

**Tentative Rulings**  
**November 5, 2018**  
**Department 7**  
**2:30 p.m.**

**CONSERVATORSHIPS**  
**CONS OF HOLLY ADAMS**  
**Case Number: 25994**

This matter is on calendar for hearing on the Petition to Transfer. The matter has been properly noticed, with proof of service on file. No objections have been raised. The paperwork appears in order. The Petition is **GRANTED**. A proposed order was lodged with the Court and will be executed. The clerk is instructed to transmit a copy of the order and file to Humboldt County Superior Court as required by Probate Code Section 2216(a). This matter is set for **Monday, January 14, 2018, at 2:30 p.m. in Department 7** to confirm receipt of the notification from Humboldt Court as required by Probate Code Section 2217(a). **No appearance is necessary on today's calendar.**

**CONS OF LLOYD BITHER**  
**Case Number: 26229**

This matter is on calendar for Biennial Review. The Court Investigator has requested a continuance of this matter to December 17, 2018. This matter is continued to **Monday, December 17, 2018, at 2:30 p.m. in Department 7.** **No appearance is necessary on today's calendar.**

**CONS OF BARBARA BRIDGE**  
**Case Number: 19202**

This matter is on calendar for hearing on a Petition for Appointment of a Temporary Co-Conservator of the Person and Estate. The Court grants the application for Good Cause Exception to Notice of Hearing as to the conservatee's mother. Good cause has been established for temporary orders. The Petition is **GRANTED**. A proposed order was submitted and will be executed by the Court. The Court confirms the future hearing date of December 3, 2018 for hearing on the Petition for Appointment of Co-Conservator. **No appearance is necessary on today's calendar.**

**CONS OF BRIAN DAVIS**  
**Case Number: 14362**

This matter is on calendar for further proceedings on the Petition to Transfer. The matter has been properly noticed, with proof of service on file. No objections have been raised. The paperwork appears in order. The Petition is **GRANTED**. A proposed order was lodged with the Court and will be executed. The clerk is instructed to transmit a copy of the order and file to Butte County Superior Court as required by Probate Code Section 2216(a). This matter is set for

**Monday, January 28, 2019, at 2:30 p.m. in Department 7** to confirm receipt of the notification from Butte County Superior Court as required by Probate Code Section 2217(a). **No appearance is necessary on today's calendar.**

## **CONS OF MARIYAH DAY**

### **Case Number: 29808**

This matter is on calendar for hearing on a Petition for Appointment of a Limited Conservator of the Person. The matter has been properly noticed, with proof of service on file. The matter has been properly noticed, with proof of service on file. The Citation has been filed with proper proof of service. Counsel has been appointed for the Conservatee. No objections have been raised. The paperwork appears to be in order. The Capacity Declaration has been reviewed and is accepted by the Court. The Court has reviewed the Court Investigator's report, filed October 24, 2018, which recommends granting the Petition. The report states that the proposed Conservatee will not attend the hearing. The Petition is **GRANTED**. The Court finds that the Conservatee cannot communicate, with or without reasonable accommodations, a desire to participate in the voting process and is therefore disqualified from voting. **The clerk is directed to forward the Court's order and voting determination to the Secretary of State and the county elections official in the format prescribed by the Secretary of State.** A proposed order was submitted, and will be executed by the Court. The matter is set for **Monday, January 28, 2019, at 2:30 p.m. in Department 7** for confirmation of filing of the Conservatorship Care Plan and Determination of Appropriate Level of Care Form. The matter is set for **Monday, November 4, 2019, at 2:30 p.m. in Department 7** for Annual Review. **No appearance is necessary on today's calendar.**

## **CONS OF KARA GALEA**

### **Case Number: 26811**

This matter is on calendar for Confirmation of Transfer. On August 13, 2018, the Court granted the Petition to Transfer Venue to Trinity County Superior Court. It does not appear that a copy of the file has been transferred to Trinity County Superior Court, as no filing fee or fee waiver application has been submitted. At the previous hearing on October 22, 2018, Attorney Collins requested a continuance to contact the Conservator. Nothing further has been filed. **An appearance is necessary by the public defender's office to address the status of transfer.**

