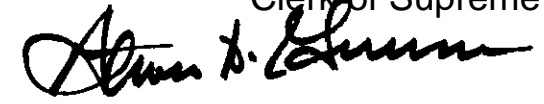


1 **NOAS**
2 **R. DUANE FRIZELL, ESQ.**
Nevada Bar No. 9807
3 **JONATHAN C. CALLISTER, ESQ.**
Nevada Bar No. 8011
4 **CALLISTER & FRIZELL**
8275 S. Eastern Ave., Suite 200
Las Vegas, Nevada 89123
5 Telephone: (702) 657-6000
Facsimile: (702) 657-0065
6 *Attorneys for Contestant William Fink*

Electronically Filed
08/29/2013 11:38:51 AM
Electronically Filed
Sep 06 2013 03:47 p.m.
Tracie K. Lindeman
Clerk of Supreme Court



CLERK OF THE COURT

8 **DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

11
12 In the Matter of the Estate of
13 **LEROY G. BLACK,**
14 Deceased.

Case No.: P-12-074745-E
Dept. No.: 26

16 **CONTESTANTS' NOTICE OF APPEAL**

17 Pursuant to NRAP 3A(b)(1), and all other applicable authority, Contestant William Fink
18 a/k/a Bill Fink ("Fink") hereby gives notice that he is appealing the following judgments and
19 orders to the Supreme Court of Nevada:
20

- 21 1. Order Granting Objection to Report and Recommendation (filed Aug. 1, 2013,
22 notice of entry filed Aug. 2, 2013); and

23 ///

24 ///

25 ///

26 ///

1 2. All prior court judgments, orders, rulings, and decisions which have already been
2 entered in this matter, and as to which Contestant is an aggrieved party.

3 DATED this 29th day of August 2013.

4 Respectfully submitted,

5 **CALLISTER & FRIZELL**
6 8275 S. Eastern Ave., Ste. 200
7 Las Vegas, Nevada 89123
8 Telephone: (702) 657-6000
9 Facsimile: (702) 657-0065

10 By: 

11 **R. DUANE FRIZELL, ESQ.**

12 Nevada Bar No. 9807

13 **JONATHAN C. CALLISTER, ESQ.**

14 Nevada Bar No. 8011

15 *Attorneys for Contestant William Fink*
16
17
18
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21
22
23
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25
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28

CERTIFICATE OF MAILING

I certify that I am an employee of CALLISTER & FRIZELL, and that on this 29th day of August 2013, I caused **CONTESTANTS' NOTICE OF APPEAL** to be served by depositing a true and correct copy of the same with the United States Postal Service, together with any and all exhibits and postage prepaid and addressed to the following:

Jonathan W. Barlow
Jordan M. Flake
BARLOW FLAKE LLP
50 S. Stephanie St. Suite 101
Henderson, Nevada 89012
Attorneys for the Estate

Rose Markowitz
2201 Hercules Dr.
Los Angeles, CA 90046


An Employee of CALLISTER & FRIZELL

1 **ASTA**
2 **R. DUANE FRIZELL, ESQ.**
Nevada Bar No. 9807
3 **JONATHAN C. CALLISTER, ESQ.**
Nevada Bar No. 8011
4 **CALLISTER & FRIZELL**
8275 S. Eastern Ave., Suite 200
Las Vegas, Nevada 89123
5 Telephone: (702) 657-6000
6 Facsimile: (702) 657-0065
Attorneys for Contestant William Fink


CLERK OF THE COURT

8 **DISTRICT COURT**
9 **CLARK COUNTY, NEVADA**

11
12 In the Matter of the Estate of
13 **LEROY G. BLACK,**
14 Deceased.

Case No.: P-12-074745-E
Dept. No.: 26

16 **CASE APPEAL STATEMENT**

17 Pursuant to NRAP 3(f), Contestant William Fink a/k/a Bill Fink ("Fink") now files this
18 Case Appeal Statement. In this connection, Contestant would respectfully show the Court as
19 follows:

20 A. the district court case number and caption showing all the names of all parties to
21 the proceedings below:

22 See caption above.

23 B. the name of the judge who entered the order or judgment being appealed:

24 District Court Judge Gloria Sturman.

25 C. the name of each appellant and the name and address of counsel for each
26 appellant:

27 William Fink a/k/a Bill Fink
28

1 R. Duane Frizell, Esq.
Jonathan C. Callister, Esq.
2 CALLISTER & FRIZELL
8275 South Eastern Ave., Suite 200
3 Las Vegas, Nevada 89123
Telephone (702) 657-6000
4 Facsimile (702) 657-0065
Attorneys for Appellant William Fink

- 5 D. the name of each respondent and the name and address of appellate counsel, if
6 known, for each respondent, but if the name of a respondent's appellate counsel is
7 not known, then the name and address of that respondent's trial counsel:

8 Estate of Leroy G. Black
(Phillip Markowitz, Personal Representative)

9 Jonathan W. Barlow
10 Jordan M. Flake
BARLOW FLAKE LLP
11 50 S. Stephanie St. Suite 101
Henderson, Nevada 89012
12 Telephone (702) 476-5900
Facsimile (702) 924-0709
13 *Attorneys for the Estate of Leroy G. Black*

- 14 E. whether an attorney identified in response to subparagraph (D) is not licensed to
15 practice law in Nevada, and if so, whether the district court granted that attorney
16 permission to appear under SCR 42, including a copy of any district court order
granting that permission:

17 Upon information and belief, all admitted to practice law in Nevada.

- 18 F. whether the appellant was represented by appointed counsel in the district court,
19 and whether the appellant is represented by appointed counsel on appeal:

20 No such appointed counsel.

- 21 G. whether the district court granted the appellant leave to proceed in forma
22 pauperis, and if so, the date of the district court's order granting that leave:

23 No such leave or date.

- 24 H. the date the proceedings commenced in the district court:

25 Petition for Special Letters of Administration was filed June 26, 2012.

26 Contestant's Objection to the Admission of the Last Will and Testament
27 of Leroy G. Black, for the Revocation of Letters Testamentary and for
28 Appointment of Special Administrator Pending the Conclusion of Will
Contest was filed on November 27, 2012.

1 I. a brief description of the nature of the action and result in the district court,
2 including the type of judgment or order being appealed and the relief granted by
3 the district court:

4 In the District Court, Contestant filed a petition objecting to the admission
5 of a will, which resulted in a will contest. Contestant also petitioned to
6 enlarge time to have the citations for the petition issued and served. On
7 limitations grounds, the Personal Representative filed an objection to the
8 petition to enlarge time as well as a counter-petition to dismiss the will
9 contest. In a report and recommendation, the Probate Commissioner
10 granted Contestant's petition to enlarge time and denied the Personal
11 Representative's objection and counter-petition.

12 The Personal Representative filed an objection to the Probate
13 Commissioner's report and recommendation. The District Court sustained
14 and granted the objection. In addition, the District Court dismissed the
15 Contestant's petition objecting to the admission of the will.

