

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

M87031
E/sl

A. GAIL PRUDENTI, P.J.
PETER B. SKELOS
FRED T. SANTUCCI
THOMAS A. DICKERSON, JJ.

2008-10246

DECISION & ORDER ON MOTION

In the Matter of Hattie G. Martin, deceased.
Miladin Dobric, appellant; David J. Baron,
respondent.

(File No. 1070/08)

Motion by the appellant on an appeal from an order of the Surrogate's Court, Queens County, dated October 29, 2008, inter alia, in effect, for summary reversal and for leave to reargue his opposition to that branch of the respondent's prior cross motion which was to vacate a stay imposed by a decision and order on motion of this court dated December 3, 2008, which was granted by decision and order on motion of this court dated March 20, 2009, unless on or before April 15, 2009, the appellant paid arrears for unpaid maintenance for the subject cooperative apartment and filed proof of payment with the court, and continued to pay maintenance for the subject cooperative apartment pending hearing and determination of the appeal.


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

ORDERED that the motion is denied; and it is further,

ORDERED that the stay imposed by the decision and order on motion of this court dated December 3, 2008, is vacated.

PRUDENTI, P.J., SKELOS, SANTUCCI and DICKERSON, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

May 22, 2009

MATTER OF MARTIN, DECEASED