

IN THE CIRCUIT COURT IN AND FOR THE 15TH JUDICIAL CIRCUIT IN AND FOR
PALM BEACH COUNTY, FLORIDA

IN RE: ESTATE OF:

PROBATE DIVISION

SIMON L. BERNSTEIN,

FILE NO: 502012CP4391XXXXNB/IH

Deceased.

**MOTION TO STRIKE ELIOT I. BERNSTEIN'S OBJECTIONS TO
ESTATE'S CORRECTIVE ACCOUNTING**

BRIAN M. O'CONNELL, as Successor Personal Representative of the Estate of SIMON L. BERNSTEIN ("Successor Personal Representative," "Estate" and "Decedent", respectively), by and through undersigned counsel, hereby files this Motion to Strike Eliot I. Bernstein's Objections to Estate's Corrective Accounting ("Eliot's Objections"), and states as follows:¹

1. On December 28, 2016, the Successor Personal Representative filed his Corrective Accounting of the Personal Representative of the Estate of Simon L. Bernstein for the period September 1, 2014 through October 31, 2016 (DE 513) ("Corrective Accounting").

2. Pursuant to Florida Probate Rule 5.345, interested persons may file an objection to the accounting within 30 days from the date of service of notice on that person. Any objection not filed within 30 days from the date of service shall be deemed abandoned.

3. Eliot Bernstein received service and notice of the Corrective Accounting via the Court's e-filing portal on December 28, 2016 (see Notice of Filing and Notice of Service of Court Document attached hereto as Composite Exhibit "A"). As such, any objection to the Corrective Accounting would have been due thirty (30) days from December 28, 2016, which was January 27, 2017.

¹ The Successor Personal Representative reserves any and all further defenses, objections, or the like relating to Eliot's Objections until after the Court's ruling on this Motion to Strike.


In Re: Estate of Simon L. Bernstein
File No: 502012CP004391XXXXSB
Motion to Strike Eliot Bernstein's Objections
to Corrective Accounting of the Personal
Representative of the Estate of Simon L. Bernstein
for Period 9/1/14 through 10/31/16

4. On January 31, 2017, Eliot Bernstein filed Eliot's Objections to the Corrective Accounting (DE 521), four (4) days after the expiration of the statutory thirty (30) day limitations period.

5. As such, Eliot's Objection was untimely and should be stricken.

WHEREFORE, BRIAN M. O'CONNELL, as Successor Personal Representative of the Estate of SIMON BERNSTEIN, by and through his undersigned counsel, respectfully requests this Court to strike Eliot Bernstein's Objections to Corrective Accounting of the Personal Representative of the Estate of Simon L. Bernstein for Period September 1, 2014 through October 31, 2016 as and for the grounds stated above, and award the undersigned attorney's fees and costs pursuant to Florida Statutes Chapter 733 and any other entitlement provision under Florida law, and for such other relief the Court deems just and proper.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via the Court's e-filing portal to all persons listed on the attached Service List this 21ST day of February, 2017.



BRIAN M. O'CONNELL
Florida Bar No: 308471
ASHLEY CRISPIN ACKAL
Florida Bar No: 37495
JOIELLE A. FOGLIETTA
Florida Bar No. 94238
ZACHARY M. ROTHMAN
Florida Bar No. 117924
CLARA CRABTREE CIADELLA
Florida Bar No. 106323
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515 N. Flagler Dr., 20th Floor

In Re: Estate of Simon L. Bernstein
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Representative of the Estate of Simon L. Bernstein
for Period 9/1/14 through 10/31/16

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In Re: Estate of Simon L. Bernstein
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 Representative of the Estate of Simon L. Bernstein
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SERVICE LIST

<p>Alan B. Rose, Esq. Page, Mrachek, Fitzgerald & Rose, P.A. 505 S. Flagler Dr., Suite 600 West Palm Beach, FL 33401 (561) 355-6991 arose@mrachek-law.com mchandler@mrachek-law.com</p> <p>Attorney for Ted S. Bernstein</p>	<p>John P. Morrissey, Esq. 330 Clematis St., Suite 213 West Palm Beach, FL 33401 john@jmorrisseylaw.com</p> <p>Attorney for Molly Simon et al</p>	<p>Donald R. Tescher, Esq. Tescher & Associates, P.A. 925 S. Federal Highway Suite 500 Boca Raton, FL 33432 (561) 997-7008 Dtescher@tescherlaw.com ddustin@tescherlaw.com</p> <p>Former PR of the Estate of Simon L. Bernstein</p>
<p>Peter Feaman, Esq. Peter M. Feaman, P.A. 3695 Boynton Beach Blvd., Suite 9 Boynton Beach, FL 33436 pfeaman@feamanlaw.com</p> <p>Attorney for William Stansbury</p>	<p>Shendell & Pollock, P.L. 2700 N. Military Trail, suite 150 Boca Raton, FL 33431 241-2323 Fax: 241-2330 Gary R. Shendell, Esq. gary@shendellpollock.com estella@shendellpollock.com grs@shendellpollock.com Kenneth S. Pollock, Esq. ken@shendellpollock.com britt@shendellpollock.com grs@shendellpollock.com Matthew A. Tornincasa, Esq. matt@shendellpollock.com robyne@shendellpollock.com grs@shendellpollock.com</p> <p>Attorney for Tescher and Spallina</p>	<p>Max Friedstein 2142 Churchill Lane Highland Park, IL 60035</p> <p>Beneficiary</p>
<p>Eliot Bernstein and Joshua, Jacob and Daniel Bernstein, Minors c/o Eliot and Candice Bernstein, Parents and Natural Guardians 2753 N.W. 34th St. Boca Raton, FL 33434 iviewit@iviewit.tv</p> <p>Pro Se</p>	<p>Pamela Beth Simon 950 N. Michigan Ave., Apt. 2603 Chicago, IL 60611 psimon@stpcorp.com</p> <p>Beneficiary</p>	<p>Lisa Friedstein and Carley Friedstein, Minor c/o Jeffrey and Lisa Friedstein Parent and Natural Guardian 2142 Churchill Lane Highland Park, IL 60035 Lisa@friedsteins.com Lisa.friedstein@gmail.com</p> <p>Beneficiary</p>
<p>Jill Iantoni and Julia Iantoni, a Minor</p>	<p>Robert Spallina, Esq. rspallina@comcast.net</p>	<p>Diana Lewis</p>

