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2  
3 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

4 CHRISTOPHER D. DAVIS,

5 Appellant,

6 v.

7 CAROLINE DAVIS,

8 Respondent.  
9  
10

Case No.: 68542 Electronically Filed  
Mar 07 2016 11:02 a.m.  
Eighth Judicial District Court  
Case No.: P-15-08386-1, Clerk  
the Beatrice B. Davis Family Herit  
age Trust, dated July 28, 2000)

11 **RESPONDENT'S APPENDIX**  
12 **VOLUME 1**  
13 **TO**  
14 **RESPONDENT'S ANSWERING BRIEF**

15 SOLOMON DWIGGINS & FREER, LTD.  
16 Mark A. Solomon, Esq. Bar No. 0418  
17 Joshua M. Hood, Esq., Bar No. 12777  
18 9060 West Cheyenne Avenue  
19 Las Vegas, Nevada 89129  
20 Telephone: 702/853-5483  
21 Facsimile: 702/853-5485

22 This Respondents' Appendix is provided in accordance with NRCP 30(b)(3).  
23

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# **First Amendment to the Beatrice B. Davis Family Heritage Trust**

On July 28, 2000 Beatrice B. Davis, signed the Beatrice B. Davis Family Heritage Trust ("my trust"), more formally known prior to amendment as:

Alaska USA Trust Company, Trustee of the Beatrice B. Davis Family Heritage Trust dated July 28, 2000.

Article Fourteen of the trust permits the Trust Protector to amend the trust in writing as set forth in the "Memorandum of Action by Trust Protector" integrated and incorporated herein by this reference as if set out here in full. This Amendment represents the First Amendment to the trust and is made in order to effectuate a change in situs, applicable state law, trustee, capital and surplus requirements, and trust administration necessary to accomplish the foregoing.

## **Section 1.01 Amendment**

The Trust Protector hereby amends the trust as follows:

**FIRST: SITUS AND APPLICABLE STATE LAW.** Article One, Section 2 is hereby amended in its entirety to read as follows:

### **Article One, Section 2. Application of Nevada Trust Law**

I intend that this trust and the trusts created under this Agreement are trusts described in Nev. Rev. Stat. §§ 166.010-166.170 and any other relevant Nevada Statutes as amended from time to time. Accordingly, unless the Trustee moves the situs of this trust or any trust created hereunder to another jurisdiction, I direct that

At all times at least one trustee of each trust shall be a "qualified person" under Nevada law; and

The duties of that trustee shall include the duty and responsibility to maintain books and records of the trust in Nevada and to prepare or to arrange for the preparation of the tax returns of the trust; and

At least some assets of the trust shall be deposited in or subject to the laws of Nevada as and if required by Nevada law; and

At least part of the administration of the trust shall occur in Nevada as required by law and in accordance with Nevada law.

## **SECOND: TRUSTEE**

Alaska USA Trust Company is removed and replaced as trustee by Dunham Trust Company. The trust is now formally known as:

Dunham Trust Company, Trustee of the Beatrice B. Davis Family Heritage Trust dated July 28, 2000.

**THIRD: CAPITAL AND SURPLUS REQUIREMENTS.** The capital and surplus requirements in Article Eleven, Section 6.a. shall be amended in its entirety to read as follows:

### **ARTICLE ELEVEN, SECTION 6.a. CORPORATE FIDUCIARIES**

- a. have a combined capital and surplus of at least 1 million dollars; or...

**FOURTH, TRUST ADMINISTRATION.** New Section 2.d. shall be added to Article Thirteen to read as follows:

#### **Article Thirteen, Section 2.d. Directed Trust**

Notwithstanding anything in my trust to the contrary, my trust shall be administered as a "directed trust" unless changed in accordance with law and this agreement. The following shall control so long as my trust is administered as a directed trust under applicable state law. Any provision to the contrary in my trust shall be interpreted to carry out my intent as expressed in this Section, or, in the exercise of its discretion and to carry out my intent, shall be superseded by the following if in irreconcilable conflict.

##### **FIRST: Appointment of Directed Trustee.**

The Trust Protector nominates and appoints Dunham Trust Company ("Trust Company"), as trustee of any trusts created hereunder (hereinafter referred to in its capacity as trustee as the "Directed Trustee"). Trust Protector intends that the trusts created hereunder shall be Nevada Directed Trusts created pursuant to Nevada Revised Statutes ("NRS") 163.553 et. seq., as amended from time to time.

##### **SECOND: Appointment of Investment Trust Adviser; Duties of Investment Trust Adviser.**

The Trust Protector nominates and appoints Christopher D. Davis, either individually or in his legal capacity as manager of an LLC wholly-owned by the trust to invest and holding certain trust assets, as investment trust adviser (the "Investment Trust Adviser"). Christopher D. Davis, either individually or in his managerial capacity, shall be treated as an

"Investment Trust Adviser" under NRS 163.5543 and as a "Fiduciary" under NRS 163.554.

The Investment Trust Adviser shall have the full power to manage the investments and reinvestments of the trust, including power to purchase, sell, encumber and retain all of the trust assets, power to select one or more investment advisers or managers, including the Directed Trustee, and delegate to such parties any of the powers of the Investment Trust Adviser, and power to exercise voting, subscription, conversion, option and similar rights with respect to such property and to participate in corporate actions including, reorganization, merger dissolution or other action affecting any such property ("Investment Trust Adviser Authority"). Trust Company, as the Directed Trustee, shall act solely on the direction of the Investment Trust Adviser with respect to all matters relating to the management and investment of trust assets and shall have no obligation to investigate or confirm the authenticity of investment directions it receives or the authority of the person or persons conveying them.

The Directed Trustee shall have no authority and shall not interfere with any actions of the Investment Trust Adviser which is within the scope of the Investment Trust Adviser's Authority. With regard to any assets over which the Investment Trust Adviser has investment responsibility and in addition to the Investment Trust Adviser's duties herein, the Investment Trust Adviser shall have the duty (a) to confirm to the Directed Trustee, in writing, the value of such assets at least annually and upon request by the Directed Trustee, (b) to manage or participate in the management of any entity owned by the trust, to the extent such entity's governing instruments or applicable law require the owners to manage the same, (c) to direct the Directed Trustee with respect to making any representation, warranty or covenant required to be made in order to maintain any investment and (d) to direct and instruct the Directed Trustee on the future actions, if any, to be taken with respect to such representations, warranties and covenants. The powers exercised by the Investment Trust Adviser shall be at the sole discretion of the Investment Trust Adviser, and the Investment Trust Adviser decisions shall be binding on all persons.

**THIRD: Appointment of Distribution Trust Adviser; Duties of Distribution Trust Adviser.**

The other provisions of my agreement shall control appointment of a Distribution Trust Adviser (the "Distribution Trust Adviser"). My Trust Protector, absent some other appointment, shall be treated as the "Distribution Trust Adviser" under NRS 163.5537 and as a "Fiduciary" under NRS 163.554.

The Distribution Trust Adviser shall exercise all discretion related to all income and principal distributions to or for the benefit of any beneficiaries

of such trust or trusts established hereunder. If the Distribution Trust Adviser determines that such a discretionary distribution of income and/or principal is warranted, the Distribution Trust Adviser shall notify the Directed Trustee in writing and the Directed Trustee shall comply with all such written directions. The Directed Trustee shall have no duty to see to the application of any distributions so directed. The powers exercised by the Distribution Trust Adviser shall be at the sole discretion of the Distribution Trust Adviser, and the Distribution Trust Adviser decisions shall be binding on all persons.

**FOURTH: Limitation of Liability of Trust Company, as Directed Trustee; Indemnification of Directed Trustee.**

Dunham Trust Company, as the Directed Trustee, shall be treated as an "Excluded Fiduciary" as defined in NRS Section 163.5539. Trust Company, as the Directed Trustee, shall not be liable to any beneficiary of the trust, the Investment Trust Adviser, Distribution Trust Adviser or to any other person including such parties' successors, heirs or assigns, for any act or failure to act by the Investment Trust Adviser and/or the Distribution Trust Adviser, or for acting on a direction of such Trust Advisers or their employees or agents with respect to implementing any such direction or investment, and it shall not be liable for any loss resulting from any action or omission taken by such Trust Advisers, or taken by it in accordance with a direction of the Trust Advisers or their employees or agents. Moreover, the Directed Trustee shall be fully indemnified, including without limitation reasonable attorney's fees and costs, by the trust estate against any claim or demand by any trust beneficiary or trust creditor, the Investment Trust Adviser or Distribution Trust Adviser or such parties' heirs, successors or assigns except for any claim or demand based on the Directed Trustee's own willful misconduct or gross negligence.

**FIFTH: Authority to Hire Agents.**

The Directed Trustee and the Investment Trust Adviser and Distribution Trust Adviser are authorized to employ such accountants, advisors and other counsel, including but not limited to entities affiliated with the Directed Trustee or such Trust Adviser, and to pay out of income or principal or both the reasonable charges and fees of such agents, advisors and counsel, as it shall in its sole discretion determine.

