

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 for 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 to challenge the Inventory of Shirley 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.~~

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~~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.