

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

IN RE: THE ESTATE OF
SHIRLEY BERNSTEIN,
Deceased

CASE NO. 502011CP000653XXXXSB
NOTICE OF MOTION
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 (BOTH PERSONALLY & PROFESSIONALLY);
DONALD R. TESCHER (BOTH PERSONALLY &
PROFESSIONALLY); THEODORE STUART BERNSTEIN
(AS ALLEGED PERSONAL REPRESENTATIVE,
TRUSTEE, SUCCESSOR TRUSTEE); AND JOHN AND
JANE DOES,

RESPONDENTS.

**NOTICE OF EMERGENCY MOTION TO FREEZE ESTATES OF SHIRLEY
BERNSTEIN DUE TO ADMITTED AND ACKNOWLEDGED NOTARY PUBLIC
FRAUD 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 PERSONAL
REPRESENTATIVES AND OTHERS; MOTION TO STRIKE THE MOTION OF
SPALLINA TO REOPEN THE ESTATE; CONTINUED MOTION FOR REMOVAL OF
PERSONAL REPRESENTATIVES AND SUCCESSOR TRUSTEES**

PLEASE TAKE NOTICE that upon the accompanying affirmation; Pro Se Petitioner Eliot Ivan Bernstein will move this Court before the Honorable Judge Martin H. Colin, Circuit Judge, 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 Freeze the Estate of Shirley Bernstein (“Shirley”) due to recently Admitted and Acknowledged Notary Public Forgery and Fraud by the Law Firm of Tescher & Spallina, P.A., Robert Spallina and Donald Tescher Acting as Alleged Personal Representatives and others and such other relief as the Court may find just and proper. That due to extraordinary circumstances defined herein of, an immediate lights out situation on Petitioner’s three minor children who are Beneficiaries of the estate and the Admitted and Acknowledged Forgery and Fraud by the Personal Representatives and their Notary Public, Kimberly Moran (“Moran”) to the Florida Governor’s Notary Public Investigators regarding documents of the estate filed with this Court, Petitioner requests this Court not wait for a hearing to be scheduled 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 FORGERY OF DOCUMENTS WAS SUBMITTED AS PART OF FRAUD ON 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.

Dated: Palm Beach County, FL

_____, 2013

X _____
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To:

Respondents sent US Mail, Fax and Email

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

IN RE: ESTATE OF
SHIRLEY BERNSTEIN,
DECEASED

CASE NO. 502011CP000653XXXXSB
PROBATE DIVISION
JUDGE MARTIN H. COLIN

ELIOT IVAN BERNSTEIN, PRO SE

AFFIRMATION

PETITIONER,

V.

TESCHER & SPALLINA, P.A., (AND ALL PARTNERS,
ASSOCIATES AND OF COUNSEL); ROBERT L.
SPALLINA (BOTH PERSONALLY & PROFESSIONALLY);
DONALD R. TESCHER (BOTH PERSONALLY &
PROFESSIONALLY); THEODORE STUART BERNSTEIN
(AS ALLEGED PERSONAL REPRESENTATIVE,
TRUSTEE, SUCCESSOR TRUSTEE); AND JOHN AND
JANE DOES,

RESPONDENTS.

_____ /

AFFIRMATION

I, Eliot Ivan Bernstein, make the following affirmation under penalties of perjury:

I, Eliot Ivan Bernstein, am the Pro Se Petitioner (“Petitioner”) in the above entitled action,
and respectfully move this Court to issue an order to Freeze the Estate of Shirley Bernstein
 (“Shirley”) due to **ADMITTED AND ACKNOWLEDGED CRIMINAL ACTS,**

INCLUDING BUT NOT LIMITED TO, FORGERY, NOTARY PUBLIC FRAUD, FRAUD ON THIS COURT, FRAUD ON THE BENEFICIARIES AND INTERESTED PARTIES AND INTERSTATE MAIL & WIRE FRAUD committed in this estate by the Law Firm of Tescher & Spallina, P.A., (“TSPA”), Robert Spallina (“Spallina”) and Donald Tescher (“Tescher”), Acting as the Alleged Personal Representatives, acting further as the Employer to their Legal Assistant and Notary Public, Kimberly Moran (“Moran”) and finally acting in collusion with Theodore Bernstein (“Ted”), all acting under alleged fiduciary roles as Personal Representatives and Successor Trustee, and such other relief as the Court may find just and proper.

