

**CHAPTER 119 – PUBLIC RECORDS REQUEST PALM BEACH COUNTY SHERIFF**

**Eliot Ivan Bernstein**  
2753 NW 34<sup>th</sup> Street  
Boca Raton, FL 33434  
(561) 245-8588  
iviewit@iviewit.tv

**Tuesday, July 28, 2015**

**Captain Pedro Palenzuela**  
Records Custodian –  
Palm Beach County Detention Center  
Central Records Division  
Post Office Box 24681  
West Palm Beach, Florida 33416  
(561) 688-3189  
emailcentralrecords@pbso.org

**RE: RECORDS REQUEST**

Dear Custodian of Records:

Pursuant to Article I, section 24 of the Florida Constitution, and chapter 119, F.S., I am requesting an opportunity to inspect or obtain copies of public records that relate to Palm Beach County Sheriff Investigations:

1. Case No. 12121312 - ALLEGED MURDER OF SIMON BERNSTEIN FILED BY THEODORE STUART BERNSTEIN.
2. Case No. 13097087 MORAN FORGERY AND FRAUDULENT NOTARIZATION - Case Closed;
3. Case No. 14029489 TESCHER AND SPALLINA ET AL. - SUPPLEMENTAL TO MORAN REGARDING OTHER MATTERS;
4. Case No. 13159967 JEWELRY THEFT;
5. Case No. IR 14025 Prior IA Complaint regarding these cases: Jan 6, 2014 Incident Review of 1309087 by Sgt Bozdech. Led to Moran case information that was not related to Moran at all being opened in new case supplement.

I am looking to receive all documents and inspect all records including case reports, case notes, audio/video recordings associated, documents and exhibits entered as evidence, phone records of officers regarding these case matters, interviews with any parties and everything that is publically available for inspection and copies.

If there are costs associated I ask that they be waived due to the fact that the crimes reported have caused financial hardships. In civil cases involving these matters court costs have been waived and Complainant is Indigent in the record. Since these records relate to the ongoing civil and other criminal cases ongoing they are urgent and necessary to due process rights.

I request a waiver of all fees for this request since the disclosure of the information I seek is not primarily in my commercial interest, and is likely to contribute significantly to public understanding of the operations or activities of the government, making the disclosure a matter of public interest.

Should you deny my request, or any part of the request, please state in writing the basis for the denial, including the exact statutory citation authorizing the denial as required by s. 119.07(1)(d), F.S.

I will contact your office within one week to discuss when I may expect fulfillment of my request or you may contact me as soon as you know when they may be expected and payment of any statutorily prescribed fees. If you have any questions in the interim, you may contact me at (561) 245-8588 and [iviewit@iviewit.tv](mailto:iviewit@iviewit.tv).

Thank you,

Eliot I. Bernstein  
Inventor  
Iviewit Holdings, Inc. – DL  
2753 N.W. 34th St.  
Boca Raton, Florida 33434-3459  
(561) 245.8588 (o)  
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(561) 245-8644 (f)  
[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)  
<http://www.iviewit.tv>



## Miller, Kitty

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**From:** Eliot Ivan Bernstein <iviewit@iviewit.tv>  
**Sent:** Tuesday, July 28, 2015 5:52 AM  
**To:** EmailCentralRecords  
**Cc:** Kevin R. Hall; 'Andrew Dietz @ Rock-It Cargo USA, Inc.'; 'CANDICE BERNSTEIN'; 'Caroline Prochotska Rogers Esq.'; 'Eliot I. Bernstein'; 'Marc R. Garber Esq.'; 'Marc R. Garber Esq. @ Flaster Greenberg P.C.'; 'Michele M. Mulrooney ~ Partner @ Venable LLP'  
**Subject:** CHAPTER 119 - PUBLIC RECORDS REQUEST PALM BEACH COUNTY SHERIFF - 20150726 Florida FOIA Palm Beach County Sheriff.docx  
**Attachments:** 20150726 Florida FOIA Palm Beach County Sheriff.docx

CHAPTER 119 – PUBLIC RECORDS REQUEST PALM BEACH COUNTY SHERIFF

Tuesday, July 28, 2015

Captain Pedro Palenzuela  
Records Custodian –  
Palm Beach County Detention Center  
Central Records Division  
Post Office Box 24681  
West Palm Beach, Florida 33416  
(561) 688-3189  
[emailcentralrecords@pbso.org](mailto:emailcentralrecords@pbso.org)

RE: FOIA RECORDS REQUEST

Dear Custodian of Records:

Pursuant to Article I, section 24 of the Florida Constitution, and chapter 119, F.S., I am requesting an opportunity to inspect or obtain copies of public records that relate to Palm Beach County Sheriff Investigations:

1. Case No. 12121312 - ALLEGED MURDER OF SIMON BERNSTEIN FILED BY THEODORE STUART BERNSTEIN.
2. Case No. 13097087 MORAN FORGERY AND FRAUDULENT NOTARIZATION - Case Closed;
3. Case No. 14029489 TESCHER AND SPALLINA ET AL. - SUPPLEMENTAL TO MORAN REGARDING OTHER MATTERS;
4. Case No. 13159967 JEWELRY THEFT;
5. Case No. IR 14025 Prior IA Complaint regarding these cases: Jan 6, 2014 Incident Review of 1309087 by Sgt Bozdech. Led to Moran case information that was not related to Moran at all being opened in new case supplement.

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I request a waiver of all fees for this request since the disclosure of the information I seek is not primarily in my commercial interest, and is likely to contribute significantly to public understanding of the operations or activities of the government, making the disclosure a matter of public interest.

Should you deny my request, or any part of the request, please state in writing the basis for the denial, including the exact statutory citation authorizing the denial as required by s. 119.07(1)(d), F.S.

I will contact your office within one week to discuss when I may expect fulfillment of my request or you may contact me as soon as you know when they may be expected and payment of any statutorily prescribed fees. If you have any questions in the interim, you may contact me at (561) 245-8588 and [iviewit@iviewit.tv](mailto:iviewit@iviewit.tv).

Thank you,

Eliot I. Bernstein

Inventor

Iviewit Holdings, Inc. – DL

2753 N.W. 34th St.

Boca Raton, Florida 33434-3459

(561) 245.8588 (o)

(561) 886.7628 (c)

(561) 245-8644 (f)

[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)

<http://www.iviewit.tv>

PALM BEACH COUNTY SHERIFF'S OFFICE  
CENTRAL RECORDS  
FSS EXEMPTIONS/CONFIDENTIAL

- 119.071(2)(c) Active criminal intelligence/active criminal investigative Information
- 119.071(2)(e) Confession
- 365.171(15) Identity of 911 caller or person requesting emergency service
- 119.071(2)(d) Surveillance techniques, procedures, and personnel, inventory of law enforcement resources, policies or plans pertaining to mobilization, deployment or tactical operations
- 119.071(2)(l) Assets of crime victim
- 119.071(5)(a)(5) Social security numbers held by agency
- 119.071(5)(b) Bank account #, debit, charge and credit card numbers held by an agency
- 395.3025(7)(a) and/or 456.057(7)(a) Medical information
- 943.053/943.0525 NCIC/FCIC/FBI and in-state FDLE/DOC
- 119.07(4)(d) Extra fee if request is voluminous or requires extensive personnel, technology
- 119.071(5)(g)1 Biometric Identification Information (Fingerprints, palm prints, and footprints)
- 119.071(2)(f) Confidential Informants
- 316.066(5)(a) Crash reports are confidential for period of 60 days after the report is filed
- 119.071(2)(h)(1) Identity of victim of sexual battery, lewd and lascivious offense upon a person less than 16 years old, child abuse, sexual offense
- 985.04(1) Juvenile offender records
- 119.0712(2) Personal information contained in a motor vehicle record
- 119.071(2)(b) Criminal intelligence/investigative information from a non-Florida criminal justice agency
- 394.4615(7) Mental health information
- 119.071(4)(c) Undercover personnel
- 119.071(4)(d)(1) Home address, telephone, soc security #, date of birth, photos of active/former LE personnel, spouses and children

Other:

Case No: 12-121312

Tracking No.: 15-07-1853

Clerk Name/ID: T. Hunt/8105

Date: 08/31/2015

PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1  
CASE NO. 12121312 OFFENSE REPORT CASE NO. 12121312  
DISPOSITION: ZULU  
DIVISION: ROAD PATROL

911:  
POLICE SERVICE CALL \* \* \*  
SIGNAL CODE: 68 CRIME CODE: NON CRIME CODE: PS CODE: 9568 09/13/12 THURSDAY  
ZONE: C21 GRID: DEPUTY I.D.: 8826 NAME: HAUGH VINCENT ASSIST: TIME D 1155 A 1211 C 1522  
OCCURRED BETWEEN DATE: 09/12/12 , 0830 HOURS AND DATE: 09/13/12 , 0100 HOURS  
EXCEPTION TYPE:  
INCIDENT LOCATION: 7020 LIONS HEAD LA APT. NO.:  
CITY: BOCA RATON STATE: FL ZIP: 33496

NO. OFFENSES: 00 NO. OFFENDERS: UK NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0  
LOCATION: RESIDENCE - SINGLE FAMILY  
NO. VICTIMS: 00 NO. ARRESTED: 0 FORCED ENTRY: 0

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NAME LIST:  
ROLE:

OTHER SIMON BERNSTEIN DOB: 12/02/1935  
SEX: M RACE: W HT: 506 WT: 180 HR: GRAY EYE: BROWN  
RESIDENTIAL ADDRESS: 7020 LIONSHEAD LA BOCA RATON FL 33496 HOME PHONE: 561 000-0000  
BUSINESS PHONE: 561 000-0000  
OTHER TED BERNSTEIN DOB: 08/27/1959  
SEX: M RACE: W HT: 0 WT: 0 HR: UNKNOWN EYE: UNKNOWN  
RESIDENTIAL ADDRESS: 800 BERKELEY ST BOCA RATON FL 33484 HOME PHONE: 561 213-2322  
BUSINESS PHONE: 561 000-0000  
OTHER ELLIOT I BERNSTEIN DOB: 09/30/1963  
SEX: M RACE: W HT: 510 WT: 185 HR: BROWN EYE: HAZEL  
RESIDENTIAL ADDRESS: 2753 NW 34TH ST BOCA RATON FL 33434 HOME PHONE: 561 886-7627  
BUSINESS PHONE: 561 000-0000  
OTHER RACHEL WALKER DOB: 03/05/1984  
SEX: F RACE: W HT: 508 WT: 130 HR: BLOND EYE: BLUE  
RESIDENTIAL ADDRESS: 99 SE MIZNER ED BOCA RATON FL 33434 HOME PHONE: 561 275-8102  
BUSINESS PHONE: 561 000-0000  
OTHER MARITZ UCCIO DOB: 04/23/1966  
SEX: F RACE: W HT: 502 WT: 120 HR: BROWN EYE: BROWN  
RESIDENTIAL ADDRESS: 7020 LYONS HEAD LA BOCA RATON FL 33496 HOME PHONE: 561 305-2999  
BUSINESS PHONE: 561 000-0000  
OTHER LISA FRIEDSTEIN DOB: 03/15/1967  
SEX: F RACE: W HT: 501 WT: 120 HR: BROWN EYE: BROWN  
RESIDENTIAL ADDRESS: 2142 CHURCHHILL LA HIGHLAND IL 60035 HOME PHONE: 847 877-4633  
BUSINESS PHONE: 561 000-0000  
OTHER CANDICE M BERNSTEIN DOB: 10/09/1972

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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 2  
CASE NO. 12121312 OFFENSE REPORT CASE NO. 12121312  
DISPOSITION: ZULU

SEX: F RACE: W HT: 508 WT: 125 HR: BLOND EYE: GREEN  
RESIDENTIAL ADDRESS: 2753 NW 34TH ST BOCA RATON FL 33434 HOME PHONE: 561 886-7627  
BUSINESS PHONE: 561 000-0000

ON 9/13/12 AT 1211 HOURS, I RESPONDED TO 7020 LYONS HEAD LANE, UNINCORPORATED BOCA RATON, FL., AND MET WITH TED BERNSTEIN AND HIS SISTER AND BROTHER, LISA FRIEDSTEIN AND ELLIOT BERNSTEIN, IN REFERENCE TO A POLICE ASSIST. TED ADVISED HIS FATHER, SIMON BERNSTEIN WAS TAKEN TO DELRAY COMMUNITY HOSPITAL AT 1000 HOURS ON 9/12/12 AND PASSED AWAY AT 0100 HOURS ON 9/13/12. HE EXPLAINED WHILE AT THE HOSPITAL HE WAS ADVISED BY SIMON'S CARETAKER, RACHEL WALKER THAT SIMON'S LIVE-IN GIRLFRIEND, MARITZA PUCCIO MIGHT HAVE PROVIDED SIMON WITH A LARGER THEN PRESCRIBED DOSE OF HIS MEDICATION AS WELL AS ONE OF HER PRESCRIBED AMBIEN SLEEPING PILLS, WHICH COULD OF CAUSED HIS DEATH. HE SAID HE VOICED HIS CONCERNS TO THE DOCTORS AT DELRAY COMMUNITY HOSPITAL BUT THEY ADVISED THERE DID NOT APPEAR TO BE ANY SUSPICIOUS CIRCUMSTANCES SURROUNDING SIMON'S DEATH AND THEY WOULD NOT BE CONDUCTING AN AUTOSPY. TED CONTACTED BOTH A PRIVATE COMPANY AND THE PALM BEACH COUNTY MEDICAL EXAMINER'S OFFICE REGARDING HAVING AN AUTOSPY CONDUCTED. BOTH ADVISED HE SHOULD CONTACT THE PALM BEACH COUNTY SHERIFF'S OFFICE.

AFTER SPEAKING WITH TED, I SPOKE WITH RACHEL. RACHEL STARTED BY TELLING ME THAT SIMON SUFFERED FROM SEVERAL AILMENTS TO INCLUDE, POLLIMALAGA, HEPATITIS C AND HE HAD OPEN HEART SURGERY APPROXIMATELY 2 YEARS AGO, WHICH WAS ONE OF SEVERAL OPEN HEART SURGERIES. SIMON WAS RECENTLY PLACED ON PREDNISONE FOR THE POLLIMALAGA, WHICH SHE SAID EFFECTED HIS MENTAL FACULTIES. RACHEL ADVISED WHEN SHE ARRIVED AT SIMON'S HOUSE AT 0830 HOURS ON 9/12/12, SHE FOUND SIMON LYING ON THE COUCH IN THE LIVING ROOM. HE WAS AWAKE AND BREATHING BUT HE HAD A VERY LOW HEART BEAT AND WAS UNAWARE OF HIS SURROUNDINGS. RACHEL SAID SHORTLY AFTER HER ARRIVAL MARITZA RETURNED HOME. THEY HAD A BRIEF ARGUMENT OVER WHETHER OR NOT THEY SHOULD BRING SIMON TO THE HOSPITAL AS RACHEL SAYS MARITZA DID NOT BELIEVE HE NEEDED TO GO TO THE HOSPITAL AT THIS TIME. RACHEL SAID THAT SHE FINALLY TOLD MARITZA THAT SHE WAS GOING TO TAKE HIM TO THE HOSPITAL BY HERSELF. SHE SAID SHE LEFT THE HOUSE APPROXIMATELY 1000 HOURS FOR THE HOSPITAL. RACHEL WENT ON TO TELL ME THAT MARITZA PROVIDED SIMON WITH ONE OF HER PRESCRIBED AMBIEN SLEEPING PILLS ON THE NIGHT OF 9/8/12. SHE ALSO SAID SIMON WAS PRESCRIBED 100 7.5-750 PILLS ON 9/7/12 AND SHE BELIEVE

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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 3  
CASE NO. 12121312 OFFENSE REPORT CASE NO. 12121312  
DISPOSITION: ZULU

THAT MARITZA WAS PROVIDING SIMON WITH LARGER THEN PRESCRIBED DOSES OF [REDACTED]. RACHEL TOLD ME SHE BELIEVED THERE WERE ONLY 30 PILLS LEFT IN THE BOTTLE AT THE TIME OF SIMON'S DEATH. I LATER COUNTED THE BOTTLE OF [REDACTED]. THERE WERE 90.5 PILLS IN THE BOTTLE SHOWING THAT SIMON DID NOT TAKE MORE THAN PRESCRIBED.

IT SHOULD ALSO BE NOTED THAT I SPOKE WITH ELLIOT, WHO SAID HE WAS AT DINNER WITH SIMON AND MARITZA ON 9/8/12 AND OBSERVED HIS FATHER TELL MARITZA THAT HE WANTED ONE OF HER AMBIEN SLEEPING PILLS BECAUSE HE COULD NOT SLEEP. ELLIOT SAID THEY HAD A BRIEF ARGUMENT OVER THIS AS MARTIZA REFUSED TO ALLOW SIMON TO TAKE ONE OF HER PILLS INITIALLY. AT THIS TIME SGT. CASTELLI ARIVED ON SCENE AND WAS ADVISED OF THE CASE.

HE MADE CONTACT WITH VCD AND THE MEDICAL EXAMINER'S OFFICE. HE WAS ADVISED TO HAVE ME CONTACT DELRAY COMMUNITY HOSPITAL TO PUT A HOLD ON SIMON'S BODY FOR DR. BELL FROM THE MEDICAL EXAMINER'S OFFICE WHO WOULD CHECK ON THE SITUATION THE NEXT DAY. I WAS ALSO ADVISED TO EMAIL A COPY OF THE REPORT TO AARON RUIZ WITH THE MEDICAL EXAMINER'S OFFICE. DELRAY COMMUNITY HOSPITAL WAS CONTACTED AND A HOLD WAS PLACED ON SIMON'S BODY AND AARON RUIZ WAS EMAILED.

THIS REPORT IS FOR INFORMATION PURPOSES.

D/S HAUGH #8826

TRANS: 9/14/12 DG#4495

DICT: 9/13/12 @ 1700 HRS.

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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1  
CASE NO. 12121312 SUPPLEMENT 1 OFFENSE REPORT CASE NO. 12121312

DISPOSITION: ZULU  
DIVISION: DETECTIVE

911:

POLICE SERVICE CALL

SIGNAL CODE: 68 CRIME CODE: \* NON CRIME CODE: PS CODE: 9568 01/23/14 THURSDAY  
ZONE: C21 GRID: DEPUTY I.D.: 7704 NAME: MILLER ASSIST: TIME D 1155 A 1211 C 1522  
OCCURRED BETWEEN DATE: 09/12/12 , 0830 HOURS AND DATE: 09/13/12 , 0100 HOURS  
EXCEPTION TYPE:

INCIDENT LOCATION: 7020 LIONS HEAD LA APT. NO.:  
CITY: BOCA RATON STATE: FL ZIP: 33496

NO. OFFENSES: 00 NO. OFFENDERS: UK NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0  
LOCATION: RESIDENCE - SINGLE FAMILY  
NO. VICTIMS: 00 NO. ARRESTED: 0 FORCED ENTRY: 0

ON 01/22/14 I WAS ASKED TO CONDUCT SOME FOLLOW-UP IN REGARDS TO THIS REPORT. ON 01/23/14 I WENT TO THE PALM BEACH COUNTY MEDICAL EXAMINER'S OFFICE AND OBTAINED A COPY OF THE SIMON BERNSTEIN AUTOPSY REPORT.

UPON REVIEWING THE REPORT, I FOUND THAT DR. MICHAEL BELL (DISTRICT MEDICAL EXAMINER) CONDUCTED AN AUTOPSY ON SIMON ON SEPTEMBER 14, 2012 AT 11 AM. THE RESULTS OF THE AUTOPSY CONCLUDED THE FOLLOWING:

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MANNER OF DEATH: NATURAL  
CAUSE OF DEATH: MYOCARDIAL INFARCT DUE TO SEVERE CORONARY ATHEROSCLEROSIS  
CONTRIBUTORY CAUSE OF DEATH: BRONCHOPNEUMONIA, CIRRHOSIS  
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DR. BELL PROVIDED AN OPINION THAT SIMON DIED FROM A HEART ATTACK, DUE TO THE BLOCKAGE OF THE ARTERIES THAT FEED HIS HEART. HE ALSO HAD PNEUMONIA AND CIRRHOSIS. HE STATED THERE WAS NO OVERDOSE AND THAT HIS BLOOD CONCENTRATION WAS THERAPEUTIC. HE STATED THAT HE DID NOT HAVE MENINGITIS.

I ALSO FOUND THAT BODY WAS THEN TURNED OVER TO BOCA RATON FUNERAL HOME ON SEPTEMBER 14, 2012. ON 01/23/14 I SPOKE WITH TED BERNSTEIN. HE STATED THAT A PRIVATE AUTOPSY WAS NOT CONDUCTED.

THIS CONCLUDES MY SUPPLEMENTAL REPORT.  
DETECTIVE RYAN W. MILLER #7704  
01/23/14 @ 1143 HRS.  
TRANS. VIA EMAIL/COPY/PASTE: 01/23/2014/MDR/#6405

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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1  
CASE NO. 12121312 SUPPLEMENT 2 OFFENSE REPORT CASE NO. 12121312

DISPOSITION: ZULU  
DIVISION: DETECTIVE

911:

POLICE SERVICE CALL

SIGNAL CODE: 68 CRIME CODE: \* NON CRIME CODE: PS CODE: 9568 02/13/14 THURSDAY  
ZONE: C21 GRID: DEPUTY I.D.: 7704 NAME: MILLER ASSIST: TIME D 1155 A 1211 C 1522

OCCURRED BETWEEN DATE: 09/12/12 , 0830 HOURS AND DATE: 09/13/12 , 0100 HOURS

EXCEPTION TYPE:

INCIDENT LOCATION: 7020 LIONS HEAD LA APT. NO.:  
CITY: BOCA RATON STATE: FL ZIP: 33496

NO. OFFENSES: 00 NO. OFFENDERS: UK NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0

LOCATION: RESIDENCE - SINGLE FAMILY

NO. VICTIMS: 00 NO. ARRESTED: 0 FORCED ENTRY: 0

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IN A PREVIOUS INTERVIEW WITH ELIOT BERNSTEIN AND AGAIN IN AN E-MAIL FROM HIM, DATED 02/13/14, HE STATED THAT OTHERS HAD TALKED OF POISONING. I FOUND THAT HE CONTACTED DR. BELL FROM THE MEDICAL EXAMINER'S OFFICE REFERENCE THIS AND THEY HAD SERIES OF E-MAIL EXCHANGES REFERENCE THIS AND A HEAVY METALS SCREENING.

IN ELIOT'S E-MAIL HE SUGGESTS I SPEAK WITH TED AND RACHEL REFERENCE THE POISONING CLAIMS. IN MY CONVERSATION WITH TED ON 01/23/14 HE IMPLIED THAT HE WAS SATISFIED WITH THE MEDICAL EXAMINERS FINDINGS. HE DID NOT MAKE CLAIM OF POISONING. I SPOKE WITH RACHEL WALKER TODAY, 02/13/14. SHE TOLD ME THAT SHE HAD NO EVIDENCE OF POISONING. SHE TOLD ME THAT SHE WALKED INTO SIMON'S HOME ON 09/12/12 AND FOUND HIM LYING ON THE COUCH. SHE SAID HE AWOKE AND HE APPEARED SLIGHTLY OUT OF IT. SHE SAID HE HAD APPEARED SLIGHTLY OUT OF IT FOR A FEW DAYS AND MANY PEOPLE, INCLUDING ELIOT AND HIS WIFE WERE AWARE.

SHE TOLD ME THAT SIMON SCREAMED AT HER AND TOLD HER NOT TO CALL 911, SO SHE CALLED ELIOT AND CANDICE (ELIOT'S WIFE) AS WELL AS DIANA, SIMON'S SECRETARY, CAME OVER. SHE SAID THAT AFTER SOME DISCUSSION THE DECISION WAS MADE TO TAKE SIMON TO THE HOSPITAL. SHE TOLD ME THAT SHE, CANDICE, AND DIANA DROVE SIMON TO THE HOSPITAL WHERE HE LATER PASSED. SHE TOLD ME THAT SIMON WAS COMING DOWN OFF PREDNISONE AND SHE HAS SEEN OTHERS IN THE PAST ACT LIKE HE WAS WHEN THEY WERE COMING DOWN OFF PREDNISONE. SHE ALSO SAID SHE HAD HEARD THAT SIMON FELL AND HIT HIS HEAD THE WEEK BEFORE WHILE ON A TRIP IN THE BAHAMAS.

THIS CONCLUDES MY SUPPLEMENTAL REPORT. THIS CASE REMAINS OPEN.

DETECTIVE RYAN W. MILLER #7704  
02/13/14 @ 1002 HRS.

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P A L M B E A C H C O U N T Y S H E R I F F ' S O F F I C E      P A G E      2  
C A S E N O . 1 2 1 2 1 3 1 2      S U P P L E M E N T      2      O F F E N S E      R E P O R T      C A S E N O . 1 2 1 2 1 3 1 2  
D I S P O S I T I O N :      Z U L U

TRANS. VIA EMAIL/COPY/PASTE: 02/13/2014/MDR/#6405

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printed by Employee Id #: 8105 on August 31, 2015 11:00:09AM  
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P A L M B E A C H C O U N T Y S H E R I F F ' S O F F I C E PAGE 1  
CASE NO. 12121312 SUPPLEMENT 3 O F F E N S E R E P O R T CASE NO. 12121312

DISPOSITION: ZULU  
DIVISION: DETECTIVE

911:

POLICE SERVICE CALL

SIGNAL CODE: 68 CRIME CODE: \* NON CRIME CODE: PS CODE: 9568 02/13/14 THURSDAY  
ZONE: C21 GRID: DEPUTY I.D.: 7704 NAME: MILLER ASSIST: TIME D 1155 A 1211 C 1522  
OCCURRED BETWEEN DATE: 09/12/12 , 0830 HOURS AND DATE: 09/13/12 , 0100 HOURS

EXCEPTION TYPE:

INCIDENT LOCATION: 7020 LIONS HEAD LA APT. NO.:  
CITY: BOCA RATON STATE: FL ZIP: 33496

NO. OFFENSES: 00 NO. OFFENDERS: UK NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0  
LOCATION: RESIDENCE - SINGLE FAMILY  
NO. VICTIMS: 00 NO. ARRESTED: 0 FORCED ENTRY: 0

ON 02/13/14 I MET WITH DR. BELL. HE INFORMED ME THAT HE WAS HAVING A  
HEAVY METALS SCREENING DONE AND WOULD NOTIFY PBSO SHOULD ANYTHING ARISE FROM  
THAT TEST. THIS CONCLUDES MY SUPPLEMENT REPORT AND INVOLVEMENT IN THIS CASE.  
DETECTIVE RYAN W. MILLER #7704  
02/13/14 @ 1137 HRS.  
TRANS. VIA EMAIL/COPY/PASTE: 02/14/2014/MDR/#6405

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printed by Employee Id #: 8105 on August 31, 2015 11:00:09AM  
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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1  
CASE NO. 14029489 OFFENSE REPORT CASE NO. 14029489  
DISPOSITION: ZULU  
DIVISION: DETECTIVE

911:  
ECONOMIC CRIMES \* \* \*  
SIGNAL CODE: 14 CRIME CODE: NON CRIME CODE: OT CODE: 9546 01/23/14 THURSDAY  
ZONE: BR GRID: DEPUTY I.D.: 7704 NAME: MILLER RYAN ASSIST: TIME D 1020 A 1020 C 1021  
OCCURRED BETWEEN DATE: 12/01/12 , 0000 HOURS AND DATE: 01/31/13 , 0000 HOURS  
EXCEPTION TYPE:  
INCIDENT LOCATION: 4855 TECHNOLOGY WY APT. NO.: 700  
CITY: BOCA RATON STATE: FL ZIP: 33431  
NO. OFFENSES: 00 NO. OFFENDERS: UK NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0  
LOCATION: OTHER  
NO. VICTIMS: 00 NO. ARRESTED: 0 FORCED ENTRY: 0

NAME LIST:  
ROLE:

OTHER SIMON BERNSTEIN DOB: 12/02/1935  
SEX: M RACE: W HT: 506 WT: 180 HR: GRAY EYE: BROWN  
RESIDENTIAL ADDRESS: 7020 LIONSHEAD LA BOCA RATON FL 33496 HOME PHONE:561 000-0000  
BUSINESS PHONE: 561 000-0000  
OTHER SHIRLEY BERNSTEIN DOB: 06/29/1939  
SEX: F RACE: W HT: 502 WT: 102 HR: BLOND EYE: BLUE  
RESIDENTIAL ADDRESS: 7020 LIONSHEAD RD BOCA RATON FL 33496 HOME PHONE:561 000-0000  
BUSINESS PHONE: 561 000-0000  
COMPLAINANT ROBERT I. SPALLINA DOB: 06/09/1965  
SEX: M RACE: W HT: 511 WT: 175 HR: BLACK EYE: BROWN  
RESIDENTIAL ADDRESS: 7387 WISTERIA AV PARKLAND FL 33076 HOME PHONE:561 997-7008  
BUSINESS PHONE: 561 000-0000  
OTHER ALAN B ROSE DOB: 10/23/1965  
SEX: M RACE: W HT: 509 WT: 170 HR: BROWN EYE: BROWN  
RESIDENTIAL ADDRESS: 21145 ORMOND CT BOCA RATON FL 33433 HOME PHONE:561 000-0000  
BUSINESS ADDRESS: 505 S. FLAGLER DR., STE. 600, WPB, FL 33401 BUSINESS PHONE:561 355-6991  
OTHER TED BERNSTEIN DOB: 08/27/1959  
SEX: M RACE: W HT: 0 WT: 0 HR: UNKNOWN EYE: UNKNOWN  
RESIDENTIAL ADDRESS: 800 BERKELEY ST BOCA RATON FL 33484 HOME PHONE:561 213-2322  
BUSINESS PHONE: 561 988-8984  
OTHER KIMBERLY MORAN DOB: 10/24/1972  
SEX: F RACE: W HT: 505 WT: 135 HR: BROWN EYE: BROWN  
RESIDENTIAL ADDRESS: 4855 TECHNOLOGY WY BOCA RATON FL 33431 HOME PHONE:561 997-7008  
BUSINESS PHONE: 561 000-0000  
OTHER PATRICIA FITZMAURICE DOB: 01/12/1933

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CASE NO. 14029489 OFFENSE REPORT CASE NO. 14029489  
DISPOSITION: ZULU

SEX: F RACE: W HT: 500 WT: 100 HR: GRAY EYE: BLUE  
RESIDENTIAL ADDRESS: 950 PENINSULA CT APT. 1006 BOCA RATON FL 0 HOME PHONE:561 994-0310  
BUSINESS PHONE: 561 000-0000

OTHER RACHEL WALKER DOB: 03/05/1984  
SEX: F RACE: W HT: 508 WT: 130 HR: BLOND EYE: BLUE  
RESIDENTIAL ADDRESS: 15 OCEAN AV MONMOUTH B NJ 7750 HOME PHONE:561 275-8102  
BUSINESS PHONE: 561 000-0000

OTHER ELLIOT I BERNSTEIN DOB: 09/30/1963  
SEX: M RACE: W HT: 510 WT: 185 HR: BROWN EYE: HAZEL  
RESIDENTIAL ADDRESS: 2753 NW 34TH ST BOCA RATON FL 33434 HOME PHONE:561 886-7628  
BUSINESS PHONE: 561 245-8588

OTHER CANDICE M BERNSTEIN DOB: 10/09/1972  
SEX: F RACE: W HT: 508 WT: 125 HR: BLOND EYE: GREEN  
RESIDENTIAL ADDRESS: 2753 NW 34TH ST BOCA RATON FL 33434 HOME PHONE:561 886-7628  
BUSINESS PHONE: 561 245-8588

OTHER DONALD TEACHER DOB: 09/26/1944  
SEX: M RACE: W HT: 0 WT: 0 HR: UNKNOWN EYE: UNKNOWN  
RESIDENTIAL ADDRESS: 4855 TECHNOLOGY WY BOCA RATON FL 33431 HOME PHONE:561 000-0000  
BUSINESS PHONE: 561 000-0000

OTHER TRACI A KRATISH DOB: 08/27/1978  
SEX: F RACE: W HT: 507 WT: 135 HR: BLOND EYE: BLUE  
RESIDENTIAL ADDRESS: 16068 GLENCREST AV DELRAY BCH FL 33446 HOME PHONE:561 512-1933  
BUSINESS ADDRESS: 5100 TOWN CTR. CR., STE. 500, BOCA RATON, FL BUSINESS PHONE:561 955-8088

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ROLE:

OTHER ROLE NO. 3

\*NAMES\* LAST FIRST MIDDLE J/S R/S DOB  
REAL... SIMON PAMELA BETH F

\*ADDRESS\* NO. STREET SFX DIR APT# CITY ST ZIP  
HOME... 950 MICHIGAN AV N 2603 CHICAGO IL 60611

\*PHONE #S\* HOME OTHER BUSINESS  
000 0000 000 0000 (312) 819 7474

SCARS/MARKS/TATOOS: PSIMON@STPCORP.COM

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ROLE:

OTHER ROLE NO. 2  
 \*NAMES\* LAST FIRST MIDDLE J/S R/S DOB  
 REAL... IANTONI JILL MARLA F 10/25/65  
 \*ADDRESS\* NO. STREET SFX DIR APT# CITY ST ZIP  
 HOME... 2101 MAGNOLIA LA HIGHLAND PARK IL 60035  
 \*PHONE #S\* HOME OTHER BUSINESS  
 (847) 831 4915 000 0000 (312) 804 2318  
 SCARS/MARKS/TATOOS: JILLIANTONI@GMAIL.COM IANTONI\_JILL@NE.BAH.COM

ROLE:

OTHER ROLE NO. 1  
 \*NAMES\* LAST FIRST MIDDLE J/S R/S DOB  
 REAL... FRIEDSTEIN LISA SUE W F 03/15/65  
 \*ADDRESS\* NO. STREET SFX DIR APT# CITY ST ZIP  
 HOME... 2142 CHURCHILL LA HIGHLAND PARK IL 60035  
 \*PHONE #S\* HOME OTHER BUSINESS  
 (847) 877 4633 000 0000 (312) 000 0000  
 SCARS/MARKS/TATOOS: LISA@FRIEDSTEINS.COM LISA@FRIEDSTEIN@GMAIL.COM

ROLE:

OTHER ROLE NO. 4  
 \*NAMES\* LAST FIRST MIDDLE J/S R/S DOB  
 REAL... NACLERIO RICHARD J W M  
 \*ADDRESS\* NO. STREET SFX DIR APT# CITY ST ZIP  
 HOME... 876 CAMINO REAL E BOCA RATON FL 33428  
 OTHER... 955 ESPLANADE PELHAM NY 10803

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\*PHONE #S\* HOME OTHER BUSINESS  
 (561) 394 3552 (914) 738 2286 (312) 000 0000

ROLE:

OTHER ROLE NO. 11  
 \*NAMES\* LAST FIRST MIDDLE J/S R/S DOB  
 REAL... PEARSON WILLIAM M W M

\*ADDRESS\* NO. STREET SFX DIR APT# CITY ST ZIP  
 OTHER... 0 P.O. BOX 1076 MIAMI FL 33149

\*PHONE #S\* HOME OTHER BUSINESS  
 (786) 301 4048 (914) 000 0000 (312) 000 0000

ROLE:

OTHER ROLE NO. 15  
 \*NAMES\* LAST FIRST MIDDLE J/S R/S DOB  
 REAL... KAPLAN SAMUEL M

\*PHONE #S\* HOME OTHER BUSINESS  
 (818) 501 7766 (914) 000 0000 (312) 000 0000

ROLE:

OTHER ROLE NO. 16  
 \*NAMES\* LAST FIRST MIDDLE J/S R/S DOB  
 REAL... BLOCK IRWIN J M

\*ADDRESS\* NO. STREET SFX DIR APT# CITY ST ZIP  
 BUSINESS 700 FEDERAL HW S BOCA RATON FL 00000

\*PHONE #S\* HOME OTHER BUSINESS  
 (818) 000 0000 (561) 393 5660 (312) 000 0000

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 DISPOSITION: ZULU

ROLE:

OTHER ROLE NO. 18

*NAMES*	LAST	FIRST	MIDDLE	J/S	R/S	DOB		
REAL...	CUNHA	JAMES	S		W M			
*ADDRESS*	NO.	STREET	SFX	DIR	APT#	CITY	ST	ZIP
BUSINESS	250	AUSTRALIAN	AV	S	1402	WEST PALM BEACH	FL	33401
*PHONE #S*	HOME	OTHER	BUSINESS					
	(818) 000 0000	(561) 000 0000	(561) 429 3924					

ON 01/21/14 AT 1:45 PM I MET WITH ROBERT SPALLINA AND HIS ATTORNEY DAVID ROTH. SGT. DAVID GROOVER WAS ALSO PRESENT DURING THE INTERVIEW. WE MET AT THE PALM BEACH COUNTY SHERIFF'S OFFICE, DISTRICT 1 CONFERENCE ROOM, WHICH IS LOCATED AT 3228 GUN CLUB ROAD, WEST PALM BEACH, FL. ROBERT SPALLINA STATED THAT HE AND HIS PARTNER, DONALD TESCHNER, MET SIMON AND SHIRLEY BERNSTEIN IN 2007. HE SAID THAT IN 2008 THE BERNSTEIN'S CAME TO THE TESCHNER AND SPALLINA FIRM. HE SAID THAT THEY (THE ATTORNEY'S OFFICE) CREATED WILLS AND TRUSTS FOR BOTH SIMON AND SHIRLEY IN 2008, AMONG OTHER PLANNING. SPALLINA TOLD US THAT SIMON HAD BEEN IN THE INSURANCE BUSINESS FOR 40 YEARS.

HE SAID THAT THE SUBJECT OF THE FIRST MEETINGS WAS THE SALE OF THE INSURANCE BUSINESS DOWN THE ROAD, AS WELL AS MOVING AROUND SOME STOCKS. SPALLINA STATED THE CONVERSATIONS WITH SIMON AND THE THOUGHT PROCESS WAS THAT ONCE SIMON SOLD THE INSURANCE BUSINESS HE OWNED, ALL THE FAMILY WOULD BENEFIT FROM IT (FINANCIALLY). HE SAID THE BUSINESS WAS NEVER SOLD, BUT A LOT OF PLANNING AND PREPARATION WAS DONE FOR IT, TO INCLUDE SETTING UP A FLORIDA LIMITED PARTNERSHIP AND A DELAWARE ASSET PROTECTION TRUST. SPALLINA STATED THAT SIMON WAS ALWAYS CONCERNED WITH CREDITOR PROTECTION. HE SAID THAT IS QUITE COMMON IN THE INSURANCE BUSINESS WORLD.

SPALLINA REITERATED THAT IN 2008, THE LAW FIRM DID THE DOCUMENTS FOR THE WILLS AND TRUSTS. HE STATED THEY (SIMON & SHIRLEY) HAVE FIVE CHILDREN AND 10 GRANDCHILDREN, AS WELL AS A STEP-GRANDCHILD.

SPALLINA SAID THAT THE ESTATE PLAN WAS SIMILAR TO MOST OTHERS, IT SAID SHOULD ONE SPOUSE DIE FIRST, THE OTHER WILL RECEIVE EVERYTHING (ALL ASSETS). HE SAID THAT UNDER BOTH TRUSTS, THE INITIAL DOCUMENTS READ THAT UPON THE SECOND DEATH, TWO CHILDREN (TED AND PAM) WERE EXCLUDED. HE TOLD US THIS TOOK PLACE SINCE BOTH TED AND PAM WERE SET UP WITH LIFE INSURANCE BUSINESSES AND THEY WANTED TO MAKE THE REMAINING CHILDREN (ELIOT, LISA, AND JILL) AS WHOLE AS THEY COULD. NOTE: TED WAS WORKING WITH SIMON IN THE INSURANCE BUSINESS

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DOWN HERE IN FLORIDA AND PAM RECEIVED A COMPANY IN ILLINOIS.

SPALLINA REITERATED THAT UPON THE DEATH OF THE SECOND SURVIVOR, EVERYTHING FROM BOTH TRUSTS GOES TO JILL, LISA, AND ELIOT ADDING THAT SHIRLEY HAD ONE OTHER STIPULATION IN HER TRUST, WHICH STATED THAT TED'S STEPSON, (MATTHEW LOGAN) RECEIVED \$200,000. HE TOLD ME THAT SHIRLEY HAD A LIKING TO MATTHEW SO SHE ADDED THAT TO HER TRUST, BUT THAT SIMON DID NOT BELIEVE IN THAT, THAT HE FELT EVERYTHING SHOULD GO TO BLOOD (A BIOLOGICAL CHILD). SPALLINA SAID THAT LATER ON IN 2008, SHIRLEY STATED SHE WANTED TO CHANGE HER TRUST DOCUMENTS IN REFERENCE TO THE MONEY LEFT TO MATTHEW LOGAN. HE STATED THAT AN AMENDMENT WAS CREATED, WHICH WAS SIGNED BY SHIRLEY ON NOV. 18, 2008 TAKING LOGAN OUT OF THE TRUST.

SPALLINA STATED THAT HE FELT THAT SIMON'S WISHES OVERRODE SHIRLEY'S IN THIS SITUATION. SPALLINA SAID THAT HE AND KIMBERLY MORAN (HIS EMPLOYEE & A NOTARY) WENT TO SHIRLEY'S HOME FOR THE DOCUMENT TO BE SIGNED. HE SAID THAT RACHEL WALKER, SHIRLEY'S ASSISTANT, WAS PRESENT WHEN THE DOCUMENT WAS SIGNED. SHE AND SPALLINA ARE ON THE DOCUMENT AS WITNESSES, MORAN IS THE NOTARY FOR SHIRLEY'S SIGNATURE. HE TOLD ME THAT WAS THE LAST CHANGE SHIRLEY EVER MADE TO HER DOCUMENTS AND THAT SHE PASSED ON DECEMBER 2010. SIMON WAS STILL ALIVE AND THE TRUST READ THAT EVERYTHING WENT TO HIS BENEFIT. SPALLINA REITERATED THAT HER DOCUMENTS READ THAT UPON SIMON'S DEATH, EVERYTHING (HER ASSETS) WENT TO JILL, LISA, AND ELIOT.

SPALLINA STATED THAT IN 2012, SIMON CONTACTED HIM STATING THAT HE WAS HAVING CONCERNS ABOUT HOW HE HAD ELIMINATED TED AND PAM FROM HIS TRUST. HE STATED THAT IT IS POSSIBLE THAT THESE THOUGHTS CAME ON BECAUSE PAM STARTED SENDING HIM LETTERS. HE SAID THAT SHE (PAM) HAD A LAWYER CONTACT HIS OFFICE AND ASK FOR COPIES OF SHIRLEY'S TRUST DOCUMENTS. SPALLINA SAID THAT HE MET WITH SIMON, WHO SAID THAT HE WAS CONSIDERING CHANGING HIS DOCUMENTS. HE SAID THAT ONE OF THE CHANGES DISCUSSED WAS HOW TO INCLUDE TED AND PAM'S CHILDREN.

SPALLINA STATED THAT SIMON HAD A LIFE INSURANCE POLICY WITH THE BENEFIT OF \$1,600,000. HE SAID THAT THE POLICY READ THAT IF SIMON PASSED BEFORE SHIRLEY SHE RECEIVED THE BENEFIT, BUT IF SHIRLEY PASSED BEFORE HIM, THE FIVE CHILDREN RECEIVED THE BENEFITS ONCE HE PASSED. THIS POLICY ORIGINATED OUT OF ILLINOIS. SPALLINA ADDED THAT THIS POLICY AND ITS DISTRIBUTION OF FUNDS ARE CURRENTLY IN A FEDERAL COURT BATTLE.

SPALLINA STATED THAT A DISCUSSION TOOK PLACE WITH HIM AND SIMON IN 2012; REFERENCE THE FACT THAT SIMON HAD ISSUES ON HOW AND WITH WHOM FUNDS WERE GOING TO BE DISTRIBUTED TO UPON HIS DEATH. HE TOLD ME SIMON WAS HAVING RESERVATIONS ABOUT TED AND PAM NOT BEING IN HIS TRUST, AS WELL AS THAT FACT THAT HE THEN HAD A GIRLFRIEND BY THE NAME OF MARITZ PUCCIO THAT HE WANTED TO PROVIDE FOR. HE ADDED THAT NO ONE IN THE FAMILY WAS HAPPY THAT PUCCIO WAS IN SIMON'S LIFE. HE ALSO TOLD ME THAT SIMON WANTED HIS GRANDCHILDREN TO RECEIVE BENEFITS FROM

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THE TRUST.

SPALLINA SAID THAT SIMON FIRST SUGGESTED MAKING BENEFICIARY CHANGES ON THE AFOREMENTIONED LIFE INSURANCE POLICY. SPALLINA SAID THAT HE TOLD SIMON THAT WAS A VERY BAD IDEA. HE TOLD ME THAT THERE WAS SOMETHING CALLED AN EXERCISE OF POWER OF APPOINTMENT, PUT IN BOTH SIMON AND SHIRLEY'S TRUST DOCUMENTS. HE SAID THIS GAVE THE LIVING SPOUSE THE ABILITY TO MAKE CHANGES ON THE DECEASED SPOUSE'S DOCUMENTS. HE SAID THAT HE TOLD SIMON, THAT MAYBE THEY SHOULD EXPLORE OPTIONS WITH THAT. HE SAID SIMON TOLD HIM THAT HE WANTED TO MAKE THE NECESSARY CHANGES TO HAVE BOTH TRUSTS READ THAT THE 10 GRANDCHILDREN WERE THE BENEFICIARIES. HE TOLD ME THAT HE TOLD SIMON (SI AS HE CALLS HIM) THAT HE COULD NOT MAKE THOSE CHANGES TO SHIRLEY'S TRUST BECAUSE SHE HAD WROTE TED AND PAM AND THEIR CHILDREN AS PREDECEASED IN HER TRUST.

SPALLINA REITERATED THAT SIMON CAN DO WHATEVER HE WANTS WITH HIS ESTATE, BUT ALL HE CAN DO WITH SHIRLEY'S TRUST IS GIVE IT TO LISA, JILL, AND ELIOT'S CHILDREN. HE SAID THAT SIMON WAS NOT HAPPY ABOUT THIS. HE SAID THAT SIMON WAS VERY ADAMANT ABOUT LEAVING EVERYTHING IN THE ESTATES TO THE GRANDCHILDREN. HE ALSO SAID THAT HE ADVISED SIMON TO NOT MAKE CHANGES TO THE LIFE INSURANCE POLICY OR THE ESTATES, MAKING PUCCIO A BENEFICIARY. HE STATED THAT THIS WILL ONLY CAUSE PROBLEMS AND CREATE LITIGATION. SPALLINA SAID THE AFOREMENTIONED DISCUSSION AND MEETING TOOK PLACE IN FEBRUARY 2012. HE SAID THE MEETING CONCLUDED WITH SIMON SAYING HE NEEDED TO THINK ABOUT THINGS.

HE TOLD ME THAT THREE MONTHS LATER, SIMON CONTACTED HIM STATING HE KNEW WHAT HE WANTED TO DO. HE SAID THAT SIMON TOLD HIM HE WANTED TO LEAVE HIS INSURANCE POLICY ALONE, BUT THAT HE WANTS BOTH TRUSTS TO GO TO HIS 10 GRANDCHILDREN. SPALLINA SAID THAT HE EXPLAINED TO HIM AGAIN, THAT ONLY HIS TRUST, NOT SHIRLEY'S CAN GO TO BOTH GRANDCHILDREN, UNLESS HE TAKES ALL OF THE ASSETS OUT OF THE SHIRLEY TRUST AND PUTS THEM INTO HIS NAME. HE SAID THE COST OF TAKING THE ASSETS OUT OF SHIRLEY'S TRUST WOULD HAVE BEEN SIGNIFICANT, BECAUSE SHIRLEY'S DEATH OCCURRED BEFORE FEDERAL ESTATE TAX CHANGES TOOK PLACE, SO AS LONG AS IT STAYED IN HER ESTATE IT WOULD BE FREE OF TAX, BUT SHOULD IT GO TO SIMON'S TRUST IT WILL BE TAXED.

THERE WAS ALSO AN ISSUE OF SUBJECTING THE ASSETS FROM SHIRLEY'S ESTATE TO CREDITORS IF IT WENT TO SIMON'S ESTATE. SPALLINA TOLD ME THAT AT THIS TIME, SIMON SAID "GET MY CHILDREN ON THE PHONE". HE SAID THAT SIMON TOLD HIM THAT HE WANTED HIS CHILDREN TO AGREE THAT ALL ASSETS FROM BOTH TRUSTS GO TO THE 10 GRANDCHILDREN. HE SAID THAT SIMON TOLD HIM HE (SIMON) COULD GET THEM TO AGREE. SPALLINA CONFIRMED THAT THIS CONVERSATION OCCURRED ON THE SAME DATE, DURING THE SAME PHONE CALL (CONFERENCE CALL), REGARDING THE WAIVER OF ACCOUNTING FORM FOR SHIRLEY'S ESTATE IN PBSO CASE #13-097087.

FROM A PREVIOUS INVESTIGATION DONE BY ME, I FOUND THAT SIMON SIGNED THE WAIVER OF ACCOUNTING ON 04/09/12, SO IT IS POSSIBLE THAT THE PHONE CALL

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OCCURRED ON THAT DATE. I HAD ALSO NOTED IN MY REPORT THAT THERE WAS SOME DISCUSSION OF INHERITANCE AND WHO WAS TO GET WHAT. SPALLINA SAID THAT DURING THE PHONE CALL, ALL FIVE KIDS AGREED THAT CHANGING THE INHERITANCE OF BOTH ESTATES TO THE GRANDCHILDREN WAS A GREAT IDEA. HE SAID THAT ELIOT SPOKE THE MOST, STATING THINGS SUCH AS, GREAT IDEA DAD, WHATEVER YOU WANT TO DO, WHATEVER MAKES YOU FEEL BEST, WHATEVER IS BEST FOR YOUR HEALTH DAD.

SO, AFTER THE AFOREMENTIONED PHONE CALL, NEW DOCUMENTS WERE DRAWN UP FOR SIMON'S ESTATE. THESE NEW DOCUMENTS GAVE EVERYTHING TO ALL 10 GRANDKIDS. HE ALSO EXERCISED HIS POWER OF SHIRLEY'S ESTATE, LEAVING EVERYTHING TO ALL 10 GRANDKIDS, EVEN THOUGH LEGALLY HE COULD NOT INCLUDE TED AND PAM'S KIDS BECAUSE OF THE PREDECEASED LIMITATION. HE SAID THESE DOCUMENTS WERE EXECUTED AT THE END OF JULY 2012. HE SAID SEVEN WEEKS LATER SIMON DIES, UNEXPECTEDLY. I FOUND THAT SIMON PASSED ON SEPTEMBER 13, 2012 OF A HEART ATTACK.

SPALLINA SAID APPROXIMATELY TWO MONTHS AFTER THAT, HIS OFFICE RECEIVED A REQUEST FROM ELIOT'S ATTORNEY, CHRISTINE YATES, FOR ALL DOCUMENTS RELATING TO SIMON AND SHIRLEY BERNSTEIN, TO INCLUDE DOCUMENTS RELATING TO BERNSTEIN FAMILY REALITY, WHICH OWNS A HOME THAT ELIOT AND HIS FAMILY LIVE IN. HE SAID THAT HIS HOME IS ACTUALLY OWNED AND IS FUNDED BY THREE TRUSTS THAT SIMON CREATED. THE THREE TRUSTS ARE IN THE NAME OF ELIOT'S THREE CHILDREN, (JACK, JAKE, AND DAN).

SPALLINA TOLD ME THAT HE AND HIS PARTNER HAD DISCUSSIONS REFERENCE TO FULFILLING SIMON'S WISHES OF ALL 10 GRANDCHILDREN RECEIVING THE BENEFITS FROM BOTH SIMON AND SHIRLEY'S TRUSTS. HE SAID THAT HE AND HIS PARTNER, DONALD TESCHNER, DISCUSSED DOING A SCRIVENER'S AFFIDAVIT REFERENCE REINSTATING TED AND PAM'S CHILDREN INTO SHIRLEY'S TRUST, SINCE THEIR NOTES WERE UNCLEAR TO AS IF THE GRANDCHILDREN WERE OR WERE NOT DEEMED PREDECEASED, AS TED AND PAM WERE. HE TOLD ME THAT THE DECISION WAS MADE TO NOT DO THE SCRIVENER'S AFFIDAVIT, DUE TO THE CHANCE THAT IT MAY NOT WORK. HE SAID THOUGH, THAT AGAINST HIS BETTER JUDGMENT HE ALTERED THE FIRST PAGE OF THE FIRST AMENDMENT TO THE SHIRLEY BERNSTEIN TRUST AGREEMENT, BEFORE HE TURNED IT OVER TO YATES. THE ORIGINAL WAS MENTIONED EARLIER ON IN THIS REPORT AND STATES THAT SHIRLEY SIGNED IT ON NOVEMBER 18, 2008. IT TOOK MATTHEW LOGAN OUT OF THE TRUST.

SPALLINA SAID THAT THEY NOTICED THAT THE FIRST PAGE OF THE DOCUMENT SKIPPED FROM ONE TO THREE, SO HE TOOK IT UPON HIMSELF TO ADD IN NUMBER TWO, BEFORE SENDING IT TO YATES. THE CHANGE THAT NUMBER TWO MADE TO THE TRUST, AMENDED PARAGRAPH E OF ARTICLE III, MAKING IT READ THAT ONLY TED AND PAM WERE CONSIDERED PREDECEASED, NOT THEIR CHILDREN. HE SAID THE ORIGINAL TRUST STATES THAT TED, PAM, AND THEIR CHILDREN ARE DEEMED PREDECEASED. SPALLINA SAID HE DID THIS AT THIS OFFICE IN BOCA RATON, FLORIDA. HE SAID THAT NO ONE ELSE TOOK PART IN ALTERING THE DOCUMENT. HE SAID THAT HE DID IT TO MAKE SIMON'S WISHES AND THE VERBAL AGREEMENT FROM THE APRIL 2012 PHONE CONVERSATION COME TRUE.

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SPALLINA STATED THAT ALTHOUGH HE CREATED THE ALTERED FORM AND ATTACHED IT TO THE ORIGINALLY SIGNED/NOTARIZED FORM, HE RECEIVED NO INCOME OR GAIN FROM IT. HE STATED HE SOLELY DID IT TO FULFILL SIMON'S WISHES. HE CONFIRMED THAT THIS ALTERED DOCUMENT DID NOT GET FILED WITH THE COURTS.

SPALLINA STATED THAT AGAINST HIS ADVICE, A DISTRIBUTION WAS MADE FROM ONE OF THE TRUSTS AFTER SIMON'S DEATH. HE STATED THAT HE ADVISED AGAINST THIS AND WHEN SIMON PASSED, A FORMER PARTNER FILED A CLAIM AGAINST THE ESTATE FOR \$2,500,000.

SPALLINA ALSO TOLD ME THAT IN 2006, ALL OF THE GRANDCHILDREN RECEIVED TRUSTS FROM SHIRLEY AND SIMON. HE STATED THAT YATES WAS ACTUALLY THE ATTORNEY FOR ELIOT'S CHILDREN'S TRUSTS. SPALLINA STATED THAT SIMON WANTED ELIOT'S KIDS TO HAVE A HOME, BUT DID NOT WANT THE HOME IN ELIOT'S NAME.

SPALLINA ALSO TOLD ME THAT IN 2009 SIMON CAME TO HIM AND SAID HE IS BUYING A HOUSE FOR ELIOT AND HIS FAMILY TO LIVE IN, BUT HE DOES NOT WANT ELIOT TO OWN THE HOME. HE SAID THAT SIMON TOLD HIM THAT HE WANTED ELIOT'S CHILDREN'S THREE TRUSTS TO OWN THE HOME. HE THEN SET UP A LIMITED LIABILITY COMPANY, WHICH IS BERNSTEIN FAMILY REALTY. HE SAID THAT SIMON SET UP AN ACCOUNT AT LEGACY BANK. HE SAID THAT SIMON FUNDED THE ACCOUNT, TO PAY FOR THE EXPENSES AT THE HOUSE. RACHEL WALKER WAS IN CHARGE OF PAYING THOSE EXPENSES. HE SAID THAT AT SIMON'S DEATH THE ACCOUNT HAD VERY LITTLE MONEY IN IT. HE SAID THIS WAS THE TYPE OF ACCOUNT THAT ONLY ENOUGH MONEY WENT INTO IT EACH MONTH TO COVER THE NECESSARY EXPENSES FOR THE HOME, SUCH AS POWER, WATER, AND MORTGAGE.

SPALLINA STATED THAT PRIOR TO SIMON'S DEATH, HE WAS THE MANAGER OF BFR, BUT AFTER HIS DEATH IT WAS TRANSFERRED TO OPENHEIMER TRUST COMPANY, BECAUSE NO ONE IN THE FAMILY WANTED TO MANAGE IT. HE STATED THIS WAS BECAUSE NO ONE WANTED TO DEAL WITH ELIOT. HE SAID OTC BECAME THE TRUSTEE AND THE LEGACY BANK ACCOUNT GOT CLOSED OUT SINCE THE ACCOUNT HAD MINIMAL FUNDS IN IT AND SIMON WAS NO LONGER ALIVE TO FUND IT. HE STATED THAT OTC OPENED UP THEIR OWN BFR TRUST ACCOUNT. HE SAID THAT WHEN THIS OCCURRED, THERE WAS APPROXIMATELY \$80,000 IN EACH OF ELIOT'S CHILDREN'S TRUSTS. HE SAID THAT ELIOT STARTED CALLING UP OTC ASKING FOR THEM TO PAY BILLS.

SPALLINA SAID THE PROBLEM IS THAT SINCE NEITHER ELIOT NOR HIS WIFE WERE WORKING, THEY WERE ALSO ASKING FOR THEIR CREDIT CARD BILLS TO BE PAID, ALONG WITH THE NORMAL LIVING EXPENSES. HE STATED THAT THE CREDIT CARD BILLS SHOWED CHARGES TO HIGH END RESTAURANTS, SUCH AS CAPITAL GRILL. SPALLINA SAID THAT DUE TO THE EXPENSES BEING PAID BY THE THREE CHILDREN'S TRUST, TO INCLUDE PRIVATE SCHOOL, THE TRUSTS WERE DRAINED BY AUGUST 2013.

SPALLINA STATED THAT TED BERNSTEIN IS THE TRUSTEE FOR SHIRLEY'S TRUST. HE SAID THAT SHIRLEY HAD A CONDO THAT WAS SOLD FOR \$1,400,000 AND THAT MONEY WENT INTO THE TRUST. HE SAID THAT TED DISCUSSED WITH HIS SIBLINGS, POSSIBLY

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EXCLUDING ELIOT, THAT THERE WAS CONCERN ABOUT A CREDITOR GETTING SOME OF THE MONEY. HE SAID THAT TED MADE A DISTRIBUTION TO SEVEN OF THE 10 GRANDCHILDREN'S TRUSTS. FOUR OF WHICH INCLUDE TED'S THREE CHILDREN AND PAM'S CHILD. SPALLINA SAID THAT TED ONLY FUNDED SEVEN OF THE GRANDCHILDREN, BECAUSE ELIOT REFUSED TO OPEN ACCOUNTS FOR HIS THREE KIDS SO THAT TED COULD FUND THEM. HE SAID THAT IN SEPTEMBER OF 2013, \$80,000 WAS DISTRIBUTED TO EACH OF THE SEVEN TRUSTS, WHICH IS A TOTAL OF \$560,000. SPALLINA REITERATED THAT TED WAS TOLD TO NOT MAKE DISTRIBUTIONS.

SPALLINA WAS ASKED AND CONFIRMED THAT THE ALTERED DOCUMENT REFERENCE SHIRLEY'S TRUST, IS THE ONLY MISTAKE THAT HE MADE. HE IS NOT AWARE OF ANY OTHER MISTAKES.

I WAS SUPPLIED A COPY OF THE ALTERED DOCUMENT BY SPALLINA ON 01/22/14.

THIS NARRATIVE IS NOT A VERBATIM ACCOUNT OF THE INTERVIEW WITH SPALLINA. FURTHER INVESTIGATION WILL CONSIST OF MEETING WITH SIMON AND SHIRLEY'S CHILDREN, IN ATTEMPT TO GAIN STATEMENTS FROM THEM.

THIS CASE REMAINS OPEN.

DETECTIVE RYAN W. MILLER #7704

01/24/14 @ 1153 HRS.

TRANS. VIA EMAIL/COPY/PASTE: 01/29/2014/MDR/#6405

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DISPOSITION: ZULU

DISCUSSION WITH HIM, REFERENCE AN ISSUE THAT PAM RAISED WITH SIMON ABOUT HOW THE DOCUMENTS FOR THE TRUSTS WERE DRAWN UP. HE TOLD ME THAT HE BELIEVED PAM HAD SENT SIMON SOME INFORMATION OR A BOOK RELEVANT TO HER VIEW ON HOW YOU DO ESTATE PLANNING WHEN CHILDREN AND GRANDCHILDREN ARE INVOLVED. HE SAID THAT HIS FATHER DID ASK HIM HIS OPINION ON THINGS AND TED TOLD HIM THAT HE DID FEEL THAT THE GRANDCHILDREN MAY NOT UNDERSTAND IT IF THEY DID NOT RECEIVE AN INHERITANCE. HE STATED THAT HIS FATHER TOLD HIM THAT HE MADE A REALLY GOOD POINT AND SOMETHING TO CONSIDER. TED SAID THAT SOON AFTER THAT CONVERSATION HIS FATHER ANNOUNCED THAT HE WANTED TO TALK WITH HIS CHILDREN ABOUT THE DISTRIBUTION OF HIS AND SHIRLEY'S ASSETS UPON HIS DEATH. HE TOLD ME THAT A CONFERENCE CALL MEETING TOOK PLACE INCLUDING HIS (SIMON'S) FIVE CHILDREN, SIMON, AND SPALLINA. HE SAID THAT THE CONVERSATION WENT REALLY WELL AND SIMON GOT TO PROVIDE HIS WISHES VERY CLEARLY.

HE STATED THAT SPALLINA EXPLAINED THE PROCESS LEGALLY, BUT HIS FATHER MADE A STATEMENT AND ASKED EACH CHILD DIRECTLY, HOW THEY FELT ABOUT IT. TED SAID THAT IT WAS TOLD TO HIM AND HIS SIBLINGS THAT SIMON WAS LEAVING ALL OF HIS WEALTH TO HIS 10 GRANDCHILDREN EQUALLY. HE SAID THAT SIMON TOLD THEM THAT THEY (THE CHILDREN) WERE EACH GETTING 1/5 OF A LIFE INSURANCE POLICY. TED SAID THAT IT WAS OBVIOUS THAT HIS FATHER WAS NOT ASKING FOR PERMISSION, BUT STATING CLEARLY WHAT HE THOUGHT WAS RIGHT. TED SAID THAT EACH CHILD STATED THEY FELT OK ABOUT THE DECISION AND THAT IT WAS HIS WEALTH TO MAKE DECISIONS WITH. TED STATED THAT HE BELIEVES THIS WAS THE SAME PHONE CALL WHERE HE WAS TOLD BY SPALLINA HE, AS WELL AS SIBLINGS, WOULD BE RECEIVING FORMS THEY NEEDED TO SIGN AND RETURN. HE STATED THAT SOON AFTER THIS CALL HE RECEIVED THE WAIVER OF ACCOUNTING FORM FOR HIS MOTHER'S ESTATE. THIS IS THE DOCUMENT DISCUSSED IN PBSO CASE # 13-097087.

TED STATED THAT HE WAS NOT INVOLVED IN ANY OTHER DISCUSSIONS REFERENCE ESTATES UNTIL HIS FATHER'S PASSING ON SEPTEMBER 13, 2012. HE SAID THAT TESCHER AND SPALLINA TOLD HIM AFTER HIS FATHER'S DEATH THAT HE WAS THE TRUSTEE FOR HIS MOTHER'S ESTATE. HE SAID OVER MANY IN PERSON MEETINGS AND PHONE CALLS HE WAS GIVEN GUIDANCE BY THE ATTORNEYS ON HOW TO PERFORM HIS DUTIES AS A TRUSTEE, BECAUSE THIS WAS ALL NEW TO HIM. HE HAD NEVER BEEN IN THIS ROLE BEFORE. HE STATED HE WAS NOT PROVIDED A CHECKLIST OR BOOK ON HOW TO PERFORM THESE DUTIES. TED SAID THAT HE MADE IT CLEAR TO HIS SIBLINGS THAT HE IS THE TRUSTEE ON SHIRLEY'S TRUST. TED STATED THAT HE WAS TOLD THAT SHIRLEY'S TRUST WAS TO BE DISTRIBUTED AMONGST HER 10 GRANDCHILDREN. TED STATED THAT HE DID NOT READ ALL OF SHIRLEY'S TRUST DOCUMENTS AND THAT SPALLINA AND TESCHER HAD BOTH TOLD HIM SEVERAL TIMES HOW SHIRLEY'S TRUST WAS TO BE DISTRIBUTED.

TED SAID THAT HE DID READ IN THE DOCUMENTS WHERE THE 10 GRANDCHILDREN WERE TO RECEIVE THE ASSETS FROM THE TRUST. HE SAID THAT HE DID ISSUE A PARTIAL DISTRIBUTION TO THE SEVEN OF THE 10 GRANDCHILDREN. HE DID NOT ISSUE

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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 3  
CASE NO. 14029489 SUPPLEMENT 1 OFFENSE REPORT CASE NO. 14029489  
DISPOSITION: ZULU

DISTRIBUTIONS TO ELIOT'S CHILDREN BECAUSE ELIOT REFUSED TO SET UP ACCOUNTS FOR THE FUNDS TO BE SENT TOO. HE ALSO TOLD ME THAT ELIOT TOLD JUDGE COLIN IN COURT THAT HE DID NOT WANT TO SET UP THE ACCOUNTS FOR HIS CHILDREN TO RECEIVE THE FUNDS, BECAUSE THE FUNDS BELONG TO HIM, NOT HIS CHILDREN. HE STATED THAT ELIOT HAD MENTIONED OTHER REASONS IN E-MAILS FOR NOT TAKING THE MONEY. HE ALSO STATED THAT ELIOT REFERENCED THE MONEY AS CRIME OR BLOOD MONEY.

HE STATED THAT SPALLINA TOLD HIM IT WAS OK TO DISTRIBUTE THE FUNDS. HE STATED THAT TESCHER AND SPALLINA RESPONDED VIA E-MAIL ON HOW TO RECEIVE THE FUNDS, SUCH AS SETTING UP TRUST ACCOUNTS FOR THE FUNDS TO GO INTO. TED TOLD ME THAT THERE WERE CONVERSATIONS, WHERE HE WAS TOLD THAT SIMON'S ASSETS COULD NOT BE DISTRIBUTED DUE TO CREDITORS FILING AGAINST THE ESTATE, BUT HE WAS LEAD TO BELIEVE IT WAS OK TO MAKE A PARTIAL DISTRIBUTION OF FUNDS FROM SHIRLEY'S ESTATE, BUT THAT THEY WOULD NEED TO BE CAREFUL IN REGARDS TO DISTRIBUTING FUNDS THAT WERE OBTAINED THROUGH LIQUIDATING HER JEWELRY AND PERSONAL PROPERTY. TED ALSO COMMENTED THAT ONE OF THE GOALS OF MAKING THE DISTRIBUTIONS WAS TO ASSIST ELIOT AND HIS FAMILY, BECAUSE THEY WERE RUNNING LOW ON FUNDS. HE STATED THIS DERIVED FROM ELIOT'S POTENTIAL MISUSE OF FUNDS THAT WERE IN HIS CHILDREN'S TRUSTS IN RELATION TO BERNSTEIN FAMILY REALITY (ELIOT'S HOME) AND ELIOT'S SPENDING AND EXPENSES.

TED CONFIRMED THAT HE DID NOT MAKE ANY DECISIONS IN RELATION TO SIMON'S INSURANCE POLICY GENERATED OUT OF CHICAGO, ILLINOIS. HE STATED THAT HE UNDERSTOOD THE POLICY TO BE OWNED BY SIMON PERSONALLY. HE STATED HE UNDERSTOOD THE POLICY TO READ AS, SHOULD SHIRLEY PASS BEFORE HIM, THE BENEFITS WOULD GO TO THE FIVE CHILDREN.

TED CONFIRMED THAT HE WAS NOT THE TRUSTEE FOR SIMON'S ESTATE, BUT THAT IT WAS EXPLAINED TO HIM, VERBALLY, THAT ALL 10 GRANDCHILDREN WILL RECEIVE THE ASSETS FROM THAT ESTATE IN AN EQUAL DISTRIBUTION AT SOME POINT IN TIME. WE DID DISCUSS THE POWER OF APPOINTMENT PUT IN THE TRUST DOCUMENTS. IT APPEARED AS IF TED WAS NOT AWARE OF ANYTHING CALLED A POWER OF APPOINTMENT, UNTIL THE LAST FEW WEEKS. THAT WAS WHEN SPALLINA NOTIFIED THE COURTS OF HIS WITHDRAW FROM BEING THE ATTORNEY FOR SIMON AND SHIRLEY'S ESTATES. IT APPEARS IT WAS EXPLAINED TO HIM AT THAT TIME.

TED TOLD ME THAT HE AND HIS FATHER HAD A GOOD BUSINESS AND PERSONAL RELATIONSHIP. HE SAID THAT HE HAS A GOOD RELATIONSHIP WITH ALL OF HIS SIBLINGS, EXCEPT FOR ELIOT. HE SAID THAT HE GOT ALONG WITH HIS MOTHER, PRIOR TO HER PASSING. HE TOLD ME THAT RACHEL WALKER WAS EMPLOYED BY HIS MOTHER AND FATHER. HE SAID THAT HE GOT ALONG WITH WALKER AND THAT SHE HELPED HIS MOTHER, SHIRLEY, PRIOR TO SHIRLEY'S PASSING. TED TOLD ME THAT MARITZA PUCCIO WAS SOMEONE THAT WORKED FOR HIM AND AS WELL AS HIS PARENTS. HE STATED THAT SHE HELPED AROUND THE HOMES, CLEANING AND/OR CARING FOR CHILDREN. HE STATED THAT HE MET HER AROUND 2003 OR 2005. HE SAID THAT HE NO LONGER HAS A RELATIONSHIP

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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 4  
CASE NO. 14029489 SUPPLEMENT 1 OFFENSE REPORT CASE NO. 14029489  
DISPOSITION: ZULU

WITH HER. HE SAID THAT SIMON DID HAVE AN INTIMATE RELATIONSHIP WITH PUCCIO AFTER SHIRLEY PASSED. HE STATED THAT PUCCIO DID RECEIVE SOME TYPE OF FINANCIAL BENEFIT FROM SIMON, PRIOR TO HIM PASSING. HE SAID THAT PUCCIO WAS LIVING WITH SIMON AND HER BILLS WERE BEING PAID FOR. THIS MAY OR MAY NOT BE THE FINANCIAL BENEFIT; TED DID NOT SEEM TO BE SURE. HE DID STATE THAT IT APPEARED THAT SIMON WAS GENUINELY INVESTED INTO THE RELATIONSHIP HE HAD WITH PUCCIO.

TED SAID THAT HE HAS NOT SPOKEN TO SPALLINA ABOUT HIM WITHDRAWING FROM BEING THE ATTORNEY FOR THE TRUSTS, BUT THAT HE DID SPEAK WITH TESCHER. HE SAID THAT TESCHER TOLD HIM HE HAD BEEN MADE AWARE OF A FABRICATED DOCUMENT THAT WAS POTENTIALLY PROBLEMATIC FOR THE ESTATES. HE SAID THAT TESCHER TOLD HIM THAT SPALLINA CREATED THE FABRICATED DOCUMENT AND IT ESSENTIALLY IMPACTED THE ABILITY FOR SIMON TO DISTRIBUTE FUNDS TO ALL 10 GRANDKIDS. TED SAID THAT TESCHER TOLD HIM THAT HE HAD ONLY RECENTLY BECOME AWARE OF THIS DOCUMENT, APPROXIMATELY THREE WEEKS AGO FROM TODAY (01/28/14).

ATTORNEY ALAN ROSE PROVIDED A STATEMENT, STATING HE WISHED TO CLARIFY SOME THINGS IN REGARDS TO HOW THE ESTATE DOCUMENTS READ IN HIS OPINION. HE STATED THAT SHIRLEY'S ASSETS WENT TO LISA, JILL, AND ELIOT OR THEIR LINEAL DECEDENTS. HE STATED THAT ONCE SHIRLEY PASSED HER ASSETS WENT INTO HER TRUST. HE STATED THAT SIMON WAS THE SOLE BENEFICIARY FOR HIS LIFE. HE STATED THAT SIMON DID HAVE A POWER OF APPOINTMENT THAT HE COULD EXERCISE; REFERENCE SHIRLEY'S TRUST, CHANGING THE BENEFITS TO LISA, JILL, AND ELIOT'S CHILDREN. SIMON COULD CHANGE HIS DOCUMENTS AT ANY TIME UP TO HIS DEATH. ALAN STATED THERE IS QUESTION AS TO WHETHER OR NOT SIMON HAD THE POWER TO DISTRIBUTE THE FUNDS FROM THE TRUST TO SIX GRANDCHILDREN OR 10. THE 10 WOULD INCLUDE THE CHILDREN OF ALL FIVE OF SIMON'S KIDS.

HE STATED THAT SHIRLEY'S ORIGINAL DOCUMENTS STATE THAT TED AND PAM AND THEIR LINEAL DECEDENTS ARE CONSIDERED PREDECEASED. HE STATED THAT WERE OTHER WAYS TO MAKE SIMON'S WISHES COME TRUE FOR THE ESTATES. HE SAID THAT CHANGES COULD HAVE BEEN MADE TO SIMON'S DOCUMENTS TO REFLECT SHIRLEY'S SO THAT EQUAL DISTRIBUTIONS WERE MADE AMONGST THE 10 GRANDCHILDREN. THIS EXPLANATION OF THE DOCUMENTS GENERATED A SIMILAR IF NOT THE SAME CONCLUSION AS THAT OF SPALLINA'S FROM LAST WEEK.

I ALSO COMMUNICATED WITH ELIOT BERNSTEIN SEVERAL TIMES THIS WEEK AND LAST WEEK IN ATTEMPT TO ARRANGE AN INTERVIEW WITH HIM IN PERSON. HE CANCELED THE LAST TWO MEETINGS WE HAD SET. AT THIS TIME HE HAS REFUSED TO SET A NEW MEETING DATE.

THIS CASE REMAINS OPEN.  
DETECTIVE RYAN W. MILLER #7704  
01/29/14 @ 1425 HRS.  
TRANS. VIA EMAIL/COPY/PASTE: 01/29/2014/MDR/#6405

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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1  
CASE NO. 14029489 SUPPLEMENT 2 OFFENSE REPORT CASE NO. 14029489  
DISPOSITION: ZULU  
DIVISION: DETECTIVE

911:

ECONOMIC CRIMES \* \* \*  
SIGNAL CODE: 14 CRIME CODE: NON CRIME CODE: OT CODE: 9546 01/31/14 THURSDAY  
ZONE: BR GRID: DEPUTY I.D.: 7704 NAME: MILLER ASSIST: TIME D 1020 A 1020 C 1021  
OCCURRED BETWEEN DATE: 12/01/12 , 0000 HOURS AND DATE: 01/31/13 , 0000 HOURS  
EXCEPTION TYPE:  
INCIDENT LOCATION: 4855 TECHNOLOGY WY APT. NO.: 700  
CITY: BOCA RATON STATE: FL ZIP: 33431

NO. OFFENSES: 00 NO. OFFENDERS: UK NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0  
LOCATION: OTHER  
NO. VICTIMS: 00 NO. ARRESTED: 0 FORCED ENTRY: 0

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ON 01/29/14 I ATTEMPTED TO MAKE CONTACT WITH LISA FRIEDSTEIN, JILL IANTONI, AND PAMELA SIMON VIA E-MAIL. THEY ARE THE THREE DAUGHTERS OF SIMON AND SHIRLEY BERNSTEIN. I USED THE INFORMATION THAT WAS PROVIDED TO ME BY ELIOT ON 09/10/13. I ATTACHED READ RECEIPTS TO THE E-MAIL. I RECEIVED A READ RECEIPT FROM PAMELA 01/30/14 AT 4:59 AM. ON 01/30/14 I PLACED PHONE CALLS TO JILL AND LISA, USING THE PHONE NUMBERS ELIOT HAD PROVIDED ME. I LEFT MESSAGES ASKING THEM TO CALL ME BACK. ON 01/31/14 I BRIEFLY SPOKE WITH LISA, BUT ASKED THAT SHE CALL BACK SO WE CAN FURTHER DISCUSS THIS CASE. TO DATE, I HAVE NOT RECEIVED A CALL OR E-MAIL FROM PAM OR JILL. THIS CONCLUDES MY SUPPLEMENTAL REPORT.

THIS CASE REMAINS OPEN.  
DETECTIVE RYAN W. MILLER #7704  
01/31/14 @ 1430 HRS.  
TRANS. VIA EMAIL/COPY/PASTE: 02/04/2014/MDR/#6405

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printed by Employee Id #: 8105 on August 31, 2015 01:31:42PM  
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P A L M B E A C H C O U N T Y S H E R I F F ' S O F F I C E PAGE 1

CASE NO. 14029489 SUPPLEMENT 3 O F F E N S E R E P O R T CASE NO. 14029489

DISPOSITION: ZULU  
DIVISION: DETECTIVE

911:  
ECONOMIC CRIMES \* \* \*  
SIGNAL CODE: 14 CRIME CODE: NON CRIME CODE: OT CODE: 9546 02/12/14 THURSDAY  
ZONE: BR GRID: DEPUTY I.D.: 7704 NAME: MILLER ASSIST: TIME D 1020 A 1020 C 1021  
OCCURRED BETWEEN DATE: 12/01/12 , 0000 HOURS AND DATE: 01/31/13 , 0000 HOURS  
EXCEPTION TYPE:  
INCIDENT LOCATION: 4855 TECHNOLOGY WY APT. NO.: 700  
CITY: BOCA RATON STATE: FL ZIP: 33431

NO. OFFENSES: 00 NO. OFFENDERS: UK NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0  
LOCATION: OTHER  
NO. VICTIMS: 00 NO. ARRESTED: 0 FORCED ENTRY: 0

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ON 02/11/14 I REACHED OUT TO KIMBERLY MORAN IN ATTEMPT TO SPEAK WITH HER  
REFERENCE THIS CASE. ON 02/12/14 I WAS INFORMED BY HER ATTORNEY THAT SHE  
WISHES TO EXERCISE HER RIGHT TO NOT SPEAK WITH ME REFERENCE THIS CASE.  
THIS CASE REMAINS OPEN.  
DETECTIVE RYAN W. MILLER #7704  
02/12/14 @ 0850 HRS.  
TRANS. VIA EMAIL/COPY/PASTE: 02/13/2014/MDR/#6405

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printed by Employee Id #: 8105 on August 31, 2015 01:31:42PM  
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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1  
 CASE NO. 14029489 SUPPLEMENT 4 OFFENSE REPORT CASE NO. 14029489  
 DISPOSITION: ZULU  
 DIVISION: DETECTIVE

911:  
 ECONOMIC CRIMES \* \* \*  
 SIGNAL CODE: 14 CRIME CODE: NON CRIME CODE: OT CODE: 9546 02/12/14 THURSDAY  
 ZONE: BR GRID: DEPUTY I.D.: 7704 NAME: MILLER ASSIST: TIME D 1020 A 1020 C 1021  
 OCCURRED BETWEEN DATE: 12/01/12 , 0000 HOURS AND DATE: 01/31/13 , 0000 HOURS  
 EXCEPTION TYPE:  
 INCIDENT LOCATION: 4855 TECHNOLOGY WY APT. NO.: 700  
 CITY: BOCA RATON STATE: FL ZIP: 33431  
 NO. OFFENSES: 00 NO. OFFENDERS: UK NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0  
 LOCATION: OTHER  
 NO. VICTIMS: 00 NO. ARRESTED: 0 FORCED ENTRY: 0

ON 02/12/14 I SPOKE WITH SAMUEL KAPLAN OF LOS ANGELES, CA. WE SPOKE OVER THE PHONE (818-501-7766). HE CONFIRMED HE WAS SIMON BERNSTEIN'S FRIEND OF MANY YEARS, GOING BACK TO TEENS. HE TOLD ME THAT THEY TALKED AT LEAST EVERY DAY, SOMETIMES TWICE A DAY. HE TOLD ME THAT FOR MANY MONTHS AHEAD OF SIMON'S PASSING SIMON TOLD HIM THAT HE WAS LEAVING EVERYTHING TO THE GRANDCHILDREN NOT HIS CHILDREN. KAPLAN SAID THAT SIMON TOLD HIM ON SEVERAL OCCASIONS THAT THE GRANDCHILDREN WERE GETTING AN INHERITANCE FROM THE ESTATE(S), NOT THE CHILDREN. HE SAID THAT SIMON DID NOT GET DOWN TO THE SPECIFICS OF WHAT ESTATE (SHIRLEY'S OR HIS), BUT HE TOOK IT AS EVERYTHING (BOTH ESTATES), DIDN'T REALLY ASK MUCH AS IT WAS NOT HIS BUSINESS. KAPLAN TOLD ME THAT HE FELT THAT SIMON WAS OF SOUND MIND AND HAD TO NO REASON TO BELIEVE OTHERWISE.

THIS CASE REMAINS OPEN.  
 DETECTIVE RYAN W. MILLER #7704  
 02/12/14 @ 1217 HRS.  
 TRANS. VIA EMAIL/COPY/PASTE: 02/14/2014/MDR/#6405

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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1  
CASE NO. 14029489 SUPPLEMENT 5 OFFENSE REPORT CASE NO. 14029489  
DISPOSITION: ZULU  
DIVISION: DETECTIVE

911:  
ECONOMIC CRIMES \* \* \*  
SIGNAL CODE: 14 CRIME CODE: NON CRIME CODE: OT CODE: 9546 02/14/14 THURSDAY  
ZONE: BR GRID: DEPUTY I.D.: 7704 NAME: MILLER ASSIST: TIME D 1020 A 1020 C 1021  
OCCURRED BETWEEN DATE: 12/01/12 , 0000 HOURS AND DATE: 01/31/13 , 0000 HOURS  
EXCEPTION TYPE:  
INCIDENT LOCATION: 4855 TECHNOLOGY WY APT. NO.: 700  
CITY: BOCA RATON STATE: FL ZIP: 33431

NO. OFFENSES: 00 NO. OFFENDERS: UK NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0  
LOCATION: OTHER  
NO. VICTIMS: 00 NO. ARRESTED: 0 FORCED ENTRY: 0

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ON 02/06/14 I SPOKE WITH JILL IANTONI. HER ATTORNEY WILLIAM PEARSON WAS PRESENT WITH ME DURING THE PHONE CALL. IANTONI WAS NOT SURE IF SHE WAS AWARE THAT HER PARENTS WERE MEETING WITH TESCHER AND SPALLINA BACK IN 2007. SHE DOES NOT THINK SHE WAS AWARE IN 2008 THAT WILLS AND TRUSTS WERE DRAWN UP FOR HER PARENTS. SHE TOLD ME THAT SHE PROBABLY REALIZED THERE WERE WILLS AND TRUSTS ONCE HER DAD TOLD HER HE HAD CHANGED OR WAS CHANGING HIS TRUST OR IT WAS POSSIBLE SHE BECAME AWARE ONCE HER MOM PASSED, BUT SHE REALLY IS NOT CERTAIN. SHE TOLD ME THAT NO ONE CALLED HER AFTER HER MOM PASSED AWAY AND TOLD HER SPECIFICALLY SHE WAS RECEIVING AN INHERITANCE FROM HER MOTHER'S TRUST (THAT SHE REMEMBERS).

SHE SAID THAT SHE REMEMBERS BEING ON A CONFERENCE CALL WITH HER SIBLINGS, HER FATHER, AND ROBERT SPALLINA. SHE SAID THAT SPALLINA SPOKE ON BEHALF OF SIMON, STATING IT WAS NOT AN EASY CALL TO MAKE. SHE SAID SHE WAS TOLD THAT HER FATHER MADE A DECISION BASED ON CONVERSATIONS HE HAD WITH OTHER SIBLINGS, THAT HER FATHER WAS GOING TO CHANGE HIS TRUST AND/OR WILL (SAID NOT SURE WHICH). SHE SAID THAT SPALLINA DID NOT FEEL IT WAS A GOOD DECISION FOR SIMON TO MAKE. SHE SAID THAT SPALLINA STATED HE ADVISED AGAINST IT. SHE TOLD ME THAT SPALLINA SAID, HOWEVER IT WAS UP TO SIMON TO MAKE HIS OWN DECISIONS AND THAT SIMON FELT CHANGES NEEDED TO BE MADE.

