

STATEMENT OF THE ISSUE

I. DID THE LOWER COURT ERR IN DENYING HART'S PETITION TO
EXTEND TIME TO FILE CREDITOR'S CLAIM?

The trial court erred in denying Hart's Petition to Extend Time to File Creditor's Claim because SDCL § 29A-3-803(a) does not apply to Hart's claim. Therefore, the applicable time within which Hart's personal injury claim must be brought is three years from the date his cause of action accrued pursuant to SDCL § 15-2-14(3).

Most relevant cases:

Western Consolidated Co-op v. Pew, 2011 SD 9, 795 N.W.2d 390

Bertelsen v. Allstate Ins. Co., 2009 SD 21, ¶ 13, 764 N.W.2d 495

Thompson v. Hodson, 825 So.2d 941, 948 (Fla. Dist. Ct. App. 2002)

MGA Ins. Co., Inc. v. Goodsell, 2005 SD 118, 707 N.W.2d 483, 488

Most relevant statutory provisions:

SDCL § 29A-1-201(7).

SDCL § 29A-3-803.

SDCL § 29A-3-804.

SDCL § 15-2-14(3).