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IN THE SUPREME COURT OF THE STATE OF MONTANA  
DA 18-0370

IN RE THE ESTATE OF EDWARD M. BOLAND,

Deceased,

PAUL BOLAND and MARY GETTEL, Co-Personal  
Representatives of the Estate of Dixie L. Boland,

Petitioners and Appellants,

v.

CHRIS BOLAND, BARRY BOLAND, ED BOLAND  
CONSTRUCTION, INC., and NORTH PARK  
INVESTMENTS, LLC,

Respondents and Appellees,

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**AFFIDAVIT IN SUPPORT OF  
APPELLANTS' SECOND UNOPPOSED MOTION FOR EXTENSION  
OF TIME TO FILE OPENING BRIEF**

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STATE OF MONTANA                    )  
  ) ss.  
County of Yellowstone                )

I, THOMAS E. TOWE, being first duly affirmed, depose and say:

1. I am counsel for the Appellants in the above-entitled matter.
2. Appellants' Opening Brief is now due October 3, 2018.
3. The initial brief was due on September 4, 2018, and an extension of time was requested and granted on August 28, 2018. Thus, the current motion is the second request for an extension.

4. The Appellants request this second extension for the reason that the parties have agreed to mediate the issues in this case on October 3, 2018. The coordination of an acceptable mediation date and time was difficult because of the different schedules of both the attorneys and the parties. Although the mediator worked diligently with the undersigned and opposing counsel and has been in communication with both attorneys, it was difficult to find a common date upon which all parties and their respective counsel of record were available to mediate this case. Consequently, a mediation date of October 3, 2018 was reached and counsel for Respondents agreed not to oppose any request for an extension of time for Appellants to file their opening brief with this Court.

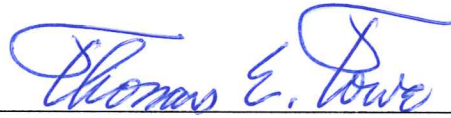
5. Once Appellant's counsel has put in the time to adequately prepare the Opening Brief, the chances of success in mediation are greatly diminished.

6. In addition, depositions have now been scheduled and commitments of counsel on other cases will make it impossible to prepare an Opening Brief in time for filing with the Court by October 3, 2018, the time it is now due.

7. Opposing counsel has been contacted regarding this Motion and has agreed that he does not oppose this Motion.

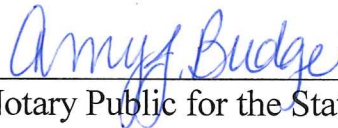
7. For the reasons stated above, this affidavit and the accompanying Motion are respectively submitted and a request for the stated extensions is requested.

DATED this 24<sup>TH</sup> day of September, 2018.



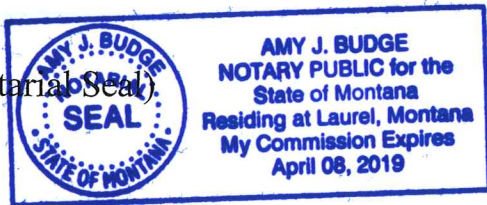
THOMAS E. TOWE

SUBSCRIBED and AFFIRMED before me this 24<sup>th</sup> day of September, 2018, by Thomas E. Towe, counsel for Appellants.



Notary Public for the State of Montana

(Notarial Seal)



## CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was delivered to the following counsel of record, served by e-service and/or U.S. mail, postage-prepaid, upon:

Jason T. Holden  
Katie R. Ranta  
Jean Faure  
Faure Holden Attorneys at Law, PC  
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P.O. Box 22598  
Billings, MT 59104-2598

Dated this 24<sup>th</sup> day of September, 2018.

TOWE, BALL, MACKAY, SOMMERFELD  
& TURNER, P.L.L.P.  
Attorney for Petitioners/Appellants

By 