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ALLEGED SUCCESSOR TRUSTEE...**

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

CASE NO. TBD
HON. JUDGE MARTIN H. COLIN

SIMON L. BERNSTEIN TRUST
AGREEMENT dated May 20, 2008,
as alleged amended and restated,
SIMON L. BERNSTEIN AMENDED
AND RESTATED TRUST AGREEMENT
dated July 25, 2012

ELIOT BERNSTEIN, individually;
ELIOT BERNSTEIN, as beneficiary of the
SIMON L. BERNSTEIN TRUST AGREEMENT
dated May 20, 2008; ELIOT BERNSTEIN,
as Trustee of the ELIOT BERNSTEIN
FAMILY TRUST dated May 20, 2008;

and

ELIOT BERNSTEIN, as alleged Trustee F/B/O D.B.,
JA. B. and JO. B. under the SIMON L. BERNSTEIN
TRUST AGREEMENT dated May 20, 2008, as
alleged amended and restated, SIMON L. BERNSTEIN
AMENDED AND RESTATED TRUST AGREEMENT
dated July 25, 2012,

Plaintiff,

v.

THEODORE STUART BERNSTEIN, individually;
THEODORE STUART BERNSTEIN, as alleged Successor
Trustee of the 2008 SIMON L. BERNSTEIN
TRUST AGREEMENT, as alleged amended and restated,
SIMON L. BERNSTEIN AMENDED AND RESTATED
TRUST AGREEMENT dated July 25, 2012;
ROBERT L. SPALLINA, ESQ., individually;
ROBERT L. SPALLINA, ESQ., as former
Co-Trustee;
ROBERT L. SPALLINA, ESQ., as former counsel
to the former Co-Trustees;
DONALD R. TESCHER, ESQ., individually;

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DONALD R. TESCHER, ESQ., as former
Co-Trustee;
TESCHER & SPALLINA, P.A., (and all Partners,
Associates, Of Counsel and Employees);
JOHN AND JANE DOE'S (1-5000),

Defendants¹.

COMPLAINT

COMES NOW, Eliot Ivan Bernstein ("Eliot" or "Plaintiff"), beneficiary of the alleged SIMON L. BERNSTEIN TRUST AGREEMENT dated May 20, 2008 and Eliot Bernstein as alleged Trustee F/B/O his three minor children under the SIMON L. BERNSTEIN TRUST AGREEMENT dated May 20, 2008, as alleged amended and restated, SIMON L. BERNSTEIN AMENDED AND RESTATED TRUST AGREEMENT dated July 25, 2012 (together the two trusts hereinafter referred to as "Simon Trust"), and pursuant to §736.0706, Fla. Stat. (2013), files this **"COMPLAINT TO REMOVE THEODORE STUART BERNSTEIN AS ALLEGED SUCCESSOR TRUSTEE"**, and in support states, on information and belief, as follows:

FACTS COMMON TO ALL COUNTS

1. Plaintiff Eliot Ivan Bernstein is over the age of 18, a resident of Palm Beach County, Florida and is a Beneficiary of the alleged Simon Trusts.
2. Plaintiff Eliot Ivan Bernstein is over the age of 18, a resident of Palm Beach County, Florida and is Eliot Bernstein as Trustee F/B/O his three minor children under the alleged SIMON L.

¹ That the term "Beneficiary" used for Defendants is not defined yet as the alleged dispositive documents are being challenged due to the already proven and further alleged Frauds that have taken place in the estates and trusts of Simon and Shirley Bernstein and thus the true and proper beneficiaries must be determined by this Court after removal of TED and proper investigation of the dispositive documents.

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BERNSTEIN TRUST DTD 9/13/12 (see footnote 1), who are also Beneficiaries under the alleged Simon Trusts.

3. 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 [emphasis added]** may request the court to remove a trustee, or a trustee may be removed by the court on the court's own initiative.*

§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, [emphasis added]** or who holds a power of appointment over trust property in a capacity other than that of trustee.*

4. Eliot has legal standing on two legs. First, in his individual capacity, as he is named beneficiary in the Simon L. Bernstein Trust Agreement dated May 20, 2008, as alleged amended and restated, Simon L. Bernstein Amended and Restated Trust Agreement dated July 25, 2012. Second, Eliot has standing in his capacity as Natural Guardian for his children who are alleged to be beneficiaries of the Simon Trusts.
5. This is an action for removal of an alleged Trustee under F.S. §736.
6. Venue of this proceeding is proper in this Court under F.S. §736.
7. Under Florida law, this Court has broad authority to affect trust administration. Under §736.0201, Fla. Stat. (2014), the Court has the following power:

736.0201. Role of court in trust proceedings

* * * *

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(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** [emphasis added];
- (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.

8. That there exists a 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.

9. 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

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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).

A. BREACH OF TRUST

10. That TED is NOT eligible to serve as a Successor Trustee under the very terms of the alleged Simon Trust, which means he is "unfit" under §736.0706(2)(c) and has breached the Simon Trust.
11. That TED is a "related party" and therefore not eligible to serve under the language regarding successors in the alleged 2012 Simon Trust.
12. That the previous Co-Trustees of the alleged 2012 Simon Trust were TESCHER and SPALLINA by virtue of the Successor Trustee provision set forth in Article IV, Section C of the alleged 2012 Simon Trust.
13. That by a letter dated January 14, 2014 addressed to the five children of Simon Bernstein, TESCHER and SPALLINA, resigned as,
 - i. Co-Trustees of Simon's alleged 2012 trust,
 - ii. Co-Personal Representatives/Executors to the Simon Estate,
 - iii. Counsel to themselves as Co-Trustees and Co-Personal Representatives,
 - iv. Counsel to TED as alleged Trustee of the Shirley trust (for irreconcilable differences),
 - v. Counsel to TED as Personal Representative of the Shirley Estate, and,
 - vi. Counsel in all other fiducial and legal capacities they were acting in for any Bernstein family related matters.
14. That upon resignation and amidst admissions by SPALLINA that their law firm fraudulently altered and disseminated fraudulent trust documents, TESCHER stated, "If the majority of the

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Bernstein family is in agreement, I would propose to exercise the power to designate a successor trustee by appointing Ted Bernstein in that capacity."

15. That TESCHER made the appointment of TED after claiming he learned that **his law firm**, Tescher & Spallina, PA, had intentionally fraudulently altered and disseminated a Shirley trust document to attempt to fraudulently change beneficiaries to benefit his friend and legal client TED.
16. That TED made knowingly illegal distributions in Shirley's Trust under the fraudulent beneficiary scheme to improper beneficiaries including his own children, against the advice of counsel.
17. That SPALLINA stated to Palm Beach County Sheriff Investigators that he told TED not to take the illegal distributions and yet failed to report TED to the proper authorities and this Court and instead further aided and abetted the scheme in attempts to cover up.
18. That the alleged change of successorship from TESCHER and SPALLINA to their business associate and legal client TED was done without sending notice to beneficiaries that they had done this alleged transfer of successorship and despite TED being prohibited from successorship by the very terms of the trust.
19. The document transferring trusteeship was allegedly notarized by the already convicted Felon for fraudulent notarizations in these matters, TESCHER and SPALLINA's legal assistant and Notary Public, Kimberly Moran ("MORAN"), who no longer is a credible witness.
20. That TED accepted the alleged successor trusteeship without sending notice to beneficiaries according to Probate and Trust Rules and Statutes.

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21. That SPALLINA and TESCHER ceded the trusteeship to TED without notice to the beneficiaries.
22. That if TED has become alleged successor trustee of the alleged Simon Trust he should be removed instantly, as he is ineligible under the very terms of the Simon Trust to serve as successor trustee.
23. Article IV, Section C.(3) (Page 16) of the Simon 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 alleged Simon 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).

That 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 ... "

24. That TED is the son, or an "issue" of the Grantor, SIMON BERNSTEIN, and a related party (father) to alleged beneficiaries, TED's sons and daughter, SIMON's grandchildren. 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).

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25. That TED has hijacked the position of Successor Trustee despite the fact that TESCHER and SPALLINA who drafted the alleged changes in 2012 to the Simon Trust knew of the prohibitive language precluding TED from acting as trustee.
26. That TESCHER and SPALLINA knew that transferring the trusteeship to their former client (who their crimes directly benefited) was not proper, this transfer especially egregious as TESCHER and SPALLINA were resigning and being removed from these proceedings in the wake of massive frauds being uncovered that they are directly implicated in and have admitted to conspiring to commit.
27. That TED was specifically disqualified to be a Successor Trustee by the terms of the alleged 2012 Simon Trust in another provision of the Trust that also disqualifies TED under,

Article III E (1) which 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**)

28. That the prior 2008 Simon Trust was alleged to be amended by Simon 48 days prior to his sudden and unexpected death and also disqualifies TED, which states:

Article III E (1)

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

1. **Children. Lineal Descendants.**

...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...(emphasis added)

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29. Therefore, by the very language of the both of the Simon Trusts, including the 2008 Simon Trust done with Shirley², TED, in any beneficiary scenario is wholly disinherited, considered legally predeceased and further disqualified by the provisions of the alleged trusts to serve as a Successor Trustee in both the Simon Trusts and Shirley trusts.
30. That TED was not a named Successor Trustee in the 2008 Simon Trust and the 2012 alleged amended Simon Trust.
31. That the illegal successorship from TESCHER and SPALLINA to TED, was done by breaching the terms of the Simon Trusts.
32. This illegal seizure of fiduciary roles by violation of the terms of the Simon Trust is Prima Facie evidence of an ILLEGAL SEIZURE OF DOMINION AND CONTROL of the fiducial capacities in the alleged Simon Trust.
33. This violation of the terms of the Simon Trust should be enough evidence to compel this Court to act on its own motion to instantly remove TED to protect the trust assets and interests of the beneficiaries and others from an unqualified and fraudulent successorship by TED acting as an imposter trustee.
34. That this improper, highly unethical and illegal transfer of trusteeship in violation of the terms of the Simon Trust was to aid and the abet the crimes and attempt to keep information from the beneficiaries in effort to cover up the crimes.
35. That this fraudulent transfer of fiduciary power and trusteeship was to retain the illegally gained Dominion and Control of the Estates and Trusts that TED, TESCHER and SPALLINA gained through fraudulent documents and thereby maintain a criminal succession of trusteeship that

² 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 stymie and delay the administration and block efforts to investigate and prosecute the parties by the Estate and Trusts.

