

**SUPREME COURT OF THE STATE OF NEW YORK**  
*Appellate Division, Fourth Judicial Department*

1531

CA 10-00164

PRESENT: SMITH, J.P., PERADOTTO, CARNI, LINDLEY, AND SCONIERS, JJ.

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IN THE MATTER OF THE ADMINISTRATION OF THE  
ESTATE OF CAROL PETOTE, DECEASED.

MEMORANDUM AND ORDER

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KAREN M. PETOTE, PETITIONER-APPELLANT;

THOMAS CHICHESTER, RESPONDENT-RESPONDENT.  
(APPEAL NO. 2.)

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MICHAEL STEINBERG, ROCHESTER, FOR PETITIONER-APPELLANT.

MICHAEL A. ROSENHOUSE, ROCHESTER, FOR RESPONDENT-RESPONDENT.

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Appeal from an order of the Surrogate's Court, Monroe County  
(Edmund A. Calvaruso, S.), entered February 26, 2009. The order  
awarded respondent attorney's fees.

It is hereby ORDERED that the order so appealed from is  
unanimously reversed on the law without costs.

Same Memorandum as in *Matter of Petote* ([appeal No. 1] \_\_\_ AD3d  
\_\_\_ [Feb. 10, 2011]).

Entered: February 10, 2011

Patricia L. Morgan  
Clerk of the Court