

FILED

MAR 06 2019

COURT OF APPEALS
DIVISION III
STATE OF WASHINGTON
By _____

NO. 36317-1-III

COURT OF APPEALS
DIVISION III
OF THE STATE OF WASHINGTON

In re the Marriage of:

SANDRA KAY HUNT,

Petitioner/Respondent,

vs.

SAMUEL EARL HUNT,

Respondent/Appellant.

BRIEF OF APPELLANT SAMUEL EARL HUNT

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A. ASSIGNMENTS OF ERROR

1. The superior court of Whitman County, State of Washington, erred in cause no. 12-3-00030-3, on May 30, 2018, when making its oral articulations concerning the factors set forth in RCW 26.09.520 of the Washington Child Relocation Act [CRA] insofar as said articulations misapplied and misinterpreted said factor. [RP 325-78].

2. The superior court of Whitman County, State of Washington, erred in cause no. 12-3-00030-3, on August 31, 2018, when considering RCW 26.09.520 and entering its “final order and findings on objection about moving with children and petition about changing a parenting/custody order,” wherein the court improperly concluded, in paragraph 4, “**Factors for/against move with children,**” “that the planned move would not cause more harm to the child than good to the child and the mother who wants to move. [CP 111-17].

3. The superior court of Whitman County, State of Washington, further erred in cause no. 12-3-00030-3, on August 31, 2018, when considering RCW 26.09.520 and entering its “final order and findings on objection about moving with children and petition about changing a parenting/custody order,” wherein the court incorrectly stated, in subparagraph 4a, “**Relationship,**” “the major factor for the court to consider regarding the child’s relationships, is his relationship with his parents. Connor is closer to his mother.” [CP 111-12].

4. Moreover, the superior court of Whitman County, State of Washington, erred in cause no. 12-3-00030-3, on August 31, 2018, when considering RCW 26.09.520 and entering its “final order and findings on objection about moving with children and petition about changing a parenting/custody order,” wherein the court mistakenly opined, in subparagraph 4c, “**Contact**,” that “disrupting the child’s contact with the moving parent would not be more harmful to him than disrupting their contact with the non-moving parent.” [CP 112].

5. In addition, the superior court of Whitman County, State of Washington, erred in cause no. 12-3-00030-3, on August 31, 2018, when considering RCW 26.09.520 and entering its “final order and findings on objection about moving with children and petition about changing a parenting/custody order,” wherein the court also opined, in said subparagraph 4c, that the “[m]other is the backbone of the child’s world; she provides the majority of his care, meets his physical and emotional necessities and attends to his medical and educational needs. She is, and has been since he was 1½ years old, his primary parent. If [the] [m]other moved without Connor he would feel abandoned.” [CP 112].

6. Likewise, the superior court of Whitman County, State of Washington, erred in cause no. 12-3-00030-3, on August 31, 2018, when considering RCW 26.09.520 and entering its “final order and findings on objection about moving with children and petition about changing a

parenting/custody order,” wherein the court also baldy stated, in the same sub-paragraph 4c, that the “[f]ather’s residential time with the child if [the] mother relocates will be the same or more than what he is exercising now under the parenting plan in effect at the time of trial.” [CP 112].

7. The superior court of Whitman County, State of Washington, erred in cause no. 12-3-00030-3, on August 31, 2018, when considering RCW 26.09.520 and entering its “final order and findings on objection about moving with children and petition about changing a parenting/custody order,” wherein and pertaining to the issue whether the mother’s reasons for moving were in “good faith,” the court incorrectly stated, in sub-paragraph 4e, “**Reasons for moving**,” that the “[m]other is moving in an effort to better herself educationally and eventually to be better off financially. [The] [m]other’s betterment will be a betterment for the child. [Her] stated reasons for the move were articulate, reasonable and credible.” [CP 112].

8. The superior court of Whitman County, State of Washington, also erred in cause no. 12-3-00030-3, on August 31, 2018, when considering RCW 26.09.520 and entering its “final order and findings on objection about moving with children and petition about changing a parenting/custody order,” wherein the court incorrectly stated, in sub-paragraph 4g, “**Children**,” that “[p]reventing Connor’s move with [the] mother would adversely affect his emotional development considering his

age, developmental stage and needs.” [CP 112-13].

