

OCT 10 2013

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PALM BEACH COUNTY

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

IN RE: THE ESTATE OF  
SIMON BERNSTEIN,  
Deceased

CASE NO. 502012CP004391XXXXSB  
NOTICE OF MOTION  
HON. JUDGE MARTIN H. COLIN

\_\_\_\_\_  
ELIOT IVAN BERNSTEIN, PRO SE

PETITIONER,

V.

TESCHER & SPALLINA, P.A., (AND ALL PARTNERS,  
ASSOCIATES AND OF COUNSEL),  
ROBERT L. SPALLINA, ESQ., PERSONALLY,  
ROBERT L. SPALLINA, ESQ., PROFESSIONALLY,  
DONALD R. TESCHER, ESQ., PERSONALLY,  
DONALD R. TESCHER, ESQ., PROFESSIONALLY,  
THEODORE STUART BERNSTEIN, INDIVIDUALLY,  
THEODORE STUART BERNSTEIN, AS ALLEGED  
PERSONAL REPRESENTATIVE,  
THEODORE STUART BERNSTEIN, AS ALLEGED  
TRUSTEE AND SUCCESSOR TRUSTEE PERSONALLY,  
THEODORE STUART BERNSTEIN, AS ALLEGED  
TRUSTEE AND SUCCESSOR TRUSTEE,  
PROFESSIONALLY  
JOHN AND JANE DOE'S (I-5000)

RESPONDENTS

**ADDITIONAL RESPONDENTS TO BE ADDED**

THEODORE STUART BERNSTEIN, AS TRUSTEE FOR  
HIS CHILDREN,  
LISA SUE FRIEDSTEIN, INDIVIDUALLY AS A  
BENEFICIARY,  
LISA SUE FRIEDSTEIN, AS TRUSTEE FOR HER  
CHILDREN,  
JILL MARLA IANTONI, INDIVIDUALLY AS A  
BENEFICIARY,

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LISA SUE FRIEDSTEIN, AS TRUSTEE FOR HER  
CHILDREN,  
JILL MARLA IANTONI, INDIVIDUALLY AS A  
BENEFICIARY,

JILL MARLA IANTONI, AS TRUSTEE FOR HER CHILDREN,  
PAMELA BETH SIMON, INDIVIDUALLY,  
PAMELA BETH SIMON, AS TRUSTEE FOR HER CHILDREN,  
MARK MANCERI, ESQ., PERSONALLY,  
MARK MANCERI, ESQ., PROFESSIONALLY,  
MARK R. MANCERI, P.A. (AND ALL PARTNERS, ASSOCIATES AND OF COUNSEL)

**BENEFICIARIES/INTERESTED PARTIES TO BE ADDED**

JOSHUA ENNIO ZANDER BERNSTEIN (ELIOT MINOR CHILD)  
JACOB NOAH ARCHIE BERNSTEIN (ELIOT MINOR CHILD)  
DANIEL ELIJSHA ABE OTTOMO BERNSTEIN (ELIOT MINOR CHILD)  
ALEXANDRA BERNSTEIN (TED ADULT CHILD)  
ERIC BERNSTEIN (TED ADULT CHILD)  
MICHAEL BERNSTEIN (TED ADULT CHILD)  
MATTHEW LOGAN (TED'S SPOUSE ADULT CHILD)  
MOLLY NORAH SIMON (PAMELA ADULT CHILD)  
JULIA IANTONI – JILL MINOR CHILD  
MAX FRIEDSTEIN – LISA MINOR CHILD  
CARLY FRIEDSTEIN – LISA MINOR CHILD

**NOTICE OF MOTION**

**PLEASE TAKE NOTICE** that upon the accompanying affirmation; Pro Se<sup>1</sup> Petitioner Eliot Ivan Bernstein will move this Court before the Honorable Judge Martin H. Colin, Circuit Judge,

<sup>1</sup> Pleadings in this case are being filed by Plaintiff In Propria Persona, wherein pleadings are to be considered without regard to technicalities. Propria, pleadings are not to be held to the same high standards of perfection as practicing lawyers. See Haines v. Kerner 92 Sct 594, also See Power 914 F2d 1459 (11th Cir1990), also See Hulsev v. Ownes 63 F3d 354 (5th Cir 1995). also See In Re: HALL v. BELLMON 935 F.2d 1106 (10th Cir. 1991)."  
In Puckett v. Cox, it was held that a pro-se pleading requires less stringent reading than one drafted by a lawyer (456 F2d 233 (1972 Sixth Circuit USCA). Justice Black in Conley v. Gibson, 355 U.S. 41 at 48 (1957)"The Federal

at the South County Courthouse, 200 West Atlantic Ave., Delray Beach, FL 33401, at a date and time to be determined by the Court, for an order to;

- (I) ORDER ALL DOCUMENTS BOTH CERTIFIED AND VERIFIED REGARDING ESTATES OF SHIRLEY AND SIMON (SIMON'S DOCUMENT ARE REQUESTED AS IT RELATES TO SHIRLEY'S ALLEGED CHANGES IN BENEFICIARIES) BE SENT TO ELIOT AND HIS CHILDREN IMMEDIATELY IN PREPARATION FOR THE EVIDENTIARY HEARING ORDERED BY THIS COURT**
  
- (II) FOLLOW UP ON SEPTEMBER 13, 2013 HEARING AND CLARIFY AND SET STRAIGHT THE RECORD**
  
- (III) COMPEL FOR IMMEDIATE, EMERGENCY RELIEF!!!, INTERIM DISTRIBUTIONS AND FAMILY ALLOWANCE FOR ELIOT, CANDICE & THEIR THREE MINOR CHILDREN DUE TO ADMITTED AND ACKNOWLEDGED FRAUD BY FIDUCIARIES OF THE ESTATE OF SHIRLEY AND ALLEGED CONTINUED EXTORTION**
  
- (IV) CORRECT AND DETERMINE THE BENEFICIARIES OF THE ESTATE BASED ON PRIOR CLOSING OF THE ESTATE THROUGH FRAUD ON THE COURT BY USING FRAUDULENT DOCUMENTS SIGNED BY SIMON WHILE**

---

Rules rejects the approach that pleading is a game of skill in which one misstep by counsel may be decisive to the outcome and accept the principle that the purpose of pleading is to facilitate a proper decision on the merits." According to Rule 8(f) FRCP and the State Court rule which holds that all pleadings shall be construed to do substantial justice.

**HE WAS DEAD AND POSITED BY SIMON IN THIS COURT WHEN HE WAS DEAD AS PART OF A LARGER FRAUD ON THE ESTATE BENEFICIARIES**

**(V) ASSIGN NEW PERSONAL REPRESENTATIVES AND ESTATE COUNSEL TO THE ESTATE OF SHIRLEY FOR BREACHES OF FIDUCIARY DUTIES AND TRUST, VIOLATIONS OF PROFESSIONAL ETHICS, VIOLATIONS OF LAW, INCLUDING BUT NOT LIMITED TO ADMITTED AND ACKNOWLEDGED FRAUD, ADMITTED AND ACKNOWLEDGED FRAUD ON THE COURT, ALLEGED FORGERY, INSURANCE FRAUD, REAL PROPERTY FRAUD AND MORE**

**(VI) FOR GUARDIAN AD LITUM FOR THE CHILDREN OF TED, P. SIMON, IANTONI AND FRIEDSTEIN AND ASSIGN A TRUSTEE AD LITUM FOR TED FOR CONFLICTS OF INTEREST, CONVERSION AND MORE**

**(VII) RECONSIDER AND RESCIND ORDER ISSUED BY THIS COURT "ORDER ON NOTICE OF EMERGENCY MOTION TO FREEZE ASSETS" ON SEPTEMBER 24TH FOR ERRORS AND MORE AND**

**(VIII) RECONSIDER AND RESCIND ORDER ISSUED BY THIS COURT "AGREED ORDER TO REOPEN THE ESTATE AND APPOINT SUCCESSOR PERSONAL REPRESENTATIVES" ON SEPTEMBER 24TH FOR ERRORS AND MORE**

and such other relief as the Court may find just and proper, including but not limited to, Your Honor reviewing all prior motions and petitions, forcing respondents to respond to each and reviewing ALL PRIOR RELIEFS requested, in light of the EMERGENCIES evidenced

herein. That due to extraordinary circumstances defined herein that will cause an immediate lights out situation on Petitioner's family, including three minor children who are Beneficiaries of the estate, due to Admitted and Acknowledged Forgeries and Fraud by the alleged Personal Representatives and their Licensed Notary Public, Kimberly Moran ("Moran") submitted to the Florida Governor's Office Notary Public Investigations Division regarding documents of the estate filed with this Court, Petitioner requests this Court not wait for the now scheduled Evidentiary Hearing on October 28, 2013 but instead act on its own motion immediately to stop these now **LIFE THREATENING EMERGENCIES** and to stop further crimes from being committed and order **EMERGENCY RELIEF AND PROTECTION** to the Beneficiaries to curtail an attempted Extortion of Petitioner, as described herein. Note that the **ADMITTED FRAUD AND FORGERIES OF DOCUMENTS WAS SUBMITTED AS PART OF FRAUD ON THIS COURT DIRECTLY TO THIS COURT** and therefore these Admitted and Acknowledged Felony crimes detailed herein have been committed directly against this Court in addition to Petitioner, Beneficiaries and Interested Parties. This Court should therefore take immediate Judicial Notice of the facts contained herein, including but not limited to, Admitted and Acknowledged Forgeries and Fraud and take immediate corrective measures.

Dated: Palm Beach County, FL

October 10, 2013

X  
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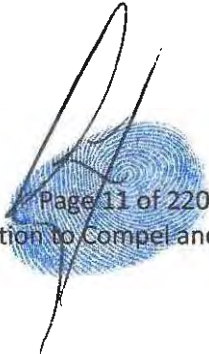
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CARLY FRIEDSTEIN



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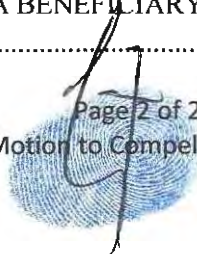
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- (I) MOTION TO ORDER ALL DOCUMENTS BOTH CERTIFIED AND VERIFIED REGARDING ESTATES OF SHIRLEY AND SIMON (SIMON'S DOCUMENT ARE REQUESTED AS IT RELATES TO SHIRLEY'S ALLEGED CHANGES IN BENEFICIARIES) BE SENT TO ELIOT AND HIS CHILDREN IMMEDIATELY IN PREPARATION FOR THE EVIDENTIARY HEARING ORDERED BY THIS COURT**
  
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- (V) MOTION TO ASSIGN NEW PERSONAL REPRESENTATIVES AND ESTATE COUNSEL TO THE ESTATE OF SHIRLEY FOR BREACHES OF FIDUCIARY**

**DUTIES AND TRUST, VIOLATIONS OF PROFESSIONAL ETHICS,  
VIOLATIONS OF LAW, INCLUDING BUT NOT LIMITED TO ADMITTED  
AND ACKNOWLEDGED FRAUD, ADMITTED AND ACKNOWLEDGED  
FRAUD ON THE COURT, ALLEGED FORGERY, INSURANCE FRAUD, REAL  
PROPERTY FRAUD AND MORE**

**(VI) MOTION FOR GUARDIAN AD LITUM FOR THE CHILDREN OF TED, P.  
SIMON, IANTONI AND FRIEDSTEIN AND ASSIGN A TRUSTEE AD LITUM  
FOR TED FOR CONFLICTS OF INTEREST, CONVERSION AND MORE**

**(VII) MOTION TO RECONSIDER AND RESCIND ORDER ISSUED BY THIS COURT  
“ORDER ON NOTICE OF EMERGENCY MOTION TO FREEZE ASSETS” ON  
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“AGREED ORDER TO REOPEN THE ESTATE AND APPOINT SUCCESSOR  
PERSONAL REPRESENTATIVES” ON SEPTEMBER 24TH FOR ERRORS AND  
MORE**

1. That Eliot requests the Court add Mark R. Manceri, Esq. (“MANCERI”), Mark R. Manceri, P.A. (“MRM”), Pamela Beth Simon (“P. SIMON”), Jill Marla Iantoni (“IANTONI”), Lisa Sue Friedstein (“FRIEDSTEIN”), as new Respondents in each capacity listed in the Notice of Motion heading and add each grandchild of SIMON and SHIRLEY separately as Beneficiaries/Interested Party Respondents.
2. That for Judicial Economies of Scale and to reduce costs being billed to the estate for these proceedings and thus possibly to the beneficiaries, Eliot Ivan Bernstein (“ELIOT”)

requests that the following several Motions be allowed in one pleading that defies possible conventions of the Court in page limits or any other limits to number of Motions included in one pleading, by accepting this Motion and not forcing ELIOT to file a number of separate motions to conform to any Court limits that would cost in extra paper, mailing, service, etc.

3. That due to the number of alleged crimes being committed by the fiduciaries in these matters and the numerous amount of LIES told at the September 13, 2013 hearing ("Hearing") evidenced herein this Motion may also be lengthy as it is hard to fit this many alleged crimes and lies into a limited few pages being a Pro Se Litigant<sup>2</sup> unskilled in the art of legalese. This Court should admonish those Attorneys at Law that attempt to discredit ELIOT'S pleadings or ELIOT personally for page length or other such nonsense in attempts to evade the facts and evidence in each Petition against them for their crimes admitted to already before this Court and investigators and those they are responsible for alleged herein.

#### **PRIOR UNANSWERED PETITIONS IN THE ESTATE OF SHIRLEY BY RESPONDENTS**

4. That upon learning of a variety of alleged crimes being perpetrated in the estates of Simon L. Bernstein ("SIMON") and Shirley Bernstein ("SHIRLEY"), ELIOT filed the following

---

<sup>2</sup> Pleadings in this case are being filed by Plaintiff In Propria Persona, wherein pleadings are to be considered without regard to technicalities. Propria, pleadings are not to be held to the same high standards of perfection as practicing lawyers. See Haines v. Kerner 92 Sct 594, also See Power 914 F2d 1459 (11th Cir1990), also See Hulsey v. Ownes 63 F3d 354 (5th Cir 1995). also See In Re: HALL v. BELLMON 935 F.2d 1106 (10th Cir. 1991)." In Puckett v. Cox, it was held that a pro-se pleading requires less stringent reading than one drafted by a lawyer (456 F2d 233 (1972 Sixth Circuit USCA). Justice Black in Conley v. Gibson, 355 U.S. 41 at 48 (1957)"The Federal Rules rejects the approach that pleading is a game of skill in which one misstep by counsel may be decisive to the outcome and accept the principle that the purpose of pleading is to facilitate a proper decision on the merits." According to Rule 8(f) FRCP and the State Court rule which holds that all pleadings shall be construed to do substantial justice.

Petitions and Motions with this Court, which remain unanswered by any of the served parties and this Court:

- i. May 6, 2013 ELIOT filed Docket #23 an “EMERGENCY PETITION TO: FREEZE ESTATE ASSETS, APPOINT NEW PERSONAL REPRESENTATIVES, INVESTIGATE FORGED AND FRAUDULENT DOCUMENTS SUBMITTED TO THIS COURT AND OTHER INTERESTED PARTIES, RESCIND SIGNATURE OF ELIOT BERNSTEIN IN ESTATE OF SHIRLEY BERNSTEIN AND MORE” (“Petition 1”).
  - i. [www.iviewit.tv/20130506PetitionFreezeEstates.pdf](http://www.iviewit.tv/20130506PetitionFreezeEstates.pdf) 15th Judicial Florida Probate Court and
  - ii. [www.iviewit.tv/20130512MotionRehearReopenObstruction.pdf](http://www.iviewit.tv/20130512MotionRehearReopenObstruction.pdf) US District Court Pages 156-582
- ii. May 29, 2013, ELIOT filed Docket #28 “RENEWED EMERGENCY PETITION” (“Petition 2”).
  - i. [www.iviewit.tv/20130529RenewedEmergencyPetitionSIMON.pdf](http://www.iviewit.tv/20130529RenewedEmergencyPetitionSIMON.pdf)
- iii. June 26, 2013, ELIOT filed Docket #31 “MOTION TO: CONSIDER IN ORDINARY COURSE THE EMERGENCY PETITION TO FREEZE ESTATE ASSETS, APPOINT NEW PERSONAL REPRESENTATIVES, INVESTIGATE FORGED AND FRAUDULENT DOCUMENTS SUBMITTED TO THIS COURT AND OTHER INTERESTED PARTIES, RESCIND SIGNATURE OF ELIOT BERNSTEIN IN ESTATE OF SHIRLEY BERNSTEIN AND MORE FILED BY PETITIONER” (“Petition 3”).
  - i. [www.iviewit.tv/20130626MotionReconsiderOrdinaryCourseSIMON.pdf](http://www.iviewit.tv/20130626MotionReconsiderOrdinaryCourseSIMON.pdf)
- iv. July 15, 2013, ELIOT filed Docket #32 “MOTION TO RESPOND TO THE PETITIONS BY THE RESPONDENTS” (“Petition 4”).
  - i. [www.iviewit.tv/20130714MotionRespondPetitionSIMON.pdf](http://www.iviewit.tv/20130714MotionRespondPetitionSIMON.pdf)
- v. July 24, 2013, ELIOT filed Docket #33 “MOTION TO REMOVE PERSONAL REPRESENTATIVES” **for insurance fraud and more.** (“Petition 5”).
  - i. [www.iviewit.tv/20130724SIMONMotionRemovePR.pdf](http://www.iviewit.tv/20130724SIMONMotionRemovePR.pdf)



- vi. August 28, 2013, ELIOT filed Docket #TBD “NOTICE OF MOTION FOR: INTERIM DISTRIBUTION FOR BENEFICIARIES NECESSARY LIVING EXPENSES, FAMILY ALLOWANCE, LEGAL COUNSEL EXPENSES TO BE PAID BY PERSONAL REPRESENTATIVES AND REIMBURSEMENT TO BENEFICIARIES SCHOOL TRUST FUNDS” (“Petition 6”)
- i. [www.iviewit.tv/20130828MotionFamilyAllowanceSHIRLEY.pdf](http://www.iviewit.tv/20130828MotionFamilyAllowanceSHIRLEY.pdf)
- vii. September 04, 2013, ELIOT filed Docket #TBD “NOTICE OF EMERGENCY MOTION TO FREEZE ESTATES OF SIMON BERNSTEIN DUE TO ADMITTED AND ACKNOWLEDGED NOTARY PUBLIC FORGERY, FRAUD AND MORE BY THE LAW FIRM OF TESCHER & SPALLINA, P.A., ROBERT SPALLINA AND DONALD TESCHER ACTING AS ALLEGED PERSONAL REPRESENTATIVES AND THEIR LEGAL ASSISTANT AND NOTARY PUBLIC, KIMBERLY MORAN: MOTION FOR INTERIM DISTRIBUTION DUE TO EXTORTION BY ALLEGED PERSONAL REPRESENTATIVES AND OTHERS; MOTION TO STRIKE THE MOTION OF SPALLINA TO REOPEN THE ESTATE OF SHIRLEY; CONTINUED MOTION FOR REMOVAL OF ALLEGED PERSONAL REPRESENTATIVES AND ALLEGED SUCCESSOR TRUSTEE. (“Petition 7”)
- [www.iviewit.tv/20130904MotionFreezeEstatesSHIRLEYDueToAdmittedNotaryFraud.pdf](http://www.iviewit.tv/20130904MotionFreezeEstatesSHIRLEYDueToAdmittedNotaryFraud.pdf).

### **BACKGROUND UPDATE**

#### **THE POST MORTEM CHANGES TO SIMON AND SHIRLEY’S BENEFICIARIES – GANG OF TWO BECOMES GANG OF FOUR**

5. That due to Admitted and Acknowledged felony criminal acts in documents in the estate of SHIRLEY, the Admitted and Acknowledged felony criminal acts in Fraud on the Court using a dead persons as if alive and more, the background of this Motion is now slightly

different from that in Petition 1 and thus an update is necessary in light of these remarkable events.

6. That with the admission of Fraud, Forgery, Fraud on the Court and by estate counsel, their notary public and others, described and evidenced further herein, a bigger picture of crimes unfolds and may explain to this Court the who and how and most importantly the why of all the crimes alleged herein and in Petitions 1-7 that emanate from these initial crimes. Therefore, the following background update supplements the background in Petition 1, that was quite lengthy but updates those parts that change now with the admissions of these crimes versus just being alleged at that time in Petition 1.
7. That SIMON and SHIRLEY were one of the happiest and most loving couples on earth and they gave four of their five children everything from the moment they hit it big in 1970's, maybe too much.
8. That one child, ELIOT, when they hit the big time rejected the big house, chauffeured limousine to school, free ride in college paid for by mom and dad, etc., as he wanted to be like his father, a self-made man, who made it on his own and built his own castle for his own bride, as SIMON had done with SHIRLEY. In his teens SIMON was forced to work when his father died leaving his mother and sister at the time without a breadwinner and a brother 10 years older at war and so he became the head of the household.
9. From nothing SIMON and SHIRLEY built a large estate through SIMON'S sales in life insurance for high net worth individuals and large corporations, one of the most successful careers in the industry and he was an innovator in complex insurance trusts such as VEBA'S and ARBITRAGE LIFE, both highly sophisticated insurance funding vehicles he invented that he sold hundreds of millions of dollar of premium through.

10. That in 2012 SIMON considered changing his and his deceased love SHIRLEY'S long standing estate beneficiaries from three of five of their children, ELIOT, IANTONI & FRIEDSTEIN to his ten grandchildren to end disputes with his four other children that were killing him emotionally and physically.
11. That Theodore Stuart Bernstein ("TED") and P. SIMON were disinherited from the estates prior in 2000 and 2008, not just because they received the family businesses worth millions and ELIOT, IANTONI and FRIEDSTEIN did not but ELIOT also alleges that they remained out of the estates until the end due to their pathetic and cruel behavior towards SIMON and SHIRLEY in the waning years of their lives to the day they died.
12. That the rift between P. SIMON and her parents began several years prior to SHIRLEY'S death when a transfer of companies between P. SIMON, her husband David B. Simon ("D. SIMON") and SIMON went wrong and SIMON felt that they did not honor their buyout terms and this dispute lasted until the day SIMON died. That in earlier estate plans allegedly done in 2000 by Proskauer Rose, LLP ("PROSKAUER")<sup>3</sup>, evidenced in Petition 1, "EXHIBIT 6 - PROSKAUER ROSE INSERTED EXHIBIT 1 OF WILL OF SIMON L. BERNSTEIN," P. SIMON and her lineal descendants were already disinherited for compensation received.

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<sup>3</sup> "U.S. justices divided in Allen Stanford Ponzi scheme case" Monday, October 07, 2013 5:07 p.m. EDT, WHTC <http://whtc.com/news/articles/2013/oct/07/us-justices-divided-in-allen-stanford-ponzi-scheme-case/>

and

"Receiver Seeks \$1.8 B From Stanford's Lawyers" By RYAN ABBOTT, Courthouse News Service, Friday, February 03, 2012  
<http://www.courthousenews.com/2012/02/03/43609.htm>

Where SIMON and SHIRLEY had two lawsuits against Stanford for approximately two million dollars lost in the Stanford Ponzi on bogus Certificates of Deposit and where TED brought SIMON into Stanford.

13. That P. SIMON and D. SIMON started an isolation of SIMON and SHIRLEY and withheld their child depriving her from her grandparents, using her to torture and punish them if they did not put them back in the estate plans. In the 2008 estate plans, SIMON and SHIRLEY did not put P. SIMON back in and then allegedly in 2012 SIMON did allegedly make changes but that will evidenced herein to be part of a post mortem fraud to change the beneficiaries, yet even if the changes were legitimate they still excluded P. SIMON from the estates.
14. That immediately after SHIRLEY died, TED and P. SIMON both ceased seeing SIMON almost entirely, after learning from Tescher & Spallina, P.A. ("TSPA"), Donald Tescher ("TESCHER") and Robert Spallina ("SPALLINA") that TED had also been disinherited both because he got companies of he and SIMON'S worth millions and his pathetic behavior immediately prior to SHIRLEY'S death and until the day SIMON died. TED was disinherited out of the estates in 2008 along with P. SIMON and their lineal descendants and were enraged that they got the family businesses and nothing else and were disinherited.
15. That TED and P. SIMON, after SHIRLEY'S death recruited and induced IANTONI and FRIEDSTEIN and their children to join the isolation of SIMON and deprive him of their children too, now not only because of TED and P. SIMON'S anger over being disinherited for compensation received while their parents were alive but now it was claimed that their assault on SIMON was due to his companion Maritza Rivero Puccio ("MARITZA").
16. That once the four of them joined together, like a gang of pack wolves they began preying on SIMON, precluding their children, and ALL OF THEM, from seeing or contacting SIMON almost entirely from the day SHIRLEY died on December 08, 2010 until the day

SIMON died on September 13, 2012. In the year and half from SHIRLEY to SIMON'S death his four other children barely seeing or talking to him and when they did it was full of "piss and vinegar." Demanding SIMON to change the beneficiaries of his and SHIRLEY'S estates and stop seeing his companion MARITZA, or else, further isolation and deprivation, a cruel and unusual punishment to a man suffering the loss of the love of his life, the man who gave them everything.

17. That this extortion of SIMON to meet their demands or else lose four of his five children and seven of ten grandchildren was devastating to SIMON, see Petition 1 for more details of this behavior that parallels elder abuse, for this broke SIMON'S heart, which already was pretty beaten physically from heart disease and love sickened at his recent loss of SHIRLEY and this added stress easily could have killed him.
18. That when ELIOT would not join the gangbang when approached with the idea, they stopped seeing and talking to ELIOT too, not that ELIOT talked to them much anyway prior. ELIOT had stopped talking with TED years earlier for his acts in business against ELIOT and ELIOT'S friends who worked for TED (who later also disowned TED) and ELIOT washed his hands of TED back in college when they ceased doing business together.
19. That ELIOT washed his hands of P. SIMON years earlier when he was 30 over bad business dealings, when P. SIMON began to run the businesses and began failing to pay ELIOT according to contracts and moved to push him out of the family business and sued ELIOT in this same courthouse, as evidenced in Petition 1. ELIOT then quit selling for the family businesses because P. SIMON had offended ELIOT, ELIOT'S friends who worked for him and ELIOT'S clients <http://www.iviewit.tv/inventor/clientlisting.htm> , due to her

bad business practices and ELIOT then left to work for Rock-It Cargo USA, a company that moves entertainment performers and their gear worldwide and never returned to selling insurance.

20. That ELIOT did not work for SIMON or P. SIMON'S companies ever and had his own businesses with his friends started in college in their dorm and then moving thousands of miles away from the Chicago family business to California and worked from his garage with his college buddies, whilst TED and P. SIMON worked for SIMON in palatial offices and basically counted SIMON'S money and money from ELIOT'S sales, as ELIOT was their top salesman year after year. SIMON hired P. SIMON'S husband, D. SIMON and his brother A. SIMON to work in the offices as legal counsel for his companies' right of college.
21. That ELIOT remained close to his father after the death of SHIRLEY, as with the love birds that they were, he worried for the health of SIMON in her absence and never before had ELIOT witnessed his father in such pain, until the pain that was heaped upon that by this isolation torture. SIMON visited SHIRLEY at her burial site after she passed every day that he was in Boca Raton, FL to his death, just hard to find lovers like that in this day and age.
22. That ELIOT was confronted by three of TED'S children who were sent to tell ELIOT that he and his children were enabling SIMON to see MARITZA by their visiting SIMON and MARITZA weekly, as this was allegedly enabling SIMON to continue his relationship with MARITZA. They wanted ELIOT to stop seeing SIMON and deny his children their Zeida aka Grandpa and join the "TOUGH LOVE" pogrom on his father and join the

gangbang to force him to stop seeing MARITZA, who they alleged was stealing all his money and according to TED, MARITZA had robbed SHIRLEY and SIMON and more.

23. That ELIOT was appalled by learning that all other children and grandchildren were part of this isolation and deprivation torture on SIMON, especially since some of the grandchildren were adults with their own minds. ELIOT stated to TED'S children when asked to join the gang, that what they were doing to SIMON was killing him and making him sad, depressed and physically weak. SIMON had a heart condition where this torturous stress could kill him and ELIOT told TED'S children to tell his brother TED that he was insane, as more fully described in Petition 1, Exhibit 1, where TED states bizarrely when confronted with this psychotic boycott of his father that gave him the world, in an email to ELIOT when confronted with the abuse of their father,

From: Ted Bernstein  
[mailto:TBernstein@lifeinsuranceconcepts.com]  
Sent: Saturday, April 07, 2012 11:45 AM  
To: Eliot Ivan Bernstein  
Subject: RE: passover

Eliot,

Although I normally do not like to have these discussions via email, it does seem important to say this in a way that is documented in the record. None of this is directed at any person, in particular, and can be shared with anyone you feel is necessary. What follows is simply intended to be a roadmap. My primary family is Deborah and our four children. They come first, before anything and anyone. **The family I was born into is no longer, that is just a fact, it is not a matter of opinion, it just is.** [emphasis added]

24. That on May 10, 2012 SIMON called for a meeting with his five children and SPALLINA & TESCHER, to discuss the idea of ELIOT, IANTONI and FRIEDSTEIN giving up their

inheritances in both estates and splitting it instead with the ten grandchildren to resolve disputes with SIMON and his other children.

25. That SPALLINA stated first at the meeting, that against his advice, SIMON was attempting to resolve disputes over his estate raised by TED and P. SIMON who had been disinherited entirely from the estates, as they had already been compensated with family businesses while SIMON and SHIRLEY were alive but now wanted back into the estate plans and also to resolve the MARITZA disputes with his other four children. Basically, if their extortive demands were met the ban of SIMON would be lifted and it appeared they would not stop the torture unless SIMON conceded to their demands. SPALLINA then stated that this seemed the only way to solve for these disputes or words to that effect.
26. That in May of 2012, ELIOT was unaware of what his inheritance was in SHIRLEY'S estate and that he was even a beneficiary, as estate counsel, TSPA, TESCHER & SPALLINA, secreted this information from him for approximately 17 months after SHIRLEY died and failed to send him any accountings, any inventories or anything at all as required by law and many of these documents still remain suppressed and denied from ELIOT since the time that SHIRLEY passed on December 08, 2010, to the May 10, 2012 meeting, to SIMON'S death on September 13, 2012, to present.
27. That when SIMON called ELIOT to inform him of the meeting to resolve the disputes with his other children, stating ELIOT was a beneficiary and therefore had to be at the meeting, ELIOT was surprised to learn he was beneficiary of SHIRLEY'S estate.
28. That SIMON too was surprised that ELIOT did not know of his inheritance and had not received documents from TSPA, TESCHER & SPALLINA regarding his inheritance. SIMON advised ELIOT to demand the documents from TSPA, TESCHER & SPALLINA



at the meeting and nothing would go into effect from the meeting until ELIOT had a chance to review the documents he was to have been given already by law and knew exactly what he was going to be waiving his rights and interests in if the changes went through.

29. That at the meeting ELIOT agreed to do whatever SIMON thought to be best and would go along with whatever he decided to do in the end to relieve the stress and allow him to see his seven other grandchildren and four other children again and if ended the torture ELIOT was not going to stand in the way, it was his money anyway.
30. That the Court should keep in mind that the meeting was held due to primarily inheritance issues raised by TED and P. SIMON, who truly had no beneficial interests as they were disinherited at that time and were not even necessary to be at the meeting, as SIMON was looking for agreement to do this deal from the named beneficiaries ELIOT, IANTONI and FRIEDSTEIN, who were being asked to give up their inheritances to help TED and P. SIMON'S children and where TED and P. SIMON were giving up nothing and gaining nothing. The reason they were invited was so that they would agree to stop their abuse and let SIMON see their children he loved again and stop their harassment and torture of SIMON and MARITZA, they did not come to the table with anything material and they did not leave with anything, only their adult children would benefit if the changes were made.
31. That prior to the meeting, on information and belief, P. SIMON had even threatened SIMON with litigation for inheritance after SHIRLEY passed and in advance of his death, claiming he would give it all away to MARITZA and her family or MARITZA would steal from him and this crushed SIMON even further.

32. That when everyone was asked if they agreed with the new strategy, ELIOT, IANTONI and FRIEDSTEIN all agreed to do whatever was best for SIMON to relieve his stress and resolve the disputes and TED and P. SIMON agreed and ELIOT left thinking the torture would end as agreed.
33. That as SIMON had requested, in the May 2012 meeting, ELIOT demanded that TSPA, TESCHER and SPALLINA turn over the estate documents regarding his inheritance in SHIRLEY'S estate that were LEGALLY owed to him as a beneficiary in order to review, so he could determine what he was signing away in any Waiver and granting to his children and the other grandchildren and the terms and SPALLINA agreed to send them.
34. That TESCHER and SPALLINA stated that all the documents and some new documents would be sent to everyone explaining everything and for the beneficiaries, ELIOT, IANTONI and FRIEDSTEIN to review in advance of any changes.
35. That SIMON'S disputes with his other children and grandchildren however **did not end** after the May 10, 2012 meeting as agreed, as TED, P. SIMON, IANTONI and FRIEDSTEIN and their seven children continued the isolation and deprivation torture against SIMON and MARITZA. In fact, the hostilities only intensified and their hate of MARITZA became scary and ELIOT was blown away that they continued.
36. That Rachel Walker ("WALKER"), SHIRLEY'S personal assistant had moved into SIMON'S home and the gang of four even recruited her to hate on SIMON and MARITZA and the insanity led to her leaving the house on bad terms with SIMON and MARITZA.
37. That WALKER would not show at MARITZA'S birthday bash thrown by SIMON and in fact without telling SIMON, left to go to Chicago and see P. SIMON, IANTONI and

FRIEDSTEIN and SIMON felt betrayed and angered over her decision and fired her that night and then later rehired her.

38. That SIMON sought mental health therapy in attempts to combat the pain and suffering both he and MARITZA were enduring at the hands of his four other children and WALKER.
39. That SIMON'S four other children and their seven children maintained almost no contact whatsoever with SIMON and MARITZA after the May 10, 2012 meeting, violating any oral agreement made to end these disputes if he decided to make the changes in the beneficiaries. The boycott now was claimed to be due to his continued relationship with his companion MARITZA, which he had never agreed to do and presumably because SIMON had not made the changes to the beneficiaries yet for TED and P. SIMON'S children and the hostilities raged until the day SIMON died.
40. That the only ones that remained close to SIMON and SHIRLEY and saw them every week with their children for almost 12 years before they died, when living in Florida, was ELIOT and his wife Candice Michelle Bernstein ("CANDICE"). SIMON and SHIRLEY adored ELIOT and CANDICE'S children and worked hard to plan their estates to provide for ELIOT, CANDICE and their three children and protect them in the event anything happened to them from the RICO defendants in ELIOT'S RICO lawsuit who have been harassing them for over a decade now, SIMON especially feared for his family after the car bombing, when everything changed dramatically, as more fully described in Petition 1<sup>4</sup>.

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<sup>4</sup> The Court should note that TED was the last person in possession of CANDICE'S minivan before it was taken to a body shop where the bomb was put in it and where it exploded only hours before CANDICE and the children were to take possession of the vehicle, see

<http://www.iviewit.tv/Image%20Gallery/auto/Auto%20Theft%20and%20Fire%20Master%20Document.pdf> and

41. That the dispute and hate of MARITZA by SIMON'S children raged even more viciously immediately after SIMON'S death, when TED, P. SIMON, IANTONI and FRIEDSTEIN agreed to throw MARITZA out of SIMON'S house, the house she had been living in with SIMON for months, in the middle of the night on the night he died, just hours later, frantically grabbing her possessions and fleeing, despite ELIOT'S protestations that this was not SIMON'S intent or desire.
42. That MARITZA was thrown out of the hospital room with SIMON when he was dying because someone told the hospital that SIMON was being poisoned by her and when ELIOT arrived while they were resuscitating SIMON and the hospital would not let anyone in until security arrived stating they were called to protect him.
43. That MARITZA fled the hospital when ELIOT'S siblings arrived at the hospital and went to SIMON'S house to grab her things, later when ELIOT arrived at the home shortly after SIMON passed she claimed to ELIOT and CANDICE that certain siblings had made threats to her at the hospital that she better be gone and she was frightened for the harm they would do to her, again it was a gangbang of four against one, against MARITZA now and she was no match for the gang.
44. That the morning of SIMON'S death, several Palm Beach County Sheriff's department officers showed up to investigate allegations made by TED, IANTONI, FRIEDSTEIN and

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<http://www.iviewit.tv/CompanyDocs/2007%2004%2020%20Iviewit%20Request%20for%20FBI%20IA%20and%20IG%20investigation%20of%20FBI%20case%20download.pdf>

That the Court should note that TED introduced SIMON to the folks at infamous Stanford Bank, the second largest US Ponzi scheme, where SIMON lost several million dollars in bogus CD's. Stanford has been linked to Proskauer Rose LLP law firm who has been charged with CONSPIRACY in the Stanford SEC action by the Federal Court appointed receiver. That Stanford Bank was tied to two of the most violent Mexican Drug Cartels and was a money laundering scheme. ELIOT claims Stanford was money laundering royalties from his stolen intellectual properties in the billions. That Proskauer has also been linked to having the most "victims" in the Bernard Madoff Ponzi, victims that many later turned out to be feeders to Ponzi and part of the scheme and artifice to defraud.

WALKER that MARITZA had murdered SIMON by poison or overdose and for his money. WALKER stated MARITZA was overmedicating SIMON and switching pills in the bottles of his prescription medicine and more.