The reasons why I am entitled to the relief I seek are the following based on information and belief:

INTRODUCTION

1. That on May 6, 2013 Petitioner filed Docket #34 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 15th Judicial Florida Probate Court and
 - ii. www.iviewit.tv/20130512MotionRehearReopenObstruction.pdf US District Court Pages 156-582

2. That on May 29, 2013, Petitioner filed Docket #37 **“RENEWED EMERGENCY PETITION”** (“Petition 2”)
 - i. www.iviewit.tv/20130529RenewedEmergencyPetitionShirley.pdf
3. That on June 26, 2013, Docket #39 Petitioner filed a **“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/20130626MotionReconsiderOrdinaryCourseShirley.pdf
4. That on July 15, 2013, Petitioner filed Docket #40 **“MOTION TO RESPOND TO THE PETITIONS BY THE RESPONDENTS”** (“Petition 4”)
 - i. www.iviewit.tv/20130714MotionRespondPetitionShirley.pdf
5. That on July 24, 2013, Petitioner filed Docket #41 **“MOTION TO REMOVE PERSONAL REPRESENTATIVES” for insurance fraud and more.** (“Petition 5”)
 - i. www.iviewit.tv/20130724ShirleyMotionRemovePR.pdf
6. That on August 28, 2013, Petitioner 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”)

ADMITTED AND ACKNOWLEDGED FORGERY AND FRAUDULENT DOCUMENTS SUBMITTED TO THIS COURT IN THE ESTATE

7. That in the aforesaid Petitions, Petitioner prayed to this Court already to Freeze the Estates of both Simon Bernstein (“Simon”) and Shirley on various grounds of alleged criminal activity claimed in Petitions 1-6. Petitioner requests this Court to consider all of allegations stated in those Petitions as part of this motion and now reconsider them in light of the newly **ADMITTED AND ACKNOWLEDGED CRIMINAL ACTS, INCLUDING BUT NOT LIMITED TO, FORGERY, NOTARY PUBLIC FRAUD, FRAUD ON THIS COURT, FRAUD ON THE BENEFICIARIES AND INTERESTED PARTIES AND INTERSTATE MAIL AND WIRE FRAUD.**
8. That Kimberly Moran (“Moran”), Legal Assistant and Notary Public working for the Law Firm of Tescher & Spallina P.A. (“TSPA”), Robert Spallina (“Spallina”) & Donald Tescher (“Tescher”) has in a sworn statement on August 08, 2013, in response to complaints filed by Petitioner has **Admitted and Acknowledged** to the Florida Governor Notary Public investigation division that she Criminally Forged and Fraudulently Notarized documents submitted to this Court in the estate, while in the employ and under the supervision of TSPA, Spallina and Tescher and TSPA then submitted these **FORGED AND FRAUDULENT** documents to this Court, the Beneficiaries and Interested Parties via US Interstate Mail and Email, implicating further Mail and Wire Fraud and more, on six separate documents titled **“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)”) rendering these

documents used to close the estate of Shirley and begin an immediate selling of estate assets now NULL & VOID, other than as evidence of Forgery and Fraud and all of the other alleged Criminal Acts the documents were then used for, as alleged in Petitions 1-6 and further defined herein.

9. That Petitioner herewith produces as Exhibit 1 the Response made UNDER PENALTY OF PERJURY containing Moran's Admissions and Acknowledgements of Felony Criminal Acts on behalf of her employer TSPA and submitted to the Florida Governor's Office Notary Public investigation division.
10. That Exhibit 2 is Petitioner's Response to Moran's Response submitted to the Florida Governor's office and further evidencing now alleged Perjury in Moran's initial confession and further showing new documents in now the estates of both Simon and Shirley, exhibiting further Fraud and improper Notarizations in estate documents including, Wills and Trusts submitted to this Court, the Beneficiaries and Interested Parties.
11. That from Exhibit 2 one can see that opposite Moran's sworn statement made under Penalty of Perjury whereby Moran feigns that she acted alone and unsupervised and that these were the only document she violated her duties as Notary Public on, that instead one finds that TSPA directed Moran on a number of newly discovered document frauds that are further improperly Notarized, apparently all of these fraudulent documents were part of a PREMEDITATED plan, whereby the newly discovered documents work together with the six Waiver's Moran has admitted to Forging and TSPA Fraudulently submitting, all of these documents weaving together to effectuate near death bed changes to the estate plans of both Simon and Shirley, while Simon was under physical and mental duress and change the Beneficiaries to long established estate plans and finally to illegally gain Fiduciary

responsibilities over the estates through the use of these FORGED AND FRAUDULENT documents, all in efforts to further the alleged Felony Crimes fully described and evidenced in Petition's 1-6.