9. The superior court of Whitman County, State of Washington, also erred in cause no. 12-3-00030-3, on August 31, 2018, when considering RCW 26.09.520 and entering its “final order and findings on objection about moving with children and petition about changing a parenting/custody order,” the court incorrectly stated, in sub-paragraph 4h, “**Quality of Life**,” that “[m]oving to an urban location, and away from a rural one, will add to, and expand, Connor’s life experiences. There is a diversity of people, ideas and experiences in urban areas. There is a broad variety of opportunities in an urban area for both [the] mother and Connor.” [CP 113].

10. The superior court of Whitman County, State of Washington, similarly erred in cause no. 12-3-00030-3, on August 31, 2018, when considering RCW 26.09.520 and entering its “final order and findings on objection about moving with children and petition about changing a parenting/custody order,” wherein the court incorrectly stated, in sub-paragraph 4i, “**Other arrangements**,” that “[t]he father will have as much or more time under a new parenting plan than he is exercising currently under the [present] plan. There is Facetime@ and Skype@ to keep Connor and his father connected.” [CP 113].

11. Furthermore, the superior court of Whitman County, State of Washington, erred in cause no. 12-3-00030-3, on August 31, 2018, when

considering RCW 26.09.520 and entering its “final order and findings on objection about moving with children and petition about changing a parenting/custody order,” wherein the court incorrectly stated, in subparagraph 4j “**Alternatives**,” that the “[m]other has no opportunity for career advancement and therefor[e] no increased earning capacity if she remains on the Palouse.” [CP 113].

12. The superior court of Whitman County, State of Washington, erred in cause no. 12-3-00030-3, on August 31, 2018, when considering RCW 26.09.520 and entering its “final order and findings on objection about moving with children and petition about changing a parenting/custody order,” wherein the court incorrectly stated, in paragraph 5 “**Changes in parenting/custody order**,” that “[t]here are valid reason [**sic**] to change the parenting plan because the court is allowing the child to move and the change is in the child’s best interest, considering the move. . . . The court will sign the Final Parenting Plan [relocation] which will take effect when the mother and child move to the Vancouver, Washington, area in December, 2018. [CP 114].

13. The superior court of Whitman County, State of Washington, erred in cause no. 12-3-00030-3, on August 31, 2018, when considering RCW 26.09.520 and entering its “final order and findings on objection about moving with children and petition about changing a parenting/custody order,” wherein the court erroneously held, in paragraph

11 “**Decision,**” **Move with children**” allowed – The child may move with his mother, Sandra Hunt, as requested. **Parenting/custody order**” change – The court signed the new parenting plan [relocation] filed separately today.” [CP 115].

14. In light of the foregoing, identified errors set forth in nos. 1 through 13, above, superior court of Whitman County, State of Washington, in cause no. 12-3-00030-3, the court further erred on August 31, 2018, when entering its “final parenting plan [relocation].” [CP 117-26].

B. ISSUES PERTAINING TO THE ASSIGNMENTS OF ERROR.

1. Whether the superior court of Whitman County, State of Washington, erred in entering its “final order and findings on objection about moving with children and petition about changing a parenting/custody order” and accompanying “parenting plan [relocation]” on August 31, 2018, in response to SAMUEL EARL HUNT’s objection to the same, insofar as the evidence proffered to the court, failed to satisfy the statutory factors set forth in RCW 26.09.520 so as to justify the intended relocation of the child in this instance. [Assignments of Error nos. 1 through 13].

2. Whether the superior court of Whitman County, State of Washington, in turn misinterpreted and misapplied the statutory factors set

forth in RCW 26.09.520 in entering its “final order and findings on objection about moving with children and petition about changing a parenting/custody order” and accompanying “parenting plan [relocation]” on August 31, 2018. [Assignments of Error nos. 1 through 13].

3. Lastly, whether the “final parenting plan” concerning relocation, which was also entered on August 31, 2018, is likewise subject to being expunged and reversed on this appeal insofar as the order of relocation cannot stand in light of the manifest abuse of discretion by the Whitman County superior court. [Assignment of Error no. 14].

