IN THE CIRCUIT COURT OF THE FIFTEENTH

JUDICIAL CIRCUIT OF FLORIDA, IN AND FOR

PALM BEACH COUNTY, FLORIDA

Case No. 502011CP000653XXXXSB

Honorable Judge Martin Colin

IN RE

ESTATE OF SHIRLEY BERNSTEIN,

Deceased. Division: IY

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_/**

**OBJECTIONS TO INVENTORY BY TED S. BERNSTEIN, AS**

**SUCCESSOR PERSONAL REPRESENTATIVE**

Objector, ELIOT IVAN BERNSTEIN (“Objector” or “Eliot”), individually and on behalf of his minor children ("Petitioner"), who are alleged qualified beneficiaries[[1]](#footnote-1) of the Estate (the "Estate"), and Trusts of Shirley Bernstein, hereby Objects to the Final Accounting put forth by the Successor Personal Representative, Theodore Stuart Bernstein (“TED”) and his counsel Alan B. Rose, Esq., (“ROSE”) as permitted by Florida Probate Rule 5.401. OBJECTIONS TO PETITION FOR DISCHARGE OR FINAL ACCOUNTING and any other germane statutes and in support thereof, on information and belief, Objector alleges as follows:

**Background**

1. That the Estate of Shirley has been reopened by this Court due to Fraud that was committed upon the Court and the Beneficiaries of the Estate of Shirley Bernstein to close the Estate, including using a deceased Personal Representative, Simon Bernstein, to the close the Estate of Shirley illegally, leading to the Estate being reopened and which remains open as of the date of this filing.
2. The Estate of Shirley was closed allegedly by Simon Bernstein as acting Personal Representative in January 2013, when factually Simon was dead on Sept 13, 2012 and so no successor was appointed when it was closed illegally.
3. That TED acted as Personal Representative from Sept 13, 2012 to October 29, 2013 despite the fact that the Estate of Shirley was closed and no successor was necessary or appointed.
4. That the Estate of Shirley was re-opened due to fraud discovered in a September 13, 2013 hearing committed by TED and his Counsel that occurred in the closing of the Estate of Shirley fraudulently with the Court by using forged and fraudulently notarized documents and using a dead person to act as Personal Representative as if alive.
5. That TED was appointed by this Court on October 29, 2013 and prior to that from September 13, 2012 TED had acted without Letters of Administration to make dispositions of assets and more.
6. This POST MORTEM forgeries and fraudulently notarized documents and other documents deposited with the Court to close Shirley’s Estate are part of a complex fraud on the beneficiaries and FRAUD UPON THIS COURT to change beneficiaries and seize Dominion and Control of the Estates by TED and his Counsel to begin a series of crimes to rob the Beneficiaries, Creditors and Interested Parties of assets of the Estates while controlling all information and failing to provide any statutorily required information to certain beneficiaries and creditors.
7. That TED’s counsel Robert Spallina, Esq. (“SPALLINA”) and Donald Tescher, Esq. (“TESCHER”), was later, after TED’s appointment by this Court as PR when the Estate was reopened, were later in January 2014 allowed to resign by this Court as Successor Personal Representatives and Successor Trustees of Simon Bernstein’s Estate and Trust, any involvement in the Estates and Trusts of Simon and Shirley Bernstein and resign from all of their representation of TED as PR of Shirley’s Estate and Trustee of Shirley’s Trust due to admission that the law firm Tescher & Spallina, PA altered a Shirley Trust document and used it as part of a fraud on beneficiaries counsel.
8. SPALLINA and TESCHER then resigned for criminal acts committed by their law firm involving Fraud on the Court and Fraud on the Beneficiaries, including Fraud involving the Estates and Trusts of both Simon and Shirley Bernstein and tampering with the dispositive documents through fraudulent notarizations and forged documents before the Court.
9. The crimes committed in the dispositive documents posited with Court by TED’s counsel TESCHER and SPALLINA, all inured benefit to TED and his family who were disinherited and considered predeceased prior to the criminal acts to alter beneficiaries to include them and seize Dominion and Control of the Estates and Trusts through a series of fraudulent acts and fraudulent documents and naming TED, SPALLINA and TESCHER as fiduciaries in the documents and naming TED’s children as beneficiaries through admitted fraud.
10. That the removed attorneys TESCHER and SPALLINA worked at the law firm Tescher & Spallina PA, were not known at the time of the September 13, 2013 hearing to have directly been involved in the fraud committed by their law firm, as the criminal acts were alleged to have been committed **only** by their Notary Public, Kimberly Moran (“MORAN”).
