

and that the whereabouts and address of said "paternal distributees" is/are unknown,

NOW, on motion of John R. McGlenn, attorney for petitioner, for an order directing the manner of service of the Citation upon said "paternal distributees" pursuant to SCPA § 307, subd 3, it is

ORDERED that a copy of the Citation in the above-entitled probate proceeding together with a copy of decedent's Will dated June 13, 2013, and this Court's Virtual Appearance Notice be served upon the "paternal distributees" by digital publication in Global Legal Notices, LLC, a publication of general circulation in Germany, for a period of two (2) consecutive weeks, and it is further

ORDERED that proof of such digital publication be filed with the Court as soon as possible following the completion of such publication.

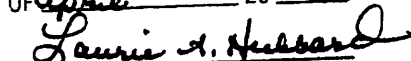
Dated: April 13, 2023



Hon. Ottavio Campanella, Surrogate

ENTER

NOTICE OF ENTRY
PLEASE BE ADVISED THAT THIS DOCUMENT
WAS ENTERED IN THE ONEIDA COUNTY
SURROGATE COURT CLERK'S OFFICE ON THE
13th DAY OF April 20 23


CHIEF CLERK

PROBATE CITATION

File No. 2022-265/B

SURROGATE'S COURT - CHEMUNG COUNTY
CITATION

THE PEOPLE OF THE STATE OF NEW YORK,
By the Grace of God Free and Independent

TO **To the father of Hildegard A. (Czichos) Berggold, daughter of Gertrude Czichos, whose name and whereabouts is unknown, if living, and if deceased and having died prior to February 7, 2022, to his issue, if any, and if none then to the issue of his parents, if any, and if none, then to the issue of his grandparents, if any, all of whose existence, names, and whereabouts are unknown and cannot after due diligence be ascertained; and if he be deceased and having died after February 7, 2022, to his executors, administrators, distributees, beneficiaries, next-of-kin, and heirs-at-law, if any there be, whose existence, names, and whereabouts are unknown and cannot after due diligence be ascertained.**

A petition having been duly filed by Jennifer Furman, Chemung County Treasurer, whose office is at 310 E. Market Street, Elmira, NY 14901.

YOU ARE HEREBY CITED TO SHOW CAUSE before the Surrogate's Court, Chemung County, at 203-209 Williams Street, Elmira, New York, on May 10 2023 at 8:45 o'clock in the fore noon of that day, why a decree should not be made in the estate of Hildegard A. Berggold lately domiciled at 73 Greendridge Drive W, Elmira, NY 14905, admitting to probate a Will dated June 13, 2013, a copy of which is attached, as the Will of Hildegard A. Berggold, deceased, relating to real and personal property, and directing that

[X] LETTERS OF ADMINISTRATION C.T.A. issue to Chemung County Treasurer, Jennifer Furman

The return of this Citation will be held electronically, via Microsoft Teams. If you would like the Court to email you a link to appear by TEAMS, please contact the Clerk of the Court at 607-873-9440 or by email at lhubbard@nycourts.gov.

WITNESS, HONORABLE RICHARD W. RICH and HONORABLE OTTAVIO CAMPANELLA, Surrogates of said County at the Courthouse in the City of Elmira, New York, on the 13th day of April, 2023

Laurie A. Hubbard
CHIEF CLERK OF THE SURROGATE'S COURT

(L.S.)

Name of Attorney : John R. McGlenn

Firm Name: Buck, Danaher, Ryan and McGlenn

Tel No.: (607) 734 - 8161

E-mail: jmcglenn@bdrmlaw.com

Address of Attorney: 100 Baldwin Street, Ste. 305-311; Elmira, New York 14901-3013

NOTE: This citation is served upon you as required by law. You are not required to appear. If you fail to appear it will be assumed you do not object to the relief requested. You have a right to have an attorney appear for you.

CHEMUNG COUNTY
SURROGATE'S COURT
AUG 31 2022
NOT COMPARED
WITH COPY FILED

LAST WILL AND TESTAMENT

I, **HILDEGARD A. BERGGOLD**, residing in the Town of Elmira, Chemung County, State of New York, do hereby make this my Will and revoke any prior wills and codicils.

FIRST: I direct that my funeral expenses and the expenses of the administration of my estate be paid as soon as practicable after my death.

SECOND: I direct my executors to sell my house and lot at 75 Greenridge Drive West, Town of Elmira, Chemung County, New York, if owned by me at the time of my death.

THIRD: To the individuals and institutions listed below, I bequeath the following:

- A. To **CHRIST THE REDEEMER PARISH** of Elmira, New York, the sum of five thousand (\$5,000.00) dollars.
- B. To my niece, **BETTINA MAINKA**, currently of A C Fouss 18A, 86157 Ausburg, Germany, if she shall survive me, the sum of ten thousand (\$10,000.00) dollars.
- C. To my friend **SANDY HILL**, currently of 1833 West Water Street, Elmira, New York, if she shall survive me, the sum of five thousand (\$5,000.00) dollars.
- D. To **ROSWITHA BERGGOLD**, my husband's niece, if she shall survive me, the sum of five thousand (\$5,000.00) dollars.

E. To my niece, RITA MAINKA RUBY, if she shall survive me, the sum of forty thousand (\$40,000.00) dollars.

FOURTH: I give the residue of my estate to my niece, RITA MAINKA RUBY, now residing at Friedenstrasse 115, Kaisers Lautern 67657, Germany, if she shall survive me. If my niece, RITA, shall not survive me, I give the residue of my estate to her son, DOMINICK RUBY.

FIFTH: Whenever any part of my estate vests pursuant to this Will in a minor, my personal representatives shall have the right as donees of a power during minority, upon the distribution of such property, to hold and manage the same until such minor attains his or her majority and to exercise with respect to such property and the income thereof all powers conferred by this will or by law on my personal representatives, including the power to apply any such property or the income thereof to the use of such minor; said donees shall be entitled to receive compensation with respect to any property held for a minor pursuant to this paragraph at the rate and in the manner payable to testamentary trustees under the laws of the State of New York, and said donees shall not be required to render periodic accounts with respect to said property.

As an alternative to the foregoing, or in addition thereto, I authorize my personal representatives to distribute any or all such property to which an infant may be entitled to a custodian under the Uniform Transfers to Minors Act of the jurisdiction where the minor resides.

SIXTH: I confer upon my personal representatives with respect to the management and administration of any property, all powers conferred by Section 11-1.1 of the Estates, Powers and Trusts Law, or comparable statute of the State of New York in effect at my death, and, in addition thereto, the following discretionary powers without limitation by reason of specification:

1. To sell or otherwise dispose of all property, real or personal, at public or private sale, for such consideration and upon such terms, including credit, as my personal representatives shall deem advisable.
2. To abandon, in any way, property which my personal representatives determines not to be worth protecting.
3. To delegate powers to agents or others to the extent permitted by law and to pay them for services and reimburse them for expenses; to employ and pay the compensation of accountants, custodians, legal and investment counsel.

LASTLY: I hereby nominate and appoint CHEMUNG CANAL TRUST COMPANY, or its successor, of Elmira, New York, to be executor of this my last will and testament. I direct that no bond or other security shall be required of any personal representative hereunder.

IN WITNESS WHEREOF, I have hereunto subscribed my name this

The 13 day of June, in the year Two Thousand Thirteen.

Hildegard A. Bergsjold

We, whose names are hereto subscribed, do certify, that on the 13th day of June, 2013, HILDEGARD A. BERGGOLD, the testatrix, subscribed her name to this Instrument, consisting of four (4) typewritten pages, including this attestation clause, in our presence and in the presence of each of us, and at the same time, in our presence and hearing, declared the same to be her Last Will and Testament, and requested us, and each of us, to sign our names thereto as witnesses to the execution thereof, which we hereby do in the presence of the testatrix and of each other, on the said date, and write opposite our names our respective places of residence.

John R. McAllen residing at 155 West Hill Rd
Elmira, NY

John J. [Signature] residing at 901 Garden Rd
Elmira, N.Y.

Nancy T. Kuchta residing at 329 Lowell AVE
Elmira NY

Chemung County Surrogate's Court VIRTUAL COURT APPEARANCE NOTICE

Pursuant to executive and administrative orders currently in effect in response to COVID-19, all court appearances scheduled in non-essential matters are being held electronically. NO PHYSICAL APPEARANCES SHALL BE MADE.

