

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FOURTH DISTRICT, 1525 PALM BEACH LAKES BLVD., WEST PALM  
BEACH, FL 33401

CASE NO.: 4D17-1608  
L.T. No.: 2012CP004391

ELIOT IVAN BERNSTEIN v.

ESTATE OF SIMON L.  
BERNSTEIN

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Appellant / Petitioner(s) Appellee / Respondent(s)

**APPELLANT'S NOTICE OF COMPLIANCE AND REQUEST TO  
REINSTATE APPEAL THAT WAS DISMISSED SUA SPONTE FOR  
FAILURE TO COMPLY**

RECEIVED, 7/17/2017 1:32 PM, Clerk, Fourth District Court of Appeal

1. On June 02, 2017 this Court issued an Order to pay a filing fee or file an indigent form with the lower court to gain indigent status in the case. Despite several cases filed with this Court and the Lower Court being approved previously regarding my status as indigent a new form was submitted per the Order, see Exhibit 1 - February 07, 2017, as Appellee could not locate one specifically for the lower court case and so refiled on June 05, 2017 and refiled on July 14, 2017 with the lower court, see Exhibit 2.
2. Appellee was waiting for the approved Indigent Form signed by the lower court clerk to file "A Notice of Compliance" with this Court.
3. I am still awaiting approval of the lower court regarding my indigent status and in the interim this Court dismissed the appeal Sua Sponte for failure to comply.

4. Upon approval of the indigent status form, I respectfully request that this Case and Appeal be reinstated to be fully heard on the merits.

WHEREFORE, Appellee requests this case be re-opened upon approval of indigent status.

Respectfully Submitted,

Dated: July 17, 2017

**By: /S/ Eliot Ivan Bernstein**

Eliot Ivan Bernstein, Pro Se  
2753 NW 34th Street  
Boca Raton, FL 33434  
561.245.8588  
[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)

### **CERTIFICATE OF SERVICE**

I CERTIFY that a copy of the foregoing has been served by e-mail on all parties listed on the attached service list, this 17th day of July, 2017.

**By: /S/ Eliot Ivan Bernstein**

Eliot Ivan Bernstein, Pro Se  
2753 NW 34th Street  
Boca Raton, FL 33434  
561.245.8588  
[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)

### **SERVICE LIST**

<p>Pamela Beth Simon 950 N. Michigan Avenue Apartment 2603 Chicago, IL 60611 psimon@stpcorp.com</p>	<p>Alan B. Rose, Esq. Page, Mrachek, Fitzgerald &amp; Rose, P.A. 505 South Flagler Drive, Suite 600 West Palm Beach, Florida 33401 (561) 355-6991 arose@pm-law.com and arose@mrachek-law.com mchandler@mrachek-law.com</p>	<p>John J. Pankauski, Esq. Pankauski Law Firm PLLC 120 South Olive Avenue 7th Floor West Palm Beach, FL 33401 (561) 514-0900 courtfilings@pankauskilawfirm.com john@pankauskilawfirm.com</p>
<p>Robert L. Spallina, Esq., Teschner &amp; Spallina, P.A. Boca Village Corporate Center I 4855 Technology Way Suite 720 Boca Raton, FL 33431 rspallina@tescherspallina.com kmoran@tescherspallina.com ddustin@tescherspallina.com</p>	<p>Lisa Friedstein 2142 Churchill Lane Highland Park, IL 60035 Lisa@friedsteins.com lisa.friedstein@gmail.com lisa@friedsteins.com</p>	<p>Irwin J. Block, Esq. The Law Office of Irwin J. Block PL 700 South Federal Highway Suite 200 Boca Raton, Florida 33432 ijb@ijblegal.com martin@kolawyers.com</p>
<p>Mark R. Manceri, Esq., and Mark R. Manceri, P.A., 2929 East Commercial Boulevard Suite 702 Fort Lauderdale, FL 33308 mrmlaw@comcast.net mrmlaw1@gmail.com</p>	<p>Donald Tescher, Esq., Tescher &amp; Spallina, P.A. Boca Village Corporate Center I 4855 Technology Way Suite 720 Boca Raton, FL 33431 dtescher@tescherspallina.com dtescher@tescherspallina.com ddustin@tescherspallina.com kmoran@tescherspallina.com</p>	<p>Jill Iantoni 2101 Magnolia Lane Highland Park, IL 60035 jilliantoni@gmail.com</p>
<p>Peter Feaman, Esquire Peter M. Feaman, P.A. 3615 Boynton Beach Blvd. Boynton Beach, FL 33436 pfeaman@feamanlaw.com service@feamanlaw.com mkoskey@feamanlaw.com</p>	<p>Kimberly Moran kmoran@tescherspallina.com</p>	<p>Julia Iantoni, a Minor c/o Guy and Jill Iantoni, Her Parents and Natural Guardians 210 I Magnolia Lane Highland Park, IL 60035 jilliantoni@gmail.com</p>

