

**PALM BEACH COUNTY**  
**SHERIFF'S OFFICE**

**RIC L. BRADSHAW, SHERIFF**



July 23, 2105

Mr. Eliot I. Bernstein  
2753 NW 34th Street  
Boca Raton, FL 33434

Mr. Bernstein,

I apologize that you were not able to pick up a copy of the report at the Boca Raton substation yesterday. For your convenience, I have enclosed a copy of the report that you had requested.

I am sorry that the results of our investigations into your numerous claims have not met your expectations. Please be advised that our action does not preclude you from seeking a remedy in any other forum that may be available to you.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Harvey', written over a horizontal line.

Sergeant John Paul Harvey  
Palm Beach County Sheriff's Office  
Financial Crimes Unit  
3228 Gun Club Road  
West Palm Beach, FL 33406  
(561) 688-4136

PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1  
OFFENSE REPORT CASE NO. 14029489

CASE NO. 14029489

DISPOSITION: ZULU  
DIVISION: DETECTIVE

911:  
ECONOMIC CRIMES \* \* \*  
SIGNAL CODE: 14 CRIME CODE: NON CRIME CODE: OT CODE: 9546 01/23/14 THURSDAY  
ZONE: BR GRID: DEPUTY I.D.: 7704 NAME: MILLER RYAN ASSIST: TIME D 1020 A 1020 C 1021  
OCCURRED BETWEEN DATE: 12/01/12 , 0000 HOURS AND DATE: 01/31/13 , 0000 HOURS  
EXCEPTION TYPE:  
INCIDENT LOCATION: 4855 TECHNOLOGY WY APT. NO.: 700  
CITY: BOCA RATON STATE: FL ZIP: 33431

NO. OFFENSES: 00 NO. OFFENDERS: UK NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0  
LOCATION: OTHER  
NO. VICTIMS: 00 NO. ARRESTED: 0 FORCED ENTRY: 0

NAME LIST:  
ROLE:

OTHER	SIMON BERNSTEIN	DOB: 12/02/1935
	SEX: M RACE: W HT: 506 WT: 180 HR: GRAY EYE: BROWN	
RESIDENTIAL ADDRESS:	7020 LIONSHEAD LA BOCA RATON FL 33496	HOME PHONE: 561 000-0000
BUSINESS PHONE:	561 000-0000	
OTHER	SHIRLEY BERNSTEIN	DOB: 06/29/1939
	SEX: F RACE: W HT: 502 WT: 102 HR: BLOND EYE: BLUE	
RESIDENTIAL ADDRESS:	7020 LIONSHEAD RD BOCA RATON FL 33496	HOME PHONE: 561 000-0000
BUSINESS PHONE:	561 000-0000	
COMPLAINANT	ROBERT L SPALLINA	DOB: 06/09/1965
	SEX: M RACE: W HT: 511 WT: 175 HR: BLACK EYE: BROWN	
RESIDENTIAL ADDRESS:	7387 WISTERIA AV PARKLAND FL 33076	HOME PHONE: 561 997-7008
BUSINESS PHONE:	561 000-0000	
OTHER	ALAN B ROSE	DOB: 10/23/1965
	SEX: M RACE: W HT: 509 WT: 170 HR: BROWN EYE: BROWN	
RESIDENTIAL ADDRESS:	21145 ORMOND CT BOCA RATON FL 33433	HOME PHONE: 561 000-0000
BUSINESS ADDRESS:	505 S. FLAGLER DR., STE. 600, WPB, FL 33401	BUSINESS PHONE: 561 355-6991
OTHER	TED BERNSTEIN	DOB: 08/27/1959
	SEX: M RACE: W HT: 0 WT: 0 HR: UNKNOWN EYE: UNKNOWN	
RESIDENTIAL ADDRESS:	800 BERKELEY ST BOCA RATON FL 33484	HOME PHONE: 561 213-2322
BUSINESS PHONE:	561 988-8984	
OTHER	KIMBERLY MORAN	DOB: 10/24/1972
	SEX: F RACE: W HT: 505 WT: 135 HR: BROWN EYE: BROWN	
RESIDENTIAL ADDRESS:	4855 TECHNOLOGY WY BOCA RATON FL 33431	HOME PHONE: 561 997-7008
BUSINESS PHONE:	561 000-0000	
OTHER	PATRICIA FITZMAURICE	DOB: 01/12/1933

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DISPOSITION: ZULU

SEX: F RACE: W HT: 500 WT: 100 HR: GRAY EYE: BLUE  
 RESIDENTIAL ADDRESS: 950 PENINSULA CT APT. 1006 BOCA RATON FL 0 HOME PHONE: 561 994-0310  
 BUSINESS PHONE: 561 000-0000  
 OTHER RACHEL WALKER DOB: 03/05/1984  
 SEX: F RACE: W HT: 508 WT: 130 HR: BLOND EYE: BLUE  
 RESIDENTIAL ADDRESS: 15 OCEAN AV MONMOUTH B NJ 7750 HOME PHONE: 561 275-8102  
 BUSINESS PHONE: 561 000-0000  
 OTHER ELLIOT I BERNSTEIN DOB: 09/30/1963  
 SEX: M RACE: W HT: 510 WT: 185 HR: BROWN EYE: HAZEL  
 RESIDENTIAL ADDRESS: 2753 NW 34TH ST BOCA RATON FL 33434 HOME PHONE: 561 886-7628  
 BUSINESS PHONE: 561 245-8588  
 OTHER CANDICE M BERNSTEIN DOB: 10/09/1972  
 SEX: F RACE: W HT: 508 WT: 125 HR: BLOND EYE: GREEN  
 RESIDENTIAL ADDRESS: 2753 NW 34TH ST BOCA RATON FL 33434 HOME PHONE: 561 886-7628  
 BUSINESS PHONE: 561 245-8588  
 OTHER DONALD TEACHER DOB: 09/26/1944  
 SEX: M RACE: W HT: 0 WT: 0 HR: UNKNOWN EYE: UNKNOWN  
 RESIDENTIAL ADDRESS: 4855 TECHNOLOGY WY BOCA RATON FL 33431 HOME PHONE: 561 000-0000  
 BUSINESS PHONE: 561 000-0000  
 OTHER TRACI A KRATISH DOB: 08/27/1978  
 SEX: F RACE: W HT: 507 WT: 135 HR: BLOND EYE: BLUE  
 RESIDENTIAL ADDRESS: 16068 GLENCREST AV DELRAY BCH FL 33446 HOME PHONE: 561 512-1933  
 BUSINESS ADDRESS: 5100 TOWN CTR. CR., STE. 500, BOCA RATON, FL BUSINESS PHONE: 561 955-8088

..  
 ROLE:  
 OTHER ROLE NO. 3  
 \*NAMES\* LAST FIRST MIDDLE J/S R/S DOB  
 REAL... SIMON PAMELA BETH F  
 \*ADDRESS\* NO. STREET SFX DIR APT# CITY ST ZIP  
 HOME.... 950 MICHIGAN AV N 2603 CHICAGO IL 60611

\*PHONE #S\* HOME OTHER BUSINESS  
 000 0000 000 0000 (312) 819 7474

SCARS/MARKS/TATOOS: PSIMON@STPCORP.COM

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DISPOSITION: ZULU

ROLE:

OTHER ROLE NO. 2  
 \*NAMES\* LAST FIRST MIDDLE J/S R/S DOB  
 REAL... IANTONI JILL MARLA F 10/25/65  
 \*ADDRESS\* NO. STREET SFX DIR APT# CITY ST ZIP  
 HOME.... 2101 MAGNOLIA LA HIGHLAND PARK IL 60035  
 \*PHONE #S\* HOME OTHER BUSINESS  
 (847) 831 4915 000 0000 (312) 804 2318  
 SCARS/MARKS/TATOOS: JILLIANTONI@GMAIL.COM IANTONI\_JILL@NE.BAH.COM

ROLE:

OTHER ROLE NO. 1  
 \*NAMES\* LAST FIRST MIDDLE J/S R/S DOB  
 REAL... FRIEDSTEIN LISA SUE W F 03/15/65  
 \*ADDRESS\* NO. STREET SFX DIR APT# CITY ST ZIP  
 HOME.... 2142 CHURCHILL LA HIGHLAND PARK IL 60035  
 \*PHONE #S\* HOME OTHER BUSINESS  
 (847) 877 4633 000 0000 (312) 000 0000  
 SCARS/MARKS/TATOOS: LISA@FRIEDSTEINS.COM LISA@FRIEDSTEIN@GMAIL.COM

ROLE:

OTHER ROLE NO. 4  
 \*NAMES\* LAST FIRST MIDDLE J/S R/S DOB  
 REAL... NACLERIO RICHARD J W M  
 \*ADDRESS\* NO. STREET SFX DIR APT# CITY ST ZIP  
 HOME.... 876 CAMINO REAL E BOCA RATON FL 33428  
 OTHER... 955 ESPLANADE PELHAM NY 10803

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DISPOSITION: ZULU

\*PHONE #S\* HOME OTHER BUSINESS
(561) 394 3552 (914) 738 2286 (312) 000 0000

ROLE:

OTHER ROLE NO. 11

\*NAMES\* LAST FIRST MIDDLE J/S R/S DOB
REAL... PEARSON WILLIAM M W M

\*ADDRESS\* NO. STREET SFX DIR APT# CITY ST ZIP
OTHER... 0 P.O. BOX 1076 MIAMI FL 33149

\*PHONE #S\* HOME OTHER BUSINESS
(786) 301 4048 (914) 000 0000 (312) 000 0000

ROLE:

OTHER ROLE NO. 15

\*NAMES\* LAST FIRST MIDDLE J/S R/S DOB
REAL... KAPLAN SAMUEL M

\*PHONE #S\* HOME OTHER BUSINESS
(818) 501 7766 (914) 000 0000 (312) 000 0000

ROLE:

OTHER ROLE NO. 16

\*NAMES\* LAST FIRST MIDDLE J/S R/S DOB
REAL... BLOCK IRWIN J M

\*ADDRESS\* NO. STREET SFX DIR APT# CITY ST ZIP
BUSINESS 700 FEDERAL HW S BOCA RATON FL 00000

\*PHONE #S\* HOME OTHER BUSINESS
(818) 000 0000 (561) 393 5660 (312) 000 0000

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DISPOSITION: ZULU

ROLE:

OTHER ROLE NO. 18

\*NAMES\* LAST FIRST MIDDLE J/S R/S DOB  
 REAL... CUNHA JAMES S W M

\*ADDRESS\* NO. STREET SFX DIR APT# CITY ST ZIP  
 BUSINESS 250 AUSTRALIAN AV S 1402 WEST PALM BEACH FL 33401

\*PHONE #S\* HOME OTHER BUSINESS  
 (818) 000 0000 (561) 000 0000 (561) 429 3924

ON 01/21/14 AT 1:45 PM I MET WITH ROBERT SPALLINA AND HIS ATTORNEY DAVID ROTH. SGT. DAVID GROOVER WAS ALSO PRESENT DURING THE INTERVIEW. WE MET AT THE PALM BEACH COUNTY SHERIFF'S OFFICE, DISTRICT 1 CONFERENCE ROOM, WHICH IS LOCATED AT 3228 GUN CLUB ROAD, WEST PALM BEACH, FL. ROBERT SPALLINA STATED THAT HE AND HIS PARTNER, DONALD TESCHNER, MET SIMON AND SHIRLEY BERNSTEIN IN 2007. HE SAID THAT IN 2008 THE BERNSTEIN'S CAME TO THE TESCHNER AND SPALLINA FIRM. HE SAID THAT THEY (THE ATTORNEY'S OFFICE) CREATED WILLS AND TRUSTS FOR BOTH SIMON AND SHIRLEY IN 2008, AMONG OTHER PLANNING. SPALLINA TOLD US THAT SIMON HAD BEEN IN THE INSURANCE BUSINESS FOR 40 YEARS.

HE SAID THAT THE SUBJECT OF THE FIRST MEETINGS WAS THE SALE OF THE INSURANCE BUSINESS DOWN THE ROAD, AS WELL AS MOVING AROUND SOME STOCKS. SPALLINA STATED THE CONVERSATIONS WITH SIMON AND THE THOUGHT PROCESS WAS THAT ONCE SIMON SOLD THE INSURANCE BUSINESS HE OWNED, ALL THE FAMILY WOULD BENEFIT FROM IT (FINANCIALLY). HE SAID THE BUSINESS WAS NEVER SOLD, BUT A LOT OF PLANNING AND PREPARATION WAS DONE FOR IT, TO INCLUDE SETTING UP A FLORIDA LIMITED PARTNERSHIP AND A DELAWARE ASSET PROTECTION TRUST. SPALLINA STATED THAT SIMON WAS ALWAYS CONCERNED WITH CREDITOR PROTECTION. HE SAID THAT IS QUITE COMMON IN THE INSURANCE BUSINESS WORLD.

SPALLINA REITERATED THAT IN 2008, THE LAW FIRM DID THE DOCUMENTS FOR THE WILLS AND TRUSTS. HE STATED THEY (SIMON & SHIRLEY) HAVE FIVE CHILDREN AND 10 GRANDCHILDREN, AS WELL AS A STEP-GRANDCHILD.

SPALLINA SAID THAT THE ESTATE PLAN WAS SIMILAR TO MOST OTHERS, IT SAID SHOULD ONE SPOUSE DIE FIRST, THE OTHER WILL RECEIVE EVERYTHING (ALL ASSETS). HE SAID THAT UNDER BOTH TRUSTS, THE INITIAL DOCUMENTS READ THAT UPON THE SECOND DEATH, TWO CHILDREN (TED AND PAM) WERE EXCLUDED. HE TOLD US THIS TOOK PLACE SINCE BOTH TED AND PAM WERE SET UP WITH LIFE INSURANCE BUSINESSES AND THEY WANTED TO MAKE THE REMAINING CHILDREN (ELIOT, LISA, AND JILL) AS WHOLE AS THEY COULD. NOTE: TED WAS WORKING WITH SIMON IN THE INSURANCE BUSINESS

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DOWN HERE IN FLORIDA AND PAM RECEIVED A COMPANY IN ILLINOIS.

SPALLINA REITERATED THAT UPON THE DEATH OF THE SECOND SURVIVOR, EVERYTHING FROM BOTH TRUSTS GOES TO JILL, LISA, AND ELIOT ADDING THAT SHIRLEY HAD ONE OTHER STIPULATION IN HER TRUST, WHICH STATED THAT TED'S STEPSON, (MATTHEW LOGAN) RECEIVED \$200,000. HE TOLD ME THAT SHIRLEY HAD A LIKING TO MATTHEW SO SHE ADDED THAT TO HER TRUST, BUT THAT SIMON DID NOT BELIEVE IN THAT, THAT HE FELT EVERYTHING SHOULD GO TO BLOOD (A BIOLOGICAL CHILD). SPALLINA SAID THAT LATER ON IN 2008, SHIRLEY STATED SHE WANTED TO CHANGE HER TRUST DOCUMENTS IN REFERENCE TO THE MONEY LEFT TO MATTHEW LOGAN. HE STATED THAT AN AMENDMENT WAS CREATED, WHICH WAS SIGNED BY SHIRLEY ON NOV. 18, 2008 TAKING LOGAN OUT OF THE TRUST.

SPALLINA STATED THAT HE FELT THAT SIMON'S WISHES OVERRODE SHIRLEY'S IN THIS SITUATION. SPALLINA SAID THAT HE AND KIMBERLY MORAN (HIS EMPLOYEE & A NOTARY) WENT TO SHIRLEY'S HOME FOR THE DOCUMENT TO BE SIGNED. HE SAID THAT RACHEL WALKER, SHIRLEY'S ASSISTANT, WAS PRESENT WHEN THE DOCUMENT WAS SIGNED. SHE AND SPALLINA ARE ON THE DOCUMENT AS WITNESSES, MORAN IS THE NOTARY FOR SHIRLEY'S SIGNATURE. HE TOLD ME THAT WAS THE LAST CHANGE SHIRLEY EVER MADE TO HER DOCUMENTS AND THAT SHE PASSED ON DECEMBER 2010. SIMON WAS STILL ALIVE AND THE TRUST READ THAT EVERYTHING WENT TO HIS BENEFIT. SPALLINA REITERATED THAT HER DOCUMENTS READ THAT UPON SIMON'S DEATH, EVERYTHING (HER ASSETS) WENT TO JILL, LISA, AND ELIOT.

SPALLINA STATED THAT IN 2012, SIMON CONTACTED HIM STATING THAT HE WAS HAVING CONCERNS ABOUT HOW HE HAD ELIMINATED TED AND PAM FROM HIS TRUST. HE STATED THAT IT IS POSSIBLE THAT THESE THOUGHTS CAME ON BECAUSE PAM STARTED SENDING HIM LETTERS. HE SAID THAT SHE (PAM) HAD A LAWYER CONTACT HIS OFFICE AND ASK FOR COPIES OF SHIRLEY'S TRUST DOCUMENTS. SPALLINA SAID THAT HE MET WITH SIMON, WHO SAID THAT HE WAS CONSIDERING CHANGING HIS DOCUMENTS. HE SAID THAT ONE OF THE CHANGES DISCUSSED WAS HOW TO INCLUDE TED AND PAM'S CHILDREN.

SPALLINA STATED THAT SIMON HAD A LIFE INSURANCE POLICY WITH THE BENEFIT OF \$1,600,000. HE SAID THAT THE POLICY READ THAT IF SIMON PASSED BEFORE SHIRLEY SHE RECEIVED THE BENEFIT, BUT IF SHIRLEY PASSED BEFORE HIM, THE FIVE CHILDREN RECEIVED THE BENEFITS ONCE HE PASSED. THIS POLICY ORIGINATED OUT OF ILLINOIS. SPALLINA ADDED THAT THIS POLICY AND ITS DISTRIBUTION OF FUNDS ARE CURRENTLY IN A FEDERAL COURT BATTLE.

SPALLINA STATED THAT A DISCUSSION TOOK PLACE WITH HIM AND SIMON IN 2012; REFERENCE THE FACT THAT SIMON HAD ISSUES ON HOW AND WITH WHOM FUNDS WERE GOING TO BE DISTRIBUTED TO UPON HIS DEATH. HE TOLD ME SIMON WAS HAVING RESERVATIONS ABOUT TED AND PAM NOT BEING IN HIS TRUST, AS WELL AS THAT FACT THAT HE THEN HAD A GIRLFRIEND BY THE NAME OF MARITZ PUCCIO THAT HE WANTED TO PROVIDE FOR. HE ADDED THAT NO ONE IN THE FAMILY WAS HAPPY THAT PUCCIO WAS IN SIMON'S LIFE. HE ALSO TOLD ME THAT SIMON WANTED HIS GRANDCHILDREN TO RECEIVE BENEFITS FROM

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THE TRUST.

SPALLINA SAID THAT SIMON FIRST SUGGESTED MAKING BENEFICIARY CHANGES ON THE AFOREMENTIONED LIFE INSURANCE POLICY. SPALLINA SAID THAT HE TOLD SIMON THAT WAS A VERY BAD IDEA. HE TOLD ME THAT THERE WAS SOMETHING CALLED AN EXERCISE OF POWER OF APPOINTMENT, PUT IN BOTH SIMON AND SHIRLEY'S TRUST DOCUMENTS. HE SAID THIS GAVE THE LIVING SPOUSE THE ABILITY TO MAKE CHANGES ON THE DECEASED SPOUSE'S DOCUMENTS. HE SAID THAT HE TOLD SIMON, THAT MAYBE THEY SHOULD EXPLORE OPTIONS WITH THAT. HE SAID SIMON TOLD HIM THAT HE WANTED TO MAKE THE NECESSARY CHANGES TO HAVE BOTH TRUSTS READ THAT THE 10 GRANDCHILDREN WERE THE BENEFICIARIES. HE TOLD ME THAT HE TOLD SIMON (SI AS HE CALLS HIM) THAT HE COULD NOT MAKE THOSE CHANGES TO SHIRLEY'S TRUST BECAUSE SHE HAD WROTE TED AND PAM AND THEIR CHILDREN AS PREDECEASED IN HER TRUST.

SPALLINA REITERATED THAT SIMON CAN DO WHATEVER HE WANTS WITH HIS ESTATE, BUT ALL HE CAN DO WITH SHIRLEY'S TRUST IS GIVE IT TO LISA, JILL, AND ELIOT'S CHILDREN. HE SAID THAT SIMON WAS NOT HAPPY ABOUT THIS. HE SAID THAT SIMON WAS VERY ADAMANT ABOUT LEAVING EVERYTHING IN THE ESTATES TO THE GRANDCHILDREN. HE ALSO SAID THAT HE ADVISED SIMON TO NOT MAKE CHANGES TO THE LIFE INSURANCE POLICY OR THE ESTATES, MAKING PUCCIO A BENEFICIARY. HE STATED THAT THIS WILL ONLY CAUSE PROBLEMS AND CREATE LITIGATION. SPALLINA SAID THE AFOREMENTIONED DISCUSSION AND MEETING TOOK PLACE IN FEBRUARY 2012. HE SAID THE MEETING CONCLUDED WITH SIMON SAYING HE NEEDED TO THINK ABOUT THINGS.

HE TOLD ME THAT THREE MONTHS LATER, SIMON CONTACTED HIM STATING HE KNEW WHAT HE WANTED TO DO. HE SAID THAT SIMON TOLD HIM HE WANTED TO LEAVE HIS INSURANCE POLICY ALONE, BUT THAT HE WANTS BOTH TRUSTS TO GO TO HIS 10 GRANDCHILDREN. SPALLINA SAID THAT HE EXPLAINED TO HIM AGAIN, THAT ONLY HIS TRUST, NOT SHIRLEY'S CAN GO TO BOTH GRANDCHILDREN, UNLESS HE TAKES ALL OF THE ASSETS OUT OF THE SHIRLEY TRUST AND PUTS THEM INTO HIS NAME. HE SAID THE COST OF TAKING THE ASSETS OUT OF SHIRLEY'S TRUST WOULD HAVE BEEN SIGNIFICANT, BECAUSE SHIRLEY'S DEATH OCCURRED BEFORE FEDERAL ESTATE TAX CHANGES TOOK PLACE, SO AS LONG AS IT STAYED IN HER ESTATE IT WOULD BE FREE OF TAX, BUT SHOULD IT GO TO SIMON'S TRUST IT WILL BE TAXED.

THERE WAS ALSO AN ISSUE OF SUBJECTING THE ASSETS FROM SHIRLEY'S ESTATE TO CREDITORS IF IT WENT TO SIMON'S ESTATE. SPALLINA TOLD ME THAT AT THIS TIME, SIMON SAID "GET MY CHILDREN ON THE PHONE". HE SAID THAT SIMON TOLD HIM THAT HE WANTED HIS CHILDREN TO AGREE THAT ALL ASSETS FROM BOTH TRUSTS GO TO THE 10 GRANDCHILDREN. HE SAID THAT SIMON TOLD HIM HE (SIMON) COULD GET THEM TO AGREE. SPALLINA CONFIRMED THAT THIS CONVERSATION OCCURRED ON THE SAME DATE, DURING THE SAME PHONE CALL (CONFERENCE CALL), REGARDING THE WAIVER OF ACCOUNTING FORM FOR SHIRLEY'S ESTATE IN PBSO CASE #13-097087.

FROM A PREVIOUS INVESTIGATION DONE BY ME, I FOUND THAT SIMON SIGNED THE WAIVER OF ACCOUNTING ON 04/09/12, SO IT IS POSSIBLE THAT THE PHONE CALL

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OCCURRED ON THAT DATE. I HAD ALSO NOTED IN MY REPORT THAT THERE WAS SOME DISCUSSION OF INHERITANCE AND WHO WAS TO GET WHAT. SPALLINA SAID THAT DURING THE PHONE CALL, ALL FIVE KIDS AGREED THAT CHANGING THE INHERITANCE OF BOTH ESTATES TO THE GRANDCHILDREN WAS A GREAT IDEA. HE SAID THAT ELIOT SPOKE THE MOST, STATING THINGS SUCH AS, GREAT IDEA DAD, WHATEVER YOU WANT TO DO, WHATEVER MAKES YOU FEEL BEST, WHATEVER IS BEST FOR YOUR HEALTH DAD.

SO, AFTER THE AFOREMENTIONED PHONE CALL, NEW DOCUMENTS WERE DRAWN UP FOR SIMON'S ESTATE. THESE NEW DOCUMENTS GAVE EVERYTHING TO ALL 10 GRANDKIDS. HE ALSO EXERCISED HIS POWER OF SHIRLEY'S ESTATE, LEAVING EVERYTHING TO ALL 10 GRANDKIDS, EVEN THOUGH LEGALLY HE COULD NOT INCLUDE TED AND PAM'S KIDS BECAUSE OF THE PREDECEASED LIMITATION. HE SAID THESE DOCUMENTS WERE EXECUTED AT THE END OF JULY 2012. HE SAID SEVEN WEEKS LATER SIMON DIES, UNEXPECTEDLY. I FOUND THAT SIMON PASSED ON SEPTEMBER 13, 2012 OF A HEART ATTACK.

SPALLINA SAID APPROXIMATELY TWO MONTHS AFTER THAT, HIS OFFICE RECEIVED A REQUEST FROM ELIOT'S ATTORNEY, CHRISTINE YATES, FOR ALL DOCUMENTS RELATING TO SIMON AND SHIRLEY BERNSTEIN, TO INCLUDE DOCUMENTS RELATING TO BERNSTEIN FAMILY REALITY, WHICH OWNS A HOME THAT ELIOT AND HIS FAMILY LIVE IN. HE SAID THAT HIS HOME IS ACTUALLY OWNED AND IS FUNDED BY THREE TRUSTS THAT SIMON CREATED. THE THREE TRUSTS ARE IN THE NAME OF ELIOT'S THREE CHILDREN, (JACK, JAKE, AND DAN).