**SIXTH: Power to Employ Custodian; Custodian to Follow Directions Regarding Purchases and Sales.**

The Directed Trustee or the Investment Trust Adviser, as the case may be, may employ a custodian to hold the assets of the trust for safekeeping. The Directed Trustee or the Investment Trust Adviser employing such custodian may designate from time to time any person or firm to direct the

custodian as to purchases and sales of trust assets held by the custodian and the custodian shall not be liable for following any such directions. The custodian shall receive reasonable compensation for custodial services performed.

**SEVENTH: Successor Directed Trustee.**

The above provisions shall apply to any and all successors, assigns, employees, agents, subsidiaries and affiliates of Trust Company. The above provisions also shall apply during such time as any affiliate or subsidiary of The Trust Company is acting as successor Directed Trustee in the same manner as if such successor Directed Trustee were specifically named herein.

**EIGHTH: Resignation, Removal, and Replacement.**

The other provisions of my agreement with respect to resignation, removal and replacement of trustees shall control the resignation, removal and replacement of a Directed Trustee, Investment Trust Adviser or the Distribution Trust Adviser.

**Section 1.02 Contest Provision**

This Section of this Amendment applies to the above-named trust and to this Amendment. If any provision of this Section conflicts with any provision of the trust, the provision of this Section will prevail.

If any person attempts to contest or oppose the validity of this trust or any amendment to this trust, or commences, continues, or prosecutes any legal proceedings to set this trust aside, then that person will forfeit his or her share, cease to have any right or interest in the trust property, and will be considered to have predeceased me for purposes of this instrument.

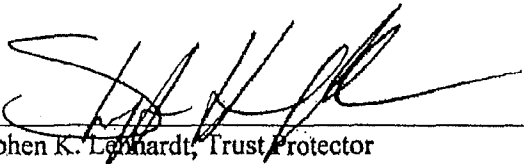
**Section 1.03 Effective Date**

The provisions of this Amendment are effective immediately after execution with written consent of all beneficiaries then-entitled to receive mandatory or discretionary distributions of net income under the trust.

**Section 1.04 Ratification and Confirmation**

The Trust Protector confirms all provisions of the trust that are not modified by this Amendment. The Trust Protector certifies that he has read this Amendment to trust, and that it correctly states the changes the Trust Protector desires to make to the trust, and that all required notices and consents have been made and received in writing. The Trust Protector approves this Amendment to the Beatrice B. Davis Family Heritage Trust in all particulars, and requests the Trustee to execute it.

The Trust Protector executed this Amendment on February 24, 2014.

  
\_\_\_\_\_  
Stephen K. Lehnardt, Trust Protector

STATE OF MISSOURI

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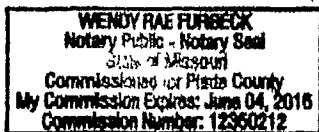
) ss.

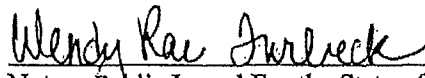
COUNTY OF CLAY

)

On February 24, 2014, before me personally appeared Stephen K. Lehnardt, as Trust Protector, to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he executed the same as his voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in said County and State on the date first written above.



  
\_\_\_\_\_  
Notary Public In and For the State of Missouri  
My commission expires: June 04, 2016



Dunham Trust Company, Trustee

by: Shanna Coressel  
Shanna Coressel, Trust Officer/Trustee

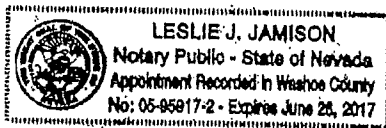
STATE OF NEVADA

)  
) ss.  
)

COUNTY OF WASHOE

On March 19, 2014, before me personally appeared Shanna Coressel, as Trust Officer/Trustee for Dunham Trust Company, Trustee, to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that she executed the same as her voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in said County and State on the date first written above.



Leslie J. Jamison  
Notary Public in and For the State of Nevada  
My commission expires: 6/26/17

**ACKNOWLEDGEMENT AND CONSENT OF BENEFICIARY**

I, Christopher D. Davis, as a beneficiary entitled to net income of the trust, hereby acknowledge this Amendment and consent to its terms.

IN WITNESS WHEREOF, I have hereunto set my hand effective on the date written below.

Dated this 27 day of February, 2014

by: \_\_\_\_\_

Christopher D. Davis, Income Beneficiary

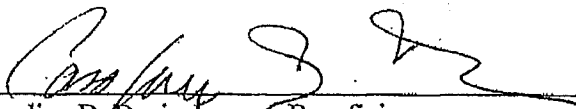
**ACKNOWLEDGEMENT AND CONSENT OF BENEFICIARY**

I, Caroline D. Davis, as a beneficiary entitled to net income of the trust, hereby acknowledge this Amendment and consent to its terms.

IN WITNESS WHEREOF, I have hereunto set my hand effective on the date written below.

Dated this 28 day of February, 2014

by:

  
Caroline D. Davis, Income Beneficiary

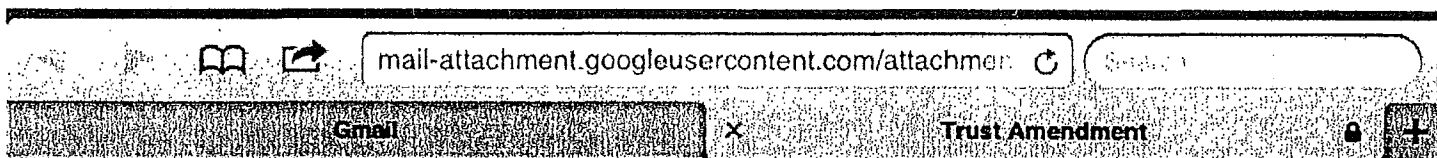
**ACKNOWLEDGEMENT AND CONSENT OF BENEFICIARY**

I, Winfield B. Davis, as a beneficiary entitled to net income of the trust, hereby acknowledge this Amendment and consent to its terms.

IN WITNESS WHEREOF, I have hereunto set my hand effective on the date written below.

Dated this \_\_\_\_\_ day of February, 2014

by: \_\_\_\_\_  
Winfield B. Davis, Income Beneficiary



by:  
Christopher D. Davis, Income Beneficiary

#### ACKNOWLEDGEMENT AND CONSENT OF BENEFICIARY

I, Caroline D. Davis, as a beneficiary entitled to net income of the trust, hereby acknowledge this Amendment and consent to its terms.

IN WITNESS WHEREOF, I have hereunto set my hand effective on the date written below.

Dated this \_\_\_\_ day of February, 2014

by:  
Caroline D. Davis, Income Beneficiary

#### ACKNOWLEDGEMENT AND CONSENT OF BENEFICIARY

I, Winfield B. Davis, as a beneficiary entitled to net income of the trust, hereby acknowledge this Amendment and consent to its terms.

IN WITNESS WHEREOF, I have hereunto set my hand effective on the date written below.

Dated this \_\_\_\_ day of February, 2014

by:  
Winfield B. Davis, Income Beneficiary

The First Amendment to the  
Beatrice B. Davis Family Heritage Trust

Page 10

A handwritten signature in black ink, appearing to be 'W. B. Davis'.

# SOLOMON DWIGGINS & FREER, LTD.

Attorneys at Law

Mark A. Solomon  
Dana A. Dwiggins  
Alan D. Freer  
Brian K. Steadman

Cheyenne West Professional Centre  
9060 West Cheyenne Avenue  
Las Vegas, Nevada 89129

Telephone: (702) 853-5483  
Facsimile: (702) 853-5485

Brian P. Eagan  
Jeffrey P. Luszeck  
Ross E. Evans  
Jordanna L. Evans  
Joshua M. Hood  
Bri F. Issurdutt

*Of Counsel*  
Steven E. Hollingworth

Direct Dial: (702) 589-3500  
[msolomon@sdfnlaw.com](mailto:msolomon@sdfnlaw.com)

August 26, 2014

**VIA U.S. MAIL**

CHRISTOPHER D. DAVIS  
3005 N. Beverly Glen Circle  
Los Angeles, California 90077

**Re: The Beatrice B. Davis Family Heritage Trust, dated July 28, 2000; The Beatrice B. Davis Revocable Trust, dated April 4, 1990, as amended; and The Beatrice B. Davis Family Irrevocable Trust, dated September 3, 1996.**

Dear Mr. Davis:

Solomon Dwiggins & Freer, Ltd. has been retained by your sister, Caroline Davis ("Ms. Davis"), to represent her with regards to the Beatrice B. Davis Family Heritage Trust, dated July 28, 2000 (the "Heritage Trust"); the Beatrice B. Davis Revocable Trust, dated April 4, 1990, as amended (the "Revocable Trust"); and Beatrice B. Davis Irrevocable Trust, dated September 3, 1996 (the "Irrevocable Trust").

