

IN THE CIRCUIT COURT OF THE 15TH
JUDICIAL CIRCUIT, IN AND FOR PALM
BEACH COUNTY, FLORIDA

Case No. 502014CP003698XXXXSB

Eliot Ivan Bernstein, Individually;
Eliot Bernstein in his capacity as
Natural Guardian of his
minor children, Joshua, Jacob and Daniel;
and as beneficiary of the alleged Shirley
Bernstein Trust dated May 20, 2008, as
amended and Eliot Bernstein as Trustee of the
Eliot Bernstein Family Trust dated May 20,
2008,

Honorable Martin Colin

Jury Trial Requested

Counter Plaintiff,

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;
Gutter Chaves Josepher Rubin Forman Fleisher Miller, P.A.;
Theodore Stuart Bernstein, Individually;
Theodore Stuart Bernstein, as alleged Trustee of the Shirley Trust;
Theodore Bernstein as Personal Representative of the Shirley Estate;
Lisa Sue Friedstein, Individually;
Jill Marla Iantoni, Individually;
Pamela Beth Simon, Individually;
Mark Manceri, Esq., Personally;
Mark Manceri, Esq., Professionally;
Mark R. Manceri, P.A., and all Partners, Associates and of Counsel;
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;

PETITION TO REMOVE THEODORE BERNSTEIN AS ALLEGED SUCCESSOR TRUSTEE
Friday, September 12, 2014

“Simon L. Bernstein Amended and Restated Trust Agreement” Dated July 25, 2012;
Simon Bernstein Trust Agreement Dated May 20th 2008;
Shirley Bernstein Trust Agreement Dated May 20th 2008;
The Estate of Simon Bernstein;
The Estate of Shirley Bernstein;
SIMON L. BERNSTEIN IRREVOCABLE TRUST AGREEMENT (2008);
SIMON BERNSTEIN IRREVOCABLE TRUST U/A 9/7/06;
SHIRLEY BERNSTEIN IRREVOCABLE TRUST U/A 9/7/06;
SHIRLEY BERNSTEIN IRREVOCABLE TRUST AGREEMENT (2008);
SIMON BERNSTEIN IRREVOCABLE INSURANCE TRUST DATED 6/21/1995;
SIMON BERNSTEIN 2000 INSURANCE TRUST (dated August 15, 2000);
SHIRLEY BERNSTEIN 2000 INSURANCE TRUST (DATED AUGUST 15, 2000);
Trust f/b/o Joshua Bernstein under the Simon L. Bernstein Trust dtd 9/13/2012;
Trust f/b/o Daniel Bernstein under the Simon L. Bernstein Trust dtd 9/13/2012;
Trust f/b/o Jake Bernstein under the Simon L. Bernstein Trust dtd 9/13/2012;
ELIOT BERNSTEIN FAMILY TRUST DATED MAY 20, 2008;
DANIEL BERNSTEIN IRREVOCABLE TRUST DATED SEPTEMBER 7, 2006;
JAKE BERNSTEIN IRREVOCABLE TRUST DATED SEPTEMBER 7, 2006;
JOSHUA Z. BERNSTEIN IRREVOCABLE TRUST DATED SEPTEMBER 7, 2006;
DANIEL BERNSTEIN IRREVOCABLE TRUST 07-JUL-10 049738;
JAKE BERNSTEIN IRREVOCABLE TRUST 07-JUL-10 0497381;
JOSHUA Z BERNSTEIN IRREVOCABLE TRUST 07-JUL-10 0497381;
John and Jane Doe’s (1-5000),

Counter Defendants,

_____/

Judge Martin Colin, Personally;
Judge Martin Colin, Professionally;
Judge David French, personally;
Judge David French, professionally;

Material and Fact Witnesses who may
become Defendants in any amended
complaint.

_____/

**PETITION TO REMOVE TED BERNSTEIN AS
ALLEGED SUCCESSOR TRUSTEE OF THE ALLEGED SHIRLEY BERNSTEIN
IRREVOCABLE TRUST**

COMES NOW, PRO SE¹, Eliot Ivan Bernstein (“Eliot”) as Beneficiary and Interested Party both for himself personally and as Guardians for his three minor children of the alleged “Shirley Bernstein Trust dated May 20, 2008, as amended” (“Shirley Trust”) (see Exhibit A3) and as Trustee of the “Eliot Bernstein Family Trust dated 5/20/2008” (see Exhibit A4) and hereby files this “PETITION TO REMOVE TED BERNSTEIN AS ALLEGED SUCCESSOR TRUSTEE OF THE ALLEGED SHIRLEY BERNSTEIN IRREVOCABLE TRUST” and in support thereof states, on information and belief, as follows:

I. Eliot has standing to seek removal.

The provisions of §736.0706(1), §736.0103, and §733.707(3), Fla. Stats. (2014) govern the issue of who has standing to seek removal of a trustee. Section 736.0706(1) Fla. Stat. (2014) states:

*(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. (emphasis added)*

§736.0103, Fla. Stat. (2014), defines a "beneficiary":

*(4) "Beneficiary" means a person who has **a present or future beneficial interest in a trust, vested or contingent**, or who holds a power of appointment over trust property in a capacity other than that of trustee. (emphasis added)*

II. This Court has the Authority Under Florida Law to Remove TED as Trustee of the Revocable Trust.

¹ Pleadings in this case are being filed by Plaintiff In Propria Persona, PRO SE, wherein pleadings are to be considered without regard to technicalities. Propria, pleadings are not to be held to the same high standards of perfection as practicing lawyers. See Haines v. Kerner 92 Set 594, also See Power 914 F2d 1459 (11th Cir1990), also See Hulsey v. Ownes 63 F3d 354 (5th Cir 1995). also See In Re: HALL v. BELLMON 935 F.2d 1106 (10th Cir. 1991)." In Puckett v. Cox, it was held that a pro-se pleading requires less stringent reading than one drafted by a lawyer (456 F2d 233 (1972 Sixth Circuit USCA). Justice Black in Conley v. Gibson, 355 U.S. 41 at 48 (1957)"The Federal Rules rejects the approach that pleading is a game of skill in which one misstep by counsel may be decisive to the outcome and accept the principle that the purpose of pleading is to facilitate a proper decision on the merits." According to Rule 8(f) FRCP and the State Court rule which holds that all pleadings shall be construed to do substantial justice.

