

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

IN RE:

Case No. 50 2012 CP 004391 NB

ESTATE OF SIMON  
BERNSTEIN,  
Deceased.

\_\_\_\_\_ /

**MOTION FOR REHEARING OR RECONSIDERATION**

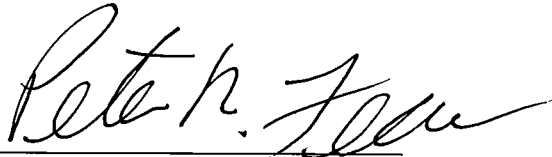
COMES NOW William Stansbury (“Stansbury”), an interested person of the Estate of Simon Bernstein, and moves this Court for a rehearing or reconsideration of its Order dated September 1, 2016, and states as follows:

1. On September 1, 2016, this Court entered an Order stating that the “Shirley [Bernstein] Trust will pay the Personal Representative of Simon’s estate \$12,457.00 for the sold personal property...” The Order erroneously added, “...and there will be no further or outstanding obligations between those parties.” A copy of the Order is attached hereto as **Exhibit “1.”** This extra phrase in the Order is unwarranted and exceeds the scope of the Court’s authority in connection with the issue that was before the Court because there are the issues of missing jewelry and other missing personal property unaccounted for which could render the Estate of Shirley Bernstein or the Shirley Bernstein Trust or others liable to the Estate of Simon Bernstein.

2. Stansbury previously filed two motions concerning missing property which are pending, to wit: “Petition to Determine the Whereabouts of Missing Tangible Personal Property and for Payment of Restitution to the Estate of Simon Bernstein,” filed on January 29, 2016 (**Exhibit 2**) and “Amended Petition to Determine the Whereabouts of Missing Tangible Personal

Property and for Payment of Restitution to the Estate of Simon Bernstein,” filed on February 10, 2016 (**Exhibit 3**).

WHEREFORE, William Stansbury requests that the language of this Court’s Order of September 1, 2016 be amended to delete “... and there will be no further or outstanding obligations between those parties.”

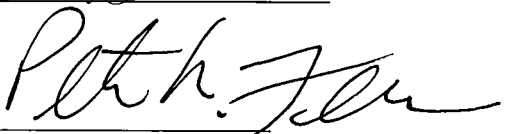


Peter M. Feaman

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the above and foregoing has been forwarded via e-mail service through the Florida E-portal system to: Alan Rose, Esq., Mrachek, Fitzgerald Rose, 505 So. Flagler Drive, Suite 600, West Palm Beach, FL 33401, [arose@pm-law.com](mailto:arose@pm-law.com) and [mchandler@pm-law.com](mailto:mchandler@pm-law.com); Eliot Bernstein, 2753 NW 34<sup>th</sup> Street, Boca Raton, FL 33434, [iviewit@iviewit.tv](mailto:iviewit@iviewit.tv); Brian O’Connell, Esq., Ciklin Lubitz Martens & O’Connell, 515 North Flagler Drive, 20<sup>th</sup> Floor, West Palm Beach, FL 33401, [boconnell@ciklinlubitz.com](mailto:boconnell@ciklinlubitz.com); John P. Morrissey, Esq., 330 Clematis Street, Suite 213, West Palm Beach, FL 33401, [john@jmorrisseylaw.com](mailto:john@jmorrisseylaw.com); Lisa Friedstein, [lisa@friedsteins.com](mailto:lisa@friedsteins.com), 2142 Churchill Lane, Highland Park, IL 60035; Jill Iantoni, [jilliantoni@gmail.com](mailto:jilliantoni@gmail.com), 2101 Magnolia Lane, Highland Park, IL 60035, on this 12<sup>th</sup> day of September, 2016.

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By: 

Peter M. Feaman  
Florida Bar No. 0260347

**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.

---

Duplicate

**ORDER ON SUCCESSOR 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**

THIS CAUSE came before the Court on Successor Trustee's *Trustee's Motion to Approve Agreement Between Ted S. Bernstein, Trustee and Brian O'Connell, as Pr of The Estate of Simon Bernstein, Regarding the Estate's Personal Property Sold with Trust's Real Estate* ("the Motion"). The Court, having reviewed the Motion and the record, and having been advised that no one else

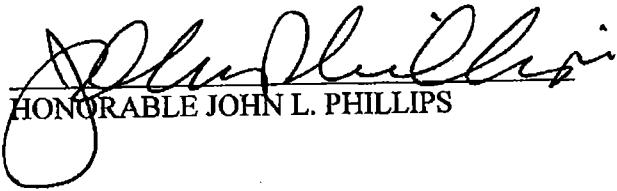


objected to the Motion or this proposed Order, and being otherwise fully advised in the premises,  
hereby ORDERS AND ADJUDGES:

1. The Motion is GRANTED.

2. 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.

DONE AND ORDERED in Chambers, North County Courthouse on 9-1, 2016.

  
HONORABLE JOHN L. PHILLIPS

cc: All parties on the attached service list

**SERVICE LIST Case No.: 502014CP003698XXXXNBIJ**

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Jo.B., Ja.B., and D.B.

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Counsel for Molly Simon, Alexandra Bernstein,  
Eric Bernstein, Michael Bernstein

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

IN RE: ESTATE OF SIMON BERNSTEIN,  
Deceased

Case No.: 50 2012 CP 004391 NB  
**JUDGE JOHN L. PHILIPS**

WILLIAM STANSBURY,  
Petitioner

v.

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

**PETITION TO DETERMINE THE WHEREABOUTS OF MISSING TANGIBLE  
PERSONAL PROPERTY AND FOR PAYMENT OF RESTITUTION  
TO THE ESTATE OF SIMON BERNSTEIN**

COMES NOW, William E. Stansbury ("Stansbury"), creditor of the Estate of Simon Bernstein, and Plaintiff in a lawsuit against the Estate of Simon Bernstein (the "Estate"), et al., by and through his undersigned counsel, and pursuant to Fla. Prob. R. 5.025 (2015), files this Petition to Determine the Whereabouts of Missing Tangible Personal Property belonging to the Estate and for Payment of Restitution to the Estate of Simon Bernstein, and as grounds, Stansbury states as follows:

**I. Stansbury has standing to file this Petition**

1. Stansbury filed a lawsuit styled *William E. Stansbury v. Ted Bernstein, et al*, Case. No. 50 2012 CA 013933 MB AA, Palm Beach County, Florida against Simon Bernstein, Ted Bernstein and several corporate defendants in August of 2012 to collect compensation and corporate distributions due to Stansbury arising out of a business venture in which Stansbury, Simon Bernstein and Ted Bernstein were principals. Stansbury claims damages in excess of two million dollars.



2. Simon Bernstein died in September of 2012 and his estate was substituted as a party defendant in Stansbury's lawsuit.

3. The provisions of §731.201(23), Fla. Stat. (2013) define an "interested person" as:

(23) "Interested person" means any person who may reasonably be expected to be affected by the outcome of the particular proceeding involved..."

4. Stansbury, as a claimant of the Estate, has an interest in ensuring that the Estate is administered without bias and in the best interests of the devisees and creditors of the Estate. This means Stansbury has an interest in ensuring that the Estate marshals all the assets to which the Estate is entitled for the benefit of devisees and creditors.

5. The Fourth District Court of Appeal has recognized that a claimant or creditor to an estate is an "interested person" and has standing in a proceeding to approve the personal representative's final accounting and petition for discharge. *See, Arzuman v. Estate of Prince Bander BIN Saud Bin, etc.*, 879 So.2d 675 (Fla. 4<sup>th</sup> DCA 2004). *See also, Montgomery v. Cribb*, 484 So.2d 73 (Fla. 2<sup>d</sup> DCA 1986) (Wrongful death claimant was entitled to notice of hearing as an "interested person" under the probate code even though case was dismissed by trial court and disputed settlement was on appeal.)

6. Stansbury is therefore an "interested person" entitled to file and advance this Petition.

**II. The Court should conduct a hearing to determine the whereabouts of tangible personal property missing from the Estate of Simon Bernstein.**

7. The Shirley Bernstein Trust Agreement dated May 20, 2008 (the "Shirley Trust") was the owner of an ocean front condominium located at 2494 So. Ocean Blvd, Unit 5C in Boca Raton, Florida (the "Condo").

8. Shirley Bernstein died on December 8, 2010. As per the terms of the Shirley Trust, Shirley Bernstein's husband, Simon Bernstein, became successor trustee. At the time of her death the Condo was still owned by the Shirley Trust.

9. Under the terms of the Will of Shirley Bernstein, all "personal effects, jewelry, collections, household furnishings and equipment, automobiles and all other non-business tangible personal property other than cash" was devised to Simon Bernstein. This devise included all the furnishings, household goods, artwork and all personal property located within the Condo.

10. Simon Bernstein died on September 13, 2012. At the time of his death, the Condo was still owned by the Shirley Trust and it was still fully furnished. Upon the death of Simon Bernstein, the tangible personal property in the Condo became part of Simon Bernstein's Estate.

11. Robert Tescher and Donald Spallina ("Tescher and Spallina") were appointed Co-Personal Representatives of the Estate of Simon Bernstein on October 12, 2012.

12. On September 14, 2012, the day after Simon Bernstein's death, attorney Robert Spallina wrote an e-mail to Ted Bernstein, successor trustee to Simon Bernstein for the Shirley Trust. In the e-mail, Spallina advised Ted Bernstein that: "All of the contents in both places are the subject of your father's estate" and further advised Ted Bernstein to "make sure both homes are secure and the contents therein are protected." ("Both homes" refers to the Condo and Simon Bernstein's home at 7020 Lions Head Lane, Boca Raton, Florida 33496 [the "Residence.]) Spallina went on to advise Ted Bernstein that: "As a fiduciary of your mother's trust and during the period of administration of your father's estate, you owe a duty to the ultimate beneficiaries to protect the assets." A copy of the email is attached hereto as **Exhibit "1."**

13. Based on this e-mail correspondence and a letter dated March 18, 2014 from Benjamin Brown, former Curator of the Estate of Simon Bernstein to Alan Rose and John



Pankauski, counsels for Ted Bernstein, Ted Bernstein had sole and exclusive access to the Condo property and the Residence. The letter from Benjamin Brown is attached hereto as **Exhibit "2."**

14. Shortly after Simon Bernstein's death, Robert A. Hittel conducted and prepared a Fair Market Value Appraisal of the Personal Property of Simon Bernstein (the "Hittel Appraisal"). The Hittel Appraisal included a valuation of the personal property located in the Condo. The specific items of personal property located in the Condo are identified in **Exhibit "3,"** attached hereto. The total value of the items located at the Condo was \$14,865.00.

