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Electronically Filed
Oct 19 2015 09:04 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

6 *Attorneys for Caroline Davis, Petitioner*

7 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

8 In the Matter of:

Sup. Ct. Case No.: 68542

9
10 The BEATRICE B. DAVIS FAMILY
HERITAGE TRUST, dated July 28, 2000, as
amended on February 24, 2014.

Dist. Ct. Case No.:P-15-083867-T

11 **MOTION FOR REMAND TO THE**
12 **EIGHTH JUDICIAL DISTRICT COURT**

13 Caroline D. Davis, as beneficiary of the Beatrice B. Davis Family Heritage Trust, dated
14 July 28, 2000, as amended on February 24, 2014, by and through her counsel, the law firm of
15 Solomon Dwiggin & Freer, Ltd., moves this Court, pursuant to Foster v. Dingwall, 228 P.3d 453,
16 126 Nev.Adv.Op. 5 (Nev. 2010), for an Order remanding this matter back to the Eight Judicial
17 District Court because the District Court has certified its intent to amend the Order from which
18 this appeal lies in a manner that would affect the issues on appeal. This Motion is based upon the
19 Memorandum Of Points And Authorities, all attached exhibits, and any oral argument that this
20 honorable Court may entertain at the time of hearing.

21 **MEMORANDUM OF POINTS AND AUTHORITIES**

22 **I. Procedural Background.**

23 On February 10, 2015, Caroline D. Davis ("Ms. Davis") filed her *Petition To Assume*
24 *Jurisdiction Over The Beatrice B. Davis Family Heritage Trust, Dated July 28, 2000, As*
25 *Amended On February 24, 2014; To Assume Jurisdiction Over Christopher D. Davis As*
26 *Investment Trust Advisor And Stephen K. Lehnardt As Distribution Trust Advisor; To Confirm*
27 *Dunham Trust Company As Directed Trustee; And For Immediate Disclosure Of Documents And*
28 *Information From Christopher D. Davis* (the "Petition To Assume Jurisdiction"). Christopher D.

1 Davis (“Christopher”) then filed his *Motion To Dismiss Pursuant To NRCP (12)(b) And NRCP 19*
2 on March 4, 2015 (the “Motion To Dismiss”) contending, inter alia, that Ms. Davis: (1) failed to
3 join necessary parties; (2) failed to provide requisite notice to proper parties; and (3) further
4 claimed that the Court lacked subject matter jurisdiction.

5 In response, Ms. Davis filed her *Opposition To Christopher D. Davis’ Motion To Dismiss*
6 *Pursuant to NRCP (12)(b) And NRCP 16* on April 13, 2015 (the “Opposition To Motion To
7 Dismiss”), contending that the Court may properly assume jurisdiction over the Trust and
8 respective parties and grant the relief requested in the Petition To Assume Jurisdiction.
9 Additionally, Ms. Davis set forth arguments as to why the prior trustees, Alaska Trust Company
10 and Alaska USA Trust Company (“Alaska USA”), are not necessary or indispensable parties, and
11 that Ms. Davis properly served all interested parties. On April 20, 2015, just two (2) days before
12 the hearing on Ms. Davis’ Petition To Assume Jurisdiction and Christopher’s Motion To Dismiss,
13 Christopher filed the *Christopher D. Davis’ Reply To Caroline D. Davis’ Opposition To His*
14 *Motion To Dismiss Pursuant To NRCP (12)(b) And NRCP 19* (the “Reply”).

15 In his Reply, Christopher raised for the first time the following issues: (1) Tarja Davis,
16 Christopher’s wife, was a beneficiary of the Trust and did not consent to the execution of the First
17 Amendment or to the transfer of the Trust’s situs from Alaska to Nevada; (2) Alaska USA
18 resigned prior to the execution of the First Amendment and there was no acting trustee to provide
19 the requisite consent to the transfer of situs; and (3) that no advice of counsel was obtained for
20 Alaska USA prior to the transfer of situs.

21 On April 22, 2015, the District Court heard oral arguments on Ms. Davis’ Petition To
22 Assume Jurisdiction and Christopher’s Motion To Dismiss. As the District Court did not have
23 sufficient evidence to grant Christopher’s Motion To Dismiss and the Court was not aware of
24 Christopher’s Reply,¹ the District Court, based upon the fact that all parties before the Court had
25 been relying on the validity of the First Amendment and the proper transfer of the Trust’s situs,
26

27
28 ¹ See, Transcript of April 22, 2015 Hearing, at p. 24:9, a true and correct copy of which is attached hereto as
Exhibit 1, wherein the Court stated “I have no Reply from Mr. Baney (sic).”



