

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

IN RE: THE ESTATE OF

CASE NO. 502012CP004391XXXXSB

SIMON BERNSTEIN,  
Deceased

HON. JUDGE FRENCH

\_\_\_\_\_/

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,  
JOHN AND JANE DOE'S (1-5000)

RESPONDENTS

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**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,  
JILL MARLA IANTONI, AS TRUSTEE FOR HER  
CHILDREN,  
PAMELA BETH SIMON, INDIVIDUALLY,  
PAMELA BETH SIMON, AS TRUSTEE FOR HER  
CHILDREN,

**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

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**OBJECTION TO MOTION TO STRIKE PETITION TO DETERMINE AND  
RELEASE TITLE OF EXEMPT PROPERTY**

COME NOW, Eliot Ivan Bernstein ("Petitioner"), as Beneficiary and Interested Party both for himself personally and as Guardian for his three minor children who also are alleged Beneficiaries and Interested Parties of the Estate of Simon Bernstein ("Simon"), Pro Se, and hereby files this OBJECTION TO MOTION TO STRIKE PETITION TO DETERMINE AND RELEASE TITLE OF EXEMPT PROPERTY and in support thereof state, as follows:

**BACKGROUND UPDATE**

1. Eliot Bernstein, Pro Se, filed a Petition to Determine and Release Title of Exempt Property on October 10, 2013.
2. That on October 24, 2013, Attorney at Law, Mark Manceri ("Manceri") filed a MOTION TO STRIKE PETITION TO DETERMINE AND RELEASE TITLE OF EXEMPT

PROPERTY on behalf of Co-Personal Representatives, Robert Spallina ("Spallina") and Donald Tescher ("Tesch") without first filing for an appearance to act on their behalf before this Court. Where currently the only attorney at law who has filed with this Court to represent Tescher and Spallina as Co-Personal Representatives is Spallina who represents both himself and Tescher. Therefore, Manceri's pleading should be stricken for his failure to enter an appearance prior to the pleading but that is not the only reason.

3. A copy of an ALLEGED Will of Simon L. Bernstein dated July 25, 2012 six weeks before Simon passed on September 13, 2012, has been admitted to probate by Tescher and Spallina. However, the ALLEGED Will of Simon has been timely challenged in this Court already in Petitioner's filings with the Court regarding these matters.

4. That there are separate and distinct motions in each pleading Petitioner has filed since discovering evidence of Fraud, Forgery and host of other criminal acts, which to date have not been addressed by this Court, as the Court has only ruled on if one of Petitioner's filings was an "Emergency" or not, which it deemed at the time of filing in May 2013 not be an Emergency and the motion was to be heard in the "ordinary course."

5. That today however, with proven FRAUD and FORGERY in the estate of Simon's predeceased spouse Shirley Bernstein ("Shirley"), including a forgery done Post Mortem for Simon, the nature of Emergency has elevated and the reason clear, especially where the crimes are directly attributable to counsel that are acting as Officers of this Court in these matters, who are acting as alleged Co-Personal Representatives of the estate of Simon and are involved in a whole series of documents that are alleged fraudulent and legally deficient in both

Simon and Shirley's estates. These documents were used to fraudulently seize Dominion and Control of the estates and attempt to change the beneficiaries POST MORTEM of both Simon and Shirley and then begin to loot the estates in a host of other alleged criminal acts. That to cover up their crimes from the beneficiaries, records, accountings, copies of Wills and Trusts, inventories and more have all been suppressed and denied in violation of probate rules and statutes and has resulted in a TOTAL lack of transparency to the true and proper beneficiaries of the estates, which as evidenced herein, will now have to be determined by each court.

6. That the delays thus far by the courts of both Simon and Shirley's estates in hearing Petitioner's Motions and Petitions and each separate motion therein in particular has allowed more criminal acts to continue to occur, which have resulted in new crimes that now must also be prosecuted and investigated and have damaged the beneficiaries even further. The Motions and Petitions yet to be heard in toto or denied in toto, are as follows;

#### **MOTIONS AND PETITIONS FILED BY PETITIONER**

- i. 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 SIMON/SHIRLEY BERNSTEIN AND MORE."**
  - [www.iviewit.tv/20130506PetitionFreezeEstates.pdf](http://www.iviewit.tv/20130506PetitionFreezeEstates.pdf) 15th Judicial Florida Probate Court and
  - [www.iviewit.tv/20130512MotionRehearReopenObstruction.pdf](http://www.iviewit.tv/20130512MotionRehearReopenObstruction.pdf) US District Court Southern District of New York, Most Honorable Shira A. Scheindlin. Pages 156-582 reference estate matters in Simon and Shirley as it relates to RICO allegations.

- ii. That on May 29, 2013, Petitioner filed Docket #37 **“RENEWED EMERGENCY PETITION”** in the estates of Shirley and Simon.
  - [www.iviewit.tv/20130529RenewedEmergencyPetitionShirley.pdf](http://www.iviewit.tv/20130529RenewedEmergencyPetitionShirley.pdf)
- iii. That on June 26, 2013, Docket #39 Petitioner filed in both estates 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.”**
  - [www.iviewit.tv/20130626MotionReconsiderOrdinaryCourseShirley.pdf](http://www.iviewit.tv/20130626MotionReconsiderOrdinaryCourseShirley.pdf)
- iv. That on July 15, 2013, Petitioner filed Docket #40 **“MOTION TO RESPOND TO THE PETITIONS BY THE RESPONDENTS”** in both estates.
  - [www.iviewit.tv/20130714MotionRespondPetitionShirley.pdf](http://www.iviewit.tv/20130714MotionRespondPetitionShirley.pdf)
- v. That on July 24, 2013, Petitioner filed Docket #41 **“MOTION TO REMOVE PERSONAL REPRESENTATIVES”** for insurance fraud and more in both estates.
  - [www.iviewit.tv/20130724ShirleyMotionRemovePR.pdf](http://www.iviewit.tv/20130724ShirleyMotionRemovePR.pdf)
- vi. 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”** in both estates.
  - [www.iviewit.tv/20130828MotionFamilyAllowanceSHIRLEY.pdf](http://www.iviewit.tv/20130828MotionFamilyAllowanceSHIRLEY.pdf)
- vii. That on September 04, 2013, ELIOT filed Docket #TBD, in the estate of Simon, a **“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."** Hereby incorporated by reference in entirety herein.

- [www.iviewit.tv/20130904MotionFreezeEstatesSHIRLEYDueToAdmittedNotaryFraud.pdf](http://www.iviewit.tv/20130904MotionFreezeEstatesSHIRLEYDueToAdmittedNotaryFraud.pdf).

viii. That on September 21, 2013 Petitioner filed in the IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT COURT ILLINOIS EASTERN DIVISION, Case No.. 13-cv-03643, an Answer and Cross Claim titled **"ELIOT IVAN BERNSTEIN ("ELIOT") (1) ANSWER TO JACKSON NATIONAL LIFE INSURANCE COMPANY ("JACKSON") ANSWER AND COUNTER-CLAIM AND THIRD-PARTY COMPLAINT FOR INTERPLEADER AND (2) CROSS CLAIM."**

- [www.iviewit.tv/20130921AnswerJacksonSimonEstateHeritage.pdf](http://www.iviewit.tv/20130921AnswerJacksonSimonEstateHeritage.pdf)

- ix. That on October 10, 2013 Petitioner filed in Shirley's estate case Motions titled,
- (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**
  - (II) **MOTION TO FOLLOW UP ON SEPTEMBER 13, 2013 HEARING AND CLARIFY AND SET STRAIGHT THE RECORD**
  - (III) **MOTION TO 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) **MOTION TO 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 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) **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 SEPTEMBER 24TH FOR ERRORS AND MORE AND**

**(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**

- [www.iviewit.tv/20131010MotionCompelFreezeYouHaveTheRightToRemainSilent.pdf](http://www.iviewit.tv/20131010MotionCompelFreezeYouHaveTheRightToRemainSilent.pdf)

x. That on October 10, 2013 Petitioner filed in Simon’s estate, a **“PETITION TO DETERMINE AND RELEASE TITLE OF EXEMPT PROPERTY.”**

- [www.iviewit.tv/20131010PETITIONDETERMINERELEASETITLEOFEXEMPTPROPERTYJOSHUA KIA.pdf](http://www.iviewit.tv/20131010PETITIONDETERMINERELEASETITLEOFEXEMPTPROPERTYJOSHUA KIA.pdf)

xi. That on December 08, 2013 Petitioner filed in the IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT COURT ILLINOIS EASTERN DIVISION, Case No.. 13-cv-03643, a motion titled, **“(1) MOTION TO STRIKE PLEADINGS AND REMOVE ADAM SIMON FROM LEGAL REPRESENTATION IN THIS LAWSUIT OTHER THAN AS DEFENDANT FOR FRAUD ON THE COURT AND ABUSE OF PROCESS AND (2) MOTION TO REMOVE ADAM SIMON FROM LEGAL REPRESENTATION ON BEHALF OF ANY PARTIES IN THIS LAWSUIT OTHER THAN AS A DEFENDANT PRO SE or REPRESENTED BY INDEPENDENT NON-CONFLICTED COUNSEL.”**

