

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

IN RE:

Case No. 50 2012 CP 004391 SB

JUDGE MARTIN COLIN

ESTATE OF SIMON
BERNSTEIN,
Deceased.

Division: IY

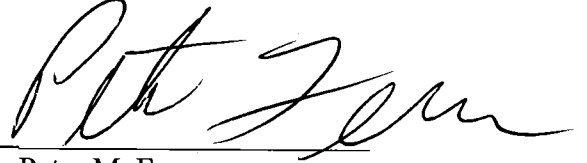
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MOTION TO STAY DISTRIBUTION OF ESTATE ASSETS
PENDING SATISFACTION OF ALL CREDITORS' CLAIMS

COMES NOW Creditor and Interested Person of the Estate of Simon Bernstein, WILLIAM STANSBURY, by and through his undersigned counsel, and moves this Court for the entry of an Order staying any distribution of Estate assets to the beneficiaries of the Estate pending satisfaction of claims of Estate creditors, and as grounds therefor would show as follows:

1. William Stansbury is a creditor of the Estate, having filed a claim in excess of \$2,500,000.00.
2. Mr. Stansbury's claim is pending and the matter is being litigated in the Circuit Court of Palm Beach County, Case No.: 502012CA013933XXXXMB (AA).
3. Certain personal property belonging to the Estate, i.e., furniture, jewelry, collections and other items of significant value are about to be distributed to the beneficiaries. *See*, email attached hereto as **Exhibit "A."**
4. Any dissipation or delivery of Estate assets before claims of creditors of the Estate have been disposed of violates the fiduciary duty owed to the Estate and creditors of the Estate by the Personal Representative.

WHEREFORE, Creditor, William Stansbury requests this Honorable Court to enter an Order staying or prohibiting the delivery or distribution of any Estate assets to any beneficiaries pending resolution of all of the claims of creditors against the Estate.



Peter M. Feaman

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing has been forwarded via e-mail service through the Florida E-portal system to: Alan Rose, Esq., MRACHEK, FITZGERALD ROSE, 505 So. Flagler Drive, Suite 600, West Palm Beach, FL 33401, arose@pm-law.com and mchandler@pm-law.com; Eliot Bernstein, 2753 NW 34th Street, Boca Raton, FL 33434, iviewit@iviewit.tv; Brian O'Connell, Esq., Ciklin Lubitz Martens & O'Connell, 515 North Flagler Drive, 20th Floor, West Palm Beach, FL 33401, boconnell@ciklinlubitz.com; John P. Morrissey, Esq., 330 Clematis Street, Suite 213, West Palm Beach, FL 33401, john@jmorrisseylaw.com; Gary R. Shendell, Esq., Shendell & Pollock, P.A., 2700 N. Military Trail, Suite 150, Boca Raton, FL 33431, gary@shendellpollock.com; Lisa Friedstein, 2142 Churchill Lane, Highland Park, IL 60035, lisa@friedsteins.com; Jill Iantoni, 2101 Magnolia Lane, Highland Park, IL 60035, jilliantoni@gmail.com, on this 21 day of May, 2015.

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By: _____



Peter M. Feaman

Florida Bar No. 0260347

Peter M. Feaman

From: William Stansbury [wesgator@msn.com]
Sent: Wednesday, May 20, 2015 12:21 PM
To: Peter M. Feaman
Cc: Maryanne Koskey
Subject: Rose letter to siblings

From: Alan Rose [mailto:ARose@mrachek-law.com]

Sent: Thursday, May 14, 2015 11:27 AM

To: Thomas, Cynthia J; john@jmorrisseylaw.com; viewit@iviewit.tv; O'Connell, Brian M.; Crispin, Ashley N.; Foglietta, Joy A

Cc: McDowell, Sherri H.; Lobdell, Sharon R.; Ted Bernstein; lisa@friedsteins.com; Jill Iantoni & Jill & Guy Iantoni

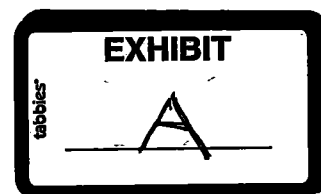
Subject: RE: Estate of Bernstein - Appraisal Report

Simon's Will provides that he gives, to his children who survive him – Ted, Pam, Eliot, Jill and Lisa – “divided among them as they agree, or if they fail to agree, divided among them by my PR” – Brian O’Connell – “in as nearly equal shares as practical my personal effects, jewelry, collections, household furnishings and equipment, automobiles and all other non-business tangible personal property other than cash”

First question: Is there any chance that Eliot would agree on anything? That is a question for Eliot, although by now I believe everyone knows the answer. If Eliot would agree, I would suggest as a starting point that he identify \$8k to \$10 k worth of stuff from the attached appraisal, so others can see if they agree with Eliot’s picks, and the rest would then pass to the other four children.

If Eliot disagrees, then the PR is to divide “in as nearly equal shares as practical” Simon’s: (i) personal effects; collections, household furnishings and equipment [see attached Hall Report]; (ii) (ii) jewelry [I would assume this will be handled separately from the Lion’s Head stuff]; (iii) automobiles [I believe Simon had a leased vehicle and owned no cars other than the KIA as time of his death; and (iv) all other non-business tangible personal property other than cash [if there is any, it would be on the Hall report].

The PR has filed a motion to sell all of the furnishings. I am not sure (and express no opinion) whether that is agreeable to the five surviving children. I would suggest that before the hearing on this issue, the PR try to determine if a workable solution might exist, and start that process by soliciting from each person a listing of what he or she wants from the Hall report. If there is an easy and workable solution, with Eliot picking roughly 1/5 of the value, that might work.



Otherwise, the PR needs to propose a workable solution asap, as the Lion's Head closing will occur in early June and everything needs to be out by then. I would suggest that, in the meantime, and to assist the PR, everyone communicate with him with a "wish list" as to the stuff each wants.

Good luck.

Alan B. Rose, Esq.

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