45. That with SIMON out of their way just minutes, the gang of four now began instantly to prey on MARITZA and to rid her of any inheritance SIMON may have left her, as more fully described in Petition 1 and they truly appeared to hate her and she would not attend the funeral and this was very sad.
46. That WALKER and TED stole off the estate documents relating to a gift in the form of a contract SIMON left to MARITZA days before dying, as he was very worried in the last weeks of life that something was going to happen to him and they would attack or blame MARITZA and not take care of her. SIMON, ELIOT, CANDICE and MARITZA had been shopping for several weeks before SIMON died for a home for MARITZA to own that SIMON was going to buy for her, for her to have a home in case anything happened to him and he had given her a budget of \$300,000.00.
47. That the morning of SIMON'S death, TED ordered an autopsy of SIMON based on allegations that MARITZA poisoned him, perhaps a scapegoat already in place for slaughter in the event anything showed up.
48. That it is important to note that in Petition 1, ELIOT believed that IANTONI and FRIEDSTEIN were recruited into the gang by TED and P. SIMON and were innocent victims to their madness over their disinheritance and had been conned by TSPA, TESCHER, SPALLINA, TED and P. SIMON et al. and were taking the Kool-Aid.
49. That IANTONI and FRIEDSTEIN spoke with ELIOT and told him they were going to take appropriate actions when they found out their signatures had been forged and fraud

was occurring. However, when ELIOT discovered recently that IANTONI and FRIEDSTEIN had instead of reporting the crimes, then partook in what appears an insurance beneficiary and trust fraud scheme, had signed Affidavits to this Court attempting to pardon the felony crimes committed in their names and father and mother's estates and participated in the sale of a Condominium behind ELIOT'S back, never reporting what they knew, ELIOT realized they had sand bagged him all along and were actually working for the gang and giving information he was gathering to TED and P. SIMON all along, despite their assurances to ELIOT that they would keep this confidential information private until ELIOT had enough proof to prove what was going on and that they had not done anything and knew nothing.

50. That Rachel Walker ("WALKER") immediately prior to SIMON'S death left the hospital and immediately after SIMON'S death (within minutes) had removed estate documents from SIMON's home and gave them to TED at the hospital who was waiting for them, including a document to MARITZA regarding inheritance for her and a check that TED, P. SIMON, WALKER and SPALLINA later claimed was unsigned and WALKER had a large pile of other estate documents she removed.
51. That the MARITZA documents and check removed from the estate could be considered a creditor claim or beneficial claim depending on what the secreted and suppressed documents contain, where these documents were then also suppressed and denied from the beneficiaries to this date by TSPA, TESCHER, SPALLINA, TED and P. SIMON. MARITZA is believed to have retained counsel and who was, on information and belief, denied the information too.

52. That TED then secreted the MARITZA document that WALKER had given him and the check to MARITZA and then turned it over to SPALLINA weeks later and SPALLINA and TED claimed to ELIOT and others that they were not planning on giving MARITZA anything and she would never see the documents and finally that she had probably killed him for it, despite it being part of SIMON'S last wishes.
53. That hours after SIMON passed, TED contacted the Palm Beach County Sheriff's office and TED, IANTONI, FRIEDSTEIN and WALKER gave statements to the Palm Beach County Sheriff detectives claiming that MARITZA murdered SIMON, this all transpiring only a few hours after SIMON passed. ELIOT did not think MARITZA murdered SIMON and so stated to the Sheriff Deputies.
54. That all four siblings in the gang of wolves and WALKER claimed MARITZA murdered SIMON for his money as more fully described in Petition 1. However, TED and SPALLINA failed to tell the Sheriff of the MARITZA documents and check they had suppressed and denied, which would have at least provided some type of motive for MARITZA to murder SIMON, as MARITZA was not included in the estates or perhaps she was and yet another reason documents are being secreted and suppressed.
55. That SIMON was furious according to friends and health professionals until his dying day over the fact that his other four children and seven grandchildren continued their boycott against him after the May 10, 2012 meeting. That due to the continued dispute with his other four children that were never resolved prior to his death and thus violated the terms of the proposed oral agreement to end such disputes agreed to in the May 10, 2012 meeting and it is apparent from the properly documented record that SIMON never made the

changes to his or SHIRLEY'S estates prior to his death and they were not made without a little post mortem help as learned in the Hearing on September 13, 2013 before this Court.

56. That TSPA, TESCHER and SPALLINA et al. then worked almost exclusively with TED and P. SIMON after and perhaps before SIMON'S death, to make changes to the estates and act against the wishes and executed estate documents of SIMON and SHIRLEY, as SIMON never properly executed any estate documents to change the plans he and SHIRLEY signed in 2008 and now there is admitted fraud and alleged forgery in certain of the documents used.
57. That now that SIMON was deceased and out of the way, TSPA, SPALLINA, TESCHER and TED et al. could submit post mortem for SIMON, the changes he never made while alive and run SIMON'S and SHIRLEY'S estate as they saw fit and all it would take is a few fraudulent documents and some forged signatures and a bada bing they had illegally seized dominion and control over the estate.
58. That after SIMON'S death, ELIOT made immediate requests for the estate documents for SIMON and SHIRLEY to verify the changes he was told were made by SIMON and TSPA. SPALLINA and TESCHER et al. refused him the documents repeatedly telling ELIOT he was not a beneficiary of either estate any longer and was not entitled to the documents or anything and he better cooperate with them or else.
59. That ELIOT stated even if the changes were made, he wanted to see the documents and if he was not a beneficiary he was still Trustee and Guardian for his children and entitled to the documentation as his children were now the alleged beneficiaries, and yet, ELIOT was still refused the documents.



60. That immediately after ridding themselves of MARITZA, the gang of four immediately began on alienating all of SIMON'S friends and business associates. That first they started with Scott Banks ("S. BANKS") whose business agreement with SIMON in a company they formed TELENET was already underway, with new offices, six new employees, new computer systems, etc. more fully described in Petition 1.
61. That when SIMON passed away the whole deal was wholly dishonored by TSPA, SPALLINA, TESCHER and TED et al. S. BANKS was left with the option of either suing the estate or walking away and could not bring himself to do sue SIMON'S estate, a man he loved like his father and who treated him and his wife as his friends for eight or nine years before he passed.
62. That instead of honoring SIMON'S agreement or even settling out with him and helping the business straddle all the costs that SIMON and S. BANKS had encumbered together, S. BANKS after being ping ponged around between TSPA, TESCHER & TED et al. was left holding the bills and had to fire all the staff he and SIMON had recently hired, abandon his lease that he and SIMON had just taken together and was left holding all the debts he took on based on his deal with SIMON and walked away disgusted.
63. The treatment of Scott Banks ("S. BANKS") by TED and SPALLINA was harsh and not as SIMON would have wanted or intended and would have wanted his business deal honored. That no accountings were released to the beneficiaries of the estate regarding the stock SIMON held in the new TELENET company or anything at all regarding the dissolution.
64. That then TED fired, with no notice and no severance, Diana Banks ("D. BANKS"), SIMON'S longtime secretary and assistant and S. BANKS wife and this compounded the

problems for the BANKS family, exactly the opposite of SIMON would have wanted or intended for two people he loved.

65. That then TED hired WALKER who had received an insurance license to work for TED after SIMON passed and then TED fired WALKER only days after she was working for him, where she then left to enter a drug treatment program and allegedly tried to commit suicide on her return, saddened perhaps by the betrayal of the gang of four. WALKER then returned to her home in MA.
66. That there is one more friend of SIMON'S, William Stansbury ("STANSBURY") whom SIMON loved like a son and STANSBURY felt likewise about SIMON as a father figure and best friend. Where SIMON'S friendship with STANSBURY came to a crashing end, weeks before SIMON'S death when TED and SIMON were sued by STANSBURY for failure to pay him monies due from the business. STANSBURY is a creditor of the estates of SHIRLEY and SIMON now but mainly according to the complaint filed it exists over bad blood between TED and STANSBURY.
67. That STANSBURY'S lawsuit filed just weeks before SIMON passed devastated SIMON as he could not understand why STANSBURY was suing over monies he thought had been paid to him according to MARITZA and others.
68. That TED hired counsel to defend himself in the lawsuit and SIMON did not join the lawsuit with TED initially and may have never joined according to the records from TED'S lawyers in that creditor action.
69. That SIMON told ELIOT when he left his insurance business and offices with TED to move into S. BANKS warehouse office at TELENET that he thought TED had stolen

money from the companies, others and him and was scarred TED was losing it and was terminating his business dealings with TED.

70. That witnesses claim that on or about this time, TED and SIMON had major fights in the office that left SIMON afraid and perhaps telling TED that he would join STANSBURY and sue him for the monies stolen and this may have increased the intensity of TED'S rage.
71. That it should be noted by the Court that estate counsel TSPA, TESCHER and SPALLINA claimed when asked by ELIOT and others the status of the lawsuit by STANSBURY that there were no worries, he had no claim and would settle for a few thousand dollars.
72. That when asked who was representing the estates of SIMON and SHIRLEY, SPALLINA retorted that no one was and asked if we thought he should retain counsel for the estate.
73. That D. SIMON stated he was worried that with no one representing the estate, a default judgment could be filed by STANSBURY for failing to respond and SPALLINA stated he would look into the matters and correct the defects.
74. That ELIOT reviewed the STANSBURY case and thinks that STANSBURY has valid claims against TED and that it is not a lawsuit not to worry about or not take seriously and it appeared that no one had been working with STANSBURY to settle.
75. That TED may be hoping that STANSBURY prevails against the estate, where he gets nothing anyway, other than through fraud and wants with SPALLINA for the estates to lose and be charged and pay for his personal liabilities via the estate monies versus pay for them personally as he should.
76. That this loss of a close personal friend and business associate over the acts of TED, devastated SIMON, as it had done in the past with another longtime friend and associate of

SIMON'S, Sal Gorge ("GORGE") whose 20-30 friendship was also destroyed by the acts of TED.

77. That with all SIMON'S friends and business associates alienated and out of the way the gang of four began to work against ELIOT and it appears that TSPA, TESCHER and SPALLINA et al. were actually Aiding and Abetting the efforts of TED and P. SIMON to seize dominion and control of the estates and make changes to the estates post mortem for SIMON and SHIRLEY through fraud and forgery, more in line with TED and P. SIMON'S liking.
78. That the Court should note that SIMON was a lifetime insurance agent, who managed and operated large trust companies and national insurance agencies, doing thousands of complicated estate plans for high net worth clients and large corporations throughout the nation and if he had wanted the beneficiary changes made they would have been "bullet proof" all "i's dotted and t's crossed," not legally defective documents and certainly not fraudulent and forged documents. SIMON invented ARBITRAGE LIFE PAYMENT SYSTEM, a funding plan that he sold hundreds of millions of dollars of via bank financed premium through. The arbitrage that existed is between bank short term borrowing rates and insurance company long term investment rates, and from the profit of the arbitrage he was able to greatly offset or completely pay the cost of insurance rate for his clients, leaving many clients with no premiums year after year. SIMON also made money managing the Arbitrage pool of monies funding the policies annually and as the amount of premium soared so did his trust management fees and commissions.
79. That if SIMON had decided to change the beneficiaries of the estate of SHIRLEY and his own beneficiaries in his estate, he would not have done it with incomplete documents that

would not be legally valid and would have made the documented changes while alive and without the aid of others while dead. There would be none of these questions left to the imagination, every beneficiary would be named as a beneficiary, and a clear path to their inheritance set in stone. Simon was meticulous in this genre of estate planning, trusts and insurance contracts and worked on some of the largest estate plans in the nation for over 30 years. In fact, he was renowned for creating proprietary insurance plans involving complicated and extensive trusts vehicles for complicated and extensive estate plans for millionaires and even a few of ELIOT'S billionaire clients, selling billions of dollars of insurance with hundreds of millions of dollars of premium and millions upon millions of commissions.

80. That after the Hearing in Your Honor's Court, ELIOT was informed by a medical professional of SIMON'S, a business associate of SIMON'S and others, that SIMON was at the time of his death considering cutting IANTONI and FRIEDSTEIN out of the estates for their continued abuses of him and MARITZA since the May 10, 2012 meeting. Further, that SIMON may have contacted SPALLINA to make those changes and thus leave ELIOT and his children and the minor grandchildren of his other children as the sole beneficiaries of the estates and may have passed this information to TED, P. SIMON, IANTONI and FRIEDSTEIN to entice them to join his plan to post mortem make the changes to beneficiaries and loot the estate before any knew better. On information and belief, SPALLINA was summoned to SIMON'S office in the midst of a massive and explosive fight between TED and SIMON, just weeks before SIMON'S passing, the meeting may have led to SIMON breaking up business dealings with TED.

81. That on or about the time of this explosive behavior by TED, SIMON fled his nice plush insurance offices to begin a bizarre venture in an empty warehouse he had recently leased with S. BANKS his secretary's husband and SIMON invited ELIOT, CANDICE and MARITZA to be partners in the business as more fully described in Petition 1. SIMON left his office he had been in for many years and was suddenly breaking off business relations with TED completely, afraid that TED might have been stealing money from him and a creditor who now sues the estate, a one, William E. Stansbury ("STANSBURY"), who has filed suit against SIMON and SHIRLEY'S estates for the acts STANSBURY claims are mainly attributable to TED, including TED converting checks of STANSBURY'S and more.
82. That ELIOT will provide these credible witnesses upon the promise of protection of them by this Court, as several of them fear TED, in order for them to testify to the relationship SIMON had with his children prior to his death and the explosive behavior of TED to SIMON in the final weeks of his life.

**THE FRAUDULENT DOCUMENTS USED TO ATTEMPT TO ALLEGEDLY CLOSE SHIRLEY'S ESTATE AND CHANGE BENEFICIARIES OF SIMON AND SHIRLEY'S ESTATES THROUGH FRAUD ON THE COURT**

***STRIKE ONE – UN-NOTARIZED WAIVERS***

83. That after the May 10, 2012 meeting TSPA, TESCHER and SPALLINA et al. sent only one document to ELIOT, a "Waiver of Accounting and Portions of Petition for Discharge; Waiver of Service of Petition for Discharge; and Receipt of Beneficiary and Consent to Discharge" ("Waiver(s)"). NO OTHER DOCUMENTS were sent after SHIRLEY died until the day SIMON died and until four months after SIMON'S death and having to retain counsel to get it and then only received a fragment of the requested documents.

84. That none of the underlying documents necessary for any of the beneficiaries to sign the Waiver with informed consent were enclosed and where in the language of the Waiver ELIOT was acknowledging receipt of things he never received from estate counsel TSPA, TESCHER and SPALLINA et al., for example, attorney billing records, knowledge of and receipt of ELIOT'S interest in the estate of SHIRLEY, the essential documents necessary to know what he was waiving and attesting to in the Waiver, without these documents, there was no informed consent, just conned and pressured consent.
85. That TED, P. SIMON, ELIOT and FRIEDSTEIN signed and returned their Waivers prior to Simon's death but IANTONI did not.
86. That ELIOT signed his Waiver first, almost immediately after receiving it on May 15, 2012 but added a disclaimer on the Waiver to TSPA, TESCHER & SPALLINA that he was only signing this to relieve the instant stress on SIMON and to resolve the disputes with the gang of four but was waiting for the underlying documents to come to verify the truthfulness of his statements he made in the Waiver. ELIOT also put this disclaimer in the email sent to TSPA as exhibited in Petition 1 stating that he was signing due to the stress SIMON was in but waiting for the documentation. As learned in Court at the Hearing, it did not matter what ELIOT signed anyway, as these Waivers were ultimately rejected by the Court for their lack of notarization and are no longer valid anyway.
87. That ELIOT has never signed another Waiver or notarized one and he will not now sign one especially after the agreed end of torture of SIMON never occurred. Thus, it appeared that the agreed transfer of inheritance through the signing of the Waivers and SIMON closing SHIRLEY'S estate to effectuate changes never happened legally, as discovered in the September 13, 2013 Hearing.



88. That with the boycott against SIMON still raging and growing worse after the May 10, 2012 meeting ELIOT alleges that SIMON never made the changes to the beneficiaries as the oral agreement had been violated by his four children, TED, P. SIMON, IANTONI and FRIEDSTEIN and they never ceased their isolation and deprivation torture of him over MARITZA and as their end of the bargain had never been lived up to, SIMON did not intend on making any changes to he and SHIRLEY'S long established estate plans and long established beneficiaries. The only changes he may have considered were disinheriting IANTONI and FRIEDSTEIN as well, for both compensation received while he was alive and their pathetic behavior and hurt to him and MARITZA.
89. That IANTONI did not sign her Waiver until after SIMON had passed on October 01, 2012, TWO WEEKS after SIMON passed.
90. That without IANTONI'S Waiver signed while SIMON was alive, statements made in an ALLEGED fraudulent and forged "Full Waiver" ("Full Waiver") of SIMON'S could not be true at the time he allegedly signed it in April 2012. SIMON allegedly states in the Full Waiver, under penalty of perjury, that at that time in April 2012 SIMON possessed all the Waivers from the Interested Parties and this would **not** have been true on April 09, 2012 for SIMON had none of the children's Waivers at that time since they had not been sent to them yet by estate counsel and in fact, SIMON never had IANTONI'S Waiver while alive. This document appears to have been signed post mortem for SIMON and filed with the Court six months later in October 2012, by SIMON as if he were alive.
91. That in April 2012, the statements in SIMON'S Full Waiver were almost all untrue indicating that this may also be a fraudulent and forged document, see **EXHIBIT 1-SIMON FULL WAIVER**, as none of the children even had Waivers in April 2012 as



TSPA, TESCHER and SPALLINA et al. did not send them out until May 10, 2012 or later. Therefore, it appears that if SIMON were to have signed his Full Waiver in April, he was committing Perjury as he was attesting to the truth of the claims therein, which were wholly false at that time.

92. That SIMON did not file with the Court the Full Waiver until October 24, 2012, five weeks after he was dead, filed as if he were alive and where estate counsel when filing the document SIX months later did not think it necessary to inform the Court the man asking for discharge in October was dead.
93. That SIMON did not lie once in his lifetime that ELIOT can recall and taught ELIOT his integrity, a trait ELIOT values more than the estate values. The kind of integrity that as Your Honor learned in the Hearing would not allow ELIOT to take monies fraudulently gained in the estates and be converted, comingled and distributed against the desires of SIMON and SHIRLEY to the wrong parties, even to feed his children, as ELIOT would rather see his children starve to death versus teaching them that it is OK to do wrongs to make rights.
94. That SPALLINA claimed hours after SIMON had passed that TED was in charge of SHIRLEY'S estate and the estate of SIMON, as he was nominated Successor Trustee. ELIOT asked to see his Letters of Administration and has been refused and only to find in the Hearing that the estate of SHIRLEY, being that it was closed by SIMON when he was dead and no notice had been given to the Court of his death, had no Personal Representative or Trustee at the Hearing, as Letters of Administration were not tendered for a successor to the estate of SHIRLEY when SIMON died due to the Fraud on the Court

in closing the estate as if he were alive at the time. Where Your Honor asks how is that legally possible when discovering a dead man closed the estate.

95. That up until ELIOT recently learned of an insurance beneficiary and fraud scheme that 4/5 of the children of SIMON are participating in through a breach of contract lawsuit where they are trying to have the insurance monies redirected from the estate to a “lost” trust that TED is alleged to be successor trustee of and where no documents exist to support his claims.
96. That ELIOT learned of the sale of a Condominium in SHIRLEY’S estate by TED acting as Trustee and Personal Representative for the estate of SHIRLEY, which was sold without any notice to ELIOT or his children’s counsel and at the Hearing it was learned that the funds from the sale were already distributed in part, to 7/10<sup>th</sup> of the alleged grandchildren beneficiaries, as defined later herein.
97. That ELIOT learned that IANTONI and FRIEDSTEIN also signed Affidavits the day before the Hearing in favor of the forgery and fraudulent documents in their own names to attempt to excuse the fraud being committed.
98. That until these three events that IANTONI and FRIEDSTEIN participated in, ELIOT thought IANTONI and FRIEDSTEIN were victims too, not participants in the estate fraud occurring but these acts show that IANTONI and FRIEDSTEIN were merely playing ELIOT all along to get his information, with their hands deep in the stolen cookie jar.
99. That in fairness to IANTONI and FRIEDSTEIN, they may be acting on the advice being given by counsel for the estate, TSPA, TESCHER and SPALLINA et al., who truly should not be advising the beneficiaries of the estate due to the conflicts but have done so repeatedly without regards to the conflicts.

100. That therefore IANTONI and FRIEDSTEIN may be being conned too, as they tried to do with ELIOT and believe what SPALLINA et al. are saying as true, without seeking independent counsel to review the insurance scheme or condominium sale while acting as trustees for their children.
101. That looting of the estate began immediately after the death of SHIRLEY, when P. SIMON, IANTONI and FRIEDSTEIN came to visit SIMON and cleaned out SHIRLEY'S closets and personal effects, including millions of dollars in jewelry, claiming to others they took the jewels to "protect them" from MARITZA and WALKER stealing them, as more fully described in Petition 1.
102. That at the time of SIMON'S death, ELIOT did not know of the large business and personal relationship between TSPA, TESCHER, SPALLINA and TED et., including TESCHER sitting on boards of TED'S "charitable foundation" and it did not make sense that suddenly, TED, who was excluded from both estates entirely and was on terribly bad terms with SIMON at the time leading up to his death, was now according to TSPA, TESCHER and SPALLINA et al., in charge of the estates of SIMON and SHIRLEY.
103. That TESCHER and SPALLINA had witnessed SIMON'S discontent with his other four children and seven grandchildren that were terrorizing SIMON only weeks earlier in the May 10, 2012 meeting, in efforts to force SIMON to change the carefully crafted estate plans of he and SHIRLEY'S or else lose eleven members of his family who were working in unison to force him to make changes to his estate and stop seeing his companion MARITZA or all eleven would never see him again.
104. That being that three of the seven grandchildren are minors and are controlled exclusively by their parents, they were merely used as pawns with no control over their decision and so

should be excluded from being cognizant of what was happening in their names to hurt their grandfather.

105. That approximately two months after SIMON'S passing, ELIOT still had no documents in either SHIRLEY or SIMON'S estates whatsoever and ELIOT was then forced to retain counsel for he and his children in efforts to get the documents from TSPA, TESCHER & SPALLINA et al. and retained Christine Yates ("YATES") at Tripp Scott law firm in Fort Lauderdale, FL.
106. That SPALLINA, TESCHER, TED and P. SIMON et al. repeatedly advised ELIOT to not retain counsel to review schemes they were proposing, for example, an insurance scheme (Petition 1 – EXHIBIT 6 - EMAILS REGARDING LOST HERITAGE POLICY, pages 157 – 172 and EXHIBIT 7 - SETTLEMENT AGREEMENT AND MUTUAL RELEASE (SAMR") and VII. INSURANCE PROCEED DISTRIBUTION SCHEME pages 34-44) but needed ELIOT to sign on or the beneficiaries could not be changed in the policy post mortem to make them who they wanted with only 4/5<sup>th</sup> of SIMON'S children in agreement.
107. That even though TSPA, TESCHER, SPALLINA, TED and P. SIMON et al. never got all the children to agree to the SAMR and SAMR Trust, SPALLINA then filed an insurance claim stating to the carrier that he had a signed SAMR and SAMR Trust by all the beneficiaries for the insurance companies files if they needed it, when ELIOT never signed the SAMR as fully explained in Petition 1 this could not be possible, unless again, ELIOT'S name was signed for him.
108. That SPALLINA even threatened ELIOT if he sought legal counsel he would not deal kindly with him or words to that effect. TED and P. SIMON repeatedly stated that ELIOT

should not get counsel as it would burn up the estate assets and they believed the proposed deal looked good and how could it not, as they designed it and directly received benefit from it in their own pockets, evading the estate where their children the alleged beneficiaries would get the monies. The new deal would now pay TED, P. SIMON, IANTONI and FRIEDSTEIN and not their children and with no representation for their children as they were their trustees and did not retain any, it was a no brainer, as long as they ignored their fiduciary responsibilities to their children as estate beneficiaries, easily done in light of the obvious and glaring conflicts with their own children and the death benefits, just look the other way.

109. That when YATES first contacted TSPA, TESCHER and SPALLINA, she was told they did not know who ELIOT was and played games for several weeks evading YATES, as evidenced in Petition 1 and refusing to turn over documents after repeated oral and written requests.
110. That ELIOT'S counsel YATES after repeated requests, finally received a partial and incomplete set of documents from TSPA, TESCHER and SPALLINA et al. on January 11, 2013, four months after SIMON'S death and over 2 years since SHIRLEY died and problems with the estate documents were instantly noticed.
111. That ELIOT has submitted to this Court evidence that TSPA, TESCHER and SPALLINA et al. worked together to deny YATES access to the estates information, the trusts of SIMON and SHIRLEY, the trusts for ELIOT and his CHILDREN and more and other materials requested for months.
112. That one of the first things noticed when receiving the incomplete documentation and Waivers in January 2013 and comparing them to the Court docketed records, was that in

the Court record it showed that the alleged Waivers signed by the five children and allegedly by SIMON, that were filed in the estate in October 2013, after SIMON'S death, were NOT NOTARIZED and sent back for notarization by this Court in November 2012 two months after SIMON passed and the Waivers were legally denied by Your Honor.

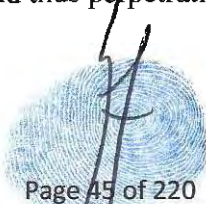
STRIKE ONE.

***STRIKE TWO – FORGED AND ADMITTED FRAUDULENT REPLACEMENT WAIVERS DONE BY ESTATE COUNSEL AND THEIR NOTARY PUBLIC AND FILED AS PART OF A FRAUD ON THE COURT***

113. The original Waivers were rejected by this Court on November 05, 2012, two months after SIMON'S passing for failing to have a Notary Public notarize them as per Your Honor's procedural rules.

114. That the docket then showed that miraculously, all of the Waiver's, including SIMON'S who was at that time in November 2012 still deceased, were tendered back to the Court by TSPA, TESCHER and SPALLINA et al. and were now Notarized and signed in the present on some date in November 2012. The obvious problem, the returned Waivers included SIMON'S and it was notarized and signed for him while he was factually dead at the time he was alleged to be signing and notarizing documents. The tip of the iceberg was exposed.

115. That these fraudulent and forged Waivers were then submitted to this Court and this Court closed the estate in January 2013 still believing SIMON was alive, as was learned in the September 13, 2013 meeting, as estate counsel had failed to notice the Court that the man closing the estate was deceased and thus perpetrating a Fraud on the Court and Your Honor.



116. That this Fraud on the Court is a separate and distinct crime from MORAN'S admitted fraudulent documents that she claimed was a one off mistake, however, the filing of the fraudulent documents and failing to notify the Court or beneficiaries that they were doing so with a dead person as if they were alive constitutes another series of frauds and shows a well-orchestrated Pattern and Practice of fraud, working to disable the wants and desires of SIMON and SHIRLEY through a series of unlawful acts, that once done would enable a host of other criminal acts to be achieved. Without these documents, none of the other crimes would have been possible.
117. That the reason the new date on the Waivers that were forged sometime in November 2012 is still unknown, is that the Waivers that were recreated wholly and then notarized used the old dates on them when they were NOT notarized, months before and so SIMON'S was signed as if it was April 2012 when it was factually sometime in November 2012 after the Court returned them. The date on these six Waivers, now admitted by MORAN to be fraudulent that were crafted by MORAN et al. and tendered to the Court by TSPA, TESCHER and SPALLINA et al. is still unknown, which is fascinating for an alleged notarized document to not have the date the people signed and notarized them on the documents.
118. That to compound the problem ELIOT saw that his Waiver was also returned notarized and ELIOT never notarized his Waiver with anyone and does not know MORAN and further was never sent the Waiver by TSPA, TESCHER or SPALLINA notifying him that the Court had requested the Waiver to have a notarization. This failure to notify the beneficiaries that they needed to notarize the documents ordered by the Court and just have MORAN create new documents and affix new forged signatures and a fraudulent notary

stamp, indicates Willful, Wanton, Reckless, and Grossly Negligent behavior and disregard of the law by the alleged fiduciaries of the estate and estate counsel et al.

119. That as with SIMON who was still dead at the time, ELIOT'S name was forged for him too, problems caused wholly by the illegal acts of TSPA, TESCHER, SPALLINA et al. and Kimberly Moran ("MORAN"). This also is evidence of suppression of court documents from the beneficiaries, in hiding that the Court wanted notarizations from the parties and evidences multiple breaches of fiduciary responsibilities, trust and law from this Willful, Wanton, Reckless, and Grossly Negligent behavior and disregard of the law by the alleged fiduciaries of the estate and estate counsel acting in conspiracy to deny documents that they knew were part of the fraud, also evidenced in Petitions 1-7 are the multiple breaches of fiduciary responsibilities.
120. That it appears that when SIMON passed on September 13, 2012 he had never legally made any changes to his or SHIRLEY'S estate plans, due to the violation of the proposed agreement between he and his other four children and seven grandchildren and SIMON died with the former beneficiaries still apparently intact and the paperwork necessary to make any changes was never completed by SIMON while alive. So, TSPA, TESCHER, SPALLINA and MORAN et al. completed the documents for him post mortem it seems, in attempts to change the beneficiary designations of the estates of SIMON and SHIRLEY.
121. That the documents necessary to make the alleged changes to the estates ALL appear to be Fraudulent and Forged and almost all of them have legal defects rendering them legally null and void, mostly for improper Notarizations failing to state that Simon and others appeared or were known to the Notary Public on the date the documents were allegedly





signed, as exhibited and evidenced herein as **EXHIBIT 2 - DOCUMENTS LEGALLY DEFECTIVE IN THE ESTATES.**

122. That after reviewing the legally defective documents submitted in the estates it became apparent that none of the key documents to effectuate any changes to the beneficiaries made in 2012 and 2013 in either estate were legally sufficient, and in fact, legally defective, and in certain instances already admitted fraudulent and alleged forged.
123. That the fraudulent documents in SIMON's estate are essential in attempting to make the beneficiary changes in SHIRLEY'S estate as they are used to allegedly make changes to SHIRLEY'S beneficiaries after she was deceased and by a post mortem SIMON, including but not limited to,

i. **The ILLEGALLY SIGNED AND NOTARIZED Waivers**

These were illegally signed and notarized on an unknown date in November by Notary Public Moran who admitted to fraudulently notarizing them not in the presence of any of the parties, SIMON, TED, P. SIMON, ELIOT, IANTONI and FRIEDSTEIN, all are admittedly fraudulently notarized and alleged forged. That as evidenced herein, Affidavits were signed by TED, P. SIMON, IANTONI and FRIEDSTEIN that their notarized Waivers were not signed by them and thus alleging forgery, while trying to dance around the claim in legalese language that reverts to forged as will be further discussed herein.

ii. **April 09, 2012 SIMON'S ALLEGED Petition to Discharge – Full Waiver.**

Allegedly signed on April 09, 2012. Docketed six months later with the Court October 24, 2012. The Full Waiver of SIMON in SHIRLEY'S estate remains un-notarized. The Full Waiver contains false statements under oath made by SIMON

and thus is legally void, if SIMON really signed the Full Waiver at the time in April 09, 2012 when he is alleged to have signed or someone signed for him post mortem. SIMON attests to statements in the Full Waiver that could not have happened at that time he allegedly signed the document as some of things he attested to had not yet occurred, including things that did not happen until AFTER SIMON was deceased, like having all the Waivers in his possession from the interested parties.

That at SIMON'S death the Full Waiver had perjured statements in it by SIMON, because on the date he was deceased, September 13, 2012, IANTONI still had not even signed and returned the original Waiver sent in May 2012 to her and she did not sign her Waiver until October 02, 2012, one month after SIMON passed. Thus, SIMON could not say that he had all the WAIVERS from all parties in his possession and other false claims stated in the Full Waiver at any time while he was alive. That SIMON'S Full Waiver allegedly signed by SIMON and Witnessed by SPALLINA was never Notarized and remains in the docket not notarized in violation of Your Honor's own Court's rules regarding Waivers.

That the "Full Waiver" is fraught with other lies by SIMON, as at the time of his alleged signing he could not have attested to the claims made in the Full Waiver since they had not taken place yet. For instance, SIMON states the following allegedly in April 2012,

- a. "5. Petitioner, pursuant to Section 731.302 of the Florida Probate Code, and as permitted by Fla. Prob. R. 5.400(f), **files herewith waivers and receipts signed by all interested persons:**"[emphasis added].

1. Where this statement cannot be true in April 2012 as SIMON did not have signed waivers from **any** parties listed in the

waiver as Interested Parties at that time and IANTONI did not sign hers until after SIMON was deceased. Waivers were not even sent to the Interested Parties and Beneficiaries until May 10, 2012 by TSPA, TESCHER and SPALLINA et al. Why would SIMON lie on a form, why would estate counsel let him lie and perjure himself and then fail to file the form for almost five months?

- b. “(a) acknowledging that they [interested parties] are aware of the right to have a final accounting”

1. Where this statement could not be true on that date in April 2012 for Eliot and others, as TSPA, SPALLINA and TESCHER did not send any documents to the beneficiaries ELIOT, IANTONI and FRIEDSTEIN noticing them that they were beneficiaries or advising them of their interests in SHIRLEY’S estate and knew of no accountings or inventories to waive and so this statement would be a lie by SIMON at that time.

- c. “(b) waiving the filing and service of a final accounting;”

1. Where on April 09, 2012 ELIOT and other beneficiaries had no idea there was any accounting due, as they did not know they were beneficiaries and therefore had never known of a final or interim accounting.

- d. “(c) waiving the inclusion in this petition of the amount of compensation paid or to be paid to the personal representative, attorneys, accountants, appraisers

or other agents employed by the personal representative and the manner of determining that compensation.”

1. Where this could not be true for the same reasons, that the beneficiaries ELIOT, IANTONI and FRIEDSTEIN had no records of compensation paid or manner paid, etc. and so this would be a lie by SIMON too.

e. “(d) acknowledging that they have actual knowledge of the amount and manner of determining compensation of the personal representative, attorneys, accountants, appraisers, or other agents, and agreeing to the amount and manner of determining such compensation, and waiving any objections to the payment of such compensation.”

1. Where ELIOT, IANTONI and FRIEDSTEIN had no actual knowledge of the amount and manner of determining compensation as they had no records or knowledge of anything as estate counsel failed in its legal requirements to notify them and send them compensation and other reports. ELIOT had no knowledge he was a beneficiary until May, 10, 2012 and had no documents sent in the year and half after his mother passed notifying him of anything from the estate counsel, including any rights he had.

f. “(e) waiving the inclusion in this petition of a plan of distribution”

1. Where ELIOT had no knowledge he was a beneficiary until May, 10, 2012 and had no documents sent in the year and half after his mother passed notifying him from the estate counsel of any rights or interests and thus did not even know of any

plans of distribution at that alleged time in April 2012 when  
SIMON allegedly signed the Full Waiver.

g. “(f) waiving service of this petition and all notice thereof...”

1. Where ELIOT had no knowledge he was a beneficiary until  
May, 10, 2012 and had no documents sent in the year and half  
after his mother passed notifying him from the estate counsel  
of any rights or interests and thus did not even know of any  
waiving of service of a petition at that alleged time in April  
2012 that SIMON allegedly signed this Full Waiver.

h. “(g) acknowledging receipt of complete distribution of the share of the estate  
to which they are entitled”

1. Where ELIOT had no knowledge he was a beneficiary until  
May, 10, 2012 and had no documents sent in the year and half  
after his mother passed notifying him from the estate counsel  
of any rights or interests and thus did not even know of any  
receipt of complete distribution or shares in the estate at that  
alleged time in April 2012 that SIMON allegedly signed this  
Full Waiver.

i. “(h) consenting to the entry of an order discharging petitioner, as persona I  
representative, without notice, hearing or waiting period and without further  
accounting”

1. Where ELIOT had no knowledge he was a beneficiary until  
May, 10, 2012 and had no documents sent in the year and half  
after his mother passed notifying him from the estate counsel

of any rights or interests and thus did not know of anything to consenting to release the Personal Representative at that alleged time in April 2012 that SIMON allegedly signed this waiver.

iii. July 25, 2012 SIMON'S ALLEGED Will

Again we find improper, incomplete and legally void notarizations and witnessing by now Notary Public Lindsay Baxley ("BAXLEY"). BAXLEY fails to state if the two witnesses, SPALLINA & MORAN appeared before her on that day and fails to state if SIMON appeared before her on that date. SPALLINA acts as witness in estate documents his firm drafted and he has personal interests in and this appears to violate certain laws. That BAXLEY is believed to be an employee of TED.

iv. July 25, 2012 SIMON'S ALLEGED Amended Trust. ELIOT is still missing a copy of the original trust as it has been suppressed and denied. Allegedly signed weeks before SIMON passes.

The Amended Trust has improper notarization and witnessing as Notary Public MORAN fails to state if SIMON appeared before her on that date. SPALLINA acts as witness in estate documents his firm drafted and he has personal interests in.

v. September 28, 201(?) (hard to read last number as it was scratched out in the notarization and not initialed by any party) ALLEGED SPALLINA OATH OF PERSONAL REPRESENTATIVE DESIGNATION OF RESIDENT AGENT, AND ACCEPTANCE" SPALLINA.

SPALLINA designates himself as Personal Representative and Moran notarizes it.

- vi. October 02, 201(?) (hard to read last number as it was scratched out in the notarization and not initialed by any party) TESCHER “OATH OF PERSONAL REPRESENTATIVE DESIGNATION OF RESIDENT AGENT, AND ACCEPTANCE”

Appears not properly notarized and TESCHER designates himself as Personal Representative and MORAN notarizes it.

