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

No.: 502014CP003698XXXXNB

TED BERNSTEIN, as Trustee Probate Division
of the Shirley Bernstein Trust Agreement Case
dated May 20, 2008, as amended,

Plaintiff,

v.

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; ELIOT 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.
_____/

AMENDED

URGENT PETITION OF JOSHUA BERNSTEIN, JACOB BERNSTEIN, DANIEL BERNSTEIN ON CONSENT OF TRUSTEE GINGER STANGER

TO WITHDRAW AND TRANSFER ALL FUNDS IN COURT REGISTRY TO CURRENT TRUSTEE GINGER STANGER

COMES NOW, Petitioners, Joshua, Jacob and Daniel Bernstein, by and through the undersigned counsel, Leslie Ann Ferderigos, Esq. who respectfully show and Petition this Court as follows:

1. I represent the Petitioners, Joshua, Jacob and Daniel Bernstein as counsel of record in this and other cases in the 15th Judicial involving their rights of inheritance and as Trust beneficiaries under the Trusts and Estates of their grandparents, now deceased Simon and Shirley Bernstein.
2. This is an Amended Petition being Amended after a direct phone call with attorney Alan Rose representing Ted Bernstein had on Friday, March 18, 2022 as part of Local Rule compliance to confer with opposing Counsel in good faith in an effort to resolve matters where able.
3. Counsel Rose did not object to the Scheduling of this matter for a UMC Hearing and did affirmatively provide general availability for such Hearing.
4. Counsel Rose did not articulate a specific basis for Standing to even Object to this Petition but did state generally it was for the Court to decide although he did raise a general ground of concern on behalf of Ted Bernstein due to his view of the prior history of litigation.

5. Counsel Rose did suggest a general Accounting by Trustee Ginger Stanger is proper to file but again suggested a general accounting would be appropriate.
6. The prior Petition is now Amended to include these matters and provide a general accounting by Trustee Ginger Stanger and to further clarify that Joshua, Jacob and Daniel Bernstein have all reviewed such Accounting, have no objections to such Accounting, and further assert that all such expenditures were proper and for their best interests. See attached.
7. Upon further conferring with my clients and the current Trustee Ginger Stanger the Petition is further Amended to reflect that current Trustee Ginger Stanger who remains ready, willing and able to serve shall continue as Trustee and that all such Registry Funds shall be Withdrawn to her as . Trustee and that my clients fully consent to such action and that both Trustee Ginger Stanger and my clients each understand the pending foreclosure litigation and the need to preserve and have funds available if needed to protect the home at 2753 NW 34th Street, Boca Raton, Fl 33434.
8. Counsel Rose did open discussions for settlement of that case and other settlements and such discussions remain open to settle amongst the parties and my clients and Trustee Ginger Stanger are fully aware of these matters.

9. Upon information and belief, Joshua, Jacob and Daniel Bernstein are all over the age of majority being 18 years of age or older and all are able to make informed Consent decisions about their affairs.
10. Upon information and belief, there remains approximately $300,000.00 or more in Funds being held by the Court Registry for the Benefit of the Petitioners, Joshua, Jacob and Daniel Bernstein.
11. At the time of the Feb. 16, 2021 Order of this Court, the Court approved the appointment of the maternal grandmother Ginger Stanger as Trustee on behalf of Joshua, Jacob and Danny Bernstein on an interim, annual basis and further approved partial Distributions of funds from the Registry at that time.
12. On June 2, 2021 I filed a Notice of Appearance on behalf of JOSHUA ENNIO ZANDER BERNSTEIN, JACOB NOAH ARCHIE BERNSTEIN, AND DANIEL ELIJSHA ABE OTTOMO BERSTEIN in both this Case Number 502014CP003698XXXXNB and also in CASE NUMBER: 50-2018-CA-002317-XXXX-MB, CASE STYLE: SAHM, WALTER E V BERNSTEIN FAMILY REALTY LLC under Document No. 82 in a case involving an alleged action in Foreclosure by one Walter Sahm against Bernstein Family Realty, LLC and other interests naming my clients herein.

13. I remain as their Counsel of record today and recently filed a Notice of Appeal on their behalf to the 4th District Court of Appeals in the case involving an alleged foreclosure by Walter and Patricia Sahm.
14. The foreclosure case 50-2018-CA-002317-XXXX-MB seeks to impact rights including but not limited to rights of both equity and possession and living circumstances of the Petitioners where a Judgment and money damages in excess of $300,000.00 is sought by Plaintiffs and thus as counsel I can attest that the Petitioners would benefit in both negotiations and litigation strategy by having access to their funds presently being held in the Registry.
15. The Petitioners have been informed of these proceedings and have provided their consent to the Transfer of all such Registry funds held on their behalf to accounts already established by Ginger Stanger under a prior Order of this Court transferring all such funds on their behalf for their benefit.
16. The prior Order of this Court made it clear that Trustee Ginger Stanger could apply to the Court for further Distributions from the Registry as appropriate for the benefit of my clients.
17. Upon information and belief, current Trustee Ginger Stanger is ready, willing and able to continue as Trustee and is willing to continue to serve and my clients consent to Ginger Stanger continuing to serve as Trustee.

