

**EXHIBIT 13 – THIS COURT’S MEMO TO TS**

4/13

**MEMORANDUM**

DATE: November 5, 2012

TO: Robert L. Spallina, Esq.

FROM: Astride Limouzin Case Manager, on behalf of -  
This office does not provide legal advice  
For procedural inquiries Tel. #561-274-1424

| X| JUDGE MARTIN H. COLIN      Division - 1Y  
|    JUDGE JAMES L. MARTZ      Division - 1Z  
|    JUDGE ROSEMARIE SCHER    Division - 1X

CASE NUMBER: 50 2011CP000653XXXXSB

Estate of Shirley Bernstein

MATTER: Documents being returned

Order of discharge

- \_\_\_ Death certificate (**CERTIFIED COPY**) not submitted. F.S. §731.103, Probate Rule 5.205 & Probate Rule 5.171
- \_\_\_ Received bill for funeral expenses required (*Must be paid in full*).
- \_\_\_ Proof of will or codicil is required; it is not self-proved. Please review F.S. §732.502; 733.201; P.R. 5.210 & P.R. 5.230.
- \_\_\_ Order admitting will/ codicil/ and or appointing personal representative is either missing or incorrect. FS§733.201, R.5.210 & 5.235
- \_\_\_ Petition and order designating a restricted depository, and acceptance is required FS §69.031 & FS §744.351(6).
- \_\_\_ Oath of Personal Representative, of Guardian or Administrator Ad Litem and designation of resident agent was not submitted or incorrect. Resident agent must sign the acceptance. (Rule 5.110, 5.120 and 5.320 committee notes).
- \_\_\_ Proof of publication not submitted. Rule 5.241.
- \_\_\_ Statement regarding creditors not submitted. Probate Rule 5.241 (d).
- \_\_\_ Inventory not submitted. Probate Rule 5.340.
- \_\_\_ All claims must be satisfied, struck, or dismissed.
- \_\_\_ Final certificate of estate tax or affidavit of non-tax is not submitted. FS §198.26 & 193.28
- \_\_\_ All Beneficiaries must join in the petition or they must receive formal notice on the petition. FS §735.203 & Probate Rule 5.530(b).
- XX** Receipts for assets from all of the specific beneficiaries were not notarized.
- \_\_\_ Receipt of final accounting, service of petition for discharge and/or waiver from all residuary beneficiaries or qualified trust beneficiaries are required. See. R. 5.400. Attorney fees see FS §733.6171(6), 731.302, 731.303(1)(b) and Probate Rule 5.180(b). Committee notes (one person serving in two (2) fiduciary capacities may not waive or consent to the persons acts without the approval of those who the person represents).
- \_\_\_ Proof of service of the Objection to the Claims. FS §733.705(2), Probate Rule. 5.496 & Probate Rule 5.040.
- \_\_\_ Proof of Service of the Notice to Creditors to the Agency for Health Care Administration. FS §733.2121(d) & Probate Rule 5.241 (a).
- \_\_\_ For Lost/Destroyed Wills/Codicils please comply with FS § 733.207, 733.201(2) & Probate Rule 5.510
- \_\_\_ An 8:45 a.m. motion calendar hearing (limited to 5 mins) with notice to all interested parties is required. Notice must be at least five (5) business days (Tue, Wed and Thurs). Please verify suspension dates. Files must be order via the internet at <http://15thcircuit.co.palm-beach.fl.us/web/guest/cadmin>.
- \_\_\_ OTHER:

SHIRLEY R. BOCK, CLERK  
PALM BEACH COUNTY, FL  
SOUTH BRANCH-FILED  
NOV 6 AM 10:18

PLEASE RETURN A COPY OF THIS MEMORANDUM AND PROPOSE ORDERS WHEN REPLYING;  
ADDRESS TO THE CLERK AND COMPTROLLER, 200 W ATLANTIC AVENUE, DELRAY BEACH, FL 33444