

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

TED BERNSTEIN, as Trustee
of the Shirley Bernstein Trust Agreement
dated May 20, 2008, as amended,

Probate Division
Case No.: 502014CP003698XXXXSB

Plaintiff,

v.

ALEXANDRA BERNSTEIN; ERIC BERNSTEIN;
MICHAEL BERNSTEIN; MOLLY SIMON;
PAMELA B. SIMON, Individually and as Trustee
f/b/o Molly Simon under the Simon L. Bernstein
Trust Dtd 9/13/12; ELIOT BERNSTEIN, individually,
as Trustee f/b/o D.B., Ja. B. and Jo. B. under the
Simon L. Bernstein Trust Dtd 9/13/12, and on
behalf of his minor children D.B., Ja. B. and Jo. B.;
JILL IANTONI, Individually, as Trustee f/b/o J.I.
under the Simon L. Bernstein Trust Dtd 9/13/12, and
on behalf of her Minor child J.I.; MAX FRIEDSTEIN;
LISA FRIEDSTEIN, Individually, as Trustee f/b/o
Max Friedstein and C.F., under the Simon L.
Bernstein Trust Dtd 9/13/12, and on behalf of her
minor child, C.F.,

Defendants.

**NOTICE OF TRIAL AND MOTION TO SET TRIAL
ON COUNT II OF AMENDED COMPLAINT**

Plaintiff, Ted S. Bernstein (the "Trustee"), gives notice that this action is at issue and ready to be tried and request that the Court set a trial on Count II of the Amended Complaint and states:

1. This is a two count Complaint for declaratory judgment and construction of a trust. By Order dated October 6, 2014, this Court ordered the Complaint to be amended to assert a Count II addressing the validity and efficacy of the testamentary documents signed by Simon and Shirley

Bernstein, and ordered that Count II be severed and set for separate trial before the remaining issues are addressed.

2. All of the Defendants now have either answered Count II of the Amended Complaint or are in default.

3. Accordingly, the action is at issue and should be set for trial at the earliest opportunity. The Plaintiff estimates that the trial of this case will take approximately one day.

WHEREFORE, Plaintiff respectfully requests that this Court set this case for a one day, non jury trial on Count II.

CERTIFICATE OF SERVICE

I CERTIFY that a copy of the foregoing has been furnished to parties listed on attached Service List by: Facsimile **and** U.S. Mail; U.S. Mail; Email Electronic Transmission; FedEx; Hand Delivery this 24th day of November, 2014.

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SERVICE LIST

Eliot Bernstein, individually
and Eliot and Candice Bernstein,
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