36. TED was directly involved in advancing the fraudulent schemes and benefited directly from them and therefore TED should have been removed along with his former Attorneys at Law TESCHER and SPALLINA.

37. That TED will not prosecute as Trustee his friends and former counsel TESCHER and SPALLINA in the Simon Trusts best interest as they committed criminal acts to benefit TED and therefore this conflict is further cause for removal of TED.

38. That since alleging to be successor trustee, TED has prevented beneficiaries complete access to Estate and Trust information, continuing the pattern and practice of breaches of fiduciary duties, exactly as his predecessors and former counsel, TESCHER and SPALLINA had done in the Simon Estate and Simon Trust while they were acting as fiduciaries.

39. This criminal successor trusteeship has led to a continuation of alleged ongoing criminal acts and an every growing attempt to Cover Up the crimes through continued breaches of fiduciary duties, continued Fraud on this Court, continued Fraud on the Beneficiaries and more.

40. That TED has a duty as a fiduciary once he became aware of the Frauds committed to report the criminal acts to the proper authorities, including regarding crimes where his name was forged, yet for months he did nothing until investigators arrived at his door and for this failure of duty TED should also be removed.

41. That if the Court finds that TED should be removed based solely on the fact that he is prohibited by the terms of the Simon Trusts, the remainder of this pleading may be skipped and the Court can move to Count 1 to continue. The remaining issues are a part of additional reasons for the

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removal of TED in both Simon and Shirley's Estate and Trusts, each constituting independent legal grounds for TED's removal.

**B. FAILURE TO STATUTORILY ACCOUNT UNDER FLORIDA STATUTE
736.0813 AND 736,08135 DUTY TO INFORM AND ACCOUNT**

A TRUSTEE HAS A DUTY TO INFORM AND TO ACCOUNT

42. The law of trusts has always imposed a duty on the trustee to keep the beneficiary informed as to the administration of the trust and to account to the beneficiary for all actions taken by the trustee. Without a proper accounting disclosing how the trustee has handled the trust affairs, there is little chance of a trustee being held accountable and therefore, the trustee's duties could be breached at will without any means of redress.
43. The burden of proof is on the fiduciary to show that he has fully performed his duties, and the means for such proof is by providing a sufficient and proper accounting.

In *Frethey v. Durant*, 48 N.Y.S. 839 (N.Y.A.D. 1 Dept. 1897), it was held that "when a fiduciary relation is shown to exist, and property or property interests have been entrusted to an agent or trustee, the burden is thrown upon such agent entrusted to render an account, and to show that all his trust duties have been fully performed, and the manner in which they have been performed. It is assumed that the agent or trustee has means of knowing, and does know, what the principal or cestui que trust, cannot know, and is bound to reveal the entire truth". This duty to account has been codified in Florida as Florida Statute 736.0813.

736.0813 Duty to inform and account.—The trustee shall keep the qualified beneficiaries of the trust reasonably informed of the trust and its administration.
(1) The trustee's duty to inform and account includes, but is not limited to, the following:
(a) Within 60 days after acceptance of the trust, the trustee shall give notice to the qualified beneficiaries of the acceptance of the trust and the full name and address of the trustee.

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(b) Within 60 days after the date the trustee acquires knowledge of the creation of an irrevocable trust, or the date the trustee acquires knowledge that a formerly revocable trust has become irrevocable, whether by the death of the settlor or otherwise, the trustee shall give notice to the qualified beneficiaries of the trust's existence, the identity of the settlor or settlors, the right to request a copy of the trust instrument, and the right to accountings under this section.

(c) Upon reasonable request, the trustee shall provide a qualified beneficiary with a complete copy of the trust instrument.

(d) A trustee of an irrevocable trust shall provide a trust accounting, as set forth in s. 736.08135, to each qualified beneficiary annually and on termination of the trust or on change of the trustee.

(e) Upon reasonable request, the trustee shall provide a qualified beneficiary with relevant information about the assets and liabilities of the trust and the particulars relating to administration.

(2) A qualified beneficiary may waive the trustee's duty to account under paragraph (1)

(d) A qualified beneficiary may withdraw a waiver previously given. Waivers and withdrawals of prior waivers under this subsection must be in writing. Withdrawals of prior waivers are effective only with respect to accountings for future periods.

44. Not only does a beneficiary have standing to seek an accounting, but the trustee is also under an affirmative duty to provide an accounting. As set forth in Florida Statute 736.0813(1) (d) a trustee of an irrevocable trust shall **provide a trust accounting to each qualified beneficiary annually and on termination of the trust or on change of the trustee.** TED has provided NO accountings for the estate and trusts of Simon and Shirley, annually or upon the change of trustee and therefore this Court should remove TED.

45. The duty to account is so fundamental to the law of trusts that this duty cannot be diminished by the trust itself. The trust instrument may provide that a trustee need not account or only account informally to a beneficiary, but according to the Florida Trust Code, any such limiting provisions are ineffectual and cannot relieve the trustee of his or her duty to account fully to a qualified beneficiary. See: Florida Statute. 736.0105(2) (s).

i. FAILURE TO ACCOUNT IN THE SIMON ESTATE AND TRUSTS

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46. That Ted currently acting as successor trustee in Simon's Trusts has provided NO accountings statutorily required despite repeated requests by beneficiaries and despite changes in fiduciaries when TED's former counsel and fiduciaries for the Simon Trusts, TESCHER and SPALLINA were removed.
47. That between TED and his former counsel there has been NO accounting for over two years of the Simon Trusts in violation of probate and trust rules and statutes.
48. That it is believed that Simon while living and PR of Shirley's Estate prepared an accounting for the Shirley Estate but it is believed to be suppressed and denied by TED, TESCHER and SPALLINA.
49. That in Simon's estate, an accounting was done by Court Order upon the removal of TESCHER and SPALLINA and it has been challenged on virtually every line by the former Curator Benjamin Brown, Esq., the new PR, Brian O'Connell, Esq. and Eliot.
50. That no backup data for the accounting to verify its accuracy was attached to the final accounting or provided in TESCHER and SPALLINA'S Court Ordered production, in violation of probate rules and statutes and in utter disregard for generally accepted accounting principles.

ii. FAILURE TO ACCOUNT IN THE SHIRLEY ESTATE AND TRUSTS

51. That since Ted was appointed Personal Representative in Shirley's Estate, after it was reopened due to the fraud and forgeries committed by TED's former counsel Tescher & Spallina, PA closed the estate of Shirley using Simon's identity when he was dead to do so and electing no successor due to the fraud, NO statutorily required accounting has been

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timely filed with beneficiaries despite repeated requests by beneficiaries and despite the change in fiduciaries when the Estate was reopened, for over a year in violation of probate and trust rules and statutes.

52. That since becoming alleged Successor Trustee of Shirley's 2008 Shirley Bernstein Trust Agreement on September 13, 2012 Ted has failed to provide a full copy of Shirley's 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.

53. Keep in mind that the function of a fiduciary accounting is two-fold. It is to ensure the beneficiary is fully informed as to what the trustee has done with the trust assets for the accounting period. And, it is to serve as a vehicle for relieving the trustee from further liability for his past actions as trustee. This is the traditional concept of discharge accounting. Both functions are premised on full disclosure by the fiduciary.

In *Van Dusen v. Southeast First National Bank of Miami*, 478 So.2d 82 (Fla. 3d DCA 1985) the personal representative was under a duty to make a full and fair disclosure of all estate property and a breach of that duty constituted fraudulent concealment. Even though the personal representative had been discharged it had not disclosed all of the estate assets would not be relieved of liability. The court stated that "the price of immunity is disclosure."

54. Moreover, a trustee cannot fulfill his duty to account by merely turning over to the beneficiary the check register of the trust bank account, a list of checks, bank statements, copies of bills and receipts. It is the duty of the trustee to provide a proper and sufficient accounting.

55. That TED's failure to account in the Shirley Estate, the Shirley trusts and the Simon Trust is cause for this Court to remove TED as a fiduciary in both the Estates and Trusts of Simon and Shirley Bernstein.

C. FAILURE TO INFORM – SHIRLEY AND SIMON ESTATES AND TRUSTS

56. That the attachments to the dispositive documents in Simon and Shirley's estates and trusts, including but not limited to, Addendums, Schedules, Codicils, prior Wills and Trusts, have been concealed from beneficiaries so as to make it impossible to determine the value of estate corpuses and trust res', in violation of probate and trust rules and statutes.

57. That since becoming alleged successor trustee in the alleged Simon Trust, TED has failed to provide a full copy of the Trusts with all Schedules, Codicils, Attachments and Addendums (as required by statute to account for the Estate Corpuses and Trust Corpuses/Trust Res').

58. That since TED was appointed by this Court in October 2013 as PR of Shirley's Estate he has failed to provide a full copy of the Shirley Will with all Schedules, Memorandums, Codicils and Addendums (as required by statute to account for the Trust Corpus/Trust Res) and has provided no statutorily required accountings.

59. That for TED's failure to inform in the Shirley and Simon Estates and Trusts, TED should be removed by this Court as fiduciary.

