

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

File Number: 502012 CP 004391 XXXX NB

Division: Probate "IH"

IN RE: ESTATE OF  
SIMON L BERNSTEIN,  
Deceased.

Beneficiary Eliot I Bernstein's *SilverBullet* Cross Motion for Valid Decision, Order and Judgment ("Valid DOJ") Granting *Mandatory Restitution* for *Discretionary Destitution* caused by *All Void DOJs* ("Void DOJs").

Under penalties of perjury, Beneficiary Eliot I Bernstein ("EIB"), *Pro Se* Attorney in Fact ("Attorney EIB"), is required by laws *correctly applied* to state and argue *the truth, the whole truth, and nothing but the truth* ("TRUTH") in this *SilverBullet* Cross Motion *same as* Licensed Attorneys at Law ("Licensed Attorneys") are *required* by laws *correctly applied* to state the TRUTH in all their legal filings, arguments, etc. *but for which* the Court, bound by laws *correctly applied to serve, or else, resurrect* Justice assassinated by Injustice ("Justicide") will *still live, die and rest in peace* with *conscience-eating self-created-toxic-guilt to be judicial assassins unless and until* the Court *cites valid constitutional authority to commit Justicide*.

#### A Opening Statements of the TRUTH by Attorney EIB as the Prey, Still.

1 The *still ongoing* UN-TRUTH *still stated* by Licensed Attorneys as the predators in their **186-Page Petition** for Fees and Costs of Attorney for Successor Personal Representative ("Fee Petition"), *filed with May 1, 2019 Formal Notice*, forced their prey to serve and file, within 20 days, this *SilverBullet* Cross Motion for Valid Decision, Order and Judgment ("Valid DOJ") granting *Mandatory Restitution* for *Discretionary Destitution* caused by *all Void DOJs* in *all legal actions* *because it is still required thus supported* by the *SilverBullet LKJESQ Memorandum of Law* ("LKJMOL") with *caselaws in endnotes<sup>1-10</sup>* and *Needed Guide (A1-A3)*.

2 *SilverBullet LKJMOL* with *Needed Guide for everyone's free use is the fail-safe solution to problems with no defense*. UN-TRUTH as *defense* by Licensed Attorneys against the *Cross Motion is no defense to keep supporting* the *Cross Motion by Attorney EIB*.

3 It is **un-American** thus treasonable to disagree with the **NIELL**<sup>1</sup> as the **SilverBullet**.

**It also helps this Court to agree to act under the law**, knowing that *due process of law shall not end with no time limit until this Court*:

- .1 **Not only denies** Licensed Lawyers' Fee Petition as *violating Courts' integrity*;<sup>5</sup>
- .2 **But also grants** Attorney EIB's Cross Motion **granting Mandatory Restitution**<sup>2</sup> from Licensed Lawyers as the **zealous** lawyers<sup>3</sup> *forced to protect* criminal, civil and other predators<sup>4</sup> etc. as predators to their prey **still being forced** to endure *discretionary destitution* as Injustice and **begin to think alike** to serve Justice<sup>6</sup> instead of Injustice ("**TruthIsPrudence**");<sup>7</sup>
- .3 **Realize that the Court has to end being tax-funded coward judicial assassins still acting above the law still blessing parasitic predatorial behavior** under the "grand scheme of [evil sold as good] things",<sup>8</sup> SCOTUS Rule 10,<sup>9</sup> etc. ("**JurIsPrudence**"), **rightfully acquit or exonerate** babies who can do no wrongs yet *wrongfully convicted* as bastards, and **rightfully convict** fathers who can, and do, do wrongs yet *wrongfully acquitted* denying illegitimate paternities of legitimate babies from their seeds they sowed during illicit sex with women besides their own wives as bastards in **all sex-abuse cases**,<sup>10</sup> and
- .4 **Use the SilverBullet** to acquit the innocents, convict the guilty, make one pay for one's own wrongs, not make the prey pay predators and their **zealous** lawyers and no more live, die and rest in peace with **conscience-eating self-created-toxic-guilt to be judicial assassins even if LKJESQ is not forgiven for being forced to sacrifice his lifetime to help perfect the SilverBullet to help protect all jurists**, knowing the TRUTH that:
  - a Justice still has to *vacate as void* Injustice by predators still depriving their prey of their **human rights** to **legitimate** activities of daily living ("ADL") like **legitimate money-making, legitimate socializing**, etc. **but for which due process of law shall not end with no time limit regardless of how old the case is**; and
  - b Justice delayed is Justice denied, Justice denied is Injustice dignified, Injustice dignified is Justice crucified by *compromised* jurists committing Justicide with absolute judicial immunity and Justice crucified by Justicide mandates resurrection of Justice, **now**.

