



In the Supreme Court of the State of Nevada

Electronically Filed
Aug 02 2019 10:06 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

INDICATE FULL CAPTION:

In the Matter of the)

Supreme Court No. : 79167

THE CHRISTIAN FAMILY)

TRUST u.a.d. 10/11/16)

~~~~~ )  
SUSAN CHRISTIAN, )

ROSEMARY KEACH AND )

RAYMOND CHRISTIAN )

Appellants, )

EJDC Case No.:

P-17-092512-T

-vs- )

JACQUELINE UTKIN and MONTE REASON )

Respondents. )

~~~~~ )  
DOCKETING STATEMENT

GENERAL INFORMATION

Appellants must complete this docketing statement in compliance with NRAP 14(a). The purpose of the docketing statement is to assist the Supreme Court in screening jurisdiction, classifying cases for en banc, panel, or expedited treatment, compiling statistical information and identifying parties and their counsel.

WARNING

This statement must be completed fully, accurately and on time. NRAP 14(c). The Supreme Court may impose sanctions on counsel or appellant if it appears that the information provided is incomplete or inaccurate. *Id.* Failure to attach documents as requested in this statement, completely fill out the statement, or to fail to file it in a timely manner, will constitute grounds for the imposition of sanctions, including a fine and/or dismissal of the appeal.

A complete list of the documents that must be attached appears as Question 27 on this docketing statement. Failure to attach all required documents will result in the delay of your appeal and may result in the imposition of sanctions.

This court has noted that when attorneys do not take seriously their obligations under NRAP 14 to complete the docketing statement properly and conscientiously, they waste the valuable judicial resources of this court, making the imposition of sanctions appropriate. *See KDI Sylvan Pools v. Workman*, 107 Nev. 340, 344, 810 P.2d 1217, 1220 (1991). Please use tab dividers to separate any attached documents.

1 Judicial District: EIGHTH Department: B County: CLARK
Judge: LINDA MARQUIS District Ct. Docket No. N/A

2 **Attorney filing this docket statement:**

Attorney CARY COLT PAYNE, ESQ **Telephone** (702) 383-9010

Firm CARY COLT PAYNE, CHTD.

Address 700 S. EIGHTH STREET, LAS VEGAS, NV 89101

Client(s) SUSAN CHRISTIAN, ROSEMARY KEACH,
RAYMOND CHRISTIAN, JR.

A joint statement completed on behalf of multiple appellants, add the names and addresses of other counsel and the names of their clients on an additional sheet accompanied by certification that they concur in the filing of this statement.

3 **Attorney(s) representing respondent(s):**

Attorney JERIMY L. KIRSCHNER, ESQ. **Telephone** (702) 563-4444

Address 5550 PAINTED MIRAGE RD., SUITE 320
LAS VEGAS, NV 89149

Client(s) JACQUELINE UTKIN

Attorney JOSEPH POWELL, ESQ. **Telephone** (702) 255-4552

Firm RUSHFORTH, LEE & KIEFER, LLP

Address 1701 VILLAGE CENTER CIRCLE, SUITE 150
LAS VEGAS, NV 89145

Client(s) MONTE REASON

4 **Nature of disposition below (check all that apply):**

- | | |
|--|---|
| <input type="checkbox"/> Judgment after bench trial | <input type="checkbox"/> Grant/Denial of NRCP 60(b) relief |
| <input type="checkbox"/> Judgment after jury verdict | <input type="checkbox"/> Grant/Denial of injunction |
| <input type="checkbox"/> Summary judgment | <input type="checkbox"/> Grant/Denial of declaratory relief |
| <input type="checkbox"/> Default judgment | <input type="checkbox"/> Review of agency determination |
| <input type="checkbox"/> Dismissal | <input type="checkbox"/> Divorce decree: |
| <input type="checkbox"/> Lack of jurisdiction | <input type="checkbox"/> Original <input type="checkbox"/> Modification |
| <input type="checkbox"/> Failure to state a claim | <input checked="" type="checkbox"/> Other disposition (specify) |
| <input type="checkbox"/> Failure to prosecute | Trust Administration-Petition for |
| <input type="checkbox"/> Other (specify) _____ | Attorney Fees, etc. |

5. **Does this appeal raise issues concerning any of the following:** **NO**
- | | |
|--|--|
| <input type="checkbox"/> Child custody | <input type="checkbox"/> Termination of parental rights |
| <input type="checkbox"/> Venue | <input type="checkbox"/> Grant/denial of injunction or TRO |
| <input type="checkbox"/> Adoption | <input type="checkbox"/> Juvenile matters |
6. **Pending and prior proceedings in this court.** List the case name and docket number of all appeals or original proceedings presently or previously pending before this court which are related to this appeal:
Christian Family Trust; Susan Christian et.al v. Jacqueline Utkin
Case No: 75750
7. **Pending and prior proceedings in other courts.** List the case name, number and court of all pending and prior proceedings in other courts which are related to this appeal (*e.g.*, bankruptcy, consolidated or bifurcated proceedings) and their dates of disposition:
NOT APPLICABLE
8. **Nature of the action.** Briefly describe the nature of the action, including a list of the causes of action pleaded, and the result below:
TRUST ADMINISTRATION – District Court’s interpretation of trust and an award of attorney’s fees to removed trustee, and former nominated trustee without benefit to the trust.
9. **Issues on appeal.** State concisely the principal issue(s) in this appeal:
- (1) Did the District Court err and/or abuse its discretion by not considering Brunzell factors or other similar factors in awarding attorney’s fees in a trust matter?
- (2) Did the District Court err and/or abuse its discretion by making an award of attorneys fees and costs without any findings as to the reasonableness of any fees or the actual benefits to the trust, and summarily decided;
- (3) Did the District Court err and/or abuse its discretion by making an award of attorney’s fees and costs after the trustee was removed for cause?
- (4) Was it error to permit an unqualified trustee to nominate another trustee?
- (5) Was it error to permit an improper trustee a violation of trust terms an award of attorneys fees?

(6) Does a trustee (appointed) who did not marshal trust assets or was not named in the trust agreement have any right to engage counsel at the expense of a trust?

(7) Did the District Court err in not confirming a trustee then make an award of attorney's fees from trust assets?

10. **Pending proceedings in this court raising the same or similar issues.** If you are aware of any proceeding presently pending before this court which raises the same or similar issues raised in this appeal, list the case name and docket number and identify the same or similar issues raised: N/A

11. **Constitutional issues.** If this appeal challenges the constitutionality of a statute, and the state, any state agency, or any officer or employee thereof is not a party to this appeal, have you notified the clerk of this court and the attorney general in accordance with NRAP 44 and NRS 30.130?

N/A X Yes _____ No _____ *If not, explain* _____

12. **Other issues.** Does this appeal involve any of the following issues? N/A

- ☐ Reversal of well-settled Nevada precedent (on an attachment, identify the case(s))
- ☐ An issue arising under the United States and/or Nevada Constitutions
- ☐ A substantial issue of first-impression
- ☐ An issue of public policy
- ☐ An issue where en banc consideration is necessary to maintain uniformity of this court's decisions
- ☐ A ballot question

If so, explain _____

13. **Trial.** If this action proceeded to trial, how many days did the trial last?
Bench Decision. Was it a bench or jury trial? Neither

14. **Judicial disqualification.** Do you intend to file a motion to disqualify or have a justice recuse him/herself from participation in this appeal. If so, which Justice?
NOT APPLICABLE

TIMELINESS OF NOTICE OF APPEAL

15. Date of entry of written judgment or order appealed from:

June 10, 2019 (Utkin fees) and June 11, 2019 (Reason fees)

Attach a copy. If more than one judgment or order is appealed from, attach copies of each judgment or order from which an appeal is taken.

(a) If no written judgment or order was filed in the district court, explain the basis for seeking appellate review: NOT APPLICABLE

16. Date written notice of entry of judgment or order served:

June 10, 2019 (Utkin fees) and June 13, 2019 (Reason fees)

Attach a copy, including proof of service, for each order or judgment appealed from. (a) Was service by delivery ____; by mail ____; electronic service X

17. If the time for filing the notice of appeal was tolled by a post-judgment motion (NRCP 50(b), 52(b), or 59),

NOT APPLICABLE

(a) Specify the type of motion, and the date and method of service of the motion, and date of filing.

NRCP 50(b) ____ Date served ____ By delivery ____ or by mail ____ Date of filing ____

NRCP 52(b) ____ Date served ____ By delivery ____ or by mail ____ Date of filing ____

NRCP 59 ____ Date served ____ By delivery ____ or by mail ____ Date of filing ____

Attach copies of all post-trial tolling motions.

NOTE: Motions made pursuant to NRCP 60 or motions for rehearing or reconsideration do not toll the time for filing a notice of appeal.

(b) Date of entry of written order resolving tolling motion _____. Attach a copy.

(c) Date written notice of entry of order resolving motion served _____. Attach a copy, including proof of service.

(i) Was service by delivery _____ or by mail _____ (specify).

18. Date notice of appeal was filed : July 10, 2019

(a) If more than one party has appealed from the judgment or order, list date each notice of appeal was filed and identify by name the party filing the notice of appeal:

19. Specify statute or rule governing the time limit for filing the notice of appeal, e.g., NRAP 4(a), NRS 155.190, or other NRAP 4(a) ; NRS 155.190.

SUBSTANTIVE APPEALABILITY

20. Specify the statute or other authority granting this court jurisdiction to review the judgment or order appealed from:

NRAP 3A(b)(1) ___ NRS 155.190 ___ X (specify subsection) (h) (j) (l) (n)
NRAP 3A(b)(2) ___ NRS 38.205 ___ (specify subsection) ___
NRAP 3A(b)(3) ___ NRS 703.376 ___
Other (specify) _____

Explain how each authority provides a basis for appeal from the judgment or order:

Specifically appealable by NRS

COMPLETE THE FOLLOWING SECTION ONLY IF MORE THAN ONE CLAIM FOR RELIEF WAS PRESENTED IN THE ACTION (WHETHER AS A CLAIM, COUNTERCLAIM, CROSS-CLAIM, OR THIRD-PARTY CLAIM) OR IF MULTIPLE PARTIES WERE INVOLVED IN THE ACTION. Attach separate sheets as necessary. N/A

21. List all parties involved in the action in the district court:

(a) If all parties in the district court are not parties to this appeal, explain in detail why those parties are not involved in this appeal, *e.g.*, formally dismissed, not served, or other:

22. Give a brief description (3 to 5 words) of each party's separate claims, counterclaims, cross-claims or third-party claims, and the trial court's disposition of each claim, and how each claim was resolved (*i.e.*, order, judgment, stipulation), and the date of disposition of each claim. Attach a copy of each disposition.

23. Attach copies of the last-filed version of all complaints, counterclaims, and/or cross-claims filed in the district court.

NOT APPLICABLE

24. Did the judgment or order appealed from adjudicate ALL the claims alleged below and the rights and liabilities of ALL the parties to the action below:

Yes _____ No X

25. If you answered "No" to the immediately previous question, complete the following:

(a) Specify the claims remaining pending below:

(b) Specify the parties remaining below: Same parties

(c) Did the district court certify the judgment or order appealed from as a final judgment pursuant to NRCP 54(b):

Yes _____ No X If "Yes," attach a copy of the certification or order, including any notice of entry and proof of service.

(d) Did the district court make an express determination, pursuant to NRCP 54(b), that there is no just reason for delay and an express direction for the entry of judgment:

Yes _____ No X

26. If you answered "No" to any part of question 25, explain the basis for seeking appellate review (e.g., order is independently appealable under NRAP 3A(b)):

Order implements appealable matters pursuant to NRS 150.190 (h), (j), (n), (l)

27. Attach file-stamped copies of the following documents:

- The latest filed complaint, counterclaims, cross-claims and third party claims;
- Any tolling motion(s) and order(s) resolving tolling motions;
- Orders of NRCP 41(a) dismissals formally resolving each claim, counterclaims, cross-claims and/or third party claims asserted in the action or consolidated action below, even if not at issue on appeal;
- Any other order challenged on appeal;
- Notices of entry for each attached order.

| | <i>Date filed</i> | <i>Description</i> |
|-------------|-------------------|---|
| Exhibit "A" | 3/8/18 | Monte Reason's Application for Reimbursement |
| Exhibit "B" | 3/9/18 | Combined Opposition to Fees and Costs
(sans exhibits as they do not relate to
Monte Reason's Application) (Payne) |
| Exhibit "C" | 3/9/18 | Monte Reason's Response to Opposition to
Application for Reimbursement |
| Exhibit "D" | 10/23/18 | Motion Requesting Payment (Utkin/Kirschner) |
| Exhibit "E" | 10/31/18 | Supplemental Objection to Utkin Accounting (Payne) |
| Exhibit "F" | 11/20/18 | Opposition to Utkin Motion for Fees (Payne) |
| Exhibit "G" | 5/22/19 | Supplemental Brief re RLK Fees (Payne) |
| Exhibit "H" | 5/22/19 | Supplemental Brief re Keifer Fees (Rushforth) |
| Exhibit "I" | 6/10/19 | Notice of Entry of Order (Kirschner) |
| Exhibit "J" | 6/13/19 | Notice of Entry of Order (Rushforth) |

VERIFICATION

I declare under penalty of perjury that I have read this docketing statement, that the information provided in this docketing statement is true and complete to the best of my knowledge, information and belief, and that I have attached all required documents to this docketing statement.

Submitted by:



CARY COLT PAYNE, ESQ.

Nevada Bar No.: 4357

CARY COLT PAYNE, CHTD.

700 S. Eighth Street

Las Vegas, NV 89101

(702) 383-9010

Attorney for Appellants

Susan Christian

Rosemary Keach

Raymond Christian, Jr.

Date: August 2, 2019


CERTIFICATE OF SERVICE

I certify that pursuant to NRAP 31, on the 2ND day of August, 2019, I have served to the following copy of the foregoing via electronic filing by electronic filing through the Court's E-Flex System:

Russel J. Geist, Esq.
HUTCHISON & STEFFEN, PLLC
10080 West Alta Drive, Suite 200
Las Vegas, NV 89145
Email: rgeist@Hutchlegal.com
Attorneys for Fredrick P. Waid (current trustee)

Jerimy Kirschner, Esq.
JERIMY KIRSCHNER & ASSOCIATES, LTD.
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Las Vegas, NV 89149
email: jerimy@jkirschnerlaw.com
Attorney for Jacqueline Utkin

Joseph Powell, Esq.
RUSHFORTH, LEE & KIEFER, LLP
1701 Village Center Circle, Suite 150
Las Vegas, NV 89134
email: joey@rlklegal.com
Attorney for Monte Reason



An employee of CARY COLT PAYNE, CHTD.

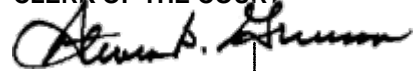


CARY COLT PAYNE, CHTD.

Attorney at Law
700 S. Eighth Street • Las Vegas, Nevada 89101
(702) 383-9010 • Fax (702) 383-9049

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EXHIBIT “A”



APP

JOSEPH J. POWELL
State Bar No. 8875
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Telephone: (702) 255-4552
Fax: (702) 255-4677
Email: probate@rlklegal.com
Attorneys for Monte B. Reason

DISTRICT COURT

CLARK COUNTY, NEVADA

In the Matter of

THE CHRISTIAN FAMILY
TRUST u.a.d. 10/11/16

Case No. P- 17-092512-T
Department S/Judge Ochoa
(Probate) Clark District
Family Domestic

Hearing date: *OST REQUESTED*
Hearing time: *OST REQUESTED*

**MONTE REASON'S APPLICATION FOR REIMBURSEMENT OF ADMINISTRATIVE
EXPENSES**

Monte B. Reason ("Monte"), by and through his counsel of record, Joseph J. Powell, Esq. of Rushforth Lee & Kiefer LLP, hereby submits his Application for reimbursement of the legal fees and costs he incurred while serving as trustee of the "Christian Family Trust", dated October 11, 2016 (the "Trust") and requests this Application be heard on Order Shortening Time.



ORDER SHORTENING TIME

Good cause appearing, IT IS HEREBY ORDERED that the Application for Reimbursement of Administrative Expenses shall be set for March 15 2018 at 2:00 P.M. in Department S.

Dated this 7 day of March 2018


DISTRICT COURT JUDGE

DECLARATION OF JOSEPH J. POWELL IN SUPPORT OF ORDER SHORTENING TIME

Joseph J. Powell declares as follows:

1. I am over the age of 18 and am competent and willing to testify regarding the matters asserted herein, which are based on my own personal knowledge, unless stated upon information and belief, as to which statements I am informed and believe to be true.

2. I am an attorney with the law firm of Rushforth Lee & Kiefer, LLP ("RLK") and am licensed to practice law in the State of Nevada and the State of California.

3. RLK represented Monte B. Reason in his capacity as trustee of the "Christian Family Trust", dated October 11, 2016 (the "Trust").

4. I believe that good cause exists which justifies hearing Mr. Reason's Application on an order shortening time.

5. Specifically, good cause exists to hear the Application at the next hearing date which is scheduled in this matter (March 28, 2018). On March 28th, the Court will hear the "Petition to Confirm Successor Trustee" filed by the current trustee of the Trust, Jacquelyn Utkin.

6. It will serve judicial economy, as well as all interested parties, to have this Application heard at the next hearing. Importantly, this hearing is more than a month away.

1 7. Shortly after the March 28th hearing, the parties will be attending a settlement
2 conference. Outstanding debts of the Trust should be dealt with before that conference.

3 8. I make these statements and declarations under penalty of perjury under the
4 laws of the State of Nevada.

5 Dated this 26th day of February 2018.



6
7 JOSEPH J. POWELL (SBN 8875)
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MEMORANDUM OF POINTS AND AUTHORITIES

I. APPLICATION FOR REIMBURSEMENT OF LEGAL FEES AND COSTS

Monte served as the trustee of the Trust from June 21, 2017 through January 12, 2018. Monte was nominated to serve as trustee of the Trust by his mother, Nancy Christian (the surviving settlor), who executed the "Modification and Designation of Trustee and Successor Trustee" on June 12, 2017 ("Modification").

The Modification executed by Mrs. Christian served as both a removal of the previous serving trustees, Rosemary K. Christian-Keach, Raymond T. Christian, Jr., and Susan G. Christian-Payne (collectively referred to herein as the "Replaced Trustees"), and a nomination of Monte.

Monte executed a Certificate of Incumbency on June 21, 2017, which served as his acceptance of Mrs. Christian's nomination.

Section 9.3 of the Trust expressly authorized Mrs. Christian to change the trustee(s) of her trust.

Paragraph (n) of Section 10.1 of the Trust expressly authorized Monte, in his capacity as trustee, to hire legal counsel to assist him in performing his duties as trustee. Monte exercised this right by hiring of Rushforth Lee & Kiefer, LLP ("RLK").

Paragraph (n) of Section 10.1 expressly provides as follows:

(n) To employ agents, attorneys, brokers, and other employees, individual or corporate, and to pay them reasonable compensation, which shall be deemed part of the expenses of the Trusts and powers hereunder. [Emphasis Added].

RLK performed legal services for Monte (in his capacity as trustee) in the amount of \$37,095 (legal fees) and incurred costs in the amount of \$195, for a total of \$37,294.

This sum would have already been reimbursed to Monte, but for the fact that the Former Trustees unilaterally, and without any legal authority, removed funds belonging to the Trust.

II. COURT APPROVAL OF LEGAL FEES AND COSTS IS NOT BEING SOUGHT

1 This Application is being brought simply because the funds belonging to the
2 Trust are currently frozen by Court order. As stated, Monte had no access to the liquid
3 trust funds, representing well over \$400,000, while serving as trustee.

4 Critically, Monte was expressly authorized under the Trust to hire RLK and its
5 fees. Accordingly, Monte is not seeking an approval of fees from his Court. Instead,
6 Monte is simply seeking access to the blocked funds so that he can satisfy the Trust's
7 obligation to RLK.

8 The *Brunzell*¹ factors are not at issue and are not analyzed herein.

9 **III. ADDITIONAL FEES AND COSTS**

10 As Monte has incurred additional legal fees and costs in bringing this
11 Application (preparation and attendance by an RLK attorney at the required hearing,
12 along with the preparation of the accompanying order), he asks that such fees and costs
13 also be provided from the frozen funds. Jacqueline Utkin is the current trustee of the
14 Trust and Monte will advise her of the total costs associated with this Application.

15 **IV. CONCLUSION/PRAYER**

16 Monte Reason hereby requests that this Application be granted and approved
17 in its entirety.

18
19 Respectfully submitted by:

20 
21

FEB 26 2018

22 _____
23 Joseph J. Powell
24 State Bar. No. 8875
1707 Village Center Circle, Suite 150
Las Vegas, NV 89134-0597

Date

25 *Attorneys for Monte B. Reason*
26
27
28 _____

¹*Brunzell v. Golden Gate National Bank*, 85 Nev. 345, 455 P.2d 31 (Nev. 1969)

1
2 VERIFICATION OF APPLICATION FOR REIMBURSEMENT OF
ADMINISTRATIVE EXPENSES ON ORDER SHORTENING TIME

3 Under penalties of perjury under the laws of the State of Nevada, I declare that:

4 1. I approve of the submission of the above Application for Reimbursement of
5 Administrative Expenses on Order Shortening Time (the "Application") and state that
6 it is being filed for a legitimate purpose.

7 2. I have reviewed the Application and know its content and factual assertions.
8 I know the content and factual assertions in the Application to be true of my own
9 knowledge, except for those matters stated on information and belief.
10

11 

12 MONTE B. REASON

Feb 26, 2018

Date

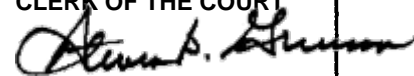


CARY COLT PAYNE, CHTD.

Attorney at Law
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(702) 383-9010 • Fax (702) 383-9049

EXHIBIT PAGE INTENTIONALLY LEFT BLANK

EXHIBIT “B”



OPPS

CARY COLT PAYNE, ESQ.
Nevada Bar No. 4357
CARY COLT PAYNE, CHTD.
700 South Eighth Street
Las Vegas, Nevada 89101
(702) 383-9010
carycoltpaynechtd@yahoo.com
Attorney for Petitioner

**DISTRICT COURT
CLARK COUNTY, NEVADA**

| | | | |
|------------------------|---|------------|----------------------------|
| In the Matter of |) | Case No.: | P-17-092512-T |
| |) | Dept. No.: | S (Probate) |
| THE CHRISTIAN FAMILY |) | | |
| TRUST u.a.d. 10/11/16 |) | Date: | 3/15/18 |
| |) | | (Monte Reason Application) |
| ~~~~~ |) | Time: | 2:00 PM |
| SUSAN CHRISTIAN-PAYNE, |) | | |
| ROSEMARY KEACH AND |) | | |
| RAYMOND CHRISTIAN |) | Date: | 4/4/18 |
| Petitioners, |) | | (Barney firm Petition) |
| -vs- |) | Time: | 2:00 PM |
| |) | | |
| NANCY I CHRISTIAN and |) | | |
| MONTE REASON and |) | | |
| JACQUELINE UTKIN |) | | |
| Respondents. |) | | |
| ~~~~~ |) | | |

**PETITIONERS COMBINED OPPOSITION TO
(1) BARNEY FIRM PETITION FOR FEES, ETC.
(2) MONTE REASON'S APPLICATION FOR REIMBURSEMENT**

COMES NOW Petitioners, SUSAN CHRISTIAN-PAYNE, ROSEMARY KEACH and RAYMOND CHRISTIAN, original co-trustees and primary beneficiaries of The Christian Family Trust u.a.d. 10/11/16, by and through their attorney, CARY COLT PAYNE, ESQ., of the lawfirm of CARY COLT PAYNE, CHTD., hereby submits this Combined Opposition to (1) Barney Firm's Petition for Fees and (2) Monte Reason's Application for Reimbursement, which is made and based upon the attached Points and Authorities, Exhibits, pleadings on file to date, and any oral argument that the Court may allow at the time of the hearing.





POINTS AND AUTHORITIES

A. Introduction

The Barney firm seeks the outrageous amount of \$62,105.64 to be paid from The Christian Family Trust. First, they do not have the legal standing to bring this petition, as they are not interested persons (NRS 132.185). Also see Linthicum v. Rudi, 122 Nev. 1452, 1455, 148 P.3d 746, 748 (2008), recognizing, generally that only an interested person has standing to seek judicial intervention in a trusts' administration. Decision and Order filed 10/31/17, Cf. pg 5, lines 16-21.

Secondly, there is neither contractual trust-right nor statutory authority to award any sort of legal fees to the "creditors" of a dead income beneficiary. Discretionary trust beneficiaries do not have any fixed or vested property rights in the trust. NRS 163.4185(1)(c) and NRS 164.419. NRS 163.417 expressly limits creditors from seeking court intervention in certain matters, including discretionary trusts. [limitations on actions of creditors and courts]

The Barney firm is, admittedly a creditor of Nancy Christian (or her personal estate), a now deceased income beneficiary. When Nancy died, all of her rights in the trust were divested. In an effort to attempt to lift the restraints on alienation, the Barney firm makes factual misrepresentations, which have never been proven in the matter, or even in this petition for fees. According to the Barney firm's invoices, they have failed to mitigate the amount requested by the funds paid to them by Nancy Christian during her lifetime. (Exhibit "B")

1 This matter originally commenced after Raymond Christian's death (1/31/17), by

2 Nancy Christian wanting \$5,000 per month from the trust. At Article IV, paragraph 4.3:

3
4 **4.3 Survivor's Trust.** Any remaining property, both income and principal of this
5 Trust estate shall be retained in the Survivor's Trust for the benefit of the Survivor
6 and the Trustee shall hold, manage, invest and reinvest the Survivor's Trust and
7 shall collect the income therefrom and dispose of the net income and principal as
8 follows:

9 (a) During the lifetime of the Survivor, the Trustee, in the **Trustee's sole**
10 **discretion**, may pay to the Survivor all of the net income of the Trust estate, as the
11 Trustee may determine necessary, in the **Trustee's sole discretion**, for the health,
12 education, support and maintenance of the Survivor.

13 (b) If, in the opinion of the Trustee, the income from all sources of which Trustee
14 has knowledge shall not be sufficient for the health, education, support and
15 maintenance of the Survivor, the Trustee is authorized to use and may expend
16 such part of the Trust principal as may be necessary to meet such needs.

17 The Christian Family Trust is a form of directed (discretionary) trust with a
18 spendthrift provision. (see NRS 163.553 et.seq.) The Trust only provided that the
19 Petitioners, as Co-Trustees of the trust, in their sole and absolute discretion may pay
20 Nancy, who only held a right to income during her life, and pursuant to the co-trustee's
21 absolute discretion. (Trust Para 4.3, page 7) This was confirmed by the court's Decision
22 and Order, page 4, lines 2-6.

23 The Petitioners reasonably sought, and within their fiduciary duties, that Nancy
24 should at a minimum, explain what she needed \$5,000 per month for, as she did have her
25 own income, and was residing in her condo. These provisions of the Trust provided the
26 Petitioners absolute discretion, and has no duty to even act reasonably. (see NRS
27 163.419(2))

28 MONTE REASON'S APPLICATION FOR REIMBURSEMENT

At the outset, the amount of \$37,095 in attorney's fees over a six month period of
time, having filed one motion, edited by Nancy's attorney (according to billing records),
and a response, filed prior to Nancy Christian's death, and Noticed to be heard long after
she dies, is usurious. Second, as Monte Reason historically did not have such means to





1 advance such funds, where did he obtain the funds to pay the Rushforth firm? If the
2 funds came from Nancy's probate estate prior to any probate being conducted, it is a
3 problem.
4

5 Monte's application is a request for attorney's fees, guised as reimbursement. It is
6 still a request for attorney's fees, which must contain the Rushforth firm's billing
7 statements as well as their application of the *Brunzell* factors, plus a full recapitulation
8 (with proofs of payment, receipts, etc.) of each and every dime Monte allegedly spent on
9 behalf of the trust. This application is an end-run around Nevada law and/or rules.
10 Stating that they will provide any such documentation only to Jacqueline Utkin and her
11 attorney, also violates the rules, and is disingenuous. All documents should have been
12 prepared, filed and served to all parties, and as such notice is improper, and due process
13 has not been met in this instance. Also see, Love v. Love, 114 Nev. 572, 582, 959 P.2d,
14 523, 529 (1998) (concluding that the district court's grant of attorney fees based upon
15 sealed billing statements unfairly prejudiced and precluded the opposing party from
16 disputing the legitimacy of the award).
17

18 The court had jurisdiction over the Trust. Monte Reason was not confirmed by the
19 as the trustee of the trust. Because someone was nominated, it does not, with a pending
20 court matter, make them the bona fide fiduciary. If so, anyone could simply claim they
21 are a trustee.
22

23 In Pahlmann v. First Natl. Bank of Nev., 86 Nev. 157, 465 P.2d 615 (1970), the
24 Supreme Court held that a trustee requires some affirmative act. If there was no
25 affirmative act, there was no acceptance. The court had issues with Monte's ability to
26 serve in its Decision and Order, filed 10/31/17, and did not confirm him as trustee.
27

28 In the application, Monte's counsel admitted he did "nothing", as there was nothing
to do. How does this justify a \$37,000 request?

BARNEY FIRM'S PETITION FOR FEES***B. The Trust does not hold Community Property***

The Motion states "Nancy has community property with the Trust. (pg 15, lines 11-12), without denoting what trust property was "community property". All of the "liquid" property in the Christian Trust was Trustor Raymond Christian's separate property. The Trust (at top page 4), maintained that any property transferred into the trust maintains its character. As such the Barney firm, while being a personal creditor of Nancy Christian, by way of community property arguments, is not a creditor of the Christian Family Trust. Nancy did not contribute a single penny or separate property to the trust corpus, despite the Petition's quoting the preamble that all property retain its original character, etc. Any purported community property "claim" must first be brought in Nancy's personal estate pursuant to NRS Chapter 147, et.seq. (NRS 147.100), or in this case the personal representative of her probate estate.

C. Mistreatment of Nancy Christian

None of these assertions/allegations (Petition, pages 2-6) were, to date, never proven, and as such are, at this point hearsay, or double hearsay, or the Barney firm's opinion, and are inadmissible, and should be given no weight. The useless reiteration of all of the "alleged wrongs" of the petitioners to their mother, when Nancy cannot be deposed or cross examined is hearsay, and are useless attempts to justify their exorbitant fees.

The same holds true of the Declarations of Jacqueline Utkin, who, while living in Hawaii, has no percipient knowledge as a witness. What she may know, came from Nancy Christian, and is hearsay. Anything she may have said to the Barney firm, which was told to her by Nancy is double hearsay. Both inadmissible at this point. Nevertheless, it is a deflection away from and an "emotional" tug, to have this court grant



1 attorney's fees, when the trust does not provide for it, and when the actions taken did not
2 benefit the trust.

3
4 ***D. Distributions Prior to Nancy's Death do not release restraint on alienation***

5 At page 6, lines 9-12, there is another misrepresentation of fact, wherein Barney
6 improperly claims that the trust did not provide for any distributions prior to the second
7 Trustor's death. Does the Barney firm really expect to be called as witnesses in these
8 matters. It is irrelevant, the alienation of the restraint cannot be removed. See also, *In*
9 *Re Frei*, 133 Ad. Op. 8 (3/2/17) at page 6-7 (courtesy copy attached)

10 The Trust, specifically at paragraph 6.1 and that at the end of paragraph 6.1(g),
11 does make such a provision, which states:

12 **6.1 Specific Bequest.** Upon the death of both Trusters, the Trustee shall first sell
13 the Trustors' primary residence located at 1060 Dancing Vines, Ave., Las Vegas,
14 Nevada, and the proceeds from the sale of such home shall be distributed as
follows.....

15 (g) Notwithstanding anything to the contrary hereinabove, any amounts to be
16 distributed to TOMMY L. CHRISTIAN, CHRISTOPHER A. CHRISTIAN, or MONTE
17 B. REASON in Sections 6.1(c), (e) and (f) above, are to be held, in Trust, for and
18 distributed to them, respectively, for their health, education, maintenance and
19 support, in the sole and unfettered discretion of the Successor Trustees.
Moreover, in the event the home referred to in this Section 6.1 was sold prior
20 to the Survivor's death, then an amount equal to the net proceeds from such
21 earlier sale shall be set aside to be held and distributed pursuant to the
22 above terms of this Section 6.1. [Emphasis added]

23 The home referred to therein was the real property located at 1060 Dancing Vines
24 Avenue, Las Vegas, Nevada 89183. The closing of sale took place (Feb. 2017) after the
25 death of Raymond Christian (1/31/17). The trust specifically provides for the distribution
26 of the proceeds of sale of this named real property prior to any surviving trustor's death.

27 ***E. The Trust Has no Provision(s) to Pay any of Nancy's Creditors***

28 When Nancy died, her interest in the trust were divested. Nevada law forbids the
payment to Nancy's creditors. NRS 163.417 states the creditor shall not and a court
cannot order payments to creditors.





1 This Trust was established under Nevada law and has valid spendthrift provisions,
2 pursuant to NRS Chapter 166. The trust, was only obligated to only pay Nancy income,
3 subject to the trustees sole discretion, during her lifetime. When she died, that right
4 vanished.
5

6 The Christian Family Trust at Article 4 (age 6) states:

7 **ARTICLE 4 : DISTRIBUTION OF INCOME AND PRINCIPAL**
8 **UPON THE DEATH OF A TRUSTOR**

9 **4.1 Decedent and Survivor Defined.** Reference to the "Decedent" shall refer to
10 either of the Trustors whose death shall first occur and reference to the "Survivor"
11 shall refer to the surviving Trustor.

12 **4.2 Payment of Debts.** After the death of the Decedent, the Trustee may, in the
13 Trustee's sole discretion, pay from the income and/or principal of the Decedent's
14 separate property and Decedent's one-half of the community property, which is a
15 part of this Trust estate, the administrative expenses, the expenses of the last
16 illness and funeral of the Decedent and any debt owed by the Decedent.

17 In this matter, the Decedent is the first of the trustor's to die, to wit: Raymond
18 Christian, Sr. (dod 1/31/17) The Trust makes absolutely no provision for the payment of
19 any creditors of the survivor trustor, Nancy Christian. Therefore, the Christian Family
20 Trust is not responsible to pay for Nancy's creditors, which are her personal debts.
21

22 The argument that ¶4.2 is an authority to pay her debts and ignore ¶4.1 is
23 disingenuous and is not a proper reading of the trust terms. Both the Barney firm, and
24 now Mr. Kirschner seem to ignore ¶4.1 altogether, and as such have made material
25 omissions to the court. That ¶4.1 specifically defines who the "Decedent" and the
26 "Survivor" are.

27 The Christian Family Trust makes no provision for the payment of any creditors for
28 the surviving Trustor of the Trust. Therefore, the Christian Family Trust is not responsible
to pay the Barney firm as a creditor for Nancy's debts.

F. Barney et.al. are Creditors of Nancy's personal estate

A spendthrift trust is still a contractual relationship and intended to effectuate a non-probate matter/transfers. NRS 166.040. A spendthrift trust is an agreement, and a way to effectuate a non-probate transfer ultimately for the intended beneficiaries, with protections from creditors, pursuant to NRS 111.721¹.

NRS 111.779 was amended (AB 314, effective 10/1/17) to read as follows (in pertinent part):

NRS 111.779 Liability of nonprobate transferee; proceedings to impose liability; payment of claims against nonprobate assets.

12. Except as otherwise provided in subsection 13, notwithstanding any provision of this section to the contrary:

(a) A creditor has no claim against:

(6) An irrevocable trust or amounts payable from a trust if the trust was properly created as a valid spendthrift trust under chapter 166 of NRS, except with respect to property transferred to the trust by the decedent to the extent permitted under subsections 1, 2 and 3 of NRS 166.170.

The Barney firm admits they are Nancy Christian's creditors (Petition page 1, line 8-9, 17, 28; page 10, line 19-20, etc). As such they are required to follow the creditor claim process is established pursuant to NRS Title 12 (probate) Chapter 147 et.seq. . Also see, In Re Dickersons Estate, 51 Nev. 69, 268 P. 769 (1928)

Nancy only had a mere "beneficial right" to income, subject to the co-trustees discretion. Because discretionary trust beneficiaries do not have any fixed or vested property rights in their trusts. The remaining trust corpus passes to the residual beneficiaries (Petitioners and other children of the trustors) upon Nancy's death.

1 NRS 111.721 "Nonprobate transfer" defined. (in pertinent part)

1. "Nonprobate transfer" means a transfer of any property or interest in property from a decedent to one or more other persons by **operation of law or by contract** that is effective upon the death of the decedent..... [Emphasis added]



The Nevada Supreme Court, *In the Matter of Jane Tiffany Living Trust*, 177 P.3d

1060 (Nev., 2008) (courtesy copy attached), the Nevada Supreme Court opined that a party was, in actuality seeking payment of a claim, and was in fact, a creditor of the decedent's personal estate, not the Tiffany Trust.

Hence, the Barney firm does not even have the requisite standing to even bring the Petition for Fees to be paid from the trust. They are creditors of Nancy Christian's personal estate, not an actual creditor of the Trust. They must file a creditor's claim under Nancy Christian's personal probate estate for any fees. (NRS 147.010)

G. Spendthrift Trust Provisions

The trust is a valid Nevada spendthrift (NRS 166.040) - the trust contained a spendthrift provision at Article 14, which states:

ARTICLE 14: GENERAL PROVISIONS

14.1 Controlling Law. This Trust Agreement is executed under the laws of the State of Nevada and shall in all respects be administered by the laws of the State of Nevada; provided, however, the Trustees shall have the discretion, exercisable at any later time and from time to time, to administer any trust created hereunder pursuant to the laws of any jurisdiction in which the Trustees, or any of them, may be domiciled, by executing a written instrument acknowledged before a notary public to that effect, and delivered to the then income beneficiaries. If the Trustees exercise the discretion, as above provided, this Trust Agreement shall be administered from that time forth by the laws of the other state or jurisdiction.

14.2 Spendthrift Provision. No interest in the principal or income of any trust created under this Trust Instrument shall be anticipated, assigned, encumbered or subjected to creditors' claims or legal process before actual receipt by a beneficiary. This provision shall not apply to a Trustor's interest in the Trust estate. The income and principal of this Trust shall be paid over to the beneficiary at the time and in the manner provided by the terms of this Trust, and not upon any written or oral order, nor upon any assignment or transfer by the beneficiary, nor by operation of law. [Emphasis added]



1 The Barney firms quoting of Trust ¶14.2, supra (spendthrift provision) they make a
2 point of highlighting that sole section "*This provision shall not apply to a Trustor's interest*
3 *in the Trust estate.*" This would only apply if Nancy had the power to personally
4 remove/transfer out or receive trust property.
5

6 A spendthrift trust is one in which the settlor imposes a valid restraint on alienation,
7 providing that the beneficiary cannot transfer his/her interest voluntarily and that his/her
8 creditors cannot reach it for the satisfaction of their claims.
9

10 The purpose of spendthrift protection (NRS Chapter 166), was to protect Nancy
11 from her "debts"/"creditors". A trust is a contractual relationship. Again, Nancy only had
12 a mere right to income during her lifetime. She did not contribute any of her personal
13 property whatsoever to the trust, and she had no other "ownership interest". She only
14 had a beneficial right to income, subject to the sole discretion of the trustee, making this
15 Trust a discretionary trust, and therefore had absolutely no ownership interest in the Trust
16 for any creditor to reach or be paid. Further, because discretionary trust beneficiaries do
17 not have any fixed or vested property rights in the trust, there is always a question of
18 standing. During her lifetime, she did not receive via transfer any trust assets into her
19 personal name, and therefore the assets of the trust are precluded from the debts or
20 claims of Nancy's creditors.
21

22 NRS 163.5559 is also applicable, which states:
23

NRS 163.5559 Claims of creditors against settlor.

24 1. Except as otherwise provided in subsection 2, a creditor of a settlor may
25 not seek to satisfy a claim against the settlor from the assets of a trust if the
26 settlor's sole interest in the trust is the existence of a discretionary power granted to
27 a person other than the settlor by the terms of the trust or by operation of law or to
28 reimburse the settlor for any tax on trust income or principal which is payable by the
settlor under the law imposing such tax.



1 In Brock v. Premier Trust, Inc. (In re Frei Irrevocable Trust Dated Oct. 29, 1996),

2
3 390 P.3d 646 (Nev., 2017) (courtesy copy attached), the Nevada Supreme Court held:

4 "A spendthrift trust is a trust containing a "valid restraint on the voluntary and
5 involuntary transfer of the interest of the beneficiary." NRS 166.020 (emphasis
6 added). A settlor does not need any specific language to create a spendthrift trust
7 as long as the intent to do so is clear in the writing. NRS 166.050. If the
8 spendthrift provisions are valid, neither the beneficiary nor the beneficiary's
9 creditors may reach the property within the trust. NRS 166.120(1).
Furthermore, the beneficiary cannot dispose of trust income or pledge the trust
estate in any legal process. NRS 166.120(3)." [Emphasis added]

10 As a matter of law, pursuant to the spendthrift clause of the trust, the trust should
11 not pay any of Nancy's creditors.

12 The Barney firm cites NRS 164.065(3) (page 11, line 10), which does not exist.
13 Given the quotation, one can only presume they meant NRS, 164.025(3). While statute
14 may provide for a creditor to make a claim, it does not override the trust itself, or any
15 spendthrift provisions.

16 **H. Barney Firm's work to "further the intent of the trust"**

17 Further as the beneficiaries of the Trust, the request opens the door for the
18 beneficiaries to request and receive all of the Barney firm's billings, correspondence, etc.
19 for their work performed "on behalf of the Trust".

20 A Trust is a separate entity, with its own tax ID, much like a corporation, whose
21 terms and/or interests may or may not be the interests of Nancy, or the Trustee. The
22 Barney firm represented Nancy Christian. They did not represent the Trust, and the claim
23 that they furthered the interest of the trust is a misnomer, and factually incorrect.

24 When it comes to determine the interest of the settlors, Barney put road blocks in
25 place. Despite the specific trust terms, the Barney firm opposed the specific trust terms
26 from being performed, specifically the distribution of the proceeds of the above noted
27 Dancing Vines property.





Despite the provisions/exceptions of NRS 49.115² et. seq., and requests to resolve any questions with a joint or other conversation with David Grant, Esq. (letter-**Exhibit "A"**), it appears from their billing statements that the Barney firm vigorously sought to keep Mr. Grant from offering his testimony and/or evidence in this matter. He was prepared to testify that the trust had a scrivener's error as of 9/15/17, and that Nancy should not have been able to change the trustees, when Nancy specifically agreed to the original trustees.

The billing statements clearly indicate multiple telephone calls, etc. with Mr. Grant. (**Exhibit "B"** – Summaries and **Exhibit "C"**-Barney billing statements from their petition-Bates stamped #'s 1-36), occurring after the Petitioner's pleadings (9/15/17) with statements as to scrivener's error. The Barney firm proceeded to obtain the attorney's file, as they billed twice for review (9/20 and 9/28), but yet refuse to allow the beneficiaries who are signatories to the Trust and/or their attorney to have access to same.

2 NRS 49.115 Exceptions. There is no privilege under NRS 49.095 or 49.105:

1. If the services of the lawyer were sought or obtained to enable or aid anyone to commit or plan to commit what the client knew or reasonably should have known to be a crime or fraud.

2. As to a communication relevant to an issue between parties who claim through the same deceased client, regardless of whether the claims are by testate or intestate succession or by inter vivos transaction.

3. As to a communication relevant to an issue of breach of duty by the lawyer to his or her client or by the client to his or her lawyer.

4. As to a communication relevant to an issue concerning an attested document to which the lawyer is an attesting witness.

5. As to a communication relevant to a matter of common interest between two or more clients if the communication was made by any of them to a lawyer retained or consulted in common, when offered in an action between any of the clients. [Emphasis added]



1 Further, the Barney firm, from their own billing statements sought to possibly
2 influence the attorney who drafted the Trust, into stating that he could not do anything
3 without a court order, as the petitioners were advised. David Grant, Esq. as the drafting
4 attorney of the trust and his file, was and is an essential witness in this matter.
5

6 The Barney billing statements indicate they were sending letters of complaint to
7 the Nevada State Bar (Exhibits "B" and "C"). This would possibly give rise, given the
8 result that Mr. Grant would not speak with petitioner's attorney, nor would release
9 information to the petitioner's attorney without a court order (while at the same time, the
10 Barney firm apparently had possession of and reviewed his file), of potentially influencing
11 the decisions of a witness (NRS 199.230- Preventing or dissuading person from testifying
12 or producing evidence; SCR 173 -regarding obstructing another party's access to
13 evidence, etc.; an attorney shall not "request a person other than a client to refrain from
14 voluntarily giving relevant information"; SCR.203(d) - engage in conduct that is prejudicial
15 to the administration or justice.). Demand is made for Barney to produce a copy of the
16 entire file given to them from Mr. Grant, including but not limited to document drafts,
17 correspondence, memos, affidavits, phone message slips, etc.
18
19

20 The Barney firm has not explained how, researching bar complaints, drafting
21 letters to the Las Vegas Metropolitan Police Department (Bates# 26- 11/15/17- 3 hours-
22 \$1,050) and the Nevada State Bar (Mr. Grant-bates 11/17-19 - 9 hours-\$2,540), and
23 otherwise what amounts to some sort of improper purpose towards attorneys/witnesses,
24 is furthering the interest of the trust, and should not be rewarded with any approval of any
25 fees.
26
27
28



1 There are many instances wherein the Barney firm speaks directly to Monte
2 Reason, despite Monte having his own counsel (Joseph Powell, Esq.), and many hours
3 and expenses on performing an eviction of Raymond Christian, a co-petitioner herein,
4 and a primary beneficiary of the very residence they sought to evict him from, even to a
5 lockout of the property after Nancy's death. They performed work on behalf of Monte
6 when he had his own attorney.
7

8 One would think this was a task for Monte Reason, if he was, in their eyes, truly
9 the trustee, not that of Nancy's attorney. (Exhibits "B" and "C"). Is not Mr. Powell an
10 attorney, capable of handling any tasks required by his client, Monte Reason? Why is the
11 Barney firm performing work for Monte/Powell, even to revising, Mr. Powell's pleadings to
12 be "in line with client's wishes".
13

14 What the alleged "trustee" as a fiduciary needs to do, is not necessarily in the best
15 interests of Nancy, and her attorney should not be blurring the lines to dictate that
16 Monte/Powell's pleadings need to reflect what Nancy wants. (Exhibits "B" and "C", bates
17 29, 12/6/17, 12/7/17)
18

19 The fiduciary obligation of a trustee are great. Riley v. Rockwell, 103 Nev. 698,
20 701, 747 P.2d 903, 905 (1987) A trustee who acts in furtherance of their own self interest
21 and against the best interest of the beneficiaries has breached their fiduciary obligations
22 as trustee. See In Re Connell Living Trust, 133 Nev. Adv. Op. 19 (May 4, 2017).
23

24 If the Barney firm believed that Monte was actually a valid trustee, evictions and
25 the like would be within the province of the trustee to perform. Given they performed the
26 work, they must not have been convinced that Monte was not actually the trustee.
27
28



1 Nancy Christian died December 14, 2017. The Barney firm spent almost 4 hours
2 (\$1,210) speaking amongst themselves and Joseph Powell, Esq., in multiple calls over
3 "case issues". (Exhibits "B" and "C"-bates 30-31). The very next day there was another
4 2.5 hours of telephone conversation with Monte's attorney for \$875 over Nancy's death
5 and "case issues" and "current litigation".
6

7 It appears (from the billing) that the Barney firm sought to solicit Jacquelin Utkin to
8 replace Monte Reason (Exhibits "B" and "C") (Bates #32, 12/27/17). It also appears that
9 the Barney firm then solicited an attorney for Ms. Utkin (Exhibits "B" and "C") (Bates #33-
10 1/12/18).
11

12 What makes it interesting is the potential problems and all of the blurring of the
13 lines where legal representation commences and ends as to the various individuals.
14 They are all so intertwined, that it is now difficult to separate clients and legal
15 representations. Apparently, the Barney firm sent correspondence to Attorney Powell on
16 December 19, 2017 (no copy available), requesting that Monte Reason, who has never
17 been confirmed by the court as trustee, to "pre-approve" the Barney firm's billing
18 statements. Mr. Powell replies on January 4, 2018 that Monte has agreed to approve
19 those bills without exception. (Exhibit "D" herein and Exhibit 2 to Barney Petition). This
20 was a violation of the Trust itself, that Monte as the alleged fiduciary had to uphold, that
21 did not allow for Nancy's debts to be paid.
22

23 When Nancy passed, so did her power to appoint or select a different trustee.
24 Then Monte Reason "resigned" and improperly attempted to nominate Ms. Utkin, who is
25 now represented by Mr. Kirschner. Upon Nancy's death, Monte had no legal right to
26 select a new trustee.
27
28



1 Per the billing statements, On January 26, 2018, the Barney firm requests "pre-
2 approval" from Mr. Kirschner that their fee request would go unopposed by him or his
3 client, seeking payment from the trust, from another non-confirmed trustee. (Exhibit "E"
4 herein and Exhibit 4 to Barney Petition). Kirschner filed his petition to confirm Ms. Utkin
5 about an hour later that day (1/26/18 @12:19 pm) Mr. Kirschner replies that they had
6 such pre-approval. (Exhibit "E" herein and Exhibit 3 to Barney Petition). Again, this is a
7 violation of the Trust itself, that Jackie, who has yet to be confirmed as a trustee, and a
8 potential fiduciary had a duty to uphold, that did not allow for Nancy's debts improperly be
9 paid.
10

11
12 It is clear that some sort of informal agreement in advance, despite Ms. Utkin's not
13 being confirmed as a trustee (petition pending) between the Barney firm and Mr.
14 Kirschner has been negotiated. This is now confirmed by Mr. Kirschner's filing of his
15 Non-Opposition to the Barney firm's fees on February 23, 2018, ignoring Trust ¶4.1, and
16 asserting that the Trust provides for the payment of Nancy's debts. Such argument is
17 disingenuous, and does not "further the intent of the trust".
18

19 After the Barney's petition for fees, an email (Exhibit "F") was sent from
20 Petitioner's counsel to Mr. Kirschner, since Ms. Utkin wants to act as trustee (demanding
21 the trust EIN) with a request to object to the Barney firm's fees. If Ms. Utkin was the
22 trustee as Mr. Kirschner claimed then she and her attorney should be ready, and should
23 have objected to the Barney firm fees. Instead, Mr. Kirschner falls back (in the email) on
24 the fact that Ms. Utkin is not confirmed as trustee and will only do so if the petitioners
25 agree to stipulate to her appointment.
26
27
28



I. Block Billing

NRPC 1.5 sets forth a number of factors when determining the reasonableness of a fee, including, but not limited to, the time and labor required, novelty, difficulty, amount involved, results obtained, time limitations, experience, reputation, etc. NRCP 1.5(a). due to block billing, the undersigned cannot readily parse out the time allocated per task.

In Adams v. DeVita (In re Margaret Mary Adams 2006 Trust) (Nev., 2015), while an unpublished decision, can be utilized for guidance purposes, the Nevada Supreme Court opined:

"Block billing is the time-keeping practice whereby a lawyer enters the total daily time spent working on a case and lists all of the tasks worked on during the day, rather than separately itemizing the time spent on each task. Welch v. Metro. Life Ins. Co., 480 F.3d 942, 945 n.2 (9th Cir. 2007). The courts that have addressed block billing observe that block billing makes it difficult for a court to review the reasonableness of the requested attorney fees, as compared with single task time entries. See, e.g., id. at 948 ("[B]lock billing makes it more difficult to determine how much time was spent on particular activities."). And as an increasing number of tasks are listed for a particular time entry, reviewing the reasonableness of the time entries becomes correspondingly more difficult. See Okla. Natural Gas Co. v. Apache Corp., 355 F. Supp. 2d 1246, 1264 (N.D. Okla. 2004) (finding that it was difficult, if not impossible, to review the reasonableness of block-billed time entries, one of which was a time entry for 7.3 hours containing eight tasks)."

There is no segregation of the time spent on each of the multiple task entries, culminating in an aggregate of hours spent. Without same, the entire entry must be considered unreasonable.

When determining the reasonableness of fees, the Nevada Supreme Court has set forth four factors in Brunzell. See Brunzell v. Golden 24 Fate Nat'l Bank, 85 Nev. 345, 349, 455 P.2d 31, 33 (1969). The four factors include:

(1) the qualities of the advocate: his ability, his training, education, experience, professional standing and skill; (2) the character of the work to be done: its difficulty, its intricacy, its importance, time and skill required, the responsibility imposed and the prominence and character of the parties where they affect the importance of the litigation; (3) the work actually performed by the lawyer: the skill,

1 time and attention given to the work; (4) the result: whether the attorney was
2 successful and what benefits were derived. Id. (internal citations omitted).

3 The undersigned is unsure of the scope of work for which Nancy Christian retained
4 Anthony L. Barney, Ltd as the retainer agreement is not included as an Exhibit to the
5 Petition for Fees.

6 All the "services" provided were not all necessary or reasonable to "further the
7 intent of the trust", but rather their client, Nancy Christian.
8

9 10 CONCLUSION

11 The Barney firm's Petition for Fees is mired in hearsay, inaccuracies,
12 misstatements of fact, and despite claiming they were furthering the interest of the trust,
13 have, by their own billing indicated that the opposite is true.
14

15 The Barney firm is a mere creditor of Nancy Christian, or her personal probate
16 estate, not The Christian Family Trust. The Trust does not permit the payment of Nancy's
17 personal debts. Her personal estate has that obligation. The majority of the beneficiaries
18 have objected.

19 Further, Nancy Christian, The Christian Family Trust, Monte Reason and even
20 Jacqueline Utkin are four distinct individuals/entities, and their respective interests do not
21 necessarily coincide. The level of blurring the lines between independence of clients and
22 their respective attorneys has been so clouded, with the Barney firm apparently doing
23 other parties' work.
24
25
26
27
28






1 Monte's "Application" should also be denied, as there is no backup documentation,
2 attorney's billings, *Brunzell* factors, etc., and is only a request for attorney's fees in
3 "sheep's clothing". The Application should be denied in its entirety.
4

5 The concerns continue in this vein wherein lines have also been crossed twice, in
6 seeking pre-approval of fees from two unconfirmed "trustees", who have a fiduciary duty
7 to perform pursuant to trust terms, which does not provide for such payment.
8

9 The Petition for fees should be denied in it's entirety.

10 Dated: March 9, 2018.

11 
12 CARY COLT PAYNE, ESQ.
13 Nevada Bar No.: 4357
14 CARY COLT PAYNE, CHTD.
15 700 South Eighth Street
16 Las Vegas, Nevada 89101
17
18
19
20
21
22
23
24
25
26
27
28



CERTIFICATE OF SERVICE

The undersigned hereby certifies that on March 9, 2018, 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).

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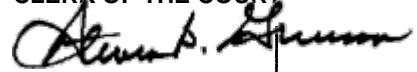


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EXHIBIT “C”



RSPN

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Attorneys for Monte B. Reason

DISTRICT COURT

CLARK COUNTY, NEVADA

In the Matter of

THE CHRISTIAN FAMILY
TRUST u.a.d. 10/11/16

Case No. P- 17-092512-T
Department S/Judge Ochoa
(Probate) Clark District
Family Domestic

Hearing date: March 15, 2018
Hearing time: 2 p.m.

**RESPONSE TO OPPOSITION TO MONTE REASON'S APPLICATION FOR
REIMBURSEMENT OF ADMINISTRATIVE EXPENSES**

Monte B. Reason ("Monte"), by and through his counsel of record, Joseph J. Powell, Esq. of Rushforth Lee & Kiefer LLP, hereby submits his Response to the Opposition to his Application for reimbursement of the legal fees and costs he incurred while serving as trustee of the "Christian Family Trust", dated October 11, 2016 (the "Trust"), which is set for hearing on March 15, 2018. On March 9, 2018, Susan Christian-Payne, Rosemary Keach, and Raymond Christian (collectively referred to herein as the "Objectors"), by and through their counsel, Cary Colt Payne, Esq., of Cary Colt Payne, Chtd., filed their "Combined Opposition to (1) Barney Firm Petition for Fees, Etc. (2) Monte Reason's Application for Reimbursement" ("Opposition"). Monte responds to the Opposition as follows:

I. BLATANTLY FALSE STATEMENT AND INTENTIONAL MISREPRESENTATIONS

Unfortunately, the Objectors, through their attorney, continue to make knowingly false statements to this Court in a clear attempt to deceive this Court and manipulate facts that disrupt their contrived, manipulated narrative. It is necessary to analyze all of the misstatements from this outset, as the Opposition is replete with them.

The following is a list of the false and intentionally deceptive statements made by the Objectors, which are made with a clear disregard for the ethical duty of candor required to be submitted to this Court:

1. Nancy Christian is *merely* a “deceased income beneficiary”. **FALSE.** Nancy Christian was a co-settlor of the Christian Family Trust (the “Trust”). She co-created the Trust with her late husband, Raymond Christian, Sr. The Trust was just as much her trust as it was her husband’s. The Trust was to be administered for her benefit, and her benefit only, during her lifetime, as the surviving co-settlor.
2. “When Nancy died her rights in the trust were divested”. **FALSE.** A settlor, and then their Estate after death, always has rights and involvement in a trust, through their representative, that they participated in creating. Again, Nancy co-created the Trust. It was *her* trust. Nancy’s rights and remedies regarding *her* trust and the actions of the Objectors do not suddenly disappear because of her death. The actions taken by the Objectors which deprived her of the use and enjoyment of *her* trust do not suddenly get swept under the rug because of Nancy’s passing, despite how desperately the Objectors wish it were true.
3. “Monte Reason was not confirmed by the [Court] as trustee of the trust. Because someone was nominated, it does not, with a pending court matter, make them a bona fide fiduciary. If so, anyone could simply

claim they are a trustee”. **FALSE REPRESENTATION.** Monte Reason served as trustee of the Trust based on a nomination for him to serve which was made by Nancy Christian, a co-creator of the Trust, who under the *express* terms of the Trust had the power and authority to choose any trustee that she wished to serve¹. The nomination and acceptance occurred well before there was any pending court proceeding. Monte was able to serve and did serve as trustee without any requirement that this Court, or any court for that matter, first approve his ability to serve. It is a blatant lie to this Court, and a complete violation of the duty of candor to this Court under the Nevada Rules of Professional Conduct, pursuant to Rule 3.3², to state that a trustee must be confirmed by a court order before they can serve as a trustee. Further, if this blatantly false “requirement” was necessary, then apparently the Objectors were never able to serve as trustees of the Trust, a trust co-created by Nancy Christian, either because no court order was ever signed which approved them to serve as trustee.

4. Monte never undertook an affirmative act to serve as trustee. **FALSE.** Monte signed a Certificate of Incumbency on June 21, 2017, in which he affirmatively accepted the nomination of Nancy Christian to serve as trustee of the Trust.

5. “The court had issues with Monte’s ability to serve in its Decision and Order, filed 10/31/17, and did not confirm his as trustee”. **FALSE.** The

¹

"After the Death of the first Trustor to die, the surviving Trustor shall have the power to change the Trustee or Successor Trustee of the Trust by an instrument in writing signed by the surviving Trustor and delivered to the Trustee." See Article 9.3 of the Trust.

²

Rule 3.3. Candor Toward the Tribunal.

(a) A lawyer shall not knowingly:

(1) Make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer;

Objectors and their counsel know that the Court never voiced any “issues” about Monte in its Decision and Order. Rather, the Court simply included the claims of the Objectors to acknowledge that the Objectors made assertions about Monte being the Trustee. In fact, at the hearing, the Court specifically acknowledged that Monte was the current serving trustee.

6. “Nancy did not contribute a single penny or separate property to the trust corpus, . . .”. **FALSE.** The real property located at 1060 Dancing Vines Avenue, Las Vegas, Nevada 89123, with an APN of 177-27-611-254, was purchased by Raymond Christian *and* Nancy Christian, “as husband and wife as joint tenants” on or about June 11, 2009. A copy of the “Grant, Bargain and Sale Deed” is attached hereto as **Exhibit 1**. The Dancing Vines Avenue Property was held in joint tenancy until approximately October 19, 2016, a time frame of over 7 years and 3 months, at which point the Property was then *jointly* transferred to the Trust by settlors of the Trust, Nancy and Raymond. Knowing this stone cold fact, the Objectors, and their counsel, still knowingly made this blatant false statement to this Court in violation of Rule 3.3 of the Nevada Professional Rules of Conduct.
7. “When Nancy died, her interest[s] in the trust were divested”. **FALSE.** Nancy *co-created* the Trust. The Trust was *her* trust and remains her trust. Her requirements and the obligations contained within her trust remain in full force and effect, despite her passing. Further, mistreatment of Nancy and her rights by the Objectors acts do not miraculously vanish and become irrelevant because of her death. Lawsuits and claims simply do not become extinguished because of a plaintiff’s death. The same applies for a settlor and a beneficiary. To use

the absurd, unfounded logic of the Objectors if Nancy had a pending lawsuit against a defendant for actions in violation of her rights, would the lawsuit suddenly disappear and be unable to be further prosecuted by her representative? Of course not! Just like the Objectors' actions remain subject to scrutiny after Nancy's passing do as well.

8. "When Nancy passed, so did her power to appoint or select a different trustee." "Upon Nancy's death, Monte had no legal right to select a new trustee". **FALSE**. These two statements, taken together, are intentional misrepresentations of the powers found under the Trust. First, Nancy's right to determine the successor trustees and the plan of succession remain in full force even after her passing. Therefore, to state that her power to decide how succession of trustees would work after her passing is a blatantly false, deceptive statement. Second, the Trust expressly provides that Monte had the power to choose his successor once Wells Fargo chose to decline to serve. Section 8.1 of the Trust expressly provides, in pertinent part, as follows:

*8.1 Successor Trustee. In the event of the death or incapacity of any current Trustee, the remaining Trustees shall act as Co-Trustees or sole Trustee, as the case may be. In determining the incapacity of any Trustee serving hereunder, the guidelines set forth in Section 3.1 may be followed. If no Successor Trustee is designated to act in the event of the death, incapacity or resignation of the Trustee then acting, **or no Successor Trustee accepts the office, the Trustee then acting may appoint a Successor Trustee.** [Emphasis Added]*

II. FURTHER ANALYSIS OF BLATANTLY FALSE STATEMENTS AND INTENTIONAL MISREPRESENTATIONS MADE TO THE COURT

A trustee serves upon nomination and acceptance. In typical fashion the Objectors, via their counsel, have falsely claimed to this Court that a trustee cannot legally serve in the office of trustee until they have been confirmed in a court proceeding. Noticeably absent from this claim is even a shred of support for this laughably false claim, that they know is being made to deceive.

1 As this Court well knows, pursuant to Nevada law, an inter vivos trust does not
2 require any court approval to be created, nor during any part of its administration.
3 Further, any changes to a trust, including the removal and replacement of a trustee, are
4 not statutorily required to be confirmed by a court, at any time. Additionally, a trustee
5 is not required to be confirmed by a court proceeding prior to their service as trustee.
6 Succinctly put, a Nevada court has no jurisdiction over a trust until jurisdiction is first
7 assumed.

8 For the Objectors to claim that Monte was not able to accept to the nomination
9 of Nancy Christian to serve as trustee of the Trust until after he was confirmed by a
10 Nevada court is a complete lie and an intentionally false statement to this Court, being
11 made with an intent to deceive, in violation of Rule 3.3 of the Nevada Professional Rules
12 of Conduct. To reiterate, the Objectors provide no support whatsoever for this blatantly
13 false proposition that Monte, or any other trustee, for that matter, cannot assume the
14 position of trustee until they have first been confirmed by a court action. If this was a
15 requirement, certainly the Objectors could cite to a Nevada statute to support this. They
16 do not, and they cannot, because there is no such legal requirement found under Nevada
17 law. However, instead of being honest and upfront with this Court, they continue their
18 pattern of making deceitful statements that they know cannot be legally supported.
19 Accordingly, this type of conduct must be sanctioned by this Court.

20 As previously stated, if the lie asserted by the Objectors was truthful, then the
21 logical question is "Why was there no legal proceeding to confirm the Objectors prior to
22 their becoming trustees?". If such was the requirement prior to the Objectors becoming
23 trustees of the Trust, then by an extension of their logic, they too could not have legally
24 served as trustees until there was a court order which allowed them to serve.
25 Clearly, the Objectors did not obtain such court authority so by their same rationale,
26 they were never legally the trustees of the Trust.
27
28

1 Unlike the Objectors, Monte can conclusively establish for this Court that no
2 Nevada court has jurisdiction over a trust until a court accepts jurisdiction over a trust
3 and that decision is not made until a party seeks to have a court accept jurisdiction over
4 a trust that they have some recognizable interest/standing in.

5 NRS 164.010, which is partially titled "Petition for Assumption of Jurisdiction"
6 provides, in pertinent part, as follows:

7 *1. **Upon petition** of any person appointed as trustee of an express trust by*
8 *any written instrument other than a will, or upon petition of a settlor or*
9 *beneficiary of the trust, the district court of the county in which the trustee*
10 *resides or conducts business, or in which the trust has been domiciled, **shall***
11 ***consider the application to assume jurisdiction of the trust as a***
12 *proceeding in rem.*

13 *2. **If the court grants the petition, the court:***

14 *(a) **Has jurisdiction of the trust as a proceeding in rem;***

15 [Emphasis Added]

16 As stated, a inter vivos trust is not required to have any part or portion of it
17 monitored by a Nevada court, be it the creation, administration, or distribution.
18 Jurisdiction over a trust is *only* created by the issuance of an express order made by a
19 Nevada court. Therefore, to reiterate, for the Objectors to falsely state that a trustee,
20 including Monte, is only able to serve as a trustee after a court has confirmed such is a
21 willful attempt to deceive this Court and a flagrant violation of Rule 3.3 of the Nevada
22 Rules of Professional Conduct.

23 Monte affirmatively accepted the nomination of his mother and served as
24 trustee

25 Monte was nominated by a co-settlor/creator of the Trust to serve as trustee of
26 the Trust. This was done in the "Modification and Designation of Trustee and Successor
27 Trustee" which was executed by Nancy Christian on June 12, 2017 ("Modification and
28 Designation"). Prior to execution by Nancy Christian, the Modification and Designation
was independently review by Attorney Sean Tanko and a certificate of independent
review was issued by Attorney Tanko on June 6, 2017. Both of those documents have
previously been filed multiple times in this matter.

Acting on the nomination for him to serve as trustee of the Trust made under the Modification and Designation, Monte accepted such nomination and confirmed such acceptance in writing, as required under the Modification and Designation, by executing a Certificate of Incumbency on June 21, 2017 ("Certificate of Incumbency"). The Certificate of Incumbency was promptly recorded with the Clark County Recorder and the Objector's attorney was sent a copy on June 27, 2017 of Certificate of Incumbency by Attorney Powell notifying him of the acceptance of the nomination by Monte. Therefore, not only did Monte affirmatively accept the nomination of the co-settlor, who *expressly* had the right to do so under the *explicit* terms of the Trust, the Objectors', and their counsel, were also promptly notified that Monte had become the trustee. The fact that the Objectors did not want to be removed is irrelevant. It was not their choice to make. It was not their trust. Further, as they have repeatedly tried to misrepresent, it was not *only* their father's trust. It was a *co-created* trust. Additionally, this Court should sanction the Objectors, along with their counsel, each and every time that they falsely claim that Monte was expressly prohibited, or more aptly that Nancy Christian was prohibited from nominating Monte, to serve as trustee of the Trust. The express terms of the Trust contain no such limitation, nor any insinuation whatsoever.

As this Court well knows, Nevada law follows the "four corners of the document" principle, meaning that the Court must apply the terms of the Trust as the words are written. See *Jones v. First Nat. Bank*, 72 Nev. 121, 123 (1956)³

³ "A court may not vary the terms of a will to conform to the court's views at to the trust testamentary intent. The question before us is not what the testatrix actually intended or what she meant to write. Rather it is confined to a determination of the meaning of the words used by her. As stated by Wigam, (*Extrinsic Evidence in Aid of The Determination of Wills*, Second American Edition, pages 53 and 54) any evidence is admissible which, in its nature and effect, simply explains what the testator has written; but no evidence can be admissible which, in its nature or effect, is applicable to the purpose of showing merely what he intended to have written. In other words, the question in expounding a will is not-What the testator meant? As distinguished from-What his words express? but simply-What is the meaning of his words?" *Jones v. First Nat. Bank*, 72 Nev. 121, 123 (1956)

1 and *Frei ex rel. Litem v. Goodsell*, 129 Nev. 403, 409 (2013)⁴.

2 Not only was Monte able to serve as trustee, but he served as trustee. And, most
3 importantly, during the time that he served as trustee, he had the right to hire counsel
4 to represent him, which he did when he hired Rushforth Lee & Kiefer LLP ("RLK").
5 Further, Monte had the right to pay RLK with funds from the Trust, and would have
6 already done so during his tenure at trustee, but for the willful and intentional
7 conversion of the Trust's funds by the Objectors which prevented him from having
8 access to the Trust's funds. Hence, despite the Objectors' claim, RLK does not need, as
9 it is not required, to make any showing under *Brunzell*, as RLK is not applying, and does
10 not need to apply, for the approval of its fees by this Court. The Application is made by
11 Monte for access, via the current trustee, Ms. Utkin, to have RLK paid from the Trust's
12 funds which this Court has locked up and for which Monte had not access to during his
13 tenure as trustee because of the Objectors' wrongful actions.

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24 _____

25 ⁴

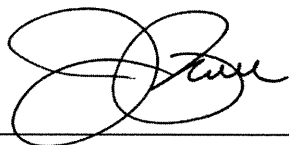
26 "Extrinsic or parol evidence is not admissible to contradict or vary the terms of an unambiguous written
instrument, " 'since all prior negotiations and agreements are deemed to have been merged therein.'" *Frei ex*
rel. Litem v. Goodsell, 129 Nev. 403, 409 (2013)

27 ("If the language of the trust instrument is plain and capable of legal construction, that language determines
28 the force and effect of the instrument ... [and] extrinsic evidence will not be admitted to alter the plain language
of the instrument.") *Id.*

IV. CONCLUSION/PRAYER

Monte Reason hereby requests that this Application be granted and approved in its entirety. Further, all additional legal fees and costs incurred in having to file this Response should also be paid from the Trust by Ms. Utkin, the current trustee of the Trust.

Respectfully submitted by:



MAR 13 2018

Joseph J. Powell
State Bar. No. 8875
1707 Village Center Circle, Suite 150
Las Vegas, NV 89134-0597

Date

Attorneys for Monte B. Reason

EXHIBIT 1

EXHIBIT 1



20090611-0004162

Fee: \$16.00 RPTT: \$566.10

N/C Fee: \$0.00

06/11/2009 16:20:35

T20090205216

Requestor:

OLD REPUBLIC TITLE COMPANY O

Debbie Conway JAU

Clark County Recorder Pgs: 4

R.P.T.T.: \$566.10
APN: 177-27-611-254

Title Order No. 5115012770
Escrow No. 5115012770-JC

WHEN RECORDED MAIL TO:

Raymond Christian and Nancy I. Christian
1060 Dancing Vines Avenue
Las Vegas, NV 89123

MAIL TAX STATEMENTS TO:

Grantee at address above

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANT, BARGAIN AND SALE DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

HarborView Mortgage Loan Trust 2004-6

hereby GRANT(S), BARGAIN(S), SELL(S) AND CONVEY(S) to

Raymond Christian and Nancy I. Christian, husband and wife as
joint tenants

that property in Clark County, Nevada, described as:

*** See "Exhibit A" attached hereto and made a part hereof ***

Dated May 26, 2009

HarborView Mortgage Loan Trust 2004-6, by Greenpoint Mortgage Funding, as
its attorney-in-fact

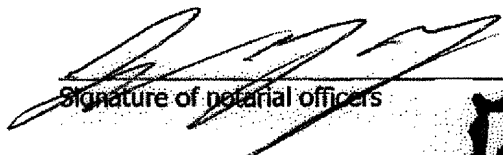
By:

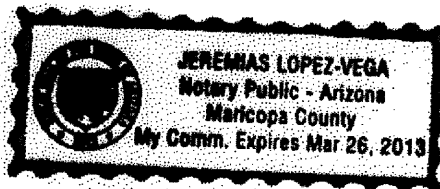
Title:

Becky Donnelly
Assistant Secretary

State of Arizona
County of Maricopa

This instrument was acknowledged before me on 06.02.09
by Bethy Manally
as Asst Sec of Greenpoint Mtg Funding


Signature of notarial officers



Jeremias Lopez-Vega
Exp. Mar. 26, 2013

ASSESSOR'S COPY

ORDER NO. : 5115012770-JC

EXHIBIT A

The land referred to is situated in the County of Clark, City of Las Vegas, State of Nevada, and is described as follows:

Parcel I:

Lot Three Hundred Fifteen (315) in Block One (1) of Silverado South Unit 2, as shown by map thereof on file in Book 84 of Plats, Page 64, in the office of the County Recorder of Clark County, Nevada and amended by Certificate of Amendment recorded June 22, 1998 in Book 980622 as Document No. 01333 and by Certificate of Amendment recorded August 5, 1998 in Book 980805 as Document No. 00558, both of Official Records.

Parcel II:

An easement for ingress and egress over the private streets as delineated on the plat of the final map of Silverado South Unit 2.

