

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 FOR NOVEMBER AND DECEMBER 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 November 1, 2014 to December 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 19.6 attorney hours and 17.4 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 \$6,805.50 and costs of \$53.24 – totaling \$6,858.74.

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.

Under penalties of perjury, I declare that I have read the foregoing, and the facts alleged are true, to the best of my knowledge and belief.

Dated February 10, 2015.



BRIAN M. O'CONNELL, ESQ.  
Florida Bar No: 308471  
ASHLEY N. CRISPIN, ESQ.  
Florida Bar No: 37495  
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I HEREBY CERTIFY that a true and correct of the foregoing was sent by e-mail service or U.S. Postal Service on the 10 day of Feb, 2015 to the parties on the attached Service List.



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BRIAN M. O'CONNELL  
Florida Bar No: 308471  
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SERVICE LIST

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<p>Peter Feaman, Esq. Peter M. Feaman, P.A. 3695 Boynton Beach Blvd., Suite 9 Boynton Beach, FL 33436 <a href="mailto:pfeaman@feamanlaw.com">pfeaman@feamanlaw.com</a></p>	<p>Gary R. Shendell, Esq. Shendell &amp; Pollock 2700 N. Military Trail, Suite 150 Boca Raton, FL 33431 <a href="mailto:gary@shendellpollock.com">gary@shendellpollock.com</a> <a href="mailto:ken@shendellpollock.com">ken@shendellpollock.com</a> <a href="mailto:britt@shendellpollock.com">britt@shendellpollock.com</a> <a href="mailto:grs@shendellpollock.com">grs@shendellpollock.com</a>  Attorney for Tescher and Spallina</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>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>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

January 05, 2015  
Bill Number 290326  
File Number 11270-52860

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

Bernstein, Simon L. Estate

Total for Legal Services	\$6,805.50
Total for Expenses	<u>\$53.24</u>
Total for This Bill	\$6,858.74

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

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

January 05, 2015  
Bill Number 290326  
File Number 11270-52860

**FOR PROFESSIONAL SERVICES**

Re: Bernstein, Simon L. Estate

**LEGAL SERVICES**

Through December 31, 2014

<u>Date</u>	<u>Atty</u>	<u>Description</u>	<u>Time</u>
11/03/14	CCL	Email memo to all parties re: hearing; finalize order package to court; draft memo to all parties re: fee order	0.40
11/04/14	BMO	Receipt and review of 11/4/14 e-correspondence from Alan Rose.	0.10
11/04/14	BMO	Receipt and review of BCL 11/4/14 e-correspondence to counsel.	0.10
11/04/14	CCL	Emails, communications from attorneys re: objection hearing and fee order issues	0.20
11/06/14	BMO	Receipt and review of CBIZ MHM 10/31/14 invoice.	0.10
11/06/14	CCL	Prepare for JF conference	0.10
11/06/14	CCL	Call JA; finalize hearing date	0.50
11/06/14	CCL	Call and email to Lessne re: Bernstein Family Realty Trust	0.50
11/06/14	CCL	Tax/IRA memo to BMO/RBC; confer with RBC; prepare to request wire from IRA	0.60
11/06/14	CCL	Call JA re: 2/9/15 hearing; draft notice; memo	0.40
11/10/14	CCL	Efile, eserve, mail serve Notice of Hearing; letter to court with notice and objection	0.30
11/11/14	BMO	Receipt and review of JAF 11/11/14 memo.	0.10

11/11/14	CCL	Review information on 2 mortgages and petition for instructions; confer with JF re: mortgages, probate Inventory and mortgages, hearing	0.30
11/11/14	JAF	Conference with BL re: inventory and mortgage issues; memo to BMO re: same.	0.20
11/12/14	CCL	Pay bills	0.20
11/13/14	JAF	Consideration of issues re: [REDACTED]	0.40
11/17/14	CCL	Prepare IRA withdrawal form; memo to BMO	0.30
11/17/14	CCL	Email from Tesch attorney re: fees; memo to JF; Review fee petition	0.20
11/17/14	CCL	Work on October fee petition	0.30
11/18/14	BMO	Strategy conference with JAF re: mortgage and Inventory.	0.30
11/18/14	CCL	Prepare mortgage information for JF review	0.30
11/18/14	CCL	Email exchanges with Mr. Block; instructions form JF	0.40
11/18/14	JAF	Addressed issues re: mortgage (.3); Strategy conference with BMO re: same and inventory (.3).	0.60
11/19/14	BMO	Receipt and review of 11/19/14 correspondence from Irwin Block's office with attached Petition for Order Authorizing Payment of Attorney's Fees and Expenses for PR.	0.10
11/19/14	BMO	Receipt and review of JAF 11/19/14 memo.	0.10
11/19/14	CCL	Memo from Glasko's office; review Order approving Withdrawal; update records for future pleadings	0.30
11/19/14	CCL	Emails I broker and staff re: status of withdrawal and wire; memo to BMO	0.50
11/19/14	CCL	Finalized CBIZ letter re: invoice; instructions from JF	0.10
11/19/14	JAF	Instructions to BL re: hearing on mortgage issues (.2); Revisions to letter to CBIZ (.1); Revisions to inventory (.8).	1.10
11/20/14	BMO	Call with JP Morgan to confirm written wire instructions.	0.20

