

JERIMY L. KIRSCHNER, ESQ.
Nevada Bar No. 12012
JERIMY KIRSCHNER & ASSOCIATES, PLLC
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Electronically Filed
Jan 12 2021 10:43 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

Attorney for Kyla Duckworth

DISTRICT COURT

CLARK COUNTY, NEVADA

In the Matter of the

THE DUCKWORTH FAMILY TRUST

Dated March 12, 2015

Case No.: P-20-103183-T

Dept: 26

NOTICE OF APPEAL

(CLERK'S ACTION REQUIRED)

NOTICE OF APPEAL

Please take notice that Kyla Duckworth ("Petitioner") hereby appeals to the Supreme Court of Nevada from:

1. "Notice of Entry of Order Denying Objection to Probate Commissioner's Report and Recommendations" entered on December 15, 2020 (Exhibit 1);

DATED this 31st day of December, 2020

JERIMY KIRSCHNER & ASSOCIATES, PLLC
/s/Jerimy L. Kirschner
JERIMY L. KIRSCHNER, ESQ.
Nevada Bar No. 12012
5550 Painted Mirage Rd., Suite 320
Las Vegas, NV 89149

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Jerimy Kirschner & Associates, PLLC, and on December 31st, 2020 I caused a copy of the foregoing NOTICE OF APPEAL to be served through the electronic court filing system, email, or USPS upon the following persons/entities:

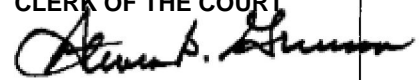
Dawson and Lordhal PLLC
Attn: Elizabeth Brickfield
8925 West Post Road, Suite 210
Las Vegas, Nevada 89148
Email: EBrickfield@dlnevadalaw.com, Mdouglas@dlnevadalaw.com,
KFriedrich@dlnevadalaw.com
Attorney for Trustee Cary Duckworth

Jolley Urga Woodbury & Holthus
Attn: R. Gardner Jolley
330 S Rampart Blvd #380
Las Vegas, NV 89145
Email: rgj@acjolleyurga.onmicrosoft.com, nt@juwlaw.com
Attorney for Trustee Cary Duckworth

HAYES WAKAYAMA
Attn: Liane Wakayama
4735 S Durango Dr #105
Las Vegas, NV 89147
Email: lkw@hwlawnv.com, julia@hwlawnv.com
Attorney for Counter-Petitioner Tara Duckworth

/s/Lindsay Clay
An Employee of JERIMY KIRSCHNER & ASSOCIATES, PLLC

EXHIBIT 1



1 **NEOJ**
2 R. Gardner Jolley, Esq. NSB #266
3 JOLLEY URG A WOODBURY & HOLTHUS
4 50 S. Stephanie Street, Suite 202
5 Henderson, Nevada 89012
6 nt@juwlaw.com
7 Telephone: (702) 699-7500
8 Facsimile: (702) 699-7555

and

8 DAWSON & LORDAHL PLLC
9 Elizabeth Brickfield, Esq. NSB #6236
10 Melissa R. Douglas, Esq. NSB #9545
11 8925 West Post Road, Suite 210
12 Las Vegas, Nevada 89148
13 Telephone: (702) 476-6440
14 Facsimile: (702) 476-6442
15 Ebrickfield@dlnevadawalaw.com
16 Mdouglas@dlnevadawalaw.com
17 *Counsel for Cary Duckworth, Trustee*

DISTRICT COURT
CLARK COUNTY, NEVADA

In the Matter of:

THE DUCKWORTH FAMILY TRUST,

Case No.: P-20-103183-T
Dept. No.: 26/PC-1

Dated March 12, 2015.

NOTICE OF ENTRY OF ORDER DENYING OBJECTION TO PROBATE
COMMISSIONER'S REPORT AND RECOMMENDATIONS

PLEASE TAKE NOTICE that an Order Denying Objection to Probate
Commissioner's Report and Recommendations was enter by the Court in the above-

///

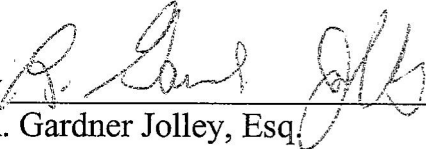
///

captioned matter on December 9, 2020, a true and correct copy of which is attached hereto.

Dated this 15th day of December, 2020.

