

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

D14297
Y/gts

_____AD3d_____

Submitted - February 9, 2007

STEPHEN G. CRANE, J.P.
ANITA R. FLORIO
STEVEN W. FISHER
THOMAS A. DICKERSON, JJ.

2006-03363

DECISION & ORDER

In the Matter of Faye Mancuso, deceased.
Michael Pizzi, appellant;
Sebastian Robert Grassi, et al., respondents.

(File No. 181/00)

Connors and Sullivan, P.C., Brooklyn, N.Y. (Marc J. Monte of counsel), for appellant.

Kevin J. Farrelly, New York, N.Y. (Richard J. Montelione and Jeffrey H. Weinberger of counsel), for respondents.

In a contested probate proceeding, the proponent Michael Pizzi appeals from a decree of the Surrogate's Court, Kings County (Tomei, S.), dated March 1, 2006, which, upon a jury verdict finding that the decedent lacked testamentary capacity at the time of execution of the will and that the will was procured by undue influence, denied probate of the will.

ORDERED that the decree is affirmed, with costs.

The jury's finding that the decedent's will was procured by undue influence was supported by legally sufficient evidence and was not against the weight of the evidence.

March 13, 2007

Page 1.

MATTER OF MANCUSO, DECEASED

The proponent's remaining contentions are without merit, do not require reversal, or need not be reached in light of our determination on the issue of undue influence.

CRANE, J.P., FLORIO, FISHER and DICKERSON, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive style with a large, sweeping initial "J".

James Edward Pelzer
Clerk of the Court