

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

IN RE:  
ESTATE OF SIMON L. BERNSTEIN

PROBATE DIVISION  
CASE NO. 502012CP004391XXXXSB

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**CURATOR'S MOTION FOR INSTRUCTIONS REGARDING 2012 WILL**

COMES NOW, Curator, Benjamin P. Brown ("Curator"), by and through undersigned counsel, files this Motion for Instructions and states as follows:

1. On February 25, 2014, this Court entered an Order on "Interested Person" William Stansbury's Motion for the Appointment of a Curator or Successor Personal Representative ("Order Appointing Curator"), appointing Benjamin P. Brown as Curator. On March 11, 2014, this court entered Letters of Curatorship in Favor of Benjamin Brown ("Letters of Curatorship").

2. On July 25, 2012, Simon L. Bernstein purportedly executed his Will ("Will"), attached hereto as Exhibit A.

3. On June 19, 2013, Eliot Bernstein ("Eliot") filed a complaint, attached hereto as Exhibit B, with the Governor of Florida's Office ("Governor's Office") Notary Section regarding Kimberly Moran's (an employee of Tescher & Spallina, P.A.) notary activities in connection with the probate of Simon L. Bernstein's Estate ("Estate").

4. On July 15, 2013, Eliot filed a sworn statement, attached hereto as Exhibit C, with the Palm Beach County Sheriff's office alleging fraud by the law office of Tescher & Spallina, P.A. in connection with the Will execution, among other wrongdoing.

5. On October 14, 2013, the Governor's Office sent a certified letter to Kimberly Moran, a witness to the Will, suspending her commission as a notary public, attached hereto as Exhibit D.

6. On October 29, 2013, Eliot filed a complaint with the Governor's Office Notary Section, attached hereto as Exhibit E, regarding the actions of Lindsey Baxley (an employee of Tescher & Spallina, P.A.), as notary, in connection with her notarization of the Will.

7. On April 21, 2014, the Governor's Office sent a letter to Lindsay Baxley, attached hereto as Exhibit F, regarding its Determination Following Investigation of Reported Notary Misconduct confirming that Ms. Baxley violated the laws governing Florida notaries public by not completing the jurat and failing to keep her contact information current and advising her to practice better adherence to the laws governing a Florida notary public.

8. On April 24, 2014, Eliot advised the Curator regarding the foregoing in an email attached hereto as Exhibit G, and requested that the Curator notify the Court, among other things.

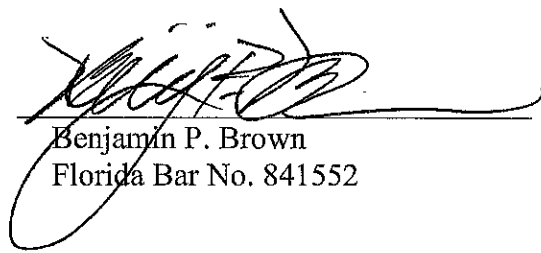
9. The Letters of Curatorship do not appear to authorize the Curator to expend Estate assets in connection with tasks described in Exhibit G. Accordingly, in an abundance of caution, the Curator makes this motion in order to obtain instructions regarding the foregoing.

WHEREFORE, the Curator respectfully requests that this Court enter an Order providing instructions as described above, and awarding such other relief as this Court deems just and proper.

**I HEREBY CERTIFY** that a true and correct copy of the foregoing was served by e-mail upon Alan Rose, Esq., Page Mrachek, 505 S. Flagler Drive, Suite 600, West Palm Beach, FL 33401, [arose@pm-law.com](mailto:arose@pm-law.com) and [mchandler@pm-law.com](mailto:mchandler@pm-law.com); John Pankauski, Esq, Pankauski Law Firm, 120 S. Olive Ave., Suite 701, West Palm Beach, FL 33401, [courtfilings@pankauskilawfirm.com](mailto:courtfilings@pankauskilawfirm.com), Peter M. Feaman, Esq., Peter M. Feaman, P.A., 3615 W. Boynton Beach Blvd., Boynton Beach, FL 33436, [service@feamanlaw.com](mailto:service@feamanlaw.com); Eliot Bernstein, 2753 NW 34<sup>th</sup> Street, Boca Raton, FL 33434, [iviewit@iviewit.tv](mailto:iviewit@iviewit.tv); William H. Glasko, Esq., Golden Cowan, Palm Palmetto Bay Law Center, 17345 S. Dixie Highway, Palmetto Bay FL 33157, [bill@palmettobaylaw.com](mailto:bill@palmettobaylaw.com), on this 2 day of May, 2014.

MATWICZYK & BROWN LLP  
Attorney for Curator  
625 N. Flagler Drive, Suite 401  
West Palm Beach, FL 33401  
Telephone: (561) 651-4004  
Fax: (561) 651-4003

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

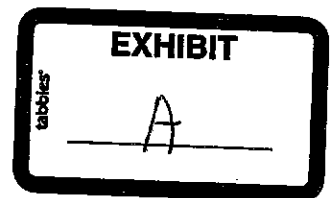
  
Benjamin P. Brown  
Florida Bar No. 841552

WILL OF  
SIMON L. BERNSTEIN

*Prepared by:*

Tescher & Spallina, P.A.  
4855 Technology Way, Suite 720, Boca Raton, Florida 33431  
(561) 997-7008  
[www.tescherspallina.com](http://www.tescherspallina.com)

LAW OFFICES  
TESCHER & SPALLINA, P.A.



CONFORMED COPY

WILL OF  
SIMON L. BERNSTEIN

The original of this Will is being held in the safe deposit box of the law firm of Tescher & Spallina, P.A.

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, 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 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, 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.

ARTICLE II. EXERCISE OF POWER OF APPOINTMENT

Under Subparagraph E.1. of Article II. of the SHIRLEY BERNSTEIN TRUST AGREEMENT dated May 20, 2008, (the "*Shirley Trust*"), I was granted a special power of appointment upon my death to direct the disposition of the remaining assets of the Marital Trust and the Family Trust established under the Shirley Trust. Pursuant to the power granted to me under the Shirley Trust, upon my death, I hereby direct the then serving Trustees of the Marital Trust and the Family Trust to divide the remaining trust assets into equal shares for my then living grandchildren and distribute said shares to the then serving Trustees of their respective trusts established under Subparagraph II.B. of my Existing Trust, as referenced below, and administered pursuant to Subparagraph II.C. thereunder.

ARTICLE III. RESIDUE OF MY ESTATE

I give all the residue of my estate, including my homestead, to the Trustee then serving under my revocable Trust Agreement dated May 20, 2008, as amended and restated from time to time and on even date herewith (the "*Existing Trust*"), as Trustee without bond, but I do not exercise any powers of appointment held by me except as provided in Article II., above, and in the later paragraph titled "Death Costs." The residue shall be added to and become a part of the Existing Trust, and shall be held under

LAST WILL  
OF SIMON L. BERNSTEIN

LAW OFFICES  
TESCHER & SPALLINA, P.A.

the provisions of said Agreement in effect at my death, or if this is not permitted by applicable law or the Existing Trust is not then in existence, under the provisions of said Agreement as existing today. If necessary to give effect to this gift, but not otherwise, said Agreement as existing today is incorporated herein by reference.

#### ARTICLE IV. PERSONAL REPRESENTATIVES

1. Appointment and Bond. I appoint ROBERT L. SPALLINA and DONALD R. TESCHER to serve together as my co-Personal Representatives, or either of them alone as Personal Representative if either of them is unable to serve (the "*fiduciary*"). Each fiduciary shall serve without bond and have all of the powers, privileges and immunities granted to my fiduciary by this Will or by law, provided, however, that my fiduciary shall exercise all powers in a fiduciary capacity.

2. Powers of Personal Representatives. My fiduciary may exercise its powers without court approval. No one dealing with my fiduciary need inquire into its authority or its application of property. My fiduciary shall have the following powers:

a. Investments. To sell or exchange at public or private sale and on credit or otherwise, with or without security, and to lease for any term or perpetually, any property, real and personal, at any time forming a part of my probate estate (the "*estate*"); to grant and exercise options to buy or sell; to invest or reinvest in real or personal property of every kind, description and location; and to receive and retain any such property whether originally a part of the estate, or subsequently acquired, even if a fiduciary is personally interested in such property, and without liability for any decline in the value thereof; all without limitation by any statutes or judicial decisions, whenever enacted or announced, regulating investments or requiring diversification of investments.

b. Distributions or Divisions. To distribute directly to any beneficiary who is then entitled to distribution under the Existing Trust; to make any division or distribution pro rata or non-pro rata, in cash or in kind; and to allocate undivided interests in property and dissimilar property (without regard to its tax basis) to different shares, and to make any distribution to a minor or any other incapacitated person directly to such person, to his or her legal representative, to any person responsible for or assuming his or her care, or in the case of a minor to an adult person or an eligible institution (including a fiduciary) selected by my fiduciary as custodian for such minor under the Uniform Transfers to Minors Act or similar provision of law. The receipt of such payee is a complete release to the fiduciary.

c. Management. To manage, develop, improve, partition or change the character of or abandon an asset or interest in property at any time; and to make ordinary and extraordinary repairs, replacements, alterations and improvements, structural or otherwise.

d. Borrowing. To borrow money from anyone on commercially reasonable terms, including a fiduciary, beneficiaries and other persons who may have a direct or indirect interest in the

estate; and to mortgage, margin, encumber and pledge real and personal property of the estate as security for the payment thereof, without incurring any personal liability thereon and to do so for a term within or extending beyond the terms of the estate and to renew, modify or extend existing borrowing on similar or different terms and with the same or different security without incurring any personal liability; and such borrowing from my fiduciary may be with or without interest, and may be secured with a lien on the estate assets or any beneficiary's interest in said assets.

e. Lending. To extend, modify or waive the terms of any obligation, bond or mortgage at any time forming a part of the estate and to foreclose any such mortgage; accept a conveyance of encumbered property, and take title to the property securing it by deed in lieu of foreclosure or otherwise and to satisfy or not satisfy the indebtedness securing said property; to protect or redeem any such property from forfeiture for nonpayment of taxes or other lien; generally, to exercise as to such bond, obligation or mortgage all powers that an absolute owner might exercise; and to loan funds to beneficiaries at commercially reasonable rates, terms and conditions.

f. Abandonment of Property. To abandon any property or asset when it is valueless or so encumbered or in such condition that it is of no benefit to the estate. To abstain from the payment of taxes, liens, rents, assessments, or repairs on such property and/or permit such property to be lost by tax sale, foreclosure or other proceeding or by conveyance for nominal or no consideration to anyone including a charity or by escheat to a state; all without personal liability incurred therefor.

g. Real Property Matters. To subdivide, develop or partition real estate; to dedicate the same to public use; to make or obtain the location of any plats; to adjust boundaries; to adjust differences in valuations on exchange or partition by giving or receiving consideration; and, to grant easements with or without consideration as they may determine; and to demolish any building, structures, walls and improvements, or to erect new buildings, structures, walls and improvements and to insure against fire and other risks.

h. Claims. To enforce, compromise, adjust, arbitrate, release or otherwise settle or pay any claims or demands by or against the estate.

i. Business Entities. To deal with any business entity or enterprise even if a fiduciary is or may be a fiduciary of or own interests in said business entity or enterprise, whether operated in the form of a corporation, partnership, business trust, limited liability company, joint venture, sole proprietorship, or other form (all of which business entities and enterprises are referred to herein as "*Business Entities*"). I vest the fiduciary with the following powers and authority in regard to Business Entities:

i. To retain and continue to operate a Business Entity for such period as the fiduciary deems advisable;

ii. To control, direct and manage the Business Entities. In this connection, the fiduciary, in its sole discretion, shall determine the manner and extent of its active participation in the

operation and may delegate all or any part of its power to supervise and operate to such person or persons as the fiduciary may select, including any associate, partner, officer or employee of the Business Entity;

iii. To hire and discharge officers and employees, fix their compensation and define their duties; and similarly to employ, compensate and discharge agents, attorneys, consultants, accountants, and such other representatives as the fiduciary may deem appropriate; including the right to employ any beneficiary or fiduciary in any of the foregoing capacities;

iv. To invest funds in the Business Entities, to pledge other assets of the estate or a trust as security for loans made to the Business Entities, and to lend funds from my estate or a trust to the Business Entities;

v. To organize one or more Business Entities under the laws of this or any other state or country and to transfer thereto all or any part of the Business Entities or other property of my estate or a trust, and to receive in exchange such stocks, bonds, partnership and member interests, and such other securities or interests as the fiduciary may deem advisable;

vi. To treat Business Entities as separate from my estate or a trust. In a fiduciary's accounting to any beneficiary, the fiduciary shall only be required to report the earnings and condition of the Business Entities in accordance with standard business accounting practice;

vii. To retain in Business Entities such net earnings for working capital and other purposes of the Business Entities as the fiduciary may deem advisable in conformity with sound business practice;

viii. To sell or liquidate all or any part of the Business Entities at such time and price and upon such terms and conditions (including credit) as the fiduciary may determine. My fiduciary is specifically authorised and empowered to make such sale to any person, including any partner, officer, or employee of the Business Entities, a fiduciary, or to any beneficiary; and

ix. To guaranty the obligations of the Business Entities, or pledge assets of the estate or a trust to secure such a guaranty.

j. Life Insurance. With respect to any life insurance policies constituting an asset of the estate to pay premiums; to apply dividends in reduction of such premiums; to borrow against the cash values thereof; to convert such policies into other forms of insurance including paid-up insurance; to exercise any settlement options provided in any such policies; to receive the proceeds of any policy upon its maturity and to administer such proceeds as a part of the principal of the estate or trust; and in general, to exercise all other options, benefits, rights and privileges under such policies; provided, however, no fiduciary other than a sole fiduciary may exercise any incidents of ownership with respect to policies of insurance insuring the fiduciary's own life.



k. Reimbursement. To reimburse itself from the estate for all reasonable expenses incurred in the administration thereof.

l. Voting. To vote and give proxies, with power of substitution to vote, stocks, bonds and other securities, or not to vote a security.

m. Ancillary Administration. To appoint or nominate, and replace with or without cause, any persons or corporations, including itself, as ancillary administrators to administer property in other jurisdictions, with the same powers, privileges and immunities as my fiduciary and without bond.

n. Tax Elections. To file tax returns, and to exercise all tax-related elections and options at their discretion, without compensating adjustments or reimbursements between any accounts or any beneficiaries.

