

IN THE CIRCUIT COURT IN AND FOR THE 15<sup>TH</sup> JUDICIAL CIRCUIT IN AND FOR  
PALM BEACH COUNTY, FLORIDA

IN RE: ESTATE OF:

PROBATE DIVISION

SIMON L. BERNSTEIN,

FILE NO: 502012CP4391XXXXSB

Deceased.

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PETITION FOR ORDER AUTHORIZING PAYMENT  
OF ATTORNEY'S FEES AND EXPENSES FOR THE PERSONAL REPRESENTATIVE OF  
THE ESTATE OF SIMON L. BERNSTEIN THROUGH OCTOBER 31, 2014

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

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

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

3. The Personal Representative has rendered services and incurred expenses for the benefit of the Estate, from October 1, 2014 to October 31, 2014, as more fully described and set forth in the itemized schedule of services and expenses attached hereto as Exhibit A, for which the Personal Representative has not been paid.

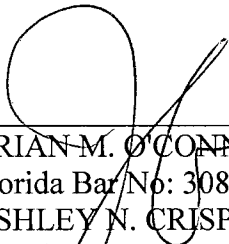
4. The Personal Representative's records indicate that during the period of time above 28.2 attorney hours and 32.1 paralegal hours have been expended as set forth in the itemized summary of services and expenses attached hereto as Exhibit "A".

5. The Personal Representative believes that a reasonable fee for the services performed during that period of time is \$11,392.50 and costs of \$1,022.27 – totaling \$12,414.77.

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

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

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent by e-service on the 25<sup>th</sup> day of November, 2014, to the parties on the attached Service List.

  
94238  
\_\_\_\_\_  
BRIAN M. O'CONNELL, ESQ.

FD  
Florida Bar No: 308471

ASHLEY N. CRISPIN, ESQ.

Florida Bar No: 37495

MELISSA D. LAZARCHICK

Florida Bar No. 0043696

CIKLIN LUBITZ MARTENS & O'CONNELL

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**SERVICE LIST**

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

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

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

November 17, 2014  
Bill Number 289424  
File Number 11270-52860

The enclosed bill is for services rendered for the period ending October 31, 2014.  
The breakdown of this bill by matter is as follows:

Bernstein, Simon L. Estate

Total for Legal Services	\$11,392.50
Total for Expenses	\$1,022.27
	<hr/>
Total for This Bill	\$12,414.77

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

Ciklin Lubitz Martens & O'Connell  
515 North Flagler Drive, 20th Floor  
West Palm Beach, FL 33401  
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Brian M. O'Connell, Esq.  
c/o BMO

November 17, 2014  
Bill Number 289424  
File Number 11270-52860

**FOR PROFESSIONAL SERVICES**

Re: Bernstein, Simon L. Estate

**LEGAL SERVICES**

Through October 31, 2014

<u>Date</u>	<u>Atty</u>	<u>Description</u>	<u>Time</u>
10/01/14	BMO	Conference with JAF re: IRA liquidation.	0.20
10/01/14	CCL	Instrucitons from JF; Detailed review of accounting and banking records; correspond with JF re: curator's fee payments	0.90
10/01/14	CCL	Correspond with Peter Feaman regarding tangible property appraisals	0.40
10/01/14	CCL	Review multiple bank statements from Brown's office; review assets on hand per last accounting; compile records/information for JF review in connection with estate administration, including taking possession of and protecting/insuring assets, arranging additional appraisals	2.50
10/01/14	JAF	Analysis of issues re: IRA liquidation and instructions to BL re: same (.5); Instructions to BL re: Sabadell account information (.2); Conference with BMO re: same (.2).	0.90
10/02/14	BMO	Conference with Peter Feaman.	0.90
10/02/14	BMO	Conference with ANC.	0.30
10/02/14	CCL	Detailed examination of Sept. 22 email and multiple attached statements; categorize and prepare for review by JF	1.50

