

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

**916**

**CA 14-01286**

PRESENT: SCUDDER, P.J., SMITH, CENTRA, PERADOTTO, AND CARNI, JJ.

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IN THE MATTER OF THE ESTATE OF DAVID C. PETERS,  
DECEASED.

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COREEN N. THOMPSON, ADMINISTRATRIX CTA,  
PETITIONER-RESPONDENT;

MEMORANDUM AND ORDER

JOAN PETERS, OBJECTANT-APPELLANT.  
(APPEAL NO. 2.)

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COLUCCI & GALLAHER, P.C., BUFFALO (MOLLY M. KRAUZA OF COUNSEL), FOR  
OBJECTANT-APPELLANT.

LAW OFFICES OF JOHN P. BARTOLOMEI & ASSOCIATES, NIAGARA FALLS, D.J. &  
J.A. CIRANDO, ESQS., SYRACUSE (JOHN A. CIRANDO OF COUNSEL), FOR  
PETITIONER-RESPONDENT.

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Appeal from a decree of the Surrogate's Court, Genesee County  
(Robert C. Noonan, S.), entered June 4, 2014. The decree directed  
Joan Peters to disgorge and release certain property and ordered that  
all bequests not yet received by Joan Peters under the last will and  
testament of David C. Peters are revoked and forfeited.

It is hereby ORDERED that the decree so appealed from is  
unanimously reversed on the law without costs, and the matter is  
remitted to Surrogate's Court, Genesee County, for further proceedings  
on the petition.

Same memorandum as in *Matter of Peters* ([appeal No. 3] \_\_\_ AD3d  
\_\_\_ [Oct. 2, 2015]).

Entered: October 2, 2015

Frances E. Cafarell  
Clerk of the Court