

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

_____/

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**

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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.

**(I) MOTION OBJECTING AND OPPOSING MOTION TO TRANSFER AND
CONSOLIDATE AND (II) MOTION TO SET NEW EMERGENCY HEARING TO
HEAR PETITIONER'S MOTIONS**

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 **(I) MOTION OBJECTING AND OPPOSING MOTION TO
TRANSFER AND CONSOLIDATE AND (II) MOTION TO SET NEW EMERGENCY
HEARING TO HEAR PETITIONER'S MOTIONS** and in support thereof state, as follows:

**MOTION OBJECTING AND OPPOSING MOTION TO TRANSFER AND
CONSOLIDATE**

1. That on December 12, 2013, Attorney at Law, Mark Manceri ("Manceri")

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filed a "Motion to Transfer and Consolidate" on behalf of Attorneys at Law, alleged Co-Personal Representatives, Robert Spallina, Esq. ("Spallina") and Donald Tescher, Esq. ("Tescher"), and Manceri filed the pleading without first filing for a Notice of Appearance to represent any parties before this Court, making the Motion void.

2. That currently the only attorney at law who has filed with this Court to represent Tescher and Spallina as Co-Personal Representatives and filed a Notice of Appearance 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 this pleading should be stricken.

3. Manceri, attempts to establish in this pleading a false record of facts regarding these matters before the Court in efforts to Cover Up the criminal acts of his alleged clients, Tescher and Spallina and the criminal acts committed in the estate of Shirley Bernstein ("Shirley") by Tescher and Spallina and others and attempt to harass Petitioner and claim his properly filed pleadings have been adjudicated and denied.

4. Manceri, attaches to his pleading a copy on an ALLEGED Will of Simon, dated July 25, 2012, six weeks before Simon passed on September 13, 2012, which was filed by Tescher and Spallina with the Court and thereafter admitted to probate by the Court. However, the ALLEGED Will of Simon has been timely challenged on multiple grounds in this Court already in Petitioner's prior filings with the Court regarding these matters but these Motions have not been heard since May 2013. Further, Petitioner and Petitioner's minor children's former counsel, Tripp Scott, have been denied repeated requests since Simon's

death on September 13, 2012, both written and oral, for Simon's 2008 Will and the 2008 Simon Trusts established prior to the alleged 2012 Amended & Restated Simon Bernstein Trust and alleged 2012 Will, legally owed to beneficiaries and interested parties as required by Probate Law and Statutes.

5. 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 languished in and 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,"

6. 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 and then filed in the court by Tescher and Spallina, the nature of Emergency in these proceedings has elevated due to admitted and acknowledged criminal acts and criminal acts done in and upon the courts involved in the estates of Simon and Shirley.

7. That it is now urgent for this Court to take Petitioner's prior Motions and all of them in filing order and hear them now as Emergencies. 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 used to illegally seize Dominion and Control of the estates and fiduciary positions.

8. That alleged Fraudulent and Proven Forged documents were then used in combination within the two estates 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.

9. That to then conceal their crimes from the Beneficiaries, the records, accountings, copies of the alleged Wills and Trusts, inventories and more have all been suppressed and denied the Beneficiaries and Interested Parties 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. Because of these criminal acts the Beneficiaries have now been called into question and requests for determination by this Court of the Beneficiaries has already been made by Petitioner, which will now have to be determined by each court as requested in Petitioner's prior pleadings. The alleged Will of Simon has been challenged on several other pertinent grounds discussed at length in prior pleadings filed by Petitioner since May 2013 with the Court, which all remain unheard and need to be heard in the order they were filed.

10. That Manceri claims in the inappropriately filed pleading "As can be seen, Simon L. Bernstein exercised the power of appointment granted to him under the Shirley Bernstein Trust Agreement dated May 20, 2008." That if the alleged 2012 Will of Simon signed six weeks before his passing is to survive the deficiencies Petitioner has evidenced in the prior Motions to this Court, it will be shown that he only had a LIMITED power of appointment and could only make changes to Shirley's predefined Beneficiaries, which

wholly excluded Theodore S. Bernstein ("Theodore"), Pamela B. Simon ("Pamela") and their lineal descendants. The three beneficiaries of the Estate and Trusts of Shirley include only, Petitioner, Jill Iantoni ("Iantoni") and Lisa S. Friedstein ("Friedstein") and their lineal descendants. Simon could not add new beneficiaries to those in Shirley's Will through his limited Power of Appointment, which either way leaves the Beneficiaries in question as was discovered in an October 28, 2013 Evidentiary Hearing before Judge Colin in Shirley's estate when these matters were presented to that court.

