

Suzanne McCormick
Concert Pianist
231 Clinton Avenue
Dobbs Ferry, New York 10522

COPY

Via Certified Mail

January 30, 2014

Joseph M. Accetta, Esq.
Chief Clerk
Westchester County Surrogate's Court
111 Dr. Martin Luther King Jr. Blvd., 19th Floor
White Plains, NY 10601
Certified Mail #7013 1710 0001 0774 3046

Ms. Virginia Athens
Chief Clerk
Rockland County Surrogate' Court
1 South Main Street
New City, NY 10956
Certified Mail #7013 1710 0001 0774 3053

Erica S. DeTraglia, Esq.
Dutchess County Surrogate's Court
10 Market Street
Poughkeepsie, NY 12601
Certified Mail #7013 1710 0001 0774 3060

***RE: Estate of Edmund J. McCormick
Westchester File #3255-1988***

Dear Chief Clerks Accetta, Athens and DeTraglia:

1. This correspondence is a Freedom of Information (FOIL) demand, hereby made under the provisions of said Statute (New York Freedom of Information Law, Article 6 of the Public Officer Law). I/we have repeatedly made inquires and attempts both verbally and in writing for a period in excess of sixteen (16) years to secure a copy of the complete and accurate Docket Record of my late husband's Edmund J. McCormick Estate from the responsible professional parties in the respective listed Surrogate's Courts. This extended 'Odyssey' to effectively deny me with intent my basic rights using the 'Patterns and Practices' of various ruses and/or egregious blatant denials have been time consuming, frustrating and I believe illegal. If 'Bleak House' would be re-written this factual story could be included as a new chapter.
2. The journey to obtain the Docket Record - under any of the following nomenclature including but not limited to - Docket Sheet - Minutes - Index - Case Activity Report et al. (By any identifiable name) has been made arduous and to what purpose or end is the denial? Is it to suppress information and records/documents that form the basis of my late husband's Estate?

3. Ralph Martinelli, Newspaper Publisher on March 30, 2004 wrote to John M. Kelly, the then Chief Clerk of the Westchester Surrogate's Court, specifically requesting a "...copy of the computerized minutes..." of the Estate of Edmund J. McCormick. (Exhibit #1 - 1 pp.) Mr. Kelly responded by phone to Mr. Martinelli and asked his interest in this matter and then said that he would have Jody B. Keltz, Court Attorney-Referee who was in charge of the Estate, return the call. Ms Keltz in a call denied that the Surrogate's Court ever had any Docket Record of any kind at anytime and then volunteered that she didn't think that even the New York State Supreme Court had one any longer. Although, I/we were not a party to any of these telephone calls I/we did hear the audio tapes since Mr. Martinelli had tape recorded the calls.
4. Judge Anthony J. Scarpino, Jr., of the Westchester Surrogate's Court (domicile of the my late husband's Estate) was recused in 2003, since he had been employed by Bankers Trust Company (a federal felon) the nominated 'Professional Fiduciary' in my late husband's Will. The Estate was then transferred to the Judge Alfred J. Weiner of the Rockland County Surrogate's Court for a short period of time who also recused himself apparently by his own Motion, as I understand it, since I/we have never been informed and have not been able to discover the salient facts on the Record. Nevertheless, just prior to Judge Weiner's departure he signed an 'Order To Show Cause' on April 1, 2003 submitted by the law firm of Pillsbury Winthrop LLP, on behalf of the alleged Co-Executor Bankers Trust Company. (Exhibit #2 - 4 pp - selected pages)
5. During visits to the Rockland Surrogate's Court attempts were made to obtain a copy of the Docket Record during it's stewardship - Tenure. The response was that they never had any papers; had done nothing and had not been involved with the Estate. During this period we were also searching for the actual file records (papers and documents) for the Estate and had been told by the Westchester Court that the Appellate Court in Brooklyn had 'all the papers.' When we went to the Appellate Court in Brooklyn looking for the complete 'Record' that had been sent to them, we were told that the 'Record' had been returned to Westchester and they had evidently 'lost' the 'Record' and was attempting to put the blame on the Appellate Court. In fact one of the Clerk's (in Brooklyn) was quite helpful and said that he had called all three (3) Courts looking for the Records to no avail. It was suggested that we go to the Rockland and Dutchess Courts seeking the Record which we did without success. The majority of the McCormick Estate File apparently disappeared from the Westchester venue from what we have been able to ascertain.
6. The last formal attempt to secure a "...copy of the complete docket for the Estate of my husband, Edmund J. McCormick...." was contained in a letter dated August 31, 2012, addressed to Joseph M. Accetta, as Chief Clerk of the Westchester County Surrogate's Court. (Exhibit #3 - This letter with it's listed attachments ('A thru D' - Total of 7 pp.) one of which ("A-1") is a copy of a "...Certificate of Appointment of Executors dated January 21, 2011, on Amended Letters Testamentary; dated January 23, 1992 [based on the resignation of Alfred S. Howes who is listed on the Original Permanent Letters Testamentary dated January 25, 1989], that were issued in this Estate Matter and provided to me by [an attorney at] Deutsche Bank ..." Both Judge James D. Pagones and Joseph M. Accetta Certified this

