

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

CASE NO. 502012CP004391XXXXNBIH
CP - Probate

IN RE:

ESTATE OF SIMON L. BERNSTEIN,
_____ /

NOTICE OF TAKING DEPOSITION DUCES TECUM

To: All Parties on the attached service list

PLEASE TAKE NOTICE that the undersigned will take the deposition(s) of:

Name	Date and Time	Location
William Stansbury c/o Peter Feaman, Esq.	December 8, 2016 10:00 a.m.	Mrachek, Fitzgerald, Rose, Konopka, Thomas & Weiss, P.A. 505 South Flagler Drive, Suite 600 West Palm Beach, FL 33401 Telephone: (561) 655-2250

upon oral examination, pursuant to Florida Rules of Civil Procedure, before U.S. Legal Support, Inc., and or any other Notary Public or officer authorized by law to take depositions. Said oral examination will continue from day-to-day until completed. You are hereby notified to appear and take part in said examination as you may be advised. These depositions are being taken for the purposes of discovery, for use at trial, as primary evidence or for such other purposes as are permitted under the applicable Statutes or Rules of Court.

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 21st day of November, 2016.

MRACHEK, FITZGERALD, ROSE, KONOPKA,
THOMAS & WEISS, P.A.
505 South Flagler Drive, Suite 600
West Palm Beach, FL 33401
(561) 655-2250 Telephone / (561) 655-5537 Facsimile
email: arose@mrachek-law.com; mchandler@mrachek-law.com
Attorneys for Ted S. Bernstein

By: /s/ Alan B. Rose
Alan B. Rose (Fla. Bar No. 961825)

SERVICE LIST - CASE NO. 502012CP004391XXXXNBIH

Eliot Bernstein
2753 NW 34th Street
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(561) 245-8588 - Telephone
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John P. Morrissey, Esq.
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Counsel for Molly Simon, Alexandra Bernstein,
Eric Bernstein, Michael Bernstein

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Peter M. Feaman, Esq.
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Lisa Friedstein
2142 Churchill Lane
Highland Park, IL 60035
lisa@friedsteins.com
Individually and as trustee for her children, and
as natural guardian for M.F. and C.F., Minors

Jill Iantoni
2101 Magnolia Lane
Highland Park, IL 60035
jilliantoni@gmail.com
Individually and as trustee for her children, and
as natural guardian for J.I. a minor

Diana Lewis, Esq.
ADA & Mediations Services, LLC
2765 Tecumseh Drive
West Palm Beach, FL 33409
(561) 758-3017 - Telephone
Email: dzlewis@aol.com
Guardian *Ad Litem* for
Eliot Bernstein's minor children,
Jo.B., Ja.B., and D.B.

Brian M. O'Connell, Esq.
Joielle A. Foglietta, Esq.
Ciklin Lubitz Martens & O'Connell
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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,
_____ /

**SUBPOENA DUCES TECUM TO WILLIAM STANSBURY FOR
APPEARANCE AT DEPOSITION**

THE STATE OF FLORIDA

TO: William Stansbury
C/O Peter Feaman, Esq., PETER M. FEAMAN, P.A.
3695 West Boynton Beach Boulevard, Suite 9
Boynton Beach, FL 33436

YOU ARE COMMANDED to appear before a person authorized by law to take depositions at the law firm of Mrachek, Fitzgerald, Rose, Konopka, Thomas & Weiss, P.A., 505 S. Flagler Drive, Suite 600, West Palm Beach, FL 33401 (Telephone: (561) 655-2250) on **December 8, 2016 at 10:00 a.m.** for the taking of your deposition in this action, and to have with you at that time and place the documents identified on the attached **Exhibit "A."**

If you fail to appear, you may be in contempt of court.

You are subpoenaed to appear by the following attorneys, and unless excused from this subpoena by these attorneys or the Court, you shall respond to this subpoena as directed.

Dated on November 21, 2016.

