

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

701

CA 16-00312

PRESENT: WHALEN, P.J., CENTRA, LINDLEY, TROUTMAN, AND SCUDDER, JJ.

IN THE MATTER OF THE APPLICATION OF HSBC
BANK USA, N.A., GRACIA M. CAMPBELL (FORMERLY
KNOWN AS GRACIA C. FLICKINGER) AND GRACIA E.
CAMPBELL, AS TRUSTEES,

FOR THE JUDICIAL SETTLEMENT OF THE INTERMEDIATE
AND FINAL ACCOUNTS AS TRUSTEES OF TRUST UNDER MEMORANDUM AND ORDER
THE AGREEMENT DATED DECEMBER 20, 1974 AND
RESTATED OCTOBER 19, 1998 AND MODIFIED BY AN
INSTRUMENT DATED DECEMBER 26, 2000,

FOR THE BENEFIT OF GRACIA E. CAMPBELL (FORMERLY
KNOWN AS GRACIA E.C. FLICKINGER), GRANTOR,

FOR THE PERIOD FROM DECEMBER 20, 1974 TO
SEPTEMBER 24, 2011.

GRACIA E. CAMPBELL (FORMERLY KNOWN AS GRACIA E.C.
FLICKINGER), RESPONDENT-APPELLANT.

V

HSBC BANK USA, N.A., PETITIONER-RESPONDENT.
(APPEAL NO. 2.)

LAWRENCE J. KONCELIK, JR., EAST HAMPTON, FOR RESPONDENT-APPELLANT.

BLAIR & ROACH, LLP, TONAWANDA (JOHN P. DEE OF COUNSEL), FOR
PETITIONER-RESPONDENT.

Appeal from an order of the Supreme Court, Erie County (Diane Y. Devlin, J.), entered December 22, 2015. The order, among other things, adjudged that petitioner shall be reimbursed for attorneys' fees as well as costs and disbursements.

It is hereby ORDERED that the order so appealed from is unanimously modified on the law by vacating those parts of the second ordering paragraph awarding attorneys' fees and costs and disbursements and as modified the order is affirmed without costs, and the matter is remitted to Supreme Court, Erie County, for further proceedings in accordance with the same memorandum as in *Matter of*

HSBC Bank USA, N.A. ([appeal No. 1] ____ AD3d ____ [June 9, 2017]).

Entered: June 9, 2017

Frances E. Cafarell
Clerk of the Court