

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 ORDER AUTHORIZING PAYMENT
OF ATTORNEY'S FEES AND EXPENSES FOR THE PERSONAL REPRESENTATIVE OF
THE ESTATE OF SIMON L. BERNSTEIN THROUGH SEPTEMBER 30, 2014

Petitioner, BRIAN M. O'CONNELL, as Personal Representative of the Estate of Simon L. Bernstein and the attorney for the Personal Representative (collectively "Personal Representative"), alleges:

1. The Personal Representative is an attorney engaged in the practice of law in the State of Florida and is a partner with the law firm of Ciklin Lubitz Martens & O'Connell.

2. On July 24, 2014, he was appointed as the Successor Personal Representative of the Estate of Simon L. Bernstein.

3. The Personal Representative has rendered services and incurred expenses for the benefit of the Estate, from September 1, 2014 to September 30, 2014, as more fully described and set forth in the itemized schedule of services and expenses attached hereto as Exhibit A, for which the Personal Representative has not been paid.

4. The Personal Representative's records indicate that during the period of time above 38.1 attorney hours and 20 paralegal hours have been expended as set forth in the itemized summary of services and expenses attached hereto as Exhibit "A".

5. The Personal Representative believes that a reasonable fee for the services performed during that period of time is \$12,530.50 and costs of \$1,119.47 – totaling \$13,649.97.

6. The Personal Representative fees and costs described on the attached Exhibit "A" were incurred in discharging administration responsibilities, as more particularly described in Exhibit "A".

WHEREFORE, BRIAN M. O'CONNELL, as Personal Representative of the Estate of SIMON L. BERNSTEIN and the attorney for the Personal Representative, requests this Court award the Personal Representative a reasonable fee for his services and expenses incurred, and authorizing the payment of such fees and expenses from the assets of the estate.

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent by e-service on the 31 day of October, 2014, to the parties on the attached Service List.


BRIAN M. O'CONNELL, ESQ.

Florida Bar No: 308471

ASHLEY N. CRISPIN, ESQ.

Florida Bar No: 37495

MELISSA D. LAZARCHICK

Florida Bar No. 0043696

CIKLIN LUBITZ MARTENS & O'CONNELL

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SERVICE LIST

<p>Alan B. Rose, Esq. Page, Mrachek, Fitzgerald & Rose, PA. 505 S. Flagler Dr., Suite 600 West Palm Beach, FL 33401 (561) 355-6991 arose@mrachek-law.com mchandler@mrachek-law.com Attorney for Ted S. Bernstein</p>	<p>William H. Glasko, Esq. Golden Cowan, P.A. 1734 South Dixie Highway Palmetto Bay, FL 33157 bill@palmettobaylaw.com</p>	<p>Irwin J. Block, Esq. Law Office of Irwin J. Block, PL 700 South Federal Highway, Suite 200 Boca Raton, FL 33432 ijb@ijblegal.com</p>
<p>Peter Feaman, Esq. Peter M. Feaman, P.A. 3695 Boynton Beach Blvd., uite 9 Boynton Beach, FL 33436 pfeaman@feamanlaw.com</p>	<p>John P. Morrissey, Esq. 330 Clematis St., Suite 213 West Palm Beach, FL 33401 john@jmorrisseylaw.com</p>	<p>Max Friedstein 2142 Churchill Lane Highland Park, IL 60035 Beneficiary</p>
<p>Eliot Bernstein and Joshua, Jacob and Daniel Bernstein, Minors c/o Eliot and Candice Bernstein, Parents and Natural Guardians 2753 N.W. 34th St. Boca Raton, FL 33434 iviewit@iviewit.tv</p>	<p>Jill Iantoni and Julia Iantoni, a Minor c/o Guy and Jill Iantoni, her Parents & Natural Guardians 2101 Magnolia Lane Highland Park, IL 60035 jilliantoni@gmail.com</p>	<p>Lisa Friedstein and Carley Friedstein, Minor c/o Jeffrey and Lisa Friedstein Parent and Natural Guardian 2142 Churchill Lane Highland Park, IL 60035 Lisa@friedsteins.com Lisa.friedstein@gmail.com Beneficiary</p>
<p>Pamela Beth Simon 950 N. Michigan Ave., Apt. 2603 Chicago, IL 60611 psimon@stpcorp.com</p>	<p>Benjamin P. Brown, Esq. Matwiczuk & Brown LLP 625 N. Flagler Dr., #401 West Palm Beach, FL 33401 bbrown@matbrolaw.com</p>	