With regards to the Heritage Trust, it is our understanding that you are currently serving as the Trust Investment Advisor and that the Trust currently owns an Ashley Cooper Life Insurance Policy (the "Policy"), from which a revolving line of credit has been established. It has been brought to our attention that the Heritage Trust, presumably by and through Alaska Trust Company, took a number of advances from the Policy's revolving line of credit. In order to understanding the nature, purpose, and extent of such advances taken by the Heritage Trust, please provide to our office any and all information and documentation pertaining to the advances made from the Policy, including, but not limited to, the line of credit agreement, the Policy, and Ashley Cooper statements reflecting any and all distributions and payments.

In addition to the advances made from the Policy to the Heritage Trust, it also has been brought to our attention that a number of loans have been made from the Heritage Trust to you personally, the Revocable Trust, and the Davis Family Office, LLC (hereinafter the "Loans"). According to the information provided to us, there is an outstanding balance of approximately \$2.1 million dollars due and owing from you, the Revocable Trust, and the Davis Family Office, LLC collectively. In order to better understand the nature, purpose, and extent of the Loans made from the Heritage Trust, we are requesting that you provide to us a copy of the any and all

Re: The Beatrice B. Davis Family Heritage Trust, dated July 28, 2000; The Beatrice B. Davis Revocable Trust, dated April 4, 1990, as Amended; and The Beatrice B. Davis Family Irrevocable Trust, dated September 3, 1996.

August 26, 2014

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promissory notes, and any and all documentation relating to such Loans, including amortization schedules and documents reflecting payments or accruals of interest and principal. We also request that you provide us with information showing the purpose and use of the proceeds from each of the Loans.

With respect to the Revocable Trust, it is our understanding that both you and Ms. Davis are presently serving as successor Co-Trustees. Additionally, we have been made aware that Ms. Davis previously executed a Delegation of Authority on March 22, 2007, providing you the authority to act singly on behalf of the Trust, without prior consultation or agreement from Ms. Davis. Pursuant to Paragraph Tenth, Section 10 of the Revocable Trust, as the sole acting successor Co-Trustee, you are required to provide, at least annually, "statements reflecting the then actual condition of the trust estate, showing all receipts, disbursements of income and principal, changes of investments and investments then held as part of the trust." Ms. Davis has informed us that she has not received any of the required annual statements. As such, please remit to our office the annual statements beginning March 22, 2007, the date on which you became the sole acting Co-Trustee, through the present. Such statements must include, but should not be limited to, the assets, receipts and distributions of income and principal, and the investment objective. If any of the aforementioned information is not within your control, it is incumbent upon you to direct any individual or entity within your control to provide such information.

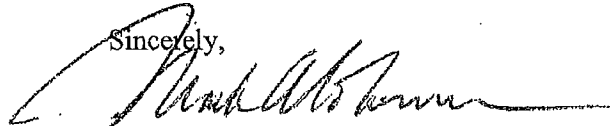
In addition to the Heritage Trust and the Revocable Trust, Ms. Davis has provided us limited information pertaining to the Irrevocable Trust. Ms. Davis is informed and believes that the Irrevocable Trust was terminated a few years ago, but does not possess any information pertaining to the assets within the Irrevocable Trust prior to its termination. As Ms. Davis is a Co-Trustee of the Irrevocable Trust and is entitled to a copy of such trust, and any and all information pertaining thereto, please remit to our office a copy of the Irrevocable Trust, any amendments, and any and all accountings, financial statements, or documentation concerning the assets in the Irrevocable Trust and any distributions or use thereof.

The requested information should be sent to the following:

SOLOMON DWIGGINS & FREER, LTD  
9060 West Cheyenne Avenue  
Las Vegas, Nevada 89129

Your anticipated and prompt cooperation in this matter is appreciated.

Sincerely,



Mark A. Solomon

cc: Client

SOLOMON DWIGGINS & FREER, LTD.

Attorneys at Law

Mark A. Solomon  
Dana A. Dwiggins  
Alan D. Freer  
Brian K. Steadman

Cheyenne West Professional Centre  
9060 West Cheyenne Avenue  
Las Vegas, Nevada 89129

Telephone: (702) 853-5483  
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Bri F. Issurdutt

*Of Counsel*  
Steven E. Hollingworth

Direct Dial: (702) 589-3506  
[jhood@sdfnlaw.com](mailto:jhood@sdfnlaw.com)

September 2, 2014

VIA U.S. MAIL

CHRISTOPHER D. DAVIS  
3005 N. Beverly Glen Circle  
Los Angeles, California 90077

**Re: The Beatrice B. Davis Family Heritage Trust, dated July 28, 2000; The Beatrice B. Davis Revocable Trust, dated April 4, 1990, as amended; and The Beatrice B. Davis Family Irrevocable Trust, dated September 3, 1996.**

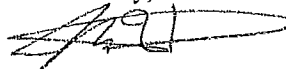
Dear Mr. Davis:

Our firm recently sent you a correspondence on August 26, 2014, requesting information related to the above referenced entities. Said correspondence is enclosed herewith. As your sister, Caroline Davis, has previously provided a copy of the Beatrice B. Davis Irrevocable Trust, dated September 3, 1996 (the "Irrevocable Trust"), please do not provide us with an additional copy. Although we no longer need a copy of the Irrevocable Trust, please provide the remaining documents requested in the August 26, 2014 correspondence to the address listed below:

SOLOMON DWIGGINS & FREER, LTD  
9060 West Cheyenne Avenue  
Las Vegas, Nevada 89129

Your anticipated and prompt cooperation in this matter is appreciated.

Sincerely,



Joshua M. Hood

Enclosure: Letter to Christopher D. Davis regarding Trust Documents.  
cc: Client



SOLOMON DWIGGINS & FREER, LTD.  
Attorneys at Law

Mark A. Solomon  
Dana A. Dwiggins  
Alan D. Freer  
Brian K. Steadman

Cheyenne West Professional Centre  
9060 West Cheyenne Avenue  
Las Vegas, Nevada 89129

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Joshua M. Hood  
Bri F. Issurduff

*Of Counsel*  
Steven E. Hollingworth

Direct Dial: (702) 589-3500  
[msolomon@sdfnlaw.com](mailto:msolomon@sdfnlaw.com)

September 23, 2014

**VIA U.S. MAIL, CERTIFIED RETURN RECEIPT REQUESTED**

CHRISTOPHER D. DAVIS  
3005 N. Beverly Glen Circle  
Los Angeles, California 90077

**Re: The Beatrice B. Davis Family Heritage Trust, dated July 28, 2000; The Beatrice B. Davis Revocable Trust, dated April 4, 1990, as amended; Ashely Cooper Life Insurance Policy.**

Dear Mr. Davis:

I am writing this as a follow up to my August 26, 2014 correspondence requesting information related to the above referenced Trusts and entities. To date, neither our office nor Caroline Davis ("Caroline") has received any of the requested information. As such, Caroline has executed a Revocation of Delegation of Authority, effectively revoking your authority to act as the sole Trustee of the Beatrice B. Davis Revocable Trust, dated April 4, 1990, as amended (the "Revocable Trust"). A copy of the Revocation of Delegation of Authority is enclosed herewith. We would appreciate it if you would sign the Acknowledgment of Revocation and return your signature page to us.

As Caroline has reassumed the position of Co-Trustee, please accept this letter as a demand to remit all documents and records relating to the Revocable Trust beginning March 22, 2007 to the present. Such documents shall include, but not be limited to, account statements, accountings, inventory of assets, the funding of any sub-trusts, encumbrances upon the Revocable Trust, etc.

Pursuant to Article Fifth, Section 2 of the Revocable Trust, upon the death of Beatrice B. Davis, the Revocable Trust should have been divided into a Generation Skipping Tax Exempt Share (the "GST Exempt Share") and a Generation Skipping Tax Non-Exempt Share (the "GST Non-Exempt Share"). The GST Exempt Share should have been funded with \$5,120,000.00, and the GST Non-Exempt Share should have been funded with the remainder of Beatrice B. Davis' estate, if any. According to the terms of the Revocable Trust, Caroline is entitled to distributions from the GST Exempt Share for her health, education, maintenance, and support. Further,

SOLOMON DWIGGINS & FREER, LTD.  
Attorneys At Law

Re: The Beatrice B. Davis Family Heritage Trust, dated July 28, 2000; The Beatrice B. Davis Revocable Trust, dated April 4, 1990, as Amended; Ashley Cooper Life Insurance Policy.

September 23, 2014

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Caroline was entitled to an outright distribution of one-half (1/2) of the GST Non-Exempt Share upon Beatrice B. Davis' death. As such, Caroline believes she is entitled to distributions from the Revocable Trust, and is requesting such information to determine the not only the amount of such distributions to which she is entitled to receive, but also to determine if the Revocable Trust has been correctly administered, and whether anyone else has received distributions.