3. Survivorship. A beneficiary is not deemed to survive me unless he or she survives me by five days.

4. Death Costs. My fiduciary shall pay (a) from the residuary estate my debts which are allowed as claims against my estate, (b) from the residuary estate my funeral expenses without regard to legal limitations, (c) from the residuary estate the expenses of administering my estate and (d) from the residuary estate other than the portion of the residuary estate qualifying for the marital deduction under the laws then in effect, without apportionment, all estate, inheritance and succession taxes (excluding generation-skipping taxes other than with respect to direct skips), and interest and penalties thereon, due because of my death and attributable to all property whether passing under this Will or otherwise and not required by the terms of the Existing Trust to be paid out of said trust. However, such taxes, penalties and interest payable out of my residuary estate shall not include taxes, penalties and interest attributable to (i) property over which I have a power of appointment granted to me by another person, (ii) qualified terminable interest property held in a trust of which I was the income beneficiary at the time of my death (other than qualified terminable interest property held in a trust for which an election was made under Code Section 2652(a)(3)), and (iii) life insurance proceeds on policies insuring my life which proceeds are not payable to my probate estate. My fiduciary shall not be reimbursed for any such payment from any person or property. However, my fiduciary in its discretion may direct that part or all of said death costs shall be paid by my Trustee as provided in the Existing Trust, and shall give such direction to the extent necessary so that the gifts made in Article I of this Will and the gifts made in any codicil hereto shall not be reduced by said death costs. If the amount of the above-described taxes, and interest and penalties arising by reason of my death (without regard to where payable from under the terms of this paragraph or applicable law) is increased because of the power of appointment granted to me under Subparagraph II.E.1. of the SHIRLEY BERNSTEIN TRUST AGREEMENT dated May 20, 2008, I hereby appoint to my probate estate from the property subject to such power (to the extent allowable under such power) the amount of such increase (calculating such increase at the highest applicable marginal rates) and exercise such power to this extent only, and notwithstanding the other provisions of this paragraph further direct my fiduciary to make payment of such increase in taxes,

interest and penalties to the appropriate taxing authorities from the appointed property or the proceeds thereof. Any trustee holding such appointive property may pay to my fiduciary the amount which my fiduciary certifies as due under this paragraph and is not responsible for the correctness or application of amounts so paid.

5. Reimbursement for Debts and Expenses. My fiduciary shall promptly reimburse my friends and members of my family who have disbursed their own funds for the payment of any debts, funeral expenses or costs of administration of my estate.

6. Expenses of Handling Tangible Personal Property. All expenses incurred by my fiduciary during the settlement of my estate in appraising, storing, packing, shipping, delivering or insuring an article of tangible personal property passing under this Will shall be charged as an expense of administering my estate.

7. Dealing with Estate. Each fiduciary may act under this Will even if interested in my estate in an individual capacity, as a fiduciary of another estate or trust (including any trust identified in this Will or created under the Existing Trust) or in any other capacity. Each fiduciary may in good faith buy from, sell to, lend funds to or otherwise deal with my estate.

8. Spouse. The term "*spouse*" herein means, as to a designated individual, the person to whom that individual is from time to time married.

9. Other Beneficiary Designations. Except as otherwise explicitly and with particularity provided herein, (a) no provision of this Will shall revoke or modify any beneficiary designation of mine made by me and not revoked by me prior to my death under any individual retirement account, other retirement plan or account, or annuity or insurance contract, (b) I hereby reaffirm any such beneficiary designation such that any assets held in such account, plan, or contract shall pass in accordance with such designation, and (c) regardless of anything herein to the contrary, any of such assets which would otherwise pass pursuant to this Will due to the beneficiary designation not having met the requirements for a valid testamentary disposition under applicable law or otherwise shall be paid as a gift made hereunder to the persons and in the manner provided in such designation which is incorporated herein by this reference.

*[remainder of page intentionally left blank]*

I have published and signed this instrument as my Will at Boca Raton, Florida, on the 25 day of July, 2012.

/s/ Simon L. Bernstein  
SIMON L. BERNSTEIN

This instrument, consisting of this page numbered 7 and the preceding typewritten pages, was signed, sealed, published and declared by the Testator to be the Testator's Will in our presence, and at the Testator's request and in the Testator's presence, and in the presence of each other, we have subscribed our names as witnesses at Boca Raton, Florida on this 25 day of July, 2012.

/s/ Robert L. Spallina residing at Robert L. Spallina  
[Witness Signature] 7387 Wisteria Avenue  
Parkland, FL 33076  
[Witness Address]

/s/ Kimberly Moran residing at Kimberly Moran  
[Witness Signature] 6362 Las Flores Drive  
Boca Raton, FL 33433  
[Witness Address]

State Of Florida

SS.

County Of Palm Beach

I, SIMON L. BERNSTEIN, declare to the officer taking my acknowledgment of this instrument, and to the subscribing witnesses, that I signed this instrument as my will.

/s/ Simon L. Bernstein  
SIMON L. BERNSTEIN, Testator

We, Robert L. Spallina and Kimberly Moran,  
have been sworn by the officer signing below, and declare to that officer on our oaths that the Testator declared the instrument to be the Testator's will and signed it in our presence and that we each signed the instrument as a witness in the presence of the Testator and of each other.

/s/ Robert L. Spallina  
Witness

/s/ Kimberly Moran  
Witness

Acknowledged and subscribed before me, by the Testator, SIMON L. BERNSTEIN, who is personally known to me or who has produced \_\_\_\_\_ (state type of identification) as identification, and sworn to and subscribed before me by the witnesses, Robert L. Spallina, who is personally known to me or who has produced \_\_\_\_\_ (state type of identification) as identification, and Kimberly Moran, who is personally known to me or who has produced \_\_\_\_\_ (state type of identification) as identification, and subscribed by me in the presence of SIMON L. BERNSTEIN and the subscribing witnesses, all on this 25 day of July, 2012.

Commission No. EE092282  
Expires May 10, 2015  
[Seal with Commission Expiration Date]

/s/ Lindsay Baxley  
Signature - Notary Public-State of Florida

Lindsay Baxley  
Print, type or stamp name of Notary Public

LAST WILL  
OF SIMON L. BERNSTEIN

-8-

LAW OFFICES  
TESCHER & SPALLINA, P.A.

## The Governor's Office Notary Section Internet Complaint Form

Please carefully review this complaint form once you have included all information. You must include a copy of the improperly notarized document along with the complaint form.

Your Name: Eliot Ivan Bernstein

Address: \_\_\_\_\_

2753 NW 34<sup>th</sup> St.  
Boca Raton, FL, 33434  
(561) 245-8588

What is the name, commission number, and expiration date of the notary public that is the subject of this complaint?

Notary's Name: Kimberly Moran \_\_\_\_\_

Commission #: EE 156021 \_\_\_\_\_

Expiration Date: 4/28/16

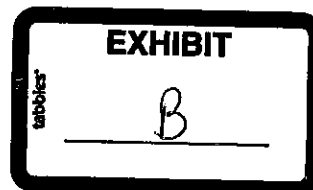
DESCRIBE YOUR COMPLAINT, PROVIDE FACTS OF ALLEGED MISCONDUCT AND A COPY OF THE IMPROPERLY NOTARIZED DOCUMENT. (Please do not write on the back of this form. You may use a separate sheet if necessary. Must be typewritten or clearly printed.)

That Notary Public Kimberly Moran has falsely affixed a notary public stamp on the attached document illustrated as Exhibit 1 and titled, "WAIVER OF ACCOUNTING AND PORTIONS OF PETITION FOR DISCHARGE; WAIVER OF SERVICE OF PETITION FOR DISCHARGE; AND RECEIPT OF BENEFICIARY AND CONSENT TO DISCHARGE" submitted in the West Palm Beach FL Probate Court, Case No. 502011CP000653XXXXSB in the Estate of Shirley Bernstein. In addition to the fraudulent notarization affixed, my signature on this document is also a forgery. I, Eliot Bernstein, never met with Kimberly Moran to notarize or sign any documents.

Exhibit 2 is the "WAIVER OF ACCOUNTING AND PORTIONS OF PETITION FOR DISCHARGE; WAIVER OF SERVICE OF PETITION FOR DISCHARGE; AND RECEIPT OF BENEFICIARY AND CONSENT TO DISCHARGE" that I originally signed without notarization on May 15, 2012 and which was submitted to the court on October 24, 2012 by the law firm of Tescher and Spallina. The document was rejected by the court and was returned to Tescher and Spallina by the court to be notarized as illustrated in the attached court Memo dated November 05, 2012, and submitted as Exhibit 3. I was never noticed by the court or anyone else that this document was rejected and needed to be notarized and resigned.

That Tescher and Spallina then engaged an employee/notary public of their law firm, Kimberly Moran, to fraudulently affix her Notary Seal to a new document that was crafted to look like the one the court returned. That Exhibit 1 (the notarized waiver) and Exhibit 2 (the un-notarized waiver) appear at first glance to be similar and the only difference appears to be the newly affixed notary stamp on the one returned to the court by Tescher and Spallina on November 19, 2012, as if the original document was shrunk and then the fraudulent notary stamp affixed. However, upon closer inspection several problems become evident that serve as Prima Facie evidence of not only Notary Public Fraud but of Felony Document and Signature Forgery.

First, the court sent the document I signed on May 15, 2012 back to Tescher and Spallina on November 05, 2012 for notarization. Therefore, it would be impossible to have that same document notarized on May 15, 2012 in the past and the document would have had to be redone with a current date after



November 05, 2012 when the request for notary was made by the court, yet this is not the case as the document returned is purportedly signed and notarized on May 15, 2012 as well. I signed the original document at my home on that date and did not notarize it and sent it through US Mail to Tescher and Spallina.

The two documents appear similar regarding my signature as the forgery is done rather well and thus it seems that the original un-notarized document was shrunk to fit a notary stamp on it and then returned to the court but upon closer inspection of the signatures they are wholly different with marked differences indicating that the notarized document was crafted to look the same as the original and then a forged signature was applied to make it look like the original signature as best as the forger could do.

That these acts of the notary were supervised by the law firm of Spallina & Tescher PA and thus they have liability to the injured parties as well. These documents were transmitted to the courts through US Mail, which may also indicate Mail and Wire Fraud and made part of an Official Proceeding where Tescher & Spallina PA are officers of the Court the document was submitted to in regard to the underlying estate case. That these false instruments are now part of that court's official records. That after seeking counsel, the document containing my signature has been Revoked, as indicated in the attached Exhibit 4, titled "Revocation of WAIVER OF ACCOUNTING AND PORTIONS OF PETITION FOR DISCHARGE; WAIVER OF SERVICE OF PETITION FOR DISCHARGE; AND RECEIPT OF BENEFICIARY AND CONSENT TO DISCHARGE."

After speaking with my sister Jill Iantoni regarding her Waiver and my sister Lisa Friedstein, on information and belief, their signatures have also been forged and a false notarization affixed to their documents, as they claim similarly they never notarized one with Kimberly Moran as illustrated in, Exhibit 5 - Jill Iantoni Waiver containing Fraudulent Notary and Forged Signature, Exhibit 6 -- Jill Iantoni UN-NOTARIZED Original Signed Waiver, Exhibit 7 -- Lisa Friedstein Waiver containing Fraudulent Notary and Forged Signature and Exhibit 8 - UN-NOTARIZED Original Signed Waiver, these documents are identical in claims of fraudulent notarization as already made herein.

I affirm that I have provided the above information completely and truthfully to the best of my knowledge.

Signature

Date

6/19/13

RETURN TO: OFFICE OF THE GOVERNOR  
NOTARY SECTION, 209 CAPITOL  
TALLAHASSEE, FL 32399-0001

EXHIBIT 1 – FRAUDULENT NOTARIZATION AND FORGED SIGNATURE ON “WAIVER OF  
ACCOUNTING AND PORTIONS OF PETITION FOR DISCHARGE; WAIVER OF SERVICE OF  
PETITION FOR DISCHARGE; AND RECEIPT OF BENEFICIARY AND CONSENT TO  
DISCHARGE”



IN THE CIRCUIT COURT FOR PALM BEACH COUNTY, FL  
IN RE: ESTATE OF                      File No. 502011CP000653XXXXSB  
SHIRLEY BERNSTEIN,                      Probate Division  
Deceased.                                      Division

2012 NOV-19 PM 2:29

SHARON R. BOCK, CLERK  
PALM BEACH COUNTY, FL  
SOUTH CTY BRANCH-FILED

**WAIVER OF ACCOUNTING AND PORTIONS OF PETITION  
FOR DISCHARGE; WAIVER OF SERVICE OF PETITION FOR  
DISCHARGE; AND RECEIPT OF BENEFICIARY AND  
CONSENT TO DISCHARGE**

The undersigned, Eliot Bernstein, whose address is 2753 NW 34<sup>th</sup> Street, Boca Raton, FL 33434, and who has an interest in the above estate as beneficiary of the estate:

- (a) Expressly acknowledges that the undersigned is aware of the right to have a final accounting;
- (b) Waives the filing and service of a final or other accounting by the personal representative;
- (c) Waives the inclusion in the Petition for Discharge of the amount of compensation paid or to be paid to the personal representative, attorneys, accountants, appraisers, or other agents employed by the personal representative, and the manner of determining that compensation;
- (d) Expressly acknowledges that the undersigned has actual knowledge of the amount and manner of determining the compensation of the personal representative, attorneys, accountants, appraisers, or other agents; has agreed to the amount and manner of determining such compensation; and waives any objections to the payment of such compensation;
- (e) Waives the inclusion in the Petition for Discharge of a plan of distribution;
- (f) Waives service of the Petition for Discharge of the personal representative and all notice thereof upon the undersigned;
- (g) Acknowledges receipt of complete distribution of the share of the estate to which the undersigned was entitled; and
- (h) Consents to the entry of an order discharging the personal representative without notice, hearing or waiting period and without further accounting.

