

3695 West Boynton Beach Boulevard

Suite 9

Boynton Beach, FL 33436

Telephone: 561-734-5552

Facsimile: 561-734-5554

www.feamanlaw.com

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

Sent: Tuesday, August 5, 2014 9:02 AM

To: Peter M. Feaman

Subject: Eliot's Demand

Eliot has demanded an interim payment from the Simon Bernstein Trust or Estate.

Based upon the facts as I understand them, there is not more that enough money in the Estate or Trust than the amount of the claim by Mr. Stansbury, and indeed, it appears that there is substantially less than needed to do so should Mr. Stansbury prevail.

Absent Mr. Stansbury's consent to an interim distribution to Eliot, there is no point in anyone (including the new successor PR) considering the request as from the assets of Simon's Trust or Estate.

Please advise asap if Mr. Stansbury would consent to a payment of +/- \$125,000 to St. Andrews School for Eliot's children's three private school tuitions.

Thanks

Alan B. Rose, Esq.

arose@Mrachek-Law.com

561.355.6991

<image001.jpg>

505 South Flagler Drive

Suite 600

West Palm Beach, Florida 33401

561.655.2250 Phone
561.655.5537 Fax

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EXHIBIT 4 - ALAN'S AUGUST 01, 2014 LETTER STATING TRUSTEE NOT OBJECTING TO DISTRIBUTIONS

Motion in Opposition...
Sunday, August 17, 2014
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

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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From: Eliot Ivan Bernstein [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); John@Pankauskilawfirm.com; John J. Pankauski (courtfilings@pankauskilawfirm.com); John J. Pankauski (Michelle@Pankauskilawfirm.com)

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)'

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

Iviewit Holdings, Inc. – DL

2753 N.W. 34th St.

Boca Raton, Florida 33434-3459

(561) 245.8588 (o)

(561) 886.7628 (c)

(561) 245-8644 (f)

iviewit@iviewit.tv

<http://www.iviewit.tv>

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EXHIBIT 5 - COX LETTERS TO ALAN REGARDING PRIVILEGE

Motion in Opposition...
Sunday, August 17, 2014
EXHIBITS

Eliot Ivan Bernstein

From: [Crystal L. Cox, in Love and Light](#) <savvybroker@yahoo.com>
Sent: Tuesday, July 22, 2014 6:13 PM
To: Eliot Ivan Bernstein; arose@pm-law.com; psimon@stpcorp.com; Ted Bernstein; pfeaman@feamanlaw.com; lisa.friedstein@gmail.com; dtescher@tescherspallina.com; rspallina@tescherspallina.com; bbrown@matbrolaw.com
Subject: I Will NOT remove the eMail, EVIDENCE, and in FACT will broadly distribute as is my LEGAL RIGHT.

the Ted Bernstein Report by Investigative Blogger Crystal L. Cox: Alan Rose DOES not seem to GET Law, nor Care. Oh Well. Anyway Eliot Bernstein is is OWN attorney, so Ted sent an eMail to Eliot and to his attorney, ELIOT. As a matter of LAW Eliot's attorney, which in this case is himself, is entitled to and OBLIGATED to do all that is possible to protect his client, which in this case is himself. So sharing an email to protect his client, is not only his legal right, but under law he is OBLIGATED to protect his client the best he can.



the Ted Bernstein Report by Investi gative Blogger Crysta...

I will NOT Remove the Email. The First Amend
ment and now "Absolute Privilege" laws protect
the broadcast of this email. So Mr. Alan Rose, y
our wast of estate mone...

[View on tedbernsteinreport.b...](#)

Preview by Yahoo

The email below is part of a court proceeding, you all can publicly broadcast under Absolute Privilege laws, as far as I understand that law.

Ted Bernstein eMail:

[REDACTED]

[REDACTED]

[REDACTED]

Eliot Ivan Bernstein

From: Eliot Ivan Bernstein <iviewit@gmail.com>
Sent: Monday, July 14, 2014 1:02 PM
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. (marcgarber@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)'
Subject: RE: Deposition Date
Attachments: 20140703 Oppenheimer v Bernsteins Motion for Extension of Time COURT ECF COPY.pdf

Alan, after your client Theodore's unsuccessful bid for PR of Simon's Estate for good and just causes, again, I urge you to save everyone time and monies and have your client voluntarily withdraw in a fiduciary capacity from any alleged capacities he has in both the Estates and Trusts of Simon and Shirley as he is not now qualified to act in any fiduciary capacity for conflicts of interests, the fact that he is under ongoing investigations, he has adverse interests, in some instances he is precluded from acting in capacities he has allegedly assumed by the documents he is operating under and more. In regards to the deposition, as you can see from my Motion in the now related Oppenheimer case attached herein filed last week and now before Judge Colin, I have planned dental and oral procedures that will require medications that have already started for the next several weeks and part of the reason I withdrew my Petition for Construction and Removal of Ted on July 11, 2014 and cancelled the rollover hearing date of July 16, 2014. That hearing to remove Ted first is now postponed as well with Judge Colin's blessing while I also seek to retain counsel as noted in the hearing. My counsel would most likely attend any future deposition as well. Until these medical and legal things are first resolved I cannot take a deposition at this time. The dental issues will most likely be resolved in early to mid-August and I should also have counsel determined to be going forward or not after their review of these matters.

Eliot

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

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From: Alan Rose [<mailto:ARose@mrachek-law.com>]
Sent: Monday, July 14, 2014 11:34 AM
To: Eliot Ivan Bernstein
Subject: Deposition Date

Now that the Court has ruled on the Motion to Remove Alan B. Rose, Esq., can we set your deposition without need for a second court order.

I'd like to take it this Friday or next Monday, and if those don't work let me what dates you are available from 7/22/14 to 8/8/14.

Thanks

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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FAVOR."
JOURNALIST

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[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



Tangle with Eliot or Else TED won't pay ya..

[the Ted Bernstein Report by Investigative Blogger Crystal L. Cox: Alan Rose, John Pankauski and Ted Bernstein want depositions NOW, they want to PROTECT Jerry Lewin, Al Gortz, and Proskauer Rose, they want information on Eliot's children and their school, they want to BULLY and harass EVERYONE and if John won't TANGLE with ELIOT fire him, no Offense but I am not paying YOU if you won't harass ELIOT and his FAMILY, just Sayin'. They want this all in the name of closing an Estate? WHAT? Well under Absolute Privilege laws I am AGAIN sharing with you the ETHICS of Ted, John and Asshole Alan.](#)

	<u>the Ted Bernstein Report by Investigative Blogger Crysta...</u>
	"Ted Bernstein eMail: "Alan - I want Eliot's deposition scheduled as soon as you can notice him. We can discuss the strategy once he is served."
	View on tedbernsteinreport.b... Preview by Yahoo

Reverend Crystal Cox
Protecting Victims of Corruption
in Love and Light



Eliot Ivan Bernstein

From: Eliot Ivan Bernstein <iviewit@iviewit.tv>
Sent: Tuesday, July 22, 2014 5:39 PM
To: [Crystal L Cox \(savvybroker@yahoo.com\)](mailto:savvybroker@yahoo.com); Crystal L. Cox @ Liquidating Trustee (Crystal@CrystalCox.com)
Subject: FW: SERVICE OF COURT DOCUMENT - CASE NUMBER 502012CP004391XXXXSB - OBJECTION TO FINAL ACCOUNTING AND PETITION FOR FORMAL, DETAILED, AUDITED AND FORENSIC ACCOUNTING AND DOCUMENT ANALYSIS
Attachments: [20140718 Order Regarding Privilege.pdf](#)

Eliot Second notice to everyone of the claim of privilege and to follow the law.

