

12/24/2003 N.Y.L.J. 32, (col. 3)

New York Law Journal
Volume 230
Copyright 2003 ALM Properties, Inc. All rights reserved

Wednesday, December 24, 2003

Decisions

SURROGATE'S COURT DECISION

Queens County Surrogate's Court

Surrogate Nahman

ESTATE OF SOPHIE HAAG, deceased In this discovery proceeding respondent, ROBERT B. KRESS, and Peerless Insurance Company was directed to show cause why he should not attend the inquiry and be examined as to funds which belong to this estate, and to deliver to the Administrator of the estate all estate funds which are the lawful property of the ESTATE OF SOPHIE HAAG.

Respondent ROBERT B. KRESS failed to personally appear for the inquiry and, by his Guardian ad Litem, advised the Court that even if he were to appear, he would assert his Fifth Amendment Constitutional privilege against self-incrimination.

The proceeding against Respondent Peerless Insurance Company who has appeared in this proceeding was severed.

This matter was then set down for an inquest against Respondent, ROBERT B. KRESS.

Based upon the evidence adduced at the inquest, the Court finds that Respondent ROBERT B. KRESS converted and misappropriated the sum of \$119,071.61 from the Article 81 Guardianship funds of SOPHIE HAAG who died on August 31, 2003.

Accordingly, ROBERT B. KRESS is directed to turn over, forthwith, to the Administrator of the ESTATE OF SOPHIE HAAG the sum of \$119,071.61 with interest at the rate of 9 percent as follows: on the sum of \$19,125.60 from December 31, 1996 to the date the decree to be submitted hereon is docketed as a judgment; on the sum of \$29,825.00 from December 31, 1997 to the date the decree to be submitted hereon is docketed as a judgment; on the sum of \$9,500.00 from December 31, 1998 to the date the decree to be submitted hereon is docketed as a judgment; on the sum of \$19,793.00 from December 31, 1999 to the date the decree to be submitted hereon is docketed as a judgment; on the sum of \$38,328.01 from April 10, 2000 to the date the decree to be submitted hereon is docketed as a judgment, and; on the sum of \$2,500.00 from December 22, 2000 to the date the decree to be submitted hereon is docketed as a judgment.

The Decree to be submitted hereon shall bear interest at the rate of 9 percent from the date such Decree is docketed as a judgment ([CPLR §§5003; 5004](#)).

Submit Decree on five days notice to the attorney for the surety and the Guardian Ad Litem.

The Clerk of the Court is directed to mail a copy of this Decision to the PUBLIC ADMINISTRATOR OF QUEENS COUNTY, the Guardian ad Litem, and the attorneys for PEERLESS INSURANCE COMPANY.

12/24/2003 NYLJ 32, (col. 3)

END OF DOCUMENT