Ciklin Lubitz Martens & O'Connell
515 North Flagler Drive, 20th Floor
West Palm Beach, FL 33401
561-832-5900
Federal ID #59-2523541

Brian M. O'Connell, Esq.
c/o BMO

October 16, 2014
Bill Number 288691
File Number 11270-52860

The enclosed bill is for services rendered for the period ending September 30, 2014.
The breakdown of this bill by matter is as follows:

Bernstein, Simon L. Estate

Total for Legal Services	\$12,530.50
Total for Expenses	<u>\$1,119.47</u>
Total for This Bill	\$13,649.97

Please make your check payable to
Ciklin Lubitz Martens & O'Connell

Ciklin Lubitz Martens & O'Connell
515 North Flagler Drive, 20th Floor
West Palm Beach, FL 33401
561-832-5900
Federal ID #59-2523541

Brian M. O'Connell, Esq.
c/o BMO

October 16, 2014
Bill Number 288691
File Number 11270-52860

FOR PROFESSIONAL SERVICES

Re: Bernstein, Simon L. Estate

LEGAL SERVICES

Through September 30, 2014

<u>Date</u>	<u>Atty</u>	<u>Description</u>	<u>Time</u>
08/28/14	BMO	Receipt and review of Feaman communication with corrected version of voice message from Kevin Horan.	0.10
09/02/14	BMO	Conference with ANC.	0.30
09/02/14	BMO	Receipt and review of 9/2/14 email communications (9), Morrissey, Mrachek firm, JAF, BCL, SRL.	0.30
09/02/14	BMO	Receipt and review of Brown 9/2/14 Petition for Discharge of AAL and Payment of AAL's Fees.	0.20
09/02/14	CCL	Receive, review JP Morgan FEDX corresp and forms.	0.30
09/02/14	CCL	Instructions from JF; review /create additional digital records	0.90
09/02/14	CCL	Work on monthly fee petition, invoicing	0.50
09/02/14	ANG	Conference with BMO re: necessary discovery.	0.30

09/02/14	JAF	Addressed issues re: insurance case and RTP re: ira's of simon and shirley, revisions to RTP, TPP inspection, 1st mortgage, 2nd mortgage and note, hearing on Ted's pet for instr re: same, hearing on jewlery, statement of claim filed by elliot, petition for discharge filed by Ben Brown, liquidation of IRA, accounting of curator, etc.	2.90
09/02/14	JAF	Addressed issues re: depo of Elliot Bernstein (.1- NO Charge).	0.10
09/03/14	BMO	Receipt and review of Feaman 8/29/14 status letter to BMO with enclosures.	0.30
09/03/14	CCL	Revise and finalize fee petition with exhibit; draft order; memo to JF	0.60
09/03/14	CCL	Review correspondence, instructions from JF re: multiple pending issues	0.40
09/03/14	JAF	Instructions to SHM re: hearing on objections to T&S accounting, mediation, outstanding issues.	0.20
09/04/14	BMO	Receipt and review of 9/4/14 memos (x4), ANC, JAF, SHM, SRL.	0.10
09/04/14	BMO	Receipt and review of 9/3/14 and 9/4/14 detailed e-correspondence (x4), Eliot Bernstein, Alan Rose.	0.30
09/05/14	BMO	Receipt and review of 9/5/14 e-correspondence from Eliot Bernstein.	0.10
09/05/14	BMO	Receipt and review of JAF 9/5/14 memo.	0.10
09/05/14	JAF	Prepared memo to BMO re: Elliot suit Oppenheimer (.1); Consideration of response to amended motion to remove PR and trustees (.1).	0.20
09/08/14	BMO	Receipt and review of Eliot Bernstein's 9/8/14 Notice of Hearing for 9/24/14.	0.10
09/08/14	BMO	Receipt and review of Eliot Bernstein's 9/6/14 Petition to Remove Theodore Bernstein as Alleged Successor Trustee.	0.60

