

**Estate of Williams**

2024 NY Slip Op 31795(U)

April 26, 2024

Surrogate's Court, Bronx County

Docket Number: File No. 2019-1197

Judge: Nelida Malave-Gonzalez

Cases posted with a "30000" identifier, i.e., 2013 NY Slip Op 30001(U), are republished from various New York State and local government sources, including the New York State Unified Court System's eCourts Service.

This opinion is uncorrected and not selected for official publication.

SURROGATE'S COURT, BRONX COUNTY

April 26, 2024

ESTATE OF ANNIE WILLIAMS, Deceased

File Nos.: 2019-1197 & 2019-1197/A

In this contested estate, the decedent's distributees are her five children, Anthony Richardson ("Anthony"), Jeffrey Richardson ("Jeffrey"), Cynthia Carr-Richardson ("Cynthia"), Carol Williams ("Carol"), and Shantel Williams ("Shantel") and two grandchildren, Cedrick Williams ("Cedrick") and Cedrica Williams ("Cedrica").

Carol petitioned *pro se* seeking letters of administration and Anthony, by counsel, cross-petitioned for letters of administration to himself. Each petitioner filed objections to the other's application and Shantel also filed objections to Carol's appointment. Cedrick filed a waiver and consent to Carol's application. Jeffrey indicated support of Anthony's application on the record. Anthony amended his petition seeking to serve jointly with Cynthia. Cedrica has not appeared in this proceeding.

Letters of temporary administration subject to SCPA 805 (3) were granted to Anthony on September 12, 2022. Those letters expired on September 23, 2023 before the realty was marketed. Several conferences with the parties and counsel for Anthony were held before a member of the Law Department, wherein it became clear

that the animosity between the cross petitioners would make it difficult, if not impossible, for them to serve jointly. As previously noted, on January 23, 2024, Anthony's petition was amended to add Cynthia as a co-administrator (the "Amended Petition").

By decision dated February 8, 2024, letters of temporary co-administration subject to SCPA 805 (3) were granted to Anthony and Cynthia. On April 9, 2024, the adjourned date of citation on Carol's petition and the original cross-petition during which a discovery schedule was to be directed on the objections, counsel for Anthony appeared as did Cynthia, Shantel and Jeffrey. Carol, Cedrick and Cedrica failed to appear and have not indicated opposition to the amended petition.

In support of their respective objections, Carol alleges that Anthony's health is failing, he did not attend the court-directed mediation (although his counsel did), he is financially incapable of managing the estate and has failed to show an interest in resolving any of the outstanding issues. In support of objections concerning Carol's ability to serve, Anthony asserts that Carol took steps that harmed the only estate asset, a one family residence, and, inter alia, allegedly permitted "squatters" to remain at the premises. Shantel also alleges that Carol mismanaged the realty and is unfit to serve as administrator.

Children of a decedent have an equal right to letters of administration, and in a contested administration proceeding the court has discretion as to whom letters will be awarded to (see SCPA 1001[1][e]). Barring any ineligibility of the parties under SCPA 707, where there is a contest between persons in the same class of priority for appointment, the general guide for the exercise of the court's discretion is, "that person must be appointed, who will, in the judgment of the Surrogate, best manage the estate

of the intestate" (See Matter of Samuels, 204 Misc. 842 [Sur Ct, Kings County, 1953]). Here, the parties' statements made during numerous court appearances clearly demonstrate that Anthony and Carol's relationship is rife with antagonism, and the allegations in the objections to each application demonstrate long-standing family discord while the realty continues to incur expenses and has fallen into disrepair placing it at risk (see Matter of Pitts, 2019 N.Y. Slip Op. 51393 [U] Sur Ct, Monroe County 2019)). Therefore, the court must exercise its discretion to determine whose appointment the court deems to be in the estate's best interest. Although, Carol has paid some of the expenses of the realty over the years, there are still outstanding bills to be paid and unauthorized persons have reportedly had access to the property.

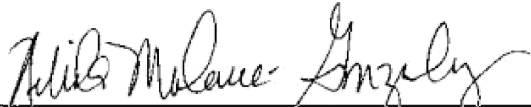
At the present time, however, since no opposition was raised by Carol to Cynthia's appointment to serve as co-administrator with Anthony, and that while jointly serving as temporary co-administrators, they retained a broker upon Carol's recommendation, procured a third party buyer and submitted a contract of sale, it appears to be in the estate's best interest that both Anthony and Cynthia be permitted to continue to jointly administer the estate.

Accordingly, in the absence of any opposition to the amended application adding Cynthia as an additional co-administrator, the amended cross petition (File No. 2019-1197/A) is granted. Letters of administration shall issue to the cross petitioners upon their filing a bond in the penal sum of \$ **455,000.00**. The letters of temporary administration previously awarded to Anthony, and the letters of temporary administration previously awarded to Anthony and Cynthia shall be revoked in the decree to be entered hereon.

This decision constitutes the order of the court marking Carol's petition "dismissed" (File No. 2019-1197).

The Chief Clerk shall mail a copy of this decision and the decree to counsel, the pro se petitioner and all parties having appeared.

Decree signed.

  
HON. NELIDA MALAVÉ-GONZÁLEZ  
SURROGATE