11/20/14	BMO	Receipt and review of 11/20/14 e-correspondence from Alan Rose. Instructions to SRL re: same.	0.10
11/20/14	CCL	Work on coordinating hearing time on Trustee's petition for Instructions regarding mortgage. Contact Lender's attorney re: status	0.40
11/20/14	CCL	Work on exhibit; memo to JF re: fee petition	0.20
11/21/14	BMO	Telephone call with Peter Feaman.	0.20
11/21/14	CCL	Calls, Status conference with JF; multiple issues; pay bills	0.30
11/21/14	CCL	Call JA for hearing dates on Ted Bernstein's 6/4/14 M/Instructions regarding mortgage (.1); email all parties (.1); review motion and correspond with attorney for first mortgage holder re: status (.6); calendaring (.1); additional instructions from JF (.1)	1.00
11/21/14	JAF	Addressed issues re: hearing on mortgage issues.	0.60
11/24/14	CCL	Emails with all parties; call JA; work on scheduling hearing	0.40
11/25/14	CCL	Efile and eserve Pet CLMO fees through 10/31/14; serve petition by mail on Max Friedstein; draft order; memo to all parties	0.50
11/25/14	CCL	Review pleadings and records to be categorized/indexed	0.30
12/01/14	BMO	Conference with JAF re: revisions to inventory.	0.20
12/01/14	CCL	Call JA	0.10
12/01/14	CCL	Assist JF with Inventory; finalize, efile and eserve Inventory	0.70
12/01/14	JAF	Revisions to inventory (1.1); Conference with BMO re: same (.2).	1.30
12/02/14	CCL	Finalize letter to JA with hearing notice for 1-8-15	0.30
12/02/14	CCL	Email re: hearing date; draft hearing notice with motion attached; efile, eserve and serve by US Mail; calendaring	0.50
12/03/14	BMO	Conference with JAF re: [REDACTED]	0.10



12/03/14	BMO	Receipt and review of Feaman 12/3/14 Notice of Hearing for 12/18/14.	0.10
12/03/14	CCL	Letter to lender	0.20
12/03/14	SHM	Communication with P. Feaman regarding hearing.	0.20
12/03/14	JAF	Conference with BMO re: [REDACTED] (.1); Addressed issues re: same (.1).	0.20
12/04/14	BMO	Conference with JAF re: Elliot request for reimbursement.	0.10
12/04/14	CCL	Receive, categorize pleadings and documents; review email correspondence	0.20
12/04/14	CCL	Instructions from JF; calls and emails regarding new hearing dates on Stansbury matter and Eliot's claim matter	0.40
12/04/14	SHM	Receipt and calendaring of N/Hearing	0.10
12/04/14	JAF	Inquiry re: status of IRa (.3); Correspondence with Elliot re: reimbursement (.2); Conference with BMO re: same (.1); Addressed issues re: hearing on same and instructions to BL re: same (.3).	0.90
12/05/14	CCL	Finalize fee order and letter to court	0.30
12/05/14	CCL	Second email request to broker re: checking account	0.20
12/05/14	CCL	Instructions from JF; review records, files regarding exempt property; prepare memos	0.20
12/05/14	JAF	Instructions to BL re: exempt property petition.	0.20
12/08/14	CCL	Correspond with Feaman's law firm re: Motion for Discharge of Further Responsibility; correspond with Eliot re: Claim and reimbursement hearing	0.60
12/08/14	SHM	Communication with Feaman's office re: scheduling.	0.10
12/09/14	BMO	Receipt and review of Feaman 12/9/14 Notice of Hearing for 1/8/15.	0.10
12/09/14	CCL	Call from Morgan re: checking account access; misc. re: 1/8/14 hearings prep	0.20
12/10/14	BMO	Telephone call with Peter Feaman re: settlement.	0.20

