

**ELIOT IS A BENEFICIARY WITH STANDING IN ALL ESTATE AND TRUST  
DOCUMENTS OF SIMON AND SHIRLEY BERNSTEIN ALLEGED TO BE VALID BY  
THIS COURT**

1. In Officer of the Court, Attorney at Law Alan B. Rose's ("Rose") pleading to this 15th Judicial Court, Filing # 53141781 E-Filed 03/01/2017 01:59:30 PM "TRUSTEE'S RESPONSE TO ELIOT BERNSTEIN'S URGENT MOTION TO RESCHEDULE MARCH 2, 2017 CONTINUATION OF HEARING" Rose claims, again misleading the Court, in paragraph "6. Moreover, there are a number of other matters in both this Estate and the related trust and estate matters which have been set for the same time and scheduled for these hearings, and in most of those cases (Shirley Estate, Shirley Trust) Eliot completely lacks standing." Note that Rose is now changing his prior claims to this Court and Your Honor that ELIOT IS A BENEFICIARY OF NOTHING AND HAS NO STANDING IN ANY OF THE CASES. However, the very documents validated by Judge Phillips (which Eliot reserves the right to Vacate due to fraud) in Shirley's Estate and Shirley's Trust disprove the claims that Eliot is not a beneficiary of anything and does not have standing, as illustrated below and since there have been NO CONSTRUCTION HEARINGS IN ANY OF THESE DOCUMENTS, the document language stands as stated :

**WILL OF SHIRLEY BERNSTEIN<sup>1</sup>**<http://iviewit.tv/Simon and Shirley Estate/Plaintiff 1 - 2008>

[Will of Shirley Bernstein.pdf](#)

**Dated May 20, 2008**

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<sup>1</sup> December 15, 2015 Validity Hearing – Shirley Bernstein Trust - Plaintiff 1 - 2008 Will of Shirley Bernstein.<http://iviewit.tv/Simon%20and%20Shirley%20Estate/Plaintiff%201%20-%202008%20Will%20of%20Shirley%20Bernstein.pdf>

I, SHIRLEY BERNSTEIN, of Palm Beach County, Florida, hereby revoke all my prior Wills and Codicils and make this Will. My spouse is SIMON L. BERNSTEIN ("SIMON"). My children are TED S. BERNSTEIN ("TED"), PAMELA B. SIMON, **ELIOT BERNSTEIN** **[EMPHASIS ADDED]**, JILL IANTONI and LISA S. FRIEDSTEIN.

#### ARTICLE I. TANGIBLE PERSONAL PROPERTY

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 as nearly equal shares as practical, and if neither SIMON nor any child of mine survives me, this property shall pass with the residue of my estate.

**SHIRLEY BERNSTEIN TRUST DATED MAY 20, 2008**<sup>2</sup><http://iviewit.tv/Simon and Shirley Estate/Plaintiff 2 - 2008 Shirley Trust Agreement.pdf>

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<sup>2</sup> December 15, 2015 Validity Hearing – Shirley Bernstein Trust - Plaintiff 2 - 2008 Shirley Bernstein Trust Agreement

### Article III – General

“E. Definitions. In this Agreement,

1. Children, Lineal Descendants. The terms "child," "children" and "lineal descendant" mean only persons whose relationship to the ancestor designated is created entirely by or through (a) legitimate births occurring during the marriage of the joint biological parents to each other, [emphasis added] (b) children and their lineal descendants arising from surrogate births and/or third party donors when (i) the child is raised from or near the time of birth by a married couple (other than a same sex married couple) through the pendency of such marriage, (ii) one of such couple is the designated ancestor, and (iii) to the best knowledge of the Trustee both members of such couple participated in the decision to have such child, and (c) lawful adoptions of minors under the age of twelve years. No such child or lineal descendant loses his or her status as such through adoption by another person. **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 [emphasis added], provided, however, if my children, ELIOT BERNSTEIN, JILL IANTONI and LISA S. FRIEDSTEIN, 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.”