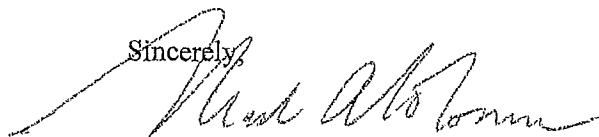
In addition to the information concerning the Revocable Trust, please allow this letter to serve as a demand for the information requested in the August 26, 2014 letter, namely: (1) information related to the Beatrice B. Davis Family Heritage Trust, dated July 28, 2000, as amended (the "Heritage Trust"), and (2) any and all information related to the advances made from the Ashley Cooper Life Insurance Policy, including, but not limited to the purpose for such loans, the distributions of such loan proceeds, the collateral for such loans, etc.).

The requested information should be sent to the following:

SOLOMON DWIGGINS & FREER, LTD  
9060 West Cheyenne Avenue  
Las Vegas, Nevada 89129

If the requested information is not received within twenty (20) days from the date of this letter, we will file a petition in the appropriate court to enforce Caroline's rights as Successor Co-Trustee of the Revocable Trust and as a beneficiary of the Heritage Trust. In addition to filing a petition, we intended seek to recover attorney's fees due to your failure to fulfill your obligations as Successor Co-Trustee and provide such information. Your anticipated and prompt cooperation in this matter is appreciated.

Sincerely,



Mark A. Solomon

Enclosure  
cc: Client

### REVOCATION OF DELEGATION OF AUTHORITY

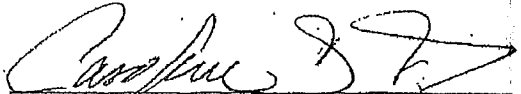
This Revocation of Delegation of Authority is made and entered into this \_\_\_\_ day of September, 2014 by CAROLINE D. DAVIS, as Successor Co-Trustee of the Beatrice B. Davis Revocable Trust, dated April 4, 1990, as amended (the "Trust").

WHEREAS, pursuant to Article Ninth, Section 34, CAROLINE D. DAVIS executed a "Delegation of Authority" on March 22, 2007, authorizing CHRISTOPHER D. DAVIS, as Successor Co-Trustee, to act singly on behalf of the Trust, and without prior consultation or agreement in exercising all of the powers granted in Article Ninth of the Trust, and to perform all acts on behalf of the Trust as may be appropriate, necessary, or proper for the Trust in contemplation of such Article Ninth.

WHEREAS, pursuant to Article Ninth, Section 34, CAROLINE D. DAVIS possesses the authority to terminate such Delegation of Authority.

NOW, THEREFORE, pursuant to Article Ninth, Section 34, CAROLINE D. DAVIS does hereby revoke the Delegation of Authority, executed on March, 22, 2007. Such Revocation of Delegation of Authority shall become effectively immediately upon receipt by CHRISTOPHER D. DAVIS.

Dated this 23 day of September, 2014.

  
CAROLINE D. DAVIS, Successor Co-Trustee

**FAX COVER SHEET**

TO	
COMPANY	
FAX NUMBER	17028535485
FROM	Harriet H. Roland, Esq.
DATE	2014-10-02 23:43:53 GMT
RE	for Mark Solomon / re: your client Caroline Davis

**COVER MESSAGE**

Please deliver to Mark Solomon.

(Fax cover plus one page correspondence)

Roland Law Firm  
member, roland & kaplan, prof. llc  
Tax, Business, Probate, Estate Planning & Elder Law  
[www.RolandLawFirm.com](http://www.RolandLawFirm.com)<<http://www.rolandlawfirm.com/>>

Tel (702) 452-1500  
Fax (702) 920-8903  
Email: [HRoland@RolandLawFirm.com](mailto:HRoland@RolandLawFirm.com)<<mailto:HRoland@RolandLawFirm.com>>

Henderson Office: (Main office and Mailing)  
2850 W. Horizon Ridge Pkwy., Ste. 200  
Henderson, NV 89052

Las Vegas Office: (Satellite office)  
7251 West Lake Mead Blvd., Ste. 300  
Las Vegas, NV 89128

Confidentiality: This e-mail or facsimile may contain legally privileged and/or confidential information. If you are not the intended recipient(s), or the person responsible for delivery of this message to the intended recipient(s), you are hereby notified that any dissemination, distribution or copying of this e-mail message is strictly prohibited. If you have received this message in error, please immediately notify the sender and delete this e-mail message from your computer.

ROLAND

LAW FIRM

Member of Roland & Kaplan, Prof. LLC

HARRIET H. ROLAND, A PROFESSIONAL LAW CORP.  
B.S. ACCOUNTING • M.B.A., TAXATION • JURIS DOCTOR  
Licensed to practice law in Nevada and Colorado.

TAX, BUSINESS, PROBATE, ESTATE PLANNING, ELDER LAW

October 2, 2014

By facsimile 702-853-5485 and U.S. Mail

Mark Solomon, Esq.  
Solomon Dwiggins & Freer, Ltd.  
9060 West Cheyenne Avenue  
Las Vegas, NV 89129

Re: our client Christopher Davis  
your client Caroline Davis

Dear Mark:


Christopher Davis is in the process of retaining our firm to assist him in the matters regarding the various Davis family entities referenced in your demand letter to him dated September 23, 2014, which I have just received from him.

I will respond in more detail on his behalf as soon as I have reviewed documentation which he is providing. Before you and I talk, would you please clarify your request? Your letter references the Revocable Trust, and the distribution provisions. Is the Family Heritage Trust also in dispute? Is the ownership of the Ashley Cooper policy in dispute? Is there one matter we should address before the others?

Please address all future correspondence to me at our Henderson office, shown below, as our Las Vegas satellite office is not always staffed.

Sincerely,

ROLAND LAW FIRM

  
Harriet H. Roland, Esq.

Telephone: (702) 452-1500

www.rolandlawfirm.com

Facsimile: (702) 920-8903

Henderson (Main office and mailing address):  
2850 W. Horizon Ridge Pkwy., Suite 200  
Henderson, Nevada 89052

Las Vegas (Satellite office)  
7251 W. Lake Mead Blvd., Suite 300  
Las Vegas, NV 89128

RAPP 19

SOLOMON DWIGGINS & FREER, LTD.  
Attorneys At Law

Mark A. Solomon  
Dana A. Dwiggins  
Alan D. Freer  
Brian K. Steadman

Cheyenne West Professional Centre  
9060 West Cheyenne Avenue  
Las Vegas, Nevada 89129

Telephone: (702) 853-5483  
Facsimile: (702) 853-5485

Brian P. Eagan  
Robert D. Simpson  
Jeffrey P. Luszeck  
Ross E. Evans  
Jordanna L. Evans  
Alexander G. LeVeque  
Joshua M. Hood  
Bri F. Issurduff

*Of Counsel*  
Steven E. Hollingworth

October 3, 2014

Direct Dial  
702-589-3500  
[msolomon@sdfnlaw.com](mailto:msolomon@sdfnlaw.com)

**VIA EMAIL (hroland@rolandlawfirm.com) & US MAIL**

Harriet H. Roland, Esq.  
2850 West Horizon Ridge Parkway, Suite 200  
Henderson, NV 89052

**RE: Caroline Davis/Christopher Davis**

Dear Misty,

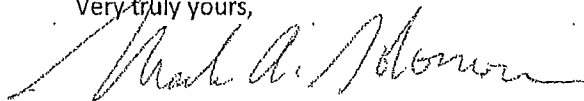
Thank you for your letter of October 2, 2014. I look forward to receiving a more detailed response when you have received the information from your client.

Yes, my client is also in the dark regarding what has happened in the Family Heritage Trust. As I understand it, it is not that the ownership of the insurance policy is in dispute, but that a number of loans have been taken against the policy, which proceeds were used by Chris for various purposes of which we have little or no detail. We believe that at least one or more of the distributions from the Family Heritage Trust went to the revocable trust.

So, while we need information on both trusts, I would say that we are most interested in what has been going on with the revocable trust, if you want to prioritize the two.

Again, I look forward to your response.

Very truly yours,



Mark A. Solomon

MAS/beb

cc: Caroline Davis  
Joshua M. Hood, Esq.

SOLOMON DWIGGINS & FREER, LTD.  
Attorneys at Law

Mark A. Solomon  
Dana A. Dwiggins  
Alan D. Freer  
Brian K. Steadman

Cheyenne West Professional Centre  
9060 West Cheyenne Avenue  
Las Vegas, Nevada 89129

Telephone: (702) 853-5483  
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Brian P. Eagan  
Jeffrey P. Luszeck  
Ross E. Evans  
Jordanna L. Evans  
Joshua M. Hood  
Bri F. Corrigan  
Alexander G. LeVeque

*Of Counsel*  
Steven E. Hollingworth

Direct Dial: (702) 589-3500  
[msolomon@sdfnlaw.com](mailto:msolomon@sdfnlaw.com)

October 27, 2014

VIA EMAIL ([hroland@rolandlaw.com](mailto:hroland@rolandlaw.com)) & U.S. MAIL

HARRIET H. ROLAND, ESQ.

