

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

IN RE: THE ESTATE OF
SHIRLEY BERNSTEIN,
Deceased

CASE NO. 502011CP000653XXXXSB

HON. JUDGE MARTIN H. COLIN

ELIOT IVAN BERNSTEIN, PRO SE
PETITIONER,

V.

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

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

**MOTION IN OPPOSITION TO ALLEGED TRUSTEE THEODORE
BERNSTEIN’S “NOTICE OF TAKING VIDEOTAPED DEPOSITION”;**

**MOTION TO COMPEL THE ESTATES AND TRUSTS OF SIMON AND
SHIRLEY BERNSTEIN TO PAY FOR AND PROVIDE COUNSEL FOR
ELIOT AND HIS MINOR CHILDREN.**

COMES NOW, Eliot Ivan Bernstein (“Eliot”), PRO SE, as Beneficiary and Interested Party both for himself personally and Guardian for his three minor children (who may also be Beneficiaries and Interested Parties of the Estates and Trusts of Simon Bernstein (“Simon”) and Shirley Bernstein (“Shirley”)), and hereby files this “MOTION IN OPPOSITION TO

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ALLEGED TRUSTEE THEODORE BERNSTEIN'S "NOTICE OF TAKING VIDEOTAPED DEPOSITION" and in support thereof states, on information and belief, as follows:

1. That Eliot has repeatedly informed Alan Rose, Esq. that he is undergoing medical treatments at this time involving having to take both a narcotic analgesic (Vicodin ES) and a muscle relaxer (Flexeril) and that during this time he cannot take a deposition but that he would be happy to when the procedures are over.
2. The procedures involve putting in dental implants that have been delayed due to the fact that the prior removed PR's and Trustees of the Estate, the disgraced Robert Spallina, Esq. and Donald Tescher, Esq. who refused to pay the balance to the doctors, despite that the payments were made under contract by Simon and Shirley Bernstein for five years prior to get this very complicated procedure finalized causing a two year delay.
3. Finally, despite Eliot's inability to pay down the balance, the doctor understanding the Estate frauds that have occurred and intentional delays caused in Eliot's inheritance caused by OFFICERS OF THIS COURT that committed FRAUD and more, including Alan, he decided to proceed without payment at this time and complete the work, which requires approximately 20 more hours of time in the dentist's office over several weeks while the top and bottom teeth are adjusted. During this procedure, Eliot has been in severe pain with extreme headaches as the teeth are adjusting it causes severe pains and severe discomfort similar to TMJ but far worse.
4. That Eliot has repeatedly informed Alan that he was undergoing these procedures and that it would take several weeks more and Eliot sent him the Motion for Extension for time in the Oppenheimer v. Eliot and Candice Bernstein approved by this Court, which provided the same reason and the doctor's office phone number to call and confirm if necessary. Alan appeared at first to understand

but then began a campaign to make this Court think Eliot was uncooperative by continuously requesting depositions and more of Eliot during this time.

What the procedure involves is removing implants and reinserting new ones for the new teeth and then putting it all back together while adjustments are made and each time having to remove and reinsert the implants as illustrated below.



5. That Alan, in his attempt to smear, harass, defame and harangue Eliot and having adopted a strategy according to the alleged Trustee Theodore under Oath in these proceedings, of “FORCEFULNESS AND AGGRESSION” in dealing with Eliot. This strategy was also stated and detailed in an email sent to Eliot by Theodore that contained a letter Theodore wrote to Alan that claimed they intended on using this strategy of force and aggression on Eliot and all those who were helping him too (this letter was ruled to be Privileged by this Court and so Eliot is forced not to Exhibit it here.) Yet, Theodore under Oath in the hearing clearly stated that he acting as a Fiduciary had stated such strategy (against Eliot a beneficiary) to Alan using trust funds that his counsel thought were inappropriate. Since Alan’s winning the Privilege argument before this Court to seal the document that showed MAJOR BREACHES OF FIDUCIARY DUTIES and more, Alan has continued to try and force Eliot into a deposition while he is not medically fit and medicated and take multiple legal actions that Eliot is forced to respond to. Alan, despite knowing that Eliot is infirm at this time instead has forced Eliot into responding to new lawsuits, attempted repeatedly to force Eliot to a

deposition and has stepped up the pressure on Eliot, knowing that Eliot is undergoing this procedure at this time and is not well, which shows that they intend on using such strategies as Theodore stated on the record to harass Eliot.

