

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

D33054
G/kmb

_____AD3d_____

Argued - November 7, 2011

REINALDO E. RIVERA, J.P.
JOHN M. LEVENTHAL
ARIEL E. BELEN
SHERI S. ROMAN, JJ.

2011-01346

DECISION & ORDER

In the Matter of Oswald Jordan, deceased.
Victor Jordan, appellant; Lenna Susannah
Jordan, respondent.

(File No. 3785/10)

Victor Jordan, Brooklyn, N.Y., appellant pro se.

Mark E. Feinberg, Brooklyn, N.Y., for respondent.

In a proceeding pursuant to SCPA 1001 to obtain letters of administration for the estate of Oswald Jordan, Victor Jordan appeals from a decree of the Surrogate's Court, Kings County (Lopez Torres, S.), dated January 20, 2011, which, upon an order of the same court dated December 30, 2010, denying his petition for the issuance of letters of administration and granting the cross petition of Lenna Susannah Jordan for the issuance of permanent letters of administration to her and to revoke temporary letters of administration previously issued to Victor Jordan, inter alia, decreed that letters of administration be issued to Lenna Susannah Jordan.

ORDERED that the decree is affirmed, with costs payable by the appellant personally.

SCPA 1001, which sets forth the priority for the issuance of letters of administration, unequivocally provides that the surviving spouse has priority over all other distributees of the intestate (*see* SCPA 1001[1][a]). Accordingly, the Surrogate's Court properly denied the appellant's petition for the issuance of letters of administration and granted the cross petition of Lenna Susannah Jordan for the issuance of permanent letters of administration to her, as the surviving spouse, and to revoke temporary letters of administration previously issued to the appellant (*see Matter of*

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MATTER OF JORDAN, DECEASED

Morris, 69 AD3d 635, 636).

The appellant's remaining contentions are without merit (*see* SCPA 711, 719, 1001[1][a]).

RIVERA, J.P., LEVENTHAL, BELEN and ROMAN, JJ., concur.

ENTER:


Matthew G. Kiernan
Clerk of the Court