2850 West Horizon Ridge Parkway, Suite 200  
Henderson, Las Vegas

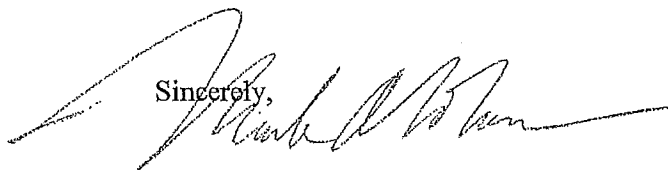
**Re: Caroline Davis/Christopher Davis**

Dear Ms. Roland:

I am writing this as a follow-up to my October 3, 2014 correspondence. Based upon your October 2, 2014 letter, Christopher Davis has retained your services in order to respond to the demand letter sent to him on September 23, 2014. To date, our office has not received any response. As such, please advise as to the status of the documents requested pursuant to the September 23, 2014 demand letter, a copy of which is enclosed herewith.

Should you have any additional questions or concerns, please do not hesitate to contact me.

Sincerely,



Mark A. Solomon

Enclosure

cc: Caroline Davis  
Joshua M. Hood, Esq.

# ROLAND

LAW FIRM

Member of Roland & Kaplan, Prof. LLC

HARRIET H. ROLAND, A PROFESSIONAL LAW CORP.  
B.S., ACCOUNTING • M.B.A., TAXATION • JURIS DOCTORATE  
Licensed to practice law in Nevada and Colorado

TAX, BUSINESS, PROBATE, ESTATE PLANNING  
& ELDER LAW ATTORNEYS

November 7, 2014

## VIA HAND DELIVERY

Mark Solomon, Esq.  
Solomon Dwiggin & Freer, Ltd.  
9060 West Cheyenne Avenue  
Las Vegas, NV 89129

Re: Our client: Christopher Davis  
Your client: Caroline Davis

Dear Mark:

After extensive communication with our client, **Christopher Davis** ("**Christopher**"), I am authorized by him to provide the following information and response to your firm's initial request for information regarding the various Davis family entities:

**The Family Heritage Trust ("the FHT")**: Christopher currently serves as manager of the Nevada limited liability company, **FHT Holdings, LLC**. The **FHT** is the 100% member of the LLC. It is an important distinction that **Christopher** does not serve as investment advisor of the *Ashley Cooper Life Insurance Policy*, which is by far the largest and primary asset of the **FHT**. He has requested that **Caroline Davis** ("**Caroline**") make a formal request of **Dunham Trust Company**, the trustee, for the information you are seeking. It is my understanding that extensive information has already been provided to her by the trustee.

**The Beatrice B. Davis Revocable Trust ("the Revocable Trust")**: Christopher acknowledges that **Caroline** did delegate duties to him. He is stunned and disappointed that **Caroline**, after seven years of being completely uninvolved with the family affairs and never before having asked him for any records or information, would now, at great expense, retain an attorney to question his actions in administering the family affairs, when it was obvious that she was to share in not

Telephone: (702) 452-1500

www.rolandlawfirm.com

Facsimile (702) 920-8903

Henderson (Main office and mailing address):  
2850 W. Horizon Ridge Pkwy., Suite 200  
Henderson, Nevada 89052

Las Vegas (Satellite office)  
7251 W. Lake Mead Blvd., Suite 300  
Las Vegas, NV 89128



Mark Solomon, Esq.  
Solomon Dwiggin & Freer, Ltd.  
November 7, 2014  
Page 2 of 2

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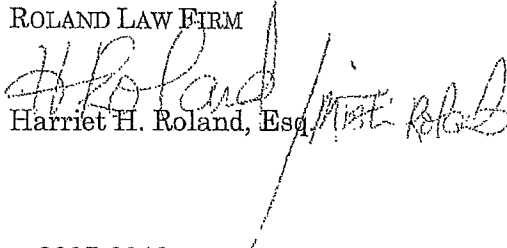
subject of current reconciliations, and this includes the years before the incapacity and death of their mother, **Mrs. Davis**. Christopher believes that in light of **Mrs. Davis'** control over her own estate before her incapacity and death, the amount subject to reconciliation is likely even smaller if existent at all. If this matter goes to trial, attorney's fees and costs will surely be more than any amounts that are the subject of any current reconciliation. As a named co-trustee of the trust, **Caroline** is entitled to the same access to information from the same account holders as **Christopher**, and he asks that she explore her own sources first, before resorting to requesting that he do even more and incur expenses on her behalf.

**The Beatrice B. Davis Family Irrevocable Trust ("FIT")**: Christopher's response is essentially the same. **Caroline** is a named co-trustee of that trust and has authority to request information from sources other than **Christopher**. We have included a copy of the Trust with this letter.

**Caroline** has made a broad request for information, which includes years of information regarding accounts and activities to which she has had ongoing access. **Christopher** is hoping to resolve this without incurring the massive fees and expenses which litigation necessarily entails. Please discuss this with **Caroline**, and feel free to call me with any questions or comments. I hope the foregoing has been of assistance in responding to your inquiries. I look forward to resolving any further disputes or misunderstandings. The foregoing is **Christopher's** response to the full extent authorized to me.

Sincerely,

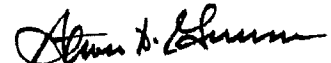
ROLAND LAW FIRM

  
Harriet H. Roland, Esq.

HHR:naw

Encls.: Beatrice B. Davis 1040 tax returns 2007-2012  
Beatrice B. Davis Family Irrevocable Trust

cc: Client (w/out encls.)



CLERK OF THE COURT

1 **NOTC**

2 Mark A. Solomon, Esq., Bar No. 418  
3 msolomon@sdfnvlaw.com  
4 Joshua M. Hood, Esq. Bar No. 12777  
5 jhood@sdfnvlaw.com  
6 SOLOMON DWIGGINS & FREER, LTD.  
7 9060 West Cheyenne Avenue  
8 Las Vegas, Nevada 89129  
9 Telephone: 702.853.5483  
10 Facsimile: 702.853.5485

11 *Attorneys for Caroline Davis, Petitioner*

12 **DISTRICT COURT**

13 **CLARK COUNTY, NEVADA**

14 In the Matter of:

Case No.: P-15-083867-T  
Dept.: 26

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

To be heard by Judge Sturman

Hearing Date: April 22, 2015  
Hearing Time: 9:00 a.m.

18 **SECOND AMENDED NOTICE OF HEARING ON**  
19 **PETITION TO ASSUME JURISDICTION OVER THE BEATRICE B. DAVIS FAMILY**  
20 **HERITAGE TRUST, DATED JULY 28, 2000, AS AMENDED ON FEBRUARY 24, 2014;**  
21 **TO ASSUME JURISDICTION OVER CHRISTOPHER D. DAVIS AS INVESTMENT**  
22 **TRUST ADVISOR AND STEPHEN K. LEHNARDT AS DISTRIBUTION TRUST**  
23 **ADVISOR; TO CONFIRM DUNHAM TRUST COMPANY AS DIRECTED TRUSTEE;**  
24 **AND FOR IMMEDIATE DISCLOSURE OF DOCUMENTS AND INFORMATION**  
25 **FROM CHRISTOPHER D. DAVIS**

26 NOTICE IS HEREBY GIVEN that CAROLINE DAVIS ("Petitioner") by and through her  
27 counsel, Mark A. Solomon, Esq., and Joshua M. Hood, Esq., of the law firm of Solomon  
28 Dwiggins & Freer, Ltd., hereby Petitions this Court to Assume Jurisdiction over THE  
BEATRICE B. DAVIS FAMILY HERITAGE TRUST, dated July 28, 2000, as amended on  
February 24, 2014 ("Trust") to assume Jurisdiction and for granting the aforementioned Petitions.


