

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA  
WEST PALM BEACH DIVISION

In re:

Eliot Ivan Bernstein,

Case No. 25-14028-PDR

Debtor.

Chapter 13

**RENEWED MOTION FOR IN REM STAY RELIEF**

Charles Revard, as Guardian of the Ward of Patricia Sahm (the “Secured Creditor”), by and through his undersigned counsel and pursuant to 11 U.S.C. § 362(d)(4)(B) and Federal Rule of Bankruptcy Procedure 4001(a)(3), respectfully seeks an order from this Court—effective upon entry—again granting two years of prospective, *in rem* relief from the automatic stay with respect to the real property located at 2753 N.W. 34th Street, Boca Raton, Florida 33434 (the “Real Property”). In the alternative, the Secured Creditor seeks, pursuant to 11 U.S.C. § 362(d)(2) and Rule 4001(a)(3), an immediately effective order modifying the automatic stay with respect to all actions against the Real Property. In support, the Secured Creditor states as follows:

**Relevant Background**

1. Non-debtor Bernstein Family Realty, LLC is still—after more than seven years of foreclosure and bankruptcy litigation—the title holder and owner of the real property located at 2753 N.W. 34th Street, Boca Raton, Florida 33434 (the “Real Property”).<sup>1</sup>
2. Eliot Ivan Bernstein (the “Debtor”) resides at the Real Property. *See* ECF No. 1.

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<sup>1</sup> *See* Page 2 of *Order Dismissing Case with Prejudice*, Case No. 22-13009-EPK, ECF No. 79 (“[Bernstein Family Realty, LLC] owns one real asset: the single-family home located at 2753 N.W. 34th Street, Boca Raton, Florida 33434 (the ‘Real Property’).”

3. The Secured Creditor<sup>2</sup> is the holder of that certain *Final Judgment of Foreclosure* (the “Foreclosure Judgment”) in the amount of \$353,574.68 against Bernstein Family Realty, LLC.

4. The Foreclosure Judgment was entered by the Circuit Court for the Fifteenth Judicial Circuit in and for Palm Beach County, Florida (the “State Court”) in Case No. 2018-CA-002317AXX (the “State Court Case”). Pursuant to the Foreclosure Judgment, a foreclosure sale of the Real Property was scheduled for April 20, 2022.

5. On April 19, 2022—the eve of the April 20th foreclosure sale of the Real Property—Joshua Bernstein, Jacob Bernstein, and Daniel Bernstein (the Debtor’s children),<sup>3</sup> with the encouragement of the Debtor, initiated an involuntary bankruptcy case against Bernstein Family Realty, LLC in the this Bankruptcy Court, Case No. 22-13009-EPK (the “First Bankruptcy Case”). *See Order Dismissing Case with Prejudice*, Case No. 22-13009-EPK, ECF No. 79, p.2.

6. Joshua Bernstein, Jacob Bernstein, and Daniel Bernstein are the indirect equity owners of Bernstein Family Realty, LLC and, in essence, they filed the involuntary petition in 2022 against their own company, which lacked a manager. *See id.* at p.2; *Order Denying Petitioners Motion to Vacate Sanctions Order and All Other Orders, Decisions and Judgments of Judge Kimball and Other Relief*, Case No. 22-13009-EPK, ECF No. 100, p.2.

7. The filing of the First Bankruptcy Case served its intended purpose and caused the cancellation of the April 20, 2022 foreclosure sale of the Real Property.

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<sup>2</sup> On November 29, 2023, the State Court entered its *Order on Plaintiffs’ Motion to Substitute Party Plaintiff* wherein the State Court substituted Charles Revard, in his capacity as Guardian of the Ward, in place of plaintiff Patricia Sahm.

<sup>3</sup> *See Order Denying Petitioners Motion to Vacate Sanctions Order and All Other Orders, Decisions and Judgments of Judge Kimball and Other Relief*, Case No. 22-13009-EPK, ECF No. 100, p.2 (“After finding that this bankruptcy case was filed in bad faith, the Court dismissed this case with 2 years prejudice, but reserved jurisdiction to rule on a request for sanctions against the movants and **their parents**, Eliot and Candice Bernstein.”) (emphasis added).