- [www.iviewit.tv/20131208MotionStrikePleadingAdamSimonForFraudOnCourt.pdf](http://www.iviewit.tv/20131208MotionStrikePleadingAdamSimonForFraudOnCourt.pdf)

xii. That on December 10, 2013 Petitioner filed in the estate of Shirley, an Objection titled **“BENEFICIARY AND INTERESTED PARTY ELIOT BERNSTEIN OBJECTIONS TO SUCCESSOR PERSONAL REPRESENTATIVE'S**

**OBJECTIONS TO FIRST SET OF INTERROGATORIES AND FIRST  
REQUEST FOR PRODUCTION OF DOCUMENTS AND THINGS  
PROPOUNDED BY ELIOT BERNSTEIN”**

- [www.iviewit.tv/20131210PetitionerObjectionToObjectionsToDiscovery.pdf](http://www.iviewit.tv/20131210PetitionerObjectionToObjectionsToDiscovery.pdf)
- xiii. That on December 10, 2013 Petitioner filed in the estate of Shirley, a **“MOTION TO TAX ATTORNEY’ S FEES AND COSTS AND IMPOSE SANCTIONS.”**
- [www.iviewit.tv/20131210TaxAttorneyFees.pdf](http://www.iviewit.tv/20131210TaxAttorneyFees.pdf)

**NOTE:** All PETITIONS and MOTIONS listed in items i-xiii above filed in each of the courts listed above are hereby incorporated by reference in entirety, including but not limited to inclusion of ALL motions, petitions, orders, etc. in each case, as they all relate to the same nexus of events in the estates of both Simon and Shirley.

7. That in the aforesaid Petitions and Motions, relating to Simon and Shirley’s estates and trusts, Petitioner prayed to the courts already to Freeze the Estates of both Simon and Shirley on various grounds of alleged criminal activity claimed in the Petitions and Motions and sought proper relief in each.

8. That Petitioner requests this Court to consider all the allegations and reliefs sought in the prior Petitions and Motions, included now as part of this Motion, and reconsider each Motion contained in each pleading, in light of new and damning **ADMITTED AND ACKNOWLEDGED CRIMINAL ACTS, INCLUDING BUT NOT LIMITED TO, FORGERY<sup>1</sup>, NOTARY PUBLIC FRAUD<sup>2</sup>, FRAUD ON THIS COURT<sup>3</sup>, FRAUD ON**

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<sup>1</sup> 831.02 Uttering forged instruments

<sup>2</sup> 117.105 False or fraudulent acknowledgments; penalty.-

<sup>3</sup> “Fraud on the Court as a Basis for Dismissal with Prejudice or Default: An Old Remedy Has New Teeth”



**THE BENEFICIARIES AND INTERESTED PARTIES<sup>4</sup> AND INTERSTATE MAIL AND WIRE FRAUD<sup>5</sup>, COMMITTED BY ATTORNEYS AT LAW ACTING AS OFFICERS OF THIS COURT AND OTHERS.**

9. That evidence of proven FRAUDULENT NOTARIZATIONS and admitted FORGERY in the estate of Shirley Bernstein ("Shirley") has been uncovered and an arrest made, wherein signatures were FORGED and FRAUDULENTLY notarized on six separate documents for six separate people, including a document FORGED for Simon POST MORTEM.

10. That these Fraudulent and Forged Waivers were used in part to close the estate of Shirley illegally by a DEAD Personal Representative, Simon, whose identity was illegally used while he was dead by and through counsel, Donald Tescher ("Tescher") and Robert

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by John T. Kolinski, The Florida Bar Journal, February, 2004 Volume LXXVIII, No. 2.

[http://www.floridabar.org/DIVCOM/JN/JNJournal01.nsf/c0d731e03de9828d852574580042ae7a/7ee566f4f7305b2085256e24006a34b6!OpenDocument&Highlight=0,disability\\*](http://www.floridabar.org/DIVCOM/JN/JNJournal01.nsf/c0d731e03de9828d852574580042ae7a/7ee566f4f7305b2085256e24006a34b6!OpenDocument&Highlight=0,disability*)

"Whenever any officer of the court commits fraud during a proceeding in the court, he/she is engaged in "fraud upon the court". In *Bulloch v. United States*, 763 F.2d 1115, 1121 (10th Cir. 1985), the court stated "Fraud upon the court is fraud which is directed to the judicial machinery itself and is not fraud between the parties or fraudulent documents, false statements or perjury. ... It is where the court or a member is corrupted or influenced or influence is attempted or where the judge has not performed his judicial function --- thus where the impartial functions of the court have been directly corrupted."

"Fraud upon the court" has been defined by the 7th Circuit Court of Appeals to "embrace that species of fraud which does, or attempts to, defile the court itself, or is a fraud perpetrated by **officers of the court [ie Attorneys at Law, TSPA, Spallina and Tescher] (emphasis added)** so that the judicial machinery cannot perform in the usual manner its impartial task of adjudging cases that are presented for adjudication." *Kenner v. C.I.R.*, 387 F.3d 689 (1968); 7 Moore's Federal Practice, 2d ed., p. 512, ¶ 60.23. The 7th Circuit further stated "a decision produced by fraud upon the court is not in essence a decision at all, and never becomes final."

<sup>4</sup> "Florida Title XLVI CRIMES, Chapter 817, FRAUDULENT PRACTICES PART I FALSE PRETENSES AND FRAUDS, GENERALLY" and more

<sup>5</sup> 18 U.S.C. § 1341  
18 U.S.C. § 1343:

Spallina ("Spallina"), who perpetrated this FRAUD ON THE COURT and FRAUD ON THE BENEFICIARIES by using Simon as if alive, in order to close the estate of Shirley, for four months after Simon was deceased. These criminal acts by Tescher and Spallina prompted Judge Colin when he learned of the Fraud on his court, to state he had enough evidence at a September 13, 2013 hearing<sup>6</sup> to read Miranda rights to Spallina, Tescher, Mark Manceri ("Manceri") and Theodore Stuart Bernstein ("Theodore") for these crimes in addition to those of Moran.

11. That the perpetrator of a minute part of the fraud on the estates, the tip of the iceberg, the admitted and acknowledged FORGERY and FRAUDULENT NOTARIZATIONS for six Waivers, is a legal assistant / notary public employed by the alleged Co-Personal Representatives, Attorneys at Law Robert Spallina ("Spallina") and Donald Tescher ("Tescher") of the law firm Tescher & Spallina, P.A., a one Kimberly Moran ("Moran"), who has now been arrested by the Palm Beach County Sheriff and admitted to FORGERY of the signatures and Fraudulently Notarizing documents. Representing Moran is attorney at law, David Roth of Roth & Duncan, P.A.

12. That for the Court to focus on the ADMITTED FELONY crimes of Moran and ignore the plethora of other crimes and perpetrators involved in a whole series of document fraud in both estates, would be to "miss the forest from the trees" as Moran's crimes, horrible as they may be on their own, are only one part of a much larger set of fraudulent documents and criminal activities committed by several other parties, including the Co-Personal

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<sup>6</sup> September 13, 2013 Hearing Transcript @ [www.iviewit.tv/20130913TRANSCRIPT.pdf](http://www.iviewit.tv/20130913TRANSCRIPT.pdf) fully incorporated by reference herein.

Representatives, that together combine to attempt to change the beneficiaries of the estates, allegedly Post Mortem for Simon and Shirley and then fraudulently convert the assets through a number of other criminal acts in violation of law. If the Moran documents were a one off accident or mistake or anything of that sort as Moran claimed, Petitioner's argument might appear weaker that this is part of a larger series of frauds but where virtually every document used to try and make the changes post mortem to the beneficiaries in both estates are legally deficient, improperly notarized, improperly witnessed, forged and more, many of which Moran was involved in but many that she was not, it becomes obvious that a much larger series of frauds is taking place.

13. That evidence now exists that Moran's statements to two different state investigatory agencies have been perjured, as her sworn statements conflict and this must now be further investigated.

14. That evidence exists, recently uncovered that Spallina, Manceri and Theodore made false statements in both the September 13, 2013 hearing and the October 28, 2013 Evidentiary Hearing<sup>7</sup> to Judge Colin that directly contradicts the factual evidence in the estates. Where there is perjury and false official statements by Officers of the court to the court in Colin's courtroom, one can presume there is more to the story of Moran and the Co-Personal Representatives then they claimed. For a listing of the perjurious statements and false statements made by Officers of the court to the court in both hearings and to state officials, see the MOTIONS AND PETITIONS FILED BY PETITIONER above, number ix of xiii, Motion II

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<sup>7</sup> Hearing Transcript for October 28, 2013 @ [www.iviewit.tv/20130913TRANSCRIPT.pdf](http://www.iviewit.tv/20130913TRANSCRIPT.pdf) fully incorporated by reference herein.

of that pleading.

15. That the separate and distinct criminal acts of the Attorneys at Law occur when they further used these fraudulent documents to then perpetrate a Fraud on the courts in both Simon and Shirley's estates and were used to illegally seize Dominion and Control of the estates and gain fiduciary roles and interests and begin a series of other criminal acts to convert the assets. These crimes have not yet been criminally prosecuted by the courts or criminal authorities at this time and complaints for these recently uncovered crimes are being formalized by Petitioner currently.

