1 **Marquis Aurbach Coffing** Dale A. Hayes, Esq. 2 Nevada Bar No. 3430 **CLERK OF THE COURT** Liane K. Wakayama, Esq. 3 Nevada Bar No. 11313 Candice E. Renka, Esq. 4 Nevada Bar No. 11447 Electronically Filed 10001 Park Run Drive Apr 10 2015 03:29 p.m. 5 Las Vegas, Nevada 89145 Tracie K. Lindeman Telephone: (702) 382-0711 Clerk of Supreme Court Facsimile: (702) 382-5816 6 dhayes@maclaw.com lwakayama@maclaw.com 7 crenka@maclaw.com Attorneys for Eleanor Connell Hartman Ahern, as Trustee 8 9 **DISTRICT COURT** 10 CLARK COUNTY, NEVADA In the Matter of 11 12 Case No.: P-09-066425-T THE W.N. CONNELL AND MARJORIE T. CONNELL LIVING TRUST DATED May 18, Dept. No.: 26 1972, An Inter Vivos Irrevocable Trust. 13 14 NOTICE OF APPEAL REGARDING ORDER APPOINTING NEW TEMPORARY TRUSTEE 15 Eleanor Connell Hartman Ahern, as Trustee, by and through her attorneys of record, the 16 law firm of Marquis Aurbach Coffing, hereby appeals to the Supreme Court of Nevada from the 17 Order Appointing New Temporary Trustee, which was filed on April 1, 2015 and entered on 18 April 6, 2015. A copy of the Notice of Entry of the Order is attached hereto as Exhibit 1. 19 Dated this Tday of April, 2015. 20 21 MARQUIS AURBACH COFFING 22 23 24 Nevada Bar No. 3430 Liane K. Wakayama, Esq. 25 Nevada Bar No. 11313 Candice E. Renka, Esq. 26 Nevada Bar No. 11447 10001 Park Run Drive 27 Las Vegas, Nevada 89145 Attorneys for Eleanor Connell Hartman Ahern, 28 as Trustee

Page 1 of 2

MAC: 2483818_1 4/6/2015 4:39 PM

Electronically Filed 04/07/2015 02:53:57 PM

CERTIFICATE OF SERVICE

APPOINTING NEW TEMPORARY TRUSTEE was submitted electronically for filing and/or service with the Eighth Judicial District Court on the ______ day of April, 2015. Electronic service of the foregoing document shall be made in accordance with the E-Service List as follows:

	Contact	Email
	Barbara Clark, Legal Assistant	bclark@albrightstoddard.com
	G. Mark Albright, Esq.	gma@albrightstoddard.com
March 1975 Person III	Whitney B. Warnick	wbw@albrightstoddard.com
ne Rushforth Firm, Ltd.		
네 이번 열리다 없는 얼마를 꾸	Contact	Email
생각하는 사람들에게 나를	Joseph J. Powell	probate@rushforthfirm.com
	inabbene in het aft aboungt in inimited a feed made at 1815 and memori in a depictum, income	

Julia Rodionova, an employee of Marquis Aurbach Coffing

¹ Pursuant to EDCR 8.05(a), each party who submits an E-Filed document through the E-Filing System consents to electronic service in accordance with NRCP 5(b)(2)(D).

Exhibit 1

CLERK OF THE COURT

Marquis Aurbach Coffing Liane K. Wakayama, Esq. Nevada Bar No. 11313 Candice E. Renka, Esq. Nevada Bar No. 11447 10001 Park Run Drive Las Vegas, Nevada 89145 Telephone: (702) 382-0711 Facsimile: (702) 382-5816 lwakayama@maclaw.com crenka@maclaw.com

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Attorneys for Eleanor Connell Hartman Ahern, as Trustee and Individually

DISTRICT COURT

CLARK COUNTY, NEVADA

In the Matter of THE W.N. CONNELL AND MARJORIE T.

CONNELL LIVING TRUST DATED May 18, 1972, An Inter Vivos Irrevocable Trust.

Case No.:

P-09-066425-T

Dept. No.:

NOTICE OF ENTRY OF ORDER

Please take notice that an Order Appointing New Temporary Trustee was entered in the above-captioned matter on the 1st day of April, 2015, a copy of which is attached hereto.

day of April, 2015.

MARQUIS AURBACH COFFING

Nevada Bar No. 11313 Candice E. Renka, Esq. Nevada Bar No. 11447 10001 Park Run Drive Las Vegas, Nevada 89145

Attorneys for Eleanor Connell Hartman Ahern,

as Trustee and Individually

MARQUIS AURBACH COFFING 10001 Park Run Drive Las Vegas, Nevada 89145 (702) 382-0711 FAX: (702) 382-5816

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **NOTICE OF ENTRY OF ORDER** was submitted electronically for filing and/or service with the Eighth Judicial District Court on the 6th day of April, 2015. Electronic service of the foregoing document shall be made in accordance with the E-Service List as follows:

Whitney B. Warnick, Esq.
Albright Stoddard Warnick & Albright
wbw@albrightstoddard.com
bclark@albrightstoddard.com
gma@albrightstoddard.com
Attorney for Kathryn A. Bouvier

Joseph J. Powell, Esq. The Rushforth Firm, LTD. probate@rushforthfirm.com Attorney for Jacqueline M. Montoya

> Julia Rodionova, an employee of Marquis Aurbach Coffing

¹ Pursuant to EDCR 8.05(a), each party who submits an E-Filed document through the E-Filing System consents to electronic service in accordance with NRCP 5(b)(2)(D).

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ORDR
JOSEPH J. POWELL, ESQ.
Nevada Bar No. 008875
THE RUSHFORTH FIRM, LTD.
9505 Hillwood Drive, Suite 100
Las Vegas, Nevada 89134
Tel: (702) 255-4552
Fax: (702) 255-4677
joey@rushforth.net
Attorneys for Jacqueline M. Montoya
WHITNEY B. WARNICK, ESQ.
Nevada Bar No. 001573
ALBRIGHT, STODDARD, WARNICK & ALBRIGHT

801 South Rancho Drive, Suite D-4

Las Vegas, Nevada 89106 Tel: (702) 384-7111 Fax: (702) 384-0605

gma@albrightstoddard.com

Attorneys for Kathryn A. Bouvier

Alun & Brinn

CLERK OF THE COURT

DISTRICT COURT CLARK COUNTY, NEVADA

In the Matter of THE W. N. CONNELL AND MARJORIE T. CONNELL LIVING TRUST, Dated May 18, 1972,

CASE NO. P-09-066425 DEPT NO. XXVI (26)

Date of Hearing: March 20, 2015 Time of Hearing: 10:00a.m.

An Inter Vivos Irrevocable Trust.

ORDER APPOINTING NEW TEMPORARY TRUSTEE

A hearing in this proceeding was held on March 20, 2015, for the Court to consider and resolve some of the remaining issues in this case following the hearing herein on January 30, 2015. At this hearing, the Court decided to appoint a new temporary Trustee for the W.N. Connell and Marjorie T. Connell Living Trust, dated May 18, 1972 (hereinafter referred to as the "Trust"). Based upon the unrelated, third party candidates recommended by the parties, Mr. Fredrick P. Waid, Esq., by Jacqueline M. Montoya and Kathryn A. Bouvier, and Premier Trust, by Eleanor Connell Hartman Ahern, and good cause appearing;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that Eleanor Connell Hartman Ahern is immediately removed as Trustee of the Trust, subject to the rulings made by the Court on March 26, 2015, and until further order of this Court. In her place and stead,

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Mr. Fredrick P. Waid, Esq., is hereby appointed as the acting temporary successor Trustee of the Trust, with full authority to manage the Trust and its assets, including the Trust's interests in the Texas oil, gas and mineral property and interests in Upton County, Texas. Mr. Waid's appointment as acting successor Trustee of the Trust is made on a temporary, interim basis, until further order of the Court. Mr. Waid shall function as the sole acting Trustee of the Trust, with all powers and authority provided to him under the terms of the Trust instrument and the applicable Nevada Revised Statutes relating to a trustee's powers. Consistent with Nevada law, Mr. Waid, as Trustee, shall also honor all fiduciary obligations owed to all of the beneficiaries of the Trust. In her capacity as the former trustee of the Trust, and until such time that she might be reinstated by this Court to such position, Ms. Ahern shall fully cooperate with Mr. Waid in providing to him all pertinent information concerning the Trust's current business transactions and dealings and in making this transition in trusteeship of the Trust. SO ORDERED this 20 day of March, 2015 RICT COURT JUDGE Submitted by: ALBRIGHT, STODDARD. THE RUSHFORTH FIRM, LTD. WARNICK & ALBRIGHT By: WHITNEY B. WARNICK, ESQ. POWERL, ESQ. Nevada Bar No. 001573 Nevada Bar No. 00875 801 South Rancho Drive, Suite D-4 O~Box 371655 Las Vegas, Nevada 89106 Las Vegas, NV 89137-1655 Tel: (702) 384-7111 Tel: (702) 255-4552 Attorneys for Kathryn A. Bouvier Attorneys for Jacqueline M. Montoya Approved as to form and content by: MARQUIS AURBACH COFFING By:

DALE A. HAYES, ESQ. Nevada Bar No. 003430 LIANE K. WAKAYAMA, ESO. Nevada Bar No. 11313 10001 Park Run Drive Las Vegas, NV 89145

Attorneys for Eleanor Connell Hartman Ahern

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1 **Marquis Aurbach Coffing** Dale A. Hayes, Esq. 2 Nevada Bar No. 3430 Liane K. Wakayama, Esq. 3 Nevada Bar No. 11313 Candice E. Renka, Esq. 4 Nevada Bar No. 11447 10001 Park Run Drive 5 Las Vegas, Nevada 89145 Telephone: (702) 382-0711 6 Facsimile: (702) 382-5816 dhayes@maclaw.com lwakayama@maclaw.com 7 crenka@maclaw.com Attorneys for Eleanor Connell Hartman Ahern, as Trustee 8

Alm & Lum

CLERK OF THE COURT

DISTRICT COURT

CLARK COUNTY, NEVADA

In the Matter of

THE W.N. CONNELL AND MARJORIE T.
CONNELL LIVING TRUST DATED May 18,
1972, An Inter Vivos Irrevocable Trust.

Case No.: P-09-066425-T
Dept. No.: 26

CASE APPEAL STATEMENT

Eleanor Connell Hartman Ahern, as Trustee, by and through her attorneys of record, the law firm of Marquis Aurbach Coffing, hereby files this Case Appeal Statement.

- 1. Name of appellant filing this Case Appeal Statement:
 - Appellant: Eleanor Connell Hartman Ahern
- 2. Identify the Judge issuing the decision, judgment, or order appealed from:
 - The Honorable Gloria Sturman
- 3. Identify each appellant and the name and address of counsel for each appellant:

Appellant: Eleanor Connell Hartman Ahern Counsel for Appellant: Dale A. Hayes, Esq. Liane K. Wakayama, Esq. Candice E. Renka, Esq. Marquis Aurbach Coffing 10001 Park Run Drive Las Vegas, Nevada 89145

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4.	Identify each respondent and the name and address of appellate counsel, if known,
for each resp	ondent (if the name of a respondent's appellate counsel is unknown, indicated as
much and pro	vide the name and address of that respondent's trial counsel):

Respondent: Kathryn A. Bouvier Counsel for Respondent: Whitney B. Warnick, Esq. Albright, Stoddard, Warnick & Albright 801 South Rancho Drive, Suite D-4 Las Vegas, Nevada 89106

Respondent: Jacqueline M. Montoya Counsel for Respondent: Joseph J. Powell, Esq. The Rushforth Firm, LTD. P.O. Box 371655 Las Vegas, Nevada 89137-1655

5. Indicate whether any attorney identified above in response to question 3 or 4 is not licensed to practice law in Nevada and, if so, whether the district court granted that attorney permission to appear under SCR 42 (attach a copy of any district court order granting such permission):

Not Applicable.

6. Indicated whether appellant was represented by appointed or retained counsel in the district court:

> Appellant Eleanor Connell Hartman Ahern is represented by retained counsel, the law firm of Marquis Aurbach Coffing.

7. Indicate whether appellant is represented by appointed or retained counsel on appeal:

> Appellant Eleanor Connell Hartman Ahern is represented by retained counsel, the law firm of Marquis Aurbach Coffing.

8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date of entry of the district court order granting such leave:

Not Applicable.

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9. Indicate the date the proceedings commenced in the district court (e.g., date complaint indictment, information, or petition was filed):

> The trust proceedings commenced on August 17, 2009 from the Petition to Assume Jurisdiction of Trust, to Confirm Trustee, and Construe and Reform Trust.

> The underlying trust litigation commenced on September 27, 2013 as a result of the Petition for Declaratory Judgment Regarding Limited Interest of Trust Assets Pursuant to NRS 30.040, NRS 153.031(1)(e) and NRS 164.033(a)(a) filed by Jacqueline Montoya.

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

> The trust litigation primarily involves a dispute over the rightful ownership of oil, gas and mineral rights on real property as well as the real property itself located in Upton County, Texas (the "Oil Assets") currently owned by The W.N. Connell and Marjorie T. Connell Living Trust dated May 18, 1972 ("Trust"). The instant Order that is being appealed concerns the appointment of a new temporary trustee over the Trust given that the District Court entered summary judgment against the Appellant on a breach of fiduciary duty claim. Specifically, the District Court found that the Appellant breached her fiduciary duties owed to the Respondents by stopping payment of 65% of the income generated from the Oil Assets in June 2013. The District Court made this finding even though the net 65% of the total income from June 2013 through January 2015 remains held in trust for the Respondents' benefit.

> Concurrent with this appeal, the Appellant is requesting the District Court to stay the Order in order to allow the Appellant to continue to act as Trustee over the Trust so that deals currently pending with certain oil companies are not Granting the requested stay is beneficial to the Trust and all jeopardized. beneficiaries as a whole.

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

> An Order in this case has previously been appealed to the Supreme Court on July 31, 2014, the caption of which is In the Matter of: The W.N. Connell and Marjorie T. Connell Living Trust, Dated May 18, 1972, Supreme Court Case No. 66231.

12. Indicate whether this appeal involves child custody or visitation: No.

13.	If this is a civil case, indicate whether this appeal involves the possibility of
settlement:	
	Probably not at this stage given past failed settlement negotiations

MARQUIS AURBACH COFFING

 $\mathbf{R}_{\mathbf{V}}$

Dated this \(\frac{1}{2}\) day of April, 2015.

Dale Af Hayes Esq.
Nevada Bar No. 3430
Liane K. Wakayama, Esq.
Nevada Bar No. 11313
Candice E. Renka, Esq.
Nevada Bar No. 11447
10001 Park Run Drive
Las Vegas, Nevada 89145
Attorneys for Eleanor Connell Hartman Ahern, as Trustee

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **CASE APPEAL STATEMENT** was submitted electronically for filing and/or service with the Eighth Judicial District Court on the 7th day of April, 2015. Electronic service of the foregoing document shall be made in accordance with the E-Service List as follows:1

	Contact	Email
	Barbara Clark, Legal Assistant	bclark@albrightstoddard.com
	G. Mark Albright, Esq.	gma@albrightstoddard.com
	Whitney B. Warnick	wbw@albrightstoddard.com
ne Rushforth Firm, Ltd.		
	Contact	Email
	Joseph J. Powell	probate@rushforthfirm.com

Idlia Rodionova, an employee of Marquis Aurbach Coffing

Pursuant to EDCR 8.05(a), each party who submits an E-Filed document through the E-Filing System consents to electronic service in accordance with NRCP 5(b)(2)(D).

CASE SUMMARY CASE NO. P-09-066425-T

In the Matter of the Trust of: The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972

Family Domestic Location: Judicial Officer: Judge Sturman, Probate Hearing Master: Yamashita, Wesley Filed on: **08/17/2009**

Case Number History:

Cross-Reference Case P066425

Number:

Supreme Court No.: 66231

80.00.00.00.00.00.

Case Type: Probate - Trust/Conservatorships **Related Cases** P-14-080595-E (Companion Case)

Subtype: **Individual Trustee**

Case Flags: Appealed to the Nevada Supreme

Court

DATE CASE ASSIGNMENT

Current Case Assignment

Case Number P-09-066425-T Court Family Domestic Date Assigned 12/03/2012

Judge Sturman, Probate Judicial Officer Hearing Master Yamashita, Wesley

PARTY INFORMATION

Lead Attorneys Petitioner Ahern, Eleanor C

Wakayama, Liane K. Retained 702-382-0711(W)

Trustee Waid, Fredrick

Trust The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972

Other Warnick, Whitney Bruce Bouvier, Kathryn A

Retained

702-384-7111(W)

Montoya, Jacqueline M Powell, Joseph J

Retained

702-255-4552(W)

Parties Receiving Notice

Powell, Joseph J Personal Montoya, Jacqueline M Representative

Retained

702-255-4552(W)

DATE	EVENTS & ORDERS OF THE COURT	INDEX
08/17/2009	Petition to Assume Jurisdiction of Trust	

Filed by: Petitioner Ahern, Eleanor C

* Confirm Trustee; and Construe and Reform Trust

08/17/2009 Notice of Hearing

Filed by: Petitioner Ahern, Eleanor C

08/17/2009 Certificate of Mailing

	CASE NO. P-09-066425-T
	Filed by: Petitioner Ahern, Eleanor C For: Other Parties Receiving Notice PETITION TO ASSUME
09/04/2009	Hearing (9:30 AM) (Judicial Officer: Yamashita, Wesley) Events: 08/17/2009 Notice of Hearing Hrg on Pet to Assume Jurisdiction Over Trust; Confirm Trustee; and Construe and Reform Trust
09/04/2009	Order Filed by: Petitioner Ahern, Eleanor C Assuming Jurisdiction over Trust; Confirm Trustee; and for Construction of an Reform of Trust instrument
09/08/2009	Notice of Entry of Order Filed by: Petitioner Ahern, Eleanor C
09/27/2013	Petition Filed by: Other Montoya, Jacqueline M Petition for Declaratory Judgment Regarding Limited Interest of Trust Assets Pursuant to NRS 30.040, NRS 163.031(1)(E), and NRS 164.033(1)(A)
09/27/2013	Verification Filed by: Other Montoya, Jacqueline M Verification for Petition for Declaratory Judgment Regarding Limited Interest of Trust Assets Pursuant to NRS 30.040, NRS 153.031(1)(E), and NRS 164.033(1)(A)
09/27/2013	Notice of Hearing Filed by: Other Montoya, Jacqueline M Notice of Hearing on Petition for Declaratory Judgment Regarding Limited Interest of Trust Assets Pursuant to NRS 30.040, NRS 153.031(1)(E), and NRS 164.033(1)(A)
09/27/2013	Certificate of Mailing Filed by: Other Parties Receiving Notice Certificate of Mailing
10/11/2013	Petition (9:30 AM) (Judicial Officer: Sturman, Gloria) 10/11/2013, 11/12/2013 Events: 09/27/2013 Notice of Hearing Hearing on Petition for Declaratory judgment Regarding Limited Interest of Trust Assets Pursuant to NRS. 30.040, NRS 153.031(1)(E), and NRS 164.033(1)(A)
11/04/2013	Motion Filed by: Petitioner Ahern, Eleanor C Motion to Refer Contested Probate Matter to Master-Probate Commissioner Per EDCR 4.16
11/07/2013	Response Filed by: Other Montoya, Jacqueline M Response to Motion to Refer Contested Probate Matter to Master-Probate Commissioner per EDCR 4.16
11/08/2013	Receipt of Copy Filed by: Other Montoya, Jacqueline M Receipt of Copy
11/08/2013	Errata