A hearing in this matter has been set for Wednesday, April 22, 2015, at 9:00 a.m. before  
the Honorable Judge Sturman in Department 26, Courtroom 3H at the Regional Justice Center,  
200 Lewis Avenue, Las Vegas, Nevada 89155;

///

1 For details of the Petition, please review the Court file or contact the Petitioner at the  
2 address show above:

3 DATED this 5<sup>th</sup> day of March, 2015.

4 SOLOMON DWIGGINS & FREER, LTD.

5  
6   
7 MARK A. SOLOMON, ESQ. (Bar No. 418)  
8 JOSHUA M. HOOD, ESQ. (Bar No. 12777)  
9 Cheyenne West Professional Center  
10 9060 West Cheyenne Avenue  
11 Las Vegas, Nevada 89129  
12 Telephone (702) 853-5483  
13 Facsimile (702) 853-5485

14 *Attorneys for Caroline Davis*

9060 WEST CHEYENNE AVENUE  
LAS VEGAS, NEVADA 89129  
TELEPHONE (702) 853-5483  
FACSIMILE (702) 853-5485  
WWW.SDRNLAW.COM

SOLOMON  
DWIGGINS & FREER  
TRUST AND ESTATE ATTORNEYS



CERTIFICATE OF SERVICE

I hereby certify that on the 5<sup>th</sup> day of March 2015, I mailed a true and correct copy of the above and foregoing SECOND AMENDED NOTICE OF HEARING ON THE 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 TRUST ADVISOR; TO CONFIRM DUHAM TRUST COMPANY AS DIRECTED TRUSTEE; AND FOR IMMEDIATE DISCLOSURE OF DOCUMENTS AND INFORMATION FROM CHRISTOPHER D. DAVIS AND the PETITION to the following persons at their last known address, by depositing a copy of the same in the United States Mail, via certified mail, addresses are as follows:

CHRISTOPHER D. DAVIS, Individually  
INVESTMENT TRUST ADVISOR  
MANAGER of FHT HOLDINGS, LLC, a Nevada Limited Liability Company  
3005 North Beverly Glen Circle  
Los Angeles, California 90077

and  
514 West 26<sup>th</sup> Street, #3E  
Kansas City, Missouri 64108

REGISTERED AGENT SOLUTIONS, INC.  
REGISTERED AGENT for FHT HOLDINGS, LLC, a Nevada Limited Liability Company  
4625 West Nevso Drive, Suite 2  
Las Vegas, Nevada 89103

And having previously mailed the Petition to the following, did EMAIL and send via US Mail ONLY THE SECOND AMENDED NOTICE OF HEARING AS FOLLOWS:

STEPHEN LEHNARDT  
DISTRIBUTION TRUST ADVISOR  
20 Westwoods Drive  
Liberty, Missouri 64068  
[Stephen@lehnhardt.com](mailto:Stephen@lehnhardt.com)



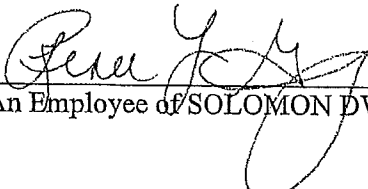
WINFIELD B. DAVIS  
366-6 Habu Aridagawa Arida  
Wakayama 643-0025  
JAPAN  
[winsane@gmail.com](mailto:winsane@gmail.com)

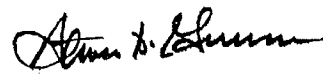
DUNHAM TRUST COMPANY  
TRUSTEE  
SOLE MEMBER of FHT HOLDINGS, LLC, a Nevada Limited Liability Company  
c/o SHANNA CORESSEL, CTFA  
241 Ridge Street, Suite 100  
Reno, Nevada 89501  
[Shanna.coressel@dunham.com](mailto:Shanna.coressel@dunham.com)

And did mail via US Mail and email Via the Court's electron system via WizNet pursuant to Rule 9 of NEFCR at the email address noted to the following:

HARRIET ROLAND, ESQ.,  
ROLAND LAW FIRM  
2850 W. Horizon Ridge Parkway, #200  
Henderson, NV 89052  
[hroland@rolandlawfirm.com](mailto:hroland@rolandlawfirm.com)

ANTHONY L. BARNEY, ESQ.  
ANTHONY L. BARNEY, LTD.  
3317 West Charleston Boulevard, Suite B  
Las Vegas Nevada 89102  
[abarney@anthonybarney.com](mailto:abarney@anthonybarney.com)

  
An Employee of SOLOMON DWIGGINS & FREER, LTD.



CLERK OF THE COURT

ELECTRONICALLY SERVED  
02/11/2015 01:56:03 PM

1 **NOTC**  
2 Mark A. Solomon, Esq., Bar No. 418  
3 msolomon@sdfnlaw.com  
4 Joshua M. Hood, Esq. Bar No. 12777  
5 jhood@sdfnlaw.com  
6 SOLOMON DWIGGINS & FREER, LTD.  
7 9060 West Cheyenne Avenue  
8 Las Vegas, Nevada 89129  
9 Telephone: 702.853.5483  
10 Facsimile: 702.853.5485

11 *Attorneys for Caroline Davis, Petitioner*

12 **DISTRICT COURT**  
13 **CLARK COUNTY, NEVADA**

14 In the Matter of:

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

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

Hearing Date: February 27, 2015  
Hearing Time: 9:30 am

18 **NOTICE OF HEARING ON**  
19 **PETITION TO ASSUME JURISDICTION OVER THE BEATRICE B. DAVIS FAMILY**  
20 **HERITAGE TRUST, DATED JULY 28, 2000, AS AMENDED ON FEBRUARY 24, 2014;**  
21 **TO ASSUME JURISDICTION OVER CHRISTOPHER D. DAVIS AS INVESTMENT**  
22 **TRUST ADVISOR AND STEPHEN K. LEHNARDT AS DISTRIBUTION TRUST**  
23 **ADVISOR; TO CONFIRM DUNHAM TRUST COMPANY AS DIRECTED TRUSTEE;**  
24 **AND FOR IMMEDIATE DISCLOSURE OF DOCUMENTS AND INFORMATION**  
25 **FROM CHRISTOPHER D. DAVIS**

26 NOTICE IS HEREBY GIVEN that CAROLINE DAVIS ("Petitioner") by and through her  
27 counsel, Mark A. Solomon, Esq., and Joshua M. Hood, Esq., of the law firm of Solomon  
28 Dwiggins & Freer, Ltd., hereby Petitions this Court to Assume Jurisdiction over the THE  
BEATRICE B. DAVIS FAMILY HERITAGE TRUST, dated July 28, 2000, as amended on  
February 24, 2014 ("Trust") to assume Jurisdiction and for granting the aforementioned Petitions.

A hearing in this matter has been set for Friday, February 27, 2015, at 9:30 a.m. in  
Department 26, Family Court, Courtroom 9, located at 601 North Pecos Road, Las Vegas, Nevada

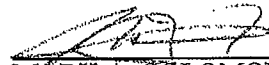
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///

1 89101. For details of the Petition, please review the Court file or contact the Petitioner at the  
2 address show below:

3 DATED this 18<sup>th</sup> day of February, 2015.

4 SOLOMON DWIGGINS & FREER, LTD.

5 

6 MARK A. SOLOMON, ESQ. (Bar No. 418)  
7 JOSHUA M. HOOD, ESQ. (Bar No. 12777)  
8 Cheyenne West Professional Center  
9 9060 West Cheyenne Avenue  
10 Las Vegas, Nevada 89129  
11 Telephone (702) 853-5483  
12 Facsimile (702) 853-5485

13 *Attorneys for Caroline Davis*

9060 WEST CHEYENNE AVENUE  
LAS VEGAS, NEVADA 89129  
TELEPHONE (702) 853-5483  
FACSIMILE (702) 853-5485  
WWW.SDRNLAW.COM

SOLOMON  
DWIGGINS & FREER  
TRUST AND ESTATE ATTORNEYS



9060 WEST CHEYENNE AVENUE  
LAS VEGAS, NEVADA 89129  
TELEPHONE (702) 853-5483  
FACSIMILE (702) 853-5485  
WWW.SDRNLAW.COM

SOLOMON  
DWIGGINS & FREER  
TRUST AND ESTATE ATTORNEYS



CERTIFICATE OF SERVICE

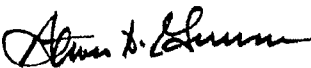
I hereby certify that on the 10<sup>th</sup> day of February 2015, I mailed a true and correct copy of the above and foregoing NOTICE OF HEARING ON THE PETITION TO ASSUME JURISDICTION OVER THE BEATRICE B. DAVIS FAMILY HERITAGE TRUST, DATED JULY 28, 2000, AS AMENDED ON FEBRUARY 24, 2014; TO ASSUME JURISDICTION OVER CHRISTOPHER D. DAVIS AS INVESTMENT TRUST ADVISOR AND STEPHEN K. LEHNARDT AS DISTRIBUTION TRUST ADVISOR; TO CONFIRM DUHAM TRUST COMPANY AS DIRECTED TRUSTEE; AND FOR IMMEDIATE DISCLOSURE OF DOCUMENTS AND INFORMATION FROM CHRISTOPHER D. DAVIS AND the PETITION to the following persons at their last known address, by depositing a copy of the same in the United States Mail, address as follows:

HARIETT ROLAND, ESQ.,  
ROLAND LAW FIRM  
2850 W. Horizon Ridge Parkway, #200  
Henderson, NV 89052  
[hroland@rolandlawfirm.com](mailto:hroland@rolandlawfirm.com)

And via WizNet pursuant to Rule 9 of NEFCR at the email addressed noted.

  
An Employee of SOLOMON DWIGGINS & FREER, LTD.