15. Thereafter, the Condo was sold by Ted Bernstein, individually and as Successor Trustee of the Shirley Trust on April 18, 2013. *See* the Warranty Deed, attached hereto as **Exhibit "4."** The personal property located in the Condo was moved to the Simon Bernstein Residence (the "Residence") at the time of the sale of the Condo and stored there. *See*, e-mail exchange between Benjamin Brown and John Pankauski, counsel for Ted Bernstein, attached hereto as **Exhibit "5."** At the time of the sale of the Condo and the removal of the items of tangible personal property, Tescher and Spallina were still Co-Personal Representatives of the Estate.

16. Pursuant to Order of this Court (Judge Colin presiding at the time), on March 27 and 30, 2015, Richard William Hall of Hall & Hall Appraisals, Inc. conducted another appraisal and valuation of the personal property of Simon Bernstein located at the Residence. According to the written appraisal report (the "Hall Appraisal") all tangible personal property moved from the Condo to the Residence was stored in the garage and was itemized and valued on pages 44 through 54 of the Hall Appraisal. (*See*, **Exhibit "6,"** attached hereto).

17. The Hall Appraisal lists the total value of the Condo property as \$2,408.00. The Hall Appraisal does not identify or otherwise mention any of the items highlighted in Exhibit "3" from the Hittel Appraisal. The highlighted tangible personal property valued by Hittel is totally

unaccounted for and is gone. This amounts to over \$13,000.00 worth of personal property that has disappeared.

18. As a result of the foregoing, it is requested that the Court hold an evidentiary hearing to locate the whereabouts of the tangible personal property that is missing from the Condo, and if the property cannot be located, that a Judgment be entered or restitution be ordered.

**III. The Court should order restitution to the Estate for the value of the missing personal property, or Judgment against the persons responsible.**

19. It is clear that, upon the death of Simon Bernstein, the Hittel Appraisal unquestionably established that items of tangible personal property valued at \$13,190.00 as identified in Exhibit "3" were located in the Condo. (*See*, highlighted items in Exhibit "3").

20. The Condo was sold in April of 2013 and the items of tangible personal property were purportedly moved to the Residence.

21. When the Hall Appraisal was conducted in March of 2015, the highlighted items of tangible personal property from the Hittel Appraisal are not accounted for and are now missing.

22. In accordance with Exhibit "2," Ted Bernstein, as successor trustee of the Shirley Trust, had sole and exclusive access to the Condo premises and the Residence. Ted Bernstein had a fiduciary duty as successor trustee of the Shirley Trust, as advised by Robert Spallina in his September 14, 2012 e-mail [Exhibit "1"], to preserve and maintain the tangible personal property in the Condo for the benefit of the Estate of Simon Bernstein, its creditors and beneficiaries.

23. When the Condo was sold in April of 2013 and the tangible personal property was apparently moved to the Residence, Donald Tescher and Robert Spallina were still Co-Personal

Representatives of the Estate of Simon Bernstein, with a fiduciary duty to preserve, maintain and marshal the assets of the Estate for the benefit of the creditors and beneficiaries of the Estate.

24. When the Court hears evidence relating the whereabouts of the tangible personal property as issue, Petitioner contends that Ted Bernstein, Donald Tescher, Robert Spallina, collectively, or individually, are all responsible for the missing items of tangible personal property and should be required by the Court to make restitution to the Estate of Simon Bernstein, jointly and severally, or Judgment entered against them.

WHEREFORE, Petitioner, WILLIAM STANSBURY, requests that this Court conduct an evidentiary hearing to determine the whereabouts of the missing items of personal property, and if not found, that the Court Order the culpable parties to make full restitution to the Estate of Simon Bernstein, or for the entry of a Final Judgment for the value of the missing property, together with Petitioner's costs, reasonable attorney fees incurred in the bringing of this Petition, and such other relief as the Court deems just and proper.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the above and foregoing has been forwarded via e-mail service through the Florida E-portal system to those listed on the attached service list, on this 29 day of January, 2016.

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By: 

Peter M. Feaman  
Florida Bar No. 0260347

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**Robert Spallina**

---

**From:** Robert Spallina  
**Sent:** Friday, September 14, 2012 2:32 PM  
**To:** 'Ted Bernstein'  
**Cc:** Donald Tescher  
**Subject:** RE: SI  
**Attachments:** image001.png; image002.png; image003.png

Ted – thank you for the heads up. I spoke to Jon and told him that we will meet at an appropriate time in the next couple weeks to go through and review the open litigation matters.

On a separate note, as discussed, you are designated as the successor trustee to SI on your mother's trust document. In this regard, both the residence and the beach condo were titled in the name of her trust. All of the contents in both places are the subject of your father's estate, over which Don and I have been named as Personal Representatives. Please make sure that both homes are secure and that the contents contained therein are protected. As a fiduciary of your mother's trust and during the period of administration of your father's estate, you owe a duty to the ultimate beneficiaries to protect the assets. As we discussed, to the extent that there may be keys to both places in the hands of others, we would suggest that you change the locks so that no one can gain access to either home without your consent. It may be helpful to take pictures and even create an inventory of the contents so that when there is a division of the assets among the family there are no issues.

Again, we are truly saddened by your father's death and are here to help in any way that we can. Please do not hesitate to contact us. If you need anything over the weekend my cell is 561-504-3805.

Speak to you soon,

Sincerely,

Robert (and Don)

Robert L. Spallina, Esq.  
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PETER MATWICZYK \*  
BENJAMIN P. BROWN

\*BOARD CERTIFIED WILLS TRUSTS  
AND ESTATES

THORNTON B. HENRY

March 18, 2014

VIA E-MAIL,

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Re: Estate of Simon Bernstein  
Palm Beach County Case No. 502012CP 004391XXXXSB

Dear Alan and John:

We have been provided the attached appraisal valuing the Estate's tangible personal property located at Lions Head Lane and South Ocean Boulevard. We have been informed by Don Tescher that Ted Bernstein is the only person with access to these locations and that he may have videotaped the residences after Simon's death. Can you please have Ted confirm for us, to the best of his knowledge, the whereabouts of the items contained in the appraisal?

Very truly yours,



Benjamin P. Brown, Curator

Encl.

{00026773.DOCX}



**2494 SOUTH OCEAN BLVD, BOCA RATON, FL**

**ELEVATOR AREA**

206.	ARM CHAIRS (2) Tan leather, wood legs, designed by Umberto Assnago for Giorgetti	\$600.00
207.	CONSOLE TABLE Rectangular marble top, chrome "U" shape support	150.00
208.	OCCASIONAL TABLE Brown metal, circular top, shaped base	50.00
209.	MISCELLANEOUS Painted fabric sun; pewter bowl; artificial arrangement with ceramic vase	40.00
	<b>TOTAL FOR ELEVATOR AREA:</b>	<b>\$ 840.00</b>

**LIVING / DINING AREA**

210.	PAINTING - 48" X 48" sight size Oil on canvas, signed lower left, "R. A. Braudes", landscape with abstract squares, in gold wood frame	\$250.00
211.	WALL UNIT Dark stain oak, three cabinets, two open shelves NOTE: Attached to wall	500.00
212.	ELECTRONICS	450.00
	- Television - 46", Samsung, LCD, model no. LNT4665 FX/XAA, 2007	150.00
	- Bose AV18 Media Center, with subwoofer and (5) speakers	300.00
	- Dish box, VIP 822 DVR - not owned	N/A
213.	MISCELLANEOUS DECORATIVE ITEMS (3) Wood picture frames on stands; (3) vases; candlestick; vase; bowl; floor vase with artificial arrangement	75.00
214.	MIRROR - 23" X 21" Jay Strongwater, enameled birds and butterflies, style no. SHM3012455	2,000.00
215.	SECTIONAL SOFA Beige upholstery, square form, "L" shape, with accessory pillows, rear wood shelving, Bowetepi	400.00
216.	COCKTAIL TABLE Square glass top, chrome supports, smoked glass base	150.00



SIMON L. BERNSTEIN FAIR MARKET VALUE APPRAISAL - EFFECTIVE DATE SEPTEMBER 13, 2012

217.	AREA RUG - 7' X 5' Wool, light tan with black stripes, made in India	30.00
218.	CANDELABRA - 7" X 30" Jay Strongwater, 54/250, branches with leaves and butterflies	1,000.00
219.	TUB CHAIRS (2) Beige leather with dark stain wood trim, by Montbel, with accessory pillows	400.00
220.	END TABLE Circular glass mirror top, metal tulip base, by Arteriors	100.00
221.	FLOOR LAMP - 75" Designed by Orlando Favaretto, (6) gooseneck lamps, chrome body, plastic shades, by De Majo	200.00
222.	MISCELLANEOUS (4)	125.00
	- (2) Orange glass, (1) black and white terracotta, all with artificial arrangements	100.00
	- Artificial arrangement, in glass vase	25.00
223.	TILES (7) Multicolor abstract geometric designs, verso reads, "Lineage Tile"	175.00
224.	SOFA AND OTTOMAN Designed by Rick Lee, rust leather upholstery, symmetrical form, "Arclounge" by American Leather	300.00
225.	END TABLE - 18" X 10" X 12" Circular top, appears to be petrified wood, tripod tapered leg base	250.00
226.	PLANT STAND Polished gray metal, square form, single shelf	50.00
227.	MISCELLANEOUS Artificial arrangement in glass vase; black metal candlestick	40.00
228.	DINING TABLE - 72" diameter Circular glass top, circular six legged metal base	250.00
229.	DINING CHAIRS (8) Designed by Chi Wing Lo, tan leather back and seat, maple trim and legs, by Giorgetti	1,200.00
230.	ARTIFICIAL ARRANGEMENT In white glazed pot	20.00
231.	MIRROR - 84" X 48" Silver wood, wavy form, rectangular mirror plate	150.00



