

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

IN RE:

Case No. 502012CP004391XXXXNBIH

ESTATE OF SIMON L. BERNSTEIN,
Deceased.

**MOTION FOR EXTENSION OF TIME:
REHEARING OF APRIL 28, 2017**

ORDER

COMES NOW Eliot Bernstein, Appellant Pro se, who respectfully pleads and prays before this Court as follows:

1. I am Eliot Bernstein acting pro se.
2. I raise multiple grounds in good faith to support the request for the extension of time to move for a Rehearing of this Court's April 28th, 2017 Order issued by Judge Colton under Florida Rules of Civil Procedure 1.530.
3. The 15th day for filing the motion for rehearing which was May 13, 2017 fell on a weekend (Saturday) and today, Monday, May 15, 2017 being the first business day after, this motion for an extension of time is timely.
4. I have experienced "electrical" troubles in the household for over two weeks resulting in surges, power outages, flashes of power out and back on often knocking out the computer systems, internet, phones and other appliances causing many delays.

5. These electrical matters increased to such a point where Florida Power and Light (FPL) crews have been out to the home multiple times in the last 7 plus days resulting in “temporary” solutions to the Electrical issues, including rewiring the entire house directly to a transformer, which continues through today.
6. This most recently resulted in power, phones, electricity and internet being out over the last several days for hours at a time, all while drafts of motions and other responses in this and related cases have gone on causing significant delays.
7. I have attached as Exhibit 1 some of the Work Order receipts for these issues.
8. Further cause is shown by the continuing “sharp practices” of attorney Alan Rose who has proceeded to submit no less than 3 separate filings in the last few days on the same improper motion again in related matters before this Lower Tribunal setting a motion for a UMC when Alan Rose knows the matter be contested, improper for a UMC Hearing and in need of an evidentiary hearing.
9. Even licensed attorney Peter Feaman representing Creditor Stansbury has moved the Lower Tribunal that such motions are improper. From Feaman’s filing in Simon’s Estate, see “Filing # 56303373 E-Filed 05/11/2017 12:25:51 PM,”

“4. Moreover, the Trustee's Motion to approve Compromise and Settlement is governed by § 733.708, Fla. Stat., which provides that a Court may enter an order authorizing a compromise only if the Court is "satisfied that the compromise will be for the best interest of the interested parties." Such a determination should not be

made on a uniform motion calendar hearing since it requires an evidentiary hearing.”

And further,

“6. Therefore, any hearing on the Successor Trustee's Motion to approve and Compromise and Settlement should be an evidentiary hearing, and such hearing should be scheduled only after full disclosure of the settlement details to all interested parties, including Stansbury.”

See Exhibit 2, Feaman Motion.

10. That further, in closing statements to the Court for recent hearings before this Court, see “Filing # 53539832 E-Filed 03/09/2017 05:07:58 PM”, licensed Attorney at Law, Peter Feaman, Esq. has shown the Court that Alan Rose has materially and knowingly misled the Court and parties to the action in his testimony before the Court as a witness and in pleadings filed on behalf of his client Ted Bernstein. From that pleading,

“In opening statement by Mr. Rose, the Court heard numerous misstatements of fact and unsubstantiated assertions which are contradicted by the evidence and not supported by the record.”

Standing

“Then, MT. Rose stated "everybody that's a beneficiary of this Estate coming together and signing a written agreement ... " [Trans. P. 25, ln. 20-22] Mr. Rose also stated to this Court, "Every single person who is a beneficiary of this Estate wants my firm to handle this for the reasons I'm about to tell you. And I don't think there's any dispute about it." [Trans. p. 27, ln. 19-23] Both of

these statements to the Court are false. As testified by Mr. Rose when he was on the stand, he knew that Eliot Bernstein (Mr. Eliot) was a beneficiary of the Estate of Simon Bernstein, yet he continues his false narrative that all beneficiaries are in agreement with his retention by the Estate of Simon Bernstein. They are not.”