<p>Carley &amp; Max Friedstein, Minors c/o Jeffrey and Lisa Friedstein Parents and Natural Guardians 2142 Churchill Lane Highland Park, IL 6003 Lisa@friedsteins.com lisa.friedstein@gmail.com</p>	<p>Lindsay Baxley aka Lindsay Giles lindsay@lifeinsuranceconcepts.com</p>	<p>Brian M. O'Connell, Esq. Joielle A. Foglietta, Esq. Ciklin Lubitz Martens &amp; O'Connell 515 N. Flagler Dr., 20th Floor West Palm Beach, FL 33401 561-832-5900-Telephone 561-833-4209 - Facsimile Email: boconnell@ciklinlubitz.com; ifoglietta@ciklinlubitz.com; service@ciklinlubitz.com; slobdell@ciklinlubitz.com</p>
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<p>John P. Morrissey, Esq. 330 Clematis Street, Suite 213 West Palm Beach, FL 33401 (561) 833-0766-Telephone (561) 833-0867 -Facsimile Email: John P. Morrissey (john@jrnoiTisseylaw.com)</p>	<p>Gary R. Shendell, Esq. Kenneth S. Pollock, Esq. Shendell &amp; Pollock, P.L. 2700 N. Military Trail, Suite 150 Boca Raton, FL 33431 (561)241-2323 - Telephone (561)241-2330-Facsimile Email: gary@shendellpollock.com ken@shendellpollock.com estella@shendellpollock.com britt@shendellpollock.com grs@shendellpollock.com</p>
<p>Theodore Stuart Bernstein 880 Berkeley Boca Raton, FL 33487 tbernstein@lifeinsuranceconcepts.com</p>	<p>Counter Defendant TESCHER &amp; SPALLINA, P.A.. Wells Fargo Plaza 925 South Federal Hwy Suite 500 Boca Raton, Florida 33432 dtescher@tescherspallina.com</p>
<p>Theodore Stuart Bernstein Life Insurance Concepts, Inc. 950 Peninsula Corporate Circle Suite 3010 Boca Raton, FL 33487 tbernstein@lifeinsuranceconcepts.com</p>	<p>Counter Defendant Alan B. Rose, Esq. PAGE, MRACHEK, FITZGERALD, ROSE, KONOPKA, THOMAS &amp; WEISS, P.A. 505 South Flagler Drive, Suite 600 West Palm Beach, Florida 33401 561-355-6991 arose@pm-law.com arose@mrachek-law.com</p>