## ARTICLE II. AFTER MY DEATH

“E. Disposition of Trusts Upon Death of Survivor of My Spouse and Me. Upon the death of the survivor of my spouse and me,

1. Limited Power. My spouse (if my spouse survives me) may appoint the Marital Trust and Family Trust (except any part added by disclaimer from the Marital Trust and proceeds of insurance policies on my spouse's life) to or for the benefit of one or more of my lineal descendants and their spouses;

2. Disposition of Balance. 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, **shall be divided among and held in separate Trusts for my lineal descendants then living, per stirpes. Any assets allocated under this**

**Subparagraph II.D. to my children (as that term is defined under this Trust), shall be distributed to the then serving**

**Trustees of each of their respective Family Trusts, established by my spouse as grantor on even date herewith (the "Family Trusts" which term includes any successor trust thereto), to be held and administered as provided under said Trusts.**

**[emphasis added]** The provisions of the Family Trusts are incorporated herein by reference, and if any of the Family Trusts are not then in existence and it is necessary to accomplish the foregoing dispositions, the current Trustee of this Trust is directed to take such action to establish or reconstitute such applicable trust(s), or if the Trustee is unable to do so, said assets shall be held in separate trusts for such lineal descendants and administered as provided in Subparagraph II. E. below. Each of my lineal descendants for whom a separate Trust is held hereunder shall hereinafter be referred to as a "beneficiary," with their separate trusts to be administered as provided in Subparagraph II.E. below. [emphasis added]

**[The Court should note that the language in the Trust refers to "Subparagraph II. E. below" but that language is cited in II. E. in the document and below that is II. F., not II. E. as referenced in the document, again this may be further evidence of fraudulent document alteration.]**

F. Trusts for Beneficiaries. The Trustee shall pay to a beneficiary the net income of such beneficiary's trust. The Trustee shall pay to the beneficiary and the beneficiary's children, such

amounts of the principal of such beneficiary's trust as is proper for the Welfare of such individuals. After a beneficiary has reached any one or more of the following birthdays, the beneficiary may withdraw the principal of his or her separate trust at any time or times, not to exceed in the aggregate 1/3 in value after the beneficiary's 25th birthday, 1/2 in value (after deducting any amount previously subject to withdrawal but not actually withdrawn) after the beneficiary's 30th birthday, and the balance after the beneficiary's 35th birthday, provided that the withdrawal powers described in this sentence shall not apply to any child of mine as beneficiary of a separate trust. The value of each trust shall be its value as of the first exercise of each withdrawal right, plus the value of any subsequent addition as of the date of addition. The right of withdrawal shall be a privilege which may be exercised only voluntarily and shall not include an involuntary exercise. If a beneficiary dies with assets remaining in his or her separate trust, upon the beneficiary's death the beneficiary may appoint his or her trust to or for the benefit of one or more of my lineal descendants and their spouses (excluding from said class, however, such beneficiary and such beneficiary's creditors, estate, and creditors of such beneficiary's estate). Any part of his or her trust such beneficiary does not effectively appoint shall upon his or her death be divided among and held in separate Trusts for the following

persons:

1. for his or her lineal descendants then living, per stirpes;

or

2. if he or she leaves no lineal descendant then living, per stirpes for the lineal descendants then living of his or her nearest ancestor (among me and my lineal descendants) with a lineal descendant then living who is also a lineal descendant of my spouse.

A trust for a lineal descendant of mine shall be held under this paragraph, or if a trust is then so held, shall be added to such trust."

2. The Wills and Trusts of Simon Bernstein also have Eliot Bernstein as a beneficiary with standing as follows;

### **SIMON BERNSTEIN WILL DATED MAY 20, 2008<sup>3</sup>**

#### Simon Bernstein Will

"I, SIMON L. BERNSTEIN, of Palm Beach County, Florida, hereby revoke all my prior Wills and Codicils and make this Will. My spouse is SHIRLEY BERNSTEIN ("SHIRLEY"). My children are TED S. BERNSTEIN ("TED"), PAMELA B. SIMON, **ELIOT BERNSTEIN**, JILL IANTONI and LISA S. FRIEDSTEIN.