232.	<b>SIDE TABLE</b> Designed by Fabio Di Bartolomei, circular glass top, twist glass support, on wood base, by "Fiam", Italy	200.00
233.	<b>VASE</b> Painted frosted glass with artificial arrangement CONDITION: Paint loss	5.00
234.	<b>FLOOR CANDLESTICKS (3)</b> Dark stain wood, Arts and Craft style	30.00
235.	<b>SCULPTURE - 92"</b> Wood, resin, glass, folk art style, painted and decorated board, with glass inset and resin base	100.00
236.	<b>CONTENTS OF HALL BATH</b> Mirror - 28"x 24", gold wood, beveled mirror plate; (2) wall sconces; (2) artificial arrangements in pots	75.00
	<b>TOTAL FOR LIVING / DINING AREA:</b>	<b>\$8,525.00</b>
	<b>MASTER BEDROOM</b>	
237.	<b>PAINTINGS (2) - 18" X 14" sight size</b> Larry Laslo, American, (20 <sup>th</sup> - 21 <sup>st</sup> Century) Picasso style figures, in wood frames	\$600.00
238.	<b>PAINTING - 30" X 43" sight size</b> Kirt G. Brown, American, (20 <sup>th</sup> - 21 <sup>st</sup> Century) Oil on board, titled, "River Bend" signed lower right, "Kirt G. Brown", riverscape, in silver wood frame	150.00
239.	<b>SOFA</b> Tan leather, single arm, loose cushion back and seat, polished metal legs	200.00
240.	<b>OCCASIONAL TABLE</b> Circular glass top, painted metal base	40.00
241.	<b>VASE</b> Blown glass, brown color, bulbous form, with artificial arrangement	25.00
242.	<b>FLOOR LAMP</b> Gray metal base and body, square beige fabric shade	75.00
243.	<b>DOUBLE DRESSER</b> Medium stain wood veneer, rectangular top, six drawers with metal pulls	250.00
244.	<b>TELEVISION - 40"</b> Samsung, LCD, model no. LN40A650S1FXZA, 2008	150.00

SIMON L. BERNSTEIN FAIR MARKET VALUE APPRAISAL - EFFECTIVE DATE SEPTEMBER 13, 2012

245.	BED Medium stain wood veneer and polished metal, king size, two built in night stands, together with mattress, box spring and frame	350.00
246.	LAMPS (2) Plastic and brushed metal, square form, gray fabric shade, by Anthony	80.00
(247)	PAINTING - 17" X 16" sight size Kirt G. Brown, American, (20 <sup>th</sup> - 21 <sup>st</sup> Century) Oil on board, titled, "Forever", signed lower right, "Kirt G. Brown", landscape with trees, in silver wood frame	100.00
248.	CONTENTS OF BATH Assorted vases; flower arrangements; bathroom accessories	25.00
	<b>TOTAL FOR MASTER BEDROOM:</b>	<b>\$2,045.00</b>
	<b>NORTHEAST GUEST ROOM</b>	
249.	BED Queen size, together with mattress, box spring and frame, accessory pillows	\$75.00
250.	SIDE TABLE Demilune, glass top, black and brown metal base, single shelf	60.00
251.	LAMP Brass and leather, oval body, beige fabric shade	40.00
252.	PRINTS (4) Color halftones, assorted tropical subjects, in wood frames	60.00
253.	CHEST OF DRAWERS Light stain wood, pinched waist, seven drawers	100.00
254.	ARTIFICIAL ARRANGEMENTS (2) Roses, in glass vase; lilac flowers in green bowl	35.00
255.	END TABLE Circular wood top, gray metal base	30.00
256.	LOUNGE CHAIR Black leather and tubular steel, recliner, with matching ottoman	100.00

SIMON L. BERNSTEIN FAIR MARKET VALUE APPRAISAL - EFFECTIVE DATE SEPTEMBER 13, 2012

257.	FLOOR LAMP Chrome, adjustable	15.00
<b>TOTAL FOR NORTHEAST GUEST ROOM:</b>		<b>\$ 515.00</b>
<b>KITCHEN / FAMILY AREA</b>		
(258.)	PAINTING - 60" X 36" sight size Oil on canvas, abstract square, yellow, beige, brown, no apparent signature, in gallery wrap frame	\$100.00
259.	TREADMILL Life Fitness, T3.0	75.00
260.	SOFA Beige leather, two seats with attached circular glass table and lamp	300.00
261.	NESTING TABLES (3) Maple tops, triangle form, tripod base	75.00
(262.)	MIXED MEDIA (2) - 16" X 16" sight size Scott Hile, American (20 <sup>th</sup> - 21 <sup>st</sup> Century) Abstracts, titled "Shifting gears", "Germination", pencil signed lower right, "S. Hile", in gold wood frame	100.00
263.	COCKTAIL TABLE Multi-pane rectangular glass tops on metal supports, rectangular wood base, metal legs	250.00
(264.)	MISCELLANEOUS Pewter tray; (3) artificial arrangements in vases; "Athletic Club" plate; fish tray; bowl; assorted books	75.00
265.	AREA RUG - 6' X 8' Dhurrie, flat weave, geometric design	35.00
(266.)	PRINTS (2) Color halftone, abstract, in silver wood frames CONDITION: Faded - no commercial value	0.00
(267.)	DECANTERS (2)(1) Clear glass	50.00
268.	TOP SHELF	55.00
	(2) Miscellaneous Asian style bowls	20.00
	Shallow glass bowl - 11", with decoration in relief	15.00
	Asian style bowl, George Briard	20.00

SIMON L. BERNSTEIN FAIR MARKET VALUE APPRAISAL - EFFECTIVE DATE SEPTEMBER 13, 2012

269.	SECOND SHELF		40.00
	(8) Glass and metal shakers	10.00	
	- 9" - Glass religious object	10.00	
	- Cream jug and covered sugar on plate	20.00	
	(12) Cut glass bowl, chips, imperfections - no commercial value	0.00	
270.	THIRD SHELF		90.00
	- (2) Bavarian plates with cups	15.00	
	- (2) Laure Japy plates - 12", green trim, decorative center	15.00	
	- (8) Laure Japy plates - 12 1/2", full color center	60.00	
271.	FOURTH SHELF		85.00
	- (5) Tulip flutes - 8"	25.00	
	- (8) Martinis, clear glass bowl, green bubble base	40.00	
	- (4) Martinis, clear glass bowl, twist glass stem	20.00	
272.	BOTTOM SHELF		25.00
	Serving platter, with matching dip bowl, "China"		
273.	TELEVISION - 40"		150.00
	Samsung, LCD, model no. LNT4065FX, 2008		
274.	POT		10.00
	Terracotta		
275.	BAR STOOLS (6)		240.00
	Maple with polished steel support, fabric pillow back with upholstered seat, by Heltzer		
(276)	SERIGRAPH - 33" X 23" sight size		50.00
	Janet Bauman, American (20 <sup>th</sup> - 21 <sup>st</sup> Century)		
	Abstract, Resten Series, I2P-1, pencil signed lower right, "J. Baughman ©2000", in silver wood frame		
277.	DINNERWARE		110.00
	Laure Japy, consisting of (6) plates - 12"; (8) plates - 9"; (8) bowls - 9"		
(278)	MISCELLANEOUS KITCHENWARE		150.00
	Assorted everyday dinnerware, glassware, cookware, small appliances		
	<b>TOTAL FOR KITCHEN / FAMILY AREA:</b>		<b>\$2,065.00</b>
	<b>NORTHWEST GUEST ROOM</b>		
279.	WALL MOUNTED SHELF UNIT		\$150.00
	Medium stain wood, two panels, adjustable shelves		

SIMON L. BERNSTEIN FAIR MARKET VALUE APPRAISAL - EFFECTIVE DATE SEPTEMBER 13, 2012

280.	MISCELLANEOUS ON SHELF UNIT (5) Wood artist mannequins; (2) hurricane candle holders; (2) artist signed pottery vases, brown and tan; (4) assorted vases; artificial plant in pot	100.00
281.	LOUNGE CHAIR AND OTTOMAN Tan leather, art deco style	250.00
282.	NIGHTSTANDS (2) Light stain wood, two drawers, tapered legs	80.00
283.	LAMPS (2) Gold and silver wood, bulbous stepped form, silver paper shade	70.00
284.	BED Polished metal headboard and footboard, full size, together with mattress, box spring and frame	75.00
285.	LITHOGRAPHS (3) - 10" X 5" Abstracts, Geometric "J", Geometric "I", Geometric "H", illegibly pencil signed lower right, in silver frames	60.00
286.	MISCELLANEOUS Green vase with dried branches; color halftone geometric abstract in wood frame	40.00
<b>TOTAL FOR NORTHWEST GUEST ROOM:</b>		<b>\$ 825.00</b>
<b>BALCONY</b>		
287.	OUTDOOR FURNITURE Brown Jordan, consisting of (4) chaise lounges, (2) end tables CONDITION: Pitted	\$50.00
<b>TOTAL FOR BALCONY:</b>		<b>\$ 50.00</b>
<b>TOTAL FOR SOUTH OCEAN BLVD:</b>		<b>\$14,865.00</b>
<b>REPORT TOTAL:</b>		<b>\$51,135.00</b>



CFN 20130203629  
 OR BK 26000 PG 1029  
 RECORDED 05/06/2013 10:57:41  
 Palm Beach County, Florida  
 ANT 1,600,000.00  
 Doc Stamp 11,200.00  
 Sharon R. Bock, CLERK & COMPTROLLER  
 Pgs 1029 - 1031; (3pgs)

Prepared by and return to:

Gregory S. Gefen, PA  
 3010 N. Military Trail #210  
 Boca Raton, FL 33431  
 File Number U13-412

[Space Above This Line For Recording Data]

## Warranty Deed

This Warranty Deed made this 18 day of April, 2013 between Ted Bernstein, individually and as Successor Trustee of the Shirley Bernstein Trust Agreement dated May 20, 2008 whose post office address is 7020 Lions Head Lane, Boca Raton, FL 33496, grantor, and G. Wesley Voorheis whose post office address is 333 Bay St., #910, Toronto, Ontario, Canada M5H 2R2, grantee:

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Palm Beach County, Florida to-wit:

Condominium Apartment Unit C-5 of the Center Building of ARAGON, a Condominium, according to The Declaration of Condominium recorded in O.R. Book 8921, Page 1267, and all exhibits and amendments thereof, Public Records of Palm Beach County, Florida.