Signed on May 15, 2012.

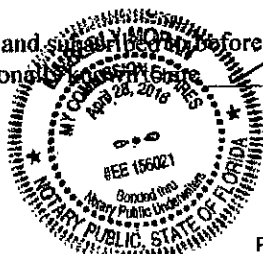
Beneficiary

By:

ELIOT BERNSTEIN

Sworn to and signed before me on May 15, 2012, by ELLIOT BERNSTEIN, who is personally known to me or who produced as identification.

(Affix Notarial Seal)



Kimberly H. Hagan  
Notary Public State of Florida



EXHIBIT 2 – ORIGINAL SIGNED AND NOT NOTARIZED “WAIVER OF ACCOUNTING AND  
PORTIONS OF PETITION FOR DISCHARGE; WAIVER OF SERVICE OF PETITION FOR  
DISCHARGE; AND RECEIPT OF BENEFICIARY AND CONSENT TO DISCHARGE”



IN THE CIRCUIT COURT FOR PALM BEACH COUNTY, FL  
IN RE: ESTATE OF                      File No. 502011CP000653XXXXSB  
SHIRLEY BERNSTEIN,                      Probate Division  
Deceased.                                      Division

2012 OCT 24 PM 1:31  
SHARON L. B. CLARK  
PALM BEACH COUNTY, FL  
SOUTH CITY OR ARCH-FILED

**WAIVER OF ACCOUNTING AND PORTIONS OF PETITION  
FOR DISCHARGE; WAIVER OF SERVICE OF PETITION FOR  
DISCHARGE; AND RECEIPT OF BENEFICIARY AND  
CONSENT TO DISCHARGE**

The undersigned, Eliot Bernstein, whose address is 2753 NW 34<sup>th</sup> Street, Boca Raton, FL 33434, and who has an interest in the above estate as beneficiary of the estate:

- (a) Expressly acknowledges that the undersigned is aware of the right to have a final accounting;
- (b) Waives the filing and service of a final or other accounting by the personal representative;
- (c) Waives the inclusion in the Petition for Discharge of the amount of compensation paid or to be paid to the personal representative, attorneys, accountants, appraisers, or other agents employed by the personal representative, and the manner of determining that compensation;
- (d) Expressly acknowledges that the undersigned has actual knowledge of the amount and manner of determining the compensation of the personal representative, attorneys, accountants, appraisers, or other agents; has agreed to the amount and manner of determining such compensation; and waives any objections to the payment of such compensation;
- (e) Waives the inclusion in the Petition for Discharge of a plan of distribution;
- (f) Waives service of the Petition for Discharge of the personal representative and all notice thereof upon the undersigned;
- (g) Acknowledges receipt of complete distribution of the share of the estate to which the undersigned was entitled; and
- (h) Consents to the entry of an order discharging the personal representative without notice, hearing or waiting period and without further accounting.

Signed on May 15, 2012.

Beneficiary

By

Eliot Bernstein  
ELIOT BERNSTEIN

EXHIBIT 3 – MEMO DATED NOVEMBER 05, 2012 FROM PROBATE COURT TO HAVE  
“WAIVER OF ACCOUNTING AND PORTIONS OF PETITION FOR DISCHARGE; WAIVER OF  
SERVICE OF PETITION FOR DISCHARGE; AND RECEIPT OF BENEFICIARY AND CONSENT  
TO DISCHARGE” NOTARIZED.

## MEMORANDUM

DATE: November 5, 2012

TO: Robert L. Spallina, Esq.

FROM: Astride Limouzin Case Manager, on behalf of -  
This office does not provide legal advice  
For procedural inquiries Tel. #561-274-1424

X JUDGE MARTIN H. COLIN	Division - 1Y
JUDGE JAMES L. MARTZ	Division - 1Z
JUDGE ROSEMARIE SCHER	Division - 1X

CASE NUMBER: 50 2011CP000653XXXXSB

Estate of Shirley Bernstein

MATTER: Documents being returned

Order of discharge

- \_\_\_ Death certificate (CERTIFIED COPY) not submitted. F.S. §731.103, Probate Rule 5.205 & Probate Rule 5.171
- \_\_\_ Recelpted bill for funeral expenses required (*Must be paid in full*).
- \_\_\_ Proof of will or codicil is required; it is not self-proved. Please review F.S. §732.502; 733.201; P.R. 5.210 & P.R. 5.230.
- \_\_\_ Order admitting will/ codicil/ and or appointing personal representative is either missing or incorrect. FS§733.201, R.5.210 & 5.235
- \_\_\_ Petition and order designating a restricted depository, and acceptance is required FS §69.031 & FS §744.351(6).
- \_\_\_ Oath of Personal Representative, of Guardian or Administrator Ad Litem and designation of resident agent was not submitted or incorrect. Resident agent must sign the acceptance. (Rule 5.110, 5.120 and 5.320 committee notes).
- \_\_\_ Proof of publication not submitted, Rule 5.241.
- \_\_\_ Statement regarding creditors not submitted. Probate Rule 5.241 (d).
- \_\_\_ Inventory not submitted. Probate Rule 5.340.
- \_\_\_ All claims must be satisfied, struck, or dismissed.
- \_\_\_ Final certificate of estate tax or affidavit of non-tax is not submitted. FS §198.26 & 193.28
- \_\_\_ All Beneficiaries must join in the petition or they must receive formal notice on the petition. FS §735.203 & Probate Rule 5.530(b).
- XX Receipts for assets from all of the specific beneficiaries were not notarized.
- \_\_\_ Receipt of final accounting, service of petition for discharge and/or waiver from all reslduary beneficiaries or qualified trust beneficiaries are required. See. R. 5.400. Attorney fees see FS §733.6171(6), 731.302, 731.303(1)(b) and Probate Rule 5.180(b). Committee notes (one person serving in two (2) fiduciary capacities may not waive or consent to the persons acts without the approval of those who the person represents).
- \_\_\_ Proof of service of the Objection to the Claims. FS §733.705(2), Probate Rule. 5.496 & Probate Rule 5.040.
- \_\_\_ Proof of Service of the Notice to Creditors to the Agency for Health Care Administration. FS §733.2121(d) & Probate Rule 5.241 (a).
- \_\_\_ For Lost/Destroyed Wills/Codicills please comply with FS § 733.207, 733.201(2) & Probate Rule 5.510
- \_\_\_ An 8:45 a.m. motion calendar hearing (limited to 5 mins) with notice to all interested parties is required. Notice must be at least five (5) business days (Tue, Wed and Thurs). Please verify suspension dates. Files must be order via the internet at <http://15thcircuit.co.palm-beach.fl.us/web/guest/cadmin>.
- \_\_\_ OTHER:

PLEASE RETURN A COPY OF THIS MEMORANDUM AND PROPOSE ORDERS WHEN REPLYING;  
ADDRESS TO THE CLERK AND COMPTROLLER, 200 W ATLANTIC AVENUE, DELRAY BEACH, FL 33444

EXHIBIT 4 – “REVOCATION OF WAIVER OF ACCOUNTING AND PORTIONS OF PETITION FOR DISCHARGE; WAIVER OF SERVICE OF PETITION FOR DISCHARGE; AND RECEIPT OF BENEFICIARY AND CONSENT TO DISCHARGE” SUBMITTED TO THE PROBATE COURT TO RESCIND DOCUMENTS BASED ON FORGED AND FRAUDULENT NOTARIZED DOCUMENTS.

IN THE CIRCUIT COURT FOR PALM BEACH COUNTY,  
FLORIDA PROBATE DIVISION

IN RE: ESTATE OF  
SHIRLEY BERSTEIN,

FILE NO.: 502011CP000653XXXXSB

Division: Probate

Deceased.

**REVOCATION OF: WAIVER OF ACCOUNTING AND PORTIONS OF PETITION  
FOR DISCHARGE; WAIVER OF SERVICE OF PETITION FOR DISCHARGE; AND  
RECEIPT OF BENEFICIARY AND CONSENT TO DISCHARGE**

The undersigned, Eliot Bernstein, whose address is 2753 NW 34<sup>th</sup> Street, Boca Raton, FL 33434, and who has an interest in the above estate as beneficiary of the estate:

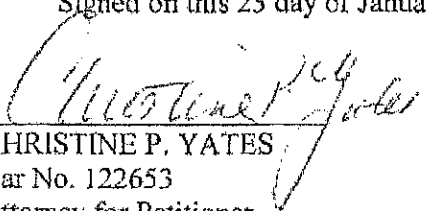
- (a) I expressly revoke the "Waiver of Accounting and Portions of Petition for Discharge; Waiver of Service of Petition for Discharge; And Receipt of Beneficiary and Consent to Discharge" (herein after the "Waiver") I signed May 15, 2012.
- (b) Although I signed the Waiver on May 15, 2012, I did not sign it before any notary. The attached Waiver was notarized and filed with the Court without my knowledge.
- (c) It was not explained to, nor was it known by, me the rights I was waiving.
- (d) Undue pressure and influence was placed upon me to sign the above referenced pleading without an understanding of the rights and privileges that were being waived.

**THEREFORE**, Eliot Bernstein, through undersigned counsel, respectfully requests this Court vacate, void, nullify, and render ineffective the "Waiver of Accounting and Portions of Petition for Discharge; Waiver of Service of Petition for Discharge; And Receipt of Beneficiary and Consent to Discharge" he signed May 15, 2012.

[SIGNATURES ON FOLLOWING PAGE]

Under penalties of perjury, I declare that I have read the foregoing, and the facts alleged are true to the best of my knowledge and belief.

Signed on this 23 day of January, 2013.

  
CHRISTINE P. YATES  
Bar No. 122653  
Attorney for Petitioner  
TRIPP SCOTT, P.A.  
110 SE 6<sup>th</sup> Street, 15<sup>th</sup> Floor  
Ft. Lauderdale, Florida 33301  
Telephone: (954) 760-4916  
Fax: (954) 761-8475

  
ELIOT BERNSTEIN, Beneficiary

STATE OF FLORIDA  
COUNTY OF BROWARD

SWORN TO AND SUBSCRIBED before me on January 23, 2013 by the Beneficiary, **ELIOT BERNSTEIN**, who is personally known to me or has produced the following form of identification:  
Florida License



  
Notary Public - State of Florida  
My Commission Expires:

EXHIBIT 5 – JILL IANTONI WAIVER CONTAINING FRAUDULENT NOTARY AND FORGED  
SIGNATURE



IN THE CIRCUIT COURT FOR PALM BEACH COUNTY, FL  
IN RE: ESTATE OF File No. 502011CP000653XXXXSB  
SHIRLEY BERNSTEIN, Probate Division  
Deceased. Division

2012 NOV 19 PM 2:29

SHARON R. BOCK, CLERK  
PALM BEACH COUNTY, FL  
SOUTH CTY BRANCH-FILED

**WAIVER OF ACCOUNTING AND PORTIONS OF PETITION  
FOR DISCHARGE; WAIVER OF SERVICE OF PETITION FOR  
DISCHARGE; AND RECEIPT OF BENEFICIARY AND  
CONSENT TO DISCHARGE**

The undersigned, Jill Iantoni, whose address is 2101 Magnolia Lane, Highland Park, IL 60035, and who has an interest in the above estate as beneficiary of the estate:

- (a) Expressly acknowledges that the undersigned is aware of the right to have a final accounting;
- (b) Waives the filing and service of a final or other accounting by the personal representative;
- (c) Waives the inclusion in the Petition for Discharge of the amount of compensation paid or to be paid to the personal representative, attorneys, accountants, appraisers, or other agents employed by the personal representative, and the manner of determining that compensation;
- (d) Expressly acknowledges that the undersigned has actual knowledge of the amount and manner of determining the compensation of the personal representative, attorneys, accountants, appraisers, or other agents; has agreed to the amount and manner of determining such compensation; and waives any objections to the payment of such compensation;
- (e) Waives the inclusion in the Petition for Discharge of a plan of distribution;
- (f) Waives service of the Petition for Discharge of the personal representative and all notice thereof upon the undersigned;
- (g) Acknowledges receipt of complete distribution of the share of the estate to which the undersigned was entitled; and
- (h) Consents to the entry of an order discharging the personal representative without notice, hearing or waiting period and without further accounting.

Signed on October 1, 2012.

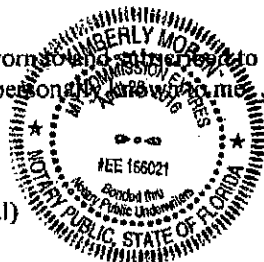
Beneficiary

By: Jill Iantoni

JILL IANTONI

Sworn to and subscribed to before me on October 1, 2012, by JILL IANTONI, who is personally known to me, or who produced \_\_\_\_\_ as identification.

(Affix Notarial Seal)



Kimberly Moore  
Notary Public State of Florida

EXHIBIT 6 – JILL IANTONI UN-NOTARIZED ORIGINAL SIGNED WAIVER

IN THE CIRCUIT COURT FOR PALM BEACH COUNTY, FL  
IN RE: ESTATE OF                      File No. 50201 ICP000653XXXXSB  
SHIRLEY BERNSTEIN,                      Probate Division  
Deceased.                                      Division

**WAIVER OF ACCOUNTING AND PORTIONS OF PETITION  
FOR DISCHARGE; WAIVER OF SERVICE OF PETITION FOR  
DISCHARGE; AND RECEIPT OF BENEFICIARY AND  
CONSENT TO DISCHARGE**

2012 OCT 24 PM 1:31  
SHARON A. WILSON, CLERK  
PALM BEACH COUNTY, FL  
SOUTH CITY SQUARE BLDG. FILED

The undersigned, Jill Iantoni, whose address is 2101 Magnolia Lane, Highland Park, IL 60035, and who has an interest in the above estate as beneficiary of the estate:

- (a) Expressly acknowledges that the undersigned is aware of the right to have a final accounting;
- (b) Waives the filing and service of a final or other accounting by the personal representative;
- (c) Waives the inclusion in the Petition for Discharge of the amount of compensation paid or to be paid to the personal representative, attorneys, accountants, appraisers, or other agents employed by the personal representative, and the manner of determining that compensation;
- (d) Expressly acknowledges that the undersigned has actual knowledge of the amount and manner of determining the compensation of the personal representative, attorneys, accountants, appraisers, or other agents; has agreed to the amount and manner of determining such compensation; and waives any objections to the payment of such compensation;
- (e) Waives the inclusion in the Petition for Discharge of a plan of distribution;
- (f) Waives service of the Petition for Discharge of the personal representative and all notice thereof upon the undersigned;
- (g) Acknowledges receipt of complete distribution of the share of the estate to which the undersigned was entitled; and
- (h) Consents to the entry of an order discharging the personal representative without notice, hearing or waiting period and without further accounting.

