

IN THE CIRCUIT COURT FOR PALM BEACH COUNTY, FLORIDA
PROBATE DIVISION

FILE NO. 502012CP004391XXXXSB

IN RE: ESTATE OF
SIMON BERNSTEIN,

Deceased.

**AMENDED PETITION FOR DISCHARGE
OF ADMINISTRATOR AD LITEM
AND
PAYMENT OF ADMINISTRATOR AD LITEM'S FEES**

Petitioner, Benjamin P. Brown as Administrator Ad Litem ("AAL") of the above Estate, alleges:

1. Benjamin P. Brown, Esq. was appointed Administrator Ad Litem by Order dated May 23, 2014. The May 23, 2014 Order Appointing Administrator Ad Litem to Act On Behalf of the Estate of Simon Bernstein to Assert the Interests of the Estate in the Illinois Litigation (Case No. 13cv3643, N.D. Ill.E. Div.) Involving Life Insurance Proceeds on the Decedent's Life is attached hereto as Exhibit A ("Order").

2. On July 11, 2014, this Court appointed Brian O'Connell, Esq. as Personal Representative of this Estate.

3. Accordingly, it appears that an Administrator Ad Litem is no longer required in connection with this Estate.

4. The Administrator Ad Litem has neither received, nor distributed, as Administrator Ad Litem, any Estate funds or assets. Therefore, the undersigned believes that the Administrator Ad Litem should not be required to prepare and file an accounting prior to discharge.

5. The AAL has rendered services as Administrator Ad Litem from September – October 31, 2014 as set forth in the itemized summary of services attached as Exhibit B, for which the Curator has not been paid. The fees owed for that period are \$1,110.00 and no costs were incurred.

6. In addition to the fees shown on Exhibit B, the AAL has provided more recent services set forth in the itemized statement in the amount of \$455.00 for which the Curator has not been paid. A copy of the February 17, 2015 statement is attached as Exhibit C.

7. The total amount due under Exhibits B and C is \$1,565.00. The May 23, 2014 Order provides that Creditor William Stansbury shall be responsible for paying such fees.

WHEREFORE, Benjamin P. Brown, as Administrator Ad Litem, requests that an Order be entered discharging him as Administrator Ad Litem of this Estate and providing that no accounting by the Administrator Ad Litem is required, providing for payment of the Administrator Ad Litem outstanding fees, and for such other relief as the Court deems just and proper.

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by e-mail upon the parties on the attached Service List on this 18 day of February, 2015.

MATWICZYK & BROWN LLP
Attorneys for Administrator Ad Litem
625 N. Flagler Drive, Suite 401
West Palm Beach, FL 33401
Telephone: (561) 651-4004
Fax: (561) 651-4003

By: 

Benjamin P. Brown
Florida Bar No. 841552

ESTATE OF SIMON BERNSTEIN
File No. 502012CP004391XXXXSB

Service List

<p>Max Friedstein 2142 Churchill Lane Highland Park, IL 60035</p>	<p>Alan B. Rose, Esq. Page, Mrachek, Fitzgerald & Rose, P.A. 505 South Flagler Dr., Suite 600 West Palm Beach, FL 33401 arose@pm-law.com</p>	<p>John J. Pankauski, Esq. Pankauski Law Firm PLLC 120 South Olive Avenue 7th Floor West Palm Beach, FL 33401 john@Pankauskilawfirm.com</p>	<p>Carley Friedstein, Minor c/o Jeffrey and Lisa Friedstein, Parents and Natural Guardians 2142 Churchill Lane Highland Park, IL 60035 Lisa@friedsteins.com lisa.friedstein@gmail.com</p>
<p>Pamela Beth Simon 950 N. Michigan Avenue Apartment 2603 Chicago, IL 60611 psimon@stpcorp.com</p>	<p>Irwin J. Block, Esq. The Law Office of Irwin J. Block, PL 700 South Federal Highway Suite 200 Boca Raton, FL 33432 ijb@ijblegal.com</p>	<p>Julia Iantoni, a Minor c/o Guy and Jill Iantoni, Her Parents and Natural Guardians 210 I Magnolia Lane Highland Park, IL 60035 jilliantoni@gmail.com</p>	<p>Joshua, Jacob and Daniel Bernstein, Minors c/o Eliot and Candice Bernstein, Parents and Natural Guardians 2753 NW 34th Street Boca Raton, FL 33434 iviewit@iviewit.tv</p>
<p>Jill Iantoni 2101 Magnolia Lane Highland Park, IL 60035 jilliantoni@gmail.com</p>	<p>Peter Feaman, Esquire Peter M. Feaman, P.A. 3615 Boynton Beach Blvd. Boynton Beach, FL 33436 pfeaman@feamanlaw.com</p>	<p>Eliot Bernstein 2753 NW 34th Street Boca Raton, FL 33434 iviewit@iviewit.tv</p>	<p>John P. Morrissey, Esq. 330 Clematis Street, Suite 213 West Palm Beach, FL 33401 john@jmorrisseylaw.com</p>
<p>Lisa Friedstein 2142 Churchill Lane Highland Park, IL 60035 Lisa@friedsteins.com lisa.friedstein@gmail.com</p>	<p>William H. Glasko, Esq. Golden Cowan, P.A. 1734 South Dixie Highway Palmetto Bay, FL 33157 bill@palmettobaylaw.com</p>	<p>Brian O'Connell, Esq. Ciklin Lubitz Martens & O'Connell 515 North Flagler Drive West Palm Beach, FL 33401 boconnell@ciklinlubitz.com</p>	<p>Gary Shendell, Esq. Shendell & Pollock 2700 N. Military Trail Suite 150 Boca Raton, FL 33431 gary@shendellpollock.com ken@shendellpollock.com britt@shendellpollock.com grs@shendellpollock.com</p>

