

Electronically Filed
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Elizabeth A. Brown
Clerk of Supreme Court

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Attorneys for Respondent,
Doan L. Phung

10 **EIGHTH JUDICIAL DISTRICT COURT**
11 **CLARK COUNTY, NEVADA**

12 In the Matter of the:

Case No.: P-16-089638-T

13 FUND FOR THE ENCOURAGEMENT OF
14 SELF RELIANCE,

Dept. No.: 26

15 An Irrevocable Trust.

16 **NOTICE OF APPEAL**

17 Notice is hereby given that Doan L. Phung, Respondent in the above entitled matter, hereby
18 appeals to the Supreme Court of Nevada from the Order Denying Respondent, Doan L. Phung's
19 Objection to Probate Commissioner's Report and Recommendation and Order Granting Trustee
20 Thu-Le Doan to Decant the Assets of the Fund for the Encouragement of Self Reliance pursuant to
NRS 163.556 entered on December 27, 2018.

21 DATED this 19 day of January, 2018

22 MUSHKIN CICA COPPEDGE

23 
24 MICHAEL R. MUSHKIN, ESQ.

25 Nevada Bar No. 2421

26 L. JOE COPPEDGE, ESQ.

27 Nevada Bar No. 4954

28 4495 S. Pecos Road

Las Vegas, Nevada 89121

Attorneys for Respondent,

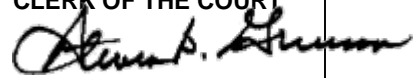
Doan L. Phung

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing *Notice of Appeal* was submitted electronically for filing and/or service with the Eighth Judicial District Court on this 19 day of January, 2018. Electronic service of the foregoing document shall be upon all parties listed on the Odyssey eFileNV service contact list.


An Employee of
MUSHKIN CICA COPPEDGE



ASTA
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Attorneys for Respondent,
Doan L. Phung

EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA

In the Matter of the:

Case No.: P-16-089638-T

FUND FOR THE ENCOURAGEMENT OF
SELF RELIANCE,

Dept. No.: 26

An Irrevocable Trust.

CASE APPEAL STATEMENT

Doan L. Phung, by and through his undersigned attorneys and for Case Appeal Statement,
states as follows:

1. Name of appellant filing this case appeal statement:

Doan L. Phung

2. Identify the judge issuing the decision, judgment, or order appealed from:

The Honorable Gloria Sturman.

3. Identify each appellant and the name and address of counsel for each appellant:

Doan L. Phung, Appellant

Michael R. Mushkin, Esq.
Nevada State Bar No. 2421
Mushkin Cica Coppedge
4495 South Pecos Road
Las Vegas, Nevada 89121

1 L. Joe Coppedge, Esq.
2 Nevada State Bar No. 4954
3 Mushkin Cica Coppedge
4 4495 South Pecos Road
5 Las Vegas, Nevada 89121

6 4. Identify each respondent and the name and address of appellate counsel, if known,
7 for each respondent (if the name of a respondent's appellate counsel is unknown, indicate as much
8 and provide the name and address of that respondent's trial counsel):

9 Thu Le Doan, Respondent

10 Respondent's appellate counsel is unknown. Trial counsel was:

11 Dara J. Goldsmith, Esq.
12 Nevada Bar No. 4270
13 Goldsmith & Guyman
14 2055 Village Center Circle
15 Las Vegas, Nevada 89134

16 Peter Co, Esq.
17 Nevada Bar No. 11938
18 Goldsmith & Guyman
19 2055 Village Center Circle
20 Las Vegas, Nevada 89134

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

25 The attorneys identified above are licensed to practice law in Nevada.

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

28 Appellant was represented by retained counsel.

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

Appellant is represented by retained counsel.

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

1 No

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

4 The Petition was filed on September 22, 2016.

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

7 Respondent, Thu Le Doan filed a Petition in the District Court for Clark County,
8 Nevada as Case No. P-16-089638-T on September 22, 2016, requesting that the assets of the Fund
9 for the Encouragement of Self Reliance ("FESR") be divided equally into separate irrevocable
10 charitable trusts or, in the alternative, that the assets be divided equally and Petitioner's portion be
11 decanted into her own charitable trust. The District Court entered an Order Denying Respondent,
12 Doan L. Phung's Objection to Probate Commissioner's Report and Recommendation and Order
13 Granting Trustee Thu-Le Doan to Decant the Assets of the Vietnamese-American Scholarship
14 Fund Pursuant to NRS 163.556 on December 27, 2018. Respondent appeals from that Order.

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

18 This case has **not** been previously been the subject of an appeal to or original writ
19 proceeding in the Supreme Court.

20 12. Indicate whether this appeal involves child custody or visitation:

21 This case does **not** involve child custody or visitation.

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

13. If this is a civil case, indicate whether this appeal involves the possibility of settlement:

Settlement is unlikely.

DATED this 19 day of January, 2018

MUSHKIN CICA COPPEDGE

MICHAEL R. MUSHKIN, ESQ.

Nevada Bar No. 2421

L. JOE COPPEDGE, ESQ.

Nevada Bar No. 4954

4475 S. Pecos Road

Las Vegas, Nevada 89121

Attorneys for Respondent, Doan L. Phung

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Case Appeal Statement** was submitted electronically for filing and/or service with the Eighth Judicial District Court on this 19 day of January, 2018. Electronic service of the foregoing document shall be upon all parties listed on the Odyssey eFileNV service contact list.

An Employee of
MUSHKIN CICA COPPEDGE

FAMILY DOMESTIC
CASE SUMMARY
CASE NO. P-16-089638-T

In the Matter of the Trust of:
Fund for the Encouragement of Self Reliance

§
§
§
§
§

Location: **Family Domestic**
Judicial Officer: **Judge Sturman, Probate**
Filed on: **09/22/2016**
Cross-Reference Case Number: **P089638**

CASE INFORMATION

Case Type: **Probate -
Trust/Conservatorships**
Case Flags: **Appealed to Supreme Court**

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number	P-16-089638-T
Court	Family Domestic
Date Assigned	09/22/2016
Judicial Officer	Judge Sturman, Probate







PARTY INFORMATION

Petitioner	Doan, Thu Le	<i>Lead Attorneys</i> Goldsmith, Dara J <i>Retained</i> 702-873-9500(W)
Trust	Fund for the Encouragement of Self Reliance	
Respondent	Phung, Doan L	COPPEDGE, L. JOE <i>Retained</i> 7027927000(W)

DATE

EVENTS & ORDERS OF THE COURT














INDEX

09/22/2016	 Petition Filed by: Petitioner Doan, Thu Le <i>Petition to Assume In Rem Jurisdiction of Trust, Confirm Trustee and to Modify Trust</i>	
09/23/2016	 Citation Filed by: Petitioner Doan, Thu Le <i>Citation</i>	
09/28/2016	 Notice of Hearing Filed by: Trust Fund for the Encouragement of Self Reliance <i>Notice of Hearing for Petition to Assume In Rem Jurisdiction of Trust, Confirm Trustee and To Modify Trust</i>	
09/30/2016	 Affidavit of Mailing Filed by: Petitioner Doan, Thu Le <i>Affidavit of Mailing</i>	
09/30/2016	 Ex Parte Filed by: Trust Fund for the Encouragement of Self Reliance <i>Ex Parte Application to Remove Cover Sheet From Petition</i>	
10/04/2016	 Acceptance of Service	

FAMILY DOMESTIC
CASE SUMMARY
CASE NO. P-16-089638-T

	Filed by: Petitioner Doan, Thu Le <i>Acceptance of Service</i>
10/04/2016	 Ex Parte Application Filed by: Trust Fund for the Encouragement of Self Reliance <i>Ex Parte Application for an Order Shortening Time on Petition to Assume In Rem Jurisdiction of Trust, Confirm Trustee and to Modify Trust</i>
10/05/2016	 Order Shortening Time Filed by: Trust Fund for the Encouragement of Self Reliance <i>Order Shortening Time on Petition to Assume In Rem Jurisdiction of Trust, Confirm Trustee and to Modify Trust</i>
10/05/2016	 Affidavit Filed by: Trust Fund for the Encouragement of Self Reliance <i>Affidavit of Peter Co, Esq., in Support of Ex Parte Application for an Order Shortening Time on Petition to Assume In Rem Jurisdiction of Trust, Confirm Trustee and to Modify Trust</i>
10/06/2016	 Notice of Entry of Order Filed by: Trust Fund for the Encouragement of Self Reliance <i>Notice of Entry of Order Shortening Time on Petition to Assume In Rem Jurisdiction of Trust, Confirm Trustee and to Modify Trust</i>
10/06/2016	 Affidavit of Service Filed by: Trust Fund for the Encouragement of Self Reliance <i>Affidavit of Service</i>
10/07/2016	 Acknowledgment Filed by: Trust Fund for the Encouragement of Self Reliance <i>Acknowledgment</i>
10/12/2016	 Initial Appearance Fee Disclosure Filed by: Petitioner Doan, Thu Le <i>Initial Appearance Fee Disclosure</i>
10/12/2016	 Objection Filed by: Respondent Phung, Doan L <i>Respondent's Objection to Petition to Assume In Rem Jurisdiction of Trust, Confirm and to Modify Trust, Request for Discovery and to Consolidate Matters</i>
10/13/2016	 Reply Filed by: Trust Fund for the Encouragement of Self Reliance <i>Petitioner's Reply to Objection to Petition to Assume In Rem Jurisdiction of Trust, Confirm and to Modify Trust, Request for Discovery and to Consolidate Matters</i>
10/14/2016	 Citation - HM (9:30 AM) (Hearing Master: Yamashita, Wesley) <i>Petition to Assume In Rem Jurisdiction of Trust, Confirm Trustee and to Modify Trust</i>
10/14/2016	 Affidavit of Service Filed by: Trust Fund for the Encouragement of Self Reliance <i>Affidavit of Service</i>
11/04/2016	 Order Filed by: Trust Fund for the Encouragement of Self Reliance <i>Order Approving Ex Parte Application to Remove Cover Sheet From Petition</i>