Signed on OCTOBER 1st, 2012.

Beneficiary

By: Jill Iantoni

JILL IANTONI

EXHIBIT 7 – LISA FRIEDSTEIN WAIVER CONTAINING FRAUDULENT NOTARY AND  
FORGED SIGNATURE



IN THE CIRCUIT COURT FOR PALM BEACH COUNTY, FL  
IN RE: ESTATE OF                      File No. 502011CP000653XXXXSB  
SHIRLEY BERNSTEIN,                      Probate Division  
Deceased.                                  Division

2012 NOV 19 PM 2:29

SHARON R. BOCK, CLERK  
PALM BEACH COUNTY, FL  
SOUTH CTY BRANCH-FILED

**WAIVER OF ACCOUNTING AND PORTIONS OF PETITION  
FOR DISCHARGE; WAIVER OF SERVICE OF PETITION FOR  
DISCHARGE; AND RECEIPT OF BENEFICIARY AND  
CONSENT TO DISCHARGE**

The undersigned, Lisa S. Friedstein, whose address is 2142 Churchill Lane, Highland Park, IL 60035,  
and who has an interest in the above estate as beneficiary of the estate:

- (a) Expressly acknowledges that the undersigned is aware of the right to have a final accounting;
- (b) Waives the filing and service of a final or other accounting by the personal representative;
- (c) Waives the inclusion in the Petition for Discharge of the amount of compensation paid or to be paid to the personal representative, attorneys, accountants, appraisers, or other agents employed by the personal representative, and the manner of determining that compensation;
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- (e) Waives the inclusion in the Petition for Discharge of a plan of distribution;
- (f) Waives service of the Petition for Discharge of the personal representative and all notice thereof upon the undersigned;
- (g) Acknowledges receipt of complete distribution of the share of the estate to which the undersigned was entitled; and
- (h) Consents to the entry of an order discharging the personal representative without notice, hearing or waiting period and without further accounting.

Signed on August 21, 2012.

Beneficiary

By: Lisa Friedstein

LISA S. FRIEDSTEIN

S. FRIEDSTEIN, known and subscribed to before me on August 21, 2012, by LISA  
personally known to me ✓ or who produced  
identification.

(Affix Notarial Seal)

Kimberly Moore  
Notary Public State of Florida

EXHIBIT 8 - UN-NOTARIZED ORIGINAL SIGNED WAIVER



IN THE CIRCUIT COURT FOR PALM BEACH COUNTY, FL  
IN RE: ESTATE OF                      File No. 502011CP000653XXXXSB  
SHIRLEY BERNSTEIN,                      Probate Division  
Deceased.                                      Division

2012 OCT 24 PM 1:31  
SHARON A. FRIEDSTEIN  
PALM BEACH COUNTY FL  
SOUTH CITY JR. HIGH-FILED

**WAIVER OF ACCOUNTING AND PORTIONS OF PETITION  
FOR DISCHARGE; WAIVER OF SERVICE OF PETITION FOR  
DISCHARGE; AND RECEIPT OF BENEFICIARY AND  
CONSENT TO DISCHARGE**

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- (f) Waives service of the Petition for Discharge of the personal representative and all notice thereof upon the undersigned;
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- (h) Consents to the entry of an order discharging the personal representative without notice, hearing or waiting period and without further accounting.

Signed on August 21, 2012.

Beneficiary

By: Lisa Friedstein  
LISA S. FRIEDSTEIN



**PALM BEACH COUNTY  
SHERIFF'S OFFICE**

3228 Gun Club Road • West Palm Beach, FL 33406-3001 • (561) 688-3000 • <http://www.pbso.org>



**EXHIBIT**

C

THIS COMPLIES WITH FLORIDA STATE STATUTE §960.001/VICTIM ASSISTANCE ACT

**VICTIM/WITNESS RIGHTS AND CASE INFORMATION FORM**

(PLEASE PRINT ONLY)

DATE: 07/15/13 TIME: 1242 PBSO CASE REPORT #: 13-097087

SIGNAL #: 53 TYPE OF OFFENSE: FRAUD

REPORTING OFFICER: Longsworth ID #: 7657

OFFICER'S TELEPHONE #: (661) 558-2700 DIST./BUREAU/SECTION: 7/7P/4301

The above includes information you will need if you contact the Sheriff's Office to provide further information about the case or to receive copies of reports.

Every possible effort will be made to solve the crime, apprehend the perpetrators, and retrieve any property you may have lost. You will be contacted if we are able to solve or make any significant progress in solving the case.

If you learn of any information which may assist in solving the case, but have not been contacted by a PBSO investigator, and the information is not urgent, please call the District phone number listed below between 8:30 A.M. and 5:00 P.M.

If this information is urgent, please call the Sheriff's Office at the following locations: West Palm Beach (561) 688-3000 or Belle Glade (561) 996-1670.

Information communicated to this agency must be accompanied by the CASE REPORT NUMBER. Copies of most reports may be obtained at our Central Records Section, 3228 Gun Club Road, West Palm Beach, approximately seven to ten days after the date the crime was reported. Call Central Records at (561) 688-3140 for any inquiries regarding copies of reports. Note that certain investigations are not made available until the investigation is completed.

**FOR INFORMATION REGARDING THE SERVICES AVAILABLE TO YOU AS  
A CRIME VICTIM OR WITNESS, REFER TO THE REVERSE SIDE OF THIS FORM.  
FOR YOUR VICTIM'S RIGHTS, REFER TO THE REVERSE OF THIS FORM.**

**PBSO Domestic Violence/Victim Witness Unit**

**ADVOCATES:** (561) 688-4195 • (561) 688-3974 • (561) 688-3978

Spanish (561) 688-3972 • Belle Glade (561) 992-1016

**DETECTIVES:** (561) 688-3975 • Belle Glade (561) 992-1015

**DOMESTIC VIOLENCE**

Atty. General's Office (Criminal Appeals).....561-837-5000 Ext. 168  
Clerk of Court-Restraining Orders.....561-355-2277  
Court Services (SOR, etc.).....561-355-6308  
Crime Compensation.....1-800-226-6667  
Dept. of Children & Family Services.....561-837-5078  
Florida Resource Center for Women & Children.....561-848-8383  
Juvenile Assessment Center.....561-682-0000  
Legal Aid - Central.....561-655-8944  
South.....1-800-403-9353  
PBC Victim Services - North.....561-624-6648  
Central.....561-355-2418  
South.....561-274-1500  
West.....561-996-4871  
Pride Probation (County).....561-683-6776  
State Probation Dept. (DOC).....561-837-5175  
Family Violence Section.....561-355-7433  
State Attorney's Office.....561-355-7100  
Victim Compensation.....800-226-6667  
VINE (Inmate Release Notification).....877-727-6846

**COUNSELING AND SUPPORT GROUPS**

CARP/PATH (Substance Abuse).....561-844-6400  
Center for Info. & Crisis Services.....211 or 1-866-882-2991  
Comprehensive Aids Program.....561-472-9160  
Crossroads.....561-868-3586  
Drug Abuse Foundation.....561-732-0800  
Drug Testing and Counseling Services.....561-433-0123  
Families First.....561-243-8668

**COUNSELING AND SUPPORT GROUPS (continued)**

Compass House (Gay & Lesbian).....561-533-9699  
Jerome Golden Center for Behavior Health (45th Street Mental Health Center).....561-383-8000  
South County Mental Health Center.....561-737-8400/561-495-0522  
Women in Transition - YWCA.....561-640-9844

**SHELTERS**

AVDA (Southern PBC).....561-265-2900  
YWCA Harmony House (WPB).....800-973-YWCA

**FAMILY AND CHILDREN SERVICES**

AAA-Area Agency on Aging.....561-684-5885  
Center for Family Services.....561-616-1222  
Children's Home Society of South Coastal Florida.....561-868-4300  
Main.....1-800-433-0010  
Children's Healing Institute.....561-585-1650  
Children's Place at Home Safe.....561-433-0060  
CICO-Coalition for Independent Living Options  
(Disabilities).....561-966-4288  
Elder Justice Center.....561-355-4385  
Family Connection.....561-355-3200  
Florida Resource Center for Women & Children.....561-848-8383  
Gratitude House.....561-833-6826  
Guardian ad Litem.....561-355-2773  
Haitian Family Services.....561-202-9027  
High Ridge Family Center.....561-840-4540  
Hispanic Human Resources.....561-641-7400  
Homeless Coalition.....561-478-5361  
Home Safe (State Attorney's Office).....561-433-0060  
MADD.....561-683-5888  
Parent Child Center.....561-841-3500  
Safety Net Program.....561-433-0060  
The Haven.....561-483-0962  
Youth Service Bureau.....561-712-6640



PALM BEACH COUNTY SHERIFF'S OFFICE – **SWORN STATEMENT**

Per FL statute 837.012, whoever knowingly makes a false statement under oath shall be guilty of a misdemeanor of the first degree punishable by Imprisonment up to 1 year.


☐ WITNESS ☒ VICTIM ☐ OTHER

CASE # <b>13-097087</b>	ZONE: <b>7-52</b>	SUSPECT: <b>—</b>	DATE & TIME OF ORIGINAL EVENT/OFFENSE: <b>07/15/13 1241</b>
EVENT TYPE: <b>FRAUD</b>		DEPUTY: <b>LONGSWORTH</b>	ID#: <b>7657</b>

**COMPLETE EVERYTHING BELOW – PRINT LEGIBLY**

LAST NAME: <b>Bernstein</b>		FIRST NAME: <b>Eliot</b>		MIDDLE INITIAL: <b>I</b>	RACE: <b>N</b>	SEX: <b>M</b>
DATE OF BIRTH: (MM/DD/YYYY) <b>4/30/1962</b>		YOUR HEIGHT: <b>58</b>	YOUR WEIGHT: <b>200</b>	YOUR HAIR COLOR: <b>BRWN</b>	YOUR EYE COLOR: <b>HAZEL</b>	
YOUR HOME ADDRESS: <b>2753 NW 34TH Street</b>		<input type="checkbox"/> CHECK IF HOMELESS		CITY: <b>Boca Raton</b>	STATE: <b>FL</b>	ZIP: <b>33434</b>
YOUR WORK NAME & ADDRESS: <b>—</b>		<input type="checkbox"/> CHECK IF UNEMPLOYED OR RETIRED		CITY: <b>—</b>	STATE: <b>—</b>	ZIP: <b>—</b>
WORK PHONE: <input type="checkbox"/> CHECK IF NONE <b>( ) —</b>	CELL PHONE: <input type="checkbox"/> CHECK IF NONE <b>(561) 886 7628</b>	HOME PHONE: <input type="checkbox"/> CHECK IF NONE <b>(561) 245-8588</b>	EMAIL: <b>—</b>		<input type="checkbox"/> CHECK IF NONE	

**WRITE WHAT HAPPENED IN YOUR WORDS IN FULL DETAIL – PRINT LEGIBLY**

YOUR NAME: <b>1 Eliot Ivan Bernstein</b>	DO HEREBY VOLUNTARILY MAKE THE FOLLOWING STATEMENT WITHOUT THREAT, COERCION, OFFER OF BENEFIT, OR FAVOR BY ANY PERSONS WHOMSOEVER...
---	--

I, Eliot Ivan Bernstein, state the following to be true to the best of my knowledge. That through a series of forged and fraudulent documents (evidence #1), prepared and executed by attorneys at law, Donald Tescher and Robert Spallina of Tescher + Spallina P.A. and their Notary Public Kimberly Moran, crimes are being committed to misappropriate assets illegally from the estates of Simon (case no. 2012CP004391) and Shirley Bernstein (case no. 502011CP00653XXXXSB). The fraudulent and forged documents constitute both a fraud on the court (circuit court of the 1st judicial circuit in and for Palm Beach County, Florida) and a fraud on the beneficiaries of those estates and are fundamental documents that give the alleged criminals legal powers over the estates. The estates are believed to be worth between \$20-50 million dollars and Tescher and Spallina were the estate planners for both Simon and Shirley prior to their passing. Other assets held by the estate include unlisted stocks in a company that holds patents with an estimated value of several billion dollars. That said forged and fraudulent documents are part of each estate court record and are the documents giving Tescher and Spallina powers over the estates to act as personal representatives that were prepared and witnessed by Tescher and Spallina immediately prior to Simon's death and submitted to the court after Simon's death. That a full breakdown and summary of the fraudulent and forged documents in the estates has been rendered herewith (evidence #1) as prima facie evidence of these crimes.