ASSESSOR'S COPY

**STATE OF NEVADA
DECLARATION OF VALUE FORM**

1. Assessor Parcel Number(s)
177-27-611-254

2. Type of Property
- | | |
|--|---|
| a) <input type="checkbox"/> Vacant Land | b) <input checked="" type="checkbox"/> Single Fam. Res. |
| c) <input type="checkbox"/> Condo/Twnhse | d) <input type="checkbox"/> 2-4 Plex |
| e) <input type="checkbox"/> Apt. Bldg | f) <input type="checkbox"/> Comm'l/Ind'l |
| g) <input type="checkbox"/> Agricultural | h) <input type="checkbox"/> Mobile Home |
| <input type="checkbox"/> Other _____ | |

FOR RECORDER'S OPTIONAL USE ONLY
Book: _____ Page: _____
Date of Recording: _____
Notes: _____

3. Total Value/Sales Price of Property \$111,000.00
Deed in Lieu of Foreclosure Only (value of property) ()
Transfer Tax Value \$111,000.00
Real Property Transfer Tax Due \$566.10

4. If Exemption Claimed:

- a. Transfer Tax Exemption per NRS 375.090, Section _____
b. Explain Reason for Exemption: _____

5. Partial Interest: Percentage being transferred: _____%

The undersigned declares and acknowledges, under penalty of perjury, pursuant to NRS 375.060 and NRS 375.110, that the information provided is correct to the best of their information and belief, and can be supported by documentation if called upon to substantiate the information provided herein. Furthermore, the parties agree that disallowance of any claimed exemption, or other determination of additional tax due, may result in a penalty of 10% of the tax due plus interest at 1% per month. Pursuant to NRS 375.030, the Buyer and Seller shall be jointly and severally liable for any additional amount owed.

Signature _____ Capacity: Grantor

Signature _____ Capacity: Grantee

SELLER (GRANTOR) INFORMATION
(REQUIRED)

HarborView Mortgage Loan Trust 2004-6
2300 Brookstone Centre Parkway
Columbus, GA 31904

BUYER (GRANTEE) INFORMATION
(REQUIRED)

Raymond Christian and Nancy I. Christian
1060 Dancing Vines Avenue
Las Vegas, NV 89123

COMPANY/PERSON REQUESTING RECORDING (required if not seller or buyer)

Old Republic Title Company of Nevada
8861 W. Sahara Ave. Suite 290
Las Vegas, NV 89117

Escrow #: 5115012770-JC

AS A PUBLIC RECORD THIS FORM MAY BE RECORDED/MICROFILMED

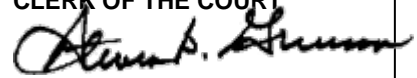


CARY COLT PAYNE, CHTD.

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EXHIBIT “D”



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Fax: (702) 563-4445
jerimy@jkirschnerlaw.com

Attorney for Jacqueline Utkin

DISTRICT COURT
CLARK COUNTY, NEVADA

In the Matter of the

THE CHRISTIAN FAMILY TRUST

Dated October 11, 2016

Case Number: P-17-092512-T

Dept.: S

MOTION REQUESTING PAYMENT

Jacqueline Utkin (“Utkin”), by and through her counsel of record, Jerimy Kirschner, Esq. of Jerimy Kirschner & Associates, PLLC, hereby submits his Motion Requesting Payment (“Motion”) from time serving as counsel for the “Christian Family Trust”, dated October 11, 2016 (the “Trust”).

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MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Utkin files this Motion requesting payment of attorney fees incurred on behalf of the Trust while she was trustee, incurred while she was defending her position as trustee, and incurred as part of providing a beneficiary requested Accounting. Utkin files this motion in compliance with this Court's order entered February 4, 2018.

II. STATEMENT OF FACTS

1. The Trust authorizes its trustee to retain and pay professionals including attorneys. See, **Exhibit 1** – Trust, Section 10.1 (n).

2. Utkin served as the trustee of the Trust from January 12, 2018 until she was suspended on July 25th, 2018. See, Order Confirming Successor Trustee entered April 4, 2018; See Also, Order entered July 25, 2018.

3. Utkin retained the firm of Jeremy Kirschner & Associates, PLLC (“JKA”) to represent her at trustee for the Trust.

4. During this time, the Trust was engaged in hotly contested litigation involving the former trustees, and included an attempt to uncover undisclosed Trust assets and liabilities.

5. Utkin received monthly invoices from her counsel and has approved the amounts owed from her time as trustee. See, **Exhibit 2- Invoices from Jeremy Kirschner & Associates, PLLC**.

6. Utkin's counsel also noticed and perfected a retaining lien on the file pursuant to NRS 18.015.

7. Jeremy Kirschner & Associates, PLLC (“JKA”) has provided notice to Utkin pursuant to NRS 18.015 as well as to CFT beneficiaries. *See, Exhibit 3 – Letter to Jacqueline Utkin; See Also, Exhibit 4 – Letter to Counsel for Petitioners and Monte Reason.*

8. JKA has expressly asserted a lien on the papers and files left in its possession. *See, NRS 18.015(1)(b); See Also, Exhibit 3 & 4..*

9. The lien was for an amount undisputed, agreed upon amount of attorney fees by the trustee through written retainer. *See, NRS 18.015(2).*

10. Notice was given via certified mailing notice of the retaining lien and the amount of the lien. *See, NRS 18.015(3). See, Exhibit 5 – Certified Mailing Receipts for Utkin, Counsel for Petitioners & Monte Reason.*

11. As a result, JKA’s retention lien has been perfected pursuant to statute.

12. After her suspension, Utkin contested the grounds for her suspension at an evidentiary hearing.

13. After the hearing, beneficiaries Rayment Christian Jr., Rosemary Keach and Susan Christian-Payne (“RRS Beneficiaries”) made a statutory demand for an accounting, which was completed with the assistance of counsel. **Exhibit 6 – August 27, 2018 Letter from Cary Payne, Esq.**

14. On October 4, 2018, Counsel for RRS Beneficiaries, after receiving the accounting, made a demand for documents and files subject to the undersigned’s retaining lien. **Exhibit 7 – August 27, 2018 Letter from Cary Payne, Esq..**

15. On October 19, 2018, RRS Beneficiaries filed a formal objection to the accounting citing a number of alleged defects.

16. As a result of RRS Beneficiaries objection, Utkin was again forced to incur attorney fees to respond to the allegations therein.

17. This Court has ordered that any payment of attorney fees be preceded by a request to the Court for payment. *See*, February 4, 2018, Omnibus Order.

18. As such, Utkin submits this Motion seeking payment of fees for her counsel.

III. REQUEST FOR PAYMENT

In total, JKA performed legal services for Utkin (in her capacity as trustee) in the amount of \$121,421.50 (legal fees) and incurred costs in the amount of \$2,792.35, with \$5,000 having been paid, leaving a remaining balance of \$119,004.85. These are a contractual obligation of the Trust and are not presented herein as being subject to *Brunzell's* factors. Broken down further,

- From the time Utkin was nominated as Trustee by Monte Reason on January 4th, 2018 to the time she was suspended as Trustee on July 25th, 2018, the attorney's fees and costs totaled at \$107,477.59.
- From July 25th, 2018 until the August 22nd Evidentiary Hearing, the attorney's fees and costs totaled at \$9,042.26.
- From August 28, 2018 until billing on October 4, 2018, the attorney's fees and costs totaled approximately \$7,485.00.¹

Although not necessary, JKA has provided a detailed breakdown of its time, including billing statements which identified the person billing, the amount for each task, and a description of each task performed. In addition, JKA has a retaining lien upon the Trust's file which they are prepared to turn over to the incoming trustee pending payment of legal fees.

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///

¹ NRS 165.1214(5) requires the Trust to bear the cost of completing the accounting.

IV. CONCLUSION/PRAYER

Utkin hereby requests that this Court direct payment of JKA's outstanding attorney fees by the CFT from its Chase Account ending #4818.

JERIMY KIRSCHNER & ASSOCIATES, PLLC

/s/ Jeremy L. Kirschner, Esq.
JERIMY L. KIRSCHNER, ESQ.
Nevada Bar No. 12012
5550 Painted Mirage Rd., Suite 320
Las Vegas, NV 89149

VERIFICATION OF
MOTION REQUESTING PAYMENT

Under penalties of perjury under the laws of the State of Nevada, I declare that:

1. I approve of the submission of the above Motion Requesting Payment (the "Motion") and state that it is being filed for a legitimate purpose.
2. I have reviewed the Motion and know its content and factual assertions. I know the content and factual assertions in the Motion to be true of my own knowledge, except for those matters stated on information and belief.

Jacqueline Utkin

Date

1 **IV. CONCLUSION/PRAYER**

2 Utkin hereby requests that this Court direct payment of JKA's outstanding attorney fees by
3 the CFT from its Chase Account ending #4818.

4 **JERIMY KIRSCHNER & ASSOCIATES, PLLC**

5 /s/ Jeremy L. Kirschner, Esq.

6 **JERIMY L. KIRSCHNER, ESQ.**

7 Nevada Bar No. 12012

8 5550 Painted Mirage Rd., Suite 320

9 Las Vegas, NV 89149

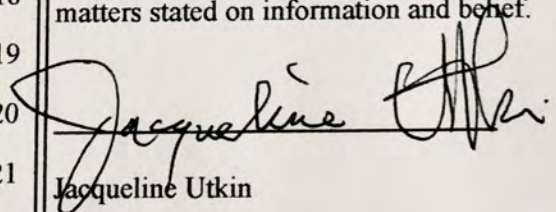
10 **VERIFICATION OF**

11 **MOTION REQUESTING PAYMENT**

12 Under penalties of perjury under the laws of the State of Nevada, I declare that:

13 1. I approve of the submission of the above Motion Requesting Payment (the "Motion") and
14 state that it is being filed for a legitimate purpose.

15 2. I have reviewed the Motion and know its content and factual assertions. I know the
16 content and factual assertions in the Motion to be true of my own knowledge, except for those
17 matters stated on information and belief.

18
19
20 
21 Jacqueline Utkin

22 Oct 23, 2018
23 Date

EXHIBIT 1

THE CHRISTIAN FAMILY TRUST

Dated October 11, 2016

Prepared by:



2520 St. Rose Parkway, Suite 319
Henderson, Nevada 89074

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Trust Agreement

OF THE

CHRISTIAN FAMILY TRUST

THIS DECLARATION OF TRUST AGREEMENT is made on October 11, 2016, by **RAYMOND T. CHRISTIAN**, also known as **RAYMOND T. CHRISTIAN, SR.**, and **NANCY I. CHRISTIAN**, Husband and Wife (hereinafter referred to as the "Trustors" or "Grantors" when reference is made to them in their capacity as creators of this Trust and the transferors of the principal properties thereof) and **ROSEMARY K. CHRISTIAN-KEACH**, **RAYMOND T. CHRISTIAN, JR.**, and **SUSAN G. CHRISTIAN-PAYNE**, of Clark County, Nevada (hereinafter referred to as the "Trustees," or collectively as the "Trustee," when reference is made to them in their capacity as Trustees or fiduciaries hereunder);

Witnesseth:

WHEREAS, the Trustors desire by this Trust Agreement to establish the "CHRISTIAN FAMILY TRUST" for the use and purposes hereinafter set forth, to make provisions for the care and management of certain of their present properties and for the ultimate distribution of the Trust properties;

NOW, THEREFORE, all property subject to this Trust Agreement shall constitute the Trust estate and shall be held for the purpose of protecting and preserving it, collecting the income therefrom, and making distributions of the principal and income thereof as hereinafter provided.

Additional property may be added to the Trust estate, at any time and from time to time, by the Trustors or any person or persons, by inter vivos act or testamentary transfer, or by insurance contract or Trust designation.

The property comprising the original Trust estate, during the joint lives of the Trustors, shall retain its character as their community property or separate property, as designated on the document of transfer or conveyance. Property subsequently received by the Trustees during the joint lives of the Trustors shall have the separate or community character designated on the document of transfer or conveyance.

ARTICLE 1

NAME AND BENEFICIARIES OF THE TRUST

1.1 **Name.** The Trusts created in this instrument may be referred to collectively as the "CHRISTIAN FAMILY TRUST" and any separate Trust may be referred to by adding the name of the beneficiary.

1.2 **Beneficiaries.** The Trust estate created hereby shall be for the use and benefit of RAYMOND T. CHRISTIAN and NANCY I. CHRISTIAN, and for the other beneficiaries named herein. The names of the four (4) now living children from the Trustors' marriage are ROSEMARY K. CHRISTIAN-KEACH, RAYMOND T. CHRISTIAN, JR., TOMMY L. CHRISTIAN and SUSAN G. CHRISTIAN-PAYNE. The name of the one (1) now living child of RAYMOND T. CHRISTIAN from a previous marriage is CHRISTOPHER A. CHRISTIAN. The name of the one (1) now living child of NANCY I. CHRISTIAN from a previous marriage is MONTE B. REASON.

ARTICLE 2

DISTRIBUTION OF INCOME AND PRINCIPAL

WHILE BOTH TRUSTORS SHALL LIVE

2.1 **Distributions While Both Trustors Live.** During the joint lifetimes of RAYMOND T. CHRISTIAN and NANCY I. CHRISTIAN, they shall be entitled to all income and principal of their community property without limitation. With regard to the separate property of either RAYMOND T. CHRISTIAN or NANCY I. CHRISTIAN, either Trustor shall be entitled to all income and principal of his or her own separate property estate without limitation.

2.2 **Use of Residence.** While Trustors both shall live, they may possess and use, without rental or accounting to Trustees, any residence owned by this Trust.

ARTICLE 3

INCAPACITY

3.1 **Incapacity of Trustors.** If at any time a Trustor has become physically or mentally incapacitated, as certified in writing by a licensed physician, psychologist, or psychiatrist, and whether or not a court of competent jurisdiction has declared such Trustor incompetent, mentally ill, or in need of a guardian or conservator, the other Co-Trustee or the Successor Trustee (hereinafter "Trustee") shall pay to the incapacitated Trustor or apply for his or her benefit or for the benefit of those who are dependent upon him or her, first from the community estate and then from the incapacitated Trustor's separate estate, the amounts of net income and principal necessary, in the Trustee's discretion, for the proper health, support and maintenance of the Trustor and his or her family members who are dependent upon him or her, in accordance with their accustomed manner of living at the date of this instrument, until the incapacitated Trustor, either in the Trustee's discretion or as certified by a licensed physician, psychologist, or psychiatrist, is again able to manage his or her own affairs or until his or her death. This shall include, but not be limited to, distribution of income and principal to retain personal aides, homemakers, bill payers, or other persons who may assist the Trustor in activities of daily living and otherwise enable the Trustor to continue to reside in his or her home for as long as it is feasible to do so, taking into account safety and financial considerations. In exercising such discretion, the Trustee shall consider the duty and ability of anyone else to support the Trustor and his or her family and shall also consider all other funds known to the Trustee to be available from other sources for such purposes.

The Trustors direct that the Trustee maintain the Trustors in the same custom and style to which the Trustors have been accustomed during their lifetimes. It is the Trustors' express desire to remain in their home for the remainder of their lifetimes and not be placed in a nursing home or retirement care facility. The Trustors direct that the Trustee

shall utilize income and principal from this Trust as may be necessary, including amounts necessary for required nursing and other care, so as to maintain the Trustors in their home, unless in the opinion of the incapacitated Trustor's attending physician, together with the opinion of a second independent or consulting physician, residence in a nursing home would be required for such Trustor's physical well being.

All undistributed income shall be accumulated and added to the Trust principal annually. In addition, it is Trustors' desire that, in the event of a Trustor's incapacity or in the event a Trustor is unable to remain in the primary residence, the Trustee hereunder shall continue to maintain the Trustors' primary residence and shall continue to pay for all taxes, insurance, fees, and encumbrances on such residence for as long as it is owned by this Trust.

3.2 Reliance on Writing. Anyone dealing with this Trust may rely on the physicians', psychologists' or psychiatrists' or any combination thereof, written statements regarding the Trustor's incapacity, or a photocopy of the statements, presented to them by the Co-Trustee or the Successor Trustee. A third party relying on such written statements shall not incur any liability to any beneficiary for any dealings with the Co-Trustee or the Successor Trustee in reliance upon such written statements. This provision is inserted in this Trust Agreement to encourage third parties to deal with Co-Trustee or Successor Trustee without the need for court proceedings.

ARTICLE 4

DISTRIBUTION OF INCOME AND PRINCIPAL

UPON THE DEATH OF A TRUSTOR

4.1 Decedent and Survivor Defined. Reference to the "Decedent" shall refer to either of the Trustors whose death shall first occur and reference to the "Survivor" shall refer to the surviving Trustor.

4.2 Payment of Debts. After the death of the Decedent, the Trustee may, in the Trustee's sole discretion, pay from the income and/or principal of the Decedent's

separate property and Decedent's one-half of the community property, which is a part of this Trust estate, the administrative expenses, the expenses of the last illness and funeral of the Decedent and any debt owed by the Decedent.

4.3 Survivor's Trust. Any remaining property, both income and principal of this Trust estate shall be retained in the Survivor's Trust for the benefit of the Survivor and the Trustee shall hold, manage, invest and reinvest the Survivor's Trust and shall collect the income therefrom and dispose of the net income and principal as follows:

- (a) During the lifetime of the Survivor, the Trustee, in the Trustee's sole discretion, may pay to the Survivor all of the net income of the Trust estate, as the Trustee may determine necessary, in the Trustee's sole discretion, for the health, education, support and maintenance of the Survivor.
- (b) If, in the opinion of the Trustee, the income from all sources of which Trustee has knowledge shall not be sufficient for the health, education, support and maintenance of the Survivor, the Trustee is authorized to use and may expend such part of the Trust principal as may be necessary to meet such needs.

4.4 Use of Residence. Until the Survivor's death, the Trustee shall allow the Survivor to occupy and use any residence used by either or both Trustors as a residence at the time of the Decedent's death. The Trustee shall, at the direction of the Survivor, sell any such residence, and if the Survivor so directs, use the proceeds therefrom to purchase or build another residence for the Survivor. The Survivor shall not be required to pay rent or account for the use of any residence.

ARTICLE 5

DISTRIBUTION OF HOUSEHOLD AND PERSONAL EFFECTS AFTER DEATH OF EITHER OR BOTH TRUSTORS

5.1 Distribution of Personal Property. After the death of either Trustor, the Trustee shall distribute all tangible personal property of the deceased Trustor, including but not limited to, furniture, furnishings, rugs, pictures, books, silver-plate, linen, china, glassware, objects of art, wearing apparel, jewelry, and ornaments, in accordance with

any written statement or list that the Trustor leaves disposing of this property. Any such statement or list then in existence shall be determinative with respect to all bequests made therein. Any property not included on said list shall be distributed as follows:

- (a) To the surviving Trustor, if he or she survives the Decedent.
- (b) Upon the death of RAYMOND T. CHRISTIAN, SR., the Trustee shall first distribute the Trustors' Gold Watch, to LEE M. KEACH, the Trustors' son-in-law, if he is then living, outright and free of Trust. If LEE M. KEACH is not then living, this bequest shall lapse.
- (c) The Trustee shall distribute any remaining household and personal effects, which are not distributed by a written statement or list or any lapsed bequest from above, equally to ROSEMARY K. CHRISTIAN-KEACH, RAYMOND T. CHRISTIAN, JR. and SUSAN G. CHRISTIAN-PAYNE, as they shall select.
- (d) The individuals referred to above in Section 5.1(c) may also share any such household and personal effects with TOMMY L. CHRISTIAN, CHRISTOPHER A. CHRISTIAN, or MONTE B. REASON, as they may see fit. Any household and personal effects which they do not select shall be added to the Trust created in Article 6 below.

ARTICLE 6

DISTRIBUTION OF INCOME AND PRINCIPAL

AFTER DEATH OF BOTH TRUSTORS

6.1 Specific Bequest. Upon the death of both Trustors, the Trustee shall first sell the Trustors' primary residence located at 1060 Dancing Vines, Ave., Las Vegas, Nevada, and the proceeds from the sale of such home shall be distributed as follows:

- (a) ROSEMARY K. CHRISTIAN-KEACH, if she is then living, shall receive Twenty Percent (20%) of this Trust share, outright and free of Trust. If ROSEMARY K. CHRISTIAN-KEACH is not then living, this Trust share shall be proportionately added to the Trust shares of the then surviving beneficiaries who are named in this Section 6.1.
- (b) RAYMOND T. CHRISTIAN, JR., if he is then living, shall receive Twenty Percent (20%) of this Trust share, outright and free of Trust.

If RAYMOND T. CHRISTIAN, JR. is not then living, this Trust share shall be proportionately added to the Trust shares of the then surviving beneficiaries who are named in this Section 6.1.

- (c) TOMMY L. CHRISTIAN, if he is then living, shall receive Twenty Percent (20%) of this Trust share, outright and free of Trust. If TOMMY L. CHRISTIAN is not then living, this Trust share shall be proportionately added to the Trust shares of the then surviving beneficiaries who are named in this Section 6.1.
- (d) SUSAN G. CHRISTIAN-PAYNE, if she is then living, shall receive Twenty Percent (20%) of this Trust share, outright and free of Trust. If SUSAN G. CHRISTIAN-PAYNE is not then living, this Trust share shall be proportionately added to the Trust shares of the then surviving beneficiaries who are named in this Section 6.1.
- (e) CHRISTOPHER A. CHRISTIAN, if he is then living, shall receive Ten Percent (10%) of this Trust share, outright and free of Trust. If CHRISTOPHER A. CHRISTIAN is not then living, this Trust share shall be proportionately added to the Trust shares of the then surviving beneficiaries who are named in this Section 6.1.
- (f) MONTE B. REASON, if he is then living, shall receive Ten Percent (10%) of this Trust share, and this Trust share shall be held, in Trust and distributed to him in the sole discretion of SUSAN G. CHRISTIAN-PAYNE for his health, education, maintenance and support. If MONTE B. REASON is not then living, this Trust share shall be proportionately added to the Trust shares of the then surviving beneficiaries who are named in this Section 6.1.
- (g) Notwithstanding anything to the contrary hereinabove, any amounts to be distributed to TOMMY L. CHRISTIAN, CHRISTOPHER A. CHRISTIAN, or MONTE B. REASON in Sections 6.1(c), (e) and (f) above, are to be held, in Trust, for and distributed to them, respectively, for their health, education, maintenance and support, in the sole and unfettered discretion of the Successor Trustees. Moreover, in the event the home referred to in this Section 6.1 was sold prior to the Survivor's death, then an amount equal to the net proceeds from such earlier sale shall be set aside to be held and distributed pursuant to the above terms of this Section 6.1.

6.2 Distribution of the Remaining Trust Estate. Any remaining property, both income and principal of this Trust estate, shall be distributed as follows:

- (a) ROSEMARY K. CHRISTIAN-KEACH, if she is then living, shall receive one-third (1/3) of the remaining Trust estate, outright and

free of Trust. If ROSEMARY K. CHRISTIAN-KEACH is not then living, this Trust share shall be distributed equally among the then living spouse and children of ROSEMARY K. CHRISTIAN-KEACH, outright and free of Trust.

- (b) RAYMOND T. CHRISTIAN, JR., if he is then living, shall receive one-third (1/3) of the remaining Trust estate, outright and free of Trust. If RAYMOND T. CHRISTIAN, JR. is not then living, this Trust share shall be distributed to the issue of RAYMOND T. CHRISTIAN, JR., *per stirpes*, to be administered and distributed as set forth in Section 6.2(d) below.
- (c) SUSAN G. CHRISTIAN-PAYNE, if she is then living, shall receive one-third (1/3) of the remaining Trust estate, outright and free of Trust. If SUSAN G. CHRISTIAN-PAYNE is not then living, this Trust share shall be distributed to the issue of SUSAN G. CHRISTIAN-PAYNE, *per stirpes*, to be administered and distributed as set forth in Section 6.2(d) below.
- (d) For each beneficiary hereunder who shall be under the age of Twenty-five (25) years at the time such beneficiary becomes entitled to a share of the Trust estate pursuant to Sections 6.2(a), 6.2(b) and 6.2(c) above, each such beneficiary's Trust share shall not be distributed outright to such beneficiary, but rather, shall be retained in trust, and shall be distributed as follows:
 - (1) If any beneficiary is then over the age of Twenty-five (25) years, his or her share shall be distributed to him or her outright and free of Trust.
 - (2) For each beneficiary who is then under the age of Twenty-five (25) years, his or her Trust share shall be retained in a separate trust and, until the beneficiary attains the age of Twenty-five (25) years, the net income and principal from such beneficiary's Trust share shall be distributed to or for the benefit of the beneficiary as the Trustee deems necessary, in the Trustee's discretion, for the beneficiary's health, education, maintenance and support. Any excess income that is not distributed for these purposes shall be accumulated and added to principal.
 - (3) Upon the beneficiary attaining the age of Twenty-five (25) years, the entire remaining balance of the beneficiary's Trust share shall be distributed to such beneficiary, outright and free of Trust.

- (4) If prior to full distribution a beneficiary becomes deceased, his or her remaining Trust share shall be distributed to the issue of such deceased beneficiary, by right of representation, in accordance with the same terms and conditions as set forth in this Section 6.2(d). In the event a beneficiary becomes deceased and has no then living issue, his or her Trust share shall be distributed equally among the other Trust shares set forth in Sections 6.2(a), 6.2(b) and 6.2(c) above; provided, however, that if any such distributee is under the age of Twenty-five (25) years, the share of such distributee shall, instead of being distributed outright, be retained in Trust, to be distributed according to the terms and conditions as provided for in this Section 6.2(d).
- (e) Notwithstanding anything to the contrary, it is the Trustors' desire that the three (3) Children of the Trustors, and/or the issue of the children of the Trustors, as the case may be, who are referred to above in this Section 6.2, would use a portion of the Trust estate to care for TOMMY L. CHRISTIAN and CHRISTOPHER A. CHRISTIAN, as they see fit and in their sole discretion, without any requirement to do so. This language of this subsection (e) is merely ment as a precatory, non-binding declaration.

6.3 Generation Skipping Trusts. If the special generation skipping transfer tax exemption election provided by Section 2652(a)(3) of the Internal Revenue Code (Code) is exercised as to any property held in this Trust or if this Trust is receiving property from any other Trust to which the special election has been made, the Trustees are authorized, at any time in the exercise of absolute discretion, to set apart such property in a separate trust so that its inclusion ratio, as defined in Section 2642(a) of the Code is or remains zero. If such Trust(s) is (are) created, then any estate or death taxes shall be first charged against and paid out of the principal of the Trust(s) as to which the special election provided by Section 2652(a)(3) is not applicable.

6.4 Last Resort. In the event that the principal of the Trust administered under this Article 6 is not disposed of under the foregoing provisions, the remainder, if any, shall be distributed, outright and free of Trust, to the heirs at law of RAYMOND T. CHRISTIAN, their identities and shares to be determined according to the laws of the State of Nevada then in effect relating to the intestate succession of separate property.

ARTICLE 7

TRUSTEE'S DISCRETION ON DISTRIBUTION TO

PRIMARY BENEFICIARIES

7.1 Delay of Distribution. Notwithstanding the distribution provisions of Article 6, the following powers and directions are given to the Trustee:

- (a) If, upon any of the dates described in Article 6, the Trustee for any reason described below determines, in the Trustee's sole discretion, that it would not be in the best interest of the beneficiary that a distribution take place, then in the event the said distribution shall be totally or partially postponed until the reason for the postponement has been eliminated. During the period of postponement, the Trustee shall have the absolute discretion to distribute income or principal to the beneficiary as the Trustee deems advisable for the beneficiary's welfare.
- (b) If said causes for delayed distribution are never removed, then the Trust share of that beneficiary shall continue until the death of the beneficiary and then be distributed as provided in this Trust Instrument. The causes of such delay in the distribution shall be limited to any of the following:
 - (1) The current involvement of the beneficiary in a divorce proceeding or a bankruptcy or other insolvency proceedings.
 - (2) The existence of a large judgment against the beneficiary.
 - (3) Chemical abuse or dependency.
 - (4) The existence of any event that would deprive the beneficiary of complete freedom to expend the distribution from the Trust estate according to his or her own desires.
 - (5) In the event that a beneficiary is not residing in the United State of America at any given time, then the Trustee may decline to transmit to him or her any part or all of the income and shall not be required to transmit to him or her any of the principal if, in the Trustee's sole and uncontrolled judgment, the political and/or economic conditions of such place or residence of the beneficiary are such that it is likely the money would not reach him or her, or upon reaching him or her, would be unduly taxed, seized, confiscated, appropriated, or in any way taken from him or her in such a

manner as to prevent his or her use and enjoyment of the same.

- (6) The judicially declared incompetency of the beneficiary.
- (c) The Trustee shall not be responsible unless the Trustee has knowledge of the happening of any event set forth above.
- (d) To safeguard the rights of the beneficiary, if any distribution from his or her Trust share has been delayed for more than one (1) year, he or she may apply to the District Court in Las Vegas, Nevada, for a judicial determination as to whether the Trustee has reasonably adhered to the standards set forth herein. The Trustee shall not have any liability in the event the Court determines the Trustee made a good faith attempt to reasonably follow the standards set forth above

7.2 Power to Establish a Special Needs Trust and to Amend or Reform the Trust. If an individual beneficiary of this Trust has applied for or is receiving government assistance that is based on financial eligibility requirements or if the Trustee reasonably anticipates that a beneficiary may need and qualify for such government assistance in the foreseeable future, the Trustee may in its sole, absolute and uncontrolled discretion withhold the Trust property otherwise distributable to such beneficiary and establish a third-party created and funded discretionary non-support spendthrift special needs trust or; if that is not possible or practicable, establish by court order a first-party (*i.e.* a self-settled) discretionary non-support spendthrift special needs trust (such as a self-settled special needs trust permitted under 42 U.S.C. section 1396p(d)(4)(A) or 42 U.S.C. section 1396p(d)(4)(C)). The Trustee shall then fund the special needs trust with the property that would otherwise be distributed to the beneficiary. In establishing a special needs trust, the Trustee may select a trustee and successor trustees (other than the beneficiary or the beneficiary's spouse), establish accounting requirements and shall include all provisions determined to be reasonable and necessary by the Trustee, after consultation with a qualified attorney.

It is the Trustors' intent that any special needs trust established pursuant to this provisions be drafted and administered so as to provide the maximum benefit to the beneficiary and that the assets of the special needs trust not be available to the beneficiary for determining the beneficiary's income or assets under rules by which any

government agency determines eligibility for need-based services or financial services (such as SSI and Medicaid). To the extent required by law, the special needs trust shall be for the sole benefit of the beneficiary during his or her lifetime. To the extent not prohibited by law, distributions from the special needs trust shall be made in the sole, absolute and uncontrolled discretion of the special needs trustee to or for the benefit of the beneficiary. In making such distributions, the special needs trustee shall consider the effect such distributions may have on the beneficiary's said government assistance benefits. The special needs trust (or joinder agreement as concerns a special needs trust established pursuant to 42 U.S.C. section 1396p(d)(4)(C)) shall provide (to the extent possible) that upon the beneficiary's death and after all proper reimbursements and payment of expenses have been made (to the extent such reimbursements and payments are required by law), the special needs trustee shall distribute the remaining trust property, if any, in the manner provided for herein as if the special needs beneficiary had predeceased the Trustors. The Trustee shall neither possess nor exercise its authority hereunder in a manner that would impair or prevent a beneficiary's unexercised right of withdrawal that has not yet lapsed or prevent an existing bequest from qualifying for the marital or charitable deduction, or would impair the status or qualification of a trust that holds shares of stock in a Subchapter S corporation, or would prevent a trust from qualifying as a look through trust with a designated beneficiary (or beneficiaries).

After the death of the Trustors, the Trustee may obtain an order from a court of competent jurisdiction to amend or reform any trust (or any trust created or to be created) under this Agreement to the minimum extent necessary to comply with the Trustors' intent and to comply with applicable federal and state laws or regulations, including those pertaining to special needs trusts. The Trustee's authority hereunder is to be exercised only in a fiduciary capacity and may not be used to enlarge or shift any beneficial interest, except as an incidental consequence of the discharge of fiduciary duties, and in no event shall any amendment or reformation increase the class of beneficiaries. No Trustee (or court) shall have the power to amend or reform this Agreement in a manner that would thwart the Trustors' intent, impair or prevent a beneficiary's unexercised right of withdrawal that has not yet lapsed, or prevent an

existing bequest from qualifying for the marital or charitable deduction or would impair the status or qualification of a trust that holds shares of stock in a Subchapter S corporation or would prevent a trust from qualifying as a look through trust with a designated beneficiary (or beneficiaries). In no event shall this power of amendment or reformation be construed or exercised in a manner so as to bestow upon the Trustee a general power of appointment (as that term is defined under the Internal Revenue Code).

ARTICLE 8

PROVISIONS RELATING TO TRUSTEESHIP

8.1 Successor Trustee. In the event of the death or incapacity of any current Trustee, the remaining Trustees shall act as Co-Trustees or sole Trustee, as the case may be. In determining the incapacity of any Trustee serving hereunder, the guidelines set forth in Section 3.1 may be followed.

If no Successor Trustee is designated to act in the event of the death, incapacity or resignation of the Trustee then acting, or no Successor Trustee accepts the office, the Trustee then acting may appoint a Successor Trustee. If no such appointment is made, the majority of the adult beneficiaries entitled to distribution from this trust may appoint a Successor Trustee.

8.2 Liability of Successor Trustee. No Successor Trustee shall be liable for the acts, omissions, or default of a prior Trustee. Unless requested in writing within sixty (60) days of appointment by an adult beneficiary of the Trust, no Successor Trustee shall have any duty to audit or investigate the accounts or administration of any such Trustee, and may accept the accounting records of the predecessor Trustee showing assets on hand without further investigation and without incurring any liability to any person claiming or having an interest in the Trust.

8.3 Acceptance by Trustee. A Trustee shall become Trustee or Co-Trustee jointly with any remaining or surviving Co-Trustees, and assume the duties thereof, immediately upon delivery of written acceptance to Trustors, during their lifetimes and thereafter to any Trustee hereunder, or to any beneficiary hereunder, if for any reason there shall be no Trustee then serving, without the necessity of any other act, conveyance or transfer.

8.4 Delegation by Trustee. Any individual Co-Trustee shall have the right at any time, by an instrument in writing delivered to the other Co-Trustee, to delegate to such other Co-Trustee any and all of the Trustee's powers and discretion.

8.5 Resignation of Trustee. Any Trustee at any time serving hereunder may resign as Trustee by delivering to Trustors, during their lifetimes and thereafter to any Trustee hereunder, or to any beneficiary hereunder if for any reason there shall be no Trustee then serving hereunder, an instrument in writing signed by the resigning Trustee.

8.6 Corporate Trustee. During the Trust periods, if any, that a corporate Trustee acts as Co-Trustee with an individual, the corporate Trustee shall have the unrestricted right to the custody of all securities, funds, and other property of the Trusts and it shall make all payments and distributions provided hereunder.

8.7 Majority. Subject to any limitations stated elsewhere in this Trust Agreement, all decisions affecting any of the Trust estate shall be made in the following manner: While three or more Trustees, whether corporate or individual, are in office, the determination of a majority shall be binding. If only two individual Trustees are in office, they must act unanimously.

8.8 Bond. No bond shall ever be required of any Trustee hereunder.

8.9 Expenses and Fees. The Successor Trustee shall be reimbursed for all actual expenses incurred in the administration of any Trust created herein. The Successor Trustee shall be entitled to reasonable compensation for service rendered to the Trust. In no event, however, shall the fees exceed those fees that would have been

charged by state or federal banks in the jurisdiction in which the Trust is being governed.

ARTICLE 9

PROVISIONS RELATING TO TRUSTORS' POWERS

9.1 Power to Amend. During the joint lifetime of Trustors, this Trust Agreement may be amended in whole or in part by an instrument in writing, signed by both Trustors, and delivered to the Trustee. In the event that either Trustor should become deceased or incapacitated, as defined herein, the Trust may not be amended. Upon the death of both Trustors, this Trust Agreement shall not be amended.

9.2 Power to Revoke. During the joint lifetime of Trustors, the Trustors may revoke, in whole or in part, this Trust Agreement by an instrument in writing, signed by both Trustors, and delivered to the Trustee. In the event that either Trustor should become incapacitated or deceased, the Trust may not be revoked by the surviving Trustor. Upon the death of both Trustors, this Trust Agreement shall not be revoked.

9.3 Power to Change Trustee. During the joint lifetime of the Trustors, Trustors may change the Trustee or Successor Trustee of this Trust by an instrument in writing, signed by both Trustors, and delivered to the Trustee. In the event that either Trustor should become incapacitated, the other Trustor shall retain the power to change the Trustee or Successor Trustee of this Trust by an instrument in writing, signed by such Trustor and delivered to the Trustee. After the death of the first Trustor to die, the surviving Trustor shall have the power to change the Trustee or Successor Trustee of the Trust by an instrument in writing signed by the surviving Trustor and delivered to the Trustee.

9.4 Additions to Trust. Any additional property acceptable to the Trustee may be transferred to this Trust. The property shall be subject to the terms of this Trust.

9.5 Special Gifts. If either Trustor becomes legally incompetent, or if in the Trustee's judgment reasonable doubt exists regarding capacity, the Trustee is

authorized in such Trustee's sole discretion to continue any gift program which such Trustor had previously commenced, to make use of the federal gift tax annual exclusion, including consenting to gifts by the other Trustor. Such gifts may be made outright or in Trust.

ARTICLE 10

PROVISIONS RELATING TO TRUSTEES' POWERS

10.1 Management of Trust Property. With respect to the Trust property, except as otherwise specifically provided in this Trust, the Trustee shall have all powers now or hereafter conferred upon trustees by applicable state law, and also those powers appropriate to the orderly and effective administration of the Trust. Any expenditure involved in the exercise of the Trustees' powers shall be borne by the Trust estate. Such powers shall include, but not be limited to, the following powers with respect to the assets in the Trust estate:

- (a) With respect to real property: to sell and to buy real property; to mortgage and/or convey by deed of trust or otherwise encumber any real property now or hereafter owned by this Trust (including, but not limited to any real property, the Trustee may hereafter acquire or receive and the Trustor's personal residence) to lease, sublease, release; to eject, remove and relieve tenants or other persons from, and recover possession of by all lawful means; to accept real property as a gift or as security for a loan; to collect, sue for, receive and receipt for rents and profits and to conserve, invest or utilize any and all of such rents, profits and receipts for management and conservation, to pay, compromise, or to contest tax assessments and to apply for refunds in connection therewith; to employ laborers; to subdivide, develop, dedicate to public use without consideration, and/or dedicate easements over; to maintain, protect, repair, preserve, insure, build upon, demolish, alter or improve all or any part thereof; to obtain or vacate plats and adjust boundaries; to adjust differences in valuation on exchange or partition by giving or receiving consideration; to release or partially release real property from a lien.
- (b) To register any securities or other property held hereunder in the names of Trustees or in the name of a nominee, with or without the addition of words indicating that such securities or other property are held in a fiduciary capacity, and to hold in bearer form any

securities or other property held hereunder so that title thereto will pass by delivery, but the books and records of Trustees shall show that all such investments are part of their respective funds.

- (c) To hold, manage, invest and account for the separate trusts in one or more consolidated funds, in whole or in part, as they may determine. As to each consolidated fund, the division into the various shares comprising such fund need be made only upon Trustees' books of account.
- (d) To lease Trust property for terms within or beyond the term of the Trust and for any purpose, including exploration for and removal of gas, oil, and other minerals; and to enter into community oil leases, pooling and unitization agreements.
- (e) To borrow money, mortgage, pledge or lease trust assets for whatever period of time Trustee shall determine, even beyond the expected term of the respective Trust.
- (f) To hold and retain any property, real or personal, in the form in which the same may be at the time of the receipt thereof, as long as in the exercise of their discretion it may be advisable so to do, notwithstanding same may not be of a character authorized by law for investment of trust funds.
- (g) To invest and reinvest in their absolute discretion, and they shall not be restricted in their choice of investments to such investments as are permissible for fiduciaries under any present or future applicable law, notwithstanding that the same may constitute an interest in a partnership.
- (h) To advance funds to any of the Trusts for any Trust purpose. The interest rate imposed for such advances shall not exceed the current rates.
- (i) To institute, compromise, and defend any actions and proceedings.
- (j) To vote, in person or by proxy, at corporate meetings any shares of stock in any Trust created herein, and to participate in or consent to any voting Trust, reorganization, dissolution, liquidation, merger, or other action affecting any such shares of stock or any corporation which has issued such shares of stock.
- (k) To partition, allot, and distribute, in undivided interest or in kind, or partly in money and partly in kind, and to sell such property as the Trustees may deem necessary to make division or partial or final distribution of any of the Trusts.

- (l) To determine what is principal or income of the Trusts and apportion and allocate receipts and expenses as between these accounts.
- (m) To make payments hereunder directly to any beneficiary under disability, to the guardian of his or her person or estate, to any other person deemed suitable by the Trustees, or by direct payment of such beneficiary's expenses.
- (n) To employ agents, attorneys, brokers, and other employees, individual or corporate, and to pay them reasonable compensation, which shall be deemed part of the expenses of the Trusts and powers hereunder.
- (o) To accept additions of property to the Trusts, whether made by the Trustors, a member of the Trustors' family, by any beneficiaries hereunder, or by any one interested in such beneficiaries.
- (p) To hold on deposit or to deposit any funds of any Trust created herein, whether part of the original Trust fund or received thereafter, in one or more savings and loan associations, bank or other financing institution and in such form of account, whether or not interest bearing, as Trustees may determine, without regard to the amount of any such deposit or to whether or not it would otherwise by a suitable investment for funds of a trust.
- (q) To open and maintain safety deposit boxes in the name of this Trust.
- (r) To make distributions to any Trust or beneficiary hereunder in cash or in specific property, real or personal, or an undivided interest therein, or partly in cash and partly in such property, and to do so without regard to the income tax basis of specific property so distributed. The Trustors request but do not direct, that the Trustees make distributions in a manner which will result in maximizing the aggregate increase in income tax basis of assets of the estate on account of federal and state estate, inheritance and succession taxes attributable to appreciation of such assets.
- (s) The powers enumerated in NRS 163.265 to NRS 163.410, inclusive, are hereby incorporated herein to the extent they do not conflict with any other provisions of this instrument.

- (t) The enumeration of certain powers of the Trustees shall not limit their general powers, subject always to the discharge of their fiduciary obligations, and being vested with and having all the rights, powers and privileges which an absolute owner of the same property would have.
- (u) The Trustees shall have the power to invest Trust assets in securities of every kind, including debt and equity securities, to buy and sell securities, to write covered securities options on recognized options exchanges, to buy-back covered securities options listed on such exchanges, buy and sell listed securities options, individually and in combination employing recognized investment techniques such as, but not limited to, spreads, straddles, and other documents, including margin and option agreements which may be required by securities brokerage firms in connection with the opening of accounts in which such option transactions will be effected.
- (v) The power to guaranty loans made for the benefit of, in whole or in part, any Trustor or Beneficiary or any entity in which any Trustor or Beneficiary has a direct or indirect interest.
- (w) In regard to the operation of any closely held business of the Trust, the Trustees shall have the following powers:
 - (1) The power to retain and continue the business engaged in by the Trust or to recapitalize, liquidate or sell the same.
 - (2) The power to direct, control, supervise, manage, or participate in the operation of the business and to determine the manner and degree of the fiduciary's active participation in the management of the business and to that end to delegate all or any part of the power to supervise, manage or operate the business to such person or persons as the fiduciary may select, including any individual who may be a beneficiary or Trustee hereunder.
 - (3) The power to engage, compensate and discharge, or as a stockholder owning the stock of the Corporation, to vote for the engagement, compensation and discharge of such managers, employees, agents, attorneys, accountants, consultants or other representatives, including anyone who may be a beneficiary or Trustee hereunder.

- (4) The power to become or continue to be an officer, director or employee of a Corporation and to be paid reasonable compensation from such Corporation as such officer, director and employee, in addition to any compensation otherwise allowed by law.
- (5) The power to invest or employ in such business such other assets of the Trust estate.

10.2 Power to Appoint Agent. The Trustee is authorized to employ attorneys, accountants, investment managers, specialists, and such other agents as the Trustee shall deem necessary or desirable. The Trustee shall have the authority to appoint an investment manager or managers to manage all or any part of the assets of the Trust, and to delegate to said investment manager the discretionary power to acquire and dispose of assets of the Trust. The Trustee may charge the compensation of such attorneys, accountants, investment managers, specialists, and other agents against the Trust, including any other related expenses.

10.3 Broad Power of Distribution. After the death of both Trustors, upon any division or partial or final distribution of the Trust estate, the Successor Trustee shall have the power to partition, allot and distribute the Trust estate in undivided interest or in kind, or partly in money and partly in kind, at valuations determined by the Trustee, and to sell such property as the Trustee, in the Trustee's discretion, considers necessary to make such division or distribution. In making any division or partial or final distribution of the Trust estate, the Trustee shall be under no obligation to make pro rata division or to distribute the same assets to beneficiaries similarly situated. Rather, the Trustee may, in the Trustee's discretion, make non pro rata divisions between Trusts or shares and non pro rata distributions to beneficiaries as long as the respective assets allocated to separate trusts or shares or the distributions to beneficiaries have equivalent or proportionate fair market value. The Income tax basis of assets allocated or distributed non pro rata need not be equivalent and may vary to a greater or lesser amount, as determined by the Trustee, in his or her discretion, and no adjustment need be made to compensate for any difference in basis.

10.4 Power to Hold Title in the Name of One Trustee Only. With regard to the separate property of one Trustor, that Trustor may, at his or her option, be the sole Trustee with regard to title to that property. Upon the death or incapacity of the Trustee in whose name title to that property is held, the Successor Trustee shall assume management of the property.

10.5 Apply for Government Assistance. The Trustee shall have the power to deal with governmental agencies. To make applications for, receive and administer any of the following benefits, if applicable: Social Security, Medicare, Medicaid, Supplemental Security Income, In-Home Support Services, and any other government resources and community support services available to the elderly.

10.6 Catastrophic Health Care Planning. The Trustee shall have the power to explore and implement planning strategies and options and to plan and accomplish asset preservation in the event a Trustor needs long-term health care and nursing care. Such planning shall include, but is not necessarily limited to, the power and authority to: (1) make home improvements and additions to the Trustors' family residence; (2) pay off, partly or in full, the encumbrance, if any, on the Trustors' family residence; (3) purchase a family residence, if the Trustors do not own one; (4) purchase a more expensive family residence; (5) transfer the family residence to the Trustor-spouse who does not need long-term medical, health, or nursing care; (6) divide community property assets equally between the Trustors; or (7) make gifts of assets for estate planning purposes to the beneficiaries and in the proportions set forth in Article 6.

10.7 Power of Co-Trustee to Act Alone. As long as Trustors are also Co-Trustees, either one of the Co-Trustees may act alone with reference to any powers of the Trustee just as if he or she was the sole Trustee. Any person dealing with one of the Trustees shall not have the right to insist on the other Co-Trustee joining in on any transaction.

ARTICLE 11

PROTECTION OF AND ACCOUNTING BY TRUSTEES

11.1 Protection. Trustees shall not be liable for any loss or injury to the property at any time held by them hereunder, except only such as may result from their fraud, willful misconduct, or gross negligence. Every election, determination, or other exercise by Trustees of any discretion vested, either expressly or by implication, in them, pursuant to this Trust Agreement, whether made upon a question actually raised or implied in their acts and proceedings, shall be conclusive and binding upon all parties in interest.

11.2 Accounting. Upon the written request delivered or mailed to the Trustees by an income beneficiary hereunder, the Trustees shall render a written statement of the financial status of the Trust. Such statement shall include the receipts and disbursements of the Trust for the period requested or for the period transpired since the last statement and the principal of the Trust at the end of such period. Statements need not be rendered more frequently than annually.

ARTICLE 12

EXONERATION OF PERSONS DEALING WITH THE TRUSTEES

No person dealing with the Trustees shall be obliged to see to the application of any property paid or delivered to them or to inquire into the expediency or propriety of any transaction or the authority of the Trustees to enter into and consummate the same upon such terms as they may deem advisable.

ARTICLE 13

HIPAA RELEASE

If any person's authority under the instrument is dependent upon any determination that a Trustor is unable to properly manage his or her affairs or a determination of his or her incapacity, then any physician, health-care professional, dentist, health plan, hospital, clinic, laboratory, pharmacy or other covered health-care

provider, any insurance company, and any health-care clearinghouse that has provided treatment or services to such Trustor or is otherwise requested by a Trustor's nominated Successor Trustee to determine his or her incapacity, and any other person or entity in possession of any of the Trustor's "protected health information," as contemplated by the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), 42 USC 1320d and 45 CFR 160-164, is hereby authorized and directed to disclose the Trustor's protected health information to the nominated Successor Trustee to the extent necessary, and only to the extent necessary, in order for the nominated Successor Trustee to determine whether an event of incapacity has occurred pursuant to Article 3 hereinabove. This release of authority applies even if that person has not yet been appointed as Successor Trustee. Any limitation on protected health information to be disclosed hereunder shall have no effect upon any rights to such information any other party may have under any other instrument granting access to such information.

ARTICLE 14

GENERAL PROVISIONS

14.1 Controlling Law. This Trust Agreement is executed under the laws of the State of Nevada and shall in all respects be administered by the laws of the State of Nevada; provided, however, the Trustees shall have the discretion, exercisable at any later time and from time to time, to administer any trust created hereunder pursuant to the laws of any jurisdiction in which the Trustees, or any of them, may be domiciled, by executing a written instrument acknowledged before a notary public to that effect, and delivered to the then income beneficiaries. If the Trustees exercise the discretion, as above provided, this Trust Agreement shall be administered from that time forth by the laws of the other state or jurisdiction.

14.2 Spendthrift Provision. No interest in the principal or income of any trust created under this Trust Instrument shall be anticipated, assigned, encumbered or subjected to creditors' claims or legal process before actual receipt by a beneficiary. This provision shall not apply to a Trustor's interest in the Trust estate. The income and principal of this Trust shall be paid over to the beneficiary at the time and in the manner

provided by the terms of this Trust, and not upon any written or oral order, nor upon any assignment or transfer by the beneficiary, nor by operation of law.

14.3 Perpetuities Savings Clause. Notwithstanding anything to the contrary contained in this Trust agreement, the Trusts created herein, unless earlier terminated according to the terms of this Trust agreement, shall all terminate one (1) day less than three hundred and sixty-five (365) years after the execution date of this Trust. Upon such termination each Trust shall forthwith be distributed to the Beneficiaries of such Trust; provided however, that if no Beneficiary is then living, such property shall be distributed to those persons so designated in said Trust, as therein provided. Notwithstanding the foregoing, in the event any Trust created hereunder should be controlled and governed by the laws of any state which state has modified or repealed the common law Rule Against Perpetuities, then such modified Rule Against Perpetuities shall apply to such Trust, and if the Rule Against Perpetuities shall have been repealed by the law of the governing state, then termination of any Trusts hereunder pursuant to the common law Rule Against Perpetuities shall not apply to any Trust which is, as a result, not subject to any such Rule Against Perpetuities, and all other references throughout this Trust Agreement to termination of any Trust hereunder pursuant to any applicable Rule Against Perpetuities shall not be applicable to such Trust or Trusts.

14.4 No-Contest Provision. The Trustors specifically desire that this Trust Agreement and these Trusts created herein be administered and distributed without litigation or dispute of any kind. If any beneficiary of these trusts or any other person, whether stranger, relative, or heir, or any legatee or devisee under the Last Will and Testament of either of the Trustors or the successors-in-interest of any such persons, including the Trustors' estates under the intestate laws of the State of Nevada or any other state lawfully or indirectly, singly or in conjunction with another person, seek or establish to assert any claim or claims to the assets of these Trusts established herein, or attach, oppose or seek to set aside the administration and distribution of the Trusts, or to invalidate, impair or set aside its provisions, or to have the same or any part thereof declared null and void or diminished, or to defeat or change any part of the

provisions of the Trusts established herein, then in any and all of the above-mentioned cases and events, such person or persons shall receive One Dollar (\$1.00), and no more, in lieu or any interest in the assets of the trusts or interest in income or principal.

14.5 Provision for Others. The Trustors have, except as otherwise expressly provided in this Trust Agreement, intentionally and with full knowledge declined to provide for any and all of their heirs or other persons who may claim an interest in their respective estates or in these Trusts.

14.6 Severability. In the event any clause, provision or provisions of this Trust Agreement prove to be or be adjudged invalid or void for any reason, then such invalid or void clause, provision or provisions shall not affect the whole of this instrument, but the balance of the provisions hereof shall remain operative and shall be carried into effect insofar as legally possible.

14.7 Distribution of Small Trust. If the Trustee, in the Trustee's absolute discretion, determines that the amount held in Trust is not large enough to be administered in Trust on an economical basis, then the Trustee may distribute the Trust assets free of Trust to those persons then entitled to receive the same

14.8 Headings. The various clause headings used herein are for convenience of reference only and constitute no part of this Trust Agreement.

14.9 More Than One Original. This Trust Agreement may be executed in any number of copies and each shall constitute an original of one and the same instrument.

14.10 Interpretation. Whenever it shall be necessary to interpret this Trust, the masculine, feminine and neuter personal pronouns shall be construed interchangeably, and the singular shall include the plural and the singular.

14.11 Definitions. The following words are defined as follows:

- (a) **"Principal" and "Income".** Except as otherwise specifically provided in this Trust Agreement, the determination of all matters with respect to what is principal and income of the Trust estate and the apportionment and allocation of receipts and expenses thereon

shall be governed by the provisions of Nevada's Revised Uniform Principal and Income Act, as it may be amended from time to time and so long as such Act does not conflict with any provision of this instrument. Notwithstanding such Act, no allowance for depreciation shall be charged against income or net income payable to any beneficiary.

- (b) **"Education"**. Whenever provision is made in this Trust Indenture for payment for the "education" of a beneficiary, the term "education" shall be construed to include technical or trade schooling, college or postgraduate study, so long as pursued to advantage by the beneficiary at an institution of the beneficiary's choice and in determining payments to be made for such college or post-graduate education, the Trustees shall take into consideration the beneficiary's related living and traveling expenses to the extent that they are reasonable.
- (c) **"Child, Children, Descendants or Issue"**. As used in this instrument, the term "descendants" or "issue" of a person means all of that person's lineal descendants of all generations. The terms "child, children, descendants or issue" include adopted persons, but do not include a step-child or step-grandchild, unless that person is entitled to inherit as a legally adopted person.
- (d) **"Tangible Personal Property"**. As used in this instrument, the term "tangible personal property" shall not include money, evidences of indebtedness, documents of title, securities and property used in a trade or business.

EXECUTED in Clark County, Nevada, on October 11, 2016.

TRUSTORS:

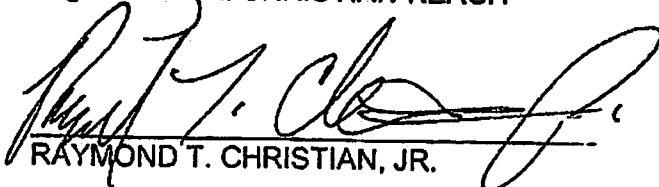

RAYMOND T. CHRISTIAN



NANCY I. CHRISTIAN

ACCEPTANCE BY TRUSTEES

We certify that we have read the foregoing Declaration of Trust and understand the terms and conditions upon which the Trust estate is to be held, managed, and disposed of by us as Trustees. We accept the Declaration of Trust in all particulars and acknowledge receipt of the Trust property.


ROSEMARY K. CHRISTIAN-KEACH

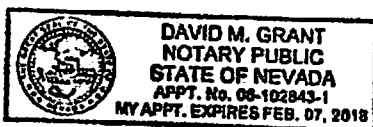

RAYMOND T. CHRISTIAN, JR.

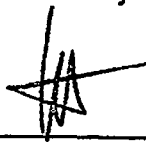

SUSAN G. CHRISTIAN-PAYNE

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

On October 11, 2016, before me, the undersigned, a Notary Public in and for said County of Clark, State of Nevada, personally appeared RAYMOND T. CHRISTIAN and NANCY I. CHRISTIAN, personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacity, and that by their signatures on the instrument, the persons or the entity upon behalf of which the persons acted, executed the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year in this document first above written.



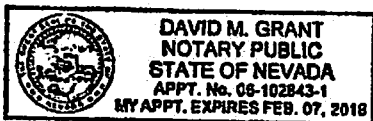


NOTARY PUBLIC

STATE OF NEVADA)
)ss.
COUNTY OF CLARK)

On October 11, 2016, before me, the undersigned, a Notary Public in and for said County of Clark, State of Nevada, personally appeared ROSEMARY K. CHRISTIAN-KEACH, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument, the person, or the entity upon behalf of which the person acted, executed the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year in this certificate first above written.



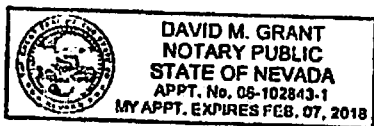
A handwritten signature in black ink, appearing to be "DMG", written over a horizontal line.

NOTARY PUBLIC

STATE OF NEVADA)
)ss.
COUNTY OF CLARK)

On October 11, 2016, before me, the undersigned, a Notary Public in and for said County of Clark, State of Nevada, personally appeared RAYMOND T. CHRISTIAN, JR., personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument, the person, or the entity upon behalf of which the person acted, executed the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year in this certificate first above written.



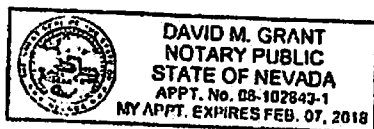
A handwritten signature in black ink, appearing to be "DMG", written over a horizontal line.

NOTARY PUBLIC

STATE OF NEVADA)
)ss.
COUNTY OF CLARK)

On October 11, 2016, before me, the undersigned, a Notary Public in and for said County of Clark, State of Nevada, personally appeared SUSAN G. CHRISTIAN-PAYNE, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument, the person, or the entity upon behalf of which the person acted, executed the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year in this certificate first above written.



A handwritten signature in black ink, consisting of a stylized 'D' and 'G' followed by a horizontal line.

NOTARY PUBLIC

EXHIBIT 2

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 2/1/2018 | 349 |

| Bill To |
|---|
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|---|----------|--------|----------|
| 1/4/2018 | Phone call with Joey Powell regarding case history and upcoming hearings (1.0); Second Phone call (.3) | 1.3 | 350.00 | 455.00 |
| 1/4/2018 | Emailed client [REDACTED] (UNBILLED .1) | 0.1 | 125.00 | 12.50 |
| 1/5/2018 | Email with Joey regarding hearing and Payne letter regarding the house (.1); Prepare Certificate of Incumbency (.7) | 0.8 | 350.00 | 280.00 |
| 1/5/2018 | Creating First Draft Certificate of Incumbency (.9), creating cover letter, printing out cover letter, Engagement Agreement, and Certificate of Incumbency [REDACTED] (.6) | 1.5 | 125.00 | 187.50 |
| 1/8/2018 | Emails with Joey Power regarding setup for upcoming hearing and delinquent bills on property (.2) | 0.2 | 350.00 | 70.00 |
| 1/8/2018 | Review Sales Information on Home, lockbox access (.2); Review Republic Services Notice (.1) | 0.2 | 350.00 | 70.00 |
| 1/8/2018 | Organized File (.4), emailed client [REDACTED] (.1) | 0.5 | 125.00 | 62.50 |
| 1/9/2018 | Emails with Joey Powell regarding hearing (.2); Phone call with Cary regarding continuance (.1) | 0.2 | 350.00 | 70.00 |
| 1/9/2018 | Filed discovery documents (.3), called clerk of court for continuing hearing (.1) | 0.4 | 125.00 | 50.00 |
| 1/10/2018 | Called client [REDACTED] (.1) | 0.1 | 125.00 | 12.50 |
| 1/11/2018 | Phone call with Joey Regarding substitution of Real Party in Interest (.2); Review Opposition filed by Cary (.4) | 0.6 | 350.00 | 210.00 |
| 1/11/2018 | Review Sales Information on Home, lockbox access (.2); Review Republic Services Notice (.1) | 0.3 | 350.00 | 105.00 |
| 1/12/2018 | Review of all Prior Pleadings, Accountings, Inventories, Court Minutes, Orders and create notes to file (5.2); Phone call to Anthony Barney office regarding prior discovery (.2) | 5.4 | 350.00 | 1,890.00 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 2/1/2018 | 349 |

| Bill To |
|---|
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|---|----------|--------|----------|
| 1/12/2018 | called and emailed client [REDACTED] (1), filed Notice of Delinquency and Intent to Lien (1), filed discovery documents (1), emailed client [REDACTED] (1), filed signed (last page) of Certificate of Incumbency (1) | 0.5 | 125.00 | 62.50 |
| 1/15/2018 | Correspondence with Joey regarding amounts in Payne trust account, review amounts listed in prior pleadings (.3); Email client [REDACTED] (1) | 0.4 | 350.00 | 140.00 |
| 1/16/2018 | Email with Joey Powell regarding the appearance of Monte on behalf of Nancy's personal trust (.2); Email client [REDACTED] (1); Review pleadings for issues for which trust is ratifying of the prior trustee (1.2); Email client [REDACTED] (.4) | 1.9 | 350.00 | 665.00 |
| 1/17/2018 | Phone call with Joey regarding Monte position v. trust (1.1); Additional prep for hearing (.2); Email with client [REDACTED] (.2); Attend hearing (1.9) | 3.4 | 350.00 | 1,190.00 |
| 1/17/2018 | Filed Certificate of Incumbency (1) | 0.1 | 125.00 | 12.50 |
| 1/18/2018 | Phone call with Joey Powell regarding whether Monte is filing claims v. Trust (.4); Draft Order from hearing (1.2); Circulate for approval by appearing counsel (.1); Email with client [REDACTED] (.2) | 1.9 | 350.00 | 665.00 |
| 1/19/2018 | Phone call with Joey Powell regarding input on the order from the hearing (.4); Phone call with Jacqueline regarding [REDACTED] (.8); Edits to Order based on feedback from other counsel (.2); Circulate new order (.1) | 1.5 | 350.00 | 525.00 |
| 1/19/2018 | Scanned and filed anonymous letter (.2) | 0.2 | 125.00 | 25.00 |
| 1/22/2018 | Review and respond to client email regarding [REDACTED] (.3); Follow up on signature on orders, task paralegal (.2) | 0.5 | 350.00 | 175.00 |
| 1/22/2018 | Called Cary Payne's office to ask about changes for Omnibus Order (.1) | 0.1 | 125.00 | 12.50 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 2/1/2018 | 349 |

| Bill To |
|---|
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|--|----------|--------|--------|
| 1/23/2018 | Calling Payne's office for Omnibus order (.1), separating docs from Intelligent Office and filing Signed Resignation of Trustee, Notarized Certificate of Incumbency, Signed Engagement Agreement and Declination to Act as Successor Trustee (.1), Nationwide Order sent Notarized Certificate of Incumbency, Resignation of Trustee and Declination to Act as Successor to Clark County Recorder's office (.2), Bate Stamping Discovery documents (.1) | 0.5 | 125.00 | 62.50 |
| 1/24/2018 | Review Payne email (.2); Edits to Order (.1); Responsive email regarding demand and order (.2); Collaborate with Sarah regarding fill requests and setting up conference availability (.2); Phone call with Zachary Holyoak regarding content of order and his approval (.1); Emails with Cary Payne regarding order and bills of prior trustee (.4) | 1.2 | 350.00 | 420.00 |
| 1/24/2018 | Called Recorder's Office about Original Certificate of Incumbency (.1), called Intelligent Office about runner (.3), Nationwide order pickup of original Notarized Certificate of Incumbency, Declination to Act as Successor Trustee and Resignation of Trustee to Clark County Recorder's Office (.2), called Barney's office for subpoenas, sent email request (.1), called San Bernadino Recorder's office for question about documents (.1), Nationwide order to San Bernadino, just Notarized Certificate of Incumbency (.1) | 0.9 | 125.00 | 112.50 |
| 1/25/2018 | Review and respond to Jacqueline email regarding [REDACTED] (.3); Draft Petition for Successor Trustee (2.4) | 2.7 | 350.00 | 945.00 |
| 1/25/2018 | Called court about Omnibus signatures (.1), called Payne's office for availability for Settlement Conference, left message (.1), sent email to counsel for signature confirmation (.1), Nationwide order for Omnibus, both signed and denied versions (.2) | 0.5 | 125.00 | 62.50 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 2/1/2018 | 349 |

| Bill To |
|---|
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|--|----------|--------|----------|
| 1/26/2018 | Email with Cary Payne regarding deposition of client (.2); Edits to Petition additional review of caselaw (1.7); Email client regarding [REDACTED] (.2); Review Anthony Barney Ltd. letter re billing, (1.0); Email Utkin regarding [REDACTED] (.2); Draft correspondence demand proof of deposit from Mr. Payne's office pursuant to court order (.3); Review Mr. Payne letter and checks, request supporting documents (.2); Review letter from San Bernadino county (.2); Additional emails with client regarding [REDACTED] (.2) | 4.2 | 350.00 | 1,470.00 |
| 1/26/2018 | Proofread Petition to Confirm Successor Trustee (.2), called client [REDACTED] (.1) | 0.3 | 125.00 | 37.50 |
| 1/27/2018 | Phone call with Bar Counsel Regarding execution on an IOLTA account and whether it is possible to execute without NRPC violation | 0.8 | 350.00 | 280.00 |
| 1/29/2018 | Review file, then phone calls with Zachary Holyoak and Joey Powell regarding prior disclosure of proof of funds from Cary Colt Payne (1.4); Phone call with Nancy regarding verification of trust funds from Payne (.5) | 1.9 | 350.00 | 665.00 |
| 1/29/2018 | Filed Nationwide completed and rejected orders to Clark County Recorder's Office (.1), filed letter from San Bernardino Recorder's Office (.1), contacted court to set hearing date, creating NOH (.3), called court for Master Calendar information (.1), called court to request Telephonic hearing (.1), creating Notice of Intent to Appear by Telephone (.3), calling Payne for Settlement conference availability (.1), filed Payne checks (.1), edited Notice of Hearing and Notice of Intent to Appear by Telephone (.2) | 1.4 | 125.00 | 175.00 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 2/1/2018 | 349 |

| Bill To |
|---|
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|---|----------|--------|--------|
| 1/29/2018 | Editing Notice of Hearing and Notice of Intent to Appear by Telephone (.1), bate stamping discovery docs and creating Master Exhibit List (.9), efilng and serving NOH and Notice of Intent to Appear by Telephone (.4), printing NOH and Notice of Intent to Appear by Telephone, mailed to Cary Payne, Joey Powell, Tommy Christian and Christopher Christian (.6), called court clerk to confirm telephonic appearance (.1), forwarded email [REDACTED] to client (.1), filed stamped Notice of Intent to Appear by Telephone (.1), called Payne's office for availability and sent email to opposing counsel (.1) | 2.4 | 125.00 | 300.00 |
| 1/30/2018 | Review emails from Joey regarding bills, [REDACTED] (.2); Email with Mr. Payne regarding deposit of funds (.2); Review bank statements provided by Mr. Payne (.3); Receive and review email from prior trustee counsel regarding billing and invoices, respond with questions regarding duplicate invoices (.6); Review client payment of Republic Services Bill (.1); Emails with all counsel regarding settlement conference (.1) | 1.5 | 350.00 | 525.00 |
| 1/31/2018 | Emails with Client regarding [REDACTED] (.2) | 0.2 | 350.00 | 70.00 |
| 1/31/2018 | Created blank NOH (.1), efiled and served blank NOH (.2), filing sewer bill and creating Trustee Inventory and Accounting spreadsheet (.3), called court numbers to find settlement department (.2), emailed client [REDACTED] (.1), scanned and filed letter and billing info from Barney's office (.1), creating folder (.3) | 1.3 | 125.00 | 162.50 |
| 1/5/2018 | Print Costs | 10 | 0.25 | 2.50 |
| 1/17/2018 | Parking Hearing | 1 | 5.35 | 5.35 |
| 1/17/2018 | Mileage for travel on behalf of client. | 26 | 0.545 | 14.17 |
| 1/8/2018 | Credit Card Charge | 1 | 162.80 | 162.80 |

| | |
|--|-------------|
| Invoice Balance | \$12,419.82 |
| Total Including Previous Balances | \$12,419.82 |
| Payments Applied | \$5,000.00 |
| Amount Remaining in Trust | 0.00 |
| Current Amount Due | \$7,419.82 |

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 3/1/2018 | 371 |

| Bill To |
|---|
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|--|----------|--------|--------|
| 2/1/2018 | Phone call with Joey Powell regarding prior actions of Monte as trustee and conduct of beneficiaries (.5) | 0.5 | 350.00 | 175.00 |
| 2/1/2018 | Filed stamped NOH, scheduled (.1), called Settlement Department, calendared settlement conference (.1), called client [REDACTED] (.1), called opposing counsel and court to get approval for client telephonic appearance (.2), made new Notice of Telephonic Hearing (.1), filed Notice of Scheduling Settlement Conference, scheduled days (.2) | 0.8 | 125.00 | 100.00 |
| 2/2/2018 | Filed signed page of Verification of Jacqueline Utlin (.1) | 0.1 | 125.00 | 12.50 |
| 2/5/2018 | Review and respond to Mr. Payne email regarding checks, confirmation of trustee (.3) | 0.3 | 350.00 | 105.00 |
| 2/5/2018 | Filed stamped Omnibus Order, created and edited NEO (.3), efiled and served NEO for Omnibus, printed and mailed (.2), filed stamped NEO to computer (.1), | 0.6 | 125.00 | 75.00 |
| 2/6/2018 | Review and respond to client email regarding [REDACTED] (.2); Review of case strategy in preparation of role for trustee (.5) | 0.7 | 350.00 | 245.00 |
| 2/6/2018 | Filed stamped Omnibus Order (.1), created Amended NEO for Omnibus Order (.1), efiled and served Amended NEO for Omnibus Order (.1), scanned and filed letter and check from Payne's office, [REDACTED] (.3), called Daniel's office for subpoenas (.1) | 0.4 | 125.00 | 50.00 |
| 2/7/2018 | Filed stamped Amended NEO for Omnibus Order, printed and mailed to brothers (.3), filed letter from Rushforth Lee & Kiefer, Declination to Act as Successor Trustee, Resignation of Trustee and Nomination of Successor Trust (.1), filed Certificate of Incumbency (.1), filed copies of Engagement Agreement, Declination and Nomination, Notarized Certificate of Incumbency into physical files (.1) | 0.6 | 125.00 | 75.00 |
| 2/9/2018 | Phone call with Client regarding [REDACTED] (.6, UNBILLED .2); Email to Payne office regarding EIN (.1) | 0.7 | 350.00 | 245.00 |
| 2/12/2018 | Review and respond to email from Payne regarding fees (.5) | 0.5 | 350.00 | 175.00 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 3/1/2018 | 371 |

| Bill To |
|---|
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|---|----------|--------|----------|
| 2/12/2018 | Filed Notice of Exercise of Right to have hearing before Probate Court Judge and Petition for Fees and Costs to computer (.1), filed Notice of Hearing to computer, calendared (.1), called court calendar for hearing for Successor Trustee, calendared (.1) | 0.3 | 125.00 | 37.50 |
| 2/15/2018 | Review and respond to Payne email regarding objection to fees (.2) | 0.2 | 250.00 | 50.00 |
| 2/20/2018 | Filed Verification for Jacqueline Utlin for petition to Confirm Successor Trustee to computer (.2), filed physically Omnibus Order (.1) | 0.3 | 125.00 | 37.50 |
| 2/21/2018 | Review 2nd letter (.2); Prepare non-opposition (1.1); Email client [REDACTED] (.2); Prepare OST request for Petition for Successor Trustee (.9) | 2.4 | 350.00 | 840.00 |
| 2/22/2018 | Nationwide order, sent Ex Parte Application for Order Shortening Time to Hear Petition to Confirm Successor Trustee (.2), filed client signed page of Non-Opposition, combined w/Non-Opposition and Limited Joinder to the Petition of Fees, efiled and served in Odyssey (.3), called court twice for Ex Parte Application status (.2) | 0.6 | 125.00 | 75.00 |
| 2/23/2018 | Called court for Ex Parte Application for Order Shortening Time (.1), printed and scanned Notice of Non-Opposition to Fees, edited (.1), efiled and served Notice of Non-Opposition to fees (.1) | 0.3 | 125.00 | 37.50 |
| 2/26/2018 | Filed stamped Notice of Non-Opposition to Fees to computer (.1), called court for status of Motion to Shorten Time, VM (.1), called court for status of Motion (.1), emailed law clerk about Order Shortening Time (.1), called Nationwide for status of Order (.1) | 0.5 | 125.00 | 62.50 |
| 2/27/2018 | Review of Opposition and Counter-Motion, as well as potentially supportive case law (1.0); Draft Rule 11 Letter and No-Contest Reservation (3.6); Phone call to Joey Powell in response to his request for call (.3); Email with client [REDACTED] (.1); Emails with Client [REDACTED] (.2) | 5.1 | 350.00 | 1,785.00 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 3/1/2018 | 371 |

| Bill To |
|---|
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|---|----------|--------|--------|
| 2/27/2018 | Called client to [REDACTED] (.1) | 0.1 | 125.00 | 12.50 |
| 2/28/2018 | Review and respond to client email regarding [REDACTED] (.2); Communications with client regarding [REDACTED] (.4); Phone call clients (.2); Email to Cary Payne (.1) | 0.9 | 350.00 | 315.00 |
| 2/5/2018 | Postage & Mailings | 4 | 0.50 | 2.00 |
| 2/5/2018 | Print Costs | 14 | 0.25 | 3.50 |
| 2/6/2018 | Postage & Mailings | 1 | 21.98 | 21.98 |
| 2/7/2018 | Postage & Mailings | 4 | 0.50 | 2.00 |
| 2/7/2018 | Print Costs | 14 | 0.25 | 3.50 |
| 2/23/2018 | Print Costs | 5 | 0.25 | 1.25 |
| 1/31/2018 | Filing Fee NOH | | 3.50 | 3.50 |
| 2/5/2018 | Filing Fees Omni Order | | 3.50 | 3.50 |
| 2/5/2018 | Filing Fee NEO | | 3.50 | 3.50 |
| 2/6/2018 | Filing Fees | | 3.50 | 3.50 |
| 2/6/2018 | Filing Fees | | 3.50 | 3.50 |
| 2/17/2018 | Fees for CA Filing Attempts | | 160.00 | 160.00 |
| 3/1/2018 | Filing Fees | | 3.50 | 3.50 |
| 3/1/2018 | Filing Fees | | 3.50 | 3.50 |
| | Total Reimbursable Expenses | | | 184.50 |

| | |
|--|-------------|
| Invoice Balance | \$4,728.73 |
| Total Including Previous Balances | \$12,148.55 |
| Payments Applied | 0.00 |
| Amount Remaining in Trust | 0.00 |
| Current Amount Due | \$12,148.55 |