- vii. February 09, 2011 ALLEGED SIMON “OATH OF PERSONAL REPRESENTATIVE DESIGNATION OF RESIDENT AGENT, AND ACCEPTANCE”

SIMON allegedly signed this in SHIRLEY’S estate. Improper notarization and witnessing, fails to state that SIMON APPEARED and PRODUCED ID or WAS KNOWN to the Notary Public on that day,

- viii. UNDATED “NOTICE OF ADMINISTRATION” in SIMON’S estate.

The document is missing the date and the Court does not docket this document with a date or official stamp.

124. That it should be noted by the Court that still suppressed and denied to ELIOT and YATES is the original trust agreement of SIMON that allegedly is amended to effectuate the beneficial changes to the grandchildren. That in opposite of law, the Original Trust was excluded from the Amended Trust tendered to ELIOT and YATES by TSPA, TESCHER and SPALLINA et al.

125. That the original Simon Bernstein Trust and his Will from 2008 remain suppressed and denied to ELIOT for over a year since SIMON’S passing, perhaps because these documents may show that SIMON made changes in his estate plan but instead to leave

everything to ELIOT, CANDICE and their children, as the sole beneficiaries to inherit the estates and making ELIOT Personal Representative and Trustee over the estates, having possibly disinherited his other children and their adult children due to their continued spoiled rotten to the core abusive and cruel behavior to him and MARITZA and for compensation already received while they were alive.

126. That since SIMON'S passing, as described herein and in Petition 1-7, his four other children, TED, P. SIMON, IANTONI and FRIEDSTEIN have worked with TSPA, TESCHER and SPALLINA et al., in a variety of alleged Fraudulent transactions in the estates, working together and secreting such self-dealings to the disadvantage of ELIOT and his children and providing no information regarding the transactions to ELIOT or YATES, all the while operating on legally flawed and fraudulent documents with imposters acting as fiduciaries in the estate with no Letters of Administration and with scienter.

127. That TSPA, TESCHER and SPALLINA et al. have conspired together with P. SIMON and TED mainly, the two children with no beneficial interests in either estate directly, TED excluded since 2008 and P. SIMON excluded since approximately 2001 , in order to fraudulently seize Dominion and Control of the estates with intent, by secreting, denying and intentionally suppressing information and documents regarding the true and proper beneficiaries and replacing the wishes and desires of SIMON and SHIRLEY by creating a wholly fraudulent set of documents that appear created after SIMON and SHIRLEY'S death, without their knowledge and consent.

128. That these conspiratorial actions were in order to seize dominion and control of the estates and fiduciary powers over the estate and begin looting the estates in a variety of fraudulent



and illegal transactions, enabled with the fraudulent documents that allegedly give them fiduciary powers to consummate these fraudulent transactions and convert and comingle the assets to the legally wrong beneficiaries according to the last known valid estate documents of SIMON and SHIRLEY.

129. That TED, SPALLINA and TESCHER et al. have long established and undisclosed business dealings, including TESCHER sitting on boards of entities owned and/or operated by TED and referral sharing on insurance commissions and more as described in Petition 1.
130. That in ELIOT'S original WAIVER, SIGNED UNDER DURESS, ELIOT claimed in Section (d), "Expressly acknowledges that the undersigned has actual knowledge of the amount and manner of determining the compensation of the personal representative, attorneys, accountants, appraisers, or other agents; has agreed to the amount and manner of determining such compensation; and waives any objections to the payment of such compensation."
131. That ELIOT claims this to be an admitted lie as ELIOT even today he could not claim that he has "actual knowledge of the amount and manner of determining the compensation of the personal representative, attorneys, accountants, appraisers, or other agents" as he has not neither the knowledge nor any documents to determine these factors based on informed consent as they were never sent to him by estate counsel prior to SIMON'S death and to this day.
132. That informed consent to sign the Waiver could only come through review of the suppressed and denied documentation by estate counsel and thus SPALLINA conned ELIOT to sign the Waiver and used SIMON'S health and the stress caused upon him by

his other children as reason to make ELIOT sign a document knowing he could not have informed consent to what he was signing.

133. That in ELIOT'S WAIVER, SIGNED UNDER DURESS AND WORRY FOR HIS FATHER, ELIOT claimed in Section (g) that he "Acknowledges receipt of complete distribution of the share of the estate to which the undersigned was entitled," which remains untrue today, as ELIOT still has never received any receipt of complete distribution of the share of the estate to which he, the undersigned was entitled.
134. That it is alleged that all WAIVERS signed originally by the parties were perjured in Sections (d) and (g) at the time they were signed as apparently no one but TED had any estate documents sent by estate counsel to them.
135. That it is unknown if TED and P. SIMON could sign Waivers or even had to as they had no interests in the estates or rights as beneficiaries as they were wholly disinherited. In fact, TED and P. SIMON both claim in their Waivers, "The undersigned, Ted S. Bernstein, whose address is 880 Berkeley Street, Boca Raton, Florida 33487, and who has an interest in the above estate as beneficiary of the estate" and "The undersigned, Pamela B. Simon, whose address is 950 North Michigan Avenue, Suite 2603, Chicago, IL 60606, and who has an interest in the above estate as beneficiary of the estate." That they were beneficiaries is not true at the time they signed their originals Waivers, the time admitted Fraudulent and alleged Forged Waivers were created and filed with the Court by MORAN and TSPA, TESCHER and SPALLINA, nor upon submitting their original signed but not notarized Waivers in the Affidavits with the Court as Exhibit A on September 13, 2013, nor even today, as TED and P. SIMON were wholly excluded and disinherited from the estates.

136. That after reviewing the Waivers that were returned to the Court by TSPA, SPALLINA and TESCHER et al., it became apparent that Notary Public MORAN that worked for TSPA, TESCHER and SPALLINA as a legal assistant, had fraudulently notarized the Waivers and allegedly forged the signatures. Yet despite MORAN'S claims that the Waivers returned admittedly fraudulently notarized were "identical" they were NOT and SPALLINA at the Hearing supported the lie to Your Honor that they were not forged.

23 THE COURT: It was wrong for Moran to  
24 notarize -- so whatever Moran did, the  
25 documents that she notarized, everyone but  
00051  
1 Eliot's side of the case have admitted that  
2 those are still the original signatures of  
3 either themselves or their father?  
4 MR. SPALLINA: Yes, sir.  
5 THE COURT: I got it.

137. That it appears now when comparing the two documents that they have been wholly recreated to look like the same documents as the originals, including using the old signing dates and then they are forged with new signatures and a fraudulent Notarization stamp affixed to them, as already Admitted and Acknowledge to by MORAN. Now, as of September 12, 2013 all five of SIMON'S children are in agreement that **the signatures on the notarized documents are not theirs**, although four of five have attempted to exonerate the felonies, as will be further evidenced herein.

138. That MORAN has admitted to the Florida Governor's office that she fraudulently affixed Notary Public stamps on official records of this Court, **including Notarizing a Waiver for SIMON, two months after he passed away but failed to admit the forgery that occurred.** That these fraudulently notarized documents were then sent by TSPA, TESCHER and SPALLINA et al. to this Court as admitted to at the Hearing and a new set

of crimes to further those already committed by MORAN was now exposed by Your Honor, committed by TSPA, TESCHER and SPALLINA et al. when they filed these fraudulent documents with this Court and thereby committing Fraud on this Court by filing these false instruments<sup>5</sup>, as if SIMON were alive when factually he was dead at the time, as learned in the Hearing.

3 THE COURT: Discharge waiver of service of  
4 discharge by Simon, Simon asked that he not  
5 have to serve the petition for discharge.

6 MR. MANCERI: Right, that was in his  
7 petition. When was the petition served?

8 THE COURT: November 21st.

9 MR. SPALLINA: **Yeah, it was after his date  
10 of death.**

11 THE COURT: **Well, how could that happen  
12 legally? How could Simon --**

13 MR. MANCERI: Who signed that?

14 THE COURT: **-- ask to close and not serve  
15 a petition after he's dead?**

And later in the Hearing

2 THE COURT: No, they weren't filed, that's  
3 the whole thing. I'm looking at the file date,  
4 filed with The Court.

5 MR. MANCERI: No, they were returned by  
6 the clerk because they didn't have  
7 notarization. We have affidavits from all  
8 those people, Judge.

9 THE COURT: Well you may have that they  
10 got sent up here.

11 MR. MANCERI: We have affidavits from all  
12 of those people.

13 MR. ELIOT BERNSTEIN: Including Simon?

14 THE COURT: Slow down. You know how we  
15 know something is filed? We see a stamp.

16 MR. MANCERI: It's on the docket sheet, I  
17 understand.

18 THE COURT: So it's stamped in as filed in  
19 November. The clerk doesn't have -- now, they

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<sup>5</sup> 2013 Florida Statutes, TITLE XLVI, CRIMES CHAPTER 817, FRAUDULENT PRACTICES  
817.535 Unlawful filing of false documents or records against real or personal property.

20 may have rejected it because it wasn't  
21 notarized, and that's perhaps what happened,  
22 but if in the meantime waiting cured the  
23 deficiency of the document, two things happen  
24 you're telling me, one, Simon dies.  
25 MR. MANCERI: Correct.  
1 THE COURT: And when those documents are  
2 filed with the clerk eventually in November  
3 **they're filed and one of the documents**  
4 **says, I,**  
5 **Simon, in the present.**  
6 MR. MANCERI: Of Ms. Moran.  
7 THE COURT: **No, not physically present, I**  
8 **Simon, I would read this in November**  
9 **Simon**  
10 **saying I waive -- I ask that I not have**  
11 **to have**  
12 **an accounting and I want to discharge,**  
13 **that**  
14 **request is being made in November.**  
15 MR. MANCERI: Okay.  
16 THE COURT: **He's dead.**  
17 MR. MANCERI: I agree, your Honor.  
18 THE COURT: Who filed that document?  
19 MR. MANCERI: Robert, do you know who  
20 filed that document in your office?  
21 MR. SPALLINA: I would assume Kimberly  
22 did.  
23 MR. MANCERI: Ms. Moran.  
24 THE COURT: Who is she?  
25 MR. MANCERI: She's a staff person [actually legal  
assistant and notary public employee of TSPA] at  
26 Tescher and Spallina.  
27 THE COURT: **When she filed these, and one**  
28 **would think when she filed these the**  
29 **person who**  
30 **purports to be the requesting party is**  
31 **at least**  
32 **1 alive.**  
33 MR. MANCERI: Understood, Judge.  
34 THE COURT: **Not alive. So, well -- we're**  
35 **going to come back to the notary problem in a**  
36 **5 second.**  
37 MR. MANCERI: Okay.

139. That Moran is alleged to have committed perjury in her initial response and ADMISSION of fraud and fraudulent notarizations to the Florida Governor's inquiry and stated that the documents sent back to the Court by TSPA, TESCHER and SPALLINA et al. with the ADMITTED fraudulent notarizations were the same documents the Court had sent back to TSPA, alleging that she had not forged signatures and they were identical to the originals as she claims to have just affixed a false notary stamp.
140. That even a grade school child forges their parent's signature on a ditch letter better than that committed on the estate documents returned to the Court by TSPA, TESCHER and SPALLINA et al. The two documents have wholly different signatures on each of the six Waivers and further different writings than in the initial documents sent back making them wholly dissimilar, as evidenced herein and in Petition 7, Exhibit 2 Page 88 - ELIOT REBUTTAL TO MORAN ADMISSION OF FRAUD TO GOVERNOR OFFICE.
141. That to further damn MORAN'S statements that the un-notarized and notarized Waivers she claimed under penalty of perjury were identical, are statements made in Affidavits filed with the Court on September 13, 2013, after the Hearing, whereby four of the six people who signed Waivers signed Affidavits, including TED, P. SIMON, IANTONI and FRIEDSTEIN, who all claim, "6. It is my understanding that **the subsequently filed Waivers were not personally signed by me or the other heirs.**" [emphasis added] These Affidavits however only come forth the day of the Hearing with these claims, after months of knowing, their signatures were forged, the documents were fraudulent, they were fraudulently notarized and somebody obviously forged their father's name as he was dead at the time, knowing that MORAN has partially and incorrectly confessed failing to admit the forgeries and perhaps she was not the one who committed

that crime, yet the Affidavits appear to attempt to cover it over with Court with confusing language.

142. That as Your Honor noted in the Hearing, TSPA, TESCHER and SPALLINA et al. failed to ever notify the Court of the fact that SIMON had passed away when presenting SIMON'S new improved fraudulent and forged Waiver that was signed for him anew by MORAN or an unknown other, TWO MONTHS AFTER HE WAS DECEASED in November 2012 and then filed with this Court to close the estate as if he were still alive and the acting Personal Representative and Trustee.
143. That the intentional failure to notify the Court SIMON had deceased by TSPA, TESCHER, SPALLINA and MORAN et al. and then submit documents for a dead man as if he were alive as part of a Fraud on this Court to close the estate and change the beneficiaries, coupled with MORAN'S admitted fraudulent notarizations makes these acts no coincidence but instead reveals a carefully planned and executed Fraud, not a "mistake" as MORAN claims that took many people to execute different phases and whereby these documents then allowed for an ever greater amount of crimes to be committed.
144. That TSPA, TESCHER and SPALLINA et al. act to facilitate the Fraud by knowingly pulling a fast one, a felony fast one, on this Court and the true and proper beneficiaries by using a dead man as if he were alive in order to make changes upon the estates and switch the ultimate beneficiaries, which is yet another separate and distinct crime from the ones MORAN has already admitted to. Now a growing Pattern and Practice of acts of egregious Bad Faith done with Unclean Hands unfolds, confirming that MORAN'S acts were not done in error or by mistake and they were the only error in the estate documents but instead revealed in the Hearing and noted by Your Honor, is that the forged and

fraudulent documents were instead part of an elaborate Fraud on the Court in attempts to change beneficiaries of the estate and trusts of both SIMON and SHIRLEY with post mortem documents and then present them to the Court as if SIMON were alive and suppressing the information with scienter from the Court and beneficiaries that this was all done whilst he was dead. The onion peels.

145. That SIMON passed away and the estate of SHIRLEY was closed in January 2013 by a dead person, ELIOT'S father, attesting to facts to close the estate in the present and using documents that are known to be Fraudulent and Forged. Yet, it is still not known what date SIMON had his documents signed and notarized in the presence of MORAN in November 2012 while dead for months, as she has not revealed this as of this date or who FORGED the signatures. Since these are two separate and distinct crimes, affixing a fraudulent notary and forgery, each must be investigated separately, so the question becomes, who did the forgeries, was it MORAN, as she has not confessed to this yet, was it SPALLINA, TESCHER, TED or JOHN DOE? However, SPALLINA did lie to the Court when he answered Your Honor's question if the original Waiver and the admitted fraudulent Waiver were the same signatures and he stated they were.

146. That it is alleged that all of these legally deficient and voidable documents evidenced herein and in Petitions 1-7 are what gave TSPA, TESCHER, SPALLINA and TED et al. their alleged fiduciary powers in the estates, allowed the estate of SHIRLEY to be closed fraudulently with a dead SIMON signing and notarizing documents in her estate that then allowed the fraudulent beneficiary changes to occur, all hosted and implemented through a Fraud on this Court with fraudulent documents and more.



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147. That combined, these conspiratorial acts attempt to change the beneficiaries of SIMON and SHIRLEY'S estates against their estate plan wishes and desires as documented in 2008 and only appear to have been changed through fraud and forgery. All coordinated and sophisticated efforts to illegally replace SHIRLEY and SIMON's last documented wishes with the desires and wishes of TSPA, TESCHER, SPALLINA, TED, P. SIMON, IANTONI and FRIEDSTEIN et al., all enabled through a series of fraudulent and forged documents and other legally voidable documents in the estates.
148. That once these fraudulent documents that are improperly notarized and forged and more were submitted to the Court, the documents and the illegal powers derived from them were used to begin a series of frauds and sophisticated crimes against the estates, a rush to liquidate assets, in undisclosed to ELIOT and his children's counsel transactions in the estates of SIMON and SHIRLEY, enabled with the felonious documents. Each and every transaction of any estate assets representing yet another crime committed, part of the reason ELIOT'S filings are so lengthy, as astutely noted to this Court by MANCERI in the Hearing and reason for this Court to stop further crimes immediately based on the knowledge that fraudulent documents are now in the record as official documents, that they are enabling fiduciary imposters to act and transact as fiduciaries, constituting an EMERGENCY for this Court to stop further damages and as ELIOT stated way back in May 2013 when ELIOT alerted everyone that a dead man was notarizing documents and called for an EMERGENCY motion that the Court did not see at that time to be an EMERGENCY.
149. That this Court now has direct evidence that Fraud was committed not only on the true and proper beneficiaries but in Your Honor's Court and certainly this is cause for

EMERGENCY ACTIONS BY THIS COURT and where the Court had enough evidence at the Hearing to read them Miranda Warnings as stated by Your Honor at the Hearing.

150. That once these fraudulent documents and improperly notarized documents were presented to the Respondents and Interested Parties and they knew that ELIOT was demanding these documents be null and void and brought to the attention of the Court and authorities for investigation and more and to cease and desist any transactions in the interim, direct efforts by TESCHER, SPALLINA, TED, P. SIMON, IANTONI, FRIEDSTEIN, A. SIMON and D. SIMON et al. began, in secreted meetings from ELIOT and YATES, to liquidate and distribute assets without the knowledge and consent of ELIOT, working together to the disadvantage ELIOT and his family and even attempting to convert and comingle assets of their own children and others, including minors they act as Trustees for, to achieve these ends.

151. That these efforts were post mortem and done to thwart the wishes of SIMON and SHIRLEY as documented in their last apparently valid estate plan documents from 2008 that appear to have never been changed by SIMON, or the real changes are being suppressed and new changes to the beneficiaries are on fraudulent documents attempting to be replace the signed and documented estate plans of 2008.

***STRIKE THREE – OBSTRUCTION AND COVER UP OF ADMITTED FRAUDULENT AND FORGED WAIVERS - YOU'RE OUTTA THERE!***

152. That with the first STRIKE dealt by the Court when returning the un-notarized Waivers, the second STRIKE was dealt when the Court rejected the second set of Waivers in the Hearing on September 13, 2013, as admittedly fraudulent and of little use other than evidence of criminal wrongdoings and worthy at that moment of Your Honor taking them

into custody. Yet, almost delusionally it appears, began a new third attempt to further defraud the Court and the rightful beneficiaries regarding the Waivers necessary to close the estate. These new Waivers, actually the old un-notarized one were now submitted to the Court the day of the Hearing, in effort to try and sneak them in again as valid to close the estate, now with an Affidavit that crime committed by MORAN et al. is OK by them, in a brazen effort to now try and cover up the felony acts that have factually occurred, including Fraud on this Court worthy of Miranda Warnings and more.

153. That this third strike uses Affidavits to attempt to right the felony wrongs, see **EXHIBIT 3 - AFFIDAVITS AND UN-NOTARIZED WAIVERS**, signed the day before the Hearing by TED, P. SIMON, IANTONI and FRIEDSTEIN and all contain an attached “Exhibit A” – **THE ORIGINAL UN-NOTARIZED WAIVER**. No, this is not a joke but apparently another attempt to pull a fast on the Court and beneficiaries and get those once rejected Waivers now approved.

154. That in desperation, as their schemes are unraveling, including but not limited to,

- i. Sheriff investigators are contacting them,
- ii. there are admissions of six fraudulent documents,
- iii. there are perjured statements in MORAN’S claims to Florida Governor Rick Scotts office being investigated,
- iv. forgery of SIX signatures is being investigated including one for a dead person,
- v. an insurance beneficiary and fraud scheme is coming to light in a Federal court, and,
- vi. documents stand improperly fraudulently notarized, including an alleged Will and Amended Trust, used to attempt to make fraudulent changes to beneficiaries,



they now make a Hail Mary grandstand effort to rectify all of these felony crimes to Your Honor. That now armed with Affidavits to Your Honor that claim no harm, no foul, by those alleged to be partaking in all of these criminal acts, worthless Affidavits, claiming fraud and forgery and fraud on the Court and the ultimate beneficiaries is OK by four of five of SIMON and SHIRLEY'S children. Now with these Affidavits, all crimes should now be OK in this Court with Your Honor, because they say so and in the Affidavit's language, you cannot question the validity of the documents presented, including the un-notarized Waiver rejected already once by the Court, and well, the insult to Your Honor, the true and proper beneficiaries and SIMON and SHIRLEY continues with this cover up attempt.

**AFFIDAVITS BY PARTIES ALLEGED INVOLVED IN FRAUD, IN EFFORTS TO MAKE FRAUD AND FORGERY OK BY THIS COURT AND INVESTIGATORS**

155. That the first part of the Affidavits filed on September 13, 2013 by MANCERI, acting legally on behalf of TESCHER and SPALLINA personally and not TSPA, TESCHER and SPALLINA as estate counsel, are signed Affidavits by TED, P. SIMON, IANTONI and FRIEDSTEIN, attested to under sworn oath. That MANCERI acting as SPALLINA and TESCHER'S counsel, apparently now is also acting as counsel for TED, P. SIMON, IANTONI and FRIEDSTEIN when filing these Affidavits after the Hearing on their behalf and representing them regarding the Affidavits with the Court in the Hearing. That the representations made to the Court by MANCERI and SPALLINA regarding the Affidavits and attached Waivers was untrue in regard to them being the same signatures as the forged and fraudulent Waivers MORAN did, as the Affidavits claim they ARE NOT THEIR SIGNATURES AS WAS REPRESENTED.

156. That none of the Affiants, TED, P. SIMON, IANTONI and FRIEDSTEIN had separate counsel file the Affidavits on their behalf.

157. That one of the most damning evidences against MORAN, TSPA, SPALLINA, TESCHER and MANCERI, in their claims to authorities and the Court that the un-notarized and notarized Waivers were identical other than the notary stamp, are the statements made under oath by the Affiants in the Affidavits who claim, **“It is my understanding that the subsequently filed Waivers were not personally signed by me or the other heirs”** [emphasis added] signed by TED, P. SIMON, IANTONI and FRIEDSTEIN. This statement basically claims their signatures have been forged on the subsequent Waivers filed fraudulently but in confusing language that does not just state their signatures were forged, in fact, never stating the word forged.

16 MR. SPALLINA: Today we have a signed  
17 affidavit from each of the children other than  
18 Mr. Bernstein that the original documents that  
19 were filed with The Court were in fact their  
20 original signatures which you have in the file  
21 attached as Exhibit A was the original document  
22 that was signed by them.

23 THE COURT: It was wrong for Moran to  
24 notarize -- so whatever Moran did, the  
25 documents that she notarized, everyone but  
00051

1 Eliot's side of the case have admitted that  
2 those are still the original signatures of  
3 either themselves or their father?

4 MR. SPALLINA: Yes, sir.

158. That despite the attempt to dance around the forgery and perjure themselves before Your Honor at the hearing stating that the notarized and original documents are the same signatures by estate counsel, these Affidavits are now sworn statements opposite that

claim, stating Forgery<sup>6</sup> not just fraudulent notarizations has occurred, another separate and distinct felony crime on all six Waivers MORAN has already admitted to fraud in creating and now of five of the living signors also state they are forged. SPALLINA has already admitted to this Court his “involvement” as estate counsel at the Hearing and “where there is smoke there is fire” Your Honor and where there is perjury there is an attempt to cover up crimes by committing further felony crimes, a slippery slope of crime unfolding.

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<sup>6</sup> 2012 Florida Statutes, TITLE XLVI, CRIMES CHAPTER 831, FORGERY AND COUNTERFEITING

831.01 Forgery.—Whoever falsely makes, alters, forges or counterfeits a public record, or a certificate, return or attestation of any clerk or register of a court, public register, notary public, town clerk or any public officer, in relation to a matter wherein such certificate, return or attestation may be received as a legal proof; or a charter, deed, will, testament, bond, or writing obligatory, letter of attorney, policy of insurance, bill of lading, bill of exchange or promissory note, or an order, acquittance, or discharge for money or other property, or an acceptance of a bill of exchange or promissory note for the payment of money, or any receipt for money, goods or other property, or any passage ticket, pass or other evidence of transportation issued by a common carrier, with intent to injure or defraud any person, shall be guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

History.—s. 1, ch. 1637, 1868; RS 2479; s. 6, ch. 4702, 1899; GS 3359; RGS 5206; CGL 7324; s. 1, ch. 59-31; s. 1, ch. 61-98; s. 959, ch. 71-136; s. 32, ch. 73-334.

and

831.02 Uttering forged instruments.—Whoever utters and publishes as true a false, forged or altered record, deed, instrument or other writing mentioned in s. 831.01 knowing the same to be false, altered, forged or counterfeited, with intent to injure or defraud any person, shall be guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

History.—s. 2, ch. 1637, 1868; RS 2480; GS 3360; RGS 5208; CGL 7326; s. 2, ch. 59-31; s. 2, ch. 61-98; s. 960, ch. 71-136.

and

831.04 Penalty for changing or forging certain instruments of writing.—

Florida Statutes TITLE XLVI, CRIMES CHAPTER 817, FRAUDULENT PRACTICES

817.02 Obtaining property by false personation.—Whoever falsely personates or represents another, and in such assumed character receives any property intended to be delivered to the party so personated, with intent to convert the same to his or her own use, shall be punished as if he or she had been convicted of larceny.

History.—s. 49, sub-ch. 4, ch. 1637, 1868; RS 2466; GS 3321; RGS 5156; CGL 7259; s. 1244, ch. 97-102.

817.568 Criminal use of personal identification information.—

159. That if the documents were not only fraudulently notarized and instead wholly forged and fraudulent and part of a larger series of fraudulent estate documents, then MORAN has lied to the Governor's office and SPALLINA can be shown to have lied to this Court at the Hearing, evidencing further crimes, including but not limited to, perjury and the question now becomes WHY. WHY all these criminal acts? With these new acts the whole claim by MORAN and SPALLINA that this was an innocent one off notary "mistake" now shatters as the new crimes revealed at the Hearing evidence further criminal acts in addition to those already admitted, including Forgery, Fraud on the Court, Identity Theft and more revealing that these documents took very careful planning and enable a far larger series of crimes, opposite what they have led this Court and others to believe.
160. That the thought that MORAN would do such felony forgery and fraud on her own, while a legal assistant and notary of the law firm TSPA under the direction of TESCHER and SPALLINA is ludicrous and legally it is moot as the law firm and lawyers are wholly responsible for the acts of their notaries and liable for all damages caused while they are engaged in official business in the state of Florida to all injured parties.
161. That where SPALLINA ADMITTED in the Hearing on September 13, 2013 that he, SPALLINA, was "involved" as estate counsel in the fraudulent acts of MORAN. Yet, SPALLINA then lies to the Court and claims that the un-notarized and notarized Waivers' signatures were identical, despite knowing that four of the Affiants claimed they are not in sworn statements that he later filed with the Court as evidenced later herein.
162. That the fraud continued in the Court, even after in the Hearing when Your Honor stated that everything changed if the documents were FORGED, which it does and neither TSPA, TESCHER, SPALLINA, MANCERI or TED came forth and told Your Honor the truth

that the notarized Waivers were forged and threw themselves at Your Honor's feet and begged for mercy in attempts to purge their souls of their sins and instead they continued to perpetrate a fraud in Your Honor's courtroom and disgrace Your Honor with lies and more lies trying to dance around the truth of the forgeries, knowing admission of the truth could put them behind bars.

163. That knowing of a Felony and failing to report it to authorities is Misprision of a Felony and Obstruction of Justice and attempting to cover it up and pooh pooh it through an Affidavit that further states, "7. In order to permit my mother's estate to be closed **without any question of the validity of my Waiver** [emphasis added], I hereby state under oath that the attached Exhibit 'A' is my free and voluntary act as if the Waiver had been originally executed in conformity with the requirements of the Court" also appears to be Aiding and Abetting the felonious crimes, especially where such Willful, Wanton, Reckless, and Grossly Negligent behavior and disregard of the law benefits certain of the parties personally to the disadvantage of others, including their own children. This belief and behavior that their majority rules despite what is legal may indicate that children that pack together to prey upon their father, may do so to their children and others too. Analogous to this would be a bank robber robbing a bank and on the way out the door after killing the guard handing out \$100.00 bills to the rest of the people in the bank who then tell authorities it was ok that he robbed the bank and murdered a man, he was in the way of his escape anyway and we forgive him and so should Your Honor, so let's move on, while all pocketing the \$100.00.

164. That Your Honor's words linger from the Hearing,

17 THE COURT: Mr. Bernstein, I want you to  
18 understand something. Let's say you prove what



19 seems perhaps to be easy, that Moran notarized  
20 your signature, your father's signature, other  
21 people's signatures after you signed it, and  
22 you signed it without the notary there and they  
23 signed it afterwards. That may be a wrongdoing  
24 on her part as far as her notary republic  
25 ability, but the question is, unless someone  
00060

1 claims and proves forgery, okay, forgery,  
2 proves forgery, the document will purport to be  
3 the document of the person who signs it, and  
4 then the question is, will something different  
5 happen in Shirley's estate then what was  
6 originally intended?

165. That now that the Prima Facie evidence of Forgery exists by admittedly by five out of six signors of the Waivers denying that it is their signature on the notarized Waiver and thereby conceding that it was forged, the Court can presume the document is forged as well as admittedly fraudulent and not the document of the person who signed it. That without the Waivers being valid and without Simon now able to sign one, the intent of SIMON is clear, he never signed one, the estate was never legally closed and therefore he never made any beneficiary changes.

8 THE COURT: November 21st.  
9 MR. SPALLINA: Yeah, it was after his date  
10 of death.  
11 THE COURT: Well, how could that happen  
12 legally? How could Simon --  
13 MR. MANCERI: Who signed that?  
14 THE COURT: -- ask to close and not serve  
15 a petition after he's dead?

166. That without the estate closed with these fraudulent and forged documents, no changes to the beneficial interests could be made by SIMON while he was alive by allegedly amending the Simon Bernstein Trust and Will to change SHIRLEY'S beneficiaries, as the

estate was really open when he died and only closed through felony admitted crimes illegally using his identity while dead to file them with this Court.

167. That where the fraud in SHIRLEY'S estate to change the beneficiaries is only enabled through execution of documents in both SIMON and SHIRLEY'S estate after her estate is closed and these Waivers now become central puzzle pieces of bigger frauds being committed in the estates, once the admitted fraudulent and alleged forged and fraudulently notarized Waivers were approved of by Your Honor and post mortem changes illegally made.

168. That therefore, SIMON'S documents must now be entered into this Court and reviewed in light of the total picture of Fraud that is going on in this Court and Hon. Judge French's court in SIMON 'S estate, as they appear legally related and certainly the documents of SIMON are inter-related and must be allowed into this Court to show the total fraud going on and how it is being committed in both estates.

169. That Exhibit A of the Affidavits are alleged to be the original un-notarized Waivers and those that were rejected by the Court already, now re-submitted to the Court, in efforts to fool the Court to accept them as valid without any question as to the validity of the Waiver being tendered to this Court. Now the Affiants want to use the un-notarized Waivers to close the estate in the present and act as if they were notarized in the past, which they were not in the past notarized or now presently notarized. Why did they not just execute new notarized Waivers in the present that could have been tendered to the Court as valid and instead are forced to attempt to have your honor again accept UN-NOTARIZED Waivers and be unable to challenge their validity? Why did they not submit the fraudulently notarized Waivers with the Affidavit and attest to their validity, as they need notarization

to conform to the requirements of this Court. Perhaps because they claim that the notarized Waivers signatures are not their signatures and instead were forged (without saying FORGED to this Court) and the statement would be a big leap in Aiding and Abetting, so they danced around the issue of Forgery in the Affidavits and lied to Your Honor at the Hearing that they were the same, instead of coming straight out and admitting and reporting the FELONY FORGERY and FRAUD involved in the creation of the Waivers and taking their lumps?

170. That this Court has a rule that Waivers must be notarized and thus in no way can Exhibit A un-notarized Waivers have been executed at that time in the past or any time henceforth in conformity with the requirements of the Court without a notarization, despite conflicted parties now attempting to tell the Court that it is valid without notarization. However, according to Affidavits, their validity cannot be questioned cause they say so in the Affidavit and its four against two and ELIOT and SIMON lose by their majority rule mentality, not the rule of law according to them. Lest we forget that now in the present SIMON'S Waiver cannot exist and thus having four or five out of the six rejected Waivers pardoned would have no effect, as SIMON'S Waiver will remain missing.

171. That these Affidavits and Waivers submitted are a part of a Pattern and Practice of Fraud on this Court whereby SPALLINA in the Hearing confirmed that he was also "involved" in the crimes of MORAN, as estate counsel and according to Respondent Superior and Florida Law TSPA, TESCHER and SPALLINA are directly responsible for the acts of a notary public in their employ while doing official business.

172. That in all the time TSPA, TESCHER, SPALLINA, TED, P. SIMON, IANTONI & FRIEDSTEIN et al. had knowledge that notarizations and other documents were alleged

fraudulent and forged at that time prior to MORAN'S confession, shortly after May 06, 2012 when Petition 1 was served on them by ELIOT, they took no corrective actions to notify the Court or criminal authorities of the crimes that had taken place and made no protestations that this had taken place in the estates of their father and mother and there were forged documents in their names, how strange.

173. That not until the Hearing before Your Honor and approximately four months after being served Petition 1 and only after the Notary Public MORAN admitted and acknowledged she fraudulently notarized documents and TSPA tendered those forged and fraudulent documents to this Court, without noticing the Court of the fraud and an Emergency Hearing was granted by Your Honor to ELIOT, did TED, P. SIMON, IANTONI and FRIEDSTEIN and estate counsel TESCHER and SPALLINA finally come forward to this Court or any other authority, to notify them of their admitted fraudulent and forged signatures, except ELIOT, who as usual did the right thing as taught to him by his father and mother.
174. That instead these facts were ignored by all four of SIMON'S other children and TSPA, SPALLINA, TESCHER and TED et al. continued administering the estate and liquidating assets and converting the proceeds as quickly as they could and all the while "mum's the word" to the Court of their crimes, despite ELIOT'S protestations that the documents filed were legally insufficient, fraudulent and forged and that in light of these discoveries a Court would have to determine the beneficiaries since these were KEY documents that attempted to change the beneficiaries of the estates.
175. That despite the knowledge that documents in the estates of SIMON and SHIRLEY were alleged fraudulent and forged and other essential documents improperly notarized and

legally voidable for months, they did not halt the proceeding and attempt to honestly rectify any “deficiencies” or fraud or forgery with the Court or others and in fact they did the opposite. They began efforts to convert assets to the alleged improper beneficiaries and continued in opposite of the wishes of SIMON and SHIRLEY by using the knowingly fraudulent and forged documents to enable them to subvert the filed estate documents on file in 2008, which appear to be the last legally binding Wills and Trusts that were signed in 2008 by both SIMON and SHIRLEY while they were alive and on those documents their words are clear as to the beneficiaries of the estates, ELIOT, IANTONI and FRIEDSTEIN and their lineal descendants and these documents appear properly and legally filed.

176. That on or about September 12, 2013, TED, P. SIMON, IANTONI and FRIEDSTEIN signed Affidavits and attempted to present them at the Hearing as some form of evidence that would correct the mass of problems created by the fraudulent and alleged forged notarizations in their names. As if they all joined together as a gang, TED, P. SIMON, IANTONI and FRIEDSTEIN, to write Affidavits that admitted fraudulent and alleged forged documents were tendered in their names and by resending this Court the rejected un-notarized copies with their affidavits that everything was OK by them and nothing changed and thus the Court should be OK too.

177. That they forgot to send ELIOT and SIMON Affidavits, presumably knowing ELIOT would not participate in fraud and cover up of felony crimes and excuse criminal acts done in the estate and criminal acts done on behalf of his deceased father. More importantly ELIOT does not believe they have an Affidavit for the one person, more important than any other to effectuate any change in the estates, the one necessary to say everything is OK

with his name being forged on an admittedly fraudulent notarized Waiver in the estate of SHIRLEY, SIMON. The main man SIMON who allegedly wants to make the changes cannot now where he remains dead. This hokey nonsense in the Affidavits is again a bigger waste of this Court and everyone else time, effort and monies, other to than to point to the guilty parties who signed these bogus Affidavits as part of an attempted cover up for crimes they knowingly were partaking in and benefiting from, through yet another Fraud on this Court and the ultimate beneficiaries.