Hi, in furtherance to my email below regarding a message sent to you regarding an alleged privileged document, after a hearing regarding the matter the Court ordered that it was privileged and that I notice all recipients to not distribute that letter and delete it, please take this email as my compliance with that Order. Attached is a copy of the Order. The alleged privileged email header that was sent to you is in the prior email below. While I know many of you thought this email was not privileged and that it was threatening and contained information that Ted was breaching his fiduciary duties and misusing trust assets to “protect” himself, even against the advice of counsel, bad decisions by Judge’s do happen. It appears the judge subjectively determined what the contents meant and determined that a letter from Ted to me was somehow inadvertent disclosure of a privileged document, despite the fact that it was never privileged in the first place since it was never sent by Ted to his counsel, the ruling may be precedent setting and wholly invalidate the meaning of attorney client privileged communications to a subjective term depending on what the judge thinks people’s intent are and not the law? Ted’s threats to use trust funds to seek my children’s school records to use against them and threats to deposition and legally harass anyone who may be helping me were also ignored by the judge. I may appeal so I am not sure what you are supposed to do in the meantime with your copies, please consult counsel.

Thanks, eb

From: Eliot Ivan Bernstein [<mailto:iviewit@iviewit.tv>]
Sent: Friday, May 23, 2014 1:41 PM
To: [Crystal L Cox \(savvybroker@yahoo.com\)](mailto:savvybroker@yahoo.com); Crystal L. Cox @ Liquidating Trustee (Crystal@CrystalCox.com)
Subject: FW: SERVICE OF COURT DOCUMENT - CASE NUMBER 502012CP004391XXXXSB - OBJECTION TO FINAL ACCOUNTING AND PETITION FOR FORMAL, DETAILED, AUDITED AND FORENSIC ACCOUNTING AND DOCUMENT ANALYSIS

Eliot First notice to everyone of the claim of privilege and to follow the law.

I have been notified by counsel for Theodore Bernstein that there was an email that was not supposed to be sent by me as they claim it was privileged and transmitted by mistake to me, although I am the only recipient. The email in questions title was “Re: SERVICE OF COURT DOCUMENT - CASE NUMBER 502012CP004391XXXXSB - OBJECTION TO FINAL ACCOUNTING AND PETITION FOR FORMAL, DETAILED, AUDITED AND FORENSIC ACCOUNTING AND DOCUMENT ANALYSIS” and had a letter that started “Alan -...” I do not think I can retransmit it to show you which one but the letter appears to be from Alan Rose to Theodore Bernstein. I am obligated under law to make contact with those I sent it to so that they may retrieve the email but I am not sure if that extends any obligation on the receiving party. Anyhoot, as the email threatens my family it appears and others I detest having to request it back but please do whatever you feel the law requires, as cited below;

RULE 1.285.

INADVERTENT DISCLOSURE OF PRIVILEGED MATERIALS

(a)

Assertion of Privilege as to Inadvertently Disclosed Materials.

Any party, person, or entity, after inadvertent disclosure of any materials pursuant to these rules, may thereafter assert any privilege recognized by law as to those materials. This right exists without regard to whether the disclosure was

made pursuant to formal demand or informal request. In order to assert the privilege, the party, person, or entity, shall, within 10 days of actually discovering the inadvertent disclosure, serve written notice of the assertion of privilege on the party to whom the materials were disclosed. The notice shall specify with particularity the materials as to which the privilege is asserted, the nature of the privilege asserted, and the date on which the inadvertent disclosure was actually discovered.

(b)

Duty of the Party Receiving Notice of an Assertion of Privilege. A party receiving notice of an assertion of privilege under subdivision (a) shall promptly return, sequester, or destroy the materials specified in the notice, as well as any copies of the material. The party receiving the notice shall also promptly notify any other party, person, or entity to whom it has disclosed the materials of the fact that the notice has been served and of the effect of this rule. That party shall also take reasonable steps to retrieve the materials disclosed. Nothing herein affects any obligation pursuant to R. Regulating Fla. Bar 4

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4.4(b).

(c)

Right to Challenge Assertion of Privilege.

Any party receiving a notice made under subdivision (a) has the right to challenge the assertion of privilege. The grounds for the challenge may include, but are not limited to, the following:

(1) The materials in question are not privileged.

(2) The disclosing party, person, or entity lacks standing to assert the privilege.

(3) The disclosing party, person, or entity has failed to serve timely notice under this rule.

(4) The circumstances surrounding the production or disclosure of the materials warrant a finding that the disclosing party, person, or entity has waived its assertion that the material is protected by a privilege. April 17, 2014 Florida Rules of Civil Procedure

57

Any party seeking to challenge the assertion of privilege shall do so by serving notice of its challenge on the party, person, or entity asserting the privilege. Notice of the challenge shall be served within 20 days of service of the original notice given by the disclosing party, person, or entity. The notice of the recipient's challenge shall specify the grounds for the challenge. Failure to serve timely notice of challenge is a waiver of the right to challenge.

(d)

Effect of Determination that Privilege Applies. When an order is entered determining that materials are privileged or that the right to challenge the privilege has been waived, the court shall direct what shall be done with the materials and any copies so as to preserve all rights of appellate review. The recipient of the materials shall also give prompt notice of the court's determination to any other party, person, or entity to whom it had disclosed the materials.

From: Ted Bernstein [<mailto:tbernstein@lifeinsuranceconcepts.com>]

Sent: Thursday, May 22, 2014 10:52 PM

To: Eliot Ivan Bernstein

Subject: Re: SERVICE OF COURT DOCUMENT - CASE NUMBER 502012CP004391XXXXSB - OBJECTION TO FINAL ACCOUNTING AND PETITION FOR FORMAL, DETAILED, AUDITED AND FORENSIC ACCOUNTING AND DOCUMENT ANALYSIS

Eliot sends this to show them which email and omits the alleged privileged content so that recipients would know what email was claimed privileged

Alan - I

df>

Eliot Ivan Bernstein

From: Crystal L. Cox, in Love and Light <savvybroker@yahoo.com>
Sent: Thursday, July 17, 2014 10:41 PM
To: arose@pm-law.com; psimon@stpcorp.com; Ted Bernstein; Eliot Ivan Bernstein
Subject: this eMail is for Sally, no other party read this, it is privileged

Sally - What is wrong with Alan, he don't seem to KNOW the LAW or remember the shit he Spews, shall we file a motion to compel him to pull his head out of his ass?