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|-----------|-----------|
| 3/31/2018 | 385 |

| Bill To |
|---|
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|--|----------|--------|----------|
| 3/1/2018 | Review and respond to Payne email regarding defenses to Barney firm payments, other matters (.5); Review ex parte order (.1); Emails to all counsel regarding hearing for successor trustee (.3); Call Powell to request they shorten time on their petition (.1) | 1 | 350.00 | 350.00 |
| 3/1/2018 | Filed signed Ex Parte Application for Order Shortening Time to computer, removed Nationwide cover and separated, calendared new hearing date (.2), efiled and served Order to Shorten Time, then Ex Parte Application (.3) | 0.5 | 125.00 | 62.50 |
| 3/2/2018 | Review Klabacka v. Nelson for Reply (.8) | 0.8 | 350.00 | 280.00 |
| 3/2/2018 | Filed stamped Order Shortening Time and Ex Parte Application for Order to computer (.2) | 0.2 | 125.00 | 25.00 |
| 3/5/2018 | Contact Payne office regarding request for fees (.2) | 0.2 | 125.00 | 25.00 |
| 3/6/2018 | File hardcopy documents (.1) | 0.1 | 125.00 | 12.50 |
| 3/8/2018 | Filed Application for Reimbursement of Administration Expenses to computer (.1) | 0.1 | 125.00 | 12.50 |
| 3/9/2018 | Review Monte Reason application for attorney fees, and prior billings (.5); Email client [REDACTED] (.1) | 0.6 | 350.00 | 210.00 |
| 3/9/2018 | Creating templates RFP, RFA, and ROGS for opposing party (1.4) | 1.4 | 125.00 | 175.00 |
| 3/12/2018 | Draft Reply and Opposition to Counter-Petitioner (5.2); Review opposition to fees for Barney and Rushforth (.8) | 6 | 350.00 | 2,100.00 |
| 3/12/2018 | Emailed client [REDACTED] (.1), filed Petitioners Combined Opposition to Petition for Fees and Application for Reimbursement (.1), proofread Reply to Opposition to Petition (.7), emailed [REDACTED] client (.1), called client [REDACTED] (.1), printing, scanned and filed verification to computer, combined into Reply to Opposition, efiled and served, emailed to opposing counsel (.2) | 1.3 | 125.00 | 162.50 |
| 3/13/2018 | Review Reply filed by Rushforth (.7) | 0.7 | 350.00 | 245.00 |
| 3/13/2018 | Filed Reply to Opposition to computer (.1), editing RFP (1.4), filed Response to Opposition to computer (.1) | 1.6 | 125.00 | 200.00 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|-----------|-----------|
| 3/31/2018 | 385 |

| Bill To |
|---|
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|--|----------|--------|----------|
| 3/14/2018 | Review Reply filed Anthony Barney firm (1.1); Review anonymous letter (.3) | 1.4 | 350.00 | 490.00 |
| 3/14/2018 | Filed Reply to Petitioners Combined Opposition to computer (.1), editing RFP (1.2), filed anonymous letter 2 to computer (.1), creating subpoena for Linda Ruth (.2) | 1.6 | 125.00 | 200.00 |
| 3/15/2018 | Prepare for hearing (1.2); Attend hearing (1.4); Email client [REDACTED] (.1); Review trust needs and strategy | 2.7 | 350.00 | 945.00 |
| 3/15/2018 | Editing Linda Ruth's subpoena, created Donald Turk subpoena (.4) | 0.4 | 125.00 | 50.00 |
| 3/16/2018 | Draft order from hearing (.6); Circulate to counsel (.2); Review Subpoenas (.4) | 1.2 | 350.00 | 420.00 |
| 3/16/2018 | Prepare Request for Production (5.2) | 5.2 | 350.00 | 1,820.00 |
| 3/16/2018 | Printed subpoena for Turk (.1), edited subpoenas, scheduled (2.8), called Zach for Raymond Sr.'s SSN (.1), scanned and filed Turk subpoena to computer, eserved to opposing counsel (.2), called Payne's office for Order (.1), mailed Turk subpoena (.1), editing RFP for Raymond Jr., Susan and Rosemary, eserved (.7) | 4.1 | 125.00 | 512.50 |
| 3/19/2018 | Email counsel [REDACTED] (.1); Edit Order, Emails with Cary Payne regarding order, discovery and contest (.5) | 0.6 | 250.00 | 150.00 |
| 3/19/2018 | Calendared RFP deadlines (.1) | 0.1 | 125.00 | 12.50 |
| 3/20/2018 | Email counsel regarding order (.2); Emails with client (.2); Phone call with JU [REDACTED] (.3); Emails with Rushforth firm (.2) | 0.9 | 350.00 | 315.00 |
| 3/21/2018 | Review Accounting Provided by Cary Payne (.5); Memo to file (.2); Correspondence with Cary Payne regarding hearing and order (.3); Review court minutes and view of hearing confirming order complies (.4); Correspondence with client [REDACTED] (.2); Correspondence with Joey Powell regarding mediation (.2) | 1.8 | 350.00 | 630.00 |
| 3/21/2018 | Called Payne's office for Order (.1), created letter for Payne on Order (.1) | 0.2 | 125.00 | 25.00 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|-----------|-----------|
| 3/31/2018 | 385 |

| Bill To |
|---|
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|---|----------|--------|----------|
| 3/22/2018 | Correspondence with client ██████████ (.2);
Correspondence with Joey power regarding accounting
provided by Payne's office (.3); Correspondence with client
regarding ██████████ (.4) | 0.9 | 350.00 | 315.00 |
| 3/22/2018 | Created excel accounting of known transactions (1.4),
called Payne's office for Order (.1), Nationwide order to
send Order to Commissioner's Office (.1), analyzed
accounting for suspicious activity (.5) | 2.1 | 125.00 | 262.50 |
| 3/23/2018 | Contact Nationwide for order status (.1) | 0.1 | 125.00 | 12.50 |
| 3/26/2018 | Correspondence with Monte counsel regarding settlement
conference and house access (.5); Prepare settlement brief
(2.1) | 2.6 | 350.00 | 910.00 |
| 3/26/2018 | Nationwide follow-up for Order Granting Petition to
Confirm Successor Trustee (.1), Nationwide order, sent
Order to Ochoa (.1) | 0.2 | 125.00 | 25.00 |
| 3/27/2018 | Correspondence with Joey Powell and Cary Payne
regarding property (.2) | 0.2 | 350.00 | 70.00 |
| 3/27/2018 | Finalize Settlement Brief (3.8); ██████████ to
client ██████████ (.2); Phone call with client regarding ██████████
██████████ (.2); Edits ██████████ (2.1); Review Anthony
Bareny billing (.2); Review letter from Cary Payne to
realtor (.2) | 6.7 | 350.00 | 2,345.00 |
| 3/27/2018 | Created NEO for Order to Confirm Successor Trustee (.1),
called Nationwide for Order status (.1), filed and bated
stamped Payne letter to Manesse to computer (.1) | 0.3 | 125.00 | 37.50 |
| 3/28/2018 | Draft Letter to Payne regarding contact with Real Estate
Agent (.9); Draft Motion to Expunge Lis Pendens,
Restraining Order (4.2) | 5.1 | 350.00 | 1,785.00 |
| 3/28/2018 | Printed letter to Payne (.1), researching eviction in
pleadings (.4), called Nationwide for Order status (.1) | 0.6 | 125.00 | 75.00 |
| 3/29/2018 | Final edits to Petition to Expunge and Pre Inj. (1.2); Draft
Motion to Compel Turnover and Rescind Freeze Order
(3.6); Assign subpoenas to third parties (.3) | 4.8 | 350.00 | 1,680.00 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|-----------|-----------|
| 3/31/2018 | 385 |

| Bill To |
|---|
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|--|----------|--------|----------|
| 3/29/2018 | Proofread Petition to Expunge Lis Pendens, emailed ■ client ■ (3), called court for Order status (.1), emailed client ■ (1), filed Utkin verification for Petition to Expunge Lis Pendens (.1), edited Petition to Expunge Lis Pendens, printed, scanned and filed to computer, called court for Order (.2), efiled and served Petition to Expunge, emailed opposing counsel letter (.1) | 0.9 | 125.00 | 112.50 |
| 3/30/2018 | Review subpoenas to major banks in Nevada (.4); Edits to Motion (2.9); Correspondence with Payne office regarding subpoenas (.2); Draft Motion for Sanctions, Compel Disclosure (2.8) | 6.3 | 350.00 | 2,205.00 |
| 3/30/2018 | Created subpoenas for JPMorgan Chase Holdings LLC, Bank of America, NV State Bank, Stifel Nicolaus & Co Inc, and US Bank, printed, scanned and filed co computer, created COS, printed 2 copies for Tommy and Christopher (1.5), served 5 subpoenas to banks, Tommy and Christopher (1.0), filed Wells Fargo letter to computer (.1), edited Wells Fargo and Sun Cities Financials subpoenas (.2), proofread Motion for Turnover of Assets and to Dissolve Injunction, emailed ■ client ■ (4), edited and printed Wells Fargo subpoena and Sun Cities subpoena (.4), made copies of Wells Fargo/Sun Cities subpoenas for Tommy and Christopher, scanned and filed signed subpoenas (.5), edited bank subpoenas, printed new pages with specific due date on them (1.5) | 5.1 | 125.00 | 637.50 |
| 3/16/2018 | Postage & Mailings | 2 | 0.50 | 1.00 |
| 3/16/2018 | Print Costs | 8 | 0.25 | 2.00 |
| 3/28/2018 | Print Costs | 2 | 0.25 | 0.50 |
| 3/30/2018 | Print Costs | 181 | 0.25 | 45.25 |
| 3/30/2018 | Print Costs | 181 | 0.25 | 45.25 |
| 3/12/2018 | Filing Fee | | 11.09 | 11.09 |
| 3/15/2018 | Parking | | 3.00 | 3.00 |
| 3/16/2018 | Runner Fees | | 15.00 | 15.00 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|-----------|-----------|
| 3/31/2018 | 385 |

| Bill To |
|---|
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|-----------------------------|----------|-------|--------|
| 3/19/2018 | Filing Fee | | 3.50 | 3.50 |
| 3/21/2018 | Filing Fee | | 3.50 | 3.50 |
| 3/29/2018 | Filing Fee | | 3.50 | 3.50 |
| 3/29/2018 | Filing Fee | | 3.50 | 3.50 |
| 3/29/2018 | Filing Fee | | 3.50 | 3.50 |
| 4/2/2018 | Filing Fee | | 3.50 | 3.50 |
| 4/4/2018 | Runner Fees Order | | 57.00 | 57.00 |
| 4/4/2018 | Filing Fee | | 3.50 | 3.50 |
| 4/4/2018 | Filing Fee | | 3.50 | 3.50 |
| 4/4/2018 | Filing Fee | | 3.50 | 3.50 |
| 4/4/2018 | Filing Fee | | 3.50 | 3.50 |
| 4/4/2018 | Filing Fee | | 3.50 | 3.50 |
| | Total Reimbursable Expenses | | | 124.59 |

| | |
|--|-------------|
| Invoice Balance | \$20,121.09 |
| Total Including Previous Balances | \$32,269.64 |
| Payments Applied | 0.00 |
| Amount Remaining in Trust | 0.00 |
| Current Amount Due | \$32,269.64 |

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 5/7/2018 | 399 |

| Bill To |
|---|
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|----------|---|----------|--------|----------|
| 4/2/2018 | draft motion to compel and sanctions (5.1); Review Sams Club subpoena, edits (.1); Review Supplemental objection to Barney fees (.6); Correspondence with trustee, phone call with Trustee Utkin [REDACTED] (1.6); | 7.5 | 350.00 | 2,625.00 |
| 4/2/2018 | Correspondence with counsel for Monte Reason (.1) Filed Response to Opposition to Petition for Fees to calendar (.1), filed Petition to Expunge Lis Pendens to computer, calendared (.1), filed signed verification for Petition for Turnover to computer, printed, scanned and filed to computer, combined with Petition, efiled and served to court (.1), editing bank subpoenas, printed (1.0), creating Sam's Club subpoena (.3), called Sam's Club for Registered Agent (.5), mailing bank subpoenas, Sun City, Wells Fargo, to themselves and to Tommy and Christopher Christian (.5), editing Sam's Club subpoena (.2), printed Sam's Club subpoena, mailed (.2), created COS for Motion to Expunge Lis Pendens (.3), edited COS for Motion to Expunge Lis Pendens, printed, mailed, efiled and served COS to court (1.0), scanned and filed Barney's letter and invoice to computer, filed hard copy (.2) | 4.5 | 125.00 | 562.50 |
| 4/3/2018 | Correspondence with client regarding [REDACTED] (.2); Review correspondence from Joey Powell letter, [REDACTED] client (.2); Attend Mediation (7.2); Phone call with client (.3) | 7.9 | 350.00 | 2,765.00 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| | |
|----------|-----------|
| Date | Invoice # |
| 5/7/2018 | 399 |

| |
|---|
| Bill To |
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|----------|--|----------|--------|--------|
| 4/3/2018 | Proofread and edited Motion (.9), emailed Eric Cederstrand about phone conference (.1), filed COS for Motion to Expunge Lis Pendens to File (.1), filed Motion for Turnover of Assets to computer, scheduled (.1), called court for Order status (.1), filed Powell letter to computer, emailed [REDACTED] client (.2), filed to computer and bates stamped Michael Pyne Affidavit (.2), printed stamped Motion for Turnover of Assets, mailed to Tommy and Christopher, created Certificate of Service, efiled and eserved Certificate of Service (.5), eserved new bank subpoenas to court, Sun Cities, Wells Fargo and Sam's Club, created Certificate of Service for subpoenas, efiled and served Certificate of Service (.6), emailed opposing counsel, resent bank subpoenas with signature (.6) | 2.4 | 125.00 | 300.00 |
| 4/4/2018 | Review sur replies filed by Barney and Payne (.8); Attend hearing (1.8) | 2.6 | 350.00 | 910.00 |
| 4/4/2018 | Filed Countermotion to Strike Response to Opposition of Fees (.1), efiled and served signed Order to court, created NEO, created Certificate of Service, filed Order and NEO to computer (.4), printed NEO for Tommy and Christian (.1) | 0.6 | 125.00 | 75.00 |
| 4/5/2018 | Review Order prepared by AB regarding fees (.2); Call LM with client [REDACTED] (.1); Phone call with Sun City Financial rep regarding subpoena and followup correspondence (.2) | 0.5 | 350.00 | 175.00 |
| 4/5/2018 | Mailed Tommy and Christopher NEO (.2), emailed client [REDACTED] (.1), efiled and served Certificate of Service for NEO (.1), filed Certificate of Service to computer (.1), emailed Opposing counsel (.1), emailed Barney's office for template (.1), created Notice of Creditors (.2), edited Notice of Creditors (.2), turned Sun City Financial email into formal letter (.3) | 1.4 | 125.00 | 175.00 |

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| Invoice Balance |
| Total Including Previous Balances |
| Payments Applied |
| Amount Remaining in Trust |
| Current Amount Due |

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 5/7/2018 | 399 |

| Bill To |
|---|
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|--|----------|--------|--------|
| 4/6/2018 | Emailed opposing counsel about creditors (.1), created Sun Cities Financial subpoena, printed, scanned and filed signed version to computer, created Certificate of Service, eserved Certificate of Service, mailed subpoena to Sun Cities Financial Group, Tommy and Christopher (.9), filed stamped Certificate to computer (.1) | 1.1 | 125.00 | 137.50 |
| 4/9/2018 | correspondence with AB office requesting information related to creditors (.2); correspondence with client [REDACTED] (.2); Email all counsel regarding status of AB order (.1); Review offer for Bluff Point property, respond via email to agent (.3); Correspondence with counsel regarding creditor claims (.3); Review order (.1); Review subpoena and deposition notice of David Grant (.2); Email to Mr. Payne regarding the subpoena, prior subpoenas and need for disclosure prior to deposition (.4) | 1.9 | 350.00 | 665.00 |
| 4/9/2018 | Phone call with Joey Powell regarding claims of Nancy Christian estate, whether claims will be pursued (.6) | 0.6 | 350.00 | 210.00 |
| 4/9/2018 | Emailed Powell and Payne for creditors and insurance (.1), filed and stamped Residential Purchase Agreement and Sellers Report to computer, bate stamped, updated Master Exhibit List (.3), called Powell for results of settlement conference (.1) | 0.5 | 125.00 | 62.50 |
| 4/10/2018 | Review ABLTD letter to judge (.1); Collaborate with Sarah on additional letter followup on subpoenas (.1); Correspondence with real estate agent for Bluff Point property regarding authority for trustee (.3); Final edits to Motion for sanctions (.5) | 1 | 350.00 | 350.00 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 5/7/2018 | 399 |

| Bill To |
|---|
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|---|----------|--------|--------|
| 4/10/2018 | Filed Notice of Deposition for David Grant, Esq., calendared (.2), updated [REDACTED] (.1), emailed client [REDACTED] called client (.2), printed Utkin Verification, scanned and filed to computer, combined with Motion for Sanctions and Exhibits, efiled and served Motion to court, created COS (.2), created letter to Payne about Deposition (.2) | 0.9 | 125.00 | 112.50 |
| 4/11/2018 | Filed Motion for Sanctions to computer, scheduled, updated COS, printed Motion for Sanctions, mailed to brothers, efiled and served COS, filed stamped COS to computer (.8), emailed Payne for creditors, call his office, left message (.2), filed hard copy of letter from Wells Fargo, Order to Confirm Successor Trustee, and letter from Rushforth, Lee & Kiefer (.1) | 1.1 | 125.00 | 137.50 |
| 4/12/2018 | Review BOA response to subpoena (.1); Collaborate with Sarah on responses letters (.3); Phone call with Joey regarding whether they will assert privilege (.4); Review letter from Cary Payne (.1) | 0.9 | 350.00 | 315.00 |
| 4/12/2018 | Edited letter re: subpoena, emailed Powell about phone call (.2), filed Order to computer, calendared (.2), emailed Payne Utkin's temporary address (.1), filed Bank of America subpoena response, bated stamped, created Disclosure of Responsive Documents (.7), filed NOE to computer (.1), eserved Disclosure of Responsive Documents, saved eservice email (.1), printed letter to Payne re: subpoena, scanned and filed to computer, faxed to Payne (.2), created letter re: address, printed, scanned and filed to computer, faxed to Payne (.2), created letter re: Request to Stipulate (.3) | 2.1 | 125.00 | 262.50 |
| 4/13/2018 | Review amended subpoena notice (.1); Review RFP and responsive documents (1.8); Letter to Powell regarding discovery, RFP (.2); Review NSB subpoena communication, contact NSB regarding documents (.3); | 2.4 | 350.00 | 840.00 |

Invoice Balance

Total Including Previous Balances

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Current Amount Due

Jerimy Kirschner & Associates, PLLC

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Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 5/7/2018 | 399 |

| Bill To |
|---|
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|---|----------|--------|--------|
| 4/13/2018 | Filed letter from Payne to computer (.1), filed Susan, Raymond Jr, and Rosemary's responses to RFP, and Petitioner's Response part 1 and 2 to computer (.2), filed Subpoena Deposition and Amended Deposition to computer, calendared (.1), analyzing RFP response documents (.2), bated stamped responses to RFP, e-served to Powell and created letter, emailed to Powell (1.0), calendared dropbox link deadline (.1), mailed check to Zions Bancorporation (.2) | 1.9 | 125.00 | 237.50 |
| 4/16/2018 | Email with Cary Payne's office regarding grant deposition (.1); Review of subpoena documents and notes (.9) | 1 | 350.00 | 350.00 |
| 4/16/2018 | Created letter to Payne for deposition dates (.3), called Payne's office for deposition (.1), created letter to Payne for his deposition (.2), edited letter for SAO (.1), Review and notes of RFP response documents (2.5) | 3.2 | 125.00 | 400.00 |
| 4/17/2018 | Review Wells Fargo response to subpoena (.1); Edit letter for SAO (.1); correspondence with Mr. Powell and Cary Payne regarding hearing (3); Review Payne letter to Court (.2); correspondence with Payne regarding status of payment (.1); correspondence with Cary and Powell regarding Rushforth fees (.1); correspondence with Cary regarding deposition of Grant (.1) | 0.9 | 350.00 | 315.00 |
| 4/17/2018 | Edited letter to Payne re: Grant deposition, printed, scanned and filed to computer, emailed and faxed letter to Payne (.2), called Powell about deposition (.1), filed new Wells Fargo letter, created new subpoena, filed Stifel subpoena response to computer, printed subpoena, scanned and filed signed subpoena to computer, FedEx shipped subpoena to Vegas office (.3, UNBILLED.4), looked up hearings in court docket, edited calendar, edited Stipulation letter (.1), scanned and filed Request to Stipulate letter to computer, emailed to opposing counsel, faxed to Payne (.2), scanned and filed JPMorgan Chase letter, called Chase for accounts (.1) | 1 | 125.00 | 125.00 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 5/7/2018 | 399 |

| Bill To |
|---|
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|---|----------|--------|--------|
| 4/18/2018 | correspondence with Cary Payne and Joey Powell regarding the objections to Rushforth fees (.1); correspondence with Cary Payne and Joey Powell regarding hearing (.1); Respond to client email regarding [REDACTED] (.1); Respond to Cary Payne email demanding justification for discovery, dispute of creditor payments, and threats to trustee (1.2); Contact Joey Powell, request accounting for Monte Reason (.2); correspondence with client regarding [REDACTED] (.4) | 2.1 | 350.00 | 735.00 |
| 4/18/2018 | Filed Payne's letter to judge to computer (.1), printed letter to Payne re: deposing his clients, scanned and filed to computer, emailed to Payne, faxed (.2), combined Chase letter with proof of accounts, faxed to Chase bank (.2), called Intelligent Office for Wells Fargo subpoena, Nationwide order to serve, eserved subpoena, printed, created COS, mailed to Tommy and Christopher, efiled and served COS (.7), creating letters for subpoena responses of Bank of America and Stifel, eserved (.3), filed hard copies of letters to Payne, NEO for attorney fees, and Chase letter (.1), emailed Payne about SAO (.1) | 1.7 | 125.00 | 212.50 |
| 4/19/2018 | Emails with Cary Payne regarding discovery (.4); Email with client regarding [REDACTED] (.2); Edit to SAO (.1); Review Order regarding payment to Barney Firm (.2); Email with client regarding [REDACTED] (.1); Review strategy for defense of trust against undue influence attack, defense against Intentional Interference with Beneficial Interest, IIED notes (1.1) | 2.1 | 350.00 | 735.00 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 5/7/2018 | 399 |

| Bill To |
|---|
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|--|----------|--------|--------|
| 4/19/2018 | Review and notes on response to RFP for attorney (.3), creating SAO (1.0, UNBILLED .4), , emailed opposing counsel SAO (.1), updated Sun Cities subpoena (UNBILLED .5), Nationwide service order of Sun Cities subpoena (UNBILLED.5), filed Petitioners Combined Opposition to computer (.1), calendared deadline to reply to Opposition (.1) | 1.5 | 125.00 | 187.50 |
| 4/20/2018 | Correspondence with Payne office regarding payment (.3); Correspondence with client regarding [REDACTED] (.5); Additional emails with Payne regarding checks (.3); Discussion with Sarah regarding US Bank (.3); Review file for HOI, correspondence to Cary Payne regarding home owners insurance (.2); Phone call with Joey Powell regarding David Grant Deposition (.3) | 1.9 | 350.00 | 665.00 |
| 4/20/2018 | Emailed Payne about checks (.1), emailed Payne about SAO (.1), eserved Amended Sun Cities subpoena, printed, created COS, mailed to Tommy and Christopher, calendared, filed stamped COS (.4), edited US Bank subpoena (UNBILLED.1), filed signed US Bank subpoena to computer, Nationwide service order (.2) | 0.8 | 125.00 | 100.00 |
| 4/23/2018 | Review letter from Monte counsel regarding accounting (.2); Correspondence with Payne office regarding deposition of David Grant (.1); Correspondence with Monte Reason attorney regarding same, not cc'd on change in time (.1); Correspondence with client regarding [REDACTED] (.4); Discussions with Sarah regarding Accounting work thus far (.3); Phone call with Client regarding [REDACTED] (.2); Email to Anthony Barney office regarding payment of fees from Chase Account (.3) | 1.6 | 350.00 | 560.00 |
| 4/23/2018 | Called Payne's office for deposition phone number (.1), Review and notes of RFP response documents for accounting (3.8), filed letter from Powell re: fees (.1), emailed Payne for deposition phone number (.1) | 4.1 | 125.00 | 512.50 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

Jerimy Kirschner & Associates, PLLC

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Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 5/7/2018 | 399 |

| Bill To |
|---|
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|---|----------|--------|----------|
| 4/24/2018 | Review Payne email regarding order for payment (.1); Review correspondence from Barney Firm regarding payment (.2); Phone call with Client regarding [REDACTED] (.2); Draft [REDACTED] email with client [REDACTED] (.2) Correspondence with Payne requesting checks be issued (.3); | 1 | 350.00 | 350.00 |
| 4/24/2018 | Updated David Grant deposition on calendar (.1), called Chase bank for update, VM (.1), emailed client [REDACTED] (.1), Review and notes of RFP response documents for accounting(2.4), called Chase bank for update (.1), received call from Chase bank, created Memo to File (.4), updated Chase bank subpoena (.1) | 3.3 | 125.00 | 412.50 |
| 4/25/2018 | Email to Barney Firm regarding payment of fees (.1); Email Payne regarding compliance with payment Order (.1); Request David Grant file from Barney office for Deposition, denied lien (.2); Prepare for Deposition of David Grant, review documents, pleadings, party statements in court, trust (2.7) | 2.9 | 350.00 | 1,015.00 |
| 4/25/2018 | Continue draft of accounting for RFP documents (.5), editing Chase Bank subpoenas, printed (.2), scanned and filed subpoenas, Nationwide Order to serve subpoenas, calendared subpoena response deadline, eserved subpoenas, created COS, created letter for NV Bank subpoena response (1.1) | 1.8 | 125.00 | 225.00 |
| 4/26/2018 | Review NSB statements provided by subpoena (.3); Check file for Final prep for deposition (.8); Attend deposition [Waiting] (1.2); Draft Letter regarding Cancellation of Deposition (1.1); Review correspondence from Barney Firm regarding payment (.2) | 3.6 | 350.00 | 1,260.00 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 5/7/2018 | 399 |

| Bill To |
|---|
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|---|----------|--------|--------|
| 4/26/2018 | Printed Trust for deposition (.1), printed Chase subpoenas, mailed, efiled and served COS (.6), eserved NV State Bank response letter, filed stamped COS to computer (.2), scanned and filed JPMorgan Chase letter to computer, filed hard copy, bate stamped Amended Deposition for David Grant (.1), scanned and filed Nationwide Statement, filed hard copy of statement and NV Bank response, Wells Fargo letter, signed Motion for fees, and JPMorgan Chase letter (.1), proofread cancelled deposition letter (.2 UNBILLED .3), called Sam's Club for subpoena response (1.0) | 2.3 | 125.00 | 287.50 |
| 4/27/2018 | Review Notice of Appeal filed by RRS and case appeal statement (.3) | 0.3 | 350.00 | 105.00 |
| 4/27/2018 | Filed Notice of Appeal and Case Appeal Statement to computer (.1) | 0.1 | 125.00 | 12.50 |
| 4/30/2018 | Phone call with Tiffany Barney regarding payment of Barney fees (.2); Phone call with Joey Powell regarding claims v. Trust (.2) | 0.4 | 350.00 | 140.00 |
| 4/2/2018 | Postage & Mailings | 40 | 0.50 | 20.00 |
| 4/2/2018 | Print Costs | 72 | 0.25 | 18.00 |
| 4/3/2018 | Postage & Mailings | 10 | 0.50 | 5.00 |
| 4/3/2018 | Print Costs | 74 | 0.25 | 18.50 |
| 4/5/2018 | Postage & Mailings | 2 | 0.50 | 1.00 |
| 4/6/2018 | Postage & Mailings | 6 | 0.50 | 3.00 |
| 4/6/2018 | Print Costs | 1 | 0.25 | 0.25 |
| 4/12/2018 | Print Costs | 5 | 0.25 | 1.25 |
| 4/18/2018 | Postage & Mailings | 4 | 0.50 | 2.00 |
| 4/18/2018 | Print Costs | 22 | 0.25 | 5.50 |
| 4/20/2018 | Postage & Mailings | 4 | 0.50 | 2.00 |
| 4/20/2018 | Print Costs | 14 | 0.25 | 3.50 |
| 4/24/2018 | Postage & Mailings | 4 | 0.50 | 2.00 |
| 4/24/2018 | Print Costs | 73 | 0.25 | 18.25 |
| 4/13/2018 | Subpoena Research, Invoice 3747, Christian Family Trust | | 40.00 | 40.00 |
| 4/17/2018 | Runners | | 36.00 | 36.00 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

| | |
|----------|-----------|
| Date | Invoice # |
| 5/7/2018 | 399 |

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|---|
| Bill To |
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

[illegible]

| | |
|--|--------------|
| Invoice Balance | \$19,834.04 |
| Total Including Previous Balances | \$119,004.85 |
| Payments Applied | |
| Amount Remaining in Trust | |
| Current Amount Due | |

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 6/4/2018 | 411 |

| Bill To |
|---|
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|----------|--|----------|--------|----------|
| 5/1/2018 | Phone call with David Grant (.1); Notes from meeting (.2); Research NRS 15.190(1)(h) updated decisions for appellate timing (.8); Collaborate with Sarah on designation of agent paperwork (.1) | 1.2 | 350.00 | 420.00 |
| 5/1/2018 | Filed Affidavit of Service to Wells Fargo and US Bank (.1), Craft spreadsheet for accounting from RFP pursuant to JLK instructions (2.8) created [REDACTED] letter for client (.2) | 3.1 | 125.00 | 387.50 |
| 5/2/2018 | Edits to Delegation documents (.3); Phone call with Chase Branch Manager regarding account (.2) | 0.5 | 350.00 | 175.00 |
| 5/2/2018 | Craft spreadsheet for accounting from RFP pursuant to JLK instructions (2.3) | 2.3 | 125.00 | 287.50 |
| 5/4/2018 | Phone call with Chase bank regarding delegation of authority (.2); Phone call with Jackie regarding [REDACTED] (.5) | 0.7 | 350.00 | 245.00 |
| 5/4/2018 | Called court for SAO and called client for [REDACTED] (.1), called client [REDACTED] (.1), called Intelligent Office for US Bank subpoena response (.1), called Nationwide for SAO (.2), created Memo to File for US Bank (.1) | 0.6 | 125.00 | 75.00 |
| 5/7/2018 | Correspondence with JQ regarding [REDACTED] (.3); Review US Bank statements (.4) | 0.7 | 350.00 | 245.00 |
| 5/7/2018 | Filed Central Pacific Bank contact info (.1), emailed Central Pacific Bank (.1), called Nate at Chase Bank, filed US Bank subpoena response, bates stamped (.2), filed Sun Cities Financials subpoena response, bates stamped, updated Master Exhibit List (.2), created letter to opposing counsel for Sun Cities subpoena response, e-served letter (.3), e-filed signed SAO to continue hearings (.1), called Chase bank for meeting (.1) | 1.1 | 125.00 | 137.50 |
| 5/8/2018 | review opposition, draft reply (3.4) | 3.4 | 350.00 | 1,190.00 |

Invoice Balance

Total Including Previous Balances

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Amount Remaining in Trust

Current Amount Due

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 6/4/2018 | 411 |

| Bill To |
|---|
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|---|----------|--------|--------|
| 5/8/2018 | Filed stamped SAO to continue hearings, scheduled, created NEO for SAO, printed, mailed to brothers (.1), eserved NEO (.2), calendared time to review US Bank docs (.1), filed stamped NEO, called court for pending filings (.1), called Nate with Chase bank x4 for meeting (.4) | 0.9 | 125.00 | 112.50 |
| 5/9/2018 | review notice of appeal (.2); Phone call with Jackie [REDACTED] (.2); Phone call with Jackie regarding [REDACTED] (.4); Go to Chase bank with designation of agency form for check, made to wait (1.3); Review Barney issue on fees (.3) | 2.4 | 350.00 | 840.00 |
| 5/9/2018 | Filed Case Appeal Statement to computer, (.1) filed Notice of Appeal to computer (.1), filed Response to Combined Opposition to computer (.1), called Nate at Chase bank, emailed about meeting (.2), emailed client [REDACTED], emailed Nate at Chase (.4), called Intelligent Office for client letter x2 (.2), filed Designation of Agent to computer, bate stamped (.1), called Nate at Chase (.1), filed signed Verification to computer, printed (.1), filed Barney letter to computer (.1), scanned and filed to computer and hard copy the JPMorgan Chase letter (.1) | 1.2 | 125.00 | 150.00 |
| 5/10/2018 | Review Payne letter regarding chase account (.1); Review docket for opposition to sanctions, review level of compliance with order (.3); Phone call with client (.3) | 0.7 | 350.00 | 245.00 |
| 5/11/2018 | Draft letter to Payne regarding accounting (.3); Review cost bond (.1); Correspondence regarding appointments for accounts in LV (.2) | 0.6 | 350.00 | 210.00 |

Invoice Balance

Total Including Previous Balances

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Current Amount Due

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

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| Date | Invoice # |
|----------|-----------|
| 6/4/2018 | 411 |

| Bill To |
|---|
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|---|----------|--------|--------|
| 5/11/2018 | Filed Notice of Posting Cost Bond to computer (.1), emailed client [REDACTED] (.1), created paralegal letter to Payne (.8), efiled and served Errata to Response (.1), emailed and faxed paralegal letter to opposing counsel (.1), called Wells Fargo for meeting, left message (.1), creating Supplement for Reply (.2), emailed client [REDACTED] scheduled (.1), efiled and served Supplement (.1), called client about [REDACTED], called Nationwide for Certified Copies for Wells Fargo (.2) | 1.9 | 125.00 | 237.50 |
| 5/14/2018 | Correspondence with client regarding [REDACTED] (.2); Phone call with client (.2) | 0.4 | 350.00 | 140.00 |
| 5/14/2018 | Emailed Intelligent Office the Petition to Confirm Trustee, Order Granting Petition, and Trust to print (.2), filed Supplement to Response to computer, created COS for Reply to Omnibus Opposition and Supplement, printed Reply and Supplement, mailed to brothers, efiled and served COS (1.1), Nationwide order to Certify Petition and Order to Confirm Successor Trustee, and order to drop off documents to Wells Fargo (.1), filed stamped COS to computer (.1), called Sun Cities for accounts, VM (.1), filed Sun Cities email to computer (.1), called Wells Fargo for accounts (.8) | 2.5 | 125.00 | 312.50 |
| 5/15/2018 | Review and Respond to Barney firm request for fees (.3); Prepare for tomorrows hearing (.9) | 1.2 | 300.00 | 360.00 |

Invoice Balance

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Invoice

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| 6/4/2018 | 411 |

| Bill To |
|---|
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|--|----------|--------|----------|
| 5/15/2018 | Filing US Bank subpoena response CD to computer, called Wells Fargo, left VM (.3), printed US Bank response, combined with rest of response, bates stamped, updated Master Exhibit list (.3), scanned and filed Chase cashier's check notice to computer (.1), filed hard copies of JPMorgan Chase letter, Barney letter, Wells Fargo subpoena, US Bank subpoena response, Sun Cities subpoena response, SAO to Continue Hearings, Affidavits of Service, Powell letter, Designation of Agent, and Chase cashier's check notice, called Wells Fargo for subpoena (.2), called Wells Fargo for subpoena, left VM (.1) | 1 | 125.00 | 125.00 |
| 5/16/2018 | Phone calls with Jackie (.2); Meeting with Jackie, [REDACTED] (1.1); Prepare status arguments for court (.3); Attending hearing (0.8); Phone call with client regarding [REDACTED] (.2); Phone call with client to discuss [REDACTED] (.5); Review [REDACTED] documents provided by Jackie, correspondence [REDACTED] (.2); Review and respond to Payne letter regarding checks written from the frozen account (.2); Assign creditor list gathering to Sarah (.2); Review US Bank statements, and notes to file (.5) | 4.2 | 350.00 | 1,470.00 |
| 5/16/2018 | Called Wells Fargo for subpoena x (.5), creating letters for opposing counsel re: US Bank subpoena response, eserved (.4), filed Affidavit of Service for Chase (.1) | 1 | 125.00 | 125.00 |
| 5/17/2018 | Review video of hearing (1.1); Emails with Christian (.2) | 1.3 | 300.00 | 390.00 |
| 5/17/2018 | Filed yesterday's hearing video, emailed [REDACTED] client (.1), watching hearing video for judge's quote on injunction (.6), creating spreadsheet for creditors (1.7), called Barney's office for Certified Death Certificate (.1), filed Payne letter re: check to computer (.1), creating Errata to oral argument (.6), called Nationwide about Death Certificate (.2), created letter for Death Certificate (.3), emailed Powell hearing video (.1), editing letter for Death Certificate (.1) | 3.9 | 125.00 | 487.50 |

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Invoice

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| 6/4/2018 | 411 |

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|---|
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|---|----------|--------|----------|
| 5/18/2018 | Collaborate with Sarah on deposition notices and dates (.8); Edits to Death Certificate Letter (.2); Emails with Client regarding [REDACTED] (.4); Review Photo's of the home | 1.2 | 350.00 | 420.00 |
| 5/18/2018 | Creating Subpoena Duces Tecum for Michael Payne, Nationwide served to Michael both subpoena and deposition, scheduled deadlines (1.7), created depositions for Susan, Rosemary, Raymond Jr, and Michael, called Intelligent Office for office rooms, eserved depositions and subpoena to opposing counsel (.8) | 2.5 | 100.00 | 250.00 |
| 5/20/2018 | Research and Drafting of Brief upon invitation of the Court (4.2) | 4.2 | 350.00 | 1,470.00 |
| 5/21/2018 | Research Section 1983 claim, basis for emergency injunction (.6); Review Notice from NVSC (.2) | 0.8 | 350.00 | 280.00 |
| 5/21/2018 | Correspondence with client, [REDACTED] (.6);
[REDACTED] (.1); Email with Joey Powell regarding deposition and new chase accounts (.3) | 1 | 350.00 | 350.00 |
| 5/21/2018 | Bate stamped pictures (.7), Nationwide order for Death Certificate (.2), filed NV Supreme Court receipt for documents (.1), called Wells Fargo for subpoena (.1), called Chase about subpoena response, VM (.1), called Wells Fargo subpoena department (.2), called Sam's Club subpoena department (.1), created Memo to File, called Michael's attorney, left message for meeting (.2), called Payne's office for deposition times (.1) | 1.8 | 125.00 | 225.00 |
| 5/22/2018 | Phone call with Michael Payne (.4); Assign Sarah additional subpoena duties (.3) | 0.7 | 350.00 | 245.00 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 6/4/2018 | 411 |

| Bill To |
|---|
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|---|----------|--------|----------|
| 5/22/2018 | Called Payne's office for depositions (.1), called Wells Fargo Stephanie Proano and Legal Processing Department (.7), emailed Wells Fargo for documents (.3), called JPMorgan Chase, VM (.3), called Sam's Club x2, VM (.2), called Michael's attorney, scheduled phone call (.2), called Intelligent Office for office change, scheduled, created Notices of Deposition for Michael, Raymond Jr, Rosemary and Susan, efiled and served, printed and mailed to brothers (1.5), filed Notice of Depositions to computer (.1) | 2.4 | 125.00 | 300.00 |
| 5/23/2018 | Emails with JU regarding [REDACTED] (.2); Review Chase response (.2); Phone call with settlement judge (.3); Draft Order (.3); Phone call with JU regarding [REDACTED] (.4); Additional research and edits to draft of Brief (3.7) | 4.8 | 350.00 | 1,680.00 |
| 5/23/2018 | Called Sam's Club and JPMorgan Chase (.3), creating proof to fax to JPMorgan Chase (.2), faxed JPMorgan Chase (.2), faxed Sam's Club/Walmart (.4), creating Notice of Creditors to Cary Payne and Monte Reason x4 (.4), called Chase and Sam's club about faxes (.4), faxed Sam's Club subpoena to Synchrony Financial (.1), called Costco, Fidelity Guarantee Life for subpoena info (.3), edited Notices to Creditors (.2) | 2.5 | 125.00 | 312.50 |
| 5/24/2018 | Finalize Brief draft (6.3); Review and respond to changed order for Christian (.2) | 6.3 | 350.00 | 2,205.00 |
| 5/24/2018 | Filed Chase accounts picture to computer, bate stamped (.1), finding addresses to creditors (2.3), creating Notice of Creditors from spreadsheet (1.1), Review pleading and hearings for references to independent trustee (.8) | 4.3 | 125.00 | 537.50 |
| 5/25/2018 | Review Chase statements [REDACTED] (.1); Email client regarding [REDACTED] (.3); Review initial documents produced by Michael Payne (.5); Review and respond to Cary Payne letter regarding depositions (.2) | 1.1 | 350.00 | 385.00 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 6/4/2018 | 411 |

| Bill To |
|---|
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|---|----------|--------|--------|
| 5/25/2018 | Called Michael for subpoena response, emailed him shared folder (.2), called Costco for subpoena address (.2), called Fidelity Guarantee Life for subpoena address, called Foresters Financial (.2), creating subpoenas for Costco, Fidelity and Foresters (.2), filed letters from Payne's office (.1), proofread Brief (.7), filed Chase Stop Payments Confirmation Notice to computer, bate stamped (.1), called Chase for response (.3), efiled and served Brief (.1), filed Brief to computer (.1) | 2.2 | 125.00 | 275.00 |
| 5/29/2018 | Collaborate with Sarah on Subpoenas (.3) | 0.3 | 350.00 | 105.00 |
| 5/29/2018 | Called Chase, Synchrony Bank about subpoena (.7), called Nationwide about Death Certificate (.1), scanned and filed driver's license, dropbox link to Nationwide (.2), edited subpoenas to Costco, Fidelity and Foresters (.7), printed and mailed subpoenas (.5), eserved subpoenas, created COS, efiled and served COS, calendared subpoena response deadline (.3), field Wells Fargo letter (.1), emailed Wells Fargo, called about their letter deadline, faxed letter and subpoena to Wells Fargo (.3), field COS to computer (.1), creating Notices to Creditors (.7) | 3.7 | 125.00 | 462.50 |
| 5/30/2018 | Review research notice to beneficiaries to cut off liability for undue influence claims (.4); Phone call with Wells Fargo subpoena response group (.2); Review Chase documents produced in response to subpoena (.4) | 0.6 | 350.00 | 210.00 |
| 5/30/2018 | Scanned and filed Chase subpoena response, created 2nd folder for case, filed hard copies, bate stamped (.7), edited Notices to Creditors (2.1), called Nationwide for Death Certificate Order (.1) | 2.9 | 125.00 | 362.50 |
| 5/31/2018 | Filed 2nd Affidavit of Service to Chase to computer (.1), created subpoena for Wells Fargo investments (.4), called Wells Fargo for investment name (.2), filed hard copies of client verification, Supreme court receipt of docs, Chase Affidavit of Service (.1) | 0.8 | 125.00 | 100.00 |
| 5/8/2018 | Postage & Mailings | 4 | 0.50 | 2.00 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 6/4/2018 | 411 |

| Bill To |
|---|
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|---|----------|--------|--------|
| 5/8/2018 | Print Costs | 14 | 0.25 | 3.50 |
| 5/9/2018 | Print Costs | 1 | 0.25 | 0.25 |
| 5/9/2018 | Print Costs | 2 | 0.25 | 0.50 |
| 5/14/2018 | Postage & Mailings | 8 | 0.50 | 4.00 |
| 5/14/2018 | Print Costs | 90 | 0.25 | 22.50 |
| 5/22/2018 | Postage & Mailings | 2 | 0.50 | 1.00 |
| 5/22/2018 | Print Costs | 24 | 0.25 | 6.00 |
| 5/23/2018 | Postage & Mailings | 2 | 0.50 | 1.00 |
| 5/23/2018 | Print Costs | 2 | 0.25 | 0.50 |
| 5/29/2018 | Postage & Mailings | 7 | 0.50 | 3.50 |
| 5/29/2018 | Print Costs | 65 | 0.25 | 16.25 |
| 5/3/2018 | Service Fees for Personal Service Subpoenas | | 439.88 | 439.88 |
| 5/8/2018 | Filing Fees | | 3.50 | 3.50 |
| 5/9/2018 | Filing Fees | | 3.50 | 3.50 |
| 5/11/2018 | Filing Fees | | 3.50 | 3.50 |
| 5/14/2018 | Filing Fees | | 3.50 | 3.50 |
| 5/16/2018 | Parking | | 3.00 | 3.00 |
| 5/21/2018 | Filing Fees | | 3.50 | 3.50 |
| 5/22/2018 | Filing Fees | | 3.50 | 3.50 |
| 5/22/2018 | Filing Fees | | 3.50 | 3.50 |
| 5/22/2018 | Filing Fees | | 3.50 | 3.50 |
| 5/22/2018 | Filing Fees | | 3.50 | 3.50 |
| 5/24/2018 | Flight for Depositions | | 35.00 | 35.00 |
| 5/24/2018 | Flight for Depositions | | 188.40 | 188.40 |
| 5/25/2018 | Filing Fee | | 3.50 | 3.50 |
| 5/29/2018 | Filing Fee | | 3.50 | 3.50 |
| 6/2/2018 | Christian Runner/Service Fees | | 153.47 | 153.47 |
| | Total Reimbursable Expenses | | | 858.25 |

| | |
|--|-------------|
| Invoice Balance | \$19,461.75 |
| Total Including Previous Balances | \$71,565.43 |
| Payments Applied | 0.00 |
| Amount Remaining in Trust | 0.00 |
| Current Amount Due | 71,565.43 |

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 7/3/2018 | 426 |

| Bill To |
|---|
| Jacqueline Utkin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|---|----------|--------|----------|
| 4/30/2018 | Emailed Payne and called office for SAO (.2), called client [REDACTED] (.2), filed Sun Cities Affidavit of Service (.1) | 0.5 | 125.00 | 62.50 |
| 5/1/2018 | Phone call with David Grant (.1); Notes from meeting (.2); Research NRS 15.190(1)(h) updated decisions for appellate timing (.8); | 1.1 | 350.00 | 385.00 |
| 6/1/2018 | Created response letter for Chase, eserved to opposing counsel (.3) | 0.3 | 125.00 | 37.50 |
| 6/4/2018 | Review Notice to File Docketing statement (.1); Draft NRS 164.021 Letter, Review Trust for Special Notice Provisions (.8); | 0.9 | 350.00 | 315.00 |
| 6/4/2018 | Filed Supreme Court Motion to File Docketing Statement, scheduled deadline (.1), reserved Wells Fargo subpoena, printed, mailed to brothers, created COS, efiled and served COS (.5), filed COS to computer (.1), called Nationwide about Death Certificate (.1), emailed Nationwide for about Death Certificate (.1), creating Request for Status Hearing, efiled and served (.8), emailed court reporter for depositions (.4), emailed Payne for documents (.1) | 1.3 | 125.00 | 162.50 |
| 6/5/2018 | Review court orders (.3) Emails with client (.2); Phone call with client regarding [REDACTED] (.2); Review Court's Research and Drafting of Writ (10.2) | 10.7 | 350.00 | 3,745.00 |
| 6/5/2018 | Contacted court reporter for depositions (.1), Crafted individual Notice to Beneficiaries letters based on attorney instructions, called Rushforth for addresses, printed letters, created and printed Certified labels (3.0), emailed Michael Payne request for additional documents and Myles Notice to Beneficiaries letter(.1), filed Payne's letter re Order, edited Omnibus | 3.2 | 125.00 | 400.00 |
| 6/6/2018 | Continue Research, review of record and Draft for Writ (8.9) | 8.9 | 350.00 | 3,115.00 |
| 6/6/2018 | Emailed Michael Payne about Legal Wings (.1), going through hearing videos and pleadings for Fredrick Waid, filed 2 Orders from the court and NEOs to computer (4.6), emailed Legal Wings for pickup (.1) | 4.8 | 125.00 | 600.00 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 7/3/2018 | 426 |

| |
|---|
| Bill To |
| Jacqueline Utkin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|---|----------|--------|----------|
| 6/7/2018 | Continue Research, review of record and Draft for Writ (6.4) | 6.4 | 350.00 | 2,240.00 |
| 6/7/2018 | Called Wells Fargo for subpoena progression (UNBILLED.1), bated stamped Death Certificate, called UMC and St. Rose Dominican Hospital for balances (.4), filed Michael Payne documents and Legal Wings invoice to computer, emailed Legal Wings (.2), called Certified Labels for receipts of Notice of Trustee (.1), called Wells Fargo for letter (.2), emailed court reporter for hearing video (.1), filed NV Supreme Court docketing statement and exhibits to computer (.1) | 1.1 | 125.00 | 137.50 |
| 6/8/2018 | continue draft of Writ (4.1) | 4.1 | 350.00 | 1,435.00 |
| 6/10/2018 | Finalize Writ (3.3) | 3.3 | 350.00 | 1,155.00 |
| 6/11/2018 | Review letter, prepare outline (.2); Email client [REDACTED] (.1); Email Joey Powell regarding Writ and ask if he will do a Joinder (.1); Email with Trustee regarding [REDACTED] (.1); Edits to Writ before filing and in response to NVSC rejections (1.0); Email writ parties (.1); Review docketing statement from Payne and notice cross appellant (.2); Start Draft of Motion for Stay pending Writ (1.3) | 3.1 | 350.00 | 1,085.00 |
| 6/11/2018 | Called Barney's office for Wells Fargo subpoena (UNBILLED.1) Creating Appendix Volume 1 and 2 (.6), Initial draft, Response letter to Payne (.1), emailed court reporter recent pleading (.1), bated stamped Michael Payne's subpoena response documents (.2), emailed Joey and Cary unstamped Writ (.1) | 1.1 | 125.00 | 137.50 |
| 6/12/2018 | Correspondence with Jacqueline regarding [REDACTED] (.3); Edits to Appendix for Writ (.4); Email Barney firm regarding attorney lien and again request file (.1); Edits to Stay (.5); Review safety deposit box information, quick search for values (.6); Review and respond to trustee email [REDACTED] (.3) | 2.2 | 350.00 | 770.00 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 7/3/2018 | 426 |

| Bill To |
|---|
| Jacqueline Utkin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|--|----------|--------|----------|
| 6/12/2018 | Calendared court reporter hearing transcript (.1); filed Petition for created two nationwide orders to deliver Writ, called NV Supreme Court about hearing video (.6), separating Appendix's to file, reviewing/redacting documents for confidential information/sensitive information, filed Appendix with NV Supreme Court (1.9), filed Affidavit of Service to Michael Payne and Wells Fargo, filed Certified Mail receipts to Christopher and Myles, printed receipts, filed USPS Certified Mail signature (.2), filed Appendix Volume 1 to computer (.1), filed Appendix Volume 2 to computer (.1), Review/proofread Petition for Emergency Stay (.3) | 3.3 | 125.00 | 412.50 |
| 6/13/2018 | Review Forrester's response (.3); Review order from NVSC (.2); Emails with JU (.2); Review whether inclusion requires a response to NVSC, or whether trust will have to file responsive notices (.8); Prepare Notice of Writ (.2) | 1.7 | 350.00 | 595.00 |
| 6/13/2018 | Called court re OST (.2), filed Foresters Financial subpoena response, bated stamped (.1), created subpoena response letter for Foresters Financial, served to opposing counsel (.2), combined Notice of Writ WE, efiled and served (.2) | 0.7 | 125.00 | 87.50 |
| 6/14/2018 | Correspondence with JU regarding [REDACTED] (.3); Review synchrony bank responses (.1); Draft responsive letter to Payne (.5); Prep NRAP 9(1)(A) Notice to other counsel (.2); Check court reporter (.1); Review costco notice (.1); Phone call to Joey Powell regarding Writ and Meeting (.2); Research grounds for motion (.5); Draft Motion to File video with appendix (.6); Review Trust Financials and discovery documents in preparation for depositions (2.1) | 4.7 | 350.00 | 1,645.00 |
| 6/14/2018 | Filed Notice of Writ (.1), scanned letter to opposing counsel, filed to computer, faxed and emailed to opposing counsel (.3), emailed court reporter on status (.1), creating COS for Petition and Notice of Writ (.2) | 0.7 | 125.00 | 87.50 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 7/3/2018 | 426 |

| Bill To |
|---|
| Jacqueline Utkin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|--|----------|--------|----------|
| 6/15/2018 | Arrange for transcripts to be prepared from hearing for Writ (.5) | 0.5 | 125.00 | 62.50 |
| 6/15/2018 | Correspondence with Cary Payne regarding depositions (.2); Additional Correspondence with Cary Payne regarding depositions (.4); | 0.6 | 350.00 | 210.00 |
| 6/18/2018 | Direct assistant to cancel depositions (.1); Prepare transcript notice (.3); Draft Application for OST (.4); Phone call with JU (.3); Phone call with Wells Fargo legal regarding subpoena (UNBILLED .2); Phone call with Joey Powell regarding failure of the parties to attend the depositions (.4); Review Special Notice, direct Sarah (.2); Review writ for supplements to record (.4) | 2.1 | 350.00 | 735.00 |
| 6/18/2018 | Called Nationwide about Order to Stay, called court, Denise said she was filing an order for it (.3), printed and filed Susan's Certified Mail receipt to computer (.1), printed Requests for Transcript and mailed to Ochoa, Tommy and Christopher (.2), called Nationwide to send runner to pick up document (.1), emailed court reporter about cancelled deposition (.1), called Michael Payne's attorney for deposition (.1), cancel depo rooms (.1), called court about order (.2), called Utkin [REDACTED] (.1), filed COS Supplement (.1), filed Notice to Provide Proof of Service, scheduled deadline (.1), filed Request for Special Notice (.1), called Payne's office for Raymond Jr's address (.1), filed Costco subpoena response to computer and Receipt for Documents (.1) | 1.8 | 125.00 | 225.00 |
| 6/19/2018 | Research & draft Emergency Motion for Stay before NVSC (5.6); Edits based on discovery of Court Order(1.2) | 6.8 | 350.00 | 2,380.00 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 7/3/2018 | 426 |

| Bill To |
|---|
| Jacqueline Utkin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|--|----------|--------|----------|
| 6/19/2018 | Printed Emergency Petition for Stay Pending Writ, filed Motion to file video as part of appendix, printed Petition for Writ, filed receipt, scheduled (1.8), printed Appendix, put hearing on CD's, emailed Ochoa clerk about Petition for Stay, emailed Payne's attorney's office about deposition, created FedEx shipping label, printed labels(1.9), filed Docketing Statement to computer, edited COS's, created Notice of Cancellation of Deposition (.4) | 4.1 | 125.00 | 512.50 |
| 6/20/2018 | Review Wells Fargo emails and responses (UNBILLED .3); Email with JU (.2); Edits to creditor letter (.1); | 0.3 | 350.00 | 105.00 |
| 6/20/2018 | Filed Emergency Motion to Stay to computer, printed and printed Notice of Writ and mailed to Tommy and Christopher, created Nationwide order, emailed Payne Omnibus Order, FedEx documents to brothers (1.7), emailed follow-up to Payne's attorney, efiled and served COS for Petition of Writ and Notice of Petition, filed both to computer (.3), created chart for Certified mailings (.3), created letters to UMC and St. Rose for authorization (.4), created Supplemental COS for Emergency Motion, efiled with NV Supreme Court (.4), filed COS to computer (.1), filed Payne letter (.1), filed Request for Special Notice to computer (.1), edited Certified Mail chart (.1) | 3.5 | 125.00 | 437.50 |
| 6/21/2018 | Review options for obtaining compliance with depositions (.UNBILLED .4); Contact client regarding [REDACTED] (.3); Edits to Wells Fargo Subpoena (UNBILLED .3); Phone call with Cary Payne, EDCR 2.34 (.2); Draft Motion to Compel (2.6); Review denial of Writ (.2); Email client regarding [REDACTED] (.1); Draft Supplement to Hearing (1.2) | 4.6 | 350.00 | 1,610.00 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 7/3/2018 | 426 |

| Bill To |
|---|
| Jacqueline Utkin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|---|----------|--------|--------|
| 6/21/2018 | Called NV Supreme Clerk about Emergency Stay (.1), called FedEx for pickup (.3); Editing Synchrony bank and Wells Fargo bank subpoenas, called Wells Fargo, created Memo to File (UNBILLED 2.1); Updated File with Supplement for Hearing to computer (.1), filed order denying Petition for Writ to computer, printed, mailed to Tommy and Christopher (.1), Nationwide order to pick up Omnibus order, emailed Payne's office (.1), faxed Wells Fargo proof of accounts (.2), filed Wells Fargo response letter (.1) | 1 | 125.00 | 125.00 |
| 6/22/2018 | Continue draft of Supplement (2.3) | 2.3 | 350.00 | 805.00 |
| 6/22/2018 | Emailed Payne for Raymond Jr.'s address (.1), called court about transcript payment, VM (.1), called client for [REDACTED] (.3) | 0.5 | 125.00 | 62.50 |
| 6/25/2018 | Email with counsel for Michael Payne in Divorce action (.2); Review Supplement provided by Monte Reason (.2); Phone call with Joey Powell regarding supplement, Joinder, and upcoming hearing (.4) | 0.8 | 350.00 | 280.00 |
| 6/25/2018 | Filed Supplement to computer (.1), created Memo to File (.1), filed Wells Fargo response letters to computer (UNBILLED .1), Update file with Memorandum Denying Petition for Stay to computer, emailed Joey for meeting (.1), created COS for Supplement of Hearing, printed Supplement x3, mailed to Tommy, Christopher, and Michael, efiled and served COS (.5), emailed Joey, scheduled phone call (.1), updated Inquiry of Balances letter (.1), emailed Payne's attorneys office for confirmation (.1), filed COS to computer (.1) | 1.3 | 125.00 | 162.50 |
| 6/26/2018 | Email with Client regarding [REDACTED] (.1) | 0.1 | 350.00 | 35.00 |
| 6/26/2018 | Filed Joinder to computer (.1), filed Wells Fargo subpoena response letters (.1) | 0.2 | 125.00 | 25.00 |
| 6/27/2018 | Emails with Barney Firm regarding settlement conference updates (.2); Review transcript notice (.1); Review WF notices (UNBILLED .2); | 0.3 | 350.00 | 105.00 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 7/3/2018 | 426 |

| Bill To |
|---|
| Jacqueline Utkin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|--|----------|--------|--------|
| 6/27/2018 | Filed Certification of Transcripts to computer, printed, mailed to Tommy and Christopher, Nationwide order to pick up final billing and transcript from court (.4) | 0.4 | 125.00 | 50.00 |
| 6/28/2018 | Prepare for hearing, review party supplements (1.1); Attend hearing, including travel (1.2); | 2.3 | 350.00 | 805.00 |
| 6/4/2018 | Postage & Mailings | 4 | 0.50 | 2.00 |
| 6/4/2018 | Print Costs | 18 | 0.25 | 4.50 |
| 6/5/2018 | Postage & Mailings | 1 | 0.50 | 0.50 |
| 6/5/2018 | Print Costs | 31 | 0.25 | 7.75 |
| 6/6/2018 | Postage & Mailings | 2 | 0.50 | 1.00 |
| 6/6/2018 | Postage & Mailings | 1 | 0.50 | 0.50 |
| 6/6/2018 | Express Runner Fee | 1 | 55.00 | 55.00 |
| 6/6/2018 | Print Costs | 9 | 0.25 | 2.25 |
| 6/6/2018 | Print Costs | 9 | 0.25 | 2.25 |
| 6/7/2018 | Print Costs | 93 | 0.25 | 23.25 |
| 6/14/2018 | Postage & Mailings | 13 | 0.50 | 6.50 |
| 6/14/2018 | Print Costs | 30 | 0.25 | 7.50 |
| 6/4/2018 | Christian Family Trust | | 3.50 | 3.50 |
| 6/5/2018 | Certified Mailing Postage | | 6.37 | 6.37 |
| 6/5/2018 | Certified Mailing Postage | | 4.87 | 4.87 |
| 6/5/2018 | Certified Mailing Postage | | 4.87 | 4.87 |
| 6/5/2018 | Certified Mailing Postage | | 4.87 | 4.87 |
| 6/5/2018 | Certified Mailing Postage | | 4.87 | 4.87 |
| 6/5/2018 | Certified Mailing Postage | | 4.87 | 4.87 |
| 6/13/2018 | Writ Filing Fee | | 250.00 | 250.00 |
| 6/13/2018 | Certified Mailing Postage | | 5.29 | 5.29 |
| 6/13/2018 | Certified Mailing Postage | | 5.29 | 5.29 |
| 6/13/2018 | Certified Mailing Postage | | 5.29 | 5.29 |
| 6/13/2018 | Certified Mailing Postage | | 5.29 | 5.29 |
| 6/14/2018 | Filing Fee | | 3.50 | 3.50 |
| 6/18/2018 | Hearing Transcripts | | 265.53 | 265.53 |
| 6/19/2018 | Filing Fee | | 3.50 | 3.50 |
| 6/20/2018 | Filing Fee | | 3.50 | 3.50 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

| | |
|----------|-----------|
| Date | Invoice # |
| 7/3/2018 | 426 |

| |
|---|
| Bill To |
| Jacqueline Utkin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|-----------------------------|----------|------|--------|
| 6/20/2018 | Filing Fee | | 3.50 | 3.50 |
| 6/25/2018 | Filing Fee | | 9.50 | 9.50 |
| 6/25/2018 | Filing Fee | | 3.50 | 3.50 |
| 6/28/2018 | Parking | | 3.00 | 3.00 |
| | Total Reimbursable Expenses | | | 600.91 |

| | |
|--|-------------|
| Invoice Balance | \$28,056.41 |
| Total Including Previous Balances | \$99,621.84 |
| Payments Applied | 0.00 |
| Amount Remaining in Trust | \$5,000.00 |
| Current Amount Due | \$99,621.84 |

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|-----------|-----------|
| 7/31/2018 | 438 |

| Bill To |
|---|
| Jacqueline Utkin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|--|----------|--------|--------|
| 7/2/2018 | Updated file with hearing video to computer, called court about site, emailed [REDACTED] client (.8), updated computer file with Nationwide invoice, copy of Final Billing of Expedited Transcripts and May 16th Transcript (.1), updated computer file with response letters from Wells Fargo (.1) | 1 | 125.00 | 125.00 |
| 7/3/2018 | Draft Proposal letter (.9); [REDACTED] (.1); Phone call with JU (.4) | 1.4 | 350.00 | 490.00 |
| 7/3/2018 | Called client [REDACTED] (.1), printed invoice, scanned and updated computer file with letter and invoice, dropped off at Post Office as Certified Mail, scanned and filed receipt and Certified Mail receipt (.7), updated computer file with Legal Wings receipt (.1) | 0.9 | 125.00 | 112.50 |
| 7/5/2018 | Finalize settlement letter to beneficiaries (.5); Review and respond to proposed order, including review of video (.9) | 1.4 | 350.00 | 490.00 |
| 7/5/2018 | Updated file with hard copies of Wells Fargo and Costco letters, Notice to Provide Proof of Service, Receipt for Documents and Memorandum (.1), updated computer file with unstamped Omnibus Order, efiled (.1), proofread letter to Beneficiaries (.3), editing letter, emailed [REDACTED] client, called client (.2), updated computer file with Omnibus Order, created NEO, efiled (.1), emailed and faxed letter to opposing counsel (.1), updated computer file with NEO, printed, mailed to Tommy, Christopher, and Michael (.3), created and edited billing letters (.1), printed, mailed and emailed [REDACTED] to client (.1) | 1.4 | 125.00 | 175.00 |
| 7/6/2018 | Called Payne's office about fax number problems (.1) | 0.1 | 125.00 | 12.50 |
| 7/7/2018 | Review notice of intent to lien, [REDACTED] (.1); Settlement communication with Cary Payne (.4); | 0.5 | 350.00 | 175.00 |
| 7/9/2018 | Updated computer file with Wells Fargo letter (.1), filed hard copies of Wells Fargo letter (.1) | 0.2 | 125.00 | 25.00 |
| 7/11/2018 | Called client re: [REDACTED] (.1) | 0.1 | 125.00 | 12.50 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|-----------|-----------|
| 7/31/2018 | 438 |

| Bill To |
|---|
| Jacqueline Utkin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|---|----------|--------|--------|
| 7/12/2018 | Updated computer file with Fidelity and Guaranty Life subpoena response (.1), updated computer file with unserved Certified Mail receipts for Tommy Christian and Rosemary Keach, printed, updated file with hard copies (.3), scanned and updated computer file with client signed Certified Mail receipt, filed hard copy (.1), filed hard copies of Legal Wings invoice, Wells Fargo letter, Transcript copy, and Omnibus Order (.1) | 0.6 | 125.00 | 75.00 |
| 7/13/2018 | Edits to letter, draft competing Order based on video (.5); Phone call with JU regarding [REDACTED] (.4); Review strategy, evidentiary burdens, proponent, rules of evidence for probate hearings (1.4) | 2.3 | 350.00 | 805.00 |
| 7/13/2018 | Draft first version Competing Order and letter to court (.3), combined Order and letter, emailed to opposing counsel, Nationwide order to court (.1), updated computer file with Notice Scheduling Evidentiary Hearing, scheduled (.1), called client [REDACTED] (.1) | 0.6 | 125.00 | 75.00 |
| 7/16/2018 | Phone call with Joey Powell regarding upcoming hearing (.3) | 0.3 | 350.00 | 105.00 |
| 7/16/2018 | Updated computer file with Settlement letter from Payne (.1), updated computer file with Wells Fargo response documents (.3) | 0.4 | 125.00 | 50.00 |
| 7/17/2018 | Updated computer file with Notice in Lieu of Remitter (.1) | 0.1 | 125.00 | 12.50 |
| 7/19/2018 | Emailed client [REDACTED] (.1) | 0.1 | 125.00 | 12.50 |
| 7/24/2018 | Review order signed by judge (.2) | 0.2 | 350.00 | 70.00 |
| 7/24/2018 | Called court about competing order, scheduled hearing (.1) | 0.1 | 125.00 | 12.50 |
| 7/26/2018 | Review of strategy for trial (.4) | 0.4 | 300.00 | 120.00 |
| 7/26/2018 | Updated computer file with NEO (.1) | 0.1 | 125.00 | 12.50 |
| 7/30/2018 | Draft Motion for Reconsideration (1.4) | 1.4 | 350.00 | 490.00 |
| 7/30/2018 | Contacted court regarding telephonic testimony, memo (.2); Update file with Fidelity & Guarantee life letter, WF letter, Notice of Evidentiary hearing (.1) | 0.3 | 125.00 | 37.50 |
| 7/31/2018 | Edit, proofread, file Motion for Reconsideration (.2, UNBILLED .6); Print and mail motion (.3) | 0.5 | 125.00 | 62.50 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

| | |
|-----------|-----------|
| Date | Invoice # |
| 7/31/2018 | 438 |

| |
|---|
| Bill To |
| Jacqueline Utkin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|-----------------------------|----------|------|--------|
| 7/3/2018 | Print Costs | 8 | 0.25 | 2.00 |
| 7/5/2018 | Postage & Mailings | 8 | 0.50 | 4.00 |
| 7/5/2018 | Print Costs | 27 | 0.25 | 6.75 |
| 7/12/2018 | Print Costs | 4 | 0.25 | 1.00 |
| 7/5/2018 | Filing Fee | | 3.50 | 3.50 |
| 7/5/2018 | Filing Fee | | 3.50 | 3.50 |
| | Total Reimbursable Expenses | | | 7.00 |

| | |
|--|--------------|
| Invoice Balance | \$3,578.25 |
| Total Including Previous Balances | \$103,200.09 |
| Payments Applied | 0.00 |
| Amount Remaining in Trust | \$5000.00 |
| Current Amount Due | \$103,200.09 |

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 9/1/2018 | 452 |

| Bill To |
|---|
| Jacqueline Utkin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|--|----------|--------|----------|
| 8/2/2018 | Email with client [REDACTED] (.3); Review E Hearing Strategy (.6); Review client email [REDACTED] (.1) | 1 | 350.00 | 350.00 |
| 8/2/2018 | Called Legal Wings for payment, updated computer file with invoice (.2), updated computer file with Foresters Financial Statement of Claim for Death Benefits (.1), created trial disclosures (1.2) | 1.5 | 125.00 | 187.50 |
| 8/6/2018 | edited Pre-Trial Memorandum (.6) | 0.6 | 125.00 | 75.00 |
| 8/7/2018 | Called court about blind brief, created Memo to file (.1), created Notice of Telephonic Appearance (.3), emailed probate court about blind brief (.1), edited Pre-Trial Memorandum (1.0) | 1.5 | 125.00 | 187.50 |
| 8/8/2018 | Work on pre-hearing brief (.5) | 0.5 | 350.00 | 175.00 |
| 8/8/2018 | Created Notice of Telephonic Appearance, efiled (.2), Edited billing/status letters (.1), edited Pre-Trial Memorandum (.6), updated computer file with Notice of Telephonic Appearance, printed, mailed (.5), printed mailed and emailed letter (.3) | 1.7 | 125.00 | 212.50 |
| 8/13/2018 | Updated computer file with DFS Lost Policy Results, bate stamped (.1), updated computer file with Opposition to Motion to Reconsider Countermotion (.1), updated computer file with Voya email, bate stamped (.1), going to Office Depot for Trial Binders (.7), printed Pre-Trial Memorandum docs, scanned receipt (.3) | 1.3 | 125.00 | 162.50 |
| 8/14/2018 | Printed Pre-Trial exhibits, created Trial binders (4.7) | 4.7 | 125.00 | 587.50 |
| 8/14/2018 | Emailed Probate court re: Briefs (.1), proofread Reply to Opposition to Motion for Reconsideration, efiled and served Reply, printed and mailed (1.0) | 1.1 | 125.00 | 137.50 |
| 8/15/2018 | Review court correspondence regarding briefs (.2) | 0.2 | 350.00 | 70.00 |
| 8/15/2018 | Draft Reply (2.2); Edits to Trial Brief (.8) | 3 | 350.00 | 1,050.00 |
| 8/16/2018 | Proofread and edited Trial Brief (.8), updated computer with Reply to Opposition (.1) | 0.9 | 125.00 | 112.50 |
| 8/20/2018 | Analyze strategy for hearing (1.3); Review Payne brief (| 1.3 | 350.00 | 455.00 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 9/1/2018 | 452 |

| Bill To |
|---|
| Jacqueline Utkin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|--|----------|--------|----------|
| 8/20/2018 | Updated computer file with Pre-Trial Memorandum, emailed client [REDACTED] (.1), Trial binders (1.3), emailed opposing counsel Brief exhibits, updated computer file with Petitioner's Brief, called court re: hearing, trial binders (1.3) | 2.7 | 125.00 | 337.50 |
| 8/21/2018 | Prepare for hearing, review client verified pleadings, outline oral arguments, outline strategy for witnesses (1.9); Emails with client regarding [REDACTED] (.1); Review Order from hearing (.2); Contact Tiffany Barney to discuss appearance for hearing, scope of expected testimony (.3); Review arguments to reflect additional scope, edits (.9); Phone call with Joey Powell regarding Monte Reason's position for hearing (.6); Prep power point (.6); Outline questions for Tiffany Barney and RRS beneficiaries (1.4) | 6 | 350.00 | 2,100.00 |
| 8/21/2018 | Printed and reviewed pleadings' fact statements (2.1), printed added exhibits for Trial binders (1.1) | 3.2 | 125.00 | 400.00 |
| 8/22/2018 | Additional prep for hearing (.5); Attend hearing (2.0); Analysis of result of hearing, grounds for removal (1.1); Correspondence with client regarding [REDACTED] (.2) | 3.8 | 350.00 | 1,330.00 |
| 8/22/2018 | Emailed client [REDACTED] (.1) | 0.1 | 125.00 | 12.50 |
| 8/23/2018 | Called Probate court for video, [REDACTED], emailed client (.2), created Memo to File (.1) | 0.3 | 125.00 | 37.50 |
| 8/27/2018 | Updated computer file with client accounting, created Memo to File (.3), edited client accounting spreadsheet (.2) | 0.5 | 125.00 | 62.50 |
| 8/28/2018 | correspondence with Cary Payne regarding accounting (.2) | 0.2 | 350.00 | 70.00 |
| 8/28/2018 | Updated client's accounting (.4), updated computer file with Payne letter, adding to Final Accounting, bates stamped [REDACTED] docs, updated computer file with 2nd Payne letter and Report and Recommendation, scheduled accounting deadlines (1.5), emailed client [REDACTED] (.1), emailed client (.1) | 2.1 | 125.00 | 262.50 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 9/1/2018 | 452 |

| Bill To |
|---|
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|---|----------|--------|----------|
| 8/29/2018 | Emailed client [REDACTED], updated client accounting spreadsheet (.2), edited spreadsheet, emailed client (.2), updated computer file with accounting docs, updated spreadsheet (.1) | 0.5 | 125.00 | 62.50 |
| 8/30/2018 | Review and list objections to the RR prepared by Payne (.3); Draft Inventory and Accounting, review additional documents needed (5.1 [discount rate to \$125/hr.]) | 5.4 | 125.00 | 675.00 |
| 8/30/2018 | Updated computer file with NEO of Decision/Order (.1), emailed client [REDACTED] (.1), emailed client [REDACTED] (.1), created cover letter re: lien, printed lien letter, cover letter, mailed through Certified Mail (.5) | 0.8 | 125.00 | 100.00 |
| 8/31/2018 | Continue Work on Accounting, detailed (4.7) | 4.7 | 350.00 | 1,645.00 |
| 8/9/2018 | Print Costs | 4 | 0.25 | 1.00 |
| 8/13/2018 | Mileage for travel on behalf of client. | 5.6 | 0.75 | 4.20 |
| 8/13/2018 | Print Costs | 1 | 0.25 | 0.25 |
| 8/14/2018 | Print Costs | 765 | 0.25 | 191.25 |
| 8/15/2018 | Postage & Mailings | 1 | 0.50 | 0.50 |
| 8/15/2018 | Print Costs | 15 | 0.25 | 3.75 |
| 8/17/2018 | Postage & Mailings | 6 | 0.50 | 3.00 |
| 8/17/2018 | Print Costs | 27 | 0.25 | 6.75 |
| 8/20/2018 | Print Costs | 272 | 0.25 | 68.00 |
| 8/21/2018 | Print Costs | 95 | 0.25 | 23.75 |
| 7/31/2018 | Mtn to Recons Filing Fee | | 3.50 | 3.50 |
| 8/4/2018 | Copy Fees | | 30.31 | 30.31 |
| 8/15/2018 | Filing Fee | | 3.50 | 3.50 |
| | Total Reimbursable Expenses | | | 37.31 |

| | |
|--|--------------|
| Invoice Balance | \$11,197.26 |
| Total Including Previous Balances | \$114,397.35 |
| Payments Applied | 0.00 |
| Amount Remaining in Trust | 0.00 |
| Current Amount Due | \$114,397.35 |

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|-----------|-----------|
| 10/4/2018 | 461 |

| Bill To |
|---|
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|--|----------|--------|--------|
| 9/4/2018 | Created Chase account spreadsheet, updated computer file with client documents, emailed client (1.6), scheduled reminder for Final Accounting (.1) | 1.7 | 125.00 | 212.50 |
| 9/5/2018 | Updated computer file with documents [REDACTED] updated accounting spreadsheet, found account income, updated Final Accounting, called client (.9), emailed client, updated computer file with documents (.1), updated Accounting spreadsheets (.7) | 1.7 | 125.00 | 212.50 |
| 9/6/2018 | Updated computer file with Certified Mail receipt (.1) | 0.1 | 125.00 | 12.50 |
| 9/10/2018 | Created RR based on attorney dictation (.7) | 0.7 | 125.00 | 87.50 |
| 9/11/2018 | Updated computer file with trustee docs: plane tickets (.1) | 0.1 | 125.00 | 12.50 |
| 9/12/2018 | Edits to competing RR (.4); | 0.4 | 350.00 | 140.00 |
| 9/14/2018 | Edits to accounting (.4) | 0.4 | 350.00 | 140.00 |
| 9/14/2018 | Created letter to court (.3), scanned and updated computer file with signed letter to court, created Nationwide order, emailed IO (.2) | 0.5 | 125.00 | 62.50 |
| 9/17/2018 | Served RR (.1), emailed client, scheduled phone call (.1), updated computer file with client accounting docs (.4) | 0.6 | 125.00 | 75.00 |
| 9/18/2018 | Phone calls with Jacqueline regarding [REDACTED] (.4); Review documents [REDACTED] (.3) | 0.7 | 350.00 | 245.00 |
| 9/18/2018 | Updated computer file with client accounting docs (.2), emailed client [REDACTED] (.1), edited Chart of Utkin Accounts (1.6), emailed client [REDACTED] (.3), updated computer file with Certificate of Transcripts, Notification of Completion (.1) | 2.3 | 125.00 | 287.50 |
| 9/19/2018 | Review of client emails regarding [REDACTED], compare with spreadsheet, request additional details (.8) | 0.8 | 350.00 | 280.00 |
| 9/19/2018 | Updated computer file with client accounting docs, emailed client (.6), updated Chart of Utkin Accounts (1.2), created Notice of Withdrawal (.8) | 2.6 | 125.00 | 325.00 |
| 9/20/2018 | Emailed client (.1), updated computer file with client account documents, updated chart (.4) | 0.5 | 125.00 | 62.50 |
| 9/21/2018 | Review additional bank statements, accounting details [REDACTED] (.5) | 0.5 | 350.00 | 175.00 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|-----------|-----------|
| 10/4/2018 | 461 |

| Bill To |
|---|
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|---|----------|--------|--------|
| 9/24/2018 | Emails with Jacqueline [REDACTED] (.2); Review and respond to Joey Powell email regarding outstanding bills (.2); Phone call with Jacqueline regarding [REDACTED] (.3) | 0.7 | 350.00 | 245.00 |
| 9/24/2018 | Updated computer file with client documents, bills from opposing counsel, emailed client, updated accounting charts (.8, UNBILLED 7) | 0.8 | 125.00 | 100.00 |
| 9/25/2018 | Emailed client (.1), updated computer file with client docs, updated chart (.8) | 0.9 | 125.00 | 112.50 |
| 9/26/2018 | Review expense list (.2); Correspondence [REDACTED] (.2) | 0.4 | 350.00 | 140.00 |
| 9/26/2018 | Emailed client (.2), worked on accounting chart (.6, UNBILLED .6) | 0.8 | 125.00 | 100.00 |
| 10/2/2018 | Review Memorandum and Complaint (1.2); Correspondence with client (.6) | 1.8 | 350.00 | 630.00 |
| 10/3/2018 | Review hearing notices (.1); Edits to accounting (.4) | 0.5 | 350.00 | 175.00 |
| 10/3/2018 | Updated computer file with Notice of Change of Hearing and Motion for Declaratory Relief, scheduled (.1), updated computer file with opposing counsel Complaint letter (.1) | 0.2 | 125.00 | 25.00 |
| 10/4/2018 | Finalize accounting, reconcile (1.7); Correspondence with JU [REDACTED] (.3) | 2 | 350.00 | 700.00 |
| 10/4/2018 | Updated computer file with Notice of Hearing (.1), updated accounting spreadsheet (.3) | 0.4 | 125.00 | 50.00 |

| | |
|--|--------------|
| Invoice Balance | \$4,607.50 |
| Total Including Previous Balances | \$119,004.85 |
| Payments Applied | |
| Amount Remaining in Trust | |
| Current Amount Due | |

EXHIBIT 3

CARY COLT PAYNE, CHTD.
Attorneys at Law

CARY COLT PAYNE, ESQ.
Admitted in Nevada & California

August 27, 2018
Sent via email: jerimy@kirschnerlaw.com

Jerimy L. Kirschner, Esq.
JERIMY KIRSCHNER & ASSOCIATES
5550 Painted Mirage Rd., Suite 320
Las Vegas, NV 89149

RE: Christian Family Trust, u.a.d 10/11/16
Case No: P-17-092512T

Dear Mr. Kirschner:

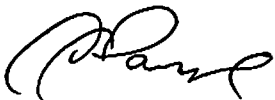
Given the outcome of the Evidentiary Hearing, there are still some final issues to be performed by your client.

