

# FAX

<b>To:</b>	Hon. Judge Martin H. Colin	<b>From:</b>	ETHOME
<b>Fax:</b>	(561) 274-1418	<b>Pages:</b>	
<b>Phone:</b>	(561) 330-1750	<b>Date:</b>	11.24.2014
<b>Re:</b>	Simon & Shirley Bernstein Estate and Trust Cases	<b>CC:</b>	See attached letter for list

Urgent    For Review    Please Comment    Please Reply    Please Recycle

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**Comments:**

Please see the attached letter regarding new filings to remove Ted Bernstein as Trustee in the Simon and Shirley Bernstein Estate and Trust Cases.

Thank You,

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Re: Removal of Ted Bernstein as Trustee/PR

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*From the desk of...*

Eliot Ivan Bernstein  
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Sent Via Email/Facsimile:

Monday, November 24, 2014

The Honorable Judge Martin H. Colin  
The 15<sup>th</sup> Judicial Circuit of Florida  
200 W Atlantic Avenue  
Delray Beach, Florida 33444  
(561) 330-1750

**RE: PETITIONS AND MOTIONS TO REMOVE TED BERNSTEIN AS FIDUCIARY IN THE  
ESTATES AND TRUSTS OF SIMON AND SHIRLEY BERNSTEIN**

Dear Honorable Judge Colin,

Per the Court's Stay Order on the Estate and Trust cases of my parents, Simon and Shirley Bernstein, in order to first hear the Motions and Petitions filed to remove Ted Bernstein in his alleged fiducial roles in the Estate and Trusts and then have a case status in each case to determine the going forward procedure, I have attached a new Petition to remove Ted in the Shirley Bernstein Trust Construction Case and the new Complaint in the Simon Bernstein Trust for your approval and to file immediately. As the matters alleged against Ted are serious violations of fiduciary duties, including implication in state and federal, criminal and civil, legal actions, I am urging the Court to approve these and set a hearing date as soon as possible to prevent further damages to the beneficiaries, including minor children from continued egregious bad faith acts of Ted. I will not file for an Emergency hearing despite the urgency of the matter but request the soonest possible time to hear this Petition.

When you stayed the case you requested that all pleadings be sent to you for approval first and that the first pleadings we would hear would be to remove Ted, as they have been stymied and delayed by Ted and his counsel for several months now, who at

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each delay try and hold other hearings first before the actions to remove Ted. The idea Your Honor put forth when staying the cases was to hear if Ted was a qualified fiduciary any longer first. If he was approved by Your Honor, we could begin to hear his next petitions and motions, after we heard my many motions and petitions still unheard in each case. If Ted did not survive we could proceed with replacing him with a qualified PR and Successor Trustee and then hear my petitions and motions. The new PR/Trustee would then decide if the frivolous pleadings Ted has filed will be continued or abdicated. As you will recall we have had many filings of Ted's dropped that were filed by his former lawyers, Robert Spallina, Esq., Donald Tescher, Esq., Mark Manceri and John Pankauski, all who filed a series of filings advancing a fraudulent scheme and which many filings turned out to be frivolous and vexatious and part of the Fraud on the Court already discovered in these matters.

All of the Ted's lawyers and Ted have cost the Estates, Trusts, Creditor, the Court and others huge amounts of time and energy in having to deal with these toxic pleadings for over a year now. An example would be the complete waste of everyone's time at the 11/14/14 hearing held to close the Estate of Shirley prematurely, **prior to** hearing the Petitions and Motions to remove Ted as Your Honor ordered and with open actions remaining unheard in the case. Alan B. Rose, Esq. filed for the hearing, again usurping Your Honor's intent to hear the motions and petitions to remove his client Ted first to see if he could even plead the case legally any longer. I am not sure how that filing for a hearing slipped by me and I failed to object to holding it, I have not been well as you know and so we all wasted our time and monies to have you deny the motion to reclose.

I have not seen Draft Orders prepared by Mr. Rose as he stated in the 11/14/14 hearing he would draft that deny his Motion to Close the Estate and Order the two Hearings you ordered. If you would like me to prepare the hearing dates and draft orders please have someone from your chambers contact me or Candice. These new orders from the 11/14/14 hearing are very important as they granted me two hearings in the Shirley Estate case that are long overdue, although to comport with your stated intent to

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hear Ted's removals first, they too should come after those hearings, as it is alleged that Ted has conflicts and other serious breaches and cannot represent any matters further as a fiduciary.

I have also attached the new case filing you Ordered to have Ted removed in the Simon L. Bernstein Trust case to be filed as a new lawsuit after your review, suggested changes and approval. I will send over my final draft for approval next week with any changes you recommend and I am still checking on some legal issues as well. I will also send over next week another Petition to remove Ted as PR in the Shirley Bernstein Estate and that should cover a removal of Ted action in each case in Simon and Shirley that are ongoing. The stayed Counter Complaints already have removal of Ted sections within them once the stays on all these cases are lifted.

I truly appreciate your kind offer to help me as Pro Se Litigant to get these filings right and to your liking so that we can proceed in these matters better. As we come into the Holiday and New Year season, I wish you and yours, health and happiness.

Dated: Monday, November 24, 2014

Respectfully Yours,

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cmb/eib  
cc: see attached service list:

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ATTACHMENT 1

Draft Petition to Remove Ted in Shirley Bernstein Trust Construction Lawsuit

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ATTACHMENT 2

Draft New Complaint to Remove Ted from the Simon Bernstein Trust