If you Sally don't want to help me aggressively compel Alan Rose's head out of his ass then I shall say, sorry to be blunt, but I will have to fire you..

[the Ted Bernstein Report by Investigative Blogger Crystal L. Cox: Alan Rose is So Full of SHIT, he must have to change his pants several times a day. Talk about Hypocritical LIAR. Alan Rose says there is no truth in the courts, yet he wants this cyberspace TRANSPARENCY to STOP right now or he will tell the JUDGE; good luck with that Alan. You are such a DIPSHIT.](#)



the Ted Bernstein Report by Investigative Blogger Crysta...

Alan what is wrong with YOU? Why do you even want your aggressive discovery from Eliot?

[View on tedbernsteinreport.b...](#)

Preview by Yahoo

[the Ted Bernstein Report by Investigative Blogger Crystal L. Cox: Hey unethical Scumbag attorney Alan Rose; FUCK YOU. The First Amendment TRUMPS this ORDER, Trumps Judge Colin and Certainly Trumps your Dumb Ass.](#)



the Ted Bernstein Report by Investigative Blogger Crysta...

I Will NOT Obey Eliot Bernstein nor the Florida State Court in which you are Trying to use to Violate the First Amendment.

[View on tedbernsteinreport.b...](#)

Preview by Yahoo

Crystal
in Love and Light

Eliot Ivan Bernstein

From: Eliot Ivan Bernstein <iviewit@gmail.com>
Sent: Wednesday, June 4, 2014 7:11 AM
To: 'Alan Rose'
Cc: Alan B. Rose Esq. (arose@pm-law.com); John J. Pankauski (courtfilings@pankauskilawfirm.com); 'Lisa@friedsteins.com'; 'lisa.friedstein@gmail.com'; Pamela Beth Simon (psimon@stpcorp.com); Ted Bernstein; Irwin J. Block @ The Law Office of Irwin J. Block PL (ijb@ijblegal.com); William M. Pearson (wpearsonlaw@bellsouth.net); Jill M. Iantoni (jilliantoni@gmail.com); Peter Feaman, Esq. ~ Attorney at Law @ Peter M. Feaman, P.A. (pfeaman@feamanlaw.com); Jeffrey T. Royer Esq. ~ Attorney at Law @ J.T. Royer & Associates LLC (jroyer1148@aol.com); Benjamin P. Brown (bbrown@matbrolaw.com); William Henry Glasko Esq. (bill@PalmettoBayLaw.com); alb07c@gmail.com; 'eberstein@lifeinsuranceconcepts.com'; Michael Bernstein (mchl_bernstein@yahoo.com); Molly Simon; Matt Logan (matl89@aol.com); 'tourcandy@gmail.com' (tourcandy@gmail.com); Eliot I. Bernstein, Inventor ~ Iviewit Technologies, Inc.; John P. Morrissey Esq. @ John P. Morrissey, P.A. (john@jmorrisseylaw.com); 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. @ Flaster Greenberg P.C. (marc.garber@flastergreenberg.com); Marc R. Garber Esq. (marcgarber@gmail.com); 'tourcandy@gmail.com' (tourcandy@gmail.com); Eliot I. Bernstein, Inventor ~ Iviewit Technologies, Inc.; Undisclosed List
Subject: RE: Inadvertent privileged email FOLLOW UP

[REDACTED]

[REDACTED]

Eliot after reading the law and his right to object to privilege notices Alan under the law that he is disputing the email as Privileged and to schedule an Evidentiary Hearing

Alan, after reviewing the law regarding privileged information I have concluded that the letter my brother sent to me and me alone, which appears threatening to my family, my minor children and my father and mother’s close personal friends, is not privileged under the code section you stated and therefore believe we will need to notice it up for hearing before the Judge. The letter, after having time to review it appears further part of an extortion of my family by my brother and his counsel and the attempt to recall it after sending it directly to me and me alone, appears an attempt to cover up possible further criminal wrongdoings and so I feel that it must get out to more people including to investigators and the court. Would you like to schedule the hearing or would you like me to?

As for your continued representation of my brother in a variety of capacities, now that it appears that most of his other legal minions have fled the scene in the midst of FORGERY, FRAUD ON THE COURT, FRAUD ON THE BENEFICIARIES AND INTERESTED PARTIES and a host of other proven and alleged criminal acts by those who have engaged your services, I again urge you to voluntarily withdraw and disqualify yourself as counsel in these matters as you are now directly involved in the matters of the ongoing FRAUD that is occurring and that you and your firm have worked directly with others to perpetrate the fraudulent misconduct. As such you will be a material and fact witness now to these matters and many of your legal acts, including failing to report your clients misdeeds to the proper authorities and in fact further taking actions to knowingly aid and abet them, in violation of Attorney Conduct Codes and law, will soon be brought to the Court and criminal investigators attention in more detail. I will be adding you and your firm as Respondents in the matters due to your direct involvement in perpetrating the frauds that have occurred and therefore I again ask for your voluntary withdrawal as counsel in these matters. Also, I have repeatedly asked for your malpractice and/or other liability carriers, could you please send me you and your firm’s carrier information as I will be filing malpractice and other civil and criminal claims against you and your firm.

I do believe you committed further FRAUD UPON THE COURT when you misrepresented to the Court in the hearing that the email was addressed to you, which it was not. You claimed to the Court however,

5 Ted Bernstein sent me an email. And he
6 replied to an email, and accidentally the email
7 went to Eliot Bernstein. It was
8 attorney-client privileged communication
9 directly to me from my client Ted Bernstein.
10 The email went to Eliot Bernstein.

21 ...It was a reply to an email
22 that had a bunch of names and accidentally it
23 went to him.

Nothing of your statement is true now that I have had time to review the email and therefore I am serving you notice per the rule you cite that I do not believe the email is privileged in any way and must be shared further with the proper authorities and others but I will give you your day in court to hear this matter before circulating it further.

Thank you,

Eliot

From: Alan Rose [mailto:ARose@mrachek-law.com]
Sent: Wednesday, June 4, 2014 12:11 AM
To: Eliot I. Bernstein, Inventor ~ Iviewit Technologies, Inc.
Cc: Pamela Beth Simon; William Henry Glasko Esq.; tbernstein@lifeinsuranceconcepts.com
Subject: Inadvertent privileged email FOLLOW UP

Please advise as the steps you have taken to “promptly notify any other party, person, or entity to whom [you have] disclosed the materials [Ted’s email on May 22] of the fact that the notice has been served and of the effect of this rule.: We ask that you produce a copy of all emails sent to third parties enclosing the privileged letter, and any letters or email sent after the hearing seeking to regain possession of all copies of the privileged email.