SPALLINA TOLD ME THAT HE AND HIS PARTNER HAD DISCUSSIONS REFERENCE TO FULFILLING SIMON'S WISHES OF ALL 10 GRANDCHILDREN RECEIVING THE BENEFITS FROM BOTH SIMON AND SHIRLEY'S TRUSTS. HE SAID THAT HE AND HIS PARTNER, DONALD TESCHNER, DISCUSSED DOING A SCRIVENER'S AFFIDAVIT REFERENCE REINSTATING TED AND PAM'S CHILDREN INTO SHIRLEY'S TRUST, SINCE THEIR NOTES WERE UNCLEAR TO AS IF THE GRANDCHILDREN WERE OR WERE NOT DEEMED PREDECEASED, AS TED AND PAM WERE. HE TOLD ME THAT THE DECISION WAS MADE TO NOT DO THE SCRIVENER'S AFFIDAVIT, DUE TO THE CHANCE THAT IT MAY NOT WORK. HE SAID THOUGH, THAT AGAINST HIS BETTER JUDGMENT HE ALTERED THE FIRST PAGE OF THE FIRST AMENDMENT TO THE SHIRLEY BERNSTEIN TRUST AGREEMENT, BEFORE HE TURNED IT OVER TO YATES. THE ORIGINAL WAS MENTIONED EARLIER ON IN THIS REPORT AND STATES THAT SHIRLEY SIGNED IT ON NOVEMBER 18, 2008. IT TOOK MATTHEW LOGAN OUT OF THE TRUST.

SPALLINA SAID THAT THEY NOTICED THAT THE FIRST PAGE OF THE DOCUMENT SKIPPED FROM ONE TO THREE, SO HE TOOK IT UPON HIMSELF TO ADD IN NUMBER TWO, BEFORE SENDING IT TO YATES. THE CHANGE THAT NUMBER TWO MADE TO THE TRUST, AMENDED PARAGRAPH E OF ARTICLE III, MAKING IT READ THAT ONLY TED AND PAM WERE CONSIDERED PREDECEASED, NOT THEIR CHILDREN. HE SAID THE ORIGINAL TRUST STATES THAT TED, PAM, AND THEIR CHILDREN ARE DEEMED PREDECEASED. SPALLINA SAID HE DID THIS AT THIS OFFICE IN BOCA RATON, FLORIDA. HE SAID THAT NO ONE ELSE TOOK PART IN ALTERING THE DOCUMENT. HE SAID THAT HE DID IT TO MAKE SIMON'S WISHES AND THE VERBAL AGREEMENT FROM THE APRIL 2012 PHONE CONVERSATION COME TRUE.

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SPALLINA STATED THAT ALTHOUGH HE CREATED THE ALTERED FORM AND ATTACHED IT TO THE ORIGINALLY SIGNED/NOTARIZED FORM, HE RECEIVED NO INCOME OR GAIN FROM IT. HE STATED HE SOLELY DID IT TO FULFILL SIMON'S WISHES. HE CONFIRMED THAT THIS ALTERED DOCUMENT DID NOT GET FILED WITH THE COURTS.

SPALLINA STATED THAT AGAINST HIS ADVICE, A DISTRIBUTION WAS MADE FROM ONE OF THE TRUSTS AFTER SIMON'S DEATH. HE STATED THAT HE ADVISED AGAINST THIS AND WHEN SIMON PASSED, A FORMER PARTNER FILED A CLAIM AGAINST THE ESTATE FOR \$2,500,000.

SPALLINA ALSO TOLD ME THAT IN 2006, ALL OF THE GRANDCHILDREN RECEIVED TRUSTS FROM SHIRLEY AND SIMON. HE STATED THAT YATES WAS ACTUALLY THE ATTORNEY FOR ELIOT'S CHILDREN'S TRUSTS. SPALLINA STATED THAT SIMON WANTED ELIOT'S KIDS TO HAVE A HOME, BUT DID NOT WANT THE HOME IN ELIOT'S NAME.

SPALLINA ALSO TOLD ME THAT IN 2009 SIMON CAME TO HIM AND SAID HE IS BUYING A HOUSE FOR ELIOT AND HIS FAMILY TO LIVE IN, BUT HE DOES NOT WANT ELIOT TO OWN THE HOME. HE SAID THAT SIMON TOLD HIM THAT HE WANTED ELIOT'S CHILDREN'S THREE TRUSTS TO OWN THE HOME. HE THEN SET UP A LIMITED LIABILITY COMPANY, WHICH IS BERNSTEIN FAMILY REALTY. HE SAID THAT SIMON SET UP AN ACCOUNT AT LEGACY BANK. HE SAID THAT SIMON FUNDED THE ACCOUNT, TO PAY FOR THE EXPENSES AT THE HOUSE. RACHEL WALKER WAS IN CHARGE OF PAYING THOSE EXPENSES. HE SAID THAT AT SIMON'S DEATH THE ACCOUNT HAD VERY LITTLE MONEY IN IT. HE SAID THIS WAS THE TYPE OF ACCOUNT THAT ONLY ENOUGH MONEY WENT INTO IT EACH MONTH TO COVER THE NECESSARY EXPENSES FOR THE HOME, SUCH AS POWER, WATER, AND MORTGAGE.

SPALLINA STATED THAT PRIOR TO SIMON'S DEATH, HE WAS THE MANAGER OF BFR, BUT AFTER HIS DEATH IT WAS TRANSFERRED TO OPPENHEIMER TRUST COMPANY, BECAUSE NO ONE IN THE FAMILY WANTED TO MANAGE IT. HE STATED THIS WAS BECAUSE NO ONE WANTED TO DEAL WITH ELIOT. HE SAID OTC BECAME THE TRUSTEE AND THE LEGACY BANK ACCOUNT GOT CLOSED OUT SINCE THE ACCOUNT HAD MINIMAL FUNDS IN IT AND SIMON WAS NO LONGER ALIVE TO FUND IT. HE STATED THAT OTC OPENED UP THEIR OWN BFR TRUST ACCOUNT. HE SAID THAT WHEN THIS OCCURRED, THERE WAS APPROXIMATELY \$80,000 IN EACH OF ELIOT'S CHILDREN'S TRUSTS. HE SAID THAT ELIOT STARTED CALLING UP OTC ASKING FOR THEM TO PAY BILLS.

SPALLINA SAID THE PROBLEM IS THAT SINCE NEITHER ELIOT NOR HIS WIFE WERE WORKING, THEY WERE ALSO ASKING FOR THEIR CREDIT CARD BILLS TO BE PAID, ALONG WITH THE NORMAL LIVING EXPENSES. HE STATED THAT THE CREDIT CARD BILLS SHOWED CHARGES TO HIGH END RESTAURANTS, SUCH AS CAPITAL GRILL. SPALLINA SAID THAT DUE TO THE EXPENSES BEING PAID BY THE THREE CHILDREN'S TRUST, TO INCLUDE PRIVATE SCHOOL, THE TRUSTS WERE DRAINED BY AUGUST 2013.

SPALLINA STATED THAT TED BERNSTEIN IS THE TRUSTEE FOR SHIRLEY'S TRUST. HE SAID THAT SHIRLEY HAD A CONDO THAT WAS SOLD FOR \$1,400,000 AND THAT MONEY WENT INTO THE TRUST. HE SAID THAT TED DISCUSSED WITH HIS SIBLINGS, POSSIBLY

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PALM BEACH COUNTY SHERIFF'S OFFICE      PAGE 10  
 OFFENSE REPORT      CASE NO. 14029489  
 DISPOSITION: ZULU

EXCLUDING ELIOT, THAT THERE WAS CONCERN ABOUT A CREDITOR GETTING SOME OF THE MONEY. HE SAID THAT TED MADE A DISTRIBUTION TO SEVEN OF THE 10 GRANDCHILDREN'S TRUSTS. FOUR OF WHICH INCLUDE TED'S THREE CHILDREN AND PAM'S CHILD. SPALLINA SAID THAT TED ONLY FUNDED SEVEN OF THE GRANDCHILDREN, BECAUSE ELIOT REFUSED TO OPEN ACCOUNTS FOR HIS THREE KIDS SO THAT TED COULD FUND THEM. HE SAID THAT IN SEPTEMBER OF 2013, \$80,000 WAS DISTRIBUTED TO EACH OF THE SEVEN TRUSTS, WHICH IS A TOTAL OF \$560,000. SPALLINA REITERATED THAT TED WAS TOLD TO NOT MAKE DISTRIBUTIONS.

SPALLINA WAS ASKED AND CONFIRMED THAT THE ALTERED DOCUMENT REFERENCE SHIRLEY'S TRUST, IS THE ONLY MISTAKE THAT HE MADE. HE IS NOT AWARE OF ANY OTHER MISTAKES.

I WAS SUPPLIED A COPY OF THE ALTERED DOCUMENT BY SPALLINA ON 01/22/14. THIS NARRATIVE IS NOT A VERBATIM ACCOUNT OF THE INTERVIEW WITH SPALLINA. FURTHER INVESTIGATION WILL CONSIST OF MEETING WITH SIMON AND SHIRLEY'S CHILDREN, IN ATTEMPT TO GAIN STATEMENTS FROM THEM.

THIS CASE REMAINS OPEN.

DETECTIVE RYAN W. MILLER #7704

01/24/14 @ 1153 HRS.

TRANS. VIA EMAIL/COPY/PASTE: 01/29/2014/MDR/#6405

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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1

CASE NO. 14029489

SUPPLEMENT 1 OFFENSE REPORT

CASE NO. 14029489

DISPOSITION: ZULU  
DIVISION: DETECTIVE

911:  
ECONOMIC CRIMES \* \* \*  
SIGNAL CODE: 14 CRIME CODE: NON CRIME CODE: OT CODE: 9546 01/29/14 THURSDAY  
ZONE: BR GRID: DEPUTY I.D.: 7704 NAME: MILLER ASSIST: TIME D 1020 A 1020 C 1021  
OCCURRED BETWEEN DATE: 12/01/12 , 0000 HOURS AND DATE: 01/31/13 , 0000 HOURS  
EXCEPTION TYPE:  
INCIDENT LOCATION: 4855 TECHNOLOGY WY APT. NO.: 700  
CITY: BOCA RATON STATE: FL ZIP: 33431  
NO. OFFENSES: 00 NO. OFFENDERS: UK NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0  
LOCATION: OTHER  
NO. VICTIMS: 00 NO. ARRESTED: 0 FORCED ENTRY: 0

ON JAN. 28, 2014 I MET WITH TED BERNSTEIN WHO WAS ACCOMPANIED BY ATTORNEY ALAN ROSE. ROSE IS A CIVIL ATTORNEY, SPECIALIZING IN PROBATE AND BUSINESS LITIGATION. THIS INTERVIEW TOOK PLACE AT THE PALM BEACH COUNTY SHERIFF'S OFFICE, SPECIAL INVESTIGATIONS DIVISION'S CONFERENCE ROOM, LOCATED AT 3228 GUN CLUB ROAD, WEST PALM BEACH, FLORIDA 33406 AT 11:46 A.M. THE FOLLOWING IS A NON-VERBATIM ACCOUNT OF THE INTERVIEW:

TED STATED THAT HE AND HIS FATHER SIMON HAD AN OFFICE TOGETHER. HE TOLD ME THAT IN 2007 HE HAD NOTICED THAT TESCHER AND SPALLINA STARTED FREQUENTING THE OFFICE AND THEY CONTINUED TO VISIT THE OFFICE QUITE OFTEN INTO 2008. HE SAID THAT HE THEN REALIZED THAT HIS PARENTS WERE CONDUCTING THEIR ESTATE PLANNING. HE SAID THAT HE WAS NOT ASKED TO BE PART OF THE PLANNING, NOR DID HE INQUIRE ABOUT IT. TED TOLD ME THAT HE IS THE ELDEST CHILD OF FIVE, TO INCLUDE JILL, LISA, PAM, AND ELIOT. THE OFFICE FOR THE INSURANCE AGENCY THAT TED AND SIMON WORKED TOGETHER AT IS LOCATED AT 950 PENINSULA CORPORATE CIRCLE, BOCA RATON, FL 33487.

TED STATED THAT HE FOUND OUT UPON HIS FATHER'S DEATH, THAT HE WAS THE TRUSTEE FOR HIS MOTHER'S TRUST. HE TOLD ME THAT THE ATTORNEY'S (TESCHER AND SPALLINA) MADE HIM AWARE OF THIS. HE SAID HE WAS ALSO INFORMED HE WAS A CO-TRUSTEE FOR SOME OTHER ACCOUNT. HE TOLD ME THAT HE IS NOT GOING TO INHERIT AN INSURANCE AGENCY, BUT THAT HE AND HIS FATHER WERE PARTNERS. HE STATED THAT HE OWNS STOCK IN THE AGENCY WITH NO OPTION FOR HIM TO INHERIT OR PURCHASE HIS FATHER'S INTEREST IN THE COMPANY. HE COMMENTED ON THE FACT THAT THE BUSINESS MAKES LITTLE INCOME THESE DAYS.

TED STATED THAT IN THE FIRST PART OF 2012, HIS FATHER (SIMON) HAD A

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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 2  
CASE NO. 14029489 SUPPLEMENT 1 OFFENSE REPORT CASE NO. 14029489  
DISPOSITION: ZULU

DISCUSSION WITH HIM, REFERENCE AN ISSUE THAT PAM RAISED WITH SIMON ABOUT HOW THE DOCUMENTS FOR THE TRUSTS WERE DRAWN UP. HE TOLD ME THAT HE BELIEVED PAM HAD SENT SIMON SOME INFORMATION OR A BOOK RELEVANT TO HER VIEW ON HOW YOU DO ESTATE PLANNING WHEN CHILDREN AND GRANDCHILDREN ARE INVOLVED. HE SAID THAT HIS FATHER DID ASK HIM HIS OPINION ON THINGS AND TED TOLD HIM THAT HE DID FEEL THAT THE GRANDCHILDREN MAY NOT UNDERSTAND IT IF THEY DID NOT RECEIVE AN INHERITANCE. HE STATED THAT HIS FATHER TOLD HIM THAT HE MADE A REALLY GOOD POINT AND SOMETHING TO CONSIDER. TED SAID THAT SOON AFTER THAT CONVERSATION HIS FATHER ANNOUNCED THAT HE WANTED TO TALK WITH HIS CHILDREN ABOUT THE DISTRIBUTION OF HIS AND SHIRLEY'S ASSETS UPON HIS DEATH. HE TOLD ME THAT A CONFERENCE CALL MEETING TOOK PLACE INCLUDING HIS (SIMON'S) FIVE CHILDREN, SIMON, AND SPALLINA. HE SAID THAT THE CONVERSATION WENT REALLY WELL AND SIMON GOT TO PROVIDE HIS WISHES VERY CLEARLY.

HE STATED THAT SPALLINA EXPLAINED THE PROCESS LEGALLY, BUT HIS FATHER MADE A STATEMENT AND ASKED EACH CHILD DIRECTLY, HOW THEY FELT ABOUT IT. TED SAID THAT IT WAS TOLD TO HIM AND HIS SIBLINGS THAT SIMON WAS LEAVING ALL OF HIS WEALTH TO HIS 10 GRANDCHILDREN EQUALLY. HE SAID THAT SIMON TOLD THEM THAT THEY (THE CHILDREN) WERE EACH GETTING 1/5 OF A LIFE INSURANCE POLICY. TED SAID THAT IT WAS OBVIOUS THAT HIS FATHER WAS NOT ASKING FOR PERMISSION, BUT STATING CLEARLY WHAT HE THOUGHT WAS RIGHT. TED SAID THAT EACH CHILD STATED THEY FELT OK ABOUT THE DECISION AND THAT IT WAS HIS WEALTH TO MAKE DECISIONS WITH. TED STATED THAT HE BELIEVES THIS WAS THE SAME PHONE CALL WHERE HE WAS TOLD BY SPALLINA HE, AS WELL AS SIBLINGS, WOULD BE RECEIVING FORMS THEY NEEDED TO SIGN AND RETURN. HE STATED THAT SOON AFTER THIS CALL HE RECEIVED THE WAIVER OF ACCOUNTING FORM FOR HIS MOTHER'S ESTATE. THIS IS THE DOCUMENT DISCUSSED IN PBSO CASE # 13-097087.

TED STATED THAT HE WAS NOT INVOLVED IN ANY OTHER DISCUSSIONS REFERENCE ESTATES UNTIL HIS FATHER'S PASSING ON SEPTEMBER 13, 2012. HE SAID THAT TESCHER AND SPALLINA TOLD HIM AFTER HIS FATHER'S DEATH THAT HE WAS THE TRUSTEE FOR HIS MOTHER'S ESTATE. HE SAID OVER MANY IN PERSON MEETINGS AND PHONE CALLS HE WAS GIVEN GUIDANCE BY THE ATTORNEYS ON HOW TO PERFORM HIS DUTIES AS A TRUSTEE, BECAUSE THIS WAS ALL NEW TO HIM. HE HAD NEVER BEEN IN THIS ROLE BEFORE. HE STATED HE WAS NOT PROVIDED A CHECKLIST OR BOOK ON HOW TO PERFORM THESE DUTIES. TED SAID THAT HE MADE IT CLEAR TO HIS SIBLINGS THAT HE IS THE TRUSTEE ON SHIRLEY'S TRUST. TED STATED THAT HE WAS TOLD THAT SHIRLEY'S TRUST WAS TO BE DISTRIBUTED AMONGST HER 10 GRANDCHILDREN. TED STATED THAT HE DID NOT READ ALL OF SHIRLEY'S TRUST DOCUMENTS AND THAT SPALLINA AND TESCHER HAD BOTH TOLD HIM SEVERAL TIMES HOW SHIRLEY'S TRUST WAS TO BE DISTRIBUTED.

TED SAID THAT HE DID READ IN THE DOCUMENTS WHERE THE 10 GRANDCHILDREN WERE TO RECEIVE THE ASSETS FROM THE TRUST. HE SAID THAT HE DID ISSUE A PARTIAL DISTRIBUTION TO THE SEVEN OF THE 10 GRANDCHILDREN. HE DID NOT ISSUE

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## PALM BEACH COUNTY SHERIFF'S OFFICE

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CASE NO. 14029489

SUPPLEMENT 1 OFFENSE REPORT

CASE NO. 14029489

DISPOSITION: ZULU

DISTRIBUTIONS TO ELIOT'S CHILDREN BECAUSE ELIOT REFUSED TO SET UP ACCOUNTS FOR THE FUNDS TO BE SENT TOO. HE ALSO TOLD ME THAT ELIOT TOLD JUDGE COLIN IN COURT THAT HE DID NOT WANT TO SET UP THE ACCOUNTS FOR HIS CHILDREN TO RECEIVE THE FUNDS, BECAUSE THE FUNDS BELONG TO HIM, NOT HIS CHILDREN. HE STATED THAT ELIOT HAD MENTIONED OTHER REASONS IN E-MAILS FOR NOT TAKING THE MONEY. HE ALSO STATED THAT ELIOT REFERENCED THE MONEY AS CRIME OR BLOOD MONEY.

HE STATED THAT SPALLINA TOLD HIM IT WAS OK TO DISTRIBUTE THE FUNDS. HE STATED THAT TESCHER AND SPALLINA RESPONDED VIA E-MAIL ON HOW TO RECEIVE THE FUNDS, SUCH AS SETTING UP TRUST ACCOUNTS FOR THE FUNDS TO GO INTO. TED TOLD ME THAT THERE WERE CONVERSATIONS, WHERE HE WAS TOLD THAT SIMON'S ASSETS COULD NOT BE DISTRIBUTED DUE TO CREDITORS FILING AGAINST THE ESTATE, BUT HE WAS LEAD TO BELIEVE IT WAS OK TO MAKE A PARTIAL DISTRIBUTION OF FUNDS FROM SHIRLEY'S ESTATE, BUT THAT THEY WOULD NEED TO BE CAREFUL IN REGARDS TO DISTRIBUTING FUNDS THAT WERE OBTAINED THROUGH LIQUIDATING HER JEWELRY AND PERSONAL PROPERTY. TED ALSO COMMENTED THAT ONE OF THE GOALS OF MAKING THE DISTRIBUTIONS WAS TO ASSIST ELIOT AND HIS FAMILY, BECAUSE THEY WERE RUNNING LOW ON FUNDS. HE STATED THIS DERIVED FROM ELIOT'S POTENTIAL MISUSE OF FUNDS THAT WERE IN HIS CHILDREN'S TRUSTS IN RELATION TO BERNSTEIN FAMILY REALITY (ELIOT'S HOME) AND ELIOT'S SPENDING AND EXPENSES.

TED CONFIRMED THAT HE DID NOT MAKE ANY DECISIONS IN RELATION TO SIMON'S INSURANCE POLICY GENERATED OUT OF CHICAGO, ILLINOIS. HE STATED THAT HE UNDERSTOOD THE POLICY TO BE OWNED BY SIMON PERSONALLY. HE STATED HE UNDERSTOOD THE POLICY TO READ AS, SHOULD SHIRLEY PASS BEFORE HIM, THE BENEFITS WOULD GO TO THE FIVE CHILDREN.

TED CONFIRMED THAT HE WAS NOT THE TRUSTEE FOR SIMON'S ESTATE, BUT THAT IT WAS EXPLAINED TO HIM, VERBALLY, THAT ALL 10 GRANDCHILDREN WILL RECEIVE THE ASSETS FROM THAT ESTATE IN AN EQUAL DISTRIBUTION AT SOME POINT IN TIME. WE DID DISCUSS THE POWER OF APPOINTMENT PUT IN THE TRUST DOCUMENTS. IT APPEARED AS IF TED WAS NOT AWARE OF ANYTHING CALLED A POWER OF APPOINTMENT, UNTIL THE LAST FEW WEEKS. THAT WAS WHEN SPALLINA NOTIFIED THE COURTS OF HIS WITHDRAW FROM BEING THE ATTORNEY FOR SIMON AND SHIRLEY'S ESTATES. IT APPEARS IT WAS EXPLAINED TO HIM AT THAT TIME.

TED TOLD ME THAT HE AND HIS FATHER HAD A GOOD BUSINESS AND PERSONAL RELATIONSHIP. HE SAID THAT HE HAS A GOOD RELATIONSHIP WITH ALL OF HIS SIBLINGS, EXCEPT FOR ELIOT. HE SAID THAT HE GOT ALONG WITH HIS MOTHER, PRIOR TO HER PASSING. HE TOLD ME THAT RACHEL WALKER WAS EMPLOYED BY HIS MOTHER AND FATHER. HE SAID THAT HE GOT ALONG WITH WALKER AND THAT SHE HELPED HIS MOTHER, SHIRLEY, PRIOR TO SHIRLEY'S PASSING. TED TOLD ME THAT MARITZA PUCCIO WAS SOMEONE THAT WORKED FOR HIM AND AS WELL AS HIS PARENTS. HE STATED THAT SHE HELPED AROUND THE HOMES, CLEANING AND/OR CARING FOR CHILDREN. HE STATED THAT HE MET HER AROUND 2003 OR 2005. HE SAID THAT HE NO LONGER HAS A RELATIONSHIP

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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 4  
CASE NO. 14029489 SUPPLEMENT 1 OFFENSE REPORT CASE NO. 14029489  
DISPOSITION: ZULU

WITH HER. HE SAID THAT SIMON DID HAVE AN INTIMATE RELATIONSHIP WITH PUCCIO AFTER SHIRLEY PASSED. HE STATED THAT PUCCIO DID RECEIVE SOME TYPE OF FINANCIAL BENEFIT FROM SIMON, PRIOR TO HIM PASSING. HE SAID THAT PUCCIO WAS LIVING WITH SIMON AND HER BILLS WERE BEING PAID FOR. THIS MAY OR MAY NOT BE THE FINANCIAL BENEFIT; TED DID NOT SEEM TO BE SURE. HE DID STATE THAT IT APPEARED THAT SIMON WAS GENUINELY INVESTED INTO THE RELATIONSHIP HE HAD WITH PUCCIO.

TED SAID THAT HE HAS NOT SPOKEN TO SPALLINA ABOUT HIM WITHDRAWING FROM BEING THE ATTORNEY FOR THE TRUSTS, BUT THAT HE DID SPEAK WITH TESCHER. HE SAID THAT TESCHER TOLD HIM HE HAD BEEN MADE AWARE OF A FABRICATED DOCUMENT THAT WAS POTENTIALLY PROBLEMATIC FOR THE ESTATES. HE SAID THAT TESCHER TOLD HIM THAT SPALLINA CREATED THE FABRICATED DOCUMENT AND IT ESSENTIALLY IMPACTED THE ABILITY FOR SIMON TO DISTRIBUTE FUNDS TO ALL 10 GRANDKIDS. TED SAID THAT TESCHER TOLD HIM THAT HE HAD ONLY RECENTLY BECOME AWARE OF THIS DOCUMENT, APPROXIMATELY THREE WEEKS AGO FROM TODAY (01/28/14).

ATTORNEY ALAN ROSE PROVIDED A STATEMENT, STATING HE WISHED TO CLARIFY SOME THINGS IN REGARDS TO HOW THE ESTATE DOCUMENTS READ IN HIS OPINION. HE STATED THAT SHIRLEY'S ASSETS WENT TO LISA, JILL, AND ELIOT OR THEIR LINEAL DECEDENTS. HE STATED THAT ONCE SHIRLEY PASSED HER ASSETS WENT INTO HER TRUST. HE STATED THAT SIMON WAS THE SOLE BENEFICIARY FOR HIS LIFE. HE STATED THAT SIMON DID HAVE A POWER OF APPOINTMENT THAT HE COULD EXERCISE; REFERENCE SHIRLEY'S TRUST, CHANGING THE BENEFITS TO LISA, JILL, AND ELIOT'S CHILDREN. SIMON COULD CHANGE HIS DOCUMENTS AT ANY TIME UP TO HIS DEATH. ALAN STATED THERE IS QUESTION AS TO WHETHER OR NOT SIMON HAD THE POWER TO DISTRIBUTE THE FUNDS FROM THE TRUST TO SIX GRANDCHILDREN OR 10. THE 10 WOULD INCLUDE THE CHILDREN OF ALL FIVE OF SIMON'S KIDS.

HE STATED THAT SHIRLEY'S ORIGINAL DOCUMENTS STATE THAT TED AND PAM AND THEIR LINEAL DECEDENTS ARE CONSIDERED PREDECEASED. HE STATED THAT WERE OTHER WAYS TO MAKE SIMON'S WISHES COME TRUE FOR THE ESTATES. HE SAID THAT CHANGES COULD HAVE BEEN MADE TO SIMON'S DOCUMENTS TO REFLECT SHIRLEY'S SO THAT EQUAL DISTRIBUTIONS WERE MADE AMONGST THE 10 GRANDCHILDREN. THIS EXPLANATION OF THE DOCUMENTS GENERATED A SIMILAR IF NOT THE SAME CONCLUSION AS THAT OF SPALLINA'S FROM LAST WEEK.

I ALSO COMMUNICATED WITH ELIOT BERNSTEIN SEVERAL TIMES THIS WEEK AND LAST WEEK IN ATTEMPT TO ARRANGE AN INTERVIEW WITH HIM IN PERSON. HE CANCELED THE LAST TWO MEETINGS WE HAD SET. AT THIS TIME HE HAS REFUSED TO SET A NEW MEETING DATE.

