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PLEASE REPLY TO: Pompano Beach

June 5, 1985

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filed 6-10-85

The Honorable Justices of the  
Supreme Court of the  
State of Florida  
Tallahassee, Florida 32301

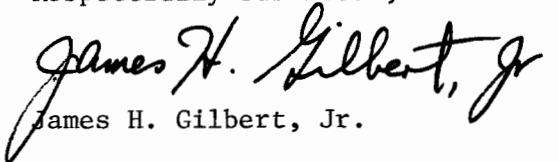
Attention: Clerk

Gentlemen:

This is a response to the Official Notice concerning newly promulgated Integration Rule 11.02(4)(f) (Trust Fund Disbursements).

It is our position that the "affirmative" requirement contained in paragraphs (3), (4) and (6) concerning reasonable and prudent belief that the instrument will clear would be better stated in a "negative" manner, that is, that the lawyer may disburse if he has no reasonable grounds for believing that the instrument will or may not clear. These paragraphs deal with instruments issued by professionals or companies who are licensed and regulated under the laws of the state of Florida, and a lawyer should be able to rely on that fact unless he has knowledge or reason to believe that the instrument will or may not clear. How is a lawyer to ascertain and establish reasonable and prudent grounds that an instrument will clear?

Respectfully submitted,

  
James H. Gilbert, Jr.

JHGjr/ngb