

Discharge containing Spallina's signature on the document filed on behalf of Deceased Simon Bernstein on Oct. 24, 2012 by Tescher and Spallina, utilizing a Deceased person to close Shirley's Estate and Colin has direct knowledge that no examination of Spallina and Tescher regarding their involvement in the Petition and other document frauds used to close the Estate illegally and knowledge of Moran's admitted activities has occurred even to this date in his Court with his own office and Case Manager implicated by the Ex Parte Memo yet Colin has continued to allow Ted Bernstein who has been represented by Spallina and Tescher continue to act with no accountability where almost all the crimes committed directly benefited Ted Bernstein who had been disinherited.

33. At no time does Judge Colin in the Evidentiary Hearing with Tescher, Spallina and Ted Bernstein present seek to ascertain the truth of the fraud, forgeries and fraud on his Court but more importantly wholly failed to force Spallina or Tescher to Show Cause or swear them in to answer questions to explain the acts of Tescher and Spallina's Legal Assistant and Notary Public Moran and explain their law firms acts of filing documents with a deceased client acting as a fiduciary while dead and more importantly no investigation into how Spallina's signature is on the Petition for Discharge also fraudulently filed before Judge Colin, which is Not the subject of any Admissions by his employee Kimberly Moran and where she was not involved in that crime.

34. Judge Colin simply later permits Spallina and Tescher to withdraw as attorneys, instead of removing them instantly and securing their files and the corpus of the Estate and Trusts while the material facts surrounding the fraud that directly involve Spallina by his own Signature on the Petition for Discharge, Judge Colin and his Case Manager Limouzin, by the Nov. 5th 2012 Ex Parte Memo communication remain undetermined and unheard.

35. These are additional grounds for removal in that Judge Colin's failure to Order attorneys Tescher, Spallina and the fiduciary Ted Bernstein at minimum to Show Cause before the Court on the frauds on the Court and for Discipline having actual knowledge of the substantial likelihood of misconduct by the fraud by presence of Spallina's own signature on the document purported to be April 9, 2012 Petition for Discharge but not filed with Judge Colin's Court until Oct. 2012 when Simon Bernstein is Deceased nearly a month is itself a failure to discharge Judicial obligations; and then being further Disqualified for being the necessary fact witness of his own Ex Parte Communication to Spallina as evidenced by the Nov. 5th, 2012 Memo and by prejudice and bias shown by the failure to Order Tescher, Spallina and Ted Bernstein for investigation and discipline and Show Cause before his own Court not only in Nov. 2012 but which has still not happened to this day in May of 2015 some 2.5 years later while permitting Ted Bernstein to continue to act as Trustee and Personal Representative/Executor when Ted Bernstein is directly intertwined, interconnected and involved with his own counsel Spallina and Tescher (as they represented Ted in Shirley's Estate and Trusts while acting as Co-Personal Representatives and Co-Trustees of Simon's Estate and Trusts and further represented themselves in their fiduciary capacities in Simon's Estate and Trusts) as attorneys involved in the fraud that ultimately benefit their client and business associate Ted and his lineal descendants who are all considered predeceased for all purposes of dispositions of the Shirley Trust and without their fraudulent documents and fraudulent scheme upon the Court would remain so.

36. That after reopening the illegally closed Estate of Shirley in the September 13, 2013 Hearing and immediately prior to the Evidentiary Hearing, Judge Colin, knowing of the Fraud on the Court and already stated to Ted and his counsel Spallina, Tescher and Manceri that he had enough evidence in the hearing to read them all their Miranda Warnings for two separate

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crimes identified in the hearing (the Moran fraudulent notarizations and forgeries and Spallina's using a dead Simon to posit documents with Court to close Shirley's Estate) then shockingly and appallingly appointed Ted as a Successor Personal Representative to the newly reopened Shirley Estate shortly thereafter although Ted was not then qualified to serve under Florida Probate Rules and Statutes..

37. It is noted that while an Attorney was present as Counsel for the Petitioner's Minor children in the hearing this Court held on or about Oct. 28 2013, the record should reflect that this counsel Brandan J. Pratt, Esq. not only failed to inform the Court he was retained to represent Petitioner's Minor children Josh, Jacob and Danny Bernstein and instead in the hearing misrepresented to the Court he was representing Eliot and Candice despite their opposition to this claim, but said counsel Pratt further wholly failed to properly and competently cross examine Spallina, Tescher, Moran and Ted Bernstein and call proper witnesses at this hearing to delve into the criminal and civil torts against the beneficiaries despite advance preparation and planning to the contrary with Eliot and Candice. Pratt claimed he was very close to Judge Colin after the hearing and knew what he wanted.

38. Counsel Pratt failed to examine any of the witnesses about the Tescher and Spallina Petition to Discharge fraud, the fraudulent positing of fraudulent records with the court and failed to examine Ted Bernstein, Spallina and Tescher about known personal property items valued at over \$1 million that they were in had custody over as fiduciaries that he knew were alleged stolen and Counsel Pratt was immediately after the hearing withdrawing as counsel but was requested by Petitioner in writing to notify his malpractice carrier of malpractice for his conduct and misrepresentations of this hearing. The Transcript in this regard clearly speaks for

  
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itself on what material issues were not only never addressed by Judge Colin but also never asked by Counsel Pratt. See Discharge letter to Counsel Pratt<sup>14</sup>.

39. Improper representation by attorney Pratt, likely malpractice itself, does not eliminate Judge Colin's obligations to address fraud upon his own Court by licensed attorneys and fiduciaries he appointed and in fact the actions of attorney Pratt may likely be part of additional steering and orchestration of the proceedings to cover-up the real fraud and delay and denial to Petitioner, his wife Candice Bernstein, and their Minor children Josh, Jacob and Danny of lawful inheritance and monies due under the Trusts.
40. Pratt seemingly falls out of the sky days before the Hearing and is retained by Eliot and Candice for their children's representation, it was later learned that Pratt, on information and belief, was close personal friends and business associates with Andrew Shamp, Esq. and where Shamp it was later learned worked directly for Ted Bernstein in the past as an employee.
41. This pattern of aiding, abetting and obfuscation of the fraud and criminal enterprise and pattern of acts at play as seen further in Judge Colin's continued abdication of judicial functions in duties in relation to the sale of the St. Andrew's home.
42. This Court's recent Order on May 06, 2015 (which falls under the 10 day rule for disqualification herein) permitting the Sale of the St. Andrew's Home shows even further grounds for mandatory Disqualification of Judge Colin (on his own initiative without waiting for Pro Se Petitioner to file a disqualification pleading) although ample grounds have already been established dating back to Nov. 2012.

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<sup>14</sup> Brand Pratt Letter and Conflict of Interest Disclosure Form

<http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/20131109HuthPrattWithdrawLetterandConflictDisclosure.pdf>

43. Judge Colin has absolute, unequivocal direct knowledge that no testimony of the alleged "buyer" occurred during the Hearing on the sale of the St. Andrew's Home and knows Florida law requires no undue influence or pressure must be exerted or buyer or seller for there to be an "arms-length" transaction yet issues an Order May 6, 2015 as if the Buyer provided testimony when in fact the buyer's identity is not even known.

44. In fact, despite Florida's rigid Disclosure laws Judge Colin has withheld a lis pendens I attempted to file on the property and still has not let said lis pendens be filed or published to this Buyer or any prospective buyer and has threatened Petitioner that if he disclosed the Lis Pendens or the fact that the home was tangled in these litigations he would hold him in contempt.

45. According to the Florida Real Property Appraisal Guidelines Adopted Nov. 26, 2002 by the Florida Department of Revenue Property Tax Administration Program Definitions Section 3.1.8 Arm's-Length Transaction: " This means a sale or lease transaction for real property where the parties involved are not affected by undue stimuli from family, business, financial, or personal factors." See, <http://dor.myflorida.com/dor/property/rp/pdf/FLrpg.pdf>.

46. Yet, not only does Judge Colin have actual knowledge he took no testimony from the Buyer since the Buyer was not only not present in Court but the identity not disclosed, but Judge Colin knows the case is ripe with nothing but pressure and undue influence such that Judge Colin has covered up fraud upon his own Court involving licensed attorneys, failed to discharge Judicial obligations and failed to abide by the Code of Judicial Conduct, knows the Trustee he is permitting to act Ted Bernstein reported a possible murder of Petitioner's father Simon Bernstein the property owner prior to passing, allowing Ted Bernstein to act despite knowing his attorneys and Ted are involved in fraud on the Court and yet failing to conduct a

hearing into the construction and truth of the Trusts even though he says on the Record he knows he has to conduct a hearing and feigned at reading the attorneys Miranda Warnings, has reasons to investigate and suspect these are a continuation of RICO acts tied to a car-bombing, knows or has reason to know the sale is grossly undervalued at \$1,100,000.00 as the property was listed for \$3,200,000.00 weeks prior to the possible murder of Simon Bernstein, knows he and his own Court staff are at least involved as witnesses if not for the fraud itself and is willing to forego his own Judicial responsibilities which could lead to the end of his Judicial career but issues a false order nonetheless saying an arm's length transaction to an unknown buyer, possible straw man buyer was made.

47. Judge Colin knows and should know due process is violated by withholding the identity of the alleged buyer and making such person or entity available for cross-examination.
48. This would seem more than reflective of substantial pressure and influence at play and reflective of a fire sale.
49. Last, fair market value has been defined as "the sum arrived at by fair negotiation between an owner willing to sell and a purchaser willing to buy, neither being under pressure to do so." Flagship Bank of Orlando v. Bryan, 384 So.2d 1323 (Fla. 5th DCA 1980). A witness for the appellee admitted at the deficiency hearing that the bank was under pressure to sell the lots and that its bid was lowered because the bank would not be able to sell the lots for what they were worth. The bid price was therefore more an indication of a "quick sale" value than of the property's true fair market value. BARNARD v. FIRST NAT. BK. OF OKALOOSA CTY. 482 So.2d 534 (1986) District Court of Appeal of Florida, First District. February 4, 1986.
50. Judge Colin could have Judicially Subpoenaed the Realtor Petitioner had originally spoken to who initially had a far differing opinion of the sales price and value of the home but who then

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refused to get involved due to the presence of another of Ted Bernstein's attorneys Alan Rose who, according to his bio at his firm's website, "Handled securities arbitration for investor in a Madoff feeder fund against major brokerage firm which recommended the investment. confidential terms." The case was settled on confidential terms." See, <http://mracheck-law.com/ourteam/alan-b-rose/>

51. Further, Judge Colin silenced Petitioner via an illegal Order that mandated that Petitioner could do nothing to directly or indirectly notify the buyer of the Lis Penden or that litigation involving the house was at play and had testimony from the Realtor, John Poletto that he had not notified the buyer of any potential litigation and this seems to force Petitioner to not disclose pertinent facts to a buyer in opposite Florida's disclosure laws.
52. Finally, in his own words in the first day of the hearing to sell the house on March 26, 2015, Colin stated that he first had to have hearings to remove Ted, hearings for trust construction to determine validity and investigation of wrongdoings beyond Tescher and Spallina before being able to proceed further and yet with none of those things were achieved and at the next hearing he allows the sale of the house ignoring his prior statement:

13 MR. ROSE: We didn't share the appraisal  
14 because, frankly, we were concerned it would be  
15 public and that would defeat their chance of  
16 selling it.

17 THE COURT: I'm not -- look, nothing is easy  
18 here. It's not going to get easier until we can  
19 get hearings where I can start to knock off some  
20 of the issues, which is what I have been saying  
21 now like a broken record.

22 At some point, either Eliot is going to be  
23 sustained on his positions or he's going to be  
24 overruled, but one way or the other, we can put  
25 some of this stuff to rest. The problem is we're  
I doing all of this business with some of the metes [matters?]

2 of the case still up in the air where I haven't  
3 been able to adjudicate; the claims that Ted  
4 should be removed; the claims that there's  
5 wrongdoing beyond Spallina and Tescher, the trust  
6 is not valid. I mean, give me a chance to rule on  
7 that, because once I rule on that, then the matter  
8 is over with on those and you'll know one way or  
9 the other what to do.

53. That since May 06, 2013 Judge Colin, knowing of the fraudulent documents in the Estates and Trusts of Simon and Shirley Bernstein, knowing that Simon Bernstein's 2012 Will and Amended Trust done only days before his death when Simon was suffering severe mental and physical duress have been determined by Governor Rick Scott's Notary Public Division to be improperly notarized and further Petitioner has alleged they are wholly fraudulent, knowing that there are ongoing criminal investigations into the documents of both Estates and Trusts, knowing that the new Executor of Simon's Estate has claimed that Ted is not a legally valid Trustee of Simon's Trust<sup>15</sup> by the very terms of the Trust that claim that a Successor cannot be related to the issuer, knowing that Ted is considered predeceased for all purposes of dispositions under the Shirley and Simon trust, knowing that Peter Feaman, Esq., has stated to Colin that Ted and his counsel Alan B. Rose are not qualified as Trustee and Counsel due to serious problems with Ted and Alan's misconduct<sup>16</sup>, knowing that Ted and his counsel Alan B. Rose are counter defendants in two counter complaints filed by Petitioner in these matters with allegations of serious breaches of fiduciary duties (which Colin stayed) and more, knowing that Eliot has filed a

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<sup>15</sup> O'Connell Affirmative Defense, Ted is not a valid Trustee

<http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/O%27Connell%20Ted%20is%20not%20Valid%20Trustee%20in%20Simon%20Trust%20Simon%20Estate%20Answer%20and%20Affirmative%20Defenses%20Shirley%20Trust%20Case.pdf> (Page 7)

<sup>16</sup> Peter Feaman, Esq. Letter to Brian O'Connell Regarding Ted Bernstein and Alan Rose, Esq. misconduct

<http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/20141216%20Attorney%20Peter%20Feaman%20Letter%20to%20Attorney%20Personal%20Representative%20Brian%20O%27Connell%20re%20Ted%20and%20Alan%20Conflicts.pdf>

Counter Complaint in the Shirley Trust case that has both he and Judge French listed as material and fact witnesses that may be Defendants in future amended pleadings<sup>17</sup>, has ignored all of these facts and held hearing, after hearing, after hearing and has:

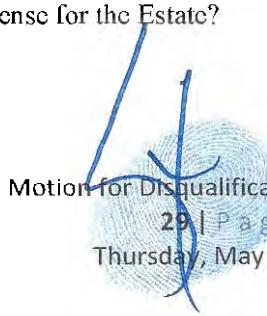
- a. allowed Estate and Trust properties to be disposed of and distributed without knowing who the beneficiaries are at this time due to the fraudulent documents affects not being resolved at this time,
- b. allowed Estate and Trust properties to be disposed of and distributed without knowing if the Wills and Trusts are valid,
- c. allowed assets to be converted and changed, including allowing a JP Morgan IRA to be converted to a new account when the old account was missing beneficiaries and monies are alleged stolen from it,
- d. allowed assets to be sold and converted without any accountings in violation of Probate Statutes and Rules,
- e. allowed assets to be sold and distributions made to improper beneficiaries despite not having held trust construction or validity hearings to determine first who the true and proper beneficiaries are, thus delaying intentionally beneficiaries inheritances, while allowing assets to be distributed will now have to be clawed back,
- f. allowed fiduciaries and counsel involved in the commission of the fraud to continue to operate in the courtroom with impunity,
- g. allowed continuous hearings where the alleged Trustee Ted has brought in up to five lawyers to defend himself misusing Trust and Estate assets to do so, who have all now resigned other than Alan B. Rose,

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<sup>17</sup> Answer and Counter Complaint Oppenheimer Lawsuit Page 2 - Colin and French listed as Witnesses and Possible Defendants

<http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/20140902%20Final%20Signed%20Printed%20Counter%20Complaint%20Trustec%20Construction%20Lawsuit%20ECF%20Filing%20Copy.pdf>

- h. deprived Minor possible beneficiaries from counsel despite their need arising from the criminal misconduct of his Court and its Officers, Fiduciaries and employees,
- i. deprived Eliot's family from inheritances that has caused massive financial damages to them despite their financial damage arising from the delays in their inheritances from the criminal misconduct of his Court and its Officers, Fiduciaries and employees,
- j. forced the Creditor William Stansbury for two years to accrue hundreds of thousands of dollars of legal fees, while blocking him from being able to have his counsel file to remove Ted, while the job of removing Ted was Colin's from the moment he became aware that Ted and his counsel had committed Fraud on the Court and stated he had enough to read them all their Miranda's twice,
- k. allowed a settlement with Stansbury where Ted Bernstein acting as the Trustee of the Shirley Trust and simultaneously a Defendant in the Stansbury Lawsuit with his attorney at law Rose acting as counsel to Ted in his conflicting capacities, that settled Ted personally out of the lawsuit and shifted the burden of the settlement cost entirely to the Trusts of Shirley and Simon beneficiaries and where Ted has no beneficial interests, thereby stiffing the beneficiaries with the settlement cost for acts Stansbury alleges were done primarily by Ted,
- l. allowed Ted and his counsel to block the Estate and Trust of Simon to intervene in an Illinois Federal Breach of Contract Lawsuit where the beneficiaries of the Estate and Trusts of Simon have potential interest in an insurance policy, where Ted is acting in conflict to achieve this as the Plaintiff in the Breach of Contract lawsuit who stands to get one fifth of the insurance benefit, whereas if the Estate and Trusts of Simon receive the proceeds Ted again would get nothing. Colin only allowing the Estate to intervene after Stansbury, in efforts to protect the beneficiaries who were unrepresented in the Federal lawsuit and himself to pay the entire cost of the litigation expense for the Estate?