10/02/14	CCL	Work on JPMorgan forms; call service center; call broker; memo to attorneys re: access to cash and payment of bills; work on package to broker	1.50
10/02/14	ANG	Conference with BMO re: follow-up with Feaman.	0.30
10/02/14	JAF	Correspondence with BL re: IRA account information (.2); Analysis of issues re: same (.1).	0.30
10/03/14	BMO	Conference with Alan Rose and JAF re: outstanding issues in Stansbury litigation, Illinois litigation, Shirley trust and estate, Simon trust and estate, etc.; post-meeting strategy conference with JAF re: same.	2.50
10/03/14	BMO	Receipt and review of Amended Complaint filed 10/3/14 by Alan Rose.	0.40
10/03/14	CCL	Finalize FEDX package to JPMORGAN account maintenance dept; prepare fax to John Hawkins, broker.	1.50
10/03/14	CCL	Instructions from JF; work on reinspection of property, calls to appraiser, review court order re: appraiser	0.90
10/03/14	CCL	Review correspondence, JF instructions and work on transfer of other accounts	0.60
10/03/14	JAF	Instructions to BL re: IRA and other accounts (.1, plus .1 NO Charge); Instructions to SHM re: hearing on objections to T&S accounting (.1- NO Charge); Analysis of issues re: personal property (.5); Conference with Alan Rose and BMO re: outstanding issues in Stansbury litigation, Illinois litigation, Shirley trust and estate, Simon trust and estate, etc.; post-meeting strategy conference with BMO re: same (2.5);	3.10
10/06/14	BMO	Receipt and review of 10/6/14 memos (x2), JAF, SHM.	0.10
10/06/14	BMO	Instructions to JAF and SHM.	0.10
10/06/14	CCL	Work on Inventory, accounting issues	1.50
10/06/14	JAF	Addressed issues re: amended complaint filed by Ted.	0.10
10/06/14	JAF	Revisions to RTP.	0.10

10/07/14	BMO	Receipt and review of 10/3/14 J.P. Morgan letter to BMO.	0.10
10/07/14	CCL	Received, reviewed additional FEDX from JPMorgan	0.60
10/07/14	MDL	Draft Discovery (RFP to Elliot)	1.20
10/08/14	BMO	Receipt and review of 10/8/14 email communications (x2), John Cappeller, Jr., Biddy.	0.10
10/08/14	CCL	Call from Attorney Cappeller re: status of mortgage balloon payment/payoff; memo to attorneys	0.40
10/08/14	CCL	Review curator's information regarding note and mortgage	0.20
10/08/14	CCL	Review curator accountings, fee orders; memo to curator re: status of payment	0.20
10/08/14	JAF	Consideration of issues re: first mortgage on property.	0.40
10/09/14	BMO	Receipt and review of BCL 10/9/14 e-correspondence to John Cappeller, Jr.	0.10
10/09/14	CCL	Call Christina Cavallaro Acct Maintenance Specialist at JPMorgan re: certification of trust account forms sent to Personal Representative	0.20
10/09/14	CCL	Call John Hawkins, broker at JPMorgan re: status of checkbook	0.20
10/09/14	CCL	Memo to Brown re: payment status; review accountings	0.20
10/09/14	CCL	Instructions from attorneys; prepare revisions to proposed order on fees; call court reporter	1.20
10/09/14	CCL	Additional calls with John Hawkins regarding/regarding accounts under control of PR, IRA RMD, checkbook delivery,	0.60
10/09/14	CCL	Additional calls with JPMorgan account maintenance department regarding multiple accounts listed on JPMorgan correspondence, closed accounts, required forms, confirmation of accounts titled under the PR; finalize document revisions	1.50

10/10/14	BMO	Receipt and review of 10/8/14 Court Order on Eliot Bernstein's Petition to Remove Ted Bernstein as Alleged Successor Trustee of the Alleged Simon Bernstein Revocable Trust.	0.10
10/10/14	BMO	Receipt and review of 10/6/14 Court Order on Amendments to Pleadings and Stay Until Further Order of the Court.	0.10
10/10/14	CCL	Follow up call to JPMorgan	0.20
10/10/14	CCL	Receive Order Approving Ciklin Lubitz/PR fees	0.20
10/10/14	CCL	Work on September fee petition	0.30
10/10/14	JAF	Consideration of issues re: foreclosing of 1st mortgage.	0.40
10/10/14	MDL	Draft Discovery to Elliot	0.90
10/13/14	BMO	Receipt and review of Feaman 10/13/14 Motion of Creditor, William Stansbury, for Discharge from Further Responsibility for the Funding of the Estate's Participation in the Chicago Life Insurance Litigation and for Assumption of Responsibility by the Estate.	0.20
10/14/14	JAF	Addressed issues re Stansbury motion re: Illinois litigation.	0.40
10/14/14	MDL	Draft Discovery and Draft Petition for Authority to Conduct Discovery	1.00
10/15/14	BMO	Receipt and review of Feaman 10/15/14 Notice of Hearing for 10/30/14.	0.10
10/15/14	CCL	Call and emails with Sabadell Bank re: re-titling or closing account; compile records for bank	0.70
10/15/14	JAF	Addressed issues re: Sabadell accounts and transfer of same.	0.30
10/15/14	MDL	Draft Discovery to Elliot	0.40
10/16/14	BMO	Strategy conference with JAF re: Oppenheimer litigation.	0.10
10/16/14	CCL	Correspond with JF re: mortgage information and issues relative to Bernstein Family Realty LLC and decedent's property; review files	0.60
10/16/14	CCL	Work on September fee petition	0.50
10/16/14	CCL	Instructions from JF; confer with SHM; review materials for coordinating mediation on Stanbury issues	0.30