1 assumed jurisdiction over the Trust under the theory of “constructive trust”, more accurately
2 called a “de facto trust” for the following reasons:

- 3 (a) Stephen K. Lehnardt, the Trust Protector; Dunham Trust Company, located in
4 Reno, Nevada (“Dunham”); and the Trust’s beneficiaries, namely, (i) Christopher
5 D. Davis; (ii) Caroline D. Davis; (iii) and Winfield B. Davis, all consented to the
6 execution of the First Amendment and to the transfer of the Trust’s situs from
7 Alaska to Nevada;
- 8 (b) Based upon a good faith reliance of the validity of the First Amendment, Dunham
9 accepted tenure as Directed Trustee of the Trust and Alaska USA resigned as
10 Trustee;
- 11 (c) Based upon such good faith reliance of the validity of the First Amendment,
12 Dunham had been administering the Trust in Nevada for more than one (1) year;
- 13 (d) Based upon a good faith reliance of the validity of the First Amendment,
14 Christopher accepted his appointment as Investment Trust Advisor pursuant to
15 NRS 163.5543;
- 16 (e) Based upon a good faith reliance of the validity of the First Amendment, Stephen
17 K. Lehnardt accepted his appointment as Distribution Trust Advisor pursuant to
18 NRS 163.5537;
- 19 (f) Subsequent to acceptance as Directed Trustee, Dunham created FHT Holdings,
20 LLC, a Nevada limited liability company wholly owned by the Trust, and
21 appointed Christopher D. Davis as the sole Manager thereof;
- 22 (g) Christopher has been acting as Investment Trust Advisor since his acceptance of
23 such position;
- 24 (h) Christopher has been acting as sole Manager of FHT Holdings, LLC since his
25 appointment of such position;
- 26 (i) There is no trustee in Alaska now serving, but rather, Dunham is currently serving
27 as Directed Trustee in Nevada; and
28

1 (j) The Court had no evidence before it, namely an affidavit of any other purported
2 beneficiary, that any other beneficiary was entitled to take under the Trust, and,
3 therefore entitled to notice or that such beneficiary's consent was required to
4 Transfer of the Trust's situs from Alaska to Nevada.

5 Thereafter, an Order, dated May 19, 2015, was filed on June 24, 2015, and subsequently
6 entered on July 1, 2015 (the "May 19, 2015 Order). A true and correct copy of the May 19, 2015
7 Order is attached hereto as **Exhibit 2**. The May 19, 2015 Order assumed jurisdiction over the
8 Trust as a "constructive trust" to ensure that the Trust was properly within a competent
9 jurisdiction, and to further ensure that the Trust was not adrift in that it would be left without a
10 trustee.

11 On July 14, 2015, Christopher filed his *Petition For Reconsideration Of The Order Dated*
12 *May 19, 2015 Re: The Petition To Assume Jurisdiction Over The Beatrice B. Davis Family*
13 *Heritage Trust, Dated July 28, 2000, As Amended On February 24, 2014, To Assume Jurisdiction*
14 *Over Christopher D. Davis As Investment Trust Advisor, Stephen K. Lehnardt As Distribution*
15 *Trust Advisor, To Confirm Dunham Trust Company As Directed Trustee, And For Immediate*
16 *Disclosure Of Documents And Information From Christopher D. Davis* (the "Petition For
17 Reconsideration"). The Petition For Reconsideration sets forth the same arguments as provided
18 in his Motion To Dismiss and his Reply.