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- m. been rude to Petitioner repeatedly and continuously shut him down during hearings, whenever fraud on the court is brought to his attention, and,
  - n. interfered with Palm Beach County Sheriff investigations, having detectives told not to pursue Petitioner's criminal complaints and claiming his Court would handle the criminal matters and **fraud upon his Court.**
54. That from at least the September 13, 2013 hearing Judge Colin had a mandated duty to disqualify himself on his own initiative according to Judicial Canons, Attorney Conduct Codes and Law, as he became fully cognizant that his Court had become a crime scene involving Fraud on the Court and Fraud in the Court, directly involving Judge Colin and Judge French and their court, the Officers of the Court, including Attorneys at Law practicing before them, Fiduciaries appointed by them (Personal Representatives and Trustees) and other Court employees.
55. That once it was determined that crimes had been committed in Judge Colin and Judge French's courts constituting Fraud on the Courts and Fraud in the Courts in which Judge Colin would now be a material and fact witness to events in the matter, to avoid the appearance of impropriety and conflicts caused due to his direct involvement as both a material and fact witness, Judge Colin should have voluntarily on his own initiative disqualified himself and distanced himself from the matters, allowing a conflict free adjudicator to replace him who could have investigated the involvement of, the Court, Judge Colin, Judge French, the Officers of the Court and the Fiduciaries of the Court and this would have eliminated the appearance of impropriety created due to Judge Colin's direct involvement in the frauds that had occurred and his subsequent handling of investigations or lack thereof of himself and his court.
56. That failing to disqualify himself on his own initiative for mandated causes by Judicial Canons, Attorney Conduct Codes and Law, Judge Colin lost jurisdiction in this case and his continued actions are all outside the color of law.
57. That Judge Colin's acts forward in these matters from the point that he had knowledge of criminal misconduct in the Court that would make him a material and fact witness constitute Fraud by the Court.

It is alleged that Judge Colin began a Pattern and Practice of Fraud by the Court by continuing to rule in a matter where disqualification was mandated on his own initiative and so each judicial ruling and proceeding is therefore void.

58. That Petitioner fears that Judge Colin's acts after having cause to disqualify himself have prejudiced and biased the case and continue to prejudice and bias the case, as they are now viewed as part of a Cover Up of the crimes committed in his Court and on his Court by Colin's court appointed Officers and Fiduciaries and the perpetuation of new crimes by his Court.
59. That Petitioner fears that Judge Colin's acts outside the color of law after knowing of the causes mandating him to instantly disqualify have been prejudicial to Petitioner and favor those Court officials and fiduciaries that he appointed who committed the criminal acts in and on his Court and these acts have protected himself, his Court appointed officials, fiduciaries and employees who were involved and aid and abet them in evading prosecution and investigation in efforts to cover up criminal acts and have provided legal cover for new criminal acts to be committed under the guise of legal proceedings.
60. Colin is biased and prejudiced against Petitioner who has exposed the crimes of his Court and those committed in Judge David E. French's court in the Simon and Shirley Bernstein Estate and Trust cases and the case involving Petitioner's Minor children.
61. The Estate and Trust cases of Simon and Shirley Bernstein were improperly merged by Judge Colin and Judge French in violation of Probate Rules and Statutes as it was achieved without separate hearings by both Judges and thus improperly transferred to Colin's Court. This included a complex bait and switch, whereby once Colin had approved the transfer to himself of Judge French's case. Judge French's hearing was scheduled on the day before Christmas when the courthouse was closed entirely and Petitioner and his wife showed up to an empty building, ruining their holiday family planned trip to attend. That at the subsequent rescheduled hearing before Judge French, Judge Colin was instead presiding and when asked where Judge French was Colin stated it did not matter if he were there as he routinely handled French's cases. When Petitioner cited the rule calling for separate hearings by each

Judge, Colin proceeded ahead. That Petitioner fears that since the crimes were committed in both courts this **improper merging of the cases was to cover up and protect Judge French and his court officials from investigation and possible prosecution and remove one of the crime scenes entirely since similar acts of fraud are alleged in Judge French's court and similarly all his case files should have been sealed for investigation and he and his court officials questioned as to the Fraud on the Court and Fraud in the Court.**

62. Once Colin had evidence that FELONY crimes were committed in his Court and Judge French's court by Officers of their courts and fiduciaries of their courts, Colin and French had obligations under Judicial Canons, Rules of Professional Conduct and Law to report the misconduct to the proper criminal and civil authorities for investigation and failed to do so.

63. Once Colin had evidence of Fraud on the Court, he had obligations to immediately disqualify and allow for the resetting of the proceeding by removing all elements of the fraud, removing all officers of the court involved, all fiduciaries involved and have all court and other records of those involved seized for investigation, have all assets seized and frozen and turn the case over to a new adjudicator and Judge Colin did not do any of these things, in fact, he has intentionally and with scienter done the opposite.

64. That instead of doing what was mandated when Fraud on the Court is discovered, Colin has allowed a pattern and practice of retaliation against Eliot to take place for his efforts in exposing the criminal acts and has continuously allowed conflicted attorneys at law and fiduciaries, involved with the original fraudsters, to file pleading after pleading to attempt to harm Eliot and his family, including several contempt and guardianship hearings held against Eliot, all bleeding the estates and trusts of thousands upon thousands of illegal legal billings for conflicted counsel.

65. Petitioner has blown the whistle on corruption that took place in both Judge Colin and French's courts and has also been involved in an over a decade old whistleblowing lawsuit and other actions against members of this courthouse the 15<sup>th</sup> Judicial, The Florida Bar and many Judges of the Supreme Court of

Florida and Petitioner fears this also creates prejudice and bias against Petitioner with virtually the entire State of Florida legal machine conflicted with him.

66. Petitioner's prior Federal RICO sued the following parties of the Florida Bar Association:

STATE OF FLORIDA,  
OFFICE OF THE STATE COURTS  
ADMINISTRATOR, FLORIDA,

HON. JORGE LABARGA in his official and individual capacities,  
[this lawsuit prior to his unbelievable rise to Chief Justice of the Florida Supreme Court after the Bush v. Gore election where he aided in the failure to recount the People's vote when he was a civil circuit judge and for his effort to derail Eliot's legal rights in the first lawsuit involving Eliot and others stolen Intellectual Properties that has led to this mess filed before his court. Proskauer v. Iviewit, Case #CASE NO. CA 01-04671 AB.]

**THE FLORIDA BAR.**

JOHN ANTHONY BOGGS, ESQ. in his official and individual capacities,  
KELLY OVERSTREET JOHNSON, ESQ. in her official and individual capacities,  
LORRAINE CHRISTINE HOFFMAN, ESQ. in her official and individual capacities,  
ERIC TURNER, ESQ. in his official and individual capacities,  
KENNETH MARVIN, ESQ. in his official and individual capacities,  
JOY A. BARTMON, ESQ. in her official and individual capacities,  
JERALD BEER, ESQ. in his official and individual capacities,  
BROAD & CASSEL, and, all of its Partners, Associates and Of Counsel, in their professional and individual capacities.  
JAMES J. WHEELER, ESQ. in his professional and individual capacities,

**FLORIDA SUPREME COURT,**

Hon. Charles T. Wells, in his official and individual capacities.  
Hon. Harry Lee Anstead, in his official and individual capacities,  
Hon. R. Fred Lewis, in his official and individual capacities,  
Hon. Peggy A. Quince, in his official and individual capacities,  
Hon. Kenneth B. Bell, in his official and individual capacities,  
THOMAS HALL, ESQ. in his official and individual capacities,  
DEBORAH YARBOROUGH in her official and individual capacities.

**DEPARTMENT OF BUSINESS AND**

**PROFESSIONAL REGULATION – FLORIDA,**

**CITY OF BOCA RATON, FLA., [Police Department]**

DETECTIVE ROBERT FLECHAUS in his official and individual capacities,  
CHIEF ANDREW SCOTT in his official and individual capacities,

CHRISTOPHER C. WHEELER, ESQ. in his professional and individual capacities. [now involved in the Estate and Trust matters]

MATTHEW M. TRIGGS, ESQ. in his official and individual capacity for The Florida Bar and his professional and individual capacities as a partner of Proskauer,

  
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ALBERT T. GORTZ, ESQ. in his professional and individual capacities. [now involved in the Estate and Trust matters]<sup>18</sup>

67. Petitioner feels that Judge Colin's acts outside the color of law have been intentional to prevent Petitioner from gaining his inheritance and having funds that could be used in this legal action against his court and Petitioner's other legal actions against members of the Florida Bar, including protecting what Judge Colin claims in a Florida Bar Publication to be his mentor<sup>19</sup>, Chief Judge Jorge Labarga, who is a central figure in Petitioner's ongoing civil and criminal complaints regarding theft of Intellectual Properties of Petitioner's and his father.
68. Judge Colin is acting outside his jurisdiction once he was mandated to disqualify on his own initiative and acting outside the color of law and therefore he should disqualify on his own initiative instantly and his orders must then be voided. Judge Colin is a disqualified judge who has not relinquished his unlawful jurisdiction.
69. Judge Colin now is also adverse to Petitioner because Petitioner has filed with the Federal Court in the Northern District of Illinois under The Honorable John Robert Blakey exposing the corruption in his Colin's court and throughout the Probate courts in Florida<sup>20</sup>. Petitioner is seeking to have these Probate cases transferred to the Federal Court involving estate related subject matter (the insurance breach of contract proceeds) under Blakey for investigation, review and further adjudication of the matters free

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<sup>18</sup> Full List of Iviewit RICO Defendants @

<http://iviewit.tv/CompanyDocs/Appendix%20A/index.htm>

<sup>19</sup> Colin statement regarding Labarga as his mentor

<http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/20061224%20Palm%20Beach%20County%20Bar%20Association%20Judge%20Martin%20Colin%20Mentor%20Judge%20Labarga.pdf>

<sup>20</sup> Omnibus Motion Federal Court

<http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/20150504%20FINAL%20ESIGNED%20NOTICE%20OF%20OMNIBUS%20MOTION%20ECF%20STAMPED%20COPY.pdf>

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of conflicts and illegal activities, once Judge Colin complies with the mandated disqualification or is forced off the case if he continues to refuse.

70. Petitioner has sought Federal Court intervention due to the fact that Petitioner is adverse to all Florida State Bar Members and where he has taken civil action and filed criminal complaints against the Florida State Bar and thus all members are technically and legally conflicted and adverse to Petitioner as members of the organization Petitioner is pursuing.
71. Petitioner has been viciously retaliated by Judge Colin by denying him due process in one manner or another, acting above the law and removing rights of Petitioner and his Minor children, while protecting his Court and those involved in criminal misconduct from exposure of the crimes committed in his and Judge French's court by Officers and Fiduciaries of the Court.
72. Where it may be learned by investigation that both Judge Colin and Judge French may be involved directly in the original Frauds Upon the Court and were willing participants in such crimes against Petitioner and his family, including but not limited to, Fraud on the Court, Fraud in the Court, Fraud by the Court, Forged documents posited with the Court by officers and fiduciaries of the Court, Fraudulent Notarizations (including Post Mortem for decedents in the actions) filed and posited with the Court, Illegal Closing of an Estate using a deceased person's identity and ultimately the possible Murder of Simon Bernstein as alleged by Ted Bernstein and others (not Petitioner) on the day Simon died.
73. Judge Colin's actions once he failed to disqualify as mandated, outside the color law and without jurisdiction, make him an accomplice to current and ongoing fraud against Eliot and Eliot's Minor children who are beneficiaries of the Estates and Trusts of Simon and Shirley Bernstein and it is clear that Eliot has valid fear that he has been denied due process and procedure once his mandatory disqualification was not entered on his own initiative.

**Rule 2.330 (d) Grounds.**

**(2) That the judge before whom the case is pending, or some person related to said judge by consanguinity or affinity within the third degree, is a party thereto or is interested in the result thereof, or that**

**said judge is related to an attorney or counselor of record in the cause by consanguinity or affinity within the third degree, or that said judge is a material witness for or against one of the parties to the cause.**

74. Judge Colin will be a material and fact witness regarding his direct involvement in the documents used fraudulently in his Court, regarding the interaction with the Officers of his Court involved, regarding the interaction with the Fiduciaries of his Court he appointed and his interaction with the Court employees involved in this case as described above, regarding the criminal misconduct that has occurred in and on his Court and that of Judge French's court. Judge Colin's position now as a material and fact witness MANDATE under Judicial Canon his INSTANT DISQUALIFICATION.

75. Judge Colin due to his direct involvement in the matters and failure to disqualify upon mandated grounds requiring his disqualification on his own initiative will now also make him a party of interest in ongoing and future criminal and civil actions to determine if he has committed felony acts and more in so acting outside the color of law. Now there is not only an appearance of impropriety but the alleged possible criminal misconduct of Judge Colin which may constitute criminal impropriety and again cause for MANDATORY DISQUALIFICATION.

76. Judge Colin cannot investigate his own court, himself and the officers and fiduciaries of his Court, especially where he is directly involved, due to the appearance of impropriety this creates and this appearance of impropriety prejudices Petitioner from due process rights.