16. That these crimes mired in egregious acts of bad faith and violation after violation of law, leave the fiduciaries with unclean hands that have destroyed any chance of there ever being trusted as fiduciaries by the beneficiaries again and have put them now with adverse interests to Petitioner and his family who have brought their crimes to the attention of authorities and the courts for investigation and prosecution.

17. That once the estates were seized illegally by these frauds, all types of other alleged frauds were then committed with the estate assets, including alleged, Insurance Fraud, Theft of Assets, Fraud on a Federal Court, Real Properties Frauds and violations of virtually all legal fiduciary duties owed to the beneficiaries they are supposed to be protecting by these alleged imposter Personal Representatives, all in efforts to loot the estate and defeat the last wishes and desires of both Simon and Shirley before anyone caught on.

18. That Theodore's personal assistant, a one Lindsay Baxley ("Baxley"), is now currently under a separate and independent investigation for improper notarizations on

Uberrimae Fidei Contracts in Simon's estate, including but not limited to, the alleged Will of Simon and the alleged Amended & Restated Trust of Simon, done allegedly weeks before Simon's death on September 13, 2012, documents filed in this Court by Tescher and Spallina as part of the fraud. Both the alleged Will and alleged Amended and Restated Trust documents are improperly notarized, alleged forged and fraudulent and more.

19. That Baxley failed to state if Simon appeared to sign the alleged Will and Amended and Restated Trust of Simon on the date allegedly signed, as neither box confirming that the notary either personally knew Simon on the alleged date it was signed or that he produced identification on that date is checked off, ON BOTH DOCUMENTS, indicating that Simon did not appear at all when the documents were allegedly signed by him or more probably signed for him Post Mortem.

20. That all Original Documents for all estate documents filed must now be forensically analyzed as well, for further evidence of forgery and fraud due to the forgeries and frauds already admitted and acknowledged by both Moran and Spallina and anything they have done must now be investigated.

21. That Petitioner also alleges the alleged Will and Amended & Restated Trust documents were improperly drafted, witnessed and executed by Spallina, as he drafted the documents, he witnessed and executed the documents, along with the arrested Moran who also witnessed them and where the documents gave Spallina and his partner Tescher financial interests and control of the estate of Simon (and supposedly the right to attempt to change Shirley's beneficiaries) and for these reasons they also appear legally void, other than as

evidence of further fraud.

22. That a Post Mortem Simon achieved all of the following acts in Shirley's estate as if he were alive, posited by Tescher and Spallina in an official proceeding and perpetrating fraud on the courts and the beneficiaries. Whereby, Tescher and Spallina then concealed from Judge Colin's court that Simon had passed and failed intentionally to elect a successor Trustee or Personal Representative and instead continued to file documents illegally to close the estate with Simon who was deceased, as they needed him to appear alive when he then tried to change Shirley's beneficiaries once the estate was closed and again it is important to note that these are separate and distinct criminal acts from those of Moran done by the Attorneys at Law. Simon was deceased on September 13, 2012, yet achieved all the following POST MORTEM;

- i. On 24-Oct-2012, Simon while deceased acted as Personal Representative and filed an AFFIDAVIT/STATEMENT RE: CREDITORS, filed by Tescher and Spallina as if Simon were alive and submitting the document as an Affidavit on this date. Petitioner alleges that this document is FORGED and FRAUDULENT.
- ii. On 24-Oct-2012, Simon while deceased acted as Personal Representative and filed a PETITION FOR DISCHARGE, filed by Tescher and Spallina as if Simon were alive and submitting the Petition on this date. Where almost all of the alleged statements made by Simon under penalty of perjury in this Petition are false on the date the document is allegedly signed on April 09, 2012. Petitioner alleges this document is forged and fraudulent.
- iii. On 24-Oct-2012, Simon while deceased acted as Personal Representative and filed 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 for himself. It is alleged that this is a FORGED and fraudulent document created Post Mortem for Simon and was never filed and docketed with Judge Colin's court while Simon was alive. Further, this alleged Waiver was not notarized per Colin's rules and was thus rejected. This document allegedly was signed with the alleged Petition in (ii) above on April 09 2012.
- iv. On 24-Oct-2012, Simon while deceased acted as Personal Representative and filed a NON-TAX CERT /RECEIPT/AFFIDAVIT filed by Tescher and Spallina

- as if Simon were alive and signing it on this date.
- v. On 24-Oct-2012, Simon while deceased acted as Personal Representative and filed a PROBATE CHECKLIST, filed by Tescher and Spallina as if Simon were alive. This document is dated February 15, 2012, yet it is not docketed by the Court until October 24, 2012 and it is signed by what appears to be Spallina's signature, in an unknown capacity.
  - vi. On 19-Nov-2012, Simon while deceased acted as Personal Representative and filed an alleged replacement WAIVER OF ACCOUNTING AND PORTIONS OF PETITION FOR DISCHARGE; WAIVER OF SERVICE OF PETITION FOR DISCHARGE; AND RECEIPT OF BENEFICIARY AND CONSENT TO DISCHARGE. That the Waiver was then amazingly notarized in November 2013 for Simon while he was still dead on a document dated April 09, 2012. This new Waiver notarized by a dead man in the past as if in the present has now been admitted to be a WHOLLY FORGED AND FRAUDULENTLY NOTARIZED document created from scratch by Moran. Simon filed five other WHOLLY FORGED AND FRAUDULENTLY NOTARIZED WAIVERS for his five children on this date while dead, ALL crafted and signed by Moran and filed by Tescher and Spallina for Simon as Personal Representative as if he were alive.
  - vii. On 19-Nov-2012, Simon while deceased acted as Personal Representative and filed a PETITION FOR DISCHARGE, filed for him by Tescher and Spallina with the other FORGED and FRAUDULENTLY NOTARIZED documents on April 09, 2012 and there are many problems with the voracity of the statements made by Simon in the Petition, as virtually every statement made under penalty of perjury on that date he allegedly signed it is untrue. Including the fact that Simon, while dead, claims in the Petition that he has all the Waivers for the Beneficiaries and Interested Parties, yet his daughter Jill Iantoni ("Iantoni") did not sign and return a Waiver until after Simon was dead in October 2013, so how could Simon claim he had all the Waivers at any time when he was alive? At no time while living did Simon have all the Waivers and this document appears wholly forged and fraudulent or Simon was committing major perjuries in his sworn, under penalty of perjury, claims in the estate documents of his beloved wife's estate.
  - viii. On 03-Jan-2013, Simon while deceased acted as Personal Representative and filed a FINAL DISPOSITION SHEET, filed by Tescher and Spallina as if Simon were alive and acting while dead as Personal Representative.
  - ix. On 03-Jan-2013, Simon while deceased acted as Personal Representative and filed an ORDER OF DISCHARGE, filed by Tescher and Spallina as if Simon were alive and acting, while dead, as Personal Representative.

23. That due to the fraud on the court and beneficiaries that Judge Colin uncovered

in the September 13, 2013 hearing, Judge Colin reopened the estate of Shirley and it remains so today.

24. That the relation of Simon and Shirley's probate cases is obvious and there are similar allegations of Fraud running through both estates, using many of the same documents, which should cause this Court to take Judicial Notice of these crimes and act on its own motions to protect the beneficiaries and estate of Simon from fraud and more. However, the relation should not cause the cases to be merged yet, as it is alleged that separate and distinct crimes have occurred in each court, two separate frauds on two separate courts and where all court officers, judges and counsel in each case, may now become witnesses in various actions stemming from these frauds. Therefore, it would be wise to keep the two cases separate and with the Judges where the fraud occurred, until all of Petitioner's prior pleadings and each and every particular Motion therein be heard first and relief sought determined by the Court and once that is all resolved the cases can then be merged if so desired. To merge them now would cause further hardship on Petitioner and still both courts and judges involved would still need to be separately investigated regarding the criminal acts proven and those alleged.

25. That further, alleged attempts were made to change the beneficiaries of the estate of Shirley by Simon, using another series of documents that are improperly notarized, witnessed and executed, including the Will of Simon and the Amended and Restated Trust of Simon, again these attempts appear to have been made Post Mortem but this time in Simon's estate and again, Moran and Spallina who are involved in the FORGERY and FRAUD in Shirley's estate are found acting as witnesses on these documents in Simon's estate notarized now by Baxley.