11. The alleged 2012 Will of Simon does not amend the prior 2008 Will but instead attempts to replace it entirely, yet even in this alleged new 2012 Will, Simon does not define the beneficiaries by name that he is allegedly exercising his LIMITED Power of Appointment over in Shirley's estate. Therefore, it would follow that Simon only intended on changing the beneficiaries in Shirley's estate, if the alleged 2012 Simon Will is ruled valid, to those beneficiaries he was limited to choose from in Shirley's 2008 Will where the Beneficiaries are designated and limited and wholly exclude Theodore, P. Simon and their lineal descendants. Yet, Tescher, Spallina and Theodore have attempted to broaden the changes to include Theodore and Pamela Simon's children back into Shirley's limited list and using a set of documents that has been challenged on multiple grounds, including proven FORGERY and FRAUDULENT NOTARIZATIONS and Petitioner claims are all fraudulent.

12. That Manceri further claims in his pleading, "Ted S. Bernstein, as Trustee of the Shirley Bernstein Trust, holds the assets subject to the power of appointment exercised by his father, Simon L. Bernstein. Pursuant to Article III of the Will, the Shirley Bernstein Trust

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is incorporated by reference into the Last Will and Testament of Shirley Bernstein. The Shirley Bernstein Trust is the named residuary beneficiary under the Will of Shirley Bernstein.” Here again we find Manceri attempting to pepper the record with misleading statements of fact. First, Theodore was not, and is alleged currently not to be, the Trustee of the Shirley Bernstein Trust. Theodore had no legal standing to act as a Personal Representative or Successor Trustee, as it was learned in Judge Colin’s court in a September 13, 2013 hearing when Theodore claimed on the record that he was “Trustee” of the Estate of Shirley and claims were made by others on the record that Theodore was Trustee of the Shirley Trusts, however, it was later learned in the same hearing that due to the fraud on the court committed by Spallina and Tescher with them closing Shirley’s estate with documents forged Post Mortem for Simon, then illegally misusing his identity as if he were alive to fraudulently file with the court a whole series of fraudulent documents for Simon, using him illegally to act in the capacity of the Personal Representative and Trustee Post Mortem for four months after he was deceased and therefore NO successor Trustees or Personal Representatives were ever chosen or appointed Letters by the court since the estate was closed ILLEGALLY in January 2013 by a deceased Personal Representative and Trustee. Therefore, Theodore could not have been the Trustee of the Estate or the Successor Trustee of Shirley’s Trusts as no successors replaced Simon.

13. That Theodore when acting as alleged fiduciary took no actions with either the prior Beneficiaries of record or the alleged new beneficiaries of Shirley’s Estate or Trusts to notice them of his alleged fiduciary roles as required by Probate Rules and Statutes, for

example by sending copies of the Wills and Trusts of Shirley to the new beneficiaries with notice that he was acting as a fiduciary, sending the new beneficiaries information regarding their interests, sending new accountings with the old as required when Personal Representatives change, etc. Second, the alleged Will of Simon is challenged on several legal grounds already pled in prior Motions to the Court and thus Petitioner grants it no legal validity at this time, despite Manceri's best efforts to try and claim it is valid. Petitioner awaits the Court's ruling on all challenges cited in Petitioner's prior Motions as to the validity of the alleged 2012 Will of Simon and any actions Simon is alleged to have taken under such alleged 2012 Will to be change the Beneficiaries in either estate.

14. That from the time of death of Simon on September 13, 2012 through time of the September 13, 2013 hearing before Colin to an Evidentiary Hearing by Judge Colin on October 28, 2013 where Judge Colin for the first time granted Theodore Letters of Administration, if he followed all probate rules and statutes in so obtaining them, Theodore had acted illegally in these claimed fiduciary capacities prior. Therefore, ALL PRIOR ACTIONS of Theodore in the Estate of Shirley during the year he acted as a fiduciary while Simon was still listed as the Personal Representative and Trustee and no successors chosen was without legal authority and standing.

15. That during the time that Theodore had no legal authority to act in the Estate or Trusts, he acted to liquidate and distribute assets as fast as he could, even after being noticed in May 2013 that signatures, including his own and his deceased father's, were Forged and documents Fraudulently Notarized on their behalf and knowing that it would affect the

Beneficiaries of his mother and father's estates to his disadvantage, he concealed the information from the courts, the beneficiaries and the authorities.

16. That from May 2013 when Theodore was served documents relating to the crimes served on him by Petitioner, to September 2013 the day of the Evidentiary Hearing brought about by Petitioner's hard work and due diligence and filing of criminal complaints that led to an arrest already, Theodore still failed to report the criminal acts he was knowledgeable about, even those in his name and his deceased father's, to either the courts or the authorities, in violation of his alleged fiduciary duties.