**DEFECTS IN WAIVERS – EXHIBIT A OF THE AFFIDAVITS RESUBMITTED TO THIS COURT WITH ANOTHER NOT NOTARIZED WAIVER ON SEPTEMBER 13, 2013, THE DAY OF THE HEARING.**

178. That several problems appear with the new Affidavit and Exhibit A - Waiver attached to each affidavit signed on September 12, 2013,

- i. TED states on the UN-NOTARIZED Waiver sent back to the Court in “Exhibit A” of the Affidavit, that “The undersigned, Ted S. Bernstein, whose address is 880 Berkeley Street, Boca Raton. Florida 33487, and who has an interest in the above estate as **beneficiary** [emphasis added] of the estate:”

That this statement by TED that he is a beneficiary of the estate of SHIRLEY at that time in August 2012 when he claims to have signed this rejected and useless Waiver is wholly false and perjured as well, as TED was not then or now a beneficiary of the estate of SHIRLEY, even if the alleged changes had been made by SIMON. As the Court will remember, TED was disinherited from the estate as a beneficiary and the proposed changes in beneficiaries was to make his adult children beneficiaries, again skipping TED and leaving him out the estate as a beneficiary in either scenario.

ii. That P. SIMON states on the UN-NOTARIZED Waiver sent back to the Court in “Exhibit A” of the Affidavit, that “The undersigned, PAMELA B. SIMON, whose address is 950 North Michigan Avenue, Suite 2603, Chicago, Illinois, and who has an interest in the above estate as beneficiary [emphasis added] of the estate:”

That this statement by P. SIMON that she is a beneficiary of the estate at that time is wholly false and perjured, as P. SIMON was not then or now a beneficiary of the estate of SHIRLEY, even if the alleged changes were made by SIMON. As the Court will remember, P. SIMON was excluded from the estate as a beneficiary and the proposed changes in beneficiaries was to make her adult child a beneficiary, again skipping P. SIMON and leaving her out of the estate as beneficiary in either scenario.

iii. That the Waivers are all tendered to the Court and docketed in the Court on October 24, 2012, over one month after SIMON passed. That on the day the Waivers were tendered to the Court by TSPA, the statements in the Waiver were materially false and estate counsel TSPA, TESCHER and SPALLINA knew that they were false statements at the time of filing but filed them regardless of the truth of the claims being made on that date to this Court by SIMON who was deceased, Without notifying the Court that the Trustee and Personal Representative SIMON had died and TSPA, TESCHER and SPALLINA failed to file the necessary papers for successors to be chosen and approved by all beneficiaries and Letters granted as no PERSONAL REPRESENTATIVE or TRUSTEE existed at the time the Waivers were tendered to this Court to close the estate fraudulently, as SIMON was dead at the time. Just close the estate with a dead man’s forged and fraudulent Waiver, change the beneficiaries with a dead person and a few more improperly notarized

documents and hope no one noticed and the perfect crimes could take place to loot the estates.

- iv. That on the date the Waivers were filed with the Court, there was no Personal Representative or Trustee of SHIRLEY'S estate, as SIMON was dead and no one ever replaced SIMON or was Court appointed with Letters as successor, as evidenced in the Hearing. That despite TED being named a successor to SIMON in the Trust and Will of SHIRLEY in the 2008 documents, no proper legal steps were taken to appoint TED and notice the beneficiaries and that trustees had changed because a fraud was pulled on the Court with SIMON dead as if he were alive, so it would have thrown up a huge red flag.
- v. That due to the fact there was no Personal Representative or Trustee at the time the Waivers were filed with the Court to close the estate, as SIMON was dead when this was done for him as if he were alive, no successors were ever appointed and the estate was closed by a dead man as if alive. Therefore, the following claims could not have been true in the Waivers on the date they were filed with the Court, in October 2012, one month after SIMON the Personal Representative and Trustee had passed but was still acting as Personal Representative and Trustee to close the estate.
  - i. That in subsection (b) of the Waiver each party, TED, P. SIMON, IANTONI, FRIEDSTEIN "Waives the filing and service of a final or other accounting by the personal representative." Where there was no Personal Representative at that time as SIMON was dead and no successor appointed. This statement appears false both then and in their new Affidavit Waivers, as no successor



Personal Representative had been chosen as of the date of the Hearing or the date the Affidavits were signed.

- ii. That in subsection (c) of the Waiver each party, TED, P. SIMON, IANTONI, FRIEDSTEIN “Waives the inclusion in the Petition for Discharge of the amount of compensation paid or to be paid to the personal representative, attorneys, accountants, appraisers, or other agents employed by the personal representative, and the manner of determining that compensation.” That the Petition for Discharge was found in this Court to be another fraudulent document filed for SIMON after he was deceased and no new one has he tendered. Further, no documents were sent by estate counsel to the beneficiaries, ELIOT, IANTONI and FRIEDSTEIN to make this claim with informed consent due to the suppressed and denied documents.
- iii. That in subsection (d) of the Waiver each party, TED, P. SIMON, IANTONI, FRIEDSTEIN, “(d) Expressly acknowledges that the undersigned has actual knowledge of the amount and manner of determining the compensation of the personal representative, attorneys, accountants, appraisers, or other agents; has agreed to the amount and manner of determining such compensation; and waives any objections to the payment of such compensation” That for the same reason as above that there was no Personal Representative at that time this statement was filed with the Court and also appears false as how can one determine the compensation of one that does not legally exist at the time. Also, this statement appears false as IANTONI and FRIEDSTEIN stated to ELIOT that they had no documents in the estates either at the time of

SIMON'S death or after and thus how could they attest to having knowledge of something they cannot ascertain if true.

- iv. That in subsection (f) of the Waiver each party, TED, P. SIMON, IANTONI, FRIEDSTEIN, "(f) Waives service of the Petition for Discharge of the personal representative and all notice thereof upon the undersigned" where there was no Personal Representative at the time the document was filed after SIMON'S death to discharge.
- v. That in subsection (g) of the Waiver each party, TED, P. SIMON, IANTONI, FRIEDSTEIN, "(g) Acknowledges receipt of complete distribution of the share of the estate to which the undersigned was entitled" but where there was no receipt of distribution of the share of the estate to which the undersigned was entitled for ELIOT, IANTONI and FRIEDSTEIN, as they did not receive any documents, accounting and inventories from TSPA, TESCHER and SPALLINA et al. for months after SIMON'S passing, these claims would be made without informed consent and therefore false due to the suppression of the information necessary to make them true.

179. That ELIOT claims that his un-notarized Waiver is fraught with lies and perjured statements signed again under duress and where ELIOT was led to believe that his signed document would not be tendered to the Court without his review of the necessary underlying documents and that he signed only to relieve his father of instant stress, mental torture and possible heart failure.

180. That months passed from May to October and ELIOT thought nothing ever came of the beneficiary changes and his Waiver, as ELIOT never received the underlying documents

necessary to approve his Waiver for submission based on informed consent and make his Waiver valid and TSPA, TESCHER and SPALLINA et al. knew that ELIOT could not make those claims while they suppressed and denied the documents necessary to make informed consent to Waive.

181. That TSPA, TESCHER and SPALLINA et al. FAILED TO NOTIFY ELIOT THAT HE WAS A BENEFICIARY in the estate of SHIRLEY in violation of probate laws and then when he did find out in May 2012, they refused to turn over ANY documents to ELIOT while he was a beneficiary of the estate of SHIRLEY to make those claims in his Waiver true and forced him to sign them blindly in love of his father and through deceit conned ELIOT that everything due ELIOT legally as a beneficiary and to make an informed consent to the Waiver they were asking him to sign would be coming soon to review and still never sent them months later when his Waiver was attempted to be used un notarized or when the Court requested that it later be notarized and to this date they have not sent all the documents necessary to make any of the statements in the Waiver true.

182. That when they knew they would never get ELIOT to participate in Fraud and knew after SIMON'S death ELIOT would not sign another Waiver, especially after their abusive treatment of ELIOT right out of the gate, TSPA, TESCHER, SPALLINA and MORAN et al. decided to commit fraud for him through forging his name on the Waiver when the Court sent the document back for notary in efforts to illegally obliterate the wishes and desires of SIMON and replace them with the wishes and desires of TED, P. SIMON, IANTONI, FRIEDSTEIN, SPALLINA and TESCHER et al.

A blue ink fingerprint is visible, with a handwritten signature in black ink overlaid on it. The signature appears to be a stylized name, possibly 'Eliot' or similar.

183. That ELIOT'S un-notarized Waiver was rejected by the Court and the notarized one is not ELIOT'S original Waiver and is not ELIOT'S writing in the date as with the alleged original and is not ELIOT'S signature on the fraudulent Waiver from the alleged original.

184. That ELIOT alleges that the alleged original UN-NOTARIZED document in the Court docket is also not the document ELIOT sent to TSPA, TESCHER and SPALLINA et al. and that document may have been altered as well, ELIOT waits an opportunity to inspect the original documents and all of them with forensic experts.

**(I) MOTION TO COMPEL AND ORDER ALL DOCUMENTS BOTH CERTIFIED AND VERIFIED REGARDING ESTATES OF SHIRLEY AND SIMON (SIMON'S DOCUMENT ARE REQUESTED AS IT RELATES TO SHIRLEY'S ALLEGED CHANGES IN BENEFICIARIES) BE SENT TO ELIOT AND HIS CHILDREN IMMEDIATELY IN PREPARATION FOR THE EVIDENTIARY HEARING ORDERED BY THIS COURT**

185. That documents and other information regarding the estate of SHIRLEY were discussed in the Hearing relating to ELIOT and his children, involving trusts, beneficial interests and new assets that have not been disclosed to ELIOT and it appears these too are also being suppressed and denied to ELIOT with scienter. Again, one must ask WHY? What are they hiding? ELIOT is a beneficiary and/or a "trustee" for his alleged children beneficiaries and therefore must have the missing and suppressed documents in advance of the upcoming Evidentiary Hearing, documents that have been denied and suppressed from him in both SHIRLEY and SIMON'S estates. Certified and verified estate documents with the original available for forensic inspections, especially now that admitted fraudulent notarizations have occurred and forgery on six documents and other more essential estate documents are improperly notarized, including all the critical documents that attempt to

change beneficiaries in the estates, including wills and trusts, and these documents are now essential to determining the truth of who the beneficiaries are in both SIMON and SHIRLEY'S estates. EVERY DOCUMENT IS NOW SUSPECT IN BOTH ESTATES and must be forensically analyzed.

186. That in the US District Court for the Northern District of Illinois Eastern Division, Case No. 13cv3643, the Hon. Judge Amy J. St. Eve ordered recently that suppressed and denied insurance policies and a "lost" trust document be immediately tendered to ELIOT so that he could review the documents that he was sued as a Third Party defendant in, over an attempt to convert insurance benefits from the estate beneficiaries to newly elected POST MORTEM beneficiaries, through a secreted from ELIOT and his children's former counsel, Breach of Contract lawsuit. The lawsuit filed to attempt to convert insurance proceeds from the estate beneficiaries to TED, P. SIMON, IANTONI and FRIEDSTEIN directly. The Court can see here that without this scheme, TED and P. SIMON would get none of the proceeds if they flow to the estate that they were disinherited from.

187. That ELIOT and his children are entitled to these estate documents that have been wholly secreted, suppressed and denied from them since SHIRLEY'S passing on December 08, 2010 and SIMON'S passing on September 13, 2012 in opposite of law, see **EXHIBIT 4 - LIST OF DEMANDED DOCUMENTS**. That ELIOT asks that this Court demand all documents in EXHIBIT 4 be tendered to ELIOT prior to any evidentiary hearing.

188. That one such document that should have been legally tendered to either ELIOT as Beneficiary or ELIOT as TRUSTEE for his alleged children beneficiaries, after SIMON'S death by estate counsel, was the original 2008 SIMON BERNSTEIN TRUST

AGREEMENT that he signed when SHIRLEY signed hers in 2008, as only an AMENDED TRUST was sent, making it impossible to determine what changed.

189. That ELIOT and his counsel in January 2013 finally received piecemeal documents, including an AMENDED SIMON BERNSTEIN TRUST AGREEMENT without the original SIMON BERNSTEIN TRUST AGREEMENT attached, as required by law. The original remains suppressed and repeatedly denied despite oral and written requests for now approximately 16 months since the May 2012 meeting when the first requests were made by ELIOT. Why this Court must ask, if all is on the up and up, are they violating law and denying and suppressing information to ELIOT and his children and their counsel? Are these actions so ELIOT cannot make informed decisions to consent to any transactions going on? These documents are especially germane now, where so many other documents, including a Will and Amended trust already appear to be defective and NOT legally binding and due to the factual evidence that FRAUD and FORGERY has already occurred.
190. That in post September 13, 2013 calls after the Hearing with business associates of SIMON, ELIOT was informed that TED and a one Lindsay Baxley (“BAXLEY”) participated in removal of documents and effects of SIMON’S office. That after SIMON died, TED sent the employees of his and SIMON’S companies an email that the offices would be closed for approximately 1 week and not to come to work in memorialization to SIMON.
191. That during this “memorialization” of SIMON, TED and BAXLEY went into the offices and removed and/or destroyed SIMON’S personal and business effects. Where TED has no fiduciary powers in SIMON’S estate at all and gathering and safe keeping of SIMON and SHIRLEY’S estate items was the responsibility of TESCHER and SPALLINA, acting

as estate counsel, alleged personal representatives and trustees, an obligation they repeatedly ceded to TED for unknown reasons and nothing was accounted for to the beneficiaries of SIMON'S office contents.

192. That BAXLEY is also involved in other documents improperly notarized in the estates and formal complaints are being drafted for both the Governor's office and Sheriff's department to investigate these documents and BAXLEY as well.

193. That on September 13, 2012, immediately after SIMON was deceased, TED sent WALKER to SIMON'S home as he lay dying to remove personal and business items from SIMON'S home, including but not limited to, estate documents and MARITZA documents relating to an inheritance he left for her.

194. That SHIRLEY died on December 08, 2010 and until May 15, 2012 ELIOT was still uninformed by TSPA, Tescher and SPALLINA et al. that he was a beneficiary of the estate of SHIRLEY, as required by Florida Probate law.

195. That the entire time that ELIOT was a beneficiary of the estate of SHIRLEY his interests and his children's alleged interests were suppressed and denied from him by TSPA, TESCHER, SPALLINA and TED et al. with scienter and ELIOT received NO DOCUMENTS, INVENTORIES, ACCOUNTINGS or any other information regarding his beneficial interests timely and this Court, with the estate newly reopened by Your Honor, must now demand ALL documents of the estate be sent to ELIOT immediately and without further delay. Now that the estate is reopened and ELIOT and/or his children remain beneficiaries and NO WAIVER for ELIOT exists, ELIOT demands this Court force TSPA, TESCHER, SPALLINA and TED et al. to turn over ALL records of the estates instantly for inspection and preparation for the upcoming evidentiary hearing.

196. That ELIOT demanded the documents from TSPA, TESCHER and SPALLINA et al. and after being refused was then threatened with unfair and harsh treatment if he sought counsel for himself or his children by TSPA, SPALLINA, TED and P. SIMON et al. All of them claimed counsel to parse the conflicts and review the estate documents was unnecessary and a waste of money, etc., as already evidenced in Petition 1 and ELIOT therefore hired YATES and Tripp Scott as counsel. YATES was unsuccessful in every getting all the documents she requested on behalf of ELIOT'S children.

197. That Your Honor should demand all documents in the estate of SHIRLEY and those in SIMON'S that relate to SHIRLEY'S estate matters be turned over to ELIOT and his children, as they are entitled to them by law and even after retaining counsel and counsel attempting to the secure the documents for months, counsel failed and only ran up an unnecessary bill of USD \$10,000.00 attempting to chase them down and perhaps Your Honor can have more influence and force TSPA, SPALLINA, TESCHER, TED, P. SIMON et al. to IMMEDIATELY turn them over.

A handwritten signature in black ink, appearing to be 'L. T. Scott', is written over a light blue circular stamp.A large, stylized handwritten signature in black ink, possibly 'L. T. Scott', is written over a light blue circular stamp.



**(II) MOTION TO FOLLOW UP ON SEPTEMBER 13, 2013 HEARING AND CLARIFY  
AND SET STRAIGHT THE RECORD**

**PERJURED STATEMENTS IN OFFICIAL HEARING<sup>7</sup>**

198. That a Hearing was held and the Transcript for that Hearing can be found @

[www.iviewit.tv/20130913TRANSCRIPT.pdf](http://www.iviewit.tv/20130913TRANSCRIPT.pdf), fully incorporated by reference in entirety

herein.

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<sup>7</sup> 2005 Florida Code - CRIMES PERJURY, Chapter 837  
837.012 Perjury when not in an official proceeding.—  
837.02 Perjury in official proceedings.—  
837.021 Perjury by contradictory statements.—  
837.05 False reports to law enforcement authorities.—  
837.06 False official statements.—

<http://www.floridabar.org/tfb/TFBLawReg.nsf/9dad7bbda218afe885257002004833c5/ca758a1382421b60852574ba00649949>

**6.0 VIOLATIONS OF DUTIES OWED TO THE LEGAL SYSTEM  
6.1 FALSE STATEMENTS, FRAUD, AND MISREPRESENTATION**

Absent aggravating or mitigating circumstances, and upon application of the factors set out in Standard 3.0, the following sanctions are generally appropriate in cases involving conduct that is prejudicial to the administration of justice or that involves dishonesty, fraud, deceit, or misrepresentation to a court:

**6.11 Disbarment is appropriate when a lawyer:**

- (a) with the intent to deceive the court, knowingly makes a false statement or submits a false document; or
- (b) improperly withholds material information, and causes serious or potentially serious injury to a party, or causes a significant or potentially significant adverse effect on the legal proceeding.

**6.12 Suspension is appropriate when a lawyer knows that false statements or documents are being submitted to the court or that material information is improperly being withheld, and takes no remedial action.**

**6.13 Public reprimand is appropriate when a lawyer is negligent either in determining whether statements or documents are false or in taking remedial action when material information is being withheld.**

**6.14 Admonishment is appropriate when a lawyer is negligent in determining whether submitted statements or documents are false or in failing to disclose material information upon learning of its falsity, and causes little or no actual or potential injury to a party, or causes little or no adverse or potentially adverse effect on the legal proceeding.**

**PERJURED STATEMENT #1 – “WHO’S ON FIRST?”**

199. That in the Hearing it was learned that TED claimed to this Court,

11 **MR. THEODORE BERNSTEIN: Your Honor, Ted**  
12 **Bernstein, trustee of the estate, and I'm**  
13 **here**  
14 **representing myself today.**

Yet, learned later at the Hearing was that since SIMON closed the estate as Personal Representative and Trustee while dead, filed for him as if alive and TSPA, TESCHER and SPALLINA et al. failed to notify the Court that Simon was dead until the Hearing, one year to the day later after his death, there existed no Personal Representative and Trustee in the estate at the time of the Hearing due to this Fraud on the Court and beneficiaries. The reason for there not being any successors was that since SIMON closed the estate while dead and no new Letters had been granted or even sought for TED or anyone else to be the next Personal Representative, Trustee or Successor Trustee and thus none existed at the time of the Hearing.

17 THE COURT: Okay. Who are the PR's that  
18 you represent?  
19 MR. MANCERI: Well, Shirley Bernstein  
20 **there is no technically any PR because**  
21 **we had**  
22 **the estate closed.**  
23 THE COURT: Okay.  
24 MR. MANCERI: And what emanated from  
25 Mr. Bernstein's 57-page filing, which falls  
lawfully short of any emergency, was a petition  
00024  
1 to reopen the estate, **so technically nobody**  
2 **has**  
3 **letters right now.**  
4 Simon Bernstein, your Honor, who died a

4 year ago today as you heard, survived his wife,  
5 Shirley Bernstein, who died December 10, 2010.  
6 Simon Bernstein was the PR of his wife's  
7 estate.

8 As a result of his passing, and in attempt  
9 to reopen the estate we're looking to have the  
10 estate reopened. **So nobody has letters right  
11 now, Judge. The estate was closed.**

12 THE COURT: So you agree that in Shirley's  
13 estate it was closed January of this year,  
14 there was an order of discharge, I see that.  
15 Is that true?

16 MR. ELIOT BERNSTEIN: I don't know.

17 THE COURT: Do you know that that's true?

18 MR. ELIOT BERNSTEIN: Yes, I believe.

19 THE COURT: So final disposition and the  
20 order got entered that Simon, your father --

21 MR. ELIOT BERNSTEIN: Yes, sir.

22 THE COURT: -- he came to court and said I  
23 want to be discharged, my wife's estate is  
24 closed and fully administered.

25 MR. ELIOT BERNSTEIN: No. I think it  
00025

1 happened after --

2 THE COURT: No, I'm looking at it.

3 MR. ELIOT BERNSTEIN: What date did that  
4 happen?

5 THE COURT: January 3, 2013.

6 MR. ELIOT BERNSTEIN: He was dead.

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7 MR. MANCERI: That's when the order was  
8 signed, yes, your Honor.

9 THE COURT: He filed it, physically came  
10 to court.

11 MR. ELIOT BERNSTEIN: Oh.

12 THE COURT: **So let me see when he actually  
13 filed it and signed the paperwork.  
November.**

14 **What date did your dad die?**

15 MR. ELIOT BERNSTEIN: **September. It's  
16 hard to get through. He does a lot of  
things**

17 **when he's dead.**

18 THE COURT: **I have all of these waivers by  
19 Simon in November. He tells me Simon  
was dead**

20 at the time.

21 MR. MANCERI: Simon was dead at the time,  
22 your Honor. The waivers that you're talking  
23 about are waivers from the beneficiaries, I  
24 believe.

25 THE COURT: No, it's waivers of  
00026  
1 accountings.

2 MR. MANCERI: Right, by the beneficiaries.

3 THE COURT: Discharge waiver of service of  
4 discharge by Simon, Simon asked that he not  
5 have to serve the petition for discharge.

6 MR. MANCERI: Right, that was in his  
7 petition. When was the petition served?

8 THE COURT: November 21st.

9 MR. SPALLINA: Yeah, it was after his date  
10 of death.

11 THE COURT: Well, how could that happen  
12 legally? How could Simon --

13 MR. MANCERI: Who signed that?

14 THE COURT: -- ask to close and not  
serve

15 a petition after he's dead?

16 MR. MANCERI: Your Honor, what happened  
17 was is the documents were submitted with the  
18 waivers originally, and this goes to  
19 Mr. Bernstein's fraud allegation. As you know,  
20 your Honor, you have a rule that you have to  
21 have your waivers notarized. And the original  
22 waivers that were submitted were not notarized,  
23 so they were kicked back by the clerk. They  
24 were then notarized by a staff person from  
25 Tescher and Spallina admittedly in error. They  
00027

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1 should not have been notarized in the absentia  
2 of the people who purportedly signed them. And  
3 I'll give you the names of the other siblings,  
4 that would be Pamela, Lisa, Jill, and Ted  
5 Bernstein.

6 THE COURT: So let me tell you because  
I'm

7 going to stop all of you folks because I  
think

8 you need to be read your Miranda  
9 warnings.

9 MR. MANCERI: I need to be read my Miranda  
10 warnings?

11 THE COURT: Everyone of you might have  
12 to  
13 be.

13 MR. MANCERI: Okay.

TED'S statement to this Court at the beginning of the Hearing that he is "trustee of the estate" is therefore a **PERJURED STATEMENT** and estate counsel knew all along no one legally and "technically" had Letters of Administration or was appointed as successor in any fiduciary capacity to SIMON, as they closed the estate with a dead SIMON and never sought a successor and never told the Court the truth that he was dead at the time as learned in the Hearing. Yet, estate counsel allowed and in fact Aided and Abetted TED in his claims that he was "trustee of the estate" and stated authoritatively and legally to ELIOT that he had the authority to act in these fiduciary capacities since day one after SIMON passed, when they seized dominion and control of the estate using this false claim and false titles, despite ELIOT'S protestations that TED was neither qualified nor appointed by the Court and conflicted if the beneficiaries had been changed and thus could not be a trustee or fiduciary of the estate as he was now also a trustee for his children beneficiaries. Yet later in the Hearing, as evidenced herein, MANCERI and SPALLINA are suddenly unsure if TED is the trustee or the successor trustee of the estate and SHIRLEY'S trusts. This again illustrates Willful, Wanton, Reckless, and Grossly Negligent behavior and violations of law by TSPA, TESCHER, SPALLINA and TED et al., all acting in coordinated conspiracy once the fraudulent and forged documents were

filed to then rush to loot the estate through further criminal acts with these falsely claimed fiduciary roles.

200. That TED has been acting in many illegal estate liquidation transactions and removal of property since then, fully defined in Petitions 1-7 and herein, since SIMON'S passing, claiming he, TED, was "Successor Trustee" and "Personal Representative" in the estate of SHIRLEY in order to fraudulently dispose of assets, acting as an imposter without Letters. Transacting estate asset sales and removal of properties in secreted from ELIOT, self-dealing fraudulent transactions, with the aid of TSPA, TESCHER and SPALLINA et al. and all enabled using falsified fiduciary titles with the approval of estate counsel, who knew all along the estate was closed fraudulently by a dead SIMON and that no successors were appointed and failing to notify the Court they were using a dead man to close the estate as if he were alive at the time. This again illustrates Willful, Wanton, Reckless, and Grossly Negligent behavior in violation of law by TSPA, TESCHER, SPALLINA and TED et al. and total disregard for the wishes and desires of SIMON and SHIRLEY.
201. That TED under these alleged fiduciary roles has sold a Condominium and signed tax forms in his illegally stated fiduciary titles of "successor trustee" and "personal representative" and removed other items in the estate and trusts of SHIRLEY and SIMON and split these items up in undisclosed transactions with P. SIMON, IANTONI and FRIEDSTEIN all utilizing these illegally gained fiduciary powers and as Your Honor learned in Court at the Hearing, the Condominium was sold and already divvyed up between 7/10<sup>th</sup> of the grandchildren.
202. That also learned at the Hearing was ELIOT refused to take this illegally gained money from a fraudulent sale of real property for his children on a transaction he had no details

regarding, that were done behind the back of ELIOT and his children's counsel, done by alleged fiduciaries at the time and ELIOT alleges these transactions were made fraudulently and the monies intentionally converted and comingled to knowingly wrong beneficiaries using documents that were knowingly fraudulent and forged and transacted by an imposter misrepresenting fiduciary titles in the estates, all aided and abetted by estate counsel and their employees through now admitted violations of law.

203. That it should irritate this Court further, if not already enraged, that this real property transaction was done despite protestations by ELIOT that TED did not have fiduciary powers in the estate and where everyone was aware that documents in the estate did not appear legally binding and were alleged criminal at that time. Yet, not one of those with their "hands in the cookie jar" came forward to the Court at that time to clarify and rectify these issues and instead rushed to illegally liquidate and remove assets in undisclosed, to certain of the beneficiaries and their counsel dealings to their advantage that damaged others, again Willful, Wanton, Reckless, and Grossly Negligent behavior in violation of law by TSPA, TESCHER, SPALLINA, TED, P. SIMON, IANTONI and FRIEDSTEIN et al.

204. That in the Hearing it was learned that no one was representing the estate at the Hearing and there was in fact neither a Personal Representative or Trustee (other than TED'S unrepresented self-professed claim he was the "trustee of the estate" to this Court) due to the Fraud on the Court and where MANCERI was representing only TESCHER and SPALLINA personally and it appears no one represented them professionally either or their law firm, all who are Respondents.

5 MR. MANCERI: Good afternoon, your Honor,  
6 Mark Manceri. I'm here on behalf of Robert

**7 Spallina and Donald Tescher, named respondents.**

205. That to clarify to the Court, the Respondents in this action before this Court are the following,

**RESPONDENTS**

- I. TESCHER & SPALLINA, P.A., (AND ALL PARTNERS, ASSOCIATES AND OF COUNSEL),
- II. ROBERT L. SPALLINA, ESQ., PERSONALLY,
- III. ROBERT L. SPALLINA, ESQ., PROFESSIONALLY,
- IV. DONALD R. TESCHER, ESQ. PERSONALLY,
- V. DONALD R. TESCHER, ESQ. PROFESSIONALLY,
- VI. THEODORE STUART BERNSTEIN, INDIVIDUALLY,
- VII. THEODORE STUART BERNSTEIN, AS ALLEGED PERSONAL REPRESENTATIVE,
- VIII. THEODORE STUART BERNSTEIN, AS ALLEGED TRUSTEE AND SUCCESSOR TRUSTEE PERSONALLY,
- IX. THEODORE STUART BERNSTEIN, AS ALLEGED TRUSTEE AND SUCCESSOR TRUSTEE, PROFESSIONALLY,
- X. JOHN AND JANE DOE'S (I-5000)

**ADDITIONAL RESPONDENTS TO BE ADDED**

- XI. THEODORE STUART BERNSTEIN, AS TRUSTEE FOR HIS CHILDREN,
- XII. LISA SUE FRIEDSTEIN, INDIVIDUALLY AS A BENEFICIARY,
- XIII. LISA SUE FRIEDSTEIN, AS TRUSTEE FOR HER CHILDREN,
- XIV. JILL MARLA IANTONI, INDIVIDUALLY AS A BENEFICIARY,
- XV. JILL MARLA IANTONI, AS TRUSTEE FOR HER CHILD,
- XVI. PAMELA BETH SIMON, INDIVIDUALLY
- XVII. PAMELA BETH SIMON, AS TRUSTEE FOR HER CHILD,
- XVIII. MARK MANCERI, ESQ., PERSONALLY,
- XIX. MARK MANCERI, ESQ., PROFESSIONALLY,
- XX. MARK R. MANCERI, P.A. (AND ALL PARTNERS, ASSOCIATES AND OF COUNSEL)

**ALLEGED BENEFICIARIES / INTERESTED PARTIES TO BE ADDED**

- XXI. JOSHUA ENNIO ZANDER BERNSTEIN – ELIOT MINOR CHILD,
- XXII. JACOB NOAH ARCHIE BERNSTEIN – ELIOT MINOR CHILD,



- XXIII. DANIEL ELIJSHA ABE OTTOMO BERNSTEIN – ELIOT MINOR CHILD,
- XXIV. ALEXANDRA BERNSTEIN – TED ADULT CHILD,
- XXV. ERIC BERNSTEIN - TED ADULT CHILD,
- XXVI. MICHAEL BERNSTEIN – TED ADULT CHILD,
- XXVII. MATTHEW LOGAN – TED’S SPOUSE ADULT CHILD,
- XXVIII. MOLLY NORAH SIMON – PAMELA ADULT CHILD,
- XXIX. JULIA IANTONI – JILL MINOR CHILD,
- XXX. MAX FRIEDSTEIN – LISA MINOR CHILD,
- XXXI. CARLY FRIEDSTEIN – LISA MINOR CHILD

206. That it would appear from the Hearing transcript that several of the already listed respondents were not represented by counsel and in many cases not even present at the Hearing at all, including,

- i. the estate, no counsel
- ii. the law firm of TSPA, no counsel
- iii. SPALLINA professionally as estate counsel, no counsel
- iv. TESCHER professionally as estate counsel, no counsel, as MANCERI claims SPALLINA and TESCHER are individually represented at the Hearing by him according to the quote above,
- v. TED appears personally represented Pro Se in his individual capacity as he states in the Hearing,
- vi. TED in all of his alleged fiduciary capacities that he is a named Respondent under herein, claiming for instance to be the alleged “Trustee for the Estate” as represented in the Hearing to Your Honor, however TED notably has NO counsel to represent these alleged fiduciary capacities on behalf of the estate or trusts of SHIRLEY, again Willful, Wanton, Reckless, and Grossly Negligent behavior in violation of law representing carelessness as a fiduciary that exposes the estate to risk,

- vii. Several parties were not represented or even present at the Hearing at all, as they did not exist at the time of the Hearing to Your Honor and ELIOT'S shock and horror, such as the Personal Representative, Trustees and Successor Trustees, whom were not present due to the Fraud upon this Court in the closing of the estate with SIMON after SIMON was dead and utilizing documents signed and notarized for him post mortem and the failure of estate counsel to notify this Court that SIMON was dead as they were committing a crime using him dead as if alive, a unique identity theft and therefore failed to get new Letters issued to successor fiduciaries. again Willful, Wanton, Reckless, and Grossly Negligent behavior in violation of law representing carelessness as a fiduciary that exposes the estate to risk,
- viii. None of the beneficiaries and alleged beneficiaries other than ELIOT were present or represented at the Hearing and none of them were represented by counsel, none of the interested parties were present or represented by counsel and none of the minor or adult children alleged beneficiaries of TED, P. SIMON, IANTONI and FRIEDSTEIN were represented by counsel or even by their "trustee" parents. ELIOT had retained counsel separate from him for his children but she quit due to abuse by TSPA, TESCHER and SPALLINA et al. and the fact that YATES could not get the necessary documents after billing \$10,000.00 in her attempts. Again, this represents Willful, Wanton, Reckless, and Grossly Negligent behavior in violation of law by those with fiduciary responsibilities for adult and minor children and cause for the removal of TED, P. SIMON, IANTONI and FRIEDSTEIN from acting in fiduciary roles further or at minimum a Guardian Ad Lidum should be appointed for their minor children to watch over their parents actions, especially where their personal

interests are in direct conflict over estate assets with their children and they refuse to retain separate and independent counsel in those transactions, despite being fully advised of the conflicts.

207. That in the Hearing it was learned that a Fraud on the Court had occurred by TSPA, TESCHER, SPALLINA and MORAN et al., in filing knowingly and now ADMITTEDLY FRAUDULENT and FORGED documents to this Court. That because these criminal acts were found to be done through legal process abuse that was unwittingly facilitated through this Court with Your Honor's stamp of approval, Your Honor when discovering direct evidence and admission of such crimes directly from SPALLINA and MANCERI at the Hearing, stated you should have read them their "Miranda Warnings" at that moment, as this was now acknowledged and admitted Fraud on Your Court and Your Honor personally, as Your Honor signed off and closed and discharged the estate based on these fraudulent and forged documents submitted deceitfully and unlawfully with SIMON dead, as if alive.

208. That in the Hearing it was learned that counsel MANCERI, acting on behalf of SPALLINA and TESCHER as Respondents individually, and possibly counsel for TED soon, as stated in the Hearing by MANCERI, is uncertain however if TED is "Successor Trustee" in a trust of SHIRLEY'S that TED has been acting under such capacity to transact assets of the estate. Where no Letters of Administration were granted TED in any capacity, as SIMON closed the estate four months after he was dead and no successors were chosen as Your Honor uncovered in the Hearing, as the estate of SHIRLEY was closed as if SIMON were alive at the time and therefore SIMON was the last known Personal Representative and Trustee of the estate.

7 THE COURT: So her estate assets went into  
8 a trust?  
9 MR. MANCERI: Correct.  
10 THE COURT: And that trust is --  
11 MR. MANCERI: **And Ted Bernstein, I**  
12 **believe, is the trustee of that trust.**

And later

19 MR. MANCERI: Ms. Moran.  
20 THE COURT: Who is she?  
21 MR. MANCERI: She's a staff person at  
22 Tescher and Spallina.  
23 THE COURT: **When she filed these, and one**  
24 **would think when she filed these the person who**  
25 **purports to be the requesting party is at least**  
00033  
1 **alive.**  
2 MR. MANCERI: **Understood, Judge.**  
3 THE COURT: **Not alive. So, well -- we're**  
4 **going to come back to the notary problem in a**  
5 **second.**

209. Well it is a good time for MANCERI to be wondering if TED is the trustee of the trust, as TED has been acting in this capacity in a number of alleged illegal transactions. This behavior is similar to how TED misrepresented himself to the Court in the beginning of the Hearing as "MR. THEODORE BERNSTEIN: Your Honor, Ted Bernstein, **trustee of the estate**, and I'm here representing myself today." While TED claims to be "trustee of the estate" he comes to the Court in his individual capacity only, Pro Se. Yet, as an alleged fiduciary, acting as "trustee to the estate" TED retains no legal counsel for this role (a major blunder and risk) and where the estate and trusts appear at risk from this Willful, Wanton, Reckless, and Grossly Negligent behavior by TED acting as an imposter fiduciary as the "trustee of the estate" and failing to retain counsel for his alleged role.

210. That only later do we learn in the Hearing that it is impossible for TED to be “trustee of the estate” due to the fraud on the court in the closing of SHIRLEY’S estate with SIMON after he was deceased that left no successor fiduciaries after SIMON and this may impart more criminal behavior by TED, as well as, breaches of ALLEGED fiduciary powers and trust. Since TESCHER and SPALLINA have been touting that TED was the Personal Representative and Trustee of the estate and successor trustee of the SHIRLEY trust, now as evidenced herein, estate counsel is now also questioning the legality of his fiduciary representations at the Hearing.

**PERJURED STATEMENT #2 – “TO BE OR NOT TO BE” A BENEFICIARY**

211. That in the Hearing MANCERI stated that ELIOT was not a beneficiary in the estate of SHIRLEY, a claim that SPALLINA, TESCHER, SPALLINA and TED had told ELIOT since SIMON’S passing to deny him documents and other information, despite that he is Guardian and Trustee for his children if they are determined to be the ultimate beneficiaries and therefore entitled to the estate documentation either way and despite the fact that SIMON did not close out the estate and change the beneficiaries until over four months after he was dead and thus ELIOT was a beneficiary all of that time as well, not just “early on” as claimed by SPALLINA and MANCERI at the Hearing but all the way to SIMON’S death and beyond. ELIOT claims he always was and continues to be one of the true and proper legally documented beneficiaries.

212. That the claim asserted at the Hearing was that SIMON closed SHIRLEY’S estate while allegedly alive and then made changes in an alleged Amended Trust of his signed a few weeks before his death with defective notarization to effectuate these beneficiary changes in SHIRLEY’S estate beneficiaries, all taking place while SIMON was allegedly alive.

The Waivers were filed without notarization and the estate was closed purportedly legally while SIMON was supposedly alive and after closing the estate and submitting the post mortem Waivers, SIMON, still supposedly alive and the Court thinking the same, then picked new beneficiaries of SHIRLEY'S estate, allegedly changing them from ELIOT, IANTONI and FRIEDSTEIN to allegedly all the grandchildren, using a power of appointment in SHIRLEY'S Will in his alleged 2012 Amended Trust.

213. That after this alleged change in beneficiaries, the new alleged beneficiaries did not get any notice of their interests, inventories, accountings, etc. from estate counsel and to this day not even a letter informing them they were now legally beneficiaries and informing them of their interests, in violation of Florida Probate law. The old beneficiaries got nothing at all but a Waiver that was ultimately rejected by the Court and no new ones were signed legally by any of the parties to this date, thus nothing was waived by any of the parties and the estate was further discharged illegally.

