

Mr. Anthony Palmieri
Deputy Inspector General &
Chief Guardianship Investigator
of Palm Beach County and
President of the National
Guardianship Association
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Re: Complaint for Formal Investigation of Illegal and Abusive
Guardianships of Joshua Ennio Zander Bernstein and Jacob Noah
Archie Bernstein, 15th Judicial Circuit, 4th DCA and others

Please reply to this email communication that you have received it and with
the Official Case Number assigned by your offices.

1. INTRODUCTION

By instructions from Francis of your office who returned my call to you and instructed me to file email in lieu of the Online Complaint Form as a Request for a Formal Investigation into two separate Illegal and Abusive Guardianships involving my sons Joshua Bernstein and Jacob Bernstein. The Illegal GAL impacting their trusts, inheritances, real and personal property and personal civil rights, as well as, those of myself and wife Candice Bernstein and youngest son Daniel Bernstein.

The Illegal GAL is part of a complex series of frauds against my family arising in the Estate and Trust cases of my now deceased parents, Simon and Shirley Bernstein, affecting millions of dollars directly from their respective Estates and Trusts and likely impacting my families Intellectual Property rights of my Technologies valued in the hundreds of billions by Leading Experts from Lockheed Martin, the Intel Corp., Silicon Graphics Inc (SGI), Warner Bros., Sony and AOL.

Please note with respect to the IP issues, I was previously instructed in the early 2000's by the Director of the Office of Enrollment and Discipline of the USPTO, Harry I. Moatz, Esq., to file "fraud against the United States" charges which were filed and remain open as do many complaints to the FBI and other federal offices, written complaints to the SEC, and written

complaints to the PBSO including to Col. John Prieschel and Internal Affairs of the PBSO, which also remain open and pending.

In the Patent frauds, it was my own attorneys and company attorneys many of whom had offices in Palm Beach County such as Proskauer Rose and Furr & Cohen, including Bradley Shraiberg, Esq. that were at the heart of the frauds against my IP and companies. What was found there involved complex legal frauds filed in courts and using the courts to commit the crimes which were being committed by our lawyers and judges, primarily at the 15th Judicial, the US District Court of the Northern District of Illinois directly impacting the Court adjudication and subsequent settlements, including the US Southern District Bankruptcy court.

Please note that because the frauds are so legally complex over so many years, I have done my best to summarize the background as concisely as possible as a non-lawyer and have attached relevant filed complaints and documents. I remain available to you and your office with my counsel who are witnesses to certain facts and can clarify or explain any matter and reserve the right to supplement the facts provided as necessary.

I have Listed the Cases impacted by these Illegal Guardianships at the end of this email.

NOTE: LICENSED ATTORNEYS AS WITNESSES: Inger Garcia, Esq., Leslie Ferderigos, Esq., Lalit K. Jain, Esq. and former attorney Arthur Morburger, Esq. all who can verify and attest to “certain” facts in this background. There are other witnesses to the various court cases and the frauds committed in each, frauds in, on and BY the courts, committed by officers of the courts and other licensed attorneys at law, all acting outside the color of law and in conspiracy.

a. The Illegal Guardianships of My Adult Sons as Minors:

As you will see from the attached complaints to the PBSO^{1and2} which Exhibit 1 includes Signed, Fingerprinted Cease and Desist Demands from

¹ EXHIBIT 1 – PBSO Complaint Illegal Guardianships – Cease and Desist Letters from Joshua Bernstein and Jacob Bernstein to Guardian Ad Litem Diana Lewis and copied to many involved in these matters start on page 3 of this complaint – Referred to Public Integrity Unit

² EXHIBIT 2 – PBSO Complaint Foreclosure Court Fraud and Bankruptcy Court Fraud referred to Public Integrity Unit.

my sons Joshua and Jacob Bernstein to cease the illegal guardianship over them, the nature of the complaints involve almost all of the listed categories at the, **Guardian Integrity Assurance Hotline page of your website, to wit:** Missing money or property; Altered or fabricated documents; Suspicious loans, funds transfers, opened or closed accounts/lines of credit; Suspicious purchase or sale of real or personal property; Taking excessive fees that are not reasonable; Violations of federal, state or local laws, standards of practice, rules or regulations; Guardian has a conflict of interest or exhibits signs of more expensive lifestyle; Forced removal from their home or residence.

See, <https://www.mypalmbeachclerk.com/services/guardianship-integrity-assurance-hotline>.

At the very least, fundamental Due Process rights under both the Federal and Florida State Constitution were violated against my two eldest sons and thus please note that I expressly request that your office coordinate with proper Federal and State Officials for violations under Federal Civil Rights law 42 USC Sec 1983 et seq although the use of these "Illegal Guardianship" tactics have impacted the Fair Administration of Justice in at least the 15th Judicial, the 4th DCA and certain Federal courts (Southern District of Illinois Fed and Southern District of FL Bankruptcy) and wholly interfered and removed the Due process rights and access to the courts for myself, my wife Candice, our adult children and youngest son Daniel. The illegal GAL on Josh has been akin to, if not an actual "Kidnapping" of his person and legal rights for years.

b. Judge Martin Colin and the Genesis of the Frauds Leading to Illegal Guardianships

Some of the initial frauds and actual fraudulent documents exposed filed IN COURT occurred in the Court of Judge Martin Colin who became involved in the Estate of my mother Shirley Bernstein and then my father Simon Bernstein and later became involved as an involved party implicated in investigations of Corruption and Collusion by this very office with widespread news coverage of the bizarre guardianship schemes he was running with his wife Betsy Savitt.

I had exposed both document fraud and Notary Frauds in his Court where my Father Simon Bernstein while Deceased was "used" to illegally Close

the Estate of my mother Shirley Bernstein so No Accounting would occur. I further exposed 5 Forged and Fraudulent Notaries filed in Court documents by the Tescher and Spallina law firm that was also Reported to the Governor's Office. The Governor's Office then called in the Sheriff who investigated and prosecuted. Judge Colin himself had even "warned" on the record that he should read "Miranda Warnings" to the various attorneys at the time and my brother Ted Bernstein. Ultimately, a Paralegal Kimberly Moran took the "fall" for the Tescher and Spallina firm being convicted of a Misdemeanor.

While Judge Colin Ordered Tescher and Spallina off the case as the Fiduciaries upon their resignations, this was done in a way by Judge Colin where he allowed the Tescher firm to hold onto all the Case Files for at least another 6 months where all critical Original Documents have never been turned over years later to this day and where No Formal Accountings have occurred in either case and where I and my wife have shown and filed in various Courts pleadings documenting "Missing Millions" from the Estate of my Father Simon Bernstein showing well over \$8 Million "Missing" near the time of his passing in various accounts we have discovered and where with interests in my technologies of 30% of founding interest in the IP it would be well over 100 Million and now missing and Unaccounted for years where my wife and I, and now adult sons have been Locked and Blocked out of Legal Proceedings, Records and Accountings for twelve years, which is what the Illegal GAL's were in part designed to achieve. Since I was pursuing many frauds by my own actions I had to be silenced in the courts individually and my wife and I cut from representing the rights of our children and the final fix was silencing my sons Joshua and Jacob Bernstein using predatory guardianship schemes.

Later, after prosecution of the Notary/Paralegal of the law firm Tescher & Spallina, while under investigation by PB Sheriff officers, attorney Robert Spallina admitted that he made a fraudulent trust for my mother, Shirley Bernstein, whereby he attempted to reinsert his client Ted Bernstein's family back into a trust they were disinherited from, years after she had died, and the trust had become irrevocable. After Spallina's admissions to the Sheriff both Tescher and Spallina resigned from all Bernstein family matters, including removing themselves as Co-PR's and Co-Trustees of my father's estate and trusts. They also resigned as Ted Bernstein's counsel, where Alan Rose, who had been contracted by Tescher and Spallina, slipped in to fill their shoes and continue the crimes and cover ups. Yet

again, despite the resignation the firm was able to hold onto all original documents at least another 6 months.

When a Motion for Mandatory Disqualification of Judge Colin was filed in 2015 from all probate and trust cases for my family showing many other crimes and that Judge Colin had to know Ted Bernstein, my brother and his attorney Rose, had to have knowledge of the prior frauds involving the Notary, Judge Colin denied the Motion as Legally Insufficient and then "Recused" himself the very next day Sua Sponte. Somehow Ted Bernstein was allowed to move into a fiduciary capacity despite having knowledge of the frauds he was benefitting from and despite him being declared as "deceased for all purposes" in Shirley Bernstein Trust document and using the same scheme to become Successor Trustee of Simon Bernstein's Trust, which explicitly states he is "deceased for all purposes" and further states he cannot be a Successor Trustee as he is related to Simon Bernstein.

Judge Colin, post recusal then steered the case improperly to a former Proskauer partner involved directly with my IP crimes who was now a Judge at the 15th Judicial, Judge Howard Coates. Then Proskauer attorney Howard Coates was directly involved in the IP and "Billing" by Proskauer for work done in my IP Companies. Despite him being confronted with his involvement in my Ivieit companies by opposing counsel as a reason to recuse and pursued legally by me in Federal and State, Civil and Criminal Complaints, he refused and accepted the case and case files of the court knowingly with a major conflict of interest. However, at the first hearing, after being reminded of a lunch he had with me to discuss stock issues, Judge Coates Recused one minute into the hearing (after already having taken all the court case files knowing of his conflict) and then sent the case to Judge John Philips.

2. Shutting Down Eliot Bernstein Family Access to Courts and Denial of Constitutionally Protected Due Process

Judge John Phillips came in quickly to effectuate a scheme to cover up and prevent further exposure of judges and bad attorneys involved in many guardianship schemes by Eliot. Phillip's scheme wholly denied the Eliot Bernstein family access to the courts on their own behalf and completely denied them due process rights, this intentionally to prohibit and quiet their

exposing the Guardianship frauds in the Florida courts by court officers, attorneys, and guardians.

Already, at this time Eliot Bernstein had exposed forgery and fraud in court filed documents, fraudulent alteration of a trust document to alter beneficiaries and was accusing several judges and attorneys of very serious state and federal crimes, as the crimes were occurring through Obstruction via Simulated Legal Process, Fraud On, In and By the court officials and more. In several of the Guardianship cases Eliot was instrumental in exposing, Judge Colin and his wife Betsy Savitt were exposed for even more devious and devastating claims of guardianship abuse and in some cases are being accused of aiding and abetting the murder of wards.

- a. Step One – Judge Philips Orders a “Validity” Trial of documents in the Shirley Bernstein case when the parties were Noticed for a Status in Simon’s case. Judge Philips would then deny a continuance so my sons and I could have Counsel present at the Trial which was rushed onto the Calendar even though the Estate was pending for several years. No Original documents were Entered into evidence and several of the operative Trust and Estate agreements were never produced even in copy form. There was supposed to be a second part to this Trial on the “Construction” count of the documents to determine what these documents meant and who were the rightful trustees and beneficiaries, yet to this day this never occurred yet where the Operation and Meaning (Construction) of the documents if valid have had key impact on the proceedings and our rights yet no Hearings to this day. He quickly moved the case to the “Validity Trial” on Documents and failed to include Joshua Bernstein, who was now over 18 and entitled to be Served and Noticed in the case but was not Noticed or Served on the Validity Trial despite being a claimed beneficiary as a grandchild of Simon and Shirley Bernstein.
- b. Step 2 - Remove Eliot Bernstein’s rights as a Beneficiary with Standing in his parents Estates and Trusts

Step two under Judge Philips scheme was to cover up Colin’s criminal acts by wholly denying Eliot Bernstein his legal rights to his inheritance and

access to the courts by claiming he was not a beneficiary with standing in his parents Estates and Trusts yet was named in all such dispositive documents. Philips however never had a construction hearing to determine who the trustees and the beneficiaries were but instead issued Orders from the validity of the documents hearing that were used to claim Eliot's lack of standing and beneficial interest falsely by attorney Alan Rose and Stephen Lessne.

Despite their false and misleading statements to the courts, Eliot was denied being heard in state and federal courts just based on the claim that he had been determined not to be a beneficiary in the estates and trusts of his parents, claims falsely made by attorneys, Alan Rose, Brian O'Connell, Diane Lewis and others involved in the scheme. Later Judge Rosemarie Scher at her first appearance in the Simon Bernstein Estate case found that Eliot was in fact a beneficiary of his father's estate, despite the false claims by Alan Rose, Diana Lewis and Brian O'Connell that he was determined not be and issued an Order to such effect.

While I was Appealing and exposing publicly a laundry list of misconduct and Legal and Judicial errors in this Validity Trial and frauds in the estates and trusts cases in the 15th Judicial, including NO Original Documents EVER produced, somehow despite being a named Beneficiary in all of my parents Wills and Trusts, I somehow "lost standing" as I was exposing further fraud in the Real Estate being sold in probate court in my mother's trust case at 7020 Lions Head Lane owned by my mother's trust and had filed numerous PBSO complaints for missing property, missing accountancy, all of my father's IP and computer Records being vanished within a day of his passing etc. I was not allowed to file papers on my behalf or represent myself in courts because of these bizarre rulings claiming that a natural son, named in ALL estate and trust documents did not have standing and was not a beneficiary, contrary to the dispositive documents, with NO construction hearing ever held.

At about this time I had a life-threatening battle with vasal vagal syncope that lasted almost three years and which still has significant impact on my health, requiring now quadruple bypass and a recent pacemaker, which reduced my ability to defend myself and my family in the courts and with the authorities.

c. Step 3 – Remove Eliot Bernstein Children’s Access to the Courts and Remove Due Process Rights Through Knowingly Fraudulent Guardianship Scheme – Joshua Bernstein Illegal GAL

Now that Eliot Bernstein’s due process rights had been Taken and he was “Silenced” in the Court, the next step was to have Ted Bernstein, Alan Rose, Stephen Lessne and Brian O’Connell (PR and Trustee replacement for Tescher in Spallina in Simon Bernstein Estate), now had to SILENCE Eliot’s three sons’ access to the courts, and his wife’s and his ability to have their children represented or represent them Pro-Se. To take control of the minor children’s legal rights entirely, filings were first made by Alan Rose and Stephen Lessne, Esq. claiming that Eliot and his wife were unfit parents because they are pursuing a scorched earth policy on the courts and accusing lawyers and judges of crimes, this being falsely claimed despite the fact that they had already PROVEN fraud and forgery in the courts committed by officers of the courts. To effectuate this scheme, they sought in Eliot’s mother’s trust case in Probate court, not the Guardianship court, to have a GAL appointed over their children by falsely claiming them to all be minors and no Guardianship case in the Guardianship court was started for any of the three children despite one of them at the time a legal adult.

Joshua Bernstein who was an adult over 18 however created a huge problem to this scheme and artifice to defraud, as adult Guardianships are far more legally complex to acquire and require many more state laws to be followed, such as required medical exams, competency evaluations, etc. and to get around this they therefore fraudulently and knowingly claimed Joshua to be a minor, knowing he was not. Joshua had been over the age of 18 for nearly 6 months when attorneys Alan Rose and Stephen Lessne first started these filings in 2 trial court cases in the fifteenth judicial in 2016. This fraud evaded all due process rights of Joshua as an adult at that time and not only was there not any competency hearing or medical exam but Judge Philips further failed to RECORD the hearing as required in Guardianship cases for adults, which can only be in had in the Guardianship division of the court which records ALL proceedings, despite Judge Philips heading up those cases at the time. I do have transcripts and audio recordings of the hearings.

In the Illegal Guardianship against Joshua and his brothers the Guardian appointed, Diana Lewis never communicated in any way with them, or gave any information to them on what she was doing legally with regards to their properties, settlements, etc. Former Judge Lewis was put in to represent their interests by Philips without any wheel used by the Court system for Josh. Lewis never shared records or legal case information with the children and entered into several agreements and settlements without their knowledge. She also was only appointed as GAL in my mother's trust case and the lawsuit Lessne was involved in regarding my three sons and Oppenheimer, yet she acted in several other lawsuits on their behalf as if she had been appointed in those matters, including my father and mother's estate cases and an Illinois Federal Court case. Further, upon her dismissal she never returned records or anything else required. Lewis' activities continued for years despite formal CEASE and DESIST letters exhibited in Exhibit 1 and multiple pleadings in the 15 Judicial and 4th DCA courts where it was pled but wholly ignored and Justice and due process were wholly and unconstitutionally denied to my whole family by this scheme. We could not say or file anything in our defense and were cut off many necessary court and other communications.

As I am sure you understand there are major differences in a minor being placed in a GAL and an adult being put under Guardianship in Florida. Typically, a minor can be placed under a GAL if a judge determines the minor is in need with no need for competency hearings, etc., as the minor cannot be found to be competent or incompetent, especially if infant or small child. Once the child becomes an adult at 18 the GAL is ended unless the GAL has filed to continue with an adult Guardianship and if not all properties are returned to the ward that day.

For relevant background, the Illegal Guardianship of my son Joshua began by filings made by my brother Ted Bernstein, his attorney Alan Rose and attorney Stephen Lessne of Palm Beach County in January-Feb. of 2016 in the Court of Judge John Philips. Orders were issued appointing former Judge Diana Lewis as Guardian over Joshua, fraudulently claimed to the court to be a minor while he was an adult, who had been over the age of 18 since August of 2015 on his Birthday. His age was known directly by my brother Ted Bernstein who shares the same birthday but not birth year and who is represented by Alan Rose. Both were already involved in prior pleadings and hearings where Joshua's age was the subject matter and both had actual knowledge of his age at the time this "tactic" of an Illegal

Guardianship over an Adult claiming him a minor was employed in early 2016.

The Falsity and Fraud of this Guardianship is that it was imposed on Joshua as if he was a "Minor" when he was clearly known to be over 18, the age of majority and where none of the requirements for a GAL on an Adult were followed; no Guardianship case opened for him in the GAL court, therefore no recordings of proceedings as required and most importantly no determination, medically or otherwise that Joshua was not competent to act as an adult.

Mysterious Death of Mitchell Huhem, motivational Speaker and Trainer of Donald J. Trump in Feb. of 2016 as Fraud in Real Estate at Lions Head Lane was being exposed and as Trump was throwing his hat in the presidential race.

Attorneys Rose and Lessne were pushing the GAL on my son Joshua in Feb. of 2016 at or around the same time further fraudulent filings were uncovered with a Lion's Head Land Trust entity falsely formed on fraud information filed at the Florida Secretary of State where an Investigation was opened by the Secretary of State. Many calls were made to the Secretary of State and involved entities which included a Motivational Speaker Mitchell Huhem who was Training Donald J. Trump on public speaking during the relevant time and who posted pictures of prominent current and former political figures at his website like Nancy Reagan and Mikal Gorbachev. Confirmed news of the alleged frauds at the Secretary of State in the formation of the Land Trust which was used to "buy" the real property at Lions Head Lane had reached one of the involved attorneys working with Alan Rose on this transaction named Larry Pino of Orlando - Winter Park, Florida who was involved in Wills and Trusts with Mitchell Huhem and his new wife. This confirmed news to Larry Pino came by an email on a Friday in February and by the following Saturday 8 days later the mysterious death of his client Mitchell Huhem was reported in Palm Beach Gossip publication claiming he was killed by a handgun and found in my parents' garage at the house they built at Lions Head Lane with the death allegedly occurring the Monday or Tuesday before right when I was exposing the Land Trust Fraud in Federal Court in the Northern District of Illinois. Information on this death has been reported to the FBI and PBSO.

To my knowledge, the PBSO never contacted or included Mitchell Huhem's family members in their "investigation" including a sister living nearby in West Palm Beach even though this was alleged as a "suicide" days after Pino found out about the fraud claims made to the Secretary of State in Florida. To my knowledge to this day the PBSO has never confirmed which "officer" was on the scene first to the Huhem family and I believe both the FBI and PBSO investigation of those matters are still open. The Lions Head home was owned by my mother's Trust and was sold without consent or permission of myself, my wife or my sons being sold in this "cash" deal with the fraudulent Land Trust. There has been no Accounting of the proceeds from this improper sale to myself, wife or funds and the same is true of the improper sale of my mother's Condominium where again no accounting and only minimal Distribution of proceeds to anyone in my immediate family. There is at least \$1 Million or more claimed as my family's share from these improper transactions which have never been fully accounted for or released.

d. Step 4 – Continue to Remove Eliot Bernstein Children's Access to the Courts and Remove Due Process Rights Through Knowingly Fraudulent Guardianship Scheme Against Jacob Bernstein through an Illegal Guardianship When he became an Adult.

While my son Jacob was a minor when the Orders of GAL were issued in April of 2016, upon reaching the age of majority on January 01, 2017, all his requests to end and terminate the GAL as he was now an adult via a cease-and-desist letter served on Diana Lewis, the Guardianship Laws for adults were again ignored and she continued to knowingly act fraudulently in capacity as a Guardian for him. This tactic further led to denial of records and accountancy and ability to appear in court. Orders were issued without our family having any ability to represent our rights and interests through these complex illegal frauds using the courts as the weapon against us.

Lewis illegally and without consent of my adult sons destroyed trusts set up for them by their grandparents, exposing an LLC that my children are the sole members of that owns their home they bought and she obtained orders from the court with no consent from my adult children who had no

knowledge of what she was doing. This recently ended up forcing an Involuntary Bankruptcy against the LLC owned by my sons Trusts after an illegal foreclosure fraud with even more fraud committed by attorney Robert Sweetapple who admitted in a court proceeding to colluding with Alan Rose. Your office will easily find filings listing the “missing millions” that have never been accounted for in several of the cases including this Foreclosure case where Judge Kastranakes not only has disregarded basic due process where my sons Joshua and Jacob were “Served” as Minors when clearly known to be Adults at the time of the commencement of the case but has gone so far as to disregard and deny other direct document fraud by more filings of a Deceased person for over a year after death, this time the mortgagor Walter Sahn.

- e. Step 5 – Issue Court Orders Illegally Gained to: Destroy and Steal Off with Bernstein Property, Enter Fraudulent Settlements, Self Deal, Violate Fiduciary Duties, Extort Bernstein Family, Defame Family, Cover Up Court and Guardianship Crimes, Retaliate on Bernstein Family using the court as a weapon with Sanctions and More

As I have spoken publicly alongside you Mr. Palmieri at various events regarding Guardianship crimes, with Sam Sugar, Rick Black and Hillary Hogue, bringing in victims to the authorities to investigate the perpetrators, Guardians, Attorneys and Judges, involved in the ILLEGAL GUARDIANSHIP cases, I personally have been a focal point for retaliation by the courts and they have now begun attacking my young adult children as the current foreclosure case and recent involuntary bankruptcy show. Where again the illegally gained orders against Joshua and Jacob are being used to steal real property from them through misuse of the courts, all at play now and directly related to the GAL crimes committed against them prior. In this regard, I will also be bringing into my case other victims of various of the players named herein cases, including but not limited to,

1. Skender Hoti
2. Zoraida and Maritza Navarro
3. Ray Contreras
4. Chris Gonsalves Anthony

In my prior complaints to PBSO I have noted many other Guardianship cases that require investigations based on solid evidence of criminal

activity and will share those cases with you once a case number is assigned.

NOTE: These illegal GALs against my sons Joshua and Jacob were even used to keep them out of a “settlement” Ted Bernstein and Alan Rose made with Tescher and Spallina (Ted’s attorneys whose law firm committed the forged and fraudulent documents to the court) after the original frauds by their firm were prosecuted. This was a conflicted insider case in the first place as Ted Bernstein had been a client of Tescher and Spallina and was the one to introduce my parents to Tescher and Spallina in the first instance for Estate and Trust work and Mortgage for my children’s home they did. Attorney Paul Turner filed to stop the settlement based on Joshua’s status as an adult in the attached Court document³ in that case clearly showing Diana Lewis had not communicated with her own clients and showed the illegal nature of the GAL, yet somehow this attorney withdrew his pleading after speaking with Alan Rose at the Courthouse the day of the hearing. Further, Paul Turner who then withdrew from representation failed to report these federal and civil crimes against his client to the proper authorities, which may also be misprision of a felony.

f. Step 6 – Begin Illegal Foreclosure Action and Force Bankruptcy of Bernstein Children’s LLC

To further the plan to bankrupt my family and have us homeless, a foreclosure was begun against our family home in Boca Raton owned by Bernstein Family Realty, LLC which was owned solely by my son’s Trusts as part of asset protection for my family made by my father after a bomb blew up in our family minivan. Despite the fact that Tescher and Spallina should have had a private Mortgage and Promissory Note on this home paid off by early 2013 to Simon’s friend and business partner, Walter Sahm, further collusion occurs with Ted Bernstein, Alan Rose and the Note Holder’s “new” attorney Robert Sweetapple who admits to colluding on a Summary Judgment with Alan Rose where it has now been shown to be more document fraud that has occurred with Sweetapple filing documents on behalf of Walter Sahm as if he was alive in Nov. 2021 when he had been deceased since January of 2021 with the death being concealed by Sweetapple and Rose for nearly a year or more. This ultimately led to an

³ Exhibit 3 – Paul Turner 15th Judicial Filing exposing to the Court the fraud on Joshua via Illegal Guardianship

improper Final Judgment that made the home scheduled for sale in the Court of Judge Kastranakes who ignored multiple motions not only showing fraud using another Deceased persons but my sons Joshua and Jacob again were falsely treated and served as Minors through their mother when the parties all new at the time that Joshua and Jacob were adults and being improperly Served as 'Minors'. The Kastranake refusal to address any of the fraud ultimately lead to an Involuntary Chapter 11 Bankruptcy filed against my sons who own the Bernstein Family Realty LLC to protect the main real estate asset their home. Further frauds have continued in this Bankruptcy Court in South Florida involving Judge Erik Kimball. While an attorney is working with us to uncover and correct these frauds, all of these proceedings have been impacted by the use of the Illegal GALs illegally gained orders where your Office has Jurisdiction to investigate.

g. SUPPLEMENT

Because it is so Fact intensive to describe all of the frauds and misconduct and Guardianship abuses, I not only reserve the right to supplement but suggest Scheduling Meetings with your Team and Office and several of my attorneys and other witnesses and victims, once the basic background has been digested.

List of Known Conspirators:

Judge Martin Colin, early retirement
Judge David French, early retirement
Judge John Phillips, early retirement
Judge Rosemarie Scher,
Judge Dina Keever-Agrama
Judge John Kastranakes,
Judge Erik Kimball
Alan Rose, Esq.
Robert Sweetapple, Esq.
Stephen Lessne, Esq.
Brian O'Connel, Esq. – Currently in a Bar Action filed by the Florida
Supreme Court
Paul Turner, Esq.
Ted Bernstein
Joanna Sahn, PR for Estate of Walter Sahn
Patricia Sahn, wife of Walter,

**Robert Spallina – DISBARRED ATTORNEY AND CONVICTED OF
INSIDER TRADING**

**Donald Tescher – DISBARRED ATTORNEY AND PROSECUTED FOR
INSIDER TRADING**

**List of cases affected by the Illegal Guardianship of Joshua Bernstein
and Jacob Bernstein:**

COURTS that Diana Lewis, Alan Rose, Esq., Stephen Lessne and Brian O'Connell have made improper fraudulent representations through the illegal guardianships in pleadings and hearings in the Simon and Shirley Bernstein Estate cases, Oppenheimer case and others listed below, where she never had been granted a legal guardianship over the adult children and denied them access to the courts and due with scienter. The Courts to be notified of the illegal GAL and cases related to her actions that have been profoundly and criminally affected by the misconduct, shall include but not be limited to,

1. 15th Judicial Mortgage Foreclosure
 - a. Case Number 50-2018-CA-002317-XXXX-MB titled SAHM, WALTER E V BERNSTEIN FAMILY REALTY LLC.
2. Federal Bankruptcy Florida Southern District
 - a. Case #22-13009-EPK US Southern District Bankruptcy Court - BERNSTEIN FAMILY REALTY LLC.
3. The Florida Probate Court cases:
 - a. Case# 502012CP004391:XXXXSB - Simon Bernstein Estate
 - b. Case# 502015CP001162XXXXNB- Simon Bernstein Trust to Remove Ted Bernstein
 - c. OLD CASE# Was Civil but Colin transferred to Probate?
502014CAO 14637XXXXM
 - d. Case# 502011CP000653:XXXXSB- Shirley Bernstein Estate
 - e. Case# 502014CP003698:XXXXNB- Shirley Trust Construction
 - f. Case# 502014CP002815:XXXXSB -Oppenheimer v. Bernstein Minor Children
 - g. Case# 502015CP002717XXXX Colin Closed and transferred to Coates Eliot Bernstein v. Simon Estate Case for Claims
 - h. Case# 502014CA014637:XXXXMB BERNSTEIN, ELIOT I VS BERNSTEIN, THEODORE S

- i. Case# 50-2010-CP-003128-XXXX-SB-Joshua Bernstein alleged 2010 Trust Case Colin
 - j. Case# 50-2010-CP-003125-X:XXX-SB - -Jacob Jake Bernstein alleged 2010 Trust Case Colin
 - k. Case# 50-2010-CP-003123-XXXX-SB-Daniel Danny Bernstein alleged 2010 Trust Case Colin
4. The Florida 15th Judicial Civil Circuit Court and HONORABLE JUDGE Cymonie Rowe, case:
 - a. Case# 502012CA013933:XXXXMB William E. Stansbury v. Ted S. Bernstein et al. –
5. The Florida 4th District Court of Appeals - Note - Do not submit any information to Chief Judge Corey Ciklin who is conflicted in these matters already as being a former law partner of Personal Representative of the Estate of Simon Bernstein, Brian O'Connell's law firm, Ciklin Lubitz Martens & O'Connell, where Judge Ciklin already has Sua Sponte removed himself from proceedings he was involved with in these matters and removed his name from several prior issued Orders at that court.
 - a. Case 15-3849 BERNSTEIN ELIOT BERNSTEIN ESTATE OF SIMON
 - b. Case 16-1449 ELIOT IVAN BERNSTEIN OPPENHEIMER TRUST CO. OF DELA WARE, ET AL
 - c. Case 16-1476 ELIOT IVAN BERNSTEIN OPPENHEIMER TRUST CO. OF DELAWARE, ET AL.
 - d. Case 16-2249 ELIOT IVAN BERNSTEIN OPPENHEIMER TRUST CO. OF DELAWARE, ET AL.
 - e. Case 16-0222 ELIOT IVAN BERNSTEIN v TED BERNSTEIN, AS TRUSTEE, ET AL.
 - f. Case 16-1478 ELIOT IVAN BERNSTEIN vTEDBERNSTEIN, AS TRUSTEE, ETC., ET AL.
 - g. Case 16-3314 ELIOTIVANBERNSTEIN TEDBERNSTEIN, AS TRUSTEE, ETC., ET AL.
 - h. Case 16-0064 ELIOT IVAN BERNSTEIN TED BERNSTEIN, AS TRUSTEE. ET AL.
 - i. Case 16-3162 ELIOT IV AN BERNSTEIN WILLIAM E. STANSBURY, et al.
 - j. Case 16-4120 ELIOT IVAN BERNSTEIN WILLIAM E.STANSBURY, et al.
6. The Florida Supreme Court- Note - Do not submit any information to Chief Judge Jorge Labarga as he is conflicted with the Eliot Bernstein family in these matters.