Also, please advise as to what “reasonable steps” you took “to retrieve the materials disclosed.”

Alan B. Rose, Esq.
arose@Mrachek-Law.com
561.355.6991

Eliot Ivan Bernstein

From: Eliot Ivan Bernstein <iviewit@iviewit.tv>
Sent: Thursday, June 12, 2014 6:07 PM
To: 'Alan Rose'
Subject: RE: Privileged email issue

Tracking:	Recipient	Read
	'Alan Rose'	Read: 6/12/2014 6:08 PM

I think I deleted all copies of the emails I sent as they contained the letter and only kept the original from Ted to me. I notified everyone I sent the mail to of the Rule and advised them to do as they saw fit legally. No I do not need the requests and will file my reply timely per the court order. Eliot

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

From: Alan Rose [<mailto:ARose@mrachek-law.com>]
Sent: Thursday, June 12, 2014 5:39 PM
To: Eliot Ivan Bernstein
Subject: Privileged email issue

Please forward, to me only and absolutely not to any other lawyer involved in this case or any third-party not involved in this case, the following document:

The first email you sent to Crystal Cox enclosing Ted's email which we claim was inadvertently sent to you. I would like to see the actual email you sent with the date and time stamp.

Also, please advise if you need additional copies of the document requests you were ordered to respond to today in court

Alan B. Rose

Eliot Ivan Bernstein

Subject: FW: an Invitation for you ..

From: Crystal L. Cox, in Love and Light [<mailto:savvybroker@yahoo.com>]

Sent: Friday, May 23, 2014 3:31 PM

To: arose@pm-law.com

Cc: courtfilings@pankauskilawfirm.com; pfeaman@feamanlaw.com; psimon@stpcorp.com; Ted Bernstein; Eliot Ivan Bernstein

Subject: an Invitation for you ..


Dear Mr. Alan Rose,

I cordially invite you to GO Fuck Yourself.

You will NOT suppress my First Amendment Rights nor "CHILL" my speech. Not even if you KILL me.

<http://www.ripoffreport.com/r/Alan-Rose-of-Mrachek-Fitzgerald-Rose/West-Palm-Beach-Florida-33401/Alan-Rose-of-Mrachek-Fitzgerald-amp-Rose-Alan-B-Rose-Suppress-Free-Speech-Cover-Up-1149197>

[the Ted Bernstein Report by Investigative Blogger Crystal L. Cox: Ted Bernstein, Alan B. Rose of Mrachek, Fitzgerald & Rose and John Pankauski ~ John J. Pankauski - Pankauski Law Firm PLLC sure seem to be up to NO GOOD.](#)



Our lives begin to end the day we become silent about things that matter.
- Martin Luther King, Jr.

the Ted Bernstein Report by Investigative Blogger Crysta...
Ted Bernstein, Life Insurance Concepts, Alan B. Rose of Mrachek, Fitzgerald & Rose and John Pankauski ~ John J. Pankauski - Pankauski Law Firm PLLC su...

View on [tedbernsteinreport.b...](#)

Preview by Yahoo

I am an investigative blogger, a Citizen Journalist and estate fraud in FLORIDA is a massive public issue, as so many go to Florida to retire and here we have YOU and other rogue, above the law Florida attorneys enabling notary fraud, going against the sacred wishes of the deceased, harassing families and children, and all in the name of protecting Ted Bernstein, a seemingly corrupt insurance agent, of which the record in this case, in the police reports, in the Illinois insurance fiasco and in his connection to a Boca botox scam, well there is certainly plenty of proof that there is malice here, as you know the facts yet seem to want to suppress them by trying to take away the First Amendment Rights of me, blogger Crystal Cox who just won a massive, landmark ruling on the right to report on public issues such as this.

Oh and your conspiring with attorney Marc Randazza to set up Eliot and myself, well it will all soon be in DOJ, FBI and Bar Complaints as well as legal action against you, your firm, your personal assets and your liability carrier.

Eliot Bernstein NOR anyone anywhere, controls my blogs but me. You yapping to anyone but me about what I post on my blogs, controlled by me, as a matter of my legal and constitutional rights is futile at best.

Also, if your "client" believes I am "guilty" of Extortion, then I advise he grow some balls and file a police report and not slander and defame me. I am looking into filing a civil lawsuit against you all. Clearly you are acting outside of the law and the constitution of the United States of America.

Sincerely,

Crystal L. Cox, Pro Se
Investigative Blogger



Eliot Ivan Bernstein

From: Eliot Ivan Bernstein <iviewit@gmail.com>
Sent: Friday, May 23, 2014 1:47 PM
To: Crystal L Cox (savvybroker@yahoo.com); Crystal L. Cox @ Liquidating Trustee (Crystal@CrystalCox.com)
Subject: FW: Inadvetant email

From: Eliot Ivan Bernstein [mailto:iviewit@gmail.com]
Sent: Friday, May 23, 2014 1:06 PM
To: 'Alan Rose'
Cc: Alan B. Rose Esq. (arose@pm-law.com); John J. Pankauski (courtfilings@pankauskilawfirm.com); 'Lisa@friedsteins.com'; 'lisa.friedstein@gmail.com'; Pamela Beth Simon (psimon@stpcorp.com); Ted Bernstein; Irwin J. Block @ The Law Office of Irwin J. Block PL (ijb@ijblegal.com); William M. Pearson (wpearsonlaw@bellsouth.net); Jill M. Iantoni (jilliantoni@gmail.com); Peter Feaman, Esq. ~ Attorney at Law @ Peter M. Feaman, P.A. (pfeaman@feamanlaw.com); Jeffrey T. Royer Esq. ~ Attorney at Law @ J.T. Royer & Associates LLC (jroyer1148@aol.com); Benjamin P. Brown (bbrown@matbrolaw.com); William Henry Glasko Esq. (bill@PalmettoBayLaw.com); alb07c@gmail.com; 'eberstein@lifeinsuranceconcepts.com'; Michael Bernstein (mchl_bernstein@yahoo.com); Molly Simon; Matt Logan (matl89@aol.com); "tourcandy@gmail.com" (tourcandy@gmail.com); Eliot I. Bernstein, Inventor ~ Iviewit Technologies, Inc.; John P. Morrissey Esq. @ John P. Morrissey, P.A. (john@jmorrisseylaw.com); 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. (marcrgarber@verizon.net); Marc R. Garber Esq. @ Flaster Greenberg P.C. (marc.garber@flastergreenberg.com); Marc R. Garber Esq. (marcrgarber@gmail.com)
Subject: RE: Inadvetant email

Alan, I just got back from the hearing and will definitely delete and destroy the email in accordance with law. However, as I mentioned in Court I did not see this email from you until after I had distributed widely as the email appears to threaten me and my family and my father's friends but I will send everyone I sent it to a request to destroy the email but as you know I cannot control them or their actions with the email since that transmission and forward. I will check if I posted it on Facebook or other social sites where I also have a few thousands friends and remove it using their delete functions, again I cannot control who saw that, reposted that or even know who may have viewed or shared, etc. Next time, if things are urgent like that you may want to try and call me directly to prevent any distribution as email can prove to an inefficient way of communication on issues as important as this appears to be to your client. I will consider what you offered regarding dropping the 2012 documents and reverting to the 2008 documents but please remember that I have offered your client(s) a settlement once through attorney Brandon Pratt, Esq. of no less than \$50,000,000.00 and that renegotiations, or a second bite of that apple and generous offer would double that amount, so I assume you know that this amount would need to be settled in addition by your clients.