17. That factually, Theodore did not come forward with information that his signature was forged and documents of his were fraudulently notarized until investigations by authorities began and the Sheriff's office began calling him and his close personal friends, business associates and partners in crime, Tescher and Spallina, regarding their involvement in the crimes.

18. That Spallina and Tescher were also notified of the forgeries and frauds in May 2013 and failed to come forth to the courts and authorities until September 13, 2013 as well, all the while aiding Theodore in liquidating assets as fast as possible in a number of fraudulent schemes while denying all rightful documents, records, accountings, etc. to beneficiaries and interested parties in violation of probate rules and statutes.

19. That Manceri claims, "Eliot Ivan Bernstein, the father and natural Guardian of Daniel Bernstein, Jacob Bernstein and Joshua Bernstein has filed numerous and duplicative papers or pleadings in both this Case and the Estate of Shirley Bernstein pending before the

Honorable Martin L. Colin.” Petitioner states that first he is not only natural Guardian of his children but a Beneficiary and Interested Party in the Estates and he has filed numerous pleadings of great length, great cost to him and great loss of time to him since May 2013, however, this all due to the admitted felony criminal acts of Manceri’s clients, Tescher and Spallina, and their legal assistant / notary public employee, Kimberly Moran (“Moran”) and a host of alleged other criminal activity taking place in the estates in each court caused directly by them.

20. That Petitioner’s pleadings are prudent and **not duplicative and have legal differences**, as they were filed separately in this Court and Judge Colin’s court, as the estates of Simon and Shirley were before two separate judges from inception and a different set of activities, including fraud on the two courts have taken place before separate Judges Colin and French. That almost all of the Motions of Petitioner’s were filed in both Courts and while appearing similar are in fact materially different and were tailored for the crimes alleged to have taken place on the separate courts, before each Judge in the separate estate cases and some pleadings have been filed in one or the other court, if it was specific to that court.

21. That until Petitioner’s prior Motions that were tailored to this unique situation of alleged fraud upon two separate courts are heard in entirety by the two separate Justices whose courts the crimes were committed in, as different frauds are alleged to have occurred in their courtrooms, under their noses and with their official stamps and names upon the documents involved and until all this is resolved the cases should not be merged. After all Petitioner’s prior Motions are heard and adjudicated by each of the Judges independently and

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separately in the order they were filed and each court rules on the Motions that are specific to the frauds on their court, the cases could be considered for merger with one Judge, after a legally proper pleading is filed to merge them by an admitted attorney at law in the matter. This delay in merging the cases under one judge, until all prior Motions are heard and each court resolves the crimes committed in their court is important, as merging them now will only further harm Petitioner in frivolous costs and further delays and become more costly and confusing to the courts as well.

22. That after the prior Motions are heard by each court and decided, Petitioner believes judicial economies may be achieved through merging them and a new and proper pleading can be submitted by an attorney at law admitted to the lawsuit to then hear that matter.

23. 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 permitted additional criminal acts to continue to occur, including alleged, Insurance Fraud, Theft of Assets, Fraud on a Federal Court, Conversion and more, including, extortion of Petitioner and his family. These delays in hearing Petitioner's Motions that detail these alleged crimes could have prevented or halted these new crimes, which must now also be prosecuted and investigated at great expense to the courts, Petitioner, Beneficiaries, Interested Parties and Public Offices both state and federal and the delays continue to damage the Beneficiaries and Interested Parties daily.

24. That the Motions and Petitions yet to be heard and adjudicated in the courts,

are as follows;

MOTIONS AND PETITIONS FILED BY PETITIONER

- i. That on May 6, 2013 Petitioner filed 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.”**
Filed in both estates.
 - www.iviewit.tv/20130506PetitionFreezeEstates.pdf 15th Judicial Florida Probate Court and
 - 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 a **“RENEWED EMERGENCY PETITION”** in the estates of Shirley and Simon.
 - 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
- iv. That on July 15, 2013, Petitioner filed a **“MOTION TO RESPOND TO THE PETITIONS BY THE RESPONDENTS”** in both estates.
 - www.iviewit.tv/20130714MotionRespondPetitionShirley.pdf
- v. That on July 24, 2013, Petitioner filed a **“MOTION TO REMOVE PERSONAL REPRESENTATIVES”** for insurance fraud and more in both estates.
 - www.iviewit.tv/20130724ShirleyMotionRemovePR.pdf
- vi. That on August 28, 2013, Petitioner filed a **“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

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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.