FAMILY DOMESTIC
CASE SUMMARY
CASE NO. P-16-089638-T

11/04/2016	 Notice of Entry Filed by: Trust Fund for the Encouragement of Self Reliance <i>Notice of Entry of Order Approving Ex Parte Application to Remove Cover Sheet from Petition</i>
11/07/2016	 Affidavit of Mailing Filed by: Trust Fund for the Encouragement of Self Reliance <i>Affidavit of Mailing</i>
11/10/2016	 Transcript of Proceedings <i>Hearing Date October 14, 2016</i>
11/10/2016	 Final Billing of Transcript Filed by: Attorney Mushkin, Michael R. <i>Hearing Date October 14, 2016</i>
12/16/2016	 Report and Recommendations Filed by: Trust Fund for the Encouragement of Self Reliance <i>Report and Recommendation Granting Petition to Assume Jurisdiction of Trust, Confirming Co-Trustees and to Modify Trust</i>
12/19/2016	 Notice of Entry Filed by: Trust Fund for the Encouragement of Self Reliance <i>Notice of Entry of Order of Report and Recommendation Granting Petition to Assume Jurisdiction of Trust, Confirming Co-Trustees and to Modify Trust</i>
12/20/2016	 Affidavit of Service Filed by: Petitioner Doan, Thu Le <i>Affidavit of Service</i>
12/30/2016	 Objection Filed by: Respondent Phung, Doan L <i>Respondent, Doan L. Phung's Objection to Probate Commissioner's Report and Recommendation and Request for Judicial Review</i>
12/30/2016	 Petition Filed by: Respondent Phung, Doan L <i>Petition for Declaratory Judgment</i>
01/04/2017	 Certificate of Service Filed by: Respondent Phung, Doan L <i>Certificate of Service</i>
01/04/2017	 Notice of Hearing Filed by: Respondent Phung, Doan L <i>Notice of Hearing for Petition for Declaratory Judgment</i>
01/13/2017	 Opposition Filed by: Petitioner Doan, Thu Le <i>Opposition to Petition for Declaratory Relief</i>
01/17/2017	 Affidavit of Service Filed by: Trust Fund for the Encouragement of Self Reliance <i>Affidavit of Service</i>











FAMILY DOMESTIC
CASE SUMMARY
CASE NO. P-16-089638-T

01/18/2017	 Reply Filed by: Respondent Phung, Doan L <i>Reply Brief in Support of Petition for Declaratory Judgment</i>
01/20/2017	 Petition - HM (9:30 AM) (Hearing Master: Yamashita, Wesley) <i>Petition for Declaratory Judgment</i>
01/24/2017	 Request Filed by: Respondent Phung, Doan L <i>Request to Transfer Petition for Declaratory Judgment to Probate Judge</i>
01/24/2017	 Reply Filed by: Petitioner Doan, Thu Le <i>Reply to Respondent, Doan L. Phung's Objection to Probate Commissioner's Report and Recommendation and Request for Judicial Review</i>
01/24/2017	 Notice of Non Opposition Filed by: Respondent Phung, Doan L <i>Notice of Non-Opposition to Respondent, Doan L. Phung's Objection to Probate Commissioner's Report and Recommendation</i>
01/25/2017	 Affidavit of Service Filed by: Petitioner Doan, Thu Le <i>Affidavit of Service</i>
01/26/2017	 Reply Filed by: Respondent Phung, Doan L <i>Reply in Support of Respondent, Doan L. Phung's Objection to Probate Commissioner's Report and Recommendation</i>
02/01/2017	 Motion (9:30 AM) (Judicial Officer: Sturman, Gloria) <i>Respondent, Doan L. Phung's Objection to Probate Commissioner's Report and Recommendation and Request for Judicial Review</i>
02/15/2017	 Recorders Transcript of Hearing <i>Recorder's Transcript of Proceeding: Motion: Respondent, Doan L. Phung's Objection to Probate Commissioner's Report and Recommendations and Request for Judicial Review Wednesday, February 1, 2017</i>
03/14/2017	 Order Filed by: Respondent Phung, Doan L <i>Order Granting Respondent, Doan L. Phung's Objection to Probate Commissioner's Report and Recommendation in Part, and Remanding Case to Probate Commissioner for Decision Consistent with this Order</i>
03/17/2017	 Notice of Entry of Order Filed by: Respondent Phung, Doan L <i>Notice of Entry of Order</i>
03/24/2017	 Request Filed by: Respondent Phung, Doan L <i>Request to Place (1) Petition to Assume in Rem Jurisdiction of Trust, Confirm Trustee and to Modify Trust and (2) Petition for Declaratory Judgment on Probate Commissioner's Calendar for Decision</i>

FAMILY DOMESTIC
CASE SUMMARY
CASE NO. P-16-089638-T

04/12/2017	 Stipulation and Order Filed by: Petitioner Doan, Thu Le <i>Stipulation and Order to Continue April 21, 2017 Hearing to April 28, 2017</i>
04/13/2017	 Notice of Entry Filed by: Trust Fund for the Encouragement of Self Reliance <i>Notice of Entry of Stipulation and Order to Continue April 21, 2017 Hearing to April 28, 2017</i>
04/14/2017	 Affidavit of Service Filed by: Trust Fund for the Encouragement of Self Reliance <i>Affidavit of Service</i>
04/17/2017	 Supplemental Filed by: Petitioner Doan, Thu Le <i>Supplement to Petition to Assume In Rem Jurisdiction of Trust, Confirm Trustee and to Modify Trust</i>
04/21/2017	 Petition - HM (9:30 AM) (Hearing Master: Yamashita, Wesley) 04/21/2017, 04/28/2017 <i>Request to Place (1) Petition to Assume in Rem Jurisdiction of Trust, Confirm Trustee and to Modify Trust and (2) Petition for Declaratory Judgment on Probate Commissioner's Calendar for Decision</i>
04/25/2017	 Response Filed by: Respondent Phung, Doan L <i>Response to Petitioner's Supplement to Petition to Assume in Rem Jurisdiction of Trust, Confirm Trustee and to Modify Trust</i>
04/25/2017	 Affidavit of Service Filed by: Petitioner Doan, Thu Le <i>Affidavit of Service</i>
08/04/2017	 Report and Recommendations Filed by: Petitioner Doan, Thu Le <i>Report and Recommendation Confirming Prior Report and Recommendation Granting Petition to Assume Jurisdiction of Trust, Making Additional Findings of Fact and Conclusions of Law, Confirming Co-Trustees and to Modify Trust</i>
08/04/2017	 Notice of Entry Filed by: Petitioner Doan, Thu Le <i>Notice of Entry of Report and Recommendation Confirming Prior Report and Recommendation Granting Petition to Assume Jurisdiction of Trust, Making Additional Findings Of Fact and Conclusions of Law, Confirming Co-Trustees and to Modify Trust</i>
08/08/2017	 Affidavit of Service Filed by: Petitioner Doan, Thu Le <i>Affidavit of Service</i>
08/21/2017	 Objection Filed by: Respondent Phung, Doan L <i>Respondent, Doan L. Phung's Objection to Probate Commissioner's Report and Recommendation Confirming Prior Report and Recommendation Granting Petition to Assume In Rem Jurisdiction of Trust, Making Additional Findings of Fact and Conclusions of Law, Confirming Co-Trustees and to Modify Trust, and Request for Judicial Review</i>