	CASE NO. P-09-066425-T
	Filed by: Other Montoya, Jacqueline M Errata to Response to Motion to Refer Contested Probate Matter to Master-Probate Commissioner per EDCR 4.16
11/11/2013	Reply Filed by: Petitioner Ahern, Eleanor C Reply of Eleanor C. Ahern to Response of Jacqueline M. Montoya to Motion to Refer Contested Probate Matter to Master-Probate Commissioner Per EDCR 4.16
11/18/2013	Order Order Setting Bench Trial
11/26/2013	Motion Filed by: Petitioner Ahern, Eleanor C Motion to Dismiss Petition for Declaratory Judgment Regarding Limited Interest of Trust Assets Pursuant to NRS 30.040, NRS 153.031(1)(E), and NRS 164.033(1)(A) for Failure to State a Claim Upon Which Relief can be Granted Per NRCP 12(b)(5)
12/03/2013	Petition Filed by: Other Montoya, Jacqueline M Petition to Compel Trustee to Distribute Accrued Income and Future Income Received from Oil, Gas, and Mineral Leases and Declaration of the Applicability of the Doctrine of Laches
12/03/2013	Verification Filed by: Other Montoya, Jacqueline M Verification for Petition to Compel Trustee to Distribute Accrued Income and Future Income Received from Oil, Gas, and Mineral Leases and Declaration of the Applicability of the Doctrine of Laches
12/03/2013	Certificate of Mailing Filed by: Other Montoya, Jacqueline M Certificate of Mailing
12/04/2013	Notice of Hearing Filed by: Other Montoya, Jacqueline M Notice of Hearing on Petition to Compel Trustee to Distribute Accrued Income and Future Income Received from Oil, Gas, and Mineral Leases and Declaration of the Applicability of the Doctrine of Laches
12/04/2013	Certificate of Mailing Filed by: Other Montoya, Jacqueline M Certificate of Mailing
12/04/2013	Notice Notice of Resetting Hearing
12/06/2013	Recorders Transcript of Hearing Transcript of Proceedings
12/11/2013	Objection Filed by: Other Montoya, Jacqueline M Objection to Motion to Dismiss Petition for Declaratory Judgment Regarding Limited Interest of Trust Assets Pursuant to NRS 30.040, NRS 153.031(E), and NRS 164.033(1)(A) for Failure to State a Claim Upon Which Relief Can Be Granted Per NRCP 12(B)(5)
12/11/2013	

	CASE NO. P-09-066425-T
	Certificate of Mailing Filed by: Other Montoya, Jacqueline M Certificate of Mailing
12/13/2013	CANCELED Motion (9:30 AM) Vacated Hearing on Motion to Dismiss Petition for Declaratory Judgment Regarding Limited Interest of Trust Assets Pursuant to NRS 30.040, NRS 153.031(1)(E), and NRS 164.033(1)(A) for Failure to State a Claim Upon Which Relief Can be Granted Per NRCP 12(b)(5)
01/03/2014	Objection Filed by: Petitioner Ahern, Eleanor C Objection of Trustee Eleanor C. Ahern to Jacqueline M. Montoya's Petition to Compet Trustee to Distribute Accured Income and Future Income Received from Oil, Gas, and Mineral Leases and Declaration of the Applicability of the Doctrine of Laches
01/06/2014	Grider Denying Filed by: Petitioner Ahern, Eleanor C Order Denying Motion to Refer Contested Probate Matter to Master-Probate Commissioner Per EDCR 4.16; Directing Payment of all Oil, Gas, Mineral and Interest Royaties and Rent to Eleanor C. Hartman, also known as Eleanor C. Ahern, as Trustee of Trust No. 2 of the W.N. Connell and Marjorie T. Connell Living Trust dated May 18, 1972; and Setting Calendar Call and Hearing
01/09/2014	Response Filed by: Other Montoya, Jacqueline M Response to Objection of Trustee Eleanor C. Ahern to Jacqueline M. Montoya's Petition to Compel Trustee to Distribute Accrued Income and Future Income Received from Oil, Gas, and Minerals and Declaration of the Applicability of the Doctrine of Laches
01/14/2014	Motion (9:00 AM) (Judicial Officer: Sturman, Gloria) Events: 11/26/2013 Motion Hearing on Motion to Dismiss Petition for Declaratory Judgment Regarding Limited Interest of Trust Assets Pursuant to NRS 30.040, NRS 153.031(1)(E), and NRS 164.033(1)(A) for Failure to State a Claim Upon Which Relief Can be Granted Per NRCP 12(b)(5)
01/14/2014	Petition - HM (9:00 AM) (Judicial Officer: Sturman, Gloria) Events: 12/04/2013 Notice of Hearing Hearing on Petition to Compel Trustee to Distribute Accrued Income and Future Income Received from Oil, Gas, and Mineral Leases and Declaration of the Applicability of the Doctrine of Laches
01/14/2014	All Pending Motions (9:00 AM) (Judicial Officer: Sturman, Gloria)
01/14/2014	Receipt of Copy Filed by: Other Montoya, Jacqueline M Receipt of Copy
01/24/2014	Calendar Call (11:00 AM) (Judicial Officer: Sturman, Gloria)
01/24/2014	Recorders Transcript of Hearing Party: Petitioner Ahern, Eleanor C Recorder's Transcript Motions Hearing Tuesday January 14 2014
01/27/2014	Notice of Taking Deposition Filed by: Petitioner Ahern, Eleanor C Notice of Taking Videotaped Deposition of Curtis Baggett

	CASE 110, 1 -07-000425-1
01/27/2014	Notice of Deposition Filed by: Petitioner Ahern, Eleanor C Notice of Taking Videotaped Deposition of Stanley E. Crawford, Jr.
01/27/2014	Notice of Taking Deposition Filed by: Petitioner Ahern, Eleanor C Notice of Taking Videotaped Deposition of J. Randall Turner
02/04/2014	Recorders Transcript of Hearing Party: Petitioner Ahern, Eleanor C Recorder's Transcript of Proceeding: All Pending Motions & Calendar Call, Friday, January 24, 2014
02/04/2014	Amended Notice Filed by: Petitioner Ahern, Eleanor C Amended Notice of Taking Videotaped Deposition of Curtis Baggett
02/05/2014	Notice of Vacating Deposition Filed by: Petitioner Ahem, Eleanor C Notice of Vacating Deposition of Stanley E. Crawford, Jr.
02/06/2014	Notice of Vacating Deposition Filed by: Petitioner Ahern, Eleanor C Notice of Vacating Deposition of J. Randall Turner
02/07/2014	Notice of Vacating Deposition Filed by: Petitioner Ahern, Eleanor C Notice of Vacating Deposition of Curtis Baggett
02/10/2014	Answer - Other Domestic/Guardianship/Probate Filed by: Petitioner Ahern, Eleanor C Answer of Trustee Eleanor C. Ahern to Jacqueline M. Montoya's Petition for Declaratory Judgment Regarding Limited Interest of Trust Assets Pursuant to NRS 30.040, NRS 153.031(1) (e), and NRS 164.033(1)(a) and Counterclaims Against Jacqueline M. Montoya
02/11/2014	Pre-trial Memorandum Filed by: Petitioner Ahern, Eleanor C Pre-Trial Memorandum
02/11/2014	Trial Subpoena Filed by: Petitioner Ahern, Eleanor C Trial Subpoena
02/11/2014	Acceptance of Service Filed by: Other Montoya, Jacqueline M Acceptance of Service
02/12/2014	Pre-trial Memorandum Filed by: Other Montoya, Jacqueline M Jacqueline Montoya's Trial Memorandum Pursuant to E.D.C.R. 7.27
02/12/2014	Pre Trial Conference (11:00 AM) (Judicial Officer: Sturman, Gloria)

	CASE NO. P-09-066425-1
02/14/2014	Motion Filed by: Other Montoya, Jacqueline M Motion to Dismiss and Motion to Strike Counterclaims Raised by Eleanor C. Ahern Pursuant to NRCP 16 and NRCP 12(B)
02/18/2014	Bench Trial (10:00 AM) (Judicial Officer: Sturman, Gloria)
02/20/2014	Demand for Jury Trial Filed by: Petitioner Ahern, Eleanor C Demand for Jury Trial
02/21/2014	Order Setting Civil Non-Jury Trial Order Resetting Bench Trial
02/26/2014	Recorders Transcript of Hearing Party: Petitioner Ahern, Eleanor C RECORDER'S TRANSCRIPT OF PROCEEDING: CIVIL BENCH TRIAL DAY 1 TUESDAY, FEBRUARY 18, 2014
03/06/2014	Petition Filed by: Other Montoya, Jacqueline M Petition to Compel Trustee to Distribute Accrued Income and Future Income Received from Oil, Gas, and Mineral Leases and Declaration of the Applicability of the Doctrine of Laches and Addendum to said Petition
03/06/2014	Addendum Filed by: Other Montoya, Jacqueline M Addendum to Petition to Compel Trustee to Distribute Accrued Income and Future Income Received from Oil, Gas, and Mineral Leases and Declaration of the Applicability of the Doctrine of Laches
03/06/2014	Certificate of Mailing Filed by: Petitioner Ahern, Eleanor C Certificate of Mailing
03/11/2014	Stipulation and Order Filed by: Other Montoya, Jacqueline M Stipulation and Order to Extend Time to Reply or Otherwise Plead to Counterclaims Asserted by Ele4anor C. Ahern
03/12/2014	Notice of Entry of Order Filed by: Other Montoya, Jacqueline M Notice of Entry of Stipulation and Order to Extend Time to Reply or Otherwise Plead to Counterclaims Asserted by Eleanor C. Ahern
03/13/2014	Certificate of Mailing Filed by: Other Montoya, Jacqueline M Certificate of Mailing
03/13/2014	Objection Filed by: Petitioner Ahern, Eleanor C Objection of Trustee Eleanor C. Ahern to Jacqueline M. Montoya's Petition and Addendum to Petition to Compel Trustee to Distribute Accured Income and Future Income Recieved from Oil, Gas, and Mineral Leases and Declaration of the Applicability of the Doctrine of Laches

	CASE NO. P-09-066425-T
03/13/2014	Affidavit of Mailing Filed by: Petitioner Ahern, Eleanor C Affidavit of Mailing
03/13/2014	Recorders Transcript of Hearing Party: Petitioner Ahern, Eleanor C RECORDER'S TRANSCRIPT PRETRIAL CONFERENCE WEDNESDAY, FEBRUARY 12, 2014
03/14/2014	Certificate of Mailing Filed by: Petitioner Ahern, Eleanor C Certificate of Mailing
03/18/2014	Motion to Dismiss Filed by: Other Montoya, Jacqueline M Motion to Dismiss Counterclaims of Eleanor C. Ahern
03/20/2014	Amended Certificate of Mailing Party: Other Montoya, Jacqueline M Amended Certificate of Mailing
03/20/2014	Certificate of Mailing Filed by: Other Montoya, Jacqueline M Certificate of Mailing
03/20/2014	Amended Notice Filed by: Other Montoya, Jacqueline M Amended Notice of Hearing on Petition to Compel Trustee to Distribute Accrued Income and Future Income Received from Oil, Gas, and Mineral Leases and Declaration of the Applicability of the Doctrine of Laches and Addendum to Said Petition
03/25/2014	Ex Parte Application Filed by: Other Montoya, Jacqueline M Ex Parte Application for Order Shortening Time
03/26/2014	Petition Filed by: Other Montoya, Jacqueline M Petition for Construction and Effect of Probate Court Order
03/26/2014	Verification Filed by: Other Montoya, Jacqueline M Verification for Petition for Construction and Effect of Probate Court Order
03/26/2014	Notice of Hearing Filed by: Other Montoya, Jacqueline M Notice of Hearing on Petition for Construction and Effect of Probate Court Order
03/26/2014	Notice of Entry Filed by: Other Montoya, Jacqueline M Notice of Entry of Ex Parte Application for Order Shortening Time
03/27/2014	Petition Filed by: Other Montoya, Jacqueline M Petition for Determination of Construction and Interpretation of Language Relating to Trust

	CASE NO. P-09-066425-T
	No. 2
03/27/2014	Verification Filed by: Other Montoya, Jacqueline M Verification for Petition for Determination of Construction and Interpretation of Language Relating to Trust No. 2
03/27/2014	Notice of Hearing Filed by: Other Montoya, Jacqueline M Notice of Hearing on Petition for Determination of Construction and Interpretation of Language Relating to Trust No. 2
03/28/2014	Certificate of Mailing Filed by: Other Montoya, Jacqueline M Certificate of Mailing
03/31/2014	Certificate of Mailing Filed by: Other Montoya, Jacqueline M Certificate of Mailing
04/10/2014	Ex Parte Petition Filed by: Petitioner Ahern, Eleanor C Ex Parte Petition for Order Shortening Time Regarding Petition for Release of Trust Funds for the Payment of Administrative Expenses, Insurance Premiums and Taxes Attributable to Trust Property
04/10/2014	Petition Filed by: Petitioner Ahern, Eleanor C Petition for Release of Trust Funds for the Payment of Administrative Expenses, Insurance Premiums and Taxes Attributable to Trust Property
04/10/2014	Order Shortening Time Filed by: Petitioner Ahern, Eleanor C Order Shortening Time Regarding Petition for Release of Trust Funds for the Payment of Administrative Expenses, Insurance Premiums and Taxes Attributable to Trust Property
04/10/2014	Certificate of Mailing Filed by: Petitioner Ahern, Eleanor C Certificate of Mailing Regarding Petition for Release of Trust Funds for the Payment of Administrative Expenses, Insurance Premiums and Taxes Attributable to Trust Property
04/18/2014	Objection Filed by: Other Montoya, Jacqueline M Objection, in Part, to Petition for Release of Trust Funds for the Payment of Administrative Expenses, Insurance Premiums and Taxes Attributable to Trust Property
04/22/2014	Petition (9:00 AM) (Judicial Officer: Sturman, Gloria) Events: 04/10/2014 Order Shortening Time Hearing on Petition for Release of Trust Funds for the Payment of Administrative Expenses, Insurance Premiums and Taxes Attributable to Trust Property
04/28/2014	Recorders Transcript of Hearing Party: Trust The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972 RECORDER'S TRANSCRIPT OF PROCEEDINGS: PETITION TUESDAY, APRIL 22, 2014
05/07/2014	

	CASE NO. P-09-066425-T
	Errata Filed by: Petitioner Ahern, Eleanor C Errata to Objection to Trustee Eleanor C. Ahern to Jacqueline M. Montoya's Petition and Addendum to Petition to Compel Trustee to Distribute Accured Income and Future Income Received from Oil, Gas, and Mineral Leases and Declaration of the Applicability of the Doctrine of Laches
05/07/2014	Opposition Filed by: Petitioner Ahern, Eleanor C Opposition of Eleanor C. Ahern to Motion to Dismiss Counterclaims of Eleanor C. Ahern
05/08/2014	Ex Parte Petition Filed by: Petitioner Ahem, Eleanor C Ex Parte Petition for Order Shortening Time Regarding Motion to Continue Jacqueline M. Montoya's Petition for Construction and Effect of Probate Court Order
05/08/2014	Order Shortening Time Filed by: Petitioner Ahern, Eleanor C Order Shortening Time Regarding Motion to Continue Jacqueline M. Montoya's Petition for Construction and Effect of Probate Court Order
05/08/2014	Motion Filed by: Petitioner Ahern, Eleanor C Motion of Eleanor C. Ahern to Continue May 13, 2014 Hearing on Petition for Construction and Effect of Probate Court Order of Jacqueline M. Montoya
05/08/2014	Certificate of Mailing Filed by: Petitioner Ahern, Eleanor C Certificate of Mailing Regarding Motion of Eleanor C. Ahern to Continue May 13, 2014 Hearing on Petition for Construction and Effect of Probate Court Order of Jacqueline M. Montoya
05/08/2014	Certificate of Mailing Filed by: Other Montoya, Jacqueline M Certificate of Mailing
05/08/2014	Response Filed by: Other Montoya, Jacqueline M Response to Objection of Eleanor C. Ahern to Jacqueline M. Montoya's Petition and Addendum to Petition to Compel Trustee to Distribute Accrued Income and Future Income Received from Oil, Gas, and Mineral Leases and Declaration of the Applicability of the Doctrine of Laches
05/12/2014	Opposition Filed by: Petitioner Ahern, Eleanor C Opposition of Eleanor C. Ahern to Jacqueline M. Montoya's Petition for Construction and Effect of Probate Court Order
05/12/2014	Certificate of Mailing Filed by: Petitioner Ahern, Eleanor C Certificate of Mailing Regarding Opposition of Eleanor C. Ahern to Jacqueline M. Montoya's Petition for Contruction of Effect of Probate Court Order
05/12/2014	Reply Filed by: Petitioner Ahern, Eleanor C Reply to Trustee Eleanor C. Ahern to Response of Jacqueline M. Montoya to Objection of

	CASE NO. P-09-066425-T
	Trustee Eleanor c. Ahern to Jacqueline M. Montoya's Petiton and Addendum to Petition to Compel Trustee to Distribute Accured Income and Future Income Received from Oil, Gas, and Mineral Leases and Declaration of the Applicability of the Doctrine of Laches
05/13/2014	Motion (9:00 AM) (Judicial Officer: Sturman, Gloria) Events: 03/18/2014 Motion to Dismiss Motion to Dimiss Counterclaims of Eleanor C. Ahern
05/13/2014	Motion (9:00 AM) (Judicial Officer: Sturman, Gloria) Events: 03/20/2014 Amended Notice Jacqueline M. Montoya's Amended Notice of Hearing on Petition to Compel Trustee to Distribute Accrued Income and Future Income Received From Oil, Gas, and Mineral Leases and Declaration of the Applicability of the Doctrine of Laches and Addendum to Said Petition
05/13/2014	Hearing (9:00 AM) (Judicial Officer: Sturman, Gloria) Events: 03/26/2014 Notice of Hearing Hearing on Petition for Construction and Effect of Probate Court Order
05/13/2014	Motion (9:00 AM) (Judicial Officer: Sturman, Gloria) Events: 05/08/2014 Order Shortening Time Motion of Eleanor c. Ahern to Continue May 13, 2014 Hearing on Petition for Constructive and Effect of Probate Court Order of Jacqueline M. Montoya
05/13/2014	All Pending Motions (9:00 AM) (Judicial Officer: Sturman, Gloria)
05/16/2014	Order Filed by: Petitioner Ahern, Eleanor C Order Granting Petition for Release of Trust Funds for the Payment of Administrative Expenses, Insurane Premiums and Taxes Attributable to Trust Property
05/19/2014	Notice of Entry of Order Filed by: Petitioner Ahern, Eleanor C Notice of Entry of Order
05/20/2014	Recorders Transcript of Hearing Party: Petitioner Ahern, Eleanor C Transcript RE: All Pending Motions
05/27/2014	CANCELED Petition - HM (9:00 AM) (Judicial Officer: Sturman, Gloria) Vacated Hearing on Petition for Determination of Construction and Interpretation of Language Relating to Trust No. 2
06/09/2014	Notice Filed by: Other Bouvier, Kathryn A Notice of Appearance
07/07/2014	Order Filed by: Other Bouvier, Kathryn A Order: Re Pending Motions and Scheduling
07/07/2014	Order Filed by: Petitioner Ahern, Eleanor C Order: Re Pending Motions and Scheduling
07/08/2014	Notice of Entry of Order Filed by: Other Montoya, Jacqueline M