19 Shortly thereafter, Christopher filed his Notice Of Appeal and Case Appeal Statement on
20 July 30, 2015. Upon filing his Notice Of Appeal and Case Appeal Statement, Christopher
21 divested the District Court of jurisdiction to modify the May 19, 2015 Order unless remanded
22 pursuant to Foster v. Dingwall, 228 P.3d 453, 126 Nev.Adv.Op. (Nev. 2010) (also known as a
23 "Huneycutt Motion"). As such, Ms. Davis filed her *Motion To Amend Or Modify Order Pursuant*
24 *To NRCP 60(b)(3)* on August 10, 2015 (the "Motion To Amend") wherein she requested that the
25 District Court Amend or Modify the May 19, 2015 Order and assume jurisdiction over the Trust
26 as a proceeding *in rem*, and further requested that, if the District Court is inclined to grant such
27 relief, that the District Court certify to the Nevada Supreme Court its intent to do so.
28



1 On September 2, 2015, the District Court, after having reviewed Ms. Davis' Motion To
2 Amend and Christopher's Petition For Reconsideration and papers and exhibits before the Court,
3 held oral arguments on said pleadings. During such hearing, the District Court was presented
4 with a Declaration Of Tarja Davis, which indicated that Tarja Davis was married to Christopher
5 on February 22, 2012, that they were married on the date the First Amendment was executed, and
6 further alleging that Tarja Davis is a beneficiary of the Trust. In response to Christopher's
7 contentions raised in his Petition For Reconsideration, and in light of the Declaration Of Tarja
8 Davis, Ms. Davis submitted the following evidence to the District Court:

- 9 (a) Article 14, Section 1(j) of the Trust, which specifically defines the term "spouse",
10 and requires the marital union of a beneficiary and his or her spouse, if entered into
11 after the signing date of the Trust, to exist continuously for a period of ten (10)
12 years before such beneficiary's spouse can qualify as a "spouse" under the Trust,
13 and the Declaration Of Tarja Davis indicating that Tarja Davis and Christopher
14 were married after the signing date of the Trust, and have not been married for ten
15 (10) continuous years;
- 16 (b) A Resignation, Release, Acknowledgement, Consent And Indemnification, dated
17 February 24, 2014, with "RECITALS" providing that Alaska USA Trust Company
18 was the currently serving Trustee on the date the First Amendment was executed
19 and that Alaska USA Trust Company, as the Trustee, expressly consented to the
20 transfer of situs from Alaska to Nevada and that such RECITAL is presumed
21 conclusive under NRS 47.240(2);
- 22 (c) An Email from Dennis Brislawn, Esq. to; (i) Ms. Davis' counsel, Joshua M. Hood,
23 Esq.; (ii) Shanna Corressel, Trust Office for Dunham; (iii) Stephen K. Lehnardt,
24 Trust Protector and Distribution Trust Advisor; and (iv) Ms. Davis, beneficiary of
25 the Trust, indicating that he had communicated with both Alaska USA Trust
26 Company and Dunham and provided an opinion of counsel; and
- 27 (d) An opinion of counsel drafted by Dennis Brislawn, Esq. pursuant Article 14,
28 Section 6 of the Trust, indicating that Nevada met the requirements of an

1 appropriate jurisdiction for the Trust, and that Nevada was, in fact, the superior
2 state for jurisdiction at the time.

3 Based upon the evidence presented by Ms. Davis, the District Court found that sufficient
4 evidence had now been submitted to the District Court's satisfaction that the Trust's situs was
5 properly transferred from Alaska to Nevada pursuant to the terms of the trust, and Christopher
6 failed to meet the burden to prove the invalidity of the First Amendment and the transfer of situs
7 to Nevada was improper. Although the District Court is currently without jurisdiction to modify
8 the May 19, 2015 Order, the Honorable Judge Gloria J. Sturman stated her intention to amend the
9 May 19, 2015 Order and "enter an order to assume jurisdiction over the [Trust] de jure as a
10 proceeding *in rem* pursuant to NRS 164.010, as well as grant any additional relief the District
11 Court deems proper" if the case is remanded back to the District Court. *See*, Certification Of
12 Intent To Amend Order (the "Certification Of Intent"). A true and correct copy of the
13 Certification of Intent is attached hereto was **Exhibit 3**.

14 II. Legal Argument.

15 Christopher's filing of the notice of appeal "divest[ed] the district court of jurisdiction to
16 act and vests jurisdiction in [the Nevada Supreme Court]." Foster v. Dingwall, 228 P.3d 453, 445-
17 445, 126 Nev.Adv.Op. ___ (citing Mack-Manley v. Manley, 122 Nev. 849, 855, 138 P.3d 525, 529
18 (2006) (quoting Rust v. Clark Cty. School District, 103 Nev. 686, 688, 747 P.2d 1380, 1382
19 (1987)). The District Court, however, retains limited jurisdiction to entertain a party's motion to
20 "alter, vacate or otherwise change or modify an order" if such party, prior to filing a motion for
21 remand, "file[s] a motion for relief from the order or judgment in the district court." Foster, 228
22 P.3d, at 455 (citing Mack-Manley, 122 Nev. at 855-56, 138 P.3d at 529-30; Huneycutt v.
23 Huneycutt, 94 Nev. 97, 80-81, 575 P.2d 585, 585-86 (Nev. 1978).