11. Moran was later arrested and prosecuted for fraudulently notarizing six documents in Shirley’s Estate, for six separate parties and admitted additionally to forging the documents to Palm Beach County Sheriff Investigators (after she claimed to Governor Rick Scott’s Notary Division first that she had not forged them), including POST MORTEM fraud and forgery for documents purported to be signed by Simon Bernstein while he was alive and then used to close his deceased wife Shirley’s Estate while Simon was dead for several months at the time he allegedly posited the documents in the Court.
12. That at that time of TED’S appointment, TED’S close friends TESCHER and SPALLINA were also acting as Counsel for TED as alleged Successor Trustee in the Shirley Trust and as Counsel to him as newly appointed Personal Representative and SPALLINA stated to the Court in a hearing on September 13, 2013 that he knew of no other problems in the Estates or Trusts of Simon and Shirley than those committed by MORAN.
13. However, on or about January 21, 2014 TED’S counsel SPALLINA, admitted to Palm Beach Sheriff Officers that he and his partner TESCHER had conspired together to fraudulently alter a Shirley Bernstein Trust document that added language to include their business associate, friend and client, TED’s lineal descendant into the Shirley Trust to allow for illegal and fraudulent distributions to TED’s family. TED and his family were considered Predeceased for all purposes of dispositions in the Estates and Trusts of both Shirley and Simon prior to the fraud taking place. (See EXHIBIT A – PB SHERIFF REPORT)
14. That SPALLINA then stated after he and his partner TESCHER consulted with each other and determined that TED’s family could not be legally be put into the Shirley Trust that he then personally fraudulently altered a Shirley Trust document and the document was then disseminated to various parties to perpetrate a Fraud on Beneficiaries and allow TED to take illegal distributions. Funny part of the story is that SPALLINA claimed to PB Sheriff Investigators that TED took the distributions against the advice of counsel, although he had participated in the scheme to make illegal distributions possible, see Exhibit A attached herein.
15. That SPALLINA also stated to Sheriff Investigators as reported in the exhibited herein Sheriff Report that TED was advised by counsel not to make distributions of Shirley’s assets due to both a creditor still being involved in litigation with the Estate and Trust of Shirley and because the beneficiaries could only be Eliot Bernstein, Jill Iantoni and Lisa Friedstein but TED allegedly ignored counsels advice, who had altered the documents to permit the crime and made distributions to members of his family despite knowing they were not legal beneficiaries.
16. That due to the fraud committed by TED’S attorneys at law, TED should have not been appointed by the Court upon the reopening of the Estate of Shirley due to his involvement with his attorneys in perpetrating the Fraud on the Court and the Fraud on the Beneficiaries.
17. However, the Court and the beneficiaries at the time of the appointment of TED were not aware of TESCHER and SPALLINA’S direct fraudulent acts done prior to MORAN’s crimes, as they concealed this to the Court and committed perjury in the initial hearing on September 13, 2013, failing to tell the Court of their crime that occurred months before, on or about January 2013.
18. The legal authenticity of the dispositive documents have been challenged on the basis that these documents may also be part of a Pattern and Practice of Fraudulent documents and it is alleged that TED was fraudulently inserted into the dispositive documents of the Shirley Trust as a fiduciary to seize Dominion and Control of the Shirley Trust and deny any access to records and assets.
19. That since the Court has appointed TED as PR he has failed to take any necessary fiduciary steps to correct the violations of law committed by his former Counsel and protect the beneficiaries, regarding prosecuting or investigating the crimes of his former counsel, business associates and friends, TESCHER and SPALLINA or returning the improperly distributed funds.
20. TED introduced Simon and Shirley to TESCHER and SPALLINA so that he could get life insurance business from them.
21. Since TED’s appointment as PR instead of protecting the beneficiaries he has continued a Pattern and Practice of Fraud on this Court, Fraud on the Beneficiaries and Fraud on the Creditors, as will be evidenced in part below in the Specific Objections to the Inventory TED provided to this Court and the To Be Determined Beneficiaries to protect and shield TESCHER and SPALLINA.