6. Eliot has told Alan that the procedure has not been completed repeatedly and Alan tries to build a record to this Court every time that Eliot is being uncooperative and not following a Court order, which is not the case. Yet, Alan must try to twist this around, as he is aware now that he and his firm are being sued in the Oppenheimer lawsuit as Counter Defendants and that he and his firm are Respondents in these matters too. This sets up classic conflicts of interest and has led to retaliation against Eliot and his three minor children by the alleged Trustee Theodore and his counsel Alan who are two of the main parties in all of the criminal and civil actions ongoing in these matters relating to the massive frauds already committed and those ongoing.
7. Alan and Theodore are being accused of aiding and abetting the prior frauds committed and admitted in part by Theodore's former counsel in these matters Tescher and Spallina that include, proven Fraudulent Notarizations (including one Post Mortem for Simon), admitted Forgeries (including one Post Mortem for Simon), admitted Altered trust documents (Post Mortem for Shirley), proven improper notarization of a Will and Amended and Restated Trust of Simon, ILLEGAL distributions made by the alleged Trustee that benefited his family personally to the detriment of other beneficiaries against the Advice of Counsel, proven Fraud on the Court and Beneficiaries when the prior OFFICERS OF THIS COURT, PR'S, TRUSTEES and COUNSEL used a deceased Simon acting as a living PR to close his deceased wife's Estate leading to the reopening of Shirley's Estate and more. Now they have instigated yet another lawsuit to further waste time and assets to in efforts to construct the Shirley trust that was fraudulently altered by Ted's previous counsel for Ted's

benefit to try and make it fit the crimes committed, almost surrealistically.

8. That the Court will remember that in a September 13, 2013 hearing, Your Honor stated that you had enough evidence at the time of the frauds to read Theodore, Spallina, Tescher and Mark Manceri their Miranda Rights but failed to read them and instead allow Theodore and his new counsel to continue to act as OFFICERS OF THIS COURT, which defies logic and based on the mountains of evidence against Theodore presented to the Court defies law.
9. That this Court, despite knowing that a Trustee has the stated intent of using a forceful and aggressive strategy against Eliot and his three minor children, who is having him investigated in multiple ongoing criminal complaints and state and federal civil actions has allowed this farce to continue and allowed Alan and Theodore to continue a campaign against Eliot that defies the definition of trustee, which is to be impartial and fair to beneficiaries and only act in the best interests of the beneficiaries.
10. That Eliot's treatments will last most likely through the third week in September, as the procedure was delayed due to the need to send the implants back to the lab for adjustments that took longer than expected due to the complexity of the case. Eliot has had his face broken many years ago and this procedure involved removing ALL Eliot's teeth due to infections that were nearing the brain and full and total implant of new teeth both top and bottom. The procedure has been going on for almost five years and this is the final part and when this is complete Eliot will be free of pain and pain medicines and able to take a proper deposition.
11. That as for uncooperative this Court should note that Alan and Theodore have refused to Waive Service/Process on the Counter Complaint sent to them in the Oppenheimer v. Eliot and Candice Bernstein lawsuit before Your Honor. This now will force indigent Pro Se Eliot to waste more time

and money to send a Marshal to serve them.


12. That Alan has refused to tell Eliot who his or his firm and partners counsel is in these probate actions of Simon and Shirley that they are Respondents in and who will be their counsel in the Oppenheimer lawsuit they are Counter Defendants in. Alan instead continues to make a self-dealing record and claims to this Court that Eliot is sending his partners and firm emails with service of documents in these matters they are Respondents and Defendants in unnecessarily. Until they respond who their counsel will be Eliot has sent them the documents assuming they are all acting Pro Se and the firm is unrepresented.
13. That according to Your Honor, next up on the docket to be heard in these matters are motions filed by Eliot to have Your Honor on your own initiative REMOVE THEODORE AS A FIDUCIARY in all capacities, this after your honor found him unfit to become the Curator and urged him strongly to withdraw his plea to become PR of the Estate of Simon for good and just cause, even threatening sanctions if they brought the plea forward and lost. Alan and John Pankauski then urged their client Theodore to withdraw and they did withdraw the plea at the podium after wasting everyone's time coming to the Court.
14. That the continued harassment of Eliot will not cease as the adversity to Eliot has only grown worse since Alan and Theodore have been sued in the Oppenheimer lawsuit and are Respondents in these matters, they are under ongoing investigations and have recently been accused of stealing assets of the Estate of Simon and refusing to comply with a Court Ordered Re-Inventorying the missing assets. The Court on the record was told by Theodore and Alan that furniture in a Condominium was moved to Simon's residence in Saint Andrews Country Club without notice to any parties. The Court Ordered it to inventoried to prove that claim. Subsequent to that claim Donald Tescher and Alan, in

Tescher's deposition conducted by Alan then stated that these personal properties of Simon's Estate were sold with the Condominium. The final accounting provided by Tescher and Spallina by Order of this Court on their terminations and withdrawals from all capacities does not reflect this and shows them still as assets of the Estate. These are personal property assets of Simon's in which Eliot is a beneficiary and his inheritance of these items has been repeatedly interfered with.