FAMILY DOMESTIC
CASE SUMMARY
CASE NO. P-16-089638-T

09/07/2017	 Notice of Hearing on First and Final Accounting Filed by: Respondent Phung, Doan L <i>Notice of Hearing for Respondent Doan L. Phung's Objection to Probate Commissioner's Report and Recommendation Confirming Prior Report and Recommendation Granting Petition to Assume Jurisdiction of Trust, Making Additional Findings of Fact and Conclusions of Law, Confirming Co-Trustees and to Modify Trust, and Request for Judicial Review</i>
09/12/2017	 Reply Filed by: Petitioner Doan, Thu Le <i>Reply to Respondent, Doan L. Phung's Objection to Probate Commissioner's Report and Recommendation Confirming Prior Report and Recommendation Granting Petition to Assume Jurisdiction of Trust, Making Additional Findings of Fact and Conclusions of Law, Confirming Co-Trustees and to Modify Trust, and Request for Judicial Review</i>
09/13/2017	 Affidavit of Service Filed by: Petitioner Doan, Thu Le <i>Affidavit of Service</i>
10/05/2017	 Reply Filed by: Respondent Phung, Doan L <i>Reply Brief in Support for Respondent's Objection to the Probate Commissioner's Report and Recommendation</i>
10/12/2017	 Objection - Probate (9:30 AM) (Judicial Officer: Sturman, Gloria) <i>Notice of Hearing for Respondent Doan L. Phung's Objection to Probate Commissioner's Report and Recommendation Confirming Prior Report and Recommendation Granting Petition to Assume Jurisdiction of Trust, Making Additional Findings of Fact and Conclusions of Law, Confirming Co-Trustees and to Modify Trust, and Request for Judicial Review</i>
12/27/2017	 Order Filed by: Petitioner Doan, Thu Le <i>Order Denying Respondent, Doan L. Phung's Objection to Probate Commissioner's Report and Recommendation and Order Granting Trustee Thu-Le Doan to Decant the Assets of the Fund for the Encouragement of Self Reliance AKA Center for the Encouragement of Reliance Pursuant to NRS 163.556</i>
12/28/2017	 Notice of Entry Filed by: Petitioner Doan, Thu Le <i>Notice of Entry of Order Denying Respondent, Doan L. Phung's Objection to Probate Commissioner's Report and Recommendation and Order Granting Trustee Thu-Le Doan to Decant the Assets of the Fund for the Encouragement of Self Reliance AKA Center for the Encouragement of Reliance Pursuant to NRS 163.556</i>
12/28/2017	 Affidavit of Service Filed by: Petitioner Doan, Thu Le <i>Affidavit of Service</i>
01/19/2018	 Notice of Appeal Filed by: Respondent Phung, Doan L <i>Notice of Appeal</i>
01/19/2018	 Case Appeal Statement Filed by: Respondent Phung, Doan L <i>Case Appeal Statement</i>

DATE

FINANCIAL INFORMATION

| **Petitioner** Doan, Thu Le

FAMILY DOMESTIC
CASE SUMMARY
CASE NO. P-16-089638-T

Total Charges	600.00
Total Payments and Credits	600.00
Balance Due as of 1/23/2018	0.00
Respondent Phung, Doan L	
Total Charges	247.00
Total Payments and Credits	247.00
Balance Due as of 1/23/2018	0.00
Trust Fund for the Encouragement of Self Reliance	
Total Charges	45.50
Total Payments and Credits	45.50
Balance Due as of 1/23/2018	0.00

**EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA
FAMILY COURT COVER SHEET**

P-16-089638-T

CASE NO. _____ (To be assigned by the Clerk's Office)

Do you or any other party in this case (including any minor child) have any other current case(s) or past case(s) in the Family Court or Juvenile Court in Clark County?

☐ YES ☒ NO

If yes, complete the other side of this form

PARTY INFORMATION (Please Print)

Plaintiff/Petitioner		Defendant/Respondent/Co-Petitioner/Ward/Decedent	
Last Name: Doan		Last Name: Fund for the Encouragement of Self Reliance	
First Name: Thu-Le	Middle Name:	First Name:	Middle Name:
Home Address: 4471 Dean Martin Dr. Unit 1010		Home Address: same	
City, State, Zip: Las Vegas, NV 89103		City, State, Zip:	
Mailing Address: SAME AS ABOVE		Mailing Address:	
City, State, Zip:		City, State, Zip:	
Phone #: 702-243-4713	Date of Birth: 07/12/1948	Phone #:	Date of Birth: NA
Attorney Information		Attorney Information	
Name: DARA J. GOLDSMITH	Bar No. 4270	Name: N/A	Bar No:
Address: 2055 VILLAGE CENTER CIRCLE		Address:	
City, State, Zip: LAS VEGAS, NV 89134		City, State, Zip:	
Phone #: (702) 873-9500		Phone #:	

(Check one box only for the type of case being filed with this cover sheet)

DOMESTIC	OTHER DOMESTIC RELATIONS PETITIONS	GUARDIANSHIP	PROBATE
Marriage Dissolution <input type="checkbox"/> Annulment <input type="checkbox"/> Divorce -No minor child(ren) <input type="checkbox"/> Divorce -With minor child(ren) <input type="checkbox"/> Foreign Decree <input type="checkbox"/> Joint Petition -No minor child(ren) <input type="checkbox"/> Joint Petition - With minor child(ren) <input type="checkbox"/> Separate Maintenance	<input type="checkbox"/> Adoption -Minor <input type="checkbox"/> Adoption -Adult <input type="checkbox"/> Child Custody (Non-Divorce) <input type="checkbox"/> Mental Health <input type="checkbox"/> Name Change <input type="checkbox"/> Paternity <input type="checkbox"/> Permission to Marry <input type="checkbox"/> Support - Other <input type="checkbox"/> Temporary Protective Order (TPO) <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Visitation (Non-Divorce) <input type="checkbox"/> Other (identify)	Guardianship of an Adult <input type="checkbox"/> Person <input type="checkbox"/> Estate <input type="checkbox"/> Person and Estate Guardianship of a Minor <input type="checkbox"/> Person <input type="checkbox"/> Estate <input type="checkbox"/> Person and Estate <input type="checkbox"/> Guardianship Trust	<input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside Estates <input checked="" type="checkbox"/> Trust/Conservatorships <input checked="" type="checkbox"/> Individual Trustee <input type="checkbox"/> Corporate Trustee <input type="checkbox"/> Other Probate
MISC. JUVENILE PETITIONS	IV-D CHILD SUPPORT PETITIONS		
<input type="checkbox"/> Work Permit <input type="checkbox"/> Emancipation	<input type="checkbox"/> DA - UIFSA <input type="checkbox"/> Child Support In State IV-D		

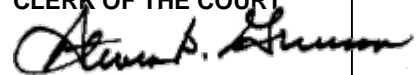
List children involved in this case (If more than 3 children, please enter the information on the reverse side)

Last Name	First Name	Middle Name	Date of Birth	Relationship
1.				
2.				
3.				

Meredith Delaney
Printed Name of Preparer

Meredith Delaney
Signature of Preparer

9-22-2016
Date



1 **ORD**

2 Dara J. Goldsmith, Esq.
3 Nevada Bar No. 4270
4 dgoldsmith@goldguylaw.com
5 Peter Co, Esq.
6 Nevada Bar No. 11938
7 pco@goldguylaw.com
8 2055 Village Center Circle
9 Las Vegas, Nevada 89134
10 Telephone: (702) 873-9500
11 Fax: (702) 873-9600
12 *Attorneys for Petitioner, Thu-Le Doan*

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

10 In the matter of the

11 **FUND FOR THE ENCOURAGEMENT OF**
12 **SELF RELIANCE,**

13 An Irrevocable Trust.

Case No.: P-16-089638-T

Dept.: 26

Date of Hearing: October 12, 2017

Time of Hearing: 9:30 a.m.

14
15 **ORDER DENYING RESPONDENT, DOAN L. PHUNG'S OBJECTION TO PROBATE**
16 **COMMISSIONER'S REPORT AND RECOMMENDATION AND ORDER GRANTING**
17 **TRUSTEE THU-LE DOAN TO DECANT THE ASSETS OF THE FUND FOR THE**
18 **ENCOURAGEMENT OF SELF RELIANCE AKA CENTER FOR THE**
19 **ENCOURAGEMENT OF RELIANCE PURSUANT TO NRS 163.556**

20 This matter came on for hearing on October 12, 2017 before the Honorable Gloria Sturman
21 on Respondent, Doan L. Phung's Objection to Probate Commissioner's Report and
22 Recommendation Confirming Prior Report and Recommendation Granting Petition to Assume
23 Jurisdiction of Trust, Making Additional Findings of Fact and Conclusions of Law, Confirming Co-
24 Trustees and to Modify Trust entered on August 4, 2017. Respondent was present and represented
25 by Michael R. Mushkin, Esq. and L. Joe Coppedge, Esq. of the law firm MUSHKIN CICA
26 COPPEDGE. Petitioner, Thu-Le Doan was present and represented by Dara Goldsmith, Esq. and
27 Peter Co, Esq. of the law firm Goldsmith & Guymon, P.C. The Court, having reviewed the
28

1 Objection, Petitioner's Reply thereto and Respondent's Reply Brief in support of the Objection, and
2 having heard oral arguments from counsel, finds as follows.