**Specific Objections to Inventory**

1. No financial information, physical evidence, tangible things or backup and any account statements or information were provided with the Inventory prepared by TED that evidence or relate to any transactions listed. All items on the Inventory need further investigation, thus the Objector objects as set forth below. In addition, the Objector objects as no substantiating documents were provided, thus the Objector reserves his right to further object to same.
2. That Simon Bernstein is alleged to have completed an inventory of the Estate of Shirley on September 08, 2011, that inventory was recently discovered to have never been sent and verified to the beneficiaries as statutorily required and was only proffered to the Florida Department of Revenue. (See EXHIBIT B - Inventory of Shirley prepared and posited with the Court and Tax Department by TESCHER and SPALLINA acting as Counsel for the PR Simon Bernstein and TED Inventory)
3. That it is alleged that the inventory of Simon of Shirley’s Personal Property was removed from the dispositive documents and replaced with this fraudulent inventory that is the only inventory that was provided to this Court and the Tax Department and NOT BENEFICIARIES.
4. That this prior inventory alleged done by Simon appears to be yet another fraudulent document inserted into the record as part of the continuing and ongoing Pattern and Practice of Fraud on the Court committed by the prior fiduciaries and their counsel to effectuate a change of Beneficiaries illegally and more importantly to seize Dominion and Control of the Estates and Trusts through fraudulent dispositive documents, in order to steal assets to benefit and enrich themselves and their business associate, client and close personal friend TED.
5. That the September 08, 2011 Inventory failed to claim any of Shirley’s Personal Property on the Inventory and stated that it totaled $25,000.00 total. Current parole evidence already introduced into the record shows that Personal Properties of Shirley were significantly higher.
6. That since the alleged Simon Inventory was not sent to beneficiaries they had no chance to object timely to the inventory.
7. That Objector Eliot has personal knowledge of far more Personal Property owned by Shirley when she died that totaled far more than $25,000.00 and Eliot has provided evidence to TED and this Court of more assets of Shirley’s than the stated total worth.
8. That TED, after being appointed PR to the re-opened Estate of Shirley learned that Shirley’s Personal Property had been transferred to Simon without first being accounted for on the Shirley Inventory sent to the Florida Tax Department and posited with this Court and in violation of Florida Probate Rules and Statutes failed to modify, adjust or amend the alleged initial inventory to reflect Shirley’s property that he had become aware of.
9. That it appears that the alleged Will of Shirley may be missing Addendums, Codicils and Schedules and more, which had specific items Shirley was bequeathing to individuals but that this itemized list appears at this time to be missing from the dispositive documents tendered.
10. When asked in a hearing before this Court how the amount of $25,000.00 was derived on the alleged Simon Inventory prepared by his counsel as Personal Representative, TESCHER and SPALLINA, SPALLINA stated on the record that he called Simon and asked what Shirley’s properties were worth and Simon allegedly claimed to him only $25,000.00.
11. SPALLINA further stated when asked by the Court how that number was verified claimed that no verification or inventorying was done and he took it on faith or words to that effect.
12. That both TESCHER (the lead attorney on the Bernstein’s accounts when the account transferred from the firm Tescher Gutter Chaves Josepher Rubin Ruffin & Forman PA to Tescher & Spallina, PA and TED’s close personal friend) and his junior Partner SPALLINA knew of far more Personal Properties of Shirley’s as they were counsel who designed the Estate plans of Simon and Shirley and further knew first hand of Shirley and Simon’s net worth’s and extensive Personal Properties. SPALLINA had visited their home and witnessed Personal Properties far more than claimed on the Inventory supplied to the Tax Department and this Court and never sent to beneficiaries in violation of Probate Rules and Statutes.
13. That prior to any transfer of Personal Properties to any party, including Simon, the assets of Shirley were required to be inventoried in full and then transferred to Simon. The alleged transfer took place at a time when the transfer was not taxable and thus there would be no reason to fail to properly account to avoid or evade taxes for a favorable tax result. That Eliot made repeated requests to TED to provide accounting for all missing items from Shirley’s original alleged Inventory that failed to list the assets, which he has ignored in the Inventory he has prepared.