It is further believed that Tescher + Spallina are working together in conspiracy with Simon and Shirley's son, Theodore "Ted" Bernstein to steal and convert estate assets to them. Ted Bernstein with his sister, Pamela Simon, had been cut out of the estates and both were previously angry over being excluded, despite the fact that they had already inherited, while my parents were still alive,

PAGE **1** OF **4****READ AND SIGN**

I SWEAR AND AFFIRM THIS AND/OR THE ATTACHED STATEMENTS ARE CORRECT AND TRUE.	DEPUTY SHERIFF <input checked="" type="checkbox"/> NOTARY PUBLIC <input type="checkbox"/> FSS: 117.10
YOUR SIGNATURE: <b>X</b>	SWORN TO AND SUBSCRIBED BEFORE ME TODAY: DATE: <b>07/15/13</b> TIME: <b>1242</b> SIGNATURE: <b>[Signature]</b> ID: <b>7657</b>

IF YOU DO NOT WISH TO PROSECUTE/COMPLETE THE ABOVE STATEMENT, READ THIS DISCLAIMER AND INITIAL BELOW: I AM OF LEGAL AGE AND I AM THE REPORTED VICTIM OF A CRIME UNDER FLORIDA LAW. I HEREBY STATE THAT I WILL NOT COOPERATE ANY FURTHER WITH THE INVESTIGATION OF THE ALLEGED CRIME. I FURTHER RELEASE THE PALM BEACH COUNTY SHERIFF'S OFFICE OF ANY PRESENT OR FUTURE RESPONSIBILITY AS TO MY CASE. I ACKNOWLEDGE THAT I UNDERSTAND MY RIGHTS AS A CRIME VICTIM, PARTICULARLY REGARDING VICTIM COMPENSATION ELIGIBILITY, WHICH INCLUDES SUCH BENEFITS AS REIMBURSEMENT FOR: DISABILITY; LOST WAGES; LOSS OF SUPPORT; MEDICAL, DENTAL, MENTAL HEALTH COUNSELING AND FUNERAL EXPENSES. I AM AWARE I MAY BE GIVING UP THESE RIGHTS FOR MY FAMILY AND MYSELF BY INITIALING BELOW. I AM TAKING THIS POSITION OF MY OWN FREE WILL KNOWING THAT THE CASE CAN ONLY BE FURTHER INVESTIGATED AND PROSECUTED WITH MY COOPERATION.

(PROSECUTION WAIVER NOT TO BE USED FOR CASES INVOLVING DOMESTIC OR DATING VIOLENCE PER G.O. 508.00)

WHITE - RECORDS COPY CANARY - STATE ATTORNEY COPY PINK - OFFICER'S COPY GOLD - WITNESS / VICTIM COPY



PALM BEACH COUNTY SHERIFF'S OFFICE – **SWORN STATEMENT**

Per FL statute 837.012, whoever knowingly makes a false statement under oath shall be guilty of a misdemeanor of the first degree punishable by imprisonment up to 1 year.


☐ WITNESS ☒ VICTIM ☐ OTHER

CASE #: <b>13-097087</b>	ZONE: <b>7-52</b>	SUSPECT: _____	DATE & TIME OF ORIGINAL EVENT/OFFENSE: <b>07/15/13 1241</b>
EVENT TYPE: <b>FRAUD</b>		DEPUTY: <b>LONGSWORTH</b>	ID#: <b>7657</b>

**COMPLETE EVERYTHING BELOW – PRINT LEGIBLY**

LAST NAME: <b>Bernstein</b>		FIRST NAME: <b>Eliot</b>		MIDDLE INITIAL: <b>I</b>	RACE: <b>W</b>	SEX: <b>M</b>
DATE OF BIRTH: (MM/DD/YYYY) <b>9/30/1963</b>		YOUR HEIGHT: <b>5'8</b>	YOUR WEIGHT: <b>200</b>	YOUR HAIR COLOR: <b>Brown</b>	YOUR EYE COLOR: <b>hazel</b>	
YOUR HOME ADDRESS: <b>2753 NW 34th St</b>		<input type="checkbox"/> CHECK IF HOMELESS		CITY: <b>Boca Raton</b>	STATE: <b>FL</b>	ZIP: <b>33434</b>
YOUR WORK NAME & ADDRESS: _____		<input type="checkbox"/> CHECK IF UNEMPLOYED OR RETIRED		CITY: _____	STATE: _____	ZIP: _____
WORK PHONE: <input type="checkbox"/> CHECK IF NONE <b>( )</b>	CELL PHONE: <input type="checkbox"/> CHECK IF NONE <b>(561) 866-7628</b>	HOME PHONE: <input type="checkbox"/> CHECK IF NONE <b>(561) 245-8588</b>	EMAIL: _____		<input type="checkbox"/> CHECK IF NONE	

**WRITE WHAT HAPPENED IN YOUR WORDS IN FULL DETAIL – PRINT LEGIBLY**

YOUR NAME: <b>1 Eliot Ivan Bernstein</b>	DO HEREBY VOLUNTARILY MAKE THE FOLLOWING STATEMENT WITHOUT THREAT, COERCION, OFFER OF BENEFIT, OR FAVOR BY ANY PERSONS WHOMSOEVER...
---	--

long standing family businesses worth millions of dollars each. That these near deathbed estate planning changes occurred while Simon was under extreme physical and mental duress from pressures placed upon him by Ted and Pamela several weeks before he passed away on September 13, 2012, as described more fully in the Petitions Filed with the probate court and submitted in entirety herewith as evidence (Evidence # 5). On September 13, 2012, the day Simon passed, Ted Bernstein contacted the Palm Beach County Sheriff's Office and claimed that my father Simon might have been purposely murdered by his companion Maritza Puccio and opened a formal complaint case # 12-121313.

With the discovery of forged and fraudulent documents in the estates submitted to the Florida Probate Court as part of a fraud on the court, the question of just what happened to Simon from the time immediately prior to his passing and supposedly signing these documents to his sudden and unexpected death, becomes a matter for further investigation into possible foul play. An autopsy was also ordered by Ted Bernstein on Simon, as yet, I do not have a copy of the report. Taking into account this new prima facie evidence of foul play in submitting knowingly forged and fraudulent documents it may be prudent to do another more thorough autopsy and investigation into the death of Simon Bernstein and possibly Shirley Bernstein. For a full list of alleged crimes taking place in the estates by those named herein, a full copy of a Petition that has been filed in both estates with the probate court has been submitted herewith as evidence (Evidence # 5). The crimes alleged in the Petition include but are not limited to, theft of jewelry and art, attempted theft of life insurance proceeds, see (Evidence # 4), theft of securities accounts, fraud on the court, fraud on the beneficiaries, forgery and possible murder.

PAGE **2** OF **4****READ AND SIGN**

I SWEAR AND AFFIRM THIS AND/OR THE ATTACHED STATEMENTS ARE CORRECT AND TRUE:	DEPUTY SHERIFF <input checked="" type="checkbox"/> NOTARY PUBLIC <input type="checkbox"/> FSS: 117.10
YOUR SIGNATURE: <b>X</b>	SWORN TO AND SUBSCRIBED BEFORE ME TODAY: DATE: <b>07/15/13</b> TIME: <b>1242</b> SIGNATURE: <b>DJS</b> ID: <b>7657</b>

IF YOU DO NOT WISH TO PROSECUTE, COMPLETE THE ABOVE STATEMENT, READ THIS DISCLAIMER AND INITIAL BELOW: I AM OF LEGAL AGE AND I AM THE REPORTED VICTIM OF A CRIME UNDER FLORIDA LAW. I HEREBY STATE THAT I WILL NOT COOPERATE ANY FURTHER WITH THE INVESTIGATION OF THE ALLEGED CRIME. I FURTHER RELEASE THE PALM BEACH COUNTY SHERIFF'S OFFICE OF ANY PRESENT OR FUTURE RESPONSIBILITY AS TO MY CASE. I ACKNOWLEDGE THAT I UNDERSTAND MY RIGHTS AS A CRIME VICTIM, PARTICULARLY REGARDING VICTIM COMPENSATION ELIGIBILITY, WHICH INCLUDES SUCH BENEFITS AS REIMBURSEMENT FOR DISABILITY, LOST WAGES, LOSS OF SUPPORT, MEDICAL, DENTAL, MENTAL HEALTH COUNSELING AND FUNERAL EXPENSES. I AM AWARE I MAY BE GIVING UP THESE RIGHTS FOR MY FAMILY AND MYSELF BY INITIALING BELOW. I AM TAKING THIS POSITION OF MY OWN FREE WILL KNOWING THAT THE CASE CAN ONLY BE FURTHER INVESTIGATED AND PROSECUTED WITH MY COOPERATION. ☐ DO NOT WISH TO PROSECUTE (INITIAL \_\_\_\_\_)

(PROSECUTION WAIVER NOT TO BE USED FOR CASES INVOLVING DOMESTIC OR DATING VIOLENCE PER G.O. 508.00)

WHITE - RECORDS COPY CANARY - STATE ATTORNEY COPY PINK - OFFICER'S COPY GOLD - WITNESS / VICTIM COPY



PALM BEACH COUNTY SHERIFF'S OFFICE – **SWORN STATEMENT**

Per FL statute 837.012, whoever knowingly makes a false statement under oath shall be guilty of a misdemeanor of the first degree punishable by imprisonment up to 1 year.


☐ WITNESS ☒ VICTIM ☐ OTHER

CASE: <b>13-097087</b>	ZONE: <b>7-52</b>	SUSPECT: <b>—</b>	DATE & TIME OF ORIGINAL EVENT/OFFENSE: <b>07/15/13 1241</b>
EVENT TYPE: <b>FRAUD</b>		DEPUTY: <b>Longworth</b>	ID#: <b>7657</b>

**COMPLETE EVERYTHING BELOW – PRINT LEGIBLY**

LAST NAME: <b>Beinstein</b>		FIRST NAME: <b>Eliot</b>		MIDDLE INITIAL: <b>I</b>	RACE: <b>W</b>	SEX: <b>M</b>
DATE OF BIRTH: (MM/DD/YYYY) <b>9/30/1963</b>	YOUR HEIGHT: <b>5'8"</b>	YOUR WEIGHT: <b>200</b>	YOUR HAIR COLOR: <b>Brown</b>	YOUR EYE COLOR: <b>Hazel</b>		
YOUR HOME ADDRESS: <b>2753 NW 34th St.</b>		<input type="checkbox"/> CHECK IF HOMELESS		CITY: <b>Boca Raton</b>	STATE: <b>FL</b>	ZIP: <b>33434</b>
YOUR WORK NAME & ADDRESS: <b>—</b>		<input type="checkbox"/> CHECK IF UNEMPLOYED OR RETIRED		CITY: <b>—</b>	STATE: <b>—</b>	ZIP: <b>—</b>
WORK PHONE: <input type="checkbox"/> CHECK IF NONE	CELL PHONE: <input type="checkbox"/> CHECK IF NONE <b>(561) 886-7628</b>	HOME PHONE: <input type="checkbox"/> CHECK IF NONE <b>(561) 245-8588</b>	EMAIL: <b>—</b>	<input type="checkbox"/> CHECK IF NONE		

**WRITE WHAT HAPPENED IN YOUR WORDS IN FULL DETAIL – PRINT LEGIBLY**

YOUR NAME: <b>Eliot Bernstein</b>	DO HEREBY VOLUNTARILY MAKE THE FOLLOWING STATEMENT WITHOUT THREAT, COERCION, OFFER OF BENEFIT, OR FAVOR BY ANY PERSONS WHOMSOEVER...
The Evidence <b>1</b> submitted herewith, is part of a petition filed with each estate that gives the background and copies of the forged and fraudulent documents for inclusion with this complaint for review of crimes alleged herein.	
The Evidence <b>2</b> submitted herewith, is a copy of complaint's filed with the Governor of Florida Notary Public Fraud division for inclusion with this complaint for review of the crimes alleged herein.	
The Evidence <b>3</b> submitted herewith, is a copy of a recent correspondence between two lawyers who have been trying to help my family gain information refused by Tescher + Spalling regarding the beneficial interests of my family.	
The Evidence <b>4</b> submitted herewith, is a copy of a recent US District Court case that appears to reveal that Tescher + Spalling and Ted Bernstein, along with Pamela Simon's husband David Simon's brother Adam Simon, are working together to try and claim an insurance policy of the estates proceeds using what appear other types of fraudulent documents and claims on the Federal court in Illinois. The life insurance carrier has refused to release the benefits to them as they have proposed and have counter sued (not denying they owe a claim but claiming the claims of Theodore et al are unfounded), including adding me to the lawsuit as a counter defendant.	
The Evidence <b>5</b> submitted herewith, is a full copy of a petition filed in both Simon and Shirley Bernstein's estate case with the Circuit Court of the 15th Judicial Circuit in and for Palm Beach County, Florida.	

PAGE **3** OF **4****READ AND SIGN**

I SWEAR AND AFFIRM THIS AND/OR THE ATTACHED STATEMENTS ARE CORRECT AND TRUE.	<input checked="" type="checkbox"/> DEPUTY SHERIFF <input type="checkbox"/> NOTARY PUBLIC FSS: 117.10 SWORN TO AND SUBSCRIBED BEFORE ME TODAY: DATE: <b>07/15/13</b> TIME: <b>1242</b> SIGNATURE: <b>[Signature]</b> ID: <b>7657</b>
YOUR SIGNATURE: <b>[Signature]</b>	

IF YOU DO NOT WISH TO PROSECUTE, COMPLETE THE ABOVE STATEMENT; READ THIS DISCLAIMER AND INITIAL BELOW. I AM OF LEGAL AGE AND I AM THE REPORTED VICTIM OF A CRIME UNDER FLORIDA LAW. I HEREBY STATE THAT I WILL NOT COOPERATE ANY FURTHER WITH THE INVESTIGATION OF THE ALLEGED CRIME. I FURTHER RELEASE THE PALM BEACH COUNTY SHERIFF'S OFFICE OF ANY PRESENT OR FUTURE RESPONSIBILITY AS TO MY CASE. I ACKNOWLEDGE THAT I UNDERSTAND MY RIGHTS AS A CRIME VICTIM, PARTICULARLY REGARDING VICTIM COMPENSATION ELIGIBILITY, WHICH INCLUDES SUCH BENEFITS AS REIMBURSEMENT FOR: DISABILITY; LOST WAGES; LOSS OF SUPPORT; MEDICAL; DENTAL; MENTAL HEALTH COUNSELING AND FUNERAL EXPENSES. I AM AWARE I MAY BE GIVING UP THESE RIGHTS FOR MY FAMILY AND MYSELF BY INITIALLYING BELOW. I AM TAKING THIS POSITION OF MY OWN FREE WILL KNOWING THAT THE CASE CAN ONLY BE FURTHER INVESTIGATED AND PROSECUTED WITH MY COOPERATION.