In Re: Estate of Simon L. Bernstein
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to Corrective Accounting of the Personal
Representative of the Estate of Simon L. Bernstein
for Period 9/1/14 through 10/31/16

<p>c/o Guy and Jill Iantoni, her Parents & Natural Guardians 2101 Magnolia Lane Highland Park, IL 60035 jilliantoni@gmail.com</p> <p>Beneficiary</p>	<p>Former PR of the Estate of Simon L. Bernstein</p>	<p>ADR & Mediation Services, LLC 2765 Tecumseh Drive West Palm Beach, FL 33409 (561) 758-3017 dzlewis@aol.com Guardian Ad Litem for Joshua, Jacob and Daniel Bernstein, Minors</p>
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**COMPOSITE
EXHIBIT**

“A”

IN THE CIRCUIT COURT IN AND FOR THE 15TH JUDICIAL CIRCUIT IN AND FOR
PALM BEACH COUNTY, FLORIDA

IN RE: ESTATE OF:

PROBATE DIVISION

SIMON L. BERNSTEIN,

FILE NO: 502012CP4391XXXXNB IH

Deceased.

**NOTICE OF FILING CORRECTIVE ACCOUNTING OF THE
PERSONAL REPRESENTATIVE OF THE ESTATE OF
SIMON L. BERNSTEIN FOR THE PERIOD SEPTEMBER 1, 2014
THROUGH OCTOBER 31, 2016**

Brian M. O'Connell, as Personal Representative of the Estate of Simon L. Bernstein, hereby gives notice of filing Corrective Accounting for the period September 1, 2014 through October 31, 2016 ("Corrective Accounting"), a true copy of which accompanies this Notice. You are required to file with the Clerk of the Court no later than thirty (30) days after the date of service of this Notice upon you, any objection to the Corrective Accounting.

I HEREBY CERTIFY that a true and correct of the foregoing was furnished via the Court's e-Portal service and via Certified Mail through the U.S. Postal Service this 28th day of December, 2016 to the parties listed on the attached Service List.

/s/ Brian M. O'Connell

BRIAN M. O'CONNELL

Florida Bar No: 308471

ASHLEY CRISPIN ACKAL

Florida Bar No: 37495

JOIELLE A. FOGLIETTA

Florida Bar No. 94238

ZACHARY M. ROTHMAN

Florida Bar No. 117924

CLARA CRABTREE CIADELLA

Florida Bar No. 106323

CIKLIN LUBITZ & O'CONNELL


515 N. Flagler Dr., 20th Floor

West Palm Beach, FL 33401



In Re: Estate of Simon L. Bernstein
File No: 502012CP4391XXXXNB IH
Notice of Filing Corrective Accounting of the
Personal Representative of the Estate of
Simon L. Bernstein for the Period
September 1, 2014 through October 31, 2016

Telephone: 561-832-5900
Facsimile: 561-833-4209
primary e-mail: service@ciklinlubitz.com
secondary e-mail: probateservice@ciklinlubitz.com

 <p>SHARON R. BOCK Clerk & Comptroller, Palm Beach County</p>	My Cases My Submissions Sign Out Pleading on Existing Case Case Initiation Workbench My Alerts E-Filing Map
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Welcome - Brian M O'connell
Last signed in on - 12/27/2016 08:34:46 PM

News & Information

- **12/05/2016** When a submission is returned to the Correction Queue, you can now change the County and resubmit
- **10/14/2016** The Portal will be updated on November 11, 2016, at 9 p.m. The Portal will be unavailable during this implementation

E-Portal Filing Page

Notice of Electronic Filing - Filing # 50554828

Notice of Service of Court Document

Filing Information

Filing #: 50554828
 Filing Time: 12/28/2016 01:43:16 PM ET
 Filer: Brian M O'connell 561-832-5900
 Court: Fifteenth Judicial Circuit in and for Palm Beach County, Florida
 Case #: 502012CP004391XXXXNB
 Court Case #: 50-2012-CP-004391-XXXX-NB
 Case Style: BERNSTEIN, SIMON L - SIMON, PAMELA BETH

Documents

Title	File
Notice Of Filing	NOT Filing Corrective Annual Accounting (9-1-14 - 10-31-16) with Accounting - filed by BMO 12-28-16.pdf

E-service recipients selected for service:

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