

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

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CA 09-01888

PRESENT: SMITH, J.P., PERADOTTO, LINDLEY, GREEN, AND GORSKI, JJ.

ELLIS CLARK WELLMAN, JR., PLAINTIFF-RESPONDENT,

V

ORDER

RONALD V. AJELLO, DEFENDANT-APPELLANT,
ET AL., DEFENDANT.
(APPEAL NO. 2.)

CALLI, CALLI & CULLY, UTICA (HERBERT J. CULLY OF COUNSEL), FOR
DEFENDANT-APPELLANT.

MCLANE, SMITH AND LASCURETTES, L.L.P., UTICA (STEVEN A. SMITH OF
COUNSEL), FOR PLAINTIFF-RESPONDENT.

Appeal from a judgment of the Supreme Court, Oneida County (John W. Grow, J.), entered January 23, 2009 in an action pursuant to RPAPL article 15. The judgment declared that plaintiff is the owner of certain real property by adverse possession and directed defendant Ronald V. Ajello to remove and relocate his stockade fence.

It is hereby ORDERED that the judgment so appealed from is unanimously affirmed without costs.

Entered: February 11, 2010

Patricia L. Morgan
Clerk of the Court