

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

PROBATE DIVISION

CASE NO.: 502014CP002815XXXXSB (IY)

OPPENHEIMER TRUST COMPANY  
OF DELAWARE, in its capacity as  
Resigned Trustee of the Simon Bernstein  
Irrevocable Trusts created for the benefit  
of Joshua, Jake and Daniel Bernstein,

Petitioner,

vs.

ELIOT AND CANDICE BERNSTEIN,  
in their capacity as parents and natural  
guardians of JOSHUA, JAKE AND  
DANIEL BERNSTEIN, minors,

Respondents.

\_\_\_\_\_/

**PETITIONER'S NOTICE TO COURT THAT RESPONDENTS' PROPOSED  
SUCCESSOR TRUSTEES HAVE DECLINED THE APPOINTMENT**

Petitioner, OPPENHEIMER TRUST COMPANY OF DELAWARE ("Oppenheimer"), as the resigned trustee of three irrevocable trusts created by the late Simon Bernstein for the benefit of his minor grandchildren, Joshua, Jake and Daniel Bernstein (the "Grandchildren Trusts"), through its undersigned counsel, hereby notifies the Court as follows:

1. On February 26, 2015, the Court entered an Order requiring Eliot and Candice Bernstein, as natural guardians of the minor beneficiaries, to submit names of three proposed successor corporate trustees to the Court and Petitioner's counsel. A copy of the Order is attached as Exhibit "A."

2. On February 26, 2015, Eliot Bernstein provided the names of three proposed corporate trustees to Petitioner's counsel (but not to the Court). The corporate trustees proposed by Mr. Bernstein were as follows:

- a. Reliance Trust Company
- b. Principal Trust Company; and
- c. The Private Trust Company.

Mr. Bernstein did not provide the names of any contact people at the companies he identified, instead writing "good luck finding someone!" to Petitioner's counsel.

3. Petitioner's counsel contacted the three corporate trustees proposed by the Bernsteins, informed them of the reason for the call and the nature and value of the assets of the Grandchildren Trusts, as set forth in the Final Accountings previously filed with the Court, and hereby reports as follows:

- a. Reliance Trust Company, through its Senior Vice-President of Personal Trusts and National Sales Manager, Robert Sajbak, declined the appointment;
- b. Principal Trust Company, through its Relationship Manager, Lisa Hirsh, declined the appointment; and
- c. The Private Trust Company, through its Business Development Officer, Ben Foreman, declined the appointment.

Respectfully submitted,

GUNSTER, YOAKLEY & STEWART, P.A.  
*Counsel for Petitioner*  
777 South Flagler Drive, Suite 500 East  
West Palm Beach, FL 33401  
Telephone: (561) 650-0545  
Facsimile: (561) 655-5677

By: /s/Steven A. Lessne

Steven A. Lessne, Esq.  
Florida Bar No. 107514  
[slessne@gunster.com](mailto:slessne@gunster.com)

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished via e-mail to all parties on the attached Service List this 27<sup>th</sup> day of February, 2015.

/s/ Steven A. Lessne

## SERVICE LIST

Eliot Bernstein  
2753 N.W. 34<sup>th</sup> Street  
Boca Raton, FL 33434  
[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)  
[iviewit@gmail.com](mailto:iviewit@gmail.com)

Candice Bernstein  
2753 N.W. 34<sup>th</sup> Street  
Boca Raton, FL 33434  
[tourcandy@gmail.com](mailto:tourcandy@gmail.com)

# **EXHIBIT A**

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

CASE NO.: 502014CP002815

XXXXSB(11)

OPPENHEIMER TRUST COMPANY  
Plaintiff(s) OF DELAWARE,

VS.

ELIOT AND CANDICE BERNSTEIN  
Defendant(s)

ON STATUS CHECK  
ORDER GRANTING/DENYING

THIS CAUSE came before the Court on a Status Check

and the Court having heard argument of counsel and being otherwise fully advised in the premises, it is

**ORDERED and ADJUDGED** that said motion be, and the same is hereby **GRANTED/DENIED**, as follows:


① By 2/27/15, the Bernsteins, as natural guardians, shall submit the name and number of 2 proposed successor corporate trustee to the Court and Oppenheimer's counsel.

② Oppenheimer shall set its pending Motions for hearing on the

**DONE AND ORDERED** in Chambers at West Palm Beach, Palm Beach County, Florida  
this 26 day of Feb, 20 15.

Court's  
UMC  
prior to  
3/17/15.

Names and addresses of  
copies furnished to:

  
Circuit Judge