

Third District Court of Appeal

State of Florida, July Term, A.D. 2010

Opinion filed August 25, 2010.

Not final until disposition of timely filed motion for rehearing.

No. 3D09-1358

Lower Tribunal No. 08-2740

Boston Investors Group, Inc.,
Appellant,

vs.

Valrae Spatz, as Personal Representative of the Estate of Carl Ames
Spatz,
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Arthur
Rothenberg, Judge.

Airan2, Airan-Pace & Crosa and D.S. "Dar" Airan, Michele A. Crosa, and
Michael James Corey, for appellant.

Fowler White Burnett and Esther E. Galicia, for appellee.

Before COPE, WELLS and ROTHENBERG, JJ.

PER CURIAM.

This is an appeal of an order entered in a probate proceeding, which denied the motion of Boston Investors Group, Inc. for an enlargement of time to file a proof of claim, and striking the statement of claim. Based on the record before us, we conclude that the claim against the Estate of Carl Spatz arose prior to the death of the decedent for purposes of subsection 733.702(1), Florida Statutes (2008). We have considered Boston's argument that the claims did not accrue until after the death of the decedent, but are not persuaded thereby. As no grounds existed for an extension of time under subsection 733.702(3), the trial court properly denied the motion for extension of time. The issues were properly framed by Boston's motion and the Estate's response thereto.

Affirmed.