8. After finding that the First Bankruptcy Case was filed improperly, and in bad faith, for the sole purpose of preventing the foreclosure sale through utilization of the section 362 automatic stay, the Court dismissed the First Bankruptcy Case with two years' prejudice. *Order Dismissing Case with Prejudice*, Case No. 22-13009-EPK, ECF No. 79, p.2; *see Order Denying Petitioners Motion to Vacate Sanctions Order and All Other Orders, Decisions and Judgments of Judge Kimball and Other Relief*, Case No. 22-13009-EPK, ECF No. 100, p.2.

9. The Court subsequently issued monetary sanctions against Joshua Bernstein, Jacob Bernstein, and Daniel Bernstein—the petitioning creditors that improperly initiated the First Bankruptcy Case—and struck the unsupported, scandalous, and defamatory filings of Eliot Ivan Bernstein from the record in the First Bankruptcy Case. *Order Granting Motion for Sanctions*, Case No. 22-13009-EPK, ECF No. 97.

10. The foreclosure sale of the Real Property in the State Court Case was subsequently rescheduled for April 4, 2023.

11. On April 3, 2023, the Debtor filed a voluntary chapter 13 petition that initiated Case No. 23-12630-PDR (the “Second Bankruptcy Case”). Immediately thereafter, the Debtor filed a suggestion of bankruptcy in the State Court Case wherein the Debtor, even though he was not (and is not) the owner of the Real Property, falsely stated that the Real Property is property of the chapter 13 estate, and falsely implied that his chapter 13 bankruptcy case would somehow result in a discharge of the Foreclosure Judgment or otherwise release the Real Property from the Foreclosure Judgment. *See Exhibit A*, previous Suggestion of Bankruptcy, ¶3.

12. After the Debtor’s filing of the previous Suggestion of Bankruptcy, the State Court Clerk cancelled the April 4, 2023 foreclosure sale of the Real Property.

13. In response, the Secured Creditor's predecessor in interest filed the (previous) *Motion for In Rem Stay Relief* on April 4, 2023, Case No. 23-12630-PDR, ECF No. 15.

14. Following a hearing on April 13, 2025, the Court found that:

- a. The Real Property is owned by Bernstein Family Realty, LLC;
- b. The Secured Creditor's predecessor in interest is the holder of a final foreclosure judgment with respect to the Real Property;
- c. The April 3, 2023 Suggestion of Bankruptcy filed by the Debtor in the State Court was "factually false and legally incorrect, and was designed to mislead the State Court and/or the Clerk of the State Court into cancelling the April 4, 2023 foreclosure sale of the Real Property, because the Suggestion of Bankruptcy stated that '[t]his action is founded on a claim from which a discharge would be a release of that seeks to impose a charge on the property of the estate[;]'” and
- d. The Debtor's purpose in filing the voluntary chapter 13 petition was not to reorganize, but instead "was to obtain the cancellation of the April 4, 2023 foreclosure sale of the Real Property as part of a continuing bad faith scheme to delay and hinder the Movants with respect to the foreclosure action against the Real Property."

*Order Granting In Rem Relief from the Automatic Stay*, Case No. 23-12630-PDR, ECF No. 22. A copy of such order is attached hereto as **Exhibit B**.

15. Having so found, the Court ordered that, pursuant to 11 U.S.C. § 362(d)(4)(B), the automatic stay "is modified so that, for the next two years from the date of this [April 14, 2023] Order, no voluntary or involuntary petition filed under Title 11 of the United States Code shall operate as a stay of any act against the Real Property[.]"

16. On May 16, 2023, the Court dismissed the Second Bankruptcy Case, Case No. 23-12630-PDR, ECF No. 37.

**Recent Facts**

17. Following almost two years of additional litigation in the State Court, on March 7, 2025, the State Court directed the State Clerk of Court to reschedule the foreclosure sale of the Real Property for April 14, 2025. A copy of such order is attached hereto as **Exhibit C**.