**Rule 2.330 Grounds.**

**(e) Time. A motion to disqualify shall be filed within a reasonable time not to exceed 10 days after discovery of the facts constituting the grounds for the motion and shall be promptly presented to the court for an immediate ruling. Any motion for disqualification made during a hearing or trial must be based on facts discovered during the hearing or trial and may be stated on the record, provided that it is also promptly reduced to writing in compliance with subdivision (c) and**

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**promptly filed. A motion made during hearing or trial shall be ruled on immediately.**

77. This Motion is being made within 10 days from Petitioner's receipt of a "FINAL ORDER GRANTING SUCCESSOR TRUSTEE'S MOTION TO APPROVE SALE OF TRUST PROPERTY signed May 06, 2015. Where this Order, as with all Orders issued after Judge Colin's Mandatory Disqualification was failed, is an illegally obtained Order and therefore legally void, other grounds for this Order mandating disqualification have also been described herein.
78. This Motion for Disqualification is timely because all actions past and future of Judge Colin are void as his disqualification from the matters should have occurred the instant he was aware that crimes occurred in his Court and on his Court by his appointed Officers and Fiduciaries and thus all judicial acts both past, present and future are all grounds for immediate investigation, disqualification, voiding of all orders and sanctions.

**Rule 2.330 Grounds.**

**(f) Determination - Initial Motion.**

**The judge against whom an initial motion to disqualify under subdivision (d)(1) is directed shall determine only the legal sufficiency of the motion and shall not pass on the truth of the facts alleged. If the motion is legally sufficient, the judge shall immediately enter an order granting disqualification and proceed no further in the action. If any motion is legally insufficient, an order denying the motion shall immediately be entered. No other reason for denial shall be stated, and an order of denial shall not take issue with the motion.**

79. Petitioner states that the Motion is legally sufficient under Rule 2.330 as it fully complies with this code and whether Petitioner has filed a legally sufficient pleading would not negate the fact that Judge Colin has to voluntarily disqualify under Judicial Canons, Attorney Conduct Codes and Law and whereby whether legally sufficient or not 2.330 allows Colin to disqualify on his own.

Motion for Disqualification Judge Colin

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Thursday, May 14, 2015

**Rule 2.330 Grounds.**

**(g) Determination - Successive Motions.**

**If a judge has been previously disqualified on motion for alleged prejudice or partiality under subdivision (d)(1), a successor judge shall not be disqualified based on a successive motion by the same party unless the successor judge rules that he or she is in fact not fair or impartial in the case. Such a successor judge may rule on the truth of the facts alleged in support of the motion.**

80. Petitioner states there have been no Successive Motions.

**Rule 2.330 Grounds.**

**(h) Prior Rulings.**

**Prior factual or legal rulings by a disqualified judge may be reconsidered and vacated or amended by a successor judge based upon a motion for reconsideration, which must be filed within 20 days of the order of disqualification, unless good cause is shown for a delay in moving for reconsideration or other grounds for reconsideration exist.**

81. Petitioner seeks that upon disqualification of Judge Colin, that all prior factual or legal rulings be vacated by the successor judge due to the alleged criminal acts and civil torts against Petitioner. That further, Petitioner seeks a replacement Judge who is not a member of the Florida Bar to preside over the cases of Judge Colin involving the Estates and Trusts of Simon and Shirley Bernstein and the case involving the Trusts of Petitioner's minor children. That due to the fact that Petitioner does not feel he can get a fair and impartial hearing in the State of Florida by members of the Florida Bar Petitioner is seeking this Court to move the matters to a Federal Court<sup>21</sup>. The following cases that Judge Colin presides over are all tainted for the same reasons as stated herein and judge Colin should immediately voluntarily disqualify himself from these cases as well and save Petitioner the expense and aggravation of having to file Disqualification pleadings in each case to force his mandated disqualification:

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<sup>21</sup> May 14, 2015 Letter to Judge Blakey

<http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/20150514%20Letter%20Scheduling%20and%20Discovery%20to%20Hon%20Judge%20John%20Robert%20Blakey.pdf>

- a. Case# 502012CP004391XXXXSB – Simon Bernstein Estate
- b. Case# 502011CP000653XXXXSB – Shirley Bernstein Estate
- c. Case# 502014CP002815XXXXSB – Oppenheimer v. Bernstein Minor Children
- d. Case# 502014CP003698XXXXSB – Shirley Trust Construction
- e. Case# 502015CP001162XXXXSB – Eliot Bernstein v. Trustee Simon Trust Case OLD  
Case# 502014CA014637XXXXMB

**Rule 2.330 Grounds.**

**(i) Judge's Initiative.**

**Nothing in this rule limits the judge's authority to enter an order of disqualification on the judge's own initiative.**

82. Petitioner states that Judge Colin should have already entered an order of disqualification on his own initiative according to Judicial Canons, Statutes and Rules when he became aware that disqualification was mandated of him but refused to do so on the repeated requests of Petitioner. If for any reason Judge Colin finds this Motion legally insufficient for any reason, Judge Colin must disqualify himself on his own initiative as set forth under this rule 2.330 (i) and Judicial Canon, Attorney Conduct Codes and Law.

**Rule 2.330 Grounds.**

**(j) Time for Determination.**

**The judge shall rule on a motion to disqualify immediately, but no later than 30 days after the service of the motion as set forth in subdivision (c). If not ruled on within 30 days of service, the motion shall be deemed granted and the moving party may seek an order from the court directing the clerk to reassign the case.**

83. Petitioner demands due to the EMERGENCY NATURE of this case where claims have been made that Petitioner's children are in life threatening dangers due to the abusive Probate rulings thus far that have interfered intentionally with their and Petitioner's expectancies that this Disqualification be made instantly as it is legally sufficient and MANDATED. Delays could cause further harm of Petitioner's minor children and Petitioner which would result in

Motion for Disqualification Judge Colin

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Thursday, May 14, 2015

additional damages and liabilities to those parties ultimately held accountable for the acts of Judge Colin outside the Color of Law.

84. That PRIOR to any other actions by Judge Colin, this Disqualification must first be ruled on.

**Florida Statutes 38.10**

**Disqualification of judge for prejudice; application; affidavits; etc.—**

**Whenever a party to any action or proceeding makes and files an affidavit stating fear that he or she will not receive a fair trial in the court where the suit is pending on account of the prejudice of the judge of that court against the applicant or in favor of the adverse party, the judge shall proceed no further, but another judge shall be designated in the manner prescribed by the laws of this state for the substitution of judges for the trial of causes in which the presiding judge is disqualified. Every such affidavit shall state the facts and the reasons for the belief that any such bias or prejudice exists and shall be accompanied by a certificate of counsel of record that such affidavit and application are made in good faith.**

85. Petitioner has supplied a legally sufficient Affidavit herein.

WHEREFORE, the PRO SE Petitioner requests that Judge Colin immediately disqualify as this is a legally sufficient pleading. In the alternative if it is determined by Judge Colin that this Pro Se pleading is legally insufficient then he must on his own motion and initiative disqualify himself as required by Judicial Canons, Attorney Conduct Codes and Law.

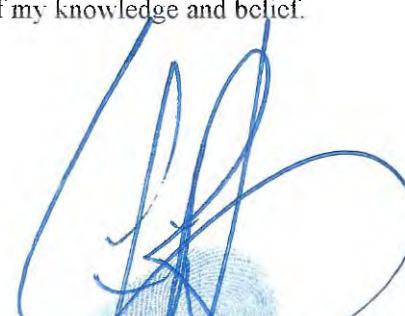
Under Penalties of perjury, I swear under oath and affirm that I have read the foregoing and the facts

  
Motion for Disqualification Judge Colin  
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alleged are made in good faith and are true to the best of my knowledge and belief.

Dated this 14<sup>th</sup> day of May, 2015

Respectfully Submitted,



Eliot Ivan Bernstein  
2753 NW 34<sup>th</sup> ST  
Boca Raton, FL 33434  
Telephone. 561-245-8588  
[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)

**CERTIFICATE OF SERVICE**

Petitioner does hereby certify that the foregoing Petition was served on all parties by e-file with the clerk of the court this 14th day of May, 2015.



Eliot Ivan Bernstein  
2753 NW 34<sup>th</sup> ST  
Boca Raton, FL 33434  
Telephone. 561-245-8588  
[iviewit@iviewit.tv](mailto:iviewit@iviewit.tv)

STATE OF FLORIDA

COUNTY OF PALM BEACH COUNTY

Sworn to or affirmed and subscribed before me this 14<sup>th</sup> day of May, 2015 by Eliot Ivan Bernstein who is known to me or produced the following identification. California DL #C16956008

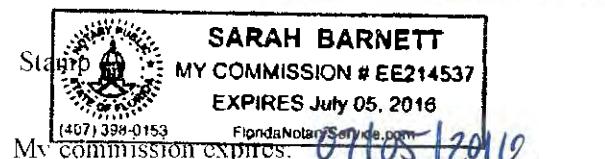
NOTARY PUBLIC



*Sarah Barnett*

Print name of Notary:

Sarah Barnett



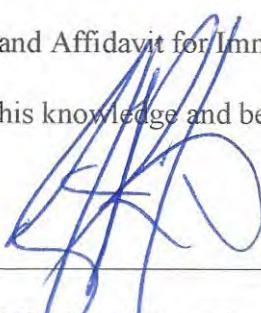
Motion for Disqualification Judge Colin

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Thursday, May 14, 2015

## AFFIDAVIT

Affiant, Eliot Bernstein hereby states under oath that the attached Verified Emergency Petition and Affidavit for Immediate Disqualification of Judge Martin Colin is true and correct to the best of his knowledge and belief



Eliot Ivan Bernstein  
2753 NW 34th Street  
Boca Raton, FL 33434  
(561) 245-8588  
[iViewit@iViewit.tv](mailto:iViewit@iViewit.tv)

May 14<sup>th</sup>, 2015

STATE OF FLORIDA

COUNTY OF PALM BEACH

Sworn to or affirmed and subscribed before me this 14<sup>th</sup> day of May, 2015 by Eliot Ivan Bernstein who is known to me or produced the following identification California DL # C16956008

Notary Public



Print name: Sarah Barnett

Stamp

My commission expires: 07/05/2016



Motion for Disqualification Judge Colin

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**EXHIBIT 1 - URL EXHIBITS FULLY INCORPORATED BY REFERENCE HEREIN IN THE  
MOTION**

**1. November 05, 2012 Memorandum**

<http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/20121105%20Court%20Memorandum%20Need%20Notarization%20Receipts%20for%20assets%20from%20all%20of%20specific%20beneficiaries%20were%20not%20notarized.pdf>

**2. Simon Bernstein un-notarized Waiver @ URL**

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20120409%20WAIVER%20SIMON%20UNNOTARIZED%20SIGNED%2020120409%20NOT%20FILED%20UNTIL%2020121024%20EIB%20COMMENTS.pdf>

**3. Simon Bernstein un-notarized Petition for Discharge (Full Waiver) @ URL**

<http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/20121024%20Petition%20for%20Discharge%20NOTE%20signed%20April%2009%202012%20not%20filed%20until%20October%2024%202012%20COMMENTS.pdf>

**4. Affidavit of No Florida Estate Tax Due @ URL**

<http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/20120409%20Affidavit%20of%20No%20Florida%20Estate%20Tax%20Due%20SIGNED%2020110409%20NOT%20FILED%20until%2020121024%20Shirley.pdf>

**5. Probate Checklist**

<http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/20120215%20Prbate%20Checklist%20Shirley%20NOT%20FILED%20UNTIL%20OCTOBER%202024%202010.pdf>

**6. Order of Discharge**

<http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/20130103%20Order%20of%20Discharge%20Shirley%20Signed%20Judge%20Colin%20Scratched%20Date%20no%20initials.pdf>

**7. May 06, 2013 Petition @ URL**

Motion for Disqualification Judge Colin

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Thursday, May 14, 2015

<http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/20130506%20FINAL%20SIGNED%20Petition%20Freeze%20Estates%20Orginal%20Large.pdf>

**8. Palm Beach County Sheriff and Coroner's Reports (Pages 25-28 Sheriff Report and Pages 32-41 Coroner Report)**

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20140912%20Sheriff%20and%20Coroner%20Reports.pdf>

The Court should note that the initial autopsy failed to run a poison heavy metal test but Petitioner upon finding out that this had not been done ordered the Coroner to test for poison and on March 10, 2014, over a year and half after Simon died, it was completed (Pages 42-44) and several poisons showed elevated levels and the deceased had morphed to a **113 year old male**.

**9. September 13, 2013 Hearing Judge Colin**

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20130913%20TRANSCRIPT%20mirandas.pdf>

**10. May 06, 2013 Petition - Section III "POST MORTEM AUTOPSY DEMAND AND SHERIFF DEPARTMENT INVESTIGATION OF ALLEGATIONS OF MURDER"**

**11. May 06, 2013 Petition - Section XV "The Elephant in the Room" Pages 57-82**

**12. September 13, 2013 Hearing Page 11**

<http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/20130913%20TRANSCRIPT%20Emergency%20Hearing%20Colin%20Spallina%20Tescher%20Ted%20Manceri%20ELIOT%20COMMENTS.pdf>

**13. October 28, 2013 Evidentiary Hearing**

<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20131028%20Evidentiary%20Hearing%20TRANSCRIPT%20Shirley%20Estate.pdf>

**14. Brand Pratt Letter and Conflict of Interest Disclosure Form**

<http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/20131109HuthPrattWithdrawalLetterandConflictDisclosure.pdf>

**15. O'Connell Affirmative Defense, Ted is not a valid Trustee**

<http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/O%27Connell%20Ted%20is%20not%20Valid%20Trustee%20in%20Simon%20Trust%20Simon%20Estate%20Answer%20and%20Affirmative%20Defenses%20Shirley%20Trust%20Case.pdf> (Page 7)

Motion for Disqualification Judge Colin

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**16. Peter Feaman, Esq. Letter to Brian O'Connell Regarding Ted Bernstein and Alan Rose, Esq. misconduct**

<http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/20141216%20Attorney%20Peter%20Feaman%20Letter%20to%20Attorney%20Personal%20Representative%20Brian%20O%27Connell%20re%20Ted%20and%20Alan%20Conflicts.pdf>

**17. Answer and Counter Complaint Oppenheimer Lawsuit Page 2 - Colin and French listed as Witnesses and Possible Defendants**

<http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/20140902%20Final%20Signed%20Printed%20Counter%20Complaint%20Trustee%20Construction%20Lawsuit%20ECF%20Filing%20Copy.pdf>

**18. Full List of Iviewit RICO Defendants @**

<http://iviewit.tv/CompanyDocs/Appendix%20A/index.htm>

**19. Colin statement regarding Labarga as his mentor**

<http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/20061224%20Palm%20Beach%20County%20Bar%20Association%20Judge%20Martin%20Colin%20Mentor%20Judge%20Labarga.pdf>

**20. Omnibus Motion Federal Court**

<http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/20150504%20FINAL%20ESIGNED%20NOTICE%20OF%20OMNIBUS%20MOTION%20ECF%20STAMPED%20COPY.pdf>

**21. May 14, 2015 Letter to Judge Blakey**

<http://www.iviewit.tv/Simon%20and%20Shirley%20Estate/20150514%20Letter%20Scheduling%20and%20Discovery%20to%20Hon%20Judge%20John%20Robert%20Blakey.pdf>

  
Motion for Disqualification Judge Colin

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Thursday, May 14, 2015



**Eliot I. Bernstein**  
**Founder & Inventor**  
**Direct Dial: (561) 245-8588 (o)**  
**(561) 886-7628 (c)**

Thursday, May 14, 2015

The Honorable John Robert Blakey  
United States District Court for the Northern District of Illinois Eastern Division  
Everett McKinley Dirksen  
United States Courthouse  
219 South Dearborn Street  
Chicago, IL 60604  
Courtroom 1725 | Chambers 1046  
Telephone Number: (312) 435-6058  
Fax Number: (312) 554-8195

**RE: CASE NO. 13 CV 3643 - SCHEDULING AND DISCOVERY**

Dear Honorable Judge John Robert Blakey,

I write to acknowledge and express my understanding of my obligations to conform my filings to the formatting rules of the Court and matters within the Court's jurisdiction. I also write in regards to Scheduling issues after our status call this week with your Court indicating Discovery to be closed upon the taking of the Deposition of my brother, Plaintiff, Ted Bernstein.