Under Florida law, this Court has broad authority to affect trust administration². Under §736.0201, Fla. Stat. (2014), the Court has the following power:

736.0201. Role of court in trust proceedings

* * * *

- (4) A judicial proceeding involving a trust may relate to the validity, administration, or distribution of a trust, including proceedings to:
- (a) Determine the validity of all or part of a trust;
 - (b) **Appoint or remove a trustee**;
 - (c) Review trustees' fees;
 - (d) Review and settle interim or final accounts;
 - (e) Ascertain beneficiaries; determine any question arising in the administration or distribution of any trust, including questions of construction of trust instruments; instruct trustees; and determine the existence or nonexistence of any immunity, power, privilege, duty or right;
 - (f) Obtain a declaration of rights;
 - (g) Determine any other matters involving trustees and beneficiaries.
- (emphasis added)

III. Legal Standard for Removal of Trustee.

When removal of a trustee is at issue, the following statutory provisions of §736.0706, Fla. Stat. (2014) are to be considered:

736.0706. Removal of trustee

* * * * *

- (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 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.

² Eliot has filed a pleading with the Court to Remove Theodore on the Court's own motion based on a host of reasons that disqualify Theodore at this time, including Prima Facie evidence in the Court's possession already. The filing was docketed August 28, 2014 and titled "AMENDED MOTION FOR REMOVAL OF PR AND TRUSTEE OF THE ESTATES AND TRUSTS OF SIMON AND SHIRLEY BERNSTEIN" and being all Pro Se, is hereby included by reference in entirety with all exhibits herein.

TED's removal is warranted by Subsections (2) (a), (c) and/or (d). Additionally, §736.0802, Fla. Stat. (2014) describes the primary duty of a trustee:

736.0802. Duty of loyalty

(1) As between a trustee and the beneficiaries, a trustee shall administer the trust **solely** in interests of the beneficiaries.

(2) Subject to the rights of persons dealing with or assisting the trustee as provided ins. 736.1016 a ... transaction ...which is otherwise affected by a conflict between the trustee's fiduciary and personal interests is voidable by a beneficiary affected by the transaction ... (emphasis added)

See Aiello v. Hyland, 793 So. 2d 1150, 1152 (Fla. 4th DCA 2001) (removal of trustee was required where trustee had a conflict of interest with interests of the trust; the conflict of interest made the trustee unable to properly carry out his duty of loyalty to the trust). Therefore, the only remedy is removal and a non-conflicted independent trustee appointed.

IV. Theodore Stuart Bernstein Should Be Removed as Trustee of the alleged Irrevocable Trust of Shirley Bernstein (see Exhibit A3 – 2008 Alleged Shirley Trust) by the Terms of the Trust and also due to Conflict of Interests, Adverse Interests, Breaches of Fiduciary Duties and more.

A. Theodore Bernstein is Not Eligible to Serve as a Successor Trustee under the very terms of the alleged Irrevocable Trust, which means he is "unfit" under §736.0706(2)(c).

1. Ted Bernstein is “PREDECEASED” for all purposes of dispositions of the Shirley Trust.

The language of the Shirley Trust states clearly and unambiguously,

ARTICLE III - GENERAL

E. **Definitions.** In this Agreement,

1. Children, Lineal Descendants. The terms "*child*," "*children*" and "*lineal descendant*" mean only persons whose relationship to the ancestor designated is created entirely by or through (a) legitimate births occurring during the marriage of the joint biological parents to each other, (b) children and their lineal descendants arising from surrogate births and/or third party donors when (i) the child is raised from or near the time of birth by a married couple (other than a same sex married couple) through the pendency of such marriage, (ii) one of such couple is the designated ancestor, and (iii) to the best knowledge of the Trustee both members of such couple participated in the decision to have such child, and (c) lawful adoptions of minors under the age of twelve years. No such child or lineal descendant

loses his or her status as such through adoption by another person.
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,
provided, however, *if* my children, ELIOT BERNSTEIN, JILL IANTONI and LISA S. FRIEDSTEIN, and their lineal descendants **all** predecease the survivor of my spouse and me, then TED and PAM, and their respective lineal descendants shall not be deemed to have predeceased me and shall be eligible beneficiaries for purposes of the dispositions made hereunder.
(emphasis added)

The definition of Disposition from NOLO Legal Dictionary, “2) The act of transferring care, possession, or ownership to another, such as by deed or will.” Thus, for purposes of the dispositions made under the 2008 Shirley Trust, Ted is definitely dead and thus cannot serve as Successor Trustee, despite the ALLEGED Shirley Trust ALLEGEDLY naming him.

Further, there has been admission from Robert Spallina, Esq. (“SPALLINA”) to Palm Beach County Sheriff Investigators³ that he fraudulently altered a Shirley Trust document already to attempt to include Ted’s lineal descendants back into the Shirley Trust illegally. Spallina was also acting as Ted’s attorney at the time in his alleged role of Successor Trustee in the alleged Shirley Trust.

That Tescher & Spallina, PA have also been found to have closed Shirley’s Estate with a dead Personal Representative, Simon, as part of a larger fraud on the Court in efforts to change beneficiaries of the Shirley Estate and Shirley Trusts.

That Tescher & Spallina, PA have also been found to have posited in the Court Record fraudulently notarized and forged documents for six parties, including a document for Simon forged and notarized Post Mortem.

Originals of the Shirley Trust have been suppressed and denied from the beneficiaries for over two years despite repeated requests to inspect and further it appears that Schedules,

³ Palm Beach County Sheriff Reports at [www.iviewit.tv/Sheriff Reports.pdf](http://www.iviewit.tv/Sheriff%20Reports.pdf)

Memorandums, Addendums and Codicils are all missing, making it impossible to determine the Trust Res, in violation of Probate Rules and Statutes.

That it is alleged that TESCHER and SPALLINA have further fraudulently altered the Shirley Trust document to name TED as a Successor Trustee in the Shirley Trust after Simon, despite the absolute conflict with the language in the Shirley Trust that considers TED predeceased and thereby unqualified to act as a Successor Trustee as he is dead legally for the purposes of the document. It should be noted by the Court, that in a deposition taken of TESCHER, he states that Simon and Shirley did mirrored trust documents in 2008. The 2008 Simon Trust (see Exhibit A) however was suppressed and denied and not given to the beneficiaries with his alleged 2012 Amended and Restated Trust after his death and was not turned over by TESCHER and SPALLINA, until they were removed from the proceedings for their involvement in fraud and more and whereby this Court issued an Order for them to turn over all their records and properties to the newly elected Curator, Benjamin Brown, Esq. in 2014.