<p>Pamela Beth Simon 950 N. Michigan Avenue Apartment 2603 Chicago, IL 60611 psimon@stpcorp.com</p>	<p>Counter Defendant L. Louis Mrachek, Esq. PAGE, MRACHEK, FITZGERALD, ROSE, KONOPKA, THOMAS &amp; WEISS, P.A. 505 South Flagler Drive, Suite 600 West Palm Beach, Florida 33401 561-355-6991 lmrachek@mrachek-law.com</p>
<p>Jill Iantoni 2101 Magnolia Lane Highland Park, IL 60035 jilliantoni@gmail.com</p>	<p>Counter Defendant Pankauski Law Firm PLLC 120 South Olive Avenue 7th Floor West Palm Beach, FL 33401</p>
<p>Lisa Sue Friedstein 2142 Churchill Lane Highland Park, IL 60035 lisa.friedstein@gmail.com lisa@friedsteins.com</p>	<p>Dennis McNamara Executive Vice President and General Counsel  Oppenheimer &amp; Co. Inc. Corporate Headquarters 125 Broad Street New York, NY 10004 800-221-5588 Dennis.mcnamara@opco.com info@opco.com</p>
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<p>James Dimon Chairman of the Board and Chief Executive Officer JP Morgan Chase &amp; CO. 270 Park Ave. New York, NY 10017-2070 Jamie.dimon@jpmchase.com</p>	<p>Neil Wolfson President &amp; Chief Executive Officer Wilmington Trust Company 1100 North Market Street Wilmington, DE 19890-0001 nwolfson@wilmingtontrust.com</p>
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William.McCabe@opco.com	psimon@stpcorp.com
<p>Charles D. Rubin Managing Partner Gutter Chaves Josepher Rubin Forman Fleisher Miller PA Boca Corporate Center 2101 NW Corporate Blvd., Suite 107 Boca Raton, FL 33431-7343 crubin@floridatx.com</p>	<p>Ralph S. Janvey Krage &amp; Janvey, L.L.P. Federal Court Appointed Receiver Stanford Financial Group 2100 Ross Ave, Dallas, TX 75201 rjanvey@kjllp.com</p>
<p>Kimberly Moran Teschner &amp; Spallina, P.A. Wells Fargo Plaza 925 South Federal Hwy Suite 500 Boca Raton, Florida 33432 kmoran@tescherspallina.com</p>	<p>Lindsay Baxley aka Lindsay Giles Life Insurance Concepts 950 Peninsula Corporate Circle Suite 3010 Boca Raton, FL 33487 lindsay@lifeinsuranceconcepts.com</p>
<p>Gerald R. Lewin CBIZ MHM, LLC 1675 N Military Trail Fifth Floor Boca Raton, FL 33486</p>	<p>CBIZ MHM, LLC General Counsel 6480 Rockside Woods Blvd. South Suite 330 Cleveland, OH 44131 ATTN: General Counsel generalcounsel@cbiz.com (216)447-9000</p>
<p>Albert Gortz, Esq. Proskauer Rose LLP One Boca Place 2255 Glades Road Suite 421 Atrium Boca Raton, FL 33431-7360 agortz@proskauer.com</p>	<p>Heritage Union Life Insurance Company A member of WiltonRe Group of Companies 187 Danbury Road Wilton, CT 06897 cstrup@wiltonre.com</p>
<p>Estate of Simon Bernstein Brian M O'Connell Pa 515 N Flagler Drive West Palm Beach, FL 33401 boconnell@ciklinlubitz.com</p>	<p>Counter Defendant Steven Lessne, Esq. Gray Robinson, PA 225 NE Mizner Blvd #500 Boca Raton, FL 33432 steven.lessne@gray-robinson.com</p>

<p>Byrd F. "Biff" Marshall, Jr.  President &amp; Managing Director  Gray Robinson, PA  225 NE Mizner Blvd #500  Boca Raton, FL 33432  biff_marshall@gray-robinson.com</p>	<p>Steven A. Lessne, Esq.  Gunster, Yoakley &amp; Stewart, P.A.  777 South Flagler Drive, Suite 500 East  West Palm Beach, FL 33401  Telephone: (561) 650-0545  Facsimile: (561) 655-5677  E-Mail Designations:  slessne@gunster.com  jhoppel@gunster.com  eservice@gunster.com</p>
<p>T&amp;S Registered Agents, LLC  Wells Fargo Plaza  925 South Federal Hwy Suite 500  Boca Raton, Florida 33432  dtescher@tescherspallina.com</p>	<p>David Lanciotti  Executive VP and General Counsel  LaSalle National Trust NA  CHICAGO TITLE LAND TRUST COMPANY, as  Successor  10 South LaSalle Street  Suite 2750  Chicago, IL 60603  David.Lanciotti@ctt.com</p>
<p>Joseph M. Leccese  Chairman  Proskauer Rose LLP  Eleven Times Square  New York, NY 10036  jleccese@proskauer.com</p>	<p>Brian Moynihan  Chairman of the Board and Chief Executive Officer  100 N Tryon St #170, Charlotte, NC 28202  Phone:(980) 335-3561</p>
<p>ADR &amp; MEDIATIONS SERVICES, LLC  Diana Lewis  2765 Tecumseh Drive  West Palm Beach, FL 33409  (561) 758-3017 Telephone  Email: dzlewis@aol.com  (Fla. Bar No. 351350)</p>	

