

**SURROGATE'S COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS**

.....X
**In the Matter of the Petition of CLARA WILLIAMS,
as Temporary Administrator of the Estate of Willene
Barton, Deceased, to Discover Property Withheld.**

**Petition by Fiduciary to
Discover Property
Withheld [SCPA 2103]**

.....X **File Number 2006-63/**

TO THE SURROGATE'S COURT, COUNTY OF QUEENS:

It is respectfully alleged:

- 1. That the Petitioner is domiciled at 21 Stuyvesant Road, Teaneck, New Jersey.**

- 2. That Willene Barton, the decedent above named, was domiciled at 47-17 Smart Street, Flushing, County of Queens, City and State of New York, at the time of her death.**

- 3. That the decedent died on September 27, 2005, and on or about November 1, 2006, Temporary Letters of Administration were duly issued to your Petitioner, who has duly qualified and is acting as Temporary Administrator.**

- 4. That certain property of the decedent which should be delivered to the Petitioner as fiduciary of the Decedent's estate is in the possession of Nicholas Genevieve-Tweed, who resides at 37-22 Union Street, Flushing, New York; Catherine Williams, who resides at 37-22 Union Street, Flushing, New York, and/or the Macedonia Community Development Corp., d/b/a Macedonian Community Development Corp., located at 37-22 Union Street, Flushing, County of Queens,**

City and State of New York, in the form of bank accounts and real property, located at 47-17 Smart Street, Flushing, County of Queens, City and State of New York, a/k/a Block 5220 Lot 31.

5. Upon information and belief, Respondents Nicholas Genevieve-Tweed, Catherine Williams, and/or the Macedonia Community Development Corp. obtained the said money and real property in the lifetime of the Decedent or immediately subsequent to the Decedent's death.
6. That the aforesaid personal and real property in the possession of Nicholas Genevieve-Tweed, Catherine Williams, and/or the Macedonia Community Development Corp. consists of, but is not limited to, the following:
 - a. The real property located at 47-17 Smart Street, Flushing, County of Queens, City and State of New York, a/k/a Block 5220 Lot 31 (hereinafter the "Premises"), more fully described as follows:

All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and in Flushing, Borough and County of Queens, City and State of New York, situated on the east side of Smart Avenue, distant one hundred and forty-five (145) feet northerly from the northeast corner of Sinclair Avenue and Smart Avenue;

Running thence easterly and parallel with Sinclair Avenue one hundred (100) feet;

Thence northerly and parallel with Smart Avenue thirty-five (35) feet;

Thence westerly and parallel with Sinclair Avenue, one hundred (100) feet to the easterly side of Smart Avenue; and

Thence southerly along the easterly side of Smart Avenue thirty-five (35) feet to the point or place of BEGINNING.

- b. Funds from six (6) or more bank accounts at the following financial institutions:
- i. Two (2) or more bank accounts at Citibank, solely in the name of Willene Barton and jointly held between Willene Barton and Daisy Barton, the deceased mother of Decedent.
 - ii. One (1) or more bank accounts at First Community Credit Union, jointly held between Willene Barton and Daisy Barton, the deceased mother of Decedent.
 - iii. One (1) or more bank accounts at John Hancock Funds, LLC, held solely in the name of Willene Barton.
 - iv. One (1) or more bank accounts at Prudential, held solely in the name of Willene Barton.
 - v. One (1) or more bank accounts at Signator Investors, Inc., held solely in the name of Willene Barton.
- c. United States Savings Bonds, totaling approximately \$735.20 on the date of the Decedent's death.

- d. The proceeds from a life insurance policy held by Daisy Barton, the mother of the Decedent, who died on July 4, 2005, to which the Decedent was the sole beneficiary.
7. That on or about July 26, 2005, the Decedent executed a no-consideration deed that provided for the transfer of title of the Premises from Willene Barton (then stricken with terminal cancer) in fee absolute to the Macedonia Community Development Corp. A copy of the no-consideration deed is annexed hereto as Exhibit A.
8. That said transfer of the Premises was done without consideration.
9. That the Macedonia Community Development Corp. continues to be in possession and control of said Premises, and that despite having no authority to retain said Premises, and the July 26, 2005 transfer of title having been done without consideration, the Macedonia Community Development Corp. and its agents, Nicholas Genevieve-Tweed and Catherine Williams, have failed to turn over said Premises to your deponent.
10. That at the time of her death, the Decedent was the owner of and entitled to the proceeds of said six (6) accounts in the approximate amount of One Hundred Ten Thousand and 00/100 (\$110,000.00) Dollars.

11. That Nicholas Genevieve-Tweed, Catherine Williams, and/or the Macedonia Community Development Corp. continue to be in possession and control of the proceeds in said seven (7) bank accounts, and that despite having no authority to retain said monies, Nicholas Genevieve-Tweed, Catherine Williams, and/or the Macedonia Community Development Corp. have failed to turn over said funds to your Petitioner.

12. That Nicholas Genevieve-Tweed, Catherine Williams, and/or the Macedonia Community Development Corp. may also be in possession and control of the proceeds of other bank, stocks, bonds, or other financial accounts currently unknown to Petitioner by virtue of Nicholas Genevieve-Tweed, Catherine Williams, and/or the Macedonia Community Development Corp. being in possession of any and all documents relating to said unknown accounts.