Parcel Identification Number: 06-43-47-32-38-002-0035

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

Grantor warrants that at the time of this conveyance, the subject property is not the Grantor's homestead within the meaning set forth in the constitution of the state of Florida, nor is it contiguous to or a part of homestead property. Grantor's residence and homestead address is: 7020 Lions Head Lane, Boca Raton, FL 33496.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2012.

CONTINUED ON NEXT PAGE



DoubleTimes

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Barbara Quinn  
Witness Name: Barbara Quinn

Ted Bernstein  
Ted Bernstein, Successor Trustee

Gregg Scott  
Witness Name: Gregg Scott

State of Florida  
County of Palm Beach

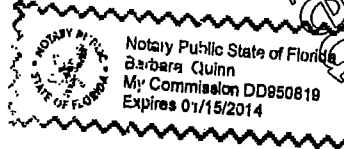
The foregoing instrument was acknowledged before me this 17 day of April, 2013 by Ted Bernstein, who  is personally known or  has produced a driver's license as identification.

[Notary Seal]

Barbara Quinn  
Notary Public

Printed Name: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_



Not a Certified Copy

**CERTIFICATE OF APPROVAL**

THE ARAGON CONDOMINIUM ASSOCIATION OF BOCA RATON, INC.  
APPROVAL OF UNIT TRANSFER

STATE OF FLORIDA

COUNTY OF PALM BEACH

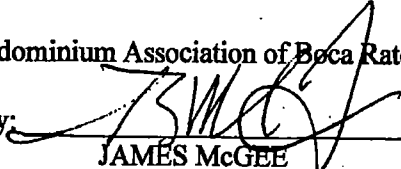
BEFORE ME, the undersigned authority, personally appeared JAMES McGEE, President of The Aragon Condominium Association of Boca Raton, Inc., whose post office address is 2494 S. Ocean Blvd., TH-F, Boca Raton, FL 33432 and that said The Aragon Condominium Association of Boca Raton, Inc., by and through its Board of Directors, hereby certifies its approval for Wesley George T. Voorheis, to acquire title to the following described condominium property, to wit:

**UNITS C-5**

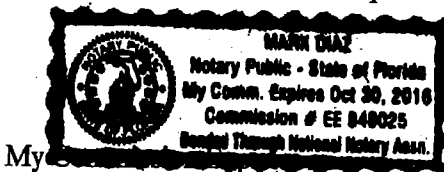
This approval is granted for the above named person(s) only, and is conditioned on the representation that no other person, spouse not named above, relative, partnership, corporation, trust, or other entity, other than a mortgagee, will now or in the future acquire any interest in the aforementioned unit. Further, this approval is based upon the information furnished by the above named person(s) and assumed full, complete and accurate disclosure of that information.

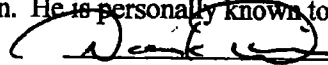
IN WITNESS WHEREOF, the said Aragon Condominium Association of Boca Raton, Inc., has caused this instrument to be executed in its name, by its officer duly authorized this 16th day of APRIL, 2013

The Aragon Condominium Association of Boca Raton, Inc.

By:   
JAMES McGEE  
President

The foregoing instrument was sworn to and subscribed before me this 16th day of APRIL, 2013, by James McGee, President of Aragon Condominium Association of Boca Raton, Inc., on behalf of the corporation. He is personally known to me.



  
MARK DIAZ  
Notary Public  
Commission # \_\_\_\_\_

This instrument prepared by: Mark Diaz, 2494 S. Ocean Blvd., Boca Raton, FL 33432



**From:** Ben Brown  
**Sent:** Monday, April 14, 2014 10:47 AM  
**To:** John Pankauski  
**Cc:** Mary Ellen McCarthy; [arose@mrachek-law.com](mailto:arose@mrachek-law.com); Ben Brown  
**Subject:** RE: Estate of Simon Bernstein

I don't think the residence was owned by decedent—I believe one of the trusts owns it (see attached amended inventory)

Benjamin P. Brown, Esq.  
625 North Flagler Drive  
Suite 401  
West Palm Beach, Florida 33401  
P: (561) 651-4004, ext. 13  
F: (561) 651-4003  
[bbrown@matbrolaw.com](mailto:bbrown@matbrolaw.com)

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**From:** John Pankauski [<mailto:John@Pankauskilawfirm.com>]  
**Sent:** Monday, April 14, 2014 10:40 AM  
**To:** Ben Brown  
**Cc:** Mary Ellen McCarthy; [arose@mrachek-law.com](mailto:arose@mrachek-law.com)  
**Subject:** Re: Estate of Simon Bernstein

TPP will remain there

Why don't u take over and get keys?

John J. Pankauski  
Pankauski Law Firm PLLC  
120 South Olive Avenue  
Guaranty 701  
West Palm Beach, FL 33401  
(561) 514 - 0900

On Apr 14, 2014, at 10:22 AM, "Ben Brown" <[bbrown@matbrolaw.com](mailto:bbrown@matbrolaw.com)> wrote:



Thanks John. Can you please confirm with ted that all TPP at Lions Head will remain there, and this if it needs to be moved, as long as I am Curator I will be given sufficient advance notice to arrange for storage?

T&S had the jewelry and the original note (regarding Eliot's house), we took possession of those and they are in our firm's SDB.

The Kia title was successfully transferred Friday.

Regards,

Ben

Benjamin P. Brown, Esq.  
625 North Flagler Drive  
Suite 401  
West Palm Beach, Florida 33401  
P: (561) 651-4004, ext. 13  
F: (561) 651-4003  
[bbrown@matbrolaw.com](mailto:bbrown@matbrolaw.com)

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**From:** John Pankauski [<mailto:John@PankauskiLawfirm.com>]  
**Sent:** Thursday, April 10, 2014 12:41 PM  
**To:** Ben Brown; Mary Ellen McCarthy; [arose@mrachek-law.com](mailto:arose@mrachek-law.com)  
**Subject:** RE: Estate of Simon Bernstein

Hello Ben and good afternoon.

Forgive me: I received a response from Mr. Ted Bernstein on March 25<sup>th</sup>. My bad.

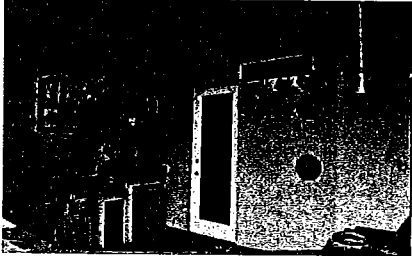
He stated that the tangible personal property is at the residence on Lions Head, but that Tescher & Spallina may have some.

Please let me know if you need anything else.

Estate of Simon  
L. Bernstein



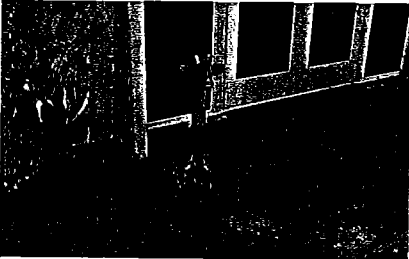
- 18 ASSORTED SILK FLOWERS - NO COMMERCIAL VALUE \$0.00
- 19 CEMENT SUCCULENT, 2 LADLES, 5 METAL WATERING CANS \$75.00
- 2 TERRACOTTA CLOCKS, TERRAPOTTA POT



20 MEXICAN CERAMIC GIRAFFE

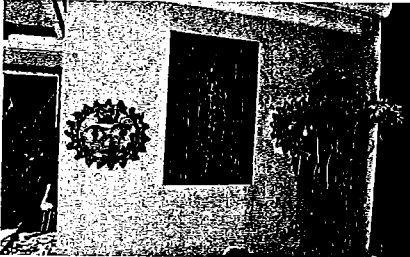


\$50.00



21 2 MEXICAN SUN PLAQUES

\$50.00



22 2 PLASTIC POTS WITH SILK PLANT

\$0.00

23 METAL ALLIGATOR - 7'

\$750.00

**TOTAL FOR STATUARY / ETC.**

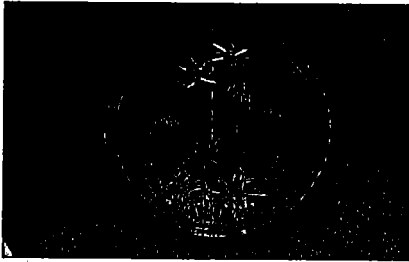
**\$4,975.00**

**GARAGE - ITEMS STORED IN BOXES ALONG WIITH ART WORK THAT I WAS INFORMED HAD BEEN IN THE CONDO AT 2494 S. OCEAN BLVD, BOCA RATON, FL**

- 1 CUT CRYSTAL - LOW BOWL -INCISED FLORAL DESIGN - 2" X 11 1/4"-SIGNED GINORI \$15.00

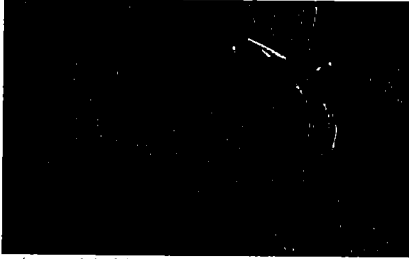


Estate of Simon  
L. Bernstein



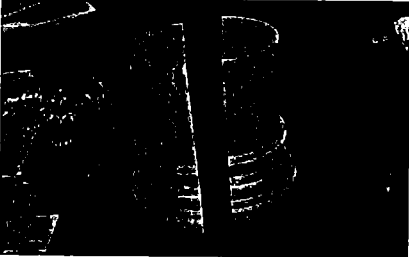
- 2 CERAMIC VASE - NARROW NECK BULBOUS SHAPE - ON BOTTOM  
JACEINTO CHIROQUE CHULUEANOS 2001 -8" X 9"

\$25.00



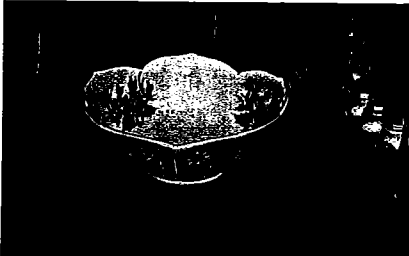
- 3 PAIR OF MARBLE BOOK ENDS - MOTTLED - BEIGE - HALF PEDESTAL - 7" X 2" X 5"