**THIS CASE REMAINS OPEN.**

DETECTIVE RYAN W. MILLER #7704

01/29/14 @ 1425 HRS.

TRANS. VIA EMAIL/COPY/PASTE: 01/29/2014/MDR/#6405

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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1  
 CASE NO. 14029489 SUPPLEMENT 2 OFFENSE REPORT CASE NO. 14029489  
 DISPOSITION: ZULU  
 DIVISION: DETECTIVE

911:  
 ECONOMIC CRIMES \* \* \*  
 SIGNAL CODE: 14 CRIME CODE: NON CRIME CODE: OT CODE: 9546 01/31/14 THURSDAY  
 ZONE: BR GRID: DEPUTY I.D.: 7704 NAME: MILLER ASSIST: TIME D 1020 A 1020 C 1021  
 OCCURRED BETWEEN DATE: 12/01/12 , 0000 HOURS AND DATE: 01/31/13 , 0000 HOURS  
 EXCEPTION TYPE:  
 INCIDENT LOCATION: 4855 TECHNOLOGY WY APT. NO.: 700  
 CITY: BOCA RATON STATE: FL ZIP: 33431  
 NO. OFFENSES: 00 NO. OFFENDERS: UK NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0  
 LOCATION: OTHER  
 NO. VICTIMS: 00 NO. ARRESTED: 0 FORCED ENTRY: 0

ON 01/29/14 I ATTEMPTED TO MAKE CONTACT WITH LISA FRIEDSTEIN, JILL IANTONI, AND PAMELA SIMON VIA E-MAIL. THEY ARE THE THREE DAUGHTERS OF SIMON AND SHIRLEY BERNSTEIN. I USED THE INFORMATION THAT WAS PROVIDED TO ME BY ELIOT ON 09/10/13. I ATTACHED READ RECEIPTS TO THE E-MAIL. I RECEIVED A READ RECEIPT FROM PAMELA 01/30/14 AT 4:59 AM. ON 01/30/14 I PLACED PHONE CALLS TO JILL AND LISA, USING THE PHONE NUMBERS ELIOT HAD PROVIDED ME. I LEFT MESSAGES ASKING THEM TO CALL ME BACK. ON 01/31/14 I BRIEFLY SPOKE WITH LISA, BUT ASKED THAT SHE CALL BACK SO WE CAN FURTHER DISCUSS THIS CASE. TO DATE, I HAVE NOT RECEIVED A CALL OR E-MAIL FROM PAM OR JILL. THIS CONCLUDES MY SUPPLEMENTAL REPORT.

**THIS CASE REMAINS OPEN.**

DETECTIVE RYAN W. MILLER #7704  
 01/31/14 @ 1430 HRS.  
 TRANS. VIA EMAIL/COPY/PASTE: 02/04/2014/MDR/#6405

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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1

CASE NO. 14029489 SUPPLEMENT 3 OFFENSE REPORT CASE NO. 14029489

DISPOSITION: ZULU  
DIVISION: DETECTIVE

911:

ECONOMIC CRIMES \* \* \*  
SIGNAL CODE: 14 CRIME CODE: NON CRIME CODE: OT CODE: 9546 02/12/14 THURSDAY  
ZONE: BR GRID: DEPUTY I.D.: 7704 NAME: MILLER ASSIST: TIME D 1020 A 1020 C 1021  
OCCURRED BETWEEN DATE: 12/01/12 , 0000 HOURS AND DATE: 01/31/13 , 0000 HOURS  
EXCEPTION TYPE:  
INCIDENT LOCATION: 4855 TECHNOLOGY WY APT. NO.: 700  
CITY: BOCA RATON STATE: FL ZIP: 33431

NO. OFFENSES: 00 NO. OFFENDERS: UK NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0  
LOCATION: OTHER  
NO. VICTIMS: 00 NO. ARRESTED: 0 FORCED ENTRY: 0

ON 02/11/14 I REACHED OUT TO KIMBERLY MORAN IN ATTEMPT TO SPEAK WITH HER  
REFERENCE THIS CASE. ON 02/12/14 I WAS INFORMED BY HER ATTORNEY THAT SHE  
WISHES TO EXERCISE HER RIGHT TO NOT SPEAK WITH ME REFERENCE THIS CASE.

THIS CASE REMAINS OPEN.

DETECTIVE RYAN W. MILLER #7704  
02/12/14 @ 0850 HRS.  
TRANS. VIA EMAIL/COPY/PASTE: 02/13/2014/MDR/#6405

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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1

CASE NO. 14029489

SUPPLEMENT 4 OFFENSE REPORT

CASE NO. 14029489

DISPOSITION: ZULU  
DIVISION: DETECTIVE

911:

ECONOMIC CRIMES

SIGNAL CODE: 14 CRIME CODE: \* NON CRIME CODE: OT CODE: 9546 02/12/14 THURSDAY

ZONE: BR GRID: DEPUTY I.D.: 7704 NAME: MILLER ASSIST: TIME D 1020 A 1020 C 1021

OCCURRED BETWEEN DATE: 12/01/12 , 0000 HOURS AND DATE: 01/31/13 , 0000 HOURS

EXCEPTION TYPE:

INCIDENT LOCATION: 4855 TECHNOLOGY WY APT. NO.: 700

CITY: BOCA RATON STATE: FL ZIP: 33431

NO. OFFENSES: 00 NO. OFFENDERS: UK NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0

LOCATION: OTHER

NO. VICTIMS: 00 NO. ARRESTED: 0 FORCED ENTRY: 0

ON 02/12/14 I SPOKE WITH SAMUEL KAPLAN OF LOS ANGELES, CA. WE SPOKE OVER THE PHONE (818-501-7766). HE CONFIRMED HE WAS SIMON BERNSTEIN'S FRIEND OF MANY YEARS, GOING BACK TO TEENS. HE TOLD ME THAT THEY TALKED AT LEAST EVERY DAY, SOMETIMES TWICE A DAY. HE TOLD ME THAT FOR MANY MONTHS AHEAD OF SIMON'S PASSING SIMON TOLD HIM THAT HE WAS LEAVING EVERYTHING TO THE GRANDCHILDREN NOT HIS CHILDREN. KAPLAN SAID THAT SIMON TOLD HIM ON SEVERAL OCCASIONS THAT THE GRANDCHILDREN WERE GETTING AN INHERITANCE FROM THE ESTATE(S), NOT THE CHILDREN. HE SAID THAT SIMON DID NOT GET DOWN TO THE SPECIFICS OF WHAT ESTATE (SHIRLEY'S OR HIS), BUT HE TOOK IT AS EVERYTHING (BOTH ESTATES), DIDN'T REALLY ASK MUCH AS IT WAS NOT HIS BUSINESS. KAPLAN TOLD ME THAT HE FELT THAT SIMON WAS OF SOUND MIND AND HAD TO NO REASON TO BELIEVE OTHERWISE.

THIS CASE REMAINS OPEN.

DETECTIVE RYAN W. MILLER #7704

02/12/14 @ 1217 HRS.

TRANS. VIA EMAIL/COPY/PASTE: 02/14/2014/MDR/#6405

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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1

CASE NO. 14029489 SUPPLEMENT 5 OFFENSE REPORT CASE NO. 14029489

DISPOSITION: ZULU
DIVISION: DETECTIVE

911:
ECONOMIC CRIMES
SIGNAL CODE: 14 CRIME CODE: \* NON CRIME CODE: OT CODE: 9546 02/14/14 THURSDAY
ZONE: BR GRID: DEPUTY I.D.: 7704 NAME: MILLER ASSIST: TIME D 1020 A 1020 C 1021
OCCURRED BETWEEN DATE: 12/01/12 , 0000 HOURS AND DATE: 01/31/13 , 0000 HOURS
EXCEPTION TYPE:
INCIDENT LOCATION: 4855 TECHNOLOGY WY APT. NO.: 700
CITY: BOCA RATON STATE: FL ZIP: 33431

NO. OFFENSES: 00 NO. OFFENDERS: UK NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0
LOCATION: OTHER
NO. VICTIMS: 00 NO. ARRESTED: 0 FORCED ENTRY: 0

ON 02/06/14 I SPOKE WITH JILL IANTONI. HER ATTORNEY WILLIAM PEARSON WAS PRESENT WITH ME DURING THE PHONE CALL. IANTONI WAS NOT SURE IF SHE WAS AWARE THAT HER PARENTS WERE MEETING WITH TESCHER AND SPALLINA BACK IN 2007. SHE DOES NOT THINK SHE WAS AWARE IN 2008 THAT WILLS AND TRUSTS WERE DRAWN UP FOR HER PARENTS. SHE TOLD ME THAT SHE PROBABLY REALIZED THERE WERE WILLS AND TRUSTS ONCE HER DAD TOLD HER HE HAD CHANGED OR WAS CHANGING HIS TRUST OR IT WAS POSSIBLE SHE BECAME AWARE ONCE HER MOM PASSED, BUT SHE REALLY IS NOT CERTAIN. SHE TOLD ME THAT NO ONE CALLED HER AFTER HER MOM PASSED AWAY AND TOLD HER SPECIFICALLY SHE WAS RECEIVING AN INHERITANCE FROM HER MOTHER'S TRUST (THAT SHE REMEMBERS).

SHE SAID THAT SHE REMEMBERS BEING ON A CONFERENCE CALL WITH HER SIBLINGS, HER FATHER, AND ROBERT SPALLINA. SHE SAID THAT SPALLINA SPOKE ON BEHALF OF SIMON, STATING IT WAS NOT AN EASY CALL TO MAKE. SHE SAID SHE WAS TOLD THAT HER FATHER MADE A DECISION BASED ON CONVERSATIONS HE HAD WITH OTHER SIBLINGS, THAT HER FATHER WAS GOING TO CHANGE HIS TRUST AND/OR WILL (SAID NOT SURE WHICH). SHE SAID THAT SPALLINA DID NOT FEEL IT WAS A GOOD DECISION FOR SIMON TO MAKE. SHE SAID THAT SPALLINA STATED HE ADVISED AGAINST IT. SHE TOLD ME THAT SPALLINA SAID, HOWEVER IT WAS UP TO SIMON TO MAKE HIS OWN DECISIONS AND THAT SIMON FELT CHANGES NEEDED TO BE MADE.

SHE TOLD ME THAT SPALLINA SAID THAT SIMON WANTED EVERYTHING TO GO TO HIS 10 GRANDCHILDREN. SHE SAID THAT HER FATHER DID NOT ASK HER ON THIS PHONE CONVERSATION SPECIFICALLY IF SHE WAS OK WITH THIS. SHE SAID SHE DOES NOT REMEMBER WHAT SHE SAID DURING THE CONFERENCE CALL IN REGARDS TO AGREEING WITH IT. SHE TOLD ME THAT SHE MAY HAVE HOWEVER SIGNED SOME SORT OF DOCUMENT

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## PALM BEACH COUNTY SHERIFF'S OFFICE

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CASE NO. 14029489

SUPPLEMENT 5 OFFENSE REPORT

CASE NO. 14029489

DISPOSITION: ZULU

AGREEING TO IT.

SHE SAID THAT CONVERSATIONS TOOK PLACE AFTER THE CONFERENCE CALL, WHICH SHED SOME LIGHT ON TO WHY HER FATHER WAS MAKING THE CHANGES. SHE SAID SHE UNDERSTOOD IT MORE THEN. SHE ALSO TOLD ME SHE WAS NEVER UNDER THE THOUGHT PROCESS THAT SHE WAS RECEIVING AN INHERITANCE, SO SHE WAS NOT DEVASTATED ONCE SHE FOUND OUT HER FATHER WAS MAKING CHANGES. SHE DID IMPLY THAT HER FATHER HAD CONVERSATIONS WITH HER SISTER, PAM, WHICH IN TURN INFLUENCED HIS DECISION TO CHANGE HIS TRUST. SHE TOLD ME THAT SHE DOES NOT REMEMBER IF SHE WAS TOLD DURING THE CONFERENCE CALL WHAT HER MOTHER'S TRUST SAID, NOR DOES SHE REMEMBER IF THEY TALKED ABOUT A LIFE INSURANCE POLICY DURING THIS CALL.

JILL TOLD ME THAT ONCE HER FATHER PASSED THERE WAS A PHONE CALL(S) WITH SPALLINA WHERE HE AGAIN STATED THAT HE ADVISED SIMON AGAINST WHAT HE DID AND WAS VERY ADAMANT THAT PAM WAS CUT OUT OF AN INHERITANCE. SHE SAID THAT ONCE TIME PASSED, SPALLINA'S STANCE SEEMED TO SOMEWHAT CHANGE. SHE STATED THAT SHE IS NOT SURE WHO REACHED OUT TO REFERENCE THE PARTIAL DISTRIBUTION OF FUNDS. SHE TOLD ME SHE DID NOT REALIZE HER MOTHER'S CONDO WAS UP FOR SALE, UNTIL IT SOLD. SHE STATED THAT, ALTHOUGH SHE ASKED FOR PAPERWORK, SHE NEVER RECEIVED IT REFERENCE THE SALE OF THE CONDO.

SHE TOLD ME THAT SHE BELIEVES SHE DID SIGN A PAPER REFERENCE RECEIVING THE PARTIAL DISTRIBUTION, BUT IS NOT REALLY SURE WHAT IT SAID. SHE STATED THAT HER BROTHER-IN-LAW, SKOOTER (PAM'S HUSBAND) DAVID SIMON, TED, AND SPALLINA ALL DISCUSSED TAKING THE PARTIAL DISTRIBUTIONS, DUE TO THE FACT THAT CREDITORS COULD HAVE CLAIM TO IT. SHE TOLD ME THAT SHE CANNOT REMEMBER WHAT WAS SAID WORD FOR WORD, BUT THAT DAVID SIMON SEEMED TO BE PUSHING THE ISSUE AND THAT TED MENTIONED NEEDING TO LOOK INTO IT MORE LEGALLY, REFERRING TO STANSBURY AND A CLAIM THEY MAY HAVE OR WAS COMING.

SHE STATED THAT SHE SUPPLIED A STATEMENT TO THE BEST AS SHE COULD REMEMBER IT. SHE SAID, SHE BELIEVES SHE WOULD WANT TO PURSUE CHARGES IF SOMETHING CRIMINAL CAME OF THIS AND SHE WAS THE VICTIM.

THIS CONCLUDED THE INTERVIEW. **THIS CASE REMAINS OPEN.**  
DETECTIVE RYAN W. MILLER #7704

02/14/14 @ 1120 HRS.

TRANS. VIA EMAIL/COPY/PASTE: 02/24/2014/MDR/#6405

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PALM BEACH COUNTY SHERIFF'S OFFICE

PAGE 1

CASE NO. 14029489

SUPPLEMENT 6 OFFENSE REPORT

CASE NO. 14029489

DISPOSITION: ZULU  
DIVISION: DETECTIVE

911:  
ECONOMIC CRIMES \* \* \*  
SIGNAL CODE: 14 CRIME CODE: NON CRIME CODE: OT CODE: 9546 02/14/14 THURSDAY  
ZONE: BR GRID: DEPUTY I.D.: 7704 NAME: MILLER ASSIST: TIME D 1020 A 1020 C 1021  
OCCURRED BETWEEN DATE: 12/01/12 , 0000 HOURS AND DATE: 01/31/13 , 0000 HOURS  
EXCEPTION TYPE:  
INCIDENT LOCATION: 4855 TECHNOLOGY WY APT. NO.: 700  
CITY: BOCA RATON STATE: FL ZIP: 33431

NO. OFFENSES: 00 NO. OFFENDERS: UK NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0  
LOCATION: OTHER  
NO. VICTIMS: 00 NO. ARRESTED: 0 FORCED ENTRY: 0

ON 02/14/14 I RECEIVED COPIES OF RECEIPT OF PARTIAL DISTRIBUTION FORM FROM ATTORNEY ALAN ROSE. I RECEIVED A FORM SIGNED BY PAMELA SIMON IN REGARDS TO MOLLY SIMON, SIGNED AUGUST 30, 2013. I RECEIVED ONE SIGNED BY JILL IANTONI IN REGARDS TO JULIA IANTONI SIGNED ON AUGUST 30, 2013. I RECEIVED THREE SIGNED BY TED BERNSTEIN, ONE FOR EACH MICHAEL, ALEXANDRIA, AND ERIC BERNSTEIN. THEY WERE NOT DATED.

THE FORM READS THAT THE AFOREMENTIONED GRANDCHILDREN (MOLLY, JULIA, MICHAEL, ALEXANDRIA, AND ERIC) OF SIMON BERNSTEIN ARE TO RECEIVE \$80,000 EACH INTO THEIR TRUSTS. IT ALSO STIPULATES THAT THE MONEY IS TO BE RETURNED IF THE COURTS DEEM THAT IT WAS IMPROPERLY DISTRIBUTED. IT REFERENCES THE SHIRLEY BERNSTEIN TRUST AGREEMENT.

**THIS CASE REMAINS OPEN.**

DETECTIVE RYAN W. MILLER #7704  
02/14/14 @ 1457 HRS.  
TRANS. VIA EMAIL/COPY/PASTE: 02/20/2014/MDR/#6405

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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1

CASE NO. 14029489 SUPPLEMENT 7 OFFENSE REPORT CASE NO. 14029489

DISPOSITION: ZULU  
DIVISION: DETECTIVE

911:  
ECONOMIC CRIMES \* \* \*  
SIGNAL CODE: 14 CRIME CODE: NON CRIME CODE: OT CODE: 9546 02/18/14 THURSDAY  
ZONE: BR GRID: DEPUTY I.D.: 7704 NAME: MILLER ASSIST: TIME D 1020 A 1020 C 1021  
OCCURRED BETWEEN DATE: 12/01/12 , 0000 HOURS AND DATE: 01/31/13 , 0000 HOURS  
EXCEPTION TYPE:  
INCIDENT LOCATION: 4855 TECHNOLOGY WY APT. NO.: 700  
CITY: BOCA RATON STATE: FL ZIP: 33431  
NO. OFFENSES: 00 NO. OFFENDERS: UK NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0  
LOCATION: OTHER  
NO. VICTIMS: 00 NO. ARRESTED: 0 FORCED ENTRY: 0

ON 02/18/14 I MET WITH PATRICIA FITZMAURICE, WHO WAS SIMON'S THERAPIST.  
SHE INFORMED ME THAT HER SESSIONS WITH HIM WERE CONFIDENTIAL AND SHE WOULD NOT  
DISCUSS THOSE. SHE DID STATE TO ME THAT HE HAD TOLD HER OUTSIDE OF A SESSION  
THAT HIS INTENTIONS WERE TO LEAVE HIS ESTATE TO HIS 10 GRANDCHILDREN.  
THIS CONCLUDED MY DISCUSSION WITH HER. THIS CASE REMAINS OPEN.  
DETECTIVE RYAN W. MILLER #7704  
02/18/14 @ 1115 HRS.  
TRANS. VIA EMAIL/COPY/PASTE: 02/20/2014/MDR/#6405

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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1  
 CASE NO. 14029489 SUPPLEMENT 8 OFFENSE REPORT CASE NO. 14029489

DISPOSITION: ZULU  
 DIVISION: DETECTIVE

911:

ECONOMIC CRIMES

SIGNAL CODE: 14 CRIME CODE: \* NON CRIME CODE: OT CODE: 9546 02/18/14 THURSDAY  
 ZONE: BR GRID: DEPUTY I.D.: 7704 NAME: MILLER ASSIST: TIME D 1020 A 1020 C 1021  
 OCCURRED BETWEEN DATE: 12/01/12 , 0000 HOURS AND DATE: 01/31/13 , 0000 HOURS  
 EXCEPTION TYPE:  
 INCIDENT LOCATION: 4855 TECHNOLOGY WY APT. NO.: 700  
 CITY: BOCA RATON STATE: FL ZIP: 33431

NO. OFFENSES: 00 NO. OFFENDERS: UK NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0  
 LOCATION: OTHER  
 NO. VICTIMS: 00 NO. ARRESTED: 0 FORCED ENTRY: 0

THE FOLLOWING IS A NON-VERBATIM ACCOUNT OF AN INTERVIEW:

ON 02/06/14 I SPOKE WITH LISA FRIEDSTEIN. HER ATTORNEY, WILLIAM PEARSON, WAS PRESENT WITH ME DURING THE TIME I SPOKE WITH LISA. LISA TOLD ME THAT SHE WAS NOT AWARE IN 2007 THAT HER PARENTS MET WITH SPALLINA AND TESCHER. SHE STATED TO ME THAT IN 2008 SHE WAS NOT AWARE OF THE FACT THAT HER PARENTS HAD WILLS AND TRUSTS DRAWN UP. SHE TOLD ME THAT SHE BECAME AWARE OF THE WILLS AND TRUSTS ONCE HER MOTHER PASSED AWAY. SHE SAID THAT ONCE HER MOTHER PASSED, HER FATHER TOLD HER THAT HER MOTHER'S TRUST READ THAT SHE, ELIOT, AND JILL WERE TO RECEIVE AN INHERITANCE FROM HER MOTHER'S ESTATE. SHE SAID THIS CONVERSATION CAME ABOUT BECAUSE PAM SENT SIMON A LETTER QUESTIONING HOW ESTATES WERE TO BE DISTRIBUTED. LISA SAID THAT HE TOLD HER FATHER TO MAKE ANY CHANGES HE FELT NECESSARY, SUGGESTING TO MAKE IT EQUAL ALL IF HE THOUGHT IT SHOULD BE. SHE STATED TO ME THAT THIS WAS A ONE ON ONE CONVERSATION SHE HAD WITH HER FATHER.

LISA TOLD ME THAT SHE REMEMBERS THE CONFERENCE CALL THAT WAS MENTIONED BY HER OTHER SIBLINGS. SHE TOLD ME THAT SPALLINA STARTED THE CONFERENCE CALL AND MENTIONED AT THE BEGINNING OF THE CALL THAT HE WAS AGAINST WHAT SIMON WAS DOING, BUT IT WAS UP TO SIMON TO MAKE HIS OWN DECISIONS. SHE SAID THAT SIMON DECIDED TO CHANGE HOW THE MONEY WAS GOING TO BE DISTRIBUTED FROM THE THREE TO KIDS TO 10 GRANDKIDS. SHE STATED THAT IS AT LEAST HOW SHE UNDERSTOOD IT. SHE TOLD ME THAT HER REACTION TO THIS NEWS WAS SOMETHING SIMILAR TO, OK, THANK YOU FOR LETTING ME KNOW. SHE SAID THAT ELIOT DID QUESTION WHAT WAS HAPPENING, NOT BECAUSE HE DID NOT AGREE, BUT BECAUSE IT WAS OBVIOUS THAT HE DID NOT KNOW HOW THE TRUST READ UNTIL THAT TIME. SHE TOLD ME THAT ULTIMATELY EVERYONE DID AGREE TO WHAT SIMON SAID OR AT LEAST THAT NO ONE DISAGREED.

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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 2  
CASE NO. 14029489 SUPPLEMENT 8 OFFENSE REPORT CASE NO. 14029489  
DISPOSITION: ZULU

LISA FIRST TOLD ME THAT SHE DID NOT SIGN ANY OTHER DOCUMENT OTHER THAN THE WAIVER OF ACCOUNTING IN PBSO CASE # 13-097087. THEN SHE TOLD ME THAT SHE REALLY WAS NOT AWARE NOR DID SHE TOTALLY UNDERSTAND WHAT ALL WAS GOING ON. SHE TOLD ME THOUGH THAT SHE REALLY IS NOT CERTAIN EXACTLY WHAT ALL SHE SIGNED AND IT IS POSSIBLE SHE SIGNED BITS AND PIECES OF WHAT WAS SENT TO HER. SHE SAID IT IS VERY POSSIBLE THAT SHE DID NOT SEND BACK ALL THAT WAS SENT TO HER TO SIGN; SHE IS JUST NOT 100% CERTAIN. LISA SAID AFTER HER FATHER PASSED A PHONE CALL TOOK PLACE WITH SPALLINA. SHE SAID THAT SPALLINA STATED WHO WAS THE TRUSTEE OF WHAT ESTATE AND MENTIONED THERE WAS A LIFE INSURANCE POLICY THAT EXISTED BUT THAT THE DOCUMENTS FOR IT WERE MISSING. LISA STATED THAT SHE WAS IN AGREEANCE WITH THE DISTRIBUTIONS OF FUNDS TO THE TEN GRANDKIDS AND FELT SHE HAD NO REASON NOT BE. SHE STATED SHE WAS UNDER THE IMPRESSION THE DISTRIBUTIONS WERE COMING FROM THE SALE OF HER MOTHER'S CONDO AND HER FATHER WANTED THINGS TO BE DISTRIBUTED TO THE 10 GRANDCHILDREN.

SHE STATED THAT SHE DID SIGN SOME SORT OF DOCUMENT WHEN THE DISTRIBUTION WAS BEING MADE. SHE SAID THAT SHE DOES NOT REMEMBER WHAT THE DOCUMENTS SAID, BUT THAT SHE DID RECEIVE THE DOCUMENT FROM TED. SHE SAID SOMEONE DID STATE THAT IT WAS BEST TO MAKE THE DISTRIBUTIONS SO THAT CREDITORS CANNOT GET TO IT, BUT SHE DID NOT THINK THIS WAS SAID BY TED. SHE WAS NOT REALLY CERTAIN WHO SAID THIS.

LISA SWORE TO HER STATEMENT AND SAID SHE WOULD PURSUE CRIMINAL CHARGES IF I FOUND PROBABLE CAUSE FOR AN ARREST AND SHE WAS THE VICTIM.