13. That your Petitioner has fully stated the facts as known in this matter to counsel, Michael F. Mongelli II, P.C., and is advised by same that the SCPA § 2103 examination of Nicholas Genevieve-Tweed, Catherine Williams, and the Macedonia Community Development Corp. is necessary for the protection of this estate.


14. That the names and addresses of all persons interested in this proceeding who are required to be cited or concerning whom the Court is required to have information is as follows:
 - a. Nicholas Genevieve-Tweed, residing and/or having a principal place of business at 37-22 Union Street, Flushing, New York 11354.
 - b. Catherine Williams, residing at 46-41 Bowne Street, Flushing, New York 11355.
 - c. Macedonia Community Development Corp., having a principal place of business at 37-22 Union Street, Flushing, New York 11354.
15. That none of the above persons is a person under disability, and that all of the above persons are of full age and are competent.
16. That there are no persons other than those mentioned interested in this proceeding.
17. No previous application has been made for this or a like order.

WHEREFORE, your Petitioner prays for an order directing inquiry respecting the aforesaid real and personal property and that Respondents Nicholas Genevieve-Tweed, Catherine Williams, and the Macedonia Community Development Corp., be ordered to attend the inquiry and be examined accordingly, and that Nicholas Genevieve-Tweed,

Catherine Williams, and the Macedonia Community Development Corp. be directed to deliver such property to the petitioner, together with interest from the decedent's death, September 27, 2005, and that your Petitioner have such other and further relief that this Court may deem just, equitable, and proper.

Dated: Teaneck, New Jersey
November 1, 2006


CLARA WILLIAMS


ANGELO M. GRASSO, ESQ.
Michael F. Mongelli II, P.C.
Attorney for the Petitioner
41-07 162nd Street
Flushing, New York 11358
(718) 463-7333


VERIFICATION

I, CLARA WILLIAMS, being duly sworn, deposes and says that:

I have read the forgoing Petition by Fiduciary to Discover Property Withheld under SCPA Section 2103 and know the contents thereof, and the same is true of my own knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters I believe them to be true.


CLARA WILLIAMS

Sworn to before me this
1st day of November, 2006



NOTARY PUBLIC

ANGELO M. GRASSO
Notary Public, State of New York
No. 02GR8133308
Qualified in KINGS County
Commission Expires SEPTEMBER 12, 2009



OffshoreAlert

Exhibit A

THIS INDENTURE, made the 28th day of July, Two Thousand Five

BETWEEN WILLENE BARTON, as surviving joint tenant with rights of survivorship of DAISY BARTON, residing at 47-17 Smart Street, Flushing, NY 11355 party of the first part, and

MACEDONIAN COMMUNITY DEVELOPMENT CORPORATION, 37-22 Union Street, Flushing, NY 11354 party of the second part.

WITNESSETH, that the party of the first part, in consideration of ten dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and in Flushing, Borough and County of Queens, City and State of New York, situated on the east side of Smart Avenue, distant one hundred and forty-five (145) feet northerly from the northeast corner of Sinclair Avenue and Smart Avenue;

Running thence easterly and parallel with Sinclair Avenue one hundred (100) feet;

Thence northerly and parallel with Smart Avenue thirty-five (35) feet;

Thence westerly and parallel with Sinclair Avenue, one hundred (100) feet to the easterly side of Smart Avenue; and

Thence southerly along the easterly side of Smart Avenue thirty-five (35) feet to the point or place of BEGINNING.

BEING AND INTENDED TO BE the premises conveyed to WILLENE BARTON and DAISY BARTON, by deed dated 8/4/97, and recorded 9/15/97 as Reel 4672, Page 1949, WILLENE BARTON being the surviving joint tenant with rights of survivorship of DAISY BARTON who died on 7/4/05.

SAID PREMISES BEING KNOWN AS 47-17 Smart Street, Flushing, NY 11355

The Grantor herein reserves to herself a Life Estate in the within premises for the exclusive use and possession of the premises for the rest of her natural life.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and road abutting the above described premises to the center lines hereof; **TOGETHER** with the appurtenances and all the estate and rights of the party of the first part in and to said premises; **TO HAVE AND TO HOLD** the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:



WILLENE BARTON

TAX MAP
DESIGNATION
DIST.
SEC.
BLK. 5220
LOT(S) 31

STATE OF NEW YORK }
 } ss.1
COUNTY OF QUEENS }

On the 28th day of July, in the year 2005, before me, the undersigned, personally appeared WILLENE BARTON personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person on behalf of which the individual acted, executed the instrument.

Christine Bastone
NOTARY PUBLIC

CHRISTINE BASTONE
Notary Public, State of New York
No. 02844972278
Qualified in Nassau County
Commission Expires Sept. 24, 2006



BARGAIN AND SALE DEED
WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE NO.

WILLENE BARTON

TO

MACEDONIAN COMMUNITY
DEVELOPMENT CORPORATION

SECTION

BLOCK 5220

LOT(S) J1

COUNTY OR TOWN
Queens

RETURN BY MAIL TO:

MACEDONIAN COMMUNITY
DEVELOPMENT CORPORATION
37-22 Union Street
Flushing, NY 11355

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE