

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

FILE NO. 502012CP004391XXXXSB

IN RE: ESTATE OF
SIMON BERNSTEIN,

Deceased.

**PETITION FOR DISCHARGE
OF ADMINISTRATOR AD LITEM
AND
PAYMENT OF ADMINISTRATOR AD LITEM'S FEES**

Petitioner, Benjamin P. Brown as Administrator Ad Litem ("AAL") of the above Estate, alleges:

1. Benjamin P. Brown, Esq. was appointed Administrator Ad Litem by Order dated May 23, 2014. The May 23, 2014 Order Appointing Administrator Ad Litem to Act On Behalf of the Estate of Simon Bernstein to Assert the Interests of the Estate in the Illinois Litigation (Case No. 13cv3643, N.D. Ill.E. Div.) Involving Life Insurance Proceeds on the Decedent's Life is attached hereto as Exhibit A ("Order").

2. On July 11, 2014, this Court appointed Brian O'Connell, Esq. as Personal Representative of this Estate.

3. Accordingly, it appears that an Administrator Ad Litem is no longer required in connection with this Estate.

4. The Administrator Ad Litem has neither received, nor distributed, as Administrator Ad Litem, any Estate funds or assets. Therefore, the undersigned believes that the Administrator Ad Litem should not be required to prepare and file an accounting prior to discharge.

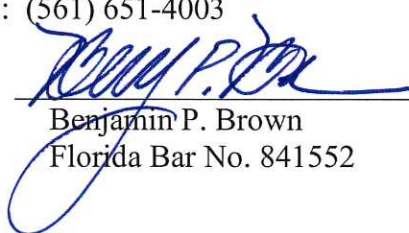
5. The AAL has rendered services to the Estate from May 28, 2014 through July 29, 2014 as set forth in the itemized summary of services attached as Exhibit A, for which the Curator has not been paid. The fees owed are \$3,395.00 and costs incurred are \$6.00 for a total due of \$3,401.00. The May 23, 2014 Order provides that Creditor William Stansbury shall be responsible for paying such fees.

WHEREFORE, Benjamin P. Brown, as Administrator Ad Litem, requests that an order be entered discharging him as Administrator Ad Litem of this Estate and providing that no accounting by the Administrator Ad Litem is required, providing for payment of the Administrator Ad Litem outstanding fees, and for such other relief as the Court deems just and proper.

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by e-mail upon the parties on the attached Service List on this 2 day of September, 2014.

MATWICZYK & BROWN LLP
Attorneys for Administrator Ad Litem
625 N. Flagler Drive, Suite 401
West Palm Beach, FL 33401
Telephone: (561) 651-4004
Fax: (561) 651-4003

By: _____


Benjamin P. Brown
Florida Bar No. 841552

ESTATE OF SIMON BERNSTEIN
File No. 502012CP004391XXXXSB

Service List

<p>Max Friedstein 2142 Churchill Lane Highland Park, IL 60035</p>	<p>Alan B. Rose, Esq. Page, Mrachek, Fitzgerald & Rose, P.A. 505 South Flagler Dr., Suite 600 West Palm Beach, FL 33401 arose@pm-law.com</p>	<p>John J. Pankauski, Esq. Pankauski Law Firm PLLC 120 South Olive Avenue 7th Floor West Palm Beach, FL 33401 john@Pankauskilawfirm.com</p>	<p>Carley Friedstein, Minor c/o Jeffrey and Lisa Friedstein, Parents and Natural Guardians 2142 Churchill Lane Highland Park, IL 60035 Lisa@friedsteins.com lisa.friedstein@gmail.com</p>
<p>Pamela Beth Simon 950 N. Michigan Avenue Apartment 2603 Chicago, IL 60611 psimon@stpcorp.com</p>	<p>Irwin J. Block, Esq. The Law Office of Irwin J. Block, PL 700 South Federal Highway Suite 200 Boca Raton, FL 33432 ijb@ijblegal.com</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>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>Jill Iantoni 2101 Magnolia Lane Highland Park, IL 60035 jilliantoni@gmail.com</p>	<p>Peter Feaman, Esquire Peter M. Feaman, P.A. 3615 Boynton Beach Blvd. Boynton Beach, FL 33436 pfeaman@feamanlaw.com</p>	<p>Eliot Bernstein 2753 NW 34th Street Boca Raton, FL 33434 iviewit@iviewit.tv</p>	<p>John P. Morrissey, Esq. 330 Clematis Street, Suite 213 West Palm Beach, FL 33401 john@jmorrisseylaw.com</p>
<p>Lisa Friedstein 2142 Churchill Lane Highland Park, IL 60035 Lisa@friedsteins.com lisa.friedstein@gmail.com</p>	<p>William H. Glasko, Esq. Golden Cowan, P.A. 1734 South Dixie Highway Palmetto Bay, FL 33157 bill@palmettobaylaw.com</p>	<p>Brian O'Connell, Esq. Ciklin Lubitz Martens & O'Connell 515 North Flagler Drive West Palm Beach, FL 33401 boconnell@ciklinlubitz.com</p>	