I will respectfully be seeking leave by way of formal motion to open the Discovery not only for further examination of Ted Bernstein but also to Notice for

**RE: CASE NO. 13 CV 3643 - SCHEDULING AND DISCOVERY**

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Deposition Judge Martin Colin of the Palm Beach Probate Court who I have just petitioned for Mandatory Disqualification on numerous grounds under the Florida Rules and Code including but not limited to being a necessary fact witness and material witness to actions of fraud upon his Court involving licensed attorneys Tescher and Spallina who have also been part of the litigation before this Court.

I have attached the Disqualification motion herein with respect to Florida Judge Colin for good faith reference and seek leave to move by way of formal motion within this Court's formatting rules to demonstrate the intertwined nature of the actions in this Court with the fraud and actions in Judge Colin's Court.

Please note that the car-bombing of my family mini-van in Boynton Beach, Florida was a very real thing and not a day goes by when I don't wonder what will happen any time my wife, children or I get in to a car. Full pictorial evidence and reports by involved authorities thus far can be found at my website at [www.iviewit.tv](http://www.iviewit.tv) .

This car-bombing was also reported as part of a Petition I filed with the White House to President Obama, the White House Counsel's Office, the US Attorney General, FBI, SEC and other related federal and state agencies and I have attached a link to this Petition which provides a good overview of the "elephant in the room" being the nature of my Technology which is used on the Hubble Space Telescope, for a mass of US Defense applications, across the globe for digital imaging across the internet and more and also outlines how I was directed by Harry I. Moatz of the Office of Enrollment and

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**RE: CASE NO. 13 CV 3643 - SCHEDULING AND DISCOVERY**

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Discipline of the USPTO to file a Petition claiming fraud upon the United States as well as myself and shareholders involving the Technology, which led to suspensions of the Intellectual Properties. The Technology was validated, used, tested and approved by leading engineers and computer experts on property owned by Lockheed Martin in Orlando, Florida at Real3d, Inc. which was at that time a consortium owned by the Intel Corporation, Lockheed Martin and Silicon Graphics and the technologies were valued in the hundreds of billions of dollars over the life of the IP claimed as the "holy grail" of the internet by these leading engineers. See,

<http://www.iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/20090213%20FINAL%20SIGNED%20LETTER%20OBAMA%20TO%20ENJOIN%20US%20ATTORNEY%20FINGERED%20ORIGINAL%20MAIL%201.pdf> .

Also please note that not only is the car-bombing a very real event that occurred in my life during this ongoing Technology fraud and theft, but as noted in the White House Petition and elsewhere even a Federal Agent such as FBI Special Agent Luchessi of the Palm Beach Office of the FBI has "gone missing" according to West Palm Beach Florida FBI Office (leading to my being directed to former Inspector General Glenn Fine of the Department of Justice for resolution, which still has not occurred) while investigating the Iviewit matters leaving myself in a position of not being able to trust even federal officers and agents and thus I typically err on the side of documenting all

RE: CASE NO. 13 CV 3643 - SCHEDULING AND DISCOVERY

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important information in all known places and federal state and international offices. Now as you may be aware from my prior filings, there are new frauds and criminal acts by same, similar, and/or related actors with reports that my father may have been murdered.

Since the time of the February 2009 White House Petition filing when I was personally on the phone line confirming the fax number and receipt for the White House and White House Counsel's office, not a single US Secret Service Officer, Capitol Police, US Marshall or other federal agent has shown up to say I filed a frivolous and harassing Petition to the President or to challenge the veracity of my statements in the Petition. Again, I respectfully remind the Court that I was directed by a Federal official, Harry I. Moatz, Director of the Office of Enrollment and Discipline, to file a petition for suspension claiming Fraud Upon the United States by Patent Bar Attorneys and others

Judge St. Eve had already granted me Leave to Amend my Complaint and the motion to take Florida Judge Colin's Deposition in this Court will demonstrate the relevance to these proceedings and action by the intertwined orchestration of fraud cover up by Judge Colin in his Court also involving Ted Bernstein who is a party in this action and attorney Spallina and others common in both cases also exposing the depth and breadth of the powerful financial interests at play. See the 2009 SEC Petition for general background,

RE: CASE NO. 13 CV 3643 - SCHEDULING AND DISCOVERY

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<http://www.iviewit.tv/CompanyDocs/United%20States%20District%20Court%20Southern%20District%20NY/20090325%20FINAL%20Intel%20SEC%20Complaint%20SIGNED2073.pdf>

Respectfully Yours,

  
Eliot I. Bernstein  
Founder & Inventor

Iviewit Holdings, Inc. – DL  
Iviewit Holdings, Inc. – DL  
Iviewit Holdings, Inc. – FL  
Iviewit Technologies, Inc. – DL  
Uview.com, Inc. – DL  
Iviewit.com, Inc. – FL  
Iviewit.com, Inc. – DL  
I.C., Inc. – FL  
Iviewit.com LLC – DL  
Iviewit LLC – DL  
Iviewit Corporation – FL  
Iviewit, Inc. – FL  
Iviewit, Inc. – DL  
Iviewit Corporation

cc/ec:

Enclosure(s)/Attachment(s)/URL's

**All Uniform Resource Locators ( URL's ) and the contents of those URL's are incorporated in entirety by reference herein and therefore must be included in your hard copy file WITH ALL EXHIBITS, as part of this correspondence and as further evidentiary material to be Investigated. Due**

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**Iviewit Holdings, Inc./Iviewit Technologies, Inc.**  
2753 N.W. 34<sup>th</sup> St. Boca Raton, Florida 33434-3459  
(561) 245-8588 (o) / (561) 886-7628 (e) / (561) 245-8644 (f)

[ivewit@iviewit.tv](mailto:ivewit@iviewit.tv) - [www.iviewit.tv](http://www.iviewit.tv)

RE: CASE NO. 13 CV 3643 - SCHEDULING AND DISCOVERY

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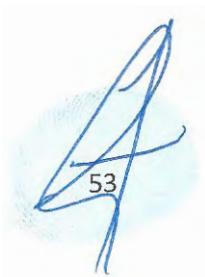
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**to allegations alleged by New York State Supreme Court Whistleblower Christine C. Andersou and similar claims in the Iviewit RICO & ANTITRUST Lawsuit regarding Document Destruction and Tampering with Official Complaints and Records, PRINT all referenced URL's and their corresponding exhibits and attach them to your hard copy file, as this is now necessary to ensure fair and impartial review.**

**In order to confirm that NO DOCUMENT DESTRUCTION OR ALTERATIONS have occurred, once complete forward a copy of this correspondence with all exhibits and materials included to, Eliot I. Bernstein at the address listed herein. This will insure that all parties are reviewing the same documentation and no additional illegal activity is taking place. If you, for any reason, are incapable of providing this confirmation copy, please put your reasons for failure to comply in writing and send that to Eliot I. Bernstein at the address listed herein. Note, that this is a request only for a copy of this Correspondence and the referenced materials and NOT a request for any Case Investigation information, which may be protected by law.**

cmb/eib

## EXHIBIT B

A handwritten signature in blue ink, appearing to read "John Doe".

53

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA  
PROBATE /GUARDIANSHIP DIVISION "IY"

CASE NO. 502014CP003698XXXXSB

**TED BERNSTEIN, AS TRUSTEE  
OF THE SHIRLEY BERNSTEIN  
TRUST AGREEMENT DATED  
MAY 20, 2008, AS AMENDED,**  
Plaintiff,

v.

**ALEXANDER BERNSTEIN; ET AL.,**  
Defendants.

/

**ORDER DENYING VERIFIED SWORN EMERGENCY PETITION AND  
AFFIDAVIT FOR IMMEDIATE DISQUALIFICATION OF JUDGE MARTIN  
COLIN**

**THIS CAUSE** came before the Court on Eliot Bernstein's Verified Sworn Emergency Petition and Affidavit for Immediate Disqualification of Judge Martin Colin. It is hereby,

**ORDERED AND ADJUDGED** that the Eliot Bernstein Verified Sworn Emergency Petition and Affidavit for Immediate Disqualification is **Denied** as legally insufficient.

**DONE AND ORDERED** in chambers, at Delray Beach, Palm Beach County, Florida this 18<sup>th</sup> day of May, 2015.

*SIGNED & DATED*  
MARTIN H. COLIN MAY 18 2015  
Circuit Court Judge  
*JUDGE MARTIN H. COLIN*

Copies furnished:

Eliot Bernstein, individually  
and Eliot and Candice Bernstein,  
2753 NW 34<sup>th</sup> Street  
Boca Raton, Fl. 33434

John P. Morrissey, Esquire  
330 Clematis Street, Suite 213  
West Palm Beach, Fl. 33401

Alan Rose, Esquire  
505 South Flagler Drive, Suite 600  
West Palm Beach, Fl. 33401

Pamela Beth Simon  
303 East Wacker Drive, Suite 2725  
Chicago, IL 60601

Brian M. O'Connell, Esquire  
515 North Flagler Drive, 20<sup>th</sup> Floor  
West Palm Beach, Fl. 33401

## EXHIBIT C



A blue ink signature is positioned above a blue ink stamp. The stamp contains the number "54" in a bold, sans-serif font, surrounded by a circular, textured border.

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

CASE NO: 502011CP000653XXXXSB  
PROBATE DIVISION: IY

**IN RE: SHIRLEY BERNSTEIN  
ESTATE**

**ORDER OF RECUSAL**

**SUA SPONTE**, This Court hereby recuses itself in connection with the above styled case. In that this Court has discussed this case and related cases with the other two Judges in South County, it is requested that the Clerk not reassign this case to a South County Court Judge, but to randomly do so to another Probate Judge in North County.

**DONE and ORDERED** in chambers, at Delray Beach, Palm Beach County, Florida, this 19<sup>th</sup> day of May, 2015.



**MARTIN H. COLIN**  
Circuit Judge

Copies furnished:

Eliot Bernstein  
 2753 NW 34<sup>th</sup> Street  
 Boca Raton, Fl. 33434

Alan Rose, Esquire  
 505 South Flagler Drive, Suite 600  
 West Palm Beach, Fl. 33401

Pamela Beth Simon  
 950 North Michigan Avenue, #2603  
 Chicago, IL 60611

Max Friedstein and Carley  
 Friedstein, Minors  
 c/o Jeffrey and Lisa Friedstein  
 2142 Churchill Lane  
 Highland Park, IL 60035

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

CASE NO: 502015CP001162XXXXSB  
PROBATE DIVISION: IY

**ELIOT BERNSTEIN, individually;**  
**ELIOT BERNSTEIN as a beneficiary of the**  
**2008 SIMON L. BERNSTEIN TRUST**  
**AGREEMENT, as amended and restated in the**  
**SIMON L. BERNSTEIN AMENDED AND**  
**RESTATE TRUST AGREEMENT dated**  
**July 25, 2012 and as Legal Guardian of**  
**JOSHUA BERNSTEIN, JACOB BERNSTEIN,**  
**and DANEIL BERNSTEIN,**

Plaintiffs,

v.

**THEODORE STUART BERNSTEIN, individually;**  
**THEODORE STUART BERNSTEIN, as Successor**  
**Trustee of the 2008 SIMON L. BERNSTEIN TRUST**  
**AGREEMENT, as amended and restated in the**  
**SIMON L. BERNSTEIN AMENDED AND RESTATED**  
**TRUST AGREEMENT dated July 25, 2012; ALEXANDRA**  
**BERNSTEIN; ERIC BERNSTEIN; MICHAEL BERNSTEIN;**  
**MOLLY SIMON; JULIA IANTONI; MAX FRIEDSTEIN;**  
**CARLY FRIEDSTEIN; JOHN AND JANE DOE 1-5000,**

Defendants.

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**ORDER OF RECUSAL**

**SUA SPONTE**, This Court hereby recuses itself in connection with the above styled case. In that this Court has discussed this case and related cases with the other two Judges in South County, it is requested that the Clerk not reassign this case to a

South County Court Judge, but to randomly do so to another Probate Judge in North County.

**DONE and ORDERED** in chambers, at Delray Beach, Palm Beach County, Florida, this 19<sup>th</sup> day of May, 2015.



**MARTIN H. COLIN**  
Circuit Judge

Copies furnished:

Eliot Bernstein  
2753 NW 34<sup>th</sup> Street  
Boca Raton, Fl. 33434

John P. Morrissey, Esquire  
330 Clematis Street, Suite 213  
West Palm Beach, Fl. 33401

Alan Rose, Esquire  
505 South Flagler Drive, Suite 600  
West Palm Beach, Fl. 33401

Brian M. O'Connell, Esquire  
515 North Flagler Drive, 20<sup>th</sup> Floor  
West Palm Beach, Fl. 33401

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

CASE NO: 502014CP002815XXXXSB  
PROBATE DIVISION: IY

**OPPENHEIMER TRUST COMPANY  
OF DELAWARE, in its capacity as  
Resigned Trustee of the Simon Bernstein  
Irrevocable Trusts created for the benefit  
of Joshua, Jake and Daniel Bernstein,**

Petitioner,

VS.

**ELIOT AND CANDICE BERNSTEIN,  
in their capacity as parents and natural  
guardians of JOSHUA, JAKE AND  
DANIEL BERNSTEIN, minors,**

Respondents.

---

**ORDER OF RECUSAL**

**SUA SPONTE**, This Court hereby recuses itself in connection with the above styled case. In that this Court has discussed this case and related cases with the other two Judges in South County, it is requested that the Clerk not reassign this case to a South County Court Judge, but to randomly do so to another Probate Judge in North County.

**DONE and ORDERED** in chambers, at Delray Beach, Palm Beach County, Florida, this 19<sup>th</sup> day of May, 2015.

  
**MARTIN H. COLIN**  
Circuit Judge

Copies furnished:

Eliot and Candice Bernstein  
2753 NW 34<sup>th</sup> Street  
Boca Raton, Fl. 33434

Steven A. Lessne, Esquire  
777 South Flagler Drive, Suite 500 East  
West Palm Beach, Fl. 33401

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

CASE NO: 502012CP004391XXXXSB  
PROBATE DIVISION: IY

THE ESTATE OF  
SIMON L. BERNSTEIN,  
Deceased.

ORDER OF RECUSAL

**SUA SPONTE**, This Court hereby recuses itself in connection with the above styled case. In that this Court has discussed this case and related cases with the other two Judges in South County, it is requested that the Clerk not reassign this case to a South County Court Judge, but to randomly do so to another Probate Judge in North County.