/s/ Alan B. Rose

ALAN B. ROSE, ESQ.
For the Court

MRACHEK, FITZGERALD, ROSE,
KONOPKA, THOMAS & WEISS, P.A.
505 S. Flagler Drive, Suite 600
West Palm Beach, FL 33401
Phone: 561-655-2250 // Fax: 561-655-5537
Attorneys for Estate of Simon Bernstein
Alan B. Rose, Esq., Florida Bar Number: 961825

EXHIBIT A

YOU ARE REQUESTED to bring the following documents:

Definitions

"Documents" shall mean and include all writings, drawings, graphs, charts, photographs, sound recordings, images, and other data or data compilations, specifically including **all letters, emails, text messages**, phone messages, notes, deed, title reports, or written communication of any kind—stored in any medium whether in paper or electronic format.

"Mortgaged Property" shall mean the single family home located at 2753 NW 34th Street, Boca Raton, FL 33434, which is owned by Bernstein Family Realty, LLC and is encumbered by two mortgages, one in favor of the Sahms and a second mortgage in favor of the Estate of Simon L. Bernstein.

"BFR" shall mean Bernstein Family Realty, LLC, the membership interests of which now are owned by Eliot and Candice Bernstein, as natural guardians of their children's interests, pursuant to the attached Final Judgment dated June 7, 2016.

"Sahms" shall mean Walter E. Sahn and Patricia Sahn, his wife, as holders of the first mortgage on the Mortgaged Property, including any lawyers, agents, employees or others acting on their behalf.

"Eliot" shall mean Eliot Ivan Bernstein, including any lawyers, agents, employees or others acting on their behalf.

"Estate" means the Estate of Simon L. Bernstein, by and through its personal representative, Brian O'Connell.

"Stansbury" shall mean William "Bill" Stansbury, together with his wife Eileen E. Stansbury and any and all agents, employees or others acting on his behalf, including his attorney, Peter M. Feaman, Esquire, or anyone employed by or affiliated with the Law Offices of Peter M. Feaman. (This request does not seek any documents sent solely between William Stansbury and his counsel, and includes only documents which were sent to or received from a third-party outside of the attorney-client relationship.)

Documents Requested relating to Mortgage

1. All Documents relating to, referring, mentioning or addressing the Sahn Mortgage on the Mortgaged Property.
2. All Documents relating to, referring, mentioning or addressing the validity and enforceability of the Sahn Mortgage on the Mortgaged Property.
3. All Documents relating to, referring, mentioning or addressing the Estate's Mortgage on the Mortgaged Property.
4. All Documents relating to, referring, mentioning or addressing the validity and enforceability of the Estate's Mortgage on the Mortgaged Property.
5. All Documents sent by Stansbury to Sahms concerning the Mortgaged Property.
6. All Documents sent by Sahms to Stansbury concerning the Mortgaged Property.
7. All Documents sent by Stansbury to Eliot concerning the Mortgaged Property.
8. All Documents sent by Eliot to Stansbury concerning the Mortgaged Property.
9. All Documents sent by Stansbury to Eliot concerning any matter relating in any way to: (i) the Trusts or Estates of Simon Bernstein and/or Shirley Bernstein, (ii) financial support or payments by Stansbury to Eliot; (iii) the Illinois litigation; or (iv) any other subject matter.
10. All Documents sent by Eliot to Stansbury concerning any matter relating in any way to: (i) the Trusts or Estates of Simon Bernstein and/or Shirley Bernstein, (ii) financial support or payments by Stansbury to Eliot; (iii) the Illinois litigation; or (iv) any other subject matter.
11. All Documents, including checks, canceled checks, credit card receipts or other documents showing any payments made by Stansbury to or on behalf of Eliot or his family, from and after May 6, 2015 to the present.
12. All documents evidencing any oral or written agreements between Stansbury and Eliot concerning (i) the Mortgaged Property; (ii) the Trusts or Estates of Simon Bernstein and/or Shirley Bernstein, (iii) the Illinois litigation; or (iv) any other subject matter.