18. On April 14, 2025, Debtor Eliot Bernstein filed a voluntary chapter 13 petition, initiating the above-captioned case.

19. April 14, 2025 was still within the two-year period covered by the Court's 2023 Section 362(d)(4)(B) Order. *See* Federal Rule of Bankruptcy Procedure 9006(a)(1)(A).<sup>4</sup> That is, the automatic stay did not operate to affect the Real Property or the foreclosure sale of the Real Property on April 14, 2025.

20. Nevertheless, on April 14, 2025, Debtor Eliot Bernstein filed a Suggestion of Bankruptcy with the State Court which states that, "**Pursuant to 11 U.S.C. § 362, an automatic stay is in effect**, in which any pending proceedings may be stayed pursuant to the aforementioned statutory authority, subject to any exceptions set forth therein." (emphasis in original). A copy of such Suggestion of Bankruptcy is attached hereto as **Exhibit D**.

21. The Debtor's newest Suggestion of Bankruptcy caused the State Clerk of Court to terminate the foreclosure sale process after the Secured Creditor submitted the winning \$375,100 bid.

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<sup>4</sup> Rule 9006(a)(1)(A) provides, in relevant part, when "computing any time period specified . . . in any . . . court order . . . that does not specify a method of computing time . . . . When the period is stated in days or a longer unit of time: (A) exclude the day of the event that triggers the period[.]"

22. Like his previous 2023 Suggestion of Bankruptcy, the Debtor's latest Suggestion of Bankruptcy was intentionally misleading. The automatic stay was not in effect with regard to the Real Property on April 14, 2025.

23. Based on the foregoing, the Debtor's instant bankruptcy case was initiated by the Debtor as part of a continuing, years-long scheme to utilize strategically-timed bankruptcy filings, as well as misleading suggestions of bankruptcy, to delay and hinder the Secured Creditor involving multiple bankruptcy filings affecting the Real Property.

24. Accordingly, cause exists under 11 U.S.C. § 362(d)(4)(B)<sup>5</sup> for the Court to enter *another* order terminating the automatic stay prospectively with respect to any act against the Real Property for two *more* years. Otherwise, the Secured Creditor will continue to be frustrated in his

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<sup>5</sup> Pursuant to 11 U.S.C. § 362(d)(4)(B):

On request of a party in interest and after notice and a hearing, the court shall grant relief from the stay provided under subsection (a) of this section, such as by terminating, annulling, modifying, or conditioning such stay . . . with respect to a stay of an act against real property under subsection (a), by a creditor whose claim is secured by an interest in such real property, if the court finds that the filing of the petition was part of a scheme to delay, hinder, or defraud creditors that involved either . . . multiple bankruptcy filings affecting such real property. If recorded in compliance with applicable State laws governing notices of interests or liens in real property, an order entered under paragraph (4) shall be binding in any other case under this title purporting to affect such real property filed not later than 2 years after the date of the entry of such order by the court, except that a debtor in a subsequent case under this title may move for relief from such order based upon changed circumstances or for good cause shown, after notice and a hearing. Any Federal, State, or local governmental unit that accepts notices of interests or liens in real property shall accept any certified copy of an order described in this subsection for indexing and recording.

legitimate efforts to foreclose on the Real Property.<sup>6</sup>

25. In the alternative, cause exists under 11 U.S.C. § 362(d)(2)<sup>7</sup> to modify the automatic stay with respect to all acts against the Real Property. The Real Property is owned by non-debtor Bernstein Family Realty, LLC. As such, the Debtor does not have equity in the Real Property, and the Real Property is not necessary to an effective reorganization of the Debtor. Therefore, if the Court determines that relief under 11 U.S.C. § 362(d)(4)(B) is not appropriate, the Court should still grant the Secured Creditor relief from the automatic stay with respect to all actions against the Real Property under section 362(d)(2).