**DONE and ORDERED** in chambers, at Delray Beach, Palm Beach County, Florida, this 19<sup>th</sup> day of May, 2015.

  
MARTIN H. COLIN  
Circuit Judge

Copies furnished:  
Eliot Bernstein  
2753 NW 34<sup>th</sup> Street  
Boca Raton, Fl. 33434

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West Palm Beach, Fl. 33401

Alan Rose, Esquire  
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Pamela Beth Simon  
950 North Michigan Avenue, #2603  
Chicago, IL 60611

Brian M. O'Connell, Esquire  
515 North Flagler Drive, 20<sup>th</sup> Floor  
West Palm Beach, Fl. 33401

Lisa Friedstein and Carley  
Friedstein, Minors  
c/o Jeffrey and Lisa Friedstein  
2142 Churchill Lane  
Highland Park, IL 60035

Joshua, Jacob and Daniel  
Bernstein, Minors  
c/o Eliot Bernstein  
2753 NW 34<sup>th</sup> Street  
Boca Raton, Fl. 33434

Irwin J. Block, Esquire  
700 S. Federal Highway, Suite 200  
Boca Raton, Fl. 33432

Gary Shendell, Esquire  
2700 N. Military Trail, Suite 150  
Boca Raton, Fl. 33431

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

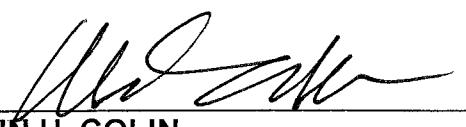
CASE NO: 502012CP004391XXXXSB  
PROBATE DIVISION: IY

**THE ESTATE OF  
SIMON L. BERNSTEIN,**  
Deceased.

**ORDER OF RECUSAL**

**SUA SPONTE**, This Court hereby recuses itself in connection with the above styled case. In that this Court has discussed this case and related cases with the other two Judges in South County, it is requested that the Clerk not reassign this case to a South County Court Judge, but to randomly do so to another Probate Judge in North County.

**DONE and ORDERED** in chambers, at Delray Beach, Palm Beach County, Florida, this 19<sup>th</sup> day of May, 2015.

  
**MARTIN H. COLIN**  
Circuit Judge

Copies furnished:

Eliot Bernstein  
2753 NW 34<sup>th</sup> Street  
Boca Raton, Fl. 33434

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2142 Churchill Lane  
Highland Park, IL 60035

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Bernstein, Minors  
c/o Eliot Bernstein  
2753 NW 34<sup>th</sup> Street  
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Boca Raton, Fl. 33432

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Boca Raton, Fl. 33431

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

CASE NO: 502014CP003698XXXXSB  
PROBATE DIVISION: IY

**TED BERNSTEIN, AS TRUSTEE  
OF THE SHIRLEY BERNSTEIN  
TRUST AGREEMENT DATED  
MAY 20, 2008, AS AMENDED,**  
Plaintiff,

v.

**ALEXANDER BERNSTEIN; ET AL.,**  
Defendants.

**ORDER OF RECUSAL**

**SUA SPONTE**, This Court hereby recuses itself in connection with the above styled case. In that this Court has discussed this case and related cases with the other two Judges in South County, it is requested that the Clerk not reassign this case to a South County Court Judge, but to randomly do so to another Probate Judge in North County.

**DONE and ORDERED** in chambers, at Delray Beach, Palm Beach County, Florida, this 19<sup>th</sup> day of May, 2015.

  
**MARTIN H. COLIN**  
Circuit Judge

Copies furnished:  
Eliot Bernstein, individually  
and Eliot and Candice Bernstein,  
2753 NW 34<sup>th</sup> Street  
Boca Raton, Fl. 33434

John P. Morrissey, Esquire  
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West Palm Beach, Fl. 33401

Alan Rose, Esquire  
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West Palm Beach, Fl. 33401

Pamela Beth Simon  
303 East Wacker Drive, Suite 2725  
Chicago, IL 60601

Brian M. O'Connell, Esquire  
515 North Flagler Drive, 20<sup>th</sup> Floor  
West Palm Beach, Fl. 33401

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

CASE NO: 502011CP000653XXXXSB  
PROBATE DIVISION: IY

**IN RE: SHIRLEY BERNSTEIN  
ESTATE**

**ORDER OF RECUSAL**

**SUA SPONTE**, This Court hereby recuses itself in connection with the above styled case. In that this Court has discussed this case and related cases with the other two Judges in South County, it is requested that the Clerk not reassign this case to a South County Court Judge, but to randomly do so to another Probate Judge in North County.

**DONE and ORDERED** in chambers, at Delray Beach, Palm Beach County, Florida, this 19<sup>th</sup> day of May, 2015.



**MARTIN H. COLIN**  
Circuit Judge

Copies furnished:

Eliot Bernstein  
 2753 NW 34<sup>th</sup> Street  
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Alan Rose, Esquire  
 505 South Flagler Drive, Suite 600  
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Pamela Beth Simon  
 950 North Michigan Avenue, #2603  
 Chicago, IL 60611

Max Friedstein and Carley  
 Friedstein, Minors  
 c/o Jeffrey and Lisa Friedstein  
 2142 Churchill Lane  
 Highland Park, IL 60035

Irwin J. Block, Esquire  
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Boca Raton, Fl. 33432

Jill Iantoni  
2101 Magnolia Lane  
Highland Park, IL. 60035

Peter Feaman, Esquire  
3615 Boynton Beach Blvd.  
Boynton Beach, Fl. 33436

John J. Pankauski, Esquire  
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Mark R. Manceri, Esquire  
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Fort Lauderdale, Fl. 33308

Robert Spallina, Esquire  
Boca Village Corporate Center I  
4855 Technology Way, Suite 720  
Boca Raton, Fl. 33431

Donald Tescher, Esquire  
Boca Village Corporate Center I  
4855 Technology Way, Suite 720  
Boca Raton, Fl. 33431

Julia Iantoni, a Minor  
c/o Guy and Jill Iantoni  
2101 Magnolia Lane  
Highland Park, IL 60035

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

PROBATE DIVISION  
CASE NUMBER: **502012CP004391XXXXNB**  
DIVISION: **IJ**

IN RE: ESTATE OF

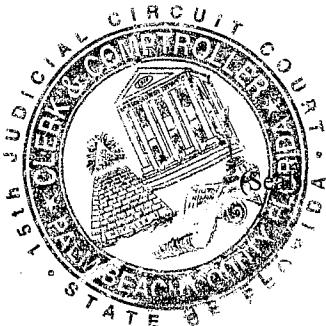
**SIMON L BERNSTEIN**, Deceased

---

***CLERK'S NOTICE OF REASSIGNMENT***

Pursuant to Court order of the Honorable **JUDGE MARTIN H COLIN** dated **05/19/15**, the above styled case is reassigned to Division **IJ**, Judge(s) **JUDGE HOWARD K COATES** for all further proceedings.

WITNESS my hand and seal of this Court this 19 day of May, 2015.



Sharon R. Bock  
Clerk & Comptroller

BY: Sharon R. Bock  
Deputy Clerk

2015 MAY 19 PM 4:27  
SHARON R. BOCK, CLERK  
PALM BEACH COUNTY, FL  
SOUTH CITY BRANCH-FILED

cc:  
CC: ALL PARTIES

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

PROBATE DIVISION *2011*  
CASE NUMBER: **502012CP000653XXXXNB**  
DIVISION: IJ

IN RE: ESTATE OF

**SHIRLEY BERNSTEIN**, Deceased

---

***CLERK'S NOTICE OF REASSIGNMENT***

Pursuant to Court order of the Honorable **JUDGE MARTIN H COLIN** dated **05/19/15**, the  
above styled case is reassigned to Division **IJ**, Judge(s) **JUDGE HOWARD K COATES** for all  
further proceedings.

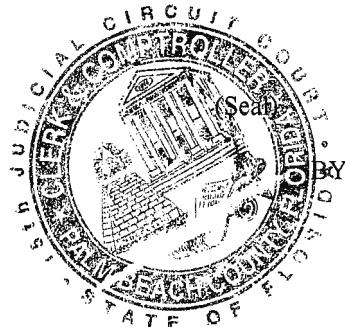
WITNESS my hand and seal of this Court this 19 day of May, 2015.

Sharon R. Bock  
Clerk & Comptroller

*Sharon R. Bock*  
Deputy Clerk

26 MAY 19 PM 4:27  
PAM BERKMAN, CLERK  
SOUTH BAY BRANCH FILED

cc:  
CC: ALL PARTIES



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

PROBATE DIVISION  
CASE NUMBER: 502014CP003698XXXXNB  
DIVISION: IJ

IN RE: SHIRLEY BERNSTEIN TRUST AGREEMENT

**DTD MAY 20, 2008, AS AMENDED**

---

**CLERK'S NOTICE OF REASSIGNMENT**

Pursuant to Court order of the Honorable **JUDGE MARTIN H COLIN** dated **05/19/15**, the above styled case is reassigned to Division **IJ**, Judge(s) **JUDGE HOWARD K COATES** for all further proceedings.

WITNESS my hand and seal of this Court this 19 day of May, 2015.



Sharon R. Bock  
Clerk & Comptroller

*Sharon Bock*  
Deputy Clerk

cc:

CC: ALL PARTIES

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

PROBATE DIVISION  
CASE NUMBER: **502015CP001162XXXXNB**  
DIVISION: IJ

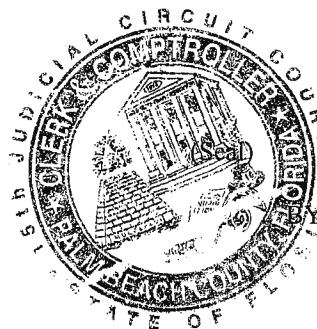
IN RE: THE 2008 SIMON L. BERNSTEIN TRUST AGREEMENT

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***CLERK'S NOTICE OF REASSIGNMENT***

Pursuant to Court order of the Honorable **JUDGE MARTIN H COLIN** dated **05/19/15**, the above styled case is reassigned to Division **II**, Judge(s) **JUDGE HOWARD K COATES** for all further proceedings.

WITNESS my hand and seal of this Court this 19 day of May, 2015.



Sharon R. Bock  
Clerk & Comptroller

*Sharon R. Bock*  
Deputy Clerk

2015 MAY 19 PM 4:26  
SHARON R. BOCK, CLERK  
PALM BEACH COUNTY, FLORIDA  
SOUTH CITY BRANCH FILED

cc:

CC: ALL PARTIES

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

PROBATE DIVISION  
CASE NUMBER: **502014CP003698XXXXNB**  
DIVISION: IJ

IN RE: SHIRLEY BERNSTEIN TRUST AGREEMENT

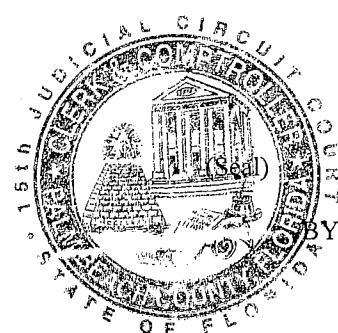
**DTD MAY 20, 2008, AS AMENDED**

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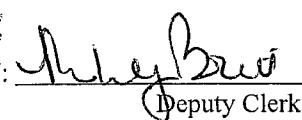
**CLERK'S NOTICE OF REASSIGNMENT**

Pursuant to Court order of the Honorable **JUDGE MARTIN H COLIN** dated **05/19/15**, the above styled case is reassigned to Division **IJ**, Judge(s) **JUDGE HOWARD K COATES** for all further proceedings.

WITNESS my hand and seal of this Court this 19 day of May, 2015.



Sharon R. Bock  
Clerk & Comptroller

  
Deputy Clerk

05 MAY 19 PM 4:27  
SOUTH CIRCUIT BRANCH FILED  
PALM BEACH COUNTY, FLORIDA  
CLERK'S OFFICE

cc:

CC: ALL PARTIES

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

PROBATE DIVISION  
CASE NUMBER: 502014CP002815XXXXNB  
DIVISION: IJ

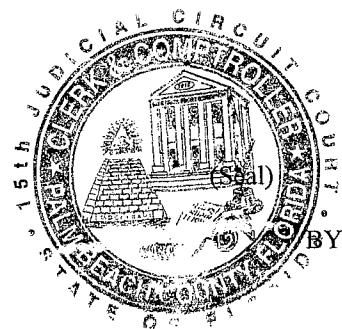
IN RE: SIMON BERNSTEIN IRREVOCABLE TRUSTS CREATED FOR  
THE BENEFIT OF JOSHUA, JAKE & DANIEL BERNSTEIN

---

***CLERK'S NOTICE OF REASSIGNMENT***

Pursuant to Court order of the Honorable **JUDGE MARTIN H COLIN** dated **05/19/15**, the  
above styled case is reassigned to Division **IJ**, Judge(s) **JUDGE HOWARD K COATES** for all  
further proceedings.

WITNESS my hand and seal of this Court this 19 day of May, 2015.



Sharon R. Bock  
Clerk & Comptroller

*Sharon R. Bock*  
Deputy Clerk

2015 MAY 19 PM 4:27  
SHARON R. BOCK, CLERK  
PALM BEACH COUNTY, FLORIDA  
SOUTH CITY BRANCH, FT. LAUDERDALE

cc:  
CC: ALL PARTIES

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

PROBATE DIVISION  
CASE NUMBER: **502012CP004391XXXXNB**  
DIVISION: **IJ**

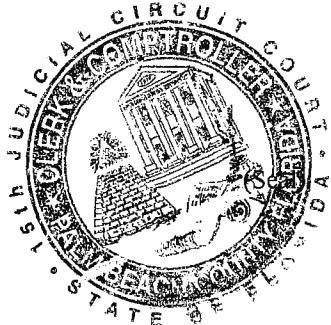
IN RE: ESTATE OF  
**SIMON L BERNSTEIN**, Deceased

---

***CLERK'S NOTICE OF REASSIGNMENT***

Pursuant to Court order of the Honorable **JUDGE MARTIN H COLIN** dated **05/19/15**, the above styled case is reassigned to Division **IJ**, Judge(s) **JUDGE HOWARD K COATES** for all further proceedings.

WITNESS my hand and seal of this Court this 19 day of May, 2015.



Sharon R. Bock  
Clerk & Comptroller

BY: Sharon R. Bock  
Deputy Clerk

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

2015 MAY 19 PM 4:27

cc:  
CC: ALL PARTIES

## EXHIBIT B

BRAIN O'CONNELL, ESQ. – PERSONAL  
REPRESENTATIVE / EXECUTOR PLEADING  
CLAIMING TED IS NOT A VALID TRUSTEE

OBJECTION TO SIMON BERNSTEIN TRUST ACCOUNTING  
Wednesday September 2, 2015  
Page | 29



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

Ted Bernstein, as trustee  
of the Shirley Bernstein Trust Agreement  
dated May 20, 2008, as amended,

PROBATE DIVISION

FILE NO: 502014CP003698XXXXSB

Plaintiff,

vs.

Alexandra Bernstein; Eric Bernstein;  
Michael Bernstein; Molly Simon;  
Pamela B. Simon, Individually and as Trustee  
f/b/o Molly Simon under the Simon L. Bernstein  
Trust Dtd 9/13/12; Elliot Bernstein, individually,  
as Trustee f/b/o D.B., Ja. B. and Jo. B. under the  
Simon L. Bernstein Trust Dtd 9/13/12, and on  
behalf of his minor children D.B., Ja. B. and Jo. B.;  
Jill Iantoni, Individually, as Trustee f/b/o J.I.  
under the Simon L. Bernstein Trust Dtd 9/13/12, and  
on behalf of her minor child J.I.; Max Friedstein;  
Lisa Friedstein, Individually, as Trustee f/b/o  
Max Friedstein and C.F., under the Simon L.  
Bernstein Trust Dtd 9/13/12, and on behalf of her  
minor child, C.F.,

Defendants.

/

**ANSWER AND AFFIRMATIVE DEFENSE**

BRIAN M. O'CONNELL, as Successor Personal Representative of the Estate of SIMON L. BERNSTEIN ("Mr. O'Connell" or "Personal Representative"), hereby files his Answer and Affirmative Defense to the Amended Complaint dated October 3, 2014 ("Amended Complaint"), and states as follows:

1. Admit that Ted Bernstein is over the age of 18; without knowledge, therefore, denied as to Ted Bernstein's residency; the Shirley Bernstein Trust Agreement dated May 20,

2008, as amended (“Shirley Trust”) speaks for itself, otherwise, without knowledge, therefore denied.