Certificate (dated January 21, 2011) which is **Fraudulent on it's face due to the fact** that **Deutsche Bank Trust Co. Americas** was formerly **Bankers Trust Company** (prior to the name change of 4-15-2002) neither of which have ever been a legal Fiduciary of the Estate of Edmund J. McCormick and therefore, **never had any legal standing in same at any time.** Further, neither of these entities were ever at any time known as **"Bankers Trust Company of New York"** which became a legal entity on September 7, 1999. Additionally, Attachment "B" to this document (Exhibit #3) is an **Exemplified Copy of the Permanent Letters Testamentary dated January 25, 1989,** which lists the non-existent entity **"Bankers Trust Company of New York"** as a Fiduciary. The documentary evidence is undisputable in this matter. This has all been done within the full meaning of the word 'Scienter.' This mantra is a continuing of the Patterns and Practices of the ongoing and continuing criminal fraud with intent on the Estate and me. As a direct result this Estate Matter has long since entered the realm of Misprision of Felony as any officer of the court knows. I, as the Widow, have been repeatedly violated by the Courts and the attorneys in this Estate Matter! What kind of a racket is this? I trust everyone can comprehend my sense of Betrayal.

7. By way of response (to my request August 31, 2012) a letter, dated September 14, 2012, from Johann K. O'Brien, Deputy Chief Clerk was received which states in part **"Please be advised, there is no 'docket' for this file.** The file is maintained in this court, even though it may have been reassigned to another Surrogate for disposition of a proceeding." (Emphasis added) (Exhibit #4 - 2 pp with copy of mailing envelope) This egregious admission of the fact that **"...there is no 'docket' for this file"** (Emphasis added) (The Estate of Edmund J. McCormick) I find extremely troubling, **however there are many issues with my late husband's Estate that are even more troubling** much of which I have reported and memorialized in my affidavit (with 118 Supporting Exhibits) containing the documentary evidence dated June 19, 2013, that was filed in both the Westchester (June 20, 2013) and Dutchess (June 21, 2013) Courts that may be found and accessed by visiting the URL <http://www.iviewit.tv/Exhibits%20McCormick.pdf> that is fully incorporated by reference herein. There has been no Court action regarding my affidavit or the accompanying documents.

8. I am including a copy of two (2) pages of the Surrogate Court Procedure Act, Article 25 (Records and Recording), Sections 2501 and 2502. Section 2501 - Records to be kept by court; general requirements (1) relates that "The clerk of the court shall keep a record of and be responsible for the proper indexing, filing or recording ..." Again, (5) of this Section (2501) of the Statue states that "When filing is required the paper filed shall be entered in the proper minute book, and date of filing with fee, if any, noted on the paper." Section 2502 - delineates the "Books to be kept by clerk" - (1) "A record book properly indexed in which shall be entered a description of every proceeding with proper entries under each denoting the papers filed, order and decrees made and the steps taken therein, with the dates of filing and recording the several papers in the proceeding." I am not an attorney, however, I have spoken to several attorneys as well as a retired member of the Judiciary and I'm informed that the Clerks of each of the individual Surrogate's Courts throughout New York State have both a duty and responsibility to maintain a Docket Record. (Exhibit #5 - 2 pp.)

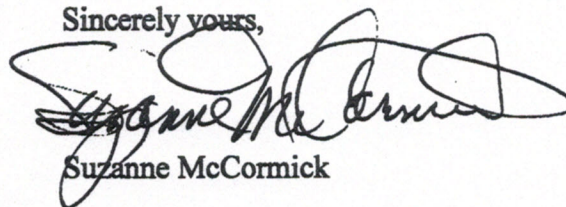
9. I obtained a copy of what is called a "Case Activity Report" (Docket Record) on an unrelated Estate who's venue is the Nassau County Surrogate's Court. Enclosed are the first two (2) pages (of a total of the four page Report) of this Report that have been redacted to shield the identity of the subject Estate. (Exhibit #6 - 2 pp.) I believe that with this documentary evidence, I have now proven beyond any reasonable doubt that a Docket Record must be maintained pursuant to Statue on ALL Estate matters within the Surrogate's Courts in the State of New York. Now the question becomes why were there years of denial of the Docket Records existence and why did I/we have to endure this abuse and denial of my rights of due process and go through this injustice and Patterns and Practices of Tortuous Interference with intent in this matter? Why only in my husband's Estate is there 'NO' Docket Record for this file. (See Exhibit #4) What was and is the reason, purpose and intent for the Patterns and Practices of these continuing and ongoing egregious acts?

