

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

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**CA 11-01691**

PRESENT: SCUDDER, P.J., SMITH, CENTRA, AND LINDLEY, JJ.

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IN THE MATTER OF THE JUDICIAL SETTLEMENT OF  
THE INTERMEDIATE ACCOUNT OF HSBC BANK USA, N.A.  
AS TRUSTEE OF THE TRUST UNDER AGREEMENT DATED  
JANUARY 21, 1957, SEYMOUR H. KNOX, GRANTOR,  
FOR THE BENEFIT OF THE ISSUE OF SEYMOUR H.  
KNOX, III FOR THE PERIOD JANUARY 21, 1957 TO  
NOVEMBER 3, 2005.

----- OPINION AND ORDER

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HSBC BANK USA, N.A., PETITIONER-APPELLANT;

W.A. READ KNOX, SEYMOUR H. KNOX, IV, AVERY KNOX,  
HELEN KEILHOLTZ, AND DANIEL C. OLIVERIO, AS  
GUARDIAN AD LITEM FOR SEYMOUR H. KNOX, V, JOHN  
CLAYTON KNOX, AND GEORGIA BROWN KNOX,  
OBJECTANTS-RESPONDENTS.  
(PROCEEDING NO. 1.)

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IN THE MATTER OF THE JUDICIAL SETTLEMENT OF  
THE INTERMEDIATE ACCOUNT OF W.A. READ KNOX,  
SUCCESSOR TRUSTEE, AND JEAN R. KNOX AND HSBC BANK  
USA, N.A., AS TRUSTEES OF THE TRUST UNDER  
ARTICLE SEVENTH OF THE WILL OF SEYMOUR H.  
KNOX, III, DECEASED, FOR THE BENEFIT OF  
JEAN R. KNOX (MARITAL TRUST) FOR THE PERIOD  
JUNE 3, 1996 TO NOVEMBER 3, 2005.

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HSBC BANK USA, N.A., PETITIONER-APPELLANT;

JEAN R. KNOX, W.A. READ KNOX, SEYMOUR H.  
KNOX, IV, AVERY KNOX AND HELEN KEILHOLTZ,  
OBJECTANTS-RESPONDENTS.  
(PROCEEDING NO. 2.)

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IN THE MATTER OF THE JUDICIAL SETTLEMENT OF  
THE INTERMEDIATE ACCOUNT OF HSBC BANK USA, N.A.  
AND SEYMOUR H. KNOX, IV, AS TRUSTEES OF THE  
TRUST UNDER AGREEMENT DATED DECEMBER 23, 1975  
AND RESTATED AUGUST 15, 1990 FOR THE BENEFIT  
OF SEYMOUR H. KNOX, IV, ET AL., SEYMOUR H.  
KNOX, IV, GRANTOR FOR THE PERIOD DECEMBER 23,  
1975 TO NOVEMBER 3, 2005.

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HSBC BANK USA, N.A., PETITIONER-APPELLANT;

SEYMOUR H. KNOX, IV, OBJECTANT-RESPONDENT.  
(PROCEEDING NO. 3.)

(APPEAL NO. 1.)

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HARRIS BEACH PLLC, BUFFALO (RICHARD T. SULLIVAN OF COUNSEL), AND BLAIR & ROACH, TONAWANDA, FOR PETITIONER-APPELLANT.

DONALD G. MCGRATH, PLLC, WILLIAMSVILLE (DONALD G. MCGRATH OF COUNSEL), AND DUKE, HOLZMAN, PHOTIADIS & GRESENS LLP, BUFFALO, FOR OBJECTANTS-RESPONDENTS W.A. READ KNOX, SEYMOUR H. KNOX, IV, AVERY KNOX, HELEN KEILHOLTZ, AND JEAN R. KNOX.

HODGSON RUSS LLP, BUFFALO (DANIEL C. OLIVERIO OF COUNSEL), FOR OBJECTANT-RESPONDENT DANIEL C. OLIVERIO, AS GUARDIAN AD LITEM FOR SEYMOUR H. KNOX, V, JOHN CLAYTON KNOX, AND GEORGIA BROWN KNOX.

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Appeal from an order of the Surrogate's Court, Erie County (Barbara Howe, S.), entered March 10, 2011. The order granted objectants' motions for guardian ad litem fees, attorneys' fees and expenses.

It is hereby ORDERED that said appeal is unanimously dismissed without costs.

Same Opinion by SCUDDER, P.J., as in *HSBC Bank USA, N.A. v Knox* ([appeal No. 2] \_\_\_ AD3d \_\_\_ [June 19, 2012]).

Entered: June 19, 2012

Frances E. Cafarell  
Clerk of the Court