## **CONS OF JUANITA HOCHDERFFER**

### **Case Number: 29850**

This matter is on calendar for hearing on a Petition for Appointment of Temporary Conservator of the Person and Estate. The proposed Conservatee has been personally served. The Petition provides a sufficient explanation as to the due diligence in locating in other family members. The Court finds that the matter has been properly noticed, with proof of service on file. Good cause has been established for temporary orders. The Petition indicates that the proposed Conservatee will attend the hearing. **An appearance is necessary on today's calendar.**

## **CONS OF DOROTHY JUNE**

### **Case Number: 28536**

This matter is on calendar for hearing on the Second Amended First Account Current and Final Report of Conservatorship Estate, Petition for Its Settlement, and Petition for Order Fixing and Allowing Compensation. The matter has been properly noticed with proof of service on file. No objections have been raised. The paperwork appears in order, with the exception that the Petition does not indicate to whom any conservatorship assets to be paid. Presumably, the decedent's estate planning documents devised all assets of the estate to her trust. The Petition is **GRANTED**. A proposed order has been submitted and will be modified as noted above and executed by the Court. Original documents lodged with the court may be returned to counsel for the Conservator. This matter is set for **Monday, January 21, 2019, at 2:30 p.m. in Department 7** for confirmation of filing of receipts and a Petition for Discharge. **No appearance is necessary on today's calendar.**

## **CONS OF ARTHUR KENDALL**

### **Case Number: 29746**

This matter is on calendar for confirmation of counsel and further proceedings on a Petition for Appointment of Conservator of the Person and Estate. The Court previously appointed the Public Defender's office to represent the proposed Conservatee in this matter. **An appearance by the Public Defender's Office is necessary to confirm appointment.**

## **CONS OF JOHN KING**

### **Case Number: 21916**

This matter is on calendar for further proceedings on the Petition for Transfer and for an Order to Show Cause Re Monetary Sanctions. The Conservator has submitted a Declaration responding to the Order to Show Cause. No explanation is provided in the declaration as to the reason to repeatedly fail to file and timely serve a notice of hearing for the Petition for Transfer. There is still no Notice of Hearing filed for the Petition for Transfer. **An appearance by the Conservator is necessary on today's calendar to discuss the failure to file and serve a Notice of Hearing.**

## **CONS OF ALICE MCKINNA**

### **Case Number: 29540**

This matter is on calendar for hearing on the Petition to Replace or Terminate Conservators and Contest Asset Inventory filed by Nancy Pace. The Petition is not verified as required by Probate Code Section 1021. The Notice of Hearing is incomplete. It fails to identify the full date of the hearing and the proof of service is incomplete; item 2 was not completed. In addition, proper notice has not been given, as Petitioner is required to comply with Probate Code Section 1460(b)(6). The matter is continued to **Monday, December 17, 2018, at 2:30 p.m. in Department 7** for further proceedings. Petitioner is ordered to file and timely serve a Notice of Hearing for the continued date to all individuals entitled to notice. **No appearance is necessary on today's calendar.**

## **CONS OF PETER MCLAUGHLIN**

### **Case Number: 29580**

This matter is on calendar to confirm filing of the Conservatorship Care Plan, Inventory and Appraisal, and Level of Care Form. The Conservatorship Care Plan, Level of Care Form and Inventory and Appraisal Partial No. 1 were filed on October 31, 2018, and are accepted by the Court. A Status Report was also filed which indicates that an additional sixty days is needed to submit the Final Inventory and Appraisal. This matter is set for **Monday, January 14, 2018 at 2:30 p.m. in Department 7** for confirmation of filing of the Final Inventory and Appraisal. The Court confirms the future date of July 29, 2019, for Annual Review. **No appearance is necessary on today's calendar.**

## **CONS OF CLARA ROSSI**

### **Case Number: 29850**

This matter is on calendar for hearing on a Petition for Appointment of Temporary Conservator of the Person and Estate. Notice does not appear to have been properly given. A Notice of Hearing has been filed, but no proof of service. There is no proof of service on the proposed Conservatee. Further, the Petition references attachments 1c, 3 and 9c; however, there are no attachments. The court has reviewed the consents submitted by some of the relatives, as well as the court investigator's report. The Petition may be granted upon submission of a completed application for good cause exception to notice and a completed proposed order on that application. The Court confirms the future hearing date of December 3, 2018 for the Petition for Appointment of Conservator of the Person and Estate. **Absent an appearance on today's calendar to submit the required documents noted above, the Petition will be DENIED.**