CLERK OF THE COURT

1 NOTC  
2 Mark A. Solomon, Esq., Bar No. 418  
3 msolomon@sdfnlaw.com  
4 Joshua M. Hood, Esq. Bar No. 12777  
5 jhood@sdfnlaw.com  
6 SOLOMON DWIGGINS & FREER, LTD.  
7 9060 West Cheyenne Avenue  
8 Las Vegas, Nevada 89129  
9 Telephone: 702.853.5483  
10 Facsimile: 702.853.5485

11 *Attorneys for Caroline Davis, Petitioner*

12 **DISTRICT COURT**

13 **CLARK COUNTY, NEVADA**

14 In the Matter of:

Case No.: P-15-083867-T  
Dept.: 26

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

Hearing Date: March 6, 2015  
Hearing Time: 9:30 a.m.

18 **AMENDED NOTICE OF HEARING ON**  
19 **PETITION TO ASSUME JURISDICTION OVER THE BEATRICE B. DAVIS FAMILY**  
20 **HERITAGE TRUST, DATED JULY 28, 2000, AS AMENDED ON FEBRUARY 24, 2014;**  
21 **TO ASSUME JURISDICTION OVER CHRISTOPHER D. DAVIS AS INVESTMENT**  
22 **TRUST ADVISOR AND STEPHEN K. LEHNARDT AS DISTRIBUTION TRUST**  
23 **ADVISOR; TO CONFIRM DUNHAM TRUST COMPANY AS DIRECTED TRUSTEE;**  
24 **AND FOR IMMEDIATE DISCLOSURE OF DOCUMENTS AND INFORMATION**  
25 **FROM CHRISTOPHER D. DAVIS**

26 NOTICE IS HEREBY GIVEN that CAROLINE DAVIS ("Petitioner") by and through her  
27 counsel, Mark A. Solomon, Esq., and Joshua M. Hood, Esq., of the law firm of Solomon  
28 Dwiggins & Freer, Ltd., hereby Petitions this Court to Assume Jurisdiction over the THE  
BEATRICE B. DAVIS FAMILY HERITAGE TRUST, dated July 28, 2000, as amended on  
February 24, 2014 ("Trust") to assume Jurisdiction and for granting the aforementioned Petitions.

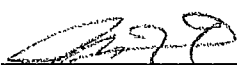
A hearing in this matter has been set for Friday, March 6, 2015, at 9:30 a.m. in  
Department 26, Courtroom 3F, located at the Regional Justice Center, 200 Lewis Avenue, Las  
Vegas, Nevada 89155;

///

1 For details of the Petition, please review the Court file or contact the Petitioner at the  
2 address show below:

3 DATED this 20<sup>th</sup> day of February, 2015.

4 SOLOMON DWIGGINS & FREER, LTD.

5  
6   
7 MARK A. SOLOMON, ESQ. (Bar No. 418)  
8 JOSHUA M. HOOD, ESQ. (Bar No. 12777)  
9 Cheyenne West Professional Center  
10 9060 West Cheyenne Avenue  
11 Las Vegas, Nevada 89129  
12 Telephone (702) 853-5483  
13 Facsimile (702) 853-5485

14 *Attorneys for Caroline Davis*

9060 WEST CHEYENNE AVENUE  
LAS VEGAS, NEVADA 89129  
TELEPHONE (702) 853-5483  
FACSIMILE (702) 853-5485  
WWW.SOLAW.COM

SOLOMON  
DWIGGINS & FREER  
TRUST AND ESTATE ATTORNEYS



CERTIFICATE OF SERVICE

I hereby certify that on the 20<sup>th</sup> day of February 2015, I mailed a true and correct copy of the above and foregoing NOTICE OF HEARING ON THE 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 TRUST ADVISOR; TO CONFIRM DUHAM TRUST COMPANY AS DIRECTED TRUSTEE; AND FOR IMMEDIATE DISCLOSURE OF DOCUMENTS AND INFORMATION FROM CHRISTOPHER D. DAVIS AND the PETITION to the following persons at their last known address, by depositing a copy of the same in the United States Mail, address as follows:

DUNHAM TRUST  
SHANNA CORESSEL, CTFA  
241 Ridge Street, Suite 100  
Reno, Nevada 89501  
[Shanna.coresSEL@dunham.com](mailto:Shanna.coresSEL@dunham.com)

STEPHEN LEHNARDT  
DISTRIBUTION TRUST ADVISOR  
20 Westwoods Drive  
Liberty, Missouri 64068  
[Stephen@lehnardt.com](mailto:Stephen@lehnardt.com)

Win B. Davis  
366-6 Habu Aridagawa Arida  
Wakayama 643-0025  
JAPAN  
[winsane@gmail.com](mailto:winsane@gmail.com)

///

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9060 WEST CHEYENNE AVENUE  
LAS VEGAS, NEVADA 89129  
TELEPHONE (702) 853-5483  
FACSIMILE (702) 853-5485  
WWW.SDRVLAW.COM

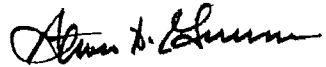
**SOLOMON**  
DWIGGINS & FREER  
TRUST AND ESTATE ATTORNEYS



1 And did mail and efile the Amended Notice of Hearing ONLY to Harriet Roland, Esquire  
2 HARRIET ROLAND, ESQ.,  
3 ROLAND LAW FIRM  
4 2850 W. Horizon Ridge Parkway, #200  
5 Henderson, NV 89052  
6 hroland@rolandlawfirm.com

7 And via WizNet pursuant to Rule 9 of NEFCR at the email addressed noted.

  
An Employee of SOLOMON DWIGGINS & FREER, LTD.



CLERK OF THE COURT

1 **NOTC**

2 Mark A. Solomon, Esq., Bar No. 418  
3 msolomon@sdfnlaw.com  
4 Joshua M. Hood, Esq. Bar No. 12777  
5 jhood@sdfnlaw.com  
6 SOLOMON DWIGGINS & FREER, LTD.  
7 9060 West Cheyenne Avenue  
8 Las Vegas, Nevada 89129  
9 Telephone: 702.853.5483  
10 Facsimile: 702.853.5485

11 *Attorneys for Caroline Davis, Petitioner*

12 **DISTRICT COURT**

13 **CLARK COUNTY, NEVADA**

14 In the Matter of:

Case No.: P-15-083867-T  
Dept.: 26

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

To be heard by Judge Sturman

Hearing Date: April 22, 2015  
Hearing Time: 9:00 a.m.

18 **SECOND AMENDED NOTICE OF HEARING ON**

19 **PETITION TO ASSUME JURISDICTION OVER THE BEATRICE B. DAVIS FAMILY**  
20 **HERITAGE TRUST, DATED JULY 28, 2000, AS AMENDED ON FEBRUARY 24, 2014;**  
21 **TO ASSUME JURISDICTION OVER CHRISTOPHER D. DAVIS AS INVESTMENT**  
22 **TRUST ADVISOR AND STEPHEN K. LEHNARDT AS DISTRIBUTION TRUST**  
23 **ADVISOR; TO CONFIRM DUNHAM TRUST COMPANY AS DIRECTED TRUSTEE;**  
24 **AND FOR IMMEDIATE DISCLOSURE OF DOCUMENTS AND INFORMATION**  
25 **FROM CHRISTOPHER D. DAVIS**

26 NOTICE IS HEREBY GIVEN that CAROLINE DAVIS ("Petitioner") by and through her  
27 counsel, Mark A. Solomon, Esq., and Joshua M. Hood, Esq., of the law firm of Solomon  
28 Dwiggins & Freer, Ltd., hereby Petitions this Court to Assume Jurisdiction over THE  
BEATRICE B. DAVIS FAMILY HERITAGE TRUST, dated July 28, 2000, as amended on  
February 24, 2014 ("Trust") to assume Jurisdiction and for granting the aforementioned Petitions.

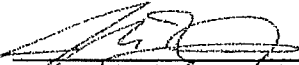
A hearing in this matter has been set for Wednesday, April 22, 2015, at 9:00 a.m. before  
the Honorable Judge Sturman in Department 26, Courtroom 3H at the Regional Justice Center,  
200 Lewis Avenue, Las Vegas, Nevada 89155;

///

1 For details of the Petition, please review the Court file or contact the Petitioner at the  
2 address show above:

3 **DATED** this 5<sup>th</sup> day of March, 2015.