C. STATEMENT OF THE CASE

1. Factual Background. This matter pertains to a notice and petition filed by the Respondent on appeal and custodial parent herein, SHARON KAY HUNT, seeking to relocate with her son, Connor, age 9, to an urban area in order to advance her postgraduate education which she estimates to take six [6] to seven [7] years, and to eventually secure a professorship in business administration. [CP 1-4; RP 104, 145, 147-48, 152, 168]. She acknowledges, however, there are no guarantees this dream will eventually come to fruition. [RP 152-54].

Ms. HUNT received her bachelor’s degree in May 2018 from Washington State University where she was also employed as an administrative assistant. [RP 31-33]. Prior to this time, she had attended a

two-year community college in the area and received her associate's degree in 2011. [RP 32, 113].

At the time of her filing the "notice of intended relocation" on November 11, 2017, Connor was age 9 and was in 3rd grade while attending Sunnyside Elementary in Pullman, Washington. [RP 31, 101-02]. He has lived in the Palouse area all his life at that point and is essentially a "country, outdoor boy." [RP 227-28].

Connor's father is the appellant and objecting party herein, SAMUEL EARL HUNT. He lives in Moscow, Idaho, and operates a well-established butchery business which he has built up over the years. [RP 102, 254, 256].

His parents, Connor's paternal grandparent, live in Troy, Idaho. [RP 99, 102, 217]. Ms. HUNT's parents reside in Spokane, Washington. [RP 102]. Many extended family members on Mr. HUNT's side also reside in the Palouse area.

2. Procedural History. In light of the forgoing fact Ms. HUNT has chosen to pursue her graduate education out of the Palouse area, she filed a "notice of intended relocation of children," on November 22, 2017, in the superior court of Whitman County, State of Washington, in cause no. 12-3-00030-3. Thereafter, on December 15, 2017, Mr. HUNT filed his objection to the same with the superior court. [CP 19-27]. Trial on this relocation matter was held on May 29 and 30, 2018. [RP 1, et seq.]. Prior

to this litigation, Connor was interviewed on May 25, 2018, by Dr. Kevin Kracke, a private psychologist and chief psychologist with the State of Idaho. Dr. Kracke later testified at the trial, along with Ms. HUNT [RP 28-48, 87-143] and Mr. HUNT [RP 253-301] and various family members including other extended family members on his father's side including Larry Broeckel, current father-in-law of Mr. HUNT [RP 182-92], Zack Holden, who is married to Mr. HUNT's sister [RP 192-204], Roxanne Holden, who is Mr. HUNT's sister [RP 204-117], Sallie Hunt, who is Connor's paternal grandmother [RP 217-27], Rick D. Hunt, who is Connor's paternal grandfather [RP 227-35] and Lauren Hunt, who is Mr. HUNT's current wife and step-mother to Connor [RP 235-53]. However, neither Ms. HUNT's parents nor any other blood relatives on her side appeared or testified at this trial.

Following trial, the court entered certain oral articulations at the end of testimony and final argument. [RP 325-78]. On August 31, 2018, it entered its "final order and findings on objection about moving with children and petition about changing a parenting/custody order (relocation), wherein the court granted Ms. HUNT's request to relocate with Connor. [CP 110-16]. On the same date, the superior court entered a new "parenting plan final order. [CP 117-26]. Thereafter, a notice of appeal was filed by Mr. HUNT on September 14, 2018, challenging these two decisions of the court. [CP 127-46, 148-49; Spindle].

Additional facts and circumstances are set forth below as they pertain and relate to a particular issue or argument being advanced.

D. STANDARD OF REVIEW

On appeal, a trial court's decision associated with the welfare of a child is reviewed for abuse of discretion. In re Marriage of McDole, 122 Wn.2d 604, 610, 859 P.2d 1239 (1993); In re Marriage of Pennamen, 135 Wn.App. 790, 797, 146 P.3d 466 (2006). In this vein, the superior court abuses its discretion when its decision affecting the child is manifestly unreasonable or based on untenable grounds or reasons. State ex rel. Carroll v. Junker, 79 Wn.2d 12, 26, 482 P.2d 775 (1971); Pennamen, 135 Wn.App. at 797. More specifically, a trial court's decision will be deemed manifestly unreasonable if it is outside the range of acceptable choices in light of the operative facts and applicable legal standards. In re Marriage of Horner, 151 Wn.2d 884, 894, 93 P.3d 124 (2004); Pennamen, 135 Wn.App. at 797; see also, In re Marriage of Spreen, 107 Wn.App. 341, 346, 28 P.3d 769 (2001); State v. Robinson, 79 Wn.App. 386, 396-97, 902 P.2d 652 (1995); In re Marriage of Tang, 57 Wn.App. 648, 654, 789 P.2d 118 (1990).

