**OPPS**

TCM LAW
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1614 S. Maryland Pkwy.
Las Vegas, NV 89104
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Email: tcm@tcmlawgroup.com
*Attorneys for Paul Valer Colman and
The Colman Family Revocable Living
Trust dated June 23, 2011*

Electronically Filed
Feb 06 2018 08:51 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

DISTRICT COURT**CLARK COUNTY, NEVADA**

In the Matter of the Colman Family Revocable
Living Trust date June 23, 2011,

Case No.: P-17-093518-T
Dept. No.: PC1 (Probate)

A Non-Testamentary Trust.

NOTICE OF APPEAL

Notice is hereby given that PAUL VALER COLMAN, Trustee of THE COLMAN FAMILY REVOCABLE LIVING TRUST dated June 23, 2011; THE COLMAN FAMILY REVOCABLE LIVING TRUST dated June 23, 2011, HEREBY APPEALS TO THE Supreme Court of Nevada for the order denying PETITION TO ASSUME JURISDICTION OF TRUST, AND FOR CONFIRMATION OF BENEFICIARY OF REAL PROPERTY. Notice of entry of such order was filed on January 19, 2018.

Dated this 26th January, 2018 day of November ~~2017~~.

TCM LAW

By: 

SCOTT B. OLIFANT, ESQ.

Nevada Bar No. 7471
1614 S. Maryland Pkwy
Las Vegas, Nevada 89104

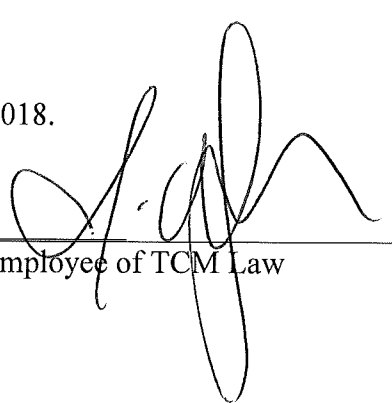
*Attorneys for Paul Valer Colman and
The Colman Family Revocable Living
Trust dated June 23, 2011*

CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of January 2018, I served a copy of the foregoing NOTICE OF APPEAL upon each of the parties registered with the Court's electronic filing via Odyssey E-Filing System pursuant to NRCF 5(b)(2)(D) and EDCR 8.05:

KENNETH E. LEE
RUSHFORTH LEE & KIEFER, LLP
1707 VILLAGE CENTER CIRCLE, SUITE 150
LAS VEGAS, NV 89134
E-MAIL: probate@rlklegal.com

Dated this 29th day of January 2018.



An employee of TCM Law

FAMILY DOMESTIC
CASE SUMMARY
CASE NO. P-17-093518-T

In the Matter of the Trust of:
Colman Family Revocable Living Trust

§
§
§
§
§

Location: **Family Domestic**
Judicial Officer: **Judge Sturman, Probate**
Filed on: **11/13/2017**
Cross-Reference Case Number: **P093518**

CASE INFORMATION

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

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number: P-17-093518-T
Court: Family Domestic
Date Assigned: 11/13/2017
Judicial Officer: Judge Sturman, Probate







PARTY INFORMATION

Petitioner	Collier, Tonya	<i>Lead Attorneys</i> Lee, Kennedy E. <i>Retained</i> 702-255-4552(W)
Trust	Colman Family Revocable Living Trust	Olifant, Scott B. <i>Retained</i> 702-462-6161(W)

DATE

EVENTS & ORDERS OF THE COURT

INDEX

11/13/2017	 Petition Filed by: Petitioner Collier, Tonya <i>Petition to Assume Jurisdiction of Trust, and for Confirmation of Beneficiary of Real Property</i>
11/13/2017	 Notice of Lis Pendens Filed by: Petitioner Collier, Tonya <i>Notice of Lis Pendens</i>
11/13/2017	 Notice of Hearing Filed by: Petitioner Collier, Tonya NOTICE OF HEARING ON PETITION TO ASSUME JURISDICTION OF TRUST, AND FOR CONFIRMATION OF BENEFICIARY OF REAL PROPERTY
11/14/2017	 Certificate of Mailing Filed by: Petitioner Collier, Tonya <i>Certificate of Mailing</i>
11/17/2017	 Opposition/Response/Objection/Reply Filed by: Trust Colman Family Revocable Living Trust <i>Objection to Petition to Assume Jurisdiction of Trust and for Confirmation of Beneficiary of Real Property, Motion to Dismiss Petition and Motion to Quash Unlawful Lis Pendens</i>
11/29/2017	 Affidavit of Publication Filed by: Petitioner Collier, Tonya

