**Motion for Rehearing of Order dated May 7, 2015**

**Breach of Trust – Separate Motion**

**Breach of Fiduciary Duty – Separate Motion**

RULE 5.020. PLEADINGS; VERIFICATION; MOTIONS

(d) Rehearing. A motion for rehearing of any order or judgment shall be served not later than 10 days after the date of filing the order or judgment with the clerk as shown on the face of the order or judgment.

In an Order dated 5/6/2015, see attached **Exhibit 1,**

Shirley Trust Language

1. That language of the alleged Shirley Bernstein Trust states, see Exhibit \_\_ (insert full trust)

“Notwithstanding the foregoing, as I have adequately provided for them during my lifetime, **for purposes of the dispositions made under this Trust, my children, TED S. BERNSTEIN ("TED") and PAMELA B. SIMON ("PAM"), and their respective lineal descendants shall be deemed to have predeceased the survivor of my spouse and me**…”

1. Ted therefore could not make disposition of either the Condominium or the Saint Andrews home and thus this Court’s order should be reversed as Ted is alleged to be a Trustee but for purposes of disposition under the Trust he is considered predeceased.
2. That in the Condominium sale, Ted made disposition of the Condominium and then further made disposition to his lineal descendants and those of Pam and where both are considered predeceased with their lineal descendants for purposes of dispositions.
3. That Ted is making dispositions to himself as trustee and for his counsel in fees.
4. That the beneficiary class of Shirley was established irrevocably at the time of her death as the three children Eliot, Lisa and Jill.
5. That Ted is breaching the trust.
6. That Ted is breaching his fiduciary duties.
7. That while motions are filed challenging the Trust of Shirley and its construction the beneficiaries are clear based on Exhibit \_\_\_\_ since her death.
8. That despite repeated attempts to get validation of the original trust documents of Shirley to confirm that it is valid document, as Ted’s former counsel admitted to Palm Beach County Sheriff and Beneficiaries that he altered a Shirley Amendment to attempt to insert Ted and his family back into the Trust, the possibility that the whole trust document being fraudulent is relevant.
9. That Robert Spallina, Ted’s former counsel stated to PBSO that Ted was advised by counsel not to make dispositions and he did, see Exhibit \_\_\_ . Police Report.
10. in Ted’s deposition on \_\_\_\_\_\_he states that he does not possess the original documents.
11. Order claims transaction was arm’s length between buyer and seller but buyer was not disclosed and no testimony of the buyer was taken.

Prior Court Hearing Statement when referring to the sale of the house that may have been forgotten.

THE COURT: I'm not -- look, nothing is easy

16 here. It's not going to get easier until we can

17 get hearings where I can start to knock off some

18 of the issues, which is what I have been saying

19 now like a broken record.

20 At some point, either Eliot is going to be

21 sustained on his positions or he's going to be

22 overruled, but one way or the other, we can put

23 some of this stuff to rest. **The problem is we're**

**24 doing all of this business with some of the metes** [matters?]

**25 of the case still up in the air where I haven't**

**been able to adjudicate; the claims that Ted**

**2 should be removed; the claims that there's**

**3 wrongdoing beyond Spallina and Tescher, the trust**

**4 is not valid.** I mean, give me a chance to rule on

5 that, because once I rule on that, then the matter

6 is over with on those and you'll know one way or

7 the other what to do.

8 Do you understand what I'm saying? I think

9 we have hearing time coming up. Let's use that,

10 you know, prioritize hearings on this case. So as

11 soon as we can, I'll give it to you.

Simon Trust

1. That to further support that Ted is breaching terms of Trusts he claims to be Trustee for and posing a serious threat to all parties in both the Estates and Trusts of Simon and Shirley Bernstein
2. That language of Simon Trust states
	1. Predeceased
	2. Successor can’t be related to issuer
3. So how is Ted making disposition in this Trust where he is not named in doc as successor as is alleged in Shirley where he claims to have been named.