JOLLEY, URG, WOODBURY & HOLTHUS

By

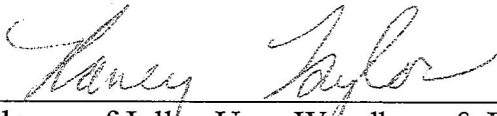

R. Gardner Jolley, Esq.
Nevada Bar No. 266
50 S. Stephanie Street, Suite 202
Henderson, NV 89012

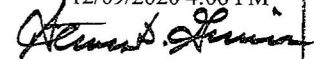
CERTIFICATE OF SERVICE

I hereby certify that a true and correct file stamped copy of the foregoing **NOTICE OF ENTRY OF ORDER DENYING OBJECTION TO PROBATE COMMISSIONER'S REPORT AND RECOMMENDATIONS** was served electronically using the Odyssey eFileNV Electronic Filing system and serving all parties with an email address on record, pursuant to Administrative Order 14-2 and Rule 9 of the N.E.F.C.R.

The date and time of the electronic proof of service is in place of the date and place of deposit in the U.S. Mail.

Dated this 15 December, 2020.


Employee of Jolley Urga Woodbury & Holthus



CLERK OF THE COURT

ORDR

R. Gardner Jolley, Esq. NSB #266
JOLLEY URG A WOODBURY & HOLTHUS
 50 S. Stephanie Street, Suite 202
 Henderson, Nevada 89012
nt@jrwlaw.com
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 Elizabeth Brickfield, Esq. NSB #6236
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 Telephone: (702) 476-6440
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Ebrickfield@dlnevadalaw.com
Midouglas@dlnevadalaw.com
Counsel for Cary Duckworth, Trustee

DISTRICT COURT**CLARK COUNTY, NEVADA**

In the Matter of:

THE DUCKWORTH FAMILY TRUST,

Dated March 12, 2015.

Case No.: P-20-103183-T

Dept. No.: 26/PC-1

Date of Hearing: December 3, 2020

Time of Hearing: 9:30 AM

ORDER DENYING OBJECTION TO PROBATE COMMISSIONER'S REPORT
AND RECOMMENDATIONS

Attorneys for Objector: Kyla Duckworth – Jerimy Kirschner, Esq. of the law firm Jerimy Kirschner & Associates, PLLC

Attorneys for Opposition: Cary Duckworth, Trustee – R. Gardner Jolley, Esq. of the law firm Jolley Urga Woodbury & Holthus and Elizabeth Brickfield, Esq. of the law firm Dawson & Lordahl PLLC

Appearance by Beneficiary: Tara Duckworth – Liane K. Wakayama, Esq. of the law firm Hayes Wakayama

JOLLEY URG A WOODBURY & HOLTHUS
attorneys at law

50 S. STEPHANIE STREET, SUITE 202, HENDERSON, NV 89012
TELEPHONE: (702) 699-7500 FAX: (702) 699-7555

This matter came on for hearing on the 3rd day of December 2020. The Probate Judge having reviewed the Pleadings and papers on file herein, considered the oral arguments of Counsel and good cause appearing, the Court finds that the Probate Commissioner's findings of facts and conclusions of law were not clearly erroneous, the Probate Commissioner Report and Recommendation shall be and is adopted by the Court in its entirety as the finding and orders of the Court.

DATED this ____ day of December, 2020.

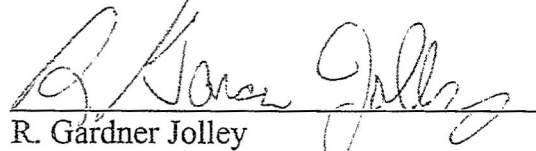
Dated this 9th day of December, 2020


PROBATE COURT JUDGE

D5B C17 3272 BE5F
Gloria Sturman
District Court Judge

Respectfully submitted:

JOLLEY URGAL WOODBURY & HOLTHUS


R. Gardner Jolley
50 S. Stephanie Street, Suite 202
Henderson, Nevada 89012
*Attorney for Cary Duckworth as Trustee
of the Duckworth Family Trust*

Approved to as to Form and Content

JERIMY KIRSCHNER & ASSOCIATES, PLLC


Jeremy L. Kirschner
550 Painted Mirage Rd., Suite 320
Las Vegas, Nevada 89149
Attorney for Petitioner

1 CSERV

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA

4
5
6 In the Matter of the Trust of: CASE NO: P-20-103183-T
7 The Duckworth Family Trust DEPT. NO. Department 26
8

9 **AUTOMATED CERTIFICATE OF SERVICE**

10 This automated certificate of service was generated by the Eighth Judicial District
11 Court. The foregoing Order was served via the court's electronic eFile system to all
12 recipients registered for e-Service on the above entitled case as listed below:

13 Service Date: 12/9/2020

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17 Sarah Mintz	Sarah@jkirschnerlaw.com
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20 Karen Friedrich	kfriedrich@dlnevadlaw.com
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Cary Duckworth

caryduckworth@icloud.com

CASE SUMMARY**CASE NO. P-20-103183-T****In the Matter of the Trust of:
The Duckworth Family Trust**§
§
§
§
§Location: **Department 26**
Judicial Officer: **Sturman, Gloria**
Filed on: **06/10/2020**
Cross-Reference Case Number: **P103183****CASE INFORMATION**Case Type: **Probate -
Trust/Conservatorships**Case Flags: **Appealed to Supreme Court****DATE****CASE ASSIGNMENT****Current Case Assignment**Case Number P-20-103183-T
Court Department 26
Date Assigned 06/10/2020
Judicial Officer Sturman, Gloria**PARTY INFORMATION**

Petitioner	Duckworth, Kyla	<i>Lead Attorneys</i> Kirschner, Jeremy L. <i>Retained</i> 702-563-4444(W)
Trustee	Duckworth, Cary	Jolley, R. G. <i>Retained</i> 702-382-4002(W)
Trust	The Duckworth Family Trust	
Beneficiary	Kassity, Tara E.	Wakayama, Liane K. <i>Retained</i> 702-382-0711(W)

DATE**EVENTS & ORDERS OF THE COURT****INDEX****EVENTS**

06/10/2020



Petition

Filed by: Petitioner Duckworth, Kyla
Petition for Construction of Trust Term; Petition to Compel Proper Accounting and to Compel Turnover of Trust Documents

06/11/2020



Initial Appearance Fee Disclosure

Filed By: Petitioner Duckworth, Kyla
Initial Appearance Fee Disclosure

06/11/2020



Notice of Hearing

Filed By: Petitioner Duckworth, Kyla
Notice of Hearing

06/12/2020



Clerk's Notice of Hearing

Notice of Hearing

06/17/2020



Substitution of Attorney

CASE SUMMARY
CASE NO. P-20-103183-T

Substitution of Attorneys

07/09/2020	 Filing Fee Remittance Filed By: Petitioner Duckworth, Kyla <i>Filing Fee Remittance</i>
07/30/2020	 Opposition <i>Opposition to Petition for Construction of Trust Term; Petition to Compel Proper Accounting and to Compel Turnover of Trust Documents</i>
07/30/2020	 Initial Appearance Fee Disclosure <i>Initial Appearance Fee Disclosure</i>
08/04/2020	 Filing Fee Remittance <i>Filing Fee Remittance</i>
08/05/2020	 Supplement Filed by: Trustee Duckworth, Cary <i>Attached as Exhibit G as a Supplement to the Exhibits to the Opposition Filed July 30, 2020 is the Assignment of Personal Property of George M. and Maureen D. Duckworth to the Trustees of the Duckworth Family Trust Dated March 12, 2015 and any Amendments Thereto</i>
08/05/2020	 Notice Filed By: Trustee Duckworth, Cary <i>Notice of Filing Joinder of Tara Kassity to the Opposition of Cary Duckworth as Trustee of the Duckworth Family Trust to the Petition for Construction of Trust Term; Petition to Compel Proper Accounting and to Compel Turnover of Trust Documents</i>
08/06/2020	 Response <i>Response to Opposition to Petition for Declaration regarding Construction of Trust Term; Petition to Compel Proper Accounting and To Compel Turnover of Trust Documents</i>
08/07/2020	 Response Filed by: Petitioner Duckworth, Kyla <i>Amended Response to Opposition to Petition for Declaration regarding Construction of Trust Term; Petition to Compel Proper Accounting and To Compel Turnover of Trust Documents</i>
08/21/2020	 Counter-motion Filed By: Petitioner Duckworth, Kyla <i>Supplement to Petition to Compel Proper Accounting and to Compel Turnover of Trust Documents; and Response to Counter-Petition</i>
08/25/2020	 Supplement Filed by: Petitioner Duckworth, Kyla <i>Amended Supplement to Petition to Compel Proper Accounting and to Compel Turnover of Trust Documents; and Response to Counter-Petition</i>
09/01/2020	 Reply Filed by: Trustee Duckworth, Cary <i>Reply of Cary Duckworth as Trustee of the Duckworth Family Trust Dated March 12, 2015 to the Supplement of Kyla Duckworth</i>
10/05/2020	 Notice of Appearance Party: Beneficiary Kassity, Tara E. <i>Notice of Appearance of Counsel</i>

