

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE W.N.
CONNELL AND MARJORIE T.
CONNELL LIVING TRUST, DATED
MAY 18, 1972, AN INTER VIVOS
IRREVOCABLE TRUST.

No. 74517

FILED

JUL 20 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ELEANOR CONNELL HARTMAN
AHERN,
Appellant,
vs.
FREDERICK P. WAID, COURT-
APPOINTED TRUSTEE,
Respondent.

ORDER OF AFFIRMANCE

This is a pro se appeal from a district court order granting a trustee's motion to pursue an action to recover property. Eighth Judicial District Court, Clark County; Gloria Sturman, Judge.¹

This court has jurisdiction to review a district court's order instructing a trustee. *Matter of Beatrice B. Davis Family Heritage Tr.*, 133 Nev., Adv. Op. 26, 394 P.3d 1203, 1206 (2017). The trustee sought authorization to commence an action to recover assets believed to have been fraudulently transferred from the trust to a third party, representing that such recovery would benefit both the trust and appellant. The district court granted such authorization, noting and agreeing with appellant's guardian

¹Having considered the pro se brief filed by appellant, we conclude that a response is not necessary, NRAP 46A(c), and that oral argument is not warranted, NRAP 34(f)(3). This appeal therefore has been decided based on the pro se brief and the record. *Id.*

ad litem's concurrence that any recovery would be in appellant's best interest. Appellant challenges this authorization, yet her arguments do not respond to the reasoning supporting the authorization of the recovery action.² Because the district court order appointing the trustee authorizes the trustee to carry out any functions authorized by the trust instrument and the trust instrument empowers the trustee to commence litigation regarding the trust that comports with his fiduciary duty to the trust beneficiaries, we conclude that the district court did not abuse its discretion in instructing the trustee to carry out its recovery action. *See Hannam v. Brown*, 114 Nev. 350, 362, 956 P.2d 794, 802 (1998) (reviewing a district court's order regarding the administration of a trust or distribution of trust funds for an abuse of discretion). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


Gibbons, J.


Pickering, J.


Hardesty, J.

cc: Hon. Gloria Sturman, District Judge
Eleanor Connell Hartman Ahern
Hutchison & Steffen, LLC/Las Vegas
Eighth District Court Clerk

²Specifically, she argues that the litigation allocating the trust assets erroneously awarded her too small a share and should be retried, that the trustee lied and committed varied misconduct against her, that one of her former attorneys billed her unethically, and that the district court denied her due process by denying her motion for the release of trust assets to hire a new attorney. Appellant argued below that the trustee should not seek to recover funds that were properly paid to her friends.