

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

CASE NO. 502012CP004391XXXXNB-IH  
Probate – Judge John L. Phillips

IN RE:

ESTATE OF SIMON L. BERNSTEIN,

\_\_\_\_\_ /

**TRUSTEE'S MOTION TO APPROVE AGREEMENT BETWEEN  
TED S. BERNSTEIN, TRUSTEE OF THE SHIRLEY BERNSTEIN TRUST,  
AND BRIAN O'CONNELL, AS PR OF THE ESTATE, REGARDING THE  
ESTATE'S PERSONAL PROPERTY SOLD WITH TRUST'S REAL ESTATE**

Ted S. Bernstein, Successor Trustee of the Simon Bernstein Amended and Restated Trust Agreement dated July 25, 2012 , and as Successor Trustee of the Shirley Bernstein Trust Agreement dated May 20, 2008 ("Shirley Trust"), moves the Court to approve the agreement between the Shirley Trust and Brian O'Connell, successor PR of the Estate, concerning certain personal property owned by the Estate which was sold as part of the Shirley Trust's sale of a condominium known as Aragon, and states:

1. When Simon Bernstein died, one of the his residences was an oceanfront condominium in Boca Raton in a building called the Aragon. The real property was owned by the Shirley Trust; Simon owned the personalty.

2. The Aragon condominium was sold on April 18, 2013. At the time, the co-Personal Representatives of the Estate directed Shirley's Trustee to sell the personalty with the real property, with the understanding that this could be evened-up at a later date.

3. After Simon's death, a reputable appraisal company valued all of the personalty at the Aragon unit at \$14,865 in Aragon. (This amount is quoted by claimant, William Stansbury, at ¶14

of his Motion filed on January 29, 2016.) Most of the items listed on the appraisal were sold, and the remaining items were transported to Simon's other residence at Lions Head Lane.

4. O'Connell, after his appointment, engaged a second appraisal company to reappraise all of the remaining personal property at Lions Head. This second appraisal by the Hall company located certain of the items from Aragon. When compared against the first appraisal of the Aragon property, there were items still present totaling \$2,408 in value. (Id. ¶17) It is presumed that the other property was included in the sale of Aragon.

5. That means approximately \$12,457 in dollar value of personal property owned by Simon Bernstein is no longer in the Estate's possession, having been sold with the Aragon Condo when it sold for \$1.6 million gross.

6. To resolve the "even-up" as contemplated, the Shirley Trust and the Estate have agreed that the Shirley Trust will pay the Personal Representative of Simon's Estate \$12,457 for the sold personal property, and there will be no further or outstanding obligations between those parties.

WHEREFORE, Ted S. Bernstein, Trustee, requests entry of an Order the agreement and directing the Trustee if the Shirley Trust to pay the Personal Representative of Simon's Estate \$12,457, thereby resolving all obligations between those parties.

**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;  E-mail Electronic Transmission;

FedEx;  Hand Delivery this 10<sup>th</sup> day of August, 2016.

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