## **ESTATES**

### **EST OF WILLIAM BAKER, JR.**

#### **Case Number: 29608**

This matter is on calendar for further proceedings to confirm filing of the Inventory and Appraisal. No Amended Partial Inventory and Appraisal No. 1 has been filed. However, a declaration was filed clarifying that the real property listed in Partial Inventory and Appraisal No. 1 was decedent's separate property. A Final Inventory and Appraisal has been filed. That document is not accepted by the Court. The Inventory and Appraisal does not comply with Probate Code Sections 8901 and 8902, as the items listed may not be appraised by the personal representative. The matter is continued to **Monday, January 7, 2019, at 2:30 p.m. in Department 7** for further proceedings to confirm filing of the Inventory and Appraisal. If a Final Inventory and Appraisal cannot be filed prior to the continued date, then the Personal Representative is **ORDERED** to file and serve a properly noticed Status Report for the above hearing date. Failure to do so may result in the issuance of an Order to Show Cause Re monetary sanctions for failure to timely file the Inventory and Appraisal. **No appearance is necessary on today's calendar.**

### **EST OF ROY BLAKE**

#### **Case Number: 26772**

This matter is on calendar for hearing on the Amended Report of Administrator on Waiver of Account and Petition for Final Distribution. The matter has been properly noticed, with proof of service on file. Waivers of accounting have been filed on behalf of Richard Blake and Jeanette Nesbitt. A waiver has been provided by Dorothea Nesbitt but it fails to provide that she is executing the waiver as the personal representative of the Estate of Ethel Blake. Further, the Court will need a copy of the Letters provided Dorothea Nesbitt with authority. A waiver has also been provided by Patricia Adams. Ms. Adams was not referenced in the Petition and it is therefore unknown who she is or why she is required to provide a waiver. The Court will also require an explanation as to why distributions were made without Court approval. This matter is continued to **Monday, January 21, 2019, at 2:30 p.m. in Department 7**. Petitioner is ordered to file a Second Amended Report/Petition for Final Distribution or other a declaration which sufficient addresses the issues noted above no later than five court days prior to January 21, 2019. **No appearance is necessary on today's calendar.**

### **EST OF THOMAS BONHAM**

#### **Case Number: 29422**

This matter is on calendar for further proceedings to confirm filing of the Inventory and Appraisal. No Inventory and Appraisal has been filed. A Status Report has been filed, indicating that additional time is needed to submit the Inventory and Appraisal. The matter is continued to **Monday, January 7, 2019, at 2:30 p.m. in Department 7** for further proceedings to confirm filing of the Inventory and Appraisal. If the document cannot be filed prior to the continued date, then the Personal Representative is **ORDERED** to file and serve a properly noticed Status Report for the above hearing date. Failure to do so may result in the issuance of an Order to Show Cause Re: monetary Sanctions. The future date of January 7, 2019 is confirmed for Status of Administration. **No appearance is necessary on today's calendar.**

## **EST OF MARTIN COURTRIGHT**

### **Case Number: 29743**

This matter is on calendar for further proceedings on a Petition to Determine Succession to Real Property. An Amended Notice of Hearing has been filed, indicating that the matter has been properly noticed, with proof of service on file. An Amended Petition has been filed, which corrects the defects previously noted in the Court's October 1, 2018 Minute Order. However, Item 9 of the Amended Petition states that decedent was not survived by issue of a predeceased child, yet the Declaration submitted October 18, 2018, states that at the time of the decedent's death, he was survived by one son (Petitioner Marvin Courtright), and had one son who predeceased him in April 2017 (Douglas Courtright), leaving issue. While no objections have been raised, under the laws governing intestacy succession (Probate Code § 6400 et seq.), Douglas Courtright's 50% interest in the Jaxon Way property passes to his two children, Lindsay Courtright Haynes and Jason Courtright, in equal shares. As Petitioner is not entitled to a 100% interest in the property, the Petition is **DENIED**. The clerk is instructed to close the file. **No appearance is necessary on today's calendar.**