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

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,**

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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

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

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

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

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

xiv. That on December 17, 2013 Petitioner filed in the estate of Simon, a **“OBJECTION TO**

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MOTION TO STRIKE PETITION TO DETERMINE AND RELEASE TITLE OF EXEMPT PROPERTY”

- www.iviewit.tv/20131217ObjectionToMotionReKIAFrench.pdf

25. That the following Motions and Petitions were filed by Petitioner in the courts that remain unheard,

- 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

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- 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
 - xxiii. 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
 - xxiv. MOTION TO TAX ATTORNEY'S FEES AND COSTS AND IMPOSE SANCTIONS
 - xxv. OBJECTION TO MOTION TO STRIKE PETITION TO DETERMINE AND RELEASE TITLE OF EXEMPT PROPERTY

NOTE: All pleading listed in items (i-xiv) above filed in each of the state and federal 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.

26. That in the aforesaid Petitions and Motions, relating to both Simon and Shirley's estates and trusts, Petitioner prayed to the courts already in numerous prior pleadings for numerous legally valid reasons to Freeze the Estates of both Simon and Shirley, Remove the Personal Representatives and Determine the Beneficiaries on various grounds of alleged criminal activity claimed in the Petitions and Motions and sought proper and just relief in each.

27. That Petitioner requests this Court consider all the allegations, evidence and reliefs sought in the prior Petitions and Motions filed by Petitioner since May 2013 in particular and now consider each Motion contained in each pleading, in light of the new and damning **ADMITTED AND ACKNOWLEDGED CRIMINAL FELONY ACTS, INCLUDING BUT NOT LIMITED TO, FORGERY, NOTARY PUBLIC FRAUD, FRAUD ON THIS COURT, FRAUD ON THE BENEFICIARIES AND INTERESTED PARTIES AND INTERSTATE MAIL AND WIRE FRAUD, COMMITTED BY ATTORNEYS AT LAW ACTING AS OFFICERS OF THIS COURT AND OTHERS.**

28. That evidence of proven FRAUDULENT NOTARIZATIONS and admitted FORGERY in the estate of Shirley has been investigated 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** and filed by Spallina and Tescher with the court and Petitioner claims these were part of an elaborate set of documents that were Forged and Fraudulent and then posited with the courts, including the alleged 2012 Wills and Trusts of Simon, all used to attempt to change Simon and Shirley's estate beneficiaries Post Mortem, as fully defined in prior pleadings filed by Petitioner.

29. 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 Spallina ("Spallina"), who then used the documents to perpetrate a 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. That instead of electing successors to close the estate, they continued to illegally use Simon Post Mortem as the Personal Representative and Trustee to file with the court a whole series of Post Mortem documents, including affidavits, waivers and petitions attested to as if Simon were alive. These criminal acts by Tescher and Spallina prompted Judge Colin when he learned of the Fraud on his court, to state on the record that he had enough evidence at a September 13, 2013 hearing¹ to read Miranda rights to Spallina, Tescher, Manceri and Theodore, not Moran for her crimes as she was not present at this hearing but for their crimes, in addition to those of Moran of Fraud on the Court and Beneficiaries. In fact, no one represented the estate of Shirley at the hearings on September 13, 2013 or the Evidentiary Hearing in her estate on October 28, 2013, as no successors had been elected and granted Letters as Simon had closed the estate as if alive acting as Personal Representative and Trustee in January 2013, four months after he was deceased.

30. 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 Spallina and 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

¹ September 13, 2013 Hearing Transcript @ www.iviewit.tv/20130913TRANSCRIPT.pdf fully incorporated by reference herein.

Notarizing documents. Representing Moran is attorney at law, David Roth of Roth & Duncan, P.A.

31. That evidence now exists that Moran's sworn and official statements to two different state investigatory agencies and to Judge Colin's court through her counsel David Roth is perjured, as her sworn statements conflict in responses to Petitioner's complaints that he filed after proper and prudent due diligence and investigation with the Florida Governor Rick Scott's Notary Public Division and the Palm Beach County Sheriff's department and this perjury in her official statements must now be further investigated.

32. That recently uncovered evidence shows that Spallina, Manceri and Theodore made false statements in both the September 13, 2013 hearing and the October 28, 2013 Evidentiary Hearing 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 and to investigatory agencies one can presume there is more to the story of Moran and the Co-Personal Representatives than they have 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 section herein, Roman numeral (ix) of (xiii), Motion (II) of that pleading.

33. 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 the documents were used to illegally seize Dominion and Control of the estates and trusts and gain fiduciary roles and interests in them and to then

begin a series of other criminal acts to convert the assets. These crimes have not yet all been criminally prosecuted by the courts or criminal authorities at this time, just a fraction and complaints for recently uncovered crimes are being formalized by Petitioner currently to be filed with the courts and authorities.