10. I think that it is criminal that I have to endure the abuse, oppression and suppression repeatedly by denying this Docket Record which has damaged my due process since I need - require this document to prosecute the Estate matter as an Executrix, wife and main beneficiary of my late husband's Estate. I further request that each of the Courts addressed take immediate Judicial Notice and contact the applicable oversight and regulatory authorities regarding this matter.

11. By this letter I hereby demand under the FOIL Statue an Exemplified Copy of the complete Docket Record for the Estate of my late husband Edmund J. McCormick pursuant to the applicable Statues from each of the Chief Clerks that were legally tasked under the applicable statues to produce the Docket Record during their individual (and their respective) Court's stewardship. I trust that based on the conclusive salient facts and documents the Patterns and Practices with intent to obstruct and suppress my demands *cease*. The cover-up has to end!

12. Please advise me of the cost of the request for Exemplified Copies in each of the three (3) Surrogate's Courts for the three (3) separate and distinct individual Docket Records from each of the Courts in a timely manner. Thank-you.

Sincerely yours,



Suzanne McCormick

SM/ms

Enclosures as listed

Martinelli PUBLICATIONS

PUBLISHERS OF WESTCHESTER'S FINEST WEEKLY NEWSPAPERS
40 LARKIN PLAZA, YONKERS, NEW YORK 10701 (914) 965-4000

By Register Mail
#7003 1680 0005 1767 2557
Return Receipt Requested

March 30, 2004

Mr. John W. Kelly
Chief Clerk of the Surrogate's Court
140 Grand Street
White Plains, NY 10601

RE: Est. Edmund J. McCormick
No. 3522/1988

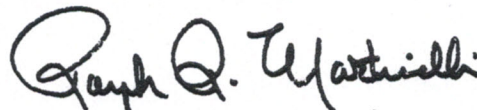
Dear Mr. Kelly:

I hereby request a certified copy of the computerized minutes in the case, above described.

Please advise of the cost in writing, and I will submit the fee by return mail.

Thank you for your cooperation in this matter.

Sincerely yours,



Ralph R. Martinelli
Publisher

RM/ms

Exhibit # "1 - 1"

At the Surrogate's Court of the State of New York, held in and for the County of ~~Rockland~~ *Westchester*, at the Courthouse located at 18 New Hempstead Road, New City, New York on the *1st* day of *April* 2003.

PRESENT:

HONORABLE ALFRED J. WEINER,

Acting Surrogate.

In the Matter of the Petition of BANKERS TRUST COMPANY and HERMAN MARKOWITZ, as Co-Executors of the Last Will and Testament of Edmund J. McCormick, Deceased, for Authority to Compromise Claims Made By and Against Edmund J. McCormick, Jr.

ORDER TO SHOW CAUSE

File No. 3522-1988

Upon the petition of Bankers Trust Company, now known as Deutsche Bank Trust Company Americas, a New York Banking corporation with an office at 280 Park Avenue, New York, New York, verified on February 5, 2003,

Let the respondents show cause before the Surrogate's Court of Rockland County, held at 18 New Hempstead Road, New City, New York on the *8th* day of *April* 2003, at 9:30 a.m. o'clock in the forenoon, why an order should not be granted:

- (a) Authorizing Petitioner to compromise all of the objections, claims and allegations asserted against Edmund J. McCormick, Jr. or asserted or raised by Edmund J. McCormick, Jr. in the pending accounting proceedings for the Estate of Edmund J. McCormick,

Exhibit # "2 - 1"

deceased, on the terms set forth in the Stipulation and Order attached to the Petition as Exhibit A;
and

(b) Granting such other and further relief as this Court deems just and proper.

Sufficient reason appearing therefor, it is hereby

ORDERED, that service by overnight mail or overnight courier service of a copy of this Order to Show Cause, the annexed Petition, and the Memorandum of Law and Affidavit of David G. Keyko in support of said Petition, upon counsel of record to the persons set forth in the service list attached hereto on or before the 2nd day of April, 2003, shall be deemed good and sufficient service.