26. That the Will and Amended and Restated Trust documents have been challenged in several prior Petitions and Motions filed by Petitioner, as listed herein, that Petitioner is awaiting this Court and Judge Colin's court for specific rulings on each Motion and all of its sub-motions, including but not limited to,

- i. MOTION TO FREEZE ESTATE ASSETS,
- ii. MOTION TO APPOINT NEW PERSONAL REPRESENTATIVES,
- iii. MOTION TO INVESTIGATE FORGED AND FRAUDULENT DOCUMENTS SUBMITTED TO THIS COURT AND OTHER INTERESTED PARTIES,
- iv. MOTION TO RESCIND SIGNATURE OF ELIOT BERNSTEIN IN ESTATE OF SHIRLEY BERNSTEIN,
- v. MOTION TO RESPOND TO THE PETITIONS BY THE RESPONDENTS,
- vi. SECOND MOTION TO REMOVE PERSONAL REPRESENTATIVES,
- vii. MOTION FOR INTERIM DISTRIBUTION FOR BENEFICIARIES NECESSARY LIVING EXPENSES,
- viii. MOTION FOR FAMILY ALLOWANCE,
- ix. MOTION FOR LEGAL COUNSEL EXPENSES TO BE PAID BY PERSONAL REPRESENTATIVES,
- x. MOTION FOR REIMBURSEMENT TO BENEFICIARIES SCHOOL TRUST FUNDS,
- xi. SECOND 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,
- xii. MOTION FOR INTERIM DISTRIBUTION DUE TO EXTORTION BY ALLEGED PERSONAL REPRESENTATIVES AND OTHERS,
- xiii. MOTION TO STRIKE THE MOTION OF SPALLINA TO REOPEN THE ESTATE OF SHIRLEY;
- xiv. CONTINUED MOTION FOR REMOVAL OF ALLEGED PERSONAL REPRESENTATIVES AND ALLEGED SUCCESSOR TRUSTEE."
- xv. 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
- xvi. MOTION TO FOLLOW UP ON SEPTEMBER 13, 2013 HEARING AND

- CLARIFY AND SET STRAIGHT THE RECORD
- xvii. MOTION TO 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
  - xviii. MOTION TO 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 HE WAS DEAD AND POSITED BY SIMON IN THIS COURT WHEN HE WAS DEAD AS PART OF A LARGER FRAUD ON THE ESTATE BENEFICIARIES
  - xix. 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
  - xx. 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
  - xxi. 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 AND
  - xxii. 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

27. That within each of the Motions and Petitions filed already with the courts, are clearly articulated reasons and evidence for seeking the Court's rulings and reliefs and these Motions and Petitions should all be heard, along with any other pleadings, in the order they were filed upon the court, with this instant proceeding being the last in the list, not the first. It appears inconceivable that Petitioner has filed Motions as far back as May 2012 and they remain

unheard and yet opposition counsel files a Motion and it is heard and adjudicated almost instantly, as has been happening in Judge Colin's court. Opposition counsel and the Personal Representatives might not survive Petitioner's first Motion for the crimes they are alleged to have committed and therefore would be unable file Motions or be heard if the Motions were to have been heard in the order they were filed, as most likely they would have been removed and been only allowed to plead for the mercy of the Court for leniency in sentencing for their crimes.

28. That instead of ruling on Petitioner's Motions and reliefs requested, both courts have failed to rule on each motion timely and deprived Petitioner due process rights and where Petitioner has challenged and contested properly the alleged Wills and Trusts of Simon and the illegal actions and inactions of the fiduciaries. Yet, the courts have again ignored Petitioner's pleadings as if Petitioner has no rights before the courts.

29. That despite clear and convincing evidence, admission and acknowledgement of FRAUD AND FORGERY in the courts by the Personal Representatives and Attorneys at Law involved and their employees, the courts have wholly ignored the injured victims and in fact have allowed the perpetrators of the frauds to continue to act as Officers of the courts, with fiduciary roles in the estate and without reporting them to the proper authorities as demanded by judicial cannons and law, quite amazingly.

30. That the Court is allowing to be filed and then ruling on pleadings submitted by Attorneys at Law and Personal Representatives who now have absolute adverse interests and conflicts of interest with Petitioner and the beneficiaries, who have violated law and committed fraud on the court, even allowing in both courts pleadings by Manceri who has not been

admitted to the courts on behalf of the parties he alleges to be representing.

31. That these delays by the courts are having severe impact on Petitioner and his family, including three minor children and where Petitioner and his children's delay in their inheritance caused by these torturous acts by the fiduciaries of the estates must cease and all prior Motions and Petitions of Petitioner heard first and orderly from the time of filing to this present frivolous and vexatious Motion steeped in another fraud on the Court in efforts to convert assets as will be defined further herein.

32. That learned in the October 28, 2013 Evidentiary Hearing before Judge Colin in Shirley's estate was that attempts were then made to use an alleged Power of Appointment in Simon's alleged and improper Will and Amended & Restated Trust to attempt to make changes in both Shirley and his beneficiaries from their 2008 estate plans they did together and while both were alive.

33. That even if the alleged Will and Amended and Restated Trust documents from Simon's estate survive in any part, it was learned that Simon could not add beneficiaries to the designated beneficiaries of Shirley's 2008 Trust or Will, as the Power of Appointment was limited to her designated beneficiaries only, which wholly excluded Theodore and Pamela Simon ("P. Simon") and their lineal descendants. Allegedly, Simon tried to include Theodore and P. Simon's adult children back into Shirley's estate beneficiaries, although he was not able to do so legally and further no records of such changes exist in Shirley's estate. The alleged new beneficiaries were never noticed that they were beneficiaries nor were any laws followed to execute such changes. Perhaps that would be due to the fact that there was no living Personal

Representative to make changes at the time the alleged changes were made, allegedly after the estate of Shirley was ILLEGALLY closed, as Simon was dead at the time he closed the estate acting as Personal Representative and the changes to the beneficiaries are alleged to have also occurred POST MORTEM, if ever.

34. That despite how changes to the beneficiaries allegedly occurred and if it was legally possible or executed properly, the beneficiaries of Shirley's trusts and estate have now come into question for this reason and others and Petitioner claims the same questions of who the beneficiaries are will have to be answered in Simon's estate, after each court reviews the legality of these documents and their effect on the ultimate beneficiaries, which now must be heard and adjudicated in both estates prior to any final distributions or discharge of the estates.

35. That Petitioner has already sought the courts ruling to determine the beneficiaries under law in his prior Motions and Petitions exhibited herein. Petitioner has previously in his prior Motions sought the Court's determination of the true and proper beneficiaries from these alleged illegal acts and does so again challenging the alleged Will and Amended and Restated Trust of Simon and other documents and their legality again herein.

36. That the improper alleged Will and Amended and Restated Trust of Simon were allegedly executed only six weeks before Simon's death and signed while Simon was under massive physical and emotional duress and heavily medicated, as fully defined in the May 2012 Petition to this Court. The duress was caused in part by extreme pressure being put upon Simon to attempt to force him to change his and Shirley's estate plans by two of his five children, Theodore and P. Simon, as disputes were raging over their being disinherited entirely from both

Shirley and Simon's estate.

37. That Spallina and Tescher are both close personal and business associates of Theodore, even sitting on Theodore's charitable boards together. Theodore, weeks before Simon's death is believed to have enlisted Tescher and Spallina's help to try and coerce Simon to make the changes and when he refused, the fights became hostile according to witnesses. When Simon then suddenly and unexpectedly died, Theodore allegedly again aided by his friends Tescher and Spallina, attempted to change the beneficiaries Post Mortem for Simon and Shirley through a series of fraudulent and forged documents. Theodore's rage continued to Simon's last day alive, further enraged that Simon was not and had not made the changes to beneficiaries since considering so doing in the May 2012 meeting and was planning on leaving the estate beneficiaries of he and Shirley unchanged.

38. That at approximately the same time, weeks before Simon passed, Theodore was also sued, along with Simon, for allegedly fraudulently stealing two million dollars from a former employee, one Simon loved as if it were his own son, a one, William Stansbury ("Stansbury"), who alleged that Theodore had done most of the swindling involved but he was forced to sue both as they were partners in the business. That Petitioner alleges that Simon at first could not believe Stansbury was suing for monies he thought were paid to him but after digging deeper may have uncovered that not only had Theodore stolen monies from Stansbury but also him. This further increased hostilities between Theodore and Simon, leading Simon to abruptly dissolve business relations with Theodore and flee the offices they shared together.

39. That P. Simon, Theodore's sister, was also wholly disinherited by both Simon

and Shirley for many years prior and she too was enraged with Simon and Shirley over learning that she and her lineal descendants were disinherited from both of their estates. P. Simon and her lawyer husband, who was given a job out of college in Simon's companies where he has worked ever since, threatened to sue Simon for P. Simon's inheritance while Simon was alive. This according to eye witnesses devastated Simon as one of the saddest days of his life when he received the correspondence, when Simon had already given them the moon in companies and intellectual properties he developed and more over the years, which had allowed them to take their inheritances while living and both Theodore and P. Simon both led elaborate lifestyles from these living transfers.

40. That Theodore and P. Simon led large lives while Simon and Shirley were alive through businesses they inherited and partially why they were excluded from the estates, whereas, Petitioner, Iantoni and Friedstein did not inherit businesses worth millions of dollars when their parents were alive and led much lower style lifestyles, having worked for what they got independent of their parents.

41. That effort was made to resolve problems between Simon, Theodore and P. Simon in May 2012, when Simon called a meeting of all five of his children to discuss the possibility of including Theodore and P. Simon's adult children only back into his estate, still leaving Theodore and P. Simon with nothing. Petitioner is the one who prompted Simon to try to work things out in a series of April 2012 letters with Theodore, exhibited within the May 2012 Petition to this Court in Exhibit 1, in efforts to have Theodore stop the boycott of Simon with seven of the ten grandchildren held as hostages, over the disputes in the inheritance and Simon's

relation with his companion, so as not to kill his father from the stress and pain and suffering, where Simon had many heart problems and Petitioner feared this pressure could and was killing him.

