

11/7/2007 N.Y.L.J. 34, (col. 6)

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Wednesday, November 7, 2007

SURROGATE'S COURT DECISION

Queens County Surrogate's Court

CASE

Surrogate Nahman

Estate of VINCENT VECEIONE, Deceased — In this discovery proceeding, respondent ANTHONY J. RAIMONDI was directed to show cause why he should not attend an inquiry and be examined as to funds which belong to the Estate of VINCENT VECEIONE and to deliver to the Public Administrator of Queens County as Temporary Administrator of the Estate of VINCENT VECEIONE all estate funds which are the lawful property of the Estate of VINCENT VECEIONE.

This matter was set down for trial.

Based upon the evidence adduced at the Trial, the Court finds that Respondent ANTHONY J. RAIMONDI converted and misappropriated the sum of \$265,019.22 from the Estate of VINCENT VECEIONE who died on June 6th, 2002 and that said sums are now in the possession of ANTHONY J. RAIMONDI or such other person to whom he may have transferred said funds.

The Court further finds that the Respondent ANTHONY J. RAIMONDI misappropriated and converted these funds in the amount of \$264,722.22 prior to October 14, 2003. The balance of \$297.00 was misappropriated and converted subsequent to December 31, 2003.

The Court further finds that the respondent ANTHONY J. RAIMONDI has failed to prove by a preponderance of the credible evidence any of the credits he claims should be offset against the estate. With respect to the funeral expenses for the decedent it appears from the evidence that these expenses were advanced by a person other than the respondent. With respect to the \$150,000 transferred into the Estate account from the Roslyn Savings Bank, the Court finds that the respondent has failed to establish any right whatsoever to said funds.

Accordingly, Respondent ANTHONY J. RAIMONDI is directed to turn over the sum of \$265,019.22 to the Public Administrator of Queens County as Temporary Administrator of the Estate of VINCENT VECEIONE forthwith, together with interest at the rate of 9% from December 31, 2003 to the date of the decree to be settled hereon is docketed as a judgement.

The decree to be settled hereon shall bear interest at the rate of 9% from the date said decree is docketed as a judgement. (CPLR §5003 & 5004).

The Public Administrator of Queens County as Temporary Administrator of the Estate of VINCENT VECEIONE is granted leave to proceed against the Surety UNITED STATES FIDELITY & GUARANTY COMPANY pursuant to SCPA§809(a) in the event payment has not been made by ANTHONY J. RAIMONDI within 10 days from the date of Entry of the Decree to be Settled hereon.

Settle Decree.

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