

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

IN RE:

Case No. 502011CP000653XXXXSB

ESTATE OF SHIRLEY BERNSTEIN,

Deceased.

Division: IY

**ORDER DENYING IN PART AND DEFERRING IN PART ON
PETITION TO RE-CLOSE ESTATE AND SETTING HEARINGS**

THIS CAUSE came before the Court for hearing on November 14, 2014, upon the *Petition to Re-Close Estate Based upon Prior Signed Waivers and for Discharge of Successor Personal Representative* ("Petition") filed by Ted S. Bernstein, as Successor Trustee of the Simon L. Bernstein Trust ("Trustee"). The Court, having reviewed the Petition and the record, having heard argument, and being fully advised in the premises, hereby ORDERS AND ADJUDGES that:

1. The Petition is denied in part and deferred in part.
2. To the extent that the Petition seeks to re-close the Estate based upon Eliot Bernstein's prior Waiver of Accounting etc., the Petition is DENIED. In all other respects, ruling on the Petition is DEFERRED.
3. To the extent that Eliot Bernstein claims that the Inventory filed in this case is incomplete or inaccurate, the Court will schedule an evidentiary hearing at which time Eliot Bernstein shall have the burden of proving: (i) that assets owned by Shirley Bernstein at the time of her death that should have been listed on her Inventory were not listed, and establishing the value of any and all assets which were listed or which should have been listed on the Inventory; and (ii) that assets owned by Shirley Bernstein at the time of her death were taken improperly and never came into the possession of Simon L. Bernstein.

4. The Court will set a hearing on those issues identified in paragraph 3, and also will set a separate and earlier hearing to address the outstanding discovery requests made by Eliot Bernstein to which objections were raised.

5. Upon ruling the issues set forth in paragraph 3, the Court will consider the remainder of the Petition seeking the discharge of Ted S. Bernstein, as Successor Personal Representative of the Estate of Shirley Bernstein, and the re-closure of the estate.

DONE AND ORDERED in Chambers, in Palm Beach County, Florida, this ____ day of November, 2014.

Martin H. Colin
CIRCUIT COURT JUDGE

cc: All parties on the attached service list

SERVICE LIST

Eliot Bernstein, individually
and Eliot and Candice Bernstein,
as Parents and Natural Guardians of
D.B., Ja. B. and Jo. B, Minors
2753 NW 34th Street
Boca Raton, FL 33434
(561) 245-8588 - Telephone
(561) 886-7628 - Cell
(561) 245-8644 - Facsimile
Email: Eliot I. Bernstein (iviewit@iviewit.tv)

John P. Morrissey, Esq.
330 Clematis Street, Suite 213
West Palm Beach, FL 33401
(561) 833-0766 - Telephone
(561) 833-0867 - Facsimile
Email: John P. Morrissey
(john@jmorrisseylaw.com)
Counsel for Molly Simon, Alexandra Bernstein,
Eric Bernstein, Michael Bernstein

Lisa Friedstein, individually and as trustee for her
children, and as natural guardian for M.F. and
C.F., Minors; and Max Friedstein
lisa.friedstein@gmail.com

Jill Iantoni, individually and as trustee for her
children, and as natural guardian for J.I. a minor
jilliantoni@gmail.com

Peter M. Feaman, Esq.
Peter M. Feaman, P.A.
3695 West Boynton Beach Blvd., Suite 9
Boynton Beach, FL 33436
(561) 734-5552 - Telephone
(561) 734-5554 - Facsimile
Email: pfeaman@feamanlaw.com;
service@feamanlaw.com;
mkoskey@feamanlaw.com
Counsel for William Stansbury

Irwin J. Block, Esq.
700 South Federal Highway, Suite 200
Boca Raton, FL 33432
(561) 910-3071 - Telephone
(561) 910-3080 - Facsimile
Email: ijb@jblegal.com
Counsel for Tescher & Spallina

Robert Spallina, Esq.
Donald Tescher, Esq.
Tescher & Spallina
Wells Fargo Plaza
925 South Federal Hwy., Suite 500
Boca Raton, Florida 33432

Alan B. Rose, Esq.
Mrachek, Fitzgerald, Rose, Konopka
Thomas & Weiss, P.A.
505 S. Flagler Dr., Suite 600
West Palm Beach, FL 33401
(561) 655-2250 - Telephone
(561) 655-5537 - Facsimile
Email: arose@mrachek-law.com