CASE SUMMARY

CASE NO. P-09-066425-T

	CASE NO. P-09-066425-T
	Notice of Entry of Order: Re Pending Motions and Scheduling
07/17/2014	Motion to Compel Filed by: Petitioner Ahern, Eleanor C Motion to Compel Responses to Eleanor C. Ahern's First Set of Interrogatories and First Request for Production of Documents to Jacqueline M. Montoya
07/17/2014	Certificate of Mailing Filed by: Petitioner Ahern, Eleanor C Certificate of Mailing
07/17/2014	CANCELED Calendar Call (11:00 AM) (Judicial Officer: Sturman, Gloria) Vacated
07/22/2014	Subpoena Duces Tecum Filed by: Petitioner Ahern, Eleanor C Subpoena Duces Tecum for Business Records
07/31/2014	Case Appeal Statement Filed by: Petitioner Ahern, Eleanor C Case Appeal Statement
07/31/2014	Notice of Appeal Filed by: Petitioner Ahern, Eleanor C Notice of Appeal
08/07/2014	Notice Filed by: Petitioner Ahern, Eleanor C Notice of Subpoena Duces Tecum to the Custodian of Records for Medicare
08/07/2014	Notice Filed by: Petitioner Ahern, Eleanor C Notice of Subpoena Duces Tecum to the Custodian of Records for University Medical Center
08/07/2014	Notice Filed by: Petitioner Ahern, Eleanor C Notice of Subpoena Duces Tecum to the Custodian of Records for Christopher S. Cruz, M.D.
08/07/2014	Notice Filed by: Petitioner Ahern, Eleanor C Notice of Subpoena Duces Tecum to the Custodian of Records for David A. Straus, Esquire
08/07/2014	Notice Filed by: Petitioner Ahern, Eleanor C Notice of Subpoena Duces Tecum to the Custodian of Records for Corey Haina
08/11/2014	CANCELED Bench Trial (9:00 AM) (Judicial Officer: Sturman, Gloria) Vacated
08/12/2014	Affidavit of Service Filed by: Petitioner Ahern, Eleanor C Affidavit of Service: Custodian of Records for University Medical Center
08/13/2014	Affidavit of Service Filed by: Petitioner Ahern, Eleanor C

	CASE NO. P-09-066425-T
	Affidavit of Service
08/13/2014	Affidavit of Service Filed by: Petitioner Ahern, Eleanor C Affidavit of Service
08/14/2014	Subpoena Duces Tecum Filed by: Petitioner Ahern, Eleanor C Subpoena Duces Tecum for Business Records
08/14/2014	Subpoena Duces Tecum Filed by: Petitioner Ahern, Eleanor C Subpoena Duces Tecum for Business Records
08/14/2014	Notice Filed by: Petitioner Ahern, Eleanor C Notice of Subpoena Duces Tecum to the Custodian of Records for Kindred Hospital Las Vegas
08/19/2014	Clerk of the Courts Notice of Change of Hearing Clerk of the Courts Notice of Change of Hearing - Family
08/19/2014	Response Filed by: Other Montoya, Jacqueline M Jacqueline M. Montoya's Response to Eleanor C. Ahern's Motion to Compel Responses to Eleanor C. Ahern's First Set of Interrogatories and First Request for Production of Documents to Jacqueline M. Montoya
08/19/2014	Certificate of Mailing Filed by: Other Montoya, Jacqueline M Certificate of Mailing
08/22/2014	CANCELED Motion to Compel (1:30 PM) (Judicial Officer: Beecroft, Chris A, Jr.) Vacated Motion to Compel Responses to Eleanor C. Ahern's First Set of Interrogatories and First Request for Production of Documents to Jacqueline M. Montoya
08/29/2014	Reply Filed by: Petitioner Ahern, Eleanor C Reply of Eleanor C. Ahern to Jacqueline M. Montoya's Response to Eleanor C. Ahern's Motion to Compel Responses to Eleanor C Ahern's First Set of Interrogatories and First Request for Production of Documents to Jacqueline M. Montoya
08/29/2014	Reply Filed by: Petitioner Ahern, Eleanor C Reply of Eleanor C. Ahern to Jacqueline M. Montoya's Response to Eleanor C. Ahern's Motion to Compel Responses to Eleanor C Ahern's First Set of Interrogatories and First Request for Production of Documents to Jacqueline M. Montoya
09/03/2014	Motion to Compel (9:00 AM) (Judicial Officer: Bulla, Bonnie) Events: 07/17/2014 Motion to Compel Motion to Compel Responses to Eleanor C. Ahern's First Set of Interrogatories and First Request for Production of Documents to Jacqueline M. Montoya
09/10/2014	Stipulation and Order Filed by: Petitioner Ahem, Eleanor C Stipulation and Oder for Release of Medicial Information

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09/11/2014	Subpoena Duces Tecum Filed by: Petitioner Ahern, Eleanor C Subpoena Duces Tecum for Business Records
09/11/2014	Notice of Entry of Order Filed by: Petitioner Ahern, Eleanor C Notice of Entry of Order Re: Stipulation and Order for Release of Medical Information
09/15/2014	Notice Filed by: Petitioner Ahern, Eleanor C Notice of Suboena Duces Tecum to the Custodian of Records for Complex Care Hospital
09/15/2014	Notice Filed by: Petitioner Ahern, Eleanor C Notice of Subpoena Duces Tecum to the Custodian of Records for MountainView Hospital
09/15/2014	Notice Filed by: Petitioner Ahern, Eleanor C Notice of Subpoena Duces Tecum to the Custodian of Records for Sunrise Hospital and Medical Center
09/15/2014	Notice Filed by: Petitioner Ahern, Eleanor C Notice of Subpoena Duces Tecum to the Custodian of Records for Torrey Pines Rehabilitation Center
09/19/2014	Transcript of Proceedings Motion to Compel, Wednesday, September 3, 2014
09/19/2014	Transcript of Proceedings September 3, 2014
09/26/2014	Notice of Taking Deposition Filed by: Petitioner Ahern, Eleanor C Notice of Taking Deposition
09/26/2014	Notice Filed by: Other Montoya, Jacqueline M Notice of Deposition
09/26/2014	Notice of Taking Deposition Filed by: Petitioner Ahern, Eleanor C Notice of Taking Deposition-Kathryn Bouvier
10/03/2014	Notice of Taking Deposition Filed by: Petitioner Ahern, Eleanor C Notice of Taking Deposition- David A. Straus
10/03/2014	Notice of Taking Deposition Filed by: Petitioner Ahern, Eleanor C Notice of Taking Deposition-Josefina C. Jones
10/09/2014	

	CASE NO. P-09-000425-1
	Motion to Dismiss Filed by: Petitioner Ahern, Eleanor C Motion to Dismiss Petition for Declaratory Judgment Regarding Limited Interest of Trust Assets Pursuant to NRS 30.040, NRS 153.031(1)(E), and NRS 164.033(1)(A) for Failure to State a Claim Upon Which Relief Can be Granted Per NRCP 12(b)(5)
10/10/2014	Status Check (11:00 AM) (Judicial Officer: Bulla, Bonnie)
10/13/2014	Stipulation and Order Filed by: Petitioner Ahern, Eleanor C Stipulation and Order for Release of Medicial Information
10/15/2014	Notice of Entry of Order Filed by: Petitioner Ahern, Eleanor C Notice of Entry of Order Re: Stipulation and Order for Release of Medicial Information
10/16/2014	Notice of Taking Deposition Filed by: Petitioner Ahern, Eleanor C Notice of Taking Deposition
10/21/2014	Subpoena Filed by: Petitioner Ahern, Eleanor C Subpoena to Sharon Brown
10/21/2014	Subpoena Filed by: Petitioner Ahern, Eleanor C Subpoena to David A. Straus, Esq.
10/21/2014	Subpoena Filed by: Petitioner Ahern, Eleanor C Subpoena to Josefina C. Jones
10/24/2014	Notice of Vacating Deposition Filed by: Petitioner Ahern, Eleanor C Notice of Vacating Deposition
10/24/2014	Notice of Vacating Deposition Filed by: Petitioner Ahern, Eleanor C Notice of Vacating Deposition
10/24/2014	Notice of Vacating Deposition Filed by: Petitioner Ahern, Eleanor C Notice of Vacating Deposition
11/03/2014	Substitution of Attorney Filed by: Petitioner Ahern, Eleanor C Substitution of Attorney
11/10/2014	Motion to Enforce Filed by: Other Bouvier, Kathryn A Motion to Enforce Settlement Agreement
11/12/2014	Notice of Hearing Filed by: Other Bouvier, Kathryn A

	CASE NO. P-09-066425-T
	Renotice of Hearing on Motion to Enforce Settlement Agreement
11/14/2014	Status Check (11:00 AM) (Judicial Officer: Bulla, Bonnie) Status Check: Compliance / Sanctions
11/24/2014	Motion Filed by: Petitioner Ahern, Eleanor C Motion to Withdraw as Attorney for Eleanor Ahern
11/24/2014	Notice of Hearing Filed by: Petitioner Ahern, Eleanor C Notice of Hearing
11/25/2014	Motion to Continue Filed by: Petitioner Ahern, Eleanor C Motion to Continue Hearing and Briefing Schedule and to Stay All Pending Matters on Order Shortening Time
11/25/2014	Certificate of Mailing Filed by: Petitioner Ahem, Eleanor C Certificate of Mailing
11/26/2014	Opposition Filed by: Other Bouvier, Kathryn A Opposition to Eleanor Ahern's Motion to Continue Hearing and Briefing Schedule and to Stay All Pending Matters on Order Shortening Time
11/26/2014	Substitution of Attorney Filed by: Petitioner Ahem, Eleanor C Substitution of Attorneys
11/26/2014	Notice Filed by: Petitioner Ahern, Eleanor C Notice of Entry of Order Shortening Time and Notice of Hearing
12/01/2014	Discovery Commissioners Report and Recommendations Discovery Commissioners Report and Recommendations
12/03/2014	Reply Filed by: Petitioner Ahern, Eleanor C Reply in Support of Motion to Continue Hearing and Briefing Schedule and to Stay All Pending Matters on Order Shortening Time
12/04/2014	Motion (10:30 AM) (Judicial Officer: Sturman, Gloria) Events: 11/25/2014 Motion to Continue All Pending Motion
12/11/2014	Opposition Filed by: Petitioner Ahern, Eleanor C Opposition to Motion to Enforce Settlement Agreement
12/11/2014	Recorders Transcript of Hearing Party: Petitioner Ahern, Eleanor C Recorder's Transcript of Proceeding: All Pending Motions Thursday December 4, 2014

	CASE NO. P-09-000425-1
12/12/2014	Errata Filed by: Petitioner Ahern, Eleanor C Errata to Opposition to Motion to Enforce Settlement Agreement
12/12/2014	Hearing - HM (9:30 AM) (Hearing Master: Yamashita, Wesley) Events: 11/24/2014 Motion Motion to Withdraw as Atty for Eleanor Ahern
12/12/2014	CANCELED Hearing - HM (9:30 AM) Vacated Notice of Hearing
12/15/2014	Reply Filed by: Other Bouvier, Kathryn A Reply in Support of Motion to Enforce Settlement Agreement
12/17/2014	Motion to Enforce (9:00 AM) (Judicial Officer: Sturman, Gloria) Events: 11/10/2014 Motion to Enforce Settlement Agreement [10AM]
12/17/2014	Order Filed by: Petitioner Ahern, Eleanor C Order Granting in Part Motion to Continue Hearing and Briefing Schedule and to Stay All Pending Matters
12/19/2014	Status Check (11:00 AM) (Judicial Officer: Bulla, Bonnie) Status Check: Compliance
12/19/2014	Notice of Entry of Order Filed by: Petitioner Ahem, Eleanor C Notice of Entry of Order
12/23/2014	Motion to Compel Filed by: Petitioner Ahem, Eleanor C Emergency Motion to Compel David L. Mann, Esq. to Turn Over Documents
12/23/2014	Opposition and Countermotion Filed by: Other Bouvier, Kathryn A Opposition to Eleanor C. Ahern's Motion to Dismiss Petition for Declaratory Judgment for Failure to State a Claim upon which Relief can be Granted; and Countermotion of Kathryn A. Bouvier and Jacqueline M. Montoya for Summary Judgment on Petition for Declaratory Judgment, for Damages and Assessment of Penalties, and for other Relief
12/24/2014	Recorders Transcript of Hearing RECORDER'S TRANSCRIPT OF PROCEEDING: MOTION TO ENFORCE: SETTLEMENT AGREEMENT WEDNESDAY, DECEMBER 17, 2014
12/24/2014	Notice of Hearing Filed by: Petitioner Ahern, Eleanor C Notice of Hearing
12/29/2014	Motion Filed by: Other Mann, David L, ESQ Attorney David L. Mann ESQ motion to Quash Supoenas and For A Protective Order

12/31/2014	Motion Filed by: Petitioner Ahern, Eleanor C Motion to Exceed Page Limit
01/02/2015	Motion for Summary Judgment Filed by: Petitioner Ahern, Eleanor C Omnibus Opposition to Petition for Determination of Construction and Interpretation of Language Relating to Trust No 2, and Petition for Construction and Effect of Probate Court Order; and Countermotion for Summary Judgment
01/08/2015	Order Filed by: Petitioner Ahern, Eleanor C Order Granting Motion to Exceed Page Limit
01/09/2015	Reply Filed by: Other Bouvier, Kathryn A Reply in Support of Countermotion of Kathryn A. Bouvier and Jacqueline M. Montoya for Summary Judgment on Petition for Declaratory Judgment, for Damages, and Assessment of Penalties, and for Other Relief; And Opposition to Eleanor's Countermotion for Summary Judgment
01/09/2015	Reply Filed by: Petitioner Ahern, Eleanor C Eleanor C. Ahern's (1) Reply in Support of Eleanor C. Ahern's Motion to Dismiss Petition for Declaratory Judgment for Failure to State a Claim Upon Which Relief Can Be Granted; (2) Opposition to Countermotion of Kathryn A. Bouvier and Jacqueline M. Montoya for Summary Judgment on Petition for Declaratory Judgment, For Damages and Assessment of Penalties, and for Other Relief; and (3) Reply in Support of Countermotion for Summary Judgment
01/09/2015	Status Check: Compliance (11:00 AM) (Judicial Officer: Bulla, Bonnie)
01/09/2015	Motion Filed by: Petitioner Ahern, Eleanor C Motion to Exceed Page Limit
01/09/2015	Notice of Entry of Order Filed by: Petitioner Ahern, Eleanor C Notice of Entry of Order
01/12/2015	Supplement Filed by: Other Montoya, Jacqueline M Supplement to Reply in Support of Countermotion of Kathryn A. Bouvier and Jacqueline M. Montoya for Summary Judgment on Petition for Declaratory Judgment, for Damages and Assessment of Penalties, and for Other Relief; and Opposition to Eleanor's Countermotion for Summary Judgment
01/12/2015	Motion Filed by: Other Bouvier, Kathryn A Motion for Leave to Amend Pleadings of Jacqueline M. Montoya and Kathryn A. Bouvier for Claims, Defenses, Damages and Assessment of Penalties, and for Other Relief Against Eleanor Connell Hartman Ahern
01/12/2015	Ex Parte Application Filed by: Other Bouvier, Kathryn A Kathryn A. Bouvier and Jacqueline M. Montoya's Ex Parte Application for an Order

	CASE NO. P-09-066425-T
	Shortening Time
01/13/2015	Opposition Filed by: Other Mann, David L, ESQ David L. Mann ESQs Opposition to Emergency Motion to compel David L.Mann EQS to turn over Documents and Opposition to Order Shortening Time
01/13/2015	Certificate of Mailing Filed by: Petitioner Ahern, Eleanor C Certificate of Mailing
01/13/2015	Affidavit of Service Filed by: Other Montoya, Jacqueline M Party 2: Petitioner Ahern, Eleanor C
01/14/2015	Status Check: Settlement/Trial Setting (9:00 AM) (Judicial Officer: Sturman, Gloria) 10:00AM SESSION
01/14/2015	Status Check (9:00 AM) (Judicial Officer: Sturman, Gloria) Petition for Determination of Construction and Interpretation of Lanuage Relating to Trust No. 2 (10:00AM)
01/14/2015	Status Check (9:00 AM) (Judicial Officer: Sturman, Gloria) Motion to Dismiss Counterclaims of Eleanor C. Ahern (10:00AM)
01/14/2015	Status Check (9:00 AM) (Judicial Officer: Sturman, Gloria) Petition for Construction and Effect of Probate Court Order (10:00AM)
01/14/2015	Opposition & Countermotion (9:00 AM) (Judicial Officer: Sturman, Gloria) Events: 12/23/2014 Opposition and Countermotion Opposition & Countermotion of Kathryn A. Bouvier and Jacqueline M. Montoya for Summary Judgment of Petition for Declaration Judgment, for Damages and Assessment of Penalties, and for other Relief
01/14/2015	Motion (9:00 AM) (Judicial Officer: Sturman, Gloria) Events: 01/12/2015 Motion Motion for Leave to Amend Pleadings of Jacqueline M. Montoya and Kathryn A Bouvier for Claims, Defenses, Damages and Assessment of Penalties, and for Other Relief Against Eleanor Connell Hartman Ahern
01/14/2015	All Pending Motions (9:00 AM) (Judicial Officer: Sturman, Gloria)
01/15/2015	Re-Notice Filed by: Petitioner Ahern, Eleanor C Re-Notice of Motion
01/16/2015	Amended Notice Filed by: Petitioner Ahern, Eleanor C Amended Notice of Hearing
01/16/2015	Motion - HM (9:30 AM) (Hearing Master: Yamashita, Wesley) Attorney David L. Mann ESQ Motion to Quash Supoenas and For A Protective Orde
01/16/2015	Order Filed by: Petitioner Ahern, Eleanor C Order Granting Motion to Exceed Page Limit