SHE TOLD ME THAT SPALLINA SAID THAT SIMON WANTED EVERYTHING TO GO TO HIS 10 GRANDCHILDREN. SHE SAID THAT HER FATHER DID NOT ASK HER ON THIS PHONE CONVERSATION SPECIFICALLY IF SHE WAS OK WITH THIS. SHE SAID SHE DOES NOT REMEMBER WHAT SHE SAID DURING THE CONFERENCE CALL IN REGARDS TO AGREEING WITH IT. SHE TOLD ME THAT SHE MAY HAVE HOWEVER SIGNED SOME SORT OF DOCUMENT

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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 2  
CASE NO. 14029489 SUPPLEMENT 5 OFFENSE REPORT CASE NO. 14029489  
DISPOSITION: ZULU

AGREEING TO IT.

SHE SAID THAT CONVERSATIONS TOOK PLACE AFTER THE CONFERENCE CALL, WHICH SHED SOME LIGHT ON TO WHY HER FATHER WAS MAKING THE CHANGES. SHE SAID SHE UNDERSTOOD IT MORE THEN. SHE ALSO TOLD ME SHE WAS NEVER UNDER THE THOUGHT PROCESS THAT SHE WAS RECEIVING AN INHERITANCE, SO SHE WAS NOT DEVASTATED ONCE SHE FOUND OUT HER FATHER WAS MAKING CHANGES. SHE DID IMPLY THAT HER FATHER HAD CONVERSATIONS WITH HER SISTER, PAM, WHICH IN TURN INFLUENCED HIS DECISION TO CHANGE HIS TRUST. SHE TOLD ME THAT SHE DOES NOT REMEMBER IF SHE WAS TOLD DURING THE CONFERENCE CALL WHAT HER MOTHER'S TRUST SAID, NOR DOES SHE REMEMBER IF THEY TALKED ABOUT A LIFE INSURANCE POLICY DURING THIS CALL.

JILL TOLD ME THAT ONCE HER FATHER PASSED THERE WAS A PHONE CALL(S) WITH SPALLINA WHERE HE AGAIN STATED THAT HE ADVISED SIMON AGAINST WHAT HE DID AND WAS VERY ADAMANT THAT PAM WAS CUT OUT OF AN INHERITANCE. SHE SAID THAT ONCE TIME PASSED, SPALLINA'S STANCE SEEMED TO SOMEWHAT CHANGE. SHE STATED THAT SHE IS NOT SURE WHO REACHED OUT TO REFERENCE THE PARTIAL DISTRIBUTION OF FUNDS. SHE TOLD ME SHE DID NOT REALIZE HER MOTHER'S CONDO WAS UP FOR SALE, UNTIL IT SOLD. SHE STATED THAT, ALTHOUGH SHE ASKED FOR PAPERWORK, SHE NEVER RECEIVED IT REFERENCE THE SALE OF THE CONDO.

SHE TOLD ME THAT SHE BELIEVES SHE DID SIGN A PAPER REFERENCE RECEIVING THE PARTIAL DISTRIBUTION, BUT IS NOT REALLY SURE WHAT IT SAID. SHE STATED THAT HER BROTHER-IN-LAW, SKOOTER (PAM'S HUSBAND) DAVID SIMON, TED, AND SPALLINA ALL DISCUSSED TAKING THE PARTIAL DISTRIBUTIONS, DUE TO THE FACT THAT CREDITORS COULD HAVE CLAIM TO IT. SHE TOLD ME THAT SHE CANNOT REMEMBER WHAT WAS SAID WORD FOR WORD, BUT THAT DAVID SIMON SEEMED TO BE PUSHING THE ISSUE AND THAT TED MENTIONED NEEDING TO LOOK INTO IT MORE LEGALLY, REFERRING TO STANSBURY AND A CLAIM THEY MAY HAVE OR WAS COMING.

SHE STATED THAT SHE SUPPLIED A STATEMENT TO THE BEST AS SHE COULD REMEMBER IT. SHE SAID, SHE BELIEVES SHE WOULD WANT TO PURSUE CHARGES IF SOMETHING CRIMINAL CAME OF THIS AND SHE WAS THE VICTIM.

THIS CONCLUDED THE INTERVIEW. THIS CASE REMAINS OPEN.

DETECTIVE RYAN W. MILLER #7704

02/14/14 @ 1120 HRS.

TRANS. VIA EMAIL/COPY/PASTE: 02/24/2014/MDR/#6405

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P A L M B E A C H C O U N T Y S H E R I F F ' S O F F I C E PAGE 1  
CASE NO. 14029489 SUPPLEMENT 6 OFFENSE REPORT CASE NO. 14029489  
DISPOSITION: ZULU  
DIVISION: DETECTIVE

911:

ECONOMIC CRIMES \* \* \*  
SIGNAL CODE: 14 CRIME CODE: NON CRIME CODE: OT CODE: 9546 02/14/14 THURSDAY  
ZONE: BR GRID: DEPUTY I.D.: 7704 NAME: MILLER ASSIST: TIME D 1020 A 1020 C 1021  
OCCURRED BETWEEN DATE: 12/01/12 , 0000 HOURS AND DATE: 01/31/13 , 0000 HOURS  
EXCEPTION TYPE:  
INCIDENT LOCATION: 4855 TECHNOLOGY WY APT. NO.: 700  
CITY: BOCA RATON STATE: FL ZIP: 33431

NO. OFFENSES: 00 NO. OFFENDERS: UK NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0  
LOCATION: OTHER  
NO. VICTIMS: 00 NO. ARRESTED: 0 FORCED ENTRY: 0

ON 02/14/14 I RECEIVED COPIES OF RECEIPT OF PARTIAL DISTRIBUTION FORM FROM ATTORNEY ALAN ROSE. I RECEIVED A FORM SIGNED BY PAMELA SIMON IN REGARDS TO MOLLY SIMON, SIGNED AUGUST 30, 2013. I RECEIVED ONE SIGNED BY JILL IANTONI IN REGARDS TO JULIA IANTONI SIGNED ON AUGUST 30, 2013. I RECEIVED THREE SIGNED BY TED BERNSTEIN, ONE FOR EACH MICHAEL, ALEXANDRIA, AND ERIC BERNSTEIN. THEY WERE NOT DATED.

THE FORM READS THAT THE AFOREMENTIONED GRANDCHILDREN (MOLLY, JULIA, MICHAEL, ALEXANDRIA, AND ERIC) OF SIMON BERNSTEIN ARE TO RECEIVE \$80,000 EACH INTO THEIR TRUSTS. IT ALSO STIPULATES THAT THE MONEY IS TO BE RETURNED IF THE COURTS DEEM THAT IT WAS IMPROPERLY DISTRIBUTED. IT REFERENCES THE SHIRLEY BERNSTEIN TRUST AGREEMENT.

THIS CASE REMAINS OPEN.  
DETECTIVE RYAN W. MILLER #7704  
02/14/14 @ 1457 HRS.  
TRANS. VIA EMAIL/COPY/PASTE: 02/20/2014/MDR/#6405

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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1  
CASE NO. 14029489 SUPPLEMENT 7 OFFENSE REPORT CASE NO. 14029489  
DISPOSITION: ZULU  
DIVISION: DETECTIVE

911:

ECONOMIC CRIMES \* \* \*  
SIGNAL CODE: 14 CRIME CODE: NON CRIME CODE: OT CODE: 9546 02/18/14 THURSDAY  
ZONE: BR GRID: DEPUTY I.D.: 7704 NAME: MILLER ASSIST: TIME D 1020 A 1020 C 1021  
OCCURRED BETWEEN DATE: 12/01/12 , 0000 HOURS AND DATE: 01/31/13 , 0000 HOURS  
EXCEPTION TYPE:  
INCIDENT LOCATION: 4855 TECHNOLOGY WY APT. NO.: 700  
CITY: BOCA RATON STATE: FL ZIP: 33431

NO. OFFENSES: 00 NO. OFFENDERS: UK NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0  
LOCATION: OTHER  
NO. VICTIMS: 00 NO. ARRESTED: 0 FORCED ENTRY: 0

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ON 02/18/14 I MET WITH PATRICIA FITZMAURICE, WHO WAS SIMON'S THERAPIST.  
SHE INFORMED ME THAT HER SESSIONS WITH HIM WERE CONFIDENTIAL AND SHE WOULD NOT  
DISCUSS THOSE. SHE DID STATE TO ME THAT HE HAD TOLD HER OUTSIDE OF A SESSION  
THAT HIS INTENTIONS WERE TO LEAVE HIS ESTATE TO HIS 10 GRANDCHILDREN.  
THIS CONCLUDED MY DISCUSSION WITH HER. THIS CASE REMAINS OPEN.  
DETECTIVE RYAN W. MILLER #7704  
02/18/14 @ 1115 HRS.  
TRANS. VIA EMAIL/COPY/PASTE: 02/20/2014/MDR/#6405

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printed by Employee Id #: 8105 on August 31, 2015 01:31:42PM  
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P A L M B E A C H C O U N T Y S H E R I F F ' S O F F I C E PAGE 1

CASE NO. 14029489 SUPPLEMENT 8 O F F E N S E R E P O R T CASE NO. 14029489

DISPOSITION: ZULU  
DIVISION: DETECTIVE

911:

ECONOMIC CRIMES

SIGNAL CODE: 14 CRIME CODE: NON CRIME CODE: OT CODE: 9546 02/18/14 THURSDAY

ZONE: BR GRID: DEPUTY I.D.: 7704 NAME: MILLER ASSIST: TIME D 1020 A 1020 C 1021

OCCURRED BETWEEN DATE: 12/01/12 , 0000 HOURS AND DATE: 01/31/13 , 0000 HOURS

EXCEPTION TYPE:

INCIDENT LOCATION: 4855 TECHNOLOGY WY APT. NO.: 700

CITY: BOCA RATON STATE: FL ZIP: 33431

NO. OFFENSES: 00 NO. OFFENDERS: UK NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0

LOCATION: OTHER

NO. VICTIMS: 00 NO. ARRESTED: 0 FORCED ENTRY: 0

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THE FOLLOWING IS A NON-VERBATIM ACCOUNT OF AN INTERVIEW:

ON 02/06/14 I SPOKE WITH LISA FRIEDSTEIN. HER ATTORNEY, WILLIAM PEARSON, WAS PRESENT WITH ME DURING THE TIME I SPOKE WITH LISA. LISA TOLD ME THAT SHE WAS NOT AWARE IN 2007 THAT HER PARENTS MET WITH SPALLINA AND TESCHER. SHE STATED TO ME THAT IN 2008 SHE WAS NOT AWARE OF THE FACT THAT HER PARENTS HAD WILLS AND TRUSTS DRAWN UP. SHE TOLD ME THAT SHE BECAME AWARE OF THE WILLS AND TRUSTS ONCE HER MOTHER PASSED AWAY. SHE SAID THAT ONCE HER MOTHER PASSED, HER FATHER TOLD HER THAT HER MOTHER'S TRUST READ THAT SHE, ELIOT, AND JILL WERE TO RECEIVE AN INHERITANCE FROM HER MOTHER'S ESTATE. SHE SAID THIS CONVERSATION CAME ABOUT BECAUSE PAM SENT SIMON A LETTER QUESTIONING HOW ESTATES WERE TO BE DISTRIBUTED. LISA SAID THAT HE TOLD HER FATHER TO MAKE ANY CHANGES HE FELT NECESSARY, SUGGESTING TO MAKE IT EQUAL ALL IF HE THOUGHT IT SHOULD BE. SHE STATED TO ME THAT THIS WAS A ONE ON ONE CONVERSATION SHE HAD WITH HER FATHER.

LISA TOLD ME THAT SHE REMEMBERS THE CONFERENCE CALL THAT WAS MENTIONED BY HER OTHER SIBLINGS. SHE TOLD ME THAT SPALLINA STARTED THE CONFERENCE CALL AND MENTIONED AT THE BEGINNING OF THE CALL THAT HE WAS AGAINST WHAT SIMON WAS DOING, BUT IT WAS UP TO SIMON TO MAKE HIS OWN DECISIONS. SHE SAID THAT SIMON DECIDED TO CHANGE HOW THE MONEY WAS GOING TO BE DISTRIBUTED FROM THE THREE TO KIDS TO 10 GRANDKIDS. SHE STATED THAT IS AT LEAST HOW SHE UNDERSTOOD IT. SHE TOLD ME THAT HER REACTION TO THIS NEWS WAS SOMETHING SIMILAR TO, OK, THANK YOU FOR LETTING ME KNOW. SHE SAID THAT ELIOT DID QUESTION WHAT WAS HAPPENING, NOT BECAUSE HE DID NOT AGREE, BUT BECAUSE IT WAS OBVIOUS THAT HE DID NOT KNOW HOW THE TRUST READ UNTIL THAT TIME. SHE TOLD ME THAT ULTIMATELY EVERYONE DID AGREE TO WHAT SIMON SAID OR AT LEAST THAT NO ONE DISAGREED.

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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 2  
CASE NO. 14029489 SUPPLEMENT 8 OFFENSE REPORT CASE NO. 14029489  
DISPOSITION: ZULU

LISA FIRST TOLD ME THAT SHE DID NOT SIGN ANY OTHER DOCUMENT OTHER THAN THE WAIVER OF ACCOUNTING IN PBSO CASE # 13-097087. THEN SHE TOLD ME THAT SHE REALLY WAS NOT AWARE NOR DID SHE TOTALLY UNDERSTAND WHAT ALL WAS GOING ON. SHE TOLD ME THOUGH THAT SHE REALLY IS NOT CERTAIN EXACTLY WHAT ALL SHE SIGNED AND IT IS POSSIBLE SHE SIGNED BITS AND PIECES OF WHAT WAS SENT TO HER. SHE SAID IT IS VERY POSSIBLE THAT SHE DID NOT SEND BACK ALL THAT WAS SENT TO HER TO SIGN; SHE IS JUST NOT 100% CERTAIN. LISA SAID AFTER HER FATHER PASSED A PHONE CALL TOOK PLACE WITH SPALLINA. SHE SAID THAT SPALLINA STATED WHO WAS THE TRUSTEE OF WHAT ESTATE AND MENTIONED THERE WAS A LIFE INSURANCE POLICY THAT EXISTED BUT THAT THE DOCUMENTS FOR IT WERE MISSING. LISA STATED THAT SHE WAS IN AGREEANCE WITH THE DISTRIBUTIONS OF FUNDS TO THE TEN GRANDKIDS AND FELT SHE HAD NO REASON NOT BE. SHE STATED SHE WAS UNDER THE IMPRESSION THE DISTRIBUTIONS WERE COMING FROM THE SALE OF HER MOTHER'S CONDO AND HER FATHER WANTED THINGS TO BE DISTRIBUTED TO THE 10 GRANDCHILDREN.

SHE STATED THAT SHE DID SIGN SOME SORT OF DOCUMENT WHEN THE DISTRIBUTION WAS BEING MADE. SHE SAID THAT SHE DOES NOT REMEMBER WHAT THE DOCUMENTS SAID, BUT THAT SHE DID RECEIVE THE DOCUMENT FROM TED. SHE SAID SOMEONE DID STATE THAT IT WAS BEST TO MAKE THE DISTRIBUTIONS SO THAT CREDITORS CANNOT GET TO IT, BUT SHE DID NOT THINK THIS WAS SAID BY TED. SHE WAS NOT REALLY CERTAIN WHO SAID THIS.

LISA SWORE TO HER STATEMENT AND SAID SHE WOULD PURSUE CRIMINAL CHARGES IF I FOUND PROBABLE CAUSE FOR AN ARREST AND SHE WAS THE VICTIM.  
DETECTIVE RYAN W. MILLER #7704  
02/18/2014  
TRANS. VIA EMAIL/COPY/PASTE: 02/24/2014/MDR/#6405

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printed by Employee Id #: 8105 on August 31, 2015 01:31:42PM  
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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1  
CASE NO. 14029489 SUPPLEMENT 9 OFFENSE REPORT CASE NO. 14029489  
DISPOSITION: ZULU  
DIVISION: DETECTIVE

911:  
ECONOMIC CRIMES \* \* \*  
SIGNAL CODE: 14 CRIME CODE: NON CRIME CODE: OT CODE: 9546 02/20/14 THURSDAY  
ZONE: BR GRID: DEPUTY I.D.: 7704 NAME: MILLER ASSIST: TIME D 1020 A 1020 C 1021  
OCCURRED BETWEEN DATE: 12/01/12 , 0000 HOURS AND DATE: 01/31/13 , 0000 HOURS  
EXCEPTION TYPE:  
INCIDENT LOCATION: 4855 TECHNOLOGY WY APT. NO.: 700  
CITY: BOCA RATON STATE: FL ZIP: 33431  
  
NO. OFFENSES: 00 NO. OFFENDERS: UK NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0  
LOCATION: OTHER  
NO. VICTIMS: 00 NO. ARRESTED: 0 FORCED ENTRY: 0

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ON 02/20/14 I SPOKE WITH RICHARD NACLERIO. HE TOLD ME THAT HE AND HIS WIFE WERE FRIENDS WITH SIMON AND SHIRLEY BERNSTEIN FOR MANY DECADES. HE TOLD ME THAT HE AND SIMON SPOKE ON A REGULAR BASIS. HE TOLD ME THAT HE FELT THAT SIMON WAS HURTING AFTER THE LOSS OF SHIRLEY. HE STATED THAT SIMON TOLD HIM HE (SIMON) WAS VERY HURT BY HOW HIS CHILDREN WERE TREATING HIM AFTER SHIRLEY HAD PASSED. HE SAID IT MAY HAVE HAD SOMETHING TO DO WITH THE RELATIONSHIP SIMON HAD WITH PUCCIO, BUT WAS NOT 100% CERTAIN. HE TOLD ME THAT SIMON TOLD HIM THAT HE (SIMON) WAS LEAVING THE ESTATE TO THE GRANDCHILDREN, NOT HIS CHILDREN.

HE SAID THAT IN HIS OPINION SIMON WAS OF SOUND MIND DURING THE LATTER PART OF HIS LIFE WHEN MAKING ALL HIS DECISIONS RELATING TO HIS ESTATE. HE SAID THAT THE DECISIONS MAY HAVE BEEN MADE OUT OF ANGER, BUT HE IS NOT CERTAIN. NACLERIO ALSO TOLD ME THAT HE DID NOT PRY INTO SIMON'S PERSONAL BUSINESS, BUT WAS JUST A FRIEND LENDING AN EAR WHEN NEEDED.

THIS CASE REMAINS OPEN.  
DETECTIVE RYAN W. MILLER #7704  
02/20/14 @ 1144 HRS.  
TRANS. VIA EMAIL/COPY/PASTE: 02/24/2014/MDR/#6405

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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1  
 CASE NO. 14029489 SUPPLEMENT 10 OFFENSE REPORT CASE NO. 14029489  
 DISPOSITION: ZULU  
 DIVISION: DETECTIVE

911:  
 ECONOMIC CRIMES \* \* \*  
 SIGNAL CODE: 14 CRIME CODE: NON CRIME CODE: OT CODE: 9546 02/20/14 THURSDAY  
 ZONE: BR GRID: DEPUTY I.D.: 7704 NAME: MILLER ASSIST: TIME D 1020 A 1020 C 1021  
 OCCURRED BETWEEN DATE: 12/01/12 , 0000 HOURS AND DATE: 01/31/13 , 0000 HOURS  
 EXCEPTION TYPE:  
 INCIDENT LOCATION: 4855 TECHNOLOGY WY APT. NO.: 700  
 CITY: BOCA RATON STATE: FL ZIP: 33431  
 NO. OFFENSES: 00 NO. OFFENDERS: UK NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0  
 LOCATION: OTHER  
 NO. VICTIMS: 00 NO. ARRESTED: 0 FORCED ENTRY: 0

THIS IS A NON-VERBATIM ACCOUNT OF AN INTERVIEW:  
 ON OR ABOUT 02/13/14 I SPOKE WITH RACHEL WALKER. SHE TOLD ME THAT SHE STARTED WORKING FOR SIMON AND SHIRLEY BERNSTEIN IN MAY 2007. SHE TOLD ME THAT SHE ORIGINALLY WORKED FOR SHIRLEY BERNSTEIN UNTIL SHIRLEY PASSED IN 2010, THEN SHE WORKED FOR SIMON. SHE SAID THAT SHE STARTED STAYING AT THE BERNSTEIN'S RESIDENCE WHEN SHIRLEY TOOK ILL. SHE STATED THAT ONCE SHIRLEY PASSED SIMON TOLD HER TO JUST MOVE INTO THE HOME FULLY. SHE SAID THAT SIMON TOLD HER SHE COULD THEN SAVE MONEY ON RENT AND SHE COULD JUST TAKE CARE OF THINGS AROUND HIS HOME. SHE SAID THAT MARITZA PUCCIO ENDED UP MOVING INTO THE HOME. SHE TOLD ME THAT SHE AND PUCCIO DID NOT GET ALONG VERY WELL.  
 WALKER TOLD ME THAT SHE REMEMBERS SIGNING SOME DOCUMENTS AS A WITNESS FOR SHIRLEY AND ROBERT SPALLINA. SHE TOLD ME THAT SPALLINA HAD COME OVER TO THE HOME AND THAT SHIRLEY TOLD HER TO SIGN THE DOCUMENTS AS A WITNESS. SHE SAID THAT SHE THINKS IT HAD SOMETHING TO DO WITH SHIRLEY'S WILL, BUT WAS NOT CERTAIN. SHE STATED THAT SOMEONE ELSE WAS WITH SPALLINA, BUT SHE WAS NOT SURE WHO WAS WITH HIM. SHE STATED THAT SHE IS NOT SURE WHAT DOCUMENT THIS WAS, NOT SURE EXACTLY WHEN THIS WAS, AND SHE IS SURE THAT MORAN WAS NOT AT THE HOUSE DURING THIS TIME. SHE STATED THAT THIS MAY HAVE HAPPENED IN 2009, BUT IS NOT CERTAIN.  
 I ASKED WALKER IF SHE KNOWS WHAT SHIRLEY'S SIGNATURE LOOKED LIKE. SHE SAID YES, SHE SAID SHE EVEN KIND OF ADOPTED IT. SHE APPEARED TO BE FOND OF SHIRLEY'S SIGNATURE. SHE TOLD ME IT WAS VERY SIMILAR TO A CIRCLE. SHE ADDED HER (SHIRLEY'S) AND SIMON'S WERE BOTH LIKE THAT. SHE TOLD ME THAT SHE DID NOT WITNESS ANY DOCUMENTS (REFERRING TO WILL & TRUST) SIGNED BY SIMON. SHE TOLD

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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 2  
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ME THAT SIMON ALWAYS HANDLED THAT TYPE OF BUSINESS AT HIS OFFICE. SHE TOLD ME THAT SPALLINA DID NOT COME OUT TO SIMON'S HOME TO SIGN ANY DOCUMENTS JUST PRIOR TO HIS DEATH, BUT SHE DID STATE THAT SHE BELIEVES SIMON AND SPALLINA HAD A LUNCH MEETING JUST PRIOR TO HIS DEATH TO GO OVER AND SIGN SOME DOCUMENTS. SHE APPEARED TO BE REFERRING TO THE CHANGES IN SIMON'S TRUST, THE DOCUMENTS DATED JULY 25, 2012.

WALKER TOLD ME THAT PRIOR TO SHIRLEY'S DEATH; SHIRLEY TOLD HER SHE WAS LEAVING HER ESTATE TO LISA, JILL, AND ELIOT. SHE STATED THAT SHIRLEY TOLD HER THAT SHE (SHIRLEY) AND SIMON HAD GIVEN BOTH TED AND PAM BUSINESSES AND THAT THEY SHOULD BE ALL SET FROM THAT. WALKER TOLD ME THAT AFTER SHIRLEY HAD PASSED AND SIMON ENTERED INTO AN INTIMATE RELATIONSHIP WITH PUCCIO, SOME OF HIS CHILDREN AND GRANDCHILDREN BECAME UPSET WITH HIM. SHE SAID THAT IT APPEARED THEY WERE UPSET WITH SIMON OVER THE RELATIONSHIP HE HAD WITH PUCCIO. SHE TOLD ME THAT SIMON DECIDED THAT IT WAS BEST TO LEAVE ESTATE TO THE GRANDCHILDREN AND NOT HIS CHILDREN OVER THE ISSUES THAT WERE GOING ON WITH HIS CHILDREN.

SHE STATED TO ME THAT SIMON TOLD HER HE FELT IT WAS BEST TO HAND EVERYTHING DOWN TO HIS GRANDCHILDREN TO KEEP PEACE AMONGST HIS CHILDREN. WALKER TOLD ME THAT SHE UNDERSTOOD IT AS BOTH ESTATES, SINCE SHIRLEY'S ASSETS BECAME SIMON'S ONCE SHE PASSED. SHE STATED THAT SIMON TOLD HER ON MULTIPLE OCCASIONS THAT HE WANTED HIS ESTATE TO GO TO HIS GRANDCHILDREN. SHE STATED THAT SHE WAS EITHER PRESENT OR OVERHEARD HIM (SIMON) AND SPALLINA DISCUSSING THIS ON MULTIPLE OCCASIONS AS WELL. WALKER TOLD ME THAT SHE WAS PRESENT DURING THE CONFERENCE CALL THAT TOOK PLACE IN MAY OF 2012 WHERE HE (SIMON) TOLD HIS CHILDREN OF HIS WISHES FOR THE ESTATE TO GO TO THE GRANDCHILDREN. SHE TOLD ME THAT ONCE SIMON, THROUGH SPALLINA, REVEALED WHAT CHANGES WERE BEING MADE, ALL HIS CHILDREN SEEMED TO BE COMPLIANT.

WALKER INFORMED ME THAT ALTHOUGH SIMON WAS A FUNCTIONING PERSON AND WENT TO WORK, HE SEEMED DIFFERENT THE LAST TWO MONTHS OF HIS LIFE. SHE SAID THAT HE WOULD COME UP WITH "WEIRD" AND "STRANGE" IDEAS. SHE STATED HE WAS ON MEDICATION FOR HIS ILLNESSES AND ALSO COMPLAINED OF SHOULDER PAIN QUITE OFTEN. SHE TOLD ME THAT HE WAS ON TWO DIFFERENT MEDICATIONS AND SHE HAS SINCE LEARNED AT LEAST ONE OF THOSE MEDICATIONS "MESSES WITH YOUR BRAIN", SO IT MAKES MORE SENSE TO HER NOW, AS TO WHY HE WAS ACTING DIFFERENT AT TIMES. SHE CITED ONE OF THE THINGS THAT SHE CONSIDERED TO BE DIFFERENT WAS THE FACT THAT HE WAS OFF TRAVELING ALL THE TIME WITH HIS GIRLFRIEND. THEN SHE STATED, HE WAS JUST NOT BEING HIMSELF. SHE SAID HE HAD HIS GOOD DAYS AND BAD DAYS. SHE TOLD ME THAT SHE FELT THAT SIMON MADE THE CHANGES TO HIS TRUST OUT OF HIS OWN FREE WILL, BECAUSE HE COULD NOT BE TALKED INTO ANYTHING AND HE DID WHAT HE WANTED TO DO ON A NORMAL BASIS.

WALKER CONCLUDED HER STATEMENT BY SWEARING TO IT. THIS CASE REMAINS

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P A L M B E A C H C O U N T Y S H E R I F F ' S O F F I C E                      P A G E     3  
CASE NO. 14029489                      S U P P L E M E N T     1 0     O F F E N S E     R E P O R T                      C A S E     N O .     1 4 0 2 9 4 8 9  
DISPOSITION: ZULU

OPEN.  
DETECTIVE RYAN W. MILLER #7704  
02/20/14 @ 0725 HRS.  
TRANS. VIA EMAIL/COPY/PASTE: 02/24/2014/MDR/#6405

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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1  
CASE NO. 14029489 SUPPLEMENT 11 OFFENSE REPORT CASE NO. 14029489  
DISPOSITION: ZULU  
DIVISION: DETECTIVE

911:

ECONOMIC CRIMES \* \* \*  
SIGNAL CODE: 14 CRIME CODE: NON CRIME CODE: OT CODE: 9546 02/21/14 THURSDAY  
ZONE: BR GRID: DEPUTY I.D.: 7704 NAME: MILLER ASSIST: TIME D 1020 A 1020 C 1021  
OCCURRED BETWEEN DATE: 12/01/12 , 0000 HOURS AND DATE: 01/31/13 , 0000 HOURS  
EXCEPTION TYPE:  
INCIDENT LOCATION: 4855 TECHNOLOGY WY APT. NO.: 700  
CITY: BOCA RATON STATE: FL ZIP: 33431

NO. OFFENSES: 00 NO. OFFENDERS: UK NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0  
LOCATION: OTHER  
NO. VICTIMS: 00 NO. ARRESTED: 0 FORCED ENTRY: 0

ON 02/14/14 RACHEL WALKER SEND ME AN E-MAIL, INCLUDING AN ATTACHMENT SHE RECEIVED FROM ELIOT. IN HER E-MAIL TO ME SHE RESPONDED TO STATEMENTS MADE BY ELIOT IN HIS ATTACHMENT. THE ATTACHMENT WAS TITLED PETITION TO FREEZE ESTATES, WHICH WAS FILED WITH THE PALM BEACH COUNTY CLERK & COMPTROLLER'S OFFICE (SOUTH COUNTY BRANCH) ON MAY 6, 2013. IT IS REGARDING THE ESTATES OF SHIRLEY AND SIMON BERNSTEIN.

THE FOLLOWING IS A COPY OF THE E-MAIL SHE SENT TO ME. I INSERTED THE EXCERPT FROM ELIOTS ATTACHMENT (CAPTURED FROM DOCUMENT), THAT CORRESPONDS WITH WALKER'S RESPONSE. BOTH WERE CUT AND PASTED INTO THIS REPORT EXACTLY HOW THEY WERE WRITTEN BY THE ORIGINATORS.  
(P.12 PP.14)

CAPTURED FROM DOCUMENT

14. THAT THE THREE CHILDREN THAT ARE THE DESIGNATED BENEFICIARIES UNDER THE 2008 TRUSTS OF SIMON AND SHIRLEY ARE PETITIONER, JILL AND LISA AND THEIR SIX CHILDREN WHO ALSO WERE BENEFICIARIES. THAT IN PETITIONER'S INSTANCE EVEN PRIOR TO THE PROPOSEDCHANGES, SIMON AND SHIRLEY HAD INTENDED TO LEAVE ALMOST ALL OF HIS INHERITANCE TO HIS THREE CHILDREN DIRECTLY TO PROTECT PETITIONER'S FAMILY FOR SPECIFIC SAFETY REASONS FURTHERDEFINED HEREIN.

(WALKER'S RESPONSE)

THE CHANGE OF BENEFICIARIES WAS NOT DONE AS INTENT FOR PROTECTION. IT WAS DONE THAT WAY TO BE FAIR ACCORDING TO SHIRLEY AND SIMON.  
(P.15PP.28)

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## CAPTURED FROM DOCUMENT

28. THAT IN FACT, SIMON'S PHYSICAL AND MENTAL HEALTH RAPIDLY DECLINED AND HE NEVER RECOVERED FROM THESE NEW MORE SERIOUS SYMPTOMS THAT STARTED ALMOST EXACTLY WHEN HE SUPPOSEDLY SIGNED THESE NEAR DEATHBED CHANGES ON JULY 25, 2012 TO ALLEGEDLY AMEND AND RADICALLY ALTER HIS EARLIER 2008 TRUST ("2008 TRUST") AND CREATE A NEW ALLEGED 2012 TRUST ("AMENDED TRUST"). COPIES OF THAT ALLEGED 2012 AMENDED TRUST ARE ATTACHED FURTHER HEREIN AND WILL EVIDENCE THAT THAT THE ALLEGED AMENDED TRUST DOCUMENT WAS NOT NOTARIZED, WITNESSED AND EXECUTED PROPERLY IN ACCORDANCE WITH LAW AND PART OF A LARGER SCHEME INVOLVING ALLEGED FORGED AND FRAUDULENT ESTATES DOCUMENTS, AS EVIDENCED AND EXHIBITED FURTHER HEREIN.

## (WALKER'S RESPONSE)

THOUGH SIMON SIGNED THE PAPERWORK TO CHANGE BENEFICIARIES IN JULY, HE HAD MADE THE DECISION TO DO SO WELL BEFORE THE MAY 10, 2012 FAMILY CONFERENCE CALL.

(P.17PP.42)

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## CAPTURED FROM DOCUMENT

42. THAT UPON THIS VISIT, PETITIONER'S SISTERS TOOK NOT ONLY ALL OF SHIRLEY'S CLOTHING AND PERSONAL EFFECTS BUT ALSO TOOK 50 YEARS OF JEWELRY AND OTHER VALUABLES SIMON AND SHIRLEY HAD ACCUMULATED WORTH AN ESTIMATED SEVERAL MILLION DOLLARS AND WERE ASSETS OF THE ESTATES.

## (WALKER'S RESPONSE)

THE SISTERS DIDN'T JUST "TAKE" SHIRLEY'S BELONGINGS AND JEWELRY. SIMON ADMINISTERED EACH PIECE TO EACH GIRL AS HE KNEW WERE SHIRLEY'S WISHES AND FAIR. I WAS THERE AND WITNESSED IT.

(P.17PP.45)

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## CAPTURED FROM DOCUMENT

45. THAT SIMON STATED TO PETITIONER THAT HE HAD NEVER GIFTED, SOLD OR TRANSFERRED THE JEWELRY AND OTHER ITEMS THEY TOOK OUT OF THE ESTATES AND THEREFORE EVERYTHING THEY TOOK THAT WAS PART OF THE ESTATES WOULD ALL STILL BE PART OF THE ESTATES UPON HIS DEATH FOR DISTRIBUTION ACCORDING TO THE ESTATES PLANS TO THE PROPER BENEFICIARIES. SIMON STATED THAT PETITIONER'S SISTERS HAD INVENTORY LISTS OF THE JEWELRY AND THERE WAS AN INSURANCE POLICY ON THE ITEMS THAT THEY TOOK AND ALL WOULD BE RETURNED WHEN HE PASSED FOR EQUITABLE DISTRIBUTION TO THE BENEFICIARIES OF THE ESTATES.

## (WALKER'S RESPONSE)

SIMON MAY HAVE TOLD ELIOT THAT, AFTER HE LEARNED OF THE DIVISION OF SHIRLEY'S BELONGINGS, TO CALM ELIOT AFTER LEARNING THIS UPSET HIM.

(P.17PP46)

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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 3  
CASE NO. 14029489 SUPPLEMENT 11 OFFENSE REPORT CASE NO. 14029489  
DISPOSITION: ZULU

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CAPTURED FROM DOCUMENT

THAT PETITIONER DID NOT LEARN FROM THEODORE UNTIL AFTER SIMON'S DEATH THAT THEODORE WAS EXTREMELY ANGRY AT SIMON, PAMELA, LISA AND JIL UPON LEARNING THAT PETITIONER'S SISTERS TOOK SHIRLEY'S ENTIRE PERSONAL EFFECTS AND JEWELS AND LEFT HIM AND HIS CHILDREN NONE OF IT, NOT EVEN A KEEPSAKE.

(WALKER'S RESPONSE)

NOT TRUE. THERE IS A RING THAT WAS LEFT TO ALLY THAT EVERYONE KNOWS ABOUT.

(P.18PP.47)

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CAPTURED FROM DOCUMENT

47. THAT UPON TRYING TO RECRUIT PETITIONER'S IMMEDIATE FAMILY TO JOIN AN ONGOING BOYCOTT AGAINST SIMON A FEW MONTHS AFTER SHIRLEY DIED, IT WAS TOLD TO PETITIONER BY THEODORE'S CHILDREN, ERIC BERNSTEIN ("ERIC"), MICHAEL BERNSTEIN ("MICHAEL") AND HIS STEP SON MATTHEW LOGAN ("MATTHEW") THAT THE REASON ALL THE CHILDREN AND GRANDCHILDREN HAD JOINED TOGETHER TO BOYCOTT SIMON, ACCORDING TO THEODORE AND PAMELA, WAS NOW DUE TO HIS COMPANION, PUCCIO.

(WALKER'S RESPONSE)

A "BOYCOTT" WAS NEVER PLANNED NOR INTENDED FOR THE SITUATION. THOSE KIDS HAD A PAST WITH MARITZA THAT ELIOT AND HIS FAMILY WERE UNAWARE OF. THEY HAD ILL FEELINGS AND EXPERIENCES WITH HER WHICH LED THEM TO DETEST HER RETURN INTO THEIR FAMILY'S LIFE AND RIGHTFULLY SO.

(P.18PP.48)

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CAPTURED FROM DOCUMENT

48. THAT THEODORE'S CHILDREN WERE URGING PETITIONER AND HIS FAMILY TO GET ON BOARD AS THEY WERE ENABLING SIMON, AS PUCCIO THEY CLAIMED WAS AFTER HIS MONEY, STEALING HIS MONEY, HAD STOLEN MONEY FROM SHIRLEY AND SIMON IN THE PAST AND WAS NOW PHYSICALLY AND MENTALLY ABUSING SIMON AND OTHER HORRIBLE ALLEGATIONS ABOUT HER. THEY CLAIMED THEY KNEW THINGS ABOUT PUCCIO'S PAST FROM WHEN SHE WORKED FOR THEIR FATHER AS A NANNY. THEY ALLEGED SHE HAD SWINDLED MONEY FROM SIMON REGARDING BREAST IMPLANT MONEY WHEN PUCCIO WORKED FOR SIMON AND SHIRLEY AND MORE. THEY STATED THEY HATED PUCCIO AND REFUSED TO ATTEND ANY FAMILY OCCASIONS WITH HER AS SHE WAS ONLY AFTER SIMON'S MONEY AND HE WAS TOO ENAMORED BY HER TO SEE CLEARLY. THEY STATED THAT SHIRLEY WAS ROLLING OVER IN HER GRAVE AS PUCCIO WOULD DESECRATE THEIR HOME AND ROB SIMON AND THAT PETITIONER MUST JOIN THE BOYCOTT.

(WALKER'S RESPONSE)

TRUE. THEY WERE CORRECT, HOWEVER, IT WASN'T A "BOYCOTT". THEY INFORMED

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 CASE NO. 14029489 SUPPLEMENT 11 OFFENSE REPORT CASE NO. 14029489  
 DISPOSITION: ZULU

ELIOT OF OF THEIR EXPERIENCES WITH MARITZA, WHICH ELIOT HAD NO CLUE ABOUT SINCE HIS FAMILY WERE NOT IN THE PICTURE DURING THAT TIME.  
 (P.18.PP.49)  
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CAPTURED FROM DOCUMENT

49. THAT PETITIONER AND CANDICE REFUSED TO PARTICIPATE IN SUCH A HURTFUL SCHEME AGAINST SIMON AND PUCCIO AND TOLD THEODORE'S CHILDREN THAT SIMON AND SHIRLEY WOULD BE ASHAMED OF THEIR BIZARRE AND CRUEL BEHAVIOR AND THAT THEY SHOULD NOTCONTINUE TO BOYCOTT SEEING SIMON AS IT WAS BREAKING HIS HEART AND DEPRESSING HIM AND TO TELL THEODORE AND ANYONE ELSE INVOLVED THAT WE THOUGHT THIS WAS A BAD IDEA. ESPECIALLY DISTURBING IS THAT THEODORE'S CHILDREN WERE PARTIALLY RAISED BY SIMON AND SHIRLEY, EVEN WHENTHEY WERE NOT WELL PHYSICALLY, FOR MANY YEARS AND EVEN MOVING THEODORE AND HIS CHILDREN INTO THEIR HOME FOR SEVERAL YEARS. THEY RAISED THEODORE'S CHILDREN DURING A LENGTHY PERSONAL AND FINANCIAL CRISIS THEODORE WENT THROUGH RESULTING IN HIS DECLARING BANKRUPTCY, DIVORCE, LOSS OF HIS HOME AND EVENTUAL TRAGIC OVERDOSE DEATH OF HIS EX-WIFE AND RESULTINGLOSS TO THE CHILDREN OF A MOTHER.

(WALKER'S RESPONSE)

THEY DID NOT "BOYCOTT" SEEING SIMON, THEY REFUSED TO SEE SIMON WHEN HE WAS WITH MARITZA. THEY HAD MANY DATES WITH SIMON WITHOUT MARITZA. SIMON TRIED TO PUSH MARITZA ON EVERYONE IN A VERY UNCOMFORTABLE WAY ESPECIALLY NOT TAKING THEIR PERSONAL FEELINGS INTO ACCOUNT. HE WAS VERY MENTALLY MIXED UP AFTER SHIRLEY PASSED.  
 (P.18PP.51)  
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CAPTURED FROM DOCUMENT

51. THAT AFTER LEARNING OF THIS EXACT PLOY AGAINST SIMON BY ALL OF PETITIONER'S SIBLINGS, THEIR SPOUSES AND EVEN THEIR CHILDREN, PETITIONER WROTE LETTERS AT SIMON'S REQUEST TO THEODORE, TO HAVE HIM STATE EXACTLY WHAT WAS GOING AND WHY HE WAS NOT ATTENDING THE JEWISH HOLIDAY OF PASSOVER WITH HIS FATHER WHO WAS STILL IN MOURNING AT PETITIONER'S HOUSE. THAT THESE CORRESPONDENCES ARE ATTACHED HEREIN AS, EXHIBIT 1 - EMAIL CORRESPONDENCES THEODORE AND ELIOT, AND WHEREIN THEODORE CL \*MS, "MY PRIMARY FAMILY IS DEBORAH AND OUR FOUR CHILDREN. THEY COME FIRST, BEFORE ANYTHING AND ANYONE. THE FAMILY I WAS BORN INTO IS NO LONGER, THAT IS JUST A FACT, IT IS NOT A MATTER OF OPINION, IT JUST IS."

(WALKER'S RESPONSE)

IT'S NOT A CRAZY NOTION. THEY ALL TOLD SIMON THAT HE WAS WELCOMED BUT MARITZA IS NOT. SO, ULTIMATELY, IT WAS SIMON'S DECISION TO CHOSE MARITZA OVER HIS FAMILY.  
 (P.19PP.53)

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CASE NO. 14029489 SUPPLEMENT 11 OFFENSE REPORT CASE NO. 14029489  
DISPOSITION: ZULU

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CAPTURED FROM DOCUMENT

53. THAT THE BOYCOTT BY SIMON'S OTHER FOUR CHILDREN AND SEVEN GRANDCHILDREN SENT SIMON INTO DEEP DEPRESSION, WHICH HE BEGAN PSYCHOTHERAPY TO ATTEMPT TO COPE WITH. PETITIONER'S IMMEDIATE FAMILY INCREASED THEIR WEEKLY VISITS TO FILL THE LOSS AND SO BEGAN SEEING SIMON 2-3 TIMES A WEEK OR MORE, TRYING TO SPEND AS MUCH TIME WITH HIM AS HE WAS NOW NOT ONLY SUFFERING FROM THE LOSS OF SHIRLEY WHOM HE LOVED PROFUSELY BUT NOW SUFFERED THE CATASTROPHIC LOSS OF ALMOST HIS ENTIRE FAMILY SUPPOSEDLY OVER HIS GIRLFRIEND.

## WALKER'S RESPONSE

THIS IS SIMPLY UNTRUE. SIMON WAS PERPLEXED BY MORE THAN THAT. HE WAS ULTIMATELY DEPRESSED BY THE LOSS OF SHIRLEY AND DIDN'T KNOW HOW TO COPE AND THEREFORE COVERED HIS PAIN WITH THIS MADE UP FANTASY OF HIS RELATIONSHIP WITH MARITZA.

P.19PP.56

## CAPTURED FROM DOCUMENT

56. THAT DURING THE TIME FROM SHIRLEY'S DEATH TO SIMON'S DEATH ALL OF SIMON'S CHILDREN BUT PETITIONER BOYCOTTED THEIR FATHER AND HATED ON PUCCIO INCESSANTLY, EVEN AFTER THE MAY 12, 2012 MEETING WITH TS WHERE ALL OF THESE MATTERS WERE TO BE PUT TO REST BY THE PROPOSED CHANGES TO THE 2008 TRUST OF SIMON. AFTER THE MAY 12, 2012 MEETING IT IS BELIEVED THAT JILL FLEW OUT ONCE MORE TO SEE SIMON WITH HER DAUGHTER AND WOULD NOT STAY WITH SIMON IN HIS HOME BECAUSE OF PUCCIO AND THE TRIP WENT SOUR AS SIMON REFUSED TO LEAVE HIS GIRLFRIEND PUCCIO AT HOME.

## (WALKER'S RESPONSE)

NOT TRUE. JILL, JULIA AND I ALL STAYED AT THE CONDO. JILL MADE A VALIANT EFFORT TO SEE HER FATHER AND NOT LET HIS PERSONAL RELATIONSHIP WITH MARITZA TAINT THEIRS. WE ALL WENT TO LUNCH TOGETHER AND PUCCIO SHOWED UP LATE AND THEN LEFT BEFORE SITTING AT THE TABLE DUE TO HER OWN INSECURITIES. THAT SAME EVENING WE ALL WENT TO DINNER TOGETHER, INCLUDING MARITZA, AND EVERYTHING WAS FINE. SIMON ACTUALLY CHOSE TO HAVE FATHER'S DAY BRUNCH THE NEXT MORNING WITH MARITZA AND HER FRIENDS INSTEAD OF HIS OWN DAUGHTER AND GRANDDAUGHTER.

(P.19PP.57)

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CAPTURED FROM DOCUMENT

57. THAT THE EXCLUSION FROM THE ESTATES APPEARS NOW TO HAVE BEEN THE BANE OF THEODORE AND PAMELA'S ANGER ALL ALONG AND THE REAL CAUSE OF THEIR BOYCOTT OF SIMON, NOT PUCCIO, NOR WALKER, AND IT APPEARS THEY HAD RECRUITED LISA AND JILL INTO THE SCHEME ALSO BASED ON CONCERN OVER PUCCIO HURTING AND ROBBING THEIR FATHER, NOT ON THE FACT THEY WERE ANGRY OVER THE ESTATES PLANS. HAVING PUCCIO AS THE FOCUS OF THE BOYCOTT COULD GET ALL THE

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CHILDREN TO PARTICIPATE IN THE BOYCOTT IN CONCERN ND DESIGNED TO MAKE SIMON SUFFER WHOLLY THROUGH THE TOTAL LOSS OF HIS CHILDREN AND GRANDCHILDREN AND ALLEGEDLY TRY TO FORCE HIM TO MAKE CHANGES TO THE ESTATES PLANS OR SUFFER NEVER SEEING OR TALKING TO ANY OF THEM AGAIN.

(WALKER'S RESPONSE)

THIS IS ONLY SPECULATION OF ELIOT

(P.20 PP.58)

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CAPTURED FROM DOCUMENT

58. THAT IN THE MAY 12, 2012 MEETING, SIMON CLEARLY STATED THAT THE REASON HE WAS MAKING THESE CHANGES WAS TO RESOLVE FAMILY PROBLEMS CAUSED BY THE EXCLUSION OF THEODORE AND PAMELA THAT WERE CAUSING HIM TOO MUCH STRESS. CLEARLY SIMON WAS UNDER UNDUE PRESSURE TO CONTEMPLATE MAKING THESE CHANGES, DESPERATE TO SEE HIS CHILDREN AND GRANDCHILDREN AND PHYSICALLY AND MENTALLY BEATEN DOWN. AT THIS MAY 12, 2012 MEETING, PETITIONER LEARNED THAT THIS ASSAULT MAY HAVE BEEN DUE TO THEODORE AND PAMELA'S ANGER OVER THEIR EXCLUSION AND CLAIMING THE BUSINESSES THEY HAD ACQUIRED WERE NOT DOING AS WELL AS WHEN THEY ACQUIRED THEM AND THEY WANTED BACK IN ON THE REMAINING ESTATES ASSETS.

(WALKER'S RESPONSE)

THE CHANGES WEREN'T MADE BECAUSE HE HADN'T SEEN HIS FAMILY MEMBERS. HE HADN'T SEEN HIS FAMILY MEMBERS BECAUSE HE CHOSE PUCCIO OVER SEEING THEM. HE MADE THE CHANGES BECAUSE EVEN THOUGH HE AND SHIRLEY ALREADY AGREED THEIR PLAN WAS FAIR, HE DECIDED TO SKIP THE CHILDREN DUE TO ARGUMENTS AND FELT IT WAS FAIR FOR THE GRANDCHILDREN WITHOUT ANY FURTHER ARGUMENTS.

(P.21 PP.71II)

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CAPTURED FROM DOCUMENT

71. THAT IN THE EIGHT WEEKS FROM JULY 15, 2012 WHEN SIMON ALLEGEDLY SIGNED THE IMPROPERLY NOTARIZED AND IMPROPERLY WITNESSED ALLEGED 2012 AMENDED TRUST AND THE TIME SIMON PASSED ON SEPTEMBER 13, 2012, HIS HEALTH WENT WHOLLY DOWNHILL TO HIS SUDDEN AND UNEXPECTED DEATH. IN THE EIGHT WEEKS AFTER HE SUPPOSEDLY SIGNED THE ALLEGED 2012 AMENDED TRUST, SIMON,

II. WAS DELIRIOUS, CONFUSED AND SUFFERING FROM HALLUCINATIONS AND FAINTING SPELLS,

(WALKER'S RESPONSE)

FAINTING AND DIZZY SPELLS DIDN'T HAPPEN UNTIL LATE AUGUST/EARLY SEPTEMBER.

(P.21PP.71IV)

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CAPTURED FROM DOCUMENT

71 . THAT IN THE EIGHT WEEKS FROM JULY 15, 2012 WHEN SIMON ALLEGEDLY

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SIGNED THE IMPROPERLY NOTARIZED AND IMPROPERLY WITNESSED ALLEGED 2012 AMENDED TRUST AND THE TIME SIMON PASSED ON SEPTEMBER 13, 2012, HIS HEALTH WENT WHOLLY DOWNHILL TO HIS SUDDEN AND UNEXPECTED DEATH. IN THE EIGHT WEEKS AFTER HE SUPPOSEDLY SIGNED THE ALLEGED 2012 AMENDED TRUST, SIMON,

IV. WAS GIVEN AN IMPROPER PILL OF AMBIEN BY PUCCIO, ALONG WITH AN UNKNOWN AMOUNT OF PRESCRIBED PAIN MEDICINE ON SEPTEMBER 08, 2012, CAUSING PUCCIO TO PANIC AND STATE THAT SHE MAY HAVE CAUSED HIM HARM. PUCCIO CALLED PETITIONER'S HOME WORRIED AS ALL NIGHT AS HE HAD NOT SLEPT WATCHING OVER SIMON AND NOW WANTED TO RUSH SIMON TO THE HOSPITAL. PUCCIO ASKED CANDICE TO COME TO THE HOME IMMEDIATELY AS SHE THOUGHT HE MAY BE DYING AND EVALUATE HIS CONDITION. PUCCIO CLAIMED HE WAS HALLUCINATING AND DELIRIOUS AND SPEAKING TO HIS MOTHER ON THE BED, PROMPTING CANDICE TO IMMEDIATELY GO TO SIMON'S HOME TO ASSESS HIS HEALTH. SIMON THEN WENT TO DR. IRA PARDO, MD ("PARDO") OF BOCA RATON WITH PUCCIO WHERE WHERE SIMON WAS CLEARED OF ANY DANGER AND LET HOME BY PARDO ACCORDING TO BY PARDO ACCORDING TO PUCCIO.

(WALKER'S RESPONSE)

THIS WAS THE SUNDAY PRIOR TO SIMON'S PASSING THAT I WAS CALLED TO COME OVER AND SIMON WAS TOTALLY OUT OF IT. THIS IS THE DAY I TOOK ALL OF HIS MEDICATIONS AND HID THEM FROM HIM BECAUSE HE COULDN'T REMEMBER WHAT OR WHEN HE DID ANYTHING. I LEFT A LIST FOR MARITZA TO ADMINISTER HIS MEDS WHEN AND HOW MUCH AND NOT TO LEAVE HIM ALONE AT THE HOUSE OR IN A ROOM AS HE COULD HARM HIMSELF. I ALSO FOUND VICODIN IN HIS LITTLE HEART PILL CONSOLE HE KEEPS ON HIM AT ALL TIMES. I ACTUALLY STILL HAVE A 30 MINUTE RECORDING ON MY PHONE WHICH I LEFT IN THE KITCHEN SECRETLY WITH MARITZA AND SIMON AS I WENT UPSTAIRS TO GATHER HIS MEDICINES. I CAN'T REALLY HEAR MUCH OF WHAT IS SAID ON IT BUT MAYBE A PROFESSIONAL CAN IF YOU THINK THIS WOULD BE PRUDENT TO THE CASE.  
(P.22PP76)

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CAPTURED FROM DOCUMENT

76. THAT SIMON WAS TAKEN TO THE HOSPITAL SUFFERING FROM PAIN, BLOATING, DIZZINESS AND MENTAL CONFUSION AND DISORIENTATION AND IN SEVERE PAIN. HE SPENT THE DAY DOING TESTS AND MEETING WITH HEART AND INFECTIOUS DISEASE PHYSICIANS. AT FIRST, EARLY IN THE DAY, DOCTORS ADVISED PETITIONER THAT HIS FATHER HAD SUFFERED A HEART ATTACK. PETITIONER IMMEDIATELY CONTACTED HIS SIBLINGS TO NOTIFY THEM OF THE PERIL SIMON WAS IN AND HAVE THEM GET TO THE HOSPITAL ASAP. JILL AND LISA IMMEDIATELY HOPED ON THE NEXT PLANE OUT OF CHICAGO AND ARRIVED SEVERAL HOURS LATER. THEODORE CLAIMED TO HAVE TO ATTEND A MEETING BEFORE COMING AND ARRIVED BOCA SEVERAL HOURS LATER AND BEGAN TO REQUEST A VARIETY OF CARDIOLOGISTS PERSONALLY KNOWN TO HIM TO TREAT SIMON AND NONE OF THEM CAME, DELAYING GETTING ANYTHING DONE FOR A FEW MORE HOURS. SIMON'S NORMAL CARDIOLOGIST, SETH J. BAUM, MD, FACC, FACPM, FAHA, FNLA COULD

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NOT HANDLE THE CASE DUE TO SOME FORM OF CONFLICT WITH THE HOSPITAL BUT HE WAS TO HAVE SENT HIS MEDICAL RECORDS TO THE HOSPITAL. IN THE END THE HOSPITAL'S CARDIOLOGIST WAS APPOINTED AS ATTENDING CARDIOLOGIST.

(WALKER'S RESPONSE)

DR. BAUM WAS WEIRDLY UNAVAILABLE FOR SEVERAL HOURS BEFORE LEARNING THAT HE COULDN'T TREAT SIMON AT THAT HOSPITAL. WE CALLED MANY TIMES STATING AN EMERGENCY AND REQUESTING DOCUMENTS AND HE IGNORED. COMPLETELY OUT OF CHARACTER FOR HIM.

(P.24PP.86)

CAPTURED FROM DOCUMENT

86. THAT THE HOSPITAL STATED THAT WITHOUT PAPERS TO THE CONTRARY, PETITIONER WAS THE DESIGNATED PERSON IN CHARGE OF ANY MEDICAL DECISIONS FOR SIMON AND SOPETITIONER STATED THAT THEY SHOULD CONTINUE TO RESUSCITATE SIMON, AT LEAST UNTIL A DOCTORCOULD ARRIVE TO DETERMINE HIS CONDITION AND MAKE DETERMINATION AS TO WHAT WAS CAUSING THISSUDDEN AND BIZARRE MELTDOWN OF HIS VITAL ORGANS.

(WALKER'S RESPONSE)

UPON ARRIVAL TO THE HOSPITAL THAT MORNING, ELIOT HAD TAKEN IT UPON HIMSELF TO DESIGNATE HIMSELF AS SIMON'S HEALTH CARE PROXY. IT IS KNOWN TO ALL THE FAMILY THAT SIMON'S LIVING WILL STATES TO NOT RESUSCITATE IF QUALITY OF LIFE DETERIORATES.

(P.24PP.87)

CAPTURED FROM DOCUMENT

87. THAT SEVERAL MORE RESUSCITATIONS WERE NECESSARY AND ALL OF THE OTHER SIBLINGS WANTED PETITIONER TO "PULL THE PLUG" INSTANTLY WITH NO FURTHER LIFESAVING EFFORTS AND LET HIM DIE, CLAIMING HE WANTED TO BE WITH SHIRLEY AND SO NO FURTHER EFFORTS SHOULD BE MADE TO SAVE HIS LIFE AND TELLING HIM TO GO BE WITH HER AND MORE.

(WALKER'S RESPONSE)

THE AMOUNT OF RESUSCITATIONS DONE BY STAFF AND DOCTORS WAS BEYOND THEIR EXPERT ADVICE BUT WITHOUT SIMON'S LIVING WILL IN HAND ELIOT KEPT MAKING THE DECISION TO RESUSCITATE UNTIL THE DOCTOR FINALLY CAME OUT AND SAID THAT ITS NEARLY ABUSE TO HIS BODY AT THIS POINT. THOUGH IN ELIOT'S DEFENSE HE WAS IN COMPLETE DESPAIR AND UNABLE TO TAKE IN THE HORRIBLE REALITY CLOUDED HIS DECISION MAKING.

(P.24PP.89)

CAPTURED FROM DOCUMENT

89. THAT UNBEKNOWNST TO PETITIONER, DURING THE LIFE SAVING EFFORTS WALKER ALLEGEDLY WAS ORDERED TO GO TO THE HOME AND RETRIEVE WILLS AND TRUSTS OF SIMON BY THEODORE THAT MIGHT HAVE A LIVING WILL AND ADVANCE DIRECTIVES FOR

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MEDICAL DECISIONS, AS THE SIBLINGS FELT THAT PETITIONER WOULD NOT STOP WHEN SIMON WOULD HAVE WANTED THEM TO STOP AND LET HIM DIE WITHOUT FURTHER ATTEMPTS AT RESUSCITATION. THE SITUATION WAS NOT HOWEVER LIKE SIMON WAS IN A VEGETATIVE STATE FOR A PERIOD OF TIME AND WE WERE DECIDING TO DISCONTINUE LIFE SUPPORT AFTER CAREFUL CONSIDERATION. PETITIONER ALSO WAS UNAWARE THAT CANDICE HAD BEEN SENT TO SIMON'S TO ACCOMPANY WALKER.

(WALKER'S RESPONSE)

TRUE. SIMON WAS IN A VEGETATIVE STATE AS ADVISED BY THE ER DOCTOR.  
(P.25PP.92)

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CAPTURED FROM DOCUMENT

92. THAT WITHIN MINUTES AFTER SIMON'S DEATH, PETITIONER WAS INSTRUCTED BY THEODORE TO GO IMMEDIATELY TO SIMON'S HOUSE TO MAKE SURE THAT HIS COMPANION PUCCIO WAS NOT ROBBING THE HOUSE, WHICH SEEMED STRANGE TO PETITIONER. PETITIONER WONDERED WHY PUCCIO, CANDICE AND WALKER HAD LEFT THE HOSPITAL IN THE FIRST PLACE PRIOR TO SIMON'S PASSING AND THEODORE CLAIMED PUCCIO WAS GOING TO ROB THE SAFE AND HOME AND HAD LEFT SOME TIME AGO AND HE HAD SENT WALKER AND CANDICE TO WATCH HER AND GET SOME PAPERWORK HE NEEDED FROM THE HOME FOR THE HOSPITAL.

(WALKER'S RESPONSE)

IT WASN'T WEIRD TO GO AND KEEP AN EYE ON MARITZA. EARLIER IN THE DAY I HAD OVERHEARD MARITZA TRY TO MAKE A COUPLE OF STUPID EXCUSES TO LEAVE THE HOSPITAL BEDSIDE OF HER SUPPOSED LOVE/BF AND I CALLED HER OUT ON IT AND SO THEN MADE SURE I WENT TO THE HOUSE BEFORE SHE HAD A CHANCE TO AND GATHERED ALL CHECKS, CHECKBOOKS, AND SIMON'S WALLET FOR SAFEKEEPING.  
(P.25PP.95)

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CAPTURED FROM DOCUMENT

95. THAT IN THE PARKING LOT OF THE HOSPITAL WALKER STATED TO PETITIONER THAT SHE WAS INSTRUCTED TO GET DOCUMENTS TO GIVE THEODORE, ANY DOCUMENTS REGARDING THE WILLS AND TRUSTS SHE WAS TO REMOVE FROM THE ESTATE AND NOW HELD IN HER HANDS. SHE CLAIMED THEODORE NEEDED THEM AS THEY CONTAINED IMPORTANT ESTATE AND OTHER DOCUMENTS FOR THE HOSPITAL. WALKER THEN URGED PETITIONER AND CANDICE TO RETURN TO THE HOME TO WATCH OVER PUCCIO, AS WALKER CLAIMED SHE HAD TO BRING THEODORE THE DOCUMENTS IMMEDIATELY FOR THE HOSPITAL PAPERWORK AND DID NOT TRUST PUCCIO. THAT WALKER WAS CONVINCED AT THAT TIME THAT PUCCIO MAY HAVE MURDERED SIMON THROUGH POISON OR OVERDOSE.

(WALKER'S RESPONSE)

ABSOLUTELY UNTRUE.  
(P.26PP.102)

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## CAPTURED FROM DOCUMENT

102. THAT SHORTLY AFTER THE SHERIFFS ARRIVED AT SIMON'S, THEODORE, JILL AND LISA SHOWED UP AT SIMON'S HOUSE WITH WALKER, IN ORDER TO GIVE STATEMENTS REGARDING THE ACCUSATIONS THAT PUCCIO HAD MURDERED SIMON BY POISONING HIM OR OVERDOSING HIM WITH MEDICATIONS. THAT WALKER CLAIMED THAT PUCCIO WAS SWITCHING PAIN PILLS WITH HIS NITRO PILLS WITH INTENT WHILE HE WAS CONFUSED AND THAT TOO MANY PAIN PILLS WERE BEING MIXED WITH OTHER UNKNOWNNS.

## (WALKER'S RESPONSE)

YES, TRUE AND CANDICE HAD ALSO INFORMED ME THAT MARITZA SNEAKILY GAVE SIMON A BIG WHITE PILL THAT LOOKED LIKE THE VICODIN, THINKING NO ONE WAS WATCHING.

(P.27PP.104)

## CAPTURED FROM DOCUMENT

104. THAT LATER THAT AFTERNOON ON SEPTEMBER 13, 2012, THEODORE STATED THAT HE HAD JUST SPOKEN WITH TESCHER AND SPALLINA AND THAT HE WAS APPOINTED TO ACT AS THE PERSONAL REPRESENTATIVE/EXECUTOR/SUCCESSOR OF THE ESTATES FOR THE REAL ESTATE AND PERSONAL PROPERTIES AND TESCHER AND SPALLINA WERE ALSO PERSONAL REPRESENTATIVES. THAT ACCORDING TO THEODORE THE ALLEGED 2012 AMENDED TRUST OF SIMON NOW GAVE TS, SPALLINA AND TESCHER, THE AUTHORITY TO ACT AS TRUSTEES AND PERSONAL REPRESENTATIVE SOVER THE ESTATES AND HE CLAIMED THEY HAD CHOSEN HIM AS A PERSONALREPRESENTATIVE/EXECUTOR/SUCCESSOR TRUSTEE BECAUSE HE WAS THE OLDEST SURVIVING CHILD.

## (WALKER'S RESPONSE)

TO MY KNOWLEDGE, BEFORE THE PASSING OF SHIRLEY OR SIMON, TED HAS ALWAYS BEEN THE FIDUCIARY OF SHIRLEY'S ESTATE AND THE PROPERTIES THAT WERE IN HER NAME.

(P.28PP.114)

## CAPTURED FROM DOCUMENT

114. THAT UP UNTIL THE DAY OF SIMON'S DEATH, WALKER MAINTAINED KEYS AND ALARM CODES TO HIS HOME, AS SHE HAD DONE FOR SEVERAL YEARS PRIOR, HOWEVER SUDDENLY ON THE DAY SIMON DIED SHE STATED SHE NO LONGER HAD THE HOUSE KEYS, THE ALARM CODES AND DID NOT HAVE THE RIGHT COMBINATION TO OPEN THE PERSONAL SAFE OF SIMON, CLAIMING SIMON MUST HAVE JUST CHANGED THE CODE ON HIS SAFE DAYS BEFORE HIS DEATH AND SHE HAD LOST HER KEYS.

## WALKER'S RESPONSE

CORRECT. THE CODE TO THE SAFE HAD BEEN CHANGED WITHOUT MY NOTICE. HOWEVER, I STILL HAD KEYS, COMBINATIONS AND GARAGE DOOR OPENERS UNTIL CHANGED BY THE FAMILY, WHICH VERY WELL COULD'VE BEEN THE NEXT DAY I DON'T REMEMBER.

(P.28PP.115)

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## CAPTURED FROM DOCUMENT

115. THAT WALKER HAD BEEN RESIDING IN SHIRLEY AND SIMON'S HOME UNTIL SEVERAL WEEKS BEFORE SIMON'S DEATH AND HAD MOVED FROM THE HOME DUE TO PROBLEMS THAT HAD ARISEN WITH HER AND PUCCIO AND SIMON COULD NO LONGER HANDLE THE ADDITIONAL STRESS. WHERE WALKER HAD JOINED WITH SIMON'S OTHER CHILDREN AND GRANDCHILDREN IN HATING ON PUCCIO AND BEGAN CLAIMING SHE WAS AFTER HIS MONEY, ABUSING HIM AND MORE. THAT THIS FEUDING LED TO WALKER AND SIMON ATTENDING THERAPY TOGETHER AND FINALLY WALKER MOVING OUT. SIMON FELT BETRAYED BY WALKER WHO HE HAD CONSIDERED LIKE A DAUGHTER SIDING WITH HIS CHILDREN AND GOING AGAINST PUCCIO WITH SUCH ANGER, YET HE KEPT HER EMPLOYED AND SHE SHOWED UP AT HIS HOME ALMOST DAILY UNTIL HIS DEATH FOR WORK.

## (WALKER'S RESPONSE)

I DID NOT MOVE OUT BECAUSE OF PROBLEMS WITH MARITZA. NOR DID MY RELATIONSHIP PHASE SIMON AT ALL OR CAUSE HIM ANY STRESS. I MOVED OUT BECAUSE SIMON THOUGHT IT WAS TIME FOR ME TO LIVE MY OWN LIFE AND NOT WORRY ABOUT HIM ANY LONGER AND WAS HAVING MARITZA MOVE IN. I DIDN'T JOIN ANY SAID "BOYCOTT". I SAW SIMON'S RELATIONSHIP WITH MARITZA MORE THAN ANYONE ELSE AND HAD GOOD REASON TO DISAPPROVE OF HIM INVESTING SO MUCH INTO HER. SIMON NEVER FELT BETRAYED BY ME. HE KNEW I WANTED WHAT WAS BEST FOR HIM, WHICH EXCLUDED MARITZA, BUT BEING THE STUBBORN PERSON HE WAS HE DID WHAT HE ULTIMATELY WANTED TO DO AND NO ONE COULD INFLUENCE HIM OTHERWISE, RIGHT OR WRONG.  
(P.30PP.127)

## CAPTURED FROM DOCUMENT

127. THAT PETITIONER LEARNED LATER FROM WALKER THAT SOME OF THE DOCUMENTS SHE REMOVED FROM THE ESTATE INCLUDED A CONTRACT SIMON HAD MADE PERTAINING TO PUCCIO AND A CHECK MADE OUT TO HER.

## (WALKER'S RESPONSE)

IT WASN'T DAYS LATER. THE NIGHT SIMON WAS IN THE HOSPITAL AND WE WERE SENT HOME UNTIL THE NEXT SET OF VISITING HOURS CANDICE, ELIOT AND I WENT TO DINNER AND I SHOWED THEM THE DOCUMENT AND ASKED WHAT TO DO WITH IT. THEY ADVISED ME TO HANG ONTO IT AND THAT IT'S NOT SIGNED AND WAS CREATED WHILE SIMON WAS COMPLETELY PSYCHOTIC SO IT HELD NO WORTH. THE CHECK WAS NOT MADE OUT TO HER, IT WAS COMPLETELY BLACK AND TAKEN FROM THE BACK OF THE CHECKBOOK.  
(P.30PP.128)

## CAPTURED FROM DOCUMENT

128. THAT LATER UPON QUESTIONING THEODORE AGAIN ABOUT THE CONTENTS OF THE PACKAGE AND IF HE HAD DOCUMENTS FOR PUCCIO, HE INITIALLY DENIED HE HAD ANY PUCCIO DOCUMENTS UNTIL PETITIONER NOTIFIED THEODORE THAT WALKER HAD TOLD HIM OF DOCUMENTS FOR PUCCIO THAT SHE HAD TAKEN FROM THE HOME AND GIVEN TO HIM AND

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FURTHER THAT WALKER CLAIMED SHE HAD  
 DISCUSSED THEM WITH HIM AT THE HOSPITAL.

(WALKER'S RESPONSE)

DIDN'T DISCUSS WITH TED AT THE HOSPITAL

(P.30PP.130)

CAPTURED FROM DOCUMENT

130. THAT PETITIONER THEN NOTIFIED THEODORE THAT SIMON HAD PERSONALLY  
 INFORMED PETITIONER OF A DOCUMENT AND CHECK FOR PUCCIO IN THE HOSPITAL ON  
 SEPTEMBER 12, 2012 THAT HE WANTED HER TO HAVE IN THE EVENT ANYTHING HAPPENED  
 TO HIM IN THE HOSPITAL.

(WALKER'S RESPONSE)

THIS PARAGRAPH IS EITHER A BLATENT LIE OR COMPLETELY MISCONSTRUED MEMORY  
 OF ELIOT'S. SIMON NEVER SAID SUCH A THING TO ELIOT NOR DID ELIOT OR CANDICE  
 HAVE ANY IDEA OF SUCH DOCUMENT UNTIL I SHOWED THEM AT DINNER. THEY WERE IN  
 DISAGREEMENT OF THE DOCUMENT THAT NIGHT ALSO SO I DON'T KNOW HOW THIS MEMORY  
 WAS CHANGED IN THEIR HEADS. ALL SIMON SAID TO ALL OF US CONSTANTLY WHILE HE  
 WAS IN THE HOSPITAL BED WAS TO MAKE SURE "THEY" DIDN'T HURT HER. THEY BEING  
 HIS FAMILY MEMBERS.

(P.31PP.135)

CAPTURED FROM DOCUMENT

135. THAT IN THE PARKING LOT OF THE HOSPITAL WALKER ALSO EXCHANGED WHAT  
 SHE THOUGHT WAS A GIFT SHE HAD FOR PETITIONER AND WHEN CANDICE OPENED IT ON  
 THE WAY TO SIMON'S IT HAD 5-6 LARGE RED PILLS INSIDE. THAT WHEN THEY  
 CONTACTED WALKER ON THE WAY TO SIMON'S TO FIND OUT WHAT THESE PILLS WERE AND  
 WHO THEY WERE FOR, SHE CLAIMED THAT THEY WERE HER PILLS, NOT SIMON'S AND  
 STATED SHE GAVE PETITIONER THE WRONG PACKAGE AND TO THROW THEM AWAY.

(WALKER'S RESPONSE)

NOT TRUE. ONLY BIG RED PILLS I HAVE EVER TAKEN WERE DIET PILLS AND IF I  
 DID GIVE SOME TO CANDICE THAT WASN'T OUT OF THE ORDINARY. I NEVER SAID TO  
 FORGET IT AND THAT THOSE PILLS WERE MEANT FOR SOMEONE ELSE THOUGH. ANOTHER  
 MISCONSTRUED MEMORY OF ELIOT'S.

(P.31PP.136)

CAPTURED FROM DOCUMENT

136. THAT PETITIONER ON SEPTEMBER 13, 2012 UPON TRYING TO LOG IN TO  
 SIMON'S COMPUTER AT HIS HOME TO GET HIS PERSONAL FRIENDS CONTACT INFORMATION  
 TO NOTIFY THEM OF SIMON'S PASSING NOTICED THAT THE HARD DRIVES ON ALL OF  
 SIMON'S COMPUTERS IN HIS HOME WERE MISSING OR SCRUBBED AND PETITIONER FOUND  
 THIS HIGHLY IRREGULAR. THEODORE STATED HE WOULD LOOK INTO WHERE THEY HAD GONE  
 AND QUESTION SEVERAL PEOPLE WHO HANDLED SIMON'S COMPUTERS AT HIS OFFICE AND

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HOME IF THEY KNEW ANYTHING. TO THIS DATE THOSE ITEMS APPEAR TO HAVE BEEN TAKEN FROM THE ESTATE AND NEVER RECOVERED.

(WALKER'S RESPONSE)

NOT TRUE. ONLY THE COMPUTER IN THE OFFICE ON THE SECOND FLOOR SEEMED THAT WAY AS IT WAS NEW BECAUSE THE OLD COMPUTER HAD CRASHED. HOWEVER, OUR IT GUY, KEITH RESIG, WAS ABLE TO RETRIEVE MOST OF THE INFORMATION FROM THE OLD COMPUTER AND WAS ON A DROPBOX WHICH JUST NEEDED TO BE DOWNLOADED TO THE NEW COMPUTER.

(P.31PP.139)

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 CAPTURED FROM DOCUMENT

139. THAT ACCORDING TO SPALLINA A HERITAGE UNION LIFE INSURANCE COMPANY INSURANCE POLICY NO. 1009208 ON SIMON ("HERITAGE POLICY") WAS ALSO NOW MISSING FROM THE ESTATES RECORDS. SEE EXHIBIT 6 - EMAILS REGARDING LOST HERITAGE POLICY. THAT THE HERITAGE POLICY IS REINSURED BY REASSURE AMERICAN LIFE INSURANCE COMPANY ("RALIC"), WHO HAS BECOME INVOLVED IN THE INSURANCE MATTERS.

(WALKER'S RESPONSE)

DON'T KNOW HOW ANY DOCUMENTS FROM HERITAGE UNION LIFE INSURANCE COMPANY WERE MISSING. WE HAD JUST HAD DIANA SEND IN A CHECK TO THEM IN AUGUST BEFORE THE POLICY RAN OUT FOR NON PAYMENT.

(P.55PP.266)

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 CAPTURED FROM DOCUMENT

266. THAT ACCORDING TO PATRICIA FITZMAURICE, L.C.S.W., P.A., ("FITZMAURICE") SIMON'S THERAPIST, IN A SESSION WITH PETITIONER AND CANDICE INFORMED THEM THAT SIMON HAD CONVEYED TO HER THAT HIS NET WORTH WAS APPROXIMATELY US\$ 30,000,000.00 SHORTLY BEFORE HIS DEATH.

(WALKER'S RESPONSE)

FITZMAURICE IS MISTAKEN OR ELIOT HEARD HER INCORRECTLY AS SIMON SAYING HE WAS ONCE WORTH THAT MUCH. SINCE THE CRASH OF 2008 THE BERNSTEIN'S HAD TO TAKE OUT A LINE OF CREDIT A COUPLE OF TIMES TO MAKE ENDS MEET AND SINCE THEN HE WAS NEVER WORTH MORE THAN \$10 MILLION. I CAN TELL YOU THAT SIMON AT ALL TIMES HAD ABOUT \$3MILLION INVESTED THROUGH JP MORGAN IN ADDITION TO OTHER ACCOUNTS WITH THOUSANDS OF DOLLARS. THE DAY HE PASSED HE HAD \$70,000.00 SOMETHING IN HIS MAIN CHECKING ACCOUNT (WHICH I PAID BILLS WITH). THEN APPARENTLY AFTER HANDING ALL THE INFO OVER TO THE ESTATE WE WERE TOLD THERE IS NOTHING.

(P.55PP.267)

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 CAPTURED FROM DOCUMENT

267. THAT ACCORDING TO PUCCIO, SIMON HAD TOLD HER THAT THE ESTATE WAS WORTH BETWEEN US\$ 20,000,000.00 TO \$30,000,000.00 AT VARIOUS TIMES, WITH

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MONIES ALREADY PUT AWAY AND PROTECTED FOR PETITIONER AND HIS FAMILY FOR SCHOOL, HOME AND OTHER ITEMS.

(WALKER'S RESPONSE)

SIMON WAS PROBABLY EMBELLISHING FOR HIS EGO. HE DID NOT POSSESS THAT MUCH IN ASSETS AT ONCE FOR YEARS. HOWEVER, SHIRLEY AND SIMON HAD ALWAYS TOLD ME THAT THERE IS A SEPARATE, ACCOUNT/TRUST/SOMETHING SET UP TO TAKE CARE OF THEIR GRANDCHILDREN'S SCHOOL AND HOME SHOULD THEY PASS ON.  
(P.57PP.279)

CAPTURED FROM DOCUMENT

279. THAT SIMON HAD AN ESTIMATED TENS OF MILLIONS OF DOLLARS IN STANFORD GROUP COMPANY INVESTMENT ACCOUNTS HANDLED BY PRIVATE BANKING REPRESENTATIVE, CHRISTOPHER R. PRINDLE WHO IS NOW WITH J.P. MORGAN PRIVATE BANK

(WALKER'S RESPONSE)

I DON'T WANT TO COMMENT TOO MUCH ON THE FINANCIALS MANAGED OUTSIDE OF MY EVERYDAY DUTIES BUT TO MY KNOWLEDGE THROUGH CONVERSATIONS WITH BOTH SHIRLEY AND SIMON, THAT STANFORD NO LONGER HOLDS ANY MONEY OF THE BERNSTEINS BECAUSE OF THE LOSSES DUE TO STANFORD'S PONZI SCHEME AROUND 2008/2009.  
P.89PP.406

CAPTURED FROM DOCUMENT

406. THAT THE FIRST THING THAT MAKES NO SENSE IN THE ACCUSATIONS BY PETITIONER'S SIBLINGS OF MURDER BY PUCCIO IS THAT PUCCIO APPEARED TO HAVE NO BENEFICIAL INTEREST IN THE ESTATES OF SIMON AND SHIRLEY AND THUS NO KNOWN MOTIVE OR BENEFIT FOR MURDER.

(WALKER'S RESPONSE)

MARITZA HAD NO ESTATE INTERESTS, HOWEVER THE ESTATE WAS DEPLETING WEEKLY AS, IN LAYMANS TERMS, SHE WAS BEING PAID BY THE ESTATE TO "BE WITH" SIMON. MONEY WAS TRANSFERRED TO SABADELL BANK WHERE SIMON KEPT AN ACCOUNT FOR HER IN HIS NAME. THIS ACCOUNT WAS USED TO FUND HER FAMILY IN VENEZUELA AND HERSELF. SHE ALREADY MADE MANY "AGREEMENTS" FOR LARGE SUMS OF MONEY FOR "DATING" SIMON BERNSTEIN. BUT MONTHS LEADING UP TO SIMON'S DEATH SHE WAS REPULSED BY HIM TO WHERE SHE COULDN'T BE IN THE SAME ROOM AS HIM, DIDN'T SLEEP IN THE SAME ROOM AS HIM ANYMORE AND CONSTANTLY MADE UP EXCUSES TO LEAVE THE HOUSE WITHOUT HIM. SHE CONFIDED IN ME THAT SHE COULDN'T STAND TO BE AROUND HIM ANYMORE AND WANTED TO LEAVE BUT FINANCIALLY COULDN'T DO THAT TO HERSELF OR HER FAMILY SO SHE "PUT UP WITH HIM".  
(P.89PP.407)

CAPTURED FROM DOCUMENT

407. THAT LATER, AFTER THE SHERIFF HAD LEFT, WALKER TOLD PETITIONER AND CANDICE THAT IN THE ESTATES DOCUMENTS SHE REMOVED FROM THE HOME THERE WAS A

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CHECK AND AN AGREEMENT SIMON HAD EXECUTED FOR PUCCIO, THAT INURED AN ESTIMATED \$100,000.00 TO PUCCIO IF SIMON WERE TO DIE, WHICH WALKER THEN REMOVED BOTH DOCUMENTS FROM THE ESTATES AND TRANSFERRED THEM TO THEODORE THE NIGHT OF SIMON'S DEATH, WHO THEN ALLEGEDLY TRANSFERRED THEM TO SPALLINA A FEW WEEKS LATER, AS ALREADY DISCUSSED HEREIN.

(WALKER'S RESPONSE)

THIS SAID DOCUMENT WAS NOT CREATED IN SOUND MIND BY SIMON. CHECK WAS NEVER FILLED OUT, IT WAS BLANK, AND THE TERMS OF THE CONTRACT WERE NEVER MET SO IT'S NULL AND VOID.  
 (P.89PP.408)

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 CAPTURED FROM DOCUMENT

408. THAT WHEN THE SHERIFF CAME ON SEPTEMBER 13, 2012, DESPITE WALKER KNOWING OF THIS DOCUMENT AND THEODORE KNOWINGLY IN POSSESSION OF THE DOCUMENT, NEITHER ONE OF THEM MENTIONS THIS DOCUMENT TO THE SHERIFF'S OR TURNS IT OVER AS EVIDENCE OF A POSSIBLE MOTIVE THAT PUCCIO MURDERED SIMON.

(WALKER'S RESPONSE)

IT WAS NEVER MENTIONED PROBABLY BECAUSE IT DIDN'T POSSESS ANY REAL QUALITY AND BY THAT MORNING AFTER NO SLEEP FOR DAYS I WAS SOLELY CONCERNED ABOUT THE MISUSE OF DRUGS THAT WAS ADMINISTERED TO SIMON BY MARITZA.  
 (P.90PP.413)

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 CAPTURED FROM DOCUMENT

413. THAT INSTEAD OF GIVING THE DOCUMENTS TO INVESTIGATORS, SPALLINA MET WITH PUCCIO AND HER COUNSEL DENYING HER CLAIM AND TELLING HER SHE WOULD GET NOTHING, OPPOSITE OF SIMON'S DESIRES AND ALLEGEDLY THREATENING HER THAT SHE WAS A SUSPECT IN A MURDER INVESTIGATION AND SHOULD GO AWAY OR ELSE, FURTHER FRIGHTENING PUCCIO WHO HAS SINCE APPARENTLY ABANDONED HER CLAIM AGAINST THE ESTATE. NO INFORMATION REGARDING THIS CLAIM AGAINST THE ESTATE HAS BEEN SENT BY TS, SPALLINA AND TESCHER TO THE BENEFICIARIES.

(WALKER'S RESPONSE)

IT WAS SAID BY SIMON MANY TIMES TO MYSELF AND OTHERS- MARITZA DOES NOT RECEIVE ANYTHING FINANCIALLY OR BY HIS ESTATE AFTER HE PASSES, THAT SHE GETS WHAT IS GIVEN TO HER WHILE HE IS ALIVE AND SHE IS HIS "GIRLFRIEND".

THIS CONCLUDES THE E-MAIL AND SUPPLEMENT. A COPY OF THE ATTACHMENT AND E-MAIL WERE PUT INTO PBSO EVIDENCE. THIS CASE REMAINS OPEN.

DETECTIVE RYAN W. MILLER #7704  
 02/21/14 @ 1451 HRS.

TRANS. VIA EMAIL/COPY/PASTE: 02/24/2014/MDR/#6405

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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1  
CASE NO. 14029489 SUPPLEMENT 12 OFFENSE REPORT CASE NO. 14029489  
DISPOSITION: ZULU  
DIVISION: DETECTIVE

911:  
ECONOMIC CRIMES \* \* \*  
SIGNAL CODE: 14 CRIME CODE: NON CRIME CODE: OT CODE: 9546 02/27/14 THURSDAY  
ZONE: BR GRID: DEPUTY I.D.: 7704 NAME: MILLER ASSIST: TIME D 1020 A 1020 C 1021  
OCCURRED BETWEEN DATE: 12/01/12 , 0000 HOURS AND DATE: 01/31/13 , 0000 HOURS  
EXCEPTION TYPE:  
INCIDENT LOCATION: 4855 TECHNOLOGY WY APT. NO.: 700  
CITY: BOCA RATON STATE: FL ZIP: 33431  
  
NO. OFFENSES: 00 NO. OFFENDERS: UK NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0  
LOCATION: OTHER  
NO. VICTIMS: 00 NO. ARRESTED: 0 FORCED ENTRY: 0

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ON 02/11/14 SGT. DAVID GROOVER AND I RESPONDED TO THE PALM BEACH COUNTY SHERIFF'S OFFICE WEST BOCA SUB-STATION FOR THE PURPOSE OF INTERVIEWING ELIOT AND CANDICE BERNSTEIN IN REGARD TO THIS INVESTIGATION. THE INTERVIEW LASTED APPROXIMATELY THREE HOURS AND WAS MEMORIALIZED ON DIGITAL RECORDERS. BELOW IS A BRIEF SYNOPSIS OF THE INTERVIEW. FOR COMPLETE AND ACCURATE DETAILS OF THE STATEMENTS MADE BY ELIOT AND CANDICE DURING THE SWORN INTERVIEW, AUTHORIZED PERSONS MAY REVIEW THE AUDIO CD COPY, WHICH IS MAINTAINED AT THE PALM BEACH COUNTY SHERIFF'S OFFICE EVIDENCE FACILITY.

ELIOT STATED HE IS UNDER THE BELIEF THAT DONALD TESCHER AND ROBERT SPALLINA BECAME ACQUAINTED WITH HIS PARENTS IN 2008. HE BASES THIS BELIEF ON COPIES OF DOCUMENTS HE HAS EXAMINED AS WELL AS STATEMENTS MADE TO HIM BY HIS BROTHER THEODORE. ELIOT TOLD ME HE UNDERSTANDS THAT THERE WERE INDIVIDUAL TRUSTS AND WILLS CREATED FOR HIS PARENTS, SHIRLEY AND SIMON, IN 2008 BUT QUESTIONS THE ORIGINS OF MANY OF THE DOCUMENTS. ELIOT STATED HE HAS NOT BEEN PROVIDED MANY OF THE ESTATE DOCUMENTS THAT HE BELIEVES HE SHOULD HAVE SEEN BY NOW.