To appear virtually utilizing both audio and video, you must have Microsoft Teams installed on your computer, smart phone, tablet or other device that is equipped with a camera. If you do not have the capability to attend the appearance via Microsoft Teams or choose not to install the application on your device, you *may* appear by phone (audio only). However to ensure an accurate representation of the proceeding, participants should make every attempt to appear by video and audio. If you wish to make an appearance in this matter but are unable to attend via Microsoft Teams or telephone, please contact the clerk of the court by phone at (607) 873-9441 or by email at lhubbard@nycourts.gov for further instructions.

Connecting to the Virtual Court Appearance

If you have the capability to attend the appearance electronically via Microsoft Teams, contact the clerk of the court at (607) 873-9441 or by email at lhubbard@nycourts.gov and provide your email address, and you will be provided with a link for joining the appearance.

If you will be appearing by phone only, dial (833) 262-7886 and enter the following conference ID: 832 582 659# to access the proceeding.

Guidelines for Virtual Court Appearances

Please keep in mind that virtual court appearances are not a forum for confidential communication. Any privileged discussion between attorney and client appearing electronically from separate locations must take place outside of the virtual court appearance.

Parties participating in a court appearance electronically are expected to conduct themselves in the same manner as if appearing in a physical courtroom. The surrogate will ensure order and decorum in a virtual court appearance and maintains full control over remote participants.

Recording of the appearance by any of the participants is prohibited without prior permission of the court. A court reporter will be attending the appearance and will make an official record of the proceedings.

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

-----X
In the Matter of the Estate
of
Hildegard A. Berggold,

File No. 2022-265

Deceased.
-----X

**NOTICE OF COMMENCEMENT OF PROCEEDING
SUBJECT TO MANDATORY ELECTRONIC FILING**

PLEASE TAKE NOTICE that the proceeding captioned above has been commenced as an electronically filed proceeding in the New York State Courts Electronic Filing System ("NYSCEF") as required by CPLR § 2111 and Uniform Rule § 207.4-aa (mandatory electronic filing). This notice is being served as required by that rule.

NYSCEF is designed for the electronic filing of documents with the court and for the electronic service of those documents, court documents, and court notices upon counsel and unrepresented litigants who have consented to electronic filing.

Electronic filing offers significant benefits for attorneys and litigants, permitting papers to be filed with the court and served on other parties simply, conveniently, and quickly. NYSCEF case documents are filed with the court by filing on the NYSCEF Website, which can be done at any time of the day or night on any day of the week. The documents are served automatically on all consenting e-filers as soon as the document is uploaded to the website, which sends out an immediate email notification of the filing.

The NYSCEF System charges no fees for filing, serving, or viewing the electronic case record, nor does it charge any fees to print any filed documents. Normal filing fees must be paid, but this can be done on-line.

Parties represented by an attorney: Counsel for parties served with this notice must either: 1) immediately record their representation within the e-filed proceeding on the NYSCEF site; or 2) file the Notice of Opt-Out form with the clerk of the court where this proceeding is pending. Exemptions from mandatory e-filing are limited to attorneys who certify in good faith that they lack the computer hardware and/or scanner and/or internet connection or that they lack (along with all employees subject to their direction) the operational knowledge to comply with e-filing requirements. [Section 207.4-aa(e)]

Parties not represented by an attorney: Unrepresented litigants are exempt from e-filing. They can serve and file documents in paper form and must be served with documents in paper form. However, an unrepresented litigant may participate in e-filing.

For information on how to participate in e-filing, unrepresented litigants should contact the appropriate clerk in the court where the proceeding was filed or visit www.nycourts.gov/efile-unrepresented. Unrepresented litigants also are encouraged to visit www.nycourthelp.gov or contact the Help Center in the court where the proceeding was filed. An unrepresented litigant who consents to e-filing may cease participation at any time. However, the other parties may continue to e-file their court documents in the proceeding.

For additional information about electronic filing and to create a NYSCEF account, visit the NYSCEF website at www.nycourts.gov/efile or contact the NYSCEF Resource Center (phone: 646-386-3033; e-mail: nyscef@nycourts.gov).

Dated: April 14, 2023


Signature

John R. McGlenn

Name

100 Baldwin Street, Ste.305-311
Address
Elmira, NY 14901-3013

Buck, Danaher, Ryan and McGlenn
Firm Name

607-734-8161

Phone

jmcglenn@bdrmlaw.com

E-Mail

To: _____

2/24/20