☐ DO NOT WISH TO PROSECUTE (INITIAL **—**)

(PROSECUTION WAIVER NOT TO BE USED FOR CASES INVOLVING DOMESTIC OR DATING VIOLENCE PER G.O. 508.00)

WHITE - RECORDS COPY CANARY - STATE ATTORNEY COPY PINK - OFFICER'S COPY GOLD - WITNESS / VICTIM COPY



## PALM BEACH COUNTY SHERIFF'S OFFICE – SWORN STATEMENT

Per FL statute 837.012, whoever knowingly makes a false statement under oath shall be guilty of a misdemeanor of the first degree punishable by imprisonment up to 1 year.



☐ WITNESS ☒ VICTIM ☐ OTHER

CASE # <b>13-097087</b>	ZONE: <b>7-52</b>	SUSPECT: <b>—</b>	DATE & TIME OF ORIGINAL EVENT/OFFENSE: <b>07/15/13 1241</b>
EVENT TYPE: <b>FRAUD</b>		DEPUTY: <b>Longsworth</b>	ID#: <b>7657</b>

## COMPLETE EVERYTHING BELOW – PRINT LEGIBLY

LAST NAME: <b>Bernstein</b>		FIRST NAME: <b>Eliot</b>		MIDDLE INITIAL: <b>I</b>	RACE: <b>W</b>	SEX: <b>M</b>
DATE OF BIRTH: <b>9/30/1963</b>	(MM/DD/YYYY)	YOUR HEIGHT: <b>5'8"</b>	YOUR WEIGHT: <b>200</b>	YOUR HAIR COLOR: <b>Brown</b>	YOUR EYE COLOR: <b>Hazel</b>	
YOUR HOME ADDRESS: <b>2753 NW 34TH ST.</b>		<input type="checkbox"/> CHECK IF HOMELESS		CITY: <b>Boca Raton</b>	STATE: <b>FL</b>	ZIP: <b>33434</b>
YOUR WORK NAME & ADDRESS: <b>—</b>		<input type="checkbox"/> CHECK IF UNEMPLOYED OR RETIRED		CITY: <b>—</b>	STATE: <b>—</b>	ZIP: <b>—</b>
WORK PHONE: <input type="checkbox"/> CHECK IF NONE <b>( ) —</b>	CELL PHONE: <input type="checkbox"/> CHECK IF NONE <b>(561) 886-7628</b>	HOME PHONE: <input type="checkbox"/> CHECK IF NONE <b>(561) 245-8588</b>	EMAIL: <b>—</b>		<input type="checkbox"/> CHECK IF NONE	

## WRITE WHAT HAPPENED IN YOUR WORDS IN FULL DETAIL – PRINT LEGIBLY

YOUR NAME: <b>Eliot Bernstein</b>	DO HEREBY VOLUNTARILY MAKE THE FOLLOWING STATEMENT WITHOUT THREAT, COERCION, OFFER OF BENEFIT, OR FAVOR BY ANY PERSONS WHOMSOEVER...
--------------------------------------	--

EVIDENCE "1" ✓  
EVIDENCE "2" ✓  
EVIDENCE "3" ✓  
EVIDENCE "4" ✓  
EVIDENCE "5" ✓

\* ALL EVIDENCE AVAILABLE PER REQUEST AS INSTRUCTED BY  
PALM BEACH COUNTY SHERIFF SUBSTANTEN 7 TO RETAIN DOCUMENTS FOR

Robert L Spallina ESO, DONALD TESCHER ESO AND KIMBERLY MORAN @  
TESCHER & SPALLINA, P.A., BOCA VILLAGE CORPORATE CENTER 1,  
4055 Technology Way, Suite 700, Boca Raton, FL 33431

Thodore "Ted" Stuart Bernstein  
830 Berkeley Street  
Boca Raton, FL 33487

PAGE **4** OF **4**

## READ AND SIGN

I SWEAR AND AFFIRM THIS AND/OR THE ATTACHED STATEMENTS ARE CORRECT AND TRUE.	DEPUTY SHERIFF <input checked="" type="checkbox"/> NOTARY PUBLIC <input type="checkbox"/> FSS: 117.10
YOUR SIGNATURE: <b>X</b>	SWORN TO AND SUBSCRIBED BEFORE ME TODAY: DATE: <b>07/15/13</b> TIME: <b>1242</b> SIGNATURE: <b>DIS</b> ID: <b>7657</b>

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WHITE - RECORDS COPY CANARY - STATE ATTORNEY COPY PINK - OFFICER'S COPY GOLD - WITNESS / VICTIM COPY

### Palm Beach Sheriff Department Statement

I, Eliot Ivan Bernstein, state the following to be true to the best of my knowledge. That through a series of forged and fraudulent documents (Evidence #\_\_\_\_\_), prepared and executed by Attorneys at Law, Donald Tescher and Robert Spallina of Tescher & Spallina and their Notary Public Kimberly Moran, crimes are being committed to misappropriate assets illegally from the estates of Simon (CASE NO. 2012CP004391IX) and Shirley Bernstein (CASE NO. 502011CP00653XXXXSB). The fraudulent and forged documents constitute both a Fraud on the Court (CIRCUIT COURT OF THE FIFTEEN JUDICIAL CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA) and a Fraud on the Beneficiaries of those estates and are fundamental documents that give the alleged criminals legal powers over the estates. The estates are believed to be worth between \$20-50 Million Dollars and Tescher & Spallina were the estate planners for both Simon and Shirley prior to their passing. Other assets held by the estate include unlisted stocks in a company that holds patents with an estimated value of several billion dollars. That said forged and fraudulent documents are part of each estate court record and are the documents giving Tescher & Spallina powers over the estates to act as Personal Representatives that were prepared and witnessed by Tescher and Spallina immediately prior to Simon's death and submitted to the court after Simon's death. That a full breakdown and summary of the Fraudulent and Forged documents in the estates has been tendered herewith (Evidence #\_\_\_\_\_ ) as Prima Facie Evidence of these crimes.

It is further believed that Tescher & Spallina are working together with Simon & Shirley's son, Theodore Bernstein to steal and convert estate assets to them. Theodore Bernstein with his sister, Pamela Simon, had been cut out of the estates and both were previously angry over being excluded, despite the fact that they had already inherited, while my parents were still alive, long standing family businesses worth millions of dollars each. That these near deathbed estate planning changes occurred while Simon was under extreme physical and mental duress from pressures placed upon him by Theodore and Pamela several weeks before he passed away on September 13, 2012, as described more fully in the Petitions filed with the probate court and submitted in entirety herewith as evidence (Evidence #\_\_\_\_\_ ). On September 13, 2012, the day Simon passed, Theodore Bernstein contacted the Palm Beach County Sheriff Office and claimed that my father Simon might have been purposely murdered by his companion Maritza Puccio and opened a formal complaint Case #12-121313.

With the discovery of forged and fraudulent documents in the estates submitted to the Florida Court as part of a Fraud on the Court, the question of just what happened to Simon from the time immediately prior to his passing and supposedly signing these documents, to his sudden and unexpected death, becomes a matter for further investigation into possible foul play. An autopsy was also ordered by Theodore Bernstein on Simon, as yet, I do not have a copy of the report. Taking into account this new Prima Facie evidence of foul play in submitting knowingly forged and fraudulent documents it may be prudent to do another more thorough autopsy and investigation into the death of Simon Bernstein and possibly Shirley Bernstein. For a full list of alleged crimes taking place in the estates by those named herein, a full copy of a Petition that has been filed in both estates with the probate court has been submitted herewith as evidence (Evidence #\_\_\_\_\_ ). The crimes alleged in the Petition, include but are not limited to, theft of jewelry and art, attempted theft of insurance proceeds (See Evidence

#\_\_\_\_\_), theft of securities accounts, fraud on the court, fraud on the beneficiaries, forgery and possible murder.

That Evidence # \_\_\_\_\_ submitted herewith, is part of a Petition filed with each estate that gives the background and copies of the forged and fraudulent documents for inclusion with this complaint for review of crimes alleged herein.

That Evidence # \_\_\_\_\_ submitted herewith, is a copy of complaints filed with the Governor of Florida Notary Public Fraud division for inclusion with this complaint for review of the crimes alleged herein.

That Evidence # \_\_\_\_\_ submitted herewith, is a copy of a recent correspondence between two lawyers who have been trying to help my family gain information refused by Tescher & Spallina regarding the beneficial interests of my family.

That Evidence # \_\_\_\_\_ submitted herewith, is a copy of a recent US District Court case that appears to reveal that Tescher & Spallina and Theodore Bernstein, along with Pamela Simon's husband David Simon's brother Adam Simon, are working together to try an claim an insurance policy of the estates proceeds using what appear other types of fraudulent documents and claims on that Federal Court in Illinois. The carrier has refused to release the benefits to them as they have proposed and have counter sued (not denying they owe a claim but claiming the claims of Theodore et al. are unfounded), including adding me to the lawsuit as a counter-defendant.

That Evidence # \_\_\_\_\_ submitted herewith, is a full copy of a Petition filed in both Simon and Shirley Bernstein's estate case with the CIRCUIT COURT OF THE FIFTEEN JUDICIAL CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA.

I swear under Penalty of Perjury, that all of the above statements are true to the best of my knowledge and belief, so help me G-d.

Eliot Ivan Bernstein



RICK SCOTT  
GOVERNOR

STATE OF FLORIDA  
**Office of the Governor**

THE CAPITOL  
TALLAHASSEE, FLORIDA 32399-0001

[www.flgov.com](http://www.flgov.com)  
850-488-7146  
850-487-0801 fax

October 14, 2013

Via Certified Mail

Ms. Kimberly Moran  
6362 Las Flores Drive  
Boca Raton, Florida 33433

Dear Ms. Moran:

Enclosed is a copy of Executive Order Number 13-291 issued by Governor Rick Scott on October 14, 2013. This Executive Order suspends your notary public commission pursuant to section 117.01(4)(c), Florida Statutes. As a result, the Executive Office of the Governor requires your notary commission certificate to be relinquished to this Office, in the self-addressed envelope enclosed. Additionally, you are required to destroy your notary stamp.

If you have any additional questions, please contact our office at (850) 717-9529 or via email at [NOTARY@eog.myflorida.com](mailto:NOTARY@eog.myflorida.com).

Sincerely,

Erin Tupper  
Notary Coordinator  
Executive Office of the Governor, Notary Section

Enclosures

cc: ~~Eliot Bernstein~~  
Notary Public Underwriters



# STATE OF FLORIDA

## OFFICE OF THE GOVERNOR EXECUTIVE ORDER NUMBER 13-291 (Executive Order of Suspension)

WHEREAS, Kimberly Moran, is presently serving as a Notary Public of the State of Florida;  
and

WHEREAS, this Office received a complaint reporting Kimberly Moran for notary  
misconduct; and

WHEREAS, the complainant states that Kimberly Moran notarized a signature on a document  
when the signing party was not in her presence at the time of the notarization, and made a false or  
fraudulent acknowledgement of that signed instrument; and made changes to the instrument after the  
party had signed, in violation of Sections 117.107(9), 117.105, and 117.107(7), Florida Statutes; and

WHEREAS, in a sworn written statement, dated August 8, 2013, Kimberly Moran confirmed  
the above-stated violations of notarial statutes; and

WHEREAS, it is in the best interests of the citizens of the State of Florida that Kimberly  
Moran be immediately suspended from the public office, which she now holds, upon the grounds set  
forth in this Executive Order;

NOW, THEREFORE, I, RICK SCOTT, Governor of Florida, pursuant to Article IV, Section  
7 of the Florida Constitution and Section 117.01(4), Florida Statutes, find and state as follows:

A. Kimberly Moran is a duly appointed Notary Public of the State of Florida, pursuant to

Section 117.01, Florida Statutes.

B. Kimberly Moran is commissioned as a Florida notary public from April 29, 2012, through

April 28, 2016.

C. Kimberly Moran admitted to notarizing a document when the signers were not in her

presence at the time of the notarization, in violation of Section 117.107(9), Florida Statutes.



D. Kimberly Moran admitted to making a false or fraudulent acknowledgment of the instrument being notarized, in violation of Section 117.105, Florida Statutes.

E. Kimberly Moran amended the instrument after the party had signed, in violation of Section 117.107(7), Florida Statutes.

**BEING FULLY ADVISED** in the premise, and in accordance with the Florida Constitution and the laws of the State of Florida, this Executive Order is issued

Section 1. Kimberly Moran is suspended from the public office which she now holds: Notary Public of the State of Florida.

Section 2. Kimberly Moran is prohibited from performing any official act, duty, or function of this public office; from receiving any pay or allowance; and from being entitled to any of the emoluments or privileges of this public office during the period of suspension, which period shall begin, today, until further Executive Order is issued, or as otherwise provided by law.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, this 14<sup>th</sup> day of October, 2013.

A handwritten signature in black ink, appearing to read "Rick Scott", written over a horizontal line.

RICK SCOTT, GOVERNOR

ATTEST:

A handwritten signature in black ink, appearing to read "Ken Retzner", written over a horizontal line.  
SECRETARY OF STATE

**FILED**  
2013 OCT 14 AM 9:40  
DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA

## The Governor's Office Notary Section Internet Complaint Form

Please carefully review this complaint form once you have included all information. You must include a copy of the improperly notarized document along with the complaint form.

Your Name:

Eliot  
Bernstein \_\_\_\_\_

Address:

2753 NW 34<sup>th</sup> St.,  
\_\_\_\_\_

City: Boca Raton \_\_\_\_\_ State: FL \_\_\_\_\_  
Zip Code: 33434

Telephone: (561) 245-8588 \_\_\_\_\_

What is the name, commission number, and expiration date of the notary public that is the subject of this complaint?

Notary's Name: \_\_\_\_\_  
Lindsay Baxley \_\_\_\_\_

Commission #: \_\_\_\_\_  
EE092282 \_\_\_\_\_

Expiration Date: May 10, 2015

DESCRIBE YOUR COMPLAINT, PROVIDE FACTS OF ALLEGED MISCONDUCT AND A COPY OF THE IMPROPERLY NOTARIZED DOCUMENT. (Please do not write on the back of this form. You may use a separate sheet if necessary. Must be typewritten or clearly printed.)