09/08/14	JAF	Consideration and analysis of issues and review of materials re: inspection of tangible personal property, RTP, inventory, objections to T&S accounting, petitions to remove Ted, etc. (.9); Strategy conference with MDL and SHM re: same and petition for auth to conduct discovery and RTP revisions (.7).	1.60
09/08/14	MDL	Conference with JAF and SHM re: Discovery to all interested parties and review of petitions filed by Elliot	0.70
09/09/14	BMO	Strategy conference with JAF re: claims filed by Eliot and request for monies.	0.20
09/09/14	BMO	Conference with Eliot Bernstein and JAF re: outstanding issues, claims of Eliot, removal of Ted Bernstein, hearing on Accounting objections, appraisal of TPP, other items to be added to Request to Produce, various Petitions for Instruction, etc.	0.80
09/09/14	BMO	Receipt and review of 9/9/14 JAF correspondence to Morrissey, and Morrissey response to same.	0.10
09/09/14	JAF	Prepared email to Elliot Bernstein re: tax returns (.1); Reviewed petition to remove Ted as successor trustee and consideration of issues re: potential COA for PR (.5); Prepared memo to MDL and SHM re: potential insured TPP and addition to RTP (.1); Review and analysis of Elliot claim for tuition and books (.2); Review and analysis of Elliot claim for living expenses (.3).	1.20
09/09/14	JAF	Strategy conference with BMO re: claims filed by Elliot and request for monies (.2); Addressed issues re: same (.1); Conference with Elliot Bernstein and BMO re: outstanding issues, claims of Elliot, removal of Ted Bernstein, hearing on accounting objections, appraisal of TPP, other items to be added to RTP, various petitions for instruction, etc. (.8); Addressed issues re: same (.2).	1.30
09/10/14	BMO	Strategy conference with JAF re: hearing on Ted Motion for Contempt against Eliot.	0.10
09/10/14	BMO	Receipt and review of Eliot 9/10/14 email with attachment concerning jewelry theft.	0.10

09/10/14	BMO	Receipt and review of Eliot 9/10/14 email with attachment concerning furniture.	0.10
09/10/14	BMO	Receipt and review of Eliot 9/10/14 email with attachment of his 3/8/14 email to Ben Brown and attached PDF letter.	0.10
09/10/14	BMO	Receipt and review of Eliot 9/10/14 email with attachment of his 4/24/14 e-correspondence to Ben Brown and attached document from Governor's Notary Public Division.	0.10
09/10/14	BMO	Receipt and review of Eliot 9/10/14 email with attachment of his 5/5/14 e-correspondence to Ben Brown concerning Tuesday UMC Hearing.	0.30
09/10/14	BMO	Receipt and review of SHM 9/10/14 e-correspondence to Mr. Bernstein.	0.10
09/10/14	BMO	Receipt and review of Eliot 9/10/14 email to Steven Lessne.	0.10
09/10/14	BMO	Receipt and review of Eliot Bernstein's 9/10/14 Urgent Motion to Reschedule Hearing Set for 9/15/14 for Medical Reasons and Failure of Opposing Counsel to Cooperate and Lack of Standing to Represent the Estate.	0.10
09/10/14	JAF	Instructions to and conference with SHM re: requesting statements and documentation from JP Morgan and Sabadell (.2); Addressed issues re: hearing on Ted motion to hold Eliot in contempt, etc. (.1); Addressed issues re: hearing on Ted motion for contempt against Eliot and reviewed motion in prep for same (.4); Instructions to SHM re: same (.1, plus .1 NO Charge); Strategy conference with BMO re: same (.1).	0.90
09/10/14	MDL	Review and Analyze Eliot's Motion for Emergency Interim Distribution (25 pages w/o exhibits) and Eliot's Motion to Dismiss Quash Motion for Contemp and for Sanctions and to Compel E. Bernstein (84 pages w/o exhibits), in preparation for drafting discovery.	1.80