12. That Exhibit 3 is Petitioner's Original Complaint to the Florida Governor's Office. It should be noted by the Court that Moran only confesses to the six Waivers Petitioner filed with the Governor's office when she is confronted by investigators and that at no time did TSPA or Moran take it upon themselves to notify this Court or any other party of their Criminal Acts until they were confronted by investigators and forced to admission. Not even did they confess prior to investigators confronting them despite the fact that Petitioner had noticed them in Petitions 1-6 of the alleged at that time and now admitted Forgeries and Fraud.

13. That Exhibit 4 is a Cease and Desist Letter dated August 27, 2013 sent by Petitioner to TSPA, Spallina, Tescher, Ted, Moran and the Interested Parties, regarding their ceasing any actions, including any further sale or distribution of assets in the estates of Simon and Shirley while acting as alleged Personal Representatives and Successor Trustee, until investigations of their actions can be fully completed by state and federal authorities and until this Court determines the effects to the estates caused by these admitted Forged and Fraudulent Documents submitted by TSPA, Tescher, Spallina and Moran. To further cease and desist until investigation of the effects of the newly discovered Fraudulent documents evidenced in Exhibit 2, including Wills and Trusts can be determined and this Court determine whom the ultimate Beneficiaries will now be, who is responsible for the legal fees caused by the Admitted Crimes, for the forensic accounting and document analysis fees that will now be incurred and other related fees caused directly by this Admitted and Acknowledged Forgery and Fraud and finally determine what to do about ALL prior transactions of assets or any

other transactions that have been commissioned through the use of these admittedly Forged and Fraudulent documents and the newly discovered documents evidenced in Exhibit 2.

14. That TSPA, Spallina, Tescher, and Moran have acted together in criminal conspiracy and submitted these admittedly Fraudulent & Forged and now legally void documents in the estates of both Simon and Shirley to this Court and the Beneficiaries and Interest Parties that have materially changed who the ultimate Personal Representatives and Beneficiaries of the estates will be through now Admitted and Acknowledged Criminal Acts and thus Illegally gained Fiduciary Roles.
15. That the documents giving TSPA, Tescher, Spallina and Ted fiduciary powers in the estates of Simon and Shirley are currently under investigations with the Governor of Florida Notary Public Division and the Palm Beach County Sheriff's Office and have been tendered to the US District Court of New York Southern District, included as further evidence of RICO violations against Petitioner in an ongoing RICO and Antitrust Civil Lawsuit, legally related by Federal Judge Shira A. Scheindlin to a Former NY Supreme Court Departmental Disciplinary Committee Whistleblower Lawsuit of Christine C. Anderson, Esq. and others, involving a series of sophisticated financial crimes allegedly committed by criminals composed mainly of criminals operating through Law Firms using criminals disguised as Attorney at Law acting in violation of law to commit a host of sophisticated crimes to steal technologies valued in the Trillions. That several of the key Defendants in the RICO are also now currently involved in the estates of Simon and Shirley brought into the estates by TSPA and Ted.
16. That recent news evidenced in US District Court filing with Scheindlin, see URL fully included by reference herein, at

www.iviewit.tv/20130512MotionRehearReopenObstruction.pdf , which evidences that Joint Terrorism Task Force Funds and Resources were illegally used and Violations of the Patriot Act are alleged against Senior Ranking Members of the New York Supreme Court and Disciplinary Departments who used these illegally gained powers to target, monitor and OBSTRUCT JUSTICE against Anderson and allegedly the related cases, including but not limited, to the RICO of Petitioner¹. That recent news has evidenced that Senator John L. Sampson leader of the New York Democratic Party and former Chairman of the New York Senate Judiciary Committee was threatened and then took bribes to cover up Public Office Corruption involving these matters.