ELIOT STATED THAT SHIRLEY'S ORIGINAL TRUST STATES HE, ALONG WITH HIS SISTERS LISA AND JILL WERE TO HAVE THE ASSETS DISTRIBUTED AMONGST THEM; STATING IT ALSO REFERENCED THEIR (ELIOT, LISA, & JILL'S) LINEAL DESCENDANTS. ELIOT SAID HE HAS RECENTLY LEARNED THROUGH A LETTER FROM DONALD TESCHER THAT THERE WERE POSSIBLY TWO FIRST AMENDMENTS TO HIS MOTHER'S TRUST. HE CLAIMED THAT ACCORDING TO TESCHER'S LETTER ONE OF THE AMENDMENTS OCCURRED IN JANUARY 2013, BUT AFTER VIEWING THE LETTER I FOUND THIS WAS NOT HOW IT READ. I ASKED FOR A COPY OF THE LETTER TO BE E-MAILED TO ME, BUT TO DATE I DON'T FIND THAT

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I HAVE RECEIVED IT. I WAS ABLE TO OBTAIN A COPY OF THE INFORMATION THAT WAS PROVIDED BY SPALLINA TO ELIOT'S CHILDREN'S FORMER ATTORNEY, CHRISTINE YATES. THIS CONFIRMED THAT SPALLINA DID PROVIDE THE ALTERED DOCUMENT TO YATES AS SPALLINA HAD PREVIOUSLY STATED TO ME.

IN FURTHER DISCUSSION OF THIS CASE, ELIOT CONFIRMED HE WAS PRESENT DURING THE MAY 2012 CONFERENCE CALL BETWEEN HIS FATHER, HIS SIBLINGS AND SPALLINA. HIS INTERPRETATION OF THE CALL WAS SLIGHTLY DIFFERENT THAN HIS SIBLINGS. HE STATED HE UNDERSTOOD THE CALL AS HIS FATHER STATING HE MAY MAKE CHANGES, BUT IT IS NOT A CERTAINTY. ELIOT CONFIRMED THE PROPOSED CHANGES WERE (IF THEY OCCURRED) THAT THE ASSETS WOULD GO TO THE 10 GRANDCHILDREN AND NO LONGER ANY OF THE CHILDREN. ELIOT IMPLIED HE SUPPORTED HIS FATHER'S DECISION IF IT RELIEVED STRESS FROM HIS FATHER, WHICH HE FELT WAS BEING CREATED BY SOME OF HIS SIBLINGS. ELIOT STATED HE DISPUTES WHETHER THE TRUST AMENDMENT SIGNED BY SIMON IN JULY 2012 WAS ACTUALLY SIGNED BY SIMON. HE SAID HE FEELS ALL DOCUMENTS FILED POST MORTEM MAY BE FRAUDS.

ELIOT CLAIMED THERE ARE SOME DISCREPANCIES WITH A LIFE INSURANCE POLICY WHICH BELONGED TO SIMON. THERE IS CURRENTLY AN ON-GOING FEDERAL COURT CASE IN ILLINOIS REFERENCE THIS POLICY. ELIOT IS NOT CERTAIN WHERE THE POLICY ORIGINATED AND SAID THE POLICY HAS SINCE BEEN LOST. ELIOT INFORMED ME THAT THE INSURANCE COMPANY IS LOCATED IN JACKSONVILLE, IL. HE SAID THAT IN HIS OPINION, DOCUMENTS REFERENCE THE POLICY IN REGARDS TO THE TRUSTEE WERE SIGNED UNLAWFULLY, AND THEN SUBMITTED TO THE INSURANCE COMPANY IN ILLINOIS. HE ALSO SAID HE BELIEVES THE INSURANCE COMPANY IS CONDUCTING AN INVESTIGATION. HE WAS INFORMED A REPORT SHOULD BE FILED WITH JACKSONVILLE, IL POLICE DEPARTMENT AS WELL AS WITH THE INSURANCE COMPANY.

IN CONTINUING TO DISCUSS THIS CASE, ELIOT BROUGHT UP A FORM CALLED A PETITION TO DISCHARGE (FULL WAIVER) REFERENCE HIS MOTHER'S ESTATE WHICH IS DATED APRIL 9, 2012 AND SIGNED BY SIMON. HE ALLEGES DUE TO THE TIMING OF WHEN THIS FORM WAS FILED WITH THE COURTS ON OCT. 24, 2012, WHICH WAS AFTER HIS FATHER'S DEATH, HE BELIEVES HIS FATHER MAY NOT HAVE SIGNED IT. HE ALSO POINTED OUT WHAT HE BELIEVES ARE OTHER DISCREPANCIES IN THE FORM AS WELL AS PROCEDURE VIOLATIONS WITH HOW THE PAPERWORK WAS FILED AND WHO DID AND/OR COULD HAVE FILED IT, IN REFERENCE TO THE PERSONAL REPRESENTATIVE.

ELIOT TOLD ME HE BELIEVES HIS MOTHER'S ESTATE SHOULD GO TO HIM, LISA, AND JILL. HE STATED HE FEELS A CONSPIRACY IS TAKING PLACE, IN ORDER TO HAVE THE ASSETS FROM THE ESTATE GO TO PEOPLE OTHER THAN WHO THE DOCUMENTS STATE THEY SHOULD GO TOO.

ON 02/25/14 DET. PANZER AND I MET WITH ELIOT AND CANDICE AFFORDING THEM THE OPPORTUNITY TO FURTHER THEIR STATEMENT. ELIOT STATED THAT THE COURTS APPOINTED A CURATOR TO THE PROBATE CASE, AS WELL AS, ORDERED A FORENSIC ACCOUNTING TO BE DONE. THEY STATED THEY HAD NO OTHER INFORMATION TO SUPPLY.

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DISPOSITION: ZULU

IT SHOULD BE NOTED THAT I RECENTLY PLACED A PHONE CALL TO CHRISTINE YATES, BUT SHE DID NOT CALL ME BACK. IN ADDITION, I BRIEFLY SPOKE WITH PAMELA SIMON, WHO STATED SHE WOULD NEED TO CONTACT ME BACK WITH HER ATTORNEY TO PROVIDE A SWORN STATEMENT. TO DATE SHE HAS NOT CONTACTED ME BACK. I HAVE ALSO SPOKEN WITH DONALD TESCHER OVER THE PHONE. HE ADVISED THAT HE RETAINED COUNSEL BY THE NAME OF IRWIN BLOCK. I SPOKE WITH MR. BLOCK WHO STATED HIS CLIENT WILL NOT BE PROVIDING ME WITH A STATEMENT.

BASED UPON THE TOTALITY OF THE INVESTIGATIVE EFFORT, I DO NOT FIND EVIDENCE OR PROBABLE CAUSE TO SUPPORT ANY CRIMINAL ALLEGATIONS. THIS CASE REMAINS A NON-CRIMINAL INFORMATIONAL REPORT.

DETECTIVE RYAN W. MILLER #7704

02/27/14 @ 1423 HRS.

TRANS. VIA EMAIL/COPY/PASTE: 02/28/2014/MDR/#6405

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P A L M B E A C H C O U N T Y S H E R I F F ' S O F F I C E PAGE 1  
CASE NO. 14029489 SUPPLEMENT 13 O F F E N S E R E P O R T CASE NO. 14029489  
DISPOSITION: ZULU  
DIVISION: DETECTIVE

911:

ECONOMIC CRIMES \* \* \*  
SIGNAL CODE: 14 CRIME CODE: NON CRIME CODE: OT CODE: 9546 01/13/15 THURSDAY  
ZONE: BR GRID: DEPUTY I.D.: 6685 NAME: PANZER, A. ASSIST: TIME D 1020 A 1020 C 1021  
OCCURRED BETWEEN DATE: 12/01/12 , 0000 HOURS AND DATE: 01/31/13 , 0000 HOURS  
EXCEPTION TYPE:  
INCIDENT LOCATION: 4855 TECHNOLOGY WY APT. NO.: 700  
CITY: BOCA RATON STATE: FL ZIP: 33431

NO. OFFENSES: 00 NO. OFFENDERS: UK NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0  
LOCATION: OTHER  
NO. VICTIMS: 00 NO. ARRESTED: 0 FORCED ENTRY: 0

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ON 12/14/14, DETECTIVE MILLER AND I MET WITH ELIOT AND CANDICE BERNSTEIN AT THE DISTRICT 7 SUBSTATION. THIS MEETING WAS REQUESTED BY THE BERNSTEIN'S AS THEY FELT THEY HAD UNCOVERED ADDITIONAL INFORMATION REGARDING THEIR ORIGINAL ALLEGATION. I WAS ASKED TO ATTEND AS DETECTIVE MILLER WAS TO BE PROMOTED TO SERGEANT IN THE VERY NEAR FUTURE AND I WOULD LIKELY BE THE PERSON ASSUMING THIS INVESTIGATION SHOULD NEW INFORMATION BECOME AVAILABLE. DETECTIVE MILLER ADVISED HIS ORIGINAL INVESTIGATION INTO THE ALLEGATIONS REMAINED A NON-CRIMINAL INFORMATION REPORT BASED UPON THE TOTALITY OF THE INVESTIGATIVE EFFORT AND THE FACT PROBABLE CAUSE COULD NOT BE ESTABLISHED TO SUPPORT ANY CRIMINAL ALLEGATIONS. DETECTIVE MILLER ADVISED ONLY NEW INFORMATION WOULD BE CONSIDERED FOR INVESTIGATION.

DURING THE MEETING ON 12/14/14, BERNSTEIN SPOKE OF ISSUES WITH HIS CHILDREN'S TRUSTS DOCUMENTS AND ALLEGED CERTAIN SIGNATURES WERE INVALID AND POSSIBLY FORGED BASED ON HIS INFORMATION AND BELIEF. DETECTIVE MILLER REQUESTED BERNSTEIN PREPARE A BRIEF MEMO REGARDING THE ALLEGATION AND SUBMIT COPIES OF THE CONTESTED DOCUMENTS VIA EMAIL. ON 01/08/15, I RECEIVED AN EMAIL FROM BERNSTEIN CONSISTING OF A 118 PAGE PDF ATTACHMENT. BERNSTEIN REFERENCED THE FOLLOWING PBSO CASE NUMBERS:

13-097087 - MORAN FORGERY & FRAUDULENT NOTARIZATION  
13-159967 - JEWELRY THEFT  
14-029489 - TESCHER & SPALLINA ET AL. SUPPLEMENTAL  
12-121312 - ALLEGED MURDER OF SIMON BERNSTEIN

IN THE OPENING PARAGRAPH OF THE LETTER, BERNSTEIN WROTE: "PER OUR MEETING OF DECEMBER 12, 2014 REGARDING THE TRUSTS OF MY THREE MINOR CHILDREN, JOSHUA,

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JACOB AND DANIEL BERNSTEIN, I HAVE PREPARED THE REQUESTED STATEMENT OF FACTS AND ATTACHED THE REQUESTED DOCUMENTS TO SUPPORT OUR CLAIMS REGARDING THE FORGED AND FRAUDULENT STANFORD TRUST COMPANY AND OPPENHEIMER TRUST COMPANY OF NEW JERSEY TRUST DOCUMENTS. THE ALLEGATIONS ARE NOT SIMPLY THAT THE DOCUMENTS ARE FORGED AND FRAUDULENT BUT THAT IT AGAIN IS PART OF A LARGER FRAUD ON THE BENEFICIARIES OF THE ESTATES AND TRUSTS OF SIMON AND SHIRLEY BERNSTEIN TO STEAL MILLIONS OF DOLLARS FROM THE TRUE AND PROPER BENEFICIARIES. THESE TRUST DOCUMENTS WERE USED TO SEIZE DOMINION AND CONTROL OF THE THREE MINOR CHILDREN'S TRUSTS. THEN THE MONIES WERE IMPROPERLY AND ILLEGALLY CONVERTED BY IMPROPER PARTIES ACTING AS FIDUCIARIES TO IMPROPER PARTIES. THIS ARTIFICE TO DEFRAUD WAS USED TO FURTHER HIDE MILLIONS OF DOLLARS THAT WERE TO FLOW INTO THESE AND OTHER TRUSTS CREATED SPECIFICALLY FOR OUR FAMILY AND CONVERT THOSE MONIES TO IMPROPER PARTIES AS WELL."

AS I BRIEFLY REVIEWED THE DOCUMENT, I FOUND IT CONTAINED NOT ONLY THE INFORMATION BERNSTEIN RELATED HE HAD FOUND IN THE MEETING OF 12/14/14, BUT ALSO INFORMATION REGARDING MANY OF THE ALREADY INVESTIGATED ISSUES. ON 01/09/15, I SPOKE WITH BERNSTEIN AT LENGTH REGARDING THE EMAIL HE HAD SENT. I ENSURED HE UNDERSTOOD THAT I WAS NOT REDOING DETECTIVE MILLER'S INVESTIGATION, RATHER I WOULD BE LOOKING INTO THE NEW INFORMATION HE RELATED DURING OUR DECEMBER MEETING AND THAT WHICH WAS CONTAINED IN HIS EMAIL. I ADVISED I WOULD NEED SOME TIME TO REVIEW THE CASE IN ITS ENTIRETY AS THE INFORMATION HE JUST PROVIDED DOES REFER BACK IN PARTS TO WHAT DETECTIVE MILLER HAS ALREADY DONE AND I WILL NEED TO FAMILIARIZE MYSELF WITH THE HISTORICAL DATA OF THE CASE. I ENSURED HE HAD ALL OF MY CONTACT INFORMATION AND ADVISED HIM I WOULD CONTACT HIM AS SOON AS I HAD COMPLETED MY REVIEW AND/OR IF I HAD ADDITIONAL QUESTIONS. I ALSO REQUESTED THAT WHEN HE SENDS ME EMAILS REGARDING THIS CASE, THAT HE LIMIT THE PEOPLE COPIED ON THE EMAIL TO SUBJECTS THAT HAVE A DIRECT LINK TO THIS INVESTIGATION. SUBSEQUENT TO MY TWO (2) PHONE CALLS WITH BERNSTEIN, I CONFERRED WITH DETECTIVE MILLER AND HE CONFIRMED THAT THE AGREED SCOPE OF THE REVIEW WAS THE NEW INFORMATION BERNSTEIN STATED HE WOULD PROVIDE IN OUR DECEMBER MEETING. A REVIEW OF THE RECORDS CONTINUES.

THIS CASE IS NOW OPEN AND UNDER INVESTIGATION.  
DETECTIVE ANDREW PANZER #6685  
01/13/15  
TRANS. VIA EMAIL/COPY/PASTE: 02/02/2015/MDR/#6405

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 CASE NO. 14029489 SUPPLEMENT 14 OFFENSE REPORT CASE NO. 14029489  
 DISPOSITION: ZULU  
 DIVISION: DETECTIVE

911:  
 ECONOMIC CRIMES \* \* \*  
 SIGNAL CODE: 14 CRIME CODE: NON CRIME CODE: OT CODE: 9546 03/20/15 THURSDAY  
 ZONE: BR GRID: DEPUTY I.D.: 6685 NAME: PANZER ASSIST: TIME D 1020 A 1020 C 1021  
 OCCURRED BETWEEN DATE: 12/01/12 , 0000 HOURS AND DATE: 01/31/13 , 0000 HOURS  
 EXCEPTION TYPE:  
 INCIDENT LOCATION: 4855 TECHNOLOGY WY APT. NO.: 700  
 CITY: BOCA RATON STATE: FL ZIP: 33431  
 NO. OFFENSES: 00 NO. OFFENDERS: UK NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0  
 LOCATION: OTHER  
 NO. VICTIMS: 00 NO. ARRESTED: 0 FORCED ENTRY: 0

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 UPON COMPLETING MY REVIEW OF THE DOCUMENTATION BERNSTEIN SUBMITTED IN HIS  
 EMAIL OF 01/08/15, IT WAS DETERMINED THE NEW INFORMATION HE BROUGHT FORTH WAS  
 IN REGARD TO THE DOCUMENTS RELATING TO THE TRUSTS OF HIS 3 MINOR CHILDREN,  
 JOSHUA, JACOB, AND DANIEL BERNSTEIN. IN ITEM 52 OF THE STATEMENT OF FACTS  
 BERNSTEIN WROTE:

"THAT IMMEDIATELY AFTER THE INITIAL COURT HEARING ON OCTOBER 20, 2014 ELIOT,  
 CANDICE AND WILLIAM STANSBURY CONTACTED AND THEN MET WITH TRACI KRATISH, ESQ.  
 WHEREBY TRACI STATED;

- A. SHE HAD NEVER SEEN THE TRUST DOCUMENTS EXHIBITED HEREIN BEFORE NAMING HER AS THE INITIAL TRUSTEE,
- B. THAT SHE DID NOT WORK FOR THE BERNSTEIN FAMILY AT THE TIME THE TRUST DOCUMENT IS ALLEGEDLY SIGNED BY HER AS TRUSTEE,
- C. THAT SHE WAS NOT THE ORIGINAL TRUSTEE IN THE DOCUMENT AND WAS ONLY ASKED TO BE A TRUSTEE WHEN THE STANFORD TRUST COMPANY WAS SEIZED AND ONLY FOR A FEW DAYS, DUE TO THE SIR ALLEN STANFORD PONZI SCHEME AND NEED TO TRANSFER FUNDS.
- D. TRACI CLAIMS TO HAVE SIGNED AN ACCEPTANCE LETTER AT THAT TIME WHICH IS MISSING FROM THE DOCUMENT PRODUCTION OF TESCHER AND SPALLINA AND THEN SHORTLY THEREAFTER SIGNED A RESIGNATION TRANSFERRING TRUSTEESHIP TO OPPENHEIMER.
- E. THAT SHE NEVER SIGNED THE TRUST DOCUMENTS AS ALLEGED IN THE DOCUMENTS AND THAT THE APPEARED FORGED AND FRAUDULENT.

UPON EXAMINING THE SIGNATURE AREAS OF THE TRUST AGREEMENTS DATED SEPTEMBER 07, 2006 PROVIDED BY BERNSTEIN, I NOTED THE TRUSTEE SECTION LISTS

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DISPOSITION: ZULU

TRACI KRATISH, PA AS TRUSTEE. BELOW THIS IS A SIGNATURE, FOLLOWED BY FOR TRACI KRATISH, PA. ON 01/31/15, I SEARCHED TRACI KRATISH, PA THROUGH THE FLORIDA DIVISION OF CORPORATION SUNBIZ WEBSITE AND DISCOVERED THE CORPORATION HAD BEEN DISSOLVED PER THE APPROVAL OF ITS SHAREHOLDERS ON 12/31/13. I WAS ABLE TO LOCATE A POSSIBLE PHONE NUMBER FOR THE ADDRESS LISTED IN THE CORPORATE PAPERWORK AND SUBSEQUENTLY MADE CONTACT WITH KRATISH. IN SPEAKING WITH KRATISH, SHE ADVISED SHE WAS CURRENTLY WORKING FOR ERNST & YOUNG IN BOCA RATON. I EXPLAINED MY INVOLVEMENT WITH BERNSTEIN IN REGARD TO HIS ALLEGATIONS AND ASKED IF SHE WOULD BE WILLING TO MEET WITH ME. KRATISH AGREED AND A MEETING WAS ARRANGED FOR 02/03/15 AT HER OFFICE IN BOCA RATON. ON 02/02/15, I RECEIVED A PHONE MESSAGE FROM KRATISH REQUESTING THE MEETING BE RESCHEDULED. I MADE CONTACT WITH KRATISH AND THE MEETING WAS RESCHEDULED FOR 02/05/15 AT 10 AM, BUT THIS MEETING HAD TO BE CANCELLED AS WELL DUE TO A PRIOR COMMITMENT ON MY PART THAT HAD ALREADY BEEN SCHEDULED.

ON 03/06/15, I MADE CONTACT WITH KRATISH BY PHONE AND ATTEMPTED TO SCHEDULE AN INTERVIEW. KRATISH REQUESTED THE MEETING BE SCHEDULED AFTER 04/15/15, AS THIS WAS A VERY BUSY TIME FOR HER AS SHE WAS ALSO A CERTIFIED PUBLIC ACCOUNTANT. I TOLD HER I WOULD CONTACT HER AFTER TAX SEASON BUT ASKED HER TO CONTACT ME IN THE EVENT AN OPENING IN HER SCHEDULE PRESENTED ITSELF PRIOR TO THEN.

ON 03/20/15, I SPOKE AT LENGTH WITH BERNSTEIN AND ADVISED HIM OF MY ATTEMPT TO MEET WITH KRATISH AND WHEN THE MEETING MIGHT TAKE PLACE. I ASKED IF THE DATE ON THE TRUST AGREEMENTS, WHICH HE PROVIDED AS EXHIBITS WERE THE ACTUAL DATES OF WHEN THE FORGERY MAY HAVE OCCURRED AND BERNSTEIN STATED HE DIDN'T KNOW WHEN THESE DOCUMENTS WERE SIGNED OR IF THEY WERE EVEN ACTUAL LEGAL DOCUMENTS. BERNSTEIN HAD SOME QUESTIONS AS TO ISSUES WHICH AROSE DURING THE TIME THIS CASE WAS ASSIGNED TO DETECTIVE MILLER AND I TOLD HIM I WOULD ATTEMPT TO FIND OUT THE ANSWERS TO HIS QUESTIONS. IT SHOULD BE NOTED, BERNSTEIN IS INVOLVED IN A NUMBER OF CIVIL LITIGATIONS IN MULTIPLE JURISDICTIONS AND SOME THAT STEM FROM ISSUES HE BELIEVES ARE RELATED TO THIS CASE. AS HE BEGAN TO SPEAK OF SOME OF THESE, I LISTENED TO WHAT HE HAD TO SAY BUT ENSURED HE UNDERSTOOD THE PURPOSE OF MY CALL WAS TO UPDATE HIM ON THE PROGRESS OF THE ATTEMPT TO INTERVIEW KRATISH. BERNSTEIN ADVISED ME HE HAD A SIGNIFICANT AMOUNT OF DOCUMENTS YET TO PROVIDE ME. I ADVISED BERNSTEIN I WOULD CONTACT HIM ONCE I HAD INTERVIEWED KRATISH.

THIS CASE REMAINS OPEN PENDING THE INTERVIEW OF KRATISH.

DETECTIVE ANDREW PANZER #6685

03/20/15

TRANS. VIA EMAIL/COPY/PASTE: 03/23/2015/MDR/#6405

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CASE NO. 14029489 SUPPLEMENT 15 OFFENSE REPORT CASE NO. 14029489  
DISPOSITION: ZULU  
DIVISION: DETECTIVE

911:

ECONOMIC CRIMES \* \* \*

SIGNAL CODE: 14 CRIME CODE: NON CRIME CODE: OT CODE: 9546 05/12/15 THURSDAY  
ZONE: BR GRID: DEPUTY I.D.: 6685 NAME: PANZER ASSIST: TIME D 1020 A 1020 C 1021  
OCCURRED BETWEEN DATE: 12/01/12 , 0000 HOURS AND DATE: 01/31/13 , 0000 HOURS  
EXCEPTION TYPE:

INCIDENT LOCATION: 4855 TECHNOLOGY WY APT. NO.: 700  
CITY: BOCA RATON STATE: FL ZIP: 33431

NO. OFFENSES: 00 NO. OFFENDERS: UK NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0  
LOCATION: OTHER  
NO. VICTIMS: 00 NO. ARRESTED: 0 FORCED ENTRY: 0

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ON 05/06/15, I MADE CONTACT WITH TRACI KRATISH BY PHONE AND ATTEMPTED TO  
SCHEDULE AN INTERVIEW WITH HER REGARDING THE ALLEGED FORGED TRUST DOCUMENTS.  
IT WAS AGREED THE INTERVIEW WOULD TAKE PLACE AT THE PALM BEACH COUNTY  
SHERIFF'S OFFICE FINANCIAL CRIMES UNIT ON THURSDAY, 05/21/15 AT 1:00 PM. THIS  
CASE REMAINS OPEN PENDING THE RESULTS OF THE INTERVIEW WITH KRATISH.  
DETECTIVE ANDREW PANZER #6685  
05/12/15  
TRANS. VIA EMAIL/COPY/PASTE: 05/18/2015/MDR/#6405

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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1  
CASE NO. 14029489 SUPPLEMENT 16 OFFENSE REPORT CASE NO. 14029489  
DISPOSITION: ZULU  
DIVISION: DETECTIVE

911:  
ECONOMIC CRIMES \* \* \*  
SIGNAL CODE: 14 CRIME CODE: NON CRIME CODE: OT CODE: 9546 06/30/15 THURSDAY  
ZONE: BR GRID: DEPUTY I.D.: 6685 NAME: PANZER ASSIST: TIME D 1020 A 1020 C 1021  
OCCURRED BETWEEN DATE: 12/01/12 , 0000 HOURS AND DATE: 01/31/13 , 0000 HOURS  
EXCEPTION TYPE:  
INCIDENT LOCATION: 4855 TECHNOLOGY WY APT. NO.: 700  
CITY: BOCA RATON STATE: FL ZIP: 33431

NO. OFFENSES: 00 NO. OFFENDERS: UK NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0  
LOCATION: OTHER  
NO. VICTIMS: 00 NO. ARRESTED: 0 FORCED ENTRY: 0

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ON 05/21/15, I RESPONDED TO 250 S. AUSTRALIAN AVENUE - #1402, WEST PALM BEACH, FL AND MET WITH TRACI KRATISH IN THE OFFICE OF HER ATTORNEY JAMES CUNHA. I HAD BROUGHT WITH ME COPIES OF THE DOCUMENTS BERNSTEIN HAD PROVIDED AS ATTACHMENTS IN HIS 01/18/15 LETTER TO ME. IN SPEAKING WITH KRATISH SHE ADVISED ME SHE BEGAN HER EMPLOYMENT WITH SIMON BERNSTEIN ON 09/10/06 AS THE GENERAL COUNSEL AND CHIEF COMPLIANCE OFFICER FOR HIS FIRM LIC HOLDINGS INC. KRATISH STATED SHE WAS EMPLOYED UNTIL FEBRUARY 2010 AND HER LAST PAYCHECK WAS FOR PAY DATE ENDING 02/18/10. KRATISH PROVIDED ME A CHART DETAILING THAT LIC HOLDINGS INC. (FL S CORP) WAS THE PARENT COMPANY OF THE FOLLOWING ENTITIES; ARBITRAGE INTERNATIONAL MANAGEMENT LLC F/K/A ARBITRAGE INTERNATIONAL HOLDINGS LLC (FL), CAMBRIDGE FINANCING COMPANY (FL) AND ITS SUBSIDIARY CFC OF DELAWARE LLC (DE), CAMBRIDGE PREMIUM COMPANY, INC. (NY), ARBITRAGE INTERNATIONAL MARKETING, INC. D/B/A LIFE INSURANCE CONCEPTS (FL S CORP) AND NATIONAL SERVICE ASSOCIATION, INC. (FL). SIMON AND TED BERNSTEIN WERE THE MAJORITY SHAREHOLDERS AND WILLIAM STANSBURY WAS AN ADDITIONAL SHAREHOLDER.

I ASKED KRATISH WHEN SHE FIRST MET ELIOT BERNSTEIN. SHE STATED IT WAS IN OCTOBER OF 2014 AND SHE WAS INTRODUCED TO HIM BY WILLIAM STANSBURY, WHO WAS INVOLVED IN SOME LITIGATION REGARDING THE ESTATES OF SIMON AND SHIRLEY BERNSTEIN. THE MEETING WAS HELD AT THE BOCA MARRIOTT. IT SHOULD BE NOTED THAT BERNSTEIN SAID THIS MEETING WITH KRATISH OCCURRED IMMEDIATELY AFTER A HEARING BEFORE JUDGE COLIN ON 10/02/14, IN WHICH THE TRUST AGREEMENTS WERE FRAUDULENTLY TENDERED TO THE COURT, BY LESSNE WHO IS AN ATTORNEY REPRESENTING OPPENHEIMER.

I SHOWED KRATISH THE DOCUMENTS BERNSTEIN SENT ME IN REGARD TO HIS

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ALLEGATION. KRATISH ACKNOWLEDGED SHE WAS THE TRUSTEE AT SOME POINT FOR THE TRUSTS OF BERNSTEIN'S MINOR CHILDREN. SHE ADDED THAT SHE DIDN'T REMEMBER BEING INVOLVED PRE-STAMFORD BUT DOES RECALL BEING INVOLVED IN THE TRANSFER TO OPPENHEIMER. KRATISH LOOKED AT THE SIGNATURES ON THE DOCUMENTS AND STATED THEY APPEARED TO BE HER SIGNATURE ALTHOUGH SHE DOESN'T HAVE INDEPENDENT RECOLLECTION OF SIGNING THE SPECIFIC DOCUMENTS. KRATISH SAID SHE SIGNED MANY DOCUMENTS IN HER ROLE AS GENERAL COUNSEL AND CHIEF COMPLIANCE OFFICER FOR SIMON BERNSTEIN'S BUSINESS CONCERNS. IT SHOULD BE NOTED UPON CHECKING THE DRIVER AND INFORMATION DATABASE (DAVID) SIGNATURE ARRAY FOR KRATISH, THE SIGNATURES SHE USED ON HER DRIVER LICENSES APPEARED TO MATCH THOSE ON THE DOCUMENTS BERNSTEIN PROVIDED IN HIS ATTACHMENTS. KRATISH ALSO RECOGNIZED THE NAME OF ONE OF THE WITNESSES, JOCELYN JOHNSON AS BEING AN EMPLOYEE OF SIMON BERNSTEIN. IT SHOULD BE NOTED THESE TRUST DOCUMENTS WERE EXECUTED ON 09/07/06, SHORTLY AFTER KRATISH STARTED HER EMPLOYMENT. IT SHOULD ALSO BE NOTED BERNSTEIN PROVIDED A DOCUMENT WHICH INDICATED KRATISH RESIGNED AS TRUSTEE ON 09/12/07.

I EXPLAINED TO KRATISH AND CUNHA THAT BERNSTEIN FELT THAT MANY OF THE DOCUMENTS PRESENTED IN COURT WERE FRAUDULENT AND/OR FORGED. I BROUGHT UP THE FACT KRATISH WAS REFERRED TO AS A MALE IN PARTS OF THE TRUST DOCUMENTS AND ONE OF THE TRUSTS LISTED A SEPARATE INDIVIDUAL AS TRUSTEE. ATTORNEY CUNHA SPOKE TO THE FACT THESE COULD BE SIMPLE MISTAKES (SCRIBNER'S ERROR) AND SHOULD NOT HAVE AN ADVERSE EFFECT ON THE DOCUMENT.

WHEN I BROUGHT UP BERNSTEIN'S CONTENTION THAT IN ADDITION TO THE SIGNATURES BEING FORGED, THERE WAS ANOTHER ISSUE AS EACH PAGE LACKED THE INITIALS OF THE MINOR CHILD WHO WAS THE GRANTEE, CUNHA EXPLAINED THIS INITIAL SECTION IS NOT FOR THE RECIPIENT OF THE TRUST, RATHER IT IS FOR THE GRANTOR. KRATISH ADVISED ME THAT EARLIER THAT MORNING, SHE HAD RECEIVED AN EMAIL FROM WILLIAM STANSBURY WITH THE SUBJECT LINE; ORIGINAL SIGNED "OPPENHEIMER" TRUSTS. SEE BELOW:

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FROM: WILLIAM STANSBURY  
DATE: MAY 21, 2015 AT 9:07:50 AM EDT  
TO: "TRACI@KRATISH.COM"  
SUBJECT: ORIGINAL SIGNED "OPPENHEIMER" TRUSTS  
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FROM: ALAN ROSE [MAILTO:AROSE@MRACHEK-LAW.COM]  
SENT: WEDNESDAY, MAY 20, 2015 2:14 PM  
TO: LESSNE, STEVEN; ELIOT IVAN BERNSTEIN; ELIOT IVAN BERNSTEIN  
CC: TED BERNSTEIN; O'CONNELL, BRIAN M.; FOGLIETTA, JOY A

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SUBJECT: ORIGINAL SIGNED "OPPENHEIMER" TRUSTS  
MR. LESSNE AND MR. ELIOT BERNSTEIN:

I AM WRITING TO ADVISE THAT WE LOCATED SOME FILES IN DRAWERS IN SIMON'S PRIVATE OFFICE IN HIS HOME AT LIONS HEAD, AS WE WERE TRYING TO ASSESS THE COMPLEXITY OF THINGS THAT MUST HAPPEN BETWEEN NOW AND THE CLOSING OF LIONS HEAD. MY PRIMARY REASON WAS TO VISUALLY INSPECT THE THREE CHANDELIERS THAT HAVE BEEN THE SUBJECT OF PR EMAILS IN THE PAST FEW DAYS.

IN ANY EVENT, AND ALTHOUGH THESE FILES LIKELY WERE EXAMINED AND DISCOUNTED AS UNIMPORTANT BY THE PRS AFTER SIMON'S DEATH AND LIKELY MEANT NOTHING IF AND WHEN THEY WERE CATALOGED OR VIEWED DURING THE O'CONNELL AS PR RE-APPRAISAL/RE-INSPECTION, I NOTICED A FOLDER MARKED AS THE JAKE BERNSTEIN TRUST. LOOKING MORE CLOSELY, THERE WERE THREE GREEN FOLDERS LABELED WITH ELIOT'S CHILDRENS NAMES AND INSIDE ARE WHAT APPEAR TO THE ORIGINAL SIGNED IRREVOCABLE TRUST AGREEMENTS FOR THE TRUSTS WHICH OPPENHEIMER FORMAL SERVED. THESE MAY BE RELEVANT OR IMPORTANT TO THE ONGOING OPPENHEIMER CASE, SO I BRING THEM TO YOUR ATTENTION. THERE ARE ALSO WHAT APPEAR TO BE SOME TAX RETURNS AND STANFORD ACCOUNT STATEMENTS. SIMPLY BECAUSE I HAVE ATTENDED SOME OF THE OPPENHEIMER HEARINGS, I UNDERSTAND THAT ELIOT CLAIMS AT LEAST ONE OF THE TRUST DOES NOT EXIST. AS AN OFFICER OF THE COURT, AND BECAUSE THEY MAY BE RELEVANT, I HAVE TAKEN TEMPORARY CUSTODY OF THE DOCUMENTS. I WILL HOLD THEM PENDING JOINT INSTRUCTIONS OR A COURT ORDER, BUT WOULD PREFER TO DELIVER THEM TO STEVE LESSNE AS OPPENHEIMER'S COUNSEL. THESE HAVE NO ECONOMIC VALUE AND HAVE NO BEARING ON THE ESTATE, SO I DOUBT BRIAN O'CONNELL WOULD WANT THEM, BUT I DID NOT WANT TO SEE THEM LOST OR DISCARDED IN THE IMPENDING MOVE. TO FACILITATE YOUR REVIEW, I HAVE SCANNED THE FIRST AND LAST PAGE OF EACH TRUST, AND SCANNED THE FIRST PAGE OF THE ANCILLARY DOCUMENTS, AND ATTACH THAT IN .PDF FORMAT.

I AM SURE THAT PEOPLE HAVE LOOKED THROUGH THESE FILES BEFORE, AND THERE DID NOT APPEAR TO BE ANYTHING OF SIGNIFICANCE. (I DID NOTICE A FEW FOLDERS WITH THE OTHER GRANDCHILDRENS NAMES, NOT ELIOT'S KIDS, BUT LEFT THOSE PAPERS IN PLACE BECAUSE I UNDERSTAND THAT EVERYONE BUT ELIOT HAS FULLY COOPERATED WITH OPPENHEIMER IN RESOLVING THESE MATTERS.)

I ALSO HAVE HAD OCCASION TO RE-LOOK THROUGH A SMALL BOX OF TRUST DOCUMENTS WHICH I HAVE BEEN HOLDING, WHICH CAME FROM SIMON'S FORMER WORK OFFICE. INSIDE FILE FOLDER IN A DESK DRAWER, SIMON RETAINED DUPLICATE ORIGINALS OF THE TRUST AGREEMENTS RELEVANT TO MY CASES. WHEN I WAS LOOKING TO REEXAMINE THESE DOCUMENTS - DUPLICATE ORIGINALS OF THE 2008 TRUSTS AND THE 2012 TRUST (THE TRUE ORIGINALS REMAIN WITH TESCHER & SPALLINA WHO DRAFTED THE) - I NOTICED A COPY OF THE THREE SEPARATE IRREVOCABLE TRUST DOCUMENTS. AGAIN, THESE WOULD NOT HAVE CAUGHT MY EYE ORIGINALLY BECAUSE I NEVER WOULD HAVE GUESSED THAT ELIOT WOULD CLAIM THE TRUSTS WERE NOT VALID. I ONLY RECENTLY HAD OCCASION TO NOTICE THESE IN LOOKING FOR THE DUPLICATE TRUST ORIGINALS FOR SIMON AND

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SHIRLEY. THE THREE IRREVOCABLE TRUSTS APPEAR TO BE SIGNED AND WITNESSED ON PAGE 17, BUT THE INDIVIDUAL PAGES ARE INITIALED. AGAIN, THESE WERE ONLY COPIES, BUT NOW HAVING LOOKED AT THE ORIGINALS INCLUDED IN THE ATTACHED SCAN, I NOTE (ALTHOUGH NOT A HANDWRITING EXPERT) THAT THE ATTACHED COPIES APPEAR TO BE ABSOLUTELY IDENTICAL TO THE ORIGINALS JUST FOUND IN SIMON'S PERSONAL OFFICE.

THESE COPIES INCLUDE IRS FORMS UNDER WHICH TRACI KRATISH PA, AS TRUSTEE APPEAR TO HAVE APPLIED FOR AND OBTAINED A TAXPAYER ID NUMBER FOR EACH TRUST, AND OBVIOUSLY SHE PROVIDED THESE TO SIMON. EACH OF THE TRUST DOCUMENTS IS SIGNED BY SIMON BERNSTEIN, AS SETTLOR, AND BY TRACI KRATISH PA AS THE INITIAL TRUSTEE, AND THE SIGNATURES ARE WITNESSED BY TWO PEOPLE. SIMON'S IS WITNESSED BY JOCELYN JOHNSON AND SOMEONE ELSE. I AM ADVISED THAT JOCELYN WAS AN EMPLOYEE OF SIMON'S, AS PRESUMABLY WAS THE SECOND WITNESS AND ALSO THE INITIAL TRUSTEE, TRACI KRATISH, WHO WAS IN HOUSE COUNSEL FOR THE COMPANIES SIMON OWNED PART OF.

ALTHOUGH THIS WAS LONG BEFORE ANY INVOLVEMENT ON MY PART, TRACI KRATISH APPEARS TO HAVE BEEN THE INITIAL TRUSTEE (THERE IS A TYPO SOMEWHERE NAMING STEVEN GREENWALD.) I DO NOT KNOW STEVEN GREENWALD, BUT I HAVE CONFIRMED THAT THESE TRUSTS WERE NOT CREATED BY TESCHER & SPALLINA. IF THEY HAD BEEN, I'M SURE THEY WOULD HAVE RETAINED THE ORIGINAL AND GIVEN SIMON DUPLICATE ORIGINALS AS THEY DID FOR ALL OF THE TRUST DOCUMENTS FOR THE 2008 AND 2012 TRUST THEY PREPARED. I DO NOT KNOW IF GREENWALD PREPARED THESE AND MADE A TYPO LEAVING HIS NAME ON A LATER SECTION, OR IF KRATISH PREPARED THESE FROM A BOILERPLATE GREENWALD FORM AND MADE THE TYPO. EITHER WAY, AND IT DOES NOT MATTER TO ME, THE FACT THAT THIS WAS A SIMPLE AND ORDINARY TYPO SHOULD BE OBVIOUS TO ALL.

EVENTUALLY, TRACI KRATISH LEFT THE EMPLOY AS THE IN-HOUSE COUNSEL FOR THE COMPANIES. SOMETIME BEFORE OR AT THAT TIME OF HER LEAVING, SHE RESIGNED AND APPOINTED SOMEONE ELSE, AND EVENTUALLY THESE TRUST ACCOUNTS ALONG WITH SIMILAR TRUSTS FOR SIMON'S OTHER SEVEN GRANDCHILDREN AND MUCH OF SIMON'S PERSONAL WEALTH, WERE MOVED TO STANFORD. AFTER STANFORD'S COLLAPSE AMID WORD THAT IT WAS A PONZI SCHEME - SIMON LOST UPWARDS OF \$2 MILLION OF HIS OWN FUNDS IN THE PONZI SCHEME - SIMON DIRECTED THE TRANSFER OF THE HIS AND TRUST ACCOUNTS TO OPPENHEIMER. SIMON SELECTED OPPENHEIMER; PAID TESCHER'S FIRM TO DO THE NECESSARY DOCUMENTS TO APPOINT OPPENHEIMER AS SUCCESSOR TRUSTEE; TOOK THE DOCUMENTS FROM TESCHER AND HAD THEM SIGNED BY ALL CHILDREN, INCLUDING ELIOT AND CANDICE; AND RETURNED DOCUMENTS TO TESCHER FOR FILING. I PRESUME THAT SIMON PAID ALL OF THESE LEGAL FEES, BECAUSE THAT IS THE RIGHT THING TO DO FROM AN ESTATE PLANNING STRATEGY AND AS A FAVOR TO HIS GRANDCHILDREN. I KNOW HAVE SEVEN COPIES OF THE FILED PETITIONS, AND AGAIN WITHOUT BEING A HANDWRITING EXPERT, IT CERTAINLY LOOKS LIKE ELIOT'S AND CANDICE'S SIGNATURE ON THEM, REGARDLESS OF WHETHER THEY HAD EVER MET TESCHER OR SPALLINA BEFORE THEIR

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## PARENT'S DEATH.

ELIOT AND CANDICE REAPED THE BENEFITS OF OPPENHEIMER'S SERVICES, AND IN ANY EVENT THERE IS NO REASON TO BELIEVE THAT CANDICE AND ELIOT DID NOT SIGN THESE PETITIONS FOR THE BENEFIT OF THEIR CHILDREN. IF ELIOT NOW SUGGESTS THAT HIS AND HIS WIFE'S SIGNATURES DO NOT APPEAR ON THE JUNE 2010 PETITIONS APPOINTING OPPENHEIMER 2010 ALLEGATION, WHICH IS HIGHLY DOUBTFUL JUST LOOKING AT THE THREE SETS OF SIGNATURES, THAT WOULD MEAN ELIOT IS ACCUSING SIMON OF BEING A FORGER. ELIOT IS ALREADY SUPPORTIVE OF BILL STANSBURY, WHO ACCUSES SIMON OF COMMITTING A FRAUD ON STANSBURY. I WOULD BE SHOCKED BY ANY ACCUSATION THAT SIMON DID NOT OBTAIN FROM ELIOT AND CANDICE THEIR GENUINE SIGNATURES ON THE JUNE 2010 PETITIONS, AND PARTICULARLY SHOCKED THAT ELIOT, WHO RECEIVED SO MUCH OF HIS FATHER'S (AND MOTHER'S) LARGESSE DURING THEIR LIFETIMES, WOULD NOW MALIGN SIMON'S NAME IN SUCH A MANNER.

ANYWAY, I'M NOT SURE IF EITHER OF YOU NEEDS THESE ANY LONGER, BUT IF YOU DO, HERE THEY ARE.

ALAN B. ROSE, ESQ.

AROSE@MRACHEK-LAW.COM  
561.355.6991  
505 SOUTH FLAGLER DRIVE  
SUITE 600  
WEST PALM BEACH, FLORIDA 33401  
561.655.2250 PHONE

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KRATISH FORWARDED ME THE EMAIL SHE HAD RECEIVED ALONG WITH ALL OF THE ATTACHMENTS. I ADVISED HER I WOULD BE ATTEMPTING TO SPEAK WITH ROSE AND VIEW THE ORIGINAL DOCUMENTS HE REFERS TO IN HIS LETTER. I TOLD HER I WOULD CONTACT HER IF I NEEDED ANYTHING FURTHER BUT THAT BASED UPON HER ACKNOWLEDGING THE SIGNATURE ON THE PAPERWORK WAS HERS, IT WAS UNLIKELY THAT WOULD BE NECESSARY.

ON 05/22/15, I ATTEMPTED TO REACH ROSE BY PHONE BUT THE CALL WENT TO VOICEMAIL. I LEFT MY CONTACT INFORMATION AND THE REASON FOR MY CALL AND ASKED THAT HE RETURN MY CALL AT HIS CONVENIENCE. LATER THAT DAY, I RECEIVED A CALL FROM ROSE. ROSE INQUIRED AS TO WHY THIS CASE WAS STILL BEING INVESTIGATED BY PBSO AS IT WAS A CIVIL MATTER. I EXPLAINED TO HIM I RECEIVED A COPY OF THE EMAIL HE HAD SENT TO BERNSTEIN AND STEVEN LESSNE. ROSE DESCRIBED THE CIRCUMSTANCES SURROUNDING THE DISCOVERY OF THE DOCUMENTS AND IT WAS CONSISTENT WITH WHAT WAS IN HIS EMAIL. HE AGAIN STATED THAT AS AN OFFICER OF THE COURT, HE FELT BOUND TO MAINTAIN THOSE DOCUMENTS. HE DID NOT SEEM SURPRISED THAT BERNSTEIN HAD MADE THE ALLEGATION AS HE HAS MADE A NUMBER OF OTHER ALLEGATIONS IN REFERENCE TO THE TRUSTS AND OTHER DOCUMENTS. DURING OUR CONVERSATION, ROSE TOLD ME JUDGE COLIN HAS RECUSED HIMSELF FROM BERNSTEIN'S CASE AND THE CASE WAS CURRENTLY AWAITING REASSIGNMENT.

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DURING OUR CONVERSATION THE TOPIC OF SPALLINA'S ACTIONS CAME UP AND ROSE ADVISED ME HE BELIEVED SPALLINA HAD RELINQUISHED HIS FLORIDA BAR LICENSE BECAUSE OF HIS INVOLVEMENT AND ACTIONS HE TOOK. IN REGARD TO BERNSTEIN'S RICO CASE IN NEW YORK, HE ADVISED ME JUDGE SHEINDLIN HAD DISMISSED THE CASE IN 2008. ROSE OFFERED TO ALLOW ME TO VIEW THE DOCUMENTS HE HAD LOCATED IN SIMON BERNSTEIN'S OFFICE AND IT WAS AGREED THAT I COULD CONTACT HIM AND SET UP A MUTUALLY AGREEABLE DATE AND TIME.

ON 06/09/15, I RESPONDED TO THE LAW OFFICES OF ATTORNEY ALAN ROSE, LOCATED AT 505 SOUTH FLAGLER DRIVE - SUITE 600, WEST PALM BEACH, FL 33401. ROSE PROVIDED ME WITH A SEALED ENVELOPE AND ASKED THAT I SIGN, DATE AND TIME THE BACK OF THE FOLDER UPON BREAKING THE SEAL. I COMPLIED WITH THE REQUEST. I REVIEWED THE DOCUMENTATION IN THE THREE GREEN FOLDERS CONTAINED WITHIN THE SEALED ENVELOPE UPON CLOSE EXAMINATION; THEY APPEARED TO BE ORIGINALS OF THE TRUST AGREEMENTS FOR JOSHUA BERNSTEIN, JACOB BERNSTEIN, AND DANIEL BERNSTEIN IRREVOCABLE TRUSTS. I COMPARED THE SIGNATURES TO THE COPIES I HAD RECEIVED AND THOSE THAT ROSE HAD SENT TO BERNSTEIN AND LESSNE IN HIS EMAIL DATED 05/20/15. THEY WERE THE SAME. ROSE HAD PREPARED COPIES OF THE EXECUTED DOCUMENTS AS WELL AS IRS PAPERWORK IN REGARD TO EACH TRUST SHOWING TRACI KRATISH PA AS THE TRUSTEE. AFTER COMPLETING THE REVIEW OF THE DOCUMENTS, ROSE TOOK POSSESSION OF THEM AND RETURNED THEM TO THE ENVELOPE. THE COPIES OF THE DOCUMENTS PROVIDED BY ROSE DURING THIS EXAMINATION AS WELL AS ANY OTHERS ATTACHED TO THE ORIGINAL EMAIL WILL BE MADE PART OF THE CASE FILE.

ON 06/12/15, I RECEIVED AN EMAIL FROM BERNSTEIN REQUESTING A TIME FOR US TO SPEAK REGARDING SOME OLD ISSUES AND NEW ISSUES IN THE CASE. I ATTEMPTED TO REACH BERNSTEIN THE SAME DAY ON BOTH HIS OFFICE LINE AND HIS CELL NUMBER. ALL ATTEMPTS WERE NEGATIVE.

ON 06/16/15, I SENT BERNSTEIN AN EMAIL LETTING HIM KNOW I HAD ATTEMPTED TO REACH HIM ON BOTH HIS NUMBERS ON 06/12/15 AS WELL AS EARLIER THIS DATE. BERNSTEIN RESPONDED LATER IN THE DAY THANKING ME FOR MY ATTEMPTS TO REACH HIM AND ASKING WHAT TIME WOULD BE GOOD TO SPEAK ON 06/17/15. I ADVISED HIM THAT I WOULD TRY AND CONTACT HIM BETWEEN 0800 AND 0900 HOURS ON 06/17/15. BERNSTEIN REPLIED THAT THIS WOULD BE A GOOD TIME TO SPEAK AND OFFERED TO MOVE THE CALL FORWARD ONE DAY TO 06/18/15, IF THAT WORKED BETTER FOR ME. I EXPLAINED TO BERNSTEIN I WAS IN TRAINING ON 06/18 AND 06/19. BERNSTEIN REPLIED IN PART, "WE CAN START TOMORROW ON SOME THINGS AND PICK UP MORE THE FOLLOWING WEEK."

ON 06/17/15, I MADE CONTACT WITH BERNSTEIN AT APPROXIMATELY 0935 HOURS. I APOLOGIZED FOR NOT BEING ABLE TO CALL BETWEEN 0800 AND 0900. I EXPLAINED I WAS ON MY WAY TO A MEETING AND COULD ONLY SPEAK FOR A FEW MINUTES. BERNSTEIN WAS SPEAKING TO ME ON A SPEAKERPHONE AND SUBSEQUENTLY ADVISED ME THAT HE HAD HIS BUSINESS ADVISOR, KEVIN HALL, LISTENING TO THE CALL. I TOLD BERNSTEIN I WAS NOT COMFORTABLE SPEAKING WITH HIM ABOUT THE SPECIFICS OF HIS ALLEGATIONS

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WITH HIM BEING ON A SPEAKER PHONE IN FRONT OF SOMEONE NOT INVOLVED IN THE CASE. DURING THE COURSE OF THE CALL, BERNSTEIN BROUGHT UP OLD ISSUES THAT WERE NOT PART OF MY INVESTIGATION. I TRIED TO EXPLAIN TO HIM AGAIN THAT I WAS NOT LOOKING INTO THE ALREADY INVESTIGATED ISSUES AND HE BECAME UPSET. WHEN ASKED WHAT NEW CRIMES HE WAS REFERRING TO, BERNSTEIN TOLD ME JUDGE COLIN SHOULD BE INVESTIGATED FOR "FRAUD UPON THE COURT". I EXPLAINED I WAS UNAWARE OF THAT PARTICULAR CHARGE AND ASKED IF HE COULD PROVIDE A STATUTE NUMBER SO I COULD LOOK INTO IT. BERNSTEIN THEN STATED IT WAS AN OBSTRUCTION CHARGE. BERNSTEIN SPOKE OF FRAUDULENT ACTS HE BELIEVED JUDGE COLIN HAD BEEN INVOLVED IN DURING THE TIME BERNSTEIN'S CASE WAS ASSIGNED TO HIS DOCKET.

BERNSTEIN MADE REFERENCE TO THE FACT THAT I WAS NOT DOING MY JOB AND ASKED IF HE NEEDED TO SPEAK WITH CAPTAIN GREGG AGAIN. I TOLD HIM BY DOING SO WOULD BYPASS MY ENTIRE CHAIN OF COMMAND AND I COULDN'T UNDERSTAND WHY HE WOULD FEEL THE NEED TO DO THAT. BERNSTEIN THEN ASKED IF HE SHOULD GO TO INTERNAL AFFAIRS. I EXPLAINED TO HIM THAT I WAS DOING MY JOB AND THE CASE WOULD PROBABLY COME BACK TO ME EVEN AFTER HE SPOKE WITH WHOMEVER HE WAS GOING TO SPEAK TO. DURING THIS CONVERSATION I COULD HEAR HALL IN THE BACKGROUND SPEAKING TO BERNSTEIN AS IF HE WAS GIVING HIM THINGS TO SAY OR RESPONDING TO THINGS I HAD SAID. IT WAS VERY DIFFICULT TO CONVERSE WITH BERNSTEIN DURING THIS CALL, AS HE WOULD SPEAK OVER ME AS I WAS TRYING TO ANSWER HIS QUESTION OR EXPLAIN THINGS TO HIM. I DID NOT ADDRESS THE EMAIL THAT HAD BEEN SENT TO HIM FROM ATTORNEY ROSE AND HE DID NOT BRING IT UP EITHER. UPON REACHING MY DESTINATION, I ADVISED BERNSTEIN THAT I WOULD HAVE TO END OUR CALL AND I WOULD ATTEMPT TO REACH HIM LATER IN THE DAY. I ATTEMPTED TO REACH BERNSTEIN ON BOTH HIS OFFICE AND CELL NUMBERS LATER IN THE AFTERNOON. BOTH ATTEMPTS WERE MET WITH NEGATIVE RESULTS.

ON 06/23/15, I RECEIVED AN EMAIL FROM BERNSTEIN INQUIRING IF I WOULD HAVE TIME TO SPEAK WITH HIM ON THE 23RD OR 24TH. I REPLIED TO THE EMAIL AND IT WAS AGREED WE WOULD SPEAK ON 06/24/15 BETWEEN 0800-1000 HOURS. LATER THAT AFTERNOON, BERNSTEIN NOTIFIED ME BY EMAIL THAT HE WAS GOING TO HAVE TO RESCHEDULE THE MEETING AS HE WOULD NEED TO BE IN MIAMI TESTIFYING AT ANOTHER COURT CORRUPTION HEARING FOR A PROBATE VICTIM. HE INQUIRED AS TO WHETHER THE FOLLOWING DAY AT THE SAME TIME WOULD BE OK. I ADVISED HIM I WOULD NOT KNOW UNTIL LATE IN THE AFTERNOON. I WAS UNABLE TO CALL BERNSTEIN DUE TO BEING CALLED OUT FOR AN IN PROGRESS CASE.

ON 06/25/15, BERNSTEIN SENT ME AN EMAIL REQUESTING A TIME WHEN WE COULD CONTINUE OUR DISCUSSION REGARDING THE NEW CRIMES AND OLD CRIMES THAT WERE DISCUSSED THE PRIOR WEEK. I RESPONDED TO BERNSTEIN IMMEDIATELY ADVISING HIM THAT I WAS DOING A SEARCH WARRANT THAT MORNING AND I WAS UNSURE HOW LONG IT WOULD TAKE. I ADVISED HIM I WOULD GAUGE THE REST OF THE DAY AND GIVE HIM A CALL LATER IN THE AFTERNOON. LATE IN THE AFTERNOON OF 06/25/15, I ATTEMPTED

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CONTACT WITH BERNSTEIN AT HIS OFFICE NUMBER. THE CALL WAS ANSWERED BY HIS WIFE WHO TOLD ME BERNSTEIN WAS NOT THERE. I ASKED IF SHE THOUGHT I COULD REACH HIM ON HIS CELL PHONE AND AFTER A BRIEF HOLD, SHE CAME BACK ON THE LINE AND ADVISED BERNSTEIN WAS NOW PRESENT AND COULD TAKE MY CALL. UPON BERNSTEIN COMING ON THE LINE I REALIZED HE WAS ON A SPEAKERPHONE. I EXPLAINED THAT I COULD NOT HEAR HIM VERY WELL AND ASKED HIM TO TAKE THE SPEAKERPHONE OFF. BERNSTEIN ADVISED HIS BUSINESS ADVISOR, HALL, WAS PRESENT AND WOULD BE MONITORING THE CALL.

DURING THE COURSE OF THIS CONVERSATION, BERNSTEIN AGAIN SPOKE OF A NUMBER OF FRAUDS AGAINST THE COURT HE BELIEVED JUDGE COLIN HAD COMMITTED THAT HE WISHED HIM INVESTIGATED AND PROSECUTED FOR. BERNSTEIN ADVISED ME HE WAS AWARE THAT KRATISH HAD COME TO SEE ME AT MY OFFICE AND I HAD TURNED HER AWAY. I TRIED TO EXPLAIN THIS WAS NOT ACCURATE AND THAT I HAD SPOKEN WITH KRATISH AT HER ATTORNEY'S OFFICE, AND HAD SPOKEN WITH OTHER SUBJECTS AS WELL IN REGARD TO THIS INVESTIGATION. UPON BROACHING THE SUBJECT OF THE RICO CASE IN NY THAT BERNSTEIN HAD MENTIONED ON A NUMBER OF OCCASIONS AND INQUIRING AS TO THE STATUS OF THE CASE, BERNSTEIN BECAME VERY UPSET. BERNSTEIN ACKNOWLEDGED THE CASE WAS DISMISSED IN 2008 BUT STATED HE WAS FILING AN APPEAL AS NEW ALLEGATIONS AND EVIDENCE HAD COME TO LIGHT.

BERNSTEIN ACCUSED ME OF NOT DOING MY JOB AND AS HE SPOKE HE WOULD SAY "AND YOU TOLD ME OR AND YOU DID OR DIDN'T DO THIS". I EXPLAINED TO HIM THAT A NUMBER OF THINGS HE WAS SPEAKING OF HAD NOTHING TO DO WITH ME OR MY PORTION OF THE INVESTIGATION. BERNSTEIN REPLIED THAT WHEN HE SAID "YOU" HE WAS REFERRING TO PBSO IN CERTAIN INSTANCES BUT WASN'T CLEAR WHICH INSTANCES HE WAS REFERRING TO. BERNSTEIN FELT THAT ROBERT SPALLINA SHOULD HAVE BEEN ARRESTED AND COULD NOT UNDERSTAND WHY HE HAD NOT BEEN ARRESTED AS OF YET. I ADVISED BERNSTEIN IT WAS NOT UP TO HIM AS TO WHETHER OR NOT SPALLINA WAS ARRESTED AND ANOTHER DETECTIVE HAD HANDLED THAT PART OF THE INVESTIGATION. AS BERNSTEIN BECAME MORE UPSET WITH THE ANSWERS HE WAS RECEIVING FROM ME, THE ISSUE OF FEDERAL JURISDICTION CAME UP AS BERNSTEIN HAD MADE ALLEGATIONS OF INTERSTATE MAIL AND WIRE FRAUD. I ADVISED HIM HE COULD SEEK ASSISTANCE FROM A FEDERAL AGENCY AND THAT I WOULD WRAP UP MY CASE AND HE COULD MOVE FORWARD FEDERALLY, ALTHOUGH I COULD NOT THINK OF AN AGENCY THAT WOULD TAKE THE CASE. BERNSTEIN STATED HE DID NOT WISH TO DISCUSS THIS CASE WITH ME ANY FURTHER, YET HE CONTINUED TO SPEAK TO ME. AS I TOLD BERNSTEIN I WOULD BE COMPLETING MY REPORT, HE STATED HE DID NOT WANT ME TO DO THAT AS HE WAS GOING TO BE CONTACTING CAPTAIN GREGG AND POSSIBLY INTERNAL AFFAIRS. BERNSTEIN THEN ASKED FOR THE NUMBER TO INTERNAL AFFAIRS AND I PROVIDED HIM INFORMATION AS TO HOW TO REACH THEM THROUGH THE MAIN PBSO NUMBER. BERNSTEIN CONTINUED TO SPEAK TO ME AND SHORTLY THEREAFTER THE CALL WAS CONCLUDED.

ON 06/29/15, I RECEIVED AN EMAIL FROM BERNSTEIN IN REGARD TO THE

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P A L M B E A C H C O U N T Y S H E R I F F ' S O F F I C E                      P A G E     9  
C A S E N O . 1 4 0 2 9 4 8 9                      S U P P L E M E N T     1 6   O F F E N S E   R E P O R T                      C A S E N O . 1 4 0 2 9 4 8 9  
DISPOSITION: ZULU

INVESTIGATION. THE EMAIL WAS COPIED TO 13 OTHER RECIPIENTS. THE EMAIL AND ITS ATTACHMENTS AS WELL AS ALL OF THE EMAILS RECEIVED FROM BERNSTEIN DURING MY PORTION OF THIS INVESTIGATION WILL BE TRANSFERRED TO DISK AND PLACED INTO PBSO EVIDENCE.

IT SHOULD BE NOTED THAT BERNSTEIN HAS YET TO DISCLOSE TO ME HE WAS IN RECEIPT OF THE EMAIL OF 05/20/15 FROM ATTORNEY ROSE DESCRIBING THE DISCOVERY OF THE ORIGINAL TRUST DOCUMENTS, WHICH WAS THE BASIS FOR THIS ADDITIONAL INVESTIGATION AND THAT BERNSTEIN ALLEGED WERE FORGED AND/OR DID NOT EXIST. IT IS NOT KNOWN IF HE IS AWARE THAT I HAVE MET WITH ROSE AND VIEWED THE ORIGINAL DOCUMENTS OR THAT KRATISH HAS IDENTIFIED THE SIGNATURES ON THE COPIES OF THE DOCUMENTS SHOWN TO HER AS BEING HER SIGNATURE.

BASED UPON THE TOTALITY OF THE INVESTIGATIVE EFFORT, I DO NOT FIND EVIDENCE OR PROBABLE CAUSE TO SUPPORT ANY CRIMINAL CHARGES. THIS CASE WILL BE CLASSIFIED AS A NON-CRIMINAL INFORMATION REPORT.

DETECTIVE ANDREW PANZER #6685

06/30/15

TRANS. VIA EMAIL/COPY/PASTE: 07/02/2015/MDR/#6405

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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1  
CASE NO. 13159967 OFFENSE REPORT CASE NO. 13159967  
DISPOSITION: ZULU  
DIVISION: ROAD PATROL

911:  
CIVIL MATTER \* \* \*  
SIGNAL CODE: 30 CRIME CODE: NON CRIME CODE: CC CODE: 9566 12/23/13 MONDAY  
ZONE: C21 GRID: DEPUTY I.D.: 5189 NAME: RAINERI SAM ASSIST: TIME D 1624 A 1632 C 1716  
OCCURRED BETWEEN DATE: 01/01/10 , 0900 HOURS AND DATE: 12/23/13 , 1600 HOURS  
EXCEPTION TYPE:  
INCIDENT LOCATION: 2753 NW 34 ST APT. NO.:  
CITY: BOCA RATON STATE: FL ZIP: 33496

NO. OFFENSES: 00 NO. OFFENDERS: 00 NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0  
LOCATION: RESIDENCE - SINGLE FAMILY  
NO. VICTIMS: 00 NO. ARRESTED: 0 FORCED ENTRY: 0

NAME LIST:  
ROLE:

COMPLAINANT ELLIOT I BERNSTEIN DOB: 09/30/1963  
SEX: M RACE: W HT: 510 WT: 185 HR: BROWN EYE: HAZEL  
RESIDENTIAL ADDRESS: 2753 NW 34TH ST BOCA RATON FL 33434 HOME PHONE: 561 886-7628  
BUSINESS PHONE: 561 254-8588

OFFENSE INDICATOR: OFFENSE 1 VICTIM NUMBER: 1  
VICTIM TYPE: ADULT  
RESIDENCE TYPE: COUNTY RESIDENCE STATUS: FULL YEAR  
EXTENT OF INJURY: NONE  
INJURY TYPE (1): NOT APPLICABLE  
INJURY TYPE (2): NOT APPLICABLE  
VICTIM RELATION: UNDETERMINED

ON 12/23/13 THE VICTIM/COMPLAINANT CAME TO THE DISTRICT 7 OFFICE TO FURTHER REPORT A CRIME OF THEFT THAT HAS BEEN OCCURRING FOR A FEW YEARS. THE VICTIM MR. BERNSTEIN STATED THAT HIS FAMILY MEMBERS HAVE TAKEN THOUSANDS OF DOLLARS IN ASSETS, A VEHICLE, JEWELRY, CLOTHING, FURNITURE, AND MANY OTHER ITEMS. THE VICTIM ALSO STATED HE HAS AN ONGOING CASE WITH DET. RYAN MILLER OF THE PALM BEACH COUNTY SHERIFF'S OFFICE, THE CASE NUMBER IS 13-097087. THE VICTIM/COMPLAINANT ALSO GAVE ME A 3 PAGE WRITTEN ,DATED AND SIGNED STATEMENT THAT I WILL FORWARD VIA INTEROFFICE MAIL TO DET. MILLER. HE ALSO ADVISED HE WILL FURTHER CONTACT DET. MILLER REF THIS NEW CASE NUMBER WHICH HE WAS ADVISED TO GET THRU HIS ATTORNEY. IT SEEMS THIS MATTER HAS BEEN IN LITIGATION FOR SOME

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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 2  
CASE NO. 13159967 OFFENSE REPORT CASE NO. 13159967  
DISPOSITION: ZULU

TIME AND WILL CONTINUE TO BE. I WILL ALSO FORWARD TO DET. MILLER THE LIST OF  
SUSPECTS WHICH ALSO WAS QUIT LONG, ALL FAMILY MEMBERS. I ADVISED THE VICTIM I  
WOULD FORWARD ALL THIS INFO TO DET. RYAN MILLER.

D/S RAINERI 5189. 12/23/13 AT 1735 HRS  
TRANS: PAP 7123. 12/27/13

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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1  
CASE NO. 13159967 SUPPLEMENT 1 OFFENSE REPORT CASE NO. 13159967  
DISPOSITION: ZULU  
DIVISION: DETECTIVE

911:  
CIVIL MATTER \* \* \*  
SIGNAL CODE: 30 CRIME CODE: NON CRIME CODE: CC CODE: 9566 01/07/14 MONDAY  
ZONE: C21 GRID: DEPUTY I.D.: 7704 NAME: MILLER ASSIST: TIME D 1624 A 1632 C 1716  
OCCURRED BETWEEN DATE: 01/01/10 , 0900 HOURS AND DATE: 12/23/13 , 1600 HOURS  
EXCEPTION TYPE:  
INCIDENT LOCATION: 2753 NW 34 ST APT. NO.:  
CITY: BOCA RATON STATE: FL ZIP: 33496  
NO. OFFENSES: 00 NO. OFFENDERS: 00 NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0  
LOCATION: RESIDENCE - SINGLE FAMILY  
NO. VICTIMS: 00 NO. ARRESTED: 0 FORCED ENTRY: 0

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I RECEIVED AN INTER-OFFICE PACKET FROM D/S RAINERI REFERENCE THIS CASE.  
I HAVE NOT BEEN ASSIGNED THE FOLLOW-UP IN REGARDS TO THIS CASE AND IT HAS NO  
BEARING ON 13-097087 WHICH I INVESTIGATED. THE PACKET WAS SENT BACK TO D/S  
RAINERI. I ALSO INFORMED BERNSTEIN THAT I WAS NOT ASSIGNED THIS CASE AND HE  
WOULD NEED TO FOLLOW UP WITH D/S RAINERI OR DISTRICT 7.  
DETECTIVE RYAN W. MILLER #7704  
01/07/14 @ 1010 HRS.  
TRANS. VIA EMAIL/COPY/PASTE: 01/08/2014/MDR/#6405

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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1  
CASE NO. 13097087 OFFENSE REPORT CASE NO. 13097087  
DISPOSITION: OPEN  
DIVISION: ROAD PATROL

911:  
IMPRSNTS PUB OF \* \* \*  
SIGNAL CODE: 53 CRIME CODE: 4 NON CRIME CODE: CODE: 260D 07/15/13 MONDAY  
ZONE: F52 GRID: DEPUTY I.D.: 7657 NAME: LONGSWORTH BRIA ASSIST: TIME D 1218 A 1235 C 1333  
OCCURRED BETWEEN DATE: 07/15/13 , 1241 HOURS AND DATE: 07/15/13 , 1330 HOURS  
EXCEPTION TYPE:  
INCIDENT LOCATION: 17901 S STATE RD 7 APT. NO.:  
CITY: BOCA RATON STATE: FL ZIP: 33498

NO. OFFENSES: 01 NO. OFFENDERS: 01 NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0  
LOCATION: GOVERNMENT / PUBLIC BUILDING  
NO. VICTIMS: 01 NO. ARRESTED: 0 FORCED ENTRY: 0

OFFENSE NO. 1 FLORIDA STATE STATUTE: 843 0855 3 CIS CODE 260D

NAME LIST:

ROLE:  
COMPLAINANT ELLIOT I BERNSTEIN DOB: 09/30/1963  
SEX: M RACE: W HT: 510 WT: 185 HR: BROWN EYE: HAZEL  
RESIDENTIAL ADDRESS: 2753 NW 34TH ST BOCA RATON FL 33434 HOME PHONE: 561 245-8588  
BUSINESS PHONE: 561 886-7628  
OTHER ROBERT L SPALLINA DOB: 06/09/1965  
SEX: M RACE: W HT: 511 WT: 175 HR: BLACK EYE: BROWN  
RESIDENTIAL ADDRESS: 7387 WISTERIA AV PARKLAND FL 33076 HOME PHONE: 561 997-7008  
BUSINESS PHONE: 561 000-0000  
OTHER TED BERNSTEIN DOB: 08/27/1959  
SEX: M RACE: W HT: 0 WT: 0 HR: UNKNOWN EYE: UNKNOWN  
RESIDENTIAL ADDRESS: 800 BERKELEY ST BOCA RATON FL 33484 HOME PHONE: 561 988-8984  
BUSINESS PHONE: 561 000-0000  
OTHER SIMON BERNSTEIN DOB: 12/02/1935  
SEX: M RACE: W HT: 506 WT: 180 HR: GRAY EYE: BROWN  
RESIDENTIAL ADDRESS: 7020 LIONSHEAD LA BOCA RATON FL 33496 HOME PHONE: 561 000-0000  
BUSINESS PHONE: 561 000-0000  
ARRESTEE KIMBERLY MORAN DOB: 10/24/1972  
SEX: F RACE: W HT: 505 WT: 135 HR: BROWN EYE: BROWN  
RESIDENTIAL ADDRESS: 4855 TECHNOLOGY WY BOCA RATON FL 33431 HOME PHONE: 561 000-0000  
BUSINESS PHONE: 561 000-0000

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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 2  
CASE NO. 13097087 OFFENSE REPORT CASE NO. 13097087  
DISPOSITION: OPEN

ROLE:

OTHER ROLE NO. 4

\*NAMES\* LAST FIRST MIDDLE J/S R/S DOB  
REAL... SIMON PAMELA W F

\*ADDRESS\* NO. STREET SFX DIR APT# CITY ST ZIP  
BUSINESS 950 MICHIGAN AV N 2603 CHICAGO IL 60035

\*PHONE #S\* HOME OTHER BUSINESS  
000 0000 000 0000 (312) 819 7474

ROLE:

OTHER ROLE NO. 5

\*NAMES\* LAST FIRST MIDDLE J/S R/S DOB  
REAL... IANTONI JILL W F

\*ADDRESS\* NO. STREET SFX DIR APT# CITY ST ZIP  
BUSINESS 2101 MAGNOLIA LA HIGHLAND PARK IL 60035

\*PHONE #S\* HOME OTHER BUSINESS  
(847) 831 4915 000 0000 (312) 804 2318

ROLE:

OTHER ROLE NO. 6

\*NAMES\* LAST FIRST MIDDLE J/S R/S DOB  
REAL... FRIEDSTEIN LISA S W F

\*ADDRESS\* NO. STREET SFX DIR APT# CITY ST ZIP  
BUSINESS 2142 CHURCHILL LA HIGHLAND PARK IL 60035

\*PHONE #S\* HOME OTHER BUSINESS  
(847) 877 4633 000 0000 (312) 000 0000

OFFENSE INDICATOR: OFFENSE 1 VICTIM NUMBER: 1  
VICTIM TYPE: UNKNOWN  
RESIDENCE TYPE: NOT APPLICABLE RESIDENCE STATUS: NOT APPLICABLE

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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 3  
CASE NO. 13097087 OFFENSE REPORT CASE NO. 13097087  
DISPOSITION: OPEN

EXTENT OF INJURY: NONE  
INJURY TYPE (1): NOT APPLICABLE  
INJURY TYPE (2): NOT APPLICABLE  
VICTIM RELATION: NOT APPLICABLE

ON 071513, I RESPONDED TO THE DISTRICT VII SUBSTATION LOCATED AT 17901 SOUTH STATE ROAD 7, UNINCORPORATED BOCA RATON, FLORIDA IN REFERENCE TO A REPORT OF FRAUD.

UPON ARRIVAL, I MADE CONTACT WITH THE COMPLAINANT INSIDE OF THE DISTRICT VII LOBBY. THE COMPLAINANT VERBALLY IDENTIFIED HIMSELF AS ELLIOT I. BERNSTEIN. ELLIOT STATED THAT SINCE SEPTEMBER OF 2012 THERE HAVE BEEN SEVERAL FRAUDULENT AND FORGED DOCUMENTS THAT HAVE BEEN FILED IN THE SOUTH COUNTY COURTHOUSE LOCATED AT 200 WEST ATLANTIC AVENUE, DELRAY BEACH, FLORIDA. ELLIOT ADVISED THAT THESE FRAUDULENT/FORGED DOCUMENTS WERE FILED WITH THE SOUTH COUNTY COURTHOUSE TO MISAPPROPRIATE ASSETS ILLEGALLY FROM THE ESTATES OF SIMON AND SHIRLEY BERNSTEIN (DECEASED PARENTS). ELLIOT TOLD ME THAT THESE DOCUMENTS WERE PREPARED AND EXECUTED BY ATTORNEYS DONALD TESCHER AND ROBERT SPALLINA OF TESCHER AND SPALLINA AND THAT THESE DOCUMENTS WERE FOR POWER OF ATTORNEY OVER THE TWO (2) ESTATES WHICH WERE VALUED BETWEEN 20 TO 50 MILLION DOLLARS. ACCORDING TO ELLIOT, HIS BROTHER, THEODORE STUART BERNSTEIN, ALSO HAD INVOLVEMENT WITH THE FILING OF THESE FRAUDULENT/FORGED DOCUMENTS.

WHILE SPEAKING TO ELLIOT, HE SHOWED ME SEVERAL COURT DOCUMENTS WHICH HE ALLEGED ARE COPIES OF THE FRAUDULENT/FORGED DOCUMENTS THAT WERE FILED AT THE COURT HOUSE. ELLIOT COMPLETED A SWORN WRITTEN STATEMENT AND I COMPLETED A VICTIM/WITNESS CASE INFORMATION FORM IN WHICH ELLIOT WAS GIVEN ALONG WITH COPIES OF HIS FOUR (4) PAGE SWORN WRITTEN STATEMENT.

DUE TO THE MONETARY AMOUNT AND THE ALLEGATIONS THAT WERE MADE REGARDING THE FILING OF FRAUDULENT/FORGED DOCUMENTS AT THE SOUTH COUNTY COURTHOUSE, THIS CASE WILL BE FORWARDED TO THE PBSO FINANCIAL CRIMES DIVISION.

THIS CASE WAS COMPLETED AT THIS TIME FOR DOCUMENTATION PURPOSES ONLY.  
D/S B.E. LONGSWORTH/ID 7657/TRANS:072313/ALS  
DICT:071613/2115HRS.

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P A L M B E A C H C O U N T Y S H E R I F F ' S O F F I C E PAGE 1  
CASE NO. 13097087 SUPPLEMENT 1 OFFENSE REPORT CASE NO. 13097087

DISPOSITION: ZULU  
DIVISION: DETECTIVE

911:

IMPRSNTS PUB OF \* \* \*  
SIGNAL CODE: 53 CRIME CODE: NON CRIME CODE: OT CODE: 260D 08/14/13 MONDAY  
ZONE: F52 GRID: DEPUTY I.D.: 7704 NAME: MILLER ASSIST: TIME D 1218 A 1235 C 1333  
OCCURRED BETWEEN DATE: 07/15/13 , 1241 HOURS AND DATE: 07/15/13 , 1330 HOURS  
EXCEPTION TYPE:

INCIDENT LOCATION: 17901 S STATE RD 7 APT. NO.:  
CITY: BOCA RATON STATE: FL ZIP: 33498

NO. OFFENSES: 01 NO. OFFENDERS: 01 NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0  
LOCATION: GOVERNMENT / PUBLIC BUILDING  
NO. VICTIMS: 01 NO. ARRESTED: 0 FORCED ENTRY: 0

OFFENSE NO. 1 FLORIDA STATE STATUTE: 843 0855 3 CIS CODE 260D

AFTER BEING ASSIGNED THE FOLLOW-UP INVESTIGATION IN REGARDS TO THIS CASE,  
I ATTEMPTED TO MAKE CONTACT WITH ELLIOT BERNSTEIN VIA PHONE ON BOTH 08/13/13  
AND 08/14/13. MESSAGES WERE LEFT FOR HIM TO CONTACT ME ON BOTH NUMBERS  
PROVIDED IN THE ORIGINAL REPORT. THIS CONCLUDES MY SUPPLEMENTAL REPORT.  
DETECTIVE RYAN W. MILLER #7704  
08/14/13 @ 1241 HRS.  
TRANS. VIA EMAIL/COPY/PASTE: 08/15/2013/MDR/#6405

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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1  
CASE NO. 13097087 SUPPLEMENT 2 OFFENSE REPORT CASE NO. 13097087  
DISPOSITION: ZULU  
DIVISION: DETECTIVE

911:

IMPRSNTS PUB OF \* \* \*  
SIGNAL CODE: 53 CRIME CODE: NON CRIME CODE: OT CODE: 260D 08/20/13 MONDAY  
ZONE: F52 GRID: DEPUTY I.D.: 7704 NAME: MILLER ASSIST: TIME D 1218 A 1235 C 1333  
OCCURRED BETWEEN DATE: 07/15/13 , 1241 HOURS AND DATE: 07/15/13 , 1330 HOURS  
EXCEPTION TYPE:  
INCIDENT LOCATION: 17901 S STATE RD 7 APT. NO.:  
CITY: BOCA RATON STATE: FL ZIP: 33498

NO. OFFENSES: 01 NO. OFFENDERS: 01 NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0  
LOCATION: GOVERNMENT / PUBLIC BUILDING  
NO. VICTIMS: 01 NO. ARRESTED: 0 FORCED ENTRY: 0

OFFENSE NO. 1 FLORIDA STATE STATUTE: 843 0855 3 CIS CODE 260D

AFTER BEING ASSIGNED THE FOLLOW-UP INVESTIGATION IN REGARDS TO THIS INCIDENT, I WAS ABLE TO MAKE CONTACT WITH ELLIOT BERNSTEIN VIA PHONE. ELLIOT SUPPLIED ME WITH AN E-MAIL WHICH CONTAINED 567 DOCUMENTS WHICH HE STATES ARE PERTINENT TO THIS CASE. I AM CURRENTLY REVIEWING THE DOCUMENTS AND STATEMENT HE PROVIDED. FURTHER INVESTIGATION WILL CONSIST OF MEETING WITH ELLIOT IN THE NEAR FUTURE TO GO OVER HIS STATEMENT AND THE DOCUMENTS HE SUPPLIED. THIS CASE REMAINS OPEN.

DETECTIVE RYAN W. MILLER #7704  
08/20/13 @ 1430 HRS.  
TRANS. VIA EMAIL/COPY/PASTE: 08/21/2013/MDR/#6405

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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1  
CASE NO. 13097087 SUPPLEMENT 3 OFFENSE REPORT CASE NO. 13097087  
DISPOSITION: OPEN  
DIVISION: DETECTIVE

911:

IMPRSNTS PUB OF \* \* \*  
SIGNAL CODE: 53 CRIME CODE: NON CRIME CODE: OT CODE: 260D 09/25/13 MONDAY  
ZONE: F52 GRID: DEPUTY I.D.: 7704 NAME: MILLER ASSIST: TIME D 1218 A 1235 C 1333  
OCCURRED BETWEEN DATE: 07/15/13 , 1241 HOURS AND DATE: 07/15/13 , 1330 HOURS  
EXCEPTION TYPE:  
INCIDENT LOCATION: 17901 S STATE RD 7 APT. NO.:  
CITY: BOCA RATON STATE: FL ZIP: 33498

NO. OFFENSES: 01 NO. OFFENDERS: 01 NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0  
LOCATION: GOVERNMENT / PUBLIC BUILDING  
NO. VICTIMS: 01 NO. ARRESTED: 0 FORCED ENTRY: 0

OFFENSE NO. 1 FLORIDA STATE STATUTE: 843 0855 3 CIS CODE 260D

ON AUGUST 23, 2013 I MET WITH ELIOT BERNSTEIN REFERENCE HIS COMPLAINT. HE STATED THAT DUE TO SOME DOCUMENTS BEING FRAUDULENTLY NOTARIZED A LARGER FRAUD HAS OCCURRED. HE SUPPLIED ME WITH COPIES OF A DOCUMENT TITLED: WAIVER OF ACCOUNTING AND PORTIONS OF PETITION FOR DISCHARGE: WAIVER OF SERVICE OF PETITION FOR DISCHARGE: AND RECEIPT OF BENEFICIARY AND CONSENT TO DISCHARGE, FOR THE ESTATE OF SHIRLEY BERNSTEIN, WHO IS ELIOT'S DECEASED MOTHER.

ELIOT STATED THAT IN THE FIRST PART (BELIEVED TO BE APRIL) OF 2012, HIS FATHER HAD A MEETING WITH HIM AND HIS FOUR SIBLINGS (TED, PAMELA, JILL, & LISA). I HAVE SINCE FOUND OUT THAT THIS WAS A CONFERENCE CALL WHICH TOOK PLACE AT THE OFFICE OF ATTORNEY ROBERT SPALLINA, WHO IS/WAS THE ATTORNEY FOR SIMON AND SHIRLEY BERNSTEIN. IT SHOULD BE NOTED THAT SIMON HAS SINCE PASSED, WHICH OCCURRED ON OR ABOUT SEPTEMBER 13, 2012. AT THIS CONFERENCE CALL, WHICH WAS IN THE FIRST PART OF 2012, SIMON BERNSTEIN REVEALED TO HIS CHILDREN THAT HE WOULD LIKE THEM TO SIGN THE AFOREMENTIONED WAIVER. IT IS BELIEVED THAT THERE WAS ALSO SOME DISCUSSION OF INHERITANCE AND WHO WAS TO GET WHAT UPON SIMON'S PASSING.

INVESTIGATION REVEALED THAT ALL FIVE CHILDREN AND SIMON SIGNED THE AFOREMENTIONED WAIVER THAT WAS SENT TO THEM BY SPALLINA'S LEGAL ASSISTANT, KIMBERLY MORAN. I SPOKE WITH MORAN ON 09/24/13 AND SHE ADMITTED TO SENDING OUT THE WAIVER AS TOLD TO BY HER BOSS. THE WAIVERS WERE THEN SIGNED AND RETURNED. SIMON'S WAS SIGNED ON 04/09/12 AND ELIOT'S ON MAY 15, 2012. IT WAS FOUND THAT THE OTHER SIBLINGS DID NOT RETURN THEIR DOCUMENT FOR SEVERAL MONTHS. MORAN STATED SHE HAD TO CONDUCT FOLLOW-UP E-MAILS AND PHONE CALLS TO GET THE

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P A L M B E A C H C O U N T Y S H E R I F F ' S O F F I C E PAGE 2  
CASE NO. 13097087 SUPPLEMENT 3 O F F E N S E R E P O R T CASE NO. 13097087  
DISPOSITION: OPEN

DOCUMENTS RETURNED. THEY WERE FINALLY RETURNED IN AUGUST AND OCTOBER OF 2012.

MORAN STATED SHE FILED THE DOCUMENTS WITH THE COURT IN OCTOBER OF 2012. SHE RECEIVED A MEMORANDUM FOR JUDGE MARTIN COLIN'S CASE MANAGER, ASTRIDE LIMOUZIN, STATING THE DOCUMENTS WERE NOT NOTARIZED AND THEY NEED TO BE. MORAN STATED THAT AT THIS TIME, SHE TOOK IT UPON HERSELF TO TRACE EACH SIGNATURE OF THE SIX MEMBERS OF THE BERNSTEIN FAMILY ONTO ANOTHER COPY OF THE ORIGINAL WAIVER DOCUMENT. SHE THEN NOTARIZED THEM AND RESUBMITTED THEM TO THE COURTS. WHEN I INTERVIEWED HER ON 09/24/13, SHE STATED SHE DID NOT REALLY HAVE A REASON WHY SHE FORGED THE SIGNATURES, OTHER THAN TO MAYBE SAVE TIME.