4 **All laws, acts and deeds consistent with** the Constitution *misapplied, thus repugnant to the Constitution correctly applied, are still null and void with zero legal effects.*

This **1803 unanimous Valid DOJ** in **Marbury v Madison** by the **Great Chief Justice Marshall** of the Supreme Court of the United States ("SCOTUS")<sup>a</sup> **still is, and will be, binding on all People**, Courts, Licensed Lawyers, Forensic Experts, Medical Experts, etc. **unless and until it is overturned by the SCOTUS, if ever**, knowing that it **has not been overturned in over 200 years**.

5        Attorney EIB as the prey *again proves not only* the prey's TRUTH *but also* the predators' UN-TRUTH to *again satisfy* both his legal burdens of proof in ¶6-¶9 to help the Court without an iota of doubt to resurrect Justice assassinated by Justicide since day one, knowing that not even a dime has been distributed to Attorney EIB or his children so far.

## **B BASIC STATEMENTS OF UN-TRUTH ARE THE TIP OF THE ICEBERG**

6        In Case No 50 2012-CP-4391 XXXX NB, captioned IN RE: THE ESTATE OF: SIMON BERNSTEIN, deceased (**date of death is 12.09.2013**), Circuit Court Hon Judge Rosemarie Scher **PASSES** a *Valid DOJ* dated **April 27, 2017** that "Eliot is a residuary beneficiary of any tangible property of the [SIMON BERNSTEIN] Estate ..." (¶1 to ¶32 at ¶17, Page7) and "...**DENIES** appointment of Ted Bernstein as Administrator Ad Litem" (Page 11) to effectuate the **Will of Simon L Bernstein July 25, 2012 Prepared by Tescher & Spallina PA:**

### **Page 1 / ARTICLE I. TANGIBLE PERSONAL PROPERTY**

*... I give to my children who survive me, divided among them as they agree, or if they fail to agree, divided among them by my Personal Representatives in as nearly equal shares as practical my personal effects, jewelry, collections, household furnishings and equipment, automobiles and all other non-business tangible personal property other than cash, ... and if no child of mine survives me, this property shall pass with the residue of my estate. ...*

7        Forcing Courts to keep **Attorney EIB** and his children *deprived of distributions and thus of their daily human rights to legitimate ADL* is 100% culpably premeditated by **Licensed Lawyers as predators since before 2015**, knowing that in Case No 502015 CP001162 XXXX NB IJ in this Court, **Licensed Attorneys Mrachek, Fitzgerald, Rose, Konopka, Thomas & Weiss, PA** as **Attorneys for Ted S Bernstein as the Successor Trustee, by Licensed Attorney Alan B Rose Esq.**, served and filed the **Successor Trustee's Motion** for appointment of a Guardian Ad Litem to represent the interests of Attorney EIB's children based on their **BASIC STATEMENTS OF UN-TRUTH** in its ¶2 as follows:

2. By its December 16, 2015 Final Judgment relating to the trial held on December 15th, this Court **upheld the 2012 Will and Trust of Simon L. Bernstein**. As a result of upholding these documents, the Court determined that **Eliot Bernstein, individually, is not a beneficiary of either Simon's or Shirley's Trusts or Estates**. Instead, **Eliot's three sons are among the beneficiaries of both Simon's and Shirley's Trusts**, in amounts to be determined by further proceedings. **Eliot is not a beneficiary and lacks standing to continue his individual involvement in this case.**