\$30.00



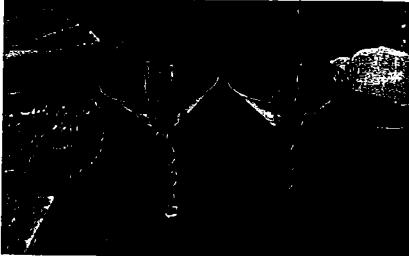
- 4 BOWL - ORIENTAL STYLE - WHITE WITH SCALLOPED TOP 3 1/2" X 8"

\$2.00



- 5 STEMWARE (4) - CURLLED STEMS IN COLOR - 7 1/2" X 5"

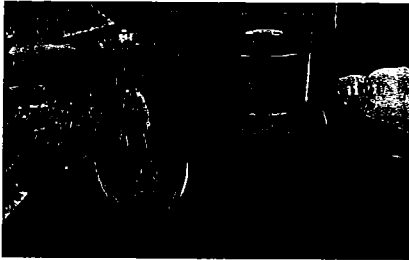
\$20.00



- 6 CLEAR GLASS VASE - 9" X 4

- 7 GREEN GLASS VASE - 9" X 5"

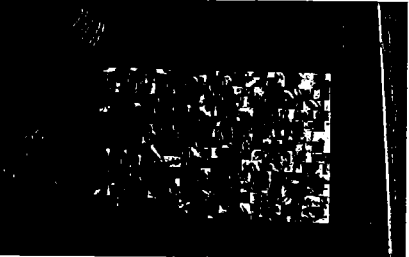
Estate of Simon  
L. Bernstein



8 7 - GLASSES IN DIFFERENT COLOR WITH LITTLE THUMB PRINT \$21.00



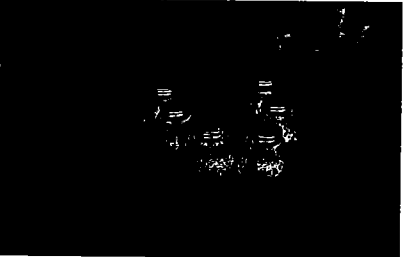
9 HOT PLATE (TRIVET)- MADE IN PHILLIPINES - MOTHER OF PEARL - 1" X 8" X 12"



10 1 BOTTLE - SILVER PALM CABERNET SAUVIGNON \$5.00



11 8 - SALT SHAKER - GLASS - 1 3/4" \$16.00



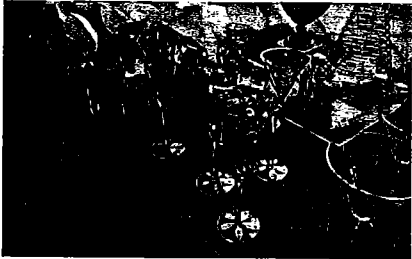
12 8 - CRYSTAL GLASSES GREEN ORB BASE - CLEAR TAPERED TOP - 5" X 4" \$40.00

Estate of Simon  
L. Bernstein



13 5 - STEM - WINE - PAINTED TULIP DESIGN - 7"

\$25.00



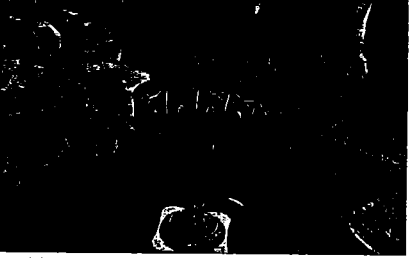
14 1 CRYSTAL DECANTER - HORIZONTAL RIDGE

\$8.00



15 1 RUBY GLASS CANDY COMPOTE - BRASS BASE - 7"

\$10.00



16 CRYSTAL VASE - WITH FAUX FLOWER SET IN RESIN - 10" X 10"

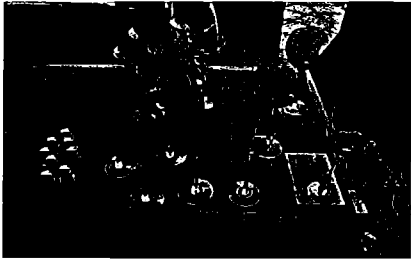
\$15.00



17 STEMWARE - LENOX - COLOR TOP - 8"  
6 - CHAMPAGNE - 1 BROKEN  
5 - WINE

\$120.00

Estate of Simon  
L. Bernstein



18 1 - BLOWN GLASS DISH - BLUE - 3" X 3" - K. DAHLGLASS

\$10.00



19 1 - VASE - ART GLASS WITH PAINTED FLORAL DESIGN 15" X 8"

\$5.00

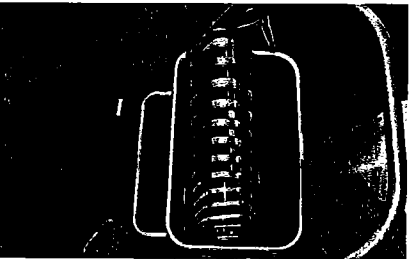
20 1 - CRYSTAL VASE - TIFFANY - 10" X 6"

\$25.00



21 1- CRYSTAL VASE - YELLOW HORIZONTAL STRIPE - TRIANGULAR - 14" X 5 1/2"  
SIGNED CERREDESE - MURANO

\$75.00



22 FLATWARE - TOWLE - SILVER PLATE - 18/10 - SET

23 SET OF FLATWARE - ONIEDA - 18/10



23 SCALE - HEALTH METER - FLOOR

\$5.00

24 WOK

\$2.00

25 CUISINART

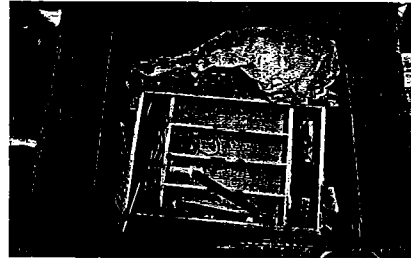
\$5.00

Estate of Simon  
L. Bernstein

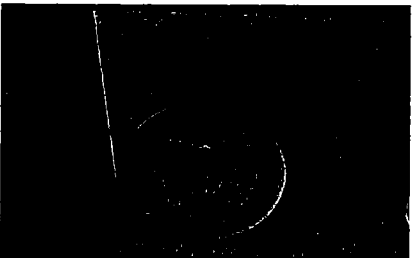
26	TEA KETTLE	\$2.00
27	2 - MIXING BOWLS	\$4.00
28	BRAUN COFFEE MACHINE	\$5.00
29	IRON	\$2.00



30	ALUMINUM FISH TRAY	\$5.00
31	SALAD SPINNER	\$1.00
32	BAKING TRAY	\$1.00
33	CURVED CONTAINER - ALUMINUM - RABBIT HANDLE	\$5.00
34	MARTINI MAKER	\$10.00



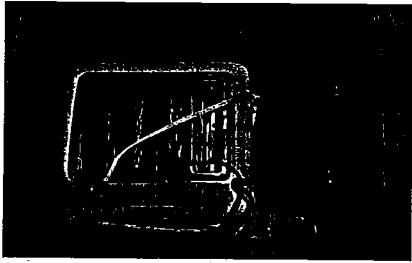
35	CHINA WARE BY LIMOGE - LAURE JAPEY - PARIS AQUARELLE	\$50.00
	8 - BREAD & BUTTER PLATES	
	8 - SOUPS	
	8 - LUNCH	
	8 - DINNER	



36	KNIFE BLOCK - 9 HEINKLES KNIVES	\$20.00
37	COLLANDER - STAINLESS	\$2.00
38	WOOD SALAD BOWL	\$5.00
39	CHINAWARE - SUSAN WINSET - VARIOUS PIECES -	\$15.00
40	WATER PITCHER - ALUMINUM - ARTHUR COURT	\$35.00
41	LEAF TRAY - ALUMINUM - (OLIVES)	\$10.00
42	MOSAIC - VASE - CHINA	\$5.00
43	APPLE TRAY	\$5.00
44	ELECTRIC CAN OPENER - ARM MISSING	\$0.00
45	<u>4 SLICE TOASTER - CUISINART</u>	\$10.00



Estate of Simon  
L. Bernstein



46 1 - BOX OF TOWELS

\$0.00



47 UNIVERSAL REMOTE CONTROL

\$0.00

48 2 - THROW PILLOWS - WHITE & BLACK

\$4.00

49 VASE - BLACK GLASS - 28"

\$10.00

50 FISH TRAY - ARTHUR COURT - ALUMINUM - 23" X 12"

\$50.00



51 ALUMINUM PLATE - NY ATHLETIC CLUB - 14 1/2"

\$1.00

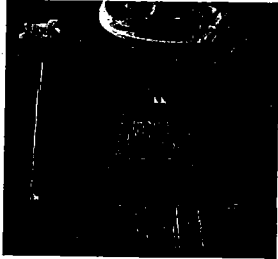
52 ALUMINUM TRAY - 1992 - MARIPOSA

\$5.00

53 7 - MOUNTED TILE BY LINEAGE 19" X 12" X 19 1/2"