42. That the deal that was proposed but never executed upon in the May 2012 meeting, was that if Simon would do the estate beneficiary changes demanded of him, Theodore, P. Simon, Iantoni and Friedstein would allow their children to see Simon again, as a boycott had begun immediately after Shirley died against Simon, whereby four of his five children had seven of their ten grandchildren used as pawns to try and extort Simon to make these changes in the estates or he would never see them again. Petitioner and his children refused to participate in the boycott when Theodore's children tried to recruit Petitioner and his wife Candice Bernstein ("Candice") to join the boycott.

43. That the whole proposed deal was predicated first on if Petitioner, Iantoni and Friedstein, were willing to consider giving up their interests in the estates and dividing it up between the ten grandchildren, which would have included Theodore and Pamela's adult children, as Petitioner, Iantoni and Friedstein were the ONLY beneficiaries of the estates at the time, in exchange for releasing Simon from this maddening pain and suffering they were causing through the withholding of his grandchildren and more.

44. That at the May 2012 meeting Simon asked Petitioner and his two sisters, Iantoni and Friedstein if they would be willing to give up their shares in the estate to all the grandchildren in order to stop the disputes and pain and suffering of their father and they agreed that they would do anything to stop the pain and suffering caused Simon. However, this was



agreed to in principal only, it was agreed at that time that Simon would consider making the changes and Spallina who was at the meeting stated he would begin getting information to the three beneficiaries, Petitioner, Iantoni and Friedstein, regarding their inheritances and what interests they would be giving up and waiving rights in if the deal went through.

45. That Spallina had failed to send Petitioner, Iantoni and Friedstein any of the documents they were owed legally as beneficiaries for the prior SEVENTEEN months since Shirley died on December 08, 2010, which already was in violation of probate rules and statutes. Petitioner and his two sisters had received nothing from Spallina regarding their beneficial interests since the passing of Shirley to the May 2012 meeting and Petitioner claims these were intentionally suppressed and denied, even though Simon had thought everyone was notified by Spallina and Tescher of their interests after her death and was shocked they had not been sent at the May 2012 meeting and Spallina assured Petitioner and others they were on the way.

46. That Spallina then sent only one document, one page, to each child, a waiver, and never sent any of the information regarding their inheritances and information regarding what they would be waiving, necessary to even sign the Waiver. Petitioner signed his Waiver anyway to cause no delay that would harm his father and yet wrote upon the original and in an email sent with it that he was only signing the Waiver prior to knowing what he was waiving to relieve Simon of duress and was waiting for the underlying documents necessary to waive the rights. However, Petitioner made it clear to Spallina and Tescher that he was waiting to receive the information from Spallina regarding his interests and accountings, etc. in order to make any of the statements in the Waiver true, as he signed blindly to save his father and none of the

statements in the Waiver were true at the time he signed, as for example he had never seen his interest in the estate, as Spallina had not sent him the information to review his interests and so how could he state that he had seen his interest and waived rights regarding his interests when Spallina had suppressed and denied the information with scienter.

47. That the Waiver documents Petitioner, his siblings and allegedly Simon signed were never docketed with the court, as they were returned after Simon was deceased for being un-notarized and the Waivers on file with that court have now been proven FORGED and FRAUDULENTLY NOTARIZED and therefore while it looks like they were signed by Petitioner, Simon and Petitioner's siblings, they are not their signatures or even their original documents, as they are wholly Moran's creations as she has admitted forging them and creating them from scratch to the Palm Beach County Sheriff.

48. That for five months prior to Simon's death, from the time of the meeting in May 2012 to September 2012 Petitioner received nothing else regarding his inheritance, none of the documents Spallina promised to send, no accountings, no copies of the will or trusts, all owed to him as a beneficiary and necessary to make the waiver claims true, all owed to Petitioner as a beneficiary by law since shortly after Shirley's death nearly two years earlier. As the disputes between Simon and his other four children had only intensified since the May 2012 meeting in violation of what had been agreed to in principle by his four other children in the May 2012 meeting, Petitioner assumed after speaking to Simon that he had not and was not planning on making any changes to the estate beneficiaries. Petitioner also figured his waiver was no longer valid when Simon died, as Simon had not filed his own waiver or any other waivers prior to his

death to make any changes to his or Shirley's beneficiaries and Shirley's estate had not even been closed to make the alleged changes in her estate.

49. That in fact, Simon, only weeks before his death severed business relations with Theodore entirely, packed his belongings and went into a new business suddenly that he began funding at a new office, with his secretaries husband, Scott Banks ("Banks"), far away from Theodore. Simon recruited Petitioner and his wife to join the new venture and get it setup and running and when Petitioner asked Simon why he was doing this so suddenly, he stated he was afraid of Theodore and that Theodore might have stolen monies from Stansbury and him and that Theodore was hostile to him over the lawsuit Stansbury filed claiming that Theodore had stolen approximately two million dollars of monies owed Stansbury and where it was learned that Simon was not joining Theodore's defense of the Stansbury lawsuit and may have been in fact considering joining Stansbury or filing an independent suit against Theodore for monies he believed had been stolen by Theodore from him, similar to the claims of Stansbury. Simon was also worried over the disputes regarding the inheritance matters according to eyewitnesses, as Theodore continued having massive fights according to witnesses with Simon and Spallina was in attendance at certain of these blowouts where Simon was refusing to make any changes they were trying to coerce him to make. Eyewitness accounts in the weeks leading up to his death of the intensity of these disputes that forced Simon out of his offices, reveal that Theodore was scaring Simon and that Spallina was also at some of these meetings trying to coerce Simon to make changes to his estate plan that he and Shirley had done in 2008. These disputes intensified weeks before Simon's death and where Simon during that time began experiencing a host of

strange medical problems that were making him delusional and causing massive headaches leading to sudden and unexpected brain scans, changes in medications and more.

50. That when Simon died on September 13, 2012, Spallina had still not sent Petitioner any information or documents regarding his inheritance in Shirley or Simon's estates and what interests he would be waiving his rights in and now TWENTY ONE months after Shirley's death, Petitioner still had received NOTHING but the Waiver. No estate documents or accountings or anything required by Probate Law and Statutes due beneficiaries. Spallina also did not send any documents legally owed to the alleged new beneficiaries either and no new accountings, etc. required by law were sent out or docketed with the courts if they changes were actually made.

51. That Petitioner still has not received many of the records, including the original trust of Simon, accountings and more that are legally due to him and/or his children that he is Guardian for in the estates of Simon and Shirley and virtually the entire probate rules and statutes have been violated by Tescher and Spallina, in the suppression and denial of these documents, as more fully defined in Petitioner's May 2013 filing and others filings docketed with this Court and exhibited already herein.

52. That after Simon died, it is alleged that through a set of fraudulent documents and forged signatures, in the estates of both Simon and Shirley, efforts were made to change the beneficiaries of Simon and Shirley to Theodore and P. Simon's benefit, aided and abetted by Theodore's close personal friends and business associates Spallina and Tescher.

53. That in a September 13, 2013 hearing before Judge Colin, it was learned that not

only had Moran FORGED and FRAUDULENTLY NOTARIZED documents but that Attorneys at Law, Tescher and Spallina had further presented a series of documents to close the estate from September 2012 through January 2013, using Simon as the Personal Representative while dead to close the estate, acting as Personal Representative while dead. Spallina and Tescher intentionally failed to notify the Court that Simon had died and failed to elect successor Trustees or a Personal Representatives, so in essence the estate was closed with a dead Personal Representative and no successors were chosen and thus why the estate was not represented in the September 13, 2013 hearing by any party when it was reopened by Judge Colin.

54. That at the September 13, 2013 hearing, it was also learned that Theodore had been acting as Personal Representative and Successor Trustee for the estate of Shirley after Simon died, despite the fact that it was learned that since Simon was used to fraudulently closed the estate while dead and no successors had therefore been elected due to the fraud, that Theodore could not be acting legally in these roles that he assumed and had begun liquidating assets as if he were appointed as successor. Theodore had also failed to legally notify the beneficiaries of the estate and trusts of Shirley that he was acting as successor and send copies of the Wills and Trusts to them or any other prerequisite acts necessary under probate rules and statutes required to act as fiduciary. If the transfer of Personal Representative had occurred, Theodore would have been required by law to notice the beneficiaries and send out new accountings, etc. and again, he failed virtually every requirement of a fiduciary in acting in these alleged roles.

55. That upon learning of the Fraud on the Court and the Fraud on the Beneficiaries

caused by these new criminal acts, Judge Colin stated that he had enough at that point to read Tescher, Spallina, Theodore and Manceri their Miranda's, for these new and riveting crimes in addition to those already committed by Moran.

56. That this Court should be fully apprised already by Judge Colin of the illegal nefarious acts in his Court relating to Shirley's estate, as these matters also affect the estate of Simon and are joined at the hip since certain of the documents used to effectuate these frauds were used symbiotically in both estates to attempt to change the beneficiaries for Simon and Shirley POST MORTEM.

57. That new alleged crimes were discovered in relation to an insurance policy of Simon's that are now before the UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT COURT ILLINOIS EASTERN DIVISION, Case No. 13-cv-03643. This case finds Spallina filing a fraudulent insurance claim, acting as the Trustee of a "lost" trust that Spallina claimed he never possessed or even saw a copy of, yet filed the claim as the Trustee of the "lost" "Simon Bernstein Irrevocable Insurance Trust dtd. 6/21/95" acting in false fiduciary capacity as such. The insurance claim was denied by the carrier and directive for a probate court order was sought by the carrier to prove the beneficiaries.