DETECTIVE RYAN W. MILLER #7704

02/18/2014

TRANS. VIA EMAIL/COPY/PASTE: 02/24/2014/MDR/#6405

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PALM BEACH COUNTY SHERIFF'S OFFICE      PAGE 1

CASE NO. 14029489      SUPPLEMENT 9 OFFENSE REPORT      CASE NO. 14029489

DISPOSITION: ZULU  
DIVISION: DETECTIVE

911:

ECONOMIC CRIMES

SIGNAL CODE: 14      CRIME CODE:      \*      NON CRIME CODE: OT      CODE: 9546      02/20/14      THURSDAY

ZONE: BR      GRID:      DEPUTY I.D.: 7704      NAME: MILLER      ASSIST:      TIME D 1020 A 1020 C 1021

OCCURRED BETWEEN DATE: 12/01/12 , 0000 HOURS AND DATE: 01/31/13 , 0000 HOURS

EXCEPTION TYPE:

INCIDENT LOCATION: 4855      TECHNOLOGY      WY      APT. NO.: 700

CITY: BOCA RATON      STATE: FL      ZIP: 33431

NO. OFFENSES: 00      NO. OFFENDERS: UK      NO. VEHICLES STOLEN: 0      NO. PREMISES ENTERED: 0

LOCATION: OTHER

NO. VICTIMS: 00      NO. ARRESTED: 0      FORCED ENTRY: 0

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ON 02/20/14 I SPOKE WITH RICHARD NACLERIO. HE TOLD ME THAT HE AND HIS WIFE WERE FRIENDS WITH SIMON AND SHIRLEY BERNSTEIN FOR MANY DECADES. HE TOLD ME THAT HE AND SIMON SPOKE ON A REGULAR BASIS. HE TOLD ME THAT HE FELT THAT SIMON WAS HURTING AFTER THE LOSS OF SHIRLEY. HE STATED THAT SIMON TOLD HIM HE (SIMON) WAS VERY HURT BY HOW HIS CHILDREN WERE TREATING HIM AFTER SHIRLEY HAD PASSED. HE SAID IT MAY HAVE HAD SOMETHING TO DO WITH THE RELATIONSHIP SIMON HAD WITH PUCCIO, BUT WAS NOT 100% CERTAIN. HE TOLD ME THAT SIMON TOLD HIM THAT HE (SIMON) WAS LEAVING THE ESTATE TO THE GRANDCHILDREN, NOT HIS CHILDREN.

HE SAID THAT IN HIS OPINION SIMON WAS OF SOUND MIND DURING THE LATTER PART OF HIS LIFE WHEN MAKING ALL HIS DECISIONS RELATING TO HIS ESTATE. HE SAID THAT THE DECISIONS MAY HAVE BEEN MADE OUT OF ANGER, BUT HE IS NOT CERTAIN. NACLERIO ALSO TOLD ME THAT HE DID NOT PRY INTO SIMON'S PERSONAL BUSINESS, BUT WAS JUST A FRIEND LENDING AN EAR WHEN NEEDED.

THIS CASE REMAINS OPEN.

DETECTIVE RYAN W. MILLER #7704  
02/20/14 @ 1144 HRS.

TRANS. VIA EMAIL/COPY/PASTE: 02/24/2014/MDR/#6405

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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1

CASE NO. 14029489 SUPPLEMENT 10 OFFENSE REPORT CASE NO. 14029489

DISPOSITION: ZULU  
DIVISION: DETECTIVE

911:  
ECONOMIC CRIMES \* \* \*  
SIGNAL CODE: 14 CRIME CODE: NON CRIME CODE: OT CODE: 9546 02/20/14 THURSDAY  
ZONE: BR GRID: DEPUTY I.D.: 7704 NAME: MILLER ASSIST: TIME D 1020 A 1020 C 1021  
OCCURRED BETWEEN DATE: 12/01/12 , 0000 HOURS AND DATE: 01/31/13 , 0000 HOURS  
EXCEPTION TYPE:  
INCIDENT LOCATION: 4855 TECHNOLOGY WY APT. NO.: 700  
CITY: BOCA RATON STATE: FL ZIP: 33431  
NO. OFFENSES: 00 NO. OFFENDERS: UK NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0  
LOCATION: OTHER  
NO. VICTIMS: 00 NO. ARRESTED: 0 FORCED ENTRY: 0

THIS IS A NON-VERBATIM ACCOUNT OF AN INTERVIEW:

ON OR ABOUT 02/13/14 I SPOKE WITH RACHEL WALKER. SHE TOLD ME THAT SHE STARTED WORKING FOR SIMON AND SHIRLEY BERNSTEIN IN MAY 2007. SHE TOLD ME THAT SHE ORIGINALLY WORKED FOR SHIRLEY BERNSTEIN UNTIL SHIRLEY PASSED IN 2010, THEN SHE WORKED FOR SIMON. SHE SAID THAT SHE STARTED STAYING AT THE BERNSTEIN'S RESIDENCE WHEN SHIRLEY TOOK ILL. SHE STATED THAT ONCE SHIRLEY PASSED SIMON TOLD HER TO JUST MOVE INTO THE HOME FULLY. SHE SAID THAT SIMON TOLD HER SHE COULD THEN SAVE MONEY ON RENT AND SHE COULD JUST TAKE CARE OF THINGS AROUND HIS HOME. SHE SAID THAT MARITZA PUCCIO ENDED UP MOVING INTO THE HOME. SHE TOLD ME THAT SHE AND PUCCIO DID NOT GET ALONG VERY WELL.

WALKER TOLD ME THAT SHE REMEMBERS SIGNING SOME DOCUMENTS AS A WITNESS FOR SHIRLEY AND ROBERT SPALLINA. SHE TOLD ME THAT SPALLINA HAD COME OVER TO THE HOME AND THAT SHIRLEY TOLD HER TO SIGN THE DOCUMENTS AS A WITNESS. SHE SAID THAT SHE THINKS IT HAD SOMETHING TO DO WITH SHIRLEY'S WILL, BUT WAS NOT CERTAIN. SHE STATED THAT SOMEONE ELSE WAS WITH SPALLINA, BUT SHE WAS NOT SURE WHO WAS WITH HIM. SHE STATED THAT SHE IS NOT SURE WHAT DOCUMENT THIS WAS, NOT SURE EXACTLY WHEN THIS WAS, AND SHE IS SURE THAT MORAN WAS NOT AT THE HOUSE DURING THIS TIME. SHE STATED THAT THIS MAY HAVE HAPPENED IN 2009, BUT IS NOT CERTAIN.

I ASKED WALKER IF SHE KNOWS WHAT SHIRLEY'S SIGNATURE LOOKED LIKE. SHE SAID YES, SHE SAID SHE EVEN KIND OF ADOPTED IT. SHE APPEARED TO BE FOND OF SHIRLEY'S SIGNATURE. SHE TOLD ME IT WAS VERY SIMILAR TO A CIRCLE. SHE ADDED HER (SHIRLEY'S) AND SIMON'S WERE BOTH LIKE THAT. SHE TOLD ME THAT SHE DID NOT WITNESS ANY DOCUMENTS (REFERRING TO WILL & TRUST) SIGNED BY SIMON. SHE TOLD

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PALM BEACH COUNTY SHERIFF'S OFFICE  
 SUPPLEMENT 10 OFFENSE REPORT

PAGE 2

CASE NO. 14029489

CASE NO. 14029489

DISPOSITION: ZULU

ME THAT SIMON ALWAYS HANDLED THAT TYPE OF BUSINESS AT HIS OFFICE. SHE TOLD ME THAT SPALLINA DID NOT COME OUT TO SIMON'S HOME TO SIGN ANY DOCUMENTS JUST PRIOR TO HIS DEATH, BUT SHE DID STATE THAT SHE BELIEVES SIMON AND SPALLINA HAD A LUNCH MEETING JUST PRIOR TO HIS DEATH TO GO OVER AND SIGN SOME DOCUMENTS. SHE APPEARED TO BE REFERRING TO THE CHANGES IN SIMON'S TRUST, THE DOCUMENTS DATED JULY 25, 2012.

WALKER TOLD ME THAT PRIOR TO SHIRLEY'S DEATH; SHIRLEY TOLD HER SHE WAS LEAVING HER ESTATE TO LISA, JILL, AND ELIOT. SHE STATED THAT SHIRLEY TOLD HER THAT SHE (SHIRLEY) AND SIMON HAD GIVEN BOTH TED AND PAM BUSINESSES AND THAT THEY SHOULD BE ALL SET FROM THAT. WALKER TOLD ME THAT AFTER SHIRLEY HAD PASSED AND SIMON ENTERED INTO AN INTIMATE RELATIONSHIP WITH PUCCIO, SOME OF HIS CHILDREN AND GRANDCHILDREN BECAME UPSET WITH HIM. SHE SAID THAT IT APPEARED THEY WERE UPSET WITH SIMON OVER THE RELATIONSHIP HE HAD WITH PUCCIO. SHE TOLD ME THAT SIMON DECIDED THAT IT WAS BEST TO LEAVE ESTATE TO THE GRANDCHILDREN AND NOT HIS CHILDREN OVER THE ISSUES THAT WERE GOING ON WITH HIS CHILDREN.

SHE STATED TO ME THAT SIMON TOLD HER HE FELT IT WAS BEST TO HAND EVERYTHING DOWN TO HIS GRANDCHILDREN TO KEEP PEACE AMONGST HIS CHILDREN. WALKER TOLD ME THAT SHE UNDERSTOOD IT AS BOTH ESTATES, SINCE SHIRLEY'S ASSETS BECAME SIMON'S ONCE SHE PASSED. SHE STATED THAT SIMON TOLD HER ON MULTIPLE OCCASIONS THAT HE WANTED HIS ESTATE TO GO TO HIS GRANDCHILDREN. SHE STATED THAT SHE WAS EITHER PRESENT OR OVERHEARD HIM (SIMON) AND SPALLINA DISCUSSING THIS ON MULTIPLE OCCASIONS AS WELL. WALKER TOLD ME THAT SHE WAS PRESENT DURING THE CONFERENCE CALL THAT TOOK PLACE IN MAY OF 2012 WHERE HE (SIMON) TOLD HIS CHILDREN OF HIS WISHES FOR THE ESTATE TO GO TO THE GRANDCHILDREN. SHE TOLD ME THAT ONCE SIMON, THROUGH SPALLINA, REVEALED WHAT CHANGES WERE BEING MADE, ALL HIS CHILDREN SEEMED TO BE COMPLIANT.

WALKER INFORMED ME THAT ALTHOUGH SIMON WAS A FUNCTIONING PERSON AND WENT TO WORK, HE SEEMED DIFFERENT THE LAST TWO MONTHS OF HIS LIFE. SHE SAID THAT HE WOULD COME UP WITH "WEIRD" AND "STRANGE" IDEAS. SHE STATED HE WAS ON MEDICATION FOR HIS ILLNESSES AND ALSO COMPLAINED OF SHOULDER PAIN QUITE OFTEN. SHE TOLD ME THAT HE WAS ON TWO DIFFERENT MEDICATIONS AND SHE HAS SINCE LEARNED AT LEAST ONE OF THOSE MEDICATIONS "MESSES WITH YOUR BRAIN", SO IT MAKES MORE SENSE TO HER NOW, AS TO WHY HE WAS ACTING DIFFERENT AT TIMES. SHE CITED ONE OF THE THINGS THAT SHE CONSIDERED TO BE DIFFERENT WAS THE FACT THAT HE WAS OFF TRAVELING ALL THE TIME WITH HIS GIRLFRIEND. THEN SHE STATED, HE WAS JUST NOT BEING HIMSELF. SHE SAID HE HAD HIS GOOD DAYS AND BAD DAYS. SHE TOLD ME THAT SHE FELT THAT SIMON MADE THE CHANGES TO HIS TRUST OUT OF HIS OWN FREE WILL, BECAUSE HE COULD NOT BE TALKED INTO ANYTHING AND HE DID WHAT HE WANTED TO DO ON A NORMAL BASIS.

WALKER CONCLUDED HER STATEMENT BY SWEARING TO IT. THIS CASE REMAINS

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PALM BEACH COUNTY SHERIFF'S OFFICE

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CASE NO. 14029489

SUPPLEMENT 10 OFFENSE REPORT

CASE NO. 14029489

DISPOSITION: ZULU

OPEN.

DETECTIVE RYAN W. MILLER #7704

02/20/14 @ 0725 HRS.

TRANS. VIA EMAIL/COPY/PASTE: 02/24/2014/MDR/#6405

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PALM BEACH COUNTY SHERIFF'S OFFICE

PAGE 1

CASE NO. 14029489

SUPPLEMENT 11 OFFENSE REPORT

CASE NO. 14029489

DISPOSITION: ZULU  
DIVISION: DETECTIVE

911:  
ECONOMIC CRIMES \* \* \*  
SIGNAL CODE: 14 CRIME CODE: NON CRIME CODE: OT CODE: 9546 02/21/14 THURSDAY  
ZONE: BR GRID: DEPUTY I.D.: 7704 NAME: MILLER ASSIST: TIME D 1020 A 1020 C 1021  
OCCURRED BETWEEN DATE: 12/01/12 , 0000 HOURS AND DATE: 01/31/13 , 0000 HOURS  
EXCEPTION TYPE:  
INCIDENT LOCATION: 4855 TECHNOLOGY WY APT. NO.: 700  
CITY: BOCA RATON STATE: FL ZIP: 33431  
  
NO. OFFENSES: 00 NO. OFFENDERS: UK NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0  
LOCATION: OTHER  
NO. VICTIMS: 00 NO. ARRESTED: 0 FORCED ENTRY: 0

ON 02/14/14 RACHEL WALKER SEND ME AN E-MAIL, INCLUDING AN ATTACHMENT SHE RECEIVED FROM ELIOT. IN HER E-MAIL TO ME SHE RESPONDED TO STATEMENTS MADE BY ELIOT IN HIS ATTACHMENT. THE ATTACHMENT WAS TITLED PETITION TO FREEZE ESTATES, WHICH WAS FILED WITH THE PALM BEACH COUNTY CLERK & COMPTROLLER'S OFFICE (SOUTH COUNTY BRANCH) ON MAY 6, 2013. IT IS REGARDING THE ESTATES OF SHIRLEY AND SIMON BERNSTEIN.

THE FOLLOWING IS A COPY OF THE E-MAIL SHE SENT TO ME. I INSERTED THE EXCERPT FROM ELIOT'S ATTACHMENT (CAPTURED FROM DOCUMENT), THAT CORRESPONDS WITH WALKER'S RESPONSE. BOTH WERE CUT AND PASTED INTO THIS REPORT EXACTLY HOW THEY WERE WRITTEN BY THE ORIGINATORS.  
(P.12 PP.14)

CAPTURED FROM DOCUMENT

14. THAT THE THREE CHILDREN THAT ARE THE DESIGNATED BENEFICIARIES UNDER THE 2008 TRUSTS OF SIMON AND SHIRLEY ARE PETITIONER, JILL AND LISA AND THEIR SIX CHILDREN WHO ALSO WERE BENEFICIARIES. THAT IN PETITIONER'S INSTANCE EVEN PRIOR TO THE PROPOSED CHANGES, SIMON AND SHIRLEY HAD INTENDED TO LEAVE ALMOST ALL OF HIS INHERITANCE TO HIS THREE CHILDREN DIRECTLY TO PROTECT PETITIONER'S FAMILY FOR SPECIFIC SAFETY REASONS FURTHER DEFINED HEREIN.

(WALKER'S RESPONSE)

THE CHANGE OF BENEFICIARIES WAS NOT DONE AS INTENT FOR PROTECTION. IT WAS DONE THAT WAY TO BE FAIR ACCORDING TO SHIRLEY AND SIMON.  
(P.15PP.28)

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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 2  
CASE NO. 14029489 SUPPLEMENT 11 OFFENSE REPORT CASE NO. 14029489  
DISPOSITION: ZULU

## CAPTURED FROM DOCUMENT

28. THAT IN FACT, SIMON'S PHYSICAL AND MENTAL HEALTH RAPIDLY DECLINED AND HE NEVER RECOVERED FROM THESE NEW MORE SERIOUS SYMPTOMS THAT STARTED ALMOST EXACTLY WHEN HE SUPPOSEDLY SIGNED THESE NEAR DEATHBED CHANGES ON JULY 25, 2012 TO ALLEGEDLY AMEND AND RADICALLY ALTER HIS EARLIER 2008 TRUST ("2008 TRUST") AND CREATE A NEW ALLEGED 2012 TRUST ("AMENDED TRUST"). COPIES OF THAT ALLEGED 2012 AMENDED TRUST ARE ATTACHED FURTHER HEREIN AND WILL EVIDENCE THAT THAT THE ALLEGED AMENDED TRUST DOCUMENT WAS NOT NOTARIZED, WITNESSED AND EXECUTED PROPERLY IN ACCORDANCE WITH LAW AND PART OF A LARGER SCHEME INVOLVING ALLEGED FORGED AND FRAUDULENT ESTATES DOCUMENTS, AS EVIDENCED AND EXHIBITED FURTHER HEREIN.

## (WALKER'S RESPONSE)

THOUGH SIMON SIGNED THE PAPERWORK TO CHANGE BENEFICIARIES IN JULY, HE HAD MADE THE DECISION TO DO SO WELL BEFORE THE MAY 10, 2012 FAMILY CONFERENCE CALL.

(P.17PP.42)

## CAPTURED FROM DOCUMENT

42. THAT UPON THIS VISIT, PETITIONER'S SISTERS TOOK NOT ONLY ALL OF SHIRLEY'S CLOTHING AND PERSONAL EFFECTS BUT ALSO TOOK 50 YEARS OF JEWELRY AND OTHER VALUABLES SIMON AND SHIRLEY HAD ACCUMULATED WORTH AN ESTIMATED SEVERAL MILLION DOLLARS AND WERE ASSETS OF THE ESTATES.

## (WALKER'S RESPONSE)

THE SISTERS DIDN'T JUST "TAKE" SHIRLEY'S BELONGINGS AND JEWELRY. SIMON ADMINISTERED EACH PIECE TO EACH GIRL AS HE KNEW WERE SHIRLEY'S WISHES AND FAIR. I WAS THERE AND WITNESSED IT.

(P.17PP.45)

## CAPTURED FROM DOCUMENT

45. THAT SIMON STATED TO PETITIONER THAT HE HAD NEVER GIFTED, SOLD OR TRANSFERRED THE JEWELRY AND OTHER ITEMS THEY TOOK OUT OF THE ESTATES AND THEREFORE EVERYTHING THEY TOOK THAT WAS PART OF THE ESTATES WOULD ALL STILL BE PART OF THE ESTATES UPON HIS DEATH FOR DISTRIBUTION ACCORDING TO THE ESTATES PLANS TO THE PROPER BENEFICIARIES. SIMON STATED THAT PETITIONER'S SISTERS HAD INVENTORY LISTS OF THE JEWELRY AND THERE WAS AN INSURANCE POLICY ON THE ITEMS THAT THEY TOOK AND ALL WOULD BE RETURNED WHEN HE PASSED FOR EQUITABLE DISTRIBUTION TO THE BENEFICIARIES OF THE ESTATES.

## (WALKER'S RESPONSE)

SIMON MAY HAVE TOLD ELIOT THAT, AFTER HE LEARNED OF THE DIVISION OF SHIRLEY'S BELONGINGS, TO CALM ELIOT AFTER LEARNING THIS UPSET HIM.

(P.17PP46)

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## PALM BEACH COUNTY SHERIFF'S OFFICE

PAGE 3

CASE NO. 14029489

SUPPLEMENT 11 OFFENSE REPORT

CASE NO. 14029489

DISPOSITION: ZULU

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CAPTURED FROM DOCUMENT

THAT PETITIONER DID NOT LEARN FROM THEODORE UNTIL AFTER SIMON'S DEATH THAT THEODORE WAS EXTREMELY ANGRY AT SIMON, PAMELA, LISA AND JIL UPON LEARNING THAT PETITIONER'S SISTERS TOOK SHIRLEY'S ENTIRE PERSONAL EFFECTS AND JEWELS AND LEFT HIM AND HIS CHILDREN NONE OF IT, NOT EVEN A KEEPSAKE.

(WALKER'S RESPONSE)

NOT TRUE. THERE IS A RING THAT WAS LEFT TO ALLY THAT EVERYONE KNOWS ABOUT.

(P.18PP.47)  
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## CAPTURED FROM DOCUMENT

47. THAT UPON TRYING TO RECRUIT PETITIONER'S IMMEDIATE FAMILY TO JOIN AN ONGOING BOYCOTT AGAINST SIMON A FEW MONTHS AFTER SHIRLEY DIED, IT WAS TOLD TO PETITIONER BY THEODORE'S CHILDREN, ERIC BERNSTEIN ("ERIC"), MICHAEL BERNSTEIN ("MICHAEL") AND HIS STEP SON MATTHEW LOGAN ("MATHEW") THAT THE REASON ALL THE CHILDREN AND GRANDCHILDREN HAD JOINED TOGETHER TO BOYCOTT SIMON, ACCORDING TO THEODORE AND PAMELA, WAS NOW DUE TO HIS COMPANION, PUCCIO.

(WALKER'S RESPONSE)

A "BOYCOTT" WAS NEVER PLANNED NOR INTENDED FOR THE SITUATION. THOSE KIDS HAD A PAST WITH MARITZA THAT ELIOT AND HIS FAMILY WERE UNAWARE OF. THEY HAD ILL FEELINGS AND EXPERIENCES WITH HER WHICH LED THEM TO DETEST HER RETURN INTO THEIR FAMILY'S LIFE AND RIGHTFULLY SO.

(P.18PP.48)  
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## CAPTURED FROM DOCUMENT

48. THAT THEODORE'S CHILDREN WERE URGING PETITIONER AND HIS FAMILY TO GET ON BOARD AS THEY WERE ENABLING SIMON, AS PUCCIO THEY CLAIMED WAS AFTER HIS MONEY, STEALING HIS MONEY, HAD STOLEN MONEY FROM SHIRLEY AND SIMON IN THE PAST AND WAS NOW PHYSICALLY AND MENTALLY ABUSING SIMON AND OTHER HORRIBLE ALLEGATIONS ABOUT HER. THEY CLAIMED THEY KNEW THINGS ABOUT PUCCIO'S PAST FROM WHEN SHE WORKED FOR THEIR FATHER AS A NANNY. THEY ALLEGED SHE HAD SWINDLED MONEY FROM SIMON REGARDING BREAST IMPLANT MONEY WHEN PUCCIO WORKED FOR SIMON AND SHIRLEY AND MORE. THEY STATED THEY HATED PUCCIO AND REFUSED TO ATTEND ANY FAMILY OCCASIONS WITH HER AS SHE WAS ONLY AFTER SIMON'S MONEY AND HE WAS TOO ENAMORED BY HER TO SEE CLEARLY. THEY STATED THAT SHIRLEY WAS ROLLING OVER IN HER GRAVE AS PUCCIO WOULD DESECRATE THEIR HOME AND ROB SIMON AND THAT PETITIONER MUST JOIN THE BOYCOTT.

(WALKER'S RESPONSE)

TRUE. THEY WERE CORRECT, HOWEVER, IT WASN'T A "BOYCOTT". THEY INFORMED

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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 4  
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ELIOT OF OF THEIR EXPERIENCES WITH MARITZA, WHICH ELIOT HAD NO CLUE ABOUT SINCE HIS FAMILY WERE NOT IN THE PICTURE DURING THAT TIME.  
 (P.18.PP.49)  
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CAPTURED FROM DOCUMENT

49. THAT PETITIONER AND CANDICE REFUSED TO PARTICIPATE IN SUCH A HURTFUL SCHEME AGAINST SIMON AND PUCCIO AND TOLD THEODORE'S CHILDREN THAT SIMON AND SHIRLEY WOULD BE ASHAMED OF THEIR BIZARRE AND CRUEL BEHAVIOR AND THAT THEY SHOULD NOTCONTINUE TO BOYCOTT SEEING SIMON AS IT WAS BREAKING HIS HEART AND DEPRESSING HIM AND TO TELL THEODORE AND ANYONE ELSE INVOLVED THAT WE THOUGHT THIS WAS A BAD IDEA. ESPECIALLY DISTURBING IS THAT THEODORE'S CHILDREN WERE PARTIALLY RAISED BY SIMON AND SHIRLEY, EVEN WHENTHEY WERE NOT WELL PHYSICALLY, FOR MANY YEARS AND EVEN MOVING THEODORE AND HIS CHILDREN INTO THEIR HOME FOR SEVERAL YEARS. THEY RAISED THEODORE'S CHILDREN DURING A LENGTHY PERSONAL AND FINANCIAL CRISIS THEODORE WENT THROUGH RESULTING IN HIS DECLARING BANKRUPTCY, DIVORCE, LOSS OF HIS HOME AND EVENTUAL TRAGIC OVERDOSE DEATH OF HIS EX-WIFE AND RESULTINGLOSS TO THE CHILDREN OF A MOTHER.

(WALKER'S RESPONSE)

THEY DID NOT "BOYCOTT" SEEING SIMON, THEY REFUSED TO SEE SIMON WHEN HE WAS WITH MARITZA. THEY HAD MANY DATES WITH SIMON WITHOUT MARITZA. SIMON TRIED TO PUSH MARITZA ON EVERYONE IN A VERY UNCOMFORTABLE WAY ESPECIALLY NOT TAKING THEIR PERSONAL FEELINGS INTO ACCOUNT. HE WAS VERY MENTALLY MIXED UP AFTER SHIRLEY PASSED.  
 (P.18PP.51)  
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CAPTURED FROM DOCUMENT

51. THAT AFTER LEARNING OF THIS EXACT PLOY AGAINST SIMON BY ALL OF PETITIONER'S SIBLINGS, THEIR SPOUSES AND EVEN THEIR CHILDREN, PETITIONER WROTE LETTERS AT SIMON'S REQUEST TO THEODORE, TO HAVE HIM STATE EXACTLY WHAT WAS GOING AND WHY HE WAS NOT ATTENDING THE JEWISH HOLIDAY OF PASSOVER WITH HIS FATHER WHO WAS STILL IN MOURNING AT PETITIONER'S HOUSE. THAT THESE CORRESPONDENCES ARE ATTACHED HEREIN AS, EXHIBIT 1 - EMAIL CORRESPONDENCES THEODORE AND ELIOT, AND WHEREIN THEODORE CL \*MS, "MY PRIMARY FAMILY IS DEBORAH AND OUR FOUR CHILDREN. THEY COME FIRST, BEFORE ANYTHING AND ANYONE. THE FAMILY I WAS BORN INTO IS NO LONGER, THAT IS JUST A FACT, IT IS NOT A MATTER OF OPINION, IT JUST IS."

(WALKER'S RESPONSE)

IT'S NOT A CRAZY NOTION. THEY ALL TOLD SIMON THAT HE WAS WELCOMED BUT MARITZA IS NOT. SO, ULTIMATELY, IT WAS SIMON'S DECISION TO CHOSE MARITZA OVER HIS FAMILY.  
 (P.19PP.53)

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CAPTURED FROM DOCUMENT

53. THAT THE BOYCOTT BY SIMON'S OTHER FOUR CHILDREN AND SEVEN GRANDCHILDREN SENT SIMON INTO DEEP DEPRESSION, WHICH HE BEGAN PSYCHOTHERAPY TO ATTEMPT TO COPE WITH. PETITIONER'S IMMEDIATE FAMILY INCREASED THEIR WEEKLY VISITS TO FILL THE LOSS AND SO BEGAN SEEING SIMON 2-3 TIMES A WEEK OR MORE, TRYING TO SPEND AS MUCH TIME WITH HIM AS HE WAS NOW NOT ONLY SUFFERING FROM THE LOSS OF SHIRLEY WHOM HE LOVED PROFUSELY BUT NOW SUFFERED THE CATASTROPHIC LOSS OF ALMOST HIS ENTIRE FAMILY SUPPOSEDLY OVER HIS GIRLFRIEND.

