

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

Case Numbers:

The Honorable Rosemarie Scher

ELIOT BERNSTEIN, individually;
ELIOT BERNSTEIN as a beneficiary of the
2008 SIMON L. BERNSTEIN TRUST
AGREEMENT, as amended and restated in the
SIMON L. BERNSTEIN AMENDED AND
RESTATED TRUST AGREEMENT dated
July 25, 2012 and as Legal Guardian of
JOSHUA BERNSTEIN, JACOB BERNSTEIN,
and DANIEL BERNSTEIN,

Plaintiffs,

v.

THEODORE STUART BERNSTEIN, individually;
THEODORE STUART BERNSTEIN, as Successor
Trustee of the 2008 SIMON L. BERNSTEIN
TRUST AGREEMENT, as amended and restated in the
SIMON L. BERNSTEIN AMENDED AND RESTATED
TRUST AGREEMENT dated July 25, 2012;
ALEXANDRA BERNSTEIN;
ERIC BERNSTEIN;
MICHAEL BERNSTEIN;
MOLLY SIMON;
JULIA IANTONI;
MAX FRIEDSTEIN;
CARLY FRIEDSTEIN;
JOHN AND JANE DOE 1-5000,

Defendants.

DECLARATORY JUDGEMENT

COMES NOW, Eliot Ivan Bernstein ("Eliot" or "Plaintiff"),

1. The Court should take Judicial Notice that Fraud Upon this Court has occurred in the Estates and Trusts of Simon and Shirley Bernstein and has been committed by Officers of this Court acting as Fiduciaries and Counsel.
2. This Declaratory Judgement seeks to Affirm from this Court that there are no Conflicts of Interest or Adverse Interests at Play with any Court Officers (Judges, Clerks, etc.) and any Court Appointed Officers (Attorneys at Law, Fiduciaries and Guardians) and that all remnants of the Proven and Admitted Fraud on the Court, Fraud on Beneficiaries and Fraud on the Creditor committed by this Court's Appointed Officers have been reported by this Court to the proper State and Federal, Civil, Criminal and Ethical Authorities as required by Attorney Conduct Code, Judicial Canon, the Florida Statewide Fraud Policy and Law by the Court.
3. That the Court recognizes that these Frauds Upon the Court committed by its Court Appointed Officers acting as Fiduciaries and Counsel to parties in the matter has caused significant damage to the injured parties/litigants/beneficiaries/creditors, including minor children beneficiaries by interfering grotesquely with the proper administration of justice before this Court through PROVEN AND ADMITTED FELONY CRIMINAL ACTS causing a mass of Waste, Fraud and Abuse of this Court's resources and to the injured and damaged parties in these proceedings.
4. The Court recognizes the following Case Law that deals with Fraud on the Court,
 - a. KEVIN FILL IN
5. The Court recognizes the following Judicial Canon regarding misconduct of Court Officers (Judges, Clerks, etc.) and Court Appointed Officers acting as Counsel and the duty to report any suspected or proven misconduct to the proper authorities,
 - a. Code of Judicial Conduct Canon 3 - A Judge Shall Perform the Duties of Judicial Office Impartially and Diligently
D. Disciplinary Responsibilities.

(1) A judge who receives information or has actual knowledge that substantial likelihood exists that another judge has committed a violation of this Code shall take appropriate action.

(2) A judge who receives information or has actual knowledge that substantial likelihood exists that a lawyer has committed a violation of the Rules Regulating The Florida Bar shall take appropriate action.

AFFIRM ____ DENY ____

6. The Court recognizes the following Attorney Conduct Code regarding misconduct of Court Officers (Judges, Clerks, etc.) and Court Appointed Officers acting as Counsel and the duty to report any suspected or proven misconduct to the proper authorities,

a. ATTORNEY CONDUCT CODE

RULE 4-8.3 REPORTING PROFESSIONAL MISCONDUCT

4 RULES OF PROFESSIONAL CONDUCT

4-8 MAINTAINING THE INTEGRITY OF THE PROFESSION

RULE 4-8.3 REPORTING PROFESSIONAL MISCONDUCT

(a) Reporting Misconduct of Other Lawyers. A lawyer who knows that another lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to that lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects shall inform the appropriate professional authority.

(b) Reporting Misconduct of Judges. A lawyer who knows that a judge has committed a violation of applicable rules of judicial conduct that raises a substantial question as to the judge's fitness for office shall inform the appropriate authority

AFFIRM ____ DENY ____

7. The Court recognizes the following Florida Court Statewide Fraud Policy regarding misconduct of Court Officers (Judges, Clerks, etc.) and Court Appointed Officers acting as Counsel and the duty to report any suspected or proven misconduct to the proper authorities,

a. **STATEWIDE COURT FRAUD POLICY**

AFFIRM ____ DENY ____

COURT AFFIRMATIONS

8. The Court recognizes that while Ted Bernstein was acting as a Fiduciary in the Shirley Bernstein Estate and Shirley Bernstein Trust that Fraud on the Court, Fraud on the Beneficiaries and Fraud on the Creditor occurred by and through Ted's retained counsel, Robert Spallina and Donald Tescher acting on Ted Bernstein's behalf as counsel occurred.

AFFIRM ____ DENY _____

9. The Court recognizes that while Ted Bernstein was acting as a Fiduciary in the Shirley Bernstein Estate and Shirley Bernstein Trust that Forged Documents were posited with the Court by Ted's counsel and others for six separate parties signatures, including a forgery of Simon Bernstein Post Mortem, a forged document for Eliot Bernstein, a forged document for the Fiduciary Ted Bernstein and others.