When noting the successorship in Simon's 2008 Trust that is alleged to mirror Shirley's, Simon had chosen William Stansbury, currently the largest Creditor⁴ in the Simon Estate as the successor trustee after Shirley, NOT TED. It would seem logical that both Simon and Shirley had chosen Stansbury for his outstanding character and integrity in place of their eldest son TED, as they had both considered TED predeceased and an unfit businessman having just recovered from bankruptcy and not possessing a college degree as part of their decision. There is also evidence that

⁴ Stansbury is a creditor due to a lawsuit that primarily has TED as the perpetrator of multiple torts against Stansbury amounting to over \$2,000,000.00. It also has been alleged in the Simon Estate case before the Court that Simon was unaware until several weeks before his death (at around the same time he is alleged to have amended his 2008 Trust, which was about 48 days or so before his death) that TED may have misappropriated millions of dollars from Stansbury and that he too was being sued. Ted hired counsel Greenberg Traurig to represent him in the matter, Simon did not have counsel and died before he could be represented properly in the matter. Greenberg Traurig later resigned as Counsel to Ted and Alan B. Rose, Esq. replaced them.

Simon was going to make Stansbury the CEO of LIC Holdings, Inc., a company he and TED owned, as he did not find TED fit to run that company either in the event he passed.

Initially, the Bernstein family members were told by SPALLINA and TESCHER that TED was the Successor PR and Trustee of Shirley's Estate and Trusts because Florida law stated the oldest child was the Successor. Then after Eliot confirmed with others that this was untrue, they later claimed that they had found in the trust that TED was named, which appears to be yet another fraudulent document submitted to the beneficiaries and interested parties and this Court in these matters. That Eliot awaits inspection of the original trust and will be turning that over to investigators as well.

Despite if the document named TED to be successor, it contradicts the terms of the trust that specifically consider him predeceased. Where there are several ongoing frauds and frauds on the Court, all under investigation and all benefiting TED and his minion of Attorneys at Law (four out of five have resigned as TED's counsel already for irreconcilable differences and two already removed for their involvement in FRAUD). There are numerous other reasons that TED is not qualified, nor was he ever, to be a Successor Trustee or be a fiduciary in ANY capacity in the Estates and Trusts of both Simon and Shirley, as further defined herein.

That it is alleged that TED, with the aid of TESCHER and SPALLINA, have used a series of fraudulent documents to seize illegally Dominion and Control of the Estates and Trusts of Simon and Shirley Bernstein and then once control was obtained, used the documents and their control to begin looting the estates and trusts through a variety of felony criminal misconduct.

That the alleged 2012 Simon Will and Simon's Amended & Restated Trust have been found by Governor Rick Scott's Notary Public Division to have been improperly notarized so as not to be able to determine if Simon was present at the signing. The only two witnesses to the document are Robert Spallina, Esq. and Kimberly Moran who have both admitted to fraudulently altering

documents in the Simon and Shirley Estates and Trusts. Further, the documents are constructed improperly as SPALLINA, who becomes PR and TRUSTEE for Simon in the documents that he created, also witnesses the documents, which directly benefit him and his partner TESCHER as they control the Estate and Trust through their roles as, Co-Personal Representatives, Co-Trustees and SPALLINA additionally as counsel to the Co-Personal Representatives and Co-Trustees. Once SPALLINA gains control with these documents, he begins an unaccounted billing of the Estates and Trusts and where once Eliot had the Sheriff's investigating their frauds, a legal frenzy of billings arose from their attempts to defend against Eliot's actions and tell lies upon lies in the hearings before this Court, only later to confess of involvement in advancing the frauds, a confession which appears heavily perjured and full of other admitted criminal acts and comes only after Sheriff's came knocking on their door and arrests were made of their Legal Assistant and Notary Public, Kimberly Moran who admitted to forging and fraudulently notarizing documents in these matters and more. These documents suffer other construct issues that have been pled to the Court in unheard motions and petitions currently before the Court in the Estate and Trust lawsuits involving Simon and Shirley.

That TED was directly involved in taking improper and illegal distributions from the Shirley Trust that benefited his family, against allegedly the advice of his Counsel Spallina (as reported by Spallina to Palm Beach County Sheriff Investigators) and based on the fraudulent documents Spallina created to include his family back into the Shirley Trust. TED has advanced this fraudulent scheme, converted funds improperly, breached his alleged fiducial responsibilities repeatedly to deny beneficiaries access to information regarding the Shirley Trust, including but not limited to, failing to produce any accountings in violation of Probate Rules and Statutes, failing to give notice and documentation of his successorship to beneficiaries and in fact suppressing and denying required disclosure in violation of Probate and Trust Rules and Statutes and more. That TED's involvement

in advancing the frauds and failure to act as fiduciary according to Probate and Trust Rules and Statutes are all cause for his immediate removal in ALL fiducial capacities.

The remainder of the Petition is borrowed from the Petition to Remove TED as Successor Trustee in the Simon Estate recently filed and set for hearing on September 24, 2014 for good and just causes. These same issues are applicable in evaluating his lack of character and fitness to serve as a fiduciary in the Shirley Trust that make his removal necessary and mandatory by this Court, as well as for removal from any other fiducial claims TED asserts in the Estates and Trusts of Simon and Shirley Bernstein. There is also a motion for Your Honor to remove Theodore on your own motion under Fla Stat. 736.

V. IN RE THE SIMON BERNSTEIN TRUST - Theodore Stuart Bernstein Should Be Removed as Trustee of the alleged Revocable Trust by the Terms of the Trust and his Conflict of Interest.

A. Theodore Bernstein is Not Eligible to Serve as a Successor Trustee under the very terms of the alleged Revocable Trust, which means he is "unfit" under §736.0706(2)(c).

