

In the Supreme Court of the State of Nevada

IN THE MATTER OF THE CHRISTIAN)
FAMILY TRUST u.a.d. 10/11/16)
~~~~~ )  
SUSAN CHRISTIAN-PAYNE, )  
ROSEMARY KEACH AND )  
RAYMOND CHRISTIAN, JR. )

Appellants, )

-vs- )

ANTHONY L. BARNEY, LTD. and )  
JACQUELINE UTKIN, )  
Respondents. )  
~~~~~ )

ANTHONY L. BARNEY, LTD.,)
Cross-Appellant,)

-vs-)

SUSAN CHRISTIAN-PAYNE,)
ROSEMARY KEACH AND)
RAYMOND CHRISTIAN, JR.)

Cross-Respondents,)

and)
JACQUELINE UTKIN,)
Respondent.)
~~~~~ )

Electronically Filed  
Jan 10 2019 08:12 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

Case No.: 75750

**APPELLANT/CROSS-RESPONDENTS' APPENDIX - VOLUME 14a**

*Filed by:*

*/s/ Cary Colt Payne, Esq.*

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| <i><b>DATE</b></i>               | <i><b>DOCUMENT</b></i>                                                                                                                                                          | <i><b>NUMBERED</b></i> |
|----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
| <i><b>APPENDIX VOLUME 1:</b></i> |                                                                                                                                                                                 |                        |
| 7/13/17                          | Petition to Assume Jurisdiction of Trust;<br>Confirm Trustees; Instructions, etc.                                                                                               | APP-ROA--001-72        |
| 8/17/17                          | Notice of Motion and Motion to Dismiss<br>Pursuant to NRCP 12(b)(1) and NRCP 12 (b)(5)                                                                                          | APP-ROA—73-97          |
| 8/22/17                          | Errata to Notice of Motion and Motion to<br>Dismiss Pursuant to NRCP 12(b)(1) and<br>NRCP 12(b)(5)                                                                              | APP-ROA—98-101         |
| 9/15/17                          | Supplement and Addendum to Petition to Assume<br>Jurisdiction of Trust; confirm Trustees'<br>Instructions, etc. Alternatively to Reform<br>Trust Agreement                      | APP-ROA--102-105       |
| 9/15/17                          | Petitioner's Opposition to Motion to Dismiss                                                                                                                                    | APP-ROA--106-115       |
| <i><b>APPENDIX VOLUME 2:</b></i> |                                                                                                                                                                                 |                        |
| 10/4/17                          | Reply to Petitioner's Opposition to Motion<br>to Dismiss                                                                                                                        | APP-ROA--116-156       |
| 10/13/17                         | Response to Petition to Assume Jurisdiction<br>of Trust; Confirm Trustees; Instrutions, Etc.<br>and Joinder in Motion to Dismiss Pursuant<br>to NRCP 12(b)(1) and NRCP 12(b)(5) | APP-ROA--157-165       |
| 10/25/17                         | Accounting                                                                                                                                                                      | APP-ROA--166-173       |
| 10/25/17                         | Inventory and Record of Value                                                                                                                                                   | APP-ROA--174-184       |
| 10/31/17                         | Notice of Entry of Order                                                                                                                                                        | APP-ROA--185-193       |

| <i><b>DATE</b></i>                | <i><b>DOCUMENT</b></i>                                                                                                                                                                                                                                                                                                                           | <i><b>NUMBERED</b></i> |
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| <i><b>APPENDIX VOLUME 3:</b></i>  |                                                                                                                                                                                                                                                                                                                                                  |                        |
| 11/3/17                           | Joint Petition for Review of Former Trustees<br>Refusal to Provide a Proper Accounting<br>Pursuant to NRS 165.143                                                                                                                                                                                                                                | APP-ROA--194-222       |
| <i><b>APPENDIX VOLUME 4a:</b></i> |                                                                                                                                                                                                                                                                                                                                                  |                        |
| 11/13/17                          | Joint Objection to Petition Jurisdiction Etc.<br>Part 1                                                                                                                                                                                                                                                                                          | APP-ROA--223-298       |
| <i><b>APPENDIX VOLUME 4b:</b></i> |                                                                                                                                                                                                                                                                                                                                                  |                        |
| 11/13/17                          | Joint Objection to Petition Jurisdiction Etc.<br>Part 2                                                                                                                                                                                                                                                                                          | APP-ROA--299-373       |
| <i><b>APPENDIX VOLUME 5:</b></i>  |                                                                                                                                                                                                                                                                                                                                                  |                        |
| 12/4/17                           | Petitioner's Opposition to Motion for<br>Review/Proper Accounting                                                                                                                                                                                                                                                                                | APP-ROA--374-413       |
| 12/14/17                          | Petitioner's Opposition to Joint Counterpetition<br>to Confirm/Breach of Fiduciary Duty, Etc.<br>Request for Discovery                                                                                                                                                                                                                           | APP-ROA--414-428       |
| <i><b>APPENDIX VOLUME 6:</b></i>  |                                                                                                                                                                                                                                                                                                                                                  |                        |
| 12/12/17                          | Motion for Compliance with and Enforcement<br>of Court Order, and for Sanctions Relating<br>Thereto, for Order to show cause why Former<br>Trustees should not be held in Contempt,<br>for Order Compelling Former Trustees to<br>Account, and for Access to and Investment<br>Control of Trust Funds Belonging to the<br>Christian Family Trust | APP-ROA--429-452       |

| <b><i>DATE</i></b> | <b><i>DOCUMENT</i></b>                                                                                                                                                      | <b><i>NUMBERED</i></b> |
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| 1/4/18             | Notice of Suggestion of Death                                                                                                                                               | APP-ROA--453-454       |
| 1/11/18            | Opposition to Motion for Compliance, Enforcement Sanctions, Contempt, Etc.; Counterpetition for Distribution and Vacating all Pending Matters and Dismiss Trust Proceedings | APP-ROA--455-508       |

***APPENDIX VOLUME 7a:***

|         |                                                 |                  |
|---------|-------------------------------------------------|------------------|
| 1/26/18 | Petition to Confirm Successor Trustee<br>Part 1 | APP-ROA--509-539 |
|---------|-------------------------------------------------|------------------|

***APPENDIX VOLUME 7b:***

|         |                                                 |                  |
|---------|-------------------------------------------------|------------------|
| 1/26/18 | Petition to Confirm Successor Trustee<br>Part 2 | APP-ROA--540-569 |
|---------|-------------------------------------------------|------------------|

***APPENDIX VOLUME 8:***

|         |                                                                                                            |                  |
|---------|------------------------------------------------------------------------------------------------------------|------------------|
| 2/6/18  | Amended Notice of Entry-Omnibus Order                                                                      | APP-ROA--570-576 |
| 2/8/18  | Petition for Fees and Costs                                                                                | APP-ROA--577-659 |
| 2/23/18 | Notice of Non-Opposition and Limited Joinder to the Petition for Fees and Costs for Anthony L. Barney, LTD | APP-ROA--660-663 |
| 2/23/18 | Opposition to Petition to Confirm Successor Trustee; Counterpetition for Reinstatement of Petitioners      | APP-ROA--664-735 |
| 3/8/18  | Monte Reason's Application for Reimbursement of Administrative Expenses                                    | APP-ROA--736-741 |

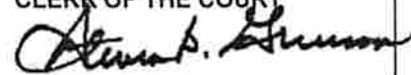
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| <i><b>APPENDIX VOLUME 9:</b></i>  |                                                                                                                                           |                        |
| 3/9/18                            | Petitioners Combined Opposition to (1) Barney Firm Petition For Fees, Etc. (2) Monte Reason's Application for Reimbursement               | APP-ROA--742-840       |
| <i><b>APPENDIX VOLUME 10:</b></i> |                                                                                                                                           |                        |
| 3/12/18                           | Reply to Opposition to Petition to Confirm Successor Trustee; and Opposition to Counter-Petition for Reinstatement of Petitioners         | APP-ROA--841-848       |
| 3/13/18                           | Response to Opposition to Monte Reason's Application for Reimbursement of Administrative Expenses                                         | APP-ROA--849-863       |
| 3/13/18                           | Reply to Petitioner's Combined Opposition to (1) Barney Firm Petition for Fees, Etc., (2) Monte Reason's Application for Reimbursement    | APP-ROA--864-894       |
| 3/15/18                           | Minutes of Hearing – 4/4/18                                                                                                               | APP-ROA--895-898       |
| 3/29/18                           | Motion (1) to Expunge Lis Pendens and/or Strike Pleading; and (2) for Preliminary Injunction                                              | APP-ROA--899-921       |
| <i><b>APPENDIX VOLUME 11:</b></i> |                                                                                                                                           |                        |
| 3/30/18                           | Petitioner's Supplemental Response to Opposition to Petition for Fees (Barney Firm); Request for Evidentiary Hearing, Reopening Discovery | APP-ROA--922-960       |

| <i><b>DATE</b></i>                 | <i><b>DOCUMENT</b></i>                                                                                                                                                                                                                                                                                               | <i><b>NUMBERED</b></i> |
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| <i><b>APPENDIX VOLUME 12:</b></i>  |                                                                                                                                                                                                                                                                                                                      |                        |
| 4/2/18                             | Motion for Turnover of Assets and to Dissolve the Injunction Over Christian Family Trust Assets                                                                                                                                                                                                                      | APP-ROA--961-998       |
| 4/3/18                             | Countermotion 1) to Strike Petitioner's Supplemental Response to Opposition to Petition for Fees (Barney Firm); request for Evidentiary Hearing, and Reopening Discovery; 2) To Find the Former Trustees to be Vexatious Litigants, and 3) For sanctions Against Cary Colt Payne Pursuant to NRS 7.085 and EDCR 7.60 | APP-ROA--999-1036      |
| <i><b>APPENDIX VOLUME 13a:</b></i> |                                                                                                                                                                                                                                                                                                                      |                        |
| 4/4/18                             | Hearing Transcript Part 1                                                                                                                                                                                                                                                                                            | APP-ROA-1037-1061      |
| <i><b>APPENDIX VOLUME 13b:</b></i> |                                                                                                                                                                                                                                                                                                                      |                        |
| 4/4/18                             | Hearing Transcript Part 2                                                                                                                                                                                                                                                                                            | APP-ROA-1062-1186      |
| <i><b>APPENDIX VOLUME 13c:</b></i> |                                                                                                                                                                                                                                                                                                                      |                        |
| 4/4/18                             | Hearing Transcript Part 3                                                                                                                                                                                                                                                                                            | APP-ROA-1087-1111      |