214. That while these alleged changes in beneficiaries were taking place, estate counsel failed to state to anyone that the estate was being closed with now admittedly fraudulent and alleged forged documents that they drafted and forged and submitted to the Court for SIMON to file as if alive while dead.

215. That first they tried this scheme and Fraud on the Court to effectuate post mortem changes to the beneficiaries one month after SIMON was deceased in October 2012 when the first faulty un-notarized Waivers were tendered and then rejected by this Court.

216. That next, a second more dubious criminal attempt was then made to close the estate when the Waivers were returned by the Court for notarizations two months later in November 2012, while SIMON remained deceased. Yet, miraculously when returned and filed with

the Court, the new Waivers had a notary allegedly witnessing SIMON sign documents while dead in November 2012 and returning them the Court as notarized and signed. Sounds like legit changes were never made in the estates of SIMON and SHIRLEY while they were alive or even after he was dead and the beneficiaries then appear to remain ELIOT, IANTONI and FRIEDSTEIN in the newly reopened estate and there are other reasons further defined herein that these are the only three beneficiaries of the estate of SHIRLEY along with their lineal descendants.

217. That now that this Court has reopened SHIRLEY'S estate and where SIMON can longer make the changes he is alleged to have made while he was dead to the beneficiaries, as he remains dead, ELIOT appears to remain a beneficiary in the newly reopened estate and SIMON can no longer provide legally valid documents to make any changes to the beneficiaries or close and discharge the estate while still dead, and the estate must now be re-administered and discharged according to law.

218. That MANCERI LIES to the Court when he states that ELIOT is not a beneficiary "because of financial problems among other issues."

16 MR. MANCERI: The ten grandchildren shares  
17 -- and I want to be clear on this, this  
18 gentleman is only a tangible personal  
19 property  
20 beneficiary. He and his own proper person.  
21 And the mother. That's all he's entitled to.  
22 No cash request, nothing directly to him,  
23 **because of his financial problems among  
24 other  
25 issues.**  
26 THE COURT: Okay.

219. That to be clear, the only reason ELIOT is not alleged to be a beneficiary is because he is a loving son, who when asked if he would be willing to give up his 1/3<sup>rd</sup> beneficial interests

in both estates to save his father from TORTURE that never ended, he agreed to do anything that would end SIMON'S disputes and pain caused by his other four children and their children.

220. That MANCERI'S attempt to further con this Court to believe that ELIOT was not a beneficiary for any other reason should leave this Court reading him his Miranda Warnings and arresting him with the rest of the Fraudsters for his part in continuing the LIES, PERJURY and FRAUD on this Court and the true and proper beneficiaries. It should also be noted that MANCERI represents in the STANSBURY case, Bernstein Family Realty LLC, where new and damning evidence of illegal activity is unfolding involving this entity and trust accounts of ELIOT'S children that own the LLC and this may pose conflicts for him as well.

221. That the only way ELIOT is not a beneficiary it appears, is actually because of the hoax and fraud committed on this Court and Judge French's Court and the true and proper beneficiaries of which ELIOT is one, by MANCERI, TSPA, SPALLINA, TESCHER and TED et al., in efforts to thwart the last wishes and desires of SIMON and SHIRLEY in their last known estate documents that appear valid, signed in 2008 together. Estate plans of SIMON and SHIRLEY that leave TED and P. SIMON and their lineal descendants as the only "tangible personal property beneficiaries" as intended by SIMON and SHIRLEY for "other issues" described herein and in Petition 1 and MANCERI should get his facts straight to the Court.

222. That to correct the record and MANCERI'S BIG FAT LIE, the only children of SHIRLEY that were disinherited entirely from the estate of SHIRLEY are TED and P. SIMON and they were still excluded, even if SIMON made the alleged changes to the beneficiaries.



Therefore, TED and P. SIMON should be excluded from any further dealings with the estates and these proceedings further for their acts thus far and stripped of any fiduciary capacities in the future. TED additionally should be removed from any fiduciary capacities for his breaches of fiduciary duties and trust to this point already. The shattering of trust caused by his acting in capacities he does not and did not have while liquidating estate assets illegally.

223. That if Your Honor somehow still finds TED and P. SIMON worthy of integrity to act in any fiduciary capacity, the only capacity they appear to have without conflict is as "trustees" of their children's alleged inheritance trusts and this would be a conflict for TED with other beneficiaries if he were to have any current fiduciary capacities in the estate, such as, Personal Representative, Trustee or Successor Trustee.

**PERJURED STATEMENT #3 – 20 TO 40 TO 100 MILLION REASONS TO LIE AND COMMIT FRAUD AND FORGERY**

224. That SPALLINA estimated to the Court with TED at the Hearing, a value to the estates of SIMON and SHIRLEY of four million dollars total, which is less than the real property held in SHIRLEY'S estate alone and would leave SIMON dying penniless and no other assets between them of any value, sure sounds far from reality and factual evidence of an estate value far higher.

23 THE COURT: So what's the total corpus of  
24 the what I'll call the ten grandchildren's  
25 trust of both grandparents?

00047

1 MR. SPALLINA: Not taking into account the  
2 litigation?

3 THE COURT: Well, no, you haven't paid  
4 anything out yet.

5 MR. SPALLINA: I would say it's  
6 approximately \$4 million.

225. That SHIRLEY and SIMON had 50 years of jewelry estimated in the millions, art in the millions, IRA's and Pension accounts worth millions, business interests worth millions, life insurance in the millions and estimates from SIMON'S associates of a net worth shortly before his passing at between twenty to forty to one-hundred million dollars.
226. That one asks where are all the assets of the estates going or was SPALLINA stating four million to each of the ten grandchildren, which is more in line with estimates of SIMON and SHIRLEY'S net worth. Or is this insanely lowball number the reason for the suppressed and denied financial information and accountings and inventories in the estates, the reason for committing fraud, fraud upon the court, forgery and more and risking ones law license, as it appears they are trying to sell this Court and the beneficiaries that there was nothing really there when all the assets are being stolen out the back door in a multitude of fraudulent transactions, using fraudulent fiduciary powers?
227. That ELIOT after the Hearing spoke with a longtime business associate of SIMON'S who claimed to ELIOT and CANDICE that in 2009 he was informed by SIMON that his net worth was forty-two million dollars, USD \$42,000,000.00.
228. That in prior conversations with a health professional of SIMON'S it was stated that SIMON told her shortly prior to his passing that his net worth was over twenty million dollars, USD \$20,000,000.00, as stated in Petition 1.
229. That when requesting information to ascertain the net worth of SIMON and SHIRLEY from estate counsel, ELIOT and his children's counsel were denied basic financial information owed to them as beneficiaries and it continues to be suppressed and denied, including information on a two million dollar life insurance policy of SIMON'S, which with the real property held in SHIRLEY'S estate, would put the value of the estates over

six million with these three items alone, again making SPALLINA'S earlier claims of a total of four million for the combined value of the inheritance seems suspiciously low and another BIG FAT LIE.

230. That it was learned in the Hearing that in one breath SPALLINA states that three assets are held in SHIRLEY'S estate and almost in the next breath he states there are only two, a common problem with SPALLINA when recanting what assets are in the estates and what are missing, as more fully described in Petitions 1-7.

6 trusts?

7 MR. SPALLINA: Those trusts, Ted Bernstein  
8 is the trustee of his mother's trust and holds  
9 three assets.

Then just seconds later in the Hearing,

19 MR. SPALLINA: Correct, and today again  
20 the Shirley Bernstein trust does have liquid  
21 assets in it. **There was two properties**, real  
22 estate properties, the residential home and a  
23 condo on the beach. The condo on the beach  
24 sold back in April or May. There were funds  
25 that came into the account at that time. Ted  
00048  
1 was going to make partial distribution.

So which is it, two or three assets and if three what is the third? ELIOT claims there are many more assets being hidden and/or stolen off with.

**PERJURED STATEMENT #4 – THOU SHALT NOT BEAR FALSE WITNESS NOR TAKE FALSE OATH**

231. That it was learned at the Hearing that MANCERI claimed to Your Honor that he had Affidavits from all the parties, except ELIOT and failed to state he was missing SIMON'S too.

8 THE COURT: I mean everyone can see he  
9 signed these not notarized. When they were  
10 sent back to be notarized, the notary notarized  
11 them without him re-signing it, is that what  
12 happened?

13 MR. SPALLINA: Yes, sir.

14 THE COURT: So whatever issues arose with  
15 that, where are they today?

16 MR. SPALLINA: Today we have a signed  
17 affidavit from each of the children other than  
18 Mr. Bernstein that the original documents that  
19 were filed with The Court were in fact their  
20 original signatures which you have in the file  
21 attached as Exhibit A was the original document  
22 that was signed by them.

23 THE COURT: It was wrong for Moran to  
24 notarize -- **so whatever Moran did, the**  
25 **documents that she notarized, everyone**  
**but**

**1 Eliot's side of the case have admitted**  
**that**

**2 those are still the original signatures**  
**of**

**3 either themselves or their father?**

4 MR. SPALLINA: **Yes, sir.**

5 THE COURT: I got it.

That this claim that the un-notarized and notarized signatures are the same is a **BIG FAT LIE AND PERJURED STATEMENT** to Your Honor by SPALLINA and one can simply read the Affidavits later submitted that contradictorily state that they are not the signatures of TED, P. SIMON, IANTONI and FRIEDSTEIN on the resubmitted Waivers that were notarized, from the Affidavit each Affiant states,

**"6. It is my understanding that the subsequently filed Waivers were not personally signed by me or the other heirs."**

So this leaves open the question of, who is a BIG FAT LIAR, SPALLINA and MORAN or TED, P. SIMON, IANTONI and FRIEDSTEIN?

232. That the above statement of SPALLINA is also incorrect, as he did not have everyone but ELIOT'S Affidavit, as they did not have one for SIMON, as he remains deceased and could not have signed an Affidavit while dead. Where the Prima Facie evidence already presented herein shows the two Waivers for SIMON are wholly dissimilar and the notarized Waiver's signature is not the same as the original Waiver signature and that SIMON'S name was also FORGED, yet SPALLINA continues with this BIG FAT LIE in Your Honor's face, hoping Your Honor is asleep or confused.
233. That ELIOT requests this Court determine how SPALLINA is making these false representations to this Court on others behalf that he does not represent that are made in these new Affidavits, when he is admittedly involved in the fraudulent Waivers. As SPALLINA stated in the Hearing when asked by Your Honor if he was involved in the fraudulent activities of MORAN and he stated he was "involved" as estate counsel.
234. That SPALLINA then turned around and claimed that on behalf of TED, P. SIMON, IANTONI and FRIEDSTEIN, as if representing them, that these were their same signatures on the original un-notarized Waivers and the subsequently filed admittedly fraudulently notarized Waivers submitted by MORAN. At stake if they are not the same, is the difference for SPALLINA between continued freedom and having his "Miranda Rights" read to him and prison for a long time and financial ruin for FRAUD and FORGERY and MORE. Quite a conflict.
235. That with this type of freedom or prison conflict now in play for SPALLINA it is amazing that this Court has allowed him to continue to represent the estate or any party or make any

pleadings on anyone's behalf before this Court in these matters, especially on behalf of others that SPALLINA does not even represent in these matters. All these PERJURED STATEMENTS and LIES told in the Hearing are attempts to further con Your Honor and others that those signatures are not forged and the original and resubmitted Waivers signatures are the same and thus no harm no foul, when it is all LIES and a waste of the Courts time, effort and resources and a slap in the face insult to the victims, Your Honor and the sanctity of law.

236. That TSPA, TESCHER and SPALLINA et al. are also wholly liable for the actions of their Notary Publics, MORAN and BAXLEY and therefore, together they are the cause of all these problems and have WHOLLY BREACHED THEIR FIDUCIARY DUTIES and TRUST and violated LAW by engaging in admittedly fraudulent and criminal activities and should be immediately removed from the proceedings in any fiduciary and professional capacities other than as a respondent/defendant for this Willful, Wanton, Reckless, and Grossly Negligent behavior and disregard of the law.

237. That they therefore should be precluded from making further conflicted pleadings or appearances on anyone's behalf in these matters any longer. The Court should force them all to now get independent non conflicted counsel to represent them in each of their alleged capacities and stop these LIES and FRAUDS from continuing in Your Honor's Court to try to cover up the crimes with more crimes by those who committed the original crimes.

6 THE COURT: All right, so stop, that's  
7 enough to give you Miranda warnings. Not you  
8 personally --

9 MR. MANCERI: Okay.

10 THE COURT: Are you involved? Just tell  
11 me yes or no.

12 MR. SPALLINA: I'm sorry?

13 THE COURT: Are you involved in the

14 transaction?

15 MR. SPALLINA: I was involved as the

16 lawyer for the estate, yes.

238. That in the Hearing, Your Honor told ELIOT that if he were to lose his Emergency Motion that day as an Emergency, not in toto but as an Emergency, he should get his “checkbook out to pay the Court expenses, etc.” or words to that effect. After learning of TSPA, SPALLINA and MORAN’S admitted Felony acts, Fraud on this Court and boldface LIES and PERJURED STATEMENTS to Your Honor, perhaps Your Honor should have forced SPALLINA and TESCHER to get their checkbooks out to cover all these costs and damages resulting thus far from their fraudulent criminal actions and force them to produce a blank check and bonding and surety to pay for the rest of this macabre scene they have admittedly created, including but not limited to all Court costs for all innocent parties/victims, all Court costs, all costs for counsel for all parties that are now forced to retain counsel to ascertain their rights and interests, all costs for forensics experts, forensic accountants, etc. etc. etc.

18 THE COURT: Okay, all right, so let me  
19 tell you, I'm going to let you go forward. **If**  
20 **I do not believe so, get your checkbook out.**

21 MR. ELIOT BERNSTEIN: Okay.

22 THE COURT: **You're going to personally pay**  
23 **for the cost of this.**

24 MR. ELIOT BERNSTEIN: Okay.

25 THE COURT: It doesn't seem so based upon  
00007

1 what you've told me, but you have this belief  
2 that it is. Remember, show me that it's a  
3 legal emergency like I gave the example of it.  
4 Someone is going to die, be taken out of the  
5 jurisdiction, someone's wellbeing today is  
6 going to be -- you know, they're going to be  
7 without food, they'll be on the street  
8 tomorrow.

9 MR. ELIOT BERNSTEIN: Okay.

10 THE COURT: So is that the type of hearing

11 I need?

12 MR. ELIOT BERNSTEIN: Yes.

### **PERJURED STATEMENT #5 – DEFICIENCIES OF A CRIMINAL NATURE**

239. That it was learned in the Hearing that MANCERI again LIES and PERJURES himself to the Court and disgraces Your Honor when he states,

12 MR. MANCERI: Your Honor, could I bring  
13 you up to speed on one thing maybe you're not  
14 seeing on your docket.

15 THE COURT: Yes.

16 MR. MANCERI: We actually filed a motion  
17 to actually reopen the estate **when we learned**  
18 **about the deficiency in the affidavit issue.**

19 THE COURT: Okay.

20 MR. MANCERI: And that was signed  
21 **August 28th of this year.** Do you have a copy  
22 of that, Judge, can I approach?

That nothing could be further from the truth when MANCERI states that they filed a motion when they learned of the “deficiencies” aka criminal felony Fraud, Fraud on the Court and Forgery, as ELIOT notified TSPA, SPALLINA, TESCHER, TED, P. SIMON, IANTONI and FRIEDSTEIN et al. of the “deficiencies” and served them the documents and information in Petitions 1-7, starting in May 2013. Noticing them and this Court with Prima Facie evidence that SIMON notarized documents while deceased and in all that time since learning of these allegations, not one of them that was served these motions and petitions came to this Court to file a Motion to Re-Open or Evidentiary Hearing request to resolve the matters truthfully or even bring the matters to Your Honor’s attention, including that they used a dead person to close the estate and that they exposed Your Honor as Your Honor signed off on all of this. No, they did not come forward with the truth until the long arm of the law came knocking at their doors and in the Hearing were





confronted by Your Honor and even then they continued the Fraud with Perjured statements.

6 THE COURT: So let me tell you because I'm  
7 going to stop all of you folks because I think  
8 you need to be read your Miranda warnings.  
9 MR. MANCERI: I need to be read my Miranda  
10 warnings?  
11 THE COURT: Everyone of you might have to  
12 be.  
13 MR. MANCERI: Okay.  
14 THE COURT: Because I'm looking at a  
15 formal document filed here April 9, 2012,  
16 signed by Simon Bernstein, a signature for him.  
17 MR. MANCERI: April 9th, right.  
18 THE COURT: April 9th, signed by him, and  
19 notarized on that same date by Kimberly. It's  
20 a waiver and it's not filed with The Court  
21 until November 19th, so the filing of it, and  
22 it says to The Court on November 19th, the  
23 undersigned, Simon Bernstein, does this, this,  
24 and this. Signed and notarized on April 9,  
25 2012. The notary said that she witnessed Simon  
00028  
1 sign it then, and then for some reason it's not  
2 filed with The Court until after his date of  
3 death with no notice that he was dead at the  
4 time that this was filed.  
5 MR. MANCERI: Okay.  
6 THE COURT: All right, so stop, that's  
7 enough to give you Miranda warnings.

ONLY AFTER THEY WERE CONTACTED BY AUTHORITIES and knew they were busted and their pants were on fire did they motion the Court, only days before the Hearing and SPALLINA does not confess his involvement in the Fraud on the Court to Your Honor until directly confronted by Your Honor in the Hearing. The record should be corrected to reflect that estate counsel, TSPA, TESCHER and SPALLINA et al. only filed a motion to reopen and for an evidentiary hearing only after ELIOT filed his Petition 7 – Emergency Motion and after MORAN had already confessed partially to the crimes, as her statements under sworn oath appear Perjured. MORAN'S confession through her sworn statement to

the Governor's office is fraught with perjured statements made under oath, including that the signatures were not forged on the Waivers she fraudulently created.

240. That ELIOT had filed in Petition 1 served upon them in May 2013 that the documents were fraudulent and forged and thus MANCERI'S claim that they rushed on over to the courthouse and motioned the Court to correct the fraudulent "deficiencies" as soon as they learned of it, well again, a **BIG FAT PERJURED STATEMENT AND LIE**.

241. That again, each day Your Honor allows this criminal charade to continue in this Court with fraudulent documents approved by the Court that the Court now knows beyond a reasonable doubt are fraudulent and forged, more and more crimes are committed as illustrated in Petitions 1-7 and herein. Where in Petition 1 the document forgeries and frauds were clearly illustrated and evidenced and this fraud on the Court and the beneficiaries should have been stopped instantly when Your Honor should have read them Miranda Warnings and partially why ELIOT called the Hearing an EMERGENCY, which now with evidence of felony crimes being committed, this Court erred in ruling that ELIOT'S motion was not an EMERGENCY.

242. That these breaches of fiduciary duties and trust from this Willful, Wanton, Reckless, and Grossly Negligent behavior and disregard of the law and the resultant damages cannot ever be repaired and therefore this Court must instantly stop the LIES and FRAUD on the beneficiaries and Fraud on the Court and remove all fiduciaries and professionals involved in the estate currently and force upon them independent counsel that is not conflicted and certainly not represent themselves any longer to preclude further frauds by disregard for this Court's own rules, the rules of the Attorney Conduct Code, Judicial Cannons, State and Federal law.



**PERJURED STATEMENT #6 – I AM NOT THAT I AM**

243. That in the Hearing MANCERI states the following misrepresentation to Your Honor,

17 THE COURT: Okay. Who are the PR's that  
18 you represent?  
19 MR. MANCERI: Well, Shirley Bernstein  
20 there is no technically any PR because we had  
21 the estate closed.  
22 THE COURT: Okay.  
23 MR. MANCERI: And what emanated from  
24 Mr. Bernstein's 57-page filing, which falls  
25 lawfully short of any emergency, was a petition  
00024  
1 to reopen the estate, so technically nobody has  
2 letters right now.

That this claim is false as from ELIOT's 57-page filing does not emanate the reason that "technically" nobody had Letters of Administration at the Hearing. The reason nobody has Letters has already been evidenced herein as due to the FRAUD ON THE COURT by MANCERI'S clients, TESCHER and SPALLINA but this represents yet another brave attempt by MANCERI now to shift the blame to ELIOT and his 57 page filing through more PERJURED STATEMENTS for nobody "technically" having Letters.

**PERJURED STATEMENT #7 – A FALSE RESULT**

8 As a result of his [SIMON'S] passing, and in  
attempt  
9 to reopen the estate we're looking to have the  
10 estate reopened. So nobody has letters right  
11 now, Judge. The estate was closed.

That this statement almost seems to exhibit signs of delusional behavior by MANCERI as we are not looking at reopening the estate of SHIRLEY as a result of SIMON's passing a year ago. This Court is looking at reopening the estate due the admitted and acknowledged

fraudulent and forged documents and evidence that a grand ole fraud has been perpetrated on the Court and beneficiaries from the acts of MANCERI'S clients, not because of ELIOT'S 57 page spot on filing detailing their crimes nor due to SIMON'S passing. Another boldface PERJURED STATEMENT and **BIG FAT LIE** told to this Court by MANCERI, who now appears a part of the fraud and not independent counsel for his clients but counsel willing to lie and perjure himself and certainly for these lies and perjured statements he should be removed from further representation in these matters and reported to the proper authorities as well.

#### **CLARIFICATION #1 – TO BE COUNSEL OR NOT TO BE**

244. That MANCERI appears confused in Court as to whom he is representing and in what capacities and this Court should force disclosure on exactly who he is representing and in what capacity.

2 MR. MANCERI: Good afternoon, your Honor.  
3 As I stated in my opening, I represent Robert  
4 Spallina and Mr. Tescher. I would like to  
5 apologize --  
6 THE COURT: So their roles are what in  
7 this case?  
8 MR. MANCERI: **They were counsel or are**  
9 **counsel for the estate of Shirley Bernstein...**

So were they counsel or are they counsel? The question remains unanswered throughout the Hearing.

#### **CORRECTION**

245. That MANCERI appears confused on the date of SHIRLEY'S death, where SHIRLEY passed away on December 08, 2010.

3 Simon Bernstein, your Honor, who died a  
4 year ago today as you heard, survived his wife,  
5 Shirley Bernstein, who died **December 10, 2010**.  
6 Simon Bernstein was the PR of his wife's  
7 estate.

## ½ TRUTH – WHY THERE IS NO PERSONAL REPRESENTATIVE

17 THE COURT: Okay. Who are the PR's that  
18 you represent?  
19 MR. MANCERI: Well, Shirley Bernstein  
20 there is no technically any PR because we had  
21 the estate closed.  
22 THE COURT: Okay.

246. That MANCERI is correct there is no Personal Representative but not because they closed the estate as he imparts but rather because they closed the estate with SIMON over four months after he was dead, without notifying the Court or others that he was dead at the time SIMON allegedly closed the estate and committed Identity Theft to pass FORGED AND FRAUDULENT DOCUMENTS and then failed to appoint any successors to SIMON.

247. That since SIMON was dead and they did not notify the Court they were using a dead person's signature, they did not therefore put papers in to get new Letters for a successor and therefore no successor was chosen and that is why technically there is no Personal Representative, due to this macabre fraud on the Court utilizing a dead man, my father SIMON, to close the estate.

## PERJURED STATEMENT #8 – A FALSE BELIEF

21 MR. MANCERI: Simon was dead at the time,  
22 your Honor. The waivers that you're talking  
23 about are **waivers from the beneficiaries, I**  
24 **believe**.

248. That MANCERI attempts several times at the Hearing to mislead the Court to believe that the Waivers the Court is confused about are strictly from the beneficiaries and refuses to disclose that the waivers most suspect are the Waiver and Full Waiver of SIMON who is not a beneficiary but is the Personal Representative and Trustee and SIMON was dead at the time they are knowingly positing the fraudulent and forged documents with the Court. In this exchange from the Hearing, Your Honor busts MANCERI in this PERJURY,

25 THE COURT: No, it's waivers of  
00026  
1 accountings.  
2 MR. MANCERI: Right, by the beneficiaries.  
3 THE COURT: Discharge waiver of service of  
4 discharge by Simon, Simon asked that he not  
5 have to serve the petition for discharge.  
6 MR. MANCERI: Right, that was in his  
7 petition. When was the petition served?  
8 THE COURT: November 21st.  
9 MR. SPALLINA: Yeah, it was after his date  
10 of death.  
11 THE COURT: Well, how could that happen  
12 legally? How could Simon --  
13 MR. MANCERI: Who signed that?  
14 THE COURT: -- ask to close and not serve  
15 a petition after he's dead?

### **CLARIFICATION #3 – A STAFF PERSON VERSUS A LEGAL ASSISTANT AND NOTARY PUBLIC OFFICIAL**

23 so they were kicked back by the clerk. They  
24 were then **notarized by a staff person** from  
25 Tescher and Spallina **admittedly in error**. They  
00027

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1 should not have been notarized in the absentia  
2 of the people who purportedly signed them.

3 I'll give you the names of the other siblings,  
4 that would be Pamela, Lisa, Jill, and Ted  
5 Bernstein.

6 THE COURT: So let me tell you because I'm

7 going to stop all of you folks because I think  
8 you need to be read your Miranda warnings.  
9 MR. MANCERI: I need to be read my Miranda  
10 warnings?  
11 THE COURT: Everyone of you might have to  
12 be.  
13 MR. MANCERI: Okay.

249. That MANCERI attempts to minimize the role of MORAN as merely a “staff person” when in fact MORAN is a Legal Assistant for the Law Firm and their notary public, as at this time he is still attempting to lie to this Court and have Your Honor believe that MORAN’S acts were one off mistakes and not part of a much larger series of frauds and crimes.

#### **CLARIFICATION #4 – BEEN VERSUS BEING**

2 THE COURT: Kimberly Moran never signed or  
3 notarized his signature?  
4 MR. MANCERI: Yes, your Honor, and that's  
5 been addressed with the Governor's office.  
6 THE COURT: You need to address this with  
7 me.

250. That not only has it not been addressed with Your Honor truthfully yet, it also has not been addressed with the Governor’s office in the past tense as they still have an open case in process. MORAN is still in the present in ongoing investigations by the Florida Governor’s office and the Palm Beach County Sheriff’s office who turned the matters over to the State Attorney’s Office, regarding not only the fraudulent notarizations but the forgery of the signatures and now for alleged perjury to official investigators in MORAN’S original statement versus her recent confessions to authorities which contradict her original sworn statements.

**PERJURED STATEMENT #9 & 10 – TO BE FILED OR NOT TO BE FILED, THAT IS THE QUESTION**

24 MR. MANCERI: They were originally filed  
25 away, your Honor, under the signature of the  
00031

1 people.

2 THE COURT: No, they weren't filed, that's  
3 the whole thing. I'm looking at the file date,  
4 filed with The Court.

5 MR. MANCERI: No, they were returned by  
6 the clerk because they didn't have  
7 notarization. We have affidavits from all  
8 those people, Judge.

9 THE COURT: Well you may have that they  
10 got sent up here.

11 MR. MANCERI: We have affidavits from all  
12 of those people.

13 MR. ELIOT BERNSTEIN: Including Simon?

14 THE COURT: Slow down.

251. MANCERI claims to Your Honor that the original Waivers were filed as part of the Court record, however they never were filed as they were rejected as Your Honor astutely catches and points out his PERJURED STATEMENT in the Hearing. Then MANCERI attempts to claim that to cure the problem he has affidavits from all those people who signed and this is wholly untrue as he has no Affidavit for ELIOT or SIMON, another **BIG FAT LIE**.

**CLARIFICATION #5 – ASSUMPTION IS THE MOTHER OF ALL DISASTERS**

14 THE COURT: Who filed that document?

15 MR. MANCERI: Robert, do you know who  
16 filed that document in your office?

17 MR. SPALLINA: I would assume Kimberly  
18 did.

19 MR. MANCERI: Ms. Moran.

20 THE COURT: Who is she?

21 MR. MANCERI: She's a staff person at



22 Tescher and Spallina.

252. That SPALLINA needs to immediately clarify to this Court and the beneficiaries of the estate who exactly filed the document and have a sworn statement prepared to that effect and what his “involvement” as estate counsel included in the fraud and forgery. This is a great question by Your Honor that needs an answer but in the end, despite the individual that actually filed the documents, it was filed by the LAW FIRM OF TESCHER & SPALLINA, P.A., TESCHER and SPALLINA et al. and not by a singular “scapegoat” alleged “staff person” who again for the record is a Legal Assistant and Notary Public employee of TSPA.

253. That MORAN did not do these acts on her own without anyone’s knowledge as a kind gesture, in efforts to help grieving children months after their father died as her story goes, as now it has been learned that separate and distinct crimes were committed in conjunction with her actions to further the crime and commit even more crimes, as discovered at the Hearing.

254. That these document fraud and forgeries and then the separate act of filing false instruments in public proceedings through identity theft and more, provide the basis for other crimes to be committed and since it appears that MORAN has perjured herself and now confessed to authorities the crime of forgery, certainly this whole series of events needs to be examined more thoroughly in light of the other alleged crimes herein and in Petitions 1-7.

**PERJURED STATEMENT #11 – NOW IS A GREAT TIME TO FACT CHECK, A BIT LATE**

11 MR. MANCERI: **And Ted Bernstein, I**

12 believe, is the trustee of that trust.

255. That MANCERI needs to immediately clarify to this Court and the beneficiaries of the estate if at the time TED was trustee, not what his belief is. However, the Court Hearing revealed that SIMON died as Personal Representative and Trustee of the estate and trusts of SHIRLEY and no successors were chosen due to the Fraud on the Court discovered by Your Honor at the Hearing. MANCERI and SPALLINA knew that TED was not ever appointed as they failed to notify the Court SIMON had died since they were using him as if alive for the Fraud on the Court and so this couching of his answer is really just another PERJURED STATEMENT and BIG FAT LIE, to continue to mock Your Honor with further fraud upon fraud and lie upon lie.

#### **CORRECTION AGAIN**

21 MR. MANCERI: He died, your Honor. Again  
22 she died December 10, 2010. He died September  
23 of 2012.

256. That again, SHIRLEY passed away December 08, 2010 and Simon passed on September 13, 2012.

#### **PERJURED STATEMENT #12 – A CAREFULLY CRAFTED LIE**

15 THE COURT: And Shirley's trust is for the  
16 benefit of who?  
17 MR. MANCERI: The grandchildren now  
18 because Simon died.  
19 THE COURT: So children-level, Eliot, Ted  
20 were skipped over as beneficiaries?  
21 MR. MANCERI: That's correct, your Honor.

257. That MANCERI carefully tries to dance around the truth of who SHIRLEY'S trust beneficiaries are and so states that the grandchildren in SHIRLEY'S estate were the beneficiaries **BECAUSE** SIMON died. Where SIMON'S death has nothing to do with who the beneficiaries of SHIRLEY'S estate and trusts are. What MANCERI wants to avoid is that the beneficiaries of SHIRLEY'S estate in her Will and Trusts that were never legally probated are ELIOT, IANTONI and FRIEDSTEIN and their children only, not all of the grandchildren.

258. That MANCERI fails to state that it is alleged that after SIMON closed SHIRLEY'S estate while he was dead for over four months, he then filed an AMENDED TRUST and a WILL that both have notarizations that fail to state that SIMON appeared on the date allegedly signed before the notary. Again, if SHIRLEY'S beneficiaries and Personal Representative/Trustee Waivers were not legal and were never filed legally in the Court and the Petition for Discharge was a fraud as Your Honor discovered at the Hearing and now neither can be signed and notarized by all parties that originally signed them, including SIMON who cannot sign a new one and ELIOT who refuses to sign another one, well, it appears the beneficiaries of the estate of SHIRLEY remain free of any alleged changes post fraudulent discharge and closing and ELIOT, IANTONI and FRIEDSTEIN remain beneficiaries as of this date and were never legally replaced by the grandchildren as MANCERI falsely claims. The only children that were "skipped over" are TED and P. SIMON who were skipped over in either case of the ultimate beneficiaries and MANCERI again failed to tell the truth of the matter to Your Honor and come clean, instead praying Your Honor was still asleep.



259. That the beneficiaries of SHIRLEY'S estate are ELIOT, IANTONI and FRIEDSTEIN and their lineal descendants only, as defined in SHIRLEY'S limited beneficiary designations and BECAUSE SIMON lived or died has no bearing on the beneficiary designations and they remain ELIOT, IANTONI and FRIEDSTEIN and THEIR CHILDREN ONLY, despite a best fraudulent effort to make changes that defy law and logic and mislead to the Court that because SIMON died they magically changed.

**PERJURED STATEMENT #13 -- FOLLOW THE DEAD MAN'S CHECKING ACCOUNT TRANSACTIONS**

23 THE COURT: So after Shirley died, did  
24 that continue?

25 MR. SPALLINA: Yes, I assume so, that Si  
00042

1 was paying bills.

2 THE COURT: And when he died in September  
3 of last year, what happened, if anything?

4 MR. SPALLINA: There was an account that  
5 we set up in the name of Bernstein Family  
6 Realty. That was owned by three old trusts  
7 not that we created, but were created by  
8 Mr. Bernstein in 2006 that owned the house that  
9 the family lives in, so there was an LLC that  
10 was set up, Bernstein Family Realty, LLC,  
11 there's the three children's trust that own the  
12 membership interest in that, and there was a  
13 bank account at Legacy Bank that had a small  
14 amount of money that Si's assistant Rachel had  
15 been paying the bills out of on behalf of the  
16 trusts.

17 When Mr. Bernstein died, Oppenheimer, as  
18 trustee of the three trusts and in control of  
19 the operations of that entity, assigned  
20 themselves as manager, had the account moved  
21 from Legacy to Oppenheimer, and continued to  
22 pay the bills they could with the small amount  
23 of money that was in the Legacy account.

24 At this time, the Legacy account was  
25 terminated because there were no funds left,

00043

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- 1 they started using the funds inside the three
- 2 trusts at Oppenheimer to pay for health,
- 3 education, maintenance and support --

260. That the first part of this perjury begins when SPALLINA states that after SIMON died an account was set up in the name of Bernstein Family Realty (sp), this factually happened many years before SIMON died at Legacy Bank and a new one was not set up until months after SIMON died and for peculiar and perhaps illegal reasons.

261. That ELIOT states for the record that the Bernstein Family Realty LLC account referred to here was set up years earlier to pay ELIOT according to his Advanced Inheritance Agreement, exhibit in Petition 1, between ELIOT and CANDICE and SIMON and SHIRLEY and established to pay the expenses of their children's home, other living expenses of CANDICE, ELIOT and the children and income to ELIOT to pursue his Intellectual Properties and those who stole them. That SIMON funded the account as necessary to cover these costs as agreed.

262. That to set the record straight, there were three trusts in ELIOT's three children's name that were created in 2006 for school expenses by a different law firm and lawyer than TSPA, TESCHER and SPALLINA. That the children's house is part of Bernstein Family Realty LLC ("LLC"), which LLC is owned by ELIOT'S children. The house however did not get owned by the three trusts through their interest in the LLC until 2008. In fact, SPALLINA drafted and executed the formation of Bernstein Family Realty LLC in 2008 and established ownership of such home by the pre-existing trusts and then accounts were set up and funded monthly without interruption thereafter by SHIRLEY and SIMON until the day SIMON died for the LLC.

263. That TSPA, TESCHER and SPALLINA did the real property transactional work and other documents to put the home into the LLC they created, using a variety of cash, loans and



mortgages, all the real property documents prepared by their estate planning law firm, as evidenced in Petition 1 – Section “XIII. THREATENED FORECLOSURE ON SIMON'S GRANDCHILDREN'S HOME BY SIMON'S ESTATE POST MORTEM” and EXHIBIT 21 - BALLOON MORTGAGE and EXHIBIT 22 - PROMISSORY NOTE and EXHIBIT 24 - WALT SAHM CARRY OVER LOAN.

264. That SPALLINA again tells PERJURED STATEMENTS and fibs in streams to dance around the factual truth that exposes his crimes, now claiming that when SIMON died, Oppenheimer moved the Legacy Account to Oppenheimer. This is yet another PERJURED STATEMENT, as the truth is that for months after SIMON'S death, SPALLINA ordered and directed SIMON'S assistant WALKER to continue paying the bills out SIMON'S old Legacy Bank account, despite the fact that SPALLINA knew that SIMON was dead and that he was the only signor on the account.
265. That is was learned and admitted to in the Hearing that WALKER, after SIMON was deceased was writing checks to pay bills from an account that she was not authorized to write them from for months after he was deceased and where SIMON was sole signatory.
266. That these fraudulent actions by WALKER are believed to have been directed by TESCHER, SPALLINA and TED et al. who advised her to do this. Subsequently, after TED fired WALKER overnight and without warning, SPALLINA told WALKER to turn the accounts over to CANDICE who should start writing the checks. As ELIOT thought this a bit illegal, he called with WALKER on the line to Legacy Bank, to verify the sanity of having checks written by CANDICE out of her deceased father-in-law's accounts months after he was deceased, as directed by SPALLINA.