FAMILY DOMESTIC
CASE SUMMARY
CASE NO. P-17-093518-T

	<i>Affidavit of Publication</i>	
12/12/2017	 Reply Filed by: Petitioner Collier, Tonya <i>Reply in Support of Petition to Assume Jurisdiction of Trust, and for Confirmation of Beneficiary of Real Property</i>	
12/15/2017	Petition - HM (9:30 AM) (Hearing Master: Yamashita, Wesley) <i>Petition to Assume Jurisdiction of Trust, and for Confirmation of beneficiary of Real Property</i>	
01/19/2018	 Report and Recommendations Filed by: Petitioner Collier, Tonya <i>Report and Recommendations Regarding Petition to Assume Jurisdiction of Trust, and for Confirmation of Beneficiary of Real Property</i>	
01/19/2018	 Notice Filed by: Petitioner Collier, Tonya <i>Notice of Entry of Report and Recommendations Regarding Petition to Assume Jurisdiction of Trust and For Confirmation of Beneficiary of Real Property</i>	
01/22/2018	 Certificate of Mailing Filed by: Petitioner Collier, Tonya <i>Certificate of Mailing</i>	
01/28/2018	 Notice of Appeal Filed by: Trust Colman Family Revocable Living Trust <i>Notice of Appeal</i>	
DATE	FINANCIAL INFORMATION	
	Petitioner Collier, Tonya Total Charges Total Payments and Credits Balance Due as of 1/30/2018	 537.50 537.50 0.00
	Trust Colman Family Revocable Living Trust Total Charges Total Payments and Credits Balance Due as of 1/30/2018	 24.00 24.00 0.00

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

P-17-093518-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: Collier		Last Name: In the Matter of the Colman Family Revocable Living Trust, dated June 23, 2011	
First Name: Tonya	Middle Name:	First Name:	Middle Name:
Home Address: 5998 Turtle River Avenue		Home Address:	
City, State, Zip: Las Vegas, Nevada 89156		City, State, Zip:	
Mailing Address:		Mailing Address:	
City, State, Zip:		City, State, Zip:	
Phone #: 702-808-5244	Date of Birth: 12/09/74	Phone #:	Date of Birth: N/A
Attorney Information		Attorney Information	
Name: Kennedy E. Lee	Bar No. 12429	Name:	Bar No:
Address: 1707 Village Center Cir Ste 150		Address:	
City, State, Zip: Las Vegas, Nevada 89134		City, State, Zip:	
Phone #: (702) 255-4552		Phone #:	

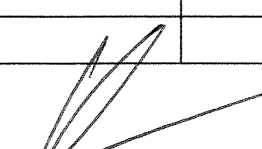
(Check one box only for the type of case being filed with this cover sheet)

DOMESTIC	MISC. 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"/> Mental Health <input type="checkbox"/> Name Change <input type="checkbox"/> Paternity <input type="checkbox"/> Permission to Marry <input type="checkbox"/> Temporary Protective Order (TPO) <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Child Support/Custody <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	DA CHILD SUPPORT PETITIONS		
<input type="checkbox"/> Emancipation	<input type="checkbox"/> DA – UIFSA <input type="checkbox"/> DA - Child Support In State		

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.				

Kelly Meade
Printed Name of Preparer


Signature of Preparer

November 13, 2017
Date

Supply the following information about any other proceeding (check all that apply):☐ Divorce ☐ Temporary Protective Orders (TPO) ☐ Custody/Child Support☐ UIFSA/URES ☐ Paternity ☐ Juvenile Court ☐ Other

Please Print

List full name of all adult parties involved			Case number of other proceeding(s)	Approximate date of last order in other proceeding(s)
Last Name	First Name	Middle Name		
1.				
2.				
3.				
4.				

If children were involved (other than those listed on front page), please provide:

Last Name	First Name	Middle Name	Date of Birth	Relationship
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				

Children involved in this case (continuation from front page)

Last Name	First Name	Middle Name	Date of Birth	Relationship
4.				
5.				
6.				
7.				
8.				

THIS INFORMATION IS REQUIRED BY
NRS 3.025, NRS 3.223, NRS 3.227, NRS 3.275,
NRS 125.130, NRS 125.230,

And will be kept in a confidential manner by the Clerk's Office.