Demand by the beneficiaries is hereby made (NRS 155.141, 155.135) for a full accounting, together with all receipts, bills, demands for payment, etc. as well as copies of the bank statements from Chase, and all other financial institutions, from the time of your client's appointment to the present.

Please advise as to when we may receive same.

Sincerely,

CARY COLT PAYNE, CHTD.



CARY COLT PAYNE, ESQ.
CCP/ma
cc: clients



EXHIBIT 4

October 4, 2018

Sent via email: jerimy@kirschnerlaw.com

Jerimy L. Kirschner, Esq.
JERIMY KIRSCHNER & ASSOCIATES
5550 Painted Mirage Rd., Suite 320
Las Vegas, NV 89149

RE: Christian Family Trust, u.a.d 10/11/16
Case No: P-17-092512T

Dear Mr. Kirschner:

We are in receipt of your accounting. While we have not had an in-depth review, it is already clear that there are some glaring issues.

Please provide the following to support your accounting:

(1) all bank statements for the two Wells Fargo (#8780 and #6896) accounts from 1/1/18 to date, since you claim these are trust accounts

(2) a copy of all checks written

(3) copies of all bills/invoices paid, including the home mortgage and HOA invoices, utility bills,

(4) since they are listed as an alleged trust expense, a copy of the alleged attorney's fees incurred by Monte Reason (\$37,000), and your claim to over \$100,000 in fees listed for review.

Obviously since you utilized all of these for the purposes of your accounting, there should be no problem in providing these immediately.

Sincerely,

CARY COLT PAYNE, CHTD.



CARY COLT PAYNE, ESQ.
CCP/ma
cc: clients



EXHIBIT 5

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Jacqueline Utkin
445 Seaside Ave, Apt 4005
Honolulu, HI 96815



9590 9402 3457 7275 4105 06

2. Article Number (Transfer from service label)

7016 1970 0000 1372 1098

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☐ Agent☐ Addressee

B. Received by (Printed Name)

Jacqueline Utkin

C. Date of Delivery

7 JUL 18

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

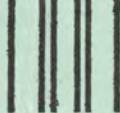
3. Service Type

☒ Adult Signature☐ Adult Signature Restricted Delivery☒ Certified Mail®☐ Certified Mail Restricted Delivery☐ Collect on Delivery☐ Collect on Delivery Restricted Delivery☐ Mail☐ Mail Restricted Delivery

(\$00)

☐ Priority Mail Express®☐ Registered Mail™☐ Registered Mail Restricted Delivery☐ Return Receipt for Merchandise☐ Signature Confirmation™☐ Signature Confirmation Restricted Delivery

USPS TRACKING#



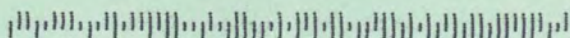
First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

9590 9402 3457 7275 4105 06

United States
Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box•

Jeremy Kirschner + Associates
1326 Tacoma Ave S, Suite 200
Tacoma, WA 98402





**JERIMY
KIRSCHNER**
— & ASSOCIATES PLLC

JERIMY L. KIRSCHNER, ESQ.

Admitted in Nevada and Washington

JOHN R. SPENCER, ESQ., of counsel

Admitted in Washington, Alaska and Texas

July 3, 2018

Sent Via Certified Mail

Jacqueline Utkin
445 Seaside Ave
Apt 4005
Honolulu, HI 96815

Re: In the Matter of The Christian Family Trust, Dated October 11, 2016, P-17-092512-T, RETAINING LIEN

Dear Jacqueline,

Please allow this to serve as formal notice that our firm is asserting a retaining lien on the client file for the Christian Family Trust, Dated October 11, 2016 ("Trust") pursuant to NRS 18.015(1)(b). Our outstanding fees for representation in this matter stand at ninety-nine thousand six hundred twenty-one dollars and eighty-four cents (\$99,621.84). A copy of our most recent invoice is enclosed with this letter.

Pursuant to NRS 18.015(4)(b) our lien attaches to any file or other property properly left in the possession of the attorney by his or her client, including, without limitation, copies of the attorney's file if the original documents received from the client have been returned to the client, and authorizes the attorney to retain any such file or property until such time as an adjudication is made.

Sincerely,


JERIMY KIRSCHNER, ESQ.

JLK/

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 7/3/2018 | 426 |

| Bill To |
|---|
| Jacqueline Utkin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|---|----------|--------|----------|
| 4/30/2018 | Emailed Payne and called office for SAO (.2), called client [REDACTED] (.2), filed Sun Cities Affidavit of Service (.1) | 0.5 | 125.00 | 62.50 |
| 5/1/2018 | Phone call with David Grant (.1); Notes from meeting (.2); Research NRS 15.190(1)(h) updated decisions for appellate timing (.8); | 1.1 | 350.00 | 385.00 |
| 6/1/2018 | Created response letter for Chase, eserved to opposing counsel (.3) | 0.3 | 125.00 | 37.50 |
| 6/4/2018 | Review Notice to File Docketing statement (.1); Draft NRS 164.021 Letter, Review Trust for Special Notice Provisions (.8); | 0.9 | 350.00 | 315.00 |
| 6/4/2018 | Filed Supreme Court Motion to File Docketing Statement, scheduled deadline (.1), reserved Wells Fargo subpoena, printed, mailed to brothers, created COS, efiled and served COS (.5), filed COS to computer (.1), called Nationwide about Death Certificate (.1), emailed Nationwide for about Death Certificate (.1), creating Request for Status Hearing, efiled and served (.8), emailed court reporter for depositions (.4), emailed Payne for documents (.1) | 1.3 | 125.00 | 162.50 |
| 6/5/2018 | Review court orders (.3) Emails with client (.2); Phone call with client [REDACTED] (.2); Review Court's Research and Drafting of Writ (10.2) | 10.7 | 350.00 | 3,745.00 |
| 6/5/2018 | Contacted court reporter for depositions (.1), Crafted individual Notice to Beneficiaries letters based on attorney instructions, called Rushforth for addresses, printed letters, created and printed Certified labels (3.0), emailed Michael Payne request for additional documents and Myles Notice to Beneficiaries letter(.1), filed Payne's letter re Order, edited Omnibus | 3.2 | 125.00 | 400.00 |
| 6/6/2018 | Continue Research, review of record and Draft for Writ (8.9) | 8.9 | 350.00 | 3,115.00 |
| 6/6/2018 | Emailed Michael Payne about Legal Wings (.1), going through hearing videos and pleadings for Fredrick Waid, filed 2 Orders from the court and NEOs to computer (4.6), emailed Legal Wings for pickup (.1) | 4.8 | 125.00 | 600.00 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 7/3/2018 | 426 |

| Bill To |
|---|
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|--|----------|--------|----------|
| 6/7/2018 | Continue Research, review of record and Draft for Writ (6.4) | 6.4 | 350.00 | 2,240.00 |
| 6/7/2018 | Called Wells Fargo for subpoena progression (UNBILLED.1), bate stamped Death Certificate, called UMC and St. Rose Dominican Hospital for balances (.4), filed Michael Payne documents and Legal Wings invoice to computer, emailed Legal Wings (.2), called Certified Labels for receipts of Notice of Trustee (.1), called Wells Fargo for letter (.2), emailed court reporter for hearing video (.1), filed NV Supreme Court docketing statement and exhibits to computer (.1) | 1.1 | 125.00 | 137.50 |
| 6/8/2018 | continue draft of Writ (4.1) | 4.1 | 350.00 | 1,435.00 |
| 6/10/2018 | Finalize Writ (3.3) | 3.3 | 350.00 | 1,155.00 |
| 6/11/2018 | Review letter, prepare outline (.2); Email client [REDACTED] (.1); Email Joey Powell regarding Writ and ask if he will do a Joinder (.1); Email with Trustee regarding [REDACTED] (.1); Edits to Writ before filing and in response to NVSC rejections (1.0); Email writ parties (.1); Review docketing statement from Payne and notice cross appellant (.2); Start Draft of Motion for Stay pending Writ (1.3) | 3.1 | 350.00 | 1,085.00 |
| 6/11/2018 | Called Barney's office for Wells Fargo subpoena (UNBILLED.1) Creating Appendix Volume 1 and 2 (.6), Initial draft, Response letter to Payne (.1), emailed court reporter recent pleading (.1), bate stamped Michael Payne's subpoena response documents (.2), emailed Joey and Cary unstamped Writ (.1) | 1.1 | 125.00 | 137.50 |
| 6/12/2018 | Correspondence with Jacqueline [REDACTED] (.3); Edits to Appendix for Writ (.4); Email Barney firm regarding attorney lien and again request file (.1); Edits to Stay (.5); Review safety deposit box information, quick search for values (.6); Review and respond to trustee email [REDACTED] (.3) | 2.2 | 350.00 | 770.00 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 7/3/2018 | 426 |

| |
|---|
| Bill To |
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|--|----------|--------|----------|
| 6/12/2018 | Calendared court reporter hearing transcript (.1); filed Petition for created two nationwide orders to deliver Writ, called NV Supreme Court about hearing video (.6), separating Appendix's to file, reviewing/redacting documents for confidential information/sensitive information, filed Appendix with NV Supreme Court (1.9), filed Affidavit of Service to Michael Payne and Wells Fargo, filed Certified Mail receipts to Christopher and Myles, printed receipts, filed USPS Certified Mail signature (.2), filed Appendix Volume 1 to computer (.1), filed Appendix Volume 2 to computer (.1), Review/proofread Petition for Emergency Stay (.3) | 3.3 | 125.00 | 412.50 |
| 6/13/2018 | Review Forrester's response (.3); Review order from NVSC (.2); Emails with JU (.2); Review whether inclusion requires a response to NVSC, or whether trust will have to file responsive notices (.8); Prepare Notice of Writ (.2) | 1.7 | 350.00 | 595.00 |
| 6/13/2018 | Called court re OST (.2), filed Foresters Financial subpoena response, bated stamped (.1), created subpoena response letter for Foresters Financial, served to opposing counsel (.2), combined Notice of Writ WE, efiled and served (.2) | 0.7 | 125.00 | 87.50 |
| 6/14/2018 | Correspondence with JU regarding [REDACTED] (.3); Review synchrony bank responses (.1); Draft responsive letter to Payne (.5); Prep NRAP 9(1)(A) Notice to other counsel (.2); Check court reporter (.1); Review Costco notice (.1); Phone call to Joey Powell regarding Writ and Meeting (.2); Research grounds for motion (.5); Draft Motion to File video with appendix (.6); Review Trust Financials and discovery documents in preparation for depositions (2.1) | 4.7 | 350.00 | 1,645.00 |
| 6/14/2018 | Filed Notice of Writ (.1), scanned letter to opposing counsel, filed to computer, faxed and emailed to opposing counsel (.3), emailed court reporter on status (.1), creating COS for Petition and Notice of Writ (.2) | 0.7 | 125.00 | 87.50 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
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| 7/3/2018 | 426 |

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|---|
| Bill To |
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|--|----------|--------|----------|
| 6/15/2018 | Arrange for transcripts to be prepared from hearing for Writ (.5) | 0.5 | 125.00 | 62.50 |
| 6/15/2018 | Correspondence with Cary Payne regarding depositions (.2); Additional Correspondence with Cary Payne regarding depositions (.4); | 0.6 | 350.00 | 210.00 |
| 6/18/2018 | Direct assistant to cancel depositions (.1); Prepare transcript notice (.3); Draft Application for OST (.4); Phone call with JU (.3); Phone call with Wells Fargo legal regarding subpoena (UNBILLED .2); Phone call with Joey Powell regarding failure of the parties to attend the depositions (.4); Review Special Notice, direct Sarah (.2); Review writ for supplements to record (.4) | 2.1 | 350.00 | 735.00 |
| 6/18/2018 | Called Nationwide about Order to Stay, called court, Denise said she was filing an order for it (.3), printed and filed Susan's Certified Mail receipt to computer (.1), printed Requests for Transcript and mailed to Ochoa, Tommy and Christopher (.2), called Nationwide to send runner to pick up document (.1), emailed court reporter about cancelled deposition (.1), called Michael Payne's attorney for deposition (.1), cancel depo rooms (.1), called court about order (.2), called Utkin [REDACTED] (.1), filed COS Supplement (.1), filed Notice to Provide Proof of Service, scheduled deadline (.1), filed Request for Special Notice (.1), called Payne's office for Raymond Jr's address (.1), filed Costco subpoena response to computer and Receipt for Documents (.1) | 1.8 | 125.00 | 225.00 |
| 6/19/2018 | Research & draft Emergency Motion for Stay before NVSC (5.6); Edits based on discovery of Court Order (1.2) | 6.8 | 350.00 | 2,380.00 |

| |
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| Invoice Balance |
| Total Including Previous Balances |
| Payments Applied |
| Amount Remaining in Trust |
| Current Amount Due |

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 7/3/2018 | 426 |

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|---|
| Bill To |
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|--|----------|--------|----------|
| 6/19/2018 | Printed Emergency Petition for Stay Pending Writ, filed Motion to file video as part of appendix, printed Petition for Writ, filed receipt, scheduled (1.8), printed Appendix, put hearing on CD's, emailed Ochoa clerk about Petition for Stay, emailed Payne's attorney's office about deposition, created FedEx shipping label, printed labels(1.9), filed Docketing Statement to computer, edited COS's, created Notice of Cancellation of Deposition (.4) | 4.1 | 125.00 | 512.50 |
| 6/20/2018 | Review Wells Fargo emails and responses (UNBILLED .3); Email with JU (.2); Edits to creditor letter (.1); | 0.3 | 350.00 | 105.00 |
| 6/20/2018 | Filed Emergency Motion to Stay to computer, printed and printed Notice of Writ and mailed to Tommy and Christopher, created Nationwide order, emailed Payne Omnibus Order, FedEx documents to brothers (1.7), emailed follow-up to Payne's attorney, efiled and served COS for Petition of Writ and Notice of Petition, filed both to computer (.3), created chart for Certified mailings (.3), created letters to UMC and St. Rose for authorization (.4), created Supplemental COS for Emergency Motion, efiled with NV Supreme Court (.4), filed COS to computer (.1), filed Payne letter (.1), filed Request for Special Notice to computer (.1), edited Certified Mail chart (.1) | 3.5 | 125.00 | 437.50 |
| 6/21/2018 | Review options for obtaining compliance with depositions (UNBILLED .4); Contact client regarding [REDACTED] (.3); Edits to Wells Fargo Subpoena (UNBILLED .3); Phone call with Cary Payne, EDCR 2.34 (.2); Draft Motion to Compel (2.6); Review denial of Writ (.2); Email client regarding [REDACTED] (.1); Draft Supplement to Hearing (1.2) | 4.6 | 350.00 | 1,610.00 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

Jeremy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 7/3/2018 | 426 |

| Bill To |
|---|
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|---|----------|--------|--------|
| 6/21/2018 | Called NV Supreme Clerk about Emergency Stay (.1), called FedEx for pickup (.3); Editing Synchrony bank and Wells Fargo bank subpoenas, called Wells Fargo, created Memo to File (UNBILLED 2.1); Updated File with Supplement for Hearing to computer (.1), filed order denying Petition for Writ to computer, printed, mailed to Tommy and Christopher (.1), Nationwide order to pick up Omnibus order, emailed Payne's office (.1), faxed Wells Fargo proof of accounts (.2), filed Wells Fargo response letter (.1) | 1 | 125.00 | 125.00 |
| 6/22/2018 | Continue draft of Supplement (2.3) | 2.3 | 350.00 | 805.00 |
| 6/22/2018 | Emailed Payne for Raymond Jr.'s address (.1), called court about transcript payment, VM (.1), called client for [REDACTED] (.3) | 0.5 | 125.00 | 62.50 |
| 6/25/2018 | Email with counsel for Michael Payne in Divorce action (.2); Review Supplement provided by Monte Reason (.2); Phone call with Joey Powell regarding supplement, Joinder, and upcoming hearing (.4) | 0.8 | 350.00 | 280.00 |
| 6/25/2018 | Filed Supplement to computer (.1), created Memo to File (.1), filed Wells Fargo response letters to computer (UNBILLED .1), Update file with Memorandum Denying Petition for Stay to computer, emailed Joey for meeting (.1), created COS for Supplement of Hearing, printed Supplement x3, mailed to Tommy, Christopher, and Michael, efiled and served COS (.5), emailed Joey, scheduled phone call (.1), updated Inquiry of Balances letter (.1), emailed Payne's attorneys office for confirmation (.1), filed COS to computer (.1) | 1.3 | 125.00 | 162.50 |
| 6/26/2018 | Email with Client regarding [REDACTED] (.1) | 0.1 | 350.00 | 35.00 |
| 6/26/2018 | Filed Joinder to computer (.1), filed Wells Fargo subpoena response letters (.1) | 0.2 | 125.00 | 25.00 |
| 6/27/2018 | Emails with Barney Firm regarding settlement conference updates (.2); Review transcript notice (.1); Review WF notices (UNBILLED .2); | 0.3 | 350.00 | 105.00 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 7/3/2018 | 426 |

| Bill To |
|---|
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|--|----------|--------|--------|
| 6/27/2018 | Filed Certification of Transcripts to computer, printed, mailed to Tommy and Christopher, Nationwide order to pick up final billing and transcript from court (.4) | 0.4 | 125.00 | 50.00 |
| 6/28/2018 | Prepare for hearing, review party supplements (1.1); Attend hearing, including travel (1.2); | 2.3 | 350.00 | 805.00 |
| 6/4/2018 | Postage & Mailings | 4 | 0.50 | 2.00 |
| 6/4/2018 | Print Costs | 18 | 0.25 | 4.50 |
| 6/5/2018 | Postage & Mailings | 1 | 0.50 | 0.50 |
| 6/5/2018 | Print Costs | 31 | 0.25 | 7.75 |
| 6/6/2018 | Postage & Mailings | 2 | 0.50 | 1.00 |
| 6/6/2018 | Postage & Mailings | 1 | 0.50 | 0.50 |
| 6/6/2018 | Express Runner Fee | 1 | 55.00 | 55.00 |
| 6/6/2018 | Print Costs | 9 | 0.25 | 2.25 |
| 6/6/2018 | Print Costs | 9 | 0.25 | 2.25 |
| 6/7/2018 | Print Costs | 93 | 0.25 | 23.25 |
| 6/14/2018 | Postage & Mailings | 13 | 0.50 | 6.50 |
| 6/14/2018 | Print Costs | 30 | 0.25 | 7.50 |
| 6/4/2018 | Christian Family Trust | | 3.50 | 3.50 |
| 6/5/2018 | Certified Mailing Postage | | 6.37 | 6.37 |
| 6/5/2018 | Certified Mailing Postage | | 4.87 | 4.87 |
| 6/5/2018 | Certified Mailing Postage | | 4.87 | 4.87 |
| 6/5/2018 | Certified Mailing Postage | | 4.87 | 4.87 |
| 6/5/2018 | Certified Mailing Postage | | 4.87 | 4.87 |
| 6/5/2018 | Certified Mailing Postage | | 4.87 | 4.87 |
| 6/13/2018 | Writ Filing Fee | | 250.00 | 250.00 |
| 6/13/2018 | Certified Mailing Postage | | 5.29 | 5.29 |
| 6/13/2018 | Certified Mailing Postage | | 5.29 | 5.29 |
| 6/13/2018 | Certified Mailing Postage | | 5.29 | 5.29 |
| 6/13/2018 | Certified Mailing Postage | | 5.29 | 5.29 |
| 6/14/2018 | Filing Fee | | 3.50 | 3.50 |
| 6/18/2018 | Hearing Transcripts | | 265.53 | 265.53 |
| 6/19/2018 | Filing Fee | | 3.50 | 3.50 |
| 6/20/2018 | Filing Fee | | 3.50 | 3.50 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| | |
|----------|-----------|
| Date | Invoice # |
| 7/3/2018 | 426 |

| |
|---|
| Bill To |
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|-----------------------------|----------|------|--------|
| 6/20/2018 | Filing Fee | | 3.50 | 3.50 |
| 6/25/2018 | Filing Fee | | 9.50 | 9.50 |
| 6/25/2018 | Filing Fee | | 3.50 | 3.50 |
| 6/28/2018 | Parking | | 3.00 | 3.00 |
| | Total Reimbursable Expenses | | | 600.91 |

| | |
|--|-------------|
| Invoice Balance | \$28,056.41 |
| Total Including Previous Balances | \$99,621.84 |
| Payments Applied | 0.00 |
| Amount Remaining in Trust | \$5,000.00 |
| Current Amount Due | \$99,621.84 |

Certified Mail Electronic Delivery Confirmation™

USPS CERTIFIED MAIL™

Jeremy Kirschner
1326 TACOMA AVE S STE 200
TACOMA WA 98402-1983

US POSTAGE AND FEES PAID

FIRST-CLASS
Aug 30 2018
Mailed from ZIP 98402
1 oz First-Class Mail Letter



endicia.com

071S00777793

USPS CERTIFIED MAIL



9407 1108 9876 5017 4882 76

Cary Colt Payne
700 S 8TH ST
LAS VEGAS NV 89101-7007



Reference

| | |
|-----------------|--|
| USPS # | 9407110898765017488276 |
| USPS Mail Class | Certified with Electronic Delivery Confirmation |
| USPS Status | Your item was delivered to the front desk or reception area at 2:58 pm on September 4, 2018 in LAS VEGAS, NV 89101. |
| USPS History | Departed USPS Regional Destination Facility, 09/04/2018, 1:26 am, LAS VEGAS NV DISTRIBUTION CENTER
In Transit to Next Facility, 09/03/2018
Arrived at USPS Regional Destination Facility, 09/02/2018, 2:55 pm, LAS VEGAS NV DISTRIBUTION CENTER
In Transit to Next Facility, 09/02/2018
In Transit to Next Facility, 09/01/2018
Departed USPS Regional Facility, August 31, 2018, 11:32 pm, TACOMA WA DISTRIBUTION CENTER
Arrived at USPS Regional Origin Facility, 08/31/2018, 8:48 pm, TACOMA WA DISTRIBUTION CENTER
Accepted at USPS Origin Facility, August 31, 2018, 7:33 pm, TACOMA, WA 98402
Shipping Label Created, USPS Awaiting Item, August 30, 2018, 1:44 pm, TACOMA, WA 98402 |

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Date Verified: 09/05/2018 (UTC)



JERIMY L. KIRSCHNER, ESQ.
Admitted in Nevada and Washington
JOHN R. SPENCER, ESQ., of counsel
Admitted in Washington, Alaska and Texas

August 30, 2018

Sent Via Certified Mail

Cary Colt Payne, CHTD
Cary Colt Payne, Esq.
700 S 8th St
Las Vegas, NV 89101

Rushforth Lee & Kiefer, LLP
Joey Powell, Esq.
1707 Village Center Circle, Suite 150
Las Vegas, NV 89134

Re: P-17-092512-T, In the Matter of THE CHRISTIAN FAMILY TRUST Dated October 11, 2016, Retaining lien

Hello Counsel,

Please see the attached letter sent to Jacqueline Utkin via Certified Mail on July 3rd, 2018 and received by her on July 7th, 2018.

Sincerely,



JERIMY KIRSCHNER, ESQ.

JLK/sjm



**JERIMY
KIRSCHNER**
— & ASSOCIATES PLLC

JERIMY L. KIRSCHNER, ESQ.

Admitted in Nevada and Washington

JOHN R. SPENCER, ESQ., of counsel

Admitted in Washington, Alaska and Texas

July 3, 2018

Sent Via Certified Mail

Jacqueline Utkin
445 Seaside Ave
Apt 4005
Honolulu, HI 96815

Re: In the Matter of The Christian Family Trust, Dated October 11, 2016, P-17-092512-T, RETAINING LIEN

Dear Jacqueline,

Please allow this to serve as formal notice that our firm is asserting a retaining lien on the client file for the Christian Family Trust, Dated October 11, 2016 ("Trust") pursuant to NRS 18.015(1)(b). Our outstanding fees for representation in this matter stand at ninety-nine thousand six hundred twenty-one dollars and eighty-four cents (\$99,621.84). A copy of our most recent invoice is enclosed with this letter.

Pursuant to NRS 18.015(4)(b) our lien attaches to any file or other property properly left in the possession of the attorney by his or her client, including, without limitation, copies of the attorney's file if the original documents received from the client have been returned to the client, and authorizes the attorney to retain any such file or property until such time as an adjudication is made.

Sincerely,


JERIMY KIRSCHNER, ESQ.

JLK/



JERIMY L. KIRSCHNER, ESQ.
Admitted in Nevada and Washington
JOHN R. SPENCER, ESQ., of counsel
Admitted in Washington, Alaska and Texas

August 30, 2018

Sent Via Certified Mail

Cary Colt Payne, CHTD
Cary Colt Payne, Esq.
700 S 8th St
Las Vegas, NV 89101

Rushforth Lee & Kiefer, LLP
Joey Powell, Esq.
1707 Village Center Circle, Suite 150
Las Vegas, NV 89134

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JERIMY KIRSCHNER, ESQ.

JLK/sjm



**JERIMY
KIRSCHNER**
— & ASSOCIATES PLLC

JERIMY L. KIRSCHNER, ESQ.

Admitted in Nevada and Washington

JOHN R. SPENCER, ESQ., of counsel

Admitted in Washington, Alaska and Texas

July 3, 2018

Sent Via Certified Mail

Jacqueline Utkin
445 Seaside Ave
Apt 4005
Honolulu, HI 96815

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Pursuant to NRS 18.015(4)(b) our lien attaches to any file or other property properly left in the possession of the attorney by his or her client, including, without limitation, copies of the attorney's file if the original documents received from the client have been returned to the client, and authorizes the attorney to retain any such file or property until such time as an adjudication is made.

Sincerely,


JERIMY KIRSCHNER, ESQ.

JLK/

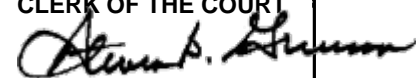


CARY COLT PAYNE, CHTD.

Attorney at Law
700 S. Eighth Street • Las Vegas, Nevada 89101
(702) 383-9010 • Fax (702) 383-9049

EXHIBIT PAGE INTENTIONALLY LEFT BLANK

EXHIBIT “E”



OBJ
CARY COLT PAYNE, ESQ.
Nevada Bar No. 4357
CARY COLT PAYNE, CHTD.
700 South Eighth Street
Las Vegas, Nevada 89101
(702) 383-9010
carycoltpaynechtd@yahoo.com
Attorney for Petitioners

**DISTRICT COURT
CLARK COUNTY, NEVADA**

| | | | |
|------------------------------|---|------------|---------------|
| In the Matter of |) | Case No.: | P-17-092512-T |
| |) | Dept. No.: | S (Probate) |
| THE CHRISTIAN FAMILY |) | | |
| TRUST u.a.d. 10/11/16 |) | Date: | |
| |) | Time: | |
| ~~~~~ |) | | |
| SUSAN CHRISTIAN-PAYNE, |) | | |
| ROSEMARY KEACH AND |) | | |
| RAYMOND CHRISTIAN |) | | |
| |) | | |
| Petitioners, |) | | |
| |) | | |
| -vs- |) | | |
| NANCY I CHRISTIAN, MONTE |) | | |
| REASON and JACQUELINE UTKIN, |) | | |
| |) | | |
| Respondents. |) | | |
| ~~~~~ |) | | |

PETITIONERS' SUPPLEMENT OBJECTION TO TRUSTEE UTKIN ACCOUNTING

COMES NOW Petitioners, SUSAN CHRISTIAN-PAYNE, ROSEMARY KEACH and RAYMOND CHRISTIAN, original co-trustees and primary remainder beneficiaries (approximately 90%) of The Christian Family Trust u.a.d. 10/11/16, by and through their attorney, CARY COLT PAYNE, ESQ., of the lawfirm of CARY COLT PAYNE, CHTD., hereby submits this Supplement to Objection to Trustee Utkin Accounting, which is made and based upon the attached Points and Authorities, Exhibits, pleadings on file to date, and any oral argument that the Court may allow at the time of the hearing.

CARY COLT PAYNE, CHTD.

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





I. POINTS AND AUTHORITIES

Despite requesting a copy of each and every bill, statement, invoice, etc., together with what Utkin alleged were debts of the trust (Monte Reason's alleged reimbursement of \$37,000 and over \$100,000 in her own attorney's fees), not one such backup document has been provided by Utkin and/or her attorney, other than the attorney's billing statements (**Exhibit "A"**) in his motion to be paid. Demand is still made for all the backup documentation.

At the court hearing in January 2018, there was specific discussion about the #6040 checking account, and it was related in open court that this account was utilized for the California property rent and payments. Utkin would have known if she had bothered to be in court; nevertheless, her attorney was well aware, and gave his apparent approval to create the problem. It was stated that the mortgage was with Wells Fargo. There was absolutely no need to "steal" the funds, close out the account, etc. A simple inquiry to the undersigned would have cleared it up prior to taking actions breaching the fiduciary duty, and actual contempt for the court's implicit orders. To now say "she didn't know" what the Wells Fargo auto deduction was, and that they did not know what it was until the Petitioner's instant Objection, as and is simply a blatant lie, in an attempt to conceal someone's "hands in the cookie jar"..

Despite the court's strict instruction, that the initial \$5,000 provided were for the Bluffpoint house expenses (**Exhibit "B"**), it appears that Utkin paid her attorney, as they show the \$5,000 being paid to the attorney's office on their billing. (Ex. A- CCP-JK FEES – 005)

In her response to the Objection to her accounting, Utkin proclaims that she used the first \$5,000 to reimburse herself. First this court specifically stated that there will be no payment to anyone, except on petition and court approval.



1 "The amount of \$5,000.00 shall be release to pay for whatever property
2 needs to be saved and any bills that needs to be paid, not for
3 administrative expenses or attorney's fees. Mr. Kirschner shall be
4 responsible for the accounting of the \$5,000.00. There shall be no money
5 release without a Petition to the Court." (1/17/18-hearing video at 2:45:59
6 and 2:51.50)

7 It was quite clear that Utkin could ONLY use the initial \$5,000 to pay for Bluffpoint
8 expenses, not for her administrative fees, or attorney's fees. Utkin's "Reading" the Trust,
9 and ignoring this court's order is simply more subterfuge and another excuse.

10 Utkin and her attorney claim that the balance was redeposited in Chase #4818
11 (sic actually is #4816), but have not provided a copy of the deposit slip. In fact another
12 review of all the Chase bank statements do not indicate any deposit of the balance of
13 \$3,159,94 ever occurred into this trust account. Apparently this type of action is
14 condoned by counsel.

15 As to Utkin's counsel's retaining lien, etc., it is in strict opposition to the major
16 beneficiaries absolute right for copies of everything. Without a copy of the fee
17 agreement, it is unclear of the exact nature of services, etc. The papers counsel are
18 alleging to be held and not disclosed by him, are not Utkin's personal papers, etc., but
19 rather a third party (Monte) request for reimbursement, which was not served on the
20 petitioners, as well as all documentation justifying what Utkin has done. These
21 documents belong to the trust, not Utkin. If Utkin had some sort of legal interest in the
22 Trust (i.e. a beneficiary), then the lien might apply.

23 As to the contents of the safe deposit box, the box was not owned by the CFT,
24 but rather Raymond Christian, Sr., the CFT, at Article 5 states:

25
26
27 **5.1 Distribution of Personal Property.** After the death of either Trustor, the
28 Trustee shall distribute all tangible personal property of the deceased Trustor,
including but not limited to, furniture, furnishings, rugs, pictures, books, silver-
plate, linen, china, glassware, objects of art, wearing apparel, jewelry, and
ornaments, in accordance with any written statement or list that the Trustor leaves
disposing of this property. Any such statement or list then in existence shall be



determinative with respect to all bequests made therein. Any property not included on said list shall be distributed as follows:

(a) To the surviving Trustor, if he or she survives the Decedent.

(b) Upon the death of RAYMOND T. CHRISTIAN, SR., the Trustee shall first distribute the Trusters' Gold Watch, to LEE M. KEACH, the Trusters' son-in-law, if he is then living, outright and free of Trust. If LEE M. KEACH is not then living, this bequest shall lapse. (c) The Trustee shall distribute any remaining household and personal effects, which are not distributed by a written statement or list or any lapsed bequest from above, equally to ROSEMARY K. CHRISTIAN-KEACH, RAYMOND T. CHRISTIAN, JR. and SUSAN G. CHRISTIAN-PAYNE, as they shall select. [Emphasis added]

(d) The individuals referred to above in Section 5.1(c) may also share any such household and personal effects with TOMMY L. CHRISTIAN, CHRISTOPHER A. CHRISTIAN, or MONTE B. REASON, as they may see fit. Any household and personal effects which they do not select shall be added to the Trust created in Article 6 below.

Despite the Last Will, the contents of the safe deposit box, as Raymond Sr.'s personal and/or tangible personal property was distributed to the Petitioners in accordance with the trust, while they were trustees (see above). Another case of useless time and money, seeking to create something where was nothing.

The sole issue is not the Parkridge HOA fees paid for Nancy's condo, which in and of itself is questionable. It was something never paid by the trust before, but only after Utkin took over as trustee. Who told her that she should pay this item? Utkin wrongfully took the money and paid the bill. She should be ordered to personally reimburse the trust for the total amount of funds expended for Nancy's HOA payment (\$358.56). There should be no waiting for Nancy's estate to reimburse.

Further, counsel states that Utkin paid herself for monies she personally expended. There is no breakdown or backup documentation for this either.

THERE IS STILL NO EXPLANATION FOR THE \$4,000 UTKIN WIRED OUT OF THE #6040 ACCOUNT.



What claims of conversion is Utkin and/or her attorney speaking about? All of the funds under the Petitioner's control at the time were accounted for. The bulk of the cash is still frozen at Chase. The Bluffpoint property is still sitting empty, wasting away for almost a year. There is nothing else. This was a concocted theory intended to justify the ridiculous amount of attorney's fees Utkin is requesting.

Utkin and/or her attorney made capricious decisions, and now are trying to backpedal to explain the unfettered misuse of funds and/or authority.

Ultimately, the accounting is still a problem. Utkin did not pay Wells Fargo. The rental income paid the mortgage for the California property. This is not an Utkin issue. Nowhere does this accounting show each and evry item that Utkin allegedly paid from her own funds, or any deductions for her reimbursing herself, nor does it fully account for the first \$5,000, which, on the attorney's billing statements says went to them for the payment of attorney's fees.

CONCLUSION

Utkin claims she was not suspended or removed for "cause". That being said, her misuse of trust funds, failure to follow court orders, allegedly paying herself and/or her attorney despite court orders otherwise, utilizing funds which were not trust funds to pay herself, interfering with the Petitioner's ability to follow court orders, and otherwise chasing red herrings as to looking for some sort of "malfeasance" of the petitioners, certainly now gives rise to how appropriate it was for Utkin to be removed.



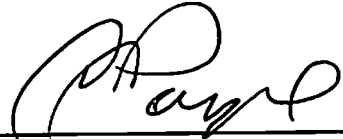
1 WHEREFORE, it is requested that this court order the following:

2
3 1. That pursuant to NRS 165.145(7)(a),(c) Utkin and her attorneys are to
4 provide each and every backup and/or supporting document for all sums expended, all
5 of Utkin's attorney's billing statements, Monte Reason's supplemental documents for his
6 alleged reimbursement, and a complete explanation and documentation for the \$4,000
7 wire transfer to "SpaceCoasw" on June 29, 2018.

8 2. To deny the approval of any such accounting submitted by Utkin;

9 3. For such other and further relief as this court may deem just and
10 equitable.

11
12 Dated: October 31, 2018.



13 CARY COLT PAYNE, ESQ.
14 Nevada Bar No.: 4357
15 CARY COLT PAYNE, CHTD.
16 700 South Eighth Street
17 Las Vegas, Nevada 89101
18
19
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21
22
23
24
25
26
27
28



CERTIFICATE OF SERVICE

The undersigned hereby certifies that on October 31, 2018, 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:

f

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

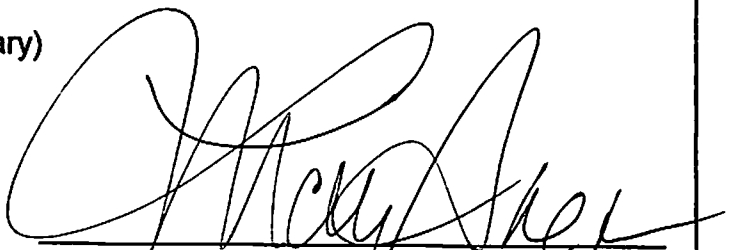
Christopher A. Christian
560 W. 20th Street #12
San Bernardino, CA 92405

f

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).

Jerimy Kirschner, Esq.
JERIMY KIRSCHNER & ASSOCIATES, LTD.
5550 Painted Mirage Rd., Suite 320
Las Vegas, NV 89149
Email: jerimy@jkirschnerlaw.com
Attorney for Jacqueline Utkin

Joseph Powell, Esq.
RUSHFORTH, LEE & KIEFER, LLP
1701 Village Center Circle, Suite 150
Las Vegas, NV 89134
email: joey@rushforth.com
Attorney for Monte Reason, (beneficiary)


An employee of CARY COLT PAYNE, CHTD.



CARY COLT PAYNE, CHTD.

Attorney at Law

700 S. Eighth Street • Las Vegas, Nevada 89101
(702) 383-9010 • Fax (702) 383-9049

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EXHIBIT "A"

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 2/1/2018 | 349 |

| |
|---|
| Bill To |
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|---|----------|--------|----------|
| 1/4/2018 | Phone call with Joey Powell regarding case history and upcoming hearings (1.0); Second Phone call (.3) | 1.3 | 350.00 | 455.00 |
| 1/4/2018 | Emailed client [REDACTED] (UNBILLED .1) | 0.1 | 125.00 | 12.50 |
| 1/5/2018 | Email with Joey regarding hearing and Payne letter regarding the house (.1); Prepare Certificate of Incumbency (.7) | 0.8 | 350.00 | 280.00 |
| 1/5/2018 | Creating First Draft Certificate of Incumbency (.9), creating cover letter, printing out cover letter, Engagement Agreement, and Certificate of Incumbency [REDACTED] (.6) | 1.5 | 125.00 | 187.50 |
| 1/8/2018 | Emails with Joey Power regarding setup for upcoming hearing and delinquent bills on property (.2) | 0.2 | 350.00 | 70.00 |
| 1/8/2018 | Review Sales Information on Home, lockbox access (.2); Review Republic Services Notice (.1) | 0.2 | 350.00 | 70.00 |
| 1/8/2018 | Organized File (.4), emailed client [REDACTED] (.1) | 0.5 | 125.00 | 62.50 |
| 1/9/2018 | Emails with Joey Powell regarding hearing (.2); Phone call with Cary regarding continuance (.1) | 0.2 | 350.00 | 70.00 |
| 1/9/2018 | Filed discovery documents (.3), called clerk of court for continuing hearing (.1) | 0.4 | 125.00 | 50.00 |
| 1/10/2018 | Called client [REDACTED] (.1) | 0.1 | 125.00 | 12.50 |
| 1/11/2018 | Phone call with Joey Regarding substitution of Real Party in Interest (.2); Review Opposition filed by Cary (.4) | 0.6 | 350.00 | 210.00 |
| 1/11/2018 | Review Sales Information on Home, lockbox access (.2); Review Republic Services Notice (.1) | 0.3 | 350.00 | 105.00 |
| 1/12/2018 | Review of all Prior Pleadings, Accountings, Inventories, Court Minutes, Orders and create notes to file (5.2); Phone call to Anthony Barney office regarding prior discovery (.2) | 5.4 | 350.00 | 1,890.00 |

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| Invoice Balance |
| Total Including Previous Balances |
| Payments Applied |
| Amount Remaining in Trust |
| Current Amount Due |

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 2/1/2018 | 349 |

| |
|---|
| Bill To |
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|--|----------|--------|----------|
| 1/12/2018 | called and emailed client [REDACTED] (.1), filed Notice of Delinquency and Intent to Lien (.1), filed discovery documents (.1), emailed client [REDACTED] (.1), filed signed (last page) of Certificate of Incumbency (.1) | 0.5 | 125.00 | 62.50 |
| 1/15/2018 | Correspondence with Joey regarding amounts in Payne trust account, review amounts listed in prior pleadings (.3); Email client [REDACTED] (.1) | 0.4 | 350.00 | 140.00 |
| 1/16/2018 | Email with Joey Powell regarding the appearance of Monte on behalf of Nancy's personal trust (.2); Email client [REDACTED] (.1); Review pleadings for issues for which trust is ratifying of the prior trustee (1.2); Email client [REDACTED] (.4) | 1.9 | 350.00 | 665.00 |
| 1/17/2018 | Phone call with Joey regarding Monte position v. trust (1.1); Additional prep for hearing (.2); Email with client [REDACTED] (.2); Attend hearing (1.9) | 3.4 | 350.00 | 1,190.00 |
| 1/17/2018 | Filed Certificate of Incumbency (.1) | 0.1 | 125.00 | 12.50 |
| 1/18/2018 | Phone call with Joey Powell regarding whether Monte is filing claims v. Trust (.4); Draft Order from hearing (1.2); Circulate for approval by appearing counsel (.1); Email with client [REDACTED] (.2) | 1.9 | 350.00 | 665.00 |
| 1/19/2018 | Phone call with Joey Powell regarding input on the order from the hearing (.4); Phone call with Jacqueline regarding [REDACTED] (.8); Edits to Order based on feedback from other counsel (.2); Circulate new order (.1) | 1.5 | 350.00 | 525.00 |
| 1/19/2018 | Scanned and filed anonymous letter (.2) | 0.2 | 125.00 | 25.00 |
| 1/22/2018 | Review and respond to client email regarding [REDACTED] (.3); Follow up on signature on orders, task paralegal (.2) | 0.5 | 350.00 | 175.00 |
| 1/22/2018 | Called Cary Payne's office to ask about changes for Omnibus Order (.1) | 0.1 | 125.00 | 12.50 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 2/1/2018 | 349 |

| |
|---|
| Bill To |
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|--|----------|--------|--------|
| 1/23/2018 | Calling Payne's office for Omnibus order (.1), separating docs from Intelligent Office and filing Signed Resignation of Trustee, Notarized Certificate of Incumbency, Signed Engagement Agreement and Declination to Act as Successor Trustee (.1), Nationwide Order sent Notarized Certificate of Incumbency, Resignation of Trustee and Declination to Act as Successor to Clark County Recorder's office (.2), Bate Stamping Discovery documents (.1) | 0.5 | 125.00 | 62.50 |
| 1/24/2018 | Review Payne email (.2); Edits to Order (.1); Responsive email regarding demand and order (.2); Collaborate with Sarah regarding fill requests and setting up conference availability (.2); Phone call with Zachary Holyoak regarding content of order and his approval (.1); Emails with Cary Payne regarding order and bills of prior trustee (.4) | 1.2 | 350.00 | 420.00 |
| 1/24/2018 | Called Recorder's Office about Original Certificate of Incumbency (.1), called Intelligent Office about runner (.3), Nationwide order pickup of original Notarized Certificate of Incumbency, Declination to Act as Successor Trustee and Resignation of Trustee to Clark County Recorder's Office (.2), called Barney's office for subpoenas, sent email request (.1), called San Bernadino Recorder's office for question about documents (.1), Nationwide order to San Bernadino, just Notarized Certificate of Incumbency (.1) | 0.9 | 125.00 | 112.50 |
| 1/25/2018 | Review and respond to Jacqueline email regarding [REDACTED] (.3); Draft Petition for Successor Trustee (2.4) | 2.7 | 350.00 | 945.00 |
| 1/25/2018 | Called court about Omnibus signatures (.1), called Payne's office for availability for Settlement Conference, left message (.1), sent email to counsel for signature confirmation (.1), Nationwide order for Omnibus, both signed and denied versions (.2) | 0.5 | 125.00 | 62.50 |

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| Invoice Balance |
| Total Including Previous Balances |
| Payments Applied |
| Amount Remaining in Trust |
| Current Amount Due |

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 2/1/2018 | 349 |

| |
|---|
| Bill To |
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|--|----------|--------|----------|
| 1/26/2018 | Email with Cary Payne regarding deposition of client (.2); Edits to Petition additional review of caselaw (1.7); Email client regarding [REDACTED] (.2); Review Anthony Barney Ltd. letter re billing, (1.0); Email Utkin regarding [REDACTED] (.2); Draft correspondence demand proof of deposit from Mr. Payne's office pursuant to court order (.3); Review Mr. Payne letter and checks, request supporting documents (.2); Review letter from San Bernadino county (.2); Additional emails with client regarding [REDACTED] (.2) | 4.2 | 350.00 | 1,470.00 |
| 1/26/2018 | Proofread Petition to Confirm Successor Trustee (.2), called client [REDACTED] (.1) | 0.3 | 125.00 | 37.50 |
| 1/27/2018 | Phone call with Bar Counsel Regarding execution on an IOLTA account and whether it is possible to execute without NRPC violation | 0.8 | 350.00 | 280.00 |
| 1/29/2018 | Review file, then phone calls with Zachary Holyoak and Joey Powell regarding prior disclosure of proof of funds from Cary Colt Payne (1.4); Phone call with Nancy regarding verification of trust funds from Payne (.5) | 1.9 | 350.00 | 665.00 |
| 1/29/2018 | Filed Nationwide completed and rejected orders to Clark County Recorder's Office (.1), filed letter from San Bernardino Recorder's Office (.1), contacted court to set hearing date, creating NOH (.3), called court for Master Calendar information (.1), called court to request Telephonic hearing (.1), creating Notice of Intent to Appear by Telephone (.3), calling Payne for Settlement conference availability (.1), filed Payne checks (.1), edited Notice of Hearing and Notice of Intent to Appear by Telephone (.2) | 1.4 | 125.00 | 175.00 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 2/1/2018 | 349 |

| |
|---|
| Bill To |
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|---|----------|--------|--------|
| 1/29/2018 | Editing Notice of Hearing and Notice of Intent to Appear by Telephone (.1), bate stamping discovery docs and creating Master Exhibit List (.9), efilng and serving NOH and Notice of Intent to Appear by Telephone (.4), printing NOH and Notice of Intent to Appear by Telephone, mailed to Cary Payne, Joey Powell, Tommy Christian and Christopher Christian (.6), called court clerk to confirm telephonic appearance (.1), forwarded email [REDACTED] to client (.1), filed stamped Notice of Intent to Appear by Telephone (.1), called Payne's office for availability and sent email to opposing counsel (.1) | 2.4 | 125.00 | 300.00 |
| 1/30/2018 | Review emails from Joey regarding bills, [REDACTED] (.2); Email with Mr. Payne regarding deposit of funds (.2); Review bank statements provided by Mr. Payne (.3); Receive and review email from prior trustee counsel regarding billing and invoices, respond with questions regarding duplicate invoices (.6); Review client payment of Republic Services Bill (.1); Emails with all counsel regarding settlement conference (.1) | 1.5 | 350.00 | 525.00 |
| 1/31/2018 | Emails with Client regarding [REDACTED] (.2) | 0.2 | 350.00 | 70.00 |
| 1/31/2018 | Created blank NOH (.1), efiled and served blank NOH (.2), filing sewer bill and creating Trustee Inventory and Accounting spreadsheet (.3), called court numbers to find settlement department (.2), emailed client [REDACTED] (.1), scanned and filed letter and billing info from Barney's office (.1), creating folder (.3) | 1.3 | 125.00 | 162.50 |
| 1/5/2018 | Print Costs | 10 | 0.25 | 2.50 |
| 1/17/2018 | Parking Hearing | 1 | 5.35 | 5.35 |
| 1/17/2018 | Mileage for travel on behalf of client. | 26 | 0.545 | 14.17 |
| 1/8/2018 | Credit Card Charge | 1 | 162.80 | 162.80 |

| | |
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| Invoice Balance | \$12,419.82 |
| Total Including Previous Balances | \$12,419.82 |
| Payments Applied | \$5,000.00 |
| Amount Remaining in Trust | 0.00 |
| Current Amount Due | \$7,419.82 |

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 3/1/2018 | 371 |

| |
|---|
| Bill To |
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|--|----------|--------|--------|
| 2/1/2018 | Phone call with Joey Powell regarding prior actions of Monte as trustee and conduct of beneficiaries (.5) | 0.5 | 350.00 | 175.00 |
| 2/1/2018 | Filed stamped NOH, scheduled (.1), called Settlement Department, calendared settlement conference (.1), called client [REDACTED] (.1), called opposing counsel and court to get approval for client telephonic appearance (.2), made new Notice of Telephonic Hearing (.1), filed Notice of Scheduling Settlement Conference, scheduled days (.2) | 0.8 | 125.00 | 100.00 |
| 2/2/2018 | Filed signed page of Verification of Jacqueline Utlin (.1) | 0.1 | 125.00 | 12.50 |
| 2/5/2018 | Review and respond to Mr. Payne email regarding checks, confirmation of trustee (.3) | 0.3 | 350.00 | 105.00 |
| 2/5/2018 | Filed stamped Omnibus Order, created and edited NEO (.3), efiled and served NEO for Omnibus, printed and mailed (.2), filed stamped NEO to computer (.1), | 0.6 | 125.00 | 75.00 |
| 2/6/2018 | Review and respond to client email regarding [REDACTED] (.2); Review of case strategy in preparation of role for trustee (.5) | 0.7 | 350.00 | 245.00 |
| 2/6/2018 | Filed stamped Omnibus Order (.1), created Amended NEO for Omnibus Order (.1), efiled and served Amended NEO for Omnibus Order (.1), scanned and filed letter and check from Payne's office, [REDACTED] (.3), called Daniel's office for subpoenas (.1) | 0.4 | 125.00 | 50.00 |
| 2/7/2018 | Filed stamped Amended NEO for Omnibus Order, printed and mailed to brothers (.3), filed letter from Rushforth Lee & Kiefer, Declination to Act as Successor Trustee, Resignation of Trustee and Nomination of Successor Trust (.1), filed Certificate of Incumbency (.1), filed copies of Engagement Agreement, Declination and Nomination, Notarized Certificate of Incumbency into physical files (.1) | 0.6 | 125.00 | 75.00 |
| 2/9/2018 | Phone call with Client regarding [REDACTED] (.6, UNBILLED .2); Email to Payne office regarding EIN (.1) | 0.7 | 350.00 | 245.00 |
| 2/12/2018 | Review and respond to email from Payne regarding fees (.5) | 0.5 | 350.00 | 175.00 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 3/1/2018 | 371 |

| Bill To |
|---|
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|---|----------|--------|----------|
| 2/12/2018 | Filed Notice of Exercise of Right to have hearing before Probate Court Judge and Petition for Fees and Costs to computer (.1), filed Notice of Hearing to computer, calendared (.1), called court calendar for hearing for Successor Trustee, calendared (.1) | 0.3 | 125.00 | 37.50 |
| 2/15/2018 | Review and respond to Payne email regarding objection to fees (.2) | 0.2 | 250.00 | 50.00 |
| 2/20/2018 | Filed Verification for Jacqueline Utlin for petition to Confirm Successor Trustee to computer (.2), filed physically Omnibus Order (.1) | 0.3 | 125.00 | 37.50 |
| 2/21/2018 | Review 2nd letter (.2); Prepare non-opposition (1.1); Email client [REDACTED] (.2); Prepare OST request for Petition for Successor Trustee (.9) | 2.4 | 350.00 | 840.00 |
| 2/22/2018 | Nationwide order, sent Ex Parte Application for Order Shortening Time to Hear Petition to Confirm Successor Trustee (.2), filed client signed page of Non-Opposition, combined w/Non-Opposition and Limited Joinder to the Petition of Fees, efiled and served in Odyssey (.3), called court twice for Ex Parte Application status (.2) | 0.6 | 125.00 | 75.00 |
| 2/23/2018 | Called court for Ex Parte Application for Order Shortening Time (.1), printed and scanned Notice of Non-Opposition to Fees, edited (.1), efiled and served Notice of Non-Opposition to fees (.1) | 0.3 | 125.00 | 37.50 |
| 2/26/2018 | Filed stamped Notice of Non-Opposition to Fees to computer (.1), called court for status of Motion to Shorten Time, VM (.1), called court for status of Motion (.1), emailed law clerk about Order Shortening Time (.1), called Nationwide for status of Order (.1) | 0.5 | 125.00 | 62.50 |
| 2/27/2018 | Review of Opposition and Counter-Motion, as well as potentially supportive case law (1.0); Draft Rule 11 Letter and No-Contest Reservation (3.6); Phone call to Joey Powell in response to his request for call (.3); Email with client [REDACTED] (.1); Emails with Client [REDACTED] (.2) | 5.1 | 350.00 | 1,785.00 |

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| Invoice Balance |
| Total Including Previous Balances |
| Payments Applied |
| Amount Remaining in Trust |
| Current Amount Due |

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 3/1/2018 | 371 |

| Bill To |
|---|
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|---|----------|--------|--------|
| 2/27/2018 | Called client to [REDACTED] (.1) | 0.1 | 125.00 | 12.50 |
| 2/28/2018 | Review and respond to client email regarding [REDACTED] (.2); Communications with client regarding [REDACTED] (.4); Phone call clients (.2); Email to Cary Payne (.1) | 0.9 | 350.00 | 315.00 |
| 2/5/2018 | Postage & Mailings | 4 | 0.50 | 2.00 |
| 2/5/2018 | Print Costs | 14 | 0.25 | 3.50 |
| 2/6/2018 | Postage & Mailings | 1 | 21.98 | 21.98 |
| 2/7/2018 | Postage & Mailings | 4 | 0.50 | 2.00 |
| 2/7/2018 | Print Costs | 14 | 0.25 | 3.50 |
| 2/23/2018 | Print Costs | 5 | 0.25 | 1.25 |
| 1/31/2018 | Filing Fee NOH | | 3.50 | 3.50 |
| 2/5/2018 | Filing Fees Omni Order | | 3.50 | 3.50 |
| 2/5/2018 | Filing Fee NEO | | 3.50 | 3.50 |
| 2/6/2018 | Filing Fees | | 3.50 | 3.50 |
| 2/6/2018 | Filing Fees | | 3.50 | 3.50 |
| 2/17/2018 | Fees for CA Filing Attempts | | 160.00 | 160.00 |
| 3/1/2018 | Filing Fees | | 3.50 | 3.50 |
| 3/1/2018 | Filing Fees | | 3.50 | 3.50 |
| | Total Reimbursable Expenses | | | 184.50 |

| | |
|--|-------------|
| Invoice Balance | \$4,728.73 |
| Total Including Previous Balances | \$12,148.55 |
| Payments Applied | 0.00 |
| Amount Remaining in Trust | 0.00 |
| Current Amount Due | \$12,148.55 |

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|-----------|-----------|
| 3/31/2018 | 385 |

| Bill To |
|---|
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|--|----------|--------|----------|
| 3/1/2018 | Review and respond to Payne email regarding defenses to Barney firm payments, other matters (.5); Review ex parte order (.1); Emails to all counsel regarding hearing for successor trustee (.3); Call Powell to request they shorten time on their petition (.1) | 1 | 350.00 | 350.00 |
| 3/1/2018 | Filed signed Ex Parte Application for Order Shortening Time to computer, removed Nationwide cover and separated, calendared new hearing date (.2), efiled and served Order to Shorten Time, then Ex Parte Application (.3) | 0.5 | 125.00 | 62.50 |
| 3/2/2018 | Review Klabacka v. Nelson for Reply (.8) | 0.8 | 350.00 | 280.00 |
| 3/2/2018 | Filed stamped Order Shortening Time and Ex Parte Application for Order to computer (.2) | 0.2 | 125.00 | 25.00 |
| 3/5/2018 | Contact Payne office regarding request for fees (.2) | 0.2 | 125.00 | 25.00 |
| 3/6/2018 | File hardcopy documents (.1) | 0.1 | 125.00 | 12.50 |
| 3/8/2018 | Filed Application for Reimbursement of Administration Expenses to computer (.1) | 0.1 | 125.00 | 12.50 |
| 3/9/2018 | Review Monte Reason application for attorney fees, and prior billings (.5); Email client [REDACTED] (.1) | 0.6 | 350.00 | 210.00 |
| 3/9/2018 | Creating templates RFP, RFA, and ROGS for opposing party (1.4) | 1.4 | 125.00 | 175.00 |
| 3/12/2018 | Draft Reply and Opposition to Counter-Petitioner (5.2); Review opposition to fees for Barney and Rushforth (.8) | 6 | 350.00 | 2,100.00 |
| 3/12/2018 | Emailed client [REDACTED] (.1), filed Petitioners Combined Opposition to Petition for Fees and Application for Reimbursement (.1), proofread Reply to Opposition to Petition (.7), emailed [REDACTED] client (.1), called client [REDACTED] (.1), printing, scanned and filed verification to computer, combined into Reply to Opposition. efiled and served, emailed to opposing counsel (.2) | 1.3 | 125.00 | 162.50 |
| 3/13/2018 | Review Reply filed by Rushforth (.7) | 0.7 | 350.00 | 245.00 |
| 3/13/2018 | Filed Reply to Opposition to computer (.1), editing RFP (1.4), filed Response to Opposition to computer (.1) | 1.6 | 125.00 | 200.00 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|-----------|-----------|
| 3/31/2018 | 385 |

| Bill To |
|---|
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|--|----------|--------|----------|
| 3/14/2018 | Review Reply filed Anthony Barney firm (1.1); Review anonymous letter (.3) | 1.4 | 350.00 | 490.00 |
| 3/14/2018 | Filed Reply to Petitioners Combined Opposition to computer (.1), editing RFP (1.2), filed anonymous letter 2 to computer (.1), creating subpoena for Linda Ruth (.2) | 1.6 | 125.00 | 200.00 |
| 3/15/2018 | Prepare for hearing (1.2); Attend hearing (1.4); Email client [REDACTED] (.1); Review trust needs and strategy | 2.7 | 350.00 | 945.00 |
| 3/15/2018 | Editing Linda Ruth's subpoena, created Donald Turk subpoena (.4) | 0.4 | 125.00 | 50.00 |
| 3/16/2018 | Draft order from hearing (.6); Circulate to counsel (.2); Review Subpoenas (.4) | 1.2 | 350.00 | 420.00 |
| 3/16/2018 | Prepare Request for Production (5.2) | 5.2 | 350.00 | 1,820.00 |
| 3/16/2018 | Printed subpoena for Turk (.1), edited subpoenas, scheduled (2.8), called Zach for Raymond Sr.'s SSN (.1), scanned and filed Turk subpoena to computer, eserved to opposing counsel (.2), called Payne's office for Order (.1), mailed Turk subpoena (.1), editing RFP for Raymond Jr., Susan and Rosemary, eserved (.7) | 4.1 | 125.00 | 512.50 |
| 3/19/2018 | Email counsel [REDACTED] (.1); Edit Order, Emails with Cary Payne regarding order, discovery and contest (.5) | 0.6 | 250.00 | 150.00 |
| 3/19/2018 | Calendared RFP deadlines (.1) | 0.1 | 125.00 | 12.50 |
| 3/20/2018 | Email counsel regarding order (.2); Emails with client (.2); Phone call with JU [REDACTED] (.3); Emails with Rushforth firm (.2) | 0.9 | 350.00 | 315.00 |
| 3/21/2018 | Review Accounting Provided by Cary Payne (.5); Memo to file (.2); Correspondence with Cary Payne regarding hearing and order (.3); Review court minutes and view of hearing confirming order complies (.4); Correspondence with client [REDACTED] (.2); Correspondence with Joey Powell regarding mediation (.2) | 1.8 | 350.00 | 630.00 |
| 3/21/2018 | Called Payne's office for Order (.1), created letter for Payne on Order (.1) | 0.2 | 125.00 | 25.00 |

Invoice Balance

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Jerimy Kirschner & Associates, PLLC

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Invoice

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| 3/31/2018 | 385 |

| Bill To |
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445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|---|----------|--------|----------|
| 3/22/2018 | Correspondence with client [REDACTED] (.2);
Correspondence with Joey power regarding accounting
provided by Payne's office (.3); Correspondence with client
regarding [REDACTED] (.4) | 0.9 | 350.00 | 315.00 |
| 3/22/2018 | Created excel accounting of known transactions (1.4),
called Payne's office for Order (.1), Nationwide order to
send Order to Commissioner's Office (.1), analyzed
accounting for suspicious activity (.5) | 2.1 | 125.00 | 262.50 |
| 3/23/2018 | Contact Nationwide for order status (.1) | 0.1 | 125.00 | 12.50 |
| 3/26/2018 | Correspondence with Monte counsel regarding settlement
conference and house access (.5); Prepare settlement brief
(2.1) | 2.6 | 350.00 | 910.00 |
| 3/26/2018 | Nationwide follow-up for Order Granting Petition to
Confirm Successor Trustee (.1), Nationwide order, sent
Order to Ochoa (.1) | 0.2 | 125.00 | 25.00 |
| 3/27/2018 | Correspondence with Joey Powell and Cary Payne
regarding property (.2) | 0.2 | 350.00 | 70.00 |
| 3/27/2018 | Finalize Settlement Brief (3.8); [REDACTED] to
client [REDACTED] (.2); Phone call with client regarding [REDACTED]
[REDACTED] (.2); Edits [REDACTED] (2.1); Review Anthony
Bareny billing (.2); Review letter from Cary Payne to
realtor (.2) | 6.7 | 350.00 | 2,345.00 |
| 3/27/2018 | Created NEO for Order to Confirm Successor Trustee (.1),
called Nationwide for Order status (.1), filed and bated
stamped Payne letter to Manesse to computer (.1) | 0.3 | 125.00 | 37.50 |
| 3/28/2018 | Draft Letter to Payne regarding contact with Real Estate
Agent (.9); Draft Motion to Expunge Lis Pendens,
Restraining Order (4.2) | 5.1 | 350.00 | 1,785.00 |
| 3/28/2018 | Printed letter to Payne (.1), researching eviction in
pleadings (.4), called Nationwide for Order status (.1) | 0.6 | 125.00 | 75.00 |
| 3/29/2018 | Final edits to Petition to Expunge and Pre Inj. (1.2); Draft
Motion to Compel Turnover and Rescind Freeze Order
(3.6); Assign subpoenas to third parties (.3) | 4.8 | 350.00 | 1,680.00 |

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| Invoice Balance |
| Total Including Previous Balances |
| Payments Applied |
| Amount Remaining in Trust |
| Current Amount Due |

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
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| 3/31/2018 | 385 |

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445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|--|----------|--------|----------|
| 3/29/2018 | Proofread Petition to Expunge Lis Pendens, emailed ■ client ■ (3), called court for Order status (.1), emailed client ■ (1), filed Utkin verification for Petition to Expunge Lis Pendens (.1), edited Petition to Expunge Lis Pendens, printed, scanned and filed to computer, called court for Order (.2), efiled and served Petition to Expunge, emailed opposing counsel letter (.1) | 0.9 | 125.00 | 112.50 |
| 3/30/2018 | Review subpoenas to major banks in Nevada (.4); Edits to Motion (2.9); Correspondence with Payne office regarding subpoenas (.2); Draft Motion for Sanctions, Compel Disclosure (2.8) | 6.3 | 350.00 | 2,205.00 |
| 3/30/2018 | Created subpoenas for JPMorgan Chase Holdings LLC, Bank of America, NV State Bank, Stifel Nicolaus & Co Inc, and US Bank, printed, scanned and filed co computer, created COS, printed 2 copies for Tommy and Christopher (1.5), served 5 subpoenas to banks, Tommy and Christopher (1.0), filed Wells Fargo letter to computer (.1), edited Wells Fargo and Sun Cities Financials subpoenas (.2), proofread Motion for Turnover of Assets and to Dissolve Injunction, emailed ■ client ■ (4), edited and printed Wells Fargo subpoena and Sun Cities subpoena (.4), made copies of Wells Fargo/Sun Cities subpoenas for Tommy and Christopher, scanned and filed signed subpoenas (.5), edited bank subpoenas, printed new pages with specific due date on them (1.5) | 5.1 | 125.00 | 637.50 |
| 3/16/2018 | Postage & Mailings | 2 | 0.50 | 1.00 |
| 3/16/2018 | Print Costs | 8 | 0.25 | 2.00 |
| 3/28/2018 | Print Costs | 2 | 0.25 | 0.50 |
| 3/30/2018 | Print Costs | 181 | 0.25 | 45.25 |
| 3/30/2018 | Print Costs | 181 | 0.25 | 45.25 |
| 3/12/2018 | Filing Fee | | 11.09 | 11.09 |
| 3/15/2018 | Parking | | 3.00 | 3.00 |
| 3/16/2018 | Runner Fees | | 15.00 | 15.00 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

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Tacoma, WA 98402

Invoice

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| 3/31/2018 | 385 |

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Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|-----------------------------|----------|-------|--------|
| 3/19/2018 | Filing Fee | | 3.50 | 3.50 |
| 3/21/2018 | Filing Fee | | 3.50 | 3.50 |
| 3/29/2018 | Filing Fee | | 3.50 | 3.50 |
| 3/29/2018 | Filing Fee | | 3.50 | 3.50 |
| 3/29/2018 | Filing Fee | | 3.50 | 3.50 |
| 4/2/2018 | Filing Fee | | 3.50 | 3.50 |
| 4/4/2018 | Runner Fees Order | | 57.00 | 57.00 |
| 4/4/2018 | Filing Fee | | 3.50 | 3.50 |
| 4/4/2018 | Filing Fee | | 3.50 | 3.50 |
| 4/4/2018 | Filing Fee | | 3.50 | 3.50 |
| 4/4/2018 | Filing Fee | | 3.50 | 3.50 |
| 4/4/2018 | Filing Fee | | 3.50 | 3.50 |
| | Total Reimbursable Expenses | | | 124.59 |

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| Invoice Balance | \$20,121.09 |
| Total Including Previous Balances | \$32,269.64 |
| Payments Applied | 0.00 |
| Amount Remaining in Trust | 0.00 |
| Current Amount Due | \$32,269.64 |

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 5/7/2018 | 399 |

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|---|
| Bill To |
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|----------|---|----------|--------|----------|
| 4/2/2018 | draft motion to compel and sanctions (5.1); Review Sams Club subpoena, edits (.1); Review Supplemental objection to Barney fees (.6); Correspondence with trustee, phone call with Trustee Utkin [REDACTED] (1.6); | 7.5 | 350.00 | 2,625.00 |
| 4/2/2018 | Correspondence with counsel for Monte Reason (.1) Filed Response to Opposition to Petition for Fees to calendar (.1), filed Petition to Expunge Lis Pendens to computer, calendared (.1), filed signed verification for Petition for Turnover to computer, printed, scanned and filed to computer, combined with Petition, efiled and served to court (.1), editing bank subpoenas, printed (1.0), creating Sam's Club subpoena (.3), called Sam's Club for Registered Agent (.5), mailing bank subpoenas, Sun City, Wells Fargo, to themselves and to Tommy and Christopher Christian (.5), editing Sam's Club subpoena (.2), printed Sam's Club subpoena, mailed (.2), created COS for Motion to Expunge Lis Pendens (.3), edited COS for Motion to Expunge Lis Pendens, printed, mailed, efiled and served COS to court (1.0), scanned and filed Barney's letter and invoice to computer, filed hard copy (.2) | 4.5 | 125.00 | 562.50 |
| 4/3/2018 | Correspondence with client regarding [REDACTED] (.2); Review correspondence from Joey Powell letter, [REDACTED] client (.2); Attend Mediation (7.2); Phone call with client (.3) | 7.9 | 350.00 | 2,765.00 |

