

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

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CA 09-02079

PRESENT: SCUDDER, P.J., FAHEY, PERADOTTO, LINDLEY, AND MARTOCHE, JJ.

IN THE MATTER OF ROBERT SILLS AND AUDREY
ELAINE SILLS, AS CO-EXECUTORS OF THE ESTATE
OF ANGELINE V. SILLS, DECEASED,
PETITIONERS-APPELLANTS,

V

MEMORANDUM AND ORDER

FLEET NATIONAL BANK, JOAN ROYSTON AND
KIRK RICHARDSON, RESPONDENTS-RESPONDENTS.

AUDREY PATRONE PEARTREE, GUARDIAN AD LITEM,
RESPONDENT.

ROBERT SILLS AND AUDREY ELAINE SILLS, AS
CO-EXECUTORS OF THE ESTATE OF ANGELINE V.
SILLS, DECEASED, PLAINTIFFS-APPELLANTS,

V

FLEET BANK AND JOAN ROYSTON,
DEFENDANTS-RESPONDENTS.

AUDREY PATRONE PEARTREE, GUARDIAN AD LITEM,
RESPONDENT.

ROBERT SILLS AND AUDREY ELAINE SILLS, AS
CO-EXECUTORS OF THE ESTATE OF ANGELINE V.
SILLS, DECEASED, PLAINTIFFS-APPELLANTS,

V

JOAN ROYSTON, DEFENDANT-RESPONDENT.

AUDREY PATRONE PEARTREE, GUARDIAN AD LITEM,
RESPONDENT.

(APPEAL NO. 4.)

GATES & ADAMS, P.C., ROCHESTER (MICHAEL STEINBERG OF COUNSEL), FOR
PETITIONERS-APPELLANTS AND PLAINTIFFS-APPELLANTS.

MCDONOUGH & ARTZ, P.C., BINGHAMTON (PHILIP J. ARTZ OF COUNSEL), FOR
RESPONDENT-RESPONDENT AND DEFENDANT-RESPONDENT JOAN ROYSTON.

THE WOLFORD LAW FIRM LLP, ROCHESTER (ELIZABETH A. WOLFORD OF COUNSEL),
FOR RESPONDENT.

UNDERBERG & KESSLER LLP, ROCHESTER (PAUL V. NUNES OF COUNSEL), FOR
RESPONDENT-RESPONDENT FLEET NATIONAL BANK AND DEFENDANT-RESPONDENT
FLEET BANK.

Appeal from an order of the Supreme Court, Steuben County (Peter C. Bradstreet, A.J.), entered September 16, 2009. The order, among other things, adjudged that all reasonable fees and disbursements incurred by guardian ad litem Audrey Patrone Peartree in appeals of the court's decision and order dated May 19, 2009 and order dated July 26, 2009 be paid for by the Estate of Angeline V. Sills.

It is hereby ORDERED that the order so appealed from is unanimously vacated without costs and the matter is remitted to Supreme Court, Steuben County, for further proceedings in accordance with the same Memorandum as in *Sills v Fleet Natl. Bank* ([appeal No. 1] ___ AD3d ___ [Feb. 18, 2011]).

Entered: February 18, 2011

Patricia L. Morgan
Clerk of the Court