- 3 1. That the Fund for the Encouragement of Self Reliance aka Center for the Encouragement
4 of Reliance ("FESR") was created in Nevada, domiciled in Nevada and is subject to
5 Nevada law.
- 6 2. That Thu-Le Doan and Doan L. Phung were Co-Trustees of FESR when Thu-Le Doan
7 filed her Petition to Assume In Rem Jurisdiction of Trust, Confirm Trustee and to Modify
8 Trust on September 22, 2016.
- 9 3. That a trustee has a legal right to decant a trust under NRS 163.556 if the following two
10 prong test is met: (1) "[A] trustee with discretion or authority to distribute trust income or
11 principal to or for a beneficiary of the trust may exercise such discretion or authority in
12 favor of a second trust as provided in this section." NRS 163.556(1) and (2) "A trustee
13 may not appoint property of the original trust to a second trust if: (a) Appointing the
14 property will reduce any income interest of any income beneficiary of the original trust if
15 the original trust is:...(2) A trust for which a charitable deduction has been taken for
16 federal or state income, gift or estate tax purposes..." NRS 163.556(3).
- 17 4. That NRS 163.556 does not state that a trustee has an "absolute right" to decant a trust
18 and that although the Probate Commissioner had incorrectly used the term "absolute
19 right", the Probate Commissioner correctly analyzed NRS 163.556 in finding that
20 Petitioner, Thu-Le Doan, had a right to decant FESR.
- 21 5. That the Probate Commissioner fully analyzed NRS 163.556 and correctly found that
22 Petitioner as Co-Trustee of FESR met the two prong test: (1) that Petitioner had the
23 power of invasion of principal of the trust assets and (2) that there is no reduction of any
24 income interest of any income beneficiary of the trust; and as such has the right to decant
25 FESR.

- 1 6. That Petitioner as Co-Trustee of FESR had the legal right to decant FESR when she
2 initially filed her Petition to Assume In Rem Jurisdiction of Trust, Confirm Trustee and
3 to Modify Trust on September 22, 2016, and that whether or not Petitioner was
4 subsequently removed as Co-Trustee of FESR, does not affect Petitioner's ability to
5 proceed with her petition to decant FESR.
- 6 7. That the Probate Commissioner refused to enjoin FESR from continuing to act, and as the
7 trust continued to act, Petitioner was removed as a Co-Trustee for her failure to
8 participate.
- 9 8. That the Court did not address whether removing Petitioner as a Co-Trustee was wrong
10 as the Court does not believe that it has to look at that since Petitioner had the right to
11 decant FESR when she initiated the action.
- 12 9. That although the parties Marital Settlement Agreement limited a trustee's discretion to
13 make distributions in excess of \$5,000.00, unless agreed to in writing by both trustees,
14 such a limitation did not affect the purpose of FESR which was to provide "micro loans"
15 at favorable interest rates for the purpose of enabling individuals to pursue a trade or
16 business.
- 17 10. That Petitioner, Thu-Le Doan, as Co-Trustee of FESR has a legal right to decant FESR.
- 18 11. That as a matter of law, the Probate Commissioner did not err in applying NRS 163.556,
19 that the Probate Commissioner came to the right conclusion, but used the incorrect term
20 "absolute right" versus "right".
- 21 12. That Respondent, Doan L. Phung's Objection to the Probate Commissioner's Report and
22 Recommendation is denied.
- 23 13. That all of the assets of FESR should be divided equally and Thu-Le Doan's portion is to
24 be decanted into Thu-Le Doan's separate irrevocable charitable trust with Thu-Le Doan
25 serving as sole trustee of her separate irrevocable charitable trust and Doan L. Phung's

1 portion can either remain in FESR with Doan L. Phung serving as the sole Trustee of
2 FESR OR Doan L. Phung's portion may be decanted into a new separate irrevocable
3 charitable trust with Doan L. Phung serving as the sole Trustee of his new separate
4 irrevocable charitable trust.

5 14. That all the assets of FESR including but not limited to: Fidelity accounts x4784, x4840,
6 x9909, x9921, x2574 & x2575; Bank of America account x2956; and any and all real or
7 personal property owned by FESR shall be divided equally and Thu-Le Doan's portion
8 shall be distributed to Thu-Le Doan as Trustee of her separate irrevocable charitable trust
9 and Doan L. Phung's portion can either remain in FESR with Doan L. Phung serving as
10 the sole Trustee of FESR OR Doan L. Phung's portion may be distributed to Doan L.
11 Phung as Trustee of his new separate irrevocable charitable trust.
12

13 15. That a certified copy of this Order may be presented to effectuate any such transfers.
14

15 16. That if one party violates the Charter and causes a tax effect upon the other party, the
16 violating party shall indemnify the other party and make good of it.

17 17. That the VIETNAMESE-AMERICAN SCHOLARSHIP FUND case no. P-16-089637-T
18 and the FUND FOR THE ENCOURAGEMENT OF SELF RELIANCE case no. P-16-
19 089638-T should not be consolidated.

20 18. That this Court should relinquish jurisdiction in accordance with NRS 164.010(3) after
21 the requested relief is granted and proof of the decanting and funding is provided to the
22 Court by Thu-Le Doan.

23 19. That the Petition to Assume Jurisdiction of Trust, Confirm Trustee, and to Modify Trust
24 ought to be granted.
25

26 ...

27 ...

28 ...

1 Based on the foregoing findings, it is hereby

2 **ORDERED, ADJUDGED AND DECREED** that the Fund for the Encouragement
3 of Self Reliance aka Center for the Encouragement of Reliance ("FESR") was created in Nevada,
4 domiciled in Nevada and is subject to Nevada law;

5 **IT IS FURTHER ORDERED ADJUDGED AND DECREED** that Thu-Le Doan
6 and Doan L. Phung were Co-Trustees of FESR when Thu-Le Doan filed her Petition to Assume In
7 Rem Jurisdiction of Trust, Confirm Trustee and to Modify Trust on September 22, 2016;

8 **IT IS FURTHER ORDERED ADJUDGED AND DECREED** that a trustee has a
9 legal right to decant a trust under NRS 163.556 if the following two prong test is met: (1) "[A]
10 trustee with discretion or authority to distribute trust income or principal to or for a beneficiary of
11 the trust may exercise such discretion or authority in favor of a second trust as provided in this
12 section." NRS 163.556(1) and (2) "A trustee may not appoint property of the original trust to a
13 second trust if: (a) Appointing the property will reduce any income interest of any income
14 beneficiary of the original trust if the original trust is:...(2) A trust for which a charitable deduction
15 has been taken for federal or state income, gift or estate tax purposes..." NRS 163.556(3);

16 **IT IS FURTHER ORDERED ADJUDGED AND DECREED** that NRS 163.556
17 does not state that a trustee has an "absolute right" to decant a trust and that although the Probate
18 Commissioner had incorrectly used the term "absolute right", the Probate Commissioner had
19 correctly analyzed NRS 163.556 in finding that Petitioner, Thu-Le Doan, had a right to decant
20 FESR;

21 **IT IS FURTHER ORDERED ADJUDGED AND DECREED** that the Probate
22 Commissioner fully analyzed NRS 163.556 and correctly found that Petitioner as Co-Trustee of
23 FESR met the two prong test: (1) that Petitioner had the power of invasion of principal of the trust
24 assets and (2) that there is no reduction of any income interest of any income beneficiary of the trust;
25 and as such has the right to decant FESR;

1 **IT IS FURTHER ORDERED ADJUDGED AND DECREED** that Petitioner as
2 Co-Trustee of FESR had the legal right to decant FESR when she initially filed her Petition to
3 Assume In Rem Jurisdiction of Trust, Confirm Trustee and to Modify Trust on September 22, 2016,
4 and that whether or not Petitioner was subsequently removed as Co-Trustee of FESR, does not affect
5 Petitioner's ability to proceed with her petition to decant FESR;

6 **IT IS FURTHER ORDERED ADJUDGED AND DECREED** that the Probate
7 Commissioner refused to enjoin FESR from continuing to act, and as the trust continued to act,
8 Petitioner was removed as a Co-Trustee for her failure to participate.

9 **IT IS FURTHER ORDERED ADJUDGED AND DECREED** that the Court did
10 not address whether removing Petitioner as a Co-Trustee was wrong as the Court does not believe
11 that it has to look at that since Petitioner had the right to decant VASF when she initiated the action.