15. That this Court has been motioned to Remove Theodore on its own initiative under FL Stat. 736 of the probate code on its own initiative due to countless reasons that make Theodore legally unqualified as a fiduciary at this time but Eliot is uncertain if that has been ruled on by this Court at this time and this is now urgent to determine if Theodore is legally qualified to act further as a fiduciary and continue this ongoing harassment of Eliot and attempt to pepper the record with crazed claims in pleadings that may all be stricken when he is found unfit in Shirley's Estate and Trusts to act as a fiduciary, as the Court already determined in the Simon Estate. Theodore is also acting as alleged Trustee in Simon's Estate, despite clear language in the alleged dispositive document that preclude his acting in any capacity as he is considered PREDECEASED for all purposes of the trust and the distributions made thereunder. Yet this Court has allowed Theodore to continue and waste everyone's time and money despite having the evidence against Theodore presented by both Eliot and the Creditor Stansbury.

Wherefore, Eliot asks this Court to extend the time for Deposition to no earlier than October 01, 2014 when treatments are to be completed, unless further unforeseen complications arise, which Eliot will immediately notify the Court of and any other relief this Court finds just and proper.

Filed on Thursday, August 28, 2014.



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**MOTION TO COMPEL THE ESTATES AND TRUSTS OF SIMON AND
SHIRLEY BERNSTEIN TO PAY FOR AND PROVIDE COUNSEL FOR
ELIOT AND HIS MINOR CHILDREN.**

16. That Eliot and his three minor children's inheritances have been interfered with and delayed by CRIMINAL MISCONDUCT committed by OFFICERS OF THIS COURT and FIDUCIARIES in the Estates of Simon and Shirley.
17. That due to these interferences and delays with an expected inheritance caused by OFFICERS OF THIS COURT, Eliot and his children have been forced to need counsel separately due the conflicts of interests created by the frauds making determination of beneficiaries to be decided by the Court at a later date and thus without those inheritances, held up by this Court, Eliot and his children who have been forced to indigent status. Eliot has filed with the Court an indigent application in the Oppenheimer lawsuit showing how bad this has become due to the intentional interference with his inheritance caused by the former and current OFFICERS OF THIS COURT and FIDUCIARIES criminal misconduct.
18. That per a letter from the former Fiduciaries and Counsel in the Estates and Trusts, Donald Tescher, attached Exhibit 1, this Court can see that these needs for counsel for Eliot and his minor children are a direct result of actions of the fiduciaries who even state they want to help the injured parties,

It has been brought to my attention that a document was prepared in our office that altered the disposition of the Shirley Bernstein Trust subsequent to Simon Bernstein's death...I am obviously upset and distraught over this chain of events and will do all that I reasonably can to correct and minimize any damages to the Bernstein family.

19. That the Officers of the Court and Fiduciaries, including the alleged Trustee Theodore and his counsel Alan Rose, who have participated in the advancement of these fraudulent schemes that used Altered Trust documents and made illegal distributions as a result, all benefiting Theodore and his

counsel the most, have been since wasting Estate and Trust funds without Court approval for Legal Fees to defend Theodore's friends who have been removed from these matters, Spallina, Tescher and Manceri. These costs for the fiduciaries to commit fraud and then try and defend themselves before the Court, even lying to the Court about their involvement until forced to confess to Sheriff investigators is estimated to have bled the Estates and Trusts already north of a million dollars or more. Now further legal fees are being used in efforts to cover up the former crimes, use strategies admitted to be "forceful and aggressive" against beneficiaries for Theodore to protect himself using Trust funds as admitted on the record by the Theodore and further injure the parties already damaged by these intentional interferences through fraud of Theodore's former counsel and PR's and Trustees now removed.