Have a good day and great weekend and please keep in mind that I am alleging that all attorneys who were prior involved in any way with Tescher or Spallina and putting forth the felonious arguments and documents are conflicted and should instantly withdraw as counsel (until we can ascertain from you and others the extent of your involvement) due to the adverse interests now created by the Fraud, Forgery, Frauds on the Court, Altered Documents, etc. that were prior advanced in these matters by the various counsel who worked together. Always, Eliot.

From: Alan Rose [mailto:ARose@mrachek-law.com]
Sent: Thursday, May 22, 2014 11:07 PM
To: iviewit@iviewit.tv
Subject: Inadvetant email

You received an email from Ted intended solely for me, and accidentally sent to you by mistake.

The email was sent around 10:12 pm tonight

Please delete the email immediately without reading it and confirm that deletion by email. The communication was attorney-client protected and you are not entitled to read or possess the email due to the accidental transmission.

Thank you in advance, and if you fail to comply with this request we will be forced to take corrective action with the Court.

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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From: Ted Bernstein [<mailto:tbernstein@lifeinsuranceconcepts.com>]

Sent: Thursday, May 22, 2014 10:52 PM

To: Eliot Ivan Bernstein

Subject: Re: SERVICE OF COURT DOCUMENT - CASE NUMBER 502012CP004391XXXXSB - OBJECTION TO FINAL ACCOUNTING AND PETITION FOR FORMAL, DETAILED, AUDITED AND FORENSIC ACCOUNTING AND DOCUMENT ANALYSIS

Original Email from Ted directly to Eliot and NOBODY else.
Ted and Eliot are not attorneys this cannot be privileged..

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Ted Bernstein
561-988-8984
tbernstein@lifeinsuranceconcepts.com

On May 22, 2014, at 5:01 PM, "Eliot Ivan Bernstein" <iviewit@iviewit.tv> wrote:

Eliot serves Ted an Objection to Accounting.

Notice of Service of Court Documents

E-service recipients selected for service:

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tbernstein@lifeinsuranceconcepts.com

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c/o Jeffrey and Lisa Friedstein
Parents and Natural Guardians
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Matt Logan
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matl89@aol.com

Joshua, Jacob and Daniel Bernstein, Minors
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2753 NW 34th Street
Boca Raton, FL 33434
iviewit@iviewit.tv

Julia Iantoni, a Minor
c/o Guy and Jill Iantoni,
Her Parents and Natural Guardians
210 I Magnolia Lane
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jilliantoni@gmail.com

Filing Information

Filing #:

Filing Time: 5/22/2014

Filer: Eliot Ivan Bernstein (561) 245-8588

Court: Fifteenth Judicial Circuit in and for Palm Beach County, Florida – Hon. Judge Martin C

Case #: 502012CP004391XXXXSB

Case Style: IN RE: Estate of Simon Bernstein

Document Title: PETITIONER ELIOT BERNSTEIN'S OBJECTION TO FINAL ACCOUNTING AND
FORMAL, DETAILED, AUDITED AND FORENSIC ACCOUNTING AND DOCUM

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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<20140522 FINAL SIGNED PRINTED OBJECTION TO FINAL ACCOUNTING Low.pdf>

EXHIBIT 6 – ELIOT LETTER REGARDING DENTAL WORK

Motion in Opposition...
Sunday, August 17, 2014
EXHIBITS

Eliot Ivan Bernstein

From: Eliot Ivan Bernstein <iviewit@gmail.com>
Sent: Monday, July 14, 2014 1:02 PM
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. (marcgarber@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)'
Subject: RE: Deposition Date
Attachments: 20140703 Oppenheimer v Bernsteins Motion for Extension of Time COURT ECF COPY.pdf

Alan, after your client Theodore's unsuccessful bid for PR of Simon's Estate for good and just causes, again, I urge you to save everyone time and monies and have your client voluntarily withdraw in a fiduciary capacity from any alleged capacities he has in both the Estates and Trusts of Simon and Shirley as he is not now qualified to act in any fiduciary capacity for conflicts of interests, the fact that he is under ongoing investigations, he has adverse interests, in some instances he is precluded from acting in capacities he has allegedly assumed by the documents he is operating under and more. In regards to the deposition, as you can see from my Motion in the now related Oppenheimer case attached herein filed last week and now before Judge Colin, I have planned dental and oral procedures that will require medications that have already started for the next several weeks and part of the reason I withdrew my Petition for Construction and Removal of Ted on July 11, 2014 and cancelled the rollover hearing date of July 16, 2014. That hearing to remove Ted first is now postponed as well with Judge Colin's blessing while I also seek to retain counsel as noted in the hearing. My counsel would most likely attend any future deposition as well. Until these medical and legal things are first resolved I cannot take a deposition at this time. The dental issues will most likely be resolved in early to mid-August and I should also have counsel determined to be going forward or not after their review of these matters.

Eliot

Eliot I. Bernstein
Inventor
Iviewit Holdings, Inc. – DL
2753 N.W. 34th St.
Boca Raton, Florida 33434-3459
(561) 245.8588 (o)
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From: Alan Rose [<mailto:ARose@mrachek-law.com>]
Sent: Monday, July 14, 2014 11:34 AM
To: Eliot Ivan Bernstein
Subject: Deposition Date

Now that the Court has ruled on the Motion to Remove Alan B. Rose, Esq., can we set your deposition without need for a second court order.

I'd like to take it this Friday or next Monday, and if those don't work let me what dates you are available from 7/22/14 to 8/8/14.