2. Admit.

3. The Shirley Trust speaks for itself, otherwise, without knowledge, therefore, denied.

4. Without knowledge, therefore, denied.

5. The Shirley Trust speaks for itself, otherwise, without knowledge, therefore, denied.

6. The Shirley Trust speaks for itself, otherwise, without knowledge, therefore, denied.

7. Admit.

8. Without knowledge.

9. Admit.

10. Admit.

11. The Shirley Trust speaks for itself, otherwise, without knowledge, therefore, denied.

12. Admit.

13. The Shirley Trust speaks for itself, otherwise, without knowledge, therefore, denied.

14. The document referenced in paragraph 14 of the Amended Complaint speaks for itself, otherwise, without knowledge therefore, denied.

15. The document referenced in paragraph 15 of the Amended Complaint speaks for itself, otherwise, without knowledge therefore, denied.

- /
16. Without knowledge, therefore, denied.
  17. The Shirley Trust speaks for itself, otherwise, without knowledge, therefore, denied.
  18. The Shirley Trust speaks for itself, otherwise, without knowledge, therefore, denied.
  19. The Shirley Trust speaks for itself, otherwise, without knowledge, therefore, denied.
  20. Without knowledge, therefore, denied.
  21. The Shirley Trust speaks for itself, otherwise, without knowledge, therefore, denied.
  22. The Shirley Trust speaks for itself, otherwise, without knowledge, therefore, denied.
  23. The Shirley Trust speaks for itself, otherwise, without knowledge, therefore, denied.
  24. The Will of Simon L. Bernstein dated July 25, 2012 (“Simon’s Will”) speaks for itself, otherwise, without knowledge.
  25. Simon’s Will speaks for itself, otherwise, without knowledge as to the authenticity, therefore, denied.
  26. Simon’s Will speaks for itself, otherwise, without knowledge, therefore, denied.
  27. Simon’s Will speaks for itself, otherwise, without knowledge, therefore, denied.
  28. Simon’s Will and the Shirley Trust speak for themselves, otherwise, without knowledge, therefore, denied.

29. Simon's Will and the Shirley Trust speak for themselves, otherwise, without knowledge, therefore, denied.

30. Simon's Will and the Shirley Trust speak for themselves, otherwise, without knowledge, therefore, denied.

31. Simon's Will and the Shirley Trust speak for themselves, otherwise, without knowledge, therefore, denied.

32. The Shirley Trust speaks for itself, without knowledge as to Ted serving as the Successor Personal Representative of Shirley's Estate; otherwise, without knowledge, therefore, denied.

33. Without knowledge, therefore, denied.

34. Without knowledge, therefore, denied.

35. Without knowledge, therefore, denied.

36. Without knowledge, therefore, denied.

37. Without knowledge, therefore, denied.

38. The Shirley Trust speaks for itself, otherwise, without knowledge, therefore, denied.

39. Admit.

40. The Shirley Trust speaks for itself, otherwise, without knowledge, therefore, denied.

41. The Shirley Trust speaks for itself, otherwise, without knowledge, therefore, denied.

42. Without knowledge, therefore, denied.

43. Without knowledge, therefore, denied.

44. Without knowledge, therefore, denied.
45. Without knowledge, therefore, denied.
46. Without knowledge, therefore, denied.
47. The action speaks for itself, otherwise, without knowledge, therefore, denied.
48. Without knowledge, therefore, denied.
49. The Shirley Trust speaks for itself, otherwise, without knowledge, therefore, denied.
50. Without knowledge, therefore, denied.
51. Without knowledge, therefore, denied.
52. Without knowledge, therefore, denied.
53. The Shirley Trust speaks for itself, otherwise, without knowledge, therefore, denied.
54. Without knowledge, therefore, denied.
55. Without knowledge, therefore, denied.
56. Without knowledge, therefore, denied.
57. Without knowledge, therefore, denied.
58. Without knowledge, therefore, denied.
59. Without knowledge, therefore, denied.
60. Without knowledge, therefore, denied.
61. Without knowledge, therefore, denied.
62. Without knowledge, therefore, denied.
63. Without knowledge, therefore, denied.
64. Without knowledge, therefore, denied.

65. Without knowledge, therefore, denied.
66. Reallege and restate answers as stated above.
67. The action speaks for itself, otherwise, without knowledge, therefore, denied.
68. The action speaks for itself, otherwise, without knowledge, therefore, denied.
69. Without knowledge, therefore, denied.
70. The action speaks for itself, otherwise, without knowledge, therefore, denied.
71. Without knowledge, therefore, denied.
72. Without knowledge, therefore, denied.
73. Without knowledge, therefore, denied.
74. Without knowledge, therefore, denied.
75. Without knowledge, therefore, denied.
76. Without knowledge, therefore, denied.
77. Without knowledge, therefore, denied.
78. Without knowledge, therefore, denied.
79. Reallege and restate answers as stated above.
80. The action speaks for itself, otherwise, without knowledge, therefore, denied.
81. Admit.
82. The assertion and request in paragraph 82 of the Amended Complaint speaks for itself, otherwise, without knowledge, therefore, denied.
83. The documents referenced in paragraph 83 of the Amended Complaint speak for themselves, otherwise, without knowledge, therefore, denied.
84. Admit.

85. The document referenced in paragraph 85 of the Amended Complaint speaks for itself, otherwise, without knowledge, therefore, denied.

86. The documents referenced in paragraph 86 of the Amended Complaint speak for themselves, otherwise, without knowledge, therefore, denied.

87. Admit.

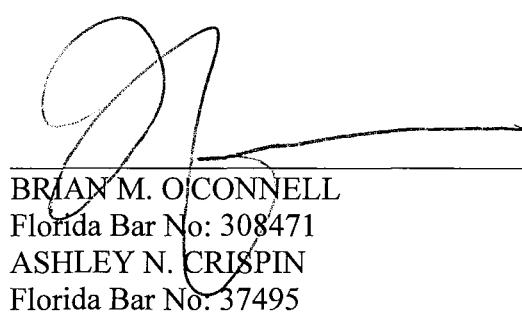
88. Without knowledge, therefore, denied.

**AFFIRMATIVE DEFENSE**

1. First Affirmative Defense- Lack of Standing- Ted Bernstein lacks the requisite standing as he is not validly serving as Trustee of the Simon Trust, is not a beneficiary of the Simon Trust, and is not representing any minor child that is a beneficiary of the Simon Trust.

WHEREFORE, BRIAN M. O'CONNELL, as Personal Representative of the Estate of SIMON L. BERNSTEIN, hereby files his Answer and Affirmative Defense to the Amended Complaint, and requests attorneys' fees and costs and any other relief deemed just or proper by this Court.

I HEREBY CERTIFY that a true and correct of the foregoing was sent by e-mail service or U.S. Postal Service on the 17 day of February, 2015 to the parties on the attached Service List.



BRIAN M. O'CONNELL  
Florida Bar No: 308471  
ASHLEY N. CRISPIN  
Florida Bar No. 37495  
JOIELLE A. FOGLIETTA  
Florida Bar No: 94238

Ciklin Lubitz Martens & O'Connell  
515 N. Flagler Dr., 20th Floor  
West Palm Beach, FL 33401  
Telephone: 561-832-5900  
Facsimile: 561-833-4209  
primary e-mail: [service@ciklinlubitz.com](mailto:service@ciklinlubitz.com)  
secondary e-mail: [slobdell@ciklinlubitz.com](mailto:slobdell@ciklinlubitz.com)

**SERVICE LIST**

Alan B. Rose, Esq. Page, Mrachek, Fitzgerald & Rose, PA. 505 S. Flagler Dr., Suite 600 West Palm Beach, FL 33401 (561) 355-6991 <a href="mailto:arose@mrachek-law.com">arose@mrachek-law.com</a> <a href="mailto:mchandler@mrachek-law.com">mchandler@mrachek-law.com</a> Attorney for Ted S. Bernstein	John P. Morrissey, Esq. 330 Clematis St., Suite 213 West Palm Beach, FL 33401 <a href="mailto:john@jmorrisseylaw.com">john@jmorrisseylaw.com</a> Attorney for Molly Simon et al	
Eliot Bernstein and Joshua, Jacob and Daniel Bernstein, Minors c/o Eliot and Candice Bernstein, Parents and Natural Guardians 2753 N.W. 34 <sup>th</sup> St. Boca Raton, FL 33434 <a href="mailto:iwatchit@iwatchit.tv">iwatchit@iwatchit.tv</a>	Pamela Beth Simon 950 N. Michigan Ave., Apt. 2603 Chicago, IL 60611 <a href="mailto:psimon@stpcorp.com">psimon@stpcorp.com</a>	Lisa Friedstein and Carley Friedstein, Minor c/o Jeffrey and Lisa Friedstein Parent and Natural Guardian 2142 Churchill Lane Highland Park, IL 60035 <a href="mailto:Lisa@friedsteins.com">Lisa@friedsteins.com</a> <a href="mailto:Lisa.friedstein@gmail.com">Lisa.friedstein@gmail.com</a> Beneficiary
Jill Iantoni and Julia Iantoni, a Minor c/o Guy and Jill Iantoni, her Parents & Natural Guardians 2101 Magnolia Lane Highland Park, IL 60035 <a href="mailto:jilliantoni@gmail.com">jilliantoni@gmail.com</a>	Max Friedstein 2142 Churchill Lane Highland Park, IL 60035	

## EXHIBIT C

PETER FEAMAN, ESQ. TO BRIAN O'CONNELL,  
ESQ. LETTER REGARDING TED AND ALAN B.  
ROSE, ESQ. CONFLICTS AND MORE

OBJECTION TO SIMON BERNSTEIN TRUST ACCOUNTING  
Wednesday, September 2, 2015

  
Page | 30

## **Eliot Ivan Bernstein**

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**Subject:** FW: Bernstein Estate

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Subject: Bernstein Estate  
Date: Tue, 16 Dec 2014 15:57:54 -0500  
From: [pfeaman@feamanlaw.com](mailto:pfeaman@feamanlaw.com)  
To: [boconnell@ciklinlubitz.com](mailto:boconnell@ciklinlubitz.com)  
CC: [iroyer@feamanlaw.com](mailto:iroyer@feamanlaw.com)

Brian,

When you and I spoke last week you indicated that you were in favor of the settlement that Mr. Stansbury had signed and sent to you for signature.

You indicated that you had to work out funding with the trust.

Meanwhile, the Life insurance litigation in Chicago is moving forward.

Our attorneys are taking a deposition in Chicago the week after New Years of "Scooter" Bernstein, I think.

They also want to depose Ted Bernstein and Robert Spallina in early January as well.

I offered my office as a locale for those depositions.

Deposing Ted Bernstein in the Chicago action poses some serious conflict of interest issues for Ted Bernstein and ethical issues for Mr. Rose as the Florida attorney for Mr. Ted Bernstein.

He is being deposed as a party Plaintiff in the Chicago action, the purpose of which is to direct \$1.7 million in life insurance to the 5 adult children of Simon Bernstein away from the Bernstein estate.

Yet Mr. Rose represents Ted Bernstein as Successor Trustee to the Simon Bernstein Trust, the beneficiaries of which are the GRANDCHILDREN OF Simon Bernstein, and the Trust is the beneficiary of the Simon Estate which is directly opposed to the position of Ted Bernstein as Plaintiff in the Chicago Life Insurance litigation.

Just as Ted Bernstein cannot wear both hats, it seems that Alan Rose cannot represent a client so conflicted.

Further, it would seem to me that the estate (you as Personal Representative) has an absolute duty to demand Ted's resignation as Successor Trustee, as his continued role as such imperils the interests of the grandchildren, to whom you owe a fiduciary duty as the Personal Representative.

The bottom line is that the more this drags on, the worse it is going to get for all concerned.

At some point, respectfully, I think you are going to have to take the bull by the horns and 1.) demand that Ted Bernstein resign as Successor Trustee and 2.) Take an active role in directing the attorneys in Chicago to push the case in order to bring it to a successful resolution on behalf of the estate, either by settlement or trial. This means taking over the responsibility for the litigation from Mr. Stansbury in light of the favorable position that the Estate is now in as a result of Mr. Stansbury 's efforts.

I welcome your thoughts on this.

*Peter M. Feaman*

**PETER M. FEAMAN, P.A.**

3695 West Boynton Beach Boulevard

Suite 9

Boynton Beach, FL 33436

Telephone: 561-734-5552

Facsimile: 561-734-5554

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

**Confidentiality:** The email message and any attachment to this email message may contain privileged and confidential information, intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copy of this communication is strictly prohibited. If you receive this communication in error, please immediately notify the sender by return email and delete this message.

## EXHIBIT D

### SIMON INVENTORIES

OBJECTION TO SIMON BERNSTEIN TRUST ACCOUNTING  
Wednesday September 2, 2015  
Page | 31



IN THE CIRCUIT COURT FOR PALM BEACH COUNTY, FL

IN RE: ESTATE OF PROBATE DIVISION

SIMON BERNSTEIN File No. 502012CP004391IZXXXXSB

Deceased.

**INVENTORY**

The undersigned co-personal representatives of the estate of SIMON BERNSTEIN, deceased, who died on September 13, 2012, and whose social security number is XXX-XX-5211, submits this inventory of all the property of the estate, that has come into the hands, possession, control, or knowledge of these personal representatives:

REAL ESTATE IN FLORIDA – Exempt (Protected) Homestead:

Description

NONE

REAL ESTATE IN FLORIDA – Non-Exempt Homestead:

Description

Estimated Fair Market Value

NONE

*(Whether homestead property is exempt from the claims of creditors, whether it is properly devised and whether it is a probate asset may have to be determined by appropriate proceedings.)*

OTHER REAL ESTATE IN FLORIDA:

Description

Estimated Fair Market Value

NONE

\$

Total Real Estate in Florida – Except Exempt (Protected) Homestead \$

PERSONAL PROPERTY WHEREVER LOCATED:

<u>Description</u>	<u>Estimated Fair Market Value</u>
Legacy Bank of Florida - Acct. Ending 2587	\$384.25
Wells Fargo - Acct. Ending 1945	1,599.49
Sabadell Bank - Acct. Ending 9414	15,153.18
LIC Holdings, Inc. (33% ownership)	UNDETERMINED
Furniture, furnishings, household goods and personal effects	51,135.00
Jewelry	\$ 63,205.00

TOTAL OF ALL PERSONAL PROPERTY AND FLORIDA REAL ESTATE\$ \$ 131,476.92

All real estate located outside the State of Florida owned by the decedent of which the personal representative is aware, if any, is described on a schedule attached hereto. [If none, so indicate]

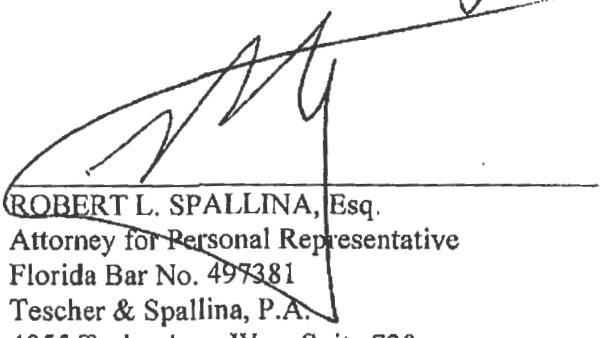
NONE

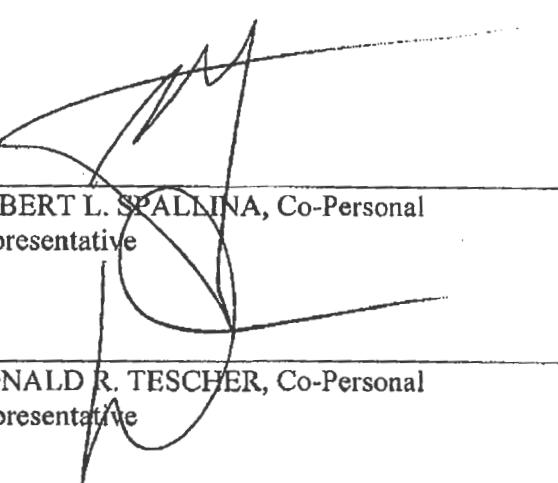
*NOTICE: Each residuary beneficiary in a testate estate or heir in an intestate estate has the right to request a written explanation of how the inventory value of any asset was determined, including whether the personal representative obtained an independent appraisal for that asset and from whom the appraisal was obtained. Any other beneficiary may request this information regarding all assets distributed to or proposed to be distributed to that beneficiary.*

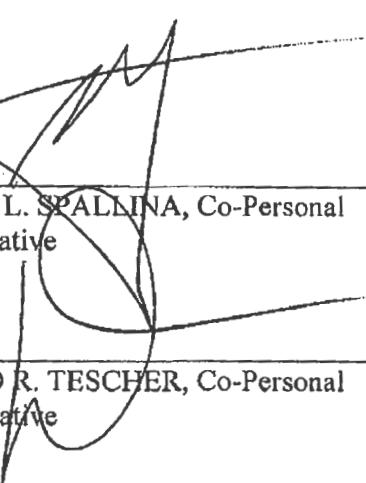


Under penalties of perjury, I declare that I have read the foregoing, and the facts alleged are true to the best of my knowledge and belief.