2. Ted Bernstein is a "related party" and therefore not eligible to serve.

The previous co-trustees of the alleged Revocable Trust were Donald Tescher, Esq. ("TESCHER") and Robert Spallina, Esq. ("SPALLINA") by virtue of the Successor Trustee provision set forth in Article IV, Section C of the alleged Revocable Trust. A copy of the alleged Trust⁵ is attached hereto as Exhibit "A." By letter dated January 14, 2014 addressed to the five children of Simon Bernstein, TESCHER and SPALLINA, resigned as co-trustees of Simon's Revocable Trust, co-personal representatives/executors to the Estate of Simon, SPALLINA resigned as counsel to TED as alleged Trustee (for irreconcilable differences) in the Shirley Trust and as

⁵ This alleged Revocable Trust of Simon's has been found to have improper notarization affixed by the Governor Rick Scott's Notary Public Division. The two witnesses to the document have already confessed to fraudulent alteration of other documents in the Shirley Bernstein and Simon Bernstein Estates and Trusts, including admitted forgery and fraudulent notarizations.

counsel to TED as Personal Representative of the Shirley Estate and both resigned in all other fiducial and legal capacities they were acting in for any Bernstein family related matters. Upon resignation TESCHER stating, "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." TESCHER made the appointment of TED after claiming he learned that his law firm and SPALLINA had fraudulently altered a Shirley trust document to change beneficiaries illegally and then make illegal distributions under a fraudulent scheme. The alleged successorship was done without sending notice to beneficiaries that they had done this transfer and the document transferring notarized by the already convicted Felon for fraudulent notarizations, Kimberly Moran. TED accepted the alleged successorship without sending notice to beneficiaries and neither TESCHER, SPALLINA or TED provided an accounting of the trust upon the transfer, all in violation of Probate and Trust Rules and Statutes. A copy of the resignation letter is attached hereto as Exhibit "B."

If TED has become successor trustee of the Revocable Trust, he should be removed. He is ineligible under the very terms of the Revocable Trust to serve as successor trustee. Article IV, Section C.(3) (Page 16) of the Revocable 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**)

Under Article III, Subsection E(7), A "Related or Subordinate Party" is defined in the Trust as follows:

ARTICLE III. GENERAL

E. Definitions. In this Agreement,

7. Related or Subordinate Party. A "*Related or Subordinate Party*" to a trust describes a beneficiary of the subject trust or a related or subordinate party to a beneficiary of the trust as the terms "related or subordinate party" are defined under Code Section 672(c).

The "Code" is defined as "the Internal Revenue Code of 1986 ... "

A "Related or subordinate party" under the Code means any nonadverse party who is " ... (2) any one of the following: The Grantor's father, mother, issue, brother or sister ... "

TED is the son, or an "issue" of the Grantor, SIMON BERNSTEIN, and a related party (father) to alleged beneficiaries, TED's sons, SIMON's grandsons. Therefore, TED is ineligible as a Related or Subordinate Party and is therefore again unfit to serve as a successor trustee under §736.0706(2)(c).

3. Ted Bernstein was specifically disqualified to be a Successor Trustee by the terms of the Trust.

Another provision of the Trust also disqualifies TED.

Article III E (I) 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**)

The prior Simon revocable trust done in 2008 that was alleged to be amended by Simon 48 days prior to his sudden and unexpected death reads from Article III E (1),

E. **Definitions**. In this Agreement,

1. **Children. Lineal Descendants**. The terms "child," "children" and "lineal descendants mean only persons whose relationship to the ancestor designated is created entirely by or through (a) legitimate births occurring during the marriage of the joint biological parents to each other, (b) children and their lineal descendants arising from surrogate births and/or third party donors when (i) the child is raised from or near the time of birth by a married couple (other than a same sex married couple) through the pendency of such marriage, (ii) one of such couple is the designated ancestor, and (iii) to the best knowledge of the Trustee both members of such couple participated in the decision to have such child, and (c) lawful adoptions of minors under the age of twelve years. No such child or lineal descendant loses his or her status as such through adoption by another person.

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, provided, however, if my children, ELIOT BERNSTEIN, JILL IANTONI and LISA S. FRIEDSTEIN, and their lineal descendants all predecease the survivor of my spouse and me, then TED and PAM, and their respective lineal descendants shall not be deemed to have predeceased me and shall be eligible beneficiaries for purposes of the dispositions made hereunder. (**emphasis added**)

Therefore, by the very language of the Trust and the prior pre alleged 2008 Simon Trust done with Shirley in 2008⁶ (see Exhibit A2), Ted Bernstein, in either scenario is wholly disinherited, predeceased and disqualified by these provisions to serve as a Successor Trustee as TED is considered DEAD for all purposes of the disposition and distributions of the trust. This is Prima Facie evidence for this Court to act on its own motion and instantly remove TED to protect the interests of the beneficiaries and others from an unqualified and possibly fraudulent successorship.

SPALLINA and TESCHER allegedly appointed TED as they parted in disgrace despite this language that disqualifies him, the language **that they wrote**. This transfer fraudulent transfer of fiduciary power and trusteeship was to retain the illegal Dominion and Control of the Estates and Trusts that TED, TESCHER and SPALLINA gained through the fraudulent documents, a criminal succession of trusteeship. TED, should have been removed with TESCHER and SPALLINA with his counsel Alan B. Rose, as they are centrally involved in the fraudulent schemes and illegal distributions made and TED and his minion of attorneys at law have benefited the most from the crimes committed by his former counsel TESCHER and SPALLINA. TESCHER and SPALLINA are also TED's close personal friends and business associates and TED brought them in to the Bernstein family. This illegal transfer assured TESCHER and SPALLINA a successor that

⁶ The original Simon Trust done in 2008 with Shirley was not turned over to beneficiaries until TESCHER and SPALLINA were ordered by the Court to turn over their records upon their removal in 2014 to the Curator Benjamin Brown, Esq.

would continue to aid and abet their crimes and attempt to cover them up in the Court and prevent the beneficiaries access to the estate and trust information. This continuation of breaches is alleged to be exactly what is taking place since TED has claimed these fiduciary roles, in what appears yet another Fraud on this Court by now the unfit and unqualified alleged successor TED and his last remaining lawyer Rose, after four have already abandoned him. In Shirley's Estate this Court appointed TED as PR after reopening the Estate due to TESCHER, SPALLINA and others frauds. TED, since the time of appointment in October 2013, has failed to provide, a full copy of the Shirley Will and Trusts with all Schedules and Addendums (as required by statute to account for the Trust Corpus/Trust Res) and has provided no statutorily required accountings. These intentional violations of Probate and Trust Rules and Statutes by TED since your honor found him fit in October 2013, and again this is a serious enough breach of fiduciary duties for this Court to instantly remove Theodore on its own motion as unfit, unqualified and for egregious breaches of fiduciary duties in failure to accountant.

B. Ted Bernstein, as Trustee of the Revocable Trust, has a Conflict of Interest with the Estate of Simon Bernstein.

At the time of SIMON'S death, it was determined that there existed a life insurance policy issued by Heritage Union Insurance Company ("Heritage") allegedly payable to the Simon Bernstein Irrevocable Insurance Trust dated June 1, 1995 (the "Insurance Trust")⁷ as beneficiary.