\$175.00

ARTIST - JAN RICHARDSON BAUGHMAN



54 LARGE CANDLE

\$1.00

55 WAY FLORAL BASKET

\$5.00

56 FURNITURE CARE SET

\$2.00

57 2 WOOD CUTTING BOARDS

\$6.00

58 2 - CONTAINER

\$4.00

59 STEP LADDER - ALUMINUM

\$6.00

60 DECORATIVE PLATE - MADE IN CHINA - 20"

\$2.00

61 SMALL BACARRAT CRYSTAL DISH - 1 1/2" X 3"

\$20.00

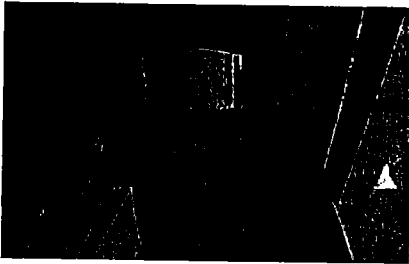
62 METAL TISSUE BOX HOLDER

\$4.00

63 3 FOLDING BRIDGE CHAIRS - RATTAN -

\$30.00

Estate of Simon  
L. Bernstein



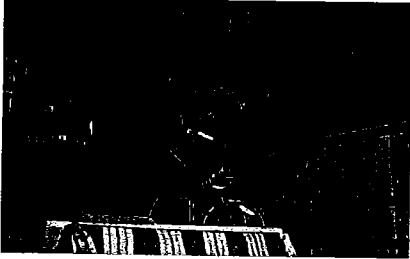
64 WOOD FOLDING CABINET - PARTICAL - 60" X 26" CLOSED

\$5.00



65 CHILD'S BICYCLE - PINK

\$20.00



66 TOWEL RACK - STAINLESS- 6'

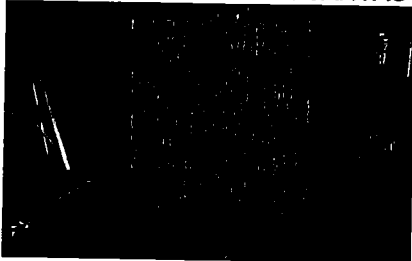
\$5.00

67 HAND HELD ELECTRIC CAN OPENER

\$2.00

68 ACRYLIC PAINTING ON CANVAS - ABSTRACT YELLOW SQUARES - 5' X 3'

\$75.00



69 ORIENTAL RUG - SILK BLEND - 5' X 8'

\$200.00



70 ORIENTAL RUG - WOOL -

\$100.00

Estate of Simon  
L. Bernstein

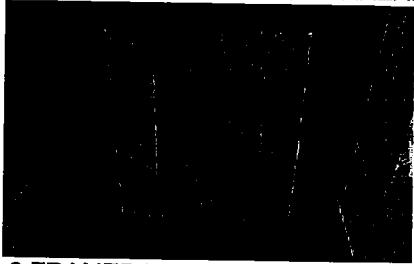


71 6 - GOLF PUTTERS

\$60.00

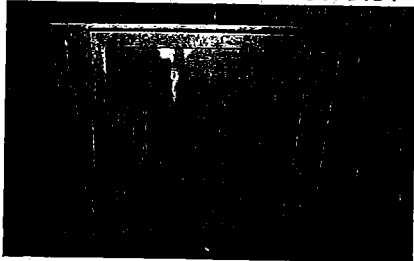
72 2 FRAMED GRAPHICS - SURREALISTIC STYLE - ON BACK TAG-GOODMAN - 35" X 31"

\$15.00



73 2 FRAMED PRINTS - ABSTRACT - BLUE - 19" X 20"

\$30.00



74 1 FRAMED GRAPHIC - ABSTRACT - 31" X 32"

75 1 BRONZE TONE CRYSTAL VASE - BULBOUS - 18" X 14"

\$10.00

76 1 - 4 DRAWER FILE CABINET - LETTER SIZE

77 MITSUBISHI ELECTRIC GOLF TRAINER

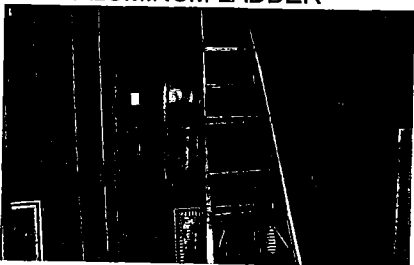
\$15.00

78 EXECUTIVE CHAIR

\$10.00

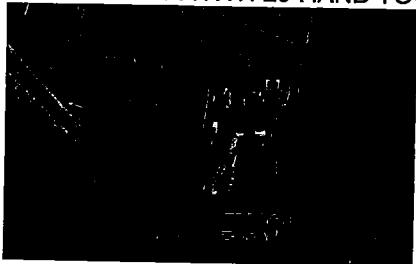
79 1 - 8' ALUMINUM LADDER

\$20.00



80 1 - TOOL BOX WITH 20 HAND TOOLS

\$15.00



81 1 - OIL PAINTING ON BOARD - LOWER LEFT - RIVER BEND - LOWER LEFT -

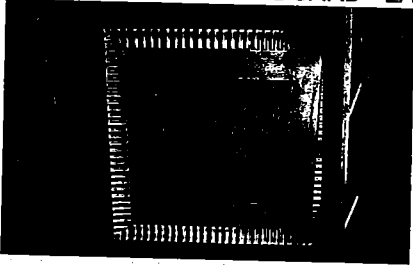
\$125.00

Estate of Simon  
L. Bernstein

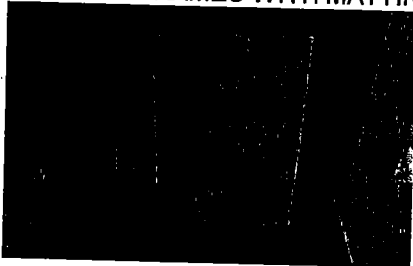
KIRT G BROWN - 36" X 49"



- 82 1 - LITHOGRAPH FRAMED ABSTRACT - LOWER RIGHT - J. BAUGHMAN - 2000 \$25.00  
45" X 36"
- 83 3 - FRAMED- GRAPHIC - GEOMETRICS - LOWER RIGHT - ILLEGIBLE - 22" X 15" \$45.00
- 84 2 - MIXED MEDIA - FRAMED - SHIFTING GEARS - ART - S. HILE \$60.00  
16" X 16" SIGHT SIZE
- 85 1 - OIL PAINTING ON BOARD - LANDSCAPE - "FOREVER" -KIRT G BROWN - 31" X 29" \$75.00



- 86 2 PAINTINGS - PICASSO STYLE IMAGES -18" X 14" SIGHT SIZE \$500.00  
IN WOOD FRAMES WITH MATTING-LOWER IGH T LARRY LASLO

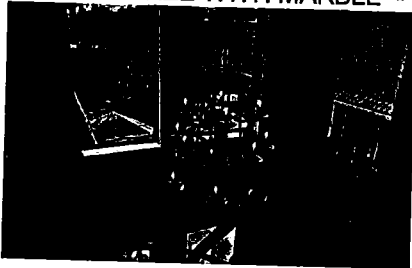


**ITEMS IN GARAGE FROM CONDO**

**\$2,408.00**

**LIGHTING FIXTURES IN HOME**

- 1 **CHANDELIER IN STAIRWELL** \$500.00  
2' X 3' BRONZE WITH MARBLE - 3 TIER -



- 2 **CHANDELIER(S) IN DINING ROOM** \$450.00  
2 - CHANDELIER - WOOD CENTER HOLLOW GLASS ARMS - 6 ARMS - 34" X 24"

Estate of Simon  
L. Bernstein



3 **CHANDELIER IN FOYER** \$375.00  
INVERTED DISH SHAPE OF WHAT APPEARS TO BE FAUX MARBLE

**TOTAL FOR LIGHTING FIXTURES** **\$1,325.00**

**ROOM TOTALS:**

FOYER	\$2,305.00
LIVING AREA	\$4,555.00
POWDER ROOM	\$155.00
DINING AREA	\$4,500.00
KITCHEN	\$1,825.00
FAMILY ROOM	\$8,062.00
POWDER ROOM	\$125.00
WEST HALL	\$1,200.00
1ST SLOOR NW GUEST BEDROOM	\$535.00
1ST FLOOR WEST GUEST BEDROOM	\$585.00
EAST SITTING ROOM	\$1,115.00
STAIRWELL	\$75.00
STUDY	\$2,140.00
STUDY BALCONY	\$55.00
UPSTAIRS WEST HALL	\$175.00
UPSTAIRS BATH/CLOSET	\$307.00
WEST UPSTAIRS BEDROOM /MASTER BEDROOM	\$2,110.00
NORTH UPSTAIRS GUEST BEDROOM	\$265.00
SOUTH UPSTAIRS GUEST BEDROOM	\$495.00
WEST GARAGE	\$2,800.00
EAST GARAGE	\$330.00
PATIO / POOL AREA	\$1,200.00
TOTAL FOR STATUARY/ ETC.(OUTSIDE)	\$4,975.00
<b>TOTAL FOR 7020 LIONS HEAD ROAD</b>	<b>\$39,889.00</b>
<b>ITEMS STORED IN GARAGE THAT HAD BEEN AT 2494 S. OCEAN BLVD</b>	<b>\$2,408.00</b>
<b>TOTAL FOR LIGHTING FIXTURES IN 7020 LIONS HEAD ROAD</b>	<b>\$1,326.00</b>
<b>TOTAL:</b>	<b>\$43,623.00</b>

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

IN RE: ESTATE OF SIMON BERNSTEIN,  
Deceased

Case No.: 50 2012 CP 004391 NB  
**JUDGE JOHN L. PHILIPS**

WILLIAM STANSBURY,  
Petitioner

v.

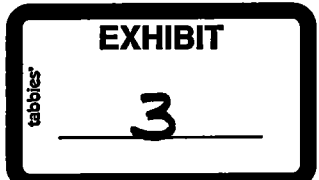
TED BERNSTEIN, Trustee of the Shirley  
Bernstein Trust Agreement dated  
May 20, 2008

**AMENDED PETITION TO DETERMINE THE WHEREABOUTS OF MISSING  
TANGIBLE PERSONAL PROPERTY AND FOR PAYMENT OF RESTITUTION  
TO THE ESTATE OF SIMON BERNSTEIN**

COMES NOW, William E. Stansbury ("Stansbury"), creditor of the Estate of Simon Bernstein, and Plaintiff in a lawsuit against the Estate of Simon Bernstein (the "Estate"), et al., by and through his undersigned counsel, and pursuant to Fla. Prob. R. 5.025 (2015), files this Amended Petition to Determine the Whereabouts of Missing Tangible Personal Property belonging to the Estate and for Payment of Restitution to the Estate of Simon Bernstein ("Amended Petition"), and states as follows:

1. Stansbury expressly incorporates by reference as if fully restated herein the facts, arguments and Exhibits set forth in the Petition to Determine the Whereabouts of Missing Tangible Personal Property belonging to the Estate and for Payment of Restitution to the Estate of Simon Bernstein (the "Original Petition") previously filed by Stansbury.

2. In addition to the items identified as missing in the Original Petition, there are a substantial number of jewelry items that were known to exist after the death of Shirley Bernstein



2/10/16

and before the death of Simon Bernstein that do not appear in the most recent Inventory of the Estate of Simon Bernstein filed by Personal Representative Brian M. O'Connell.