16 J. whether the case has previously been the subject of an appeal to or original writ
17 proceeding in the Supreme Court and, if so, the caption and Supreme Court
18 docket number of the prior proceeding:

19 Upon information and belief, there has been no such appeal or original
20 writ proceeding.

21 K. whether the appeal involves child custody or visitation:

22 The appeal does not involve these issues.

23 L. in civil cases, whether the appeal involves the possibility of settlement:

24 It appears that there may be the possibility of settlement here.

25 DATED this 29th day of August 2013.

26 Respectfully submitted,

27 **CALLISTER & FRIZELL**
28 8275 S. Eastern Ave., Ste. 200
Las Vegas, Nevada 89123
Telephone: (702) 657-6000
Facsimile: (702) 657-0065

By: 

R. DUANE FRIZELL, ESQ.

Nevada Bar No. 9807

JONATHAN C. CALLISTER, ESQ.

Nevada Bar No. 8011

Attorneys for Appellant William Fink

CERTIFICATE OF MAILING

I certify that I am an employee of CALLISTER & FRIZELL, and that on this 29th day of August 2013, I caused ***CASE APPEAL STATEMENT*** to be served by depositing a true and correct copy of the same with the United States Postal Service, together with any and all exhibits and postage prepaid and addressed to the following:

Jonathan W. Barlow
Jordan M. Flake
BARLOW FLAKE LLP
50 S. Stephanie St. Suite 101
Henderson, Nevada 89012
Attorneys for the Estate

Rose Markowitz
2201 Hercules Dr.
Los Angeles, CA 90046


An Employee of CALLISTER & FRIZELL

FAMILY DOMESTIC
CASE SUMMARY
CASE NO. P-12-074745-E

**In the Matter of
Leroy Black, Deceased**

§
§
§
§
§

Location: **Family Domestic**
Hearing Master: **Yamashita, Wesley**
Filed on: **06/26/2012**
Case Number History:
Conversion Case Number: **P074745**

CASE INFORMATION

Case Type: **Probate - Special Administration**

Case Flags: **Appealed to the Nevada Supreme Court**

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number	P-12-074745-E
Court	Family Domestic
Date Assigned	12/03/2012
Hearing Master	Yamashita, Wesley

PARTY INFORMATION

Petitioner **Markowitz, Phillip**

Lead Attorneys
Barlow, Jonathan W.
Retained
702-476-5900(W)


Decedent **Black, Leroy**

DATE


EVENTS & ORDERS OF THE COURT

INDEX


06/26/2012

 Petition
Filed by: Petitioner Markowitz, Phillip
Petition for Special Letters of Administration


06/29/2012

 Order Appointing Special Administrator
Filed by: Petitioner Markowitz, Phillip
Order Appointing Special Administrator


06/29/2012

 Exhibits
Filed by: Petitioner Markowitz, Phillip
Filing of Exhibits


07/06/2012

 Notice of Entry of Order
Filed by: Petitioner Markowitz, Phillip
Notice of Entry of Order







07/09/2012

 Letters of Administration
Party: Petitioner Markowitz, Phillip
Letters of Administration - Family

07/18/2012

 Petition
Filed by: Petitioner Markowitz, Phillip
Petition for Probate of Will, Petition for Appointment of Personal Representative and for Issuance of Letters Testamentary






FAMILY DOMESTIC
CASE SUMMARY
CASE NO. P-12-074745-E

07/18/2012	 Notice of Hearing Filed by: Petitioner Markowitz, Phillip <i>Notice of Hearing of Petition for Probate of Will, Petition for Appointment of Personal Representative and for Issuance of Letters Testamentary</i>
07/24/2012	 Certificate of Mailing Filed by: Petitioner Markowitz, Phillip <i>Certificate of Mailing</i>
07/25/2012	 Verification Filed by: Petitioner Markowitz, Phillip <i>Verification</i>
07/27/2012	 Certificate of Mailing Filed by: Petitioner Markowitz, Phillip <i>Certificate of Mailing</i>
08/03/2012	Hearing (9:30 AM) (Judicial Officer: Yamashita, Wesley) 08/03/2012, 08/31/2012 Events: 07/18/2012 Notice of Hearing <i>Hearing Of Petition For Probate Of Will, Appointment Of Personal Representative & Issuance of Letters Testamentary</i>
08/08/2012	 Affidavit of Publication Filed by: Petitioner Markowitz, Phillip <i>Affidavit of Publication</i>
08/14/2012	 Affidavit Filed by: Petitioner Markowitz, Phillip <i>Affidavit of Attesting Witness - David Everston</i>
08/14/2012	 Affidavit Filed by: Petitioner Markowitz, Phillip <i>Affidavit of Attesting Witness - Maria Onofre</i>
08/31/2012	 Order Filed by: Petitioner Markowitz, Phillip <i>Order Admitting Last Will and Testament to Probate, Order Appointing Personal Representative and Order Allowing Letters Testamentary to Issue</i>
09/04/2012	 Notice of Entry of Order Filed by: Petitioner Markowitz, Phillip <i>Notice of Entry of Order</i>
09/07/2012	 Creditors Claim <i>\$259,040.00</i>
09/13/2012	 Letters Testamentary Filed by: Petitioner Markowitz, Phillip <i>Letters Testamentary</i>
09/18/2012	 Certificate of Mailing Filed by: Petitioner Markowitz, Phillip <i>Certificate of Mailing</i>

FAMILY DOMESTIC
CASE SUMMARY
CASE NO. P-12-074745-E

09/18/2012	 Notice to Creditors Filed by: Petitioner Markowitz, Phillip <i>Notice to Creditors</i>
09/26/2012	 Creditors Claim Filed by: Petitioner Markowitz, Phillip <i>Creditor's Claim \$1,494.50</i>
10/03/2012	 Affidavit of Publication Filed by: Other Parties Receiving Notice <i>Affidavit of Publication</i>
11/27/2012	 Objection Filed by: Objector Fink, William <i>Objection to the Admission of the Last Will and Testament of LeRoy G. Black, for the Revocation of Letters Testamentary and for Appointment of Special Administrator Pending Conclusion of Will Contest</i>
12/04/2012	 Notice of Hearing Filed by: Objector Fink, William <i>Notice of Hearing on the Objection to the Admission of the Last Will and Testament of LeRoy G. Black, for the Revocation of Letters Testamentary and for the Appointment of Special Administrator Pending the Conclusion of the Will Contest</i>
12/04/2012	 Supplement Filed by: Objector Fink, William <i>Supplement to Objection to the Admission of the Last Will and Testament of LeRoy G. Black, for the Revocation of Letters Testamentary and for Appointment of Special Administrator Pending the Conclusion of Will Contest</i>
12/11/2012	 Notice of Hearing Filed by: Objector Fink, William <i>Amended Notice of Hearing on Objection to the Admission of the Last Will and Testament of LeRoy G. Black, for the Revocation of Letters Testamentary and for the Appointment of Special Administrator Pending the Conclusion of Will Contest</i>
12/12/2012	 Certificate of Mailing Filed by: Petitioner Markowitz, Phillip For: Other Parties Receiving Notice <i>Certificate of Mailing</i>
12/18/2012	 Creditors Claim <i>Amended Creditors Claim - Steinberg Equity</i>
12/28/2012	Hearing (9:30 AM) (Hearing Master: Yamashita, Wesley) 12/28/2012, 01/04/2013, 01/25/2013, 02/08/2013 Events: 12/11/2012 Notice of Hearing <i>Notice of Hearing on Objection to the Admission of the Last Will and Testament of Leroy G. Black, for the Revocation of Letters Testamentary and for Appointment of Special Administrator Pending the Conclusion of Will Contest</i>
01/03/2013	 Substitution of Attorney Filed by: Petitioner Markowitz, Phillip <i>Substitution of Attorney</i>
01/03/2013	 Opposition