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

IN RE: CASE NO.: 50 2012 CP 004391 XXXX SB
ESTATE OF SIMON L. BERNSTEIN, PROBATE DIV.
Deceased.

**ORDER APPOINTING ADMINISTRATOR AD LITEM TO
ACT ON BEHALF OF THE ESTATE OF SIMON L. BERNSTEIN
TO ASSERT THE INTERESTS OF THE ESTATE IN THE ILLINOIS
LITIGATION (CASE NO. 13CV3643, N.D. ILL. E. DIV.) INVOLVING
LIFE INSURANCE PROCEEDS ON THE DECEDENT'S LIFE**

THIS CAUSE came before this Honorable Court on May 23, 2014 upon the Curator's Amended Motion for Instructions/Determination regarding Estate Entitlement to Life Insurance Proceeds and upon the Petition for Appointment of Administrator Ad Litem filed by William Stansbury, in the U.S. District Court case styled *Simon Bernstein Irrevocable Insurance Trust DTD 6/21/95 v. Heritage Union Life Insurance*, Case No. 13-cv-03643, currently pending in the United States District Court for the Northern District Court of Illinois, and the Court having heard argument of counsel and being otherwise duly advised in the premises, it is

ORDERED and ADJUDGED that


I. The Court appoints Benjamin P. Brown, Esq., who is currently serving as Curator, as the Administrator Ad Litem on behalf of the Estate of Simon L. Bernstein to assert the interests of the Estate in the Illinois Litigation involving life insurance proceeds on the Decedent's life in the U.S. District Court case styled *Simon Bernstein Irrevocable Insurance Trust DTD 6/21/95 v. Heritage Union Life Insurance*, Case No. 13-cv-03643, pending in the United States District Court for the Northern District Court of Illinois.



2. For the reasons and subject to the conditions stated on the record during the hearing, all fees and costs incurred, including for the Curator in connection with his work as Administrator Ad Litem and any counsel retained by the Administrator Ad Litem, will initially be borne by William Stansbury.

3. The Court will consider any subsequent Petition for Fees and Costs by William Stansbury as appropriate under Florida law.

DONE AND ORDERED in Palm Beach County, Florida this 23 day of May, 2014.


MARTIN COLIN
Circuit Court Judge

Copies to:

Alan Rose, Esq., PAGE, MRACIIEK, 505 So. Flagler Drive, Suite 600, West Palm Beach, FL 33401, arose@pm-law.com and mehandler@pm-law.com;
John Pankauski, Esq., PANKAUSKI LAW FIRM, 120 So. Olive Avenue, Suite 701, West Palm Beach, FL 33401, john@pankauski.com;
Peter M. Feaman, Esq., PETER M. FEAMAN, P.A., 3615 W. Boynton Beach Blvd., Boynton Beach, FL 33436, service@feamanlaw.com;
Eliot Bernstein, 2753 NW 34th Street, Boca Raton, FL 33434, eliot@eliotbw.com;
William H. Glasko, Esq., Golden Cowan, P.A., Palmetto Bay Law Center, 17345 S. Dixie Highway, Palmetto Bay, FL 33157, bill@palmettobaylaw.com;
John P. Morrissey, Esq., 330 Clematis St., Suite 213, West Palm Beach, FL 33401, john@jpmorrissey.com;
Benjamin P. Brown, Esq., Matwiczuk & Brown, LLP, 625 No. Flagler Drive, Suite 401, West Palm Beach, FL 33401, bhbrown@matbro.com

