

Form # 7 DENIAL OF APPLICATION TO PRESENT A LATE CLAIM

* TO BE TYPED ON CITY LETTERHEAD

TO: Name of Claimant
c/o claimant's attorney, or
claimant's parents, if a minor

Date_____

Use address on claim indicating address to which notices are to be sent. If such an address is not indicated, use claimant's home address.

RE: Claim of (NAME OF CLAIMANT)

NOTICE IS HEREBY GIVEN that the application for leave to present a late claim which you presented to the (NAME OF ENTITY) on (DATE) was denied by

(either of the following)

the (GOVERNING BOARD) for the (NAME OF ENTITY) on (DATE)

(or)

operation of law on (THE 45th DAY AFTER PRESENTATION).

WARNING

If you wish to file a court action on this matter, you must first petition the appropriate court for an order relieving you from the provision of Government Code Section 945.4 (claims presentation requirement). See Government Code Section 946.6. Such petition must be filed with the court within six (6) months from the date your application for leave to present a late claim was denied.

You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

As allowed by California Code of Civil Procedure Sections 128.5 and 1038, the (NAME OF ENTITY) will seek to recover all incurred costs and attorney fees from you and your attorney should you ultimately serve the (NAME OF ENTITY) with a lawsuit and it is later determined the suit was not brought in good faith or on reasonable grounds. If you feel you must petition the court and ultimately name the (NAME OF ENTITY) in the lawsuit to protect yourself, we urge you not to serve the (NAME OF ENTITY) with a summons and complaint until you are certain there is a justiciable controversy with the (NAME OF ENTITY).

Very truly yours,

(NAME OF ENTITY)
(NAME OF PERSON AUTHORIZED
TO SEND REJECTION NOTICES)

cc: ABAG PLAN