## WALKER'S RESPONSE

THIS IS SIMPLY UNTRUE. SIMON WAS PERPLEXED BY MORE THAN THAT. HE WAS ULTIMATELY DEPRESSED BY THE LOSS OF SHIRLEY AND DIDN'T KNOW HOW TO COPE AND THEREFORE COVERED HIS PAIN WITH THIS MADE UP FANTASY OF HIS RELATIONSHIP WITH MARITZA.

P.19PP.56

## CAPTURED FROM DOCUMENT

56. THAT DURING THE TIME FROM SHIRLEY'S DEATH TO SIMON'S DEATH ALL OF SIMON'S CHILDREN BUT PETITIONER BOYCOTTED THEIR FATHER AND HATED ON PUCCIO INCESSANTLY, EVEN AFTER THE MAY 12, 2012 MEETING WITH TS WHERE ALL OF THESE MATTERS WERE TO BE PUT TO REST BY THE PROPOSED CHANGES TO THE 2008 TRUST OF SIMON. AFTER THE MAY 12, 2012 MEETING IT IS BELIEVED THAT JILL FLEW OUT ONCE MORE TO SEE SIMON WITH HER DAUGHTER AND WOULD NOT STAY WITH SIMON IN HIS HOME BECAUSE OF PUCCIO AND THE TRIP WENT SOUR AS SIMON REFUSED TO LEAVE HIS GIRLFRIEND PUCCIO AT HOME.

## (WALKER'S RESPONSE)

NOT TRUE. JILL, JULIA AND I ALL STAYED AT THE CONDO. JILL MADE A VALIANT EFFORT TO SEE HER FATHER AND NOT LET HIS PERSONAL RELATIONSHIP WITH MARITZA TAINT THEIRS. WE ALL WENT TO LUNCH TOGETHER AND PUCCIO SHOWED UP LATE AND THEN LEFT BEFORE SITTING AT THE TABLE DUE TO HER OWN INSECURITIES. THAT SAME EVENING WE ALL WENT TO DINNER TOGETHER, INCLUDING MARITZA, AND EVERYTHING WAS FINE. SIMON ACTUALLY CHOSE TO HAVE FATHER'S DAY BRUNCH THE NEXT MORNING WITH MARITZA AND HER FRIENDS INSTEAD OF HIS OWN DAUGHTER AND GRANDDAUGHTER.

(P.19PP.57)  
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## CAPTURED FROM DOCUMENT

57. THAT THE EXCLUSION FROM THE ESTATES APPEARS NOW TO HAVE BEEN THE BANE OF THEODORE AND PAMELA'S ANGER ALL ALONG AND THE REAL CAUSE OF THEIR BOYCOTT OF SIMON, NOT PUCCIO, NOR WALKER, AND IT APPEARS THEY HAD RECRUITED LISA AND JILL INTO THE SCHEME ALSO BASED ON CONCERN OVER PUCCIO HURTING AND ROBBING THEIR FATHER, NOT ON THE FACT THEY WERE ANGRY OVER THE ESTATES PLANS. HAVING PUCCIO AS THE FOCUS OF THE BOYCOTT COULD GET ALL THE

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CHILDREN TO PARTICIPATE IN THE BOYCOTT IN CONCERN ND DESIGNED TO MAKE SIMON SUFFER WHOLLY THROUGH THE TOTAL LOSS OF HIS CHILDREN AND GRANDCHILDREN AND ALLEGEDLY TRY TO FORCE HIM TO MAKE CHANGES TO THE ESTATES PLANS OR SUFFER NEVER SEEING OR TALKING TO ANY OF THEM AGAIN.

(WALKER'S RESPONSE)

THIS IS ONLY SPECULATION OF ELIOT

(P.20 PP.58)

CAPTURED FROM DOCUMENT

58. THAT IN THE MAY 12, 2012 MEETING, SIMON CLEARLY STATED THAT THE REASON HE WAS MAKING THESE CHANGES WAS TO RESOLVE FAMILY PROBLEMS CAUSED BY THE EXCLUSION OF THEODORE AND PAMELA THAT WERE CAUSING HIM TOO MUCH STRESS. CLEARLY SIMON WAS UNDER UNDUE PRESSURE TO CONTEMPLATE MAKING THESE CHANGES, DESPERATE TO SEE HIS CHILDREN AND GRANDCHILDREN AND PHYSICALLY AND MENTALLY BEATEN DOWN. AT THIS MAY 12, 2012 MEETING, PETITIONER LEARNED THAT THIS ASSAULT MAY HAVE BEEN DUE TO THEODORE AND PAMELA'S ANGER OVER THEIR EXCLUSION AND CLAIMING THE BUSINESSES THEY HAD ACQUIRED WERE NOT DOING AS WELL AS WHEN THEY ACQUIRED THEM AND THEY WANTED BACK IN ON THE REMAINING ESTATES ASSETS.

(WALKER'S RESPONSE)

THE CHANGES WEREN'T MADE BECAUSE HE HADN'T SEEN HIS FAMILY MEMBERS. HE HADN'T SEEN HIS FAMILY MEMBERS BECAUSE HE CHOSE PUCCIO OVER SEEING THEM. HE MADE THE CHANGES BECAUSE EVEN THOUGH HE AND SHIRLEY ALREADY AGREED THEIR PLAN WAS FAIR, HE DECIDED TO SKIP THE CHILDREN DUE TO ARGUMENTS AND FELT IT WAS FAIR FOR THE GRANDCHILDREN WITHOUT ANY FURTHER ARGUMENTS.

(P.21 PP.71II)

CAPTURED FROM DOCUMENT

71. THAT IN THE EIGHT WEEKS FROM JULY 15, 2012 WHEN SIMON ALLEGEDLY SIGNED THE IMPROPERLY NOTARIZED AND IMPROPERLY WITNESSED ALLEGED 2012 AMENDED TRUST AND THE TIME SIMON PASSED ON SEPTEMBER 13, 2012, HIS HEALTH WENT WHOLLY DOWNHILL TO HIS SUDDEN AND UNEXPECTED DEATH. IN THE EIGHT WEEKS AFTER HE SUPPOSEDLY SIGNED THE ALLEGED 2012 AMENDED TRUST, SIMON,

II. WAS DELIRIOUS, CONFUSED AND SUFFERING FROM HALLUCINATIONS AND FAINTING SPELLS,

(WALKER'S RESPONSE)

FAINTING AND DIZZY SPELLS DIDN'T HAPPEN UNTIL LATE AUGUST/EARLY SEPTEMBER.

(P.21PP.71IV)

CAPTURED FROM DOCUMENT

71 . THAT IN THE EIGHT WEEKS FROM JULY 15, 2012 WHEN SIMON ALLEGEDLY

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SIGNED THE IMPROPERLY NOTARIZED AND IMPROPERLY WITNESSED ALLEGED 2012 AMENDED TRUST AND THE TIME SIMON PASSED ON SEPTEMBER 13, 2012, HIS HEALTH WENT WHOLLY DOWNHILL TO HIS SUDDEN AND UNEXPECTED DEATH. IN THE EIGHT WEEKS AFTER HE SUPPOSEDLY SIGNED THE ALLEGED 2012 AMENDED TRUST, SIMON,

IV. WAS GIVEN AN IMPROPER PILL OF AMBIEN BY PUCCIO, ALONG WITH AN UNKNOWN AMOUNT OF PRESCRIBED PAIN MEDICINE ON SEPTEMBER 08, 2012, CAUSING PUCCIO TO PANIC AND STATE THAT SHE MAY HAVE CAUSED HIM HARM. PUCCIO CALLED PETITIONER'S HOME WORRIED AS ALL NIGHT AS HE HAD NOT SLEPT WATCHING OVER SIMON AND NOW WANTED TO RUSH SIMON TO THE HOSPITAL. PUCCIO ASKED CANDICE TO COME TO THE HOME IMMEDIATELY AS SHE THOUGHT HE MAY BE DYING AND EVALUATE HIS CONDITION. PUCCIO CLAIMED HE WAS HALLUCINATING AND DELIRIOUS AND SPEAKING TO HIS MOTHER ON THE BED, PROMPTING CANDICE TO IMMEDIATELY GO TO SIMON'S HOME TO ASSESS HIS HEALTH. SIMON THEN WENT TO DR. IRA PARDO, MD ("PARDO") OF BOCA RATON WITH PUCCIO WHERE WHERE SIMON WAS CLEARED OF ANY DANGER AND LET HOME BY PARDO ACCORDING TO BY PARDO ACCORDING TO PUCCIO.

(WALKER'S RESPONSE)

THIS WAS THE SUNDAY PRIOR TO SIMON'S PASSING THAT I WAS CALLED TO COME OVER AND SIMON WAS TOTALLY OUT OF IT. THIS IS THE DAY I TOOK ALL OF HIS MEDICATIONS AND HID THEM FROM HIM BECAUSE HE COULDN'T REMEMBER WHAT OR WHEN HE DID ANYTHING. I LEFT A LIST FOR MARITZA TO ADMINISTER HIS MEDS WHEN AND HOW MUCH AND NOT TO LEAVE HIM ALONE AT THE HOUSE OR IN A ROOM AS HE COULD HARM HIMSELF. I ALSO FOUND VICODIN IN HIS LITTLE HEART PILL CONSOLE HE KEEPS ON HIM AT ALL TIMES. I ACTUALLY STILL HAVE A 30 MINUTE RECORDING ON MY PHONE WHICH I LEFT IN THE KITCHEN SECRETLY WITH MARITZA AND SIMON AS I WENT UPSTAIRS TO GATHER HIS MEDICINES. I CAN'T REALLY HEAR MUCH OF WHAT IS SAID ON IT BUT MAYBE A PROFESSIONAL CAN IF YOU THINK THIS WOULD BE PRUDENT TO THE CASE.

(P.22PP76)

CAPTURED FROM DOCUMENT

76. THAT SIMON WAS TAKEN TO THE HOSPITAL SUFFERING FROM PAIN, BLOATING, DIZZINESS AND MENTAL CONFUSION AND DISORIENTATION AND IN SEVERE PAIN. HE SPENT THE DAY DOING TESTS AND MEETING WITH HEART AND INFECTIOUS DISEASE PHYSICIANS. AT FIRST, EARLY IN THE DAY, DOCTORS ADVISED PETITIONER THAT HIS FATHER HAD SUFFERED A HEART ATTACK. PETITIONER IMMEDIATELY CONTACTED HIS SIBLINGS TO NOTIFY THEM OF THE PERIL SIMON WAS IN AND HAVE THEM GET TO THE HOSPITAL ASAP. JILL AND LISA IMMEDIATELY HOPED ON THE NEXT PLANE OUT OF CHICAGO AND ARRIVED SEVERAL HOURS LATER. THEODORE CLAIMED TO HAVE TO ATTEND A MEETING BEFORE COMING AND ARRIVED BOCA SEVERAL HOURS LATER AND BEGAN TO REQUEST A VARIETY OF CARDIOLOGISTS PERSONALLY KNOWN TO HIM TO TREAT SIMON AND NONE OF THEM CAME, DELAYING GETTING ANYTHING DONE FOR A FEW MORE HOURS. SIMON'S NORMAL CARDIOLOGIST, SETH J. BAUM, MD, FACC, FACPM, FAHA, FNLA COULD

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NOT HANDLE THE CASE DUE TO SOME FORM OF CONFLICT WITH THE HOSPITAL BUT HE WAS TO HAVE SENT HIS MEDICAL RECORDS TO THE HOSPITAL. IN THE END THE HOSPITAL'S CARDIOLOGIST WAS APPOINTED AS ATTENDING CARDIOLOGIST.

(WALKER'S RESPONSE)

DR. BAUM WAS WEIRDLY UNAVAILABLE FOR SEVERAL HOURS BEFORE LEARNING THAT HE COULDN'T TREAT SIMON AT THAT HOSPITAL. WE CALLED MANY TIMES STATING AN EMERGENCY AND REQUESTING DOCUMENTS AND HE IGNORED. COMPLETELY OUT OF CHARACTER FOR HIM.  
(P.24PP.86)

CAPTURED FROM DOCUMENT

86. THAT THE HOSPITAL STATED THAT WITHOUT PAPERS TO THE CONTRARY, PETITIONER WAS THE DESIGNATED PERSON IN CHARGE OF ANY MEDICAL DECISIONS FOR SIMON AND SOPETITIONER STATED THAT THEY SHOULD CONTINUE TO RESUSCITATE SIMON, AT LEAST UNTIL A DOCTORCOULD ARRIVE TO DETERMINE HIS CONDITION AND MAKE DETERMINATION AS TO WHAT WAS CAUSING THISSUDDEN AND BIZARRE MELTDOWN OF HIS VITAL ORGANS.

(WALKER'S RESPONSE)

UPON ARRIVAL TO THE HOSPITAL THAT MORNING, ELIOT HAD TAKEN IT UPON HIMSELF TO DESIGNATE HIMSELF AS SIMON'S HEALTH CARE PROXY. IT IS KNOWN TO ALL THE FAMILY THAT SIMON'S LIVING WILL STATES TO NOT RESUSCITATE IF QUALITY OF LIFE DETERIORATES.  
(P.24PP.87)

CAPTURED FROM DOCUMENT

87. THAT SEVERAL MORE RESUSCITATIONS WERE NECESSARY AND ALL OF THE OTHER SIBLINGS WANTED PETITIONER TO "PULL THE PLUG" INSTANTLY WITH NO FURTHER LIFESAVING EFFORTS AND LET HIM DIE, CLAIMING HE WANTED TO BE WITH SHIRLEY AND SO NO FURTHER EFFORTS SHOULD BE MADE TO SAVE HIS LIFE AND TELLING HIM TO GO BE WITH HER AND MORE.

(WALKER'S RESPONSE)

THE AMOUNT OF RESUSCITATIONS DONE BY STAFF AND DOCTORS WAS BEYOND THEIR EXPERT ADVICE BUT WITHOUT SIMON'S LIVING WILL IN HAND ELIOT KEPT MAKING THE DECISION TO RESUSCITATE UNTIL THE DOCTOR FINALLY CAME OUT AND SAID THAT ITS NEARLY ABUSE TO HIS BODY AT THIS POINT. THOUGH IN ELIOT'S DEFENSE HE WAS IN COMPLETE DESPAIR AND UNABLE TO TAKE IN THE HORRIBLE REALITY CLOUDED HIS DECISION MAKING.  
(P.24PP.89)

CAPTURED FROM DOCUMENT

89. THAT UNBEKNOWNST TO PETITIONER, DURING THE LIFE SAVING EFFORTS WALKER ALLEGEDLY WAS ORDERED TO GO TO THE HOME AND RETRIEVE WILLS AND TRUSTS OF SIMON BY THEODORE THAT MIGHT HAVE A LIVING WILL AND ADVANCE DIRECTIVES FOR

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MEDICAL DECISIONS, AS THE SIBLINGS FELT THAT PETITIONER WOULD NOT STOP WHEN SIMON WOULD HAVE WANTED THEM TO STOP AND LET HIM DIE WITHOUT FURTHER ATTEMPTS AT RESUSCITATION. THE SITUATION WAS NOT HOWEVER LIKE SIMON WAS IN A VEGETATIVE STATE FOR A PERIOD OF TIME AND WE WERE DECIDING TO DISCONTINUE LIFE SUPPORT AFTER CAREFUL CONSIDERATION. PETITIONER ALSO WAS UNAWARE THAT CANDICE HAD BEEN SENT TO SIMON'S TO ACCOMPANY WALKER.

(WALKER'S RESPONSE)

TRUE. SIMON WAS IN A VEGETATIVE STATE AS ADVISED BY THE ER DOCTOR.  
(P.25PP.92)

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CAPTURED FROM DOCUMENT

92. THAT WITHIN MINUTES AFTER SIMON'S DEATH, PETITIONER WAS INSTRUCTED BY THEODORE TO GO IMMEDIATELY TO SIMON'S HOUSE TO MAKE SURE THAT HIS COMPANION PUCCIO WAS NOT ROBBING THE HOUSE, WHICH SEEMED STRANGE TO PETITIONER. PETITIONER WONDERED WHY PUCCIO, CANDICE AND WALKER HAD LEFT THE HOSPITAL IN THE FIRST PLACE PRIOR TO SIMON'S PASSING AND THEODORE CLAIMED PUCCIO WAS GOING TO ROB THE SAFE AND HOME AND HAD LEFT SOME TIME AGO AND HE HAD SENT WALKER AND CANDICE TO WATCH HER AND GET SOME PAPERWORK HE NEEDED FROM THE HOME FOR THE HOSPITAL.

(WALKER'S RESPONSE)

IT WASN'T WEIRD TO GO AND KEEP AN EYE ON MARITZA. EARLIER IN THE DAY I HAD OVERHEARD MARITZA TRY TO MAKE A COUPLE OF STUPID EXCUSES TO LEAVE THE HOSPITAL BEDSIDE OF HER SUPPOSED LOVE/BF AND I CALLED HER OUT ON IT AND SO THEN MADE SURE I WENT TO THE HOUSE BEFORE SHE HAD A CHANCE TO AND GATHERED ALL CHECKS, CHECKBOOKS, AND SIMON'S WALLET FOR SAFEKEEPING.  
(P.25PP.95)

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CAPTURED FROM DOCUMENT

95. THAT IN THE PARKING LOT OF THE HOSPITAL WALKER STATED TO PETITIONER THAT SHE WAS INSTRUCTED TO GET DOCUMENTS TO GIVE THEODORE, ANY DOCUMENTS REGARDING THE WILLS AND TRUSTS SHE WAS TO REMOVE FROM THE ESTATE AND NOW HELD IN HER HANDS. SHE CLAIMED THEODORE NEEDED THEM AS THEY CONTAINED IMPORTANT ESTATE AND OTHER DOCUMENTS FOR THE HOSPITAL. WALKER THEN URGED PETITIONER AND CANDICE TO RETURN TO THE HOME TO WATCH OVER PUCCIO, AS WALKER CLAIMED SHE HAD TO BRING THEODORE THE DOCUMENTS IMMEDIATELY FOR THE HOSPITAL PAPERWORK AND DID NOT TRUST PUCCIO. THAT WALKER WAS CONVINCED AT THAT TIME THAT PUCCIO MAY HAVE MURDERED SIMON THROUGH POISON OR OVERDOSE.

(WALKER'S RESPONSE)

ABSOLUTELY UNTRUE.  
(P.26PP.102)

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102. THAT SHORTLY AFTER THE SHERIFFS ARRIVED AT SIMON'S, THEODORE, JILL AND LISA SHOWED UP AT SIMON'S HOUSE WITH WALKER, IN ORDER TO GIVE STATEMENTS REGARDING THE ACCUSATIONS THAT PUCCIO HAD MURDERED SIMON BY POISONING HIM OR OVERDOSING HIM WITH MEDICATIONS. THAT WALKER CLAIMED THAT PUCCIO WAS SWITCHING PAIN PILLS WITH HIS NITRO PILLS WITH INTENT WHILE HE WAS CONFUSED AND THAT TOO MANY PAIN PILLS WERE BEING MIXED WITH OTHER UNKNOWNNS.

(WALKER'S RESPONSE)

YES, TRUE AND CANDICE HAD ALSO INFORMED ME THAT MARITZA SNEAKILY GAVE SIMON A BIG WHITE PILL THAT LOOKED LIKE THE VICODIN, THINKING NO ONE WAS WATCHING.

(P.27PP.104)

## CAPTURED FROM DOCUMENT

104. THAT LATER THAT AFTERNOON ON SEPTEMBER 13, 2012, THEODORE STATED THAT HE HAD JUST SPOKEN WITH TESCHER AND SPALLINA AND THAT HE WAS APPOINTED TO ACT AS THE PERSONAL REPRESENTATIVE/EXECUTOR/SUCCESSOR OF THE ESTATES FOR THE REAL ESTATE AND PERSONAL PROPERTIES AND TESCHER AND SPALLINA WERE ALSO PERSONAL REPRESENTATIVES. THAT ACCORDING TO THEODORE THE ALLEGED 2012 AMENDED TRUST OF SIMON NOW GAVE TS, SPALLINA AND TESCHER, THE AUTHORITY TO ACT AS TRUSTEES AND PERSONAL REPRESENTATIVE SOVER THE ESTATES AND HE CLAIMED THEY HAD CHOSEN HIM AS A PERSONALREPRESENTATIVE/EXECUTOR/SUCCESSOR TRUSTEE BECAUSE HE WAS THE OLDEST SURVIVING CHILD.

(WALKER'S RESPONSE)

TO MY KNOWLEDGE, BEFORE THE PASSING OF SHIRLEY OR SIMON, TED HAS ALWAYS BEEN THE FIDUCIARY OF SHIRLEY'S ESTATE AND THE PROPERTIES THAT WERE IN HER NAME.

(P.28PP.114)

## CAPTURED FROM DOCUMENT

114. THAT UP UNTIL THE DAY OF SIMON'S DEATH, WALKER MAINTAINED KEYS AND ALARM CODES TO HIS HOME, AS SHE HAD DONE FOR SEVERAL YEARS PRIOR, HOWEVER SUDDENLY ON THE DAY SIMON DIED SHE STATED SHE NO LONGER HAD THE HOUSE KEYS, THE ALARM CODES AND DID NOT HAVE THE RIGHT COMBINATION TO OPEN THE PERSONAL SAFE OF SIMON, CLAIMING SIMON MUST HAVE JUST CHANGED THE CODE ON HIS SAFE DAYS BEFORE HIS DEATH AND SHE HAD LOST HER KEYS.

WALKER'S RESPONSE

CORRECT. THE CODE TO THE SAFE HAD BEEN CHANGED WITHOUT MY NOTICE. HOWEVER, I STILL HAD KEYS, COMBINATIONS AND GARAGE DOOR OPENERS UNTIL CHANGED BY THE FAMILY, WHICH VERY WELL COULD'VE BEEN THE NEXT DAY I DON'T REMEMBER.

(P.28PP.115)

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## CAPTURED FROM DOCUMENT

115. THAT WALKER HAD BEEN RESIDING IN SHIRLEY AND SIMON'S HOME UNTIL SEVERAL WEEKS BEFORE SIMON'S DEATH AND HAD MOVED FROM THE HOME DUE TO PROBLEMS THAT HAD ARISEN WITH HER AND PUCCIO AND SIMON COULD NO LONGER HANDLE THE ADDITIONAL STRESS. WHERE WALKER HAD JOINED WITH SIMON'S OTHER CHILDREN AND GRANDCHILDREN IN HATING ON PUCCIO AND BEGAN CLAIMING SHE WAS AFTER HIS MONEY, ABUSING HIM AND MORE. THAT THIS FEUDING LED TO WALKER AND SIMON ATTENDING THERAPY TOGETHER AND FINALLY WALKER MOVING OUT. SIMON FELT BETRAYED BY WALKER WHO HE HAD CONSIDERED LIKE A DAUGHTER SIDING WITH HIS CHILDREN AND GOING AGAINST PUCCIO WITH SUCH ANGER, YET HE KEPT HER EMPLOYED AND SHE SHOWED UP AT HIS HOME ALMOST DAILY UNTIL HIS DEATH FOR WORK.

## (WALKER'S RESPONSE)

I DID NOT MOVE OUT BECAUSE OF PROBLEMS WITH MARITZA. NOR DID MY RELATIONSHIP PHASE SIMON AT ALL OR CAUSE HIM ANY STRESS. I MOVED OUT BECAUSE SIMON THOUGHT IT WAS TIME FOR ME TO LIVE MY OWN LIFE AND NOT WORRY ABOUT HIM ANY LONGER AND WAS HAVING MARITZA MOVE IN. I DIDN'T JOIN ANY SAID "BOYCOTT". I SAW SIMON'S RELATIONSHIP WITH MARITZA MORE THAN ANYONE ELSE AND HAD GOOD REASON TO DISAPPROVE OF HIM INVESTING SO MUCH INTO HER. SIMON NEVER FELT BETRAYED BY ME. HE KNEW I WANTED WHAT WAS BEST FOR HIM, WHICH EXCLUDED MARITZA, BUT BEING THE STUBBORN PERSON HE WAS HE DID WHAT HE ULTIMATELY WANTED TO DO AND NO ONE COULD INFLUENCE HIM OTHERWISE, RIGHT OR WRONG.

(P.30PP.127)

## CAPTURED FROM DOCUMENT

127. THAT PETITIONER LEARNED LATER FROM WALKER THAT SOME OF THE DOCUMENTS SHE REMOVED FROM THE ESTATE INCLUDED A CONTRACT SIMON HAD MADE PERTAINING TO PUCCIO AND A CHECK MADE OUT TO HER.

## (WALKER'S RESPONSE)

IT WASN'T DAYS LATER. THE NIGHT SIMON WAS IN THE HOSPITAL AND WE WERE SENT HOME UNTIL THE NEXT SET OF VISITING HOURS CANDICE, ELIOT AND I WENT TO DINNER AND I SHOWED THEM THE DOCUMENT AND ASKED WHAT TO DO WITH IT. THEY ADVISED ME TO HANG ONTO IT AND THAT IT'S NOT SIGNED AND WAS CREATED WHILE SIMON WAS COMPLETELY PSYCHOTIC SO IT HELD NO WORTH. THE CHECK WAS NOT MADE OUT TO HER, IT WAS COMPLETELY BLACK AND TAKEN FROM THE BACK OF THE CHECKBOOK.

(P.30PP.128)

## CAPTURED FROM DOCUMENT

128. THAT LATER UPON QUESTIONING THEODORE AGAIN ABOUT THE CONTENTS OF THE PACKAGE AND IF HE HAD DOCUMENTS FOR PUCCIO, HE INITIALLY DENIED HE HAD ANY PUCCIO DOCUMENTS UNTIL PETITIONER NOTIFIED THEODORE THAT WALKER HAD TOLD HIM OF DOCUMENTS FOR PUCCIO THAT SHE HAD TAKEN FROM THE HOME AND GIVEN TO HIM AND

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FURTHER THAT WALKER CLAIMED SHE HAD  
DISCUSSED THEM WITH HIM AT THE HOSPITAL.

