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SUPREME COURT
OF THE REPUBLIC OF PALAU

IN THE
SUPREME COURT OF THE REPUBLIC OF PALAU
APPELLATE DIVISION

IN RE: THE ESTATE OF LTELATK FRITZ, Deceased.	CIVIL APPEAL NOS. 14-007 Civil Action No. 12-208
HARRY R. FRITZ and MISAE FRITZ, Appellants, v. YURIKO FRITZ MATERNE, Appellee.	**ORDER DENYING PETITION FOR REHEARING**

Decided: January 12, 2016

Counsel for Appellants: Siegfried B. Nakamura
Counsel for Appellee: J. Uduch Sengebau Senior

BEFORE: ROSE MARY SKEBONG, Associate Justice Pro Tem; HONORA E. REMENGESAU RUDIMCH, Associate Justice Pro Tem; KATHERINE A. MARAMAN, Associate Justice.

Appeal from the Trial Division, the Honorable KATHLEEN M. SALII, Associate Justice, presiding.

PER CURIAM:

This matter comes before the Court on Appellants' Petition for Rehearing under ROP R. App. P. 40(a). It is well-established that "[p]etitions for rehearing shall be granted exceedingly sparingly, and only where the Court's original decision 'obviously and demonstrably contains an error of fact or law that draws into question the result of

the appeal.'" *Kebekol v. Koror State Pub. Lands Auth.*, Civ. App. No. 13-020, slip op. at 2 (June 4, 2015) (quoting *Rengiil v. Republic of Palau*, 20 ROP 257, 258 (2013).

Appellants contend, despite the Court's conclusion to the contrary, that at trial they, in fact, preserved for appellate review arguments regarding their alleged vested remainder interests in portions of the estate of Ltelatk Fritz. Appellants also contend, as they did in their appellate brief, that the Trial Division erred in finding that customary law favored awarding the entirety of the estate to Appellee.

Having reviewed the petition and the record, we reject Appellants' contentions. As we said in our opinion, at trial, Appellants claimed an interest only as heirs of Ltelatk, and not through any devise by her husband, Rubasch Fritz, and only discussed Rubasch's will in attempts to refute Appellee's reliance on it. We again find no merit in Appellants' argument that the Trial Division committed reversible error in finding that customary law favored Appellee. As we have said on numerous occasions, "[w]here there are two permissible views of the evidence, the court's choice between them cannot be clearly erroneous." *Koror State Pub. Lands Auth. v. Giraked*, 20 ROP 248, 250 (2013) (quoting *Rengchol v. Uchelkeiukl Clan*, 19 ROP 17, 21 (2011).

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Because Appellants have failed to show any "point of law or fact . . . the court has overlooked or misapprehended" so as to call into question the result of the appeal, ROP R. App. P. 40(a), the Petition for Rehearing is DENIED.

SO ORDERED, this 12th day of January, 2016.

ROSE MARY SKEBONG
Associate Justice Pro Tem

HONORA E. REMENGESAU RUDIMCH
Associate Justice Pro Tem

KATHERINE A. MARAMAN
Associate Justice