CASE SUMMARY
CASE NO. P-20-103183-T

10/06/2020	 Report and Recommendations <i>Report and Recommendation</i>
10/08/2020	 Association of Counsel Filed By: Trustee Duckworth, Cary <i>Notice of Association of Counsel</i>
10/08/2020	 Estimate of Transcript <i>SEPTEMBER 11, 2020</i>
10/13/2020	 Objection <i>Cary Duckworth, Trustee's Objection to Kayla Duckworth's Seven Day Notice of Intent to Serve Thirteen Subpoenas Duces Tecum</i>
10/13/2020	 Joinder Filed By: Beneficiary Kassity, Tara E. <i>Tara E. Kassity's Joinder to Cary Duckworth, Trustee's Objection to Kayla Duckworth's Seven Day Notice of Intent to Serve Thirteen Subpoenas Duces Tecum</i>
10/13/2020	 Exhibits <i>Appendix of Exhibits to Trustee Cary Duckworth's Motion for a Protective Order Pursuant to NRCP 45(a)(4)(B) and NRCP 26 (b)(1)(c) and for Attorney Fees and Costs</i>
10/13/2020	 Motion <i>Trustee Cary Duckworth's Motion for a Protective Order Pursuant to NRCP 45(a)(4)(B) and NRCP 26(b)(1)(c) and for Attorney Fees</i>
10/14/2020	 Clerk's Notice of Hearing <i>Clerk's Notice of Hearing</i>
10/14/2020	 Exhibits <i>Amended Appendix of Exhibits to Trustee Cary Duckworth's Motion for A Protective Order Pursuant to NRCP 45(a)(4)(B) and NRCP 26(b)(1)(c) and for Attorney Fees and Costs</i>
10/14/2020	 Estimate of Transcript <i>SEPTEMBER 11, 2020</i>
10/15/2020	 Demand <i>Demand for Production of Documents, Receive Statements and Information from Kyla Duckworth</i>
10/16/2020	 Objection to Discovery Commissioners Report and Recommend <i>Objection to Report and recommendation</i>
10/19/2020	 Notice of Hearing Filed By: Petitioner Duckworth, Kyla <i>Notice of Hearing</i>
10/20/2020	 Transcript of Proceedings <i>SEPTEMBER 11, 2020</i>
10/22/2020	 Notice of Hearing

CASE SUMMARY
CASE NO. P-20-103183-T

	<i>Notice of Hearing</i>
10/23/2020	 Declaration Filed By: Petitioner Duckworth, Kyla <i>Declaration of Kyla Duckworth</i>
10/23/2020	 Response Filed by: Petitioner Duckworth, Kyla <i>(1) Response Cary Duckworth. Trustee's Objection to Kyla Duckworth's Seven Day Notice of Intent to Serve Thirteen Subpoenas Duces Tecum and Counter-Petition to Issue SUBpoenas Pursuant to Order 20-17; and (2) Objection Trustee Cary Duckworth's Motion for a Protective Order Pursuant to NRCP 45(a)(4)(B) and NRCP 26(b) and for Attorney Fees and Costs</i>
10/26/2020	 Opposition Filed By: Trustee Duckworth, Cary <i>Opposition of Cary Duckworth as Trustee of the Duckworth Family Trust, dated March 12, 2015 ("Trust") to Kyla Duckworth's Objection to Report and Recommendation</i>
10/26/2020	 Response Filed by: Petitioner Duckworth, Kyla <i>Amended (1) Response Cary Duckworth, Trustee's Objection to Kyla Duckworth's Seven Day Notice of Intent to Serve Thirteen Subpoenas Duces Tecum and Counter-Petition to Issue Subpoenas Pursuant to Order 20-17; and (2) Objection Trustee Cary Duckworth's Motion for a Protective Order Pursuant to NRCP 45(a) (4) (B) and NRCP 26(b) and for Attorney Fees and Costs</i>
10/28/2020	 Joinder Filed By: Beneficiary Kassity, Tara E. <i>Tara E. Kassity's Joinder to Trustee Cary Duckworth's Motion for a Protective Order Pursuant to NRCP 45(a)(4)(B) and NRCP 26(b)(1)(c) and for Attorney Fees and Costs</i>
11/11/2020	 Notice Filed By: Trustee Duckworth, Cary <i>Trustee Cary Duckworth's Updated Accounting for the Period of January 23, 2019, Through January 22, 2020; Appraisals for Tangible Personal Property</i>
11/17/2020	 Notice of Hearing <i>Scheduling Hearing on Objection to PCRR</i>
11/25/2020	 Notice of Hearing <i>Instructions for Bluejeans Videoconference</i>
11/25/2020	 Response <i>Response to Kyla Duckworth's Amended (1) Response to Cary Duckworth's Seven Day Notice of Intent to Serve Thirteen Subpoenas Duces Tecum and Counter-Petition to Issue Subpoenas Pursuant to Order 20-17; and (2) Objection Trustee Cary Duckworth's Motion for A protective Order Pursuant to NRCP 45(a)(4)(B) and NRCP 26(b) and for Attorney Fees and Costs</i>
12/01/2020	 Petition <i>Petition for Approval of First Accounting and Judicial Determinations that (i) Kyla Duckworth is is a Caregiver Pursuant to NRS 155.097 and (ii) George Duckworth's Special Directives in His First Amendment to the Trust Were and Exercise of Testamentary Powers of Appointment</i>
12/01/2020	 Notice of Hearing <i>Notice of Hearing</i>