20. That NO accountings of legal fees and details of them have been provided to beneficiaries despite repeated requests and thus remain a mystery but Theodore has surrounded himself thus far with six or more attorneys and misused trust and estate funds in so doing to defend himself personally as well as Trustee, even using those funds despite the advice of counsel, as stated in the Palm Beach County Sheriff report already submitted to this Court where Theodore was being interrogated.
21. That Theodore and his counsel have refused requests for details of their billings.
22. That Theodore and Alan are seeking all kinds of costly legal actions against Eliot and his three minor children, including requests for depositions, responses to newly filed lawsuits and more and driving up the costs to Eliot who is Pro Se to force him to either make a mistake in responding or take depositions without counsel.
23. That Eliot and his children are need of separate counsel to respond to these actions the Estates and Trusts deem essential to the proceedings that they have requested.

24. That since these actions instigated by the fiduciary Theodore as the alleged Trustee are alleged to benefit the Estate and Trusts and since the need for separate counsel for Eliot and his children have been caused by the Egregious Acts of Bad Faith committed with Unclean Hands of the Fiduciaries that have stymied and delayed with scienter Eliot's inheritances, the Court should find that until those OFFICERS OF THIS COURT UNDER YOUR HONOR'S Jurisdiction and Tutelage who caused these needs to arise, pay damages for forcing these costs on Eliot and his children, that the Estates and Trusts requesting all this legal work now be compelled to pay for reasonable and customary legal fees and expenses for counsel for both Eliot and his children to PREVENT FURTHER DAMAGES.
25. That in light of upcoming requested depositions of Eliot and Answers and Counter Complaints due in two more new complex additional cases they have filed, these legal costs of Eliot are necessary and benefit according to the Fiduciary, the Estates and Trusts. The Court knowing Eliot and his children cannot pay for this mass of legal work heaped upon them demand the PR's and Trustees to provide representative counsel, as without it this could severely prejudice and further damage Eliot and his three minor children. This is especially important for the three minor children under this Court's jurisdiction that must have separate counsel provided than Eliot due to the intentional conflicts created through the frauds committed directly by OFFICERS OF THIS COURT.
26. Alan Rose, in an August 19th hearing stated that Eliot was indigent but failed to state the reason, which is due wholly to the acts that have caused the delays in inheritance. These intentional fraudulent acts that have delayed the inheritances, may take some time to sort out and certainly will cost a fortune in litigation to Eliot and his children, that is in no way related to the acts of Eliot or his children but again related directly to the Officers of this Court that Your Honor refuses to remove on

your own initiative for now months, despite solid evidence presented for their removal and for their direct and indirect involvement with the other removed PR'S, Trustees and Counsel felonious acts.

Wherefore, Eliot prays that this Court compel the fiduciaries of both the Simon and Shirley Estate and Trusts to provide monies for Eliot and his children to retain and pay counsel to protect their interests from further harms within a reasonable legal rate equal to the rates they have been billing the Estates and Trusts for to act as Theodore's counsel, as this would seem fair. Perhaps a request from Your Honor compelling their billing records and details will prove more fruitful than the beneficiaries attempts that have been ignored for two years so that these fees they are charging can be ascertained and allowed for Eliot and his children.

That Eliot has written these motions while heavily medicated and in severe pain so please any mistakes
EH

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, Thursday, August 28, 2014.