26. Additionally, given the foregoing facts, cause exists for the Court to make its order granting this instant motion immediately effective upon entry without a 14-day stay of the order's effectiveness so that the Secured Creditors can swiftly reschedule the foreclosure sale of the Real Property without further delay. *See Fed. R. Bankr. P. 4001(a)(3).*

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<sup>6</sup> “Prospective stay relief, also known as *in rem* relief, is a particularly effective method to combat tag-team serial filers who seek to prevent foreclosures. This stay relief attaches to the property, not necessarily the parties. The reason these orders are so effective is because it will not be affected by subsequent bankruptcy filings by the debtor or third party transferees. *In re Selinsky*, 365 B.R. 260, 264 (Bankr. S.D. Fla. 2007) (internal citations and quotation marks omitted).

<sup>7</sup> Pursuant to 11 U.S.C. § 362(d)(2):

On request of a party in interest and after notice and a hearing, the court shall grant relief from the stay provided under subsection (a) of this section, such as by terminating, annulling, modifying, or conditioning such stay . . . with respect to a stay of an act against property under subsection (a) of this section, if--(A) the debtor does not have an equity in such property; and (B) such property is not necessary to an effective reorganization[.]

**WHEREFORE**, the Secured Creditor respectfully requests that the Court enter an order, effective upon entry, (a) terminating the automatic stay prospectively with respect to any act against the Real Property for a period of two years; or, alternatively (b) modifying the automatic stay as to actions against the Real Property.

**ATTORNEY CERTIFICATION**

**I HEREBY CERTIFY** that I am admitted to the Bar of the United States District Court for the Southern District of Florida and I am in compliance with the additional qualifications to practice in this Court set forth in Local Rule 2090-1(A).

**SHRAIBERG PAGE P.A.**

Counsel for the Secured Creditors  
2385 NW Executive Center Drive, #300  
Boca Raton, Florida 33431  
Telephone: 561-443-0800  
Facsimile: 561-998-0047  
bss@slp.law  
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By: /s/ Bradley S. Shraiberg  
Bradley S. Shraiberg  
Florida Bar No. 121622  
Eric Pendergraft  
Florida Bar No. 91927

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing was furnished via Notice of Electronic Filing to those parties registered to receive electronic noticing in this case on May 6, 2025. Additionally, I certify that a true and correct copy of the foregoing was furnished via First Class U.S. Mail to the following: Eliot Bernstein, at 2753 N.W. 34th Street, Boca Raton, Florida 33434.

/s/ Bradley S. Shraiberg

## EXHIBIT A

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

CASE NUMBER: 50-2018-CA-002317-XXXX-MB (AF)

WALTER E. SAHM and  
PATRICIA SHAM

Plaintiffs,  
v.

BERNSTEIN FAMILY REALTY LLC.

BRIAN O'CONNELL, as successor Personal Representative of The Estate of Simon L. Bernstein.  
ALEXANDRA BERNSTEIN; ERIC BERNSTEIN;  
MICHAEL BERNSTEIN; MOLLY SIMON; PAMELA B. SIMON;  
JILL IANTONI; MAX FRIEDSTEIN;  
LISA FRIEDSTEIN, Individually and as Trustees of the Simon L. Bernstein Revocable Trust  
Agreement dated May 20, 2008 as amended and restated;  
**ELIOT BERNSTEIN;**  
**CANDICE BERNSTEIN, Individually and as Natural Guardians of Minor Children JO., JA.**  
**and D. BERNSTEIN;**  
**AND ALL UNKNOWN TENANTS.**

## Defendants.

**SUGGESTION OF BANKRUPTCY FOR DEFENDANT and NOTICE TO  
CANCEL SALE SET FOR April 4, 2023**

The law firm of Florida Litigation Group hereby files its Suggestion of Bankruptcy for Defendant Bernstein in the above referenced action.