Matwiczuk & Brown LLP

625 North Flagler Drive
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Estate of Simon Bernstein, Admin. ad liter
c/o Peter Feaman, Esq.
3615 W. Boynton Beach Boulevard
Boynton Beach, Florida
33436

August 28, 2014

Attention:

File #: 14-00453

Inv #: Settle

RE: Administrator ad Litem

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
May-28-14	Receipt and review of Morrissey email regarding order and 6/10 UMC hearing; emails regarding same, authority to proceed; review 5/23 transcript in connection with same; receipt and review of notice of hearing, emails regarding Chicago counsel; telephone call with P. Feaman/J. Royer in connection with same; emails with J. Royer regarding same; receipt and review of Eliot Bernstein email regarding counsel issue; telephone call with J. Stamos; review docket, P. Feaman 3/4/14 letter and attachments; draft email to J. Stamos with issues, facts and provide information and dates; review Morrissey and Eliot further emails regarding 6/10 UMC and draft emails to resolve; review P. Feaman emails regarding same	1.70	595.00	BB
May-29-14	Receipt and review of information regarding J. Stamos; emails and telephone calls from J. Stamos regarding representation in Northern District Illinois case; respond to Eliot regarding successor to LaSalle (per Chicago Title), suggestion regarding handling same; review 5/23 transcript and email to J. Stamos regarding same; telephone call with J. Stamos regarding conflict check, dates, fee agreement; further email with J. Stamos regarding names for conflict check	1.40	490.00	BB



May-30-14	Receipt and review of J. Stamos email confirming no conflicts	0.20	70.00	BB
Jun-02-14	Receipt and review of J. Stamos retainer letter; emails regarding same; revise and emails regarding revisions to retainer, questions regarding payment procedure; telephone call with J. Stamos regarding same; receipt and review of revised agreement; further emails regarding same	0.90	315.00	BB
Jun-03-14	Email regarding retainer agreement; emails regarding tasks and pending mediation	0.30	105.00	BB
Jun-04-14	Review and execute retainer agreement; email to J. Stamos and P. Feaman regarding effect of Stansbury mediation on Stamos work	0.30	105.00	BB
Jun-05-14	Email regarding status of representation to P. Feaman and J. Stamos	0.20	70.00	BB
Jun-09-14	Receipt and review of Eliot email regarding 2000 Trust; exchange emails in connection with same	0.20	70.00	BB
Jun-10-14	Review documents (85+ pages) from Eliot regarding 2000 Trust and related documents; telephone call with P. Feaman regarding same; email to P. Feaman and J. Stamos regarding same; emails with J. Stamos regarding status conference hearing; telephone call from J. Stamos regarding 2000 Trust related issue; follow up emails regarding above matters; receipt and review of motion to intervene filed in federal court	1.90	665.00	BB
Jun-18-14	R. J. Stamos email; telephone call to J. Stamos regarding same	0.30	105.00	BB
Jun-23-14	Receipt and review of J. Stamos memorandum regarding Illinois merits	0.30	105.00	BB
Jun-26-14	Review emails between W. Stansbury and J. Stamos	0.20	70.00	BB
Jun-30-14	Receipt and review of emails between Royer and Stamos regarding status and course of action	0.20	70.00	BB
Jul-07-14	Email from J. Stamos regarding Reply Beneficiary and respond	0.20	70.00	BB

Jul-08-14	Receipt and review of J. Stamos and P. Feaman emails	0.20	70.00	BB
Jul-18-14	Receipt and review of J. Stamos email and reply regarding motion to intervene; receipt and review of P. Feaman email regarding same; draft email in connection with same	0.50	175.00	BB
Jul-28-14	Review J. Stamos email and orders; draft responsive email; draft email in response to P. Feaman email regarding same; draft petition for discharge as administrator ad litem	0.50	175.00	BB
Jul-29-14	Revise petition for discharge and instructions to staff regarding same	0.20	70.00	BB
	Totals	9.70	<u>\$3,395.00</u>	

DISBURSEMENTS

Jul-07-14	court photocopies (Acct. MB1963)		6.00	
	Totals		<u>\$6.00</u>	

Total Fee & Disbursements for all charges on this matter**\$3,401.00**

TAX ID Number 16-1669646