

SURROGATE'S COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

Filing Fee Paid \$ _____
Certificates Paid \$ _____
Trustee Certs. Paid \$ _____
Prelim. Certs. Paid \$ _____
\$ _____ Bond, Fee: \$ _____
Receipt No.: _____ No.: _____

PROBATE PROCEEDING, WILL OF

JACK W. WITTENBERG

Deceased.

PETITION FOR PROBATE AND:

☒ Letters Testamentary
☐ Letters of Trusteeship
☐ Letters of Administration c.t.a
☐ Temporary Administration

File No. _____

TO THE SURROGATE'S COURT, COUNTY OF BRONX

It is respectfully alleged:

1.(a) The name, citizenship, domicile (or, in the case of a bank or trust company, its principal office) and interest in this proceeding of the petitioner are as follows:

Petitioner Information:

Name MICHAEL WITTENBERG		Citizenship UNITED STATES	
Domicile or Principal Office Address: Street and Number 472 GRAMATAN AVENUE BUILDING 6 APT. FF2			
City, Village or Town MOUNT VERNON	State New York	Zip Code 10552	Country United States
Interest: (Check One) <input checked="" type="checkbox"/> Executor named in decedent's Will <input type="checkbox"/> Other:			

1.(b) The proposed Executor ☐ is ☒ is not an attorney.
[NOTE: A sole Executor-Attorney must comply with 22 NYCRR 207.16(e)]

1.(c) The proposed Executor ☐ is ☒ is not the attorney-draftsperson, a then-affiliated attorney or employee thereof.
[NOTE: An attorney-draftsperson, a then-affiliated attorney or employee thereof, must comply with SCPA 2307-a]

1.(d) The proposed Executor ☐ is ☒ is not a convicted felon nor is he/she otherwise ineligible, pursuant to SCPA 707 to receive letters. If the proposed Executor is a convicted felon, submit a copy of the Certificate of Relief from Civil Disabilities.

2. The name, domicile, date and place of death, and national citizenship of the above-named decedent are as follows:

Decedent Information:

Name JACK W. WITTENBERG	Citizenship UNITED STATES
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Domicile Address: Street and Number 3601 JOHNSON AVENUE APT. 5A			
City, Village or Town BRONX	State New York	Zip Code 10463	Country United States
County Bronx	Date of Death June 26, 2023	Place of Death BRONX, NY	

3. The Last Will, herewith presented, relates to both real and personal property and consists of an instrument or instruments dated as shown below and signed at the end thereof by the decedent and the following attesting witnesses:

<u>January 20, 2023</u>	<u>LORI LEBRON and RITA NEWCOMB</u>
Date of Will	Name of All Witnesses to Will

4. No other will or codicil of the decedent is on file in this Surrogate's Court, and upon information and belief, after a diligent search and inquiry, including a search of any safe deposit box, there exists no will, codicil or other testamentary instrument of the decedent later in date to any of the instruments mentioned in Paragraph 3 except as follows: [X] None

5. The decedent was survived by distributees classified as follows: *[Information is required only as to those classes of surviving relatives who would take the property of decedent pursuant to EPTL 4-1.1 and 4-1.2. State the **number** of survivors in each class. Insert "No" in all prior classes. Insert "X" in all subsequent classes].*

- a. ☐ **NO** Spouse (husband/wife).
- b. ☐ **NO** Child or children and/or issue of predeceased child or children. *[Must include marital, nonmarital, adopted, or adopted-out child under DRL Section 117]*
- c. ☐ **1** Mother/Father.
- d. ☒ **X** Sisters and/or brothers, either of the whole or half blood, and issue of predeceased sisters and/or brothers (nieces/nephews, etc.).
- e. ☒ **X** Grandparents. *[Include maternal and paternal]*
- f. ☒ **X** Aunts and/or uncles, and children of predeceased aunts and/or uncles (first cousins). *[Include maternal and paternal]*
- g. ☒ **X** First cousins once removed (children of predeceased first cousins). *[Include maternal and paternal]*

6. The names, relationships, domicile and addresses of all distributees (under EPTL 4-1.1 and 4-1.2) of each person designated in the Will herewith presented as primary executor, of all persons adversely affected by the purported exercise by such Will of any power of appointment, of all persons adversely affected by any codicil and of all persons having an interest under any other will of the decedent on file in the Surrogate's Court, are hereinafter set forth in subdivisions (a) and (b).

