

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

1376

CA 17-00948

PRESENT: WHALEN, P.J., CENTRA, DEJOSEPH, NEMOYER, AND WINSLOW, JJ.

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IN THE MATTER OF PROBATE OF THE LAST WILL AND  
TESTAMENT OF CHARLOTTE S. VANLOAN, DECEASED.

MEMORANDUM AND ORDER

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EDWARD C. VANLOAN, JR., AND KAREN DUFFY,  
PETITIONERS-RESPONDENTS;

ROBIN V. JONES, RESPONDENT-APPELLANT.  
(APPEAL NO. 2.)

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LAW OFFICES OF HARIRI & CRISPO, NEW YORK CITY (RONALD D. HARIRI OF  
COUNSEL), FOR RESPONDENT-APPELLANT.

COSTELLO, COONEY & FEARON, PLLC, SYRACUSE (JOHN M. DELANEY OF  
COUNSEL), FOR PETITIONERS-RESPONDENTS.

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Appeal from a decree of the Surrogate's Court, Onondaga County  
(Ava S. Raphael, S.), entered September 21, 2016. The decree, among  
other things, admitted the Last Will and Testament of decedent  
Charlotte S. VanLoan to probate.

It is hereby ORDERED that the decree is unanimously affirmed  
without costs.

Memorandum: We affirm the decree for reasons stated in the  
decision at Surrogate's Court. We write only to note that  
respondent's contention that the Surrogate erred in granting  
petitioners' motion for summary judgment dismissing her objections to  
probate because petitioners failed to attach a copy of the pleadings  
to the motion papers "is raised for the first time on appeal and thus  
is not properly before us" (*Chapman v Pyramid Co. of Buffalo*, 63 AD3d  
1623, 1624 [4th Dept 2009]).

Entered: December 22, 2017

Mark W. Bennett  
Clerk of the Court