24 The limited jurisdiction retained by the District Court permits such court to "direct
25 briefing on the motion, hold a hearing regarding the motion, and enter an order denying the
26 motion, but [the District Court] lacks jurisdiction to enter an order granting such motion." Foster,
27 228 P.3d, at 455 (citing Huneycutt, 94 Nev., at 80-81, 575 P.2d, at 585-86). When the District
28 Court exercises this limited jurisdiction, "if the district court is inclined to grant the requested

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1 relief, then it may certify its intent to do so.” Foster, 228 P.3d, at 455 (citing Mack–Manley, 122
2 Nev., at 855, 138 P.3d, at 530; Huneycutt, 94 Nev., at 81, 575 P.2d, at 586.). Once the District
3 Court has certified its intent to grant the requested relief to alter, vacate or otherwise change or
4 modify an order, it is “appropriate for the moving party to file a motion (to which the district
5 court’s certification of its intent to grant relief is attached) with this court seeking a remand to the
6 district court for an entry of an order granting the requested relief.” Foster, 228 P.3d, at 455
7 (citing Mack–Manley, 122 Nev., at 855-56, 138 P.3d, at 530; Huneycutt, 94 Nev., at 81, 575 P.2d,
8 at 586.).

9 Christopher appealed the May 19, 2015 Order. Thereafter, Ms. Davis sought the District
10 Court’s certification of intent to amend the May 19, 2015 Order to assume jurisdiction over the
11 Trust as a proceeding *in rem*, as well as grant any further relief the District Court deemed proper.
12 The District Court certified its intent to grant the relief requested by Ms. Davis. *See*, Ex. 3.

13 Based upon the foregoing, Ms. Davis respectfully requests that this Court exercise its
14 discretion and remand this matter back to the Eight Judicial District Court so that the District
15 Court may amend the May 19, 2015 Order.

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III. Conclusion.

This matter is appropriate for remand based upon the holding in Foster and Huneycutt, *supra*. The Honorable Judge Gloria J. Sturman has certified her intent to amend the May 19, 2015 Order consistent with the facts, evidence, and circumstances of this matter with respect to the First Amendment and the transfer of the Trust’s situs from Alaska to Nevada, which was accomplished pursuant to the terms of the Trust. As such, this Court should remand the matter back to the District Court to permit the District Court to grant the relief requested in Ms. Davis’ Motion To Amend, as well as grant any further relief as the District Court deems proper.

Dated this 16th day of October, 2015.

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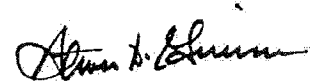
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Attorneys for Caroline D. Davis

Exhibit 1

Exhibit 1


CLERK OF THE COURT

1 TRAN

DISTRICT COURT

2

CLARK COUNTY, NEVADA

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4

* * * * *

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7

8 IN THE MATTER OF THE TRUST OF:) CASE NO. P-15-082867

9 THE BEATRICE DAVIS HERITAGE) DEPT. NO. XXVI
10 TRUST.)

) Transcript of Proceedings

11 BEFORE THE HONORABLE GLORIA J. STURMAN, DISTRICT COURT JUDGE

12
13 MOTION TO DISMISS: MOTION ON CHRISTOPHER DAVIS' MOTION TO
14 DISMISS PURSUANT TO NRCP 12(B) AND NRCP 19; PETITION TO
15 ASSUME JURISDICTION OVER THE BEATRICE B. DAVIS FAMILY
16 TRUST, ASSUME JURISDICTION OVER CHRISTOPHER DAVID AS
17 INVESTMENT TRUST ADVISOR AND STEPHEN K. LEHNARDT AS
18 DISTRIBUTION TRUST ADVISOR, TO CONFIRM DUNHAM TRUST COMPANY
19 AS DIRECTED TRUSTEE, AND FOR IMMEDIATE DISCLOSURE OF
20 DOCUMENTS AND INFORMATION FROM CHRISTOPHER D. DAVIS

21 WEDNESDAY, APRIL 22, 2015

22 APPEARANCES:

23 For Caroline Davis: MARK ALAN SOLOMON, ESQ.
24 JOSHUA M. HOOD, ESQ.
25 For Christopher Davis: ANTHONY L. BARNEY, ESQ.
For Stephen Lehnardt: JONATHAN W. BARLOW, ESQ.
For Dunham Trust Company: CHARLENE N. RENWICK, ESQ.