ENTER:

Acting Surrogate

Service List

<u>Name</u>	<u>Counsel of Record Upon Whom Service Shall be Made</u>
Suzanne V. McCormick	Jason Bogli, Esq. DOWD & MAROTTA LLC 277 Broadway, Suite 1310 New York, NY 10007
Edmund J. McCormick, Jr.	David Geis, Esq. PLUNKETT & JAFFE 430 William Hilton Parkway Suite 505 Hilton Head Island, SC 29926
Alfred Howes	Charles G. Berry, Esq. ARNOLD & PORTER 399 Park Avenue New York, NY 10022-4690
Herman Markowitz	Stephen E. Kesselman, Esq. BRIEF JUSTICE CARMEN KESSELMAN & KLEIMAN, LLP 805 Third Avenue, Suite 600 New York, NY 10022
Metropolitan Management Corporation	Brian J. Carey, Esq. McELROY, DEUTSCH & MULVANEY, LLP Wall Street Plaza 88 Pine Street, 21st Floor New York, NY 10005
Estate of Edmund J. McCormick	Robert Tiedemann, Esq. WHITE & CASE LLP 1155 Avenue of the Americas New York, NY 10036-2787

File No. 3522-1988

**SUPREME COURT OF THE STATE OF NEW YORK
SURROGATE'S COURT:
COUNTY OF WESTCHESTER**

**In the Matter of the Petition of BANKERS TRUST
COMPANY, as Co-Executor of the Last Will and
Testament of Edmund J. McCormick, Deceased, for
Authority to Compromise Claims Made By and
Against Edmund J. McCormick, Jr.**

ORDER TO SHOW CAUSE

**PILLSBURY WINTHROP LLP
Attorneys for Bankers Trust Company**

**One Battery Park Plaza
New York, New York 10004
(212) 858-1000**

Exhibit # "2 - 4"

Suzanne McCormick
Concert Pianist
231 Clinton Avenue
Dobbs Ferry, New York 10522

COPY

Via Certified Mail
#7010 0290 0000 1509 2226

August 31, 2012

Joseph M. Accetta, Esq.
Chief Clerk
Westchester County Surrogate's Court
111 Martin Luther King Jr. Blvd. - 19th Floor
White Plains, New York 10601

RE: Estate of Edmund J. McCormick
Index No. 3522/1988

Dear Mr. Accetta:

At this time, I am writing this letter as a legal Executrix of the Estate of my husband, Edmund J. McCormick. Attached is a copy of the Certificate of Appointment of Executors dated January 21, 2011, on 'Amended Letters Testamentary' dated January 23, 1992 (based on the resignation of Alfred S. Howes who is listed on the Original Letters Testamentary dated January 25, 1989), that were issued in this Estate Matter and provided to me by Deutsche Bank (Attachment A - 1 pp.). This document lists the following 'Fiduciary Appointed' - Suzanne V McCormick (myself), Herman Markowitz, Deutsche Bank Trust Co. Americas f/k/a Bankers Trust Co. of NY and Edmund J McCormick Jr. I am also attaching an Exemplified Copy of the 'Original Letters Testamentary' dated January 25, 1989, signed by Westchester County Surrogate Judge Evans V. Brewster on April 10, 1989 (Attachment B - total of 2 pp.), along with a copy of a 'Certificate of Appointment of Fiduciary' dated April 20, 2004, on which John W. Kelly, then the Chief Clerk included a handwritten note regarding the resignation of Alfred S. Howes as of the date of January 23, 1992. (Attachment C - 1 pp.)

The purpose of this letter is to obtain a certified copy of the complete docket for the Estate of my husband, Edmund J. McCormick, that would show the 'entire' record of all the filings on the docket in this Estate Matter. Please advise me of any cost regarding this request in writing.

Also, attached is a (redacted) copy of letter (with enclosure) dated June 29, 2004 from Kenneth M Bernstein, Principle Court Attorney of the Dutchess County Surrogate's Court regarding in part their understanding of their role in the responsibility of maintaining a computerized docket in this Estate Matter (Attachment D - total 2 pp.).

Thank-you for your attention to this matter.

Sincerely yours



Suzanne McCormick

Exhibit # "3 - 1"

SM/ms

Attachments as listed above

**Surrogate's Court of the State of New York
Westchester County
Certificate of Appointment of Executors**

File #: 1988-3522

IT IS HEREBY CERTIFIED that Letters in the estate of the Decedent named below have been granted by this court, as follows:

Name of Decedent:

Edmund J McCormick

Date of Death: November 27, 1988

Domicile:

County of Westchester

Fiduciary Appointed:

Suzanne V. McCormick

Deutsche Bank Trust Co. Americas

Mailing Address:

231 Clinton Ave
Dobbs Ferry, NY 10522

Bankers Trust Co. of NY

280 Park Avenue
New York NY 10017

Herman Markowitz

35 Dogwood Lane
Irvington, NY 10533

Edmund J McCormick Jr

14 West Shore Trail
Sparta NJ 07871

Type of Letters Issued: **AMENDED LETTERS TESTAMENTARY**

Letters Issued On: **January 23, 1992**

Limitations: **NONE**

and such Letters are unrevoked and in full force as of this date.

