

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,  
\_\_\_\_\_ /

**TRUSTEE'S OBJECTION TO NOTICE OF PRODUCTION FROM NON-PARTY**

Ted S. Bernstein, Successor Trustee of the Simon Bernstein Amended and Restated Trust Agreement dated July 25, 2012 ("Trustee"), pursuant to Fla. R. Civ. P. 1.410, files his Objection to William E. Stansbury's Subpoena Duces Tecum Without Deposition.

1. On January 23, 2017, William E. Stansbury ("Stansbury"), filed his Notice of Production from Non-Party to All Regency Title Company d/b/a US Title of Florida ("US Title"), and attached a Subpoena Duces Tecum without Deposition to US Title (the "Subpoena"). A copy of the Subpoena is attached as Exhibit "A."

2. Trustee objects to the Subpoena because the Subpoena purports to seek documents and information which are: (1) not relevant nor reasonably calculated to lead to admissible evidence; (2) address an issue which has been resolved by a court order, with no objection from Stansbury, and Stansbury did not appeal that order; (3) the discovery is intrusive into the rights of an innocent third-party, is unduly burdensome, and designed to harass the Trustee and the buyer.

3. In addition, clearly Stansbury lacks standing to seek this information in the Shirley Bernstein Trust, and to the extent that there is any relation to the Simon Bernstein Estate, the total dollar value of all personal property in the Aragon Condominium was fully accounted for, and paid

for by the Shirley Bernstein Trust, as reflected in the order which Stansbury did not contest or appeal.

WHEREFORE, Trustee requests that this Court sustain his objection, prohibiting Stansbury from obtaining the issuance of the Subpoena to US Title, and any other relief this Court deems appropriate.

**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 27th day of January, 2017.

MRACHEK, FITZGERALD, ROSE, KONOPKA,  
THOMAS & WEISS, P.A.  
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Attorneys for Ted S. Bernstein

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

**SERVICE LIST** - CASE NO. 502012CP004391XXXXNBIH

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Lisa Friedstein  
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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.

Jill Iantoni  
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Individually and as trustee for her children, and  
as natural guardian for J.I. a minor

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

IN RE:

Case No. 502012CP004391XXXXNB

ESTATE OF SIMON  
BERNSTEIN,  
Deceased.

**NOTICE OF PRODUCTION FROM NON-PARTY**  
**(Florida Probate Rule 5.080 & Fla.R.Civ.P. 1.351)**

YOU ARE NOTIFIED that, ten (10) days from the date of service of this Notice, if service is by delivery, or fifteen (15) days from the date of service if service is by mail, and if no objection is received from any party, the undersigned will issue, or will apply to the Clerk of this Court for issuance of, the attached Subpoenas directed to the following:

1. **Records Custodian of:**  
**All Regency Title Company d/b/a US Title of Florida**  
3010 North Military Trail, Suite 210  
Boca Raton, FL 33431

who are not parties, and whose address is listed above, to produce the items listed at the time and place specified in the Subpoena.

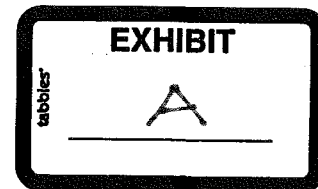
Respectfully submitted,

By: 

Peter M. Feaman

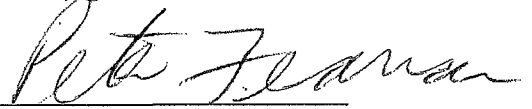
**CERTIFICATE OF SERVICE**

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 23 day of January, 2017.



PETER M. FEAMAN, P.A.  
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[mkoskey@feamanlaw.com](mailto:mkoskey@feamanlaw.com)

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



Peter M. Feaman  
Florida Bar No. 0260347

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

IN RE:

Case No. 502012CP004391XXXXNB

ESTATE OF SIMON  
BERNSTEIN,  
Deceased.

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**SUBPOENA DUCES TECUM WITHOUT DEPOSITION**

TO: **Records Custodian of:**  
**All Regency Title Company d/b/a US Title of Florida**  
3010 North Military Trail, Suite 210  
Boca Raton, FL 33431

**YOU ARE COMMANDED** to appear at the offices of **Peter M. Feaman, P.A., 3695 W. Boynton Beach Blvd., Suite #9, Boynton Beach, FL 33436** on **February 10, 2017 at 10:00 a.m.** and to have with you at that time and place copies of all of the following documents:

**DUCES TECUM:**

1. Any and all final documentation, including but not limited to correspondence, contract for sale and purchase, list of personal property, financial documents, signed HUD Closing Statement relative to the real property transaction between Ted Bernstein as Successor Trustee of the Shirley Bernstein Trust dated May 20, 2008 (Seller) and G. Wesley Voorheis (Buyer), on April 18, 2013, regarding the real property located at 2494 South Ocean Boulevard, Unit C-5, Boca Raton, FL 33432.

The documents will be inspected and may be copied at that time. You will not be required to surrender the original documents. You have the right to object to the production pursuant to this subpoena at any time before production by giving written notice to the attorney whose name appears on this subpoena. **THIS WILL NOT BE A DEPOSITION. NO TESTIMONY WILL BE TAKEN.**

If you fail to:

- (1) appear or furnish the records at the time and place specified instead of appearing; or
- (2) object to this subpoena,

you may be in contempt of court. You are subpoenaed by the attorney whose name appears on this subpoena, and unless excused from this subpoena by the attorney or the court, you shall respond to this subpoena as directed.

**NOTE:** *You may mail or deliver the copies of the requested records to the attorney whose name appears below and thereby eliminate your appearance at the time and place specified.*

Dated on \_\_\_\_\_, 2017.

**Issued by:** \_\_\_\_\_  
PETER M. FEAMAN, ESQ.  
FOR THE COURT

PETER M. FEAMAN, P.A.  
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