

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.

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**TRUSTEE'S NOTICE OF COMPLIANCE WITH  
ORDER DATED DECEMBER 6, 2017**

Plaintiff, Ted S. Bernstein, Successor Trustee of the Shirley Bernstein Trust, gives notice of full compliance with the Court's *Order on Plaintiff, Ted S. Bernstein's Motion to Modify Order Dated May 22, 2017; to Direct Payment for Benefit of Eliot's Children to Court Registry; and to Determine Compensation for Guardian Ad Litem and Discharge Guardian* dated December 6, 2017 (the "Order").

1. In accordance with the Order, the Trustee was directed in paragraph 5 to pay the Court-awarded fees directly to the Guardian Ad Litem ("GAL") from any distribution of funds to

the Eliot Children beneficiaries. Under the Order, the GAL compensation was to be "paid before the distribution of any funds into the Registry." Order, ¶5. In total, the Court awarded the sum of \$30,746.66 to the GAL. For divisibility by three, the GAL agreed to reduce that amount by \$0.02.

2. On August 1, 2018, the Trustee made a partial interim distribution to each of Eliot's Children from the assets of the Shirley Bernstein Trust. This is the same partial interim distribution already made to all of the other beneficiaries of the Shirley Bernstein Trust.<sup>1</sup>

3. As required by the Order, the Trustee has first paid the sum of \$30,746.66 directly to the GAL, divided \$10,248.88 (or one-third) from each of the Eliot Children distributions.

4. After making such payments, the Trustee deposited such interim distributions (less the GAL fees) into the Registry of the Court on August 1, 2018, for each of Eliot Children, referenced to the above-styled case number.

5. In addition to the above, the Order on paragraph 6 directs that "any and all funds which would otherwise be paid into the Eliot Children's Trusts, as defined in the Settlement Agreement of any other agreement (including any settlement proceeds from the Illinois insurance litigation), will be deposited or paid into the Registry of the Court, separately for the benefit of each of Eliot's children . . . ." In compliance with that part of the Order, the Trustee's counsel has also deposited into the Registry of the Court the three checks received from the attorney handling the Illinois litigation, one each for Eliot's Children. These checks represent the proceeds of the Illinois litigation designated for each of Eliot's Children after Eliot refused to accept his rightful share, in

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<sup>1</sup> When the initial partial distributions were being made to the ten beneficiary trusts, the trustees of seven of the trusts accepted the distribution, but Eliot Bernstein refused to accept the distribution into the Eliot Children's Trusts.

accordance with section 10(vi) of the Settlement Agreement, approved by probate court order dated October 19, 2017.

6. Pursuant to paragraph 7 of the Order, "upon the entry of orders approving all pending settlement agreements involving the GAL, the GAL shall be discharged . . . ." As of April 27, 2018, all of the settlement agreements have been approved by this Court, and all of those approval orders are now final, non-appealable orders of this Court. Therefore, the GAL has already been discharged under the terms of the Order as of April 27, 2018. Based upon that discharge and the full payment of the court-awarded fee, there is no further need for the GAL's involvement in this matter.

WHEREFORE, the Trustee gives notice of full compliance with the Order.

**CERTIFICATE OF SERVICE**

I CERTIFY that a copy of the foregoing has been furnished to parties listed on attached Service List by:  Facsimile **and**  U.S. Mail;  U.S. Mail;  Email Electronic Transmission;  FedEx;  Hand Delivery this 6th day of August, 2018.

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By: /s/ Alan B. Rose  
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