

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

D12857
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_____AD3d_____

Submitted - November 6, 2006

ROBERT W. SCHMIDT, J.P.
THOMAS A. ADAMS
FRED T. SANTUCCI
ROBERT A. LIFSON, JJ.

2005-10999

DECISION & ORDER

In the Matter of Euphemia McPherson, deceased.
Donald K. Koch, appellant; Public Administrator
of Suffolk County, respondent.

(File No. 2360/93)

Donald K. Koch, East Islip, N.Y., appellant pro se.

Reynolds, Caronia, Gianelli, Hagney, La Pinta & Hargraves, LLP, Hauppauge, N.Y.
(James T. Reynolds of counsel), for respondent.

In a probate proceeding, Donald K. Koch appeals, as limited by his notice of appeal and brief, from so much of a decree of the Surrogate's Court, Suffolk County (Czygier, S.), entered October 24, 2005, as, upon, inter alia, an order of the same court dated November 14, 2003, which, among other things, revoked letters of administration C.T.A. issued to him, disallowed his claim for the sum of \$7,664.88 in counsel fees and disbursements.

ORDERED that the decree is affirmed insofar as appealed from, with costs payable by the appellant personally.

Contrary to the appellant's contention, the Surrogate's Court providently exercised its discretion in revoking the appellant's letters of administration C.T.A. and in disallowing his claim for counsel fees and disbursements. The appellant failed, without good cause, to comply with the

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orders dated June 21, 2001, and June 24, 2003, directing the sale of the estate's realty (*see* SCPA 711[3], 719[10]; *Matter of Lanza*, 19 AD3d 494; *Matter of Consentino*, 218 AD2d 799; *Matter of Marsh*, 173 AD2d 336; *cf. Matter of Maxwell*, 13 AD3d 630).

SCHMIDT, J.P., ADAMS, SANTUCCI and LIFSON, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer
Clerk of the Court