D. FELONY MISCONDUCT WITH THE DISPOSITIVE DOCUMENTS IN THE ESTATES AND TRUSTS OF SIMON AND SHIRLEY BERNSTEIN

A TRUSTEE IS UNDER A DUTY TO KEEP ACCURATE RECORDS

60. TED as a trustee has a duty to maintain clear, complete, and accurate books and records regarding the trust. It is important for the trustee to keep clear and complete records so that

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the beneficiary can tell whether the trustee has acted with prudence, loyalty, and impartiality and whether the costs of administration have been reasonable and appropriate.

61. The common law as developed through the courts of equity have held that when one becomes a trustee, he must maintain records of his transactions so complete and accurate that he can show by them his faithfulness to the trust. It is not enough for the trustee to know that he is honestly performing his duty.

In the case of *Wood v. Honeyman*, 169 P.2d 131 (Or. 1946), the beneficiaries sued the trustee for an accounting, to recover amounts converted. The trial court removed the trustee and entered a money judgment against him. On appeal, the decision was affirmed. This case held in part that “It must be apparent that when one becomes a trustee and thus undertakes to administer an estate for the benefit of another, he must maintain records of his transactions so complete and accurate that he can show by them his faithfulness to his trust. It is not enough for him to know that he is honestly performing his duty. Since, generally, the burden of proof rests upon him to prove his fidelity; he must be able to sustain his position by honest records.”

62. In Florida the Florida Trust Code explicitly states that a trustee shall keep clear, distinct and accurate records of the administration of the trust.

736.0810 Recordkeeping and identification of trust property.

- (1) A trustee shall keep clear, distinct, and accurate records of the administration of the trust.
- (2) A trustee shall keep trust property separate from the trustee’s own property.
- (3) Except as otherwise provided in subsection
- (4), a trustee shall cause the trust property to be designated so that the interest of the trust, to the extent feasible, appears in records maintained by a party other than a trustee or beneficiary.

(5) If the trustee maintains records clearly indicating the respective interests, a trustee may invest as a whole the property of two or more separate trusts.

63. That throughout this complaint and due to the already discovered fraudulent and forged documents, admitted Fraud on this Court and other frauds and torts in the Estates and Trusts of Simon and Shirley, committed in conspiratorial efforts by the former fiduciaries and attorneys at law involved in these matters, all documents referred to herein are only copies of alleged dispositive documents and beneficiaries have never seen or been provided access to the original signed documents despite repeated requests.
64. That all dispositive documents and any estate and trust documents of Simon and Shirley referenced herein contain only ALLEGED LANGUAGE and shall be considered for all purposes to be construed as ALLEGED only, until such time that the original signed and executed documents are presented to beneficiaries who then have a right to have them forensically inspected to see if the copies and signatures are legally valid and if they have been tampered with.
65. That due to the proven frauds, forgeries and concealment of documents and those criminal acts involving the documents that remain under ongoing investigations, all fiduciary parties may be acting under fraudulent documents.
66. That due to the already proven and admitted document FRAUDS and FORGERIES, Eliot has the right to demand inspection of all original documents to validate their legal existence, especially where multiple document tampering and fraudulent creations have been proven in the estates and trusts of Simon and Shirley already.

67. That Donald R. Tescher, Esq. (“TESCHER”) and Robert L. Spallina, Esq. (“SPALLINA”) were ordered to turn over all their records and properties in their possession to the Curator, Benjamin Brown, Esq. and whereby no original signed and executed Trusts for Simon and Shirley were turned over to him and in fact no originally signed dispositive documents were presented at all.
68. Theodore Stuart Bernstein (“THEODORE” or “TED”) does not possess the original signed and executed Simon Trust he alleges to operate as Trustee under and this evidences further document destruction or suppression.
69. That at this time NO ORIGINAL SIGNED and legally executed originals exist of the Simon Trusts and the Shirley trusts and Beneficiaries have been denied seeing them for over two years and where there has already been a plethora of felony document tampering, original documents are essential to review and for a legal determination by the this Court as to their validity.
70. The former removed fiduciaries of the Estate of Simon, TESCHER and SPALLINA, upon termination as Co-Trustees, Co-Personal Representatives, Counsel to themselves as fiduciaries in Simon’s estate and Trusts and simultaneously acting as Counsel to TED, have produced NO ORIGINAL DISPOSITIVE DOCUMENTS to the former Curator, Benjamin Brown, Esq., despite the Court’s Order to turn over all records and properties in their possession to the former Curator.
71. That in Eliot’s deposition on September 22, 2014, it was learned that TED and his counsel Alan B. Rose, Esq. also do not have possession of the original signed and executed Simon Trusts and Shirley trusts that TED is operating as a fiduciary under. (See YouTube video of

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Eliot's September 22, 2014 deposition @ <http://youtu.be/NawfOrynRVY> at timeline time of (2:49:00 – 2:52:30), and the entire video is hereby incorporated by reference in entirety herein.).

72. That in the production documents turned over by TESCHER and SPALLINA in 2014 there were found secreted copies of insurance trust documents in efforts to change beneficiaries on an insurance policy and according to the parole evidence found in the production this deceit was done with intent to defraud the true and proper beneficiaries.
73. That from the conception of the May 20, 2008 Simon L. Bernstein Trust Agreement to only 48 days prior to Simon's death when the alleged July 25, 2012 Simon L. Bernstein Amended and Restated Trust Agreement was allegedly executed, Eliot was a beneficiary of both the Simon and Shirley Bernstein Estates and Trusts.
74. That SIMON was suffering at the time the documents were allegedly signed on July 25, 2012 from a number of physical and mental stresses that were causing hallucinations and more and was under mental health treatment for a variety of reasons, including but not limited to, elder abuse by four of his five children.
75. That 48 days prior to his death Simon was suffering from severe headaches that caused him to go for a brain scan and other tests thinking he had tumors in his brain and he began having hallucinations, he lost all decisional capacity, was incapable of understanding the nature and effect of all financial transactions, including gifting, investing, withdrawal of funds, transfer of funds between accounts, etc.

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76. That allegedly after signing the documents, 48 days prior to his death, SIMON died unexpectedly and it was alleged by TED and others that he was poisoned and murdered and an Sheriff Investigation and Autopsy were ordered by TED.
77. That the alleged July 25, 2012 Simon Amended and Restated Trust has been challenged and is alleged wholly fraudulent, fraudulently constructed with intent to commit fraud and forged.
78. That the alleged July 25, 2012 Simon Amended and Restated Trust has already been confirmed by Governor Rick Scott's Notary Public Division to have been improperly notarized.
79. That the improper notarization of the July 25, 2012 Simon Amended and Restated Trust makes it impossible to know if Simon even appeared before the Notary, Lindsay Baxley, TED'S personal assistant, on the alleged day of signing.
80. That other documents have already been found to be POST MORTEM forged, fraudulently altered and fraudulently notarized in the Estates and Trusts of Simon and Shirley.
81. The July 25, 2012 Simon Amended and Restated Trust is alleged to have been forged and fraudulently notarized and has multiple construction and execution flaws.
82. That the only witnesses to the alleged 2012 Simon Amended and Restated Trust are SPALLINA and MORAN both of whom have already confessed to Felony criminal acts in the estates and trusts, including but not limited to,
 - A. Forgery (including Post Mortem forgery of Simon's signature and forgery of Eliot and TED's name by Moran, a Notary Public / Legal Assistant of Tescher & Spallina, PA),

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- B. Fraudulent Notarizations (MORAN was arrested and convicted for this crime and her Notary License Revoked) and
- C. Fraudulent Alteration and Dissemination of a Shirley Bernstein Trust document (committed and admitted to by Attorney at Law SPALLINA to Palm Beach County Sheriff Investigators, while acting on behalf of TED as Fiduciary for Shirley's Trust)
83. That MORAN and SPALLINA'S statements or any past actions in the dispositive documents cannot be relied on and trusted, especially for any verification of documents that they have witnessed or executed due to their criminal acts already committed.
84. That the alleged 2012 Simon Amended and Restated Trust is created by TESCHER and SPALLINA to knowingly and fraudulently attempt to alter Shirley's already established irrevocable Beneficiary Class in the 2008 Shirley Bernstein Trust Agreement.
85. That the 2008 Shirley Bernstein Trust Agreement became irrevocable on her date of death on December 08, 2010 and the attempt to change this was through an alleged fraudulent use of a Power of Appointment that Simon is alleged to have exercised through the unlawfully drafted and executed 2012 alleged amended and restated Simon Trust.
86. That the 2012 Simon Amended and Restated Trust was also used to illegally seize dominion and control of the Estates and Trusts of Simon and Shirley by inserting fraudulent fiduciaries, attorneys at law TESCHER and SPALLINA, in Simon's estate and trusts and TED in Shirley's estate and trusts, who either inserted themselves into the documents or whole cloth created the documents and replaced fiduciaries who were long in place in the 2008 Shirley and Simon dispositive documents.

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87. That the alleged 2008 Trust and Will of Simon turned over recently by Court Order that had been secreted from the beneficiaries have William Stansbury and NOT TED as the trustee and where TED is considered predeceased for all purposes of the disposition of the alleged 2008 Simon Trust.
88. That the alleged 2008 Shirley Trust is alleged to name TED as a successor trustee and not William Stansbury like in the Simon Trust, although no original signed and executed trust document has been produced of the 2008 Shirley Trust to prove this and beneficiaries have been denied requests to produce the original documents.
89. That the alleged 2008 Shirley Trust is alleged to name TED as successor trustee despite the fact that the Shirley Trust considers TED predeceased for all purposes of disposition of the trust.
90. That nothing Simon is alleged to have done or intended to do via his alleged 2012 Amended and Restated Trust, could have legally altered the beneficiary class of Shirley by adding or subtracting new beneficiaries of the 2008 Shirley irrevocable trusts once she passed away.
91. That Eliot is designated in Shirley's beneficiary class as a 1/3rd beneficiary of Shirley's irrevocable trusts since Shirley died on December 08, 2010.
92. The document crimes were **COMMITTED AND THEN PROMULGATED BY TED AND HIS FORMER ATTORNEYS AT LAW, TESCHER AND SPALLINA, WHO WERE ALL FIDUCIARIES AND/OR COUNSEL INVOLVED DIRECTLY IN THE ESTATES AND TRUSTS OF BOTH SIMON AND SHIRLEY.**
93. That the fraudulent documents are in part created to change beneficiaries illegally in the Estates and Trusts of Simon and Shirley but also are part of an effort to seize dominion and

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control over the estates and trusts by TED and his attorneys at law, TESCHER and SPALLINA, in order to begin looting the estates and trusts of Simon and Shirley of millions upon millions of dollars with no accountability to anyone.