EXHIBIT 1 - February 07, 2017 Indigency Approval 4th DCA

**FOURTH DISTRICT COURT OF APPEAL  
1525 PALM BEACH LAKES BLVD.  
WEST PALM BEACH, FLORIDA 33401  
(561) 242-2000**

**Date:** \_\_\_\_\_

**Case Name:** \_\_\_\_\_

**Case No:** 4D\_\_\_\_\_

**Trial Court No.:** \_\_\_\_\_

**Trial Court Judge:** \_\_\_\_\_

Dear Mr. Tomasino:

Attached is a certified copy of a Notice to Invoke Discretionary Jurisdiction/Notice of Appeal to the Supreme Court of Florida pursuant to Rule 9.120, Florida Rules of Appellate Procedure. Attached also is this Court's opinion or decision relevant to this case.

The filing fee prescribed by Section 25.241(3), Florida Statutes, was received by this court and will be mailed.

The filing fee prescribed by Section 25.241(3), Florida Statutes, was not received by this court.

Petitioner/Appellant has been previously determined insolvent by the circuit court or our court.

Petitioner/Appellant has already filed, and this court has granted, petitioner/appellant's Motion to proceed without payment of costs in this case.

Petitioner/Appellant filed Notice via EDCA and the fee has not been received by this court.

No filing fee is required in the underlying case in this court because it was:

A Summary Appeal (Rule 9.141)

From the Unemployment Appeals Commission

A Habeas Corpus Proceeding

A Juvenile Case

Other – \_\_\_\_\_

If there are any questions regarding this matter, please do not hesitate to contact this Office.

Sincerely,

**LONN WEISSBLUM  
Clerk of the Court**

By: \_\_\_\_\_

**Lynn Lewis  
Deputy Clerk**

EXHIBIT 2 - June 05, 2017 Indigency Form Filed with Lower Court

IN THE CIRCUIT/COUNTY COURT OF THE 15th Judicial JUDICIAL CIRCUIT  
IN AND FOR Palm Beach COUNTY, FLORIDA

Eliot Ivan Bernstein

CASE NO. 502012CP004391X

Plaintiff/Petitioner or In the Interest Of

vs.  
Estate of Simon Bernstein et al.

Defendant/Respondent

502015CP001162XXXXNB

502011CP000653XXXXNB

502014CP003698XXXXNB

502012CA013933XXXXMB

**APPLICATION FOR DETERMINATION OF CIVIL INDIGENT STATUS**

**Notice to Applicant:** If you qualify for civil indigence you must enroll in the clerk's office payment plan and pay a one-time administrative fee of \$25.00. This fee shall not be charged for Dependency or Chapter 39 Termination of Parental Rights actions.

1. I have 3 dependents. (Include only those persons you list on your U.S. Income tax return.)  
Are you Married?  Yes  No Does your Spouse Work?  Yes  No Annual Spouse Income? \$14,400.00

2. I have a net income of \$0 paid weekly every two weeks semi-monthly monthly yearly other

(Net income is your total income including salary, wages, bonuses, commissions, allowances, overtime, tips and similar payments, minus deductions required by law and other court-ordered payments such as child support.)

