

APPEAL & ERROR — PETITION FOR REHEARING — STRICT SEVENTEEN CALENDAR DAY REQUIREMENT REMOVED. — Sup. Ct. Rules 20(a) and 29(6) were revised to remove the strict seventeen calendar day requirement for filing petitions for review and rehearing so that Ark. R. App. P. 9 will apply to the time limits on those petitions.

Motion to Reconsider Dismissal of Petition for Rehearing; denied.

PER CURIAM. In our original decision of November 10, 1986, we reduced the fee allowed by the probate judge to the appellee for services as administrator. The appellee mailed a petition for rehearing which was filed in our clerk's office on Monday, December 1, 1986. We denied the petition as being untimely because it was filed more than seventeen calendar days after our decision was rendered and was thus in violation of Arkansas Supreme Court and Court of Appeals Rule 20(a).

Counsel for the appellee contends he had until December 1, 1986, to file the petition for rehearing. He contends Ark. R. App. P. 9 allows extension to the next business day when the seven-

teenth day falls on a legal holiday. He also contends our clerk informed him that the next business day after November 27, Thanksgiving Day, would be Monday, December 1, 1986, because the governor had proclaimed that state offices would be closed on Friday, November 28, 1986.

Rather than decide whether Ark. R. App. P. 9 is controlling over the more specific provision of our rule 20(a) and the effect of the governor's proclamation, which was presumably made pursuant to Ark. Stat. Ann. § 69-112.1 (Repl. 1979), we have reviewed the appellee's petition for rehearing on its merits and concluded that it must be denied, whether or not it was timely.

[1] We have concluded that our rules 20(a) and 29 subsection 6. should be revised to remove the strict seventeen calendar day requirement for filing petitions for review and rehearing so that Ark. R. App. P. 9 will apply to the time limits on those petitions. We make those changes this date in a separate per curiam order.

GLAZE, J., concurs and would permit petition for rehearing to be filed on basis of clerk's office calculated and designated time extended past regular seventeen day period.