FAMILY DOMESTIC
CASE SUMMARY
CASE NO. P-12-074745-E

	<p>Filed by: Petitioner Markowitz, Phillip <i>Opposition to Objection to the Admission of the Last Will and Testament of Leroy G. Black, for the Revocation of Letters Testamentary and for Appointment of Special Administrator Pending the Conclusion of Will Contest</i></p>
01/07/2013	<p> Citation Filed by: Objector Fink, William <i>Citation to Plea to Contest</i></p>
01/22/2013	<p> Notice of Hearing Filed by: Objector Fink, William <i>Notice of Hearing on Petition to Enlarge Time Pursuant to NRCP 6(b)</i></p>
01/22/2013	<p> Statement Filed by: Other Parties Receiving Notice <i>Statement and Proof of Claim - Phillips and Cohen, Ltd. \$1,778.90</i></p>
01/23/2013	<p> Petition Filed by: Objector Fink, William <i>Petition to Enlarge Time Pursuant to NRCP 6(b)</i></p>
01/24/2013	<p> Affidavit Filed by: Objector Fink, William <i>Affidavit of Tassy Wolfe in Support of Petition to Enlarge Time Pursuant to NRCP 6(b)</i></p>
02/04/2013	<p> Objection Filed by: Petitioner Markowitz, Phillip <i>Objection to Petition to Enlarge Time Pursuant to NRCP 6(b) and Counter-Petition to Dismiss Will Contest or, in the Alternative, to Require a More Definite Statement Pursuant to NRCP 12(e)</i></p>
02/04/2013	<p> Notice of Change of Address Filed by: Attorney Barlow, Jonathan W. <i>Notice of Change of Address</i></p>
02/05/2013	<p> Receipt of Copy Filed by: Objector Fink, William <i>Receipt of Copy of Petition to Enlarge Time</i></p>
02/05/2013	<p> Certificate of Mailing Filed by: Objector Fink, William <i>Certificate of Mailing</i></p>
02/06/2013	<p> Substitution of Attorney Filed by: Objector Fink, William <i>Substitution of Attorney</i></p>
02/06/2013	<p> Notice of Appearance Party: Objector Fink, William <i>Notice of Appearance</i></p>
02/06/2013	<p> Reply Filed by: Objector Fink, William <i>Reply In Support Of Petition To Enlarge Time Pursuant To NRCP 6(b) And Opposition To Counter-Motion</i></p>









FAMILY DOMESTIC
CASE SUMMARY
CASE NO. P-12-074745-E

02/08/2013	Petition (9:30 AM) (Hearing Master: Yamashita, Wesley) Events: 01/22/2013 Notice of Hearing <i>Hearing On Petition To Enlarge Time Pursuant To NRCP 6(b)</i>
02/08/2013	 All Pending Motions (9:30 AM) (Hearing Master: Yamashita, Wesley) 2/8/13
02/08/2013	Objection - Probate (9:30 AM) (Hearing Master: Yamashita, Wesley) Events: 02/04/2013 Objection <i>Objection to Petition to Enlarge Time Pursuant to NRCP 6(b) and Counter-Petition to Dismiss Will Contest, or, In the Alternative, To Require a More Definite Statement Pursuant to NRCP 12(e)</i>
03/11/2013	 Creditors Claim \$1868.28
04/11/2013	 Report and Recommendations Filed by: Objector Fink, William <i>Report and Recommendation</i>
04/19/2013	 Notice of Entry Filed by: Petitioner Markowitz, Phillip <i>Notice of Entry of Report and Recommendation</i>
04/29/2013	 Objection Filed by: Petitioner Markowitz, Phillip <i>Objection to Report and Recommendation</i>
05/08/2013	 Notice of Hearing Filed by: Petitioner Markowitz, Phillip <i>Notice of Hearing on Objection to Report and Recommendation</i>
05/09/2013	 Certificate of Mailing Filed by: Petitioner Markowitz, Phillip <i>Certificate of Mailing</i>
06/11/2013	 Objection - Probate (9:00 AM) (Judicial Officer: Sturman, Gloria) Events: 05/08/2013 Notice of Hearing
06/12/2013	 Stipulation and Order Filed by: Petitioner Markowitz, Phillip <i>Stipulation and Order to Continue Hearing</i>
07/03/2013	 Opposition Filed by: Objector Fink, William <i>Opposition to the Objection to Report and Recommendation</i>
07/09/2013	 Objection (9:00 AM) (Judicial Officer: Sturman, Gloria) Events: 06/12/2013 Stipulation and Order <i>By Executor Phillip Markowitz to Report and Recommendation of April 11, 2013</i>
07/17/2013	 Notice of Change of Address Filed by: Petitioner Markowitz, Phillip <i>Notice of Change of Address</i>