Thanks

Alan B. Rose, Esq.
arose@Mrachek-Law.com
561.355.6991



505 South Flagler Drive
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561.655.2250 Phone
561.655.5537 Fax

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EXHIBIT 7 – ELIOT SECOND LETTER TO ALAN RE DEPOSITION

Motion in Opposition...
Sunday, August 17, 2014
EXHIBITS

Eliot Ivan Bernstein

From: Eliot Ivan Bernstein <iviewit@iviewit.tv>
Sent: Wednesday, August 6, 2014 4:18 PM
To: 'Alan Rose'
Cc: 'Marie Chandler'; 'tbernstein@lifeinsuranceconcepts.com'; 'arose@pm-law.com'; 'arose@mrachek-law.com'; 'mchandler@mrachek-law.com'; cklein@mrachek-law.com; 'courtfilings@pankauskilawfirm.com'; 'john@pankauskilawfirm.com'; 'rspallina@tescherspallina.com'; 'kmoran@tescherspallina.com'; 'ddustin@tescherspallina.com'; 'psimon@stpcorp.com'; 'ijb@ijblegal.com'; 'martin@kolawyers.com'; 'mrmlaw@comcast.net'; 'mrmlaw1@gmail.com'; 'dtescher@tescherspallina.com'; 'dtescher@tescherspallina.com'; 'ddustin@tescherspallina.com'; 'kmoran@tescherspallina.com'; 'jilliantoni@gmail.com'; 'pfeaman@feamanlaw.com'; 'service@feamanlaw.com'; Maryanne Koskey ~ Legal Assistant @ Peter M. Feaman, P.A.; 'attorneys@matbrolaw.com'; 'bhenry@matbrolaw.com'; 'pmatwiczky@matbrolaw.com'; William M. Pearson (wpearsonlaw@bellsouth.net); 'lisa.friedstein@gmail.com'; Lisa S. Friedstein (Lisa@friedsteins.com); 'bill@palmettobaylaw.com'; 'eservice@palmettobaylaw.com'; William Henry Glasko Esq. (Tmealy@gcprobatelaw.com); alb07c@gmail.com; John P. Morrissey Esq. @ John P. Morrissey, P.A. (john@jmorrisseylaw.com); Kimberly Moran ~ Legal Assistant / Notary Public @ Tescher & Spallina, P.A. (kmoran@tescherspallina.com); 'eberstein@lifeinsuranceconcepts.com'; Eric Bernstein; 'edb07fsu@gmail.com'; Michael Bernstein (mchl_bernstein@yahoo.com); Matt Logan (matl89@aol.com); Eliot I. Bernstein, Inventor ~ Iviewit Technologies, Inc.; Jill M. Iantoni (jilliantoni@gmail.com); Lindsay Baxley aka Lindsay Giles @ Life Insurance Concepts (lindsay@lifeinsuranceconcepts.com); 'molly.simon1203@gmail.com'; 'mchandler@mrachek-law.com'; 'lmrachek@mrachek-law.com'; 'rfitzgerald@mrachek-law.com'; 'skonopka@mrachek-law.com'; 'dthomas@mrachek-law.com'; 'gweiss@mrachek-law.com'; 'jbaker@mrachek-law.com'; 'lchristian@mrachek-law.com'; 'tclarke@mrachek-law.com'; 'gdavies@mrachek-law.com'; 'pgillman@mrachek-law.com'; 'dkelly@mrachek-law.com'; 'lwilliamson@mrachek-law.com'; 'Caroline Prochotska Rogers Esq.'; 'Michele M. Mulrooney ~ Partner @ Venable LLP'; 'Andrew R. Dietz @ Rock It Cargo USA'; 'Marc R. Garber Esq. @ Flaster Greenberg P.C.'; 'Marc R. Garber Esq. @ Flaster Greenberg P.C.'; 'Marc R. Garber Esq.'; 'tourcandy@gmail.com' (tourcandy@gmail.com); Undisclosed List; Brian M. O'Connell PA ~ Partner @ Ciklin Lubitz Martens & O'Connell (boconnell@ciklinlubitz.com); Foglietta, Joy A (JFoglietta@ciklinlubitz.com)
Subject: Response to Alan Rose - RE: SERVICE OF COURT DOCUMENT - CASE NUMBER 502012CP004391XXXXSB

Tracking:

Recipient

'Alan Rose'
'Marie Chandler'
'tbernstein@lifeinsuranceconcepts.com'
'arose@pm-law.com'
'arose@mrachek-law.com'
'mchandler@mrachek-law.com'
cklein@mrachek-law.com
'courtfilings@pankauskilawfirm.com'
'john@pankauskilawfirm.com'

Read

Read: 8/6/2014 8:18 PM

Recipient**Read**

'rspallina@tescherspallina.com' Read: 8/6/2014 4:20 PM
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'ddustin@tescherspallina.com'
'psimon@stpcorp.com' Read: 8/7/2014 9:34 AM
'jib@jiblegal.com'
'martin@kolawyers.com'
'mrmlaw@comcast.net'
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'dtescher@tescherspallina.com'
'dtescher@tescherspallina.com'
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Recipient	Read
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'skonopka@mrachek-law.com'	Read: 8/6/2014 4:50 PM
'dthomas@mrachek-law.com'	Read: 8/6/2014 5:49 PM
'gweiss@mrachek-law.com'	
'jbaker@mrachek-law.com'	Read: 8/7/2014 10:38 AM
'lchristian@mrachek-law.com'	Read: 8/6/2014 5:12 PM
'tclarke@mrachek-law.com'	Read: 8/6/2014 4:27 PM
'gdavies@mrachek-law.com'	Read: 8/11/2014 9:05 AM
'pgillman@mrachek-law.com'	Read: 8/6/2014 4:25 PM
'dkelly@mrachek-law.com'	Read: 8/6/2014 4:25 PM
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Foglietta, Joy A (JFoglietta@ciklinlubitz.com)	

Alan, after partially recovering from 5 hours of dental work on Monday and more upcoming I will respond to some of your issues below.

1. I am suing you and each of your partners, associates of counsel and the firm in the Oppenheimer case and you are all respondents in the Estates of Shirley and Simon as well as the firm and so I am serving them as required. Please notify me of who will be representing each of them individually and professionally and who will be representing the firm and I can notify their counsel forward instead of them individually. Also, will you be representing yourself Pro Se individually or professionally as a respondent in the probate cases and Oppenheimer counter?
2. You asked me to delete the emails I sent with Ted's email and after court the first time I did, so I could not send it back to you.
3. I told them what to do and gave them the law and the court order.
4. Believe what you want.
5. I have never refused a deposition despite your repeated ranting of this false claim. I provided you the medical reason I would not be available at the time you demanded. My medical reason for being unavailable for several weeks was filed in my extension request with the court in the Oppenheimer case and was previous to your demanded dates. As those medical issues will take a few weeks as stated in my prior correspondences with you

