

**IN THE CIRCUIT COURT FOR
PALM BEACH COUNTY, FLORIDA**

**PROBATE DIVISION
FILE NO.: 502012CP004391XXXXSB
DIVISION: FRENCH**

**IN RE: ESTATE OF

SIMON BERNSTEIN

Deceased.**

**MOTION TO STRIKE PETITION TO DETERMINE AND
RELEASE TITLE OF EXEMPT PROPERTY**

COME NOW, Donald R. Tescher and Robert L. Spallina, as Co-Personal Representatives of the Estate of Simon L. Bernstein, by and through their undersigned counsel and hereby file this their Motion to Strike Petition to Determine and Release Title of Exempt Property filed by Eliot Bernstein dated October 10, 2013 and in support thereof state, as follows:

1. Eliot Bernstein, pro se, filed the Petition on October 10, 2013. A copy of said Petition is attached hereto as Exhibit "A" and incorporated herein by reference.
2. A copy of the Will of Simon L. Bernstein dated July 25, 2012, which has been admitted to probate is attached hereto as Exhibit "B" and incorporated herein by reference.
3. Simon L. Bernstein was predeceased by his spouse, Shirley Bernstein.
4. As can be seen, Article I of the Will leaves the Decedent's tangible personal property (i.e. including the subject KIA automobile) equally to his five (5) children identified

in the Will.

5. The Decedent's grandson, Joshua Bernstein, is not included among the class of person(s) entitled to receive exempt property as a share to the Decedent's Estate. See Florida Statute 732.402(1).

6. Additionally, the Petition reflects that the Decedent's other four (4) children were not served with a copy of the Petition.

7. Based on all of the above, the Petition must be stricken.

WHEREFORE, Donald R. Tescher and Robert L. Spallina, as Co-Personal Representatives of the Estate of Simon L. Bernstein hereby request for an Order consistent with the relief requested herein and an award of attorney's fees and costs to be paid by Eliot Bernstein.

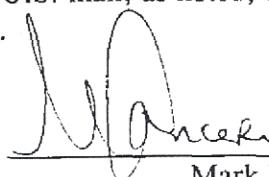
MARK R. MANCERI, P.A.
Attorney for Donald R. Tescher and Robert L.
Spallina, as Co-Personal Representatives
2929 East Commercial Blvd., Suite 702
Ft. Lauderdale, FL 33308
Telephone: (954) 491-7099
E-mail: mrmlaw@comcast.net
mrmlaw1@gmail.com

By: Mark R. Manceri

Mark R. Manceri, Esq.
Florida Bar No. 444560

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by e-mail to the designated address(es) and U.S. mail, as noted, to all parties on the following Service List, this 24th day of October, 2013.



Mark R. Manceri, Esq.

SERVICE LIST

Eliot Bernstein (U.S. mail)
2753 NW 34th Street
Boca Raton, Florida 33434

Theodore Stuart Bernstein (U.S. mail)
Life Insurance Concepts
950 Peninsula Corporate Circle, Suite 3010
Boca Raton, Florida 33487

Lisa Sue Friedstein (U.S. mail)
2142 Churchill Lane
Highland Park, IL 60035

Pamela Beth Simon (U.S. mail)
950 North Michigan Avenue, Suite 2603
Chicago, IL 60611

Jill Iantoni (U.S. mail)
2101 Magnolia Lane
Highland Park, IL 60035

IN THE CIRCUIT COURT FOR PALM BEACH COUNTY, FLORIDA

IN RE: ESTATE OF SHIRLEY BERNSTEIN, PROBATE DIVISION

Deceased.

CASE NO: 502011CP000653XXXXSB

DIVISION: COLIN

NOTICE OF LIMITED APPEARANCE

PLEASE TAKE NOTICE that Mark R. Manceri, Esq., of MARK R. MANCERI, P.A., hereby appears, pursuant to Florida Probate Rule 5.030(b) as attorney of record on behalf of Ted Bernstein a/k/a Theodore Bernstein, as Successor Personal Representative of the Estate of Shirley Bernstein with respect to the Hearing to be held on October 28, 2013 at 4:00 p.m.

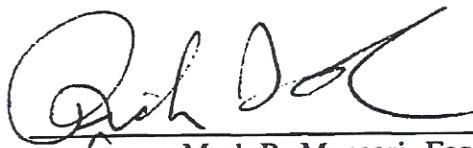
MARK R. MANCERI, P.A.
Attorney for Ted Bernstein
2929 East Commercial Blvd., Suite 702
Ft. Lauderdale, FL 33308
Telephone: (954) 491-7099
E-mail: mrmlaw@comcast.net
mrmlaw1@gmail.com

By:


for Mark R. Manceri, Esq.
Florida Bar No. 444560

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by e-mail to the designated address(es) and U.S. mail to all parties on the following Service List, this 25th day of October, 2013.


for Mark R. Manceri, Esq.

SERVICE LIST

Peter M. Feaman, Esq.
Peter M. Feaman, P.A.
3615 West Boynton Beach Blvd.
Boynton Beach, Florida 33436

Brandan J. Pratt, Esq.
Huth & Pratt
2101 N.W. Corporate Blvd., Suite 400
Boca Raton, Florida 33431

Theodore Stuart Bernstein (U.S. mail)
Life Insurance Concepts
950 Peninsula Corporate Circle, Suite 3010
Boca Raton, Florida 33487

Lisa Sue Friedstein (U.S. mail)
2142 Churchill Lane
Highland Park, IL 60035

Pamela Beth Simon (U.S. mail)
950 North Michigan Avenue, Suite 2603
Chicago, IL 60611

Jill Iantoni (U.S. mail)
2101 Magnolia Lane
Highland Park, IL 60035

IN THE CIRCUIT COURT OF THE 15TH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

IN RE: ESTATE OF

SHIRLEY BERNSTEIN,

PROBATE DIVISION

Deceased.