4 SOLOMON DWIGGINS & FREER, LTD.

5  
6   
7 MARK A. SOLOMON, ESQ. (Bar No. 418)  
8 JOSHUA M. HOOD, ESQ. (Bar No. 12777)  
9 Cheyenne West Professional Center  
10 9060 West Cheyenne Avenue  
11 Las Vegas, Nevada 89129  
12 Telephone (702) 853-5483  
13 Facsimile (702) 853-5485

14 *Attorneys for Caroline Davis*

9060 WEST CHEYENNE AVENUE  
LAS VEGAS, NEVADA 89129  
TELEPHONE (702) 853-5483  
FACSIMILE (702) 853-5485  
WWW.SDRNLAW.COM

SOLOMON  
DWIGGINS & FREER  
TRUST AND ESTATE ATTORNEYS



9060 WEST CHEYENNE AVENUE  
LAS VEGAS, NEVADA 89129  
TELEPHONE (702) 853-5483  
FACSIMILE (702) 853-5485  
WWW.SDFNYLAW.COM

SOLOMON  
DWIGGINS & FREER  
TRUST AND ESTATE ATTORNEYS



CERTIFICATE OF SERVICE

I hereby certify that on the 5<sup>th</sup> day of March 2015, I mailed a true and correct copy of the above and foregoing SECOND AMENDED NOTICE OF HEARING ON THE 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 TRUST ADVISOR; TO CONFIRM DUHAM TRUST COMPANY AS DIRECTED TRUSTEE; AND FOR IMMEDIATE DISCLOSURE OF DOCUMENTS AND INFORMATION FROM CHRISTOPHER D. DAVIS AND the PETITION to the following persons at their last known address, by depositing a copy of the same in the United States Mail, via certified mail, addresses are as follows:

CHRISTOPHER D. DAVIS, Individually  
INVESTMENT TRUST ADVISOR  
MANAGER of FHT HOLDINGS, LLC, a Nevada Limited Liability Company  
3005 North Beverly Glen Circle  
Los Angeles, California 90077

and  
514 West 26<sup>th</sup> Street, #3E  
Kansas City, Missouri 64108

REGISTERED AGENT SOLUTIONS, INC.  
REGISTERED AGENT for FHT HOLDINGS, LLC, a Nevada Limited Liability Company  
4625 West Nevso Drive, Suite 2  
Las Vegas, Nevada 89103

And having previously mailed the Petition to the following, did EMAIL and send via US Mail ONLY THE SECOND AMENDED NOTICE OF HEARING AS FOLLOWS:

STEPHEN LEHNARDT  
DISTRIBUTION TRUST ADVISOR  
20 Westwoods Drive  
Liberty, Missouri 64068  
[Stephen@lehnardt.com](mailto:Stephen@lehnardt.com)



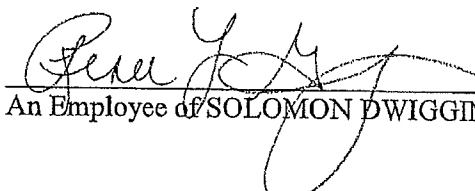
WINFIELD B. DAVIS  
366-6 Habu Aridagawa Arida  
Wakayama 643-0025  
JAPAN  
[winsane@gmail.com](mailto:winsane@gmail.com)

DUNHAM TRUST COMPANY  
TRUSTEE  
SOLE MEMBER of FHT HOLDINGS, LLC, a Nevada Limited Liability Company  
c/o SHANNA CORESSEL, CTFA  
241 Ridge Street, Suite 100  
Reno, Nevada 89501  
[Shanna.coressel@dunham.com](mailto:Shanna.coressel@dunham.com)

And did mail via US Mail and email Via the Court's electron system via WizNet pursuant to Rule 9 of NEFCR at the email address noted to the following:

HARRIET ROLAND, ESQ.,  
ROLAND LAW FIRM  
2850 W. Horizon Ridge Parkway, #200  
Henderson, NV 89052  
[hroland@rolandlawfirm.com](mailto:hroland@rolandlawfirm.com)

ANTHONY L. BARNEY, ESQ.  
ANTHONY L. BARNEY, LTD.  
3317 West Charleston Boulevard, Suite B  
Las Vegas Nevada 89102  
[abarney@anthonybarney.com](mailto:abarney@anthonybarney.com)

  
An Employee of SOLOMON DWIGGINS & FREER, LTD.



IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE BEATRICE  
B. DAVIS FAMILY HERITAGE TRUST,  
DATED JULY 28, 2000, AS AMENDED  
ON FEBRUARY 24, 2014.

No. 68542

**FILED**

DEC 09 2015

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

CHRISTOPHER D. DAVIS,  
Appellant,

vs.

CAROLINE DAVIS; DUNHAM TRUST  
COMPANY; STEPHEN K. LEHNARDT;  
TARJA DAVIS; WINFIELD B. DAVIS;  
ACE DAVIS; AND FHT HOLDINGS  
LLC, A NEVADA LIMITED LIABILITY  
COMPANY,  
Respondents.

No. 68948

CHRISTOPHER D. DAVIS,  
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
GLORIA STURMAN, DISTRICT  
JUDGE,  
Respondents,  
and  
CAROLINE DAVIS,  
Real Party in Interest.

*ORDER*

The appeal in Docket No. 68542 and the original petition in  
Docket No. 68948 challenge the same district court order that, in part: (1)  
granted a petition for the district court to assume jurisdiction over

Christopher D. Davis as an investment trust advisor, without prejudice; (2) confirmed Dunham Trust Company as directed trustee; (3) granted a petition for disclosure of documents and information from Christopher; and (4) denied Christopher's motion to dismiss the petition to assume jurisdiction over him.

Christopher previously requested a stay of the district court proceedings pending resolution of these matters. In the appeal, respondent Caroline Davis opposed the motion for stay and also filed a motion for remand under *Huneycutt v. Huneycutt*, 94 Nev. 79, 575 P.2d 585 (1978), and *Foster v. Dingwall*, 126 Nev. 49, 228 P.3d 453 (2010). We entered a temporary stay pending our consideration of additional briefing on the motion for remand, which has now been filed.

In the motion for remand and supplement thereto, Caroline has demonstrated that the district court has certified its inclination to grant a motion to amend the order being challenged in these proceedings. It appears the district court's intended amendments, which only slightly modify its conclusion that it does indeed have jurisdiction over Christopher, will not render these challenges moot. Indeed, the parties' briefing on the motion for remand debates the merits of the challenge and the district court's amendment. In order to ensure that this court has before it the district court's most updated explanation for its decision, we grant the motion and remand this matter to the district court pursuant to its certification for the limited purpose of allowing the district court to enter its amended order. The district court shall have 30 days from the

date of this order to enter its written decision and to transmit a certified copy of that decision to this court.<sup>1</sup>

We note that it is unclear whether this court's authority to consider the challenge to the district court's order exists by way of appeal or writ proceeding. In his docketing statement in the appeal, Christopher asserts that the district court order is appealable under NRS 155.190(1)(h), which allows for an appeal from an order appointing a trustee. In the writ proceeding, Christopher admits that an investment trust advisor such as himself is not identified in the pertinent statutes as a trustee, and that "case law seems to indicate that a trust advisor is something less than a trustee or a quasi-trustee," and thus Christopher filed the writ petition to the extent that the challenged order is not appealable.

We conclude that while it appears the order at issue may be appealable to the extent that it confirms Dunham Trust Company as a directed trustee, we have not had occasion to address the proper scope of such an interlocutory appeal, that is, whether only the appointment of the trustee may be challenged in such an appeal or whether a party can also challenge related interlocutory rulings in an appeal from such an order.<sup>2</sup> Accordingly, at this time, we conclude that the appeal in Docket No. 68542 may proceed, but that these matters should be consolidated and the parties should address jurisdiction in their briefing, as set forth below.

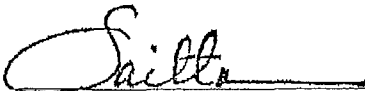
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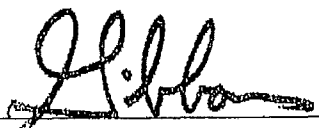
<sup>1</sup>Besides the entry of the amended order as authorized here, the stay entered on October 22, 2015, shall remain in effect until further order of this court.

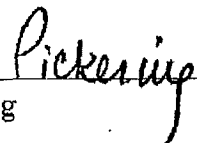
<sup>2</sup>Christopher's challenges to the district court's order go beyond appointment of Dunham Trust Company as trustee.

The clerk shall consolidate these matters for all appellate purposes. As noted above, the district court shall have 30 days from the date of this order to enter its amended order pursuant to its certification and to transmit a copy of that order to this court. Appellant/petitioner Christopher Davis shall have 60 days from the date of this order to file and serve a supplemental opening brief addressing the district court's amended order and shall address, with argument and citation to pertinent authorities, whether, and to what extent, the district court's order is appealable under NRS 155.190(1)(h) and/or any other statute or court rule. Each respondent/real party in interest shall have 30 days from service of the supplemental opening brief to file and serve an answering brief that responds to the writ petition, opening brief, and supplemental opening brief, and includes argument on the jurisdictional issue set forth above. Appellant/petitioner shall then have 30 days from service of the combined answering brief and answer to file and serve any reply brief.

It is so ORDERED.

 J.  
Saitta

 J.  
Gibbons

 J.  
Pickering

cc: Hon. Gloria Sturman, District Judge  
Anthony L. Barney, Ltd.  
Roland Law Firm  
Ace Davis  
Lee, Hernandez, Landrum, Garofalo  
Clear Counsel Law Group  
Solomon Dwiggins & Freer, Ltd.  
Tarja Davis  
Winfield B. Davis  
Eighth District Court Clerk