RECORDED BY: KERRY ESPARZA, DISTRICT COURT
TRANSCRIBED BY: KRISTEN LUNKWITZ

25 Proceedings recorded by audio-visual recording, transcript
produced by transcription service.

1 opposition to --

2 MR. SOLOMON: I don't think he --

3 MR. HOOD: -- our petition.

4 MR. SOLOMON: Counsel alluded to a Reply. I
5 haven't seen a Reply.

6 THE COURT: I saw your Reply.

7 MR. SOLOMON: Yes. But I have not seen a Reply by
8 Mr. Barney --

9 THE COURT: I have no Reply from Mr. Baney.

10 MR. SOLOMON: -- but he alluded in his argument
11 that, you know, they specified the grounds for invalidity
12 in this motion and then reinforced them in the Reply. They
13 didn't. All they said is: We have the burden to prove the
14 validity of the first amendment before we could move
15 forward and our response was: Well, take a look at NRS
16 47.250 subsection 18(c). There's a rebuttal for resumption
17 that it's valid. And then we said: Nobody has suggested
18 any particular grounds of invalidity.

19 And then I pointed out that Chris, who is the only
20 person challenging it, expressly consented to it. Not
21 once, but twice in two different documents you just looked
22 at. So how can he raise it? I don't think he can even
23 raise this issue he's now trying to raise with respect to
24 some other party, especially when he consented to it and
25 then he took repeated actions.

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CERTIFICATION

I certify that the foregoing is a correct transcript from the audio-visual recording of the proceedings in the above-entitled matter.

AFFIRMATION

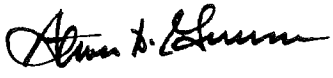
I affirm that this transcript does not contain the social security or tax identification number of any person or entity.



KRISTEN LUNKWITZ
INDEPENDENT TRANSCRIBER

Exhibit 2

Exhibit 2



CLERK OF THE COURT

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18 *Attorneys for Christopher D. Davis*

19 **EIGHTH JUDICIAL DISTRICT COURT**

20 **CLARK COUNTY, NEVADA**

21 In the matter of:

22 The BEATRICE B. DAVIS FAMILY HERITAGE
23 TRUST, dated July 28, 2000, as amended on
24 February 24, 2014.

Case No.: P-15-083867-T

Dept. No.: 26

Hearing Date: April 22, 2015

Hearing Time: 9:00 a.m.

25 **ORDER**

26 This matter came before the Court for hearing on the 22nd day of April, 2015 at 9:00
27 a.m., upon the Christopher D. Davis's Motion to Dismiss Pursuant to NRCPC 12(b) and NRCPC
28 19 and Caroline Davis's Petition to Assume Jurisdiction over the Beatrice B. Davis Family
Heritage Trust, Dated July 28, 2000, as Amended on February 24, 2014, to Assume Jurisdiction
over Christopher D. Davis as Investment Trust Advisor and Stephen K. Lehnardt as Distribution

1 Trust Advisor, to Confirm Dunham Trust Company as Directed Trustee, and for Immediate
2 Disclosure of Documents and Information from Christopher D. Davis. Christopher D. Davis
3 was represented by Harriet Roland, Esq. of the Roland Law Firm and Anthony L. Barney, Esq.,
4 of the law office of Anthony L. Barney, Ltd., Caroline Davis was represented by Mark
5 Solomon, Esq., of the law firm of Solomon Dwiggin and Freer, Ltd.; Stephen K. Lehnardt was
6 represented by Jonathan W. Barlow, Esq. of the law office of Clear Counsel Law Group; and
7 Dunham Trust Company was represented by Charlene N. Renwick, Esq., of the law office of
8 Lee Hernandez Landrum & Garofalo. After reviewing the pleadings on file and in the court
9 record, hearing oral arguments by both parties in this matter, being fully advised in the
10 premises, and for good cause appearing, the Court hereby finds and orders the following:

13 IT IS FOUND that since the first amendment, Christopher has been directing the trust in
14 Nevada, and that everyone involved relied on this amendment as being proper.

