

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

File Number: 502012CP004391XXXXNB

Division: Probate "IH"

IN RE: ESTATE OF  
SIMON L. BERNSTEIN,

Deceased.

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**CIKLIN LUBITZ' JOINDER IN TED S. BERNSTEIN'S  
MOTION TO STRIKE ELIOT BERNSTEIN'S FILINGS AND TO  
BAR ELIOT BERNSTEIN FROM OBJECTING TO ESTATE ADMINISTRATION**

Ciklin Lubitz, former law firm of Brian M. O'Connell, Esq., as Successor Personal Representative of the referenced estate, by and through its undersigned counsel, herby joins in Ted S. Bernstein's ("Trustee") Motion to Strike Eliot Bernstein's Filings and to Bar Eliot Bernstein from Objecting to Estate Administration ("Motion"), and states:

1. Ciklin Lubitz joins in and supports Trustee's Motion and asks that the relief requested therein be granted.
2. On April 30, 2019, Ciklin Lubitz filed its Petition for Fees and Costs of Attorney For Successor Personal Representative ("Petition for Fees and Costs").
3. On May 21, 2019, Eliot Bernstein ("Bernstein") filed his *SilverBullet Cross Motion for Valid Decision, Order and Judgment ("Valid DOJ") Granting Mandatory Restitution for Discretionary Destitution cased by All Void DOJs ("Void DOJs")* as well as a memorandum of law (collectively "Response to Petition for Fees and Costs").
4. Bernstein does not have standing to participate in proceedings related to Ciklin Lubitz's Petition for Fees and Costs because Bernstein received his full distribution from the estate.


5. In order to have standing in an estate proceeding, the person must be reasonably expected to be affected by the outcome of the proceeding. Fla. Stat. § 731.201(23); *Wheeler v. Powers*, 972 So.2d 285 (Fla. 5<sup>th</sup> DCA 2008). Standing in a probate proceeding turns on whether the individual is an “interested person” who may be affected by the outcome of the proceeding. *Wheeler*, 972 So.2d at 287.

6. A person who has received his full distribution from an estate cannot be affected by the outcome of an estate proceeding and therefore no longer has standing. Fla. Stat. § 731.201 (23) (“**The term [interested person] does not include a beneficiary who has received complete distribution.**”) (emphasis added); *Cason ex rel. Saferight v. Hammock*, 90 So.2d 512 (Fla. 5<sup>th</sup> DCA 2005). Once a beneficiary receives her full distribution, she no longer has standing to participate in the estate proceeding. *Cason ex rel Saferight*, 90 So.2d at 514.

7. In fact, such a person is no longer a “beneficiary”. Fla. Stat. § 731.201(2) (“**The term “beneficiary” does not apply to an heir at law or a devisee after that person’s interest in the estate has been satisfied.**”).

8. Because Eliot Bernstein received his full distribution from the estate, he cannot reasonably be expected to be affected by the proceedings related to Ciklin Lubitz’s Petition for Fees and Costs. He is no longer a beneficiary of the estate. Accordingly, he does not have standing.

**WHEREFORE**, Ciklin Lubitz hereby joins in Trustee’s Motion and asks that the Court grant the relief requested therein, hold that Eliot Bernstein does not have standing to participate in proceedings related to Ciklin Lubitz’s Petition for Fees and Costs, and provide any other relief that the Court deems equitable under the circumstances.

  
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*Counsel for Ciklin Lubitz*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 16 day of June, 2019, a true and correct copy of the foregoing has been furnished, via the Florida Courts E-Filing Portal, or as otherwise indicated below, on:

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