(WALKER'S RESPONSE)

DIDN'T DISCUSS WITH TED AT THE HOSPITAL

(P.30PP.130)

CAPTURED FROM DOCUMENT

130. THAT PETITIONER THEN NOTIFIED THEODORE THAT SIMON HAD PERSONALLY  
INFORMED PETITIONER OF A DOCUMENT AND CHECK FOR PUCCIO IN THE HOSPITAL ON  
SEPTEMBER 12, 2012 THAT HE WANTED HER TO HAVE IN THE EVENT ANYTHING HAPPENED  
TO HIM IN THE HOSPITAL.

(WALKER'S RESPONSE)

THIS PARAGRAPH IS EITHER A BLATENT LIE OR COMPLETELY MISCONSTRUED MEMORY  
OF ELIOT'S. SIMON NEVER SAID SUCH A THING TO ELIOT NOR DID ELIOT OR CANDICE  
HAVE ANY IDEA OF SUCH DOCUMENT UNTIL I SHOWED THEM AT DINNER. THEY WERE IN  
DISAGREEMENT OF THE DOCUMENT THAT NIGHT ALSO SO I DON'T KNOW HOW THIS MEMORY  
WAS CHANGED IN THEIR HEADS. ALL SIMON SAID TO ALL OF US CONSTANTLY WHILE HE  
WAS IN THE HOSPITAL BED WAS TO MAKE SURE "THEY" DIDN'T HURT HER. THEY BEING  
HIS FAMILY MEMBERS.

(P.31PP.135)

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CAPTURED FROM DOCUMENT

135. THAT IN THE PARKING LOT OF THE HOSPITAL WALKER ALSO EXCHANGED WHAT  
SHE THOUGHT WAS A GIFT SHE HAD FOR PETITIONER AND WHEN CANDICE OPENED IT ON  
THE WAY TO SIMON'S IT HAD 5-6 LARGE RED PILLS INSIDE. THAT WHEN THEY  
CONTACTED WALKER ON THE WAY TO SIMON'S TO FIND OUT WHAT THESE PILLS WERE AND  
WHO THEY WERE FOR, SHE CLAIMED THAT THEY WERE HER PILLS, NOT SIMON'S AND  
STATED SHE GAVE PETITIONER THE WRONG PACKAGE AND TO THROW THEM AWAY.

(WALKER'S RESPONSE)

NOT TRUE. ONLY BIG RED PILLS I HAVE EVER TAKEN WERE DIET PILLS AND IF I  
DID GIVE SOME TO CANDICE THAT WASN'T OUT OF THE ORDINARY. I NEVER SAID TO  
FORGET IT AND THAT THOSE PILLS WERE MEANT FOR SOMEONE ELSE THOUGH. ANOTHER  
MISCONSTRUED MEMORY OF ELIOT'S.

(P.31PP.136)

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CAPTURED FROM DOCUMENT

136. THAT PETITIONER ON SEPTEMBER 13, 2012 UPON TRYING TO LOG IN TO  
SIMON'S COMPUTER AT HIS HOME TO GET HIS PERSONAL FRIENDS CONTACT INFORMATION  
TO NOTIFY THEM OF SIMON'S PASSING NOTICED THAT THE HARD DRIVES ON ALL OF  
SIMON'S COMPUTERS IN HIS HOME WERE MISSING OR SCRUBBED AND PETITIONER FOUND  
THIS HIGHLY IRREGULAR. THEODORE STATED HE WOULD LOOK INTO WHERE THEY HAD GONE  
AND QUESTION SEVERAL PEOPLE WHO HANDLED SIMON'S COMPUTERS AT HIS OFFICE AND

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HOME IF THEY KNEW ANYTHING. TO THIS DATE THOSE ITEMS APPEAR TO HAVE BEEN TAKEN FROM THE ESTATE AND NEVER RECOVERED.

(WALKER'S RESPONSE)

NOT TRUE. ONLY THE COMPUTER IN THE OFFICE ON THE SECOND FLOOR SEEMED THAT WAY AS IT WAS NEW BECAUSE THE OLD COMPUTER HAD CRASHED. HOWEVER, OUR IT GUY, KEITH RESIG, WAS ABLE TO RETRIEVE MOST OF THE INFORMATION FROM THE OLD COMPUTER AND WAS ON A DROPBOX WHICH JUST NEEDED TO BE DOWNLOADED TO THE NEW COMPUTER.

(P.31PP.139)

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CAPTURED FROM DOCUMENT

139. THAT ACCORDING TO SPALLINA A HERITAGE UNION LIFE INSURANCE COMPANY INSURANCE POLICY NO. 1009208 ON SIMON ("HERITAGE POLICY") WAS ALSO NOW MISSING FROM THE ESTATES RECORDS. SEE EXHIBIT 6 - EMAILS REGARDING LOST HERITAGE POLICY. THAT THE HERITAGE POLICY IS REINSURED BY REASSURE AMERICAN LIFE INSURANCE COMPANY ("RALIC"), WHO HAS BECOME INVOLVED IN THE INSURANCE MATTERS.

(WALKER'S RESPONSE)

DON'T KNOW HOW ANY DOCUMENTS FROM HERITAGE UNION LIFE INSURANCE COMPANY WERE MISSING. WE HAD JUST HAD DIANA SEND IN A CHECK TO THEM IN AUGUST BEFORE THE POLICY RAN OUT FOR NON PAYMENT.

(P.55PP.266)

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CAPTURED FROM DOCUMENT

266. THAT ACCORDING TO PATRICIA FITZMAURICE, L.C.S.W., P.A., ("FITZMAURICE") SIMON'S THERAPIST, IN A SESSION WITH PETITIONER AND CANDICE INFORMED THEM THAT SIMON HAD CONVEYED TO HER THAT HIS NET WORTH WAS APPROXIMATELY US\$ 30,000,000.00 SHORTLY BEFORE HIS DEATH.

(WALKER'S RESPONSE)

FITZMAURICE IS MISTAKEN OR ELIOT HEARD HER INCORRECTLY AS SIMON SAYING HE WAS ONCE WORTH THAT MUCH. SINCE THE CRASH OF 2008 THE BERNSTEIN'S HAD TO TAKE OUT A LINE OF CREDIT A COUPLE OF TIMES TO MAKE ENDS MEET AND SINCE THEN HE WAS NEVER WORTH MORE THAN \$10 MILLION. I CAN TELL YOU THAT SIMON AT ALL TIMES HAD ABOUT \$3MILLION INVESTED THROUGH JP MORGAN IN ADDITION TO OTHER ACCOUNTS WITH THOUSANDS OF DOLLARS. THE DAY HE PASSED HE HAD \$70,000.00 SOMETHING IN HIS MAIN CHECKING ACCOUNT (WHICH I PAID BILLS WITH). THEN APPARENTLY AFTER HANDING ALL THE INFO OVER TO THE ESTATE WE WERE TOLD THERE IS NOTHING.

(P.55PP.267)

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CAPTURED FROM DOCUMENT

267. THAT ACCORDING TO PUCCIO, SIMON HAD TOLD HER THAT THE ESTATE WAS WORTH BETWEEN US\$ 20,000,000.00 TO \$30,000,000.00 AT VARIOUS TIMES, WITH

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MONIES ALREADY PUT AWAY AND PROTECTED FOR PETITIONER AND HIS FAMILY FOR SCHOOL, HOME AND OTHER ITEMS.

(WALKER'S RESPONSE)

SIMON WAS PROBABLY EMBELLISHING FOR HIS EGO. HE DID NOT POSSESS THAT MUCH IN ASSETS AT ONCE FOR YEARS. HOWEVER, SHIRLEY AND SIMON HAD ALWAYS TOLD ME THAT THERE IS A SEPARATE, ACCOUNT/TRUST/SOMETHING SET UP TO TAKE CARE OF THEIR GRANDCHILDREN'S SCHOOL AND HOME SHOULD THEY PASS ON.  
(P.57PP.279)

CAPTURED FROM DOCUMENT

279. THAT SIMON HAD AN ESTIMATED TENS OF MILLIONS OF DOLLARS IN STANFORD GROUP COMPANY INVESTMENT ACCOUNTS HANDLED BY PRIVATE BANKING REPRESENTATIVE, CHRISTOPHER R. PRINDLE WHO IS NOW WITH J.P. MORGAN PRIVATE BANK

(WALKER'S RESPONSE)

I DON'T WANT TO COMMENT TOO MUCH ON THE FINANCIALS MANAGED OUTSIDE OF MY EVERYDAY DUTIES BUT TO MY KNOWLEDGE THROUGH CONVERSATIONS WITH BOTH SHIRLEY AND SIMON, THAT STANFORD NO LONGER HOLDS ANY MONEY OF THE BERNSTEINS BECAUSE OF THE LOSSES DUE TO STANFORD'S PONZI SCHEME AROUND 2008/2009.  
P.89PP.406

CAPTURED FROM DOCUMENT

406. THAT THE FIRST THING THAT MAKES NO SENSE IN THE ACCUSATIONS BY PETITIONER'S SIBLINGS OF MURDER BY PUCCIO IS THAT PUCCIO APPEARED TO HAVE NO BENEFICIAL INTEREST IN THE ESTATES OF SIMON AND SHIRLEY AND THUS NO KNOWN MOTIVE OR BENEFIT FOR MURDER.

(WALKER'S RESPONSE)

MARITZA HAD NO ESTATE INTERESTS, HOWEVER THE ESTATE WAS DEPLETING WEEKLY AS, IN LAYMANS TERMS, SHE WAS BEING PAID BY THE ESTATE TO "BE WITH" SIMON. MONEY WAS TRANSFERRED TO SABADELL BANK WHERE SIMON KEPT AN ACCOUNT FOR HER IN HIS NAME. THIS ACCOUNT WAS USED TO FUND HER FAMILY IN VENEZUELA AND HERSELF. SHE ALREADY MADE MANY "AGREEMENTS" FOR LARGE SUMS OF MONEY FOR "DATING" SIMON BERNSTEIN. BUT MONTHS LEADING UP TO SIMON'S DEATH SHE WAS REPULSED BY HIM TO WHERE SHE COULDN'T BE IN THE SAME ROOM AS HIM, DIDN'T SLEEP IN THE SAME ROOM AS HIM ANYMORE AND CONSTANTLY MADE UP EXCUSES TO LEAVE THE HOUSE WITHOUT HIM. SHE CONFIDED IN ME THAT SHE COULDN'T STAND TO BE AROUND HIM ANYMORE AND WANTED TO LEAVE BUT FINANCIALLY COULDN'T DO THAT TO HERSELF OR HER FAMILY SO SHE "PUT UP WITH HIM".  
(P.89PP.407)

CAPTURED FROM DOCUMENT

407. THAT LATER, AFTER THE SHERIFF HAD LEFT, WALKER TOLD PETITIONER AND CANDICE THAT IN THE ESTATES DOCUMENTS SHE REMOVED FROM THE HOME THERE WAS A

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CHECK AND AN AGREEMENT SIMON HAD EXECUTED FOR PUCCIO, THAT INURED AN ESTIMATED \$100,000.00 TO PUCCIO IF SIMON WERE TO DIE, WHICH WALKER THEN REMOVED BOTH DOCUMENTS FROM THE ESTATES AND TRANSFERRED THEM TO THEODORE THE NIGHT OF SIMON'S DEATH, WHO THEN ALLEGEDLY TRANSFERRED THEM TO SPALLINA A FEW WEEKS LATER, AS ALREADY DISCUSSED HEREIN.

(WALKER'S RESPONSE)

THIS SAID DOCUMENT WAS NOT CREATED IN SOUND MIND BY SIMON. CHECK WAS NEVER FILLED OUT, IT WAS BLANK, AND THE TERMS OF THE CONTRACT WERE NEVER MET SO IT'S NULL AND VOID.

(P.89PP.408)

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CAPTURED FROM DOCUMENT

408. THAT WHEN THE SHERIFF CAME ON SEPTEMBER 13, 2012, DESPITE WALKER KNOWING OF THIS DOCUMENT AND THEODORE KNOWINGLY IN POSSESSION OF THE DOCUMENT, NEITHER ONE OF THEM MENTIONS THIS DOCUMENT TO THE SHERIFF'S OR TURNS IT OVER AS EVIDENCE OF A POSSIBLE MOTIVE THAT PUCCIO MURDERED SIMON.

(WALKER'S RESPONSE)

IT WAS NEVER MENTIONED PROBABLY BECAUSE IT DIDN'T POSSESS ANY REAL QUALITY AND BY THAT MORNING AFTER NO SLEEP FOR DAYS I WAS SOLELY CONCERNED ABOUT THE MISUSE OF DRUGS THAT WAS ADMINISTERED TO SIMON BY MARITZA.

(P.90PP.413)

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CAPTURED FROM DOCUMENT

413. THAT INSTEAD OF GIVING THE DOCUMENTS TO INVESTIGATORS, SPALLINA MET WITH PUCCIO AND HER COUNSEL DENYING HER CLAIM AND TELLING HER SHE WOULD GET NOTHING, OPPOSITE OF SIMON'S DESIRES AND ALLEGEDLY THREATENING HER THAT SHE WAS A SUSPECT IN A MURDER INVESTIGATION AND SHOULD GO AWAY OR ELSE, FURTHER FRIGHTENING PUCCIO WHO HAS SINCE APPARENTLY ABANDONED HER CLAIM AGAINST THE ESTATE. NO INFORMATION REGARDING THIS CLAIM AGAINST THE ESTATE HAS BEEN SENT BY TS, SPALLINA AND TESCHER TO THE BENEFICIARIES.

(WALKER'S RESPONSE)

IT WAS SAID BY SIMON MANY TIMES TO MYSELF AND OTHERS- MARITZA DOES NOT RECEIVE ANYTHING FINANCIALLY OR BY HIS ESTATE AFTER HE PASSES, THAT SHE GETS WHAT IS GIVEN TO HER WHILE HE IS ALIVE AND SHE IS HIS "GIRLFRIEND".

THIS CONCLUDES THE E-MAIL AND SUPPLEMENT. A COPY OF THE ATTACHMENT AND E-MAIL WERE PUT INTO PBSO EVIDENCE. THIS CASE REMAINS OPEN.

DETECTIVE RYAN W. MILLER #7704

02/21/14 @ 1451 HRS.

TRANS. VIA EMAIL/COPY/PASTE: 02/24/2014/MDR/#6405

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## P A L M B E A C H C O U N T Y S H E R I F F ' S O F F I C E PAGE 1

CASE NO. 14029489

SUPPLEMENT 12 OFFENSE REPORT

CASE NO. 14029489

DISPOSITION: ZULU

DIVISION: DETECTIVE

911:

ECONOMIC CRIMES \* \* \*

SIGNAL CODE: 14 CRIME CODE: NON CRIME CODE: OT CODE: 9546 02/27/14 THURSDAY  
 ZONE: BR GRID: DEPUTY I.D.: 7704 NAME: MILLER ASSIST: TIME D 1020 A 1020 C 1021  
 OCCURRED BETWEEN DATE: 12/01/12 , 0000 HOURS AND DATE: 01/31/13 , 0000 HOURS  
 EXCEPTION TYPE:

INCIDENT LOCATION: 4855 TECHNOLOGY WY APT. NO.: 700  
 CITY: BOCA RATON STATE: FL ZIP: 33431

NO. OFFENSES: 00 NO. OFFENDERS: UK NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0  
 LOCATION: OTHER  
 NO. VICTIMS: 00 NO. ARRESTED: 0 FORCED ENTRY: 0

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ON 02/11/14 SGT. DAVID GROOVER AND I RESPONDED TO THE PALM BEACH COUNTY SHERIFF'S OFFICE WEST BOCA SUB-STATION FOR THE PURPOSE OF INTERVIEWING ELIOT AND CANDICE BERNSTEIN IN REGARD TO THIS INVESTIGATION. THE INTERVIEW LASTED APPROXIMATELY THREE HOURS AND WAS MEMORIALIZED ON DIGITAL RECORDERS. BELOW IS A BRIEF SYNOPSIS OF THE INTERVIEW. FOR COMPLETE AND ACCURATE DETAILS OF THE STATEMENTS MADE BY ELIOT AND CANDICE DURING THE SWORN INTERVIEW, AUTHORIZED PERSONS MAY REVIEW THE AUDIO CD COPY, WHICH IS MAINTAINED AT THE PALM BEACH COUNTY SHERIFF'S OFFICE EVIDENCE FACILITY.

ELIOT STATED HE IS UNDER THE BELIEF THAT DONALD TESCHER AND ROBERT SPALLINA BECAME ACQUAINTED WITH HIS PARENTS IN 2008. HE BASES THIS BELIEF ON COPIES OF DOCUMENTS HE HAS EXAMINED AS WELL AS STATEMENTS MADE TO HIM BY HIS BROTHER THEODORE. ELIOT TOLD ME HE UNDERSTANDS THAT THERE WERE INDIVIDUAL TRUSTS AND WILLS CREATED FOR HIS PARENTS, SHIRLEY AND SIMON, IN 2008 BUT QUESTIONS THE ORIGINS OF MANY OF THE DOCUMENTS. ELIOT STATED HE HAS NOT BEEN PROVIDED MANY OF THE ESTATE DOCUMENTS THAT HE BELIEVES HE SHOULD HAVE SEEN BY NOW.

ELIOT STATED THAT SHIRLEY'S ORIGINAL TRUST STATES HE, ALONG WITH HIS SISTERS LISA AND JILL WERE TO HAVE THE ASSETS DISTRIBUTED AMONGST THEM; STATING IT ALSO REFERENCED THEIR (ELIOT, LISA, & JILL'S) LINEAL DESCENDANTS. ELIOT SAID HE HAS RECENTLY LEARNED THROUGH A LETTER FROM DONALD TESCHER THAT THERE WERE POSSIBLY TWO FIRST AMENDMENTS TO HIS MOTHER'S TRUST. HE CLAIMED THAT ACCORDING TO TESCHER'S LETTER ONE OF THE AMENDMENTS OCCURRED IN JANUARY 2013, BUT AFTER VIEWING THE LETTER I FOUND THIS WAS NOT HOW IT READ. I ASKED FOR A COPY OF THE LETTER TO BE E-MAILED TO ME, BUT TO DATE I DON'T FIND THAT

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DISPOSITION: ZULU

I HAVE RECEIVED IT. I WAS ABLE TO OBTAIN A COPY OF THE INFORMATION THAT WAS PROVIDED BY SPALLINA TO ELIOT'S CHILDREN'S FORMER ATTORNEY, CHRISTINE YATES. THIS CONFIRMED THAT SPALLINA DID PROVIDE THE ALTERED DOCUMENT TO YATES AS SPALLINA HAD PREVIOUSLY STATED TO ME.

IN FURTHER DISCUSSION OF THIS CASE, ELIOT CONFIRMED HE WAS PRESENT DURING THE MAY 2012 CONFERENCE CALL BETWEEN HIS FATHER, HIS SIBLINGS AND SPALLINA. HIS INTERPRETATION OF THE CALL WAS SLIGHTLY DIFFERENT THAN HIS SIBLINGS. HE STATED HE UNDERSTOOD THE CALL AS HIS FATHER STATING HE MAY MAKE CHANGES, BUT IT IS NOT A CERTAINTY. ELIOT CONFIRMED THE PROPOSED CHANGES WERE (IF THEY OCCURRED) THAT THE ASSETS WOULD GO TO THE 10 GRANDCHILDREN AND NO LONGER ANY OF THE CHILDREN. ELIOT IMPLIED HE SUPPORTED HIS FATHER'S DECISION IF IT RELIEVED STRESS FROM HIS FATHER, WHICH HE FELT WAS BEING CREATED BY SOME OF HIS SIBLINGS. ELIOT STATED HE DISPUTES WHETHER THE TRUST AMENDMENT SIGNED BY SIMON IN JULY 2012 WAS ACTUALLY SIGNED BY SIMON. HE SAID HE FEELS ALL DOCUMENTS FILED POST MORTEM MAY BE FRAUDS.

ELIOT CLAIMED THERE ARE SOME DISCREPANCIES WITH A LIFE INSURANCE POLICY WHICH BELONGED TO SIMON. THERE IS CURRENTLY AN ON-GOING FEDERAL COURT CASE IN ILLINOIS REFERENCE THIS POLICY. ELIOT IS NOT CERTAIN WHERE THE POLICY ORIGINATED AND SAID THE POLICY HAS SINCE BEEN LOST. ELIOT INFORMED ME THAT THE INSURANCE COMPANY IS LOCATED IN JACKSONVILLE, IL. HE SAID THAT IN HIS OPINION, DOCUMENTS REFERENCE THE POLICY IN REGARDS TO THE TRUSTEE WERE SIGNED UNLAWFULLY, AND THEN SUBMITTED TO THE INSURANCE COMPANY IN ILLINOIS. HE ALSO SAID HE BELIEVES THE INSURANCE COMPANY IS CONDUCTING AN INVESTIGATION. HE WAS INFORMED A REPORT SHOULD BE FILED WITH JACKSONVILLE, IL POLICE DEPARTMENT AS WELL AS WITH THE INSURANCE COMPANY.

IN CONTINUING TO DISCUSS THIS CASE, ELIOT BROUGHT UP A FORM CALLED A PETITION TO DISCHARGE (FULL WAIVER) REFERENCE HIS MOTHER'S ESTATE WHICH IS DATED APRIL 9, 2012 AND SIGNED BY SIMON. HE ALLEGES DUE TO THE TIMING OF WHEN THIS FORM WAS FILED WITH THE COURTS ON OCT. 24, 2012, WHICH WAS AFTER HIS FATHER'S DEATH, HE BELIEVES HIS FATHER MAY NOT HAVE SIGNED IT. HE ALSO POINTED OUT WHAT HE BELIEVES ARE OTHER DISCREPANCIES IN THE FORM AS WELL AS PROCEDURE VIOLATIONS WITH HOW THE PAPERWORK WAS FILED AND WHO DID AND/OR COULD HAVE FILED IT, IN REFERENCE TO THE PERSONAL REPRESENTATIVE.

ELIOT TOLD ME HE BELIEVES HIS MOTHER'S ESTATE SHOULD GO TO HIM, LISA, AND JILL. HE STATED HE FEELS A CONSPIRACY IS TAKING PLACE, IN ORDER TO HAVE THE ASSETS FROM THE ESTATE GO TO PEOPLE OTHER THAN WHO THE DOCUMENTS STATE THEY SHOULD GO TOO.

ON 02/25/14 DET. PANZER AND I MET WITH ELIOT AND CANDICE AFFORDING THEM THE OPPORTUNITY TO FURTHER THEIR STATEMENT. ELIOT STATED THAT THE COURTS APPOINTED A CURATOR TO THE PROBATE CASE, AS WELL AS, ORDERED A FORENSIC ACCOUNTING TO BE DONE. THEY STATED THEY HAD NO OTHER INFORMATION TO SUPPLY.

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DISPOSITION: ZULU

IT SHOULD BE NOTED THAT I RECENTLY PLACED A PHONE CALL TO CHRISTINE YATES, BUT SHE DID NOT CALL ME BACK. IN ADDITION, I BRIEFLY SPOKE WITH PAMELA SIMON, WHO STATED SHE WOULD NEED TO CONTACT ME BACK WITH HER ATTORNEY TO PROVIDE A SWORN STATEMENT. TO DATE SHE HAS NOT CONTACTED ME BACK. I HAVE ALSO SPOKEN WITH DONALD TESCHER OVER THE PHONE. HE ADVISED THAT HE RETAINED COUNSEL BY THE NAME OF IRWIN BLOCK. I SPOKE WITH MR. BLOCK WHO STATED HIS CLIENT WILL NOT BE PROVIDING ME WITH A STATEMENT.

BASED UPON THE TOTALITY OF THE INVESTIGATIVE EFFORT, I DO NOT FIND EVIDENCE OR PROBABLE CAUSE TO SUPPORT ANY CRIMINAL ALLEGATIONS. THIS CASE REMAINS A NON-CRIMINAL INFORMATIONAL REPORT.  
DETECTIVE RYAN W. MILLER #7704  
02/27/14 @ 1423 HRS.  
TRANS. VIA EMAIL/COPY/PASTE: 02/28/2014/MDR/#6405

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## PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1

CASE NO. 14029489

SUPPLEMENT 13 OFFENSE REPORT

CASE NO. 14029489

DISPOSITION: ZULU

DIVISION: DETECTIVE

911:

ECONOMIC CRIMES

SIGNAL CODE: 14 CRIME CODE: \* NON CRIME CODE: OT CODE: 9546 01/13/15 THURSDAY  
 ZONE: BR GRID: DEPUTY I.D.: 6685 NAME: PANZER, A. ASSIST: TIME D 1020 A 1020 C 1021

OCCURRED BETWEEN DATE: 12/01/12 , 0000 HOURS AND DATE: 01/31/13 , 0000 HOURS

EXCEPTION TYPE:

INCIDENT LOCATION: 4855 TECHNOLOGY WY APT. NO.: 700

CITY: BOCA RATON STATE: FL ZIP: 33431

NO. OFFENSES: 00 NO. OFFENDERS: UK NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0

LOCATION: OTHER

NO. VICTIMS: 00 NO. ARRESTED: 0 FORCED ENTRY: 0

ON 12/14/14, DETECTIVE MILLER AND I MET WITH ELIOT AND CANDICE BERNSTEIN AT THE DISTRICT 7 SUBSTATION. THIS MEETING WAS REQUESTED BY THE BERNSTEIN'S AS THEY FELT THEY HAD UNCOVERED ADDITIONAL INFORMATION REGARDING THEIR ORIGINAL ALLEGATION. I WAS ASKED TO ATTEND AS DETECTIVE MILLER WAS TO BE PROMOTED TO SERGEANT IN THE VERY NEAR FUTURE AND I WOULD LIKELY BE THE PERSON ASSUMING THIS INVESTIGATION SHOULD NEW INFORMATION BECOME AVAILABLE. DETECTIVE MILLER ADVISED HIS ORIGINAL INVESTIGATION INTO THE ALLEGATIONS REMAINED A NON-CRIMINAL INFORMATION REPORT BASED UPON THE TOTALITY OF THE INVESTIGATIVE EFFORT AND THE FACT PROBABLE CAUSE COULD NOT BE ESTABLISHED TO SUPPORT ANY CRIMINAL ALLEGATIONS. DETECTIVE MILLER ADVISED ONLY NEW INFORMATION WOULD BE CONSIDERED FOR INVESTIGATION.

