

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

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Letters of Administration c. t. a., Will of

**WILLIAM BROWN a/k/a WILLIAM LEE BROWN,  
Deceased.**

**DECISION**

**File No. 1856/C-2014**

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**INGRAM, A. S.**

In this proceeding, Malinda Makeba Brown (hereinafter the petitioner) has petitioned for appointment as administrator c. t. a. No objections have been interposed.

On December 3, 2013, William Brown (hereinafter the decedent) died survived by five children. On August 6, 2014, the decedent's will was admitted to probate in this court and Cynthia Brown (hereinafter Brown) was granted letters testamentary. In his will, the decedent left his estate to his five children in equal shares.

On January 11, 2016, Pamela Brown (one of the beneficiaries under the decedent's will) petitioned for an order compelling Brown to account. On April 22, 2016, the court, *inter alia*, suspended the letters testamentary previously issued to Brown and directed Brown to account within 30 days of the date on which the order was issued. Brown brought an order to show cause seeking to vacate the aforementioned order of the court directing Brown to account. Said application to vacate the order dated April 22, 2016 was denied in a Decision and Order dated September 21, 2016.

A fiduciary may be removed without process where she has been ordered to account and has failed to file an account within such time and in

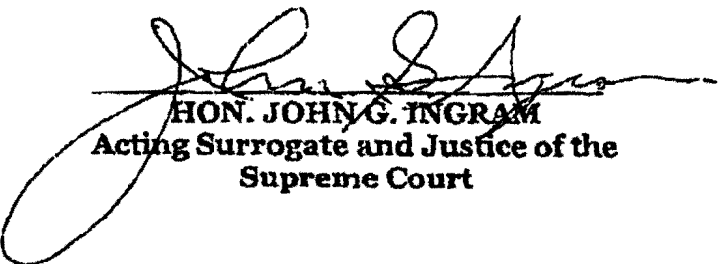
such manner as directed by the court (SCPA 719). The Surrogate may remove a fiduciary without a hearing only where the misconduct is established by undisputed facts or concessions, where the fiduciary's in-court conduct causes such facts to be within the court's knowledge, or where facts warranting an amendment of letters are presented to the court during a related evidentiary proceeding (*Matter of Kaufman*, 137 AD3d 1034 [2d Dept 2016]).

Here, the court ordered Brown to account within 30 days of the order dated April 22, 2016. Brown was aware of the order because she brought an order to show cause seeking its vacatur. Said order to show cause was denied in a Decision and Order dated September 21, 2016 wherein the court deferred the hearing regarding the revocation of the letters testamentary previously issued to Brown to the accounting proceeding. However, despite the court's order directing Brown to account, a review of the court's records reflect that Brown has, to date, failed to file an account. Thus, this Court finds that the record before it is sufficient to warrant the revocation of the letters testamentary previously issued to Brown for her failure to file her account as directed by the court.

Accordingly, the letters testamentary previously granted to Brown are hereby revoked and the petitioner's petition is granted. The letters of temporary administration previously granted to the petitioner are also revoked. Letters of administration c. t. a. shall issue to the petitioner upon duly qualifying according to law including the filing of a bond in the sum of

**\$275,000. The petitioner is hereby restrained from collecting or administering any estate assets over the sum of \$275,000 without further order of the court. The petitioner is further restrained from compromising any cause of action or receiving the proceeds from any judgment issued therein without further order of the court. The petitioner is also restrained from selling, transferring, mortgaging or in any manner encumbering any real property in this estate (including any real property owned by 769 Washington Avenue Realty Inc. or any other company or corporation in which the decedent held an ownership interest) without further order of the court.**

**Submit decree.**



**HON. JOHN G. INGRAM  
Acting Surrogate and Justice of the  
Supreme Court**

**Dated: Brooklyn, New York  
June 27, 2017**