3. I have other income paid weekly every two weeks semi-monthly monthly yearly other \_\_\_\_\_.  
(Circle "Yes" and fill in the amount if you have this kind of income, otherwise circle "No")

Second Job ..... Yes \$ \_\_\_\_\_ No  
Social Security benefits  
    For you ..... Yes \$ \_\_\_\_\_ No  
    For child(ren) ..... Yes \$ \_\_\_\_\_ No  
Unemployment compensation ..... Yes \$ \_\_\_\_\_ No  
Union payments ..... Yes \$ \_\_\_\_\_ No  
Retirement/pensions ..... Yes \$ \_\_\_\_\_ No  
Trusts ..... Yes \$ \_\_\_\_\_ No

Veterans' benefits ..... Yes \$ \_\_\_\_\_ No  
Workers compensation ..... Yes \$ \_\_\_\_\_ No  
Income from absent family members ..... Yes \$ \_\_\_\_\_ No  
Stocks/bonds ..... Yes \$ \_\_\_\_\_ No  
Rental income ..... Yes \$ \_\_\_\_\_ No  
Dividends or interest ..... Yes \$ \_\_\_\_\_ No  
Other kinds of income not on the list ..... Yes \$ \_\_\_\_\_ No  
Gifts ..... Yes \$ \_\_\_\_\_ No

I understand that I will be required to make payments for fees and costs to the clerk in accordance with §57.082(5), Florida Statutes, as provided by law, although I may agree to pay more if I choose to do so.

4. I have other assets: (Circle "yes" and fill in the value of the property, otherwise circle "No")

Cash ..... Yes \$ \_\_\_\_\_ No  
Bank account(s) ..... Yes \$ \_\_\_\_\_ No  
Certificates of deposit or  
money market accounts ..... Yes \$ \_\_\_\_\_ No  
Boats\* ..... Yes \$ \_\_\_\_\_ No

Savings account ..... Yes \$ \_\_\_\_\_ No  
Stocks/bonds ..... Yes \$ \_\_\_\_\_ No  
Homestead Real Property\* ..... Yes \$ \_\_\_\_\_ No  
Motor Vehicle\* ..... Yes \$ \_\_\_\_\_ No  
Non-homestead real property/real estate\* ..... Yes \$ \_\_\_\_\_ No

\*show loans on these assets in paragraph 5

Check one: I  DO NOT expect to receive more assets in the near future. The asset is Inheritance & Royalties.

5. I have total liabilities and debts of \$ \_\_\_\_\_ as follows: Motor Vehicle \$ \_\_\_\_\_, Home \$ \_\_\_\_\_, Other Real Property \$ \_\_\_\_\_, Child Support paid direct \$ \_\_\_\_\_, Credit Cards \$ \_\_\_\_\_, Medical Bills \$ \_\_\_\_\_, Cost of medicines (monthly) \$ \_\_\_\_\_, Other \$ @50k \_\_\_\_\_.

6. I have a private lawyer in this case ..... Yes  No

A person who knowingly provides false information to the clerk or the court in seeking a determination of indigent status under s. 57.082, F.S. commits a misdemeanor of the first degree, punishable as provided in s. 775.082, F.S. or s. 775.083, F.S. I attest that the information I have provided on this application is true and accurate to the best of my knowledge.

Signed this 5 day of June, 20 17.  
09/30/1963 c6956008

Date of Birth \_\_\_\_\_ Driver's License or ID Number \_\_\_\_\_

2753 NW 34th St. Boca Raton, FL 33434

Address, P O Address, Street, City, State, Zip Code

Signature of Applicant for Indigent Status  
Print Full Legal Name Eliot Ivan Bernstein  
Phone Number: (561) 245-8588

**CLERK'S DETERMINATION**

Based on the information in this Application, I have determined the applicant to be  Indigent  Not Indigent, according to s. 57.082, F.S.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

Clerk of the Circuit Court by \_\_\_\_\_

This form was completed with the assistance of: \_\_\_\_\_  
Clerk/Deputy Clerk/Other authorized person.