Case No.: 502011CP000653XXXXSB

**NOTICE OF APPEARANCE, REQUEST FOR COPIES AND NOTICE OF E-MAIL
ADDRESS DESIGNATION PURSUANT TO FLORIDA RULE OF JUDICIAL
ADMINISTRATION 2.516**

NOTICE IS HEREBY GIVEN that the undersigned attorneys represent and are appearing for Eliot Bernstein in this action. Demand is hereby made that copies of all pleadings and other papers in this action be served on the undersigned attorneys at their address indicated below, pursuant to Florida Probate Rule 5.060. Pursuant to Florida Rule of Judicial Administration 2.516, effective September 1, 2012, the following individuals are hereby designated with the respective e-mail addresses for service of pleadings and documents in this matter:

Primary e-mail: bpratt@huthpratt.com Brandan J. Pratt, Esq.

Secondary e-mail: liza@huthpratt.com Liza Hernandez, Legal Assistant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing was furnished this 24th, day of October, 2013 via e-mail to Mark Manceri, Esq., via-email address: mrmlaw@comcast.net and to Robert Louis Spallina, Esq., via-email address: rspallina@tescherspallina.com.

Huth & Pratt
2101 N.W. Corporate Boulevard, Suite 400
Boca Raton, Florida 33431
Telephone: (561) 392-1800
Facsimile: (561) 392-3535

/s/ Brandan J. Pratt
Brandan J. Pratt, Esq.
Florida Bar No. 010745
Primary E-Mail: bpratt@huthpratt.com
Secondary E-mail: liza@huthpratt.com

IN THE CIRCUIT COURT OF THE 15TH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

IN RE: ESTATE OF

SHIRLEY BERNSTEIN,

PROBATE DIVISION

Deceased.

Case No.: 502011CP000653XXXXSB

NOTICE TO APPEAR AT HEARING

COMES NOW, ELIOT IVAN BERNSTEIN, by and through his undersigned counsel, and hereby provides notice that the Petitioner, THEODORE STUART BERNSTEIN, will be called to testify at the hearing set before The Honorable Martin H. Colin, at the Palm Beach County Courthouse, courtroom 8, 200 W. Atlantic Ave., Delray Beach, Florida 33444, commencing on the 28nd day of October, 2013 at 4:00p.m. and to continue for one (1) hour. If you fail to appear, you may be held in contempt of court. You are noticed to appear by the following attorney, and unless excused by this attorney or the court, you shall appear as directed.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing was furnished this 24th, day of October, 2013 via e-mail to Mark Manceri, Esq., via-email address: mrmlaw@comcast.net and to Robert Louis Spallina, Esq., via-email address: rspallina@tescherspallina.com.

HUTH & PRATT
2101 N.W. Corporate Boulevard, Suite 400
Boca Raton, Florida 33431
Telephone: (561) 392-1800
Facsimile: (561) 392-3535

/s/ Brandan J. Pratt
Brandan J. Pratt, Esq.
Florida Bar No. 010745
Primary E-Mail: bpratt@huthpratt.com
Secondary E-mail: liza@huthpratt.com

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

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

The undersigned, Ted S. Bernstein, whose address is 880 Berkeley Street, Boca Raton, Florida 33487, and who has an interest in the above estate as beneficiary of the estate:

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

Signed on 10/15/2013, 2013.

Beneficiary

By:

TED BERNSTEIN

Sworn to and subscribed to before me on 10/15/2013, 2013, by TED BERNSTEIN, who is personally known to me or who produced as identification.

Lindsay Baxley

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

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

The undersigned, Pamela B. Simon, whose address is 950 North Michigan Avenue, Suite 2603, Chicago, IL 60606, and who has an interest in the above estate as beneficiary of the estate:

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

Signed on October 21st, 2013.

Beneficiary

By:

PAMELA B. SIMON

Sworn to and subscribed to before me on October 21st, 2013, by
 PAMELA B. SIMON, who is personally known to me _____ or who produced
 X X X _____ as identification.

(Affix Notary Seal)



Cheryl Marie Sychowski
 Notary Public State of Florida

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

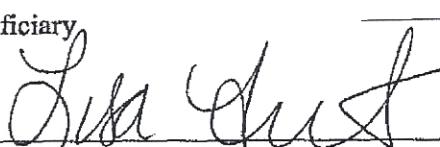
**WAIVER OF ACCOUNTING AND PORTIONS OF PETITION
 FOR DISCHARGE; WAIVER OF SERVICE OF PETITION FOR
 DISCHARGE; AND RECEIPT OF BENEFICIARY AND
 CONSENT TO DISCHARGE**

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

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

Signed on October 16, 2013.

Beneficiary

By: 
 LISA S. FRIEDSTEIN

Sworn to and subscribed to before me on October 16, 2013, by LISA S. FRIEDSTEIN, who is personally known to me _____ or who produced Driver's license as identification.

OFFICIAL SEAL
 SONJA PATRICK

(Affix Notarial Seal) Notary Public - State of Illinois
 My Commission Expires Oct 28, 2014

Notary Public State of Florida - Illinois

R E C E I P T

Page: 1

PALM BEACH CTY CIR CT JISPROD

Receipt Number: SBCV232295
Date: 25-OCT-2013
Cashier: JDELGADI

Payor: candice bernstein
Addr:

Quantity	Description	Amount
9	COPY - CP, GA, MH CHECK RECEIVED GENERAL ACCT	9.00 -9.00

Total Fees: 9.00
Total Payment: 9.00