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

IN RE:

CASE NO.: 50 2012 CP 004391 XXXX SB
PROBATE DIV.

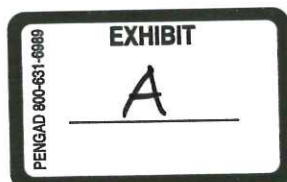
ESTATE OF SIMON L. BERNSTEIN,
Deceased.

**ORDER APPOINTING ADMINISTRATOR AD LITEM TO
ACT ON BEHALF OF THE ESTATE OF SIMON L. BERNSTEIN
TO ASSERT THE INTERESTS OF THE ESTATE IN THE ILLINOIS
LITIGATION (CASE NO. 13CV3643, N.D. ILL. E. DIV.) INVOLVING
LIFE INSURANCE PROCEEDS ON THE DECEDENT'S LIFE**

THIS CAUSE came before this Honorable Court on May 23, 2014 upon the Curator's Amended Motion for Instructions/Determination regarding Estate Entitlement to Life Insurance Proceeds and upon the Petition for Appointment of Administrator Ad Litem filed by William Stansbury, in the U.S. District Court case styled *Simon Bernstein Irrevocable Insurance Trust DTD 6/21/95 v. Heritage Union Life Insurance*, Case No. 13-cv-03643, currently pending in the United States District Court for the Northern District Court of Illinois, and the Court having heard argument of counsel and being otherwise duly advised in the premises, it is

ORDERED and ADJUDGED that


I. The Court appoints Benjamin P. Brown, Esq., who is currently serving as Curator, as the Administrator Ad Litem on behalf of the Estate of Simon L. Bernstein to assert the interests of the Estate in the Illinois Litigation involving life insurance proceeds on the Decedent's life in the U.S. District Court case styled *Simon Bernstein Irrevocable Insurance Trust DTD 6/21/95 v. Heritage Union Life Insurance*, Case No. 13-cv-03643, pending in the United States District Court for the Northern District Court of Illinois.



2. For the reasons and subject to the conditions stated on the record during the hearing, all fees and costs incurred, including for the Curator in connection with his work as Administrator Ad Litem and any counsel retained by the Administrator Ad Litem, will initially be borne by William Stansbury.

3. The Court will consider any subsequent Petition for Fees and Costs by William Stansbury as appropriate under Florida law.

DONE AND ORDERED in Palm Beach County, Florida this 23 day of May, 2014.



MARTIN COLIN
Circuit Court Judge

Copies to:

Alan Rose, Esq., PAGE, MRACIIEK, 505 So. Flagler Drive, Suite 600, West Palm Beach, FL 33401, arose@pm-law.com and mehandler@pm-law.com
John Pankauski, Esq., PANKAUSKI LAW FIRM, 120 So. Olive Avenue, Suite 701, West Palm Beach, FL 33401, john@pankauski.com
Peter M. Feaman, Esq., PETER M. FEAMAN, P.A., 3615 W. Boynton Beach Blvd., Boynton Beach, FL 33436, service@feamanlaw.com
Elliot Bernstein, 2753 NW 34th Street, Boca Raton, FL 33434, elliott@vwil.com
William H. Glasko, Esq., Golden Cowan, P.A., Palmetto Bay Law Center, 17345 S. Dixie Highway, Palmetto Bay, FL 33157, bill@palmettobaylaw.com
John P. Morrissey, Esq., 330 Clematis St., Suite 213, West Palm Beach, FL 33401, john@jmorrisseylaw.com
Benjamin P. Brown, Esq., Matwiczuk & Brown, LLP, 625 No. Flagler Drive, Suite 401, West Palm Beach, FL 33401, bbrown@matbrolaw.com

