

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

PROBATE DIVISION IH
CASE NO. 502014CP003698XXXXNB

Eliot Ivan Bernstein et al.,

Appellant,

v.

TED BERNSTEIN, AS TRUSTEE
OF THE SHIRLEY BERNSTEIN TRUST
TRUST AGREEMENT DATED MAY 20, 2008
AS AMENDED,

Appellee

ALEXANDRA BERNSTEIN; ERIC
BERNSTEIN; MICHAEL BERNSTEIN;
MOLLY SIMON; PAMELA B. SIMON,

NOTICE OF APPEAL

Individually and as Trustee f/b/o Molly Simon under the Simon L. Bernstein Trust Dtd 9/13/12; ELIOT BERNSTEIN, individually, as Trustee f/b/o D.B., Ja. B. and Jo. B. under the Simon L. Bernstein Trust Dtd 9/13/12, and on behalf of his minor children D.B., Ja. B. and Jo. B.; JILL IANTONI, Individually, as Trustee f/b/o J.I. under the Simon L. Bernstein Trust Dtd 9/13/12, and on behalf of her Minor child J.I.; MAX FRIEDSTEIN; LISA FRIEDSTEIN, Individually, as Trustee f/b/o Max Friedstein and C.F., under the Simon L. Bernstein Trust Dtd 9/13/12, and on behalf of her minor child, C.F.,

Appellee(s).

_____ /

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 sitting in the Probate Division dated May 22, 2017. A conformed copy of order is attached hereto, the nature of the order is a titled “ORDER (i) APPROVING SETTLEMENT; (ii) DISMISSING REMAINING CLAIMS; AND (iii) RETAINING JURISDICTION TO ENFORCE SETTLEMENT, APPOINT A TRUSTEE FOR CERTAIN TRUSTS AND DETERMINE COMPENSATION FOR GUARDIAN AD LITEM” (EXHIBIT 1) and hereby appeals from each and every part of said Order.

Dated: June 21, 2017

/s/Eliot Ivan Bernstein

Eliot Ivan Bernstein
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561-245-8588
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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 21st day of June, 2017.

/s/ Eliot Ivan Bernstein

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EXHIBIT 1 - ORDER

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

TED BERNSTEIN, as Trustee
of the Shirley Bernstein Trust Agreement
dated May 20, 2008, as amended,

Probate Division
Case No.: 502014CP003698XXXXNBIH

Plaintiff,

v.

ALEXANDRA BERNSTEIN; ERIC BERNSTEIN;
MICHAEL BERNSTEIN; MOLLY SIMON;
PAMELA B. SIMON, Individually and as Trustee
f/b/o Molly Simon under the Simon L. Bernstein Trust
Dtd 9/13/12; ELIOT BERNSTEIN, individually, as
Trustee f/b/o D.B., Ja. B. and Jo. B. under the Simon
L. Bernstein Trust Dtd 9/13/12, and on behalf of his
minor children D.B., Ja. B. and Jo. B.; JILL
IANTONI, Individually, as Trustee f/b/o J.I. under the
Simon L. Bernstein Trust Dtd 9/13/12, and on behalf
of her Minor child J.I.; MAX FRIEDSTEIN; LISA
FRIEDSTEIN, Individually, as Trustee f/b/o Max
Friedstein and C.F., under the Simon L. Bernstein
Trust Dtd 9/13/12, and on behalf of her minor child,
C.F.,

Defendants.

**ORDER (i) APPROVING SETTLEMENT; (ii) DISMISSING REMAINING
CLAIMS; AND (iii) RETAINING JURISDICTION TO ENFORCE
SETTLEMENT, APPOINT A TRUSTEE FOR CERTAIN TRUSTS
AND DETERMINE COMPENSATION FOR GUARDIAN AD LITEM**

THIS CAUSE came before the Court on May 18, 2017 on Ted Bernstein's *Motion to Approve Compromise and Settlement etc.* ("the Motion"). The Court, having reviewed the Motion and the record, and having been advised that no one else ^{with standing} objected to the Motion or this proposed Order, and being otherwise fully advised in the premises, hereby ORDERS AND ADJUDGES:

1. The Motion is GRANTED in part as set forth below, and DEFERRED in part pending further orders and/or hearings.

2. After mediation, a written Mediation Settlement Agreement ("Settlement") was executed by and between: (i) Ted S. Bernstein, as Trustee of the Simon L. Bernstein Trust (the "Simon Trust"), which is the sole beneficiary of this Estate; and (ii) the trustees of ten trusts created for the benefit of Simon's ten grandchildren under the terms of Simon's Trust, being all of beneficiaries and potential beneficiaries of the Simon Trust.¹

3. The Settlement is approved and made effective immediately, subject to the terms of the Settlement. The Court will retain jurisdiction to enforce and fully implement the Settlement.

4. The Hon. John L. Phillips previously entered a Final Judgment on Count II and dismissed the counterclaim filed by Eliot Bernstein. The Settlement resolves all remaining issues raised in the Amended Complaint, including those set forth in Count I, other than the enforcement and implementation of the settlement, and the compensation and discharge of the Guardian.

5. The Court ~~determines that~~ *retains jurisdiction to determine* an appropriate hourly rate for the service of the Guardian *is \$* ~~_____~~ and will enter a separate order determining compensation owed to the Guardian after hearing. *(P)*

6. As to the Trustee's request that the Court appoint a Trustee for the three trusts created for Eliot's children (the "Eliot Children Trusts" as defined in the Settlement) and thereafter discharge the Guardian, the Court will appoint a trustee upon unanimous agreement of all persons concerned,

¹ Trusts created for the benefit of Jo. B., Ja. B. and D.B., by Diana Lewis as Guardian ad Litem and pending appointment of a Trustee; Trust created for the benefit of J.I. by Jill Iantoni as Trustee; Trusts created for the benefit of Alexandra Bernstein, Eric Bernstein and Michael Bernstein by Ted Bernstein as Trustee; Trust created for the benefit of Molly Simon by Pam Simon as Trustee; and Trust created for the benefit of Max Friedstein and C.F. by Lisa Friedstein as Trustee.

The parties with standing shall file their proposed trustee and

including the Guardian. In the absence of unanimous agreement within 30 days from the date of this Order, the Court will appoint an independent person or entity to serve as Trustee of the Eliot Children Trusts, who shall utilize the trust funds solely in the best interests of Eliot's Children. The Court retains jurisdiction to select and appoint a trustee to serve as trustee for the Eliot Children Trusts and/or to take further action with respect to these trusts. The order appointing a trustee for each of the Eliot Children Trusts will include a provision discharging the Guardian.

7. The Court retains jurisdiction to enforce and implement the settlement, determine the compensation and discharge of the Guardian, to appoint a trustee for the Eliot Children Trusts, and to address any related issues concerning the administration of the Trust.

DONE AND ORDERED in Chambers, North County Courthouse on 5/22, 2017.


HONORABLE ROSEMARIE SCHER

cc: All parties on the attached service list

* A courtesy copy shall be sent to the Court's judicial assistant.

SERVICE LIST Case No.: 502014CP003698XXXXNBIJ

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