8 ***Knowing the TRUTH since day one of probate that Attorney EIB always was, and still is, a beneficiary of the Shirley Bernstein Trust Agreement May 20, 2008 Prepared by Tescher & Spallina PA,<sup>b</sup> of the Will of Shirley Bernstein May 20, 2008 Prepared by Tescher & Spallina PA<sup>c</sup> and also of the Will of Simon L Bernstein July 25, 2012 also Prepared by Tescher & Spallina PA, BASIC STATEMENTS OF UN-TRUTH always included in the VOID DOJs by the Courts<sup>b and c</sup> will always be in the records of the cases for the Courts to take immediate judicial actions to grant this SilverBullet Cross Motion as established above***, knowing that:

- .1 **Since at least 12.16.2015 if not also before that date, Attorney EIB was *unconstitutionally deprived of all his rights as a beneficiary* to represent himself and his children as beneficiaries, knowing that the Guardian Ad Litem ("GAL") for his children was *unconstitutionally appointed* causing even more **Void DOJs** by Courts with no legal effect since day one; and**
- .2 **Valid DOJ now by laws *correctly applied* to be legally enforced to vacate **Void DOJs** by laws *misapplied* still being illegally enforced by Outlaws with zero immunity from paying for even more damages still being caused to their prey **mandates** granting this **SilverBullet** Cross Motion as established above.**

WHEREFORE may it please Hon Court to please take judicial notice of the foregoing facts of life and pass its legally valid and enforceable **Valid DOJ** required by laws *correctly applied* granting this **SilverBullet** Cross Motion to resurrect Justice to end still ongoing Justicide **but for which due process of law will not end with no time limit, period, case closed?**

Dated: May 21, 2019

Respectfully Submitted by,

/s/Eliot Ivan Bernstein

PRO SE

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561-245-8588

**IViewIt@GMail.Com**

Encs A1-A3

### CERTIFICATE OF SERVICE

I CERTIFY that a copy of the foregoing has been furnished to parties listed on attached Service List by E-mail Electronic Transmission and/or Court ECF; this 21<sup>st</sup> day of May, 2019.

/s/Eliot Ivan Bernstein

PRO SE

Eliot Ivan Bernstein  
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Boca Raton, FL 33434  
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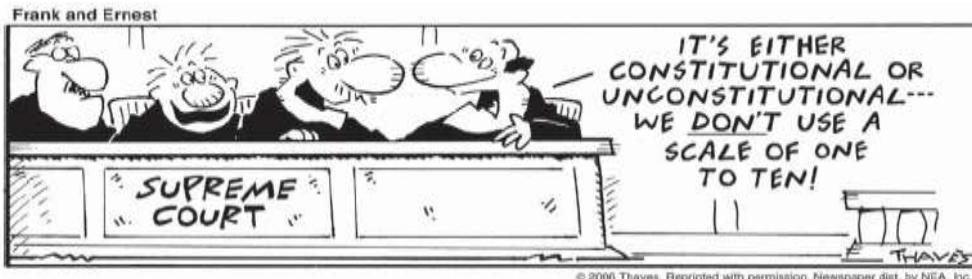
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Original to Hon Court

Copies to all included in the Service List

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- The *Marbury* decision was unanimous. Do split decisions (for example, 5-4 votes) indicate that a decision might be overturned in the future?