| <i><b>APPENDIX VOLUME 13d:</b></i> |                                                                                                                                                                                                                                                                                                                      |                        |
| 4/4/18                             | Hearing Transcript Part 4                                                                                                                                                                                                                                                                                            | APP-ROA-1112-1134      |

| <i><b>DATE</b></i>                 | <i><b>DOCUMENT</b></i>                                                                                                                                                                                                                                                                                                    | <i><b>NUMBERED</b></i> |
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| <i><b>APPENDIX VOLUME 14a:</b></i> |                                                                                                                                                                                                                                                                                                                           |                        |
| 4/10/18                            | Motion for (1) Fees Pursuant to NRS 165.148<br>(2) Compliance with and Enforcement of<br>Court Order and Sanctions; (3) for Order<br>to Show Cause Why Former Trustees<br>Should Not be Held in Contempt, and<br>(4) for Extension of Discovery<br>Part 1                                                                 | APP-ROA-1135-1279      |
| <i><b>APPENDIX VOLUME 14b:</b></i> |                                                                                                                                                                                                                                                                                                                           |                        |
| 4/10/18                            | Motion for (1) Fees Pursuant to NRS 165.148<br>(2) Compliance with and Enforcement of<br>Court Order and Sanctions; (3) for Order<br>to Show Cause Why Former Trustees<br>Should Not be Held in Contempt, and<br>(4) for Extension of Discovery<br>Part 2                                                                 | APP-ROA-1180-1224      |
| <i><b>APPENDIX VOLUME 15:</b></i>  |                                                                                                                                                                                                                                                                                                                           |                        |
| 4/12/18                            | Notice of Entry of Order (Barney Petition Fees)                                                                                                                                                                                                                                                                           | APP-ROA-1225-1232      |
| 4/19/18                            | Petitioner's Combined Opposition to (1) Motion<br>to Turnover Assets and Dissolve Injunction over<br>Trust Assets; (2) Motion to 1. Expunge Lis<br>Pendens and 2. Preliminary Injunction and<br>Counter-motion for Distribution/ Termination of Trust;<br>Alternatively for Stay/ Set Bond and Set Evidentiary<br>Hearing | APP-ROA-1233-1254      |
| 4/19/18                            | Opposition to Motion for (1) fees, (2) compliance,<br>(3) for Order to Show Cause and (4) Extension<br>of Discovery, counter-motion to Distribute Trust<br>Property (2nd request)                                                                                                                                         | APP-ROA-1255-1292      |

| <i><b>DATE</b></i>                | <i><b>DOCUMENT</b></i>                                                                                                                                                                                                                                                                                                          | <i><b>NUMBERED</b></i> |
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| <i><b>APPENDIX VOLUME 16:</b></i> |                                                                                                                                                                                                                                                                                                                                 |                        |
| 5/8/18                            | Response to Combined Opposition to (1) Motion to Turnover Assets and Dissolve Injunction Over Trust Assets; (2) Motion to 1. Expunge Lis Pendens and 2. Preliminary Injunction and Opposition to Countermotion or Distribution/Termination of Trust; Alternatively for Stay, Set Bond and Set Evidentiary Hearing               | APP-ROA-1293-1333      |
| 5/11/18                           | Supplement to response to Combined Opposition to (1) Motion to Turnover Assets and Dissolve Injunction Over Trust Assets; (2) Motion to 1. Expunge Lis Pendens and 2. Preliminary Injunction and Opposition to Countermotion for Distribution/Termination of Trust; Alternatively for Stay/Set Bond and Set Evidentiary Hearing | APP-ROA-1334-1337      |
| 5/16/18                           | Hearing Transcript                                                                                                                                                                                                                                                                                                              | APP-ROA-1338-1390      |
| <i><b>APPENDIX VOLUME 17:</b></i> |                                                                                                                                                                                                                                                                                                                                 |                        |
| 6/1/18                            | Notice of Entry of Order (Utkin suspension)                                                                                                                                                                                                                                                                                     | APP-ROA-1391-1401      |
| 10/8/18                           | Notice of Entry – Probate Commissioner R&R (Hearing re Utkin removal)                                                                                                                                                                                                                                                           | APP-ROA-1402-1408      |
| 11/13/18                          | Notice of Entry – Order Affirming Probate Commissioner R&R (Utkin removal)                                                                                                                                                                                                                                                      | APP-ROA-1409-1414      |





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*Attorney for Jacqueline Utkin,  
Successor Trustee to the Christian Family Trust  
Dated October 11, 2016*

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

In the Matter of the  
  
THE CHRISTIAN FAMILY TRUST

Case Number: P-17-092512-T  
  
Dept.: S

Dated October 11, 2016

**MOTION FOR (1) FEES PURSUANT TO NRS 165.148 (2) COMPLIANCE WITH AND  
ENFORCEMENT OF COURT ORDER AND SANCTIONS; (3) FOR ORDER TO SHOW  
CAUSE WHY FORMER TRUSTEES SHOULD NOT BE HELD IN CONTEMPT, AND (4)  
FOR AN EXTENSION OF DISCOVERY**

COMES NOW, Jacqueline Utkin ("Trustee Utkin"), Successor Trustee to the Christian Family Trust, Dated October 11, 2016 ("CFT"), by and through her attorneys of record, Jeremy Kirschner & Associates, PLLC., and hereby files this MOTION FOR (1) FEES PURSUANT TO NRS 165.148 (2) COMPLIANCE WITH AND ENFORCEMENT OF COURT ORDER AND SANCTIONS; (3) FOR ORDER TO SHOW CAUSE WHY FORMER TRUSTEES SHOULD NOT BE HELD IN CONTEMPT, AND (4) FOR AN EXTENSION OF DISCOVERY ("Motion").

1 This Motion is made based on the following Memorandum of Points and Authorities, the  
2 exhibits thereto, the papers and pleadings already on file herein and any oral argument the Court  
3 may permit at a hearing of this matter.

4 **NOTICE OF MOTION**

5 Please take notice that the undersigned will bring the above-entitled MOTION FOR (1) FEES  
6 PURSUANT TO NRS 165.148 (2) COMPLIANCE WITH AND ENFORCEMENT OF COURT  
7 ORDER AND SANCTIONS; (3) FOR ORDER TO SHOW CAUSE WHY FORMER TRUSTEES  
8 SHOULD NOT BE HELD IN CONTEMPT, AND (4) FOR AN EXTENSION OF DISCOVERY  
9 for hearing before Department S of the District Court on the 16 day of May  
10 2018, at the hour of 2:00pm, or as soon thereafter as counsel can be heard.

11  
12 DATED this 3<sup>rd</sup> day of April, 2018.

13 JERIMY KIRSCHNER & ASSOCIATES, PLLC

14  
15  
16 /s/ Jerimy L. Kirschner, Esq.  
JERIMY L. KIRSCHNER, ESQ.

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19 Las Vegas, Nevada 89149  
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## MEMORANDUM OF POINTS AND AUTHORITIES

### **I. INTRODUCTION**

Rosemary K. Keach, Raymond T. Christian, Jr., and Susan G. Christian-Payne ("RRS Beneficiaries") have been given multiple chances to perform a proper accounting and inventory pursuant to NRS 165.135. The RRS Beneficiaries filed an accounting and inventory on October 25, 2017, which (1) failed to comply with NRS 165.135, (2) concealed assets of the CFT despite being submitted under oath, (3) contained dubious transfers to themselves, and (4) lacked any type of substantiation ("2017 Inventory & Accounting"). On January 17, 2018, this Court issued its order giving RRS Beneficiaries a second chance to account for CFT assets, graciously providing them an additional forty-five (45) days, but requiring they provide substantiation in the form of receipts, invoices and bank statements.

RRS Beneficiaries failed to provide an accounting within forty-five (45) days. When the RRS Beneficiaries finally produced an Amended Inventory and Accounting it still failed to satisfy NRS 165.135 and additionally failed to satisfy this Court's January 17, 2018 order requiring substantiation ("2018 Inventory & Accounting"). Moreover, this most recent filing revealed that the 2017 Inventory & Accounting had failed to disclose all assets of the CFT despite being submitted under penalty of perjury.

The result is a burden on the CFT to compel performance of the both court order and the statutory duties of the former trustees. This information should be freely provided to Trustee Utkin so she can administer the CFT without interference. It is a waste of time and resources of the CFT to continually return to this Court to obtain compliance with basic duties. Trustee Utkin would request that this Court sanction the RRS Beneficiaries for failing to comply with this court's ruling from the January 17, 2018 and/or issue orders to show cause why they should not be held in contempt for failing to abide by the January 17, 2018 ruling. As part of the sanctions, Trustee Utkin would request that RRS Beneficiaries be made to pay the CFT for the attorney fees incurred in bringing this motion.

In addition, RRS Beneficiaries' failure to substantiate their inventory accounting with invoices and receipts requires the CFT to complete additional discovery to determine both the extent to of CFT assets, as well as the validity of the underlying "expenses" in the RRS Beneficiaries' list. As such, Trustee Utkin is requesting that discovery be extended an additional 120 days.

## II. BRIEF STATEMENT OF FACTS

On August 22, 2017, Nancy Christian ("Nancy"), by and through her attorneys, made a formal request for an accounting to the RRS Beneficiaries from October 11, 2016 when they accepted their roles as trustees to June 12, 2017 when they were removed as by Nancy. **Exhibit 1 – First Request for Accounting.** Nancy was unequivocal, she was invoking her rights as a beneficiary "pursuant to NRS 165.141 and Section 11.2 of the Trust." This authority stemmed from her right as a beneficiary. There could be no doubt as the form and content expected of the accounting Nancy expressly directed that it confirm with the "form and content of the accounting required by NRS 165.135 within sixty days (60) as required by NRS 165.141(2)(a)." *Id.* Afterwards, Nancy sent several reminders that the due date for the accounting was October 21, 2017. *See, Exhibit 2 – Reminder Letters.*

On October 25, 2017, the RRS Beneficiaries filed their untimely 2017 Inventory & Accounting. *See, Exhibit 3 – 2017 Inventory & Accounting.* The 2017 Inventory & Accounting was signed under penalty of perjury by Susan Christian-Payne, certifying to this Court that the contents were true statement of all of the assets of the CFT. Under personal property the only two bank accounts identified as being assets of the CFT are two chase accounts. *Id.* Furthermore, in their excel accounting, they had a number of dubious charges, such as:

|            |                                                      |             |       |                  |
|------------|------------------------------------------------------|-------------|-------|------------------|
| 12/8/2016  | Check 2106-Ray C Reimbursement (Bluff Point Repairs) | \$ 1,757.00 | debit | Home Improvement |
| 12/12/2016 | Sams Club Credit Card (Dad's CC)                     | \$ 761.74   | debit | Credit Card Bill |
| 12/26/2016 | Check 2109 - Ray C Reimbursement (Hospital Beds)     | \$ 1,900.00 | debit | Misc Expenses    |
| 12/28/2016 | Check 2110 -Sam's Club CC                            | \$ 638.97   | debit | Credit Card Bill |
| 1/9/2017   | Costco                                               | \$ 555.23   | debit | Furnishings      |
| 2/10/2017  | Trustee Dinner Expense                               | \$ 145.00   | debit | Misc Expenses    |
| 2/13/2017  | Costco                                               | \$ 973.34   | debit | Furnishings      |

|           |                                              |             |       |                  |
|-----------|----------------------------------------------|-------------|-------|------------------|
| 2/13/2017 | Living Spaces - Furniture                    | \$ 643.49   | debit | Furnishings      |
| 2/13/2017 | Rosemary Keach Reimbursement                 | \$ 2,000.00 | debit | Misc Expenses    |
| 2/23/2017 | Preferred Homecare Az- Medical Equip Lease   | \$ 30.26    | debit | Health Insurance |
| 2/24/2017 | Gas                                          | \$ 23.24    | debit | Misc Expenses    |
| 2/27/2017 | Dad's Memorial Trip                          | \$ 27.53    | debit | Misc Expenses    |
| 2/27/2017 | Memorial Dinner                              | \$ 200.00   | debit | Misc Expenses    |
| 3/1/2017  | Check 2116- Cell Phone C. Christian          | \$ 750.00   | debit | Mobile Phone     |
| 3/21/2017 | Check 2118 - (Dad's Memorial Trip)           | \$ 2,488.01 | debit | Misc Expenses    |
| 3/23/2017 | Check 2119-Vogl Const (Dancing Vines Repair) | \$ 1,300.00 | debit | Home Improvement |
| 3/24/2017 | Lowe's - Water Heater Replacement            | \$ 602.50   | debit | Home Improvement |
| 4/10/2017 | Check 2001-C. Christian House Repair         | \$ 210.00   | debit | Home Services    |

The charges 2017 Inventory & Accounting were suspicious for a number of reasons, not the least of which is that the RRS Beneficiaries lacked any receipts or invoices to justify them. In addition, RRS Beneficiaries made several purchases of "furniture" *after* Raymond Sr. passed away, but which were not made for Nancy. Likewise, the CFT paid for a trustees' "memorial trip" which excluded Nancy. There are also several thousands of dollars in "reimbursement" payments to the RRS Beneficiaries which lack supporting receipts or invoices, and which are unexplainable considering the CFT had the funds to pay any such bills directly. On November 3, 2017, Nancy and then acting trustee Monte Reason ("Monte") filed a joint petition to compel a proper accounting which was heard alongside several other petitions on January 17, 2018.