## **EST OF STANLEY DOOLEY**

### **Case Number: 24741**

This matter is on calendar for further proceedings regarding Status of Administration. At the most recent hearing on November 7, 2016, the Court ordered the filing of a Status Report and Notice of Hearing if a Petition for Final Distribution was not on file. No Petition for Final Distribution is on file. No Status Report is on file. Nothing has been filed since the previous hearing two years ago to apprise the Court of the status of the decedent's claim in a class action suit. **An appearance is necessary on today's calendar to provide the Court with a status of the decedent's claim.**

## **EST OF DACE DURBY**

### **Case Number: 29642**

This matter is on calendar for confirmation of filing of the Inventory and Appraisal. A declaration was filed, which indicates that the Inventory and Appraisal has been filed. The Court notes that the Inventory and Appraisal was filed May 24, 2018, before letters had issued. The Court notes that the Inventory and Appraisal that was filed does not contain the original signature of the probate referee. Otherwise, the Inventory and Appraisal is accepted. This matter is continued to **Monday, December 17, 2018 at 2:30 p.m. in Department 7** for further proceedings to confirm filing of the Inventory and Appraisal. The personal representatives are **ORDERED** to re-file the Inventory and Appraisal with the original signature of the Probate Referee. The Court confirms the future date of June 24, 2019 for Status of Administration. **No appearance is necessary on today's calendar.**

## **EST OF THOMAS FALIN, JR.**

### **Case Number: 27816**

This matter is on calendar for hearing on the Order to Show Cause Re: Removal of the Administrator, Tammy Falin. No response has been filed. **Absent an appearance, the Court**

**intends to discharge the Administrator, vacate all Letters, and close this Estate without finalizing the administration.**

## **EST OF CAROL HARTLEY**

### **Case Number: 28642**

This matter is on calendar for further proceedings regarding Status of Administration. No Petition for Final Distribution has been filed. No Status Report has been filed and properly noticed for hearing as previously ordered. The Court will issue an Order to Show Cause Re: Monetary Sanctions to the Personal representative for failing to comply with Probate Code sections 12200 and 12201 and the Court's order dated September 24, 2018. The hearing on the Order to Show Cause is set for **Monday, December 17, 2018, at 2:30 p.m. in Department 7.** The clerk is instructed to prepare a separate Order to Show Cause. Today's hearing is continued to **Monday, December 17, 2018, at 2:30 p.m. in Department 7** for Status of Administration. If a Petition for Final Distribution cannot be filed prior to the continued date, then the Personal Representative is **ORDERED** to comply with Probate Code sections 12200 and 12201, and file and serve a properly noticed Status Report for the above hearing date. Failure to do so may result in the issuance of an Order to Show Cause Re: Removal of the Personal Representative. **No appearance is necessary on today's calendar.**

## **EST OF ROBERT HILL**

### **Case Number: 29723**

This matter is on calendar for hearing on an Amended Petition for Letters of Administration. The Court's September 10, 2018 Minute Order noted a number of defects in the Petition and ordered Petitioner to file and serve an Amended Petition and Amended Notice of Hearing. The Amended Petition contains the following issues:

1. The Amended Petition requests that bond not be required; however, Attachment 3e does not include the beneficiaries' written waivers of bond, as required by Probate Code § 8481(a)(2). The Court notes that waivers of bond were separately filed.
2. Item 3e(2) has been incorrectly checked, as there is no will. Presumably, Petitioner intended to check box 3e(3).
3. Item 5b is incomplete. The Court cannot determine if proper notice has been given.
4. Item 6f was erroneously checked, as decedent was survived by issue.
5. Item 7b(3) was erroneously checked, as decedent was survived by issue.
6. Item 8 is incomplete, as Petitioner has not included herself in Item 8, as required in the instructions for Item 8. This defect was previously pointed out with respect to the original Petition. There is nothing to indicate what the Petitioner's relationship is to the decedent.