<https://tinyurl.com/y9c87qcn>

THE TRUTH to <i>Resurrect</i> Justice	THE UN-TRUTH for <i>Justicide</i> Committed
<p><b>Shirley Bernstein Trust Agreement</b>        May 20, 2008 Prepared by Tescher &amp; Spallina PA:</p> <p><b>Page 3</b></p> <p><b>'ARTICLE II. AFTER MY DEATH. ...</b></p> <p><b>E 2. Disposition of Balance.</b> Any parts of the Marital Trust and the Family Trust my spouse does not or cannot effectively appoint (including any additions upon my spouse's death), or all of the Family Trust if my spouse did not survive me, <b>shall be divided among and held in separate Trusts for my lineal descendants then living, per stirpes.</b> ... and administered as provided in Subparagraph II.E. below. <b>Each of my lineal descendants</b> for whom a separate Trust is held hereunder shall hereinafter be referred to as a "<b>beneficiary</b>," with their separate trusts to be administered as provided in Subparagraph II.E. below...</p> <p><b>Page 7</b></p> <p><b>E. Definitions. In this Agreement,</b></p> <p>1. <b>Children, Lineal Descendants.</b> The terms "child," "children" and "lineal descendant" mean ... Notwithstanding the foregoing, as I have adequately provided for them during my lifetime, for purposes of the dispositions made under this Trust, my children, TED S. BERNSTEIN ("TED") and PAMELA B. SIMON ("PAM"), and their respective lineal descendants shall be deemed to have predeceased the survivor of my spouse and me, provided, however, if my children, <b>ELIOT BERNSTEIN, JILL IANTONI and LISA S. FRIEDSTEIN</b>, and their lineal descendants all predecease the survivor of my spouse and me, then TED and PAM, and their respective lineal descendants shall not be deemed to have predeceased me and shall be eligible beneficiaries for purposes of the dispositions made hereunder. ...</p>	<p>"Eliot Bernstein <i>lacks individual standing to participate in this proceeding, as he is not a beneficiary</i> of either the Shirley Bernstein Trust or the Shirley Bernstein Estate" (¶1 to ¶5 at ¶3):</p> <p>This is <i>Justicide Committed</i> by <b>Circuit Court Judge Hon John L Phillips</b> in Order dated <b>Feb 01, 2016</b> in Case No 502014CP003698XXXXNBIJ, Probate Division, <b>captioned TED BERNSTEIN as Trustee of the Shirley Bernstein Trust Agreement dated May 20, 2008, as amended, Plaintiff v Alexandra Bernstein ...ELIOT BERNSTEIN, individually, as Trustee f/b/o Molly Simon under the Simon L Bernstein Trust Dtd 9/13/12</b>...., Defendants.</p>

THE TRUTH to <i>Resurrect</i> Justice	THE UN-TRUTH for <i>Justicide</i> Committed
<p><b>Will of Shirley Bernstein</b> May 20, 2008  Prepared by Tescher &amp; Spallina PA:</p> <p><b>Page 1</b></p> <p><b>"I, SHIRLEY BERNSTEIN, ...</b> My children are TED S BERNSTEIN ("TED"), PAMELA B SIMON, <b>ELIOT BERNSTEIN</b>, JILL IANTONI and LISA S FRIEDSTEIN...</p> <p><b>ARTICLE I. TANGIBLE PERSONAL PROPERTY</b> I give such items of my tangible personal property to such persons as I may designate in a separate written memorandum prepared for this purpose. I give to SIMON, if SIMON survives me, my personal effects, jewelry, collections, household furnishings and equipment, automobiles and all other non-business tangible personal property other than cash, not effectively disposed of by such memorandum, and if SIMON does not survive me, I give this property to my children who survive me, divided among them as they agree, or if they fail to agree, divided among them by my Personal Representatives in <u>as nearly equal shares as practical</u>, and if neither SIMON nor any child of mine survives me, this property shall pass with the residue of my estate.</p>	<p>"Eliot Bernstein <i>lacks individual standing to participate in this proceeding, as he is not a beneficiary</i> of either the Shirley Bernstein Trust or the Shirley Bernstein Estate" (¶1 to ¶5 at ¶3):</p> <p>This is <b><i>Justicide Committed</i></b> by <b>Circuit Court Judge Hon John L Phillips</b> in Order dated <b>Feb 01, 2016</b> in Case No 502014CP003698XXXXNBIJ, Probate Division, <b>captioned TED BERNSTEIN as Trustee of the Shirley Bernstein Trust Agreement dated May 20, 2008, as amended, Plaintiff v Alexandra Bernstein ...ELIOT BERNSTEIN, individually, as Trustee f/b/o Molly Simon under the Simon L Bernstein Trust Dtd 9/13/12</b>...., Defendants.</p>