Signed on this 11 day of June, 2013.

  
ROBERT L. SPALLINA, Esq.  
Attorney for Personal Representative  
Florida Bar No. 497381  
Teschers & Spallina, P.A.  
4855 Technology Way, Suite 720  
Boca Raton, FL 33431  
Telephone: (561) 997-7008  
Primary: [rspallina@tescherspallina.com](mailto:rspallina@tescherspallina.com)  
Secondary: [kmoran@tescherspallina.com](mailto:kmoran@tescherspallina.com)

  
ROBERT L. SPALLINA, Co-Personal  
Representative

  
DONALD R. TESCHER, Co-Personal  
Representative



IN THE CIRCUIT COURT FOR PALM BEACH COUNTY, FL

IN RE: ESTATE OF PROBATE DIVISION

SIMON BERNSTEIN File No. 502012CP004391IZXXXXSB

Deceased.

**AMENDED INVENTORY**

The undersigned co-personal representatives of the estate of SIMON BERNSTEIN, deceased, who died on September 13, 2012, and whose social security number is XXX-XX-5211, submits this Amended Inventory of all the property of the estate, that has come into the hands, possession, control, or knowledge of these personal representatives:

REAL ESTATE IN FLORIDA – Exempt (Protected) Homestead:

Description

NONE

REAL ESTATE IN FLORIDA – Non-Exempt Homestead:

Description

Estimated Fair Market Value

NONE

*(Whether homestead property is exempt from the claims of creditors, whether it is properly devised and whether it is a probate asset may have to be determined by appropriate proceedings.)*

OTHER REAL ESTATE IN FLORIDA:

Description

Estimated Fair Market Value

NONE

\$

Total Real Estate in Florida – Except Exempt (Protected) Homestead \$

PERSONAL PROPERTY WHEREVER LOCATED:

<u>Description</u>	<u>Estimated Fair Market Value</u>
Legacy Bank of Florida - Acct. Ending 2587	\$384.25
Wells Fargo - Acct. Ending 1945	1,599.49
Sabadell Bank - Acct. Ending 9414	15,153.18
JP Morgan (4788015220)	77,491.27
JP Morgan (W32585007)	519,266.37
LIC Holdings, Inc. (33% ownership)	UNDETERMINED
Furniture, furnishings, household goods and personal effects	51,135.00
Jewelry	63,205.00
US Life Proceeds	50,800.08
Monarch Life Proceeds	4,000.00
Cincinnati Life Proceeds	7,685.00
Promissory Note from Bernstein Family Realty, LLC (not including accrued interest)	365,000.00

TOTAL OF ALL PERSONAL PROPERTY AND FLORIDA REAL ESTATE \$ 1,155,719.40

All real estate located outside the State of Florida owned by the decedent of which the personal representative is aware, if any, is described on a schedule attached hereto. [If none, so indicate]

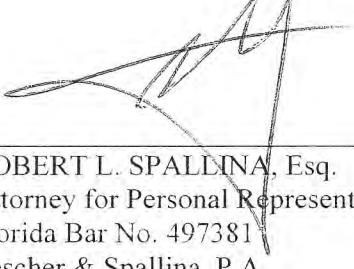
NONE

*NOTICE: Each residuary beneficiary in a testate estate or heir in an intestate estate has the right to request a written explanation of how the inventory value of any asset was determined, including whether the personal representative obtained an independent appraisal for that asset and from whom the appraisal was obtained. Any other beneficiary may request this information regarding all assets distributed to or proposed to be distributed to that beneficiary.*



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 28<sup>th</sup> day of Dec, 2013.

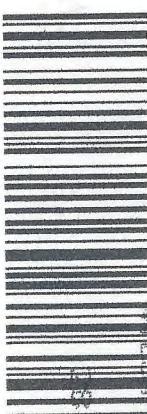
  
ROBERT L. SPALLINA, Esq.  
Attorney for Personal Representative  
Florida Bar No. 497381  
Tescher & Spallina, P.A.  
4855 Technology Way, Suite 720  
Boca Raton, FL 33431  
Telephone: (561) 997-7008  
Primary: [rspallina@tescherspallina.com](mailto:rspallina@tescherspallina.com)  
Secondary: [kmoran@tescherspallina.com](mailto:kmoran@tescherspallina.com)

  
ROBERT L. SPALLINA, Co-Personal  
Representative

  
DONALD R. TESCHER, Co-Personal  
Representative

LAW OFFICES  
**TESCHER & SPALLIN**,  
BOCA VILLAGE CORPORATE CENTER I  
4855 TECHNOLOGY WAY, SUITE 720  
BOCA RATON, FLORIDA 33431

**CERTIFIED MAIL**™



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BOCA RATON, FL  
33431

Eliot Bernstein  
2753 NW 34th Street  
Boca Raton, FL 33434

3343456789

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

IN RE: ESTATE OF

SIMON L. BERNSTEIN  
Deceased.

FILE NO: 502012CP004391XXXXSB

**INVENTORY BY BRIAN M. O'CONNELL, AS  
SUCCESSION PERSONAL REPRESENTATIVE**

The undersigned Successor Personal Representative of the estate of SIMON L. BERNSTEIN, deceased, who died September 12, 2012 submits this inventory of all the property of the estate, that has come into the hands, possession, control, or knowledge of this Personal Representative:<sup>1</sup>

REAL ESTATE IN FLORIDA – Exempt (Protected) Homestead:  NONE

REAL ESTATE IN FLORIDA – Non Exempt Homestead: **NONE**

*(Whether or not homestead property is exempt from the claims of creditors, is properly devised and is a probate asset may have to be determined by appropriate proceedings.)*

OTHER REAL ESTATE IN FLORIDA:  **NONE**

Total Real Estate in Florida – Except Exempt (Protected) Homestead      \$ 0.00

<sup>1</sup> This Inventory reports all assets which have come into the possession and knowledge of the undersigned as Successor Personal Representative as of this date.

The undersigned plans on conducting discovery as to possible additional assets and an Amended Inventory will be filed, if necessary.

PERSONAL PROPERTY WHEREVER LOCATED:

Description	Estimated Fair Market Value
Sabadell Bank – estate checking account # 15346	\$ 11,735.84
JP Morgan – estate checking account	25,531.59
JP Morgan – estate inherited IRA account # 8004	559,217.78
Promissory Note dated July 1, 2008, payable to Decedent by Bernstein Family Realty LLC	365,000.00
Jewelry (as of 5/14/13 appraisal by A. Matteini & Co.)	63,205.00
Furniture & furnishings (as of 1/22/13 appraisal by Robert A. Hittel)	51,135.00
Reimbursements owed to the Estate by Bernstein Family Realty LLC for expenses and legal fees per Schedule D of the T&S Accounting and per Schedule E of the Amended Accounting of Curator	25,500.00
Reimbursements owed to the Estate by the Simon Bernstein Insurance Trust for legal fees per Schedule D of the T&S Accounting and per Schedule E of the Amended Accounting of Curator	20,000.00
LIC Holdings, Inc. (Company stock held at corporate office per Schedule E of the Amended Accounting of Curator)	Unknown
Objection to the Final Accounting of Personal Representative for the time period of September 13, 2012 through February 28, 2014, dated August 13, 2014	Unknown
Claim for insurance proceeds pending under <u>Simon Bernstein Irrevocable Trust DTD 6/21/95 v. Heritage Union Life Insurance Company</u> , Case Number 13 cv 3643 (N.D. Ill., E. Div.)	Unknown
Total Personal Property – Wherever Located	\$ 1,121,325.21

TOTAL OF ALL PERSONAL PROPERTY AND FLORIDA REAL ESTATE  
 (Except exempt (protected) homestead) \$ 1,121,325.21

All real estate located outside the State of Florida owned by the decedent of which the Personal Representative is aware, if any, is described on a schedule attached hereto, [If none, so indicate]

NONE KNOWN AT THIS TIME.

*NOTICE: Each residuary beneficiary in a testate estate or heir in an intestate estate has the right to request a written explanation of how the inventory value of any asset was determined, including whether the Personal Representative obtained an independent appraisal for that asset and, if so, a copy of the appraisal. Any other beneficiary may request this information regarding all assets distributed to or proposed to be distributed to that beneficiary.*

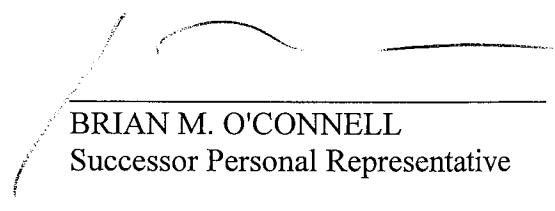
Under penalties of perjury, I declare that I have read the foregoing, and the facts alleged are true to the best of my knowledge and belief.

Signed on December 1, 2014.



94238

ASHLEY N. CRISPIN  
Florida Bar # 37495  
CIKLIN, LUBITZ, MARTENS, & O'CONNELL  
515 North Flagler Drive, 20<sup>th</sup> Floor  
West Palm Beach, FL 33401  
Telephone No. (561) 832-5900  
Facsimile: (561) 833-4209  
Primary e-mail: [service@ciklinlubitz.com](mailto:service@ciklinlubitz.com)  
Secondary email: [probateservice@ciklinlubitz.com](mailto:probateservice@ciklinlubitz.com)



BRIAN M. O'CONNELL  
Successor Personal Representative

[Print or Type Names Under All Signature Lines]

## EXHIBIT E

### SHIRLEY INVENTORIES

OBJECTION TO SIMON BERNSTEIN TRUST ACCOUNTING  
Wednesday, September 2, 2015

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

IN RE:

Case No. 502011CP000653XXXXSB

ESTATE OF SHIRLEY BERNSTEIN,

Deceased.

### Division: IY

**INVENTORY BY TED S. BERNSTEIN, AS  
SUCCESSOR PERSONAL REPRESENTATIVE**

The undersigned Successor Personal Representative of the estate of Shirley Bernstein, deceased, who died December 8, 2010, submits this inventory of all the property of the estate, that has come into the hands, possession, control, or knowledge of this Personal Representative:<sup>1</sup>

REAL ESTATE IN FLORIDA - Exempt (Protected) Homestead:  NONE

REAL ESTATE IN FLORIDA- Non Exempt Homestead:  NONE

*(Whether or not homestead property is exempt from the claims of creditors, is properly devised and is a probate asset may have to be determined by appropriate proceedings.)*

OTHER REAL ESTATE IN FLORIDA:  NONE

Total Real Estate in Florida - Except Exempt (Protected) Homestead \$ 0.00

PERSONAL PROPERTY WHEREVER LOCATED:

Description: **NONE**

**TOTAL OF ALL PERSONAL PROPERTY AND FL**

(Ent. by: John P. Thompson (President) Montgomery)

<sup>1</sup> This Inventory reports all assets which have come into the possession and knowledge of the undersigned as Successor Personal Representative as of the date of his Appointment. The undersigned did not receive possession of any property disclosed in the initial Personal Representative's Inventory dated August 29, 2011 (attached as Exhibit "A").

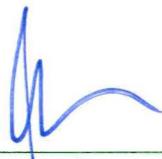
All real estate located outside the State of Florida owned by the decedent of which the Personal Representative is aware, if any, is described on a schedule attached hereto, [if none, so indicate].

NONE KNOWN AT THIS TIME.

*NOTICE: Each residuary beneficiary in a testate estate or heir in an intestate estate has the right to request a written explanation of how the inventory value of any asset was determined, including whether the Personal Representative obtained an independent appraisal for that asset and, if so, a copy of the appraisal. Any other beneficiary may request this information regarding all assets distributed to or proposed to be distributed to that beneficiary.*

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 March 26, 2015.



---

ALAN B. ROSE  
Florida Bar No. 961825  
MRACHEK, FITZGERALD, ROSE,  
KONOPKA, THOMAS & WEISS, P.A.  
505 South Flagler Drive, Suite 600  
West Palm Beach, FL 33401  
(561) 655-2250 Telephone  
(561) 655-5537 Facsimile  
Email: [arose@mrachek-law.com](mailto:arose@mrachek-law.com)  
Secondary: [mchandler@mrachek-law.com](mailto:mchandler@mrachek-law.com)  
Attorneys for Ted S. Bernstein



---

TED S. BERNSTEIN  
Successor Personal Representative

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to all interested persons on the Service List set forth below by:  E-mail Electronic Transmission;  Facsimile and U.S. Mail;  U.S. Mail this 30 day of March, 2015.

