

Matter of Browder
2022 NY Slip Op 33298(U)
September 21, 2022
Surrogate's Court, Bronx County
Docket Number: File No. 2015-1673/C
Judge: Nelida Malave-Gonzalez
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SURROGATE'S COURT, BRONX COUNTY

September 21, 2022

ESTATE OF KALIEF BROWDER, Deceased
File No.: 2015-1673/C

In this estate, the administrator, the decedent's father, seeks to lift the restrictions on his limited letters of administration so that he may distribute the net settlement proceeds from causes of actions settled in the Supreme Court, Bronx, County (Danizger, J.) equally to himself and to the estate of the decedent's post-deceased mother. The supreme court order, inter alia, awarded fees and disbursements to the law firm of Rubenstein and Rynecki, the attorneys representing the decedent's estate in the personal injury matter.

The decedent died on June 6, 2015, survived by his parents as his presumptive sole distributees. Both parents were initially appointed administrators of the estate. However, the decedent's mother, Venida Browder, subsequently died on October 14, 2016. After her death, the decedent's father continued as the sole administrator of the estate.

Citation issued to a litigation funding company to disallow any claim it may have had to a portion of the net distributable proceeds, and the company defaulted. Citation also issued to the co-fiduciary of the post-deceased mother's estate, who later filed objections seeking to disqualify the father from receiving any share of the net distributable proceeds on the

grounds of abandonment. The New York State Department of Taxation and Finance consents to the relief requested in this proceeding.

On January 31, 2020, the court signed an interim decree subsequently amended by a so-ordered stipulation dated June 15, 2020 which, inter alia, directed the deposit of one-half of the net settlement proceeds into an interest-bearing account at Signature Bank under the control of Gary S. Basso, Esq., as escrowee (the “Kalief Estate Account”) and the deposit of the other half into a separate interest-bearing account at Signature Bank, under the control of Gary S. Basso, Esq. and William A. Simon, Esq., as escrowees (the “Venida Estate Account”). The interim decree further stated that no funds were to be distributed without a further order of the court and that the claim of the litigation funding company could be settled for the sum of \$82,500.00, one-half of which would be paid from the Kalief Estate Account, and the other half to be paid from the Venida Estate Account.

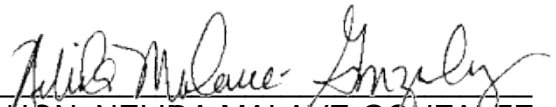
On April 25, 2022 a stipulation of settlement (the “Final Stipulation”) executed by the administrator, the co-administrators of the post-deceased spouse’s estate, and the distributees of that estate was filed with the court. Under the terms of the Final Stipulation, all of the distributees of the post-deceased spouse’s estate appeared in this proceeding and waived service of process. The parties agreed, inter alia, that 100% of the net settlement proceeds awarded would be allocated to conscious pain and

suffering; that Gary S. Basso, Esq., as escrowee, shall pay to Everett Browder, in his individual capacity, the sum of \$4,750.00 from the Kalief Estate Account, to partially reimburse his payment of the decedent's funeral bill; that Gary S. Basso, Esq., as escrowee, shall pay to McGarry & Simon, the fee of \$450.00 from the Kalief Estate Account, for preparing and filing 2020 federal and New York State fiduciary income tax returns for the Estate of Kalief Browder; that Gary S. Basso, Esq. as escrowee, shall pay himself the sum of \$34.00 from the Kalief Estate Account in reimbursement for his paying 2020 federal and New York State fiduciary income taxes on behalf of the Estate of Kalief Browder; and that after making the aforesaid payments, Gary S. Basso, as escrowee, shall pay one-half of the balance remaining in the Kalief Estate Account to Everett Browder, as a distributee of the decedent's estate, and the other half of the balance remaining in the Kalief Estate Account to the Venida Estate Account.

The objections filed in this proceeding by the co-fiduciary of the post-deceased mother's estate have been withdrawn by her attorney's affirmation dated September 12, 2022. Accordingly, a decree shall be entered hereon permitting, nunc pro tuc, the firm of Vellela & Basso to receive the sum of \$2,455.00 in reimbursement of filing fees from the net settlement proceeds, and directing, inter alia, the distribution of the such proceeds pursuant to the terms of the parties' Final Stipulation.

The Chief Clerk shall mail a copy of this decision and order to counsel and all unrepresented parties who have appeared herein.

Decree signed.


HON. NELIDA MALAVE-GONZALEZ
SURROGATE