94. That once dominion and control was illegally gained by TED and his attorneys at law TESCHER and SPALLINA using the fraudulent documents, together they began to loot the estates and trusts through a series of fraudulent acts that are under a series of ongoing state and federal, civil and criminal actions.
95. That once dominion and control was illegally gained by TED and his minion of attorneys at law they began recklessly billing outrageous and unaccounted for legal and fiduciary fees, while simultaneously concealing, altering and destroying records and precluding beneficiaries from any financial information or access to the dispositive documents.
96. That the estates and trusts have been paying legal fees for the creation and dissemination of fraudulent legal documents and now the Court is allowing estate assets to be used in the defense of them by TED.

97. Legal and fiduciary fees were paid to SPALLINA, TESCHER and TED, who misused estates and trusts assets of the beneficiaries to pay for the legal fees to commit crimes against the beneficiaries.

98. That these fees illegally engrossed and enriched TED and his Attorneys at Law.

99. That legal and fiduciary fee meters have run rampant with often 6-7 attorneys attending each hearing since the September 13, 2013 hearing before this Court when the felonies were discovered by this Court.

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100. Subsequent to discovering the initial felonies, lies were told for months on end by TESCHER, SPALLINA, TED and MANCERI to this Court and the beneficiaries regarding the extent of the criminal acts, misleading the Court and the Beneficiaries from the truth, in efforts to cover up and conceal the crimes.
101. That after the initial crimes of Moran were discovered, TESCHER and SPALLINA claimed these were the only crimes they were aware of in the estates and trusts and propounded months of continued lies to the Court denying knowledge of any other criminal acts.
102. That only upon the expenditure of city and state funds to investigate TESCHER, SPALLINA, MANCERI, MORAN, TED and others, were admissions of new crimes confessed to the Sheriff Investigators, including ATTORNEY AT LAW SPALLINA'S confession that he personally altered Shirley trust documents and distributed them via wire and mail to perpetrate a fraud on Beneficiaries.
103. That even the confessions of MORAN and SPALLINA appear to now have problems as they appear perjurious and several of the conspirators' statements appear contradictory to their earlier statements and those of others involved.
104. That there is an Illinois insurance litigation underway, again with TED at the helm claiming to be a "Trustee" of a lost trust that no executed copies exist for.
105. That the Illinois insurance litigation has been another huge waste of time and money only to reveal an alleged fraud on a federal court, insurance fraud, bank fraud and more.
106. That TED's Attorneys at Law, TESCHER and SPALLINA, are found fraudulently aiding and abetting TED and his sister PAMELA in the Illinois Insurance Litigation in efforts to convert estate assets from the beneficiaries to themselves.

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107. That in September of 2013, Eliot's initial Petition was finally heard in part and in Court it was admitted that there was fraudulent notarizations and Fraud Upon the Court was discovered by Judge Martin Colin when he discovered misuse of Simon's identity after he was dead, acting as PR while dead, which was part of the elaborate fraud to seize Dominion and Control of the estates and trusts and then alter beneficiaries to favor TED and PAMELA'S families.

108. That despite knowing of document fraud and forgery, including done in their own names, TED, PAMELA, JILL and LISA, acting as alleged Trustees for their children did nothing but try and steal off assets of the estates and trusts to themselves and unjustly enrich themselves at the expense of their own children and other minor children, who they allege are the beneficiaries.

109. That beneficiaries of insurance policies and IRA accounts are now missing, assets are missing (including millions of dollars in Furniture, Jewelry, Art, etc.) and now reported stolen and under investigation.

110. Real estate was sold at fire sale prices and distributions were made to knowingly improper parties by TED, against the advice of SPALLINA and documents are being secreted regarding trusts to convert assets and the children of Simon and Shirley, excluding Eliot, went on a free for all to enrich themselves and defeat the plans of Simon and Shirley.

111. That bank accounts were discovered being used POST MORTEM at Legacy Bank and others.

112. That bank accounts and investment accounts are unaccounted for and remain so today.

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113. That the Attorneys at Law recruited by TED, TESCHER and SPALLINA that acted as TED'S counsel in these matters should ALL be removed, reported to the proper authorities by this Court and sanctioned for their direct involvement in the advancement of fraudulent schemes in the estates and trusts of Simon and Shirley.

That the Attorneys at Law who were recruited by TED, TESCHER and SPALLINA and alleged to be involved in conspiring with TESCHER, SPALLINA, MORAN and TED to commit various of the fraudulent acts and cover them up, include but are not limited to; (i) TESCHER who was removed as a fiduciary from the estate and trusts of Simon and resigned as Ted's Counsel; (ii) SPALLINA who was removed as a fiduciary from the estate and trusts of Simon and resigned as Ted's Counsel; (iii) Rutherford Mulhall whose firm was shut down, represented TED individually and NOT Simon in the Stansbury Creditor Lawsuit (Simon was never represented by counsel in the action instituted months before his death); (iv) Greenberg Traurig – replaced Rutherford Mulhall and resigned for conflicts in creditor Stansbury Litigation; (v) Mark R. Manceri, Esq. – replaced Greenberg Traurig and resigned after being threatened by Judge Colin in a September 13, 2013 hearing with having his Miranda Rights read to him; (vi) John Pankauski, Esq., – resigned as Ted's counsel in a variety of capacities; (vii) John Morrissey, Esq. – allegedly representing TED and PAMELA's children; (viii) Adam Simon, Esq. (IL Insurance Litigation) – representing TED personally and as the alleged successor trustee of a legally nonexistent trust defined further herein; (ix) David B. Simon, Esq. (IL Insurance Litigation) – brother in law to TED and husband to PAMELA, representing TED personally and as the alleged successor trustee of a

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legally nonexistent trust defined further herein and (x) Alan B. Rose, Esq. – the last lawyer standing in the Florida Probate for TED.

114. That additional expense in legal fees arising from the frauds and breaches thus far to other parties, include but are not limited to, (i) Peter Feaman, Esq. as counsel for Creditor William Stansbury, (ii) Christine C. Yates, Esq., as counsel for Eliot and Eliot's children, (iii) Brandon Pratt, Esq., as counsel for Eliot and Candice Bernstein, (iv) Benjamin Brown, Esq. as Curator to replace TESCHER and SPALLINA in the Simon Estate, (v) Benjamin Brown, Esq., as Administrator Ad Litem in the Illinois Insurance Litigation, (vi) Brian O'Connell, Esq., as Personal Representative/Executor of the Simon Estate, and (vii) James Stamos, Esq., as Counsel for the federal court insurance litigation.

115. That all the lawyers who have been retained are due to the fraudulent activity and breaches upon breaches of fiduciary duties of the fiduciaries and counsel, all retained or involved with TED.

116. That TED has NO INTERESTS in the estates and trusts of Simon and Shirley under any alleged dispositive documents and has been considered predeceased for all purposes of dispositions made thereunder.

117. A trustee who, after being requested to do so, refuses to provide a beneficiary with relevant information about the assets of the trust, how the trust is being administered or other material information being considered by the trustee in the discharge of his duties or who refuses to provide an accounting when required, has breached his fiduciary duty owing to the beneficiary.

E. CONFLICTS OF INTEREST

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i. ILLINOIS INSURANCE LITIGATION CONFLICT OF INTEREST

118. That 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")³ as beneficiary, a trust that **no legally valid copy of an executed trust exists** for to this day.
119. That shortly after SIMON's death in 2012, SPALLINA submitted a claim form to Heritage Union Life on behalf of a legally nonexistent alleged Simon Bernstein Irrevocable Insurance Trust dated June 1, 1995, that SPALLINA signed as acting "Trustee" of the legally nonexistent trust, in efforts to make the insurance proceeds payable to his law firm trust account and distribute the proceeds outside the Simon Estate and Simon Trust that he was Co-Trustee and Co-Personal Representative of and to the detriment of the Estate and Simon Trust beneficiaries and to the benefit of his business associate and legal client TED.
120. That SPALLINA did this for the benefit of the grown children of Simon Bernstein (excluding Eliot), including directly paid to TED and his sister PAMELA, who were considered predeceased under the estate plans and in detriment to the Simon Estate and Simon Trust beneficiaries who would receive the benefits if no legally valid beneficiary existed at the time of death.
121. That at the time of filing the alleged fraudulent insurance claim, Co-Personal Representatives and Co-Trustees, TESCHER and SPALLINA had in their possession at the time a 2000 insurance trust done by Proskauer Rose, LLP that recent documents submitted in their Court Ordered

³ 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.

production upon removal reveal, which they intentionally secreted to alter beneficiaries of the insurance policy.

122. 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" that he was allegedly acting under. (*See Exhibit "C" attached.*)
123. That 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 or currently, the insurance proceeds are payable to the Estate of Simon and then pour over into trusts.
124. The insurance benefits may possibly be used to satisfy Creditor claims.
125. That in no scenario would TED or PAMELA receive any proceeds if they flowed into the Estate and Trusts of Simon and thus TED and PAMELA have conflicting interests with their children in seeking the death benefits, as they allege their children to be beneficiaries of Simon's Estate and Trusts who would receive the proceeds.
126. Where TED and PAMELA are both acting as trustees for their children under the Simon Trust and both have competing personal interests with their children to get the proceeds through the missing and lost trust scheme.

