

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

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**CA 13-00332**

PRESENT: SCUDDER, P.J., PERADOTTO, CARNI, VALENTINO, AND WHALEN, JJ.

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IN THE MATTER OF THE JUDICIAL SETTLEMENT OF  
THE ACCOUNT OF HSBC BANK USA (FORMERLY MARINE  
MIDLAND BANK) AND FRANKLIN J. ELY (DECEASED),  
AS CO-TRUSTEES UNDER ARTICLE 6A OF THE WILL OF  
JAMES ELY FOR JAMES ELY, JR., DECEASED, FOR  
THE PERIOD COVERING MAY 31, 1968 TO  
SEPTEMBER 7, 2006.

ORDER

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HSBC BANK USA, N.A., PETITIONER-RESPONDENT;

MICHELE T.K. ELY AND GENESEE VALLEY TRUST COMPANY,  
OBJECTANTS-APPELLANTS.

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BOND, SCHOENECK & KING, PLLC, ROCHESTER (GREGORY J. MCDONALD OF  
COUNSEL), FOR OBJECTANTS-APPELLANTS.

HODGSON RUSS LLP, BUFFALO (KEVIN M. KEARNEY OF COUNSEL), FOR  
PETITIONER-RESPONDENT.

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Appeal from an order of the Surrogate's Court, Erie County  
(Barbara Howe, S.), entered September 25, 2012. The order granted the  
motion of petitioner for summary judgment dismissing all objections to  
an amended accounting.

It is hereby ORDERED that the order so appealed from is  
unanimously affirmed without costs for reasons stated in the decision  
by the Surrogate (*Matter of HSBC Bank USA [Ely]*, 37 Misc 3d 875, 2012  
NY Slip Op 22284).

Entered: September 27, 2013

Frances E. Cafarell  
Clerk of the Court