267. That Legacy Bank informed ELIOT and WALKER that they were stunned nobody had notified them that SIMON was dead for all of his accounts and instantly froze the account(s). Then the Bernstein Family Realty LLC account was transferred to Oppenheimer and Janet Craig by SPALLINA who directed the transfer and ELIOT is uncertain if any of the rest of the MANCERI testimony at the Hearing regarding these accounts is true. This account story of the Legacy Bank transactions was intentionally misrepresented in the Hearing to Your Honor by MANCERI as well.
268. That TSPA, TESCHER and SPALLINA et al. then allegedly spoke with Legacy Bank regarding the situation of the frozen accounts and they then arranged for the transfer of any remaining balances into new accounts with Oppenheimer, months after SIMON's passing in December 2012 or thereabouts. Oppenheimer then apparently opened a new Bernstein Family Realty account at Oppenheimer and that is how it really went down.
269. That SPALLINA then bled the new Oppenheimer LLC account dry and then directed Oppenheimer to begin paying the bills instead out the children's 2006 school trusts and did not continue funding the LLC account that was opened at Oppenheimer to pay the bills and stated he would replenish and replace the old trust accounts as needed, until he got everything in the estate in order and established new trusts for distributions.
270. That SPALLINA states that Oppenheimer called him and told him the trusts were depleted and it did not pay to administer them anymore but the factual evidence submitted in Petition 7, exhibit 6 - "JULY 16, 2013 OPPENHEIMER LETTER REGARDING STATUS OF SCHOOL TRUSTS" and exhibit 7 "AUGUST 28, 2013 OPPENHEIMER LETTER REGARDING TERMINATING SCHOOL TRUSTS", of the correspondences that were had regarding the closing and who said what, proves that SPALLINA was

contacted by Oppenheimer to replace the monies to continue both the living expenses and school expenses and it was SPALLINA himself who then directed the closing of the trusts and directed that TED be appointed as successor manager by the current manger Oppenheimer for Bernstein Family Realty LLC, claiming he choose TED as TED had volunteered.

271. That further, SPALLINA told both Oppenheimer and ELIOT that he would replace and replenish the school trust funds used when he got around to setting up new trusts for the children and when it came time to replenish and replace the funds he declined and left the school trust funds depleted to nothing and the LLC account with nothing and told Oppenheimer to close the accounts and nothing would be left and that bills would not be paid as of that date.
272. That the timing of this cessation of funding of these accounts and depletion of other accounts is more fully defined in the Petition 7, which exhibits how TSPA, TESCHER, SPALLINA and TED then used this situation they created and controlled to create overnight hardship on ELIOT and his minor children to attempt to EXTORT ELIOT to either take money ELIOT alleges is from illegal transactions and then illegally convert those monies through FRAUD into new accounts for possibly the wrong beneficiaries, through trust accounts SPALLINA was to create or else ELIOT would face starvation and loss of all income etc. overnight, the basis for the EXTORTION claim in Petition 7.
273. That the timing could not be better to SPALLINA as at this time he was noticed by MORAN that Governor's office was investigating her and the forged and fraudulent documents and this cessation of funds would hamper ELIOT'S abilities in prosecuting them by filing with state and federal authorities.



274. That the following correspondence more accurately reflects the facts for Your Honor,

**From:** Craig, Janet [mailto:Janet.Craig@opco.com]  
**Sent:** Wednesday, August 28, 2013 11:28 AM  
**To:** 'Eliot Ivan Bernstein (iviewit@gmail.com)'; 'Candice Bernstein (tourcandy@gmail.com)'  
**Cc:** 'Robert Spallina (rspallina@tescherspallina.com)'; 'Ted Bernstein (tbernstein@lifeinsuranceconcepts.com)'  
**Subject:** Bernstein Trust Terminations

Dear Eliot and Candice,

As you are aware, the trusts for Daniel, Jacob and Joshua have depleted over time due to the payment of your household bills. I have spoken with **Mr. Spallina and he has informed me that the household bill payments will not be refunded to the trusts.** We have therefore decided to terminate the trusts due to their de minimus market values.

The enclosed accountings for each trust cover the period of September 20, 2010 (our inception date) through August 26, 2013. We have also enclosed an Asset Detail showing the current market values and a Receipt, Release and Refunding Agreement for each of the accounts for your signatures. Please review all the documents carefully and contact me if you have any questions. Once your review is completed, please sign one copy of the Receipt, Release and Refunding Agreement before a Notary Public and return it to me at the address below. A second copy should be retained for your records.

**Please be advised that we will not be paying bills during this transition period. Ted Bernstein has agreed to become the Managing Member of Bernstein Family Realty and all questions regarding the payment of household bills should be directed to him**

Please keep in mind that the liquidation of the assets and the distribution of funds to you will generate tax consequences reportable on your 2013 personal income tax returns, which you will be filing next year. Please do not complete your personal income tax returns until you have received the final form K-1 from us.

Janet Craig, CTFA  
Senior Vice President & Compliance Officer  
Oppenheimer Trust Company  
18 Columbia Turnpike  
Florham Park, NJ 07932  
Tel: 973-245-4635

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Motion to Compel and More

Fax: 973-245-4699  
Email: Janet.Craig@opco.com

275. That when ELIOT requested the Oppenheimer operating agreements for the trusts and Bernstein Family Realty LLC to see if this was all legitimate, he was sent documents that were incomplete and a court order that was approved on yet another document that appears improperly notarized, see **EXHIBIT 8 – INCOMPLETE OPPENHEIMER TRUST PAPERS AND BERNSTEIN FAMILY REALTY LLC PAPERS SENT TO ELIOT.**
276. That SPALLINA does in fact tell the Court at the Hearing that “we told them to distribute the rest of the money...” and ELIOT asks under what authority is SPALLINA controlling the acts of the fiduciary trustees and managers at Oppenheimer and why is Oppenheimer taking their directions from SPALLINA in regard to trusts and accounts they manage.
277. That now this Court may better understand why SPALLINA tells a stream of perjured lies regarding the Legacy Bank and Oppenheimer trusts and accounts, as the truth would simply prove out ELIOT’S claim that this cessation of funding is instead an extortion mechanism to force ELIOT with but a moments notice, that if he does not participate and go along with their frauds they will turn off monies on three minor children through more fraud and deceit and against the wishes of SIMON and SHIRLEY and defeating in fact their obligations to protect ELIOT and his family in carefully crafted estate planning work SPALLINA was wrongfully trusted by SIMON and SHIRLEY to faithfully execute not desecrate through fraud and felony crimes unraveling their last wishes for ELIOT and his family.
278. That SPALLINA and TED are both involved in the Bernstein Family Realty LLC now through some form of voting that was done with Oppenheimer, again behind the backs of

ELIOT and his family who own the LLC. Fraud appears to be how this is being transacted. Again, incomplete and unsigned documents giving authority to fiduciaries and managers to run the trusts and LLC are sent to ELIOT and with yet another incomplete notary, where the notary fails to identify that the party appeared that day and was either known to or produced ID, on a document that Your Honor appears to have made Orders upon approving Hunt Worth ("WORTH") as a successor trustee at Oppenheimer, in Case No. 502010CP0003128XXXXSB, "Joshua Z. Bernstein Irrevocable Trust dated September 7, 2006" as already exhibit herein in Exhibit 8.

279. That WORTH became a successor to Stanford Bank. Again, these are new and additional reasons for an EMERGENCY HEARING and EMERGENCY ORDERS to rectify these and other documents that all appear part of larger and more complex set of frauds and these new documents may be further an attempted extortion, especially where notary fraud and forgery has been admitted to already in the estate and Fraud on the Court has been identified. To err on the side of caution here is best, as ELIOT cannot state that the improper notarization here is part of the other admitted notary public fraud and forgery that took place but where unsigned trusts and improper notarizations on documents in the minor children's trusts and LLC now exist and the same crew is involved, now adding Oppenheimer and Stanford, it may indicate other fraud and fiduciary violations are occurring in these trusts and the LLC too.

#### **PERJURED STATEMENT # 14 – POST MORTEM SKULLDUGGERY**

6 MR. SPALLINA: Both of their estates say  
7 that at the death of the second of us to die,  
8 pursuant to Si's exercise over his wife's  
9 assets, that all of those assets would go down  
10 to ten grandchildren's trust created under



11 their dockets.  
12 Mr. Bernstein was on a call while his  
13 father was alive with his other four siblings  
14 where he had called me and said, Robert, I  
15 think we need to do a phone call with my  
16 children to explain to them that I'm going to  
17 give this to the ten grandchildren.  
18 THE COURT: And that happened?  
19 MR. SPALLINA: And that happened.

280. That SPALLINA fails to tell the truth here in that he claims the estates state “at the death of the second of us to die, pursuant to Si’s exercise over his wife’s assets, that all of those assets would go down to ten grandchildren’s trust created under their docket,” yet, nowhere in SHIRLEY’S estate does it state that the ten grandchildren would be beneficiaries pursuant to SIMON’S exercise over his wife’s assets and nowhere even in the new language that SIMON allegedly executes with his power of appointment are the ten grandchildren named as beneficiaries and in fact, the language in Shirley prohibits 4 of the grandchildren from being beneficiaries of her assets explicitly defined and stated and thereby making them unqualified beneficiaries despite any change SIMON is alleged to have made.

281. That in the Hearing it was learned that SIMON ALLEGEDLY made changes to the estate of SHIRLEY beneficiaries, once the estate had been FRAUDULENTLY closed using FRAUDULENT documents and the estate was discharged based on a bogus Full Waiver and other documents already described herein and evidenced in the Hearing. Therefore, this Court now needs to look at the documents SIMON used in his estate to effectuate the ALLEGED changes in SHIRLEY’S estate and these documents in SIMON’S estate must be turned over to Your Honor and ELIOT for inspection as well, to check their authenticity and to determine who the true and proper legal beneficiaries in SHIRLEY’S estate and trusts now are going to be.

18 THE COURT: I know the administration is  
19 closed. What happened with her estate? Where  
20 did that go? Did she have a will?  
21 MR. MANCERI: Her assets went into trusts,  
22 and her husband had a power of appointment  
23 which he exercised in favor of Mr. Bernstein's  
24 children.  
25 THE COURT: Okay.

282. That the Power of Appointment actually states,

ARTICLE II. SIMON AMENDED TRUST - EXERCISE OF  
POWER OF APPOINTMENT IN SHIRLEY BERNSTEIN  
TRUST

Under Subparagraph E. I. of Article II. of the SHIRLEY BERNSTEIN TRUST AGREEMENT dated May 20, 2008, (the "*Shirley Trust*"), I was granted a special power of appointment upon my death to direct the disposition of the remaining assets of the Marital Trust and the Family Trust established under the Shirley Trust. Pursuant to the power granted to me under the Shirley Trust, upon my death, I hereby direct the then serving Trustees of the Marital Trust and the Family Trust to divide the remaining trust assets into equal shares for my then living grandchildren [emphasis added] and distribute said shares to the then serving Trustees of their respective trusts established under Subparagraph II. B. of my Existing Trust, as referenced below, and administered pursuant to Subparagraph II. C. thereunder.

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SHIRLEY BERNSTEIN TRUST AGREEMENT

Subparagraph E. Disposition of Trusts Upon Death of Survivor of My Spouse and Me. Upon the death of the survivor of my spouse and me,

1. Limited Power. My spouse (if my spouse survives me) may appoint the Marital Trust and Family Trust (except any part added by disclaimer from the Marital Trust and proceeds of insurance policies on my spouse's life) to or for the benefit of one or more of my lineal descendants and their spouses;

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SHIRLEY BERNSTEIN TRUST AGREEMENT

E. Definitions. In this Agreement,

1. Children, Lineal Descendants. The terms "child," "children" and "lineal" descendant" mean only persons whose relationship to the ancestor designated is created entirely by or through (a) legitimate births occurring during the marriage of the joint biological parents to each other, (b) children and their lineal descendants arising from surrogate births and/or third party donors when (i) the child is 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, and (c) lawful adoptions of minors under the age of twelve years. No such child or lineal descendant loses his or her status as such through adoption by another person. Notwithstanding the foregoing, as I have adequately provided for them during my lifetime, for purposes of the dispositions made under this Trust, **my children, TED S. BERNSTEIN ("TED") and PAMELA B. SIMON ("PAM"), and their respective lineal descendants shall be deemed to have predeceased the survivor of my spouse and me,** [emphasis added] provided, however, if my children, ELIOT BERNSTEIN, JILL IANTONI and LISA S. FRIEDSTEIN, and their lineal descendants all predecease the survivor of my spouse and me, then TED and PAM, and their respective lineal descendants shall not be deemed to have predeceased me and shall be eligible beneficiaries for purposes of the dispositions made hereunder.

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SUPPRESSED AND DENIED SIMON BERNSTEIN ORIGINAL TRUST SO ORIGINAL LANGUAGE IS MISSING

FROM SIMON 2012 AMENDED TRUST

Article II

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 [emphasis added]. 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:

1. for his or her lineal descendants then living, per stirpes; or
2. if he or she leaves no lineal descendant then living, per stirpes for the lineal descendants then living of his or her nearest ancestor (among me and my lineal descendants) with a lineal descendant then living.

A trust for a lineal descendant of mine shall be held under this paragraph, or if a trust is then so held, shall be added to such trust.

283. That since Your Honor reopened Shirley's estate and since the most important issue is the construction of SIMON'S exercise of his power to change SHIRLEY'S trust beneficiaries and to which grandchildren he has rights to change to, where in her 2008 Will SHIRLEY limited qualified recipient/beneficiaries while SIMON was alive only to her lineal descendants, where lineal descendants is a defined term excluding and disinheriting TED and P. SIMON and their lineal descendants from beneficiary designation, therefore, your Court is the proper Court to decide the meaning of the term grandchildren in SIMON'S power of appointment and if the power of appointment is valid at all and therefore the beneficiaries remain ELIOT, IANTONI and FRIEDSTEIN or their lineal descendants



alone as stated in the 2008 Will of SHIRLEY, as otherwise, judge French would be interpreting SHIRLEY'S Will while SHIRLEY'S estate is still open and in your Court and not discharged and closed legally yet.

284. The question of whether the validity and more importantly the construction of SIMON'S power of appointment should be before Your Honor or Hon Judge French must be addressed by this Court properly with all the facts, as it was evident that in the Hearing Your Honor heard more half-truths, perjured statements and lies than truth from SPALLINA and MANCERI to base any decision on. Some facts. SHIRLEY was the first to die. In her Will, she created a trust which is commonly known as a Marital Trust and Family Trust. In the Marital Trust, it provides that the assets of the Trust all go to spouse that survives, in this case SIMON, when the estate is discharged and closed, SIMON here the survivor of the two. It goes on in paragraph 2(e)(i) to say that on SIMON'S death, the remaining assets go to SHIRLEY'S beneficiaries and then their lineal descendants, excluding and disinheriting TED and P. SIMON and their lineal descendants explicitly.
285. That the Marital Trust also contained a provision, that is typical, that gave SIMON, as the survivor, the right to exercise a power of appointment to name the beneficiaries or alter the recipients of the assets remaining at his death, however in a limited capacity. SIMON may or may not have changed the beneficiaries in his or SHIRLEY'S estate, depending on the Court's ruling on the series of documents that allowed for that, including the documents that allegedly makes the changes, the already suspect 2012 Amended Trust and 2012 Will of SIMON and where all the documents to necessitate any changes appear to have improper notarizations and more, as already evidenced and exhibited herein and in Petition 1.



286. That it is the contention of ELIOT that it is clear that even if SIMON could and did exercise his power of appointment to name beneficiaries, he could only have done so from within the individuals that SHIRLEY permitted, limited and defined as beneficiaries in her Will in paragraph 2(e)(i), and no one else. Thus, SIMON could not include TED, P. SIMON or their children as SHIRLEY'S Will specifically excluded TED, P. SIMON and their children from becoming beneficiaries under the power of appointment and SHIRLEY never changed her Will or the beneficiaries thereunder. So even if SIMON is alleged to have exercised his power of appointment and claimed that the ten grandchildren were beneficiaries he would have not had the power to appoint four of them and it would be revoked by the Court and the only grandchildren it would apply to if the document changes of SIMON survive at all would be the six grandchildren of ELIOT, IANTONI and FRIEDSTEIN.

287. That to answer Your Honor's question at the Hearing if SHIRLEY made changes to the beneficiaries that went unanswered by SPALLINA, where SPALLINA instead answered that SIMON made the changes and did not answer Your Honor's question if SHIRLEY made any changes. That because SHIRLEY never redefined her beneficiaries SIMON therefore could not name Your Honor or MARITZA or John Doe as beneficiaries either as they are not a part of SHIRLEY'S defined qualified beneficiary designations.

288. That at the least, it is a question of the construction of and interpretation of the language of SHIRLEY'S Will to determine the validity or construction of SIMON'S power of appointment exercise, which is why the Marital Trust, Family Trust and these questions appear properly before Your Honor and not Hon. Judge French. That any drafting errors that failed to properly identify the beneficiaries then would be the liability of the draftsman

and the beneficiaries that should have been included would have a tort action against TSPA, SPALLINA and TESCHER to recover any damages.

289. That if these questions went before Hon. Judge French, he would be interpreting SHIRLEY'S Will and not Your Honor, which seems wrong, especially since Your Honor has now reopened SHIRLEY'S estate in the face of admitted and acknowledged fraud and fraud on the court and nothing has been discharged legally yet.
290. That as to Your Question to ELIOT at the Hearing of which assets of the estate pass under SHIRLEY'S Will versus the Marital Trust and other trusts that Your Honor could "freeze" and find relief from for ELIOT, ELIOT could not answer that question to Your Honor at the Hearing and cannot now, because SPALLINA has from the beginning suppressed and denied and refused to provide ELIOT with requested documents, accountings, inventories owed to him as a beneficiary to make any answer denied the information to answer.
291. That the best answer to this question for now would be to assume all assets of the gross estate, including any trusts of SHIRLEY created under the Will should be construed as part of the estate of SHIRLEY until legally discharged with living parties making the discharge and distribution of assets legally this time and distributions to the various trusts and beneficiaries now managed by people with Clean Hands not those already with Unclean Hands who have acted in egregious Bad Faith.
292. That it was learned in the Hearing that the Full Waiver, while allegedly signed and not notarized on April 9, 2012, was improperly and illegally filed in October 24, 2012, a month after SIMON was deceased and that it was not legally binding as SIMON was not present in October 2012 to make that Petition for Discharge Full Waiver valid and the claims thereunder valid and as already evidenced herein the statements therein were

perjured statements under oath both while SIMON was living and post mortem, if SIMON had signed them.

293. That if the Petition to Discharge Full Waiver is therefore legally invalid and part of a fraud on the Court, the estate was never discharged legally and therefore remains not discharged legally and the thus the Marital Trust, Family Trust and any other trusts construed under the Will and all assets of the trusts and estates have then not transferred to SIMON or the estate of SIMON, as they have not been discharged legally yet in this Court.

294. That SIMON died without closing the estate of SHIRLEY legally and discharging the estate legally and this provides a possible motive for the need to make all these alleged beneficiary changes with post mortem created, fraudulent, forged and legally incomplete documents, in efforts to make the alleged post mortem changes to the beneficiaries to include TED and P. SIMON and their children back into the estates by resurrecting SIMON to sign and notarize documents and make changes through a series of fraudulent documents filed in both estates.

295. That SIMON coulda, shoulda, woulda, done these changes or signed this or that document is no longer relevant as SIMON did not and cannot now make changes in SHIRLEY'S estate and trusts and thus all SHIRLEY'S assets of the gross estate, should remain in the estate of SHIRLEY and distributed to her true and proper beneficiaries. That SIMON had agreed to make these changes was based on an agreement that was never fulfilled by either party, as SIMON never made the changes legally and the disputes agreed to end never ended up until his dying day.

296. Where it appears that ELIOT always was and remains now a beneficiary, despite the claims of SPALLINA and MANCERI at the Hearing that ELIOT was not a beneficiary of

the estate and trusts through carefully crafted PERJURED STATEMENTS, which appear confused and a theory that is based on admittedly improper and illegally fraudulent and forged documents and thus another BIG FAT LIE.

#### CLARIFICATION #6 – AM I OR AM I NOT, THAT IS THE QUESTION AGAIN

19 THE COURT: Go ahead.  
20 MR. SPALLINA: Now, there was a question  
21 from our client as trustee of his mother's  
22 trust because he has apprehension as do the  
23 other siblings as to whether or not  
24 Mr. Bernstein is the proper trustee for that  
25 trust.  
00049  
1 THE COURT: Okay, all right.

But also stated at the Hearing was the following,

MR. MANCERI: Okay.  
7 THE COURT: So her estate assets went into  
8 a trust?  
9 MR. MANCERI: Correct.  
10 THE COURT: And that trust is --  
11 MR. MANCERI: And Ted Bernstein, I  
12 believe, is the trustee of that trust.

297. That is TED a trustee or is he believed to be a trustee, SPALLINA and MANCERI must work out with Your Honor, which of them is correct in this statement, where it was learned in the Hearing that neither is true, as no successors were appointed as SIMON died still acting as Personal Representative and Trustee.

298. That several questions pop up on this statement that need clarification, first, who is “our client?” Since SPALLINA speaks from the plural “our” client, we can then assume TESCHER, SPALLINA and TSPA are the “our” in the sentence and TED is the “our client” referred to as having apprehension and others having apprehension with ELIOT

being the proper trustee for that trust discussed that ELIOT refuses to have SPALLINA open for his children due to claims that it is all fraudulent.

299. That how can TSPA, TESCHER and SPALLINA represent TED as their client when they are estate counsel for the estate and in the Hearing they claim they “believe” Ted is Trustee and are not certain and now here claim he is trustee of his mother’s trust emphatically and where it was learned no successors to SIMON had been elected and the truth is that TED was not and is not the trustee of the estate or trusts of SHIRLEY? SPALLINA tips off the Court to whom his real client is, TED, whose wishes he is protecting as his “client” and not the estate of SHIRLEY or her last wishes that he was hired to represent.

300. That the estate appeared not to have counsel representing the estate at the Hearing, as MANCERI represents only SPALLINA and TESCHER in their individual capacities as Respondents and cannot represent them both professionally and personally due to conflicts. Also, no one states on the record they represent any of the following parties where some did not even appear at the hearing or exist at that time and yet representations are being made for them by SPALLINA and MANCERI to Your Honor and ELIOT,

- i. the estate of SHIRLEY, no representation
- ii. the Personal Representative, none existed due to no successor to SIMON being chosen due the fraud on the court where SIMON closed the estate as Personal Representative and Trustee while dead and no successors chosen as learned at the Hearing,
- iii. TSPA, TESCHER and SPALLINA as estate counsel, no representation,
- iv. the alleged trustee, TED, of SHIRLEY’S estate and trusts, who only represents himself personally in the Hearing and thus he was unrepresented in this capacity,

- v. the alleged successor trustee to the trusts of SHIRLEY, TED, who only represents himself personally in the Hearing and thus he was unrepresented in this capacity,
- vi. any of the alleged beneficiaries trustees including trustees acting on behalf of the minors involved with alleged interests in the proceedings, not present and not represented.

301. That is SPALLINA correct when he states “our client as trustee of his mother's trust” as fact or is MANCERI correct when assuming based on his belief, not fact, that TED is presumed to be trustee? That already evidenced herein however, is that no successors to SIMON as Personal Representative or Trustee of SHIRLEY’S estate were ever legally made and “technically”, due to the fraud on the court none existed at the time of the Hearing when these false claims and perjured statements that TED is successor trustee and trustee for the estate are being made by TED and his new counsel SPALLINA and MANCERI who are representing him while at the same time not claiming to represent him to this Court at the Hearing.

302. That prior to any other hearings or pleadings taking place in these matters, these issues must be addressed first by the Court and ferreted out as to who is representing who and if they are now conflicted or alleged involved in the admitted crimes and alleged crimes and thus unable to represent or be fiduciaries in any capacity any longer due to breaches of fiduciary duties and trust and violations of law.

303. That then the Court should determine who the ultimate true and proper beneficiaries are in the newly reopened estate, the who the new trustees and new Personal Representative will be to replace SIMON who still acts in these capacities even though dead and then it

appears we can have a hearing where everyone is represented by non-conflicted legal counsel and with all parties with interest present and represented properly.

304. That until this Court can determine these matters, all distributions or removal of ANY assets in the estate of SHIRLEY should be returned to this Court and held in trust until the Court can determine all of these matters, including all personal properties removed and distributed and all monies from any transactions that may have occurred fraudulently such as the Condominium sale and contents therein, which remains a part of the Marital Trust under SHIRLEY'S estate under the Will, until it is legally discharged to the proper parties and proper Letters of Administration are granted to those in charge of distributing reprobated assets of the gross estate to the true and proper beneficiaries.

**CLARIFICATION #7 – EMERGENCY OR NOT EMERGENCY – THAT IS THE QUESTION**

2 ...Remember, show me that it's a  
3 legal emergency like I gave the example of it.  
4 Someone is going to die, be taken out of the  
5 jurisdiction, someone's wellbeing today is  
6 going to be -- you know, they're going to be  
7 without food, they'll be on the street  
8 tomorrow.

305. That with the threat of imminent foreclosure and a cessation of long established funds that provide **FOOD, CLOTHING, SCHOOL TUITION, ELECTRIC, HOUSING** and more for CANDICE, ELIOT and their three minor children, due to what appears to be an attempt to EXTORT ELIOT to accept tainted money and convert it to the wrong parties and comingle it with other funds or else face these EMERGENCY situations, which all appear reason under Your Honor's own definition to be an Emergency.

306. That already exhibited herein, these funds for expenses of ELIOT, CANDICE and their minor children have ceased as of approximately September 15, 2013 and no funds remain through a series of what appear to be fraudulent transactions and violations of fiduciary responsibilities and more. That since September 15<sup>th</sup> no expenses have been paid for **FOOD, CLOTHING, SCHOOL TUITION, ELECTRIC, HOUSING** and more and therefore this appears to fit into Your Honor's definition at the Hearing of an EMERGENCY and thus Your Honor needs to clarify that ELIOT'S claim were and remain toady an ever growing EMERGENCY requiring Your prompt attention and rectification.

307. That already defined herein, a series of crimes is alleged to be taking place in the estates of both SIMON and SHIRLEY enabled by the ADMITTED FRAUDULENT and FORGED documents of MORAN and other improper documents exhibited already herein that were approved by Your Honor and Hon. Judge French when submitted as part of further frauds on the courts. These new crimes alleged to be taking place would also constitute an EMERGENCY situation for Your Honor and Judge French, who claim to be reading the motions and petitions filed by ELIOT and can now see there is an EMERGENCY to STOP AND PREVENT further crimes and illegal distributions and had the EMERGENCY to prevent further crimes been recognized in this Court in May 2013 when first reported as an EMERGENCY, several new crimes would have been prevented and further damages and injury to the victims could have also been prevented.

**CLARIFICATION #8 – WHOSE RESPONSIBILITY TO FEED THE KIDS?**

17 THE COURT: Can you pay an electric bill?  
18 MR. ELIOT BERNSTEIN: No.  
19 THE COURT: Why not?  
20 MR. ELIOT BERNSTEIN: I don't have any  
21 employment.  
22 THE COURT: Why not? If there's an



23 emergency and you're not eating and you have  
24 children --  
25 MR. ELIOT BERNSTEIN: It's very  
00018  
1 complicated, but --

308. That the Court appears to shift the responsibility of paying the home and children bills to ELIOT paying them, when the estate plans set up by SIMON and SHIRLEY take special precautions and sophisticated planning steps to provide these monies for the living expenses for ELIOT, CANDICE and their children, as if ELIOT was a disabled child in effect.
309. That these elaborate protections are due to special circumstances already described herein and Petition 1, that prevent ELIOT from gaining traditional employment to pay these bills and costs and so his parents' estate plans took care of that for his entire family. ELIOT'S income in fact, is part of the arrangement that pays ELIOT an annual \$100,000.00 to cover these expenses via an agreement that has been honored for years and up until August 28, 2012 when SPALLINA changed everything and decided to shut these funds off and starve and attempt to evict ELIOT, CANDICE and their three minor children through a series of dubious and extortionary unlawful acts. Therefore, it should be clarified for the record that although ELIOT works night and day, averaging 20 hours a day as if in a War but does not get paid other than through the estate funds set aside until distributions are made (to the proper parties) or ELIOT is successful in monetizing his Intellectual Properties, that it is not ELIOT'S job to get a job to pay these expenses, it is this Court's job to make sure the beneficiaries are not getting extorted through a series of fraud on and in this Court and prevent ELIOT from being extorted to participate in these frauds or else have estate counsel intentionally and with scienter deprive them of funds to starve and evict them, opposite the desires and intents of his clients SIMON and SHIRLEY, not his client TED.

310. That the whole argument of the Court's regarding ELIOT and his ability to get a job, in light of the RICO related crimes alleged against him and his family, that SIMON and SHIRLEY had prepared for in the estate plans to mitigate, is wholly irrelevant to feeding ELIOT's children and should be clarified and corrected for the record of who is responsible for providing these funds and who exactly is responsible for those funds not getting timely to the proper people and putting their lives in grave danger.

**CLARIFICATION #9 – YOU SHOULD HAVE THE RIGHT TO REMAIN SILENT**

5 MR. MANCERI: Okay.

6 THE COURT: **All right, so stop, that's**  
7 **enough to give you Miranda warnings.**

311. That ELIOT asks Your Honor, if enough evidence was before the Court at that moment to issue Miranda Warnings, why did the Court not issue them at the moment and instead let the those who should have been arrested walk out the Court retaining all their professional and fiduciary powers in the estate. How can this Court continue to accept pleadings and move on those pleadings from lawyers and fiduciaries that have committed crimes and perjure themselves before Your Honor, when the crimes admitted to before the Court were felony crimes that should have led them instantly to be removed, sanctioned and reported to the proper authorities and protective measures instituted for ELIOT and his family. That ELIOT asks if this was a mistake and if so should all counsel and fiduciaries involved be instantly removed by Your Honor in light of these crimes and new counsel and fiduciaries be sought to replace the others before proceeding further?

312. That ELIOT asks Your Honor to clarify if after having enough evidence to issue Miranda Warnings did Your Honor contact all appropriate State and Federal law enforcement

officials of Your Honor's findings and notify the Florida State Bar Association of these crimes committed by Officers of Your Court? Maintaining the Integrity of the Court is a Judicial Cannon that must be adhered to for ALL parties, including lawyers who break the law, one cannot protect and shield them and allow them to continue unfettered.

#### **CLARIFICATION #10 – MISSING DOCUMENTS**

1 THE COURT: And when those documents are  
2 filed with the clerk eventually in November  
3 they're filed and one of the documents says, I,  
4 Simon, in the present.  
5 MR. MANCERI: Of Ms. Moran.  
6 THE COURT: No, not physically present, I  
7 Simon, I would read this in November Simon  
8 saying I waive -- I ask that I not have to have  
9 an accounting and I want to discharge, that  
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10 request is being made in November.  
11 MR. MANCERI: Okay.  
12 THE COURT: He's dead.  
13 MR. MANCERI: I agree, your Honor.

313. That Your Honor is referring to documents that You possessed in the Court file, dated in November 2012 and where ELIOT only has an un-notarized Petition for Discharge done in October 2012 and where it does not appear on the public docket either. ELIOT requests this Court clarify what documents were viewed in the Hearing by Your Honor and if they are part of the Court file and not the public record under the docket and ELIOT hereby requests the documents referenced by the Court and any other documents not in the public docket but in the Court file for analysis and review.

#### **CLARIFICATION #11 – AN UNSOLVED MYSTERY**

15 MR. MANCERI: Robert, do you know who  
16 filed that document in your office?  
17 MR. SPALLINA: I would assume Kimberly

18 did.

314. That the Court needs to force estate counsel to clarify whom in their office filed the document as it seems suspect that SPALLINA has talked with MORAN about the crimes and yet feigns he did not ask her who filed the documents and thus did not know factually who did, again this appears more a lie to cover the truth up in a presumption that blames their sacrificial lamb MORAN.

### CLARIFICATION #12 – EMERGENCY! CALL IN THE GUARDS

23 THE COURT: And what you said was there's  
24 an emergency in May, you want to freeze the  
25 estate assets appointing you PR, investigate  
00034  
1 the fraud documents, and do a whole host of  
2 other things, and the estate had been closed.  
3 The reason why it was denied among other  
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4 things, one, it may not have been an emergency,  
5 but, two, the case was not reopened. There's  
6 no reopen order.  
7 MR. ELIOT BERNSTEIN: I paid \$50 to  
8 someone.  
9 THE COURT: You may have paid to file what  
10 you filed, but there's no order reopening the  
11 estate.  
12 MR. ELIOT BERNSTEIN: Okay, that's my  
13 mistake.14 THE COURT: It's closed, the PR is  
  
15 discharged, they all went home.  
16 MR. ELIOT BERNSTEIN: And I filed to  
17 reopen because we discovered the fraudulent  
18 documents.  
19 THE COURT: **But then you still had to ask**  
20 **to reopen --**

315. That it is clear that Your Honor in May 2012 reviewed the “Motion to Freeze...” and knew of fraudulent documents showing that a dead person was notarizing documents in the

estate existed, documents that Your Honor had rubberstamped and that were being used to effectuate a series of serious felony acts alleged in Petition 1. That it must have been in error that the Court did not think at that time that such allegations with documented evidence of the fraud and forgery was an “Emergency” and due to this error in decision, many crimes have henceforth been alleged to have been committed, which could have been prevented if the matters were considered an “Emergency” back then. That to prevent further crimes from being committed now with documents approved by Your Honor that are now admitted fraudulent and forged, well this would be an “Emergency” worthy of Your Honor taking immediate actions and instantly stop the crimes and criminals from further damaging the victims.

316. That to clarify the record, ELIOT did file to reopen the estate in the Petition 1 and request EMERGENCY relief for all those reasons cited by Your Honor and more. Yet Your Honor ignored all those requests and reliefs sought in Petition 1 and simply denied it as an Emergency and then never ruled on any of the reliefs sought or claims made and made no parties reply to the Petition 1, even after ELIOT later motioned the Court to force all parties to respond to all prior petitions and motions and again this plea went ignored for months on end, all the while crimes against the beneficiaries were happening daily and continue today from this delay to action. This would be analogous to your wife waking you in the middle of the night screaming **EMERGENCY THE HOUSE IS ON FIRE** and you rolling over and asking, are the kids on fire yet, her responding no and your rolling back to sleep.

317. That it was not until Petition 7, which now appears wholly denied by Your Honor in a recent order, instead of just denied as an Emergency as indicated in the Hearing, which

decision also appears to be in error as the situation now at hand appears an even greater Emergency under several qualifying grounds Your Honor stated at the hearing and yet Your Honor dismisses Petition 7, again wrongly claiming it is not involving an Emergency and thus has failed to rule on the merits of the rest of the motion and requested relief. The kids now are on fire.

318. That ELIOT demands to prevent further crimes from occurring from a lackadaisical approach to an “Emergency” and denying motions without ruling on them in entirety and allowing further crimes to be committed by those who have admitted to felony crimes in the fraudulent and forged waivers and fraud upon this Court, seems almost to aid and abet and facilitate further crimes against the victims and pardon of the perpetrators to commit more crimes.

#### CLARIFICATION #13 – CLOSED OR OPEN?

13 MR. MANCERI: Correct.

14 THE COURT: Simon dies. So what happened  
15 with Shirley's estate?

16 MR. MANCERI: **Shirley's estate is closed,**  
17 **as you said.**

18 THE COURT: I know the administration is  
19 closed. What happened with her estate? Where  
20 did that go? Did she have a will?

21 MR. MANCERI: Her assets went into trusts,  
22 and her husband had a power of appointment  
23 which he exercised in favor of Mr. Bernstein's  
24 children.

319. That the Court must correct the record to reflect that the estate did not LEGALLY close as MANCERI forgets to state that, as it was closed by a dead SIMON who did not close it legally. ELIOT therefore claims that if the estate was not closed or discharged properly, the assets should be instantly returned to this Court until the newly opened estate can be


reprobated and discharge the assets legally and properly under the Marital Trust, Family Trust and to all the true and proper beneficiaries when they are determined.

320. That since it appears the assets were discharged as part of a Fraud on the Court and more, ALL assets and trusts created under the Will of SHIRLEY should be returned to this Court, including anything improperly discharged to SIMON and in Hon. Judge French's Court and then after this Court discharges them legally to the proper parties, SIMON can exercise his power of appointment if he wants to change the beneficiaries.

321. That the only beneficiaries that SIMON could have designated through his power of appointment were those defined as beneficiaries in SHIRLEY'S Will and Trust, which excludes TED and P. SIMON and their lineal descendants, as already evidenced and exhibited herein and thus SIMON could not have changed SHIRLEY'S beneficiaries as MANCERI and SPALLINA claim and SHIRLEY never changed them, so this Court must now determine WHO THE TRUE AND PROPER BENEFICIARIES OF SHIRLEY'S ESTATE and TRUST are based on the factual information. ELIOT has petitioned the Court several times since May 2012 to make this determination under FLORIDA LAW but now it is imperative and urgent to prevent damages to ELIOT, CANDICE and their minor children from further life threatening EMERGENCIES in part facilitated by the unintentional actions of this Court and the intentional acts of Officers of this Court.

**CLARIFICATION #15 – MY HOW TIME FLIES EVEN AFTER ONE IS DEAD**

15 THE COURT: All right. So then -- so  
16 Simon really wasn't alive long when he died as  
17 trustee?  
18 MR. MANCERI: Not terribly long.

  
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Motion to Compel and More

322. That the period of time SIMON was trustee and personal representative is from shortly after SHIRLEY'S death on December 08, 2010 and SIMON'S death on September 13, 2012 and BEYOND. Beyond, in that SIMON was still executing documents according to Your Honor, in the Court as late as January 2013, as learned in the Hearing and as of this date no successors have been issued Letters. Therefore, the time while alive that SIMON was Personal Representative and Trustee is approximately 21 months and the time while dead is 25 months total that SIMON was trustee of the estate of SHIRLEY.