and stated I will advise you when they are over and we can schedule it then, I cannot believe that you continue to harass me claiming I am refusing knowing this. Please stop harassing me with your deposition claims that I am refusing to take one in your attempt to build a false record that I have not cooperated with you. I do believe we should probably wait on production and depositions until after the motions to remove Ted as Trustee and PR that are coming up next to see if your client is qualified at this time to continue to be PR or Trustee in both Simon and Shirley's estate and trusts due to his conflicts of interests, adverse interests, breaches of fiduciary duties and the fact that Ted and you are now sued under the Counter Complaint for breaches of fiduciary duties, malpractice and more. In the Estate and Trust cases there are serious allegations of breaches by Ted as well. Therefore, I am now requesting any legal bills paid by Ted as Trustee or PR in either the estate or trusts be court approved forward and any transactions at all now be court approved prior due to the seriousness of the breach allegations in the probate cases and counter complaint and the fact that Ted is being investigated under several ongoing criminal actions and he is being sued in both state and federal civil actions for a host of torts that all relate to his continued misconduct. If Ted does not survive the upcoming hearings to remove him filed by both the creditor Stansbury counsel and myself, these production and deposition items will be moot, as will you be and we will save everyone from further waste and abuse of estate and trusts funds by further abuse of process by you and your client. I would assume Colin will remove Ted for the same reasons he did not appoint him as PR in Simon's estate where Judge Colin prior to the hearing urged both Ted and you to withdraw Ted's petition to become PR in Simon due to a number of relevant irrefutable reasons that he would not survive and I believe Judge Colin even threatened to sanction you and your client if the Petition was proceeded with and you lost, for at minimum the costs of everybody's time and money you wasted in pursuing such a foolish position, similar to the almost \$20k of legal fees you wasted pursuing the KIA with frivolous filings that you ended up withdrawing after similarly harassing and extorting me and my minor children with those vexatious filings. Thanks for the info in a, b and c.

Due to a problem in the dental work discovered on Monday, I will requires an additional procedure and the process will now take an additional 2-3 weeks from the date requested in the Oppenheimer extension filed to be complete, I will let you know of any changes and please stop bothering me until then with the request for deposition or you can take it up with the judge.

Eliot

From: Alan Rose [<mailto:ARose@mrachek-law.com>]
Sent: Monday, August 4, 2014 3:25 PM
To: Eliot Ivan Bernstein
Subject: RE: SERVICE OF COURT DOCUMENT - CASE NUMBER 502012CP004391XXXXSB

A few things, please respond to each numbered point:

1. Will you agree to stop sending things to every employee of my law firm. Under the Rules, we designate who is to be copied on service emails. I ask that you send regular communication only to me and e-service only to those designated by us. Please advise and if needed we will seek a court order.
2. As to your Proof, you have never provided to us the emails which you claim you sent out on the evening of May 22, 2014; the only things you have sent are emails the following afternoon and again in July. We request that you provide copies of all emails, particularly any emails you actually sent from 10:52 pm on May 22 through the start of the hearing on May 23rd.
3. Again, as to the Proof, I do not believe you have complied with the Court's ruling, even as to the ones you sent, because you did not request that these people return or delete the privileged email. That was what you were required to do.

4. I believe you have violated the Court's order by your filing in the Oppenheimer case. In your filing, you refer to the privileged email and advise people where to find the privileged email, which is a violation of the July 18th Order. To the extent that you can correct that violation, we ask you to do so, and further demand that you cease further violating the Order.

5. You claim to have documents relating to an investigation into Simon's assets (does this include Shirley's as well?), yet you refuse to provide these documents and refuse to appear for deposition. We need documents and testimony as to:

A. Iviewit – although everyone thinks and is pretty sure is worthless, we have asked for documents relating to any shares Simon may have owned. Again, even though we know the shares are worthless, we still are entitled to discovery.

B. Any other assets: we have the right to discovery as to anything you actually know or discovered as to Simon's and Shirley's assets.

C. We also have the right to ask you about your knowledge of facts. For example, as to estate planning issues, we have the right to ask you about your actual knowledge of the estate plan and the estate planning documents; the authenticity of signatures and any knowledge or claims you have as to any and all documents; knowledge of alleged fraud the role of various alleged participants; the damages, if any, caused; etc. We need to schedule your deposition asap, as it was ordered to be taken a long time ago.

Thanks, and I look forward to your reply.

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

Sent: Monday, August 04, 2014 10:09 AM

To: Marie Chandler; tbernstein@lifeinsuranceconcepts.com; Alan Rose; Alan Rose; Marie Chandler; Caroline Klein; courtfilings@pankauskilawfirm.com; john@pankauskilawfirm.com; rspallina@tescherspallina.com; kmoran@tescherspallina.com; ddustin@tescherspallina.com; psimon@stpcorp.com; ijb@ijblegal.com; martin@kolawyers.com; mrmlaw@comcast.net; mrmlaw1@gmail.com; dtescher@tescherspallina.com; dtescher@tescherspallina.com; ddustin@tescherspallina.com; kmoran@tescherspallina.com; jilliantoni@gmail.com; pfeaman@feamanlaw.com; service@feamanlaw.com; Maryanne Koskey ~ Legal Assistant @ Peter M. Feaman, P.A.; Benjamin P. Brown; attorneys@matbrolaw.com; bhenry@matbrolaw.com; pmatwiczuk@matbrolaw.com; William M. Pearson; lisa.friedstein@gmail.com; Lisa S. Friedstein; bill@palmettobaylaw.com; eservice@palmettobaylaw.com; William Henry Glasko Esq.; alb07c@gmail.com; John P. Morrissey Esq. @ John P. Morrissey, P.A. ; Kimberly Moran ~ Legal Assistant / Notary Public @ Tescher & Spallina, P.A.; eberstein@lifeinsuranceconcepts.com; Eric Bernstein; edb07fsu@gmail.com; Michael Bernstein; Matt Logan; Eliot I. Bernstein, Inventor ~ Iviewit Technologies, Inc.; Jill M. Iantoni; Lindsay Baxley aka Lindsay Giles @ Life Insurance Concepts; molly.simon1203@gmail.com; Marie Chandler; Louis Mrachek; Roy Fitzgerald; Scott Konopka; Daniel Thomas; Gregory Weiss; Jennifer Baker; Lisa Christian; Tammy Clarke; Gayla Davies; Paige Gillman; Dawn Kelly; Lori Williamson

Cc: 'Caroline Prochotska Rogers Esq.'; 'Michele M. Mulrooney ~ Partner @ Venable LLP'; 'Andrew R. Dietz @ Rock It Cargo USA'; 'Marc R. Garber Esq. @ Flaster Greenberg P.C.'; 'Marc R. Garber Esq. @ Flaster Greenberg P.C.'; 'Marc R. Garber Esq.'; tourcandy@gmail.com; Undisclosed List

Subject: SERVICE OF COURT DOCUMENT - CASE NUMBER 502012CP004391XXXXSB

From: eservice@myflicourtaccess.com [<mailto:eservice@myflicourtaccess.com>]