14. That it was then learned through appraisals submitted to this Court and the fiduciaries regarding Shirley’s assets that there was well over $25,000.00 of furniture, jewelry, art and more that was taken by Simon allegedly but was not listed on her inventory prior to Simon’s taking her assets and many of these items are now missing or stolen and not inventoried as of this date.
15. That TED being the son of Shirley, also had firsthand knowledge of far more art, jewelry, clothing, vehicles and furniture owned by his mother and in statements made to this Court stated falsely that he was unaware of anything she owned worth over $25,000.00 and that the number made sense to him despite his personal knowledge of her assets.
16. That Objector alleges that much of this property has been stolen by the former fiduciaries and prior counsel involved in these matters, along with TED and his siblings, primarily TED and his sister Pamela Simon (“PAM”), both considered predeceased for purposes of the Estates and Trusts of both Simon and Shirley.
17. The crimes to steal the assets and cover it up on a falsified inventory were committed with intent and aided by the former fiduciaries in the Simon Estate and Trust and TED’s counsel in the Shirley Estate and Trust, TESCHER and SPALLINA, who intentionally left the assets stolen off the inventory of Shirley they prepared allegedly for Simon and never amended it as required by Probate Statutes and Rules before closing the Estate of Shirley using Simon while he was dead to act as Personal Representative and close her Estate months after his passing.
18. That it is alleged that the Inventory Simon prepared for Shirley has been replaced with the alleged Simon Inventory submitted only to the Tax Department and this Court by TESCHER and SPALLINA and provides a reason why NO items were accounted for in Shirley’s purported Inventory and only later accounted for, in part, in Simon’s Estate inventory prepared by the former fiduciaries, TESCHER and SPALLINA.
19. That for example, personal property of Shirley’s included a fully paid for Bentley Automobile with a resale value of approximately several hundred thousand dollars and her wedding ring, worth an appraised value immediately prior to her death of approximately $250,000.00.
20. That additionally Eliot later submitted to the Court an insurance policy that covered and appraised a portion Shirley’s Jewelry (See EXHIBIT C- Insurance Appraisal) shortly before her death where several hundred thousand dollars of Jewelry was insured and none of this was on Shirley’s inventory.
21. That the appraised value of Shirley’s Personal Property in the contents of the Real Estate owned by the Shirley Trust have been questioned by both Eliot and the Creditor William Stansbury as being deficient and under-valued with intent and scienter by TED, to further try and nab these assets at firesale prices. (See EXHIBIT D – Personal Property Appraisal)
22. That if Shirley’s Personal Properties were transferred to Simon after Shirley’s death, or more aptly **taken** by Simon (since only $25,000.00 could be transferred to Simon according to Shirley’s inventory prepared by Tescher & Spallina PA and $0.00 worth of Personal Property according to TED’s inventory) without first being inventoried on Shirley’s inventory, this leaves open the very real possibility and now proven fact (as assets were found far exceeding the stated $25,000.00) for an opportunity for TESCHER, SPALLINA, TED, PAM, LISA and JILL to have stolen properties that were Shirley’s before preparing Simon’s inventory and these stolen properties, alleged to be millions of dollars’ worth of art, jewelry and more, are now unaccountable to beneficiaries and appear nowhere on either Shirley or Simon’s inventories.
23. That Simon, an expert in Estate planning and who ran Trust companies would never have falsified a document sent to a Tax Department or any party, while knowing of far more assets of his wife, especially since there would be no gain from submitting a fraudulent inventory to this Court and a Tax Department.
24. That learning of these missing items not included on Shirley’s inventory, TED as Successor Personal Representative has failed to submit a statutorily required amended inventory and has instead chosen to further conceal this information from both the Court and Beneficiaries, submitting yet another fraudulent and incomplete Inventory to this Court and Beneficiaries.
25. TED’s Inventory further attempts to cover up the crimes of his business associates and former counsel TESCHER and SPALLINA. In this inventory TED is concealing the stolen items again and breaching his fiduciary duties under law to amend the Inventory. The Court should note that TED is one of the main alleged suspects in ongoing PB Sheriff investigation into the stolen Personal Properties.