#### **CLARIFICATION #16 – WORD CORRECTION IN HEARING TRANSCRIPT**

17 THE COURT: That's not what happened with  
18 your father's estate?  
19 MR. ELIOT BERNSTEIN: No.  
20 THE COURT: That's not what the rule says  
21 to do?  
22 MR. ELIOT BERNSTEIN: No.  
23 THE COURT: What does the rule say to do?  
24 MR. ELIOT BERNSTEIN: The rule is not  
25 properly notarized. He didn't appear --  
00039  
1 THE COURT: What did the will say that The  
2 Court used?  
3 MR. ELIOT BERNSTEIN: The Court filed a  
4 will and amended trust, both improperly  
5 notarized.

323. That on line 20, 23, 24, the transcript appears to misinterpret the word “will” for the word “rule.”

#### **CLARIFICATION #17 – TO DRAFT OR NOT TO DRAFT, THAT IS THE QUESTION**

23 the way Eliot described that there was some  
24 deal that had been in effect with Shirley and  
25 Simon while they were alive that kept on going  
00041  
1 after Shirley died to help support his  
2 children.  
3 MR. MANCERI: That I can't comment on



4 personally, your Honor, because I never met  
5 either one of them.  
6 THE COURT: Do you know anything about  
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7 that?  
8 MR. MANCERI: He was the draftsman. His  
9 firm was the draftsman.  
10 THE COURT: So did Shirley and --  
11 MR. ELIOT BERNSTEIN: They didn't draft --

324. That ELIOT has exhibit in Petition 1 the Advanced Inheritance Agreement between he and his parents and TSPA, TESCHER and SPALLINA were not the draftsmen or executors of the document.

#### **CLARIFICATION #18 – OOPS, JUST PROVED THE OTHER GUYS POINT**

1 THE COURT: Okay, all right.  
2 MR. SPALLINA: We had discussions about  
3 possibly making **emergency** distributions to  
pay  
4 the expenses, but not necessarily --

325. That the Court can see here that SPALLINA knows that there is an “EMERGENCY” and that he can control the funds to create or cease the EMERGENCY and thus he is the cause of such EMERGENCIES. Then the question becomes what “necessarily” means. Necessarily as defined in Petition 7 is the funds will only be available if ELIOT cooperates with fraud and conversion under their terms and stops reporting their crimes to the proper authorities.

326. That who is the “we” in the sentence that “we had discussions” so ELIOT and this Court may know all the players in the extortion attempt and this demands complete transparency so that the Court and we all, will know who the extortionists and culprits are. **THIS STATEMENT BY SPALLINA PROVES ELIOT’S CLAIM TO THIS COURT**

**THAT THERE IS AN EMERGENCY.** It is interesting to note that MANCERI and SPALLINA attempt to argue there is no emergency in the Hearing before Your Honor, again they cannot make up their minds on what story to tell to cover up their crimes.

**CLARIFICATION #19 – HOW CAN I HELP?**

11 Eliot, on your side you have an emergency  
12 motion to freeze assets of the estate, so I  
13 would say to you with a closed estate where the  
14 PR, Simon, has been already discharged, and a  
15 petition for discharge approved, what assets  
16 are there in a closed estate where the estate  
17 assets have already been distributed that I can  
18 now in your motion freeze?

327. That since the Court closed and discharged the estate and distributed assets based on a series of fraudulent and forged documents using SIMON as if alive while dead to so achieve this fraud on the court and beneficiaries, the assets should be recalled to the newly opened estate from any trusts and estate distributions and then distributed properly after proper discharge papers are filed by an alive personal representative and this Court legally this time closes the estate. In the interim, after demanding ALL assets returned to the estate and held by this Court and then freeze the assets in the estate and trusts and only make interim distributions and family allowance to ELIOT for the emergency his family faces, until the Court can determine the true and proper beneficiaries.

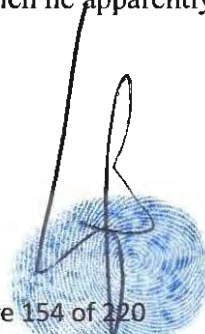
**CLARIFICATION #20 – TO BE A BENEFICIARY OR NOT TO BE A BENEFICIARY, THAT AGAIN IS THE QUESTION**

10 MR. ELIOT BERNSTEIN: I was a beneficiary,  
11 unlike they said, me, my brother was cut out of  
12 my mother's estate and my older sister.  
13 THE COURT: They said you were a  
14 beneficiary of personal property.  
15 MR. ELIOT BERNSTEIN: No, I was the third

16 beneficiary to the entire estate.  
17 THE COURT: All right, I don't know.  
18 MR. SPALLINA: At one point he was.  
19 MR. MANCERI: Early on, your Honor.  
20 THE COURT: But on the will that was  
21 probated?  
22 MR. MANCERI: No.  
23 THE COURT: Okay, so maybe you don't know  
24 then, your mother changed her will, they say.  
25 MR. ELIOT BERNSTEIN: Did my mother change  
00054  
1 her will?  
2 MR. SPALLINA: You know that your father  
3 did.  
4 MR. ELIOT BERNSTEIN: No, he asked if my  
5 mother did.  
6 MR. SPALLINA: Oh, yes.

328. That ELIOT asks this Court to clarify if he is a beneficiary immediately and set the record straight on this issue. MANCERI perjures himself in lies here as well, as the Will that was probated absolutely has ELIOT as a beneficiary and not his children and his mother NEVER changed a thing. Then SPALLINA lies and states that ELIOT'S mother changed her Will and where the Court record reflects no such changes by SHIRLEY while she was living, not sure what she signed while dead but ELIOT awaits the estate documents to review.

329. That as already discussed, SIMON could have only made changes in distribution of assets amongst SHIRLEY'S beneficiaries as provided in his power of appointment and thus ELIOT, IANTONI and FRIEDSTEIN and their children are the only beneficiaries, TED and P. SIMON and their children are wholly disinherited and thus barred from being elected even if SIMON changed it, which he apparently never did while alive.

A handwritten signature in black ink is written over a blue circular stamp. The signature is stylized and appears to be the initials 'EB'. The stamp is a circular, textured blue mark.

**(III) MOTION FOR IMMEDIATE, EMERGENCY RELIEF!!!, INTERIM  
DISTRIBUTIONS AND FAMILY ALLOWANCE FOR ELIOT, CANDICE & THEIR  
THREE MINOR CHILDREN DUE TO ADMITTED AND ACKNOWLEDGED FRAUD  
BY FIDUCIARIES OF THE ESTATE OF SHIRLEY AND ALLEGED CONTINUED  
EXTORTION**

330. That in the Hearing Your Honor requested that ELIOT prepare a list of reliefs for an evidentiary hearing but instead ELIOT has inserted them in this pleading in the Prayer for Relief, as the reasons are once again **EMERGENCIES THAT CANNOT WAIT WITHOUT FURTHER DAMAGE TO MINOR BENEFICIARIES IN THE CUSTODY AND CARE OF THIS COURT** that will soon leave (in the next few days, see attached Exhibit 5 spreadsheet and bills for details of exactly when) ELIOT, CANDICE and their THREE MINOR CHILDREN without FOOD, ELECTRICITY, A HOME, THEIR CHILDREN OUT OF SCHOOL and PENNILESS, due to the FRAUD occurring in the estates of SHIRLEY and SIMON and the FRAUD ON and IN this COURT. Due to the failure to pay reimbursements to ELIOT and CANDICE for expenses they paid for the children that have not been reimbursed, monies for food and daily living have already been ceased and without some help from friends the children would be hungry.

331. That currently \$32,966.59 of bills remain unpaid for now almost two months in some cases and \$5,966.20 of that is reimbursements due that would normally be paid for groceries, gas, etc. that ELIOT and CANDICE pay.

332. That Petition 7 made claims that ELIOT was being EXTORTED to either participate in what he knows are fraudulent transactions and where their already is admitted fraud and forgery and gross violations of fiduciaries and the monies from these illegal transactions are being converted to the wrong parties, against the last wishes and desires and legally

binding estate plans of SIMON and SHIRLEY and with Your Honor discovering that FRAUD ON THE COURT and FRAUD ON THE BENEFICIARIES has occurred, well the EXTORTION ATTEMPT HAS NOT CEASED AND IN FACT GROWN WORSE MAKING IT MORE OF AN EMERGENCY today and for the last three weeks since the Hearing and therefore if the relief sought is not granted by this Court, take this Motion as a call for another EMERGENCY HEARING and this time please advise all parties to bring their checkbooks.

17 THE COURT: And, Mr. Bernstein, whatever  
18 you want relief-wise to happen with respect to  
19 Shirley's estate, not Shirley's trust, but  
20 Shirley's estate, you could have a hearing on  
21 that. I'll combine everyone who has an  
22 interest in getting some relief.

333. That crimes ELIOT did not know of until Your Honor exposed them at the Hearing and they were admitted to in the Hearing, including but not limited to, crimes COMMITTED ON THE COURT and the fact that Your Honor threatened Miranda Warnings has made CANDICE fear that these folks may cause harm upon our family and our three boys, as desperate men do desperate things and ELIOT agrees with CANDICE that this is also cause for Emergency reliefs, as obviously they are now ever more angry that ELIOT and CANDICE have uncovered their crimes and exposed them.

334. That with allegations out of the gate by TED and others that SIMON was murdered, this Court must consider WHY these admitted crimes were really committed and the premeditation and planning these crimes took and the effort to further cover them up through a series of perjured statements to this Court, is reason to consider the EMERGENCY MOTION again and provide IMMEDIATE EMERGENCY RELIEF TO

THE BENEFICIARIES as Your Honor has left the beneficiaries at the hands of those whom you should have given their Miranda Warnings and already hauled them off for trial on FELONY CRIMES AGAINST THE COURT and FRAUD ON THE BENEFICIARIES and more.

335. That Your Honor should consider granting the immediate relief requested Petitions 1-7 and herein to protect the family of ELIOT from now both threatened and actual financial and perceived by CANDICE, physical harms. As it appears that while you should have arrested them in Your Court for the Fraud perpetrated on the Court alone and the crimes committed against the beneficiaries and Your Honor instead chose to let them walk out the Court free men, in control of the estate still, despite the crimes committed and admitted to. Well they very well could know the end is near if they do not take desperate measures to stop the inevitable prison sentence if they have their Miranda's read and this poses very serious risk to ELIOT and CANDICE and their children's safety every day they are not prosecuted for their crimes and control the fate of ELIOT and CANDICE and their three minor children.

336. That Your Honor after seeing and hearing enough evidence to know that a fraud was committed on the Court and issue a threatened but not executed upon Miranda Warning let them out of the Court, allowing them to continue to operate as Officers of the Court and move this Court on behalf of themselves and others, including others they do not represent, which truly is beyond belief and comprehension and this Court's inactions appear to cause more damages to the victims.

337. That further they are allowed to contact ELIOT and want to meet with ELIOT and make pleadings with the Court and propose settlements that Your Honor urges between them and

ELIOT, and all while acting in massive conflict and while under investigations and having already admitted to criminal acts.

338. That as ELIOT emphatically stated in Court at the Hearing, ELIOT did not want to meet nor associate with such strange criminal bedfellows and participate in fraud under any circumstances, when asked to meet with them by Your Honor at the Hearing. However, ELIOT would look forward to meeting with new independent non conflicted and not centrally involved, counsel, personal representatives, trustees, etc. and Your Honor should force them to retain counsel in each capacity and no longer let them plead or move the Court for the crimes they have already acknowledged and admitted to, that have already caused MASSIVE DAMAGES to the beneficiaries.

10 MR. ELIOT BERNSTEIN: I didn't say that.

11 THE COURT: I'm not in charge of feeding

12 your children or paying your electric bills,

13 you are. You have to do what a parent does to

14 take care of their children. It doesn't sound

15 like you're doing everything that you can, but

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16 that's technically not before me.

17 But in the meantime not knowing a whole

18 lot about this case, it's my first time I'm

19 really having this type of dialogue. I heard

20 some voice that said there's cash to feed your

21 children that could become readily in your

22 pocket or in someone's pocket to pay bills that

23 could help your children. I heard that. They

24 say the stumbling block to your children

25 getting the benefit of that money is you. I

00063

1 don't know whether that's true or not, but if

2 you want your children to imminently get money

3 and they have imminent money to give your

4 children, maybe you want to sit with Ted and

5 that other side and see if there's some money

6 that could come to your children.

7 MR. ELIOT BERNSTEIN: Excuse me.

8 THE COURT: Sure.

9 MR. ELIOT BERNSTEIN: That's like asking  
10 me to participate in what I allege is a  
fraud.

339. That the Court errs also in the quote above from the Hearing in that it really is more this Court's job, the alleged Trustees of the children's trusts, the managers of the LLC and estate counsel to feed ELIOT, CANDICE and their THREE MINOR CHILDREN at the moment. The funds to feed them and provide for their futures were set up just fine in the estate plans, up until a lot of bogus documents and fraud in the estates of both SIMON and SHIRLEY took place under the watch of this Court. Funds were to be set aside in trusts for ELIOT and his children immediately after SIMON and SHIRLEY'S death, some were funded prior to their deaths, all established by SIMON and SHIRLEY as stated in the last, known at this time, valid and binding and legally and properly documented Wills and Trusts they signed together in 2008, while alive.
340. That SIMON and SHIRLEY'S intentions were clear that the estate was to provide funds for ELIOT and his families living expenses, as they have been for a year since SIMON had passed and these funds are now intentionally being interfered with by estate counsel in attempt to EXTORT ELIOT to take tainted money and go along with the fraud or else suffer complete and overnight loss of funding of his family in opposite of SIMON and SHIRLEY'S intent.
341. That the alleged changes to the beneficiaries and conversion of the monies to the wrong parties through fraud and forgery and more was not the intent of SIMON and SHIRLEY and SIMON never executed the changes to the estate and changed the beneficiaries legally or closed the estate while alive legally, as others helped him after his passing, in both estates to change the beneficiaries to suit themselves and loot and rob the estates, wholly



disregarding and usurping the last wishes of SIMON and SHIRLEY and attempting to destroy ELIOT before he could expose them further.

342. That SIMON and SHIRLEY'S wishes were that the money would flow seamlessly and without interruption to ELIOT in trusts and his children in other trusts and provide for them solidly in both income for their work to protect the Intellectual Properties and funds to pay all necessary living, school and other personal expenses, for the rest of their lives with prudent management of the funds.

343. That as Your Honor learned in the Hearing this had been set and was being paid prior to SIMON and SHIRLEY'S passing for six years and were paid for over a year after SIMON passed, until on August 28, 2013, when suddenly and without warning, in yet another apparent fraud with massive fiduciary violations by SPALLINA et al. these monies were ceased through another con job by SPALLINA. This time SPALLINA now involved OPPENHEIMER, all more fully described in Petition 7, in an attempt to force ELIOT to participate in the fraud and shut up about it or else these living expenses and agreed monies to fund his family would cease and they have, as ELIOT will not participate in fraud and more.

22 THE COURT: Now, tell me the best you can  
23 the way Eliot described that there was some  
24 deal that had been in effect with Shirley and  
25 Simon while they were alive that kept on going  
00041

1 after Shirley died to help support his  
2 children.

3 MR. MANCERI: That I can't comment on  
4 personally, your Honor, because I never met  
5 either one of them.

6 THE COURT: Do you know anything about  
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7 that?

8 MR. MANCERI: He was the draftsman. His

9 firm was the draftsman.  
10 THE COURT: So did Shirley and --  
11 MR. ELIOT BERNSTEIN: They didn't draft --  
12 THE COURT: Stop. Next time you speak out  
13 of turn you will be held in contempt of court.  
14 MR. ELIOT BERNSTEIN: Sorry.  
15 THE COURT: Why get yourself in trouble?  
16 You're being rude.  
17 MR. ELIOT BERNSTEIN: Sorry.  
18 THE COURT: So is it true that when they  
19 were alive they were helping to support Eliot's  
20 family?  
21 MR. SPALLINA: To the best of my  
22 knowledge, yes, sir.  
23 THE COURT: So after Shirley died, did  
24 that continue?  
25 MR. SPALLINA: Yes, I assume so, that Si  
00042  
1 was paying bills.  
2 THE COURT: And when he died in September  
3 of last year, what happened, if anything?  
4 MR. SPALLINA: There was an account that  
5 we set up in the name of Bernstein Family  
6 Realty. That was owned by three old trusts  
7 not that we created, but were created by  
8 Mr. Bernstein in 2006 that owned the house that  
9 the family lives in, so there was an LLC that  
10 was set up, Bernstein Family Realty, LLC,  
11 there's the three children's trust that own the  
12 membership interest in that, and there was a  
13 bank account at Legacy Bank that had a small  
14 amount of money that Si's assistant Rachel had  
15 been paying the bills out of on behalf of the  
16 trusts.  
17 When Mr. Bernstein died, Oppenheimer, as  
18 trustee of the three trusts and in control of  
19 the operations of that entity, assigned  
20 themselves as manager, had the account moved  
21 from Legacy to Oppenheimer, and continued to  
22 pay the bills they could with the small amount  
23 of money that was in the Legacy account.  
24 At this time, the Legacy account was  
25 terminated because there were no funds left,  
00043

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1 they started using the funds inside the three  
2 trusts at Oppenheimer to pay for health,  
3 education, maintenance and support --  
4 THE COURT: Of the grandchildren?

5 MR. SPALLINA: Of the grandchildren. And  
6 it was probably at the time that Mr. Bernstein  
7 died about \$80,000 in each of those trusts last  
8 September.

9 THE COURT: Okay, so then what happened?

10 MR. SPALLINA: So over the course of the  
11 last year -- the kids go to private school,  
12 that's an expensive bill that they pay, think  
13 it's approximately \$65,000. There were other  
14 expenses throughout the year. The trust assets  
15 as of this week I spoke to Janet Craig, have  
16 depleted down collectively across the three  
17 trusts for about \$25,000.

18 THE COURT: Total left?

19 MR. SPALLINA: Total left in the three  
20 trusts.

21 THE COURT: Any other trusts?

22 MR. SPALLINA: Again, this is not part of  
23 the estate right now, so let's leave the estate  
24 of Shirley and Si completely separate. Just  
25 trying to get to the issue that Mr. Bernstein  
00044

1 spoke about first.

2 THE COURT: Right.

3 MR. ELIOT BERNSTEIN: Oppenheimer called  
4 me and said that the trusts are coming to the  
5 end of their useful life, it doesn't pay to  
6 administer them anymore. They're going to make  
7 final distribution to Mr. Bernstein and his  
8 wife as the guardians of their children.  
9 They sent out standard waivers and  
10 releases for him to sign in exchange for the  
11 remaining money that was there. There was a  
12 disagreement that ensued and I have the e-mail  
13 correspondence between Eliot and Janet Craig at  
14 Oppenheimer that this is extortion and that  
15 Mr. Spallina and you have devised a plan not to  
16 give us the rest of the money. That's not the  
17 case at all. In fact, we told them to  
18 distribute the rest of the money, there's been  
19 \$12,000 in bills submitted to them that they  
20 are either paying today or on Monday, and the  
21 \$14,000 or some-odd dollars that would be left  
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22 are in securities that they have to liquidate,  
23 supposedly they would have good funds today,  
24 but there was some threats of litigation and so  
25 they said that it might be prudent to hold onto  
00045

1 this. There's also some expenses outstanding  
2 on accounting fees and tax preparation fees.  
3 THE COURT: Let me ask you this, what's  
4 the other part of the estate planning that  
5 Shirley or Simon had, another trust?  
6 MR. SPALLINA: Both of their estates say  
7 that at the death of the second of us to die,  
8 pursuant to Si's exercise over his wife's  
9 assets, that all of those assets would go down  
10 to ten grandchildren's trust created under  
11 their dockets.  
12 Mr. Bernstein was on a call while his  
13 father was alive with his other four siblings  
14 where he had called me and said, Robert, I  
15 think we need to do a phone call with my  
16 children to explain to them that I'm going to  
17 give this to the ten grandchildren.  
18 THE COURT: And that happened?  
19 MR. SPALLINA: And that happened.  
20 THE COURT: So right now the status,  
21 there's a trust that deals with that, or more  
22 than one trust.  
23 MR. SPALLINA: There's both Si's estates  
24 and Shirley's estates basically say after and  
25 again there is some litigation.  
00046  
1 THE COURT: And that's different than this  
2 \$14,000 --  
3 MR. SPALLINA: Yeah, those are three  
4 trusts that were just designed to hold.

344. That one of the biggest errors in the Hearing record is that ELIOT was somehow at fault for failing to provide for his family, when elaborate estate plans were in place to protect both ELIOT and CANDICE and their children after the death of SIMON and SHIRLEY and to insure ELIOT or CANDICE would not need to get jobs to provide for their children due to special circumstances that prevent them from having normal lives.

345. That there are reasons, more fully defined in Petition 1, that have virtually disabled ELIOT and CANDICE from retaining jobs and where their jobs have primarily been attempting to save their own and their children's lives, from death threats, a car bombing and more. One of the most stressful parts of their jobs include each morning when they start their vehicle

to take their children to school and praying that they are not all blown to smithereens.

Further, that ELIOT and CANDICE have been continuously harassed by defendants in ELIOT'S RICO and ANTITRUST lawsuit in efforts to destroy them prior to them achieving justice and prosecuting them.

346. That as noted to the Court in Petition 1, it has recently been learned from news stories that after ELIOT had testified to New York Senate Judiciary Committee Chairman and leader of the New York democratic party, Hon. Senator John L. Sampson, regarding the corruption inside courts and prosecutorial agencies, Senator Sampson was then "threatened" and then took "bribes" to cover up the corruptions.

347. That as noted to the Court in Petition 1 and at the Hearing at this Court, information was recently released in the news that showed that the Plaintiff, Christine C. Anderson, Esq. ("ANDERSON") in a legally related whistleblower lawsuit by Federal Judge Hon. Shira A. Scheindlin ("SCHEINDLIN") to ELIOT'S RICO, had been illegally monitored through MISUSE OF JOINT TERRORISM TASK FUNDS AND RESOURCES, to OBSTRUCT JUSTICE in her lawsuit and the legally related cases to her lawsuit. That ANDERSON'S and others rights were further violated through invasions of Privacy through violations of the Patriot Act, 24/7 video surveillance, home break ins, phone, mail and email interceptions and more, all in efforts to derail their lawsuits and deny them due process and procedure through Obstruction of Justice. That these acts were done by members of the New York Attorney at Law Disciplinary departments and other Senior Ranking New York Supreme Court members and senior ranking Public Officials.

348. That it was noted to this Court in Petition 1 that information recently published in the news indicated that Judges were illegally wiretapped, in their chambers, dressing rooms and

homes, in efforts to OBSTRUCT JUSTICE in lawsuits that targeted them as defendants and again these crimes were committed allegedly by Senior Ranking Public Officials and Officers of the Courts and members of the Attorney at Law disciplinary departments. Corruption gone mad at the highest outposts of law and order.

349. That it should be noted that ELIOT'S Intellectual Properties invented at his last employment 12 years ago, changed the world in profound ways and until these criminal acts against ELIOT to steal the Intellectual Properties valued in the TRILLIONS by his retained patent counsel, mainly Proskauer Rose, LLP ("PROSKAUER") and Foley & Lardner LLP ("FOLEY") and others, in order to deny ELIOT due process to recover his Intellectual Properties and disable his ability to prosecute the Attorneys at Law and Judges and others involved in the crimes, through FELONY OBSTRUCTIONS and criminal tactics, ELIOT and his family were on the way to becoming billionaires. That the tactics used to obstruct, include a massive attack on ELIOT and CANDICE, including a car bombing and death threats and more, and attacks on their families and friends and even attacks on Anderson and good judges and prosecutors trying to right the wrongs.

350. That bogus tax liens and credit problems were dumped on ELIOT and CANDICE overnight and they were threatened with death threats that forced them to flee their homes several times and so scarred them to distance themselves from friends and family and employers, in fear that anyone who helped them would become targets. So ELIOT has been working twenty hour days, through holidays and weekends, barely able to turn his back to love his wife and children, for now over a decade, immersed in a war that he did not start, nor can he end legally as the rules have wholly been desecrated against him as he fights every day for his and his families lives, talk about a monumental job.

351. That while this may not appear a job to Your Honor, it is a full time job that starts each morning with taking the kids to school and wondering if the car will blow up and they will be burned to smithereens, a far more stressful job than Your Honor's and the day has barely begun for ELIOT and CANDICE.
352. That for these reasons, SIMON and SHIRLEY set aside funds to allow ELIOT and CANDICE to pursue their Intellectual Properties work, the family jewels, unobstructed with the need for other jobs they knew they could not secure and to allow them to work every day to protect their children from those preying upon them and break through the walls of obstruction.
353. That SIMON and SHIRLEY set this up because they too had an interest in the Intellectual Properties as SIMON was a 30% owner of the Iviewit companies and rights in the Intellectual Properties. That this 30% of stock and interest in the IP is part of the estates of SIMON and SHIRLEY that he wanted his whole family to share in, as ELIOT fully defined in Petition 1 when he first asked SPALLINA what the status of the Iviewit companies stock was in the estate.
354. That ELIOT being Pro Se litigant in these legal battles against major law firms, politicians and industry, can also be construed as a full time job and uncovering the crimes is yet another full time job, all necessary to insure the safety and future of his children and why SIMON and SHIRLEY took these steps to ensure their safety by providing for them in the estates and providing CANDICE and ELIOT's incomes, all which is now being thwarted through the crimes committed in the estates of both SIMON and SHIRLEY.
355. That Your Honor should do his job and ensure the sanctity of his Court from Frauds upon the Court and protect the true and proper beneficiaries from illegal acts of the estate

counsel and fiduciaries. Where it appears that despite now having knowledge that Fraud and Fraud upon the Court has occurred by those entrusted with the estates, Your Honor let them walk out the door and continue their abuse of ELIOT and CANDICE and their children as if it was somehow OK by the Court to acknowledge these crimes and still let estate counsel represent these matters and manage the estate with fiduciaries that have been acting without proper Letters and fraudulent and forged documents and punishing the victims further by letting the estate be further looted each day they retain dominion and control over the estate. Enough is enough, Your Honor has the proof and admissions of crimes and yet continues to allow them to continue to act as Officers of the Court and as Fiduciaries of the estate and it is time that they are sanctioned and tried for these crimes and removed from these matters, other than as defendants for the crimes they have committed.

### **CONTINUED EXTORTION OF ELIOT, CANDICE AND THEIR THREE MINOR CHILDREN**

356. That these are the same people, TSPA, TESCHER, SPALLINA and TED who are left in charge of ELIOT'S family finances and paying the bills and who have already threatened to turn them off these life sustaining resources and evict ELIOT and his family to the street if they retained attorneys to review their schemes and frauds and if ELIOT did not participate in fraudulent activities and convert monies from the true and proper beneficiaries and they walk free of their crimes, trying to pin one crime on MORAN and hope the rest are somehow ignored by this Court and criminal authorities. This err by the Court of leaving them in charge of the estates, as counsel and fiduciaries and in charge of ELIOT'S family welfare, despite knowledge of their criminal acts, including alleged



EXTORTION of ELIOT, now puts ELIOT'S family in a desperate situation at the hands of those who he is trying to put in jail. Due to the extortion, at this moment bills no longer are being paid and SPALLINA refuses to replenish and replace the trust school funds he directed to be depleted in another scheme, described more fully in Petition 7 and then recently electing with Oppenheimer to put TED in charge of Bernstein Family Realty LLC, a company owned solely by ELIOT'S children's trusts and set up by SIMON and SHIRLEY as part of their estate plans, and allow them to further extort ELIOT to either participate in fraud or else suffer catastrophic harms financially and now physically (ie, starvation, no electricity, etc.) to his family.

357. That at the Hearing Your Honor asked what bills were not paid, well the attached **EXHIBIT 5 - SEPTEMBER 27, 2013 – OCTOBER 07, 2013 LETTER EXCHANGE ELIOT AND OPPENHEIMER**, is self-explanatory and the issue is not as Your Honor mistook at the Hearing of if ELIOT can get another job to pay for these bills overnight and keep his children fed, clothed and school but instead, where is the money that was to go to these bills from trusts established in the estate plans of SIMON and SHIRLEY to pay for these costs and why are they not getting paid by the parties acting as Trustees and estate counsel and why are the funds going to the wrong parties through a series of fraudulent and forged documents and other frauds upon the Court and true and proper beneficiaries.
358. That the Emergency Hearing was also predicated on what ELIOT alleges amounted to extortion type tactics by TSPA, TESCHER and SPALLINA and TED to also foreclose on ELIOT and throw he and his family on the street, while starving them out of their inheritance and stealing off with it and shut down his children's income sources, if he did not go along with the gang in thwarting SIMON and SHIRLEY'S desires.

359. That now with fear that ELIOT may prevail, that the Court has reason to read them their Miranda Warnings already and their crimes are unraveling, for which they may serve prison time for and suffer certain financial ruins, this starvation and homeless threat becomes very real and now a credible EMERGENCY for CANDICE, ELIOT and their children and it is evident that those left in charge by this Court are not planning on rectifying the problems they created with intent to further harm ELIOT and disable his abilities to further have them prosecuted and investigated for their crimes, which may in fact include the murder of SIMON for his money.

**ATTEMPT TO FORCE FORECLOSURE ON THREE MINOR CHILDREN'S HOME BY BREACH OF FIDUCIARY DUTIES AND SUPPRESSION OF DOCUMENTS, A FURTHER EXTORTIONARY TACTIC**

360. That ELIOT and ELIOT'S children counsel and others were told by SPALLINA and TED that there was an imminent foreclosure by a note holder pending that they were staving off and ELIOT either participate in the insurance fraud scheme and the condominium fraud scheme to get monies or else this note holder was filing imminent foreclose.

361. That after the Hearing, ELIOT was contacted by a one, Walter "Walt" Sahn ("Sahn"), who called ELIOT to inform him that for months he was owed interest on \$100,000.00 loan on ELIOT'S children home of approximately \$3,800.00 through a deal with companies set up by SIMON and SHIRLEY. Sahn stated that he had contacted TED, TSPA and SPALLINA repeatedly to get such minimal interest payment owed from a company that ELIOT'S children own, Bernstein Family Realty LLC that owns their home. That Sahn, as exhibited herein, even offered to let the interest accrue to a later day and pay nothing now but TED and SPALLINA refused to even respond to his written and oral

requests, a common thread of their Willful, Wanton, Reckless, and Grossly Negligent behavior in disregard of law by the alleged fiduciaries of the estate and estate counsel . See **EXHIBIT 6 - SAHM LETTER TO ELIOT AND SAHM LETTERS TO TED AND SPALLINA.**

362. That Sahn stated that he retained an attorney and they refused to even contact his Attorney at Law to arrange payment and he felt like TSPA, SPALLINA and TED et al. were trying to force him to foreclose on the home through their continued ignoring of his requests. Sahn further stated that he was aware when he sold the home to SIMON, that SIMON and SHIRLEY were so happy to get ELIOT and his children a home and worked to make sure no creditors of ELIOT or those he was involved in a RICO action against, could use dubious tactics to take the home and he did not want to file a foreclosure without first talking directly to CANDICE and ELIOT as indicated in his letter. That Sahn in his letter states that what is going on to harm ELIOT and his family would leave SIMON and SHIRLEY "**MORTIFIED.**"

363. That SIMON put a Balloon Mortgage apparently to himself of approximately \$365,000.00 to further secure the home, on top of Sahn's \$100,000.00 carry over loan that was left over from the sale of the home by Sahn to SIMON, when SIMON bought Sahn's long established business from him. That this made loans and mortgages against the home to Sahn and SIMON approximately \$465,000.00 and where the home was only purchased for \$360,000.00? Unless one understands the nature of what was happening to ELIOT and his family, including a CAR BOMBING of his family's minivan in Del Ray Beach, FL and why these elaborate steps were taken to protect his family by SIMON and SHIRLEY, the

transactions make no sense and these reasons are further defined herein and in Petition 1, Section "The Elephant in the Room."

364. That for months, TSPA, SPALLINA, TESCHER and TED et al. claimed to ELIOT that he should stop making problems or they would foreclose on his home using the Balloon Mortgage to SIMON and then later that Sahn was threatening foreclosure and he better hurry and sign off on all the fraud to get monies or he and his family would be homeless soon, despite the fact that SPALLINA originally told ELIOT that SIMON'S loan was to be waived by the estate, thrown in the garbage, as it was a sham note to protect the home that he could easily waive if ELIOT cooperated.

365. That SPALLINA informed YATES that there was imminent foreclosure from Sahn and SIMON as well and that she should advise ELIOT to take the money from an insurance beneficiary and trust fraud scheme to convert a policy owned on SIMON that ELIOT refused to partake in, on advice that the insurance scheme appeared an artifice to defraud, see **EXHIBIT 7 - ELIOT ANSWER AND COUNTER CLAIM TO JACKSON**

**NATIONAL LAWSUIT @**

[www.iviewit.tv/20130921AnswerJacksonSimonEstateHeritage.pdf](http://www.iviewit.tv/20130921AnswerJacksonSimonEstateHeritage.pdf) , hereby incorporated by reference in entirety, and in Petition 1.

366. That SPALLINA and TED claimed that ELIOT either sign the proposed sham trust agreement for the policy to pay off Sahn's and SIMON'S notes or else they would take from ELIOT and his children's inheritance the amount of the sham Balloon Mortgage, that is also legally defective in the documents for a variety of reasons and make sure ELIOT and his children would be left with nothing and SIMON and Sahn would foreclose on his children's home and leave them homeless. Of course, a foreclosure by SIMON and Sahn

is what SPALLINA and TED claim are the wishes and desires of SIMON, SHIRLEY and Sahn and one need only read Sahn's letter exhibited herein to know that nothing could be further from the truth.

367. That in fact Sahn claims that he has been trying to get payment or even accrual of payment of interest on his note agreed to with the managers of Bernstein Family Realty LLC, who he was led to believe was either SPALLINA or TED, when in fact it was Oppenheimer until just recently and they never told Sahn the truth of who was Manager of the LLC and they then blew off Sahn's calls and letters and even contact by his attorney he had to hire and tried apparently to leave Sahn with no choice but to foreclose over \$3,800.00 or even \$0.00 if they chose to accrue the interest. These acts further support ELIOT'S claims in Petition 7 of extortion through threatened foreclosure.

368. That almost all of the necessary documents used to attempt to effectuate changes in beneficiaries in both SIMON and SHIRLEY'S estates are defective and legally should be null and void and now appear to be part of a much more dubious set of criminal acts.

369. That after some bantering from Your Honor at the Hearing of why ELIOT refuses to take money from a Condominium sale that he alleges took place using fraudulent documents with fraudulent fiduciary powers and is converting monies from the proper beneficiaries, interesting things were learned that could help alleviate the financial burdens being intentionally heaped upon ELIOT and his family by estate counsel.

**A RATIONALE AND IMMEDIATE SOLUTION TO THE EMERGENCY RELIEF REQUESTED FOR ELIOT, CANDICE AND THEIR CHILDREN UNTIL THE COURT CAN DETERMINE THE EFFECTS OF FRAUD ON THE BENEFICIARIES AND FRAUD ON THE COURT ADMITTED TO BY ESTATE COUNSEL ALREADY**



370. That it should be noted that the sale of the Condominium took place behind ELIOT and his children's counsel's backs and it was learned at the Hearing that distributions were made from this illegal sale and converted to trust accounts for 7 of 10 of the grandchildren, in the amount of \$80,000 per child. ELIOT refused to partake in the distribution of this ill-gotten money as it would make ELIOT and his children willingly a part of fraud, almost in essence granting a waiver of immunity to the others in exchange for participation in the crimes. This conversion and coveting of money is prohibited by ELIOT'S integrity and as Your Honor learned in the Hearing, ELIOT would rather see his children starve before teaching them that committing crimes to feed them would be right.

371. That perhaps Your Honor, this failure to take tainted money and participate in fraud to feed ones children is wrong in Your Court and worthy of a Guardian according to MANCERI at the Hearing but ELIOT appears to also follow higher laws, those of the simple Ten Commandments, which make it wrong to covet that which is not rightfully yours and to "Honor thy Father and Mother" by honoring their last wishes and seeing them carried through legally and properly.

372. That in the Hearing MANCERI even tried to claim that ELIOT'S children should have Guardians as ELIOT would not violate law and for his failing to commit fraud to feed his children and MANCERI would know how that goes, as he is most likely feeding his children from the fraud upon this Court, lies to this Court and the fraud upon the ultimate beneficiaries that he appears now to be an integral part of from his conduct at the Hearing.