DURING THE MEETING ON 12/14/14, BERNSTEIN SPOKE OF ISSUES WITH HIS CHILDREN'S TRUSTS DOCUMENTS AND ALLEGED CERTAIN SIGNATURES WERE INVALID AND POSSIBLY FORGED BASED ON HIS INFORMATION AND BELIEF. DETECTIVE MILLER REQUESTED BERNSTEIN PREPARE A BRIEF MEMO REGARDING THE ALLEGATION AND SUBMIT COPIES OF THE CONTESTED DOCUMENTS VIA EMAIL. ON 01/08/15, I RECEIVED AN EMAIL FROM BERNSTEIN CONSISTING OF A 118 PAGE PDF ATTACHMENT. BERNSTEIN REFERENCED THE FOLLOWING PBSO CASE NUMBERS:

- 13-097087 - MORAN FORGERY & FRAUDULENT NOTARIZATION
- 13-159967 - JEWELRY THEFT
- 14-029489 - TESCHER & SPALLINA ET AL. SUPPLEMENTAL
- 12-121312 - ALLEGED MURDER OF SIMON BERNSTEIN

IN THE OPENING PARAGRAPH OF THE LETTER, BERNSTEIN WROTE: "PER OUR MEETING OF DECEMBER 12, 2014 REGARDING THE TRUSTS OF MY THREE MINOR CHILDREN, JOSHUA,

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DISPOSITION: ZULU

JACOB AND DANIEL BERNSTEIN, I HAVE PREPARED THE REQUESTED STATEMENT OF FACTS AND ATTACHED THE REQUESTED DOCUMENTS TO SUPPORT OUR CLAIMS REGARDING THE FORGED AND FRAUDULENT STANFORD TRUST COMPANY AND OPPENHEIMER TRUST COMPANY OF NEW JERSEY TRUST DOCUMENTS. THE ALLEGATIONS ARE NOT SIMPLY THAT THE DOCUMENTS ARE FORGED AND FRAUDULENT BUT THAT IT AGAIN IS PART OF A LARGER FRAUD ON THE BENEFICIARIES OF THE ESTATES AND TRUSTS OF SIMON AND SHIRLEY BERNSTEIN TO STEAL MILLIONS OF DOLLARS FROM THE TRUE AND PROPER BENEFICIARIES. THESE TRUST DOCUMENTS WERE USED TO SEIZE DOMINION AND CONTROL OF THE THREE MINOR CHILDREN'S TRUSTS. THEN THE MONIES WERE IMPROPERLY AND ILLEGALLY CONVERTED BY IMPROPER PARTIES ACTING AS FIDUCIARIES TO IMPROPER PARTIES. THIS ARTIFICE TO DEFRAUD WAS USED TO FURTHER HIDE MILLIONS OF DOLLARS THAT WERE TO FLOW INTO THESE AND OTHER TRUSTS CREATED SPECIFICALLY FOR OUR FAMILY AND CONVERT THOSE MONIES TO IMPROPER PARTIES AS WELL."

AS I BRIEFLY REVIEWED THE DOCUMENT, I FOUND IT CONTAINED NOT ONLY THE INFORMATION BERNSTEIN RELATED HE HAD FOUND IN THE MEETING OF 12/14/14, BUT ALSO INFORMATION REGARDING MANY OF THE ALREADY INVESTIGATED ISSUES. ON 01/09/15, I SPOKE WITH BERNSTEIN AT LENGTH REGARDING THE EMAIL HE HAD SENT. I ENSURED HE UNDERSTOOD THAT I WAS NOT REDOING DETECTIVE MILLER'S INVESTIGATION, RATHER I WOULD BE LOOKING INTO THE NEW INFORMATION HE RELATED DURING OUR DECEMBER MEETING AND THAT WHICH WAS CONTAINED IN HIS EMAIL. I ADVISED I WOULD NEED SOME TIME TO REVIEW THE CASE IN ITS ENTIRETY AS THE INFORMATION HE JUST PROVIDED DOES REFER BACK IN PARTS TO WHAT DETECTIVE MILLER HAS ALREADY DONE AND I WILL NEED TO FAMILIARIZE MYSELF WITH THE HISTORICAL DATA OF THE CASE. I ENSURED HE HAD ALL OF MY CONTACT INFORMATION AND ADVISED HIM I WOULD CONTACT HIM AS SOON AS I HAD COMPLETED MY REVIEW AND/OR IF I HAD ADDITIONAL QUESTIONS. I ALSO REQUESTED THAT WHEN HE SENDS ME EMAILS REGARDING THIS CASE, THAT HE LIMIT THE PEOPLE COPIED ON THE EMAIL TO SUBJECTS THAT HAVE A DIRECT LINK TO THIS INVESTIGATION. SUBSEQUENT TO MY TWO (2) PHONE CALLS WITH BERNSTEIN, I CONFERRED WITH DETECTIVE MILLER AND HE CONFIRMED THAT THE AGREED SCOPE OF THE REVIEW WAS THE NEW INFORMATION BERNSTEIN STATED HE WOULD PROVIDE IN OUR DECEMBER MEETING. A REVIEW OF THE RECORDS CONTINUES.

THIS CASE IS NOW OPEN AND UNDER INVESTIGATION.  
DETECTIVE ANDREW PANZER #6685  
01/13/15  
TRANS. VIA EMAIL/COPY/PASTE: 02/02/2015/MDR/#6405

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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1

CASE NO. 14029489 SUPPLEMENT 14 OFFENSE REPORT CASE NO. 14029489

DISPOSITION: ZULU  
DIVISION: DETECTIVE

911:  
 ECONOMIC CRIMES \* \* \*  
 SIGNAL CODE: 14 CRIME CODE: NON CRIME CODE: OT CODE: 9546 03/20/15 THURSDAY  
 ZONE: BR GRID: DEPUTY I.D.: 6685 NAME: PANZER ASSIST: TIME D 1020 A 1020 C 1021  
 OCCURRED BETWEEN DATE: 12/01/12 , 0000 HOURS AND DATE: 01/31/13 , 0000 HOURS  
 EXCEPTION TYPE:  
 INCIDENT LOCATION: 4855 TECHNOLOGY WY APT. NO.: 700  
 CITY: BOCA RATON STATE: FL ZIP: 33431

NO. OFFENSES: 00 NO. OFFENDERS: UK NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0  
 LOCATION: OTHER  
 NO. VICTIMS: 00 NO. ARRESTED: 0 FORCED ENTRY: 0

UPON COMPLETING MY REVIEW OF THE DOCUMENTATION BERNSTEIN SUBMITTED IN HIS EMAIL OF 01/08/15, IT WAS DETERMINED THE NEW INFORMATION HE BROUGHT FORTH WAS IN REGARD TO THE DOCUMENTS RELATING TO THE TRUSTS OF HIS 3 MINOR CHILDREN, JOSHUA, JACOB, AND DANIEL BERNSTEIN. IN ITEM 52 OF THE STATEMENT OF FACTS BERNSTEIN WROTE:

"THAT IMMEDIATELY AFTER THE INITIAL COURT HEARING ON OCTOBER 20, 2014 ELIOT, CANDICE AND WILLIAM STANSBURY CONTACTED AND THEN MET WITH TRACI KRATISH, ESQ. WHEREBY TRACI STATED;

- A. SHE HAD NEVER SEEN THE TRUST DOCUMENTS EXHIBITED HEREIN BEFORE NAMING HER AS THE INITIAL TRUSTEE,
- B. THAT SHE DID NOT WORK FOR THE BERNSTEIN FAMILY AT THE TIME THE TRUST DOCUMENT IS ALLEGEDLY SIGNED BY HER AS TRUSTEE,
- C. THAT SHE WAS NOT THE ORIGINAL TRUSTEE IN THE DOCUMENT AND WAS ONLY ASKED TO BE A TRUSTEE WHEN THE STANFORD TRUST COMPANY WAS SEIZED AND ONLY FOR A FEW DAYS, DUE TO THE SIR ALLEN STANFORD PONZI SCHEME AND NEED TO TRANSFER FUNDS.
- D. TRACI CLAIMS TO HAVE SIGNED AN ACCEPTANCE LETTER AT THAT TIME WHICH IS MISSING FROM THE DOCUMENT PRODUCTION OF TESCHER AND SPALLINA AND THEN SHORTLY THEREAFTER SIGNED A RESIGNATION TRANSFERRING TRUSTEESHIP TO OPPENHEIMER.
- E. THAT SHE NEVER SIGNED THE TRUST DOCUMENTS AS ALLEGED IN THE DOCUMENTS AND THAT THE APPEARED FORGED AND FRAUDULENT.

UPON EXAMINING THE SIGNATURE AREAS OF THE TRUST AGREEMENTS DATED SEPTEMBER 07, 2006 PROVIDED BY BERNSTEIN, I NOTED THE TRUSTEE SECTION LISTS

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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 2  
CASE NO. 14029489 SUPPLEMENT 14 OFFENSE REPORT CASE NO. 14029489  
DISPOSITION: ZULU

TRACI KRATISH, PA AS TRUSTEE. BELOW THIS IS A SIGNATURE, FOLLOWED BY FOR TRACI KRATISH, PA. ON 01/31/15, I SEARCHED TRACI KRATISH, PA THROUGH THE FLORIDA DIVISION OF CORPORATION SUNBIZ WEBSITE AND DISCOVERED THE CORPORATION HAD BEEN DISSOLVED PER THE APPROVAL OF ITS SHAREHOLDERS ON 12/31/13. I WAS ABLE TO LOCATE A POSSIBLE PHONE NUMBER FOR THE ADDRESS LISTED IN THE CORPORATE PAPERWORK AND SUBSEQUENTLY MADE CONTACT WITH KRATISH. IN SPEAKING WITH KRATISH, SHE ADVISED SHE WAS CURRENTLY WORKING FOR ERNST & YOUNG IN BOCA RATON. I EXPLAINED MY INVOLVEMENT WITH BERNSTEIN IN REGARD TO HIS ALLEGATIONS AND ASKED IF SHE WOULD BE WILLING TO MEET WITH ME. KRATISH AGREED AND A MEETING WAS ARRANGED FOR 02/03/15 AT HER OFFICE IN BOCA RATON. ON 02/02/15, I RECEIVED A PHONE MESSAGE FROM KRATISH REQUESTING THE MEETING BE RESCHEDULED. I MADE CONTACT WITH KRATISH AND THE MEETING WAS RESCHEDULED FOR 02/05/15 AT 10 AM, BUT THIS MEETING HAD TO BE CANCELLED AS WELL DUE TO A PRIOR COMMITMENT ON MY PART THAT HAD ALREADY BEEN SCHEDULED.

ON 03/06/15, I MADE CONTACT WITH KRATISH BY PHONE AND ATTEMPTED TO SCHEDULE AN INTERVIEW. KRATISH REQUESTED THE MEETING BE SCHEDULED AFTER 04/15/15, AS THIS WAS A VERY BUSY TIME FOR HER AS SHE WAS ALSO A CERTIFIED PUBLIC ACCOUNTANT. I TOLD HER I WOULD CONTACT HER AFTER TAX SEASON BUT ASKED HER TO CONTACT ME IN THE EVENT AN OPENING IN HER SCHEDULE PRESENTED ITSELF PRIOR TO THEN.

ON 03/20/15, I SPOKE AT LENGTH WITH BERNSTEIN AND ADVISED HIM OF MY ATTEMPT TO MEET WITH KRATISH AND WHEN THE MEETING MIGHT TAKE PLACE. I ASKED IF THE DATE ON THE TRUST AGREEMENTS, WHICH HE PROVIDED AS EXHIBITS WERE THE ACTUAL DATES OF WHEN THE FORGERY MAY HAVE OCCURRED AND BERNSTEIN STATED HE DIDN'T KNOW WHEN THESE DOCUMENTS WERE SIGNED OR IF THEY WERE EVEN ACTUAL LEGAL DOCUMENTS. BERNSTEIN HAD SOME QUESTIONS AS TO ISSUES WHICH AROSE DURING THE TIME THIS CASE WAS ASSIGNED TO DETECTIVE MILLER AND I TOLD HIM I WOULD ATTEMPT TO FIND OUT THE ANSWERS TO HIS QUESTIONS. IT SHOULD BE NOTED, BERNSTEIN IS INVOLVED IN A NUMBER OF CIVIL LITIGATIONS IN MULTIPLE JURISDICTIONS AND SOME THAT STEM FROM ISSUES HE BELIEVES ARE RELATED TO THIS CASE. AS HE BEGAN TO SPEAK OF SOME OF THESE, I LISTENED TO WHAT HE HAD TO SAY BUT ENSURED HE UNDERSTOOD THE PURPOSE OF MY CALL WAS TO UPDATE HIM ON THE PROGRESS OF THE ATTEMPT TO INTERVIEW KRATISH. BERNSTEIN ADVISED ME HE HAD A SIGNIFICANT AMOUNT OF DOCUMENTS YET TO PROVIDE ME. I ADVISED BERNSTEIN I WOULD CONTACT HIM ONCE I HAD INTERVIEWED KRATISH.

THIS CASE REMAINS OPEN PENDING THE INTERVIEW OF KRATISH.

DETECTIVE ANDREW PANZER #6685

03/20/15

TRANS. VIA EMAIL/COPY/PASTE: 03/23/2015/MDR/#6405

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PALM BEACH COUNTY SHERIFF'S OFFICE

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CASE NO. 14029489

SUPPLEMENT 15 OFFENSE REPORT

CASE NO. 14029489

DISPOSITION: ZULU

DIVISION: DETECTIVE

911:

ECONOMIC CRIMES

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SIGNAL CODE: 14 CRIME CODE: NON CRIME CODE: OT CODE: 9546 05/12/15 THURSDAY

ZONE: BR GRID: DEPUTY I.D.: 6685 NAME: PANZER ASSIST: TIME D 1020 A 1020 C 1021

OCCURRED BETWEEN DATE: 12/01/12 , 0000 HOURS AND DATE: 01/31/13 , 0000 HOURS

EXCEPTION TYPE:

INCIDENT LOCATION: 4855 TECHNOLOGY WY APT. NO.: 700

CITY: BOCA RATON STATE: FL ZIP: 33431

NO. OFFENSES: 00 NO. OFFENDERS: UK NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0

LOCATION: OTHER

NO. VICTIMS: 00 NO. ARRESTED: 0 FORCED ENTRY: 0

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ON 05/06/15, I MADE CONTACT WITH TRACI KRATISH BY PHONE AND ATTEMPTED TO SCHEDULE AN INTERVIEW WITH HER REGARDING THE ALLEGED FORGED TRUST DOCUMENTS. IT WAS AGREED THE INTERVIEW WOULD TAKE PLACE AT THE PALM BEACH COUNTY SHERIFF'S OFFICE FINANCIAL CRIMES UNIT ON THURSDAY, 05/21/15 AT 1:00 PM. THIS CASE REMAINS OPEN PENDING THE RESULTS OF THE INTERVIEW WITH KRATISH.

DETECTIVE ANDREW PANZER #6685

05/12/15

TRANS. VIA EMAIL/COPY/PASTE: 05/18/2015/MDR/#6405

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CASE NO. 14029489 SUPPLEMENT 16 OFFENSE REPORT CASE NO. 14029489

DISPOSITION: ZULU  
DIVISION: DETECTIVE

911:  
ECONOMIC CRIMES \* \* \*  
SIGNAL CODE: 14 CRIME CODE: NON CRIME CODE: OT CODE: 9546 06/30/15 THURSDAY  
ZONE: BR GRID: DEPUTY I.D.: 6685 NAME: PANZER ASSIST: TIME D 1020 A 1020 C 1021  
OCCURRED BETWEEN DATE: 12/01/12 , 0000 HOURS AND DATE: 01/31/13 , 0000 HOURS  
EXCEPTION TYPE:  
INCIDENT LOCATION: 4855 TECHNOLOGY WY APT. NO.: 700  
CITY: BOCA RATON STATE: FL ZIP: 33431  
NO. OFFENSES: 00 NO. OFFENDERS: UK NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0  
LOCATION: OTHER  
NO. VICTIMS: 00 NO. ARRESTED: 0 FORCED ENTRY: 0

ON 05/21/15, I RESPONDED TO 250 S. AUSTRALIAN AVENUE - #1402, WEST PALM BEACH, FL AND MET WITH TRACI KRATISH IN THE OFFICE OF HER ATTORNEY JAMES CUNHA. I HAD BROUGHT WITH ME COPIES OF THE DOCUMENTS BERNSTEIN HAD PROVIDED AS ATTACHMENTS IN HIS 01/18/15 LETTER TO ME. IN SPEAKING WITH KRATISH SHE ADVISED ME SHE BEGAN HER EMPLOYMENT WITH SIMON BERNSTEIN ON 09/10/06 AS THE GENERAL COUNSEL AND CHIEF COMPLIANCE OFFICER FOR HIS FIRM LIC HOLDINGS INC. KRATISH STATED SHE WAS EMPLOYED UNTIL FEBRUARY 2010 AND HER LAST PAYCHECK WAS FOR PAY DATE ENDING 02/18/10. KRATISH PROVIDED ME A CHART DETAILING THAT LIC HOLDINGS INC. (FL S CORP) WAS THE PARENT COMPANY OF THE FOLLOWING ENTITIES; ARBITRAGE INTERNATIONAL MANAGEMENT LLC F/K/A ARBITRAGE INTERNATIONAL HOLDINGS LLC (FL), CAMBRIDGE FINANCING COMPANY (FL) AND ITS SUBSIDIARY CFC OF DELAWARE LLC (DE), CAMBRIDGE PREMIUM COMPANY, INC. (NY), ARBITRAGE INTERNATIONAL MARKETING, INC. D/B/A LIFE INSURANCE CONCEPTS (FL S CORP) AND NATIONAL SERVICE ASSOCIATION, INC. (FL). SIMON AND TED BERNSTEIN WERE THE MAJORITY SHAREHOLDERS AND WILLIAM STANSBURY WAS AN ADDITIONAL SHAREHOLDER.

I ASKED KRATISH WHEN SHE FIRST MET ELIOT BERNSTEIN. SHE STATED IT WAS IN OCTOBER OF 2014 AND SHE WAS INTRODUCED TO HIM BY WILLIAM STANSBURY, WHO WAS INVOLVED IN SOME LITIGATION REGARDING THE ESTATES OF SIMON AND SHIRLEY BERNSTEIN. THE MEETING WAS HELD AT THE BOCA MARRIOTT. IT SHOULD BE NOTED THAT BERNSTEIN SAID THIS MEETING WITH KRATISH OCCURRED IMMEDIATELY AFTER A HEARING BEFORE JUDGE COLIN ON 10/02/14, IN WHICH THE TRUST AGREEMENTS WERE FRAUDULENTLY TENDERED TO THE COURT, BY LESSNE WHO IS AN ATTORNEY REPRESENTING OPPENHEIMER.

I SHOWED KRATISH THE DOCUMENTS BERNSTEIN SENT ME IN REGARD TO HIS

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PALM BEACH COUNTY SHERIFF'S OFFICE

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SUPPLEMENT 16 OFFENSE REPORT

CASE NO. 14029489

DISPOSITION: ZULU

ALLEGATION. KRATISH ACKNOWLEDGED SHE WAS THE TRUSTEE AT SOME POINT FOR THE TRUSTS OF BERNSTEIN'S MINOR CHILDREN. SHE ADDED THAT SHE DIDN'T REMEMBER BEING INVOLVED PRE-STAMFORD BUT DOES RECALL BEING INVOLVED IN THE TRANSFER TO OPPENHEIMER. KRATISH LOOKED AT THE SIGNATURES ON THE DOCUMENTS AND STATED THEY APPEARED TO BE HER SIGNATURE ALTHOUGH SHE DOESN'T HAVE INDEPENDENT RECOLLECTION OF SIGNING THE SPECIFIC DOCUMENTS. KRATISH SAID SHE SIGNED MANY DOCUMENTS IN HER ROLE AS GENERAL COUNSEL AND CHIEF COMPLIANCE OFFICER FOR SIMON BERNSTEIN'S BUSINESS CONCERNS. IT SHOULD BE NOTED UPON CHECKING THE DRIVER AND INFORMATION DATABASE (DAVID) SIGNATURE ARRAY FOR KRATISH, THE SIGNATURES SHE USED ON HER DRIVER LICENSES APPEARED TO MATCH THOSE ON THE DOCUMENTS BERNSTEIN PROVIDED IN HIS ATTACHMENTS. KRATISH ALSO RECOGNIZED THE NAME OF ONE OF THE WITNESSES, JOCELYN JOHNSON AS BEING AN EMPLOYEE OF SIMON BERNSTEIN. IT SHOULD BE NOTED THESE TRUST DOCUMENTS WERE EXECUTED ON 09/07/06, SHORTLY AFTER KRATISH STARTED HER EMPLOYMENT. IT SHOULD ALSO BE NOTED BERNSTEIN PROVIDED A DOCUMENT WHICH INDICATED KRATISH RESIGNED AS TRUSTEE ON 09/12/07.

Kratish states she started on 9.11.06 to Eliot and Stansbury

Bernstein challenges document as fraud.

I EXPLAINED TO KRATISH AND CUNHA THAT BERNSTEIN FELT THAT MANY OF THE DOCUMENTS PRESENTED IN COURT WERE FRAUDULENT AND/OR FORGED. I BROUGHT UP THE FACT KRATISH WAS REFERRED TO AS A MALE IN PARTS OF THE TRUST DOCUMENTS AND ONE OF THE TRUSTS LISTED A SEPARATE INDIVIDUAL AS TRUSTEE. ATTORNEY CUNHA SPOKE TO THE FACT THESE COULD BE SIMPLE MISTAKES (SCRIBNER'S ERROR) AND SHOULD NOT HAVE AN ADVERSE EFFECT ON THE DOCUMENT.

WHEN I BROUGHT UP BERNSTEIN'S CONTENTION THAT IN ADDITION TO THE SIGNATURES BEING FORGED, THERE WAS ANOTHER ISSUE AS EACH PAGE LACKED THE INITIALS OF THE MINOR CHILD WHO WAS THE GRANTEE, CUNHA EXPLAINED THIS INITIAL SECTION IS NOT FOR THE RECIPIENT OF THE TRUST, RATHER IT IS FOR THE GRANTOR. KRATISH ADVISED ME THAT EARLIER THAT MORNING, SHE HAD RECEIVED AN EMAIL FROM WILLIAM STANSBURY WITH THE SUBJECT LINE; ORIGINAL SIGNED "OPPENHEIMER" TRUSTS. SEE BELOW:

-----  
 FROM: WILLIAM STANSBURY  
 DATE: MAY 21, 2015 AT 9:07:50 AM EDT  
 TO: "TRACI@KRATISH.COM"  
 SUBJECT: ORIGINAL SIGNED "OPPENHEIMER" TRUSTS  
 -----

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 FROM: ALAN ROSE [MAILTO:AROSE@MRACHEK-LAW.COM]  
 SENT: WEDNESDAY, MAY 20, 2015 2:14 PM  
 TO: LESSNE, STEVEN; ELIOT IVAN BERNSTEIN; ELIOT IVAN BERNSTEIN  
 CC: TED BERNSTEIN; O'CONNELL, BRIAN M.; FOGLIETTA, JOY A  
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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 3  
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DISPOSITION: ZULU

SUBJECT: ORIGINAL SIGNED "OPPENHEIMER" TRUSTS  
MR. LESSNE AND MR. ELIOT BERNSTEIN:

I AM WRITING TO ADVISE THAT WE LOCATED SOME FILES IN DRAWERS IN SIMON'S PRIVATE OFFICE IN HIS HOME AT LIONS HEAD, AS WE WERE TRYING TO ASSESS THE COMPLEXITY OF THINGS THAT MUST HAPPEN BETWEEN NOW AND THE CLOSING OF LIONS HEAD. MY PRIMARY REASON WAS TO VISUALLY INSPECT THE THREE CHANDELIERS THAT HAVE BEEN THE SUBJECT OF PR EMAILS IN THE PAST FEW DAYS.

IN ANY EVENT, AND ALTHOUGH THESE FILES LIKELY WERE EXAMINED AND DISCOUNTED AS UNIMPORTANT BY THE PRS AFTER SIMON'S DEATH AND LIKELY MEANT NOTHING IF AND WHEN THEY WERE CATALOGED OR VIEWED DURING THE O'CONNELL AS PR RE-APPRAISAL/RE-INSPECTION, I NOTICED A FOLDER MARKED AS THE JAKE BERNSTEIN TRUST. LOOKING MORE CLOSELY, THERE WERE THREE GREEN FOLDERS LABELED WITH ELIOT'S CHILDRENS NAMES AND INSIDE ARE WHAT APPEAR TO THE ORIGINAL SIGNED IRREVOCABLE TRUST AGREEMENTS FOR THE TRUSTS WHICH OPPENHEIMER FORMAL SERVED. THESE MAY BE RELEVANT OR IMPORTANT TO THE ONGOING OPPENHEIMER CASE, SO I BRING THEM TO YOUR ATTENTION. THERE ARE ALSO WHAT APPEAR TO BE SOME TAX RETURNS AND STANFORD ACCOUNT STATEMENTS. SIMPLY BECAUSE I HAVE ATTENDED SOME OF THE OPPENHEIMER HEARINGS, I UNDERSTAND THAT ELIOT CLAIMS AT LEAST ONE OF THE TRUST DOES NOT EXIST. AS AN OFFICER OF THE COURT, AND BECAUSE THEY MAY BE RELEVANT, I HAVE TAKEN TEMPORARY CUSTODY OF THE DOCUMENTS. I WILL HOLD THEM PENDING JOINT INSTRUCTIONS OR A COURT ORDER, BUT WOULD PREFER TO DELIVER THEM TO STEVE LESSNE AS OPPENHEIMER'S COUNSEL. THESE HAVE NO ECONOMIC VALUE AND HAVE NO BEARING ON THE ESTATE, SO I DOUBT BRIAN O'CONNELL WOULD WANT THEM, BUT I DID NOT WANT TO SEE THEM LOST OR DISCARDED IN THE IMPENDING MOVE. TO FACILITATE YOUR REVIEW, I HAVE SCANNED THE FIRST AND LAST PAGE OF EACH TRUST, AND SCANNED THE FIRST PAGE OF THE ANCILLARY DOCUMENTS, AND ATTACH THAT IN .PDF FORMAT.

I AM SURE THAT PEOPLE HAVE LOOKED THROUGH THESE FILES BEFORE, AND THERE DID NOT APPEAR TO BE ANYTHING OF SIGNIFICANCE. (I DID NOTICE A FEW FOLDERS WITH THE OTHER GRANDCHILDRENS NAMES, NOT ELIOT'S KIDS, BUT LEFT THOSE PAPERS IN PLACE BECAUSE I UNDERSTAND THAT EVERYONE BUT ELIOT HAS FULLY COOPERATED WITH OPPENHEIMER IN RESOLVING THESE MATTERS.)