This means the superior court in this case must have based its final decision on the proper legal standard, i.e., those factors set forth in RCW 26.09.520, and applied the same in an unbiased fashion to the facts and

circumstances presented--which must, in turn, be fully supported by the record. Id.

E. ARGUMENT

1. Whether the superior court of Whitman County, State of Washington, committed reversible error in terms of its having manifestly abused its discretion with respect to its flagrant misinterpretation and erroneous application of the factors set forth in RCW 26.09.520 of the Washington Parental Relocation Act [PRA]. [Issues nos. 1 and 2].

As indicated above, a proper review of this matter requires a fair and impartial examination of the record herein, accompanied with an unbiased, fair-minded application of the eleven [11] relocation factors set forth in RCW 26.09.520 of the Washington Parental Relocation Act [PRA]. The overall consideration of the best interests of the child requires the disallowance of the relocation requested by the Respondent on appeal, SANDRA KAY HUNT. See generally, In re Marriage of Grigsby, 112 Wn.App. 1, 7, 57 P.3d 116 (2002).

Although the Washington legislature did not give weight to or list the importance of each of these factors, the reviewing court is not in any way precluded from focusing primarily on those particular relocation factors which are especially relevant to the facts and circumstance surrounding a given case. Pennamen, 135 Wn.App. at 804. Here, it is clear that RCW 26.09.520 factor nos. five through seven, and nine are

controlling in this appeal. Id., at 805; In re Marriage of Momb, 132 Wn.App. 70, 83-84, 130 P.3d. 406 (2006).

a. “Relationships” factor no. 1: Contrary to the superior court’s evaluation of Connor’s relationship with both parents [RP 54; CP 112], he in fact has a “slightly higher” or closer relationship with his father. [RP 68, 69, 71-74, 94]. In this regard, Connor advised Dr. Kevin Kracke, a private practitioner and chief psychologist with the State of Idaho, during a May 25, 2018 interview and psychological assessment that he prefers having his father around when he needs to confide in someone [RP 68, 73-74]. This is clearly understandable in light of his developmental age. See generally, Momb, 132 Wn.App. at 83-84.

Thus, without question, the court came to the mistaken assumption that Connor had to be “closet to his mother,” SANDRA KAY HUNT, simply because she has been his custodial parent [CP 112]. The court also chose to overlook the close, stable and ongoing relationship he has with both sets of grandparent who, in turn, reside on the Palouse. [RP 91].

b. “Disruption of Parental Contacts” factor no. 3: With respect to this factor, the superior court down played and distorted those facts and testimony which demonstrate the detrimental impact and harm which would result from being relocated away from his father, Mr. HUNT. [CP

112]. The simple fact that he resides with his mother does not, in any sense, lessen his emotional loss and sense of abandonment that he would experience if he is suddenly dragged away and isolated from the non-custodial parent. This feeling of loss is especially so in terms of Connor's ongoing farming and outdoor activities on the Palouse with both his father and extended family members. [RP 70-75]. Such loss of contact with either parent, or his extended family members, is not in any sense in Connor's best interest at this sensitive cognitive age of development [RP 74-75]. See, Pennamen, 135 Wn.App. at 804-05; Momb, 132 Wn.App. at 83-84.

c. "Reasons for Moving" factor no. 5: Next, the superior court ignored and overlooked the operative facts demonstrating that the mother's reasons for moving were not in "good faith." [CP 112]. Ms. HUNT testified during trial on May 29 and 30, 2018, that she wished to relocate with Connor so as to pursue her education in terms of obtaining her masters as well as her doctorate in business, so as to eventually become a professor. [RP 104]. However, she also openly admits that she will not be able to gain entrance into any of the graduate schools she is investigating until she first undertakes additional class work in basic mathematics and statistics courses so as to raise her 390 GMAT score to

the required level of 600 for graduate school. [RP 110-11, 160-63]. In short, Ms. HUNT will need to attend a community college for approximately two years in order to accomplish this threshold requirement towards her master's and doctorate degrees.