On February 5, 2018, this Court entered its Omnibus Order requiring the RRS Beneficiaries to provide substantiation for their accounting as well as an inventory from the date they took over as trustees. **Exhibit 4 – Omnibus Order.** This Court required RRS Beneficiaries to:

- Within 45 days, provide a full inventory and accounting from the moment they became trustees on October 11, 2016 until they ceased all trustee functions or were removed by the Nancy, whichever was later
- Provide substantiating documents as part of this accounting, including but not limited to, bank statements, checks, and receipts.

The deadline for RRS Beneficiaries' account was March 5, 2018, however the date passed with no accounting or inventory being filed. The lack of accounting prompted Trustee Utkin to being issuing subpoenas to institutions where the trustors were believed to have maintained accounts.



On March 16, 2018, Trustee Utkin noticed RRS Beneficiaries of a subpoena sent to Wells Fargo Bank requesting documents for all accounts in the name of CFT, Nancy or Raymond Sr., including bank accounts, and Voya investment accounts. Just four days after the subpoena was sent, RRS Beneficiaries quickly filed an amended accounting revealing two previously undisclosed Wells Fargo Bank accounts and a Voya investment account (collectively, “Wells Fargo Accounts”), collectively valued at over \$150,000.00. **Exhibit 5 – 2018 Inventory and Accounting.**

The 2018 Inventory and Accounting still lacks any substantial financial statements, receipts or invoices, and is the equivalent of a naked excel spreadsheet. In addition, the 2018 Inventory and Accounting makes zero attempt to provide details of income and expenses for the newly identified Wells Fargo Accounts, nor does it provide an inventory back from the date they became trustees.

On March 30, 2018, the undersigned contact counsel for RRS Beneficiaries and Monte, requested the parties agree to an extension of discovery days. Counsel for Monte agreed to the extension, however, counsel for RRS Beneficiaries has been unresponsive.

Trustee Utkin now files Motion to obtain compliance with the Omnibus Order and NRS 165.135, as well as seeking to expand the discovery period for an additional 120 days to allow an investigation of CFT assets and potential claims against the CFT.

### **III. ARGUMENT**

#### **A. THE COURT MUST SANCTION RRS BENEFICIARIES FOR NON-COMPLIANCE AND ASSESSES THEM CFT’S ATTORNEY FEES INCURRED IN BRINGING THIS MOTION**

RRS Beneficiaries continue to evade the fundamental purpose of the accounting, which is to inform beneficiaries, or successor trustees, with the critical information necessary to understand the assets of the trust, and to review the former trustees’ activity. This is not a “gotcha” game and no one is trying to trick the RRS Beneficiaries. They have been previously provided the exact form and content that was expected to be provided in the inventory,<sup>1</sup> as well as the dates that the

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<sup>1</sup> Exhibit 1 cites to NRS 165.135 which lays out the form and content of an accounting.

1 inventory was required to cover, which was from the moment they became trustee until their  
2 removal or they stopped administering assets, whichever was later. When the original request was  
3 made, the accounting and inventory requested was for less than one year. Although, the Omnibus  
4 Order expanded this time period a bit further, it was not burdensomely so. Moreover, the Omnibus  
5 Order provided the exact details, documents, and time periods for which they were required to  
6 account.

7 Regardless, the 2018 Inventory and Accounting filed on March 20, 2018 fails both the  
8 requirements of NRS 165.135 as well as the form and content identified in this Court's Omnibus  
9 Order. The only thing the 2018 Inventory and Accounting did accomplish, after subpoenas starting  
10 being issued, was to show that the prior accounting in 2017 was incomplete, at best. The result is  
11 the CFT once again being required to come to this Court to compel a proper accounting and to  
12 incur unnecessary fees. The Court should award Trustee Utkin CFT's fees pursuant to NRS  
13 165.148(1) as well as, or alternatively, under NRS 22.110 for the amount of fees incurred as a  
14 result of obtaining compliance with the Omnibus Order.

15 *1. Statutory Grant of Attorneys Fees Against RRS Beneficiaries Required*

16 The RRS Beneficiaries must pay all costs and attorney's fees incurred by beneficiaries, and  
17 now the CFT, as a result of their failure to provide a proper accounting. NRS 165.148(1) provides  
18 that:

19 Unless the court determines that the trustee was acting in good faith, a trustee who  
20 fails to provide an account pursuant to the terms of the trust instrument, or when  
21 required pursuant to the provision of this chapter, when required pursuant to the  
22 provision of this chapter is personally liable to each person entitled to receive an  
23 account who demanded the account in writing pursuant to this chapter or all costs  
24 reasonably incurred by each such person to enforce the terms of the trust or this  
chapter, including, without limitation, reasonable attorney's fees and court costs.  
The trustee shall not expend trust funds to satisfy the trustee's personal liability  
imposed under this subsection.

25 Foundationally, a system of testamentary dispositions lacking court oversight cannot function  
26 without all participants faithfully executing their duties. NRS 165.148 is the enforcement  
27 mechanism for NRS 165.135 accountings, designed to strip away trustee immunity when they  
28

1 breach their duty to account. NRS 165.148 is a harsh but necessary remedy and designed to shift  
2 the financial burden to the party that holds all the cards.

3 The RRS Beneficiaries were in clear violation of NRS 165.135's form and content  
4 requirements at the time of the January 17, 2018 hearing when this Court threw RRS Beneficiaries  
5 a lifeline with the Omnibus Order. Briefly, the 2017 Inventory and Accounting failed to:

- 6 • Provide the amount of trust principle at the start of the accounting period, a  
7 violation NRS 165.135(1)(b)(1);
- 8 • Identify and disclose the Wells Fargo Accounts, a violation of NRS  
9 165.135(1)(b)(1);
- 10 • Identify and disclose any additions or subtractions from the Wells Fargo Accounts  
11 as well as the amount on hand at the end of the account period, a violation of NRS  
12 165.135(1)(b)(1)-(6), NRS 165.135(1)(c)(1)-(4);
- 13 • The beginning value of the trust estate, a violation of NRS 165.135(e)(1)(I);
- 14 • Provide a statement of why Raymond Jr. alleges to have had an unpaid claim for  
15 \$12,000.00 along with the reason for the failure to pay it, a violation of NRS  
16 165.135(d).

17 *See*, Exhibit 3, *cf.* Exhibit 5. This sentence needs to be redone, I have no idea what it's trying to  
18 say. The CFT is now required to pay the fees of Nancy's attorneys and Monte's trust attorneys  
19 from a time when they were attempting to force compliance and now seek payment of those fees  
20 directly from RRS Beneficiaries.

21 The RRS Beneficiaries 2018 Inventory and Accounting fares no better and is still in clear  
22 violation of NRS 165.135's form and content requirements. The 2018 Inventory and Account  
23 attempts to reference and incorporate the "INVENTORY as filed on 10/25/17" (*ee*, Exhibit 5,  
24 Inventory), however the earlier inventory used a wrong start date, which was not from the time  
25 they became trustees *See*, Exhibit 3 ("that the value of the whole of the inventoried estate as of the  
26 date of decedent's death (1/31/17) was as stated herein"). The need to provide the inventory and  
27 accounting from October 11, 2016, was clearly articulated in both Nancy's initial demand (*See*,  
28 Exhibits 1 & 2), as well as codified in this Court's Omnibus Order. *See*, Exhibit 4. The 2018  
Inventory and Accounting also fails to identify a single transaction in the Wells Fargo Accounts,  
which we know was being used by the RRS Beneficiaries' own admission (*See*, Exhibit 3 & 5,



1 11/28/2016 Check 2105-Wells Fargo (Deposit Dad's Acct) \$2,500.00 debit Transfer). Thus, 2018  
2 Inventory and Accounting fails to:

- 3 • Provide the amount of trust principle at the start of the accounting period, a  
4 violation NRS 165.135(1)(b)(1);
- 5 • The beginning value of the trust estate NRS 165.135(e)(1)(I);
- 6 • Despite listing the Wells Fargo Accounts, it fails to identify the beginning value of  
said accounts or any expenses from them, a violation of NRS 165.135(1)(b)(1)-(6),  
NRS 165.135(1)(c)(1)-(4).

7 The RRS Beneficiaries have squandered their second chance with the 2018 Inventory &  
8 Accounting to satisfy NRS 165.135's form and content requirements. The CFT and its  
9 beneficiaries are once again required to come to this Court for relief, and as such would be entitled  
10 to attorney fees and costs pursuant to NRS 165.148(1).

11 *2. Equitable Grounds for Attorney Fees Against RRS Beneficiaries*

12 NRS 22.010(3) provides that the refusal to obey a lawful order issued by the court is an act  
13 of contempt. The facts of contempt must be presented to the court through an affidavit. NRS  
14 22.100(2) and (3) mandates the following:

15 2. Except as otherwise provided in NRS 22.110, if a person is found guilty of  
16 contempt, a fine may be imposed on the person not exceeding \$500 or the person  
may be imprisoned not exceeding 25 days, or both.

17 3. In addition to the penalties provided in subsection 2, if a person is found guilty  
18 of contempt pursuant to subsection 3 of NRS 22.010, the court may require the  
19 person to pay to the party seeking to enforce the writ, order, rule or process the  
20 reasonable expenses, including, without limitation, attorney's fees, incurred by  
the party as a result of the contempt.

21 In addition, a trial court has the inherent authority to construe its orders and judgments, and  
22 to ensure they are obeyed even in the absence of an explicit court rule or a statute. *See Halverson v.*  
23 *Hardcastle*, 123 Nev. 245, 163 P.3d 428 (2007) (a trial court has the inherent authority to construe  
24 its orders and judgments, and to ensure they are obeyed); *Grenz v. Grenz*, 78 Nev. 394, 274 P.2d  
25 891 (1962) (a trial court has the inherent power to construe its judgments and decrees); *Murphy v.*  
26 *Murphy*, 64 Nev. 440, 183 P.2d 632 (1947); *Lindsay v. Lindsay*, 52 Nev. 26, 280 P. 95 (1929);  
27  
28

1 Reed v. Reed, 88 Nev. 329, 497 P.2d 896 (1972) (court has inherent power to enforce its orders  
2 and judgments). "The power of courts to punish for contempt and to maintain decency and dignity  
3 in their proceedings is inherent, and is as old as courts are old." In re Chartz, 29 Nev. 110, 85 P.  