	CASE NO. P-09-000425-1
01/20/2015	Notice of Entry of Order Filed by: Petitioner Ahern, Eleanor C Notice of Entry of Order
01/20/2015	Supplement Filed by: Other Bouvier, Kathryn A Supplement to Motion to Amend Pleadings
01/22/2015	Receipt of Copy Filed by: Petitioner Ahern, Eleanor C Receipt of Copy
01/26/2015	Opposition to Motion Filed by: Petitioner Ahern, Eleanor C Opposition to Attorney David L. Mann, Esq.'s Motion to Quash Subpoenas and for a Protective Order
01/26/2015	Re-Notice Filed by: Petitioner Ahern, Eleanor C Re-Notice of Motion
01/27/2015	Errata Filed by: Petitioner Ahern, Eleanor C Errata to Opposition to Attorney David L. Mann, Esq.'s Motion to Quash Subpoena and for a Protective Order
01/27/2015	Opposition Filed by: Petitioner Ahern, Eleanor C Opposition to Motion to Amend Pleadings
01/28/2015	Certificate of Mailing Filed by: Petitioner Ahern, Eleanor C Certificate of Mailing
01/30/2015	Hearing (10:00 AM) (Judicial Officer: Sturman, Gloria) Events: 01/12/2015 Motion
02/11/2015	Reply to Opposition Filed by: Other Mann, David L, ESQ Reply to Opposition to Attorney David L. Mann ESQs Motion to Quash Subpoenas and For a Protective Order
02/11/2015	Reply Filed by: Petitioner Ahern, Eleanor C Reply in Support of Emergency Motion to Compel David L. Mann, Esq. to Turn Over Documents
02/11/2015	CANCELED Motion (9:00 AM) (Judicial Officer: Judge Sturman, Probate) Vacated Emergency Motion to Compel David Mann Esq to turn over Documents
02/13/2015	Stipulation and Order Filed by: Petitioner Ahern, Eleanor C Stipulation and Order to File Under Seal

	CASE NO. P-09-066425-T
02/17/2015	Notice of Entry of Order Filed by: Petitioner Ahern, Eleanor C Notice of Entry of Order
02/17/2015	Discovery Commissioners Report and Recommendations Filed by: Other Montoya, Jacqueline M Discovery Commissioner's Report and Recommendations
02/18/2015	Motion (9:30 AM) (Judicial Officer: Bulla, Bonnie) Events: 01/15/2015 Re-Notice Eleanor Connell Hartman Ahern, as Trustee and Individually Motion to Compel David Mann ESQ. to Turn over Documents
02/18/2015	Notice of Entry of Order Filed by: Other Montoya, Jacqueline M Notice of Entry of Discovery Commissioner's Report and Recommendations
03/02/2015	Notice of Entry of Order Filed by: Other Bouvier, Kathryn A Notice of Entry of Order Denying Motion to Enforce Settlement Agreement
03/02/2015	Recorders Transcript of Hearing Transcripts of Proceedings: Hearing FRIDAY, JANUARY 30, 2015
03/02/2015	Order Denying Filed by: Other Montoya, Jacqueline M Order Denying Motion to Enforce Settlement Agreement
03/06/2015	Motion Filed by: Other Mann, David L, ESQ David L Mann, Esq's Motion For Rule 11 Sanctions
03/06/2015	Receipt of Copy Filed by: Other Mann, David L, ESQ Receipt of Copy
03/12/2015	Filed Under Seal Filed by: Other Montoya, Jacqueline M Brief Regarding Pending Issues
03/13/2015	Filed Under Seal Filed by: Trust The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972 Brief Regarding Accounting, Fiduciary Duties, And Trust Adminastration
03/16/2015	Notice Filed by: Petitioner Ahern, Eleanor C Notice to Vacate Hearing
03/18/2015	Filed Under Seal Filed by: Other Bouvier, Kathryn A Supplement to Brief Regarding Pending Issues
03/18/2015	Filed Under Seal Filed by: Petitioner Ahern, Eleanor C

CASE SUMMARY

CASE NO. P-09-066425-T

	CASE NO. P-09-000425-1	
	Filed Under Seal - Supplement to Brief Regarding Accounting, Fiduciary Duties, and Trust Administration	
03/19/2015	Filed Under Seal Filed by: Other Bouvier, Kathryn A Filed Under Seal - Second Supplement to Brief Regarding Pending Issues	
03/20/2015	Hearing (10:00 AM) (Judicial Officer: Sturman, Gloria)	
03/20/2015	Status Check: Compliance (11:00 AM) (Judicial Officer: Bulla, Bonnie) 03/20/2015, 04/17/2015	
03/25/2015	Motion (9:00 AM) (Judicial Officer: Judge Sturman, Probate) Events: 03/06/2015 Motion David L Mann, Esq's Motion For Rule 11 Sanctions	
03/26/2015	Telephonic Hearing (11:00 AM) (Judicial Officer: Sturman, Gloria)	
03/27/2015	Notice Filed by: Petitioner Ahern, Eleanor C Notice of Supplemental Exhibits Provided at March 20, 2015 Hearing	
03/31/2015	Recorders Transcript of Hearing TRANSCRIPT OF PROCEEDINGS HEARING FRIDAY, MARCH 20, 2015	
04/01/2015	Motion Filed by: Other Montoya, Jacqueline M Motion in Support of Award of Attorney's Fees and Costs	
04/01/2015	Order Filed by: Other Montoya, Jacqueline M Order Appointing New Temporary Trustee	
04/03/2015	Filed Under Seal Filed by: Other Parties Receiving Notice E-Mail	
04/06/2015	Notice of Entry of Order Filed by: Petitioner Ahern, Eleanor C Notice of Entry of Order	
04/07/2015	Notice of Appeal Filed by: Petitioner Ahern, Eleanor C Notice of Appeal	
04/07/2015	Case Appeal Statement Filed by: Petitioner Ahern, Eleanor C Case Appeal Statement	
DATE	FINANCIAL INFORMATION	
	Attorney Steadman, Brian K, ESQ	
	Total Charges	150.00
	Total Payments and Credits Balance Due as of 4/9/2015	150.00 0.00

Other Mann, David L, ESQ Total Charges Total Payments and Credits Balance Due as of 4/9/2015	223.00 223.00 0.00
Other Montoya, Jacqueline M Total Charges Total Payments and Credits Balance Due as of 4/9/2015	423.00 423.00 0.00
Petitioner Ahern, Eleanor C Total Charges Total Payments and Credits Balance Due as of 4/9/2015	795.00 795.00 0.00

CLERK OF THE COURT

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ORDR 1 JOSEPH J. POWELL, ESO. Nevada Bar No. 008875 2 THE RUSHFORTH FIRM, LTD. 9505 Hillwood Drive, Suite 100 3 Las Vegas, Nevada 89134 Tel: (702) 255-4552 4 Fax: (702) 255-4677 joey@rushforth.net 5 Attorneys for Jacqueline M. Montoya 6 WHITNEY B. WARNICK, ESO. Nevada Bar No. 001573 7 ALBRIGHT, STODDARD, WARNICK & ALBRIGHT 801 South Rancho Drive, Suite D-4 Las Vegas, Nevada 89106 Tel: (702) 384-7111 9 Fax: (702) 384-0605 gma@albrightstoddard.com 10 Attorneys for Kathryn A. Bouvier

> DISTRICT COURT CLARK COUNTY, NEVADA

In the Matter of THE W. N. CONNELL AND MARJORIE T. CONNELL LIVING TRUST, Dated May 18, 1972,

CASE NO. P-09-066425 DEPT NO. XXVI (26)

Date of Hearing: March 20, 2015 Time of Hearing: 10:00a.m.

An Inter Vivos Irrevocable Trust.

ORDER APPOINTING NEW TEMPORARY TRUSTEE

A hearing in this proceeding was held on March 20, 2015, for the Court to consider and resolve some of the remaining issues in this case following the hearing herein on January 30, 2015. At this hearing, the Court decided to appoint a new temporary Trustee for the W.N. Connell and Marjorie T. Connell Living Trust, dated May 18, 1972 (hereinafter referred to as the "Trust"). Based upon the unrelated, third party candidates recommended by the parties, Mr. Fredrick P. Waid, Esq., by Jacqueline M. Montoya and Kathryn A. Bouvier, and Premier Trust, by Eleanor Connell Hartman Ahern, and good cause appearing;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that Eleanor Connell Hartman Ahern is immediately removed as Trustee of the Trust, subject to the rulings made by the Court on March 26, 2015, and until further order of this Court. In her place and stead,

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Mr. Fredrick P. Waid, Esq., is hereby appointed as the acting temporary successor Trustee of the Trust, with full authority to manage the Trust and its assets, including the Trust's interests in the Texas oil, gas and mineral property and interests in Upton County, Texas.

Mr. Waid's appointment as acting successor Trustee of the Trust is made on a temporary, interim basis, until further order of the Court. Mr. Waid shall function as the sole acting Trustee of the Trust, with all powers and authority provided to him under the terms of the Trust instrument and the applicable Nevada Revised Statutes relating to a trustee's powers. Consistent with Nevada law, Mr. Waid, as Trustee, shall also honor all fiduciary obligations owed to all of the beneficiaries of the Trust.

In her capacity as the former trustee of the Trust, and until such time that she might be reinstated by this Court to such position, Ms. Ahern shall fully cooperate with Mr. Waid in providing to him all pertinent information concerning the Trust's current business transactions

SO ORDERED this 40 day of March, 2015.

DISTRICT COURT JUDGE

By:

THE RUSHFORTH FIRM, LTD.

ØSEPH J. POWEŁL, ESO.

Las Vegas, NV 89137-1655

Nevada Bar No. 00875

O-Box 371655

Tel: (702) 255-4552

Attorneys for Jacqueline M. Montova

and dealings and in making this transition in trusteeship of the Trust.

Submitted by: ALBRIGHT, STODDARD, WARNICK & ALBRIGHT

By: WHITNEY B. WARNICK, ESQ.
Nevada Bar No. 001573
801 South Rancho Drive, Suite D-4
Las Vegas, Nevada 89106

Tel: (702) 384-7111 Attorneys for Kathryn A. Bouvier

Approved as to form and content by: MARQUIS AURBACH COFFING

DALE A. HAYES, ESQ.
Nevada Bar No. 003430
LIANE K. WAKAYAMA, ESQ.
Nevada Bar No. 11313
10001 Park Run Drive
Las Vegas, NV 89145

Attorneys for Eleanor Connell Hartman Ahern

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CLERK OF THE COURT

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MARQUIS AURBACH COFFING

Marquis Aurbach Coffing
Liane K. Wakayama, Esq.
Nevada Bar No. 11313
Candice E. Renka, Esq.
Nevada Bar No. 11447
10001 Park Run Drive
Las Vegas, Nevada 89145
Telephone: (702) 382-0711
Facsimile: (702) 382-5816
lwakayama@maclaw.com
crenka@maclaw.com
Attorneys for Eleanor Conne

Attorneys for Eleanor Connell Hartman Ahern, as Trustee and Individually

DISTRICT COURT

CLARK COUNTY, NEVADA

In the Matter of

THE W.N. CONNELL AND MARJORIE T. CONNELL LIVING TRUST DATED May 18, 1972, An Inter Vivos Irrevocable Trust.

Case No.: P-09-066425-T

Dept. No.: 26

NOTICE OF ENTRY OF ORDER

Please take notice that an Order Appointing New Temporary Trustee was entered in the above-captioned matter on the 1st day of April, 2015, a copy of which is attached hereto.

Dated this day of April, 2015.

MARQUIS AURBACH COFFING

Bv \

Liane M. Wakayama, Esq. Nevada Bar No. 11313 Candice F. Benka, Esq.

Candice E. Renka, Esq. Nevada Bar No. 11447 10001 Park Run Drive

Las Vegas, Nevada 89145

Attorneys for Eleanor Connell Hartman Ahern, as Trustee and Individually

MARQUIS AURBACH COFFING 10001 Park Run Drive Las Vegas, Nevada 89145 (702) 382-0711 FAX: (702) 382-5816

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **NOTICE OF ENTRY OF ORDER** was submitted electronically for filing and/or service with the Eighth Judicial District Court on the <u>6</u>th day of April, 2015. Electronic service of the foregoing document shall be made in accordance with the E-Service List as follows:

Whitney B. Warnick, Esq.
Albright Stoddard Warnick & Albright
wbw@albrightstoddard.com
bclark@albrightstoddard.com
gma@albrightstoddard.com
Attorney for Kathryn A. Bouvier

Joseph J. Powell, Esq. The Rushforth Firm, LTD. probate@rushforthfirm.com Attorney for Jacqueline M. Montoya

> Julia Rodionova, an employee of Marquis Aurbach Coffing

¹ Pursuant to EDCR 8.05(a), each party who submits an E-Filed document through the E-Filing System consents to electronic service in accordance with NRCP 5(b)(2)(D).

CLERK OF THE COURT

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ORDR
JOSEPH J. POWELL, ESQ.
Nevada Bar No. 008875
THE RUSHFORTH FIRM, LTD.
9505 Hillwood Drive, Suite 100
Las Vegas, Nevada 89134
Tel: (702) 255-4552
Fax: (702) 255-4677
joey@rushforth.net
Attorneys for Jacqueline M. Montoya
WHITNEY B. WARNICK, ESQ.
Nevada Bar No. 001573
ALBRIGHT, STODDARD, WARNICK & ALBRIGHT
801 South Rancho Drive, Suite D-4

Las Vegas, Nevada 89106 Tel: (702) 384-7111

Attorneys for Kathryn A. Bouvier

Fax: (702) 384-0605 gma@albrightstoddard.com

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DISTRICT COURT CLARK COUNTY, NEVADA

In the Matter of THE W. N. CONNELL AND MARJORIE T. CONNELL LIVING TRUST, Dated May 18, 1972,

CASE NO. P-09-066425 DEPT NO. XXVI (26)

Date of Hearing: March 20, 2015 Time of Hearing: 10:00a.m.

An Inter Vivos Irrevocable Trust.

ORDER APPOINTING NEW TEMPORARY TRUSTEE

A hearing in this proceeding was held on March 20, 2015, for the Court to consider and resolve some of the remaining issues in this case following the hearing herein on January 30, 2015. At this hearing, the Court decided to appoint a new temporary Trustee for the W.N. Connell and Marjorie T. Connell Living Trust, dated May 18, 1972 (hereinafter referred to as the "Trust"). Based upon the unrelated, third party candidates recommended by the parties, Mr. Fredrick P. Waid, Esq., by Jacqueline M. Montoya and Kathryn A. Bouvier, and Premier Trust, by Eleanor Connell Hartman Ahern, and good cause appearing;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that Eleanor Connell Hartman Ahern is immediately removed as Trustee of the Trust, subject to the rulings made by the Court on March 26, 2015, and until further order of this Court. In her place and stead,

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Mr. Fredrick P. Waid, Esq., is hereby appointed as the acting temporary successor Trustee of the Trust, with full authority to manage the Trust and its assets, including the Trust's interests in the Texas oil, gas and mineral property and interests in Upton County, Texas. Mr. Waid's appointment as acting successor Trustee of the Trust is made temporary, interim basis, until further order of the Court. Mr. Waid shall function as the sole acting Trustee of the Trust, with all powers and authority provided to him under the terms of the Trust instrument and the applicable Nevada Revised Statutes relating to a trustee's powers. Consistent with Nevada law, Mr. Waid, as Trustee, shall also honor all fiduciary obligations owed to all of the beneficiaries of the Trust. In her capacity as the former trustee of the Trust, and until such time that she might be reinstated by this Court to such position, Ms. Ahern shall fully cooperate with Mr. Waid in providing to him all pertinent information concerning the Trust's current business transactions and dealings and in making this transition in trusteeship of the Trust. SO ORDERED this 30 day of March, 2015. Submitted by: ALBRIGHT, STODDARD, THE RUSHFORTH FIRM, LTD. WARNICK & ALBRIGHT By: 6 By: WHITNEY B. WARNICK, ESQ. Nevada Bar No. 001573 Nevada Bar No. 00875 801 South Rancho Drive, Suite D-4 OBox 371655 Las Vegas, Nevada 89106 Las Vegas, NV 89137-1655 Tel: (702) 384-7111 Tel: (702) 255-4552 Attorneys for Kathryn A. Bouvier Attorneys for Jacqueline M. Montoya Approved as to form and content by: MARQUIS AURBACH COFFING By:

DALE A. HAYES, ESQ. Nevada Bar No. 003430 LIANE K. WAKAYAMA, ESO. Nevada Bar No. 11313 10001 Park Run Drive Las Vegas, NV 89145 Attorneys for Eleanor Connell Hartman Ahern

DISTRICT COURT CLARK COUNTY, NEVADA

Probate - COURT MINUTES September 04, 2009

Trust/Conservatorships

P-09-066425-T In the Matter of the Trust of:

The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972

September 04, 9:30 AM Hearing

2009

HEARD BY: Yamashita, Wesley COURTROOM: Courtroom 09

COURT CLERK: Melissa Swinn

PARTIES:

David Mann, Other, not present Pro Se

Eleanor Ahern, Petitioner, not present Liane Wakayama, Attorney, not present

Fredrick Waid, Trustee, not present

Jacqueline Montoya, Other, Personal Joseph Powell, Attorney, not present

Representative, not present

Kathryn Bouvier, Other, not present Whitney Warnick, Attorney, not present

Parties Receiving Notice, Other, not present The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not

present

JOURNAL ENTRIES

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

INTERIM CONDITIONS:

FUTURE HEARINGS:

Canceled: December 13, 2013 9:30 AM Motion

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated

Courtroom 09

P	RINT DATE:	04/09/2015	Page 1 of 64	Minutes Date:	September 04, 2009
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Yamashita, Wesley

Canceled: May 27, 2014 9:00 AM Petition - HM

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated

Denman, Linda Sturman, Gloria Esparza, Kerry RJC Courtroom 03H

Canceled: July 17, 2014 11:00 AM

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated

Denman, Linda Sturman, Gloria RJC Courtroom 03H Esparza, Kerry Knight, Marwanda

Canceled: July 18, 2014 11:00 AM

Canceled: August 11, 2014 9:00 AM

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated

Denman, Linda Sturman, Gloria RJC Courtroom 03H Esparza, Kerry

Canceled: August 22, 2014 1:30 PM Motion to Compel

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated

Lunsford, Amy Courtroom 24 Beecroft, Chris A, Jr.