I ALSO HAVE HAD OCCASION TO RE-LOOK THROUGH A SMALL BOX OF TRUST DOCUMENTS WHICH I HAVE BEEN HOLDING, WHICH CAME FROM SIMON'S FORMER WORK OFFICE. INSIDE FILE FOLDER IN A DESK DRAWER, SIMON RETAINED DUPLICATE ORIGINALS OF THE TRUST AGREEMENTS RELEVANT TO MY CASES. WHEN I WAS LOOKING TO REEXAMINE THESE DOCUMENTS - DUPLICATE ORIGINALS OF THE 2008 TRUSTS AND THE 2012 TRUST (THE TRUE ORIGINALS REMAIN WITH TESCHER & SPALLINA WHO DRAFTED THE) - I NOTICED A COPY OF THE THREE SEPARATE IRREVOCABLE TRUST DOCUMENTS. AGAIN, THESE WOULD NOT HAVE CAUGHT MY EYE ORIGINALLY BECAUSE I NEVER WOULD HAVE GUESSED THAT ELIOT WOULD CLAIM THE TRUSTS WERE NOT VALID. I ONLY RECENTLY HAD OCCASION TO NOTICE THESE IN LOOKING FOR THE DUPLICATE TRUST ORIGINALS FOR SIMON AND

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DISPOSITION: ZULU

SHIRLEY. THE THREE IRREVOCABLE TRUSTS APPEAR TO BE SIGNED AND WITNESSED ON PAGE 17, BUT THE INDIVIDUAL PAGES ARE INITIALED. AGAIN, THESE WERE ONLY COPIES, BUT NOW HAVING LOOKED AT THE ORIGINALS INCLUDED IN THE ATTACHED SCAN, I NOTE (ALTHOUGH NOT A HANDWRITING EXPERT) THAT THE ATTACHED COPIES APPEAR TO BE ABSOLUTELY IDENTICAL TO THE ORIGINALS JUST FOUND IN SIMON'S PERSONAL OFFICE.

THESE COPIES INCLUDE IRS FORMS UNDER WHICH TRACI KRATISH PA, AS TRUSTEE APPEAR TO HAVE APPLIED FOR AND OBTAINED A TAXPAYER ID NUMBER FOR EACH TRUST, AND OBVIOUSLY SHE PROVIDED THESE TO SIMON. EACH OF THE TRUST DOCUMENTS IS SIGNED BY SIMON BERNSTEIN, AS SETTLOR, AND BY TRACI KRATISH PA AS THE INITIAL TRUSTEE, AND THE SIGNATURES ARE WITNESSED BY TWO PEOPLE. SIMON'S IS WITNESSED BY JOCELYN JOHNSON AND SOMEONE ELSE. I AM ADVISED THAT JOCELYN WAS AN EMPLOYEE OF SIMON'S, AS PRESUMABLY WAS THE SECOND WITNESS AND ALSO THE INITIAL TRUSTEE, TRACI KRATISH, WHO WAS IN HOUSE COUNSEL FOR THE COMPANIES SIMON OWNED PART OF.

ALTHOUGH THIS WAS LONG BEFORE ANY INVOLVEMENT ON MY PART, TRACI KRATISH APPEARS TO HAVE BEEN THE INITIAL TRUSTEE (THERE IS A TYPO SOMEWHERE NAMING STEVEN GREENWALD.) I DO NOT KNOW STEVEN GREENWALD, BUT I HAVE CONFIRMED THAT THESE TRUSTS WERE NOT CREATED BY TESCHER & SPALLINA. IF THEY HAD BEEN, I'M SURE THEY WOULD HAVE RETAINED THE ORIGINAL AND GIVEN SIMON DUPLICATE ORIGINALS AS THEY DID FOR ALL OF THE TRUST DOCUMENTS FOR THE 2008 AND 2012 TRUST THEY PREPARED. I DO NOT KNOW IF GREENWALD PREPARED THESE AND MADE A TYPO LEAVING HIS NAME ON A LATER SECTION, OR IF KRATISH PREPARED THESE FROM A BOILERPLATE GREENWALD FORM AND MADE THE TYPO. EITHER WAY, AND IT DOES NOT MATTER TO ME, THE FACT THAT THIS WAS A SIMPLE AND ORDINARY TYPO SHOULD BE OBVIOUS TO ALL.

EVENTUALLY, TRACI KRATISH LEFT THE EMPLOY AS THE IN-HOUSE COUNSEL FOR THE COMPANIES. SOMETIME BEFORE OR AT THAT TIME OF HER LEAVING, SHE RESIGNED AND APPOINTED SOMEONE ELSE, AND EVENTUALLY THESE TRUST ACCOUNTS ALONG WITH SIMILAR TRUSTS FOR SIMON'S OTHER SEVEN GRANDCHILDREN AND MUCH OF SIMON'S PERSONAL WEALTH, WERE MOVED TO STANFORD. AFTER STANFORD'S COLLAPSE AMID WORD THAT IT WAS A PONZI SCHEME - SIMON LOST UPWARDS OF \$2 MILLION OF HIS OWN FUNDS IN THE PONZI SCHEME - SIMON DIRECTED THE TRANSFER OF THE HIS AND TRUST ACCOUNTS TO OPPENHEIMER. SIMON SELECTED OPPENHEIMER; PAID TESCHER'S FIRM TO DO THE NECESSARY DOCUMENTS TO APPOINT OPPENHEIMER AS SUCCESSOR TRUSTEE; TOOK THE DOCUMENTS FROM TESCHER AND HAD THEM SIGNED BY ALL CHILDREN, INCLUDING ELIOT AND CANDICE; AND RETURNED DOCUMENTS TO TESCHER FOR FILING. I PRESUME THAT SIMON PAID ALL OF THESE LEGAL FEES, BECAUSE THAT IS THE RIGHT THING TO DO FROM AN ESTATE PLANNING STRATEGY AND AS A FAVOR TO HIS GRANDCHILDREN. I KNOW HAVE SEVEN COPIES OF THE FILED PETITIONS, AND AGAIN WITHOUT BEING A HANDWRITING EXPERT, IT CERTAINLY LOOKS LIKE ELIOT'S AND CANDICE'S SIGNATURE ON THEM, REGARDLESS OF WHETHER THEY HAD EVER MET TESCHER OR SPALLINA BEFORE THEIR

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DISPOSITION: ZULU

## PARENT'S DEATH.

ELIOT AND CANDICE REAPED THE BENEFITS OF OPPENHEIMER'S SERVICES, AND IN ANY EVENT THERE IS NO REASON TO BELIEVE THAT CANDICE AND ELIOT DID NOT SIGN THESE PETITIONS FOR THE BENEFIT OF THEIR CHILDREN. IF ELIOT NOW SUGGESTS THAT HIS AND HIS WIFE'S SIGNATURES DO NOT APPEAR ON THE JUNE 2010 PETITIONS APPOINTING OPPENHEIMER 2010 ALLEGATION, WHICH IS HIGHLY DOUBTFUL JUST LOOKING AT THE THREE SETS OF SIGNATURES, THAT WOULD MEAN ELIOT IS ACCUSING SIMON OF BEING A FORGER. ELIOT IS ALREADY SUPPORTIVE OF BILL STANSBURY, WHO ACCUSES SIMON OF COMMITTING A FRAUD ON STANSBURY. I WOULD BE SHOCKED BY ANY ACCUSATION THAT SIMON DID NOT OBTAIN FROM ELIOT AND CANDICE THEIR GENUINE SIGNATURES ON THE JUNE 2010 PETITIONS, AND PARTICULARLY SHOCKED THAT ELIOT, WHO RECEIVED SO MUCH OF HIS FATHER'S (AND MOTHER'S) LARGESSE DURING THEIR LIFETIMES, WOULD NOW MALIGN SIMON'S NAME IN SUCH A MANNER.

ANYWAY, I'M NOT SURE IF EITHER OF YOU NEEDS THESE ANY LONGER, BUT IF YOU DO, HERE THEY ARE.

ALAN B. ROSE, ESQ.

AROSE@MRACHEK-LAW.COM  
561.355.6991  
505 SOUTH FLAGLER DRIVE  
SUITE 600  
WEST PALM BEACH, FLORIDA 33401  
561.655.2250 PHONE

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KRATISH FORWARDED ME THE EMAIL SHE HAD RECEIVED ALONG WITH ALL OF THE ATTACHMENTS. I ADVISED HER I WOULD BE ATTEMPTING TO SPEAK WITH ROSE AND VIEW THE ORIGINAL DOCUMENTS HE REFERS TO IN HIS LETTER. I TOLD HER I WOULD CONTACT HER IF I NEEDED ANYTHING FURTHER BUT THAT BASED UPON HER ACKNOWLEDGING THE SIGNATURE ON THE PAPERWORK WAS HERS, IT WAS UNLIKELY THAT WOULD BE NECESSARY.

ON 05/22/15, I ATTEMPTED TO REACH ROSE BY PHONE BUT THE CALL WENT TO VOICEMAIL. I LEFT MY CONTACT INFORMATION AND THE REASON FOR MY CALL AND ASKED THAT HE RETURN MY CALL AT HIS CONVENIENCE. LATER THAT DAY, I RECEIVED A CALL FROM ROSE. ROSE INQUIRED AS TO WHY THIS CASE WAS STILL BEING INVESTIGATED BY PBSO AS IT WAS A CIVIL MATTER. I EXPLAINED TO HIM I RECEIVED A COPY OF THE EMAIL HE HAD SENT TO BERNSTEIN AND STEVEN LESSNE. ROSE DESCRIBED THE CIRCUMSTANCES SURROUNDING THE DISCOVERY OF THE DOCUMENTS AND IT WAS CONSISTENT WITH WHAT WAS IN HIS EMAIL. HE AGAIN STATED THAT AS AN OFFICER OF THE COURT, HE FELT BOUND TO MAINTAIN THOSE DOCUMENTS. HE DID NOT SEEM SURPRISED THAT BERNSTEIN HAD MADE THE ALLEGATION AS HE HAS MADE A NUMBER OF OTHER ALLEGATIONS IN REFERENCE TO THE TRUSTS AND OTHER DOCUMENTS. DURING OUR CONVERSATION, ROSE TOLD ME JUDGE COLIN HAS RECUSED HIMSELF FROM BERNSTEIN'S CASE AND THE CASE WAS CURRENTLY AWAITING REASSIGNMENT.

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DURING OUR CONVERSATION THE TOPIC OF SPALLINA'S ACTIONS CAME UP AND ROSE ADVISED ME HE BELIEVED SPALLINA HAD RELINQUISHED HIS FLORIDA BAR LICENSE BECAUSE OF HIS INVOLVEMENT AND ACTIONS HE TOOK. IN REGARD TO BERNSTEIN'S RICO CASE IN NEW YORK, HE ADVISED ME JUDGE SHEINDLIN HAD DISMISSED THE CASE IN 2008. ROSE OFFERED TO ALLOW ME TO VIEW THE DOCUMENTS HE HAD LOCATED IN SIMON BERNSTEIN'S OFFICE AND IT WAS AGREED THAT I COULD CONTACT HIM AND SET UP A MUTUALLY AGREEABLE DATE AND TIME.

ON 06/09/15, I RESPONDED TO THE LAW OFFICES OF ATTORNEY ALAN ROSE, LOCATED AT 505 SOUTH FLAGLER DRIVE - SUITE 600, WEST PALM BEACH, FL 33401. ROSE PROVIDED ME WITH A SEALED ENVELOPE AND ASKED THAT I SIGN, DATE AND TIME THE BACK OF THE FOLDER UPON BREAKING THE SEAL. I COMPLIED WITH THE REQUEST. I REVIEWED THE DOCUMENTATION IN THE THREE GREEN FOLDERS CONTAINED WITHIN THE SEALED ENVELOPE UPON CLOSE EXAMINATION; THEY APPEARED TO BE ORIGINALS OF THE TRUST AGREEMENTS FOR JOSHUA BERNSTEIN, JACOB BERNSTEIN, AND DANIEL BERNSTEIN IRREVOCABLE TRUSTS. I COMPARED THE SIGNATURES TO THE COPIES I HAD RECEIVED AND THOSE THAT ROSE HAD SENT TO BERNSTEIN AND LESSNE IN HIS EMAIL DATED 05/20/15. THEY WERE THE SAME. ROSE HAD PREPARED COPIES OF THE EXECUTED DOCUMENTS AS WELL AS IRS PAPERWORK IN REGARD TO EACH TRUST SHOWING TRACI KRATISH PA AS THE TRUSTEE. AFTER COMPLETING THE REVIEW OF THE DOCUMENTS, ROSE TOOK POSSESSION OF THEM AND RETURNED THEM TO THE ENVELOPE. THE COPIES OF THE DOCUMENTS PROVIDED BY ROSE DURING THIS EXAMINATION AS WELL AS ANY OTHERS ATTACHED TO THE ORIGINAL EMAIL WILL BE MADE PART OF THE CASE FILE.

ON 06/12/15, I RECEIVED AN EMAIL FROM BERNSTEIN REQUESTING A TIME FOR US TO SPEAK REGARDING SOME OLD ISSUES AND NEW ISSUES IN THE CASE. I ATTEMPTED TO REACH BERNSTEIN THE SAME DAY ON BOTH HIS OFFICE LINE AND HIS CELL NUMBER. ALL ATTEMPTS WERE NEGATIVE.

ON 06/16/15, I SENT BERNSTEIN AN EMAIL LETTING HIM KNOW I HAD ATTEMPTED TO REACH HIM ON BOTH HIS NUMBERS ON 06/12/15 AS WELL AS EARLIER THIS DATE. BERNSTEIN RESPONDED LATER IN THE DAY THANKING ME FOR MY ATTEMPTS TO REACH HIM AND ASKING WHAT TIME WOULD BE GOOD TO SPEAK ON 06/17/15. I ADVISED HIM THAT I WOULD TRY AND CONTACT HIM BETWEEN 0800 AND 0900 HOURS ON 06/17/15. BERNSTEIN REPLIED THAT THIS WOULD BE A GOOD TIME TO SPEAK AND OFFERED TO MOVE THE CALL FORWARD ONE DAY TO 06/18/15, IF THAT WORKED BETTER FOR ME. I EXPLAINED TO BERNSTEIN I WAS IN TRAINING ON 06/18 AND 06/19. BERNSTEIN REPLIED IN PART, "WE CAN START TOMORROW ON SOME THINGS AND PICK UP MORE THE FOLLOWING WEEK."

ON 06/17/15, I MADE CONTACT WITH BERNSTEIN AT APPROXIMATELY 0935 HOURS. I APOLOGIZED FOR NOT BEING ABLE TO CALL BETWEEN 0800 AND 0900. I EXPLAINED I WAS ON MY WAY TO A MEETING AND COULD ONLY SPEAK FOR A FEW MINUTES. BERNSTEIN WAS SPEAKING TO ME ON A SPEAKERPHONE AND SUBSEQUENTLY ADVISED ME THAT HE HAD HIS BUSINESS ADVISOR, KEVIN HALL, LISTENING TO THE CALL. I TOLD BERNSTEIN I WAS NOT COMFORTABLE SPEAKING WITH HIM ABOUT THE SPECIFICS OF HIS ALLEGATIONS

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DISPOSITION: ZULU

WITH HIM BEING ON A SPEAKER PHONE IN FRONT OF SOMEONE NOT INVOLVED IN THE CASE. DURING THE COURSE OF THE CALL, BERNSTEIN BROUGHT UP OLD ISSUES THAT WERE NOT PART OF MY INVESTIGATION. I TRIED TO EXPLAIN TO HIM AGAIN THAT I WAS NOT LOOKING INTO THE ALREADY INVESTIGATED ISSUES AND HE BECAME UPSET. WHEN ASKED WHAT NEW CRIMES HE WAS REFERRING TO, BERNSTEIN TOLD ME JUDGE COLIN SHOULD BE INVESTIGATED FOR "FRAUD UPON THE COURT". I EXPLAINED I WAS UNAWARE OF THAT PARTICULAR CHARGE AND ASKED IF HE COULD PROVIDE A STATUTE NUMBER SO I COULD LOOK INTO IT. BERNSTEIN THEN STATED IT WAS AN OBSTRUCTION CHARGE. BERNSTEIN SPOKE OF FRAUDULENT ACTS HE BELIEVED JUDGE COLIN HAD BEEN INVOLVED IN DURING THE TIME BERNSTEIN'S CASE WAS ASSIGNED TO HIS DOCKET.

BERNSTEIN MADE REFERENCE TO THE FACT THAT I WAS NOT DOING MY JOB AND ASKED IF HE NEEDED TO SPEAK WITH CAPTAIN GREGG AGAIN. I TOLD HIM BY DOING SO WOULD BYPASS MY ENTIRE CHAIN OF COMMAND AND I COULDN'T UNDERSTAND WHY HE WOULD FEEL THE NEED TO DO THAT. BERNSTEIN THEN ASKED IF HE SHOULD GO TO INTERNAL AFFAIRS. I EXPLAINED TO HIM THAT I WAS DOING MY JOB AND THE CASE WOULD PROBABLY COME BACK TO ME EVEN AFTER HE SPOKE WITH WHOMEVER HE WAS GOING TO SPEAK TO. DURING THIS CONVERSATION I COULD HEAR HALL IN THE BACKGROUND SPEAKING TO BERNSTEIN AS IF HE WAS GIVING HIM THINGS TO SAY OR RESPONDING TO THINGS I HAD SAID. IT WAS VERY DIFFICULT TO CONVERSE WITH BERNSTEIN DURING THIS CALL, AS HE WOULD SPEAK OVER ME AS I WAS TRYING TO ANSWER HIS QUESTION OR EXPLAIN THINGS TO HIM. I DID NOT ADDRESS THE EMAIL THAT HAD BEEN SENT TO HIM FROM ATTORNEY ROSE AND HE DID NOT BRING IT UP EITHER. UPON REACHING MY DESTINATION, I ADVISED BERNSTEIN THAT I WOULD HAVE TO END OUR CALL AND I WOULD ATTEMPT TO REACH HIM LATER IN THE DAY. I ATTEMPTED TO REACH BERNSTEIN ON BOTH HIS OFFICE AND CELL NUMBERS LATER IN THE AFTERNOON. BOTH ATTEMPTS WERE MET WITH NEGATIVE RESULTS.

ON 06/23/15, I RECEIVED AN EMAIL FROM BERNSTEIN INQUIRING IF I WOULD HAVE TIME TO SPEAK WITH HIM ON THE 23RD OR 24TH. I REPLIED TO THE EMAIL AND IT WAS AGREED WE WOULD SPEAK ON 06/24/15 BETWEEN 0800-1000 HOURS. LATER THAT AFTERNOON, BERNSTEIN NOTIFIED ME BY EMAIL THAT HE WAS GOING TO HAVE TO RESCHEDULE THE MEETING AS HE WOULD NEED TO BE IN MIAMI TESTIFYING AT ANOTHER COURT CORRUPTION HEARING FOR A PROBATE VICTIM. HE INQUIRED AS TO WHETHER THE FOLLOWING DAY AT THE SAME TIME WOULD BE OK. I ADVISED HIM I WOULD NOT KNOW UNTIL LATE IN THE AFTERNOON. I WAS UNABLE TO CALL BERNSTEIN DUE TO BEING CALLED OUT FOR AN IN PROGRESS CASE.

ON 06/25/15, BERNSTEIN SENT ME AN EMAIL REQUESTING A TIME WHEN WE COULD CONTINUE OUR DISCUSSION REGARDING THE NEW CRIMES AND OLD CRIMES THAT WERE DISCUSSED THE PRIOR WEEK. I RESPONDED TO BERNSTEIN IMMEDIATELY ADVISING HIM THAT I WAS DOING A SEARCH WARRANT THAT MORNING AND I WAS UNSURE HOW LONG IT WOULD TAKE. I ADVISED HIM I WOULD GAUGE THE REST OF THE DAY AND GIVE HIM A CALL LATER IN THE AFTERNOON. LATE IN THE AFTERNOON OF 06/25/15, I ATTEMPTED

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CONTACT WITH BERNSTEIN AT HIS OFFICE NUMBER. THE CALL WAS ANSWERED BY HIS WIFE WHO TOLD ME BERNSTEIN WAS NOT THERE. I ASKED IF SHE THOUGHT I COULD REACH HIM ON HIS CELL PHONE AND AFTER A BRIEF HOLD, SHE CAME BACK ON THE LINE AND ADVISED BERNSTEIN WAS NOW PRESENT AND COULD TAKE MY CALL. UPON BERNSTEIN COMING ON THE LINE I REALIZED HE WAS ON A SPEAKERPHONE. I EXPLAINED THAT I COULD NOT HEAR HIM VERY WELL AND ASKED HIM TO TAKE THE SPEAKERPHONE OFF. BERNSTEIN ADVISED HIS BUSINESS ADVISOR, HALL, WAS PRESENT AND WOULD BE MONITORING THE CALL.

DURING THE COURSE OF THIS CONVERSATION, BERNSTEIN AGAIN SPOKE OF A NUMBER OF FRAUDS AGAINST THE COURT HE BELIEVED JUDGE COLIN HAD COMMITTED THAT HE WISHED HIM INVESTIGATED AND PROSECUTED FOR. BERNSTEIN ADVISED ME HE WAS AWARE THAT KRATISH HAD COME TO SEE ME AT MY OFFICE AND I HAD TURNED HER AWAY. I TRIED TO EXPLAIN THIS WAS NOT ACCURATE AND THAT I HAD SPOKEN WITH KRATISH AT HER ATTORNEY'S OFFICE, AND HAD SPOKEN WITH OTHER SUBJECTS AS WELL IN REGARD TO THIS INVESTIGATION. UPON BROACHING THE SUBJECT OF THE RICO CASE IN NY THAT BERNSTEIN HAD MENTIONED ON A NUMBER OF OCCASIONS AND INQUIRING AS TO THE STATUS OF THE CASE, BERNSTEIN BECAME VERY UPSET. BERNSTEIN ACKNOWLEDGED THE CASE WAS DISMISSED IN 2008 BUT STATED HE WAS FILING AN APPEAL AS NEW ALLEGATIONS AND EVIDENCE HAD COME TO LIGHT.

BERNSTEIN ACCUSED ME OF NOT DOING MY JOB AND AS HE SPOKE HE WOULD SAY "AND YOU TOLD ME OR AND YOU DID OR DIDN'T DO THIS". I EXPLAINED TO HIM THAT A NUMBER OF THINGS HE WAS SPEAKING OF HAD NOTHING TO DO WITH ME OR MY PORTION OF THE INVESTIGATION. BERNSTEIN REPLIED THAT WHEN HE SAID "YOU" HE WAS REFERRING TO PBSO IN CERTAIN INSTANCES BUT WASN'T CLEAR WHICH INSTANCES HE WAS REFERRING TO. BERNSTEIN FELT THAT ROBERT SPALLINA SHOULD HAVE BEEN ARRESTED AND COULD NOT UNDERSTAND WHY HE HAD NOT BEEN ARRESTED AS OF YET. I ADVISED BERNSTEIN IT WAS NOT UP TO HIM AS TO WHETHER OR NOT SPALLINA WAS ARRESTED AND ANOTHER DETECTIVE HAD HANDLED THAT PART OF THE INVESTIGATION. AS BERNSTEIN BECAME MORE UPSET WITH THE ANSWERS HE WAS RECEIVING FROM ME, THE ISSUE OF FEDERAL JURISDICTION CAME UP AS BERNSTEIN HAD MADE ALLEGATIONS OF INTERSTATE MAIL AND WIRE FRAUD. I ADVISED HIM HE COULD SEEK ASSISTANCE FROM A FEDERAL AGENCY AND THAT I WOULD WRAP UP MY CASE AND HE COULD MOVE FORWARD FEDERALLY, ALTHOUGH I COULD NOT THINK OF AN AGENCY THAT WOULD TAKE THE CASE. BERNSTEIN STATED HE DID NOT WISH TO DISCUSS THIS CASE WITH ME ANY FURTHER, YET HE CONTINUED TO SPEAK TO ME. AS I TOLD BERNSTEIN I WOULD BE COMPLETING MY REPORT, HE STATED HE DID NOT WANT ME TO DO THAT AS HE WAS GOING TO BE CONTACTING CAPTAIN GREGG AND POSSIBLY INTERNAL AFFAIRS. BERNSTEIN THEN ASKED FOR THE NUMBER TO INTERNAL AFFAIRS AND I PROVIDED HIM INFORMATION AS TO HOW TO REACH THEM THROUGH THE MAIN PBSO NUMBER. BERNSTEIN CONTINUED TO SPEAK TO ME AND SHORTLY THEREAFTER THE CALL WAS CONCLUDED.

ON 06/29/15, I RECEIVED AN EMAIL FROM BERNSTEIN IN REGARD TO THE

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INVESTIGATION. THE EMAIL WAS COPIED TO 13 OTHER RECIPIENTS. THE EMAIL AND ITS ATTACHMENTS AS WELL AS ALL OF THE EMAILS RECEIVED FROM BERNSTEIN DURING MY PORTION OF THIS INVESTIGATION WILL BE TRANSFERRED TO DISK AND PLACED INTO PBSO EVIDENCE.

IT SHOULD BE NOTED THAT BERNSTEIN HAS YET TO DISCLOSE TO ME HE WAS IN RECEIPT OF THE EMAIL OF 05/20/15 FROM ATTORNEY ROSE DESCRIBING THE DISCOVERY OF THE ORIGINAL TRUST DOCUMENTS, WHICH WAS THE BASIS FOR THIS ADDITIONAL INVESTIGATION AND THAT BERNSTEIN ALLEGED WERE FORGED AND/OR DID NOT EXIST. IT IS NOT KNOWN IF HE IS AWARE THAT I HAVE MET WITH ROSE AND VIEWED THE ORIGINAL DOCUMENTS OR THAT KRATISH HAS IDENTIFIED THE SIGNATURES ON THE COPIES OF THE DOCUMENTS SHOWN TO HER AS BEING HER SIGNATURE.

BASED UPON THE TOTALITY OF THE INVESTIGATIVE EFFORT, I DO NOT FIND EVIDENCE OR PROBABLE CAUSE TO SUPPORT ANY CRIMINAL CHARGES. THIS CASE WILL BE CLASSIFIED AS A NON-CRIMINAL INFORMATION REPORT.

DETECTIVE ANDREW PANZER #6685

06/30/15

TRANS. VIA EMAIL/COPY/PASTE: 07/02/2015/MDR/#6405

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