17. That in this new investigation by the Governor of Florida's Notary Public Investigation Division of the Fraudulent and Forged Notarized documents submitted to this Court by TSPA and illegally Notarized by Notary Public Moran who Admitted and Acknowledged that she had committed **MULTIPLE CRIMINAL ACTS BY FRAUDULENTLY NOTARIZING AND FORGING A SERIES OF DOCUMENTS** in the estate, including Notarizing key documents that altered the estate only weeks before Simon's death while under physical and emotional duress and she also Admitted to Forging and Notarizing a Waiver for Simon two months after he had been pronounced dead and then TSPA submitted

¹ Cases legally related or seeking relation to Anderson in the Southern District NY
(1:07-cv-09599-SAS) Anderson v The State of New York, et al. - WHISTLEBLOWER LAWSUIT
(1:07-cv-11196-SAS) Bernstein, et al. v Appellate Division First Department Disciplinary Committee, et al. LEGALLY RELATED BY JUDGE SCHEINDLIN,
(1:07-cv-11612-SAS) Esposito v The State of New York, et al., LEGALLY RELATED BY JUDGE SCHEINDLIN,
(1:08-cv-05455-SAS) Capogrosso v New York State Commission on Judicial Conduct, et al., LEGALLY RELATED BY JUDGE SCHEINDLIN,
(1:08-cv-02391-SAS) McKeown v The State of New York, et al., LEGALLY RELATED BY JUDGE SCHEINDLIN,
(08cv02852) Galison v The State of New York, et al.,
(1:08-cv-03305-SAS) Carvel v The State of New York, et al., LEGALLY RELATED BY JUDGE SCHEINDLIN and,
(08cv4053) Gizella Weissshaus v The State of New York, et al.
(1:08-cv-04438-SAS) Suzanne McCormick v The State of New York, et al. LEGALLY RELATED BY JUDGE SCHEINDLIN
(08 cv 6368) John L. Petrec-Tolino v. The State of New York

these to the Court. These acts are Felony Crimes, not innocent one off “mistakes” as Moran attempted to claim to investigators in her Response Exhibit 1 and it is very clear that all these ADMITTED FORGED AND FRAUDULENT DOCUMENTS act together with the newly discovered alleged FRAUDULENT DOCUMENTS in Exhibit 2 to give TSPA, Tescher, Spallina and Ted Fiduciary Powers in the estates of Simon and Shirley, which therefore were illegally obtained, after the death of Simon and Shirley and where many of the documents may never have been executed by Simon or Shirley in the first place and where these crimes now warrant further investigation and discovery immediately of all documents in the estates.

18. That the documents admittedly FORGED AND FRAUDULENTLY submitted by TSPA, Spallina, Tescher & Moran to this Court constitutes not only Fraud against the Beneficiaries and Forgery but Fraud on the Court as the documents were sent to this Court as part of official records.
19. That while Moran has pleaded with the Governor of Florida’s Notary Public Investigation Division to have mercy on her soul and leniency for her acts, her “confession” is mired in further alleged Lies and Perjury leaving her further acting in bad faith and with unclean hands in confession and potentially guilty of Perjury and misleading state investigators with intent.
20. That these Crimes Committed and Admitted and Acknowledged in the creation of wholly Forged and Fraudulent documents evidenced in Exhibits 1,2 & 3 that assigned new Personal Representatives and Successor Trustees and new Beneficiaries in near death bed changes by Simon, affecting both he and Shirley’s long standing estate plans, have since being filed with this Court, the Beneficiaries and Interested Parties (through Admitted and Acknowledged

Mail and Wire Fraud) have allowed a plethora of continuing and ongoing alleged additional crimes to be committed against the Beneficiaries and Interested Parties, including but not limited to,

- a. Frauds on this Court,
- b. Frauds on Beneficiaries and Interested Parties,
- c. Alleged Insurance Fraud,
- d. Fraud on the US District Court Illinois, as defined in **Petition 5**,
- e. Alleged Real Estate Fraud, as defined in Petition 1&5, and,
- f. Theft of Estate Assets, as defined in Petition 1-6

15. That despite Moran's alleged Perjured and False statements that her crimes were a one off event influenced by drugs and that only she partook in the crimes, the exact opposite is evidenced in Exhibit 2 showing her statements to be wholly false, where it becomes obvious her actions were instead part of a larger set of documents fraudulently created and submitted to the Court in both estates by TSPA, done on a variety of different dates and in both estates, which were created in several instances with Tescher and Spallina as signors and witnesses of these other legally invalid and improperly Notarized and Witnessed documents that ever so carefully, all fit together perfectly to allow TSPA to ILLEGALLY seize control of the Fiduciary roles of the estates of Simon and Shirley with Ted and henceforth begin a Pattern and Practice of frauds using these ILLEGALLY gained Fiduciary Powers, all done in bad faith, all done with unclean hands and all done with scienter. TSPA is legally responsible and liable for the actions of their Legal Assistant and Notary Public Moran under law and directly legally responsible and liable for tendering the knowingly fraudulent and forged documents to this Court and others and then ignoring this knowledge and hurriedly trying to

