

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

PROBATE DIVISION  
FILE NO. 50-2012-CP-004391-XXXXSB

IN RE: ESTATE OF SIMON BERNSTEIN,  
Deceased.

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**MOTION TO STRIKE STANSBURY'S OBJECTIONS  
TO ACCOUNTING OF TESCHER & SPALLINA AND/OR  
TO DECLARE THE OBJECTIONS ABANDONED**

Donald R. Tescher, as former Co-Personal Representative of the Estate of Simon Bernstein, by and through his undersigned attorney files this Motion to Strike Stansbury's Objections to the Accounting filed by Tescher & Spanilla and/or to declare those objections abandoned and in support thereof states:

1. Mr. Stansbury filed his objections to the Tescher & Spanilla accounting and renewed petition for discharge on June 2, 2014.
2. Mr. Stansbury first served his request for hearing on his objections on January 22, 2015 more than 90 days after he filed his objections.
3. Probate Rule 5.401(d) states in part "If a notice of hearing on the objections is not served within 90 days of filing of the objections, the objections shall be deemed abandoned and the personal representative may make distribution as set forth in the plan of distribution." The objections of Mr. Stansbury are deemed abandoned for not having been served within 90 days of filing his objection.

4. Mr. Tescher has employed Irwin J. Block as his attorney herein Mr. Block has performed a service for the estate benefiting the estate by filing this motion and is entitled to be paid for his service from the estate.

Wherefore Donald R. Tescher respectfully requests this court to

- A. Declare the objections to the accounting filed by Mr. Stansbury to be abandoned and of no force and effect, and
- B. Require the Estate of Simon Bernstein to pay Irwin Block for his services and benefit to the estate
- C. Enter such other orders as it deems just and proper

By: /s/ Irwin J. Block  
Irwin J. Block, Esq.  
Attorney for Donald R. Tescher  
Florida Bar No. 006836  
700 South Federal Highway, Suite 200  
Boca Raton, Florida 33432  
Telephone: 561-910-3071  
Facsimile: 561-910-3080  
Email: [ijb@ijblegal.com](mailto:ijb@ijblegal.com)

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy hereof has been furnished by email to the parties on the attached Service List.

## SERVICE LIST

Theodore Stuart Bernstein  
Life Insurance Concepts  
950 Peninsula Corporate Circle  
Suite 3010  
Boca Raton, Florida 33487

[tbernstein@lifeinsuranceconcepts.com](mailto:tbernstein@lifeinsuranceconcepts.com)

Eliot Bernstein  
2753 NW 34<sup>th</sup> Street  
Boca Raton, Florida 33434

[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)

Lisa Sue Friedstein  
2142 Churchill Lane  
Highland Park, Illinois 60035

[lisa@friedsteins.com](mailto:lisa@friedsteins.com)

Pamela Beth Simon  
950 North Michigan Avenue  
Suite 2603  
Chicago, Illinois 60611

[psimon@stpcorp.com](mailto:psimon@stpcorp.com)

Jill Iantoni  
2101 Magnolia Lane  
Highland Park, Illinois 60035

[Jilliantoni@gmail.com](mailto:Jilliantoni@gmail.com)

Alan B. Rose, Esq.  
Page Mrachek Fitzgerald Rose  
Konopka & Dow P.A.  
606 S. Flagler Drive, Suite 600  
West Palm Beach, Florida 33401

[arose@pm-law.com](mailto:arose@pm-law.com)

Robert L. Spallina, Esq.

[rspallina@tescherspallina.com](mailto:rspallina@tescherspallina.com)

Peter Feaman, Esq.  
Brian O'Connell, Esq.

[pfeaman@feamanlaw.com](mailto:pfeaman@feamanlaw.com)  
[Service@ciklinlubitz.com](mailto:Service@ciklinlubitz.com)

John P. Morrissey, Esq.

[John@Morrisseylaw.com](mailto:John@Morrisseylaw.com)

Gary R. Shendell, Esq.

[Gary@shendellpollock.com](mailto:Gary@shendellpollock.com)  
[estella@shendellpollock.com](mailto:estella@shendellpollock.com)  
[grs@shendellpollock.com](mailto:grs@shendellpollock.com)

Kenneth S. Pollock, Esq.

[Gary@shendellpollock.com](mailto:Gary@shendellpollock.com)  
[estella@shendellpollock.com](mailto:estella@shendellpollock.com)  
[grs@shendellpollock.com](mailto:grs@shendellpollock.com)