

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

IN RE:

CASE NO. 502012CP004391XXXXNBIH

ESTATE OF SIMON L. BERNSTEIN,
_____ /

**ORDER APPROVING RETENTION OF COUNSEL AND
DEFERRING RULING ON APPOINTMENT OF TED S. BERNSTEIN AS
ADMINISTRATOR *AD LITEM*
TO DEFEND CLAIM AGAINST ESTATE BY WILLIAM STANSBURY**

THIS CAUSE came before the Court on Successor Trustee's *Motion to Approve Retention of Counsel And, to Appoint Ted S. Bernstein as Administrator Ad Litem to Defend Claim Against Estate by William Stansbury* ("the Motion"). The Court, having reviewed the Motion and the record, having been advised in the Motion that the PR and beneficiaries of the Estate believe this relief will result in a benefit to the Estate, having been advised that William Stansbury has filed a written objection to Ted S. Bernstein serving as Administrator, and being otherwise fully advised in the premises, hereby ORDERS AND ADJUDGES:

1. The Motion is GRANTED in part and DEFERRED in part.
2. The Court approves the retention of the law firm Mrachek, Fitzgerald, Rose, Konopka, Thomas & Weiss, P.A. ("Mrachek-Law") to serve as counsel for Brian O'Connell, as Personal Representative of the Estate of Simon L. Bernstein, for the purpose of defending the Estate in an independent action brought by William Stansbury. The reasonable costs and attorneys' fees incurred by Mrachek-Law in defending the claim shall be paid by the Estate.
3. Unless Stansbury withdraws his objection, the Court will need to conduct an evidentiary hearing on that portion of the motion which seeks the appointment of an administrator

ad litem. The Court will determine at the evidentiary hearing whether to appoint Ted S. Bernstein as administrator ad litem under Rule 5.120, which provides that when necessity arises, "the court may appoint an administrator ad litem . . . without bond or notice for that particular proceeding." Until the evidentiary hearing, the Court defers ruling on the administrator ad litem issues.

DONE AND ORDERED in Chambers, North County Courthouse on _____, 2016.

SIGNED & DATED

SEP 26 2016

HONORABLE JOHN L. PHILLIPS
CIRCUIT JUDGE

cc: All parties on the attached service list

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Individually and as trustee for her children, and
as natural guardian for M.F. and C.F., Minors

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Guardian *Ad Litem* for
Eliot Bernstein's minor children,
Jo.B., Ja.B., and D.B.