

**Matter of Pachis**

2025 NY Slip Op 32768(U)

July 9, 2025

Surrogate's Court, Bronx County

Docket Number: File No. 2021-58/C/D

Judge: Nelida Malave-Gonzalez

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SURROGATE’S COURT, BRONX COUNTY

July 9, 2025

ESTATE OF ALICIA H. PACHIS, also known as  
ALICIA PACHIS, Deceased  
File No.: 2021-58/C/D

In this estate a probate proceeding was commenced by Leonard Sammarco (“Sammarco”), a nominated co-executor under the propounded instrument dated June 2, 2014 (the “instrument”) seeking to be appointed sole executor of this estate and to disqualify the estate’s other nominated co-executor and drafting attorney, Reginald Asiedu, Esq. (“Asiedu”)(file no. 2021-58/C). Asiedu filed a cross-petition for probate of the instrument, the disqualification of Sammarco and for his appointment as sole executor (file no. 2021-58/D). Notwithstanding the parties agreeing to serve as co-executors, currently pending are two motions, one by each co-executor seeking to disqualify the other. The New York State Attorney General (the “AG”) also filed a motion seeking to have both nominated co-executors disqualified and appoint the Bronx County Public Administrator (the “PA”) as temporary fiduciary.

**Background**

The decedent died on July 07, 2020, at the age of 94. She was never married and never had any children natural or adopted. Her only distributee is a half-sister. The instrument notes that it was being stored in a safety deposit box, delineates decedent’s family history, contains detailed funeral instructions, and provides for the disposition of decedent’s estate including numerous charitable bequests. In spite of her detailed instructions under the instrument, decedent was interred in Potter’s Field on Hart Island on June 23, 2021 and remains there to date.

On January 22, 2021, with a copy of the instrument and a waiver and consent from Sammarco, Asiedu filed a petition (file no. 2021-58) to search decedent's residence, and obtained an order from this court dated March 01, 2021 allowing for that search. According to Asiedu's affirmation he spent months attempting to get the cooperation of the police department to unseal the apartment to no avail and ultimately he referred the matter to the PA's office. Asiedu states he did not seek an order for a safety deposit box opening from the court.

After the decedent's death, the instrument was not produced until three years later. On July 29, 2024, Sammarco, through his attorney Luc Ulmet ("Ulmet"), filed a petition (file no. 2021-58/A) seeking an order allowing him to search the safe deposit box listed in the instrument, and obtained an order from this court on September 3, 2024 permitting that search. On September 20, 2024 Sammarco filed an inventory, detailing decedent's assets and their locations. Thereafter, Sammarco filed decedent's original instrument with the court (file no. 2021-58/B) and subsequently filed his own probate petition (file no. 2021-58/C).

Sammarco's probate petition appeared on the court's calendar on January 28, 2025, and jurisdiction was obtained over all interested parties including the decedent's half sister and Mr. Asiedu. All beneficiaries under the propounded instrument, including several charities, were given notice of the application and the AG submitted a notice of appearance. Prior to the return date of citation, Asiedu filed objections to Sammarco's probate petition, and filed his cross-petition. Sammarco filed a motion to dismiss Asiedu's objections which was made returnable on the same date as Sammarco's probate proceeding.

On the return date, an off calendar conference was held with members of the court's Law Department and the parties entered into a stipulation to: 1) amend Sammarco's probate petition

to include Asiedu as co-executor of the estate; 2) withdraw Asiedu's objections and cross-petition upon the amendment of the initial petition; and 3) Sammarco's motion was to be withdrawn. Pursuant to the parties' agreement a decree was signed on April 4, 2025 admitting the decedent's will to probate and appointing Asiedu and Sammarco as co-executors upon their filing a bond in the penal sum of \$100,000.00, which at that time was the listed value of the estate. The bond was never posted and letters never issued. Thereafter, Asiedu wrote to the court requesting a conference alleging that Sammarco was hindering the administration of the estate, refusing to provide him with information, and actively concealing information. He further alleged that in spite of being informed by Sammarco and Ulmet that the estate was actually valued at between five and ten million dollars they refused to provide him with specific information, and documentation with respect to those additional assets noting that their actions were hindering the administration of the estate.