10/16/14	SHM	Conference with JAF & CCL re: pending issues	0.40
10/16/14	SHM	Review of draft RTP - for additional items needed. Conference with MDL	1.00
10/16/14	JAF	Reviewed and analyzed issues re: mortgages (1st and 2nd), IRA liquidation, RTP, Illinois litigation (2.2); Instructions to BL re: insurance on house (.2); Strategy conference with BMO re: Oppenehimer litigation (.1).	2.50
10/16/14	MDL	Draft Discovery (.6); Conference with SHM re: same (.2)	0.80
10/17/14	BMO	Review BCL correspondence with Sabadell; sign instructions to Bank.	0.20
10/17/14	BMO	Receipt and review of 10/17/14 e-correspondence from Alan Rose.	0.10
10/17/14	CCL	Follow up calls with JPMorgan and Sabadell re: account access	0.60
10/17/14	CCL	Instructions from JF; prepare fee petition exhibit	0.60
10/17/14	JAF	Addressed issues re: JP Morgan account transfer and outstanding bills (.4); Instructions to BL re: fee petition (.1).	0.50
10/20/14	BMO	Receipt and review of JAF 10/16/14 e-correspondence to Alan Rose.	0.10
10/20/14	BMO	Receipt and review of JAF 10/20/14 memo.	0.10
10/20/14	BMO	Receipt and review of Brown 10/20/14 Notice of Hearing for 10/30/14.	0.10
10/20/14	CCL	Draft Inventory; prepare for and attend conference with JF regarding general issues	0.50
10/20/14	CCL	Review and categorize pleadings served on PR; prepare information for October 30th hearing; review docket, documents regarding Shirley's estate relevant to Simon's estate	0.70
10/20/14	JAF	Consideration of issues re: Illinois litigation.	0.30
10/21/14	CCL	Prepare Alan Rose 10/17/14 emailed documents for BMO review.	0.40
10/21/14	CCL	Prepare Alan Rose 10/3/14 email and documents for BMO review regarding Note and Mortgage	0.40

10/21/14	JAF	Instructions to BL re: prep for hearing on T&S objections.	0.10
10/22/14	CCL	Follow up call to JPMORGAN; emails with Ben Brown re: account access to pay bills	0.20
10/22/14	JAF	Addressed issues re: JPM acct and payment to Ben Brown.	0.20
10/23/14	BMO	Receipt and review of Glasko 10/23/14 Motion to Withdraw and Notice of Hearing re: same.	0.10
10/23/14	BMO	Conference with JAF and Alan Rose re: Illinois litigation.	0.20
10/23/14	BMO	Strategy conference with JAF re: Illinois litigation.	0.20
10/23/14	CCL	Prepare tax notes; calendaring	0.20
10/23/14	JAF	Strategy conference with BMO re: Illinois litigation (.2); Addressed issues re: same (.4); Reviewed amended complaint by ted and consideration of issues re: intervention (.2); Conference with BMO and Alan Rose re: Illinois litigation (.2); Instructions to BL re: insurance on property estate owns 2nd mortg on (.2).	1.20
10/24/14	BMO	Receipt and review of Glasko 10/24/14 letter to Judge Colin with Motion to Withdraw and Notice of Hearing for 10/30/14 re: same.	0.10
10/24/14	CCL	Call with Glenn at JPMorgan to followup on accounts name change and access to funds by PR	0.20
10/24/14	JAF	Consideration of issues re: discharge of administrator ad litem and Illinois litigation costs to estate.	0.40
10/27/14	CCL	Calls from JPMorgan confirming account name change, check order, RMD form and instructions	0.60
10/27/14	JAF	Prepared memo to SHM re: T&S accounting objections hearing.	0.10
10/28/14	BMO	Receipt and review of 10/28/14 e-correspondence from Morrissey (x2) concerning Motion for Discharge and May 23rd hearing.	0.20