Canceled: December 04, 2014 11:00 AM

Canceled: December 04, 2014 10:30 AM

Canceled: December 04, 2014 11:00 AM Status Check

Canceled: December 04, 2014 10:30 AM Status Check

Canceled: December 04, 2014 11:00 AM Status Check

Canceled: December 04, 2014 10:30 AM Status Check

Canceled: December 04, 2014 11:00 AM Status Check

Canceled: December 04, 2014 10:30 AM Status Check

Canceled: December 10, 2014 10:00 AM Motion to Enforce

Canceled: December 12, 2014 9:30 AM Hearing - HM

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated

Courtroom 09
Foley, Carol
Yamashita, Wesley

P-09-066425-T

Canceled: February 11, 2015 9:00 AM Motion
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated
Denman, Linda
Judge Sturman, Probate
Esparza, Kerry
RJC Courtroom 03H
Sturman, Gloria

Canceled: February 20, 2015 11:00 AM Reason: Vacated

Bulla, Bonnie Lott, Jennifer RJC Level 5 Hearing Room

April 17, 2015 11:00 AM

DISTRICT COURT CLARK COUNTY, NEVADA

Probate -

COURT MINUTES

October 11, 2013

Trust/Conservatorships

P-09-066425-T

In the Matter of the Trust of:

The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972

October 11, 2013

9:30 AM

Petition

HEARD BY: Yamashita, Wesley

COURTROOM: Courtroom 09

COURT CLERK: Carol Foley

PARTIES:

David Mann, Other, not present

Eleanor Ahern, Petitioner, not present

Fredrick Waid, Trustee, not present

Jacqueline Montoya, Other, Personal

Representative, not present

Kathryn Bouvier, Other, not present

Parties Receiving Notice, Other, not present The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not

present

Pro Se

Liane Wakayama, Attorney, not present

Joseph Powell, Attorney, present

Whitney Warnick, Attorney, not present

JOURNAL ENTRIES

- PETITION FOR DECLARATORY JUDGMENT REGARDING LIMITED INTEREST OF TRUST ASSETS PURSUANT TO NRS. 30.040, NRS 153.031(1)(E), AND NRS 164.033(1)(A)

John Mugan, Esq. present on behalf of Eleanor Connell Ahern.

Mr. Mugan advised he was recently retained and Mr. Powell agreed to give him additional time to file a responsive pleading. Mr. Powell asked Court to refer matter to Judge Sturman. Following discussion, COMMISSIONER RECOMMENDED, matter referred to Judge Sturman and CONTINUED to 11/12/13 at 9:00 a.m.

PRINT DATE: (04/09/2015	Page 4 of 64	Minutes Date:	September 04, 2009
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INTERIM CONDITIONS:

FUTURE HEARINGS:

Canceled: December 13, 2013 9:30 AM Motion

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated

Courtroom 09 Yamashita, Wesley

Canceled: May 27, 2014 9:00 AM Petition - HM

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated

Denman, Linda Sturman, Gloria Esparza, Kerry RJC Courtroom 03H

Canceled: July 17, 2014 11:00 AM

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated

Denman, Linda Sturman, Gloria RJC Courtroom 03H Esparza, Kerry Knight, Marwanda

Canceled: July 18, 2014 11:00 AM

Canceled: August 11, 2014 9:00 AM

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated

Denman, Linda Sturman, Gloria RJC Courtroom 03H Esparza, Kerry

Canceled: August 22, 2014 1:30 PM Motion to Compel

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated

Lunsford, Amy Courtroom 24 Beecroft, Chris A, Jr.

Canceled: December 04, 2014 11:00 AM

Canceled: December 04, 2014 10:30 AM

Canceled: December 04, 2014 11:00 AM Status Check

Canceled: December 04, 2014 10:30 AM Status Check

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Canceled: December 04, 2014 10:30 AM Status Check

	PRINT DATE:	04/09/2015	Page 5 of 64	Minutes Date:	September 04, 2009
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Canceled: December 10, 2014 10:00 AM Motion to Enforce

Canceled: December 12, 2014 9:30 AM Hearing - HM

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated

Courtroom 09 Foley, Carol Yamashita, Wesley

Canceled: February 11, 2015 9:00 AM Motion

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated

Denman, Linda

Judge Sturman, Probate

Esparza, Kerry RJC Courtroom 03H Sturman, Gloria

Canceled: February 20, 2015 11:00 AM

Reason: Vacated

Bulla, Bonnie Lott, Jennifer RJC Level 5 Hearing Room

April 17, 2015 11:00 AM

DISTRICT COURT CLARK COUNTY, NEVADA

Probate -

COURT MINUTES

November 12, 2013

Trust/Conservatorships

P-09-066425-T

In the Matter of the Trust of:

The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972

November 12,

9:00 AM

Petition

2013

HEARD BY: Sturman, Gloria

COURTROOM: RJC Courtroom 03H

COURT CLERK: Linda Denman

PARTIES:

David Mann, Other, not present

Eleanor Ahern, Petitioner, not present

Fredrick Waid, Trustee, not present

Jacqueline Montoya, Other, Personal

Representative, not present

Kathryn Bouvier, Other, not present

Parties Receiving Notice, Other, not present The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not

present

Pro Se

Liane Wakayama, Attorney, not present

Joseph Powell, Attorney, present

Whitney Warnick, Attorney, not present

IOURNAL ENTRIES

- Argument by counsel on PETITION FOR DECLARATORY JUDGMENT REGARDING LIMITED INTEREST OF TRUST ASSETS PURSUANT TO NRS. 30.040, NRS 153.031(1)(E), and NRS 164.033(1)(A). Colloquy on petitioner's unnoticed MOTION TO REFER CONTESTED PROBATE MATTER TO MASTER-PROBATE COMMISSIONER PER EDCR 4.16. Court and Counsel agreed to consider petitioner's Motion as an opposition to the Petition. Mr. Mugan argued that the granddaughters, Jacqueline Montoya, trustee of the MTC Living Trust, and Kathryn Bouvier, were attempting to reform and reconstruct the prior confirmation of the trust by changing the terms of the allocation of the oil and gas proceeds between the parties. Mr. Powell argued that the percentage allocation has been the same for the past 33 years and he urged the Court to issue a declaratory judgment either stating that the granddaughters 65% and the petitioner's 35% was accurate or to at

PRINT DATE:	04/09/2015	Page 7 of 64	Minutes Date:	September 04, 2009
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least go back to the status quo until the situation can be brought before the Court because his clients rely upon the proceeds for their income. Counsel stated that an attorney in Texas informed the oil and gas companies that there is a dispute as to the terms of the pay-out and they have ceased distribution of any proceeds into the Trust at all according to either common practice or Texas law.

Following further argument, COURT STATED ITS FINDINGS that the W.N. Connell and Marjorie T. Connell Living Trust, dated May 18, 1972, is under this Court's jurisdiction. COURT ORDERED all proceeds from the Texas oil and gas leases are to be resumed immediately and deposited with the trust; the trustee and beneficiary, Eleanor C. Ahern, is entitled to receive her undisputed 35% share; the 65% disputed portion is to be held in the Trust until this Court makes a determination as to its proper distribution. COURT FURTHER ORDERED matter SET for EVIDENTIARY HEARING on the February trial stack and understands that Mr. Powell is reserving his petition for fees, costs, and damages.

Mr. Powell to prepare proposed Order; Mr. Mugan to review as to form and content.

CALENDAR CALL: 1/24/2014 at 11:00AM TRIAL STACK: 2/18/2014 AT 9:00AM

INTERIM CONDITIONS:

FUTURE HEARINGS:

Canceled: December 13, 2013 9:30 AM Motion

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated

Courtroom 09 Yamashita, Wesley

Canceled: May 27, 2014 9:00 AM Petition - HM

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated

Denman, Linda Sturman, Gloria Esparza, Kerry RJC Courtroom 03H

Canceled: July 17, 2014 11:00 AM

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated

Denman, Linda Sturman, Gloria RJC Courtroom 03H Esparza, Kerry Knight, Marwanda

Canceled: July 18, 2014 11:00 AM

Canceled: August 11, 2014 9:00 AM

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated

Denman, Linda Sturman, Gloria

PRINT DATE: 04/09/2015 Page 8 of 64	Minutes Date:	September 04, 2009
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RJC Courtroom 03H Esparza, Kerry

Canceled: August 22, 2014 1:30 PM Motion to Compel

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated

Lunsford, Amy Courtroom 24 Beecroft, Chris A, Jr.

Canceled: December 04, 2014 11:00 AM

Canceled: December 04, 2014 10:30 AM

Canceled: December 04, 2014 11:00 AM Status Check

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Canceled: December 04, 2014 10:30 AM Status Check

Canceled: December 10, 2014 10:00 AM Motion to Enforce

Canceled: December 12, 2014 9:30 AM Hearing - HM

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated

Courtroom 09 Foley, Carol Yamashita, Wesley

Canceled: February 11, 2015 9:00 AM Motion

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated

Denman, Linda

Judge Sturman, Probate

Esparza, Kerry RJC Courtroom 03H Sturman, Gloria

Canceled: February 20, 2015 11:00 AM

Reason: Vacated

Bulla, Bonnie Lott, Jennifer RJC Level 5 Hearing Room

April 17, 2015 11:00 AM

DISTRICT COURT CLARK COUNTY, NEVADA

Probate -

COURT MINUTES

January 14, 2014

Trust/Conservatorships

P-09-066425-T

In the Matter of the Trust of:

The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972

January 14, 2014 9:00 AM All Pending Motions

HEARD BY: Sturman, Gloria COURTROOM: RJC Courtroom 03H

COURT CLERK: Linda Denman

PARTIES:

David Mann, Other, not present Pro Se

Eleanor Ahern, Petitioner, not present

Liane Wakayama, Attorney, not present

Fredrick Waid, Trustee, not present

Jacqueline Montoya, Other, Personal Joseph Powell, Attorney, present

Representative, not present

Kathryn Bouvier, Other, not present

Parties Receiving Notice, Other, not present The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not

present

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Whitney Warnick, Attorney, not present

JOURNAL ENTRIES

- HEARING ON MOTION TO DISMISS PETITION FOR DECLARATORY JUDGMENT REGARDING LIMITED INTEREST OF TRUST ASSETS PURSUANT TO NRS 30.040, NRS 153.031(1)(e), and NRS 164.033(1)(A) FOR FAILURE TO STATE A CLAIM UPON WHICH RELIEF CAN BE GRANTED PER NRCP 12(B)(5) Argument by counsel as to claims preclusion and whether the elements had been met since the matter was brought before the Court in 2009 on a reformation and clarification as to the beneficiaries in the event of petitioner's death. COURT STATED ITS FINDINGS that the elements for claim preclusion have not been met since there is no way to anticipate that four years later the trustee would change the distribution for those issues to have been raised in 2009. COURT ORDERED Motion to Dismiss DENIED.

HEARING ON PETITION TO COMPEL TRUSTEE TO DISTRIBUTE ACCRUED INCOME AND

PRINT DATE:	04/09/2015	Page 10 of 64	Minutes Date:	September 04, 2009
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FUTURE INCOME RECEIVED FROM OIL, GAS, AND MINERAL LEASES AND DECLARATION OF THE APPLICABILITY OF THE DOCTRINE OF LACHES Counsel argued the Court's previous ruling that granted Trustee Ahern the 35% income from the Texas oil and gas leases and the 65% income in dispute to be held until a hearing could be held, the effect of spoliation and Doctrine of Laches on Trustee Ahern's change of distribution, and irreparable harm/success on the merits as to all parties. Upon inquiry of the Court as to bringing this petition now, Mr. Powell stated he felt the issues raised could be dealt with today which would make the upcoming evidentiary hearing unnecessary. COURT STATED ITS FINDINGS that sworn testimony needed to be heard since the facts of distribution from the original trust are in dispute and to decide if Laches is applicable. COURT ORDERED Petition to Compel DENIED WITHOUT PREJUDICE.

INTERIM CONDITIONS:

FUTURE HEARINGS:

Canceled: May 27, 2014 9:00 AM Petition - HM

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated

Denman, Linda Sturman, Gloria Esparza, Kerry RJC Courtroom 03H

Canceled: July 17, 2014 11:00 AM

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated

Denman, Linda Sturman, Gloria RJC Courtroom 03H Esparza, Kerry Knight, Marwanda

Canceled: July 18, 2014 11:00 AM

Canceled: August 11, 2014 9:00 AM

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated

Denman, Linda Sturman, Gloria RJC Courtroom 03H Esparza, Kerry

Canceled: August 22, 2014 1:30 PM Motion to Compel

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated

Lunsford, Amy Courtroom 24 Beecroft, Chris A, Jr.

Canceled: December 04, 2014 11:00 AM

PRINT DATE:	04/09/2015	Page 11 of 64	Minutes Date:	September 04, 2009
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Canceled: December 04, 2014 10:30 AM

Canceled: December 04, 2014 11:00 AM Status Check

Canceled: December 04, 2014 10:30 AM Status Check

Canceled: December 04, 2014 11:00 AM Status Check

Canceled: December 04, 2014 10:30 AM Status Check

Canceled: December 04, 2014 11:00 AM Status Check

Canceled: December 04, 2014 10:30 AM Status Check

Canceled: December 10, 2014 10:00 AM Motion to Enforce

Canceled: December 12, 2014 9:30 AM Hearing - HM

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated

Courtroom 09 Foley, Carol Yamashita, Wesley

Canceled: February 11, 2015 9:00 AM Motion

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated

Denman, Linda

Judge Sturman, Probate

Esparza, Kerry

RJC Courtroom 03H

Sturman, Gloria

Canceled: February 20, 2015 11:00 AM

Reason: Vacated

Bulla, Bonnie

Lott, Jennifer

RJC Level 5 Hearing Room

April 17, 2015 11:00 AM

Bulla, Bonnie

Lott, Jennifer

RJC Level 5 Hearing Room

DISTRICT COURT CLARK COUNTY, NEVADA

Probate -

COURT MINUTES

January 24, 2014

Trust/Conservatorships

P-09-066425-T

In the Matter of the Trust of:

The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972

January 24, 2014 11:00 AM

HEARD BY: Sturman, Gloria COURTROOM: RJC Courtroom 03H

COURT CLERK: Linda Denman

PARTIES:

David Mann, Other, not present Pro Se

Eleanor Ahern, Petitioner, not present

Fredrick Waid, Trustee, not present

Liane Wakayama, Attorney, not present

Jacqueline Montoya, Other, Personal Joseph I

Representative, not present

Kathryn Bouvier, Other, not present

Parties Receiving Notice, Other, not present The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not

present

Pro Se

Joseph Powell, Attorney, present

Whitney Warnick, Attorney, not present

JOURNAL ENTRIES

- At CALENDAR CALL, counsel announced ready to proceed. Mr. Mugan advised the Court of one potential problem dealing with the Texas probate matter. He stated the matter was stayed due to the health problems of the expert witness, a witness he also intended use, and didn't know the effect of the stay on this case but wanted to bring the Court's attention to this problem. Mr. Powell disagreed saying the Will doesn't need to be probated and this is another delaying tactic against his clients who have not been receiving any distribution since the stay was imposed. Court stated the bench trial will proceed unless and until a motion is filed requesting a continuance.

Bench Trial Dates:

Tuesday, 2.18.14 at 9:00AM Wednesday, 2.19.14 at 1:30PM

PRINT DATE: 04	4/09/2015	Page 13 of 64	Minutes Date:	September 04, 2009
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P-09-066425-T

Thursday, 2.20.14 at 9:00AM Friday, 2.21.14 at 1:30PM

Pre-Trial Conference: Wednesday, 2.12.14 at 11:00AM

INTERIM CONDITIONS:

FUTURE HEARINGS:

Canceled: May 27, 2014 9:00 AM Petition - HM

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated

Denman, Linda Sturman, Gloria Esparza, Kerry RJC Courtroom 03H

Canceled: July 17, 2014 11:00 AM

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated

Denman, Linda Sturman, Gloria RJC Courtroom 03H Esparza, Kerry Knight, Marwanda

Canceled: July 18, 2014 11:00 AM

Canceled: August 11, 2014 9:00 AM

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated

Denman, Linda Sturman, Gloria RJC Courtroom 03H Esparza, Kerry

Canceled: August 22, 2014 1:30 PM Motion to Compel

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated

Lunsford, Amy Courtroom 24 Beecroft, Chris A, Jr.

Canceled: December 04, 2014 11:00 AM

Canceled: December 04, 2014 10:30 AM

Canceled: December 04, 2014 11:00 AM Status Check

Canceled: December 04, 2014 10:30 AM Status Check

Canceled: December 04, 2014 11:00 AM Status Check

Canceled: December 04, 2014 10:30 AM Status Check

Canceled: December 04, 2014 11:00 AM Status Check

PRINT DATE:	04/09/2015	Page 14 of 64	Minutes Date:	September 04, 2009
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Canceled: December 04, 2014 10:30 AM Status Check

Canceled: December 10, 2014 10:00 AM Motion to Enforce

Canceled: December 12, 2014 9:30 AM Hearing - HM

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated

Courtroom 09 Foley, Carol Yamashita, Wesley

Canceled: February 11, 2015 9:00 AM Motion

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated

Denman, Linda

Judge Sturman, Probate

Esparza, Kerry

RJC Courtroom 03H

Sturman, Gloria

Canceled: February 20, 2015 11:00 AM

Reason: Vacated

Bulla, Bonnie Lott, Jennifer RJC Level 5 Hearing Room

April 17, 2015 11:00 AM

Bulla, Bonnie Lott, Jennifer

RJC Level 5 Hearing Room

DISTRICT COURT CLARK COUNTY, NEVADA

Probate -

COURT MINUTES

February 12, 2014

Trust/Conservatorships

P-09-066425-T

In the Matter of the Trust of:

The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972

February 12, 2014 11:00 AM Pre Trial Conference

HEARD BY: Sturman, Gloria COURTROOM: RJC Courtroom 03H

COURT CLERK: Linda Denman

PARTIES:

David Mann, Other, not present

Eleanor Ahern, Petitioner, not present

Fredrick Waid, Trustee, not present

Jacqueline Montoya, Other, Personal

Representative, not present

Kathryn Bouvier, Other, not present

Parties Receiving Notice, Other, not present The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not

present

Pro Se

Liane Wakayama, Attorney, not present

Joseph Powell, Attorney, present

Whitney Warnick, Attorney, not present

JOURNAL ENTRIES

- At PRE TRIAL CONFERENCE, counsel appeared and announced they were ready for trial. Counsel agreed to start the trial at 10:00am to accommodate the plaintiff's first witness. Trial exhibits, trial briefs, and findings of fact were submitted along with electronic versions for the Court's use. Mr. Powell mentioned he was putting together a printed power point presentation and would make sure opposing counsel was provided a copy before trial. Mr. Mugan also listed a few accommodations that would be needed from the Court due to his client's health and Court was happy to oblige.