34. That these Proven and admitted crimes are mired in egregious acts of bad faith and violation after violation of law, leaving the fiduciaries and attorneys at law representing these matters all with unclean hands that have destroyed any chance of their ever being trusted as fiduciaries by the Beneficiaries again. These criminal acts 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.

35. That once the estates were seized illegally by in part the FORGERIES and FRAUDULENTLY NOTARIZED estate documents, all types of other alleged frauds were then committed with the estate assets, including but not limited to, alleged Insurance Fraud, alleged Theft of Assets, alleged Fraud on a Federal Court, alleged Real Properties Frauds and alleged 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.

36. That all original signed documents for all estate documents filed with the courts and that are alleged part of the estates must also 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.

37. That Manceri claims, “On May 6, 2013, Eliot Ivan Bernstein filed an Emergency Petition in both the Estate of Simon Bernstein and the Estate of Shirley. The Petition is well over 100 pages in length.” Manceri should focus more on the amount of the proven already and alleged crimes that have been filed in the pleading against his clients, Tescher, Spallina and Theodore, in those 100 pages and not their length. Manceri is worried about Pro Se Petitioner’s filings meeting the page requirements of the Court, when his filings and pleadings are inappropriately filed, without entering a Notice of Appearance to the Court and therefore should be stricken and he should be sanctioned.

38. That Manceri needs to stop counting pages and looking for minor infractions in pleadings by a Pro Se Petitioner and should focus on what is really important, that his clients Tescher and Spallina and their legal assistant and notary public Moran are involved in filings with the courts that are proven FORGED and FRAUDULENT in Judge Colin’s court and alleged as such in this Court and that his clients illegally and horrifyingly used a deceased Simon to execute documents and close the estate of Shirley fraudulently, which appear on the surface far more serious violations of felony statutes than a mere alleged page number violation for an admitted layperson, not familiar in legalese and where Attorneys at Law, Tescher, Spallina and Manceri on the other hand have no excuse for their violations of the Court Rules, Procedures and Law as they are attorneys at law, including but not limited to, filing Post Mortem Forged documents to perpetrate fraud on the courts and Beneficiaries and Interested Parties with intent.

39. Now that an arrest has been made and new crimes have been advanced to the proper authorities against the Personal Representatives and counsel involved, the Cover Up efforts go into high gear. Efforts to paint to this Court a false record of events with misinformation and disinformation in these matters begins and part of this effort is an attempt to smear and defame Petitioner for his efforts to bring them to justice. Nanceri claims in his improperly filed pleading as a non-admitted attorney, “10. On May 8, 2013, the Honorable Martin H. Colin entered an Order denying the Emergency Petition.” What is interesting here is that the language used by Judge Colin was actually, “ORDERED AND ADJUDGED that the Emergency Petition is hereby Denied as an emergency [emphasis added]. The Respondent, Eliot Bernstein, is required to serve his petition properly and in accordance with the Rules of Procedure on all interested parties/persons to whom his petition is directed. No further action will be taken on this matter until the foregoing is complied with.”

40. That the order did not deny the Petition as anything but an “Emergency” (despite that Prima Facie Evidence of Forged and Fraudulently notarized documents were evidenced therein) and none of the Motions in particular contained within the pleading have been heard by either estate court as of this date, despite Petitioner curing the defects within days and serving all the proper parties for a second time, a several hundred page pleading, at great cost to Petitioner to have to refile and send to the parties and the courts again. Manceri however attempts to fool this Court to believe the pleadings have been heard by the courts and the Petition was denied in toto, by carefully crafting and cherry picking words from the Order to give a false impression that it was denied after hearing and adjudication of the substance of

each particular Motion therein.

41. That it appears that the May 08, 2013 Order by Judge Colin was submitted in both this Court, signed by Colin when it should have been Your Honor signing, and one in his own court on May 08, 2013.

42. That the May 09, 2013 Order Manceri refers to in his pleading was an Amended Order, however, the Motion was still only denied as an “Emergency” and none of the germane and salient issues or particular Motions within the pleading were or have ever been heard to this date.

43. That Manceri further tries to create a false record in this Court, again painting the picture that Petitioner’s pleadings were heard and denied by cherry picking a few words from the Order when he claims in his legally improper pleading, “13. This Court and Judge Colin both denied Renewed Emergency Petition by Orders dated May 30 and May 31, 2013 respectively.” Once again, Manceri fails to put the whole truth in his improperly filed pleading as to what was ordered in the courts, which actually states, “ORDERED AND ADJUDGED that said Motion is hereby DENIED as an Emergency, the moving party is directed to address said Motion in the ordinary course.” Again, this cherry picking of words in the Order to misrepresent the facts by taking limited portions of the Order out of context is apparent as the order denied only if the Motion was an “Emergency” and the rest was to be HEARD in the “ORDINARY COURSE,” which seems to be sometime in the future, as the pleading and the many Motions within it have yet to be heard by either court in whatever the “ordinary course” means. Again, Manceri found telling half-truths to mislead this Court in

efforts to Cover Up his clients' nefarious and criminal activities in the Courts and against the Beneficiaries by painting a false picture of the facts of the case and Petitioner to Your Honor by attempting to paint a picture that Petitioner's lengthy Motions have been heard and denied as if they were meritless after adjudication. This conduct is reprehensible and violates attorney conduct codes and more.

44. That Manceri, going for broke, again misleads the Court when he states, "17. On September 6, 2013, this Court entered an Order Denying the Emergency Motion." Again, this is a half-truth to cause confusion through further cherry picking words from the Order, as Your Honor claimed in that Order when read in whole, "The Court hereby determines only that the Motion is legally insufficient [emphasis added]. Accordingly, it is ORDERED AND ADJUDGED that the Motion is DENIED." That perhaps this Court can clarify the meaning of "legally insufficient" as there is no sufficient legal definition available. Again, the subject matter of the Motion was NOT HEARD and denied by this Court, it was only denied for being "legally insufficient" not after hearing the many Motions contained within and no rulings or orders were issued on any of the Motions embedded in the filing regarding the germane and salient points in each. Petitioner believes that he has cured the legally insufficient part of the pleading and is waiting for the Motion to be heard in toto in the "Ordinary Course" or for the Court to clarify its order further.

45. That due to the fact that virtually all of Petitioner's Motions remain unheard since May 2013, despite being cured of any alleged minor defects pointed out in the Orders, Petitioner again requests that prior to any merger of the cases, each and every pleading and all

Motions contained in each, filed in both Courts be heard in entirety by each Justice they were filed with before any merger can take place.

46. That the main reason consolidation of the cases at this time is inappropriate and will in fact cause greater judicial expenses and court time and also cause oppressive legal, forensic and litigation costs to Petitioner, Beneficiaries and Interested Parties, is that each Petition in each court deals specifically with specific and distinct FRAUDS ON THE SEPARATE COURTS and Fraud on the Beneficiaries of each estate, which are currently going to have to be decided by the court and therefore these are not the same duplicative pleadings Manceri claims and should be handled by the individual Justices, French and Colin, on the salient issues and specific crimes that occurred in their courts.

47. That trying to merge or consolidate the cases at this time would cause not only confusion and wasted time and energy but would cause an unprecedented situation where the Justice in the case that is eliminated would then have to be called into the other Justice's case as witness to what happened in their court, involving them and their staff to testify on each document filed in their court, for example, who filed the fraudulent pleadings with the Justice's staff in each case, who signed off on the fraudulent and forged documents in each case, who admitted them to the record, who docketed the entries in each case, etc. Combining the cases prematurely would only muddy the waters to disadvantage and prejudice of Petitioner and further delay the inevitable hearing of Petitioner's Motions that have languished for months in each court.

48. That Petitioner and his family has already suffered massive delays in receiving

inheritance and/or interim emergency distributions that are causing severe hardships on Petitioner and his family, including his three minor children, who have already suffered from the alleged and proven criminal acts of Tescher, Spallina, Moran, Theodore et al. to this point. To combine these cases at this time further injures the victims to the benefit of the perpetrators. Petitioner therefore proposes that the possibility of the cases being merged occurring only after each Justice has heard and ruled on each of Petitioner's prior pleadings filed in their courts independently in the order they were filed and each and every Motion therein. Once this is completed, the cases could be merged on a properly filed pleading by an attorney at law admitted to practice in this case before the Court. Most likely, after hearing Petitioner's pleadings in the order they were filed this Court will have removed the Personal Representatives and all prior counsel for the estates for their gross violations of fiduciary duties, cover up, attorney conduct codes and state and federal laws and for their admitted FELONY criminal acts committed already. Thus, if they are removed and disqualified, the pleadings of Manceri will be tossed in the garbage before they are ever heard and new appropriate Personal Representatives, Successor Trustees and counsel will have been appointed in the estate, who will not plead half-truths to the courts in efforts to save their own hides, their careers, law licenses and assets due to adverse interests and conflicts with Petitioner trying to jail them and will file proper pleadings to then be heard. Where Manceri, Tescher, Spallina and Theodore all have adverse interests and conflicts with Beneficiaries and Interested parties, especially Petitioner who is having them prosecuted in efforts to have them prisoned and they have therefore continued to act solely and soullessly in their own self-

interests and self-preservation with malintent to Petitioner and his family and continue looting the estates and are expected to continue to do so unless removed instantly by this Court.

49. That after ALL of the Motions that have been legally filed and listed already herein are heard in the order they were filed in, can we then hear the Motions of Manceri, if he is not removed and sanctioned for his unethical conduct to this point, which come months later in the docket after Petitioner's filings and that is if they do not have to be refiled according to procedural rules as do Pro Se Petitioner's pleadings when they were pled with any minor alleged defects. As Manceri is well aware, his clients and possibly himself too, for his part in the Fraud on the Court in Shirley's estate and alleged crimes in this estate (see roman numeral (ix) part (II) "MOTION TO FOLLOW UP ON SEPTEMBER 13, 2013 HEARING AND CLARIFY AND SET STRAIGHT THE RECORD' @ www.iviewit.tv/20131010MotionCompelFreezeYouHaveTheRighttoRemainSilent.pdf) are wholly liable for all the felony criminal acts and damages caused in Shirley's estate and most probably those problems caused in this Court. Your Honor may also find enough evidence to warn them of their Miranda's as Judge Colin did twice on the record in the September 13, 2013 hearing or actually read them to them and have them arrested as Judge Colin should have done at the point he had enough evidence of Fraud on his Court but for unknown reasons did not. Manceri, Tescher, Spallina and Theodore are all aware of these liabilities, as well as, the ethical and criminal violations of law alleged against them, which may result in prosecution and imprisonment of them all and for these reasons all of them have, beyond a doubt, Adverse Interests and Conflicts of Interests with Petitioner and his family who have

exposed some of their crimes through prudent due diligence to the proper authorities and courts and they have begun retaliating already, as defined further herein and in prior pleadings, by further misusing their alleged fiduciary powers to damage Beneficiaries and Interested Parties who are exposing their crimes.

50. That these Adverse Interests and Conflicts caused by the criminal acts and allegedly used to illegally seize Dominion and Control of the estates and the fiduciary positions in the estates, now further legally force their withdrawal as fiduciaries and counsel in the estates and trusts in ANY/EVERY capacity they are acting and Petitioner presumes their insurance carriers are all noticed at this time of their liabilities from their acts and are allowing these continued adverse and conflicted representations. Therefore, they should all immediately withdraw as fiduciaries and counsel in any capacities they are acting under and take no further actions in any way to move the courts in pleadings or hearings other than to withdraw. As they will not take, or cannot be expected to take, actions to harm themselves or aid their prosecution or help a Beneficiary or his family that are pursuing them, this Court must now do what is legally and ethically required of it to do, when Officers of the Court, Tescher, Spallina, Manceri and Theodore in his alleged fiduciary roles, are found already to be involved in felony criminal misconduct and Fraud on the Court and Beneficiaries and Interested Parties of the estates of Simon and Shirley and INSTANTLY REMOVE all those parties involved in the case thus far as fiduciaries and all counsel involved TO THIS POINT. Then, this Court should take Judicial Notice of the crimes and SANCTION THEM, REPORT THEM TO THE PROPER ETHICAL AND CRIMINAL AUTHORITIES, FORCE

BONDING, FORCE THEM TO PAY ALL LEGAL COST FOR ALL INJURED PARTIES OUT OF THEIR POCKETS AND NOT FROM THE ESTATES COFFERS FOR THEIR CRIMINAL ACTS PROVEN THUS FAR and any other reliefs Your Honor can think of, having superior knowledge of the law then Pro Se Petitioner.

51. 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, which are all part of an ongoing Pattern and Practice of fraud. Simon was deceased on September 13, 2012, yet achieved all the following POST MORTEM as if alive;

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.

52. 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.

53. 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 further fraud and more.

However, the relation of the cases 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 be deposed and become witnesses stemming from the frauds that occurred in the courts.

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 are heard first and the relief sought for each ruled on by the Court and once that is all resolved the cases may then be merged after a hearing on a properly filed motion by an admitted attorney in the matter.

54. That finally, who is Mark Manceri, who was threatened once with a 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 and prior to filing his instant pleading? According to the alleged Co-Personal Representatives Tescher and Spallina, Spallina is still their counsel as Personal Representatives, not Manceri. Yet, Manceri files his pleading representing Co-Personal Representatives Tescher and Spallina (who should have resigned already) and this should be cause for the disqualification of any of his pleadings or actions before the Court thus far, on behalf of any parties and provides cause for sanctioning and reporting this vexatious and frivolous pleading and the prior ones, to all the proper ethical and criminal authorities.

55. That based on all of the facts herein, Petitioner requests that this MOTION OBJECTING AND OPPOSING MOTION TO TRANSFER AND CONSOLIDATE be granted and any further relief this Court finds just and appropriate.

MOTION TO SET NEW EMERGENCY HEARING TO HEAR PETITIONER'S

MOTIONS

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56. 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, filing pleadings that are ruled on virtually overnight and without reporting the criminals and their crimes to the proper authorities as demanded by judicial cannons and law, quite amazingly.

57. 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 and the beneficiaries, 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 to this point.

58. That no withdrawal of counsel by Spallina has been made in this Court substituting himself as counsel for the Co-Personal Representatives Spallina and Tescher for Manceri. Further, Tescher and Spallina need to have separate and distinct counsel for each capacity they are acting under, both personally and professionally and their law firm similarly needs counsel.

59. That these delays by the courts, due to acts caused wholly by the Attorneys at Law, the alleged Personal Representatives and Trustees involved thus far in the estates, are having severe and intentional devastating economic impact on Petitioner and his family,

including his three minor children. Monies that had been funding Petitioner's family for almost six years, prior to and after the deaths of Simon and Shirley, set up to be continued to be paid for years to come, including all school expenses and home and living costs, through their inheritances and other trusts and funds set up for them, as designed by Simon and Shirley exclusively for Petitioner and his family in their 2008 estate plans, have now suddenly been ceased through further alleged fraud and fraudulent documents used by Theodore, Tescher, Spallina, as already pled in previously filed and unheard pleadings in the court as part of a play or pay extortion. These extortionary acts have been executed by Theodore acting again in alleged fiduciary roles regarding an entity, Bernstein Family Realty, LLC, that he recently seized control of with the aid of Spallina, a company owned wholly by Petitioner's family as set up in the estate plans of Simon and Shirley. The LLC receives all bills for Petitioner, his wife and children and their home and pays all expenses, including but not limited to, food, utilities, school tuitions for three minor children, home expenses, health/auto/homeowner insurance and more for almost seven years.

60. That Petitioner does not even receive most of the bills or is listed on the accounts and incurs monthly reimbursable expenses that have been paid for years for groceries, clothing, medical supplies and more and each month those are reimbursed to buy the next month groceries, etc. Since Theodore has illegally seized control of the LLC approximately three months ago, as pled in prior pleadings incorporated already herein, he has begun to claim he will now determine what he deems to be important bills of Petitioner's family to pay and when and with no notice has turned off utilities twice, including but not

limited to, phones, internet, cable and more. Further, to starve out Petitioner and his family, virtually overnight with the arrest of Moran, he has denied monies to reimburse groceries, pay for school sports trips long planned and now missed without warning or notice to Petitioner and his family, and all sorts of other tactics to try and stop Petitioner from having him and his close personal friends and business associates, Tescher and Spallina, all prosecuted for the criminal activities proven already and those alleged. The LLC and other trusts for Petitioner and his minor children that were pre-established and funded while Simon and Shirley were living should have once they deceased been fully funded by receiving their inheritances, with more than enough to cover Petitioner, his wife Candice and the children through their college years and where Petitioner was supposed to be in control of the LLC after their deaths and not Theodore.

61. That based on the facts herein, Petitioner requests this Court order on its own motion a MOTION TO SET A NEW EMERGENCY HEARING TO HEAR PETITIONER'S MOTIONS.

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

WHEREFORE, based on all of the above, this Objection to the Motion to Transfer and Consolidate must be granted and the pleading of Manceri stricken as legally deficient, inappropriate and improperly filed. Further, that the hearing scheduled for December 24, 2013 be cancelled as it was Ordered by this Court after ruling on an improperly filed

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pleading of Manceri and instead a new EMERGENCY hearing be scheduled on Petitioner's request herein to hear ALL of Petitioner's Motions filed to this point with this Court.

Petitioner's hearing may need possibly two hours or more, as there is a backlog of Petitioner's Motions to hear and this Court should schedule such new hearing to hear Petitioner's Motions in toto on its own Motion and schedule at the soonest possible time to save further injuries to the Beneficiaries and Interested Parties, including three minor children who are suffering from extortionary acts of the fiduciaries and counsel, as pled in Petitioner's prior Motions in detail and an award of attorney's fees and costs to be paid by Tescher, Spallina, Manceri, Moran, Baxley and Theodore. Further, to impose severe and harsh sanctions upon those involved for damages already caused through these frauds on the courts and Beneficiaries, for filing frivolous and vexatious abuse of process pleadings that act as further fraud on the courts 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

Dated: Friday, December 20, 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 20, 2013.

Eliot Bernstein, Pro Se and as legal guardian

Friday, December 20, 2013 12:50:26 PM

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

on behalf of his minor three children

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EXHIBITS

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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