

**Estate of Anderson**

2025 NY Slip Op 30654(U)

January 31, 2025

Surrogate's Court, Bronx County

Docket Number: File No. 2019-643/E

Judge: Nelida Malave-Gonzalez

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SURROGATE'S COURT, BRONX COUNTY

January 31, 2025

ESTATE OF LEROY ANDERSON, Deceased  
File No.: 2019-643/E

In this uncontested proceeding, the administrator d.b.n., Dorothy Lanier (“the petitioner”) who is the decedent’s sister, filed a petition seeking a determination that Larry W. Winfree (“Winfree”), the former administrator, improperly remains in possession of estate assets in violation of the court’s decree dated August 16, 2021 that revoked his letters of administration and directed him to account. She also seeks an order directing him to turn over all estate assets in his possession and control to the petitioner. The petition also sought relief against Travelers Casualty and Surety Company of America (“Travelers”), the surety on the former administrator’s bond filed in the penal sum of \$220,000 (“the bond”). The prior case history is detailed in Matter of Anderson (2021 NY Misc LEXIS 3890, 2021 NY Slip Op 31973 [U] [Bronx Sur Ct 2021]).

On the return date of citation, jurisdiction was obtained over Winfree and Travelers, and the attorneys for the petitioner and Travelers

appeared and submitted a written stipulation which they request to be “so-ordered.” Winfree failed to appear and has not indicated opposition to any of the relief requested to date.

The terms of the stipulation between the petitioner and Travelers are, inter alia, as follows: (1) they acknowledge that Winfree converted funds belonging to the estate in excess of the bond amount; (2) Travelers will tender the entire \$220,000 bond amount to the estate in satisfaction of its obligations thereto; (3) the petitioner and Travelers will exchange mutual releases; (4) the estate will assign all rights and claims it might assert against Winfree in connection with said loss to Travelers in a sum up to and including its \$220,000 payment (“the payment”), but retains the right to pursue remedies against Winfree and others in excess of the payment amount; (5) Travelers retains the right to pursue recovery for the payment against Winfree and others in the name of the estate, including subrogation and indemnification remedies; and (6) upon making said payment, Travelers shall be discharged from its obligations to the estate and any further liability as surety.

In support of the application, counsel for the petitioner affirms, inter alia, that upon the decedent’s death on November 6, 2017, Winfree, who was unrelated to the decedent, posed as a distributee in documents filed with the court and failed to obtain jurisdiction over the decedent’s 11 distributees. As a result, he was appointed administrator of the estate and fraudulently obtained approximately \$730,000 from the decedent’s combined

assets at The Vanguard Group, HSBC, Santander and Nationwide banks. Although his letters of administration were revoked by decision and order dated July 6, 2021 and decree dated August 16, 2021, Winfree failed to account as directed and continues to possess substantial assets belonging to the estate, which prevents the petitioner from winding up the decedent's affairs and the estate.

The uncontroverted allegations contained in the petition are deemed proof thereof of the following (see SCPA 509): Winfree, who is unrelated to the decedent, fraudulently obtained letters of administration by misrepresenting that he was the decedent's brother and failing to obtain jurisdiction over the decedent's 11 distributees. As a result, he converted assets of the estate approximating \$730,000, which substantially exceeds the \$220,000 bond filed by Travelers and failed to account or turn over estate assets and records to the petitioner, in contravention of this court's orders. It also appears that the stipulation pursuant to which Travelers is to tender the full bond amount in payment of its obligations as surety is in the best interests of this estate and its distributees.

Accordingly, given the lack of opposition, the application is granted. Winfree is directed to file an account and turn over all documents and assets belonging to the estate to the petitioner within 30 days of the date of this decision, which constitutes the order of the court. Should he fail to do so, the administrator d.b.n. may take any steps she may deem advisable, including, inter alia, filing a proceeding seeking to hold Winfree in contempt

of multiple court orders. The stipulation between the petitioner and Travelers has been “so-ordered.”

The Chief Clerk shall mail copies of this decision and order to the attorneys for the appearing parties and to Winfree.

Proceed accordingly.

  
NON. NELIDA MALAVE-GONZALEZ  
SURROGATE