

**IN THE CIRCUIT COURT OF THE FIFTEENTH 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
Case No.: 502014CP003698XXXXNBIH

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.

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**ORDER APPOINTING GINGER STANGER AS INTERIM TRUSTEE OF
TRUSTS CREATED FOR THE BENEFIT OF JOSHUA, JACOB AND DANIEL
BERNSTEIN AND PARTIALLY RELEASING FUNDS IN COURT REGISTRY**

THIS CAUSE came before the Court on February 12, 2021, on the *Motion to Confirm
Appointment of Ginger Stanger as Trustee* ("the Motion"). The Court, having reviewed the
Motion and the record, and having been otherwise fully advised in the premises, hereby ORDERS
AND ADJUDGES:

1. Pursuant to this Court's Order dated December 6, 2017, in the Shirley Bernstein Trust case, Case No. 502014CP003698XXXXNBIH, and based upon a similar motion filed in the Estate of Simon L. Bernstein, Case No. 502012CP004391XXXXNBIH, the Court directed that all funds from the Shirley Bernstein Trust that would otherwise be paid into sub-trusts for the benefit of Joshua, Jacob and Daniel Bernstein ("Eliot Bernstein's Children"),¹ are to be deposited into the Registry of the Court, under terms and conditions specified in that order, pending appointment of a new trustee for each sub-trust.

2. The prior Order further provides that "if the Court at any time appoints a successor trustee for any or all of the Eliot Children's Trust, all funds held in the Registry of the Court will be released to such trustee, to hold in an appropriate trust account solely for the benefit of Eliot's Children, consistent with the terms of Simon's Trust."

3. The beneficiaries of the sub-trusts, namely Joshua, Jacob and Daniel Bernstein, have selected as Successor Trustee, Ginger Stanger, and have moved the Court to approve such appointment. Ms. Stanger has filed with the Court an Affidavit, but did not appear to testify at the hearing.

4. At the hearing, the Court noted the proposed trustee is the maternal grandmother of Eliot's children, and the mother of Eliot's wife Candice, and expressed certain concerns as to Eliot's ability to exert influence or control over Ms. Stanger, which makes the Court hesitant to approve the permanent appointment of Ms. Stanger at this time. However, with the consent of

1 "Any and all funds which would otherwise be paid into the Eliot Children's Trust, as defined in the Settlement Agreement or any other agreement (including any settlement proceeds from the Illinois insurance litigation), will be deposited or paid into the Registry of the Court, separately for the benefit of each of Eliot's Children...."

counsel for Eliot's Children's and for the Plaintiff, Ted S. Bernstein, Trustee, the Court will agree to an interim appointment on a temporary, one-year basis.

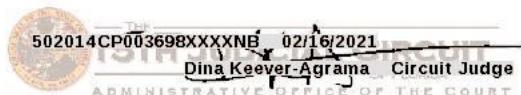
5. Accordingly, the Motion is GRANTED IN PART and DENIED IN PART. The Court approves that appointment of Ginger Stanger on an interim, annual basis.

6. The Court further grants a withdrawal from the court registry of an initial \$25,000 per beneficiary (or a total of \$75,000) to be held and administered in trust by Ginger Stanger, and orders Ms. Stanger to submit an accounting and reapply for appointment at the end of the year.

7. During the one year period, Ginger Stanger may petition the Court for additional funds, if, as, and when any such need arises, consistent with the terms of the December 7, 2017 Order and subsequent orders of this Court permitting distributions from the Court Registry.

8. To the extent Ms. Stanger is unable or unwilling to continue serving as trustee, Eliot's Children shall notify the Court and may petition the Court for further relief. Contrary to the suggestion in her Affidavit, Ms. Stanger may not designate or appoint successor trustee during the annual interim periods.

DONE AND ORDERED in Chambers, North County Courthouse on February 16, 2021.



502014CP003698XXXXNB 02/16/2021
Dina Keever-Agrama
Circuit Judge

HONORABLE DINA KEEVER-AGRAMA

cc: All parties on the attached service list

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