CASE SUMMARY
CASE NO. P-20-103183-T

12/02/2020	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
12/02/2020	 Certificate of Service <i>Certificate of Service</i>
12/04/2020	 Joinder Filed By: Beneficiary Kassity, Tara E. <i>Tara E. Kassity's Joinder to Cary Duckworth's Petition for Approval of First Accounting and Judicial Determinations that (i) Kyla Duckworth is a Caregiver Pursuant to NRS 155.097 and (ii) George Duckworth's Special Directives in His First Amendment to the Trust Were An Exercise of Testamentary Powers of Appointment</i>
12/09/2020	 Order <i>Order Denying Objection to Probate Commissioner's Report and Recommendations</i>
12/15/2020	 Notice of Entry of Order <i>Notice of Entry of Order Denying Objection to Probate commissioner's report and Recommendations</i>
12/16/2020	 Response Filed by: Petitioner Duckworth, Kyla <i>Response to Cary Duckworth (1) Petition for Approval of First Accounting; (2) Judicial Determinations that Kyla Duckworth is a Caregiver Pursuant to NRS 155.097 and (3) George Duckworth's Special Directives in His First Amendment to the Trust Were an Exercise of Testament Powers of Appointment</i>
12/16/2020	 Estimate of Transcript <i>December 4, 2020</i>
12/18/2020	 Transcript of Proceedings <i>DECEMBER 4, 2020</i>
12/31/2020	 Notice of Appeal Filed By: Petitioner Duckworth, Kyla <i>Notice of Appeal</i>
01/04/2021	 Notice to Creditors <i>Notice to Creditors (90 Days)</i>
01/04/2021	 Notice to Creditors <i>Notice to Creditors (90 Days)</i>
<u>HEARINGS</u>	
08/07/2020	 Petition - HM (10:00 AM) (Hearing Master: Yamashita, Wesley) 08/07/2020, 09/11/2020 <i>Petition for Construction of Trust Term; Petition to Compel Proper Accounting and to Compel Turnover of Trust Documents</i>
12/03/2020	 Objection - Probate (9:30 AM) (Judicial Officer: Sturman, Gloria) <i>PCRR</i>
12/04/2020	Status Check - HM (9:45 AM) (Hearing Master: Yamashita, Wesley)

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. P-20-103183-T

12/04/2020	Motion for Protective Order (9:45 AM) (Hearing Master: Yamashita, Wesley) <i>Trustee Cary Duckworth's Motion for a Protective Order Pursuant to NRCP 45(a) (4) (B) and NRCP 26 (b) (1) (c) and for Attorney Fees and Costs</i>
12/04/2020	 Joinder (9:45 AM) (Hearing Master: Yamashita, Wesley) <i>Tara E. Kassity's Joinder to Trustee Cary Duckworth's Motion for a Protective Order Pursuant to NRCP 45(a)(4)(B) and NRCP 26(b)(1)(c) and for Attorney Fees and Costs</i>
12/04/2020	 All Pending Motions - HM (9:45 AM) (Hearing Master: Yamashita, Wesley)
01/22/2021	Petition - HM (3:00 AM) (Hearing Master: Yamashita, Wesley) <i>Petition for Approval of First Accounting and Judicial Determinations that (i) Kyla Duckworth is is a Caregiver Pursuant to NRS 155.097 and (ii) George Duckworth's Special Directives in His First Amendment to the Trust Were and Exercise of Testamentary Powers of Appointment</i>
01/22/2021	Joinder (3:00 AM) (Hearing Master: Yamashita, Wesley) <i>Tara E. Kassity's Joinder to Cary Duckworth's Petition for Approval of First Accounting and Judicial Determinations that (i) Kyla Duckworth is a Caregiver Pursuant to NRS 155.097 and (ii) George Duckworth s Special Directives in His First Amendment to the Trust Were An Exercise of Testamentary Powers of Appointment</i>
04/14/2021	Evidentiary Hearing - HM (9:00 AM) (Hearing Master: Yamashita, Wesley)