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


X

SERVICE LIST

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| <p>RESPONDENT PERSONALLY, PROFESSIONALLY, AS A GUARDIAN AND TRUSTEE FOR MINOR/ADULT CHILDREN, AS AN ALLEGED TRUSTEE AND ALLEGED PERSONAL REPRESENTATIVE</p> <p>Theodore Stuart Bernstein Life Insurance Concepts 950 Peninsula Corporate Circle, Suite 3010 Boca Raton, Florida 33487 tbernstein@lifeinsuranceconcepts.com</p> | <p>RESPONDENT INDIVIDUALLY, PROFESSIONALLY AND LAW FIRM and COUNSEL TO THEODORE BERNSTEIN IN VARIOUS CAPACITIES</p> <p>Alan B. Rose, Esq. Page, Mrachek, Fitzgerald & Rose, P.A. 505 South Flagler Drive, Suite 600 West Palm Beach, Florida 33401 (561) 355-6991 arose@pm-law.com and arose@mrachek-law.com mchandler@mrachek-law.com cklein@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 mchandler@mrachek-law.com lchristian@mrachek-law.com telarke@mrachek-law.com gdavies@mrachek-law.com pgillman@mrachek-law.com dkelly@mrachek-law.com cklein@mrachek-law.com lwilliamson@mrachek-law.com</p> | <p>RESPONDENT INDIVIDUALLY, PROFESSIONALLY AND LAW FIRM and COUNSEL TO THEODORE BERNSTEIN IN VARIOUS CAPACITIES</p> <p>John J. Pankauski, Esq. Pankauski Law Firm PLLC 120 South Olive Avenue 7th Floor West Palm Beach, FL 33401 (561) 514-0900 courtfilings@pankauskilawfirm.com john@pankauskilawfirm.com</p> | <p>RESPONDENT INDIVIDUALLY, PROFESSIONALLY AND LAW FIRM AND AS FORMER COUNSEL TO THEODORE BERNSTEIN IN VARIOUS CAPACITIES</p> <p>Robert L. Spallina, Esq., Tescher & Spallina, P.A. Boca Village Corporate Center I 4855 Technology Way Suite 720 Boca Raton, FL 33431 rspallina@tescherspallina.com kmoran@tescherspallina.com ddustin@tescherspallina.com</p> |
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| <p>RESPONDENT INDIVIDUALLY AND AS GUARDIAN AND TRUSTEE OF HER MINOR CHILD</p> <p>Pamela Beth Simon 950 N. Michigan Avenue Apartment 2603 Chicago, IL 60611 psimon@stpcorp.com</p> | <p>COUNSEL FOR LIMITED APPEARANCE representing Mr. Tescher in connection with his Petition for Designation and Discharge as Co-Personal Representative of the Estate of Simon L. Bernstein, deceased.</p> <p>Irwin J. Block, Esq. The Law Office of Irwin J. Block PL 700 South Federal Highway Suite 200 Boca Raton, Florida 33432 ijb@ijblegal.com martin@kolawyers.com</p> | <p>RESPONDENT INDIVIDUALLY, PROFESSIONALLY AND LAW FIRM and FORMER WITHDRAWN COUNSEL TO THEODORE BERNSTEIN IN VARIOUS CAPACITIES, NO NOTICES OF APPEARANCES</p> <p>Mark R. Manceri, Esq., and Mark R. Manceri, P.A., 2929 East Commercial Boulevard Suite 702 Fort Lauderdale, FL 33308 mrmlaw@comcast.net mrmlaw1@gmail.com</p> | <p>RESPONDENT INDIVIDUALLY, PROFESSIONALLY AND LAW FIRM AND AS FORMER COUNSEL TO THEODORE BERNSTEIN IN VARIOUS CAPACITIES</p> <p>Donald Tescher, Esq., Tescher & Spallina, P.A. Boca Village Corporate Center I 4855 Technology Way Suite 720 Boca Raton, FL 33431 dtescher@tescherspallina.com ddustin@tescherspallina.com kmoran@tescherspallina.com</p> |
| <p>RESPONDENT INDIVIDUALLY AND AS GUARDIAN AND TRUSTEE OF HER MINOR CHILD</p> <p>Jill Iantoni 2101 Magnolia Lane Highland Park, IL 60035 jilliantoni@gmail.com</p> | <p>COUNSEL TO CREDITOR WILLIAM STANSBURY</p> <p>Peter Feaman, Esquire Peter M. Feaman, P.A. 3615 Boynton Beach Blvd. Boynton Beach, FL 33436 pfeaman@feamanlaw.com service@feamanlaw.com mkoskey@feamanlaw.com</p> | <p>COURT APPROVED CURATOR TO REPLACE THE REMOVED FORMER PERSONAL REPRESENTATIVES/CO-TRUSTEES/COUNSEL TO THEMSELVES AS FIDUCIARIES TESCHER AND SPALLINA</p> <p>Benjamin Brown, Esq., Thornton B Henry, Esq., and Peter Matwiczuk Matwiczuk & Brown, LLP 625 No. Flagler Drive Suite 401 West Palm Beach, FL 33401 bbrown@matbrolaw.com attorneys@matbrolaw.com bhenry@matbrolaw.com pmatwiczuk@matbrolaw.com</p> | <p>COUNSEL FOR JILL IANTONI and LISA FRIEDSTEIN</p> <p>William M. Pearson, Esq. P.O. Box 1076 Miami, FL 33149 wpearsonlaw@bellsouth.net</p> |



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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 m.mealy@gcprobate.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 ebenstein@lifeinsuranceconcepts.com m.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.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> | |

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EXHIBIT 1 – DONALD TESCHER RESIGNATION AS PR, TRUSTEE AND COUNSEL LETTER

