

Matter of Yook Fong

2026 NY Slip Op 31854(U)

May 4, 2026

Surrogate's Court, New York County

Docket Number: File No. 2017-1162/A

Judge: Rita Mella

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ENTERED

MAY 04 2026

DATA ENTRY DEPT
New York County Surrogate's Court

SURROGATE'S COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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In the Matter of the Petition of the Public Administrator of
New York County as Temporary Administrator of the estate
of

YOOK FONG,
a/k/a Yook C. Tang,

Deceased,

DECISION and ORDER
File No.: 2017-1162/A

For the Turnover of Property or the Proceeds or Value
Thereof Pursuant to SCPA 2103 and 2104

-----X
M E L L A, S.:

The following papers were considered in determining this "Motion to Quash":

<u>Papers</u>	<u>Numbered</u>
Pierre Moran's "Notice of Motion to Quash," dated January 21, 2026	1
Pierre Moran's "OBJECTION to the Citation For the Turnover of Property or the Proceeds or Value Thereof Pursuant to SCPA § § 2103 and 2104," dated January 19, 2026	2
Pierre Moran's "MOTION to QUASH the "Citation For the Turnover of Property or the Proceeds or Value Thereof Pursuant to SCPA § § 2103 and 2104," dated January 19, 2026, with Exhibits	3
Pierre Moran's "NOTICE TO COURT Perjured Statements of Glenn Opell in his illicit 'Affirmation Amending Petition to Compel Turnover of Property' filed January 22, 2026," dated January 25, 2026	4

In this turnover proceeding commenced by the Public Administrator of New York County (PA or Petitioner) as Temporary Administrator of the estate of Yook Fong, one of the two respondents, Pierre Moran (Moran), moves "to quash" the citation that served as process ("Motion to Quash"). The citation was returnable before the court on January 27, 2026, and so was the "Motion to Quash." According to Moran's affidavit of service, the motion papers were served on Petitioner's counsel on January 22, 2026, five days before the notice of motion's return date. Prior to the service and filing of the motion papers, Moran had filed an Objection to the petition on January 20, 2026. Both the petition and the motion were marked "Submitted" at

the call of the January 27, 2026 calendar. This decision determines the “Motion to Quash” but not Moran’s Objection. It also determines the portion of the petition that seeks turnover against Fidelity National Financial (FNF), the other respondent.

Background

Yook Fong, a domiciliary of Manhattan, died at age 90 on January 16, 2017. On March 24, 2017, Moran filed a petition to probate an instrument dated October 13, 2016 (2016 Instrument), in which he is named as executor and sole beneficiary. Because Moran’s petition alleged that decedent was survived by no known distributees, the PA and the New York State Attorney General are necessary parties to the probate proceeding (SCPA 1123[2][i][2]; 316). Preliminary Letters Testamentary issued to Moran on August 29, 2017.

On August 23, 2019, the PA filed objections to the admission of the 2016 Instrument to probate. Thereafter, by Stipulation filed with the court on April 7, 2023, Moran—then represented by counsel—consented to the revocation of his Preliminary Letters and to the issuance of Letters of Temporary Administration to the PA. In his papers in support of the “Motion to Quash,” Moran disputes the validity of that Stipulation but he has never made a formal application—petition or motion—seeking to set it aside.

On December 11, 2025, the PA filed this petition for a decree directing Moran to turn over to Petitioner, as Temporary Administrator, “all estate property in [Moran’s] possession, and the proceeds thereof of all estate property that he misappropriated, in an amount to be determined at trial, but in no event less than One Million Five Hundred Five Thousand Three Hundred Sixty-One and 88/100 Dollars (\$1,505,361.88), plus interest thereon, and awarding Petitioner the fees and costs associated with this application.” As to FNF, Petitioner asks the court to direct that entity to turn over to the estate the amount of \$500,000, representing funds

deposited with FNF in escrow when decedent's Manhattan condominium apartment (Condo) was sold by Moran, plus interest earned on that amount. FNF defaulted in answering the petition. As aforementioned, Moran filed a responsive pleading—an Objection—as well as the “Motion to Quash.”

“Motion to Quash”

The court addresses Moran's motion first. Moran's main arguments are that this court lacks jurisdiction, that the PA's service of the citation in the turnover proceeding was improper, that his due process rights have been violated, and that he is the rightful owner of the assets sought to be turned over.

This Court's Jurisdiction

Moran's jurisdictional argument is without merit. In the probate petition that he filed on March 24, 2017, Moran stated under oath that decedent was domiciled at 30 West Street in Manhattan. This court has jurisdiction over the estates of decedents who were domiciled in New York County, and also over the estates of non-domiciliaries who owned property here (SCPA 205[1]; 206[1]). The decedent both resided and owned real property in Manhattan. Accordingly, this court has jurisdiction to hear and determine this turnover petition.

Further, in this very motion, Moran affirmatively requests that this court “settle the estate of Mrs. Yook Fong . . . pursuant to the dictates of the Last Will and Testament,” thereby acknowledging the court's power to entertain applications related to decedent's estate. Paradoxically, by challenging jurisdiction, Moran jeopardizes the only forum capable of granting the relief he seeks—namely, the admission to probate of the 2016 Instrument under which he is the sole beneficiary. Because Moran is not a distributee, he would inherit nothing in intestacy if the will is not admitted to probate.