Steven D. Grierson

1 **RAR**

2 KENNEDY E. LEE (STATE BAR NO. 12429)
3 DANIEL P. KIEFER (STATE BAR NO. 12419)
4 RUSHFORTH LEE & KIEFER, LLP
5 1707 Village Center Circle, Suite 150
6 Las Vegas, NV 89134
7 Telephone: (702) 255-4552
8 Email: probate@rlklegal.com
9 *Attorneys for Tonya Collier*

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

12 In the Matter of the

13 **Colman Family Revocable Living Trust,**
14 dated June 23, 2011,

Case No. P-17-093518-T
Department PC1 (Probate)

15 A Non-Testamentary Trust.

16 **REPORT AND RECOMMENDATIONS REGARDING PETITION TO ASSUME JURISDICTION OF TRUST,**
17 **AND FOR CONFIRMATION OF BENEFICIARY OF REAL PROPERTY**

18 Date of hearing: December 15, 2017
19 Time of hearing: 9:30 a.m.

20 On November 13, 2017, Tonya Collier ("Tonya") filed Petition to Assume Jurisdiction of Trust,
21 and for Confirmation of Beneficiary of Real Property (the "Petition"). On November 17, 2017, Paul Valer
22 Colman ("Paul") filed his Objection to Petition to Assume Jurisdiction of Trust, and for Confirmation of
23 Beneficiary of Real Property, Motion to Dismiss Petition and Motion to Quash Unlawful Lis Pendens (the
24 "Objection"). On December 12, 2017, Tonya filed her Reply in Support of Petition to Assume Jurisdiction
25 of Trust, and for Confirmation of Beneficiary of Real Property (the Reply). The Petition, Objection, and
26 Reply came on for hearing on December 15, 2017 before the Honorable Commissioner Wesley Yamashita.
27 Daniel P. Kiefer of Rushforth Lee & Kiefer, LLP was present and represented Tonya; Scott B. Olifant of
TCM Law Group was present and represented Paul. After reviewing the pleadings and papers on file, and
having heard arguments of counsel, the Probate Commissioner makes the following findings of fact,
conclusions of law, and recommendations:

///

///

I. FINDINGS OF FACT

THE COURT FINDS THAT:

1. Notice of the hearing on the Petition was given as required by law.
2. Chari Ann Colman ("Chari") and Paul were married on December 15, 2009.
3. Prior to their marriage, Chari owned the real property located at 5988 Turtle River Avenue, Las Vegas, NV 89156, APN 140-15-317-012 (the "Real Property") as her separate property.
4. The Real Property had no purchase money mortgage. Chari paid the entire purchase price prior to marrying Paul. Neither the marital community, nor Paul individually, contributed to the purchase price of the Real Property.
5. No material improvements were made to the Real Property that increased the value of the home.
6. On June 23, 2011, Chari and Paul created the Colman Family Revocable Living Trust, dated June 23, 2011 (the "Trust"). The Trust was a revocable trust. Chari transferred the Real Property to the Trust by Quitclaim Deed on June 30, 2011.
7. A spouse must expressly declare they are transmuting their separate property. Chari never transmuted the Real Property. Chari never executed a transmutation agreement changing the character of the Real Property from separate property to community property.
8. Chari executed a deed transferring the Real Property to the Trust. The deed makes no mention of transmuting the Real Property from separate property to community property.
9. At all relevant times, the Trust was a revocable trust.
10. The Trust includes no provision transmuting contributed assets from separate property into community property.
11. The Trust (prior to the divorce) disposed of the Trust property—including the Real Property—to Chari and Mr. Colman.
12. Chari and Paul were divorced on September 28, 2017.
13. Upon their divorce, NRS 111.781 revoked any revocable dispositions from Chari to Paul. Specifically, disposition of the Real Property to Paul was revoked.

14. Chari died on October 18, 2017.

15. Upon Chari's death, Tonya became the vested beneficiary of the Real Property.

II. RECOMMENDATIONS

IT IS THEREFORE RECOMMENDED THAT:

A. This Court assume jurisdiction over the Trust as a proceeding *in rem*.

B. All gifts to Paul of Chari's property were revoked pursuant to NRS 111.781.

C. Tonya Collier is the beneficiary of the Trust real property located at 5988 Turtle River Avenue, Las Vegas, NV 89156, APN 140-15-317-012.