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

PROBATE DIVISION

CASE NO.: 502014CP002815XXXXNB (IH)

OPPENHEIMER TRUST COMPANY
OF DELAWARE, in its capacity as
Resigned Trustee of the Simon Bernstein
Irrevocable Trusts created for the benefit
of Joshua, Jake and Daniel Bernstein,

Petitioner,

vs.

ELIOT AND CANDICE BERNSTEIN,
in their capacity as parents and natural
guardians of JOSHUA, JAKE AND
DANIEL BERNSTEIN, minors,

Respondents.

_____ /

FINAL JUDGMENT

THIS CAUSE came before the Court upon the Motion For Entry Of Final Judgment (the "Motion") filed by Petitioner, Oppenheimer Trust Company Of Delaware ("Oppenheimer"), in its capacity as the resigned trustee of three irrevocable trusts settled by Simon Bernstein on September 7, 2006 for the benefit of his grandchildren, Joshua, Jake and Daniel Bernstein (the "Grandchildren Trusts"). Having considered the Motion, the May 11, 2016 Report and Recommendation of the grandchildren's Guardian *Ad Litem*, Diana Lewis (the "GAL"), and being otherwise duly advised in the premises, it is hereupon

ORDERED AND ADJUDGED as follows:

1. Final judgment is hereby entered in Oppenheimer's favor as to Count I of its Petition For Instructions, Approval Of Final Accounting, Release And Discharge ("Petition"). The Grandchildren Trusts are hereby terminated and, as proposed by Oppenheimer in its Plan of Distribution of Trust Assets, Oppenheimer shall distribute the liquid assets of the Grandchildren Trusts (approximately \$6,500) to the Palm Beach County Tax Collector to partially pay the property taxes due on the real property owned by Bernstein Family Realty, LLC ("BFR"), an asset wholly owned by the Grandchildren Trusts.¹ Oppenheimer shall distribute the remainder of the assets (the Grandchildren Trusts' interests in BFR and LIC Holdings, Inc.) as follows:

*to Elizabeth Candice Bernstein
as natural guardian of
the children*

2. Final judgment is hereby entered in Oppenheimer's favor as to Count II of its Petition. Oppenheimer's accountings, as supplemented and amended, are approved in full. Oppenheimer and its former and current agents, employees and attorneys, together with Oppenheimer's parent and subsidiary companies, and all of their successors and assigns, are hereby released and discharged of all duties, claims, demands and liabilities arising out of or related to the Grandchildren Trusts or their assets.

DONE AND ORDERED in Chambers, Palm Beach County, Florida on
6-7-16, 2016.

John L. Phillips
Hon. John L. Phillips, Circuit Judge

¹ According to the Palm Beach County Tax Collector's records, BFR owes over \$13,000 in property taxes related to the home occupied by the grandchildren, including for a tax certificate sold to satisfy unpaid 2014 property taxes. The assets of the trust are insufficient to pay the property taxes in full.

Copies furnished to:

Oppenheimer Trust Company of Delaware
c/o Steven A. Lessne, Esq.
Gunster, Yoakley & Stewart, P.A.
4855 Technology Way, Suite 630
Boca Raton, FL 33431

Joshua, Jacob (Jake) and Daniel Bernstein
c/o Diana Lewis, their Guardian *Ad Litem*
ADR & Mediation Services, LLC
2765 Tecumseh Drive
West Palm Beach, FL 33409

Eliot Bernstein
2753 N.W. 34th Street
Boca Raton, FL 33434

Candice Bernstein
2753 N.W. 34th Street
Boca Raton, FL 33434

STATE OF FLORIDA • PALM BEACH COUNTY
I hereby certify that the
foregoing is a true copy
of the record in my office.
THIS 5th DAY OF July 20 16
SHARON R. BOON
CLERK & COMPTROLLER
By _____
DEPUTY CLERK