15 IT IS FURTHER FOUND that the Court has no affidavit that another beneficiary existed
16 at the time the first amendment was signed.

18 IT IS FURTHER FOUND that the Court has jurisdiction as a constructive trust because
19 action on behalf of the trust has been taken in Nevada.

20 IT IS SO FOUND.

21 WHEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the
22 Petition to Assume Jurisdiction over Christopher D. Davis as Investment Trust Advisor is
23 granted without prejudice.
24

25 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Petition to
26 Assume Jurisdiction over Stephen K. Lehnardt as Distribution Trust Advisor is denied until a
27 more definite statement is filed.
28

1 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Petition to
2 Confirm Dunham Trust Company as Directed Trustee is granted.

3 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Petition for
4 Immediate Disclosure of Documents and Information from Christopher D. Davis is granted as to
5 all information in his possession ^{custody or control} in his role as Investment Trust Advisor, and on his
6 role as manager of FHY Holdings

7 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Christopher D.
8 Davis's Motion to Dismiss is denied.

9 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon agreement of
10 all parties, this Court will retain jurisdiction and all matters will be heard by the probate judge.
11


12 IT IS SO ORDERED, ADJUDGED AND DECREED.

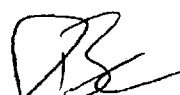
13 DATED this 19th day of May, 2015.
14

15 
16 DISTRICT COURT JUDGE

17
18 Respectfully Submitted by the Following:

Approved as to Form and Content:

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Exhibit 3

Exhibit 3

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13 *Attorneys for Caroline Davis, Petitioner*

14 **DISTRICT COURT**
15 **CLARK COUNTY, NEVADA**

16 In the Matter of:

Case No.: P-15-083867-T
Dept. No.: XXVI

17 The BEATRICE B. DAVIS FAMILY
18 HERITAGE TRUST, dated July 28, 2000, as
19 amended on February 24, 2014

20 **CERTIFICATION OF INTENT TO AMEND ORDER**

21 Having reviewed Caroline D. Davis' *Motion To Amend Or Modify Order Pursuant To*
22 *NRCP 60(b)(3)* (the "Motion To Amend") and Christopher D. Davis' *Petition For*
23 *Reconsideration Of The Order Dated May 19, 2015 Re: Petition To Assume Jurisdiction Over*
24 *The Beatrice B. Davis Family Heritage Trust, Dated July 28, 2000, As Amended on February 24,*
25 *2014; To Assume Jurisdiction Over Christopher D. Davis As Investment Trust Advisor, Stephen*
26 *K. Lehnardt As Distribution Trust Advisor, To Confirm Dunham Trust Company As Directed*
27 *Trustee; And For Immediate Disclosure Of Documents And Information From Christopher D.*
28 *Davis* (the "Petition For Reconsideration"), examined the evidence, and heard oral arguments of
counsel on September 2, 2015, the Court, pursuant to NRCP 60 and its inherent power to manage
litigation, finds as follows:

THIS COURT FINDS that the Order dated May 19, 2015, Re: Petition to Assume
Jurisdiction over the Beatrice B. Davis Family Trust is currently on appeal, so this Court lacks

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TRUST AND ESTATE ATTORNEYS



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jurisdiction to amend the Order at this time. However, pursuant to Huneycutt v. Huneycutt, 94 Nev. 79, 575 P.2d 585, (1978):

THIS COURT CERTIFIES that if this case is remanded back to the District Court, the District Court would amend its May 19, 2015 Order assuming jurisdiction over the Beatrice B. Davis Family Heritage Trust, dated July 28, 2000, as Amended on February 24, 2014, under the theory of “constructive trust”, more accurately called a “de facto trust”, and enter an order to assume jurisdiction over the Beatrice B. Davis Family Heritage Trust, dated July 28, 2000, as Amended on February 24, 2014, de jure as a proceeding *in rem* pursuant to NRS 164.010, as well as grant any and all additional relief as the District Court deems proper.

DATED this 14th day of October 2015.


DISTRICT COURT JUDGE