AFFIRM ____ DENY _____

10. The Court recognizes that while Ted Bernstein was acting as a Fiduciary in the Shirley Bernstein Estate and Shirley Bernstein Trust that Fraudulently Notarized Documents were posited with this Court and others for six separate parties signatures, including a Fraudulently Notarized Document of Simon Post Mortem, a Fraudulently Notarized Document of Eliot Bernstein and a Fraudulently Notarized Document for the Fiduciary Ted Bernstein, leading to the arrest and conviction of a one Kimberly Moran, Legal Assistant & Notary Public for the law firm Tescher & Spallina, PA.

AFFIRM ____ DENY _____

11. The Court recognizes that while Ted Bernstein was acting as a Fiduciary in the Shirley Bernstein Estate and Shirley Bernstein Trust that Shirley Bernstein's Estate was fraudulently closed by Simon Bernstein at a time after his death by Ted Bernstein's counsel, Tescher and Spallina

fraudulently depositing documents with this Court in the Shirley Bernstein Estate as Simon Bernstein at a time after his death, during the time their client Ted Bernstein was acting Fiduciary/PR, which upon admission of the crimes in a September 13, 2013 hearing before this Court by Court Appointed Officers and Fiduciaries, including Ted Bernstein, Robert Spallina and others, such admission of fraud led the Court to reopen the Estate of Shirley based on the fact that it was fraudulently closed by a deceased person and fraudulent and forged documents were tendered to the Court.

AFFIRM ____ DENY _____

12. The Court recognizes that while Ted Bernstein was acting as a Fiduciary in the Shirley Bernstein Estate and Shirley Bernstein Trust that Robert Spallina admitted to this Court in a December 15, 2015 Hearing that while acting as legal counsel on behalf of Ted Bernstein as Fiduciary of Shirley Bernstein's Trust, he sent Eliot Bernstein's minor children's counsel, Christine C. Yates, Esq., of Tripp Scott Law Firm a Fraudulent Shirley Trust.

AFFIRM ____ DENY _____

13. That the Fraudulent Shirley Trust changed the beneficiaries in Shirley Bernstein's Irrevocable Trust to include Ted Bernstein and his sister Pam's lineal descendants/children for a 40% interest of the Shirley Trust.

AFFIRM ____ DENY _____

14. That the Court has reviewed the Conflicts of Interest and Adverse Interests of Ted Bernstein and his past and present counsel due to the Frauds that have occurred in this Court, on Ted's watch as Fiduciary, committed by and through Ted's counsel, in crimes that directly may benefit Ted Bernstein's family to inherit 30% of the Shirley Trust and the Court knowing of Ted's direct involvement in the Frauds on this Court, the Frauds on Beneficiaries and Frauds on the Creditor

as fiduciary at the time they were committed and the resulting conflicts of interest and adverse interests these crimes and his involvement as fiduciary when the crimes were committed by his retained counsel, bedfellows and business associates now create for Ted Bernstein as a Fiduciary and knowing all of the above this Court approves Ted and his counsels continued duties as Court Appointed Officers of this Court and Fiduciaries and accepts all liabilities for their continued actions forward and their past actions.

AFFIRM ____ DENY _____

15. That the Court is aware that PR for Simon's Estate, Brian O'Connell whom has a potential conflict of interest with Eliot and Simon Bernstein's estate regarding Intellectual Property theft allegations and more that he has been notified in writing and in pleadings with this Court and the 4th DCA and this Court has approved O'Connell's standing to continue as Fiduciary.

AFFIRM ____ DENY _____

16. That the Court is aware of its duty under Judicial Canon #3 to report the misconduct of Officers of this Court and Court Appointed Officers to the proper State and Federal, Civil, Criminal and Ethical Authorities.

AFFIRM ____ DENY _____

17. That the Court is aware of its duty under Attorney Conduct Code _____ to report the misconduct of Officers of this Court and Court Appointed Officers to the proper State and Federal, Civil, Criminal and Ethical Authorities.

AFFIRM ____ DENY _____

18. That the Court is aware of its duty under the Florida Statewide Court Fraud Policy to report the misconduct of Officers of this Court, Court Appointed Officers and any Waste, Fraud and Abuse of Court Resources by Officers of the Court and Court Appointed Officers to the proper State and Federal, Civil, Criminal and Ethical Authorities, including the FL Court Inspector General .

AFFIRM _____ DENY _____

19.

20. OK WE LIST OUT ALL THE CONFIRMS WE WANT

Then state that until such time that the Court affirms that it has done all the above and removed all fraud you do not want to participate further as you believe there is still unresolved fraud and that distributions of assets with no full accountings etc. is continued fraud and that parties are acting in fraud and the hearings are a sham and a BIG WASTE FRAUD AND ABUSE OF WILLIAM STANSBURY AND HIS FAMILY'S MONEY, again, as in his civil complaint with Ted Bernstein acting fraudulently. That without proper relief and remedy for fraud that BILL STANSBURY fears he cannot get a fair hearing and will be bankrupted before the Court corrects the problems before continuing in any further sham and fraudulent hearings.

I BILL STANSBURY respectfully suspend all my pleadings in these cases until the Court can respond if Ted Bernstein is now a qualified fiduciary in the Estates and Trusts of Simon and answers each declaratory statement regarding the Officers of this Court and Court Appointed Officers/Attorneys/Fiduciaries/Guardians.