Dated: January 21, 2011

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the Westchester County Surrogate's Court at White Plains, New York.

WITNESS, Hon. James D Pagones, Judge of the Westchester County Surrogate's Court.

Joseph M. Accetta

Joseph M Accetta, Chief Clerk
Westchester County Surrogate's Court

This Certificate is Not Valid Without the Raised Seal of the Westchester County Surrogate's Court

Exhibit # "3 - 2"

Attachment "A - 1"

1-11-1989

File No. 3522-1988

COPY

LETTERS TESTAMENTARY

The People of the State of New York

Know All Men by These Presents that at the City of White Plains, County of Westchester, on the 25TH day of JANUARY, 1989, before HON. EVANS V. BREWSTER, Surrogate of our said County, the Last Will and Testament of

EDMUND J. MC CORMICK

late of the VILLAGE of DOBBS FERRY in said County, deceased, was proved and

ALFRED S. HONES, HERMAN MARKOWITZ

SUZANNE V. MC CORMICK, EDMUND J. MC CORMICK, JR.

& BANKERS TRUST COMPANY OF NEW YORK

the amount ORS named therein, having duly qualified according to law, ARE hereby authorized to administer the estate of said decedent pursuant to the provisions of the will, subject to the jurisdiction and supervision of this Court.

IN TESTIMONY WHEREOF, we have caused the seal of office of the Surrogate's Court of the County of Westchester to be hereunto affixed.

Witness: Honorable Evans V. Brewster, Surrogate of our said County, at the City of White Plains, the 25TH day of JANUARY, in the year

of our Lord one thousand nine hundred and EIGHTY-NINE

[Signature]

Chief Clerk

Notice: Attention is called to the provisions of EPTL 11-6 and MPA 714 which make it a misdemeanor and a crime for removal from the office of Administrator, Trustee or Guardian or deposit in any estate funds in his individual personal or other account. All such funds must be deposited in the name of the fiduciary Administrator Trustee or Guardian in the name of the State of New York.

Exhibit # "3 - 3"

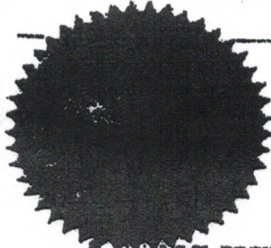
Attachment "B - 1"



Nº 13052

All which we have caused by these presents to be exemplified, and the Seal of our said Surrogate's Court to be hereto affixed.

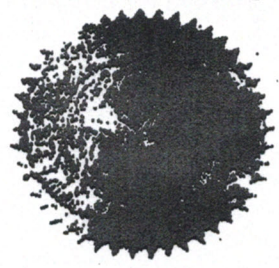
Witness, HONORABLE EVANS V BREWSTER, Surrogate of the County of Westchester, the
10TH day of APRIL 19 89



Chief Clerk of the Surrogate's Court

I, EVANS V. BREWSTER, Surrogate of said County, do hereby certify that
PHILIP E. PUGSLEY

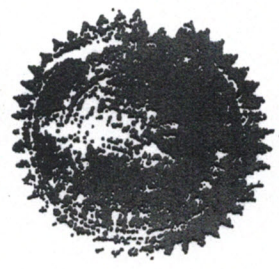
whose name is subscribed to the preceding exemplification, is the Chief Clerk of the said Surrogate's Court of the County of Westchester, and that full faith and credit are due to his official acts. I further certify that the seal affixed to the exemplification is the seal of our said Surrogate's Court, and that the attestation thereof is in due form and according to the form of attestation used in this State.



WITNESS, my hand and the Seal of said Surrogate's Court this 10TH day of APRIL 19 89
Evans V. Brewster
Surrogate.

State of New York }
County of Westchester }

I, PHILIP E. PUGSLEY Chief Clerk of the Surrogate's Court of the County of Westchester, do hereby certify that HONORABLE EVANS V. BREWSTER whose name is subscribed to the preceding Certificate, is the Surrogate of the County of Westchester, duly elected, sworn and qualified, and that the signature of said Surrogate to said Certificate is genuine.



