

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

CASE NO. 502012CP004391XXXXSB
CP - Probate

IN RE:

ESTATE OF SIMON L. BERNSTEIN,
_____ /

**ORDER ON ELIOT BERNSTEIN'S PETITION TO REMOVE
TED BERNSTEIN AS ALLEGED SUCCESSOR TRUSTEE OF THE
ALLEGED SIMON BERNSTEIN REVOCABLE TRUST**

THIS CAUSE came before the Court on September 24, 2014, upon Eliot Bernstein's Petition to Remove Ted Bernstein as Alleged Successor Trustee of the Alleged Simon Bernstein Revocable Trust (the "Petition"), the Court, having reviewed the record, having conducted a hearing at which time the Court heard argument of counsel and the pro se parties, and being otherwise advised in the premises, hereby ORDERS AND ADJUDGES:

1. The Petition is dismissed for lack of subject matter jurisdiction.
2. Eliot Bernstein may file a separate action in accordance with the Rules of Civil Procedure seeking to remove the Trustee, Ted S. Bernstein. The only parties who may be named in the lawsuit are the Trustee and any actual or potential beneficiaries of the Simon Bernstein Trust. The pleadings shall not name as defendants or respondents any parties or lawyers other than the beneficiaries.
3. Counsel for the Trustee has agreed to accept service of process on behalf of the Trustee and, upon filing of the complaint and delivery to counsel, will file a waiver of service with the Court and respond to the complaint within 20 days.

4. Counsel for the grandchildren beneficiaries have been requested to waive service as well. Counsel for Molly Simon, Alexandra Bernstein, Michael Bernstein and Eric Bernstein, has agreed to waive service. Trustee's counsel is directed to request a waiver of service from counsel for the remaining grandchildren, and is directed to notify the parties of the response.

DONE AND ORDERED in Chambers, in Palm Beach County, Florida, this ___ day of September, 2014.

Martin H. Colin
CIRCUIT COURT JUDGE

SIGNED & DATED
OCT 06 2014
JUDGE MARTIN H. COLIN

cc: All parties on the attached service list

SERVICE LIST

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and Eliot and Candice Bernstein,
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