**APPLICANTS FOUND NOT TO BE INDIGENT MAY SEEK REVIEW BY A JUDGE BY ASKING FOR A HEARING TIME.  
THERE IS NO FEE FOR THIS REVIEW.**

Sign here if you want the judge to review the clerk's decision \_\_\_\_\_

IN THE CIRCUIT/COUNTY COURT OF THE 15th Judicial JUDICIAL CIRCUIT  
 IN AND FOR Palm Beach COUNTY, FLORIDA

Eliot Ivan Bernstein

CASE NO. 502012CP004391X

Plaintiff/Petitioner or In the Interest Of

502015CP001162XXXXNBvs.  
Estate of Simon Bernstein et al.502011CP000653XXXXNB

Defendant/Respondent

502014CP003698XXXXNBAPPLICATION FOR DETERMINATION OF CIVIL INDIGENT STATUS502012CA013933XXXXMB

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3. I have other income paid weekly every two weeks semi-monthly monthly yearly other \_\_\_\_\_.  
 (Circle "Yes" and fill in the amount if you have this kind of income, otherwise circle "No")

Second Job .....	Yes \$ _____	No	Veterans' benefits.....	Yes \$ _____	No
Social Security benefits			Workers compensation.....	Yes \$ _____	No
For you.....	Yes \$ _____	No	Income from absent family members .....	Yes \$ _____	No
For child(ren) .....	Yes \$ _____	No	Stocks/bonds.....	Yes \$ _____	No
Unemployment compensation .....	Yes \$ _____	No	Rental income.....	Yes \$ _____	No
Union payments .....	Yes \$ _____	No	Dividends or interest.....	Yes \$ _____	No
Retirement/pensions .....	Yes \$ _____	No	Other kinds of income not on the list.....	Yes \$ _____	No
Trusts .....	Yes \$ _____	No	Gifts .....	Yes \$ _____	No

I understand that I will be required to make payments for fees and costs to the clerk in accordance with §57.082(5), Florida Statutes, as provided by law, although I may agree to pay more if I choose to do so.

4. I have other assets: (Circle "yes" and fill in the value of the property, otherwise circle "No")

Cash.....	Yes \$ _____	No	Savings account .....	Yes \$ _____	No
Bank account(s) .....	Yes \$ _____	No	Stocks/bonds .....	Yes \$ _____	No
Certificates of deposit or money market accounts.....	Yes \$ _____	No	Homestead Real Property*.....	Yes \$ _____	No
Boats* .....	Yes \$ _____	No	Motor Vehicle* .....	Yes \$ _____	No
			Non-homestead real property/real estate* .....	Yes \$ _____	No

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Date of Birth \_\_\_\_\_ Driver's License or ID Number \_\_\_\_\_

2753 NW 34th St. Boca Raton, FL 33434

Address, P O Address, Street, City, State, Zip Code \_\_\_\_\_

Signature of Applicant for Indigent Status  
 Print Full Legal Name Eliot Ivan Bernstein  
 Phone Number: (561) 245-8588

**CLERK'S DETERMINATION**

Based on the information in this Application, I have determined the applicant to be  Indigent  Not Indigent, according to s. 57.082, F.S.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

Clerk of the Circuit Court by \_\_\_\_\_

This form was completed with the assistance of: \_\_\_\_\_  
Clerk/Deputy Clerk/Other authorized person.

**APPLICANTS FOUND NOT TO BE INDIGENT MAY SEEK REVIEW BY A JUDGE BY ASKING FOR A HEARING TIME.  
THERE IS NO FEE FOR THIS REVIEW.**

Sign here if you want the judge to review the clerk's decision \_\_\_\_\_

**FOURTH DISTRICT COURT OF APPEAL  
1525 PALM BEACH LAKES BLVD.  
WEST PALM BEACH, FLORIDA 33401  
(561) 242-2000**

**Date:** \_\_\_\_\_

**Case Name:** \_\_\_\_\_

**Case No:** 4D\_\_\_\_\_

**Trial Court No.:** \_\_\_\_\_

**Trial Court Judge:** \_\_\_\_\_

Dear Mr. Tomasino:

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From the Unemployment Appeals Commission

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If there are any questions regarding this matter, please do not hesitate to contact this Office.

Sincerely,

**LONN WEISSBLUM  
Clerk of the Court**

By: \_\_\_\_\_

**Lynn Lewis  
Deputy Clerk**