4 352 (1907); *See Also*, Noble v. Noble, 470 P.2d 430, 86 Nev. 459 (Nev., 1970) (holding that courts  
5 have inherent power to protect and defend their decrees by way of contempt proceedings)  
6 (overruled on other grounds by Westgate v. Westgate, 110 Nev. 1377, 1381, 887 P.2d 737, 739  
7 (1994)).  
8

9       Herein, the RRS Beneficiaries have failed to comply with this Court's Omnibus Order in a  
10 number of ways. Most pertinent to this Motion, RRS Beneficiaries have not provided any bank  
11 statements, receipts, or other invoices underling the accountings they have filed. In addition, they  
12 have not provided an inventory from the moment they became trustees, back to October 11, 2016.  
13 Both of these requirements were unmistakably spelled out in the Omnibus Order, and were the  
14 main subject of contention at the hearing. The RRS Beneficiaries have failed to do so, and as a  
15 result Trustee Utkin must bring this Motion to enforce the terms of the order. As a result, Trustee  
16 Utkin and the CFT should be awarded their attorney fees pursuant to NRS 22.100(3).  
17

18 ///

19 ///

20 ///

1 **IV. CONCLUSION**

2 Trustee Utkin asks for an order from this court ordering RRS Beneficiaries to pay all  
3 attorney's fees incurred as a result of their failure to provide a proper accounting, as well as an  
4 Order from this Court as to why they should not be held in contempt for failing to abide by the  
5 Omnibus Order. Finally, Trustee Utkin would also request that all discovery be extended to allow  
6 Trustee Utkin a proper opportunity to investigate the assets of the CFT as well as its expenses.

7 DATED this 10th day of April, 2018.

8 JERIMY KIRSCHNER & ASSOCIATES, PLLC

9 /s/ Jeremy L. Kirschner, Esq.

10 JERIMY L. KIRSCHNER, ESQ.

11 Nevada Bar No. 12012

12 5550 Painted Mirage Rd., Suite 320

13 Las Vegas, NV 89149

14 *Attorney for Jacqueline Utkin, Successor Trustee to the Christian Family Trust Dated October 11,*  
15 *2016*

16 **VERIFICATION OF JACQUELINE UTKIN FOR MOTION FOR (1) FEES PURSUANT**  
17 **TO NRS 165.148 (2) COMPLIANCE WITH AND ENFORCEMENT OF COURT ORDER**  
18 **AND SANCTIONS; (3) FOR ORDER TO SHOW CAUSE WHY FORMER TRUSTEES**  
19 **SHOULD NOT BE HELD IN CONTEMPT, AND (4) FOR AN EXTENSION OF**  
20 **DISCOVERY**

21 I, JACQUELINE UTKIN, declare that:

- 22
- 23 1. I am submitting a MOTION FOR (1) FEES PURSUANT TO NRS 165.148 (2)
- 24 COMPLIANCE WITH AND ENFORCEMENT OF COURT ORDER AND SANCTIONS;
- 25 (3) FOR ORDER TO SHOW CAUSE WHY FORMER TRUSTEES SHOULD NOT BE
- 26 HELD IN CONTEMPT, AND (4) FOR AN EXTENSION OF DISCOVERY
- 27
- 28

2. I know the contents of the Motion which I know to be true of my own knowledge, except for those matters stated on information and belief.

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

April 10, 2018

Date

Jacqueline Utkin

# EXHIBIT 1

## **Tiffany Barney**

---

**From:** Tiffany Barney <tiffany@anthonybarney.com>  
**Sent:** Tuesday, August 22, 2017 3:41 PM  
**To:** 'carycoltpaynechtd@yahoo.com'; 'marja.carycoltpayne@gmail.com'  
**Cc:** Anthony Barney, Secretary; 'Zachary Holyoak'  
**Subject:** Request for Formal Accounting

Dear Mr. Payne –

I have not yet received a response to my formal letter to you dated August 16, 2017 and my email dated August 14, 2017 wherein I requested information regarding the division of the Trust and the allocation of trust assets. There were other items discussed in my August 16<sup>th</sup> letter that also have not yet been answered.

As such, pursuant to NRS 165.141 and Section 11.2 of the Trust, we are hereby demanding an accounting of all trust property from October 2016 until your clients were removed as trustees on June 12, 2017, including California properties and/or their sale proceeds, as well as all other trust property whether personal property (tangible and intangible) or real property. Please provide an accounting that satisfies the form and content of the accounting required by NRS 165.135 within sixty days (60) as required by NRS 165.141(2)(a).

Sincerely,

Tiffany S. Barney  
Attorney at Law  
Anthony L. Barney, Ltd.  
3317 W. Charleston Blvd., Suite B  
Las Vegas, NV 89102-1835  
O: 702-438-7878  
F: 702-259-1116  
[tiffany@anthonybarney.com](mailto:tiffany@anthonybarney.com)  
[www.anthonybarney.com](http://www.anthonybarney.com)

This e-mail message is covered by the Electronic Communications Privacy Act, 18 U.S.C. §§ 2510-2521 and is legally privileged. This message and any files attached hereto are confidential and are for the sole use of the intended recipient. IF YOU ARE NOT THE INTENDED RECIPIENT OF THE MESSAGE, PLEASE NOTIFY THE SENDER IMMEDIATELY BY RETURN E-MAIL OR TELEPHONE (702.438-7878), DELETE THE ORIGINAL MESSAGE INCLUDING ALL ATTACHMENTS, AND DESTROY ALL HARD COPIES. ANY UNAUTHORIZED REVIEW, DISTRIBUTION, DISCLOSURE, COPYING, USE, OR DISSEMINATION, EITHER WHOLE OR IN PART, IS STRICTLY PROHIBITED. If you are the intended recipient, please be aware that since e-mails can be altered electronically, the integrity of this communication cannot be guaranteed without using digital signatures or encryption. If you are interested in sending or receiving PGP-signed or PGP-encrypted e-mail, let me know. The attorney-client privilege may apply to this message, but such privilege may be lost if it is shared with someone other than an employee of Anthony L. Barney, Ltd. or of another attorney or law firm who represents you. In accordance with Internal Revenue Service Circular 230, we hereby advise you that if this email or any attachment hereto contains any tax advice, such tax advice was not intended or written to be used, and it cannot be used, by any taxpayer for the purpose of avoiding penalties that may be imposed on the taxpayer by the Internal Revenue Service.

---

**From:** Secretary [<mailto:secretary@anthonybarney.com>]  
**Sent:** Wednesday, August 16, 2017 10:25 AM  
**To:** [carycoltpaynechtd@yahoo.com](mailto:carycoltpaynechtd@yahoo.com)

**Cc:** [tiffany@anthonybarney.com](mailto:tiffany@anthonybarney.com); [tifbarney@gmail.com](mailto:tifbarney@gmail.com)

**Subject:** Letter

Dear Mr. Payne,

Tiffany S. Barney, Esq. asked that I forward the attached letter to you.

Sincerely,

Neva Liebe

Legal Secretary

Anthony L. Barney, Ltd.

3317 W. Charleston Blvd., Suite B

Las Vegas, NV 89102-1835

O: 702-438-7878

F: 702-259-1116

[secretary@anthonybarney.com](mailto:secretary@anthonybarney.com)

[www.anthonybarney.com](http://www.anthonybarney.com)

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Anthony L. Barney, M.S., J.D., LL.M.  
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Licensed in Nevada and Idaho

Tiffany S. Barney, J.D.  
Attorney at Law  
Licensed in Nevada

Zachary D. Holvick, J.D.  
Attorney at Law  
Licensed in Nevada

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Neva Liebs  
Administrative Assistant

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E-mail Address  
[office@anthonybarney.com](mailto:office@anthonybarney.com)

---

**FACSIMILE TRANSMITTAL SHEET**

---

**TO: CARY COLT PAYNE, ESQ.**

**DATE: AUGUST 22, 2017**

**FROM: NEVA LIEBE**  
**ADMINISTRATIVE ASSISTANT**

**FAX NUMBER: 702-383-9049**

**TOTAL NUMBER NO. OF PAGES**  
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**SENDER'S FAX NUMBER:**  
702-259-1116

**SENDER'S PHONE NUMBER:**  
702-438-7878

**SENDER'S E-MAIL:**  
[secretary@anthonybarney.com](mailto:secretary@anthonybarney.com)

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**ACCOMPANYING DOCUMENTS:**

Letter

**NOTES/COMMENTS:**



Anthony L. Barney, M.S., J.D., LL.M.  
Attorney at Law  
Licensed in Nevada and Idaho

Tiffany S. Barney, J.D.  
Attorney at Law  
Licensed in Nevada

Zachary Holvock, J.D.  
Attorney at Law  
Licensed in Nevada

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Neva Lisle  
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E-mail Address  
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August 22, 2017

Cary Colt Payne, Esq.  
CARY COLT PAYNE, CHTD.  
700 S. Eighth Street  
Las Vegas, NV 89101

Re: Christian Family Trust dated October 11, 2016 ("Trust")  
Our Client: Nancy Christian, Trustor and Survivor of the Trust

VIA US FIRST CLASS MAIL AND FACSIMILE

Dear Mr. Payne,

I have not yet received a response to my formal letter to you dated August 16, 2017 and my email dated August 14, 2017 wherein I requested information regarding the division of the Trust and the allocation of trust assets. There were other items discussed in my August 16<sup>th</sup> letter that also have not yet been answered.

As such, pursuant to NRS 165.141 and Section 11.2 of the Trust, we are hereby demanding an accounting of all trust property from October 2016 until your clients were removed as trustees on June 12, 2017, including California properties and/or their sale proceeds, as well as all other trust property whether personal property (tangible and intangible) or real property. Please provide an accounting that satisfies the form and content of the accounting required by NRS 165.135 within sixty (60) days as required by NRS 165.141(2)(a).

If you have any further questions, please feel to contact my office. Thank you for your anticipated cooperation in this matter.

Sincerely,



TIFFANY S. BARNEY  
Attorney at Law  
[tiffany@anthonybarney.com](mailto:tiffany@anthonybarney.com)

# Send Result Report



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Document: doc20170822164853

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Neva Liebs  
Administrative Assistant

Website Address  
www.anthonylbarney.com

Email Address  
office@anthonylbarney.com

### FACSIMILE TRANSMITTAL SHEET

TO: GARY COLT PAYNE, ESQ.

DATE: AUGUST 22, 2017

FROM: NEVA LIEBS  
ADMINISTRATIVE ASSISTANT

FAX NUMBER: 702-383-9049

TOTAL NUMBER NO. OF PAGES  
(INCLUDING COVER):  
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3317 W CHARLESTON BLVD STE B  
LAS VEGAS, NV 89102  
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Esq  
700 S. Eighth Street  
Las Vegas, NV 89101-7007

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**Mail Date:** August 22, 2017  
**User:** tonybarney  
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**Printed Msg:**

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**Cost Code:****Class/Service:** First Class ®**\$0.46****Special Services:****Insurance:** N/A**TOTAL COST:****\$0.46**

# EXHIBIT 2

Anthony L. Barney, M.S., J.D., LL.M.  