Matwiczuk & Brown LLP

625 North Flagler Drive
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Ph:(561) 651-4004

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Estate of Simon Bernstein, Admin. ad
litem
c/o Peter Feaman, Esq.
3615 W. Boynton Beach Boulevard
Boynton Beach, Florida 33436

November 14, 2014

File #: 14-00453

Inv #: 3064

Attention:

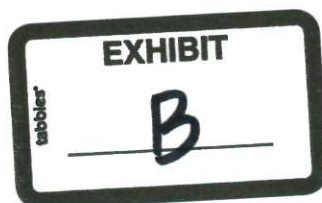
RE: Administrator ad Litem

SUMMARY BY TASK

Task	Effective Rate	Hours	Amount
BW Billable Work	\$336.36	3.30	1,110.00
Total		3.30	\$1,110.00
Grand Total		3.30	\$1,110.00

SUMMARY BY TIMEKEEPER

Timekeeper	Category	This Invoice		
		Rate	Hours	Amount
Benjamin P. Brown	Partner	350.00	3.10	1,085.00
Linda McDaniel	Paralegal	125.00	0.20	25.00
Total			3.30	\$1,110.00



Invoice #: 3064

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Date	Description	Hours	Amount	Lawyer
Sep-18-14	Review Heritage policy; forward to P. Feaman, J. Stamos and Eliot; review Eliot response; draft letter to J. Stamos regarding same	0.20	70.00	BB
Oct-10-14	Receipt and review notice of hearing 11/4; calendar	0.20	25.00	LM
Oct-13-14	Receipt and review of Stansbury pleading regarding responsibility to pay fees	0.20	70.00	BB
Oct-29-14	Revise order and prepare for hearing	0.20	70.00	BB
Oct-30-14	Prepare for and attend hearing; telephone call with B. O'Connell from Courthouse regarding Stamos fee; conference with counsel for parties and Eliot pro se regarding positions on motions; post hearing discussions regarding global mediation regarding ILIT and Stansbury claim	2.50	875.00	BB
	Totals	3.30	<u>\$1,110.00</u>	

Total Fees & Disbursements

\$1,110.00

Balance Due Now

\$1,110.00

Matwiczuk & Brown LLP

625 North Flagler Drive
Suite 401
West Palm Beach, FL 33401

Ph:(561) 651-4004

Fax: (561) 651-4003

Estate of Simon Bernstein, Admin. ad litem
c/o Peter Feaman, Esq.
3615 W. Boynton Beach Boulevard
Boynton Beach, Florida 33436

February 17, 2015

File #: 14-00453

Inv #: 3122

RE: Benjamin P. Brown, Administrator ad Litem
Estate of Simon Bernstein

SUMMARY BY TASK

Task	Effective Rate	Hours	Amount
BW Billable Work	\$350.00	1.30	455.00
Total		1.30	\$455.00
Grand Total		1.30	\$455.00

SUMMARY BY TIMEKEEPER

This Invoice

Timekeeper	Category	Rate	Hours	Amount
Benjamin P. Brown	Partner	350.00	1.30	455.00
Total			1.30	\$455.00



Date	Description	Hours	Amount	Lawyer
Feb-13-15	Draft letter regarding status, re-hearing of motion for discharge, no need for administrator ad litem; emails with L. McDaniel regarding amending petition; revise and finalize letter	0.40	140.00	BB
Feb-16-15	Receipt and review of J. Morrissey email response to letter; draft email in response; review email from P. Feaman office regarding hearing date on amended petition for discharge as administrator ad litem	0.20	70.00	BB
Feb-17-15	Confer with staff regarding setting for hearing, updating fees; revise amended petition and finalize; review recent email regarding progress of Northern District Illinois action status and progress without administrator ad litem involvement in connection with hearing on amended petition; review, revise and finalize order of discharge	0.70	245.00	BB
	Totals	1.30	<u>\$455.00</u>	

Total Fees & Disbursements\$455.00

Previous Balance

\$1,110.00

Previous Payments

\$0.00

Balance Due Now\$1,565.00