- a. SC16-29
7. The United States District Court Northern District of Illinois
 - a. Case 1 :13-cv-03643 Simon Bernstein Irrevocable Insurance Trust
Dtd 6/21/95 v. Heritage Union Life Insurance Company - Judge John
Robert Blakey and Chief Judge Ruben Castillo.
8. United States Court of Appeals for the Seventh Circuit - Chief Judge Diane
P. Wood in relation to the Lower Court Case 1:13-cv-03643 Simon
Bernstein Irrevocable Insurance Trust Dtd 6/21/95 v. Heritage Union Life
Insurance Company.
 - a. Case No. 17-1461 APPEAL UNITED STATES COURT OF
APPEALS FOR THE SEVENTH CIRCUIT

Thank you for your prompt attention to these matters as crimes remain in progress.

Sincerely Yours,

Eliot Ivan Bernstein
Youtube Inventor Destituted by All the Courts
Now Helped by NY Attorney Lalit K Jain Esq.
For Court-ordered Mandatory Relief and Restitution

Iviewit Holdings, Inc. – DE
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CC: Hillary Hogue, Sam Sugar, Rick Black, Families Against Court
Travesties (a division of National Organization of Women - NOW), PBSO,
USDOJ, Adam Walser

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EXHIBIT 1

PBSO Complaint Illegal Guardianships

CASE NO. 22099659 PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 1
OFFENSE REPORT CASE NO. 22099659
DISPOSITION: INACTIVE
DIVISION: ROAD PATROL

911:
SCHEME/DEFRAUD * * *
SIGNAL CODE: 53 CRIME CODE: 4 NON CRIME CODE: CODE: 260A DATE: 08/18/22 THURSDAY
ZONE: F51 GRID: DEPUTY I.D.: 35620 NAME: MACKLIN JONATHA ASSIST: TIME D 1543 A 1543 C 1815
OCCURRED BETWEEN DATE: 08/18/22 , 1543 HOURS AND DATE: 08/18/22 , 1800 HOURS
EXCEPTION TYPE:
INCIDENT LOCATION: 2753 NW 34 ST APT. NO.:
CITY: BOCA RATON STATE: FL ZIP: 33434

NO. OFFENSES: 01 NO. OFFENDERS: UK NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0
LOCATION: RESIDENCE - SINGLE FAMILY
NO. VICTIMS: 01 NO. ARRESTED: 0 FORCED ENTRY: 0

OFFENSE NO. 1 FLORIDA STATE STATUTE: 817 034 CIS CODE 260A

NAME LIST:

ROLE:
VICTIM NO. 001 ELIOT I BERNSTEIN DOB: 09/30/1963
SEX: M RACE: W HT: 507 WT: 0 HR: UNKNOWN EYE: UNKNOWN
BUSINESS PHONE: 561 000-0000
COMPLAINANT ELIOT I BERNSTEIN DOB: 09/30/1963
SEX: M RACE: W HT: 507 WT: 0 HR: UNKNOWN EYE: UNKNOWN
BUSINESS PHONE: 561 000-0000
WITNESS ELIOT I BERNSTEIN DOB: 09/30/1963
SEX: M RACE: W HT: 507 WT: 0 HR: UNKNOWN EYE: UNKNOWN
RESIDENTIAL ADDRESS: 2753 NW 34 ST BOCA RATON FL 33434 HOME PHONE: 561 886-7628

OFFENSE INDICATOR: OFFENSE 1 VICTIM NUMBER: 1
VICTIM TYPE: ADULT
RESIDENCE TYPE: CITY RESIDENCE STATUS: FULL YEAR
EXTENT OF INJURY: NONE
INJURY TYPE (1): NOT APPLICABLE
INJURY TYPE (2): NOT APPLICABLE
VICTIM RELATION: UNDETERMINED

REPORT NUMBER: 1
FLORIDA VICTIM ? N
REFERENCE CASE NO.: DAY CLEAR

printed by Employee Id #: 23649 on September 02, 2022 10:00:00AM

PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 2
CASE NO. 22099659 OFFENSE REPORT CASE NO. 22099659
DISPOSITION: INACTIVE

ON 08/18/2022 AT APPROXIMATELY 15:43 HOURS I WAS DISPATCHED TO 17901 SOUTH STATE ROAD 7 (UNINCORPORATED BOCA RATON) IN REFERENCE TO THE REPORT OF ALLEGED PUBLIC CORRUPTION AND FRAUD. COMPLAINANT ELIOT BERNSTEIN PROVIDED A SUBSTANTIAL NUMBER OF DOCUMENTS WHICH ALLEGEDLY CONTAIN EVIDENCE IMPLICATING THE PALM BEACH COUNTY COURT SYSTEM AND MEMBERS OF THE PALM BEACH COUNTY COURTS. BERNSTEIN FURTHER ALLEGES THAT CIVIL ACTIONS ARE BEING TAKEN AGAINST HIS PROPERTY LOCATED IN THE CITY OF BOCA RATON (2753 NW 34TH STREET) AS A DIRECT RESULT OF THE ALLEGED FRAUDULENT ACTIVITIES. WITHIN THE DOCUMENTATION PROVIDED BY THE COMPLAINANT ARE NAMES OF POTENTIAL CONSPIRATORS AND CO-CONSPIRATORS AS DESCRIBED BY BERNSTEIN. ALL DOCUMENTATION PROVIDED BY BERNSTEIN WAS SUBMITTED AS EVIDENCE IN THIS REPORTED CASE.

AS A DIRECT RESULT OF THE INFORMATION PROVIDED TO THE PALM BEACH COUNTY SHERIFF'S OFFICE, THE PUBLIC INTEGRITY UNIT WAS CONTACTED TO PROVIDE GUIDANCE IN THIS MATTER. THE PUBLIC INTEGRITY UNIT WAS NOT AVAILABLE TO ASSIST AS OF THE WRITING OF THIS REPORT.

THIS CASE WILL REMAIN INACTIVE.

D/S J. MACKLIN #35620
8/18/22 1750 HRS.
TRANS: CT #8673 8/19/22

printed by Employee Id #: 23649 on September 02, 2022 10:00:00AM

PALM BEACH COUNTY SHERIFF'S OFFICE – **SWORN STATEMENT**

Per FL statute 837.012, whoever knowingly makes a false statement under oath shall be guilty of a misdemeanor of the first degree punishable by imprisonment up to 1 year.



WITNESS VICTIM OTHER

CASE #: 22099659	ZONE: 7-51	SUSPECT:	DATE & TIME OF ORIGINAL EVENT/OFFENSE: 8/17/22 353
EVENT TYPE: Fraud		DEPUTY: O/S Macklin	ID#: 35620

COMPLETE EVERYTHING BELOW – PRINT LEGIBLY

LAST NAME: Bernstein	FIRST NAME: Eliot	MIDDLE INITIAL: I	RACE: W	SEX: M
DATE OF BIRTH: (MM/DD/YYYY) 09-30-1963	YOUR HEIGHT: 5'8	YOUR WEIGHT: 214	YOUR HAIR COLOR: Brown	YOUR EYE COLOR: H2L
YOUR HOME ADDRESS: 2753 NW 34th St.	<input type="checkbox"/> CHECK IF HOMELESS	CITY: Boca Raton	STATE: FL	ZIP: 33434
YOUR WORK NAME & ADDRESS:	<input type="checkbox"/> CHECK IF UNEMPLOYED OR RETIRED	CITY:	STATE:	ZIP:
WORK PHONE: <input type="checkbox"/> CHECK IF NONE ()	CELL PHONE: <input type="checkbox"/> CHECK IF NONE (561) 886-7628	HOME PHONE: <input type="checkbox"/> CHECK IF NONE ()	EMAIL: iviewit@iviewit.tv <input type="checkbox"/> CHECK IF NONE	

WRITE WHAT HAPPENED IN YOUR WORDS IN FULL DETAIL – PRINT LEGIBLY

1 YOUR NAME: Eliot Ivan Bernstein

DO HEREBY VOLUNTARILY MAKE THE FOLLOWING STATEMENT WITHOUT THREAT, COERCION, OFFER OF BENEFIT, OR FAVOR BY ANY PERSONS WHOMSOEVER...

This is a complaint for an illegal guardianship of Joshua Bernstein and Jacob Bernstein. whereby a Guardianship was placed on Joshua Bernstein as a minor when in fact at the time he was an adult. No adult guardianship laws were followed to obtain legal guardianship of his person or property. This was a kidnapping of his legal rights. Jacob Bernstein also was conscripted into a guardianship for MINORS when he was a minor, then when he reached age of majority, 18, the guardianship was not ended by the Guardian and no proper legal procedures were followed to gain an adult Guardianship over his person, from that point his legal rights were wholly stripped from him.

The Guardian and attorneys involved in fraudulently claiming to the Court that Joshua was a minor violated, including but not limited to, OBSTRUCTION OF JUSTICE through Simulated Legal Process FL Stat 843.0855 (2016) and Title XLVI CRIMES and Chapter 817 FRAUDULENT PRACTICES SECTION 535 Unlawful Filing of False documents or Records against Real or Personal Property. The fraudulent documents have been tendered to the 15th Judicial Court of Palm Beach. This is why the Sheriff Dept has been determined to have jurisdiction over certain of these matters. The guardian and attorneys actions that were gained illegally are still being relied upon in other courts despite all parties being notified of the illegality of the orders issued based on the frauds causing multiple and on-going damages.

PAGE 1 OF 2 + attachment

READ AND SIGN

I SWEAR AND AFFIRM THIS AND/OR THE ATTACHED STATEMENTS ARE CORRECT AND TRUE. 1/3 pages	DEPUTY SHERIFF <input type="checkbox"/> NOTARY PUBLIC FSS: 117.10
YOUR SIGNATURE: X [Signature]	SWORN TO AND SUBSCRIBED BEFORE ME TODAY: DATE: 8/17/21 TIME: 1630 SIGNATURE: [Signature] ID: 35620

IF YOU DO NOT WISH TO PROSECUTE, COMPLETE THE ABOVE STATEMENT, READ THIS DISCLAIMER AND INITIAL BELOW: I AM OF LEGAL AGE AND I AM THE REPORTED VICTIM OF A CRIME UNDER FLORIDA LAW. I HEREBY STATE THAT I WILL NOT COOPERATE ANY FURTHER WITH THE INVESTIGATION OF THE ALLEGED CRIME. I FURTHER RELEASE THE PALM BEACH COUNTY SHERIFF'S OFFICE OF ANY PRESENT OR FUTURE RESPONSIBILITY AS TO MY CASE. I ACKNOWLEDGE THAT I UNDERSTAND MY RIGHTS AS A CRIME VICTIM, PARTICULARLY REGARDING VICTIM COMPENSATION ELIGIBILITY, WHICH INCLUDES SUCH BENEFITS AS REIMBURSEMENT FOR: DISABILITY; LOST WAGES; LOSS OF SUPPORT; MEDICAL, DENTAL, MENTAL HEALTH COUNSELING AND FUNERAL EXPENSES. I AM AWARE I MAY BE GIVING UP THESE RIGHTS FOR MY FAMILY AND MYSELF BY INITIALLING BELOW. I AM TAKING THIS POSITION OF MY OWN FREE WILL KNOWING THAT THE CASE CAN ONLY BE FURTHER INVESTIGATED AND PROSECUTED WITH MY COOPERATION. DO NOT WISH TO PROSECUTE (INITIAL _____)

(PROSECUTION WAIVER NOT TO BE USED FOR CASES INVOLVING DOMESTIC OR DATING VIOLENCE PER G.O. 508.00)

WHITE - RECORDS COPY CANARY - STATE ATTORNEY COPY PINK - OFFICER'S COPY GOLD - WITNESS / VICTIM COPY

Per FL statute 837.012, whoever knowingly makes a false statement under oath shall be guilty of a misdemeanor of the first degree punishable by imprisonment up to 1 year.

Page 2



WITNESS VICTIM OTHER

CASE #: 22097659	ZONE: 7-51	SUSPECT:	DATE & TIME OF ORIGINAL EVENT/OFFENSE: 07/18/22 353
EVENT TYPE: Fraud		DEPUTY: DP Macklin	ID#: 35620

COMPLETE EVERYTHING BELOW – PRINT LEGIBLY

LAST NAME: Bernstein		FIRST NAME: Eliot		MIDDLE INITIAL: Ivan	RACE: W	SEX: M
DATE OF BIRTH: (MM/DD/YYYY) 09-30-1963	YOUR HEIGHT: 5'8"	YOUR WEIGHT: 214	YOUR HAIR COLOR: Brown		YOUR EYE COLOR: Hazel	
YOUR HOME ADDRESS: 2753 NW 34th St			<input type="checkbox"/> CHECK IF HOMELESS	CITY: Boca Raton	STATE: FL	ZIP: 33434
YOUR WORK NAME & ADDRESS:			<input type="checkbox"/> CHECK IF UNEMPLOYED OR RETIRED	CITY:	STATE:	ZIP:
WORK PHONE: <input type="checkbox"/> CHECK IF NONE ()	CELL PHONE: <input type="checkbox"/> CHECK IF NONE (561) 886-7622	HOME PHONE: <input type="checkbox"/> CHECK IF NONE ()	EMAIL: iviewit@viewit.tv		<input type="checkbox"/> CHECK IF NONE	

WRITE WHAT HAPPENED IN YOUR WORDS IN FULL DETAIL – PRINT LEGIBLY

1. Eliot Ivan Bernstein DO HEREBY VOLUNTARILY MAKE THE FOLLOWING STATEMENT WITHOUT THREAT, COERCION, OFFER OF BENEFIT, OR FAVOR BY ANY PERSONS WHOMSOEVER...

page 2... Settlements were entered into through the illegal guardianships, hearings were attended, trusts were dissolved and other assets lost due to these crimes as the guardians used their powers and refused to disclose and turn over any information including settlement information for the very clients they were allegedly serving.

The crimes committed, the witnesses (including several lawyers), the victims and the perpetrators are all detailed in the 123 page attachment to this complaint form, which begins with a letter sent to Colonel John L. Prieschl, J.D. of the Internal Affairs Division of PBSO. There is additional evidence and exhibits, which will be sent to investigators once they are assigned, to put into evidence in this matter. While speaking to IA last week, I was informed that the Prieschl letter complaint information needed to be formally docketed and investigated as it was only a part of an IA complaint and not docketed properly. Further, for the last several years since sending the IA letter, I was fighting for my life from heart problems and vasal vagal syncope which rendered me unable to take actions in furtherance of these crimes.

Joshua and Jacob Bernstein are willing to file additional complaints or sworn statements if necessary.

PAGE 2 OF 2

+ Attachment

READ AND SIGN		DEPUTY SHERIFF <input checked="" type="checkbox"/> NOTARY PUBLIC <input type="checkbox"/> FSS: 117.10	
I SWEAR AND AFFIRM THIS AND/OR THE ATTACHED STATEMENTS ARE CORRECT AND TRUE: 123 Pages		SWORN TO AND SUBSCRIBED BEFORE ME TODAY:	
YOUR SIGNATURE: <u>[Signature]</u>		DATE: 07/18/22	TIME: 1630
		SIGNATURE: <u>[Signature]</u>	ID: 35620

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Eliot Ivan Bernstein

From: Eliot Ivan Bernstein <iviewit@iviewit.tv>
Sent: Thursday, August 9, 2018 3:37 PM
To: John L. Prieschl J.D. ~ Professional Compliance Bureau @ Palm Beach County Sheriff 'Skender Hoti'; 'Skender Hoti aka Kenneth Obatson'; 'Andrew Dietz @ Rock-It Cargo USA, Inc.'; Barbara Stone; Barbara Stone Gmail; 'CANDICE BERNSTEIN'; Candice Schwager; Candice Schwager; 'Caroline Prochotska Rogers Esq.'; Crystal L Cox; 'Eliot I. Bernstein'; Frank Brady aka Kevin McKeown @ Expose Corrupt Courts; iviewit@gmail.com; JoAnne M. Denison Esq.; 'Michele M. Mulrooney ~ Partner @ Venable LLP'
Subject: Follow Up - Eliot Bernstein and Skender Hoti Complaints with PBSO and Request for meeting
Attachments: EXHIBIT 1 - 20170711 CLEAN COPY FINAL SIGNED Joshua Bernstein Cease and Desist Diana Lewis re Guardian Ad Litem.pdf; EXHIBIT 2 - 20170711 CLEAN COPY FINAL SIGNED Jacob Bernstein Cease and Desist Diana Lewis re Guardian Ad Litem.pdf; EXHIBIT 3 - 20180205 Joshua Objection to Tescher and Spallina Settlement.pdf; EXHIBIT 4 - Certificate Of Completion_Compliance.pdf

Dear Major John L. Prieschl J. D.,

In furtherance of my email sent Wednesday July 18, 2018 @ 9:15 PM on behalf of Skender Hoti and myself, I write today to inform you of the continuing and ongoing Kidnapping of my two sons' legal rights and other crimes being committed against them. Attached as Exhibits 1 & 2 are two Cease and Desist letters written by my sons Joshua and Jacob and sent to a Guardian Ad Litem for minors acting on their behalf. The GAL is a one former defrocked judge Diana Lewis of Palm Beach County. The letters directly demand Lewis to stop acting in any capacity as a GAL for minors on their behalf, as they are adults and she has no legal guardianship for an adult over them. In fact as evidenced in the letters, in my son Joshua's case, he was not a minor when the GAL for minors was placed on him by a misguided Judge John L. Phillips who then took early retirement after holding sham hearings to gain the illegal guardianship and no proper legal guardianship proceedings for an adult were ever had for Joshua. In my son Jacob's case, he has not been a minor since January 01, 2017 and yet Lewis continues to act on his behalf in legal matters. Her actions illegally on their behalf include, but are not limited to, attending legal proceedings on their behalf, destroying trusts in their names, destroying an LLC in their names and entering into settlements on their behalf.

However, despite repeated requests for Lewis to Cease and Desist she remains acting in conspire with others to deprive both of my sons' legal rights in multiple ongoing legal matters. In fact a Motion that was filed in the court on Joshua's behalf by his attorneys at law, Perlman, Bajandas, Yevoli & Albright, P.L., see attached Exhibit 3, explains Lewis' lack of legal authority as a guardian. The legal filing clearly indicates that Joshua's legal rights to property and fair and impartial due process are being illegally interfered with through this simulated legal process and legal abuse through exploitation of a fraudulent GAL Order. Additional evidence of theft from my sons through a fraudulent billing scheme is contained in Exhibit 4, which is a civil court filing by Lewis' co-conspirator, attorney Alan B. Rose, filed in the 15th Judicial Circuit Court with Judge Rosemarie Scher on August 06, 2018, which further shows that they are attempting to fraudulently take monies from Joshua and Jacob for services done by Diana Lewis at times when she had absolutely no legal guardianship over them to bill for. Judge Rosemarie Scher, who replaced Judge Martin Colin who recused himself from my family's cases one day after he denied a mandatory disqualification of himself which alleged a mass of state and federal, criminal and civil, violations of statutes, is also alleged with former Judge John L. Phillips to have knowingly participated in this simulated legal process scheme, acting outside the color of law to deprive my children their legal rights. The exhibits contained herein and in my prior email to you provide the Palm Beach County Sheriff with additional ample Prima Facie evidence of criminal acts that mandate formal investigation and reinvestigation of prior

complaints and this time by investigators who are prescreened for conflicts with these matters, especially where on information and belief, Diana Lewis has a brother who was a senior ranking PBSO IA officer and Judge Colin was already discovered interfering with PBSO investigators to shut down my prior cases, which then had to be reopened by IA.

Both Skender Hoti and I have made repeated attempts to get the original crimes committed against us and the new and ongoing crimes, which allege the murder of several persons, including President Donald Trump's motivational speaker, a one Mitchell Huhem, who was possibly murdered in my parents' home, investigated by PBSO without prejudice and interference. We are hoping that you will be able to achieve this fair and impartial due process of our criminal complaints filed with your offices, where we can present new evidence of the ongoing crimes as well. We suggest due to the complex Public Office Corruption case this represents, involving many judges and lawyers operating in various Florida state courts who are exposed in our complaints that PBSO consider calling in a Federal Monitor to oversight the investigative process going forward. This oversight would ensure that no further mishandling or interference of our complaints occur, especially where members of PBSO may also be involved as alleged. We would like to have a meeting with you in the second week of September so if you can please respond with a few dates we can get back to you with what works for us.

Eliot I. Bernstein
Inventor, really cool shit that changed your world!
Iviewit Holdings, Inc. – DL
2753 N.W. 34th St.
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iviewit@iviewit.tv
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From the Desk of :

Joshua Ennio Zander Bernstein

2753 NW 34th Street, Boca Raton, FL 33434

July 11, 2017

ADR & MEDIATIONS SERVICES, LLC

Diana Lewis

2765 Tecumseh Drive

West Palm Beach, FL 33409

(561) 758-3017 Telephone

dzlewis@aol.com

(Fla. Bar No. 351350)

RE: DIANA LEWIS DEMAND TO CEASE AND DESIST ILLEGAL GUARDIAN AD LITEM OF JOSHUA BERNSTEIN, CORRECT ALL FRAUD, OTHER RELIEF

Attention Diana Lewis, Esq.,

My name is Joshua Ennio Zander Bernstein and it has come to my attention that you are an attorney and former Judge in Palm Beach County and Officer of the Court, allegedly acting as Guardian Ad Litem for me since since April 07, 2016 allegedly as a “minor child” of Eliot Ivan Bernstein and Candice Michelle Bernstein.

I make this voluntary request for you to now Cease and Desist all actions allegedly as my Guardian Ad Litem, turn over all records, discovery and information obtained in the course of your actions as my alleged Guardian and correct any and all frauds in all Courts or elsewhere impacted by this illegal Guardianship, including but not limited to, the Estate and Trust cases of my deceased grandparents, Simon and Shirley Bernstein.

RE: DIANA LEWIS DEMAND TO CEASE AND DESIST ILLEGAL GUARDIAN AD LITEM OF JOSHUA BERNSTEIN, CORRECT ALL FRAUD, OTHER RELIEF

As I show in this letter, at all times relevant in these Estate and Trust cases both Ted Bernstein who is my uncle, his lawyer Alan Rose, lawyer Steven Lessne and yourself have all had actual knowledge that I was over the age of 18 before this Guardianship via a Guardian Ad Litem for minors was ever established and thus was never a “Minor”. Therefore, since I was over the age of 18 years at the time of the “Guardianship” this could only occur after a “competency hearing” which of course has never occurred and you, Ted Bernstein, Alan Rose, Brian O’Connell and Steven Lessne have at all times had actual knowledge of these facts and the illegality of the Guardianship which appears to have been used as a predatory weapon against my family to interfere in proper rights of Inheritance and to cover up frauds in the cases.

Further, all of you actually know and have known that no “competency hearing” was ever held against me nor have I ever been provided ANY Due Process Notice or been served to appear in any proceeding or have an Opportunity to be heard at any of the relevant proceedings to date.

What is even more egregious about your conduct as a former Judge and done as an “Officer of the Court” is that you not only have continued in your actions as alleged Guardian in this illegal Guardianship despite being specifically advised that I was over the age of 18 years prior to the Guardianship itself, but have even gone as far as to give alleged “Consents” on my behalf to various actions by Ted Bernstein and Alan Rose and entered into “Settlements” on my behalf again giving “Consent” all without my knowledge, without my Consent and without any Notice of Opportunity to be heard provided to myself. In fact, as you actually know, you and I have never even spoken to one another.

RE: DIANA LEWIS DEMAND TO CEASE AND DESIST ILLEGAL GUARDIAN AD LITEM OF JOSHUA BERNSTEIN, CORRECT ALL FRAUD, OTHER RELIEF

I have come to learn that under Federal law under Title 18 USC Sec.242 it is a Federal Criminal Offense for Civil Rights Violations for 2 or more persons to conspire to Violate my US Constitutional rights, which have been violated by your actions in this case together in common with Attorney Alan Rose and Steven Lessne, Fiduciary Ted Bernstein and with the compliance and acquiescence of attorney Brian O'Connell as current Personal Representative of my grandfather Simon's Estate.

Please take notice that I have copied the US Dept of Justice Civil Rights Division head Tom Wheeler and offices of the FBI and US Attorney on this request.

I have further learned the following from the US Dept. of Justice Website:

“Section 242 of Title 18 makes it a crime for a person acting under color of any law to willfully deprive a person of a right or privilege protected by the Constitution or laws of the United States.

For the purpose of Section 242, acts under "color of law" **include acts not only done by federal, state, or local officials within the their lawful authority, but also acts done beyond the bounds of that official's lawful authority, if the acts are done while the official is purporting to or pretending to act in the performance of his/her official duties. Persons acting under color of law within the meaning of this statute include police officers, prisons guards and other law enforcement officials, as well as judges, care providers in public health facilities, and others who are acting as public officials. It is not necessary that the crime be motivated by animus toward the race, color, religion, sex, handicap, familial status or national origin of the victim.**

RE: DIANA LEWIS DEMAND TO CEASE AND DESIST ILLEGAL GUARDIAN AD LITEM OF JOSHUA BERNSTEIN, CORRECT ALL FRAUD, OTHER RELIEF

The offense is punishable by a range of imprisonment up to a life term, or the death penalty, depending upon the circumstances of the crime, and the resulting injury, if any.” See,

<https://www.justice.gov/crt/deprivation-rights-under-color-law>.

Ted Bernstein, who is my uncle by blood. and his attorney Alan Rose have at all times known my Birthdate particularly in relation to exorbitant and fraudulent legal Fees billed after the passing of my grandfather Simon Bernstein and the refusal to release my car Registration to me, which had been a birthday gift to me from my Grandfather only days before he passed that Ted and others tried to claim was an asset of the Estate of my grandfather. My birthdate was specifically raised in those proceedings and the Guardian Ad Litem proceedings and thus, these parties at all times knew that I was not a “minor” at the time the predatory Guardian Ad Litem was approved.

You apparently accepted Guardian Ad Litem over me as a “minor”, however, I have been Sui Juris since my 18th birthday on August 27, 2015 having been born on August 27, 1997.

Having been over the age of 18 years and thus not a “minor” under Florida law as of August 27, 2015, the Petitions filed on January 04, 2016 in the Shirley Trust case and January 07, 2017 in the Oppenheimer case and the Orders appointing you as Guardian Ad Litem on March 01, 2016 in the Shirley Trust case and March 03, 2016 in the Oppenheimer case, and your Acceptance of the appointments in both cases on April 07, 2016 all were done illegally and with knowledge that I was Sui Juris at the time and therefore every action taken on my behalf through the Guardian Ad Litem must now be corrected to reflect your lack of proper and legal jurisdiction over me.

I have never spoken with you, met with you, granted you any authority over me and in any way enabled or allowed your acting in any capacity and in any matter on my behalf as an adult. This is a Cease and Desist demand to stop all further illegal acts on my behalf.

RE: DIANA LEWIS DEMAND TO CEASE AND DESIST ILLEGAL GUARDIAN AD LITEM OF JOSHUA BERNSTEIN, CORRECT ALL FRAUD, OTHER RELIEF

On March 01, 2016, while I was Sui Juris, in CASE NO.: 502014CP003698XXXX (NB)

“Shirley Bernstein Trust” styled,

TED BERNSTEIN, as Trustee
of the Shirley Bernstein Trust Agreement
dated May 20, 2008, as amended,

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. [emphasis added]**; 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.

in the Florida Probate Court an Order (SEE EXHIBIT 1 – GAL ORDER) was issued for
Guardian Ad Litem based on pleadings filed that represented that **the GAL was for minor
children** of Eliot and Candice. The Order states in part,

RE: DIANA LEWIS DEMAND TO CEASE AND DESIST ILLEGAL GUARDIAN AD LITEM OF JOSHUA BERNSTEIN, CORRECT ALL FRAUD, OTHER RELIEF

“2. Eliot Bernstein's three children are among the class of Trust beneficiaries. Eliot seeks to use his role as parent and natural guardian of three trust beneficiaries to give him standing to continue his involvement in this case. The primary issue now raised is whether Eliot Bernstein should be permitted to continuing representing the interests of his **minor children**, as their parent and natural guardian, in this Trust Proceeding.” **[emphasis added]**

“4. ...Eliot's individual interests are in conflict with the interests of his children. Under Florida law, a court should appoint a guardian ad litem when a parent's interest conflicts with the interest of her or her **minor child**. *Mistretta v. Mistretta*, 566 So. 2d 836, 83 7-38 (Fla. 1st DCA 1990) (best interests of a **minor** are not fully protected when adverse to the interests of the parent); *Florida Natl. Bank & Trust Co. at Miami v. Blake*, 155 So. 2d 798 (Fla. 3d DCA 1963) (court should have appointed a guardian ad litem for **minor child** when it was apparent that the interests of the **minor** conflicted with the interests of the mother and father); *Gilbertson v. Boggs*, 743 So. 2d 123 (Fla. 4th DCA 1999) (guardian ad litem should have been appointed when the parents' interests were adverse to the **minor child**s).” **[emphasis added]**

“5. ...Second, Fla. Stat. 731.303 (4) provides: "If the court determines that representation of the interest would otherwise be inadequate, the court may, at any time, appoint a guardian ad litem to represent the interests of ... **a minor** ... ” **[emphasis added]**

On April 04, 2016, while I was Sui Juris, you were appointed as the Guardian Ad Litem to represent the interests of Eliot Bernstein’s **MINOR** children. See (SEE EXHIBIT 2 –SHIRLEY TRUST GAL Order)

On March 03, 2016, while I was Sui Juris, in CASE NO.: 502014CP002815XXXXNB (IH) titled,

“OPPENHEIMER TRUST COMPANY OF DELAWARE,
in its capacity as Resigned Trustee of the Simon
Bernstein Irrevocable Trusts created for the benefit
of Joshua, Jake and Daniel Bernstein,

RE: DIANA LEWIS DEMAND TO CEASE AND DESIST ILLEGAL GUARDIAN AD LITEM OF JOSHUA BERNSTEIN, CORRECT ALL FRAUD, OTHER RELIEF

Petitioner,

vs.

ELIOT AND CANDICE BERNSTEIN,
in their capacity as parents and natural
guardians of JOSHUA, JAKE AND
DANIEL BERNSTEIN, minors, [emphasis added]

Respondents.