**733.604 Inventories and accountings; public records exemptions.—**

(1)(a) Unless an inventory has been previously filed a personal representative shall file a verified inventory of property of the estate, listing it with reasonable detail and including for each listed item its estimated fair market value at the date of the decedent’s death.

**(2) If the personal representative learns of any property not included in the original inventory, or learns that the estimated value or description indicated in the original inventory for any item is erroneous or misleading, the personal representative shall file a verified amended or supplementary inventory showing any new items and their estimated value at the date of the decedent’s death, or the revised estimated value or description.**

(The inventory filed by Spallina & Tescher PA was never docketed, verified and served to the beneficiaries, the copy beneficiaries have is to the tax department only allegedly.)

1. That TED also learned that items of Shirley’s that were magically inventoried on Simon’s Estate Inventory prepared by TESCHER and SPALLINA worth well over their stated $25,000.00, were then appraised by TED and the appraisals he secured for the items were far below the prior appraised values, for example Shirley’s wedding ring appraised at $250,000.00 immediately prior to her death for insurance purposes was appraised by TED’s appraiser at approx. $30,000.00.
2. That TED has failed to comply with,

RULE 5.340. INVENTORY

(c) Amendments. A supplementary or amended inventory containing the information required by subdivision (a) as to each affected item shall be filed and served by the personal representative if:

**(1) the personal representative learns of property not included in the original inventory; or**

**(2) the personal representative learns that the estimated value or description indicated in the original inventory for any item is erroneous or misleading** [the $25,000.00 stated as her assets in toto]; or

**(3) the personal representative determines the estimated fair market value of an item whose value was described as unknown in the original inventory.**

(e) Information. On request in writing, the personal representative shall provide the following:

(h) Verification. All inventories shall be verified by the personal representative.

1. That it was recently learned that TESCHER and SPALLINA failed to properly serve the beneficiaries of Shirley’s Estate with the Simon Inventory alleged done by Simon, in violation of Rule

RULE 5.340. INVENTORY

(d) Service. The personal representative shall serve a copy of the inventory and all supplemental and amended inventories on the surviving spouse, each heir at law in an intestate estate, each residuary beneficiary in a testate estate, and any other interested person who may request it in writing.

(See EXHIBIT B - Inventory of Shirley filed to Tax Dept)

Statute 773.604

The personal representative must notify each beneficiary of that beneficiary’s rights under this subsection. Neither a request nor the failure to request information under this subsection affects any rights of a beneficiary in subsequent proceedings concerning any accounting of the personal representative or the propriety of any action of the personal representative.

1. That the footnote one (1) on the Inventory provided by the Successor Personal Representative TED is erroneous, false and perjured. TED states under penalty of perjury that,

“1This Inventory reports all assets which have come into the possession and knowledge of the undersigned as Successor Personal Representative as of the date of his Appointment. The undersigned did not receive possession of any property disclosed in the initial Personal Representative's Inventory dated August 29, 2011 (attached as Exhibit "A").”