MRACHEK, FITZGERALD, ROSE, KONOPKA,  
THOMAS & WEISS, P.A.  
505 South Flagler Drive, Suite 600  
West Palm Beach, FL 33401  
(561) 655-2250 Telephone / (561) 655-5537 Facsimile  
Email: [arose@mrachek-law.com](mailto:arose@mrachek-law.com)  
Secondary: [mchandler@mrachek-law.com](mailto:mchandler@mrachek-law.com)  
Attorneys for Ted S. Bernstein, as Successor Personal  
Representative

By: /s/ Alan B. Rose  
Alan B. Rose (Fla. Bar No. 961825)

## SERVICE LIST

Eliot Bernstein, individually  
and Eliot and Candice Bernstein,  
as Parents and Natural Guardians of  
D.B., Ja. B. and Jo. B, Minors  
2753 NW 34th Street  
Boca Raton, FL 33434  
(561) 245-8588 - Telephone  
(561) 886-7628 - Cell  
(561) 245-8644 - Facsimile  
Email: Eliot I. Bernstein ([iviewit@iviewit.tv](mailto:iviewit@iviewit.tv))

John P. Morrissey, Esq.  
330 Clematis Street, Suite 213  
West Palm Beach, FL 33401  
(561) 833-0766 - Telephone  
(561) 833-0867 - Facsimile  
Email: John P. Morrissey  
([john@jmorrisseylaw.com](mailto:john@jmorrisseylaw.com))  
Counsel for Molly Simon, Alexandra Bernstein,  
Eric Bernstein, Michael Bernstein

Lisa Friedstein  
2142 Churchill Lane  
Highland Park, IL 60035  
[lisa@friedsteins.com](mailto:lisa@friedsteins.com)  
Individually and as trustee for her children, and  
as natural guardian for M.F. and C.F., Minors

Jill Iantoni  
2101 Magnolia Lane  
Highland Park, IL 60035  
[jilliantoni@gmail.com](mailto:jilliantoni@gmail.com)  
Individually and as trustee for her children, and  
as natural guardian for J.I. a minor

Peter M. Feaman, Esq.  
Peter M. Feaman, P.A.  
3695 West Boynton Beach Blvd., Suite 9  
Boynton Beach, FL 33436  
(561) 734-5552 - Telephone  
(561) 734-5554 - Facsimile  
Email: [pfeaman@feamanlaw.com](mailto:pfeaman@feamanlaw.com);  
[service@feamanlaw.com](mailto:service@feamanlaw.com);  
[mkoskey@feamanlaw.com](mailto:mkoskey@feamanlaw.com)  
Counsel for William Stansbury

Robert Spallina, Esq.  
Donald Tescher, Esq.  
Tescher & Spallina  
925 South Federal Hwy., Suite 500  
Boca Raton, Florida 33432  
[rspallina@tescherspallina.com](mailto:rspallina@tescherspallina.com)  
[dtescher@tescherspallina.com](mailto:dtescher@tescherspallina.com)

Pam Simon  
Pam Simon <[psimon@stpcorp.com](mailto:psimon@stpcorp.com)>

## **SERVICE LIST**

Eliot Bernstein, individually  
and Eliot and Candice Bernstein,  
as Parents and Natural Guardians of  
D.B., Ja. B. and Jo. B, Minors  
2753 NW 34th Street  
Boca Raton, FL 33434  
(561) 245-8588 - Telephone  
(561) 886-7628 - Cell  
(561) 245-8644 - Facsimile  
Email: Eliot I. Bernstein ([iviewit@iviewit.tv](mailto:iviewit@iviewit.tv))

John P. Morrissey, Esq.  
330 Clematis Street, Suite 213  
West Palm Beach, FL 33401  
(561) 833-0766 - Telephone  
(561) 833-0867 - Facsimile  
Email: John P. Morrissey  
([john@jmorrisseylaw.com](mailto:john@jmorrisseylaw.com))  
Counsel for Molly Simon, Alexandra Bernstein,  
Eric Bernstein, Michael Bernstein

Lisa Friedstein  
2142 Churchill Lane  
Highland Park, IL 60035  
[lisa@friedsteins.com](mailto:lisa@friedsteins.com)  
Individually and as trustee for her children, and  
as natural guardian for M.F. and C.F., Minors

Jill Iantoni  
2101 Magnolia Lane  
Highland Park, IL 60035  
[jilliantoni@gmail.com](mailto:jilliantoni@gmail.com)  
Individually and as trustee for her children, and  
as natural guardian for J.I. a minor

Peter M. Feaman, Esq.  
Peter M. Feaman, P.A.  
3695 West Boynton Beach Blvd., Suite 9  
Boynton Beach, FL 33436  
(561) 734-5552 - Telephone  
(561) 734-5554 - Facsimile  
Email: [pfeaman@feamanlaw.com](mailto:pfeaman@feamanlaw.com);  
[service@feamanlaw.com](mailto:service@feamanlaw.com);  
[mkoskey@feamanlaw.com](mailto:mkoskey@feamanlaw.com)  
Counsel for William Stansbury

Robert Spallina, Esq.  
Donald Tescher, Esq.  
Teschner & Spallina  
925 South Federal Hwy., Suite 500  
Boca Raton, Florida 33432  
[rspallina@tescherspallina.com](mailto:rspallina@tescherspallina.com)  
[dtescher@tescherspallina.com](mailto:dtescher@tescherspallina.com)

Pam Simon  
Pam Simon <[psimon@stpcorp.com](mailto:psimon@stpcorp.com)>

IN THE CIRCUIT COURT FOR PALM BEACH COUNTY, FL  
IN RE: ESTATE OF PROBATE DIVISION  
SHIRLEY BERNSTEIN File No. 502011CP000653XXXX SB  
Deceased.

**INVENTORY**

The undersigned personal representative of the estate of SHIRLEY BERNSTEIN, deceased, who died on December 8, 2010, and whose social security number is XXX-XX-9749, submits this inventory of all the property of the estate, that has come into the hands, possession, control, or knowledge of these personal representatives:

**REAL ESTATE IN FLORIDA – Exempt (Protected) Homestead:**

Description

NONE

**REAL ESTATE IN FLORIDA – Non-Exempt Homestead:**

Description

Estimated Fair Market Value

NONE

*(Whether homestead property is exempt from the claims of creditors, whether it is properly devised and whether it is a probate asset may have to be determined by appropriate proceedings.)*

**OTHER REAL ESTATE IN FLORIDA:**

Description

Estimated Fair Market Value

NONE

\$

Total Real Estate in Florida – Except Exempt (Protected) Homestead

\$



Estate of Shirley Bernstein  
File No. 502011CP000653XXXX SB  
INVENTORY

PERSONAL PROPERTY WHEREVER LOCATED:

<u>Description</u>	<u>Estimated Fair Market Value</u>
Furniture, furnishings, household goods and personal effects	\$ <u>25,000.00 (est.)</u>
<b>TOTAL OF ALL PERSONAL PROPERTY AND FLORIDA REAL ESTATE\$ \$ <u>25,000.00</u></b>	

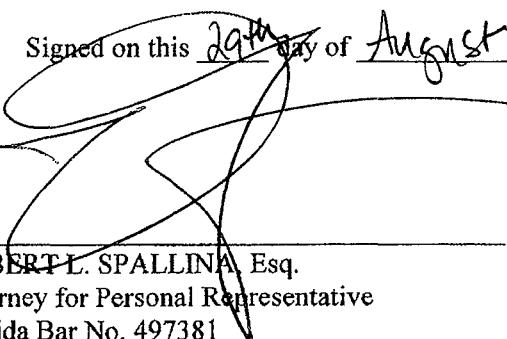
All real estate located outside the State of Florida owned by the decedent of which the personal representative is aware, if any, is described on a schedule attached hereto. [If none, so indicate]

NONE

*NOTICE: Each residuary beneficiary in a testate estate or heir in an intestate estate has the right to request a written explanation of how the inventory value of any asset was determined, including whether the personal representative obtained an independent appraisal for that asset and from whom the appraisal was obtained. Any other beneficiary may request this information regarding all assets distributed to or proposed to be distributed to that beneficiary.*

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 29<sup>th</sup> day of August, 2011.

  
ROBERT L. SPALLINA, Esq.  
Attorney for Personal Representative  
Florida Bar No. 497381  
Teschner & Spallina, P.A.  
4855 Technology Way, Suite 720  
Boca Raton, FL 33431  
Telephone: (561) 997-7008

  
SIMON BERNSTEIN, Personal Representative



## EXHIBIT F

### SIMON TRUST ACCOUNTING

OBJECTION TO SIMON BERNSTEIN TRUST ACCOUNTING  
Wednesday, September 2, 2015  
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**SUCCESSOR TRUSTEE'S NOTICE OF ACCOUNTING OF  
THE SIMON BERNSTEIN REVOCABLE TRUST**

From: February 3, 2014 through March 15, 2015

Ted S. Bernstein, as Successor Trustee, hereby gives notice of serving upon all interested persons an accounting of the Simon L. Bernstein Amended and Restated Trust u/a/d 7-25-2012. This accounting is rendered from the date on which the Trustee became accountable, February 3, 2014.

**LIMITATION NOTICE**

Pursuant to Florida Statute Section 736.1008, this Limitation Notice is provided with respect to the enclosed trust accounting for the Simon L. Bernstein Amended and Restated Trust u/a/d 7-25-2012, for the period from February 3, 2014 and ending March 15, 2015.

**AN ACTION FOR BREACH BASED ON MATTERS DISCLOSED IN A TRUST ACCOUNTING OR OTHER WRITTEN REPORT OF THE TRUSTEE MAY BE SUBJECT TO A SIX (6) MONTH STATUTE OF LIMITATIONS FROM THE RECEIPT OF THE TRUST ACCOUNTING OR OTHER WRITTEN REPORT. IF YOU HAVE ANY QUESTIONS, PLEASE CONSULT YOUR ATTORNEY.**

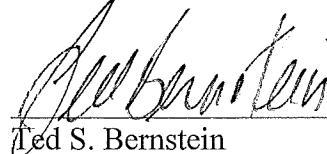
**SUMMARY INFORMATION FOR ATTACHED ACCOUNTING**

This summary information is provided pursuant to Florida Statute 736.08135:

Trust name: Simon L. Bernstein Amended and Restated Trust Agreement u/a/d 7-25-2012  
Trustee: Ted S. Bernstein  
Time Period: February 3, 2014 through March 15, 2015

Signed on March 24, 2015

Successor Trustee:



Ted S. Bernstein

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to all interested persons on the Service List set forth below by:  E-mail Electronic Transmission;  Facsimile **and** U.S. Mail;  U.S. Mail this 30<sup>th</sup> day of March, 2015.

MRACHEK, FITZGERALD, ROSE, KONOPKA,  
THOMAS & WEISS, P.A.  
505 South Flagler Drive, Suite 600  
West Palm Beach, FL 33401  
(561) 655-2250 Telephone / (561) 655-5537 Facsimile  
Email: [arose@mrachek-law.com](mailto:arose@mrachek-law.com)  
Secondary: [mchandler@mrachek-law.com](mailto:mchandler@mrachek-law.com)  
Attorneys for Ted S. Bernstein, as Successor Trustee

By: /s/ Alan B. Rose  
Alan B. Rose (Fla. Bar No. 961825)

## SERVICE LIST

Eliot Bernstein, individually  
and Eliot and Candice Bernstein,  
as Parents and Natural Guardians of  
D.B., Ja. B. and Jo. B, Minors  
2753 NW 34th Street  
Boca Raton, FL 33434  
(561) 245-8588 - Telephone  
(561) 886-7628 - Cell  
(561) 245-8644 - Facsimile  
Email: Eliot I. Bernstein ([iviewit@iviewit.tv](mailto:iviewit@iviewit.tv))

John P. Morrissey, Esq.  
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Counsel for Molly Simon, Alexandra Bernstein,  
Eric Bernstein, Michael Bernstein

Lisa Friedstein  
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Individually and as trustee for her children, and  
as natural guardian for M.F. and C.F., Minors

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Individually and as trustee for her children, and  
as natural guardian for J.I. a minor

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[ken@shendellpollock.com](mailto:ken@shendellpollock.com)  
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[britt@shendellpollock.com](mailto:britt@shendellpollock.com)  
[grs@shendellpollock.com](mailto:grs@shendellpollock.com)

**ACCOUNTING OF SIMON BERNSTEIN TRUST**  
**BY TED S. BERNSTEIN, SUCCESSOR TRUSTEE**

Trust: Simon L. Bernstein Amended and Restated Trust Agreement u/a/d 7-25-2012

Trustee: Ted S. Bernstein

Time Period: February 3, 2014 through March 15, 2015

	<u>Income</u>	<u>Principal</u>	<u>Total</u>
<b>I. Starting Balance</b>			
Assets per Inventory or on Hand at Close of Last Accounting Period		\$30,177.17	\$30,177.17
<b>II. Receipts</b>	\$0	\$0	\$0
<b>III. Disbursements</b>	\$0	(\$7,250.00)	(\$7,250.00)
<b>IV. Distributions</b>	\$0	\$0	\$0
<b>V. Capital Transactions and Adjustments</b>	\$0	\$0	\$0
<b>VI. Assets of Hand at Close of Accounting Period</b>	\$0	\$22,927.17	\$22,927.17

### **During Tenure of Ted Bernstein as Successor Trustee**

Total Assets in existence at time of acceptance of appointment: Feb. 3, 2014

1.	Interest in Bernstein Family Investments, LLLP	\$illiquid/undetermined
2.	JP Morgan Account	\$30,177.17
3.	Expectancy – sole beneficiary of Simon Bernstein Estate	\$ unknown

Accounting:

1. Interest in Bernstein Family Investments, LLLP

No known activity

Value: maximum would be 49% of total value  
(BFI, LLLP assets = approx. \$436,275  
less tax liabilities, expenses) \$illiquid/undetermined  
Est. range: \$150,000-200,000

2. Funds from JP Morgan Account:

Starting balance: \$30,177.17

Additions: \$0

Expenses:  
11/19/2014  
Expert Witness Fee: Bruce Stone (\$ 7,250.00)

Ending balance 3-18-15 \$22,927.17\*

\* Balance at JP Morgan \$10,000.00  
Balance in Mrachek-Law IOTA \$12,927.17

### **Additional Information**

The prior trustees have not done any accounting, formal or informal.

The Successor Trustee has investigated and makes the following report (which does not constitute any accounting required of the prior trustees, including Simon Bernstein, as Settlor/Trustee (initial trustee), or Donald Tescher and Robert Spallina, as Successor Co-Trustees.

### **Transactions during trusteeship of Simon Bernstein, Settlor/Trustees**

No knowledge. Settlor-Trustee deceased.

### **Transactions during trusteeship of Donald Tescher and Robert Spallina, as Successor Co-Trustees**

Total Assets in existence at time of appointment:

1. Interest in Bernstein Family Investments, LLLP \$ illiquid/undetermined
2. Bank Accounts or other assets: \$ none
3. Expectancy – sole beneficiary of Simon Bernstein Estate \$ unknown

Accounting:

1. Transactions involving Bernstein Family Investments, LLLP

Outflows: Several cash distributions made to limited partner,  
Simon Bernstein Restated Trust u/a/d 7/25/12:

10/23/12	60,000.00
11/2/12	39,000.00
12/20/13	<u>100,000.00</u>
Total	199,000.00

Ending Value: see above

2. Bank Accounts:

JP Morgan Account (newly opened account)

Starting Balance:	\$0
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<u>Transactions</u>		DEPOSIT	WITHDRAWAL
DATE	DESCRIPTION		
10/23/12	Deposit from LLLP	60,000.00	
11/2/12	Deposit from LLLP	39,000.00	
12/26/2012	Fees - CBIZ (tax return Jill Trust)		(500.00)
	Fees - CBIZ (tax return Lisa Trust)		(500.00)
	Fees - CBIZ (tax return Eliot Trust)		(500.00)
	Fees - CBIZ (Bernstein Holdings, LLC)		(595.05)
	Fees - CBIZ (Bernstein Holdings, LLC)		(8,237.60)
10/1/2013	Fees - T&S Professional Fees		(15,146.12)
10/16/2013	Fees - Mark Manceri (Stansbury litigation)		(8,277.00)
11/25/2013	Fees - T&S Professional Fees		(15,067.06)
12/20/13	Deposit from LLLP	100,000.00	
01/15/2014	<u>Internal Revenue Service</u>	199,000.00	<u>(120,000.00)</u>
	TOTALS	Receipts Payments	199,000.00 (168,882.83)
<b>Ending balance @ Tescher Resignation</b>		<b>\$30,177.17</b>	

Under penalties of perjury, the undersigned Trustee declares that I have read and examined this accounting and that the facts and figures set forth in are true, to the best of my knowledge and belief, and that it is a complete report of all cash and property transactions and of all receipts and disbursements by me as Trustee from February 3, 2014 to March 15, 2015.

Signed on March 26, 2015

Successor Trustee:



Ted S. Bernstein