

# New Britain probate judge allows Smoron trusts to stand

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New Britain Judge Walter Clebowitz has declined to intervene in the ongoing dispute over the estate of Josephine Smoron.

In his decision, given on July 20, Clebowitz writes that "the probate court is statutorily without the authority to modify or revoke the May 12, 2009 Decree of the Southington Probate Court."

This May 2009 meeting, held shortly before Smoron's death, was when court-appointed conservator John Nugent created two trusts. The decision was approved by local probate judge Bryan Meccariello. However, this outcome conflicts with the details in Josephine Smoron's 2004 will, which designated longtime caretaker Sam Manzo as heir to

the land.

The property, located on Spring Street, was included in the trusts and is intended to be given to local Catholic churches. The land would eventually be sold to developer Carl Verderame, who would go ahead with a plan to build a large sports complex.

Though the matter remains unresolved, both the Conservation and Planning & Zoning Commissions have approved the plan for the sports complex. Town officials have said probate matters are not taken into account in these situations.

Manzo's complaint against Meccariello was that he was not informed of the May 2009 meeting being involved with the matter of Smoron's estate. After the complaint, Meccariello recused himself from the

case and has since admitted that not notifying Manzo was "a mistake."

A hearing before the state's Council on Probate Judicial Matters is pending.

During a previous New Britain hearing in May, Nugent argued that the court did not have the jurisdiction to overturn or modify Meccariello's ruling, citing portions of the Connecticut General Statutes.

Specifically, section 45a-128e of the statutes reads "a decree or order made in reference to any estate may not be modified or revoked by a court of probate as to assets lawfully transferred or distributed."

In his decision, Clebowitz said this language meant he did not have jurisdiction to act on the matter.

"The precise statutory language...limits the ability of the probate court to mod-

ify or revoke a probate degree," Clebowitz wrote.

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