09/11/14	BMO	Receipt and review of 9/11/4 email communications (6), Eliot Bernstein, Rose firm, JAF, SHM.	0.20
09/11/14	SHM	Preparation for 9/15/14 hearing.	0.30
09/11/14	SHM	Draft P/Atty Fees for BMO, as PR	0.50
09/11/14	JAF	Strategy conference with SHM and MDL re: RTP (.1); Correspondence with BMO re: same (.1); Addressed issues re: same and assets alleged by Elliot to be estate assets (.3).	0.50
09/11/14	MDL	Conference with SHM and JAF re: Fee Petition	0.10
09/12/14	BMO	Telephone conference with Alan Rose re: Monday hearing.	0.20
09/12/14	BMO	Conference with ANC concerning Rose communication.	0.20
09/12/14	BMO	Memo to JAF.	0.10
09/12/14	SRR	Revise accounting per MDL instructions.	0.50
09/12/14	ANG	Case status conference with BMO regarding Rose communication.	0.20
09/12/14	JAF	Correspondence with BMO re: 9/15 contempt hearing (.1); Instructions to SHM re: fee petition (.1).	0.20
09/12/14	MDL	Draft Fee Petition (.2); Review and Analyze Eliot's Motion to Compel Estate of Simon to Pay and Provide Counsel in preparation for drafting discovery	0.30
09/14/14	BMO	Receipt and review of JAF 9/14/14 memo.	0.10
09/14/14	BMO	Instructions to JAF.	0.10
09/15/14	BMO	Receipt and review of Eliot 9/13/14 Notice of Hearing for 9/15/14.	0.10
09/15/14	BMO	Receipt and review of Eliot 9/14/14 Notice of Evidence Submitted for 9/15/14 Hearing.	0.10
09/15/14	BMO	Receipt and review of Eliot 9/15/14 Notice of Additional Evidence Submitted for 9/15/14 Hearing.	0.10
09/15/14	BMO	Receipt and review of Brown 9/15/14 Amended Notice of Special Set Hearing.	0.10
09/15/14	SHM	Conference with JAF and instruction re: contempt hearing outcome & Judge's ruling; Eliot's depo, hearong on 9/24, etc. Preparation of pleadings filed by Eliot.	1.00

09/15/14	JAF	Attended hearing on motion to hold Elliot in contempt (1.9); Conference with and instructions to SHM re: same, Elliot deposition, hearing on 9/24, pleadings filed by Elliot, etc. (.5); Correspondence with Ben Brown's office re: estate statements needed for accounting (.1).	2.50
09/16/14	BMO	Receipt and review of SHM 9/16/14 e-correspondence to Mracheck firm.	0.10
09/16/14	BMO	Receipt and review of Rose 9/16/14 Re-Notice of Taking Videotaped Depo of Eliot on 9/22/14.	0.10
09/16/14	BMO	Receipt and review of 9/15/14 Court Order - Second Order Compelling Depo of Eliot Bernstein.	0.10
09/16/14	BMO	Receipt and review of Matwiczuk 9/16/14 Curator's Notice of Filing Amended Accounting.	0.20
09/16/14	CCL	Instructions from JF; fee petition follow up	0.40
09/16/14	SHM	Preparation for hearing.	0.50
09/16/14	JAF	Reviewed email from Elliot re: request for legal fees (.1- NO Charge).	0.10
09/16/14	JAF	Reviewed email from Elliot re: petition for instructions on request for reimbursement.	0.10
09/17/14	BMO	Receipt and review of JAF 9/17/14 status memo.	0.10
09/17/14	CCL	Receive, review, categorize and prepare file for JF review re: Ben Brown's 9/17/14 email and attachments re: CBIZ CPAs invoices and misc.	0.80
09/17/14	CCL	Review pending issues with JF and instructions from JF (.4); review invoices and draft letter to CBIZ MHM re: invoices (.3); draft memo to all parties re: proposed agreed fee order (.2)	0.90
09/17/14	SHM	Conference with JAF - Preparation for hearing.	0.50