I SPOKE WITH LISA AND JILL VIA PHONE ON SEPTEMBER 10, 2013. THEY STATED THAT AS FAR AS THEY KNOW, THE FRAUDULENT NOTARIZATION CHANGED NOTHING WITH THE ESTATE SINCE THEY WILLINGLY AND KNOWINGLY SIGNED THE ORIGINAL DOCUMENTS. THEY STATED THAT THEY DO NOT WISH TO PURSUE ANYTHING CRIMINALLY. I SPOKE WITH TED ON 09/24/13. HE ALSO STATED THAT THE MISTAKE DID NOT AFFECT THE ESTATE AND DOES NOT WISH TO PURSUE ANYTHING CRIMINALLY. TO DATE PAMELA HAS NOT RESPONDED TO MY PHONE MESSAGES OR E-MAILS.

D/S MARK BEREY WAS PRESENT DURING MY INTERVIEWS WITH MORAN, TED, AND SPALLINA. WE SPOKE TO MORAN ALONE. THE INTERVIEW WAS RECORDED. SHE ADMITTED TO MAKE A POOR DECISION, BUT STATED SHE DID NOT BENEFIT FINANCIALLY FROM HER ACTIONS. WE ALSO SPOKE WITH SPALLINA ALONE. SPALLINA STATED HE WAS NOT AWARE OF MORAN'S ACTIONS UNTIL SHE TOLD HIM. MORAN STATED SHE WAS MADE AWARE THAT OTHERS HAD CAUGHT ONTO WHAT SHE DID ONCE SHE RECEIVED NOTICE FROM THE GOVERNOR'S OFFICE, NOTARY EDUCATION DIVISION. ELIOT FILED A COMPLAINT ON HER WITH THE STATE. I WAS SUPPLIED WITH A COPY OF THE COMPLAINT AND CORRESPONDENCE BY ELIOT. I ALSO SPOKE WITH ERIN TUPER MAKING HER AWARE OF MY INVESTIGATION. ELIOT SUPPLIED A SWORN WRITTEN STATEMENT TO THE ORIGINAL REPORTING DEPUTY, STATING THAT HE WISHES TO PURSUE CRIMINAL CHARGES. ELIOT ALSO TOLD ME HIMSELF THAT HE WISHES TO PURSUE CHARGES ANY CRIMINAL WRONGDOINGS IN THIS CASE. IN SPEAKING WITH SPALLINA, WE FOUND THAT THE DOCUMENT IN QUESTIONS CHANGES THE INHERITANCE OF PERSONAL PROPERTY IN THE ESTATE OF SHIRLEY BERNSTEIN FROM SIMON AND SHIRLEY'S CHILDREN TO THEIR GRANDCHILDREN.

D/S BEREY AND I ALSO REVIEWED ALL E-MAILS AND ATTACHMENTS (MAINLY COURT DOCUMENTS) SUPPLIED BY ELIOT. WE FOUND THAT MOST OF THE INFORMATION WAS RELATED TO THE ONGOING CIVIL CASE INVOLVING THE TRUSTS AND ESTATES OF SHIRLEY AND SIMON BERNSTEIN. THE ONLY CRIMINAL WRONGDOINGS FOUND ARE THE AFOREMENTIONED FRAUDULENTLY NOTARIZED DOCUMENTS.

IT SHOULD BE NOTED THAT ON 9/25/13 ELIOT'S WIFE, CANDICE BERNSTEIN CALLED ME AND MENTIONED THAT SHE WAS FEELING A CONCERN FOR THE SAFETY OF HER AND ELIOT. SHE STATED IT IS JUST A FEELING SHE HAD DUE TO RISING TENSIONS IN THIS ONGOING COURT BATTLE. I ASKED HER IF ANYONE HAS THREATENED HER OR HER HUSBAND AND SHE SAID NO, JUST PEOPLE INVOLVED KNOW PEOPLE WHO HAVE HIGH INFLUENTIAL

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printed by Employee Id #: 8105 on August 31, 2015 01:02:53PM  
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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1  
CASE NO. 13097087 SUPPLEMENT 4 OFFENSE REPORT CASE NO. 13097087  
DISPOSITION: OPEN  
DIVISION: DETECTIVE

911:

IMPRSNTNTE PUB OF \* \* \*  
SIGNAL CODE: 53 CRIME CODE: NON CRIME CODE: OT CODE: 260D 09/27/13 MONDAY  
ZONE: F52 GRID: DEPUTY I.D.: 7704 NAME: MILLER ASSIST: TIME D 1218 A 1235 C 1333  
OCCURRED BETWEEN DATE: 07/15/13 , 1241 HOURS AND DATE: 07/15/13 , 1330 HOURS  
EXCEPTION TYPE:  
INCIDENT LOCATION: 17901 S STATE RD 7 APT. NO.:  
CITY: BOCA RATON STATE: FL ZIP: 33498

NO. OFFENSES: 01 NO. OFFENDERS: 01 NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0  
LOCATION: GOVERNMENT / PUBLIC BUILDING  
NO. VICTIMS: 01 NO. ARRESTED: 0 FORCED ENTRY: 0

OFFENSE NO. 1 FLORIDA STATE STATUTE: 843 0855 3 CIS CODE 260D

THIS CASE WAS FILED WITH THE PALM BEACH COUNTY STATE ATTORNEY'S OFFICE ON  
09/27/13. THIS CASE REMAINS OPEN.  
DETECTIVE RYAN W. MILLER #7704  
09/27/13 @ 1311 HRS.  
TRANS. VIA EMAIL/COPY/PASTE: 09/30/2013/MDR/#6405

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printed by Employee Id #: 8105 on August 31, 2015 01:02:53PM  
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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1  
CASE NO. 13097087 SUPPLEMENT 5 OFFENSE REPORT CASE NO. 13097087  
DISPOSITION: OPEN  
DIVISION: DETECTIVE

911:  
IMPRSNT PUB OF \* \* \*  
SIGNAL CODE: 53 CRIME CODE: NON CRIME CODE: OT CODE: 260D 10/08/13 MONDAY  
ZONE: F52 GRID: DEPUTY I.D.: 7704 NAME: MILLER ASSIST: TIME D 1218 A 1235 C 1333  
OCCURRED BETWEEN DATE: 07/15/13 , 1241 HOURS AND DATE: 07/15/13 , 1330 HOURS  
EXCEPTION TYPE:  
INCIDENT LOCATION: 17901 S STATE RD 7 APT. NO.:  
CITY: BOCA RATON STATE: FL ZIP: 33498

NO. OFFENSES: 01 NO. OFFENDERS: 01 NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0  
LOCATION: GOVERNMENT / PUBLIC BUILDING  
NO. VICTIMS: 01 NO. ARRESTED: 0 FORCED ENTRY: 0

OFFENSE NO. 1 FLORIDA STATE STATUTE: 843 0855 3 CIS CODE 260D

ON 10/07/13 I RECEIVED AN E-MAIL FROM THE STATE ATTORNEY'S OFFICE STATING  
THEY HAVE REVIEWED THE CASE AND CHARGES WILL BE FILED. ON 10/08/13 I SPOKE  
WITH ELIOT AND MADE HIM AWARE OF MY FINDINGS IN THIS CASE. HE ALSO SUPPLIED  
ME WITH NEW COURT DOCUMENTS, WHICH WERE FORWARDED TO THE SAO. THIS CASE  
REMAINS OPEN.  
DETECTIVE RYAN MILLER #7704  
10/08/13 @ 1033 HRS.  
TRANS. VIA EMAIL/COPY/PASTE: 10/08/2013/MDR/#6405

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printed by Employee Id #: 8105 on August 31, 2015 01:02:53PM  
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P A L M B E A C H C O U N T Y S H E R I F F ' S O F F I C E PAGE 1  
CASE NO. 13097087 SUPPLEMENT 6 OFFENSE REPORT CASE NO. 13097087  
DISPOSITION: CLEARED BY ARREST  
DIVISION: DETECTIVE

911:  
IMPRSNT PUB OF \* \* \*  
SIGNAL CODE: 53 CRIME CODE: NON CRIME CODE: OT CODE: 260D 10/29/13 MONDAY  
ZONE: F52 GRID: DEPUTY I.D.: 7704 NAME: MILLER ASSIST: TIME D 1218 A 1235 C 1333  
OCCURRED BETWEEN DATE: 07/15/13 , 1241 HOURS AND DATE: 07/15/13 , 1330 HOURS  
EXCEPTION TYPE:  
INCIDENT LOCATION: 17901 S STATE RD 7 APT. NO.:  
CITY: BOCA RATON STATE: FL ZIP: 33498

NO. OFFENSES: 01 NO. OFFENDERS: 01 NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0  
LOCATION: GOVERNMENT / PUBLIC BUILDING  
NO. VICTIMS: 01 NO. ARRESTED: 1 FORCED ENTRY: 0

OFFENSE NO. 1 FLORIDA STATE STATUTE: 843 0855 3 CIS CODE 260D

ON 10/25/13 KIMBERLY MORAN TURNED HERSELF IN REFERENCE A CAPIAS ISSUED IN  
THIS CASE. THIS CASE IS NOW CLEARED BY ARREST.  
DETECTIVE RYAN W. MILLER #7704  
10/29/13 @ 1505 HRS.  
TRANS. VIA EMAIL/COPY/PASTE: 10/30/2013/MDR/#6405

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printed by Employee Id #: 8105 on August 31, 2015 01:02:53PM  
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PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1  
CASE NO. 13097087 SUPPLEMENT 7 OFFENSE REPORT CASE NO. 13097087  
DISPOSITION: CLEARED BY ARREST  
DIVISION: DETECTIVE

911:

IMPRSNTTE PUB OF \* \* \*  
SIGNAL CODE: 53 CRIME CODE: NON CRIME CODE: OT CODE: 260D 01/07/14 MONDAY  
ZONE: F52 GRID: DEPUTY I.D.: 7704 NAME: MILLER ASSIST: TIME D 1218 A 1235 C 1333  
OCCURRED BETWEEN DATE: 07/15/13 , 1241 HOURS AND DATE: 07/15/13 , 1330 HOURS  
EXCEPTION TYPE:  
INCIDENT LOCATION: 17901 S STATE RD 7 APT. NO.:  
CITY: BOCA RATON STATE: FL ZIP: 33498

NO. OFFENSES: 01 NO. OFFENDERS: 01 NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0  
LOCATION: GOVERNMENT / PUBLIC BUILDING  
NO. VICTIMS: 01 NO. ARRESTED: 1 FORCED ENTRY: 0

OFFENSE NO. 1 FLORIDA STATE STATUTE: 843 0855 3 CIS CODE 260D

ON 01/07/14 I SPOKE WITH ROBERT SPALLINA HE STATED THAT THE WAIVER SIGNED  
DID NOT MAKE ANY CHANGES TO THE INHERITANCE OF PERSONAL PROPERTY. HE STATED  
THE ITEMS AND/OR MONEY STILL WENT TO SIMON AND SHIRLEY'S CHILDREN. THE WAIVER  
WAS ONLY A RELEASE OF ACCOUNTING FOR SHIRLEY'S ESTATE.  
DETECTIVE RYAN W. MILLER #7704  
01/07/14 @ 0809 HRS.  
TRANS. VIA EMAIL/COPY/PASTE: 01/07/2014/MDR/#6405

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printed by Employee Id #: 8105 on August 31, 2015 01:02:53PM  
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P A L M B E A C H C O U N T Y S H E R I F F ' S O F F I C E PAGE 1  
CASE NO. 13097087 SUPPLEMENT 8 OFFENSE REPORT CASE NO. 13097087  
DISPOSITION: CLEARED BY ARREST  
DIVISION: DETECTIVE

911:

IMPRSNTS PUB OF \* \* \*  
SIGNAL CODE: 53 CRIME CODE: NON CRIME CODE: OT CODE: 260D 02/11/14 MONDAY  
ZONE: F52 GRID: DEPUTY I.D.: 7704 NAME: MILLER ASSIST: TIME D 1218 A 1235 C 1333  
OCCURRED BETWEEN DATE: 07/15/13 , 1241 HOURS AND DATE: 07/15/13 , 1330 HOURS  
EXCEPTION TYPE:  
INCIDENT LOCATION: 17901 S STATE RD 7 APT. NO.:  
CITY: BOCA RATON STATE: FL ZIP: 33498

NO. OFFENSES: 01 NO. OFFENDERS: 01 NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0  
LOCATION: GOVERNMENT / PUBLIC BUILDING  
NO. VICTIMS: 01 NO. ARRESTED: 1 FORCED ENTRY: 0

OFFENSE NO. 1 FLORIDA STATE STATUTE: 843 0855 3 CIS CODE 260D

FOR CLARIFICATION PURPOSES, REFERENCE SUPPLEMENT NUMBER 3, THE NEXT TO  
LAST PARAGRAPH. I SPOKE WITH CANDICE BERNSTEIN ON THE PHONE, NOT ELIOT. THE  
CONCERN FOR SAFETY WAS MENTIONED BY CANDICE. IN THE PAST, ELIOT HAD TOLD  
ME THAT HE HAD ONGOING FEDERAL COURT BATTLE RELATED TO HIS INVENTIONS AND  
PATENTS. HE HAD IMPLIED IN THE PAST THAT HE WAS TARGETED FOR THOSE BATTLES.  
IT WAS RELAYED TO ME BY CANDICE THAT THINGS WERE GETTING HEATED REFERENCE THE  
MANY PROCEEDINGS ELIOT WAS INVOLVED IN, SO SHE WAS GETTING NERVOUS FOR THE  
FAMILY AS A WHOLE.

THIS CONCLUDES MY SUPPLEMENTAL REPORT.  
DETECTIVE RYAN W. MILLER #7704  
02/11/14 @ 1936 HRS.  
TRANS. VIA EMAIL/COPY/PASTE: 02/13/2014/MDR/#6405

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printed by Employee Id #: 8105 on August 31, 2015 01:02:53PM  
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P A L M B E A C H C O U N T Y S H E R I F F ' S O F F I C E PAGE 1  
CASE NO. 13097087 SUPPLEMENT 9 OFFENSE REPORT CASE NO. 13097087  
DISPOSITION: CLEARED BY ARREST  
DIVISION: DETECTIVE

911:  
IMPRSNTS PUB OF \* \* \*  
SIGNAL CODE: 53 CRIME CODE: NON CRIME CODE: OT CODE: 260D 02/13/14 MONDAY  
ZONE: F52 GRID: DEPUTY I.D.: 7704 NAME: MILLER ASSIST: TIME D 1218 A 1235 C 1333  
OCCURRED BETWEEN DATE: 07/15/13 , 1241 HOURS AND DATE: 07/15/13 , 1330 HOURS  
EXCEPTION TYPE:  
INCIDENT LOCATION: 17901 S STATE RD 7 APT. NO.:  
CITY: BOCA RATON STATE: FL ZIP: 33498

NO. OFFENSES: 01 NO. OFFENDERS: 01 NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0  
LOCATION: GOVERNMENT / PUBLIC BUILDING  
NO. VICTIMS: 01 NO. ARRESTED: 1 FORCED ENTRY: 0

OFFENSE NO. 1 FLORIDA STATE STATUTE: 843 0855 3 CIS CODE 260D

ON 02/13/14 I RECEIVED NOTICE FROM THE PALM BEACH COUNTY STATE ATTORNEY'S  
OFFICE THAT MORAN ENTERED THE PRE-TRIAL INTERVENTION PROGRAM FOR A PERIOD OF 1  
YEAR.  
DETECTIVE RYAN W. MILLER #7704  
02/13/14 @ 1225 HRS.  
TRANS. VIA EMAIL/COPY/PASTE: 02/14/3014/MDR/#6405

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printed by Employee Id #: 8105 on August 31, 2015 01:02:53PM  
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**PALM BEACH COUNTY SHERIFF'S OFFICE  
CENTRAL RECORDS  
FSS EXEMPTIONS/CONFIDENTIAL**

- |  |   |
|--|---|
| <input type="checkbox"/> 119.071(2)(c) Active criminal intelligence/active criminal investigative Information  | <input type="checkbox"/> 119.071(5)(g)1 Biometric Identification Information (Fingerprints, palm prints, and footprints)  |
| <input type="checkbox"/> 119.071(2)(e) Confession  | <input type="checkbox"/> 119.071(2)(f) Confidential Informants  |
| <input type="checkbox"/> 365.171(15) Identity of 911 caller or person requesting emergency service   | <input type="checkbox"/> 316.066(5)(a) Crash reports are confidential for period of 60 days after the report is filed   |
| <input type="checkbox"/> 119.071(2)(d) Surveillance techniques, procedures, and personnel; inventory of law enforcement resources, policies or plans pertaining to mobilization, deployment or tactical operations | <input type="checkbox"/> 119.071(2)(h)(1) Identity of victim of sexual battery, lewd and lascivious offense upon a person less than 16 years old, child abuse, sexual offense |
| <input type="checkbox"/> 119.071(2)(l) Assets of crime victim  | <input type="checkbox"/> 985.04(1) Juvenile offender records  |
| <input type="checkbox"/> 119.071(5)(a)(5) Social security numbers held by agency   | <input type="checkbox"/> 119.0712(2) Personal information contained in a motor vehicle record   |
| <input type="checkbox"/> 119.071(5)(b) Bank account #, debit, charge and credit card numbers held by an agency   | <input type="checkbox"/> 119.071(2)(b) Criminal intelligence/investigative information from a non-Florida criminal justice agency   |
| <input checked="" type="checkbox"/> 395.3025(7)(a) and/or 456.057(7)(a) Medical information  | <input type="checkbox"/> 394.4615(7) Mental health information  |
| <input type="checkbox"/> 943.053/943.0525 NCIC/FCIC/FBI and in-state FDLE/DOC  | <input checked="" type="checkbox"/> 119.071(4)(c) Undercover personnel  |
| <input type="checkbox"/> 119.07(4)(d) Extra fee if request is voluminous or requires extensive personnel, technology   | <input type="checkbox"/> 119.071(4)(d)(1) Home address, telephone, soc security #, date of birth, photos of active/former LE personnel, spouses and children                  |

Other:

Case No: IR-14-025

Tracking No.: 15-07-1853

Clerk Name/ID: T. Hunt/8105

Date: 09/02/2015

**Incident Review IA No: IR14-025 Received: Jan 09, 2014**

Flagged incident: Blue

Case No: 13-097087

**Involved citizen:**

**Elliot Bernstein**

Linked address(s):

Home Address: 2753 34 St NW Boca Raton FL 33434

Linked phone(s):

Home Phone: (561) 245-8588

**Officers involved:**

**Sergeant LE Ryan W Miller [7704]**

**Officer current info:**

Departments: Law Enforcement

Assignments: 4301-Dist 7-Boca

Complaint Type:

**Snapshot - officer information at time of incident:**

Badge/ID no: 7704

Departments: Law Enforcement

Assignments: 5070-Special Invest

Complaint Type:

Rank/title: Detective

Age: 35 Years of employment: 9 Years with unit:

Off duty: Off duty employed:

Allegations:

Information Only - Incident Review - IR - No Action Warranted - Feb 04, 2014

Actions taken:

Feb 04, 2014 - Incident Review Days/hrs suspended/assessed:

**Officer witnesses:**

**Deputy Sheriff LE PT Mark H Berey [15527]**

**Officer current info:**

Departments: Law Enforcement

Assignments: 4760-District 6 - West B

Complaint Type:

**Summary:**

Mr. Elliot Bernstein filed a complaint regarding an investigation completed by Detective Ryan

Miller. At this time, I am waiting for information from Detective Miller regarding this.

Please refer to attached memorandum regarding this matter.

**Investigative tasks:**

Due dt	Done dt	Type
Feb 23, 2014	Feb 5, 2014	45 Day - Report Update

Assigned To: Sally Tritsch

Automatically generated

Apr 9, 2014	Feb 5, 2014	90 Day - Report Update
-------------	-------------	------------------------

Assigned To: Sally Tritsch

Automatically generated

**When/where:**

Date/time occurred: Jul 15 2013 12:40

Incident location: 200 Atlantic Ave W Delray Beach FL 33417  
Home Address: 2753 34 St NW Boca Raton FL 33434  
County: IAR

**Linked files:**

Case Information:

Face Sheet (DOC)

Case Letters:

Letter to Mr Bernstein (DOC)

Documnetary Evidence:

Reports 1 (pdf)  
Reports 2 (pdf)  
Reports 3 (pdf)

Memorandums:

Memorandum (pdf)

**Associated Case Nos:**

CC14-0006

**Status/assignment information:**

Status: Completed

Opened: 01/09/2014 Assigned: 01/09/2014 Due: 05/09/2014 Completed: 02/04/2014

Disposition: IR - No Action Warranted

Unit assigned: Internal Affairs  
Handled at field/unit level: Yes  
Outside/file investigator:  
Investigator assign: Sergeant Sean Bozdech  
Supervisor assign: Captain LE Pete Palenzuela  
Source of information: Citizen

**Organizational component(s):**

Departments: Law Enforcement  
Assignments: 5070-Special Invest  
Complaint Type: External Complaint

**BlueTeam chain routings**

**Jan 09, 2014 13:24: Sent from Sergeant LE Sean A Bozdech [6529] to Captain LE Pedro L Palenzuela [6073]**

Instructions:

Please return back for further follow up.

Reviewed by Captain LE Pedro L Palenzuela [6073] on Jan 09, 2014 at 13:32

Decision: Approved

Reviewer comment:

AAW, returned per your request

**Jan 09, 2014 13:32: Sent from Captain LE Pedro L Palenzuela [6073] to Sergeant LE Sean A Bozdech [6529]**

Instructions:

FYR, see comments

Reviewed by Sergeant LE Sean A Bozdech [6529] on Feb 04, 2014 at 09:17

Decision: Approved

Reviewer comment:

Investigation completed. Refer to attached memorandum.

**Feb 04, 2014 09:17: Sent from Sergeant LE Sean A Bozdech [6529] to**

**Captain LE** [REDACTED]

Instructions:

FYR

Reviewed by Captain LE [REDACTED] on Feb 04, 2014 at 14:04

Decision: Approved

Reviewer comment:

AAW

**Entered via BlueTeam by: Sergeant LE Sean A Bozdech [6529] on  
Jan 09, 2014 at 13:21**



WALKER THAT SIMON'S LIVE-IN GIRLFRIEND, MARITZA PUCCIO MIGHT HAVE PROVIDED SIMON WITH A LARGER THEN PRESCRIBED DOSE OF HIS HYDROCODONE MEDICATION AS WELL AS ONE OF HER PRESCRIBED AMBIEN SLEEPING PILLS, WHICH COULD OF CAUSED HIS DEATH. HE SAID HE VOICED HIS CONCERNS TO THE DOCTORS AT DELRAY COMMUNITY HOSPITAL BUT THEY ADVISED THERE DID NOT APPEAR TO BE ANY SUSPICIOUS CIRCUMSTANCES SURROUNDING SIMON'S DEATH AND THEY WOULD NOT BE CONDUCTING AN AUTOSPY. TED CONTACTED BOTH A PRIVATE COMPANY AND THE PALM BEACH COUNTY MEDICAL EXAMINER'S OFFICE REGARDING HAVING AN AUTOSPY CONDUCTED. BOTH ADVISED HE SHOULD CONTACT THE PALM BEACH COUNTY SHERIFF'S OFFICE.

AFTER SPEAKING WITH TED, I SPOKE WITH RACHEL. RACHEL STARTED BY TELLING ME THAT SIMON SUFFERED FROM SEVERAL AILMENTS TO INCLUDE, POLLIMALAGA, HEPATITIS C AND HE HAD OPEN HEART SURGERY APPROXIMATELY 2 YEARS AGO, WHICH WAS ONE OF SEVERAL OPEN HEART SURGERIES. SIMON WAS RECENTLY PLACED ON PREDNISONE FOR THE POLLIMALAGA, WHICH SHE SAID EFFECTED HIS MENTAL FACULTIES. RACHEL ADVISED WHEN SHE ARRIVED AT SIMON'S HOUSE AT 0830 HOURS ON 9/12/12, SHE FOUND SIMON LYING ON THE COUCH IN THE LIVING ROOM. HE WAS AWAKE AND BREATHING BUT HE HAD A VERY LOW HEART BEAT AND WAS UNAWARE OF HIS SURROUNDINGS. RACHEL SAID SHORTLY AFTER HER ARRIVAL MARITZA RETURNED HOME. THEY HAD A BRIEF ARGUMENT OVER WHETHER OR NOT THEY SHOULD BRING SIMON TO THE HOSPITAL AS RACHEL SAYS MARITZA DID NOT BELIEVE HE NEEDED TO GO TO THE HOSPITAL AT THIS TIME. RACHEL SAID THAT SHE FINALLY TOLD MARITZA THAT SHE WAS GOING TO TAKE HIM TO THE HOSPITAL BY HERSELF. SHE SAID SHE LEFT THE HOUSE APPROXIMATELY 1000 HOURS FOR THE HOSPITAL. RACHEL WENT ON TO TELL ME THAT MARITZA PROVIDED SIMON WITH ONE OF HER PRESCRIBED AMBIEN SLEEPING PILLS ON THE NIGHT OF 9/8/12. SHE ALSO SAID SIMON WAS PRESCRIBED 100 [REDACTED] 7.5-750 PILLS ON 9/7/12 AND SHE BELIEVE THAT MARITZA WAS PROVIDING SIMON WITH LARGER THEN PRESCRIBED DOSES OF [REDACTED]. RACHEL TOLD ME SHE BELIEVED THERE WERE ONLY 30 PILLS LEFT IN THE BOTTLE AT THE TIME OF SIMON'S DEATH. I LATER COUNTED THE BOTTLE OF [REDACTED]. THERE WERE 90.5 PILLS IN THE BOTTLE SHOWING THAT SIMON DID NOT TAKE MORE THAN PRESCRIBED.

IT SHOULD ALSO BE NOTED THAT I SPOKE WITH ELLIOT, WHO SAID HE WAS AT DINNER WITH SIMON AND MARITZA ON 9/8/12 AND OBSERVED HIS FATHER TELL MARITZA THAT HE WANTED ONE OF HER AMBIEN SLEEPING PILLS BECAUSE HE COULD NOT SLEEP. ELLIOT SAID THEY HAD A BRIEF ARGUMENT OVER THIS AS MARTIZA REFUSED TO ALLOW SIMON TO TAKE ONE OF HER PILLS INITIALLY. AT THIS TIME SGT. CASTELLI ARIVED ON SCENE AND WAS ADVISED OF THE CASE.

HE MADE CONTACT WITH VCD AND THE MEDICAL EXAMINER'S OFFICE. HE WAS ADVISED TO HAVE ME CONTACT DELRAY COMMUNITY HOSPITAL TO PUT A HOLD ON SIMON'S BODY FOR DR. BELL FROM THE MEDICAL EXAMINER'S OFFICE WHO WOULD CHECK ON THE SITUATION THE NEXT DAY. I WAS ALSO ADVISED TO EMAIL A COPY OF THE REPORT TO AARON RUIZ WITH THE MEDICAL EXAMINER'S OFFICE. DELRAY COMMUNITY HOSPITAL WAS CONTACTED AND A HOLD WAS PLACED ON SIMON'S BODY AND AARON RUIZ WAS EMAILED.

THIS REPORT IS FOR INFORMATION PURPOSES.

D/S HAUGH #8826

TRANS: 9/14/12 DG#4495

DICT: 9/13/12 @ 1700 HRS.

6529

01/28/14

E000

PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 3  
SUPPLEMENT 1 OFFENSE REPORT CASE NO. 12121312

DISPOSITION: ZULU  
DIVISION: DETECTIVE

POLICE SERVICE CALL CODE: 9568 DATE: 01/23/14 THURSDAY  
ZONE: C21 GRID: DEPUTY ID.: 7704 ASSIST: TIME D 1155 A 1211 C 1522  
OCCURRED BETWEEN DATE: 09/12/12 , 0830 HOURS AND DATE: 09/13/12 , 0100 HOURS  
EXCEPTION TYPE:  
INCIDENT LOCATION: 7020 LIONS HEAD LA APT. NO.:  
CITY: BOCA RATON STATE: FL ZIP: 33496  
NO. OFFENSES: 00 NO. OFFENDERS: UK NO. VEH. STOLEN: 0 NO. PREM. ENTERED: 0  
LOCATION: RESIDENCE - SINGLE FAMILY  
NO. VICTIMS: 00 NO. ARRESTED: 0 FORCED ENTRY: 0

ON 01/22/14 I WAS ASKED TO CONDUCT SOME FOLLOW-UP IN REGARDS TO THIS REPORT. ON 01/23/14 I WENT TO THE PALM BEACH COUNTY MEDICAL EXAMINER'S OFFICE AND OBTAINED A COPY OF THE SIMON BERNSTEIN AUTOPSY REPORT.

UPON REVIEWING THE REPORT, I FOUND THAT DR. MICHAEL BELL (DISTRICT MEDICAL EXAMINER) CONDUCTED AN AUTOPSY ON SIMON ON SEPTEMBER 14, 2012 AT 11 AM. THE RESULTS OF THE AUTOPSY CONCLUDED THE FOLLOWING:

-----  
MANNER OF DEATH: NATURAL  
CAUSE OF DEATH: MYOCARDIAL INFARCT DUE TO SEVERE CORONARY ATHEROSCLEROSIS  
CONTRIBUTORY CAUSE OF DEATH: BRONCHOPNEUMONIA, CIRRHOSIS  
-----

DR. BELL PROVIDED AN OPINION THAT SIMON DIED FROM A HEART ATTACK, DUE TO THE BLOCKAGE OF THE ARTERIES THAT FEED HIS HEART. HE ALSO HAD PNEUMONIA AND CIRRHOSIS. HE STATED THERE WAS NO OVERDOSE AND THAT HIS BLOOD [REDACTED] CONCENTRATION WAS THERAPEUTIC. HE STATED THAT HE DID NOT HAVE MENINGITIS.

I ALSO FOUND THAT BODY WAS THEN TURNED OVER TO BOCA RATON FUNERAL HOME ON SEPTEMBER 14, 2012. ON 01/23/14 I SPOKE WITH TED BERNSTEIN. HE STATED THAT A PRIVATE AUTOPSY WAS NOT CONDUCTED.

THIS CONCLUDES MY SUPPLEMENTAL REPORT.

DETECTIVE RYAN W. MILLER #7704  
01/23/14 @ 1143 HRS.

TRANS. VIA EMAIL/COPY/PASTE: 01/23/2014/MDR/#6405

**Bozdech, Sean A.**

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**From:** Eliot Ivan Bernstein <iviewit@iviewit.tv>  
**Sent:** Tuesday, January 28, 2014 10:53 AM  
**To:** Bozdech, Sean A.  
**Subject:** FW: Case No 13 097087 Simon and Shirley Bernstein estate crimes

Sergeant Bozdech, I have also asked Det Miller to respond to my letters and he has not, is there a reason he cannot answer the questions via email and writing a response? Eliot

---

**From:** Miller, Ryan W. [mailto:MillerR@pbso.org]  
**Sent:** Tuesday, December 31, 2013 10:26 AM  
**To:** Eliot Ivan Bernstein  
**Subject:** RE: Case No 13 097087 Simon and Shirley Bernstein estate crimes

Just left you a message.

---

**From:** Eliot Ivan Bernstein [mailto:iviewit@iviewit.tv]  
**Sent:** Tuesday, December 31, 2013 9:40 AM  
**To:** Miller, Ryan W.  
**Cc:** Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Andrew R. Dietz @ Rock It Cargo USA; Marc R. Garber Esq.; Marc R. Garber Esq. @ Flaster Greenberg P.C.  
**Subject:** RE: Case No 13 097087 Simon and Shirley Bernstein estate crimes

Detective Miller,

I cannot come to your office as we are suffering severe financial damages from the crimes alleged in the estates by the fiduciaries and have no gas or money at this time. I would like to have others involved in the conversations including two people from out of the state so a phone call to start would be great until we can meet again in person. I filed the complaint at PBSO and the intake officer stated he was giving it a new case number but then used the Moran case file number even though she has nothing to do with the new complaint. I did explicitly state to the intake officer that these were separate and distinct crimes and needed new case numbers and when he gave me the new case number I did not notice at the time that it was the same as the Moran file. Perhaps we can straighten that up with him and either you or I can call to handle clarifying the matter and getting a new case number assigned against the new alleged perpetrators.

Therefore, since Moran is pressing near for sentencing and we need to discuss your prior investigation can you please send over a time to meet via telephone.

Thanks,

Eliot

---

**From:** Miller, Ryan W. [mailto:MillerR@pbso.org]  
**Sent:** Tuesday, December 31, 2013 7:50 AM  
**To:** Eliot Ivan Bernstein  
**Subject:** RE: Case No 13 097087 Simon and Shirley Bernstein estate crimes

Mr. Bernstein,

I have informed you several times that you can call me to schedule an appointments so you can come to my office and discuss the case I investigated.

2-As far as the new report you filed we have policies and procedures here at PBSO that dictate who investigates what and how it is investigated. I do not investigate all types of cases, therefore may not be assigned the new case you filed. As I stated before, do not assume that I will be the one investigating all the complaints you file.

Det. Ryan Miller

**From:** Eliot Ivan Bernstein [mailto:[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)]

**Sent:** Tuesday, December 31, 2013 6:54 AM

**To:** Miller, Ryan W.

**Cc:** Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Andrew R. Dietz @ Rock It Cargo USA; Marc R. Garber Esq.; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Marc R. Garber Esq. @ Flaster Greenberg P.C.

**Subject:** Case No 13 097087 Simon and Shirley Bernstein estate crimes

Detective Miller,

As the hearing date for Moran approaches and has been rescheduled once to determine if the charges were correct and more we need to meet soon. Do you have a time today or tomorrow for an initial phone call to discuss some of the further issues I addressed in my letter dated December 3, 2013 to you and in the recently filed complaint for the Theft of Assets in the estate of my Mom I filed at the Boca station on December 24, 2013. Also, do you plan on addressing the December 03, 2013 letters issues with me in writing? Below is an email with a link to additional evidence to be added to the case of Moran and added to the new complaints against various parties addressed in my December 03, 2013 letter for various other crimes that need to be investigated. Please respond with a good time at your soonest convenience to talk telephonically or let me know when you will respond in writing to my letters. I will also send a copy of the actual email sent but do to its character length and attachments it may find itself in your spam box, so best check there if you do not receive it or call me and I can also fax it. Best ~ Eliot

-----Original Message-----

**From:** Eliot Ivan Bernstein [mailto:[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)]

**Sent:** Sunday, December 29, 2013 8:38 AM

**To:** 'Ted Bernstein'; 'Robert L. Spallina, Esq. ~ Attorney at Law @ Tescher & Spallina, P.A.'; 'Donald R. Tescher ~ Attorney at Law @ Tescher & Spallina, P.A.'; 'Hunt Worth ~ President @ Oppenheimer Trust Company'; 'William McCabe Esq. @ Oppenheimer Trust Company'; 'Mark R. Manceri, Esquire @ Mark R. Manceri, P.A.'; 'Janet Craig, CTFA ~ Senior Vice President & Compliance Officer @ Oppenheimer Trust Company'

**Cc:** 'Caroline Prochotska Rogers Esq.'; 'Michele M. Mulrooney ~ Partner @ Venable LLP'; 'Andrew R. Dietz @ Rock It Cargo USA'; 'Marc R. Garber Esq.'; 'Marc R. Garber, Esquire @ Flaster Greenberg P.C.'; 'Marc R. Garber Esq. @ Flaster Greenberg P.C.'; 'Lisa S. Friedstein'; 'Lisa'; 'Jill M. Iantoni'; 'Jill M. Iantoni'; 'Guy T. Iantoni @ GTI LIFE, Inc.'; 'Guy T. Iantoni'; 'Pamela Beth Simon'

**Subject:** RE: RESPONSE TO TED and DONALD LETTERS RE EMERGENCY DISTRIBUTIONS FOR THREE MINOR CHILDREN AND MORE

NOTE TO ALL, I HAVE SENT AN EMAIL EARLIER TODAY, A FORMATTED COPY and a Plain Text Copy. However, it may have gone into your Junk folder due to its length and three attachments, if you have not received it after looking in your junk mail I am attaching an online version herein @

[www.iviewit.tv/20131229EIBResponseToTedBernsteinandDonaldTescherReEmergencyDistributions.pdf](http://www.iviewit.tv/20131229EIBResponseToTedBernsteinandDonaldTescherReEmergencyDistributions.pdf) .

If you have any troubles with the email or link let me know. Eliot

Eliot I. Bernstein  
Inventor  
Iviewit Holdings, Inc. - DL  
2753 N.W. 34th St.

Boca Raton, Florida 33434-3459

(561) 245.8588 (o)

(561) 886.7628 (c)

(561) 245-8644 (f)

[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)

<http://www.iviewit.tv>

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**Bozdech, Sean A.**

---

**From:** Miller, Ryan W.  
**Sent:** Tuesday, January 28, 2014 2:03 PM  
**To:** Bozdech, Sean A.; Groover, David B  
**Subject:** Fwd: Eliot Bernstein

Det. Ryan Miller

----- Original message -----

From: Eliot Ivan Bernstein <iviewit@iviewit.tv>  
Date: 01/28/2014 11:25 AM (GMT-05:00)  
To: "Miller, Ryan W." <MillerR@pbso.org>  
Cc: "Gregg, Carol A" <GreggC@pbso.org>, "Caroline Prochotska Rogers Esq." <caroline@cprogers.com>, "Michele M. Mulrooney ~ Partner @ Venable LLP" <mmulrooney@Venable.com>, "Andrew R. Dietz @ Rock It Cargo USA" <andyd@rockitcargo.com>  
Subject: RE: Eliot Bernstein

Detective Miller,

I have met with you and given formal statements and interviews and provided ample evidence in person and at your request went and filed additional criminal complaints that I still have not heard back on for months now. I have submitted to you formal written requests for information regarding the old complaints and you refuse to reply in writing and instead demand to meet and I would feel much better meeting after you have answered all my questions in the two letters first and that subject matter I am not sure why I have to do face to face other than in writing and phone conversations. You are well aware that I am involved in several court cases nationwide currently that demand massive amounts of time and all relate to the larger crimes than forgery and fraud of Moran's six documents and that I am being further victimized by those I have already complained of in retaliation and these are the strains I refer to making it difficult for me to meet, other than when I have to come in to file new complaints, which I am doing as requested, as I stated I will do that, like I did with the Jewelry Theft case as I formulate them and put the evidence in place. Yet, that does not interfere with your answering my questions or reviewing the work done and new information in the initial complaint you started. A phone call to discuss these follow up matters is not unreasonable and I feel that your conversations with Judge Colin may have influenced your work and opinions of me and am uncomfortable meeting without representation and have been advised that this does not seem proper to deny a victim / complainant the right to counsel present. These are not unidentified people who I have asked to have present but people with intimate knowledge of the crimes, attorneys at law that have better legal/statutory aspects of the crimes I have complained of. I have requested them there as witness as well and for safety, as you know that I am taking on some very powerful and influential members of the Florida Supreme Court, The Florida Bar, Florida Law Enforcement and others in my other RICO and ANTITRUST related matters I have shared with you. You are also aware that I am complaining of possible interference with my PBSO complaints that and so I hope you understand my concerns in this regard.

I am more than happy to meet telephonically or with others present to present my case information in more detail. I have asked why it has to be in person, without representation when I am already uncomfortable and why I am being



denied counsel present and if there are any procedural rules that demand things be done and conducted in the manner you propose. I do want to keep the investigation moving but I do not see my requests being a reason to stop them and why we cannot meet on the phone when necessary and in person when I can and when it can be done to meet our schedules and new complaints have to be filed. I am not sure why emails and attachments are not conducive and why you have stated you do not read them and this also makes me uncomfortable.

Please let me know if we can start with a phone call to go over my letters to you that you will not respond to in writing and then determine if I need to come back to meet after we get through that first. I am not sure there is other evidence I need to provide in that regard but I think you already have everything for those complaints.

Thank you,

Eliot

---

**From:** Miller, Ryan W. [mailto:MillerR@pbso.org]  
**Sent:** Tuesday, January 28, 2014 10:15 AM  
**To:** Eliot Ivan Bernstein  
**Subject:** RE: Eliot Bernstein

Mr. Bernstein,

This is an open investigation and a very serious matter. You have made claims/allegations that crimes have taken place. To give this investigation the most thorough review, we will need to meet in person and go over everything. I will need you to provide me with a statement, including everything that you know (firsthand) about this case. You are a potential victim/witness, so this needs to be your account of events that occurred. An open case is considered confidential, therefore, an unknown person at the end of a phone is not good for the case. Also, I need your statement (understanding), not theirs. I investigate crimes, not civil complaints. Your e-mails and attachments are not an efficient way of conducting an investigation. They have seemed to only create confusion and miscommunication. I do not understand what strain there is, when you are the one who made the complaint. I would think that you would want to meet in person, as to keep to this investigation moving, providing you with the opportunity to explain (in depth) your complaint. E-mail and phone calls create barriers that can be overcome through face to face communication. Captain Gregg is aware and will not be attending. Please do not expect that I will be able to meet on Thursday. I have many other cases and need ample time to review my schedule, as well as coordinate a meeting room in the West Boca Substation. Once you are feeling better, let me know, and supply me with a few dates and times you are available, on a Tues, Wed., Thurs, or Friday.

Thank you,

**Det. Ryan Miller #7704**  
Palm Beach Co Sheriff's Office  
Special Investigations Division  
(Financial Crimes Unit)  
Desk: 561-688-4077  
Cell: 561-389-8655

---

**From:** Eliot Ivan Bernstein [mailto:[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)]  
**Sent:** Tuesday, January 28, 2014 8:03 AM  
**To:** Miller, Ryan W.; Gregg, Carol A  
**Cc:** Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Andrew R. Dietz @ Rock It Cargo USA  
**Subject:** RE: Eliot Bernstein



I have a dental appointment today from 9-11 to put in my upper teeth that were repaired, the process usually takes a day or two to recover from the headaches etc. associated with the process. I am still feeling ill from the flu that whole family has suffered this weekend but I am feeling much better from that. I will let you know but it will probably be Thursday. Also, I was wondering if Captain Carol Gregg has knowledge of our meeting and if she will be attending. I would also like some form of explanation as to why this meeting must be in person and not via telephone and why I cannot have representative counsel attend via phone, etc. I have already submitted most of the evidence necessary for us to discuss and so I am unclear why when this puts additional strain on me this must be conducted in this manner.

Eliot

---

**From:** Miller, Ryan W. [mailto:MillerR@pbso.org]  
**Sent:** Tuesday, January 28, 2014 7:26 AM  
**To:** Eliot Ivan Bernstein  
**Subject:** RE: Eliot Bernstein

Mr. Bernstein,

I received the message from your wife stating that you had to cancel this week's meeting. Please let me know when you are feeling better.

Thank you,

Det. Ryan Miller

---

**From:** Miller, Ryan W.  
**Sent:** Thursday, January 23, 2014 2:04 PM  
**To:** 'Eliot Ivan Bernstein'  
**Subject:** RE: Eliot Bernstein

Ok, confirmed!

Date & time: Wednesday, Jan. 29, 2014 @ 10:00 am  
Location: PBSO, West Boca Sub-station (same as before)

Thanks

---

**From:** Eliot Ivan Bernstein [mailto:iviewit@iviewit.tv]  
**Sent:** Thursday, January 23, 2014 12:17 PM  
**To:** Miller, Ryan W.  
**Cc:** Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Andrew R. Dietz @ Rock It Cargo USA; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Marc R. Garber Esq.; Marc R. Garber Esq. @ Flaster Greenberg P.C.  
**Subject:** RE: Eliot Bernstein

Thanks, here are a few times, let me know. Also, does Captain Gregg know about this meeting and will she be attending?

Tuesday at 11:00am, have court before this at 8:45am  
Wed at 10:00am works good.

Eliot

**From:** Miller, Ryan W. [mailto:MillerR@pbso.org]  
**Sent:** Thursday, January 23, 2014 10:54 AM  
**To:** Eliot Ivan Bernstein  
**Subject:** RE: Eliot Bernstein

Mr. Bernstein,

Please provide me a FEW dates and times to choose from, so that I can coordinate things. They will need to be on a Tuesday, Wednesday, Thursday, or Friday.

Thank you,

*Det. Ryan Miller #7704*  
Palm Beach Co Sheriff's Office  
Special Investigations Division  
(Financial Crimes Unit)  
Desk: 561-688-4077

-----Original Message-----

**From:** Eliot Ivan Bernstein [mailto:iviewit@iviewit.tv]  
**Sent:** Thursday, January 23, 2014 10:44 AM  
**To:** Miller, Ryan W.  
**Cc:** Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Marc R. Garber Esq.; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Andrew R. Dietz @ Rock It Cargo USA  
**Subject:** RE: Eliot Bernstein

Thank you for understanding, I too am feeling a bit of this bug, can we schedule for Monday at say 10:30am at Boca station. Thanks, Eliot

-----Original Message-----

**From:** Miller, Ryan W. [mailto:MillerR@pbso.org]  
**Sent:** Thursday, January 23, 2014 9:52 AM  
**To:** Eliot Ivan Bernstein  
**Subject:** RE: Eliot Bernstein

Mr. Bernstein,

Sorry to hear that your son is ill. Please let me know a few dates and times you are available to meet (reschedule) , so that I can coordinate things accordingly.

Thank you,

*Det. Ryan Miller #7704*  
Palm Beach Co Sheriff's Office  
Special Investigations Division  
(Financial Crimes Unit)  
Desk: 561-688-4077

-----Original Message-----

From: Eliot Ivan Bernstein [mailto:[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)]

Sent: Thursday, January 23, 2014 7:03 AM

To: Miller, Ryan W.

Cc: Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Marc R. Garber Esq.; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Andrew R. Dietz @ Rock It Cargo USA

Subject: RE: Eliot Bernstein

That will not work for me, I have to be back in Boca after court and then I was coming to see you. Can you please identify who will be at this meeting and if I can call in other parties who are waiting to know. Thanks.

Eliot

Eliot I. Bernstein

Inventor

Iviewit Holdings, Inc. - DL

2753 N.W. 34th St.

Boca Raton, Florida 33434-3459

(561) 245.8588 (o)

(561) 886.7628 (c)

(561) 245-8644 (f)

[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)

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-----Original Message-----

From: Miller, Ryan W. [mailto:MillerR@pbso.org]  
Sent: Thursday, January 23, 2014 6:53 AM  
To: Eliot Ivan Bernstein  
Subject: RE: Eliot Bernstein

since you will be east off 95 you can always just come to our office off 95 and southern. Then we do not have to drive down to wesly Boca hoping you get out on time. Let me know what works.

Det. Ryan Miller

Eliot Ivan Bernstein <iviewit@iviewit.tv> wrote:

Hi Detective Miller - I was just inundated with new filings slipped in at about 5pm for the hearing tomorrow from all the counsel and pr's resigning.

Thus, I may be in court longer than was originally expected and we can either postpone or I can keep you updated tomorrow on the fly. Let me know.

Eliot

Eliot I. Bernstein  
Inventor  
Iviewit Holdings, Inc. - DL  
2753 N.W. 34th St.  
Boca Raton, Florida 33434-3459  
(561) 245.8588 (o)  
(561) 886.7628 (c)  
(561) 245-8644 (f)  
iviewit@iviewit.tv<mailto:iviewit@iviewit.tv>  
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## **Bozdech, Sean A.**

---

**From:** Eliot Ivan Bernstein <iviewit@iviewit.tv>  
**Sent:** Wednesday, January 29, 2014 11:34 AM  
**To:** Bozdech, Sean A.  
**Cc:** Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP;  
Andrew R. Dietz @ Rock It Cargo USA; Marc R. Garber Esq. @ Flaster Greenberg P.C.;  
Marc R. Garber Esq.; Marc R. Garber Esq. @ Flaster Greenberg P.C.  
**Subject:** RE: Eliot Bernstein

I would presume that an attorney that identifies himself as such would run a great risk in misrepresenting his/her identity to the Sheriff Department and risk prosecution for such bizarre actions. I am not sure how this applies when I have asked to have them there not to tell my side of the story but rather to help me understand the legal aspects of what we are discussing and even just bear witness. I think it seems almost paranoid that Detective Miller would worry about such far side as if someone is willing to risk their legal career to help me in a victim statement to authorities with the legality of what I express and what is expressed to me. Again, this seems rather a denial of due process and procedure. I have also asked to have them meet with us in person when they were available but he also refused that. I do think it pertinent that Judge Colin may have influenced the course of the investigation but as I said I will be determining if charges should be filed against him shortly and in what venue. Since those will be criminal allegations as well if filed, I would not think to go to the courts for that as they would send me back to criminal investigators, it almost appears you are claiming there are no criminal reliefs if a judge or lawyer commits a crime, have they become above the law? In fact, the Florida Bar and Judicial Qualifications Commission have no prosecutorial power for criminal acts and at best, in very few cases if ever, do they disbar or censure.

Do you have copies of the supplemental reports prepared? I also would like to have you present at any meeting with Detective Miller as again, I feel uncomfortable with the fact that he may be conflicted and angered over my contacting your office and my questioning his prior report.

Eliot

**From:** Bozdech, Sean A. [mailto:BozdechS@pbso.org]  
**Sent:** Wednesday, January 29, 2014 8:31 AM  
**To:** 'Eliot Ivan Bernstein'  
**Subject:** RE: Eliot Bernstein

Mr. Bernstein-

I have received all of the emails that you forwarded to me after we spoke yesterday. Detective Miller has requested to meet with you in person on several occasions, which you appear to agree on, and then for one reason or another you cancel the meeting. You asked Detective Miller if it would be possible for you to call an out of state attorney while you and Detective Miller were to meet. Detective Miller explained to you that he would prefer this not to happen as he would not know who the other person was on the other end of the phone (even if they claim to be an attorney). Detective Miller has also explained to you in a case as complicated as this one appears to be, meeting with you in person allows him to get your perspective on this as you filed the initial complaint and claim to be a victim. Detective Miller has never denied you the right to have someone with you (whether it be an attorney or someone else) when you and Detective Miller meet; however, Detective Miller needs to get your perspective on this matter (not someone else's). As far as your allegation involving Detective Miller speaking with the Judge, this does not appear to be the case. If you feel there is possible wrongdoing involving Judge Colin and this case, then this needs to be brought forward to the Chief Judge of Palm Beach County and / or the Florida Bar Association. Detective Miller has

completed supplemental report(s) regarding his investigation in this case as well as the case involving the death of your father.

Based on Detective Miller's continued investigation as well as the supplemental reports he has completed and continues to do, the Division of Internal Affairs has found no wrong doing by Detective Miller or any other employee(s) of the Palm Beach County Sheriff's Office.

Thank you,

**Sgt. Sean Bozdech**  
**Palm Beach County Sheriff's Office**  
**Division of Internal Affairs**

**From:** Eliot Ivan Bernstein [<mailto:iviewit@iviewit.tv>]

**Sent:** Wednesday, January 29, 2014 5:09 AM

**To:** Bozdech, Sean A.

**Cc:** Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Andrew R. Dietz @ Rock It Cargo USA; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Marc R. Garber Esq. @ Flaster Greenberg P.C.

**Subject:** FW: Eliot Bernstein

**From:** Eliot Ivan Bernstein [<mailto:iviewit@iviewit.tv>]

**Sent:** Wednesday, January 29, 2014 5:05 AM

**To:** 'Miller, Ryan W.'; Captain Carol Gregg @ Palm Beach County Sheriff ([greggc@pbso.org](mailto:greggc@pbso.org))

**Cc:** Caroline Prochotska Rogers Esq. ([caroline@cprogers.com](mailto:caroline@cprogers.com)); Michele M. Mulrooney ~ Partner @ Venable LLP ([mmulrooney@Venable.com](mailto:mmulrooney@Venable.com)); Andrew R. Dietz @ Rock It Cargo USA

**Subject:** RE: Eliot Bernstein

Det Miller, I have never refused to meet with you, I merely asked to have counsel present and to make as many meetings via phone as possible. I have asked repeatedly why my right to counsel at the meeting as a victim has been denied and why you cannot answer my letters regarding your prior investigation so I can further prepare for our meeting and to know what you are claiming you investigated and who you investigated so I can better understand your report and what needs to be done going forward. For example, I gave you a boatload of information on various crimes other than Moran's and there is NO mention of them in your report, do I have to file new complaints or have you investigated all of them? I further asked who you investigated so I could know if you investigated ALL of the parties complained of, not just Moran and no reply. I asked you what witnesses I gave you that you interviewed as part of your investigation as I see none of them in the report and all have reported to me that you have never contacted them and again no reply.

You then told me to report new crimes as they would not be considered part of the ongoing complaint, by coming in and filing new reports and I have. Again, I feel that we have gotten off on the wrong foot and I believe that your conversations with Judge Colin have prejudiced the investigation and where in my new complaints I will be tying in information regarding the Judge and filing complaints against him for MISPRISION OF FELONY and AIDING and ABETTING possibly and your relying on him to file criminal complaints for what he found in his court against Tescher and Spallina and to refuse intake of my complaints of the crimes against me and my family that occurred in his court that I have legal rights to file as I was a victim of these crimes, I believe further impedes my rights to due process and procedure. I have asked to have your legal counsel tell me that if the Judge failed to file charges, if this would interfere with my Statutes of Limitations and again you have been radio silent on this salient matter.

I think I have cooperated with your investigation but that giving you information further I run the risk of your anger at my questioning your report, my request for you to answer some simple questions, my having reported what I believe may indicate improper activities in your investigation to internal affairs and these reasons may lead to further problems with an unbiased investigation into the matters. For these reason I fear meeting you as I can already tell you feel hostile



towards my even asking to have counsel present to bear witness to the meeting you request and your refusal to allow such counsel, citing no statutory or procedural reason for this denial.

I am waiting now to hear back from IA and Captain Gregg to discuss these issues further and I hope we can resolve them shortly. After I speak with both of them, I will let you know what good times to meet are. I think you should notify the State Attorney that this process is taking longer due to these issues and to further delay the hearings of Moran until mutual resolution can be resolved but that is your call.

Thank you,

Eliot

---

**From:** Miller, Ryan W. [mailto:MillerR@pbso.org]  
**Sent:** Tuesday, January 28, 2014 2:26 PM  
**To:** Eliot Ivan Bernstein  
**Subject:** RE: Eliot Bernstein

Mr. Bernstein,

We have met in person once. There are many times when a detective has to meet with a victim or witness multiple times in person. This is for clarification and/or elaboration purposes. I am telling you that I need to meet with you for these purposes. Please CALL me at 561-688-4077 when you are able to discuss a time & date to meet. Continuing to send e-mails back and forth is not an effective mode of communication for this case or the discuss we need to have.

Thank you,

Det. Ryan Miller

---

**From:** Eliot Ivan Bernstein [mailto:iviewit@iviewit.tv]  
**Sent:** Tuesday, January 28, 2014 11:25 AM  
**To:** Miller, Ryan W.  
**Cc:** Gregg, Carol A; Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Andrew R. Dietz @ Rock It Cargo USA  
**Subject:** RE: Eliot Bernstein

Detective Miller,

I have met with you and given formal statements and interviews and provided ample evidence in person and at your request went and filed additional criminal complaints that I still have not heard back on for months now. I have submitted to you formal written requests for information regarding the old complaints and you refuse to reply in writing and instead demand to meet and I would feel much better meeting after you have answered all my questions in the two letters first and that subject matter I am not sure why I have to do face to face other than in writing and phone conversations. You are well aware that I am involved in several court cases nationwide currently that demand massive amounts of time and all relate to the larger crimes than forgery and fraud of Moran's six documents and that I am being further victimized by those I have already complained of in retaliation and these are the strains I refer to making it difficult for me to meet, other than when I have to come in to file new complaints, which I am doing as requested, as I stated I will do that, like I did with the Jewelry Theft case as I formulate them and put the evidence in place. Yet, that does not interfere with your answering my questions or reviewing the work done and new information in the initial complaint you started. A phone call to discuss these follow up matters is not unreasonable and I feel that your conversations with Judge Colin may have influenced your work and opinions of me and am uncomfortable meeting without representation and have been advised that this does not seem proper to deny a victim / complainant the right to counsel present. These are not unidentified people who I have asked to have present but people with intimate knowledge of the crimes, attorneys at law that have better legal/statutory aspects of the crimes I have complained of. I

have requested them there as witness as well and for safety, as you know that I am taking on some very powerful and influential members of the Florida Supreme Court, The Florida Bar, Florida Law Enforcement and others in my other RICO and ANTITRUST related matters I have shared with you. You are also aware that I am complaining of possible interference with my PBSO complaints that and so I hope you understand my concerns in this regard.

I am more than happy to meet telephonically or with others present to present my case information in more detail. I have asked why it has to be in person, without representation when I am already uncomfortable and why I am being denied counsel present and if there are any procedural rules that demand things be done and conducted in the manner you propose. I do want to keep the investigation moving but I do not see my requests being a reason to stop them and why we cannot meet on the phone when necessary and in person when I can and when it can be done to meet our schedules and new complaints have to be filed. I am not sure why emails and attachments are not conducive and why you have stated you do not read them and this also makes me uncomfortable.

Please let me know if we can start with a phone call to go over my letters to you that you will not respond to in writing and then determine if I need to come back to meet after we get through that first. I am not sure there is other evidence I need to provide in that regard but I think you already have everything for those complaints.

Thank you,

Eliot

---

**From:** Miller, Ryan W. [mailto:MillerR@pbsso.org]  
**Sent:** Tuesday, January 28, 2014 10:15 AM  
**To:** Eliot Ivan Bernstein  
**Subject:** RE: Eliot Bernstein

Mr. Bernstein,

This is an open investigation and a very serious matter. You have made claims/allegations that crimes have taken place. To give this investigation the most thorough review, we will need to meet in person and go over everything. I will need you to provide me with a statement, including everything that you know (firsthand) about this case. You are a potential victim/witness, so this needs to be your account of events that occurred. An open case is considered confidential, therefore, an unknown person at the end of a phone is not good for the case. Also, I need your statement (understanding), not theirs. I investigate crimes, not civil complaints. Your e-mails and attachments are not an efficient way of conducting an investigation. They have seemed to only create confusion and miscommunication. I do not understand what strain there is, when you are the one who made the complaint. I would think that you would want to meet in person, as to keep to this investigation moving, providing you with the opportunity to explain (in depth) your complaint. E-mail and phone calls create barriers that can be overcome through face to face communication. Captain Gregg is aware and will not be attending. Please do not expect that I will be able to meet on Thursday. I have many other cases and need ample time to review my schedule, as well as coordinate a meeting room in the West Boca Substation. Once you are feeling better, let me know, and supply me with a few dates and times you are available, on a Tues, Wed., Thurs, or Friday.

Thank you,

**Det. Ryan Miller #7704**  
Palm Beach Co Sheriff's Office  
Special Investigations Division  
(Financial Crimes Unit)  
Desk: 561-688-4077  
Cell: 561-389-8655

**From:** Eliot Ivan Bernstein [<mailto:iviewit@iviewit.tv>]  
**Sent:** Tuesday, January 28, 2014 8:03 AM  
**To:** Miller, Ryan W.; Gregg, Carol A  
**Cc:** Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Andrew R. Dietz @ Rock It Cargo USA  
**Subject:** RE: Eliot Bernstein

I have a dental appointment today from 9-11 to put in my upper teeth that were repaired, the process usually takes a day or two to recover from the headaches etc. associated with the process. I am still feeling ill from the flu that whole family has suffered this weekend but I am feeling much better from that. I will let you know but it will probably be Thursday. Also, I was wondering if Captain Carol Gregg has knowledge of our meeting and if she will be attending. I would also like some form of explanation as to why this meeting must be in person and not via telephone and why I cannot have representative counsel attend via phone, etc. I have already submitted most of the evidence necessary for us to discuss and so I am unclear why when this puts additional strain on me this must be conducted in this manner.

Eliot

**From:** Miller, Ryan W. [<mailto:MillerR@pbso.org>]  
**Sent:** Tuesday, January 28, 2014 7:26 AM  
**To:** Eliot Ivan Bernstein  
**Subject:** RE: Eliot Bernstein

Mr. Bernstein,

I received the message from your wife stating that you had to cancel this week's meeting. Please let me know when you are feeling better.

Thank you,

Det. Ryan Miller

**From:** Miller, Ryan W.  
**Sent:** Thursday, January 23, 2014 2:04 PM  
**To:** 'Eliot Ivan Bernstein'  
**Subject:** RE: Eliot Bernstein

Ok, confirmed!

Date & time: Wednesday, Jan. 29, 2014 @ 10:00 am  
Location: PBSO, West Boca Sub-station (same as before)

Thanks

**From:** Eliot Ivan Bernstein [<mailto:iviewit@iviewit.tv>]  
**Sent:** Thursday, January 23, 2014 12:17 PM  
**To:** Miller, Ryan W.  
**Cc:** Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Andrew R. Dietz @ Rock It Cargo USA; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Marc R. Garber Esq.; Marc R. Garber Esq. @ Flaster Greenberg P.C.  
**Subject:** RE: Eliot Bernstein

Thanks, here are a few times, let me know. Also, does Captain Gregg know about this meeting and will she be attending?

Tuesday at 11:00am, have court before this at 8:45am  
Wed at 10:00am works good.

Eliot

**From:** Miller, Ryan W. [mailto:MillerR@pbso.org]  
**Sent:** Thursday, January 23, 2014 10:54 AM  
**To:** Eliot Ivan Bernstein  
**Subject:** RE: Eliot Bernstein

Mr. Bernstein,

Please provide me a FEW dates and times to choose from, so that I can coordinate things. They will need to be on a Tuesday, Wednesday, Thursday, or Friday.

Thank you,

*Det. Ryan Miller #7704*  
Palm Beach Co Sheriff's Office  
Special Investigations Division  
{Financial Crimes Unit}  
Desk: 561-688-4077

-----Original Message-----

**From:** Eliot Ivan Bernstein [mailto:iviewit@iviewit.tv]  
**Sent:** Thursday, January 23, 2014 10:44 AM  
**To:** Miller, Ryan W.  
**Cc:** Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Marc R. Garber Esq.; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Andrew R. Dietz @ Rock It Cargo USA  
**Subject:** RE: Eliot Bernstein

Thank you for understanding, I too am feeling a bit of this bug, can we schedule for Monday at say 10:30am at Boca station. Thanks, Eliot

-----Original Message-----

**From:** Miller, Ryan W. [mailto:MillerR@pbso.org]  
**Sent:** Thursday, January 23, 2014 9:52 AM  
**To:** Eliot Ivan Bernstein  
**Subject:** RE: Eliot Bernstein

Mr. Bernstein,

Sorry to hear that your son is ill. Please let me know a few dates and times you are available to meet (reschedule) , so that I can coordinate things accordingly.

Thank you,

Det. Ryan Miller #7704  
Palm Beach Co Sheriff's Office  
Special Investigations Division  
(Financial Crimes Unit)  
Desk: 561-688-4077

-----Original Message-----

From: Eliot Ivan Bernstein [mailto:[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)]

Sent: Thursday, January 23, 2014 7:03 AM

To: Miller, Ryan W.

Cc: Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Marc R. Garber Esq.; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Andrew R. Dietz @ Rock It Cargo USA

Subject: RE: Eliot Bernstein

That will not work for me, I have to be back in Boca after court and then I was coming to see you. Can you please identify who will be at this meeting and if I can call in other parties who are waiting to know. Thanks.  
Eliot

Eliot I. Bernstein  
Inventor  
Iviewit Holdings, Inc. - DL  
2753 N.W. 34th St.  
Boca Raton, Florida 33434-3459  
(561) 245.8588 (o)  
(561) 886.7628 (c)  
(561) 245-8644 (f)  
[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)  
<http://www.iviewit.tv>

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-----Original Message-----

From: Miller, Ryan W. [mailto:MillerR@pbs.org]  
Sent: Thursday, January 23, 2014 6:53 AM  
To: Eliot Ivan Bernstein  
Subject: RE: Eliot Bernstein

since you will be east off 95 you can always just come to our office off 95 and southern. Then we do not have to drive down to wesby Boca hoping you get out on time. Let me know what works.

Det. Ryan Miller

Eliot Ivan Bernstein <[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)> wrote:  
Hi Detective Miller - I was just inundated with new filings slipped in at about 5pm for the hearing tomorrow from all the counsel and pr's resigning.  
Thus, I may be in court longer than was originally expected and we can either postpone or I can keep you updated tomorrow on the fly. Let me know.  
Eliot

Eliot I. Bernstein  
Inventor  
Iviewit Holdings, Inc. - DL  
2753 N.W. 34th St.  
Boca Raton, Florida 33434-3459  
(561) 245.8588 (o)  
(561) 886.7628 (c)  
(561) 245-8644 (f)  
[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)<<mailto:iviewit@iviewit.tv>>  
<http://www.iviewit.tv><<http://www.iviewit.tv/>>

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## **Bozdech, Sean A.**

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**From:** Eliot Ivan Bernstein <iviewit@iviewit.tv>  
**Sent:** Tuesday, January 28, 2014 10:53 AM  
**To:** Bozdech, Sean A.  
**Subject:** FW: Estates of Simon and Shirley Bernstein CASE NUMBERS - #1 (13097087), #2 (13097087) & #3 (12121312)

Here you can see further I am expressly requesting counsel that Det Miller has denied since I asked initially and no response regarding my request from Captain Gregg or Miller has been provided but I keep getting denied this right. Eliot

**From:** Gregg, Carol A [mailto:GreggC@pbso.org]  
**Sent:** Thursday, January 16, 2014 3:25 PM  
**To:** 'Eliot Ivan Bernstein'  
**Subject:** RE: Estates of Simon and Shirley Bernstein CASE NUMBERS - #1 (13097087), #2 (13097087) & #3 (12121312)

Mr. Bernstein --

The preference is to meet in person. It is very difficult for everyone to be heard on a conference call and I want to make sure all of your concerns and questions are answered. As it is, there has been a new development that Detective Miller needs to address and I would like to push back a meeting until this is accomplished. Detective Miller or I will be in touch with you soon.

**Captain Carol Gregg**  
**Special Investigations Division**  
**Palm Beach County Sheriff's Office**  
**Office#: (561) 688-4010**  
**Fax#: (561) 688-4125**

**From:** Eliot Ivan Bernstein [mailto:iviewit@iviewit.tv]  
**Sent:** Tuesday, January 14, 2014 4:48 PM  
**To:** Gregg, Carol A  
**Cc:** Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Andrew R. Dietz @ Rock It Cargo USA; Marc R. Garber Esq.; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Marc R. Garber Esq. @ Flaster Greenberg P.C.  
**Subject:** RE: Estates of Simon and Shirley Bernstein CASE NUMBERS - #1 (13097087), #2 (13097087) & #3 (12121312)

Captain Gregg,

Thanks, I am happy to meet with you at the Sheriff's office in Boca, what is good day you and whom else will I be meeting with? Can I bring counsel or have a lawyer present on the phone when we meet as this was part of my problem with Det Miller and refusing to let me have counsel present as a victim. Please advise if I can bring a cell phone or other video conference device to any meeting to get us all together or perhaps we can do the first call on the telephone versus at the Boca Office as I suggested to Det Miller, a phone interview would work much better for me at the moment. Is there any legal reason this meeting has to be at the substation and not via phone? Also, prior to our meeting it would be helpful if you could have someone reply to my questions that I have requested in writing regarding each case so as there is no confusion on those matters and I can better understand what we will be discussing in particular and what and who were already investigated and what and who were not.

Also, do you have a new case number for the Theft report I filled out as I am waiting for a call back on that case for several weeks and no one has returned my calls to discuss?

Also, I was wondering why you are recommending and advising that my civil actions be used somehow to prosecute the criminal complaints I have filed against people who are alleged to have committed criminal acts. It is my understanding that I cannot bring criminal charges in my civil cases (other than in certain civil RICO instances) but I have not filed civil RICO for these crimes, yet, although it appears we have two or more conspiring and already several alleged criminal predicate acts of RICO committed and may be something else for you to consider as we explore all of the criminal allegations involved. I am unsure what consulting a probate attorney as you advise will do in prosecuting criminal allegations as I do not think they either have prosecutorial powers in the state of Florida and I do not believe the civil courts do either and all of it would be referred back if they did handle to you or other criminal agencies. As I have been advised to file these criminal complaints with criminal authorities can you please explain how your suggestions will achieve criminal prosecution and that so doing will not waste time in reporting them properly to the appropriate state criminal authorities and cost me a loss of statutes rights in that process?

Please advise me of a time we can meet, preferably on the telephone first and preferably where I can have a lawyer present on the phone and then a time possibly for the following week to meet in person if necessary. If you are not planning on responding to my letters requesting specific information regarding the cases, please also include why these matters are being refused. I would also like to point out that the Attorney at Law Mark Manceri, Esq. who I have complained of in these matters has just withdrawn as counsel to Robert Spallina and Donald Tescher in the estate case of my mother and as counsel in the Stansbury creditor lawsuit against the estate for professional considerations. I am not sure if Mr. Manceri or other counsel was present with Spallina and Moran when they were questioned by Det Miller and that is one of the questions I am trying to ask in my formal written letters to your offices.

I was told by IA to submit my information and that a case would be opened formally and someone would get back to me to discuss my case, no one has called as of today, which surprised me that IA had concluded an inquiry without ever contacting me or opening a formal complaint number that they were do when they contacted me. I was waiting for their call to inform them that I had spoken to you and explain that you were not complained of and were also looking into the matters. I am also surprised that you reviewed Det Miller's report without addressing any of my concerns in my formal written letters and without talking with me at all about my issue both related to Det Miller and those that were not.

Please send over any/all files or records that I am entitled to as a victim in these matters so I can further review all the information and advise me if I need to file a FOIA for any other information in your files.

Thank you,

Eliot

**From:** Gregg, Carol A [<mailto:GreggC@pbsso.org>]  
**Sent:** Tuesday, January 14, 2014 2:22 PM  
**To:** 'Eliot Ivan Bernstein'  
**Subject:** RE: Estates of Simon and Shirley Bernstein CASE NUMBERS - #1 (13097087), #2 (13097087) & #3 (12121312)

Mr. Bernstein –

We would be happy to meet with you at the Sheriff's Office substation in West Boca at your convenience to discuss your questions. As for who to contact in IA, I believe you already have that information.

**From:** Eliot Ivan Bernstein [<mailto:iviewit@iviewit.tv>]  
**Sent:** Tuesday, January 14, 2014 1:31 PM  
**To:** Gregg, Carol A  
**Cc:** Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Andrew R. Dietz @ Rock It Cargo USA; Marc R. Garber Esq.; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Marc R. Garber Esq. @ Flaster Greenberg P.C.  
**Subject:** RE: Estates of Simon and Shirley Bernstein CASE NUMBERS - #1 (13097087), #2 (13097087) & #3 (12121312)

Dear Captain Gregg,

I am a bit confused by your letter as I was not merely asking for a review of Det. Miller's report but as I victim I was asking questions that I sought answers too regarding not only Det. Miller's report but other cases filed after that and to clarify what Det Miller's report covered, against who and what was not. I would like answers to my direct questions of what exactly was investigated, who was investigated, etc. as the report remains unclear as to what exactly Detective Miller reviewed. Also I asked regarding the other two complaints filed with your offices and there is nothing in your response that is mentioned regarding those reports or the questions asked on those two other cases either. I also feel that I have been denied my right to speak with your offices regarding my concerns of the report Det Miller did or input my concerns and discuss these as I was promised by Det. Miller and my letters remain unaddressed. My letters ask questions that appear obligatory to the victim of a crime and merely try to clarify the information and make any corrections if necessary. I would not like any of these cases closed until these issues are addressed with me in writing or in a phone meeting, as I thought that was still part of the process we were undertaking in all these cases. As several of the crimes were reported to you and Det Miller after his report was complete it remains unclear what and who he investigated in report, which is part of my complaint and still needs to be addressed. Therefore, please reply to my prior communications regarding each of the prior cases, the other two Det Miller had nothing to do with and your letter does not address those concerns for those cases. One of these cases includes the incident report for the reported Murder of my father that appears to have been reported incorrectly in your case files and I would like to have that report corrected and investigated or reviewed further. In light of several of the other crimes ongoing in my father and mother's estates I think all of these issues are relevant and need to be addressed and clarified to all of our satisfaction.

I have not been contacted about my IA complaint or heard their response or even been contacted by them yet. I did not go to IA regarding you or your involvement in the matter as I had not spoken with you yet at the time I spoke to them. Do you have the IA Case Investigation number, who is it that I contact regarding their investigation or review. I simply complained to IA and your office that I did not want to deal with Det Miller or his Sergeant for several reasons stated in my letter regarding what I felt was interference in my rights, a hostile attitude towards me and failure to address my written questions about the case for clarification and more and to have the cases reviewed by new parties other than Det Miller and Sergeant Groover.

I look forward to hearing back from you soon regarding the specific answers to my questions about all the cases filed with your offices listed in the subject line and the particulars I have asked about in each case.

If you need additional information, please feel free to contact me.

Thank You,

Eliot

Article I, § 16 – Rights of Accused and of Victims

(b) Victims of crime or their lawful representatives, including the next of kin of homicide victims, are entitled to the right to be informed, to be present, and to be heard when relevant, at all crucial stages of criminal proceedings, to the extent that these rights do not interfere with the constitutional rights of the accused.

CONSTITUTION OF THE STATE OF FLORIDA, ARTICLE 1, SECTION 16(B) - VICTIM RIGHTS

Victims of crime or their lawful representatives, including the next of kin of homicide victims, are entitled to the right to be informed, to be present, and to be heard when relevant, at all crucial stages of criminal proceedings, to the extent that these rights do not interfere with the constitutional rights of the accused.

If you are the victim of a crime you have the RIGHT:

To be informed, present and heard at all crucial stages of the criminal or juvenile justice proceedings and to be told how to participate in these proceedings.

To be informed about the availability of Victim Compensation.

To be protected from intimidation.  
To submit a victim impact statement.  
To seek restitution from the offender.  
To be informed of a confidential communication.  
To a prompt and timely disposition.  
To be informed regarding victim's rights to review certain portions of a pre-sentence investigation prior to the sentencing of the accused.  
To be informed of victim's rights of standing, through the State Attorney's Office, with the consent of the victim to assert the rights of the victim.  
To a prompt return of your property.

#### VICTIM / WITNESS HARRASSMENT

Interference with a victim/witness by threats or acts of revenge is a serious crime in itself and a matter to which the local police agency, the State Attorney's Office, and the Court will give particular attention and do their utmost to remedy. If you are having any problems or if you or your family are in any way threatened immediately call the police agency or the Sheriff's Office and make a full report of the events.

Sometimes after a suspect is arrested, defense attorneys or their investigators may attempt to contact you. You have a right to speak to anyone, unless a Court orders you not to discuss it. However, you are not obligated to discuss the case at all, unless you have received a subpoena for a deposition or a trial. You have a right to privacy and to be left alone. If anyone harasses or intimidates you, please advise law enforcement personnel immediately.

Thank you,  
Eliot

Eliot I. Bernstein  
Inventor  
iviewit Holdings, Inc. – DL  
2753 N.W. 34th St.  
Boca Raton, Florida 33434-3459  
(561) 245.8588 (o)  
(561) 886.7628 (c)  
(561) 245-8644 (f)  
[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)  
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**From:** Gregg, Carol A [<mailto:GreggC@pbso.org>]  
**Sent:** Tuesday, January 14, 2014 10:33 AM  
**To:** 'Eliot Ivan Bernstein'  
**Subject:** RE: Estates of Simon and Shirley Bernstein CASE NUMBERS - #1 (13097087), #2 (13097087) & #3 (12121312)

Mr. Bernstein --

Please excuse my delayed response to your requests. My understanding after we spoke on the phone was that you were going to afford me the opportunity to review Detective Miller's investigation before making a complaint to Internal Affairs. Since you went forward with a complaint to Internal Affairs on the same day we spoke, I had to wait until IA concluded their inquiry. I reviewed Detective Miller's report and met with him and his supervisor, Sergeant Groover. I have concluded that Detective Miller's investigation was appropriate and thorough. I recommend you continue with the civil and federal actions you advised you have taken in your emails and/or consult with a probate attorney.

**Captain Carol Gregg**  
**Special Investigations Division**  
**Palm Beach County Sheriff's Office**  
**Office#: (561) 688-4010**  
**Fax#: (561) 688-4125**

**From:** Eliot Ivan Bernstein [<mailto:iviewit@iviewit.tv>]  
**Sent:** Tuesday, January 07, 2014 6:11 PM  
**To:** Gregg, Carol A; Jean Francis @ Florida - State Attorney (15th Judicial Circuit); Michael Rachel; Michael Rachel @ Florida - State Attorney (15th Judicial Circuit)  
**Cc:** Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Andrew R. Dietz @ Rock It Cargo USA; Marc R. Garber Esq.; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Christine P. Yates ~ Director @ Tripp Scott  
**Subject:** Estates of Simon and Shirley Bernstein CASE NUMBERS - #1 (13097087), #2 (13097087) & #3 (12121312)

Dear Captain Gregg,

In response to our call yesterday, January 06, 2013, I have prepared a letter for you requesting information regarding the Official PBSO reports that were conducted in the cases relating to my parents and need for review and clarification prior to any sentencing of Kimberly Moran. If you have any questions or need additional information please feel free to contact me, my information below. I will also be sending a copy to the State Attorney and for the same reasons as stated in my letter to you asking them to hold off a bit on the sentencing until we can clarify and possibly correct the statements in the PBSO report their investigation was based upon. Also attached herein is a letter sent to Detective Miller and the State Attorneys handling the case, which has gone unanswered and I would appreciate in addition to your responding to my questions in your letter, you also having the questions asked in that letter dated December 03, 2013 also be answered as part of your review.

Thank you in advance for your time, effort and consideration of these matters,

Eliot I. Bernstein

Inventor  
Iviewit Holdings, Inc. – DL  
2753 N.W. 34th St.  
Boca Raton, Florida 33434-3459  
(561) 245.8588 (o)  
(561) 886.7628 (c)  
(561) 245-8644 (f)  
[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)  
<http://www.iviewit.tv>

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## Bozdech, Sean A.

---

**From:** Eliot Ivan Bernstein <iviewit@iviewit.tv>  
**Sent:** Tuesday, January 28, 2014 10:54 AM  
**To:** Bozdech, Sean A.  
**Subject:** FW: Estates of Simon and Shirley Bernstein CASE NUMBERS - #1 (13097087), #2 (13097087) & #3 (12121312)

**From:** Gregg, Carol A [mailto:GreggC@pbso.org]  
**Sent:** Tuesday, January 14, 2014 2:22 PM  
**To:** 'Eliot Ivan Bernstein'  
**Subject:** RE: Estates of Simon and Shirley Bernstein CASE NUMBERS - #1 (13097087), #2 (13097087) & #3 (12121312)

Mr. Bernstein –

We would be happy to meet with you at the Sheriff's Office substation in West Boca at your convenience to discuss your questions. As for who to contact in IA, I believe you already have that information.

**From:** Eliot Ivan Bernstein [mailto:iviewit@iviewit.tv]  
**Sent:** Tuesday, January 14, 2014 1:31 PM  
**To:** Gregg, Carol A  
**Cc:** Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Andrew R. Dietz @ Rock It Cargo USA; Marc R. Garber Esq.; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Marc R. Garber Esq. @ Flaster Greenberg P.C.  
**Subject:** RE: Estates of Simon and Shirley Bernstein CASE NUMBERS - #1 (13097087), #2 (13097087) & #3 (12121312)

Dear Captain Gregg,

I am a bit confused by your letter as I was not merely asking for a review of Det. Miller's report but as I victim I was asking questions that I sought answers too regarding not only Det. Miller's report but other cases filed after that and to clarify what Det Miller's report covered, against who and what was not. I would like answers to my direct questions of what exactly was investigated, who was investigated, etc. as the report remains unclear as to what exactly Detective Miller reviewed. Also I asked regarding the other two complaints filed with your offices and there is nothing in your response that is mentioned regarding those reports or the questions asked on those two other cases either. I also feel that I have been denied my right to speak with your offices regarding my concerns of the report Det Miller did or input my concerns and discuss these as I was promised by Det. Miller and my letters remain unaddressed. My letters ask questions that appear obligatory to the victim of a crime and merely try to clarify the information and make any corrections if necessary. I would not like any of these cases closed until these issues are addressed with me in writing or in a phone meeting, as I thought that was still part of the process we were undertaking in all these cases. As several of the crimes were reported to you and Det Miller after his report was complete it remains unclear what and who he investigated in report, which is part of my complaint and still needs to be addressed. Therefore, please reply to my prior communications regarding each of the prior cases, the other two Det Miller had nothing to do with and your letter does not address those concerns for those cases. One of these cases includes the incident report for the reported Murder of my father that appears to have been reported incorrectly in your case files and I would like to have that report corrected and investigated or reviewed further. In light of several of the other crimes ongoing in my father and mother's estates I think all of these issues are relevant and need to be addressed and clarified to all of our satisfaction.

I have not been contacted about my IA complaint or heard their response or even been contacted by them yet. I did not go to IA regarding you or your involvement in the matter as I had not spoken with you yet at the time I spoke to them. Do you have the IA Case Investigation number, who is it that I contact regarding their investigation or review. I simply complained to IA and your office that I did not want to deal with Det Miller or his Sergeant for several reasons



stated in my letter regarding what I felt was interference in my rights, a hostile attitude towards me and failure to address my written questions about the case for clarification and more and to have the cases reviewed by new parties other than Det Miller and Sergeant Groover.

I look forward to hearing back from you soon regarding the specific answers to my questions about all the cases filed with your offices listed in the subject line and the particulars I have asked about in each case.

If you need additional information, please feel free to contact me.

Thank You,

Eliot

Article I, § 16 – Rights of Accused and of Victims

(b) Victims of crime or their lawful representatives, including the next of kin of homicide victims, are entitled to the right to be informed, to be present, and to be heard when relevant, at all crucial stages of criminal proceedings, to the extent that these rights do not interfere with the constitutional rights of the accused.

CONSTITUTION OF THE STATE OF FLORIDA, ARTICLE 1, SECTION 16(B) - VICTIM RIGHTS

Victims of crime or their lawful representatives, including the next of kin of homicide victims, are entitled to the right to be informed, to be present, and to be heard when relevant, at all crucial stages of criminal proceedings, to the extent that these rights do not interfere with the constitutional rights of the accused.

If you are the victim of a crime you have the RIGHT:

To be informed, present and heard at all crucial stages of the criminal or juvenile justice proceedings and to be told how to participate in these proceedings.

To be informed about the availability of Victim Compensation.

To be protected from intimidation.

To submit a victim impact statement.

To seek restitution from the offender.

To be informed of a confidential communication.

To a prompt and timely disposition.

To be informed regarding victim's rights to review certain portions of a pre-sentence investigation prior to the sentencing of the accused.

To be informed of victim's rights of standing, through the State Attorney's Office, with the consent of the victim to assert the rights of the victim.

To a prompt return of your property.

VICTIM / WITNESS HARRASSMENT

Interference with a victim/witness by threats or acts of revenge is a serious crime in itself and a matter to which the local police agency, the State Attorney's Office, and the Court will give particular attention and do their utmost to remedy. If you are having any problems or if you or your family are in any way threatened immediately call the police agency or the Sheriff's Office and make a full report of the events.

Sometimes after a suspect is arrested, defense attorneys or their investigators may attempt to contact you. You have a right to speak to anyone, unless a Court orders you not to discuss it. However, you are not obligated to discuss the case at all, unless you have received a subpoena for a deposition or a trial. You have a right to privacy and to be left alone. If anyone harasses or intimidates you, please advise law enforcement personnel immediately.

Thank you,  
Elliot

Eliot I. Bernstein  
Inventor  
Iviewit Holdings, Inc. – DL  
2753 N.W. 34th St.  
Boca Raton, Florida 33434-3459  
(561) 245.8588 (o)  
(561) 886.7628 (c)  
(561) 245-8644 (f)  
[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)  
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**From:** Gregg, Carol A [<mailto:GreggC@pbso.org>]

**Sent:** Tuesday, January 14, 2014 10:33 AM

**To:** 'Eliot Ivan Bernstein'

**Subject:** RE: Estates of Simon and Shirley Bernstein CASE NUMBERS - #1 (13097087), #2 (13097087) & #3 (12121312)

Mr. Bernstein –

Please excuse my delayed response to your requests. My understanding after we spoke on the phone was that you were going to afford me the opportunity to review Detective Miller's investigation before making a complaint to Internal Affairs. Since you went forward with a complaint to Internal Affairs on the same day we spoke, I had to wait until IA concluded their inquiry. I reviewed Detective Miller's report and met with him and his supervisor, Sergeant Groover. I have concluded that Detective Miller's investigation was appropriate and thorough. I recommend you continue with the civil and federal actions you advised you have taken in your emails and/or consult with a probate attorney.