Shortly after SIMON's death in 2012, Robert Spallina, one of the, resigning Co-Personal Representatives of the Estate of Simon Bernstein, resigning Co-Trustees of Simon's Revocable Trust, resigning counsel to the Co-Personal Representatives and Co-Trustees TESCHER and SPALLINA, resigning counsel to TED as Personal Representative of the Shirley Estate and resigning

⁷ The Court should note that in TESCHER and SPALLINA's production documents Ordered by this Court to be turned over to the appointed Curator, Benjamin Brown, Esq., turned up a 2000 insurance trust done by Proskauer Rose, LLP. This Proskauer insurance trust specifically mentioned the insurance policy as part of the trust corpus. This trust was discovered with correspondences indicating that it was intentionally secreted from this Court, a US Federal Court and the true and proper beneficiaries with intent and scienter and replaced with a scheme to use a "lost" and "missing" 1995 Insurance Trust that no executed copies exist for or have been produced. See Exhibit F.

counsel to TED as alleged Trustee in the Shirley Irrevocable Trusts, submitted a claim form to Heritage Union Life on behalf of the Simon Bernstein Irrevocable Insurance Trust dated June 1, 1995 that he signed as “Trustee”, for the benefit of the grown children of Simon Bernstein. SPALLINA did not tender the 2000 Proskauer Trust in his possession, instead intentionally secreting that. SPALLINA submitted this death benefit claim despite having informed Heritage by letter shortly thereafter that he was "unable to locate the Simon Bernstein Irrevocable Insurance Trust dated June 1, 1995." (*See* Exhibit "C" attached.) Under Florida law, if it is determined that no Simon Bernstein Irrevocable Insurance Trust dated June 1, 1995 existed at the time of SIMON' s death, the insurance proceeds would be payable to the personal representative of the Estate. They would then after satisfying possibly any Creditors flow into a pour over trust for either Eliot, Lisa and Jill or the ten grandchildren of Simon, which will be determined by this Court in the future due to the frauds committed in the dispositive documents. In no scenario would TED or PAMELA receive any proceeds if they flowed into the Estate and thus have conflicting interests with their children that they allege to be beneficiaries of Simon’s Estate and Trusts and other beneficiaries.

Because no executed insurance trust instrument was produced, Heritage refused to pay the life insurance proceeds to anyone without a court order and so DENIED the claim⁸. To this date, almost two years later, no executed trust instrument has been tendered in the Federal Illinois Insurance Litigation. That Ted Bernstein acting as “Trustee” on behalf of the legally nonexistent Insurance Trust then sued Heritage in the Circuit Court of Cook County, Illinois (the

⁸ The Court should note that SPALLINA filed the claim acting as the trustee of the lost trust that he claims never to have seen or possessed and attempted to have the monies converted and comingled with his law firm Tescher & Spallina P.A. account.

The Court should further note that when the Illinois Life Insurance Litigation was filed shortly after SPALLINA’s claim was denied, TED filed the lawsuit as trustee to the lost trust that he too claims never to have seen or possessed an executed copy of, replacing SPALLINA.

"Life Insurance Litigation") for Breach of Contract for Heritage's failure to pay the claim to the legally nonexistent trust. The case has since been removed to the United States District Court for the Northern District of Illinois in Chicago under the tutelage of the Honorable Amy St. Eve.

The Estate of Simon Bernstein filed a Motion to Intervene in the Life Insurance Litigation to assert the Estate's interest in the life insurance proceeds. The Plaintiffs, including TED acting as "Trustee", after SPALLINA initially filed the death benefit claim as the "Trustee" of the legally nonexistent trust, filed a Memorandum of Law in Opposition to the Estate's Motion to Intervene (the "Opposition Memorandum") (*See*, Exhibit "D," attached).

The opening paragraph of the Opposition Memorandum states as follows:

NOW COMES Plaintiffs, SIMON BERNSTEIN IRREVOCABLE INSURANCE TRUST dtd 6/21/95, by **TED BERNSTEIN, as Trustee**, (collectively referred to as "BERNSTEIN TRUST"), **TED BERNSTEIN, individually**, PAMELA B. SIMON, JILL IANTONI AND LISA FRIEDSTEIN, and state as their Memorandum of Law in Opposition to the Estate of Simon Bernstein's Motion to Intervene as follows: **(emphasis added)**

TED stands to benefit personally if the claim by the Simon Bernstein Estate to the life insurance proceeds is defeated because TED and his siblings (**other than Eliot**) have taken the position that they are the beneficiaries of the legally nonexistent lost or missing Insurance Trust. Despite the opposition of TED BERNSTEIN to the Intervention, the court has granted the Estate's Motion to Intervene. TED is now an opposing party of record to the Estate's interest in the Life Insurance litigation.

TED, individually and as the alleged trustee of the alleged Insurance Trust, has placed his personal interests above the interests of the Revocable Trust beneficiaries, who are allegedly the grandchildren of SIMON or may be Eliot, Jill and Lisa, through TED's open, notorious and public opposition to the Estate's intervention in the Life Insurance Litigation. This creates an inherent conflict of interest for TED. TED, as successor trustee of the Revocable Trust, owes a duty of loyalty

under §736.0706(1), Fla. Stat. (2014) to the trust beneficiaries, to administer the trust solely in their interest. The Estate and trust beneficiaries are alleged to be the grandchildren of Simon Bernstein, although Eliot has challenged these documents done days before Simon's death validity, especially in light of already proven, admitted and alleged crimes committed in Shirley and Simon's Estate and Trusts. The crimes, include but are not limited to,

- i. six admitted instances of forgery (including Post Mortem for Simon),
- ii. a proven felony conviction rendered for an admitted six fraudulent notarizations (including Post Mortem for Simon),
- iii. an admitted fraudulent alteration of a Shirley's Trust document by SPALLINA,
- iv. Fraud on the Court through fraudulent and false instruments posited in the Court by Officers of the Court and Tescher & Spallina, PA law firm, acting on behalf of a DEAD Personal Representative to close the Estate of Shirley, and,
- v. the Governor Rick Scott's Notary Public Division's findings of improper notarizations on Simon's alleged 2012 Will and Amended and Restated Simon Bernstein Trust done 48 days before his death. The legally invalid notarizations leave it unknown if Simon was present on the day of signing the documents and the only witnesses to alleged signing of the document have already admitted to fraud, SPALLINA and MORAN.

