

**Supreme Court of the State of New York**  
**Appellate Division: Second Judicial Department**

M73764  
E/sl

ROBERT A. SPOLZINO, J.P.  
STEVEN W. FISHER  
MARK C. DILLON  
THOMAS A. DICKERSON, JJ.

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2008-05031

DECISION & ORDER ON MOTION

In the Matter of Joseph Cunningham, deceased.  
Rose Cunningham, appellant; Public Administrator  
of Queens County, respondent.

(File No. 1176/06)

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Motion by the appellant, inter alia, to stay the sale of the subject real property, located at 28-24 212<sup>th</sup> Street, Bayside, New York, pending hearing and determination of an appeal from an order of the Surrogate's Court, Queens County, dated April 17, 2008.

Upon the papers filed in support of the motion and the papers filed in opposition thereto, it is


ORDERED that the branch of the motion which is to stay the sale of the subject real property is granted, and the sale of the real property located at 28-24 212<sup>th</sup> Street, Bayside, New York, is stayed pending hearing and determination of the appeal on condition that the appeal is perfected on or before August 27, 2008; and it is further,

ORDERED that in the event the appeal is not perfected on or before August 27, 2008, the court, on its own motion, may vacate the stay, or the respondent may move to vacate the stay, on three days notice; and it is further,

ORDERED that the motion is otherwise denied.

SPOLZINO, J.P., FISHER, DILLON and DICKERSON, JJ., concur.

ENTER:

  
James Edward Pelzer  
Clerk of the Court

July 28, 2008

MATTER OF CUNNINGHAM, DECEASED