Invoice Balance

Total Including Previous Balances

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Amount Remaining in Trust

Current Amount Due

Jerimy Kirschner & Associates, PLLC

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Invoice

| Date | Invoice # |
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Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|----------|--|----------|--------|--------|
| 4/3/2018 | Proofread and edited Motion (.9), emailed Eric Cederstrand about phone conference (.1), filed COS for Motion to Expunge Lis Pendens to File (.1), filed Motion for Turnover of Assets to computer, scheduled (.1), called court for Order status (.1), filed Powell letter to computer, emailed ■ client (.2), filed to computer and bate stamped Michael Pyne Affidavit (.2), printed stamped Motion for Turnover of Assets, mailed to Tommy and Christopher, created Certificate of Service, efiled and eserved Certificate of Service (.5), eserved new bank subpoenas to court, Sun Cities, Wells Fargo and Sam's Club, created Certificate of Service for subpoenas, efiled and served Certificate of Service (.6), emailed opposing counsel, resent bank subpoenas with signature (.6) | 2.4 | 125.00 | 300.00 |
| 4/4/2018 | Review sur replies filed by Barney and Payne (.8); Attend hearing (1.8) | 2.6 | 350.00 | 910.00 |
| 4/4/2018 | Filed Countermotion to Strike Response to Opposition of Fees (.1), efiled and served signed Order to court, created NEO, created Certificate of Service, filed Order and NEO to computer (.4), printed NEO for Tommy and Christian (.1) | 0.6 | 125.00 | 75.00 |
| 4/5/2018 | Review Order prepared by AB regarding fees (.2); Call LM with client ■ (1); Phone call with Sun City Financial rep regarding subpoena and followup correspondence (.2) | 0.5 | 350.00 | 175.00 |
| 4/5/2018 | Mailed Tommy and Christopher NEO (.2), emailed client ■ (1), efiled and served Certificate of Service for NEO (.1), filed Certificate of Service to computer (.1), emailed Opposing counsel (.1), emailed Barney's office for template (.1), created Notice of Creditors (.2), edited Notice of Creditors (.2), turned Sun City Financial email into formal letter (.3) | 1.4 | 125.00 | 175.00 |

Invoice Balance

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Jerimy Kirschner & Associates, PLLC

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|-----------|--|----------|--------|--------|
| 4/6/2018 | Emailed opposing counsel about creditors (.1), created Sun Cities Financial subpoena, printed, scanned and filed signed version to computer, created Certificate of Service, eserved Certificate of Service, mailed subpoena to Sun Cities Financial Group, Tommy and Christopher (.9), filed stamped Certificate to computer (.1) | 1.1 | 125.00 | 137.50 |
| 4/9/2018 | correspondence with AB office requesting information related to creditors (.2); correspondence with client [REDACTED] (.2); Email all counsel regarding status of AB order (.1); Review offer for Bluff Point property, respond via email to agent (.3); Correspondence with counsel regarding creditor claims (.3); Review order (.1); Review subpoena and deposition notice of David Grant (.2); Email to Mr. Payne regarding the subpoena, prior subpoenas and need for disclosure prior to deposition (.4) | 1.9 | 350.00 | 665.00 |
| 4/9/2018 | Phone call with Joey Powell regarding claims of Nancy Christian estate, whether claims will be pursued (.6) | 0.6 | 350.00 | 210.00 |
| 4/9/2018 | Emailed Powell and Payne for creditors and insurance (.1), filed and stamped Residential Purchase Agreement and Sellers Report to computer, bate stamped, updated Master Exhibit List (.3), called Powell for results of settlement conference (.1) | 0.5 | 125.00 | 62.50 |
| 4/10/2018 | Review ABLTD letter to judge (.1); Collaborate with Sarah on additional letter followup on subpoenas (.1); Correspondence with real estate agent for Bluff Point property regarding authority for trustee (.3); Final edits to Motion for sanctions (.5) | 1 | 350.00 | 350.00 |

Invoice Balance

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| 5/7/2018 | 399 |

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Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|--|----------|--------|--------|
| 4/10/2018 | Filed Notice of Deposition for David Grant, Esq., calendared (.2), updated [REDACTED] (.1), emailed client [REDACTED] called client (.2), printed Utkin Verification, scanned and filed to computer, combined with Motion for Sanctions and Exhibits, efiled and served Motion to court, created COS (.2), created letter to Payne about Deposition (.2) | 0.9 | 125.00 | 112.50 |
| 4/11/2018 | Filed Motion for Sanctions to computer, scheduled, updated COS, printed Motion for Sanctions, mailed to brothers, efiled and served COS, filed stamped COS to computer (.8), emailed Payne for creditors, call his office, left message (.2), filed hard copy of letter from Wells Fargo, Order to Confirm Successor Trustee, and letter from Rushforth, Lee & Kiefer (.1) | 1.1 | 125.00 | 137.50 |
| 4/12/2018 | Review BOA response to subpoena (.1); Collaborate with Sarah on responses letters (.3); Phone call with Joey regarding whether they will assert privilege (.4); Review letter from Cary Payne (.1) | 0.9 | 350.00 | 315.00 |
| 4/12/2018 | Edited letter re: subpoena, emailed Powell about phone call (.2), filed Order to computer, calendared (.2), emailed Payne Utkin's temporary address (.1), filed Bank of America subpoena response, bate stamped, created Disclosure of Responsive Documents (.7), filed NOE to computer (.1), eserved Disclosure of Responsive Documents, saved eservice email (.1), printed letter to Payne re: subpoena, scanned and filed to computer, faxed to Payne (.2), created letter re: address, printed, scanned and filed to computer, faxed to Payne (.2), created letter re: Request to Stipulate (.3) | 2.1 | 125.00 | 262.50 |
| 4/13/2018 | Review amended subpoena notice (.1); Review RFP and responsive documents (1.8); Letter to Powell regarding discovery, RFP (.2); Review NSB subpoena communication, contact NSB regarding documents (.3); | 2.4 | 350.00 | 840.00 |

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|-----------|---|----------|--------|--------|
| 4/13/2018 | Filed letter from Payne to computer (.1), filed Susan, Raymond Jr, and Rosemary's responses to RFP, and Petitioner's Response part 1 and 2 to computer (.2), filed Subpoena Deposition and Amended Deposition to computer, calendared (.1), analyzing RFP response documents (.2), bates stamped responses to RFP, served to Powell and created letter, emailed to Powell (1.0), calendared dropbox link deadline (.1), mailed check to Zions Bancorporation (.2) | 1.9 | 125.00 | 237.50 |
| 4/16/2018 | Email with Cary Payne's office regarding grant deposition (.1); Review of subpoena documents and notes (.9) | 1 | 350.00 | 350.00 |
| 4/16/2018 | Created letter to Payne for deposition dates (.3), called Payne's office for deposition (.1), created letter to Payne for his deposition (.2), edited letter for SAO (.1), Review and notes of RFP response documents (2.5) | 3.2 | 125.00 | 400.00 |
| 4/17/2018 | Review Wells Fargo response to subpoena (.1); Edit letter for SAO (.1); correspondence with Mr. Powell and Cary Payne regarding hearing (3); Review Payne letter to Court (.2); correspondence with Payne regarding status of payment (.1); correspondence with Cary and Powell regarding Rushforth fees (.1); correspondence with Cary regarding deposition of Grant (.1) | 0.9 | 350.00 | 315.00 |
| 4/17/2018 | Edited letter to Payne re: Grant deposition, printed, scanned and filed to computer, emailed and faxed letter to Payne (.2), called Powell about deposition (.1), filed new Wells Fargo letter, created new subpoena, filed Stifel subpoena response to computer, printed subpoena, scanned and filed signed subpoena to computer, FedEx shipped subpoena to Vegas office (.3, UNBILLED.4), looked up hearings in court docket, edited calendar, edited Stipulation letter (.1), scanned and filed Request to Stipulate letter to computer, emailed to opposing counsel, faxed to Payne (.2), scanned and filed JPMorgan Chase letter, called Chase for accounts (.1) | 1 | 125.00 | 125.00 |

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Jerimy Kirschner & Associates, PLLC

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| Date | Description | Quantity | Rate | Amount |
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| 4/18/2018 | correspondence with Cary Payne and Joey Powell regarding the objections to Rushforth fees (.1); correspondence with Cary Payne and Joey Powell regarding hearing (.1); Respond to client email regarding [REDACTED] (.1); Respond to Cary Payne email demanding justification for discovery, dispute of creditor payments, and threats to trustee (1.2); Contact Joey Powell, request accounting for Monte Reason (.2); correspondence with client regarding [REDACTED] (.4) | 2.1 | 350.00 | 735.00 |
| 4/18/2018 | Filed Payne's letter to judge to computer (.1), printed letter to Payne re: deposing his clients, scanned and filed to computer, emailed to Payne, faxed (.2), combined Chase letter with proof of accounts, faxed to Chase bank (.2), called Intelligent Office for Wells Fargo subpoena, Nationwide order to serve, eserved subpoena, printed, created COS, mailed to Tommy and Christopher, efiled and served COS (.7), creating letters for subpoena responses of Bank of America and Stifel, eserved (.3), filed hard copies of letters to Payne, NEO for attorney fees, and Chase letter (.1), emailed Payne about SAO (.1) | 1.7 | 125.00 | 212.50 |
| 4/19/2018 | Emails with Cary Payne regarding discovery (.4); Email with client regarding [REDACTED] (.2); Edit to SAO (.1); Review Order regarding payment to Barney Firm (.2); Email with client regarding [REDACTED] (.1); Review strategy for defense of trust against undue influence attack, defense against Intentional Interference with Beneficial Interest, IIED notes (1.1) | 2.1 | 350.00 | 735.00 |

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| 4/19/2018 | Review and notes on response to RFP for attorney (.3), creating SAO (1.0, UNBILLED .4), , emailed opposing counsel SAO (.1), updated Sun Cities subpoena (UNBILLED .5), Nationwide service order of Sun Cities subpoena (UNBILLED.5), filed Petitioners Combined Opposition to computer (.1), calendared deadline to reply to Opposition (.1) | 1.5 | 125.00 | 187.50 |
| 4/20/2018 | Correspondence with Payne office regarding payment (.3); Correspondence with client regarding [REDACTED] (.5); Additional emails with Payne regarding checks (.3); Discussion with Sarah regarding US Bank (.3); Review file for HOI, correspondence to Cary Payne regarding home owners insurance (.2); Phone call with Joey Powell regarding David Grant Deposition (.3) | 1.9 | 350.00 | 665.00 |
| 4/20/2018 | Emailed Payne about checks (.1), emailed Payne about SAO (.1), eserved Amended Sun Cities subpoena, printed, created COS, mailed to Tommy and Christopher, calendared, filed stamped COS (.4), edited US Bank subpoena (UNBILLED.1), filed signed US Bank subpoena to computer, Nationwide service order (.2) | 0.8 | 125.00 | 100.00 |
| 4/23/2018 | Review letter from Monte counsel regarding accounting (.2); Correspondence with Payne office regarding deposition of David Grant (.1); Correspondence with Monte Reason attorney regarding same, not cc'd on change in time (.1); Correspondence with client regarding [REDACTED] (.4); Discussions with Sarah regarding Accounting work thus far (.3); Phone call with Client regarding [REDACTED] (.2); Email to Anthony Barney office regarding payment of fees from Chase Account (.3) | 1.6 | 350.00 | 560.00 |
| 4/23/2018 | Called Payne's office for deposition phone number (.1), Review and notes of RFP response documents for accounting (3.8), filed letter from Powell re: fees (.1), emailed Payne for deposition phone number (.1) | 4.1 | 125.00 | 512.50 |

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|-----------|---|----------|--------|----------|
| 4/24/2018 | Review Payne email regarding order for payment (.1); Review correspondence from Barney Firm regarding payment (.2); Phone call with Client regarding [REDACTED] (.2); Draft [REDACTED] email with client [REDACTED] (.2) Correspondence with Payne requesting checks be issued (.3); | 1 | 350.00 | 350.00 |
| 4/24/2018 | Updated David Grant deposition on calendar (.1), called Chase bank for update, VM (.1), emailed client [REDACTED] (.1), Review and notes of RFP response documents for accounting(2.4), called Chase bank for update (.1), received call from Chase bank, created Memo to File (.4), updated Chase bank subpoena (.1) | 3.3 | 125.00 | 412.50 |
| 4/25/2018 | Email to Barney Firm regarding payment of fees (.1); Email Payne regarding compliance with payment Order (.1); Request David Grant file from Barney office for Deposition, denied lien (.2); Prepare for Deposition of David Grant, review documents, pleadings, party statements in court, trust (2.7) | 2.9 | 350.00 | 1,015.00 |
| 4/25/2018 | Continue draft of accounting for RFP documents (.5), editing Chase Bank subpoenas, printed (.2), scanned and filed subpoenas, Nationwide Order to serve subpoenas, calendared subpoena response deadline, eserved subpoenas, created COS. created letter for NV Bank subpoena response (1.1) | 1.8 | 125.00 | 225.00 |
| 4/26/2018 | Review NSB statements provided by subpoena (.3); Check file for Final prep for deposition (.8); Attend deposition [Waiting] (1.2); Draft Letter regarding Cancellation of Deposition (1.1); Review correspondence from Barney Firm regarding payment (.2) | 3.6 | 350.00 | 1,260.00 |

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| Date | Description | Quantity | Rate | Amount |
|-----------|---|----------|--------|--------|
| 4/26/2018 | Printed Trust for deposition (.1), printed Chase subpoenas, mailed, efiled and served COS (.6), eserved NV State Bank response letter, filed stamped COS to computer (.2), scanned and filed JPMorgan Chase letter to computer, filed hard copy, bate stamped Amended Deposition for David Grant (.1), scanned and filed Nationwide Statement, filed hard copy of statement and NV Bank response, Wells Fargo letter, signed Motion for fees, and JPMorgan Chase letter (.1), proofread cancelled deposition letter (.2 UNBILLED .3), called Sam's Club for subpoena response (1.0) | 2.3 | 125.00 | 287.50 |
| 4/27/2018 | Review Notice of Appeal filed by RRS and case appeal statement (.3) | 0.3 | 350.00 | 105.00 |
| 4/27/2018 | Filed Notice of Appeal and Case Appeal Statement to computer (.1) | 0.1 | 125.00 | 12.50 |
| 4/30/2018 | Phone call with Tiffany Barney regarding payment of Barney fees (.2); Phone call with Joey Powell regarding claims v. Trust (.2) | 0.4 | 350.00 | 140.00 |
| 4/2/2018 | Postage & Mailings | 40 | 0.50 | 20.00 |
| 4/2/2018 | Print Costs | 72 | 0.25 | 18.00 |
| 4/3/2018 | Postage & Mailings | 10 | 0.50 | 5.00 |
| 4/3/2018 | Print Costs | 74 | 0.25 | 18.50 |
| 4/5/2018 | Postage & Mailings | 2 | 0.50 | 1.00 |
| 4/6/2018 | Postage & Mailings | 6 | 0.50 | 3.00 |
| 4/6/2018 | Print Costs | 1 | 0.25 | 0.25 |
| 4/12/2018 | Print Costs | 5 | 0.25 | 1.25 |
| 4/18/2018 | Postage & Mailings | 4 | 0.50 | 2.00 |
| 4/18/2018 | Print Costs | 22 | 0.25 | 5.50 |
| 4/20/2018 | Postage & Mailings | 4 | 0.50 | 2.00 |
| 4/20/2018 | Print Costs | 14 | 0.25 | 3.50 |
| 4/24/2018 | Postage & Mailings | 4 | 0.50 | 2.00 |
| 4/24/2018 | Print Costs | 73 | 0.25 | 18.25 |
| 4/13/2018 | Subpoena Research, Invoice 3747. Christian Family Trust | | 40.00 | 40.00 |
| 4/17/2018 | Runners | | 36.00 | 36.00 |

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| Invoice Balance |
| Total Including Previous Balances |
| Payments Applied |
| Amount Remaining in Trust |
| Current Amount Due |

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 5/7/2018 | 399 |

| |
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| Bill To |
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

[illegible]

| | |
|--|---------------------|
| Invoice Balance | \$19,834.04 |
| Total Including Previous Balances | \$119,004.85 |
| Payments Applied | |
| Amount Remaining in Trust | |
| Current Amount Due | |

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 6/4/2018 | 411 |

| Bill To |
|---|
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|----------|--|----------|--------|----------|
| 5/1/2018 | Phone call with David Grant (.1); Notes from meeting (.2); Research NRS 15.190(1)(h) updated decisions for appellate timing (.8); Collaborate with Sarah on designation of agent paperwork (.1) | 1.2 | 350.00 | 420.00 |
| 5/1/2018 | Filed Affidavit of Service to Wells Fargo and US Bank (.1), Craft spreadsheet for accounting from RFP pursuant to JLK instructions (2.8) created [REDACTED] letter for client (.2) | 3.1 | 125.00 | 387.50 |
| 5/2/2018 | Edits to Delegation documents (.3); Phone call with Chase Branch Manager regarding account (.2) | 0.5 | 350.00 | 175.00 |
| 5/2/2018 | Craft spreadsheet for accounting from RFP pursuant to JLK instructions (2.3) | 2.3 | 125.00 | 287.50 |
| 5/4/2018 | Phone call with Chase bank regarding delegation of authority (.2); Phone call with Jackie regarding [REDACTED] (.5) | 0.7 | 350.00 | 245.00 |
| 5/4/2018 | Called court for SAO and called client for [REDACTED] (.1), called client [REDACTED] (.1), called Intelligent Office for US Bank subpoena response (.1), called Nationwide for SAO (.2), created Memo to File for US Bank (.1) | 0.6 | 125.00 | 75.00 |
| 5/7/2018 | Correspondence with JQ regarding [REDACTED] (.3); Review US Bank statements (.4) | 0.7 | 350.00 | 245.00 |
| 5/7/2018 | Filed Central Pacific Bank contact info (.1), emailed Central Pacific Bank (.1), called Nate at Chase Bank, filed US Bank subpoena response, bated stamped (.2), filed Sun Cities Financials subpoena response, bated stamped, updated Master Exhibit List (.2), created letter to opposing counsel for Sun Cities subpoena response, eserved letter (.3), efiled signed SAO to continue hearings (.1), called Chase bank for meeting (.1) | 1.1 | 125.00 | 137.50 |
| 5/8/2018 | review opposition, draft reply (3.4) | 3.4 | 350.00 | 1,190.00 |

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| Invoice Balance |
| Total Including Previous Balances |
| Payments Applied |
| Amount Remaining in Trust |
| Current Amount Due |

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 6/4/2018 | 411 |

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|---|
| Bill To |
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|--|----------|--------|--------|
| 5/8/2018 | Filed stamped SAO to continue hearings, scheduled, created NEO for SAO, printed, mailed to brothers (.1), eserved NEO (.2), calendared time to review US Bank docs (.1), filed stamped NEO, called court for pending filings (.1), called Nate with Chase bank x4 for meeting (.4) | 0.9 | 125.00 | 112.50 |
| 5/9/2018 | review notice of appeal (.2); Phone call with Jackie [REDACTED] (.2); Phone call with Jackie regarding [REDACTED] (.4); Go to Chase bank with designation of agency form for check, made to wait (1.3); Review Barney issue on fees (.3) | 2.4 | 350.00 | 840.00 |
| 5/9/2018 | Filed Case Appeal Statement to computer, (.1) filed Notice of Appeal to computer (.1), filed Response to Combined Opposition to computer (.1), called Nate at Chase bank, emailed about meeting (.2), emailed client [REDACTED] [REDACTED], emailed Nate at Chase (.4), called Intelligent Office for client letter x2 (.2), filed Designation of Agent to computer, bate stamped (.1), called Nate at Chase (.1), filed signed Verification to computer, printed (.1), filed Barney letter to computer (.1), scanned and filed to computer and hard copy the JPMorgan Chase letter (.1) | 1.2 | 125.00 | 150.00 |
| 5/10/2018 | Review Payne letter regarding chase account (.1); Review docket for opposition to sanctions, review level of compliance with order (.3); Phone call with client (.3) | 0.7 | 350.00 | 245.00 |
| 5/11/2018 | Draft letter to Payne regarding accounting (.3); Review cost bond (.1); Correspondence regarding appointments for accounts in LV (.2) | 0.6 | 350.00 | 210.00 |

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| Invoice Balance |
| Total Including Previous Balances |
| Payments Applied |
| Amount Remaining in Trust |
| Current Amount Due |

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 6/4/2018 | 411 |

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|---|
| Bill To |
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|---|----------|--------|--------|
| 5/11/2018 | Filed Notice of Posting Cost Bond to computer (.1), emailed client [REDACTED] (.1), created paralegal letter to Payne (.8), efiled and served Errata to Response (.1), emailed and faxed paralegal letter to opposing counsel (.1), called Wells Fargo for meeting, left message (.1), creating Supplement for Reply (.2), emailed client [REDACTED] scheduled (.1), efiled and served Supplement (.1), called client about [REDACTED], called Nationwide for Certified Copies for Wells Fargo (.2) | 1.9 | 125.00 | 237.50 |
| 5/14/2018 | Correspondence with client regarding [REDACTED] (.2); Phone call with client (.2) | 0.4 | 350.00 | 140.00 |
| 5/14/2018 | Emailed Intelligent Office the Petition to Confirm Trustee, Order Granting Petition, and Trust to print (.2), filed Supplement to Response to computer, created COS for Reply to Omnibus Opposition and Supplement, printed Reply and Supplement, mailed to brothers, efiled and served COS (1.1), Nationwide order to Certify Petition and Order to Confirm Successor Trustee, and order to drop off documents to Wells Fargo (.1), filed stamped COS to computer (.1), called Sun Cities for accounts, VM (.1), filed Sun Cities email to computer (.1), called Wells Fargo for accounts (.8) | 2.5 | 125.00 | 312.50 |
| 5/15/2018 | Review and Respond to Barney firm request for fees (.3); Prepare for tomorrows hearing (.9) | 1.2 | 300.00 | 360.00 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 6/4/2018 | 411 |

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|---|
| Bill To |
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|--|----------|--------|----------|
| 5/15/2018 | Filing US Bank subpoena response CD to computer, called Wells Fargo, left VM (.3), printed US Bank response, combined with rest of response, bates stamped, updated Master Exhibit list (.3), scanned and filed Chase cashier's check notice to computer (.1), field hard copies of JPMorgan Chase letter, Barney letter, Wells Fargo subpoena, US Bank subpoena response, Sun Cities subpoena response, SAO to Continue Hearings, Affidavits of Service, Powell letter, Designation of Agent, and Chase cashier's check notice, called Wells Fargo for subpoena (.2), called Wells Fargo for subpoena, left VM (.1) | 1 | 125.00 | 125.00 |
| 5/16/2018 | Phone calls with Jackie (.2); Meeting with Jackie, [REDACTED] (1.1); Prepare status arguments for court (.3); Attending hearing (0.8); Phone call with client regarding [REDACTED] (.2); Phone call with client to discuss [REDACTED] (.5); Review [REDACTED] documents provided by Jackie, correspondence [REDACTED] (.2); Review and respond to Payne letter regarding checks written from the frozen account (.2); Assign creditor list gathering to Sarah (.2); Review US Bank statements, and notes to file (.5) | 4.2 | 350.00 | 1,470.00 |
| 5/16/2018 | Called Wells Fargo for subpoena x (.5), creating letters for opposing counsel re: US Bank subpoena response, served (.4), filed Affidavit of Service for Chase (.1) | 1 | 125.00 | 125.00 |
| 5/17/2018 | Review video of hearing (1.1); Emails with Christian (.2) | 1.3 | 300.00 | 390.00 |
| 5/17/2018 | Filed yesterday's hearing video, emailed [REDACTED] client (.1), watching hearing video for judge's quote on injunction (.6), creating spreadsheet for creditors (1.7), called Barney's office for Certified Death Certificate (.1), filed Payne letter re: check to computer (.1), creating Errata to oral argument (.6), called Nationwide about Death Certificate (.2), created letter for Death Certificate (.3), emailed Powell hearing video (.1), editing letter for Death Certificate (.1) | 3.9 | 125.00 | 487.50 |

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| Invoice Balance |
| Total Including Previous Balances |
| Payments Applied |
| Amount Remaining in Trust |
| Current Amount Due |

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 6/4/2018 | 411 |

| Bill To |
|---|
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|---|----------|--------|----------|
| 5/18/2018 | Collaborate with Sarah on deposition notices and dates (.8); Edits to Death Certificate Letter (.2); Emails with Client regarding [REDACTED] (.4); Review Photo's of the home | 1.2 | 350.00 | 420.00 |
| 5/18/2018 | Creating Subpoena Duces Tecum for Michael Payne, Nationwide served to Michael both subpoena and deposition, scheduled deadlines (1.7), created depositions for Susan, Rosemary, Raymond Jr, and Michael, called Intelligent Office for office rooms, eserved depositions and subpoena to opposing counsel (.8) | 2.5 | 100.00 | 250.00 |
| 5/20/2018 | Research and Drafting of Brief upon invitation of the Court (4.2) | 4.2 | 350.00 | 1,470.00 |
| 5/21/2018 | Research Section 1983 claim, basis for emergency injunction (.6); Review Notice from NVSC (.2) | 0.8 | 350.00 | 280.00 |
| 5/21/2018 | Correspondence with client, [REDACTED] (.6); Correspondence with Jacqueline regarding [REDACTED] (.1); Email with Joey Powell regarding deposition and new chase accounts (.3) | 1 | 350.00 | 350.00 |
| 5/21/2018 | Bate stamped pictures (.7). Nationwide order for Death Certificate (.2), filed NV Supreme Court receipt for documents (.1), called Wells Fargo for subpoena (.1), called Chase about subpoena response, VM (.1), called Wells Fargo subpoena department (.2), called Sam's Club subpoena department (.1), created Memo to File, called Michael's attorney, left message for meeting (.2), called Payne's office for deposition times (.1) | 1.8 | 125.00 | 225.00 |
| 5/22/2018 | Phone call with Michael Payne (.4); Assign Sarah additional subpoena duties (.3) | 0.7 | 350.00 | 245.00 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 6/4/2018 | 411 |

| Bill To |
|---|
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|---|----------|--------|----------|
| 5/22/2018 | Called Payne's office for depositions (.1), called Wells Fargo Stephanie Proano and Legal Processing Department (.7), emailed Wells Fargo for documents (.3), called JPMorgan Chase, VM (.3), called Sam's Club x2, VM (.2), called Michael's attorney, scheduled phone call (.2), called Intelligent Office for office change, scheduled, created Notices of Deposition for Michael, Raymond Jr, Rosemary and Susan, efiled and served, printed and mailed to brothers (1.5), filed Notice of Depositions to computer (.1) | 2.4 | 125.00 | 300.00 |
| 5/23/2018 | Emails with JU regarding [REDACTED] (2); Review Chase response (.2); Phone call with settlement judge (.3); Draft Order (.3); Phone call with JU regarding [REDACTED] (.4); Additional research and edits to draft of Brief (3.7) | 4.8 | 350.00 | 1,680.00 |
| 5/23/2018 | Called Sam's Club and JPMorgan Chase (.3), creating proof to fax to JPMorgan Chase (.2), faxed JPMorgan Chase (.2), faxed Sam's Club/Walmart (.4), creating Notice of Creditors to Cary Payne and Monte Reason x4 (.4), called Chase and Sam's club about faxes (.4), faxed Sam's Club subpoena to Synchrony Financial (.1), called Costco, Fidelity Guarantee Life for subpoena info (.3), edited Notices to Creditors (.2) | 2.5 | 125.00 | 312.50 |
| 5/24/2018 | Finalize Brief draft (6.3); Review and respond to changed order for Christian (.2) | 6.3 | 350.00 | 2,205.00 |
| 5/24/2018 | Filed Chase accounts picture to computer, bates stamped (.1), finding addresses to creditors (2.3), creating Notice of Creditors from spreadsheet (1.1), Review pleading and hearings for references to independent trustee (.8) | 4.3 | 125.00 | 537.50 |
| 5/25/2018 | Review Chase statements [REDACTED] (.1); Email client regarding [REDACTED] (.3); Review initial documents produced by Michael Payne (.5); Review and respond to Cary Payne letter regarding depositions (.2) | 1.1 | 350.00 | 385.00 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 6/4/2018 | 411 |

| Bill To |
|---|
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|--|----------|--------|--------|
| 5/25/2018 | Called Michael for subpoena response, emailed him shared folder (.2), called Costco for subpoena address (.2), called Fidelity Guarantee Life for subpoena address, called Foresters Financial (.2), creating subpoenas for Costco, Fidelity and Foresters (.2), filed letters from Payne's office (.1), proofread Brief (.7), filed Chase Stop Payments Confirmation Notice to computer, bated stamped (.1), called Chase for response (.3), efiled and served Brief (.1), filed Brief to computer (.1) | 2.2 | 125.00 | 275.00 |
| 5/29/2018 | Collaborate with Sarah on Subpoenas (.3) | 0.3 | 350.00 | 105.00 |
| 5/29/2018 | Called Chase, Synchrony Bank about subpoena (.7), called Nationwide about Death Certificate (.1), scanned and filed driver's license, dropbox link to Nationwide (.2), edited subpoenas to Costco, Fidelity and Foresters (.7), printed and mailed subpoenas (.5), efiled subpoenas, created COS, efiled and served COS, calendared subpoena response deadline (.3), field Wells Fargo letter (.1), emailed Wells Fargo, called about their letter deadline, faxed letter and subpoena to Wells Fargo (.3), field COS to computer (.1), creating Notices to Creditors (.7) | 3.7 | 125.00 | 462.50 |
| 5/30/2018 | Review research notice to beneficiaries to cut off liability for undue influence claims (.4); Phone call with Wells Fargo subpoena response group (.2); Review Chase documents produced in response to subpoena (.4) | 0.6 | 350.00 | 210.00 |
| 5/30/2018 | Scanned and filed Chase subpoena response, created 2nd folder for case, filed hard copies, bated stamped (.7), edited Notices to Creditors (2.1), called Nationwide for Death Certificate Order (.1) | 2.9 | 125.00 | 362.50 |
| 5/31/2018 | Filed 2nd Affidavit of Service to Chase to computer (.1), created subpoena for Wells Fargo investments (.4), called Wells Fargo for investment name (.2), filed hard copies of client verification, Supreme court receipt of docs, Chase Affidavit of Service (.1) | 0.8 | 125.00 | 100.00 |
| 5/8/2018 | Postage & Mailings | 4 | 0.50 | 2.00 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 6/4/2018 | 411 |

| Bill To |
|---|
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|---|----------|--------|--------|
| 5/8/2018 | Print Costs | 14 | 0.25 | 3.50 |
| 5/9/2018 | Print Costs | 1 | 0.25 | 0.25 |
| 5/9/2018 | Print Costs | 2 | 0.25 | 0.50 |
| 5/14/2018 | Postage & Mailings | 8 | 0.50 | 4.00 |
| 5/14/2018 | Print Costs | 90 | 0.25 | 22.50 |
| 5/22/2018 | Postage & Mailings | 2 | 0.50 | 1.00 |
| 5/22/2018 | Print Costs | 24 | 0.25 | 6.00 |
| 5/23/2018 | Postage & Mailings | 2 | 0.50 | 1.00 |
| 5/23/2018 | Print Costs | 2 | 0.25 | 0.50 |
| 5/29/2018 | Postage & Mailings | 7 | 0.50 | 3.50 |
| 5/29/2018 | Print Costs | 65 | 0.25 | 16.25 |
| 5/3/2018 | Service Fees for Personal Service Subpoenas | | 439.88 | 439.88 |
| 5/8/2018 | Filing Fees | | 3.50 | 3.50 |
| 5/9/2018 | Filing Fees | | 3.50 | 3.50 |
| 5/11/2018 | Filing Fees | | 3.50 | 3.50 |
| 5/14/2018 | Filing Fees | | 3.50 | 3.50 |
| 5/16/2018 | Parking | | 3.00 | 3.00 |
| 5/21/2018 | Filing Fees | | 3.50 | 3.50 |
| 5/22/2018 | Filing Fees | | 3.50 | 3.50 |
| 5/22/2018 | Filing Fees | | 3.50 | 3.50 |
| 5/22/2018 | Filing Fees | | 3.50 | 3.50 |
| 5/22/2018 | Filing Fees | | 3.50 | 3.50 |
| 5/24/2018 | Flight for Depositions | | 35.00 | 35.00 |
| 5/24/2018 | Flight for Depositions | | 188.40 | 188.40 |
| 5/25/2018 | Filing Fee | | 3.50 | 3.50 |
| 5/29/2018 | Filing Fee | | 3.50 | 3.50 |
| 6/2/2018 | Christian Runner/Service Fees | | 153.47 | 153.47 |
| | Total Reimbursable Expenses | | | 858.25 |

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|--|-------------|
| Invoice Balance | \$19,461.75 |
| Total Including Previous Balances | \$71,565.43 |
| Payments Applied | 0.00 |
| Amount Remaining in Trust | 0.00 |
| Current Amount Due | 71,565.43 |

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 7/3/2018 | 426 |

| |
|---|
| Bill To |
| Jacqueline Utkin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|---|----------|--------|----------|
| 4/30/2018 | Emailed Payne and called office for SAO (.2), called client [REDACTED] (.2), filed Sun Cities Affidavit of Service (.1) | 0.5 | 125.00 | 62.50 |
| 5/1/2018 | Phone call with David Grant (.1); Notes from meeting (.2); Research NRS 15.190(1)(h) updated decisions for appellate timing (.8); | 1.1 | 350.00 | 385.00 |
| 6/1/2018 | Created response letter for Chase, eserved to opposing counsel (.3) | 0.3 | 125.00 | 37.50 |
| 6/4/2018 | Review Notice to File Docketing statement (.1); Draft NRS 164.021 Letter, Review Trust for Special Notice Provisions (.8); | 0.9 | 350.00 | 315.00 |
| 6/4/2018 | Filed Supreme Court Motion to File Docketing Statement, scheduled deadline (.1), reserved Wells Fargo subpoena, printed, mailed to brothers, created COS, efiled and served COS (.5), filed COS to computer (.1), called Nationwide about Death Certificate (.1), emailed Nationwide for about Death Certificate (.1), creating Request for Status Hearing, efiled and served (.8), emailed court reporter for depositions (.4), emailed Payne for documents (.1) | 1.3 | 125.00 | 162.50 |
| 6/5/2018 | Review court orders (.3) Emails with client (.2); Phone call with client regarding [REDACTED] (.2); Review Court's Research and Drafting of Writ (10.2) | 10.7 | 350.00 | 3,745.00 |
| 6/5/2018 | Contacted court reporter for depositions (.1), Crafted individual Notice to Beneficiaries letters based on attorney instructions, called Rushforth for addresses, printed letters, created and printed Certified labels (3.0), emailed Michael Payne request for additional documents and Myles Notice to Beneficiaries letter(.1), filed Payne's letter re Order, edited Omnibus | 3.2 | 125.00 | 400.00 |
| 6/6/2018 | Continue Research, review of record and Draft for Writ (8.9) | 8.9 | 350.00 | 3,115.00 |
| 6/6/2018 | Emailed Michael Payne about Legal Wings (.1), going through hearing videos and pleadings for Fredrick Waid, filed 2 Orders from the court and NEOs to computer (4.6), emailed Legal Wings for pickup (.1) | 4.8 | 125.00 | 600.00 |

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| Invoice Balance |
| Total Including Previous Balances |
| Payments Applied |
| Amount Remaining in Trust |
| Current Amount Due |

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 7/3/2018 | 426 |

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|---|
| Bill To |
| Jacqueline Utkin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|--|----------|--------|----------|
| 6/7/2018 | Continue Research, review of record and Draft for Writ (6.4) | 6.4 | 350.00 | 2,240.00 |
| 6/7/2018 | Called Wells Fargo for subpoena progression (UNBILLED.1), bate stamped Death Certificate, called UMC and St. Rose Dominican Hospital for balances (.4), filed Michael Payne documents and Legal Wings invoice to computer, emailed Legal Wings (.2), called Certified Labels for receipts of Notice of Trustee (.1), called Wells Fargo for letter (.2), emailed court reporter for hearing video (.1), filed NV Supreme Court docketing statement and exhibits to computer (.1) | 1.1 | 125.00 | 137.50 |
| 6/8/2018 | continue draft of Writ (4.1) | 4.1 | 350.00 | 1,435.00 |
| 6/10/2018 | Finalize Writ (3.3) | 3.3 | 350.00 | 1,155.00 |
| 6/11/2018 | Review letter, prepare outline (.2); Email client [REDACTED] (.1); Email Joey Powell regarding Writ and ask if he will do a Joinder (.1); Email with Trustee regarding [REDACTED] (.1); Edits to Writ before filing and in response to NVSC rejections (1.0); Email writ parties (.1); Review docketing statement from Payne and notice cross appellant (.2); Start Draft of Motion for Stay pending Writ (1.3) | 3.1 | 350.00 | 1,085.00 |
| 6/11/2018 | Called Barney's office for Wells Fargo subpoena (UNBILLED.1) Creating Appendix Volume 1 and 2 (.6), Initial draft, Response letter to Payne (.1), emailed court reporter recent pleading (.1), bate stamped Michael Payne's subpoena response documents (.2), emailed Joey and Cary unstamped Writ (.1) | 1.1 | 125.00 | 137.50 |
| 6/12/2018 | Correspondence with Jacqueline regarding [REDACTED] (.3); Edits to Appendix for Writ (.4); Email Barney firm regarding attorney lien and again request file (.1); Edits to Stay (.5); Review safety deposit box information, quick search for values (.6); Review and respond to trustee email [REDACTED] (.3) | 2.2 | 350.00 | 770.00 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 7/3/2018 | 426 |

| Bill To |
|---|
| Jacqueline Utkin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|--|----------|--------|----------|
| 6/12/2018 | Calendared court reporter hearing transcript (.1); filed Petition for created two nationwide orders to deliver Writ, called NV Supreme Court about hearing video (.6), separating Appendix's to file, reviewing/redacting documents for confidential information/sensitive information, filed Appendix with NV Supreme Court (1.9), filed Affidavit of Service to Michael Payne and Wells Fargo, filed Certified Mail receipts to Christopher and Myles, printed receipts, filed USPS Certified Mail signature (.2), filed Appendix Volume 1 to computer (.1), filed Appendix Volume 2 to computer (.1), Review/proofread Petition for Emergency Stay (.3) | 3.3 | 125.00 | 412.50 |
| 6/13/2018 | Review Forrester's response (.3); Review order from NVSC (.2); Emails with JU (.2); Review whether inclusion requires a response to NVSC, or whether trust will have to file responsive notices (.8); Prepare Notice of Writ (.2) | 1.7 | 350.00 | 595.00 |
| 6/13/2018 | Called court re OST (.2), filed Forester's Financial subpoena response, bated stamped (.1), created subpoena response letter for Forester's Financial, served to opposing counsel (.2), combined Notice of Writ WE, efiled and served (.2) | 0.7 | 125.00 | 87.50 |
| 6/14/2018 | Correspondence with JU regarding [REDACTED] (.3); Review synchrony bank responses (.1); Draft responsive letter to Payne (.5); Prep NRAP 9(1)(A) Notice to other counsel (.2); Check court reporter (.1); Review costco notice (.1); Phone call to Joey Powell regarding Writ and Meeting (.2); Research grounds for motion (.5); Draft Motion to File video with appendix (.6); Review Trust Financials and discovery documents in preparation for depositions (2.1) | 4.7 | 350.00 | 1,645.00 |
| 6/14/2018 | Filed Notice of Writ (.1), scanned letter to opposing counsel, filed to computer, faxed and emailed to opposing counsel (.3), emailed court reporter on status (.1), creating COS for Petition and Notice of Writ (.2) | 0.7 | 125.00 | 87.50 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 7/3/2018 | 426 |

| Bill To |
|---|
| Jacqueline Utkin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|--|----------|--------|----------|
| 6/15/2018 | Arrange for transcripts to be prepared from hearing for Writ (.5) | 0.5 | 125.00 | 62.50 |
| 6/15/2018 | Correspondence with Cary Payne regarding depositions (.2); Additional Correspondence with Cary Payne regarding depositions (.4); | 0.6 | 350.00 | 210.00 |
| 6/18/2018 | Direct assistant to cancel depositions (.1); Prepare transcript notice (.3); Draft Application for OST (.4); Phone call with JU (.3); Phone call with Wells Fargo legal regarding subpoena (UNBILLED .2); Phone call with Joey Powell regarding failure of the parties to attend the depositions (.4); Review Special Notice, direct Sarah (.2); Review writ for supplements to record (.4) | 2.1 | 350.00 | 735.00 |
| 6/18/2018 | Called Nationwide about Order to Stay, called court, Denise said she was filing an order for it (.3), printed and filed Susan's Certified Mail receipt to computer (.1), printed Requests for Transcript and mailed to Ochoa, Tommy and Christopher (.2), called Nationwide to send runner to pick up document (.1), emailed court reporter about cancelled deposition (.1), called Michael Payne's attorney for deposition (.1), cancel depo rooms (.1), called court about order (.2), called Utkin [REDACTED] (.1), filed COS Supplement (.1), filed Notice to Provide Proof of Service, scheduled deadline (.1), filed Request for Special Notice (.1), called Payne's office for Raymond Jr's address (.1), filed Costco subpoena response to computer and Receipt for Documents (.1) | 1.8 | 125.00 | 225.00 |
| 6/19/2018 | Research & draft Emergency Motion for Stay before NVSC (5.6); Edits based on discovery of Court Order(1.2) | 6.8 | 350.00 | 2,380.00 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 7/3/2018 | 426 |

| Bill To |
|---|
| Jacqueline Utkin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|--|----------|--------|----------|
| 6/19/2018 | Printed Emergency Petition for Stay Pending Writ, filed Motion to file video as part of appendix, printed Petition for Writ, filed receipt, scheduled (1.8), printed Appendix, put hearing on CD's, emailed Ochoa clerk about Petition for Stay, emailed Payne's attorney's office about deposition, created FedEx shipping label, printed labels(1.9), filed Docketing Statement to computer, edited COS's, created Notice of Cancellation of Deposition (.4) | 4.1 | 125.00 | 512.50 |
| 6/20/2018 | Review Wells Fargo emails and responses (UNBILLED .3); Email with JU (.2); Edits to creditor letter (.1); | 0.3 | 350.00 | 105.00 |
| 6/20/2018 | Filed Emergency Motion to Stay to computer, printed and printed Notice of Writ and mailed to Tommy and Christopher, created Nationwide order, emailed Payne Omnibus Order, FedEx documents to brothers (1.7), emailed follow-up to Payne's attorney, efiled and served COS for Petition of Writ and Notice of Petition, filed both to computer (.3), created chart for Certified mailings (.3), created letters to UMC and St. Rose for authorization (.4), created Supplemental COS for Emergency Motion, efiled with NV Supreme Court (.4), filed COS to computer (.1), filed Payne letter (.1), filed Request for Special Notice to computer (.1), edited Certified Mail chart (.1) | 3.5 | 125.00 | 437.50 |
| 6/21/2018 | Review options for obtaining compliance with depositions (.UNBILLED .4); Contact client regarding [REDACTED] (.3); Edits to Wells Fargo Subpoena (UNBILLED .3); Phone call with Cary Payne, EDCR 2.34 (.2); Draft Motion to Compel (2.6); Review denial of Writ (.2); Email client regarding [REDACTED] (.1); Draft Supplement to Hearing (1.2) | 4.6 | 350.00 | 1,610.00 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

Jeremy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 7/3/2018 | 426 |

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|---|
| Bill To |
| Jacqueline Utkin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|---|----------|--------|--------|
| 6/21/2018 | Called NV Supreme Clerk about Emergency Stay (.1), called FedEx for pickup (.3); Editing Synchrony bank and Wells Fargo bank subpoenas, called Wells Fargo, created Memo to File (UNBILLED 2.1); Updated File with Supplement for Hearing to computer (.1), filed order denying Petition for Writ to computer, printed, mailed to Tommy and Christopher (.1), Nationwide order to pick up Omnibus order, emailed Payne's office (.1), faxed Wells Fargo proof of accounts (.2), filed Wells Fargo response letter (.1) | 1 | 125.00 | 125.00 |
| 6/22/2018 | Continue draft of Supplement (2.3) | 2.3 | 350.00 | 805.00 |
| 6/22/2018 | Emailed Payne for Raymond Jr.'s address (.1), called court about transcript payment, VM (.1), called client for [REDACTED] (.3) | 0.5 | 125.00 | 62.50 |
| 6/25/2018 | Email with counsel for Michael Payne in Divorce action (.2); Review Supplement provided by Monte Reason (.2); Phone call with Joey Powell regarding supplement, Joinder, and upcoming hearing (.4) | 0.8 | 350.00 | 280.00 |
| 6/25/2018 | Filed Supplement to computer (.1), created Memo to File (.1), filed Wells Fargo response letters to computer (UNBILLED .1), Update file with Memorandum Denying Petition for Stay to computer, emailed Joey for meeting (.1), created COS for Supplement of Hearing, printed Supplement x3, mailed to Tommy, Christopher, and Michael, efiled and served COS (.5), emailed Joey, scheduled phone call (.1), updated Inquiry of Balances letter (.1), emailed Payne's attorneys office for confirmation (.1), filed COS to computer (.1) | 1.3 | 125.00 | 162.50 |
| 6/26/2018 | Email with Client regarding [REDACTED] (.1) | 0.1 | 350.00 | 35.00 |
| 6/26/2018 | Filed Joinder to computer (.1), filed Wells Fargo subpoena response letters (.1) | 0.2 | 125.00 | 25.00 |
| 6/27/2018 | Emails with Barney Firm regarding settlement conference updates (.2); Review transcript notice (.1); Review WF notices (UNBILLED .2); | 0.3 | 350.00 | 105.00 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 7/3/2018 | 426 |

| |
|---|
| Bill To |
| Jacqueline Utkin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|--|----------|--------|--------|
| 6/27/2018 | Filed Certification of Transcripts to computer, printed, mailed to Tommy and Christopher. Nationwide order to pick up final billing and transcript from court (-4) | 0.4 | 125.00 | 50.00 |
| 6/28/2018 | Prepare for hearing, review party supplements (1.1); Attend hearing, including travel (1.2); | 2.3 | 350.00 | 805.00 |
| 6/4/2018 | Postage & Mailings | 4 | 0.50 | 2.00 |
| 6/4/2018 | Print Costs | 18 | 0.25 | 4.50 |
| 6/5/2018 | Postage & Mailings | 1 | 0.50 | 0.50 |
| 6/5/2018 | Print Costs | 31 | 0.25 | 7.75 |
| 6/6/2018 | Postage & Mailings | 2 | 0.50 | 1.00 |
| 6/6/2018 | Postage & Mailings | 1 | 0.50 | 0.50 |
| 6/6/2018 | Express Runner Fee | 1 | 55.00 | 55.00 |
| 6/6/2018 | Print Costs | 9 | 0.25 | 2.25 |
| 6/6/2018 | Print Costs | 9 | 0.25 | 2.25 |
| 6/7/2018 | Print Costs | 93 | 0.25 | 23.25 |
| 6/14/2018 | Postage & Mailings | 13 | 0.50 | 6.50 |
| 6/14/2018 | Print Costs | 30 | 0.25 | 7.50 |
| 6/4/2018 | Christian Family Trust | | 3.50 | 3.50 |
| 6/5/2018 | Certified Mailing Postage | | 6.37 | 6.37 |
| 6/5/2018 | Certified Mailing Postage | | 4.87 | 4.87 |
| 6/5/2018 | Certified Mailing Postage | | 4.87 | 4.87 |
| 6/5/2018 | Certified Mailing Postage | | 4.87 | 4.87 |
| 6/5/2018 | Certified Mailing Postage | | 4.87 | 4.87 |
| 6/5/2018 | Certified Mailing Postage | | 4.87 | 4.87 |
| 6/13/2018 | Writ Filing Fee | | 250.00 | 250.00 |
| 6/13/2018 | Certified Mailing Postage | | 5.29 | 5.29 |
| 6/13/2018 | Certified Mailing Postage | | 5.29 | 5.29 |
| 6/13/2018 | Certified Mailing Postage | | 5.29 | 5.29 |
| 6/13/2018 | Certified Mailing Postage | | 5.29 | 5.29 |
| 6/14/2018 | Filing Fee | | 3.50 | 3.50 |
| 6/18/2018 | Hearing Transcripts | | 265.53 | 265.53 |
| 6/19/2018 | Filing Fee | | 3.50 | 3.50 |
| 6/20/2018 | Filing Fee | | 3.50 | 3.50 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| | |
|-----------------|------------------|
| Date | Invoice # |
| 7/3/2018 | 426 |

| |
|---|
| Bill To |
| Jacqueline Utkin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|-----------------------------|----------|------|--------|
| 6/20/2018 | Filing Fee | | 3.50 | 3.50 |
| 6/25/2018 | Filing Fee | | 9.50 | 9.50 |
| 6/25/2018 | Filing Fee | | 3.50 | 3.50 |
| 6/28/2018 | Parking | | 3.00 | 3.00 |
| | Total Reimbursable Expenses | | | 600.91 |

| | |
|--|-------------|
| Invoice Balance | \$28,056.41 |
| Total Including Previous Balances | \$99,621.84 |
| Payments Applied | 0.00 |
| Amount Remaining in Trust | \$5,000.00 |
| Current Amount Due | \$99,621.84 |

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|-----------|-----------|
| 7/31/2018 | 438 |

| |
|---|
| Bill To |
| Jacqueline Utkin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|--|----------|--------|--------|
| 7/2/2018 | Updated file with hearing video to computer. called court about site, emailed [REDACTED] client (.8), updated computer file with Nationwide invoice, copy of Final Billing of Expedited Transcripts and May 16th Transcript (.1), updated computer file with response letters from Wells Fargo (.1) | 1 | 125.00 | 125.00 |
| 7/3/2018 | Draft Proposal letter (.9); [REDACTED] (.1); Phone call with JU (.4) | 1.4 | 350.00 | 490.00 |
| 7/3/2018 | Called client [REDACTED] (.1), printed invoice, scanned and updated computer file with letter and invoice, dropped off at Post Office as Certified Mail, scanned and filed receipt and Certified Mail receipt (.7), updated computer file with Legal Wings receipt (.1) | 0.9 | 125.00 | 112.50 |
| 7/5/2018 | Finalize settlement letter to beneficiaries (.5); Review and respond to proposed order, including review of video (.9) | 1.4 | 350.00 | 490.00 |
| 7/5/2018 | Updated file with hard copies of Wells Fargo and Costco letters, Notice to Provide Proof of Service, Receipt for Documents and Memorandum (.1), updated computer file with unstamped Omnibus Order, efiled (.1), proofread letter to Beneficiaries (.3), editing letter, emailed [REDACTED] client, called client (.2), updated computer file with Omnibus Order, created NEO, efiled (.1), emailed and faxed letter to opposing counsel (.1), updated computer file with NEO, printed, mailed to Tommy, Christopher, and Michael (.3), created and edited billing letters (.1), printed, mailed and emailed [REDACTED] to client (.1) | 1.4 | 125.00 | 175.00 |
| 7/6/2018 | Called Payne's office about fax number problems (.1) | 0.1 | 125.00 | 12.50 |
| 7/7/2018 | Review notice of intent to lien, [REDACTED] (.1); Settlement communication with Cary Payne (.4); | 0.5 | 350.00 | 175.00 |
| 7/9/2018 | Updated computer file with Wells Fargo letter (.1), filed hard copies of Wells Fargo letter (.1) | 0.2 | 125.00 | 25.00 |
| 7/11/2018 | Called client re: [REDACTED] (.1) | 0.1 | 125.00 | 12.50 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|-----------|-----------|
| 7/31/2018 | 438 |

| |
|---|
| Bill To |
| Jacqueline Utkin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|---|----------|--------|--------|
| 7/12/2018 | Updated computer file with Fidelity and Guaranty Life subpoena response (.1), updated computer file with unserved Certified Mail receipts for Tommy Christian and Rosemary Keach, printed, updated file with hard copies (.3), scanned and updated computer file with client signed Certified Mail receipt, filed hard copy (.1), filed hard copies of Legal Wings invoice, Wells Fargo letter, Transcript copy, and Omnibus Order (.1) | 0.6 | 125.00 | 75.00 |
| 7/13/2018 | Edits to letter, draft competing Order based on video (.5); Phone call with JU regarding [REDACTED] (.4); Review strategy, evidentiary burdens, proponent, rules of evidence for probate hearings (1.4) | 2.3 | 350.00 | 805.00 |
| 7/13/2018 | Draft first version Competing Order and letter to court (.3), combined Order and letter, emailed to opposing counsel, Nationwide order to court (.1), updated computer file with Notice Scheduling Evidentiary Hearing, scheduled (.1), called client [REDACTED] (.1) | 0.6 | 125.00 | 75.00 |
| 7/16/2018 | Phone call with Joey Powell regarding upcoming hearing (.3) | 0.3 | 350.00 | 105.00 |
| 7/16/2018 | Updated computer file with Settlement letter from Payne (.1), updated computer file with Wells Fargo response documents (.3) | 0.4 | 125.00 | 50.00 |
| 7/17/2018 | Updated computer file with Notice in Lieu of Remitter (.1) | 0.1 | 125.00 | 12.50 |
| 7/19/2018 | Emailed client [REDACTED] (.1) | 0.1 | 125.00 | 12.50 |
| 7/24/2018 | Review order signed by judge (.2) | 0.2 | 350.00 | 70.00 |
| 7/24/2018 | Called court about competing order, scheduled hearing (.1) | 0.1 | 125.00 | 12.50 |
| 7/26/2018 | Review of strategy for trial (.4) | 0.4 | 300.00 | 120.00 |
| 7/26/2018 | Updated computer file with NEO (.1) | 0.1 | 125.00 | 12.50 |
| 7/30/2018 | Draft Motion for Reconsideration (1.4) | 1.4 | 350.00 | 490.00 |
| 7/30/2018 | Contacted court regarding telephonic testimony, memo (.2); Update file with Fidelity & Guarantee life letter, WF letter, Notice of Evidentiary hearing (.1) | 0.3 | 125.00 | 37.50 |
| 7/31/2018 | Edit, proofread, file Motion for Reconsideration (.2, UNBILLED .6); Print and mail motion (.3) | 0.5 | 125.00 | 62.50 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

| Date | Invoice # |
|-----------|-----------|
| 7/31/2018 | 438 |

| |
|---|
| Bill To |
| Jacqueline Utkin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|-----------------------------|----------|------|--------|
| 7/3/2018 | Print Costs | 8 | 0.25 | 2.00 |
| 7/5/2018 | Postage & Mailings | 8 | 0.50 | 4.00 |
| 7/5/2018 | Print Costs | 27 | 0.25 | 6.75 |
| 7/12/2018 | Print Costs | 4 | 0.25 | 1.00 |
| 7/5/2018 | Filing Fee | | 3.50 | 3.50 |
| 7/5/2018 | Filing Fee | | 3.50 | 3.50 |
| | Total Reimbursable Expenses | | | 7.00 |

| | |
|--|---------------------|
| Invoice Balance | \$3,578.25 |
| Total Including Previous Balances | \$103,200.09 |
| Payments Applied | 0.00 |
| Amount Remaining in Trust | \$5000.00 |
| Current Amount Due | \$103,200.09 |

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 9/1/2018 | 452 |

| |
|---|
| Bill To |
| Jacqueline Utkin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|--|----------|--------|----------|
| 8/2/2018 | Email with client [REDACTED] (.3); Review E Hearing Strategy (.6); Review client email [REDACTED] (.1) | 1 | 350.00 | 350.00 |
| 8/2/2018 | Called Legal Wings for payment, updated computer file with invoice (.2), updated computer file with Foresters Financial Statement of Claim for Death Benefits (.1), created trial disclosures (1.2) | 1.5 | 125.00 | 187.50 |
| 8/6/2018 | edited Pre-Trial Memorandum (.6) | 0.6 | 125.00 | 75.00 |
| 8/7/2018 | Called court about blind brief, created Memo to file (.1), created Notice of Telephonic Appearance (.3), emailed probate court about blind brief (.1), edited Pre-Trial Memorandum (1.0) | 1.5 | 125.00 | 187.50 |
| 8/8/2018 | Work on pre-hearing brief (.5) | 0.5 | 350.00 | 175.00 |
| 8/8/2018 | Created Notice of Telephonic Appearance, efiled (.2), Edited billing/status letters (.1), edited Pre-Trial Memorandum (.6), updated computer file with Notice of Telephonic Appearance, printed, mailed (.5), printed mailed and emailed letter (.3) | 1.7 | 125.00 | 212.50 |
| 8/13/2018 | Updated computer file with DFS Lost Policy Results, bate stamped (.1), updated computer file with Opposition to Motion to Reconsider Countermotion (.1), updated computer file with Voya email, bate stamped (.1), going to Office Depot for Trial Binders (.7), printed Pre-Trial Memorandum docs, scanned receipt (.3) | 1.3 | 125.00 | 162.50 |
| 8/14/2018 | Printed Pre-Trial exhibits, created Trial binders (4.7) | 4.7 | 125.00 | 587.50 |
| 8/14/2018 | Emailed Probate court re: Briefs (.1), proofread Reply to Opposition to Motion for Reconsideration, efiled and served Reply, printed and mailed (1.0) | 1.1 | 125.00 | 137.50 |
| 8/15/2018 | Review court correspondence regarding briefs (.2) | 0.2 | 350.00 | 70.00 |
| 8/15/2018 | Draft Reply (2.2); Edits to Trial Brief (.8) | 3 | 350.00 | 1,050.00 |
| 8/16/2018 | Proofread and edited Trial Brief (.8), updated computer with Reply to Opposition (.1) | 0.9 | 125.00 | 112.50 |
| 8/20/2018 | Analyze strategy for hearing (1.3); Review Payne brief (| 1.3 | 350.00 | 455.00 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 9/1/2018 | 452 |

| |
|---|
| Bill To |
| Jacqueline Utkin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|--|----------|--------|----------|
| 8/20/2018 | Updated computer file with Pre-Trial Memorandum, emailed client [REDACTED] (.1), Trial binders (1.3), emailed opposing counsel Brief exhibits, updated computer file with Petitioner's Brief, called court re: hearing, trial binders (1.3) | 2.7 | 125.00 | 337.50 |
| 8/21/2018 | Prepare for hearing, review client verified pleadings, outline oral arguments, outline strategy for witnesses (1.9); Emails with client regarding [REDACTED] (.1); Review Order from hearing (.2); Contact Tiffany Barney to discuss appearance for hearing, scope of expected testimony (.3); Review arguments to reflect additional scope, edits (.9); Phone call with Joey Powell regarding Monte Reason's position for hearing (.6); Prep power point (.6); Outline questions for Tiffany Barney and RRS beneficiaries (1.4) | 6 | 350.00 | 2,100.00 |
| 8/21/2018 | Printed and reviewed pleadings' fact statements (2.1), printed added exhibits for Trial binders (1.1) | 3.2 | 125.00 | 400.00 |
| 8/22/2018 | Additional prep for hearing (.5); Attend hearing (2.0); Analysis of result of hearing, grounds for removal (1.1); Correspondence with client regarding [REDACTED] (.2) | 3.8 | 350.00 | 1,330.00 |
| 8/22/2018 | Emailed client [REDACTED] (.1) | 0.1 | 125.00 | 12.50 |
| 8/23/2018 | Called Probate court for video, [REDACTED], emailed client (.2), created Memo to File (.1) | 0.3 | 125.00 | 37.50 |
| 8/27/2018 | Updated computer file with client accounting, created Memo to File (.3), edited client accounting spreadsheet (.2) | 0.5 | 125.00 | 62.50 |
| 8/28/2018 | correspondence with Cary Payne regarding accounting (.2) | 0.2 | 350.00 | 70.00 |
| 8/28/2018 | Updated client's accounting (.4), updated computer file with Payne letter, adding to Final Accounting, bate stamped [REDACTED] docs, updated computer file with 2nd Payne letter and Report and Recommendation, scheduled accounting deadlines (1.5), emailed client [REDACTED] (.1), emailed client (.1) | 2.1 | 125.00 | 262.50 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 9/1/2018 | 452 |

| Bill To |
|---|
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|---|----------|--------|----------|
| 8/29/2018 | Emailed client [REDACTED], updated client accounting spreadsheet (.2), edited spreadsheet, emailed client (.2), updated computer file with accounting docs, updated spreadsheet (.1) | 0.5 | 125.00 | 62.50 |
| 8/30/2018 | Review and list objections to the RR prepared by Payne (.3); Draft Inventory and Accounting, review additional documents needed (5.1 [discount rate to \$125/hr.]) | 5.4 | 125.00 | 675.00 |
| 8/30/2018 | Updated computer file with NEO of Decision/Order (.1), emailed client [REDACTED] (.1), emailed client [REDACTED] (.1), created cover letter re: lien, printed lien letter, cover letter, mailed through Certified Mail (.5) | 0.8 | 125.00 | 100.00 |
| 8/31/2018 | Continue Work on Accounting, detailed (4.7) | 4.7 | 350.00 | 1,645.00 |
| 8/9/2018 | Print Costs | 4 | 0.25 | 1.00 |
| 8/13/2018 | Mileage for travel on behalf of client. | 5.6 | 0.75 | 4.20 |
| 8/13/2018 | Print Costs | 1 | 0.25 | 0.25 |
| 8/14/2018 | Print Costs | 765 | 0.25 | 191.25 |
| 8/15/2018 | Postage & Mailings | 1 | 0.50 | 0.50 |
| 8/15/2018 | Print Costs | 15 | 0.25 | 3.75 |
| 8/17/2018 | Postage & Mailings | 6 | 0.50 | 3.00 |
| 8/17/2018 | Print Costs | 27 | 0.25 | 6.75 |
| 8/20/2018 | Print Costs | 272 | 0.25 | 68.00 |
| 8/21/2018 | Print Costs | 95 | 0.25 | 23.75 |
| 7/31/2018 | Mtn to Recons Filing Fee | | 3.50 | 3.50 |
| 8/4/2018 | Copy Fees | | 30.31 | 30.31 |
| 8/15/2018 | Filing Fee | | 3.50 | 3.50 |
| | Total Reimbursable Expenses | | | 37.31 |

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|--|--------------|
| Invoice Balance | \$11,197.26 |
| Total Including Previous Balances | \$114,397.35 |
| Payments Applied | 0.00 |
| Amount Remaining in Trust | 0.00 |
| Current Amount Due | \$114,397.35 |

Jeremy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|-----------|-----------|
| 10/4/2018 | 461 |

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|---|
| Bill To |
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|--|----------|--------|--------|
| 9/4/2018 | Created Chase account spreadsheet, updated computer file with client documents, emailed client (1.6), scheduled reminder for Final Accounting (.1) | 1.7 | 125.00 | 212.50 |
| 9/5/2018 | Updated computer file with documents [REDACTED] updated accounting spreadsheet, found account income, updated Final Accounting, called client (.9), emailed client, updated computer file with documents (.1), updated Accounting spreadsheets (.7) | 1.7 | 125.00 | 212.50 |
| 9/6/2018 | Updated computer file with Certified Mail receipt (.1) | 0.1 | 125.00 | 12.50 |
| 9/10/2018 | Created RR based on attorney dictation (.7) | 0.7 | 125.00 | 87.50 |
| 9/11/2018 | Updated computer file with trustee docs: plane tickets (.1) | 0.1 | 125.00 | 12.50 |
| 9/12/2018 | Edits to competing RR (.4); | 0.4 | 350.00 | 140.00 |
| 9/14/2018 | Edits to accounting (.4) | 0.4 | 350.00 | 140.00 |
| 9/14/2018 | Created letter to court (.3), scanned and updated computer file with signed letter to court, created Nationwide order, emailed IO (.2) | 0.5 | 125.00 | 62.50 |
| 9/17/2018 | Served RR (.1), emailed client, scheduled phone call (.1), updated computer file with client accounting docs (.4) | 0.6 | 125.00 | 75.00 |
| 9/18/2018 | Phone calls with Jacqueline regarding [REDACTED] (.4); Review documents [REDACTED] (.3) | 0.7 | 350.00 | 245.00 |
| 9/18/2018 | Updated computer file with client accounting docs (.2), emailed client [REDACTED] (.1), edited Chart of Utkin Accounts (1.6), emailed client [REDACTED] (.3), updated computer file with Certificate of Transcripts, Notification of Completion (.1) | 2.3 | 125.00 | 287.50 |
| 9/19/2018 | Review of client emails regarding [REDACTED], compare with spreadsheet, request additional details (.8) | 0.8 | 350.00 | 280.00 |
| 9/19/2018 | Updated computer file with client accounting docs, emailed client (.6), updated Chart of Utkin Accounts (1.2), created Notice of Withdrawal (.8) | 2.6 | 125.00 | 325.00 |
| 9/20/2018 | Emailed client (.1), updated computer file with client account documents, updated chart (.4) | 0.5 | 125.00 | 62.50 |
| 9/21/2018 | Review additional bank statements, accounting details [REDACTED] (.5) | 0.5 | 350.00 | 175.00 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|-----------|-----------|
| 10/4/2018 | 461 |

| Bill To |
|---|
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|---|----------|--------|--------|
| 9/24/2018 | Emails with Jacqueline [REDACTED] (.2); Review and respond to Joey Powell email regarding outstanding bills (.2); Phone call with Jacqueline regarding [REDACTED] (.3) | 0.7 | 350.00 | 245.00 |
| 9/24/2018 | Updated computer file with client documents, bills from opposing counsel, emailed client, updated accounting charts (.8, UNBILLED 7) | 0.8 | 125.00 | 100.00 |
| 9/25/2018 | Emailed client (.1), updated computer file with client docs, updated chart (.8) | 0.9 | 125.00 | 112.50 |
| 9/26/2018 | Review expense list (.2); Correspondence [REDACTED] (.2) | 0.4 | 350.00 | 140.00 |
| 9/26/2018 | Emailed client (.2), worked on accounting chart (.6, UNBILLED .6) | 0.8 | 125.00 | 100.00 |
| 10/2/2018 | Review Memorandum and Complaint (1.2); Correspondence with client (.6) | 1.8 | 350.00 | 630.00 |
| 10/3/2018 | Review hearing notices (.1); Edits to accounting (.4) | 0.5 | 350.00 | 175.00 |
| 10/3/2018 | Updated computer file with Notice of Change of Hearing and Motion for Declaratory Relief, scheduled (.1), updated computer file with opposing counsel Complaint letter (.1) | 0.2 | 125.00 | 25.00 |
| 10/4/2018 | Finalize accounting, reconcile (1.7); Correspondence with JU [REDACTED] (.3) | 2 | 350.00 | 700.00 |
| 10/4/2018 | Updated computer file with Notice of Hearing (.1), updated accounting spreadsheet (.3) | 0.4 | 125.00 | 50.00 |

| | |
|--|---------------------|
| Invoice Balance | \$4,607.50 |
| Total Including Previous Balances | \$119,004.85 |
| Payments Applied | |
| Amount Remaining in Trust | |
| Current Amount Due | |



CARY COLT PAYNE, CHTD.

Attorney at Law

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EXHIBIT "B"



800-843-7348 - SOUSA.COM - 877-843-8443

In the Matter of the Christian Family Trust

Audio Transcription of Hearing

Date: 1/17/2018

Job #: 608764

Court Reporting – Videoconferencing – Trial Presentation – Nationwide Networking

**1013 Garces Avenue | Las Vegas | 89101
702-765-7100**

1 Whether it's insurance costs that are
2 coming up, whether we have any renewals going on.
3 This needs to be done. This is standard stuff for
4 a trustee. So I don't understand why even a few
5 thousand dollars can't be released to pay
6 administrative costs while we're resolving these
7 issues.

8 I just don't want to have property risked
9 regardless of whether they're the beneficiaries or
10 somebody else is. We have six people involved in
11 this trust.

12 THE COURT: I'm going to release 5,000 to
13 an account that you're going to open up for the
14 trust. And it's not for administrative expenses
15 like you mentioned by mistake maybe.

16 MR. KIRSCHNER: Not attorneys' fees.

17 THE COURT: Not attorneys' fees, not
18 administrative fees. It's to save whatever
19 property needs to be saved, whatever bills need to
20 be paid. And you're going to be fully responsible
21 for the accounting for every penny of that 5,000,
22 okay?

23 MR. KIRSCHNER: No problem with that,
24 Your Honor.

25 THE COURT: We don't need more accounting

1 MR. KIRSCHNER: So to confirm, we have
2 jurisdiction of the trust today. This Court is
3 taking jurisdiction. The Court's ordering the
4 accounting for them. They have 45 days in which to
5 provide the accounting.

6 Mr. Payne has seven days, business bank
7 days in which to turn over the \$400,000 plus that's
8 being held in his IOLTA account --

9 THE COURT: Minus the \$6,000 that he's
10 going to give -- 5,000.

11 MR. KIRSCHNER: Six -- was it 6,000 or
12 5,000?

13 THE COURT: Five thousand, I'm sorry.

14 MR. KIRSCHNER: So minus the \$5,000
15 that's going to be distributed to my -- we'll put
16 into an account that my client has to account for
17 whatever funds and administrative cases that are
18 required. They're going to be turning over --

19 THE COURT: Not administrative costs.

20 MR. POWELL: Fees related to the house.

21 MR. KIRSCHNER: Fees related to the
22 homes. I apologize, Your Honor. More narrow on
23 that. And they're going to be providing us
24 substantiating documents related to the accounting,
25 right?



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EXHIBIT PAGE INTENTIONALLY LEFT BLANK

EXHIBIT “F”

Steven D. Grierson

OPPS
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Nevada Bar No. 4357
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(702) 383-9010
carycoltpaynechtd@yahoo.com
Attorney for Petitioners

**DISTRICT COURT
CLARK COUNTY, NEVADA**

| | | | |
|------------------------------|---|------------|---------------|
| In the Matter of |) | Case No.: | P-17-092512-T |
| |) | Dept. No.: | S (Probate) |
| THE CHRISTIAN FAMILY |) | | |
| TRUST u.a.d. 10/11/16 |) | Date: | 11/30/18 |
| |) | Time: | 11:30 AM |
| ~~~~~ |) | | |
| SUSAN CHRISTIAN-PAYNE, |) | | |
| ROSEMARY KEACH AND |) | | |
| RAYMOND CHRISTIAN |) | | |
| |) | | |
| Petitioners, |) | | |
| |) | | |
| -vs- |) | | |
| NANCY I CHRISTIAN, MONTE |) | | |
| REASON and JACQUELINE UTKIN, |) | | |
| |) | | |
| Respondents. |) | | |
| ~~~~~ |) | | |

OPPOSITION TO MOTION REQUESTING PAYMENT

COMES NOW Petitioners, SUSAN CHRISTIAN-PAYNE, ROSEMARY KEACH and RAYMOND CHRISTIAN, original co-trustees and primary beneficiaries (approximately 90%) of The Christian Family Trust u.a.d. 10/11/16, by and through their attorney, CARY COLT PAYNE, ESQ., of the lawfirm of CARY COLT PAYNE, CHTD., hereby submits this Opposition to Motion Requesting Payment (of attorneys fees and costs), which is made and based upon the attached Points and Authorities, Exhibits, pleadings on file to date, and any oral argument that the Court may allow at the time of the hearing.

CARY COLT PAYNE, CHTD.

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I. POINTS AND AUTHORITIES

1. Introduction

As this court is well aware, this litigation has been long protracted by litigation. First it was the issue of whether or not Nancy Christian could replace the original co-trustees, who were signatories to the trust, and primary beneficiaries of the trust res, and rights thereunder. The issue of Monte Reason's original appointment and subsequent nomination has yet to be decided.

Then Nancy Christian died. Monte then nominates Jacqueline Utkin, as trustee, and over the filed objections of the major beneficiaries, confirms her appointment. Utkin and/or her attorney then create even more litigation, useless discovery, none of which benefitted the trust, or its beneficiaries. They issued more than 20 subpoenas, seeking information, none of which returned any new assets, and was a grand waste of time, energy and money. Given that this is a request for the payment of attorney's fees, there is no signed fee agreement attached to the motion.

After certain matters were brought to the court's attention, the court, *sua sponte*, ordered (Order 6/1/18-Exhibit "A") the suspension (and later removal) of Utkin, based *inter alia*, upon the review of the basis of the major beneficiaries' filed objections to her appointment, including Utkin's Declaration clearly indicating her hostility towards the major beneficiaries. The court remanded the matter of a removal hearing before the Probate Commissioner, who subsequently recommended Utkin's removal, etc. (PC R&R 6/1/18-Exhibit "B")

1 Not one of the actions billed for has benefitted the beneficiaries, or the Trust. The
2 entire litigation has been the attempt to find some wrongdoing by the beneficiaries, when
3 in fact all of the wrongdoing has been by Utkin, et.al. As noted in the court's 6/1/18 order
4 (page 7-line 28—page 8): "The court has the responsibility "to protect the estate and
5 ensure its assets are properly protected for the beneficiaries." (*Estate of Ferber* (1998) 66
6 Cal.App.4th 244, 253.)"

7
8 **2. Attorney has the burden to prove value and reasonableness**

9 "The burden is on the attorney to prove, by preponderance of the evidence, both
10 that the services rendered and the reasonable value thereof"; in the *Estate of Herrmann*,
11 100 Nev.1, 677 P.2d 594 (1984), citing to *Kimball v. Pub. Ut. Dis. #1 of Douglas Cty*, 64
12 Wash.2d 252, 391 P.2d 205 (1964). In the *Herrmann* matter, the court held that the
13 District Court may consider the value of the services to the general estate. The court
14 therefore believes that it is incumbent upon both the attorneys for the heirs and the
15 attorney for the executor to establish by a preponderance of the evidence to the court to
16 prove the reasonableness of the value of the services rendered to the estate.

