

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

JUL 22 2013

ALBANY, NY

KIMBERLY I. NELSON, ESQ.

NOTICE OF PETITION

Petitioner,

Index No. 2013/008758

-against-

SIGNATURE BANK and

LAWYERS' FUND FOR CLIENT PROTECTION,

Respondent.

S I R S:

PLEASE TAKE NOTICE, that upon the annexed Verified Petition of petitioner, the annexed Affirmation of Kimberly I. Nelson, Esq., sworn to on the 19th day of July 2013, and the exhibits attached hereto, and pursuant to 22 NYCRR 1200, Rule 1.15(g), petitioner will make an application to this Court at a Term to be held at the Supreme Court for the County of Nassau, 100 Supreme Court Drive, Mineola, New York, on the 5th day of August, 2013, at 9:30 o'clock in the forenoon of that day or as soon thereafter as counsel can be heard for an Order directing that the funds held in an escrow account under the name of ROBERT N. NELSON ATTORNEY AT LAW ESCROW ACCOUNT, after the payment to petitioner of costs and disbursements, be turned over to the Lawyer's Fund for Client Protection pursuant to 22 NYCRR 1200, Rules 1.15(g)(3) for appropriate disposition of the funds, and for such other and further relief as to the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that demand is hereby made the service of an answer and supporting affidavits, and any notice of cross-motion, with supporting papers, if any, at least seven days before the return date of this motion, if this notice is served at least sixteen (16) days before such time.

Petitioner designates Nassau County as the place of trial. The basis of the venue is CPLR §503 (a).

DATED: July 19, 2013

Yours, etc.


Kimberly I. Nelson, Esq.
The Nelson Law Office P.C., Successor to
Law Offices of Robert N. Nelson
2249 Derby Road
Baldwin, New York 11510

TO: LAWYERS' FUND FOR CLIENT PROTECTION
Timothy O'Sullivan, Esq., Executive Director
119 Washington Avenue
Albany, NY 12210

SIGNATURE BANK
279 Sunrise Highway
Rockville Centre, New York 11570

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

KIMBERLY I. NELSON, ESQ.

VERIFIED PETITION

Petitioner,

Index No.

-against-

SIGNATURE BANK

and

LAWYERS' FUND FOR CLIENT PROTECTION,

Respondent.

RECEIVED

JUL 19 2013

**NASSAU COUNTY
COUNTY CLERK'S OFFICE**

Kimberly I. Nelson, Esq., Petitioner, alleges:

1. At all times hereinafter mentioned, Petitioner is designated as an appropriate entity to bring such Petition pursuant to NYCRR Part 1200 (Rule 1.15(g)) and has an address as follows: 2249 Derby Road, Baldwin, New York 11510.

2. On information and belief, at all times hereinafter mentioned, the Lawyers' Fund for Client Protection of the State of New York (hereinafter "The Lawyers' Fund") is an entity established pursuant to the State Finance Law Section 97-t and Judiciary Law Section 468-b for the purpose of reimbursing the claims of those victimized by attorney dishonesty. The Lawyer's Fund has been administered by a Board of Trustees of appointed by the New York State Court of Appeals. Its principal office is located at 119 Washington Avenue, Albany, New York 12210.

3. Upon information and belief, at all times hereinafter mentioned, Signature Bank has been a banking institution created and existing in accordance with the applicable laws of the State of New York.

4. Upon information and belief, at all times hereinafter mentioned, Signature Bank maintained custody of certain funds in an attorney escrow account # 1500617558 under the name of ROBERT N. NELSON ATTORNEY AT LAW ESCROW ACCOUNT.

5. Upon information and belief, the above account was used as an escrow account by Robert N. Nelson, Esq., an attorney who died testate, a resident of Nassau County, New York, on June 22, 2011 (See Exhibit A).

6. Upon information and belief, the decedent was the sole signatory of the above account, and used such account in the regular course of business.

7. Upon information and belief the last transaction in the above account occurred on March 21, 2008.

8. Upon information and belief, the balance in the above account is \$20,523.14 (See Exhibit B).

9. Upon information and belief no former client has contacted The Law Offices of Robert Nelson or its successor firm the Nelson Law Office P.C. alleging any monies owed from a deposit into the escrow account above since March 21, 2008.

10. Kimberly I. Nelson, Esq., is the attorney that has handled the Estate of Robert N. Nelson.

11. On information and belief pursuant to 22 NYCRR 1200 (Rule 1.15(g)), this Court may order the funds in the above account to be deposited with the Lawyer's Fund for Client Protection for safeguarding and disbursement to persons who are entitled thereto.

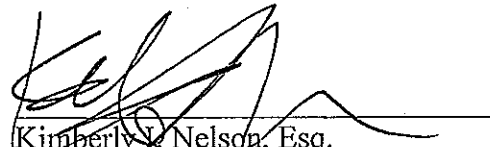
12. It is anticipated that Petitioner will incur filing fees of \$210.00 for the purchase of an index number, and \$95.00 in filing a request for judicial intervention, and Petitioner is requesting that Respondent Signature Bank be directed to disburse Petitioner \$305.00 from the above account for reimbursements of said fees.

12. No prior application for the same or similar relief sought herein has been made to this or any other Court.

WHEREFORE, Petitioner requests this Court to issue an order, pursuant to 22 NYCRR 1200 (Rule 1.15(g)) directing Signature Bank to turn over all funds in the attorney escrow account of Robert N. Nelson, account # 1500617558 to the Lawyers' Fund for Client Protection for safeguarding and disbursement to persons who are entitled thereto, after the payment to Petitioner reimbursement of filing fees in the amount of \$305.00.

DATED: July 19, 2013

Yours, etc.



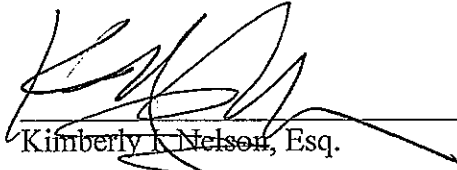
Kimberly I. Nelson, Esq.
The Nelson Law Office P.C., Successor to
Law Offices of Robert N. Nelson
2249 Derby Road
Baldwin, New York 11510

VERIFICATION

STATE OF NEW YORK)

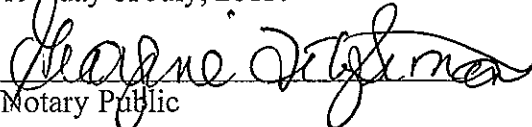
COUNTY OF NASSAU) SS.:

KIMBERLY I. NELSON, being duly sworn, deposes and says that deponent the Petitioners in the within action; that deponent has read the foregoing Verified Petition and knows the contents thereof, that the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters deponent believes it to be true.



Kimberly I. Nelson, Esq.

Sworn to before me this
19th day of July, 2013.



Notary Public

GEORGINE FITZSIMONS
Notary Public, State of New York
No. 01F16101763
Qualified in Nassau County
Commission Expires Nov. 17, 2015

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

KIMBERLY I. NELSON, ESQ.

AFFIRMATION

Petitioner,

Index No.

-against-

SIGNATURE BANK and

LAWYERS' FUND FOR CLIENT PROTECTION,

Respondent.

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

Kimberly I. Nelson, Esq., an attorney duly admitted to practice law in the State of New York, affirms the following under penalty of perjury:

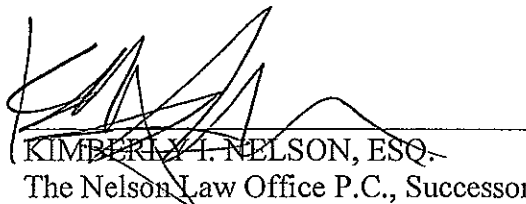
1. I am the legal representative of the decedent's estate, and was affiliated with the decedent in the practice of law. I am fully familiar with the facts and circumstances set forth herein.
2. I submit this Affirmation in support of an application for an order pursuant to 22 NYCRR 1200 (Rule 1.15(g)) directing that Signature Bank turn over funds in an escrow account under the name of ROBERT N NELSON ATTORNEY AT LAW ESCROW ACCOUNT, Account # 1500617558 to The Lawyers' Fund for Client Protection after the payment to Petitioner of disbursements for costs in the amount of \$305.00 anticipated to be incurred in this proceeding from said fund.
3. The above account was used as an attorney escrow account by Robert N. Nelson, Esq. who died on June 22, 2011. It is entirely just and proper that these funds be paid over to the Lawyers' Fund so that the good purposes of Rule 1.15 can be accomplished. On information and belief, if no such action is taken, owing to inactivity in the said account, the funds contained therein will be considered abandoned property, escheated to the state, and the account closed by the banking institution holding the funds.

