

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

IN RE: ESTATE OF:

PROBATE DIVISION

SIMON L. BERNSTEIN,

FILE NO: 502012CP4391XXXXSB

Deceased.

**PETITION FOR INSTRUCTIONS ON ELLIOT BERNSTEIN'S STATEMENTS
OF CLAIM AND RELATED REQUEST FOR REIMBURSEMENT**

BRIAN M. O'CONNELL, as Personal Representative of the Estate of Simon L. Bernstein ("Personal Representative," "Estate," and "Decedent," respectively), by and through undersigned counsel, hereby files his Petition for Instructions on Elliot Bernstein's Statements of Claim and Related Request for Reimbursement, and states as follows:

1. The Decedent died on September 13, 2012.
2. On or about August 22, 2014, Elliot Bernstein ("Elliot") filed two statements of claim in the Estate (hereinafter collectively referred to as "Claims").
3. Accordingly, the Claims were not timely filed and no extension was sought or granted by this Court, thus these Claims are barred by virtue of Fla. Stat. §733.702.
4. Next, on or about August 26, 2014, Elliot submitted a request for reimbursement to the Personal Representative for "debts" he paid on the Decedent's behalf, stating that repayment of such debts is authorized by Article IV Section 5 of the Will of Simon L. Bernstein, dated July 25, 2012, which states, in pertinent part, as follows:

My fiduciary shall promptly reimburse any friends and members of my family who have disbursed their own funds for payment of any debts, funeral expenses or costs of administration of my estate.

5. Elliot now requests reimbursement for (1) “the debt [his] family has paid ...for school that [the Decedent] was contracted to make payments for”; and (2) “for household expenses [the Decedent] was paying for [Elliot] and his family that were a debt of the Estate.” Elliot claims that such are debts and obligations of the Estate and attaches the Claims for substantiation.

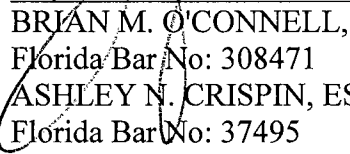
6. Elliot further requests that if there are insufficient funds in the Estate, that the Personal Representative “contact the alleged Trustee to seek any shortfall immediately.”

7. The Personal Representative seeks instructions as to whether such reimbursements can and should be made to Elliot taking into account the following: the untimely filing of the Claims and the unavailability of sufficient liquid assets in the Estate to make such payments, among other things.

8. Accordingly, by this Petition, the Personal Representative advises the Court and all persons on the certificate of service list of the foregoing, and, in the abundance of caution, seeks instructions regarding Elliot’s Claims and related request for reimbursement.

WHEREFORE, BRIAN M. O’CONNELL, as Personal Representative of the Estate of Simon L. Bernstein, by and through undersigned counsel, hereby respectfully requests that this Court enter an Order providing instructions as described above, and for attorneys’ fees and costs and such other relief as this Court deems just and proper.

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by e-mail service on the 21st day of, September 2014 to all on the Service List attached.



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