IN TESTIMONY WHEREOF, I have hereto set my hand and affixed the Seal of the said Court, this 10TH day of APRIL 19 89

Chief Clerk of the Surrogate's Court

Exhibit # "3 - 4"

Attachment "B - 2"

SS.: CERTIFICATE OF APPOINTMENT OF FIDUCIARY

IT IS HEREBY CERTIFIED that Letters in the Estate of the decedent named below have been granted by this Court as follows:

File No.: 3522-1988

NAME OF DECEDENT: EDMUND J. MCCORMICK
RESIDENCE OF DECEDENT: VILLAGE OF DOBBS FERRY
REPRESENTATIVE(S) TO WHOM LETTERS ARE ISSUED: SUZANNE V. MCCORMICK, EDMUND J. MCCORMICK, JR. HERMAN MARKOWITZ AND BANKERS TRUST COMPANY
TYPE OF LETTERS ISSUED: LETTERS TESTAMENTARY
DATE OF LETTERS ISSUED: JANUARY 25, 1989
LIMITATIONS ON LETTERS: NONE

and such Letters are unrevoked and in full force as of this date.

Dated: April 20, 2004



IN TESTIMONY WHEREOF, the seal of Westchester County Surrogate's Court has been hereunto affixed.

WITNESS HON. ANTHONY A. SCARPINO, JR., Surrogate.

John W. Kelly
Chief Clerk of the Surrogate's Court

DO NOT ACCEPT THIS CERTIFICATE UNLESS THE RAISED SEAL OF THE COUNTY SURROGATE'S COURT IS AFFIXED THEREON.

(NOTE: S.C.P.A. 710 PROVIDES IN PART: "4. No fiduciary shall remove property of the estate from New York State without the prior approval of the Court and upon filing a bond if required by the Court".)

Exhibit # "3 - 5"

Original letters, also included Alfred S. Howard who resigned on 1/23/92. John W. Kelly, Chief Clerk

Attachment "C - 1"

07/02/2004 17:31



JAMES D. PAGONES
SURROGATE JUDGE AND AJSC

STATE OF NEW YORK
SURROGATE'S COURT OF THE COUNTY OF DUTCHESS
COUNTY COURTHOUSE
10 MARKET STREET
POUGHKEEPSIE, N.Y. 12601

PHONE (845) 486-2235
FAX (845) 486-2234

JOHN J. ATHERTON
CHIEF CLERK
KAREN A. JOHNSON
DEPUTY CHIEF CLERK

June 29, 2004

[REDACTED]

Re: Estate of Edmund J. McCormick
Index No. 3522/1988

[REDACTED]

[REDACTED] this proceeding was assigned to Judge Pagonas as Acting Surrogate,
Westchester County by Administrative Judge Honorable Francis A. Nicolai. A copy of Justice
Nicolai's assignment is enclosed. [REDACTED]

[REDACTED]

[REDACTED] requested that the Court maintain a computerized docket of this proceeding.
You have been advised that this matter remains a Westchester County proceeding and any issues
regarding docketing must be addressed to that Court. [REDACTED]

Sincerely,

Kenneth M. Bernstein
Kenneth M. Bernstein
Principal Court Attorney

KMB:im
Enclosure

Exhibit # "3 - 6"

Attachment "D - 1"

9-ADMJ-0402A-03

The HON. FRANCIS A. NICOLAI, pursuant to the authority vested
in him as Administrative Judge of the Ninth Judicial District,
D O E S H E R E B Y:

REASSIGN the following cases presently pending
~~in Surrogate's Court, Westchester County,~~
to the HON. JAMES D. PAGONES,
Acting Surrogate, Westchester County,
until disposition.

In the Matter of the Petition of Bankers Trust Company
and Herman Markowitz for settlement of their account
as co-executors of the Last Will and Testament of
Edmund J. McCormick, Deceased and for a direction
pursuant to SCPA §2115 for a repayment of excess
distributions to an interested party, and for recovery of
estate assets due from Edmund J. McCormick, Jr. and
Bank Street Investment, Inc. d/b/a McCormick Organization

and

In the Matter of the Proceeding by Alfred S. Howas for
settlement of account as co-executor of the Last Will and
Testament of Edmund J. McCormick, Deceased

File No. 3522/88

This assignment is in addition to his other duties and
reassignments.



