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This memorandum is uncorrected and subject to revision before  
publication in the New York Reports.  
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No. 87 SSM 8  
Clarence Gaines, as the Executor  
of the Estate of Janie Gaines,  
Deceased,  
Respondent,  
v.  
City of New York, et al.,  
Defendants,  
Department of Social Services of  
the City of New York,  
Appellant.

Submitted by Eric Lee, for appellant.  
Submitted by Tamara L. Stack, for respondent.

\* \* \* \* \*

On review of submissions pursuant to section 500.11 of the Rules,  
order affirmed, with costs, and certified question answered in  
the affirmative. Under the circumstances of this case, a valid  
supplemental needs trust was never effected. Claimants did not  
argue before Supreme Court that the trust was not a lifetime  
trust governed by EPTL 7-1.17 and EPTL 7-1.18. That argument is,  
therefore, unpreserved for our review. Chief Judge DiFiore and  
Judges Rivera, Stein, Fahey, Garcia and Wilson concur.

Decided June 1, 2017