

**SUPREME COURT OF THE STATE OF NEW YORK**  
***Appellate Division, Fourth Judicial Department***

**144**

**CA 10-00139**

PRESENT: SCUDDER, P.J., FAHEY, PERADOTTO, LINDLEY, AND MARTOCHE, JJ.

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IN THE MATTER OF ROBERT SILLS AND AUDREY  
ELAINE SILLS, AS CO-EXECUTORS OF THE ESTATE  
OF ANGELINE V. SILLS, DECEASED,  
PETITIONERS-APPELLANTS,

V

MEMORANDUM AND ORDER

FLEET NATIONAL BANK, JOAN ROYSTON AND  
KIRK RICHARDSON, RESPONDENTS-RESPONDENTS.

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AUDREY PATRONE PEARTREE, GUARDIAN AD LITEM,  
RESPONDENT.

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ROBERT SILLS AND AUDREY ELAINE SILLS, AS  
CO-EXECUTORS OF THE ESTATE OF ANGELINE V.  
SILLS, DECEASED, PLAINTIFFS-APPELLANTS,

V

FLEET BANK AND JOAN ROYSTON,  
DEFENDANTS-RESPONDENTS.

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AUDREY PATRONE PEARTREE, GUARDIAN AD LITEM,  
RESPONDENT.

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ROBERT SILLS AND AUDREY ELAINE SILLS, AS  
CO-EXECUTORS OF THE ESTATE OF ANGELINE V.  
SILLS, DECEASED, PLAINTIFFS-APPELLANTS,

V

JOAN ROYSTON, DEFENDANT-RESPONDENT.

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AUDREY PATRONE PEARTREE, GUARDIAN AD LITEM,  
RESPONDENT.  
(APPEAL NO. 5.)

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GATES & ADAMS, P.C., ROCHESTER (MICHAEL STEINBERG OF COUNSEL), FOR  
PETITIONERS-APPELLANTS AND PLAINTIFFS-APPELLANTS.

MCDONOUGH & ARTZ, P.C., BINGHAMTON (PHILIP J. ARTZ OF COUNSEL), FOR  
RESPONDENT-RESPONDENT AND DEFENDANT-RESPONDENT JOAN ROYSTON.

THE WOLFORD LAW FIRM LLP, ROCHESTER (ELIZABETH A. WOLFORD OF COUNSEL),  
FOR RESPONDENT.

UNDERBERG & KESSLER LLP, ROCHESTER (PAUL V. NUNES OF COUNSEL), FOR  
RESPONDENT-RESPONDENT FLEET NATIONAL BANK AND DEFENDANT-RESPONDENT  
FLEET BANK.

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Appeal from an order of the Supreme Court, Steuben County (Peter C. Bradstreet, A.J.), entered December 31, 2009. The order granted the application of Audrey Patrone Peartree, as guardian ad litem for decedent Angeline V. Sills, to retain Elizabeth A. Wolford as counsel to represent her in an appeal of the court's decision and order dated September 10, 2009, and ordered that all reasonable fees and disbursements incurred by the guardian ad litem in that appeal be paid for by the Estate of Angeline V. Sills.

It is hereby ORDERED that the order so appealed from is unanimously vacated without costs and the matter is remitted to Supreme Court, Steuben County, for further proceedings in accordance with the same Memorandum as in *Sills v Fleet Natl. Bank* ([appeal No. 1] \_\_\_ AD3d \_\_\_ [Feb. 18, 2011]).

Entered: February 18, 2011

Patricia L. Morgan  
Clerk of the Court