58. That after the claim was denied and the carrier asked for a probate court order from this Court to determine if the beneficiary scheme for a "lost" trust was acceptable, instead of seeking this Court's order to determine what to do in a "lost" beneficiary scheme, which under Florida Law is believed to be paid to the insured's estate, a cleverly designed Breach of Contract suit was filed by Theodore, who filed the claim as Trustee of the "lost" "Simon

Bernstein Irrevocable Insurance Trust dtd. 6/21/95” to get around the requested Court order.

59. That how Spallina in the process between filing the fraudulent claim with the carrier and then the filing the fraudulent breach of contract lawsuit against the carrier for not paying the lost trust with presumed trustees and beneficiaries was somehow then replaced by Theodore as Trustee of the “lost” trust remains a mystery. The alleged insurance fraud and abuse of process claims is further evidenced in the recent court filings in that case, Case No. 13-cv-03643, IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT COURT ILLINOIS EASTERN DIVISION, (SIMON BERNSTEIN IRREVOCABLE INSURANCE TRUST DTD 6/21/95, Plaintiff, v. HERITAGE UNION LIFE INSURANCE COMPANY, Defendant) before the Honorable Amy J. St. Eve. Recent filings by Petitioner in this federal lawsuit can be found in the MOTIONS AND PETITIONS FILED BY PETITIONER section above, roman numerals, viii & xi, already exhibited herein.

60. That this Court should note that a creditor to the estate, a one William Stansbury (“Stansbury”), has intervened in the federal breach of contract lawsuit to convert Simon’s insurance policy out of Simon’s estate to fraudulent beneficiaries, already discussed herein. Stansbury also arguing to have the policy paid to the estate as it should be when the beneficiary is lost, claiming that the lawsuit was improperly filed in effort to move the policy proceeds out of the estate and his reach, in what appears an attempt to fraudulently convey an insurance policy benefits by Theodore, Spallina, Moran and others and hide the asset and defraud estate creditors.

61. That Petitioner has also motioned that federal court to have this Court determine

who the benefits are payable to, while simultaneously determining the beneficiaries in the estate, due to the questions now created by the alleged fraudulent documents and acts, asking that Court to dismiss the baseless breach of contract lawsuit as a fraud on the court and the estate beneficiaries through insurance fraud and more.

62. That the Court should note that Jackson National Insurance Company stated in their counter complaint to the breach of contract lawsuit that Theodore was advised by counsel prior to filing that he had no basis to file the litigation in the first place, as the Trustee of the “lost” trust, with not even a copy of an executed trust, that same “lost” trust that Spallina claims he is the Trustee for in filing his fraudulent claim and where they both are again allegedly acting in fraudulent fiduciary roles in attempts to fraudulently convert the benefits to improper beneficiaries. The sick part of this insurance fraud is that Theodore and P. Simon would get nothing if the insurance went to the estate beneficiaries, their adult children and through the fraud the monies would come to them directly.

63. That through this insurance fraud they attempt to skirt the estate beneficiaries, their own children, while they are also simultaneously acting as trustees for their children as estate beneficiaries and suppressing and denying them information regarding their beneficial interests, in efforts to convert the proceeds of the policy directly into their own pockets by simultaneously waiving their children’s rights as beneficiaries of the estate as trustees, in violation of law, their fiduciary duties and everything moral and good.

64. That Petitioner and his children were NOT noticed of the breach of contract lawsuit being filed, despite their beneficial interests in the policy, until Jackson sued Petitioner



as a third party defendant, alerting him that there was a breach of contract lawsuit filed where he was a possible beneficiary. Later it was learned that Theodore, P. Simon, Spallina and others omitted them intentionally behind Petitioner and his children's counsel backs, while letting them believe that they were seeking a court order from this Court to determine the beneficiaries as was requested by Heritage Union Life when they denied Spallina's initial fraudulent attempt to collect the proceeds, as more fully defined in the May 2013 motion filed with this Court and subsequent motions dealing directly with the insurance fraud listed and incorporated already herein.

**OBJECTION TO MOTION TO STRIKE PETITION TO DETERMINE AND  
RELEASE TITLE OF EXEMPT PROPERTY**

65. That with that said, how do all these proven and alleged frauds described herein relate to a paid in full Kia Soul worth approximately \$15,000.00 at the heart of this instant Motion? That opposition counsel claims the car was an asset of the estate and Petitioner claims it was a gift and therefore exempt. That all of these previously discussed frauds and criminal acts alleged and proven already in the estates form a Pattern and Practice of criminal acts to advantage certain beneficiaries at the expense of others, in efforts to convert the estate assets to improper beneficiaries.

66. That a shrouding of estate documents, inventories, accounting records, etc. have been suppressed and denied to the beneficiaries and their counsel in violation of law, including but not limited to, suppressed and lost trusts, suppressed and denied estate documents including Wills and the Original Trust of Simon (which remains suppressed and denied as of today),

suppressed and denied accountings for assets and all this secrecy and lack of transparency has assets fraudulently being converted in a number of criminal frauds and under ongoing investigations and the Kia is yet another one of these ancillary frauds.

67. That the KIA is one more example of fraud and fraud on this Court, with Prima Facie evidence submitted herein, showing further attempts to convert assets through knowingly fraudulent acts and pleadings in the courts. The alleged Co-Personal Representatives (Tescher and Spallina) claim in their vexatious and frivolous instant pleading, filed through their **non-admitted** to this Court to act as counsel, attorney at law Manceri who claims, "As can be seen, Article I of the Will leaves the Decedent's tangible personal property (i.e. including the subject KIA automobile) equally to his five (5) children identified in the Will." This statement is the basis of their claim in their pleading that the Kia Soul is part of Simon's estate and was not an outright gift by Simon to his grandson.

68. That first off, the ALLEGED Will they refer to is improperly notarized and has already been challenged as described herein and pled in prior motions by Petitioner. Petitioner has formally challenged the alleged Will and Amended and Restated Trusts for defects, fraud, duress and more. Therefore, Petitioner gives this alleged Will allegedly signed by Simon only six weeks before his death, no legal validity but that is still not germane to the question of if the Kia Soul was a gift and therefore exempt property or if it was part of Simon's estate as claimed by Manceri.

69. That further the Co-Personal Representatives state through their non-admitted counsel Manceri, "The Decedent's grandson, Joshua Bernstein, is not included among the class

of person(s) entitled to receive exempt property as a share to the Decedent's Estate. See Florida Statute 732.402(1).” Yet, the Co-Personal Representatives are cognizant, along with three of the four other children of Simon, that the automobile was an outright gift to Joshua from his grandfather Simon, as a 15<sup>th</sup> Birthday Gift. Factually, Theodore, Iantoni and Friedstein each acknowledged the gift, as a gift, in congratulatory emails they wrote to Joshua regarding getting the vehicle as a gift, see EXHIBIT 1 – CONGRATULATORY EMAILS AND PICTURES OF SIMON GIVING GIFT, attached herein. In fact, Theodore wrote, acknowledging the gift with all kinds of exclamations,

From: Ted Bernstein [mailto:TBernstein@lifeinsuranceconcepts.com]  
Sent: Wednesday, August 29, 2012 8:28 PM  
To: iviewit@iviewit.tv  
Subject: RE: Josh getting his first wheels

**Go Josh!! He must have gotten really, really, really good grades last year or have some incriminating pictures on someone to get a car at 15 :-! ;-)**

Ted Bernstein  
561-988-8984  
tbernstein@lifeinsuranceconcepts.com  
www.lifeinsuranceconcepts.com  
www.EquityTermInsurance.com

----- Original message -----

Subject: Josh getting his first wheels  
From: Eliot Ivan Bernstein <iviewit@iviewit.tv>  
To: "joshbernstein9@gmail.com" <joshbernstein9@gmail.com>, 'Joshua Ennio Zander Bernstein' <whitebengaltiger1@gmail.com>, "Candice Bernstein ~ Business Development Manager @ Rock~It Cargo USA LLC" <candyb@rockitcargo.com>, 'Jill Iantoni' <jilliantoni@gmail.com>, 'lisa friedstein' <lisa@friedsteins.com>, Ted Bernstein <TBernstein@lifeinsuranceconcepts.com>, Deborah Bernstein <mrsflorida02@hotmail.com>  
CC: Josh getting his first wheels

70. In an about face to his admitted knowledge of the gift, in a recent email from Theodore to Petitioner and others, sent December 06, 2013, he states delusionally, “With respect

to the KIA, I am sorry but I do not have a great deal of knowledge about this matter as it falls outside my responsibility. Having said that, I do know that it is owned by dad's estate and under his will would pass to the five of us unless some special arrangement is made to title it to Josh." Just what kind of "special arrangement" would be needed to give the gift to the rightful owner in Theodore's world of delusion, where he claims he now knows nothing of the outright gift, as it is outside his responsibility to know and yet where he was fully cognizant that it was a gift?

71. That on information and belief, Theodore, while answering the mail of his deceased father's estate, with no fiduciary role in the estate of Simon to do so, received from the state of Florida the title for the Kia and threw it away in the garbage. The state of Florida confirmed sending the title.