#### ARTICLE I. TANGIBLE PERSONAL PROPERTY

I give such items of my tangible personal property to such persons

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<sup>3</sup> 2008 Simon Bernstein Will Delivered By Curator Ben Brown 20140506

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20080520SimonBernstein2008WillDeliveredByBenBrown20140506.pdf>

as I may designate in a separate written memorandum prepared for this purpose. I give to SHIRLEY, if SHIRLEY 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 SHIRLEY does not survive me, **I give this property to my children who survive me, [emphasis added]** 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, and if neither SHIRLEY nor any child of mine survives me, this property shall pass with the residue of my estate."

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**SIMON L. BERNSTEIN 2008 TRUST AGREEMENT DATED**

**MAY 20, 2008<sup>4</sup>**

**ARTICLE III. GENERAL**

"E. Definitions. In this Agreement,

1. Children. Lineal Descendant. The terms "child," "children" and "lineal descendants" mean only persons whose relationship to the ancestor designated is created entirely by or through (a) legitimate births occurring during the marriage of the joint biological parents to each other, (b) children and their lineal descendants arising from

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<sup>4</sup>Simon Bernstein 2008 REVOCABLE TRUST Delivered By Curator Ben Brown On 20140506  
<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20080520SimonBernstein2008REVOCABLETRUSTDeliveredByBenBrownOn20140506.pdf>

surrogate births and/or third party donors when (i) the child is raised from or near the time of birth by a married couple (other than a same sex married couple) through the pendency of such marriage, (ii) one of such couple is the designated ancestor, and (iii) to the best knowledge of the Trustee both members of such couple participated in the decision to have such child, and (c) lawful adoptions of minors under the age of twelve years. No such child or lineal descendant loses his or her status as such through adoption by another person. **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 [emphasis added]**, provided, however, if my children, ELIOT BERNSTEIN, JILL IANTONI and LISA S. FRIEDSTEIN, 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.”

## ARTICLE II. AFTER MY DEATH

### “D. Disposition of Trusts Upon Death of Survivor of My Spouse

and Me. Upon the death of the survivor of my spouse and me,

1. Limited Power. My spouse (if my spouse survives me) may appoint the Marital Trust and Family Trust (except any part added by disclaimer from the Marital Trust and proceeds of insurance policies on my spouse's life) to or for the benefit of one or more of my lineal descendants and their spouses;

2. Disposition of Balance. 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, **shall be divided among and held in separate Trusts for my lineal descendants then living, per stirpes. Any assets allocated under this**

**Subparagraph II.D. to my children (as that term is defined under this Trust) [emphasis added],** shall be distributed to the then serving Trustees of each of their respective Family Trusts, established by me as grantor on even date herewith (the "Family Trusts" which term includes any successor trust thereto), to be held and administered as provided under said Trusts. The provisions of the Family Trusts are incorporated herein by reference, and if any of the Family Trusts are not then in existence and it is necessary to accomplish the foregoing dispositions, the current Trustee of this Trust is directed to take such action to establish or reconstitute such applicable trust(s), or if the Trustee is unable to do so, said assets

shall be held in separate trusts.

E. Trusts for Beneficiaries. The Trustee shall pay to a beneficiary the net income of such beneficiary's trust. The Trustee shall pay to the beneficiary and the beneficiary's children, such amounts of the principal of such beneficiary's trust as is proper for the Welfare of such individuals. After a beneficiary has reached any one or more of the following birthdays, the beneficiary may withdraw the principal of his or her separate trust at any time or times, not to exceed in the aggregate 1/3 in value after the beneficiary's 25th birthday, 1/2 in value (after deducting any amount previously subject to withdrawal but not actually withdrawn) after the beneficiary's 30th birthday, and the balance after the beneficiary's 35th birthday, provided that the withdrawal powers described in this sentence shall not apply to any child of mine as beneficiary of a separate trust. The value of each trust shall be its value as of the first exercise of each withdrawal right, plus the value of any subsequent addition as of the date of addition. The right of withdrawal shall be a privilege which may be exercised only voluntarily and shall not include an involuntary exercise. If a beneficiary dies with assets remaining in his or her separate trust, upon the beneficiary's death the beneficiary may appoint his or her trust to or for the benefit of one or more of my lineal descendants and their spouses (excluding from said class, however, such