12 **IT IS FURTHER ORDERED ADJUDGED AND DECREED** that although the
13 parties Marital Settlement Agreement limited a trustee's discretion to make distributions in excess of
14 \$5,000.00, unless agreed to in writing by both trustees, such a limitation did not affect the purpose of
15 FESR which was to provide "micro loans" at favorable interest rates for the purpose of enabling
16 individuals to pursue a trade or business;

17 **IT IS FURTHER ORDERED ADJUDGED AND DECREED** that Petitioner, Thu-
18 Le Doan, as Co-Trustee of FESR has a legal right to decant FESR;

19 **IT IS FURTHER ORDERED ADJUDGED AND DECREED** that as a matter of
20 law, the Probate Commissioner did not err in applying NRS 163.556, that the Probate Commissioner
21 came to the right conclusion, but used the incorrect term "absolute right" versus "right";

22 **IT IS FURTHER ORDERED ADJUDGED AND DECREED** that Respondent,
23 Doan L. Phung's Objection to the Probate Commissioner's Report and Recommendation is denied;

24 **IT IS FURTHER ORDERED ADJUDGED AND DECREED** that all of the assets
25 of FESR should be divided equally and Thu-Le Doan's portion is to be decanted into Thu-Le Doan's
26

1 separate irrevocable charitable trust with Thu-Le Doan serving as sole trustee of her separate
2 irrevocable charitable trust and Doan L. Phung's portion can either remain in FESR with Doan L.
3 Phung serving as the sole Trustee of FESR OR Doan L. Phung's portion may be decanted into a new
4 separate irrevocable charitable trust with Doan L. Phung serving as the sole Trustee of his new
5 separate irrevocable charitable trust;

6 **IT IS FURTHER ORDERED ADJUDGED AND DECREED** that all the assets of
7 FESR including but not limited to: Fidelity accounts x4784, x4840, x9909, x9921, x2574 & x2575;
8 Bank of America account x2956; and any and all real or personal property owned by FESR shall be
9 divided equally and Thu-Le Doan's portion shall be distributed to Thu-Le Doan as Trustee of her
10 separate irrevocable charitable trust and Doan L. Phung's portion can either remain in FESR with
11 Doan L. Phung serving as the sole Trustee of FESR OR Doan L. Phung's portion may be distributed
12 to Doan L. Phung as Trustee of his new separate irrevocable charitable trust;
13

14 **IT IS FURTHER ORDERED ADJUDGED AND DECREED** that a certified copy
15 of this Order may be presented to effectuate any such transfers;
16

17 **IT IS FURTHER ORDERED ADJUDGED AND DECREED** that if either party
18 violates the Charter and causes a tax effect upon the other party, the violating party shall indemnify
19 the other party and make good of it;

20 **IT IS FURTHER ORDERED ADJUDGED AND DECREED** that the
21 VIETNAMESE-AMERICAN SCHOLARSHIP FUND case no. P-16-089637-T and the FUND FOR
22 THE ENCOURAGEMENT OF SELF RELIANCE case no. P-16-089638-T should not be
23 consolidated;
24

25 **IT IS FURTHER ORDERED ADJUDGED AND DECREED** that this Court
26 should relinquish jurisdiction in accordance with NRS 164.010(3) after the requested relief is
27 granted and proof of the decanting and funding is provided to the Court by Thu-Le Doan; and
28

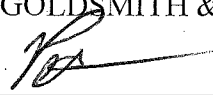
1 **IT IS FURTHER ORDERED ADJUDGED AND DECREED** that the Petition to
2 Assume Jurisdiction of Trust, Confirm Trustee, and to Modify Trust ought to be granted.

3 Dated this 21st day of December, 2017

4
5 
6 _____
7 DISTRICT COURT JUDGE


8 Submitted by:

9 GOLDSMITH & GUYMON, P.C.

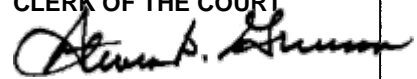
10 
11 _____
12 Dara J. Goldsmith, Esq.
13 Nevada Bar No. 4270
14 Peter Co, Esq.
15 Nevada Bar No. 11938
16 2055 Village Center Circle
17 Las Vegas, NV 89134
18 *Attorneys for Petitioner, Thu-Le Doan*

19 Approved as to form and content by:

20 MUSHKIN OICA COPPEDGE

21 
22 _____
23 Michael R. Mushkin, Esq.
24 Nevada Bar No. 2421
25 L. Joe Coppedge, Esq.
26 Nevada Bar No. 4954
27 4775 South Pecos Road
28 Las Vegas, NV 89121
Attorneys for Respondent, Doan L. Phung

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1 CODE:NEO
2 GOLDSMITH & GUYMON, P.C.
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4 Nevada Bar No. 4270
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13 Attorneys for Thu-Le Doan,
14 Trustor of the FUND FOR
15 THE ENCOURAGEMENT OF SELF RELIANCE

9 DISTRICT COURT

10 CLARK COUNTY, NEVADA

11 In the Matter of the)
12 FUND FOR THE ENCOURAGEMENT OF) Case No. P-16-089638-T
13 SELF RELIANCE) Department PC1
14 An Irrevocable Trust.)

15 NOTICE OF ENTRY OF ORDER DENYING RESPONDENT, DOAN L. PHUNG'S
16 OBJECTION TO PROBATE COMMISSIONER'S REPORT AND RECOMMENDATION AND
17 ORDER GRANTING TRUSTEE THU-LE DOAN TO DECANT THE ASSETS OF THE FUND
18 FOR THE ENCOURAGEMENT OF SELF RELIANCE AKA CENTER FOR THE
19 ENCOURAGEMENT OF RELIANCE PURSUANT TO NRS 163.556


20 TO ALL PARTIES IN INTEREST:

21 YOU ARE HEREBY NOTICED that the above-entitled Order, filed on
22 December 27, 2017, was entered herein on December 28, 2017. A copy of
23 said Order is attached hereto.

24 DATED this 28th day of December, 2017.

25 SUBMITTED BY:

26 GOLDSMITH & GUYMON, P.C.

27 By: 
28 Dara J. Goldsmith, Esq.
Nevada Bar No. 4270
Peter Co, Esq.
Nevada Bar No. 11938
2055 Village Center Circle
Las Vegas, Nevada 89134
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1 **ORD**

2 Dara J. Goldsmith, Esq.
3 Nevada Bar No. 4270
4 dgoldsmith@goldguyllaw.com
5 Peter Co, Esq.
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10 Telephone: (702) 873-9500
11 Fax: (702) 873-9600
12 *Attorneys for Petitioner, Thu-Le Doan*

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

10 In the matter of the

11 FUND FOR THE ENCOURAGEMENT OF
12 SELF RELIANCE,

13 An Irrevocable Trust.

Case No.: P-16-089638-T

Dept.: 26

Date of Hearing: October 12, 2017

Time of Hearing: 9:30 a.m.

14
15 **ORDER DENYING RESPONDENT, DOAN L. PHUNG'S OBJECTION TO PROBATE**
16 **COMMISSIONER'S REPORT AND RECOMMENDATION AND ORDER GRANTING**
17 **TRUSTEE THU-LE DOAN TO DECANT THE ASSETS OF THE FUND FOR THE**
18 **ENCOURAGEMENT OF SELF RELIANCE AKA CENTER FOR THE**
19 **ENCOURAGEMENT OF RELIANCE PURSUANT TO NRS 163.556**

20 This matter came on for hearing on October 12, 2017 before the Honorable Gloria Sturman
21 on Respondent, Doan L. Phung's Objection to Probate Commissioner's Report and
22 Recommendation Confirming Prior Report and Recommendation Granting Petition to Assume
23 Jurisdiction of Trust, Making Additional Findings of Fact and Conclusions of Law, Confirming Co-
24 Trustees and to Modify Trust entered on August 4, 2017. Respondent was present and represented
25 by Michael R. Mushkin, Esq. and L. Joe Coppedge, Esq. of the law firm MUSHKIN CICA
26 COPPEDGE. Petitioner, Thu-Le Doan was present and represented by Dara Goldsmith, Esq. and
27 Peter Co, Esq. of the law firm Goldsmith & Guymon, P.C. The Court, having reviewed the
28

1 Objection, Petitioner's Reply thereto and Respondent's Reply Brief in support of the Objection, and
2 having heard oral arguments from counsel, finds as follows.