This means TED must support, or at the least not obstruct, the efforts of the Estate to attempt to recover an additional alleged \$1.7 million in life insurance benefits⁹. If so recovered, this would dramatically increase the Estate assets that Eliot and/or his children will receive (when the Court determines the beneficiaries due to the residue effects of the crimes that attempted to change beneficiaries in the Estates and Trusts of Shirley and Simon that have caused intentional

⁹ The Court should also note that NO parties in the Insurance Litigation, including the life insurance carriers involved to date have produced a bona fide copy of the executed insurance policy for the Breach of Contract lawsuit that is based upon it and thus no terms, including the beneficiaries and the face are known at this time, making this yet another "Rabbit Hole" of apparent malfeasances.

interferences and delays with expectancies. By opposing intervention by the Estate TED's actions exposed the estate/trust assets to liability. The need to have this Court Order intervention was due to the fact that TED'S counsel and the prior Co-Personal Representatives/Executors and Co-Trustees Robert Spallina, Esq. and Donald Tescher, Esq. to the Estate, failed to file any intervener action on behalf of the Estate and in fact aided and abetted TED'S efforts to convert the asset of the Estate to TED by SPALLINA'S filing the alleged Fraudulent Insurance Claim to benefit his client TED. SPALLINA actually acted as the "Trustee" of the lost insurance trust that he claims never to have seen or possessed and also fraudulently acted as the "Trustee" of the primary beneficiary "LaSalle National Trust NA" at his business address, as evidenced in Exhibit C. When the carrier DENIED SPALLINA's claim, TED filed the Insurance Litigation as the Trustee of the lost trust and not SPALLINA. However, both TED and SPALLINA have made statements that they have never seen or possessed this missing trust and yet both claim to be "Trustee" for various of their fraudulent attempts to collect the proceeds outside the Estate.

Thanks to, this Court, William Stansbury (who has financed the counsel for the beneficiaries and his interests as a Creditor), Peter Feaman, Esq., Benjamin Brown, Esq. and others, the Estate is now represented by counsel. Once the disgraced TESCHER and SPALLINA were removed from these matters, the Estate was able by Order of the Court to retain counsel to intervene in the Federal action on behalf of the Estate of Simon in efforts to protect the beneficiaries. The Federal court has now allowed that intervention on behalf of the Estate of Simon and the Estate is represented for the first time in almost two years. More importantly, TED'S efforts in the Life Insurance Litigation are designed to keep the alleged \$1.7 million out of the estate and trust and to redirect the money to him and his siblings (excluding Eliot).

As a consequence of the foregoing, TED is in breach of his fiduciary duty to the beneficiaries of the Revocable Trust by opposing efforts to make the Estate more solvent, which in turn exposes

the Trust to increased liability, and warrants his removal under §736.0706(2)(a). Ted's continued interference is an attempt to redirect estate assets to himself personally and would further damage the estate beneficiaries. In addition, Ted's interference with his minion of Attorneys at Law has caused un-necessary and costly legal fees of an unknown amount since no accountings for legal fees have been submitted to this Court or the beneficiaries.

Additionally, this inherent and irreparable conflict of interest is a breach of his duty of loyalty and warrants removal under *Aiello, supra*, 793 So. 2d at 1152. *See also Brigham v. Brigham*, 119 So. 3d 374, 386 (Fla. 3d DCA 2009); *McCormick v. Cox*, 118 So. 3d 980, 987-88 (Fla. 3d DCA 2013) (removal of trustee was warranted where trustee had a conflict of interest and breach his fiduciary duties; trial court properly exercised its authority to remove trustee).

C. Misconduct in the Shirley Bernstein Estate and Trust

There are serious proven and admitted felony crimes and further allegations of fraud, forgery and fraudulently altered trust documents in the Shirley Bernstein Estate and Shirley Bernstein trust, where Ted Bernstein is the Personal Representative of the Estate and the alleged Successor Trustee of Shirley's trust. Documents were submitted to the Court bearing notarized signatures of Simon Bernstein on a date after he had passed away. The signatures were admitted to be FORGED for six parties, including Simon Post Mortem and Eliot. TESCHER and SPALLINA's Legal Assistant and Notary Public, Kimberly Francis Moran, confessed to Palm Beach County Sheriff Investigators that she fraudulently notarized and forged documents and since has been arrested and convicted of Felony misconduct. That these documents and others were then posited with the Court by TESCHER and SPALLINA through their law firm Tescher & Spallina P.A. on behalf of Simon acting as the PR/Executor while DEAD. Yes, Simon was DEAD yet acting as PR/Executor and where TESCHER and SPALLINA failed to notify the Court of his death and elect a successor to properly and legally close Shirley's Estate, instead using Simon to close the Estate four months after he had passed. This

was done as part of a larger fraud in efforts to change beneficiaries of Shirley's irrevocable trust's beneficiary class, committed through a series of Frauds on the Court that used Simon when he was dead, to appear living at the closing of Shirley's Estate. No successor was appointed until this Court reopened the Estate of Shirley due to the fact that Simon closed the Estate as Personal Representative/Executor while dead.

This Court was apprised of these allegations in a hearing conducted September 13, 2013 wherein the Court stated it had enough Prima Facie evidence of felony criminal misconduct and Fraud on the Court by the potential parties involved in advancing these frauds, TED and SPALLINA, that Your Honor stated they should be read their Miranda Rights, twice. (*See* Transcript of Proceedings, pages 15 and 16, attached as Exhibit "E.")

Evidence and admissions of further felony misconduct have since been obtained regarding new acts recently uncovered and there are many new crimes being alleged after receiving new and damning evidence from the former disgraced fiduciaries and attorneys at law, TESCHER and SPALLINA, when they resigned and turned over their records and properties to the successor curator, Benjamin Brown, Esq. Brown then turned the information over finally to beneficiaries as part of their records and there appears to be a plethora of new crimes uncovered.

Further, the attorney, SPALLINA for TED BERNSTEIN as Personal Representative of the Estate of Shirley Bernstein has admitted to altering provisions of the Shirley Bernstein Trust to Palm Beach County Sheriff Investigators¹⁰, which had the effect of benefitting TED BERNSTEIN's family primarily and directly in efforts to fraudulently and knowingly convert assets to TED's family. That TED advanced the fraudulent beneficiary scheme to change Shirley's beneficiaries of her irrevocable beneficiary class with TESCHER and SPALLINA. Statements made by SPALLINA to Palm Beach

¹⁰ Palm Beach County Sheriff Reports can be found at [www.iviewit.tv/Sheriff Reports.pdf](http://www.iviewit.tv/Sheriff%20Reports.pdf) , fully incorporated by reference herein.