/'

in the Florida Probate Court an Order (SEE EXHIBIT 3 – GAL ORDER OPPENHEIMER) was issued. That Order states in part the following;

“...(the "Motion") filed by Petitioner, Oppenheimer Trust Company Of Delaware ("Oppenheimer"), in its capacity as the resigned trustee of three Irrevocable Trusts settled by Simon Bernstein on September 7, 2006 for the benefit of his grandchildren, **minors, Joshua, Jake and Daniel Bernstein** (the "Grandchildren Trusts").” [emphasis added]

“1. The sole beneficiaries of the Grandchildren Trusts, and the only real parties in interest in this litigation (other than Oppenheimer), **are Joshua, Jake and Daniel Bernstein (the "Minor Beneficiaries")**. Neither Eliot nor Candice Bernstein (the "Bernsteins") were sued in their individual capacities by Oppenheimer, nor have they moved for, or been granted, permission to intervene in their individual capacities. They have been afforded standing in these proceedings, to date, solely as the parents and natural guardians of the Minor Beneficiaries. [emphasis added]

“2. The Bernsteins have been shown to have multiple conflicts of interest with the **Minor Beneficiaries**...All of the above, and certainly in combination, render the Bernsteins inappropriate and inadequate representatives for the **Minor Beneficiaries** in this litigation. [emphasis added]

On April 07, 2016, while I was Sui Juris, you filed a “NOTICE OF ACCEPTANCE OF APPOINTMENT AS GUARDIAN AD LITEM FOR Jo.B., Ja.B. AND D.B.IN THE ABOVE STYLED CASE” in the Shirley Trust Construction case (Filing # 40000163 E-Filed 04/07/2016 04:06:21 PM) (SEE EXHIBIT 4 – NOTICE) which states in part;

RE: DIANA LEWIS DEMAND TO CEASE AND DESIST ILLEGAL GUARDIAN AD LITEM OF JOSHUA BERNSTEIN, CORRECT ALL FRAUD, OTHER RELIEF

“NOTICE OF ACCEPTANCE OF APPOINTMENT AS GUARDIAN AD LITEM FOR Jo.B., Ja.B. AND D.B. IN THE ABOVE STYLED CASE COMES NOW Diana Lewis and notifies the court of her **acceptance of appointment as Guardian ad litem for Eliot Bernstein's minor children, Jo.B., Ja.B. and D.B.** pursuant to this court's order dated April 4, 2016, and the terms and conditions set forth therein.” **[emphasis added]**

Similarly, on April 07, 2016, while I was Sui Juris, you filed a “NOTICE OF ACCEPTANCE OF APPOINTMENT AS GUARDIAN AD LITEM FOR JOSHUA, JAKE AND DANIEL BERNSTEIN IN THE ABOVE STYLED CASE” in the Oppenheimer Case (Filing # 39999717 E-Filed 04/07/2016 04:03:08 PM), which states in part;

COMES NOW Diana Lewis and notifies the court of her acceptance of appointment as Guardian ad litem for JOSHUA, JAKE and DANIEL BERNSTEIN **(the "Minor Beneficiaries")** pursuant to this court's order dated April 4, 2016. **[emphasis added]**

I am unaware of any Guardian Ad Litem Orders entered in the Simon and Shirley Probate Cases (Case # 502012CP004391XXXXSB – Simon Bernstein Estate and Case # 502011CP000653XXXXSB – Shirley Bernstein Estate) giving you any guardianship powers over me to make any representations or take any actions on my behalf in those cases.

The March 01, 2016 Oppenheimer Order states,

“4. For the above reasons, the guardian ad /item appointed in Case No.: 502014CP003698XXXXNB shall be deemed appointed simultaneously as the guardian ad /item for the Minor Beneficiaries in this case, **with sole and exclusive authority to represent the Minor Beneficiaries' interests in this case** .Jo.B., Ja.B. AND D.B. IN THE ABOVE STYLED CASE” **[emphasis added]**

The Shirley Bernstein Trust Order Appointing Guardianship is similarly limited to legal authority of the guardianship in that case only and only for MINOR CHILDREN.

RE: DIANA LEWIS DEMAND TO CEASE AND DESIST ILLEGAL GUARDIAN AD LITEM OF JOSHUA BERNSTEIN, CORRECT ALL FRAUD, OTHER RELIEF

As you can see from my birthday listed above I turned 18 on August 27, 2015 and AT NO TIME IN THESE PROCEEDINGS WAS I A MINOR AND I WAS SUI JURIS WHEN ORDERS WERE ISSUED AND PLEADINGS WERE MADE BY ATTORNEYS AT LAW ALAN B. ROSE and STEVEN LESSNE to gain a predatory guardianship on me while I was an Adult by falsely pleading to the Court that I was a Minor and I have been advised that this guardianship is in violation of Florida Criminal and Civil Statutes and perhaps Federal law.

The 2016 Florida Statutes - Title XLIII - DOMESTIC RELATIONS - Chapter 744 - GUARDIANSHIP

744.521 Termination of guardianship.—**When a ward becomes sui juris** or is restored to capacity, when the guardian has been unable to locate the ward through diligent search, or, for a guardian of the property, when the property subject to the guardianship has been exhausted, the guardian shall file a final report and receive his or her discharge. A guardian of the person is discharged without further proceeding upon filing a certified copy of the ward's death certificate. The court may require proof of the removal of incapacity.

History.—s. 1, ch. 74-106; ss. 21, 26, ch. 75-222; s. 4, ch. 86-120; s. 89, ch. 89-96; s. 63, ch. 90-271; s. 1110, ch. 97-102.

Note.—Created from former s. 746.12.

"Minor Ward Reaches 18 Unless the minor is incapacitated, at the age of 18 he or she is no longer a minor and is deemed to be legally old enough to manage his or her own finances or property. The guardianship is terminated and the assets are distributed to the minor."

https://umshare.miami.edu/web/wda/ethics/gurardianship_rev1-07.pdf

No adult Guardianship proceedings under The 2016 Florida Statutes - Title XLIII - DOMESTIC RELATIONS GUARDIANSHIP Chapter 744 took place for me as legally required as I was an adult at the time guardianship was sought for and gained over me and no capacity hearing was held at any time. As you can see from the Pleadings and Orders submitted in the case and outlined herein the Guardian Ad Litem was ILLEGALLY gained over me while an adult and I

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was misrepresented to the Court as a minor by Officers of the Court, Alan B. Rose, Esq. and Steven Lessne, Esq. and Fiduciary of the Estates and Trusts of my grandparents Simon and Shirley Bernstein, my uncle Ted Bernstein. I have been made aware that my uncle Ted and all other parties knew at the time my legal age and that I was Sui Juris.

Therefore, due to your lack of legal authority over me despite any Court Orders gained through simulated legal process, immediately;

1. **CEASE AND DESIST** from any further representations of myself, Joshua Bernstein, in any proceedings, settlements or other matters involving me.
2. **NOTIFY** the Florida Court that **ALL OF YOUR PRIOR REPRESENTATIONS AND ACTS ON BEHALF OF JOSHUA BERNSTEIN** are and always have been improper and illegal and cease and desist this **KNOWINGLY, GROSS, WILLFUL, WANTON** and **RECKLESS** criminal violation of your fiduciary duties as a Guardian Ad Litem .
3. **WITHDRAW** any and all Consent you have given in any matters relating to Joshua Bernstein.
4. **FILE** immediately within or without the final report the fact that I, Joshua Bernstein, was placed as an adult illegally in a guardianship for minors and that no legal adult guardianship proceedings were held giving you legal authority from the onset of your legal representations on my behalf, receive discharge and turn over all records and properties regarding the guardianships as required.
5. **MAKE NO** further appearances in Court on my behalf or state in any pleadings consent on my behalf or take any any action whatsoever on my behalf claiming that you are a acting as Guardian Ad Litem for me.

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6. **NOTIFY ALAN ROSE AND STEVEN LESSNE** to similarly take all actions to remove and strike all pleadings, orders, settlements, etc. in any court cases made on my behalf as a minor and cease and desist any further acts on my behalf.
7. **NOTIFY ALL COURTS** affected by your actions that you have never had proper guardianship for me as an adult.
8. **NOTIFY ALL COURTS** that you have made improper representations in pleadings and hearings in the Simon and Shirley Bernstein Estate cases and the Oppenheimer cases where you have never been granted a legal guardianship over me. The Courts to be notified and cases related to your actions that have been affected by the misconduct shall include but not be limited to,
 - a. The Florida Probate Court – HONORABLE Judge Rosemarie Scher, cases:
 - i. Case # 502012CP004391XXXXSB – Simon Bernstein Estate
 - ii. Case # 502015CP001162XXXXNB – Simon Bernstein Trust to Remove Ted Bernstein
 1. OLD CASE # Was Civil but Colin transferred to Probate ?
502014CA014637XXXXMB
 - iii. Case # 502011CP000653XXXXSB – Shirley Bernstein Estate
 - iv. Case # 502014CP003698XXXXNB – Shirley Trust Construction
 - v. Case # 502014CP002815XXXXSB – Oppenheimer v. Bernstein Minor Children
 - vi. Case # 502015CP002717XXXX Colin Closed and transferred to Coates Eliot Bernstein v. Simon Estate Case for Claims
 - vii. Case # 502014CA014637XXXXMB BERNSTEIN, ELIOT I VS BERNSTEIN, THEODORE S
 - viii. Case # 50-2010-CP-003128-XXXX-SB – Joshua Bernstein alleged 2010 Trust Case Colin
 - ix. Case # 50-2010-CP-003125-XXXX-SB - – Jacob Jake Bernstein alleged 2010 Trust Case Colin
 - x. Case # 50-2010-CP-003123-XXXX-SB– Daniel Danny Bernstein alleged 2010 Trust Case Colin

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- b. The Florida 15th Judicial Civil Circuit Court and HONORABLE JUDGE
Cymonie Rowe, case:
- i. Case # 502012CA013933XXXXMB William E. Stansbury v. Ted S. Bernstein et al. -
- c. The Florida 4th District Court of Appeals – Note – Do not submit any information to Chief Judge Corey Ciklin who is conflicted in these matters already as being a former law partner of Personal Representative of the Estate of Simon Bernstein, Brian O’Connell’s law firm, Ciklin Lubitz Martens & O’Connell, where Judge Ciklin already has Sua Sponte removed himself from proceedings he was involved with in these matters and removed his name from several prior issued Orders at that court.
- i. Case 15-3849 ELIOT BERNSTEIN ESTATE OF SIMON BERNSTEIN
 - ii. Case 16-1449 ELIOT IVAN BERNSTEIN OPPENHEIMER TRUST CO. OF DELAWARE, ET AL.
 - iii. Case 16-1476 ELIOT IVAN BERNSTEIN OPPENHEIMER TRUST CO. OF DELAWARE, ET AL.
 - iv. Case 16-2249 ELIOT IVAN BERNSTEIN OPPENHEIMER TRUST CO. OF DELAWARE, ET AL.
 - v. Case 16-0222 ELIOT IVAN BERNSTEIN TED BERNSTEIN, AS TRUSTEE, ET AL.
 - vi. Case 16-1478 ELIOT IVAN BERNSTEIN TED BERNSTEIN, AS TRUSTEE, ETC., ET AL.
 - vii. Case 16-3314 ELIOT IVAN BERNSTEIN TED BERNSTEIN, AS TRUSTEE, ETC., ET AL.
 - viii. Case 16-0064 ELIOT IVAN BERNSTEIN TED BERNSTEIN, AS TRUSTEE. ET AL.
 - ix. Case 16-3162 ELIOT IVAN BERNSTEIN WILLIAM E. STANSBURY, et al.
 - x. Case 16-4120 ELIOT IVAN BERNSTEIN WILLIAM E. STANSBURY, et al.

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- d. The Florida Supreme Court – Note – Do not submit any information to Chief Judge Jorge Labarga as he is conflicted with the Eliot Bernstein family in these matters.
 - i. SC16-29
 - e. The United States District Court Northern District of Illinois Case 1:13-cv-03643 Simon Bernstein Irrevocable Insurance Trust Dtd 6/21/95 v. Heritage Union Life Insurance Company – HONORABLE Judge John Robert Blakey and Chief Judge Ruben Castillo.
 - i. Case # 13-cv-03643 - Federal Lawsuit in the US District Court of Eastern Illinois
 - f. United States Court of Appeals for the Seventh Circuit - Chief Judge Diane P. Wood in relation to the Lower Court Case 1:13-cv-03643 Simon Bernstein Irrevocable Insurance Trust Dtd 6/21/95 v. Heritage Union Life Insurance Company.
 - i. Case No. 17-1461 APPEAL UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT
9. **TURN OVER** all of your professional and individual insurance policies and bonding information to me as claims against you individually and professionally and your firm, will be forthcoming for the massive damages caused to me from your breaches of fiduciary duties and other misconduct. Your firm appears as follows and I believe it was set up specifically for liability purposes for these matters with my family, immediately prior to your acceptance of Guardian Ad Litem for me:

ADR & MEDIATIONS SERVICES, LLC
Diana Lewis
2765 Tecumseh Drive

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West Palm Beach, FL 33409
(561) 758-3017 Telephone
Email: dzlewis@aol.com
By: /s/ Diana Lewis
(Fla. Bar No. 351350)

10. **TURN OVER** all records, documents, emails, faxes, information of any kind regarding me obtained by and during these illegal actions to my attention at my permanent address of, 2753 NW 34th Street, Boca Raton, FL 33434.

I have been notified that on repeated occasions over the past year my father and mother Eliot and Candice Bernstein have notified you directly of my Sui Juris status and you have refused to take any actions to end the improper Guardian Ad Litem and continue to make representations, agreements and settlements on my behalf and hopefully this notice will cause you to **IMMEDIATELY CEASE AND DESIST THIS ILLEGAL CONDUCT.**

I have also been made aware that my father and mother, Eliot and Candice Bernstein have notified state and federal authorities of your misconduct on my behalf, including but not limited to acts such as,

1. Dissolving various Trusts in my name set up by my grandparents,
2. Dissolving Bernstein Family Realty, LLC, set up by my grandparents of which I am a 33% owner,
3. Making appearances in various court and legal proceedings illegally on my behalf,
4. Consenting to various legal agreements illegally on my behalf,
5. Consenting to various settlements illegally on my behalf.

I have learned that in Case # 502014CP003698XXXXNB – Shirley Bernstein Trust in the Fifteenth Judicial Probate Court you are acting under an alleged Trust created in my name that I

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was sued as a defendant under with my father, Eliot Bernstein, as Trustee and where I have never received formal notice of any such trust, nor do I believe my parents or any other party, including the courts have received, although I am a beneficiary allegedly under this trust. The Trust I am sued under is titled,

**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.**

Please provide a copy of the “**Simon L. Bernstein Trust Dtd 9/13/12**” and any subtrusts held thereunder in my name supposedly created on 9/13/12 the date of my grandfather’s death. If you are in possession of any such trust or subtrust OR ANY OTHER TRUST in my name, please instantly turn over all records regarding this legal entity I have been sued under and that you are acting illegally as a Guardian Ad Litem over my person in such legal action under such trust.

I have done preliminary research into your name online since learning of this predatory Guardian Ad Litem placed knowingly upon me as an adult and have learned that you are a FORMER Judge and no longer a Florida Registered Judge who has lost her judgeship to Jennifer Ticktin since on or about 2014^{1 2 3} where I learned from the attached articles, “But Ticktin, a 35-year-old

¹ “Ugly PBC judicial campaign pits Diana Lewis and Jessica Ticktin” By Jane Musgrave - Palm Beach Post Staff Writer

Updated: 12:41 p.m. Friday, August 08, 2014 | Posted: 7:00 a.m. Friday, August 08, 2014

<http://www.mypalmbeachpost.com/news/local-govt--politics/ugly-pbc-judicial-campaign-pits-diana-lewis-and-jessica-ticktin/NczV3oHgQuXksyXpl11Jdl>

² “Race for Palm Beach County Circuit Judge Group 14 seat is personal” July 19, 2014 | By Brittany Shammass, Sun Sentinel

http://articles.sun-sentinel.com/2014-07-19/news/fl-election-palm-circuit-judges-14-20140719_1_lewis-incumbent-judge-ticktin-law-group

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partner at Ticktin Law Group and a Boca Raton resident, says she targeted Lewis for a reason. She cited a 2013 Palm Beach County Bar poll in which Lewis ranked last among 34 circuit court judges in categories including knowledge and application of the law, impartiality and judicial demeanor. "I think that right now we have an issue with the incumbent judge," Ticktin said. "Last time she was given a second chance, and I don't think that she did well with that second chance. I think it's time for change." In noting your bar association number above I believe that as both a former judge and current registered attorney at law I need not educate you on your obligations to notify all tribunals, criminal and civil and all parties with any liabilities resulting from your and others you worked in conspire with actions, as required by both State and Federal - Civil, Criminal and Ethical Rules and Statutes.

That these Knowingly, Gross, Willful, Wanton and Reckless Acts, which appear as Financial Exploitation of an Adult through an ILLEGAL GUARDIAN AD LITEM FOR A MINOR and further appear part of a larger conspiracy against the rights of my father, my mother and my brothers are simultaneously being forwarded to state and federal criminal authorities to investigate and prosecute any prior and future criminal acts, so please **govern yourself accordingly** in any future actions you may take in any matters relating to my family and myself.

³ "Palm Beach Judge Diana Lewis Loses Judicial Seat to Challenger Raising Issues with Demeanor" Florida You Judge Wednesday, August 27th, 2014 at 5:26 pm by admin by Haydee Oropesa
<http://www.floridayoujudge.com/palm-beach-judge-diana-lewis-loses-judicial-seat-to-challenger-raising-issues-with-demeanor/>

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I authorize this Statement and Cease and Desist Request to be filed in any and all state and federal proceedings as relevant and necessary.

Sincerely,

X: 
Joshua Ennio Zander Bernstein
2753 NW 34th Street
Boca Raton, FL 33434

Dated: 7/11/17

Witness:

X: 
Name: Jacob Bernstein
2753 NW 34th Street
Boca Raton, FL 33434

Dated: 7/11/17

**RE: DIANA LEWIS DEMAND TO CEASE AND DESIST ILLEGAL GUARDIAN AD
LITEM OF JOSHUA BERNSTEIN, CORRECT ALL FRAUD, OTHER RELIEF**

EXHIBIT 1

**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.: 502014CP003698XXXXNB

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.

**ORDER ON SUCCESSOR TRUSTEE'S MOTION TO
APPOINT A GUARDIAN AD LITEM; FOR A GAG ORDER TO PROTECT THE
GUARDIAN AND OTHERS; AND TO STRIKE ELIOT BERNSTEIN'S FILINGS**

THIS CAUSE came before the Court for evidentiary hearing on February 25, 2016, on Successor Trustee's Motion for Appointment of a Guardian Ad Litem to Represent the Interests of Eliot Bernstein's Children etc. (the "Motion"). The Court, having considered the record, heard argument of counsel and being otherwise fully advised in the premises, hereby

ORDERS AND ADJUDGES:

1. This Court determined after a trial held on December 15, 2015 that the beneficiaries of The Shirley Bernstein Trust Agreement dated 5/20/2008 (the "Trust") are Simon Bernstein's "then living grandchildren." Under that ruling, Simon's children – including Eliot Bernstein – are not beneficiaries of the Trust. This Court entered a written order dated February 1, 2016, determining Eliot Bernstein lacks standing to participate in this proceeding and striking his individual filings.

2. Eliot Bernstein's three children are among the class of Trust beneficiaries. Eliot seeks to use his role as parent and natural guardian of three trust beneficiaries to give him standing to continue his involvement in this case. The primary issue now raised is whether Eliot Bernstein should be permitted to continuing representing the interests of his minor children, as their parent and natural guardian, in this Trust Proceeding.

3. ~~Despite his status as natural guardian, Eliot will not be permitted to do so, and~~ The Court will appoint a Guardian ad Litem, because there is a conflict of interest between the parent and the children, and because Eliot Bernstein has proven to be an inadequate representative of the best interests of his children. JRP

4. First, as to the conflict, Eliot's position throughout the case and at trial was that he was a beneficiary of the Trust. He continued^d advancing that position after trial by prosecuting an appeal of the December 16, 2015 Final Judgment. Eliot's individual interests are in conflict with the interests of his children. Under Florida law, a court should appoint a guardian ad litem when a parent's interest conflicts with the interest of her or her minor child. *Mistretta v. Mistretta*, 566 So. 2d 836, 837-38 (Fla. 1st DCA 1990)(best interests of a minor are *not* fully protected when adverse to the interests of the parent); *Florida Nat. Bank & Trust Co. at Miami v. Blake*, 155 So. 2d 798 (Fla. 3d DCA 1963) (court should have appointed a guardian ad litem for minor child when it was

apparent that the interests of the minor conflicted with the interests of the mother and father); *Gilbertson v. Boggs*, 743 So. 2d 123 (Fla. 4th DCA 1999) (guardian ad litem should have been appointed ^{when} ~~then~~ the parents' interests were adverse to the minor child).

5. Second, Fla. Stat. 731.303(4) provides: "If the court determines that representation of the interest would otherwise be inadequate, the court may, at any time, appoint a guardian ad litem to represent the interests of ... a minor ..." ¹ Based upon the evidence presented and the Court's observations at the trial in December 2015 and at the evidentiary hearing on February 25, 2016, and

based upon the Court's review of various motions filed by Eliot Bernstein since the trial, it is apparent Eliot Bernstein is not an adequate representative of the best interests of his children. ^{in fact, his actions are adverse + destructive to the children's interest}

6. Eliot Bernstein states that his agenda includes ridding the court system of corruption among judges, lawyers and fiduciaries, regardless of the cost ^{to} the beneficiaries. He appears to have no interest in the swift and efficient administration of the Shirley Bernstein Trust. He has taken actions to hinder and delay the administration of the Trust, and caused waste of Trust assets to respond to his assertions.

7. To the extent not already covered by this Court's Order dated February 1, 2016, Eliot Bernstein is barred from any further participation in this action, whether individually or as purported parent and natural guardian. Any and all pending motions, claims, or other filings by Eliot Bernstein,

¹ In addition, under section 744.3025, the court *may* appoint a guardian ad litem to represent a minor's interest before approving a settlement of the minor's portion of any cause of action in which the gross settlement of the claim exceeds \$15,000 if the court believes a guardian ad litem is necessary to protect the minor's interest, and "shall appoint a guardian ad litem to represent the minor's interest before approving a settlement of the minor's claim in a case in which the gross settlement involving a minor equals or exceeds \$50,000." Here, it is likely that there will be a settlement at some point in which each of minors receives a substantial distribution, and it is likely Eliot will oppose any such settlement.

on behalf of his children, ^{are} ~~is~~ hereby stricken from the record, without prejudice to the rights of the Guardian Ad Litem to take whatever actions are deemed appropriate.

8. The parties shall attempt to mutually agree on a guardian ad litem. The Court will appoint whomever the parties agree upon within the next three business days. Eliot Bernstein may

participate in such discussions. To the extent the parties, including Eliot Bernstein, are unable to agree on a guardian ad litem, ^{each of the parties shall submit a list of three names of potential Guardian Ad Litem's, each of whom has agreed to accept the appointment if selected.} upon notice from the Trustee's counsel the Court shall randomly appoint a guardian ad litem for Ja.B., Jo.B. and D.B. or schedule a further hearing to appoint a suitable Guardian Ad Litem. ^{with the Clerk with courtesy copy to the undersigned, no later than 10 days from this date.}

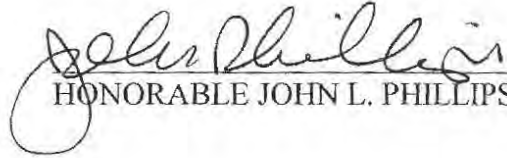
9. The Guardian Ad Litem will have full power and autonomy to represent the interests of the children of Eliot Bernstein, subject to the jurisdiction and review of this Court. The Guardian Ad Litem will be entitled to petition the Court for an award of attorneys' fees to be paid out of the gross proceeds of any recovery, distributions or inheritance to be received by Ja.B., Jo.B, and/or D.B.

10. To protect the integrity and independence of the guardian, Eliot Bernstein and all persons acting in concert with him: (a) shall ^{not} ~~make no effort to~~ contact, email or otherwise communicate with the Guardian Ad Litem except at the request of the Guardian Ad Litem; ~~(b) shall make no statement of any kind about the guardian, nor post information about the guardian on the internet in any fashion; and (c) shall not in any way threaten or harass the guardian.~~ This Court alone shall supervise the guardian, and ~~all information concerning this guardianship shall be treated as private and confidential.~~ Any violation of this order may subject the violator to severe sanctions for contempt of court. The Court will use the full measure of its coercive powers to ensure compliance with this Order.

^{proposed}
* Parties shall furnish a ^{proposed} order appointing GAL with the lists. The Court will act without further hearing on the appointment, if possible.

11. The Court reserves jurisdiction to enforce all terms of this Order, and to oversee the service of the guardian ad litem appointed.

DONE and ORDERED in Chambers, North County Courthouse on 3-1-16, 2016.


HONORABLE JOHN L. PHILLIPS

cc: Attached service list

SERVICE LIST Case No.: 502014CP003698XXXXNBIJ

Eliot Bernstein, individually
and Eliot and Candice Bernstein,
as Parents and Natural Guardians of
D.B., Ja. B. and Jo. B, Minors
2753 NW 34th Street
Boca Raton, FL 33434
(561) 245-8588 - Telephone
(561) 886-7628 - Cell
(561) 245-8644 - Facsimile
Email: Eliot I. Bernstein (iviewit@iviewit.tv)

John P. Morrissey, Esq.
330 Clematis Street, Suite 213
West Palm Beach, FL 33401
(561) 833-0866 - Telephone
(561) 833-0867 - Facsimile
Email: John P. Morrissey
(john@jmorrisseylaw.com)
Counsel for Molly Simon, Alexandra Bernstein,
Eric Bernstein, Michael Bernstein

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her children, and as natural guardian for M.F.
and C.F., Minors; and Max Friedstein
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Jill Iantoni, individually and as trustee for her
children, and as natural guardian for J.I. a minor
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JOHN L. PHILLIPS
CIRCUIT JUDGE
NORTH COUNTY COURTHOUSE
3188 PGA BOULEVARD
PALM BEACH GARDENS, FL 33410



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Eliot Bernstein and Candice Bernstein
2753 NW 34th Street
Boca Raton, FL 33434



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**RE: DIANA LEWIS DEMAND TO CEASE AND DESIST ILLEGAL GUARDIAN AD
LITEM OF JOSHUA BERNSTEIN, CORRECT ALL FRAUD, OTHER RELIEF**

**RE: DIANA LEWIS DEMAND TO CEASE AND DESIST ILLEGAL GUARDIAN AD
LITEM OF JOSHUA BERNSTEIN, CORRECT ALL FRAUD, OTHER RELIEF**

EXHIBIT 2

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.

ORDER APPOINTING DIANA LEWIS AS GUARDIAN AD LITEM FOR
ELIOT BERNSTEIN'S CHILDREN, JO.B.; JA. B.; and D.B.

THIS CAUSE came before the Court at an evidentiary hearing held on February 25, 2016,
on Successor Trustee's Motion for Appointment of a Guardian Ad Litem to Represent the Interests
of Eliot Bernstein's Children etc. (the "Motion"). Having considered the Motion and the arguments
of the parties, taken judicial notice of the matters requested in the Motion, and being otherwise duly
advised in the premises, the Court entered an Order in this matter, and a companion order in Case
No. 502014CP002815XXXXNB, granting motions to appoint a guardian ad litem for Eliot's

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children, Jo.B., Ja.B. and D.B., and setting forth a protocol for selecting a guardian ad litem. Having received the parties' notices contemplated under the companion order, the Court hereby appoints a guardian ad litem as follows:

1. Diana Lewis is hereby appointed as the guardian ad litem for Jo.B., Ja.B. and D.B. in this case, with sole and exclusive authority to represent their interests in this case. The guardian ad litem shall be entitled to petition the Court for reasonable compensation for his/her services, to be paid out of the gross proceeds of any recovery, distributions or inheritance to be received by the Jo.B., Ja.B. and D.B. from the Shirley Bernstein Trust u/a/d May 20, 2008, as amended, the Simon Bernstein Trust, and/or the Estates of Simon or Shirley Bernstein.

2. The guardian ad litem shall file an acceptance of appointment with this Court, with a copy to the parties listed at the end of this Order, within 5 business of the date of this Order; otherwise, the parties shall notify the Court by letter that the appointment has not been accepted, in which case the Court will either appoint an alternate guardian ad litem without further hearing or hold an additional hearing to select an alternate guardian ad litem.

3. The guardian ad litem shall have sufficient time after his/her acceptance of this appointment to within which to prepare necessary court filings and prepare for mediation as ordered by the Court at a hearing held on March 7, in the related case of Estate of Simon Bernstein.

4. Trustee and the guardian ad litem shall confer in good faith regarding a resolution of this matter and/or a time frame within which to try any unresolved issues.

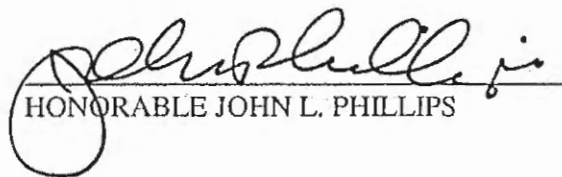
5. Pursuant to the Order dated March 1, 2016, the Guardian Ad Litem will have full power and autonomy to represent the interests of the children of Eliot Bernstein, subject to the jurisdiction and review of this Court. The Guardian Ad Litem will be entitled to petition the Court

for an award of attorneys' fees to be paid out of the gross proceeds of any recovery, distributions or inheritance to be received by Ja.B., Jo.B, and/or D.B.

6. To protect the integrity and independence of the guardian, Eliot Bernstein and all persons acting in concert with him: (a) shall not contact, email or otherwise communicate with the Guardian Ad Litem except at the request of the Guardian Ad Litem; and (b) shall not in any way threaten or harass the guardian. This Court alone shall supervise the guardian. Any violation of this order may subject the violator to severe sanctions for contempt of court. The Court will use the full measure of its coercive powers to ensure compliance with this Order.

7. The guardian ad litem shall notify this Court and Trustee of any actions taken by Eliot and/or Candice Bernstein which interfere with the guardian ad litem's duties hereunder.

DONE and ORDERED in Chambers, North County Courthouse on 4-4, 2016.


HONORABLE JOHN L. PHILLIPS

cc: Attached service list

SERVICE LIST Case No.: 502014CP003698XXXXNBIH

Eliot Bernstein and Candice Bernstein,
as Parents of
D.B., Ja. B. and Jo. B, Minors
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and C.F., Minors; and Max Friedstein
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service@ciklinlubitz.com;
slobdell@ciklinlubitz.com



STATE OF FLORIDA • PALM BEACH COUNTY

I hereby certify that the
foregoing is a true copy
of the record in my office.

THIS 18 DAY OF May 2016

SHARON R. BOCK
CLERK & COMPTROLLER

By *Victoria Ranger*
DEPUTY CLERK

**RE: DIANA LEWIS DEMAND TO CEASE AND DESIST ILLEGAL GUARDIAN AD
LITEM OF JOSHUA BERNSTEIN, CORRECT ALL FRAUD, OTHER RELIEF**

EXHIBIT 3

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

PROBATE DIVISION

CASE NO.: 502014CP002815XXXXNB (IH)

OPPENHEIMER TRUST COMPANY
OF DELAWARE, in its capacity as
Resigned Trustee of the Simon Bernstein
Irrevocable Trusts created for the benefit
of Joshua, Jake and Daniel Bernstein,

Petitioner,

vs.

ELIOT AND CANDICE BERNSTEIN,
in their capacity as parents and natural
guardians of JOSHUA, JAKE AND
DANIEL BERNSTEIN, minors,

Respondents.

**ORDER APPOINTING GUARDIAN AD LITEM FOR MINORS,
JOSHUA, JAKE AND DANIEL BERNSTEIN**

THIS CAUSE came before the Court at an evidentiary hearing held on February 25, 2016 upon the *Omnibus Motion (I) To Appoint A Guardian Ad Litem For The Minor Beneficiaries Of The "Grandchildren Trusts;" (II) To Hold Eliot And Candice Bernstein In Contempt Of Court For Their Continued Violation Of A Court Order And Repeated Statements Assaulting The Dignity Of The Court; And (III) To Establish A Schedule And Protocol For Accounting And Turnover Proceedings* (the "Motion") filed by Petitioner, Oppenheimer Trust Company Of Delaware ("Oppenheimer"), in its capacity as the resigned trustee of three Irrevocable Trusts settled by Simon Bernstein on September 7, 2006 for the benefit of his grandchildren, minors, Joshua, Jake and Daniel Bernstein (the "Grandchildren Trusts"). Having considered the Motion

and the arguments of the parties, taken judicial notice of the matters requested in the Motion, and being otherwise duly advised in the premises, the Court rules as follows:

1. The sole beneficiaries of the Grandchildren Trusts, and the only real parties in interest in this litigation (other than Oppenheimer), are Joshua, Jake and Daniel Bernstein (the “Minor Beneficiaries”). Neither Eliot nor Candice Bernstein (the “Bernsteins”) were sued in their individual capacities by Oppenheimer, nor have they moved for, or been granted, permission to intervene in their individual capacities. They have been afforded standing in these proceedings, to date, solely as the parents and natural guardians of the Minor Beneficiaries.