beneficiary and such beneficiary's creditors, estate, and creditors of such beneficiary's estate). Any part of his or her trust such beneficiary does not effectively appoint shall upon his or her death be divided among and held in separate Trusts for the following persons;

1. for his or her lineal descendants then living, per stirpes; or
2. if he or she leaves no lineal descendant then living, per stirpes for the lineal descendants then living of his or her nearest ancestor (among me and my lineal descendants) with a lineal descendant then living who is also a lineal descendant of my spouse.

A trust for a lineal descendant of mine shall be held under this paragraph, or if a trust is then so held, shall be added to such trust.”

## **WILL OF SIMON L. BERNSTEIN**

**Dated July 25, 2012<sup>5</sup>**

“I, SIMON L. BERNSTEIN, of Palm Beach County, Florida, hereby revoke all my prior Wills and Codicils and make this Will. I am a widower, but in the event that I marry subsequent to the execution of this Will, I specifically make no provision for my spouse. My children are TED S. BERNSTEIN, PAMELA B. SIMON, ELIOT BERNSTEIN [EMPHASIS ADDED], JILL

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<sup>5</sup> December 15, 2015 Validity Hearing - Plaintiff 4 - 2012 Will of Simon Bernstein  
<http://iviewit.tv/Simon%20and%20Shirley%20Estate/Plaintiff%204%20-%202012%20Will%20of%20Simon%20Bernstein.pdf>

IANTONI and LISA S. FRIEDSTEIN.

#### ARTICLE I. TANGIBLE PERSONAL PROPERTY

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 my children who survive me, divided among them as they agree [emphasis added]**, 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, not effectively disposed of by such memorandum, and if no child of mine survives me, this property shall pass with the residue of my estate."

#### SIMON BERNSTEIN AMENDED AND RESTATED TRUST

**2012 DATED JULY 25, 2012<sup>6</sup>**

#### ARTICLE III. GENERAL

"E. Definitions. In this Agreement,

1. Children, Lineal Descendants. The terms "child," "children, 11 "grandchild," "grandchildren" and "lineal descendant" mean only

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<sup>6</sup> December 15, 2015 Validity Hearing Plaintiff 5 - 2012 Simon L. Bernstein Amended and Restated Trust Agreement  
<http://iviewit.tv/Simon%20and%20Shirley%20Estate/Plaintiff%205%20-%202012%20Simon%20L.%20Bernstein%20Amended%20and%20Restated%20Trust%20Agreement.pdf>

persons whose relationship to the ancestor designated is created entirely by or through (a) legitimate births occurring during the marriage of the joint biological parents to each other, (b) children born of female lineal descendants, and (c) children and their lineal descendants arising from surrogate births and/or third party donors when (i) the child is raised from or near the time of birth by a married couple (other than a same sex married couple) through the pendency of such marriage, (ii) one of such couple is the designated ancestor, and (iii) to the best knowledge of the Trustee both members of such couple participated in the decision to have such child.

No such child or lineal descendant loses his or her status as such through adoption by another person.

Notwithstanding the foregoing, for all purposes of this Trust and the dispositions made hereunder, my children, TED S. BERNSTEIN, PAMELA B. SIMON, ELIOT BERNSTEIN, JILL IANTONI and LISA S. FRIEDSTEIN, shall be deemed to have predeceased me as I have adequately provided for them during my lifetime.”