Sheriff Investigators reveal that TED took distributions against the advice of his counsel, again making him wholly unfit to continue as a fiduciary in these matters.

TED also claimed to Palm Beach Sheriff Investigators that he had not read all of Shirley's trust documents that he was acting as fiduciary under, see the attached PBSO report.

Ted Bernstein's involvement with his former counsel TESCHER and SPALLINA¹¹ in such activity involving the Estate and Trust of Shirley Bernstein should disqualify him from serving as Successor Trustee of the Revocable Trust or any other fiducial capacities in the Estates and Trusts of Simon and Shirley.

That in addition to the instant pleading, the following already filed pleadings, in particular to the motions and petitions to remove TED, are hereby be incorporated in entirety with all Exhibits by reference herein, as additional facts and Prima Facie Evidence for the Court to consider in the removal of TED in all fiducial roles in the Estates and Trusts of Simon and Shirley Bernstein;

i. Docket #244 – Simon Estate (see Exhibit G)

	MOT - MOTION
Filing Date:	28-AUG-2014
Filing Party:	BERNSTEIN, ELIOT IVAN
Docket Text:	(AMENDED) FOR REMOVAL OF PERSONAL REPRESENTATIVE AND TRUSTEE OF THE ESTATES AND TRUST OF SIMON AND SHIRLEY BERNSTEIN IN ALL FIDUCIAL CAPACITIES ON THE COURT'S OWN INITIATIVE UNEXECUTED ORDER ATTACHED EFILED

ii. Docket #215 - Simon Estate (see Exhibit H)

	PET - PETITION
Filing Date:	29-JUL-2014
Filing Party:	STANSBURY, WILLIAM E

¹¹ The Court should note that TED's current counsel, Alan B. Rose, Esq. was also involved in knowingly advancing the fraudulent beneficiary scheme with TESCHER, SPALLINA and TED and continues to advance such fraudulent scheme through continued toxic pleadings with this Court in efforts to now have the Court change Shirley trust documents, four years Post Mortem, in efforts to have the Court, through Fraud on the Court, change the beneficiaries of Shirley's Irrevocable Beneficiary Class to fit the crimes already committed by TED and his siblings, other than Eliot, when they knowingly took distributions to knowingly improper parties to mainly benefit TED and his sister Pamela Simon who were both disinherited and considered predeceased by both Simon and Shirley, for good and just cause and perhaps this Court is starting to see in part why their parents did not want them involved in the Estates and Trusts in any way, shape or form, as stated, "for all purposes."

Docket Text: PETITION TO REMOVE TED BERNSTEIN AS SUCCESSOR TRUSTEE OF THE SIMON BERNSTEIN REVOCABLE TRUST

iii. Docket #188 - Simon Estate (see Exhibit I)

188 RESP - RESPONSE TO:

Filing Date: 27-JUN-2014

Filing Party: STANSBURY, WILLIAM E

Docket Text: RESPONSE IN OPPOSITION TO THE APPOINTMENT OF TED BERNSTEIN AS SUCCESSOR PERSONAL REPRESENTATIVE AND MOTION FOR THE APPOINTMENT OF AN INDEPENDENT THIRD PARTY AS BOTH SUCCESSOR PERSONAL REPRESENTATIVE AND TRUSTEE OF THE SIMON BERNSTEIN TRUST AGREEMENT F/B

iv. Docket #126 - Simon Estate (see Exhibit J)

126 NOF - NOTICE OF FILING

Filing Date: 22-MAY-2014

Filing Party: William Stansbury

Docket Text: JOINDER IN PETITION FILED BY ELIOT IVAN BERNSTEIN FOR REMOVAL OF TRUSTEE AND FOR TRUST ACCOUNTING F/B WILLIAM E. STANSBURY, CREDITOR OF THE E/O SIMON BERNSTEIN E-FILED

v. Docket # - Simon Estate (see Exhibit K)

97 PET – PETITION

Filing Date: 07-APR-2014

Filing Party: Eliot Bernstein

Docket Text: PETITION FOR CONSTRUCTION OF TESTAMENTARY TRUST, FOR REMOVAL OF TRUSTEE AND FOR TRUST ACCOUNTING BY ELIOT IVAN BERNSTEIN

WHEREFORE, Eliot Ivan Bernstein requests that THEODORE “TED” STUART BERNSTEIN, the alleged apparent successor trustee of the Shirley Bernstein Trust, be removed, that the court appoint a Successor Trustee with no apparent conflicts of interest, and that the Court require the filing of a Trust Accounting, whereby TED and the former removed fiduciaries, TESCHER and SPALLINA, have failed to file or tender to beneficiaries any accounting in the Estate of Shirley and

the Shirley trusts for four years and the Simon trust for two years¹².

Dated, Friday, September 12, 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, Friday,
September 12, 2014.

Eliot Bernstein, Pro Se, Individually and as
Legal Guardian on behalf of his minor three
children

X _____

SERVICE LIST

¹² The Court should note that NO COMPLETE TRUSTS OR WILLS HAVE EVER BEEN PROVIDED to beneficiaries with all of the Schedules and Addendums attached to show what the Corpus of each entity is and the only accounting tendered in these matters was for Simon's Estate. The accounting provided was upon the Court's Order for TESCHER and SPALLINA to file a Final Accounting upon their termination. That accounting has been challenged by ALL parties, including, the Curator Benjamin Brown, Esq., the new Personal Representative of the Simon Estate, Brian O'Connell, Esq. and Eliot, for gross violations of statutory accounting rules and regulations and more.