sell off and distribute assets before the house of cards came burning down. For example, without these Forged and Fraudulent documents to close the estate of Shirley, the Condominium sold by the Personal Representatives and Successor Trustee Ted could not have occurred and which Petitioner alleges in Petition 1 and 5 that these were all fraudulent transactions and whereby these transactions further occurred behind the back of Petitioner and Petitioner's former counsel Tripp Scott and despite objections by Petitioner and his children's counsel that any transactions could be considered fraudulent until the alleged at the time and now admitted Forged and Fraudulent documents could be investigated, etc.

16. That it should be noted to the Court, in a soft shoe ballerina dance around these ADMITTED AND ACKNOWLEDGED FORGED AND FRAUDULENT DOCUMENTS Spallina has recently submitted a "Motion to Reopen Estate and Set Evidentiary Hearing" to this Court, whereby he attempts to further mislead this Court and the Beneficiaries. First off, the Motion should be stricken for a number of conflicts that are created by the Fraudulent Documents admitted to and Spallina acting further in the matters without counsel and where he is wholly liable for these matters. Second, the estate of Shirley has already been re-opened by Petitioner who the Court approved and Petitioner paid the USD \$50.00 fee to the Court several months ago. Third, Spallina claims in Exhibit 7 – Motion to Reopen... that "It was recently brought to the attention of the Petitioner [Spallina] that certain irregularities occurred in connection with the execution of the Waivers filed in connection with the closing of this Estate." (Emphasis added) That nothing could be further from the truth, as Spallina is well aware of these "irregularities" aka **FORGERY AND FRAUD AND MORE** since Petitioner served him Petitions 1-6 alleging the documents were bogus. Yet, he did not run to the Court at that time to Admit and Acknowledge these crimes, he instead rushed to sell

and distribute assets to perhaps the wrong beneficiaries in furtherance of his criminal acts alleged in Petition 1-6. Now, after knowing for months of these allegations filed with the courts and only after investigators from the Governor's office begin investigation does he come forth to this Court claiming he has just recently found out about this, as if he were wholly unaware of these "irregularities and right after submitting response to the Governor's office with the Admissions of Forgery and Fraud in the estate.

17. That as for the claim in his Motion to Reopen... before this Court where he claims "we [an undefined we] believe that the appropriate procedure is to..." where after being centrally involved and liable for the Admitted Forged and Fraudulent documents in the estate, this Court should not care what Spallina or "we" believe any longer. Petitioner believes the right thing to do is for Tescher and Spallina and Moran and Ted turn themselves in to criminal authorities and confess more fully the extent and full extent of their crimes in the estates and new Personal Representatives should be selected, and Plaintiff has several qualified persons available, to further represent the estates and beneficiaries. That additionally, this Court should not only seek sanctions and bonding and more but should also seek Criminal Prosecution of these parties for the Forgeries, Fraud, Fraud on this Court, Abuse of Process and more and for those Felony Crimes already admitted to.

18. That Moran is also found working on several other sets of documents as Witness to another Notary Public employee of TSPA, a one Lindsay Baxley, ("Baxley") where Petitioner has requested further investigations into her involvement in these other documents in the estates created in collusion with Moran and Spallina and Tescher and evidenced as Exhibits in **Exhibit 2.**

19. That Petitioner has petitioned this Court repeatedly to act on its own motion to remove the Personal Representatives for a multitude of Fiduciary Violations and alleged criminal acts occurring in Petition 1-6 and to stop further crimes from being committed involving more and more parties. Again, Petitioner urges the Court to remove these Personal Representatives and Successor Trustee Ted to prevent further crimes being committed against the Beneficiaries and Interested Parties and now other parties, based on the Admitted Forged and Fraudulent documents submitted to this Court and the Beneficiaries.

**ATTEMPT TO EXTORT PETITIONER TO SIGN DOCUMENTS RELEASING
OPPENHEIMER AS TRUSTEE OF TRUST FUNDS OR ELSE FACE IMMEDIATE
TERMINATION OF FUNDS FOR LIVING EXPENSES FOR HIS FAMILY,
INCLUDING THREE MINOR CHILDREN EFFECTIVE AUGUST 28 2013.**