

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

IN RE: ESTATE OF:

PROBATE DIVISION

SIMON L. BERNSTEIN,

FILE NO: 502012CP4391XXXXNB/IH

Deceased.

**MOTION TO DIRECT PAYMENT FOR BENEFIT OF ELIOT IVAN BERNSTEIN BE
PAID INTO COURT REGISTRY**

COMES NOW, Brian M. O'Connell, Esq., as Successor Personal Representative of the Estate of Simon L. Bernstein ("Successor Personal Representative," and "Estate," respectively), by and through undersigned counsel, and hereby moves this Court to direct payment for the benefit of Eliot Ivan Bernstein be paid into the Court Registry, and in support thereof, states as follows:

1. On October 26, 2018, O'Connell & Crispin Ackal, PLLC, counsel for the Successor Personal Representative, sent a letter to Mr. Eliot Ivan Bernstein, 2753 N.W. 34th Street, Boca Raton, FL 33434 ("Eliot"), which enclosed the distribution check from the Estate payable to him in the amount of \$16,667.60, Check No. 1008.

2. Such amount was Eliot's full and final distribution from the Estate of his share of the proceeds from the sale of the Decedent's, Simon L. Bernstein ("Decedent"), tangible personal property, including the Decedent's jewelry.

3. To date, Eliot has not yet cashed the check, and there has been no response to the letter.¹

¹ Similar checks to Ted Bernstein, Jill Iantoni, Lisa Friedstein, and Pam Simon were cashed on October 31, 2018, November 14, 2018, November 15, 2018, and December 12, 2018, respectively.

4. Given Eliot's prior litigation conduct, it is evident that repeated attempts to contact Eliot would be futile, and the most cost-effective solution is to transfer the \$16,667.60 payable to Eliot into the Court Registry.

5. While there may be some fees charged by the Clerk of Court, any such fees will be minimal in comparison to the cost of attorneys' fees for continued attempts to contact Eliot.

6. Accordingly, the Successor Personal Representative requests the Court direct that the payment of \$16,667.60 to or for the benefit of Eliot be paid into the Court Registry, as this is in the best interest of the Estate, and to avoid further expense.

WHEREFORE, Brian M. O'Connell, Esq., as Successor Personal Representative of the Estate of Simon L. Bernstein, respectfully requests the Court enter its order directing the payment of \$16,667.60 to or for the benefit of Eliot Ivan Bernstein be paid into the Court Registry, as further stated herein, and for any such further relief deemed just and proper by this Court.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent by e-service, e-mail service or U.S. Postal Service on the 17th day of July, 2019 to:

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