

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

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E/cb

ANITA R. FLORIO, J.P.
HOWARD MILLER
JOHN M. LEVENTHAL
PLUMMER E. LOTT, JJ.

2009-05012

DECISION & ORDER ON MOTION

In the Matter of Edna Pearson, etc., deceased.
Richard Dromm, appellant;
Robert Tetemeyer, respondent.

(File No. 324613)

Motion by the appellant, inter alia, to stay the sale of and to stay his eviction from the subject premises, pending hearing and determination of an appeal an order of the Surrogate's Court, Nassau County, dated April 24, 2009.

Upon the papers filed in support of the motion and no papers having been filed in opposition or in relation thereto, it is

ORDERED that the motion is dismissed for failure to file an affidavit of service establishing that service of the order to show cause was effected according to its terms.

FLORIO, J.P., MILLER, LEVENTHAL and LOTT, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

July 2, 2009

MATTER OF PEARSON, DECEASED