

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.

**AMENDED 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. Eliot did not cash the check or respond to the letter.¹

3. On July 24, 2019, O'Connell & Crispin Ackal, PLLC, sent another letter to Eliot, which enclosed the distribution check from the Estate payable to him in the amount of \$19,159.00, Check No. 1018. See letter attached hereto as Exhibit "A".

4. Such amount, \$19,159.00, 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.

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.

5. Given Eliot's prior litigation conduct, in the event the check is not cashed by August 12, 2019, as requested in the second letter, it is evident that any further attempts to contact Eliot would be futile, and the most cost-effective solution is to transfer the \$19,159.00 payable to Eliot into the Court Registry.

6. 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.

7. Accordingly, the Successor Personal Representative requests the Court direct that the payment of \$19,159.00 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 \$19,159.00 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 1st day of August, 2019 to:

Alan B. Rose, Esq. Page, Mrachek, Fitzgerald & Rose, PA. 505 S. Flagler Dr., Suite 600 West Palm Beach, FL 33401 (561) 355-6991 arose@mrachek-law.com mchandler@mrachek-law.com	John P. Morrissey, Esq. 330 Clematis St., Suite 213 West Palm Beach, FL 33401 john@jmorrisseylaw.com	Diana Lewis obo Jacob and Daniel Bernstein. ADR & Mediation Services, LLC 2765 Tecumseh Drive West Palm Beach, FL 33409 (561) 758-3017 dzlewis@aol.com
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Joshua Bernstein 2753 N.W. 34 th St. Boca Raton, FL 33434	Lisa Friedstein and Carley Friedstein, Minor c/o Jeffrey and Lisa Friedstein Parent and Natural Guardian 2142 Churchill Lane Highland Park, IL 60035 Lisa@friedsteins.com Lisa.friedstein@gmail.com	Max Friedstein 2142 Churchill Lane Highland Park, IL 60035
Eliot Bernstein 2753 N.W. 34 th St. Boca Raton, FL 33434 iviewit@iviewit.tv	Pamela Beth Simon 950 N. Michigan Ave., Apt. 2603 Chicago, IL 60611 psimon@stpcorp.com	Marc J. Soss, Esq. 11010 Hyacinth Place Lakewood Ranch, FL 34202-4158 Tel.: 941/928-0310 Fax: 813/342-7967 mjs@fl-estateplanning.com

/s/ Joielle A. Foglietta

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ASHLEY CRISPIN ACKAL

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Florida Bar No: 094238

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dreed@OCAlawyers.com

EXHIBIT A

O'CONNELL
CRISPIN ACKAL, PLLC &

ATTORNEYS AT LAW

BRIAN M. O'CONNELL*, MEMBER
ASHLEY CRISPIN ACKAL, MEMBER
*Florida Bar Board Certified, Wills, Trusts, & Estates

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SUITE 300
PALM BEACH, FL 33480
TELEPHONE: 561-355-0403
FACSIMILE: 561-355-5133

PHIL D. O'CONNELL, JR. P.A.,
OF COUNSEL
JOIELLE A. FOGLIETTA
CLARA C. CIADELLA
MORGAN E. METZGER

VIA FEDEX

July 24, 2019

Mr. Eliot Ivan Bernstein
2753 N.W. 34th Street
Boca Raton, FL 33434

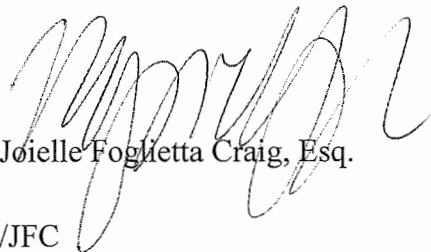
Re: Estate of Simon Bernstein ("Estate")

Dear Mr. Bernstein:

Enclosed please find the distribution check payable to you in the amount of \$19,159.00, which is your full and final distribution from the Estate. Please cash the enclosed check by **August 12, 2019**. If the check is not cashed by this date, for security reasons, among others, we will request the bank stop payment on the check.

Further, if the check is not cashed by **August 12, 2019**, we will be proceeding with setting the Personal Representative's "Motion to Direct Payment for Benefit of Eliot Ivan Bernstein Be Paid Into Court Registry" for hearing. Should you have any questions, please do not hesitate to contact our office at (561) 355-0403.

Sincerely,



JFC
Joielle Foglietta Craig, Esq.

/JFC

Enc.



Morgan Stanley

1018

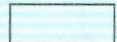
25-80/440

7/24/19 Date

Pay to the Order of Elia Bernstein

\$ 19 159.00

Nineteen Thousand One Hundred Fifty Nine and 00/100 Dollars



Expense Analyzer

UMB Bank, N.A.
Kansas City, MO 64106
1-800-688-3462

For final distribution