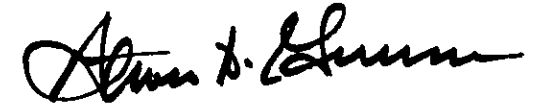
FAMILY DOMESTIC
CASE SUMMARY
CASE NO. P-12-074745-E

08/01/2013	 Order Granting Filed by: Petitioner Markowitz, Phillip <i>Order Granting Objection to Report and Recommendation</i>
08/02/2013	 Notice of Entry of Order Filed by: Other Parties Receiving Notice <i>Notice of Entry of Order Granting Objection to Report and Recommendation</i>
08/05/2013	 Petition Filed by: Petitioner Markowitz, Phillip <i>Petition to Declare Revocation of Trust Agreement</i>
08/07/2013	 Petition Filed by: Petitioner Markowitz, Phillip <i>Return of Sale of Real Property and Petition for Approval and Confirmation of Sale</i>
08/07/2013	 Notice of Hearing Filed by: Petitioner Markowitz, Phillip <i>Notice of Hearing on Return of Sale of Real Property and Petition for Approval and Confirmation of Sale</i>
08/07/2013	 Notice of Hearing Filed by: Petitioner Markowitz, Phillip <i>Notice of Hearing on Petition to Declare Revocation of Trust Agreement</i>
08/15/2013	 Notice Filed by: Petitioner Markowitz, Phillip <i>Notice of Lis Pendens</i>
08/15/2013	 Notice Filed by: Petitioner Markowitz, Phillip <i>Notice of Lis Pendens</i>
08/15/2013	 Notice Filed by: Petitioner Markowitz, Phillip <i>Notice of Lis Pendens</i>
08/16/2013	 Waiver Filed by: Petitioner Markowitz, Phillip <i>Waiver of Notice of Sale and Appraisal - Phillip Markowitz</i>
08/16/2013	 Waiver Filed by: Petitioner Markowitz, Phillip <i>Waiver of Notice of Sale and Appraisal - Rose Markowitz</i>
08/23/2013	Petition for Return of Sale of Real Property (9:30 AM) (Hearing Master: Yamashita, Wesley) Events: 08/07/2013 Notice of Hearing <i>Hearing On Return Of Sale Of Real Property And Petition For Approval And Confirmation Of Sale</i>
08/23/2013	Petition (9:30 AM) (Hearing Master: Yamashita, Wesley) 08/23/2013, 08/30/2013 Events: 08/07/2013 Notice of Hearing <i>Hearing On Petition To Declare Revocation Of Trust Agreement</i>

FAMILY DOMESTIC
CASE SUMMARY
CASE NO. P-12-074745-E

08/28/2013	 Notice of Appearance Party: Objector Fink, William <i>Notice Of Appearance</i>
08/28/2013	 Objection Filed by: Objector Fink, William <i>Objection To Petition To Declare Revocation Of Trust Agreement</i>
08/29/2013	 Supplement Filed by: Objector Fink, William <i>Supplement To Obejection To Petition To Declare Revocation Of Trust Agreement</i>
08/29/2013	 Certificate of Service Filed by: Objector Fink, William <i>Certificate Of Service</i>
08/29/2013	 Certificate of Service Filed by: Objector Fink, William <i>Certificate Of Service</i>
08/29/2013	 Case Appeal Statement Filed by: Objector Fink, William <i>Case Appeal Statement</i>
08/29/2013	 Notice of Appeal Filed by: Objector Fink, William <i>Contestant's Notice of Appeal</i>
08/30/2013	 All Pending Motions (9:30 AM) (Hearing Master: Yamashita, Wesley) <i>8/30/13</i>

DATE	FINANCIAL INFORMATION
	Attorney Barlow, Jonathan W. Total Charges 5.00 Total Payments and Credits 5.00 Balance Due as of 09/05/2013 0.00
	Objector Fink, William Total Charges 253.00 Total Payments and Credits 253.00 Balance Due as of 09/05/2013 0.00
	Petitioner Markowitz, Phillip Total Charges 199.00 Total Payments and Credits 199.00 Balance Due as of 09/05/2013 0.00



CLERK OF THE COURT

ORDR

JONATHAN W. BARLOW

Nevada Bar No. 9964

JORDAN M. FLAKE

Nevada Bar No. 10583

BARLOW FLAKE LLP

50 S. Stephanie St., Ste. 101

Henderson, Nevada 89012

(702) 476-5900

(702) 924-0709 (Fax)

jonathan@barlowflakelaw.com

Attorneys for the Estate

**DISTRICT COURT
CLARK COUNTY, NEVADA**

In the Matter of the Estate of

LEROY G. BLACK,

Deceased.

Case No. P-12-074745-E

Dept. No. 26

ORDER GRANTING OBJECTION TO REPORT AND RECOMMENDATION

Date of Hearing: July 9, 2013

Time of Hearing: 9:00 a.m.

The *Objection to Report and Recommendation* filed by Phillip Markowitz as Executor of the Estate of Leroy G. Black came on for hearing on July 9, 2013. Jonathan W. Barlow, of Barlow Flake LLP, appeared for Phillip Markowitz as Executor of the Estate of Leroy G. Black, and Jonathan C. Callister, of Callister & Frizell, appeared for William Fink. The Court having reviewed all pleadings and papers on file, having considered the arguments of counsel, and other good cause showing, enters the following findings and order granting the Objection:

FINDINGS OF FACT:

1. Leroy G. Black ("Decedent") died on April 4, 2012.
2. On July 18, 2012, Phillip Markowitz ("Markowitz") filed a Petition for Probate of Will, Petition for Appointment of Personal Representative and for Issuance of Letters

BARLOW FLAKE LLP
50 S. Stephanie St., Ste. 101
Henderson, NV 89012
(702) 476-5900

1 Testamentary (the "Petition to Probate Will"). In the Petition to Probate Will, Markowitz
2 petitioned the Court to enter a will dated March 7, 2012, to probate as Decedent's last will and
3 testament.

4 3. On July 27, 2012, Markowitz provided Notice of Hearing on the Petition to
5 Probate Will to William Fink ("Fink").
6

7 4. This Court held its hearing on the Petition to Probate Will on August 31, 2012.
8 Fink neither filed a written objection to the Petition to Probate Will, nor did Fink appear at the
9 hearing to object to the Petition to Probate Will.

10 5. This Court entered its Order admitting the March 7, 2012, will to probate on
11 August 31, 2012. Notice of Entry of the Order was served on Fink on August 31, 2012.
12

13 6. On November 27, 2012, Fink filed an Objection to the Admission of the Last
14 Will and Testament of Leroy G. Black, for the Revocation of Letters Testamentary and for
15 Appointment of Special Administrator Pending the Conclusion of Will Contest (the "Objection
16 to Admission of Will").
17

18 7. On January 3, 2013, Fink caused a Citation to Plea to Contest to be issued by the
19 Clerk of Court.

20 8. On January 23, 2013, Fink filed a Petition to Enlarge Time Pursuant to NRC
21 6(b).
22

23 CONCLUSIONS OF LAW:

24 1. An interested person who wishes to revoke an order admitting a will to probate
25 must file a petition "containing the allegations of the contestant against the validity of the will
26 or against the sufficiency of the proof, and requesting that the probate be revoked." NRS
27
28

1 137.080. The petition to revoke the probate must be filed “at any time within 3 months after the
2 order is entered admitting the will to probate.” NRS 137.080.