127. That no legally executed insurance trust instrument was produced by SPALLINA and Heritage refused to pay the life insurance proceeds to anyone without a court order and so DENIED the claim⁴.
128. To this date, almost two years later, no legally executed 1995 trust instrument has been tendered in the federal Illinois insurance litigation, to beneficiaries or to this Court.
129. That after SPALLINA'S claim was denied by Heritage, TED without any transfer of trusteeship replaces SPALLINA as alleged "Trustee" of the lost trust he claims to have never seen or possessed and files an Illinois circuit court breach of contract lawsuit, which was then transferred to federal court in the United States District Court for the Northern District of Illinois in Chicago, under the tutelage of the Honorable Amy St. Eve., claiming Heritage had failed to pay the claim to SPALLINA.
130. TED's counsel when he files the lawsuit is Tescher & Spallina, PA, TESCHER and SPALLINA, the very attorneys at law that are simultaneously representing the Simon Estate and alleged 2012 Simon Trust.
131. That SPALLINA and TESCHER act against the beneficiaries of the Simon Estate and Simon Trust interests, again in favor of their client, business associate and bedfellow TED and his sister PAMELA and TESCHER and SPALLINA also block the Simon Estate and Simon Trust from pursuing their interests in the proceeds acting as fiduciaries.

⁴ 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.

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132. That the Estate of Simon filed a Motion to Intervene in the Illinois life insurance litigation to assert the Estate's interest in the life insurance proceeds after TESCHER and SPALLINA were removed and the Curator retained counsel with the approval of this Court.
133. The Plaintiffs of the Life Insurance Litigation, include TED acting as "Trustee" of the legally nonexistent 1995 trust filed a Memorandum of Law in Opposition to the Estate's Motion to Intervene (the "Opposition Memorandum") (*See, Exhibit "D," attached*).
134. That 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. (**emphasis added**)
135. That 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 Insurance Trust and not their children (who have no counsel representing them in the Illinois action).
136. That despite the opposition of TED BERNSTEIN, PAMELA, JILL and LISA to the Intervention, the federal court has granted the Estate's Motion to Intervene.
137. That TED is now an opposing party of record to the Estate's interest in the Illinois life insurance litigation.
138. That TED, individually and as the alleged trustee of the alleged legally nonexistent 1995 Insurance Trust, has placed his personal interests above the interests of the alleged 2012 Simon Trust beneficiaries, who TED claims are the grandchildren of SIMON, including his own children.

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139. That through TED's open, notorious and public opposition to the Estate's intervention in the Illinois life insurance litigation, an inherent conflict of interest is displayed where TED is blocking the interests of his children and other beneficiaries acting as Trustee of the Simon Trust, so that he may directly convert the monies to his own pocket and that of his sister PAMELA.
140. Production documents of TESCHER and SPALLINA turned over by Court Order reveal that prior trusts were purposely secreted by TESCHER, SPALLINA, PAMELA and TED from the this Court, the Federal court and the insurance carrier to fraudulently convert the insurance proceeds to favor TED and PAMELA at the detriment of other beneficiaries.
141. That TED, as alleged Successor Trustee of the alleged 2012 Simon trust, owes a duty of loyalty under §736.0706(1), Fla. Stat. (2014) to the alleged trust beneficiaries, to administer the trust solely in their interest and his actions in the Illinois Insurance Litigation have violated that duty.
142. This means TED acting as a fiduciary to the Trust must support, or at the least not obstruct, the efforts of the Estate and Simon Trust to attempt to recover an additional alleged \$1.7 million in life insurance benefits⁵, especially where TED benefits directly from his obstruction and TED has been found to have acted in efforts to obstruct the Estate's and the alleged 2012 Simon Trust from asserting their interests through breaching of his fiduciary duties.
143. That if the insurance is recovered to the Estate this would dramatically increase the Estate assets that Eliot and/or his children will receive.

⁵ 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.

144. That this attempt to convert the insurance through a lost insurance trust scheme and missing and suppressed documents have caused intentional interferences and delays with expectancies, further damaging the Estate and Simon Trust beneficiaries.
145. That by opposing intervention by the Estate TED's actions exposed the estate/trust assets to liability.
146. That 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 SPALLINA and TESCHER 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 and his sister PAMELA by TESCHER and SPALLINA'S filing the alleged Fraudulent Insurance Claim to benefit their client TED.
147. That TESCHER and SPALLINA blocked the Simon Estate and the alleged 2012 Simon Trust while acting as fiduciaries from retaining representation in the Illinois Insurance Litigation.
148. That TESCHER, SPALLINA, TED, PAMELA, JILL and LISA blocked the grandchildren, including minor children, from their interests being represented by counsel in the Simon Estate and Simon Trust and have precluded them from representation in the Illinois insurance litigation as well, leaving the grandchildren's interests wholly unprotected while trying to secure the benefits for themselves.
149. That SPALLINA actually acted as the "Trustee" of the lost insurance trust that he claims never to have seen or possessed and also simultaneously fraudulently acted as the "Trustee" of the primary beneficiary of the Heritage Policy, LaSalle National Trust, NA according to letters discovered from Heritage in TESCHER and SPALLINA's court ordered production, where SPALLINA is addressed as the Trustee of "LaSalle National Trust NA" in mail sent to his

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business address in efforts to secure the proceeds to his law firm trust account, **as evidenced in Exhibit C.**

150. That both TED and SPALLINA have made statements that they have never seen or possessed this missing trust and yet both claim to be “Trustee” of this legally nonexistent trust in pursuing their fraudulent attempts to collect and convert the proceeds outside the Simon Estate and Simon Trust to improper parties through alleged; insurance fraud, institutional trust company fraud, mail and wire fraud, fraud on a federal court, fraud on this Court and Fraud on the true and proper beneficiaries.
151. That the Estate is now represented in the Illinois insurance since the prior fiduciaries who were supposed to be protecting those interests refused and objected to having counsel represent the Estate in the litigation and refused to intervene, thanks to the efforts of, (i) this Court for allowing the Estate to retain counsel to intervene, (ii) William Stansbury who has financed the counsel for the Illinois insurance litigation to this point on his own dime to protect his interests of himself as a Creditor and the beneficiaries of the Simon Estate and Simon Trust, (iii) Stansbury’s counsel Peter Feaman, Esq. for preparing the court filings to get independent representation, (iv) Benjamin Brown, Esq. for acting as Curator and Administrator Ad Litem to get independent representation to represent in the federal court and Brian O’Connell, Esq. who has taken over the as Personal Representative, the Estate is now finally after two years represented by counsel, James J. Stamos, Esq. in the federal insurance litigation.
152. That while the Estate is now represented in the Illinois Litigation, none of the grandchildren have independent counsel representing them and their interests.

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153. The other children, TED, PAMELA, JILL and LISA have all participated in this fraud as way to get insurance proceeds paid to them instead of their children and while they are all lawyered up, their children are unrepresented.
154. That the other grandchildren's interests are not being represented because it would be opposite their parents' interests in that litigation and so Eliot is unsure if the grandchildren are even aware they have interests.
155. That TED acting as the alleged Trustee of the legally nonexistent trust has a further fiducial duty to the alleged beneficiaries of that alleged trust, who obviously are unknown since there is no legally existent trust to know who they are, as with who the Trustee is, to act in their best interests. However, despite claiming the children of Simon are the beneficiaries, TED filed the breach of contract lawsuit with no notice to Eliot who is alleged to be a beneficiary of the legally nonexistent trust too.
156. That Ted failed to inform Eliot of the action with intent with the help of TESCHER and SPALLINA according to documents recently discovered in the TESCHER and SPALLINA Court Ordered production documents.
157. That it should be noted that TED's children's ALLEGED counsel, John P. Morrissey, Esq., also argued against the interests of his alleged clients, TED's children, in efforts to block the Estate from representation and was questioned about this conflict by Judge Colin in a hearing as to why he was arguing against the interests of his alleged clients and Morrissey stated he had not talked to his clients about waiving their interests in the policy, while having already argued against their interests. This indicates that Morrissey may in fact be working for TED's best interest and not his children.

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158. That the Court realizing that Morrissey was representing against the interests of his clients catches him in the act in a hearing as the following hearing excerpt exhibits;

<p>2 THE COURT: You represent, Mr. Morrissey, 3 who? 4 MR. MORRISSEY: I represent the four grandchildren. 6 THE COURT: Who, according to Mr. Feaman, 7 may benefit if this money comes to the estate? 8 MR. MORRISSEY: Correct. 9 THE COURT: So the way the case is being litigated now –is the only plaintiff the 11 Simon Bernstein Irrevocable Insurance Trust vs. 12 the life insurance company? 13 MR. MORRISSEY: Well – 14 THE COURT: That's the way the style of the case is. Are there more plaintiffs than 16 that? 17 MR. FEAMAN: They amended subsequently and 18 joined the adult four of the five of the 19 adult children were joined as plaintiffs. THE COURT: And who is representing them? 21 MR. FEAMAN: Somebody up in Chicago in 22 that action. 23 THE COURT: Okay. 24 MR. ROSE: I think technically the lawsuit was started by the trust against the insurance 1 company. The insurance company filed an 2 interpleaded, probably by counterclaim. My 3 understanding is, subject to someone correcting</p>	<p>4 me, the insurance company was granted interpleader. They put the funds in the 6 registry of the court. The insurance company 7 is out of the case and even though you have the 8 original style what's left is people asserting 9 a claim to the proceeds. Eliot is there, I think, advocating the 11 claim on behalf of the estate 12 THE COURT: Eliot is prose. I want -we 13 recognize that. From Mr. Morrissey's point of 14 view, do you take a position that your clients, the grandchildren, may have an interest in 16 these monies? 17 MR. MORRISSEY: No -well, our position 18 is the following 19 THE COURT: That question first. MR. MORRISSEY: our position -no, on 21 behalf of the four grandchildren. 22 THE COURT: You waive any -on behalf of 23 those children you waive any claim to that 24 money? 25 MR. MORRISSEY: I'm not going to waive on 1 the record. 2 THE COURT: You have to stand on one side 3 of the fence or the other on that. 4 MR. MORRISSEY: Quite honestly, I haven't asked them that question. I can't waive 6 something on behalf of my clients when I 7 haven't asked them that question point blank.</p>
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159. That once 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.