1. Defendant has filed a petition for relief under Title 11, United States Code, in the United States Bankruptcy Court in and for the Southern District of Florida, Case Number 23-12630-EPK-13, West Palm Beach Division, Chapter 13.
2. Relief was ordered on April 3, 2023, receipt attached.
3. This action is founded on a claim from which a discharge would be a release of that seeks to impose a charge on the property of the estate.
4. The sale set for tomorrow's date April 4, 2023 must be cancelled due to this filing in bankruptcy court.
5. This is for informational purposes only and does not constitute a notice of appearance by the undersigned.

WHEREFORE, Defendant suggests that this action has been stayed by the operation of 11 U.S.C.

§ 362.

Dated this April 3, 2023

Respectfully submitted,

By: /s/ Inger M. Garcia

Inger M. Garcia, Esquire

Florida Bar Number: 0106917

**FLORIDA LITIGATION GROUP**

7040 Seminole Pratt Whitney Rd. #25, Box 43

Loxahatchee, FL 33470

Direct: (954) 394-7461

Service: [Attorney@ingergarcia.com](mailto:Attorney@ingergarcia.com)

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Email: [serviceIMGLaw@yahoo.com](mailto:serviceIMGLaw@yahoo.com)

*Counsel for Defendants BFR, Bernstein(s), tenants*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that true copies of the foregoing document were filed electronically with the Clerk of Court through the Florida Courts e-filing Portal, which shall serve an electronic copy by e-mail on counsel of record this 3rd day of April 2023.

By: /s/ Inger M. Garcia

Inger M. Garcia, Esquire

## EXHIBIT B



**ORDERED in the Southern District of Florida on April 14, 2023.**



Peter D. Russin, Judge  
United States Bankruptcy Court

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UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA

In re:

Eliot Ivan Bernstein,

Case No. 23-12630-PDR

Debtor.

Chapter 13

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**ORDER GRANTING *IN REM* RELIEF FROM AUTOMATIC STAY**

THIS MATTER came before the Court upon the *Motion for in Rem Stay Relief* [ECF No. 15] filed by Joanna Sahm, as personal representative of the estate of Walter Sahm, and Patricia Sahm (together, the “Movants”).

In the Motion, the Movants seek an order from this Court granting prospective, *in rem* relief from the 11 U.S.C. 362 automatic bankruptcy stay with respect to acts against the following real property, for which the legal description is as follows:

Lot 68, Block G, BOCA MEDERA UNIT 2, according to the Plat thereof, recorded in Plat Book 32, Pages 59 through 60, of the Public Records of Palm Beach County, Florida

(the “Real Property”), which is located at 2753 N.W. 34th Street, Boca Raton, Florida 33434.

In seeking such relief, the Movants rely on 11 U.S.C. § 362(d)(4)(B), which provides, in relevant part:

(d) On request of a party in interest and after notice and a hearing, the court shall grant relief from the stay provided under subsection (a) of this section, such as by terminating, annulling, modifying, or conditioning such stay—

\* \* \*

(4) with respect to a stay of an act against real property under subsection (a), by a creditor whose claim is secured by an interest in such real property, if the court finds that the filing of the petition was part of a scheme to delay, hinder, or defraud creditors that involved either—

\* \* \*

(B) multiple bankruptcy filings affecting such real property.

If recorded in compliance with applicable State laws governing notices of interests or liens in real property, an order entered under paragraph (4) shall be binding in any other case under this title purporting to affect such real property filed not later than 2 years after the date of the entry of such order by the court, except that a debtor in a subsequent case under this title may move for relief from such order based upon changed circumstances or for good cause shown, after notice and a hearing. Any Federal, State, or local governmental unit that accepts notices of interests or liens in real property shall accept any certified copy of an order described in this subsection for indexing and recording.

Based upon the evidence and presentation the Court heard at the hearing, the Court makes the following findings:

- a. The Real Property is owned by Bernstein Family Realty, LLC.
- b. The Movants are the holders of a final judgment of foreclosure with respect to the

Real Property entered in the case styled *Sahm v. Bernstein Family Realty LLC*, Case No. 2018-CA-002317AXX (the “State Court Case”) pending in the Circuit Court for the Fifteenth Judicial Circuit in and for Palm Beach County, Florida (the “State Court”).

c. The above-captioned bankruptcy case filed by Debtor Eliot Ivan Bernstein does not invoke the automatic stay with respect to actions against the Real Property owned by non-debtor Bernstein Family Realty, LLC.

d. Attached to the Motion as Exhibit D is a copy of the *Suggestion of Bankruptcy for Defendant and Notice to Cancel Sale Set for April 4, 2023* (the “Suggestion of Bankruptcy”) filed on April 3, 2023 by attorney Inger M. Garcia on behalf of certain defendants, including Debtor Eliot Ivan Bernstein, in the State Court Case. The Suggestion of Bankruptcy is factually false and legal incorrect, and was designed to mislead the State Court and/or the Clerk of the State Court into cancelling the April 4, 2023 foreclosure sale of the Real Property scheduled in the State Court Case, because the Suggestion of Bankruptcy stated that “[t]his action is founded on a claim from which a discharge would be a release of that seeks to impose a charge on the property of the estate.”

e. Debtor Eliot Ivan Bernstein’s purpose in filing the above-captioned bankruptcy case was not to reorganize his assets and liabilities or to confirm a chapter 13 bankruptcy plan. Rather, the purpose was to obtain the cancellation of the April 4, 2023 foreclosure sale of the Real Property as part of a continuing bad faith scheme to delay and hinder the Movants with respect to the foreclosure action against the Real Property.

Based upon the foregoing findings, for the additional reasons stated on the record, and being otherwise fully advised in the premises, it is **ORDERED AND ADJUDGED** that:

1. The Motion [ECF No. 15] is GRANTED.

2. The automatic bankruptcy stay set forth in 11 U.S.C. § 362(a) is modified so that, for the next two years from the date of this Order, no voluntary or involuntary petition filed under Title 11 of the United States Code shall operate as a stay of any act against the Real Property located at 2753 N.W. 34th Street, Boca Raton, Florida 33434, the legal description of which is:

Lot 68, Block G, BOCA MEDERA UNIT 2, according to the Plat thereof, recorded in Plat Book 32, Pages 59 through 60, of the Public Records of Palm Beach County, Florida

3. The Movants may file a copy of this Order in the case styled *Sahm v. Bernstein Family Realty LLC*, Case No. 2018-CA-002317AXX pending in the Circuit Court for the Fifteenth Judicial Circuit in and for Palm Beach County, Florida.

4. The Movants shall record a certified copy of this Order in the Official Records of Palm Beach County, Florida with respect to the Real Property.

5. Notwithstanding Federal Rule of Bankruptcy Procedure 4001(a)(3), this Order shall be immediately effective.

6. The Movant's *Expedited Motion for Ex Parte Relief from the Automatic Stay* [ECF No. 9] is DENIED as moot.

# # #

Submitted by:

Bradley S. Shraiberg, Esq.  
Shraiberg Page P.A.  
Counsel for the Secured Creditors  
2385 NW Executive Center Drive, #300  
Boca Raton, Florida 33431  
Telephone: 561-443-0800  
Facsimile: 561-998-0047  
bsst@slp.law

*Bradley S. Shraiberg is directed to immediately serve a conformed copy of this Order and to file a Certificate of Service evidencing same.*

## **EXHIBIT C**

IN THE CIRCUIT COURT OF THE 15<sup>TH</sup>  
JUDICIAL CIRCUIT IN AND FOR  
PALM BEACH COUNTY, FLORIDA

CASE NO.: 2018-CA-002317 (AO)

WALTER E. SAHM and  
CHARLES REWARD, as Guardian of the Ward,  
PATRICIA A. SAHM

Plaintiffs,

v.

BERNSTEIN FAMILY REALTY, LLC,  
et al.

Defendants.

