

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

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CA 13-01771

PRESENT: SMITH, J.P., PERADOTTO, LINDLEY, SCONIERS, AND WHALEN, JJ.

IN THE MATTER OF THE ESTATE OF JOHN WAGNER,
DECEASED.

CANANDAIGUA NATIONAL BANK AND TRUST COMPANY,
PETITIONER-RESPONDENT;

MEMORANDUM AND ORDER

SALLY BAUMANN, OBJECTANT-RESPONDENT;

COLIN DESROSIERS AND MICHELLE DESROSIERS,
OBJECTANTS-APPELLANTS.
(APPEAL NO. 1.)

LACY KATZEN LLP, ROCHESTER (RACHELLE H. NUHFER OF COUNSEL), FOR
OBJECTANTS-APPELLANTS.

LAW OFFICE OF HEIDI W. FEINBERG, ROCHESTER (HEIDI W. FEINBERG OF COUNSEL),
FOR PETITIONER-RESPONDENT.

WOODS OVIATT GILMAN LLP, ROCHESTER (RENÉ H. REIXACH OF COUNSEL), FOR
OBJECTANT-RESPONDENT.

Appeal from an order of the Surrogate's Court, Monroe County (Edmund
A. Calvaruso, S.), entered July 18, 2013. The order, among other things,
terminated a testamentary trust.

It is hereby ORDERED that said appeal is unanimously dismissed.

Same Memorandum as in *Matter of Wagner* ([appeal No. 2] ___ AD3d ___
[Aug. 8, 2014]).

Entered: August 8, 2014

Frances E. Cafarell
Clerk of the Court