This Cause came before the Court for an evidentiary hearing on February 25, 2016, on Successor Trustee’s Motion for Appointment for Guardian Ad Litem to Represent the Interests of Eliot Bernstein’s Children etc. (The Motion’). The Court, heard argument of counsel and hereby Orders and Adjudges:

This Court determined after a trial held on December 15, 2015 as to Count II of the Plaintiffs Complaint the validity of Shirley Bernstein’s Trust Agreement. Also heard was admitted altercation of Trust documents by Robert Spallina. The determination of beneficiaries and permissible appointee beneficiaries under the Simon Bernstein Trust Agreement needs to be heard at a subsequent hearing. Proper beneficiaries were not determined at the December 15, 2015 only if the documents provided were deemed valid.

The Trust Beneficiaries are “Family Trusts” created on the same date as the Shirley Bernstein Trust. The benefits were to Eliot, Jill and Lisa and their lineal descendants. If Simon Bernstein’s Trust Agreement is valid and the “Limited” Power of Appointment exercised, the only permissible appointees are the lineal descendants of Eliot, Jill and Lisa and referred to in the Original Complaint filed by Successor Trustee. Ted and Pam and their lineal descendants are deemed to have predeceased Shirley Bernstein. Ted Bernstein has successor Trustee has made interim distributions, including improper distributions to his and Pam’s children that are improper and need to be returned under the statute. This has created a conflict of interest for the Successor Trustee that has caused pending motions for his removal as well as claims for breach of duty including failing to inform and account, keep accurate records, notify beneficiaries of claims and administration, theft of assets, waste of assets, co-mingling of funds, and NO ACCOUNTINGS. Not even beginning accountings since 2013. These matters are all pending before the Court and in the Counter Claim filed by Eliot.

Eliot Bernstein has proven to be an adequate representative for his children and any request for Guardian Ad Litem is to retaliate, harass and economically continue the waste of assets to defend Successor Trustees actions in further attempts to hide information and the truth regarding Successor Trustees actions and conspiracy with his former counsel Tescher and SPallina, PA.

The Successor Trustee has put forward no statute or law that gives him the right to request Guardian Ad Litem for Eliot’s children including one child that is 18 and an adult. Case law provided is for minors only in cases that have no similarity or bearing to these matters.

The Successor Trustee continues to waste Trust assets with numerous defense attorneys past and present to promote his agenda and the improper distributions to his children that are not permissible appointees of Trust assets. Eliot Bernstein is being harassed for bringing these matters of Truth and law to light and exposing the frauds that have occurred in these matters. This is not a matter of conflicted interest with Eliot and his children, This is a matter of conflict of interest with Eliot children and the Trustee not acting impartial and continuing to harm Eliot’s children.

Any appointment or award to a Guardian Ad Litem fees should be paid by the Successor Trustee and Tescher and Spallina for creating this conflict by fraudulently altering documents and appointing Ted as Successor Trustee to continue their protection and personal agenda to include improper beneficiaries.