

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

1173

CA 14-00113

PRESENT: SMITH, J.P., PERADOTTO, VALENTINO, WHALEN, AND DEJOSEPH, JJ.

JAMES G. BRYDEN, PLAINTIFF-APPELLANT,

V

MEMORANDUM AND ORDER

LEROY HANKINS, KATHRYN CAPELLA HANKINS AND
J. SANDRA GOVERNANTI, DEFENDANTS-RESPONDENTS.

HOFFMANN, HUBERT & HOFFMANN, LLP, SYRACUSE (TERRANCE J. HOFFMANN OF
COUNSEL), FOR PLAINTIFF-APPELLANT.

DAVID C. KING, ROCHESTER, FOR DEFENDANTS-RESPONDENTS.

Appeal from a judgment of the Supreme Court, Cayuga County (Mark H. Fandrich, A.J.), entered April 8, 2013. The judgment, among other things, determined the boundary line between the parties' properties located in the Town of Fleming.

It is hereby ORDERED that the judgment so appealed from is unanimously affirmed without costs.

Memorandum: We affirm for reasons stated in the amended decision at Supreme Court. We write to note that, contrary to plaintiff's contention, the record fully supports the court's determination to rely on the Gleason (1998) survey over the Watkins (2005) survey. We also note that, in the absence of a cross appeal by defendants, their contention that the court erred in "not granting all lands north of the intersection of [defendants'] fence and the Gleason line to [defendants]" is not properly before us (*see Raab v Dumblewski*, 226 AD2d 1021, 1022).

Entered: January 2, 2015

Frances E. Cafarell
Clerk of the Court