17
18 See *Miller v. Wilfong*, 121 Nev. ___, ___, 119 P.3d 727, 730 (2005) (noting that the
19 district court has discretion to determine the reasonableness of statutory attorney fee
20 awards, but in so doing, it must consider the *Brunzell* factors); *Schouweiler v. Yancey*
21 *Co.*, 101 Nev. 827, 712 P.2d 786 (1985) (reversing the district court's order awarding
22 attorney fees and remanding the issue to be evaluated under the *Brunzell* factors); see
23 also *Beattie v. Thomas*, 99 Nev. 579, 589, 668 P.2d 268, 274 (1983) (noting that it is an
24 abuse of discretion to award the full amount of requested attorney fees without making
25 "findings based on evidence that the attorney's fees sought are reasonable and justified").
26
27
28



1 The district court is required to make such findings in awarding attorney fees;
2 see Stubbs v. Strickland, 129 Nev. 146, 152 n.1, 297 P.3d 326, 330 n.1 (2013)
3 (explaining that a district court must "make findings regarding the basis for awarding
4 attorney fees and the reasonableness of an award of attorney fees").

6 The Nevada Supreme Court, has continuously held that in the context of an
7 attorney fees award, that a district court abuses its discretion by making such an award
8 without including in its order " 'sufficient reasoning and findings in support of its ultimate
9 determination.' " Barney v. Mt. Rose Heating & Air Conditioning, 124 Nev. 821, 829, 192
10 P.3d 730, 736 (2008) (quoting Shuette v. Beazer Homes Holdings Corp., 121 Nev. 837,
11 865, 124 P.3d 530, 549 (2005)). Watson Rounds, P.C. v. Eighth Judicial Dist. Court of
12 State, 358 P.3d 228, 131 Nev. Adv. Op. 79 (Nev., 2015)

14 3. *Utkin/Kirschner's Billing Statements*

15 For reference, counsel's billing statements have been bates stamped (CCP-JK
16 FEES- 001 through 047) attached as **Exhibit "C"**. A review of these billing statements,
17 show many things. It proves the prior argument as stated in the opposition to Utkin's
18 accounting, that Utkin and/or her counsel, despite the specific statements made in court
19 (**Exhibit "D"**), that those funds were specifically to be used to pay bills for the Bluffpoint
20 house, and NOT to be used for payment of administrative or attorneys fees, used the
21 funds to pay attorneys fees (CCP-JK FEES- 005). Further it also shows the retention of
22 the second \$5,000 payment for the "replenish retainer for trustees" (CCP-JK FEES-
23 042). This is clearly contempt for what the court had ordered.



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1 The disbelief that there must have been more assets than reported, resulted in the
2 numerous unsuccessful subpoenas, only to find that there were no other assets than
3 originally reported by the Petitioners (RRS beneficiaries). None of this activity benefitted
4 the trust, nor was it to preserve the trust for the beneficiaries.
5

6 Despite this court's admonishments that the Bluffpoint house was not to be sold,
7 both at the January 17, 2018 (see minutes), on April 9, 2018, there was a billing entry for
8 review of a Purchase Agreement and related marketability. (CCP-JK FEES- 016).
9 Another clear contempt for the court's orders.
10

11 All of the entries attempting to record Utkin's appointment as trustee. A recent
12 printout of the Clark County Assessor's Office (Exhibit "E") indicates that Monte Reason
13 is the last trustee they have of record. More money wasted on inefficiency.
14

15 There are a multitude of entries for "administrative" or merely secretarial work such
16 as filing, saving to computer, instructions to secretary, mailing, calling, scanning, printing,
17 calendaring, creating labels, opening second file and the like, all of which is not billable
18 time. Attorney's time and paralegal's time (to a certain degree) is permitted, but not the
19 "administerial secretarial" work. There are numerous interoffice conversations between
20 Utkin's attorney and Monte's attorney regarding their "coordination". During all this time,
21 planning against the other beneficiaries, "padding the bill" and seeking to diminish the
22 trust.
23

24 Apparently, Utkin and/or her attorney received quite a bit of information
25 ("discovery"), which was not produced to the Petitioners, including but not limited to,
26 documents received from Michael Payne via subpoena (not to mention sharing files with
27 him- CCP-JK FEES-030), David Grant, Esq.'s file, Monte Reasons' documentation for his
28 \$37,000 request for reimbursement, and apparently some of the results from various
subpoenas, etc.



1
2 There is all of the time counsel expended on an unsubstantiated bar complaint
3 formally filed against Petitioner's counsel, as well as Rule 11 motion threats, an
4 unsuccessful writ petition (regarding Utkin's suspension) to the Nevada Supreme Court,
5 none of which benefitted the trust or its beneficiaries. Most interesting is the billing record
6 on January 19, 2018, stating "scanned and filed anonymous letter". (See Ex. C : CCP-JK
7 FEES- 002)

8
9 An overall review of these billing statements clearly show the "busywork" of
10 counsel seeking to deprive the rightful beneficiaries of their rights in favor of the
11 pocketbook, even after the court admonished about this matter not turning into an
12 attorney fee case. That is exactly what Utkin and/or her attorney have done, is to create
13 issues and billable hours, without the consent or input of the beneficiaries, but rather to
14 litigate against the beneficiaries.

15
16 Utkin makes no statements in the Motion for Payment which support the
17 reasonableness (NRS 153.070) of any of the fees requested.

18
19 There is nothing in Utkin's time as trustee, or her attorney's billing statement which
20 was geared to the preservation of the trust assets for the beneficiaries.

21
22 Finally, Utkin was removed for cause, for her bias and inability to be neutral, etc.
23 Her Response to the Objection to her Accounting, as well as her attorney's billing
24 statements indicate this, and her attorneys fees should be denied in their entirety.

25
26 Ultimately, a trustee's compensation and trustees attorney's fees must be
27 reasonable, and must have been a benefit to the trust and/or it's beneficiaries.

28
See Donahue v. Donahue , 182 Cal. App. 4th 259 (Cal. Ct. App. 2010); Hannam
v. Brown, 114 Nev. 350, 956 P.2d 794 (Nev. 1998).



Neither Utkin or her counsel has explained whatsoever how the insidious attempted use of trust funds was a benefit to anyone, except Utkin's attorney. They came up with a potential theory, and spent an enormous amount of time on red herrings and results which did not prove their theory at all. All of the fees requested should be denied.


Utkin's entire appointment was a fraud upon the court. Ultimately, for the reasons elucidated in the Petitioners Opposition to the Petition for Utkin's Appointment were justified.

CONCLUSION

First, the trustee, having been suspended and formally removed, has not shown where any expenses by way of her attorney's outrageous and disturbing billing statements, covering a mere seven (7) month period, benefitted the trust, it's intent, and it's beneficiaries whatsoever. Per counsel, Utkin and/or her counsel were "investigating how the petitioners converted any assets", which never occurred, and especially after this court stated multiple times that the trust should be distributed. All of these billing statements and request for payment should be denied.

Further, that Utkin's counsel should turn over all documents pertaining to Monte Reason's alleged request for reimbursement, as well as David Grant Esq's. file.

Dated: November 20, 2018.


CARY COLT PAYNE, ESQ.
Nevada Bar No.: 4357
CARY COLT PAYNE, CHTD.
700 South Eighth Street
Las Vegas, Nevada 89101





CERTIFICATE OF SERVICE

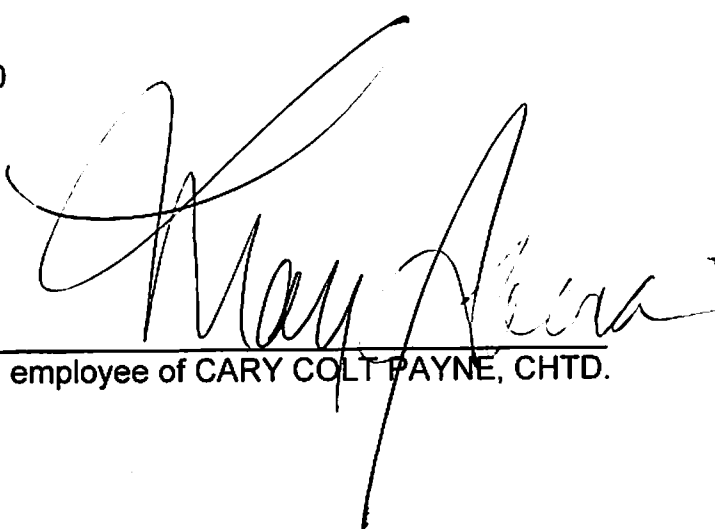
The undersigned hereby certifies that on November 20, 2018, a true and correct copy of the foregoing was served to the following at the their last known address(es), facsimile numbers and/or e-mail/other electronic means, pursuant to:

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

X **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).

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**Patrick S. DONAHUE, Plaintiff and Respondent, v. Michelle DONAHUE,
Defendant and Appellant.**

Nos. G040628, G041503.

Decided: February 24, 2010

Law Offices of Marjorie G. Fuller, Marjorie G. Fuller and Vicki Marolt Buchanan for Defendant and Appellant.
Loeb & Loeb, David C. Nelson and Adam F. Streisand for Plaintiff and Respondent.

OPINION

In separate orders, the trial court charged a trust with some \$5 million in past and ongoing attorney fees incurred on behalf of a former trustee in defending against the beneficiary's allegations of self-dealing and conflict of interest. Eight attorneys from three major law firms comprised the former trustee's legal team, with four to five of those attorneys simultaneously appearing at the 14-day court trial.

We reverse the fee awards. While trustees are properly reimbursed for reasonable attorney fees to defend adverse claims against the trust, we cannot determine from the trial court's order whether the fee awards are consistent with applicable legal principles. Long-established principles of trust law impose a double-barreled reasonableness requirement: the fee award must be reasonable in amount and reasonably necessary to the conduct of the litigation, but it also must be reasonable and appropriate for the benefit of the trust. We remand for the trial court to review the evidence and to assess a fee reimbursement in accordance with these dual criteria.

1

Factual and Procedural Background

Appellant Michelle Donahue (Michelle) became involved in litigation with her brother-in-law, respondent Patrick S. Donahue (Patrick), over his administration of an irrevocable inter vivos trust established by her late husband, Daniel W. Donahue (decendent).¹ The trust's assets were highly concentrated in a private REIT (real estate investment trust) that owned and operated numerous shopping centers in the western United States. Patrick filled the roles of director, officer, and shareholder of the REIT. Michelle is a life income beneficiary of the trust; her three daughters are the remainder beneficiaries.

The decedent named Patrick as his successor trustee of the trust. Patrick served as trustee for nearly two years beginning in 2003 until his resignation in October 2004. He was succeeded by his brother, Terence Donahue (Terence)², along with cotrustee Northern Trust Bank of California.³

A. The First Appeal (G040259)

In April 2005, Patrick initiated the instant litigation under Probate Code section 17200 to secure court confirmation and approval of a final accounting and compensation for his service as a trustee.

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Michelle objected. She claimed Patrick imprudently sold approximately 40 percent of the trust's interest in the REIT below fair-market value to the REIT, thereby losing about \$20 million in potential appreciation.

The 14-day court trial took place in the fall of 2007. Patrick, as the former trustee, was represented by four attorneys and a paralegal from two major law firms, Loeb & Loeb and Jones Day. In addition, the current trustees retained two attorneys to represent the trust. The minor beneficiaries were represented by minors' counsel.

The court approved the accounting and overruled Michelle's objections. Michelle appealed from the trial court's final ruling on Patrick's accounting and her objections. In *Donahue v. Donahue* (Feb. 11, 2010, Go40259) [nonpub. opn.], we affirmed the judgment on the accounting, concluding substantial evidence supported the trial court's determination that "the Trust received fair value for the options and shares."

B. The Second Appeal (Go40628)

In November 2007, Patrick petitioned for more than \$5 million in attorney and trustee fees he incurred "to defend himself against unmeritorious allegations that virtually every act undertaken by him as trustee was a breach of trust." Patrick sought reimbursement from the trust for incurring through trial \$4.85 million in attorney fees and \$155,375 for personal compensation. Patrick's fee request included the sum of \$184,453 simply to prepare the fee petitions. Another \$366,000 was spent to prepare an 80-page case chronology and for "case administration." One attorney at Jones Day billed 3,661 hours, for a total of \$1.5 million during his involvement.

Among Patrick's cost requests were \$150,000 in charges billed by DecisionQuest, a trial consulting firm retained to provide "visual planning and development" and "multimedia design, programming & production" during the court trial. Patrick claimed he incurred these audio-visual expenses "in the ordinary course of business of administering the Trust as successor trustee and in the proceedings relating to my activities as successor trustee."

Patrick initially supported his fee claim with a declaration from Adam Streisand, a partner at Loeb & Loeb, who purported to authenticate spreadsheets to break down the attorney fees Patrick incurred through his 45-member legal team from three separate law firms.

In opposing the motion, Michelle requested limited discovery on the amount and necessity of the fees, including the retention of an expert. Michelle explained the basis of her request: "Given the large sum at issue, the number of attorneys involved, and billing rates up to \$690/hour, it is appropriate to allow Beneficiary an opportunity to retain an expert witness in this field and allow that expert sufficient time to review bills, records and supporting documentation for purposes of formulating his opinion and advising the Court." Alternatively, Michelle sought to appoint a referee pursuant to Code of Civil Procedure section 639 to review the time entrees and make a recommendation to the court.

In his reply, Patrick explained that he was "predominantly represented" by a four-person legal team at Jones Day from 2005 to early 2007, but he also decided to retain Loeb & Loeb in May 2006 "based on its specialty in trusts and estates litigation to take the lead in the trial." About 86 percent of Patrick's requested attorney fees were billed by eight "key" individuals. Patrick justified the \$1.5 million "singlehandedly" "billed by a Jones Day associate as "not surprising" given "Michelle's outrageous and limitless discovery." According to Patrick, "it was far more cost-effective in this highly complex case to build upon the experience and insight of the lawyers involved in the case up until the point that Loeb & Loeb assumed a lead role."⁴ Patrick opposed Michelle's request to consult an expert because each side's experts would contradict the other, explaining, "For every 'expert' Michelle could call upon who might testify that the fees are unreasonable, Patrick could do the same to testify that the fees are reasonable."

At the January 2008 hearing on the fee petition, the trial court denied Michelle's request for discovery, but ordered Patrick to provide admissible evidence to support his claim because "Mr. Streisand does not have personal knowledge of the work done by other firms and cannot supply the foundation for the business record exception to the hearsay rule for firms other than his own."

Patrick thereupon filed supplemental declarations to support the fee request from each of the three law firms that continued to represent him throughout the litigation. Michelle objected to the "excessive duplication of work performed simultaneously between three large law firms." (Underscoring & capitalization omitted.) She pointed out that Patrick's \$5 million fee claim came after the trust paid another \$3 million in attorney fees to represent the current trustees.⁵ In contrast, Michelle argued, she was primarily represented by two attorneys, who billed at the rate of \$375 per hour. Michelle renewed her request for limited discovery, and suggested the

appointment of a discovery referee to place appropriate limits on any attorney depositions.

A second hearing on the fee request was held on April 25, 2008. Michelle's counsel argued that the \$150,000 cost item by the DecisionQuest audio-visual technicians itself "approaches what some people could try the case for the three weeks that they were here."

The court issued a minute order on April 29, 2008, directing the current trustees "to reimburse the fees and costs prayed for in the petition with the following exceptions." The court specifically excluded fee charges for 11 named timekeepers, none of whom were attorneys or paralegals, and for indecipherable items on Loeb & Loeb's November 2007 invoices because they "are so severely redacted the court cannot assess the appropriateness of the charges listed." The court deducted about \$42,000 in costs from the \$700,000 cost bill, but otherwise left the cost items untouched.

On July 9, 2008, Michelle filed a timely notice of appeal from the order for attorney fees and costs.

C. The Third Appeal (Go41503)

While Michelle's first two appeals were pending, Patrick applied to the court for an additional \$300,000 in past attorney fees and trustee fees from the close of trial in October 2007 through May 2008, and for an order requiring the current cotrustees to pay his future appellate fees.

Patrick's new request included the fees and costs from the Loeb & Loeb invoice that had been redacted, as well as \$58,000 in fees to draft and litigate the statement of decision. About \$195,000 of the new fee request was for researching and drafting the first fee petition, analyzing the billing records of the law firms, reviewing Michelle's opposition, preparing the replies and attending the hearings. Another \$23,000 was for the attorneys' collective time to prepare their billing records and declarations in support of the second fee petition.

Patrick argued that the trust should pay his ongoing defense fees and costs because "it would be unjust to force [him] to continue to sell assets and borrow funds to the financial detriment of his family and him, to fend off Michelle's relentless attacks."

Michelle opposed the second fee petition and requested the court defer any additional fee award until the issues on appeal were adjudicated. Michelle specifically objected to the "duplication of work between the two law firms and multitude of attorneys, paralegals and highly-paid staff that continue to represent [Patrick]."

On November 21, 2008, the trial court, without explanation, ordered the current cotrustees to reimburse Patrick over \$175,000 in attorney fees and an additional \$2,500 in trustee fees. The court also granted Patrick's request for future attorney fees: "The trustees are further ordered to pay, on a monthly basis, Patrick Donahue's future reasonable attorney fees, costs, and trustee fees incurred in connection with this action, subject to final approval by the court at the conclusion of the litigation and reimbursement by Patrick Donahue of any disallowed amounts."⁶

Both sides objected to the trial court's failure to specify how it arrived at the amount of the fees and costs and requested the court to provide reasons for its determination. In his postorder motion for reconsideration, Patrick stated that he "does not know how or for what reason the Court arrived at the precise reimbursement amount of \$175,540.83. If the Court declines to reconsider its ruling, in the alternative, Patrick respectfully asks the Court to clarify its award of attorney fees and costs to Patrick by specifying which fees and/or costs have been denied so that the Court's decision may be understood by the parties." The court declined to reconsider or further clarify its fee order, and Michelle timely filed a notice of appeal.

D. Consolidation Orders

After all three appeals were fully briefed, we severed the second appeal from the first appeal and consolidated it instead with the third appeal to resolve all issues concerning attorney fees in a single opinion.

II

DiscussionA. The Record Is Unclear Whether the Trial Court Exercised Its Discretion to Determine Whether the Requested Fees Reasonably and Appropriately Benefitted the Trust

Even after his resignation as a trustee, Patrick retained the fiduciary responsibility "to complete and defend his accounting until settled by the court." (*Kasperbauer v. Fairfield* (2009) 171 Cal.App.4th 229, 235 (*Kasperbauer*).)

Because he acted on the trust's behalf in retaining attorneys to pursue this litigation, Patrick claims the trust is obligated to pay the reasonable attorney fees. "Attorneys hired by a trustee to aid in administering the trust are entitled to reasonable fees paid from trust assets. Preparing the accounting and responding to the beneficiaries' objections to that accounting are aspects of trust administration." (Kasperbauer, supra, 171 Cal.App.4th at p. 235; Estate of Beach (1975) 15 Cal.3d 623, 644 (Beach) [trustee entitled to reimbursement from trust for reasonable legal expenses incurred in defending trust in capacity as trustee]; Hollaway v. Edwards (1998) 68 Cal.App.4th 94, 97 (Hollaway) [successful defense of allegations against trustee benefited trust by eliminating questions regarding whether the trustee had properly administered trust]; Estate of Cassity (1980) 106 Cal.App.3d 569, 574 [former trustee entitled to reimbursement of legal expenses where he successfully defended himself from surcharge for conduct determined to have been proper]; see also Prob.Code § 16247 [trustee has power to retain attorneys to advise or assist the trustee].)

As Patrick points out, Michelle does not disagree with these propositions in the abstract. "Michelle does not dispute that 'attorney fees and litigation costs incurred in the trustee's successful defense of an action brought by the beneficiary are recoverable.' "

Michelle vigorously challenges, however, the manner in which Patrick exercised his fiduciary responsibilities in retaining multiple sets of attorneys from three major law firms to pursue this litigation. Michelle also contests the reasonableness of their billings, particularly where the current trustees also had retained two additional attorneys to represent the trust in the litigation under a common defense agreement.

Trustees have a duty "to administer the trust solely in the interest of the beneficiaries." (Prob.Code, § 16002, subd. (a); see Schwartz v. Labow (2008) 164 Cal.App.4th 417 (Schwartz) [trustee imprudently spent \$1.3 million in trust funds to obtain partially collectible judgment of \$700,000].) They should incur and pay expenses, including legal expenses, which are "reasonable" in amount and "appropriate" to the "purposes and circumstances of the trust." (Rest.3d Trust, § 88, p. 256; see also Prob.Code § 15684.) To recover fees and costs, trustees must subjectively believe the expense was necessary or appropriate to carry out the trust's purposes, and they must show their beliefs were objectively reasonable. (See Conservatorship of Lefkowitz (1996) 50 Cal.App. 4th 1310, 1314 (Lefkowitz).)

Trustees should carefully document any request for reimbursement of attorney fees. "While recordkeeping is important in all aspects of administration, it is imperative to trust litigation that records support the contentions of the trustee and others that the trust should pay the disputed compensation and fees." (1 Cal. Trust Administration, (Cont.Ed.Bar 2d ed.2009) § 9.49, p. 510.)

We apply an abuse of discretion standard to the trial court's decision granting Patrick's fee requests payable from the trust's assets. (Kasperbauer, supra, 171 Cal.App.4th at p. 234.) There are limits to the scope of our deference, however. "When the record is unclear whether the trial court's award of attorney fees is consistent with the applicable legal principles, we may reverse the award and remand the case to the trial court for further consideration and amplification of its reasoning. [Citations.]" (In re Vitamin Cases (2003) 110 Cal.App.4th 1041, 1052 [reversing attorney fee award to putative class members].) "[D]iscretion must not be exercised whimsically, and reversal is appropriate where there is no reasonable basis for the ruling or the trial court has applied 'the wrong test' or standard in reaching its result. (Nichols v. City of Taft (2007) 155 Cal.App.4th 1233, 1239 [reversing attorney fee award of nearly \$500,000 in sexual harassment lawsuit where no showing the trial court considered threshold factors for fee enhancement].) "A trial court's award of attorney fees must be able to be rationalized to be affirmed on appeal." (Gorman v. Tassajara Development Corp. (2009) 178 Cal. App.4th 44, 101 (Gorman).)

In Ramos v. Countrywide Home Loans, Inc. (2000) 82 Cal.App.4th 615, the appellate court considered whether the trial court properly exercised its discretion in applying a multiplier to an attorney fee award. In reversing the order, the court complained that appellate review was "complicated by the terse nature of the trial court's ruling itself, which [gave] virtually no explanation for the basis of the substantially enhanced award of fees and costs." (Id. at p. 624.) Lacking a "more complete explanation," the court observed "the order is subject to question regarding the factual basis of the exercise of discretion made." (Ibid.; see also Garcia v. Santana (2009) 174 Cal.App.4th 464, 477 [reversing statutory fee-shifting order in a landlord-tenant dispute because "we are unable to determine whether the court exercised its discretion to balance all of the relevant factors against each other"]; Bell v. Vista Unified School Dist. (2000) 82 Cal.App.4th 672, 689 [reversing fee award for recalculation by trial court, noting that "blocked-billing entries render it virtually impossible to break down hours on a task-by-task basis"].)

Probate courts have a special responsibility to ensure that fee awards are reasonable, given their supervisory responsibilities over trusts. "Presented with a section 17200 petition to settle an account, 'the probate court has

a duty imposed by law to inquire into the prudence of the trustee's administration.' " (Schwartz, supra, 164 Cal.App.4th at p. 427, original italics.) "[A]ttorney fees deriving from probate court litigation are subject to concerns sufficiently unique, we believe, to distinguish them from fees generated in ordinary civil litigation." (Hollaway, supra, 68 Cal.App.4th at p. 98.) "Thus, '[t]he underlying principle which guides the court in allowing costs and attorneys' fees incidental to litigation out of a trust estate is that such litigation is a benefit and service to the trust.'" (Lefkowitz, supra, 50 Cal.App.4th at p. 1314.) Because probate courts have wide powers and responsibilities to preserve trusts under their supervision, they should make clear the basis for fee awards and thereby facilitate meaningful appellate review. "All too often this responsibility [to supervise trusts] is abdicated by granting whatever fees are sought in the petition." (Estate of Nazro (1971) 15 Cal.App.3d 218, 223 [trustee sought excessive compensation for attorney services].)

In reviewing whether the trial court abused its discretion, "we are mindful that '[t]he underlying principle which guides the court in allowing costs and attorney fees incidental to litigation out of a trust estate is that such litigation is a benefit and a service to the trust.' [Citation.]" (Terry v. Conlan (2005) 131 Cal.App.4th 1445, 1461 (Terry) [reversing fee award to trustee].) "If litigation is necessary for the preservation of the trust, the trustee is entitled to reimbursement for his or her expenditures from the trust; however, if the litigation is specifically for the benefit of the trustee, the trustee must bear his or her own costs incurred, and is not entitled to reimbursement from the trust." (Ibid.)

The trial court's April 29 order granting attorney fees to Patrick is notable for what it does not say. Not only is there no explanation for why the trial court concluded Patrick reasonably incurred attorney fees, but the court did not expressly specify the amount of the fee award. Instead, the court merely stated that it would allow the amount "prayed for in the petition with [several specified] exceptions."

In the particular circumstances here, the trial court's generic order undermines the process of appellate review. Comparing the court's pithy explanation to the size and complexity of the fee request, with the full billing records consuming more than 800 pages of the record on appeal, we cannot tell whether the court exercised its discretion to carefully review the attorney documentation and determine their reasonableness and necessity, particularly in relationship to the trust's interest and purposes.

The November 2008 fee order is equally cryptic. While the trial court did specify the amount of the fee award, even Patrick complained about the court's failure to explain why and how it reached its conclusion. "It is the essence of arbitrariness to make an award of attorney fees that cannot be justified by the plaintiffs' request, the supporting bills, or the defendant's opposition." (Gorman, supra, 178 Cal.App.4th at p. 101 [reversing fee award in contractual fee-shifting case where, "after much puzzlement and frustration," appellate court unable to determine "any mathematical or logical explanation" for trial court's reasoning in issuing fee award].)

Besides thwarting meaningful appellate review, the lack of detail and explanation in the orders raise the concern the trial court utilized an overly deferential approach to the fee request. A trial court may not rubber stamp a request for attorney fees, but must determine the number of hours reasonably expended. "California courts have consistently held that a computation of time spent on a case and the reasonable value of that time is fundamental to a determination of an appropriate attorneys' fee award." (PLCM Group, Inc. v. Drexler (2000) 22 Cal.4th 1084, 1095.) "The evidence should allow the court to consider whether the case was overstaffed, how much time the attorneys spent on particular claims, and whether the hours were reasonably expended." (Christian Research Institute v. Alnor (2008) 165 Cal.App.4th 1315, 1320 (Christian Research)); see also Levy v. Toyota Motor Sales, U.S.A., Inc. (1992) 4 Cal.App.4th 807, 816 [party seeking attorney fees has the "burden of showing that the fees incurred were 'allowable,' were 'reasonably necessary to the conduct of the litigation,' and were 'reasonable in amount' "].)

Reasonable compensation does not include compensation for "padding" in the form of inefficient or duplicative efforts." (Ketchum v. Moses (2001) 24 Cal.4th 1122, 1131-1132 (Ketchum); see also Chavez v. City of Los Angeles (2010) 47 Cal.4th 970, 971 [addressing the "amount of time an attorney might reasonably expect to spend in litigating such a claim"].) "A reduced award might be fully justified by a general observation that an attorney overlitigated a case or submitted a padded bill or that the opposing party has stated valid objections." (Gorman, supra, 178 Cal.App.4th at p. 101.)

In Thayer v. Wells Fargo Bank (2001) 92 Cal.App.4th 819, 834, the Court of Appeal reversed a fee award of \$215,000 in a class action lawsuit because of the "unjustified duplication of work that took place" where numerous attorneys passively appeared on behalf of a single client. While there was no issue regarding the lawyers' honesty in recording their time, "Duplication was, indeed, the hallmark of the coordinated proceeding" with multiple hours spent in correspondence and phone calls between the different law firms representing the parties claiming fees. (Id. at pp. 840-841.) Under these circumstances, "the unquestioning

award of generous fees may encourage duplicative and superfluous litigation and other conduct deserving no such favor.” (Id. at p. 839.)

There are no declarations in the record to explain Patrick’s decision to retain two major law firms (Loeb & Loeb and Jones Day) to concurrently represent him (each with supervising partners and associates) in this court trial. “However, just as there can be too many cooks in a kitchen, there can be too many lawyers on a case.” (Guckenberger v. Boston Univ. (D.Mass.1998) 8 F.Supp.2d 91, 101.) Even after Loeb & Loeb became lead attorneys for Patrick, Scott Bertzyk at Greenberg Traurig billed some \$171,000, while Jones Day billed more than \$1 million.

Understandably, these law firms brought with them their own supervising, support and administrative infrastructure, but simultaneous representation by multiple law firms posed substantial risks of task padding, over-conferencing, attorney stacking (multiple attendance by attorneys at the same court functions), and excessive research. (See Christian Research, supra, 165 Cal.App .4th at p. 1326 [“Indeed, the five attorneys [defendant] deployed on the motion appear to have expended [undue] time telephoning, conferencing, and e-mailing each other . supporting the trial court’s conclusion the matter was overstaffed”].)8

By contrast to Patrick’s large litigation team, two attorneys represented Michelle. A comparative analysis of each side’s respective litigation costs may be a useful check on the reasonableness of any fee request. “The court can look to how many lawyers the other side utilized in similar situations as an indication of the effort required.” (Ramos v. Lamm (10th Cir.1983) 713 F.2d 546, 554.)

Although we cannot tell whether the trial court distinguished between fees expended to protect Patrick’s personal interests from those of the trust, it is plausible the court may have decided that Michelle, rather than Patrick, should reap the consequences of the aggressive litigation tactics she had sown. But California has declined to adopt a prevailing party outcome for the award of attorney fees in surcharge actions between trustees and beneficiaries. “A contrary rule would unduly deter contestants such as these from questioning the stewardship of executors and administrators through proceedings brought in good faith.” (Beach, supra, 15 Cal.3d at p. 645 [trial court exceeded its authority in ordering that trustee’s attorney fees be charged against unsuccessful contestants’ trust shares rather than against all property otherwise distributable to the trust].)

At oral argument, Patrick offered a “bet the farm” rationale for his litigation decision to simultaneously retain a legal team of seven to eight lawyers with “primary activity and involvement” from three major law firms. As counsel explained, “This was a ‘bet the farm’ case where [the beneficiaries] were seeking \$20 to \$25 million from our client-his entire stake could be wiped out if he lost the case.” Counsel further explained that Patrick incurred the attorney fees without any assurance he would receive reimbursement from the trust. “Every single dollar that Patrick incurred was at risk and he knew it was at risk.”

But that is precisely the point. It was Patrick’s “farm” that was at stake, not the trust’s. Faced with the prospects of ruinous exposure, Patrick may have decided to leave no field unfurrowed and to act without regard to cost in protecting his own personal interests. For example, at oral argument, counsel justified Patrick’s decision to retain rather than replace his original attorneys at Jones Day and Greenberg Traurig to preserve “institutional memory.” Counsel further explained that while some of Patrick’s trial attorneys may have “appeared to do nothing” at trial, they actually served as reserves to cross-examine witnesses that Michelle had placed on her attorney list, but ultimately decided not to call.

Such a spare-no-expense strategy calls for close scrutiny on questions of reasonableness, proportionality and trust benefit. “Consequently, where the trust is not benefited by litigation, or did not stand to be benefited if the trustee had succeeded, there is no basis for the recovery of expenses out of the trust assets.” (Whittlesey v. Aiello (2002) 104 Cal.App.4th 1221, 1230.) Patrick’s defense by so many top-flight lawyers may have benefitted Patrick, but was it also reasonable and beneficial to the trust? Did Patrick demand a Rolls Royce defense when a prudent trustee could have arrived at the same destination in a Buick, Chrysler or Taurus?

The Restatement expressly recognizes the need for trustees to incur costs proportional to the trust’s objectives. “The comprehensive powers of a trustee (§ 85) include the power to incur and pay expenses in the course of trust administration, but the exercise of this power is subject to the trustee’s fiduciary duties (§ 70). Implicit in a trustee’s fiduciary duties is a duty to be cost-conscious.” (Rest.3d Trusts, § 88, com. a, p. 256, *italics added*.) “‘Wasting beneficiaries’ money is imprudent.’ ” (Id., reporter’s notes, com. b, p. 261.)9

Although the veteran jurist here may have had these principles in mind, we find nothing in the fee orders of April and November 2008 to assure us the trial court analyzed these factors. This is not sufficient. The trial court’s assessment of reasonableness depends not simply upon what fees were reasonably incurred in representing Patrick, but also upon whether such fees are reasonably and prudently incurred for the trust. We

therefore reverse and remand the case to the trial court for further consideration and amplification of its reasoning on the fee awards.

B. The Trial Court Has Yet to Exercise Its Discretion to Review the Reasonableness of Patrick's Ongoing Attorney Fees and Should Do So on Remand

In her last-filed appeal (Go41503), Michelle raises two objections to the trial court's award of prospective attorney fees to Patrick on an ongoing basis. The prospective fee award was filed during the pendency of Michelle's appeals in Go40259 and Go40628.

Michelle contends the trial court lacked jurisdiction to issue this new fee award while her appeals were pending and before these cases are transferred back to the trial court by the issuance of a remittitur.

We disagree. As a probate court with supervisory responsibilities over the trust, the trial court retained the power to make further orders involving the trust. (*Roehl v. Ritchie* (2007) 147 Cal.App.4th 338, 341 ["As we were aptly reminded by counsel at oral argument (quoting baseball great Yogi Berra), 'It ain't over till it's over' ".]) " "[T]he ongoing and changing nature of trust administration' may require ongoing proceedings 'for instructions, to settle accounts, to fix compensation . [and] to allow, compromise or settle claims.' " (Id. at p. 352.)

Michelle also contests Patrick's ability, as a former trustee, to obtain a fee award on a so-called "go-forward" basis. As Michelle argues, "If Patrick is entitled to fees at all, as a former trustee, the court had authority to award retroactive fees to Patrick, but not prospective fees."

We concur with the observation, made by Patrick's counsel at oral argument, that this issue "probably is moot" because the case is "winding up towards its end." Moreover, as Patrick's counsel further emphasized, the trial court has not yet reviewed those portions of the November 21 order directing the current trustees to pay Patrick's prospective attorney fees from trust assets.

As we have explained, the standard is not whether Patrick's fees were reasonably incurred for his own benefit, but whether they were reasonably incurred for the benefit of the trust. " "The underlying principle which guides the court in allowing costs and attorneys' fees incidental to litigation out of a trust estate is that such litigation is a benefit and a service to the trust." [Citation.] . " (*Thomas v. Gustafson* (2006) 141 Cal.App.4th 34, 44.)

We do not know whether the current trustees have paid any of Patrick's ongoing attorney fees following the fee order of November 2008, although they were ordered to do so on a monthly basis. To the extent they have, Michelle is entitled to put Patrick to his proof on remand, with appropriate discovery and a hearing regarding their reasonableness and whether they were necessarily incurred for the benefit of the trust, or for Patrick's personal benefit.

C. On Remand, the Trial Court Should Revisit Michelle's Request to Engage in Limited Discovery, Including the Retention of an Attorney Fee Expert, on the Appropriate Amount of Attorney Fees for the Benefit of the Trust

Since we remand the attorney fee orders for a new hearing, Michelle should receive an opportunity to renew her request for limited discovery regarding attorney fee issues. Although equivocal ("I'm kind of torn in that regard"), the trial court initially concluded that discovery simply would be too costly given its limited utility: "I just don't know that it will do much good by continuing the bleeding by engaging in further discovery to depose lawyers, perhaps to get another lawyer to look at what they did and say they charged too much. I just don't know how effective that would be."

In *City of King City v. Community Bank of Central California* (2005) 131 Cal.App.4th 913, 934, the trial court denied a bank's request for discovery in connection with a dispositive law-and-motion hearing on similar grounds, finding that discovery was neither necessary nor helpful. The Court of Appeal found no legal basis to support the trial court's denial of discovery, and overturned the order.

The size and complexity of Patrick's fee requests may merit discovery, particularly expert assistance, which cannot be flatly denied simply on the basis of expediency. "Efficiency cannot be favored over justice." (*Estate of Meeker* (1993) 13 Cal.App.4th 1099, 1106; see also *Fatica v. Superior Court* (2002) 99 Cal.App.4th 350, 353 [expediency not adequate reason to preclude petitioners "from presenting critical expert opinion testimony"].)

In *Ketchum*, supra, the California Supreme Court rejected an appellant's contention that the trial court " 'rubber stamped' " a fee award in an anti-SLAPP case by noting with approval that the trial court permitted

deposition testimony and testimony by a fee expert. (24 Cal.4th at p. 1140.) Under these circumstances, the court concluded, “[w]e have no reason to doubt that the superior court conducted an independent assessment of the evidence presented.” (Ibid.)

It is true that judges themselves are deemed to be experts on the value of legal services, and may rely on their own experience about reasonable and proper fees, without resort to expert testimony. “ ‘In many cases the trial court will be aware of the nature and extent of the attorney’s services from its observation of the trial proceedings and the pretrial and discovery proceedings reflected in the file.’ ” (Martino v. Denevi (1986) 182 Cal.App.3d 553, 559 .)

But a judge’s litigation experience may not extend to many critical aspects of fee awards pertaining to prudent trust administration, including management of complex litigation, legal auditing, and legal cost control. As one example, Patrick appears to have requested substantial sums (into the six figures) simply to put together the legal invoices. Should some or all of these expenses have been attributable to overhead already covered within the attorney’s hourly rates? Is time spent to review or limit excessive attorney bills itself justifiably billable? When multiple law firms are involved in concurrently providing legal representation to a single client, what procedures appropriately guard against duplicative or excessive fee requests?

In this area, the testimony or declaration of fee experts may assist the trial court, on remand, in determining the appropriate amount of reimbursement to Patrick for his efforts, as a former trustee, to benefit the trust. (See also *In re Cendant Corp. Litigation* (D.N.J.1998) 182 F.R.D. 144, 150 [“It is no insult to the judiciary to admit that a court’s expertise is rarely at its most formidable in the evaluation of counsel fees”].) On remand, we leave it to the sound discretion of the trial court to fashion appropriate discovery regarding proper and reasonable levels of legal services for the benefit of the trust.

IV

Disposition

We reverse the orders of April 29, 2008, and November 21, 2008, and remand the matter to the trial court to conduct additional proceedings to determine the amount of attorney fees plaintiff and respondent Patrick Donahue is entitled to receive.

In the interests of justice, costs on appeal on these two consolidated appeals, as well as the appeal in G040259, are awarded to appellant.

FOOTNOTES

1. Like the litigants, we use first names to refer to the various persons who share the “Donahue” surname for ease of reference, not out of disrespect.
2. The record contains varying spellings for Terence, but we follow this form because it has been used by both sides in their latest set of briefs.
3. In conjunction with her reply brief, Michelle has filed a motion to augment the record to show that Northern Trust Bank was a “captive” cotrustee, rather than an independent fiduciary. We deny the motion as unnecessary to resolve the appeal.
4. Patrick incurred legal fees from a third law firm, Greenberg Traurig, when one of his original attorneys at Jones Day, litigation partner Scott Bertzyk, left Jones Day to join Greenberg Traurig.
5. The trust paid approximately \$2 million to Sacks Glazier and an additional \$1 million to Russ Allen to represent the current trustees in the trust litigation.
6. The open-ended fee orders preclude a precise accounting of the trust’s legal fees to date. According to Michelle’s opening brief in the third appeal (G041503), the amount in the original fee order “combined with the amount billed by the current trustees’ attorneys and by the trust’s attorney, exceeds \$9,000,000, which was charged to the trust’s corpus.”
7. At oral argument, Patrick’s counsel speculated that the trial court had stricken Loeb & Loeb’s November 2007 invoice from the second fee award believing that the November 2007 invoice should have been included in the first fee petition. If so, then Patrick’s own theory would have the trial court awarding the entirety of the remaining fee request, without reduction.

8. Although we have not engaged in a detailed examination of the billing invoices (a task we leave on remand to the trier of fact, perhaps aided by expert testimony), we note some common entries: "Confer with team," "Prepare for and attend strategy meeting .," "[C]onferences with co-counsel," "Participated in meeting with litigation team ." "Telephone conference with [co-counsel]," "Meeting with [co-counsel] at Jones Day in Irvine."

9. Insofar as this litigation involves excessive fee issues, Patrick has not participated "as a neutral trustee to defend the trust and protect its assets"; rather, he has consistently pursued his own interests, to the potential detriment of the trust corpus. (See *Terry*, supra, 131 Cal.App.4th at p. 1464; cf. *In re Fidelity/Micron Securities Litigation* (1st Cir.1999) 167 F.3d 735, 738 [awards of attorney fees incurred in litigating the magnitude of attorney reimbursement in common fund cases should "rarely, if ever, be bestowed" because the fee award runs counter to the interests of the fund].)

ARONSON, J.

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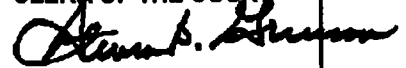
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EXHIBIT "A"



1 NEOJ

2
3
4 DISTRICT COURT
CLARK COUNTY, NEVADA

5 ***

6 IN THE MATTER OF:
7 THE CHRISTIAN FAMILY TRUST

Case No.: P-17-092512-T
Department S

8 **NOTICE OF ENTRY OF ORDER**

9 Please take notice that the Order from the 1st day of June, 2018 was entered in
10 the foregoing action and the following is a true and correct copy thereof.

11 Dated: This 1st day of June, 2018.

12 **DENIECE LOPEZ**

13 Deniece Lopez
14 Judicial Executive Assistant
15 Department S

16 **CERTIFICATE OF SERVICE**

17 I hereby certify that on or about the above file stamp date, a copy of the
18 foregoing Notice of Entry of Order was:

19 ☐ E-served pursuant to NEFCR 9 or placed a copy in the appropriate attorney
20 folder located in the Clerk's Office at the RJC:

21 ☒ E-served pursuant to NEFCR 9, or mailed, via first-class mail, postage fully
22 prepaid, to:

23 Jerimy Kirschner, Esq.
24 3550 Painted Mirage Road Ste. 320
25 Las Vegas, NV 89149
26
27
28

1 Cary Payne, Esq.
2 700 S. 8th Street
3 Las Vegas, NV 89101

4 **DENIEGE LOPEZ**

5 Deniece Lopez
6 Judicial Executive Assistant
7 Department S

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Steven D. Grierson

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

SUSAN CHRISTIAN-PAYNE,
ROSEMARY KEACH, AND
RAYMOND CHRISTIAN
PETITIONERS,

Case No.: P-17-092512-T
Dept No.: S

v.

NANCY I. CHRISTIAN,
RESPONDENT

ORDER

I. PROCEDURAL HISTORY

The following facts are not the Court's "finding of facts" but nevertheless are the facts as presented by the parties in their pleading and court arguments.

This is a case about a prolonged dispute flowing from a family Trust following the removal of the Petitioners as co-Trustees after Petitioners denied a request for additional funds made by settlor Nancy Christian. The Trustees had sole discretion to make this denial of the request.

The Christian Family Trust was created by grantors Raymond T. Christian and Nancy Christian on October 11, 2016. The Petitioners SUSAN CHRISTIAN-PAYNE, ROSEMARY CHRISTIAN-KEACH, AND RAYMOND T. CHRISTIAN JR. were the original named Trustees. Grantor Raymond Christian died on January 31, 2017. The remaining grantor Nancy Christian, a month after the death of Raymond Christian, requested on or about late February, 2017, that the Trustees pay her an additional sum of \$5,000 per month from the Trust. The Trustees had the sole discretion to pay additional

1 sums to Nancy. On June 3, 2017, the Trustees informed Nancy they would not pay the
2 additional sum. NRS 163.419 (2) and N.R.S. 166.110.

3 Thereafter, on or about June 13, 2017, grantor Nancy Christian removed the
4 Petitioners as Trustees and appointed her son, Monte Reason, as the sole Trustee of the
5 Trust. Monte Reason is a limited beneficiary under the Trust and his interest was to be
6 placed in a Trust.
7

8 The Trust provides that Monte Reason was to receive, in Trust, ten percent of the
9 net proceeds from the sale of property known as 1060 Dancing Vine Avenue, Las Vegas
10 Nevada. The petitioners and former Trustees SUSAN CHRISTIAN-PAYNE,
11 ROSEMARY CHRISTIAN-KEACH, AND RAYMOND T. CHRISTIAN JR. were to
12 receive eighty percent (80%) of the net proceeds from the sale of said property.
13

14 Thereafter, the petitioners SUSAN CHRISTIAN-PAYNE, ROSEMARY
15 CHRISTIAN-KEACH, AND RAYMOND T. CHRISTIAN JR. (original named Trustees)
16 were to receive 100% of the remainder – each one third (1/3) of the remaining estate
17 outright.

18 Petitioners requested this court to resolve the issue as to whether the remaining
19 grantor Nancy Christian had the authority in the Trust to replace the petitioners with her
20 son, Monte Reason, (NRS 153.031, NRS 164.015) and whether there was exploitation
21 and/or undue influence by Monte Reason on his mother/grantor Nancy Christian. See
22 Petition filed July 31, 2017, page 6-7, Motion to Dismiss filed August 17, 2017, and
23 Response to Petition filed October 13, 2017. Both parties have made claims of undue
24 influence against the other party. The first legal scrimmage was whether Petitioners had
25 the standing/right to bring their action and the jurisdiction of the court. The Court found
26
27
28

1 standing for Petitioners to raise the issues as presented in their petition and the Court
2 accepted jurisdiction of the Trust to "help resolve their issues." Court's decision filed
3 Oct. 31, 2017.

4 The parties have moved on to litigate many issues except the foremost central
5 issue presented to the court related to Nancy's authority to remove the original Trustees
6 and replacement of the Trustees. Now the parties have moved on to additional litigation
7 related to Monte Reason appointing another Trustee. Since the main issue of determining
8 the proper Trustee has not been resolved, most actions by the parties relate to the
9 administration of the Trust and Trust assets because the initiation of this litigation is built
10 upon a foundation of quicksand and temporary orders. Monte Reason has not been
11 confirmed as the Trustee by this Court.

12
13 Both settlors are now deceased. Grantor Raymond Christian died on January 31,
14 2017. Grantor Nancy Christian died on December 14, 2017. However, the litigation
15 created by the beneficiaries over the Trust lives on. This never ending litigation was not
16 the intention of the settlors in creating this Trust. Attorney fees exceeding fifty thousand
17 dollars have been generated already, part of the case is on appeal and the primary issue
18 before the court has not been set for trial as discovery continues forward. The estate is a
19 minor estate that cannot continue to bleed this litigation cost. Said attorney fees may well
20 exceed over fifty per cent (50%) of the Trust assets.

21 22 23 **II. ANALYSIS**

24 Petitioners requested in their motion filed April 19, 2018 that the Trust assets be
25 distributed and the Trust terminated. NRS 153.031. Everyone is in agreement that the
26
27
28

1 Trust after paying any valid creditor claims, the Trust should be distributed and closed.

2 There may be claims by the estate of Nancy Christian and Monte Reason.

3 The Trust needs to be distributed before its entire assets end up being used only
4 for paying attorneys. Both settlors are deceased. The Trust is clear as to the grantor's
5 intent in distribution of the Trust. It is also clear that all of the beneficiaries have a real
6 and vested interest in not having Trust assets further utilized for unlimited expensive
7 litigation which does not further the intent of the Trust.

8
9 Jacqueline Utkin was selected as successor Trustee by successor Trustee Monte
10 Brian Reason, while Mr. Reason's own claim to be successor Trustee is still in litigation.
11 On Feb 23, 2018, Petitioners filed an objection to the appointment of Ms. Utkin as
12 Trustee due to her serious conflicts with the main beneficiaries of the Trust. Under NRS
13 153.031(1) (f), a trust's beneficiary may petition the district court to review "the acts of
14 the trustee, including the exercise of discretionary powers[.]"

15
16 More importantly, Ms. Utkin (an out- of- State party who resides in Hawaii) has
17 expressed a serious dislike for the major beneficiaries of the Trust and a positive bias
18 towards Monte Reason, a limited beneficiary. Declarations of Jacqueline Utkin, filed
19 Nov 13, 2017 page 4-5 as Exhibit A to Objection and Counter Petition, filed Nov 13,
20 2017. The fiduciary obligations of a trustee are great. A trustee should do everything in
21 his power to avoid a conflict of interest. *Bank of Nevada v. Speirs*, 95 Nev. 870, 603
22 P.2d 1074 (1979). See *Riley v. Rockwell*, 103 Nev. 698, 701, 747 P.2d 903, 905 (1987)

23
24 The declaration speaks clearly for itself. The declaration has been described as
25 Jacqueline Utkin expressing that the Petitioners directly contributed to the death of
26 grantor Raymond Christian. (See page three, lines 1-2 of Objection and Counter Petition
27
28

1 filed Nov 13, 2017 and page 3-4 of Declaration of Jacqueline Utkin.) Jacqueline Utkin
2 accuses the Petitioners/major beneficiaries of misuse of the Trust assets and abusive
3 actions towards the settlors. (See Utlin's Declaration page three, lines 1-20 , Page 4,
4 lines 11-28 and page 5:1-16; and Objection and Counter Petition filed Nov 13, 2017, page
5 3-5S.) There are irreconcilable conflicts between Ms. Utkin and the main beneficiaries of
6 the Trust and her partiality towards one minor interest beneficiary of the Trust may
7 disqualify Ms. Utkin from acting as Trustee. See Utlin's Declaration page 6-7. *Matter of*
8 *W.N. Connell & Marjorie T. Connell Living Tr.*, 393 P.3d 1090, 1094 (Nev. 2017),
9 *see Hearst v. Ganzi*, 145 Cal.App.4th 1195, 52 Cal.Rptr.3d 473, 481 (2006) (recognizing
10 a trustee's duty to treat all beneficiaries equally); *see also In re Duke*, 305 N.J.Super. 408,
11 702 A.2d 1008, 1023-24 (1995) (explaining that a trustee may not advocate for either
12 side in a dispute between beneficiaries.)
13

14
15 In addition, Ms. Utkin's declaration makes it clear that she would not be the best
16 choice to defend the Trust from potential claims from Nancy Christian's estate or from
17 Monte Reason. Ms. Utkin's irreconcilable conflicts between her personal beliefs and the
18 Trust's major beneficiaries raise serious question as to her choice as Trustee to distribute
19 the assets and defending the potential lawsuits as Trustee. *Getty v. Getty*, 252 Cal. Rptr.
20 342, 345 (Ct. App. 1988). The purpose of removing a Trustee is not to inflict a penalty
21 for past action, but to preserve the Trust assets. (*Moore v. Bowes* (1937) 8 Cal.2d 162,
22 165, 64 P.2d 423.) "The question in each case is whether the circumstances are such that
23 the continuance of the Trustee in office would be detrimental to the Trust," (2 Scott on
24 Trusts (4th ed. 1987) The Trustee, § 107, p. 104.) A Trustee does not serve for his or her
25 own interest, and instead must act to implement the Trustor's intent and to protect the
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1 interests of others. The court has a substantial interest in ensuring proper administration
2 of the Trust and that assets are preserved for the beneficiaries as intended by the Trustor.

3 On April 19, 2018, Petitioner made a request that the assets of the Trust be
4 distributed as there is no adequate protection from the expenses of this ongoing litigation
5 for the beneficiaries of the Trust. See NRS 153.031. To reduce litigation cost and follow
6 the intent of the settlors, the Court's suggestion is the appointment of Fredrick Waid Esq.
7 as Trustee to distribute the assets of the Trust as spelled out in the Trust and bring this
8 litigation to a close. NRS 153.031(1) (k) and NRS 164.010 (5) (d). There is no good
9 purpose or rationale to object to appointing a neutral Trustee in light of the litigation
10 history in this case.
11

12 The Trust is clear as to distribution and it is time to distribute the assets of the
13 Trust as expressed by the grantors. The other option is to let the flames of litigation
14 consume the remaining assets by authorizing the addition of further fuel to this blaze.
15 The primary goal in litigation regarding a trust is to effectuate the apparent intent of the
16 settlor(s). *See, e.g., Klabacka v. Nelson*, 133 Nev., Adv. Op. 24, 394 P.3d 940, 947
17 (2017) ("[C]ourts look first and foremost to the language in the trust and interpret that
18 language to effectuate the intent of the settlors.") (internal quotation marks and citation
19 omitted).
20

21 Cases and statutes consistently state that a Trustee may be removed where there is
22 a conflict of interest between the Trustee's interests and those of the Trust. (See *Estate of*
23 *Keyston* (1951) 102 Cal.App.2d 223, 227-228, 227 P.2d 17 and *Getty v. Getty*, 252 Cal.
24 *Rptr.* 342, 346 (Ct. App. 1988) see also *In re Malone's Estate*, 42 Colo.App. 353, 597
25 *P.2d* 1049 (1979) (hostility and friction between the Trustee and the beneficiaries are
26
27
28

1 proper grounds for removal of Trustee even if misconduct is not proved); Restatement
2 (Third) of Trusts § 37 cmt. f(1) (2003). In re Estate of Klarnar, 98 P.3d 892, 898 (Colo.
3 App. 2003), rev'd, 04SC214, 2005 WL 1322969 (Colo. 2005).

4 The appointment and removal of Trustees is a matter of the trial court's discretion.
5 Chicago Title & Trust Co. v. Chief Wash Co., 368 Ill. 146, 156, 13 N.E.2d 153, 157
6 (1938). Obviously, the appropriateness of the appointment or removal of a Trustee
7 depends on the particular facts and circumstances of each case. Id. In re Estate of
8 Mercier, 961 N.E.2d 958, 962 (Ill. App. Ct. 2011). Prior to his or her removal, a Trustee
9 must be given notice that the Trusteeship is in jeopardy and allowed an opportunity to be
10 heard. People v. Powell, 353 Ill. 582, 592-93, 187 N.E. 419, 423-24 (1933).

11 The Court will hold a hearing to determine if any of the parties object to the
12 appointment of Fredrick Waid, Esq. as Trustee. Fredrick Waid, Esq. having no conflict
13 of interest is in a better position to guide the Trust through distribution and potential
14 litigation. The court has given prior notice of this resolution to the parties.

15 The parties are again provided this reasonable notice that the court is considering
16 such an order. Courts have long had the equity power to remove a Trustee where
17 necessary to preserve the Trust or to preserve the original intentions of the Trustor.
18 (Stewart v. Towse (1988) 203 Cal.App.3d 425, 249 Cal.Rptr. 622, 623, citing Adams v.
19 Cook (1940) 15 Cal.2d 352, 358, 361, 101 P.2d 484.) In the case at bar the appointment
20 of Fredrick Waid, Esq. as Trustee is a modification to preserve the Trust assets. Getty v.
21 Getty, 252 Cal. Rptr. 342, 347 (Ct. App. 1988).

22 This court has broad equitable powers to supervise the administration of a Trust
23 and an estate. NRS 164.015. The court has the responsibility "to protect the estate and
24

1 ensure its assets are properly protected for the beneficiaries.” (Estate of Ferber (1998) 66
2 Cal.App.4th 244, 253.) The court has the inherent equitable power to “take remedial
3 action” and to intervene to prevent harmful acts to the Trust and its beneficiaries.
4 (Schwartz v. Labow (2008) 164 Cal.App.4th 417, 427.) See also Rest.2d Trusts, § 107,
5 p. 235 [the court has reasonable discretion to remove a Trustee “if his continuing to act as
6 Trustee would be detrimental to the interests of the beneficiary”].)

8 A court motion hearing will be held to discuss this appointment of a Trustee to
9 distribute the assets of the Trust pursuant to Nevada law after notice to creditors. Parties
10 have a right to request a prompt evidentiary hearing at said court hearing. Litigants
11 should be aware that the Trust will not bear the initial cost of any further litigation and
12 the Trust might possibly not bear the ultimate fees of such litigation. NRS 153.031
13 (3)(b). See Riley v. Rockwell, 103 Nev. 698, 701, 747 P.2d 903, 905 (1987);
14 Restatement (Third) of Trusts § 79 (2007). Matter of W.N. Connell & Marjorie T.
15 Connell Living Tr., 393 P.3d 1090, 1094 (Nev. 2017).

17 **III. ORDER**

18 It is ordered that a court motion hearing will be held on June 28, 2018 at 3:00 pm
19 to discuss whether Ms. Utkin should be removed as Trustee to the Christian Family Trust
20 and the appointment of Fredrick Waid, Esq., an independent Trustee, for the
21

22 ///

23 ///

24 ///

25 ///

26 ///

1 distribution of the Trust.

2 Parties have a right to request a prompt evidentiary hearing at said court hearing.

3

4

IT IS SO ORDERED this 1st day of June, 2018.

5

6


HONORABLE VINCENT OCHOA
District Court Judge, Department S

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CARY COLT PAYNE, CHTD.

Attorney at Law

700 S. Eighth Street • Las Vegas, Nevada 89101
(702) 383-9010 • Fax (702) 383-9049

EXHIBIT PAGE INTENTIONALLY LEFT BLANK

EXHIBIT “B”

Steven D. Grierson

1 NOE
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 Petitioners

DISTRICT COURT
CLARK COUNTY, NEVADA

10 In the Matter of)

Case No.: P-17-092512-T
Dept. No.: S (Probate)

11 THE CHRISTIAN FAMILY)
12 TRUST u.a.d. 10/11/16)
13)
14)

15 SUSAN CHRISTIAN-PAYNE,)
16 ROSEMARY KEACH AND)
17 RAYMOND CHRISTIAN)
18 Petitioners,)

19 -vs-

20 NANCY I CHRISTIAN, MONTE)
21 REASON and JACQUELINE UTKIN,)
22 Respondents.)
23)
24)
25)
26)
27)
28)

NOTICE OF ENTRY

TO: ALL PERSONS INTERESTED IN THE WITHIN MATTER;

YOU AND EACH OF YOU, WILL PLEASE TAKE NOTICE that a Probate
Commissioner's Report and Recommendations, a copy of which is attached hereto and
incorporated herein by reference, was entered by the court on October 8, 2018.

Dated: October 8, 2018

Cary Colt Payne
CARY COLT PAYNE, ESQ.
Nevada Bar No.: 4357
CARY COLT PAYNE, CHTD.
700 South Eighth Street
Las Vegas, Nevada 89101
(702) 383-9010



CERTIFICATE OF SERVICE

The undersigned hereby certifies that on October 8, 2018, 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).

Jerimy Kirschner, Esq.
JERIMY KIRSCHNER & ASSOCIATES, LTD.
5550 Painted Mirage Rd., Suite 320
Las Vegas, NV 89149
Email: jerimy@jkirschnerlaw.com
Attorney for Jacqueline Utkin

Joseph Powell, Esq.
RUSHFORTH, LEE & KIEFER, LLP
1701 Village Center Circle, Suite 150
Las Vegas, NV 89134
email: joey@rushforth.com
Attorney for Monte Reason

An employee of CARY COLT PAYNE, CHTD.

Steven D. Grierson

1 RAR

2
3 **DISTRICT COURT**
4 **CLARK COUNTY, NEVADA**

5 In the Matter of)

Case No.: P-17-092512-T

6 THE CHRISTIAN FAMILY)
7 TRUST u.a.d. 10/11/16)

Dept. No.: S (Probate)

Date: August 22, 2018

Time: 9:00 AM

8
9 **PROBATE COMMISSIONER'S REPORT AND RECOMMENDATIONS**

10 This matter having come on for hearing on the District Court's remand to the Probate
11 Commissioner to decide the issue of removal of trustee; and the Petitioners/primary beneficiaries,
12 Susan Christian Payne and Raymond Christian, Jr. personally appearing, with Rosemary Keach
13 not appearing (collectively, the "Petitioners"), and being represented by CARY COLT PAYNE, ESQ.,
14 of the CARY COLT PAYNE, CHTD. law firm; and Jacqueline Utkin not personally appearing
15 and being represented by her attorney Jeremy Kirschner, Esq.; and Monte Reason (not personally
16 appearing) and being represented by his attorney, Joseph Powell, Esq., of the RUSHFORTH LEE
17 AND KIEFER law firm; and the Court having reviewed the papers and pleadings on file herein,
18 upon arguments of counsel and being fully apprised in the premises; and Good Cause appearing
19 therefor, the court finds:
20
21

22 **I. REPORT/FINDINGS OF FACT**

23
24 1. This dispute involves the administration of the Christian Family Trust, dated October 11,
25 2016, wherein Raymond T. Christian, Sr. ("Tyron") and Nancy Christian ("Nancy" and together
26 with Tyron, the "Settlers") were the settlors and initial trustees.
27
28

1 2. Currently, Jacqueline Utkin ("Utkin") is the acting trustee having been nominated by
2 Monte Reason ("Reason"), who was appointed by Nancy during her lifetime to be the trustee.¹

3 3. On July 24, 1018, the District Court entered an order suspending Jacqueline Utkin
4 ("Utkin") as Trustee of the above referenced trust and remanded the matter to the undersigned
5 Probate Commissioner to "review and make a final ruling on the sole issue of the removal of
6 Jacqueline Utkin as Trustee."

7 4. At the hearing on remand to determine whether Utkin should be permanently removed as
8 Trustee, the Probate Commissioner took notice that the Trustee, a Hawaii resident, was not present
9 nor did she seek leave to appear telephonically.
10

11 5. Furthermore, the record reflects that Utkin failed to attend a hearing on May 16, 2018,
12 notwithstanding that she was in Las Vegas, Nevada at the time of the hearing, which involved
13 multiple motions/pleadings seeking the court's decision regarding a litany of issues, including
14 (i) compliance with a previous court order and request for sanctions, (ii) turnover of trust assets,
15 (iii) dissolution of an injunction involving trust assets, (iv) expungement of lis pendens, and
16 (v) distribution/termination of the trust, etc.
17

18 6. A review of the record in this case reveals a declaration made by Utkin under penalty of
19 perjury, dated October 17, 2017 (the "Declaration"), and is attached as Exhibit A to a Joint
20 Objection to Petition to Assume Jurisdiction of Trust; Confirm Trustees; Instructions, etc., et al.,
21 filed on November 13, 2017, with the court.
22

23 7. The Declaration provides that it is made and based upon the personal knowledge of Utkin,
24 except those statements made upon information and belief.
25

26 8. In the Declaration, Utkin sets forth the following statements as her personal knowledge:
27

28 ¹ Reason's appointment, and subsequent nomination of Utkin as trustee, is still being contested by Petitioners.

- 1 a. For nearly three years prior to Tyrone's last hospital stay, Petitioners had virtually no
2 contact with Nancy or Tyrone but Reason would check with them and see to their needs.
- 3 b. Sensing their opportunity to seize control of Nancy and Tyrone's assets, the [Petitioner's]
4 roared back into Nancy and Tyrone's life.
- 5 c. [Petitioner's] began isolating Nancy and Tyrone from family and friends.
- 6 d. I would frequently hear the [Petitioners], usually Susan screaming at Tyrone or Nancy.
- 7 e. During the time that the [Petitioners] were supposed to be caring for Nancy and Tyrone,
8 their health deteriorated. I believe this was due to the poor treatment provided by the
9 [Petitioners].
- 10 f. The [Petitioners] would yell at Nancy and curse at her for refusing to eat the unhealthy
11 food they were trying to force upon her. One such instance led to Nancy being kicked out
12 of the home by the [Petitioners].
- 13 g. [Petitioners] spent Trust money to travel to California, to rent extravagant beach house,
14 and to even enjoy a cruise when Tyrone passed away.
- 15 h. [Petitioners] have refused to provide Nancy with any money from the Trust, yet they have
16 spent Trust money extravagantly for their own benefit.
- 17 i. Raymond Christian Jr. expressed his desire that she go and die already and told her that he
18 will "piss on her grave."
- 19 j. Based on my conversations with Tyrone, I am concerned that Tyrone was manipulated or
20 threatened to put the [Petitioners] in charge of the Trust. Tyrone made me promise to help
21 Nancy after his death and to try and prevent the abuse and exploitation of Nancy by the
22 [Petitioners].
- 23 k. [G]iven the abuse detailed herein and the continued abuse by the [Petitioners] through the
24 litigation they are now pursuing, and in order to keep the promise I made to my brother, I
25 am providing this declaration to ensure that Nancy is not subject to continued abuse and
26 exploitation.
- 27 9. Utkin's counsel argued, among other things, that the Declaration was known to the District
28 Court when it appointed Utkin as trustee.
10. The Declaration evidences Utkin's inability to be impartial and act fairly to all Trust
beneficiaries.

II. CONCLUSIONS OF LAW

11. A district court judicial officer has the requisite authority to revisit their prior orders whether by the request of a party or upon the court's own motion. *Trail v. Faretto*, 91 Nev. 401, 536 P.2d 1026 (1975): "a court may for sufficient cause shown, amend, correct, resettle, modify, vacate, as the case may be, an order previously made and entered on the motion in the progress of the cause or proceeding."

12. NRS 53.045 permits any document to be sworn to under the penalties of perjury, rather than a notarization, and as such, under NRS 52.165, is presumed to be authentic.

13. The Declaration is not hearsay as the Court is not swayed by whether the statements made therein are truthful, but instead, believes the Declaration supports a finding that Utkin is biased against the Petitioners. Notwithstanding, the Declaration also falls under the statutory hearsay exceptions found in NRS 51.315 and 51.345 due to the strong assurances of the Declaration's accuracy combined with Utkin's unavailability as a witness and is a statement against the position she now seeks to take.

14. Documents filed in the course of a case, and included in the pleadings, either under the penalty of perjury or notarized, are part of the record, and relevant to the matter. The court has the authority to deem any relevant evidence as admissible pursuant to NRS 48.025.

15. A Trustee has various requisite duties as it relates to impartiality, avoidance of conflicts, etc., in their trust administration and any necessary relations with a trust's beneficiaries. See *In re W.N. Connell and Marjorie T. Connell Living Trust*, 393 P.3d 1090 (Nev. 2017), citing to *Riley v. Rockwell*, 747 P.2d 903 (Nev. 1987); *Hearst v. Ganzi*, 145 Cal.App.4th 1195 (2006); and *In re*

1 *Duke*, 702 A.2d 1008 (N.J. 1995) for the proposition that a trustee's duty is to treat all
2 beneficiaries equally and may not advocate for either side in a dispute between beneficiaries.

3 16. Given the clear overall intent of Utkin's position in her Declaration against the primary
4 beneficiaries of the Trust, Utkin cannot be impartial and has conflicts of interest, and grounds exist
5 to remove Utkin as Trustee.
6

7 III. RECOMMENDATIONS

8 IT IS HEREBY RECOMMENDED as follows:

9 1. That Jacqueline Utkin be permanently removed as Trustee of The Christian Family
10 Trust, effective immediately;
11

12 2. That an independent trustee is required, and Fred Waid be appointed as Trustee,
13 effectively immediately.
14

15 Dated this 3 day of June 2018.

16
17 
18 WESI YANASHITA
19 Probate Commissioner
20
21
22
23
24
25
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27
28



CARY COLT PAYNE, CHTD.