3 2. In addition to the requirements of NRS 137.080, an interested person who wishes
4 to revoke an order admitting a will to probate must comply with the requirements of NRS
5 137.090, which states, “Upon filing the petition, and within the time allowed for filing the
6 petition, a citation must be issued, directed to the personal representative and to all the devisees
7 mentioned in the will, and the heirs, so far as known to the petitioner, including minors and
8 incapacitated persons, or the personal representative of any such person who is dead, directing
9 them to plead to the contest within 30 days after service of the citation.”
10

11 3. The plain language rule of statutory interpretation requires that NRS 137.080-
12 .090 must be given their plain and unambiguous meaning. The phrase, “a citation must be
13 issued,” in NRS 137.090 is given its plain meaning as a mandatory, not permissive, requirement
14 that must be performed within three months after entry of the order admitting a will to probate.
15

16 4. Because Fink failed to cause a citation to be issued within three months of
17 August 31, 2012, Fink is time-barred by the statute of limitations to pursue a will contest of the
18 March 7, 2012, will. Pursuant to NRS 137.120, the probate of Decedent’s March 7, 2012, will is
19 conclusive.
20

21 5. The statute of limitations in this case is not tolled based on extrinsic fraud. Fink
22 did not provide any evidence of extrinsic fraud or any proof of any action by Markowitz that
23 would have prevented Fink from knowing his rights in this matter or acting to protect his rights.
24

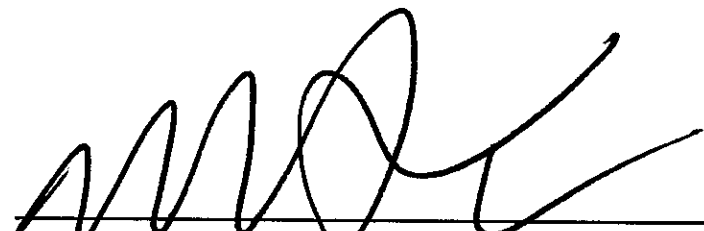
25 6. Rule 6 of the Nevada Rules of Civil Procedure is not applicable to enlarge the
26 time to issue the citation required by NRS 137.090.
27
28

BARLOW FLAKE LLP
50 S. Stephanie St., Ste. 101
Henderson, NV 89012
(702) 476-5900


1 IT IS THEREFORE ORDERED that the *Objection to Report and Recommendation* filed
2 by Phillip Markowitz as Executor of the Estate of Leroy G. Black is granted. The Court does
3 not adopt or approve of the Report and Recommendation entered by Probate Commissioner
4 Wesley Yamashita on April 11, 2013.

5 IT IS FURTHER ORDERED that William Fink's Objection to Admission of Will is
6 denied. Fink's purported will contest of the admission of Decedent's March 7, 2012, will to
7 probate is time-barred by his failure to comply with the requirements of NRS 137.090 and is,
8 therefore, dismissed. The probate of Decedent's March 7, 2012, will is conclusive.

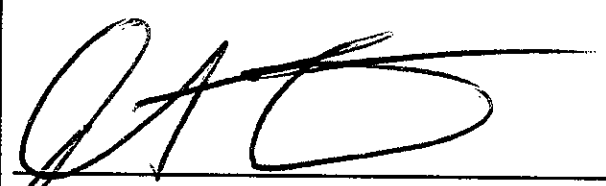
9
10 DATED this 31st day of July, 2013.

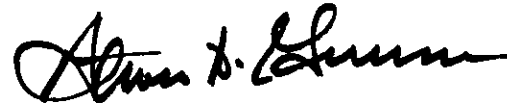
11
12
13 
14 DISTRICT COURT JUDGE *pan*

15 Prepared and submitted by:
16 **BARLOW FLAKE LLP**

17 
18 **JONATHAN W. BARLOW**
19 Nevada Bar No. 9964
20 Attorneys for the Estate

21 Reviewed as to form and content:
22 **CALLISTER & FRIZELL**

23 
24 **JONATHAN C. CALLISTER**
25 Nevada Bar No. 8011
26 Attorney for William Fink
27
28



CLERK OF THE COURT

NEO

JORDAN M. FLAKE

Nevada Bar No. 9964

JONATHAN W. BARLOW

Nevada Bar No. 9964

BARLOW FLAKE LLP

50 S. Stephanie St., Ste. 101

Henderson, Nevada 89012

(702) 476-5900

(702) 924-0709 (Fax)

jonathan@barlowflakelaw.com

Attorneys for the Estate

**DISTRICT COURT
CLARK COUNTY, NEVADA**

In the Matter of the Estate of

LEROY G. BLACK,

Deceased.

Case No. P-12-074745-E

Dept. No. 26

**NOTICE OF ENTRY OF ORDER GRANTING OBJECTION TO REPORT AND
RECOMMENDATION**

YOU AND EACH OF YOU WILL PLEASE TAKE NOTICE that the *Order Granting
Objection to Report and Recommendation* was entered in the above entitled matter on August
1, 2013, a copy of which is attached hereto.

DATED this 2nd day of August, 2013.

BARLOW FLAKE LLP



JONATHAN W. BARLOW

Nevada Bar No. 9964

Attorneys for the Estate

BARLOW FLAKE LLP
50 S. Stephanie St., Ste. 101
Henderson, NV 89012
(702) 476-5900

CERTIFICATE OF MAILING

I hereby certify that on August 2, 2013, a true and correct copy of the original *Notice of Entry of Order Granting Objection to Report and Recommendation* was sent via U.S. Mail, first class postage prepaid, to the following at their last known address:

Rose E. Markowitz
318 North California St.
Burbank CA 91505

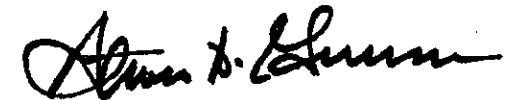
Phillip Markowitz
2201 Hercules Drive
Los Angeles CA 90046

Jonathan C. Callister
Callister & Frizell
8275 S. Eastern Ave., Ste. 200
Las Vegas NV 89123



An employee of Barlow Flake LLP

BARLOW FLAKE LLP
50 S. Stephanie St., Ste. 101
Henderson, NV 89012
(702) 476-5900



CLERK OF THE COURT

ORDR

JONATHAN W. BARLOW

Nevada Bar No. 9964

JORDAN M. FLAKE

Nevada Bar No. 10583

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50 S. Stephanie St., Ste. 101

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(702) 476-5900

(702) 924-0709 (Fax)

jonathan@barlowflakelaw.com

Attorneys for the Estate

**DISTRICT COURT
CLARK COUNTY, NEVADA**

In the Matter of the Estate of

LEROY G. BLACK,

Deceased.

Case No. P-12-074745-E

Dept. No. 26

ORDER GRANTING OBJECTION TO REPORT AND RECOMMENDATION

Date of Hearing: July 9, 2013

Time of Hearing: 9:00 a.m.

The *Objection to Report and Recommendation* filed by Phillip Markowitz as Executor of the Estate of Leroy G. Black came on for hearing on July 9, 2013. Jonathan W. Barlow, of Barlow Flake LLP, appeared for Phillip Markowitz as Executor of the Estate of Leroy G. Black, and Jonathan C. Callister, of Callister & Frizell, appeared for William Fink. The Court having reviewed all pleadings and papers on file, having considered the arguments of counsel, and other good cause showing, enters the following findings and order granting the Objection:

FINDINGS OF FACT:

1. Leroy G. Black ("Decedent") died on April 4, 2012.
2. On July 18, 2012, Phillip Markowitz ("Markowitz") filed a Petition for Probate of Will, Petition for Appointment of Personal Representative and for Issuance of Letters

BARLOW FLAKE LLP
50 S. Stephanie St., Ste. 101
Henderson, NV 89012
(702) 476-5900

1 Testamentary (the "Petition to Probate Will"). In the Petition to Probate Will, Markowitz
2 petitioned the Court to enter a will dated March 7, 2012, to probate as Decedent's last will and
3 testament.

4 3. On July 27, 2012, Markowitz provided Notice of Hearing on the Petition to
5 Probate Will to William Fink ("Fink").
6

7 4. This Court held its hearing on the Petition to Probate Will on August 31, 2012.
8 Fink neither filed a written objection to the Petition to Probate Will, nor did Fink appear at the
9 hearing to object to the Petition to Probate Will.

10 5. This Court entered its Order admitting the March 7, 2012, will to probate on
11 August 31, 2012. Notice of Entry of the Order was served on Fink on August 31, 2012.
12

13 6. On November 27, 2012, Fink filed an Objection to the Admission of the Last
14 Will and Testament of Leroy G. Black, for the Revocation of Letters Testamentary and for
15 Appointment of Special Administrator Pending the Conclusion of Will Contest (the "Objection
16 to Admission of Will").
17

18 7. On January 3, 2013, Fink caused a Citation to Plea to Contest to be issued by the
19 Clerk of Court.

20 8. On January 23, 2013, Fink filed a Petition to Enlarge Time Pursuant to NRCP
21 6(b).
22

23 CONCLUSIONS OF LAW:

24 1. An interested person who wishes to revoke an order admitting a will to probate
25 must file a petition "containing the allegations of the contestant against the validity of the will
26 or against the sufficiency of the proof, and requesting that the probate be revoked." NRS
27
28

1 137.080. The petition to revoke the probate must be filed "at any time within 3 months after the
2 order is entered admitting the will to probate." NRS 137.080.

3 2. In addition to the requirements of NRS 137.080, an interested person who wishes
4 to revoke an order admitting a will to probate must comply with the requirements of NRS
5 137.090, which states, "Upon filing the petition, and within the time allowed for filing the
6 petition, a citation must be issued, directed to the personal representative and to all the devisees
7 mentioned in the will, and the heirs, so far as known to the petitioner, including minors and
8 incapacitated persons, or the personal representative of any such person who is dead, directing
9 them to plead to the contest within 30 days after service of the citation."
10

11 3. The plain language rule of statutory interpretation requires that NRS 137.080-
12 .090 must be given their plain and unambiguous meaning. The phrase, "a citation must be
13 issued," in NRS 137.090 is given its plain meaning as a mandatory, not permissive, requirement
14 that must be performed within three months after entry of the order admitting a will to probate.
15

16 4. Because Fink failed to cause a citation to be issued within three months of
17 August 31, 2012, Fink is time-barred by the statute of limitations to pursue a will contest of the
18 March 7, 2012, will. Pursuant to NRS 137.120, the probate of Decedent's March 7, 2012, will is
19 conclusive.
20

21 5. The statute of limitations in this case is not tolled based on extrinsic fraud. Fink
22 did not provide any evidence of extrinsic fraud or any proof of any action by Markowitz that
23 would have prevented Fink from knowing his rights in this matter or acting to protect his rights.
24

25 6. Rule 6 of the Nevada Rules of Civil Procedure is not applicable to enlarge the
26 time to issue the citation required by NRS 137.090.
27
28

BARLOW FLAKE LLP
50 S. Stephanie St., Ste. 101
Henderson, NV 89012
(702) 476-5900

1 IT IS THEREFORE ORDERED that the *Objection to Report and Recommendation* filed
2 by Phillip Markowitz as Executor of the Estate of Leroy G. Black is granted. The Court does
3 not adopt or approve of the Report and Recommendation entered by Probate Commissioner
4 Wesley Yamashita on April 11, 2013.


5 IT IS FURTHER ORDERED that William Fink's Objection to Admission of Will is
6 denied. Fink's purported will contest of the admission of Decedent's March 7, 2012, will to
7 probate is time-barred by his failure to comply with the requirements of NRS 137.090 and is,
8 therefore, dismissed. The probate of Decedent's March 7, 2012, will is conclusive.

9 DATED this 31st day of July, 2013.

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DISTRICT COURT JUDGE *pon*

Prepared and submitted by:
BARLOW FLAKE LLP



JONATHAN W. BARLOW
Nevada Bar No. 9964
Attorneys for the Estate

Reviewed as to form and content:
CALLISTER & FRIZELL



JONATHAN C. CALLISTER
Nevada Bar No. 8011
Attorney for William Fink

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate - Special
Administration**

COURT MINUTES

August 03, 2012

P-12-074745-E In the Matter of
Leroy Black, Deceased

August 03, 2012 9:30 AM Hearing

HEARD BY: Yamashita, Wesley Yamashita, Wesley **COURTROOM:** Courtroom 09

COURT CLERK: Melissa Swinn

PARTIES:

Leroy Black, Decedent, not present

Parties Receiving Notice, Other, not present

Phillip Markowitz, Petitioner, Personal

Jonathan Barlow, Attorney, not present

Representative, not present

William Fink, Objector, not present

Jonathan Callister, Attorney, not present

JOURNAL ENTRIES

- At request of Court and/or interested parties, matter CONTINUED.

INTERIM CONDITIONS:

FUTURE HEARINGS:

Canceled: December 21, 2012 9:30 AM Hearing

Canceled: August 30, 2013 9:30 AM Petition for Return of Sale of Real Property

Reason: Vacated

Courtroom 09

Yamashita, Wesley

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate - Special
Administration**

COURT MINUTES

August 31, 2012

P-12-074745-E In the Matter of
Leroy Black, Deceased

August 31, 2012 9:30 AM Hearing

HEARD BY: Yamashita, Wesley Yamashita, Wesley **COURTROOM:** Courtroom 09

COURT CLERK: Melissa Swinn

PARTIES:

Leroy Black, Decedent, not present

Parties Receiving Notice, Other, not present

Phillip Markowitz, Petitioner, Personal

Jonathan Barlow, Attorney, not present

Representative, not present

William Fink, Objector, not present

Jonathan Callister, Attorney, not present

JOURNAL ENTRIES

- Matter being on the Approved List and there being no objection, COMMISSIONER
RECOMMENDED, Petition GRANTED, WILL ADMITTED and NO BOND.

INTERIM CONDITIONS:

FUTURE HEARINGS:

Canceled: December 21, 2012 9:30 AM Hearing

Canceled: August 30, 2013 9:30 AM Petition for Return of Sale of Real Property

Reason: Vacated

Courtroom 09

Yamashita, Wesley

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate - Special
Administration**

COURT MINUTES

December 28, 2012

P-12-074745-E In the Matter of
Leroy Black, Deceased

December 28, 2012 9:30 AM Hearing

HEARD BY: Yamashita, Wesley

COURTROOM: Courtroom 09

COURT CLERK: Victoria Pott

PARTIES:

Leroy Black, Decedent, not present

Parties Receiving Notice, Other, not present

Phillip Markowitz, Petitioner, Personal

Jonathan Barlow, Attorney, not present

Representative, not present

William Fink, Objector, not present

Jonathan Callister, Attorney, not present

JOURNAL ENTRIES

- Prior to the time set for hearing, COMMISSIONER RECOMMENDED, Matter CONTINUED to 1/4/13 at 9:30 AM, at the request of counsel.

INTERIM CONDITIONS:

FUTURE HEARINGS:

*Canceled: August 30, 2013 9:30 AM Petition for Return of Sale of Real Property
Reason: Vacated
Courtroom 09
Yamashita, Wesley*

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate - Special
Administration**

COURT MINUTES

January 04, 2013

P-12-074745-E In the Matter of
Leroy Black, Deceased

January 04, 2013 9:30 AM Hearing

HEARD BY: Yamashita, Wesley

COURTROOM: Courtroom 09

COURT CLERK: Carol Foley

PARTIES:

Leroy Black, Decedent, not present

Parties Receiving Notice, Other, not present

Phillip Markowitz, Petitioner, Personal

Jonathan Barlow, Attorney, not present

Representative, not present

William Fink, Objector, not present

Jonathan Callister, Attorney, not present

JOURNAL ENTRIES

- Prior to the time set for hearing, COMMISSIONER RECOMMENDED, Matter CONTINUED to 1/25/13 at 9:30 a.m., at the request of counsel.

INTERIM CONDITIONS:

FUTURE HEARINGS:

*Canceled: August 30, 2013 9:30 AM Petition for Return of Sale of Real Property
Reason: Vacated
Courtroom 09
Yamashita, Wesley*

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate - Special
Administration**

COURT MINUTES

January 25, 2013

P-12-074745-E In the Matter of
Leroy Black, Deceased

January 25, 2013 9:30 AM Hearing

HEARD BY: Yamashita, Wesley

COURTROOM: Courtroom 09

COURT CLERK: Carol Foley

PARTIES:

Leroy Black, Decedent, not present

Parties Receiving Notice, Other, not present

Phillip Markowitz, Petitioner, Personal

Jonathan Barlow, Attorney, not present

Representative, not present

William Fink, Objector, not present

Jonathan Callister, Attorney, not present

JOURNAL ENTRIES

- Prior to the time set for hearing, COMMISSIONER RECOMMENDED, Matter CONTINUED to 2/8/13 at 9:30 a.m., at the request of counsel.

INTERIM CONDITIONS:

FUTURE HEARINGS:

*Canceled: August 30, 2013 9:30 AM Petition for Return of Sale of Real Property
Reason: Vacated
Courtroom 09
Yamashita, Wesley*

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate - Special
Administration**

COURT MINUTES

February 08, 2013

P-12-074745-E In the Matter of
Leroy Black, Deceased

February 08, 2013 9:30 AM All Pending Motions

HEARD BY: Yamashita, Wesley **COURTROOM:** Courtroom 09

COURT CLERK: Carol Foley

PARTIES:

Leroy Black, Decedent, not present
Parties Receiving Notice, Other, not present
Phillip Markowitz, Petitioner, Personal Jonathan Barlow, Attorney, present
Representative, not present
William Fink, Objector, present Jonathan Callister, Attorney, present

JOURNAL ENTRIES

- PETITION TO ENLARGE TIME PURSUANT TO NRCP 6(b)...OBJECTION AND COUNTER-PETITION TO DISMISS WILL CONTEST OR, IN THE ALTERNATIVE, TO REQUIRE A MORE DEFINITE STATEMENT PURSUANT TO NRCP 12(e)...OBJECTION TO THE ADMISSION OF THE LAST WILL AND TESTAMENT OF LEROY G. BLACK, FOR THE REVOCATION OF LETTERS TESTAMENTARY AND FOR APPOINTMENT OF SPECIAL ADMINISTRATOR PENDING THE CONCLUSION OF WILL CONTEST

Arguments by counsel. Discussion regarding case law. COMMISSIONER RECOMMENDED, Petition to Enlarge Time GRANTED. Court FINDS this is not a mandatory but rather a permissive requirement of the court to look at and evaluate the circumstances and the facts, and given the preference of hearing matters on the merits and sufficient demonstration of excusable neglect and/or mistake, Court finds this should go forward. Court DECLARED a will contest. Counter-Petition to Dismiss Will Contest DENIED.

As to request for removal of Mr. Markowitz: Mr. Barlow advised as far as he knows, all that is in the estate is a house that is upside down and two parcels of vacant property subject to foreclosure in

May. Mr. Barlow advised he would like to go forward in order to preserve the estate to try to sell the properties or bring a petition to stay the foreclosure if properties are not sold before then. COMMISSIONER FURTHER RECOMMENDED, representative may proceed in that manner given the exigency of the situation. Court noted if there is a sale it will require funds to be deposited into a blocked account or attorney's trust account.

Mr. Callister to prepare Report and Recommendation. Mr. Barlow may review Report and Recommendation but he is not required to sign off. Mr. Barlow may submit opposing Report and Recommendation if he has an objection.

INTERIM CONDITIONS:

FUTURE HEARINGS:

*Canceled: August 30, 2013 9:30 AM Petition for Return of Sale of Real Property
Reason: Vacated
Courtroom 09
Yamashita, Wesley*

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate - Special
Administration**

COURT MINUTES

June 11, 2013

P-12-074745-E In the Matter of
Leroy Black, Deceased

June 11, 2013 9:00 AM Objection - Probate

HEARD BY: Sturman, Gloria

COURTROOM: RJC Courtroom 03H

COURT CLERK: Linda Denman

PARTIES:

Leroy Black, Decedent, not present

Parties Receiving Notice, Other, not present

Phillip Markowitz, Petitioner, Personal

Jonathan Barlow, Attorney, not present

Representative, not present

William Fink, Objector, not present

Jonathan Callister, Attorney, not present

JOURNAL ENTRIES

- No appearance on OBJECTION TO REPORT AND RECOMMENDATION. Court noted matter was being continued pursuant to stipulation and order. COURT SO ORDERED.

CONTINUED TO 7/9/2013 AT 9:00AM

INTERIM CONDITIONS:

FUTURE HEARINGS:

*Canceled: August 30, 2013 9:30 AM Petition for Return of Sale of Real Property
Reason: Vacated
Courtroom 09
Yamashita, Wesley*

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Probate - Special Administration

COURT MINUTES

July 09, 2013

P-12-074745-E In the Matter of
Leroy Black, Deceased

July 09, 2013 9:00 AM

HEARD BY: Sturman, Gloria

COURTROOM: RJC Courtroom 03H

COURT CLERK: Linda Denman

PARTIES:

Leroy Black, Decedent, not present

Parties Receiving Notice, Other, not present

Phillip Markowitz, Petitioner, Personal

Jonathan Barlow, Attorney, present

Representative, not present

William Fink, Objector, not present

Jonathan Callister, Attorney, present

JOURNAL ENTRIES

- OBJECTION: BY EXECUTOR PHILLIP MARKOWITZ TO REPORT AND RECOMMENDATION OF APRIL 11, 2013 was argued by Counsel. Mr. Barlow stated the executor argued the Commissioner's finding that the failure of objector to file a contest to the will and a citation within the 90 days granted per statute was a clear error of law. Mr. Callister stated that the oversight was an error on the objector's previous counsel as shown in his Affidavit and the Court should have some discretion to hear the case on its merits as to whether the Will was fraudulent. COURT STATED ITS FINDINGS that this issue centered on the statute of limitations and the 90-day window is to allow probate cases to be settled timely and efficiently for the benefit of creditors and heirs; and, FURTHER, the only exclusion allowed to toll a statute of limitation is for extrinsic fraud involving the claim and not the Will itself. COURT ORDERED objection GRANTED.

Mr. Barlow to prepare proposed Order; Mr. Callister to review as to form and content.

INTERIM CONDITIONS:

FUTURE HEARINGS:

Canceled: August 30, 2013 9:30 AM Petition for Return of Sale of Real Property

Reason: Vacated

Courtroom 09

Yamashita, Wesley

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate - Special
Administration**

COURT MINUTES

August 23, 2013

P-12-074745-E In the Matter of
Leroy Black, Deceased

**August 23, 2013 9:30 AM Petition for Return of
Sale of Real Property**

HEARD BY: Yamashita, Wesley **COURTROOM:** Courtroom 09

COURT CLERK: Carol Foley

PARTIES:

Leroy Black, Decedent, not present
Parties Receiving Notice, Other, not present
Phillip Markowitz, Petitioner, Personal Jonathan Barlow, Attorney, not present
Representative, not present
William Fink, Objector, not present Jonathan Callister, Attorney, not present

JOURNAL ENTRIES

- Prior to the time set for hearing, COMMISSIONER RECOMMENDED, Matter taken OFF CALENDAR.

INTERIM CONDITIONS:

FUTURE HEARINGS:

*Canceled: August 30, 2013 9:30 AM Petition for Return of Sale of Real Property
Reason: Vacated
Courtroom 09
Yamashita, Wesley*

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate - Special
Administration**

COURT MINUTES

August 23, 2013

P-12-074745-E In the Matter of
Leroy Black, Deceased

August 23, 2013 9:30 AM Petition

HEARD BY: Yamashita, Wesley

COURTROOM: Courtroom 09

COURT CLERK: Carol Foley

PARTIES:

Leroy Black, Decedent, not present

Parties Receiving Notice, Other, not present

Phillip Markowitz, Petitioner, Personal

Jonathan Barlow, Attorney, not present

Representative, not present

William Fink, Objector, not present

Jonathan Callister, Attorney, not present

JOURNAL ENTRIES

- Prior to the time set for hearing, COMMISSIONER RECOMMENDED, matter CONTINUED to 8/30/13 at 9:30 a.m., at the request of counsel.

INTERIM CONDITIONS:

FUTURE HEARINGS:

*Canceled: August 30, 2013 9:30 AM Petition for Return of Sale of Real Property
Reason: Vacated
Courtroom 09
Yamashita, Wesley*

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Probate - Special Administration

COURT MINUTES

August 30, 2013

P-12-074745-E In the Matter of
Leroy Black, Deceased

August 30, 2013 9:30 AM All Pending Motions

HEARD BY: Yamashita, Wesley **COURTROOM:** Courtroom 09

COURT CLERK: Carol Foley

PARTIES:

Leroy Black, Decedent, not present

Parties Receiving Notice, Other, not present

Phillip Markowitz, Petitioner, Personal

Jonathan Barlow, Attorney, present

Representative, not present

William Fink, Objector, present

Jonathan Callister, Attorney, present

JOURNAL ENTRIES

- RETURN OF SALE OF REAL PROPERTY AND PETITION FOR APPROVAL AND
CONFIRMATION OF SALE...PETITION TO DECLARE REVOCATION OF TRUST AGREEMENT

Court noted the sale was taken off calendar.

Arguments by counsel as to Petition to Declare Revocation of Trust Agreement.

Following discussion, Court stated its findings. COMMISSIONER RECOMMENDED, petition DENIED.

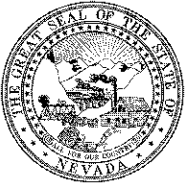
Counsel for William Fink to prepare Report and Recommendation and run it by Mr. Barlow.

INTERIM CONDITIONS:

FUTURE HEARINGS:

Canceled: August 30, 2013 9:30 AM Petition for Return of Sale of Real Property

*Reason: Vacated
Courtroom 09
Yamashita, Wesley*



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE
NOTICE OF DEFICIENCY
ON APPEAL TO NEVADA SUPREME COURT

R. DUANE FRIZELL, ESQ.
8275 S. EASTERN AVE., SUITE 200
LAS VEGAS, NV 89123

DATE: September 5, 2013
CASE: P074745

RE CASE: In the Matter of the Estate of LEROY BLACK, Deceased

NOTICE OF APPEAL FILED: August 29, 2013

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS NOT TRANSMITTED HAVE BEEN MARKED:

- ☒ **\$250 – Supreme Court Filing Fee**
 - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☐ **\$24 – District Court Filing Fee (Make Check Payable to the District Court)**
- ☒ **\$500 – Cost Bond on Appeal (Make Check Payable to the District Court)**
 - NRAP 7: Bond For Costs On Appeal in Civil Cases
- ☐ **Case Appeal Statement**
 - NRAP 3 (a)(1), Form 2
- ☐ **Order**
- ☐ **Notice of Entry of Order**

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. **The district court clerk shall apprise appellant of the deficiencies in writing**, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (e) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

CONTESTANTS' NOTICE OF APPEAL; CASE APPEAL STATEMENT;
DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER GRANTING OBJECTION
TO REPORT AND RECOMMENDATION; NOTICE OF ENTRY OF ORDER GRANTING
OBJECTION TO REPORT AND RECOMMENDATION; DISTRICT COURT MINUTES; NOTICE OF
DEFICIENCY

In the Matter of the Estate of LEROY BLACK,

Deceased,

Case No: P074745

Dept No: FAMILY DOMESTIC

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 5 day of September 2013.

Steven D. Grierson, Clerk of the Court



Teodora Jones, Deputy Clerk