72. That the December 06, 2013 letter of Theodore's is filled with other insane statements and threats pertinent to these matters, including, "You pursued and caused to be arrested a paralegal that our parents loved and without ill-intent, only tried to help a situation along because of dad's death, and it now appears that you are in the process of trying that again with my assistant who has done nothing wrong. You continue to drag Don and Robert through the mud, both of whom our parents were very fond of and who did very good work for our family, notwithstanding your relentless and slanderous accusations... **We** [refers to Theodore, Tescher and Spallina] will not continue to ignore these threats and the damage you are inflicting." The adverse interest of Theodore with Petitioner is apparent in this statement, as it is apparent that Theodore is mad at his brother that Moran has been arrested for forging his name,

Petitioner's name and his deceased father's name. Theodore bizarrely is not mad at Moran for the crimes against their family but instead he is angry at Petitioner, his own brother, for exposing the criminals who have disgraced their parents' last wishes and desires and committed a host of crimes in the estates to disable their last wishes. Certainly, Simon and Shirley would be horrified if alive that fraud and forgery was used by their trusted estate planners and others to change their estate plans.

73. That Theodore is further angered with Petitioner for exposing the crimes of Tescher and Spallina, his close personal friends and strange criminal bedfellows who have violated virtually every section of the Probate Law and many felony statutes, breached fiduciary duties and trust beyond repair, committed criminal acts in closing the estate of his mother and father and more. To sum it up in Theodore's own words in a letter he sent to Petitioner and his father informing them they no longer existed, he states,

From: Ted Bernstein [mailto:TBernstein@lifeinsuranceconcepts.com]  
Sent: Saturday, April 7, 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...**It is likely that we will still have a relationship however, because we are related and we will be brought together at different times, to engage in the things that people who are related engage in (weddings, bar mitzvahs, graduations, illness and death).

That the email was in response to Petitioner trying to have Theodore invite his father over for Passover, the first Passover without his beloved wife Shirley and end the boycott of Simon by

four of his five children and seven of his ten grandchildren, orchestrated primarily by Theodore before the stress killed their father, this cold hearted response was the reply.

74. That Spallina, Theodore, Iantoni and Friedstein were all cognizant that the Kia Soul was an outright gift from Simon to his grandson Joshua on the last day Joshua saw his grandfather alive, as only a few days later Simon passed away. That Theodore, Iantoni and Friedstein responded with congratulatory messages when sent the pictures in Exhibit 1, yet they participated in filing this vexatious pleading by Manceri on their behalf with full knowledge that they are fraudulently trying to convert exempt property that was an outright gift to them through this fraudulent pleading full of untruths on this Court.

75. That immediately after Simon's death, the Personal Representatives were advised that the car was a gift and were aware of the emails above and stated they would turn the title over when they received it but then, once they were busted and Moran came under investigation, they instead decided to put forth this fraud on the court with this baseless and misleading pleading to attempt to further convert exempt properties to the wrong parties and harm Petitioner and his minor child, Joshua, with scienter.

76. That Joshua has been unable to drive the Kia for over a year because the Personal Representatives refuse to release the title (or Theodore has destroyed it) to the car and give it to him as exempt property of the estate, so he can insure it, register it and drive it. Initially, Spallina and Theodore said that when they received the title from the state of Florida they would turn the vehicle over but once they realized that Petitioner was pursuing them for the criminal acts they refused and now make these felonious claims to this Court in efforts to

fraudulently convey the property to the wrong parties.

77. That in the Co-Personal Representatives care of the Kia for the estate for over a year now, as they claim it is an estate asset, they have failed to insure or register the vehicle and have left it at Petitioner's house on the street, exposing the entire estate to risk if it were involved in an accident, etc., again Willful, Wanton, Reckless and Grossly Negligent behavior by the fiduciaries of the estate. They also failed to list it, along with many other items on the inventory of Simon as an asset.

78. That this torture of Petitioner's son is designed to extract additional pain and suffering on Petitioner and attempt to extort him to drop his state and federal complaints. From Theodore's December 06, 2013 letter it is clear that he is enraged that Petitioner has had Moran arrested, Spallina and Tescher investigated and knowing Petitioner has filed other actions against Baxley and Theodore et al. Further, knowing that Judge Colin has enough evidence of fraud to already read them (Tescher, Spallina, Manceri and Theodore) their Miranda's and that Spallina and Tescher are 100% liable for damages for the actions of their notary publics for acts committed in their employ, they now all have adverse interests to Petitioner and his family. These absolute adverse interests should have instantly caused the attorneys at law Tescher and Spallina and Theodore as a fiduciary to voluntarily disqualify themselves of any fiduciary roles and when they failed, this Court and Colin's court should have terminated them instantly. Tescher and Spallina also know that under Florida law they are directly responsible for the acts of their employee legal assistant/notary public Moran and Baxley and as such are also liable for their fraud and forgery on the courts and beneficiaries and know that if they relinquish or are

removed from their illegally gained fiduciary powers their whole scheme will unravel fast and thus why despite the conflicts and adverse interests continue to act in violation of law as fiduciaries.

79. That in a prior motion for interim distributions in Colin's court listed already herein, Petitioner explained the extortion of his family taking place due to these adverse interests, in efforts to derail him and shut him down from having them prosecuted and prisoned. The KIA is one small example of the way they are playing to inflict harm on Petitioner and his family but it is one of the sickest, in that it harms a minor child so directly, with intent and scienter as evidenced herein, as they all know it was an outright gift and are now using it instead to extort Petitioner to make "special arrangements" to get it back to the rightful owner and further evidences WILLFUL, WANTON, RECKLESS and GROSSLY NEGLIGENT behavior in breach of fiduciary duties and law that must be stopped instantly by this Court. Further, Theodore, Spallina, Tescher and Manceri should all be sanctioned for this vexatious and frivolous knowingly fraudulent pleading and reported for this abuse of process as well.

80. That further, Petitioner alleges that the estates of Simon and Shirley are worth far more than Spallina and Theodore stated in the hearings before Judge Colin where they claimed the total worth of the gross estates, including all trusts of both Simon and Shirley was four million dollars. Where evidence submitted in the estates already shows far greater value than four million and new evidence soon to be submitted to the courts, shows assets of the estates that were not inventoried in either Simon or Shirley's estates, worth millions more that have disappeared. From Theodore's December 06, 2013 letter, he claims, "Notwithstanding



that, you continue to believe that our parents were worth \$40 million dollars when they were worth \$4 million dollars..." and one can see that now there exists a discrepancy in the value of the estates that can now only be resolved through proper forensic accounting, which again, Petitioner and/or his children have received NO ACCOUNTINGS for the estates or trusts, erroneous inventories that were suppressed from the beneficiaries of both Simon and Shirley's estates, again, this suppression and denial of the information, all wholly in violation probate law and statutes. Until such time that audited and forensically inspected accountings and inventories are produced for the estates and all trusts, this dispute of the value of the estates cannot be resolved and with all the proven and further alleged criminal acts to steal off with estate assets occurring, Petitioner prays this Court force full accounting for the estate of Simon be instantly forthcoming and allow Petitioner to have forensic accounting experts review any such accountings submitted at the expense of the Co-Personal Representatives who have failed to provide these legally required documents to the beneficiaries and are already involved in Fraud and Forgery in the estates that have caused all these new costs to be necessary.

81. That this Court under Judicial Cannons and Law must report the felony acts proven and alleged herein that are directly related to these matters of Simon's estate to the proper authorities (ethical and criminal), including but not limited to, all those crimes alleged in ALL prior Petitions and Motions filed with this Court, which are yet unheard since May 2012. Especially where the criminal acts proven and alleged are done in part by Officers of this Court representing these matters, including but not limited to, Spallina, Tescher and Manceri, as much of the acts have occurred not only in Colin's court but in this Court as well.

82. That finally, who is Mark Manceri, who was threatened once with Miranda warning from Judge Colin for the fraud being perpetrated on that court in the September 13, 2013 hearing, in which the estate was reopened due to the fraudulent activities and more? Has Manceri entered into this case as required by law, as he is not listed on the docket as counsel for any party and made no filings for appearance in the matters prior to representing parties at will? According to the alleged Co-Personal Representatives Tescher and Spallina, Spallina is their counsel as Personal Representatives, not Manceri. Yet, Manceri files his pleading representing Co-Personal Representatives Tescher and Spallina and where again their appears no record of his being admitted to represent any parties and this should be cause for his disqualification of any of his pleadings or actions before the Court thus far on behalf of any parties and good cause for sanctioning and reporting this vexatious and frivolous pleading to all the proper ethical and criminal authorities, as yet another knowingly fraudulent attempt to convert assets to the wrong parties through continued fraud on the court and fraud on the true and proper beneficiaries.

83. That Manceri has also filed what appears another pleading on December 12, 2013, full of false statements that Petitioner will timely respond to but in that pleading, a "Motion to Transfer and Consolidate," Manceri attempts to merge this Court case with Judge Colin's court case regarding Simon and Shirley before one judge. In this pleading he again represents Co-Personal Representatives, Spallina and Tescher, where Spallina is listed and admitted to this Court as the Co-Personal Representatives counsel and again no entry was made in this Court at the time of filing as to Manceri representing any party in these matters and again these vexatious and abusive pleadings filed by a non-attorney in the case, representing parties at

will, with no court entry, are all worthy of sanctions and reportable to the state bar and authorities and all pleadings should be dismissed and disqualified entirely on this ground alone.