4. Pursuant to 22 NYCRR (Rule 1.15(g)), this Court may order Signature Bank to turn over the funds in the above account to the Lawyer's Fund for Client Protection for safeguarding and disbursement to parties entitled thereto.

5. This Court may authorize the payment from such funds to Petitioner for costs and disbursements in commencing the instant action.

WHEREFORE, it is respectfully requested that this Court grant the relief requested in the annexed Petition.

DATED: July 19, 2013


KIMBERLY I. NELSON, ESQ.
The Nelson Law Office P.C., Successor to
Law Offices of Robert N. Nelson
2249 Derby Road
Baldwin, New York 11510

At an IAS Part ____ of the
Supreme Court of the State of
New York, held in and for
the County of Nassau, at the
Courthouse located at 100
Supreme Court Drive,
Mineola, New York on the
_____ day of _____
2013.

PRESENT: HON. _____, JSC

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

KIMBERLY I. NELSON, ESQ.

JUDGMENT

Petitioner,

Index No.

-against-

SIGNATURE BANK and

LAWYERS FUND FOR CLIENT PROTECTION,

Respondent.

An application having made by pursuant to 22 NYCRR (Rule 1.15(g)) for an order directing Signature Bank to turn over funds in an attorney escrow account maintained in Signature Bank in the name of ROBERT N NELSON ATTORNEY AT LAW having account # 1500617558 to the Lawyer's Fund for Client Protection of the State of New York and further directing the Lawyer's Fund for Client Protection to safeguard and disburse to parties entitled thereto, and the application having been regularly heard by the Court, upon reading and filing the Verified Petition dated July 19, 2013, and the Affirmation of Kimberly I. Nelson, Esq. dated July 19, 2013, in support thereof with due proof of service, and there being no opposition thereto, and due deliberation having been had,

NOW, upon the motion of Kimberly I. Nelson, Esq., it is hereby

ORDERED, ADJUDGED AND DECREED, that the Petition be, and the same hereby is, in all respects granted; and it is further

ORDERED, ADJUDGED AND DECREED, that Respondent Signature Bank be, and the same hereby is, directed to pay the amount of \$305.00 to Kimberly I. Nelson from escrow account #1500617558, and turn over all remaining available funds in the attorney escrow account #1500617558 under the name of ROBERT N NELSON ATTORNEY AT LAW to the Lawyer's Fund for Client Protection and further directing that the Lawyer's Fund for Client Protection shall safeguard such funds until such funds are fully disbursed to the parties entitled thereto.

ENTER:

J.S.C.

AUG 21 2013

ALBANY, NY

SHORT FORM ORDER

**SUPREME COURT - STATE OF NEW YORK
COUNTY OF NASSAU**

Present:

Hon. Thomas Feinman
Justice

KIMBERLY I. NELSON, ESQ.,

Petitioner,

- against -

SIGNATURE BANK and LAWYERS' FUND FOR
CLIENT PROTECTION,

Respondents.

TRIAL/IAS PART 9
NASSAU COUNTY

INDEX NO. 8758/13

X X X

MOTION SUBMISSION
DATE: 8/5/13

MOTION SEQUENCE
NO. 1

The following papers read on this motion:

Notice of Petition and Affidavits.....
Affirmation in Opposition.....
Reply Affirmation.....

X
N/A
N/A

The unopposed petition is granted.

It is hereby,

ORDERED that Signature Bank is hereby directed to turn over all funds in the attorney escrow account of Robert N. Nelson, account #1500617558 to the Lawyers' Fund for Client Protection for safeguarding and disbursement to persons who are entitled thereto, after the payment to petitioner reimbursement of filing fees in the amount of three hundred five and 00/100 dollars, (\$305.00), within thirty (30) days of service of this order with notice of entry.

ENTER:



J.S.C.

Dated: August 15, 2013

cc: The Nelson Law Office P.C.
Lawyers' Fund for Client Protection
Signature Bank