1. That TED however came into possession of all of Shirley’s Personal Properties that were transferred to Simon without accounting for them first, including assets secured of hers in two homes that were part of the Shirley Trust that TED controlled although had no rights to them as they were assets of Simon’s at the time of his death improperly taken from Shirley after her death according to the Simon Inventory prepared by TESCHER and SPALLINA and he failed to add these items to an Amended Inventory once he became appointed by this Court.
2. The homes were in the Shirley Trust and the contents were all her Personal Property that should have been inventoried on her Inventory but the contents were all made part of Simon’s estate prior to inventorying them for Shirley once she passed away and TED was made fully aware of this and was advised by TESCHER and SPALLINA that he was not in custody of these items as he was not the Personal Representative of Simon’s Estate, who initially were TESCHER and SPALLINA and then after their removal the Personal Representative was Brian O’Connell. (See EXHIBIT E - SPALLINA Letter to TED re Custody of Simon Estate Personal Properties.)
3. That TESCHER and SPALLINA failed to take custody and possession of the Personal Properties of Simon’s they claimed were transferred from Shirley to Simon but were actually taken without inventorying and allowed TED to take possession and custody of the properties instead, which has led to loss of the properties and no accounting of them in Shirley’s Estate and Simon’s Estate inventories.
4. That TED and his counsel ROSE told this Court that when they improperly sold a multimillion dollar condominium that the Personal Properties of Shirley’s were transferred, boxed and stored upon the sale for safe keeping to the Primary Residence at Saint Andrews Country Club in Boca Raton, FL in the four garages.
5. This Court, based on that claim and knowing the Personal Properties were moved by TED who had no legal custody of the items, then issued an Order on March 30, 2015 for the new PR O’Connell to re-inspect and take possession of these Personal Properties. Therefore, TED’s sworn statements in the Inventory he prepared are knowingly false, as he knew that these were assets of Shirley’s initially that should have been properly accounted for on her inventory prior to any transfers to any parties.
6. The Original Order to take possession and re-inspect the Personal Properties was ordered on June 19, 2014 by this Court and was failed to be complied with as the Trustee TED and his Counsel ROSE then claimed to the PR and others that there was so much to inventory and unboxing it all in the Primary Residences four garages would take far more money than the Court had allocated in funds to complete such RE-inventorying.
7. It was then told to the PR O’Connell and former Curator Benjamin Brown, Esq. that it would cost a considerable amount over the $500.00 apportioned by the Court in its Order to now unbox all the furniture and items stored in the garages, claiming this as the reason to hold up the Court Ordered Inspection and when over six months later the Court Ordered the immediate inspection due to learning of an undisclosed sale of the Primary Residence where the items were alleged stored, there appeared to be only three or four very small boxes and no furniture and none of Shirley’s Personal Properties from her Condominium were there. (SEE EXHIBIT F - Pictures of Garages) All of these items TED was in possession of he failed to add to the Inventory he prepared in violation of Probate Statutes and Rules and Law.
8. On or about March 27, 2015 at 10:30am Joielle "Joy" A. Foglietta, Esquire representing the PR met Eliot at the Primary Residence as Court Ordered and all four garage doors were open and three were wholly empty and one had a few trinkets such as salt shakers and napkin holders.
9. That TED and ROSE now have stated that the Personal Properties may have been sold by TED, more accurately stolen by TED and then sold as stolen goods and further there are no accountings or receipts for any of the items stolen and alleged sold.
10. That TED had NO legal rights to these Personal Properties to sell or otherwise dispose of them and was not a beneficiary of them either, having been disinherited entirely with his lineal descendants from the Estate and Trust of Shirley.
11. That Palm Beach County Sheriff investigators have an ongoing criminal complaint investigating the alleged stolen properties, none of these items appear on the Shirley or Simon accountings and inventories as being properly accounted for as sold or otherwise transferred.

**SPECIFIC ACCOUNTING INVENTORY OBJECTIONS**

**INVENTORY BY TED S. BERNSTEIN, AS SUCCESSOR PERSONAL REPRESENTATIVE**

1. That TED has come into possession and control of property not listed in the inventory and has failed to put those items on the inventory and thus the following statement is false and perjured.

