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June 28, 2019

VIA U.S. MAIL

The Honorable Dina Keever-Agrama
North County Courthouse
3188 PGA Boulevard, Room 2728
Palm Beach Gardens, FL 33410

Re: *Ted S. Bernstein, as Trustee of the Shirley Bernstein Trust v. Alexandra Bernstein, et al.*, Case No.:502014CP003698XXXXNB-IJ ("Shirley Trust Action")

In Re: Estate of Simon Bernstein, Case No.: 2012CP004391 ("Simon Estate").

Dear Judge Keever:

I represent Ted S. Bernstein, as Trustee, in connection with the above two cases pending in this division, involving the Bernstein family.

By way of brief background, Shirley Bernstein died in 2010 and her husband Simon Bernstein died in 2012. They had five children (who were named beneficiaries only as to some tangible personal property and jewelry), and ten grandchildren. The estate planning documents, Simon Bernstein's Trust, created ten sub-Trusts, one for each grandchild. Ted, their eldest son, is Trustee of Simon's and Shirley's Trusts, and has been attempting for nearly seven years to carry out their wishes, complete the trust and estate administration, and distribute assets to the beneficiaries. Ted's efforts have been opposed in the trial court, at the Fourth DCA and at the Supreme Court by his younger brother Eliot Bernstein.

There is a hearing currently scheduled for 90 minutes on July 24, 2019 at 9:30 a.m., in the Shirley Trust Action [D.E. 353 in Case No.:502014CP003698XXXXNBIJ]. When Eliot refused to serve as sub-Trustee for his son Joshua, Judge Scher entered an Ordered dated December 6, 2017 [D.E. 295], ruling the assets for Joshua's sub-trust be deposited into the Court Registry until a substitute trustee is appointed. In the meantime, that Order allows Joshua to seek withdrawals consistent with the terms of the trust agreement (attached to the Order) upon motion and hearing. That is what is set for July 24th, and that matter has been scheduled for months and all of the parties involved are available.

The Honorable Dina Keever-Agrama
June 28, 2019
Page 2

In connection with the related case, involving the Simon Bernstein Estate (Case No.: 2012CP004391), we have filed the attached *Motion to Strike Eliot Bernstein's Filings and To Bar Eliot From Objecting to Estate Administration* ["Bar Motion", D.E. 859]. That Bar Motion seeks to bar Eliot from participating further in that matter as he is no longer a beneficiary, now that the Personal Representative has distributed to Eliot his total inheritance of jewelry and property (see § 731.201(23), Fla. Stat.). (There is a similar bar order entered in the Shirley Trust Action [D.E. 161, ¶7, attached as Exhibit B to the Bar Motion] barring Eliot from participating and an order by the Fourth DCA precluding any further *pro se* appeals by Eliot [attached as Exhibit C].) The ruling on this Bar Motion will materially impact how quickly the parties can resolve the remaining issues in the case.

Given the length of time reserved on July 24th; the known availability of the parties; and the desire to reduce the use of the Court's time and the Estate's/Trust's remaining assets, we respectfully request the Court schedule the pending Bar Motion for the same 90 minute hearing. Under Judge Scher's prior Order Setting Hearing, we cannot add on a hearing without Court Order.

The attached Bar Motion is straightforward and should not require lengthy argument, and Mr. Eliot Bernstein has filed a detailed response, a copy of which is enclosed for Your Honor's review. We would appreciate Your Honor's consideration of adding this motion for hearing with the currently pending matter set for July 24th. I have enclosed a proposed Order to that effect.

We appreciate Your Honor's time and attention in this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "R. S. Rose". To the right of the signature, the initials "RBR" are handwritten in a smaller, cursive font.

Alan B. Rose

ABR/mca
Enclosures
cc: All parties on attached service list

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

IN RE:

CASE NO. 502012CP004391XXXXNBIH

ESTATE OF SIMON L. BERNSTEIN,

/

ORDER SPECIALLY SETTING HEARING
(Minutes Reserved)

THIS CAUSE came before the Court and is hereby set for hearing on *Ted S. Bernstein, as Successor Trustee of the Simon L. Bernstein Amended and Restated Trust Agreement dated 7/25/12 ("Trustee"), Motion to Strike Eliot Bernstein's Filings and to Bar Eliot Bernstein from Objecting to Estate Administration*, on **July 24, 2019, at 1:30 p.m.**, at the North County Courthouse, 3188 PGA Boulevard, Room 4, Palm Beach Gardens, FL 33410. **THIS HEARING HAS BEEN SET BY COURT ORDER AND CANNOT BE CANCELLED EXCEPT BY FURTHER ORDER OF THE COURT.**

DONE AND ORDERED in Chambers, North County Courthouse on _____, 2019.

HONORABLE DINA KEEVER-AGRAMA