

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

984

CA 14-01604

PRESENT: CENTRA, J.P., PERADOTTO, LINDLEY, WHALEN, AND DEJOSEPH, JJ.

IN THE MATTER OF JP MORGAN CHASE BANK, N.A.
(SUCCESSOR BY MERGER TO THE CHASE MANHATTAN
BANK) (SUCCESSOR BY MERGER TO CHASE LINCOLN
FIRST BANK, N.A.) (SUCCESSOR IN INTEREST TO
LINCOLN FIRST BANK, N.A.) (SUCCESSOR BY
CONSOLIDATION TO LINCOLN FIRST BANK OF ROCHESTER)
(FORMERLY KNOWN AS LINCOLN ROCHESTER TRUST
COMPANY), AS TRUSTEE UNDER THE TRUST AGREEMENT
DATED MAY 23, 1932 BY ALVAH G. STRONG, DECEASED
AND PURSUANT TO THE EXERCISE OF THE POWER OF
APPOINTMENT UNDER PARAGRAPH NINTH OF THE WILL OF
MARJORIE H. STRONG, DECEASED, FOR THE BENEFIT OF
MARJORIE STRONG WEHLE, DECEASED (WHO DIED JANUARY 8,
2004), PETITIONER-APPELLANT-RESPONDENT.
(PROCEEDING NO. 1.)

ORDER

IN THE MATTER OF JP MORGAN CHASE BANK, N.A.
(SUCCESSOR BY MERGER TO THE CHASE MANHATTAN
BANK) (SUCCESSOR BY MERGER TO CHASE LINCOLN
FIRST BANK, N.A.) (SUCCESSOR IN INTEREST TO
LINCOLN FIRST BANK, N.A.) (SUCCESSOR BY
CONSOLIDATION TO LINCOLN FIRST BANK OF ROCHESTER)
(FORMERLY KNOWN AS LINCOLN ROCHESTER TRUST
COMPANY), AS TRUSTEE UNDER PARAGRAPH 22(b)(4) OF
THE WILL OF ALVAH G. STRONG, DECEASED, FOR THE
BENEFIT OF MARJORIE STRONG WEHLE, DECEASED (WHO
DIED JANUARY 8, 2004),
PETITIONER-APPELLANT-RESPONDENT.
(PROCEEDING NO. 2.)

IN THE MATTER OF JP MORGAN CHASE BANK, N.A.
(SUCCESSOR BY MERGER TO THE CHASE MANHATTAN
BANK) (SUCCESSOR BY MERGER TO CHASE LINCOLN
FIRST BANK, N.A.) (SUCCESSOR IN INTEREST TO
LINCOLN FIRST BANK, N.A.) (SUCCESSOR BY
CONSOLIDATION TO LINCOLN FIRST BANK OF ROCHESTER)
(FORMERLY KNOWN AS LINCOLN ROCHESTER TRUST
COMPANY), AS TRUSTEE UNDER PARAGRAPH FOURTH OF
THE WILL OF ALVAH G. STRONG, DECEASED, FOR THE
BENEFIT OF MARJORIE STRONG WEHLE, DECEASED (WHO
DIED JANUARY 8, 2004),
PETITIONER-APPELLANT-RESPONDENT.
(PROCEEDING NO. 3.)

IN THE MATTER OF JP MORGAN CHASE BANK, N.A.
(SUCCESSOR BY MERGER TO THE CHASE MANHATTAN

BANK) (SUCCESSOR BY MERGER TO CHASE LINCOLN FIRST BANK, N.A.) (SUCCESSOR IN INTEREST TO LINCOLN FIRST BANK, N.A.) (SUCCESSOR BY CONSOLIDATION TO LINCOLN FIRST BANK OF ROCHESTER) (FORMERLY KNOWN AS LINCOLN ROCHESTER TRUST COMPANY), AS TRUSTEE UNDER PARAGRAPH TENTH OF THE WILL OF MARJORIE H. STRONG, DECEASED, FOR THE BENEFIT OF MARJORIE STRONG WEHLE, DECEASED (WHO DIED JANUARY 8, 2004), PETITIONER-APPELLANT-RESPONDENT. (PROCEEDING NO. 4.)

CHARLES WEHLE AND HENRY WEHLE,
OBJECTANTS-RESPONDENTS-APPELLANTS.
(APPEAL NO. 1.)

HARRIS BEACH PLLC, PITTSFORD (A. VINCENT BUZARD OF COUNSEL), FOR
PETITIONER-APPELLANT-RESPONDENT.

HARRIS, WILTSHIRE & GRANNIS LLP, WASHINGTON, D.C. (MARK A. GRANNIS OF
COUNSEL), FOR OBJECTANTS-RESPONDENTS-APPELLANTS.

Appeal and cross appeal from an order of the Surrogate's Court, Monroe County (Edmund A. Calvaruso, S.), entered November 26, 2013. The order, inter alia, determined that petitioner should be surcharged and denied the request of objectants for attorneys' fees.

It is hereby ORDERED that said appeal and cross appeal are unanimously dismissed without costs (*see Hughes v Nussbaumer, Clarke & Velzy*, 140 AD2d 988; *Chase Manhattan Bank, N.A. v Roberts & Roberts*, 63 AD2d 566, 567; *see also CPLR 5501 [a] [1]*).

Entered: November 20, 2015

Frances E. Cafarell
Clerk of the Court