

STATE OF VERMONT
VERMONT SUPREME COURT
OCTOBER TERM, 2017

Order Promulgating Emergency Amendments to the Vermont Rules of Probate Procedure

Pursuant to the Vermont Constitution, Chapter II, Section 37, and 12 V.S.A. § 1, it is hereby ordered:

1. That Rule 52(b) of the Vermont Rules of Probate Procedure, as amended September 20, 2017, effective January 1, 2018, be further amended to read as follows (deleted matter struck through; new matter underlined):

RULE 52. FINDINGS BY THE COURT

(b) **Amendment.** Upon motion of a party made not later than ~~28~~ 14 days after entry of judgment, the court may amend its findings or make additional findings and may amend the judgment accordingly.

Reporter's Notes—2017 Emergency Amendment

Rule 52(b), as amended September 20, 2017, effective January 1, 2018, is further amended to provide a 14-day time period consistent with the basic purpose of the day-is-a-day amendments of the Civil and Probate rules rather than the 28 days adopted initially for consistency with the comparable provisions of the Federal Rules of Civil Procedure. The amendment reflects the significant differences between probate and civil practice. Matters in probate court generally involve important personal concerns that could be adversely affected by the additional extension of the time for appeal resulting from the longer period. Moreover, there is less need in probate practice to be concerned with uniformity with the Federal Rules.

2. That Rule 60(c) of the Vermont Rules of Probate Procedure as amended September 20, 2017, effective January 1, 2018, be further amended to read as follows (deleted matter struck through; new matter underlined):

RULE 60. RELIEF FROM JUDGMENT OR ORDER

(c) **Motion to alter or amend a judgment.** A motion to alter or amend the judgment shall be served not later than ~~28~~ 14 days after entry of the judgment.

Reporter's Notes—2017 Emergency Amendment

Rule 60(c), as amended September 20, 2017, effective January 1, 2018, is further amended to provide a 14-day time period

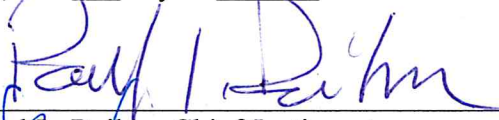
consistent with the basic purpose of the day-is-a-day amendments of the Civil and Probate rules rather than the 28 days adopted initially for consistency with the comparable provisions of the Federal Rules of Civil Procedure. The amendment reflects the significant differences between probate and civil practice. Matters in probate court generally involve important personal concerns that could be adversely affected by the additional extension of the time for appeal resulting from the longer period. Moreover, there is less need in probate practice to be concerned with uniformity with the Federal Rules.

3. That these rules, as further amended, are prescribed and promulgated effective January 1, 2018. The Reporter's Notes are advisory.

4. That the Court finds that these emergency amendments must be promulgated without resort to the notice and comment procedures set forth in Administrative Order No. 11 so that these rules may become effective simultaneously with the recently promulgated day-is-a-day amendments that become effective on January 1, 2018.

5. That the Chief Justice is authorized to report these amendments to the General Assembly in accordance with the provisions of 12 V.S.A. § 1, as amended.


Dated in Chambers at Montpelier, Vermont, this 17th day of October 2017.



Paul L. Reiber, Chief Justice



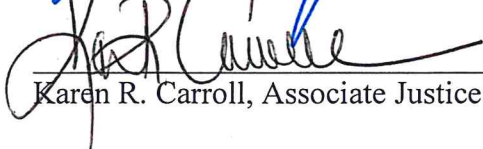
Marilyn S. Skoglund, Associate Justice



Beth Robinson, Associate Justice



Harold E. Eaton, Jr., Associate Justice



Karen R. Carroll, Associate Justice