

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

D32745
G/mv

_____AD3d_____

Argued - October 14, 2011

MARK C. DILLON, J.P.
THOMAS A. DICKERSON
CHERYL E. CHAMBERS
ROBERT J. MILLER, JJ.

2010-05276
2010-10356

DECISION & ORDER

In the Matter of Hattie G. Martin, deceased.
Miladin Dobric, appellant; David J. Baron, respondent.

(File No. 1070/08)

Miladin Dobric, Long Island City, N.Y., appellant pro se.

Baron & Baron, Esqs., P.C., Forest Hills, N.Y. (David J. Baron, respondent pro se,
and Kristen A. Meilak of counsel), for respondent.

In a probate proceeding in which David J. Baron, as executor, petitioned for the judicial settlement of the decedent's estate, the objectant appeals (1) from an order of the Surrogate's Court, Queens County (Nahman, S.), dated May 21, 2010, which, inter alia, granted the petitioner's motion for summary judgment dismissing his objections, and (2) from a decree of the same court dated September 27, 2010, which, upon the order, judicially settled the account.

ORDERED that the appeals are dismissed, with one bill of costs payable by the appellant personally.

The appeal from the intermediate order must be dismissed because the right of direct appeal therefrom terminated with the entry of the decree in the proceeding (*see Matter of Aho*, 39 NY2d 241, 248). The issues raised on the appeal from the order would have been brought up for review on the appeal from the decree. However, since the appendix filed by the appellant is inadequate to enable this Court to render an informed decision on the merits, the appeal from the

decree must be dismissed (*see Miller v Cruise Fantasies, Ltd.*, 74 AD3d 921; *Marcantonio v Picozzi*, 46 AD3d 522).

DILLON, J.P., DICKERSON, CHAMBERS and MILLER, JJ., concur.

ENTER:


Matthew G. Kiernan
Clerk of the Court