- 3 1. That the Fund for the Encouragement of Self Reliance aka Center for the Encouragement
4 of Reliance ("FESR") was created in Nevada, domiciled in Nevada and is subject to
5 Nevada law.
- 6 2. That Thu-Le Doan and Doan L. Phung were Co-Trustees of FESR when Thu-Le Doan
7 filed her Petition to Assume In Rem Jurisdiction of Trust, Confirm Trustee and to Modify
8 Trust on September 22, 2016.
- 9 3. That a trustee has a legal right to decant a trust under NRS 163.556 if the following two
10 prong test is met: (1) "[A] trustee with discretion or authority to distribute trust income or
11 principal to or for a beneficiary of the trust may exercise such discretion or authority in
12 favor of a second trust as provided in this section." NRS 163.556(1) and (2) "A trustee
13 may not appoint property of the original trust to a second trust if: (a) Appointing the
14 property will reduce any income interest of any income beneficiary of the original trust if
15 the original trust is:...(2) A trust for which a charitable deduction has been taken for
16 federal or state income, gift or estate tax purposes..." NRS 163.556(3).
- 17 4. That NRS 163.556 does not state that a trustee has an "absolute right" to decant a trust
18 and that although the Probate Commissioner had incorrectly used the term "absolute
19 right", the Probate Commissioner correctly analyzed NRS 163.556 in finding that
20 Petitioner, Thu-Le Doan, had a right to decant FESR.
- 21 5. That the Probate Commissioner fully analyzed NRS 163.556 and correctly found that
22 Petitioner as Co-Trustee of FESR met the two prong test: (1) that Petitioner had the
23 power of invasion of principal of the trust assets and (2) that there is no reduction of any
24 income interest of any income beneficiary of the trust; and as such has the right to decant
25 FESR.
26
27
28

- 1 6. That Petitioner as Co-Trustee of FESR had the legal right to decant FESR when she
2 initially filed her Petition to Assume In Rem Jurisdiction of Trust, Confirm Trustee and
3 to Modify Trust on September 22, 2016, and that whether or not Petitioner was
4 subsequently removed as Co-Trustee of FESR, does not affect Petitioner's ability to
5 proceed with her petition to decant FESR.
- 6 7. That the Probate Commissioner refused to enjoin FESR from continuing to act, and as the
7 trust continued to act, Petitioner was removed as a Co-Trustee for her failure to
8 participate.
- 9 8. That the Court did not address whether removing Petitioner as a Co-Trustee was wrong
10 as the Court does not believe that it has to look at that since Petitioner had the right to
11 decant FESR when she initiated the action.
- 12 9. That although the parties Marital Settlement Agreement limited a trustee's discretion to
13 make distributions in excess of \$5,000.00, unless agreed to in writing by both trustees,
14 such a limitation did not affect the purpose of FESR which was to provide "micro loans"
15 at favorable interest rates for the purpose of enabling individuals to pursue a trade or
16 business.
- 17 10. That Petitioner, Thu-Le Doan, as Co-Trustee of FESR has a legal right to decant FESR.
- 18 11. That as a matter of law, the Probate Commissioner did not err in applying NRS 163.556,
19 that the Probate Commissioner came to the right conclusion, but used the incorrect term
20 "absolute right" versus "right".
- 21 12. That Respondent, Doan L. Phung's Objection to the Probate Commissioner's Report and
22 Recommendation is denied.
- 23 13. That all of the assets of FESR should be divided equally and Thu-Le Doan's portion is to
24 be decanted into Thu-Le Doan's separate irrevocable charitable trust with Thu-Le Doan
25 serving as sole trustee of her separate irrevocable charitable trust and Doan L. Phung's

1 portion can either remain in FESR with Doan L. Phung serving as the sole Trustee of
2 FESR OR Doan L. Phung's portion may be decanted into a new separate irrevocable
3 charitable trust with Doan L. Phung serving as the sole Trustee of his new separate
4 irrevocable charitable trust.

5 14. That all the assets of FESR including but not limited to: Fidelity accounts x4784, x4840,
6 x9909, x9921, x2574 & x2575; Bank of America account x2956; and any and all real or
7 personal property owned by FESR shall be divided equally and Thu-Le Doan's portion
8 shall be distributed to Thu-Le Doan as Trustee of her separate irrevocable charitable trust
9 and Doan L. Phung's portion can either remain in FESR with Doan L. Phung serving as
10 the sole Trustee of FESR OR Doan L. Phung's portion may be distributed to Doan L.
11 Phung as Trustee of his new separate irrevocable charitable trust.
12

13 15. That a certified copy of this Order may be presented to effectuate any such transfers.
14

15 16. That if one party violates the Charter and causes a tax effect upon the other party, the
16 violating party shall indemnify the other party and make good of it.

17 17. That the VIETNAMESE-AMERICAN SCHOLARSHIP FUND case no. P-16-089637-T
18 and the FUND FOR THE ENCOURAGEMENT OF SELF RELIANCE case no. P-16-
19 089638-T should not be consolidated.

20 18. That this Court should relinquish jurisdiction in accordance with NRS 164.010(3) after
21 the requested relief is granted and proof of the decanting and funding is provided to the
22 Court by Thu-Le Doan.
23

24 19. That the Petition to Assume Jurisdiction of Trust, Confirm Trustee, and to Modify Trust
25 ought to be granted.

26 ...

27 ...

28 ...

1 Based on the foregoing findings, it is hereby

2 **ORDERED, ADJUDGED AND DECREED** that the Fund for the Encouragement
3 of Self Reliance aka Center for the Encouragement of Reliance ("FESR") was created in Nevada,
4 domiciled in Nevada and is subject to Nevada law;

5 **IT IS FURTHER ORDERED ADJUDGED AND DECREED** that Thu-Le Doan
6 and Doan L. Phung were Co-Trustees of FESR when Thu-Le Doan filed her Petition to Assume In
7 Rem Jurisdiction of Trust, Confirm Trustee and to Modify Trust on September 22, 2016;

8 **IT IS FURTHER ORDERED ADJUDGED AND DECREED** that a trustee has a
9 legal right to decant a trust under NRS 163.556 if the following two prong test is met: (1) "[A]
10 trustee with discretion or authority to distribute trust income or principal to or for a beneficiary of
11 the trust may exercise such discretion or authority in favor of a second trust as provided in this
12 section." NRS 163.556(1) and (2) "A trustee may not appoint property of the original trust to a
13 second trust if: (a) Appointing the property will reduce any income interest of any income
14 beneficiary of the original trust if the original trust is:...(2) A trust for which a charitable deduction
15 has been taken for federal or state income, gift or estate tax purposes..." NRS 163.556(3);
16

17 **IT IS FURTHER ORDERED ADJUDGED AND DECREED** that NRS 163.556
18 does not state that a trustee has an "absolute right" to decant a trust and that although the Probate
19 Commissioner had incorrectly used the term "absolute right", the Probate Commissioner had
20 correctly analyzed NRS 163.556 in finding that Petitioner, Thu-Le Doan, had a right to decant
21 FESR;
22

23 **IT IS FURTHER ORDERED ADJUDGED AND DECREED** that the Probate
24 Commissioner fully analyzed NRS 163.556 and correctly found that Petitioner as Co-Trustee of
25 FESR met the two prong test: (1) that Petitioner had the power of invasion of principal of the trust
26 assets and (2) that there is no reduction of any income interest of any income beneficiary of the trust;
27 and as such has the right to decant FESR;
28

1 **IT IS FURTHER ORDERED ADJUDGED AND DECREED** that Petitioner as
2 Co-Trustee of FESR had the legal right to decant FESR when she initially filed her Petition to
3 Assume In Rem Jurisdiction of Trust, Confirm Trustee and to Modify Trust on September 22, 2016,
4 and that whether or not Petitioner was subsequently removed as Co-Trustee of FESR, does not affect
5 Petitioner's ability to proceed with her petition to decant FESR;

6 **IT IS FURTHER ORDERED ADJUDGED AND DECREED** that the Probate
7 Commissioner refused to enjoin FESR from continuing to act, and as the trust continued to act,
8 Petitioner was removed as a Co-Trustee for her failure to participate.

9 **IT IS FURTHER ORDERED ADJUDGED AND DECREED** that the Court did
10 not address whether removing Petitioner as a Co-Trustee was wrong as the Court does not believe
11 that it has to look at that since Petitioner had the right to decant VASF when she initiated the action.

12 **IT IS FURTHER ORDERED ADJUDGED AND DECREED** that although the
13 parties Marital Settlement Agreement limited a trustee's discretion to make distributions in excess of
14 \$5,000.00, unless agreed to in writing by both trustees, such a limitation did not affect the purpose of
15 FESR which was to provide "micro loans" at favorable interest rates for the purpose of enabling
16 individuals to pursue a trade or business;

17 **IT IS FURTHER ORDERED ADJUDGED AND DECREED** that Petitioner, Thu-
18 Le Doan, as Co-Trustee of FESR has a legal right to decant FESR;

19 **IT IS FURTHER ORDERED ADJUDGED AND DECREED** that as a matter of
20 law, the Probate Commissioner did not err in applying NRS 163.556, that the Probate Commissioner
21 came to the right conclusion, but used the incorrect term "absolute right" versus "right";

22 **IT IS FURTHER ORDERED ADJUDGED AND DECREED** that Respondent,
23 Doan L. Phung's Objection to the Probate Commissioner's Report and Recommendation is denied;

24 **IT IS FURTHER ORDERED ADJUDGED AND DECREED** that all of the assets
25 of FESR should be divided equally and Thu-Le Doan's portion is to be decanted into Thu-Le Doan's
26

1 separate irrevocable charitable trust with Thu-Le Doan serving as sole trustee of her separate
2 irrevocable charitable trust and Doan L. Phung's portion can either remain in FESR with Doan L.
3 Phung serving as the sole Trustee of FESR OR Doan L. Phung's portion may be decanted into a new
4 separate irrevocable charitable trust with Doan L. Phung serving as the sole Trustee of his new
5 separate irrevocable charitable trust;