DATE

FINANCIAL INFORMATION

Petitioner Duckworth, Kyla	
Total Charges	561.50
Total Payments and Credits	561.50
Balance Due as of 1/4/2021	0.00
 Trustee Duckworth, Cary	
Total Charges	476.00
Total Payments and Credits	476.00
Balance Due as of 1/4/2021	0.00

Heather S. Lumin
CLERK OF THE COURT

ORDR

R. Gardner Jolley, Esq. NSB #266
JOLLEY URG A WOODBURY & HOLTHUS
50 S. Stephanie Street, Suite 202
Henderson, Nevada 89012
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Mdouglas@dlnevadalaw.com
Counsel for Cary Duckworth, Trustee

DISTRICT COURT

CLARK COUNTY, NEVADA

In the Matter of:

THE DUCKWORTH FAMILY TRUST,

Dated March 12, 2015.

Case No.: P-20-103183-T

Dept. No.: 26/PC-1

Date of Hearing: December 3, 2020

Time of Hearing: 9:30 AM

**ORDER DENYING OBJECTION TO PROBATE COMMISSIONER'S REPORT
AND RECOMMENDATIONS**

Attorneys for Objector: Kyla Duckworth – Jerimy Kirschner, Esq. of the law
firm Jerimy Kirschner & Associates, PLLC

Attorneys for Opposition: Cary Duckworth, Trustee – R. Gardner Jolley, Esq. of
the law firm Jolley Urga Woodbury & Holthus
and Elizabeth Brickfield, Esq. of the law firm Dawson
& Lordahl PLLC

Appearance by Beneficiary: Tara Duckworth – Liane K. Wakayama, Esq. of the
law firm Hayes Wakayama

JOLLEY URG A WOODBURY & HOLTHUS
ATTORNEYS
AT LAW
50 S. STEPHANIE STREET, SUITE 202, HENDERSON, NV 89012
TELEPHONE: (702) 699-7500 FAX: (702) 699-7555

This matter came on for hearing on the 3rd day of December 2020. The Probate Judge having reviewed the Pleadings and papers on file herein, considered the oral arguments of Counsel and good cause appearing, the Court finds that the Probate Commissioner's findings of facts and conclusions of law were not clearly erroneous, the Probate Commissioner Report and Recommendation shall be and is adopted by the Court in its entirety as the finding and orders of the Court.

DATED this ____ day of December, 2020.

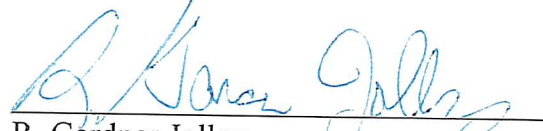
Dated this 9th day of December, 2020


PROBATE COURT JUDGE

D5B C17 3272 BE5F
Gloria Sturman
District Court Judge

Respectfully submitted:

JOLLEY URGAL WOODBURY & HOLTHUS

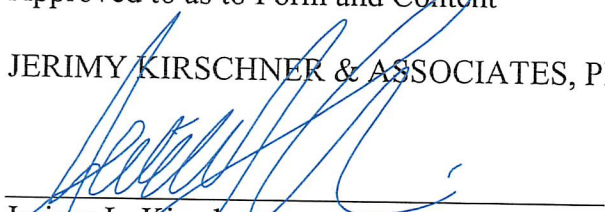

R. Gardner Jolley

50 S. Stephanie Street, Suite 202
Henderson, Nevada 89012

*Attorney for Cary Duckworth as Trustee
of the Duckworth Family Trust*

Approved to as to Form and Content

JERIMY KIRSCHNER & ASSOCIATES, PLLC


Jeremy L. Kirschner
550 Painted Mirage Rd., Suite 320
Las Vegas, Nevada 89149
Attorney for Petitioner

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

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6 In the Matter of the Trust of: CASE NO: P-20-103183-T
7 The Duckworth Family Trust DEPT. NO. Department 26
8

9 **AUTOMATED CERTIFICATE OF SERVICE**

10 This automated certificate of service was generated by the Eighth Judicial District
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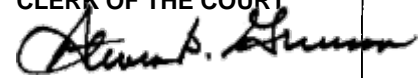
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Cary Duckworth

caryduckworth@icloud.com



1 **NEOJ**
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17 *Counsel for Cary Duckworth, Trustee*

DISTRICT COURT
CLARK COUNTY, NEVADA

In the Matter of:

THE DUCKWORTH FAMILY TRUST,

Case No.: P-20-103183-T
Dept. No.: 26/PC-1

Dated March 12, 2015.