“Also, in his opening statement, Mr. Rose asserts that the former Curator, Ben Brown, "filed papers" where "he states that he wanted to stay the litigation [Stansbury's] but he states that I (Alan Rose) have "been doing a great job representing him ... " [Trans. P. 27, ln. 9-12] Mr. Rose never represented Ben Brown and no such statement was ever made in Mr. Brown's Motion to Stay or in any other comi filing by Mr. Brown.”

“At page 29, line 8, Mr. Rose also misrepresented to the Court, "So they said the beneficiaries with Mr. O'Connell's consent, want Mr. Rose to become the lawyer and we want Mr. Ted Bernstein to become the administrator ad litem." [Trans. p. 29, ln. 8-11] There is no unanimous consent among the beneficiaries for the retention of Mr. Rose and the appointment of Ted Bernstein as AAL.

11. More importantly, Lower Tribunal Judge Scher has issued an Order determining that I, Eliot Bernstein, am in fact a Beneficiary of Simon’s Estate making the conduct of Attorney Alan Rose and his Client Ted Bernstein a fraud upon the Court lasting over a year which has yet to be corrected by Alan Rose or his client or the Court yet forcing additional time, work and items to followup on to correct

the various frauds that denied Eliot due process and procedure by Obstructing through Simulated Legal Process his due process rights.

12. Further good cause is shown in that neither Alan Rose nor the Lower Tribunal has taken action to notify other Courts like the US District Court of Illinois or the 7th Circuit of the finding that I, Eliot Bernstein, am in fact a beneficiary in the Estate of Simon Bernstein with Standing despite attorney Rose's claims that I was not a beneficiary and did not have standing that led to a series of Orders being issued based on the Obstruction through Simulated Legal Process of these false statements and yet the District Court of Illinois has issued a Summary Judgment Order relying upon the fraudulent prior determination by Judge Phillips that I have no Standing and am not a Beneficiary in the Estate of Simon Bernstein.
13. Thus, the continuing process of unraveling and addressing the repeated frauds by Alan Rose and his client further take necessary time away from properly completing this important motion on an alleged Final Judgment.
14. Said motion for rehearing will raise those factual determinations and issues of law overlooked or misapprehended relating to Alan Rose and PR O'Connell's conduct and the law on fraud and other.
15. Moreover, grounds will be raised in relation to the impropriety of the subject ruling which was made without an evidentiary hearing by a "last minute" Judge Colton who had no background of the cases after Judge Scher's office herself had Set the

Specially Set Hearing which was later changed last minute so the “new surprise Judge Colton” could hear this important motion regarding a mass of fraud instead of simply Re-scheduling the motion so it could be properly heard.

16. Lower Tribunal Judge Scher stated on the Record in prior proceedings dating back to November of last year 2016 that it was going to take her nearly 2 months or so to “review” and get up to speed on the various cases herein and thus a “last minute Judge” who did not even know who the parties were was improper per se other than re-scheduling the matter.

17. Thus, many meritorious grounds will be asserted and an extension of time is requested.

WHEREFORE, it is respectfully prayed for an Order granting a reasonable extension of time and for the Court to set the time for Appellant to file the Motion for Rehearing and for such other relief as may seem just and proper.

Respectfully submitted,

Dated: May 15th, 2017

/s/ Eliot Ivan Bernstein

Eliot Ivan Bernstein

2753 NW 34th St.

Boca Raton, FL 33434

561-245-8588

iviewit@iviewit.tv

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the within has been served upon all parties on the attached Service List by E-Mail Electronic Transmission, Court ECF on this 15th day of May, 2017.

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SERVICE LIST

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EXHIBIT 1
POWER INTERNET OUTAGES

Subject:

FPL and COMCAST INCIDENT #'S POWER OUTAGE 5/11/17 to 5/12/17

FPL Ticket #695
Comcast Work Orders
No Internet # CR704408643
No Phone #CR704603231
No Phone #CR704604021

Eliot I. Bernstein
Inventor, really cool shit that changed your world!
Iviewit Holdings, Inc. – DL
2753 N.W. 34th St.
Boca Raton, Florida 33434-3459
(561) 245.8588 (o)
(561) 886.7628 (c)
iviewit@iviewit.tv
<http://www.iviewit.tv>