INTERIM CONDITIONS:

PRINT DATE:	04/09/2015	Page 16 of 64	Minutes Date:	September 04, 2009
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FUTURE HEARINGS:

Canceled: May 27, 2014 9:00 AM Petition - HM

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated

Denman, Linda Sturman, Gloria Esparza, Kerry RJC Courtroom 03H

Canceled: July 17, 2014 11:00 AM

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated

Denman, Linda Sturman, Gloria RJC Courtroom 03H Esparza, Kerry Knight, Marwanda

Canceled: July 18, 2014 11:00 AM

Canceled: August 11, 2014 9:00 AM

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated

Denman, Linda Sturman, Gloria RJC Courtroom 03H Esparza, Kerry

Canceled: August 22, 2014 1:30 PM Motion to Compel

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated

Lunsford, Amy Courtroom 24 Beecroft, Chris A, Jr.

Canceled: December 04, 2014 11:00 AM

Canceled: December 04, 2014 10:30 AM

Canceled: December 04, 2014 11:00 AM Status Check

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Canceled: December 10, 2014 10:00 AM Motion to Enforce

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Courtroom 09 Foley, Carol Yamashita, Wesley

P-09-066425-T

Canceled: February 11, 2015 9:00 AM Motion
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated
Denman, Linda
Judge Sturman, Probate
Esparza, Kerry
RJC Courtroom 03H
Sturman, Gloria

Canceled: February 20, 2015 11:00 AM Reason: Vacated

Bulla, Bonnie Lott, Jennifer RJC Level 5 Hearing Room

April 17, 2015 11:00 AM

DISTRICT COURT CLARK COUNTY, NEVADA

Probate -

COURT MINUTES

February 18, 2014

Trust/Conservatorships

P-09-066425-T

In the Matter of the Trust of:

The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972

February 18, 2014 10:00 AM

COURTROOM: RJC Courtroom 03H **HEARD BY:** Sturman, Gloria

COURT CLERK: Linda Denman

PARTIES:

David Mann, Other, not present

Eleanor Ahern, Petitioner, present John Mugan, Attorney, present

Fredrick Waid, Trustee, not present

Jacqueline Montova, Other, present

Kathryn Bouvier, Other, not present

Parties Receiving Notice, Other, not present The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not

present

Pro Se

Joseph Powell, Attorney, present

Whitney Warnick, Attorney, not present

JOURNAL ENTRIES

- BENCH TRIAL - DAY

Mr. Powell raised concerns about the counter-claims included in Respondent's Answer filed last week, specifically the no-contest clause and the tortious interference with a contract and asked that they be dismissed for lack of notice. Colloquy as to whether the trial could proceed on the petition or whether all issues had to be litigated at one time. Following the discussion, COURT STATES ITS FINDINGS that the counter-claims are valid affirmative defenses arising from the same occurrence. Counsel requested a break to discuss options with their clients.

Court resumed and counsel stated they were in agreement to continue the trial and a new trial date was given for the August stack. Court mentioned they might also want to bifurcate the tort issue if Discovery could not be completed. Mr. Powell requested fees and costs for preparing for today's trial

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and Court directed him to prepare an Affidavit. He also requested the matter be returned to status quo in which the trust was distributed 65/35 for the last 33 years. Court requested the request be put in writing. Court returned all exhibits to counsel and stated an amended trial order would be sent.

INTERIM CONDITIONS:

FUTURE HEARINGS:

Canceled: May 27, 2014 9:00 AM Petition - HM

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated

Denman, Linda Sturman, Gloria Esparza, Kerry RJC Courtroom 03H

Canceled: July 17, 2014 11:00 AM

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated

Denman, Linda Sturman, Gloria RJC Courtroom 03H Esparza, Kerry Knight, Marwanda

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Canceled: August 11, 2014 9:00 AM

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Denman, Linda Sturman, Gloria RJC Courtroom 03H Esparza, Kerry

Canceled: August 22, 2014 1:30 PM Motion to Compel

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated

Lunsford, Amy Courtroom 24 Beecroft, Chris A, Jr.

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Canceled: December 04, 2014 10:30 AM

Canceled: December 04, 2014 11:00 AM Status Check

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Canceled: December 04, 2014 11:00 AM Status Check

PRINT DATE: 04/09/2015 Page 20 of 64 Minutes Date: Se	September 04, 2009
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Canceled: December 04, 2014 10:30 AM Status Check

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Courtroom 09 Foley, Carol Yamashita, Wesley

Canceled: February 11, 2015 9:00 AM Motion

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated

Denman, Linda

Judge Sturman, Probate

Esparza, Kerry RJC Courtroom 03H Sturman, Gloria

Canceled: February 20, 2015 11:00 AM

Reason: Vacated

Bulla, Bonnie Lott, Jennifer RJC Level 5 Hearing Room

April 17, 2015 11:00 AM

DISTRICT COURT CLARK COUNTY, NEVADA

Probate -

COURT MINUTES

April 22, 2014

Trust/Conservatorships

P-09-066425-T

In the Matter of the Trust of:

The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972

April 22, 2014

9:00 AM

Petition

HEARD BY: Sturman, Gloria

COURTROOM: RJC Courtroom 03H

COURT CLERK: Linda Denman

PARTIES:

David Mann, Other, not present

Eleanor Ahern, Petitioner, not present

Fredrick Waid, Trustee, not present

Jacqueline Montoya, Other, Personal

Representative, not present

Kathryn Bouvier, Other, not present

Parties Receiving Notice, Other, not present The W.N. Connell and Marjorie T. Connell

Living Trust, dtd May 18, 1972, Trust, not

present

Pro Se

Liane Wakayama, Attorney, not present

Joseph Powell, Attorney, present

Whitney Warnick, Attorney, not present

JOURNAL ENTRIES

- Discussion by counsel on PETITION FOR RELEASE OF TRUST FUNDS FOR THE PAYMENT OF ADMINISTRATIVE EXPENSES, INSURANCE PREMIUMS AND TAXES ATTRIBUTABLE TO TRUST PROPERTY on Mr. Mugan's statement that the objections raised involved misunderstandings as to the petition's intent. He explained that Ms. Ahern had paid the October Ad Valorem taxes out of her share since the 65% was temporarily blocked pending trial and this Petition was to reimburse her now that the trial has been delayed. Also, the Petition is not requesting attorney fees and accounting fees are not being assessed against work done on behalf of Ms. Ahern personally. Mr. Powell agreed Ms. Montoya had no objections with the clarification presented by Mr. Mugan as long as there was full transparency for the administrative expenses. Counsel also discussed the selection of Gamett & King) as the accounting firm for the Trust and there was no objection.

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Mr. Mugan to prepare order; Mr. Powell to review as to form and content.

INTERIM CONDITIONS:

FUTURE HEARINGS:

Canceled: May 27, 2014 9:00 AM Petition - HM

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated

Denman, Linda Sturman, Gloria Esparza, Kerry RJC Courtroom 03H

Canceled: July 17, 2014 11:00 AM

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated

Denman, Linda Sturman, Gloria RJC Courtroom 03H Esparza, Kerry Knight, Marwanda

Canceled: July 18, 2014 11:00 AM

Canceled: August 11, 2014 9:00 AM

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated

Denman, Linda Sturman, Gloria RJC Courtroom 03H Esparza, Kerry

Canceled: August 22, 2014 1:30 PM Motion to Compel

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated

Lunsford, Amy Courtroom 24 Beecroft, Chris A, Jr.

Canceled: December 04, 2014 11:00 AM

Canceled: December 04, 2014 10:30 AM

Canceled: December 04, 2014 11:00 AM Status Check

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Canceled: December 04, 2014 10:30 AM Status Check

Canceled: December 10, 2014 10:00 AM Motion to Enforce

PRINT DATE: 04/09/2015	Page 23 of 64	Minutes Date:	September 04, 2009
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Canceled: December 12, 2014 9:30 AM Hearing - HM

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated

Courtroom 09 Foley, Carol Yamashita, Wesley

Canceled: February 11, 2015 9:00 AM Motion

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated

Denman, Linda

Judge Sturman, Probate

Esparza, Kerry RJC Courtroom 03H Sturman, Gloria

Canceled: February 20, 2015 11:00 AM

Reason: Vacated

Bulla, Bonnie Lott, Jennifer RJC Level 5 Hearing Room

April 17, 2015 11:00 AM

DISTRICT COURT CLARK COUNTY, NEVADA

Probate -

COURT MINUTES

May 13, 2014

Trust/Conservatorships

P-09-066425-T

In the Matter of the Trust of:

The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972

May 13, 2014

9:00 AM

All Pending Motions

HEARD BY: Sturman, Gloria

COURTROOM: RJC Courtroom 03H

COURT CLERK: Linda Denman

PARTIES:

David Mann, Other, not present

Eleanor Ahern, Petitioner, not present

Fredrick Waid, Trustee, not present

Jacqueline Montoya, Other, Personal

Representative, not present

Kathryn Bouvier, Other, not present

Parties Receiving Notice, Other, not present The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not

present

Pro Se

Liane Wakayama, Attorney, not present

Joseph Powell, Attorney, present

Whitney Warnick, Attorney, not present

JOURNAL ENTRIES

PRINT DATE:	04/09/2015	Page 25 of 64	Minutes Date:	September 04, 2009
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PURPOSES ONLY.

12/04/2014 AT 11:00AM P-09-066425-T; STATUS CHECK for Petition for Construction and Effect of Probate Court Order STATUS CHECK for Motion to Dismiss Counterclaims of Eleanor C. Ahern STATUS CHECK for Petition for Determination of Construction and Interpretation of Language Relating to Trust No. 2 STATUS CHECK for Bench Trial/Jury Trial Resetting

12/04/2014 AT 11:00AM P-14-080595-E; CALENDAR CALL 1/12/2015 AT 9:00AM TRIAL STACK

Mr. Mugan to prepare proposed Order; opposing counsel to review as to form and content.

JACQUELINE M. MONTOYA'S AMENDED NOTICE OF HEARING ON PETITION TO COMPEL TRUSTEE TO DISTRIBUTE ACCRUED INCOME AND FUTURE INCOME RECEIVED FROM OIL, GAS, AND MINERAL LEASES, AND DECLARATION OF THE APPLICABILITY OF THE DOCTRINE OF LACHES AND ADDENDUM TO SAID PETITION.... Argument by counsel as to whether or not the 65% lease income should be paid to beneficiaries of Marjorie T. Connell's Living Trust or continued to be sequestered now that the trial has been moved to the first of next year. Counsel argued resulting repercussions to either party depending on whether Mrs. Connell's will is found to be or not be valid. Following the Court's indication the Court was to allow distribution, counsel then argued about the posting of a bond or other personal security. COURT ORDERED Motion to Compel Distribution GRANTED IN PART; distribution to begin as of this month with the June check; bond or alternate security posted upon motion as parties agree. Upon further argument, COURT STATED NO FINDING was being made on burden of proof or any other issues raised by counsel not set for hearing.

Mr. Powell to prepare proposed Order; Mr. Mugan to review as to form and content.

INTERIM CONDITIONS:

FUTURE HEARINGS:

Canceled: May 27, 2014 9:00 AM Petition - HM

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated

Denman, Linda Sturman, Gloria Esparza, Kerry RJC Courtroom 03H

Canceled: July 17, 2014 11:00 AM

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated

Denman, Linda Sturman, Gloria RJC Courtroom 03H

PRINT DATE: 04/09/2015 Page 26 of 64 Minutes Date: September 04, 2009

Esparza, Kerry Knight, Marwanda

Canceled: July 18, 2014 11:00 AM

Canceled: August 11, 2014 9:00 AM

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated

Denman, Linda Sturman, Gloria RJC Courtroom 03H Esparza, Kerry

Canceled: August 22, 2014 1:30 PM Motion to Compel

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated

Lunsford, Amy Courtroom 24 Beecroft, Chris A, Jr.

Canceled: December 04, 2014 11:00 AM

Canceled: December 04, 2014 10:30 AM

Canceled: December 04, 2014 11:00 AM Status Check

Canceled: December 04, 2014 10:30 AM Status Check

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Canceled: December 04, 2014 10:30 AM Status Check

Canceled: December 10, 2014 10:00 AM Motion to Enforce

Canceled: December 12, 2014 9:30 AM Hearing - HM

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated

Courtroom 09 Foley, Carol Yamashita, Wesley

Canceled: February 11, 2015 9:00 AM Motion

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated

Denman, Linda

Judge Sturman, Probate

Esparza, Kerry RJC Courtroom 03H Sturman, Gloria

Canceled: February 20, 2015 11:00 AM

Reason: Vacated

Bulla, Bonnie Lott, Jennifer

RJC Level 5 Hearing Room

PRINT DATE:	04/09/2015	Page 27 of 64	Minutes Date:	September 04, 2009
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April 17, 2015 11:00 AM

PRINT DATE: 04	04/09/2015	Page 28 of 64	Minutes Date:	September 04, 2009
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DISTRICT COURT CLARK COUNTY, NEVADA

Probate -

COURT MINUTES

September 03, 2014

Trust/Conservatorships

P-09-066425-T

In the Matter of the Trust of:

The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972

September 03, 2014

9:00 AM

HEARD BY:

Bulla, Bonnie

COURTROOM: RJC Level 5 Hearing

Room

COURT CLERK: Jennifer Lott

PARTIES:

David Mann, Other, not present

Eleanor Ahern, Petitioner, not present

Fredrick Waid, Trustee, not present

Jacqueline Montoya, Other, Personal

Representative, not present

Kathryn Bouvier, Other, not present

Parties Receiving Notice, Other, not present The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not

present

Pro Se

Liane Wakayama, Attorney, not present

Joseph Powell, Attorney, present

Whitney Warnick, Attorney, not present

JOURNAL ENTRIES

- If counsel are requesting an accounting of the Trust, they need to ask Judge Sturman. However, Commissioner does not believe counsel are there yet. Colloquy re: whether or not 65/35 split should have been inherited by the Granddaughters.

COMMISSIONER RECOMMENDED, as the Motion was presented today, it is DENIED WITHOUT PREJUDICE as this motion is premature; alternative relief discussed re: what should be turned over. Colloquy re: Form 706 estate tax return was produced but redacted. Arguments by counsel. Colloquy re: status of relationship of the parties. If Ms. Ahern wants to make a Motion an accounting at a later time, Commissioner will revisit the issue; however, it is highly unlikely that Commissioner

PRINT DATE:	04/09/2015	Page 29 of 64	Minutes Date:	September 04, 2009
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would ever order production of financial documents, or distribution of the Trust that didn't involve 65/35 split.

Commissioner advised Mr. Lum to check what you have, and discuss information with Mr. Powell. Commissioner highly RECOMMENDED Ms. Ahern turn over information on the 35 percent so everyone knows what was reported from the oil leases.

COMMISSIONER RECOMMENDED, the Motion cannot be brought back to Commissioner's attention until the District Court Judge orders an accounting of the MTC Living Trust (include Caveat in Recommendation).

Mr. Powell to prepare the Report and Recommendations, and Mr. Lum to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution. Mr. Powell to appear at status check hearing to report on the Report and Recommendations.

10/10/14 11:00 a.m. Status Check: Compliance

INTERIM CONDITIONS:

FUTURE HEARINGS:

Canceled: December 04, 2014 11:00 AM

Canceled: December 04, 2014 10:30 AM

Canceled: December 04, 2014 11:00 AM Status Check

Canceled: December 04, 2014 10:30 AM Status Check

Canceled: December 04, 2014 11:00 AM Status Check

Canceled: December 04, 2014 10:30 AM Status Check

Canceled: December 04, 2014 11:00 AM Status Check

Canceled: December 04, 2014 10:30 AM Status Check

Canceled: December 10, 2014 10:00 AM Motion to Enforce

Canceled: December 12, 2014 9:30 AM Hearing - HM

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated

Courtroom 09 Foley, Carol Yamashita, Wesley

Canceled: February 11, 2015 9:00 AM Motion

PRINT DATE: 0	04/09/2015	Page 30 of 64	Minutes Date:	September 04, 2009
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P-09-066425-T

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated Denman, Linda
Judge Sturman, Probate
Esparza, Kerry
RJC Courtroom 03H
Sturman, Gloria

Canceled: February 20, 2015 11:00 AM Reason: Vacated

Bulla, Bonnie Lott, Jennifer RJC Level 5 Hearing Room

April 17, 2015 11:00 AM

DISTRICT COURT CLARK COUNTY, NEVADA

Probate -

COURT MINUTES

October 10, 2014

Trust/Conservatorships

P-09-066425-T

In the Matter of the Trust of:

The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972

Status Check October 10, 2014 11:00 AM

HEARD BY: COURTROOM: RJC Level 5 Hearing Bulla, Bonnie

Room

COURT CLERK: Alan Castle

PARTIES:

Pro Se David Mann, Other, not present

Eleanor Ahern, Petitioner, not present

Fredrick Waid, Trustee, not present

Jacqueline Montoya, Other, Personal

Representative, not present

Kathryn Bouvier, Other, not present

Parties Receiving Notice, Other, not present The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not

present

Liane Wakayama, Attorney, not present

Joseph Powell, Attorney, not present

Whitney Warnick, Attorney, not present

IOURNAL ENTRIES

- COMMISSIONER RECOMMENDED, Mr. Powell to make \$100.00 CONTRIBUTION for Failing to Appear before the Discovery Commissioner; payment DUE to Clark County Pro Bono project (Legal Aid Center) 30 DAYS after Court signs the recommendation. Mr. Powell having failed to appear before the Discovery Commissioner and not having submitted a proper Report and Recommendations from the 9/03/14 hearing timely, COMMISSIONER RECOMMENDED, report is DUE Within ten (10) Days from this date. Counsel to submit proper DCRR by next status date or it will result in PROGRESSIVE SANCTIONS. FURTHER, Mr. Powell to make additional \$100.00 CONTRIBUTION for his failure to provide a proper, timely Report and Recommendations. Contributions are due to Legal Aid Center of Southern Nevada (Pro Bono Project) thirty (30) DAYS after Court signs the recommendation, a proof of \$200.00 payment must be submitted to the

PRINT DATE: 04/09/2015 Page 32 of 64 Minutes Date: Septemb	ber 04, 2009
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Discovery Commissioner. Status check set.

11/14/14 11:00 a.m. Status Check: Compliance/Progressive Sanctions

CLERK'S NOTE: The above minute order has been distributed to: Joseph Powell, Esq. (The Rushforth Firm. Ltd.), P.O. Box 371655, Las Vegas, NV 89137; joey@rushforth.net. ac/10/20/14.