09/17/14	JAF	Consideration of issues re: PR responsibility to pursue Ted removal (.2); Instructions to SHM re: prep for hearing on curators pet for discharge and final accounting and prepared memo to BMO re: same (.2); Correspondence with Ben Brown re: payment of CBIZ, their involvement, hiring, etc. (.2); Instructions to BL re: same, Illinois attorney bill, statements of JP Morgan, Sabadell, IRA information request (.2); Addressed issues re: same (.4).	1.20
09/18/14	CCL	Finalize drafted petition and order extending time to file Inventory for attorney review; memo to JF	0.40
09/18/14	CCL	Receive, review curator fee orders; instructions from JF, BMO, ANC, SHM	0.80
09/18/14	CCL	Review	2.10
09/18/14	ANG	Strategy conference with JAF re: actions in Shirley estate and claims of PR and issues with Simon trust and no accountings, etc.	0.30
09/18/14	JAF	Attended hearing on curator's petition for discharge and fees (.5); Strategy conference with ANC re: actions in Shirley estate and claims of PR and issues with Simon trust and no accountings, etc. (.3).	0.80
09/18/14	JAF	Addressed issues re: payment of Ben Brown curator fees (.1- NO Charge); Prepared email to all counsel re: deposition of Elliot Bernstein (.1- NO Charge).	0.20
09/19/14	BMO	Receipt and review of Stamos & Trucco 9/16/14 billing statement.	0.10
09/19/14	BMO	Receipt and review of Rose 9/19/14 Amended Re-Notice of Taking Videotaped Depo of Eliot Bernstein on 9/22/14.	0.10
09/22/14	BMO	Receipt and review of Brown 9/17/14 letter to James Stamos with attached email from Eliot with his comments regarding the correspondence and documents provided by the insurance company.	0.10
09/22/14	BMO	Receipt and review of Brown 9/17/14 letter to Feaman, Stamos, and Eliot with enclosed correspondence from Heritage Union Life Insurance Company.	0.20

09/22/14	BMO	Receipt and review of 9/22/14 email communications (9), John Morrissey, Alan Rose, Eliot Bernstein, JAF, Bidy	0.20
09/22/14	BMO	Instructions to JAF (x2).	0.10
09/22/14	CCL	Finalize fee order draft; instructions from JF; memo to all parties re: proposed agreed order on fees; calendaring re: submitting to Court	0.30
09/22/14	CCL	Review and organize account statements, correspondence for probate Inventory purposes; work on Inventory	1.70
09/22/14	CCL	Work on JPMorgan account forms; draft letter	0.90
09/22/14	JAF	Reviewed and revised letter to CPA firm re: billing request (.1); Reviewed and revised petition for extension of time to file inventory (.1); Consideration of issues re: JPM and Sabadell accounts and instructions to BL re: same (.1); Addressed issues re: liquidation of IRA and instructions to BL re: same (.3); Reviewed multiple emails from Elliot Bernstein and Alan Rose re: July 11th hearing transcript (.1, plus .2 No Charge).	0.70
09/22/14	JAF	Prepared memo to MDL re: RTP (.1); Instructions to BL re: inspection of TPP (.2); Analysis of issues re: Kia automobile transfer (.1); Prepared memo to BMO re: response to administrator ad litem petition and Illinois litigation (.1).	0.50
09/23/14	BMO	Review and revise Petition for Instructions on Elliot Bernstein's Statements of Claim and Related Request for Reimbursement.	0.30
09/23/14	BMO	Review and revise Petition for Instructions on Eliot Bernstein's Statements of Claim and Related Request for Reimbursement.	0.20
09/23/14	BMO	Telephone conference with Peter Feaman.	0.50
09/23/14	BMO	Strategy conferences (x2) with JAF re: Petition for Authorization to Conduct Discovery, removal hearing of Ted, Illinois litigation, and Petition for Instructions on Eliot claim.	0.60
09/23/14	BMO	Receipt and review of Feaman 9/19/14 letter to BMO.	0.10