6 **IT IS FURTHER ORDERED ADJUDGED AND DECREED** that all the assets of
7 FESR including but not limited to: Fidelity accounts x4784, x4840, x9909, x9921, x2574 & x2575;
8 Bank of America account x2956; and any and all real or personal property owned by FESR shall be
9 divided equally and Thu-Le Doan's portion shall be distributed to Thu-Le Doan as Trustee of her
10 separate irrevocable charitable trust and Doan L. Phung's portion can either remain in FESR with
11 Doan L. Phung serving as the sole Trustee of FESR OR Doan L. Phung's portion may be distributed
12 to Doan L. Phung as Trustee of his new separate irrevocable charitable trust;
13

14 **IT IS FURTHER ORDERED ADJUDGED AND DECREED** that a certified copy
15 of this Order may be presented to effectuate any such transfers;
16

17 **IT IS FURTHER ORDERED ADJUDGED AND DECREED** that if either party
18 violates the Charter and causes a tax effect upon the other party, the violating party shall indemnify
19 the other party and make good of it;

20 **IT IS FURTHER ORDERED ADJUDGED AND DECREED** that the
21 VIETNAMESE-AMERICAN SCHOLARSHIP FUND case no. P-16-089637-T and the FUND FOR
22 THE ENCOURAGEMENT OF SELF RELIANCE case no. P-16-089638-T should not be
23 consolidated;
24

25 **IT IS FURTHER ORDERED ADJUDGED AND DECREED** that this Court
26 should relinquish jurisdiction in accordance with NRS 164.010(3) after the requested relief is
27 granted and proof of the decanting and funding is provided to the Court by Thu-Le Doan; and
28


1 **IT IS FURTHER ORDERED ADJUDGED AND DECREED** that the Petition to
2 Assume Jurisdiction of Trust, Confirm Trustee, and to Modify Trust ought to be granted.

3 Dated this 21st day of December, 2017

4
5 
6 _____
7 DISTRICT COURT JUDGE


8 Submitted by:

9 GOLDSMITH & GUYMON, P.C.

10 
11 _____
12 Dara J. Goldsmith, Esq.
13 Nevada Bar No. 4270
14 Peter Co, Esq.
15 Nevada Bar No. 11938
16 2055 Village Center Circle
17 Las Vegas, NV 89134
18 *Attorneys for Petitioner, Thu-Le Doan*

19 Approved as to form and content by:

20 MUSHKIN CICA COPPEDGE

21 
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23 Michael R. Mushkin, Esq.
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25 L. Joe Coppedge, Esq.
26 Nevada Bar No. 4954
27 4775 South Pecos Road
28 Las Vegas, NV 89121
Attorneys for Respondent, Doan L. Phung

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate -
Trust/Conservatorships**

COURT MINUTES

October 14, 2016

P-16-089638-T In the Matter of the Trust of:
Fund for the Encouragement of Self Reliance

October 14, 2016 9:30 AM Citation - HM

HEARD BY: Yamashita, Wesley

COURTROOM: RJC Courtroom 03F

COURT CLERK: Sharon Chun

PARTIES:

Doan Phung, Respondent, present
Fund for the Encouragement of Self Reliance,
Trust, not present
Thu Le Doan, Petitioner, present

L. JOE COPPEDGE, Attorney, not present

Dara Goldsmith, Attorney, present

JOURNAL ENTRIES

- PETITION TO ASSUME IN REM JURISDICTION OF TRUST, CONFIRM TRUSTEE AND TO MODIFY TRUST

COMMISSIONER ADVISED he will hear both cases together at this time:

P089637 - Vietnamese American Scholarship Fund and
P089638 - Fund For the Encouragement of Self Reliance together.

ALSO PRESENT at Ms. Goldsmith's table: Marshal Willick, Esq., Thu Le Doan's primary counsel in the other case that was raised in the Opposition.

COMMISSIONER NOTED he has read everything and is aware of the position of both sides.
COMMISSIONER ALSO NOTED there is the principle of decanting and ADVISED that this Court can make irrevocables, changeable, upon proper conditions and proper reasons why.

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COMMISSIONER STATED that it appears the administration of the Trusts are at a loggerhead and the parties cannot function together to accomplish the goals of the Trusts. COMMISSIONER INQUIRED why the parties do not split, decant, and control their own Trust?

Mr. Mushkin, Mr. Coppedge, and Ms. Goldsmith argued in support of their moving papers. Mr. Mushkin requested an evidentiary hearing set.

COMMISSIONER RECOMMENDED a Report and Recommendation to issue as to the following:

COMMISSIONER FINDS AND RECOMMENDS:

- 1) This Court takes jurisdiction of both of these Trusts.
- 2) This Court will recognize and confirm Trustees.
- 3) Because of the administrative issues, the functional purposes of the Trusts really cannot be accomplished and is unworkable. In order to be able to accomplish and not to have to worry about what each side is doing and that each side may or may not be over-controlling, there is sufficient reason and it is appropriate, to DECANT INTO A NEW ONE ON MS. GOLDSMITH'S SIDE AND MR. MUSHKIN'S SIDE MAY MAKE A CHOICE ON THE DECANT OR TO RETAIN THE OLD ONE.

COMMISSIONER ADVISED that both sides need an understanding that if one side does something that violates the Charter, so to speak, and causes a tax effect upon the other party, they are to indemnify and to make good if it does come about.

Ms. Goldstein inquired if the Court will put into effect that no action will be taken by each other. Mr. Mushkin requested \$16 Million Dollar bond set because that is what is in the Trusts right now. Mr. Mushkin reiterated that if the Court were to take evidence it would show that all of the work, all of the time, for all of the Trusts, has been done by his client and the participant has been a passive participant. He also noted that applications for scholarships are waiting and if stopped, then no charitable purpose can take place; that is not appropriate.

COMMISSIONER RECOMMENDED, if these are legitimate scholarships, they ought to be continuing. Ms. Goldsmith stated she thought they could make determinations by reviewing the scholarship applications. COMMISSIONER ADMONISHED parties that given the direction right now, they are to use all caution. As of this point, if they wish to grant any scholarships, it may ultimately be split out of Dr. Phung's half. COMMISSIONER STATED they are encouraged to look at it and if there is to be a continuation of genuine scholarships, that part needs to be examined.

Mr. Mushkin reiterated his bond inquiry. COMMISSIONER ADVISED that as to anything of another nature, he cannot issue any kind of injunction without some type of bond and queried if the parties

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can work together or if the Court will have to require a substantial bond in the interim. Ms. Goldsmith reiterated they will try to reach an agreement if all pending scholarship applications are forwarded to her client for review. She suggested that all scholarship distributions are allocated from Dr. Phung's half of the charitable trusts.

COMMISSIONER RECOMMENDED that at this point, the scholarship program continues, upon which they must agree. COMMISSIONER FURTHER RECOMMENDED that Dr. Phung is to provide a copy of all applications to Ms. Goldsmith's client for an honest and impartial review as to acceptability. Mr. Willick requested all applications sent to Ms. Goldsmith's office, not to his office. Mr. Mushkin noted his agreement.

Ms. Goldsmith confirmed she will prepare the two Reports and Recommendations since there are the two cases. Mr. Mushkin inquired if the two cases should be consolidated. Following a brief discussion, COMMISSIONER RECOMMENDED the two Trusts should be kept separate.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate -
Trust/Conservatorships**

COURT MINUTES

January 20, 2017

P-16-089638-T In the Matter of the Trust of:
Fund for the Encouragement of Self Reliance

January 20, 2017 9:30 AM Petition - HM

HEARD BY: Yamashita, Wesley

COURTROOM: RJC Courtroom 14C

COURT CLERK: Sharon Chun; Brynn Griffiths

PARTIES:

Doan Phung, Respondent, present
Fund for the Encouragement of Self Reliance,
Trust, not present
Thu Le Doan, Petitioner, not present

L. Joe Coppedge, Attorney, present

Dara Goldsmith, Attorney, present

JOURNAL ENTRIES

- Petition for Declaratory Judgment

COMMISSIONER ADVISED that he will address the petitions for Case No. P089637 and P089638 at the same time.

COMMISSIONER NOTED a Report and Recommendation of the October hearing is now set for hearing before Judge Sturman on 2/2/17. Following arguments by Ms. Goldsmith and Mr. Mushkin, COMMISSIONER STATED he made his recommendation and does not think he should make a substantial ruling that would impact the Judge's decision and he wants to first see how the Judge rules.