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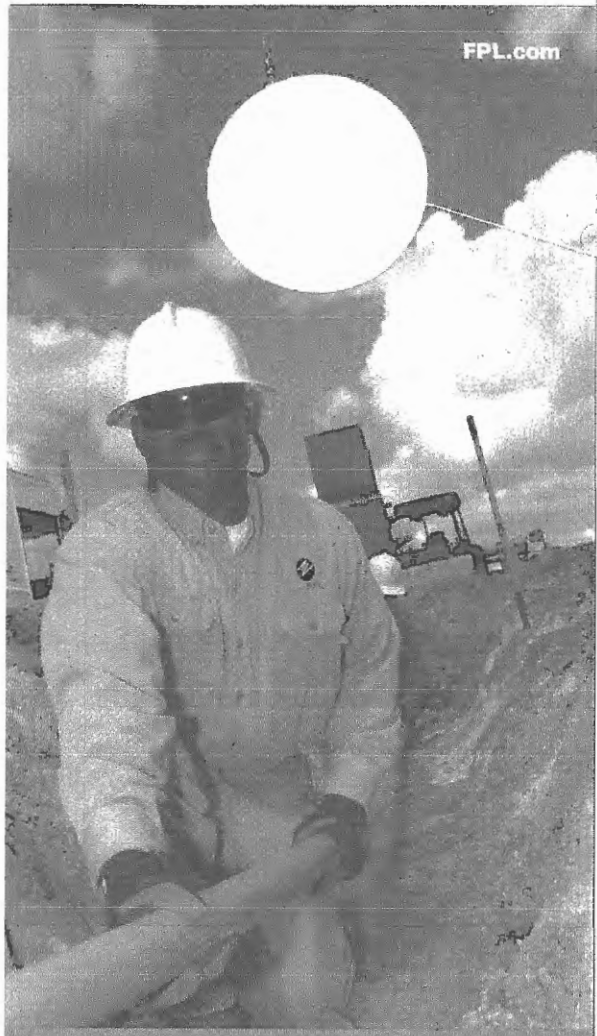
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FPL is investing to make our infrastructure stronger every day, in good weather and bad.

That's why,

FPL will repair or upgrade the underground power line(s) serving your home or business.

Our contractor, VIKING will repair or upgrade the underground power line(s) serving your home or business.

We may need to dig on your property to make the necessary repairs to the underground power lines. If so, we will restore your property after we complete our repairs.

We pledge to work safely and respectfully in your community.

We will notify you in advance if we need to schedule a power outage to complete our repairs.

Thank you for your patience as we work to improve your service quality.

If you have any questions, please contact:

Contact name BRYAN

Phone No 561-742-7006

Refer to FPL work request No. 7627327

Date 5-12-17

FPL or Contractor VIKING

Fri May 12, 2017 08:33 am

COMCAST OF W PALM BEACH

1-800-COMCAST

OFF: 65X

01638-567818-02 CUSTSTAT: Actv

LUC BERNSTEIN

2713 NW 41H ST

60 CA RATON, FL 33434

ISSUED BOXES: RETURNED BOXES

252WZ698L01847 1107000775

By signing below, I represent that I am at least 18 years old; I am the Comcast account holder or I am the authorized agent of the Comcast account holder named above. If this equipment is for the activation of my XFINITY service(s), I acknowledge receipt of the Comcast Welcome Kit which contains the Comcast subscriber agreement(s), the Comcast subscriber privacy notice(s) and other important information about the Comcast service(s) I agree to be bound by the Comcast subscriber agreement(s) which constitute the agreement between myself and Comcast for the XFINITY service(s). I authorize Comcast to obtain a credit report from a consumer credit agency in connection with the provision of the XFINITY service(s) I am receiving. IF I AM SUBSCRIBING TO XFINITY VOICE OR XFINITY UNLIMITED SELECT (collectively "XV"), I ACKNOWLEDGE MY RECEIPT AND UNDERSTANDING OF THE E911 NOTICE BELOW.