*[If the propounded will purports to revoke or modify an inter vivos trust or any other testamentary substitute, list the names, relationships, domicile and addresses of the trustee and beneficiaries affected by the will in subparagraphs (a) and (b) below. **Submit trust agreement.**]*

6. (a) All persons and parties so interested who are of **full age and sound mind** or which are corporations or associations, are as follows:

Name EDYTHER WITTENBERG			
Domicile Address: Street and Number 3718 HENRY HUDSON PARKWAY APT. 1508			
City, Village or Town BRONX	State New York	Zip Code 10463	Country United States
Relationship MOTHER			
Description of Legacy, Devise or Other Interest NONE			
Nature of Fiduciary Status (if applicable) NONE			

Name MICHAEL WITTENBERG			
Domicile Address: Street and Number 472 GRAMATAN AVENUE BUILDING 6 APT. FF2			
City, Village or Town MOUNT VERNON	State New York	Zip Code 10552	Country United States
Relationship NEPHEW			
Description of Legacy, Devise or Other Interest SPECIFIC BENEFICIARY			
Nature of Fiduciary Status (if applicable) PRIMARY EXECUTOR			

6. (b) All persons so interested who are persons under disability, are as follows:

Name NONE			
Domicile Address: Street and Number			
City, Village or Town	State	Zip Code	Country
Relationship			
Description of Legacy, Devise or Other Interest			
Nature of Fiduciary Status (if applicable)			

7. (a) The names and domiciliary addresses of all substitute or successor executors and of all trustees, guardians, legatees, devisees, and other beneficiaries named in the Will and/or trustees and beneficiaries of any inter vivos trust designated in the propounded Will other than those named in Paragraph 6 herewith are as follows:

Name CAROLE WITTENBERG			
Domicile Address: Street and Number 8 ROCHAMBEAU DRIVE, APT. P			
City, Village or Town YORKTOWN HEIGHTS	State New York	Zip Code 10598	Country United States
Relationship WIFE OF PREDECEASED BROTHER			
Description of Legacy, Devise or Other Interest SPECIFIC AND RESIDUARY BENEFICIARY			

Nature of Fiduciary Status *(if applicable)*

ALTERNATE EXECUTOR

Name

PATRICIA KING

Domicile Address: Street and Number

46 SANDHURST STREET

City, Village or Town

MANCHESTER

State

New Jersey

Zip Code

08759

Country

United States

Relationship

NONE

Description of Legacy, Devise or Other Interest

SPECIFIC BENEFICIARY

Nature of Fiduciary Status *(if applicable)*

NONE

Name

JENNIFER RUSSELL

Domicile Address: Street and Number

1585 PLACENTIA AVENUE

City, Village or Town

NEWPORT BEACH

State

California

Zip Code

92663

Country

United States

Relationship

NONE

Description of Legacy, Devise or Other Interest

SPECIFIC BENEFICIARY

Nature of Fiduciary Status *(if applicable)*

NONE

Name

JASON REISER

Domicile Address: Street and Number

2 WHITE OAK LANE

City, Village or Town

ABERDEEN

State

New Jersey

Zip Code

07747

Country

United States

Relationship

NONE

Description of Legacy, Devise or Other Interest

SPECIFIC BENEFICIARY

Nature of Fiduciary Status *(if applicable)*

NONE

Name

KRISTEN KLIPP

Domicile Address: Street and Number

122 HARDING ROAD

City, Village or Town

FREEHOLD

State

New Jersey

Zip Code

07728

Country

United States

Relationship

NONE

Description of Legacy, Devise or Other Interest

SPECIFIC BENEFICIARY

Nature of Fiduciary Status *(if applicable)*

NONE

Name

ROBERT WITTENBERG

Domicile Address: Street and Number

3252 BROOKSIDE DRIVE

City, Village or Town

FURLONG

State

Pennsylvania

Zip Code

18925

Country

United States

Relationship

NEPHEW

Description of Legacy, Devise or Other Interest

ALTERNATE SPECIFIC BENEFICIARY

Nature of Fiduciary Status (if applicable)

NONE

Name

BRIAN WITTENBERG

Domicile Address: Street and Number

8 ROCHAMBEAU DRIVE, APT. P

City, Village or Town

YORKTOWN HEIGHTS

State

New York

Zip Code

10598

Country

United States

Relationship

NEPHEW

Description of Legacy, Devise or Other Interest

ALTERNATE SPECIFIC BENEFICIARY

Nature of Fiduciary Status (if applicable)

NONE

7. (b) All such legatees, devisees and other beneficiaries who are persons under disability are as follows:

Name

NONE

Domicile Address: Street and Number

City, Village or Town

State

Zip Code

Country

Relationship

Description of Legacy, Devise or Other Interest

Nature of Fiduciary Status (if applicable)

8. (a) No beneficiary under the propounded will, listed in Paragraph 6 or 7 above, had a confidential relationship to the decedent, such as attorney, accountant, doctor, or clergyperson, except: ☒ None

(b) No persons, corporations or associations are interested in this proceeding other than those mentioned above.

