

PETITION TO STRIKE UNTIMELY FILED CLAIM

ESTATE OF _____
CASE NO.: _____
DATE: _____
ATTORNEY: _____

See Tulsa Professional v. Pope, 485 U.S. 478 (1988); FS 733.2121 (notice to creditors), FS 733.702 (limitation on presentation of claims), 733.701; 733.212; 733.710

LEGAL REQUIREMENTS:

___ 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 [733.702(1)]

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

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

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

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

___ Statement Regarding Creditors is filed [5.241(d)]

Date of 1st publication: _____

Date actual notice sent to creditor: _____

Date claim filed: _____

COMMENTS: _____

RECOMMENDATION: _____

(Updated: July 2007)