

**Matter of Murray**

2025 NY Slip Op 32769(U)

July 22, 2025

Surrogate's Court, Bronx County

Docket Number: File No. 2024-1800

Judge: Nelida Malave-Gonzalez

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This opinion is uncorrected and not selected for official publication.

SURROGATE'S COURT, BRONX COUNTY

July 22, 2025

ESTATE OF EARL MURRAY also, known  
as EARL D. MURRAY, Deceased  
File No.: 2024-1800 & 2024-1800/A & B

In this estate, a son of the decedent, Gerard Murray ("Gerard" or "Petitioner") filed a petition seeking letters of administration (File No. 2024-1800/A, the "first proceeding"). Jurisdiction was obtained over the decedent's four other children. On the supplemental citation date, the Petitioner appeared with counsel and three of the other children appeared pro se; one consented to the Petitioner's application and the other two stated that they prefer to continue pro se and indicated opposition to the application, however, no formal objections to Gerard's petition have been filed to date. One of the children, Jerrell West ("Jerrell"), who indicated opposition to Gerard's application in open court, filed a cross-petition (File No. 2024-1800/B, the "second proceeding") requesting that letters of administration issue to him. In that matter, a waiver and consent was filed for one child, Asia Murray ("Asia") and to date, jurisdiction is not complete in the second

proceeding.

Prior to the filing of the administration petitions, Jerrell petitioned for and was granted voluntary administration authority granting access to decedent's real property and to gain information in relation to any pensions or accounts held by the decedent (File No. 2024-1800). It should be noted that the petition in the first proceeding is dated on or about October, 2024 and the petition in the second proceeding is dated on or about December, 2024. The court filed and processed both matters simultaneously, on or about February 26, 2025. Each application lists both personal and real property as the decedent's assets.

An off calendar conference was held with a member of the court's Law Department, at which all five children appeared, along with Gerard's counsel. At the conference, Jerrell reiterated his intent to continue with his proceeding and to file objections to Gerard's application. Both Gerard and Jerrell indicated that they reached out to the NYPD for permission to change the locks on the real property, in an effort to protect any personal property in the house. Gerard, with the assistance of his sister, Shawnae Murray ("Shawnae"), installed cameras on the property. Gerard's counsel also indicated that Gerard has paid for upkeep of the real property, including paying for service to the boiler, paying a landscaper and satisfied unpaid sanitation tickets related to the property. Jerrell indicated that he did not wish to sell the real property.

Gerard and Jerrell each accused the other of possibly taking

property from the home and both exhibited distrust of the other. However, each agree that a temporary administrator is needed to protect the estate assets. Many different options were explored to determine who should serve as temporary administrator to marshal assets and maintain the real property. All parties agreed that appointing a disinterested third party was not in the best interest of the estate.

Jerrell objected to temporary letters being granted to Gerard or his counsel if he was not also named a temporary administrator, however, he stated that although he would be willing to cooperate with anyone, he does not trust Gerard. Gerard's counsel indicated that he's had communications with Shawnae, and given the fact that Jerrell has a relationship with another son, Howard Adams ("Howard"), he suggested that temporary letters issue to Gerard, Shawnae and Howard. The last child, Asia, appearing pro se and previously indicating opposition to Gerard's application, did not explicitly object or consent to any specific individuals being appointed as temporary administrator, but stated that she wishes to be apprised of anything that occurs in the estate.

At this juncture, given that jurisdiction is not yet complete in the second proceeding and there will likely be objections filed in the first proceeding, it appears that significant time will pass before both matters are ripe for a trial and therefore, it is incumbent upon the court to exercise its discretion and appoint a temporary administrator. Given that jurisdiction is complete in the first proceeding, no objections have been filed, and Gerard

is willing to cooperate with Shawnae and Howard, who appear to have a neutral relationship with Jerrell and Asia, the court finds it is in the estate's best interest to appoint Gerard along with Shawnae and Howard to serve as fiduciaies to instill trust and ensure transparency between the distributees.

Accordingly, this decision constitutes the order of the court granting temporary letters of administration to decedent's three children, Gerard Murray, Shawnae Murray and Howard Adams, until further order of the court, upon their signing an oath and designation and their filing a bond in the penal sum of \$300,000. The letters to issue shall be limited pursuant to SCPA 805(3) in relation to any real property in which the decedent held an interest. The temporary co-administrators may obtain an appraisal of the real property to determine the value of the assets, however they are precluded from marketing that property for sale. The temporary co-administrators are directed to keep all other distributees apprised of all assets collected and any payments made on behalf of the estate, along with any appraisal value of the real property. The authority of the Voluntary Administrator shall be revoked in the decree to be settled hereon.

Settle decree.

  
HON. NELIDA MALAVE-GONZALEZ,  
Surrogate