

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

IN RE:

ESTATE OF SIMON L. BERNSTEIN,  
Deceased.

NOTICE OF APPEAL

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**NOTICE IS GIVEN** that Eliot Ivan Bernstein, Appellant-Petitioner, appeals to the Fourth ( 4th ) District Court of Appeals from the Order of Palm Beach County Judge Rosemarie Scher an Order issued by retired Judge Roger B. Colton sitting in the Probate Division dated April 28, 2017. A copy of order is attached hereto, the nature of the order is a titled “ORDER DENYING ELIOT BERNSTEIN, AS A BENEFICIARY OF THE ESTATE OF SIMON L. BERNSTEIN WITH STANDING AND AN INTERESTED PERSON UNDER LAW (D.E. #541)” (EXHIBIT 1) and hereby appeals from each and every part of said Order.

Dated: May 27, 2017

**/s/Eliot Ivan Bernstein**

Eliot Ivan Bernstein  
2753 NW 34th St  
Boca Raton, FL 33434  
561-245-8588  
[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)

**CERTIFICATE OF SERVICE**

I CERTIFY that a copy of the foregoing has been furnished to parties listed on attached Service

List by E-mail Electronic Transmission; Court ECF; this 27th day of May 2017.

**/s/ Eliot Ivan Bernstein**

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EXHIBIT 1 - ORDER

APRIL 28, 2017

ORDER DENYING ELIOT BERNSTEIN, AS A BENEFICIARY OF THE ESTATE OF  
SIMON L. BERNSTEIN WITH STANDING AND AN INTERESTED PERSON UNDER  
LAW (D.E. #541)

I IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA  
PROBATE DIVISION "IH"

CASE NO. 502012-CP-004391 XXXX NB IH

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

ORDER DENYING ELIOT BERNSTEIN, AS A BENEFICIARY OF THE  
ESTATE OF SIMON L. BERNSTEIN WITH STANDING AND AN INTERESTED  
PERSON UNDER LAW (D.E. #541)


**THIS MATTER** came before the Court on Eliot I. Bernstein, as a Beneficiary of the Estate of Simon L. Bernstein With Standing and an Interested Person Under Law, Makes this Motion filed February 16, 2017 (D.E. #541). Upon consideration, it is hereby

**ORDERED AND ADJUDGED** that:

Eliot I. Bernstein, as a Beneficiary of the Estate of Simon L. Bernstein With Standing and an Interested Person Under Law, Makes this Motion filed February 16, 2017 (D.E. #541) is essentially an omnibus motion for rehearing on several orders previously entered by this Court. Arguments of counsel are not evidence. While it alleges 1.540 relief, on its face no new evidence substantiates at 1.540 versus rehearing. 1.540 is not the proper tool for judicial error and not a replacement for an appeal.

Accordingly, the motion is **DENIED**.

**DONE AND ORDERED** in Palm Beach Gardens, Palm Beach County, Florida  
this 28 day of April, 2017.

  
\_\_\_\_\_  
**ROGER B. COLTON**, Senior Judge

Copies furnished:  
See attached Service List

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I IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA  
PROBATE DIVISION "IH"

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Deceased.

ORDER DENYING ELIOT BERNSTEIN, AS A BENEFICIARY OF THE  
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PERSON UNDER LAW (D.E. #541)


**THIS MATTER** came before the Court on Eliot I. Bernstein, as a Beneficiary of the Estate of Simon L. Bernstein With Standing and an Interested Person Under Law, Makes this Motion filed February 16, 2017 (D.E. #541). Upon consideration, it is hereby

**ORDERED AND ADJUDGED** that:

Eliot I. Bernstein, as a Beneficiary of the Estate of Simon L. Bernstein With Standing and an Interested Person Under Law, Makes this Motion filed February 16, 2017 (D.E. #541) is essentially an omnibus motion for rehearing on several orders previously entered by this Court. Arguments of counsel are not evidence. While it alleges 1.540 relief, on its face no new evidence substantiates at 1.540 versus rehearing. 1.540 is not the proper tool for judicial error and not a replacement for an appeal.

Accordingly, the motion is **DENIED**.

**DONE AND ORDERED** in Palm Beach Gardens, Palm Beach County, Florida  
this 28 day of April, 2017.

  
\_\_\_\_\_  
**ROGER B. COLTON**, Senior Judge

Copies furnished:  
See attached Service List

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