**Captain Carol Gregg**  
**Special Investigations Division**  
**Palm Beach County Sheriff's Office**

**Office#: (561) 688-4010**

**Fax#: (561) 688-4125**

**From:** Eliot Ivan Bernstein [mailto:[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)]

**Sent:** Tuesday, January 07, 2014 6:11 PM

**To:** Gregg, Carol A; Jean Francis @ Florida - State Attorney (15th Judicial Circuit); Michael Rachel; Michael Rachel @ Florida - State Attorney (15th Judicial Circuit)

**Cc:** Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Andrew R. Dietz @ Rock It Cargo USA; Marc R. Garber Esq.; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Christine P. Yates ~ Director @ Tripp Scott

**Subject:** Estates of Simon and Shirley Bernstein CASE NUMBERS - #1 (13097087), #2 (13097087) & #3 (12121312)

Dear Captain Gregg,

In response to our call yesterday, January 06, 2013, I have prepared a letter for you requesting information regarding the Official PBSO reports that were conducted in the cases relating to my parents and need for review and clarification prior to any sentencing of Kimberly Moran. If you have any questions or need additional information please feel free to contact me, my information below. I will also be sending a copy to the State Attorney and for the same reasons as stated in my letter to you asking them to hold off a bit on the sentencing until we can clarify and possibly correct the statements in the PBSO report their investigation was based upon. Also attached herein is a letter sent to Detective Miller and the State Attorneys handling the case, which has gone unanswered and I would appreciate in addition to your responding to my questions in your letter, you also having the questions asked in that letter dated December 03, 2013 also be answered as part of your review.

Thank you in advance for your time, effort and consideration of these matters,

Eliot I. Bernstein

Inventor

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2753 N.W. 34th St.

Boca Raton, Florida 33434-3459

(561) 245.8588 (o)

(561) 886.7628 (c)

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## Bozdech, Sean A.

---

**From:** Miller, Ryan W.  
**Sent:** Tuesday, January 28, 2014 2:27 PM  
**To:** Groover, David B  
**Cc:** Bozdech, Sean A.  
**Subject:** FW: Eliot Bernstein

My final e-mail communication with Eliot.

---

**From:** Miller, Ryan W.  
**Sent:** Tuesday, January 28, 2014 2:26 PM  
**To:** 'Eliot Ivan Bernstein'  
**Subject:** RE: Eliot Bernstein

Mr. Bernstein,

We have met in person once. There are many times when a detective has to meet with a victim or witness multiple times in person. This is for clarification and/or elaboration purposes. I am telling you that I need to meet with you for these purposes. Please CALL me at 561-688-4077 when you are able to discuss a time & date to meet. Continuing to send e-mails back and forth is not an effective mode of communication for this case or the discuss we need to have.

Thank you,

Det. Ryan Miller

---

**From:** Eliot Ivan Bernstein [<mailto:iviewit@iviewit.tv>]  
**Sent:** Tuesday, January 28, 2014 11:25 AM  
**To:** Miller, Ryan W.  
**Cc:** Gregg, Carol A; Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Andrew R. Dietz @ Rock It Cargo USA  
**Subject:** RE: Eliot Bernstein

Detective Miller,

I have met with you and given formal statements and interviews and provided ample evidence in person and at your request went and filed additional criminal complaints that I still have not heard back on for months now. I have submitted to you formal written requests for information regarding the old complaints and you refuse to reply in writing and instead demand to meet and I would feel much better meeting after you have answered all my questions in the two letters first and that subject matter I am not sure why I have to do face to face other than in writing and phone conversations. You are well aware that I am involved in several court cases nationwide currently that demand massive amounts of time and all relate to the larger crimes than forgery and fraud of Moran's six documents and that I am being further victimized by those I have already complained of in retaliation and these are the strains I refer to making it difficult for me to meet, other than when I have to come in to file new complaints, which I am doing as requested, as I stated I will do that, like I did with the Jewelry Theft case as I formulate them and put the evidence in place. Yet, that does not interfere with your answering my questions or reviewing the work done and new information in the initial complaint you started. A phone call to discuss these follow up matters is not unreasonable and I feel that your conversations with Judge Colin may have influenced your work and opinions of me and am uncomfortable meeting without representation and have been advised that this does not seem proper to deny a victim / complainant the right to counsel present. These are not unidentified people who I have asked to have present but people with intimate knowledge of the crimes, attorneys at law that have better legal/statutory aspects of the crimes I have complained of. I

have requested them there as witness as well and for safety, as you know that I am taking on some very powerful and influential members of the Florida Supreme Court, The Florida Bar, Florida Law Enforcement and others in my other RICO and ANTITRUST related matters I have shared with you. You are also aware that I am complaining of possible interference with my PBSO complaints that and so I hope you understand my concerns in this regard.

I am more than happy to meet telephonically or with others present to present my case information in more detail. I have asked why it has to be in person, without representation when I am already uncomfortable and why I am being denied counsel present and if there are any procedural rules that demand things be done and conducted in the manner you propose. I do want to keep the investigation moving but I do not see my requests being a reason to stop them and why we cannot meet on the phone when necessary and in person when I can and when it can be done to meet our schedules and new complaints have to be filed. I am not sure why emails and attachments are not conducive and why you have stated you do not read them and this also makes me uncomfortable.

Please let me know if we can start with a phone call to go over my letters to you that you will not respond to in writing and then determine if I need to come back to meet after we get through that first. I am not sure there is other evidence I need to provide in that regard but I think you already have everything for those complaints.

Thank you,

Eliot

---

**From:** Miller, Ryan W. [mailto:MillerR@pbsso.org]  
**Sent:** Tuesday, January 28, 2014 10:15 AM  
**To:** Eliot Ivan Bernstein  
**Subject:** RE: Eliot Bernstein

Mr. Bernstein,

This is an open investigation and a very serious matter. You have made claims/allegations that crimes have taken place. To give this investigation the most thorough review, we will need to meet in person and go over everything. I will need you to provide me with a statement, including everything that you know (firsthand) about this case. You are a potential victim/witness, so this needs to be your account of events that occurred. An open case is considered confidential, therefore, an unknown person at the end of a phone is not good for the case. Also, I need your statement (understanding), not theirs. I investigate crimes, not civil complaints. Your e-mails and attachments are not an efficient way of conducting an investigation. They have seemed to only create confusion and miscommunication. I do not understand what strain there is, when you are the one who made the complaint. I would think that you would want to meet in person, as to keep to this investigation moving, providing you with the opportunity to explain (in depth) your complaint. E-mail and phone calls create barriers that can be overcome through face to face communication. Captain Gregg is aware and will not be attending. Please do not expect that I will be able to meet on Thursday. I have many other cases and need ample time to review my schedule, as well as coordinate a meeting room in the West Boca Substation. Once you are feeling better, let me know, and supply me with a few dates and times you are available, on a Tues, Wed., Thurs, or Friday.

Thank you,

**Det. Ryan Miller #7704**  
Palm Beach Co Sheriff's Office  
Special Investigations Division  
(Financial Crimes Unit)  
Desk: 561-688-4077  
Cell: 561-389-8655

---

**From:** Eliot Ivan Bernstein [<mailto:iviewit@iviewit.tv>]  
**Sent:** Tuesday, January 28, 2014 8:03 AM  
**To:** Miller, Ryan W.; Gregg, Carol A  
**Cc:** Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Andrew R. Dietz @ Rock It Cargo USA  
**Subject:** RE: Eliot Bernstein

I have a dental appointment today from 9-11 to put in my upper teeth that were repaired, the process usually takes a day or two to recover from the headaches etc. associated with the process. I am still feeling ill from the flu that whole family has suffered this weekend but I am feeling much better from that. I will let you know but it will probably be Thursday. Also, I was wondering if Captain Carol Gregg has knowledge of our meeting and if she will be attending. I would also like some form of explanation as to why this meeting must be in person and not via telephone and why I cannot have representative counsel attend via phone, etc. I have already submitted most of the evidence necessary for us to discuss and so I am unclear why when this puts additional strain on me this must be conducted in this manner.

Eliot

---

**From:** Miller, Ryan W. [<mailto:MillerR@pbso.org>]  
**Sent:** Tuesday, January 28, 2014 7:26 AM  
**To:** Eliot Ivan Bernstein  
**Subject:** RE: Eliot Bernstein

Mr. Bernstein,

I received the message from your wife stating that you had to cancel this week's meeting. Please let me know when you are feeling better.

Thank you,

Det. Ryan Miller

---

**From:** Miller, Ryan W.  
**Sent:** Thursday, January 23, 2014 2:04 PM  
**To:** 'Eliot Ivan Bernstein'  
**Subject:** RE: Eliot Bernstein

Ok, confirmed!

Date & time: Wednesday, Jan. 29, 2014 @ 10:00 am  
Location: PBSO, West Boca Sub-station (same as before)

Thanks

---

**From:** Eliot Ivan Bernstein [<mailto:iviewit@iviewit.tv>]  
**Sent:** Thursday, January 23, 2014 12:17 PM  
**To:** Miller, Ryan W.  
**Cc:** Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Andrew R. Dietz @ Rock It Cargo USA; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Marc R. Garber Esq.; Marc R. Garber Esq. @ Flaster Greenberg P.C.  
**Subject:** RE: Eliot Bernstein



Thanks, here are a few times, let me know. Also, does Captain Gregg know about this meeting and will she be attending?

Tuesday at 11:00am, have court before this at 8:45am  
Wed at 10:00am works good.

Eliot

---

**From:** Miller, Ryan W. [mailto:MillerR@pbso.org]  
**Sent:** Thursday, January 23, 2014 10:54 AM  
**To:** Eliot Ivan Bernstein  
**Subject:** RE: Eliot Bernstein

Mr. Bernstein,

Please provide me a FEW dates and times to choose from, so that I can coordinate things. They will need to be on a Tuesday, Wednesday, Thursday, or Friday.

Thank you,

*Det. Ryan Miller #7704*  
Palm Beach Co Sheriff's Office  
Special Investigations Division  
(Financial Crimes Unit)  
Desk: 561-688-4077

-----Original Message-----

From: Eliot Ivan Bernstein [mailto:iviewit@iviewit.tv]  
Sent: Thursday, January 23, 2014 10:44 AM  
To: Miller, Ryan W.  
Cc: Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Marc R. Garber Esq.; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Andrew R. Dietz @ Rock It Cargo USA  
Subject: RE: Eliot Bernstein

Thank you for understanding, I too am feeling a bit of this bug, can we schedule for Monday at say 10:30am at Boca station. Thanks, Eliot

-----Original Message-----

From: Miller, Ryan W. [mailto:MillerR@pbso.org]  
Sent: Thursday, January 23, 2014 9:52 AM  
To: Eliot Ivan Bernstein  
Subject: RE: Eliot Bernstein

Mr. Bernstein,

Sorry to hear that your son is ill. Please let me know a few dates and times you are available to meet (reschedule) , so that I can coordinate things accordingly.

Thank you,

Det. Ryan Miller #7704  
Palm Beach Co Sheriff's Office  
Special Investigations Division  
(Financial Crimes Unit)  
Desk: 561-688-4077

-----Original Message-----

From: Eliot Ivan Bernstein [mailto:[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)]

Sent: Thursday, January 23, 2014 7:03 AM

To: Miller, Ryan W.

Cc: Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Marc R. Garber Esq.; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Andrew R. Dietz @ Rock It Cargo USA

Subject: RE: Eliot Bernstein

That will not work for me, I have to be back in Boca after court and then I was coming to see you. Can you please identify who will be at this meeting and if I can call in other parties who are waiting to know. Thanks.

Eliot

Eliot I. Bernstein

Inventor

Iviewit Holdings, Inc. - DL

2753 N.W. 34th St.

Boca Raton, Florida 33434-3459

(561) 245.8588 (o)

(561) 886.7628 (c)

(561) 245-8644 (f)

[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)

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-----Original Message-----

From: Miller, Ryan W. [<mailto:MillerR@pbso.org>]  
Sent: Thursday, January 23, 2014 6:53 AM  
To: Eliot Ivan Bernstein  
Subject: RE: Eliot Bernstein

since you will be east off 95 you can always just come to our office off 95 and southern. Then we do not have to drive down to wesy Boca hoping you get out on time. Let me know what works.

Det. Ryan Miller

Eliot Ivan Bernstein <[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)> wrote:

Hi Detective Miller - I was just inundated with new filings slipped in at about 5pm for the hearing tomorrow from all the counsel and pr's resigning.

Thus, I may be in court longer than was originally expected and we can either postpone or I can keep you updated tomorrow on the fly. Let me know.

Eliot

Eliot I. Bernstein  
Inventor  
Iviewit Holdings, Inc. - DL  
2753 N.W. 34th St.  
Boca Raton, Florida 33434-3459  
(561) 245.8588 (o)  
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[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)<<mailto:iviewit@iviewit.tv>>  
<http://www.iviewit.tv><<http://www.iviewit.tv>>

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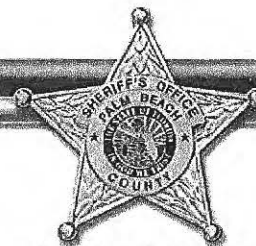
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**PALM BEACH COUNTY  
SHERIFF'S OFFICE**

RIC L. BRADSHAW, SHERIFF



REVIEWED & APPROVED  
JAN 31 2014



REVIEWED & APPROVED  
JAN 31 2014

CAPTAIN MARK ALEXANDER

**INTER-OFFICE MEMORANDUM**

Division of Internal Affairs

TO: Captain Mark Alexander

DATE: January 28, 2014

FROM: Sergeant Sean Bozdech

FILE:

REVIEWED & APPROVED  
JAN 31 2014  
LT. PETE PALENZUELA

SUBJECT: Incident Review

On July 15, 2013, Mr. Eliot Bernstein filed a fraud report with the Palm Beach County Sheriff's Office. This incident was documented under PBSO case number 13-097087. According to the offense report completed by D/S Brian Longworth, Mr. Bernstein claimed several documents had been "forged" and filed at the South County Courthouse. These alleged "forged" documents involved the estates of Mr. Bernstein's deceased parents.

A short time after Mr. Bernstein's initial report, Detective Ryan Miller of the Financial Crimes Unit was assigned the case to conduct a follow up investigation regarding the allegations made. Detective Miller completed supplemental reports regarding information obtained throughout his investigation. Detective Miller determined several legal documents were legitimately signed by Mr. Bernstein, his siblings, and his father (prior to his passing). These documents were forwarded to the appropriate courts for proper filing, with the assistance of a legal firm hired by the family. After these documents were sent, the legal assistant who assisted the family in completing this was contacted and notified the documents needed to be notarized. Detective Miller spoke with the legal assistant who confessed she "traced" the signatures of Mr. Bernstein, his siblings, and his father so she could notarize them. During the interview, the legal assistant stated she never received any financial benefit. According to the legal assistant, this was a "poor decision." Detective Miller spoke with all of the affected parties (Mr. Bernstein and his siblings) and Mr. Bernstein was the only one who wanted to pursue the matter criminally, involving the legal assistant. Detective Miller established probable cause to charge the legal assistant with one count of Florida State Statute 843.0855 (3) (*Criminal actions under color of law or through use of simulated legal process*). Detective Miller completed the appropriate paperwork which was sent to the Palm Beach County State Attorney's Office. On or around October 9, 2013, the Palm Beach County State Attorney's Office charged the legal assistant with one (1) count for violating Florida State Statute 117.105 (*False or fraudulent acknowledgments- Notaries*).

On January 7, 2014, Mr. Bernstein sent an E-mail to Captain Gregg (SID) regarding the manner in which Detective Miller completed his reports and investigation. I reviewed Mr. Bernstein's email and he believes the legal assistant who was charged with violating Florida

State Statute 117.105 should have been charged with six (6) counts, instead of one (1) as there were six (6) signatures involved. Mr. Bernstein also feels the legal assistant should be charged with "forgery" instead.

After reviewing Mr. Bernstein's email, I spoke with Detective Miller who provided me copies of emails from Mr. Bernstein's siblings indicating they did not want to pursue the matter criminally involving the legal assistant. In one instance, Detective Miller did not receive any correspondence back and another instance involved Mr. Bernstein's now deceased father.

According to Florida State Statute 831.01 (Forgery), the person who commits the forgery must also receive some type of financial benefit. As determined by Detective Miller during his investigation, the legal assistant admitted to receiving no financial benefit from her action.

On January 28, 2014, I spoke with Mr. Bernstein via telephone. Mr. Bernstein explained to me that Detective Miller wanted to meet with him in person to discuss the additional information he allegedly had. Mr. Bernstein continued to tell me he asked Detective Miller to have his counsel present, which according to Mr. Bernstein, Detective Miller refused to allow. Mr. Bernstein then asked me if it was common practice to deny a "victim" the right to counsel during an interview. I explained to him each situation was different; however, I would try and determine if Detective Miller did in fact refuse his request, and if so, was there a particular reason for denying the request. I asked Mr. Bernstein to forward any correspondence to me which he had with Detective Miller regarding this.

Mr. Bernstein then told me he believed his father was "murdered" back in 2012, and said the "coroner" is reopening the file to prove his father was in fact poisoned. I explained to Mr. Bernstein if the Medical Examiner did in fact discover any possible criminal activity, they would contact our Violent Crimes Division for further criminal investigation.

After I spoke with Mr. Bernstein, I spoke with Detective Miller and asked him to forward any correspondence he had with Mr. Bernstein, specifically where he (Detective Miller), requested to meet with Mr. Bernstein in person.

I then received numerous emails from Mr. Bernstein regarding this matter which I reviewed. These emails are requests from Detective Miller to meet with Mr. Bernstein in person to discuss these matters further. Mr. Bernstein agrees to meet with him on several dates, and just prior to the meeting, Mr. Bernstein would cancel for one reason or another. Mr. Bernstein does ask Detective Miller if when a meeting occurs, if he (Mr. Bernstein) would be able to contact an attorney out of state, via telephone. Detective Miller explained to Mr. Bernstein that contacting someone via telephone during a victim interview would not be appropriate, and Detective Miller needed to get Mr. Bernstein's account of the situation. Detective Miller also explained to Mr. Bernstein he would not know for sure who was on the other end of the telephone, claiming to be an attorney. In the last email sent by Mr. Bernstein (dated January 28, 2014), he told Detective Miller that he has already given formal statements and interviews and again asks why he cannot have anyone present, specifically counsel, during the interview. Detective Miller responded to Mr. Bernstein explaining he has only met in person one time. He continues to explain there are times when a detective needs to meet with victims in person for clarification purposes. He continues to say that sending emails back in forth is not an effective mode of communication for this case.

After reviewing the emails between Detective Miller and Mr. Bernstein I reviewed the offense report involving Mr. Bernstein's deceased father. This incident was documented under PBSO case 12-121312. The original report stated Mr. Bernstein's father was taken to Delray

Community Hospital and questions were brought forward by the family regarding the death. According to the original report, the Palm Beach County Medical Examiner was notified and given the information. Detective Miller then completed a supplemental report which said the medical examiner ruled the manner of death for Mr. Bernstein's father was "natural" and the cause of death was listed as "myocardial infarct due to severe atherosclerosis." Detective Miller also stated in his supplemental report that the Bernstein family did not conduct a private autopsy as they originally said they would.

Based on the supplemental reports completed by Detective Miller, the correspondence from Mr. Bernstein's siblings, the information obtained in the Florida State Statute 831.01, and the fact the legal assistant was in fact charged with a felony regarding this matter, a preponderance of evidence does not exist to support the allegations regarding Palm Beach County Sheriff's Office Rule and Regulation X (A) Job Knowledge, and Rule and Regulation VII (12) Completion of Reports and Documents.

No further follow up is required at this time by the Division of Internal Affairs.



**PALM BEACH COUNTY**  
**SHERIFF'S OFFICE**

RIC L. BRADSHAW, SHERIFF



February 5, 2014

Mr. Elliot Bernstein  
2753 34 St NW  
Boca Raton, FL 33434

RE: Complaint Case Number: IR14-025

Dear Mr. Bernstein,

The Palm Beach County Sheriff's Office has completed its investigation of your complaint filed on January 9, 2014. The investigation, and a review of all information failed to disclose sufficient evidence to clearly prove or disprove the complaint.

If you have additional information you believe should be considered, please contact the Division of Internal Affairs at 561-688-3035. If no additional information is received within 10 days, this case will be considered closed.

Thank you for bringing the matter to our attention.

Sincerely,

Division of Internal Affairs  
Palm Beach County Sheriff's Office

sgt  
file

## **Bozdech, Sean A.**

---

**From:** Eliot Ivan Bernstein <[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)>  
**Sent:** Tuesday, January 28, 2014 12:18 PM  
**To:** Bozdech, Sean A.  
**Subject:** Possible conflict with Eliot and Det Miller.

In reflecting on our call and talking with advisors, it was learned that Det Miller and you have spoken regarding my complaint against him and I think in addition to the conflicts that may exist with his conversations with Judge Colin already, this conversation with you regarding the IA complaint will also prejudice him against me and I think the denial of counsel represents more problems on top of that. Also, after speaking with you it appears that you have come to the same conclusion that everyone else comes to after reading Det Miller's report that he was brought a case against Moran for Forgery and Fraud and he investigated it and arrested her and what more is to complain about. But that is not the case, I brought to Det Miller a host of other complaints and evidence regarding far more serious crimes and he stated he was investigating them all and all the other people complained of and then he attempted to state he reviewed everything and found nothing else and this prejudices my case as explained in the letters to Captain Gregg and Det Miller that I just sent you and that them to provide information regarding the specifics of what and who they investigated and what they were dismissing in this broad language he was using and no reply from either for months. In fact I see no evidence of any of the crimes alleged against the others being investigated by Det Miller at all and this concerns me further.

Please, I would like to request new investigators who are not conflicted with the past matters that can review the case and materials with me and respond to my written requests in detail first and then meet me if necessary. Please also note that all of the attorneys at law, Robert Spallina, Esq., Donald Tescher, Esq. and Mark Manceri, Esq. involved in the estates of my mother and father and the attorneys that were acting as Personal Reps/Executors have submitted papers to the court to withdraw. Finally, Robert Spallina has also been alleged in Federal Court Northern District Illinois of filing a fraudulent insurance claim while impersonating an Institutional Trust Company, an Institutional Trust Company Officer, Insurance Fraud and Fraud on the Estate Beneficiaries and I have provided some information to Det Miller already regarding these events and if you need more information I will be happy to provide it to you as well.

Eliot I. Bernstein  
Inventor  
Iviewit Holdings, Inc. – DL  
2753 N.W. 34th St.  
Boca Raton, Florida 33434-3459  
(561) 245.8588 (o)  
(561) 886.7628 (c)  
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## Bozdech, Sean A.

---

**From:** Eliot Ivan Bernstein <iviewit@iviewit.tv>  
**Sent:** Tuesday, January 28, 2014 11:26 AM  
**To:** Bozdech, Sean A.  
**Subject:** FW: Eliot Bernstein

**From:** Eliot Ivan Bernstein [mailto:iviewit@iviewit.tv]  
**Sent:** Tuesday, January 28, 2014 11:25 AM  
**To:** 'Miller, Ryan W.'  
**Cc:** Captain Carol Gregg @ Palm Beach County Sheriff (greggc@pbso.org); Caroline Prochotska Rogers Esq. (caroline@cprogers.com); Michele M. Mulrooney ~ Partner @ Venable LLP (mmulrooney@Venable.com); Andrew R. Dietz @ Rock It Cargo USA  
**Subject:** RE: Eliot Bernstein

Detective Miller,

I have met with you and given formal statements and interviews and provided ample evidence in person and at your request went and filed additional criminal complaints that I still have not heard back on for months now. I have submitted to you formal written requests for information regarding the old complaints and you refuse to reply in writing and instead demand to meet and I would feel much better meeting after you have answered all my questions in the two letters first and that subject matter I am not sure why I have to do face to face other than in writing and phone conversations. You are well aware that I am involved in several court cases nationwide currently that demand massive amounts of time and all relate to the larger crimes than forgery and fraud of Moran's six documents and that I am being further victimized by those I have already complained of in retaliation and these are the strains I refer to making it difficult for me to meet, other than when I have to come in to file new complaints, which I am doing as requested, as I stated I will do that, like I did with the Jewelry Theft case as I formulate them and put the evidence in place. Yet, that does not interfere with your answering my questions or reviewing the work done and new information in the initial complaint you started. A phone call to discuss these follow up matters is not unreasonable and I feel that your conversations with Judge Colin may have influenced your work and opinions of me and am uncomfortable meeting without representation and have been advised that this does not seem proper to deny a victim / complainant the right to counsel present. These are not unidentified people who I have asked to have present but people with intimate knowledge of the crimes, attorneys at law that have better legal/statutory aspects of the crimes I have complained of. I have requested them there as witness as well and for safety, as you know that I am taking on some very powerful and influential members of the Florida Supreme Court, The Florida Bar, Florida Law Enforcement and others in my other RICO and ANTITRUST related matters I have shared with you. You are also aware that I am complaining of possible interference with my PBSO complaints that and so I hope you understand my concerns in this regard.

I am more than happy to meet telephonically or with others present to present my case information in more detail. I have asked why it has to be in person, without representation when I am already uncomfortable and why I am being denied counsel present and if there are any procedural rules that demand things be done and conducted in the manner you propose. I do want to keep the investigation moving but I do not see my requests being a reason to stop them and why we cannot meet on the phone when necessary and in person when I can and when it can be done to meet our schedules and new complaints have to be filed. I am not sure why emails and attachments are not conducive and why you have stated you do not read them and this also makes me uncomfortable.

Please let me know if we can start with a phone call to go over my letters to you that you will not respond to in writing and then determine if I need to come back to meet after we get through that first. I am not sure there is other evidence I need to provide in that regard but I think you already have everything for those complaints.

Thank you,

Eliot

---

**From:** Miller, Ryan W. [mailto:MillerR@pbso.org]  
**Sent:** Tuesday, January 28, 2014 10:15 AM  
**To:** Eliot Ivan Bernstein  
**Subject:** RE: Eliot Bernstein

Mr. Bernstein,

This is an open investigation and a very serious matter. You have made claims/allegations that crimes have taken place. To give this investigation the most thorough review, we will need to meet in person and go over everything. I will need you to provide me with a statement, including everything that you know (firsthand) about this case. You are a potential victim/witness, so this needs to be your account of events that occurred. An open case is considered confidential, therefore, an unknown person at the end of a phone is not good for the case. Also, I need your statement (understanding), not theirs. I investigate crimes, not civil complaints. Your e-mails and attachments are not an efficient way of conducting an investigation. They have seemed to only create confusion and miscommunication. I do not understand what strain there is, when you are the one who made the complaint. I would think that you would want to meet in person, as to keep to this investigation moving, providing you with the opportunity to explain (in depth) your complaint. E-mail and phone calls create barriers that can be overcome through face to face communication. Captain Gregg is aware and will not be attending. Please do not expect that I will be able to meet on Thursday. I have many other cases and need ample time to review my schedule, as well as coordinate a meeting room in the West Boca Substation. Once you are feeling better, let me know, and supply me with a few dates and times you are available, on a Tues, Wed., Thurs, or Friday.

Thank you,

*Det. Ryan Miller #7704*  
Palm Beach Co Sheriff's Office  
Special Investigations Division  
(Financial Crimes Unit)  
Desk: 561-688-4077  
Cell: 561-389-8655

---

**From:** Eliot Ivan Bernstein [mailto:[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)]  
**Sent:** Tuesday, January 28, 2014 8:03 AM  
**To:** Miller, Ryan W.; Gregg, Carol A  
**Cc:** Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Andrew R. Dietz @ Rock It Cargo USA  
**Subject:** RE: Eliot Bernstein

I have a dental appointment today from 9-11 to put in my upper teeth that were repaired, the process usually takes a day or two to recover from the headaches etc. associated with the process. I am still feeling ill from the flu that whole family has suffered this weekend but I am feeling much better from that. I will let you know but it will probably be Thursday. Also, I was wondering if Captain Carol Gregg has knowledge of our meeting and if she will be attending. I would also like some form of explanation as to why this meeting must be in person and not via telephone and why I cannot have representative counsel attend via phone, etc. I have already submitted most of the evidence necessary for us to discuss and so I am unclear why when this puts additional strain on me this must be conducted in this manner.

Eliot

**From:** Miller, Ryan W. [mailto:MillerR@pbso.org]  
**Sent:** Tuesday, January 28, 2014 7:26 AM  
**To:** Eliot Ivan Bernstein  
**Subject:** RE: Eliot Bernstein

Mr. Bernstein,

I received the message from your wife stating that you had to cancel this week's meeting. Please let me know when you are feeling better.

Thank you,

Det. Ryan Miller

**From:** Miller, Ryan W.  
**Sent:** Thursday, January 23, 2014 2:04 PM  
**To:** 'Eliot Ivan Bernstein'  
**Subject:** RE: Eliot Bernstein

Ok, confirmed!

Date & time: Wednesday, Jan. 29, 2014 @ 10:00 am  
Location: PBSO, West Boca Sub-station (same as before)

Thanks

**From:** Eliot Ivan Bernstein [mailto:iviewit@viewit.tv]  
**Sent:** Thursday, January 23, 2014 12:17 PM  
**To:** Miller, Ryan W.  
**Cc:** Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Andrew R. Dietz @ Rock It Cargo USA; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Marc R. Garber Esq.; Marc R. Garber Esq. @ Flaster Greenberg P.C.  
**Subject:** RE: Eliot Bernstein

Thanks, here are a few times, let me know. Also, does Captain Gregg know about this meeting and will she be attending?

Tuesday at 11:00am, have court before this at 8:45am  
Wed at 10:00am works good.

Eliot

**From:** Miller, Ryan W. [mailto:MillerR@pbso.org]  
**Sent:** Thursday, January 23, 2014 10:54 AM  
**To:** Eliot Ivan Bernstein  
**Subject:** RE: Eliot Bernstein

Mr. Bernstein,

Please provide me a FEW dates and times to choose from, so that I can coordinate things. They will need to be on a Tuesday, Wednesday, Thursday, or Friday.

Thank you,

Det. Ryan Miller #7704  
Palm Beach Co Sheriff's Office  
Special Investigations Division  
(Financial Crimes Unit)  
Desk: 561-688-4077

-----Original Message-----

From: Eliot Ivan Bernstein [mailto:[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)]

Sent: Thursday, January 23, 2014 10:44 AM

To: Miller, Ryan W.

Cc: Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Marc R. Garber Esq.; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Andrew R. Dietz @ Rock It Cargo USA

Subject: RE: Eliot Bernstein

Thank you for understanding, I too am feeling a bit of this bug, can we schedule for Monday at say 10:30am at Boca station. Thanks, Eliot

-----Original Message-----

From: Miller, Ryan W. [mailto:[MillerR@pbso.org](mailto:MillerR@pbso.org)]

Sent: Thursday, January 23, 2014 9:52 AM

To: Eliot Ivan Bernstein

Subject: RE: Eliot Bernstein

Mr. Bernstein,

Sorry to hear that your son is ill. Please let me know a few dates and times you are available to meet (reschedule) , so that I can coordinate things accordingly.

Thank you,

Det. Ryan Miller #7704  
Palm Beach Co Sheriff's Office  
Special Investigations Division  
(Financial Crimes Unit)  
Desk: 561-688-4077

-----Original Message-----

From: Eliot Ivan Bernstein [mailto:[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)]

Sent: Thursday, January 23, 2014 7:03 AM

To: Miller, Ryan W.

Cc: Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Marc R. Garber Esq.; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Andrew R. Dietz @ Rock It Cargo USA

Subject: RE: Eliot Bernstein



That will not work for me, I have to be back in Boca after court and then I was coming to see you. Can you please identify who will be at this meeting and if I can call in other parties who are waiting to know. Thanks.  
Eliot

Eliot I. Bernstein  
Inventor  
Iviewit Holdings, Inc. - DL  
2753 N.W. 34th St.  
Boca Raton, Florida 33434-3459  
(561) 245.8588 (o)  
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-----Original Message-----

From: Miller, Ryan W. [mailto:MillerR@pbs.org]  
Sent: Thursday, January 23, 2014 6:53 AM  
To: Eliot Ivan Bernstein  
Subject: RE: Eliot Bernstein

since you will be east off 95 you can always just come to our office off 95 and southern. Then we do not have to drive down to wesly Boca hoping you get out on time. Let me know what works.

Det. Ryan Miller

Eliot Ivan Bernstein <[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)> wrote:

Hi Detective Miller - I was just inundated with new filings slipped in at about 5pm for the hearing tomorrow from all the counsel and pr's resigning.

Thus, I may be in court longer than was originally expected and we can either postpone or I can keep you updated tomorrow on the fly. Let me know.

Eliot

Eliot I. Bernstein

Inventor

Iviewit Holdings, Inc. - DL

2753 N.W. 34th St.

Boca Raton, Florida 33434-3459

(561) 245.8588 (o)

(561) 886.7628 (c)

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[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)<<mailto:iviewit@iviewit.tv>>

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**Bozdech, Sean A.**

---

**From:** Eliot Ivan Bernstein <iviewit@iviewit.tv>  
**Sent:** Tuesday, January 28, 2014 10:46 AM  
**To:** Bozdech, Sean A.  
**Subject:** FW: Meeting / Thursday / 1-23-14

**From:** Miller, Ryan W. [mailto:MillerR@pbso.org]  
**Sent:** Thursday, January 23, 2014 7:34 AM  
**To:** Eliot Ivan Bernstein (iviewit@iviewit.tv)  
**Subject:** FW: Meeting / Thursday / 1-23-14

This was sent yesterday.

**From:** Miller, Ryan W.  
**Sent:** Wednesday, January 22, 2014 11:32 AM  
**To:** 'Eliot Ivan Bernstein'  
**Subject:** RE: Meeting / Thursday / 1-23-14

Sgt. Groover and I will be attending. Please bring all documentation relating to this that you have. Sorry, no conference calls. Please call me at 688-4077 if you need too.

**From:** Eliot Ivan Bernstein [mailto:iviewit@iviewit.tv]  
**Sent:** Wednesday, January 22, 2014 11:26 AM  
**To:** Miller, Ryan W.  
**Subject:** RE: Meeting / Thursday / 1-23-14

Hi Det Miller, who will be attending the meeting and do we have the capability to conference in an out of state attorney? Eliot

**From:** Miller, Ryan W. [mailto:MillerR@pbso.org]  
**Sent:** Tuesday, January 21, 2014 10:19 AM  
**To:** Eliot Ivan Bernstein  
**Subject:** RE: Meeting / Thursday / 1-23-14

Mr. Bernstein,

So, 10:30 it is, at the West Boca Substation on 1/23/14, which is where we met before.

- 1) Please notify me if you are not going to make it.
- 2) Please bring with you, evidence specific to any crime you may have uncovered or came across, so that we can address any & all concerns that you may have.

Thank you,

*Det. Ryan Miller #7704*  
Palm Beach Co Sheriff's Office  
Special Investigations Division  
(Financial Crimes Unit)

Desk: 561-688-4077  
Cell: 561-389-8655

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**From:** Eliot Ivan Bernstein [<mailto:iviewit@iviewit.tv>]  
**Sent:** Tuesday, January 21, 2014 10:06 AM  
**To:** Miller, Ryan W.  
**Subject:** RE: Meeting / Thursday / 1-23-14

Hi Det Miller,

I have court Thursday morning at 8:30am for Mark Manceri's withdrawal as counsel in my parents' estates but I am free after that, probably around 10:30-11am. Does that work for you? Eliot

**From:** Miller, Ryan W. [<mailto:MillerR@pbso.org>]  
**Sent:** Tuesday, January 21, 2014 8:39 AM  
**To:** Elliot Ivan Bernstein ([iviewit@iviewit.tv](mailto:iviewit@iviewit.tv))  
**Subject:** Meeting / Thursday / 1-23-14

Mr. Bernstein,

I would like to meet with you Thursday (1-23-14) morning at the PBSO, West Boca Sub-station. Are you able to meet that morning?

*Det. Ryan Miller #7704*  
Palm Beach Co Sheriff's Office  
Special Investigations Division  
(Financial Crimes Unit)  
Desk: 561-688-4077  
Cell: 561-389-8655

**Bozdech, Sean A.**

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**From:** Eliot Ivan Bernstein <iviewit@iviewit.tv>  
**Sent:** Tuesday, January 28, 2014 10:46 AM  
**To:** Bozdech, Sean A.  
**Subject:** FW: Eliot Bernstein

**From:** Miller, Ryan W. [mailto:MillerR@pbso.org]  
**Sent:** Tuesday, January 28, 2014 10:15 AM  
**To:** Eliot Ivan Bernstein  
**Subject:** RE: Eliot Bernstein

Mr. Bernstein,

This is an open investigation and a very serious matter. You have made claims/allegations that crimes have taken place. To give this investigation the most thorough review, we will need to meet in person and go over everything. I will need you to provide me with a statement, including everything that you know (firsthand) about this case. You are a potential victim/witness, so this needs to be your account of events that occurred. An open case is considered confidential, therefore, an unknown person at the end of a phone is not good for the case. Also, I need your statement (understanding), not theirs. I investigate crimes, not civil complaints. Your e-mails and attachments are not an efficient way of conducting an investigation. They have seemed to only create confusion and miscommunication. I do not understand what strain there is, when you are the one who made the complaint. I would think that you would want to meet in person, as to keep to this investigation moving, providing you with the opportunity to explain (in depth) your complaint. E-mail and phone calls create barriers that can be overcome through face to face communication. Captain Gregg is aware and will not be attending. Please do not expect that I will be able to meet on Thursday. I have many other cases and need ample time to review my schedule, as well as coordinate a meeting room in the West Boca Substation. Once you are feeling better, let me know, and supply me with a few dates and times you are available, on a Tues, Wed., Thurs, or Friday.

Thank you,

*Det. Ryan Miller #7704*  
Palm Beach Co Sheriff's Office  
Special Investigations Division  
(Financial Crimes Unit)  
Desk: 561-688-4077  
Cell: 561-389-8655

**From:** Eliot Ivan Bernstein [mailto:iviewit@iviewit.tv]  
**Sent:** Tuesday, January 28, 2014 8:03 AM  
**To:** Miller, Ryan W.; Gregg, Carol A  
**Cc:** Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Andrew R. Dietz @ Rock It Cargo USA  
**Subject:** RE: Eliot Bernstein

I have a dental appointment today from 9-11 to put in my upper teeth that were repaired, the process usually takes a day or two to recover from the headaches etc. associated with the process. I am still feeling ill from the flu that whole

family has suffered this weekend but I am feeling much better from that. I will let you know but it will probably be Thursday. Also, I was wondering if Captain Carol Gregg has knowledge of our meeting and if she will be attending. I would also like some form of explanation as to why this meeting must be in person and not via telephone and why I cannot have representative counsel attend via phone, etc. I have already submitted most of the evidence necessary for us to discuss and so I am unclear why when this puts additional strain on me this must be conducted in this manner.

Eliot

---

**From:** Miller, Ryan W. [<mailto:MillerR@pbso.org>]  
**Sent:** Tuesday, January 28, 2014 7:26 AM  
**To:** Eliot Ivan Bernstein  
**Subject:** RE: Eliot Bernstein

Mr. Bernstein,

I received the message from your wife stating that you had to cancel this week's meeting. Please let me know when you are feeling better.

Thank you,

Det. Ryan Miller

---

**From:** Miller, Ryan W.  
**Sent:** Thursday, January 23, 2014 2:04 PM  
**To:** 'Eliot Ivan Bernstein'  
**Subject:** RE: Eliot Bernstein

Ok, confirmed!

Date & time: Wednesday, Jan. 29, 2014 @ 10:00 am  
Location: PBSO, West Boca Sub-station (same as before)

Thanks

---

**From:** Eliot Ivan Bernstein [<mailto:iviewit@iviewit.tv>]  
**Sent:** Thursday, January 23, 2014 12:17 PM  
**To:** Miller, Ryan W.  
**Cc:** Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Andrew R. Dietz @ Rock It Cargo USA; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Marc R. Garber Esq.; Marc R. Garber Esq. @ Flaster Greenberg P.C.  
**Subject:** RE: Eliot Bernstein

Thanks, here are a few times, let me know. Also, does Captain Gregg know about this meeting and will she be attending?

Tuesday at 11:00am, have court before this at 8:45am  
Wed at 10:00am works good.

Eliot

---

**From:** Miller, Ryan W. [<mailto:MillerR@pbso.org>]  
**Sent:** Thursday, January 23, 2014 10:54 AM  
**To:** Eliot Ivan Bernstein  
**Subject:** RE: Eliot Bernstein

Mr. Bernstein,

Please provide me a FEW dates and times to choose from, so that I can coordinate things. They will need to be on a Tuesday, Wednesday, Thursday, or Friday.

Thank you,

*Det. Ryan Miller #7704*  
Palm Beach Co Sheriff's Office  
Special Investigations Division  
(Financial Crimes Unit)  
Desk: 561-688-4077

-----Original Message-----

From: Eliot Ivan Bernstein [mailto:[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)]  
Sent: Thursday, January 23, 2014 10:44 AM  
To: Miller, Ryan W.  
Cc: Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Marc R. Garber Esq.; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Andrew R. Dietz @ Rock It Cargo USA  
Subject: RE: Eliot Bernstein

Thank you for understanding, I too am feeling a bit of this bug, can we schedule for Monday at say 10:30am at Boca station. Thanks, Eliot

-----Original Message-----

From: Miller, Ryan W. [mailto:[MillerR@pbso.org](mailto:MillerR@pbso.org)]  
Sent: Thursday, January 23, 2014 9:52 AM  
To: Eliot Ivan Bernstein  
Subject: RE: Eliot Bernstein

Mr. Bernstein,

Sorry to hear that your son is ill. Please let me know a few dates and times you are available to meet (reschedule), so that I can coordinate things accordingly.

Thank you,

*Det. Ryan Miller #7704*  
Palm Beach Co Sheriff's Office  
Special Investigations Division  
(Financial Crimes Unit)  
Desk: 561-688-4077

-----Original Message-----

From: Eliot Ivan Bernstein [mailto:[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)]



Sent: Thursday, January 23, 2014 7:03 AM

To: Miller, Ryan W.

Cc: Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Marc R. Garber Esq.; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Andrew R. Dietz @ Rock It Cargo USA

Subject: RE: Eliot Bernstein

That will not work for me, I have to be back in Boca after court and then I was coming to see you. Can you please identify who will be at this meeting and if I can call in other parties who are waiting to know. Thanks.

Eliot

Eliot I. Bernstein

Inventor

Iviewit Holdings, Inc. - DL

2753 N.W. 34th St.

Boca Raton, Florida 33434-3459

(561) 245.8588 (o)

(561) 886.7628 (c)

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[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)

<http://www.iviewit.tv>

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-----Original Message-----

From: Miller, Ryan W. [<mailto:MillerR@pbso.org>]

Sent: Thursday, January 23, 2014 6:53 AM

To: Eliot Ivan Bernstein

Subject: RE: Eliot Bernstein

since you will be east off 95 you can always just come to our office off 95 and southern. Then we do not have to drive down to wesy Boca hoping you get out on time. Let me know what works.

Det. Ryan Miller

Eliot Ivan Bernstein <iviewit@iviewit.tv> wrote:

Hi Detective Miller - I was just inundated with new filings slipped in at about 5pm for the hearing tomorrow from all the counsel and pr's resigning.

Thus, I may be in court longer than was originally expected and we can either postpone or I can keep you updated tomorrow on the fly. Let me know.

Eliot

Eliot I. Bernstein

Inventor

Iviewit Holdings, Inc. - DL

2753 N.W. 34th St.

Boca Raton, Florida 33434-3459

(561) 245.8588 (o)

(561) 886.7628 (c)

(561) 245-8644 (f)

[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)<<mailto:iviewit@iviewit.tv>>

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## Bozdech, Sean A.

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**From:** Miller, Ryan W.  
**Sent:** Thursday, January 09, 2014 2:17 PM  
**To:** Bozdech, Sean A.  
**Subject:** FW: Candace & Eliot Bernstein Petitions to Appoint Oppenheimer Trust Company as Successor Trustee

Next e-mail acknowledging sisters don't want to prosecute.

**From:** Eliot Ivan Bernstein [mailto:iviewit@iviewit.tv]  
**Sent:** Thursday, September 12, 2013 4:14 PM  
**To:** Miller, Ryan W.  
**Cc:** Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Andrew R. Dietz @ Rock It Cargo USA  
**Subject:** RE: Candace & Eliot Bernstein Petitions to Appoint Oppenheimer Trust Company as Successor Trustee

Det Miller, in furtherance of my email below, I admit to making a slight math error in the number of people that would be claiming that the forged and fraudulent documents were now ok by them and signing whatever waiver Tescher & Spallina, P.A. has prepared for them in efforts to now cover up for his law firms criminal acts of forgery and fraud, notary public fraud, fraud on a court and possibly mail and wire fraud. I stated below that 4/5 of the parties (Ted, Pam, Jill and Lisa) were onboard together in claiming that they had previously agreed to the terms of that original waiver and were therefore ok with it being later forged and fraudulently submitted in their names to the Probate court, as they claim it wouldn't change anything. However, the number should be 4/6 of the parties to the forged and fraudulent waivers agree on the terms that they signed in the previously forged and fraudulent waivers and were therefore ok with the forgery and fraud going forward, yet, I am fairly certain that my father will not be signing the new waiver Tescher and Spallina have prepared claiming everyone but myself is ok with their prior crimes, unless perhaps they will again sign and notarize my father's name after his death as with his prior waiver. Without my father's agreement and consent currently that,

1. the prior forged and fraudulent document is ok by him,
2. he is waiving his rights to seek prosecution for the felony crimes committed against him after his death by forging his name,
3. he is signing the new waiver Spallina and Tescher have prepared for Ted, Pam, Jill and Lisa to sign vindicating them in their criminal actions and Moran's,
4. the distribution scheme changing the beneficiaries that was proposed was final and agreed to by all six parties, and,
5. the changes to the estate were filed and signed properly despite their lacking proper notarization evidencing that he appeared before the notary and certain documents were forged after his death,

as is apparently being alleged by the other 4/6 parties, we cannot be sure my father would now be ok with any of these new claims as he is no longer with us for almost a year to the day. Therefore, my father will not be able to give his signature, consent, approval and acknowledgement of any proposed new waiver or confirmation of any supposed oral agreements made in the past to get the waivers originally. I have alleged that with the admission of notary forgery and fraud in the estate pertaining to my father's signature on his original waiver, signed after his death, that I am still uncertain if my father ever signed any of the documents in the estate while he was alive, including but not limited to, his improperly notarized and witnessed Will and Amended Trust on file, which the notarizations all fail to state if he appeared before the notary when signing, which will most likely invalidate the near deathbed changes entirely. The new attempt to cover up this matter by the parties attempting to make these claims through signing new waivers and claiming that everyone but me is onboard, when only 4/6 appear to be, calls for further need for a full and formal investigation into the felony crimes admitted to by Tescher & Spallina P.A. and Moran with the six waivers and those

alleged in Petition 1-7 below. Without the main party, my father's consent to any proposed new waiver and verification that he actually signed any alleged agreed changes this plan seems an exercise in futility to me. The same questions about forgery and fraud will also have to next be addressed again in regard to the newly discovered improperly notarized documents on file in both my parents estates that were not a part of the original complaint with the Florida Governor's office regarding the Notary Forgery and Fraud, which all documents now become suspect where Tescher & Spallina, P.A. and Moran are involved after admitting felony acts, as it appears a pattern and practice is emerging regarding the validity of these major beneficiary changing documents in the estates and how they are being used in the other financial and other crimes alleged in Petitions 1-7 below. Eliot

---

Det Miller, I just spoke with Lisa and Jill, my sisters, who claimed to have spoken with you. Based on their statements to me, it appears that they now may be aiding and abetting the criminal fraud and forgery admitted to by Tescher & Spallina, P.A., through their legal assistant/notary Moran, where they are wholly responsible for her acts for the law firm under Florida law, in efforts to cover up the crimes admitted to. My sisters both told me that they were ok with the fraudulent and forged documents and stated so to you and did not want to press charges against the law firm or Moran. The reason I further believe they may not only be aiding and abetting but actually participating in further fraud, is due to the Response by Ted (my brother) and Adam Simon, Esq. (my sister Pam's brother in law) to Jackson National Insurance Company's counter complaint against them in the Northern District of Illinois, whereby they claim that "4/5" of Simon's children (Ted, Pam, Jill and Lisa) are claiming that the beneficiaries of a large life insurance policy are believed by them, to be them, despite the carriers contention that the death benefit claim is deficient and the beneficiary may not even "exist." I have been added by Jackson as a Defendant in that Federal case and my response is due shortly and I will send you a copy when completed. After reading that in the pleadings and hearing their statements today that the forgery of documents was ok with them, I believe that they too may be participating in the alleged frauds taking place, as outlined in the Petitions 1-7 below and therefore may have much to lose with an investigation by your offices. Until these events I was not certain where they stood in relation to the frauds but this appears to put them on the side of Ted and Pam who have already been alleged to be committing a variety of frauds with Tescher and Spallina.

As you may not be aware, in the creditor claim of Stansbury v. Ted Bernstein in my father's estate, my brother Ted is also being alleged there to be signing checks fraudulently and converting the monies to himself and more. As these family members are the same 4/5 that were boycotting my father with all their children for over a year prior to his death and Ted and Pam are alleged to have been pressuring my father to make the near deathbed estates changes, I am not at all surprised at their claims that criminal forgery and fraud is ok. It should be noted that they may also have been upset that even after Simon had allegedly made the changes to his estate (as the Will and Amended Trust are also improperly notarized and may not hold up as legal) they were still excluded from the estate, as he allegedly elected their children as beneficiaries and not them. Thus, all these efforts may be additionally to fraudulently convert monies from the grandchildren to the children and in Ted and Pam's instance their children are adults already and thus again they are wholly excluded unless successful in these alleged crimes which inure them benefits directly. They also both claimed that nothing changed with the forged and fraudulent documents in the outcome of the distributions of the estates, which is wholly false, as beneficial interests and beneficiaries change entirely if the document is rescinded in the end as fraudulent and even if that document were to survive, it is doubtful the Will of Simon and his Amended Trust will survive being legally deficient in notarization. If you have any questions please feel free to call.

- i. May 6, 2013 EIB filed Docket #23 an "EMERGENCY PETITION TO: FREEZE ESTATE ASSETS, APPOINT NEW PERSONAL REPRESENTATIVES, INVESTIGATE FORGED AND FRAUDULENT DOCUMENTS SUBMITTED TO THIS COURT AND OTHER INTERESTED PARTIES, RESCIND SIGNATURE OF ELIOT BERNSTEIN IN ESTATE OF SHIRLEY BERNSTEIN AND MORE" ("Petition 1").
  - a. [www.iviewit.tv/20130506PetitionFreezeEstates.pdf](http://www.iviewit.tv/20130506PetitionFreezeEstates.pdf) 15th Judicial Florida Probate Court and
  - b. [www.iviewit.tv/20130512MotionRehearReopenObstruction.pdf](http://www.iviewit.tv/20130512MotionRehearReopenObstruction.pdf) US District Court Pages 156-582
- ii. May 29, 2013, EIB filed Docket #28 "RENEWED EMERGENCY PETITION" ("Petition 2")
  - a. [www.iviewit.tv/20130529RenewedEmergencyPetitionSimon.pdf](http://www.iviewit.tv/20130529RenewedEmergencyPetitionSimon.pdf)
- iii. June 26, 2013, EIB filed Docket #31 "MOTION TO: CONSIDER IN ORDINARY COURSE THE EMERGENCY PETITION TO FREEZE ESTATE ASSETS, APPOINT NEW PERSONAL REPRESENTATIVES, INVESTIGATE FORGED AND FRAUDULENT

DOCUMENTS SUBMITTED TO THIS COURT AND OTHER INTERESTED PARTIES, RESCIND SIGNATURE OF ELIOT BERNSTEIN IN ESTATE OF SHIRLEY BERNSTEIN AND MORE FILED BY PETITIONER" ("Petition 3")

a. [www.iviewit.tv/20130626MotionReconsiderOrdinaryCourseSimon.pdf](http://www.iviewit.tv/20130626MotionReconsiderOrdinaryCourseSimon.pdf)

iv. July 15, 2013, EIB filed Docket #32 "MOTION TO RESPOND TO THE PETITIONS BY THE RESPONDENTS" ("Petition 4")

a. [www.iviewit.tv/20130714MotionRespondPetitionSimon.pdf](http://www.iviewit.tv/20130714MotionRespondPetitionSimon.pdf)

v. July 24, 2013, EIB filed Docket #33 "MOTION TO REMOVE PERSONAL REPRESENTATIVES" for insurance fraud and more. ("Petition 5")

a. [www.iviewit.tv/20130724SimonMotionRemovePR.pdf](http://www.iviewit.tv/20130724SimonMotionRemovePR.pdf)

vi. August 28, 2013, EIB filed Docket #TBD "NOTICE OF MOTION FOR: INTERIM DISTRIBUTION FOR BENEFICIARIES NECESSARY LIVING EXPENSES, FAMILY ALLOWANCE, LEGAL COUNSEL EXPENSES TO BE PAID BY PERSONAL REPRESENTATIVES AND REIMBURSEMENT TO BENEFICIARIES SCHOOL TRUST FUNDS" ("Petition 6")

a. [www.iviewit.tv/20130828MotionFamilyAllowanceShirley.pdf](http://www.iviewit.tv/20130828MotionFamilyAllowanceShirley.pdf)

vii. September 04, 2013, EIB filed Docket #TBD "NOTICE OF EMERGENCY MOTION TO FREEZE ESTATES OF SIMON BERNSTEIN DUE TO ADMITTED AND ACKNOWLEDGED NOTARY PUBLIC FORGERY, FRAUD AND MORE BY THE LAW FIRM OF TESCHER & SPALLINA, P.A., ROBERT SPALLINA AND DONALD TESCHER ACTING AS ALLEGED PERSONAL REPRESENTATIVES AND THEIR LEGAL ASSISTANT AND NOTARY PUBLIC, KIMBERLY MORAN: MOTION FOR INTERIM DISTRIBUTION DUE TO EXTORTION BY ALLEGED PERSONAL REPRESENTATIVES AND OTHERS; MOTION TO STRIKE THE MOTION OF SPALLINA TO REOPEN THE ESTATE OF SHIRLEY; CONTINUED MOTION FOR REMOVAL OF ALLEGED PERSONAL REPRESENTATIVES AND ALLEGED SUCCESSOR TRUSTEE. ("Petition 7")

a. [www.iviewit.tv/20130904MotionFreezeEstatesShirleyDueToAdmittedNotaryFraud.pdf](http://www.iviewit.tv/20130904MotionFreezeEstatesShirleyDueToAdmittedNotaryFraud.pdf)

Eliot

**From:** Miller, Ryan W. [mailto:MillerR@pbso.org]

**Sent:** Tuesday, September 10, 2013 9:25 AM

**To:** Eliot Ivan Bernstein

**Subject:** RE: Candace & Eliot Bernstein Petitions to Appoint Oppenheimer Trust Company as Successor Trustee

Eliot,

Do you have phone numbers for your siblings up north? They did not respond to my e-mail. Otherwise I will have to send them a contact letter via U.S. Mail. I need to speak with them before I can move forward on this case.

Thank you,

*Det. Ryan Miller #7704*

Palm Beach Co Sheriff's Office

Special Investigations Division

{Financial Crimes Unit}

Desk: 561-688-4077

Cell: 561-389-8655

**From:** Eliot Ivan Bernstein [mailto:iviewit@iviewit.tv]

**Sent:** Tuesday, September 10, 2013 8:52 AM

**To:** Miller, Ryan W.

**Subject:** FW: Candace & Eliot Bernstein Petitions to Appoint Oppenheimer Trust Company as Successor Trustee



**From:** Eliot Ivan Bernstein [<mailto:iviewit@iviewit.tv>]

**Sent:** Tuesday, September 10, 2013 8:51 AM

**To:** Hunt Worth ~ President @ Oppenheimer Trust Company ([Hunt.Worth@opco.com](mailto:Hunt.Worth@opco.com)); Janet Craig, CTFA ~ Senior Vice President & Compliance Officer @ Oppenheimer Trust Company ([Janet.Craig@opco.com](mailto:Janet.Craig@opco.com))

**Cc:** Caroline Prochotska Rogers Esq. ([caroline@cp Rogers.com](mailto:caroline@cp Rogers.com)); Michele M. Mulrooney ~ Partner @ Venable LLP ([mmulrooney@Venable.com](mailto:mmulrooney@Venable.com)); Andrew R. Dietz @ Rock It Cargo USA

**Subject:** FW: Candace & Eliot Bernstein Petitions to Appoint Oppenheimer Trust Company as Successor Trustee

Hunt, the attached documents regarding the alleged trusts you have sent today in two emails that you are operating under as fiduciary, appear to be incomplete and missing signatures and further in one instance improperly attested to. In certain instances, the trusts are not initialed on each page as intended. On a Notarized document submitted to the Probate Court with your name as the signor, the Notary did not complete the form properly, as appears a pattern and practice in documents involving the estates at this point, as you are aware. Please send over your complete files on these accounts as previously requested and please have all documents you sent verified and certified by Oppenheimer to be true and correct copies of what you have on file as previously requested. Finally, for future reference my wife Candice's name is spelled with an i not an a. Eliot

Eliot I. Bernstein

Inventor

Iviewit Holdings, Inc. – DL

2753 N.W. 34th St.

Boca Raton, Florida 33434-3459

(561) 245.8588 (o)

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**From:** Worth, Hunt [<mailto:Hunt.Worth@opco.com>]

**Sent:** Monday, September 9, 2013 2:03 PM

**To:** 'Eliot Bernstein ([iviewit@gmail.com](mailto:iviewit@gmail.com))'

**Subject:** Candace & Eliot Bernstein Petitions to Appoint Oppenheimer Trust Company as Successor Trustee

Mr. Bernstein:

Attached please find the June 18, 2010 Petitions by you and Mrs. Bernstein seeking to have Oppenheimer Trust Company Appointed as Successor Trustee.

Hunt Worth  
Oppenheimer Trust Company  
215-656-2815

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**Bozdech, Sean A.**

---

**From:** Miller, Ryan W.  
**Sent:** Thursday, January 09, 2014 2:08 PM  
**To:** Bozdech, Sean A.  
**Subject:** FW: Investigation / Documents

**Importance:** High

This is also an attempt to contact siblings.

**From:** Miller, Ryan W.  
**Sent:** Thursday, September 05, 2013 2:50 PM  
**To:** 'lisa.friedstein@gmail.com'; 'jilliantoni@gmail.com'; 'psimon@stpcorp.com'  
**Subject:** Investigation / Documents  
**Importance:** High

Greetings,

I am looking into a criminal case that was filed with the Palm Beach County Sheriff's Office by Eliot Bernstein. I would like to speak with you reference this case. You are not a target of this investigation, yet may be a witness. Could you please call me or reply with a phone number that I can reach you at? The case number to reference is 13-097087.

Thank you,

*Det. Ryan Miller #7704*  
Palm Beach Co Sheriff's Office  
Special Investigations Division  
(Financial Crimes Unit)  
Desk: 561-688-4077  
Cell: 561-389-8655

## **Bozdech, Sean A.**

---

**From:** Miller, Ryan W.  
**Sent:** Thursday, January 09, 2014 1:31 PM  
**To:** Bozdech, Sean A.  
**Subject:** FW: SERVICE OF MOTION - ESTATE OF SIMON BERNSTEIN CASE NO. 502012CP004391XXXXSB

Me asking him for contact info & his first response.

**From:** Eliot Ivan Bernstein [mailto:[iviewit@ivlewit.tv](mailto:iviewit@ivlewit.tv)]  
**Sent:** Thursday, September 05, 2013 2:45 PM  
**To:** Miller, Ryan W.  
**Subject:** RE: SERVICE OF MOTION - ESTATE OF SIMON BERNSTEIN CASE NO. 502012CP004391XXXXSB

### **Respondents sent US Mail, Fax and Email**

Robert L. Spallina, Esq.  
Tescher & Spallina, P.A.  
Boca Village Corporate Center I  
4855 Technology Way  
Suite 720  
Boca Raton, FL 33431  
[rspallina@tescherspallina.com](mailto:rspallina@tescherspallina.com)

Donald Tescher, Esq.  
Tescher & Spallina, P.A.  
Boca Village Corporate Center I  
4855 Technology Way  
Suite 720  
Boca Raton, FL 33431  
[dtescher@tescherspallina.com](mailto:dtescher@tescherspallina.com)

Theodore Stuart Bernstein  
Life Insurance Concepts  
950 Peninsula Corporate Circle, Suite 3010  
Boca Raton, Florida 33487  
[tbernstein@lifeinsuranceconcepts.com](mailto:tbernstein@lifeinsuranceconcepts.com)

### **Interested Parties and Trustees for Beneficiaries**

Lisa Sue Friedstein  
2142 Churchill Lane  
Highland Park IL 60035  
[Lisa@friedsteins.com](mailto:Lisa@friedsteins.com)  
[lisa.friedstein@gmail.com](mailto:lisa.friedstein@gmail.com)

Jill Marla Iantoni  
2101 Magnolia Lane

Highland Park, IL 60035  
[jilliantoni@gmail.com](mailto:jilliantoni@gmail.com)  
[lantoni\\_jill@ne.bah.com](mailto:lantoni_jill@ne.bah.com)

Pamela Beth Simon  
950 North Michigan Avenue  
Suite 2603  
Chicago, IL 60611  
[psimon@stpcorp.com](mailto:psimon@stpcorp.com)

Eliot Ivan Bernstein  
2753 NW 34th St.  
Boca Raton, FL 33434  
[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)  
[iviewit@gmail.com](mailto:iviewit@gmail.com)

---

**From:** Miller, Ryan W. [<mailto:MillerR@pbso.org>]  
**Sent:** Thursday, September 5, 2013 2:14 PM  
**To:** Eliot Ivan Bernstein  
**Subject:** RE: SERVICE OF MOTION - ESTATE OF SIMON BERNSTEIN CASE NO. 502012CP004391XXXXSB

Eliot,

Do you have contact information for Lisa, Pamela, Ted, and Jill? If so, can I please have that. I need to reach out to each of them.

Thank you,

*Det. Ryan Miller #7704*  
Palm Beach Co Sheriff's Office  
Special Investigations Division  
(Financial Crimes Unit)  
Desk: 561-688-4077  
Cell: 561-389-8655

---

**From:** Eliot Ivan Bernstein [<mailto:iviewit@iviewit.tv>]  
**Sent:** Wednesday, September 04, 2013 2:49 PM  
**To:** Miller, Ryan W.  
**Subject:** FW: SERVICE OF MOTION - ESTATE OF SIMON BERNSTEIN CASE NO. 502012CP004391XXXXSB

Same motion basically as last but in my father's case.

---

**From:** Eliot Ivan Bernstein [<mailto:iviewit@iviewit.tv>]  
**Sent:** Wednesday, September 4, 2013 12:31 PM  
**To:** Robert L. Spallina, Esq. ~ Attorney at Law @ Tescher & Spallina, P.A. ([rspallina@tescherspallina.com](mailto:rspallina@tescherspallina.com)); Donald R. Tescher ~ Attorney at Law @ Tescher & Spallina, P.A. ([dtescher@tescherspallina.com](mailto:dtescher@tescherspallina.com)); Ted Bernstein; Pamela Beth Simon ([psimon@stpcorp.com](mailto:psimon@stpcorp.com)); Jill M. Iantoni ([jilliantoni@gmail.com](mailto:jilliantoni@gmail.com)); Jill M. Iantoni ([Iantoni\\_jill@ne.bah.com](mailto:Iantoni_jill@ne.bah.com)); Lisa ([lisa.friedstein@gmail.com](mailto:lisa.friedstein@gmail.com)); Lisa S. Friedstein ([Lisa@friedsteins.com](mailto:Lisa@friedsteins.com))  
**Subject:** SERVICE OF MOTION - ESTATE OF SIMON BERNSTEIN CASE NO. 502012CP004391XXXXSB

Please accept the attached PDF file as service of the "NOTICE OF EMERGENCY MOTION TO FREEZE ESTATES OF SIMON BERNSTEIN DUE TO ADMITTED AND ACKNOWLEDGED NOTARY PUBLIC FORGERY, FRAUD AND MORE BY THE LAW FIRM OF TESCHER & SPALLINA, P.A., ROBERT SPALLINA AND DONALD TESCHER ACTING AS ALLEGED PERSONAL REPRESENTATIVES AND THEIR LEGAL ASSISTANT AND NOTARY PUBLIC, KIMBERLY MORAN: MOTION FOR INTERIM DISTRIBUTION DUE TO EXTORTION BY ALLEGED PERSONAL REPRESENTATIVES AND OTHERS; MOTION TO STRIKE THE MOTION OF SPALLINA TO REOPEN THE ESTATE OF SHIRLEY; CONTINUED MOTION FOR REMOVAL OF ALLEGED PERSONAL REPRESENTATIVES AND ALLEGED SUCCESSOR TRUSTEE" submitted IN THE CIRCUIT COURT OF THE FIFTEEN JUDICIAL CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA. If you have any trouble with this email or the attached file please notify the sender and a new copy will be forwarded, for a printable copy please visit the URL [www.iviewit.tv/20130904MotionFreezeEstatesSimonDueToAdmittedNotaryFraud.pdf](http://www.iviewit.tv/20130904MotionFreezeEstatesSimonDueToAdmittedNotaryFraud.pdf)

Thank you,

Eliot

Eliot I. Bernstein  
Inventor  
Iviewit Holdings, Inc. – DL  
2753 N.W. 34th St.  
Boca Raton, Florida 33434-3459  
(561) 245.8588 (o)  
(561) 886.7628 (c)  
(561) 245-8644 (f)  
[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)  
<http://www.iviewit.tv>

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**Bozdech, Sean A.**

---

**From:** Miller, Ryan W.  
**Sent:** Thursday, January 09, 2014 1:33 PM  
**To:** Bozdech, Sean A.  
**Subject:** FW: Case # 13097087 - RE: Candace & Eliot Bernstein Petitions to Appoint Oppenheimer Trust Company as Successor Trustee

Me asking now for more info since I did not get responses to e-mails. This time I asked for phone numbers. His response.

**From:** Eliot Ivan Bernstein [mailto:[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)]  
**Sent:** Tuesday, September 10, 2013 11:06 AM  
**To:** Miller, Ryan W.  
**Subject:** Case # 13097087 - RE: Candace & Eliot Bernstein Petitions to Appoint Oppenheimer Trust Company as Successor Trustee

Telephone numbers as requested.

Robert L. Spallina, Esq.  
Teschler & Spallina, P.A.  
Boca Village Corporate Center I  
4855 Technology Way  
Suite 720  
Boca Raton, FL 33431  
[rspallina@tescherspallina.com](mailto:rspallina@tescherspallina.com)  
(561) 997-7008

Donald Tescher, Esq.  
Teschler & Spallina, P.A.  
Boca Village Corporate Center I  
4855 Technology Way  
Suite 720  
Boca Raton, FL 33431  
[dtescher@tescherspallina.com](mailto:dtescher@tescherspallina.com)  
(561) 997-7008

Theodore Stuart Bernstein  
Life Insurance Concepts  
950 Peninsula Corporate Circle, Suite 3010  
Boca Raton, Florida 33487  
[tbernstein@lifeinsuranceconcepts.com](mailto:tbernstein@lifeinsuranceconcepts.com)  
561-988-8984  
866.395.8984  
561-988-0833 (fax)

Interested Parties and Trustees for Beneficiaries

Lisa Sue Friedstein  
2142 Churchill Lane  
Highland Park IL 60035

[Lisa@friedsteins.com](mailto:Lisa@friedsteins.com)  
[lisa.friedstein@gmail.com](mailto:lisa.friedstein@gmail.com)  
847-877-4633

Jill Marla Iantoni  
2101 Magnolia Lane  
Highland Park, IL 60035  
[jilliantoni@gmail.com](mailto:jilliantoni@gmail.com)  
[iantoni\\_jill@ne.bah.com](mailto:iantoni_jill@ne.bah.com)  
847-831-4915  
312-804-2318

Pamela Beth Simon  
950 North Michigan Avenue  
Suite 2603  
Chicago, IL 60611  
[psimon@stpcorp.com](mailto:psimon@stpcorp.com)  
312-819-7474

Eliot Ivan Bernstein  
2753 NW 34th St.  
Boca Raton, FL 33434  
[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)  
[iviewit@gmail.com](mailto:iviewit@gmail.com)  
561-245-8588  
561-886-7628

**From:** Miller, Ryan W. [<mailto:MillerR@pbso.org>]  
**Sent:** Tuesday, September 10, 2013 9:25 AM  
**To:** Eliot Ivan Bernstein  
**Subject:** RE: Candace & Eliot Bernstein Petitions to Appoint Oppenheimer Trust Company as Successor Trustee

Eliot,

Do you have phone numbers for your siblings up north? They did not respond to my e-mail. Otherwise I will have to send them a contact letter via U.S. Mail. I need to speak with them before I can move forward on this case.

Thank you,

*Det. Ryan Miller #7704*  
Palm Beach Co Sheriff's Office  
Special Investigations Division  
(Financial Crimes Unit)  
Desk: 561-688-4077  
Cell: 561-389-8655

**From:** Eliot Ivan Bernstein [<mailto:iviewit@iviewit.tv>]  
**Sent:** Tuesday, September 10, 2013 8:52 AM  
**To:** Miller, Ryan W.  
**Subject:** FW: Candace & Eliot Bernstein Petitions to Appoint Oppenheimer Trust Company as Successor Trustee

**From:** Eliot Ivan Bernstein [<mailto:iviewit@iviewit.tv>]

**Sent:** Tuesday, September 10, 2013 8:51 AM

**To:** Hunt Worth ~ President @ Oppenheimer Trust Company ([Hunt.Worth@opco.com](mailto:Hunt.Worth@opco.com)); Janet Craig, CTFA ~ Senior Vice President & Compliance Officer @ Oppenheimer Trust Company ([Janet.Craig@opco.com](mailto:Janet.Craig@opco.com))

**Cc:** Caroline Prochotska Rogers Esq. ([caroline@cprogers.com](mailto:caroline@cprogers.com)); Michele M. Mulrooney ~ Partner @ Venable LLP ([mmulrooney@Venable.com](mailto:mmulrooney@Venable.com)); Andrew R. Dietz @ Rock It Cargo USA

**Subject:** FW: Candace & Eliot Bernstein Petitions to Appoint Oppenheimer Trust Company as Successor Trustee

Hunt, the attached documents regarding the alleged trusts you have sent today in two emails that you are operating under as fiduciary, appear to be incomplete and missing signatures and further in one instance improperly attested to. In certain instances, the trusts are not initialed on each page as intended. On a Notarized document submitted to the Probate Court with your name as the signor, the Notary did not complete the form properly, as appears a pattern and practice in documents involving the estates at this point, as you are aware. Please send over your complete files on these accounts as previously requested and please have all documents you sent verified and certified by Oppenheimer to be true and correct copies of what you have on file as previously requested. Finally, for future reference my wife Candice's name is spelled with an i not an a. Eliot

Eliot I. Bernstein

Inventor

Iviewit Holdings, Inc. – DL

2753 N.W. 34th St.

Boca Raton, Florida 33434-3459

(561) 245.8588 (o)

(561) 886.7628 (c)

(561) 245-8644 (f)

[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)

<http://www.iviewit.tv>

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**From:** Worth, Hunt [<mailto:Hunt.Worth@opco.com>]

**Sent:** Monday, September 9, 2013 2:03 PM

**To:** 'Eliot Bernstein ([iviewit@gmail.com](mailto:iviewit@gmail.com))'

**Subject:** Candace & Eliot Bernstein Petitions to Appoint Oppenheimer Trust Company as Successor Trustee

Mr. Bernstein:

Attached please find the June 18, 2010 Petitions by you and Mrs. Bernstein seeking to have Oppenheimer Trust Company Appointed as Successor Trustee.

Hunt Worth  
Oppenheimer Trust Company  
215-656-2815

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**Bozdech, Sean A.**

---

**From:** Miller, Ryan W.  
**Sent:** Thursday, January 09, 2014 1:38 PM  
**To:** Bozdech, Sean A.  
**Subject:** FW: Notarized Docs

From sister Lisa Friedstein.

---

**From:** Lisa Friedstein [<mailto:lisa.friedstein@gmail.com>]  
**Sent:** Tuesday, September 10, 2013 6:29 PM  
**To:** Miller, Ryan W.  
**Subject:** Re: Notarized Docs

Yes, I do not wish to pursue a criminal investigation at this time.  
Thank you,  
Lisa Friedstein

Miller, Ryan W. wrote:

Lisa,

Per our conversation today, is it fair for me to say that you do not wish to pursue a criminal investigation reference the notarized documents?

Thank you,

\*/Det. Ryan Miller #7704/\*

\*Palm Beach Co Sheriff's Office\*

\*Special Investigations Division\*

\*(Financial Crimes Unit)\*

\*Desk:\*\*\*\*561-688-4077\*\*\*

\*Cell: \*\*561-389-8655\*\*\*

**Bozdech, Sean A.**

---

**From:** Miller, Ryan W.  
**Sent:** Thursday, January 09, 2014 1:40 PM  
**To:** Bozdech, Sean A.  
**Subject:** FW: Shirley Bernstein Estate Docs

Sent this to other sister Jill, just after I spoke with her. She never responded back.

---

**From:** Miller, Ryan W.  
**Sent:** Tuesday, September 10, 2013 4:34 PM  
**To:** 'jilliantoni@gmail.com'  
**Subject:** Shirley Bernstein Estate Docs

Jill,

Thank you for taking the time to speak with me today. Per our conversation, I am understanding it correctly, that you do not wish to pursue anything criminally against the notary at Tescher & Spallina for forging your name on the October 1, 2012 waiver?

Thanks,

*Det. Ryan Miller #7704*  
Palm Beach Co Sheriff's Office  
Special Investigations Division  
(Financial Crimes Unit)  
Desk: 561-688-4077  
Cell: 561-389-8655

**Bozdech, Sean A.**

---

**From:** Miller, Ryan W.  
**Sent:** Thursday, January 09, 2014 1:45 PM  
**To:** Bozdech, Sean A.  
**Subject:** FW: PBSO / Shirley Bernstein Estate

This is the only sibling I never spoke with. From what I understand, this is common for her. Her siblings told me she is very much into her career. I tried phone & e-mail.

---

**From:** Miller, Ryan W.  
**Sent:** Wednesday, September 11, 2013 11:20 AM  
**To:** 'psimon@stpcorp.com'  
**Subject:** PBSO / Shirley Bernstein Estate

Greetings Ms. Simon,

I left a message on your work phone yesterday. Could you please call me when you get a chance? My numbers are listed below.

Thank you,

*Det. Ryan Miller #7704*  
Palm Beach Co Sheriff's Office  
Special Investigations Division  
(Financial Crimes Unit)  
Desk: 561-688-4077  
Cell: 561-389-8655

**Bozdech, Sean A.**

---

**From:** Miller, Ryan W.  
**Sent:** Thursday, January 09, 2014 1:47 PM  
**To:** Bozdech, Sean A.  
**Subject:** FW: Shirley Bernstein Estate Waiver / PBSO report

This brother is local. I ended up speaking with him in person. We played phone tag a bit, then I spoke to him the day I interviewed the suspect. I am checking to see if I recorded the conversation, but it was brief. D/S Mark Berey was present when I spoke with him.

---

**From:** Miller, Ryan W.  
**Sent:** Wednesday, September 11, 2013 11:19 AM  
**To:** 'tbernstein@lifeinsuranceconcepts.com'  
**Subject:** Shirley Bernstein Estate Waiver / PBSO report

Greetings Mr. Bernstein,

I left a message on your work phone. Could you please call me when you get a chance? My numbers are listed below.

Thank you,

*Det. Ryan Miller #7704*  
Palm Beach Co Sheriff's Office  
Special Investigations Division  
(Financial Crimes Unit)  
Desk: 561-688-4077  
Cell: 561-389-8655

Select Year: 2013  

## The 2013 Florida Statutes

---

[Title XLVI](#)  
CRIMES

[Chapter 831](#)  
FORGERY AND COUNTERFEITING

[View Entire Chapter](#)

**831.01 Forgery.**—Whoever falsely makes, alters, forges or counterfeits a public record, or a certificate, return or attestation of any clerk or register of a court, public register, notary public, town clerk or any public officer, in relation to a matter wherein such certificate, return or attestation may be received as a legal proof; or a charter, deed, will, testament, bond, or writing obligatory, letter of attorney, policy of insurance, bill of lading, bill of exchange or promissory note, or an order, acquittance, or discharge for money or other property, or an acceptance of a bill of exchange or promissory note for the payment of money, or any receipt for money, goods or other property, or any passage ticket, pass or other evidence of transportation issued by a common carrier, with intent to injure or defraud any person, shall be guilty of a felony of the third degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#).

History.—s. 1, ch. 1637, 1868; RS 2479; s. 6, ch. 4702, 1899; GS 3359; RGS 5206; CGL 7324; s. 1, ch. 59-31; s. 1, ch. 61-98; s. 959, ch. 71-136; s. 32, ch. 73-334.

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Elliot I. Bernstein  
Direct Dial: (561) 245-8588 (o)  
(561) 886-7628 (e)

Sent Via Email:

Tuesday, January 7, 2014

Captain Carol Gregg  
Palm Beach County Sheriff's Office  
17901 US Highway 441  
Boca Raton, FL 33498-6445

**RE: CASE NUMBERS - #1 (13097087), #2 (13097087) & #3 (12121312)**

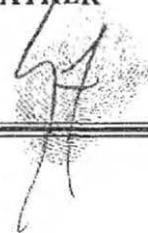
Dear Captain Gregg,

Captain Carol Gregg @ Palm Beach County Sheriff (greggc@pbso.org)

Dear Captain Gregg,

Thank you so much for your patience in listening to my complaints regarding the handling of the cases (13097087), (13097087) & (12121312) filed in 2013 and allowing me the opportunity to present you with supplemental information and evidence so that we ascertain if the PBSO Official Reports were handled correctly and determine if the information in them is factually correct and complete. This review should including review of the ALL the evidence and ALL the alleged crimes against ALL the alleged perpetrators and clearly explain who and what was investigated and what was not and why. I will provide a brief background on the cases first and you may note that there are two similar case numbers filed months apart and I am not sure how that happened but I am sure it can be easily rectified and am awaiting for a call back from PBSO to straighten that out. As these sophisticated financial crimes can be difficult to dissect, I will do my best herein to explain and unravel them and explain how the investigations may have missed key crimes that may lead to a gross miscarriage of justice.

**I. COMPLAINT #1 CASE NUMBER 13097087 - FOR FORGERY, FRAUD, FRAUD ON A COURT, GRAND THEFT, REAL ESTATE FRAUD, FRAUD ON BENEFICIARIES OF THE ESTATE, PERJURY, FALSE OFFICIAL STATEMENTS AND MORE IN REGARDS TO THE ESTATES OF MY MOTHER AND FATHER**





Re: CASE NUMBERS - #1 (13097087), #2 (13097087) & #3 (12121312)

---

---

This case was filed and partially involved a series of alleged, and in some instances now proven, FORGED AND FRAUDULENT documents. The documents were used to Seize Dominion and Control of the Estates of my parents and then begin a series of crimes to loot the Estates of an amount estimated to be about \$40 Million Dollars<sup>1</sup> by members of my family and the Attorneys at Law who did the estate plans of my parents.

**1. THE CRIMES OF FORGERY AND FRAUDULENT NOTARIZATIONS ADMITTED TO BY KIMBERLY MORAN.**

Within the series of hundreds of documentary evidence submitted to PBSO were six documents, alleged Waivers done in my siblings and my father's names that later were learned to have been WHOLLY created through FORGERY and then a FRAUDULENT NOTARIZATION was affixed to the FORGED documents. One of these documents was FORGED and FRAUDULENTLY NOTARIZED for my Father POST MORTEM and one was done for me without my knowledge or consent.

Arrest has been made of a one Kimberly Moran in this case for these six documents, for six separate people that were FORGED and FRAUDULENTLY NOTARIZED and she has Admitted FORGING THEM and FRAUDULENTLY NOTARIZING them as noted in the PBSO Report. However, despite this proof of Forgery and Fraud, Detective Miller recommend only to the State Attorney she be charged with one count of violation 843 0855 3. Despite my siblings stating to PBSO that they are OK with their names being FORGED and FRAUDULENT NOTARIZATIONS affixed to documents for them and their deceased Father, these are still 4 more counts of FORGERY and FRAUDULENT NOTARIZATIONS Moran should be charged with that Detective Miller was fully aware of and chose to selectively prosecute. Finally, I am sure Detective Miller did not get a statement from my Father, whose name was also FORGED and a Waiver FRAUDULENTLY NOTARIZED POST MORTEM for him. Unlike some of his children who find this OK by them, my Father would have not given consent or approved of a document FORGED and FRAUDULENTLY NOTARIZED in his name that was used in his beloved wife's estate and used to fraudulently change he and his wife's last wishes illegally.

Therefore, for this small crime in the larger criminal acts alleged, Moran should be charged with at minimum two counts of Forgery and Fraudulently Notarizing documents, one count for my father and one count for myself. If the State Attorney ("SA") wants to reduce the charges that is OK but Detective Miller must put down in his

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<sup>1</sup> The reason the amounts are estimated is due to the fact that Beneficiaries and Interested Parties have been denied the financial information legally owed to them by the Fiduciaries of the Estates, which are those that were complained about in the Report.

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report all the crimes he was aware of, as he incorrectly states he was unaware of any other crimes but those he charged against Moran. Despite what my siblings said about these crimes being OK by them as indicated in the report and that the documents FORGED and FRAUDULENT in their Father's name that was illegally used to close their Mother's Estate were OK by them, this does not negate the fact that these were criminal acts that Det Miller was cognizant of.

Moran nonetheless should be charged with all six counts of FORGERY and FRAUD that she ADMITTED to PBSO committing. My siblings, who may have all been disinherited at the end by my Father for their torturous treatment of him in the end, as described in my complaint and the evidence submitted, and more specifically two of them who had been disinherited for years, Theodore and Pamela, were trying to force my Father to change his Beneficiaries to include them back into the Estates in the final days before he died. In fact, it should have sent up RED FLAGS that anyone would be OK with FORGED and FRAUDULENT documents done in their names and their deceased Father's name and additional investigation should have been warranted for the suspect statements they made to PBSO trying to exculpate Moran from her crimes that directly benefit them and they may be involved in.

It should be noted that Spallina made false statements to Det. Miller as evidenced in his report, regarding when he knew about the crimes and this has been explained in my attached Letter dated December 03, 2013 to Det. Miller. This shows that Spallina knew about the crimes far earlier than he stated to Det. Miller, and was fully aware of the crimes when he was served Court documents by me that exhibited the Forged and Fraudulent documents in May 2013. Yet, Spallina, my brother and sisters did nothing once they knew of the crimes to report them or Moran to the Courts or Authorities until the day of the September 13, 2013 hearing, when Spallina partially confessed in Court, claiming he was "involved" in the crimes to the Judge as the Attorney. Further, Spallina perjured himself attempting to claim the documents were not Forged to a sitting Judge, Martin Colin and did not admit to that in Court, instead further continuing the Fraud. I also gave Det. Miller a listing of the false statements made in that official proceeding, which also showed Spallina lying and concealing from Judge Colin that Moran's documents were FORGED. Judge Colin even stated that if someone was to prove FORGERY had taken place in the documents it would change everything and that is why getting the counts against Moran of Forgery is important but also charging Spallina for continuing the Fraud in the Court by false official statements is also important. Some of those false statements from the hearing can be found @ [www.iviewit.tv/2013/10/10/MotionCompelFreezeYouHaveTheRighttoRemainSilent.pdf](http://www.iviewit.tv/2013/10/10/MotionCompelFreezeYouHaveTheRighttoRemainSilent.pdf). Detective Miller also thought last week when we spoke that he had charged Moran with Forgery and when I read him the code he charged her with he was surprised to learn that it did not mention FORGERY.

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Moran's crimes do not end with the six documents and in the attached Letter dated December 03, 2013 to Detective Miller clear evidence of Perjury and False Official Statements made in three separate official proceedings by Moran is evidenced therein. Three conflicting statements to how and why she did the crimes and where her statements directly influenced his Report unchallenged, as he apparently took her story at face value as to why and how she did the crimes. None of the perjured and false statements were investigated or mentioned in his report, despite the factual and irrefutable evidence of these crimes that was provided to him after reading his report and discovering the conflicting claims made under oath. Evidence submitted to Detective Miller of several other ongoing crimes appears to have been possibly wholly overlooked and in conversation with him last week, he stated he did not read many of the emails I sent to him as part of his investigation. This would presume that he did not review the corresponding evidence attached to each email and yet in his report he states the exact opposite, that he had read all the emails and reviewed several hundred documents and found no other crimes.