An affirmation was subsequently filed by Ulmet seeking to amend the probate petition to list assets valued at just under \$17,000,000.00, and requesting the court to amend its decree and direct a bond in the additional amount. Thereafter, by motion returnable on May 9, 2025 Ulmet sought, inter alia, the removal of Asiedu as co-executor and the appointment of another nominated co-executor. In support of the motion to remove Asiedu it is alleged that Asiedu is not qualified to serve as fiduciary as he failed to move the administration of the estate forward since 2021, and has been hostile towards Sammarco to such a degree that it has interfered with the proper administration of the estate.

Asiedu's cross-motion seeking to have Sammarco removed as co-fiduciary similarly alleges hostility and non-cooperation by Sammarco and Ulmet in moving the estate forward.

Asiedu further alleges that Sammarco and Ulmet are conflicted as a result of a contract Sammarco entered into without having authority. Specifically, on October 12, 2024 Mr. Sammarco entered into a retainer agreement with Linking Assets Inc., (“Linking Assets”) to find the decedent’s assets as “distributee and co-executor” of the decedent’s estate without having been appointed co-executor by this court. The retainer agreement states that Linking Assets will be awarded 15% of the estate’s value for their findings. In his motion Aseidu alleges that Ulmet and Sammarco have engaged in actions that are harmful to the estate and have also taken actions that have impeded his ability to administer the estate including colluding with Linking Assets, and attempting to intervene with the surety company to prevent him from qualifying for a bond.

The AG’s cross-motion seeks to have the decree dated April 4, 2025 vacated, and a determination that both nominated co-executors are disqualified from serving, noting that the decedent died almost five years ago and neither co-executor has taken steps to move this matter forward but instead have engaged in actions that have been detrimental to the estate. She references Sammarco entering into the agreement with Linking assets with no authority.

On May 20, 2025, the return date of the motions by Asiedu and Sammarco, the court held a conference on the record where it was evident that the parties cannot cooperate, and it is clear the animus and hostility is hindering the administration of this estate. The court is mindful that in "[general] testators' solemn selections as to who should be trusted with administering their estates should be nullified only when statutory grounds exist for disqualification are clearly established," (Matter of Mullen, NYLJ Dec, 27, 2012 at p. 18, col. 4, citing Matter of Duke, 87 NY2d 465, [1996]; Matter of Leland, 219 NY 318 [1916]; Matter of Gotlieb, 75 Ad3d 99 [2010], lv denied 16 NY3d 706 [2011]; Matter of Foss, 282 App Div 509 [1953]), and that disharmony

alone is not a ground for disqualification (Matter of Mullen citing Matter of Thompson, 232 AD2d 219 [1996]; Matter of Jurzykowski 36 AD2d 488 [1971] affd 30 NY2d 510 [1972]; Matter of Rad, 162 Misc 2d 229 [1994]. Despite the record being insufficient to establish disqualification absent a hearing, the record clearly reveals the acrimonious and hostile relationship that exists among the nominated co-executors (Matter of Mullen, 37 Misc 3d 1230[A], 2012 NY Slip Op 52241[U] [Sur Ct, Bronx County 2012]). Although antagonism between the nominated co-executors of an estate is not sufficient for disqualification, it is well established that the Surrogate may disqualify a person from receiving letters where the disagreement “interferes with the administration of the estate, and future cooperation is unlikely” (In re Estate of Thompson, 232 AD2d 219 [1st Dept 1996]).

Here, the parties demonstrate a hostility between them that prevents them from cooperating in the management of the estate. We have a multi-millionaire buried in Potter’s field. Given the history of the hostility and non-cooperation between these parties to date, there is no scenario of which this court can conceive that would allow this estate to move forward should the nominated co-executors remain.

Moreover, the extreme delay in the administration of this estate, including that the decedent remains interred at Potter’s Field almost five years after her death, that the nominated co-executors have been unable to cooperate and agree on how to move this estate forward, as one is allegedly insisting other sign an agreement with Linking Assets without authority, and the alleged possible conflict of interest, the court deems it necessary to appoint a temporary administrator to marshal the assets and comply with decedent’s interment wishes.

Under the circumstances of this case, to assist in moving this estate forward, the testator's wishes must yield to a third party appointed fiduciary, pending the outcome of the probate proceeding. Accordingly, this decision constitutes the order of the court revoking the decree of this court dated April 4, 2025 and appointing the PA as temporary administrator of this estate upon the filing of an oath and designation pending the resolution of the probate proceeding. This constitutes the decision and order of the court.

Proceed Accordingly.



HON. NELIDA MALAVÉ-GONZÁLEZ  
SURROGATE