2. The Bernsteins have been shown to have multiple conflicts of interest with the Minor Beneficiaries. For example, in their pleadings, they repeatedly allege that the trusts created for the Minor Beneficiaries’ benefit are fraudulent and that they, and not their children, are the true beneficiaries. *Counter-Complaint*, ¶¶ 44-50, 52-60, 65, 109-110, 186 and 253; *Objection to Oppenheimer Accountings*, pp. 1 and 20. In addition, the Bernsteins insist that their overarching goal in this litigation “is to bring about a change in the legal system in efforts to root out systemic corruption at the highest levels by a rogue group of criminals disguised as attorneys at law, judges, politicians and more.” *Counter-Complaint*, ¶ 212. No reasonable inference can be drawn that the Minor Beneficiaries have a similar interest or agenda, or that pursuing such an agenda at the risk of dissipating their own inheritance is in their best interest.

3. Eliot Bernstein also has a history of vexatious litigation and public disrespect for and disobedience to the judicial system and its officers, as detailed in Oppenheimer’s Motion. Eliot Bernstein was adjudicated a vexatious litigant by the United States District Court for the Southn Distreict of New York and enjoined from filing further specified claims in any court without its prior permission. Yet, Eliot Bernstein asserted those enjoined claims in his Counter-

Complaint in apparent violation of the injunction. The Bernsteins are in continued violation of a May 4, 2015 Order entered by Judge Martin Colin, which required compliance over nine months ago, and in recent filings with Florida appellate courts, the Bernsteins insist that all orders entered in this case “are void as a matter of law, and are of no legal force and effect.” *Petition for All Writs (dated January 29, 2016)*, ¶ 101. Further, the Bernsteins have repeatedly alleged that multiple judges have committed fraud in their official capacities in these proceedings and that all Florida judges have conflicts of interest which prohibit them from presiding over these proceedings. *Id.*, ¶ 106-107. All of the above, and certainly in combination, render the Bernsteins inappropriate and inadequate representatives for the Minor Beneficiaries in this litigation.

4. For the above reasons, the guardian *ad litem* appointed in Case No.: 502014CP003698XXXXNB shall be deemed appointed simultaneously as the guardian *ad litem* for the Minor Beneficiaries in this case, with sole and exclusive authority to represent the Minor Beneficiaries’ interests in this case. The guardian *ad litem* shall be entitled to petition for reasonable compensation for his/her services, to be paid out of the gross proceeds of any recovery, distributions or inheritance to be received by the Minor Beneficiaries from the Shirley Bernstein Trust u/a/d May 20, 2008, as amended, the Simon Bernstein Trust, and/or the Estates of Simon or Shirley Bernstein.

5. The Answer and Counter-Complaint filed by Eliot and Candice Bernstein (which they purport to file (i) “Individually, PRO SE;” (ii) “as the Natural Guardians of [the Minor Beneficiaries];” (iii) “as Guardians of the members of Bernstein Family Realty, LLC;” and (iii) “as beneficiaries of [sixteen (16) Trusts, two (2) Estates, and multiple] Corporate Entities set up by Simon and Shirley Bernstein”), and the “Objection to Final Accounting; Petition for Formal, Detailed Audited and Forensic Accounting and Document Production” (the “Objection”) filed by

Eliot and Candice Bernstein, "individually and on behalf of [their] minor children, who are alleged qualified beneficiaries of Settlor's Estate and Trusts," are hereby stricken.

6. The guardian *ad litem* shall have 45 days from his/her appointment within which to file a response to Oppenheimer's Petition and objections, if any, to Oppenheimer's accountings.

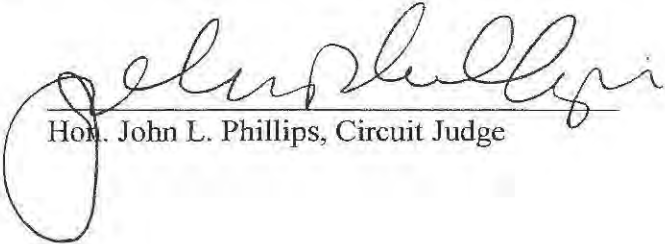
7. Oppenheimer and the guardian *ad litem* shall confer in good faith regarding a resolution of this matter and/or a timeframe within which to try any unresolved issues.

8. Neither Eliot nor Candice Bernstein shall take any action which interferes with the guardian *ad litem*'s duties.

9. ^{The pending Motion for Contempt as to} Eliot and Candice Bernstein ~~are also held to be in contempt of court~~ for their ^{in MOST.} willful violation of Judge Martin Colin's May 4, 2015 Order. ~~The Court withholds coercive sanctions based upon the appointment of a guardian *ad litem* and striking of the Bernsteins' pleadings, which renders the Bernsteins' compliance moot.~~

DONE AND ORDERED in Chambers, Palm Beach County, Florida on

3-1-, 2016.


Hon. John L. Phillips, Circuit Judge

Copies furnished to:

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Gunster, Yoakley & Stewart, P.A.
4855 Technology Way, Suite 630
Boca Raton, FL 33431

Eliot and Candice Bernstein
2753 N.W. 34th Street
Boca Raton, FL 33434

**RE: DIANA LEWIS DEMAND TO CEASE AND DESIST ILLEGAL GUARDIAN AD
LITEM OF JOSHUA BERNSTEIN, CORRECT ALL FRAUD, OTHER RELIEF**

EXHIBIT 4

**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.

_____ /

NOTICE OF FILING AND OF SERVING NOTICE OF ACCEPTANCE

Plaintiff, Ted S. Bernstein (the "Trustee"), as Successor Trustee of the Shirley Bernstein Trust Agreement dated May 20, 2008, as amended, hereby gives notice of filing the attached, *Notice of Acceptance of Appointment as Guardian Ad Litem for Jo.B., Ja.B., and D.B.* as requested by appointed Guardian Ad Litem, Diana Lewis.

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 7th day of April, 2016.

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Secondary: mchandler@mrachek-law.com
Attorneys for Ted S. Bernstein

By: /s/ Alan B. Rose
Alan B. Rose (Fla. Bar No. 961825)

SERVICE LIST Case No.: 502014CP003698XXXXNBIH

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Eric Bernstein, Michael Bernstein

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children, and as natural guardian for M.F. and
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service@ciklinlubitz.com;
slobdell@ciklinlubitz.com

**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.

Plaintiff,

v.

Probate Division
Case No.:2014CP003698 (IH)

ALEXANDRA BERNSTEIN; ERIC BERNSTEIN;
MICHAEL BERNSTEIN; MOLLY SIMO;
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 of 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
Friedman and C.F., under the Simon L.
Bernstein Trust Dtd 9/13/12, and on
bealf of her minor child, C.F.,

Defendants.

**NOTICE OF ACCEPTANCE OF APPOINTMENT AS GUARDIAN AD LITEM FOR
Jo.B., Ja.B. AND D.B. IN THE ABOVE STYLED CASE**

COMES NOW Diana Lewis and notifies the court of her
acceptance of appointment as Guardian *ad litem* for Eliot
Bernstein's minor children, Jo.B., Ja.B. and D.B. pursuant to
this court's order dated April 4, 2016, and the terms and
conditions set forth therein.

Page Two
Case no.: 2014CP003698 (IH)

CERTIFICATE OF SERVICE

I CERTIFY that a true and correct copy of the foregoing has been furnished to the parties by E-mail Electronic Transmission on the attached Service List for Case No.: 2014CP003698 (IH) this 7th day of April, 2016.

ADR & MEDIATIONS SERVICES, LLC
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Email: dzlewis@aol.com

By: /s/ Diana Lewis
Diana Lewis (Fla. Bar No. 351350)
(Mediator No.:32461 R)

SERVICE LIST Case No.: 502014CP003698XXXXNBIH

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as Parents of
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Counsel for Molly Simon, Alexandra Bernstein,
Eric Bernstein, Michael Bernstein

Lisa Friedstein, individually and as trustee for
her children, and as natural guardian for M.F.
and C.F., Minors; and Max Friedstein
lisa.friedstein@gmail.com

Jill Iantoni, individually and as trustee for her
children, and as natural guardian for J.I. a minor
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**IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA**

OPPENHEIMER TRUST COMPANY OF
DELAWARE, in its Capacity As Resigned
Trustee of the Simon Bernstein Irrevocable Trusts
Created for the Benefit of of Jo. B., Ja. B., and D.B.,
Minors

Probate Division
Case No.: 502014CP002815XXXXSB(IY)

Petitioner,

v.

ELIOT AND CANDICE BERNSTEIN, in their
Capacity as Parents and Natural Guardians of Jo. B.,
Ja. B., and D.B., Minors
Respondents.

_____ /

NOTICE OF FILING AND OF SERVING NOTICE OF ACCEPTANCE

Ted S. Bernstein (the "Trustee"), as Successor Trustee of the Shirley Bernstein Trust Agreement dated May 20, 2008, as amended, hereby gives notice of filing the attached, *Notice of Acceptance of Appointment as Guardian Ad Litem for Jo.B., Ja.B., and D.B.* as requested by appointed Guardian Ad Litem, Diana Lewis.

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 7th day of April, 2016.

MRACHEK, FITZGERALD, ROSE, KONOPKA,
THOMAS & WEISS, P.A.
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Email: arose@mrachek-law.com
Secondary: mchandler@mrachek-law.com

By: /s/ Alan B. Rose
Alan B. Rose (Fla. Bar No. 961825)

SERVICE LIST

Eliot Bernstein
Candice Bernstein,
as Parents and Natural Guardians of
D.B., Ja. B. and Jo. B, Minors
2753 NW 34th Street
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IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT IN AND FOR
PALM BEACH COUNTY, FLORIDA

OPPENHEIMER TRUST COMPANY OF DELAWARE,
in its capacity as Resigned Trustee of
the Simon Bernstein Irrevocable Trusts
created for the benefit of Joshua, Jake
and Daniel Bernstein,

Petitioner,

vs.

Probate Division
Case No.: 2014CP002815 (IH)

ELIOT AND CANDICE BERNSTEIN,
in their capacity as parents and
natural guardians of JOSHUA, JAKE
AND DANIEL BERNSTEIN, minors,

Respondents.

**NOTICE OF ACCEPTANCE OF APPOINTMENT AS GUARDIAN AD LITEM FOR
JOSHUA, JAKE AND DANIEL BERNSTEIN IN THE ABOVE STYLED CASE**

COMES NOW Diana Lewis and notifies the court of her
acceptance of appointment as Guardian *ad litem* for JOSHUA, JAKE
and DANIEL BERNSTEIN (the "Minor Beneficiaries") pursuant to
this court's order dated April 4, 2016.

CERTIFICATE OF SERVICE

I CERTIFY that a true and correct copy of the foregoing has
been furnished to the parties by E-mail Electronic Transmission
on the attached Service List for Case No.: 2014CP002815 (IH)
this 7th day of April, 2016.

ADR & MEDIATIONS SERVICES, LLC
Diana Lewis
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West Palm Beach, FL 33409
(561) 758-3017 Telephone
Email: dzlewis@aol.com
By: /s/ Diana Lewis
(Fla. Bar No. 351350)

Page Two

SERVICE LIST Case No.: 2014CP002815

Steven A. Lessne
Gunster, Yoakley & Stuart, P.A.
4855 Technology Way, Suite 630
Boca Raton, FL 33431

Eliot and Candice Bernstein
2753 N.W. 34th Street
Boca Raton, FL 33434

From the Desk of :

Jacob Bernstein

2753 NW 34th Street, Boca Raton, FL 33434

July 11, 2017

ADR & MEDIATIONS SERVICES, LLC

Diana Lewis

2765 Tecumseh Drive

West Palm Beach, FL 33409

(561) 758-3017 Telephone

dzlewis@aol.com

(Fla. Bar No. 351350)

RE: DIANA LEWIS DEMAND TO CEASE AND DESIST ILLEGAL GUARDIAN AD LITEM OF JACOB BERNSTEIN, CORRECT ALL FRAUD, OTHER RELIEF

Attention Diana Lewis, Esq.,

My name is Jacob Noah Archie Bernstein and it has come to my attention that you are an attorney and former Judge in Palm Beach County and Officer of the Court, allegedly continuing to act as Guardian Ad Litem for me since April 07, 2016 allegedly as a “minor child” of Eliot Ivan Bernstein and Candice Michelle Bernstein.

While I understand that there is likely major legal problems with the proceedings leading up to your Appointment and Acceptance as Guardian ad Litem on my behalf, I turned 18 on January 01, 2017 and have not been a “Minor” for over 6 months and yet you have failed to Discharge the Guardianship and knowingly continue to purport to act on my behalf as a minor and make Court appearances for me and tender “Consents” on my behalf which were never provided to you and you have done this at all times knowing that there has never been any “incapacity” or


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“competency” Hearing since I turned 18 and thus no basis in law or fact to continue to act on my behalf after my 18th Birthday.

I now make this voluntary request for you to Cease and Desist all actions allegedly as my Guardian Ad Litem, turn over all records, discovery and information obtained in the course of your actions as my alleged Guardian and correct any and all frauds in all Courts or elsewhere impacted by this illegal Guardianship, including but not limited to, the Estate and Trust cases of my deceased grandparents, Simon and Shirley Bernstein.

Since I have been over the age of 18 years since January 01, 2017, you, Ted Bernstein, Alan Rose, Brian O’Connell and Steven Lessne have at all times had actual knowledge of these facts and the requirement to Discharge the Guardianship or conduct a proper Hearing with Due Process Notice and thus have continued to illegally use this Guardianship as a predatory weapon against myself and my family to interfere in proper rights of Inheritance and to cover up frauds in these cases.

Further, all of you actually know and have known that no “competency hearing” was ever held against me in over 6 months since turning the age of majority of 18, nor have I ever been provided ANY Due Process Notice or been served to appear in any proceeding or have an Opportunity to be heard at any of the relevant proceedings to date.

What is even more egregious about your conduct as a former Judge and done as an “Officer of the Court” is that you not only have continued in your actions as alleged Guardian in this illegal Guardianship despite being specifically advised that I was now over the age of 18 years but have also even gone as far as to give alleged “Consents” on my behalf to various actions by Ted

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Bernstein and Alan Rose and entered into "Settlements" on my behalf again giving "Consent" all without my knowledge, without my Consent and without any Notice of Opportunity to be heard provided to myself. In fact, as you actually know, you and I have never even spoken to one another.

Like my older brother Joshua who was 18 even before the Guardian Ad Litem was created and accepted by you, I have come to learn that under Federal law under Title 18 USC Sec.242 it is a Federal Criminal Offense for Civil Rights Violations for 2 or more persons to conspire to Violate my US Constitutional rights, which have been violated by your actions in this case together in common with Attorney Alan Rose, Fiduciary Ted Bernstein and with the compliance and acquiescence of attorney Brian O'Connell as current Personal Representative of my grandfather Simon's Estate.

Please take notice that I have copied the US Dept of Justice Civil Rights Division head Tom Wheeler and offices of the FBI and US Attorney on this request.

I have further learned the following from the US Dept. of Justice Website:

"Section 242 of Title 18 makes it a crime for a person acting under color of any law to willfully deprive a person of a right or privilege protected by the Constitution or laws of the United States.

For the purpose of Section 242, acts under "color of law" **include acts not only done by federal, state, or local officials within the their lawful authority, but also acts done beyond the bounds of that official's lawful authority, if the acts are done while the official is purporting to or pretending to act in the performance of his/her official duties. Persons acting under color of law within the meaning of this statute include police officers, prisons guards and**

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other law enforcement officials, as well as judges, care providers in public health facilities, and others who are acting as public officials. It is not necessary that the crime be motivated by animus toward the race, color, religion, sex, handicap, familial status or national origin of the victim.

The offense is punishable by a range of imprisonment up to a life term, or the death penalty, depending upon the circumstances of the crime, and the resulting injury, if any.” See,

<https://www.justice.gov/crt/deprivation-rights-under-color-law>.

I have never spoken with you, met with you, granted you any authority over me and in any way enabled or allowed your acting in any capacity and in any matter on my behalf as an adult. This is a Cease and Desist demand to stop all further illegal acts on my behalf.

I am unaware of any Guardian Ad Litem Orders entered in the Simon and Shirley Probate Cases (Case # 502012CP004391XXXXSB – Simon Bernstein Estate and Case # 502011CP000653XXXXSB – Shirley Bernstein Estate) giving you any guardianship powers over me to make any representations or take any actions on my behalf in those cases.

Ja.B. AND D.B. IN THE ABOVE STYLED CASE” **[emphasis added]**

The Shirley Bernstein Trust Order Appointing Guardianship is similarly limited to legal authority of the guardianship in that case only and only for MINOR CHILDREN.

The 2016 Florida Statutes - Title XLIII - DOMESTIC RELATIONS - Chapter 744 - GUARDIANSHIP
744.521 Termination of guardianship.—**When a ward becomes sui juris** or is restored to capacity, when the guardian has been unable to locate the ward through diligent search, or, for a guardian

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of the property, when the property subject to the guardianship has been exhausted, the guardian shall file a final report and receive his or her discharge. A guardian of the person is discharged without further proceeding upon filing a certified copy of the ward's death certificate. The court may require proof of the removal of incapacity.

History.—s. 1, ch. 74-106; ss. 21, 26, ch. 75-222; s. 4, ch. 86-120; s. 89, ch. 89-96; s. 63, ch. 90-271; s. 1110, ch. 97-102.

Note.—Created from former s. 746.12.

"Minor Ward Reaches 18 Unless the minor is incapacitated, at the age of 18 he or she is no longer a minor and is deemed to be legally old enough to manage his or her own finances or property. The guardianship is terminated and the assets are distributed to the minor."

https://umshare.miami.edu/web/wda/ethics/guardianship_rev1-07.pdf

Therefore, due to your lack of legal authority over me despite any Court Orders gained through simulated legal process, I immediately request that you;

1. **CEASE AND DESIST** from any further representations of myself, Jacob Noah Archie Bernstein, in any proceedings, settlements or other matters involving me.
2. **NOTIFY** the Florida Courts and Correct all actions taken on my behalf since turning the age of majority on January 01, 2017, have been improper and illegal and cease and desist this **KNOWINGLY, GROSS, WILLFUL, WANTON** and **RECKLESS** criminal violation of your fiduciary duties as a Guardian Ad Litem .
3. **WITHDRAW** any and all Consent you have given in any matters relating to Jacob Bernstein.
4. **FILE** immediately within or without the final report the fact that I, Jacob Bernstein, turned the age of majority on Jan. 01, 2017 and that no legal adult guardianship proceedings were held giving you legal authority from such date to the present,

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discharge the Guardianship and turn over all records and properties regarding the guardianships as required.

5. **MAKE NO** further appearances in Court on my behalf or state in any pleadings consent on my behalf or take any any action whatsoever on my behalf claiming that you are a acting as Guardian Ad Litem for me.
6. **NOTIFY ALAN ROSE AND STEVEN LESSNE** to similarly take all actions to remove and strike all pleadings, orders, settlements, etc. in any court cases made on my behalf as a minor and correct any and all Court Orders and actions impacted by these defects and cease and desist any further acts on my behalf.
7. **NOTIFY ALL COURTS** affected by your actions since I turned the age of majority of 18 on Jan. 01, 2017.
8. **NOTIFY ALL COURTS** that you have made improper representations in pleadings and hearings in the Simon and Shirley Bernstein Estate and Trust cases and the Oppenheimer cases where you have never been granted a legal guardianship over me. The Courts to be notified and cases related to your actions that have been affected by the misconduct shall include but not be limited to,
 - a. The Florida Probate Court – HONORABLE Judge Rosemarie Scher, cases:
 - i. Case # 502012CP004391XXXXSB – Simon Bernstein Estate
 - ii. Case # 502015CP001162XXXXNB – Simon Bernstein Trust to Remove Ted Bernstein
 1. OLD CASE # Was Civil but Colin transferred to Probate ?
502014CA014637XXXXMB
 - iii. Case # 502011CP000653XXXXSB – Shirley Bernstein Estate
 - iv. Case # 502014CP003698XXXXNB – Shirley Trust Construction
 - v. Case # 502014CP002815XXXXSB – Oppenheimer v. Bernstein Minor Children

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- vi. Case # 502015CP002717XXXX Colin Closed and transferred to Coates Eliot Bernstein v. Simon Estate Case for Claims
- vii. Case # 502014CA014637XXXXMB BERNSTEIN, ELIOT I VS BERNSTEIN, THEODORE S
- viii. Case # 50-2010-CP-003128-XXXX-SB – Joshua Bernstein alleged 2010 Trust Case Colin
- ix. Case # 50-2010-CP-003125-XXXX-SB -- Jacob Jake Bernstein alleged 2010 Trust Case Colin
- x. Case # 50-2010-CP-003123-XXXX-SB– Daniel Danny Bernstein alleged 2010 Trust Case Colin

b. The Florida 15th Judicial Civil Circuit Court and HONORABLE JUDGE

Cymonie Rowe, case:

- i. Case # 502012CA013933XXXXMB William E. Stansbury v. Ted S. Bernstein et al. -

c. The Florida 4th District Court of Appeals – Note – Do not submit any information to Chief Judge Corey Ciklin who is conflicted in these matters already as being a former law partner of Personal Representative of the Estate of Simon Bernstein, Brian O’Connell’s law firm, Ciklin Lubitz Martens & O’Connell, where Judge Ciklin already has Sua Sponte removed himself from proceedings he was involved with in these matters and removed his name from several prior issued Orders at that court.

- i. Case 15-3849 ELIOT BERNSTEIN ESTATE OF SIMON BERNSTEIN
- ii. Case 16-1449 ELIOT IVAN BERNSTEIN OPPENHEIMER TRUST CO. OF DELAWARE, ET AL.
- iii. Case 16-1476 ELIOT IVAN BERNSTEIN OPPENHEIMER TRUST CO. OF DELAWARE, ET AL.
- iv. Case 16-2249 ELIOT IVAN BERNSTEIN OPPENHEIMER TRUST CO. OF DELAWARE, ET AL.
- v. Case 16-0222 ELIOT IVAN BERNSTEIN TED BERNSTEIN, AS TRUSTEE, ET AL.
- vi. Case 16-1478 ELIOT IVAN BERNSTEIN TED BERNSTEIN, AS TRUSTEE, ETC., ET AL.

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- vii. Case 16-3314 ELIOT IVAN BERNSTEIN TED BERNSTEIN, AS TRUSTEE, ETC., ET AL.
- viii. Case 16-0064 ELIOT IVAN BERNSTEIN TED BERNSTEIN, AS TRUSTEE. ET AL.
- ix. Case 16-3162 ELIOT IVAN BERNSTEIN WILLIAM E. STANSBURY, et al.
- x. Case 16-4120 ELIOT IVAN BERNSTEIN WILLIAM E. STANSBURY, et al.

d. The Florida Supreme Court – Note – Do not submit any information to Chief Judge Jorge Labarga as he is conflicted with the Eliot Bernstein family in these matters.

i. SC16-29

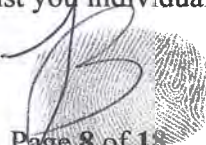
e. The United States District Court Northern District of Illinois Case 1:13-cv-03643 Simon Bernstein Irrevocable Insurance Trust Dtd 6/21/95 v. Heritage Union Life Insurance Company – HONORABLE Judge John Robert Blakey and Chief Judge Ruben Castillo.

i. Case # 13-cv-03643 - Federal Lawsuit in the US District Court of Eastern Illinois

f. United States Court of Appeals for the Seventh Circuit - Chief Judge Diane P. Wood in relation to the Lower Court Case 1:13-cv-03643 Simon Bernstein Irrevocable Insurance Trust Dtd 6/21/95 v. Heritage Union Life Insurance Company.

i. Case No. 17-1461 APPEAL UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

9. **TURN OVER** all of your professional and individual insurance policies and bonding information to me as claims against you individually and professionally and your firm,



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will be forthcoming for the massive damages caused to me from your breaches of fiduciary duties and other misconduct. Your firm appears as follows and I believe it was set up specifically for liability purposes for these matters with my family, immediately prior to your acceptance of Guardian Ad Litem for me:

ADR & MEDIATIONS SERVICES, LLC
Diana Lewis
2765 Tecumseh Drive
West Palm Beach, FL 33409
(561) 758-3017 Telephone
Email: dzlewis@aol.com
By: /s/ Diana Lewis
(Fla. Bar No. 351350)

10. **TURN OVER** all records, documents, emails, faxes, information of any kind regarding me obtained by and during these illegal actions to my attention at my permanent address of, 2753 NW 34th Street, Boca Raton, FL 33434.

I have been notified that on repeated occasions over the past year my father and mother Eliot and Candice Bernstein have notified you directly of my Sui Juris status and you have refused to take any actions to end the improper Guardian Ad Litem and continue to make representations, agreements and settlements on my behalf and hopefully this notice will cause you to **IMMEDIATELY CEASE AND DESIST THIS ILLEGAL CONDUCT.**

I have also been made aware that my father and mother, Eliot and Candice Bernstein have notified state and federal authorities of your misconduct on my behalf, including but not limited to acts such as,

1. Dissolving various Trusts in my name set up by my grandparents,

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2. Dissolving Bernstein Family Realty, LLC, set up by my grandparents of which I am a 33% owner,
3. Making appearances in various court and legal proceedings illegally on my behalf,
4. Consenting to various legal agreements illegally on my behalf,
5. Consenting to various settlements illegally on my behalf.

I have learned that in Case # 502014CP003698XXXXNB – Shirley Bernstein Trust in the Fifteenth Judicial Probate Court you are acting under an alleged Trust created in my name that I was sued as a defendant under with my father, Eliot Bernstein, as Trustee and where I have never received formal notice of any such trust, nor do I believe my parents or any other party, including the courts have received, although I am a beneficiary allegedly under this trust. The Trust I am sued under is titled,

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.
[Emphasis added]

Please provide a copy of the “**Simon L. Bernstein Trust Dtd 9/13/12**” and any subtrusts held thereunder in my name supposedly created on 9/13/12 the date of my grandfather’s death. If you are in possession of any such trust or subtrust OR ANY OTHER TRUST in my name, please instantly turn over all records regarding this legal entity I have been sued under and that you are acting illegally as a Guardian Ad Litem over my person in such legal action under such trust.

I have done preliminary research into your name online since learning of this predatory Guardian Ad Litem placed knowingly upon me as an adult and have learned that you are a FORMER

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Judge and no longer a Florida Registered Judge who has lost her judgeship to Jennifer Ticktin since on or about 2014^{1 2 3} where I learned from the attached articles, "But Ticktin, a 35-year-old partner at Ticktin Law Group and a Boca Raton resident, says she targeted Lewis for a reason. She cited a 2013 Palm Beach County Bar poll in which Lewis ranked last among 34 circuit court judges in categories including knowledge and application of the law, impartiality and judicial demeanor. "I think that right now we have an issue with the incumbent judge," Ticktin said. "Last time she was given a second chance, and I don't think that she did well with that second chance. I think it's time for change." In noting your bar association number above I believe that as both a former judge and current registered attorney at law I need not educate you on your obligations to notify all tribunals, criminal and civil and all parties with any liabilities resulting from your and others you worked in conspire with actions, as required by both State and Federal - Civil, Criminal and Ethical Rules and Statutes.

That these Knowingly, Gross, Willful, Wanton and Reckless Acts, which appear as Financial Exploitation of an Adult through an ILLEGAL GUARDIAN AD LITEM FOR A MINOR and further appear part of a larger conspiracy against the rights of my father, my mother and my brothers are simultaneously being forwarded to state and federal criminal authorities to

¹ "Ugly PBC judicial campaign pits Diana Lewis and Jessica Ticktin" By Jane Musgrave - Palm Beach Post Staff Writer

Updated: 12:41 p.m. Friday, August 08, 2014 | Posted: 7:00 a.m. Friday, August 08, 2014

<http://www.mypalmbeachpost.com/news/local-govt-politics/ugly-pbc-judicial-campaign-pits-diana-lewis-and-jessica-ticktin/NczV3oHgQuXksyXpl11Jdl>

² "Race for Palm Beach County Circuit Judge Group 14 seat is personal" July 19, 2014 | By Brittany Shammass, Sun Sentinel

http://articles.sun-sentinel.com/2014-07-19/news/fl-election-palm-circuit-judges-14-20140719_1_lewis-incumbent-judge-ticktin-law-group

³ "Palm Beach Judge Diana Lewis Loses Judicial Seat to Challenger Raising Issues with Demeanor" Florida You Judge Wednesday, August 27th, 2014 at 5:26 pm by admin by Haydee Oropesa

<http://www.floridayoujudge.com/palm-beach-judge-diana-lewis-loses-judicial-seat-to-challenger-raising-issues-with-demeanor/>

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investigate and prosecute any prior and future criminal acts, so please **govern yourself**
accordingly in any future actions you may take in any matters relating to my family and myself.




[Signature]

[Signature]
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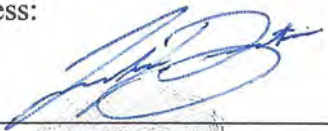
I authorize this Statement and Cease and Desist Request to be filed in any and all state and federal proceedings as relevant and necessary.

Sincerely,

X: 
Jacob Noah Archie Bernstein
2753 NW 34th Street
Boca Raton, FL 33434

Dated: 7-11-17

Witness:

X: 
Name: Joshua Bernstein
2753 NW 34th Street
Boca Raton, FL 33434

Dated: 7/11/17

**RE: DIANA LEWIS DEMAND TO CEASE AND DESIST ILLEGAL GUARDIAN AD
LITEM OF JACOB BERNSTEIN, CORRECT ALL FRAUD, OTHER RELIEF**

EXHIBIT 1

**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.: 502014CP003698XXXXNB

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.

**ORDER ON SUCCESSOR TRUSTEE'S MOTION TO
APPOINT A GUARDIAN AD LITEM; FOR A GAG ORDER TO PROTECT THE
GUARDIAN AND OTHERS; AND TO STRIKE ELIOT BERNSTEIN'S FILINGS**

THIS CAUSE came before the Court for evidentiary hearing on February 25, 2016, on Successor Trustee's Motion for Appointment of a Guardian Ad Litem to Represent the Interests of Eliot Bernstein's Children etc. (the "Motion"). The Court, having considered the record, heard argument of counsel and being otherwise fully advised in the premises, hereby

ORDERS AND ADJUDGES:

1. This Court determined after a trial held on December 15, 2015 that the beneficiaries of The Shirley Bernstein Trust Agreement dated 5/20/2008 (the "Trust") are Simon Bernstein's "then living grandchildren." Under that ruling, Simon's children – including Eliot Bernstein – are not beneficiaries of the Trust. This Court entered a written order dated February 1, 2016, determining Eliot Bernstein lacks standing to participate in this proceeding and striking his individual filings.

2. Eliot Bernstein's three children are among the class of Trust beneficiaries. Eliot seeks to use his role as parent and natural guardian of three trust beneficiaries to give him standing to continue his involvement in this case. The primary issue now raised is whether Eliot Bernstein should be permitted to continuing representing the interests of his minor children, as their parent and natural guardian, in this Trust Proceeding.

