

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

TED BERNSTEIN, as Trustee
of the Shirley Bernstein Trust Agreement
dated May 20, 2008, as amended,

Probate Division
Case No.: 502014CP003698XXXXNBIH

Plaintiff,

v.

ALEXANDRA BERNSTEIN; ERIC BERNSTEIN;
MICHAEL BERNSTEIN; MOLLY SIMON;
PAMELA B. SIMON, Individually and as Trustee
f/b/o Molly Simon under the Simon L. Bernstein Trust
Dtd 9/13/12; ELIOT BERNSTEIN, individually, as
Trustee f/b/o D.B., Ja. B. and Jo. B. under the Simon
L. Bernstein Trust Dtd 9/13/12, and on behalf of his
minor children D.B., Ja. B. and Jo. B.; JILL
IANTONI, Individually, as Trustee f/b/o J.I. under the
Simon L. Bernstein Trust Dtd 9/13/12, and on behalf
of her Minor child J.I.; MAX FRIEDSTEIN; LISA
FRIEDSTEIN, Individually, as Trustee f/b/o Max
Friedstein and C.F., under the Simon L. Bernstein
Trust Dtd 9/13/12, and on behalf of her minor child,
C.F.,

Defendants.

_____ /

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the April 8, 2016 *Order on Plaintiff's Amended Motion to Modify Final Order Approving Sale Dated May 6, 2016 and for Further Injunctive Relief*, has been served by electronic mail to all parties registered to receive Notice of Electronic Filing and by regular U.S. Mail to all other parties as indicated on the attached service list this 11th day of April, 2016, in the manner indicated.

CERTIFICATE OF SERVICE

I CERTIFY that a copy of the foregoing has been furnished to parties listed on attached Service List by: Facsimile and U.S. Mail; U.S. Mail; Email Electronic Transmission; FedEx; Hand Delivery this 11th day of April, 2016.

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By: /s/ Alan B. Rose
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SERVICE LIST Case No.: 502014CP003698XXXXNBIH

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Plaintiff,

v.

ALEXANDRA BERNSTEIN; et al.

Defendants.

**ORDER ON PLAINTIFF'S AMENDED MOTION TO MODIFY FINAL ORDER
APPROVING SALE DATED MAY 6, 2015 AND FOR FURTHER INJUNCTIVE RELIEF**

APRIL 8

THIS CAUSE came before the Court for hearing on ~~February 4, 2016~~ on Successor Trustee's
*Amended Motion to Modify Final Order Approving Sale Dated May 6, 2015, for Further Injunctive
Relief, and for Order to Show Cause Why Eliot Bernstein Should Not Be Held in Contempt of Court*

ELIOT BERNSTEIN made no appearance this date.
(the "Motion"). The Court, having considered the record, heard argument of counsel and being
otherwise fully advised in the premises, hereby ORDERS AND ADJUDGES:

1. Plaintiff's Motion, to the extent it seeks to modify the Final Order Approving Sale dated May 6, 2015 (the "Sale Order"), is GRANTED as provided in this Order.
2. The Court has been advised that the Trust's sale of real estate at 7020 Lions Head Lane, Boca Raton, Florida, in the St. Andrews Country Club (the "Property") closed on January 15, 2016. The net sales proceeds have been received by the Trustee in the Mrachek, Fitzgerald, Rose, Konopka, Thomas & Weiss, P.A. Trust Account, as required by the Sale Order.
3. The Trustee's request for permission to pay its counsel, Mrachek, Fitzgerald, Rose et al., the sum of \$40,000 as a reduced and discounted attorneys' fees solely from March 21, 2015,

through January 15, 2016, and relating solely to the approval and consummation of sale of the Property, is granted. The law firm has agreed to this reduction in the fees incurred in handling the litigation and closing relating to the real estate transaction. This amount may be paid immediately from the sale proceeds held in the law firm's trust account.

4. The Sale Order is modified to remove the requirement that a separate interest-bearing escrow account be opened. The \$25,000 portion of the sale proceeds required to be held in escrow as part of the sale may be held in the law firm's general IOTA account, and the remaining funds may be disbursed to the Trustee immediately.

5. The Trustee shall provide to all beneficiaries (i) a redacted copy of the HUD-1 (to protect the name of the buyer); (ii) an accounting of the sale; and (iii) proof of receipt of funds. This information shall be treated and considered as personal, private and confidential information which may not be shared by any recipient with anyone except: a parent, child, attorney, accountant or other professional advisor who has a legitimate need to know. In no event may any of these documents or the information contained in them relating to the sale be published, recorded, disseminated or posted on the internet by any of the beneficiaries or interested persons, including Eliot Bernstein and those acting in concert with any beneficiary or Eliot Bernstein.