160. That 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, despite the best efforts to block the Estate from entry by SPALLINA, TESCHER, TED, ROSE and MORRISSEY.

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161. 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).
162. That in fact, TED and his siblings attempted to convert the insurance proceeds without telling Eliot and in fact told Eliot they were seeking an order from this Court to determine the beneficiaries, while simultaneously trying to move it out the back door secretly.
163. That as a consequence of the foregoing conflict of interest in the Illinois Insurance Litigation, TED is in breach of his fiduciary duty to the beneficiaries of the 2012 Simon Trust by opposing efforts to make the Estate and Simon Trusts more solvent, which in turn exposes the Estate and Simon Trusts to increased liability, and warrants his removal under §736.0706(2)(a).
164. That TED's continued interference is an attempt to redirect estate assets to him personally and would further damage the estate beneficiaries as Ted's interference with his minion of Attorneys at Law has caused un-necessary and costly legal fees to the Estate and Simon Trusts beneficiaries and this Court, the Creditor and others, as these efforts to move the insurance and block the Estate and Trusts from representation were all billed to the Estate and Simon Trusts.
165. 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).

ii. TED IS CONFLICTED WITH BENEFICIARIES

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166. That allegedly until 48 days prior to Simon's death, Eliot, Jill and Lisa were the only beneficiaries of the Estates and Trusts of both Simon and Shirley.
167. That the beneficiary class of the Shirley trusts was irrevocable at the time of her death on December 08, 2010 as Eliot, Jill and Lisa as the only beneficiaries and could not thereafter be altered to add or subtract beneficiaries.
168. That TED and his attorneys have attempted to claim that Shirley's beneficiaries have been altered Post Mortem by Simon to include the children of TED and his sister PAMELA, to the detriment of Eliot, Jill and Lisa.
169. That TED and his attorneys have attempted to claim that Simon amended and restated his 2008 Simon L. Bernstein Trust Agreement on July 25, 2012, days before he died, to change the beneficiaries to Simon's grandchildren.
170. That since the beneficiaries are now in dispute, whereby TED and his family may receive nothing in either estate or the trusts, TED is now absolutely conflicted with beneficiaries and his actions cannot be seen as impartial due to this conflict of interest.

F. ADVERSE INTERESTS WITH BENEFICIARIES
i. TED'S ADVERSE INTEREST WITH ELIOT

171. That TED and his attorneys at law have adverse interests to Eliot and in fact are hostile towards Eliot and his minor children, due to the fact that Eliot is the one who has uncovered their frauds, exposed them to criminal and civil authorities and is still pursuing them in state and federal, civil and criminal legal actions.
172. That since Eliot has uncovered these crimes and alleged many others, TED and his lawyers have moved to Extort Eliot through a number of extortion type schemes to get Eliot to participate in

the criminal misconduct or else shut his family off their inheritances through intentional interference with an expectancy. **(PUT IN REFERENCES TO EXTORTION COMPLAINTS IN COURT)**

173. That TED and his attorneys at law have conspired to use a strategy of FORCE and AGGRESSION on Eliot, which was discovered in an email TED sent to Eliot describing their tactics that the Court has ruled as Privileged and secreted from the record. However, TED has stated under oath at a hearing on July 11, 2014 his intents when he stated,

22 BY MR. ELIOT BERNSTEIN

23 Q Did you use the words force and aggression

24 to -- to invoke a strategy of force and aggression

25 against Eliot Bernstein? [Emphasis Added]

1 [TED] A I don't know. Can I see the e-mail, please?

2 THE COURT: That's fair.

3 MR. ELIOT BERNSTEIN: Sure.

4 THE COURT: He's showing him a document.

5 MR. ROSE: I was just cautioning him not to

6 publish the --

7 THE COURT: It's still ID only. Go ahead.

8 So you've shown him, Eliot, the document. What's

9 your question?

10 BY MR. ELIOT BERNSTEIN

11 Q Did you say you were -- that you suggested

12 using force and aggression with Eliot?

13 MR. ROSE: Object to the form.

14 THE COURT: Overruled.

15 THE WITNESS: No.

16 BY MR. ELIOT BERNSTEIN

17 Q Can you read that section into --

18 MR. ROSE: Objection to him reading it.

19 THE COURT: Well --

20 MR. ROSE: He can read it to himself.

21 THE COURT: Yeah, you can read it to yourself

22 and then ask a question. But you also need to

23 tell me what part you're reading.

24 MR. ELIOT BERNSTEIN: Him being aggressive

25 and forceful.

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1 THE COURT: Where -- what paragraph should I
2 read?
3 MR. ELIOT BERNSTEIN: Like the fifth line --
4 the first one, two, three, four --
5 THE COURT: Okay. Let me read it.
6 MR. ELIOT BERNSTEIN: -- sixth line where it
7 starts --
8 THE COURT: Give me a chance. Ted and I will
9 read at the same time.
10 Okay. I read it. Go ahead.
11 THE WITNESS: I've read it too.
12 BY MR. ELIOT BERNSTEIN
13 Q Does that refresh your memory? Did you use --
14 if you used the words --
15 A My answer is still no.
16 Q -- to be forceful and aggressive with Eliot?
17 A You asked if I used the words force and
18 aggression.
19 Q Okay. I'll ask it again. Did you use the
20 words being aggressive and forceful?
21 **A Yes, I did. [Emphasis added]**

174. That this transcript admission by TED, that he and Alan Rose conspired to use force and aggression upon Eliot, a beneficiary who is trying to expose their crimes, exposes the adverse interests and conflicts TED has a fiduciary representing further in these matters..

ii. TED'S ADVERSE INTEREST HAVE CAUSED HARM TO MINOR CHILDREN BENEFICIARIES

175. That this Court Ordered on [REDACTED] date, that tuition for Saint Andrews school, including past due balances, be paid for Eliot's three minor children for the 2014-2015 school year.

176. That TED intentionally failed to make the Court Ordered payment, resulting in all three children being removed from school on the second day of school and forced them to attend new schools.

177. That this has caused long term damages to the minor children both emotionally and scholastically.

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178. That from Conflicts of Interest and Adverse Interests with beneficiaries TED has failed to maintain a Duty of Impartiality owed to the Beneficiaries and should therefore be removed.

G. CRIMINAL MISCONDUCT IN THE ESTATES AND TRUSTS OF SIMON AND SHIRLEY AND CONSTRUCTIVE FRAUD⁶

i. PROVEN FELONY CRIMINAL MISCONDUCT

179. That there has been Criminal Misconduct in the Shirley and Simon Bernstein Estate and Trusts committed by TED and his former and current Attorneys at Law, and where each proven and alleged crime has been to the benefit TED.

180. 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 of Shirley, the alleged Successor Trustee of Shirley's trusts and the alleged Successor Trustee of Simon's Trusts and all of this took place on his watch as a fiduciary and he has done nothing to rectify or investigate the crimes.

181. That documents were submitted to the Court bearing notarized signatures of Simon Bernstein on a date after he had passed away used to illegally close Shirley's Estate that TED at the time claimed he was Personal Representative of Shirley's estate.

182. That signatures were admitted to be FORGED for six parties, including one for Simon done Post Mortem, one for Eliot, TED, PAMELA, JILL and LISA.

⁶ "Contrary to the trial court's conclusion, we believe that a breach of fiduciary duty is "constructive fraud" and thus may form the basis to apply the exception to the homestead protection. As this court explained in First Union National Bank of Florida v. Whitener, 715 So.2d 979, 982 (Fla. 5th DCA 1998):
Constructive fraud is the term typically applied where a duty under a confidential or fiduciary relationship has been abused, or where an unconscionable advantage has been taken. Constructive fraud may be based on misrepresentation or concealment, or the fraud may consist of taking an improper advantage of the fiduciary relationship at the expense of the confiding party."

183. That in addition to the forged and fraudulently notarized waivers, the following documents were posited for Simon as PR while dead constituting further Fraud on the Court and Fraud on the Beneficiaries, from the Shirley Bernstein docket:

Note Simon is Deceased on September 13, 2012 so how is he filing this while Dead = Fraud on the Court and Beneficiaries

14 ASNA - AFFIDAVIT/STMNT RE: CREDITORS

Filing Date: 24-OCT-2012

Filing Party: **BERNSTEIN, SIMON L**

Disposition Amount:

Docket Text: none.

NOTES: Allegedly Signed April 09. 2012 and Filed by Simon as PR while Dead October 24, 2012.

Attorneys Robert Spallina and Donald Tescher fail to Notify Court of Simon Death and Simon is attesting in present in October when he affirms to Court.

15 PDCH - PETITION FOR DISCHARGE

Filing Date: 24-OCT-2012

Filing Party: **BERNSTEIN, SIMON L**

Disposition Amount:

Docket Text: none.

22 NTCT - NON-TAX CERT/RCPT/AFFIDAVIT

Filing Date: 24-OCT-2012

Filing Party: **BERNSTEIN, SIMON L**

Disposition Amount:

Docket Text: none.

23 PBCK - PROBATE CHECKLIST

Filing Date: 24-OCT-2012

Filing Party: **BERNSTEIN, SIMON L**

Disposition Amount:

Docket Text: none.

24 EXPM - EXPARTE CLERKS MEMO

Filing Date: 06-NOV-2012

Filing Party: COLIN, JUDGE MARTIN H

Disposition Amount:

Docket Text: none.