Sent: Monday, August 4, 2014 10:06 AM

Subject: SERVICE OF COURT DOCUMENT - CASE NUMBER 502012CP004391XXXXSB

Notice of Service of Court Documents

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	john@pankauskilawfirm.com
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Filing Information

Filing #: 16659741
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Court: Fifteenth Judicial Circuit in and for Palm Beach County, Florida
Case #: 502012CP004391XXXXSB
Court Case #: 2012CP004391
Case Style: IN RE: Estate of Not Available

Documents

Title	File
Proof	20140804 FINAL SIGNED PRINTED ELIOT BERNSTEIN COMPLI ORDER ECF COPY.pdf

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EXHIBIT 8 – COURT ORDER FOR INSPECTION OF RESIDENCE AND ACCOUNTING FOR PERSONAL
PROPERTY

Motion in Opposition...
Sunday, August 17, 2014
EXHIBITS

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

PROBATE DIVISION
CASE NO. 5021012CP004391XXXXSB

IN RE: ESTATE OF SIMON L. BERNSTEIN
_____ /

ORDER ON CURATOR'S MOTION TO INSPECT AND TAKE POSSESSION OF ESTATE TANGIBLE PERSONAL PROPERTY

THIS MATTER came before the Court on the Curator's Motion to Inspect and Take Possession of Estate Tangible Personal Property dated June 10, 2014 ("Motion"), the Court having reviewed the Motion, and the Court being otherwise fully advised in the premises, it is hereby:

ORDERED and ADJUDGED as follows:

The Motion is granted in part. Curator is authorized and directed to use Estate funds to retain Robert Hittel in order to inspect the tangible personal property at described on the January 22, 2013 Fair Market Value Appraisal of the Personal Property of Simon L. Bernstein (effective date September 13, 2012) ("Appraisal") located at 7020 Lions Head Lane, Boca Raton, FL

("House") and prepare a written report regarding whether such property is located at the House and its condition (if different than described on the Appraisal). The Court defers decision on the remainder of the Motion.

Mr. Hittel's fee shall not exceed \$500.00, Ted Bernstein and Eliot Bernstein may be present on the day Mr. Hittel conducts his inspection, but may not enter the house while Mr. Hittel conducts such inspection.

DONE AND ORDERED in Chambers, Delray Beach, Palm Beach County, Florida, on June _____, 2014.

SIGNED & DATED

JUN 19 2014

**MARTIN H. COLIN
CIRCUIT JUDGE**

Circuit Court Judge

Copies furnished to the parties on the attached service list

SERVICE LIST

Estate of Simon L. Bernstein

Palm Beach County Case No. 502012CP004391XXXXSB

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Pamela Beth Simon 950 N. Michigan Avenue Apartment 2603 Chicago, IL 60611 psimon@stpcorp.com	Irwin J. Block, Esq. The Law Office of Irwin J. Block PL 700 South Federal Highway Suite 200 Boca Raton, Florida 33432 ijb@ijblegal.com	Julia Iantoni, a Minor c/o Guy and Jill Iantoni, Her Parents and Natural Guardians 210 I Magnolia Lane Highland Park, IL 60035 jilliantoni@gmail.com	Joshua, Jacob and Daniel Bernstein, Minors c/o Eliot and Candice Bernstein, Parents and Natural Guardians 2753 NW 34th Street Boca Raton, FL 33434 iviewit@iviewit.tv
Jill Iantoni 2101 Magnolia Lane Highland Park, IL 60035 jilliantoni@gmail.com	Peter Feaman, Esquire Peter M. Feaman, P.A. 3615 Boynton Beach Blvd. Boynton Beach, FL 33436 pfeaman@feamanlaw.com	Eliot Bernstein 2753 NW 34th Street Boca Raton, FL 33434 iviewit@iviewit.tv	John P. Morrissey, Esq. 330 Clematis Street, Suite 213 West Palm Beach, FL 33401 john@jmorrisseylaw.com
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EXHIBIT 9 - SPALLINA LETTER TO THEODORE REGARDING PROTECTING CONTENTS OF CONDO

Motion in Opposition...
Sunday, August 17, 2014
EXHIBITS

Robert Spallina

From: Robert Spallina
Sent: Friday, September 14, 2012 2:32 PM
To: 'Ted Bernstein'
Cc: Donald Tescher
Subject: RE: Si
Attachments: image001.png; image002.png; image003.png

Ted – thank you for the heads up. I spoke to Jon and told him that we will meet at an appropriate time in the next couple weeks to go through and review the open litigation matters.

On a separate note, as discussed, you are designated as the successor trustee to Si on your mother's trust document. In this regard, both the residence and the beach condo were titled in the name of her trust. All of the contents in both places are the subject of your father's estate, over which Don and I have been named as Personal Representatives. Please make sure that both homes are secure and that the contents contained therein are protected. As a fiduciary of your mother's trust and during the period of administration of your father's estate, you owe a duty to the ultimate beneficiaries to protect the assets. As we discussed, to the extent that there may be keys to both places in the hands of others, we would suggest that you change the locks so that no one can gain access to either home without your consent. It may be helpful to take pictures and even create an inventory of the contents so that when there is a division of the assets among the family there are no issues.

Again, we are truly saddened by your father's death and are here to help in any way that we can. Please do not hesitate to contact us. If you need anything over the weekend my cell is 561-504-3805.

Speak to you soon.

Sincerely,

Robert (and Don)

Robert L. Spallina, Esq.
TESCHER & SPALLINA, P.A.
4855 Technology Way, Suite 720
Boca Raton, Florida 33431
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Facsimile: 561-997-7308
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If you would like to learn more about TESCHER & SPALLINA, P.A., please visit our website at www.tescherspallina.com

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From: Ted Bernstein [mailto:TBernstein@lifeinsuranceconcepts.com]
Sent: Thursday, September 13, 2012 4:46 PM
To: Robert Spallina
Cc: swergoldj@gtlaw.com
Subject: Si

EXHIBIT 10 – TESCHER DEPOSITION REGARDING FURNITURE

Motion in Opposition...
Sunday, August 17, 2014
EXHIBITS

12 Q. I thought -- at the time that Shirley's
13 condo was sold, whatever contents were in it would
14 have been owned by Simon's estate.

15 A. Correct.

16 Q. At the time you were the personal
17 representative or copersonal representative of
18 Simon's estate; is that correct?

19 A. At the time that the sale occurred; yes.

20 Q. Did you and the other copersonal
21 representative agree that the -- that the property
22 should be sold with the condominium; and that if
23 there was ever a time in the future when there
24 needed to be some allocation, it could be handled
25 in the future, rather than either interfering with
0028

1 the sale of the condo, or requiring the furniture
2 to be to be removed from the condo?

3 MR. FEAMAN: Objection to the form.

4 A. I don't recall if I was directly involved
5 in that discussion.