

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

LC NO. 502012CP004391XXXXNB
PROBATE DIVISION IH
HON. ROSEMARIE SCHER

IN RE:

ESTATE OF SIMON L. BERNSTEIN,

Deceased.

NOTICE OF APPEAL

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 RETIRED Senior Judge John Frusciante sitting in for Judge Rosemarie Scher in the Probate Division dated April 27, 2018 titled “ORDER ON MOTION TO APPROVE MEDIATION SETTLEMENT AGREEMENT WITH TESCHER &

SPALLINA, P.A. [D.E. 2451” (EXHIBIT 1) and hereby appeals from each and every part of said Order.

Dated: May 26, 2018

/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 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 26th day of May, 2018.

By: **/s/ Eliot Ivan Bernstein**
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EXHIBIT 1 – ORDER * 2

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

IN RE: CASE NO. 502012CP004391XXXXNBIH

ESTATE OF SIMON L. BERNSTEIN,
_____ /

**ORDER ON MOTION TO APPROVE MEDIATION SETTLEMENT AGREEMENT
WITH TESCHER & SPALLINA, P.A. [D.E. 534]**

THIS CAUSE came before the Court on Friday, April 27, 2018 on Trustee's *Motion to Approve Settlement Agreement with Tescher and Spallina, P.A. (D.E. 534)* (the "Motion") and Joshua Bernstein's *Objection to Motion to Approve Mediation Settlement Agreement with Tescher and Spallina* (the "Objection"). The Court, having reviewed the Motion and the Objection, the record, heard argument of counsel and the parties, having received evidence, and being otherwise fully advised in the premises, hereby ORDERS AND ADJUDGES:

1. The Motion is granted as set forth in this Order.
2. After mediation, a written Mediation Settlement Agreement ("Settlement Agreement") was executed by and between: (i) Ted S. Bernstein, as Trustee of the Simon L. Bernstein Trust (the "Simon Trust"), which is the sole residuary beneficiary of this Estate; and (ii) the trustees or court-appointed representatives 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

¹ Trusts created for the benefit of Jo. B., Ja. B. and D.B., (the Eliot Children's Trusts) 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.

3. The Settlement Agreement is approved and made effective immediately, subject to the terms set forth in the written agreement. Notwithstanding anything to the contrary in the Settlement Agreement, the release ^{r shall} have no effect on the claims, if any, of Joshua Bernstein individually. *Based on that carve-out, which was made on the record, the objection of Joshua Bernstein was withdrawn as moot.*

4. The Court retains jurisdiction to enforce and fully implement the Settlement Agreement.

DONE AND ORDERED in Chambers, North County Courthouse on April 27, 2018,

2018.

Senior Judge John Frusciano

for 
HONORABLE ROSEMARIE SCHER

cc: All parties on the attached service list

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Senior Judge John Frusciante

for 
HONORABLE ROSEMARIE SCHER

cc: All parties on the attached service list

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