21 MR. MANCERI: I'm very concerned about  
22 something Mr. Bernstein just told The Court.  
23 He's the one objecting they're in conflict,  
24 he's stating from what I'm piecing together  
25 that he believes that his children are getting  
00065

1 money that the parents really was supposed to  
2 go to him personally. He's got the inherent  
3 conflict with that mindset.  
4 MR. ELIOT BERNSTEIN: I'm not saying I  
5 don't.  
6 THE COURT: Okay, here's the point, if  
7 you're at a point where you're asking The Court  
8 for an emergency because you can't feed  
9 children, and there's someone around the corner  
10 that's holding out a \$20 bill and says you  
11 could have it to feed your children, and you  
12 go, you know, I'm not going to take that to  
13 feed my children because I want to have a court  
14 determine that it really was mine, then I don't  
15 know that you're treating this as an emergency.  
16 Emergencies mean you figure out a way of  
17 getting the money to your children sooner than  
18 later, and they say it's happening imminently,  
19 cash that could pay bills for your children.  
20 That's what they say. If it's an emergency and  
21 your kids are starving, and you as the parent  
22 say that might be my money and not my kids', so  
23 I want to wait for two or three years and let  
24 the money stay in a bank account until I could  
25 figure it out, and not feed my children, I  
00066  
1 think you need to reflect upon some of your  
2 decisions.  
3 MR. MANCERI: Your Honor --  
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4 THE COURT: What?  
5 MR. MANCERI: I'm not saying we're going  
6 to do this, Judge, but this sounds like this  
7 may need an ad litem for these kids.  
8 THE COURT: Well, I don't know, let's not  
9 add fuel to the fire.  
10 MR. MANCERI: Because I'm troubled by what  
11 he's saying.  
12 THE COURT: All right, so --  
13 MR. ELIOT BERNSTEIN: Here's why I have  
14 not taken that money.  
15 THE COURT: Why?  
16 MR. ELIOT BERNSTEIN: Because if you told  
17 me, your Honor, that you just murdered him, and  
18 here's \$20 from his pocket to feed your kids  
19 from the crime --  
20 THE COURT: If they were starving I would  
21 take the \$20.  
22 MR. ELIOT BERNSTEIN: On that advice, I'll

23 take the money.  
24 THE COURT: If they were starving --  
25 MR. ELIOT BERNSTEIN: On that advice --  
00067  
1 THE COURT: Your kids are starving. I'm  
2 not giving you advice.  
3 MR. ELIOT BERNSTEIN: On that advice, I  
4 will --  
5 THE COURT: The \$20 didn't murder anybody,  
6 did it? Did the \$20-bill murder someone?  
7 MR. ELIOT BERNSTEIN: It's stealing money  
8 from people.  
9 THE COURT: They're not -- this isn't  
10 stolen money. This is your parents' money.  
11 MR. ELIOT BERNSTEIN: If I take that money  
12 and put it in my kids' accounts, it's actually  
13 taking money from what we believe are the true  
14 and proper beneficiaries --

373. That however what this banter did reveal is that the monies from the alleged fraudulent sale of Condominium by TED acting as alleged “Successor Trustee” and “Personal Representative” to consummate the transaction has already been converted through distributions made through this fraudulent scheme to the other alleged wrong beneficiaries other than ELIOT’S children. Yet, there is money from the fraudulent sale of the condominium in the estate and these monies can be accessed and distributed in a different manner by Your Honor that achieves both Your Honor’s idea for ELIOT to take the tainted money and feed the children acting as a good parent and ELIOT’S idea to refuse the dirty money and watch his children and family suffer for failing to participate in the conversion of assets of the estate to the wrong parties.

374. That the Condominium has sold and ELIOT has no transaction details and the numbers are based solely on what has been orally conveyed, for approximately USD \$1,600,000.00, a woefully low number but regardless that would amount to either,





- i. ELIOT getting one third as beneficiary if changes to the beneficiaries were never made, equaling USD \$533,333.33 or
- ii. ELIOT'S children getting 3/10<sup>th</sup> if the beneficiaries were changed legally by SIMON while alive, equaling USD \$480,000.00 and
- iii. if only ELIOT, IANTONI and FRIEDSTEIN'S six children are the ultimate beneficiaries, to be determined by this Court after reviewing the Power of Appointment language, than ELIOT and his family would get 50% or USD \$800,000.00 with ELIOT having 3 of the 6 children that are qualified beneficiaries under the power of appointment.

375. That this Court could now order that UNTIL all criminal and civil matters in both estates are fully resolved and the true and proper beneficiaries of both estates and ALL trusts can be determined by Your Honor and Judge French, to determine how and to whom the money legally flows, where knowing of Fraud, Forgery and Fraud on the Court has been already admitted to and committed against this Court and ELIOT'S family by the illegal and fraudulent acts of estate counsel and their employees, relief could be granted by Your Honor that could solve all the EMERGENCY problems in the interim without ELIOT committing any crimes to achieve such end.

376. That Your Honor should not order ELIOT to use the funds by participating in their alleged frauds and allowing distribution of the funds fraudulently and to the wrong parties, forcing ELIOT to take tainted monies and convert and comingle them into new trusts for his minor children.

377. That it would "reek to high heaven" if this Court allows TSPA, SPALLINA, TESCHER et al. to create new trusts for the money to flow into, knowing of the crimes the Court now

knows of and this would be against protestation by ELIOT of them having anything further to do with the estates of SIMON and SHIRLEY or representing any party of the estate, for their FELONY crimes admitted to and acknowledged thus far. TRUST HAS BEEN SHATTERED BY THE FIDUCIARIES AND ESTATE COUNSEL FOR VIOLATIONS OF LAW AND ELIOT DOES NOT TRUST ANYTHING THEY DID OR DO FURTHER, ESPECIALLY INVOLVING HIS THREE MINOR CHILDREN AND BELIEVES THE COURT SHOULD IMMEDIATELY REMOVE THEM and YOUR HONOR FREEZE AND IMPOUND ALL ASSETS AND RECORDS, DISMISS ALL THOSE WITH UNCLEAN HANDS AND APPOINT NEW AND TRUSTWORTHY FIDUCIARIES AND NEW ESTATE COUNSEL.

378. That Your Honor however could use a portion of the monies instead to replenish and replace the intentionally depleted existing trusts at OPPENHEIMER that were already established by SIMON and SHIRLEY while alive and use them for ELIOT and his children as they have been being used for a year now to pay the expenses, up until SPALLINA decided to flip the switch to off on those trusts in efforts to force/extort ELIOT to take the illegal distributions and put them in newly created trusts that SPALLINA would now create.

379. That SPALLINA stated at the Hearing that he had already put in USD \$80,000.00 in each of the trusts for the other grandchildren that he established recently and that he could direct similar funds to be used for ELIOT'S family expenses, even claiming he was considering making "EMERGENCY" distributions of these funds to ELIOT'S family to pay expenses through the old trusts, since ELIOT refuses to set up new trusts to illegally convert the monies to the wrong parties to pay the expenses through this fraudulent arrangement.

380. That this would amount to USD \$240,000.00 of the USD \$480,000.00 that would come to ELIOT'S three children under their scheme that instead could be put into the existing trusts at Oppenheimer, today and which would stop all these SPALLINA CREATED EMERGENCIES on THREE MINOR CHILDREN and two adults and this Court could use those funds as interim distributions and family allowances that could later be deducted from either ELIOT or his children's inheritance when decided by this Court who the beneficiaries ultimately are.
381. That the total amount that would be paid to ELIOT'S children for the sale of the Condominium is actually USD \$480,000.00 and ELIOT remains unclear why SPALLINA did not make full distributions from the sale of the condominium to any of the alleged grandchildren beneficiaries and what the other half of the monies from the sale are being used for at this time, perhaps they are taking it as legal fees and ELIOT would not know as the accountings of legal fees has never been disclosed to any beneficiaries in either estate.
382. That there is more than enough monies to cover these expenses for several years if it takes Your Honor that long to figure this out as stated in Court and ELIOT states if Your Honor chooses they can be drawn down monthly as needed instead of paid all at once, however it suits Your Honor it averts crises.
383. That these funds can be ordered released instantly by Your Honor as EMERGENCY Interim Distributions and Family Allowances until final determinations of whose monies it is can be made but in the meantime Your Honor could instantly order the continuation of the funding of ELIOT, CANDICE and their minor children as was intended, as they should not be punished further or extorted further to participate in fraud.

384. That this solution resolves both ELIOT and Your Honor's concerns that ELIOT and his family eat tomorrow, the children go to school, have electricity, water, etc. and have all their expenses covered for their lives in amounts provided under the estate plans and contracts signed with SIMON and SHIRLEY. These were the wishes and desires of SIMON and SHIRLEY according to their last valid wishes and desires and legally binding estate plans they signed in 2008. Keep in mind that ELIOT and CANDICE are currently broke due to the sudden cessation of reimbursements owed them by the trusts and bills are now not being paid by the trustees and the EMERGENCY for ELIOT'S family has grown desperately worse over the month since the hearing and the bills attached to the Oppenheimer correspondences exhibited herein show the specific dates electricity will stop, school will stop, etc. now that no one is paying them.

385. That learned at the Hearing was that despite knowing of the fraudulent and forged signatures in their names and that the Condominium may have been sold fraudulently and without notice of these alleged crimes to the buying parties and others, TED, P. SIMON, IANTONI and FRIEDSTEIN already converted the monies into some form of trust accounts, knowing that these monies are fraudulent and may be revoked according to law as they hurried to sell the condominium and convert the monies in a fire sale before their crimes were discovered or they were forced to acknowledge them.

386. That this Court should order all converted monies from the illegal sale of the Condominium by TED acting as an imposter in false fiduciary titles in the estate to complete the transactions, with the aid of estate counsel, returned IMMEDIATELY to the Court until this Court can determine if the transaction was legal and if the true and proper beneficiaries are being paid.

387. That the integrity and fiduciary trust of estate counsel and ELIOT'S four siblings is now in question and this Court should demand that all those who participated in these transactions knowing that their names were forged on fraudulent documents in the estate and knowing that TED did not have Letters to transact on behalf of the estate, all be thrown out of any fiduciary capacities they hold instantly, at minimum, until this Court and law enforcement determine if they should be prosecuted for their crimes. Where it appears that Your Honor has allowed admitted fraudsters to continue running the estate despite Your Honor's admitted knowledge that a fraud has taken place upon Your Court and the beneficiaries worthy of reading Miranda to each of them.

**(IV) MOTION TO IMMEDIATELY CORRECT THE BENEFICIARIES OF THE ESTATE BASED ON PRIOR CLOSING OF THE ESTATE THROUGH FRAUD ON THE COURT BY USING FRAUDULENT DOCUMENTS SIGNED BY SIMON WHILE HE WAS DEAD AND POSITED BY SIMON IN THIS COURT WHEN HE WAS DEAD AS PART OF A LARGER FRAUD ON THE ESTATE BENEFICIARIES**

388. That ELIOT and/or his children's beneficial interests need to be determined in order for distribution of any of the gross estate to any parties, in any amounts other than interim distributions and family allowances, until determinations can be made and their appear three possible outcomes for this Court for ELIOT,

- i. ELIOT getting one third of the estate as beneficiary if changes to the beneficiaries were never legally made and SHIRLEY'S 2008 Will and Trust are upheld or
- ii. ELIOT'S children getting 3/10<sup>th</sup> if the beneficiaries were changed legally by SIMON while alive or
- iii. only ELIOT, IANTONI and FRIEDSTEIN'S six children are the ultimate beneficiaries if SIMON'S alleged beneficiary changes are limited by the Power of

Appointment to a defined and qualified beneficiary pool of SHIRLEY'S, whereby ELIOT and his family would then get fifty percent 50% of the estate value, as ELIOT has 3 of the 6 children qualifying children.

389. That at the closing of the Hearing Your Honor states,

10 THE COURT: If it comes to you as trustee  
11 for your children, you are -- you have a duty  
12 to only use it for the children, not yourself.  
13 Not you. You still have to work for you. Now,  
14 you don't have to work for your children,  
15 maybe. You still have to support yourself.  
16 MR. ELIOT BERNSTEIN: Yeah.  
17 THE COURT: The money has to get spent on  
18 your children if that's how you get it.  
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19 MR. ELIOT BERNSTEIN: Right.  
20 THE COURT: That's all we're talking about  
21 is money to feed your children.  
22 MR. ELIOT BERNSTEIN: You see, if the  
23 money came to me, it's also for me and my wife  
24 and feeds our children.  
25 THE COURT: That's not what they said. It  
00070  
1 does not go to support you and your wife.  
2 MR. ELIOT BERNSTEIN: If the money comes  
3 to me as a beneficiary, it does. If all these  
4 nonsense documents that are forged and --

390. That what "they said" cannot be trusted and relied upon by this Court or the beneficiaries and interested parties any longer as the Court and the beneficiaries have knowledge that they have participated in Fraud, Fraud on the Court and more. Further, the money has been going to pay for ELIOT and CANDICE and the children, not just the children as the Court claims they said.

391. That this Court now has further evidence already exhibited herein, that they have further lied to Your Honor multiple times at the Hearing making any and all claims untrustworthy and made in conflict of freedom versus prison. Yet, this exchange above at the Hearing

then answers Your Honor's earlier question of if the documents are forged does it change anything and here in your own statement we see that who gets the money has a major effect on how and who the money can be spent on and further who is in charge of the estates. What is more important is the question of if the money is being distributed according to the final wishes of SIMON and SHIRLEY, prior to all this fraud and forgery and more attempting to thwart their estate plans and wishes.

17 THE COURT: Mr. Bernstein, I want you to  
18 understand something. Let's say you prove what  
19 seems perhaps to be easy, that Moran notarized  
20 your signature, your father's signature, other  
21 people's signatures after you signed it, and  
22 you signed it without the notary there and they  
23 signed it afterwards. That may be a wrongdoing  
24 on her part as far as her notary republic  
25 ability, but the question is, unless someone  
00060  
1 claims and proves forgery, okay, forgery,  
2 proves forgery, the document will purport to be  
3 the document of the person who signs it, and  
4 then the question is, will something different  
5 happen in Shirley's estate then what was  
6 originally intended? Originally intended they  
7 say, the other side, was for Simon to close out  
8 the estate.

392. That at the Emergency Hearing on September 13, 2013, MANCERI and SPALLINA attempted to claim that ELIOT was not a beneficiary of the estate of SHIRLEY and thus was not entitled to anything but personal effects, which he has still not received a single item of and where the other four children have already ransacked and looted the homes of SIMON and SHIRLEY of personal effects, jewelry, art, items of sentiment and more, divvying it up wholly between themselves as fast as they could before their crimes were exposed with the aid of estate counsel and not giving ELIOT and his children a thing.



393. That ELIOT informed the Court that contrary to MANCERI claiming he was not a beneficiary, ELIOT was in fact a beneficiary until alleged forged and fraudulent documents were submitted to this Court in both estates attempting to make post mortem changes to SHIRLEY'S estate beneficiaries and SIMON'S and if this fraud does not hold up ELIOT will remain a true and proper beneficiary.

394. That without these fraudulent and forged documents ELIOT would still be a beneficiary and if these documents do not hold up in Court as valid and binding then ELIOT still is a beneficiary and why these fraudulently notarized and forged documents that were discovered in the Court by Your Honor are so important, as they change who the true and proper beneficiaries are, how much they will receive and where leaving these crimes unresolved as NON-EMERGENCIES allow assets to continue to be converted to the wrong parties and cause great harm to ELIOT and CANDICE and their children.

**(V) MOTION TO ASSIGN NEW PERSONAL REPRESENTATIVES AND ESTATE COUNSEL TO THE ESTATE OF SHIRLEY FOR BREACHES OF FIDUCIARY DUTIES AND TRUST, VIOLATIONS OF PROFESSIONAL ETHICS, VIOLATIONS OF LAW, INCLUDING BUT NOT LIMITED TO ADMITTED AND ACKNOWLEDGED FRAUD, ADMITTED AND ACKNOWLEDGED FRAUD ON THE COURT, ALLEGED FORGERY, INSURANCE FRAUD, REAL PROPERTY FRAUD AND MORE**

395. That based on the evidence presented herein, in the Hearing and in Petitions 1-7 that the fiduciary and professional representatives of the estate of SHIRLEY, including but not limited to, TSPA, TESCHER, SPALLINA, MORAN, BAXLEY and TED et al., have transgressed moral turpitude and law and can no longer be trusted, therefore, ELIOT requests that this Court on its own motion take Judicial Notice of the crimes admitted to and acknowledged before Your Honor already and order all estate counsel removed and all



fiduciaries removed in any capacities, except for ELIOT and CANDICE and ALL ITEMS REMOVED FROM THE ESTATE RETURNED TO THIS COURT AND ACCOUNTED FOR INSTANTLY.

396. That TED also has conflicts acting in any fiduciary capacity in the estate with the STANSBURY lawsuit against the estate of SHIRLEY and SIMON, as he is a named INDIVIDUAL DEFENDANT who is alleged to have committed the acts thereunder. Thus, TED has competing interests in the outcome of the lawsuit, for he would rather have the estates he was disinherited from pay the lawsuit damages, if any, versus them being paid from him individually as they should be for the crimes he is alleged to have committed against STANSBURY.
397. That with each day Your Honor allows estate counsel and alleged fiduciary TED to handle the estate and move this Court, it appears new crimes are being committed by those who have already admitted and acknowledged involvement in criminal acts and continue to lie and defraud this Court and fraud the true and proper beneficiaries under apparently the color of law with Your Honor's blessings and this appears a gross injustice that further punishes the victims.
398. That on September 22, 2013 ELIOT filed an Answer & Cross Claim against the following parties in the US District Court for the Northern District of Illinois Eastern Division, Case No. 13 cv 3643, TSPA, TESCHER, SPALLINA, TED, P. SIMON, D. SIMON, Adam Simon ("A. SIMON"), THE SIMON LAW FIRM ("SLF"), IANTONI and FRIEDSTEIN and several business entities in response to ELIOT being added as a Third Party Defendant to a secreted Breach of Contract Lawsuit filed by A. SIMON (P. SIMON'S husband's law firm that operates out of P. SIMON'S offices) on behalf of TED and a "lost" "Simon

Bernstein Irrevocable Insurance Trust, Dtd 6/21/95” That the filing can be found at the URL @ [www.iviewit.tv/20130921AnswerJacksonSimonEstateHeritage.pdf](http://www.iviewit.tv/20130921AnswerJacksonSimonEstateHeritage.pdf) , fully incorporated in entirety by reference herein.

399. That this a perfect example of a new crime being committed after Your Honor and Judge French’s courts had evidence of wrong doing and that dead men appeared to be notarizing documents and much more in May 2013 and neither took EMERGENCY ACTION as requested. This insurance fraud starts with an initial life insurance claim filed for an insurance policy by estate counsel TSPA, TESCHER and SPALLINA et al.
400. That the claim was rejected by the insurance carrier who advised the applicants, TSPA, TESCHER, SPALLINA, TED and P. SIMON et al. that to pay the death benefit to the purported beneficiary as proposed they would need a “court order” to approve their insurance trust and beneficiary scheme, whereby TED would be acting as an alleged trustee of a “lost” trust and creating a new post mortem trust with TED choosing the alleged beneficiaries he recalls were in the “lost” trust, namely himself, TED, P. SIMON, IANTONI and FRIEDSTEIN, using TED’S imagined and alleged fiduciary power as “trustee” of a “lost” trust to enforce his claim.
401. That where the scheme has TED claiming to be “trustee” of the “lost” trust and then attempting to convert the proceeds from being paid to the estate where the either ELIOT, IANTONI and FRIEDSTEIN or their children would receive it and where he and P. SIMON would be wholly excluded and instead their scheme would have the benefits paid to them instead outside of the estate and estate beneficiaries, sounds like Kosher Pork and violations of fiduciary duties and law or stealing money from your own children.

402. That ELIOT again would not participate in what appears insurance fraud without counsel for his children and himself approving any insurance scheme that appeared an artifice to defraud and without having a “court order” to approve what appeared fiduciary madness. So instead of getting the “court order” demanded by the insurance carrier, they misled ELIOT to believe they were getting the “court order” from this Court and instead hatched a new plan, put in place secretly behind the back of ELIOT and his children’s counsel YATES in efforts to skin the cat without the “court order” and without ELIOT and his children having any knowledge of the transaction until the monies had been converted and it was too late.

403. That TED, TSPA, TESCHER, SPALLINA, P. SIMON, IANTONI and FRIEDSTEIN and others then attempted a Federal Breach of Contract Lawsuit against the insurance company for failing to pay the life insurance benefit demanded without the requested “court order” and in further efforts to abscond with the benefits. Where this scheme, from Jackson’s Answer and Counter Complaint to the breach of contract complaint filed by P. SIMON’S husband’s law firm, The Simon Law Firm, also seems to have failed, as Jackson refused the claim and countered the lawsuit, stating TED had filed the lawsuit against the advice of counsel who told him he had no “authority” to file on behalf of a “LOST” trust that he claims to remember he was “Trustee” of and remembers he was also a “beneficiary” of. Then Jackson added ELIOT to the lawsuit as a third party defendants and thus notified ELIOT of this back door insurance fraud happening behind the back of he and his children and even their own children’s backs.

404. That in all of these three attempts to convert the life insurance policy benefits to themselves from their children, their children have been unrepresented by independent

counsel and are being left unrepresented by their parents acting as “trustees” and who knowingly are in direct conflict with their children to receive the benefits and further suppressing information from their children to make an informed decision. Thus, failing to act as honest alleged “trustees” for their children and trying to end around this Court and certain beneficiaries and dodge the requested “court order” to put the proceeds into their own pockets.

405. That despite being advised of their conflicts by ELIOT with their children who would receive the benefits if paid to the estate and themselves who pocket the money from their insurance trust and beneficiary fraud scheme and baseless breach of contract lawsuit, they have moved ahead three times in efforts to convert the death benefit and in all instances failed to parse the conflicts or retain separate non conflicted counsel for their children and in fact suppressed information from them, this Court and other beneficiaries to hide their actions.

406. That the Settlement & Mutual Release (“SAMR”) created a trust (“SAMR Trust”), if one looks at the signature pages proposed, one sees that they have the minor children’s trustee/parents attempting to sign the deal for themselves personally and then sign on behalf of their children as trustees to waive their own children’s rights to the benefits. This is a severe breach of fiduciary and trust as Guardians and alleged “trustees.”

407. That when SPALLINA was confronted by IANTONI on a conference call with several other parties present, and asked if she could one day be sued by her daughter for the insurance beneficiary and trust fraud scheme proposed by SPALLINA that appeared to convert money from her daughter to her own pocket, while she acted as alleged “Trustee” for her daughter in the transaction, SPALLINA responded that “only if she found out or

you told her” or words to that effect, again exhibiting Willful, Wanton, Reckless, and Grossly Negligent behavior and disregard of the law.

408. That for these reasons TED, P. SIMON, IANTONI and FRIEDSTEIN’S children should all have Guardians Ad Litum appointed over them to protect them from the efforts of their parents who have conflicts in acting as “trustees” for their children while directly receiving benefits from their actions to inure benefits to themselves.
409. That TED should also have a Trustee Ad Litum assigned to any “alleged” roles he is claiming in the estate of SHIRLEY and SIMON, as it is apparent that he is breaching his fiduciary responsibilities in a variety of self-professed fiduciary roles and even brazen enough to lie to this Court that he was “trustee of the estate” at the Hearing.
410. That this Court must notify that US District court of its findings of fraud at the Hearing and how it is alleged that all these frauds on the courts and beneficiaries may be inter related and how this lawsuit may have been filed to evade this Court and get around the “court order” the life carrier demanded before paying benefit to the wrong parties and stop what appears a fraudulent claim.

**(VI) MOTION FOR GUARDIAN AD LITUM FOR THE CHILDREN OF TED, P. SIMON, IANTONI AND FRIEDSTEIN AND ASSIGN A TRUSTEE AD LITUM FOR TED FOR CONFLICTS OF INTEREST, CONVERSION AND MORE**

411. That TED, P. SIMON, IANTONI & FRIEDSTEIN should have Guardian Ad Litum assigned to act as their children’s alleged “Trustees” until this Court can determine who the ultimate beneficiaries are and why they did not come forth regarding their knowledge that their signatures were fraudulent and as stated in their Affidavits FORGED, until after the

authorities contacted them and other transgressions of fiduciary roles already evidenced herein and in Petitions 1-7.

412. That as ELIOT pointed out in the Hearing, each child of SIMON is now conflicted with their children directly as beneficiaries and MANCERI states ELIOT is in conflict not realizing that this means that TED, P. SIMON, IANTONI and FRIEDSTEIN are then also in conflict.

6 MR. ELIOT BERNSTEIN: I think there are  
7 other beneficiaries that are also --

8 THE COURT: They signed off.

9 MR. ELIOT BERNSTEIN: No, just their  
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10 parents have. The children don't even know.  
11 They're not even represented.

12 THE COURT: Well, the parents represent  
13 the child.

14 MR. ELIOT BERNSTEIN: No, but they have  
15 conflicting interests.

16 THE COURT: Well, you say that --

17 MR. ELIOT BERNSTEIN: Our attorney wrote a  
18 subpoena and said it. I had to get two lawyers  
19 because my attorney couldn't represent both  
20 sides of this.

21 MR. MANCERI: I'm very concerned about  
22 something Mr. Bernstein just told The Court.  
23 He's the one objecting they're in conflict,  
24 he's stating from what I'm piecing together  
25 that he believes that his children are getting  
00065

1 money that the parents really was supposed to  
2 go to him personally. He's got the inherent  
3 conflict with that mindset.

4 MR. ELIOT BERNSTEIN: I'm not saying I  
5 don't.

413. That this is true that ELIOT has a conflict with who the beneficiaries are ultimately to be, he or his children and has conflict in taking insurance money to himself through the SAMR Trust and Beneficiary Scheme and putting in his pocket instead of through the estate to

himself or his children when this Court decides the beneficiaries. In fact, ELIOT was the only child that retained independent counsel for his children with one law firm for them and ELIOT left himself no longer represented and even had to sign release papers to Tripp Scott to separate ELIOT and his children from being jointly represented by counsel due to the conflicts related to distribution of assets of the estates where conflicts arose, as in the insurance policy of SIMON or the Condominium sale.

414. That these conflicted acts by Trustees for their children are Willful, Wanton, Reckless, and Grossly Negligent behavior and disregard of the law by the alleged fiduciaries and cause for their immediate removal as trustees for their children.

**(VII) MOTION TO RECONSIDER AND RESCIND ORDER ISSUED BY THIS COURT**  
**“ORDER ON NOTICE OF EMERGENCY MOTION TO FREEZE ASSETS” ON**  
**SEPTEMBER 24TH FOR ERRORS AND MORE**

415. That on September 24, 2013 this Court ruled in error that the cause before the Court was not an EMERGENCY and this partially to do with ELIOT’S inability to put forth his arguments correctly at that time and due to the new evidence of criminal activity learned at the hearing that appeared to only compound the emergencies before the Court that day.

416. That another error in the Order is that Your Honor allowed estate counsel to continue to plead to the Court after the Hearing and after learning that estate counsel and their crew had tendered admittedly fraudulent and forged documents into the Court while closing the estate and then perpetrated other crimes, including but not limited to, Identity Theft and Fraud upon the Court.

417. That it was learned at the Hearing that SIMON had come to the Court while dead and closed the estate and somehow made changes in his estate that changed the beneficiaries of

SHIRLEY'S estate, all using SIMON to transact this official business with the Court while he was dead.

418. That it was learned at the Hearing that estate counsel and alleged fiduciaries, TSPA, TESCHER, SPALLINA, TED and MANCERI should have been read their Miranda Warnings based on the admitted acknowledgement that they had committed a Fraud upon the Court.
419. That it is further evidenced herein that multiple Perjured Statements and lies were told to Your Honor in the Hearing based on newly discovered information contained herein and gathered at the Hearing that should allow the Court to reconsider this Order.
420. That ELIOT failed to state clearly to the Court that part of the EMERGENCY was in fact due to newly discovered crimes being committed using documents now admitted fraudulently created and FORGED and further filed as part of a Fraud on this Court, including but not limited to, criminal sales of real property and insurance fraud that are enabled by these fraudulently gained fiduciary powers in the estates that Your Honor and Judge French are in charge of and that it is an EMERGENCY to stop these crimes from further being committed and protect the beneficiaries instantly.
421. That therefore, to stop ongoing and potential new crimes from occurring, this Court must act as if the building is on FIRE and the children are on FIRE and take immediate actions to rectify the damages already caused to their victims and call in the guards to read them their rights and take them to trial for these felony acts Your Honor has full knowledge of.
422. That therefore Your Order errs in stating that ELIOT'S motion was not an EMERGENCY and therefore should immediately be rescinded and these matters declared an



EMERGENCY and rehear instantly all those claims and reliefs sought within Petitions 1-7 and herein to rectify these matters.

423. That Your Honor at the Hearing stated the EMERGENCY MOTION was only denied as an EMERGENCY and the remaining issues of Petition 7 would be discussed at an Evidentiary Hearing and yet the Order states that Motion was denied wholly, not only as an emergency but in toto, leaving major issues of ongoing insurance fraud, extortion and more denied hearing and thus subjecting the beneficiaries to further continued fraud and looting of the estates.

424. That Your Honor also errs in the Order when limiting the evidentiary hearing to solely SHIRLEY'S estate as obviously and without doubt the estates of SIMON and SHIRLEY are interrelated, as certain as they were married for 50+ years and where the documents it was learned at the Hearing in SIMON'S estate that are alleged fraudulent were used to make changes in SHIRLEY'S estate and absolutely have everything to do with the matters before this Court.

425. That all documents, records, evidence and other materials from SIMON'S estate that are relevant to SHIRLEY'S estate must be admitted and allowed by the Court to be entered as part of the proceeding to preclude bias from entering the evidentiary hearing by banning the information from SIMON that effects SHIRLEY'S estate and thus allowing possible wiggle room for the Respondents to try and keep the overall crimes occurring in both estates separate and harder to stop.

426. That the Court errs in attempting to further limited the evidentiary hearing to alleged improprieties or defects in the form of pleadings or other documents submitted to the Court in furtherance of closing the estate of SHIRLEY, where now that there is admission of

fraud and multiple allegations of five of six parties of FORGERY in estate documents in SHIRLEY'S estate, ALL documents should be subject to scrutiny and entered into the evidentiary hearing in the furtherance of anything effecting SHIRLEY'S estate.

427. That to suppress these documents in SIMON'S estate, used in SHIRLEY'S estate from the evidentiary hearing in light of the admissions already of Fraud on the Court seems an error and biases ELIOT and precludes him from being able to review all the records necessary for the evidentiary hearing.

428. That therefore, Your Honor should demand ALL records of the estate be turned over to ELIOT and FORENSIC experts to be examined in all aspects of SHIRLEY'S estate for further possible FRAUD and FORGERY prior to any hearing so that all the evidence can be reviewed prior to the hearing and so the hearing can be properly prepared for, otherwise this suppression could also bias any planned hearing.

429. That any planned evidentiary hearing regarding the ADMITTED FRAUDULENT AND FORGED DOCUMENTS cannot have parties not legally represented or present as was with the first Hearing. Where those representing others at the evidentiary hearing cannot have been a part of the FRAUD or FRAUD ON THE COURT or even involved at all to this point, which now includes MANCERI, who aided such fraud at the Hearing through a series of Perjured Statements, half-truths and lies to the Court. How can estate counsel TSPA, TESCHER, SPALLINA and MANCERI represent themselves and the estate in an evidentiary hearing that they are the accused, will they call themselves as witnesses and then cross examine themselves with a dummy puppet? Will this Court trust their statements in defense of themselves or their claims regarding the estate after knowing of the felony crimes already admitted to and crimes committed already upon this Court?

430. That ELIOT did not know of these new crimes committed exposed by Your Honor in the filing of the admitted forged and fraudulent documents to this Court and failing to notify the Court of the diabolical scheme to close the estate with a knowingly dead person and these new crimes and all of these new crimes need to have discovery prior to any hearing.
431. That the Court errs in its Order in that to hold an evidentiary hearing without ELIOT having full disclosure of all documents, accountings, inventories, trusts, wills, etc. that have been suppressed in both estates against law as it would further prejudice ELIOT at the evidentiary hearing by precluding evidence that is irrefutably due to him to prepare for any evidentiary hearing.
432. That on October 08, 2013 ELIOT learned that MORAN had confessed to the crime of FORGERY to authorities in opposite of her original statement to the Florida Governor's Office whereby she claimed the documents were identical other than her Notary Stamp and this confession conflicts with that one. Her new confession of FORGERY also contradicts the statements made by SPALLINA and MANCERI to Your Honor at the Hearing that they were identical signatures on the original and fraudulent Waivers. This represents even more criminal acts and further reason to terminate all prior estate counsel and all fiduciaries and force upon them new non-conflicted counsel to represent them further and at any evidentiary hearing.
433. That due to the criminal acts unearthed by Your Honor at the Hearing, separate and distinct from the fraud and forgery now admitted to by MORAN, ELIOT requests Your Honor immediately notify the proper criminal authorities of the following list of newly discovered crimes, including but not limited to,

- i. Perjury and false claims to state officials in the conflicting statement of MORAN to the SHERIFF and Governor's Office and by SPALLINA and MANCERI to this Court,
- ii. Fraud on this Court by way of Criminal Identity Theft in using SIMON as alive while dead by TSPA, TESCHER, SPALLINA, MORAN and BAXLEY,
- iii. False Impersonation of a Fiduciary and whatever state laws this violates,
- iv. Filing Fraudulent and Forged instruments in Official proceedings,
- v. Theft of Real Property through the sale of the Condominium using falsified documents by TED acting illegally as "Successor Trustee" and "Personal Representative" of the estate of SHIRLEY,
- vi. Making false statements to obtain property,
- vii. Insurance Fraud,
- viii. Embezzlement,
- ix. Filing of false instruments in official proceedings,
- x. Theft of estate assets using falsified and fraudulent fiduciary powers by TED with TSPA, SPALLINA and TESCHER et al. aiding and abetting the theft and fraud through false personation of fiduciary titles and
- xi. Murder possibly.

434. That ELIOT has heard from sources that Your Honor is a man of great integrity who was in charge of Fraud Division for the Court and knows now that Your Honor is skilled in the art of fraud and can better determine than ELIOT'S Pro Se armchair criminology understanding of law, all of the crimes being committed and what code sections have been and are being violated and therefore take Judicial Notice of these crimes and take all

appropriate actions to notify the proper authorities in the proper jurisdictions of all the crimes being committed by not only MORAN but TSPA, TESCHER, SPALLINA, TED, P. SIMON, IANTONI and FRIEDSTEIN. If Your Honor does not wish to undertake these tasks to notify authorities and begin immediate investigation of each crime, please notify ELIOT immediately so as not impair any statutes of limitations he may have in his filing the criminal complaints against each party for each crime. After speaking to law enforcement, it was their opinion that Your Honor had the power to instigate all these investigations into each criminal act and ELIOT could do this but it could “add to many cooks” or words to that effect. ELIOT is not sure what powers Your Honor has and thus eagerly awaits Your Honor’s ruling on these matters.

435. That ELIOT’S armchair has legs too, as ELIOT is a graduate of the University of Wisconsin, Madison with a B.S. in Psychology whose passion is Juvenile Delinquency and Criminology and where part of his studies were at Waupun Correctional Institution, a maximum security facility, where Jeffrey Dahmer met his end, running psychological batteries on career criminals, (i.e. Minnesota Multiphasic Personality Inventory, Prisoners Dilemma, etc.) in efforts to understand the criminal mind from birth through incarceration, in search of markers that could be identified and thereafter treated before manifestation in children. Part of that work was exhaustive background research into court case files, prison records, etc. and then data entry of all this data endlessly in the dark and dank computer lab of Madtown for professors, including Ross L. Matsueda.



**(VIII) MOTION TO RECONSIDER AND RESCIND ORDER ISSUED BY THIS COURT  
“AGREED ORDER TO REOPEN THE ESTATE AND APPOINT SUCCESSOR  
PERSONAL REPRESENTATIVES” ON SEPTEMBER 24TH FOR ERRORS AND  
MORE**

436. That ELIOT wants to first thank the Court for reopening the estate on his Petition 7 filed.

437. That ELIOT wants to question the Court’s sanity however in appointing TED in the Order, who has lied to this Court in the Hearing regarding his claimed fiduciary title in the estate as “trustee for the estate,” which was learned to be false at the Hearing, as the new Personal Representative of the newly reopened estate, the Court relying on the claim that TED appears to have been appointed in the 2008 Will of SHIRLEY as successor to SIMON.

438. That TED has been acting without Letters to appointment him Personal Representative for over a year and these illegal acts should now preclude him from being elected as the new PR in the newly reopened estate, as these breaches of fiduciary duties through false titles in the estate, without letters and a complete disregard for process and procedure, illustrates that neither then or now is TED qualified to act in any fiduciary capacity.

439. That ELIOT however thanks the Court for proving his point in the Hearing and via the Order that TED was not, nor is, either the Personal Representative or Trustee of the estate of SHIRLEY in the past and even now. Therefore, the transactions he commissioned with such false titles in the past appear fraudulent and more. That this Court now granting TED these fiduciary roles will not solve the crimes that have already transpired when he did not have proper fiduciary powers to execute any transactions and this should also make TED unqualified to serve as PR or trustee for the estate or trusts of SHIRLEY for these breaches and violations of law already committed.

440. That TED also has conflicts in any fiduciary capacity in the estate or trusts of SHIRLEY in regard to the STANSBURY lawsuit against the estate of SHIRLEY and SIMON, as TED is a named INDIVIDUAL DEFENDANT who is alleged to have committed the acts alleged by STANSBURY and thus has competing interests in the outcome of lawsuit, for TED of course would rather have the estates he was disinherited from pay the lawsuit damages, if any, versus them being paid from him individually as they should be. This might answer why TSPA, TESCHER, SPALLINA and TED all left the estate unrepresented by counsel in the lawsuit until ELIOT and YATES pointed out the dangers and gross negligence it represented.
441. That TED has conflicts of interest with his children acting as their trustees and with other beneficiaries in the estates, unless this Court determines TED and his lineal descendants to be wholly excluded as beneficiaries as was the case in the 2008 documents, as there was not a conflict with the beneficiaries when TED had been wholly excluded with his children.
442. That Exhibit 9 herein is a copy of the complete 2012 improperly notarized SIMON BERNSTEIN AMENDED TRUST AGREEMENT.
443. That Exhibit 10 is a copy of the complete 2012 improperly notarized SIMON BERNSTEIN WILL.

### CONCLUSION

444. That after Your Honor re-reviews Petitions 1-7 and reviews these instant Motion(s), all in light of,
- i. the admitted fraud and forgery of MORAN,