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DIANE DUSTIN
KIMBERLY MORAN
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January 14, 2014

VIA U.S. MAIL AND EMAIL

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Lisa S. Friedstein
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Pamela B. Simon
950 North Michigan Ave.
Suite 2603
Chicago, IL 60606

Jill Iantoni
2101 Magnolia Lane
Highland Park, IL 60035

Re: Estates and Trusts of Shirley Bernstein and Simon Bernstein

Dear Ladies and Gentlemen:

It has been brought to my attention that a document was prepared in our office that altered the disposition of the Shirley Bernstein Trust subsequent to Simon Bernstein's death. Information provided to me appears to indicate that there were two versions of the First Amendment to the Shirley Bernstein Trust Agreement, both executed on November 18, 2008. Under one version the children of Pam Simon and Ted Bernstein would not be permissible appointees of Simon Bernstein's exercise of the power of appointment while under the second version that restriction was removed. As you all know, Simon Bernstein's dispositive plan, expressed to all of you during his lifetime on a conference call, was to distribute the Estate to all ten of his grandchildren. That was the basis upon which the administration was moving forward.

Under the Shirley Bernstein Trust, there is a definition of children and lineal descendants. That definition excluded Pam Simon, Ted Bernstein and their respective children from inheriting. The document also contained a special Power of Appointment for Simon wherein he could appoint the assets of the Trust for Shirley's lineal descendants. Based upon the definition of children and lineal descendants, the Power of Appointment could not be exercised in favor of Pam Simon, Ted Bernstein or their respective children, although we believe it was Simon Bernstein's wish to provide equally for all of his grandchildren.

On November 18, 2008, it does appear from the information that I have reviewed that Shirley Bernstein executed a First Amendment to her trust agreement. The document as executed appears to make only one relatively minor modification to her trust disposition by eliminating a specific gift to Ted

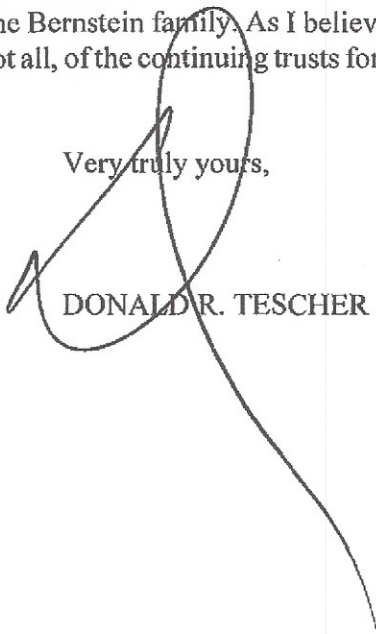


Bernstein's stepson. In January of 2013 a First Amendment to the Shirley Bernstein Trust Agreement was provided to Christine Yates, Esq. who, at that time, was representing Eliot Bernstein. The document provided contained a paragraph number 2 which modified the definitional language in Shirley's document so as to permit, by deleting the words "and their respective lineal descendants" from the definition, an exercise of the power of appointment by Simon Bernstein over the Shirley Bernstein Trust to pass equally to all ten grandchildren rather than only six of the grandchildren.

By virtue of The Florida Bar Rules of Professional Conduct, I am duty bound to provide this information to you. Obviously, as a result of the issues and ramifications raised by the allegations, my firm must resign from further representation in all matters relating to the Estates and Trusts of Simon Bernstein and Shirley Bernstein. Furthermore, it is my intent, and I assume also the intent of Robert Spallina, to tender our resignations as personal representatives of the Simon Bernstein Estate and as trustees of the Simon Bernstein Trust. If the majority of the Bernstein family is in agreement, I would propose to exercise the power to designate a successor trustee by appointing Ted Bernstein in that capacity. With regard to the Simon Bernstein Estate, the appointment of the successor would require a court proceeding.

I am obviously upset and distraught over this chain of events and will do all that I reasonably can to correct and minimize any damages to the Bernstein family. As I believe you know, to date there has only been a modest funding of some, but not all, of the continuing trusts for the grandchildren emanating from Shirley's Trust assets.

Very truly yours,



DONALD R. TESCHER

DRT/km
cc: Alan Rose, Esq.

Are they nuts, pass successor Trustee to Ted who they did the altercations to benefit through this fraud. Spallina admitted to Palm Beach Sheriff's he altered Trust documents and more. Successor criminals, cannot make this up. Ted is also precluded in the language to be Trustee in Simon in the alleged Trust document that is also challenged.

