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Court Decisions
Second Judicial Department
Queens County
Surrogate's Court

MATTER OF MARGARET DUFF, DECEASED

Surrogate Nahman

In this contested probate proceeding objections to the decedent's Last Will and Testament were filed by the Public Administrator of Queens County and the Guardian ad Litem for the unknown distributees of the decedent. Specifically, the Objectants alleged lack of due execution, lack of mental capacity, and fraud and undue influence by the nominated co-executor who was also the residuary beneficiary herein.

The nominated co-fiduciaries consented to renounce their appointment as co-executors under decedent's will and Temporary Letters of Administration issued to the Public Administrator.

This matter was then set down for a Putnam Hearing after which the Court found that the provisions of the will naming Robert Kelly as the co-executor and residuary beneficiary were the result of undue influence of Mr. Kelly. The Court thereupon issued an order, dated June 22, 1995, excising the provisions above from the instrument offered for probate.

The Public Administrator and Guardian ad Litem have subsequently withdrawn all other objections filed herein, however, none of the distributees of the decedent or legatees named in decedent's will have petitioned for Letters Testamentary.

Accordingly, the will dated June 27th, 1990 shall be admitted to probate and Letters of Administration c.t.a. shall issue to the Public Administrator of Queens County upon her duly qualifying according to law.

The Clerk of the Court is directed to mail a copy of this Decision and Order to all parties who have appeared in this proceeding, including all legatees named in decedent's Last Will and Testament.

Submit Decree.

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