3. ~~Despite his status as natural guardian, Eliot will not be permitted to do so, and~~ ^{The} Court will appoint a Guardian ad Litem, because there is a conflict of interest between the parent and the children, and because Eliot Bernstein has proven to be an inadequate representative of the best interests of his children. JRP

4. First, as to the conflict, Eliot's position throughout the case and at trial was that he was a beneficiary of the Trust. He continued ^{and} advancing that position after trial by prosecuting an appeal of the December 16, 2015 Final Judgment. Eliot's individual interests are in conflict with the interests of his children. Under Florida law, a court should appoint a guardian ad litem when a parent's interest conflicts with the interest of her or her minor child. *Mistretta v. Mistretta*, 566 So. 2d 836, 837-38 (Fla. 1st DCA 1990)(best interests of a minor are *not* fully protected when adverse to the interests of the parent); *Florida Nat. Bank & Trust Co. at Miami v. Blake*, 155 So. 2d 798 (Fla. 3d DCA 1963) (court should have appointed a guardian ad litem for minor child when it was

apparent that the interests of the minor conflicted with the interests of the mother and father); *Gilbertson v. Boggs*, 743 So. 2d 123 (Fla. 4th DCA 1999) (guardian ad litem should have been appointed ^{when} ~~then~~ the parents' interests were adverse to the minor child).

5. Second, Fla. Stat. 731.303(4) provides: "If the court determines that representation of the interest would otherwise be inadequate, the court may, at any time, appoint a guardian ad litem to represent the interests of ... a minor ..." ¹ Based upon the evidence presented and the Court's observations at the trial in December 2015 and at the evidentiary hearing on February 25, 2016, and

based upon the Court's review of various motions filed by Eliot Bernstein since the trial, it is apparent Eliot Bernstein is not an adequate representative of the best interests of his children. ^{in fact, his actions are adverse + destructive to the children's interest}

6. Eliot Bernstein states that his agenda includes ridding the court system of corruption among judges, lawyers and fiduciaries, regardless of the cost ^{to} the beneficiaries. He appears to have no interest in the swift and efficient administration of the Shirley Bernstein Trust. He has taken actions to hinder and delay the administration of the Trust, and caused waste of Trust assets to respond to his assertions.

7. To the extent not already covered by this Court's Order dated February 1, 2016, Eliot Bernstein is barred from any further participation in this action, whether individually or as purported parent and natural guardian. Any and all pending motions, claims, or other filings by Eliot Bernstein,

¹ In addition, under section 744.3025, the court *may* appoint a guardian ad litem to represent a minor's interest before approving a settlement of the minor's portion of any cause of action in which the gross settlement of the claim exceeds \$15,000 if the court believes a guardian ad litem is necessary to protect the minor's interest, and "shall appoint a guardian ad litem to represent the minor's interest before approving a settlement of the minor's claim in a case in which the gross settlement involving a minor equals or exceeds \$50,000." Here, it is likely that there will be a settlement at some point in which each of minors receives a substantial distribution, and it is likely Eliot will oppose any such settlement.

on behalf of his children, ^{are} ~~is~~ hereby stricken from the record, without prejudice to the rights of the Guardian Ad Litem to take whatever actions are deemed appropriate.

8. The parties shall attempt to mutually agree on a guardian ad litem. The Court will appoint whomever the parties agree upon within the next three business days. Eliot Bernstein may

participate in such discussions. To the extent the parties, including Eliot Bernstein, are unable to agree on a guardian ad litem, ^{each of the parties shall submit a list of three} upon notice from the Trustee's counsel the Court shall randomly

^{names of potential Guardian Ad Litem's, each of whom has agreed to} appoint a guardian ad litem for Ja.B., Jo.B. and D.B. or schedule a further hearing to appoint a ~~suitable~~ ^{acceptable} Guardian Ad Litem. ^{with the Clerk with courtesy copy to the undersigned, no later than 10 days from this date.}

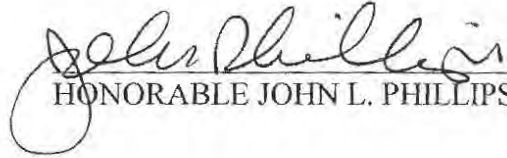
9. The Guardian Ad Litem will have full power and autonomy to represent the interests of the children of Eliot Bernstein, subject to the jurisdiction and review of this Court. The Guardian Ad Litem will be entitled to petition the Court for an award of attorneys' fees to be paid out of the gross proceeds of any recovery, distributions or inheritance to be received by Ja.B., Jo.B, and/or D.B.

10. To protect the integrity and independence of the guardian, Eliot Bernstein and all persons acting in concert with him: (a) shall ^{not} ~~make no effort to~~ contact, email or otherwise communicate with the Guardian Ad Litem except at the request of the Guardian Ad Litem; (b) shall ~~make no statement of any kind about the guardian, nor post information about the guardian on the internet in any fashion; and (c) shall not in any way threaten or harass the guardian. This Court alone shall supervise the guardian, and all information concerning this guardianship shall be treated as private and confidential.~~ Any violation of this order may subject the violator to severe sanctions for contempt of court. The Court will use the full measure of its coercive powers to ensure compliance with this Order.

^{proposed}
* Parties shall furnish a ^{proposed} order appointing G.A.L. with the lists. The Court will act without further hearing on the appointment, if possible.

11. The Court reserves jurisdiction to enforce all terms of this Order, and to oversee the service of the guardian ad litem appointed.

DONE and ORDERED in Chambers, North County Courthouse on 3-1-16, 2016.


HONORABLE JOHN L. PHILLIPS

cc: Attached service list

SERVICE LIST Case No.: 502014CP003698XXXXNBIJ

Eliot Bernstein, individually
and Eliot and Candice Bernstein,
as Parents and Natural Guardians of
D.B., Ja. B. and Jo. B, Minors
2753 NW 34th Street
Boca Raton, FL 33434
(561) 245-8588 - Telephone
(561) 886-7628 - Cell
(561) 245-8644 - Facsimile
Email: Eliot I. Bernstein (iviewit@iviewit.tv)

John P. Morrissey, Esq.
330 Clematis Street, Suite 213
West Palm Beach, FL 33401
(561) 833-0866 - Telephone
(561) 833-0867 - Facsimile
Email: John P. Morrissey
(john@jmorrisseylaw.com)
Counsel for Molly Simon, Alexandra Bernstein,
Eric Bernstein, Michael Bernstein

Lisa Friedstein, individually and as trustee for
her children, and as natural guardian for M.F.
and C.F., Minors; and Max Friedstein
lisa.friedstein@gmail.com

Jill Iantoni, individually and as trustee for her
children, and as natural guardian for J.I. a minor
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slobdell@ciklinlubitz.com

JOHN L. PHILLIPS
CIRCUIT JUDGE
NORTH COUNTY COURTHOUSE
3188 PGA BOULEVARD
PALM BEACH GARDENS, FL 33410



UNITED STATES POSTAGE

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Eliot Bernstein and Candice Bernstein
2753 NW 34th Street
Boca Raton, FL 33434



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**RE: DIANA LEWIS DEMAND TO CEASE AND DESIST ILLEGAL GUARDIAN AD
LITEM OF JACOB BERNSTEIN, CORRECT ALL FRAUD, OTHER RELIEF**

**RE: DIANA LEWIS DEMAND TO CEASE AND DESIST ILLEGAL GUARDIAN AD
LITEM OF JACOB BERNSTEIN, CORRECT ALL FRAUD, OTHER RELIEF**

EXHIBIT 2

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.

ORDER APPOINTING DIANA LEWIS AS GUARDIAN AD LITEM FOR
ELIOT BERNSTEIN'S CHILDREN, JO.B.; JA. B.; and D.B.

THIS CAUSE came before the Court at an evidentiary hearing held on February 25, 2016,
on Successor Trustee's Motion for Appointment of a Guardian Ad Litem to Represent the Interests
of Eliot Bernstein's Children etc. (the "Motion"). Having considered the Motion and the arguments
of the parties, taken judicial notice of the matters requested in the Motion, and being otherwise duly
advised in the premises, the Court entered an Order in this matter, and a companion order in Case
No. 502014CP002815XXXXNB, granting motions to appoint a guardian ad litem for Eliot's

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children, Jo.B., Ja.B. and D.B., and setting forth a protocol for selecting a guardian ad litem. Having received the parties' notices contemplated under the companion order, the Court hereby appoints a guardian ad litem as follows:

1. Diana Lewis is hereby appointed as the guardian ad litem for Jo.B., Ja.B. and D.B. in this case, with sole and exclusive authority to represent their interests in this case. The guardian ad litem shall be entitled to petition the Court for reasonable compensation for his/her services, to be paid out of the gross proceeds of any recovery, distributions or inheritance to be received by the Jo.B., Ja.B. and D.B. from the Shirley Bernstein Trust u/a/d May 20, 2008, as amended, the Simon Bernstein Trust, and/or the Estates of Simon or Shirley Bernstein.

2. The guardian ad litem shall file an acceptance of appointment with this Court, with a copy to the parties listed at the end of this Order, within 5 business of the date of this Order; otherwise, the parties shall notify the Court by letter that the appointment has not been accepted, in which case the Court will either appoint an alternate guardian ad litem without further hearing or hold an additional hearing to select an alternate guardian ad litem.

3. The guardian ad litem shall have sufficient time after his/her acceptance of this appointment to within which to prepare necessary court filings and prepare for mediation as ordered by the Court at a hearing held on March 7, in the related case of Estate of Simon Bernstein.

4. Trustee and the guardian ad litem shall confer in good faith regarding a resolution of this matter and/or a time frame within which to try any unresolved issues.

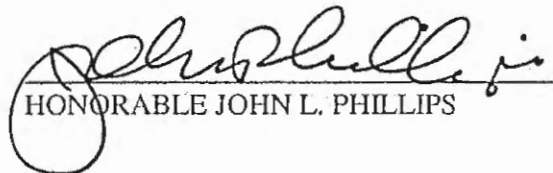
5. Pursuant to the Order dated March 1, 2016, the Guardian Ad Litem will have full power and autonomy to represent the interests of the children of Eliot Bernstein, subject to the jurisdiction and review of this Court. The Guardian Ad Litem will be entitled to petition the Court

for an award of attorneys' fees to be paid out of the gross proceeds of any recovery, distributions or inheritance to be received by Ja.B., Jo.B, and/or D.B.

6. To protect the integrity and independence of the guardian, Eliot Bernstein and all persons acting in concert with him: (a) shall not contact, email or otherwise communicate with the Guardian Ad Litem except at the request of the Guardian Ad Litem; and (b) shall not in any way threaten or harass the guardian. This Court alone shall supervise the guardian. Any violation of this order may subject the violator to severe sanctions for contempt of court. The Court will use the full measure of its coercive powers to ensure compliance with this Order.

7. The guardian ad litem shall notify this Court and Trustee of any actions taken by Eliot and/or Candice Bernstein which interfere with the guardian ad litem's duties hereunder.

DONE and ORDERED in Chambers, North County Courthouse on 4-4, 2016.


HONORABLE JOHN L. PHILLIPS

cc: Attached service list

SERVICE LIST Case No.: 502014CP003698XXXXNBIH

Eliot Bernstein and Candice Bernstein,
as Parents of
D.B., Ja. B. and Jo. B, Minors
2753 NW 34th Street
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Counsel for Molly Simon, Alexandra Bernstein,
Eric Bernstein, Michael Bernstein.

Lisa Friedstein, individually and as trustee for
her children, and as natural guardian for M.F.
and C.F., Minors; and Max Friedstein
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jfoglietta@ciklinlubitz.com;
service@ciklinlubitz.com;
slobdell@ciklinlubitz.com



STATE OF FLORIDA • PALM BEACH COUNTY

I hereby certify that the
foregoing is a true copy
of the record in my office.

THIS 18 DAY OF May 2016

SHARON R. BOCK
CLERK & COMPTROLLER

By *Victoria Kanger*
DEPUTY CLERK

**RE: DIANA LEWIS DEMAND TO CEASE AND DESIST ILLEGAL GUARDIAN AD
LITEM OF JACOB BERNSTEIN, CORRECT ALL FRAUD, OTHER RELIEF**

EXHIBIT 3

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

PROBATE DIVISION

CASE NO.: 502014CP002815XXXXNB (IH)

OPPENHEIMER TRUST COMPANY
OF DELAWARE, in its capacity as
Resigned Trustee of the Simon Bernstein
Irrevocable Trusts created for the benefit
of Joshua, Jake and Daniel Bernstein,

Petitioner,

vs.

ELIOT AND CANDICE BERNSTEIN,
in their capacity as parents and natural
guardians of JOSHUA, JAKE AND
DANIEL BERNSTEIN, minors,

Respondents.

**ORDER APPOINTING GUARDIAN AD LITEM FOR MINORS,
JOSHUA, JAKE AND DANIEL BERNSTEIN**

THIS CAUSE came before the Court at an evidentiary hearing held on February 25, 2016 upon the *Omnibus Motion (I) To Appoint A Guardian Ad Litem For The Minor Beneficiaries Of The "Grandchildren Trusts;" (II) To Hold Eliot And Candice Bernstein In Contempt Of Court For Their Continued Violation Of A Court Order And Repeated Statements Assaulting The Dignity Of The Court; And (III) To Establish A Schedule And Protocol For Accounting And Turnover Proceedings* (the "Motion") filed by Petitioner, Oppenheimer Trust Company Of Delaware ("Oppenheimer"), in its capacity as the resigned trustee of three Irrevocable Trusts settled by Simon Bernstein on September 7, 2006 for the benefit of his grandchildren, minors, Joshua, Jake and Daniel Bernstein (the "Grandchildren Trusts"). Having considered the Motion

and the arguments of the parties, taken judicial notice of the matters requested in the Motion, and being otherwise duly advised in the premises, the Court rules as follows:

1. The sole beneficiaries of the Grandchildren Trusts, and the only real parties in interest in this litigation (other than Oppenheimer), are Joshua, Jake and Daniel Bernstein (the “Minor Beneficiaries”). Neither Eliot nor Candice Bernstein (the “Bernsteins”) were sued in their individual capacities by Oppenheimer, nor have they moved for, or been granted, permission to intervene in their individual capacities. They have been afforded standing in these proceedings, to date, solely as the parents and natural guardians of the Minor Beneficiaries.

2. The Bernsteins have been shown to have multiple conflicts of interest with the Minor Beneficiaries. For example, in their pleadings, they repeatedly allege that the trusts created for the Minor Beneficiaries’ benefit are fraudulent and that they, and not their children, are the true beneficiaries. *Counter-Complaint*, ¶¶ 44-50, 52-60, 65, 109-110, 186 and 253; *Objection to Oppenheimer Accountings*, pp. 1 and 20. In addition, the Bernsteins insist that their overarching goal in this litigation “is to bring about a change in the legal system in efforts to root out systemic corruption at the highest levels by a rogue group of criminals disguised as attorneys at law, judges, politicians and more.” *Counter-Complaint*, ¶ 212. No reasonable inference can be drawn that the Minor Beneficiaries have a similar interest or agenda, or that pursuing such an agenda at the risk of dissipating their own inheritance is in their best interest.

3. Eliot Bernstein also has a history of vexatious litigation and public disrespect for and disobedience to the judicial system and its officers, as detailed in Oppenheimer’s Motion. Eliot Bernstein was adjudicated a vexatious litigant by the United States District Court for the Southn Distreict of New York and enjoined from filing further specified claims in any court without its prior permission. Yet, Eliot Bernstein asserted those enjoined claims in his Counter-

Complaint in apparent violation of the injunction. The Bernsteins are in continued violation of a May 4, 2015 Order entered by Judge Martin Colin, which required compliance over nine months ago, and in recent filings with Florida appellate courts, the Bernsteins insist that all orders entered in this case “are void as a matter of law, and are of no legal force and effect.” *Petition for All Writs (dated January 29, 2016)*, ¶ 101. Further, the Bernsteins have repeatedly alleged that multiple judges have committed fraud in their official capacities in these proceedings and that all Florida judges have conflicts of interest which prohibit them from presiding over these proceedings. *Id.*, ¶ 106-107. All of the above, and certainly in combination, render the Bernsteins inappropriate and inadequate representatives for the Minor Beneficiaries in this litigation.

4. For the above reasons, the guardian *ad litem* appointed in Case No.: 502014CP003698XXXXNB shall be deemed appointed simultaneously as the guardian *ad litem* for the Minor Beneficiaries in this case, with sole and exclusive authority to represent the Minor Beneficiaries’ interests in this case. The guardian *ad litem* shall be entitled to petition for reasonable compensation for his/her services, to be paid out of the gross proceeds of any recovery, distributions or inheritance to be received by the Minor Beneficiaries from the Shirley Bernstein Trust u/a/d May 20, 2008, as amended, the Simon Bernstein Trust, and/or the Estates of Simon or Shirley Bernstein.

5. The Answer and Counter-Complaint filed by Eliot and Candice Bernstein (which they purport to file (i) “Individually, PRO SE;” (ii) “as the Natural Guardians of [the Minor Beneficiaries];” (iii) “as Guardians of the members of Bernstein Family Realty, LLC;” and (iii) “as beneficiaries of [sixteen (16) Trusts, two (2) Estates, and multiple] Corporate Entities set up by Simon and Shirley Bernstein”), and the “Objection to Final Accounting; Petition for Formal, Detailed Audited and Forensic Accounting and Document Production” (the “Objection”) filed by

Eliot and Candice Bernstein, "individually and on behalf of [their] minor children, who are alleged qualified beneficiaries of Settlor's Estate and Trusts," are hereby stricken.

6. The guardian *ad litem* shall have 45 days from his/her appointment within which to file a response to Oppenheimer's Petition and objections, if any, to Oppenheimer's accountings.

7. Oppenheimer and the guardian *ad litem* shall confer in good faith regarding a resolution of this matter and/or a timeframe within which to try any unresolved issues.

8. Neither Eliot nor Candice Bernstein shall take any action which interferes with the guardian *ad litem*'s duties.

9. ^{The pending Motion for Contempt as to} Eliot and Candice Bernstein ~~are also held to be in contempt of court~~ for their willful violation of Judge Martin Colin's May 4, 2015 Order, ^{in MOST.} ~~The Court withholds coercive sanctions based upon the appointment of a guardian *ad litem* and striking of the Bernsteins' pleadings, which renders the Bernsteins' compliance moot.~~

DONE AND ORDERED in Chambers, Palm Beach County, Florida on

3-1-, 2016.


Hon. John L. Phillips, Circuit Judge

Copies furnished to:

Steven A. Lessne, Esq.
Gunster, Yoakley & Stewart, P.A.
4855 Technology Way, Suite 630
Boca Raton, FL 33431

Eliot and Candice Bernstein
2753 N.W. 34th Street
Boca Raton, FL 33434

**RE: DIANA LEWIS DEMAND TO CEASE AND DESIST ILLEGAL GUARDIAN AD
LITEM OF JACOB BERNSTEIN, CORRECT ALL FRAUD, OTHER RELIEF**

EXHIBIT 4

**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.

_____ /

NOTICE OF FILING AND OF SERVING NOTICE OF ACCEPTANCE

Plaintiff, Ted S. Bernstein (the "Trustee"), as Successor Trustee of the Shirley Bernstein Trust Agreement dated May 20, 2008, as amended, hereby gives notice of filing the attached, *Notice of Acceptance of Appointment as Guardian Ad Litem for Jo.B., Ja.B., and D.B.* as requested by appointed Guardian Ad Litem, Diana Lewis.

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 7th day of April, 2016.

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Secondary: mchandler@mrachek-law.com
Attorneys for Ted S. Bernstein

By: /s/ Alan B. Rose
Alan B. Rose (Fla. Bar No. 961825)

SERVICE LIST Case No.: 502014CP003698XXXXNBIH

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Counsel for Molly Simon, Alexandra Bernstein,
Eric Bernstein, Michael Bernstein

Lisa Friedstein, individually and as trustee for her
children, and as natural guardian for M.F. and
C.F., Minors; and Max Friedstein
lisa.friedstein@gmail.com

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children, and as natural guardian for J.I. a minor
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jfoglietta@ciklinlubitz.com;
service@ciklinlubitz.com;
slobdell@ciklinlubitz.com

**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.

Plaintiff,

v.

Probate Division
Case No.:2014CP003698 (IH)

ALEXANDRA BERNSTEIN; ERIC BERNSTEIN;
MICHAEL BERNSTEIN; MOLLY SIMO;
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 of 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
Friedman and C.F., under the Simon L.
Bernstein Trust Dtd 9/13/12, and on
bealf of her minor child, C.F.,

Defendants.

**NOTICE OF ACCEPTANCE OF APPOINTMENT AS GUARDIAN AD LITEM FOR
Jo.B., Ja.B. AND D.B. IN THE ABOVE STYLED CASE**

COMES NOW Diana Lewis and notifies the court of her
acceptance of appointment as Guardian *ad litem* for Eliot
Bernstein's minor children, Jo.B., Ja.B. and D.B. pursuant to
this court's order dated April 4, 2016, and the terms and
conditions set forth therein.

Page Two
Case no.: 2014CP003698 (IH)

CERTIFICATE OF SERVICE

I CERTIFY that a true and correct copy of the foregoing has been furnished to the parties by E-mail Electronic Transmission on the attached Service List for Case No.: 2014CP003698 (IH) this 7th day of April, 2016.

ADR & MEDIATIONS SERVICES, LLC
Diana Lewis
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West Palm Beach, FL 33409
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Email: dzlewis@aol.com

By: /s/ Diana Lewis
Diana Lewis (Fla. Bar No. 351350)
(Mediator No.:32461 R)

SERVICE LIST Case No.: 502014CP003698XXXXNBIH

Eliot Bernstein and Candice Bernstein,
as Parents of
D.B., Ja. B. and Jo. B, Minors
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Counsel for Molly Simon, Alexandra Bernstein,
Eric Bernstein, Michael Bernstein

Lisa Friedstein, individually and as trustee for
her children, and as natural guardian for M.F.
and C.F., Minors; and Max Friedstein
lisa.friedstein@gmail.com

Jill Iantoni, individually and as trustee for her
children, and as natural guardian for J.I. a minor
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Email: boconnell@ciklinlubitz.com;
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service@ciklinlubitz.com;
slobdell@ciklinlubitz.com

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

OPPENHEIMER TRUST COMPANY OF
DELAWARE, in its Capacity As Resigned
Trustee of the Simon Bernstein Irrevocable Trusts
Created for the Benefit of of Jo. B., Ja. B., and D.B.,
Minors

Probate Division
Case No.: 502014CP002815XXXXSB(IY)

Petitioner,

v.

ELIOT AND CANDICE BERNSTEIN, in their
Capacity as Parents and Natural Guardians of Jo. B.,
Ja. B., and D.B., Minors
Respondents.

_____ /

NOTICE OF FILING AND OF SERVING NOTICE OF ACCEPTANCE

Ted S. Bernstein (the "Trustee"), as Successor Trustee of the Shirley Bernstein Trust Agreement dated May 20, 2008, as amended, hereby gives notice of filing the attached, *Notice of Acceptance of Appointment as Guardian Ad Litem for Jo.B., Ja.B., and D.B.* as requested by appointed Guardian Ad Litem, Diana Lewis.

SERVICE LIST

Eliot Bernstein
Candice Bernstein,
as Parents and Natural Guardians of
D.B., Ja. B. and Jo. B, Minors
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Counsel for Petitioner

Alan Rose, Esq.
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IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT IN AND FOR
PALM BEACH COUNTY, FLORIDA

OPPENHEIMER TRUST COMPANY OF DELAWARE,
in its capacity as Resigned Trustee of
the Simon Bernstein Irrevocable Trusts
created for the benefit of Joshua, Jake
and Daniel Bernstein,

Petitioner,

vs.

Probate Division
Case No.: 2014CP002815 (IH)

ELIOT AND CANDICE BERNSTEIN,
in their capacity as parents and
natural guardians of JOSHUA, JAKE
AND DANIEL BERNSTEIN, minors,

Respondents.

**NOTICE OF ACCEPTANCE OF APPOINTMENT AS GUARDIAN AD LITEM FOR
JOSHUA, JAKE AND DANIEL BERNSTEIN IN THE ABOVE STYLED CASE**

COMES NOW Diana Lewis and notifies the court of her
acceptance of appointment as Guardian *ad litem* for JOSHUA, JAKE
and DANIEL BERNSTEIN (the "Minor Beneficiaries") pursuant to
this court's order dated April 4, 2016.

CERTIFICATE OF SERVICE

I CERTIFY that a true and correct copy of the foregoing has
been furnished to the parties by E-mail Electronic Transmission
on the attached Service List for Case No.: 2014CP002815 (IH)
this 7th day of April, 2016.

ADR & MEDIATIONS SERVICES, LLC
Diana Lewis
2765 Tecumseh Drive
West Palm Beach, FL 33409
(561) 758-3017 Telephone
Email: dzlewis@aol.com
By: /s/ Diana Lewis
(Fla. Bar No. 351350)

Page Two

SERVICE LIST Case No.: 2014CP002815

Steven A. Lessne
Gunster, Yoakley & Stuart, P.A.
4855 Technology Way, Suite 630
Boca Raton, FL 33431

Eliot and Candice Bernstein
2753 N.W. 34th Street
Boca Raton, FL 33434

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

IN RE:

CASE NO. 50-2012-CP-004391-XXXX-NB

ESTATE OF SIMON L. BERNSTEIN

DECEASED.

**OBJECTION TO MOTION TO APPROVE MEDIATION SETTLEMENT
AGREEMENT WITH TESCHER & SPALLINA, P.A.**

COMES NOW Joshua Bernstein, by and through his undersigned legal counsels, Paul D. Turner, Esq., Christopher Perré, Esq., the law firm of Perlman, Bajandas, Yevoli & Albright, P.L., (“PBY&A”), and Marc J. Soss, Esq. (collectively “Counsel”), hereby files this objection to the Motion to Approve Mediation Settlement Agreement (the “Mediation Agreement”) and states as follows:

Background

1. On or about October 2, 2012, probate proceedings were commenced for the decedent.
2. At the time the proceedings were commenced, Joshua Bernstein (“Joshua”), one of the beneficiaries of the Estate and Trust of Simon L. Bernstein was a minor with a date of birth in August 1997.
3. On March 8, 2016, a Motion for Appointment of a Guardian Ad Litem (“GAL Motion”) to represent the interests of the children of Eliot Bernstein was filed with this Court. At the time the GAL Motion was filed Joshua was over the age of eighteen (18) years and did not require a guardian-ad-litem to be appointed for him.
4. On April 8, 2016, this Court approved the GAL Motion and appointed Diana Lewis, Esquire (“Lewis”), as the guardian-ad-litem for Joshua.
5. On November 9, 2016, a Motion to Approve Compromise and Settlement, Appoint a Trustee for the Trusts created for D.B., Ja.B. & Jo.B and Determine Compensation for Guardian-Ad-Litem was filed with this Court.
6. On October 27, 2017, a Motion to Direct Payments for Benefit of Eliot's Children to Court Registry in lieu of Appointing Trustee; and to Determine Compensation for Guardian Ad Litem and Discharge Guardian was filed with this Court. The matter is scheduled for hearing

on February 6, 2018.

Florida Guardian-Ad-Litem

7. Section 744.102(10) of the Florida Statutes defines the term “Guardian-Ad-Litem” as “a person who is appointed by the court having jurisdiction of the guardianship or a court in which a particular legal matter is pending to represent a ward in that proceeding.”

8. Section 744.3025, Claims of Minors, of the Florida Statutes, further provides:

(1)(a) The court may appoint a guardian ad litem to represent the minor’s interest before approving a settlement of the minor’s portion of the claim in a case in which a minor has a claim for personal injury, property damage, wrongful death, or other cause of action in which the gross settlement of the claim exceeds \$15,000 if the court believes a guardian ad litem is necessary to protect the minor’s interest.

(b) Except as provided in paragraph (e), the court shall appoint a guardian ad litem to represent the minor’s interest before approving a settlement of the minor’s claim in a case in which the gross settlement involving a minor equals or exceeds \$50,000.

(c) The appointment of the guardian ad litem must be without the necessity of bond or notice.

(d) The duty of the guardian ad litem is to protect the minor’s interests as described in the Florida Probate Rules.

(e) A court need not appoint a guardian ad litem for the minor if a guardian of the minor has previously been appointed and that guardian has no potential adverse interest to the minor.

(2) Unless waived, the court shall award reasonable fees and costs to the guardian ad litem to be paid out of the gross proceeds of the settlement.

(3) A settlement of a claim pursuant to this section is subject to the confidentiality provisions of this chapter.

9. A Guardian-Ad-Litem is appointed to represent the best interests of either an incapacitated individual or a minor in a legal proceeding.

Basis for Objection

10. At the time that Lewis was appointed to be the guardian ad litem for Joshua, he was neither a minor nor incapacitated. As a result, a guardian ad litem should not have been appointed for Joshua.

11. Between April 8, 2016, the date Lewis was appointed as guardian ad litem for Joshua and the date hereof, Lewis owed a fiduciary duty to Joshua. Notwithstanding said duty, Lewis has never communicated with him, discussed the legal proceedings or made him aware of the alleged settlement reached during the mediation. As of the date of the filing of this objection, Joshua is completely unaware of the terms of the proposed settlement and has never been provided a copy of the mediation settlement agreement.

12. As a result, a guardian ad litem should not have been ever appointed for Joshua, had no authority to bind Joshua to any settlement agreements she may have allegedly entered into on his behalf, and any settlements negotiated and/or entered into on his behalf by Lewis should be deemed void.

Conclusion

WHEREFORE, Joshua Bernstein pray this Honorable Court for an order (i) denying the Motion to Approve Mediation Settlement Agreement and all supplemental matters related thereto; (ii) removing Diana Lewis, Esquire as the guardian-ad-litem for Joshua; and (iii) awarding such other and further relief as deemed just and equitable under the circumstances.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 5, 2018, a true and correct copy of the foregoing document is being served, pursuant to Rule 2.516(b), Fla. R. Jud. Admin., *via* Florida Courts e-Filing Portal to the names and e-mail addresses provided by all parties, counsel of record and *pro se* parties.

Dated: February 5, 2018.

Respectfully submitted,

/s/ Paul Turner

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Attorneys for Beneficiary, Joshua Bernstein.

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.

**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.¹

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

¹ 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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SERVICE LIST Case No.: 502014CP003698XXXXNBIH

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**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
LANTONI, 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.

**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**

THIS CAUSE came before the Court on November 15, 2017 on Ted Bernstein's *Motion to Modify Order Dated May 22, 2017 etc.* ("the Motion"). The Court, having reviewed the Motion and the record, and having been otherwise fully advised in the premises, hereby ORDERS AND ADJUDGES:

1. The Motion is GRANTED, such that the settlement previously approved by Order dated May 22, 2017, is modified as set forth in this Order.

2. One of the issues now before the Court is the selection of a trustee to serve in place of Eliot Bernstein in connection with the three Eliot Children Trusts created under the Simon L. Bernstein Amended and Restated Trust Agreement dated 7-25-12 ("Simon's Trust"), for the ultimate benefit of D.B, Ja. B and Jo. B ("Eliot's Children").

3. In connection with the same issue being decided by this Court in the Simon Bernstein Estate Matter, Case No. 2012CA004391XXXXNBIH ("Simon's Estate"), the Court heard evidence and argument, and separately made rulings on these same issues raised in this Motion. Based on the rulings made in Simon's Estate matter, the Court hereby makes the same rulings in this case for the same reasons, as follows below.

4. Based upon the evidence addressed in the Simon Trust order, and because this Court already has determined (i) Eliot Bernstein's actions were adverse and destructive to his children's interest (in connection with appointment the Guardian Ad Litem), and (ii) it will be difficult or impossible to find a replacement Trustee, the Court reluctantly directs all funds from the Shirley Bernstein Trust to be paid for the benefit of Eliot's Children shall be deposited into the Registry of the Court, under the terms and conditions set forth in this Order.