18. The prior Order of this Court authorized an additional request for disbursement of funds within one year and this request is made within such one year period and made for the benefit of the Petitioners.
19. By the consent expressed by the signatures and Declarations below, both the Petitioners and Ginger Stanger consent and seek the immediate transfer of all such funds to accounts already established by Ginger Stanger for Joshua, Jacob and Danny Bernstein and that Ginger Stanger shall continue as Trustee and shall assume management and control over such funds for the benefit and best interests of Joshua, Jacob and Daniel Bernstein.

CONSENT TO THE WITHDRAWAL OF ALL REGISTRY FUNDS HELD FOR JOSHUA, JACOB AND DANIEL BERNSTEIN TO CURRENT TRUSTEE GINGER STANGER FOR THEIR BENEFIT

Per the Court Order dated February 16, 2021, the beneficiaries of the trusts defined in the Order, Joshua, Jacob & Daniel Bernstein, have chosen Ginger Stanger to continue to serve as Trustee.

No other parties have legal interest or standing in these trusts.

Petitioners are seeking to have the Court approve this transfer of all the monies held in the Court Registry to Trustee Ginger Stanger as soon as possible in order that negotiations can be had to settle the Foreclosure with the Plaintiff in that action if necessary. Also, the monies will be put into interest-bearing accounts

already established whereas currently no interest is being paid by the Court Registry for several years, further causing losses to the children.

WHEREFORE, it is respectfully prayed for an Order directing the immediate release and transfer of all Registry funds and monies held for Joshua, Jacob and Daniel Bernstein to Trustee Ginger Stanger and for such other and further relief as may be just and proper.

DECLARATION OF JOSHUA BERNSTEIN

Under penalties of perjury, I declare that I have read the foregoing Petition for Release and Withdrawal of all Registry funds to Trustee Ginger Stanger and that the facts stated in it are true to the best of my own knowledge and further consent to such Petition being granted and for such other and further relief as may be just and proper,

Dated : MARCH 22, 2022

Joshua Ennio Zander Bernstein

DECLARATION OF JACOB BERNSTEIN

Under penalties of perjury, I declare that I have read the foregoing Petition for Release and Withdrawal of all Registry funds to Trustee Ginger Stanger and that the facts stated in it are true to the best of my own knowledge and further consent to such Petition being granted and for such other and further relief as may be just and proper,

Dated : MARCH 22, 2022

Jacob Noah Archie Bernstein

DECLARATION OF DANIEL BERNSTEIN

Under penalties of perjury, I declare that I have read the foregoing Petition for Release and Withdrawal of all Registry funds to Trustee Ginger Stanger and that the facts stated in it are true to the best of my own knowledge and further consent to such Petition being granted and for such other and further relief as may be just and proper,

Dated : MARCH 22, 2022

Daniel Elishja Abe Ottomo Bernstein

DECLARATION OF TRUSTEE GINGER STANGER

Under penalties of perjury, I declare that I have read the foregoing Petition for Release and Withdrawal of all Registry funds to Trustee Ginger Stanger and that the facts stated in it are true to the best of my own knowledge and further consent to such Petition being granted and accept continuing as Trustee herein and for such other and further relief as may be just and proper,

Dated : MARCH 22, 2022

Ginger Stanger

WHEREFORE, it is respectfully prayed for an Order directing the immediate release and transfer of all Registry funds and monies held for Joshua, Jacob and Daniel Bernstein to Trustee Ginger Stanger and for such other and further relief as may be just and proper.

Dated: 3-22-2022

/s/Leslie Ferderigos
Leslie Ferderigos, Esq.
Leslie Ann Law, PA
Bar No.:0127526
941 N. Orange Ave
Winter Park, Fl 32789
(t) 407-969-6116
leslie@fightingfirm.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all parties requiring service were served electronically via the Florida ECourt filing portal on this 22nd day of March, 2022.

Dated: 3-22-2022

/s/Leslie Ferderigos
Leslie Ferderigos, Esq.
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Winter Park, Fl 32789
(t) 407-969-6116
leslie@fightingfirm.com

EXHIBIT - CASE NO. 502014CP003698XXXXNB

GENERAL ACCOUNTING

TRUSTEE GINGER STANGER

FUNDS FOR THE BENEFIT OF JOSHUA, JACOB, AND DANIEL BERNSTEIN - General Accounting for the period Feb. 2021 to March 2022.

PALM BEACH COUNTY 15TH JUDICIAL CASE NUMBER 502014CP003698XXXXNB

Funds at Commencement = $75,000.00 ($25,000.00 @ 3 Individual Accounts)

Present Funds Remaining = $11,354.47 ** Note ** Cumulative Total of all 3 accounts.

Total Funds Spent = $63,645.53 ** Note ** Cumulative Total of all 3 accounts.

General Categories of Expenditures and Cumulative Totals:

School Total = $13,245.03

Bills Total = $26,519.16

Taxes Total = $18,890.34

Miscellaneous Total - $4,991.00 (Note - $4,100.00 Heater Replacement)

Dated: March 22, 2022

Ginger Stanger, Trustee