

FILED

DATE: 1/4/13 TIME: am/pm

*1/4/13*  
*LMW*

By \_\_\_\_\_  
CLERK, FSM SUPREME COURT  
KOSRAE  
TRIAL DIVISION

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IN THE SUPREME COURT OF THE  
FEDERATED STATES OF MICRONESIA  
TRIAL DIVISION- KOSRAE STATE

|                         |                             |
|-------------------------|-----------------------------|
| IN THE MATTER OF THE )  | CIVIL ACTION NO. 2012-2008  |
| Estates of: )           |                             |
| CLAUDE H. PHILLIP, )    |                             |
| Deceased, )             | NOMINEE'S MOTION FOR        |
| FSM DEVELOPMENT BANK, ) | ENLARGEMENT OF TIME FOR     |
| Petitioner, )           | WHICH TO FILE AN ANSWER AND |
| BETTY C. PHILLIP, )     | MEMORANDUM OF POINTS        |
| Nominee. )              | AND AUTHORITIES             |
| _____ )                 |                             |

The undersigned, files this motion for the Nominee, Betty C. Phillip to extend time for which Nominee to file an Answer to the Petition, which was filed and served on the Nominee on December 18, 2012.

Rule 6 (b) of this Court allows for enlargement of time as here. The Nominee needs additional time to file an Answer to the petition and by virtue of Rule 6 (b) of this Court's Rules of Civil Procedure, an additional time is needed or the Nominee asks this court to give her until January 11, 2013 to file her Answer to the petition. This motion is further supported by the

1 accompanying memorandum of points and authorities  
2 accompanying this motion. Furthermore, there are some  
3 internal issues that needed to be resolved within the  
4 MLSC with respect to the legal representation of the  
5 Nominee. Additional time is therefore needed before an  
6 Answer can be filed. Furthermore, this motion is not  
7 going to be opposed by the attorney for the petitioner as  
8 consent had been given. Enlargement should be granted  
9 and the Nominee should have until January 11, 2013 to  
10 file an Answer.  
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13 **MEMORANDUM OF POINTS AND AUTHORITIES**

14 The petition and summons filed in this cause were  
15 served upon the Nominee on December 18, 2012. Under this  
16 Court's Rules, Nominee has 20 days from the date of  
17 service of the pleadings to file an Answer. The 20 days  
18 as prescribed by the Rules is expired on January 7, 2013.  
19

20 Nominee had contacted the Office of MLSC and  
21 personally appeared and asked for legal representation.  
22 The Office through the undersigned advised the Nominee to  
23 await the weekly staff conference at which time a  
24 decision will have to be made as to whether or not she  
25 will be accepted as a client. A staff conference was  
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Tel: 370-3032  
Fax: 370-2232

**CERTIFICATE OF SERVICE**

This is to certify that on this 4<sup>th</sup> day of January 2013, the undersigned, personally served the above motion on the attorney for the Petitioner by leaving a copy of the same at the office of the Petitioner, at Tofol. The service of the above document was made by the undersigned.

Dated: January 4, 2013.

  
\_\_\_\_\_  
Canney Palsis