Service of the Citation

Moran's claim of improper service likewise fails. Although the citation was originally mailed to the address Moran provided in the probate petition, and it appears that he no longer resides at that address, Petitioner subsequently sent the citation to another mailing address that Moran had also previously provided. Petitioner has filed an affidavit of service of the citation on Moran at that second mailing address together with proof of delivery of the certified mail envelope. Additionally, in his papers in support of the "Motion to Quash," Moran states that he received the citation in this proceeding by certified mail with the same tracking number indicated in Petitioner's affidavit of service of the citation. Under these circumstances, Moran's argument that he was not properly served is without merit.

Alleged Due Process Violations

Moran lists numerous purported due process violations including: that his former lawyer provided Petitioner and her lawyer information and property obtained from Moran without Moran's consent; that Petitioner, through her counsel, liquidated the estate's stocks without notice to him; that Petitioner served a subpoena on TD Bank requesting information about decedent's accounts without notifying Moran; that Moran did not receive notice of his former lawyer's motion to withdraw as his counsel in the probate proceeding; that Moran has not received notice of Petitioner's demands that FNF turn over the property of the estate to Petitioner; and that the petition in this turnover proceeding seeks to take away from Moran his private property and is, thus, the basis for this "illicit" proceeding. Many of these claims, however, refer to other proceedings before the court, not the instant turnover proceeding, or to actions taken by Petitioner in her capacity as fiduciary of decedent's estate unrelated to this proceeding.

A litigant's due process rights are satisfied when he is given notice and an opportunity to be heard (*Matter of Galvin*, 153 Misc 11 [Sur Ct, Monroe County 1934]). In this turnover proceeding, Moran has received both and, in determining the "Motion to Quash," the court has considered his submissions in full. Therefore, Moran has been afforded his due process rights. The court will further ensure that Moran's due process rights are protected in every stage of this matter as it proceeds.

Claim of Ownership of the Assets

Moran argues that turnover is improper because he is the rightful owner of the estate's assets. This argument is premature. Moran's ownership of these assets depends entirely on the admission of the 2016 Instrument to probate. He appears to assume that his mere filing of the instrument with this court makes it valid but that is not the case (*see Matter of Pearle*, 58 Misc 2d 330 [Sur Ct, Nassau County 1968]). In order to be valid, a testamentary instrument must be admitted to probate, and the court will not admit an instrument unless it is satisfied that the instrument is genuine, that it was validly executed, and that at the time of execution, the testator was competent to make a will and not acting under restraint (SCPA 1408). Here, Petitioner has objected to probate of the 2016 Instrument, alleging that it was not duly executed, that decedent lacked capacity and did not know or understand the contents of the document she was signing, and that the execution of the instrument was the product of Moran's fraud, duress, and undue influence. Until these objections are determined and the 2016 Instrument is admitted to probate, Petitioner, as the court-appointed Temporary Administrator, is the proper fiduciary to hold estate property.

The court has considered Moran's remaining contentions and finds them to be without merit. Accordingly, Moran's "Motion to Quash" is denied in its entirety.

Turnover from FNF

Petitioner alleges that Moran, acting as Preliminary Executor, sold the Condo on July 27, 2018, for \$2 million, and that “the title company that insured the transaction, through its underwriter, FNF, required Moran to deposit \$500,000 . . . of the proceeds in escrow with FNF pending Moran providing it with a New York State release of estate tax lien” (Petition ¶ 5). In support of its turnover request, Petitioner provides a copy of the “Indemnity & Deposit Agreement” executed by Moran on July 27, 2018, allowing FNF to hold \$500,000 of the sale proceeds “as security and indemnity for the production by Depositor [decedent’s estate] to Depository [FNF]” of a “Release of Lien (Estate).” Petitioner also provides a copy of New York State’s Release of Lien of Estate Tax (Form ET-117) releasing any lien that might have been imposed by operation of law in connection with the sale of the Condo. The documentation provided by Petitioner thus satisfies the condition for release of the funds to the estate by FNF pursuant to the “Indemnity & Deposit Agreement.” Petitioner further alleges that FNF has advised that it will not pay the escrowed funds to Petitioner in the absence of a court order.

As aforementioned, FNF has defaulted and thus has not contested Petitioner’s allegations. Under SCPA 509, uncontroverted allegations constitute due proof of the facts asserted.

Although Moran purported to object to FNF’s turn over of the funds to the PA as Temporary Administrator, he lacks standing to do so. The 2016 Instrument has not been admitted to probate, and Moran is not the current fiduciary of this estate. Thus, Petitioner is the only party authorized to seek recovery of estate property, which the funds being held by FNF clearly are.

Accordingly, the uncontested petition as against FNF is granted. Petitioner shall settle an order directing FNF to turn over the \$500,000 held in connection with the sale of the Condo, together with all interest earned thereon.

Turnover from Moran

With respect to the PA's turnover request against Moran, the matter is contested by virtue of Moran's Objection. The next step in this contested proceeding is discovery pursuant to Article 31 of the CPLR. The court will issue a separate order establishing deadlines for discovery and for any subsequent proceedings.

Conclusion

For the reasons stated above, Moran's "Motion to Quash" is denied in its entirety. The turnover petition is granted as against Respondent FNF, and Petitioner shall settle an order directing turnover from that entity. The court will issue a discovery schedule governing the turnover proceeding as against Moran.

This decision constitutes the order of the court. The Clerk is directed to mail a copy of this Decision and Order to the parties listed below by First-Class Mail service.

Dated: May 4, 2026


SURROGATE

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