FRANCIS A. NICOLAI
Administrative Judge
Ninth Judicial District

Dated: White Plains, New York
April 2, 2003,

Exhibit # "3 - 7"

Attachment "D - 2"



Westchester County Surrogate's Court

111 DR. MARTIN LUTHER KING, JR., BOULEVARD
19th FLOOR
WHITE PLAINS, NEW YORK 10601

914-824-5656
Fax: 914-995-3728

ALAN D. SCHEINKMAN
DISTRICT ADMINISTRATIVE JUDGE
NINTH JUDICIAL DISTRICT

JOSEPH M. ACCETTA, ESQ.
CHIEF CLERK

ANTHONY A. SCARPINO, JR.
SURROGATE

JOHANNA K. O'BRIEN
DEPUTY CHIEF CLERK

September 14, 2012

Suzanne McCormick
231 Clinton Avenue
Dobbs Ferry, NY 10522

Re: Estate of Edmund J. McCormick
File Number: 1988-3522

Dear Mrs. McCormick,

The Court is in receipt of your letter dated August 31, 2012. Please be advised, there is no "docket" for this file. The file is maintained in this court, even though it may have been reassigned to another Surrogate for disposition of a proceeding.

This file is maintained in different forms; it is either on microfilm, hard copy files, or scanned into the current Unified Court Management System (UCMS) program. The form is determined when the file was first created, and when the subsequent proceedings were filed. Therefore, the original file will only be on microfilm, what was not microfilmed with original proceeding will be in hard copy form, and anything filed after March 2008 will be scanned into UCMS and viewable from the public computers in the office.

Surrogate's Court files are open records, anyone may view them during operational hours. The operational hours of the Record Room are Monday through Friday, 9 am to 4 pm. Copies of the files may be made at a charge of 25¢ per page.

If you have any questions or concerns, please contact me.

Sincerely,

Johanna K. O'Brien
Deputy Chief Clerk

Exhibit # "4 - 1"

Westchester County Surrogate's Court
Westchester County Courthouse
111 Dr. Martin Luther King, Jr. Boulevard
219th. Floor
White Plains, New York 10601



1052233003
1052233003
Mrs. Suzanne McCormick
231 Clinton Avenue
Dobbs Ferry, NY 10522

Exhibit # "4 - 2"

**ARTICLE 25
RECORDS AND RECORDING**

Section

- 2501 Records to be kept by court; general requirements.
 2502 Books to be kept by clerk.
 2504 Wills to be retained after probate; exceptions.
 2505 Transmission of wills of non-domiciliaries and domiciliaries of another county before probate.
 2506 Recording wills proved within the state.
 2507 Reception of wills for safekeeping.
 2508 Filing of will of decedent.

§2501. Records to be kept by court; general requirements.

1. The clerk of the court shall keep a record of and be responsible for the proper indexing, filing or recording, as the case may be, collating, arranging, restoring and preserving of all records, documents, books, maps, instruments and other matter specified in this article or by other requirement of law heretofore or hereafter deposited, filed or recorded, of all matters specified by this article or by other requirement of law.

2. He shall upon payment of the fees required by law exemplify or certify all records and papers filed or recorded and shall search and certify as to records or papers in custody of the court or that they cannot be found.

3. Records shall be kept by means of record books, cards, files or any other system, process, form or combination thereof, as may be prescribed by CPLR 9703 or directed by the court together with such appropriate index or reference system, and such topic, item or other subdivision or arrangement as deemed appropriate or convenient. When the clerk is directed to keep a record book it may be kept by one or more of the methods prescribed as may be currently utilized by the court for the purpose.

4. The expense of keeping the records required by law to be kept shall be a charge upon the county, state or other governmental unit or agency providing funds for administration of the court as may be provided by law.

5. When filing is required the paper filed shall be entered in the proper minute book, and date of filing with fee, if any, noted on the paper.

6. When recording of a paper is required an accurate copy thereof shall be made of the complete content of the paper by entry at length in a record book in plain and legible handwriting or by printing or typewriting or photographic or microphotographic or other process or any combination thereof or by making a record in any other form or process which provides or will produce an accurate copy of the paper.

7. Records and papers which are sealed and withheld from public inspection as required by law or directed by the court shall thereafter be opened only to the extent as may be authorized by the court.

8. All books and records other than those sealed are open to inspection of any person at reasonable times.

9. Records and papers relating to a proceeding and entered in the minute book shall be preserved as permanent records of the court, except as disposition is authorized by section 89 of the judiciary law.

§2502. Books to be kept by clerk.

The clerk shall keep and maintain:

1. A record book properly indexed in which shall be entered a description of every proceeding with proper entries under each denoting the papers filed, orders and decrees made and the steps taken therein, with the dates of filing and recording the several papers in the proceeding.

2. Such other record books, properly indexed, as may be necessary or convenient to record at length any documents required by law to be recorded.

3. A court and trust fund register in which shall be entered a reference to any proceeding in which a decree or order directs a deposit of money, the date thereof, the amount thereof, the amount so deposited, any receipt therefor and the name of the person to and for whom the deposit is made.

4. A record book, properly indexed, with proper entries denoting the name and file number of the estate and the date of filing any informal account or any release pursuant to 2202.