3. More specifically, in 2009, for the Policy Period 8/10/2009-8/10/2010, Simon and Shirley Bernstein renewed a policy of insurance that covered items of jewelry owned by them. The policy included an itemized description of each piece of jewelry insured under the policy along with the amount for which each item was insured. Presumably each item was insured for its then-appraised fair market value. The aggregate value represented by the total of the coverage amounts for each jewelry item equals \$613,932. The Declarations Page and itemized property endorsement are attached hereto as **Composite Exhibit "1."**

4. Shirley died four months later on December 8, 2010. Under the terms of Shirley's Will, Article I, Simon was bequeathed all of Shirley's "personal effects, jewelry, collections, household furnishings and equipment . . ." Article I of Shirley's Will is attached as **Exhibit "2."** After Shirley's death all of the jewelry became Simon's property and part of his estate.

5. Simon died on September 13, 2012. The Co-Personal Representatives of Simon's Estate, Donald Tescher and Robert Spallina, filed an Inventory of the property of the Estate of Simon Bernstein on June 11, 2013 (the "T&P Inventory") and it reflected jewelry items valued at \$63,205. Tescher and Spallina have since resigned as Co-Personal Representatives of the Estate. A copy of the T&P Inventory is attached as **Composite Exhibit "3."** The current Personal Representative, Brian M. O'Connell, filed the most recent Inventory (the "Recent Inventory"), and it also reports the same jewelry valued at \$63,205. The Recent Inventory is attached as **Composite Exhibit "4."**

6. The discrepancy between the value of the itemized pieces of jewelry insured by Simon and Shirley in 2010 and the jewelry reported in the estate property Inventories is

significant. This missing jewelry constitutes a staggering diminution of \$550,727, representing approximately 50% of the Estate's total value of \$1,121,325, as reported in the Recent Inventory!

19. When the Court hears evidence relating the whereabouts of the tangible personal property as issue as raised in the Original Petition, along with evidence relating to the missing jewelry, those responsible should be required by the Court to make restitution to the Estate of Simon Bernstein, jointly and severally, or have Judgment entered against them.

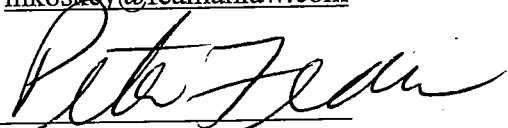
WHEREFORE, Petitioner, WILLIAM STANSBURY, requests that this Court conduct an evidentiary hearing to determine the whereabouts of the missing items of personal property, including the missing jewelry, and if not found, that the Court Order the culpable parties to make full restitution to the Estate of Simon Bernstein, or for the entry of a Final Judgment for the value of the missing property, together with Petitioner's costs, reasonable attorney fees incurred in the bringing of this Petition, and such other relief as the Court deems just and proper.

#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the above and foregoing has been forwarded via e-mail service through the Florida E-portal system to those listed on the attached service list, on this 10<sup>th</sup> day of February, 2016.

PETER M. FEAMAN, P.A.  
3695 West Boynton Beach Blvd., #9  
Boynton Beach, FL 33436  
Telephone: (561) 734-5552  
Facsimile: (561) 734-5554  
Service: [service@feamanlaw.com](mailto:service@feamanlaw.com)  
[mkoskey@feamanlaw.com](mailto:mkoskey@feamanlaw.com)

By: \_\_\_\_\_

  
Peter M. Feaman  
Florida Bar No. 0260347



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[mchandler@pm-law.com](mailto:mchandler@pm-law.com)

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Tel. 561-832-5900  
*Personal Representative*  
[boconnell@ciklinlubitz.com](mailto:boconnell@ciklinlubitz.com)  
[service@ciklinlubitz.com](mailto:service@ciklinlubitz.com)

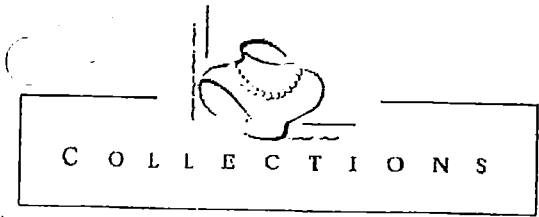
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[john@jmorrisseylaw.com](mailto:john@jmorrisseylaw.com)  
*Counsel for Molly Simon, et  
al.*

Joshua , Jacob and Daniel  
Bernstein, Minors  
c/o Eliot Bernstein  
2753 NW 34<sup>th</sup> Street, Boca  
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[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)

Gary Shendell, Esq.  
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Boca Raton, FL 33431  
*Counsel for Donald R.  
Tescher & Robert L. Spallina*  
[gary@shendellpollock.com](mailto:gary@shendellpollock.com)  
[ken@shendellpollock.com](mailto:ken@shendellpollock.com)  
[britt@shendellpollock.com](mailto:britt@shendellpollock.com)  
[grs@shendellpollock.com](mailto:grs@shendellpollock.com)

Lisa Friedstein and  
Carley Friedstein, Minors  
c/o Jeffrey and Lisa Friedstein  
Parent and natural Guardian  
2142 Churchill Lane  
Highland Park, IL 60035  
[lisa@friedsteins.com](mailto:lisa@friedsteins.com)  
[lisa.friedstein@gmail.com](mailto:lisa.friedstein@gmail.com)

Pamela Beth Simon  
950 N. Michigan Ave., #2603  
Chicago, IL 60611  
[psimon@stpcorp.com](mailto:psimon@stpcorp.com)



American Home Assurance Co.  
Name of Issuing Company

Renewal Declarations Page

### Declarations Page

Your Declarations Page shows at a glance the coverage you have and your premium. Your Declarations Page is part of your policy. Please read your policy carefully, including your Declarations Page and any attached Endorsements, for a description of your coverage.

Policy Number:  
PCG 0001332360

Policy Period: 08/10/2009 - 08/10/2010  
At 12:01 A.M. standard time at your mailing address shown below

Name of Insured and Mailing Address:  
Simon & Shirley Bernstein  
7020 Lions Head Lane  
Boca Raton, FL 33496

Agency Name, Address, Phone # & Code:  
MarketScout Corporation-IL  
40 W222 LaFox Rd Suite Q2  
St. Charles, IL 60175

(630) 377-9430

0053923

### YOU WILL BE BILLED SEPARATELY FOR ANY PREMIUM DUE.

The kind of losses that are covered and any special limits or deductibles that apply are explained in detail in your Policy.

#### Summary of Coverage

Class	Scheduled Items Amount of Coverage	Blanket Items Amount of Coverage	Blanket Items Single Article Limit	Premium
JEWELRY				

Citizens Property Insurance Corporation Emergency Assessment: \$80.00

Total Premium: \$8,061.00

ENDORSEMENTS ATTACHED TO THIS POLICY:  
PCP (03/06), PCG-GLBA (03/06), PCP-AEFL (03/06)

PCP-DEC-FL (09/07)



Schedule of Items

Endorsement Effective Date : 08/10/09

Policy Number: PCG 0001332360

**JEWELRY**

Item Description	Amount Insured
1 1 LDS 18K YG DIA BANGLE BRACELET 4.70 CT	\$22,045
2 LDS 18K YG ROLEX WATCH PRESIDENT MODEL	\$12,175
3 LDS 18K YG DIAMOND AND PEARL RING	\$14,995
4 1 PR 18K YG DIAMOND & PEARL EARRINGS 1.50 CTS	\$16,406
5 18K YG & WG DIAMOND RING	\$19,097
6 18K WG DIAMOND & JADE RING SET	\$4,357
7 18K YG & PLAT DIAMOND RUBY SAPP EMERALD RING	\$16,406
8 18K YG LAPIS & DIAMOND MARQUISE SHAPE	\$3,460
9 18K YG PLAT DIA DOME RING 71 ROUND DIAMONDS	\$9,869
10 PR 18K YG DIAMOND HOOP EARRINGS 4.48 CTS	\$13,842
11 18K YG AND WG MOBE PEARL & DIAMOND RING	\$2,820
12 18K YG PLAT MULTI COLOR DIAMOND CLUSTER RING	\$30,503
13 14K YG PLAT DIAMOND CLUSTER RING 2.25 CTS	\$6,023
14 18K YG & WG BLACK OPAL & DIAMOND RING	\$23,454
15 18K YG 3/8" WIDE DOG COLLAR NECKLACE 38.5 DWT	\$3,717
16 18K YG GARNET & DIAMOND PENDANT	\$13,202
17 18K YG COMMEMORATIVE ISRAEL MEDALLION PEND WATCH	\$8,587
18 18K WG CHOPARD LDS DIA BANGLE BRACELET WATCH	\$17,302
19 18K YG & DIAMOND W/ GREEN ENAMEL BANGLE BRACELET	\$7,691
20 18K YG BANGLE BRACELET SET W/ OPALS RUBY SAP DIA	\$8,587
21 18K YG 27" OVAL AND TWIST LINK NECKLACE	\$3,460
22 18K YG TWISTED LINK & ROPE BAR LINK NKLC 15 1/2	\$3,844
23 18K YG & WG 36" DOUBLE ROPE CIRCLE WG ROPE SQUARE	\$4,486
24 1 JADE BEAD NECKLACE 1 JADE PENDANT	\$6,153
25 LADIES DIAMOND RING 1 ROUND 4.77 CT & 2 TAPERED BAGUETTE .60 TOTAL WEIGHT SET IN PLATINUM	\$51,652
26 ONE PAIR DIA/PLATINUM EARRINGS 2.07 CTW H/SI	\$17,174
27 18K DIAMOND NECKLACE	\$12,303
28 18KT LADIES DIAMOND NECKLACE SET WITH ROUND BRILLIANT CUT PAVE DIAMONDS 5.81 CTS VS1 CLARITY, F-G COLOR	\$13,072
29 RING SET IN PLATINUM, MTG RECTANGLE CUT DIAMOND 7.17 CARAT WEIGHT, COLOR H, CLARITY SI-2, WITH TWO TRILLIANTS DIAMONDS 1.45 CARAT	\$247,250

**TOTAL JEWELRY AMOUNT COVERED \$613,932**

WILL OF

SHIRLEY BERNSTEIN

I, SHIRLEY BERNSTEIN, of Palm Beach County, Florida, hereby revoke all my prior Wills and Codicils and make this Will. My spouse is SIMON L. BERNSTEIN ("SIMON"). My children are TED S. BERNSTEIN ("TED"), PAMELA B. SIMON, ELIOT BERNSTEIN, JILL IANTONI and LISA S. FRIEDSTEIN.