5. The Court-awarded fees and costs to the GAL were determined in the Simon Estate Order and apply equally here. Such compensation will be paid before the distribution of any funds into the Registry. The Court directs the Trustee to pay such fees directly to the GAL.

6. Any and all funds which would otherwise be paid into the Eliot Children's Trust, as defined in the Settlement Agreement or any other agreement (including any settlement proceeds from

* A copy of that ORDER is attached here to as Exhibit A.

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, and such funds will be released under the following conditions:

a. if the Court at any time appoints a successor trustee for any or all of the Eliot Children's Trust, all funds held in the Registry of the Court will be released to such trustee, to hold in an appropriate trust account solely for the benefit of Eliot's Children, consistent with the terms of Simon's Trust (the relevant parts of which are attached as Exhibit **B**).

b. if no successor trustee has yet been appointed and any of Eliot's Children requests a distribution consistent with the terms of Simon's Trust, such child could seek such distribution by filing a motion with the Court. Upon the filing of any such motion, this Court will consider such request in light of the terms of Simon's Trust, and will direct the Clerk to release such funds as this Court deems appropriate under the circumstances; and

c. upon each child reaching the age of 35, each such child is entitled to seek the immediate release of all remaining funds held by the Clerk of the Court, upon motion and order.

7. By entry of this order which resolves the need for a new trustee, and upon the entry of orders approving all of the pending settlement agreements involving the GAL, the GAL shall be discharged and her reasonable hourly rate and compensation shall be split equally between the three Eliot Children's Trust.

8. Notwithstanding the discharge of the GAL, the Court's prior *Order on Successor Trustee's Motion to Appoint a Guardian ad Litem; for a Gag Order to Protect the Guardian and*

Others; and to Strike Eliot Bernstein's Filings dated March 1, 2016¹ (the "Order" [DE 161]) will remain in full force and effect.

9. For the reasons set forth in the Simon Estate Order, based upon the GAL's background, her time and expense records and her testimony, the Court determined the reasonable compensation of the GAL. The amount awarded in the Simon Estate Order covered all matters, including this one, and if needed, the Court would have entered the same award in this case. The amount awarded shall be paid by the Trustee from the funds available for the distributions to Eliot's Children, split 1/3 each.

DONE AND ORDERED in Chambers, North County Courthouse on 12/4, 2017.



HONORABLE ROSEMARIE SCHER

cc: All parties on the attached service list

¹The Order provides at paragraph 10:

To protect the integrity and independence of the guardian, Eliot Bernstein and all persons acting in concert with him: (a) shall not contact, email or otherwise communicate with the Guardian Ad Litem except at the request of the Guardian Ad Litem; (b) shall not in any way threaten or harass the guardian. This Court alone shall supervise the Guardian. Any violation of this order may subject the violator to severe sanctions for contempt of court. The Court will use the full measure of its coercive powers to ensure compliance with this Order.

SERVICE LIST Case No.: 502014CP003698XXXXNBIJ

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**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 (i) TRUSTEE'S MOTION TO APPROVE COMPROMISE AND SETTLEMENT (ii) APPOINT A TRUSTEE FOR THE TRUSTS CREATED FOR D.B., J.A.B., AND JO.B, AND (iii) DETERMINE COMPENSATION FOR GUARDIAN AD LITEM [D.E. #498]; (iv) MOTION TO DIRECT PAYMENTS FOR BENEFIT OF ELIOT'S CHILDREN TO COURT REGISTRY IN LIEU OF APPOINTING TRUSTEE; AND (v) TO DETERMINE COMPENSATION FOR GUARDIAN AD LITEM AND DISCHARGE GUARDIAN [D.E. 724]

THIS CAUSE came before the Court on Wednesday, November 15, 2017 on Trustee's *Motion to Approve Compromise and Settlement, Appoint a Trustee for the Trusts Created for D.B., J.A.B., and Determine Compensation for Guardian Ad Litem* (D.E. 498) and Trustee's *Motion to Direct Payments for Benefit of Eliot's Children to Court Registry in Lieu of Appointing a Trustee and to Determine Compensation for Guardian Ad Litem and Discharge Guardian* (D.E. 724) (collectively the "Motions"). The Court, having reviewed the Motions and 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 Motions are granted in part as set forth in this Order.
2. After mediation, a written Mediation Settlement Agreement ("Settlement") 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

3. The Settlement is approved and made effective immediately, subject to the terms of the Settlement. The Court will retain jurisdiction to enforce and fully implement the Settlement.

4. One of the issues now before the Court is the selection of a trustee to serve in place of Eliot Bernstein in connection with the three Eliot Children Trusts created under the Simon L. Bernstein Amended and Restated Trust Agreement dated 7-25-12 ("Simon's Trust"), for the ultimate benefit of D.B, Ja. B and Jo. B ("Eliot's Children").

5. The Court heard evidence from the Guardian Ad Litem, Diana Lewis. Lewis is an experienced member of The Florida Bar, who testified to having more than 20 years of experience in private practice plus approximately 12 years experience as a circuit court judge in Palm Beach County, including time serving as a judge in this Court's Probate Division.

6. Lewis testified that she would not agree to serve as trustee for the three Eliot's Children's Trust. Further, based on her experience as a lawyer and a judge and the unique circumstances of this case, Lewis testified she believes no corporate trustee would accept an appointment as trustee for the Eliot Children's Trust. Lewis explained her belief that no corporate trustee would likely take an appointment in this matter due to the small asset size of the trusts, the limited fees to be earned, and the unique nature of the parties to this case. A brief

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.

review of the docket establishes a level of contentiousness and litigiousness that is unprecedented. Lewis testified that the Shirley Bernstein Trustee had communicated with Eliot Ivan Bernstein and with Eliot's Children, and received no suggestions for the new trustee. Lewis is not aware of any attorney or other person willing to serve as trustee.

7. Because this Court already has determined that Eliot Bernstein's actions were adverse and destructive to his children's interest (in connection with appointment the Guardian Ad Litem), and given the difficulty or impossibility of finding a trustee, the Court reluctantly directs all funds for the benefit of Eliot's Children to be deposited into the Registry of the Court, under the terms and conditions set forth in this Order.

8. The Court-awarded fees to the GAL as set forth below, will be paid before the distribution of any funds into the Registry. The Court directs the Trustee to pay such fees directly to the GAL.

9. Any and all funds which would otherwise be paid into the Eliot Children's Trust, as defined in the Settlement Agreement or 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, and such funds will be released under the following conditions:

a. if the Court at any time appoints a successor trustee for any or all of the Eliot Children's Trust, all funds held in the Registry of the Court will be released to such trustee, to hold in an appropriate trust account solely for the benefit of Eliot's Children, consistent with the terms of Simon's Trust (the relevant parts of which are attached as Exhibit A).

b. if no successor trustee has yet been appointed and any of Eliot's Children requests a distribution consistent with the terms of Simon's Trust, such child could seek such distribution by filing a motion with the Court. Upon the filing of any such motion, this Court will consider such request in light of the terms of Simon's Trust, and will direct the Clerk to release such funds as this Court deems appropriate under the circumstances; and

c. upon each child reaching the age of 35, each such child is entitled to seek the immediate release of all remaining funds held by the Clerk of the Court, upon motion and order.

10. By entry of this order which resolves the need for a new trustee, and upon the entry of orders approving all of the pending settlement agreements involving the GAL, the GAL shall be discharged. The GAL's reasonable compensation shall be split equally between the three Eliot Children's Trust.

11. Notwithstanding the discharge of the GAL, the Court's prior *Order on Successor Trustee's Motion to Appoint a Guardian ad Litem; for a Gag Order to Protect the Guardian and Others; and to Strike Eliot Bernstein's Filings* dated March 1, 2016² (the "Order" [DE 161]) will remain in full force and effect.

² The Order provides at paragraph 10:

To protect the integrity and independence of the guardian, Eliot Bernstein and all persons acting in concert with him: (a) shall not contact, email or otherwise communicate with the Guardian Ad Litem except at the request of the Guardian Ad Litem; (b) shall not in any way threaten or harass the guardian. This Court alone shall supervise the Guardian. Any violation of this order may subject the violator to severe sanctions for contempt of court. The Court will use the full measure of its coercive powers to ensure compliance with this Order.

12. As to the issue of determining the reasonable compensation of the GAL, the Court heard further testimony from the GAL and received into evidence time and expense records of the GAL. The time and expense reports from March 4, 2016 showed a total of 122 hours and 16 minutes as of October 27, 2017, not including time preparing for and attending the November 15th hearing and any further proceedings in this case. The GAL also incurred travel expenses of \$179.16 in mileage costs.

13. In addition to authenticating and verifying the accuracy of her time and expense records, the GAL explained that her standard hourly rate for work as an attorney after leaving the bench was \$350 per hour. The Court finds such rate would be reasonable for a lawyer and former circuit judge with the experience held by the GAL as noted above. Notwithstanding her standard hourly rate, the GAL testified that she had agreed to this appointment at a lower rate to be determined by this Court in the best interests of Eliot's Children. The GAL explained her willingness to take a reduced rate given the time and expense that had predated her involvement, the relatively small amount of assets, and the circumstances of this case. The GAL further explained that she had already reduced some of her time entries as a courtesy by not including every single item of work or the full amount of time when she performed services as GAL on behalf of the best interests of Eliot's Children. This Court took the time to review each entry. The GAL's billing was reasonable. It is clear the GAL was specific to the amount of time spent, a few entries were actually billed for only one minute.

14. In this particular case, it is clear that the Guardian's extensive background and knowledge as a lawyer benefitted the interests of the children. In determining a reasonable rate, the Court weighed this against the Guardian's desire to conserve the assets of the children. The

Court notes a professional guardian on the 15th Judicial “wheel” is charged at \$95 an hour. The professional guardians are not required to be lawyers. Lawyers who serve as Guardians Ad Litem in family cases range from pro bono to \$350.00 an hour.³ Based upon the GAL's background, her time and expense records and her testimony that she had agreed to a discounted rate and wished to conserve the assets for the children, the Courts finds as to the reasonable compensation of the GAL:

a. The reasonable hourly rate for the work performed by the GAL in this matter is:

\$_250.00_;

b. The total number of hours reasonably expended by the GAL is:

\$__122.27_ hours (122 hours and 16 minutes) through October 27, 2017;

c. Therefore, the total reasonable fee for the work performed by the GAL in this matter (rate x number of hours) is:

\$____30,567.50_;

d. The total costs reasonably expended by the GAL are

\$__179.16_____;

e. Therefore, the total for reasonable fees and costs awarded to the GAL is

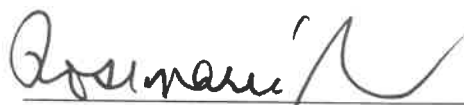
\$____30,746.66_____;

which shall be paid by the Trustee from the funds available for the distributions to Eliot's Children, split 1/3 each.

³ This range is from lists distributed to family judges on Guardian Ad Litem and their rates.

15. The Court has considered the *ore tenus* request by Eliot Bernstein to appoint Candice Schwager as replacement trustee for the Eliot Children's Trust. The Court reviewed a letter presented by Eliot Bernstein, which was purportedly written by Candice Schwager, and found the letter to contain odd prose and an irregular presentation. Schwager is not an attorney licensed to practice law in the State of Florida. Subject to the provisions of paragraph 9(a), the Court denies the *ore tenus* request to appoint Candice Schwager without prejudice.

DONE AND ORDERED in Chambers, North County Courthouse on 12/6/2017,
2017.



HONORABLE ROSEMARIE SCHER

cc: All parties on the attached service list

SERVICE LIST - CASE NO. 502012CP004391XXXXNBIH

<p>Eliot Bernstein 2753 NW 34th Street Boca Raton, FL 33434 (561) 245-8588 - Telephone (561) 886-7628 - Cell (561) 245-8644 - Facsimile Email: Eliot I. Bernstein (iviewit@iviewit.tv)</p>	<p>Peter M. Feaman, Esq. Peter M. Feaman, P.A. 3695 West Boynton Beach Blvd., Suite 9 Boynton Beach, FL 33436 (561) 734-5552 - Telephone (561) 734-5554 - Facsimile Email: service@feamanlaw.com; mkoskey@feamanlaw.com Counsel for William Stansbury</p>
<p>John P. Morrissey, Esq. 330 Clematis Street, Suite 213 West Palm Beach, FL 33401 (561) 833-0766 - Telephone (561) 833-0867 - Facsimile Email: John P. Morrissey (john@jmorrisseylaw.com) Counsel for Molly Simon, Alexandra Bernstein, Eric Bernstein, Michael Bernstein</p> <p>Pamela Beth Simon 303 E. Wacker Drive, Suite 2725 Chicago, IL 60601 Email: psimon@stpcorp.com</p>	<p>Gary R. Shendell, Esq. Kenneth S. Pollock, Esq. Matthew A. Tornincasa, Esq. Shendell & Pollock, P.L. 2700 N. Military Trail, Suite 150 Boca Raton, FL 33431 (561) 241-2323 - Telephone (561) 241-2330 - Facsimile Email: gary@shendellpollock.com ken@shendellpollock.com matt@shendellpollock.com estella@shendellpollock.com britt@shendellpollock.com grs@shendellpollock.com robyne@shendellpollock.com</p>
<p>Lisa Friedstein 2142 Churchill Lane Highland Park, IL 60035 lisa@friedsteins.com Individually and as trustee for her children, and as natural guardian for M.F. and C.F., Minors</p>	<p>Diana Lewis, Esq. ADA & Mediations Services, LLC 2765 Tecumseh Drive West Palm Beach, FL 33409 (561) 758-3017 - Telephone Email: dzlewis@aol.com Guardian <i>Ad Litem</i> for Eliot Bernstein's minor children, Jo.B., Ja.B., and D.B.</p>

Jill Iantoni
2101 Magnolia Lane
Highland Park, IL 60035
jilliantoni@gmail.com

Individually and as trustee for her children, and as natural guardian for J.I. a minor

Alan B. Rose, Esq.
Mrachek, Fitzgerald, Rose,
Kopoka, Thomas & Weiss, P.A.
505 South Flagler Drive, Suite 600
West Palm Beach, FL 33401
(561) 655-2250 - Telephone
(561) 655-5537 - Facsimile
arose@mrachek-law.com;
mchandler@mrachek-law.com

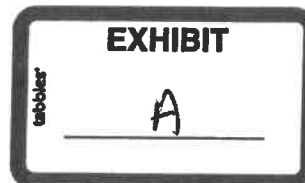
Attorneys for Ted S. Bernstein

Brian M. O'Connell, Esq.
Joielle A. Foglietta, Esq.
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515 N. Flagler Dr., 20th Floor
West Palm Beach, FL 33401
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(561) 833-4209 - Facsimile
Email: boconnell@ciklinlubitz.com;
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service@ciklinlubitz.com;
slobdell@ciklinlubitz.com

SIMON L. BERNSTEIN
AMENDED AND RESTATED TRUST AGREEMENT

Prepared by:

Tescher & Spallina, P.A.
4855 Technology Way, Suite 720, Boca Raton, Florida 33431
(561) 997-7008
www.tescherspallina.com



LAW OFFICES
TESCHER & SPALLINA, P.A.

C. **Upon My Death.** Upon my death the Trustee shall collect and add to the trust all amounts due to the trust under any insurance policy on my life or under any death benefit plan and all property added to the trust by my Will or otherwise. After paying or providing for the payment from the augmented trust of all current charges and any amounts payable under the later paragraph captioned "Death Costs," the Trustee shall hold the trust according to the following provisions.

ARTICLE II. AFTER MY DEATH

A. **Disposition of Tangible Personal Property.** If any non-business tangible personal property other than cash (including, but not limited to, my personal effects, jewelry, collections, household furnishings, and equipment, and automobiles) is held in the trust at the time of my death, such items shall be promptly distributed by the Trustee of the trust to such person or persons, including my estate, as to the item or items or proportion specified, as I may appoint, and to the extent that any such items are not disposed of by such appointment, such items shall be disposed of by the Trustee of the trust in exactly the same manner as such items would have been disposed of under the terms and provisions of my Will (including any Codicil thereto, or what the Trustee in good faith believes to be such Will and Codicil) had such items been included in my probate estate. Any such items which are not effectively disposed of pursuant to the preceding sentence shall pass with the other trust assets.

B. **Disposition of Trust Upon My Death.** Upon my death, the remaining assets in this trust shall be divided among and held in separate Trusts for my then living grandchildren. Each of my grandchildren for whom a separate trust is held hereunder shall hereinafter be referred to as a "*beneficiary*" with the separate Trusts to be administered as provided in Subparagraph II.C.

C. **Trusts for Beneficiaries.** The Trustee shall pay to the beneficiary and the beneficiary's children, such amounts of the net income and principal of such beneficiary's trust as is proper for the Welfare of such individuals. Any income not so paid shall be added to principal each year. After a beneficiary has reached any one or more of the following birthdays, the beneficiary may withdraw the principal of his or her separate trust at any time or times, not to exceed in the aggregate 1/3 in value after the beneficiary's 25th birthday, 1/2 in value (after deducting any amount previously subject to withdrawal but not actually withdrawn) after the beneficiary's 30th birthday, and the balance after the beneficiary's 35th birthday, provided that the withdrawal powers described in this sentence shall not apply to any grandchild of mine as beneficiary of a separate trust. The value of each trust shall be its value as of the first exercise of each withdrawal right, plus the value of any subsequent addition as of the date of addition. The right of withdrawal shall be a privilege which may be exercised only voluntarily and shall not include an involuntary exercise. If a beneficiary dies with assets remaining in his or her separate trust, upon the beneficiary's death the beneficiary may appoint his or her trust to or for the benefit of one or more of any of my lineal descendants (excluding from said class, however, such beneficiary and such beneficiary's creditors, estate, and creditors of such beneficiary's estate). Any part of his or her trust such beneficiary does not effectively appoint shall upon his or her death be divided among and held in separate Trusts for the following persons:



raised from or near the time of birth by a married couple (other than a same sex married couple) through the pendency of such marriage, (ii) one of such couple is the designated ancestor, and (iii) to the best knowledge of the Trustee both members of such couple participated in the decision to have such child. No such child or lineal descendant loses his or her status as such through adoption by another person. Notwithstanding the foregoing, for all purposes of this Trust and the dispositions made hereunder, my children, TED S. BERNSTEIN, PAMELA B. SIMON, ELIOT BERNSTEIN, JILL IANTONI and LISA S. FRIEDSTEIN, shall be deemed to have predeceased me as I have adequately provided for them during my lifetime.

2. Code. "*Code*" means the Internal Revenue Code of 1986, as amended, and in referring to any particular provision of the Code, includes a reference to any equivalent or successor provision of a successor federal tax law.

3. Disabled. "*Disabled*" or being under "*Disability*" means, as to any applicable individual: (1) being under the age of 21 years, (2) having been adjudicated by a court of competent jurisdiction as mentally or physically incompetent or unable to manage his or her own property or personal affairs (or a substantially similar finding under applicable state or national law), or (3) being unable to properly manage his or her personal or financial affairs, or a trust estate hereunder as to a Trustee hereunder, because of a mental or physical impairment (whether temporary or permanent in nature). A written certificate executed by an individual's attending physician or attending psychiatrist confirming that person's impairment will be sufficient evidence of Disability under item (3) above, and all persons may rely conclusively on such a certificate.

4. Education. The term "*education*" herein means vocational, primary, secondary, preparatory, theological, college and professional education, including post-graduate courses of study, at educational institutions or elsewhere, and expenses relating directly thereto, including tuition, books and supplies, room and board, and travel from and to home during school vacations. It is intended that the Trustee liberally construe and interpret references to "education," so that the beneficiaries entitled to distributions hereunder for education obtain the best possible education commensurate with their abilities and desires.

5. Needs and Welfare Distributions. Payments to be made for a person's "*Needs*" means payments necessary for such person's health (including lifetime residential or nursing home care), education, maintenance and support. Payments to be made for a person's "*Welfare*" means discretionary payments by the Trustee, from time to time, for such person's Needs and also for such person's advancement in life (including assistance in the purchase of a home or establishment or development of any business or professional enterprise which the Trustee believes to be reasonably sound), happiness and general well-being. However, the Trustee, based upon information reasonably available to it, shall make such payments for a person's Needs or Welfare only to the extent such person's income, and funds available from others obligated to supply funds for such purposes (including, without limitation, pursuant to child support orders and agreements), are insufficient in its opinion for such purposes, and shall take into account such person's accustomed manner of living, age, health, marital status and any other factor it considers important. Income or principal to be paid for a person's Needs or Welfare may be paid to



such individual or applied by the Trustee directly for the benefit of such person. The Trustee may make a distribution or application authorized for a person's Needs or Welfare even if such distribution or application substantially depletes or exhausts such person's trust, without any duty upon the Trustee to retain it for future use or for other persons who might otherwise benefit from such trust.

6. Per Stirpes. In a division "*per stirpes*" each generation shall be represented and counted whether or not it has a living member.

7. Related or Subordinate Party. A "*Related or Subordinate Party*" to a trust describes a beneficiary of the subject trust or a related or subordinate party to a beneficiary of the trust as the terms "related or subordinate party" are defined under Code Section 672(c).

8. Spouse. A person's "*spouse*" includes only a spouse then married to and living as husband and wife with him or her, or a spouse who was married to and living as husband and wife with him or her at his or her death. The following rules apply to each person who is a beneficiary or a permissible appointee under this Trust Agreement and who is married to a descendant of mine. Such a person will cease to be a beneficiary and will be excluded from the class of permissible appointees upon:

- a. the legal termination of the marriage to my descendant (whether before or after my death), or
- b. the death of my descendant if a dissolution of marriage proceeding was pending when he or she died.

The trust will be administered as if that person had died upon the happening of the terminating event described above.

9. Gender, Number. Where appropriate, words of any gender include all genders and the singular and plural are interchangeable.

F. Powers of Appointment. Property subject to a power of appointment shall be paid to, or retained by the Trustee or paid to any trustee under any will or trust agreement for the benefit of, such one or more permissible appointees, in such amounts and proportions, granting such interests, powers and powers of appointment, and upon such conditions including spendthrift provisions as the holder of such power (i) in the case of a power exercisable upon the death of such holder, appoints in his or her will or in a trust agreement revocable by him or her until his or her death, or (ii) in the case of a power exercisable during the life of such holder, appoints in a written instrument signed by such holder, two witnesses and a notary public, but in either case only if such will, trust agreement, or instrument specifically refers to such power.

G. Limitations on Powers of Trustee. Regardless of anything herein to the contrary, no Trustee shall make or participate in making any distribution of income or principal of a trust to or for the benefit of a beneficiary which would directly or indirectly discharge any legal obligation of such



SIMON L. BERNSTEIN
AMENDED AND RESTATED TRUST AGREEMENT

Prepared by:

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G. Limitations on Powers of Trustee. Regardless of anything herein to the contrary, no Trustee shall make or participate in making any distribution of income or principal of a trust to or for the benefit of a beneficiary which would directly or indirectly discharge any legal obligation of such



EXHIBIT 2

PBSO Complaint Foreclosure Court Fraud and Bankruptcy Court Fraud

P A L M B E A C H C O U N T Y S H E R I F F ' S O F F I C E PAGE 1
C A S E N O . 2 2 0 9 9 6 5 9 O F F E N S E R E P O R T C A S E N O . 2 2 0 9 9 6 5 9

DISPOSITION: INACTIVE
DIVISION: ROAD PATROL

911:
SCHEME/DEFRAUD * * *
SIGNAL CODE: 53 CRIME CODE: 4 NON CRIME CODE: CODE: 260A DATE: 08/18/22 THURSDAY
ZONE: F51 GRID: DEPUTY I.D.: 35620 NAME: MACKLIN JONATHA ASSIST: TIME D 1543 A 1543 C 1815
OCCURRED BETWEEN DATE: 08/18/22 , 1543 HOURS AND DATE: 08/18/22 , 1800 HOURS
EXCEPTION TYPE:
INCIDENT LOCATION: 2753 NW 34 ST APT. NO.:
CITY: BOCA RATON STATE: FL ZIP: 33434

NO. OFFENSES: 01 NO. OFFENDERS: UK NO. VEHICLES STOLEN: 0 NO. PREMISES ENTERED: 0
LOCATION: RESIDENCE - SINGLE FAMILY
NO. VICTIMS: 01 NO. ARRESTED: 0 FORCED ENTRY: 0

OFFENSE NO. 1 FLORIDA STATE STATUTE: 817 034 CIS CODE 260A

NAME LIST:

ROLE:
VICTIM NO. 001 ELIOT I BERNSTEIN DOB: 09/30/1963
SEX: M RACE: W HT: 507 WT: 0 HR: UNKNOWN EYE: UNKNOWN
BUSINESS PHONE: 561 000-0000
COMPLAINANT ELIOT I BERNSTEIN DOB: 09/30/1963
SEX: M RACE: W HT: 507 WT: 0 HR: UNKNOWN EYE: UNKNOWN
BUSINESS PHONE: 561 000-0000
WITNESS ELIOT I BERNSTEIN DOB: 09/30/1963
SEX: M RACE: W HT: 507 WT: 0 HR: UNKNOWN EYE: UNKNOWN
RESIDENTIAL ADDRESS: 2753 NW 34 ST BOCA RATON FL 33434 HOME PHONE: 561 886-7628

..
OFFENSE INDICATOR: OFFENSE 1 VICTIM NUMBER: 1
VICTIM TYPE: ADULT
RESIDENCE TYPE: CITY RESIDENCE STATUS: FULL YEAR
EXTENT OF INJURY: NONE
INJURY TYPE (1): NOT APPLICABLE
INJURY TYPE (2): NOT APPLICABLE
VICTIM RELATION: UNDETERMINED

REPORT NUMBER: 1
FLORIDA VICTIM ? N
REFERENCE CASE NO.: DAY CLEAR

printed by Employee Id #: 23649 on September 02, 2022 10:00:00AM

PALM BEACH COUNTY SHERIFF'S OFFICE PAGE 2
CASE NO. 22099659 OFFENSE REPORT CASE NO. 22099659
DISPOSITION: INACTIVE

ON 08/18/2022 AT APPROXIMATELY 15:43 HOURS I WAS DISPATCHED TO 17901 SOUTH STATE ROAD 7 (UNINCORPORATED BOCA RATON) IN REFERENCE TO THE REPORT OF ALLEGED PUBLIC CORRUPTION AND FRAUD. COMPLAINANT ELIOT BERNSTEIN PROVIDED A SUBSTANTIAL NUMBER OF DOCUMENTS WHICH ALLEGEDLY CONTAIN EVIDENCE IMPLICATING THE PALM BEACH COUNTY COURT SYSTEM AND MEMBERS OF THE PALM BEACH COUNTY COURTS. BERNSTEIN FURTHER ALLEGES THAT CIVIL ACTIONS ARE BEING TAKEN AGAINST HIS PROPERTY LOCATED IN THE CITY OF BOCA RATON (2753 NW 34TH STREET) AS A DIRECT RESULT OF THE ALLEGED FRAUDULENT ACTIVITIES. WITHIN THE DOCUMENTATION PROVIDED BY THE COMPLAINANT ARE NAMES OF POTENTIAL CONSPIRATORS AND CO-CONSPIRATORS AS DESCRIBED BY BERNSTEIN. ALL DOCUMENTATION PROVIDED BY BERNSTEIN WAS SUBMITTED AS EVIDENCE IN THIS REPORTED CASE.

AS A DIRECT RESULT OF THE INFORMATION PROVIDED TO THE PALM BEACH COUNTY SHERIFF'S OFFICE, THE PUBLIC INTEGRITY UNIT WAS CONTACTED TO PROVIDE GUIDANCE IN THIS MATTER. THE PUBLIC INTEGRITY UNIT WAS NOT AVAILABLE TO ASSIST AS OF THE WRITING OF THIS REPORT.

THIS CASE WILL REMAIN INACTIVE.

D/S J. MACKLIN #35620
8/18/22 1750 HRS.
TRANS: CT #8673 8/19/22

printed by Employee Id #: 23649 on September 02, 2022 10:00:00AM

PALM BEACH COUNTY SHERIFF'S OFFICE – **SWORN STATEMENT**

Per FL statute 837.012, whoever knowingly makes a false statement under oath shall be guilty of a misdemeanor of the first degree punishable by imprisonment up to 1 year.



WITNESS VICTIM OTHER

CASE #: 22099657	ZONE: 7-5	SUSPECT:	DATE & TIME OF ORIGINAL EVENT/OFFENSE: 8/18/22 553
EVENT TYPE: Fraud		DEPUTY: Dj Meckler	ID#: 35620

COMPLETE EVERYTHING BELOW – PRINT LEGIBLY

LAST NAME: Bernstein		FIRST NAME: Eliot		MIDDLE INITIAL: I	RACE: W	SEX: M
DATE OF BIRTH: (MM/DD/YYYY) 09/30/1963	YOUR HEIGHT: 5'8"	YOUR WEIGHT: 217	YOUR HAIR COLOR: brown	YOUR EYE COLOR: H2L		
YOUR HOME ADDRESS: 2753 NW 34th St.		<input type="checkbox"/> CHECK IF HOMELESS		CITY: Boca Raton	STATE: FL	ZIP: 33434
YOUR WORK NAME & ADDRESS:		<input type="checkbox"/> CHECK IF UNEMPLOYED OR RETIRED		CITY:	STATE:	ZIP:
WORK PHONE: <input type="checkbox"/> CHECK IF NONE ()	CELL PHONE: <input type="checkbox"/> CHECK IF NONE (561) 886-7628	HOME PHONE: <input type="checkbox"/> CHECK IF NONE ()	EMAIL: iviewit@iviewit.TV <input type="checkbox"/> CHECK IF NONE			

WRITE WHAT HAPPENED IN YOUR WORDS IN FULL DETAIL – PRINT LEGIBLY

YOUR NAME: 1 Eliot Ivan Bernstein	DO HEREBY VOLUNTARILY MAKE THE FOLLOWING STATEMENT WITHOUT THREAT, COERCION, OFFER OF BENEFIT, OR FAVOR BY ANY PERSONS WHOMSOEVER...
<p>This is a complaint for the attempted and in progress crimes concerning the theft of the home at 2753 NW 34th St. where I have ownership-equity interests. The crimes are taking place through frauds committed and violate, including but not limited to, Obstruction of Justice through Simulated Legal Process FL Stat 843.0855 (2016) and Title XLVI CRIMES and Chapter 817 FRAUDULENT PRACTICES SECTION 535 UNLAWFUL FILING OF FALSE DOCUMENTS or records against real or personal property. The fraudulent documents have been tendered to the 15th Judicial Court of West Palm Beach and the Southern District of Florida Federal Bankruptcy Court.</p> <p>The crimes being committed, the witnesses (including several lawyers), The victims and the perpetrators are all detailed in the attached 29 page signed attachment to this complaint form. The 29 page attachment has 850 pages of evidence and exhibits, which will be sent to investigators once they are assigned to put into evidence in this matter. These crimes need immediate investigation as the perpetrators are preparing to try and auction the home using fraudulently obtained orders from the courts involved and this is a threat to the general public and anyone buying such fraudulently gained property.</p>	

PAGE 1 OF 2

READ AND SIGN

I SWEAR AND AFFIRM THIS AND/OR THE ATTACHED STATEMENTS ARE CORRECT AND TRUE.	<input checked="" type="checkbox"/> DEPUTY SHERIFF <input type="checkbox"/> NOTARY PUBLIC	ESS: 117.10
YOUR SIGNATURE: X <i>[Signature]</i>	SWORN TO AND SUBSCRIBED BEFORE ME TODAY:	
	DATE: 8/18/22	TIME: 1630
	SIGNATURE: <i>[Signature]</i>	ID: 35620

IF YOU DO NOT WISH TO PROSECUTE, COMPLETE THE ABOVE STATEMENT, READ THIS DISCLAIMER AND INITIAL BELOW: I AM OF LEGAL AGE AND I AM THE REPORTED VICTIM OF A CRIME UNDER FLORIDA LAW. I HEREBY STATE THAT I WILL NOT COOPERATE ANY FURTHER WITH THE INVESTIGATION OF THE ALLEGED CRIME. I FURTHER RELEASE THE PALM BEACH COUNTY SHERIFF'S OFFICE OF ANY PRESENT OR FUTURE RESPONSIBILITY AS TO MY CASE. I ACKNOWLEDGE THAT I UNDERSTAND MY RIGHTS AS A CRIME VICTIM, PARTICULARLY REGARDING VICTIM COMPENSATION ELIGIBILITY, WHICH INCLUDES SUCH BENEFITS AS REIMBURSEMENT FOR: DISABILITY; LOST WAGES; LOSS OF SUPPORT; MEDICAL, DENTAL, MENTAL HEALTH COUNSELING AND FUNERAL EXPENSES. I AM AWARE I MAY BE GIVING UP THESE RIGHTS FOR MY FAMILY AND MYSELF BY INITIALLING BELOW. I AM TAKING THIS POSITION OF MY OWN FREE WILL KNOWING THAT THE CASE CAN ONLY BE FURTHER INVESTIGATED AND PROSECUTED WITH MY COOPERATION. DO NOT WISH TO PROSECUTE (INITIAL _____)

(PROSECUTION WAIVER NOT TO BE USED FOR CASES INVOLVING DOMESTIC OR DATING VIOLENCE PER G.O. 508.00)

WHITE - RECORDS COPY CANARY - STATE ATTORNEY COPY PINK - OFFICER'S COPY GOLD - WITNESS / VICTIM COPY

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

IN RE:

CASE NO. 50-2012-CP-004391-XXXX-NB

ESTATE OF SIMON L. BERNSTEIN

DECEASED.