## **2. THE CRIMES ALLEGED AGAINST SPALLINA, TESCHER, MY BROTHER THEODORE AND OTHERS**

The FORGED and FRAUDULENT Waivers and OTHER documents then were posited and filed with the Del Ray Beach Probate Court by Attorneys at Law, Robert Spallina, Esq. and Donald Tescher, Esq., of the law firm Tescher & Spallina, P.A., as part of a larger Fraud on the Court and true and proper Beneficiaries to seize Dominion and Control of the Estates. Combined with Moran's documents they were all used to illegally seize Dominion and Control of both my Mother and Father's Estates by giving within them fiduciary controls to Tescher, Spallina and my brother over the Estates. Using this series of documents, some done by Moran and some done by others, the Estate of my Deceased Mother was closed illegally by my Deceased Father, as if he were alive and serving the documents on the Court as the Personal Representative/Executor when he was factually dead at the time. These documents filed with the Court occurred during the period of September 13, 2012 (his DOD) to January 03, 2013 four months after he was dead. These documents were all filed for him POST MORTEM with the Court, as if he were alive and in some of them he is giving sworn statements in the present under penalty of perjury, as the acting (while dead) Personal Representative/Executor at the time. These documents were posited with the Court by Tescher and Spallina illegally for him while dead and knowingly fail to notify the Court he was dead and elect Successors and this represents a whole host of additional and separate Felony Crimes, above and beyond those of Moran that Detective Miller had Prima Facie evidence of. The documents filed for my deceased Father as if he were alive and serving as the Personal Representative/Executor include but are not limited to, the following:

### **OFFICIAL DOCUMENTS FILED WITH THE COURT AND ACTS DONE**

2753 N.W. 34<sup>th</sup> St. Boca Raton, Florida 33434-3459  
(561) 245-8588 (o) / (561) 886-7628 (e) / (561) 245-8644 (f)  
[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv) - [www.iviewit.tv](http://www.iviewit.tv)

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**WHILE SIMON "SERVED" ILLEGALLY AS PERSONAL REPRESENTATIVE  
WHILE DEAD<sup>2</sup>**

- On 24-Oct-2012, Simon while deceased acted as Personal Representative and filed an AFFIDAVIT/STATEMENT RE: CREDITORS, filed by Tescher and Spallina as if Simon were alive and submitting the document as an Affidavit on this date of October 24, 2012. Petitioner alleges that this document is FORGED and FRAUDULENT. This document was alleged signed on April 09, 2012 and not deposited with the Court until October 24, 2012, after his date of death. Spallina files the document for a dead Personal Representative Simon, knowing he was dead at the time he was making the statements to the court and that Simon could not serve anything legally at this time. Further, as was learned in the September 13, 2013 Hearing, Spallina and Tescher failed to notify the Court that Simon was dead and could no longer "serve" as Personal Representative and that this was done with intent and scienter as part of the larger fraud being committed.
- On 24-Oct-2012, Simon while deceased acted as Personal Representative and filed a PETITION FOR DISCHARGE, filed by Tescher and Spallina as if Simon were alive and submitting the Petition on this date alive and in the present. Where almost all of the alleged statements made by Simon under penalty of perjury in this Petition are false no matter what date it was signed or filed. The perjured statements by Simon in this document make it further suspect on the date the document is allegedly signed on April 09, 2012, months prior to positing it with the Court on October 24, 2013 when Simon was already dead. Petitioner alleges this document is Forged and Fraudulent, as there are many problems with the voracity and factual accuracy of the statements made by Simon in the Petition, as virtually every statement made under penalty of perjury on that date of April 09, 2012 when he allegedly signed the document are proven untrue. One instance of these alleged perjurious statements is that Simon allegedly claims in the Petition that he has all the Waivers for the Beneficiaries and Interested Parties, yet his daughter Jill Iantoni ("Tantoni") did not sign and return a Waiver until October 2012 after Simon was dead. How therefore could Simon claim in April 2012 that

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<sup>2</sup> That this listing of items was filed in previous pleadings was filed with incorrect information in the list as to who filed the documents and more and this was due to Petitioner only learning of the Fraud on the Court and these documents in the September 13, 2013 hearing when they were exposed by Your Honor. Thus, Petitioner based information off the docket but upon getting and examining the documents it was learned that some of the prior statements were wrong and have been corrected herein after review of the documents and therefore any reference prior to this list should be replaced with this Amended version.

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he had all the Waivers at any time when he was alive, as Iantoni never returned hers while my father was alive? At no time while living did Simon have all the Waivers and this document appears wholly Forged and Fraudulent or Simon was committing major perjuries in his sworn, under penalty of perjury, claims in the estate documents of his beloved wife's estate. Spallina and Tescher knew Simon never had all the Waivers while alive, as Spallina after he was deceased was desperately concerned that Iantoni had not sent her Waiver and the Estate of Shirley was never closed prior to Simon's death. Yet, despite knowing the statements contained therein were false, Spallina filed this perjurious Petition for Discharge with the Court, for Simon as Personal Representative when he knew he was dead.

- On 24-Oct-2012, Simon while deceased acted as Personal Representative and allegedly filed a WAIVER OF ACCOUNTING AND PORTIONS OF PETITION FOR DISCHARGE; WAIVER OF SERVICE OF PETITION FOR DISCHARGE; AND RECEIPT OF BENEFICIARY AND CONSENT TO DISCHARGE, allegedly filed by Simon on October 24, 2012 POST MORTEM with the Court, again acting as Personal Representative while factually dead. It is alleged that this is a FORGED and Fraudulent document created Post Mortem for Simon and was never filed and docketed with Judge Colin's court while Simon was alive, as this document filed Post Mortem was rejected as it lacked a NOTARIZATION per this Court's rules. Simon, filed all six Waivers on this date as if alive and serving as Personal Representative.
- On 24-Oct-2012, Simon while deceased acted as Personal Representative and filed a NON-TAX CERT /RECEIPT/AFFIDAVIT of No Florida Estate Tax Due filed by Tescher and Spallina as if Simon were alive and acting as Personal Representative while deceased. Again, this document is posited with the Court by Simon acting as Personal Representative on Oct 24, 2012 POST MORTEM. That this may in fact be evidence of Tax fraud as it was then filed with The Florida Department of Revenue by Tescher and Spallina, which may be evidence of Mail and Wire Fraud as well.
- On 24-Oct-2012, Simon while deceased acted as Personal Representative and filed a PROBATE CHECKLIST and allegedly this Closing Document is Dated Feb 15, 2012 but not filed until October 24, 2012 when again Simon is still dead. The document is filed by Spallina and docketed with Simon listed as Personal Representative on the date the document was filed with the Court on October 24, 2012 when Simon was dead, yet it was signed and filed by Spallina with Simon



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listed as acting Personal Representative. This PROBATE CHECKLIST closing document is dated February 15, 2012 almost a year before it was used to close the Estate on January 03, 2013, yet it is not docketed by the Court until October 24, 2012. Further, this Checklist done in February 2012, filed on October 24, 2012 and used to close the Estate almost a year later in January 2013 is void as it is not a properly completed Checklist at the time it was filed on October 24, 2012 as required by Probate Rules and Statutes. The Checklist is wholly missing docketed items filed from October 24, 2013 forward and therefore the Petition to Discharge filed October 24, 2013 and according to FL Probate Rules and Statutes shall not be reviewed by the Court. This was an intentionally incomplete Checklist, which purposely hid the Waiver documents filed and other fraudulently filed documents from the Court and the Beneficiaries. All documents filed with the Court are required to be on the closing Checklist used to close the Estate in January 2013. Further, Spallina, knew no successors PR's were elected to the Estate and that Letters were not issued to a successor personal representative after Simon's death. Therefore, Spallina signing and filing the document as Attorney for my father in this document were done knowingly for a dead Personal Representative/Executor as Spallina listed Simon as the PR on this Checklist he filed with the Court on October 24, 2012. All the while Spallina and Tescher failing to notify the Court their client was dead on this date and therefore could not be the Personal Representative filing this document or the many others they filed POST MORTEM for him as if alive.

- On 19-Nov-2012, Simon while deceased acted as Personal Representative and filed an alleged replacement and BRAND NEW SIGNED AND NOTARIZED, WAIVERS OF ACCOUNTING AND PORTIONS OF PETITION FOR DISCHARGE; WAIVER OF SERVICE OF PETITION FOR DISCHARGE; AND RECEIPT OF BENEFICIARY AND CONSENT TO DISCHARGE. **PROBLEM IS THAT MY FATHER'S WAS SIGNED FOR HIM THROUGH NOW PROVEN FORGERY AND THEN FRAUDULENTLY NOTARIZED FOR HIM AND ALL DONE POST MORTEM AND ON A WHOLLY CREATED FROM WHOLE CLOTH DOCUMENT DONE BY MORAN.** That this was a NEW Waiver filed again by Simon acting as Personal Representative while dead to replace the Waiver that was filed with the Court on October 24, 2012 when he was dead and which was rejected on November 06, 2012 by the Court. The New and Improved Waivers then amazingly were notarized in November 2013 for Simon while he was still dead. Yet the Notary

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Moran pre dated her Notary Statement to April 09, 2012 to match the prior document dated April 09, 2012, even though it was alleged signed and notarized sometime in November 2012 after the Court sent it back demanding a new notarized Waiver from the deceased Simon and others. This new Waiver was Forged for and Fraudulent Notarized for a dead man and it uses dates in the past as if in the present and was filed with the Court for Simon illegally for him while acting as Personal Representative while dead. Simon filed five other WHOLLY FORGED AND FRAUDULENTLY NOTARIZED WAIVERS for his five children on this date while dead. ALL FORGED and FRAUDULENTLY NOTARIZED from scratch by Moran and filed by Tescher and Spallina for Simon acting as Personal Representative as if he were alive, now in November 2012 two months Post Mortem. Still Spallina and Tescher never notify the Court Simon was dead and legally elect a Successor Personal Representative to replace him and close the Estate legally.

- On 03-Jan-2013, Judge Colin signed an ORDER OF DISCHARGE that in part states, "On the Petition for Discharge of Simon Bernstein as personal representative [meaning according to Judge Colin in the September 13, 2013 hearing Simon in the present as alive on the date Judge Colin is signing the Order on January 03, 2013 when Simon was deceased] of the Estate of Shirley Bernstein, deceased." That the Order of Discharge's date is also scratched out on the document and changed from January 3, 2012 to January 3, 2013 and the handwritten change to the date has no marking or initials of who altered the document, which will need to be clarified through deposition of all those involved in the documents preparation and filing with the Court, including but not limited to, Judge Colin who approved the document and signed it.
- On 03-Jan-2013, Judge Martin Colin signed a FINAL DISPOSITION SHEET in part based in part on FORGED AND FRAUDULENTLY NOTARIZED DOCUMENTS to close the estate of Shirley, in part on a Checklist that was not proper, in part on a Petition for Discharge that fails, in part based on FORGED AND FRAUDULENT DOCUMENTS and more, which culminated in the Estate being reopened.

The crimes exposed in Court of using a dead person, my father, as if alive to commit a Fraud on the Court and Fraud on the Beneficiaries was committed by Tescher and Spallina and appears overlooked in Detective Miller's Official Report, when he makes the most damaging and factually incorrect statement that he saw no evidence of any other crimes than those he was recommending to the State Attorney against Moran.



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Det. Miller never mentions anything about investigating the main culprits who Moran worked for, Spallina and Tescher, who directly supervised her and who are wholly responsible actions under Florida law. Nor does he appear to have investigated Spallina and Tescher for any of the crimes alleged against them. Despite Moran's claims and Spallina's claims to Det Miller that she acted alone and which he took at face value apparently with no verification under deposition or other requisite fact checking of the guilty parties statements, despite his having evidence that Moran perjured her statements to three state investigatory agencies and none of this is put into his Report. The crimes of Fraud on the Court, Identity Theft of a Deceased Person and Fraud on the Beneficiaries, are wholly separate crimes than the crimes committed by Moran. Det. Miller had ample evidence that Spallina and Tescher had committed these crimes and yet he does not mention a word in his Report about these crimes and if Spallina and Tescher were investigated or anything. Therefore, before anything is swept under the rug as part of his investigation of Moran's limited crimes, I need to ascertain what Detective Miller investigated exactly and what crimes he is exonerating any party from, including but not limited to, those that were alleged against Tescher, Spallina, my brother Theodore and others involved. All of the other crimes alleged that Moran's documents partially enabled that I reported to Det. Miller and provided evidence for are wholly excluded from his Report, which myopically focuses only on Moran and the Forgeries and Fraudulent Notarizations she did and thus the Report misses the forest from the trees.

Moran is not the prime suspect I complained about and handled only a fraction of the documents used in the crimes alleged. Again, the documents are minor in the list of crimes that were further evidenced to Det. Miller and merely aided Tescher, Spallina and Theodore in illegally seizing Dominion and Control of the Estates to then commit a plethora of other crimes to loot the Estates of an estimated \$40,000,000.00 million dollars or so. Detective Miller states that he reviewed over 500 documents regarding the case and did not see other crimes. In regard to that statement I would like a report detailing each and every document he reviewed, all the evidence submitted that he tested for each alleged crime and the reason he dismissed each particular crime and who the suspects were that he is attempting to exonerate and from what crimes.

Det. Miller made it clear to me last week that he did not review all the evidence and emails I sent him and therefore we need to make sure each crime, each perpetrator of the alleged crime and the corresponding evidence were investigated before attempting to be dismissed in his blanket statement that he saw no evidence of other undefined crimes. Did he see no evidence of other crimes than those of Moran or is speaking to all the other crimes presented to him in his Report against the others involved? If so that will need to be made crystal clear in the review of his Report so as not to let others off the hook without investigating them and possibly obstruct justice against them or preclude future investigations interfering with my due process and procedure rights. The clarification in his Report is important before sentencing of Moran as the crimes presented to Det. Miller

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involve crimes of other more central conspirators, Tescher, Spallina and my brother Theodore, and this statement that he saw no other crimes could lead to a vindication for them as from his report they could infer they were exonerated and free from further investigations of the same matters. The false statement that no other crimes were seen by Det. Miller would be a gross miscarriage of Justice if allowed to prevail, as it is based on misleading and false statements in the Report, as further evidenced in my December 03, 2013 Letter attached herein.

In fact, when asked about the crimes of Fraud on the Court, Identity Theft of my Deceased Father and more and charging those involved he stated that he spoke to Judge Colin and that it would be up to him to file charges against them and if he did not, there was nothing he could do further. When I explained that despite what Judge Colin did with his evidence of Fraud on his Court, Fraud, Identity Theft and more that I still wanted to file Felony complaints for the crimes discovered in the hearings, as they were committed directly against my deceased Father and me by others, not Moran. Det. Miller stated he would not intake them and charge them and became rather hostile at me, reiterating that only the Judge could do this as he had basically superpowers and his hands were now tied. When I stated that if the Judge failed for any reason to report the crimes, I wanted him to have PBSO counsel state that I would not lose my possible rights to pursue them through a loss of my Statutes of Limitations for failing to file timely and Detective Miller failed to have counsel answer my request and has left these crimes completely out of his Report. It appears the suspects were not investigated for these crimes and that Judge Colin has not reported the crimes he has knowledge of and I would like a response to these questions I raised in writing as requested so as not to have justice obstructed and my rights further interfered with. Factually, Det Miller did not enter any of these crimes into his Report, even as a footnote, or anything regarding his calls with Judge Colin and it appears he investigated none of it and again we must clarify the who and what he investigated and what he did not.

In an Order by Judge Colin he stated that he would not be reviewing documents "SERVED" by my father while he was legally acting as Personal Representative and served them on the Court while alive. At the time of the Order, I had not complained of any of those documents, as I too thought they were filed legally by my father while alive<sup>3</sup>. However, Judge Colin DID NOT exclude the documents that my Father DID NOT "SERVE" while he was alive, which were illegally filed for him as if he were alive by Attorneys at Law Tescher & Spallina, who knew at the time my Father was dead and therefore could not legally "SERVE" in any capacity documents with the Court. These

<sup>3</sup> We will be appealing Judge Colin's order not to review the documents we thought my father filed while alive, as the new information in a new criminal complaint filed with PBSO regarding theft of Personal Properties of my Mother of approximately a million dollars, shows evidence that some of those documents may also have been tampered with illegally, including now a suspect inventory of my Mother that is missing a mass of assets as reported and discussed further herein.

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documents and the additional crimes involved in using a dead man's identity to Fraud a Court and Fraud Beneficiaries of the Estate must be investigated as part of these proceedings before the whole case against everyone is attempted to be closed, after review of Moran's crimes only. The language in the Report could possibly exonerate others without any investigation of them or the evidence submitted against them tested and this exoneration would be based on materially false statements made in the Report. All of these crimes are related to the same nexus of events to steal approximately \$40,000,000.00 of assets and involve a much larger group of people accused of many other crimes. Thus, the Report needs to be reviewed now by independent reviewers detailing the specifics of each crime and each suspect investigated by Miller and who and what this blanket exoneration is meant for and what crimes are being referenced as it is wholly unclear in the report. I have asked for this detail in my Letter of December 03, 2013 to Det. Miller and other correspondences he admittedly did not review and he has refused to respond formally and in writing as requested to my Letter so that no mistakes or misunderstanding are made and my rights not interfered with further.

Detective Miller failed to note many crimes in his Report although he had absolute evidence of the crimes, including Judge Colin's statements in Court at a September 13, 2013 Hearing whereby he stated that he had enough evidence at that time to read the Attorneys at Law and my brother their Miranda rights, twice. These warnings coming after Judge Colin learned of the Fraud in and upon his Court, Identity Theft of a Dead Person, Fraud committed against Beneficiaries and more. These crimes committed NOT BY MORAN but instead, by OFFICERS OF HIS COURT, Spallina, Tescher, Mark Manceri and my brother Theodore. Judge Colin did not issue this warning to Moran for her crimes and she was not even present at that hearing and he directed his claim he had enough to read them their Miranda's directly and specifically to Tescher, Spallina, Manceri and Theodore for the larger Fraud discovered in the hearing. Judge Colin when asked by Manceri if he meant him as well being read his rights, was on the second warning excluded by Judge Colin. However, after reviewing the Transcript of the September 13, 2013 hearing I prepared my Motion to Clarify and Set Straight the Record as evidenced already herein, evidenced to Det Miller that there were many false and misleading statements made to the Court by Manceri, Spallina and Theodore, involving even more criminal acts, including inferring the Waivers were not Forged when directly confronted by Judge Colin and none of them came clean in efforts to further conceal the crimes they were involved in.

Tescher and Spallina further intentionally and with scienter failed to notify the Court that they were filing documents with a dead Personal Representative as if alive, instead of just notifying the Court he was dead and electing a new Personal Representative/Executor. Tescher and Spallina concealed my Father's death from the Court as they need him alive for their larger fraud to work, as my father needed to be alive when he closed the Estate of my Mother so that he could then allegedly change the Beneficiaries of her Estate while alive. The problem was that my father was dead and her

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Estate was not factually closed while he was alive and no changes were made by my Father while alive and so these cleverly architected frauds was made to appear that he closed the Estate while alive and that he then made the Beneficiary changes to her Estate while alive. Thus, why all the documents that were submitted for investigation that were used in this scheme have a mass of legal problems and defects in their creation and execution and appear fraudulent and legally deficient.

Spallina and Tescher then attempted fraudulently to change the Beneficiaries of the Estate of my Mother and my Father with other documents in the series that were filed POST MORTEM in my Father's Estate. These documents are being challenged for a number of legal and criminal grounds in the creation of them and docketing of them with the Court by Spallina and Tescher, including but not limited to, an ALLEGED Will and an ALLEGED Amended and Restated Trust. These documents alleged to change the Beneficiaries were signed only days before my Father died and while under extreme emotional and physical duress and were not posited with the Court until after his death<sup>4</sup>. Did Detective Miller investigate these documents and all those involved in the creation and execution of them? This to needs to be clarified in particular in the review of his work and the possible correcting of his Report so that one may not think these crimes were investigated when they were not and obstruct justice of them being investigated and prosecuted properly in the future.

The entire series of documents, those of Moran and some done by others, were all filed illegally by Tescher and Spallina with the Court under Judge Colin and Judge David E French and were used to seize Dominion and Control of the Estates illegally and then begin a series of other alleged crimes to loot the Estates. These crimes, include but are not limited to, allegations of Theft of Assets (a new report has been filed with PBSO), Insurance Fraud (involving Spallina and Moran), Fraud on a US District Court (Case No. 13 cv 3643 NORTHERN DISTRICT COURT ILLINOIS EASTERN DIVISION), Real Estate Fraud, Fraud on the Del Ray Beach Probate Court, Fraud and more.

That the following email exchange between two Attorneys at Law, Marc R. Garber, Esq. of Philadelphia and Christine Yates, Esq. of Florida regarding the activities of Spallina and Tescher in these matters, which was presented to Det. Miller, certainly should have been cause to further investigate these attorneys and contact the authors of the letters regarding their claims. Yet, again it does not appear anything was done with

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<sup>4</sup> Another Notary is being investigated currently with Governor Rick Scott's Notary Public Division, a one Lindsay Baxley on documents Moran was also a witness to with along with Spallina, including an ALLEGED Will and an ALLEGED Amended and Restated Trust, which have been challenged on several other grounds for violations of Probate Rules and Statutes and Law. Det. Miller was given this evidence and it needs to be clearly stated in his report if he reviewed these documents and investigated those involved with these documents and if so, who, how and when and get it clearly stated in the Report.

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the information by Detective Miller despite it coming from OUTSTANDING members of the legal community.

From: marcgarber@gmail.com  
To: cty@trippscott.com  
Subject: RE: Bernstein - E/O Shirley Bernstein & E/O Leon Bernstein: FW: Bernstein - E/O Shirley Bernstein & E/O Leon Bernstein: Status  
Date: Thu, 13 Jun 2013 11:02:40 -0400

Christine:

I had difficulty sleeping, as I was sorting through our conversation. What troubles me has troubled me in prior situations. Spallina is not the first "bully lawyering" situation I have seen or heard about. "If you scream loud enough and pound the table hard and often, the other side will cave". It troubles me that many times this approach works. Sometimes it becomes a fee and time matter, other situations result in the good lawyer becoming tired of dealing with "hard headed" uncompromising opponent. I have heard some people actually seek out a bully lawyer for these reasons. The reasons include the fact that they win using this approach. Further, and as you implied, with all the time you expended, Spallina gave us very little, in terms of everything; from documents to involvement in the administration.

It truly troubles me that Spallina continues to spin his web of deceit, and I believe this conduct is further circumstantial evidence that "something is very wrong". I am very glad Eliot filed whatever he filed and I do hope he prevails. I also hope Spallina is removed and perhaps punished for all he is doing. It also troubles me that once he learns of your withdrawal, Spallina will celebrate his victory. If I was licensed in Florida, I would take this on pro bono. Simply out of principal, and I would make certain a probate judge learns of Spallina's behavior. Unfortunately, I am not a Florida lawyer. If Eliot is able to get his motions before a probate judge, I hope he asks and you agree to testify as to how Spallina treated you. A judge may take real notice of that testimony.

Thanks,  
Marc

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Re: CASE NUMBERS - #1 (13097087), #2 (13097087) & #3 (12121312)

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From: Christine Yates [mailto:cty@TrippScott.com]  
Sent: Friday, June 7, 2013 11:57 AM  
To: 'Eliot Ivan Bernstein'; 'Eliot Ivan Bernstein'  
Cc: Ibis A. Hernandez

Subject: Bernstein - E/O Shirley Bernstein & E/O Leon Bernstein: Status

Eliot and Candace, first I am glad that you are feeling better Eliot.

I have made no progress with Spallina in regards to obtaining documents and in my last call with him and Mark Manceri, Mr. Spallina reiterated his position that the mortgage on the property you are currently residing in was what your father wanted, and that any information regarding the trust of your father would have to be addressed to your brother as trustee.

At this time, in order to receive the information you want, I believe you will need to institute legal proceedings against the estate and trust. Since a new course of action will need to be undertaken, at this time, I will be withdrawing as counsel for your children, and believe that you should now hire separate litigation counsel for them. I will be happy to assist your new counsel in providing them with any information and thank you for the opportunity you gave me to assist you.

110 SE Sixth Street, Suite 1500  
Fort Lauderdale, FL 33301  
954-525-7500  
Christine T. Yates  
Director  
Direct: (954) 760-4916  
Fax: (954) 761-8475  
cty@trippscott.com

Detective Miller also forced me to file separate cases now for other crimes ongoing and this seems bizarre since they are all related to this complaint and we would not want someone to claim in a new case that the crimes were already investigated and dismissed by Miller and thus deprive me of due process and procedure. Again, why we need to be crystal clear on what crimes were investigated, who was investigated and what his specific determinations were for each before anyone is sentenced for anything. These matters must also be clarified for the State Attorney, as their prosecution is based in part

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## **INCIDENT REVIEW COVER PAGE**

Date: February 5, 2014 Investigative Case #: IR14-025

On January 9, 2014 the Palm Beach County Sheriff's Office initiated an Incident Review into a complaint which occurred on July 15, 2013. Based on the facts of the complaint, and any additional information obtained, this complaint was closed without additional investigation needed.

### **ALLEGED VIOLATION:**

Rule & Regulation #: Rule X Proficiency

### **COMPLAINANT:**

Complainant's Name: Elliot Bernstein

### **EMPLOYEE:**

Involved Employee: Detective Ryan W Miller ID#: 7704

Assignment: 5070-Special Invest

### **INVESTIGATOR:**

Assigned Investigator: Sergeant Sean Bozdech

**FINAL DISPOSITION OF INVESTIGATION:** Incident Review

**FINAL DISCIPLINARY ACTION TAKEN BY AGENCY:** No Action

Pending any additional information this incident is considered closed.

A handwritten signature in black ink that reads "Mark B. Alexander".

Captain Mark Alexander  
Division of Internal Affairs



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on the statements made in Miller's report and it is unclear at this time if they have investigated any other crimes or people involved in the other alleged crimes, other than those of Moran. The SA might not have investigated these other crimes and the perpetrators of them based on what was claimed by Miller when he stated he saw no evidence of other crimes, a claim made despite his having ABSOLUTE PRIMA FACIE EVIDENCE of other crimes committed by other people. I will be asking the State Attorney to clarify as well for the record just who and what they investigated and if it was only Moran's crimes so that we may be clear on what and who is being prosecuted and what and who are being exonerated specifically.

This clarification is further necessary as Detective Miller refused to review certain emails sent to him regarding evidence against Spallina and Moran, including but not limited to, a FALSE INSURANCE CLAIM they filed together and where the carrier DENIED the claim outright. In this Insurance Fraud Spallina claimed that he was the "Trustee" of a lost and missing insurance trust for my Father that he claimed in several correspondences that he had never seen or possessed. Whether or not the insurance fraud is under PBSO jurisdiction or not, it presents dramatic new evidence of FRAUD that both Spallina and Moran are directly involved in, regarding the same nexus of events and is absolute cause for further investigation of not only Moran but everyone else complained of in my complaints.

The insurance fraud also exposes my brother Theodore in Fraud, as once the claim was DENIED by the carrier, my brother Theodore then filed with a Federal Court a Breach of Contract suit claiming he was now "Trustee" of the lost and missing trust, not Spallina who filed the claim as "Trustee." In fact, my brother was suing on a claim denied by the carrier with Spallina as Trustee, again both of them acting in unauthorized fiduciary capacities in efforts to convert assets of the estates illegally, where my brother Theodore and sister Pamela would be excluded from the benefits if they were paid to the Estate of my father and so they executed this fraudulent scheme. No executed trust or executed copies of the trust were attached to the lawsuit as they are claimed to be wholly missing and Theodore failed to notify the Court that Spallina was not the Trustee when he claimed to be, suppressing this information. In fact, Jackson National Insurance company in their counter complaint claimed that Theodore was advised by counsel prior to filing this baseless suit that he had no basis or authority to file it. A further claim by the carrier in response to questions asked by Theodore in pleadings further illustrates something is rotten in Rotterdam, they state to every question, "ANSWER: Jackson objects to the requests because an executed copy of the Trust has not been produced, and thus to the extent any finding is subsequently made that the Trust was not established and/or is not valid, it will not have been a proper party plaintiff to this suit, including propounding these requests. Regardless, even if the Trust is established, Ted Bernstein, upon information and belief, is not the proper trustee of the Trust, and therefore he does

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not have standing to pursue this matter on behalf of the Trust, including propounding these requests.”

I provided information to Det. Miller that documents were also illegally removed from the Estate of my Father on the night he died by Rachel Walker and given to my brother who had no legal authority to remove documents from the Estate. These documents were witnessed by others and Walker and contained a mass of Estate Documents and where now claims are made that there are missing insurance contracts and trusts and again cause for further investigation. That again, this crime attempts to abscond with an insurance policy where Theodore and Pamela would directly benefit to the detriment of other beneficiaries of the estate and was orchestrated without notice of certain beneficiaries and others with interests in the Estate and Policy. When there is no beneficiary under Florida law the proceeds are paid to the estate of the insured and not to a trust that does not exist and were no one could be proven to be Trustee, neither my brother Theodore or Spallina and despite what they claim they think the beneficiaries are, which include themselves, without a document and legal beneficiary the law is clear and why the Insurance Carrier apparently denied the claim in the first place. I believe the carrier may have also begun investigation of these claims.

Suddenly, the story of the one off crime of Moran made by herself for a variety of conflicting reasons she claimed to Det. Miller and others becomes wholly worthless, as she and others are now involved in other alleged crimes where solid evidence exists making all of this ripe for further investigation. Further investigation is also warranted in light of the perjurious statements and false official statements made by Moran, Spallina and Theodore, which indicate a need to find out the truth and base nothing further on anything they may say or do without fully investigating the voracity and truth of their claims. Yet, despite all this information Det Miller did nothing investigative regarding all of this, even after learning of Fraud and Forgery he just accepted their statements as to what happened and did not seize or subpoena original records of Tescher and Spallina, take depositions or even contact witnesses I provided. Witnesses that include but are not limited to, a medical psychological professional of Simon's he was seeing relating to the problems he was having with his children, Simon's close personal friends and other injured victims of these crimes and instead Detective Miller just took the accused parties word and account of events and put it straight into the flawed Report with absolutely no fact checking. Further, Det Miller never came back to me to re-interview me to allow me to contest or refute or clarify the assertions made by those he interviewed prior to completing his Report.

This would seem the exact opposite of what procedural law and good investigative work would require, as when there is smoke there is fire and where there is PERJURY and FALSE STATEMENTS there is more. So why the rush to pin one crime on Moran and rush to a possible injustice to the victims of the real crimes occurring and

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refusal to look at or document evidence showing so much more crime by others? Again, we must make sure we know exactly what Det Miller investigated and what he did not and whom and how he investigated each crime and insure the SA is clear on this as well before sentencing of Moran. These are all reasons the sentencing should be delayed of Moran while these matters are further investigated now by your office and internal affairs and we determine exactly what crimes were investigated and who was investigated for them and then clarify and correct any inaccuracies in the Report.

Therefore, I would like all of these issues addressed herein and in my December 03, 2013 letter in writing by your offices, in specific and before any sentencing is done of anyone, unless the sentencing is specifically and only for the crimes alleged against Moran, which are a fraction of the total crimes alleged in the big picture. If only Moran and her crimes are involved in the investigation and sentencing then we can begin the process of filing separate complaints or new complaints for all the other crimes that were alleged and evidenced to Detective Miller but that apparently he failed to investigate.

Also in seeking to have a phone meeting with Detective Miller regarding my Letter of December 03, 2013 and more, I asked to have a lawyer present on the call who had some questions and to insure accuracy of what was transpiring and he refused to allow me to bring them into the call and stated I was not allowed that privilege as a Victim. When asked what statutes or procedures he was making this decision on, he grew angry me and I asked to speak then to his superiors, which then elevated to your office and I would like to know why I cannot have a lawyer present with me when meeting with PBSO as the Victim of a crime.

Finally, I would like Detective Miller's Report reviewed and conducted by all new fresh investigators, as I fear that the conversations with Judge Martin Colin may have influenced the course of the investigations already. I have just pled for the Disqualification of Judge Colin in the case, as the FORGERY, FRAUDULENT NOTARIZATIONS, FRAUD ON THE COURT and FRAUD ON THE BENEFICIARIES were all committed IN AND UPON HIS COURT, by OFFICERS OF HIS COURT, that he is responsible for and centrally involved in and at minimum he and his Court officials will be fact and material witnesses, which conflict him from further adjudicating the case. Further, Judge Colin may have incentive to bury this all up instead of opening it all up to the questions of how and why and who committed these crimes and did anyone at the Court help them, etc., as this will certainly be a high profile case that took place under his nose. These adverse interests and conflicts should have caused his own voluntary disqualification once he knew that Officers of his Court had committed the crimes. Yet, he continued not only to handle the case but allow the Attorneys at Law to continue to file pleadings and move the Court and this is in opposite of Judicial Cannons and Law that require him to report this illegal activity of Officers of His Court to all the proper authorities. This failure to report the crimes or do anything about them

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at all, even after he had enough evidence to Warn Miranda right readings to the Attorneys at Law may impart a desire to Cover Up the matters before the matters are exposed that may negatively affect his Court. The failure to report these crimes and demand further investigation may also need to be investigated but either way Judge Colin and his Court are now centrally involved in the crimes, whether intentionally or not and that will have to be investigated and litigated out further.

**II. COMPLAINT #2 - WRONGLY ASSIGNED CASE NUMBER  
13097087 - THEFT OF ASSETS WORTH BETWEEN \$600,000-  
900,000.**

That on December 23, 2013 on the advice of Detective Miller I filed a new criminal complaint for Theft of Assets from the Estates, including approximately \$600,000.00 of Jewelry, a Bentley automobile and more that were all not included on the inventory of my Father and Mother and just disappeared into others possession with no accounting. This complaint was supposed to be issued a separate case number as requested by Detective Miller but it appears it may have fallen under the first complaint above and calls have been made to Deputy Sam Raineri #5189 to clarify how he input the case and if there is a new number, as nobody has contacted me in several weeks. You can see that if we had sentenced Moran the other week when it was first scheduled we would be back here to investigate the new crimes she and others are alleged to have done and would then have to reopen these matters to see if Detective Miller had investigated them or not, as it appears he only investigated the limited crimes of Moran.

**III. COMPLAINT #3 - CASE NUMBER 12121312 WRONGLY  
DOCKETED COMPLAINT THAT SHOULD HAVE BEEN FILED AS  
ALLEGED ATTEMPTED MURDER OF SIMON BERNSTEIN THROUGH  
POISONING.**

That on the morning of my Father's death, only hours later, PBSO officers were called to my Father's house by my brother Theodore who controlled the process for an alleged possible poisoning of my Father, which he and my sisters, Lisa, Jill and Walker all gave accounts that they thought he was murdered by his companion Maritza Puccio Rivera. The morning my Father died on September 13, 2012, when I arrived at the hospital after being contacted by the hospital to return immediately because my Father who was listed as stable when we left him hours earlier was having seizures and being resuscitated, I was refused entry to the ICU. The hospital had sealed off his room and blocked the entry way because someone claimed to them that Simon had been murdered

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by poisoning, allegedly by Puccio. Puccio had been sleeping in the room with my Father that night and by the time I arrived she had already been escorted out to the waiting room and was denied access to him as he laid dying. I was allowed in after several minutes waiting while my Father lay dying until security that was dispatched arrived but it was already too late despite best efforts to revive him.

Threats were made to Puccio by my brother at the hospital (and all this information was given to Det. Miller) that she better be gone from my Father's home or else and when I arrived at his home she was frantically packing afraid of my siblings and the threats made to her and left in the middle of the night without most of her personal possessions. Truly, this all seemed surreal at the time, especially where Puccio had no interests in the Estate that we know of and thus a motive seemed lacking. During the interview by PBSO at the home, claims were made by Walker and Theodore that they thought Puccio was drugging him and switching pills with unknown substances with his regular medication and may have poisoned him through this ploy. The detective then counted one bottle's contents out of thirty or so that were brought out of the house to him of pain medication in front of Walker, Theodore and I. He stated after counting them that he determined that the number of pills in the container appeared correct and so he did not think anything looked to suspect. Walker protested with him that there were other bottles of pills that he was not inspecting and none of the other bottles were inspected and amazingly and to my surprise none of it was booked into evidence to check to see if the pills in the bottles were actually what was claimed to be in them.

This incident was listed in the Official Report as a call for a "395.3025(7)(a)<sup>5</sup> and/or 456.057(7)(a)<sup>6</sup> Medical information" and I am wholly unclear how either of these

<sup>5</sup> Title XXIX PUBLIC HEALTH Chapter 395 HOSPITAL LICENSING AND REGULATION 395.3025 Patient and personnel records; copies; examination.—

(7)(a) If the content of any record of patient treatment is provided under this section, the recipient, if other than the patient or the patient's representative, may use such information only for the purpose provided and may not further disclose any information to any other person or entity, unless expressly permitted by the written consent of the patient. A general authorization for the release of medical information is not sufficient for this purpose. The content of such patient treatment record is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

<sup>6</sup> Title XXXII REGULATION OF PROFESSIONS AND OCCUPATIONS Chapter 456 HEALTH PROFESSIONS AND OCCUPATIONS: GENERAL PROVISIONS

SECTION 057 Ownership and control of patient records report or copies of records to be furnished.  
(7)(a) Except as otherwise provided in this section and in s. 440.13(4)(c), such records may not be furnished to, and the medical condition of a patient may not be discussed with, any person other than the patient or the patient's legal representative or other health care practitioners and providers involved in the care or treatment of the patient, except upon written authorization of the patient. However, such records may be furnished without written authorization under the following circumstances:

1. To any person, firm, or corporation that has procured or furnished such examination or treatment with the patient's consent.



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applies to what the Officers responded to. I was amazed by the lack of care and securing of evidence in the matter and my brother informed me that his friends would take care of these matters at the higher up levels at PBSO later and this was just an initial intake. I repeatedly asked Theodore and Spallina in the following weeks what was going on with the PBSO investigation and the Coroner's examination that Theodore also instigated and controlled. Detective Miller informed me that a Coroner's report was available and when I read it I found that it too did not make sense and appeared factually incorrect. I have contacted the Coroner directly regarding the information in his report and to determine if in addition to a drug toxicology, a poison toxicology was done considering the allegations made to PBSO and others of poisoning of my Father. Despite repeated requests from the Coroner for information he has not responded yet and this is further cause to not rush to justice in the Moran case.

#### IV. REQUESTS TO PBSO REGARDING THE THREE SEPARATE CASES

Captain Miller you asked that I put in writing a list of what I wanted accomplished in the review of these cases by your offices to make sure everything went by the book. First off, I would like a written response to my formal written Letter dated December 03, 2013 addressed by a non-conflicted party that was not involved at all in the prior investigation that may have been comprised for a number of reason described herein and in my previous Letter. I would like each crime listed that was alleged and reviewed and what materials were reviewed and who was reviewed and how determinations were made and if additional information is required or if it is being dismissed as part of the Moran et al. case. I would like to know, where it is legally possible, what was done and why no witnesses or other victims I provided to Detective Miller were contacted at all, despite his Reports claims that he interviewed Witnesses and Victims. It appears that the only people Det Miller interviewed were the people allegedly involved in the crimes, which most of his report appears based on their statements as truth despite evidence of

2. When compulsory physical examination is made pursuant to Rule 1.360, Florida Rules of Civil Procedure, in which case copies of the medical records shall be furnished to both the defendant and the plaintiff.
3. In any civil or criminal action, unless otherwise prohibited by law, upon the issuance of a subpoena from a court of competent jurisdiction and proper notice to the patient or the patient's legal representative by the party seeking such records.
4. For statistical and scientific research, provided the information is abstracted in such a way as to protect the identity of the patient or provided written permission is received from the patient or the patient's legal representative.
5. To a regional poison control center for purposes of treating a poison episode under evaluation, case management of poison cases, or compliance with data collection and reporting requirements of s. 395.1027 and the professional organization that certifies poison control centers in accordance with federal law.

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perjury and false statements. Did any of the interviewed subjects have Attorneys at Law present and if so whom? I would like to know immediately if I have to file separate complaints for all the crimes, including the new crimes discovered after his Report was completed and explanation as to why they are being separated when they involve the same people and nexus of events described in my initial complaint and subsequent information submitted. I would like to know exactly which emails and correspondences Detective Miller did not review as he stated and why he did not review them and why his Report indicates that read them all and tested the evidences contained therein. I would like a log of all his conversation date and times with Judge Martin Colin and Judge David French and for now a list of date and times he contacted anyone regarding the case. I would like to know how the interviews were conducted, were sworn statements made, was anything signed by any of those questioned or witnesses and victims he contacted, were requests for documents made of anyone and any other pertinent information that your offices can legally give me as a Victim. Do I have to FOIA any of this information and if so who do I contact?

I have provided Det. Miller my Court filings regarding these events and have listed them below to evidence that hosts of other criminal acts are being committed and ongoing, including violations of virtually all Probate Rules and Statutes and Law. As I mentioned yesterday, information is flowing in from various sources and ongoing legal actions in the matters, all involving these same suspects and I am gaining information in the Courts and with each piece we have discovered new and evolving crimes that will all inter relate with the crimes I alleged to PBSO and so rushing to justice will inevitably lead to reinvestigation of these matters and who and what was investigated and how it was deflected, so getting it right this time around and specifically identifying the crimes investigated will save us all time later and prevent possible errors in prosecution and loss of rights.

**PRIOR MOTIONS AND PETITIONS FILED IN THE STATE AND FEDERAL COURTS**

- i. That on May 6, 2013 Petitioner filed an "EMERGENCY PETITION TO: FREEZE ESTATE ASSETS, APPOINT NEW PERSONAL REPRESENTATIVES, INVESTIGATE FORGED AND FRAUDULENT DOCUMENTS SUBMITTED TO THIS COURT AND OTHER INTERESTED PARTIES, RESCIND SIGNATURE OF ELIOT BERNSTEIN IN ESTATE OF SIMON/SHIRLEY BERNSTEIN AND MORE." Filed in both estates.
  - [www.iviewit.tv/20130506PetitionFreezeEstates.pdf](http://www.iviewit.tv/20130506PetitionFreezeEstates.pdf) 15th Judicial Florida Probate Court and
  - [www.iviewit.tv/20130512MotionRehearReopenObstruction.pdf](http://www.iviewit.tv/20130512MotionRehearReopenObstruction.pdf) US District Court Southern District of New York, Most Honorable Shira A. Scheindlin. Pages 156-582 reference estate matters in Simon and Shirley as it relates to RICO allegations.

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- ii. That on May 29, 2013, Petitioner filed a "RENEWED EMERGENCY PETITION" in the estates of Shirley and Simon.
- [www.iviewit.tv/20130529RenewedEmergencyPetitionShirley.pdf](http://www.iviewit.tv/20130529RenewedEmergencyPetitionShirley.pdf)
- iii. That on June 26, 2013, Docket #39 Petitioner filed in both estates a "MOTION TO: CONSIDER IN ORDINARY COURSE THE EMERGENCY PETITION TO FREEZE ESTATE ASSETS, APPOINT NEW PERSONAL REPRESENTATIVES, INVESTIGATE FORGED AND FRAUDULENT DOCUMENTS SUBMITTED TO THIS COURT AND OTHER INTERESTED PARTIES, RESCIND SIGNATURE OF ELIOT BERNSTEIN IN ESTATE OF SHIRLEY BERNSTEIN AND MORE FILED BY PETITIONER."
- [www.iviewit.tv/20130626MotionReconsiderOrdinaryCourseShirley.pdf](http://www.iviewit.tv/20130626MotionReconsiderOrdinaryCourseShirley.pdf)
- iv. That on July 15, 2013, Petitioner filed a "MOTION TO RESPOND TO THE PETITIONS BY THE RESPONDENTS" in both estates.
- [www.iviewit.tv/20130714MotionRespondPetitionShirley.pdf](http://www.iviewit.tv/20130714MotionRespondPetitionShirley.pdf)
- v. That on July 24, 2013, Petitioner filed a "MOTION TO REMOVE PERSONAL REPRESENTATIVES" for insurance fraud and more in both estates.
- [www.iviewit.tv/20130724ShirleyMotionRemovePR.pdf](http://www.iviewit.tv/20130724ShirleyMotionRemovePR.pdf)
- vi. That on August 28, 2013, Petitioner filed a "NOTICE OF MOTION FOR: INTERIM DISTRIBUTION FOR BENEFICIARIES NECESSARY LIVING EXPENSES, FAMILY ALLOWANCE, LEGAL COUNSEL EXPENSES TO BE PAID BY PERSONAL REPRESENTATIVES AND REIMBURSEMENT TO BENEFICIARIES SCHOOL TRUST FUNDS" in both estates.
- [www.iviewit.tv/20130828MotionFamilyAllowanceSHIRLEY.pdf](http://www.iviewit.tv/20130828MotionFamilyAllowanceSHIRLEY.pdf)
- vii. That on September 04, 2013, ELIOT filed Docket #TBD, in the estate of Simon, a "NOTICE OF EMERGENCY MOTION TO FREEZE ESTATES OF SIMON BERNSTEIN DUE TO ADMITTED AND ACKNOWLEDGED NOTARY PUBLIC FORGERY, FRAUD AND MORE BY THE LAW FIRM OF TESCHER & SPALLINA, P.A., ROBERT SPALLINA AND DONALD TESCHER ACTING AS ALLEGED PERSONAL REPRESENTATIVES AND THEIR LEGAL ASSISTANT AND NOTARY PUBLIC, KIMBERLY MORAN: MOTION FOR INTERIM DISTRIBUTION DUE TO EXTORTION BY ALLEGED PERSONAL REPRESENTATIVES AND OTHERS; MOTION TO STRIKE THE MOTION OF SPALLINA TO REOPEN THE ESTATE OF SHIRLEY; CONTINUED MOTION FOR REMOVAL OF ALLEGED PERSONAL REPRESENTATIVES AND ALLEGED SUCCESSOR TRUSTEE." Hereby incorporated by reference in entirety herein.
- [www.iviewit.tv/20130904MotionFreezeEstatesSHIRLEYDueToAdmittedNotaryFraud.pdf](http://www.iviewit.tv/20130904MotionFreezeEstatesSHIRLEYDueToAdmittedNotaryFraud.pdf)
- viii. That on September 21, 2013 Petitioner filed in the IN THE UNITED STATES DISTRICT

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COURT FOR THE NORTHERN DISTRICT COURT ILLINOIS EASTERN DIVISION,  
Case No. 13-cv-03643, an Answer and Cross Claim titled "ELIOT IVAN BERNSTEIN  
("ELIOT") (1) ANSWER TO JACKSON NATIONAL LIFE INSURANCE  
COMPANY ("JACKSON") ANSWER AND COUNTER-CLAIM AND THIRD-  
PARTY COMPLAINT FOR INTERPLEADER AND (2) CROSS CLAIM."

\* [www.iviewit.tv/20130921/AnswerJacksonSimonIstateHeritage.pdf](http://www.iviewit.tv/20130921/AnswerJacksonSimonIstateHeritage.pdf)

- ix. That on October 10, 2013 Petitioner filed in Shirley's estate case Motions titled,
- (I) MOTION TO ORDER ALL DOCUMENTS BOTH CERTIFIED AND VERIFIED REGARDING ESTATES OF SHIRLEY AND SIMON (SIMON'S DOCUMENT ARE REQUESTED AS IT RELATES TO SHIRLEY'S ALLEGED CHANGES IN BENEFICIARIES) BE SENT TO ELIOT AND HIS CHILDREN IMMEDIATELY IN PREPARATION FOR THE EVIDENTIARY HEARING ORDERED BY THIS COURT
  - (II) MOTION TO FOLLOW UP ON SEPTEMBER 13, 2013 HEARING AND CLARIFY AND SET STRAIGHT THE RECORD
  - (III) MOTION TO COMPEL FOR IMMEDIATE, EMERGENCY RELIEF!!!, INTERIM DISTRIBUTIONS AND FAMILY ALLOWANCE FOR ELIOT, CANDICE & THEIR THREE MINOR CHILDREN DUE TO ADMITTED AND ACKNOWLEDGED FRAUD BY FIDUCIARIES OF THE ESTATE OF SHIRLEY AND ALLEGED CONTINUED EXTORTION
  - (IV) MOTION TO CORRECT AND DETERMINE THE BENEFICIARIES OF THE ESTATE BASED ON PRIOR CLOSING OF THE ESTATE THROUGH FRAUD ON THE COURT BY USING FRAUDULENT DOCUMENTS SIGNED BY SIMON WHILE HE WAS DEAD AND POSITED BY SIMON IN THIS COURT WHEN HE WAS DEAD AS PART OF A LARGER FRAUD ON THE ESTATE BENEFICIARIES
  - (V) MOTION TO ASSIGN NEW PERSONAL REPRESENTATIVES AND ESTATE COUNSEL TO THE ESTATE OF SHIRLEY FOR BREACHES OF FIDUCIARY DUTIES AND TRUST, VIOLATIONS OF PROFESSIONAL ETHICS, VIOLATIONS OF LAW, INCLUDING BUT NOT LIMITED TO ADMITTED AND ACKNOWLEDGED FRAUD, ADMITTED AND ACKNOWLEDGED FRAUD ON THE COURT, ALLEGED FORGERY, INSURANCE FRAUD, REAL PROPERTY FRAUD AND MORE
  - (VI) MOTION FOR GUARDIAN AD LITUM FOR THE CHILDREN OF TED, P. SIMON, JANTONI AND FRIEDSTEIN AND ASSIGN A TRUSTEE AD LITUM FOR TED FOR CONFLICTS OF INTEREST, CONVERSION AND MORE
  - (VII) MOTION TO RECONSIDER AND RESCIND ORDER ISSUED BY THIS COURT "ORDER ON NOTICE OF EMERGENCY MOTION TO FREEZE ASSETS" ON SEPTEMBER 24TH FOR ERRORS AND MORE AND
  - (VIII) MOTION TO RECONSIDER AND RESCIND ORDER ISSUED BY THIS

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COURT "AGREED ORDER TO REOPEN THE ESTATE AND APPOINT  
SUCCESSOR PERSONAL REPRESENTATIVES" ON SEPTEMBER 24TH  
FOR ERRORS AND MORE

- [www.iviewit.tv/2013/10/10/MotionCompelFreezeYouHaveTheRighttoRemainSilent.pdf](http://www.iviewit.tv/2013/10/10/MotionCompelFreezeYouHaveTheRighttoRemainSilent.pdf)
- x. That on October 10, 2013 Petitioner filed in Simon's estate, a "PETITION TO DETERMINE AND RELEASE TITLE OF EXEMPT PROPERTY."
- [www.iviewit.tv/2013/10/10/PETITIONDETERMINERELEASETITLEOFEXEMPTPROPERTY.JOSHUA.KJA.pdf](http://www.iviewit.tv/2013/10/10/PETITIONDETERMINERELEASETITLEOFEXEMPTPROPERTY.JOSHUA.KJA.pdf)
- xi. That on December 08, 2013 Petitioner filed in the IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT COURT ILLINOIS EASTERN DIVISION, Case No. 13-cv-03643, a motion titled, "(1) MOTION TO STRIKE PLEADINGS AND REMOVE ADAM SIMON FROM LEGAL REPRESENTATION IN THIS LAWSUIT OTHER THAN AS DEFENDANT FOR FRAUD ON THE COURT AND ABUSE OF PROCESS AND (2) MOTION TO REMOVE ADAM SIMON FROM LEGAL REPRESENTATION ON BEHALF OF ANY PARTIES IN THIS LAWSUIT OTHER THAN AS A DEFENDANT PRO SE or REPRESENTED BY INDEPENDENT NON-CONFLICTED COUNSEL."
- [www.iviewit.tv/2013/12/08/MotionStrikePleadingAdamSimonForFraudOnCourt.pdf](http://www.iviewit.tv/2013/12/08/MotionStrikePleadingAdamSimonForFraudOnCourt.pdf)
- xii. That on December 10, 2013 Petitioner filed in the estate of Shirley, an Objection titled "BENEFICIARY AND INTERESTED PARTY ELIOT BERNSTEIN OBJECTIONS TO SUCCESSOR PERSONAL REPRESENTATIVE'S OBJECTIONS TO FIRST SET OF INTERROGATORIES AND FIRST REQUEST FOR PRODUCTION OF DOCUMENTS AND THINGS PROPOUNDED BY ELIOT BERNSTEIN"
- [www.iviewit.tv/2013/12/10/PetitionerObjectionToObjectionsToDiscovery.pdf](http://www.iviewit.tv/2013/12/10/PetitionerObjectionToObjectionsToDiscovery.pdf)
- xiii. That on December 10, 2013 Petitioner filed in the estate of Shirley, a "MOTION TO TAX ATTORNEY'S FEES AND COSTS AND IMPOSE SANCTIONS."
- [www.iviewit.tv/2013/12/10/TaxAttorneyFees.pdf](http://www.iviewit.tv/2013/12/10/TaxAttorneyFees.pdf)
- xiv. That on December 17, 2013 Petitioner filed in the estate of Simon, a "OBJECTION TO MOTION TO STRIKE PETITION TO DETERMINE AND RELEASE TITLE OF EXEMPT PROPERTY"
- [www.iviewit.tv/2013/12/17/ObjectionToMotionReKIAFrench.pdf](http://www.iviewit.tv/2013/12/17/ObjectionToMotionReKIAFrench.pdf)

2. That the following Motions and Petitions were filed by Petitioner in the courts that remain unheard other than limited items by this Court, including Motions for all of the following,

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Re: CASE NUMBERS - #1 (13097087), #2 (13097087) & #3 (12121312)

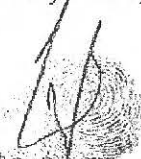
- i. MOTION TO FREEZE ESTATE ASSETS,
- ii. MOTION TO APPOINT NEW PERSONAL REPRESENTATIVES,
- iii. MOTION TO INVESTIGATE FORGED AND FRAUDULENT DOCUMENTS SUBMITTED TO THIS COURT AND OTHER INTERESTED PARTIES,
- iv. MOTION TO RESCIND SIGNATURE OF ELIOT BERNSTEIN IN ESTATE OF SHIRLEY BERNSTEIN,
- v. MOTION TO RESPOND TO THE PETITIONS BY THE RESPONDENTS,
- vi. SECOND MOTION TO REMOVE PERSONAL REPRESENTATIVES,
- vii. MOTION FOR INTERIM DISTRIBUTION FOR BENEFICIARIES NECESSARY LIVING EXPENSES,
- viii. MOTION FOR FAMILY ALLOWANCE,
- ix. MOTION FOR LEGAL COUNSEL EXPENSES TO BE PAID BY PERSONAL REPRESENTATIVES,
- x. MOTION FOR REIMBURSEMENT TO BENEFICIARIES SCHOOL TRUST FUNDS.
- xi. SECOND MOTION TO FREEZE ESTATES OF SIMON BERNSTEIN DUE TO ADMITTED AND ACKNOWLEDGED NOTARY PUBLIC FORGERY, FRAUD AND MORE BY THE LAW FIRM OF TESCHER & SPALLINA, P.A., ROBERT SPALLINA AND DONALD TESCHER ACTING AS ALLEGED PERSONAL REPRESENTATIVES AND THEIR LEGAL ASSISTANT AND NOTARY PUBLIC, KIMBERLY MORAN,
- xii. MOTION FOR INTERIM DISTRIBUTION DUE TO EXTORTION BY ALLEGED PERSONAL REPRESENTATIVES AND OTHERS,
- xiii. MOTION TO STRIKE THE MOTION OF SPALLINA TO REOPEN THE ESTATE OF SHIRLEY;
- xiv. CONTINUED MOTION FOR REMOVAL OF ALLEGED PERSONAL REPRESENTATIVES AND ALLEGED SUCCESSOR TRUSTEE."
- xv. MOTION TO ORDER ALL DOCUMENTS BOTH CERTIFIED AND VERIFIED REGARDING ESTATES OF SHIRLEY AND SIMON (SIMON'S DOCUMENT ARE REQUESTED AS IT RELATES TO SHIRLEY'S ALLEGED CHANGES IN BENEFICIARIES) BE SENT TO ELIOT AND HIS CHILDREN IMMEDIATELY IN PREPARATION FOR THE EVIDENTIARY HEARING ORDERED BY THIS COURT
- xvi. MOTION TO FOLLOW UP ON SEPTEMBER 13, 2013 HEARING AND CLARIFY AND SET STRAIGHT THE RECORD
- xvii. MOTION TO COMPEL FOR IMMEDIATE, EMERGENCY RELIEF!!!, INTERIM DISTRIBUTIONS AND FAMILY ALLOWANCE FOR ELIOT, CANDICE & THEIR THREE MINOR CHILDREN DUE TO ADMITTED AND ACKNOWLEDGED FRAUD BY FIDUCIARIES OF THE ESTATE OF SHIRLEY AND ALLEGED CONTINUED EXTORTION
- xviii. MOTION TO CORRECT AND DETERMINE THE BENEFICIARIES OF THE ESTATE BASED ON PRIOR CLOSING OF THE ESTATE THROUGH FRAUD ON THE COURT BY USING FRAUDULENT DOCUMENTS SIGNED BY SIMON WHILE HE WAS DEAD AND POSITED BY SIMON IN THIS COURT WHEN HE WAS DEAD AS PART OF A LARGER FRAUD ON THE ESTATE BENEFICIARIES
- xix. MOTION TO ASSIGN NEW PERSONAL REPRESENTATIVES AND ESTATE COUNSEL TO THE ESTATE OF SHIRLEY FOR BREACHES OF FIDUCIARY DUTIES AND TRUST, VIOLATIONS OF PROFESSIONAL ETHICS, VIOLATIONS OF LAW, INCLUDING BUT NOT LIMITED TO ADMITTED AND ACKNOWLEDGED FRAUD, ADMITTED AND ACKNOWLEDGED FRAUD ON THE COURT, ALLEGED FORGERY, INSURANCE FRAUD, REAL PROPERTY FRAUD AND MORE
- xx. MOTION FOR GUARDIAN AD LITUM FOR THE CHILDREN OF TED, P. SIMON, LANTONI AND FRIEDSTEIN AND ASSIGN A TRUSTEE AD LITUM FOR TED FOR

Re: CASE NUMBERS - #1 (13097087), #2 (13097087) & #3 (12121312)

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- xxi. CONFLICTS OF INTEREST, CONVERSION AND MORE  
MOTION TO RECONSIDER AND RESCIND ORDER ISSUED BY THIS COURT  
"ORDER ON NOTICE OF EMERGENCY MOTION TO FREEZE ASSETS" ON  
SEPTEMBER 24TH FOR ERRORS AND MORE AND
  - xxii. MOTION TO RECONSIDER AND RESCIND ORDER ISSUED BY THIS COURT  
"AGREED ORDER TO REOPEN THE ESTATE AND APPOINT SUCCESSOR  
PERSONAL REPRESENTATIVES" ON SEPTEMBER 24TH FOR ERRORS AND  
MORE
  - xxiii. BENEFICIARY AND INTERESTED PARTY ELIOT BERNSTEIN OBJECTIONS TO  
SUCCESSOR PERSONAL REPRESENTATIVE'S OBJECTIONS TO FIRST SET OF  
INTERROGATORIES AND FIRST REQUEST FOR PRODUCTION OF DOCUMENTS  
AND THINGS PROPOUNDED BY ELIOT BERNSTEIN
  - xxiv. MOTION TO TAX ATTORNEY'S FEES AND COSTS AND IMPOSE SANCTIONS
  - xxv. OBJECTION TO MOTION TO STRIKE PETITION TO DETERMINE AND RELEASE  
TITLE OF EXEMPT PROPERTY

**NOTE:** All pleading listed in items (i-xiv) above filed in each of the state and federal courts listed above are hereby incorporated by reference in entirety, including but not limited to inclusion of, ALL motions, petitions, orders, etc. in each case, as they all relate to the same nexus of events in the Estates of both Simon and Shirley.

That I will close stating that much of what is occurring may revolve around Trillion Dollar Intellectual Properties that me and my father owned in technologies that I invented and that I allege were stolen by local Attorneys at Law and others. That recent news information regarding a New York Supreme Court Whistleblower Lawsuit on Public Office Corruption, filed by an Attorney Regulatory Expert, Christine C. Anderson, which my RICO and ANTITRUST action was LEGALLY RELATED to by Federal Judge Shira Scheindlin, were all interfered with through a bizarre series of crimes that intended to Obstruct Justice in our cases. Obstruction by Members of the Courts and prosecutorial offices and Disciplinary Departments of New York, who actually had what was referred to as a Cleaner, a one Naomi Goldstein who is alleged to have whitewashed complaints and coordinated efforts to block due process rights of countless victims of the system. The recent articles imply that other states were also infected. My RICO alleges the main perpetrators were Attorneys of Law from Boca Raton and that part of the crimes included putting a bomb in my family's minivan in Del Ray Beach in efforts to murder my family and graphic images can be found at [www.iviewit.tv](http://www.iviewit.tv) my homepage. Several of these same Law Firms now appear to be involved in my parents estates and may have much to do with any interference in state investigatory agencies. I am suing the Florida Bar, Members of the Florida Supreme Court, members of the Fifteenth Judicial were the Probate is occurring and more and so any Investigators should be screened for conflicts in advance of handling these matters.



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Re: CASE NUMBERS - #1 (13097087), #2 (13097087) & #3 (12121312)

Based on the information of the below news articles, we (the legally related cases to Anderson who were also Victims of this Obstruction in our cases and violations of our privacy rights are looking at filing appeals to rehear our entire cases due to these explosive new facts. These facts also include that former Chairman of the New York Senate Judiciary Committee and head of the New York Democratic Party, Senator John Sampson, who Anderson and I and several other related cases testified before at Judiciary Committee hearings on Public Office corruption and where it is now learned that he was threatened and took bribes to cover up the corruption. We are waiting for further information regarding the Sampson matters and other matters relevant in the articles below. Therefore, the idea of official corruption in these matters is a very real possibility, especially again where key players in my RICO are now involved in the Estates of my parents.

Breaking News

**INDICTMENTS COMING! US SENATOR JOHN SAMPSON  
FORMER HEAD OF THE NEW YORK DEMOCRATIC PARTY AND  
CHAIRMAN OF THE NEW YORK SENATE JUDICIARY  
COMMITTEE WAS THREATENED & BRIBED TO COVER UP NY  
& FEDERAL CORRUPTION!!**

UPDATE - INDICTMENTS COMING : Iviewit Breaking News: NY Supreme Court Ethics Oversight Bosses Alleged MISUSE of Joint Terrorism Task Force Resources & Funds & Violations of Patriot Acts Against Civilian Targets for Personal Gain... US Senator John Sampson Threatened & Bribeed to Cover Up NY & Federal Corruption!!

<http://www.free-press-release.com/news-iviewit-breaking-indictments-coming-us-senator-john-sampson-threatened-bribed-to-cover-up-ny-federal-corruption-1369140092.html>

Wednesday, May 15, 2013  
Expose Corrupt Courts

**INSIDER SAYS NY STATE OFFICIALS BRIEFED ON JUDICIAL  
CORRUPTION INDICTMENTS**

BREAKING NEWS: A New York State Court administrative insider says that top state officials have been briefed by the feds on pending federal corruption indictments that will include New York state court employees....

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And late this morning, a Washington, D.C. source confirmed the information, adding that the target of one federal corruption indictment will include at least one sitting New York State judge and other individuals- all with ties to major banks.....

<http://exposecorruptcourts.blogspot.com/2013/05/insider-says-ny-state-officials-briefed.html>

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**UPDATE: SENATOR JOHN SAMPSON, FORMER NEW YORK SENATE JUDICIARY CHAIR THREATENED AND BRIBED TO COVER UP OFFICIAL CORRUPTION**

FRIDAY, MAY 17, 2013

Washington, D.C. Insider Says Senator John Sampson Covered-Up Court Corruption

BREAKING NEWS: Washington, D.C. insider says NYS Senator John Sampson covered-up evidence of widespread corruption in New York Surrogate's Courts.

Source says Sampson was first threatened, but then successfully bribed, to bury evidence involving countless state and federal crimes involving billions of dollars.

Syracuse, Rochester, Albany, White Plains, Brooklyn and Manhattan Surrogate's Courts are said to top the list of areas involved.

It was revealed on Wednesday that a New York State Court administrative insider said that top state officials had been briefed by the feds on pending federal corruption indictments that would include employees of New York's Office of Court Administration (a/ka/ "OCA"). Most court employees, including judges, are employed by OCA.

It was further confirmed by the Washington, D.C. source that judges, with ties to banks, would be among those charged.

<http://ethicsgate.blogspot.com/2013/05/washington-dc-insider-says-senator-john.html>

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**VIEWIT BREAKING NEWS: NY SUPREME COURT ETHICS OVERSIGHT BOSSES ALLEGED MISUSE OF JOINT TERRORISM TASK FORCE RESOURCES & FUNDS & VIOLATIONS OF**

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Captain Carol Gregg  
Palm Beach County Sheriff's Office  
Financial Crimes Unit

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Tuesday, January 7, 2014

Re: CASE NUMBERS - #1 (13097087), #2 (13097087) & #3 (12121312)

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**PATRIOT ACTS AGAINST CIVILIAN TARGETS FOR PERSONAL  
GAIN..**

May 14, 2013

See Full Story at:

<http://www.free-press-release.com/news-iviewit-breaking-news-ny-supreme-court-ethics-oversight-bosses-alleged-misuse-of-joint-terrorism-task-force-resources-funds-violations-of-patriot-1368533731.html>

and

<http://ethicsgate.blogspot.com/2013/04/formal-complaint-filed-against-nys.html>

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**FORMAL COMPLAINT FILED AGAINST NYS EMPLOYEES FOR  
ILLEGAL WIRETAPPING...THE WIDESPREAD ILLEGAL  
WIRETAPPING INCLUDED TARGETED NEW YORK STATE  
JUDGES AND ATTORNEYS.....**

<http://ethicsgate.blogspot.com/2013/04/formal-complaint-filed-against-nys.html>


**SELECT QUOTES FROM THAT NEWS STORY AND LETTER TO THE DOJ**

April 3, 2013

Robert Moosy, Jr., Section Chief  
Criminal Section, Civil Rights Division  
US Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, D.C. 20530  
via facsimile # 202-514-6588

RE: Formal Complaint Against New York State Employees Involving Constitutional Violations, including widespread illegal wiretapping.

Dear Mr. Moosy,

  
2753 N.W. 34<sup>th</sup> St. Boca Raton, Florida 33434-3459  
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Re: CASE NUMBERS - #1 (13097087), #2 (13097087) & #3 (12121312)

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In researching and reporting on various acts of corruption in and about the New York State Court System, specific reviewed evidence supports allegations that over a ten-year-plus period of time, certain NYS employees participated in the widespread practice of illegal wiretapping, inter alia. As these individuals were in supervisory positions at "ethics oversight" committees, the illegal wiretapping largely concerned attorneys and judges, but their actions also targeted other individuals who had some type of dealings with those judicial and attorney "ethics" committees.

The NY state-employed individuals herein complained of include New York State admitted attorneys Thomas Joseph Cahill, Alan Wayne Friedberg, Sherry Kruger Cohen, David Spokony and Naomi Freyda Goldstein.

At some point in time shortly after 9/11, and by methods not addressed here, these individuals improperly utilized access to, and devices of, the lawful operations of the Joint Terrorism Task Force (the "JTTF"). These individuals completely violated the provisions of FISA, ECPA and the Patriot Act for their own personal and political agendas. Specifically, these NY state employees essentially commenced "black bag operations," including illegal wiretapping, against whomever they chose- and without legitimate or lawful purpose.

To be clear, any lawful act involving the important work of the JTTF is to be applauded. The herein complaint simply addresses the unlawful access- and use- of JTTF related operations for the personal and political whims of those who improperly acted under the color of law. Indeed, illegally utilizing JTTF resources is not only illegal, it is a complete insult to those involved in such important work.

In fact, hard-working and good-intentioned prosecutors and investigators (federal and state) are also victims here, as they were guided and primed with knowingly false information.

Operations involving lawful activity- and especially as part of the important work of the JTTF and related agencies- are not at issue here. This complaint concerns the illegal use and abuse of such lawful operations for personal and political gain, and all such activity while acting under the color of law. This un-checked access to highly-skilled operatives found undeserving protection for some connected wrong-doers, and the complete destruction of others- on a whim, including the pre-prosecution priming of falsehoods ("set-ups"). The aftermath of such abuse for such an extended period of time is staggering.

It is believed that most of the 1.5 million-plus items in evidence now under seal in Federal District Court for the Eastern District of New York, case #09cr405 (EDNY)

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supports the fact, over a ten-year-plus period of time, of the illegal wiretapping of New York State judges, attorneys, and related targets, as directed by state employees.

To be sure, the defendant in #09cr405, Frederick Celani, is a felon who is now regarded by many as a conman. Notwithstanding the individual (Celani), the evidence is clear that Celani once supervised lawful "black bag operations," and, further, that certain NYS employees illegally utilized access to such operations for their own illegal purposes. (Simple reference is made to another felon, the respected former Chief Judge of the New York State Court of Appeals, Sol Wachtler, who many believe was victimized by political pre-priming prosecution.)

In early February, 2013, I personally reviewed, by appropriate FOIL request to a NYS Court Administrative Agency, over 1000 documents related to the herein complaint. Those documents, and other evidence, fully support Celani's claim of his once-lawful supervisory role in such JTTF operations, and his extended involvement with those herein named. (The names of specific targeted judges and attorneys are available.)

One sworn affidavit, by an attorney, confirms the various illegal activity of Manhattan's attorney "ethics" committee, the Departmental Disciplinary Committee (the "DDC"), which includes allowing cover law firm operations to engage in the practice of law without a law license. Specifically, evidence (attorney affidavits, etc.) supports the claim that Naomi Goldstein, and other DDC employees supervised the protection of the unlicensed practice of law. The evidence also shows that Ms. Goldstein knowingly permitted the unlicensed practice of law, over a five-year-plus period of time, for the purpose of gaining access to, and information from, hundreds of litigants.

Evidence also supports the widespread illegal use of "black bag operations" by the NYS employees for a wide-range of objectives: to target or protect a certain judge or attorney, to set-up anyone who had been deemed to be a target, or to simply achieve a certain goal. The illegal activity is believed to not only have involved attorneys and judges throughout all of the New York State, including all 4 court-designated ethics "departments," but also in matters beyond the borders of New York.

Other evidence points to varying and widespread illegal activity, and knowledge of such activity, by these and other NYS employees- all of startling proportions.

For example:

- The "set-up" of numerous individuals for an alleged plot to bomb a Riverdale, NY Synagogue. These individuals are currently incarcerated. The trial judge, U.S. District Court Judge Colleen McMahon, who publicly expressed concerns over the case, saying,

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"I have never heard anything like the facts of this case. I don't think any other judge has ever heard anything like the facts of this case." (2nd Circuit 11cr2763)

- The concerted effort to fix numerous cases where confirmed associates of organized crime had made physical threats upon litigants and/or witnesses, and/or had financial interests in the outcome of certain court cases.
  
- The judicial and attorney protection/operations, to gain control, of the \$250 million-plus Thomas Carvel estate matters, and the pre-prosecution priming of the \$150 million-plus Brooke Astor estate.
  
- The thwarting of new evidence involving a mid 1990's "set-up" of an individual, who spent over 4 years in prison because he would not remain silent about evidence he had involving financial irregularities and child molestation by a CEO of a prominent Westchester, NY non-profit organization. (Hon. John F. Keenan)
  
- The wire-tapping and ISP capture, etc., of DDC attorney, Christine C. Anderson, who had filed a lawsuit after being assaulted by a supervisor, Sherry Cohen, and after complaining that certain evidence in ethics case files had been improperly destroyed. (See SDNY case #07cv9599 - Hon. Shira A. Scheindlin, U.S.D.J.)
  
- The eToys litigation and bankruptcy, and associates of Marc Dreier, involving over \$500 million and the protection by the DDC of certain attorneys, one who was found to have lied to a federal judge over 15 times.
  
- The "set-up" and "chilling" of effective legal counsel of a disabled woman by a powerful CEO and his law firms, resulting in her having no contact with her children for over 6 years.
  
- The wrongful detention for 4 years, prompted by influential NY law firms, of an early whistleblower of the massive Wall Street financial irregularities involving Bear Sterns and where protected attorney-client conversations were recorded and distributed.
  
- The blocking of attorney accountability in the \$1.25 billion Swiss Bank Holocaust Survivor settlement where one involved NY admitted attorney was ultimately disbarred in New Jersey. Only then, and after 10 years, did the DDC follow with disbarment. (Gizella Weisshaus v. Fagan)

Additional information will be posted on [www.Reform2013.com](http://www.Reform2013.com)

Captain Carol Gregg  
Palm Beach County Sheriff's Office  
Financial Crimes Unit

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The allegations of widespread wiretapping by New York's so-called "ethics" committees were relayed to New York Governor Andrew M. Cuomo on February 15, 2013, and to the DDC Chairman Mr. Roy R. L. Reardon, Esq., who confirmed, on March 27, 2013, his knowledge of the allegations. (Previously, on March 25, 2013, I had written to DDC Deputy Chief Counsel Naomi Goldstein, copying Mr. Reardon, of my hope that she would simply tell the truth about the improper activity, inter alia.)

New York judges and lawyers, and obviously the public, deserve immediate action to address the widespread corruption in and about New York's so-called "ethics" oversight entities.

Please take immediate action regarding this troubling issue, and so as to continue the DOJ's efforts to help all New Yorkers restore their faith in their government.

cc:

U.S. Attorney Loretta E. Lynch via facsimile 718-254-6479 and 631-715-7922  
U.S. DOJ Civil Rights Section via facsimile 202-307-1379, 202-514-0212  
The Hon. Arthur D. Spatt, via facsimile 631-712-5626  
The Hon. Colleen McMahon via facsimile 212-805-6326  
Hon. Shira A. Scheindlin via facsimile 212-805-7920  
Assistant U.S. Attorney Demetri Jones via facsimile 631-715-7922  
Assistant U.S. Attorney Perry Carbone via facsimile 914-993-1980  
Assistant U.S. Attorney Brendan McGuire via 212-637-2615 and 212-637-0016  
FBI SSA Robert Hennigan via facsimile 212-384-4073 and 212-384-4074  
Pending SEC Chair Mary Jo White via facsimile 212-909-6836  
Posted by Ethics Gate at 5:53 AM

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**NY SUPREME COURT BOSSES ILLEGALLY WIRETAPPING  
JUDGES CHAMBERS & HOMES. CHRISTINE ANDERSON  
WHISTLEBLOWER ILLEGALLY TARGETED FOR 24/7/365  
SURVEILLANCE IN RELATED CASE TO IVIEWIT ELIOT  
BERNSTEIN RICO...**

FOR IMMEDIATE RELEASE

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(Free-Press-Release.com) May 14, 2013 -- According to news reports, yes, the heads of the NY Supreme Court Ethics Department have been accused of derailing Justice by targeting victims and misusing Government Resources against private citizens with no other motive than Obstruction of Justice in court and regulatory actions against them or their cronies.

World Renowned Inventor Eliot Bernstein files NEW RICO RELATED CRIMINAL ALLEGATIONS against Law Firms Proskauer Rose, Foley & Lardner, Greenberg Traurig and more. Allegations that Bernstein was a target of these criminals cloaked as ATTORNEY AT LAW ETHICS BOSSES at the NY Supreme Court were presented to Federal Judge Shira A. Scheindlin. That evidence was presented that Bernstein's father may have been a target and murdered for his efforts to notify the authorities and more!!!

READ ALL ABOUT IT @

<http://www.iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/20130512%20FINAL%20Motion%20to%20Rehear%20and%20Reopen%20Obstruction%20of%20Justice165555%20WITH%20EXHIBITS.pdf>

PREVIOUS PRESS RELEASES RELATING TO JUDGES ILLEGALLY WIRETAPPED

That on Tuesday, February 19, 2013, ECC released the story,

**ETHICSGATE UPDATE FAXED TO EVERY U.S. SENATOR THE ULTIMATE VIOLATION OF TRUST IS THE CORRUPTION OF ETHICS OVERSIGHT EXCLUSIVE UPDATE:**

<http://exposecorruptcourts.blogspot.com/2013/02/ethicsgate-update-faxed-to-every-us.html>

That on August 24, 2007 Expose Corrupt Courts released the following story,

**"JUSTICE DEPARTMENT WIDENS "PATENTGATE" PROBE BURIED BY ETHICS CHIEF THOMAS J. CAHILL..."**

<http://exposecorruptcourts.blogspot.com/2007/08/justice-dept-widens-patentgate-probe.html>

Captain Gregg, thank you for your prompt consideration of these requests and feel free to call me or email regarding any information you may need from me to get all of this clarified.

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Respectfully Yours,



Eliot T. Bernstein  
Founder & Inventor

Iviewit Holdings, Inc. - DL  
Iviewit Holdings, Inc. - DL  
Iviewit Holdings, Inc. - FL  
Iviewit Technologies, Inc. - DL  
Uview.com, Inc. - DL  
Iviewit.com, Inc. - FL  
Iviewit.com, Inc. - DL  
I.C., Inc. - FL  
Iviewit.com LLC - DL  
Iviewit LLC - DL  
Iviewit Corporation - FL  
Iviewit, Inc. - FL  
Iviewit, Inc. - DL  
Iviewit Corporation

cc/ec: Honorable Shira A. Scheindlin  
Florida State Attorneys  
Marc R. Garber, Esq.  
Caroline Prochotska Rogers, Esq.  
Michele Mulrooney, Esq.  
Christine Yates, Esq.

Enclosure(s)/Attachment(s)/URL's

**All Uniform Resource Locators ( URL's ) and the contents of those URL's are incorporated in entirety by reference herein and therefore must be included in your hard copy file WITH ALL EXHIBITS, as part of this correspondence and as further evidentiary material to be Investigated. Due to allegations alleged by New York State Supreme Court Whistleblower Christine C. Anderson and similar claims in the Iviewit RICO & ANTITRUST Lawsuit regarding Document Destruction and**

2753 N.W. 34<sup>th</sup> St. Boca Raton, Florida 33434-3459  
(561) 245.8588 (o) / (561) 886.7628 (c) / (561) 245-8644 (f)  
[iviewit@iviewit.ly](mailto:iviewit@iviewit.ly) - [www.iviewit.ly](http://www.iviewit.ly)



Captain Carol Gregg  
Palm Beach County Sheriff's Office  
Financial Crimes Unit

Page 36 of 36  
Tuesday, January 7, 2014

Re: CASE NUMBERS - #1 (13097087), #2 (13097087) & #3 (12121312)


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**Tampering with Official Complaints and Records, PRINT all referenced URL's and their corresponding exhibits and attach them to your hard copy file, as this is now necessary to ensure fair and impartial review.**

**In order to confirm that NO DOCUMENT DESTRUCTION OR ALTERCATIONS have occurred, once complete forward a copy of this correspondence with all exhibits and materials included to, Eliot I. Bernstein at the address listed herein. This will insure that all parties are reviewing the same documentation and no additional illegal activity is taking place. If you, for any reason, are incapable of providing this confirmation copy, please put your reasons for failure to comply in writing and send that to Eliot I. Bernstein at the address listed herein. Note, that this is a request only for a copy of this Correspondence and the referenced materials and NOT a request for any Case Investigation information, which may be protected by law.**

cmb/eib



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## **Eliot Ivan Bernstein**

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**Subject:** FW: UPDATE CASE NO. TBD - URGENT INFORMATION RE KIMBERLY MORAN ARREST and SENTENCING HEARING  
**Attachments:** 20131203 Letter to Sheriff and State Attorney Regarding Moran Arrest and other crimes.pdf

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**From:** Eliot Ivan Bernstein [mailto:iviewit@iviewit.tv]  
**Sent:** Tuesday, December 3, 2013 4:17 PM  
**To:** Michael Rachel @ Florida - State Attorney (15th Judicial Circuit) (mrachel@sa15.state.fl.us); Jean Francis @ Florida - State Attorney (15th Judicial Circuit) (jfrancis@sa15.org)  
**Cc:** Detective Ryan Miller #7704 ~ Special Investigations Division / Financial Crimes Unit @ Palm Beach County Sheriff's Office (millerr@pbso.org); Caroline Prochotska Rogers Esq. (caroline@cprogers.com); Michele M. Mulrooney ~ Partner @ Venable LLP (mmulrooney@Venable.com); Andrew R. Dietz @ Rock It Cargo USA  
**Subject:** UPDATE CASE NO. TBD - URGENT INFORMATION RE KIMBERLY MORAN ARREST and SENTENCING HEARING

Dear Michael, Jean and Det Miller,

I just was notified that the attachment to my earlier email below was truncated when converted to Adobe PDF in my rush to get it over to you before the hearing. Please replace that document with the one attached herein, which should have 20 pages. Sorry for any troubles, as I have been having tremendous email problems over the last several weeks due to a continued server attack, per my ISP, therefore please confirm receipt of this email and the entire attachment. Thank you and I look forward to speaking with all of you soon regarding these matters.

Eliot

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Dear Jean,

I was just informed yesterday by your office that you have a hearing scheduled to charge Kimberly Moran tomorrow and I did not get a time and place as of this time. After speaking with you I expressed concerns that the wrong charges may be filed and that new evidence shows perjury in the official statements you are relying on for prosecution of Moran, which leads to a need for further investigation, not immediate prosecution. I have attached a draft letter I was sending to the Sheriff's office regarding the new crimes and misstatements in the Sheriff's arrest report that must be clarified and corrected so that Moran is charged with the exact crimes she committed and confessed to. I asked Det. Miller to have your offices call several weeks ago and he stated you would call me as you needed me and so I was awaiting a time to discuss the case with your offices for the first time and expose the new evidence and crimes alleged. I did not expect the call to be two days before the sentencing hearing and this leaves me rushing to get you this information that I was working on for Detective Miller and your offices. Due to this short notice of the hearing and the need to assess if she is being charged according to all the new evidence, I would like to have the hearing postponed until after we can meet to discuss these new issues. The new evidence shows both Moran and her employer have also perjured themselves in statements made in official proceedings to several different agencies and indicate far more serious crimes than those confessed to already. I have left several messages for Michael Rachel to call me back but I wanted you and him to have this document attached so that we may discuss it more in detail when he calls back and come to a decision regarding the hearing and the charges being filed and if they should be modified after further investigation. As a victim I feel that I deserve a chance to explain these matters before the prosecution of Moran for what I believe is the wrong crime as I will explain further when we speak why the crime being prosecuted for may in fact not be the crime admitted and confessed to. Since I have not been given ample time to review these new evidences and crimes with your offices or the Sheriff's

office matters that directly affect me and my family I ask that we not rush to prosecution. The document enclosed is a draft and due to our limited time I am sending it hurriedly without some of the exhibits installed yet and I will get you those as I finish them, if you would like any of the missing documents referenced in advance of that time please feel free to send me a request and I will email them over.

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Eliot I. Bernstein  
Direct Dial: (561) 245-8588 (o)  
(561) 886-7628 (c)

Sent Via Email:

Tuesday, December 3, 2013

Detective Ryan Miller  
Palm Beach County Sheriff's Office  
Financial Crimes Unit  
17901 US Highway 441  
Boca Raton, FL 33498-6445

and

Jean Francis  
Florida - State Attorney (15th Judicial Circuit)  
401 North Dixie Highway  
West Palm Beach, FL 33401

and

Michael Rachel  
Florida - State Attorney (15th Judicial Circuit)  
401 North Dixie Highway  
West Palm Beach, FL 33401

**RE: CASE # 13097087 - RESPONSE TO SHERIFF'S ARREST REPORT FOR  
KIMBERLY MORAN**

Dear Detective Ryan Miller, Jean Francis and Michael Rachel,

I received and reviewed a copy of your official report attached herein and there are several issues that need correction in light of new and damning evidence of other crimes, committed by other parties, all involved in preparing fraudulent documents in the estates of my parents and then looting the estates with the use of the forged and fraudulent documents. **These new crimes and documents are in addition to the crimes already admitted to by Moran of forgery, fraud and notary fraud** in the six Waivers initially complained about that you arrested her for already. Since these are new crimes than those originally complained about against Moran, I would like to file new criminal complaints for each crime committed by each of the new individuals alleged to have committed or participated in each crime herein, for the crimes that fall under the Sheriff's office jurisdiction. I would also like to reopen the Moran investigation based on new evidence of perjury in her statements to your office, the Governor Rick Scott's office and Judge Martin Colin and where there is perjury there is more to the story that must be investigated.

Re: CASE # 13097087 - RESPONSE TO SHERIFF'S ARREST REPORT FOR KIMBERLY MORAN

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As for waiting for Judge Colin to file charges for the crimes identified by him in his court committed by Spallina, Tescher, Manceri and my brother Ted, as you requested after talking with the Judge, this leaves me feeling uncomfortable. I cannot wait for Judge Colin to file charges, as there are statutes of limitation issues as a victim for each crime that could interfere with my rights later, if Judge Colin fails to file criminal complaints as required by Judicial Canons and Law for the crimes he discovered and exposed. Therefore, I must file the criminal complaints myself to protect my rights for every crime discovered by Judge Colin and the new crimes alleged herein. In the alternative, if you still want to wait for those crimes discovered by Colin to be filed by Colin with your agency for prosecution, can you have your legal departments contact me in writing and explain how this will not cause me a loss of my rights in any way?

In a recent Court Order, dated, November 14, 2013, Judge Colin stated, "The Court has determined that it will take no action regarding the form of the pleadings or other documents that were submitted to the Court to close the Estate while Simon Bernstein was serving as Personal Representative." Judge Colin thus ruled that all documents that were submitted by my father when he was "serving" as Personal Representative have no further process after his review. However, the documents signed and filed in the estate of my mother with Colin, filed illegally POST MORTEM in my father's name, when my father could not be "serving" as Personal Representative, as he was dead at the time they were filed, are still actionable and in need of further investigation and prosecution.

The documents still actionable in Colin's court that were submitted POST MORTEM while Simon WAS NOT "SERVING," include but are not limited to, the Moran Forged and Fraudulent Waivers, the Petition of Discharge (Full Waiver) and other documents filed POST MORTEM for my father in my mother's estate, all are alleged FORGED and FRAUDULENT. These POST MORTEM documents which were filed not just in my mother's estate but also in my father's estate (not handled by Colin), include some done by Moran, others that were not and all of these must now all be investigated for FORGERY AND FRAUD, as these documents all combine to facilitate a host of other crimes.

