

**EXHIBIT 5**  
**FORGED AND FRAUDULENT NOTARY SIGNATURES IN SHIRLEY BERNSTEIN ESTATE**

**MEMORANDUM**

DATE: November 5, 2012

TO: Robert L. Spallina, Esq.

FROM: Astride Limouzin Case Manager, on behalf of -	X JUDGE MARTIN H. COLIN	Division - IY
This office does not provide legal advice	JUDGE JAMES L. MARTZ	Division - IZ
For procedural inquiries Tel. #561-274-1424	JUDGE ROSEMARIE SCHER	Division - IX

CASE NUMBER: 50 2011CP00653XXXXSB Estate of Shirley Bernstein

MATTER: Documents being returned Order of discharge

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

SHIRLEY BERNSTEIN  
 ESTATE  
 PALM BEACH COUNTY, FL  
 SOUTHERN DISTRICT  
 BRANCH-FILED  
 11/20/12  
 -6 AM 10:18

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

IN THE CIRCUIT COURT FOR PALM BEACH COUNTY, FL  
IN RE: ESTATE OF                      File No. 502011CP000653XXXXSB  
SHIRLEY BERNSTEIN,                      Probate Division  
Deceased.                                      Division

**WAIVER OF ACCOUNTING AND PORTIONS OF PETITION  
FOR DISCHARGE; WAIVER OF SERVICE OF PETITION FOR  
DISCHARGE; AND RECEIPT OF BENEFICIARY AND  
CONSENT TO DISCHARGE**

2012 OCT 24 PM 1:31  
SHARON E. B. OF CLERM  
PALM BEACH COUNTY FL  
SOUTH CITY BRANCH FILED

The undersigned, Simon L. Bernstein, whose address is 7020 Lions Head Lane, Boca Raton, Florida 33496, and who has an interest in the above estate as beneficiary of the estate:

- (a) Expressly acknowledges that the undersigned is aware of the right to have a final accounting;
- (b) Waives the filing and service of a final or other accounting by the personal representative;
- (c) 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;
- (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;
- (e) Waives the inclusion in the Petition for Discharge of a plan of distribution;
- (f) Waives service of the Petition for Discharge of the personal representative and all notice thereof upon the undersigned;
- (g) Acknowledges receipt of complete distribution of the share of the estate to which the undersigned was entitled; and
- (h) Consents to the entry of an order discharging the personal representative without notice, hearing or waiting period and without further accounting.

Signed on 4/9/12, 2012.

Beneficiary

By:   
SIMON L. BERNSTEIN

IN THE CIRCUIT COURT FOR PALM BEACH COUNTY, FL  
IN RE: ESTATE OF File No. 502011CP000653XXXXSB  
SHIRLEY BERNSTEIN, Probate Division  
Deceased. Division

2012 NOV 19 PM 2:29  
SHARON R. BUCK, CLERK  
PALM BEACH COUNTY, FL  
SOUTH CTY BRANCH-FILED

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- (c) 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;
- (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;
- (e) Waives the inclusion in the Petition for Discharge of a plan of distribution;
- (f) Waives service of the Petition for Discharge of the personal representative and all notice thereof upon the undersigned;
- (g) Acknowledges receipt of complete distribution of the share of the estate to which the undersigned was entitled; and
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Signed on 4/9/12, 2012.

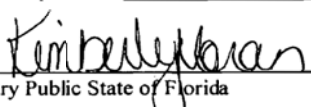
Beneficiary

By:   
SIMON L. BERNSTEIN

Sworn to and subscribed before me on April 9, 2012, by SIMON BERNSTEIN, who is personally known to me or who produced \_\_\_\_\_ as identification.

(Affix Notarial Seal)



  
Notary Public State of Florida

IN THE CIRCUIT COURT FOR PALM BEACH COUNTY, FL  
IN RE: ESTATE OF                      File No. 502011CP000653XXXXSB  
SHIRLEY BERNSTEIN,                      Probate Division  
Deceased.                                      Division

2012 OCT 24 PM 1:31  
SHARON R. EDDY, CLERK  
PALM BEACH COUNTY, FL  
SOUTH OF 788 AVENUE FILED

**WAIVER OF ACCOUNTING AND PORTIONS OF PETITION  
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CONSENT TO DISCHARGE**

The undersigned, Eliot Bernstein, whose address is 2753 NW 34<sup>th</sup> Street, Boca Raton, FL 33434, and who has an interest in the above estate as beneficiary of the estate:

- (a) Expressly acknowledges that the undersigned is aware of the right to have a final accounting;
- (b) Waives the filing and service of a final or other accounting by the personal representative;
- (c) 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;
- (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;
- (e) Waives the inclusion in the Petition for Discharge of a plan of distribution;
- (f) Waives service of the Petition for Discharge of the personal representative and all notice thereof upon the undersigned;
- (g) Acknowledges receipt of complete distribution of the share of the estate to which the undersigned was entitled; and
- (h) Consents to the entry of an order discharging the personal representative without notice, hearing or waiting period and without further accounting.

Signed on May 15, 2012.

Beneficiary

By   
ELIOT BERNSTEIN

IN THE CIRCUIT COURT FOR PALM BEACH COUNTY, FL  
IN RE: ESTATE OF                      File No. 502011CP000653XXXXSB  
SHIRLEY BERNSTEIN,                      Probate Division  
Deceased.                                      Division

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Signed on May 15, 2012.

Beneficiary  
By: [Signature]  
ELIOT BERNSTEIN

Sworn to and subscribed before me on May 15, 2012, by ELLIOT BERNSTEIN, who is personally known to me or who produced \_\_\_\_\_ as identification.

(Affix Notarial Seal)



Kimberly Naranjo  
Notary Public State of Florida