5. Such other books as the chief administrator of the courts in each department or the court in each county may direct to be kept.

(Eff. 7/18/90, Ch. 623, L. 1990)

§2503. What must be recorded.

(REPEALED, Eff. 7/18/90, Ch. 623, L. 1990)

§2504. Wills to be retained after probate; exceptions.

1. A written will which has been admitted to probate must remain in the court, except where the will is on file in a court or public office of another state or country under the laws of which it cannot be removed.

2. When it appears that the laws of another jurisdiction require the production of an original will before the provisions thereof become effective in such jurisdiction the court may cause any original will on file in its office to be sent to any court which, or to any officer of such jurisdiction who, under the laws thereof, is empowered to receive the will for probate, or may deliver the will to any person interested in the probate thereof in such jurisdiction or to his fiduciary in such manner and upon such terms as it deems proper for the preservation of the will and the protection of other parties interested in the estate.

3. In the case of a joint will which has been admitted to probate in this state the court of such county may under such terms as it deems proper transmit the original joint will to the surrogate's court of any other county in this state for probate as the will of any other signer thereof. It shall be the duty of the court of such other county to keep a true copy thereof in its office and thereafter to return the original will to the surrogate's court of the county of original probate.

Nassau County Surrogate's Court CASE ACTIVITY REPORT

Case: [REDACTED]

Date of Death: [REDACTED] Domicile: [REDACTED] Certificate: [REDACTED]
decedent [REDACTED] Entered: [REDACTED] Last Changed: [REDACTED]

Petition: PROBATE(1)

<u>Activity Date</u>	<u>Description</u>	<u>Additional Information</u>
[REDACTED]	Date Filed	[REDACTED]
[REDACTED]	Cert Para Probate Preliminary	[REDACTED]
[REDACTED]	Cert Para Probate Testamentary	[REDACTED]
[REDACTED]	Petitioner	[REDACTED]
[REDACTED]	Oath and Designation	[REDACTED]
[REDACTED]	Fiduciary Probate	[REDACTED]
[REDACTED]	Waiver	[REDACTED]
[REDACTED]	Waiver	[REDACTED]
[REDACTED]	Citation Returnable	[REDACTED]
[REDACTED]	Proof of Service	[REDACTED]
[REDACTED]	Proof of Service	[REDACTED]
[REDACTED]	Proof of Service	[REDACTED]
[REDACTED]	Proof of Service	[REDACTED]
[REDACTED]	Proof of Service	[REDACTED]
[REDACTED]	Affidavit	[REDACTED]
[REDACTED]	Affidavit	[REDACTED]
[REDACTED]	Calendar Markings	[REDACTED]
[REDACTED]	Calendar Markings	[REDACTED]
[REDACTED]	Calendar Markings	[REDACTED]
[REDACTED]	Calendar Markings	[REDACTED]
[REDACTED]	Calendar Markings	[REDACTED]
[REDACTED]	Affidavit of Comparison	[REDACTED]
[REDACTED]	Will	[REDACTED]
[REDACTED]	Living Proof	[REDACTED]
[REDACTED]	Letter Date(Preliminary)	[REDACTED]
[REDACTED]	Order Date(Preliminary)	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	Decree Date	[REDACTED]
[REDACTED]	Decree Date	[REDACTED]
[REDACTED]	Letter Date	[REDACTED]

Exhibit # "6 - 1"

Nassau County Surrogate's Court CASE ACTIVITY REPORT

Case: [REDACTED] (Probate)

Petition: PROBATE(2)

<u>Activity Date</u>	<u>Description</u>	<u>Additional Information</u>
[REDACTED]	Date Filed Petitioner	CTA [REDACTED]
[REDACTED]	Oath and Designation	[REDACTED]
[REDACTED]	Fiduciary Probate	[REDACTED]
[REDACTED]	Citation Returnable Death Certificate Affirmation	[REDACTED]
[REDACTED]	Affidavit Comment Amended Papers Atty P Probate	[REDACTED]

Petition: PROBATE(3)

<u>Activity Date</u>	<u>Description</u>	<u>Additional Information</u>
[REDACTED]	Date Filed Cert Para Probate CTA Petitioner	CROSS CTA [REDACTED]
[REDACTED]	Oath and Designation	[REDACTED]
[REDACTED]	Fiduciary Probate	[REDACTED]
[REDACTED]	Notice of Appeal Affirmation	[REDACTED]
[REDACTED]	Comment Comment	[REDACTED] Executor Exhibit(A) Copy of Affidavit of Comparison Exhibit (B) Copy of Probate Decree

Exhibit # "6 - 2"