“The undersigned Successor Personal Representative of the estate of Shirley Bernstein, deceased, who died December 8, 2010, submits this inventory of all the property of the estate, that has come into the hands, possession, control, or knowledge of this Personal Representative: 1 “

1. That TED is now claiming the Homestead exemption was not properly done and hearings will have to be had to determine if the Homestead applies.
2. That TED is now claiming that in attempting to sell the Primary Residence that the title company has halted the sale due to problems with the Title and where the Title in the sold Condominium of Shirley will now have to be investigated for fraud.

REAL ESTATE IN FLORIDA - Exempt (Protected) Homestead: NONE

REAL ESTATE IN FLORIDA- Non Exempt Homestead: NONE

*(Whether or not homestead property is exempt from the claims of creditors, is properly devised and is a probate asset may have to be determined by appropriate proceedings.)*

1. That due to the alleged Successor Trustee TED’s failure to account for the Shirley Trust, it is unknown if there is other Florida real estate that was held by the decedent.

OTHER REAL ESTATE IN FLORIDA: NONE

Total Real Estate in Florida - Except Exempt (Protected) Homestead $ 0.00

1. That TED has knowledge and possession of Personal Properties that he has failed to amend the Inventory produced to reflect and violated Florida Probate Rules and Statutes in so doing.
2. That it is alleged that TED has stolen, sold or otherwise disposed of Personal Properties in self-dealing transactions.
3. That it is alleged that TED’s sisters Pamela Simon, Jill Iantoni and Lisa Friedstein also have taken Personal Property of Shirley Bernstein that was taken from the primary residence at Saint Andrews Country Club and the Aragon Condominium and was not inventoried, including jewelry, art, clothing and other items of Shirley Bernstein that were part of her Personal Property and were not inventoried on either Shirley Bernstein’s inventory or Simon Bernstein’s inventory.
4. That Eliot has personal knowledge of far more personal property than the stated “NONE”, including a Bentley Automobile, Jewelry and more that were the Personal Property of Shirley at the time of her death.

PERSONAL PROPERTY WHEREVER LOCATED:

Description: NONE

TOTAL OF ALL PERSONAL PROPERTY AND FLORIDA REAL ESTATE

(Except exempt (protected) homestead) $ 0.00

1. That TED has failed to account for un-inventoried, unidentified items on former Inventory of TESCHER and SPALLINA for $25,000.00 and TED has provided no backup or support as to where the $25,000.00 of items went.

From TESCHER and SPALLINA INVENTORY:

PERSONAL PROPERTY WHEREVER LOCATED:

Description Estimated Fair Market Value

Furniture, furnishings, household goods and personal effects $ 25,000.00 (est.)

TOTAL OF ALL PERSONAL PROPERTY AND FLORIDA

REAL ESTATE$ $ 25,000.00

1. That the footnote below is false and perjured as TED has knowledge of additional Personal Properties and has failed to properly report those items as required and further perjured his statement to this Court as part of an ongoing Pattern and Practice of Fraud on this Court, Fraud on the Beneficiaries and Creditors to benefit himself and others directly at the expense of the True and Proper beneficiaries.

“1 This Inventory reports all assets which have come into the possession and knowledge of the undersigned as Successor Personal Representative as of the date of his Appointment. The undersigned did not receive possession of any property disclosed in the initial Personal Representative's Inventory dated August 29, 2011 (attached as Exhibit "A").”

1. That it is unclear why the alleged Successor Personal Representative would not at this time know of other real estate outside the State of Florida owned by the decedent and beneficiaries and interested parties have not been provided accounting information regarding the true value of the Shirley Estate and Trusts.

All real estate located outside the State of Florida owned by the decedent of which the Personal Representative is aware, if any, is described on a schedule attached hereto, [if none, so indicate].

NONE KNOWN AT THIS TIME.