<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 bernstein@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 tlarke@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>
<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 dtescher@tescherspallina.com</p>

			ddustin@tescherspallina.com kmoran@tescherspallina.com
RESPONDENT INDIVIDUALLY AND AS GUARDIAN AND TRUSTEE OF HER MINOR CHILD Jill Iantoni 2101 Magnolia Lane Highland Park, IL 60035 jilliantoni@gmail.com	COUNSEL TO CREDITOR WILLIAM STANSBURY 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	COURT APPROVED CURATOR TO REPLACE THE REMOVED FORMER PERSONAL REPRESENTATIVES/CO-TRUSTEES/COUNSEL TO THEMSELVES AS FIDUCIARIES TESCHER AND SPALLINA 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	COUNSEL FOR JILL IANTONI and LISA FRIEDSTEIN William M. Pearson, Esq. P.O. Box 1076 Miami, FL 33149 wpearsonlaw@bellsouth.net
RESPONDENT INDIVIDUALLY AND AS GUARDIAN AND TRUSTEE OF HER MINOR CHILD Lisa Friedstein 2142 Churchill Lane Highland Park, IL 60035 Lisa@friedsteins.com lisa.friedstein@gmail.com lisa@friedsteins.com	COUNSEL FOR JILL IANTONI and LISA FRIEDSTEIN William H. Glasko, Esq. Golden Cowan, P.A. 1734 South Dixie Highway Palmetto Bay, FL 33157 bill@palmettobaylaw.com eservice@palmettobaylaw.com tmealy@gcprobatelaw.com	RESPONDENT – ADULT CHILD Alexandra Bernstein 3000 Washington Blvd, Apt 424 Arlington, VA, 22201 alb07c@gmail.com	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 Kimberly Moran kmoran@tescherspallina.com

<p>RESPONDENT – ADULT CHILD</p> <p>Eric Bernstein 2231 Bloods Grove Circle Delray Beach, FL 33445 eberstein@lifeinsuranceconcepts.com m edb07@fsu.edu edb07@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 A

**2012 ALLEGED AMENDED AND RESTATED TRUST OF SIMON L.
BERNSTEIN**

**EXHIBIT
PETITION TO REMOVE THEODORE BERNSTEIN AS ALLEGED SUCCESSOR TRUSTEE
Friday, September 12, 2014**

EXHIBIT A2

2008 ALLEGED TRUST OF SIMON BERNSTEIN

EXHIBIT
PETITION TO REMOVE THEODORE BERNSTEIN AS ALLEGED SUCCESSOR TRUSTEE
Friday, September 12, 2014

EXHIBIT A3

2008 ALLEGED TRUST OF SHIRLEY BERNSTEIN

EXHIBIT A4

ELIOT BERNSTEIN FAMILY TRUST DATED 5/20/2008

EXHIBIT
PETITION TO REMOVE THEODORE BERNSTEIN AS ALLEGED SUCCESSOR TRUSTEE
Friday, September 12, 2014

EXHIBIT B

DONALD R. TESCHER, ESQ. LETTER DATED JANUARY 14, 2014

**EXHIBIT
PETITION TO REMOVE THEODORE BERNSTEIN AS ALLEGED SUCCESSOR TRUSTEE
Friday, September 12, 2014**

EXHIBIT C

**ALLEGED FRAUDULENT INSURANCE CLAIM SUBMITTED BY
ATTORNEY AT LAW ROBERT L. SPALLINA, ESQ. AND RELATED
CORRESPONDENCES**

EXHIBIT D

**MEMORANDUM OF LAW IN OPPOSITION TO THE ESTATE'S
MOTION TO INTERVENE (THE "OPPOSITION MEMORANDUM")**

EXHIBIT E

**SEPTEMBER 13, 2013 TRANSCRIPT OF PROCEEDINGS, PAGES 15 AND
16 RE MIRANDA WARNING TO THEODORE AND ROBERT L.
SPALLINA, ESQ.**

**EXHIBIT
PETITION TO REMOVE THEODORE BERNSTEIN AS ALLEGED SUCCESSOR TRUSTEE
Friday, September 12, 2014**

EXHIBIT F

**2000 INSURANCE TRUST OF SIMON BERNSTEIN DONE BY
PROSKAUER ROSE, LLP AND CORRESPONDENCES REGARDING
THE SECRETING THE TRUST IN FAVOR OF A PRIOR LOST OR
MISSING TRUST THAT NO EXECUTED COPIES EXIST FOR.**

EXHIBIT G

I.DOCKET #244 – SIMON ESTATE

MOT - MOTION

FILING DATE: 28-AUG-2014

FILING PARTY: BERNSTEIN, ELIOT IVAN

**DOCKET TEXT:(AMENDED) FOR REMOVAL OF PERSONAL
REPRESENTATIVE AND TRUSTEE OF THE ESTATES AND TRUST OF
SIMON AND SHIRLEY BERNSTEIN IN ALL FIDUCIAL CAPACITIES
ON THE COURT'S OWN INITIATIVE UNEXECUTED ORDER
ATTACHED EFILED**

EXHIBIT H

DOCKET #215 - SIMON ESTATE (SEE EXHIBIT H)

PET - PETITION

FILING DATE: 29-JUL-2014

FILING PARTY: STANSBURY, WILLIAM E

**DOCKET TEXT: PETITION TO REMOVE TED BERNSTEIN AS
SUCCESSOR TRUSTEE OF THE SIMON BERNSTEIN REVOCABLE
TRUST**

EXHIBIT I

DOCKET #188 - SIMON ESTATE (SEE EXHIBIT I)

RESP - RESPONSE TO:

FILING DATE: 27-JUN-2014

FILING PARTY: STANSBURY, WILLIAM E

**DOCKET TEXT: RESPONSE IN OPPOSITION TO THE APPOINTMENT
OF TED BERNSTEIN AS SUCCESSOR PERSONAL REPRESENTATIVE
AND MOTION FOR THE APPOINTMENT OF AN INDEPENDENT
THIRD PARTY AS BOTH SUCCESSOR PERSONAL REPRESENTATIVE
AND TRUSTEE OF THE SIMON BERNSTEIN TRUST AGREEMENT F/B**

EXHIBIT J

DOCKET #126 - SIMON ESTATE (SEE EXHIBIT J)

NOF - NOTICE OF FILING

FILING DATE: 22-MAY-2014

FILING PARTY: WILLIAM STANSBURY

**DOCKET TEXT: JOINDER IN PETITION FILED BY ELIOT IVAN
BERNSTEIN FOR REMOVAL OF TRUSTEE AND FOR TRUST
ACCOUNTING F/B WILLIAM E. STANSBURY, CREDITOR OF THE E/O
SIMON BERNSTEIN E-FILED**

EXHIBIT K

DOCKET # - SIMON ESTATE (SEE EXHIBIT K)

PET – PETITION

FILING DATE: 07-APR-2014

FILING PARTY: ELIOT IVAN BERNSTEIN

**DOCKET TEXT: PETITION FOR CONSTRUCTION OF
TESTAMENTARY TRUST, FOR REMOVAL OF TRUSTEE AND FOR
TRUST ACCOUNTING BY ELIOT IVAN BERNSTEIN**