**OBJECTION TO MOTION TO APPROVE MEDIATION SETTLEMENT
AGREEMENT WITH TESCHER & SPALLINA, P.A.**

COMES NOW Joshua Bernstein, by and through his undersigned legal counsels, Paul D. Turner, Esq., Christopher Perré, Esq., the law firm of Perlman, Bajandas, Yevoli & Albright, P.L., (“PBY&A”), and Marc J. Soss, Esq. (collectively “Counsel”), hereby files this objection to the Motion to Approve Mediation Settlement Agreement (the “Mediation Agreement”) and states as follows:

Background

1. On or about October 2, 2012, probate proceedings were commenced for the decedent.
2. At the time the proceedings were commenced, Joshua Bernstein (“Joshua”), one of the beneficiaries of the Estate and Trust of Simon L. Bernstein was a minor with a date of birth in August 1997.
3. On March 8, 2016, a Motion for Appointment of a Guardian Ad Litem (“GAL Motion”) to represent the interests of the children of Eliot Bernstein was filed with this Court. At the time the GAL Motion was filed Joshua was over the age of eighteen (18) years and did not require a guardian-ad-litem to be appointed for him.
4. On April 8, 2016, this Court approved the GAL Motion and appointed Diana Lewis, Esquire (“Lewis”), as the guardian-ad-litem for Joshua.
5. On November 9, 2016, a Motion to Approve Compromise and Settlement, Appoint a Trustee for the Trusts created for D.B., Ja.B. & Jo.B and Determine Compensation for Guardian-Ad-Litem was filed with this Court.
6. On October 27, 2017, a Motion to Direct Payments for Benefit of Eliot's Children to Court Registry in lieu of Appointing Trustee; and to Determine Compensation for Guardian Ad Litem and Discharge Guardian was filed with this Court. The matter is scheduled for hearing

on February 6, 2018.

Florida Guardian-Ad-Litem

7. Section 744.102(10) of the Florida Statutes defines the term “Guardian-Ad-Litem” as “a person who is appointed by the court having jurisdiction of the guardianship or a court in which a particular legal matter is pending to represent a ward in that proceeding.”

8. Section 744.3025, Claims of Minors, of the Florida Statutes, further provides:

(1)(a) The court may appoint a guardian ad litem to represent the minor’s interest before approving a settlement of the minor’s portion of the claim in a case in which a minor has a claim for personal injury, property damage, wrongful death, or other cause of action in which the gross settlement of the claim exceeds \$15,000 if the court believes a guardian ad litem is necessary to protect the minor’s interest.

(b) Except as provided in paragraph (e), the court shall appoint a guardian ad litem to represent the minor’s interest before approving a settlement of the minor’s claim in a case in which the gross settlement involving a minor equals or exceeds \$50,000.

(c) The appointment of the guardian ad litem must be without the necessity of bond or notice.

(d) The duty of the guardian ad litem is to protect the minor’s interests as described in the Florida Probate Rules.

(e) A court need not appoint a guardian ad litem for the minor if a guardian of the minor has previously been appointed and that guardian has no potential adverse interest to the minor.

(2) Unless waived, the court shall award reasonable fees and costs to the guardian ad litem to be paid out of the gross proceeds of the settlement.

(3) A settlement of a claim pursuant to this section is subject to the confidentiality provisions of this chapter.

9. A Guardian-Ad-Litem is appointed to represent the best interests of either an incapacitated individual or a minor in a legal proceeding.

Basis for Objection

10. At the time that Lewis was appointed to be the guardian ad litem for Joshua, he was neither a minor nor incapacitated. As a result, a guardian ad litem should not have been appointed for Joshua.

11. Between April 8, 2016, the date Lewis was appointed as guardian ad litem for Joshua and the date hereof, Lewis owed a fiduciary duty to Joshua. Notwithstanding said duty, Lewis has never communicated with him, discussed the legal proceedings or made him aware of the alleged settlement reached during the mediation. As of the date of the filing of this objection, Joshua is completely unaware of the terms of the proposed settlement and has never been provided a copy of the mediation settlement agreement.

12. As a result, a guardian ad litem should not have been ever appointed for Joshua, had no authority to bind Joshua to any settlement agreements she may have allegedly entered into on his behalf, and any settlements negotiated and/or entered into on his behalf by Lewis should be deemed void.

Conclusion

WHEREFORE, Joshua Bernstein pray this Honorable Court for an order (i) denying the Motion to Approve Mediation Settlement Agreement and all supplemental matters related thereto; (ii) removing Diana Lewis, Esquire as the guardian-ad-litem for Joshua; and (iii) awarding such other and further relief as deemed just and equitable under the circumstances.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 5, 2018, a true and correct copy of the foregoing document is being served, pursuant to Rule 2.516(b), Fla. R. Jud. Admin., *via* Florida Courts e-Filing Portal to the names and e-mail addresses provided by all parties, counsel of record and *pro se* parties.

Dated: February 5, 2018.

Respectfully submitted,

/s/ Paul Turner

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Attorneys for Beneficiary, Joshua Bernstein.

ADDENDUM STATEMENT BY ELIOT I. BERNSTEIN FOR CRIMINAL COMPLAINT FILED WITH PALM BEACH SHERIFF OFFICE (PBSO) FOR NEW CASE NUMBER AND INVESTIGATION OF CRIMES ALLEGED TO BE OCCURRING IN FORECLOSURE CASE 50-2018-CA-002317-XXXX-MB AND FURTHER SUPPLEMENT EXISTING CASE NUMBERS AND REQUESTS FOR INVESTIGATION - MAY 22, 2022

Eliot I. Bernstein of 2753 NW 34th St, Boca Raton, FL 33434, Phone 561-886-7628, email, iviewit@iviewit.tv, make this Statement as an Addendum to an Official Report seeking a new Case number and new investigation of new and ongoing alleged crimes relating to 15th Judicial Mortgage Foreclosure action Case Number **50-2018-CA-002317-XXXX-MB** titled SAHM, WALTER E V BERNSTEIN FAMILY REALTY LLC. and Federal Bankruptcy Case #22-13009-EPK US Southern District Bankruptcy Court - BERNSTEIN FAMILY REALTY LLC.

These allegations should be issued a new case number and new investigation but appear in all ways to relate to prior ongoing criminal actions and frauds against my life, family and property and financial interests in Palm Beach County which have been reported in writing and eventually were sent to Internal Affairs with Colonel John L. Prieschl, J.D.,

The specific new complaints involve the filing of a series of knowingly false documents in the Foreclosure case **50-2018-CA-002317-XXXX-MB** by counsel Robert Sweetapple falsely filing in the name of Walter Sahm as if he was alive when it turns out months later Walter Sahm has been deceased since January 5, 2021 according to Official Records from Sumter County Death Certificate. **Every and Any** actions taken by Walter Sahm individually and not his Estate's legal representative after his death constitute fraud. Counsel Sweetapple even appeared in person before the State Court acting as if Walter Sahm was still alive and referencing some of the filings he filed when in fact Walter Sahm had been deceased for months. This was all done to obtain and impact the title and possession of real property and take a false Foreclosure Judgment against myself, wife, my sons and their company Bernstein Family Realty, LLC.

I believe one of the Criminal Sections violated here is **Florida Statute 817.535 - Unlawful filing of false documents or records against real or personal property** which is under the Chapter for Fraudulent Practices. Offering a False Instrument for Filing is another or related statute relevant. The specific Documents filed are attached and referenced further below. The False filings have injured and impacted the case and Title not only by taking a False Judgment of Foreclosure in a false name, but further impacting settlement and negotiation with proper parties and presentation of evidence.

I had alerted the PBSO previously to the scheme to falsely take this property from my family in prior PBSO complaints which are referenced below.

1. PPBSO Complaints

- a. Case No. 12121312 - Alleged Murder of Simon Bernstein filed by Ted Stuart Bernstein
- b. Case No. 13097087 Multiple Financial Crimes, Fraud, Forgery, Theft of Assets and more 07/15/13 Palm Beach County Sheriff.
- c. Case No. 14029489 - Supplemental Financial Crimes.
- d. Case No. 13159967 - 12/23/13 Palm Beach County Sheriff Theft Report.
- e. Kimberly Moran Criminal Complaint - Palm Beach County Case No. 13CF010745.

2. PBSO Case No. 13CF010745.

3. PB Medical Examiner Case No. 12-0913.

4. PBSO Internal Affairs

- a. IA Case IR15263.
- b. IA 16042460.
- c. IA #14-029489.
- d. Ir 14-025.
- e. Ir 15-263.
- f. Ir 16-262.
- g. Prieschl Letter 1 Docketed with IA.
- h. Prieschl Letter 2 Docketed with IA.

LIST OF MATERIAL AND FACT WITNESSES

1. Inger Garcia, Esq.
2. Leslie Ferderigos, Esq.
3. Arthur Morburger, Esq.
4. Lalit K. Jain, Esq.
5. Luanne Fleming
6. Robin Austin
7. Ruth Fleming
8. Hillary Hogue, of the FL Guardianship Task Force
9. Joshua Bernstein
10. Jacob Bernstein
11. Daniel Bernstein
12. Eliot Bernstein
13. Candice Bernstein
14. Kevin Richard Hall
15. Glen Schwartzman, Esq.
16. William Stansbury
17. David Marshall Brown, Esq.
18. Any other party that attended the June 08, 2022 Hearing or other hearings involved in this complaint.

As the PBSO can see many of the persons who witnessed these crimes are not Eliot Bernstein or his family members but in fact are by Licensed Attorneys at Law that were/are representing the Eliot and Candice Bernstein family.

LIST OF PARTIES COMMITTING FRAUDS ON STATE AND FEDERAL COURTS & OTHER PARTIES

1. Alan Rose, Esq.
2. Ted Bernstein
3. Brian O'Connell, Esq.
4. Robert Sweetapple, Esq.
5. Bradley Shraiberg, Esq.
6. Cary Sabol, Esq.

7. John Cappeller, Esq.
8. Patricia Sahn (tbd if suspect or injured)
9. Joanna Sahn (tbd if suspect or injured)
10. Estate of Walter Sahn (tbd if suspect or injured)

OTHER PARTIES THAT MAY BE INVOLVED IN FACILITATING THE CRIMES

1. Judge Kastrenakes
2. Judge Erik Kimball
3. Heidi Feinman, Esq. US Trustee
4. Michael Bakst, Esq. US Trustee

LIST OF VICTIMS

1. Joshua Bernstein
2. Jacob Bernstein
3. Daniel Bernstein
4. Candice Bernstein
5. Eliot Bernstein
6. The Estate of Walter Sahn (tbd if suspect or injured)
7. Patricia Sahn (tbd if suspect or injured)
8. Joanna Sahn (tbd if suspect or injured)
9. Bernstein Family Realty, LLC

The letters to Internal Affairs describe the retaliation my family is suffering from the FL courts, and it has only gotten much worse since those letters were written several years ago in 2018 to PBSO IA. After speaking on August 02, 2022, to a PBSO Sergeant in Internal Affairs, I was advised to have the new complaints docketed by a supervisor of intake and that information in the IA letters to Colonel Prieschl that are the basis of new complaints from 2018 should also be filed as supplemental complaints and formally docketed for disposition.

The primary parties involved in the current and ongoing crimes against my family, I believe or suspect to be involved in these crimes are Robert Sweetapple, Esq.,

Alan B. Rose, Esq., Patricia Sahn, Joanna Sahn (Personal Representative of Walter Sahn Estate) Bradley Shraiberg, Esq., Brian O'Connell and Theodore (Ted) Bernstein, US Trustee Heidi Feinman. US Trustee Michael Bakst, Esq. and 15th Judicial Circuit Court Judge Kastrenakes and Federal Judge Erick Kimball may also be a direct part of the frauds as shown later herein.

Witnesses who have relevant knowledge of these events include but are not limited to ATTORNEYS AT LAW, Leslie Ferderigos, Esq., Inger Garcia, Esq. and Lalit K. Jain, Esq., and former attorney who is now Suspended - with Conditions as of 06/16/2021, Arthur Morburger who was not suspended and still practicing during certain times herein. Since being Suspended Morburger is still receiving documents in the case being on the E Service List through the State Courts. All of these attorneys can be contacted regarding their specific knowledge of the various crimes alleged herein.

Attorney Glen Schwartzman is also a direct Witness to certain actions and resides in Palm Beach County and has a friendly relationship with Counsel Robert Sweetapple and Alan Rose and through his girlfriend, Alison Klimek, a very close relationship with the Eliot Bernstein family.

It is important to note that several of the crimes herein relating to these NEW AND CURRENTLY IN PROGRESS criminal actions were reported to the State and Federal Courts not by me or my children but were in fact reported by ATTORNEYS AT LAW. These same attorneys will tell investigators what they have already in part notified civil courts of in pleadings and on the record in the state and federal courts. Federal Judge Kimball also on July 20, 2022, on the record urged all parties including my family that if we had knowledge of crimes being committed in and on his Court, we should notify criminal authorities. He also notified the US Attorneys Heidi Feinman and Michael Bakst and all other attorneys that if they had knowledge of any frauds or crimes, they too were obligated to report them to proper authorities.

The nature of the crimes I believe have been committed and which appear to be ongoing are several counts of Offering a False Instruments for Filing in a Foreclosure case directly affecting the Title and use and possession of real property

located at my residence at 2753 NW 34th St, Boca Raton, FL 33434. Both my wife Candice Bernstein and I and our children have rights and interests and possession rights in the property. My 3 sons are the Owners of Bernstein Family Realty, LLC which is the entity that had the Mortgage with Walter and Patricia Sahn. Also, we believe that multiple counts of Obstruction of Justice through Simulated Legal Process are occurring, whereby these lawyers are misusing the legal system to illegally gain property and extort my family through a complex set of legal abuse crimes, using the courts as the platform of their crimes.

A potential criminal act was that my adult children were sued as minors when they were adults in the 15th Judicial Foreclosure action, which denied them access to the courts as they were intentionally never served as adults, knowingly, and this may be a very Serious Civil Rights violation, while attempting to steal their house they own and purchased. Witness Arthur Morburger filed a pleading that was never heard by Judge Katrenakes regarding the children being sued illegally with no legal service ever as adults. Attorney Leslie Ferderigos, Esq. also notified the Court via motion of the improper nonservice of her clients, my children, and this was ignored and never heard by Judge Kastrenakes, who falsely stated on the record that he had heard the motion of Morburger, and it was decided on, when that is wholly untrue as the record reflects. He in fact, did not dismiss it until after the Final Judgment and while a federal bankruptcy stay was in force, which precluded his making any such decision without violating the stay order, which he did.

A potential criminal act also is found in the Attempted Theft of the boys' money paid to purchase the home by Alan Rose and Sweetapple who misled the Court to believe my three sons were squatters in the home since 2008, with no interest in the home. Then trying to assert and capitalize on a "paper tiger" 2nd mortgage that was established as asset protection for the home, where no consideration was ever paid for it, it was never acted upon since 2008 and no notice of default or other notice ever sent. Knowing that it was worthless as the Statute of Limitations was well passed, Alan Rose, Esq. is attempting to enforce it and collect on it as if it had value. Whereby they are trying to now steal the boys' interests in the home and claim at any sale or in the Federal BK that they are owed monies if there are any left over after a sale using the 2nd Mortgage to claim a priority position to other

creditors and get the money instead of the children who put the money in out their own personal funds.

A major civil rights violation against two of my children also came in the form of a court ordered Guardianship that was placed on one of my children, Joshua, by Judge John Phillips (who then took early retirement). Joshua was an adult at the time of the Order and where no legal rules of adult guardianship like a competency hearing, medical examinations, etc. were followed and his legal rights in the court were stripped entirely from him claiming him to be a minor when factually he was not. This crime is further described in the Prieschl Letters sent to IA but will also be addressed herein for a separate supplemental complaint.

Another one of my children who was a minor when the guardianship started turned 18 during the guardianship and despite cease-and-desist letters by both of my children to the guardian and others, the guardian continued to act on both of my children's behalf for years and even stole money from their trust funds and other monies. This is a Serious Civil Rights Violation and voids almost 5 years of activities done in various court cases, settlements, etc. in their names illegally through the illegal guardianships. The Guardian, a one Diana Lewis, who may have a brother who works in the PBSO (and if still employed there should be disqualified from any participation in these matters) has since been found to have passed away.

See letters to Colonel John L. Prieschl, J.D. of the Palm Beach Sheriff Department attached as Exhibits¹ herein for more information regarding the guardianship crimes. It should be noted that we would like the new crimes exposed in the Prieschl Letters to formally be docketed as new cases for the crimes alleged therein as we are unsure what has happened to the matters in IA since they were delivered to him. Sergeant Humphries of IA did however confirm that the letters were in the IA files, but we should file them as either supplemental to past complaints or as new complaints.

¹ Exhibit 1 - Prieschl Letters 1 & 2

In the crimes being complained of herein and ongoing, there are also fraud crimes that apply for the series of False Instruments filed, frauds and perjuries upon the Court and Simulated Legal Process by the use of a Deceased person, Walter Sahn, Plaintiff in the State Foreclosure Court case and the still dead Walter acting as a creditor in the Federal Bankruptcy action, making official Filings as if he is still Alive and Counsel Robert Sweetapple officially “Appearing” before the State Court on Nov. 22, 2021 at a Summary Judgment Hearing “As IF” Walter Sahn was still alive when a Death Certificate² dating back to January of 2021 shows Walter Sahn to be Deceased on January 5, 2021.

Yet, Plaintiff Counsel Robert Sweetapple, Plaintiff Patricia Sahn and PR for the Estate of Walter Joanna Sahn, have Hidden this information from the Court with criminal intent (acting in fraud) and making official Filings including obtaining a Final Judgment impacting the Title to this real property AS IF Walter Sahn was still alive and appearing in Court as if he was still alive instead of filing and appearing in a proper Representative capacity by his Estate or Personal Representative of his Estate or Guardian Ad Litem and seeking a proper judgment in the estate name.

Florida has a very specific Rule that applies when a person like Walter Sahn has died in the middle of an ongoing litigation case at Florida Rule of Civil Procedure Rule 1.260 - SURVIVOR; SUBSTITUTION OF PARTIES where a party or attorney must Notify the Court of the Death of a party and Substitute the proper person in a Representative capacity for the Estate of the Deceased person.

In addition to the direct Florida Rule requiring the Notification and Suggestion of Death to be filed in the Case, the State of Florida Courts have long established case rules indicating when a party dies the attorney’s authority to act for the Deceased person “terminates” instantly until a proper Representative or Guardian Ad Litem is appointed. Similarly, dead persons cannot get judgments issued legally in their names, months and years after death.

² Exhibit 2 - WALTER SAHM DEATH CERTIFICATE

Counsel Robert Sweetapple for Plaintiff Patricia Sahn first made Official Filings which I believe are False under Criminal law starting in August of 2021 nearly 7 months after Walter Sahn died by filing for Summary Judgment³ to Foreclose on property which I have interests in and which is beneficially owned by my 3 Sons as the only Owners and Members of Bernstein Family Realty, LLC. My sons invested \$232,233 of their own trust funds to purchase the home and then were labeled in Court as squatters with no interest in the property, as Alan Rose and Ted Bernstein attempt to claim that the 2nd mortgage holder Simon Bernstein, now deceased, had a valid mortgage, when they are fully aware that it was an instrument for asset protection and no consideration was made for it.

However, the attached affidavit⁴ by William Stansbury will show that it was a “paper tiger” and there was no consideration ever made for it, no default on the mortgage was ever tendered and it is now over five years over the Statute of Limitations to enforce. Again, it was simply an asset protection tool of the property, which my father put in place because I was whistleblowing on Judges and Attorneys throughout the US and getting cases nationally recognized that exposed the underbelly of illegal and abusive guardianships of the elderly and children. He was afraid after a bomb blew our car to smithereens in Boynton Beach, FL that further retaliation was possible. The guardianship crisis has now been exposed nationally in the press and several movies and documentaries have aired, as well as, major abuses exposed in the Britney Spears, Disney heir Bradford Lund and Peter Max cases all creating global awareness of this horror and stain on our legal system.

These filings by a dead man can be found at the Palm Beach Clerk’s Office and at ECaseView under Official Document Numbers:

Document No. 85 08/05/2021 MOTION FOR SUMMARY JUDGMENT
MOTION FOR SUMMARY FINAL JUDGMENT OF FORECLOSURE,
TAXATION OF COSTS, AND AWARD OF ATTORNEYS' FEES

³ Exhibit 3 – Summary Judgment Filing

⁴ Exhibit 4 - STANSBURY AFFIDAVIT

Document No. 86 08/19/2021 NOTICE OF HEARING
NOTICE OF HEARING 11/22/2021 10:30:00 AM.

Thus, on the fraud level Counsel Sweetapple was summoning and Noticing myself, my wife and 3 sons (who again were never legally served in the matter as adults) into a Court appearance acting as if Walter Sahm was still alive while never Noticing or Substituting the fact that he had been Deceased since January of 2021. I have attached a copy of the Official Notice of Hearing⁵ filing to show Walter Sahm is presented to the Court as if he was Alive when in fact according to his Death Certificate he had been Deceased for months.

Counsel Sweetapple then proceeds to “Appear in Person” at the Nov. 22, 2021, Hearing on Summary Judgment with Patricia Sahm both appearing before the Court and acting as if Walter Sahm was present and Counsel Sweetapple making arguments for Walter Sahm as if he was still alive without ever Notifying the Court or parties he was deceased for months. A Transcript of this Hearing is available. Sweetapple further goes on to tell the court that the property of Walter transferred to Patricia via Joint Tenancy but later as described later herein, counsel in the bankruptcy, Bradley Shraiberg has attempted to substitute the Estate of Walter instead as the party to replace Walter, not his wife. These statements of Sweetapple to the court were false and misleading statements. Shraiberg told the BK court the same lie that the interests passed to Patricia when Walter died but as later exhibited herein, he then substituted the Estate and NOT PATRICIA, making both he and Sweetapple’s claims to the courts false and misleading.

Counsel Sweetapple then proceeds to Electronically Mail Documents to the Court itself to obtain a Final Judgment of Foreclosure again making it “appear” as if Walter Sahm was alive and never Notifying of Death or Substituting the Walter Sahm Estate into the case and this Final Judgment was issued by Judge Kastrenakes and Officially Recorded in the Court and Real Property Index system falsely showing Walter Sahm to be alive when he was deceased.

⁵ Exhibit 5 - OFFICIAL NOTICE OF HEARING

See Official Document No. 88 12/23/2021 FINAL JUDGMENT
FORECLOSURE, , AMOUNT OF FJ \$353,574.68, SALE DATE 04/20/2022,
SIGNED DATE 12/21/2021 - J KASTRENAKES BOOK 33193 PAGE 500-504
\$353,574.68 04/20/2022 12/21/2021 J KASTRENAKES.

These false and fraudulent filings directly affected the Title to the property and caused harm to myself and wife and sons by having the home on the Foreclosure Sale auction block based on False and Fraudulent Official filings and using a Final Judgment that is void as such and any sale by any party relying on the fraudulently gained judgment would constitute further fraud to any buyer of a fraudulently sold property. For the seller knowingly selling a fraudulent Final Judgment would constitute yet more criminal acts.

To further show the Direct Intent, Knowledge and Willfulness of both Counsel Robert Sweetapple and Patricia Sahn, months after the Final Judgment but before the Sale Date on Foreclosure my wife and I both made Filings with the Court to Show the Suggestion of Death of Walter Sahn and that it dated back to January of 2021 and that Counsel Sweetapple and Patricia Sahn's Foreclosure Judgment was taken illegally because of the Florida Rule yet Counsel Sweetapple again knowingly, willingly, and intentionally proceeded to File 2 further False Official Filings by Filing a Notice of Sale under Document No. 158 on April 7, 2022 and then a Proof of Publication in the Palm Beach Post Publicizing the Sale on April 14, 2022 again Falsely filing as if Walter Sahn was still alive and not showing he was Deceased and had an Estate or Estate Representative. These filings by Counsel Robert Sweetapple came after I had already filed showing we now knew Walter Sahn was deceased and therefore Counsel Sweetapple filed the False Notice of Sale and Publication falsely in the name of Walter Sahn in a knowing and intentional manner to commit fraud upon any public buyer.

Document No. 158 04/07/2022 NOTICE OF SALE, SALE DATE 04/20/2022
4-20-2022 WALTER E SAHM AND PATRICIA SAHM V BERNSTEIN
FAMILY REALTY LLC 04/20/202

Document No. 167 04/14/2022 PROOF OF PUBLICATION
NOTICE OF FORECLOSURE SALE

I believe one of the Criminal Sections violated here is **Florida Statute 817.535 - Unlawful filing of false documents or records against real or personal property** which is under the Chapter for Fraudulent Practices.

Under the Definitions,

(a) “File” means to present an instrument for recording in an official record or to cause an instrument to be presented for recording in an official record.

c) “Instrument” means any judgment, mortgage, assignment, pledge, lien, financing statement, encumbrance, deed, lease, bill of sale, agreement, mortgage, notice of claim of lien, notice of levy, promissory note, mortgage note, release, partial release or satisfaction of any of the foregoing, or any other document that relates to or attempts to restrict the ownership, transfer, or encumbrance of or claim against real or personal property, or any interest in real or personal property.

(d) “Official record” means the series of instruments, regardless of how they are maintained, which a clerk of the circuit court, or any person or entity designated by general law, special law, or county charter, is required or authorized by law to record.

(2)(a) **A person who files or directs a filer to file, with the intent to defraud or harass another, any instrument containing a materially false, fictitious, or fraudulent statement or representation that purports to affect an owner’s interest in the property described in the instrument commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.**

The False Instruments filed by Counsel Robert Sweetapple “AS IF” Walter Sahm was still alive allowed Sweetapple and Patricia Sahm to take a False Foreclosure Judgment prematurely and in violation of due process of law and procedure thus affecting the Title, ownership, encumbrances and rights to Transfer the subject property.

It appears that there was no substitution of Walter because it would have caused the Court to hear motions from attorneys Ferderigos and Morburger, including the fact the Bernstein children were sued as minors while adults, thus never served and that no consent to the final judgment was ever given by Ferderigos⁶ as falsely claimed to the Court by Sweetapple and that the Estate would have to be substituted as required by law. Problem with doing that would have meant they would have had to serve the adults as adults and they were already well past the Statute of Limitations and thus would have had nothing if forced to reserve them legally as adults.

Attorney Alan Rose and “Trustee” Ted Bernstein - During the Nov. 22, 2021 Summary Judgment Hearing Counsel Robert Sweetapple directly references attorney Alan Rose for Ted Bernstein and that he was conferring with Alan Rose and having Alan Rose review the numbers, as an alleged 2nd mortgage holder before submitting the Final Judgment which again was submitted Falsely in the name of Walter Sahn as if he was alive and thus both Alan Rose and Ted Bernstein were involved in the process that resulted in the False Foreclosure Judgment taken in fraud and should be investigated as part of this complaint.

In fact the entire Foreclosure case looks like the continuation of the pattern of frauds already reported to this Law Enforcement Agency at the PBSO involving Alan Rose and Ted Bernstein in the cases listed above which now all need to be revisited in light of the new crimes being committed.

Attorney Robert Sweetapple, Patricia Sahn, Attorney Alan Rose, Ted Bernstein involved in Last Minute “Extortion” Attempts against my Family Days before the Scheduled False and Fraudulent Sale of the property:

This Agency can contact Witness Glenn Schwartzman who can Verify that even though these Parties did NOT have Lawful Authority to Act for Deceased person

⁶ Exhibit 6 - LESLIE FERDERIGOS, ESQ. - LETTER OF NO CONSENT TO JUDGE KASTRENAKES and Court Filings

Walter Sahn, all of these parties engaged in further Extortion of my wife and family and self by using “Last Minute” attempts by Sweetapple and Rose through Schwartzman as a middleman to Buy out of the Sale in a “Settlement” while acting to Settle for Walter Sahn too who I believe has NO Personal Representative or Estate set up yet as Testamentary Letters have never been provided to the courts, all of these crimes have led to great stress and distress creating Fear and other injury in my direct household as a result of these False Official Filings and Fraudulent acts and only has been given Temporary Relief by forcing the Filing of a Bankruptcy against my Sons company BFR, LLC.

Federal Due Process Rights - violation of 42 USC 1983 and Federal Criminal Liability under Section 242 of Title 18:

According to the US Justice Department,

Section 242 of Title 18 makes it a crime for a person acting under color of any law to willfully deprive a person of a right or privilege protected by the Constitution or laws of the United States.

For the purpose of Section 242, acts under "color of law" include acts not only done by federal, state, or local officials within their lawful authority, but also acts done beyond the bounds of that official's lawful authority, if the acts are done while the official is purporting to or pretending to act in the performance of his/her official duties. Persons acting under color of law within the meaning of this statute include police officers, prisons guards and other law enforcement officials, as well as judges, care providers in public health facilities, and others who are acting as public officials. It is not necessary that the crime be motivated by animus toward the race, color, religion, sex, handicap, familial status or national origin of the victim.

The offense is punishable by a range of imprisonment up to a life term, or the death penalty, depending upon the circumstances of the crime, and the resulting injury, if any.

See, <https://www.justice.gov/crt/deprivation-rights-under-color-law>.