This matter is continued to **Monday, December 10, 2018, at 2:30 p.m. in Department 7** for further proceedings on the Petition. Petitioner is **ORDERED** to file an Amended Petition addressing the defects described above and to timely file and serve a proper notice of hearing for the continued hearing date. **No appearance is necessary on today's calendar.**

## **EST OF LAUREL KELLOGG**

### **Case Number: 29361**

This matter is on calendar for Status of Administration. No Petition for Final Distribution has been filed. A Status Report has been filed, but does not comply with the notice requirements of Probate Code Sections 12200 et seq. However, as the personal representative is the only beneficiary, the Court will waive the notice requirement. The report indicates that additional time is needed to finalize estate administration. The matter is continued to **Monday, January 28, 2018, at 2:30 p.m. in Department 7** for Status of Administration. If a Petition for Final Distribution cannot be filed prior to the continued date, then the Personal Representative is **ORDERED** to file a Status Report no later than three court days prior to the continued hearing date. **No appearance is necessary on today's calendar.**

## **EST OF JAMES KOPP**

### **Case Number: 29548**

This matter is on calendar for hearing on the First and Final Report of Executrix on Waiver of Account and Petition for Allowance of Statutory Compensation and for Final Distribution. The matter has been properly noticed, with proof of service on file. Waivers of accounting have been submitted by the beneficiary trustees. No objections have been raised. The paperwork appears in order. The Petition is **GRANTED**. A proposed order was lodged with the Court and will be executed. This matter is set for **Monday, February 4, 2019, at 2:30 p.m. in Department 7** for confirmation of filing of receipts and Petition for Discharge. **No appearance is necessary on today's calendar.**

## **EST OF RUSSELL LEE**

### **Case Number: 29769**

This matter is on calendar for hearing on the competing Petitions for Letters of Administration. The first Petition for Administration was filed by Amber Hawk on September 10, 2018 (the "Hawk Petition"). The competing Petition for Administration was filed by Jason Lee and Sonya Lee on October 9, 2018 (the "Lee Petition"). The Hawk Petition has been timely noticed, with proof of service on file. Timely publication has also been submitted for the Hawk Petition. Jason Lee has objected to the Hawk Petition, and a response to the objections has been filed. The Lee Petition was not accompanied by the required Notice of Petition to Administer Estate. Further there is no proof of publication on file for the Lee Petition. **The Petitioners are ordered to appear to discuss whether this matter will need to be set for a contested hearing.**

## **EST OF DEBERAH MARLETT**

### **Case Number: 29252**

This matter is on calendar to confirm filing of Receipts and a Petition for Final Discharge. No Receipts have been filed. A Petition for Final Discharge has not been filed. At the most recent hearing, Petitioner was ordered to submit a Status Report if the receipts and Petition for Final Discharge were not on file. No Status Report has been filed. This matter is continued to **Monday, December 10, 2018, at 2:30 p.m. in Department 7** for further proceedings to confirm filing of Receipts and a Petition for Final Discharge. If the documents cannot be filed prior to that date, then the Personal Representative **AGAIN ORDERED** to file

and serve a Status Report no later than three court days prior to the hearing date to advise the Court what must be accomplished before the documents can be filed. A failure to do so will result in the issuance of an Order to Show Cause Re Monetary Sanctions. **No appearance is necessary on today's calendar.**

## **EST OF JARROD NORRIS**

### **Case Number: 28540**

This matter is on calendar for further proceedings regarding Status of Administration and Petition for Surcharge. The matter was continued at the request of the public administrator to conduct a further investigation. A request for a continuance was filed on October 31, 2018. That request is granted. Today's hearing is continued to **Monday, December 3, 2018, at 2:30 p.m. in Department 7** for Status of Administration. **No appearance is necessary on today's calendar.**

## **EST OF JEROME PLAMONDON**

### **Case Number: 29750**

This matter is on calendar for further proceeding on a Petition for Letters of Administration. The matter was continued on October 1, 2018 and Petitioner order to file an Amended Notice of Hearing and Amended Petition that addressed defects listed in the October 1, 2018 Minute Order. No new documents have been filed since the last hearing. **Absent an appearance on today's calendar, the Petition will be DENIED.**

## **EST OF PETER POPE**

### **Case Number: 29836**

This matter is on calendar for hearing on a Petition to Determine Succession to Real Property. This matter has been properly noticed with proof of service on file. No objections have been raised. The Petition is **GRANTED**. A proposed order was submitted and will be executed by the Court. The Clerk is **directed** to close the file. **No appearance is necessary on today's calendar.**