COMMISSIONER RECOMMENDED, Petitions for Declaratory Judgment in Case No. P089637 and

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P089638, OFF CALENDAR; counsel may renotice.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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DISTRICT COURT
CLARK COUNTY, NEVADA

**Probate -
Trust/Conservatorships**

COURT MINUTES

February 01, 2017

P-16-089638-T In the Matter of the Trust of:
Fund for the Encouragement of Self Reliance

February 01, 2017 9:30 AM Motion

HEARD BY: Sturman, Gloria

COURTROOM: RJC Courtroom 10D

COURT CLERK: Kory Schlitz

PARTIES:

Doan Phung, Respondent, present
Fund for the Encouragement of Self Reliance,
Trust, not present
Thu Le Doan, Petitioner, present

L. Joe Coppedge, Attorney, present

Dara Goldsmith, Attorney, present

JOURNAL ENTRIES

- Upon Court's inquiry, Mr. Mushkin stated a series of allegations have been made regarding the administration of the trust and the ability for the trust to continue to be administrated. Mr. Mushkin stated that matter is in dispute and requested a 90 day Discovery period, and further requested an Evidentiary Hearing. Mr. Mushkin further requested case number P-16-089637-T and P-16-089638-T be combined, additionally requesting to combine the Petition for Declaratory Relief. Upon Court's inquiry, Mr. Mushkin stated this objection is not about money, however, is about the trustees. Ms. Goldsmith argued the Petition was filed to decant, since the parties cannot get along, stating the trust should be divided into two separate trusts. Ms. Goldsmith further stated her client cannot work with the other trustee, and argued the Commissioner did not make an error in his ruling. Ms. Mushkin argued there is no evidence that the Petitioner is afraid of the Respondent. Upon Court's inquiry, Mr. Mushkin is requesting this Court to look at the case, stating they have filed a Petition for Declaratory Relief. COURT ORDERED, Motion GRANTED IN PART, matter SENT BACK to the Probate

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Commissioner to review and clarify if there are any questions of material fact that in any way changes the legal interpretation under the statute. Mr. Mushkin indicated he would prepare the order and run it by opposing counsel.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate -
Trust/Conservatorships**

COURT MINUTES

April 21, 2017

P-16-089638-T In the Matter of the Trust of:
Fund for the Encouragement of Self Reliance

April 21, 2017 9:30 AM Petition - HM

HEARD BY: Yamashita, Wesley **COURTROOM:** RJC Courtroom 14C

COURT CLERK: Brynn Griffiths; Tena Jolley

PARTIES:

Doan Phung, Respondent, not present	L. JOE COPPEDGE, Attorney, not present
Fund for the Encouragement of Self Reliance, Trust, not present	
Thu Le Doan, Petitioner, not present	Dara Goldsmith, Attorney, not present

JOURNAL ENTRIES

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

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate -
Trust/Conservatorships**

COURT MINUTES

April 28, 2017

P-16-089638-T In the Matter of the Trust of:
Fund for the Encouragement of Self Reliance

April 28, 2017 9:30 AM Petition - HM

HEARD BY: Yamashita, Wesley **COURTROOM:** RJC Courtroom 14C

COURT CLERK: Connie Bloom; Tena Jolley

PARTIES:

Doan Phung, Respondent, present	L. JOE COPPEDGE, Attorney, present
Fund for the Encouragement of Self Reliance, Trust, not present	
Thu Le Doan, Petitioner, present	Dara Goldsmith, Attorney, present

JOURNAL ENTRIES

- - Request to Place (1) Petition to Assume in Rem Jurisdiction of Trust, Confirm Trustee and to Modify Trust and (2) Petition for Declaratory Judgment on Probate Commissioner's Calendar for Decision

COMMISSIONER NOTED that Judge Sturman's Order sent this back for him to indicate whether he has question of facts that require a hearing, or further matters, or if a matter of law or fact.

Mr. Mushkin noted that the Judge inquired if questions of fact impacted or mitigated different relief for the decanting statutes. He argued that all facts are in dispute, including material facts, and requested an evidentiary hearing scheduled.

Ms. Goldsmith argued that the NV statute enables this Court to decant. This Court has the ability to

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appoint income and principal and facts have been presented that they do not get along; the Court can consider that. Mr. Willick argued that Mr. Fung's lack of credibility should be considered.

Following additional arguments by Mr. Mushkin and Ms. Goldsmith and discussion between the Commissioner and counsels, COMMISSIONER NOTED that he has had more time to review this since first on calendar.

COMMISSIONER STATED that in both, under NRS 163 as well as the TN Annotated 35-15-816, it appears to be an absolute right vested in the Trustee. The only requirement is that I find that they have the power of invasion of principle. It does not appear anywhere to say that I have to make an associative reason why. Although it was illuminating, but not directive enough that I would have to depend on specific evidence or instances of evidence of why things may or may not be workable. It appears from both statutes, this is an absolute right of a Trustee who has that power, so I have to make that finding. That is the only finding I truly have to make; it does not affect a fixed income interest and since it is all discretionary it does not affect that. The major difference between TN and NV is that TN says "part or all" and NV just says "to a second trust". So that is the major difference and there is a question as to what that means. I believe that to make it workable and to make it fall within what I think ought to be done, she can make that determination under TN all or part and she's determined half. Under the second one it is not as clear, but the implication is that you can do a second which would require, not just the second, but two seconds and the original would be taken out. I believe that is all the material facts that I have to find.

COMMISSIONER NOTED that because he did not previously have time to review this more closely, he will amend the Report and Recommendation to state that those facts, although they may have been eliminating as to conditions, are not determining of the ultimate resolution, which is an absolute right of a Trustee that holds that power.

Mr. Mushkin requested the Court prepare the order because he has a problem with the Court ignoring the contract; these parties have a separate contract. COMMISSIONER STATED he understands that, but what he wants to see is a Report and Recommendation, as a rewrite of what he's finding and then put specifically that I feel that the issue of the irrevocability of the trust is in effect, the trust statutes come into play, and the Court is relying on the trust statutes and the ability and the rights of the Trustee, to the exclusion of the contract rights.

Ms. Goldsmith confirmed she will prepare the Report and Recommendation and run it by Mr. Mushkin.

/schun 5-5-17

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FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate -
Trust/Conservatorships**

COURT MINUTES

October 12, 2017

P-16-089638-T In the Matter of the Trust of:
Fund for the Encouragement of Self Reliance

October 12, 2017 9:30 AM Objection - Probate

HEARD BY: Sturman, Gloria

COURTROOM: RJC Courtroom 10D

COURT CLERK: Lorna Shell

PARTIES:

Doan Phung, Respondent, present
Fund for the Encouragement of Self Reliance,
Trust, not present
Thu Le Doan, Petitioner, present

L. JOE COPPEDGE, Attorney, present

Dara Goldsmith, Attorney, present

JOURNAL ENTRIES

- Also present was Marshall Willick, Esq. and Peter Co, Esq. representing Thu Doan and Michael Mushkin, Esq. representing Doan Phung.

Mr. Mushkin argued the Commissioner relied on NRCP 163.556 and misapplied the statute and that a trustee does not have an absolute right to decant a trust. Mr. Mushkin further argued regarding the intent of the settlers, whether decanting reduced income, whether the trust was tax free subject to those decanting s, that it was a charitable trust registered under 501(c)(3), and that an Evidentiary Hearing should be set. Ms. Goldsmith argued there were no disputed material fact that the Commissioner failed to follow EDCR 4.17(a) and that the trustee had the right to decant. Mr. Willick argued that Thu Doan may have missed some meetings; however he was there representing her. Colloquy regarding the effect of the removal of a trustee. Mr. Mushkin argued Ms. Doan signed a contract agreeing her discretion was less than \$5,000 to decant. Mr. Mushkin further argued

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regarding what discretion Ms. Doan had as trustee. COURT STATED FINDINGS and ORDERED, Objection DENIED as there was no error in the ruling by the Commissioner.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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

MICHAEL R. MUSHKIN, ESQ.
4475 S. PECOS RD.
LAS VEGAS, NV 89121

DATE: January 23, 2018
CASE: P-16-089638-T

RE CASE: In the Matter of the Trust of: FUND FOR THE ENCOURAGEMENT OF SELF RELIANCE

NOTICE OF APPEAL FILED: January 19, 2018

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

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

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

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

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

****Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.**

Certification of Copy

State of Nevada }
County of Clark } SS:

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

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER DENYING RESPONDENT, DOAN L. PHUNG'S OBJECTION TO PROBATE COMMISSIONER'S REPORT AND RECOMMENDATION AND ORDER GRANTING TRUSTEE THU-LE DOAN TO DECANT THE ASSETS OF THE FUND FOR THE ENCOURAGEMENT OF SELF RELIANCE AKA CENTER FOR THE ENCOURAGEMENT OF RELIANCE PURSUANT TO NRS 163.556; NOTICE OF ENTRY OF ORDER DENYING RESPONDENT, DOAN L. PHUNG'S OBJECTION TO PROBATE COMMISSIONER'S REPORT AND RECOMMENDATION AND ORDER GRANTING TRUSTEE THU-LE DOAN TO DECANT THE ASSETS OF THE FUND FOR THE ENCOURAGEMENT OF SELF RELIANCE AKA CENTER FOR THE ENCOURAGEMENT OF RELIANCE PURSUANT TO NRS 163.556; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

In the Matter of the Trust of:

FUND FOR THE ENCOURAGEMENT OF
SELF RELIANCE

Case No: P-16-089638-T

Dept No: XXVI

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 23 day of January 2018.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk