

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

TED BERNSTEIN, as Trustee
of the Shirley Bernstein Trust Agreement
dated May 20, 2008, as amended,

Probate Division
Case No.: 502014CP003698XXXXSB

Plaintiff,

v.

ALEXANDRA BERNSTEIN; ERIC BERNSTEIN;
MICHAEL BERNSTEIN; MOLLY SIMON;
PAMELA B. SIMON, Individually and as Trustee
f/b/o Molly Simon under the Simon L. Bernstein
Trust Dtd 9/13/12; ELIOT BERNSTEIN, individually,
as Trustee f/b/o D.B., Ja. B. and Jo. B. under the
Simon L. Bernstein Trust Dtd 9/13/12, and on
behalf of his minor children D.B., Ja. B. and Jo. B.;
JILL IANTONI, Individually, as Trustee f/b/o J.I.
under the Simon L. Bernstein Trust Dtd 9/13/12, and
on behalf of her Minor child J.I.; MAX FRIEDSTEIN;
LISA FRIEDSTEIN, Individually, as Trustee f/b/o
Max Friedstein and C.F., under the Simon L.
Bernstein Trust Dtd 9/13/12, and on behalf of her
minor child, C.F.,

Defendants.

**ORDER GRANTING IN PART AND DEFERRING IN PART RULING ON
SUCCESSOR TRUSTEE'S MOTION TO APPROVE SALE OF TRUST PROPERTY
AND PROHIBITING INTERFERENCE WITH CLOSING**

THIS CAUSE came before the Court for hearing on March 25, 2015, and for an evidentiary hearing on March 26, 2015, upon Ted S. Bernstein's, Successor Trustee of the Shirley Bernstein Trust (the "Trustee"), *Motion to Approve Sale of Trust Property and For Order Prohibiting Interference With Closing etc.* ("the Motion"). The Court, having reviewed the Motion and the record, having received evidence and heard argument of counsel and/or the parties, and being otherwise fully advised in the premises, hereby ORDERS AND ADJUDGES:

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1. For the reasons set forth on the record, the Court DENIES the Motion to the extent it seeks permission for a closing on or before March 31, 2015; and the Court DEFERS RULING and takes under advisement for further hearing or consideration the request to approve a sale to close on or before April 20, 2015, the original closing date specified in the contract admitted into evidence.

2. The Court has heard evidence from John Poletto, a real estate broker who has been listing and marketing the property for more than 1,000 days, who testified as to his opinion that the pending sale, all cash with no financing contingency, is indicative of the fair market value of the property and is in the best interest of the Trust. Eliot Bernstein has contested such testimony, and requested additional time to provide counter-evidence of value, due to the circumstances which did not allow earlier notice of this sale. Now that Eliot Bernstein has notice of sale, Eliot may raise bona fide objections to the sale and, if he chooses to contest this sale, shall submit independent evidence as to the current fair market value of the House. Thereafter, the Court will determine whether to approve the sale based upon that evidence before the scheduled closing date.

3. With the sole exception of the Trustee, his counsel and any professionals retained by the Trustee to assist in the marketing and sale of the property, all beneficiaries and other persons interested in this matter, specifically including Eliot Bernstein, are prohibited from doing anything to directly or indirectly contact the buyer about any aspect of this transaction or file anything with the clerk of the court without first sending it to the undersigned Judge Martin Colin.

4. The Court has ordered that the personal property in the physical possession of the Trustee but owned by the Estate of Simon Bernstein shall remain in the House pending further order

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of this Court. In the event that the Court approves a sale of the House, the Trustee and the Personal Representative of the Estate of Simon Bernstein shall work together in good faith to remove all personal property before such closing.

DONE AND ORDERED in Chambers, in Palm Beach County, Florida, this ____ day of March, 2015.

Martin H. Colin
CIRCUIT COURT JUDGE

cc: All parties on the attached service list

SIGNED & DATED
MAR 31 2015
MARTIN H. COLIN
CIRCUIT JUDGE

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SERVICE LIST

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