## **EST OF TERRANCE PULLEN**

### **Case Number: 28911**

This matter is on calendar for Status of Administration. No Petition for Final Distribution has been filed. A Status Report was submitted on October 24, 2018 but it was not accompanied by a properly filed and served Notice of Hearing as required by Probate Code Sections 12200 et seq. and the Court's order dated November 6, 2017. Today's hearing is continued to **Monday, January 7, 2019, at 2:30 p.m. in Department 7** for Status of Administration. The Personal Representative is **ORDERED** to comply with Probate Code sections 12200 and 12201, and file and serve a properly noticed Status Report for the above hearing date. Failure to do so may result in the issuance of an Order to Show Cause Re: Monetary Sanctions. **No appearance is necessary on today's calendar.**

## **GUARDIANSHIPS**

### **GDN OF JACE DANIELS**

**Case Number: 29697**

### **GDN OF JACE DANIELS**

**Case Number: 29707**

**Tentative Ruling on Resetting of Court Trial:** Both the Petition in Case No. 29697 and the Petition in Case No. 29707 seek appointment as guardian of the minor, Jace Daniels. **An appearance is necessary on today's calendar to set the matter for trial.**

## **TRUSTS**

### **IN RE THE DEAN & KATHERINE SWENSON TRUST**

**Case Number: 27357**

This matter is on calendar for confirmation of filing of the Sixth Accounting. The Sixth Accounting has not been filed. No Status Report has been filed to provide the Court with a status of the Sixth Accounting. **An appearance is necessary on today's calendar to discuss the sixth accounting.**

### **IN RE THE MITCHELL FAMILY 1992 REVOCABLE TRUST**

**Case Number: 29810**

This matter is on calendar for hearing on the Petition to Settle Trustee's First Accounting, Instruct Trustee on Settlement of Trustee's Fees and for Instructions on Distribution. This matter has been properly noticed with proof of service on file. No objections have been raised. The paperwork appears in order. The Petition is **GRANTED**. An order was submitted and will be executed by the Court. The clerk is instructed to close the file upon the processing of the order. **No appearance is necessary on today's calendar.**

### **IN RE THE NANCY M. JACOBS REVOCABLE TRUST**

**Case Number: 29811**

This matter is on calendar for hearing on a Petition for Determination and Confirmation of Trust Assets. This matter has been properly noticed with proof of service on file. No objections have been raised. Petitioner seeks a determination that the Trust includes a 100% interest in the real property located at 536 Main Street in Red Bluff. Petitioner has provided a copy of a deed showing that the trust owns an undivided one-half interest in the property. No documentation has been provided to demonstrate that the Orville K. Jacobs Revocable Trust of 2003 owned a 100% interest in the property, or that the Trustee of Orville's trust intended to convey a 100% interest. The Petition contends that the settlor intended to transfer an undivided 100% interest in the Main Street property to the trust. However, the documentation indicates that trust only owns a one-half interest.

It appears that Petitioner's contention is that there was a typographical error on the Deed recorded on December 21, 2005, which was intended to convey a 100% interest. Insufficient information has been provided to demonstrate this, and if this is true, then the proper action may be an action for reformation of the deed. Without further information, the Court is concerned

that granting this Petition will create a defect in the chain of title. This matter is continued to **Monday, December 17, 2018, at 2:30 p.m. in Department 7** for further proceedings. Petitioner is required to file and serve an amended Petition that addresses the above issue, with timely served notice of hearing. **No appearance is necessary on today's calendar.**

## **IN RE THE RICHARDSON FAMILY TRUST**

### **Case Number: 29799**

This matter is on calendar for hearing on a Petition for Order Approving Modification of Trust Terms. This matter has been properly noticed with proof of service on file. No objections have been raised. The paperwork appears to be in order. The Petition is **GRANTED**. A proposed order was submitted and will be executed. The clerk is **directed** to close the file after processing the order. **No appearance is necessary on today's calendar.**

## **IN RE THE ROGER M. WHIPP TRUST OF 2014**

### **Case Number: 29807**

This matter is on calendar for hearing on the Petition for Removal of Trustee, Account, and Appointment of Successor Trustee. This matter has been properly noticed with proof of service on file. An objection has been filed. **An appearance is necessary to discuss whether this matter should be set for a contested hearing.**

## **OTHER PROCEEDINGS**

### **IN RE PAUL HINZE**

#### **Case Number: 29785**

This matter is on calendar for hearing on a Petition to Establish Fact, Date, and Place of Birth. Petitioner failed to appear at the hearing on the Petition, and the Court set a continued date to allow for the Petitioner to appear. **Absent an appearance on today's calendar, the Petition will be denied.**