12/10/14	CCL	Request from Block for Inventory copy; review notice of appearance and relevant information; prepare memo to attorneys re: service instructions.	0.30
12/10/14	CCL	JPmorgan emails and calls re: checks, RMD, statements, information corrections, secured emails	0.60
12/12/14	BMO	Conference with JAF re: Stansbury settlement.	0.10
12/12/14	BMO	Telephone call from Peter Feaman re: settlement status.	0.30
12/12/14	JAF	Conference with BMO re: Stansbury settlement.	0.10
12/16/14	CCL	Call from JF; email from Eliot	0.20
12/16/14	JAF	Conference with Candice Bernstein re: pet for instructions on claims and addressed issues re: same.	0.30
12/17/14	JAF	Addressed issues re: settlement with Stansbury.	0.20
12/18/14	BMO	Telephone call with Jim Stamos.	0.20
12/18/14	BMO	Strategy conference with JAF re: [REDACTED]	0.30
12/18/14	JAF	Strategy conference with BMO re: [REDACTED] [REDACTED] (.3); Addressed issues re: same (.5); Instructions to SHM re: same (.3); Addressed issues re: hearing on Elliot reimbursement (.1); Conference with John Morrissey (.1).	1.30
12/19/14	TCD	Conference with Joielle A. Foglietta, Esq.; court filing and service, Notice of Hearing.	1.00
12/19/14	JAF	Instructions to SHM re: motion to intervene (.3); Drafted motion to intervene and review and analysis of amended complaint and exhibits and agreements attached to same, consideration of issues re: same (1.9); Drafted proposed answer to amended complaint (1.2); Instructions to SHM and SRR re: prep for status conf on auth to file pet for auth SA and mot to intervene (.4).	3.80

12/19/14	JAF	Revisions to pet for auth and court approval of SA with Stansbury.	0.50
12/22/14	BMO	Strategy conference with JAF re: preparation for status conference, revisions to Motion for Approval of Settlement Agreement, revisions to Motion to Intervene.	0.30
12/22/14	CCL	Confer with JF re: 12/23/14 hearing preparation; review account statements; review status of accounting preparation; instructions from JF and review court calendar re: setting hearing on Eliot's pleadings	0.60
12/22/14	JAF	Prep for status conference, revisions to mot for approval of SA, revisions to mot to intervene, drafted order on status conference (1.6); Strategy conference with BMO re: same (.3); Conference with Peter Feaman's office re: same (.2); Conference with Candice Bernstein (.1).	2.20
12/23/14	BMO	Receipt and review of 11/23/14 e-correspondence from Alan Rose; reply to same.	0.10
12/23/14	BMO	Prepare for and attend hearing on Proposed Filing of Successor PR's Motion for Authorization to Enter and Approval of Settlement Agreement.	1.50
12/23/14	BMO	Conference with JAF re: Petition for Authorization of Settlement Agreement.	0.10
12/23/14	JAF	Conference with Candice Bernstein re: hearing on pet for instr (.1); Addressed issues re: same (.1); Conference with BMO re: pet for auth SA (.1); Finalized same (.2).	0.50
12/24/14	CCL	Review settlement agreement Stansbury /Ted Bernstein Settlement Agreement; Instructions from JF; finalize, efile, eserve and US Mail Serve Motion for Authority to enter into and Approval of Settlement Agreement	0.60
12/29/14	CCL	Email communications with Atty Block and document review re: upcoming hearings	0.30
12/30/14	BMO	Receipt and review of Notice of Unavailability filed by Feaman 12/30/14.	0.10

12/30/14	CCL	Memo to attorneys re: 2/9/15 hearing and Feaman's recent notice	0.20
12/31/14	CCL	Work on hearing files	0.30
			0.50
TOTAL LEGAL SERVICES:			\$6,805.50

**LEGAL SERVICES SUMMARY**

BRIAN M O'CONNELL	5.20 Hrs	\$350/Hr	\$1,820.00
BIDDY C LABUTKA	16.00 Hrs	\$125/Hr	\$2,000.00
JOY A FOGLIETTA	14.40 Hrs	\$195/Hr	\$2,808.00
SHERRI H MCDOWELL	0.30 Hrs	\$125/Hr	\$37.50
SHERRI H MCDOWELL	0.10 Hrs	\$150/Hr	\$15.00
TRUDY C DODSON	1.00 Hrs	\$125/Hr	\$125.00
		37.00 Hrs	\$6,805.50

**COSTS ADVANCED**

Through December 31, 2014

Postage			
12/31/14	Postage		23.02
		Total Postage	23.02
Copy/Printing Expense			
12/31/14	Copy/Printing Expense		27.60
		Total Copy/Printing Expense	27.60
Long Distance Telephone			
12/31/14	Long Distance Telephone		0.62
		Total Long Distance Telephone	0.62
Fax			
12/31/14	Fax		2.00
		Total Fax	2.00
TOTAL COSTS ADVANCED:			\$53.24
TOTAL THIS BILL			\$6,858.74