Simply put, there is absolutely no need for Ms. HUNT to relocate at this time concerning her continued education. This court can take fair notice that there are numerous community colleges in the Pullman-Moscow area which she could attend while continuing her existing employment at Washington State University, without disrupting Connor's life during this initial two-year period. Ms. HUNT's desire to continue her education by way of relocation is not made in "good faith." [RP 266-67; CP 112]. In this two-year interim period before entering graduate school--and assuming, arguendo, she can in fact raise her GMAT scores through additional community college math and statistical courses in order to accomplish this—Connor's best interests would be better served by residing in Eastern Washington with both his parents and grandparents so as to maintain the status quo. In sum, Ms. HUNT did not demonstrate that there was any actual benefit to her or Connor by this move. See RCW 26.09.520(5); see also RCW 26.09.520(7).

d. "Age and Emotional Development" factor no. 6: Contrary to the

conclusions of the superior court, allowing the mother's proposed and random relocation with Connor would adversely affect his emotional development considering his age, developmental states and needs. [CP 112-13]. As stated before, Connor is nine years old and is at the developmental age where his father, Mr. HUNT, is key to his emotional development as stability and well adjusted as a young man [RP 71-73, 185-87, 197, 228-30]. See generally, Momb, 132 Wn.App. at 83-84.

Once more, the record reflects that he is learning essential life skills, training, and firsthand experience associated with farming, such as driving a tractor, feeding of and care for livestock, and birthing calves, which are experiences he very much enjoys and thrives upon. [RP 218, 227-30, 243-44, 260-63, 291]. In fact, he has his own lambs, calves, dogs and kittens which he raises and cares for with his father and other members of his extended family. [RP 218, 227-28, 232-33, 239-41].

Simply put, Connor gets a "sense of fulfillment" in doing farm and livestock chores and associated projects, not only with his father, but other male members of his extended family. [RP 187-89, 190, 221]. He might well step into the family farming and butchering business, and Connor enjoys working at his father's butcher shop on Saturdays. [RP 233, 245, 260-61].

Also, in terms of his present family contacts, Connor has learned many outdoor skills including fishing and swimming at the local reservoir, as well as mushroom hunting and identification of bugs which are unique to the Palouse. [RP 193, 196, 201-03, 232].

On the other hand, Ms. HUNT produced no evidence that she could provide Connor with any equivalent life experiences, or an adult male role model in the event they relocate to an urban area, outside the Palouse area. [RP 189]. At best, a membership in a local “Boys and Girl Club” in an urban setting is all she might arguably be able to afford Connor at this point in time. This is clearly not the equivalent to youth activities associated with 4-H and other rural functions that Connor is currently participating in. [RP 263].

Ultimately, Ms. HUNT concedes that such a move could be detrimental and hard on Connor at this age including the loss of school friends and having to make new friends elsewhere. [RP 127, 131-33]. The superior court discounts this fact, although the majority of witnesses at trial did not. [RP 68-70, 209-10, 219-20, 242-43, 264; CP 112-13].

e. “Quality of Life” factor no. 7: While the superior court conceded the Palouse provides an excellent quality of life and cultural diversity for both young and old, the court then found that urban life would offer

Connor with new experiences and a variety of opportunities. [RP 269-70; CP 113].

However, the court ignored the fact that, without the presence of a significant adult male figure in his life, urban areas of this country are ripe with various social and moral traps and pitfalls for a young and naive adolescent male in terms of exposure to random acts of crime, drug and gang activities and other moral debauchery. [RP 235]. Such urban dysfunction and crime problems are entirely atypical of a small town, rural and close-knit community such as the Pullman-Moscow area in which Connor has been accustomed to and enjoyed since the day he was born. [RP 127, 211, 235].