25 WAIV - WAIVER

Filing Date: 19-NOV-2012

Filing Party: **BERNSTEIN, SIMON L**

Disposition Amount:

Docket Text: OF ACCOUNTING AND PORTIONS OF PETITION FOR DISCHARGE; WAIVER OF SERVICE OF PETITION FOR DISCHARGE; AND RECEIPT OF BENEFICIARY AND CONSENT TO DISCHARGE

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ADMITTED CREATED WHOLE CLOTH AND FORGED AND FRAUDULENTLY NOTARIZED BY KIMBERLY MORAN, LEGAL ASST & NOTARY PUBLIC FOR TESCHER & SPALLINA, P.A. WHO HAS BEEN ARRESTED BY PALM BEACH COUNTY SHERIFF AND GOVERNOR RICK SCOTT NOTARY DIVISION SUSPENSION OF LICENSE. FORGED AND CREATED POST MORTEM FOR SIMON. THEN TESCHER & SPALLINA POSITED WITH COURT WITH SIMON AS PERSONAL REP AS IF ALIVE!!!!!!!!!!!!!!!!!!!!

184. That upon learning of the forged and fraudulent documents, TED acting as the alleged fiduciary did nothing to protect the beneficiaries of the Estate of Shirley and failed intentionally to report the criminal misconduct to this Court or the authorities until months after learning of the crimes when the Sheriff's office contacted him.

185. That 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.

186. That these six documents and OTHER documents 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 in a bizarre FRAUD ON THIS COURT to close the estate of Shirley using Simon while dead.

187. That Simon was DEAD and yet acted as PR/Executor for months after he passed 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 for four months after he had passed away.

188. That during the time Simon acted as PR while dead to close Shirley's estate, TED was also acting as PR of her estate to effectuate other transactions necessary to convert assets, despite the fact that Simon closed the Estate while dead and TED was never elected Successor due to the fraud.

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189. That this Fraud on the Court 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 so that they could make it appear that Simon then made changes to Shirley's estate and trusts when he was alive.
190. That it appears that Shirley's Estate and Trust assets would not have passed to Simon until her estate was officially closed and thus he would not have been able to exercise his alleged Power of Appointment if he were dead and so it appears they used him to close the Estate and then claim that after he closed the Estate he exercised his POA while alive.
191. That the most important part of the fraudulent and improper documents was not about changing the beneficiaries but about seizing Dominion and Control of the Estate and Trusts by TESCHER, SPALLINA and TED inserting themselves into the documents as Fiduciaries and gaining control of the assets and allowing them to begin looting and robbing the Estates and Trusts of both Simon and Shirley with virtually unchecked powers.
192. That it is not very important who the beneficiaries ultimately are if the assets have been stolen off with by the alleged fiduciaries and attorneys at law involved and there is nothing left for the beneficiaries whoever they are.
193. That this Fraud of using a dead PR to close an estate was uncovered in a September 13, 2013 hearing whereby Honorable Judge Martin Colin discovered the Fraud on the Court and issued a second warning that he had enough evidence at that time to read TED, SPALLINA and MANCERI their Miranda's.

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194. That once Dominion and Control was illegally gained, the fiduciaries created a black hole of accountability and transparency and denied certain beneficiaries access to the dispositive documents and any accounting of the assets and trusts that were created that continues to this day.
195. Further, the attorney, SPALLINA representing TED as Personal Representative of the Estate of Shirley Bernstein has admitted to altering provisions of the Shirley Bernstein Trust to Palm Beach County Sheriff Investigators⁷, which had the effect of benefitting TED'S family primarily by fraudulently and knowingly converting assets to TED's family.
196. That TED advanced the fraudulent beneficiary scheme to change Shirley's beneficiaries of her irrevocable beneficiary class with TESCHER and SPALLINA.
197. That 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, yet TED acted as PR in multiple transactions during that time in order to begin selling assets of the estate and trusts of Shirley.
198. 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 and new criminal complaints are being prepared and new civil torts will be added to the existing cases.

⁷ Palm Beach County Sheriff Reports can be found at [www.iviewit.tv/Sheriff Reports.pdf](http://www.iviewit.tv/Sheriff_Reports.pdf) , fully incorporated by reference herein.

199. The crimes and torts proven and admitted to this point, include but are not limited to,

1. six admitted instances of forgery (including Post Mortem for Simon),
2. a proven felony conviction rendered for an admitted six fraudulent notarizations (including Post Mortem for Simon),
3. an admitted fraudulent alteration of a Shirley's Trust document admitted to by SPALLINA to Palm Beach County Sheriff Financial Crime Unit Investigators,
4. Fraud on the Court through fraudulent and false instruments posited in the Court by Officers of the Court and the Tescher & Spallina, PA law firm, acting on behalf of a DEAD Personal Representative Simon to close the Estate of Shirley, and,
5. 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 the alleged signing of the document have already admitted to fraud, SPALLINA and MORAN.

ii. ONGOING ALLEGED CRIMINAL MISCONDUCT

200. There are a multiplicity of ongoing actions being investigated into further criminal misconduct that TED and his Attorneys at Law are accused central parties in involving the Estates and Trusts of Simon and Shirley, with both state and federal, civil and criminal authorities, which include but are not limited to,

PBSO AND CORONER REPORTS @ <http://www.iviewit.tv/Sheriff Reports.pdf>

1. Palm Beach County Sheriff Report – Case No. 12121312 – Alleged Murder of Simon Bernstein filed by Theodore Bernstein on the day Simon died.
2. Florida Medical Examiner – Autopsy Case No. 12-0913 – Filed by Theodore Bernstein Palm Beach County alleging Murder of Simon Bernstein ordered on the day Simon died.
3. Sheriff Report – Case No. 13097087 - Forgery and Fraudulent Notarizations
4. Palm Beach County Sheriff Report – Case No. 13159967 - Theft of Assets of Estates
5. Palm Beach County Sheriff Report – Case No. 14029489 - Continuation of Fraud, Extortion and more.
6. State Attorney FL – - Case No. 13CF010745 - Forgery and Fraudulent Notarizations
7. Jacksonville, IL. Police Department – Case No. #2014000865 – Insurance Fraud - Directed to Federal Authorities.
8. Case No. 13-cv-03643 United States District Court – Northern District II.
9. Florida Probate Simon – Case No. 502012CP004391XXXXSB
10. Florida Probate Shirley – Case No. 502011CP000653XXXXSB
11. Florida Trust Shirley – Case No. 502014CP003698XXXXSB
12. Florida Trust Simon – Case No. TBD
13. Florida Oppenheimer Trust – Case No. 502011CP00653XXXXSB
14. Heritage Union Fraud Investigation – Case No. TBD
15. Governor Rick Scott Notary Public Division – Moran – Case No. Eliot and Simon Bernstein v. Moran

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[http://www.iviewit.tv/Simon and Shirley Estate/20131014%20Office%20of%20the%20Governor%20Moran%20Suspension%20of%20Notary.pdf](http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/20131014%20Office%20of%20the%20Governor%20Moran%20Suspension%20of%20Notary.pdf)

16. Governor Rick Scott Notary Public Division – Baxley – Case No. Eliot and Simon Bernstein v. Baxley
[http://www.iviewit.tv/Simon and Shirley Estate/20140421 Office Of Governor Lindsay Baxley Complaint Misconduct.pdf](http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/20140421%20Office%20Of%20Governor%20Lindsay%20Baxley%20Complaint%20Misconduct.pdf)

201. The crimes and torts alleged and under investigation at this time, state and federally, civilly and criminally, include but are not limited to all of the following,

1. Insurance Fraud,
2. Fraud on a Federal Court,
3. Fraud on a State Court,
4. Fraud on the Beneficiaries,
5. Illegal distributions of Estate and Trust assets made knowingly to improper parties,
6. Bank Fraud,
7. Extortion,
8. Theft of Property,
9. Conversion,
10. Murder of Simon alleged by TED,
11. Mail and Wire Fraud.

202. That statements made by SPALLINA to Palm Beach 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.

203. That TED also claimed to Palm Beach Sheriff Investigators that he had not read all of the trust documents that he was acting as fiduciary under, see the linked PBSO report above.

204. That Ted Bernstein's involvement with his former counsel TESCHER and SPALLINA⁸ in such activity involving the Estate and Trust of Shirley Bernstein should disqualify him from serving as

⁸ 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."

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Successor Trustee of the Simon Trusts or any other fiducial capacities in the Estates and Trusts of Simon and Shirley.

205. There is evidence that the alleged 2012 Amended and Restated Trust were improperly and fraudulently constructed to attempt to alter Shirley's distribution of her property.
206. That the alleged 2008 Simon L. Bernstein Trust Agreement states,

ALLEGED ORIGINAL 2008 SIMON L. BERNSTEIN TRUST AGREEMENT

ARTICLE I. DURING MY LIFE AND UPON MY DEATH

A. Rights Reserved. I reserve the right (a) to add property to this trust during my life or on my death, by my Will or otherwise; (b) to withdraw property held hereunder; and (c) by separate written instrument delivered to the Trustee, to revoke this Agreement in whole or in part and otherwise modify or amend this Agreement. However, after my spouse's death I may not exercise any of said rights with respect to property added by my spouse upon my spouse's death by my spouse's Will or otherwise. [emphasis added].

207. That the alleged 2012 Amended and Restated Simon L. Bernstein Trust Agreement states,

ALLEGED 2012 AMENDED AND RESTATED SIMON L. BERNSTEIN TRUST AGREEMENT

ARTICLE I. DURING MY LIFE AND UPON MY DEATH

A. Rights Reserved. I reserve the right (a) to add property to this trust during my life or on my death, by my Will or otherwise; (b) to withdraw property held hereunder; and (c) by separate written instrument delivered to the Trustee, to revoke this Agreement in whole or in part and otherwise modify or amend this Agreement.