A pattern and practice of criminal fraud is further evidenced when the Attorneys at Law, Robert Spallina and Donald Tescher, then illegally file a multitude of fraudulent documents over a period of four months with the courts, after my father is dead, with documents he allegedly was signing in the present. These attorneys failed to notify either of the probate courts that the man closing the estate and making significant beneficiary changes in the present, my father, was dead at the time he was doing so. The estate of my mother was closed and discharged by my deceased father by these attorneys as if he

Re: CASE # 13097087 - RESPONSE TO SHERIFF'S ARREST REPORT FOR KIMBERLY MORAN

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were alive, which violates a vast number of laws and attorney ethical codes that now are cause for further investigation of not only Moran but the Attorneys at Law involved.

Judge Colin after learning of this crime perpetrated on his court, warned Attorneys at Law, Spallina, Tescher, Manceri and my brother Ted, that they should be read their Miranda Warnings, when he discovered the estate was closed illegally by a dead person at the September 13, 2013 hearing. I have provided copies of that hearing to you in prior submissions in the Moran case.

Even if Judge Colin presses charges with the Sheriff's department for the additional and new felony crimes that he discovered in his courtroom at the hearing against the Attorneys at Law and my brother Ted, this decision would have no bearing on the other documents and other crimes I am asking you to now investigate that are not before him. The other documents not before Colin, include but are not limited to, an alleged Will and Amended Trust Agreement that attempt to change beneficiaries of the estates of both my mother and father. The alleged beneficiary changes took place also are POST MORTEM, the documents used to make the changes are all legally deficient and are also alleged forged and fraudulent, all filed for my father POST MORTEM in my mother's estate, when he was not "acting" legally as Personal Representative.

In light of all these other documents, the Moran stories told regarding the Waivers being a one off event do not hold up and there is further evidence of perjury in her statements to various official agencies. Below, I have compiled a list of questions relating to your arrest report regarding Moran.

1. From the Sheriff's report you claimed,

**DOCUMENTS RETURNED. THEY WERE FINALLY RETURNED IN AUGUST AND OCTOBER OF 2012.**

- a. Moran claims that the Waivers were not all returned until October 2012, where one was not returned until a few weeks AFTER Simon's death because factually Jill Iantoni NEVER signed and returned her Waiver while Simon was alive and she sent it to Moran in October 2012 and he died in September 2012. This fact is materially important to the investigation because it materially effects statements made on Simon's "Petition to Discharge" – EXHIBIT 2 – SIMON'S PETITION TO DISCHARGE. In the Petition to Discharge, Simon claims under penalty of perjury that he has all the Waiver's and yet he never has them all while alive as Moran's statement proves. The Petition to Discharge was allegedly signed on April 09, 2012 with an alleged Waiver of Simon, yet Tescher and Spallina file neither document with the court until months later in October 2012, after Simon was deceased, which Judge Colin even

Re: CASE # 13097087 - RESPONSE TO SHERIFF'S ARREST REPORT FOR KIMBERLY MORAN

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question in the hearing how this closing of an estate could be legally possible with a dead personal representative.

12 THE COURT: So you agree that in Shirley's  
13 estate it was closed January of this year,  
14 there was an order of discharge, I see that.  
15 Is that true?

16 MR. ELIOT BERNSTEIN: I don't know.

17 THE COURT: Do you know that that's true?

18 MR. ELIOT BERNSTEIN: Yes, I believe.

19 THE COURT: So final disposition and the  
20 order got entered that Simon, your father --

21 MR. ELIOT BERNSTEIN: Yes, sir.

22 THE COURT: -- he came to court and said I  
23 want to be discharged, my wife's estate is  
24 closed and fully administered.

25 MR. ELIOT BERNSTEIN: No. I think it  
00025

1 happened after --

2 THE COURT: No, I'm looking at it.

3 MR. ELIOT BERNSTEIN: What date did that  
4 happen?

5 THE COURT: January 3, 2013.

6 MR. ELIOT BERNSTEIN: He was dead.

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In Re\_ The Estate of Shirley Bernstein.txt

7 MR. MANCERI: That's when the order was  
8 signed, yes, your Honor.

9 THE COURT: He filed it, physically came  
10 to court.

11 MR. ELIOT BERNSTEIN: Oh.

12 THE COURT: So let me see when he actually  
13 filed it and signed the paperwork. November.

14 What date did your dad die?

15 MR. ELIOT BERNSTEIN: September. It's

16 hard to get through. He does a lot of things

17 when he's dead.



Re: CASE # 13097087 - RESPONSE TO SHERIFF'S ARREST REPORT FOR KIMBERLY MORAN

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18 THE COURT: I have all of these waivers by  
19 Simon in November. He tells me Simon was dead  
20 at the time.

21 MR. MANCERI: Simon was dead at the time,  
22 your Honor. The waivers that you're talking  
23 about are waivers from the beneficiaries, I  
24 believe.

25 THE COURT: No, it's waivers of  
00026  
1 accountings.

2 MR. MANCERI: Right, by the beneficiaries.

3 THE COURT: Discharge waiver of service of  
4 discharge by Simon, Simon asked that he not  
5 have to serve the petition for discharge.

6 MR. MANCERI: Right, that was in his  
7 petition. When was the petition served?

8 THE COURT: November 21st.

9 MR. SPALLINA: Yeah, it was after his date  
10 of death.

11 THE COURT: Well, how could that happen  
12 legally? How could Simon --

13 MR. MANCERI: Who signed that?

14 THE COURT: -- ask to close and not serve  
15 a petition after he's dead?

- b. The Petition for Discharge was filed with the court as if Simon were alive in October 2012, as if Simon were making the statements in the present at that time in October when he was deceased, further made under penalty of perjury, is full of perjurious statements made by Simon if signed at any time. For instance, in the Petition to Discharge it states that at the time Simon signed the Petition in April 2012, he possessed all the signed Waivers from his children. Obviously and without doubt this claim of Simon's cannot be true according to the statements made by Moran to the Sheriff's department, whereby she claims first to have sent them out to the children in May 2012, so how could he claim to have them all back in April 2012? Further, Moran claimed she did not receive the Waivers all back until October 2012, after Simon was deceased and therefore Simon never had all the Waivers in his possession at any time while he was alive making his sworn statement false unequivocally. Thus, how could Simon who died on September 13, 2012, claim in a sworn official document signed under penalty of perjury filed with the court, to

Re: CASE # 13097087 - RESPONSE TO SHERIFF'S ARREST REPORT FOR KIMBERLY MORAN

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- have had all the Waivers in his possession at any time while he was alive, if Jill's Waiver was not returned to Moran until October 2012? This makes the Petition to Discharge also suspect as yet, another fraudulent and possibly forged document in the chain of documents used to attempt to seize dominion and control of the estates in order to fraudulently change the beneficiaries of Simon and Shirley's estates and convert the assets through a series of frauds that have followed.
- c. Note that almost all of the statements made by Simon in the Petition to Discharge made under penalty of perjury and supposedly signed on April 09, 2012 (the same day Moran admits to forging his name on the other Waiver), are factually perjurious and untrue at the time allegedly signed or filed by Simon. So either Simon was committing fraud and perjury in the document or it is a fraudulent document forged for him POST MORTEM.
  - d. The Waivers and Petition to Discharge were filed with the Court in October 2012 through January 2013 as part of a series of alleged fraudulent documents to close the estate of Shirley, with Simon allegedly filing these documents with the court and acting as the Personal Representative & Trustee while he was deceased. The documents were filed by Tescher & Spallina with the court as if Simon were alive in order to perpetrate a Fraud on the Court through Identity Theft and more, as was learned in the September 13, 2013 hearing. Tescher and Spallina filed documents for several months POST MORTEM on Simon's behalf and never notified the court that Simon was deceased. These crimes were evidenced in the September 13, 2013 hearing, where Judge Colin first warned the lawyers and my brother that he should read them their Miranda warnings for the crimes he had prima facie evidence had taken place in his court by them, crimes separate and distinct from those of Moran and using a variety of different documents.

16 MR. MANCERI: Your Honor, what happened  
17 was is the documents were submitted with the  
18 waivers originally, and this goes to  
19 Mr. Bernstein's fraud allegation. As you know,  
20 your Honor, you have a rule that you have to  
21 have your waivers notarized. And the original  
22 waivers that were submitted were not notarized,  
23 so they were kicked back by the clerk. They  
24 were then notarized by a staff person from  
25 Tescher and Spallina admittedly in error. They  
00027

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1 should not have been notarized in the absentia  
2 of the people who purportedly signed them. And

Re: CASE # 13097087 - RESPONSE TO SHERIFF'S ARREST REPORT FOR KIMBERLY  
MORAN

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3 I'll give you the names of the other siblings,  
4 that would be Pamela, Lisa, Jill, and Ted  
5 Bernstein.

6 THE COURT: So let me tell you because I'm  
7 going to stop all of you folks because I think  
8 you need to be read your Miranda warnings.

9 MR. MANCERI: I need to be read my Miranda  
10 warnings?

11 THE COURT: Everyone of you might have to  
12 be.

13 MR. MANCERI: Okay.

14 THE COURT: Because I'm looking at a  
15 formal document filed here April 9, 2012,  
16 signed by Simon Bernstein, a signature for him.

17 MR. MANCERI: April 9th, right.

18 THE COURT: April 9th, signed by him, and  
19 notarized on that same date by Kimberly. It's  
20 a waiver and it's not filed with The Court  
21 until November 19th, so the filing of it, and  
22 it says to The Court on November 19th, the  
23 undersigned, Simon Bernstein, does this, this,  
24 and this. Signed and notarized on April 9,  
25 2012. The notary said that she witnessed Simon  
00028

1 sign it then, and then for some reason it's not  
2 filed with The Court until after his date of  
3 death with no notice that he was dead at the  
4 time that this was filed.

5 MR. MANCERI: Okay.

6 THE COURT: All right, so stop, that's  
7 enough to give you Miranda warnings. Not you  
8 personally --

9 MR. MANCERI: Okay.

10 THE COURT: Are you involved? Just tell  
11 me yes or no.

12 MR. SPALLINA: I'm sorry?

13 THE COURT: Are you involved in the

Re: CASE # 13097087 - RESPONSE TO SHERIFF'S ARREST REPORT FOR KIMBERLY MORAN

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14 transaction?

15 MR. SPALLINA: I was involved as the  
16 lawyer for the estate, yes. It did not come to  
17 my attention until Kimberly Moran came to me  
18 after she received a letter from the Governor's  
19 Office stating that they were investigating  
20 some fraudulent signatures on some waivers that  
21 were signed in connection with the closing of  
Page 16

In Re\_ The Estate of Shirley Bernstein.txt  
22 the estate.

- i. The series of exchanges here presumes that Simon's signed the document on April 09, 2012 and it was later submitted in November. Yet, according to Moran's statement that is NOT Simon's signature on the document, it is her FORGED signature, it was not merely notarized in his absentia, it is not his signature at all on the document.
  
- e. Judge Colin has not at this point arrested Ted, Spallina, Tescher and Manceri for the crimes that he is fully aware of that took place in his court with these forged documents, and I am unclear if he has reported these felony crimes to the proper authorities as required by Judicial Cannons and Law at this time. These felony crimes are not those of Moran or related to her document forgeries and fraud and are wholly new crimes I did not report in my initial complaint, as I had not learned of them at that time. I do believe I sent to your offices updates regarding these matters however. That the Sheriff's department should note that the Judge stated twice in the September 13, 2013 hearing, the transcript exhibited herein, that he should read Robert Spallina, Esq., Donald Tescher, Esq., Mark Manceri, Esq. and my brother Ted, their Miranda warnings. Not for the crimes committed and admitted to by Moran that you have most successfully prosecuted but for NEW CRIMES he found they had committed, including Fraud on the Court and filing of false instruments in official proceedings through identity theft of a deceased person.
- f. Further, at the hearing Spallina LIES to the Court by stating that the signatures on the Waiver's resubmitted by Moran were the same signatures as on the alleged originals, yet Moran's statement to the Sheriff contradicts this statement entirely.

23 THE COURT: So what's the resolution of

Re: CASE # 13097087 - RESPONSE TO SHERIFF'S ARREST REPORT FOR KIMBERLY MORAN

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24 the notary problem? Has that been resolved?

25 MR. SPALLINA: I can speak to it.

00050

1 MR. MANCERI: Please, Robert, go ahead.

2 The Judge is addressing you, be my guest.

3 MR. SPALLINA: In April of last year we

Page 28

4 met with Mr. Bernstein in April of 2012 to

5 close his wife's estate.

6 THE COURT: No, I know that part.

7 MR. SPALLINA: Okay.

8 THE COURT: I mean everyone can see he

9 signed these not notarized. When they were

10 sent back to be notarized, the notary notarized

11 them without him re-signing it, is that what

12 happened?

13 MR. SPALLINA: Yes, sir.

14 THE COURT: So whatever issues arose with

15 that, where are they today?

16 MR. SPALLINA: Today we have a signed

17 affidavit from each of the children other than

18 Mr. Bernstein that the original documents that

19 were filed with The Court were in fact their

20 original signatures which you have in the file

21 attached as Exhibit A was the original document

22 that was signed by them.

23 THE COURT: It was wrong for Moran to

24 notarize -- so whatever Moran did, the

25 documents that she notarized, everyone but

00051

1 Eliot's side of the case have admitted that

2 those are still the original signatures of

3 either themselves or their father?

4 MR. SPALLINA: Yes, sir.

- g. From the statement above Mr. Spallina, an Attorney at Law, has falsified information in a court proceeding by stating the signatures were not forged and

Re: CASE # 13097087 - RESPONSE TO SHERIFF'S ARREST REPORT FOR KIMBERLY MORAN

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were the original signatures and this poses new crimes that were not originally filed in the Moran investigation. I would like to have Spallina charged with this most serious crime of false statements in official proceedings by an attorney at law.

2. From the Sheriff's report you state,

ELMOUSEIN, STATING THE DOCUMENTS WERE NOT NOTARIZED AND THEY NEED TO BE. MORAN STATED THAT AT THIS TIME, SHE TOOK IT UPON HERSELF TO TRACE EACH SIGNATURE OF THE SIX MEMBERS OF THE BERNSTEIN FAMILY ONTO ANOTHER COPY OF THE ORIGINAL WAIVER DOCUMENT. SHE THEN NOTARIZED THEM AND RESUBMITTED THEM TO THE COURTS.

a. That the "tracing" aka FORGERY is critical in these matters, as stated by Judge Colin in the Sept 13, 2013 hearing, when he states,

17 THE COURT: Mr. Bernstein, I want you to  
18 understand something. Let's say you prove what  
19 seems perhaps to be easy, that Moran notarized  
20 your signature, your father's signature, other  
21 people's signatures after you signed it, and  
22 you signed it without the notary there and they  
23 signed it afterwards. That may be a wrongdoing  
24 on her part as far as her notary republic  
25 ability, but the question is, unless someone  
00060  
1 claims and proves forgery, okay, forgery,  
2 proves forgery, the document will purport to be  
3 the document of the person who signs it...

Your investigation and arrest for fraudulent notarization of documents fails to prosecute properly for the admitted crime of forgery, as the document you are arresting her for is not a document I or my father signed that a notary stamp was then affixed to as your charges indicate. Instead, the document contains a forged signature on a document she wholly recreated and affixed a notary stamp on, which is not the document I or my father signed at all but rather a document she signed and this changes everything in the estate.

b. Further, there are conflicting statements made by Moran to two separate investigatory agencies regarding the documents, which implicate her in Perjury. Where at first Moran claims to the Governor's office that the documents were

Re: CASE # 13097087 - RESPONSE TO SHERIFF'S ARREST REPORT FOR KIMBERLY MORAN

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"identical" other than the fraudulent notary stamp she affixed and then telling a wholly different story to the Sheriff department, whereby she claims to have wholly recreated the documents and then "traced" aka forged six signatures making them wholly dissimilar and not "identical" at all. This appears to be felony Perjury and obstructing official investigations through false statements.

- c. Moran's statement above to the Sheriff's office therefore contradict her statement to the Governor, as she now admits to "tracing" aka forging the signatures, which is yet another distinct and separate felony crime times six signatures, including one for my deceased father. Therefore, Moran should be charged for felony forgery that she has now admitted to in your investigation, in addition to the fraudulent notarization of documents, which she was arrested for already.
- d. Based on these facts, I would like to press additional charges for the crime of perjury by Moran as well as forgery, as the perjury was not learned until after reviewing your arrest report with the conflicting statement. Now it becomes imperative to find out which of these statements is true, if either, and why she is lying to authorities. Again, we allege that Simon never signed a Waiver in April or November and that both documents were forged for him, along with a host of others.

ACTIONS. WE ALSO SPOKE WITH SPALLINA ALONE. SPALLINA STATED HE WAS NOT AWARE OF MORAN'S ACTIONS UNTIL SHE TOLD HIM. MORAN STATED SHE WAS MADE AWARE THAT OTHERS HAD CAUGHT ONTO WHAT SHE DID ONCE SHE RECEIVED NOTICE FROM THE GOVERNOR'S OFFICE, NOTARY EDUCATION DIVISION. ELIOT FILED A COMPLAINT ON HER WITH THE STATE. I WAS SUPPLIED WITH A COPY OF THE COMPLAINT AND CORRESPONDENCE BY ELIOT. I ALSO SPOKE WITH ERIN TUPER MAKING HER AWARE OF MY INVESTIGATION. ELIOT SUPPLIED A SWORN WRITTEN STATEMENT TO THE ORIGINAL

- e. The statements by Spallina and Moran regarding when Spallina knew of the criminal acts is another highly relevant point in the investigation and evidence of perjury exists in the statements made by both Moran and Spallina. Moran claims to first learn people were on to her, when she is notified by the Governor's Office in a letter dated July 23<sup>rd</sup> 2013. Spallina states he was not aware of Moran's actions until she told him, which according to her statements to authorities was sometime after July 23<sup>rd</sup> 2013 when she was contacted by the Governor's office. This statement that they did not know until that time is materially false as they learned of the crimes of Moran and the forged and fraudulent documents on or about May 06, 2013, when Spallina was served two separate Petitions filed by me with the probate courts. The Petitions were already submitted to you in the Moran investigation and contained



Re: CASE # 13097087 - RESPONSE TO SHERIFF'S ARREST REPORT FOR KIMBERLY MORAN

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the forged and fraudulent documents and the allegations against Moran and others. The Petitions served to them on May 6, 2013 filed with both Judge Colin and Judge French were titled "EMERGENCY PETITION TO: FREEZE ESTATE ASSETS, APPOINT NEW PERSONAL REPRESENTATIVES, INVESTIGATE FORGED AND FRAUDULENT DOCUMENTS SUBMITTED TO THIS COURT AND OTHER INTERESTED PARTIES, RESCIND SIGNATURE OF ELIOT BERNSTEIN IN ESTATE OF SHIRLEY BERNSTEIN AND MORE" ("Petition 1".) The Petitions containing the forged and fraudulent documents can be found @

[www.iviewit.tv/20130506PetitionFreezeEstates.pdf](http://www.iviewit.tv/20130506PetitionFreezeEstates.pdf) 15th Judicial Florida Probate Court and  
[www.iviewit.tv/20130512MotionRehearReopenObstruction.pdf](http://www.iviewit.tv/20130512MotionRehearReopenObstruction.pdf) US District Court Pages 156-582

In the September 13, 2013 hearing Spallina also claims to the Judge falsely that,

15 MR. SPALLINA: I was involved as the  
16 lawyer for the estate, yes. It did not come to  
17 my attention until Kimberly Moran came to me  
18 after she received a letter from the Governor's  
19 Office stating that they were investigating  
20 some fraudulent signatures on some waivers that  
21 were signed in connection with the closing of  
Page 16  
22 the estate.

Therefore, Spallina's claims in your investigation that he did not know about the crimes until Moran confessed to him which is factually false as he must hide that they knew of the crimes in May and did nothing but try to liquidate assets as fast as they could before anyone caught on. Spallina was well aware of the crimes of forgery and fraud alleged against Moran in May 2013 when he was served the Petitions months before he tries to claim in court and to investigators. What is important to note is that Spallina failed to take any actions to notify authorities or correct the matters with the court when he learned of them in May. Until the long arm of the law came knocking months later at Moran's door does he finally take action in September to rectify these matters, claiming that he just learned of them in July when Moran was noticed by the Governor. This again is making false statements in official investigations and in a court and I would like to file a complaint against Robert Spallina for this false statement of fact.

Re: CASE # 13097087 - RESPONSE TO SHERIFF'S ARREST REPORT FOR KIMBERLY MORAN

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3. From the Sheriff's report you claim,

**IN THIS CASE. IN SPEAKING WITH SPALLINA, WE FOUND THAT THE DOCUMENT IN QUESTIONS CHANGES THE INHERITANCE OF PERSONAL PROPERTY IN THE ESTATE OF SHIRLEY BERNSTEIN FROM SIMON AND SHIRLEY'S CHILDREN TO THEIR GRANDCHILDREN.**

- a. This statement from Spallina that the "document in questions changes the inheritance of personal property in the estate of Shirley Bernstein from Simon and Shirley's children to their grandchildren," contradicts the statements made to the Sheriff's office by Jill and Lisa and Ted in the report whereby they claimed "That as far as they know, the fraudulent notarization changed nothing with the estate" and Ted's claim "that the mistake did not affect the estate." The question now is who is telling the truth, Spallina or my siblings.
- b. If the documents change the beneficiaries fraudulently, this would constitute CONVERSION and THEFT that was enabled through a fraud on the court with forged and fraudulent documents and a fraud on the true and proper beneficiaries.
- c. In the October 28, 2013 Evidentiary Hearing it was learned that not only did the Waivers affect the estate of Shirley but other documents filed, including the alleged fraudulently notarized Will and Amended Trust filed by Spallina and Tescher in my father's estate, all now combine to throw into question who the ultimate beneficiaries will be in my mother's estate. The question of who the beneficiaries are will now have to be determined by the courts, due to the crimes of Moran and others. Therefore, I would say that contrary to my siblings statements that the crimes had no effect on the estate, contradicted by Spallina's statement that it changes beneficial interests, the crimes have had a devastating effect on the estate of my mother and the ultimate beneficiaries who have been damaged immensely and at great cost thus far.

4. From the Sheriff's report you stated,

**AND SIMON BERNSTEIN. THE ONLY CRIMINAL WRONGDOINGS FOUND ARE THE AFOREMENTIONED FRAUDULENTLY NOTARIZED DOCUMENTS.**

- a. That this statement is materially false and should be corrected in the report, as you also found criminal wrongdoings, including Forgery aka "tracing" of signatures and failed to identify this crime properly in the report or prosecute for ADMITTED FORGERY. That this statement is therefore materially false and should be corrected and the correct crimes prosecuted.

Re: CASE # 13097087 - RESPONSE TO SHERIFF'S ARREST REPORT FOR KIMBERLY MORAN

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- b. You were also given evidence of the criminal wrongdoing of Spallina, Tescher, Manceri and Ted exposed in the September 13, 2013 hearings. These crimes involved new crimes in closing the estate with a dead person as if alive and while related to the crimes of Moran, were committed with a variety of different documents and by different parties, who committed fraud on the court and more by Tescher, Spallina, Moran, Manceri, Baxley and Ted. Judge Colin identified these crimes and criminals as already exhibited herein and earlier submissions to your office in the Moran case.
- c. That you were also aware that the documents changed who received personal properties and this is a crime of conversion and theft as well, as the fraudulent and forged documents of Moran, according to Spallina, caused a conversion of personal properties to the wrong beneficiaries.
- d. Did you review the alleged Will and Amended and Restated Trust filed in my father's estate given to you? Whereby these documents also appear fraudulently notarized by now a one Lindsay Baxley, whom complaints were filed against with the Governor's office for improper notarization. On these documents, both Moran and Spallina aided Baxley, as they signed as witnesses to the documents she improperly notarized. Further, the fraudulent Will and Amended and Restated Trust give Tescher & Spallina alleged powers as executors/personal representatives of the estate of Simon and where Spallina drafted these documents as Attorney at Law only days before Simon passed away, while undergoing a battery of physical and psychological tests for problems with his brain and more. Spallina further witnesses the documents on these fraudulently notarized documents, again evidencing alleged fraud and fraudulent official documents in an official proceeding filed with the courts. This fraudulent witnessing of key estate documents that Spallina drafted, witnessed and gained financial benefits from and control of the estates with, represents new crimes which Spallina should be investigated for and prosecuted for. Again, it is alleged that the Will and Amended Trust were done post mortem and are further forgeries and that these documents were used to ILLEGALLY seize Dominion and Control over the estates and begin conversion of the properties to the knowingly wrong parties through a variety of felony frauds and thefts.
- e. Did you review the real estate documents signed by Ted that appear fraudulent and were submitted as part of the additional evidence provided to you in the Moran case? It should be noted that it was learned that prior to the October 28, 2013 Evidentiary Hearing that Ted was acting in fiduciary roles that he had not had prior to that day to liquidate assets. During the time Ted acted in the false fiduciary capacities he sold and converted real estate property and distributed the funds

Re: CASE # 13097087 - RESPONSE TO SHERIFF'S ARREST REPORT FOR KIMBERLY MORAN

knowing that he did not have the fiduciary power to act in any capacity at the time. Ted took no legally necessary steps to properly notify the court or the alleged beneficiaries of his presumed fiduciary capacities in Shirley's estate because they were not legal. It was learned in the September 13, 2013 hearing that no successors to Simon were ever elected in the estate or trusts, as Simon closed the estate of Shirley and administered her trust while dead, as part of the fraud on the court and the beneficiaries.

- f. Ted also claimed in the September 13, 2013 hearing that he was Trustee of the estate of Shirley, which was learned later in the hearing to be a false statement, as Simon died as Personal Representative and Trustee of Shirley's estate and then while dead closed Shirley's estate as if he was alive. Simon was used to fraudulently close the estate while dead, as it was learned that Attorneys at Law Spallina and Tescher did not notify the court of his death and elect a successor Personal Representative or Trustee. Therefore, no successors were ever elected or granted Letters of Administration after Simon died, as would be the normal action when the Personal Representative dies, other than when identity theft and fraud on the court is being committed with a dead person.

5. From your report you claim,

**BASED ON THE FACTS AND FINDINGS OF THIS INVESTIGATION, I FIND PROBABLE CAUSE FOR THE ARREST OF MORAN FOR CRIMINAL ACTIONS UNDER THE COLOR OF LAW OR THROUGH USE OF SIMULATED LEGAL PROCESS, P.S.S. 843.0855 (3), DUE TO THE FACT THAT SHE DID WILLINGLY AND KNOWINGLY SIMULATE A LEGAL PROCESS OF A LEGAL DOCUMENT REGARDING PERSONAL PROPERTY, KNOWING THAT THE DOCUMENT CONTAINED FRAUDULENT SIGNATURES. THIS CASE REMAINS OPEN.**  
DETECTIVE RYAN W. MILLER 47704

- a. Moran's acts were also forgery, why was she not charged with it?  
b. Moran's acts also became part of a fraud on a court when they were filed in an official proceeding, why was she not charged with that as well?  
c. Identity Theft was committed regarding Simon's forged documents post mortem being filed in the courts why was she not charged with that?
6. Insurance Fraud and Fraud on a Federal Court involving Robert Spallina, Kimberly Moran and Theodore Bernstein.
- a. Robert Spallina filed a claim with Heritage Union Life Insurance Company for a policy on my father Simon Bernstein, acting as "trustee" of a what Spallina has stated is a lost trust, allegedly named the "Simon Bernstein Irrevocable Insurance Trust Dtd.

Re: CASE # 13097087 - RESPONSE TO SHERIFF'S ARREST REPORT FOR KIMBERLY MORAN

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6/21/95." EXHIBIT 5 – SPALLINA CLAIM FORM. That MORAN is also involved in drafting and sending via mail and wire letters on behalf of Spallina to the insurance carrier to effectuate this fraud.

- b. Robert Spallina knew he was not the "trustee" of this lost trust, as he has consistently maintained that he has never seen the trust or had possession of the trust and that due to the trust being lost, it was a "best guess" as to who the beneficiaries and trustees were, see EXHIBIT 6 – SPALLINA CORRESPONDENCES REGARDING THE "LOST" TRUST
- c. After the claim was rejected by the carrier for failing to provide a clear path to the beneficiaries or trustees and failing to provide a trust document validating Spallina's and Ted's claims to be trustees. Ted and his brother-in-law's brother, attorney at law Adam Simon, Esq. then filed a breach of contract lawsuit in Federal Court with Ted claiming to the federal court now to be the "trustee" of the lost trust. The same lost trust that Spallina claimed to be "trustee" for when filing his fraudulent insurance claim. The breach of contract suit was brought because the carrier would not pay Spallina acting as Trustee of the lost trust and asked for a probate court order approving the lost trust beneficiaries Spallina claimed. The lawsuit was filed without my knowledge despite claims the benefits were in part for me and I was notified when the life insurance company filed a counter complaint against Ted and A. Simon and sued me as a third party defendant. This suit alerted me that they were trying to abscond with the benefits through this frivolous breach of contract lawsuit, constituting Abuse of Process, Fraud on a US District Court and insurance fraud. That Ted, Pam, Jill and Lisa do not want the benefits to flow to the estate as is the law in a lost beneficiary situation typically, as their children will get the funds. In Ted and Pam's case, their children are adults and would directly receive the proceeds if paid to the estate, which provides a motive for the fraud. That the lost trust and the lost insurance policy (not even the carrier appears to have a copy) and the documents and records of certain of the trusts involved were maintained by Pam and her husband David B. Simon, Esq. Despite Rule 26 disclosures from the carrier and Ted, at this time no trust or insurance contract has been produced by any party making claim, including the insurance companies and banks involved and this may indicate suppression or destruction of documents in efforts to perpetrate a fraud.
- d. That Tescher and Spallina have also been counter sued in this federal case but have failed as of this date to respond.

7. Questions for Det Miller

2753 N.W. 34<sup>th</sup> St. Boca Raton, Florida 33434-3459  
(561) 245.8588 (o) / (561) 886.7628 (c) / (561) 245-8644 (f)  
[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv) - [www.iviewit.tv](http://www.iviewit.tv)

Re: CASE # 13097087 - RESPONSE TO SHERIFF'S ARREST REPORT FOR KIMBERLY MORAN

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- a. Did you just take statements from people at face value when determining the voracity of their statements? Did you investigate any of the perjuries that occurred in the various criminal and civil investigations and court transcripts of Moran or Spallina that were sent to you that wholly contradict statements made to the Sheriff's office?
- b. Did you review the hearing transcript statements whereby Judge Colin identified OTHER documents that were presented to the court by Spallina, Tescher, Manceri and Ted filed POST MORTEM by my father, not the documents done by Moran but other documents used to perpetrate a fraud on the court to close the estate, using documents and claims of Simon after he was dead, using him as if he were alive?
- c. For all of these NEW crimes presented herein I would like to file NEW criminal complaints for identity theft, fraud on the court, conversion, insurance fraud, fraud, etc. against each and every party involved and for each and every crime committed where there is prima facie evidence for each and admissions. Millions of dollars of cash and assets are missing from the estates, inventories are specious, and documents are suppressed from the beneficiaries including two trusts, an insurance contract and more.
- d. Did you review the reasons for Judge Colin claiming that he should read Miranda's to Ted, Spallina, Tescher and Manceri for fraud on a court and more in the closing of Shirley's estate with a series of other apparently fraudulent documents that are all improperly notarized or otherwise signed.

That based on the information contained herein and in my prior complaint regarding Moran and others, I would like to file the following criminal charges in separate claims or as one conspiracy claim, including but not limited to;

1. Perjury, several counts against Moran for conflicting statements regarding forgery and fraud in investigations.
2. Forgery, against Moran
3. Fraudulent Notarizations and alleged Forgery, against Lindsay Baxley
4. Perjury and false statements in official proceedings by Robert Spallina
5. Fraud on a Court and False official documents filed in the Probate Court, against Robert Spallina, Donald Tescher and Mark Manceri.
6. Personal and Real Property Theft and Conversion against Spallina, Tescher, Manceri, Ted, Moran, Baxley, Pam, Jill and Lisa.
  - a. New evidence in approximately \$1,000,000.00 of jewelry stolen from the estates now exists that was not reported in inventories of Simon or Shirley and



Re: CASE # 13097087 - RESPONSE TO SHERIFF'S ARREST REPORT FOR KIMBERLY MORAN

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were removed from the estate by Ted, Pam, Jill and Lisa. Certain items that were listed on inventories prepared by Ted do not match up to appraisals that were done in 2010 for insurance purposes and the numbers are hundreds of thousands different for what appear identical pieces, yet the discrepancies in color and clarities may indicate that fencing of jewels took place and replacement with inferior jewels were used for Ted's appraisal. See EXHIBIT \_\_\_ - TED 2013 ESTATE JEWELRY APPRAISAL AND 2010 CHARTIS INSURANCE APPRAISAL

7. Conspiracy, against Spallina, Tescher, Manceri, Ted, Moran, Baxley, Pam, Jill and Lisa
8. Identity Theft, Robert Spallina, Donald Tescher and Moran.
9. Mail and Wire Fraud against Spallina, Tescher, Moran and Baxley.
10. Insurance Fraud

Where allegations of MURDER of my father abounded from day one of his death, with claims of overdosing and poisoning and an autopsy and police investigation ordered and controlled by Ted, blaming or framing my father's girlfriend, Maritza Puccio.

While there were talks in May 2012 that my father was considering making changes to his estate plan, these plans were never completed and without the fraudulent and forged documents done post mortem for him, the changes would never have taken place.

These fraudulent and forged documents materially change the beneficiaries, the trustees and the distribution of the estates assets, converting the assets to improper parties and therefore all these other documents than the Waivers Moran admitted criminal acts in creating must be individually investigated and the crimes they permit must then also be prosecuted. Where Moran and Spallina are found perjuring statements to officials there is indisputably more to investigate and properly prosecute.

My father was an expert estate planner, he invented complex insurance plans involving complex estates for 40 years or more, he was one of the most successful in the industry and if he had wanted his estate beneficiaries changed they would have been perfect documents and not materially flawed, improperly notarized and forged and illegally notarized for him. My father stood for integrity in my life and he would have never filed perjured statements in official documents like on the Petition to Discharge or filed fraudulent inventories and other documents. My father would be ashamed of what his children have done to change the beneficiaries to their likings, POST MORTEM, through these frauds and not allow his and Shirley's last wishes to be executed properly and monies transferred to the beneficiaries they elected prior to the attempted frauds.

Thank you for your prompt consideration of these requests.



Detective Ryan Miller  
Palm Beach County Sheriff's Office  
Financial Crimes Unit

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Tuesday, December 3, 2013

Re: CASE # 13097087 - RESPONSE TO SHERIFF'S ARREST REPORT FOR KIMBERLY  
MORAN

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Respectfully Yours,



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Eliot I. Bernstein  
Founder & Inventor

Iviewit Holdings, Inc. – DL  
Iviewit Holdings, Inc. – DL  
Iviewit Holdings, Inc. – FL  
Iviewit Technologies, Inc. – DL  
Uview.com, Inc. – DL  
Iviewit.com, Inc. – FL  
Iviewit.com, Inc. – DL  
I.C., Inc. – FL  
Iviewit.com LLC – DL  
Iviewit LLC – DL  
Iviewit Corporation – FL  
Iviewit, Inc. – FL  
Iviewit, Inc. – DL  
Iviewit Corporation

cc/ec: Honorable Shira A. Scheindlin

Honorable Martin Colin

Honorable David French

Enclosure(s)/Attachment(s)/URL's

All Uniform Resource Locators ( URL's ) and the contents of those URL's are incorporated in entirety by reference herein and therefore must be included in your hard copy file WITH ALL EXHIBITS, as part of this correspondence and as further evidentiary material to be Investigated. Due to allegations alleged by New York State Supreme Court Whistleblower Christine C. Anderson and similar claims in the Iviewit RICO &

2753 N.W. 34<sup>th</sup> St. Boca Raton, Florida 33434-3459  
(561) 245.8588 (o) / (561) 886.7628 (c) / (561) 245-8644 (f)  
[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv) - [www.iviewit.tv](http://www.iviewit.tv)

Detective Ryan Miller  
Palm Beach County Sheriff's Office  
Financial Crimes Unit

Page 20 of 20  
Tuesday, December 3, 2013

Re: CASE # 13097087 - RESPONSE TO SHERIFF'S ARREST REPORT FOR KIMBERLY  
MORAN

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**ANTITRUST Lawsuit regarding Document Destruction and Tampering with Official Complaints and Records, PRINT all referenced URL's and their corresponding exhibits and attach them to your hard copy file, as this is now necessary to ensure fair and impartial review.**

**In order to confirm that NO DOCUMENT DESTRUCTION OR ALTERCATIONS have occurred, once complete forward a copy of this correspondence with all exhibits and materials included to, Eliot I. Bernstein at the address listed herein. This will insure that all parties are reviewing the same documentation and no additional illegal activity is taking place. If you, for any reason, are incapable of providing this confirmation copy, please put your reasons for failure to comply in writing and send that to Eliot I. Bernstein at the address listed herein. Note, that this is a request only for a copy of this Correspondence and the referenced materials and NOT a request for any Case Investigation information, which may be protected by law.**

cmb/eib

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

CRIMINAL DIVISION V

STATE OF FLORIDA

CASE NO. SD2013CFD10745AXXXMB  
ISSUE CAPIAS

vs.

KIMBERLY FRANCES MORAN, W/F,  
10/24/1978, 595-86-7590

FILED  
13 OCT -9 PM 3:43  
CLERK  
PALM BEACH COUNTY, FL  
CIRCUIT CRIMINAL

**INFORMATION FOR:**

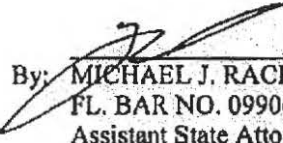
1) FALSE OR FRAUDULENT ACKNOWLEDGMENT OF SIGNATURE BY NOTARY PUBLIC

In the Name and by Authority of the State of Florida:

DAVID ARONBERG, State Attorney for the Fifteenth Judicial Circuit, Palm Beach County, Florida, by and through his undersigned Assistant State Attorney, charges that:

COUNT 1: KIMBERLY FRANCES MORAN on or about November 19, 2012, in the County of Palm Beach and State of Florida, did, while a notary public, falsely or fraudulently take an acknowledgment of an instrument as a notary public, or falsely or fraudulently make a certificate as a notary public or falsely or fraudulently receive an acknowledgment of the signature of ELIOT BERNSTEIN on a written instrument, contrary to Florida Statute 117.105. (3 DEG FEL)

DAVID ARONBERG  
STATE ATTORNEY

By:   
MICHAEL J. RACHEL  
FL. BAR NO. 0990604  
Assistant State Attorney  
Fifteenth Judicial Circuit

STATE OF FLORIDA  
COUNTY OF PALM BEACH

Appeared before me, MICHAEL J. RACHEL, Assistant State Attorney for Palm Beach County, Florida, personally known to me, who, being first duly sworn, says that the allegations as set forth in the foregoing information are based upon facts that have been sworn to as true, and which, if true, would constitute the offense therein charged, that this prosecution is instituted in good faith, and certifies that testimony under oath has been received from the material witness or witnesses for the offense.

  
Assistant State Attorney

Sworn to and subscribed to before me this 9 day of October, 2013.

  
NOTARY PUBLIC, State of Florida

MJR/ds  
Citation Nos. (if applicable):



FCIC REFERENCE NUMBER:

1) FALSE OR FRAUDULENT ACKNOWLEDGMENT OF SIGNATURE BY NOTARY PUBLIC  
2699

**NOTICE OF CONFIDENTIAL INFORMATION WITHIN COURT FILING**

Pursuant to Florida Rule of Judicial Administration 2.420(d)(2), the filer of this court record (Information) indicates that confidential information is included within the document being filed; to wit: Social Security Number, § 119.0714.

OBTS Number		PROBABLE CAUSE AFFIDAVIT				3	Juvenile
		1. Arrest 2. N.T.A. 3. Request for Warrant 4. Request for Capias					
Agency ORI Number FLO 6 0 0 0 0 0		Agency Name PALM BEACH COUNTY SHERIFF'S OFFICE			Agency Report Number 06 - 13-097087		
Charge Type: <input checked="" type="checkbox"/> 1. Felony <input type="checkbox"/> 3. Misdemeanor <input type="checkbox"/> 5. Ordinance		Check as many <input type="checkbox"/> 2. Traffic Felony <input type="checkbox"/> 4. Traffic Misdemeanor <input type="checkbox"/> 6. Other as apply.			Special Notes:		
Defendant's Name (Last, First, Middle) Moran, Kimberly Frances				Race w	Sex f	Date of Birth 10/24/78	
Charge Description Criminal actions through use of simulated legal process				Charge Description			
Charge Description				Charge Description			
Victim's Name (Last, First, Middle) Bernstein, Elliot I.				Race w	Sex m	Date of Birth 9/30/63	
Victim's Local Address (Street, Apt. Number) 2753 NW 34 <sup>th</sup> St.		(City) Boca Raton	(State) FL	(Zip) 33434	Phone 888-7628	Address Source verbal	
Victim's Business Address (Name, Street)		(City)	(State)	(Zip)	Phone 245-8588	Occupation unemployed	
The undersigned certifies and swears that he/she has just and reasonable grounds to believe, and does believe that the above named Defendant committed the following violation of law. The Person taken into custody...							
<input type="checkbox"/> committed the below acts in my presence.		<input type="checkbox"/> was observed by _____ who told _____		that he/she saw the arrested person commit the below acts.			
<input checked="" type="checkbox"/> confessed to <u>Det. Miller #7794</u> admitting to the below facts.		<input type="checkbox"/> was found to have committed the below acts, resulting from my (described) investigation.					
On the 15 day of July, 2013 at 12:40 <input type="checkbox"/> A.M. <input checked="" type="checkbox"/> P.M. (Specifically include facts constituting cause for arrest).							

## NARRATIVE:

Eliot Bernstein filed a report with the Palm Beach County Sheriff's Office through D/S B. Longworth. Eliot reported that he felt some fraudulent/forged documents had been filed in the Palm Beach County Court System.

On August 23, 2013 I met with Eliot Bernstein reference his complaint. He stated that due to some documents being fraudulently notarized a larger fraud has occurred. He supplied me with copies of a document titled: Waiver of Accounting and Portions of Petition for Discharge: Waiver of Service of Petition for Discharge: And Receipt of Beneficiary and Consent to Discharge, for the Estate of Shirley Bernstein, who is Eliot's deceased mother.

Eliot stated that in the first part (believed to be April) of 2012, his father had a meeting with him and his four siblings (Ted, Pamela, Jill, & Lisa). I have since found out that this was a conference call which took place at the office of Attorney Robert Spallina, who is/was the Attorney for Simon and Shirley Bernstein. It should be noted that Simon has since passed, which occurred on or about September 13, 2012. At this conference call, which was in the first part of 2012, Simon Bernstein revealed to his children that he would like them to sign the aforementioned waiver. It is believed that there was also some discussion of inheritance and who was to get what upon Simon's passing.

Investigation revealed that all five children and Simon signed the aforementioned waiver that was sent to them by Spallina's legal assistant, Kimberly Moran. I spoke with Moran on 9/24/13 and she admitted to sending out the waiver as told to by her



## NARRATIVE CONTINUATION

boss. The waivers were then signed and returned. Simon's was signed on 4/9/12 and Eliot's on May 15, 2012. It was found that the other siblings did not return their document for several months. Moran stated she had to conduct follow-up e-mails and phone calls to get the documents returned. They were finally returned in August and October of 2012.

Moran stated she filed the documents with the court in October of 2012. She received a memorandum for Judge Martin Colin's case manager, Astride Limouzin, stating the documents were not notarized and they need to be. Moran stated that at this time, she took it upon herself to trace each signature of the six members of the Bernstein family onto another copy of the original waiver document. She stated she did this at the law office located at 4855 Technology Way, Boca Raton, Florida. She admitted she did this without authorization from anyone. She then notarized them and resubmitted them to the courts. When I interviewed her on 9/24/13, she stated she did not really have a reason why she forged the signatures, other than to maybe save time.

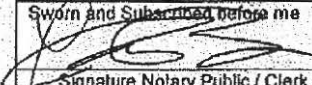
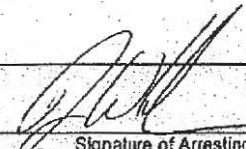
I spoke with Lisa and Jill via phone on September 10, 2013. They stated that as far as they know, the fraudulent notarization changed nothing with the estate since they willingly and knowingly signed the original documents. They stated that they do not wish to pursue anything criminally. I spoke with Ted on 9/24/13. He also stated that the mistake did not affect the estate and does not wish to pursue anything criminally. To date Pamela has not responded to my phone messages or e-mails.

D/S Mark Berey was present during my interviews with Moran, Ted, and Spallina. We spoke to Moran alone. The interview was recorded. She admitted to make a poor decision, but stated she did not benefit financially from her actions. We also spoke with Spallina alone. Spallina stated he was not aware of Moran's actions until she told him. Moran stated she was made aware that others had caught onto what she did once she received notice from the Governor's Office, Notary Education Division. Eliot filed a complaint on her with the state. I was supplied with a copy of the complaint and correspondence by Eliot. I also spoke with Erin Tuper making her aware of my investigation. Eliot supplied a sworn written statement to the original reporting deputy, stating that he wishes to pursue criminal charges. Eliot also told me himself that he wishes to pursue charges any criminal wrongdoings in this case. In speaking with Spallina, we found that the document in questions changes the inheritance of personal property in the Estate of Shirley Bernstein from Simon and Shirley's children to their grandchildren.

Based on the facts and findings of this investigation, I find probable cause for the arrest of Moran for Criminal Actions under the color of law or through use of simulated legal process, F.S.S. 843.0855 (3), due to the fact that she did willingly and knowingly

**NARRATIVE CONTINUATION**

simulate a legal process of a legal document regarding personal property, knowing that the document contained fraudulent signatures

Sworn and Subscribed before me  8828	
Signature Notary Public / Clerk of Court / Officer (F.S.S 117.10) Det Justin Markella	Signature of Arresting / Investigating Officer Ryan Miller 7704
Name of Notary Public / Clerk of Court / Officer (F.S.S 117.10) 9-25-13	Name of Officer (Please Print) 9-25-13
Date	Date



**PALM BEACH COUNTY SHERIFF'S OFFICE  
CENTRAL RECORDS  
FSS EXEMPTIONS/CONFIDENTIAL**

- |  |   |
|--|---|
| <input type="checkbox"/> 119.071(2)(c) Active criminal intelligence/active criminal investigative Information  | <input type="checkbox"/> 119.071(5)(g)1 Biometric Identification Information (Fingerprints, palm prints, and footprints)  |
| <input checked="" type="checkbox"/> 119.071(2)(e) Confession   | <input type="checkbox"/> 119.071(2)(f) Confidential Informants  |
| <input type="checkbox"/> 365.171(12) Identity of 911 caller or person requesting emergency service   | <input type="checkbox"/> 316.066(5)(a) Crash reports are confidential for period of 60 days after the report is filed   |
| <input type="checkbox"/> 119.071(2)(d) Surveillance techniques, procedures, and personnel; inventory of law enforcement resources, policies or plans pertaining to mobilization, deployment or tactical operations | <input type="checkbox"/> 119.071(2)(h)(1) Identity of victim of sexual battery, lewd and lascivious offense upon a person less than 16 years old, child abuse, sexual offense |
| <input type="checkbox"/> 119.071(2)(l) Assets of crime victim  | <input type="checkbox"/> 985.04(1) Juvenile offender records  |
| <input type="checkbox"/> 119.071(5)(a)(5) Social security numbers held by agency   | <input type="checkbox"/> 119.0712(2) Personal information contained in a motor vehicle record   |
| <input type="checkbox"/> 119.071(5)(b) Bank account #, debit, charge and credit card numbers held by an agency   | <input type="checkbox"/> 119.071(2)(b) Criminal intelligence/investigative information from a non-Florida criminal justice agency   |
| <input type="checkbox"/> 395.3025(7)(a) and/or 456.057(7)(a) Medical information   | <input type="checkbox"/> 394.4615(7) Mental health information  |
| <input type="checkbox"/> 943.053/943.0525 NCIC/FCIC/FBI and in-state FDLE/DOC  | <input type="checkbox"/> 119.071(4)(c) Undercover personnel   |
| <input type="checkbox"/> 119.07(4)(d) Extra fee if request is voluminous or requires extensive personnel, technology   | <input checked="" type="checkbox"/> 119.071(4)(d)(1) Home address, telephone, soc. security #, date of birth, photos of active/former LE personnel, spouses and children      |

Other:

Case No:13-097087

Tracking No.: 15-07-1853

Clerk Name/ID:S Petit 8339

Date: 10/1/2015

9/11/2015

<u>Case #</u>	<u>Submission #</u>	<u>Description</u>	<u>Size</u>	<u>Location</u>
13-097087	001	Cd Moran statement.	SSB	RM259

CONFIDENTIAL

9/11/2015

<u>Case #</u>	<u>Submission #</u>	<u>Description</u>	<u>Size</u>	<u>Location</u>
14-029489	001	Original amended trust/ copy altered amended trust/ Spallina interview 1/21/14	SSB	RM270
14-029489	002	Ted and Alan interviews cd.	SSB	RM272
14-029489	003	Lisa and Jill's interviews cd.	SSB	RM272
14-029489	004	6 partial dist forms.	SSB	RM273
14-029489	005	Cd w/ Walkers statement and attachment.	SSB	RM274
14-029489	006	Cd w/ Eliot and Candace interview/ copy of full waiver.	SSB	RM274
14-029489	007	Cd Bernstein emails/ 3 copies of original trust documents.	SLB	B1448

CONFIDENTIAL

IN THE CIRCUIT COURT FOR PALM BEACH COUNTY, FL  
 IN RE: ESTATE OF                                      File No. 502011000653XXXX SB  
 SHIRLEY BERNSTEIN,                                  Probate Division  
 Deceased.

2012 OCT 24 PM 1:31  
 SHARON A. BERNARD, CLERK  
 PALM BEACH COUNTY, FL  
 SOUTH CITY 3ND FLOOR-FILED

**PETITION FOR DISCHARGE**  
**(full waiver)**

Petitioner, SIMON BERNSTEIN, as personal representative of the above estate, alleges:

1. The decedent, Shirley Bernstein, a resident of Palm Beach County, died on December 8, 2010, and Letters of Administration were issued to petitioner on February 10, 2011.

2. Petitioner has fully administered this estate by making payment, settlement, or other disposition of all claims and debts that were presented, and by paying or making provision for the payment of all taxes and expenses of administration.

3. Petitioner has filed all required estate tax returns with the Internal Revenue Service and with the Department of Revenue of the State of Florida, and has obtained and filed, or file herewith, evidence of the satisfaction of this estate's obligations for both federal and Florida estate taxes, if any.

4. The only persons, other than petitioner, having an interest in this proceeding, and their respective addresses are:

NAME	ADDRESS	RELATIONSHIP	BIRTH DATE (if Minor)
Simon L. Bernstein	7020 Lions Head Lane Boca Raton, FL 33496	spouse	adult
Ted S. Bernstein	880 Berkeley Street Boca Raton, FL 33487	son	adult



Pamela B. Simon	950 North Michigan Avenue Suite 2603 Chicago, IL 60606	daughter	adult
Eliot Bernstein	2753 NW 34 <sup>th</sup> Street Boca Raton, FL 33434	son	adult
Jill Iantoni	2101 Magnolia Lane Highland Park, IL 60035	daughter	adult
Lisa S. Friedstein	2142 Churchill Lane Highland Park, IL 60035	daughter	adult

5. Petitioner, pursuant to Section 731.302 of the Florida Probate Code, and as permitted by Fla. Prob. R. 5.400(f), files herewith waivers and receipts signed by all interested persons:

- (a) acknowledging that they are aware of the right to have a final accounting;
- (b) waiving the filing and service of a final accounting;
- (c) waiving the inclusion in this petition of the amount of compensation paid or to be paid to the personal representative, attorneys, accountants, appraisers or other agents employed by the personal representative and the manner of determining that compensation;
- (d) acknowledging that they have actual knowledge of the amount and manner of determining compensation of the personal representative, attorneys, accountants, appraisers, or other agents, and agreeing to the amount and manner of determining such compensation, and waiving any objections to the payment of such compensation;
- (e) waiving the inclusion in this petition of a plan of distribution;
- (f) waiving service of this petition and all notice thereof;
- (g) acknowledging receipt of complete distribution of the share of the estate to which they are entitled; and
- (h) consenting to the entry of an order discharging petitioner, as personal representative, without notice, hearing or waiting period and without further accounting.


Petitioner requests that an order be entered discharging petitioner as personal representative of this estate and releasing the surety on any bond which petitioner may have posted in this proceeding from any liability on it.



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 April 9, 2012.

Personal Representative

  
\_\_\_\_\_  
SIMON L. BERNSTEIN

Respectfully Submitted,  
TESCHER & SPALLINA, P.A.

By: 

ROBERT L. SPALLINA, ESQUIRE  
Florida Bar No. 497381  
4855 Technology Way, St. 720  
Boca Raton, FL 33431  
561-997-7008

CONFIDENTIAL - Not for Distribution

CONFIDENTIAL





## Miller, Ryan W.

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**From:** Rachel Walker <rachel3584@gmail.com>  
**Sent:** Friday, February 14, 2014 2:31 PM  
**To:** Miller, Ryan W.  
**Subject:** Notes pertaining to Eliot Bernstein's Petition to Freeze Estates

Hi Detective Miller!

I couldn't locate my notes initially made when first reading Eliot's petition so I took a few hours to read and make them again. I tried to only comment on notions that included me but also noted my knowledge on other circumstances. I hope it helps everyone in finalizing this issue and let it come to an end sooner rather than later. I also just realized you were the detective Shirley and I worked with regarding the scam elevator guy, Claude a few years back!

p.12 pp.14

The change of beneficiaries was not done as intent for protection. It was done that way to be fair according to Shirley and Simon.

p.15pp.28

Though Simon signed the paperwork to change beneficiaries in July, he had made the decision to do so well before the May 10, 2012 family conference call.

p.17pp.42

The sisters didn't just "take" Shirley's belongings and jewelry. Simon administered each piece to each girl as he knew were Shirley's wishes and fair. I was there and witnessed it.

p.17pp.45

Simon may have told Eliot that, after he learned of the division of Shirley's belongings, to calm Eliot after learning this upset him.

p.17pp.46

Not true. There is a ring that was left to Ally that everyone knows about.

p.18pp.47

A "boycott" was never planned nor intended for the situation. Those kids had a past with Maritza that Eliot and his family were unaware of. They had ill feelings and experiences with her which led them to detest her return into their family's life and rightfully so.

p.18pp.48

TRUE. They were correct, however, it wasn't a "boycott". They informed Eliot of their experiences with Maritza, which Eliot had no clue about since his family were not in the picture during that time.

p.18.pp.49

The did not "boycott" seeing Simon, they refused to see Simon when he was with Maritza. They had many dates with Simon without Maritza. Simon tried to push Maritza on everyone in a very uncomfortable way especially not taking their personal feelings into account. He was very mentally mixed up after Shirley passed.

p.18pp.51



It's not a crazy notion. They all told Simon that he was welcomed but Maritza is not. So, ultimately, it was Simon's decision to chose Maritza over his family.

p.19pp.53

This is simply untrue. Simon was perplexed by more than that. He was ultimately depressed by the loss of Shirley and didn't know how to cope and therefore covered his pain with this made up fantasy of his relationship with Maritza.

p.19pp.56

Not true. Jill, Julia and I all stayed at the condo. Jill made a valiant effort to see her father and not let his personal relationship with Maritza taint theirs. We all went to lunch together and Puccio showed up late and then left before sitting at the table due to her own insecurities. That same evening we all went to dinner together, including Maritza, and everything was fine. Simon actually chose to have Father's Day brunch the next morning with Maritza and her friends instead of his own daughter and granddaughter.

p.19pp.57

This is only speculation of Eliot

p.20pp.58

The changes weren't made because he hadn't seen his family members. He hadn't seen his family members because he chose Puccio over seeing them. He made the changes because even though he and Shirley already agreed their plan was fair, he decided to skip the children due to arguments and felt it was fair for the grandchildren without any further arguments.

p.21pp.71ii

Fainting and dizzy spells didn't happen until late August/early September.

p.21pp.71iv

This was the Sunday prior to Simon's passing that I was called to come over and Simon was totally out of it. This is the day I took all of his medications and hid them from him because he couldn't remember what or when he did anything. I left a list for Maritza to administer his meds when and how much and not to leave him alone at the house or in a room as he could harm himself. I also found vicodin in his little heart pill console he keeps on him at all times. I actually still have a 30 minute recording on my phone which i left in the kitchen secretly with Maritza and Simon as I went upstairs to gather his medicines. I can't really hear much of what is said on it but maybe a professional can if you think this would be prudent to the case.

p.22pp.76

Dr. Baum was weirdly unavailable for several hours before learning that he couldn't treat Simon at that hospital. We called many times stating an emergency and requesting documents and he ignored. Completely out of character for him.

p.24pp.86

Upon arrival to the hospital that morning, Eliot had taken it upon himself to designate himself as Simon's Health Care Proxy. It is known to all the family that Simon's living will states to not resuscitate if quality of life deteriorates.

p.24pp.87

The amount of resuscitations done by staff and doctors was beyond their expert advice but without Simon's living will in hand Eliot kept making the decision to resuscitate until the doctor finally came out and said that its nearly abuse to his body at this point. Though in Eliot's defense he was in complete despair and unable to take in the horrible reality clouded his decision making.

p.24pp.89

TRUE. Simon was in a vegetative state as advised by the ER doctor.

p.25pp.92

It wasn't weird to go and keep an eye on Maritza. Earlier in the day I had overheard Maritza try to make a couple of stupid excuses to leave the hospital bedside of her supposed love/bf and I called her out on it and so then made sure I went to the house before she had a chance to and gathered all checks, checkbooks, and Simon's wallet for safekeeping.

p.25pp.95

Absolutely untrue.

p.26pp.102

Yes, true and Candice had also informed me that Maritza sneakily gave Simon a big white pill that looked like the vicodin, thinking no one was watching.

p.27pp.104

To my knowledge, before the passing of Shirley or Simon, Ted has always been the fiduciary of Shirley's estate and the properties that were in her name.

p.28pp.114

Correct. The code to the safe had been changed without my notice. However, I still had keys, combinations and garage door openers until changed by the family, which very well could've been the next day I don't remember.

p.28pp.115

I did not move out because of problems with Maritza. Nor did my relationship phase Simon at all or cause him any stress. I moved out because Simon thought it was time for me to live my own life and not worry about him any longer and was having Maritza move in. I didn't join any said "boycott". I saw Simon's relationship with Maritza more than anyone else and had good reason to disapprove of him investing so much into her. Simon never felt betrayed by me. He knew I wanted what was best for him, which excluded Maritza, but being the stubborn person he was he did what he ultimately wanted to do and no one could influence him otherwise, right or wrong.

p.30pp.127

It wasn't days later. The night Simon was in the hospital and we were sent home until the next set of visiting hours Candice, Eliot and I went to dinner and I showed them the document and asked what to do with it. They advised me to hang onto it and that it's not signed and was created while Simon was completely psychotic so it held no worth. The check was not made out to her, it was completely black and taken from the back of the checkbook.

p.30pp.128

Didn't discuss with Ted at the hospital

p.30pp.130

This paragraph is either a blatant lie or completely misconstrued memory of Eliot's. Simon never said such a thing to Eliot nor did Eliot or Candice have any idea of such document until I showed them at dinner. They were in disagreement of the document that night also so I don't know how this memory was changed in their heads. All Simon said to all of us constantly while he was in the hospital bed was to make sure "they" didn't hurt her. They being his family members.



p.31pp.135

Not true. Only big red pills I have ever taken were diet pills and if I did give some to Candice that wasn't out of the ordinary. I never said to forget it and that those pills were meant for someone else though. Another misconstrued memory of Eliot's.

p.31pp.136

Not true. Only the computer in the office on the second floor seemed that way as it was new because the old computer had crashed. However, our IT guy, Keith Resig, was able to retrieve most of the information from the old computer and was on a dropbox which just needed to be downloaded to the new computer.

p.31pp.139

Don't know how any documents from Heritage Union Life Insurance Company were missing. We had just had Diana send in a check to them in August before the policy ran out for non payment.

p.55pp.266

Fitzmaurice is mistaken or Eliot heard her incorrectly as Simon saying he was once worth that much. Since the crash of 2008 the Bernstein's had to take out a line of credit a couple of times to make ends meet and since then he was never worth more than \$10million. I CAN TELL YOU that Simon at all times had about \$3million invested through JP Morgan in addition to other accounts with thousands of dollars. The day he passed he had \$70,000.00 something in his main checking account (which I paid bills with). Then apparently after handing all the info over to the estate we were told there is nothing.

p.55pp.267

Simon was probably embellishing for his ego. He did not possess that much in assets at once for years. However, Shirley and Simon had always told me that there is a separate, account/trust/something set up to take care of their grandchildren's school and home should they pass on.

p.57pp.279

I don't want to comment too much on the financials managed outside of my everyday duties but to my knowledge through conversations with both Shirley and Simon, that Stanford no longer holds any money of the Bernsteins because of the losses due to Stanford's ponzi scheme around 2008/2009.

p.89pp.406

Maritza had no estate interests, however the estate was depleting weekly as, in laymans terms, she was being paid by the estate to "be with" Simon. Money was transferred to Sabadell bank where Simon kept an account for her in his name. This account was used to fund her family in Venezuela and herself. She already made many "agreements" for large sums of money for "dating" Simon Bernstein. But months leading up to Simon's death she was repulsed by him to where she couldn't be in the same room as him, didn't sleep in the same room as him anymore and constantly made up excuses to leave the house without him. She confided in me that she couldn't stand to be around him anymore and wanted to leave but financially couldn't do that to herself or her family so she "put up with him".

p.89pp.407

This said document was not created in sound mind by Simon. Check was never filled out, it was blank, and the terms of the contract were never met so it's null and void.

p.89pp.408

It was never mentioned probably because it didn't possess any real quality and by that morning after no sleep for days I was solely concerned about the misuse of drugs that was administered to Simon by Maritza.

p.90pp.413

It was said by Simon Many times to myself and others- Maritza does not receive anything financially or by his estate after he passes, that she gets what is given to her while he is alive and she is his "girlfriend".

CONFIDENTIAL

**FIRST AMENDMENT TO  
SHIRLEY BERNSTEIN TRUST AGREEMENT**

This First Amendment is dated this 18 day of Nov, 2008, and is between SHIRLEY BERNSTEIN of Palm Beach County, Florida referred to in the first person, as settlor, and SHIRLEY BERNSTEIN of Palm Beach County, Florida as trustee (referred to as the "Trustee," which term more particularly refers to all individuals and entities serving as trustee of a trust created hereunder during the time of such service, whether alone or as co-trustees, and whether originally serving or as a successor trustee).

WHEREAS, on May 20, 2008, I created and funded the SHIRLEY BERNSTEIN TRUST AGREEMENT (the "Trust Agreement," which reference includes any subsequent amendments of said trust agreement);

WHEREAS, Paragraph A. of Article I. of said Trust Agreement provides, inter alia, that during my lifetime I shall have the right at any time and from time to time by an instrument, in writing, delivered to the Trustee to amend or revoke the said Trust Agreement, in whole or in part.

NOW THEREFORE, by executing this instrument, I hereby amend the Trust Agreement as follows:

1. I hereby delete Paragraph B. of Article II. in its entirety.
2. I hereby amend the last sentence of Paragraph E. of Article III. to read as follows:

"Notwithstanding the foregoing, as my spouse and I have adequately provided for them during our lifetimes, for purposes of the dispositions made under this Trust, my children, TED S. BERNSTEIN ("TED") and PAMELA B. SIMON ("PAM"), shall be deemed to have predeceased the survivor of my spouse and me, provided, however, if my children, ELIOT BERNSTEIN, JILL IANTONI and LISA S. FRIEDSTEIN, and their respective lineal descendants all predecease the survivor of my spouse and me, then TED and PAM shall not be deemed to have predeceased the survivor of my spouse and me and shall become eligible beneficiaries for purposes of the dispositions made hereunder."

3. I hereby ratify and reaffirm the Trust Agreement as amended by this First Amendment.


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*[remainder of page intentionally left blank]*




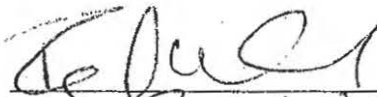
IN WITNESS WHEREOF, the parties hereto have executed this First Amendment on the date first above written.

SETTLOR and TRUSTEE:

  
\_\_\_\_\_  
SHIRLEY BERNSTEIN

This instrument was signed by SHIRLEY BERNSTEIN in our presence, and at the request of and in the presence of SHIRLEY BERNSTEIN and each other, we subscribe our names as witnesses on this 18 day of Nov, 2008:

  
\_\_\_\_\_  
Print Name: ROBERT L. SPALLINA  
Address: 7387 WISTERIA AVENUE  
PARKLAND, FL 33076

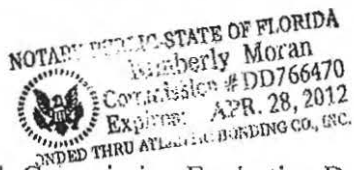
  
\_\_\_\_\_  
Print Name: Rachel Walker  
Address: 100 Plaza Real South  
Apt. 308  
Boca Raton, FL 33432

STATE OF FLORIDA


SS.

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 18 day of November, 2008, by SHIRLEY BERNSTEIN.



[Seal with Commission Expiration Date]

  
\_\_\_\_\_  
Signature - Notary Public-State of Florida


Print, type or stamp name of Notary Public

Personally Known  or Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_


NAWPDATA\drt\Bernstein, Shirley & Simon\2008 Estate Planning\First Amendment to Shirley Bernstein Trust Agreement.wpd [11 09:25 18 08]

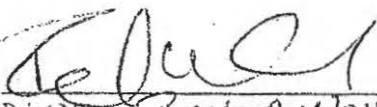
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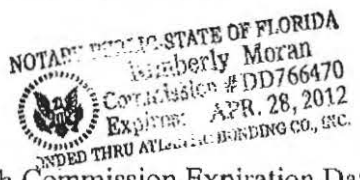
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\_\_\_\_\_  
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Address: 7387 WISTERIA AVENUE  
PARKLAND, FL 33076


  
\_\_\_\_\_  
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Address: 100 Plaza Real South  
Apt. 308  
Boca Raton, FL 33432

STATE OF FLORIDA  
SS.  
COUNTY OF PALM BEACH

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[Seal with Commission Expiration Date]

  
\_\_\_\_\_  
Signature - Notary Public-State of Florida  
\_\_\_\_\_  
Print, type or stamp name of Notary Public

Personally Known  or Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_

N:\WPDATA\Aldri\Bernstein, Shirley & Simoa\2008 Estate Planning\First Amendment to Shirley Bernstein Trust Agreement.wpd [11 09:26 18 08]



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**FIRST AMENDMENT TO  
SHIRLEY BERNSTEIN TRUST AGREEMENT**

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This First Amendment is dated this 18 day of NOV, 2008, and is between SHIRLEY BERNSTEIN of Palm Beach County, Florida referred to in the first person, as settlor, and SHIRLEY BERNSTEIN of Palm Beach County, Florida as trustee (referred to as the "*Trustee*," which term more particularly refers to all individuals and entities serving as trustee of a trust created hereunder during the time of such service, whether alone or as co-trustees, and whether originally serving or as a successor trustee).

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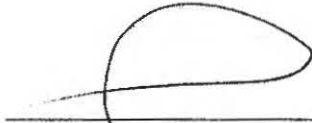
1. I hereby delete Paragraph B. of Article II. in its entirety.
  
3. I hereby ratify and reaffirm the Trust Agreement as amended by this First Amendment.

=====


*[remainder of page intentionally left blank]*

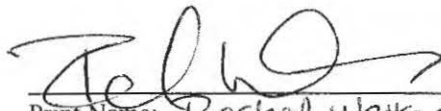
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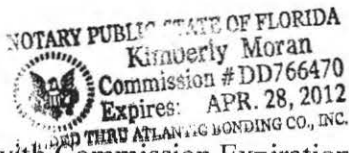
  
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STATE OF FLORIDA

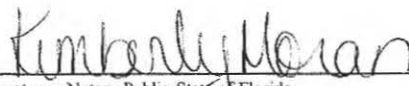
SS.

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 18<sup>th</sup> day of November, 2008, by SHIRLEY BERNSTEIN.



[Seal with Commission Expiration Date]

  
\_\_\_\_\_  
Signature - Notary Public-State of Florida

Print, type or stamp name of Notary Public

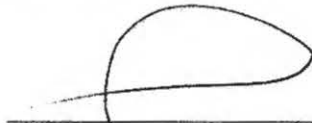
Personally Known  or Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_

CONFIDENTIAL


N:\WPDATA\dr\Bernstein, Shirley & Simon\2008 Estate Planning\First Amendment to Shirley Bernstein Trust Agreement.wpd [11/09/26 18:08]

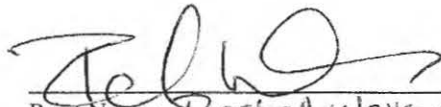
IN WITNESS WHEREOF, the parties hereto have executed this First Amendment on the date first above written.

SETTLOR and TRUSTEE:

  
\_\_\_\_\_  
SHIRLEY BERNSTEIN

This instrument was signed by SHIRLEY BERNSTEIN in our presence, and at the request of and in the presence of SHIRLEY BERNSTEIN and each other, we subscribe our names as witnesses on this 18 day of Nov, 2008:

  
\_\_\_\_\_  
Print Name: ROBERT L. SPALLINA  
Address: 7387 WISTERIA AVENUE  
PARKLAND, FL 33076

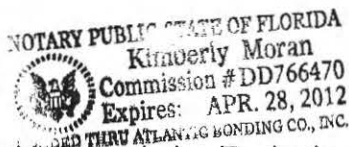
  
\_\_\_\_\_  
Print Name: Rachel Walker  
Address: 100 Plaza Real South  
apt. 308  
Boca Raton, FL 33432

STATE OF FLORIDA

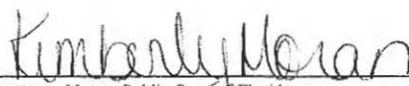
SS.

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 18<sup>th</sup> day of November, 2008, by SHIRLEY BERNSTEIN.



[Seal with Commission Expiration Date]

  
\_\_\_\_\_  
Signature - Notary Public-State of Florida

Print, type or stamp name of Notary Public

Personally Known  or Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_

CONFIDENTIAL

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**IRS** DEPARTMENT OF THE TREASURY  
 INTERNAL REVENUE SERVICE  
 P.O. BOX 9003  
 HOLTSVILLE NY 11742-9003

002920.378262.0009.001 1 MB 0.326 530



DANIEL BERNSTEIN IRREV TRUST  
 TRACI KRATISH PA TTEE  
 950 PENNINSULA CORP CIR STE 3010  
 BOCA RATON FL 33487

002920

Date of this notice: 04-19-200

Employer Identification Number:  
 20-7354918

Form: SS-4

Number of this notice: CP 575

For assistance you may call us  
 1-800-829-4933

IF YOU WRITE, ATTACH THE  
 STUB OF THIS NOTICE.

**WE ASSIGNED YOU AN EMPLOYER IDENTIFICATION NUMBER**

Thank you for applying for an Employer Identification Number (EIN). We assigned you EIN 20-7354918. This EIN will identify your estate or trust. If you are not the applicant, please contact the individual who is handling the estate or trust for you. Please keep this notice in your permanent records.

When filing tax documents, please use the label we provided. If this isn't possible, it is very important that you use your EIN and complete name and address exactly as shown above on all federal tax forms, payments and related correspondence. Any variation may cause a delay in processing, result in incorrect information in your account or even cause you to be assigned more than one EIN. If the information isn't correct as shown above, please correct it using tear off stub from this notice and return it to us so we can correct your account.

Based on the information from you or your representative, you must file the following form(s) by the date(s) shown.

Form 1041

04/15/2008

If you have questions about the form(s) or the due date(s) shown, you can call or write to us at the phone number or address at the top of the first page of this letter. If you need help in determining what your tax year is, see Publication 536, Accounting Periods and Methods, available at your local IRS office or you can download this Publication from our Web site at [www.irs.gov](http://www.irs.gov).

We assigned you a tax classification based on information obtained from you or your representative. It is not a legal determination of your tax classification, and is not binding on the IRS. If you want a legal determination on your tax classification, you may request a private letter ruling from the IRS under the guidelines in Revenue Procedure 2004-1, 2004-1 I.R.B. 1 (or superseding Revenue Procedure for the year at issue.)

0011

***TRUST AGREEMENT***  
***FOR THE***  
***DANIEL BERNSTEIN IRREVOCABLE TRUST***

*September 7, 2006*

*CONF*

**TRUST AGREEMENT**  
**FOR THE**  
**DANIEL BERNSTEIN IRREVOCABLE TRUST**

SIMON BERNSTEIN, as Settlor, hereby creates the Daniel Bernstein Irrevocable Trust ("the Trust") on September 7, 2006. Traci Kratish, P.A. is the trustee of this Trust and, in that capacity, he and his successors are collectively referred to in this Trust Agreement as the "Trustee."

**ARTICLE 1**  
**BENEFICIARY**

This Trust is for the benefit of the Settlor's Grandchild, DANIEL BERNSTEIN ("Beneficiary").

**ARTICLE 2**  
**TRANSFERS TO TRUST**

The Settlor hereby conveys to the Trustee all his interest in the assets listed on Schedule A, which together with any assets later added to this Trust are referred to as the "Trust Estate." Any person may transfer assets to the Trust Estate, if the Trustee agrees to accept them. Assets do not have to be listed on Schedule A to be part of the Trust Estate. Unless otherwise specified in writing at the time of the transfer, those assets will be held as provided in this Trust Agreement. The Trustee acknowledges receipt of the current Trust assets and agrees to hold the Trust Estate as set forth in this Trust Agreement.

**ARTICLE 3**  
**IRREVOCABLE PROVISION**

The Settlor declares that he has no right to alter, amend, modify, or revoke this Trust Agreement; to withdraw assets from the Trust; or to require changes in the investments of the Trust. No part of the Trust may ever revert to the Settlor, be used for his benefit, or be distributed in discharge of his legal obligations.

**ARTICLE 4**  
**ADMINISTRATION OF TRUST**

The Trustee shall hold, administer, and distribute the Trust Estate in accordance with the powers granted under this Trust Agreement as follows:



**4.1 Discretionary Distributions.** The Trustee shall pay or apply such sums of principal from this Trust as in the Trustee's discretion are necessary or advisable for Beneficiary's health, education, support, and maintenance,

**4.2 Distribution of Principal.** When Beneficiary has reached age 21, the trustee shall distribute one-half (½) of the corpus of trust to Beneficiary plus accrued income. When Beneficiary has reached age 25 the Trustee shall distribute the entire remaining principal balance of the corpus of the trust to Beneficiary plus accrued income.

**4.3 Distribution Upon Death Before Age 25.** Upon the death of Beneficiary prior to age 25, the Trustee shall distribute the remaining assets in the trust to the estate of Beneficiary.

## ARTICLE 5 PROVISIONS GOVERNING TRUSTEES

The following provisions apply to all Trustees appointed under this Trust Agreement:

**5.1 Incapacity of Trustee.** If any Trustee becomes disabled, he or she will immediately cease to act as Trustee. If a Trustee who ceases to serve because of a disability, or who is suspended, thereafter recovers from that disability or consents to the release of relevant medical information, he or she may elect to become a Trustee again by giving written notice to the then serving Trustee, and the last Trustee who undertook to serve will then cease to be a Trustee until another successor Trustee is required.

**5.2 Resignation.** Any Trustee may resign by giving 30 days' written notice delivered personally or by mail to any then serving Co-Trustee and to the Settlor if he is then living and not disabled; otherwise to the next named successor Trustee, or if none, to the persons having power to appoint successor Trustees.

**5.3 Power to Name Other Trustees.** Whenever a successor Trustee is required and that position is not filled under the terms specified in this Trust Agreement, an individual Trustee ceasing to serve (other than a Trustee being removed) may appoint his or her successor, but if none is appointed, the remaining Trustees, if any, or the beneficiary shall appoint a successor Corporate Trustee. The appointment will be by a written document (including a testamentary instrument) delivered to the appointed Trustee. In no event may the Settlor ever be appointed as the Trustee under this Trust Agreement nor shall a Successor trustee be appointed that will cause this trust to be a grantor trust.

**5.4 Powers of Successor Trustees.** Successor Trustees will have all powers granted to the original Trustee, except that only an Independent Trustee will succeed to the powers vested exclusively in the Independent Trustee.



**5.5 Accountings.** Accountings must be given to the beneficiary of each trust at least annually (quarterly if a Corporate Trustee is serving). The accountings must show the assets held in trust and all receipts and disbursements. A beneficiary's written approval of an accounting will be final and binding upon that beneficiary and all persons represented by him or her as to all matters disclosed in that accounting. In any event, if a beneficiary fails to object to an accounting within six months of receiving it, his or her approval is conclusively presumed. A successor Trustee may require the prior Trustee to render a full and final accounting.

**5.6 Acts by Other Fiduciaries.** The Trustee is not required to question any acts or failures to act of the fiduciary of any other trust or estate, and will not be liable for any prior fiduciary's acts or failures to act. The Trustee can require a beneficiary who requests an examination of another fiduciary's actions or omissions to advance all costs and fees incurred in the examination, and if the beneficiary does not, the Trustee may elect not to proceed or may proceed and offset those costs and fees directly against any payment that would otherwise be made to that beneficiary.

**5.7 Court Supervision.** The Settlor waives compliance by the Trustee with any law requiring bond, registration, qualification, or accounting to any court.

**5.8 Compensation.** Each Trustee is entitled to be paid reasonable compensation for services rendered in the administration of the Trust. Reasonable compensation for a Corporate Trustee will be its published fee schedule in effect when its services are rendered unless otherwise agreed in writing, and except as follows. Any fees paid to a Corporate Trustee for making principal distributions, for termination of the trust, and upon termination of its services must be based solely on the value of its services rendered, not on the value of the trust principal. During the Settlor's lifetime the Trustee's fees are to be charged wholly against income (to the extent sufficient), unless directed otherwise by the Settlor in writing.

**5.9 Indemnity.** Any Trustee who ceases to serve for any reason will be entitled to receive (and the continuing Trustee shall make suitable arrangements to provide) reasonable indemnification and security to protect and hold that Trustee harmless from any damage or liability of any nature that may be imposed upon it because of its actions or omissions while serving as Trustee. This protection, however, does not extend to a Trustee's negligent actions or omissions that clearly and demonstrably result in damage or liability. A prior Trustee may enforce these provisions against the current Trustee or against any assets held in the Trust, or if the prior Trustee is an individual, against any beneficiary to the extent of distributions received by that beneficiary. This indemnification right will extend to the estate, personal representatives, legal successors, and assigns of a Trustee.

**5.10 Successor Trustee.** In the event the initial Trustee, Steven I. Greenwald, resigns or ceases to serve as Trustee, then and in that event, I hereby appoint Larry V. Bishins to serve as Trustee.

**ARTICLE 6  
PROTECTION OF INTERESTS**

The interest of any beneficiary under this Trust Agreement, in either income or principal, may not be anticipated, alienated, or in any other manner assigned by the beneficiary, whether voluntarily or involuntarily, and will not be subject to any legal process, bankruptcy proceedings, or the interference or control of the beneficiary's creditors or others.

**ARTICLE 7  
FIDUCIARY POWERS**

The Settlor grants to the Trustee full power to deal freely with any property in the Trust. The Trustee may exercise these powers independently and without the approval of any court. No person dealing with the Trustee need inquire into the propriety of any of its actions or into the application of any funds or assets. The Trustee shall, however, exercise all powers in a fiduciary capacity for the best interest of the beneficiary of this Trust or any trust created under it. Without limiting the generality of the foregoing, the Trustee is given the following discretionary powers in addition to any other powers conferred by law:

**7.1 Type of Assets.** Except as otherwise provided to the contrary, to hold funds uninvested for such periods as the Trustee deems prudent, and to invest in any assets the Trustee deems advisable even though they are not technically recognized or specifically listed in so-called "legal lists," without responsibility for depreciation or loss on account of those investments, or because those investments are non-productive, as long as the Trustee acts in good faith.

**7.2 Original Assets.** Except as otherwise provided to the contrary, to retain the original assets it receives for as long as it deems best, and to dispose of those assets when it deems advisable, even though such assets, because of their character or lack of diversification, would otherwise be considered improper investments for the Trustee.

**7.3 Tangible Personal Property.** To receive and hold tangible personal property; to pay or refrain from paying storage and insurance charges for such property; and to permit any beneficiaries to use such property without either the Trustee or beneficiaries incurring any liability for wear, tear, and obsolescence of the property.

**7.4 Specific Securities.** To invest in assets, securities, or interests in securities of any nature, including (without limit) commodities, options, futures, precious metals, currencies, and in domestic and foreign markets and in mutual or investment



funds, including funds for which the Trustee or any affiliate performs services for additional fees, whether as custodian, transfer agent, investment advisor or otherwise, or in securities distributed, underwritten, or issued by the Trustee or by syndicates of which it is a member; to trade on credit or margin accounts (whether secured or unsecured); and to pledge assets of the Trust Estate for that purpose.

**7.5 Property Transactions.** To buy, sell, pledge, exchange, or lease any real or personal property, publicly or privately, for cash or credit, without court approval and upon the terms and conditions that the Trustee deems advisable; to execute deeds, leases, contracts, bills of sale, notes, mortgages, security instruments, and other written instruments; to abandon or dispose of any real or personal property in the Trust which has little or no monetary or useful value; to improve, repair, insure, subdivide and vacate any property; to erect, alter or demolish buildings; to adjust boundaries; and to impose easements, restrictions, and covenants as the Trustee sees fit. A lease will be valid and binding for its full term even if it extends beyond the full duration of the Trust.

**7.6 Borrow Money.** To borrow money from any source (including the Trustee in its nonfiduciary capacity), to guarantee indebtedness, and to secure the loan or guaranty by mortgage or other security interest.

**7.7 Maintain Assets.** To expend whatever funds it deems proper for the preservation, maintenance, or improvement of assets. The Trustee in its discretion may elect any options or settlements or exercise any rights under all insurance policies that it holds. However, no fiduciary who is the insured of any insurance policy held in the Trust may exercise any rights or have any incidents of ownership with respect to the policy, including the power to change the beneficiary, to surrender or cancel the policy, to assign the policy, to revoke any assignment, to pledge the policy for a loan, or to obtain from the insurer a loan against the surrender value of the policy. All such power is to be exercised solely by the remaining Trustee, if any, or if none, by a special fiduciary appointed for that purpose by a court having jurisdiction.

**7.8 Advisors.** To employ and compensate attorneys, accountants, advisors, financial consultants, managers, agents, and assistants (including any individual or entity who provides investment advisory or management services, or who furnishes professional assistance in making investments for the Trust) without liability for any act of those persons, if they are selected and retained with reasonable care. Fees may be paid from the Trust Estate even if the services were rendered in connection with ancillary proceedings.

**7.9 Indirect Distributions.** To make distributions, whether of principal or income, to any person under age 21 or to any incapacitated person according to the terms of this Trust Agreement by making distributions directly to that person whether or not that person has a guardian; to the parent, guardian, or spouse of that person; to a custodial account established by the Trustee or others for that person under an applicable Uniform

Gift to Minors Act or Uniform Transfers to Minors Act; to any adult who resides in the same household with that person or who is otherwise responsible for the care and well-being of that person; or by applying any distribution for the benefit of that person in any manner the Trustee deems proper. The receipt of the person to whom payment is made will constitute full discharge of the Trustee with respect to that payment. No distributions may be made to the Settlor under this Section.

**7.10 Non-Pro Rata Distribution.** To make any division or distribution in money or in kind, or both, without allocating the same kind of property to all shares or distributees, and without regard to the income tax basis of the property. Any division will be binding and conclusive on all parties.

**7.11 Nominee.** Except as prohibited by law, to hold any assets in the name of a nominee without disclosing the fiduciary relationship; to hold the property unregistered, without affecting its liability; and to hold securities endorsed in blank, in street certificates, at a depository trust company, or in a book entry system.

**7.12 Custodian.** To employ a custodian or agent ("the Custodian") located anywhere within the United States, at the discretion of the Trustee but at the expense of the Trust, whether or not such Custodian is an affiliate of the Trustee or any person rendering services to the Trust; to register securities in the name of the Custodian or a nominee thereof without designation of fiduciary capacity; and to appoint the Custodian to perform such other ministerial functions as the Trustee may direct. While such securities are in the custody of the Custodian, the Trustee will be under no obligation to inspect or verify such securities nor will the Trustee be responsible for any loss by the Custodian.

**7.13 Settle Claims.** To contest, compromise, arbitrate, or otherwise adjust claims in favor of or against the Trust, to agree to any rescission or modification of any contract or agreement, and to refrain from instituting any suit or action unless indemnified for reasonable costs and expenses.