It should also be noted that, in contrast to subjecting Connor to a life of isolation, and in a strange new urban environment, Connor's family members here have constantly made themselves available to make sure he is safe and that his every need is provided for. In contrast, Connor would be left to fend for himself in an unfamiliar urban setting as proposed by the Respondent, Ms. HUNT. [RP 273-74].

In sum, the quality of life here is ideal and wholesome for a young man or woman growing up. [RP 211]. Connor enjoys his routine here; he is an "outdoor boy." [RP 227-28]. He would most assuredly miss his life

here if he is forced to relocate. [RP 219-225, 242].

While in some sense a large urban area might broaden his life experiences, the same could easily be accomplished by way of a day trip to a large city such as Spokane, where Ms. HUNT'S parents live [RP 102], or a weeklong vacation to the East coast. In such case, Connor would still be able to enjoy the broad range of "people, ideas and experiences." [CP 113].

f. "Other Arrangements" factor no. 8: Contrary to the remarks of the superior court, the internet use of "Facetime@ and Skype@" [RP 103; CP 113] will not keep Connor and his father, Mr. HUNT, nor other family members, physically connected as they are presently. Simply put, being "media friends" would not cut it, even though Connor is well versed in using a computer. [RP 103].

Once again, Connor thrives in terms of his learning the ropes of farming, raising and caring for livestock including lambs and calves, as well as his involvement with his father on Saturdays in his butchering and meat business. By the same measure, Connor thrives on pursuing his various outdoor activities such as fishing, hunting, swimming and sledding in the winter. "Facetime@ and Skype@" will not provide him with these firsthand experiences which are once again a paramount part of his present

life and wellbeing. Such a proposed, alternative arrangement to keep in touch with a computer may very well lead to his becoming a “couch-potato.”

g. “Alternatives” factor no. 9: Ms. CONNOR can easily work towards her education and career advancement, while remaining employed at Washington State University; and by registering at and attending a local community college in the Palouse area, thereby enrolling in basic math and stat courses. [RP 160-62, 267]. In addition, Ms. HUNT fully acknowledges she could complete her master’s program online [RP 129, 277]. See also, paragraph c, factor no. 3; and paragraph g, factor no. 8, above.

The superior court simply bought into Ms. HUNT’s proverbial “mid-life crisis” [RP 154-55, 279] at the emotional and developmental expense of the parties’ son, Connor, and without regard to the concerns of everyone else who loves and has cared for him over the last nine years, including both sets grandparents. See generally, Pennamen, 135 Wn.App. at 805. Ms. HUNT’s plan, as she presented it at trial, is based completely on speculation.

h. Remaining Factors: As to the remaining factors identified in RCW 26.09.260, the court’s various oral findings regarding the same are

innocuous to any RCW 26.09.520 determination. [RP 325-78; CP 111-14].

In conclusion as to issues one and two raise above, see Section B supra., it should be noted that Ms. HUNT admitted at trial on May 30, 2018, that in the event her plans for the future fail due to her being unable to find new employment or to obtain admission to graduate school, she has no idea what she and Connor will do in terms of maintaining their livelihood or finances. [175-76]. Accordingly, it is clear the rebuttal presumption in favor of relocation, as contained in RCW 26.09.520, has been overcome in this case by a preponderance of the evidence, insofar as the detrimental and harmful effect of Ms. HUNT's proposal relocation clearly outweighs any claimed benefit of the change to either the Respondent or Connor. See, Horner, 151 Wn.2d at 894-95; Bay v. Jensen, 147 Wn.App. 641, 654, 196 P.3d 759 (2008); In re Custody of Osborn, 119 Wn.App. 133, 144, 79 P.3d 465 (2003).

Simply put, it is in Connor's best interest that he be allowed to remain in his present environment with both parents along with his friends and extended family's members including his paternal and maternal grandparents. The challenged decisions and findings of the superior court, as identified above in assignments of error nos. one through thirteen, must

be reversed on this appeal. RAP 12.2.

No one is forcing Ms. HUNT to remain in the Palouse and forego her academic dreams of a postgraduate education, her dream of securing a professorship. Maintaining the status quo, however, is in the best interest of the child herein, and Ms. HUNT is fully capable of continuing her schooling at her present local, at least for the next two years while she attempts to raise her mathematics and statistics scores for her to pursue a graduate degree.