10/28/14	JAF	Instructions to BL re: hearing on T&S accting objections.	0.20
10/29/14	BMO	Receipt and review of Waiver of Service of Notice of Hearing and Consent to Motion to Withdraw for Lisa Friedstein, Beneficiary.	0.10
10/29/14	BMO	Receipt and review of Waiver of Service of Notice of Hearing and Consent to Motion to Withdraw for Jill Iantoni, Beneficiary.	0.10
10/29/14	BMO	Strategy conference with JAF re: Illinois litigation and contingency agreement.	0.20
10/29/14	BMO	Instructions to JAF.	0.10
10/29/14	BMO	Receipt and review of JAF 10/29/14 memo.	0.10
10/29/14	CCL	Draft fee order and letter to court for finalizing 11/4/14	0.60
10/29/14	CCL	Review pending curator petitions re: mortgage and jewelry and refile by PR	0.30
10/29/14	CCL	Review records re: IRA 2013 RMD paid in 2014 and timing of payment of 2014 RMD	0.20
10/29/14	CCL	IRA form work; memos to BMO re: wire; finalize wire form/instruction package fax to JPMorgan; correspond with John Hawkins at JPMorgan	0.80
10/29/14	CCL	Instructions from JF; multiple emails with various parties re: hearing and pending issues	0.90
10/29/14	SRR	Prepare documents for hearing 10 30 on MTW, Petition etc.	0.50
10/29/14	JAF	Prep for hearing on Stansbury motion re: Illinois litigation (.7); Conferences (x2) with James Stamos re: same (.3); Prepared memo to BMO re: same (.2); Strategy conference with BMO re: same (.2).	1.40
10/30/14	BMO	Prepare for and attend hearings; post-conference discussion with opposing counsels.	2.40
10/30/14	CCL	Calls, emails, communications with and additional documents to staff, JPMorgan re: funds access to collect fees for BMO and Ben Brown, Esq.	0.90

10/30/14	CCL	Calls, emails, communications with and additional documents to staff, Sabadell Bank re: funds access to collect fees for BMO and Ben Brown, Esq.	0.80
10/30/14	JAF	Addressed issues re: mortgage in bernstein property (.4); Reviewed fee petition (.1).	0.50
10/31/14	BMO	Receipt and review of 10/31/14 memos (x2), JAF, Bidy.	0.10
10/31/14	BMO	Receipt and review of JAF 10/31/14 memo.	0.10
10/31/14	CCL	Review Lessne information re: mortgage and Bernstein Family Realty Trust; memo to attorneys	0.30
10/31/14	CCL	Call JPMorgan re: payment of 2014 RMD	0.20
10/31/14	CCL	Correspondence from multiple attorneys to delay hearing on objections; instructions from JF; call Judge Colin's JA; prepare correspondence, calendaring	0.80
10/31/14	CCL	Efile and e-serve Petition for Fees; receive court condfirmations	0.30
10/31/14	CCL	Set up ledgers for estate accounts reported on Successor PR's Inventory	0.30
10/31/14	JAF	Instructions to BL re: payment of curators fees and other issues with JPM accounts.	0.20

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TOTAL LEGAL SERVICES:            \$11,392.50

**LEGAL SERVICES SUMMARY**

ASHLEY GIROLAMO CRISPIN	0.30 Hrs	\$295/Hr	\$88.50
BRIAN M O'CONNELL	10.00 Hrs	\$350/Hr	\$3,500.00
BIDDY C LABUTKA	30.20 Hrs	\$125/Hr	\$3,775.00
JOY A FOGLIETTA	13.60 Hrs	\$195/Hr	\$2,652.00
MELISSA D LAZARCHICK	4.30 Hrs	\$265/Hr	\$1,139.50
SHERRI H MCDOWELL	1.40 Hrs	\$125/Hr	\$175.00
SHARON R ROMERO	0.50 Hrs	\$125/Hr	\$62.50
	<u>60.30 Hrs</u>		<u>\$11,392.50</u>

**COSTS ADVANCED**

Through October 31, 2014

Postage

10/31/14	Postage	9.26
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Total Postage

9.26

Copy/Printing Expense			
10/31/14	Copy/Printing Expense	180.00	
	Total Copy/Printing Expense		180.00
Long Distance Telephone			
10/31/14	Long Distance Telephone	3.10	
	Total Long Distance Telephone		3.10
Court Reporter Costs			
10/06/14	Pleasanton, Greenhill, Meek & Marsaa	783.80	
	Total Court Reporter Costs		783.80
Federal Express			
10/21/14	Fedex	26.11	
	Total Federal Express		26.11
Fax			
10/31/14	Fax	20.00	
	Total Fax		20.00
	TOTAL COSTS ADVANCED:		<u>\$1,022.27</u>
	TOTAL THIS BILL		<u><u>\$12,414.77</u></u>