

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

1310

CA 10-00901

PRESENT: SCUDDER, P.J., SMITH, CARNI, LINDLEY, AND GREEN, JJ.

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IN THE MATTER OF THE ESTATE OF GERALDINE PERRY,  
DECEASED.

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EUGENE ENDRES, EXECUTOR OF THE ESTATE OF HELEN  
ENDRES, DECEASED, PETITIONER-APPELLANT,

V

ORDER

ACEY M. MOSEY, ERIE COUNTY PUBLIC ADMINISTRATOR,  
ROGER B. SIMON, GUARDIAN AD LITEM, AND ANDREW M.  
CUOMO, ATTORNEY GENERAL, STATE OF NEW YORK,  
RESPONDENTS-RESPONDENTS.

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KATZ AND BAEHRE, WILLIAMSVILLE (JEFFREY H. KATZ OF COUNSEL), FOR  
PETITIONER-APPELLANT.

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Appeal from an order of the Surrogate's Court, Erie County  
(Barbara Howe, S.), entered June 30, 2009. The order distributed one  
half of the estate of Geraldine Perry to the estate of Helen Endres.

It is hereby ORDERED that the order so appealed from is  
unanimously affirmed without costs for reasons stated in the decision  
by the Surrogate.

Entered: November 12, 2010

Patricia L. Morgan  
Clerk of the Court