9. (a) To the best of the knowledge of the undersigned, the approximate total value of all property constituting the decedent's gross testamentary estate is:

Greater than	\$	100,000.00
But less than	\$	250,000.00
Personal Property	\$	200,000.00
Improved Real Property in New York State	\$	0.00
Unimproved Real Property in New York State	\$	0.00
Estimated Gross Rents for a Period of 18 Months	\$	0.00

(b) No other testamentary assets exist in New York State, nor does any cause of action exist on behalf of the estate, except as follows: ☒ None

10. Upon information and belief, no other petition for the probate of any will of the decedent or for letters of administration of the decedent's estate has heretofore been filed in any court.

WHEREFORE your petitioner(s) pray(s) (a) that process be issued to all necessary parties to show cause why the Will and the Codicil(s) set forth in Paragraph 3 and presented herewith should not be admitted to probate; (b) that an order be granted directing the service of process, pursuant to the provisions of Article 3 of the SCPA, upon the persons named in Paragraph (6) hereof whose names or whereabouts are unknown and cannot be ascertained, or who may be persons on whom service by personal delivery cannot be made; and (c) that such Will and Codicil(s) be admitted to probate as a Will of real and personal property and that letters issue thereon as follows:

☒ Letters Testamentary to: **MICHAEL WITTENBERG**

☐ Letters of Trusteeship to:

☐ Letters of Administration c.t.a. to:


and that petitioner(s) have such other relief as may be proper.

☐ Further relief sought (*if any*):


Dated: 12/4/23

MICHAEL WITTENBERG

Print Name



Signature of Petitioner


VELMA SAUNDERS
Notary Public, State of New York
REGISTRATION NO. 01SA0011512
QUALIFIED IN WESTCHESTER COUNTY
COMMISSION EXPIRES JULY 20, 2027

COMBINED VERIFICATION, OATH AND DESIGNATION

For use when petitioner is an individual

STATE OF NEW YORK)
) ss.:
COUNTY OF WESTCHESTER)

The undersigned, the petitioner named in the foregoing petition, being duly sworn, says:

1. VERIFICATION: I have read the foregoing petition subscribed by me 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 it to be true.

2. OATH OF ☒ EXECUTOR ☐ ADMINISTRATOR c.t.a. ☐ TRUSTEE as indicated above: I am over eighteen (18) years of age, and I will well, faithfully and honestly discharge the duties of Fiduciary of the goods, chattels and credits of said decedent according to law. I am not ineligible, pursuant to SCPA 707, to receive letters and will duly account for all moneys and other property that will come into my hands.

3. DESIGNATION OF CLERK FOR SERVICE OF PROCESS: I hereby designate the Clerk of the Surrogate's Court of Bronx County, and his/her successor in office, as a person on whom service of any process, issuing from such Court may be made in like manner and with like effect as if it were served personally upon me, whenever I cannot be found and served within the State of New York after due diligence used.

My domicile is: 472 GRAMATAN AVENUE BUILDING 6 APT. FF2, MOUNT VERNON, NY 10552.

MICHAEL WITTENBERG

Print Name

Signature of Petitioner

On the 4 day of DECEMBER, 2023, before me personally came MICHAEL WITTENBERG, to me known to be the person described in and who executed the foregoing instrument. Such person duly swore to such instrument before me and duly acknowledged that he/she executed the same.

Notary Public

Commission Expires

(Affix Notary Stamp or Seal)

07/20/2027

VELMA SAUNDERS
Notary Public, State of New York
REGISTRATION NO. 01SA0011512
QUALIFIED IN WESTCHESTER COUNTY
COMMISSION EXPIRES JULY 20, 2027

Signature of Attorney

SHOSHANA M. SCHWARTZ, PLLC

Firm Name

2748 NETHERLAND AVENUE, BRONX, New York 10463

Address

SHOSHANA M. SCHWARTZ, ESQ.

Print Name of Attorney

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smschwartzesq@gmail.com

Email (optional)