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Zachary Holivak, J.D.  
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Administrative Assistant

Website Address  
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Email Address  
[office@anthonylbarney.com](mailto:office@anthonylbarney.com)

September 21, 2017

Cary Colt Payne, Esq.  
CARY COLT PAYNE, CHTD.  
700 S. Eighth Street  
Las Vegas, NV 89101

Re: Christian Family Trust dated October 11, 2016 ("Trust")  
Our Client: Nancy Christian, Trustor and Survivor of the Trust  
Subject Property: 2848 Bluff Point Dr. Las Vegas, NV 89134

VIA HAND DELIVERY AND EMAIL

Dear Mr. Payne,

I am in receipt of your letter dated September 8, 2017. First, please advised that we are moving forward to take possession of the Subject Property and will do so against Raymond Christian Jr. If any landlord/tenant lease agreement exists, he will need to produce it immediately, otherwise, he can raise his claim in the unlawful detainer action that will be filed against him after the five day is served upon him next week. Again, please be on notice that your client, Raymond Christian J., does not have authorization to reside in or stay in the Subject Property. Please let us know if he will peaceably leave the premises; otherwise we will continue to move forward with the eviction process.

Second, the Trust is valid until it is proven otherwise. Your clients have not attempted to invalidate the provision that allows my client to change the trustees of her trust. Therefore, unless and until a court invalidates that provision of the trust allowing my client to replace your clients as trustees, the Modification and Designation of Trustee and Successor Trustee ("Modification and Designation") is a valid instrument that must be followed. Your clients are no longer the Trustees and should immediately refrain from acting as such.

Based on the clear, unambiguous language of the Trust, our client had the power to change her trustee and did so. On June 13, 2017, I notified you by written letter that your clients were no longer trustees of the Christian Family Trust and provided you with

the Modification and Designation. After that date, any of your clients actions as purported trustees were without authority and therefore void.

Additionally, on June 21, 2017, I provided you an email stating that Joseph Powell, Esq. who was representing the new trustee, Monte Reason, would be sending you the Certificate of Incumbency allowing him to act. On June 27, 2017, Joseph Powell, Esq., sent you a letter with the Certificate of Incumbency attached. Your clients were well aware that they no longer had authority to act.

On June 30, 2017, your clients then proceeded to remove almost the entire balance (\$267,902.53) of the Trust funds from the Trust account. See June 2017 Statement attached hereto and incorporated herein as Attachment 1. In doing so, your clients have converted Trust funds away from its sole beneficiary and disallowed her from obtaining the needed trust funds she requires for living expenses, which the Trust allows to be distributed. We are demanding that your clients turn over the \$267,902.53 that was converted from the Trust immediately; otherwise, we will file a request to have the court find that the funds were converted and request triple damages if your clients do not return said funds.

If your clients continue to act under color of any trusteeship, we will also bring additional claims against them for acting without such authority. We also reserve all rights to bring any and all claims that have and will become known to us through a thorough review of the Chase records and other documents that evidence that your clients were using Trust funds as their own as well as converting additional Trust funds.

Please be advised that we requested an accounting from the prior trustees in writing on August 22, 2017. Therefore, the sixty day deadline to respond is October 21, 2017. We will expect to see any and all Trust assets on this accounting, including any and all life insurance policies for the late Raymond Christian.

Please also let us know the relationship, if any, that you have with Susan Christian-Payne.

I would appreciate a prompt response to my requests. If you have any further questions, please feel to contact my office. Zach or I will be available to assist you in this matter. Thank you for your anticipated cooperation.

Sincerely,



TIFFANY G. BARNEY  
Attorney at Law  
[tiffany@anthonybarney.com](mailto:tiffany@anthonybarney.com)

Attachment: June 2017 Statement  
Cc: Joseph Powell, Esq., [joey@rklcgal.com](mailto:joey@rklcgal.com)

# Attachment 1

CHASE PRIVATE CLIENT  
 JPMorgan Chase Bank, N.A.  
 P O Box 650754  
 San Antonio, TX 78255-9754

June 01, 2017 through June 30, 2017  
 Primary Account: [REDACTED]

00035487 DRE 703 210 18217 YHNNNNNNNN 1 000000000 60 0000  
 CHRISTIAN FAMILY TRUST  
 SUSAN G CHRISTIAN-PAYNE TRUSTEE  
 OR RAYMOND TYRONE CHRISTIAN TRUSTEE  
 2848 BLUFF POINT DR  
 LAS VEGAS NV 89134-6934

## CUSTOMER SERVICE INFORMATION

Web site: Chase.com  
 Service Center: 1-888-694-5828  
 Deal and Hard of Hearing: 1-800-242-7383  
 International Calls: 1-713-262-1679

## ASSETS

| Checking & Savings            | ACCOUNT    | BEGINNING BALANCE<br>THIS PERIOD | ENDING BALANCE<br>THIS PERIOD |
|-------------------------------|------------|----------------------------------|-------------------------------|
| Chase Private Client Checking | [REDACTED] | \$5,080.52                       | \$4,599.31                    |
| Chase Private Client Savings  | [REDACTED] | 272,902.53                       | 5,012.98                      |
| Total                         |            | \$277,983.05                     | \$9,612.29                    |

## Investments

|                                | ACCOUNT    | MARKET VALUE<br>PRIOR PERIOD | MARKET VALUE<br>THIS PERIOD |
|--------------------------------|------------|------------------------------|-----------------------------|
| Chase Investment Account as of | [REDACTED] | 0.00                         | 0.00                        |
| Total                          |            | \$0.00                       | \$0.00                      |

Please review the important disclosures following the Consolidated Balance Summary.

Investment accounts and insurance products are: Not a Deposit - Not FDIC Insured - Not Insured by  
 any Federal Government Agency - Not Guaranteed by the Bank - May Go Down in Value.

TOTAL ASSETS \$277,983.05 \$9,612.29

All Summary Balances shown are as of June 30, 2017 unless otherwise stated. For details of your retirement accounts, credit accounts or securities accounts, you will receive separate statements. Balance summary information for annuities is provided by the issuing insurance companies and believed to be reliable without guarantee of its completeness or accuracy.

Securities and investment advisory services are offered through J.P. Morgan Securities LLC, (JPMS), JPMS, a member of FINRA and SIPC, is an affiliate of JPMorgan Chase Bank, N.A.



CHASE PRIVATE CLIENT

June 01, 2017 through June 30, 2017  
 Primary Account: 000000446558040

CHRISTIAN FAMILY TRUST  
 SUSAN G CHRISTIAN-PAYNE TRUSTEE  
 OR RAYMOND TYRONE CHRISTIAN TRUSTEE

Account Number

**CHECKING SUMMARY**

|                                            | AMOUNT     |
|--------------------------------------------|------------|
| Beginning Balance                          | \$5,080.52 |
| Deposits and Additions                     | 800.04     |
| Checks Paid                                | -1,281.25  |
| Ending Balance                             | \$4,599.31 |
| Annual Percentage Yield Earned This Period | 0.01%      |
| Interest Paid This Period                  | \$0.04     |
| Interest Paid Year-to-Date                 | \$0.26     |

**CHECKS PAID**

| CHECK NUMBER      | DATE PAID | AMOUNT     |
|-------------------|-----------|------------|
| 2123 ^            | 06/14     | \$1,281.25 |
| Total Checks Paid |           | \$1,281.25 |

If you see a check description in the Transaction Detail section, it means your check has already been converted for electronic payment. Because of this, we're not able to return the check to you or show you an image on Chase.com.  
 ^ An image of this check may be available for you to view on Chase.com.

**TRANSACTION DETAIL**

| DATE  | DESCRIPTION             | AMOUNT    | BALANCE    |
|-------|-------------------------|-----------|------------|
|       | Beginning Balance       |           | \$5,080.52 |
| 05/14 | Check # 2123            | -1,281.25 | 3,799.27   |
| 06/16 | Remote Online Deposit 1 | 800.00    | 4,599.27   |
| 06/30 | Interest Payment        | 0.04      | 4,599.31   |
|       | Ending Balance          |           | \$4,599.31 |

CHASE PRIVATE CLIENT

June 01, 2017 through June 30, 2017

Primary Account

CHRISTIAN FAMILY TRUST  
 SUSAN G CHRISTIAN-PAYNE TRUSTEE  
 OR RAYMOND TYRONE CHRISTIAN TRUSTEE

Account Number

**SAVINGS SUMMARY**

|                                            | AMOUNT       |
|--------------------------------------------|--------------|
| Beginning Balance                          | \$272,902.53 |
| Deposits and Additions                     | 12.98        |
| Other Withdrawals                          | -267,902.53  |
| Ending Balance                             | \$5,012.98   |
| Annual Percentage Yield Earned This Period | 0.05%        |
| Interest Paid This Period                  | \$12.98      |
| Interest Paid Year-to-Date                 | \$66.55      |

The monthly service fee for this account was waived as an added feature of Chase Private Client Checking account.

**TRANSACTION DETAIL**

| DATE  | DESCRIPTION       | AMOUNT      | BALANCE      |
|-------|-------------------|-------------|--------------|
|       | Beginning Balance |             | \$272,902.53 |
| 06/30 | 06/30 Withdrawal  | -267,902.53 | 5,000.00     |
| 06/30 | Interest Payment  | 12.98       | 5,012.98     |
|       | Ending Balance    |             | \$5,012.98   |

You earned a higher interest rate on your Chase Private Client Savings account during this statement period because you had a qualifying Chase Private Client Checking account.

**IN CASE OF ERRORS OR QUESTIONS ABOUT YOUR ELECTRONIC FUNDS TRANSFERS:** Call or write us at the phone number or address on the front of this statement (non-personal accounts contact Customer Service) if you think your statement or receipt is incorrect or if you need more information about a transfer listed on the statement or receipt. We must hear from you no later than 60 days after we sent you the FIRST statement on which the problem or error appeared. Be prepared to give us the following information:

- Your name and account number
  - The dollar amount of the suspected error
  - A description of the error or transfer you are unsure of, why you believe it is an error, or why you need more information.
- We will investigate your complaint and will correct any error promptly. If we take more than 10 business days (or 20 business days for new accounts) to do this, we will credit your account for the amount you think is in error so that you will have use of the money during the time it takes us to complete our investigation.

**IN CASE OF ERRORS OR QUESTIONS ABOUT NON-ELECTRONIC TRANSACTIONS:** Contact the bank immediately if your statement is incorrect or if you need more information about any non-electronic transactions (checks or deposits) on this statement. If any such error appears, you must notify this bank in writing no later than 60 days after the statement was made available to you. For more complete details, see the Account Rules and Regulations or other applicable account agreement that governs your account.



JP Morgan Chase Bank, N.A. Member FDIC

01-Sep-17

THIS ITEM IS PART OF A LEGAL STATEMENT RECONSTRUCTION  
GROUP ID G01Sep17-1440  
Sequence number Posting date Amount

01Sep17-1440

CHASE PRIVATE CLIENT

June 01, 2017 through June 30, 2017  
Primary Account: [REDACTED]

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Page 4 of 4



01-Sep-17

01Sep17-1440

THIS ITEM IS PART OF A LEGAL STATEMENT RECONSTRUCTION

GROUP ID G01Sep17-1440

Sequence number 002190320814 Posting date 14-Jun-17 Amount 1281.25

|                                                                                   |                                                                                      |                               |                                                                                     |
|-----------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|-------------------------------|-------------------------------------------------------------------------------------|
|  | <b>CHRISTIAN FAMILY TRUST</b><br>1060 DANCING VINES AVE.<br>LAS VEGAS, NV 89183-6320 | 60-THS<br>3222 23633          | 2123                                                                                |
| CHASE<br>PRIVATE<br>CLIENT                                                        |                                                                                      | DATE <u>June 1, 2017</u>      |                                                                                     |
| PAY TO THE<br>ORDER OF                                                            | <u>Corey Colt Payne</u>                                                              | \$ <u>1281.25</u>             |                                                                                     |
|                                                                                   | <u>One thousand two hundred one &amp; 25/100</u>                                     | DOLLARS                       |  |
| JPMorgan Chase Bank, N.A.                                                         |                                                                                      |                               |                                                                                     |
| MEMO                                                                              | <u>Attorney Fees</u>                                                                 | <u>Larry H. Prister Payne</u> |                                                                                     |
| ⑆322271627⑆                                                                       |                                                                                      | ⑆23                           |                                                                                     |

ENCLOSE HERE

U.S. Bank National Association  
Charlotte Office  
The William H. Miller Payee  
U.S. Bank National Association  
Charlotte Office

Anthony L. Barney, M.S., J.D., LL.M.  
Attorney at Law  
Licensed in Nevada and Idaho

Tiffany S. Barney, J.D.  
Attorney at Law  
Licensed in Nevada

Zachary Holvack, J.D.  
Attorney at Law  
Licensed in Nevada

**ANTHONY L. BARNEY, LTD.**  
**A Nevada Professional Law**  
**Corporation**

3317 W. Charleston Boulevard, Suite B  
Las Vegas, Nevada 89102-1835  
Receptionist: 702-438-7878  
Fax: 702-259-1116

Neva Liebs  
Administrative Assistant

Website Address  
www.anthonybarney.com

E-mail Address  
office@anthonybarney.com

September 29, 2017

Cary Colt Payne, Esq.  
CARY COLT PAYNE, CHTD.  
700 S. Eighth Street  
Las Vegas, NV 89101

Re: Christian Family Trust dated October 11, 2016 ("Trust")  
Our Client: Nancy Christian, Trustor and Survivor of the Trust  
Subject Property: 2848 Bluff Point Dr. Las Vegas, NV 89134

VIA EMAIL to [carycoltpaynechtd@yahoo.com](mailto:carycoltpaynechtd@yahoo.com) and [marja.carycoltpayne@gmail.com](mailto:marja.carycoltpayne@gmail.com)

Dear Mr. Payne,

I am in receipt of your letter dated September 25, 2017, although I did not receive it by email from you until September 27, 2017. I have and will continue to send correspondence to you through multiple forms of delivery, if needed or required, because you appear have ignored my previous correspondence regarding your clients' removal as trustee and the return of Trust funds. Furthermore, the request for an accounting was required to be in written form, which is the reason for which I sent the request via email and via regular mail.

As detailed in my prior letter, your clients have continued to act as trustees, without authority, even after you were informed that they had been removed as trustees of the Trust. They have withdrawn trust funds from Trust accounts and are now sequestering the Trust funds from the successor trustee and, more importantly, our client, the trustor who is the current beneficiary of those funds. We are again immediately requesting that your clients cease and desist from acting as trustees. If they do not, we will raise the appropriate counterclaims against them. Furthermore, we are providing you with one final request to return Trust funds to counsel for the successor trustee, Joseph J. Powell, Esq., before we request the court find that your clients have converted the same.

I will address Raymond Christian's unauthorized residence in the Subject Property if and when his new counsel contacts me. Notably, Raymond Christian, Jr., has ceased paying taxes on the property, the sewer bill, and the trash bill. If there were an

agreement for him to remain in the Subject Property, that agreement would surely have encompassed paying the taxes, utilities, sewer and trash bill for the Subject Property; yet, he has not paid these bills.

Your assertion that your clients can retain all the assets of the Trust simply because they have raised unfounded objections to the clear language of the trust is without merit and in bad faith. Until your client's invalidate the Trust or that provision of the Trust, it remains valid. From the clear, unambiguous language of Section 9.3 of the Trust, our client changed her trustee. As stated previously, your clients are now without authority to act as trustee of the Trust and risk a claim of conversion for their withholding of trust funds from the new Trustee. Your clients have neither formally requested relief nor made a valid argument which would justify preventing Nancy from removing them as Trustees. Instead, your clients have provided a single email alleging that Mr. Grant has indicated his intent to testify that the provision is a scrivener's error, which is hearsay. Such evidence is inadmissible.

Additionally, even if you had actual testimony from David Grant consistent with your client's assertions, such testimony would not be considered by the court because the provision your clients are challenging is not ambiguous. See *Frei v. Goodsell*, 305 P.3d 70, 74, 2013 Nev. LEXIS 53, \*12-13, 129 Nev. Adv. Rep. 43, 2013 WL 3366670 stating "[i]f the language of the trust instrument is plain and capable of legal construction, that language determines the force and effect of the instrument . . . [and] extrinsic evidence will not be admitted to alter the plain language of the instrument." (emphasis added). Furthermore, I find it difficult to believe that a court would go against the Settlor's understanding of the document while she is alive and able to testify that such provision was in fact her intent.

Your client's attempts to challenge the terms are for their own self-interests and gain, which was contrary to their fiduciary duty while acting as trustees. Even if your client's were able to invalidate Section 9.3 of the Trust, their actions in this regard would be sufficient to have them removed by the court for breach of fiduciary duty.

Your assertion that our refusal to participate in a joint conference call between you and David Grant constitutes bad faith is without merit. You are inviting us to or otherwise requesting us to waive attorney-client privilege for our client, which we will not do. Furthermore, Mr. Grant is ethically unable to discuss any matters regarding his representation of Nancy Christian to third parties as such information is privileged and confidential. Our client only waived confidentiality between her and her husband to allow the joint representation in drafting the Trust instrument. She did not waive confidentiality as to any third parties. Mr. Grant has been informed that Nancy does not consent to his disclosure of any information related to his representation of her. Furthermore, Nancy has never provided a waiver or consent in writing for Mr. Grant to make such disclosures to third parties.

Your attempt to threaten your way into a joint conversation with Mr. Grant seems to be an underhanded attempt to force a waiver of the attorney client privilege and the

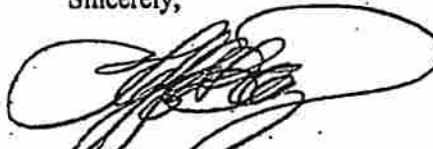
duty of confidentiality owed to Nancy by David Grant. If Mr. Grant chooses to speak to you or any other person regarding his representation of Nancy, it will be without Nancy's consent and over her express objection. We will address the problems caused by such testimony if or when it becomes necessary to do so.

Contrary to your assertion, your clients have not provided a full inventory and accounting of the Trust assets. Please do so by the deadline of October 21, 2017.

Lastly, you ignored my prior request for you to tell us your relationship with Susan Christian-Payne. Please tell us your relationship, if any, with her.

If you would like to discuss this matter please call my office and Zach or I will be able to discuss these issues with you. We can be reached at 702-438-7878

Sincerely,



TIFFANY S. BARNEY

Attorney at Law

[tiffany@anthonybarney.com](mailto:tiffany@anthonybarney.com)

cc: Joseph Powell, Esq., [joey@rkllegal.com](mailto:joey@rkllegal.com)

# EXHIBIT 3



*Steven D. Grierson*

1 IARV  
2 CARY COLT PAYNE, ESQ.  
3 Nevada Bar No.:4357  
4 CARY COLT PAYNE, CHTD.  
5 700 South Eighth Street  
6 Las Vegas, Nevada 89101  
7 (702) 383-9010  
8 carycoltpaynechtd@yahoo.com  
9 Attorney for Petitioner

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

12 In the Matter of ) Case No.: P-17-092512-T  
13 ) Dept. No.: PC-1  
14 THE CHRISTIAN FAMILY )  
15 TRUST u.a.d. 10/11/16 )  
16 )  
17 )  
18 )  
19 )  
20 )  
21 )  
22 )  
23 )  
24 )  
25 )  
26 )  
27 )  
28 )

29 **INVENTORY RECORD OF VALUE**

30 STATE OF NEVADA: COUNTY OF CLARK } ss.

31 SUSAN CHRISTIAN PAYNE, pursuant to the laws of the State of Nevada (NRS  
32 53.045), and under penalty of perjury, hereby declares that the following is a true  
33 statement of all of the estate of the above-named Trust. I hereby certify that the property  
34 described herein is property where there is no reasonable doubt as to value and is  
35 believed to be equal in value to money in the amount set opposite each respective item,  
36 and that the value of the whole of the inventoried estate as of the date of decedent's  
37 death (1/31/17) was as stated herein.

38 Dated the 20 day of October, 2017

*Susan Christian Payne*  
SUSAN CHRISTIAN PAYNE

CARY CO. PAYNE, CHTD.

700 South Eighth Street  
Las Vegas, Nevada 89101  
Tel: 702.383.9010 • Fax 702.383.9049





## REAL PROPERTY

|                                          |                           |              |
|------------------------------------------|---------------------------|--------------|
| 2848 Bluff Point Drive, Las Vegas, NV    | \$292,960.00 <sup>1</sup> |              |
| 37920 Grandview Ave., Yermo, CA (rental) | <u>\$ 64,088.00</u>       |              |
|                                          |                           | \$357,048.00 |

## PERSONAL PROPERTY

|                                    |                     |                                 |
|------------------------------------|---------------------|---------------------------------|
| Proceeds of Sale <sup>2</sup>      |                     |                                 |
| 1060- Dancing Vines, Las Vegas, NV | \$194,704.59        |                                 |
| Oxford Policy proceeds             | \$ 54,206.61        |                                 |
| Oxford Policy proceeds             | \$106,719.79        |                                 |
| Chase accounts proceeds            | <u>\$ 73,197.94</u> |                                 |
|                                    |                     | <u>\$428,828.93<sup>3</sup></u> |
| Chase Savings (6040)               | \$ 6,513.45         |                                 |
| Chase Checking (4816)              | <u>\$ 4,357.84</u>  |                                 |
| (as of 9/30/17)                    |                     | \$10,871.29                     |

**TOTAL VALUE OF TRUST PROPERTY:      \$796,748.22**

<sup>1</sup> Value based upon Zillow printout (10/16/17)

<sup>2</sup> Held for distribution, subject to claims, etc.

<sup>3</sup> Held by Client Trust Account



## CERTIFICATE OF SERVICE

The undersigned hereby certifies that on October 25, 2017, a true and correct copy of the foregoing was served to the following at the their last known address(es), facsimile numbers and/or e-mail/other electronic means, pursuant to:

☒ **BY MAIL:** N.R.C.P 5(b), I deposited for first class United States mailing, postage prepaid at Las Vegas, Nevada;

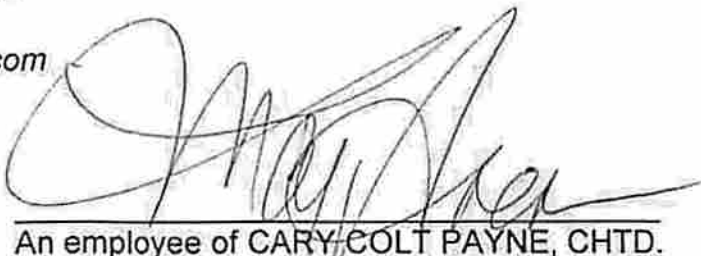
Tommy L. Christian  
245 South Lemon, Apt C  
Orange, CA 92566

Christopher A. Christian  
560 W. 20th Street #12  
San Bernardino, CA 92405

☒ **BY E-MAIL AND/OR ELECTRONIC MEANS:** Pursuant to Eighth Judicial District Court Administrative Order 14-2, Effective June 1, 2014, as identified in Rule 9 of the N.E.F.C.R. as having consented to electronic service, I served via e-mail or other electronic means (Wiznet) to the e-mail address(es) of the addressee(s).

Daniel Keifer, Esq.  
Email: [kenny@rlklegal.com](mailto:kenny@rlklegal.com)  
Joseph Powell, Esq.  
email: [joey@rushforth.com](mailto:joey@rushforth.com)  
RUSHFORTH, LEE & KIEFER, LLP  
1701 Village Center Circle, Suite 150  
Las Vegas, NV 89134  
Attorney for Monte Reason

Tiffany S. Barney, Esq.  
ANTHONY L. BARNEY LTD.  
3317 W. Charleston Blvd., Suite B  
Las Vegas, NV 89102  
email: [tiffany@anthonybarney.com](mailto:tiffany@anthonybarney.com)  
Attorney for Nancy I. Christian



An employee of CARY COLT PAYNE, CHTD.

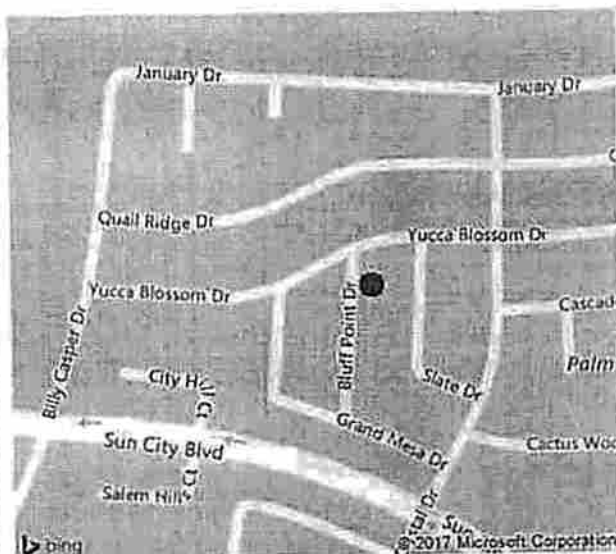
City, !

ZILLOW INSTANT OFFERS



500+ homeowners in your area got cash Instant Offers.

2848 Bluff Point Dr, Las Vegas, NV 89134



**2848 Bluff Point Dr,**  
**Las Vegas, NV 89134**

2 beds · 2 baths · 1,653 sqft

**SOLD: \$265,000**

Sold on 12/09/16

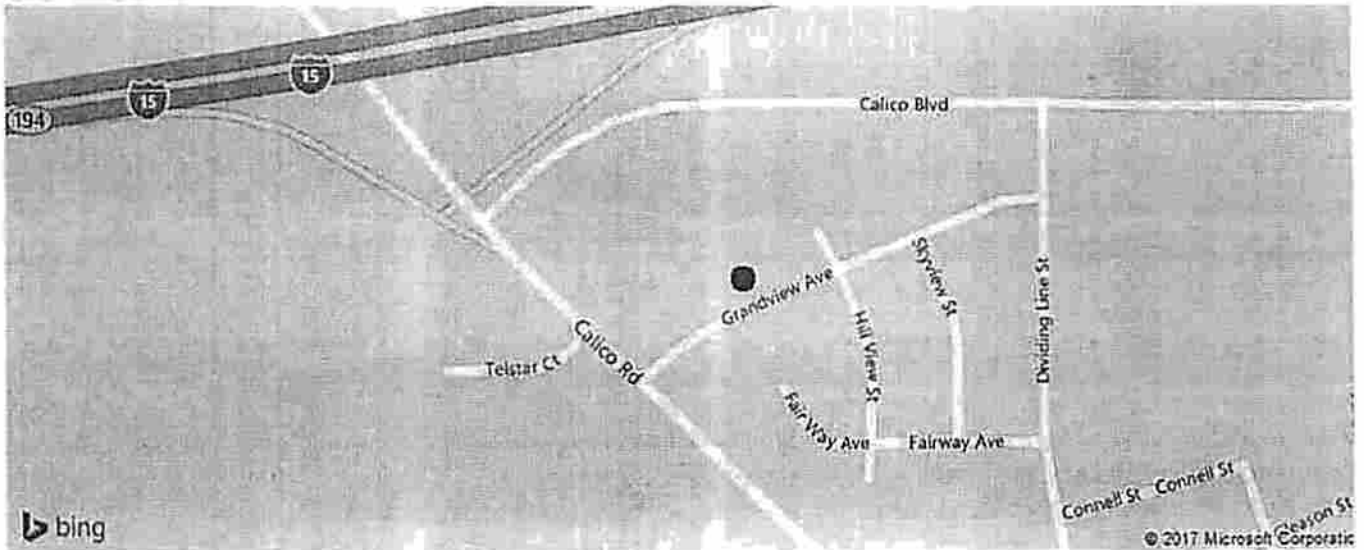
**Zestimate®: \$292,960**

Est. Refi Payment

**\$1,034/mo**

City, !

37920 Grandview Ave, Yermo, CA 92398



**37920 Grandview Ave,**  
**Yermo, CA 92398**

3 beds · 2 baths · 1,144 sqft

OFF MARKET

Zestimate\*: \$64,088

Rent Zestimate\*: \$950 /mo

Est. Refi Payment  
\$250/mo

Is this your rental?

Get a monthly local market report with comparable rentals in your area.

- ☐ I own and manage this rental
- ☐ I manage this rental for the owner

Enter email

Subscribe

## Closing Disclosure

## Closing Information

Date Issued 2/8/2017  
 Closing Date  
 Disbursement Date  
 Settlement Agent Equity Title of Nevada  
 File # 17840030-084-TGR  
 Property 1060 Dancing Vines Avenue  
 Las Vegas, NV 89183  
 Sale Price \$210,000.00

## Transaction Information

Borrower Deborah Coulter and Paul Hirsch  
 1060 Dancing Vines Avenue  
 Las Vegas, NV 89183  
 Seller \*\*See Attachment

## Summaries of Transactions

## SELLER'S TRANSACTION

Due to Seller at Closing \$210,511.59  
 01 Sale Price of Property \$210,000.00  
 02 Sale Price of Any Personal Property Included in Sale

## Adjustments for Items Paid by Seller in Advance

City/Town Taxes to  
 County Taxes 2/10/17 to 7/1/17 \$382.08  
 11 Assessments 2/10/17 to 3/1/17 \$15.62  
 12 Sewer 2/10/17 to 7/6/17 \$90.04  
 13 Trash 2/10/17 to 4/1/17 \$23.85

Due from Seller at Closing \$15,807.00

01 Excess Deposit  
 02 Closing Costs Paid at Closing (I) \$15,503.40  
 03 Existing Loan(s) Assumed or Taken Subject to  
 04 Payoff of First Mortgage Loan  
 05 Payoff of Second Mortgage Loan

06 Seller Credit

07 Title Insurance Premium Adjustment \$303.60

## Adjustments for Items Unpaid by Seller

14 City/Town Taxes to  
 15 County Taxes to  
 16 Assessments to

## CALCULATION

Total Due to Seller at Closing \$210,511.59  
 Total Due from Seller at Closing -\$15,807.00  
 Cash ☐ From ☒ To Seller \$194,704.59

## Contact Information

## REAL ESTATE BROKER (B)

Name Black & Cherry Real Estate  
 Address 2421 W. Horizon Ridge PKWY Suite 110  
 Henderson NV 89052  
 NV License ID  
 Contact Mark Hillers  
 Contact NV License ID  
 Email thehillerteam@gmail.com  
 Phone (702) 460-4454

## REAL ESTATE BROKER (S)

Name Real Estate By Design  
 Address 1180 Town Center Drive Suite 100  
 Las Vegas NV 89144  
 NV License ID  
 Contact Jackie Akester  
 Contact NV License ID  
 Email jackie@rebdlv.com  
 Phone (702) 945-2728

## SETTLEMENT AGENT

Name Equity Title of Nevada  
 Address 2475 Village View Dr. Suite 250  
 Henderson NV 89074  
 NV License ID  
 Contact Taci Granlund  
 Contact NV License ID  
 Email TeamTLT@equitynv.com  
 Phone (702) 432-1111

Questions? If you have questions about the loan terms or costs on this form, use the contact information below. To get more information or make a complaint, contact the Consumer Financial Protection Bureau at [www.consumerfinance.gov/mortgage-closing](http://www.consumerfinance.gov/mortgage-closing)



# Closing Cost Details

| Loan Costs                                                                                         |  | Seller-Paid |                |
|----------------------------------------------------------------------------------------------------|--|-------------|----------------|
|                                                                                                    |  | At Closing  | Before Closing |
| <b>A. Origination Charges</b>                                                                      |  |             |                |
| 01 % of Loan Amount (Points)                                                                       |  |             | \$0.00         |
| 02                                                                                                 |  |             |                |
| 03                                                                                                 |  |             |                |
| 04                                                                                                 |  |             |                |
| 05                                                                                                 |  |             |                |
| 06                                                                                                 |  |             |                |
| <b>B. Services Borrower Did Not Shop For</b>                                                       |  |             |                |
| 07                                                                                                 |  |             | \$0.00         |
| 08                                                                                                 |  |             |                |
| 09                                                                                                 |  |             |                |
| 10                                                                                                 |  |             |                |
| 11                                                                                                 |  |             |                |
| 12                                                                                                 |  |             |                |
| 13                                                                                                 |  |             |                |
| <b>C. Services Borrower Did Shop For</b>                                                           |  |             |                |
| 01 Escrow Fee to Equity Title of Nevada                                                            |  | \$480.00    |                |
| 02 Notary Signing Fee                                                                              |  | \$355.00    |                |
| 03                                                                                                 |  | \$125.00    |                |
| 04                                                                                                 |  |             |                |
| 05                                                                                                 |  |             |                |
| 06                                                                                                 |  |             |                |
| 07                                                                                                 |  |             |                |
| 08                                                                                                 |  |             |                |
| 09                                                                                                 |  |             |                |
| 10                                                                                                 |  |             |                |
| <b>Other Costs</b>                                                                                 |  |             |                |
| <b>E. Taxes and Other Government Fees</b>                                                          |  |             |                |
| 01 Recording Fees Deed; Mortgage;                                                                  |  | \$1,071.00  |                |
| 02 County Transfer Tax to Equity Title of Nevada                                                   |  | \$1,071.00  |                |
| <b>F. Prepays</b>                                                                                  |  |             |                |
| 01 Homeowner's Insurance Premium (mo.)                                                             |  | \$0.00      |                |
| 02 Mortgage Insurance Premium (mo.)                                                                |  |             |                |
| 03 Prepaid Interest (per day from to)                                                              |  |             |                |
| 04 Property Taxes (mo.)                                                                            |  |             |                |
| <b>G. Initial Escrow Payment at Closing</b>                                                        |  |             |                |
| 01 Homeowner's Insurance per month for mo.                                                         |  | \$0.00      |                |
| 02 Mortgage Insurance per month for mo.                                                            |  |             |                |
| 03 Property Taxes per month for mo.                                                                |  |             |                |
| 04 Aggregate Adjustment                                                                            |  |             |                |
| 05                                                                                                 |  |             |                |
| 06                                                                                                 |  |             |                |
| 07                                                                                                 |  |             |                |
| 08                                                                                                 |  |             |                |
| <b>H. Other</b>                                                                                    |  |             |                |
| 01 HOA Dues to Silverado South Homeowners Association                                              |  | \$13,952.40 |                |
