

PETITION TO EXTEND TIME TO FILE CLAIM

ESTATE OF _____

CASE NO: _____

DATE: _____

ATTORNEYS: _____

LEGAL STANDARD: F.S. 733.702(3) any claim not timely filed is barred unless the court extends the time for filing, which may only be granted upon grounds of fraud, estoppel, or insufficient notice.

BRIEF DESCRIPTION: The Petitioner would like to file a late claim.

___ Claim filed after the later of either 30 days of notice to creditor or 3 months after 1st date of publication of notice of creditors [FS 733.702(1)]

___ Proof of actual notice to creditor (only informal notice is required) [FS 733.2121(1), FS 733.701, *Tusla v. Pope*]

___ If no actual notice, proof that PR had no knowledge of creditor or that creditor was not reasonable ascertainable. [FS 733.2121(3) (a)]

___ Claim is not shown on PR's proof of claim [FS 733.703(2)]

___ No extension to file claim was granted [FS 733.702(3)]

___ Statement regarding creditors is filed [FPR 5.204(e), FS 733.212 (3) (a)]

Date of 1st publication: _____

Date actual notice sent to creditor: _____

Date claim filed: _____

COMMENTS:

RECOMMENDATION:

COMMENTS: There is no notice of hearing in the file so I do not know whether Mr. Daniel (pr's counsel) received notice of this hearing. The petitioner claims that the time period should be extended based upon an estoppel argument. Alternatively, the petitioner pleads that there is good cause to extend or that there was excusable neglect.

I do not believe that a proper estoppel argument has been made. There is no allegation of a statement made by the pr or

counsel that was relied upon by the claimant.

The petitioner's allegations regarding good cause cite a statute that allows the extension of time to file an independent action with a showing of good cause. The cases cited by petitioner extend the good cause argument to allow the late filing of claims. I believe that the petition alleges sufficient facts to show good cause for extension of time.

RECOMMENDATION: Absent a convincing argument by Mr. Daniel