Lindsay Baxley has violated the following Notary Rules:

117.05 (4) When notarizing a signature, a notary public shall complete a jurat or notarial certificate in substantially the same form as those found in subsection (13). The jurat or certificate of acknowledgment shall contain the following elements:

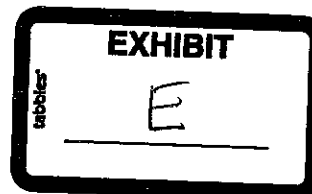
- (c) That the signer personally appeared before the notary public at the time of the notarization.
- (f) The specific type of identification the notary public is relying upon in identifying the signer, either based on personal knowledge or satisfactory evidence specified in subsection (5).
- (6) The employer of a notary public shall be liable to the persons involved for all damages proximately caused by the notary's official misconduct, if the notary public was acting within the scope of his or her employment at the time the notary engaged in the official misconduct.

117.107 (9) A notary public may not notarize a signature on a document if the person whose signature is being notarized is not in the presence of the notary public at the time the signature is notarized. Any notary public who violates this subsection is guilty of a civil infraction, punishable by penalty not exceeding \$5,000, and such violation constitutes malfeasance and misfeasance in the conduct of official duties. It is no defense to the civil infraction specified in this subsection that the notary public acted without intent to defraud. A notary public who violates this subsection with the intent to defraud is guilty of violating s. 117.105.

117.107 (10) A notary public may not notarize a signature on a document if the document is incomplete or blank. However, an endorsement or assignment in blank of a negotiable or nonnegotiable note and the assignment in blank of any instrument given as security for such note is not deemed incomplete.

838.022 Official misconduct.—

117.105 False or fraudulent acknowledgments; penalty.—A notary public who falsely or fraudulently takes an acknowledgment of an instrument as a notary public or who falsely or fraudulently makes a certificate as a notary public or who falsely takes or receives an acknowledgment of the signature on a



written instrument is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Lindsay Baxley has violated all of the above rules in improperly and illegally notarizing the "Will of Simon L. Bernstein", attached as Exhibit 1. Lindsay Baxley notarizes the document and Kimberly Moran is a witness of such document, where Kimberly Moran (Governor Complaints, Simon Bernstein v. Kimberly Moran and Eliot Bernstein v. Kimberly Moran) has been arrested on Friday, October 25, 2013 for her forged and fraudulent notarized documents in the estate of my mother. This document attempts to change the beneficiaries of Simon Bernstein and Shirley Bernstein and are alleged to be part of a larger fraud to convert millions of dollars of estate benefits. Robert Spallina, Esq., Moran's employer is also a witness on this document that he drafted and has interest in, which appears a conflict and breach of fiduciary duties as well. I am alleging that all three parties have worked on a series of documents that all appear fraudulent through the use of improper notarizations and witnessing of documents. Moran should also be questioned on this document as she is witnessing the document.

Your utmost urgency to these matters is requested as these documents are alleged to be being used in a variety of other state and federal crimes.

If you need any additional information, please feel free to contact me, my info below.

Eliot I. Bernstein

Inventor

Iviewit Holdings, Inc. - DL

2753 N.W. 34th St.

Boca Raton, Florida 33434-3459

(561) 245.8588 (o)

(561) 886.7628 (c)

(561) 245-8644 (f)

[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)

<http://www.iviewit.tv>

I affirm that I have provided the above information completely and truthfully to the best of my knowledge.

Signature

Eliot Ivan Bernstein Date October 29, 2013

RETURN TO:

OFFICE OF THE GOVERNOR  
NOTARY SECTION, 209 CAPITOL  
TALLAHASSEE, FL 32399-0001

**EXHIBIT 1 – WILL OF SIMON L. BERNSTEIN**



502012CP004391XXXXSB

I2

WILL OF

SIMON L. BERNSTEIN

2012 OCT -2 AM 9:32  
SHARON R. BOCK, CLERK  
PALM BEACH COUNTY, FL  
SOUTH CITY BRANCH-FILED

*Prepared by:*

Tescher & Spallina, P.A.  
4855 Technology Way, Suite 720, Boca Raton, Florida 33431  
(561) 997-7008  
[www.tescherspallina.com](http://www.tescherspallina.com)

LAW OFFICES

TESCHER & SPALLINA, P.A.

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**WILL OF**

**SIMON L. BERNSTEIN**

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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, 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 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, 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.

**ARTICLE II. EXERCISE OF POWER OF APPOINTMENT**

Under Subparagraph E.1. of Article II. of the SHIRLEY BERNSTEIN TRUST AGREEMENT dated May 20, 2008, (the "*Shirley Trust*"), I was granted a special power of appointment upon my death to direct the disposition of the remaining assets of the Marital Trust and the Family Trust established under the Shirley Trust. Pursuant to the power granted to me under the Shirley Trust, upon my death, I hereby direct the then serving Trustees of the Marital Trust and the Family Trust to divide the remaining trust assets into equal shares for my then living grandchildren and distribute said shares to the then serving Trustees of their respective trusts established under Subparagraph II.B. of my Existing Trust, as referenced below, and administered pursuant to Subparagraph II.C. thereunder.

**ARTICLE III. RESIDUE OF MY ESTATE**

I give all the residue of my estate, including my homestead, to the Trustee then serving under my revocable Trust Agreement dated May 20, 2008, as amended and restated from time to time and on even date herewith (the "*Existing Trust*"), as Trustee without bond, but I do not exercise any powers of appointment held by me except as provided in Article II., above, and in the later paragraph titled "Death Costs." The residue shall be added to and become a part of the Existing Trust and shall be held under

LAST WILL  
OF SIMON L. BERNSTEIN

LAW OFFICES  
**TESCHER & SPALLINA, P.A.**

the provisions of said Agreement in effect at my death, or if this is not permitted by applicable law or the Existing Trust is not then in existence, under the provisions of said Agreement as existing today. If necessary to give effect to this gift, but not otherwise, said Agreement as existing today is incorporated herein by reference.

#### ARTICLE IV. PERSONAL REPRESENTATIVES

1. **Appointment and Bond.** I appoint ROBERT L. SPALLINA and DONALD R. TESCHER to serve together as my co-Personal Representatives, or either of them alone as Personal Representative if either of them is unable to serve (the "*fiduciary*"). Each fiduciary shall serve without bond and have all of the powers, privileges and immunities granted to my fiduciary by this Will or by law, provided, however, that my fiduciary shall exercise all powers in a fiduciary capacity.

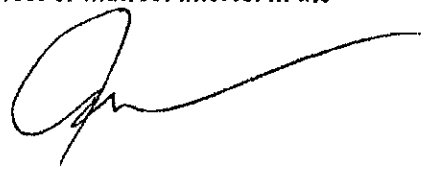
2. **Powers of Personal Representatives.** My fiduciary may exercise its powers without court approval. No one dealing with my fiduciary need inquire into its authority or its application of property. My fiduciary shall have the following powers:

a. **Investments.** To sell or exchange at public or private sale and on credit or otherwise, with or without security, and to lease for any term or perpetually, any property, real and personal, at any time forming a part of my probate estate (the "*estate*"); to grant and exercise options to buy or sell; to invest or reinvest in real or personal property of every kind, description and location; and to receive and retain any such property whether originally a part of the estate, or subsequently acquired, even if a fiduciary is personally interested in such property, and without liability for any decline in the value thereof; all without limitation by any statutes or judicial decisions, whenever enacted or announced, regulating investments or requiring diversification of investments.

b. **Distributions or Divisions.** To distribute directly to any beneficiary who is then entitled to distribution under the Existing Trust; to make any division or distribution pro rata or non-pro rata, in cash or in kind; and to allocate undivided interests in property and dissimilar property (without regard to its tax basis) to different shares, and to make any distribution to a minor or any other incapacitated person directly to such person, to his or her legal representative, to any person responsible for or assuming his or her care, or in the case of a minor to an adult person or an eligible institution (including a fiduciary) selected by my fiduciary as custodian for such minor under the Uniform Transfers to Minors Act or similar provision of law. The receipt of such payee is a complete release to the fiduciary.

c. **Management.** To manage, develop, improve, partition or change the character of or abandon an asset or interest in property at any time; and to make ordinary and extraordinary repairs, replacements, alterations and improvements, structural or otherwise.

d. **Borrowing.** To borrow money from anyone on commercially reasonable terms, including a fiduciary, beneficiaries and other persons who may have a direct or indirect interest in the



estate; and to mortgage, margin, encumber and pledge real and personal property of the estate as security for the payment thereof, without incurring any personal liability thereon and to do so for a term within or extending beyond the terms of the estate and to renew, modify or extend existing borrowing on similar or different terms and with the same or different security without incurring any personal liability; and such borrowing from my fiduciary may be with or without interest, and may be secured with a lien on the estate assets or any beneficiary's interest in said assets.

e. Lending. To extend, modify or waive the terms of any obligation, bond or mortgage at any time forming a part of the estate and to foreclose any such mortgage; accept a conveyance of encumbered property, and take title to the property securing it by deed in lieu of foreclosure or otherwise and to satisfy or not satisfy the indebtedness securing said property; to protect or redeem any such property from forfeiture for nonpayment of taxes or other lien; generally, to exercise as to such bond, obligation or mortgage all powers that an absolute owner might exercise; and to loan funds to beneficiaries at commercially reasonable rates, terms and conditions.

f. Abandonment of Property. To abandon any property or asset when it is valueless or so encumbered or in such condition that it is of no benefit to the estate. To abstain from the payment of taxes, liens, rents, assessments, or repairs on such property and/or permit such property to be lost by tax sale, foreclosure or other proceeding or by conveyance for nominal or no consideration to anyone including a charity or by escheat to a state; all without personal liability incurred therefor.

g. Real Property Matters. To subdivide, develop or partition real estate; to dedicate the same to public use; to make or obtain the location of any plats; to adjust boundaries; to adjust differences in valuations on exchange or partition by giving or receiving consideration; and, to grant easements with or without consideration as they may determine; and to demolish any building, structures, walls and improvements, or to erect new buildings, structures, walls and improvements and to insure against fire and other risks.

h. Claims. To enforce, compromise, adjust, arbitrate, release or otherwise settle or pay any claims or demands by or against the estate.

i. Business Entities. To deal with any business entity or enterprise even if a fiduciary is or may be a fiduciary of or own interests in said business entity or enterprise, whether operated in the form of a corporation, partnership, business trust, limited liability company, joint venture, sole proprietorship, or other form (all of which business entities and enterprises are referred to herein as "**Business Entities**"). I vest the fiduciary with the following powers and authority in regard to Business Entities:

i. To retain and continue to operate a Business Entity for such period as the fiduciary deems advisable;

ii. To control, direct and manage the Business Entities. In this connection, the fiduciary, in its sole discretion, shall determine the manner and extent of its active participation in the





operation and may delegate all or any part of its power to supervise and operate to such person or persons as the fiduciary may select, including any associate, partner, officer or employee of the Business Entity;

iii. To hire and discharge officers and employees, fix their compensation and define their duties; and similarly to employ, compensate and discharge agents, attorneys, consultants, accountants, and such other representatives as the fiduciary may deem appropriate; including the right to employ any beneficiary or fiduciary in any of the foregoing capacities;

iv. To invest funds in the Business Entities, to pledge other assets of the estate or a trust as security for loans made to the Business Entities, and to lend funds from my estate or a trust to the Business Entities;

v. To organize one or more Business Entities under the laws of this or any other state or country and to transfer thereto all or any part of the Business Entities or other property of my estate or a trust, and to receive in exchange such stocks, bonds, partnership and member interests, and such other securities or interests as the fiduciary may deem advisable;

vi. To treat Business Entities as separate from my estate or a trust. In a fiduciary's accounting to any beneficiary, the fiduciary shall only be required to report the earnings and condition of the Business Entities in accordance with standard business accounting practice;

vii. To retain in Business Entities such net earnings for working capital and other purposes of the Business Entities as the fiduciary may deem advisable in conformity with sound business practice;

viii. To sell or liquidate all or any part of the Business Entities at such time and price and upon such terms and conditions (including credit) as the fiduciary may determine. My fiduciary is specifically authorized and empowered to make such sale to any person, including any partner, officer, or employee of the Business Entities, a fiduciary, or to any beneficiary; and

ix. To guaranty the obligations of the Business Entities, or pledge assets of the estate or a trust to secure such a guaranty.

j. Life Insurance. With respect to any life insurance policies constituting an asset of the estate to pay premiums; to apply dividends in reduction of such premiums; to borrow against the cash values thereof; to convert such policies into other forms of insurance including paid-up insurance; to exercise any settlement options provided in any such policies; to receive the proceeds of any policy upon its maturity and to administer such proceeds as a part of the principal of the estate or trust; and in general, to exercise all other options, benefits, rights and privileges under such policies; provided, however, no fiduciary other than a sole fiduciary may exercise any incidents of ownership with respect to policies of insurance insuring the fiduciary's own life.



k. Reimbursement. To reimburse itself from the estate for all reasonable expenses incurred in the administration thereof.

l. Voting. To vote and give proxies, with power of substitution to vote, stocks, bonds and other securities, or not to vote a security.

m. Ancillary Administration. To appoint or nominate, and replace with or without cause, any persons or corporations, including itself, as ancillary administrators to administer property in other jurisdictions, with the same powers, privileges and immunities as my fiduciary and without bond.

n. Tax Elections. To file tax returns, and to exercise all tax-related elections and options at their discretion, without compensating adjustments or reimbursements between any accounts or any beneficiaries.