D. The Real Property be distributed to Tonya Collier.


E. The trustee be required to execute a deed transferring the Real Property to Tonya Collier.


~~DISTRICT COURT JUDGE~~ Probate Commissioner

1/18/18

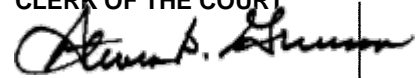
DATE

Respectfully submitted by:


Kennedy E. Lee (State Bar No. 12429)
Attorneys for Tonya Collier

Approved as to form and content by:
TCM Law Group

By: _____
Scott B. Olifant (State Bar No. 7471)
TCM Law Group
1614 S. Maryland Pkwy.
Las Vegas, NV 89104
Attorneys for Paul Valer Colman



NOTC

KENNEDY E. LEE (STATE BAR NO. 12429)
DANIEL P. KIEFER (STATE BAR NO. 12419)
RUSHFORTH LEE & KIEFER, LLP
1707 Village Center Circle, Suite 150
Las Vegas, NV 89134
Telephone: (702) 255-4552
Email: probate@rlklegal.com
Attorneys for Tonya Collier

**DISTRICT COURT
CLARK COUNTY, NEVADA**

In the Matter of the

Colman Family Revocable Living Trust,
dated June 23, 2011,

Case No. P-17-093518-T
Department PC1 (Probate)

A Non-Testamentary Trust.

**NOTICE OF ENTRY OF REPORT AND RECOMMENDATIONS REGARDING PETITION TO ASSUME
JURISDICTION OF TRUST, AND FOR CONFIRMATION OF BENEFICIARY OF REAL PROPERTY**

Date of hearing: December 15, 2017
Time of hearing: 9:30 a.m.

NOTICE IS HEREBY GIVEN THAT:

The "Report and Recommendations Regarding Petition to Assume Jurisdiction of Trust, and for Confirmation of Beneficiary of Real Property" was filed in the above entitled matter on January 19, 2018, a copy of which is attached hereto.

Respectfully submitted by:



Kennedy Lee
State Bar No. 12429

JAN 19 2018

DATE

Steven D. Grierson

1 **RAR**

2 KENNEDY E. LEE (STATE BAR NO. 12429)
3 DANIEL P. KIEFER (STATE BAR NO. 12419)
4 RUSHFORTH LEE & KIEFER, LLP
5 1707 Village Center Circle, Suite 150
6 Las Vegas, NV 89134
7 Telephone: (702) 255-4552
8 Email: probate@rlklegal.com
9 Attorneys for Tonya Collier

DISTRICT COURT
CLARK COUNTY, NEVADA

10 In the Matter of the

11 **Colman Family Revocable Living Trust,**
12 dated June 23, 2011,

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13 A Non-Testamentary Trust.

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26 TCM Law Group was present and represented Paul. After reviewing the pleadings and papers on file, and
27 having heard arguments of counsel, the Probate Commissioner makes the following findings of fact,
conclusions of law, and recommendations:

///

///

I. FINDINGS OF FACT

THE COURT FINDS THAT:

1. Notice of the hearing on the Petition was given as required by law.

2. Chari Ann Colman ("Chari") and Paul were married on December 15, 2009.

3. Prior to their marriage, Chari owned the real property located at 5988 Turtle River Avenue, Las Vegas, NV 89156, APN 140-15-317-012 (the "Real Property") as her separate property.

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D. The Real Property be distributed to Tonya Collier.

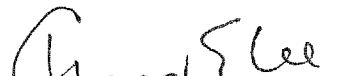
E. The trustee be required to execute a deed transferring the Real Property to Tonya Collier.


~~DISTRICT COURT JUDGE~~ Probate Commissioner

1/18/18

DATE

Respectfully submitted by:


Kennedy E. Lee (State Bar No. 12429)
Attorneys for Tonya Collier

Approved as to form and content by:
TCM Law Group

By: _____
Scott B. Olifant (State Bar No. 7471)
TCM Law Group
1614 S. Maryland Pkwy.
Las Vegas, NV 89104
Attorneys for Paul Valer Colman

THE SEALED PORTION
OF THESE MINUTES
WILL FOLLOW VIA
U.S. MAIL.



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

SCOTT B. OLIFANT, ESQ.
1614 S. MARYLAND PKWY.
LAS VEGAS, NV 89104

DATE: January 30, 2018
CASE: P-17-093518-T

RE CASE: In the Matter of the Trust of: COLMAN FAMILY REVOCABLE LIVING TRUST

NOTICE OF APPEAL FILED: January 28, 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; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; REPORT AND RECOMMENDATIONS PETITION TO ASSUME JURISDICTION OF TRUST, AND FOR CONFIRMATION OF BENEFICIARY OF REAL PROPERTY; NOTICE OF ENTRY OF REPORT AND RECOMMENDATION REGARDING PETITION TO ASSUME JURISDICTION OF TRUST, AND FOR CONFIRMATION OF BENEFICIARY OF REAL PROPERTY; NOTICE OF DEFICIENCY

In the Matter of the Trust of:

COLMAN FAMILY REVOCABLE LIVING TRUST

Case No: P-17-093518-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 30 day of January 2018.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk