

IN THE CIRCUIT COURT IN AND FOR THE 15TH JUDICIAL CIRCUIT IN AND FOR
PALM BEACH COUNTY, FLORIDA

IN RE: ESTATE OF:

PROBATE DIVISION

SIMON L. BERNSTEIN,

FILE NO: 502012CP4391XXXXNB/IH

Deceased.

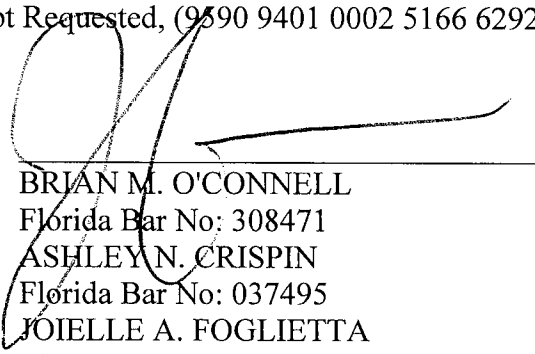
**MOTION TO STRIKE STATEMENT OF CLAIM BY FLORIDA POWER AND LIGHT
COMPANY**

BRIAN M. O'CONNELL, as Successor Personal Representative of the Estate of SIMON L. BERNSTEIN ("Estate" and "Decedent", respectively), by and through undersigned counsel, hereby files this Motion to Strike Statement of Claim by Florida Power and Light Company ("FP&L"), and states as follows:

1. On or about September 28, 2015, FP&L filed a Statement of Claim ("Claim") in the amount of \$755.68. See Claim attached hereto as Exhibit "A".
2. Florida Statute §733.710(1) provides, in pertinent part, as follows: ". . . 2 years after the death of a person, neither the decedent's estate, the personal representative, if any, nor the beneficiaries shall be liable for any claim or cause of action against the decedent . . ."
3. The Decedent died on September 13, 2012, more than 3 years from the date the Claim was filed. As such, the Claim is barred.

WHEREFORE, BRIAN M. O'CONNELL, as Successor Personal Representative of the Estate of SIMON BERNSTEIN, by and through his undersigned counsel, respectfully files this Motion to Strike Statement of Claim of Florida Power & Light, and requests this Court strike the Statement of Claim, and award the undersigned attorney's fees, costs and any other relief the Court deems appropriate.

I HEREBY CERTIFY that a true and correct of the foregoing was sent by e-mail service or U.S. Postal Service on the 28 day of October, 2015 to the parties on the attached Service List and to Florida Power & Light c/o Probate Recovery Systems, LLC, PO Box 40, Largo, FL 33779, by Certified Mail, Return Receipt Requested, (9590 9401 0002 5166 6292 15).



BRIAN M. O'CONNELL

Florida Bar No: 308471

ASHLEY N. CRISPIN

Florida Bar No: 037495

JOIELLE A. FOGLIETTA

Florida Bar No: 094238

Ciklin Lubitz & O'Connell

515 N. Flagler Dr., 20th Floor

West Palm Beach, FL 33401

Telephone: 561-832-5900 Facsimile: 561-833-4209

primary e-mail: service@ciklinlubitz.com

secondary e-mail: slobdell@ciklinlubitz.com

SERVICE LIST

Alan B. Rose, Esq. Page, Mrachek, Fitzgerald & Rose, PA. 505 S. Flagler Dr., Suite 600 West Palm Beach, FL 33401 (561) 355-6991 arose@mrachek-law.com mchandler@mrachek-law.com Attorney for Ted S. Bernstein	John P. Morrissey, Esq. 330 Clematis St., Suite 213 West Palm Beach, FL 33401 john@jmorrisseylaw.com Attorney for Molly Simon et al	Donald R. Tescher, Esq. Robert L. Spallina, Esq. 925 S. Federal Highway, Suite 500 Boca Raton, FL 33432 Dtescher@tescherlaw.com ddustin@tescherlaw.com rspallina@tescherspallina.com kmoran@tescherspallina.com
Peter Feaman, Esq. Peter M. Feaman, P.A. 3695 Boynton Beach Blvd., Suite 9 Boynton Beach, FL 33436 pfeaman@feamanlaw.com	Shendell & Pollock, P.L. 2700 N. Military Trail, suite 150 Boca Raton, FL 33431 241-2323 Fax: 241-2330 Gary R. Shendell, Esq. gary@shendellpollock.com estella@shendellpollock.com grs@shendellpollock.com Kenneth S. Pollock, Esq. ken@shendellpollock.com britt@shendellpollock.com grs@shendellpollock.com Matthew A. Tornincasa, Esq. matt@shendellpollock.com robyne@shendellpollock.com grs@cshendellpollock.com Attorney for Tescher and Spallina	Max Friedstein 2142 Churchill Lane Highland Park, IL 60035 Beneficiary
Eliot Bernstein and Joshua, Jacob and Daniel Bernstein, Minors c/o Eliot and Candice Bernstein, Parents and Natural Guardians 2753 N.W. 34 th St. Boca Raton, FL 33434 iviewit@iviewit.tv	Pamela Beth Simon 950 N. Michigan Ave., Apt. 2603 Chicago, IL 60611 psimon@stpcorp.com	Lisa Friedstein and Carley Friedstein, Minor c/o Jeffrey and Lisa Friedstein Parent and Natural Guardian 2142 Churchill Lane Highland Park, IL 60035 Lisa@friedsteins.com Lisa.friedstein@gmail.com Beneficiary
Jill Iantoni and Julia Iantoni, a Minor c/o Guy and Jill Iantoni, her Parents & Natural Guardians 2101 Magnolia Lane Highland Park, IL 60035 jilliantoni@gmail.com		

EXHIBIT "A"

In The Circuit Court For Palm Beach County, Florida
PROBATE DIVISION

UCN Number: 502012CP004391XXXXSB

Ref Number: CP-12-004391

SHM

Cc BMO
ANC
JAF

IN RE: ESTATE OF

BERNSTEIN, SIMON L

Deceased

STATEMENT OF CLAIM

The undersigned hereby presents for filing against the above named estate, this statement of claim and alleges:

1. The basis for the claim is: Account Number : 11259-14323
2. The social security or tax identification number of the claimant is 59-0247775 , and the name and address of the claimant is: Florida Power and Light Company, C/O Probate Recovery Systems LLC, P O Box 40, Largo, FL 33779
3. The amount of the claim is: \$755.68
which amount is now due and owing.
4. The claim is not contingent or unliquidated. .
5. The claim is not secured.

Under penalties of perjury, I declare that I have read the foregoing and the facts alleged are true, to the best of my knowledge and belief.

Executed this: September 25, 2015

COPY
SOCIAL SECURITY BRANCH OFFICE
ORIGINAL RETURNED

SEP 28 2015

SHARON B. BOOK
CLERK & COMPTROLLER
PALM BEACH COUNTY

Claimant

Martha Dale

Authorized Agent for Florida Power and Light Company:
Probate Recovery Systems, LLC
P. O. Box 40, Largo, FL 33779
(866) 344-9646 Ext: 207

Attorney for Claimant

Florida Bar No. _____

Copy mailed to attorney for the Personal
Representative on

9/29/15 20

CLERK OF THE CIRCUIT COURT

by

Sharon B. Book

MUST BE FILED IN DUPLICATE

OCT 05 2015