Attorney at Law

700 S. Eighth Street • Las Vegas, Nevada 89101
(702) 383-9010 • Fax (702) 383-9049

EXHIBIT PAGE INTENTIONALLY LEFT BLANK

EXHIBIT "C"

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 2/1/2018 | 349 |

| Bill To |
|---|
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|---|----------|--------|----------|
| 1/4/2018 | Phone call with Joey Powell regarding case history and upcoming hearings (1.0); Second Phone call (.3) | 1.3 | 350.00 | 455.00 |
| 1/4/2018 | Emailed client [REDACTED] (UNBILLED .1) | 0.1 | 125.00 | 12.50 |
| 1/5/2018 | Email with Joey regarding hearing and Payne letter regarding the house (.1); Prepare Certificate of Incumbency (.7) | 0.8 | 350.00 | 280.00 |
| 1/5/2018 | Creating First Draft Certificate of Incumbency (.9), creating cover letter, printing out cover letter, Engagement Agreement, and Certificate of Incumbency [REDACTED] (.6) | 1.5 | 125.00 | 187.50 |
| 1/8/2018 | Emails with Joey Power regarding setup for upcoming hearing and delinquent bills on property (.2) | 0.2 | 350.00 | 70.00 |
| 1/8/2018 | Review Sales Information on Home, lockbox access (.2); Review Republic Services Notice (.1) | 0.2 | 350.00 | 70.00 |
| 1/8/2018 | Organized File (.4), emailed client [REDACTED] (.1) | 0.5 | 125.00 | 62.50 |
| 1/9/2018 | Emails with Joey Powell regarding hearing (.2); Phone call with Cary regarding continuance (.1) | 0.2 | 350.00 | 70.00 |
| 1/9/2018 | Filed discovery documents (.3), called clerk of court for continuing hearing (.1) | 0.4 | 125.00 | 50.00 |
| 1/10/2018 | Called client [REDACTED] (.1) | 0.1 | 125.00 | 12.50 |
| 1/11/2018 | Phone call with Joey Regarding substitution of Real Party in Interest (.2); Review Opposition filed by Cary (.4) | 0.6 | 350.00 | 210.00 |
| 1/11/2018 | Review Sales Information on Home, lockbox access (.2); Review Republic Services Notice (.1) | 0.3 | 350.00 | 105.00 |
| 1/12/2018 | Review of all Prior Pleadings, Accountings, Inventories, Court Minutes, Orders and create notes to file (5.2); Phone call to Anthony Barney office regarding prior discovery (.2) | 5.4 | 350.00 | 1,890.00 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 2/1/2018 | 349 |

| Bill To |
|---|
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|--|----------|--------|----------|
| 1/12/2018 | called and emailed client [REDACTED] (.1), filed Notice of Delinquency and Intent to Lien (.1), filed discovery documents (.1), emailed client [REDACTED] (.1), filed signed (last page) of Certificate of Incumbency (.1) | 0.5 | 125.00 | 62.50 |
| 1/15/2018 | Correspondence with Joey regarding amounts in Payne trust account, review amounts listed in prior pleadings (.3); Email client [REDACTED] (.1) | 0.4 | 350.00 | 140.00 |
| 1/16/2018 | Email with Joey Powell regarding the appearance of Monte on behalf of Nancy's personal trust (.2); Email client [REDACTED] (.1); Review pleadings for issues for which trust is ratifying of the prior trustee (1.2); Email client [REDACTED] (.4) | 1.9 | 350.00 | 665.00 |
| 1/17/2018 | Phone call with Joey regarding Monte position v. trust (1.1); Additional prep for hearing (.2); Email with client [REDACTED] (.2); Attend hearing (1.9) | 3.4 | 350.00 | 1,190.00 |
| 1/17/2018 | Filed Certificate of Incumbency (.1) | 0.1 | 125.00 | 12.50 |
| 1/18/2018 | Phone call with Joey Powell regarding whether Monte is filing claims v. Trust (.4); Draft Order from hearing (1.2); Circulate for approval by appearing counsel (.1); Email with client [REDACTED] (.2) | 1.9 | 350.00 | 665.00 |
| 1/19/2018 | Phone call with Joey Powell regarding input on the order from the hearing (.4); Phone call with Jacqueline regarding [REDACTED] (.8); Edits to Order based on feedback from other counsel (.2); Circulate new order (.1) | 1.5 | 350.00 | 525.00 |
| 1/19/2018 | Scanned and filed anonymous letter (.2) | 0.2 | 125.00 | 25.00 |
| 1/22/2018 | Review and respond to client email regarding [REDACTED] (.3); Follow up on signature on orders, task paralegal (.2) | 0.5 | 350.00 | 175.00 |
| 1/22/2018 | Called Cary Payne's office to ask about changes for Omnibus Order (.1) | 0.1 | 125.00 | 12.50 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 2/1/2018 | 349 |

| Bill To |
|---|
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|--|----------|--------|--------|
| 1/23/2018 | Calling Payne's office for Omnibus order (.1), separating docs from Intelligent Office and filing Signed Resignation of Trustee, Notarized Certificate of Incumbency, Signed Engagement Agreement and Declination to Act as Successor Trustee (.1), Nationwide Order sent Notarized Certificate of Incumbency, Resignation of Trustee and Declination to Act as Successor to Clark County Recorder's office (.2), Bate Stamping Discovery documents (.1) | 0.5 | 125.00 | 62.50 |
| 1/24/2018 | Review Payne email (.2); Edits to Order (.1); Responsive email regarding demand and order (.2); Collaborate with Sarah regarding fill requests and setting up conference availability (.2); Phone call with Zachary Holyoak regarding content of order and his approval (.1); Emails with Cary Payne regarding order and bills of prior trustee (.4) | 1.2 | 350.00 | 420.00 |
| 1/24/2018 | Called Recorder's Office about Original Certificate of Incumbency (.1), called Intelligent Office about runner (.3), Nationwide order pickup of original Notarized Certificate of Incumbency, Declination to Act as Successor Trustee and Resignation of Trustee to Clark County Recorder's Office (.2), called Barney's office for subpoenas, sent email request (.1), called San Bernadino Recorder's office for question about documents (.1), Nationwide order to San Bernadino, just Notarized Certificate of Incumbency (.1) | 0.9 | 125.00 | 112.50 |
| 1/25/2018 | Review and respond to Jacqueline email regarding [REDACTED] (.3); Draft Petition for Successor Trustee (2.4) | 2.7 | 350.00 | 945.00 |
| 1/25/2018 | Called court about Omnibus signatures (.1), called Payne's office for availability for Settlement Conference, left message (.1), sent email to counsel for signature confirmation (.1), Nationwide order for Omnibus, both signed and denied versions (.2) | 0.5 | 125.00 | 62.50 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 2/1/2018 | 349 |

| Bill To |
|---|
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|--|----------|--------|----------|
| 1/26/2018 | Email with Cary Payne regarding deposition of client (.2); Edits to Petition additional review of caselaw (1.7); Email client regarding [REDACTED] (.2); Review Anthony Barney Ltd. letter re billing, (1.0); Email Utkin regarding [REDACTED] (.2); Draft correspondence demand proof of deposit from Mr. Payne's office pursuant to court order (.3); Review Mr. Payne letter and checks, request supporting documents (.2); Review letter from San Bernadino county (.2); Additional emails with client regarding [REDACTED] (.2) | 4.2 | 350.00 | 1,470.00 |
| 1/26/2018 | Proofread Petition to Confirm Successor Trustee (.2), called client [REDACTED] (.1) | 0.3 | 125.00 | 37.50 |
| 1/27/2018 | Phone call with Bar Counsel Regarding execution on an IOLTA account and whether it is possible to execute without NRPC violation | 0.8 | 350.00 | 280.00 |
| 1/29/2018 | Review file, then phone calls with Zachary Holyoak and Joey Powell regarding prior disclosure of proof of funds from Cary Colt Payne (1.4); Phone call with Nancy regarding verification of trust funds from Payne (.5) | 1.9 | 350.00 | 665.00 |
| 1/29/2018 | Filed Nationwide completed and rejected orders to Clark County Recorder's Office (.1), filed letter from San Bernardino Recorder's Office (.1), contacted court to set hearing date, creating NOH (.3), called court for Master Calendar information (.1), called court to request Telephonic hearing (.1), creating Notice of Intent to Appear by Telephone (.3), calling Payne for Settlement conference availability (.1), filed Payne checks (.1), edited Notice of Hearing and Notice of Intent to Appear by Telephone (.2) | 1.4 | 125.00 | 175.00 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 2/1/2018 | 349 |

| Bill To |
|---|
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|---|----------|--------|--------|
| 1/29/2018 | Editing Notice of Hearing and Notice of Intent to Appear by Telephone (.1), bate stamping discovery docs and creating Master Exhibit List (.9), efilng and serving NOH and Notice of Intent to Appear by Telephone (.4), printing NOH and Notice of Intent to Appear by Telephone, mailed to Cary Payne, Joey Powell, Tommy Christian and Christopher Christian (.6), called court clerk to confirm telephonic appearance (.1), forwarded email [REDACTED] to client (.1), filed stamped Notice of Intent to Appear by Telephone (.1), called Payne's office for availability and sent email to opposing counsel (.1) | 2.4 | 125.00 | 300.00 |
| 1/30/2018 | Review emails from Joey regarding bills, [REDACTED] (.2); Email with Mr. Payne regarding deposit of funds (.2); Review bank statements provided by Mr. Payne (.3); Receive and review email from prior trustee counsel regarding billing and invoices, respond with questions regarding duplicate invoices (.6); Review client payment of Republic Services Bill (.1); Emails with all counsel regarding settlement conference (.1) | 1.5 | 350.00 | 525.00 |
| 1/31/2018 | Emails with Client regarding [REDACTED] (.2) | 0.2 | 350.00 | 70.00 |
| 1/31/2018 | Created blank NOH (.1), efiled and served blank NOH (.2), filing sewer bill and creating Trustee Inventory and Accounting spreadsheet (.3), called court numbers to find settlement department (.2), emailed client [REDACTED] (.1), scanned and filed letter and billing info from Barney's office (.1), creating folder (.3) | 1.3 | 125.00 | 162.50 |
| 1/5/2018 | Print Costs | 10 | 0.25 | 2.50 |
| 1/17/2018 | Parking Hearing | 1 | 5.35 | 5.35 |
| 1/17/2018 | Mileage for travel on behalf of client. | 26 | 0.545 | 14.17 |
| 1/8/2018 | Credit Card Charge | 1 | 162.80 | 162.80 |

| | |
|--|-------------|
| Invoice Balance | \$12,419.82 |
| Total Including Previous Balances | \$12,419.82 |
| Payments Applied | \$5,000.00 |
| Amount Remaining in Trust | 0.00 |
| Current Amount Due | \$7,419.82 |

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 3/1/2018 | 371 |

| Bill To |
|---|
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|--|----------|--------|--------|
| 2/1/2018 | Phone call with Joey Powell regarding prior actions of Monte as trustee and conduct of beneficiaries (.5) | 0.5 | 350.00 | 175.00 |
| 2/1/2018 | Filed stamped NOH, scheduled (.1), called Settlement Department, calendared settlement conference (.1), called client [REDACTED] (.1), called opposing counsel and court to get approval for client telephonic appearance (.2), made new Notice of Telephonic Hearing (.1), filed Notice of Scheduling Settlement Conference, scheduled days (.2) | 0.8 | 125.00 | 100.00 |
| 2/2/2018 | Filed signed page of Verification of Jacqueline Utlin (.1) | 0.1 | 125.00 | 12.50 |
| 2/5/2018 | Review and respond to Mr. Payne email regarding checks, confirmation of trustee (.3) | 0.3 | 350.00 | 105.00 |
| 2/5/2018 | Filed stamped Omnibus Order, created and edited NEO (.3), efiled and served NEO for Omnibus, printed and mailed (.2), filed stamped NEO to computer (.1), | 0.6 | 125.00 | 75.00 |
| 2/6/2018 | Review and respond to client email regarding [REDACTED] (.2); Review of case strategy in preparation of role for trustee (.5) | 0.7 | 350.00 | 245.00 |
| 2/6/2018 | Filed stamped Omnibus Order (.1), created Amended NEO for Omnibus Order (.1), efiled and served Amended NEO for Omnibus Order (.1), scanned and filed letter and check from Payne's office, [REDACTED] (.3), called Daniel's office for subpoenas (.1) | 0.4 | 125.00 | 50.00 |
| 2/7/2018 | Filed stamped Amended NEO for Omnibus Order, printed and mailed to brothers (.3), filed letter from Rushforth Lee & Kiefer, Declination to Act as Successor Trustee, Resignation of Trustee and Nomination of Successor Trust (.1), filed Certificate of Incumbency (.1), filed copies of Engagement Agreement, Declination and Nomination, Notarized Certificate of Incumbency into physical files (.1) | 0.6 | 125.00 | 75.00 |
| 2/9/2018 | Phone call with Client regarding [REDACTED] (.6, UNBILLED .2); Email to Payne office regarding EIN (.1) | 0.7 | 350.00 | 245.00 |
| 2/12/2018 | Review and respond to email from Payne regarding fees (.5) | 0.5 | 350.00 | 175.00 |

Invoice Balance**Total Including Previous Balances****Payments Applied****Amount Remaining in Trust****Current Amount Due**

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 3/1/2018 | 371 |

| Bill To |
|---|
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|---|----------|--------|----------|
| 2/12/2018 | Filed Notice of Exercise of Right to have hearing before Probate Court Judge and Petition for Fees and Costs to computer (.1), filed Notice of Hearing to computer, calendared (.1), called court calendar for hearing for Successor Trustee, calendared (.1) | 0.3 | 125.00 | 37.50 |
| 2/15/2018 | Review and respond to Payne email regarding objection to fees (.2) | 0.2 | 250.00 | 50.00 |
| 2/20/2018 | Filed Verification for Jacqueline Utlin for petition to Confirm Successor Trustee to computer (.2), filed physically Omnibus Order (.1) | 0.3 | 125.00 | 37.50 |
| 2/21/2018 | Review 2nd letter (.2); Prepare non-opposition (1.1); Email client [REDACTED] (.2); Prepare OST request for Petition for Successor Trustee (.9) | 2.4 | 350.00 | 840.00 |
| 2/22/2018 | Nationwide order, sent Ex Parte Application for Order Shortening Time to Hear Petition to Confirm Successor Trustee (.2), filed client signed page of Non-Opposition, combined w/Non-Opposition and Limited Joinder to the Petition of Fees, efiled and served in Odyssey (.3), called court twice for Ex Parte Application status (.2) | 0.6 | 125.00 | 75.00 |
| 2/23/2018 | Called court for Ex Parte Application for Order Shortening Time (.1), printed and scanned Notice of Non-Opposition to Fees, edited (.1), efiled and served Notice of Non-Opposition to fees (.1) | 0.3 | 125.00 | 37.50 |
| 2/26/2018 | Filed stamped Notice of Non-Opposition to Fees to computer (.1), called court for status of Motion to Shorten Time, VM (.1), called court for status of Motion (.1), emailed law clerk about Order Shortening Time (.1), called Nationwide for status of Order (.1) | 0.5 | 125.00 | 62.50 |
| 2/27/2018 | Review of Opposition and Counter-Motion, as well as potentially supportive case law (1.0); Draft Rule 11 Letter and No-Contest Reservation (3.6); Phone call to Joey Powell in response to his request for call (.3); Email with client [REDACTED] (.1); Emails with Client [REDACTED] (.2) | 5.1 | 350.00 | 1,785.00 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 3/1/2018 | 371 |

| Bill To |
|---|
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|---|----------|--------|--------|
| 2/27/2018 | Called client to [REDACTED] (.1) | 0.1 | 125.00 | 12.50 |
| 2/28/2018 | Review and respond to client email regarding [REDACTED] (.2); Communications with client regarding [REDACTED] (.4); Phone call clients (.2); Email to Cary Payne (.1) | 0.9 | 350.00 | 315.00 |
| 2/5/2018 | Postage & Mailings | 4 | 0.50 | 2.00 |
| 2/5/2018 | Print Costs | 14 | 0.25 | 3.50 |
| 2/6/2018 | Postage & Mailings | 1 | 21.98 | 21.98 |
| 2/7/2018 | Postage & Mailings | 4 | 0.50 | 2.00 |
| 2/7/2018 | Print Costs | 14 | 0.25 | 3.50 |
| 2/23/2018 | Print Costs | 5 | 0.25 | 1.25 |
| 1/31/2018 | Filing Fee NOH | | 3.50 | 3.50 |
| 2/5/2018 | Filing Fees Omni Order | | 3.50 | 3.50 |
| 2/5/2018 | Filing Fee NEO | | 3.50 | 3.50 |
| 2/6/2018 | Filing Fees | | 3.50 | 3.50 |
| 2/6/2018 | Filing Fees | | 3.50 | 3.50 |
| 2/17/2018 | Fees for CA Filing Attempts | | 160.00 | 160.00 |
| 3/1/2018 | Filing Fees | | 3.50 | 3.50 |
| 3/1/2018 | Filing Fees | | 3.50 | 3.50 |
| | Total Reimbursable Expenses | | | 184.50 |

| | |
|--|-------------|
| Invoice Balance | \$4,728.73 |
| Total Including Previous Balances | \$12,148.55 |
| Payments Applied | 0.00 |
| Amount Remaining in Trust | 0.00 |
| Current Amount Due | \$12,148.55 |

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|-----------|-----------|
| 3/31/2018 | 385 |

| Bill To |
|---|
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|--|----------|--------|----------|
| 3/1/2018 | Review and respond to Payne email regarding defenses to Barney firm payments, other matters (.5); Review ex parte order (.1); Emails to all counsel regarding hearing for successor trustee (.3); Call Powell to request they shorten time on their petition (.1) | 1 | 350.00 | 350.00 |
| 3/1/2018 | Filed signed Ex Parte Application for Order Shortening Time to computer, removed Nationwide cover and separated, calendared new hearing date (.2), efiled and served Order to Shorten Time, then Ex Parte Application (.3) | 0.5 | 125.00 | 62.50 |
| 3/2/2018 | Review Klabacka v. Nelson for Reply (.8) | 0.8 | 350.00 | 280.00 |
| 3/2/2018 | Filed stamped Order Shortening Time and Ex Parte Application for Order to computer (.2) | 0.2 | 125.00 | 25.00 |
| 3/5/2018 | Contact Payne office regarding request for fees (.2) | 0.2 | 125.00 | 25.00 |
| 3/6/2018 | File hardcopy documents (.1) | 0.1 | 125.00 | 12.50 |
| 3/8/2018 | Filed Application for Reimbursement of Administration Expenses to computer (.1) | 0.1 | 125.00 | 12.50 |
| 3/9/2018 | Review Monte Reason application for attorney fees, and prior billings (.5); Email client [REDACTED] (.1) | 0.6 | 350.00 | 210.00 |
| 3/9/2018 | Creating templates RFP, RFA, and ROGS for opposing party (1.4) | 1.4 | 125.00 | 175.00 |
| 3/12/2018 | Draft Reply and Opposition to Counter-Petitioner (5.2); Review opposition to fees for Barney and Rushforth (.8) | 6 | 350.00 | 2,100.00 |
| 3/12/2018 | Emailed client [REDACTED] (.1), filed Petitioners Combined Opposition to Petition for Fees and Application for Reimbursement (.1), proofread Reply to Opposition to Petition (.7), emailed [REDACTED] client (.1), called client [REDACTED] (.1), printing, scanned and filed verification to computer, combined into Reply to Opposition, efiled and served, emailed to opposing counsel (.2) | 1.3 | 125.00 | 162.50 |
| 3/13/2018 | Review Reply filed by Rushforth (.7) | 0.7 | 350.00 | 245.00 |
| 3/13/2018 | Filed Reply to Opposition to computer (.1), editing RFP (1.4), filed Response to Opposition to computer (.1) | 1.6 | 125.00 | 200.00 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|-----------|-----------|
| 3/31/2018 | 385 |

| Bill To |
|---|
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|--|----------|--------|----------|
| 3/14/2018 | Review Reply filed Anthony Barney firm (1.1); Review anonymous letter (.3) | 1.4 | 350.00 | 490.00 |
| 3/14/2018 | Filed Reply to Petitioners Combined Opposition to computer (.1), editing RFP (1.2), filed anonymous letter 2 to computer (.1), creating subpoena for Linda Ruth (.2) | 1.6 | 125.00 | 200.00 |
| 3/15/2018 | Prepare for hearing (1.2); Attend hearing (1.4); Email client [REDACTED] (.1); Review trust needs and strategy | 2.7 | 350.00 | 945.00 |
| 3/15/2018 | Editing Linda Ruth's subpoena, created Donald Turk subpoena (.4) | 0.4 | 125.00 | 50.00 |
| 3/16/2018 | Draft order from hearing (.6); Circulate to counsel (.2); Review Subpoenas (.4) | 1.2 | 350.00 | 420.00 |
| 3/16/2018 | Prepare Request for Production (5.2) | 5.2 | 350.00 | 1,820.00 |
| 3/16/2018 | Printed subpoena for Turk (.1), edited subpoenas, scheduled (2.8), called Zach for Raymond Sr.'s SSN (.1), scanned and filed Turk subpoena to computer, eserved to opposing counsel (.2), called Payne's office for Order (.1), mailed Turk subpoena (.1), editing RFP for Raymond Jr., Susan and Rosemary, eserved (.7) | 4.1 | 125.00 | 512.50 |
| 3/19/2018 | Email counsel [REDACTED] (.1); Edit Order, Emails with Cary Payne regarding order, discovery and contest (.5) | 0.6 | 250.00 | 150.00 |
| 3/19/2018 | Calendared RFP deadlines (.1) | 0.1 | 125.00 | 12.50 |
| 3/20/2018 | Email counsel regarding order (.2); Emails with client (.2); Phone call with JU [REDACTED] (.3); Emails with Rushforth firm (.2) | 0.9 | 350.00 | 315.00 |
| 3/21/2018 | Review Accounting Provided by Cary Payne (.5); Memo to file (.2); Correspondence with Cary Payne regarding hearing and order (.3); Review court minutes and view of hearing confirming order complies (.4); Correspondence with client [REDACTED] (.2); Correspondence with Joey Powell regarding mediation (.2) | 1.8 | 350.00 | 630.00 |
| 3/21/2018 | Called Payne's office for Order (.1), created letter for Payne on Order (.1) | 0.2 | 125.00 | 25.00 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|-----------|-----------|
| 3/31/2018 | 385 |

| Bill To |
|---|
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|---|----------|--------|----------|
| 3/22/2018 | Correspondence with client ██████████ (.2);
Correspondence with Joey power regarding accounting
provided by Payne's office (.3); Correspondence with client
regarding ██████████ (.4) | 0.9 | 350.00 | 315.00 |
| 3/22/2018 | Created excel accounting of known transactions (1.4),
called Payne's office for Order (.1), Nationwide order to
send Order to Commissioner's Office (.1), analyzed
accounting for suspicious activity (.5) | 2.1 | 125.00 | 262.50 |
| 3/23/2018 | Contact Nationwide for order status (.1) | 0.1 | 125.00 | 12.50 |
| 3/26/2018 | Correspondence with Monte counsel regarding settlement
conference and house access (.5); Prepare settlement brief
(2.1) | 2.6 | 350.00 | 910.00 |
| 3/26/2018 | Nationwide follow-up for Order Granting Petition to
Confirm Successor Trustee (.1), Nationwide order, sent
Order to Ochoa (.1) | 0.2 | 125.00 | 25.00 |
| 3/27/2018 | Correspondence with Joey Powell and Cary Payne
regarding property (.2) | 0.2 | 350.00 | 70.00 |
| 3/27/2018 | Finalize Settlement Brief (3.8); ██████████ to
client ██████████ (.2); Phone call with client regarding ██████████
██████████ (.2); Edits ██████████ (2.1); Review Anthony
Bareny billing (.2); Review letter from Cary Payne to
realtor (.2) | 6.7 | 350.00 | 2,345.00 |
| 3/27/2018 | Created NEO for Order to Confirm Successor Trustee (.1),
called Nationwide for Order status (.1), filed and bated
stamped Payne letter to Manesse to computer (.1) | 0.3 | 125.00 | 37.50 |
| 3/28/2018 | Draft Letter to Payne regarding contact with Real Estate
Agent (.9); Draft Motion to Expunge Lis Pendens,
Restraining Order (4.2) | 5.1 | 350.00 | 1,785.00 |
| 3/28/2018 | Printed letter to Payne (.1), researching eviction in
pleadings (.4), called Nationwide for Order status (.1) | 0.6 | 125.00 | 75.00 |
| 3/29/2018 | Final edits to Petition to Expunge and Pre Inj. (1.2); Draft
Motion to Compel Turnover and Rescind Freeze Order
(3.6); Assign subpoenas to third parties (.3) | 4.8 | 350.00 | 1,680.00 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|-----------|-----------|
| 3/31/2018 | 385 |

| Bill To |
|---|
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|--|----------|--------|----------|
| 3/29/2018 | Proofread Petition to Expunge Lis Pendens, emailed ■ client ■ (3), called court for Order status (.1), emailed client ■ (1), filed Utkin verification for Petition to Expunge Lis Pendens (.1), edited Petition to Expunge Lis Pendens, printed, scanned and filed to computer, called court for Order (.2), efiled and served Petition to Expunge, emailed opposing counsel letter (.1) | 0.9 | 125.00 | 112.50 |
| 3/30/2018 | Review subpoenas to major banks in Nevada (.4); Edits to Motion (2.9); Correspondence with Payne office regarding subpoenas (.2); Draft Motion for Sanctions, Compel Disclosure (2.8) | 6.3 | 350.00 | 2,205.00 |
| 3/30/2018 | Created subpoenas for JPMorgan Chase Holdings LLC, Bank of America, NV State Bank, Stifel Nicolaus & Co Inc, and US Bank, printed, scanned and filed co computer, created COS, printed 2 copies for Tommy and Christopher (1.5), served 5 subpoenas to banks, Tommy and Christopher (1.0), filed Wells Fargo letter to computer (.1), edited Wells Fargo and Sun Cities Financials subpoenas (.2), proofread Motion for Turnover of Assets and to Dissolve Injunction, emailed ■ client ■ (4), edited and printed Wells Fargo subpoena and Sun Cities subpoena (.4), made copies of Wells Fargo/Sun Cities subpoenas for Tommy and Christopher, scanned and filed signed subpoenas (.5), edited bank subpoenas, printed new pages with specific due date on them (1.5) | 5.1 | 125.00 | 637.50 |
| 3/16/2018 | Postage & Mailings | 2 | 0.50 | 1.00 |
| 3/16/2018 | Print Costs | 8 | 0.25 | 2.00 |
| 3/28/2018 | Print Costs | 2 | 0.25 | 0.50 |
| 3/30/2018 | Print Costs | 181 | 0.25 | 45.25 |
| 3/30/2018 | Print Costs | 181 | 0.25 | 45.25 |
| 3/12/2018 | Filing Fee | | 11.09 | 11.09 |
| 3/15/2018 | Parking | | 3.00 | 3.00 |
| 3/16/2018 | Runner Fees | | 15.00 | 15.00 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|-----------|-----------|
| 3/31/2018 | 385 |

| Bill To |
|---|
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|-----------------------------|----------|-------|--------|
| 3/19/2018 | Filing Fee | | 3.50 | 3.50 |
| 3/21/2018 | Filing Fee | | 3.50 | 3.50 |
| 3/29/2018 | Filing Fee | | 3.50 | 3.50 |
| 3/29/2018 | Filing Fee | | 3.50 | 3.50 |
| 3/29/2018 | Filing Fee | | 3.50 | 3.50 |
| 4/2/2018 | Filing Fee | | 3.50 | 3.50 |
| 4/4/2018 | Runner Fees Order | | 57.00 | 57.00 |
| 4/4/2018 | Filing Fee | | 3.50 | 3.50 |
| 4/4/2018 | Filing Fee | | 3.50 | 3.50 |
| 4/4/2018 | Filing Fee | | 3.50 | 3.50 |
| 4/4/2018 | Filing Fee | | 3.50 | 3.50 |
| 4/4/2018 | Filing Fee | | 3.50 | 3.50 |
| | Total Reimbursable Expenses | | | 124.59 |

| | |
|--|-------------|
| Invoice Balance | \$20,121.09 |
| Total Including Previous Balances | \$32,269.64 |
| Payments Applied | 0.00 |
| Amount Remaining in Trust | 0.00 |
| Current Amount Due | \$32,269.64 |

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 5/7/2018 | 399 |

| Bill To |
|---|
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|----------|---|----------|--------|----------|
| 4/2/2018 | draft motion to compel and sanctions (5.1); Review Sams Club subpoena, edits (.1); Review Supplemental objection to Barney fees (.6); Correspondence with trustee, phone call with Trustee Utkin [REDACTED] (1.6); | 7.5 | 350.00 | 2,625.00 |
| 4/2/2018 | Correspondence with counsel for Monte Reason (.1) Filed Response to Opposition to Petition for Fees to calendar (.1), filed Petition to Expunge Lis Pendens to computer, calendared (.1), filed signed verification for Petition for Turnover to computer, printed, scanned and filed to computer, combined with Petition, efiled and served to court (.1), editing bank subpoenas, printed (1.0), creating Sam's Club subpoena (.3), called Sam's Club for Registered Agent (.5), mailing bank subpoenas, Sun City, Wells Fargo, to themselves and to Tommy and Christopher Christian (.5), editing Sam's Club subpoena (.2), printed Sam's Club subpoena, mailed (.2), created COS for Motion to Expunge Lis Pendens (.3), edited COS for Motion to Expunge Lis Pendens, printed, mailed, efiled and served COS to court (1.0), scanned and filed Barney's letter and invoice to computer, filed hard copy (.2) | 4.5 | 125.00 | 562.50 |
| 4/3/2018 | Correspondence with client regarding [REDACTED] (.2); Review correspondence from Joey Powell letter, [REDACTED] client (.2); Attend Mediation (7.2); Phone call with client (.3) | 7.9 | 350.00 | 2,765.00 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 5/7/2018 | 399 |

| Bill To |
|---|
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|----------|--|----------|--------|--------|
| 4/3/2018 | Proofread and edited Motion (.9), emailed Eric Cederstrand about phone conference (.1), filed COS for Motion to Expunge Lis Pendens to File (.1), filed Motion for Turnover of Assets to computer, scheduled (.1), called court for Order status (.1), filed Powell letter to computer, emailed ■ client (.2), filed to computer and bate stamped Michael Pyne Affidavit (.2), printed stamped Motion for Turnover of Assets, mailed to Tommy and Christopher, created Certificate of Service, efiled and eserved Certificate of Service (.5), eserved new bank subpoenas to court, Sun Cities, Wells Fargo and Sam's Club, created Certificate of Service for subpoenas, efiled and served Certificate of Service (.6), emailed opposing counsel, resent bank subpoenas with signature (.6) | 2.4 | 125.00 | 300.00 |
| 4/4/2018 | Review sur replies filed by Barney and Payne (.8); Attend hearing (1.8) | 2.6 | 350.00 | 910.00 |
| 4/4/2018 | Filed Countermotion to Strike Response to Opposition of Fees (.1), efiled and served signed Order to court, created NEO, created Certificate of Service, filed Order and NEO to computer (.4), printed NEO for Tommy and Christian (.1) | 0.6 | 125.00 | 75.00 |
| 4/5/2018 | Review Order prepared by AB regarding fees (.2); Call LM with client ■■■■■ (1); Phone call with Sun City Financial rep regarding subpoena and followup correspondence (.2) | 0.5 | 350.00 | 175.00 |
| 4/5/2018 | Mailed Tommy and Christopher NEO (.2), emailed client ■■■■■ (1), efiled and served Certificate of Service for NEO (.1), filed Certificate of Service to computer (.1), emailed Opposing counsel (.1), emailed Barney's office for template (.1), created Notice of Creditors (.2), edited Notice of Creditors (.2), turned Sun City Financial email into formal letter (.3) | 1.4 | 125.00 | 175.00 |

Invoice Balance

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|-----------|--|----------|--------|--------|
| 4/6/2018 | Emailed opposing counsel about creditors (.1), created Sun Cities Financial subpoena, printed, scanned and filed signed version to computer, created Certificate of Service, served Certificate of Service, mailed subpoena to Sun Cities Financial Group, Tommy and Christopher (.9), filed stamped Certificate to computer (.1) | 1.1 | 125.00 | 137.50 |
| 4/9/2018 | correspondence with AB office requesting information related to creditors (.2); correspondence with client [REDACTED] (.2); Email all counsel regarding status of AB order (.1); Review offer for Bluff Point property, respond via email to agent (.3); Correspondence with counsel regarding creditor claims (.3); Review order (.1); Review subpoena and deposition notice of David Grant (.2); Email to Mr. Payne regarding the subpoena, prior subpoenas and need for disclosure prior to deposition (.4) | 1.9 | 350.00 | 665.00 |
| 4/9/2018 | Phone call with Joey Powell regarding claims of Nancy Christian estate, whether claims will be pursued (.6) | 0.6 | 350.00 | 210.00 |
| 4/9/2018 | Emailed Powell and Payne for creditors and insurance (.1), filed and stamped Residential Purchase Agreement and Sellers Report to computer, bated stamped, updated Master Exhibit List (.3), called Powell for results of settlement conference (.1) | 0.5 | 125.00 | 62.50 |
| 4/10/2018 | Review ABLTD letter to judge (.1); Collaborate with Sarah on additional letter followup on subpoenas (.1); Correspondence with real estate agent for Bluff Point property regarding authority for trustee (.3); Final edits to Motion for sanctions (.5) | 1 | 350.00 | 350.00 |

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|-----------|--|----------|--------|--------|
| 4/10/2018 | Filed Notice of Deposition for David Grant, Esq., calendared (.2), updated [REDACTED] (.1), emailed client [REDACTED] called client (.2), printed Utkin Verification, scanned and filed to computer, combined with Motion for Sanctions and Exhibits, efiled and served Motion to court, created COS (.2), created letter to Payne about Deposition (.2) | 0.9 | 125.00 | 112.50 |
| 4/11/2018 | Filed Motion for Sanctions to computer, scheduled, updated COS, printed Motion for Sanctions, mailed to brothers, efiled and served COS, filed stamped COS to computer (.8), emailed Payne for creditors, call his office, left message (.2), filed hard copy of letter from Wells Fargo, Order to Confirm Successor Trustee, and letter from Rushforth, Lee & Kiefer (.1) | 1.1 | 125.00 | 137.50 |
| 4/12/2018 | Review BOA response to subpoena (.1); Collaborate with Sarah on responses letters (.3); Phone call with Joey regarding whether they will assert privilege (.4); Review letter from Cary Payne (.1) | 0.9 | 350.00 | 315.00 |
| 4/12/2018 | Edited letter re: subpoena, emailed Powell about phone call (.2), filed Order to computer, calendared (.2), emailed Payne Utkin's temporary address (.1), filed Bank of America subpoena response, bated stamped, created Disclosure of Responsive Documents (.7), filed NOE to computer (.1), efiled Disclosure of Responsive Documents, saved eservice email (.1), printed letter to Payne re: subpoena, scanned and filed to computer, faxed to Payne (.2), created letter re: address, printed, scanned and filed to computer, faxed to Payne (.2), created letter re: Request to Stipulate (.3) | 2.1 | 125.00 | 262.50 |
| 4/13/2018 | Review amended subpoena notice (.1); Review RFP and responsive documents (1.8); Letter to Powell regarding discovery, RFP (.2); Review NSB subpoena communication, contact NSB regarding documents (.3); | 2.4 | 350.00 | 840.00 |

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|-----------|---|----------|--------|--------|
| 4/13/2018 | Filed letter from Payne to computer (.1), filed Susan, Raymond Jr, and Rosemary's responses to RFP, and Petitioner's Response part 1 and 2 to computer (.2), filed Subpoena Deposition and Amended Deposition to computer, calendared (.1), analyzing RFP response documents (.2), bated stamped responses to RFP, e-served to Powell and created letter, emailed to Powell (1.0), calendared dropbox link deadline (.1), mailed check to Zions Bancorporation (.2) | 1.9 | 125.00 | 237.50 |
| 4/16/2018 | Email with Cary Payne's office regarding grant deposition (.1); Review of subpoena documents and notes (.9) | 1 | 350.00 | 350.00 |
| 4/16/2018 | Created letter to Payne for deposition dates (.3), called Payne's office for deposition (.1), created letter to Payne for his deposition (.2), edited letter for SAO (.1), Review and notes of RFP response documents (2.5) | 3.2 | 125.00 | 400.00 |
| 4/17/2018 | Review Wells Fargo response to subpoena (.1); Edit letter for SAO (.1); correspondence with Mr. Powell and Cary Payne regarding hearing (3); Review Payne letter to Court (.2); correspondence with Payne regarding status of payment (.1); correspondence with Cary and Powell regarding Rushforth fees (.1); correspondence with Cary regarding deposition of Grant (.1) | 0.9 | 350.00 | 315.00 |
| 4/17/2018 | Edited letter to Payne re: Grant deposition, printed, scanned and filed to computer, emailed and faxed letter to Payne (.2), called Powell about deposition (.1), filed new Wells Fargo letter, created new subpoena, filed Stifel subpoena response to computer, printed subpoena, scanned and filed signed subpoena to computer, FedEx shipped subpoena to Vegas office (.3, UNBILLED.4), looked up hearings in court docket, edited calendar, edited Stipulation letter (.1), scanned and filed Request to Stipulate letter to computer, emailed to opposing counsel, faxed to Payne (.2), scanned and filed JPMorgan Chase letter, called Chase for accounts (.1) | 1 | 125.00 | 125.00 |

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Honolulu Hawaii 96815 |

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|-----------|---|----------|--------|--------|
| 4/18/2018 | correspondence with Cary Payne and Joey Powell regarding the objections to Rushforth fees (.1); correspondence with Cary Payne and Joey Powell regarding hearing (.1); Respond to client email regarding [REDACTED] (.1); Respond to Cary Payne email demanding justification for discovery, dispute of creditor payments, and threats to trustee (1.2); Contact Joey Powell, request accounting for Monte Reason (.2); correspondence with client regarding [REDACTED] (.4) | 2.1 | 350.00 | 735.00 |
| 4/18/2018 | Filed Payne's letter to judge to computer (.1), printed letter to Payne re: deposing his clients, scanned and filed to computer, emailed to Payne, faxed (.2), combined Chase letter with proof of accounts, faxed to Chase bank (.2), called Intelligent Office for Wells Fargo subpoena, Nationwide order to serve, eserved subpoena, printed, created COS, mailed to Tommy and Christopher, efiled and served COS (.7), creating letters for subpoena responses of Bank of America and Stifel, eserved (.3), filed hard copies of letters to Payne, NEO for attorney fees, and Chase letter (.1), emailed Payne about SAO (.1) | 1.7 | 125.00 | 212.50 |
| 4/19/2018 | Emails with Cary Payne regarding discovery (.4); Email with client regarding [REDACTED] (.2); Edit to SAO (.1); Review Order regarding payment to Barney Firm (.2); Email with client regarding [REDACTED] (.1); Review strategy for defense of trust against undue influence attack, defense against Intentional Interference with Beneficial Interest, IIED notes (1.1) | 2.1 | 350.00 | 735.00 |

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|-----------|--|----------|--------|--------|
| 4/19/2018 | Review and notes on response to RFP for attorney (.3), creating SAO (1.0, UNBILLED .4), , emailed opposing counsel SAO (.1), updated Sun Cities subpoena (UNBILLED .5), Nationwide service order of Sun Cities subpoena (UNBILLED.5), filed Petitioners Combined Opposition to computer (.1), calendared deadline to reply to Opposition (.1) | 1.5 | 125.00 | 187.50 |
| 4/20/2018 | Correspondence with Payne office regarding payment (.3); Correspondence with client regarding [REDACTED] (.5); Additional emails with Payne regarding checks (.3); Discussion with Sarah regarding US Bank (.3); Review file for HOI, correspondence to Cary Payne regarding home owners insurance (.2); Phone call with Joey Powell regarding David Grant Deposition (.3) | 1.9 | 350.00 | 665.00 |
| 4/20/2018 | Emailed Payne about checks (.1), emailed Payne about SAO (.1), eserved Amended Sun Cities subpoena, printed, created COS, mailed to Tommy and Christopher, calendared, filed stamped COS (.4), edited US Bank subpoena (UNBILLED.1), filed signed US Bank subpoena to computer, Nationwide service order (.2) | 0.8 | 125.00 | 100.00 |
| 4/23/2018 | Review letter from Monte counsel regarding accounting (.2); Correspondence with Payne office regarding deposition of David Grant (.1); Correspondence with Monte Reason attorney regarding same, not cc'd on change in time (.1); Correspondence with client regarding [REDACTED] (.4); Discussions with Sarah regarding Accounting work thus far (.3); Phone call with Client regarding [REDACTED] (.2); Email to Anthony Barney office regarding payment of fees from Chase Account (.3) | 1.6 | 350.00 | 560.00 |
| 4/23/2018 | Called Payne's office for deposition phone number (.1), Review and notes of RFP response documents for accounting (3.8), filed letter from Powell re: fees (.1), emailed Payne for deposition phone number (.1) | 4.1 | 125.00 | 512.50 |

Invoice Balance

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| Date | Description | Quantity | Rate | Amount |
|-----------|---|----------|--------|----------|
| 4/24/2018 | Review Payne email regarding order for payment (.1); Review correspondence from Barney Firm regarding payment (.2); Phone call with Client regarding [REDACTED] (.2); Draft [REDACTED] email with client [REDACTED] (.2) Correspondence with Payne requesting checks be issued (.3); | 1 | 350.00 | 350.00 |
| 4/24/2018 | Updated David Grant deposition on calendar (.1), called Chase bank for update, VM (.1), emailed client [REDACTED] (.1), Review and notes of RFP response documents for accounting(2.4), called Chase bank for update (.1), received call from Chase bank, created Memo to File (.4), updated Chase bank subpoena (.1) | 3.3 | 125.00 | 412.50 |
| 4/25/2018 | Email to Barney Firm regarding payment of fees (.1); Email Payne regarding compliance with payment Order (.1); Request David Grant file from Barney office for Deposition, denied lien (.2); Prepare for Deposition of David Grant, review documents, pleadings, party statements in court, trust (2.7) | 2.9 | 350.00 | 1,015.00 |
| 4/25/2018 | Continue draft of accounting for RFP documents (.5), editing Chase Bank subpoenas, printed (.2), scanned and filed subpoenas, Nationwide Order to serve subpoenas, calendared subpoena response deadline, eserved subpoenas, created COS, created letter for NV Bank subpoena response (1.1) | 1.8 | 125.00 | 225.00 |
| 4/26/2018 | Review NSB statements provided by subpoena (.3); Check file for Final prep for deposition (.8); Attend deposition [Waiting] (1.2); Draft Letter regarding Cancellation of Deposition (1.1); Review correspondence from Barney Firm regarding payment (.2) | 3.6 | 350.00 | 1,260.00 |

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445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|---|----------|--------|--------|
| 4/26/2018 | Printed Trust for deposition (.1), printed Chase subpoenas, mailed, efiled and served COS (.6), eserved NV State Bank response letter, filed stamped COS to computer (.2), scanned and filed JPMorgan Chase letter to computer, filed hard copy, bate stamped Amended Deposition for David Grant (.1), scanned and filed Nationwide Statement, filed hard copy of statement and NV Bank response, Wells Fargo letter, signed Motion for fees, and JPMorgan Chase letter (.1), proofread cancelled deposition letter (.2 UNBILLED .3), called Sam's Club for subpoena response (1.0) | 2.3 | 125.00 | 287.50 |
| 4/27/2018 | Review Notice of Appeal filed by RRS and case appeal statement (.3) | 0.3 | 350.00 | 105.00 |
| 4/27/2018 | Filed Notice of Appeal and Case Appeal Statement to computer (.1) | 0.1 | 125.00 | 12.50 |
| 4/30/2018 | Phone call with Tiffany Barney regarding payment of Barney fees (.2); Phone call with Joey Powell regarding claims v. Trust (.2) | 0.4 | 350.00 | 140.00 |
| 4/2/2018 | Postage & Mailings | 40 | 0.50 | 20.00 |
| 4/2/2018 | Print Costs | 72 | 0.25 | 18.00 |
| 4/3/2018 | Postage & Mailings | 10 | 0.50 | 5.00 |
| 4/3/2018 | Print Costs | 74 | 0.25 | 18.50 |
| 4/5/2018 | Postage & Mailings | 2 | 0.50 | 1.00 |
| 4/6/2018 | Postage & Mailings | 6 | 0.50 | 3.00 |
| 4/6/2018 | Print Costs | 1 | 0.25 | 0.25 |
| 4/12/2018 | Print Costs | 5 | 0.25 | 1.25 |
| 4/18/2018 | Postage & Mailings | 4 | 0.50 | 2.00 |
| 4/18/2018 | Print Costs | 22 | 0.25 | 5.50 |
| 4/20/2018 | Postage & Mailings | 4 | 0.50 | 2.00 |
| 4/20/2018 | Print Costs | 14 | 0.25 | 3.50 |
| 4/24/2018 | Postage & Mailings | 4 | 0.50 | 2.00 |
| 4/24/2018 | Print Costs | 73 | 0.25 | 18.25 |
| 4/13/2018 | Subpoena Research, Invoice 3747, Christian Family Trust | | 40.00 | 40.00 |
| 4/17/2018 | Runners | | 36.00 | 36.00 |

Invoice Balance

Total Including Previous Balances

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Current Amount Due

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

| | |
|----------|-----------|
| Date | Invoice # |
| 5/7/2018 | 399 |

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|---|
| Bill To |
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

[illegible]

| | |
|--|--------------|
| Invoice Balance | \$19,834.04 |
| Total Including Previous Balances | \$119,004.85 |
| Payments Applied | |
| Amount Remaining in Trust | |
| Current Amount Due | |

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 6/4/2018 | 411 |

| Bill To |
|---|
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|----------|--|----------|--------|----------|
| 5/1/2018 | Phone call with David Grant (.1); Notes from meeting (.2); Research NRS 15.190(1)(h) updated decisions for appellate timing (.8); Collaborate with Sarah on designation of agent paperwork (.1) | 1.2 | 350.00 | 420.00 |
| 5/1/2018 | Filed Affidavit of Service to Wells Fargo and US Bank (.1), Craft spreadsheet for accounting from RFP pursuant to JLK instructions (2.8) created [REDACTED] letter for client (.2) | 3.1 | 125.00 | 387.50 |
| 5/2/2018 | Edits to Delegation documents (.3); Phone call with Chase Branch Manager regarding account (.2) | 0.5 | 350.00 | 175.00 |
| 5/2/2018 | Craft spreadsheet for accounting from RFP pursuant to JLK instructions (2.3) | 2.3 | 125.00 | 287.50 |
| 5/4/2018 | Phone call with Chase bank regarding delegation of authority (.2); Phone call with Jackie regarding [REDACTED] (.5) | 0.7 | 350.00 | 245.00 |
| 5/4/2018 | Called court for SAO and called client for [REDACTED] (.1), called client [REDACTED] (.1), called Intelligent Office for US Bank subpoena response (.1), called Nationwide for SAO (.2), created Memo to File for US Bank (.1) | 0.6 | 125.00 | 75.00 |
| 5/7/2018 | Correspondence with JQ regarding [REDACTED] (.3); Review US Bank statements (.4) | 0.7 | 350.00 | 245.00 |
| 5/7/2018 | Filed Central Pacific Bank contact info (.1), emailed Central Pacific Bank (.1), called Nate at Chase Bank, filed US Bank subpoena response, bates stamped (.2), filed Sun Cities Financials subpoena response, bates stamped, updated Master Exhibit List (.2), created letter to opposing counsel for Sun Cities subpoena response, e-served letter (.3), e-filed signed SAO to continue hearings (.1), called Chase bank for meeting (.1) | 1.1 | 125.00 | 137.50 |
| 5/8/2018 | review opposition, draft reply (3.4) | 3.4 | 350.00 | 1,190.00 |

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Honolulu Hawaii 96815 |

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|-----------|---|----------|--------|--------|
| 5/8/2018 | Filed stamped SAO to continue hearings, scheduled, created NEO for SAO, printed, mailed to brothers (.1), eserved NEO (.2), calendared time to review US Bank docs (.1), filed stamped NEO, called court for pending filings (.1), called Nate with Chase bank x4 for meeting (.4) | 0.9 | 125.00 | 112.50 |
| 5/9/2018 | review notice of appeal (.2); Phone call with Jackie [REDACTED] (.2); Phone call with Jackie regarding [REDACTED] (.4); Go to Chase bank with designation of agency form for check, made to wait (1.3); Review Barney issue on fees (.3) | 2.4 | 350.00 | 840.00 |
| 5/9/2018 | Filed Case Appeal Statement to computer, (.1) filed Notice of Appeal to computer (.1), filed Response to Combined Opposition to computer (.1), called Nate at Chase bank, emailed about meeting (.2), emailed client [REDACTED], emailed Nate at Chase (.4), called Intelligent Office for client letter x2 (.2), filed Designation of Agent to computer, bate stamped (.1), called Nate at Chase (.1), filed signed Verification to computer, printed (.1), filed Barney letter to computer (.1), scanned and filed to computer and hard copy the JPMorgan Chase letter (.1) | 1.2 | 125.00 | 150.00 |
| 5/10/2018 | Review Payne letter regarding chase account (.1); Review docket for opposition to sanctions, review level of compliance with order (.3); Phone call with client (.3) | 0.7 | 350.00 | 245.00 |
| 5/11/2018 | Draft letter to Payne regarding accounting (.3); Review cost bond (.1); Correspondence regarding appointments for accounts in LV (.2) | 0.6 | 350.00 | 210.00 |

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|-----------|---|----------|--------|--------|
| 5/11/2018 | Filed Notice of Posting Cost Bond to computer (.1), emailed client [REDACTED] (.1), created paralegal letter to Payne (.8), efiled and served Errata to Response (.1), emailed and faxed paralegal letter to opposing counsel (.1), called Wells Fargo for meeting, left message (.1), creating Supplement for Reply (.2), emailed client [REDACTED] scheduled (.1), efiled and served Supplement (.1), called client about [REDACTED], called Nationwide for Certified Copies for Wells Fargo (.2) | 1.9 | 125.00 | 237.50 |
| 5/14/2018 | Correspondence with client regarding [REDACTED] (.2); Phone call with client (.2) | 0.4 | 350.00 | 140.00 |
| 5/14/2018 | Emailed Intelligent Office the Petition to Confirm Trustee, Order Granting Petition, and Trust to print (.2), filed Supplement to Response to computer, created COS for Reply to Omnibus Opposition and Supplement, printed Reply and Supplement, mailed to brothers, efiled and served COS (1.1), Nationwide order to Certify Petition and Order to Confirm Successor Trustee, and order to drop off documents to Wells Fargo (.1), filed stamped COS to computer (.1), called Sun Cities for accounts, VM (.1), filed Sun Cities email to computer (.1), called Wells Fargo for accounts (.8) | 2.5 | 125.00 | 312.50 |
| 5/15/2018 | Review and Respond to Barney firm request for fees (.3); Prepare for tomorrows hearing (.9) | 1.2 | 300.00 | 360.00 |

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| 5/15/2018 | Filing US Bank subpoena response CD to computer, called Wells Fargo, left VM (.3), printed US Bank response, combined with rest of response, bates stamped, updated Master Exhibit list (.3), scanned and filed Chase cashier's check notice to computer (.1), filed hard copies of JPMorgan Chase letter, Barney letter, Wells Fargo subpoena, US Bank subpoena response, Sun Cities subpoena response, SAO to Continue Hearings, Affidavits of Service, Powell letter, Designation of Agent, and Chase cashier's check notice, called Wells Fargo for subpoena (.2), called Wells Fargo for subpoena, left VM (.1) | 1 | 125.00 | 125.00 |
| 5/16/2018 | Phone calls with Jackie (.2); Meeting with Jackie, [REDACTED] (1.1); Prepare status arguments for court (.3); Attending hearing (0.8); Phone call with client regarding [REDACTED] (.2); Phone call with client to discuss [REDACTED] (.5); Review [REDACTED] documents provided by Jackie, correspondence [REDACTED] (.2); Review and respond to Payne letter regarding checks written from the frozen account (.2); Assign creditor list gathering to Sarah (.2); Review US Bank statements, and notes to file (.5) | 4.2 | 350.00 | 1,470.00 |
| 5/16/2018 | Called Wells Fargo for subpoena x (.5), creating letters for opposing counsel re: US Bank subpoena response, eserved (.4), filed Affidavit of Service for Chase (.1) | 1 | 125.00 | 125.00 |
| 5/17/2018 | Review video of hearing (1.1); Emails with Christian (.2) | 1.3 | 300.00 | 390.00 |
| 5/17/2018 | Filed yesterday's hearing video, emailed [REDACTED] client (.1), watching hearing video for judge's quote on injunction (.6), creating spreadsheet for creditors (1.7), called Barney's office for Certified Death Certificate (.1), filed Payne letter re: check to computer (.1), creating Errata to oral argument (.6), called Nationwide about Death Certificate (.2), created letter for Death Certificate (.3), emailed Powell hearing video (.1), editing letter for Death Certificate (.1) | 3.9 | 125.00 | 487.50 |

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|-----------|---|----------|--------|----------|
| 5/18/2018 | Collaborate with Sarah on deposition notices and dates (.8); Edits to Death Certificate Letter (.2); Emails with Client regarding [REDACTED] (.4); Review Photo's of the home | 1.2 | 350.00 | 420.00 |
| 5/18/2018 | Creating Subpoena Duces Tecum for Michael Payne, Nationwide served to Michael both subpoena and deposition, scheduled deadlines (1.7), created depositions for Susan, Rosemary, Raymond Jr, and Michael, called Intelligent Office for office rooms, eserved depositions and subpoena to opposing counsel (.8) | 2.5 | 100.00 | 250.00 |
| 5/20/2018 | Research and Drafting of Brief upon invitation of the Court (4.2) | 4.2 | 350.00 | 1,470.00 |
| 5/21/2018 | Research Section 1983 claim, basis for emergency injunction (.6); Review Notice from NVSC (.2) | 0.8 | 350.00 | 280.00 |
| 5/21/2018 | Correspondence with client, [REDACTED] (.6);
Correspondence with Jacqueline regarding [REDACTED] (.1); Email with Joey Powell regarding deposition and new chase accounts (.3) | 1 | 350.00 | 350.00 |
| 5/21/2018 | Bate stamped pictures (.7), Nationwide order for Death Certificate (.2), filed NV Supreme Court receipt for documents (.1), called Wells Fargo for subpoena (.1), called Chase about subpoena response, VM (.1), called Wells Fargo subpoena department (.2), called Sam's Club subpoena department (.1), created Memo to File, called Michael's attorney, left message for meeting (.2), called Payne's office for deposition times (.1) | 1.8 | 125.00 | 225.00 |
| 5/22/2018 | Phone call with Michael Payne (.4); Assign Sarah additional subpoena duties (.3) | 0.7 | 350.00 | 245.00 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 6/4/2018 | 411 |

| Bill To |
|---|
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|---|----------|--------|----------|
| 5/22/2018 | Called Payne's office for depositions (.1), called Wells Fargo Stephanie Proano and Legal Processing Department (.7), emailed Wells Fargo for documents (.3), called JPMorgan Chase, VM (.3), called Sam's Club x2, VM (.2), called Michael's attorney, scheduled phone call (.2), called Intelligent Office for office change, scheduled, created Notices of Deposition for Michael, Raymond Jr, Rosemary and Susan, efiled and served, printed and mailed to brothers (1.5), filed Notice of Depositions to computer (.1) | 2.4 | 125.00 | 300.00 |
| 5/23/2018 | Emails with JU regarding [REDACTED] (.2); Review Chase response (.2); Phone call with settlement judge (.3); Draft Order (.3); Phone call with JU regarding [REDACTED] (.4); Additional research and edits to draft of Brief (3.7) | 4.8 | 350.00 | 1,680.00 |
| 5/23/2018 | Called Sam's Club and JPMorgan Chase (.3), creating proof to fax to JPMorgan Chase (.2), faxed JPMorgan Chase (.2), faxed Sam's Club/Walmart (.4), creating Notice of Creditors to Cary Payne and Monte Reason x4 (.4), called Chase and Sam's club about faxes (.4), faxed Sam's Club subpoena to Synchrony Financial (.1), called Costco, Fidelity Guarantee Life for subpoena info (.3), edited Notices to Creditors (.2) | 2.5 | 125.00 | 312.50 |
| 5/24/2018 | Finalize Brief draft (6.3); Review and respond to changed order for Christian (.2) | 6.3 | 350.00 | 2,205.00 |
| 5/24/2018 | Filed Chase accounts picture to computer, bate stamped (.1), finding addresses to creditors (2.3), creating Notice of Creditors from spreadsheet (1.1), Review pleading and hearings for references to independent trustee (.8) | 4.3 | 125.00 | 537.50 |
| 5/25/2018 | Review Chase statements [REDACTED] (.1); Email client regarding [REDACTED] (.3); Review initial documents produced by Michael Payne (.5); Review and respond to Cary Payne letter regarding depositions (.2) | 1.1 | 350.00 | 385.00 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 6/4/2018 | 411 |

| Bill To |
|---|
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|---|----------|--------|--------|
| 5/25/2018 | Called Michael for subpoena response, emailed him shared folder (.2), called Costco for subpoena address (.2), called Fidelity Guarantee Life for subpoena address, called Foresters Financial (.2), creating subpoenas for Costco, Fidelity and Foresters (.2), filed letters from Payne's office (.1), proofread Brief (.7), filed Chase Stop Payments Confirmation Notice to computer, bate stamped (.1), called Chase for response (.3), efiled and served Brief (.1), filed Brief to computer (.1) | 2.2 | 125.00 | 275.00 |
| 5/29/2018 | Collaborate with Sarah on Subpoenas (.3) | 0.3 | 350.00 | 105.00 |
| 5/29/2018 | Called Chase, Synchrony Bank about subpoena (.7), called Nationwide about Death Certificate (.1), scanned and filed driver's license, dropbox link to Nationwide (.2), edited subpoenas to Costco, Fidelity and Foresters (.7), printed and mailed subpoenas (.5), eserved subpoenas, created COS, efiled and served COS, calendared subpoena response deadline (.3), field Wells Fargo letter (.1), emailed Wells Fargo, called about their letter deadline, faxed letter and subpoena to Wells Fargo (.3), field COS to computer (.1), creating Notices to Creditors (.7) | 3.7 | 125.00 | 462.50 |
| 5/30/2018 | Review research notice to beneficiaries to cut off liability for undue influence claims (.4); Phone call with Wells Fargo subpoena response group (.2); Review Chase documents produced in response to subpoena (.4) | 0.6 | 350.00 | 210.00 |
| 5/30/2018 | Scanned and filed Chase subpoena response, created 2nd folder for case, filed hard copies, bate stamped (.7), edited Notices to Creditors (2.1), called Nationwide for Death Certificate Order (.1) | 2.9 | 125.00 | 362.50 |
| 5/31/2018 | Filed 2nd Affidavit of Service to Chase to computer (.1), created subpoena for Wells Fargo investments (.4), called Wells Fargo for investment name (.2), filed hard copies of client verification, Supreme court receipt of docs, Chase Affidavit of Service (.1) | 0.8 | 125.00 | 100.00 |
| 5/8/2018 | Postage & Mailings | 4 | 0.50 | 2.00 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 6/4/2018 | 411 |

| Bill To |
|---|
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|---|----------|--------|--------|
| 5/8/2018 | Print Costs | 14 | 0.25 | 3.50 |
| 5/9/2018 | Print Costs | 1 | 0.25 | 0.25 |
| 5/9/2018 | Print Costs | 2 | 0.25 | 0.50 |
| 5/14/2018 | Postage & Mailings | 8 | 0.50 | 4.00 |
| 5/14/2018 | Print Costs | 90 | 0.25 | 22.50 |
| 5/22/2018 | Postage & Mailings | 2 | 0.50 | 1.00 |
| 5/22/2018 | Print Costs | 24 | 0.25 | 6.00 |
| 5/23/2018 | Postage & Mailings | 2 | 0.50 | 1.00 |
| 5/23/2018 | Print Costs | 2 | 0.25 | 0.50 |
| 5/29/2018 | Postage & Mailings | 7 | 0.50 | 3.50 |
| 5/29/2018 | Print Costs | 65 | 0.25 | 16.25 |
| 5/3/2018 | Service Fees for Personal Service Subpoenas | | 439.88 | 439.88 |
| 5/8/2018 | Filing Fees | | 3.50 | 3.50 |
| 5/9/2018 | Filing Fees | | 3.50 | 3.50 |
| 5/11/2018 | Filing Fees | | 3.50 | 3.50 |
| 5/14/2018 | Filing Fees | | 3.50 | 3.50 |
| 5/16/2018 | Parking | | 3.00 | 3.00 |
| 5/21/2018 | Filing Fees | | 3.50 | 3.50 |
| 5/22/2018 | Filing Fees | | 3.50 | 3.50 |
| 5/22/2018 | Filing Fees | | 3.50 | 3.50 |
| 5/22/2018 | Filing Fees | | 3.50 | 3.50 |
| 5/22/2018 | Filing Fees | | 3.50 | 3.50 |
| 5/24/2018 | Flight for Depositions | | 35.00 | 35.00 |
| 5/24/2018 | Flight for Depositions | | 188.40 | 188.40 |
| 5/25/2018 | Filing Fee | | 3.50 | 3.50 |
| 5/29/2018 | Filing Fee | | 3.50 | 3.50 |
| 6/2/2018 | Christian Runner/Service Fees | | 153.47 | 153.47 |
| | Total Reimbursable Expenses | | | 858.25 |

| | |
|--|-------------|
| Invoice Balance | \$19,461.75 |
| Total Including Previous Balances | \$71,565.43 |
| Payments Applied | 0.00 |
| Amount Remaining in Trust | 0.00 |
| Current Amount Due | 71,565.43 |

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 7/3/2018 | 426 |

| Bill To |
|---|
| Jacqueline Utkin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|---|----------|--------|----------|
| 4/30/2018 | Emailed Payne and called office for SAO (.2), called client [REDACTED] (.2), filed Sun Cities Affidavit of Service (.1) | 0.5 | 125.00 | 62.50 |
| 5/1/2018 | Phone call with David Grant (.1); Notes from meeting (.2); Research NRS 15.190(1)(h) updated decisions for appellate timing (.8); | 1.1 | 350.00 | 385.00 |
| 6/1/2018 | Created response letter for Chase, eserved to opposing counsel (.3) | 0.3 | 125.00 | 37.50 |
| 6/4/2018 | Review Notice to File Docketing statement (.1); Draft NRS 164.021 Letter, Review Trust for Special Notice Provisions (.8); | 0.9 | 350.00 | 315.00 |
| 6/4/2018 | Filed Supreme Court Motion to File Docketing Statement, scheduled deadline (.1), reserved Wells Fargo subpoena, printed, mailed to brothers, created COS, efiled and served COS (.5), filed COS to computer (.1), called Nationwide about Death Certificate (.1), emailed Nationwide for about Death Certificate (.1), creating Request for Status Hearing, efiled and served (.8), emailed court reporter for depositions (.4), emailed Payne for documents (.1) | 1.3 | 125.00 | 162.50 |
| 6/5/2018 | Review court orders (.3) Emails with client (.2); Phone call with client regarding [REDACTED] (.2); Review Court's Research and Drafting of Writ (10.2) | 10.7 | 350.00 | 3,745.00 |
| 6/5/2018 | Contacted court reporter for depositions (.1), Crafted individual Notice to Beneficiaries letters based on attorney instructions, called Rushforth for addresses, printed letters, created and printed Certified labels (3.0), emailed Michael Payne request for additional documents and Myles Notice to Beneficiaries letter(.1), filed Payne's letter re Order, edited Omnibus | 3.2 | 125.00 | 400.00 |
| 6/6/2018 | Continue Research, review of record and Draft for Writ (8.9) | 8.9 | 350.00 | 3,115.00 |
| 6/6/2018 | Emailed Michael Payne about Legal Wings (.1), going through hearing videos and pleadings for Fredrick Waid, filed 2 Orders from the court and NEOs to computer (4.6), emailed Legal Wings for pickup (.1) | 4.8 | 125.00 | 600.00 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 7/3/2018 | 426 |

| Bill To |
|---|
| Jacqueline Utkin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|---|----------|--------|----------|
| 6/7/2018 | Continue Research, review of record and Draft for Writ (6.4) | 6.4 | 350.00 | 2,240.00 |
| 6/7/2018 | Called Wells Fargo for subpoena progression (UNBILLED.1), bated stamped Death Certificate, called UMC and St. Rose Dominican Hospital for balances (.4), filed Michael Payne documents and Legal Wings invoice to computer, emailed Legal Wings (.2), called Certified Labels for receipts of Notice of Trustee (.1), called Wells Fargo for letter (.2), emailed court reporter for hearing video (.1), filed NV Supreme Court docketing statement and exhibits to computer (.1) | 1.1 | 125.00 | 137.50 |
| 6/8/2018 | continue draft of Writ (4.1) | 4.1 | 350.00 | 1,435.00 |
| 6/10/2018 | Finalize Writ (3.3) | 3.3 | 350.00 | 1,155.00 |
| 6/11/2018 | Review letter, prepare outline (.2); Email client [REDACTED] (.1); Email Joey Powell regarding Writ and ask if he will do a Joinder (.1); Email with Trustee regarding [REDACTED] (.1); Edits to Writ before filing and in response to NVSC rejections (1.0); Email writ parties (.1); Review docketing statement from Payne and notice cross appellant (.2); Start Draft of Motion for Stay pending Writ (1.3) | 3.1 | 350.00 | 1,085.00 |
| 6/11/2018 | Called Barney's office for Wells Fargo subpoena (UNBILLED.1) Creating Appendix Volume 1 and 2 (.6), Initial draft, Response letter to Payne (.1), emailed court reporter recent pleading (.1), bated stamped Michael Payne's subpoena response documents (.2), emailed Joey and Cary unstamped Writ (.1) | 1.1 | 125.00 | 137.50 |
| 6/12/2018 | Correspondence with Jacqueline regarding [REDACTED] (.3); Edits to Appendix for Writ (.4); Email Barney firm regarding attorney lien and again request file (.1); Edits to Stay (.5); Review safety deposit box information, quick search for values (.6); Review and respond to trustee email [REDACTED] (.3) | 2.2 | 350.00 | 770.00 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 7/3/2018 | 426 |

| Bill To |
|---|
| Jacqueline Utkin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|--|----------|--------|----------|
| 6/12/2018 | Calendared court reporter hearing transcript (.1); filed Petition for created two nationwide orders to deliver Writ, called NV Supreme Court about hearing video (.6), separating Appendix's to file, reviewing/redacting documents for confidential information/sensitive information, filed Appendix with NV Supreme Court (1.9), filed Affidavit of Service to Michael Payne and Wells Fargo, filed Certified Mail receipts to Christopher and Myles, printed receipts, filed USPS Certified Mail signature (.2), filed Appendix Volume 1 to computer (.1), filed Appendix Volume 2 to computer (.1), Review/proofread Petition for Emergency Stay (.3) | 3.3 | 125.00 | 412.50 |
| 6/13/2018 | Review Forrester's response (.3); Review order from NVSC (.2); Emails with JU (.2); Review whether inclusion requires a response to NVSC, or whether trust will have to file responsive notices (.8); Prepare Notice of Writ (.2) | 1.7 | 350.00 | 595.00 |
| 6/13/2018 | Called court re OST (.2), filed Foresters Financial subpoena response, bated stamped (.1), created subpoena response letter for Foresters Financial, served to opposing counsel (.2), combined Notice of Writ WE, efiled and served (.2) | 0.7 | 125.00 | 87.50 |
| 6/14/2018 | Correspondence with JU regarding [REDACTED] (.3); Review synchrony bank responses (.1); Draft responsive letter to Payne (.5); Prep NRAP 9(1)(A) Notice to other counsel (.2); Check court reporter (.1); Review Costco notice (.1); Phone call to Joey Powell regarding Writ and Meeting (.2); Research grounds for motion (.5); Draft Motion to File video with appendix (.6); Review Trust Financials and discovery documents in preparation for depositions (2.1) | 4.7 | 350.00 | 1,645.00 |
| 6/14/2018 | Filed Notice of Writ (.1), scanned letter to opposing counsel, filed to computer, faxed and emailed to opposing counsel (.3), emailed court reporter on status (.1), creating COS for Petition and Notice of Writ (.2) | 0.7 | 125.00 | 87.50 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 7/3/2018 | 426 |

| Bill To |
|---|
| Jacqueline Utkin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|--|----------|--------|----------|
| 6/15/2018 | Arrange for transcripts to be prepared from hearing for Writ (.5) | 0.5 | 125.00 | 62.50 |
| 6/15/2018 | Correspondence with Cary Payne regarding depositions (.2); Additional Correspondence with Cary Payne regarding depositions (.4); | 0.6 | 350.00 | 210.00 |
| 6/18/2018 | Direct assistant to cancel depositions (.1); Prepare transcript notice (.3); Draft Application for OST (.4); Phone call with JU (.3); Phone call with Wells Fargo legal regarding subpoena (UNBILLED .2); Phone call with Joey Powell regarding failure of the parties to attend the depositions (.4); Review Special Notice, direct Sarah (.2); Review writ for supplements to record (.4) | 2.1 | 350.00 | 735.00 |
| 6/18/2018 | Called Nationwide about Order to Stay, called court, Denise said she was filing an order for it (.3), printed and filed Susan's Certified Mail receipt to computer (.1), printed Requests for Transcript and mailed to Ochoa, Tommy and Christopher (.2), called Nationwide to send runner to pick up document (.1), emailed court reporter about cancelled deposition (.1), called Michael Payne's attorney for deposition (.1), cancel depo rooms (.1), called court about order (.2), called Utkin [REDACTED] (.1), filed COS Supplement (.1), filed Notice to Provide Proof of Service, scheduled deadline (.1), filed Request for Special Notice (.1), called Payne's office for Raymond Jr's address (.1), filed Costco subpoena response to computer and Receipt for Documents (.1) | 1.8 | 125.00 | 225.00 |
| 6/19/2018 | Research & draft Emergency Motion for Stay before NVSC (5.6); Edits based on discovery of Court Order (1.2) | 6.8 | 350.00 | 2,380.00 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 7/3/2018 | 426 |

| Bill To |
|---|
| Jacqueline Utkin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|--|----------|--------|----------|
| 6/19/2018 | Printed Emergency Petition for Stay Pending Writ, filed Motion to file video as part of appendix, printed Petition for Writ, filed receipt, scheduled (1.8), printed Appendix, put hearing on CD's, emailed Ochoa clerk about Petition for Stay, emailed Payne's attorney's office about deposition, created FedEx shipping label, printed labels(1.9), filed Docketing Statement to computer, edited COS's, created Notice of Cancellation of Deposition (.4) | 4.1 | 125.00 | 512.50 |
| 6/20/2018 | Review Wells Fargo emails and responses (UNBILLED .3); Email with JU (.2); Edits to creditor letter (.1); | 0.3 | 350.00 | 105.00 |
| 6/20/2018 | Filed Emergency Motion to Stay to computer, printed and printed Notice of Writ and mailed to Tommy and Christopher, created Nationwide order, emailed Payne Omnibus Order, FedEx documents to brothers (1.7), emailed follow-up to Payne's attorney, efiled and served COS for Petition of Writ and Notice of Petition, filed both to computer (.3), created chart for Certified mailings (.3), created letters to UMC and St. Rose for authorization (.4), created Supplemental COS for Emergency Motion, efiled with NV Supreme Court (.4), filed COS to computer (.1), filed Payne letter (.1), filed Request for Special Notice to computer (.1), edited Certified Mail chart (.1) | 3.5 | 125.00 | 437.50 |
| 6/21/2018 | Review options for obtaining compliance with depositions (.UNBILLED .4); Contact client regarding [REDACTED] (.3); Edits to Wells Fargo Subpoena (UNBILLED .3); Phone call with Cary Payne, EDCR 2.34 (.2); Draft Motion to Compel (2.6); Review denial of Writ (.2); Email client regarding [REDACTED] (.1); Draft Supplement to Hearing (1.2) | 4.6 | 350.00 | 1,610.00 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 7/3/2018 | 426 |

| Bill To |
|---|
| Jacqueline Utkin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|---|----------|--------|--------|
| 6/21/2018 | Called NV Supreme Clerk about Emergency Stay (.1), called FedEx for pickup (.3); Editing Synchrony bank and Wells Fargo bank subpoenas, called Wells Fargo, created Memo to File (UNBILLED 2.1); Updated File with Supplement for Hearing to computer (.1), filed order denying Petition for Writ to computer, printed, mailed to Tommy and Christopher (.1), Nationwide order to pick up Omnibus order, emailed Payne's office (.1), faxed Wells Fargo proof of accounts (.2), filed Wells Fargo response letter (.1) | 1 | 125.00 | 125.00 |
| 6/22/2018 | Continue draft of Supplement (2.3) | 2.3 | 350.00 | 805.00 |
| 6/22/2018 | Emailed Payne for Raymond Jr.'s address (.1), called court about transcript payment, VM (.1), called client for [REDACTED] (.3) | 0.5 | 125.00 | 62.50 |
| 6/25/2018 | Email with counsel for Michael Payne in Divorce action (.2); Review Supplement provided by Monte Reason (.2); Phone call with Joey Powell regarding supplement, Joinder, and upcoming hearing (.4) | 0.8 | 350.00 | 280.00 |
| 6/25/2018 | Filed Supplement to computer (.1), created Memo to File (.1), filed Wells Fargo response letters to computer (UNBILLED .1), Update file with Memorandum Denying Petition for Stay to computer, emailed Joey for meeting (.1), created COS for Supplement of Hearing, printed Supplement x3, mailed to Tommy, Christopher, and Michael, efiled and served COS (.5), emailed Joey, scheduled phone call (.1), updated Inquiry of Balances letter (.1), emailed Payne's attorneys office for confirmation (.1), filed COS to computer (.1) | 1.3 | 125.00 | 162.50 |
| 6/26/2018 | Email with Client regarding [REDACTED] (.1) | 0.1 | 350.00 | 35.00 |
| 6/26/2018 | Filed Joinder to computer (.1), filed Wells Fargo subpoena response letters (.1) | 0.2 | 125.00 | 25.00 |
| 6/27/2018 | Emails with Barney Firm regarding settlement conference updates (.2); Review transcript notice (.1); Review WF notices (UNBILLED .2); | 0.3 | 350.00 | 105.00 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 7/3/2018 | 426 |

| Bill To |
|---|
| Jacqueline Utkin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|--|----------|--------|--------|
| 6/27/2018 | Filed Certification of Transcripts to computer, printed, mailed to Tommy and Christopher, Nationwide order to pick up final billing and transcript from court (.4) | 0.4 | 125.00 | 50.00 |
| 6/28/2018 | Prepare for hearing, review party supplements (1.1); Attend hearing, including travel (1.2); | 2.3 | 350.00 | 805.00 |
| 6/4/2018 | Postage & Mailings | 4 | 0.50 | 2.00 |
| 6/4/2018 | Print Costs | 18 | 0.25 | 4.50 |
| 6/5/2018 | Postage & Mailings | 1 | 0.50 | 0.50 |
| 6/5/2018 | Print Costs | 31 | 0.25 | 7.75 |
| 6/6/2018 | Postage & Mailings | 2 | 0.50 | 1.00 |
| 6/6/2018 | Postage & Mailings | 1 | 0.50 | 0.50 |
| 6/6/2018 | Express Runner Fee | 1 | 55.00 | 55.00 |
| 6/6/2018 | Print Costs | 9 | 0.25 | 2.25 |
| 6/6/2018 | Print Costs | 9 | 0.25 | 2.25 |
| 6/7/2018 | Print Costs | 93 | 0.25 | 23.25 |
| 6/14/2018 | Postage & Mailings | 13 | 0.50 | 6.50 |
| 6/14/2018 | Print Costs | 30 | 0.25 | 7.50 |
| 6/4/2018 | Christian Family Trust | | 3.50 | 3.50 |
| 6/5/2018 | Certified Mailing Postage | | 6.37 | 6.37 |
| 6/5/2018 | Certified Mailing Postage | | 4.87 | 4.87 |
| 6/5/2018 | Certified Mailing Postage | | 4.87 | 4.87 |
| 6/5/2018 | Certified Mailing Postage | | 4.87 | 4.87 |
| 6/5/2018 | Certified Mailing Postage | | 4.87 | 4.87 |
| 6/5/2018 | Certified Mailing Postage | | 4.87 | 4.87 |
| 6/13/2018 | Writ Filing Fee | | 250.00 | 250.00 |
| 6/13/2018 | Certified Mailing Postage | | 5.29 | 5.29 |
| 6/13/2018 | Certified Mailing Postage | | 5.29 | 5.29 |
| 6/13/2018 | Certified Mailing Postage | | 5.29 | 5.29 |
| 6/13/2018 | Certified Mailing Postage | | 5.29 | 5.29 |
| 6/14/2018 | Filing Fee | | 3.50 | 3.50 |
| 6/18/2018 | Hearing Transcripts | | 265.53 | 265.53 |
| 6/19/2018 | Filing Fee | | 3.50 | 3.50 |
| 6/20/2018 | Filing Fee | | 3.50 | 3.50 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

| | |
|----------|-----------|
| Date | Invoice # |
| 7/3/2018 | 426 |

| |
|---|
| Bill To |
| Jacqueline Utkin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|-----------------------------|----------|------|--------|
| 6/20/2018 | Filing Fee | | 3.50 | 3.50 |
| 6/25/2018 | Filing Fee | | 9.50 | 9.50 |
| 6/25/2018 | Filing Fee | | 3.50 | 3.50 |
| 6/28/2018 | Parking | | 3.00 | 3.00 |
| | Total Reimbursable Expenses | | | 600.91 |

| | |
|-----------------------------------|-------------|
| Invoice Balance | \$28,056.41 |
| Total Including Previous Balances | \$99,621.84 |
| Payments Applied | 0.00 |
| Amount Remaining in Trust | \$5,000.00 |
| Current Amount Due | \$99,621.84 |

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|-----------|-----------|
| 7/31/2018 | 438 |

| |
|---|
| Bill To |
| Jacqueline Utkin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|--|----------|--------|--------|
| 7/2/2018 | Updated file with hearing video to computer, called court about site, emailed [REDACTED] client (.8), updated computer file with Nationwide invoice, copy of Final Billing of Expedited Transcripts and May 16th Transcript (.1), updated computer file with response letters from Wells Fargo (.1) | 1 | 125.00 | 125.00 |
| 7/3/2018 | Draft Proposal letter (.9); [REDACTED] (.1); Phone call with JU (.4) | 1.4 | 350.00 | 490.00 |
| 7/3/2018 | Called client [REDACTED] (.1), printed invoice, scanned and updated computer file with letter and invoice, dropped off at Post Office as Certified Mail, scanned and filed receipt and Certified Mail receipt (.7), updated computer file with Legal Wings receipt (.1) | 0.9 | 125.00 | 112.50 |
| 7/5/2018 | Finalize settlement letter to beneficiaries (.5); Review and respond to proposed order, including review of video (.9) | 1.4 | 350.00 | 490.00 |
| 7/5/2018 | Updated file with hard copies of Wells Fargo and Costco letters, Notice to Provide Proof of Service, Receipt for Documents and Memorandum (.1), updated computer file with unstamped Omnibus Order, efiled (.1), proofread letter to Beneficiaries (.3), editing letter, emailed [REDACTED] client, called client (.2), updated computer file with Omnibus Order, created NEO, efiled (.1), emailed and faxed letter to opposing counsel (.1), updated computer file with NEO, printed, mailed to Tommy, Christopher, and Michael (.3), created and edited billing letters (.1), printed, mailed and emailed [REDACTED] to client (.1) | 1.4 | 125.00 | 175.00 |
| 7/6/2018 | Called Payne's office about fax number problems (.1) | 0.1 | 125.00 | 12.50 |
| 7/7/2018 | Review notice of intent to lien, [REDACTED] (.1); Settlement communication with Cary Payne (.4); | 0.5 | 350.00 | 175.00 |
| 7/9/2018 | Updated computer file with Wells Fargo letter (.1), filed hard copies of Wells Fargo letter (.1) | 0.2 | 125.00 | 25.00 |
| 7/11/2018 | Called client re: [REDACTED] (.1) | 0.1 | 125.00 | 12.50 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|-----------|-----------|
| 7/31/2018 | 438 |

| Bill To |
|---|
| Jacqueline Utkin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|---|----------|--------|--------|
| 7/12/2018 | Updated computer file with Fidelity and Guaranty Life subpoena response (.1), updated computer file with unserved Certified Mail receipts for Tommy Christian and Rosemary Keach, printed, updated file with hard copies (.3), scanned and updated computer file with client signed Certified Mail receipt, filed hard copy (.1), filed hard copies of Legal Wings invoice, Wells Fargo letter, Transcript copy, and Omnibus Order (.1) | 0.6 | 125.00 | 75.00 |
| 7/13/2018 | Edits to letter, draft competing Order based on video (.5); Phone call with JU regarding [REDACTED] (.4); Review strategy, evidentiary burdens, proponent, rules of evidence for probate hearings (1.4) | 2.3 | 350.00 | 805.00 |
| 7/13/2018 | Draft first version Competing Order and letter to court (.3), combined Order and letter, emailed to opposing counsel, Nationwide order to court (.1), updated computer file with Notice Scheduling Evidentiary Hearing, scheduled (.1), called client [REDACTED] (.1) | 0.6 | 125.00 | 75.00 |
| 7/16/2018 | Phone call with Joey Powell regarding upcoming hearing (.3) | 0.3 | 350.00 | 105.00 |
| 7/16/2018 | Updated computer file with Settlement letter from Payne (.1), updated computer file with Wells Fargo response documents (.3) | 0.4 | 125.00 | 50.00 |
| 7/17/2018 | Updated computer file with Notice in Lieu of Remitter (.1) | 0.1 | 125.00 | 12.50 |
| 7/19/2018 | Emailed client [REDACTED] (.1) | 0.1 | 125.00 | 12.50 |
| 7/24/2018 | Review order signed by judge (.2) | 0.2 | 350.00 | 70.00 |
| 7/24/2018 | Called court about competing order, scheduled hearing (.1) | 0.1 | 125.00 | 12.50 |
| 7/26/2018 | Review of strategy for trial (.4) | 0.4 | 300.00 | 120.00 |
| 7/26/2018 | Updated computer file with NEO (.1) | 0.1 | 125.00 | 12.50 |
| 7/30/2018 | Draft Motion for Reconsideration (1.4) | 1.4 | 350.00 | 490.00 |
| 7/30/2018 | Contacted court regarding telephonic testimony, memo (.2); Update file with Fidelity & Guarantee life letter, WF letter, Notice of Evidentiary hearing (.1) | 0.3 | 125.00 | 37.50 |
| 7/31/2018 | Edit, proofread, file Motion for Reconsideration (.2, UNBILLED .6); Print and mail motion (.3) | 0.5 | 125.00 | 62.50 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

| | |
|-----------|-----------|
| Date | Invoice # |
| 7/31/2018 | 438 |

| |
|---|
| Bill To |
| Jacqueline Utkin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|-----------------------------|----------|------|--------|
| 7/3/2018 | Print Costs | 8 | 0.25 | 2.00 |
| 7/5/2018 | Postage & Mailings | 8 | 0.50 | 4.00 |
| 7/5/2018 | Print Costs | 27 | 0.25 | 6.75 |
| 7/12/2018 | Print Costs | 4 | 0.25 | 1.00 |
| 7/5/2018 | Filing Fee | | 3.50 | 3.50 |
| 7/5/2018 | Filing Fee | | 3.50 | 3.50 |
| | Total Reimbursable Expenses | | | 7.00 |

| | |
|--|--------------|
| Invoice Balance | \$3,578.25 |
| Total Including Previous Balances | \$103,200.09 |
| Payments Applied | 0.00 |
| Amount Remaining in Trust | \$5000.00 |
| Current Amount Due | \$103,200.09 |