INTERIM CONDITIONS:

FUTURE HEARINGS:

Canceled: December 04, 2014 11:00 AM

Canceled: December 04, 2014 10:30 AM

Canceled: December 04, 2014 11:00 AM Status Check

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Courtroom 09 Foley, Carol Yamashita, Wesley

Canceled: February 11, 2015 9:00 AM Motion

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated

Denman, Linda

Judge Sturman, Probate

Esparza, Kerry RJC Courtroom 03H

Sturman, Gloria

Canceled: February 20, 2015 11:00 AM

Reason: Vacated

Bulla, Bonnie Lott, Jennifer

RJC Level 5 Hearing Room

April 17, 2015 11:00 AM

PRINT DATE:	04/09/2015	Page 33 of 64	Minutes Date:	September 04, 2009
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P-09-066425-T

PRINT DATE: 0	04/09/2015	Page 34 of 64	Minutes Date:	September 04, 2009
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Probate -**COURT MINUTES** November 14, 2014

Trust/Conservatorships

In the Matter of the Trust of: P-09-066425-T

The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972

Status Check November 14, 11:00 AM

2014

HEARD BY: Bulla, Bonnie **COURTROOM:** RJC Level 5 Hearing

Room

COURT CLERK: Jennifer Lott

PARTIES:

David Mann, Other, not present Pro Se

Eleanor Ahern, Petitioner, not present Liane Wakayama, Attorney, not present

Fredrick Waid, Trustee, not present Jacqueline Montoya, Other, Personal Joseph Powell, Attorney, present

Representative, not present

Kathryn Bouvier, Other, not present Whitney Warnick, Attorney, not present

Parties Receiving Notice, Other, not present The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not

present

IOURNAL ENTRIES

- Commissioner read both letters. Mr. Powell stated Mr. Lum is no longer involved.

COMMISSIONER RECOMMENDED, matter CONTINUED; as soon as possible, Mr. Powell to prepare the Report and Recommendation from Sept. 3, 2014; counsel is relieved from obtaining Mr. Lum's signature.

Mr. Powell to prepare the Report and Recommendations, and submit it directly to Commissioner. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution. Mr. Powell to appear at status check hearing to report on the Report and

PRINT DATE:	04/09/2015	Page 35 of 64	Minutes Date:	September 04, 2009
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Recommendations.

12/19/14 11:00 a.m. Status Check: Compliance

CLERK'S NOTE: Ms. Exley, Law Clerk to David Mann, appeared after court, and Commissioner provided the outcome.

INTERIM CONDITIONS:

FUTURE HEARINGS:

Canceled: December 04, 2014 11:00 AM

Canceled: December 04, 2014 10:30 AM

Canceled: December 04, 2014 11:00 AM Status Check

Canceled: December 04, 2014 10:30 AM Status Check

Canceled: December 04, 2014 11:00 AM Status Check

Canceled: December 04, 2014 10:30 AM Status Check

Canceled: December 04, 2014 11:00 AM Status Check

Canceled: December 04, 2014 10:30 AM Status Check

Canceled: December 10, 2014 10:00 AM Motion to Enforce

Canceled: December 12, 2014 9:30 AM Hearing - HM

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated

Courtroom 09 Foley, Carol Yamashita, Wesley

Canceled: February 11, 2015 9:00 AM Motion

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated

Denman, Linda

Judge Sturman, Probate

Esparza, Kerry RJC Courtroom 03H Sturman, Gloria

Canceled: February 20, 2015 11:00 AM

Reason: Vacated

Bulla, Bonnie Lott, Jennifer

PKINT DATE: 04/09/2015 Page 36 of 64 Minutes Date: Set	September 04, 2009	Minutes Date:	Page 36 of 64	04/09/2015	PRINT DATE:
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P-09-066425-T

April 17, 2015 11:00 AM

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Probate -

COURT MINUTES

Motion

December 04, 2014

Trust/Conservatorships

P-09-066425-T

In the Matter of the Trust of:

The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972

December 04, 2014 10:30 AM

HEARD BY: Sturman, Gloria

COURTROOM: RJC Courtroom 03H

COURT CLERK: Linda Denman

PARTIES:

David Mann, Other, not present

Eleanor Ahern, Petitioner, not present

Fredrick Waid, Trustee, not present

Jacqueline Montoya, Other, Personal

Representative, not present

Kathryn Bouvier, Other, not present

Parties Receiving Notice, Other, not present The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not

present

Pro Se

Liane Wakayama, Attorney, present

Joseph Powell, Attorney, present

Whitney Warnick, Attorney, present

JOURNAL ENTRIES

- PETITION FOR DETERMINATION OF CONSTRUCTION AND INTERPRETATION OF LANGUAGE RELATING TO TRUST NO. 2 MOTION TO DISMISS COUNTERCLAIMS OF ELEANOR C. AHERN PETITION FOR CONSTRUCTION AND EFFECT OF PROBATE COURT ORDER STATUS CHECK: SETTLEMENT/TRIAL SETTING

COURT ORDERED all motions CONTINUED.

CONTINUED TO 1/14/2015 AT 10:00AM

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INTERIM CONDITIONS:

FUTURE HEARINGS:

Canceled: December 04, 2014 11:00 AM

Canceled: December 04, 2014 10:30 AM

Canceled: December 04, 2014 11:00 AM Status Check

Canceled: December 04, 2014 10:30 AM Status Check

Canceled: December 04, 2014 11:00 AM Status Check

Canceled: December 04, 2014 10:30 AM Status Check

Canceled: December 04, 2014 11:00 AM Status Check

Canceled: December 04, 2014 10:30 AM Status Check

Canceled: December 10, 2014 10:00 AM Motion to Enforce

Canceled: December 12, 2014 9:30 AM Hearing - HM

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated

Courtroom 09 Foley, Carol Yamashita, Wesley

Canceled: February 11, 2015 9:00 AM Motion

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated

Denman, Linda

Judge Sturman, Probate

Esparza, Kerry RJC Courtroom 03H Sturman, Gloria

Canceled: February 20, 2015 11:00 AM

Reason: Vacated

Bulla, Bonnie Lott, Jennifer RJC Level 5 Hearing Room

April 17, 2015 11:00 AM

Probate -

COURT MINUTES

December 12, 2014

Trust/Conservatorships

P-09-066425-T

In the Matter of the Trust of:

The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972

December 12, 2014 9:30 AM

Hearing - HM

HEARD BY: Yamashita, Wesley

COURTROOM: Courtroom 09

COURT CLERK: Carol Foley

PARTIES:

David Mann, Other, not present

Eleanor Ahern, Petitioner, not present

Fredrick Waid, Trustee, not present

Jacqueline Montoya, Other, Personal

Representative, not present

Kathryn Bouvier, Other, not present

Parties Receiving Notice, Other, not present The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not

present

Pro Se

Liane Wakayama, Attorney, not present

Joseph Powell, Attorney, not present

Whitney Warnick, Attorney, not present

JOURNAL ENTRIES

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

INTERIM CONDITIONS:

FUTURE HEARINGS:

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Canceled: December 12, 2014 9:30 AM Hearing - HM

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated

Courtroom 09 Foley, Carol Yamashita, Wesley

Canceled: February 11, 2015 9:00 AM Motion

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated

Denman, Linda

Judge Sturman, Probate

Esparza, Kerry RJC Courtroom 03H Sturman, Gloria

Canceled: February 20, 2015 11:00 AM

Reason: Vacated

Bulla, Bonnie Lott, Jennifer RJC Level 5 Hearing Room

April 17, 2015 11:00 AM

Probate -

COURT MINUTES

December 17, 2014

Trust/Conservatorships

P-09-066425-T

In the Matter of the Trust of:

The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972

December 17, 2014 9:00 AM

Motion to Enforce

HEARD BY: Sturman, Gloria

COURTROOM: RJC Courtroom 03H

COURT CLERK: Linda Denman

PARTIES:

David Mann, Other, not present

Eleanor Ahern, Petitioner, not present

Fredrick Waid, Trustee, not present

Jacqueline Montoya, Other, Personal

Representative, not present

Kathryn Bouvier, Other, present

Parties Receiving Notice, Other, not present The W.N. Connell and Marjorie T. Connell

Living Trust, dtd May 18, 1972, Trust, not

present

Pro Se

Liane Wakayama, Attorney, present

Joseph Powell, Attorney, present

Whitney Warnick, Attorney, present

JOURNAL ENTRIES

- MOTION TO ENFORCE SETTLEMENT AGREEMENT

Mr. Warnick explained the events leading up to Oct. 22, which included a Nevada Supreme Court (NSC) settlement conference that did not resolve the dispute but counsel left agreeing to continue to try and resolve the issues. The arbitrator held off reporting to the NSC in hope the parties could reach a resolution. On Oct. 22, all parties and their counsel met at attorney Jeffrey Burr's offices to take Jacqueline Montoya's deposition. Instead, they began to settle the matter and caucused back and forth with the family members, who were in separate offices, and with all the attorneys. Finally, at the end of the day, the parties reached a settlement agreement and the terms were put on the record by the court reporter. The NSC arbitrator was notified and submitted a report showing the matter settled. However, six (6) days later, Ms. Ahern fired her counsel and refused to accept the settlement.

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Counsel requested the Court enforce the settlement.

Ms. Renka argued the settlement was a conversation among attorneys and was not reduced to writing, was not signed by Ms. Ahern, and was not entered into the Court's record. Additionally, Ms. Ahern was not in the room when the terms were read into the record and the agreement is deficient in resolving back payments, delayed payments, Texas attorney's fees, and there are no provisions for handling Federal taxes. Ms. Renka concluded there was clearly no meeting of the minds and asked the Court to deny the Motion to Enforce. Upon the Court's questioning as to counsel's reliance on attorneys ability to negotiate with and bind their clients, Ms. Renka advised that there is a rebuttal presumption and Ms. Ahern's is that she never agreed to vacate Jacqueline Montoya's deposition; she was never able to visit with her Texas Advisors; and she did not know the current cost of gas and the tax consequences.

COURT FINDS the fact that Ms. Ahern was not present in the room when the terms were being announced and did not verbally agree to the settlement. The Court did express concern that Ms. Ahern does not realize the full implications should the case not go her way; for example, she may be required to pay attorney fees for her daughters and all costs. Further, the advice she is receiving from her Texas counsel regarding oil and gas law may not be in her best interest as to Nevada's probate law. COURT ORDERED Motion to Enforce DENIED.

Ms. Renka to prepare proposed Order; opposing counsel to review as to form and content.

INTERIM CONDITIONS:

FUTURE HEARINGS:

Canceled: February 11, 2015 9:00 AM Motion

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated

Denman, Linda

Judge Sturman, Probate

Esparza, Kerry RJC Courtroom 03H Sturman, Gloria

Canceled: February 20, 2015 11:00 AM

Reason: Vacated

Bulla, Bonnie Lott, Jennifer

RJC Level 5 Hearing Room

April 17, 2015 11:00 AM

Bulla, Bonnie Lott, Jennifer

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Probate -

COURT MINUTES

December 19, 2014

Trust/Conservatorships

P-09-066425-T

In the Matter of the Trust of:

The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972

December 19, 2014 11:00 AM

Status Check

HEARD BY: Bulla, Bonnie

COURTROOM: RJC Level 5 Hearing

Room

COURT CLERK: Alan Castle

PARTIES:

David Mann, Other, not present

Eleanor Ahern, Petitioner, not present

Fredrick Waid, Trustee, not present

Jacqueline Montoya, Other, Personal

Representative, not present

Kathryn Bouvier, Other, not present

Parties Receiving Notice, Other, not present The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not

present

Pro Se

Liane Wakayama, Attorney, present

Joseph Powell, Attorney, present

Whitney Warnick, Attorney, not present

IOURNAL ENTRIES

- Colloquy. Discovery Commissioner Finds the Respondent's counsel will prepare the Report and Recommendations regarding the 9/03/14 hearing; Discovery Commissioner agrees that only current counsel need sign off on that report and recommendation and that all prior counsel are relieved from that obligation. Discovery Commissioner directed Mr. Powell to submit a cover letter with the Recommendations explaining the same. Status check set.

Ms. Wakayama advised the Court of difficulty in obtaining file from prior counsel. Counsel indicated Mr. Mann has not responded to transfer of file. Ms. Wakayama requested to file an emergency motion to compel Mr. Mann to produce the file to counsel. The Discovery Commissioner notes there is not sufficient time to hear the motion before the upcoming dispositive motions are due.

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Colloquy regarding actions taken by counsel and possibility of setting a phone conference. Counsel indicated she has contacted the State Bar. Colloquy regarding motion to enforce settlement. Discovery Commissioner directed Ms. Wakayama to see if counsel could get a phone conference set up for next week.

1/09/15 11:00 a.m. Status Check: Compliance

INTERIM CONDITIONS:

FUTURE HEARINGS:

Canceled: February 11, 2015 9:00 AM Motion

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated

Denman, Linda

Judge Sturman, Probate

Esparza, Kerry RJC Courtroom 03H Sturman, Gloria

Canceled: February 20, 2015 11:00 AM

Reason: Vacated

Bulla, Bonnie Lott, Jennifer

RJC Level 5 Hearing Room

April 17, 2015 11:00 AM

Bulla, Bonnie Lott, Jennifer

Probate -

COURT MINUTES

January 09, 2015

Trust/Conservatorships

P-09-066425-T

In the Matter of the Trust of:

The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972

January 09, 2015 11:00 AM

HEARD BY: Bulla, Bonnie COURTROOM: RJC Level 5 Hearing

Room

COURT CLERK: Jennifer Lott

PARTIES:

David Mann, Other, not present

Eleanor Ahern, Petitioner, not present

Fredrick Waid, Trustee, not present

Jacqueline Montoya, Other, Personal

Representative, not present

Kathryn Bouvier, Other, not present

Parties Receiving Notice, Other, not present The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not

present

Pro Se

Liane Wakayama, Attorney, not present

Joseph Powell, Attorney, not present

Whitney Warnick, Attorney, not present

JOURNAL ENTRIES

- Report and Recommendation was returned to counsel Dec. 2, 2014. Mr. Powell will resubmit Report and Rec. shortly. Colloquy re: the change in counsel. No Trial date.

COMMISSIONER RECOMMENDED, matter CONTINUED; Mr. Powell to prepare the Report and Recommendations. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution. Mr. Powell to appear at status check hearing to report on the Report and Recommendations.

2/20/15 11:00 a.m. Status Check: Compliance

PRINT DATE:	04/09/2015	Page 47 of 64	Minutes Date:	September 04, 2009
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INTERIM CONDITIONS:

FUTURE HEARINGS:

Canceled: February 11, 2015 9:00 AM Motion

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated

Denman, Linda

Judge Sturman, Probate

Esparza, Kerry RJC Courtroom 03H Sturman, Gloria

Canceled: February 20, 2015 11:00 AM

Reason: Vacated

Bulla, Bonnie Lott, Jennifer RJC Level 5 Hearing Room

April 17, 2015 11:00 AM

Bulla, Bonnie Lott, Jennifer

Probate -

COURT MINUTES

January 14, 2015

Trust/Conservatorships

P-09-066425-T

In the Matter of the Trust of:

The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972

All Pending Motions January 14, 2015 9:00 AM

HEARD BY: COURTROOM: RJC Courtroom 03H Sturman, Gloria

COURT CLERK: Linda Denman

PARTIES:

David Mann, Other, not present

Eleanor Ahern, Petitioner, not present Fredrick Waid, Trustee, not present

Jacqueline Montoya, Other, Personal Joseph Powell, Attorney, present

Representative, not present

Kathryn Bouvier, Other, not present

Parties Receiving Notice, Other, not present The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not

present

Pro Se

Liane Wakayama, Attorney, present

Whitney Warnick, Attorney, present

JOURNAL ENTRIES

- MOTION FOR LEAVE TO AMEND PLEADINGS OF JACQUELINE M. MONTOYA AND KATHRYN A. BOUVIER FOR CLAIMS, DEFENSES, DAMAGES AND ASSESSMENT OF PENALTIES, AND FOR OTHER RELIEF AGAINST ELEANOR CONNELL HARTMAN AHERN

OPPOSITION & COUNTERMOTION OF KATHRYN A. BOUVIER AND JACQUELINE M. MONTOYA FOR SUMMARY JUDGMENT OF PETITION FOR DECLARATION JUDGMENT, FOR DAMAGES AND ASSESSMENT OF PENALTIES AND FOR OTHER RELIEF

STATUS CHECK: PETITION FOR DETERMINATION OF CONSTRUCTION AND INTERPRETATION OF LANGUAGE RELATING TO TRUST NO. 2

PRINT DATE:	04/09/2015	Page 49 of 64	Minutes Date:	September 04, 2009
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STATUS CHECK: MOTION TO DISMISS COUNTERCLAIMS OF ELEANOR C. AHERN

STATUS CHECK: PETITION FOR CONSTRUCTION AND EFFECT OF PROBATE COURT ORDER

Counsel confirmed that the Will contest in companion case P-080595-E, In the Matter of Marjorie Connell, Deceased has been dismissed with prejudice by stipulation and order and that case can be closed. COURT SO ORDERED.

As to the matters scheduled for today, Court and counsel agreed to reserve a special date for hearing all matters that were stayed in this case while the Will contest was pending. Parties expressed some confusion over what the Court was to hear today and the Court stated that courtesy copies had not been delivered on all pleadings. Counsel agreed to prepare an itemized list and to contact the law clerk to make sure all pleadings were available. Mr. Powell discussed certain pleadings that were dismissed with prejudice to be renewed later that he would like the Court to reconsider. Court requested he renotice and encourage the parties to work together to make sure that all matters were before the Court. COURT ORDERED hearing date SET.

CONTINUED TO 1/30/2015 AT 10:00AM

INTERIM CONDITIONS:

FUTURE HEARINGS:

Canceled: February 11, 2015 9:00 AM Motion
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated
Denman, Linda
Judge Sturman, Probate
Esparza, Kerry
RIC Courtroom 03H

Esparza, Kerry RJC Courtroom 03H Sturman, Gloria

Canceled: February 20, 2015 11:00 AM

Reason: Vacated

Bulla, Bonnie Lott, Jennifer RJC Level 5 Hearing Room

April 17, 2015 11:00 AM

Probate -

COURT MINUTES

January 16, 2015

Trust/Conservatorships

P-09-066425-T

In the Matter of the Trust of:

The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972

January 16, 2015 9:30 AM

Motion - HM

HEARD BY: Yamashita, Wesley

COURTROOM: Courtroom 09

COURT CLERK: Carol Foley

PARTIES:

David Mann, Other, not present

Eleanor Ahern, Petitioner, not present

Fredrick Waid, Trustee, not present

Jacqueline Montoya, Other, Personal

Representative, not present

Kathryn Bouvier, Other, not present

Parties Receiving Notice, Other, not present The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not

present

Pro Se

Liane Wakayama, Attorney, not present

Joseph Powell, Attorney, not present

Whitney Warnick, Attorney, not present

JOURNAL ENTRIES

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

INTERIM CONDITIONS:

FUTURE HEARINGS:

Canceled: February 11, 2015 9:00 AM Motion

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated

Denman, Linda

Judge Sturman, Probate

- FINITED ATE: 104/09/2010 PAGE STOLGE WILLIES Date: 15eptember 04	PRINT DATE:	04/09/2015	Page 51 of 64	Minutes Date:	September 04, 20
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P-09-066425-T

Esparza, Kerry RJC Courtroom 03H Sturman, Gloria

 ${\it Canceled: February~20,~2015~11:00~AM}$

Reason: Vacated

Bulla, Bonnie Lott, Jennifer RJC Level 5 Hearing Room

April 17, 2015 11:00 AM

Probate -

COURT MINUTES

January 30, 2015

Trust/Conservatorships

P-09-066425-T

In the Matter of the Trust of:

The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972

January 30, 2015 10:00 AM

HEARD BY: Sturman, Gloria COURTR

COURTROOM: RJC Courtroom 03H

COURT CLERK: Linda Denman

PARTIES:

David Mann, Other, not present

Eleanor Ahern, Petitioner, not present

Fredrick Waid, Trustee, not present

Jacqueline Montoya, Other, Personal

Representative, present

Kathryn Bouvier, Other, not present

Parties Receiving Notice, Other, not present The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not

present

Pro Se

Liane Wakayama, Attorney, present

Joseph Powell, Attorney, present

Whitney Warnick, Attorney, present

JOURNAL ENTRIES

- EVIDENTIARY HEARING ON PENDING MOTIONS

Court and counsel discussed the outstanding Petitions and Motions that were stayed when the Will contest in the related probate case was set. Counsel agreed that certain responsive pleadings are subsumed in Countermotions for Summary Judgment and will be designated as moot. Counsel argued their respective positions. Ms. Wakayama showed a power point presentation during opening statements; a hard copy of which has been marked as Court Exhibit 1. Mr. Warnick and Mr. Powell prepared a notebook of all relevant information and that will be designed Court Exhibit 2.