3. Survivorship. A beneficiary is not deemed to survive me unless he or she survives me by five days.

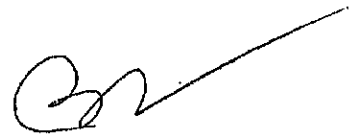
4. Death Costs. My fiduciary shall pay (a) from the residuary estate my debts which are allowed as claims against my estate, (b) from the residuary estate my funeral expenses without regard to legal limitations, (c) from the residuary estate the expenses of administering my estate and (d) from the residuary estate other than the portion of the residuary estate qualifying for the marital deduction under the laws then in effect, without apportionment, all estate, inheritance and succession taxes (excluding generation-skipping taxes other than with respect to direct skips), and interest and penalties thereon, due because of my death and attributable to all property whether passing under this Will or otherwise and not required by the terms of the Existing Trust to be paid out of said trust. However, such taxes, penalties and interest payable out of my residuary estate shall not include taxes, penalties and interest attributable to (i) property over which I have a power of appointment granted to me by another person, (ii) qualified terminable interest property held in a trust of which I was the income beneficiary at the time of my death (other than qualified terminable interest property held in a trust for which an election was made under Code Section 2652(a)(3)), and (iii) life insurance proceeds on policies insuring my life which proceeds are not payable to my probate estate. My fiduciary shall not be reimbursed for any such payment from any person or property. However, my fiduciary in its discretion may direct that part or all of said death costs shall be paid by my Trustee as provided in the Existing Trust, and shall give such direction to the extent necessary so that the gifts made in Article I of this Will and the gifts made in any codicil hereto shall not be reduced by said death costs. If the amount of the above-described taxes, and interest and penalties arising by reason of my death (without regard to where payable from under the terms of this paragraph or applicable law) is increased because of the power of appointment granted to me under Subparagraph II.E.1. of the SHIRLEY BERNSTEIN TRUST AGREEMENT dated May 20, 2008, I hereby appoint to my probate estate from the property subject to such power (to the extent allowable under such power) the amount of such increase (calculating such increase at the highest applicable marginal rates) and exercise such power to this extent only, and notwithstanding the other provisions of this paragraph further direct my fiduciary to make payment of such increase in taxes,

LAST WILL  
OF SIMON L. BERNSTEIN

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LAW OFFICES

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interest and penalties to the appropriate taxing authorities from the appointed property or the proceeds thereof. Any trustee holding such appointive property may pay to my fiduciary the amount which my fiduciary certifies as due under this paragraph and is not responsible for the correctness or application of amounts so paid.

5. **Reimbursement for Debts and Expenses.** My fiduciary shall promptly reimburse my friends and members of my family who have disbursed their own funds for the payment of any debts, funeral expenses or costs of administration of my estate.

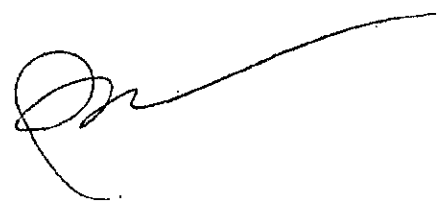
6. **Expenses of Handling Tangible Personal Property.** All expenses incurred by my fiduciary during the settlement of my estate in appraising, storing, packing, shipping, delivering or insuring an article of tangible personal property passing under this Will shall be charged as an expense of administering my estate.

7. **Dealing with Estate.** Each fiduciary may act under this Will even if interested in my estate in an individual capacity, as a fiduciary of another estate or trust (including any trust identified in this Will or created under the Existing Trust) or in any other capacity. Each fiduciary may in good faith buy from, sell to, lend funds to or otherwise deal with my estate.


8. **Spouse.** The term "*spouse*" herein means, as to a designated individual, the person to whom that individual is from time to time married.

9. **Other Beneficiary Designations.** Except as otherwise explicitly and with particularity provided herein, (a) no provision of this Will shall revoke or modify any beneficiary designation of mine made by me and not revoked by me prior to my death under any individual retirement account, other retirement plan or account, or annuity or insurance contract, (b) I hereby reaffirm any such beneficiary designation such that any assets held in such account, plan, or contract shall pass in accordance with such designation, and (c) regardless of anything herein to the contrary, any of such assets which would otherwise pass pursuant to this Will due to the beneficiary designation not having met the requirements for a valid testamentary disposition under applicable law or otherwise shall be paid as a gift made hereunder to the persons and in the manner provided in such designation which is incorporated herein by this reference.

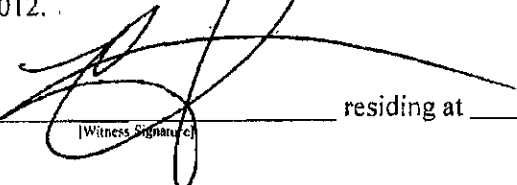
*[remainder of page intentionally left blank]*



I have published and signed this instrument as my Will at Boca Raton, Florida, on the 24 day of July, 2012.


  
SIMON L. BERNSTEIN

This instrument, consisting of this page numbered 7 and the preceding typewritten pages, was signed, sealed, published and declared by the Testator to be the Testator's Will in our presence, and at the Testator's request and in the Testator's presence, and in the presence of each other, we have subscribed our names as witnesses at Boca Raton, Florida on this 24 day of July, 2012.

  
[Witness Signature] residing at \_\_\_\_\_

**ROBERT L. SPALLINA**  
**7387 WISTERIA AVENUE**  
**PARKLAND, FL 33076**

\_\_\_\_\_  
[Witness Address]

  
[Witness Signature] residing at \_\_\_\_\_

**Kimberly Moran**  
**6362 Las Flores Drive**  
**Boca Raton, FL 33433**

\_\_\_\_\_  
[Witness Address]

State Of Florida

SS.

County Of Palm Beach

I, SIMON L. BERNSTEIN, declare to the officer taking my acknowledgment of this instrument, and to the subscribing witnesses, that I signed this instrument as my will.

Robert Spallina drafted the document, witnessed the document, is Moran's employer and has an interest in the document. Baxley administers oath

SIMON L. BERNSTEIN, Testator

We, Robert L. Spallina and Kimberly Moran, have been sworn by the officer signing below, and declare to that officer on our oaths that the Testator declared the instrument to be the Testator's will and signed it in our presence and that we each signed the instrument as a witness in the presence of the Testator and of each other.

Kimberly Moran was arrested for forgery and notary fraud on October 25, 2013 and her notary public license was suspended by Governor Rick Scott's office

Witness

Nobody appeared that was known or produced identification as neither box is checked as required

Witness

Acknowledged and subscribed before me, by the Testator, SIMON L. BERNSTEIN, who is personally known to me or who has produced \_\_\_\_\_ (state type of identification) as identification, and sworn to and subscribed before me by the witnesses, Robert L. Spallina, who is personally known to me or who has produced \_\_\_\_\_ (state type of identification) as identification, and Kimberly Moran, who is personally known to me or who has produced \_\_\_\_\_ (state type of identification) as identification, and subscribed by me in the presence of SIMON L. BERNSTEIN and the subscribing witnesses, all on this 25 day of July, 2012.

[Seal with Commission Expiration Date]

NOTARY PUBLIC-STATE OF FLORIDA  
Lindsay Baxley  
Commission # EE092282  
Expires: MAY 10, 2015  
BONDED THRU ATLANTIC BONDING CO., INC.

Print, type or stamp name of Notary Public

LAST WILL  
OF SIMON L. BERNSTEIN

-8-

LAW OFFICES  
TESCHER & SPALLINA, P.A.

State Of Florida

SS.

County Of Palm Beach

I, SIMON L. BERNSTEIN, declare to the officer taking my acknowledgment of this instrument, and to the subscribing witnesses, that I signed this instrument as my will.

  
SIMON L. BERNSTEIN, Testator


We, Robert L. Spallina and Kimberly Moran,  
have been sworn by the officer signing below, and declare to that officer on our oaths that the Testator declared the instrument to be the Testator's will and signed it in our presence and that we each signed the instrument as a witness in the presence of the Testator and of each other.

  
Witness

Kimberly Moran  
Witness

Acknowledged and subscribed before me, by the Testator, SIMON L. BERNSTEIN, who is personally known to me or who has produced \_\_\_\_\_ (state type of identification) as identification, and sworn to and subscribed before me by the witnesses, Robert L. Spallina, who is personally known to me or who has produced \_\_\_\_\_ (state type of identification) as identification, and Kimberly Moran, who is personally known to me or who has produced \_\_\_\_\_ (state type of identification) as identification, and subscribed by me in the presence of SIMON L. BERNSTEIN and the subscribing witnesses, all on this 25 day of July, 2012.

[Seal with Commission Expiration Date]

NOTARY PUBLIC-STATE OF FLORIDA  
 Lindsay Baxley  
Commission # EE092282  
Expires: MAY 10, 2015  
BONDED THRU ATLANTIC BONDING CO., INC.

  
Signature - Notary Public-State of Florida

Lindsay Baxley  
Print, type or stamp name of Notary Public

LAST WILL  
OF SIMON L. BERNSTEIN

-8-

LAW OFFICES  
TESCHER & SPALLINA, P.A.



RICK SCOTT  
GOVERNOR

STATE OF FLORIDA

# Office of the Governor

THE CAPITOL

TALLAHASSEE, FLORIDA 32399-0001

[www.flgov.com](http://www.flgov.com)

850-488-7146

850-487-0801 fax

April 21, 2014

Ms. Lindsay Baxley  
210 Scarborough Lane  
Boynton Beach, Florida 33436

RE: Determination Following Investigation of Reported Notary Misconduct

Dear Ms. Baxley:

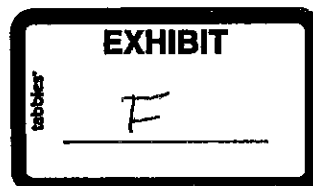
Thank you for your cooperation with the investigation conducted by the Notary Section of the Executive Office of the Governor regarding the complaint of misconduct filed by Mr. Eliot Bernstein.

After reviewing the complaint, the challenged notarized instrument, and your sworn response, this Office has confirmed the following violations of the laws governing Florida notaries public:

- You failed to include a complete jurat or notarial certificate with all of the required elements at the time you notarized the "Will of Simon L. Bernstein" instrument. Specifically, you failed to specify the type of identification relied upon in identifying parties whose signatures were notarized. Please refer to the Governor's Reference Manual or visit [www.flgov.com/notary](http://www.flgov.com/notary) to review the proper method to complete a jurat or notarial certificate on notarized documents.
- You failed to keep current your contact information with the Department of State by neglecting to notify the Department in writing of the change to your mailing address. Florida notaries public have a continuing obligation to keep current all contact information maintained by the Department of State, pursuant to Section 117.01(2), Florida Statutes.

The act of notarizing an instrument has legal consequences that demand strict adherence to the statutory requirements defined within Chapter 117, Florida Statutes. As public officers, notaries are expected to know and remain in compliance with the duties, responsibilities, limitations, and powers of their office. The failure to abide by those statutory requirements constitutes a neglect of duty, for which the Governor may issue an executive order of suspension, pursuant to Section 117.01(4), Florida Statutes.

(continued on second page)



In light of the violation confirmed above, please allow this to serve as a formal letter of caution, advising you to practice better adherence to the laws governing your performance as a Florida notary public. Further disciplinary action is not warranted at this time, but this letter will remain in your commission file for review in the event future complaints of misconduct are filed against you. At this time, you remain actively commissioned and entitled to the privileges and emoluments that accompany your office as a notary public.

If you have any questions, please do not hesitate to contact our office at (850) 717-9529, or via email at [NOTARY@eog.myflorida.com](mailto:NOTARY@eog.myflorida.com), for assistance.

Sincerely,

A handwritten signature in cursive script that reads "Erin Tupper". The signature is written in dark ink and is positioned above the printed name and title.

Erin Tupper  
Notary Coordinator

~~cc: Mr. Eliot Bernstein - Complainant~~

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## Linda McDaniel

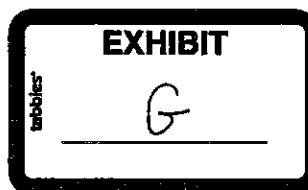
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**From:** Eliot Ivan Bernstein <iviewit@iviewit.tv>  
**Sent:** Thursday, April 24, 2014 6:47 AM  
**To:** Ben Brown  
**Cc:** Caroline Prochotska Rogers Esq.; Michele M. Mulrooney ~ Partner @ Venable LLP; Andrew R. Dietz @ Rock It Cargo USA; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Marc R. Garber Esq. @ Flaster Greenberg P.C.; Marc R. Garber Esq.  
**Subject:** 20140421 Office of Governor Rick Scott Lindsay Baxley Complaint Misconduct  
**Attachments:** 20140421 Office Of Governor Lindsay Baxley Complaint Misconduct.pdf

Hi Ben,

I received the attached document from the Governor Rick Scott's Notary Public division that proves that the 2012 Will and Amended and Restated Trust were improperly notarized, further supporting my contention that these documents are frauds, like others done in or around 2012 in efforts to illegally make changes to the 2008 plan my father and mother did. In fact, some of the documents were done Post Mortem and through FORGERY and FRAUD that has been admitted and acknowledged by Tescher, Spallina and Kimberly Moran. The Estate should immediately notify the Court of these problems and in my first Petition to the Court (still unheard) I challenged the Will and Trust as frauds. Now we have more than enough evidence to make the claim that these documents are not the true dispositive documents and are part of a larger fraud to seize Dominion and Control of the Estates and attempt to ILLEGALLY change the beneficiaries and steal Estate assets. The Estate should demand immediate forensic analysis of the documents and begin taking depositions and more to protect the true and proper beneficiaries from further harms. Please advise of what you intend to do regarding these bogus 2012 documents and getting them challenged properly? You should note that the documents sent to the Governor's office were also signed by Spallina and Moran who have both admitted to fraudulent document tampering and where Spallina further signed as Witness on documents that he prepared and that he gained benefits from, as they allegedly made him PR of the Estate with his partner in crime Tescher. Also, can you send me over as either a beneficiary or guardian of beneficiaries of the Estate of Simon, the 2008 Will and Trust of Simon that have been secreted from us to this point, similar to the accountings, in violation of Probate Rules and Statutes? I would also like some time to come over and inspect the document originals on several documents that we are entitled to. Let me know - Eliot

Eliot I. Bernstein  
Inventor  
Iviewit Holdings, Inc. – DL  
2753 N.W. 34th St.  
Boca Raton, Florida 33434-3459  
(561) 245.8588 (o)  
(561) 886.7628 (c)  
(561) 245-8644 (f)  
[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)  
<http://www.iviewit.tv>



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