**ORDER RESETTING FORECLOSURE SALE**

THIS CAUSE, having come before this Court and the Court having reviewed the case file and being otherwise fully advised in the premises, it is hereby:

**ORDERED AND ADJUDGED** that:

1. On November 29, 2023, the Court entered an Order on Plaintiffs' Motion to Substitute Party Plaintiff that substituted Charles Revard as Guardian of the Ward for Plaintiff, Patricia Sahm.
2. On March 6, 2025, the Court entered an Order Granting Plaintiff's Motion to Strike Alleged Settlement Agreement and for Sanctions Due to Fraud on the Court.
3. The Final Judgment entered by the Court on December 21, 2021 is enforceable and Plaintiff is therefore entitled to move forward with the Foreclosure Sale on the subject property.
4. The Clerk of the Court shall sell the property at public sale on the 14th day of April, 2025, to the highest bidder for cash, by electronic sale at

<https://palmbeach.realforeclose.com> beginning at 10:00 AM, in accordance with section 45.031, Florida Statutes. Plaintiff shall prepare a Notice of Sale and send a copy to all parties. The original must be filed with the Clerk's office. Plaintiff shall submit a copy of the Notice of Sale to a newspaper of general circulation for publication pursuant to section 45.031, Florida Statutes.

**DONE and ORDERED** in chambers in West Palm Beach, Palm Beach County, Florida.



502018CA002317XXXXMB 03/07/2025

John J. Parnofielo  
Circuit Judge

Copies to:

All Counsel of Record

## **EXHIBIT D**

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

CASE NO.: 50-2018-CA-002317

WALTER E. SAHM and  
PATRICIA SAHM,

Plaintiffs,

v.

BERNSTEIN FAMILY REALTY, LLC and  
ALL UNKNOWN TENANTS.

Defendants

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**SUGGESTION OF BANKRUPTCY**

Defendant Eliot Bernstein having been named as a defendant party in a Final Judgment of Foreclosure, hereby files this SUGGESTION OF BANKRUPTCY FILING notifying all parties that a Chapter 13 Voluntary Bankruptcy petition was filed by individual Debtor Eliot Bernstein in the U.S. Bankruptcy Court, Southern District of Florida on April 14, 2025 under the US Bankruptcy laws in case number 25-14028-EPK. **Pursuant to 11 U.S.C. 362, an automatic stay is in effect**, in which any pending proceedings may be stayed pursuant to the aforementioned statutory authority, subject to any exceptions set forth therein. This pleading

serves the limited purpose of advising the Court and parties below of the aforementioned bankruptcy proceeding.

DATED: April 14, 2025

/s/Eliot Bernstein

Eliot Bernstein  
2753 NW 34th St  
Boca Raton, FL 33434  
561-245-8588  
iviewit@iviewit.tv

**CERTIFICATE OF SERVICE**

I CERTIFY that a copy of the foregoing has been furnished to parties listed on Electronic Service List by E-mail Electronic Transmission on this 14th day of April, 2025.

/s/Eliot Bernstein

Eliot Bernstein  
2753 NW 34th St  
Boca Raton, FL 33434  
561-245-8588  
iviewit@iviewit.tv

United States Bankruptcy Court  
Southern District of Florida

## Notice of Bankruptcy Case Filing

A bankruptcy case concerning the debtor(s) listed below was filed under Chapter 13 of the United States Bankruptcy Code, entered on 04/14/2025 at 09:00 AM and filed on 04/14/2025.

**Eliot Ivan Bernstein**  
2753 NW 34th St  
Boca Raton, FL 33434  
561-886-7628  
SSN / ITIN: [REDACTED]



The bankruptcy trustee is:

**Robin R Weiner**  
Robin R. Weiner, Chapter 13 Trustee  
Post Office Box 559007  
Fort Lauderdale, FL 33355  
954-382-2001

The case was assigned case number 25-14028-EPK to Judge Erik P. Kimball.

In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor's property. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

If you would like to view the bankruptcy petition and other documents filed by the debtor, they are available at our *Internet* home page [www.flsb.uscourts.gov](http://www.flsb.uscourts.gov) or at the Clerk's Office, . . .

You may be a creditor of the debtor. If so, you will receive an additional notice from the court setting forth important deadlines.

**Joseph Falzone**  
Clerk, U.S. Bankruptcy Court