Proof that Judge Kastrenakes himself is involved and had to have knowledge can be shown by the Fact that on December 20th or 21st, 2021 when Counsel Sweetapple Electronically Mails the Court more False Filings for the Judgment which does not Substitute an Estate for Walter Sahm and Continues the Fraud, ***Judge Kastrenakes “Signs the Fraudulent Judgment” within a few hours even though the Email sent by Sweetapple clearly showed the Court that Counsel Sweetapple did not even include Service on Counsel Ferderigos who had officially appeared in the case for months and such Electronic Mail filing by Counsel Sweetapple further falsely claimed to have the “Consent” of the Defendants counsel for the False Judgment where no consent was provided. Judge Kastrenakes knew and should have known Counsel Ferderigos who represented my sons had not even been Served with this Proposed Judgment as it was clear she was not included in the Email Service and therefore could not have Consented. Judge Kastrenakes proceeded to issue the Judgment anyway and did so within a few hours of receipt.***

THIS FRAUDULENTLY CLAIMED CONSENT OF MY CHILDREN’S
COUNSEL BY SWEETAPPLE IS SIMULATED LEGAL PROCESS TO
OBSTRUCT JUSTICE
2016 Florida Statutes
TITLE XLVI - CRIMES
Chapter 817 - FRAUDULENT PRACTICES
Part I - FALSE PRETENSES AND FRAUDS, GENERALLY (ss. 817.011-
817.569)
817.38 - Simulated process.

AND

Title XLVI
CRIMES
Chapter 843
OBSTRUCTING JUSTICE
View Entire Chapter
843.0855

(3) A person who simulates legal process, including, but not limited to, actions affecting title to real estate or personal property, indictments, subpoenas, warrants, injunctions, liens, orders, judgments, or any legal documents or proceedings, knowing or having reason to know the contents of any such documents or proceedings or the basis for any action to be fraudulent, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Yet, despite multiple post Judgment motions filed by Attorney Ferderigos for my sons and other filings by myself and wife Candice showing NO Consent to the Judgment and improper Service filed over a period of weeks and months, Judge Kastrenakes never acted on any of these motions to correct the false statements and frauds in the proceedings and report the criminal and ethical matters to the proper state criminal, civil and ethical authorities.

In fact after my wife Candice and I filed Emergency Motions in April 2022 to Stop the Sale due to Violating the Suggestion of Death Rule 1.260 referenced above, **Judge Kastrenakes FAILED to TAKE ANY ACTION in over 48 Hours of our Emergency Filing to Stop the Sale** and instead Judge Kastrenakes let a False and Fraudulent **Foreclosure Sale go forward** which was only Stopped by our young adult Sons who were forced to file in Bankruptcy against their company BFR, LLC creating a Federal Bankruptcy Stay on the Sale and placing BFR in a position to seek protection from that Court to reorganize and deal with the plethora of fraud trying to steal one of the largest known investments held by BFR.

The publishing of the Fraudulent Final Judgment and attempted sale of the property using such fraudulent Final Judgment appears to violate several state laws.

STATE FRAUDS CONTINUE TO FEDERAL BANKRUPTCY COURT
WHERE NEW FRAUDS ARE BEING COMMITTED
Southern District Florida Bankruptcy Court
Case #22-13009-EPK
Bernstein Family Realty LLC

The fraud on the Bankruptcy Court begins almost two years after Walter Sahn passed as Bradley Shraiberg, Esq. files a Notice of Appearance for Walter Sahn and Patricia Sahn individually, not the Estate of Walter Sahn.

From the June 08, 2022, hearing transcript⁷ in the US Bankruptcy Court, **Attorney at Law and Officer of the Court, Inger Garcia, Esq. reported on the record to the Bankruptcy Court a fraud on the Bankruptcy Court, a fraud on a FL State Court, Creditors and Debtors and the Trustee.** Ms. Garcia's statements awoke the Court to the fact that a dead person had motioned the Court for hearing and the Court was hearing the motion filed by the dead person.

This fraud was achieved by attorney Bradley Shraiberg, Esq. with false oaths to the US BANKRUPTCY Court regarding his representation of a dead person and fraudulent motions filed with the Court using the deceased person. Shraiberg has been representing a dead person since the start of the proceedings as part of a more complex series of frauds taking place in these matters that started in the Florida State Court described above. These frauds were done knowingly and with the intent to deceive the Court and the parties involved to steal assets of the BFR Bankruptcy Estate.

Some background information will help you understand the fraud in and on the US Federal Bankruptcy court and other parties with interest.

1. Walter Sahn died on January 05, 2021, see attached Exhibit Walter Sahn Death Certificate, already exhibited herein.
2. On August 05, 2021 (8 months after his death) Walter Sahn while deceased, as if alive, filed for Summary Judgment on - FL 15th Judicial Case #50-2018-CA-002317-XXXX-MB Docket #85 "MOTION FOR SUMMARY FINAL JUDGMENT OF FORECLOSURE, TAXATION OF COSTS, AND AWARD OF ATTORNEYS' FEES." Attorney Robert Sweetapple, Esq. filed this.
3. On December 23, 2021 (nearly a year after death) - Walter Sahn while deceased, as if alive, was awarded Final Judgment in his name as if alive,

⁷ Exhibit 7 - June 08, 2022 Hearing Transcript

not in the name of his Estate. - FL 15th Judicial Case #50-2018-CA-002317-XXXX-MB Docket #88 “FINAL JUDGMENT FORECLOSURE, , AMOUNT OF FJ \$353,574.68, SALE DATE 04/20/2022, SIGNED DATE 12/21/2021 - J KASTRENAKES BOOK 33193 PAGE 500-504”.

4. On April 04, 2022 A Suggestion of Death was filed - FL 15th Judicial Case #50-2018-CA-002317-XXXX-MB Docket #155 “NOTICE OF CORRECTION OF DATES OF SUGGESTION OF DEATH AND SUPPLEMENTAL 1.530 (F/B DFT ELIOT I. BERNSTEIN)” notifying the parties of Walter Sahn’s death. It defies belief that even after this Suggestion of Death was put into the record in Kastrenakes Court, which should have abated the case until a substitution for Walter was made by his Estate, counsel continued to move knowingly and with bad intent further using deceased Walter, including continuing the fraud in and on the Federal Bankruptcy Court.
5. On April 14, 2022 The Final Judgment in Walter Sahn’s name was then used in a “Proof of Publication” regarding the sale of the home that is part of the BFR Estate - FL 15th Judicial Case #50-2018-CA-002317-XXXX-MB Docket #167 “NOTICE OF FORECLOSURE SALE.”
6. On April 25, 2022 (nearly a year and half after Walter’s death) Bradley Shraiberg, Esq. entered a Notice of Appearance for the deceased Walter Sahn to the Bankruptcy Court in this case, which states “PLEASE TAKE NOTICE that Bradley S. Shraiberg, Esq. of Shraiberg Page, P.A., hereby enters notice of appearance as counsel for Walter E. Sahn and Patricia Sahn (together, “Secured Creditors”)...” This was to keep the fraud of the lower court going which issued an Order for a Deceased party and Shraiberg would not have been able to make a claim in the Bankruptcy for the Estate with an Final Judgment issued to Walter, the Judgment would have had to be changed and it would have voided the Fraudulent Judgment and with the Statute of Limitations over, they would not have been able to get another issued without first addressing the Fraudulent Service of adults as minor and they would have lost any claims they had.
7. Bradley Shraiberg appeared before the Court representing a deceased party repeatedly and even after a suggestion of death was filed in the Bankruptcy Court continued the fraud and this was all part of more elaborate frauds

taking place in these matters and efforts to defraud the BFR Estate of property.

From the June 08, 2022 transcript I quote attorney Inger Garcia, Esq.;

13 THE COURT: Ms. Garcia.

14 **MS. GARCIA: Hi, Your Honor. Thank you. I**

15 **don't know what to say except I'm a little bit shocked**

16 **at what's being represented to the court. I'm so sorry**

17 **because I completely respect the court system and all**

20 **the attorneys and I'm fairly new to the case, but I**

21 **can say this. Under 11USC305, I'm requesting the court**

22 **to do what's in the best interest of the creditors and**

1 **the debtors.** Now, I did send the trustee just prior to

2 the hearing a copy of the insurance that proves this

3 property is insured. They did insure it timely, but it

4 wasn't titled correctly, so I got the properly titled

5 correctly insurance today, so this property is not at

6 risk. **Number two, this joinder that was filed for**

7 **Walter Saum and Patricia Saum was filed with a dead**

8 **man and at the last hearing counsel represented that**

9 **Walter Saum just passed away recently. I have the**

10 **death certificate and I provided it also to the**

11 **trustee that he died 18 months ago. The final judgment**

12 **was done in the name of a dead man.** I plan on going

13 back to the state court to Judge Castranacis

14 (phonetic) who I respect because he was my professor

15 in law school, got me my first job with the State

16 Attorney Janet Reno. He's an incredible judge. **He was**

17 **misled in the court, and I want to go back to that**

18 **court and correct his final judgment,** but in the

19 meanwhile, Judge, I'm asking don't convert it to a 7.

20 There's many issues. There's an investment trust that
21 spawns this property. Mr. Rose knows, him and I have
22 been going back and forth that I'm trying to get

1 \$300,000 release to pay Mr. Marshal to defend his case
2 if needed. So, to me, I'm sorry, Judge, I'm very sad
3 and very upset after 30 years of practicing law that
4 these people come in here and tell you the best
5 interest is a Chapter 7, when it's a dismissal without
6 prejudice. **Give us a chance to get the money from the
7 attorney who are filing for dead people and who
8 control money that are preventing us from paying this
9 mortgage and let our clients do this correctly, so
10 please do not convert this to a Chapter 7 and hurt
11 this client. This is their family home for years.
12 These are three young teenagers who are trying to do
13 the best they can.**

And further

22· ·MS. GARCIA: Your Honor, all I can address on
1 that issue is that in the underlying case this entity
·2 is part of the final judgment as it exists and nobody
·3 brought up to that point either, **so I think Judge
·4 Castranacis needs to be informed of what's really
·5 going on so he can void the final judgment adnitio
·6 (phoenetic) fraud on the court.**

Mr. Shraiberg filed a notice of appearance for a deceased Walter Sahn who had been dead for a year and a half before his representation began before the Bankruptcy Court. Mr. Shraiberg continued this fraud by then preparing pleadings for a deceased party and then representing him at hearings. The dead Walter Sahn then filed a joinder motion to the US Attorney motion heard on June 08, 2022.

The initial notice of appearance and all other documents filed in the Bankruptcy Court by Shraiberg for Walter were for a deceased person and this act alone appears to violate all of the following:

18 U.S. Code § 152 - Concealment of assets; false oaths and claims; bribery;
18 U.S. Code § 1341 - Frauds and swindles; and
18 U.S.C. § 1519. Destruction, alteration, or falsification of records in Federal investigations and bankruptcy.

When criminal activity is suspected, the trustee must notify the United States Trustee immediately. 18 U.S.C. § 3057. In all cases where the trustee suspects criminal activity, the trustee must immediately notify the United States Trustee so that the recording of the meeting of creditors may be properly secured and stored to preserve its later use in a criminal proceeding. 28 U.S.C. § 586. I would assume that Heidi Feinberg, Esq., acting as US Trustee in the case and who was present when Ms. Garcia exposed the frauds, would have already taken these steps and began to fulfill her fiduciary duties to report fraud, especially where the allegations were made by a Florida Licensed Attorney.

We also notified the US Trustee, Michael Bakst⁸ of the crimes and it appears he took no effort to notify the US Attorney and others and he may have breached and violated his fiduciary duties in efforts to cover up the crimes.

These frauds also concealed via fraud a necessary party from the proceedings both in the State Court and the Bankruptcy Court, the Estate of Walter Sahn, where the Estate and the PR, are and have always been necessary parties since Walter died, as is now evidenced by the attempt of Mr. Shraiberg to now substitute the Estate of Walter Sahn on June 08, 2022 **BUT HE DID THIS IMMEDIATELY AND ONLY AFTER AN ATTORNEY AT LAW EXPOSED HIS FRAUD TO THE JUDGE ON THE RECORD.** A bit too late for attempting to cover the crime up. Thereby, all hearings and pleadings should be void as a necessary party was

⁸ Exhibit 8 - BAKST LETTER

intentionally concealed from the proceedings through fraud, impacting the entire proceedings from day one when the fraud began.

Further, Ms. Garcia, Esq. as an Officer of the Court also reported to the Bankruptcy Court that the final judgment the Sahn's possess and are asserting as a creditor claim from the State Court, was gained through a similar fraud on that court of using a deceased Walter Sahn to both file for Summary Judgment and a deceased Walter was issued a Final Judgment in his name that is now before the Bankruptcy Court, not in the name of his estate or the PR's name, all part of an elaborate and ongoing fraud to steal property of the BFR Estate. All of this obstruction via simulated legal process to gain real property represents numerous other frauds, now a host of federal crimes, which must now also be investigated.

It appears that Mr. Shraiberg was continuing the fraud on the Bankruptcy Court that began in the State Court with Judge Kastrenakes. Shraiberg is asserting to the Court a Final Judgment that was fraudulently gained and is in a deceased Walter's name individually and it appears he did not want to disrupt the apple cart by explaining just exactly how that came to be to the Bankruptcy Court and knowing that judgment was void he continued to act as if he were unaware of his alleged clients death to further the fraud.

Despite knowing that Walter was dead, it was not until the day after the June 08, 2022 hearing, after Ms. Garcia, Esq. exposed the fraud on the record, that Shraiberg acknowledged that his client was dead since January 2021 and tried to substitute Walter's Estate. However, the Final Judgment he holds as a creditor claim is not in the Estate of Walter Sahn and thus I am uncertain if they are a proper party before the Court or this constitutes more fraud in effort to cover up the other state frauds.

Sharaiberg then months later and only after exposed on the Record for his fraud tried to go back and amend his original Notice of Appearance to change Walter as his client to the Estate, perhaps another fraud. Shraiberg tried substituting the Estate and added an alleged PR, Joanna Sahn, to replace Walter, as if this would somehow cure the ongoing frauds. No letters testamentary were presented to prove such amended notice valid or legal and at this time no notice of substitution of

party appearance has been filed by counsel to represent the Estate of Walter. We are concerned that the Sahn's are not even aware of the frauds their attorneys are committing in their names and Joanna Sahn may not be aware of her breaches of fiduciary duties if she is the PR and involved in concealing the Estate from the State and Federal court actions. This would be concealing a necessary party with intent to defraud the opposing party.

Further, I have been unable to find a probate case in FL or other states searched for Walter and with no Letters of Testamentary provided this may be yet further fraud. It would be best to contact Patricia and Joanna Sahn to discover if they may have sold their case to a third party who is making all of these misrepresentations on their behalf. My family knows and loves the Sahn's as they have helped our family for years since my father was friends and business partners with Walter while they were alive.

Further, Mr. Shraiberg misled the court repeatedly in the BK hearings (echoing Mr Sweetapple's claims in the State Court) that Walter Sahn's interest in the Mortgage and Final Judgment was somehow transferred by "Tenants by the Entirety" to his wife Patricia upon the death of Walter Sahn and thus he claimed no harm no foul. This claim is now proven false and misleading as Mr. Shraiberg has now attempted to substitute the Estate of Walter Sahn and not Patricia Sahn and thus by his own acts and admission he has proven his prior statements false, as the interest did not pass to Walter's wife but instead to his Estate. This also exposes that the Estate was a necessary party in the State Court immediately after Walter's death and thus the fraudulently obtained Final Judgment issued to a deceased person in that court is void.

The Bankruptcy Court has information from attorney Garcia that she presented on the Record to the Federal BK court that the current final judgment held by the Sahn's was obtained and issued improperly by "**FRAUD ON THE COURT**" and that the name on the note being a dead person is therefore also void before the Bankruptcy Court. Any sale of the property based upon these frauds and void documents would constitute a fraudulent transfer of property to whomever it is proposed to be sold to in the general public and by whomever knowingly fraudulently sells it.

It would be unconscionable for any party including the Courts to now move forward with any sale by advancing this fraud through any action that would be considered as continuing the fraud instead of curing it. For the Bankruptcy Court to further advance the Sahn's Judgment to sell any property or as cause to sell property, would be furthering an ongoing fraud, a fraud on the court and a fraud on all parties involved with interests and any potential buyer.

The Sarbanes-Oxley Act of 2002, created 18 U.S.C. § 1519. Section 1519 covers the alteration, destruction or falsification of records, documents or tangible objects, by any person, with intent to impede, obstruct or influence, the investigation or proper administration of any "matters" within the jurisdiction of any department or agency of the United States, or any bankruptcy proceeding, or in relation to or contemplation of any such matter or proceeding. It provides:

"Whoever knowingly alters, destroys, mutilates, conceals, covers up, falsifies, or makes a false entry in any record, document, or tangible object with the intent to impede, obstruct, or influence the investigation or proper administration of any matter within the jurisdiction of any department or agency of the United States or any case filed under title 11, or in relation to or contemplation of any such matter or case, shall be fined under this title, imprisoned not more than 20 years, or both."

Finally, there is another deceased party perpetrating a fraud on the Bankruptcy Court in the bankruptcy matter and State Court Foreclosure action and that concerns Ted Bernstein, his lawyer Alan Rose, Esq. and Brian O'Connell, Esq.⁹ the PR of my father's estate. Mr. Rose has claimed on the record at the June 08,2022 hearing that he is representing "Ted S. Bernstein as Trustee of the Simon L. Bernstein Amended and Restated Trust"¹⁰, which he claims to hold a second mortgage to the home. However, a quick review of the trust, attached herein, and you will find that Ted Bernstein is considered Predeceased for "All Purposes" of the trust and is further precluded from being a Successor Trustee as he is related to Simon Bernstein, his father and therefore precluded.

⁹ Exhibit 9 - Brian O'Connell Florida Supreme Court Bar Investigation

¹⁰ Exhibit 10 - SIMON BERNSTEIN AMENDED AND RESTATED TRUST

From the attached Simon Bernstein Amended and Restated Trust, I quote;

“Notwithstanding the foregoing, for all purposes of this Trust and the dispositions made hereunder, my children, **TED S. BERNSTEIN**, PAMELA B. SIMON, ELIOT BERNSTEIN, JILL IANTONI and LISA S. FRIEDSTEIN, **shall be deemed to have predeceased me** as I have adequately provided for them during my lifetime.”

AND

“3. Successor Trustees Not Provided For. Whenever a successor Trustee or co-Trustee is required and no successor or other functioning mechanism for succession is provided for under the terms of this Trust Agreement , the last serving Trustee or the last person or entity designated to serve as Trustee of the applicable trust may appoint his or her successor, and if none is so appointed, the following persons shall appoint a successor Trustee (who may be one of the persons making the appointment):

- a. The remaining Trustees, if any; otherwise,
- b. A majority of the permissible current mandatory or discretionary income beneficiaries, including the natural or legal guardians of any beneficiaries who are Disabled.

A successor Trustee appointed under this subparagraph shall not be a Related or Subordinate Party of the trust.

A quick note, Ted’s prior counsel, Robert Spallina and Donald Tescher, both disbarred now for criminal insider trading, where the Co-Trustees of Simon’s trust but had to resign after admitting to Palm Beach Sheriff Deputies that Spallina had forged my mother’s trust to include Ted’s children back into that trust. Ted is also considered predeceased with his lineal descendants in my mother’s trust. That confession of fraud by Spallina was after the law offices of Tescher & Spallina PA were found guilty by the Palm Beach County Sheriff of submitting 6 forged and fraudulently notarized documents in my mother’s estate for six separate parties to

the State Court, including a document notarized by my deceased father, after his death.

Ted Bernstein, acting improperly as Trustee of Simon's Trust, purchased from the Estate of Simon Bernstein Personal Representative, Brian O'Connell, Esq., the 2nd mortgage involved in this bankruptcy case. Brian O'Connell, Esq. is currently in a Florida Supreme Court Bar Complaint and recently was found guilty of Breaches of Fiduciary Duties and Negligence in the Oliver Bivins case in Federal Court.

Mr. O'Connell had further made a claim in a court document that Ted was not a validly serving trustee of the Simon trust and yet despite his knowledge that Ted was falsely serving he transferred/sold the mortgage to him.

The language from the attached filing¹¹ in my mother's trust case filed by O'Connell states:

CIRCUIT COURT IN AND FOR THE 15th JUDICIAL CIRCUIT IN
AND FOR PALM BEACH COUNTY, FLORIDA
Filing # 23874665 E-Filed 02/17/2015
Case No. 502014CP003698XXXXSB

“AFFIRMATIVE DEFENSE

1. First Affirmative Defense- Lack of Standing- Ted Bernstein lacks the requisite standing as he is not validly serving as Trustee of the Simon Trust, is not a beneficiary of the Simon Trust, and is not representing any minor child that is a beneficiary of the Simon Trust.”

Yet, despite this statement by O'Connell it did not stop him from later selling the note to Ted, which has since been used in these fraudulent schemes and to extort my family further by Ted and Alan Rose and others involved. There has been no Construction hearing on the Simon Bernstein Amended and Restated Trust which resulted in any Order that would have allowed Ted to violate the very terms of the

¹¹ Exhibit 11 - O'Connell Answer and Affirmative Defenses

Trust to bring him back to life from his Deceased status. Another, “Dead Man Walking” and committing fraud on all parties involved.

O’Connell also was found guilty by a Federal Court of breach of fiduciary duties and negligence in the Bivins v. Guardianship of Bivins Case
Bivins v. Rogers et al - 9:15-cv-81298

*All parties who are involved in the legal representations of this matter, including Heidi Feinman, Esq. and Judge Kimball, and Trustee Bakst who was sent notice of the frauds in the bankruptcy court, are now conflicted with these matters, at minimum as Material and Fact Witnesses to the crimes they were alerted to.

Each will need to be deposed as to their knowledge of the frauds, when they first learned Walter Sahn was dead, what actions they have taken since learning of the frauds, have they reported the frauds as required, who have they reported these matters to, has the State Court been notified of the FRAUD exposed by attorney Garcia to the Bankruptcy Court, have the Chief Judges of both Courts been notified of the fraud, etc. Therefore, as Material and Fact witnesses at minimum, they should all decline further involvement in the adjudication of these matters and have new conflict free parties replace them immediately. It should be noted that Ted Bernstein and Alan Rose were both aware that Walter Sahn was dead from their involvement in the State Court frauds, having been served a Suggestion of Death in that matter and failed to report this to the Bankruptcy Court and participated in the scheme from the start with Shraiberg.

After reviewing the transcript of the June 08, 2022 hearing before Judge Kimball where he was notified by an Officer of the Court, Inger Garcia, Esq. of both fraud in his Court and in the State Court, I am concerned that Judge Kimball appears to be suffering some form of mental disease/dementia, as he appeared to wholly ignore the fact that a motion he was hearing was filed by a dead person or that there was fraud upon his Court and a State Court disclosed by an attorney to him. He has taken no action to remove Shraiberg and others for these frauds. It is well established that an attorney/client relationship ceases the moment the client dies

and since Sahn was dead long before being retained while dead by Shraiberg, all actions in his name were fraud by Shraiberg.

Not only did Judge Kimball ignore the fraud he further stated that it did not matter in making his decision and when I personally tried to inform him of the other ongoing frauds, he limited me to only two sentences and then irately disconnected my connection to the hearing. I am also concerned if he has taken any action to report the fraud to proper state and federal, civil, and criminal authorities as he is required to do. His failure to take any action to my knowledge to report and correct the fraud in the Court may be due his severe prejudice against me displayed in his efforts to shut down my ability to represent myself before the Court, depriving me of my due processes rights and limiting my disclosure of the frauds taking place in his Court.

I was made aware after the hearing on June 08, 2022, that attorney Inger Garcia, Esq. had sent US Trustee Heidi Feinman, Esq. an email informing her of the fraud being committed in and on the Bankruptcy Court PRIOR TO THE HEARING THAT DAY and in fact that the US Trustee's motion to be heard that day had been joined via a joinder motion, again filed by a deceased Walter Sahn. I am concerned if US Trustee Heidi Feinman, Esq. has failed to report the fraud reported to her directly by attorney Garcia to the proper authorities perhaps violating Misprision of Felony laws that several of the attorneys and jurists in these matters may have all violated and therefore acting outside the Color of Law.

Additionally, you should make record of the fact that Judge Kastrenakes has violated the Federal Bankruptcy Stay issued on his Court by the Bankruptcy Court as he issued an Order:

Docket 172 on 05/25/2022 "ORDER KASTRENAKES DTD 5/24/22: DFTS MOTION FOR REHEARING TO VACATE FINAL JUDGMENT OF FORECLOSURE DENIED KASTRENAKES DTD 5/24/22: DFTS MOTION FOR REHEARING TO VACATE FINAL JUDGMENT OF FORECLOSURE DENIED."¹²

¹² Exhibit 12 - Judge Kastrenakes Order in Violation of Federal Bankruptcy Stay

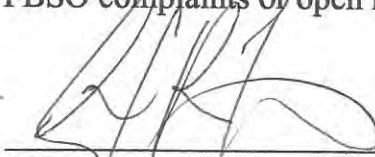
Section 3057 of title 18 of the United States Code requires the trustee to report suspected violations of federal criminal law to the appropriate United States Attorney. Section 586 of title 28 imposes a similar duty on the United States Trustee to refer any matter that may constitute a violation of criminal law to the United States Attorney and, upon request, to assist the United States Attorney in prosecuting the matter. This statutory obligation does not provide for the referral of only those matters which will be prosecuted or for which there is proof beyond a reasonable doubt. Nor is it subject to any thresholds or guidelines established by the United States Attorneys' offices.

Immediately after Inger Garcia, Esq. reported the Fraud to the Court, Judge Kimball became hostile and irate not at those who committed these very serious criminal acts in his Court but instead against my children, my wife and me. He started threatening us that we had somehow committed a crime by filing for Bankruptcy and began to fill the record and issue Orders in efforts to cover up the crimes of his friends, the lawyers and trustees involved. Including threatening my kids to lawyer up with criminal lawyers. He then dismissed the case in a complete reversal to what he had been doing in the case in efforts to shut us down and have the state foreclosure action proceed against us.

All these facts should be investigated, and this Agency should REFER actions under Federal Law crimes to the FBI and Justice Department as appropriate and make any supplements to prior PBSO complaints or open new cases where appropriate.

Dated:

August 16, 2022



Eliot I. Bernstein
2753 NW 34th St
Boca Raton, FL 33434
561-245-8588
iviewit@iviewit.tv

EXHIBIT 3

Paul Turner 15th Judicial Filing exposing to the Court the fraud on Joshua via Illegal Guardianship

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

IN RE:

CASE NO. 50-2012-CP-004391-XXXX-NB

ESTATE OF SIMON L. BERNSTEIN

DECEASED.

**OBJECTION TO MOTION TO APPROVE MEDIATION SETTLEMENT
AGREEMENT WITH TESCHER & SPALLINA, P.A.**

COMES NOW Joshua Bernstein, by and through his undersigned legal counsels, Paul D. Turner, Esq., Christopher Perré, Esq., the law firm of Perlman, Bajandas, Yevoli & Albright, P.L., (“PBY&A”), and Marc J. Soss, Esq. (collectively “Counsel”), hereby files this objection to the Motion to Approve Mediation Settlement Agreement (the “Mediation Agreement”) and states as follows:

Background

1. On or about October 2, 2012, probate proceedings were commenced for the decedent.
2. At the time the proceedings were commenced, Joshua Bernstein (“Joshua”), one of the beneficiaries of the Estate and Trust of Simon L. Bernstein was a minor with a date of birth in August 1997.
3. On March 8, 2016, a Motion for Appointment of a Guardian Ad Litem (“GAL Motion”) to represent the interests of the children of Eliot Bernstein was filed with this Court. At the time the GAL Motion was filed Joshua was over the age of eighteen (18) years and did not require a guardian-ad-litem to be appointed for him.
4. On April 8, 2016, this Court approved the GAL Motion and appointed Diana Lewis, Esquire (“Lewis”), as the guardian-ad-litem for Joshua.
5. On November 9, 2016, a Motion to Approve Compromise and Settlement, Appoint a Trustee for the Trusts created for D.B., Ja.B. & Jo.B and Determine Compensation for Guardian-Ad-Litem was filed with this Court.
6. On October 27, 2017, a Motion to Direct Payments for Benefit of Eliot's Children to Court Registry in lieu of Appointing Trustee; and to Determine Compensation for Guardian Ad Litem and Discharge Guardian was filed with this Court. The matter is scheduled for hearing

on February 6, 2018.

Florida Guardian-Ad-Litem

7. Section 744.102(10) of the Florida Statutes defines the term “Guardian-Ad-Litem” as “a person who is appointed by the court having jurisdiction of the guardianship or a court in which a particular legal matter is pending to represent a ward in that proceeding.”

8. Section 744.3025, Claims of Minors, of the Florida Statutes, further provides:

(1)(a) The court may appoint a guardian ad litem to represent the minor’s interest before approving a settlement of the minor’s portion of the claim in a case in which a minor has a claim for personal injury, property damage, wrongful death, or other cause of action in which the gross settlement of the claim exceeds \$15,000 if the court believes a guardian ad litem is necessary to protect the minor’s interest.

(b) Except as provided in paragraph (e), the court shall appoint a guardian ad litem to represent the minor’s interest before approving a settlement of the minor’s claim in a case in which the gross settlement involving a minor equals or exceeds \$50,000.

(c) The appointment of the guardian ad litem must be without the necessity of bond or notice.

(d) The duty of the guardian ad litem is to protect the minor’s interests as described in the Florida Probate Rules.

(e) A court need not appoint a guardian ad litem for the minor if a guardian of the minor has previously been appointed and that guardian has no potential adverse interest to the minor.

(2) Unless waived, the court shall award reasonable fees and costs to the guardian ad litem to be paid out of the gross proceeds of the settlement.

(3) A settlement of a claim pursuant to this section is subject to the confidentiality provisions of this chapter.

9. A Guardian-Ad-Litem is appointed to represent the best interests of either an incapacitated individual or a minor in a legal proceeding.

Basis for Objection

10. At the time that Lewis was appointed to be the guardian ad litem for Joshua, he was neither a minor nor incapacitated. As a result, a guardian ad litem should not have been appointed for Joshua.

11. Between April 8, 2016, the date Lewis was appointed as guardian ad litem for Joshua and the date hereof, Lewis owed a fiduciary duty to Joshua. Notwithstanding said duty, Lewis has never communicated with him, discussed the legal proceedings or made him aware of the alleged settlement reached during the mediation. As of the date of the filing of this objection, Joshua is completely unaware of the terms of the proposed settlement and has never been provided a copy of the mediation settlement agreement.

12. As a result, a guardian ad litem should not have been ever appointed for Joshua, had no authority to bind Joshua to any settlement agreements she may have allegedly entered into on his behalf, and any settlements negotiated and/or entered into on his behalf by Lewis should be deemed void.

Conclusion

WHEREFORE, Joshua Bernstein pray this Honorable Court for an order (i) denying the Motion to Approve Mediation Settlement Agreement and all supplemental matters related thereto; (ii) removing Diana Lewis, Esquire as the guardian-ad-litem for Joshua; and (iii) awarding such other and further relief as deemed just and equitable under the circumstances.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 5, 2018, a true and correct copy of the foregoing document is being served, pursuant to Rule 2.516(b), Fla. R. Jud. Admin., *via* Florida Courts e-Filing Portal to the names and e-mail addresses provided by all parties, counsel of record and *pro se* parties.

Dated: February 5, 2018.

Respectfully submitted,

/s/ Paul Turner

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