E911 Notice

This notice is required by the rules of the Federal Communication Commission. XV may have the E911 limitations specified below:

In order for my 911 calls to be properly directed to emergency services, Comcast must have my correct service address. If I move XV to a different address without Comcast's approval, 911 calls may be directed to the wrong emergency authority, may transmit the wrong address, and/or XV (including 911) may fail altogether. XV uses electrical power in my home. If there is an electrical power outage, 911 calling may be interrupted. Calls, including calls to 911, may not be completed if there is a problem with network facilities including network congestion, network/equipment/power failure, or another technical problem. Prior to changing my address, or if I have any related questions, I will call 1-800-COMCAST. Comcast will need several business days to update my service address in the E911 system.

Signature _____

To Activate your XFINITY service:
www.comcast.com/activate
CALL 1-855-OK-HIGH (1-855-652-3446) to
ACTIVATE

EXHIBIT 2 - FEAMAN MOTION

IN THE CIRCUIT COURT OF THE 15TH
JUDICIAL CIRCUIT IN AND FOR PALM
BEACH COUNTY, FLORIDA
CASE NO. 502012CP004391XXXXNB (IH)

IN RE: ESTATE OF
SIMON L. BERNSTEIN,
Deceased.

**RESPONSE TO TRUSTEE'S MOTION FOR
APPROVAL OF SETTLEMENT AGREEMENT**

COMES NOW William Stansbury, and in response to the Motion for Approval of Settlement Agreement, states as follows:

1. The Successor Trustee of the Simon Bernstein Amended and Restated Trust Agreement dated July 25, 2012, Ted S. Bernstein, on May 8, 2017, noticed for hearing his "Trustee's Motion to (i) approve Compromise and Settlement, (ii) Appoint a Trustee for the Trusts Created for D.B., JA.B. and JO.B, and (iii) Determine Compensation for Guardian *ad Litem*."

2. On May 5, 2017, William Stansbury served his Motion for Summary Judgment on the Successor Trustee's Motion to be Ratified as Successor Trustee, pointing out that the Court had determined that there is a conflict between Ted Bernstein and the Estate of Simon Bernstein and that Ted Bernstein is adverse to the Estate of Simon Bernstein in connection with the pending litigation in Illinois.

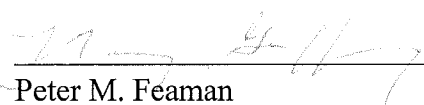
3. In light of the finding by the Court that a conflict exists between Ted Bernstein and the Estate of Simon Bernstein, Stansbury respectfully requests this Court to defer ruling on any Motions by the purported Successor Trustee Ted Bernstein concerning the Simon Bernstein Amended and Restated Trust until such time as the Court determines the propriety of Ted Bernstein serving as Successor Trustee.

4. Moreover, the Trustee's Motion to approve Compromise and Settlement is governed by § 733.708, Fla. Stat., which provides that a Court may enter an order authorizing a compromise only if the Court is "satisfied that the compromise will be for the best interest of the interested parties." Such a determination should not be made on a uniform motion calendar hearing since it requires an evidentiary hearing.

5. The alleged Successor Trustee's Motion to approve Compromise and Settlement also asserts that the settlement is confidential and offers to provide the Court with an in camera review of it. However, unless all interested parties, including Stansbury, as well as the Court, know the details of the settlement, it is impossible to determine whether such compromise is in "the best interest of the interested persons," as required under § 733.708, Fla. Stat.

6. Therefore, any hearing on the Successor Trustee's Motion to approve and Compromise and Settlement should be an evidentiary hearing, and such hearing should be scheduled only after full disclosure of the settlement details to all interested parties, including Stansbury.

WHEREFORE, in light of the finding by the Court and Stansbury's Motion for Summary Judgment, Stansbury respectfully requests this Court to defer ruling on any Motions by the Successor Trustee concerning the Simon Bernstein Amended and Restated Trust until such time as the Court determines the propriety of Ted Bernstein serving as Successor Trustee, and thereafter after a properly noticed time for an evidentiary hearing before the Court, with full disclosure of the details of the proposed settlement to all interested persons, and such other relief as this Court deems just and proper.

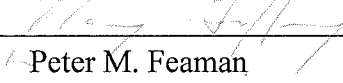


Peter M. Feaman

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing has been forwarded via e-mail service through the Florida E-portal system to those listed on the attached service list, on this 11th day of May, 2017.

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