**7.14 Corporate Rights.** To vote and exercise any option, right, or privilege to purchase or to convert bonds, notes, stock (including shares or fractional shares of stock of any Corporate Trustee), securities, or other property; to borrow money for the purpose of exercising any such option, right, or privilege; to delegate those rights to an agent; to enter into voting trusts and other agreements or subscriptions; to participate in any type of liquidation or reorganization of any enterprise; and to write and sell covered call options, puts, calls, straddles, or other methods of buying or selling securities, as well as all related transactions.

**7.15 Partnership Interests.** To hold interests in sole proprietorships, general or limited partnerships, joint ventures, business trusts, land trusts, limited liability companies, and other domestic and foreign forms of organizations; and to exercise all



rights in connection with such interests as the Trustee deems appropriate, including any powers applicable to a non-admitted transferee of any such interest.

**7.16 Self-Dealing.** To exercise all its powers even though it may also be acting individually or on behalf of any other person or entity interested in the same matters. The Trustee, however, shall exercise these powers at all times in a fiduciary capacity, primarily in the interest of the beneficiaries of the Trust. Despite any other provision of this Trust Agreement, no Trustee may participate in the decision to make a discretionary distribution that would discharge a legal support obligation of that Trustee. No Trustee who has made a disclaimer, either individually or as a Trustee, may exercise any discretion in determining the recipient of the disclaimed property. All power to make such distributions, or to determine recipients of disclaimed property, will be exercised solely by the remaining Trustees, if any, or if there are no other Trustees then serving, by the person or persons named to serve as the next successor Trustee, or if there are none, by a special Trustee appointed for that purpose by a court having jurisdiction.

**7.17 Expenses.** An Independent Trustee may determine how expenses of administration and receipts are to be apportioned between principal and income.

**7.18 Terminate Small Trusts.** To exercise its discretion to refrain from funding or to terminate any trust whenever the value of the principal of that trust would be or is too small to administer economically, and to distribute the remaining principal and all accumulated income of the trust as provided in Section 7.9 to the income beneficiary of that trust. The Trustee shall exercise this power to terminate in its discretion as it deems prudent for the best interest of the beneficiaries at that time. This power cannot be exercised by the Settlor or any beneficiary, either alone or in conjunction with any other Trustee, but must be exercised solely by the other Trustee, or if none, by a special Trustee appointed for that purpose by a court having jurisdiction.

**7.19 Allocations to Income and Principal.** To treat premiums and discounts on bonds and other obligations for the payment of money in accordance with either generally accepted accounting principles or tax accounting principles and, except as otherwise provided to the contrary, to hold nonproductive assets without allocating any principal to income, despite any laws or rules to the contrary. The Trustee in its discretion may exercise the power described in Section 738.104 of the Florida Statutes to adjust between principal and income, as appropriate, and, in addition, may convert any income interest into a unitrust interest, or a unitrust interest to an income interest, as it sees fit, all as provided in Section 738.1041 of the Florida Statutes, despite any provision of those sections to the contrary.

**7.20 Use of Income.** Except as otherwise provided in this Trust Agreement, and in addition to all other available sources, to exercise its discretion in the use of income from the assets of the Trust to satisfy the liabilities described in this Trust Agreement, without accountability to any beneficiary.

**7.21 Valuations.** In making distributions or allocations under the terms of this Trust Agreement to be valued as of a particular date, the Trustee may use asset valuations obtained for a date reasonably close to that particular date (such as a quarterly closing date before or after that date) if, in the Trustee's judgment, obtaining appraisals or other determinations of value on that date would result in unnecessary expense, and if in the Trustee's judgment, the fair market value as determined is substantially the same as on that actual date. This paragraph will not apply if valuation on a specific date is required to preserve a qualification for a tax benefit, including any deduction, credit, or most favorable allocation of an exemption.

**7.22 Incorporation.** To incorporate any business or venture, and to continue any unincorporated business that the Trustee determines to be not advisable to incorporate.

**7.23 Delegation.** To delegate periodically among themselves the authority to perform any act of administration of any trust.

**7.24 Advances.** To make cash advances or loans to beneficiaries, with or without security.

**7.25 Investment Manager.** To employ any investment management service, financial institution, or similar organization to advise the Trustee and to handle all investments of the Trust and to render all accountings of funds held on its behalf under custodial, agency, or other agreements. If the Trustee is an individual, these costs may be paid as an expense of administration in addition to fees and commissions.

**7.26 Depreciation.** To deduct from all receipts attributable to depreciable property a reasonable allowance for depreciation, computed in accordance with generally accepted accounting principles consistently applied.

**7.27 Disclaim Assets or Powers.** To disclaim any assets otherwise passing or any fiduciary powers pertaining to any trust created hereunder, by execution of an instrument of disclaimer meeting the requirements of applicable law generally imposed upon individuals executing disclaimers. No notice to or consent of any beneficiary, other interested person, or any court is required for any such disclaimer, and the Trustee is to be held harmless for any decision to make or not make such a disclaimer.

**7.28 Transfer Situs.** To transfer the situs of any trust or any trust property to any other jurisdiction as often as the Trustee deems advisable, and if necessary to appoint a substitute or ancillary Trustee to act with respect to that property. The Trustee may delegate to the substitute Trustee any or all of the powers given to the Trustee; may elect to act as advisor to the substitute Trustee and receive reasonable compensation for that service; and may remove any acting or substitute Trustee and appoint another, or reappoint itself, at will.



**7.29 Related Parties.** To enter into any transaction on behalf of the Trust despite the fact that another party to that transaction may be: (i) a business or trust controlled by the Trustee, or of which the Trustee, or any director, officer, or employee of the Corporate Trustee, is also a director, officer, or employee; (ii) an affiliate or business associate of any beneficiary or the Trustee; or (iii) a beneficiary or Trustee under this Trust Agreement acting individually, or any relative of such a party.

**7.30 Additional Powers for Income-Producing Real Estate.** In addition to the other powers set forth above or otherwise conferred by law, the Trustee has the following powers with respect to any income-producing real property which is or may become a part of the Trust Estate:

- To retain and operate the property for as long as it deems advisable;
- To control, direct, and manage the property, determining the manner and extent of its active participation in these operations, and to delegate all or any part of its supervisory power to other persons that it selects;
- To hire and discharge employees, fix their compensation, and define their duties;
- To invest funds in other land holdings and to use those funds for all improvements, operations, or other similar purposes;
- Except as otherwise provided with respect to mandatory income distributions, to retain any amount of the net earnings for working capital and other purposes that it deems advisable in conformity with sound and efficient management; and
- To purchase and sell machinery, equipment, and supplies of all kinds as needed for the operation and maintenance of the land holdings.

## ARTICLE 8 SUBCHAPTER S STOCK

Despite any other provisions of this Trust Agreement, if a trust created in this instrument is to become the owner of, or already owns, stock in a corporation that has an election in effect (or one that proposes to make an election) under Section 1362 of the Internal Revenue Code (an "S Corporation"), and that trust would not otherwise be permitted to be an S Corporation shareholder, the following provisions will apply:

**8.1 Electing Small Business Trust.** The Trustee in its discretion may elect for the trust to become an Electing Small Business Trust ("ESBT") as defined in the Internal Revenue Code.

**8.2 Qualified Subchapter S Trust.** If the Trustee does not cause the trust to become an ESBT, the Trustee shall set aside the S Corporation stock in a separate trust for the current income beneficiary of such trust, so that a Qualified Subchapter S Trust ("QSST") election under Section 1361 of the Internal Revenue Code can be filed with respect to that trust. The Trustee shall hold each share as a separate QSST for the persons described above, and each such person will be the sole beneficiary of his or her QSST. To the greatest extent possible, the Trustee shall administer each QSST under the terms of the trust from which it was derived, but subject to the following overriding provisions:

(a) **Consent.** The Trustee shall notify the beneficiary of each separate trust promptly that a QSST election must be filed with the Internal Revenue Service. Thereafter, each beneficiary shall file a timely and proper QSST election with the Internal Revenue Service. If a beneficiary fails or refuses to make the QSST election, the Trustee shall make an ESBT election for that trust. If the beneficiary does make the QSST election, then his or her separate trust will be administered as set forth below.

(b) **Income Payments.** During the beneficiary's life, the Trustee shall pay all net income of the trust to the beneficiary (and only to that beneficiary) in quarterly or more frequent installments. The beneficiary's income interest in the trust will terminate on the earlier of his or her death or the termination of the trust under its terms.

(c) **Principal Invasions.** If the beneficiary is otherwise entitled to receive principal distributions, the Trustee may distribute principal from that separate trust during the beneficiary's life only to or for the benefit of that beneficiary (and no one else).

(d) **Final Distribution.** If the QSST is terminated during the beneficiary's life, the Trustee shall distribute all remaining assets of that separate trust to that beneficiary. If the beneficiary dies before that trust's termination, all remaining assets of the QSST are to be distributed as provided in the original trust, but subject to this article.

(e) **Termination of QSST Status.** If a separate trust would cease to qualify as an S Corporation shareholder, the Trustee in its discretion may: (i) make an ESBT election for that separate trust, or (ii) distribute all S Corporation stock to the beneficiary. The Trustee in its discretion also may convert a QSST to an ESBT, whether or not the beneficiary has consented to QSST treatment and, if the beneficiary consents, may convert an ESBT into a QSST.

**ARTICLE 9**  
**PERPETUITIES PROVISION**

Despite any contrary provisions of this Trust Agreement, from the creation of this Trust and for up to 21 years after the death of the last of the Settlor's grandparents' descendants who are living at the creation of this Trust, a trust beneficiary (which includes persons succeeding to the interest of a deceased beneficiary) will be entitled to terminating distributions only at the ages specified in this Trust Agreement. In all events, however, the share of each beneficiary will vest (in the beneficiary or his or her estate) immediately prior to the expiration of the 21 year period described above.

**ARTICLE 10**  
**ADMINISTRATION AND CONSTRUCTION**

**10.1 Rules for Distributions.** In making distributions to beneficiaries under this Trust Agreement, the Trustee must use the following criteria.

(a) **Other Resources.** Whenever the Trustee has the authority to decide how much to distribute to or for the benefit of a beneficiary, the Trustee can make decisions without taking into account any information about the beneficiary's other available income and resources. The Trustee can make payments directly to a beneficiary or to other persons for the beneficiary's benefit, but it does not have to make payments to a court appointed guardian.

(b) **Trustee's Decision.** Absent clear and convincing evidence of bad faith, the Trustee's decisions as to amounts to be distributed will be final.

(c) **Standard of Living.** Distributions to a beneficiary for health, education, support, or maintenance are to be based on his or her standard of living, determined as of the date of the distribution.

**10.2 Funding Gifts.** The following rules will apply to funding gifts under this Trust Agreement.

(a) **Pecuniary Gifts.** All pecuniary gifts under this Trust Agreement that are paid by an in-kind distribution of assets must use values having an aggregate fair market value at the date or dates of distribution equal to the amount of this gift as finally determined for federal estate tax purposes.

(b) **Adjustments.** The Trustee shall select one or more dates of allocation or distribution for purposes of satisfying gifts and funding shares or trusts. The Trustee may make allocations before the final determination of federal estate tax, with those allocations being based upon the information then available to the Trustee,



and may thereafter adjust properties among the shares or trusts if it is determined that the allocation should have been made differently.

**10.3 Accumulated Income.** Any income not distributed to the beneficiaries pursuant to either a mandatory direction or a discretionary power is to be incorporated into principal, at such intervals as the Trustee deems convenient.

**10.4 Estate Tax on Included Property.** If assets of any trust created under this Trust Agreement are included in a beneficiary's estate for federal estate tax purposes, the following will apply.

(a) **Appointed Assets.** If the beneficiary exercises a power of appointment over those assets, the Trustee is authorized to withhold from those assets the amount of estate taxes apportioned to them by applicable law, if the beneficiary does not make provisions for the payment of those taxes from other sources.

(b) **Other Assets.** If the beneficiary does not have or does not exercise a power of appointment over those assets, the Trustee will pay the estate taxes attributable to those assets. The estate taxes attributable to those assets will be the amount that the beneficiary's estate taxes are increased over the amount those taxes would have been if those assets had not been included in the beneficiary's gross estate.

(c) **Certification and Payment.** The Trustee may rely upon a written certification by the beneficiary's personal representative of the amount of the estate taxes, and may pay those taxes directly or to the personal representative of the beneficiary's estate. The Trustee will not be held liable for making payments as directed by the beneficiary's personal representative.

**10.5 Transactions With Other Entities.** The Trustee may buy assets from other estates or trusts, or make loans to them, so that funds will be available to pay claims, taxes, and expenses. The Trustee can make those purchases or loans even if it serves as the fiduciary of that estate or trust, and on whatever terms and conditions the Trustee thinks are appropriate, except that the terms of any transaction must be commercially reasonable.

## ARTICLE 11 MISCELLANEOUS PROVISIONS

**11.1 Definitions.** As used in this Trust Agreement, the following terms have the meanings set forth below:

(a) **Trustees.**

- (1) **Independent Trustee** means a trustee of a particular trust, either individual or corporate, who is not the Settlor or a beneficiary, and who is not a Related Person as to the Settlor or a beneficiary (if the Settlor or the beneficiary, respectively, is living and participated in that person's appointment). For purposes of this definition a beneficiary is a person who is a permissible distributee of income or principal, or someone with an interest in the trust in excess of five percent (5%) of its value, assuming a maximum exercise of discretion in his or her favor. Whenever this Trust Agreement requires an action be taken by, or in the discretion of, an Independent Trustee but no such Trustee is then serving, a court may appoint an Independent Trustee to serve as an additional Trustee whose sole function and duty will be to exercise the specified power.
- (2) **Corporate Trustee** means a trustee that is a bank, trust company, or other entity authorized to serve as a trustee under the laws of the United States or any state thereof that is not a Related Person to the Settlor. A bank or trust company that does not meet this requirement cannot serve as Trustee.

(b) **Internal Revenue Code Terms.**

- (1) **Internal Revenue Code** means the federal Internal Revenue Code of 1986, as amended from time to time, or successor provisions of future federal internal revenue laws.
- (2) The terms **health, education, support, and maintenance** are intended to set forth an "ascertainable standard," as described in the Internal Revenue Code and its associated Regulations. To the extent not inconsistent with the foregoing, "health" means a beneficiary's physical and mental health, including but not limited to payments for examinations, surgical, dental, or other treatment, medication, counseling, hospitalization, and health insurance premiums; "education" means elementary, secondary, post-secondary, graduate, or professional schooling in an accredited institution, public or private, or attendance at other formal programs in furtherance of the beneficiary's spiritual, athletic, or artistic education, including but not limited to payments for tuition, books,

fees, assessments, equipment, tutoring, transportation, and reasonable living expenses.

- (3) **Related Person** as to a particular individual is someone who is deemed to be "related or subordinate" to that individual under Section 672(c) of the Internal Revenue Code (as though that individual was a grantor).

(c) **Other Terms.**

- (1) Distributions that are to be made to a person's **descendants, per stirpes**, will be divided into equal shares, so that there will be one share for each living child (if any) of that person and one share for each deceased child who has then living descendants. The share of each deceased child will be further divided among his or her descendants on a per stirpes basis, by reapplying the preceding rule to that deceased child and his or her descendants as many times as necessary.
- (2) **Disabled or under a disability** means (i) being under the legal age of majority, (ii) having been adjudicated to be incapacitated, or (iii) being unable to manage properly personal or financial affairs because of a mental or physical impairment (whether temporary or permanent in nature). A written certificate executed by an individual's attending physician confirming that person's impairment will be sufficient evidence of disability under item (iii) above, and all persons may rely conclusively on such a certificate.
- (3) Removal of a Trustee **for cause** includes, without limitation, the following: the willful or negligent mismanagement of the trust assets by that individual Trustee; the abuse or abandonment of, or inattention to, the trust by that individual Trustee; a federal or state charge against that individual Trustee involving the commission of a felony or serious misdemeanor; an act of theft, dishonesty, fraud, embezzlement, or moral turpitude by that individual Trustee; or the use of narcotics or excessive use of alcohol by that individual Trustee.
- (4) The words **will** and **shall** are used interchangeably in this Trust Agreement and mean, unless the context clearly indicates otherwise, that the Trustee must take the action



indicated; as used in this Trust Agreement, the word **may** means that the Trustee has the discretionary authority to take the action but is not automatically required to do so.

**11.2 Powers of Appointment.** The following provisions relate to all powers of appointment under this Trust Agreement.

- (a) A **general power of appointment** granted to a person is one that can be exercised in favor of that person or his or her estate, his or her creditors, or the creditors of his or her estate.
- (b) A **special power of appointment** is any power that is not a general power.
- (c) A **testamentary power of appointment** (either general or special) is exercisable upon the powerholder's death by his or her Last Will or by a revocable trust agreement established by that person, but only by specific reference to the instrument creating the power. A "testamentary power of appointment" may not be exercised in favor of the person possessing the power.
- (d) In determining whether a person has exercised a testamentary power of appointment, the Trustee may rely upon an instrument admitted to probate in any jurisdiction as that person's Last Will, or upon any trust agreement certified to be valid and authentic by sworn statement of the trustee who is serving under that trust agreement. If the Trustee has not received written notice of such an instrument within six months after the powerholder's death, the Trustee may presume that the powerholder failed to exercise that power and will not be liable for acting in accordance with that presumption.

**11.3 Notices.** Any person entitled or required to give notice under this Trust Agreement shall exercise that power by a written instrument clearly setting forth the effective date of the action for which notice is being given. The instrument may be executed in counterparts.

**11.4 Certifications.**

(a) **Facts.** A certificate signed and acknowledged by the Trustee stating any fact affecting the Trust Estate or the Trust Agreement will be conclusive evidence of such fact in favor of any transfer agent and any other person dealing in good faith with the Trustee. The Trustee may rely on a certificate signed and acknowledged by any beneficiary stating any fact concerning the Trust beneficiaries, including dates of

birth, relationships, or marital status, unless an individual serving as Trustee has actual knowledge that the stated fact is false.

(b) **Copy.** Any person may rely on a copy of this instrument (in whole or in part) certified to be a true copy by the Settlor; by any person specifically named as a Trustee (or successor Trustee); by any Corporate Trustee whether or not specifically named; or, if there are none of the above, by any then serving Trustee.

**11.5 Applicable Law.** All matters involving the validity and interpretation of this Trust Agreement are to be governed by Florida law. Subject to the provisions of this Trust Agreement, all matters involving the administration of a trust are to be governed by the laws of the jurisdiction in which the trust has its principal place of administration.

**11.6 Gender and Number.** Reference in this Trust Agreement to any gender includes either masculine or feminine, as appropriate, and reference to any number includes both singular and plural where the context permits or requires. Use of descriptive titles for articles and paragraphs is for the purpose of convenience only and is not intended to restrict the application of those provisions.

**11.7 Further Instruments.** The Settlor agrees to execute such further instruments as may be necessary to vest the Trustee with full legal title to the property transferred to this Trust.

**11.8 Binding Effect.** This Trust Agreement extends to and is binding upon the Settlor's Personal Representative, successors, and assigns, and upon the Trustee.

CONFIDENTIAL

Executed as of the date first written above.

Signed in the presence of:

SETTLOR

Judith M. Johnson  
Julian M.

[Signature]  
Simon Bernstein

Two witnesses as to Simon Bernstein

Signed in the presence of:

TRUSTEE

Traci Kratish, P.A.

Judith M. Johnson  
[Signature]

[Signature] FOR TRACI KRATISH, P.A.

[Signature] AS PRESIDENT

Two witnesses as to Traci Kratish

Traci Kratish, President

CONF

**Schedule A**  
**Initial Transfers to Trust**

Transfer of 6 shares of LIC Holdings, Inc.

02



***TRUST AGREEMENT***  
***FOR THE***  
***JAKE BERNSTEIN IRREVOCABLE TRUST***

*September 7, 2006*



**TRUST AGREEMENT**  
**FOR THE**  
**JAKE BERNSTEIN IRREVOCABLE TRUST**

SIMON BERNSTEIN, as Settlor, hereby creates the Jake Bernstein Irrevocable Trust ("the Trust") on September 7, 2006. Traci Kratish, P.A. is the trustee of this Trust and, in that capacity, he and his successors are collectively referred to in this Trust Agreement as the "Trustee."

**ARTICLE 1**  
**BENEFICIARY**

This Trust is for the benefit of the Settlor's Grandchild, JAKE BERNSTEIN.

**ARTICLE 2**  
**TRANSFERS TO TRUST**

The Settlor hereby conveys to the Trustee all his interest in the assets listed on Schedule A, which together with any assets later added to this Trust are referred to as the "Trust Estate." Any person may transfer assets to the Trust Estate, if the Trustee agrees to accept them. Assets do not have to be listed on Schedule A to be part of the Trust Estate. Unless otherwise specified in writing at the time of the transfer, those assets will be held as provided in this Trust Agreement. The Trustee acknowledges receipt of the current Trust assets and agrees to hold the Trust Estate as set forth in this Trust Agreement.

**ARTICLE 3**  
**IRREVOCABLE PROVISION**

The Settlor declares that he has no right to alter, amend, modify, or revoke this Trust Agreement; to withdraw assets from the Trust; or to require changes in the investments of the Trust. No part of the Trust may ever revert to the Settlor, be used for his benefit, or be distributed in discharge of his legal obligations.

**ARTICLE 4**  
**ADMINISTRATION OF TRUST**

The Trustee shall hold, administer, and distribute the Trust Estate in accordance with the powers granted under this Trust Agreement as follows:

**4.1 Discretionary Distributions.** The Trustee shall pay or apply such sums of principal from this Trust as in the Trustee's discretion are necessary or advisable for Beneficiary's health, education, support, and maintenance.

**4.2 Distribution of Principal.** When Beneficiary has reached age 21, the trustee shall distribute one-half (½) of the corpus of trust to Beneficiary plus accrued income. When Beneficiary has reached age 25 the Trustee shall distribute the entire remaining principal balance of the corpus of the trust to Beneficiary plus accrued income.

**4.3 Distribution Upon Death Before Age 25.** Upon the death of Beneficiary prior to age 25, the Trustee shall distribute the remaining assets in the trust to the estate of Beneficiary.

## **ARTICLE 5 PROVISIONS GOVERNING TRUSTEES**

The following provisions apply to all Trustees appointed under this Trust Agreement:

**5.1 Incapacity of Trustee.** If any Trustee becomes disabled, he or she will immediately cease to act as Trustee. If a Trustee who ceases to serve because of a disability, or who is suspended, thereafter recovers from that disability or consents to the release of relevant medical information, he or she may elect to become a Trustee again by giving written notice to the then serving Trustee, and the last Trustee who undertook to serve will then cease to be a Trustee until another successor Trustee is required.

**5.2 Resignation.** Any Trustee may resign by giving 30 days' written notice delivered personally or by mail to any then serving Co-Trustee and to the Settlor if he is then living and not disabled; otherwise to the next named successor Trustee, or if none, to the persons having power to appoint successor Trustees.

**5.3 Power to Name Other Trustees.** Whenever a successor Trustee is required and that position is not filled under the terms specified in this Trust Agreement, an individual Trustee ceasing to serve (other than a Trustee being removed) may appoint his or her successor, but if none is appointed, the remaining Trustees, if any, or the beneficiary shall appoint a successor Corporate Trustee. The appointment will be by a written document (including a testamentary instrument) delivered to the appointed Trustee. In no event may the Settlor ever be appointed as the Trustee under this Trust Agreement nor shall a Successor trustee be appointed that will cause this trust to be a grantor trust.

**5.4 Powers of Successor Trustees.** Successor Trustees will have all powers granted to the original Trustee, except that only an Independent Trustee will succeed to the powers vested exclusively in the Independent Trustee.

**5.5 Accountings.** Accountings must be given to the beneficiary of each trust at least annually (quarterly if a Corporate Trustee is serving). The accountings must show the assets held in trust and all receipts and disbursements. A beneficiary's written approval of an accounting will be final and binding upon that beneficiary and all persons represented by him or her as to all matters disclosed in that accounting. In any event, if a

beneficiary fails to object to an accounting within six months of receiving it, his or her approval is conclusively presumed. A successor Trustee may require the prior Trustee to render a full and final accounting.

**5.6 Acts by Other Fiduciaries.** The Trustee is not required to question any acts or failures to act of the fiduciary of any other trust or estate, and will not be liable for any prior fiduciary's acts or failures to act. The Trustee can require a beneficiary who requests an examination of another fiduciary's actions or omissions to advance all costs and fees incurred in the examination, and if the beneficiary does not, the Trustee may elect not to proceed or may proceed and offset those costs and fees directly against any payment that would otherwise be made to that beneficiary.

**5.7 Court Supervision.** The Settlor waives compliance by the Trustee with any law requiring bond, registration, qualification, or accounting to any court.

**5.8 Compensation.** Each Trustee is entitled to be paid reasonable compensation for services rendered in the administration of the Trust. Reasonable compensation for a Corporate Trustee will be its published fee schedule in effect when its services are rendered unless otherwise agreed in writing, and except as follows. Any fees paid to a Corporate Trustee for making principal distributions, for termination of the trust, and upon termination of its services must be based solely on the value of its services rendered, not on the value of the trust principal. During the Settlor's lifetime the Trustee's fees are to be charged wholly against income (to the extent sufficient), unless directed otherwise by the Settlor in writing.

**5.9 Indemnity.** Any Trustee who ceases to serve for any reason will be entitled to receive (and the continuing Trustee shall make suitable arrangements to provide) reasonable indemnification and security to protect and hold that Trustee harmless from any damage or liability of any nature that may be imposed upon it because of its actions or omissions while serving as Trustee. This protection, however, does not extend to a Trustee's negligent actions or omissions that clearly and demonstrably result in damage or liability. A prior Trustee may enforce these provisions against the current Trustee or against any assets held in the Trust, or if the prior Trustee is an individual, against any beneficiary to the extent of distributions received by that beneficiary. This indemnification right will extend to the estate, personal representatives, legal successors, and assigns of a Trustee.

**5.10 Successor Trustee.** In the event the initial Trustee, Steven I. Greenwald, resigns or ceases to serve as Trustee, then and in that event, I hereby appoint Larry V. Bishins to serve as Trustee.



**ARTICLE 6**  
**PROTECTION OF INTERESTS**

The interest of any beneficiary under this Trust Agreement, in either income or principal, may not be anticipated, alienated, or in any other manner assigned by the beneficiary, whether voluntarily or involuntarily, and will not be subject to any legal process, bankruptcy proceedings, or the interference or control of the beneficiary's creditors or others.

**ARTICLE 7**  
**FIDUCIARY POWERS**

The Settlor grants to the Trustee full power to deal freely with any property in the Trust. The Trustee may exercise these powers independently and without the approval of any court. No person dealing with the Trustee need inquire into the propriety of any of its actions or into the application of any funds or assets. The Trustee shall, however, exercise all powers in a fiduciary capacity for the best interest of the beneficiary of this Trust or any trust created under it. Without limiting the generality of the foregoing, the Trustee is given the following discretionary powers in addition to any other powers conferred by law:

**7.1 Type of Assets.** Except as otherwise provided to the contrary, to hold funds uninvested for such periods as the Trustee deems prudent, and to invest in any assets the Trustee deems advisable even though they are not technically recognized or specifically listed in so-called "legal lists," without responsibility for depreciation or loss on account of those investments, or because those investments are non-productive, as long as the Trustee acts in good faith.

**7.2 Original Assets.** Except as otherwise provided to the contrary, to retain the original assets it receives for as long as it deems best, and to dispose of those assets when it deems advisable, even though such assets, because of their character or lack of diversification, would otherwise be considered improper investments for the Trustee.

**7.3 Tangible Personal Property.** To receive and hold tangible personal property; to pay or refrain from paying storage and insurance charges for such property; and to permit any beneficiaries to use such property without either the Trustee or beneficiaries incurring any liability for wear, tear, and obsolescence of the property.

**7.4 Specific Securities.** To invest in assets, securities, or interests in securities of any nature, including (without limit) commodities, options, futures, precious metals, currencies, and in domestic and foreign markets and in mutual or investment funds, including funds for which the Trustee or any affiliate performs services for additional fees, whether as custodian, transfer agent, investment advisor or otherwise, or in securities distributed, underwritten, or issued by the Trustee or by syndicates of which

it is a member; to trade on credit or margin accounts (whether secured or unsecured); and to pledge assets of the Trust Estate for that purpose.

**7.5 Property Transactions.** To buy, sell, pledge, exchange, or lease any real or personal property, publicly or privately, for cash or credit, without court approval and upon the terms and conditions that the Trustee deems advisable; to execute deeds, leases, contracts, bills of sale, notes, mortgages, security instruments, and other written instruments; to abandon or dispose of any real or personal property in the Trust which has little or no monetary or useful value; to improve, repair, insure, subdivide and vacate any property; to erect, alter or demolish buildings; to adjust boundaries; and to impose easements, restrictions, and covenants as the Trustee sees fit. A lease will be valid and binding for its full term even if it extends beyond the full duration of the Trust.

**7.6 Borrow Money.** To borrow money from any source (including the Trustee in its nonfiduciary capacity), to guarantee indebtedness, and to secure the loan or guaranty by mortgage or other security interest.

**7.7 Maintain Assets.** To expend whatever funds it deems proper for the preservation, maintenance, or improvement of assets. The Trustee in its discretion may elect any options or settlements or exercise any rights under all insurance policies that it holds. However, no fiduciary who is the insured of any insurance policy held in the Trust may exercise any rights or have any incidents of ownership with respect to the policy, including the power to change the beneficiary, to surrender or cancel the policy, to assign the policy, to revoke any assignment, to pledge the policy for a loan, or to obtain from the insurer a loan against the surrender value of the policy. All such power is to be exercised solely by the remaining Trustee, if any, or if none, by a special fiduciary appointed for that purpose by a court having jurisdiction.

**7.8 Advisors.** To employ and compensate attorneys, accountants, advisors, financial consultants, managers, agents, and assistants (including any individual or entity who provides investment advisory or management services, or who furnishes professional assistance in making investments for the Trust) without liability for any act of those persons, if they are selected and retained with reasonable care. Fees may be paid from the Trust Estate even if the services were rendered in connection with ancillary proceedings.

**7.9 Indirect Distributions.** To make distributions, whether of principal or income, to any person under age 21 or to any incapacitated person according to the terms of this Trust Agreement by making distributions directly to that person whether or not that person has a guardian; to the parent, guardian, or spouse of that person; to a custodial account established by the Trustee or others for that person under an applicable Uniform Gift to Minors Act or Uniform Transfers to Minors Act; to any adult who resides in the same household with that person or who is otherwise responsible for the care and well-being of that person; or by applying any distribution for the benefit of that person in any



manner the Trustee deems proper. The receipt of the person to whom payment is made will constitute full discharge of the Trustee with respect to that payment. No distributions may be made to the Settlor under this Section.

**7.10 Non-Pro Rata Distribution.** To make any division or distribution in money or in kind, or both, without allocating the same kind of property to all shares or distributees, and without regard to the income tax basis of the property. Any division will be binding and conclusive on all parties.

**7.11 Nominee.** Except as prohibited by law, to hold any assets in the name of a nominee without disclosing the fiduciary relationship; to hold the property unregistered, without affecting its liability; and to hold securities endorsed in blank, in street certificates, at a depository trust company, or in a book entry system.

**7.12 Custodian.** To employ a custodian or agent ("the Custodian") located anywhere within the United States, at the discretion of the Trustee but at the expense of the Trust, whether or not such Custodian is an affiliate of the Trustee or any person rendering services to the Trust; to register securities in the name of the Custodian or a nominee thereof without designation of fiduciary capacity; and to appoint the Custodian to perform such other ministerial functions as the Trustee may direct. While such securities are in the custody of the Custodian, the Trustee will be under no obligation to inspect or verify such securities nor will the Trustee be responsible for any loss by the Custodian.

**7.13 Settle Claims.** To contest, compromise, arbitrate, or otherwise adjust claims in favor of or against the Trust, to agree to any rescission or modification of any contract or agreement, and to refrain from instituting any suit or action unless indemnified for reasonable costs and expenses.

**7.14 Corporate Rights.** To vote and exercise any option, right, or privilege to purchase or to convert bonds, notes, stock (including shares or fractional shares of stock of any Corporate Trustee), securities, or other property; to borrow money for the purpose of exercising any such option, right, or privilege; to delegate those rights to an agent; to enter into voting trusts and other agreements or subscriptions; to participate in any type of liquidation or reorganization of any enterprise; and to write and sell covered call options, puts, calls, straddles, or other methods of buying or selling securities, as well as all related transactions.

**7.15 Partnership Interests.** To hold interests in sole proprietorships, general or limited partnerships, joint ventures, business trusts, land trusts, limited liability companies, and other domestic and foreign forms of organizations; and to exercise all rights in connection with such interests as the Trustee deems appropriate, including any powers applicable to a non-admitted transferee of any such interest.



**7.16 Self-Dealing.** To exercise all its powers even though it may also be acting individually or on behalf of any other person or entity interested in the same matters. The Trustee, however, shall exercise these powers at all times in a fiduciary capacity, primarily in the interest of the beneficiaries of the Trust. Despite any other provision of this Trust Agreement, no Trustee may participate in the decision to make a discretionary distribution that would discharge a legal support obligation of that Trustee. No Trustee who has made a disclaimer, either individually or as a Trustee, may exercise any discretion in determining the recipient of the disclaimed property. All power to make such distributions, or to determine recipients of disclaimed property, will be exercised solely by the remaining Trustees, if any, or if there are no other Trustees then serving, by the person or persons named to serve as the next successor Trustee, or if there are none, by a special Trustee appointed for that purpose by a court having jurisdiction.

**7.17 Expenses.** An Independent Trustee may determine how expenses of administration and receipts are to be apportioned between principal and income.

**7.18 Terminate Small Trusts.** To exercise its discretion to refrain from funding or to terminate any trust whenever the value of the principal of that trust would be or is too small to administer economically, and to distribute the remaining principal and all accumulated income of the trust as provided in Section 7.9 to the income beneficiary of that trust. The Trustee shall exercise this power to terminate in its discretion as it deems prudent for the best interest of the beneficiaries at that time. This power cannot be exercised by the Settlor or any beneficiary, either alone or in conjunction with any other Trustee, but must be exercised solely by the other Trustee, or if none, by a special Trustee appointed for that purpose by a court having jurisdiction.

**7.19 Allocations to Income and Principal.** To treat premiums and discounts on bonds and other obligations for the payment of money in accordance with either generally accepted accounting principles or tax accounting principles and, except as otherwise provided to the contrary, to hold nonproductive assets without allocating any principal to income, despite any laws or rules to the contrary. The Trustee in its discretion may exercise the power described in Section 738.104 of the Florida Statutes to adjust between principal and income, as appropriate, and, in addition, may convert any income interest into a unitrust interest, or a unitrust interest to an income interest, as it sees fit, all as provided in Section 738.1041 of the Florida Statutes, despite any provision of those sections to the contrary.

**7.20 Use of Income.** Except as otherwise provided in this Trust Agreement, and in addition to all other available sources, to exercise its discretion in the use of income from the assets of the Trust to satisfy the liabilities described in this Trust Agreement, without accountability to any beneficiary.

**7.21 Valuations.** In making distributions or allocations under the terms of this Trust Agreement to be valued as of a particular date, the Trustee may use asset valuations

obtained for a date reasonably close to that particular date (such as a quarterly closing date before or after that date) if, in the Trustee's judgment, obtaining appraisals or other determinations of value on that date would result in unnecessary expense, and if in the Trustee's judgment, the fair market value as determined is substantially the same as on that actual date. This paragraph will not apply if valuation on a specific date is required to preserve a qualification for a tax benefit, including any deduction, credit, or most favorable allocation of an exemption.

**7.22 Incorporation.** To incorporate any business or venture, and to continue any unincorporated business that the Trustee determines to be not advisable to incorporate.

**7.23 Delegation.** To delegate periodically among themselves the authority to perform any act of administration of any trust.

**7.24 Advances.** To make cash advances or loans to beneficiaries, with or without security.

**7.25 Investment Manager.** To employ any investment management service, financial institution, or similar organization to advise the Trustee and to handle all investments of the Trust and to render all accountings of funds held on its behalf under custodial, agency, or other agreements. If the Trustee is an individual, these costs may be paid as an expense of administration in addition to fees and commissions.

**7.26 Depreciation.** To deduct from all receipts attributable to depreciable property a reasonable allowance for depreciation, computed in accordance with generally accepted accounting principles consistently applied.

**7.27 Disclaim Assets or Powers.** To disclaim any assets otherwise passing or any fiduciary powers pertaining to any trust created hereunder, by execution of an instrument of disclaimer meeting the requirements of applicable law generally imposed upon individuals executing disclaimers. No notice to or consent of any beneficiary, other interested person, or any court is required for any such disclaimer, and the Trustee is to be held harmless for any decision to make or not make such a disclaimer.

**7.28 Transfer Situs.** To transfer the situs of any trust or any trust property to any other jurisdiction as often as the Trustee deems advisable, and if necessary to appoint a substitute or ancillary Trustee to act with respect to that property. The Trustee may delegate to the substitute Trustee any or all of the powers given to the Trustee; may elect to act as advisor to the substitute Trustee and receive reasonable compensation for that service; and may remove any acting or substitute Trustee and appoint another, or reappoint itself, at will.

**7.29 Related Parties.** To enter into any transaction on behalf of the Trust despite the fact that another party to that transaction may be: (i) a business or trust controlled by the Trustee, or of which the Trustee, or any director, officer, or employee of the Corporate Trustee, is also a director, officer, or employee; (ii) an affiliate or business associate of any beneficiary or the Trustee; or (iii) a beneficiary or Trustee under this Trust Agreement acting individually, or any relative of such a party.

**7.30 Additional Powers for Income-Producing Real Estate.** In addition to the other powers set forth above or otherwise conferred by law, the Trustee has the following powers with respect to any income-producing real property which is or may become a part of the Trust Estate:

- To retain and operate the property for as long as it deems advisable;
- To control, direct, and manage the property, determining the manner and extent of its active participation in these operations, and to delegate all or any part of its supervisory power to other persons that it selects;
- To hire and discharge employees, fix their compensation, and define their duties;
- To invest funds in other land holdings and to use those funds for all improvements, operations, or other similar purposes;
- Except as otherwise provided with respect to mandatory income distributions, to retain any amount of the net earnings for working capital and other purposes that it deems advisable in conformity with sound and efficient management; and
- To purchase and sell machinery, equipment, and supplies of all kinds as needed for the operation and maintenance of the land holdings.

## ARTICLE 8 SUBCHAPTER S STOCK

Despite any other provisions of this Trust Agreement, if a trust created in this instrument is to become the owner of, or already owns, stock in a corporation that has an election in effect (or one that proposes to make an election) under Section 1362 of the Internal Revenue Code (an "S Corporation"), and that trust would not otherwise be permitted to be an S Corporation shareholder, the following provisions will apply:

**8.1 Electing Small Business Trust.** The Trustee in its discretion may elect for the trust to become an Electing Small Business Trust ("ESBT") as defined in the Internal Revenue Code.



**8.2 Qualified Subchapter S Trust.** If the Trustee does not cause the trust to become an ESBT, the Trustee shall set aside the S Corporation stock in a separate trust for the current income beneficiary of such trust, so that a Qualified Subchapter S Trust ("QSST") election under Section 1361 of the Internal Revenue Code can be filed with respect to that trust. The Trustee shall hold each share as a separate QSST for the persons described above, and each such person will be the sole beneficiary of his or her QSST. To the greatest extent possible, the Trustee shall administer each QSST under the terms of the trust from which it was derived, but subject to the following overriding provisions:

(a) **Consent.** The Trustee shall notify the beneficiary of each separate trust promptly that a QSST election must be filed with the Internal Revenue Service. Thereafter, each beneficiary shall file a timely and proper QSST election with the Internal Revenue Service. If a beneficiary fails or refuses to make the QSST election, the Trustee shall make an ESBT election for that trust. If the beneficiary does make the QSST election, then his or her separate trust will be administered as set forth below.

(b) **Income Payments.** During the beneficiary's life, the Trustee shall pay all net income of the trust to the beneficiary (and only to that beneficiary) in quarterly or more frequent installments. The beneficiary's income interest in the trust will terminate on the earlier of his or her death or the termination of the trust under its terms.

(c) **Principal Invasions.** If the beneficiary is otherwise entitled to receive principal distributions, the Trustee may distribute principal from that separate trust during the beneficiary's life only to or for the benefit of that beneficiary (and no one else).

(d) **Final Distribution.** If the QSST is terminated during the beneficiary's life, the Trustee shall distribute all remaining assets of that separate trust to that beneficiary. If the beneficiary dies before that trust's termination, all remaining assets of the QSST are to be distributed as provided in the original trust, but subject to this article.

(e) **Termination of QSST Status.** If a separate trust would cease to qualify as an S Corporation shareholder, the Trustee in its discretion may: (i) make an ESBT election for that separate trust, or (ii) distribute all S Corporation stock to the beneficiary. The Trustee in its discretion also may convert a QSST to an ESBT, whether or not the beneficiary has consented to QSST treatment and, if the beneficiary consents, may convert an ESBT into a QSST.

**ARTICLE 9**  
**PERPETUITIES PROVISION**

Despite any contrary provisions of this Trust Agreement, from the creation of this Trust and for up to 21 years after the death of the last of the Settlor's grandparents' descendants who are living at the creation of this Trust, a trust beneficiary (which includes persons succeeding to the interest of a deceased beneficiary) will be entitled to terminating distributions only at the ages specified in this Trust Agreement. In all events, however, the share of each beneficiary will vest (in the beneficiary or his or her estate) immediately prior to the expiration of the 21 year period described above.

**ARTICLE 10**  
**ADMINISTRATION AND CONSTRUCTION**

**10.1 Rules for Distributions.** In making distributions to beneficiaries under this Trust Agreement, the Trustee must use the following criteria.

(a) **Other Resources.** Whenever the Trustee has the authority to decide how much to distribute to or for the benefit of a beneficiary, the Trustee can make decisions without taking into account any information about the beneficiary's other available income and resources. The Trustee can make payments directly to a beneficiary or to other persons for the beneficiary's benefit, but it does not have to make payments to a court appointed guardian.

(b) **Trustee's Decision.** Absent clear and convincing evidence of bad faith, the Trustee's decisions as to amounts to be distributed will be final.

(c) **Standard of Living.** Distributions to a beneficiary for health, education, support, or maintenance are to be based on his or her standard of living, determined as of the date of the distribution.

**10.2 Funding Gifts.** The following rules will apply to funding gifts under this Trust Agreement.

(a) **Pecuniary Gifts.** All pecuniary gifts under this Trust Agreement that are paid by an in-kind distribution of assets must use values having an aggregate fair market value at the date or dates of distribution equal to the amount of this gift as finally determined for federal estate tax purposes.

(b) **Adjustments.** The Trustee shall select one or more dates of allocation or distribution for purposes of satisfying gifts and funding shares or trusts. The Trustee may make allocations before the final determination of federal estate tax, with those allocations being based upon the information then available to the Trustee,

and may thereafter adjust properties among the shares or trusts if it is determined that the allocation should have been made differently.

**10.3 Accumulated Income.** Any income not distributed to the beneficiaries pursuant to either a mandatory direction or a discretionary power is to be incorporated into principal, at such intervals as the Trustee deems convenient.

**10.4 Estate Tax on Included Property.** If assets of any trust created under this Trust Agreement are included in a beneficiary's estate for federal estate tax purposes, the following will apply.

(a) **Appointed Assets.** If the beneficiary exercises a power of appointment over those assets, the Trustee is authorized to withhold from those assets the amount of estate taxes apportioned to them by applicable law, if the beneficiary does not make provisions for the payment of those taxes from other sources.

(b) **Other Assets.** If the beneficiary does not have or does not exercise a power of appointment over those assets, the Trustee will pay the estate taxes attributable to those assets. The estate taxes attributable to those assets will be the amount that the beneficiary's estate taxes are increased over the amount those taxes would have been if those assets had not been included in the beneficiary's gross estate.

(c) **Certification and Payment.** The Trustee may rely upon a written certification by the beneficiary's personal representative of the amount of the estate taxes, and may pay those taxes directly or to the personal representative of the beneficiary's estate. The Trustee will not be held liable for making payments as directed by the beneficiary's personal representative.

**10.5 Transactions With Other Entities.** The Trustee may buy assets from other estates or trusts, or make loans to them, so that funds will be available to pay claims, taxes, and expenses. The Trustee can make those purchases or loans even if it serves as the fiduciary of that estate or trust, and on whatever terms and conditions the Trustee thinks are appropriate, except that the terms of any transaction must be commercially reasonable.

## ARTICLE 11 MISCELLANEOUS PROVISIONS

**11.1 Definitions.** As used in this Trust Agreement, the following terms have the meanings set forth below:

(a) **Trustees.**



- (1) **Independent Trustee** means a trustee of a particular trust, either individual or corporate, who is not the Settlor or a beneficiary, and who is not a Related Person as to the Settlor or a beneficiary (if the Settlor or the beneficiary, respectively, is living and participated in that person's appointment). For purposes of this definition a beneficiary is a person who is a permissible distributee of income or principal, or someone with an interest in the trust in excess of five percent (5%) of its value, assuming a maximum exercise of discretion in his or her favor. Whenever this Trust Agreement requires an action be taken by, or in the discretion of, an Independent Trustee but no such Trustee is then serving, a court may appoint an Independent Trustee to serve as an additional Trustee whose sole function and duty will be to exercise the specified power.
- (2) **Corporate Trustee** means a trustee that is a bank, trust company, or other entity authorized to serve as a trustee under the laws of the United States or any state thereof that is not a Related Person to the Settlor. A bank or trust company that does not meet this requirement cannot serve as Trustee.

(b) **Internal Revenue Code Terms.**

- (1) **Internal Revenue Code** means the federal Internal Revenue Code of 1986, as amended from time to time, or successor provisions of future federal internal revenue laws.
- (2) The terms **health, education, support, and maintenance** are intended to set forth an "ascertainable standard," as described in the Internal Revenue Code and its associated Regulations. To the extent not inconsistent with the foregoing, "health" means a beneficiary's physical and mental health, including but not limited to payments for examinations, surgical, dental, or other treatment, medication, counseling, hospitalization, and health insurance premiums; "education" means elementary, secondary, post-secondary, graduate, or professional schooling in an accredited institution, public or private, or attendance at other formal programs in furtherance of the beneficiary's spiritual, athletic, or artistic education, including but not limited to payments for tuition, books,

fees, assessments, equipment, tutoring, transportation, and reasonable living expenses.

- (3) **Related Person** as to a particular individual is someone who is deemed to be "related or subordinate" to that individual under Section 672(c) of the Internal Revenue Code (as though that individual was a grantor).

(c) **Other Terms.**

- (1) Distributions that are to be made to a person's **descendants, per stirpes**, will be divided into equal shares, so that there will be one share for each living child (if any) of that person and one share for each deceased child who has then living descendants. The share of each deceased child will be further divided among his or her descendants on a per stirpes basis, by reapplying the preceding rule to that deceased child and his or her descendants as many times as necessary.
- (2) **Disabled or under a disability** means (i) being under the legal age of majority, (ii) having been adjudicated to be incapacitated, or (iii) being unable to manage properly personal or financial affairs because of a mental or physical impairment (whether temporary or permanent in nature). A written certificate executed by an individual's attending physician confirming that person's impairment will be sufficient evidence of disability under item (iii) above, and all persons may rely conclusively on such a certificate.
- (3) Removal of a Trustee **for cause** includes, without limitation, the following: the willful or negligent mismanagement of the trust assets by that individual Trustee; the abuse or abandonment of, or inattention to, the trust by that individual Trustee; a federal or state charge against that individual Trustee involving the commission of a felony or serious misdemeanor; an act of theft, dishonesty, fraud, embezzlement, or moral turpitude by that individual Trustee; or the use of narcotics or excessive use of alcohol by that individual Trustee.
- (4) The words **will** and **shall** are used interchangeably in this Trust Agreement and mean, unless the context clearly indicates otherwise, that the Trustee must take the action

indicated; as used in this Trust Agreement, the word **may** means that the Trustee has the discretionary authority to take the action but is not automatically required to do so.

**11.2 Powers of Appointment.** The following provisions relate to all powers of appointment under this Trust Agreement.

- (a) A **general power of appointment** granted to a person is one that can be exercised in favor of that person or his or her estate, his or her creditors, or the creditors of his or her estate.
- (b) A **special power of appointment** is any power that is not a general power.
- (c) A **testamentary power of appointment** (either general or special) is exercisable upon the powerholder's death by his or her Last Will or by a revocable trust agreement established by that person, but only by specific reference to the instrument creating the power. A "testamentary power of appointment" may not be exercised in favor of the person possessing the power.
- (d) In determining whether a person has exercised a testamentary power of appointment, the Trustee may rely upon an instrument admitted to probate in any jurisdiction as that person's Last Will, or upon any trust agreement certified to be valid and authentic by sworn statement of the trustee who is serving under that trust agreement. If the Trustee has not received written notice of such an instrument within six months after the powerholder's death, the Trustee may presume that the powerholder failed to exercise that power and will not be liable for acting in accordance with that presumption.

**11.3 Notices.** Any person entitled or required to give notice under this Trust Agreement shall exercise that power by a written instrument clearly setting forth the effective date of the action for which notice is being given. The instrument may be executed in counterparts.

**11.4 Certifications.**

(a) **Facts.** A certificate signed and acknowledged by the Trustee stating any fact affecting the Trust Estate or the Trust Agreement will be conclusive evidence of such fact in favor of any transfer agent and any other person dealing in good faith with the Trustee. The Trustee may rely on a certificate signed and acknowledged by any beneficiary stating any fact concerning the Trust beneficiaries, including dates of



birth, relationships, or marital status, unless an individual serving as Trustee has actual knowledge that the stated fact is false.

(b) **Copy.** Any person may rely on a copy of this instrument (in whole or in part) certified to be a true copy by the Settlor; by any person specifically named as a Trustee (or successor Trustee); by any Corporate Trustee whether or not specifically named; or, if there are none of the above, by any then serving Trustee.

**11.5 Applicable Law.** All matters involving the validity and interpretation of this Trust Agreement are to be governed by Florida law. Subject to the provisions of this Trust Agreement, all matters involving the administration of a trust are to be governed by the laws of the jurisdiction in which the trust has its principal place of administration.

**11.6 Gender and Number.** Reference in this Trust Agreement to any gender includes either masculine or feminine, as appropriate, and reference to any number includes both singular and plural where the context permits or requires. Use of descriptive titles for articles and paragraphs is for the purpose of convenience only and is not intended to restrict the application of those provisions.

**11.7 Further Instruments.** The Settlor agrees to execute such further instruments as may be necessary to vest the Trustee with full legal title to the property transferred to this Trust.

**11.8 Binding Effect.** This Trust Agreement extends to and is binding upon the Settlor's Personal Representative, successors, and assigns, and upon the Trustee.

Executed as of the date first written above.

Signed in the presence of:

SETTLOR

Joseph M. Johnson  
[Signature]

[Signature]  
Simon Bernstein

Two witnesses as to Simon Bernstein

Signed in the presence of:

TRUSTEE

Traci Kratish, P.A.

Joseph M. Johnson  
[Signature]

[Signature] FOR TRACI KRATISH, P.A.  
[Signature] AS PRESIDENT  
Traci Kratish, President

Two witnesses as to Traci Kratish

**Schedule A**  
**Initial Transfers to Trust**

Transfer of 6 shares of LIC Holdings, Inc.





DEPARTMENT OF THE TREASURY  
INTERNAL REVENUE SERVICE  
P.O. BOX 9003  
HOLTSVILLE NY 11742-9003

Date of this notice: 03-12-2007

Employer Identification Number:  
20-7294156

Form: SS-4

Number of this notice: CP 575 B

For assistance you may call us at  
1-800-829-4933

JOSH BERNSTEIN IRREV TRUST  
TRACI KRATISH PA TTEE  
950 PENNISULA CORP CIR STE 3010  
BOCA RATON FL 33487

IF YOU WRITE, ATTACH THE  
STUB OF THIS NOTICE.

102592

**WE ASSIGNED YOU AN EMPLOYER IDENTIFICATION NUMBER**

Thank you for applying for an Employer Identification Number (EIN). We assigned you EIN 20-7294156. This EIN will identify your estate or trust. If you are not the applicant, please contact the individual who is handling the estate or trust for you. Please keep this notice in your permanent records.

When filing tax documents, please use the label we provided. If this isn't possible, it is very important that you use your EIN and complete name and address exactly as shown above on all federal tax forms, payments and related correspondence. Any variation may cause a delay in processing, result in incorrect information in your account or even cause you to be assigned more than one EIN. If the information isn't correct as shown above, please correct it using tear off stub from this notice and return it to us so we can correct your account.

Based on the information from you or your representative, you must file the following form(s) by the date(s) shown.

Form 1041

04/15/2007

If you have questions about the form(s) or the due dates(s) shown, you can call or write to us at the phone number or address at the top of the first page of this letter. If you need help in determining what your tax year is, see Publication 536, Accounting Periods and Methods, available at your local IRS office or you can download this Publication from our Web site at [www.irs.gov](http://www.irs.gov).

We assigned you a tax classification based on information obtained from you or your representative. It is not a legal determination of your tax classification, and is not binding on the IRS. If you want a legal determination on your tax classification, you may request a private letter ruling from the IRS under the guidelines in Revenue Procedure 2004-1, 2004-1 I.R.B. 1 (or superseding Revenue Procedure for the year at issue.)

***TRUST AGREEMENT***  
***FOR THE***  
***JOSHUA Z. BERNSTEIN IRREVOCABLE TRUST***

***September 7, 2006***

**TRUST AGREEMENT**  
**FOR THE**  
**JOSHUA Z. BERNSTEIN IRREVOCABLE TRUST**

SIMON BERNSTEIN, as Settlor, hereby creates the Joshua Z. Bernstein Irrevocable Trust ("the Trust") on September 7, 2006. Traci Kratish, P.A. is the trustee of this Trust and, in that capacity, he and his successors are collectively referred to in this Trust Agreement as the "Trustee."

**ARTICLE 1**  
**BENEFICIARY**

This Trust is for the benefit of the Settlor's Grandchild, JOSHUA Z. BERNSTEIN ("Beneficiary").

**ARTICLE 2**  
**TRANSFERS TO TRUST**

The Settlor hereby conveys to the Trustee all his interest in the assets listed on Schedule A, which together with any assets later added to this Trust are referred to as the "Trust Estate." Any person may transfer assets to the Trust Estate, if the Trustee agrees to accept them. Assets do not have to be listed on Schedule A to be part of the Trust Estate. Unless otherwise specified in writing at the time of the transfer, those assets will be held as provided in this Trust Agreement. The Trustee acknowledges receipt of the current Trust assets and agrees to hold the Trust Estate as set forth in this Trust Agreement.

**ARTICLE 3**  
**IRREVOCABLE PROVISION**

The Settlor declares that he has no right to alter, amend, modify, or revoke this Trust Agreement; to withdraw assets from the Trust; or to require changes in the investments of the Trust. No part of the Trust may ever revert to the Settlor, be used for his benefit, or be distributed in discharge of his legal obligations.

**ARTICLE 4**  
**ADMINISTRATION OF TRUST**

The Trustee shall hold, administer, and distribute the Trust Estate in accordance with the powers granted under this Trust Agreement as follows:

**4.1 Discretionary Distributions.** The Trustee shall pay or apply such sums of principal from this Trust as in the Trustee's discretion are necessary or advisable for Beneficiary's health, education, support, and maintenance.

**4.2 Distribution of Principal.** When Beneficiary has reached age 21, the trustee shall distribute one-half (½) of the corpus of trust to Beneficiary plus accrued income. When Beneficiary has reached age 25 the Trustee shall distribute the entire remaining principal balance of the corpus of the trust to Beneficiary plus accrued income.

**4.3 Distribution Upon Death Before Age 25.** Upon the death of Beneficiary prior to age 25, the Trustee shall distribute the remaining assets in the trust to the estate of Beneficiary.

## ARTICLE 5 PROVISIONS GOVERNING TRUSTEES

The following provisions apply to all Trustees appointed under this Trust Agreement:

**5.1 Incapacity of Trustee.** If any Trustee becomes disabled, he or she will immediately cease to act as Trustee. If a Trustee who ceases to serve because of a disability, or who is suspended, thereafter recovers from that disability or consents to the release of relevant medical information, he or she may elect to become a Trustee again by giving written notice to the then serving Trustee, and the last Trustee who undertook to serve will then cease to be a Trustee until another successor Trustee is required.

**5.2 Resignation.** Any Trustee may resign by giving 30 days' written notice delivered personally or by mail to any then serving Co-Trustee and to the Settlor if he is then living and not disabled; otherwise to the next named successor Trustee, or if none, to the persons having power to appoint successor Trustees.

**5.3 Power to Name Other Trustees.** Whenever a successor Trustee is required and that position is not filled under the terms specified in this Trust Agreement, an individual Trustee ceasing to serve (other than a Trustee being removed) may appoint his or her successor, but if none is appointed, the remaining Trustees, if any, or the beneficiary shall appoint a successor Corporate Trustee. The appointment will be by a written document (including a testamentary instrument) delivered to the appointed Trustee. In no event may the Settlor ever be appointed as the Trustee under this Trust Agreement nor shall a Successor trustee be appointed that will cause this trust to be a grantor trust.

**5.4 Powers of Successor Trustees.** Successor Trustees will have all powers granted to the original Trustee, except that only an Independent Trustee will succeed to the powers vested exclusively in the Independent Trustee.

**5.5 Accountings.** Accountings must be given to the beneficiary of each trust at least annually (quarterly if a Corporate Trustee is serving). The accountings must show the assets held in trust and all receipts and disbursements. A beneficiary's written approval of an accounting will be final and binding upon that beneficiary and all persons represented by him or her as to all matters disclosed in that accounting. In any event, if a beneficiary fails to object to an accounting within six months of receiving it, his or her

approval is conclusively presumed. A successor Trustee may require the prior Trustee to render a full and final accounting.

**5.6 Acts by Other Fiduciaries.** The Trustee is not required to question any acts or failures to act of the fiduciary of any other trust or estate, and will not be liable for any prior fiduciary's acts or failures to act. The Trustee can require a beneficiary who requests an examination of another fiduciary's actions or omissions to advance all costs and fees incurred in the examination, and if the beneficiary does not, the Trustee may elect not to proceed or may proceed and offset those costs and fees directly against any payment that would otherwise be made to that beneficiary.

**5.7 Court Supervision.** The Settlor waives compliance by the Trustee with any law requiring bond, registration, qualification, or accounting to any court.

**5.8 Compensation.** Each Trustee is entitled to be paid reasonable compensation for services rendered in the administration of the Trust. Reasonable compensation for a Corporate Trustee will be its published fee schedule in effect when its services are rendered unless otherwise agreed in writing, and except as follows. Any fees paid to a Corporate Trustee for making principal distributions, for termination of the trust, and upon termination of its services must be based solely on the value of its services rendered, not on the value of the trust principal. During the Settlor's lifetime the Trustee's fees are to be charged wholly against income (to the extent sufficient), unless directed otherwise by the Settlor in writing.

**5.9 Indemnity.** Any Trustee who ceases to serve for any reason will be entitled to receive (and the continuing Trustee shall make suitable arrangements to provide) reasonable indemnification and security to protect and hold that Trustee harmless from any damage or liability of any nature that may be imposed upon it because of its actions or omissions while serving as Trustee. This protection, however, does not extend to a Trustee's negligent actions or omissions that clearly and demonstrably result in damage or liability. A prior Trustee may enforce these provisions against the current Trustee or against any assets held in the Trust, or if the prior Trustee is an individual, against any beneficiary to the extent of distributions received by that beneficiary. This indemnification right will extend to the estate, personal representatives, legal successors, and assigns of a Trustee.

**5.10 Successor Trustee.** In the event the initial Trustee, Steven I. Greenwald, resigns or ceases to serve as Trustee, then and in that event, I hereby appoint Larry V. Bishins to serve as Trustee.

## ARTICLE 6 PROTECTION OF INTERESTS

The interest of any beneficiary under this Trust Agreement, in either income or principal, may not be anticipated, alienated, or in any other manner assigned by the beneficiary, whether voluntarily or involuntarily, and will not be subject to any legal process,



bankruptcy proceedings, or the interference or control of the beneficiary's creditors or others.

**ARTICLE 7**  
**FIDUCIARY POWERS**

The Settlor grants to the Trustee full power to deal freely with any property in the Trust. The Trustee may exercise these powers independently and without the approval of any court. No person dealing with the Trustee need inquire into the propriety of any of its actions or into the application of any funds or assets. The Trustee shall, however, exercise all powers in a fiduciary capacity for the best interest of the beneficiary of this Trust or any trust created under it. Without limiting the generality of the foregoing, the Trustee is given the following discretionary powers in addition to any other powers conferred by law:

**7.1 Type of Assets.** Except as otherwise provided to the contrary, to hold funds uninvested for such periods as the Trustee deems prudent, and to invest in any assets the Trustee deems advisable even though they are not technically recognized or specifically listed in so-called "legal lists," without responsibility for depreciation or loss on account of those investments, or because those investments are non-productive, as long as the Trustee acts in good faith.

**7.2 Original Assets.** Except as otherwise provided to the contrary, to retain the original assets it receives for as long as it deems best, and to dispose of those assets when it deems advisable, even though such assets, because of their character or lack of diversification, would otherwise be considered improper investments for the Trustee.

**7.3 Tangible Personal Property.** To receive and hold tangible personal property; to pay or refrain from paying storage and insurance charges for such property; and to permit any beneficiaries to use such property without either the Trustee or beneficiaries incurring any liability for wear, tear, and obsolescence of the property.

**7.4 Specific Securities.** To invest in assets, securities, or interests in securities of any nature, including (without limit) commodities, options, futures, precious metals, currencies, and in domestic and foreign markets and in mutual or investment funds, including funds for which the Trustee or any affiliate performs services for additional fees, whether as custodian, transfer agent, investment advisor or otherwise, or in securities distributed, underwritten, or issued by the Trustee or by syndicates of which it is a member; to trade on credit or margin accounts (whether secured or unsecured); and to pledge assets of the Trust Estate for that purpose.

**7.5 Property Transactions.** To buy, sell, pledge, exchange, or lease any real or personal property, publicly or privately, for cash or credit, without court approval and upon the terms and conditions that the Trustee deems advisable; to execute deeds, leases, contracts, bills of sale, notes, mortgages, security instruments, and other written instruments; to abandon or dispose of any real or personal property in the Trust which has little or no monetary or useful value; to improve, repair, insure, subdivide and vacate



any property; to erect, alter or demolish buildings; to adjust boundaries; and to impose easements, restrictions, and covenants as the Trustee sees fit. A lease will be valid and binding for its full term even if it extends beyond the full duration of the Trust.

**7.6 Borrow Money.** To borrow money from any source (including the Trustee in its nonfiduciary capacity), to guarantee indebtedness, and to secure the loan or guaranty by mortgage or other security interest.

**7.7 Maintain Assets.** To expend whatever funds it deems proper for the preservation, maintenance, or improvement of assets. The Trustee in its discretion may elect any options or settlements or exercise any rights under all insurance policies that it holds. However, no fiduciary who is the insured of any insurance policy held in the Trust may exercise any rights or have any incidents of ownership with respect to the policy, including the power to change the beneficiary, to surrender or cancel the policy, to assign the policy, to revoke any assignment, to pledge the policy for a loan, or to obtain from the insurer a loan against the surrender value of the policy. All such power is to be exercised solely by the remaining Trustee, if any, or if none, by a special fiduciary appointed for that purpose by a court having jurisdiction.

**7.8 Advisors.** To employ and compensate attorneys, accountants, advisors, financial consultants, managers, agents, and assistants (including any individual or entity who provides investment advisory or management services, or who furnishes professional assistance in making investments for the Trust) without liability for any act of those persons, if they are selected and retained with reasonable care. Fees may be paid from the Trust Estate even if the services were rendered in connection with ancillary proceedings.

**7.9 Indirect Distributions.** To make distributions, whether of principal or income, to any person under age 21 or to any incapacitated person according to the terms of this Trust Agreement by making distributions directly to that person whether or not that person has a guardian; to the parent, guardian, or spouse of that person; to a custodial account established by the Trustee or others for that person under an applicable Uniform Gift to Minors Act or Uniform Transfers to Minors Act; to any adult who resides in the same household with that person or who is otherwise responsible for the care and well-being of that person; or by applying any distribution for the benefit of that person in any manner the Trustee deems proper. The receipt of the person to whom payment is made will constitute full discharge of the Trustee with respect to that payment. No distributions may be made to the Settlor under this Section.

**7.10 Non-Pro Rata Distribution.** To make any division or distribution in money or in kind, or both, without allocating the same kind of property to all shares or distributees, and without regard to the income tax basis of the property. Any division will be binding and conclusive on all parties.

**7.11 Nominee.** Except as prohibited by law, to hold any assets in the name of a nominee without disclosing the fiduciary relationship; to hold the property

unregistered, without affecting its liability; and to hold securities endorsed in blank, in street certificates, at a depository trust company, or in a book entry system.

**7.12 Custodian.** To employ a custodian or agent ("the Custodian") located anywhere within the United States, at the discretion of the Trustee but at the expense of the Trust, whether or not such Custodian is an affiliate of the Trustee or any person rendering services to the Trust; to register securities in the name of the Custodian or a nominee thereof without designation of fiduciary capacity; and to appoint the Custodian to perform such other ministerial functions as the Trustee may direct. While such securities are in the custody of the Custodian, the Trustee will be under no obligation to inspect or verify such securities nor will the Trustee be responsible for any loss by the Custodian.

**7.13 Settle Claims.** To contest, compromise, arbitrate, or otherwise adjust claims in favor of or against the Trust, to agree to any rescission or modification of any contract or agreement, and to refrain from instituting any suit or action unless indemnified for reasonable costs and expenses.

**7.14 Corporate Rights.** To vote and exercise any option, right, or privilege to purchase or to convert bonds, notes, stock (including shares or fractional shares of stock of any Corporate Trustee), securities, or other property; to borrow money for the purpose of exercising any such option, right, or privilege; to delegate those rights to an agent; to enter into voting trusts and other agreements or subscriptions; to participate in any type of liquidation or reorganization of any enterprise; and to write and sell covered call options, puts, calls, straddles, or other methods of buying or selling securities, as well as all related transactions.

**7.15 Partnership Interests.** To hold interests in sole proprietorships, general or limited partnerships, joint ventures, business trusts, land trusts, limited liability companies, and other domestic and foreign forms of organizations; and to exercise all rights in connection with such interests as the Trustee deems appropriate, including any powers applicable to a non-admitted transferee of any such interest.

**7.16 Self-Dealing.** To exercise all its powers even though it may also be acting individually or on behalf of any other person or entity interested in the same matters. The Trustee, however, shall exercise these powers at all times in a fiduciary capacity, primarily in the interest of the beneficiaries of the Trust. Despite any other provision of this Trust Agreement, no Trustee may participate in the decision to make a discretionary distribution that would discharge a legal support obligation of that Trustee. No Trustee who has made a disclaimer, either individually or as a Trustee, may exercise any discretion in determining the recipient of the disclaimed property. All power to make such distributions, or to determine recipients of disclaimed property, will be exercised solely by the remaining Trustees, if any, or if there are no other Trustees then serving, by the person or persons named to serve as the next successor Trustee, or if there are none, by a special Trustee appointed for that purpose by a court having jurisdiction.



**7.17 Expenses.** An Independent Trustee may determine how expenses of administration and receipts are to be apportioned between principal and income.

**7.18 Terminate Small Trusts.** To exercise its discretion to refrain from funding or to terminate any trust whenever the value of the principal of that trust would be or is too small to administer economically, and to distribute the remaining principal and all accumulated income of the trust as provided in Section 7.9 to the income beneficiary of that trust. The Trustee shall exercise this power to terminate in its discretion as it deems prudent for the best interest of the beneficiaries at that time. This power cannot be exercised by the Settlor or any beneficiary, either alone or in conjunction with any other Trustee, but must be exercised solely by the other Trustee, or if none, by a special Trustee appointed for that purpose by a court having jurisdiction.

**7.19 Allocations to Income and Principal.** To treat premiums and discounts on bonds and other obligations for the payment of money in accordance with either generally accepted accounting principles or tax accounting principles and, except as otherwise provided to the contrary, to hold nonproductive assets without allocating any principal to income, despite any laws or rules to the contrary. The Trustee in its discretion may exercise the power described in Section 738.104 of the Florida Statutes to adjust between principal and income, as appropriate, and, in addition, may convert any income interest into a unitrust interest, or a unitrust interest to an income interest, as it sees fit, all as provided in Section 738.1041 of the Florida Statutes, despite any provision of those sections to the contrary.

**7.20 Use of Income.** Except as otherwise provided in this Trust Agreement, and in addition to all other available sources, to exercise its discretion in the use of income from the assets of the Trust to satisfy the liabilities described in this Trust Agreement, without accountability to any beneficiary.

**7.21 Valuations.** In making distributions or allocations under the terms of this Trust Agreement to be valued as of a particular date, the Trustee may use asset valuations obtained for a date reasonably close to that particular date (such as a quarterly closing date before or after that date) if, in the Trustee's judgment, obtaining appraisals or other determinations of value on that date would result in unnecessary expense, and if in the Trustee's judgment, the fair market value as determined is substantially the same as on that actual date. This paragraph will not apply if valuation on a specific date is required to preserve a qualification for a tax benefit, including any deduction, credit, or most favorable allocation of an exemption.

**7.22 Incorporation.** To incorporate any business or venture, and to continue any unincorporated business that the Trustee determines to be not advisable to incorporate.

**7.23 Delegation.** To delegate periodically among themselves the authority to perform any act of administration of any trust.

**7.24 Advances.** To make cash advances or loans to beneficiaries, with or without security.

**7.25 Investment Manager.** To employ any investment management service, financial institution, or similar organization to advise the Trustee and to handle all investments of the Trust and to render all accountings of funds held on its behalf under custodial, agency, or other agreements. If the Trustee is an individual, these costs may be paid as an expense of administration in addition to fees and commissions.

**7.26 Depreciation.** To deduct from all receipts attributable to depreciable property a reasonable allowance for depreciation, computed in accordance with generally accepted accounting principles consistently applied.

**7.27 Disclaim Assets or Powers.** To disclaim any assets otherwise passing or any fiduciary powers pertaining to any trust created hereunder, by execution of an instrument of disclaimer meeting the requirements of applicable law generally imposed upon individuals executing disclaimers. No notice to or consent of any beneficiary, other interested person, or any court is required for any such disclaimer, and the Trustee is to be held harmless for any decision to make or not make such a disclaimer.

**7.28 Transfer Situs.** To transfer the situs of any trust or any trust property to any other jurisdiction as often as the Trustee deems advisable, and if necessary to appoint a substitute or ancillary Trustee to act with respect to that property. The Trustee may delegate to the substitute Trustee any or all of the powers given to the Trustee; may elect to act as advisor to the substitute Trustee and receive reasonable compensation for that service; and may remove any acting or substitute Trustee and appoint another, or reappoint itself, at will.

**7.29 Related Parties.** To enter into any transaction on behalf of the Trust despite the fact that another party to that transaction may be: (i) a business or trust controlled by the Trustee, or of which the Trustee, or any director, officer, or employee of the Corporate Trustee, is also a director, officer, or employee; (ii) an affiliate or business associate of any beneficiary or the Trustee; or (iii) a beneficiary or Trustee under this Trust Agreement acting individually, or any relative of such a party.

**7.30 Additional Powers for Income-Producing Real Estate.** In addition to the other powers set forth above or otherwise conferred by law, the Trustee has the following powers with respect to any income-producing real property which is or may become a part of the Trust Estate:

- To retain and operate the property for as long as it deems advisable;
- To control, direct, and manage the property, determining the manner and extent of its active participation in these operations, and to delegate all or any part of its supervisory power to other persons that it selects;



- To hire and discharge employees, fix their compensation, and define their duties;
- To invest funds in other land holdings and to use those funds for all improvements, operations, or other similar purposes;
- Except as otherwise provided with respect to mandatory income distributions, to retain any amount of the net earnings for working capital and other purposes that it deems advisable in conformity with sound and efficient management; and
- To purchase and sell machinery, equipment, and supplies of all kinds as needed for the operation and maintenance of the land holdings.

**ARTICLE 8**  
**SUBCHAPTER S STOCK**

Despite any other provisions of this Trust Agreement, if a trust created in this instrument is to become the owner of, or already owns, stock in a corporation that has an election in effect (or one that proposes to make an election) under Section 1362 of the Internal Revenue Code (an "S Corporation"), and that trust would not otherwise be permitted to be an S Corporation shareholder, the following provisions will apply:

**8.1 Electing Small Business Trust.** The Trustee in its discretion may elect for the trust to become an Electing Small Business Trust ("ESBT") as defined in the Internal Revenue Code.

**8.2 Qualified Subchapter S Trust.** If the Trustee does not cause the trust to become an ESBT, the Trustee shall set aside the S Corporation stock in a separate trust for the current income beneficiary of such trust, so that a Qualified Subchapter S Trust ("QSST") election under Section 1361 of the Internal Revenue Code can be filed with respect to that trust. The Trustee shall hold each share as a separate QSST for the persons described above, and each such person will be the sole beneficiary of his or her QSST. To the greatest extent possible, the Trustee shall administer each QSST under the terms of the trust from which it was derived, but subject to the following overriding provisions:

(a) **Consent.** The Trustee shall notify the beneficiary of each separate trust promptly that a QSST election must be filed with the Internal Revenue Service. Thereafter, each beneficiary shall file a timely and proper QSST election with the Internal Revenue Service. If a beneficiary fails or refuses to make the QSST election, the Trustee shall make an ESBT election for that trust. If the beneficiary does make the QSST election, then his or her separate trust will be administered as set forth below.

(b) **Income Payments.** During the beneficiary's life, the Trustee shall pay all net income of the trust to the beneficiary (and only to that beneficiary) in quarterly or more frequent installments. The beneficiary's income interest in the trust

will terminate on the earlier of his or her death or the termination of the trust under its terms.

(c) **Principal Invasions.** If the beneficiary is otherwise entitled to receive principal distributions, the Trustee may distribute principal from that separate trust during the beneficiary's life only to or for the benefit of that beneficiary (and no one else).

(d) **Final Distribution.** If the QSST is terminated during the beneficiary's life, the Trustee shall distribute all remaining assets of that separate trust to that beneficiary. If the beneficiary dies before that trust's termination, all remaining assets of the QSST are to be distributed as provided in the original trust, but subject to this article.

(e) **Termination of QSST Status.** If a separate trust would cease to qualify as an S Corporation shareholder, the Trustee in its discretion may: (i) make an ESBT election for that separate trust, or (ii) distribute all S Corporation stock to the beneficiary. The Trustee in its discretion also may convert a QSST to an ESBT, whether or not the beneficiary has consented to QSST treatment and, if the beneficiary consents, may convert an ESBT into a QSST.

#### ARTICLE 9 PERPETUITIES PROVISION

Despite any contrary provisions of this Trust Agreement, from the creation of this Trust and for up to 21 years after the death of the last of the Settlor's grandparents' descendants who are living at the creation of this Trust, a trust beneficiary (which includes persons succeeding to the interest of a deceased beneficiary) will be entitled to terminating distributions only at the ages specified in this Trust Agreement. In all events, however, the share of each beneficiary will vest (in the beneficiary or his or her estate) immediately prior to the expiration of the 21 year period described above.

#### ARTICLE 10 ADMINISTRATION AND CONSTRUCTION

**10.1 Rules for Distributions.** In making distributions to beneficiaries under this Trust Agreement, the Trustee must use the following criteria.

(a) **Other Resources.** Whenever the Trustee has the authority to decide how much to distribute to or for the benefit of a beneficiary, the Trustee can make decisions without taking into account any information about the beneficiary's other available income and resources. The Trustee can make payments directly to a beneficiary or to other persons for the beneficiary's benefit, but it does not have to make payments to a court appointed guardian.

(b) **Trustee's Decision.** Absent clear and convincing evidence of bad faith, the Trustee's decisions as to amounts to be distributed will be final.



(c) **Standard of Living.** Distributions to a beneficiary for health, education, support, or maintenance are to be based on his or her standard of living, determined as of the date of the distribution.

**10.2 Funding Gifts.** The following rules will apply to funding gifts under this Trust Agreement.

(a) **Pecuniary Gifts.** All pecuniary gifts under this Trust Agreement that are paid by an in-kind distribution of assets must use values having an aggregate fair market value at the date or dates of distribution equal to the amount of this gift as finally determined for federal estate tax purposes.

(b) **Adjustments.** The Trustee shall select one or more dates of allocation or distribution for purposes of satisfying gifts and funding shares or trusts. The Trustee may make allocations before the final determination of federal estate tax, with those allocations being based upon the information then available to the Trustee, and may thereafter adjust properties among the shares or trusts if it is determined that the allocation should have been made differently.

**10.3 Accumulated Income.** Any income not distributed to the beneficiaries pursuant to either a mandatory direction or a discretionary power is to be incorporated into principal, at such intervals as the Trustee deems convenient.

**10.4 Estate Tax on Included Property.** If assets of any trust created under this Trust Agreement are included in a beneficiary's estate for federal estate tax purposes, the following will apply.

(a) **Appointed Assets.** If the beneficiary exercises a power of appointment over those assets, the Trustee is authorized to withhold from those assets the amount of estate taxes apportioned to them by applicable law, if the beneficiary does not make provisions for the payment of those taxes from other sources.

(b) **Other Assets.** If the beneficiary does not have or does not exercise a power of appointment over those assets, the Trustee will pay the estate taxes attributable to those assets. The estate taxes attributable to those assets will be the amount that the beneficiary's estate taxes are increased over the amount those taxes would have been if those assets had not been included in the beneficiary's gross estate.

(c) **Certification and Payment.** The Trustee may rely upon a written certification by the beneficiary's personal representative of the amount of the estate taxes, and may pay those taxes directly or to the personal representative of the beneficiary's estate. The Trustee will not be held liable for making payments as directed by the beneficiary's personal representative.

**10.5 Transactions With Other Entities.** The Trustee may buy assets from other estates or trusts, or make loans to them, so that funds will be available to pay claims, taxes, and expenses. The Trustee can make those purchases or loans even if it

serves as the fiduciary of that estate or trust, and on whatever terms and conditions the Trustee thinks are appropriate, except that the terms of any transaction must be commercially reasonable.

**ARTICLE 11**  
**MISCELLANEOUS PROVISIONS**

**11.1 Definitions.** As used in this Trust Agreement, the following terms have the meanings set forth below:

**(a) Trustees.**

- (1) **Independent Trustee** means a trustee of a particular trust, either individual or corporate, who is not the Settlor or a beneficiary, and who is not a Related Person as to the Settlor or a beneficiary (if the Settlor or the beneficiary, respectively, is living and participated in that person's appointment). For purposes of this definition a beneficiary is a person who is a permissible distributee of income or principal, or someone with an interest in the trust in excess of five percent (5%) of its value, assuming a maximum exercise of discretion in his or her favor. Whenever this Trust Agreement requires an action be taken by, or in the discretion of, an Independent Trustee but no such Trustee is then serving, a court may appoint an Independent Trustee to serve as an additional Trustee whose sole function and duty will be to exercise the specified power.
- (2) **Corporate Trustee** means a trustee that is a bank, trust company, or other entity authorized to serve as a trustee under the laws of the United States or any state thereof that is not a Related Person to the Settlor. A bank or trust company that does not meet this requirement cannot serve as Trustee.

**(b) Internal Revenue Code Terms.**

- (1) **Internal Revenue Code** means the federal Internal Revenue Code of 1986, as amended from time to time, or successor provisions of future federal internal revenue laws.
- (2) The terms **health, education, support, and maintenance** are intended to set forth an "ascertainable standard," as described in the Internal Revenue Code and its associated Regulations. To the extent not inconsistent with the foregoing, "health" means a beneficiary's physical and



mental health, including but not limited to payments for examinations, surgical, dental, or other treatment, medication, counseling, hospitalization, and health insurance premiums; "education" means elementary, secondary, post-secondary, graduate, or professional schooling in an accredited institution, public or private, or attendance at other formal programs in furtherance of the beneficiary's spiritual, athletic, or artistic education, including but not limited to payments for tuition, books, fees, assessments, equipment, tutoring, transportation, and reasonable living expenses.

- (3) **Related Person** as to a particular individual is someone who is deemed to be "related or subordinate" to that individual under Section 672(c) of the Internal Revenue Code (as though that individual was a grantor).

(c) **Other Terms.**

- (1) Distributions that are to be made to a person's **descendants, per stirpes**, will be divided into equal shares, so that there will be one share for each living child (if any) of that person and one share for each deceased child who has then living descendants. The share of each deceased child will be further divided among his or her descendants on a per stirpes basis, by reapplying the preceding rule to that deceased child and his or her descendants as many times as necessary.
- (2) **Disabled or under a disability** means (i) being under the legal age of majority, (ii) having been adjudicated to be incapacitated, or (iii) being unable to manage properly personal or financial affairs because of a mental or physical impairment (whether temporary or permanent in nature). A written certificate executed by an individual's attending physician confirming that person's impairment will be sufficient evidence of disability under item (iii) above, and all persons may rely conclusively on such a certificate.
- (3) Removal of a Trustee **for cause** includes, without limitation, the following: the willful or negligent mismanagement of the trust assets by that individual Trustee; the abuse or abandonment of, or inattention to, the trust by that individual Trustee; a federal or state charge against that individual Trustee involving the commission of a felony or serious misdemeanor; an act of theft,

dishonesty, fraud, embezzlement, or moral turpitude by that individual Trustee; or the use of narcotics or excessive use of alcohol by that individual Trustee.

- (4) The words **will** and **shall** are used interchangeably in this Trust Agreement and mean, unless the context clearly indicates otherwise, that the Trustee must take the action indicated; as used in this Trust Agreement, the word **may** means that the Trustee has the discretionary authority to take the action but is not automatically required to do so.

**11.2 Powers of Appointment.** The following provisions relate to all powers of appointment under this Trust Agreement.

- (a) A **general power of appointment** granted to a person is one that can be exercised in favor of that person or his or her estate, his or her creditors, or the creditors of his or her estate.
- (b) A **special power of appointment** is any power that is not a general power.
- (c) A **testamentary power of appointment** (either general or special) is exercisable upon the powerholder's death by his or her Last Will or by a revocable trust agreement established by that person, but only by specific reference to the instrument creating the power. A "testamentary power of appointment" may not be exercised in favor of the person possessing the power.
- (d) In determining whether a person has exercised a testamentary power of appointment, the Trustee may rely upon an instrument admitted to probate in any jurisdiction as that person's Last Will, or upon any trust agreement certified to be valid and authentic by sworn statement of the trustee who is serving under that trust agreement. If the Trustee has not received written notice of such an instrument within six months after the powerholder's death, the Trustee may presume that the powerholder failed to exercise that power and will not be liable for acting in accordance with that presumption.

**11.3 Notices.** Any person entitled or required to give notice under this Trust Agreement shall exercise that power by a written instrument clearly setting forth the effective date of the action for which notice is being given. The instrument may be executed in counterparts.

**11.4 Certifications.**

- (a) **Facts.** A certificate signed and acknowledged by the Trustee stating any fact affecting the Trust Estate or the Trust Agreement will be conclusive

evidence of such fact in favor of any transfer agent and any other person dealing in good faith with the Trustee. The Trustee may rely on a certificate signed and acknowledged by any beneficiary stating any fact concerning the Trust beneficiaries, including dates of birth, relationships, or marital status, unless an individual serving as Trustee has actual knowledge that the stated fact is false.

(b) **Copy.** Any person may rely on a copy of this instrument (in whole or in part) certified to be a true copy by the Settlor; by any person specifically named as a Trustee (or successor Trustee); by any Corporate Trustee whether or not specifically named; or, if there are none of the above, by any then serving Trustee.

**11.5 Applicable Law.** All matters involving the validity and interpretation of this Trust Agreement are to be governed by Florida law. Subject to the provisions of this Trust Agreement, all matters involving the administration of a trust are to be governed by the laws of the jurisdiction in which the trust has its principal place of administration.

**11.6 Gender and Number.** Reference in this Trust Agreement to any gender includes either masculine or feminine, as appropriate, and reference to any number includes both singular and plural where the context permits or requires. Use of descriptive titles for articles and paragraphs is for the purpose of convenience only and is not intended to restrict the application of those provisions.

**11.7 Further Instruments.** The Settlor agrees to execute such further instruments as may be necessary to vest the Trustee with full legal title to the property transferred to this Trust.

**11.8 Binding Effect.** This Trust Agreement extends to and is binding upon the Settlor's Personal Representative, successors, and assigns, and upon the Trustee.

INITIAL

Executed as of the date first written above.

Signed in the presence of:

Joseph M. Johnson  
[Signature]

Two witnesses as to Simon Bernstein

SETTLOR

[Signature]  
Simon Bernstein

Signed in the presence of:

Joseph M. Johnson  
[Signature]

Two witnesses as to Traci Kratish

TRUSTEE

Traci Kratish, P.A.

[Signature] FOR TRACI KRATISH, P.A.  
[Signature] AS PRESIDENT

Traci Kratish, ~~PA~~, President



**Schedule A**  
**Initial Transfers to Trust**

Transfer of 6 shares of LIC Holdings, Inc.

W/n