6. All beneficiaries and interested persons, specifically including Eliot Bernstein, already have been ordered to take no action to interfere with or otherwise hinder or delay the sale of the House. Specifically, the Sale Order provides:

All beneficiaries and persons subject to the jurisdiction of this Court, including Eliot Bernstein, are ordered to take no action to interfere with or otherwise hinder or delay the sale of the House.

7. Now that the sale has closed, the beneficiaries Eliot Bernstein shall have no further involvement with the property at 7020 Lions Head Lane; shall not contact with the buyer; and shall not interfere with the buyer's quiet and peaceful enjoyment of the property. More specifically, all beneficiaries and interested persons, specifically including Eliot Bernstein, and those acting in concert with any beneficiary or Eliot Bernstein, are hereby enjoined from: (i) having any contact of any kind with the Buyers, including no contact by mail, email or telephone; (ii) attempting to learn the buyer's identity(s); (iii) publishing, publicizing or mentioning the buyer's identity(s) anywhere in the world, including online or anywhere on any internet website, webpage, blog or otherwise; and (iv) from filing any action against buyer anywhere in the world (the "Injunction").

8. The buyer witnessed firsthand the devastating attacks by Eliot Bernstein through the internet on his brother (the Trustee) and others. As part of the final closing negotiations, after Eliot had exhausted all of his extraordinary writ and appellate maneuvers, buyer and its counsel insisted on a limited indemnity¹ to protect the buyer from litigation, interference or harassment by Eliot Bernstein. The contract provides the following:

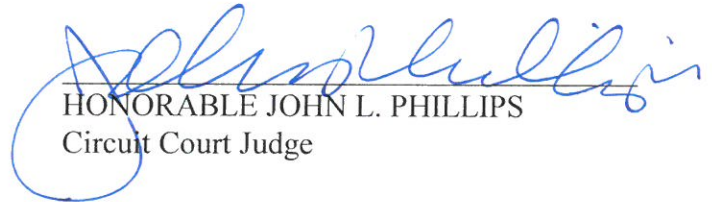
INJUNCTIVE PROTECTION AND/OR LIMITED INDEMNITY FOR ATTORNEYS' FEES. Seller agrees to file a motion, and participate in any hearing set by the Court, at Seller's sole expense, seeking a permanent injunction after the closing to bar and prevent Eliot Bernstein and those acting in concert with him from having any contact of any kind with the Buyers, including no contact by mail, email or telephone; to forbid Eliot from attempting to learn their identities; to forbid Eliot from publishing or publicizing their identities anywhere in the world, including online or anywhere on any internet website, webpage, blog or otherwise; and to enjoin Eliot from filing any action against Buyers anywhere in the world (the "Injunction"). If successful, thereafter upon request of Buyer, Seller will take necessary and reasonable action to enforce the Injunction.

¹ The indemnity is limited to \$25,000 to pay legal expenses incurred by buyer dealing with any Eliot issue. This money is held in escrow, but is able to be released immediately to the Trustee upon entry of an injunctive relief order.

~~9. The Trustee requests the Court enter an Order enjoining all beneficiaries and Eliot Bernstein, over whom this Court has jurisdiction, together with all persons acting in concert with them, from doing any of the above described actions or taking any action against the buyer. The Trustee believes that paragraph 3 of the Sale Order covers this, but so there is clarity and lack of any possible confusion, the Trustee requests that the Court enter the additional injunctive relief sought herein. Information was published on the internet between the Court's earlier hearings,² but once the closing occurred and the Deed was recorded, Eliot and others have directly contacted persons affiliated with the Buyer, in an effort to learn and confirm the identity of the persons who beneficially own Lions Head Land Trust.~~

JP

DONE and ORDERED in Chambers, North County Courthouse in Palm Beach Gardens, Florida, on this 8 day of April, 2016.


HONORABLE JOHN L. PHILLIPS
Circuit Court Judge

Copies to: Attached Service List

² In between the evidentiary hearings from March 25 to May 6, and beyond, Eliot published a number of inflammatory articles on the internet which list the address of the property with the heading "buyer beware." These tactics were designed to prevent the sale or discourage any potential buyers from having interest in the property. Now that the buyer has paid its money, there is no reason to allow materials to be on the internet which could impair the buyer's ability to sell the property to someone else.

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