## ARTICLE II. AFTER MY DEATH

**A. Disposition of Tangible Personal Property. If any non-business tangible personal property other than cash (including, but not limited to, my personal effects, jewelry, collections,**

**household furnishings, and equipment, and automobiles) is held in the trust at the time of my death, such items shall be promptly distributed by the Trustee of the trust to such person or persons, including my estate [emphasis added], as to the item or items or proportion specified, as I may appoint, and to the extent that any such items are not disposed of by such appointment, such items shall be disposed of by the Trustee of the trust in exactly the same manner as such items would have been disposed of under the terms and provisions of my Will (including any Codicil thereto, or what the Trustee in good faith believes to be such Will and Codicil) had such items been included in my probate estate. Any such items which are not effectively disposed of pursuant to the preceding sentence shall pass with the other trust assets.**

B. Disposition of Trust Upon My Death. Upon my death, the remaining assets in this trust shall be divided among and held in separate Trusts for my then living grandchildren. Each of my grandchildren for whom a separate trust is held hereunder shall hereinafter be referred to as a "beneficiary" with the separate Trusts to be administered as provided in Subparagraph II. C.

C. Trusts for Beneficiaries. The Trustee shall pay to the beneficiary and the beneficiary's children, such amounts of the net income and principal of such beneficiary's trust as is proper for the Welfare of such individuals. Any income not so paid shall be added to

principal each year. After a beneficiary has reached any one or more of the following birthdays, the beneficiary may withdraw the principal of his or her separate trust at any time or times, not to exceed in the aggregate 1 /3 in value after the beneficiary's 25th birthday, 1/2 in value (after deducting any amount previously subject to withdrawal but not actually withdrawn) after the beneficiary's 30th birthday, and the balance after the beneficiary's 35th birthday, provided that the withdrawal powers described in this sentence shall not apply to any grandchild of mine as beneficiary of a separate trust. The value of each trust shall be its value as of the first exercise of each withdrawal right, plus the value of any subsequent addition as of the date of addition. The right of withdrawal shall be a privilege which may be exercised only voluntarily and shall not include an involuntary exercise. If a beneficiary dies with assets remaining in his or her separate trust, upon the beneficiary's death the beneficiary may appoint his or her trust to or for the benefit of one or more of any of my lineal descendants (excluding from said class, however, such beneficiary and such beneficiary's creditors, estate, and creditors of such beneficiary's estate). Any part of his or her trust such beneficiary does not effectively appoint shall upon his or her death be divided among and held in separate Trusts for the following persons:

1. for his or her lineal descendants then living, per stirpes; or

2. if he or she leaves no lineal descendant then living, per stirpes  
for the lineal descendants then living of his or her nearest ancestor  
(among me and my lineal descendants) with a lineal descendant  
then living.

A trust for a lineal descendant of mine shall be held under this  
paragraph, or if a trust is then so held, shall be added to such trust.”

3. The Trusts for Simon and Shirley Bernstein clearly show the only beneficiaries  
who are qualified beneficiaries are those that hold trusts that were created  
thereunder for them, which on the day the Original Trusts were created in 2008,  
there were only three children with trusts created for them and no other trusts  
were ever created by Simon and Shirley Bernstein for any other beneficiaries.

Those trusts as defined in the alleged valid documents are the **ELIOT  
BERNSTEIN FAMILY TRUST<sup>7</sup>, JILL IANTONI FAMILY TRUST & LISA  
FRIEDSTEIN FAMILY TRUST ALL DATED MAY 20, 2008** and funded on  
the same day as the original trusts. These trusts beneficiaries are only Eliot,  
Jill and Lisa and their lineal descendants in all documents alleged valid by  
this Court. Ted and Pam in all Trust documents above for Simon and  
Shirley Bernstein are considered predeceased with their lineal descendants  
and are not true and proper beneficiaries.

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<sup>7</sup> May 20, 2008 Eliot Bernstein Family Trust  
<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20080520%20Eliot%20Bernstein%20Family%20Trust.pdf>