2. The “final parenting plan” entered on August 31, 2018, is subject to reversal on this appeal insofar as it also constitutes a manifest abuse of discretion by the Whitman County superior court in association with the underlying “final order of relocation.” [Issue no. 3].

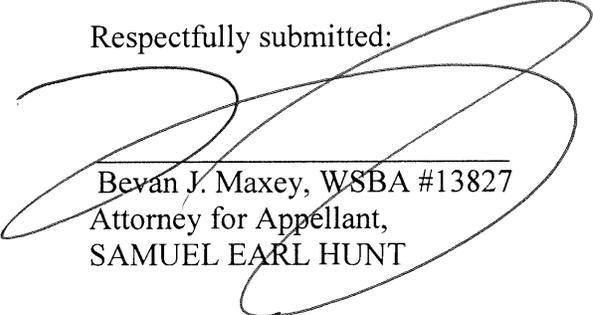
With the “final order on relocation” [CP 110-16] being in error and therefore subject to reversal, the accompanying “final parenting plan” [CP 114, 117-26] which was also entered by the superior court on August 31, 2018, must also be reversed and yield to Connor’s best interests in this matter. RAP 12.2. Thus, assignment of error no. fourteen is also well-taken insofar as relocation is not a viable option in terms of Connor’s development and wellbeing at this stage of his young life. See, Horner, 151 Wn.2d at 894-95; Bay, 147 Wn.App. at 654; Osborn, 119 Wn.App. at 144.

F. CONCLUSION

Based upon the foregoing points and authorities, the appellant, SAMUEL EARL HUNT, respectfully requests the challenged decisions, and erroneous determinations therein, which were entered on August 31, 2018, by the superior court of Whitman County, State of Washington, be reversed and, further, that this matter be remanded to the superior court with instructions. Those instructions should include that there shall be no relocation of the minor child, the orders entered on August 31, 2018 shall be vacated, the previous parenting plan shall be reinstated and, finally, that Ms. HUNT's notice of relocation be dismissed with prejudice with the accompanying statement that such final determination by the superior court is in the best interest of the child.

DATED this 7th day of March 2019.

Respectfully submitted:



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MAR 06 2019

COURT OF APPEALS
DIVISION III
STATE OF WASHINGTON
By _____

**STATE OF WASHINGTON COURT OF APPEALS
DIVISION III**

SANDRA KAY HUNT,)
) No. 36317-1-III
 Respondent,)
)
 vs.) AFFIDAVIT OF
) MAILING
 SAMUEL EARL HUNT,)
)
 Appellant.)

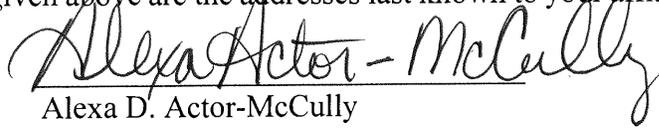
STATE OF WASHINGTON)
 : ss.
 County of Spokane)

ALEXA D. ACTOR-MCCULLY, being first duly sworn on oath, deposes and says: that she is a disinterested person, competent to be a witness, and past the age of 21 years; that on the 6th day of March, 2019, affiant caused true copies of the Brief of Appellant to be served upon the individuals below by depositing a copy of said document in a United States Post Office Box in Spokane, Spokane County, Washington, by first class mail addressed to:

Samuel Hunt
1695 Hwy 95 N
Moscow, ID 83843

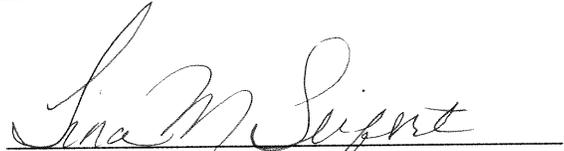
Sandra Kay Hunt
1033 SW Gibbs St., Unit 106
Portland, OR 97239

That the addresses given above are the addresses last known to your affiant.


Alexa D. Actor-McCully

I certify that I know or have satisfactory evidence that Alexa D. Actor-McCully is the person who appeared before me, and said person acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

DATED: March 6, 2019



NOTARY PUBLIC in and for Washington

Residing at Spokane.

My Commission Expires: 11/29/2022

