



2. Appellants' Opening Brief is now due January 7, 2019.

3. The initial brief in Cause No. DA 0370 was due on September 4, 2018, and has been extended until January 7, 2019, after it was combined with Cause No. DA 18-0607. The initial brief in Cause No. DA 18-0607 was due on December 7, 2018, and was extended to January 7, 2019 by previous Motion and Order. The current Motion is the second request for an extension of time for Cause No. DA 18-0607 and for the Combined cases.

4. The Appellants request this second extension for the reason that the Consolidation of these two cases on November 20, 2018, and an Order by a District Court on November 26, 2018, in the Estate of Dixie L. Boland removing Paul Boland and Mary Gettel as Co-Personal Representatives resulted in a Request by Appellees to Dismiss or Stay Proceedings. Paul Boland and Mary Gettel as Co-Personal Representatives are the Petitioners who filed the initial Petition in the Estate of Edward M. Boland that is the subject of this appeal. Although that Request was opposed by Appellants and has not been acted upon by the Court, Appellants now believe that they can proceed with the case because of the Motion filed this day to add Paul Boland and Mary Gettel as individual parties because they are interested persons under the express language of the Probate Code.

5. Additionally, I have been required to file additional motions and briefs in the Boland cases, including a Rule 60(b) Motion to Set Aside the Order Removing

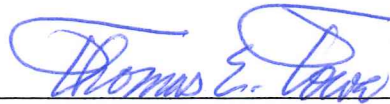
Paul and Mary as Personal Representatives, a Response to Appellees Request to this Court to Dismiss or Stay this Appeal, a Motion and Brief to this Court in Support of Adding Parties, and a Brief to the District Court case of the Estate of Dixie Boland explaining why I could not turnover all items I listed in a Privilege Log because of Attorney-Client Privilege and Work Product. In addition, I had other cases that needed attention plus the added press caused by the Christmas holidays. This has made it impossible to have an adequate Combined Opening brief prepared within the time authorized.

6. I had fully expected to be able to comply with the current schedule until it became apparent that because of the issue of adding interested parties to this case and other requirements and deadlines in this and other cases, I could not do justice to an opening brief within the time allotted. Once this became apparent, since my office and most other offices were closed on Monday, December 31, 2018, the first opportunity to file this Motion is now, Wednesday, January 2, 2019,

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

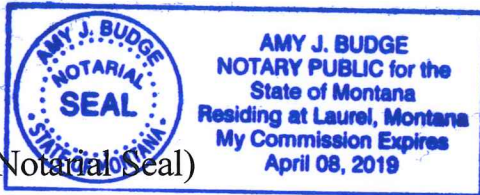
8. For the reasons stated above, this affidavit and the accompanying Motion are respectively submitted and a request for the stated extensions is requested.

DATED this 2<sup>nd</sup> day of January, 2019.



THOMAS E. TOWE

SUBSCRIBED and AFFIRMED before me this 2<sup>nd</sup> day of January, 2019, by Thomas E. Towe, counsel for Appellants.



Notary Public for the State of Montana

### 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:

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Dated this 2<sup>nd</sup> day of January, 2019.

TOWE, BALL, MACKAY, SOMMERFELD  
& TURNER, P.L.L.P.

Attorney for Petitioners/Appellants

By 