ARTICLE I. TANGIBLE PERSONAL PROPERTY

I give such items of my tangible personal property to such persons as I may designate in a separate written memorandum prepared for this purpose. I give to SIMON, if SIMON survives me, my personal effects, jewelry, collections, household furnishings and equipment, automobiles and all other non-business tangible personal property other than cash, not effectively disposed of by such memorandum, and if SIMON does not survive me, I give this property to my children who survive me, divided among them as they agree, or if they fail to agree, divided among them by my Personal Representatives in as nearly equal shares as practical, and if neither SIMON nor any child of mine survives me, this property shall pass with the residue of my estate.

ARTICLE II. RESIDENCES

I give to SIMON, if SIMON survives me, my entire interest in any real property used by us as a permanent or seasonal residence, subject to any mortgage or other lien. If SIMON does not survive me, such interest shall pass with the residue of my estate.

ARTICLE III. RESIDUE OF MY ESTATE

I give all the residue of my estate to the Trustee then serving under my revocable Trust Agreement dated today, as may be amended and restated from time to time (the "Existing Trust"), as Trustee without bond, but I do not exercise any powers of appointment held by me except as provided in the later paragraph titled "Death Costs." The residue shall be added to and become a part of the Existing Trust, and shall be held under the provisions of said Agreement in effect at my death, or if this is not permitted by applicable law or the Existing Trust is not then in existence, under the provisions of said Agreement as existing today. If necessary to give effect to this gift, but not otherwise, said Agreement as existing today is incorporated herein by reference.

LAST WILL  
OF SHIRLEY BERNSTEIN

Shirley BERNSTEIN

TESCHER & SPALLINA, P.A.



IN THE CIRCUIT COURT FOR PALM BEACH COUNTY, FL  
IN RE: ESTATE OF PROBATE DIVISION  
SIMON BERNSTEIN File No. 502012CP004391IZXXXXSB  
Deceased.

**AMENDED INVENTORY**

The undersigned co-personal representatives of the estate of SIMON BERNSTEIN, deceased, who died on September 13, 2012, and whose social security number is XXX-XX-5211, submits this Amended Inventory of all the property of the estate, that has come into the hands, possession, control, or knowledge of these personal representatives:

REAL ESTATE IN FLORIDA – Exempt (Protected) Homestead:

Description

NONE

REAL ESTATE IN FLORIDA – Non-Exempt Homestead:

Description

Estimated Fair Market Value

NONE

*(Whether homestead property is exempt from the claims of creditors, whether it is properly devised and whether it is a probate asset may have to be determined by appropriate proceedings.)*

OTHER REAL ESTATE IN FLORIDA:

Description

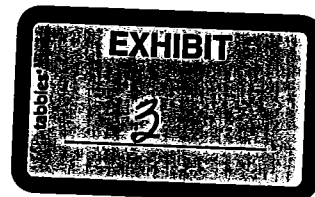
Estimated Fair Market Value

NONE

\$

Total Real Estate in Florida – Except Exempt (Protected) Homestead

\$



Estate of Simon Bernstein  
File No. 502012CP004391IZXXXX SB  
AMENDED INVENTORY

PERSONAL PROPERTY WHEREVER LOCATED:

<u>Description</u>	<u>Estimated Fair Market Value</u>
Legacy Bank of Florida - Acct. Ending 2587	\$384.25
Wells Fargo - Acct. Ending 1945	1,599.49
Sabadell Bank - Acct. Ending 9414	15,153.18
JP Morgan (4788015220)	77,491.27
JP Morgan (W32585007)	519,266.37
LIC Holdings, Inc. (33% ownership)	UNDETERMINED
Furniture, furnishings, household goods and personal effects	51,135.00
Jewelry	63,205.00
US Life Proceeds	50,800.08
Monarch Life Proceeds	4,000.00
Cincinnati Life Proceeds	7,685.00
Promissory Note from Bernstein Family Realty, LLC (not including accrued interest)	365,000.00
TOTAL OF ALL PERSONAL PROPERTY AND FLORIDA REAL ESTATE \$ <u>1,155,719.40</u>	

All real estate located outside the State of Florida owned by the decedent of which the personal representative is aware, if any, is described on a schedule attached hereto. [If none, so indicate]

NONE

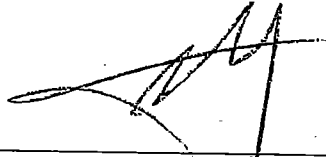
*NOTICE: Each residuary beneficiary in a testate estate or heir in an intestate estate has the right to request a written explanation of how the inventory value of any asset was determined, including whether the personal representative obtained an independent appraisal for that asset and from whom the appraisal was obtained. Any other beneficiary may request this information regarding all assets distributed to or proposed to be distributed to that beneficiary.*



Estate of Simon Bernstein  
File No. 502012CP0043911ZXXXX SB  
AMENDED INVENTORY

Under penalties of perjury, I declare that I have read the foregoing, and the facts alleged are true to the best of my knowledge and belief.

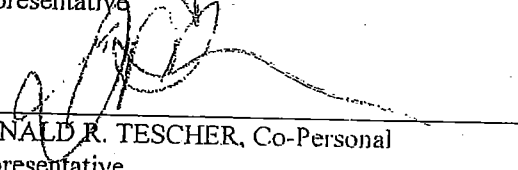
Signed on this 28<sup>th</sup> day of Dec, 2013.



ROBERT L. SPALLINA, Esq.  
Attorney for Personal Representative  
Florida Bar No. 497381  
Tescher & Spallina, P.A.  
4855 Technology Way, Suite 720  
Boca Raton, FL 33431  
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Primary: [rspallina@tescherspallina.com](mailto:rspallina@tescherspallina.com)  
Secondary: [kmoran@tescherspallina.com](mailto:kmoran@tescherspallina.com)



ROBERT L. SPALLINA, Co-Personal  
Representative



DONALD R. TESCHER, Co-Personal  
Representative



IN THE CIRCUIT COURT FOR PALM BEACH  
COUNTY, FLORIDA PROBATE DIVISION

IN RE: ESTATE OF

SIMON L. BERNSTEIN  
Deceased.

FILE NO: 502012CP004391XXXXSB

**INVENTORY BY BRIAN M. O'CONNELL, AS  
SUCCESSOR PERSONAL REPRESENTATIVE**

The undersigned Successor Personal Representative of the estate of SIMON L. BERNSTEIN, deceased, who died September 12, 2012 submits this inventory of all the property of the estate, that has come into the hands, possession, control, or knowledge of this Personal Representative.<sup>1</sup>

REAL ESTATE IN FLORIDA – Exempt (Protected) Homestead: NONE

REAL ESTATE IN FLORIDA – Non Exempt Homestead: NONE

*(Whether or not homestead property is exempt from the claims of creditors, is properly devised and is a probate asset may have to be determined by appropriate proceedings.)*

OTHER REAL ESTATE IN FLORIDA: NONE

Total Real Estate in Florida – Except Exempt (Protected) Homestead \$ 0.00

<sup>1</sup> This Inventory reports all assets which have come into the possession and knowledge of the undersigned as Successor Personal Representative as of this date. The undersigned plans on conducting discovery as to possible additional assets and an Amended Inventory will be filed, if necessary.



12-1-14



PERSONAL PROPERTY WHEREVER LOCATED:

Description	Estimated Fair Market Value
Sabadell Bank – estate checking account # 15346	\$ 11,735.84
JP Morgan – estate checking account	25,531.59
JP Morgan – estate inherited IRA account # 8004	559,217.78
Promissory Note dated July 1, 2008, payable to Decedent by Bernstein Family Realty LLC	365,000.00
Jewelry (as of 5/14/13 appraisal by A. Matteini & Co.)	63,205.00
Furniture & furnishings (as of 1/22/13 appraisal by Robert A. Hittel)	51,135.00
Reimbursements owed to the Estate by Bernstein Family Realty LLC for expenses and legal fees per Schedule D of the T&S Accounting and per Schedule E of the Amended Accounting of Curator	25,500.00
Reimbursements owed to the Estate by the Simon Bernstein Insurance Trust for legal fees per Schedule D of the T&S Accounting and per Schedule E of the Amended Accounting of Curator	20,000.00
LIC Holdings, Inc. (Company stock held at corporate office per Schedule E of the Amended Accounting of Curator)	Unknown
Objection to the Final Accounting of Personal Representative for the time period of September 13, 2012 through February 28, 2014, dated August 13, 2014	Unknown
Claim for insurance proceeds pending under <u>Simon Bernstein Irrevocable Trust DTD 6/21/95 v. Heritage Union Life Insurance Company, Case Number 13 cv 3643 (N.D. Ill., E. Div.)</u>	Unknown
Total Personal Property – Wherever Located	\$1,121,325.21

TOTAL OF ALL PERSONAL PROPERTY AND FLORIDA REAL ESTATE  
 (Except exempt (protected) homestead) \$ 1,121,325.21

All real estate located outside the State of Florida owned by the decedent of which the Personal Representative is aware, if any, is described on a schedule attached hereto, [If none, so indicate]

NONE KNOWN AT THIS TIME.

*NOTICE: Each residuary beneficiary in a testate estate or heir in an intestate estate has the right to request a written explanation of how the inventory value of any asset was determined, including whether the Personal Representative obtained an independent appraisal for that asset and, if so, a copy of the appraisal. Any other beneficiary may request this information regarding all assets distributed to or proposed to be distributed to that beneficiary.*

Under penalties of perjury, I declare that I have read the foregoing, and the facts alleged are true to the best of my knowledge and belief.

Signed on December 1, 2014.

 94238

ASHLEY N. CRISPIN

Florida Bar # 37495

CIKLIN, LUBITZ, MARTENS, & O'CONNELL

515 North Flagler Drive, 20<sup>th</sup> Floor

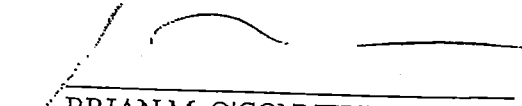
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BRIAN M. O'CONNELL

Successor Personal Representative

[Print or Type Names Under All Signature Lines]