84. That Petitioner apologizes to the Court for the length of filing but due to the enormous number of violations of law being committed it is hard to fit it all in within any predefined page limits as a Pro Se litigant, unskilled in legalese.

85. Based on all of the above, the Petition must be granted and the exempt property given to Petitioner's son as his birthday gift from his grandfather that everyone knows it was.

WHEREFORE, Petitioner hereby requests for an Order consistent with the relief requested herein, to hear all Motions in the order they were received and an award of attorney's fees and costs to be paid by Tescher, Spallina, Manceri and Theodore and further impose severe and harsh sanctions for damages already caused through these frivolous and vexatious abuse of process pleadings, fraught in adverse interests and conflict and causing ongoing harms, including harms to minor children with scienter and any other relief this Honorable Court deems just, equitable and proper.

Eliot Bernstein, Pro Se and as legal guardian  
on behalf of his minor three children

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Dated: Tuesday, December 17, 2013

### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by



email to all parties on the following Service List on December 17, 2013.

Eliot Bernstein, Pro Se and as legal guardian  
on behalf of his minor three children

---

### **SERVICE LIST**

#### **Respondents sent US Mail and Email**

Robert L. Spallina, Esq.  
Teschler & Spallina, P.A.  
Boca Village Corporate Center I  
4855 Technology Way  
Suite 720  
Boca Raton, FL 33431  
[rspallina@tescherspallina.com](mailto:rspallina@tescherspallina.com)

Donald Tescher, Esq.  
Teschler & Spallina, P.A.  
Boca Village Corporate Center I  
4855 Technology Way  
Suite 720  
Boca Raton, FL 33431  
[dtescher@tescherspallina.com](mailto:dtescher@tescherspallina.com)

Theodore Stuart Bernstein  
Life Insurance Concepts  
950 Peninsula Corporate Circle, Suite 3010  
Boca Raton, Florida 33487  
[tbernstein@lifeinsuranceconcepts.com](mailto:tbernstein@lifeinsuranceconcepts.com)

Mark R. Manceri and  
Mark R. Manceri, P.A.  
2929 East Commercial Boulevard  
Suite 702  
Fort Lauderdale, FL 33308  
[mrmlaw@comcast.net](mailto:mrmlaw@comcast.net)

#### **Interested Parties and Trustees for Beneficiaries**

Lisa Sue Friedstein  
2142 Churchill Lane  
Highland Park IL 60035  
[Lisa@friedsteins.com](mailto:Lisa@friedsteins.com)  
[lisa.friedstein@gmail.com](mailto:lisa.friedstein@gmail.com)

Jill Marla Iantoni  
2101 Magnolia Lane  
Highland Park, IL 60035  
[jilliantoni@gmail.com](mailto:jilliantoni@gmail.com)  
[Iantoni\\_jill@ne.bah.com](mailto:Iantoni_jill@ne.bah.com)

Pamela Beth Simon  
950 North Michigan Avenue  
Suite 2603  
Chicago, IL 60611  
[psimon@stpcorp.com](mailto:psimon@stpcorp.com)

Eliot Ivan Bernstein  
2753 NW 34th St.  
Boca Raton, FL 33434  
[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)  
[iviewit@gmail.com](mailto:iviewit@gmail.com)

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

EXHIBIT 1 – Congratulatory Letters Regarding Simon Gift to Joshua of Kia Soul

Tuesday, December 17, 2013 @ 4:02:28 AM

OBJECTION TO MOTION TO STRIKE PETITION TO DETERMINE AND RELEASE TITLE OF EXEMPT PROPERTY  
EXHIBITS

## Eliot Ivan Bernstein

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**From:** Ted Bernstein <TBernstein@lifeinsuranceconcepts.com>  
**Sent:** Wednesday, August 29, 2012 8:28 PM  
**To:** iviewit@iviewit.tv  
**Subject:** RE: Josh getting his first wheels

Go Josh!! He must have gotten really, really, really good grades last year or have some incriminating pictures on someone to get a car at 15 :-! ;-)

Ted Bernstein  
561-988-8984  
[tbernstein@lifeinsuranceconcepts.com](mailto:tbernstein@lifeinsuranceconcepts.com)  
[www.lifeinsuranceconcepts.com](http://www.lifeinsuranceconcepts.com)  
[www.EquityTermInsurance.com](http://www.EquityTermInsurance.com)

----- Original message -----

**Subject:** Josh getting his first wheels  
**From:** Eliot Ivan Bernstein <[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)>  
**To:** "joshbernstein9@gmail.com" <[joshbernstein9@gmail.com](mailto:joshbernstein9@gmail.com)>, 'Joshua Ennio Zander Bernstein' <[whitebengaltiger1@gmail.com](mailto:whitebengaltiger1@gmail.com)>, "Candice Bernstein ~ Business Development Manager @ Rock~It Cargo USA LLC" <[candyb@rockitcargo.com](mailto:candyb@rockitcargo.com)>, 'Jill Iantoni' <[jilliantoni@gmail.com](mailto:jilliantoni@gmail.com)>, 'lisa friedstein' <[lisa@friedsteins.com](mailto:lisa@friedsteins.com)>, Ted Bernstein <[TBernstein@lifeinsuranceconcepts.com](mailto:TBernstein@lifeinsuranceconcepts.com)>, Deborah Bernstein <[mrsflorida02@hotmail.com](mailto:mrsflorida02@hotmail.com)>  
**CC:** Josh getting his first wheels



Happy Birthday Joshua,  
Hoping one day you take me  
out for Ice-cream with  
your "Soul".

P.S. This is my address just in case  
that you forget.

"7020 Lions head Ln"  
BOCA RATON FL 33496  
Phone: 561-4779096"

Love mantra.

To My GREAT GRANDSON  
Hope This gives your life  
the Soul you will  
always Have.

Love you  
h 2 a

Feliz Cumpleaños

And naturally it's bringing  
what grandparents  
seldom hide-

a world of admiration  
and no end  
of loving pride.

Happy Birthday

\* The Role is, the bear  
should be with the "Soul."





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TORONTO, CANADA M2J 1P6  
MADE IN U.S.A.

This birthday greeting's

sent to you

just so you won't forget

that when it comes

to grandsons,

you're as fine

as any yet...

























## Eliot Ivan Bernstein

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**From:** lisa.friedstein@gmail.com on behalf of lisa friedstein <lisa@friedsteins.com>  
**Sent:** Tuesday, August 28, 2012 9:05 PM  
**To:** Eliot Ivan Bernstein  
**Subject:** Re: Josh getting his first wheels

Wow...go Josh! Looks like a really fun ride!  
We are so happy for you! happy Birthday!  
See you soon!  
Love You

On Tue, Aug 28, 2012 at 6:32 PM, Eliot Ivan Bernstein <[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)> wrote:



## Eliot Ivan Bernstein

---

**From:** Jill lantoni <jilliantoni@gmail.com>  
**Sent:** Tuesday, August 28, 2012 9:12 PM  
**To:** Eliot Ivan Bernstein  
**Cc:** <joshbernstein9@gmail.com>; Joshua Ennio Zander Bernstein; Candice Bernstein ~ Business DevelopmentManager @ Rock~It Cargo USA LLC; lisa friedstein; Theodore S. Bernstein; DeborahBernstein  
**Subject:** Re: Josh getting his first wheels

Omg, this is great!! Congrats Josh.

Jill lantoni  
lantoni\_jill@ne.bah.com  
Recruiting Services  
Booz | Allen | Hamilton

On Aug 28, 2012, at 6:32 PM, "Eliot Ivan Bernstein" <iviewit@iviewit.tv> wrote:

>  
> <IMG\_0754.jpg>  
> <IMG\_0755.jpg>  
> <IMG\_0756.jpg>  
> <IMG\_0757.jpg>  
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> <IMG\_0750.jpg>  
> <IMG\_0751.jpg>  
> <IMG\_0752.jpg>  
> <IMG\_0753.jpg>

## Eliot Ivan Bernstein

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**From:** Eliot Ivan Bernstein <iviewit@iviewit.tv>  
**Sent:** Tuesday, August 28, 2012 7:33 PM  
**To:** 'joshbernstein9@gmail.com'; 'Joshua Ennio Zander Bernstein (whitebengaltiger1@gmail.com)'; 'Candice Bernstein ~ Business Development Manager @ Rock~It Cargo USA LLC (candyb@rockitcargo.com)'; 'Jill Iantoni'; 'Lisa Friedstein'; Theodore S. Bernstein (TBernstein@lifeinsuranceconcepts.com); Deborah Bernstein (mrsflorida02@hotmail.com)  
**Subject:** Josh getting his first wheels  
**Attachments:** IMG\_0754.jpg; IMG\_0755.jpg; IMG\_0756.jpg; IMG\_0757.jpg; IMG\_0758.jpg; IMG\_0759.jpg; IMG\_0750.jpg; IMG\_0751.jpg; IMG\_0752.jpg; IMG\_0753.jpg