09/23/14	BMO	Receipt and review of Rose 9/23/14 Amendment to Notice of Compliance with Rule 2.516 and Designation of Email Addresses.	0.10
09/23/14	BMO	Receipt and review of Glasko 9/23/14 Notice of Unavailability.	0.10
09/23/14	BMO	Receipt and review of 9/23/14 email communications (x3), Eliot Bernstein, Susan Johnson, JAF.	0.10
09/23/14	CCL	E-file and serve Pet/Extend Inventory; Letter to Court	0.60
09/23/14	CCL	Work affidavit of fees	0.20
09/23/14	JAF	Prepared memo to BMO re: inventory and instructions to BL re: same (.3); Prepared memo to BMO re; Elliot amended motion to remove Ted and hearing on same (.4); Drafted petition for instructions re: claim/request for reimbursement by Elliot and revisions to same (1.3); Analysis of issues re: mortgages (.3); Strategy conferences (x2) with BMO re: pet for auth to conduct discovery, removal hearing of ted, Illinois litigation, pet instructions Elliot claim (.6).	2.90
09/24/14	BMO	Prepare for and attend Hearing on Petition to Remove T. Bernstein as Successor Trustee of Simon Trust and Status Conference.	4.30
09/24/14	BMO	Receipt and review of 9/24/14 e-correspondence from Rose's office with served but not filed Trustee's Response to Petitions of Eliot Bernstein to Remove Ted Bernstein as Successor Trustee of the Simon Bernstein Revocable Trust.	0.20
09/24/14	BMO	Receipt and review of 9/24/14 Order on Pankauski Law Firm PLLC's Motion to Withdraw as Counsel for Ted Bernstein.	0.10
09/24/14	BMO	Receipt and review of 9/24/14 Order on Movant's, Ted Bernstein, as Successor Trustee of the Simon Bernstein Trust, Motion to Hold Eliot Bernstein in Contempt of Court and for Sanctions, and to Compel Compliance with Prior Orders and Service Rules.	0.10

09/24/14	CCL	Emails from/conferences with/instructions from JF; hearing preparation	1.00
09/24/14	CCL	Received Rose' email designation; update service lists; memo to staff	0.30
09/24/14	JAF	Prepared for hearing on motion to remove Ted as trustee and memo re: same; instructions to BL re: same (.4); Final revisions to pet for inst on Elliot claim and reimbursement request (.2).	0.60
09/25/14	BMO	Strategy conference with ANC re: trust complaint.	0.40
09/25/14	CCL	Receive, review, categorize correspondence, asset information, additional tax issues	1.90
09/25/14	ANG	Strategy conference regarding trust complaint.	0.40
09/26/14	BMO	Receipt and review of 9/26/14 email communications (x2), Eliot Bernstein, Alan Rose.	0.10
09/26/14	CCL	Review correspondence regarding recent hearing	0.20
09/26/14	CCL	Review status of objections, if any, to CLMO fee petition; memo to attorneys re: submission of Order	0.30
09/26/14	JAF	Instructions to BL re; fee petition and order and letter to judge.	0.10
09/29/14	BMO	Receipt and review of Feaman Notice of Filing Deposition Designations.	0.50
09/30/14	BMO	Receipt and review of JAF 9/30/14 memo.	0.10
09/30/14	CCL	Finalize fee order; finalize letter to court with agreed order; finalize service copies of order; memo to all parties	1.20

TOTAL LEGAL SERVICES: \$12,530.50

LEGAL SERVICES SUMMARY

ASHLEY GIROLAMO CRISPIN	1.20 Hrs	\$295/Hr	\$354.00
BRIAN M O'CONNELL	15.20 Hrs	\$350/Hr	\$5,320.00
BIDDY C LABUTKA	16.70 Hrs	\$125/Hr	\$2,087.50
JOY A FOGLIETTA	0.40 Hrs	\$0/Hr	\$0.00
JOY A FOGLIETTA	18.40 Hrs	\$195/Hr	\$3,588.00
MELISSA D LAZARCHICK	2.90 Hrs	\$265/Hr	\$768.50

SHERRI H MCDOWELL	2.80 Hrs	\$125/Hr	\$350.00
SHARON R ROMERO	0.50 Hrs	\$125/Hr	\$62.50
	<u>58.10 Hrs</u>		<u>\$12,530.50</u>

COSTS ADVANCED

Through September 30, 2014

Copy/Printing Expense

09/30/14	Copy/Printing Expense		343.80
	Total Copy/Printing Expense		343.80

Long Distance Telephone

09/30/14	Long Distance Telephone		2.17
	Total Long Distance Telephone		2.17

Certified Copies

09/17/14	Clerk of the Court; Certified Copies		12.00
	Total Certified Copies		12.00

Court Reporter Costs

09/29/14	US Legal Support, Inc		761.50
	Total Court Reporter Costs		761.50

TOTAL COSTS ADVANCED: \$1,119.47

TOTAL THIS BILL \$13,649.97