[NOTE THE LANGUAGE FROM THE 2008 SIMON TRUST IS REMOVED IN THE ALLEGED 2012 SIMON AMENDED AND RESTATED TRUST, DESPITE ITS REMOVAL BEING PROHIBITED]

208. That Simon could not by the 2008 Simon Trust revoke this 2008 Simon Trust Agreement in whole or in part and otherwise modify or amend the Simon Trust Agreement after Shirley's death with respect to property added by Shirley upon Shirley's death by "Will or otherwise."

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209. That through the alleged 2012 Amended and Restated Simon Trust Agreement, knowingly illegal attempts were made to modify and amend the 2008 Simon Trust with respect to disposition of property transferred from Shirley upon her death and in her trust, making the construction of the 2012 Simon Bernstein Amended and Restated Trust Agreement done with knowingly fraudulent intent.
210. That if the alleged 2012 documents do not survive and the 2008 Simon Trust prevails, which there is already evidence of fraud, improper construction, proven improper notarizations and more in the alleged amended trust, including new evidence indicating they were procured to knowingly to commit fraud by the fiduciaries and officers of this Court, which would further legally invalidate them.
211. That if the 2012 alleged Simon Trust and Will fail and are legally invalidated, Eliot is a 1/3rd beneficiary of the Simon Trust and the Shirley Trust both dated May 20, 2008.
212. That if the 2012 alleged Simon Trust and Will fail and are legally invalidated, more important than who the beneficiaries are, Simon's successor trustee would be William Stansbury as named who will become the Trustee and PR of Simon's estate and trusts, TED would be removed in this instance as well as he was never named in the Simon Trust.
213. That in addition to the instant pleading, the following filed pleadings in the probate cases of Simon and Shirley, in particularity are the motions and petitions to remove TED filed over the last year, which are hereby be incorporated in entirety with all Exhibits 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)

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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
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

H. THE COURT HAS REJECTED TED AS FIDUCIARY IN THE ESTATE OF SIMON FOR GOOD AND JUST CAUSE

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214. Theodore's first Petition denied was to become Curator of Simon's Estate as Successor to his removed counsel, TESCHER and SPALLINA, upon their termination and this was rejected on February 19th, 2014 by the Court. Where Your Honor stated in the Order, "DENIED, for the reasons stated on the record."
215. Ted **Withdrew** his second Petition to become Personal Representative of the Estate of Simon and replace the Curator Benjamin Brown, Esq. TED and his Counselors, Alan B. Rose, Esq. and John J. Pankauski, Esq., withdrew TED'S pleading at the time of the Hearing on July 11, 2014 when they were about to present their case and at the Court's URGING THEM TWICE to reconsider having their pleading heard and face possible sanctions if they lost, as TED did not appear to be fit to be a Successor PR and the pleading appeared frivolous and vexatious and a waste of everyone's time and money, including Eliot, the Court, the Creditor, the Curator Benjamin Brown, Esq., who all showed up to watch them withdraw their pleading for TED as a suitable successor.
216. The costs for this filing alone to be withdrawn at the final moment, including the time spent on Eliot writing and filing responses, the time reading Eliot's lengthy Pro Se responses for everyone involved, the time for the Creditor Stansbury personally to appear and pay for his counsel Peter Feaman, Esq. and his assistant Nancy to appear, the costs of the Curator, Benjamin Brown, Esq. to appear, the cost's billed by Brown's staff, the Court's costs, the Bailiff's costs, TED'S attorneys at law Rose and Pankauski, TED'S alleged children's counsel Morrissey costs, Lisa and Jill's Attorneys at Law and more.
217. That Waste, Fraud and Abuse of the Estates and Trusts assets and everyone else's assets to abandon this pleading for it could not succeed with all the evidence that TED is unfit at this

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time to have any fiduciary capacities for his breaches of fiduciary duties, grossly negligent, willful, wanton, reckless and alleged felonious conduct and direct involvement in egregious acts of bad faith done with unclean hands. This Court has stated it had enough evidence of fraud to read him Miranda's twice for his involvement in advancing fraudulent schemes and more.

218. That TED is being sued for breaches of fiduciary duties and more in the estates and trusts cases before this Court.

COUNT I
REMOVE DEFENDANT TED AS ALLEGED SUCCESSOR TRUSTEE IN THE SIMON TRUST AND THE SHIRLEY ESTATE AND TRUSTS

219. That Paragraphs 1 through 200 are incorporated herein.

220. This is an action to remove Defendant as Successor Trustee of the Simon Trusts.

221. All conditions precedent to this actions have been performed or have occurred

WHEREFORE, Plaintiff requests that this Court;

1. remove TED as the alleged successor trustee of the Simon Trust,
2. appoint a successor trustee with no conflicts of interests or affiliation with any of the former fiduciaries or attorneys at law involved in the prior frauds in any way,
3. require the filing of a Trust Accounting.
4. Provide REMEDIES FOR FAILURE TO ACCOUNT OR FOR IMPROPER

ACCOUNTING. The failure to account is a breach of fiduciary duty. The failure to keep a true and correct account of all receipts and disbursements made in connection with the administration of the trust is a breach of fiduciary duty. F.S. 736.1001 of the Florida Trust Code has a specific section on remedies for breach of trust. Remedies

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- include the removal of the trustee, reducing or denying compensation to the trustee, requiring the trustee to repay money to the trust or by restoring property to the trust by other means, or any other relief the court deems appropriate.
5. provide under 736.1001 Remedies for breach of trust include,
- (a) Compel the trustee to perform the trustee's duties;
 - (b) Enjoin the trustee from committing a breach of trust;
 - (c) Compel the trustee to redress a breach of trust by paying money or restoring property or by other means;
 - (d) Order a trustee to account;
 - (e) Appoint a special fiduciary to take possession of the trust property and administer the trust;
 - (f) Suspend the trustee;
 - (g) Remove the trustee as provided in s.736.0706;
 - (h) Reduce or deny compensation to the trustee;
 - (i) Subject to s. 736.1016, void an act of the trustee, impose a lien or a constructive trust on trust property, or trace trust property wrongfully disposed of and recover the property or its proceeds; or
 - (j) Order any other appropriate relief.

Dated, Saturday, November 8, 2014.

Eliot Bernstein, Pro Se, Individually and as legal guardian on behalf of his minor three children.

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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, **Saturday, November 8, 2014.**

Eliot Bernstein, Pro Se, individually and as legal guardian on behalf of his minor three children

X _____

SERVICE LIST

<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 tbernstein@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 mhandler@mrachek-law.com cklein@mrachek-law.com lmrachek@mrachek-law.com rfitzgerald@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>
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	skonopka@mrachek-law.com dthomas@mrachek-law.com gweiss@mrachek-law.com jbaker@mrachek-law.com mchandler@mrachek-law.com lchristian@mrachek-law.com tclarke@mrachek-law.com gdavies@mrachek-law.com pgillman@mrachek-law.com dkelly@mrachek-law.com cklein@mrachek-law.com williamson@mrachek-law.com		
<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 dteschert@tescherspallina.com dteschers@tescherspallina.com ddustin@tescherspallina.com kmoran@tescherspallina.com</p>

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<p>RESPONDENT INDIVIDUALLY AND AS GUARDIAN AND TRUSTEE OF HER MINOR CHILD</p> <p>Jill Iantoni 2101 Magnolia Lane Highland Park, IL 60035 jilliantoni@gmail.com</p>	<p>COUNSEL TO CREDITOR WILLIAM STANSBURY</p> <p>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</p>	<p>COURT APPROVED CURATOR TO REPLACE THE REMOVED FORMER PERSONAL REPRESENTATIVES/CO-TRUSTEES/COUNSEL TO THEMSELVES AS FIDUCIARIES TESCHER AND SPALLINA</p> <p>Benjamin Brown, Esq., Thornton B Henry, Esq., and Peter Matwiczyn Matwiczyn & Brown, LLP 625 No. Flagler Drive Suite 401 West Palm Beach, FL 33401 bbrown@matbrolaw.com attorneys@matbrolaw.com bhenry@matbrolaw.com pmatwiczyn@matbrolaw.com</p>	<p>COUNSEL FOR JILL IANTONI and LISA FRIEDSTEIN</p> <p>William M. Pearson, Esq. P.O. Box 1076 Miami, FL 33149 wpearsonlaw@bellsouth.net</p>
<p>RESPONDENT INDIVIDUALLY AND AS GUARDIAN AND TRUSTEE OF HER MINOR CHILD</p> <p>Lisa Friedstein 2142 Churchill Lane Highland Park, IL 60035 Lisa@friedsteins.com lisa.friedstein@gmail.com lisa@friedsteins.com</p>	<p>COUNSEL FOR JILL IANTONI and LISA FRIEDSTEIN</p> <p>William H. Glasko, Esq. Golden Cowan, P.A. 1734 South Dixie Highway Palmetto Bay, FL 33157 bill@palmettobaylaw.com eservice@palmettobaylaw.com mtimealy@gcprobatelaw.com</p>	<p>RESPONDENT – ADULT CHILD</p> <p>Alexandra Bernstein 3000 Washington Blvd, Apt 424 Arlington, VA, 22201 alb07c@gmail.com</p>	<p>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</p> <p>Kimberly Moran kmoran@tescherspallina.com</p>
<p>RESPONDENT – ADULT CHILD</p> <p>Eric Bernstein 2231 Bloods Grove Circle Delray Beach, FL 33445 eberstein@lifeinsuranceconcepts.com edb07@fsu.edu edb07fsu@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>

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<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>	

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EXHIBIT A

ALLEGED TRUST OF SIMON L. BERNSTEIN

EXHIBIT
PETITION TO REMOVE THEODORE BERNSTEIN AS ALLEGED SUCCESSOR TRUSTEE
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EXHIBIT B

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