1. That appraisals done by TED on assets under the control of Simon’s Estate Personal Representatives is believed and reported to authorities and this Court to have been done with criminal intent to lower the value of items presented and create a false appraisal of assets with substantially discounted items or replaced items with lower values.
2. That upon repeated requests for new appraisals and explanations of the inventories done by TED, who had no authority to them as the items were claimed to be Simon’s Personal Properties under the Custody of TESCHER and SPALLINA and despite repeated requests to TED, TESCHER and SPALLINA, all have failed to provide information regarding the questioned and missing assets.
3. That Shirley’s Will, (See EXHIBIT G – SHIRLEY WILL) is missing addendums, codicils and attachments that bequeathed items are alleged to have been listed on that appear to have been removed from the Will submitted to this Court. Upon repeated requests for examination of the entire Will and all attachments, addendums, etc. beneficiaries have been denied this right.
4. That TED has perjured his statements on the Inventory with scienter.

“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.”

WHEREFORE, Eliot requests that this Court enter an order;

* 1. notifying the appropriate state and federal authorities of the alleged criminal misconduct stated herein and theft of Personal Properties by TED, SPALLINA, TESCHER, PAMELA SIMON, LISA FRIEDSTEIN, JILL IANTONI and ROSE as required under Attorney Conduct Codes, Judicial Cannon and law,
  2. order an independent forensic accounting of the Shirley Bernstein Inventory and all records submitted to the Court by TESCHER, SPALLINA and TED to validate if the Officers of this Court who have perjured themselves before the Court and committed felony misconduct in altering dispositive documents submitted to this Court and a Fraud on the Court and have committed further fraudulent accounting,
  3. award Pro Se legal fees and costs of Eliot Bernstein,
  4. disgorge all attorneys’ fees and fiduciary fees,
  5. freeze all estate and trust assets of Shirley Bernstein and demand they be turned over to the Court to prevent further waste, fraud and abuse,
  6. any other remedies, relief, damages and sanctions this Court finds appropriate under law.

Filed on Wednesday, April 29, 2015

Eliot Bernstein, Pro Se, Individually; as Beneficiary and as Legal Guardian on behalf of his three minor children.

X\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**CERTIFICATE OF SERVICE**

I, ELIOT IVAN BERNSTEIN, HEREBY CERTIFY that a true and correct copy of the

foregoing has been furnished by email to all parties on the following Service List, Wednesday, April 29, 2015.

Eliot Bernstein, Pro Se, Individually; as Beneficiary and as Legal Guardian on behalf of his three minor children

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**SERVICE LIST**

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| --- | --- | --- |
| Alan B. Rose, Esq. PAGE, MRACHEK, FITZGERALD, ROSE, KONOPKA, THOMAS & WEISS, P.A. 505 South Flagler Drive, Suite 600 West Palm Beach, Florida 33401 arose@pm-law.com  and [arose@mrachek-law.com](mailto:arose@mrachek-law.com) | John P Morrissey. Esq.  John P. Morrissey, P.A. 330 Clematis Street Suite 213 West Palm Beach, FL 33401 [john@jmorrisseylaw.com](mailto:john@jmorrisseylaw.com) | Carley & Max Friedstein, Minors c/o Jeffrey and Lisa Friedstein Parents and Natural Guardians 2142 Churchill Lane Highland Park, IL 6003 Lisa@friedsteins.com  lisa.friedstein@gmail.com |
| 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](mailto:jilliantoni@gmail.com) |  |  |

EXHIBIT A

PB SHERIFF REPORT

EXHIBIT B

Inventory of Shirley prepared and posited with the Court and Tax Department by TESCHER and SPALLINA acting as Counsel for the PR Simon Bernstein and ted bernstein inventory and TED BERNSTEIN INVENTORY

EXHIBIT C

Insurance Appraisal

EXHIBIT D

Personal Property Appraisal

EXHIBIT E

Spallina Letter to Ted re Custody of Simon Estate Personal Properties

EXHIBIT F

Pictures of Garages

EXHIBIT G

SHIRLEY WILL

1. [↑](#footnote-ref-1)