| 02 Real Estate Commission to Real Estate By Design                                                 |  | \$60.00     |                |
| 03 Real Estate Commission to Black & Cherry Real Estate                                            |  | \$6,300.00  |                |
| 04 Reimburse Agent to Real Estate By Design                                                        |  | \$6,300.00  |                |
| 05 Title - ALTA 2013 Homeowner's Policy or Title Insurance (Rev 12-2-13) to Equity Title of Nevada |  | \$330.00    |                |
| 06 Transfer Fee to First Service Residential Realty                                                |  | \$737.40    |                |
| 07                                                                                                 |  | \$225.00    |                |
| 08                                                                                                 |  |             |                |
| 09                                                                                                 |  |             |                |
| 10                                                                                                 |  |             |                |
| <b>J. TOTAL CLOSING COSTS</b>                                                                      |  |             | \$15,503.40    |

## Equity Title of Nevada

2475 Village View Dr., Suite 250 Henderson, NV 89074

Phone: (702) 432-1111

File No./Escrow No.: 17840030-084-TGR

Print Date &amp; Time: 2/8/2017 - 12:47:19PM

Officer/Escrow Officer: Tacel Granlund

Settlement Location: 2475 Village View Dr., Suite 250, Henderson, NV 89074

Property Address: 1060 Dancing Vines Avenue, Las Vegas, NV 89183, 177-27-611-254

Seller: Rosemary K. Christian-Keach, Raymond T. Christian, Jr. and Susan G. Christian-Payne, Trustees of the Christian

Lender: American Financial Network

Settlement Date: 2/10/2017

Disbursement Date:

| Description                                                                             |          |            | Seller |  |
|-----------------------------------------------------------------------------------------|----------|------------|--------|--|
|                                                                                         | Debit    | Credit     |        |  |
| <b>Financial</b>                                                                        |          |            |        |  |
| Sale Price of Property                                                                  |          | 210,000.00 |        |  |
| <b>Prorations/Adjustments</b>                                                           |          |            |        |  |
| County Taxes 02/10/17 to 07/01/17                                                       |          | 382.08     |        |  |
| Assessments 02/10/17 to 03/01/17                                                        |          | 15.62      |        |  |
| Sewer 02/10/17 to 07/06/17                                                              |          | 90.04      |        |  |
| Trash 02/10/17 to 04/01/17                                                              |          | 23.85      |        |  |
| Title Insurance Premium Adjustment                                                      | 303.60   |            |        |  |
| <b>Other Loan Charges</b>                                                               |          |            |        |  |
| Notary Signing Fee                                                                      | 125.00   |            |        |  |
| <b>Title Charges &amp; Escrow/Settlement Charges</b>                                    |          |            |        |  |
| ALTA 2013 Homeowner's Policy or Title Insurance (Rev 12-2-13) to Equity Title of Nevada | 737.40   |            |        |  |
| Escrow Fee to Equity Title of Nevada                                                    | 355.00   |            |        |  |
| <b>Commission</b>                                                                       |          |            |        |  |
| Real Estate Commission to Real Estate By Design                                         | 6,300.00 |            |        |  |
| Real Estate Commission to Black & Cherry Real Estate                                    | 6,300.00 |            |        |  |
| <b>Government Recording and Transfer Charges</b>                                        |          |            |        |  |



| Description                                        | Debit             | Credit            |
|----------------------------------------------------|-------------------|-------------------|
| County Transfer Tax to Equity Title of Nevada      | 1,071.00          |                   |
| Miscellaneous                                      |                   |                   |
| HOA Dues to Silverado South Homeowners Association | 60.00             |                   |
| Reimburse Agent to Real Estate By Design           | 330.00            |                   |
| Transfer Fee to First Service Residential Realty   | 225.00            |                   |
|                                                    |                   |                   |
| <b>Subtotals</b>                                   | <b>15,807.00</b>  | <b>210,511.59</b> |
| Proceeds Due Seller                                | 194,704.59        |                   |
| <b>Totals</b>                                      | <b>210,511.59</b> | <b>210,511.59</b> |

#### Acknowledgement

We/I have carefully reviewed the ALTA Settlement Statement and find it to be a true and accurate statement of all receipts and disbursements made on my account or by me in this transaction and further certify that I have received a copy of the ALTA Settlement Statement. We/I authorize Equity Title of Nevada to cause the funds to be disbursed in accordance with this statement.

The Christian Family Trust, dated October 11, 2016

Rosemary K. Christian-Keach, Trustee

The Christian Family Trust, dated October 11, 2016

Raymond T. Christian, Jr., Trustee

The Christian Family Trust, dated October 11, 2016

Susan G. Christian-Payne, Trustee

Tad Grantlund

## CARY COLT PAYNE, CHTD.

10/5/2017 3:53 PM

Register: CLIENT TRUST ACCOUNT:Christian Family Trust

From 06/01/2016 through 10/05/2017

Sorted by: Date, Type, Number/Ref

| <u>Date</u> | <u>Number</u> | <u>Payee</u>            | <u>Account</u>      | <u>Memo</u> | <u>Payment</u> | <u>C</u> | <u>Deposit</u> | <u>Balance</u> |
|-------------|---------------|-------------------------|---------------------|-------------|----------------|----------|----------------|----------------|
| 06/30/2017  | 185830        | Christian Family Trust  | CLIENT TRUST ACC... | Deposit     |                |          | 106,719.79     | 106,719.79     |
| 06/30/2017  | 185831        | Christian Family Trust  | CLIENT TRUST ACC... | Deposit     |                |          | 54,206.61      | 160,926.40     |
| 06/30/2017  | 9569903...    | Susan G. Christian-P... | CLIENT TRUST ACC... | Deposit     |                |          | 267,902.53     | 428,828.93     |

**CONSOLIDATED BALANCE SUMMARY****ASSETS**

|                               | ACCOUNT | BEGINNING BALANCE<br>THIS PERIOD | ENDING BALANCE<br>THIS PERIOD |
|-------------------------------|---------|----------------------------------|-------------------------------|
| Checking & Savings            |         |                                  |                               |
| Chase Private Client Checking |         | \$4,670.33                       | \$4,357.84                    |
| Chase Private Client Savings  |         | 5,763.25                         | 6,513.45                      |
| <b>Total</b>                  |         | <b>\$10,433.58</b>               | <b>\$10,871.29</b>            |

**TOTAL ASSETS****\$10,433.58      \$10,871.29**

All Summary Balances shown are as of September 29, 2017 unless otherwise stated. For details of your retirement accounts, credit accounts or securities accounts, you will receive separate statements. Balance summary information for annuities is provided by the issuing insurance companies and believed to be reliable without guarantee of its completeness or accuracy.

**CHASE PRIVATE CLIENT CHECKING**

CHRISTIAN FAMILY TRUST

Account Number

SUSAN G CHRISTIAN-PAYNE TRUSTEE

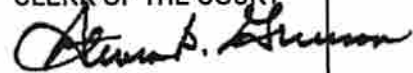
OR RAYMOND TYRONE CHRISTIAN TRUSTEE

**CHECKING SUMMARY**

|                                            | AMOUNT            |
|--------------------------------------------|-------------------|
| Beginning Balance                          | \$4,670.33        |
| Deposits and Additions                     | 0.03              |
| Electronic Withdrawals                     | -312.52           |
| <b>Ending Balance</b>                      | <b>\$4,357.84</b> |
| Annual Percentage Yield Earned This Period | 0.01%             |
| Interest Paid This Period                  | \$0.03            |
| Interest Paid Year-to-Date                 | \$0.37            |

**TRANSACTION DETAIL**

| DATE  | DESCRIPTION                                        | AMOUNT  | BALANCE    |
|-------|----------------------------------------------------|---------|------------|
|       | Beginning Balance                                  |         | \$4,670.33 |
| 09/06 | WI Home Mtg Auto Pay 0022758965 Web ID: W952318940 | -312.52 | 4,357.81   |
| 09/29 | Interest Payment                                   | 0.03    | 4,357.84   |
|       | Ending Balance                                     |         | \$4,357.84 |



1 **ACCT**  
2 CARY COLT PAYNE, ESQ.  
3 Nevada Bar No. 4357  
4 CARY COLT PAYNE, CHTD.  
5 700 South Eighth Street  
6 Las Vegas, Nevada 89101  
7 (702) 383-9010  
8 carycoltpaynechtd@yahoo.com  
9 Attorney for Petitioner

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

12 In the Matter of ) Case No.: P-17-092512-T  
13 ) Dept. No.: PC-1  
14 THE CHRISTIAN FAMILY )  
15 TRUST u.a.d. 10/11/16 )  
16 ~~~~~ )

17 **ACCOUNTING**

CARY COLT PAYNE, CHTD.

700 South Eighth Street

Las Vegas, Nevada 89101

Tel: 702.383.9010 • Fax 702.383.9049





# CERTIFICATE OF SERVICE

The undersigned hereby certifies that on October 25, 2017, a true and correct copy of the foregoing was served to the following at the their last known address(es), facsimile numbers and/or e-mail/other electronic means, pursuant to:

☒ **BY MAIL:** N.R.C.P 5(b), I deposited for first class United States mailing, postage prepaid at Las Vegas, Nevada;


Tommy L. Christian  
245 South Lemon, Apt C  
Orange, CA 92566

Christopher A. Christian  
560 W. 20th Street #12  
San Bernardino, CA 92405

☒ **BY E-MAIL AND/OR ELECTRONIC MEANS:** Pursuant to Eighth Judicial District Court Administrative Order 14-2, Effective June 1, 2014, as identified in Rule 9 of the N.E.F.C.R. as having consented to electronic service, I served via e-mail or other electronic means (Wiznet) to the e-mail address(es) of the addressee(s).

Daniel Keifer, Esq.  
Email: [kenny@rlklegal.com](mailto:kenny@rlklegal.com)  
Joseph Powell, Esq.  
email: [joey@rushforth.com](mailto:joey@rushforth.com)  
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email: [tiffany@anthonybarney.com](mailto:tiffany@anthonybarney.com)  
Attorney for Nancy I. Christian

  
An employee of CARY COLT PAYNE, CHTD.