COURT STATED ITS FINDINGS the record is replete with the fact that Eleanor received approximately 35% of the Texas oil and gas leases and Marjorie received approximately 65% for 30

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years. Additionally, for four years following Marjorie's death, Eleanor continued to receive approximately 35% of the asset and Marjorie's heirs received her share. Eleanor did not assert any claim or right, and there is no mention in the record, that upon Marjorie's death she would receive 100% of the income from that asset. W.C.'s separate property changed between the initiation of the Trust and his death 7 years later and some property was conveyed directly to Eleanor. Additionally, the Trust terms that refer to separate property do not mean only the Texas oil and gas leases—that was the only separate property he had at the time of his death; all other separate property having been previously conveyed to Eleanor. Additionally, tax records do not support Eleanor s position as the percentage claimed by Marjorie was not reported as a gift. Court further notes that W.C. prepared a sound Trust document that kept this valuable income producing asset in his family, protected from taxes, and third party outsiders.

COURT ORDERED Opposition to Eleanor C. Ahern's Motion to Dismiss Petition for Declaratory Judgment for Failure to State a Claim Upon Which Relief Can Be Granted; and, Countermotion of Kathryn A. Bouvier and Jacqueline M. Montoya for Summary Judgment on Petition for Declaratory Judgment, for Damages and Assessment of Penalties, and for Other Relief GRANTED. Subsumed in this motion are the original Petition for Declaratory Judgment Regarding Limited Interest of Trust Assets filed 9/27/13; Petition for Construction and Effect of Probate Court Order, filed 3/26/14; Petition for Determination of Construction and Interpretation of Language Relating to Trust No. 2, filed 3/27/14, and Petition to Compel Trustee to Distribute Accrued Income and Future Income Received From Oil, Gas, and Mineral Leases and Declaration of the Applicability of the Doctrine of Laches, which will all be resulted as Granted. As to the claims asserted in Jacqueline and Kathryn's Motion for Summary, COURT FURTHER ORDERED Breach of Fiduciary Duty claim DENIED; Removal of Eleanor as Trustee RESERVED RULING for further briefing; and request for attorney's fees RESERVED RULING as this request is premature.

COURT FURTHER ORDERED Eleanor Ahern's Answer to Petition for Declaratory Judgment Regarding Limited Interest of Trust Assets and for Failure to State a Claim Upon Which Relief Can Be Granted and Counterclaims Against Jacqueline M. Montoya DENIED. Specifically, COURT FINDS neither side violated the No-Contest provisions as the Court was the property entity to deal with the complicated good faith disputes. COURT FURTHER FINDS Intentional Interference claim DENIED WITHOUT PREJUDICE. Additionally, Motion to Dismiss and Motion to Strike Counterclaims Raised by Eleanor C. Ahern Pursuant to NRCP 15 and NRCP 12(B) and Motion to Dismiss Counterclaims of Eleanor C. Ahern GRANTED.

COURT FURTHER ORDERED Eleanor's Omnibus Opposition to 1) Petition for Determination of Construction and Interest of Language Relating to Trust No. 2, and 2) Petition for Construction and Effect of Probate Court Order; and Countermotion for Summary Judgment, filed 1/2/15, DENIED. As a result of the rulings on the above-referenced Motions, Petitions, and Countermotions, COURT ORDERED oil and gas revenues held pending the resolution of this matter RELEASED and DISTRIBUTED to Jacqueline and Kathryn thirty (31) days after Notice of Entry of Order.

COURT FURTHER ORDERED Motion for Leave to Amend Pleadings of Jacqueline M. Montoya and

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Kathryn A. Bouvier for Claims, Defenses, Damages, and Assessment of Penalties, and for Other Relief Against Eleanor Connell Hartman Ahern MOOT. Ms. Renka raised an objection to the claims raised by Jacqueline and Kathryn stating they were not raised in the original Petition and never properly asserted in a mandatory responsive pleading. They never answered nor raised any affirmative defenses within the time allowed. Mr. Powell argued the claims were raised in various motions and petitions. COURT OVERRULED the objection, finding the stay imposed while the Will contest was underway left some responsive pleadings pending but the parties' agreement to subsume responsive motions renders this objection moot.

Court and counsel discussed the possibility of filing the final Order under seal in order to protect any confidential financial information. Both parties agreed they would abide by NSC Rule 3 and submit an Order.

COURT ORDERED hearing SET; further issues to finalize are accounting of the money from the time disbursements ceased to when the money was ordered held; removal of Eleanor as trustee; attorney fees; and the best way for the Trust to continue. Parties can submit briefs on the respective issues.

3/20/2015 AT 10:00AM HEARING

INTERIM CONDITIONS:

FUTURE HEARINGS:

Canceled: February 11, 2015 9:00 AM Motion

Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated

Denman, Linda

Judge Sturman, Probate

Esparza, Kerry RJC Courtroom 03H Sturman, Gloria

Canceled: February 20, 2015 11:00 AM

Reason: Vacated

Bulla, Bonnie Lott, Jennifer

RJC Level 5 Hearing Room

April 17, 2015 11:00 AM

Bulla, Bonnie Lott, Jennifer

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Probate -

COURT MINUTES

Motion

February 18, 2015

Trust/Conservatorships

P-09-066425-T

In the Matter of the Trust of:

The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972

February 18, 2015 9:30 AM

HEARD BY: Bulla, Bonnie COURTROOM: RJC Level 5 Hearing

Room

COURT CLERK: Jennifer Lott

PARTIES:

David Mann, Other, not present Pro Se

Eleanor Ahern, Petitioner, not present

Liane Wakayama, Attorney, present

Fredrick Waid, Trustee, not present

Jacqueline Montoya, Other, Personal Joseph Powell, Attorney, not present

Representative, not present

Kathryn Bouvier, Other, not present

Parties Receiving Notice, Other, not present The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not

present

Whitney Warnick, Attorney, not present

IOURNAL ENTRIES

- David Mann, Esquire, present.

Argument by Ms. Wakayama; statements in Reply should be stricken, and confidential information must be sealed and preserved. No objection by Mr. Mann as issue will be worked out at the State Bar level. Commissioner advised counsel bring a proper Motion to Strike Portions of Pleading to Judge Sturman as Commissioner does not have enough information to do so today.

Commissioner advised counsel Summary Judgment was entered, the Will contest was Dismissed by Stipulation, and the issue is Moot. Ms. Wakayama stated a Hearing is set before Judge Sturman March 20th on Breach of Fiduciary Duty, and the other side requested Attorney Fees. Argument by

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Mr. Mann. Commissioner advised counsel a request can be made to Judge Sturman not to rule on Motion pending resolution of issues before the State Bar.

COMMISSIONER RECOMMENDED, motion is DENIED WITHOUT PREJUDICE.

Mr. Mann to prepare the Report and Recommendations, and Ms. Wakayama to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution. Mr. Mann to appear at status check hearing to report on the Report and Recommendations.

3/20/15 11:00 a.m. Status Check: Compliance

INTERIM CONDITIONS:

FUTURE HEARINGS:

Canceled: February 20, 2015 11:00 AM

Reason: Vacated

Bulla, Bonnie Lott, Jennifer B.I.C. Level, 5. Hear

RJC Level 5 Hearing Room

April 17, 2015 11:00 AM

Bulla, Bonnie Lott, Jennifer

Probate -

COURT MINUTES

March 20, 2015

Trust/Conservatorships

P-09-066425-T

In the Matter of the Trust of:

The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972

March 20, 2015

10:00 AM

Hearing

HEARD BY:

Sturman, Gloria

COURTROOM: RJC Courtroom 03H

COURT CLERK: Linda Denman

PARTIES:

David Mann, Other, not present

Eleanor Ahern, Petitioner, not present

Fredrick Waid, Trustee, not present

Jacqueline Montoya, Other, Personal

Representative, present

Kathryn Bouvier, Other, not present

Parties Receiving Notice, Other, not present The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not

present

Pro Se

Liane Wakayama, Attorney, present

Joseph Powell, Attorney, present

Whitney Warnick, Attorney, present

JOURNAL ENTRIES

- PROBATE HEARING

Court clarified the items to be discussed and resolve at today's hearing include finalizing accounting from time disbursements stopped to date when Court ordered money held; request to remove Eleanor Ahern as Trustee; request for attorney fees, and the future structure of the trust.

As to the accounting, Counsel argued the scope of the Court's prior Order granting payment of Administrative Expenses, Insurance Premiums, and taxes paid on a pro rata basis. Mr. Warnick argued the 6% trustee fees were excessive, the overhead expenses were unnecessary, the deposit with Capital Fidelity Investment questionable, money deposited in Eleanor's personal Texas attorney's trust fund comingled, and money invested in a California firm for a foundation self-serving. Ms.

PRINT DATE:	04/09/2015	Page 58 of 64	Minutes Date:	September 04, 2009]
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Wakayama defended the accounting saying Ms. Ahern was personally involved in several transactions in Texas that resulted in \$3.6 million for the Trust. It is an acceptable practice to reimburse a trustee for such costs as travel, computers, time, etc., and 6% is a common charge. The overhead charge includes office space for her and advisors who have been assisting her with tax problems and investment opportunities, and that she acted in good faith in assessing these reasonable expenses.

As to Eleanor's removal as trustee, Counsel argued whether she breached her fiduciary duties. Mr. Powell argued that Eleanor's actions in stopping beneficiary distributions without Court approval was self-dealing and she should have recused herself as Trustee and let a third-party neutral act while she sought to have herself named as the sole beneficiary. Ms. Wakayama pointed out that Eleanor had been co-trustee of Marjorie's trust since 1980 and the objectors were designated contingent beneficiaries. She simply asserted her rights to take the entire income. Following the Court's Order, Eleanor has made sure that \$2 million is being held and once this situation is resolved the money will be distributed as ordered. She concluded that Eleanor has only taken her 35% of the income and the balance less 65% expenses is being held.

As to the future of the trust, Counsel stated they agreed that splitting the trust would cause unnecessary administrative expenses and could possible jeopardize dealings with oil companies.

As to attorney fees, Ms. Wakayma argued counsel did not analyze their request against the Brunzell standards.

As to the administrative fees in the accounting, COURT STATED ITS FINDINGS that while Eleanor may be entitled to be paid for her time, the amount she accounts for as her fee is excessive and unreasonable, being more in line with a corporate trustee, and that also charging overhead for staff and office space is not appropriate. Additionally, COURT FINDS that Capital Fidelity Investments does not satisfy the standards of the Uniform Prudent Investors Act. Finally, the Court also finds the \$37,000 payment was already accounted for and should be credited to the 65% trust. COURT ORDERED accounting expenses AMENDED AND REDUCED by \$218,000 for administrative expenses and \$24,000 for double billing. COURT FURTHER ORDERED the \$500,000 investment in Capital Fidelity withdrawn and immediately placed in a more appropriate, federally insured vehicle.

As to the removal of Eleanor as Trustee for breach of fiduciary duties, COURT FINDS a breach of fiduciary duties to the 65% trust beneficiaries since she acted without Court permission in stopping distribution without proper notice or Court approval. COURT ORDERED Eleanor Ahern REMOVED as Trustee as to the 65% trust.

As to the future of the trust, COURT STATED ITS FINDINGS that ultimately the only resolution may be to split the trust and allow each party to manage their own money; however for the present, the trust needs to remain whole through this litigation. COURT ORDERED Eleanor Ahern TEMPORARILY REMOVED as Trustee over the 35% Trust; Court will APPOINT an independent third party as trustee over the entire trust. Counsel discussed either Premier Trust or Fred Waid and

they will each provide the Court with their client's choice by Tuesday, March 24, 2015.

As to attorney fees, COURT ORDERED request GRANTED; counsel to file appropriate motion with redacted billing statements in ten (10) days including an analysis of the Brunzell factors; opposition due ten (10) days following; reply due five (5) days following. COURT FURTHER ORDERED hearing SET.

Mr. Warnick to prepare proposed Order; Ms. Wakayama to review as to form and content.

5/13/2015 at 9:00AM MOTION FOR ATTORNEY FEES AND COSTS

INTERIM CONDITIONS:

FUTURE HEARINGS:

April 17, 2015 11:00 AM

Bulla, Bonnie Lott, Jennifer

Probate -**COURT MINUTES** March 20, 2015

Trust/Conservatorships

In the Matter of the Trust of: P-09-066425-T

The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972

March 20, 2015 11:00 AM

HEARD BY: COURTROOM: RJC Level 5 Hearing Bulla, Bonnie

Room

COURT CLERK: Jennifer Lott

PARTIES:

David Mann, Other, not present Pro Se

Eleanor Ahern, Petitioner, not present Liane Wakayama, Attorney, not present

Fredrick Waid, Trustee, not present

Jacqueline Montoya, Other, Personal Joseph Powell, Attorney, not present

Representative, not present

Kathryn Bouvier, Other, not present

Parties Receiving Notice, Other, not present The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not

present

Whitney Warnick, Attorney, not present

IOURNAL ENTRIES

- Dale Hayes, Esquire, and David Mann, Esquire, present.

Report and Recommendation was submitted, returned to counsel, and Mr. Mann will resubmit it shortly.

COMMISSIONER RECOMMENDED, matter CONTINUED; Mr. Mann to prepare the Report and Recommendations. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution. Mr. Mann to appear at status check hearing to report on the Report and Recommendations.

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4/17/15 11:00 a.m. Status Check: Compliance

INTERIM CONDITIONS:

FUTURE HEARINGS:

April 17, 2015 11:00 AM

Bulla, Bonnie Lott, Jennifer

Probate -

COURT MINUTES

March 26, 2015

Trust/Conservatorships

P-09-066425-T

In the Matter of the Trust of:

The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972

March 26, 2015

11:00 AM

Telephonic Hearing

HEARD BY: Sturman, Gloria

COURTROOM: RJC Courtroom 03H

COURT CLERK: Linda Denman

PARTIES:

David Mann, Other, not present

Eleanor Ahern, Petitioner, not present

Fredrick Waid, Trustee, not present

Jacqueline Montoya, Other, Personal

Representative, not present

Kathryn Bouvier, Other, not present

Parties Receiving Notice, Other, not present The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not

present

Pro Se

Liane Wakayama, Attorney, present

Joseph Powell, Attorney, present

Whitney Warnick, Attorney, present

JOURNAL ENTRIES

- TELEPHONE CONFERENCE

Also present Dale Hayes, Esq. for Petitioner and Jeff Johnston, Esq., Texas counsel for Petitioner. Ms. Wakayama requested the Court's guidance on whether or not Mr. Johnston could proceed with negotiations regarding PSA's, Pioneer Easement, and Apache lease since the Court was going to assign a third party neutral as trustee while the matter is in litigation. She expressed concern that opposing counsel was reluctant to stipulate to the confidentiality aspect. Mr. Johnston advised that Texas law vests title to the property in the trustee. The leases in question are due for renewal the first part of April and he expressed concern that a new trustee would not be in place when the agreements needed to be executed.

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COURT STATED Mr. Johnston's competency in representing the trust in these negotiations was not in question and appreciated the hard work he was doing on behalf of this family. COURT ORDERED Frederick Waid APPOINTED as trustee. As to the problems the parties raised, the COURT FURTHER ORDERED beneficiaries Montoya and Bouvier be kept informed of all negotiations; that Montoya and Bouvier be cautioned they cannot discuss or convey in any way confidential information told to them by their attorney to other family members; and that Mr. Johnston is to proceed in his negotiations and work with Mr. Waid once he is in place. Court clarified that if any agreements need to be signed prior to Mr. Waid's placement, whoever is so authorized at the time may sign.

Mr. Warnick to prepare Order appointing Frederick Waid as Trustee. Ms. Wakayama to prepare proposed Order regarding this hearing and/or the confidential agreement as discussed.

INTERIM CONDITIONS:

FUTURE HEARINGS:

April 17, 2015 11:00 AM

Connell Srust P-066425 EXHIBITS

CASE NO. P-066425

	Date Offered		Date Admitted
#1-Power Point DEMO #2-Index + Notebook of Pertinent Doc's	1-30-1	5	
#2-Index + Notebook of Portinest Doc's	1-30-1	5	
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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):

NOTICE OF APPEAL REGARDING ORDER APPOINTING NEW TEMPORARY TRUSTEE; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER APPOINTING NEW TEMPORARY TRUSTEE; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES; EXHIBITS LIST

In the Matter of the Trust of:

THE W.N. CONNELL AND MARJORIE T. CONNELL LIVING TRUST DATED MAY 18, 1972,

Case No: P066425

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 9 day of April 2015.

Steven D. Grierson, Clerk of the Court

Heather Ungermann, Deputy Clerk

THIS DOCUMENT HAS A MULTI-COLORED FACE THAT CHANGES COLOR GRADUALLY.

SEE LIST OF SECURITY FEATURES ON THE BACK. DO NOT CASH UNLESS ALL ARE PRESENT.



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10001 PARK RUN DRIVE • LAS VEGAS, NEVADA 89145 TELEPHONE (702) 382-0711 • FACSIMILE (702) 382-5816

Two Hundred Fifty and No/100 Dollars-

DATE

AMOUNT

4/6/2015

\$250.00

PAY TO THE ORDER OF

Clerk of the Supreme Court

201 S. Carson St., Ste. # 201 Carson City, NV 89701

Silv

#114B61# #122400779#0002100543#