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 9/1/2018 | 452 |

| Bill To |
|---|
| Jacqueline Utkin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|--|----------|--------|----------|
| 8/2/2018 | Email with client [REDACTED] (.3); Review E Hearing Strategy (.6); Review client email [REDACTED] (.1) | 1 | 350.00 | 350.00 |
| 8/2/2018 | Called Legal Wings for payment, updated computer file with invoice (.2), updated computer file with Foresters Financial Statement of Claim for Death Benefits (.1), created trial disclosures (1.2) | 1.5 | 125.00 | 187.50 |
| 8/6/2018 | edited Pre-Trial Memorandum (.6) | 0.6 | 125.00 | 75.00 |
| 8/7/2018 | Called court about blind brief, created Memo to file (.1), created Notice of Telephonic Appearance (.3), emailed probate court about blind brief (.1), edited Pre-Trial Memorandum (1.0) | 1.5 | 125.00 | 187.50 |
| 8/8/2018 | Work on pre-hearing brief (.5) | 0.5 | 350.00 | 175.00 |
| 8/8/2018 | Created Notice of Telephonic Appearance, efiled (.2), Edited billing/status letters (.1), edited Pre-Trial Memorandum (.6), updated computer file with Notice of Telephonic Appearance, printed, mailed (.5), printed mailed and emailed letter (.3) | 1.7 | 125.00 | 212.50 |
| 8/13/2018 | Updated computer file with DFS Lost Policy Results, bate stamped (.1), updated computer file with Opposition to Motion to Reconsider Countermotion (.1), updated computer file with Voya email, bate stamped (.1), going to Office Depot for Trial Binders (.7), printed Pre-Trial Memorandum docs, scanned receipt (.3) | 1.3 | 125.00 | 162.50 |
| 8/14/2018 | Printed Pre-Trial exhibits, created Trial binders (4.7) | 4.7 | 125.00 | 587.50 |
| 8/14/2018 | Emailed Probate court re: Briefs (.1), proofread Reply to Opposition to Motion for Reconsideration, efiled and served Reply, printed and mailed (1.0) | 1.1 | 125.00 | 137.50 |
| 8/15/2018 | Review court correspondence regarding briefs (.2) | 0.2 | 350.00 | 70.00 |
| 8/15/2018 | Draft Reply (2.2); Edits to Trial Brief (.8) | 3 | 350.00 | 1,050.00 |
| 8/16/2018 | Proofread and edited Trial Brief (.8), updated computer with Reply to Opposition (.1) | 0.9 | 125.00 | 112.50 |
| 8/20/2018 | Analyze strategy for hearing (1.3); Review Payne brief (| 1.3 | 350.00 | 455.00 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 9/1/2018 | 452 |

| Bill To |
|---|
| Jacqueline Utkin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|--|----------|--------|----------|
| 8/20/2018 | Updated computer file with Pre-Trial Memorandum, emailed client [REDACTED] (.1), Trial binders (1.3), emailed opposing counsel Brief exhibits, updated computer file with Petitioner's Brief, called court re: hearing, trial binders (1.3) | 2.7 | 125.00 | 337.50 |
| 8/21/2018 | Prepare for hearing, review client verified pleadings, outline oral arguments, outline strategy for witnesses (1.9); Emails with client regarding [REDACTED] (.1); Review Order from hearing (.2); Contact Tiffany Barney to discuss appearance for hearing, scope of expected testimony (.3); Review arguments to reflect additional scope, edits (.9); Phone call with Joey Powell regarding Monte Reason's position for hearing (.6); Prep power point (.6); Outline questions for Tiffany Barney and RRS beneficiaries (1.4) | 6 | 350.00 | 2,100.00 |
| 8/21/2018 | Printed and reviewed pleadings' fact statements (2.1), printed added exhibits for Trial binders (1.1) | 3.2 | 125.00 | 400.00 |
| 8/22/2018 | Additional prep for hearing (.5); Attend hearing (2.0); Analysis of result of hearing, grounds for removal (1.1); Correspondence with client regarding [REDACTED] (.2) | 3.8 | 350.00 | 1,330.00 |
| 8/22/2018 | Emailed client [REDACTED] (.1) | 0.1 | 125.00 | 12.50 |
| 8/23/2018 | Called Probate court for video, [REDACTED] [REDACTED], emailed client (.2), created Memo to File (.1) | 0.3 | 125.00 | 37.50 |
| 8/27/2018 | Updated computer file with client accounting, created Memo to File (.3), edited client accounting spreadsheet (.2) | 0.5 | 125.00 | 62.50 |
| 8/28/2018 | correspondence with Cary Payne regarding accounting (.2) | 0.2 | 350.00 | 70.00 |
| 8/28/2018 | Updated client's accounting (.4), updated computer file with Payne letter, adding to Final Accounting, bates stamped [REDACTED] docs, updated computer file with 2nd Payne letter and Report and Recommendation, scheduled accounting deadlines (1.5), emailed client [REDACTED] (.1), emailed client (.1) | 2.1 | 125.00 | 262.50 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|----------|-----------|
| 9/1/2018 | 452 |

| Bill To |
|---|
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|---|----------|--------|----------|
| 8/29/2018 | Emailed client [REDACTED], updated client accounting spreadsheet (.2), edited spreadsheet, emailed client (.2), updated computer file with accounting docs, updated spreadsheet (.1) | 0.5 | 125.00 | 62.50 |
| 8/30/2018 | Review and list objections to the RR prepared by Payne (.3); Draft Inventory and Accounting, review additional documents needed (5.1 [discount rate to \$125/hr.]) | 5.4 | 125.00 | 675.00 |
| 8/30/2018 | Updated computer file with NEO of Decision/Order (.1), emailed client [REDACTED] (.1), emailed client [REDACTED] (.1), created cover letter re: lien, printed lien letter, cover letter, mailed through Certified Mail (.5) | 0.8 | 125.00 | 100.00 |
| 8/31/2018 | Continue Work on Accounting, detailed (4.7) | 4.7 | 350.00 | 1,645.00 |
| 8/9/2018 | Print Costs | 4 | 0.25 | 1.00 |
| 8/13/2018 | Mileage for travel on behalf of client. | 5.6 | 0.75 | 4.20 |
| 8/13/2018 | Print Costs | 1 | 0.25 | 0.25 |
| 8/14/2018 | Print Costs | 765 | 0.25 | 191.25 |
| 8/15/2018 | Postage & Mailings | 1 | 0.50 | 0.50 |
| 8/15/2018 | Print Costs | 15 | 0.25 | 3.75 |
| 8/17/2018 | Postage & Mailings | 6 | 0.50 | 3.00 |
| 8/17/2018 | Print Costs | 27 | 0.25 | 6.75 |
| 8/20/2018 | Print Costs | 272 | 0.25 | 68.00 |
| 8/21/2018 | Print Costs | 95 | 0.25 | 23.75 |
| 7/31/2018 | Mtn to Recons Filing Fee | | 3.50 | 3.50 |
| 8/4/2018 | Copy Fees | | 30.31 | 30.31 |
| 8/15/2018 | Filing Fee | | 3.50 | 3.50 |
| | Total Reimbursable Expenses | | | 37.31 |

| | |
|--|--------------|
| Invoice Balance | \$11,197.26 |
| Total Including Previous Balances | \$114,397.35 |
| Payments Applied | 0.00 |
| Amount Remaining in Trust | 0.00 |
| Current Amount Due | \$114,397.35 |

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|-----------|-----------|
| 10/4/2018 | 461 |

| Bill To |
|---|
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|--|----------|--------|--------|
| 9/4/2018 | Created Chase account spreadsheet, updated computer file with client documents, emailed client (1.6), scheduled reminder for Final Accounting (.1) | 1.7 | 125.00 | 212.50 |
| 9/5/2018 | Updated computer file with documents [REDACTED] updated accounting spreadsheet, found account income, updated Final Accounting, called client (.9), emailed client, updated computer file with documents (.1), updated Accounting spreadsheets (.7) | 1.7 | 125.00 | 212.50 |
| 9/6/2018 | Updated computer file with Certified Mail receipt (.1) | 0.1 | 125.00 | 12.50 |
| 9/10/2018 | Created RR based on attorney dictation (.7) | 0.7 | 125.00 | 87.50 |
| 9/11/2018 | Updated computer file with trustee docs: plane tickets (.1) | 0.1 | 125.00 | 12.50 |
| 9/12/2018 | Edits to competing RR (.4); | 0.4 | 350.00 | 140.00 |
| 9/14/2018 | Edits to accounting (.4) | 0.4 | 350.00 | 140.00 |
| 9/14/2018 | Created letter to court (.3), scanned and updated computer file with signed letter to court, created Nationwide order, emailed IO (.2) | 0.5 | 125.00 | 62.50 |
| 9/17/2018 | Served RR (.1), emailed client, scheduled phone call (.1), updated computer file with client accounting docs (.4) | 0.6 | 125.00 | 75.00 |
| 9/18/2018 | Phone calls with Jacqueline regarding [REDACTED] (.4); Review documents [REDACTED] (.3) | 0.7 | 350.00 | 245.00 |
| 9/18/2018 | Updated computer file with client accounting docs (.2), emailed client [REDACTED] (.1), edited Chart of Utkin Accounts (1.6), emailed client [REDACTED] (.3), updated computer file with Certificate of Transcripts, Notification of Completion (.1) | 2.3 | 125.00 | 287.50 |
| 9/19/2018 | Review of client emails regarding [REDACTED], compare with spreadsheet, request additional details (.8) | 0.8 | 350.00 | 280.00 |
| 9/19/2018 | Updated computer file with client accounting docs, emailed client (.6), updated Chart of Utkin Accounts (1.2), created Notice of Withdrawal (.8) | 2.6 | 125.00 | 325.00 |
| 9/20/2018 | Emailed client (.1), updated computer file with client account documents, updated chart (.4) | 0.5 | 125.00 | 62.50 |
| 9/21/2018 | Review additional bank statements, accounting details [REDACTED] (.5) | 0.5 | 350.00 | 175.00 |

Invoice Balance

Total Including Previous Balances

Payments Applied

Amount Remaining in Trust

Current Amount Due

Jerimy Kirschner & Associates, PLLC

1326 Tacoma Ave. S. #200
Tacoma, WA 98402

Invoice

| Date | Invoice # |
|-----------|-----------|
| 10/4/2018 | 461 |

| Bill To |
|---|
| Jacqueline Utlin
445 Seaside Ave Apt 4005
Honolulu Hawaii 96815 |

| Date | Description | Quantity | Rate | Amount |
|-----------|---|----------|--------|--------|
| 9/24/2018 | Emails with Jacqueline [REDACTED] (.2); Review and respond to Joey Powell email regarding outstanding bills (.2); Phone call with Jacqueline regarding [REDACTED] (.3) | 0.7 | 350.00 | 245.00 |
| 9/24/2018 | Updated computer file with client documents, bills from opposing counsel, emailed client, updated accounting charts (.8, UNBILLED 7) | 0.8 | 125.00 | 100.00 |
| 9/25/2018 | Emailed client (.1), updated computer file with client docs, updated chart (.8) | 0.9 | 125.00 | 112.50 |
| 9/26/2018 | Review expense list (.2); Correspondence [REDACTED] (.2) | 0.4 | 350.00 | 140.00 |
| 9/26/2018 | Emailed client (.2), worked on accounting chart (.6, UNBILLED .6) | 0.8 | 125.00 | 100.00 |
| 10/2/2018 | Review Memorandum and Complaint (1.2); Correspondence with client (.6) | 1.8 | 350.00 | 630.00 |
| 10/3/2018 | Review hearing notices (.1); Edits to accounting (.4) | 0.5 | 350.00 | 175.00 |
| 10/3/2018 | Updated computer file with Notice of Change of Hearing and Motion for Declaratory Relief, scheduled (.1), updated computer file with opposing counsel Complaint letter (.1) | 0.2 | 125.00 | 25.00 |
| 10/4/2018 | Finalize accounting, reconcile (1.7); Correspondence with JU [REDACTED] (.3) | 2 | 350.00 | 700.00 |
| 10/4/2018 | Updated computer file with Notice of Hearing (.1), updated accounting spreadsheet (.3) | 0.4 | 125.00 | 50.00 |

| | |
|--|--------------|
| Invoice Balance | \$4,607.50 |
| Total Including Previous Balances | \$119,004.85 |
| Payments Applied | |
| Amount Remaining in Trust | |
| Current Amount Due | |



CARY COLT PAYNE, CHTD.

Attorney at Law

700 S. Eighth Street • Las Vegas, Nevada 89101
(702) 383-9010 • Fax (702) 383-9049

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EXHIBIT “D”



800-843-7348 - SOUSA.COM - 877-843-8443

In the Matter of the Christian Family Trust

Audio Transcription of Hearing

Date: 1/17/2018

Job #: 608764

Court Reporting – Videoconferencing – Trial Presentation – Nationwide Networking

**1013 Garces Avenue | Las Vegas | 89101
702-765-7100**

1 Whether it's insurance costs that are
2 coming up, whether we have any renewals going on.
3 This needs to be done. This is standard stuff for
4 a trustee. So I don't understand why even a few
5 thousand dollars can't be released to pay
6 administrative costs while we're resolving these
7 issues.

8 I just don't want to have property risked
9 regardless of whether they're the beneficiaries or
10 somebody else is. We have six people involved in
11 this trust.

12 THE COURT: I'm going to release 5,000 to
13 an account that you're going to open up for the
14 trust. And it's not for administrative expenses
15 like you mentioned by mistake maybe.

16 MR. KIRSCHNER: Not attorneys' fees.

17 THE COURT: Not attorneys' fees, not
18 administrative fees. It's to save whatever
19 property needs to be saved, whatever bills need to
20 be paid. And you're going to be fully responsible
21 for the accounting for every penny of that 5,000,
22 okay?

23 MR. KIRSCHNER: No problem with that,
24 Your Honor.

25 THE COURT: We don't need more accounting

1 MR. KIRSCHNER: So to confirm, we have
2 jurisdiction of the trust today. This Court is
3 taking jurisdiction. The Court's ordering the
4 accounting for them. They have 45 days in which to
5 provide the accounting.

6 Mr. Payne has seven days, business bank
7 days in which to turn over the \$400,000 plus that's
8 being held in his IOLTA account --

9 THE COURT: Minus the \$6,000 that he's
10 going to give -- 5,000.

11 MR. KIRSCHNER: Six -- was it 6,000 or
12 5,000?

13 THE COURT: Five thousand, I'm sorry.

14 MR. KIRSCHNER: So minus the \$5,000
15 that's going to be distributed to my -- we'll put
16 into an account that my client has to account for
17 whatever funds and administrative cases that are
18 required. They're going to be turning over --

19 THE COURT: Not administrative costs.

20 MR. POWELL: Fees related to the house.

21 MR. KIRSCHNER: Fees related to the
22 homes. I apologize, Your Honor. More narrow on
23 that. And they're going to be providing us
24 substantiating documents related to the accounting,
25 right?



CARY COLT PAYNE, CHTD.

Attorney at Law

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EXHIBIT “E”

| GENERAL INFORMATION | |
|--|--|
| PARCEL NO. | 138-18-611-074 |
| OWNER AND MAILING ADDRESS | CHRISTIAN FAMILY TRUST
REASON MONTE BRIAN TRS
%RUSHFORTH FIRM LTD
P O BOX 371655
LAS VEGAS
NV 89137 |
| LOCATION ADDRESS
CITY/UNINCORPORATED TOWN | 2848 BLUFFPOINT DR
LAS VEGAS |
| ASSESSOR DESCRIPTION | SUN CITY LAS VEGAS-UNIT #25
PLAT BOOK 49 PAGE 32
LOT 195 BLOCK 4 |
| RECORDED DOCUMENT NO. | * 20170710:00798 |
| RECORDED DATE | Jul 10 2017 |
| VESTING | NS |

*Note: Only documents from September 15, 1999 through present are available for viewing.

| ASSESSMENT INFORMATION AND VALUE EXCLUDED FROM PARTIAL ABATEMENT | |
|--|---------|
| TAX DISTRICT | 200 |
| APPRAISAL YEAR | 2017 |
| FISCAL YEAR | 2018-19 |
| SUPPLEMENTAL IMPROVEMENT VALUE | 0 |
| INCREMENTAL LAND | 0 |
| INCREMENTAL IMPROVEMENTS | 0 |

| REAL PROPERTY ASSESSED VALUE | | |
|--------------------------------|---------|---------|
| FISCAL YEAR | 2017-18 | 2018-19 |
| LAND | 18200 | 20300 |
| IMPROVEMENTS | 45948 | 45908 |
| PERSONAL PROPERTY | 0 | 0 |
| EXEMPT | 0 | 0 |
| GROSS ASSESSED (SUBTOTAL) | 64148 | 66208 |
| TAXABLE LAND+IMP (SUBTOTAL) | 183280 | 189166 |
| COMMON ELEMENT ALLOCATION ASSD | 858 | 0 |
| TOTAL ASSESSED VALUE | 65006 | 66208 |
| TOTAL TAXABLE VALUE | 185731 | 189166 |

| ESTIMATED LOT SIZE AND APPRAISAL INFORMATION | |
|--|---|
| ESTIMATED SIZE | 0.16 Acres |
| ORIGINAL CONST. YEAR | 1991 |
| LAST SALE PRICE
MONTH/YEAR
SALE TYPE | 265000
11/2016
R - Recorded Value |
| LAND USE | 20.110 - Single Family Residential |
| DWELLING UNITS | 1 |

| PRIMARY RESIDENTIAL STRUCTURE | | | | | |
|-------------------------------|------|-----------------|-----------|----------------------|---------------|
| 1ST FLOOR SQ. FT. | 1653 | CASITA SQ. FT. | 0 | ADDN/CONV | |
| 2ND FLOOR SQ. FT. | 0 | CARPORT SQ. FT. | 0 | POOL | NO |
| 3RD FLOOR SQ. FT. | 0 | STYLE | One Story | SPA | NO |
| UNFINISHED BASEMENT SQ. FT. | 0 | BEDROOMS | 2 | TYPE OF CONSTRUCTION | Frame-Stucco |
| FINISHED BASEMENT SQ. FT. | 0 | BATHROOMS | 2 FULL | ROOF TYPE | Concrete Tile |
| BASEMENT GARAGE SQ. FT. | 0 | FIREPLACE | 0 | | |
| TOTAL GARAGE SQ. FT. | 525 | | | | |



CARY COLT PAYNE, CHTD.

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EXHIBIT “G”

Steven D. Grierson

BREF

CARY COLT PAYNE, ESQ.
Nevada Bar No. 4357
CARY COLT PAYNE, CHTD.
700 South Eighth Street
Las Vegas, Nevada 89101
(702) 383-9010
carycoltpaynechtd@yahoo.com
Attorney for Petitioners

**DISTRICT COURT
CLARK COUNTY, NEVADA**

| | | | |
|-------------------------------|---|------------|---------------|
| In the Matter of |) | Case No.: | P-17-092512-T |
| |) | Dept. No.: | B (Probate) |
| THE CHRISTIAN FAMILY |) | | |
| TRUST u.a.d. 10/11/16 |) | Date: | 5/24/19 |
| |) | Time: | 2:00 PM |
| ~~~~~ |) | | |
| SUSAN CHRISTIAN, |) | | |
| ROSEMARY KEACH AND |) | | |
| RAYMOND CHRISTIAN |) | | |
| |) | | |
| Petitioners, |) | | |
| -vs- |) | | |
| NANCY I CHRISTIAN, MONTE |) | | |
| REASON and JACQUIELINE UTKIN, |) | | |
| |) | | |
| Respondents. |) | | |
| ~~~~~ |) | | |

PETITIONERS' SUPPLEMENTAL BRIEF RE RLK FEES

COMES NOW Petitioners, SUSAN CHRISTIAN, ROSEMARY KEACH and RAYMOND CHRISTIAN, original co-trustees and primary (remainderman) beneficiaries (approximately 90%) of The Christian Family Trust u.a.d. 10/11/16, by and through their attorney, CARY COLT PAYNE, ESQ., of the lawfirm of CARY COLT PAYNE, CHTD., hereby submits this Supplemental Brief for Hearing.

CARY COLT PAYNE, CHTD.

700 South Eighth Street
Las Vegas, Nevada 89101
Tel: 702. 383.9010 • Fax 702. 383.9049





POINTS AND AUTHORITIES

A. RLK has no petition for attorney's fees

Monte Reason's application was for reimbursement for administrative expenses, which later identifies those "administrative expenses" as legal fees in the amount of \$37,294. While the issue of Monte Reason's nomination as trustee of the CFT, no petition was ever brought to the court in this matter to confirm him as trustee. As such, there is a question as to the propriety of any such request.

The application goes on to claim that Monte is not seeking approval of fees from the court, nor does the Brunzell factors apply (which apply to all matters requesting fees). Yet, there are no actual billing statements from RLK.

RLK states that the former (removed for cause trustee) Jacqueline Utkin somehow approved the attorney's fees, but there is no proof of this allegation.

There are absolutely no details, or no showing in the application or current supplement how such attorney's fees benefitted the trust or its major beneficiaries, which is required in a trust matter before the court.

"Reimbursement" would indicate that Monte actually paid out the monies and seeks to be reimbursed for his outlay. Monte must be ordered to provide all unredacted documents, billing statements which comprise the \$37,294 request. What is clear in the application is that Monte/RLK would have simply just taken the money without notice or court approval.

1 During the hearing held on January 17, 2019, when Judge Ochoa specifically
2 inquired about what tasks Monte actually performed, Monte's attorney Joseph Powell,
3 Esq. specifically stated: "So from that time that my client was trustee, he was unable to
4 take any action as a trustee because he was blocked by not having any access to the
5 funds to administer the trust". (pertinent pages attached-Exhibit "A")
6


7 What is clearly apparent is that Monte performed no action for the trust in any
8 manner which would warrant the payment of any attorneys fees.
9

10 As the major beneficiaries, Susan/Rosemary/Ray have the absolute right to see
11 any and all such documentation regarding this application.

12 It is submitted that Monte and/or RLK has failed to move forward under the proper
13 court procedures.

14 The major beneficiaries (Susan/Rosemary/Ray) have objected to any fees being
15 paid to Monte Reason for reimbursement, or to RLK as and for attorneys fees. See
16 Combined Opposition filed 3/9/18 (pertinent pages attached-Exhibit "B").
17

18
19 Dated: May 22, 2019.

20 
21 CARY COLT PAYNE, ESQ.
22 Nevada Bar No.: 4357
23 CARY COLT PAYNE, CHTD.
24 700 South Eighth Street
25 Las Vegas, Nevada 89101
26
27
28





CERTIFICATE OF SERVICE

The undersigned hereby certifies that on May 22, 2019, 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;

xx **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).

Jerimy Kirschner, Esq.
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Attorneys for Fredrick P. Waid

An employee of CARY COLT PAYNE, CHTD.



CARY COLT PAYNE, CHTD.

Attorney at Law
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(702) 383-9010 • Fax (702) 383-9049

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EXHIBIT "A"

DISTRICT COURT
CLARK COUNTY, NEVADA

In the Matter of)

)

THE CHRISTIAN FAMILY)

TRUST u.a.d. 10/11/16)

CASE NO. P-17-092512T

DEPT NO. S (Probate)

~~~~~)

SUSAN CHRISTIAN-PAYNE, )

Date: January 17, 2018

ROSEMARY KEACH AND )

Time: 2:00 p.m.

RAYMOND CHRISTIAN )

Petitioners, )

-vs- )

NANCY I CHRISTIAN and )

MONTE REASON and )

JACQUELIN UTKIN )

Respondents. )

~~~~~)

AUDIO TRANSCRIPTION OF

Hearing before the Honorable

JUDGE VINCENT OCHOA

Transcribed by Kathy Hoffman

1 at Chase. And then they've been in Mr. Payne's
2 trust account since that time.

3 THE COURT: Can you determine roughly how
4 much that is?

5 MR. POWELL: Well, according to
6 Mr. Payne's records, it's about \$400,000.

7 THE COURT: Okay.

8 MR. POWELL: So from that time that my
9 client was trustee, he was unable to take any
10 action as a trustee because he was blocked by not
11 having any access to the funds to administer the
12 trust, which at that point during Mrs. Christian's
13 lifetime was still -- she was the sole beneficiary
14 of this trust, Your Honor.

15 So there's issues there. Mr. Payne's
16 clients want --

17 THE COURT: So your client never touched
18 any assets then?

19 MR. POWELL: Correct. And that was part
20 of what we were here today on was gaining authority
21 to be able to get possession of the assets to be
22 able to make them productive and to be able to use
23 them for Mrs. Christian who was --

24 THE COURT: Well, yeah, but she died in
25 January.

1 MR. POWELL: Oh, I understand. But the
2 problem becomes, Your Honor, is it's like anything
3 else, is your rights don't simply just go away now.
4 Mr. Payne's clients would like to just wipe it off
5 the table and say, well, that's all water under the
6 bridge and it's done.

7 Well, no, Your Honor, there's recourse
8 that has to be taken here because of the fact that
9 Nancy Christian never received a dime from this
10 trust since it was formed, Your Honor, which was in
11 October of 2016. A trust that she co-created and
12 which held her assets.

13 THE COURT: And who's her attorney?

14 MR. POWELL: It used to be Mr. Holyoak's
15 office before she passed --

16 MR. HOLYOAK: We used to before she
17 passed we represented Nancy. And that is also part
18 of why we're here. And it goes to Mr. Payne's
19 argument that there's no administration left in the
20 trust.

21 We have substantial attorneys' fees that
22 are payable by the trust. And if necessary we'll
23 file a creditor's claim. But that's part of the
24 reason that I'm here is to make sure that there's
25 no resolution without addressing the claims against



CARY COLT PAYNE, CHTD.

Attorney at Law

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EXHIBIT "B"

Steven D. Grierson

OPPS

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700 South Eighth Street
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carycoltpaynechtd@yahoo.com
Attorney for Petitioner

**DISTRICT COURT
CLARK COUNTY, NEVADA**

In the Matter of)
THE CHRISTIAN FAMILY)
TRUST u.a.d. 10/11/16)

Case No.: P-17-092512-T
Dept. No.: S (Probate)
Date: 3/15/18
(Monte Reason Application)
Time: 2:00 PM

~~~~~ )  
SUSAN CHRISTIAN-PAYNE, )  
ROSEMARY KEACH AND )  
RAYMOND CHRISTIAN )  
Petitioners, )

Date: 4/4/18  
(Barney firm Petition)  
Time: 2:00 PM

-vs-

NANCY I CHRISTIAN and )  
MONTE REASON and )  
JACQUELINE UTKIN )  
Respondents. )  
~~~~~ )

**PETITIONERS COMBINED OPPOSITION TO
(1) BARNEY FIRM PETITION FOR FEES, ETC.
(2) MONTE REASON'S APPLICATION FOR REIMBURSEMENT**

COMES NOW Petitioners, SUSAN CHRISTIAN-PAYNE, ROSEMARY KEACH and
RAYMOND CHRISTIAN, original co-trustees and primary beneficiaries of The Christian
Family Trust u.a.d. 10/11/16, by and through their attorney, CARY COLT PAYNE, ESQ., of
the lawfirm of CARY COLT PAYNE, CHTD., hereby submits this Combined Opposition to
(1) Barney Firm's Petition for Fees and (2) Monte Reason's Application for
Reimbursement, which is made and based upon the attached Points and Authorities,
Exhibits, pleadings on file to date, and any oral argument that the Court may allow at the
time of the hearing.

CARY COLT PAYNE, CHTD.

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Las Vegas, Nevada 89101
Tel: 702.383.9010 • Fax 702.383.9049



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POINTS AND AUTHORITIES

A. Introduction

The Barney firm seeks the outrageous amount of \$62,105.64 to be paid from The Christian Family Trust. First, they do not have the legal standing to bring this petition, as they are not interested persons (NRS 132.185). Also see Linthicum v. Rudi, 122 Nev. 1452, 1455, 148 P.3d 746, 748 (2008), recognizing, generally that only an interested person has standing to seek judicial intervention in a trusts' administration. Decision and Order filed 10/31/17, Cf. pg 5, lines 16-21.

Secondly, there is neither contractual trust-right nor statutory authority to award any sort of legal fees to the "creditors" of a dead income beneficiary. Discretionary trust beneficiaries do not have any fixed or vested property rights in the trust. NRS 163.4185(1)(c) and NRS 164.419. NRS 163.417 expressly limits creditors from seeking court intervention in certain matters, including discretionary trusts. [limitations on actions of creditors and courts]

The Barney firm is, admittedly a creditor of Nancy Christian (or her personal estate), a now deceased income beneficiary. When Nancy died, all of her rights in the trust were divested. In an effort to attempt to lift the restraints on alienation, the Barney firm makes factual misrepresentations, which have never been proven in the matter, or even in this petition for fees. According to the Barney firm's invoices, they have failed to mitigate the amount requested by the funds paid to them by Nancy Christian during her lifetime. (Exhibit "B")



1 This matter originally commenced after Raymond Christian's death (1/31/17), by
2 Nancy Christian wanting \$5,000 per month from the trust. At Article IV, paragraph 4.3:

3
4 **4.3 Survivor's Trust.** Any remaining property, both income and principal of this
5 Trust estate shall be retained in the Survivor's Trust for the benefit of the Survivor
6 and the Trustee shall hold, manage, invest and reinvest the Survivor's Trust and
shall collect the income therefrom and dispose of the net income and principal as
follows:

7 (a) During the lifetime of the Survivor, the Trustee, in the **Trustee's sole**
8 **discretion**, may pay to the Survivor all of the net income of the Trust estate, as the
9 Trustee may determine necessary, in the **Trustee's sole discretion**, for the health,
education, support and maintenance of the Survivor.

10 (b) If, in the opinion of the Trustee, the income from all sources of which Trustee
11 has knowledge shall not be sufficient for the health, education, support and
maintenance of the Survivor, the Trustee is authorized to use and may expend
such part of the Trust principal as may be necessary to meet such needs.

12
13 The Christian Family Trust is a form of directed (discretionary) trust with a
14 spendthrift provision. (see NRS 163.553 et.seq.) The Trust only provided that the
15 Petitioners, as Co-Trustees of the trust, in their sole and absolute discretion may pay
16 Nancy, who only held a right to income during her life, and pursuant to the co-trustee's
17 absolute discretion. (Trust Para 4.3, page 7) This was confirmed by the court's Decision
18 and Order, page 4, lines 2-6.

19 The Petitioners reasonably sought, and within their fiduciary duties, that Nancy
20 should at a minimum, explain what she needed \$5,000 per month for, as she did have her
21 own income, and was residing in her condo. These provisions of the Trust provided the
22 Petitioners absolute discretion, and has no duty to even act reasonably. (see NRS
23 163.419(2))
24

25 MONTE REASON'S APPLICATION FOR REIMBURSEMENT

26 At the outset, the amount of \$37,095 in attorney's fees over a six month period of
27 time, having filed one motion, edited by Nancy's attorney (according to billing records),
28 and a response, filed prior to Nancy Christian's death, and Noticed to be heard long after
she dies, is usurious. Second, as Monte Reason historically did not have such means to





1 advance such funds, where did he obtain the funds to pay the Rushforth firm? If the
2 funds came from Nancy's probate estate prior to any probate being conducted, it is a
3 problem.
4

5 Monte's application is a request for attorney's fees, guised as reimbursement. It is
6 still a request for attorney's fees, which must contain the Rushforth firm's billing
7 statements as well as their application of the *Brunzell* factors, plus a full recapitulation
8 (with proofs of payment, receipts, etc.) of each and every dime Monte allegedly spent on
9 behalf of the trust. This application is an end-run around Nevada law and/or rules.
10 Stating that they will provide any such documentation only to Jacqueline Utkin and her
11 attorney, also violates the rules, and is disingenuous. All documents should have been
12 prepared, filed and served to all parties, and as such notice is improper, and due process
13 has not been met in this instance. Also see, Love v. Love, 114 Nev. 572, 582, 959 P.2d,
14 523, 529 (1998) (concluding that the district court's grant of attorney fees based upon
15 sealed billing statements unfairly prejudiced and precluded the opposing party from
16 disputing the legitimacy of the award).
17

18 The court had jurisdiction over the Trust. Monte Reason was not confirmed by the
19 as the trustee of the trust. Because someone was nominated, it does not, with a pending
20 court matter, make them the bona fide fiduciary. If so, anyone could simply claim they
21 are a trustee.
22

23 In Pahlmann v. First Natl. Bank of Nev., 86 Nev. 157, 465 P.2d 615 (1970), the
24 Supreme Court held that a trustee requires some affirmative act. If there was no
25 affirmative act, there was no acceptance. The court had issues with Monte's ability to
26 serve in its Decision and Order, filed 10/31/17, and did not confirm him as trustee.
27

28 In the application, Monte's counsel admitted he did "nothing", as there was nothing
to do. How does this justify a \$37,000 request?

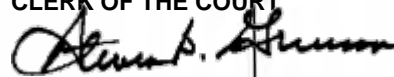


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EXHIBIT “H”



SUPP

JOSEPH J. POWELL
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Email: probate@rlklegal.com

**DISTRICT COURT
CLARK COUNTY, NEVADA**

In the Matter of

THE CHRISTIAN FAMILY
TRUST u.a.d. 10/11/16

Case No. P- 17-092512-T
Department B/Judge Marquis
(Probate) Clark District
Family Domestic

Hearing date: May 24, 2019
Hearing time: 1:30 P.M.

**SUPPLEMENTAL BRIEF REGARDING OBLIGATION OF TRUST FOR PAYMENT OF
LEGAL FEES AND COSTS TO RUSHFORTH LEE & KIEFER LLP**

Rushforth Lee & Kiefer LLP ("RLK") hereby provides this supplemental brief at the invitation and encouragement of this Court, as discussed in the hearing on May 14, 2019.

OVERVIEW

RLK provided significant legal services and fronted legal costs in its representation of Monte Reason, who served as the trustee of "The Christian Family Trust", dated October 11, 2016 (the "Trust"). This services was provided at the request of the co-settlor of the Trust, Nancy Christian.

RLK previously requested that funds be released to the acting trustee of the Trust to allow payment of its past due legal fees and costs. Such application for the release of funds was made in "Monte Reason's Application for Reimbursement of Administrative Expenses" which was filed with this Court on March 8, 2018 ("Application for Release of Funds").

1 A copy of the Application for Release of Funds is attached hereto as **Exhibit 1** for the
2 Court's convenience.

3 The Application for Release of Funds was brought only because Mr. Reason, while in
4 his capacity as trustee of the Trust, had no access to trust assets. Instead the funds were
5 inappropriate controlled by Rosemary K. Christian-Keach, Raymond T. Christian, Jr., and
6 Susan G. Christian-Payne. The fees and costs referenced in the Application for Release of
7 funds totaled \$37,294, excluding interest.

8 Since the Application for Release of Funds, the total fees and costs owing to RLK have
9 increased to \$52,940. This increase is due to the additional time spent at the request of
10 counsel for the subsequent trustees, both Ms. Utkin and Mr. Waid, bringing them up to speed
11 regarding various matters, along with time associated with the efforts to secure payment of
12 this obligation.

13 Pursuant to the engagement agreement signed by Mr. Reason, all additional fees and
14 costs incurred by RLK to secure to secure payment continue to accrue interest until payment
15 in full. The following is an excerpt from the engagement agreement:

16 *22. Termination of Services. Our duty to provide services ends upon the "effective*
17 *termination date", which is the date (1) you or we terminate the engagement, which*
18 *either of us may do at any time for any reason, (but only as of the date approved by*
the court if court approval is required) or (2) the work is completed, whichever is
earlier.

19 *a. Billing on Termination. Fees will be billed through the effective*
20 *termination date and are due thirty (30) days thereafter or, if earlier, when*
21 *your documents are returned to you or transferred to another attorney at*
22 *your request. If and when our services are terminated, we will be entitled to*
23 *compensation for all time expended by us to comply with your instructions,*
24 *including - but not limited to - all time spent (whether before or after the*
25 *termination): (i) to transition the file to another attorney or firm and to*
cooperate with such attorney or firm in taking over the case; (ii) to contact
and correspond with interested parties and third parties to inform them of
the disengagement of the Firm; (iii) to perform services required by a court;
(iv) to collect all amounts due us; and/or (v) as provided in subparagraph
2.e, above.

26 RLK is owed its legal fees and costs for all time spent and costs associated with
27 collection of the sum (which include attendance at multiple, subsequent hearings.)
28

NO DISPUTE REGARDING OUTSTANDING BALANCE

Although Cary Payne, Esq. had indicated at the recent hearing on May 14 that there was still an undecided issue regarding the surviving co-settlor, Nancy Christian, and her exercise of appointment in favor of Monte Reason, this is not true.

Pursuant to this Court's "Order Granting Petition to Confirm Successor Trustee and Denying Counter-Petition for Reinstatement of Co-Petitioners" dated March 30, 2018, which is attached hereto as **Exhibit 2**, the Court made the following confirming determinations that Mr. Reason was validly serving as the Trustee of the Trust:

THE COURT HEREBY FINDS THAT: the language of The Christian Family Trust Dated October 11, 2016 ("Trust") is clear and unambiguous.

THE COURT FURTHER FINDS THAT: Trustor Nancy Christian's modification to name Monte Reason trustee was permitted pursuant to the clear and unambiguous terms of the Trust.

THE COURT FURTHER FINDS THAT: Monte Reason's nomination of Jacqueline Utkin to serve as successor trustee was permitted pursuant to the clear and unambiguous terms of the Trust.

Therefore, the Court previously approved Monte Reason's service as trustee.

As explained in the Application for Release of Funds, the Trust specifically provides that the Trustee is entitled to hire counsel, at the Trust's expense.

RLK has no obligation to request that this Court *approve* its fees. This representation is not intended to offend the Court. Rather, RLK merely seeks release of funds Monte Reason would have paid it had the other beneficiaries not illegally seized trust funds.

Unlike what occurs in a Nevada probate administration where legal fees must be examined, approved, and ratified by the court, this is not the case with trusts. Mr. Reason accepted and approved the fees while acting as trustee, but simply did not have access to the funds to satisfy the obligation. Additionally, the subsequent trustee, Ms. Jacqueline Utkin,

1 through her counsel also approved and ratified RLK's fees after having been provided with
2 applicable invoices, but, just like Mr. Reason, did not have access to the funds to satisfy this
3 obligation. On multiple occasions and on record at hearings, Ms. Utkin's counsel, Jeremy
4 Kirschner, Esq., confirmed for the Court that the fees to RLK were appropriate and accepted.
5 The current trustee, Mr. Waid, was also provided with the applicable invoices and also has
6 confirmed (orally) that he too believes RLK's legal fees and costs are properly owing.

7 RLK should have been paid, but for the improper actions of Rosemary K. Christian-
8 Keach, Raymond T. Christian, Jr., and Susan G. Christian-Payne in unilaterally removing
9 trust funds from financial accounts.

10 **SUBMISSION OF "CLAIMS CHART"**

11 Attorney Kischner, at the request of Mr. Waid, prepared a comprehensive flow chart
12 showing all of the issues pending in this matter. For this Court's convenience, this document
13 is attached hereto as **Exhibit 3**.

14
15 Respectfully submitted by:

16 

17
18 Joseph J. Powell
19 State Bar. No. 8875
20 1707 Village Center Circle, Suite 150
21 Las Vegas, NV 89134-0597

5/22/19

22
23
24
25
26
27
28 Date

EXHIBIT 1

Steven D. Grierson

APP

1 JOSEPH J. POWELL
State Bar No. 8875
2 RUSHFORTH LEE & KIEFER LLP
1707 Village Center Circle, Suite 150
3 Las Vegas, NV 89134-0597
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4 Fax: (702) 255-4677
Email: probate@rlklegal.com
5 Attorneys for Monte B. Reason

6
7 DISTRICT COURT

8 CLARK COUNTY, NEVADA

9 In the Matter of

10 THE CHRISTIAN FAMILY
TRUST u.a.d. 10/11/16

Case No. P- 17-092512-T
Department S/Judge Ochoa
(Probate) Clark District
Family Domestic

Hearing date: *OST REQUESTED*
Hearing time: *OST REQUESTED*

11
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14
15
16 MONTE REASON'S APPLICATION FOR REIMBURSEMENT OF ADMINISTRATIVE
EXPENSES

17
18 Monte B. Reason ("Monte"), by and through his counsel of record, Joseph J.
19 Powell, Esq. of Rushforth Lee & Kiefer LLP, hereby submits his Application for
20 reimbursement of the legal fees and costs he incurred while serving as trustee of the
21 "Christian Family Trust", dated October 11, 2016 (the "Trust") and requests this
22 Application be heard on Order Shortening Time.

RUSHFORTH
LEE & KIEFER LLP
TRUST AND ESTATE ATTORNEYS

ORDER SHORTENING TIME

Good cause appearing, IT IS HEREBY ORDERED that the Application for Reimbursement of Administrative Expenses shall be set for March 15 2018 at 2:00 P.M. in Department S.

Dated this 7 day of March 2018


DISTRICT COURT JUDGE

DECLARATION OF JOSEPH J. POWELL IN SUPPORT OF ORDER SHORTENING TIME

Joseph J. Powell declares as follows:

1. I am over the age of 18 and am competent and willing to testify regarding the matters asserted herein, which are based on my own personal knowledge, unless stated upon information and belief, as to which statements I am informed and believe to be true.

2. I am an attorney with the law firm of Rushforth Lee & Kiefer, LLP ("RLK") and am licensed to practice law in the State of Nevada and the State of California.

3. RLK represented Monte B. Reason in his capacity as trustee of the "Christian Family Trust", dated October 11, 2016 (the "Trust").

4. I believe that good cause exists which justifies hearing Mr. Reason's Application on an order shortening time.

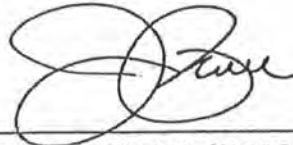
5. Specifically, good cause exists to hear the Application at the next hearing date which is scheduled in this matter (March 28, 2018). On March 28th, the Court will hear the "Petition to Confirm Successor Trustee" filed by the current trustee of the Trust, Jacquelyn Utkin.

6. It will serve judicial economy, as well as all interested parties, to have this Application heard at the next hearing. Importantly, this hearing is more than a month away.

1 7. Shortly after the March 28th hearing, the parties will be attending a settlement
2 conference. Outstanding debts of the Trust should be dealt with before that conference.

3 8. I make these statements and declarations under penalty of perjury under the
4 laws of the State of Nevada.

5 Dated this 26th day of February 2018.



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7 JOSEPH J. POWELL (SBN 8875)
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MEMORANDUM OF POINTS AND AUTHORITIES

I. APPLICATION FOR REIMBURSEMENT OF LEGAL FEES AND COSTS

Monte served as the trustee of the Trust from June 21, 2017 through January 12, 2018. Monte was nominated to serve as trustee of the Trust by his mother, Nancy Christian (the surviving settlor), who executed the "Modification and Designation of Trustee and Successor Trustee" on June 12, 2017 ("Modification").

The Modification executed by Mrs. Christian served as both a removal of the previous serving trustees, Rosemary K. Christian-Keach, Raymond T. Christian, Jr., and Susan G. Christian-Payne (collectively referred to herein as the "Replaced Trustees"), and a nomination of Monte.

Monte executed a Certificate of Incumbency on June 21, 2017, which served as his acceptance of Mrs. Christian's nomination.

Section 9.3 of the Trust expressly authorized Mrs. Christian to change the trustee(s) of her trust.

Paragraph (n) of Section 10.1 of the Trust expressly authorized Monte, in his capacity as trustee, to hire legal counsel to assist him in performing his duties as trustee. Monte exercised this right by hiring of Rushforth Lee & Kiefer, LLP ("RLK").

Paragraph (n) of Section 10.1 expressly provides as follows:

(n) To employ agents, attorneys, brokers, and other employees, individual or corporate, and to pay them reasonable compensation, which shall be deemed part of the expenses of the Trusts and powers hereunder. [Emphasis Added].

RLK performed legal services for Monte (in his capacity as trustee) in the amount of \$37,095 (legal fees) and incurred costs in the amount of \$195, for a total of \$37,294.

This sum would have already been reimbursed to Monte, but for the fact that the Former Trustees unilaterally, and without any legal authority, removed funds belonging to the Trust.

II. COURT APPROVAL OF LEGAL FEES AND COSTS IS NOT BEING SOUGHT

1 This Application is being brought simply because the funds belonging to the
2 Trust are currently frozen by Court order. As stated, Monte had no access to the liquid
3 trust funds, representing well over \$400,000, while serving as trustee.

4 Critically, Monte was expressly authorized under the Trust to hire RLK and its
5 fees. Accordingly, Monte is not seeking an approval of fees from his Court. Instead,
6 Monte is simply seeking access to the blocked funds so that he can satisfy the Trust's
7 obligation to RLK.

8 The *Brunzell*¹ factors are not at issue and are not analyzed herein.

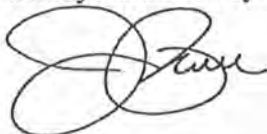
9 **III. ADDITIONAL FEES AND COSTS**

10 As Monte has incurred additional legal fees and costs in bringing this
11 Application (preparation and attendance by an RLK attorney at the required hearing,
12 along with the preparation of the accompanying order), he asks that such fees and costs
13 also be provided from the frozen funds. Jacqueline Utkin is the current trustee of the
14 Trust and Monte will advise her of the total costs associated with this Application.

15 **IV. CONCLUSION/PRAYER**

16 Monte Reason hereby requests that this Application be granted and approved
17 in its entirety.

18
19 Respectfully submitted by:

20 

21
22 FEB 26 2018

Date

23 Joseph J. Powell
24 State Bar. No. 8875
1707 Village Center Circle, Suite 150
Las Vegas, NV 89134-0597

25 *Attorneys for Monte B. Reason*
26
27
28


¹Brunzell v. Golden Gate National Bank, 85 Nev. 345, 455 P.2d 31 (Nev. 1969)

VERIFICATION OF APPLICATION FOR REIMBURSEMENT OF
ADMINISTRATIVE EXPENSES ON ORDER SHORTENING TIME

Under penalties of perjury under the laws of the State of Nevada, I declare that:

1. I approve of the submission of the above Application for Reimbursement of Administrative Expenses on Order Shortening Time (the "Application") and state that it is being filed for a legitimate purpose.

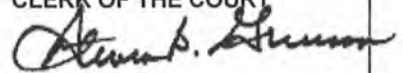
2. I have reviewed the Application and know its content and factual assertions. I know the content and factual assertions in the Application to be true of my own knowledge, except for those matters stated on information and belief.



MONTE B. REASON

Feb 26, 2018
Date

EXHIBIT 2



4/03
4/04
o chow

1 JERIMY L. KIRSCHNER, ESQ.
2 Nevada Bar No. 12012
3 JERIMY KIRSCHNER & ASSOCIATES, PLLC
4 5550 Painted Mirage Rd., Suite 320
5 Las Vegas, NV 89149
6 Telephone: (702) 563-4444
7 Fax: (702) 563-4445
8 jerimy@jkirschnerlaw.com

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

8 DISTRICT COURT
9 CLARK COUNTY, NEVADA

11 In the Matter of the

12 THE CHRISTIAN FAMILY TRUST

Case Number: P-17-092512-T

Dept.: (PC-1) 26

15 Dated October 11, 2016

17 ORDER GRANTING PETITION TO CONFIRM SUCCESSOR TRUSTEE AND DENYING
18 COUNTER-PETITION FOR REINSTATEMENT OF CO-PETITIONERS

19 This matter having come before this Court on March 15, 2018 ("Hearing"), In the Matter of
20 THE CHRISTIAN FAMILY TRUST Dated October 11, 2016 ("Action"), for the Christian Family
21 Trust Dated October 11, 2016 ("Trust") this Court having reviewed all pending motions, petitions,
22 and oppositions, including:

24 (1) PETITION TO CONFIRM SUCCESSOR TRUSTEE; AND

25 (2) COUNTER-PETITION FOR REINSTATEMENT OF CO-PETITIONERS

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1 Jeremy Kirschner, Esq. having appeared on behalf of Jacqueline Utkin, Trustee of The Christian
2 Family Trust Dated October 11, 2016; Cary C. Payne, Esq. having appeared on behalf of Susan
3 Christian Payne, Raymond Christian, and Rosemary Keach ("Counter-Petitioners"); Joey Powell,
4 Esq. and Danelis Kiefer, Esq. having appeared on behalf of Monte Brian Reason, beneficiary, and
5 trustee to the Nancy Christian Trust and executor to the Nancy Christian Estate ("Monte"); and
6 Zachary Holyoak, Esq. and Anthony L. Barney having appeared on behalf of creditor Anthony L.
7 Barney, Ltd. ("creditor"); this Court having considered papers and pleadings on file, the statements
8 of counsel, and for good cause appearing:

9 **THE COURT HEREBY FINDS THAT:** the language of The Christian Family Trust
10 Dated October 11, 2016 ("Trust") is clear and unambiguous.

11 **THE COURT FURTHER FINDS THAT:** Trustor Nancy Christian's modification to
12 name Monte Reason trustee was permitted pursuant to the clear and unambiguous terms of the
13 Trust.

14 **THE COURT FURTHER FINDS THAT:** Monte Reason's nomination of Jacqueline
15 Utkin to serve as successor trustee was permitted pursuant to the clear and unambiguous terms of
16 the Trust.

17 **THE COURT FURTHER FINDS THAT:** Jacqueline Utkin has accepted the appointment
18 to serve as successor trustee to the Trust.

19 **THE COURT FURTHER FINDS THAT:** Jacqueline Utkin is the successor trustee to the
20 Trust.

21 **THE COURT FURTHER ORDERS THAT:** Jacqueline Utkin petition confirming her as
22 Successor Trustee of the Trust is **GRANTED**.

23 **THE COURT FURTHER ORDERS THAT:** the Counter-Petition For Reinstatement Of
24 Co-Petitioners Susan Christian Payne, Raymond Christian, and Rosemary Keach is **DENIED**.

1 **THE COURT FURTHER ORDERS THAT:** Counter-Petitioners must provide the EIN
2 for the trust within seven (7) days of the Hearing.

3 **IT IS SO ORDERED.**

4 DATED this 30 day of March, 2018

5
6
7 
8 **DISTRICT COURT JUDGE VINCENT OCHOA**

9 VINCENT OCHOA

10 Respectfully Submitted by

11 DATED this 16th day of March, 2018.

12 JERIMY KIRSCHNER & ASSOCIATES, PLLC

13 /s/ Jerimy L. Kirschner, Esq. 
14 JERIMY L. KIRSCHNER, ESQ.
15 Nevada Bar No. 12012
16 5550 Painted Mirage Rd., Suite 320
Las Vegas, NV 89149
Attorney for Jacqueline Utkin, Successor Trustee

17 **APPROVE/DISAPPROVE**

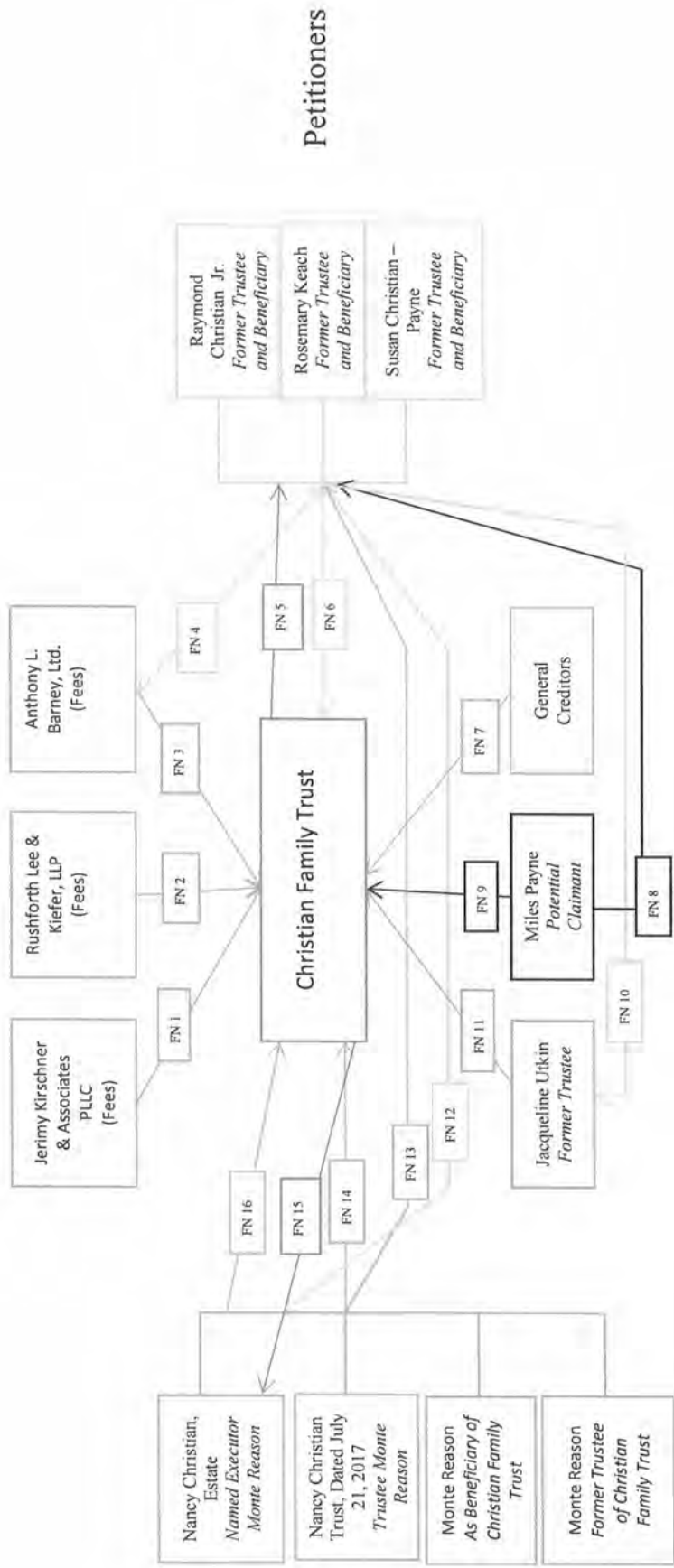
18 CARY COLT PAYNE, CHTD.

19
20 **REFUSED TO SIGN**

21 Cary Colt Payne, Esq.
22 Cary Colt Payne, Chtd.
23 700 S. 8th St.
Las Vegas, NV 89101
*Attorney for Susan Christian-Payne,
Rosemary Keach and Raymond Christian, Jr.*

EXHIBIT 3

Claims Chart



¹ Jeremy Kirschner & Associates, PLLC. Pending Motion for Payment, Attorney fees for former trustee, retention lien: \$119,004.85. Disputed by Petitioners.

² Rushforth Motion for Payment denied without prejudice with leave to bring again, retention lien: \$37,294.00. Disputed by Petitioners.

³ Barney Firm Motion for Fees, sought \$62,105.64 in fees and costs, court ordered \$53,031.97. Retention lien in effect due to appeal, possesses file for David Grant, Esq., drafter of Trust. See Fn. 4 & 6.

⁴ Petitioners appealed order paying Barney Firm. Barney Firm cross appealed for full value of fees, plus attorney fees incurred in defending appeal (in retainer). Appeal ongoing.

⁵ (1) Petitioners inventory has start date of Oct 16, 2016, but Petitioners trustees starting Oct. 11, 2016; deaf to requests to provide or sign inventory starting Oct. 11, 2016. (2) Personal prop. of Raymond Sr. must be turned over pursuant to Will, then Trust turns over to Nancy Christian Estate, instruction needed. (3) Inventory of known, but untendered, assets include safe deposit box (list of alleged contents in JKA file), bank accounts with Wells Fargo (list of alleged contents in JKA file), personal prop. in Raymond Sr. last known residence including electronics and near-new appliances/furniture and potentially golf cart. (4) Accounting of personal expenditures from Trust while Nance Christian alive, include trips to Disneyland, yacht rides, checks to spouses. (5) Requested rebuttal evidence for HEMS allegation from Nancy Estate from Former Trustees, asserted none existed, Poten, Problem.

⁶ Has appealed Trust payment to Barney Firm, if successful could obtain reimbursement of their legal costs for appeal. Generally, dispute trustee fees for Utikin. There is a court order requiring the Trust to distribute property when able to do so, but no specifics, and there is no court order requiring distribution of the Bluff Point Property to Petitioners.

⁷ (1) Potential medical bills for Nancy Christian and Raymond Sr. in the possession of Monte Reason, Susan-Christian Payne, respectively. (2) Unknown mortgage with Wells Fargo Bank. (3) Unknown utility bills, for Bluff Point Property. Bills went to Monte Reason; it is understood that those forwarded to Utikin were paid with the funds earmarked for it. (4) Other potential bills, however they are in possession of former trustee counsels who have retention liens.

⁸ Miles Payne (minor), through father, alleges changes in life insurance accounts with Oxford were product of Petitioner's undue influence while in trustee capacity. Petitioners changed title to Trust, then themselves as beneficiaries. Amount \$200,000+.

⁹ Potential liability

¹⁰ Miles Payne (minor), may name Trust in undue influence action because Petitioner's acted as trustees for transfer, and asset was titled in Trust name prior to distribution to Petitioners.

¹¹ Petitioners have challenged sufficiency of Utikin accounting and Trustee fees. For trustee fees, Utikin sought 2% prorated based on the number of days she served as trustee (194 days).

¹² Utikin has \$3,122.46 in unpaid administrative claim for expenses incurred on behalf of the trust and a requested trustee compensation of \$8,540.00. (Accounting, Sch. O).

¹³ Petitioners allege Nancy Christian's subsequent Will and Trust, which are believed to have Monte Reason as sole beneficiary, were result of undue influence. Petitioners have challenged the Will in Case P-17-093928-E. Determination affects distribution.

¹⁴ Reason (As Inv., Trustee, Executor) has filed suit. Case No. A-18-782126-C, alleging various fraud. Conversion, Elderly Exploitation, etc. claims against Petitioners in regards to their actions as trustees, and individually.

¹⁵ Reason (As Inv., Trustee, Executor) has filed suit, Case No. A-18-782126-C, against the Trust, and seeks a constructive trust over property held by it, but which Reason alleges should have been paid to Nancy.

¹⁶ Trust claim for \$358.56 against Nancy Estate for mis-payment of Condo expenses (Asset did not belong to estate).

¹⁷ Reason has filed a Declaratory Relief Motion in this action for Undue Influence, parallels Case No. A-18-782126-C Complaint.

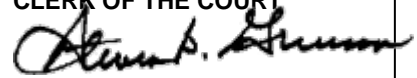


CARY COLT PAYNE, CHTD.

Attorney at Law
700 S. Eighth Street • Las Vegas, Nevada 89101
(702) 383-9010 • Fax (702) 383-9049

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EXHIBIT “I”



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Attorney for Jacqueline Utkin

DISTRICT COURT
CLARK COUNTY, NEVADA

In the Matter of

THE CHRISTIAN FAMILY TRUST

Dated October 11, 2016

Case Number: P-17-092512-T

Dept.: B

NOTICE OF ENTRY OF ORDER

NOTICE IS HEREBY GIVEN that the Court entered an ORDER GRANTING
ATTORNEYS FEES in the above titled action on or about June 5, 2019. A copy of said report is
attached hereto and incorporated herein by reference as **Exhibit 1**.

JERIMY KIRSCHNER & ASSOCIATES, PLLC

/s/ Jeremy Kirschner, Esq.
JERIMY L. KIRSCHNER, ESQ.
Nevada Bar No. 12012
5550 Painted Mirage Road, Suite 320
Las Vegas, Nevada 89149
Telephone: (702) 563-4444
Fax: (702) 563-4445

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Jeremy Kirschner & Associates, PLLC, and on June 10, 2019, I caused a copy of the foregoing Notice of Entry of Order to be served through the electronic court filing system or via first class, US mail, postage prepaid upon the following persons/entities:

Cary Colt Payne, Esq.
Cary Colt Payne, CHTD.
700 S. 8th St.
Las Vegas, NV 89101
Attorney for Susan Christian-Payne,
Rosemary Keach and Raymond Christian, Jr.

Joey Powell, Esq.
Rushforth, Lee & Kiefer LLP
1707 Village Center Circle, Suite 150
Las Vegas, NV 89134
Attorney for Monte Reason

Russel Geist, Esq.
Todd Moody, Esq.
Hutchison & Steffen PLLC
10090 W Alta Dr, Suite 200
Las Vegas, NV
Attorney for Frederick Waid

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

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

Michael Payne
1704 Double Arch Ct
Las Vegas, NV 89128

/s/Sarah Mintz
An Employee of JERIMY KIRSCHNER & ASSOCIATES, PLLC

EXHIBIT 1

JERIMY L. KIRSCHNER, ESQ.
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jerimy@jkirschnerlaw.com

**DISTRICT COURT
CLARK COUNTY, NEVADA**

In the Matter of the

THE CHRISTIAN FAMILY TRUST

Dated October 11, 2016

Case Number: P-17-092512-T

Dept.: B

ORDER

This matter came before the above-entitled court on May 24, 2019 at 1:30pm on Jerimy Kirschner & Associates, PLLC's ("JKA") MOTION REQUESTING PAYMENT ("Motion"), filed October 23, 2018 by Jerimy Kirschner, Esq. on behalf of Jacqueline Utkin, previous Trustee ("Movant") to the Christian Family Trust dated October 11, 2016 ("Trust"). The Movant was represented by Jerimy Kirschner, Esq., Monte Reason, former Trustee and beneficiary of the Trust was not present but was represented by his attorney Joseph J. Powell, Esq., Raymond Christian Jr. and Susan Christian-Payne were present, Rosemary Keach was not present but was represented by Cary C. Payne, Esq., Fred Waid as Trustee was present and was represented by his attorney Russel Geist, Esq.

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**DISTRICT COURT
DEPT B**

ORDER

IT IS HEREBY ORDERED THAT Movant's Motion Requesting Payment is GRANTED.

IT IS FURTHER ORDERED THAT a certified check in the amount of \$119,004.85 shall be issued by the Christian Family Trust dated October 11, 2016 from its Chase Account ending in #4818.

IT IS SO ORDERED, ADJUDGED AND DECREED

DATED this 5th day of June, 2019.



DISTRICT COURT JUDGE
LINDA MARQUIS

Respectfully submitted by,

JERIMY KIRSCHNER & ASSOCIATES, PLLC

JERIMY L. KIRSCHNER, ESQ.
Nevada Bar No. 12012
5550 Painted Mirage Road, Suite 320
Las Vegas, Nevada 89149
Telephone: (702) 563-4444

APPROVED/DISAPPROVED

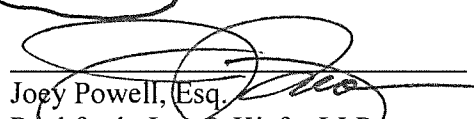
[Refused to sign]

Cary Colt Payne, Esq.
Cary Colt Payne, CHTD.
700 S. 8th St.
Las Vegas, NV 89101

APPROVED/DISAPPROVED

Todd Moody, Esq.
Russel Geist, Esq.
HUTCHISON & STEFFEN PLLC
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APPROVED/DISAPPROVED



Joey Powell, Esq.
Rushforth, Lee & Kiefer LLP
1707 Village Center Circle, Suite 150
Las Vegas, NV 89134

Jeremy Kirschner & Associates, PLLC
5550 Painted Mirage Road, Suite 320
Las Vegas, Nevada 89149
(702) 563-4444 Fax (702) 563-4445

ORDER

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IT IS FURTHER ORDERED THAT a certified check in the amount of \$119,004.85 shall be issued by the Christian Family Trust dated October 11, 2016 from its Chase Account ending in #4818.

IT IS SO ORDERED, ADJUDGED AND DECREED

DATED this ____ day of May, 2019.

DISTRICT COURT JUDGE

Respectfully submitted by,

JERIMY KIRSCHNER & ASSOCIATES, PLLC

JERIMY L. KIRSCHNER, ESQ.
Nevada Bar No. 12012
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Russel Geist, Esq.
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Jeremy Kirschner & Associates, PLLC
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ORDER

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IT IS FURTHER ORDERED THAT a certified check in the amount of \$119,004.85 shall be issued by the Christian Family Trust dated October 11, 2016 from its Chase Account ending in #4818.

IT IS SO ORDERED, ADJUDGED AND DECREED

DATED this ____ day of May, 2019.

DISTRICT COURT JUDGE

Respectfully submitted by,

JERIMY KIRSCHNER & ASSOCIATES, PLLC

JERIMY L. KIRSCHNER, ESQ.
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Las Vegas, Nevada 89149
Telephone:(702) 563-4444

APPROVED/DISAPPROVED

APPROVED/DISAPPROVED

Joey Powell, Esq.
Rushforth, Lee & Kiefer LLP
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Las Vegas, NV 89134

Cary Colt Payne, Esq.
Cary Colt Payne, CHTD.
700 S. 8th St.
Las Vegas, NV 89101

APPROVED/DISAPPROVED

Todd Moody, Esq.
Russel Geist, Esq.
HUTCHISON & STEFFEN PLLC
10090 W Alta Dr, Suite 200
Las Vegas, NV 89145

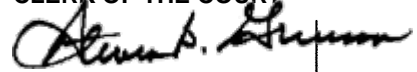


CARY COLT PAYNE, CHTD.

Attorney at Law
700 S. Eighth Street • Las Vegas, Nevada 89101
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EXHIBIT “J”



1 **NEOJ**
2 JOSEPH J. POWELL
3 State Bar No. 8875
4 RUSHFORTH LEE & KIEFER LLP
5 1707 Village Center Circle, Suite 150
6 Las Vegas, NV 89134
7 Telephone: (702) 255-4552
8 Email: probate@rlklegal.com
9 Attorneys for Monte B. Reason
10
11

7 **DISTRICT COURT**
8 **CLARK COUNTY, NEVADA**

9 In the Matter of the

10 **THE CHRISTIAN FAMILY TRUST**
11 **u.a.d. 10/11/16**

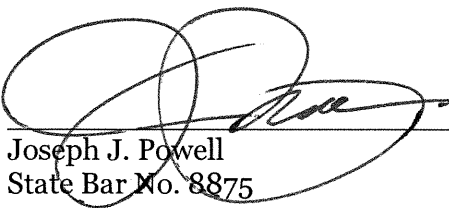
Case No. P-17-092512-T
Department B/Judge Marquis
(Probate) Clark District
Family Domestic

12 **NOTICE OF ENTRY OF ORDER**

13 **NOTICE IS HEREBY GIVEN THAT:**

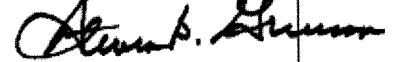
14 The Notice of Entry of Order was entered in the above entitled matter on June 11, 2018, a copy
15 of which is attached hereto.
16

17 Respectfully submitted by:

18 
19
20 Joseph J. Powell
21 State Bar No. 8875
22
23
24
25
26

6/13/19

DATE



ORDER

JOSEPH J. POWELL
State Bar No. 8875
RUSHFORTH LEE & KIEFER LLP
1707 Village Center Circle, Suite 150
Las Vegas, NV 89134-0597
Telephone: (702) 255-4552
Fax: (702) 255-4677
Email: probate@rlklegal.com

**DISTRICT COURT
CLARK COUNTY, NEVADA**

In the Matter of

THE CHRISTIAN FAMILY
TRUST u.a.d. 10/11/16

Case No. P- 17-092512-T
Department B/Judge Marquis
(Probate) Clark District
Family Domestic

Hearing date: May 24, 2019
Hearing time: 1:30 P.M.

ORDER

This matter came before the above-entitled court on May 24, 2019 at 1:30pm and pertained to "Monte Reason's Application for Reimbursement of Administrative Expenses" which was filed with this Court on March 8, 2018 and the "Supplemental Brief Regarding Obligation of Trust for Payment of Legal Fees and Costs to Rushforth Lee & Kiefer LLP" which was filed with this Court on May 22, 2019.

Present at the hearing on behalf of Rushforth Lee & Kiefer LLP ("RLK") was Joseph J. Powell, Esq. Also present at the hearing were Jerimy Kirschner, Esq., Cary Payne, Esq., on behalf of Susan Christian, Rosemary Christian-Keach, and Raymond Christian, Jr., with Mrs. Christian and Mr. Christian, Jr., present with Attorney Payne, along with Fredrick P. Waid, trustee of the Christian Family Trust, dated October 11, 2016, and his counsel, Russel J. Geist, Esq.

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**DISTRICT COURT
DEPT B**



ORDER

IT IS HEREBY ORDERED THAT RLK's request for payment of its legal fees and costs totaling the sum of \$52,940 from funds belonging to the Christian Family Trust, dated October 11, 2016 is hereby GRANTED.

IT IS HEREBY FURTHER ORDERED THAT a certified check in the amount of \$52,940 shall be issued by the Christian Family Trust, dated October 11, 2016, from its Chase Account ending in #4818.

IT IS SO ORDERED, ADJUDGED AND DECREED

June 10, 2019
DISTRICT COURT JUDGE LINDA MARQUIS

[Signature]
LINDA MARQUIS

Respectfully submitted by:

RUSHFORTH LEE & KIEFER LLP

APPROVED/DISAPPROVED

[Signature]
JOSEPH J. POWELL, ESQ.
State Bar No. 8875
1707 Village Center Circle, Suite 150
Las Vegas, Nevada 89134

[Signature]
RUSSEL J. GEIST, ESQ.
HUTCHISON & STEFFEN PLLC
10080 W Alta Dr, Suite 200
Las Vegas, Nevada 89145

APPROVED/DISAPPROVED

APPROVED/DISAPPROVED

Declined to sign (see attached e-mail from Mr. Payne dated May 30, 2019)

[Signature]
JERIMY L. KIRSCHNER, ESQ.
JERIMY KIRSCHNER & ASSOCIATES PLLC
5550 Painted Mirage Road, Suite 320
Las Vegas, Nevada 89149

[Signature]
CARY COLT PAYNE, ESQ.
CARY COLT PAYNE, CHTD.
700 S. 8th Street
Las Vegas, Nevada 89101



ORDER

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IT IS SO ORDERED, ADJUDGED AND DECREED

DISTRICT COURT JUDGE

DATE

Respectfully submitted by:

RUSHFORTH LEE & KIEFER LLP

APPROVED/DISAPPROVED

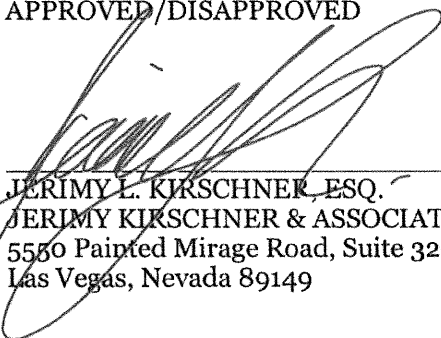
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RUSSEL J. GEIST, ESQ.
HUTCHISON & STEFFEN PLLC
10080 W Alta Dr, Suite 200
Las Vegas, Nevada 89145

APPROVED/DISAPPROVED

APPROVED/DISAPPROVED

Declined to sign (see attached e-mail from Mr. Payne dated May 30, 2019)



JERIMY L. KIRSCHNER, ESQ.
JERIMY KIRSCHNER & ASSOCIATES PLLC
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