NOTICE OF ENTRY OF ORDER DENYING OBJECTION TO PROBATE
COMMISSIONER'S REPORT AND RECOMMENDATIONS

PLEASE TAKE NOTICE that an Order Denying Objection to Probate
Commissioner's Report and Recommendations was enter by the Court in the above-

///

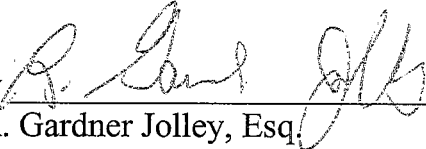
///

captioned matter on December 9, 2020, a true and correct copy of which is attached hereto.

Dated this 15th day of December, 2020.

JOLLEY, URG, WOODBURY & HOLTHUS

By


R. Gardner Jolley, Esq.
Nevada Bar No. 266
50 S. Stephanie Street, Suite 202
Henderson, NV 89012

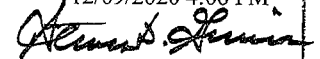
CERTIFICATE OF SERVICE

I hereby certify that a true and correct file stamped copy of the foregoing
**NOTICE OF ENTRY OF ORDER DENYING OBJECTION TO PROBATE
COMMISSIONER'S REPORT AND RECOMMENDATIONS** was served
electronically using the Odyssey eFileNV Electronic Filing system and serving all parties
with an email address on record, pursuant to Administrative Order 14-2 and Rule 9 of the
N.E.F.C.R.

The date and time of the electronic proof of service is in place of the date and
place of deposit in the U.S. Mail.

Dated this 15 December, 2020.


Employee of Jolley Urga Woodbury & Holthus



CLERK OF THE COURT

ORDR

R. Gardner Jolley, Esq. NSB #266
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Midouglas@dlnevadalaw.com
Counsel for Cary Duckworth, Trustee

DISTRICT COURT**CLARK COUNTY, NEVADA**

In the Matter of:

THE DUCKWORTH FAMILY TRUST,

Dated March 12, 2015.

Case No.: P-20-103183-T

Dept. No.: 26/PC-1

Date of Hearing: December 3, 2020

Time of Hearing: 9:30 AM

ORDER DENYING OBJECTION TO PROBATE COMMISSIONER'S REPORT
AND RECOMMENDATIONS

Attorneys for Objector: Kyla Duckworth – Jerimy Kirschner, Esq. of the law firm Jerimy Kirschner & Associates, PLLC

Attorneys for Opposition: Cary Duckworth, Trustee – R. Gardner Jolley, Esq. of the law firm Jolley Urga Woodbury & Holthus and Elizabeth Brickfield, Esq. of the law firm Dawson & Lordahl PLLC

Appearance by Beneficiary: Tara Duckworth – Liane K. Wakayama, Esq. of the law firm Hayes Wakayama

JOLLEY URG A WOODBURY & HOLTHUS
attorneys at law

50 S. STEPHANIE STREET, SUITE 202, HENDERSON, NV 89012
 TELEPHONE: (702) 699-7500 FAX: (702) 699-7555

1 This matter came on for hearing on the 3rd day of December 2020. The Probate
2 Judge having reviewed the Pleadings and papers on file herein, considered the oral
3 arguments of Counsel and good cause appearing, the Court finds that the Probate
4 Commissioner's findings of facts and conclusions of law were not clearly erroneous, the
5 Probate Commissioner Report and Recommendation shall be and is adopted by the Court
6 in its entirety as the finding and orders of the Court.
7

8
9 DATED this ____ day of December, 2020.

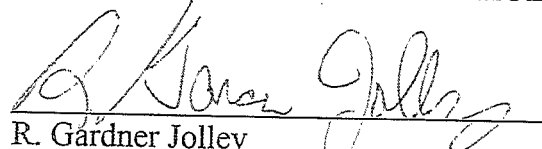
10 Dated this 9th day of December, 2020

11 
12 PROBATE COURT JUDGE

13 D5B C17 3272 BE5F
14 Gloria Sturman
15 District Court Judge

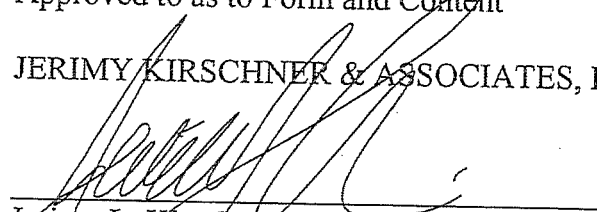
16 Respectfully submitted:

17 JOLLEY URGALAW WOODBURY & HOLTHUS

18 
19 R. Gardner Jolley
20 50 S. Stephanie Street, Suite 202
21 Henderson, Nevada 89012
22 Attorney for Cary Duckworth as Trustee
23 of the Duckworth Family Trust

24 Approved to as to Form and Content

25 JERIMY KIRSCHNER & ASSOCIATES, PLLC

26 
27 Jeremy L. Kirschner
28 550 Painted Mirage Rd., Suite 320
Las Vegas, Nevada 89149
Attorney for Petitioner

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 In the Matter of the Trust of: CASE NO: P-20-103183-T
7 The Duckworth Family Trust DEPT. NO. Department 26
8

9 **AUTOMATED CERTIFICATE OF SERVICE**

10 This automated certificate of service was generated by the Eighth Judicial District
11 Court. The foregoing Order was served via the court's electronic eFile system to all
12 recipients registered for e-Service on the above entitled case as listed below:

13 Service Date: 12/9/2020

14 R. Gardner Jolley	rgj@juwlaw.com
15 Jerimy Kirschner	jerimy@jkirschnerlaw.com
16 Front Office	office@jkirschnerlaw.com
17 Sarah Mintz	Sarah@jkirschnerlaw.com
18 Melissa Douglas	mdouglas@dlnevalaw.com
19 Elizabeth Brickfield	ebrickfield@dlnevalaw.com
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22 Julia Rodionova	julia@hwlawnv.com
23 Nancy Taylor	nt@juwlaw.com
24 Kenneth Burns	kburns@nvbusinesslaw.com
25 Tara Kassity	tkassity@surewest.net

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Cary Duckworth

caryduckworth@icloud.com

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate -
Trust/Conservatorships**

COURT MINUTES

August 07, 2020

P-20-103183-T In the Matter of the Trust of:
The Duckworth Family Trust

August 07, 2020 10:00 AM Petition - HM

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

COURT CLERK: Jill Chambers

RECORDER:

REPORTER:

PARTIES

PRESENT: Jolley, R. G. Attorney
 Kirschner, Jeremy L Attorney

JOURNAL ENTRIES

- Counsel appearing remotely via Bluejeans.

Commissioner noted that Mr. Kirschner requested additional time to submit supplemental briefing and respond to the Counterpetition/Counter-motion. COMMISSIONER will allow the Opposition specific to the Counter-motion and gave counsel a briefing schedule.

COMMISSIONER CONTINUED MATTER.

CONTINUED TO: 9/11/20

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate -
Trust/Conservatorships**

COURT MINUTES

September 11, 2020

P-20-103183-T In the Matter of the Trust of:
The Duckworth Family Trust

September 11, 2020 9:45 AM Petition - HM

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

COURT CLERK: Jill Chambers

RECORDER:

REPORTER:

PARTIES

PRESENT: Jolley, R. G. Attorney
 Kirschner, Jeremy L Attorney

JOURNAL ENTRIES

- Counsel appearing remotely via Bluejeans.

Commissioner RECOMMENDED the CONFIRMATION of Cary Duckworth as Trustee and took over jurisdiction.

Argument by counsel. COMMISSIONER DECLARED A CONTEST of the amendments incapacity and/or undue influence claims.

Mr. Jolley stated that he has been trying to resolve the matter with Mr. Kirschner and suggested a Court ordered mediation. Commissioner advised counsel they would need to decide if they would like the matter to be heard by the Probate Judge or the Probate Commissioner. Mr. Kirschner stated that mediation may work but would like to talk to his client and requested an accounting. Commissioner stated that parties need to get the trust valuation done but the accounting could not been done until items are claimed or denied. Commissioner directed Mr. Kirschner to send an affidavit as to what items his client had in her possession and what she claims belongs to the estate then Mr. Jolley could do the accounting.

Colloquy regarding bank accounts in England and the filing of the will there. Commissioner RECOMMENDED, Mr. Kirschner to obtain information as to the personal property along with the value of the England bank accounts and provide them to Mr. Jolley who, in turn, is to complete the accounting. Commissioner further advised counsel they will have 180 days for discovery.

After conferring with his clients, Mr. Jolley stated that most of the personal property is located in a storage and the garage which Mr. Kirschner's client was welcome to take whatever she wanted as his clients were not making any claims to the property. Commissioner directed Mr. Kirschner to take that offer back to his client.

Commissioner SET matter for Status Check as to the accounting from date of death forward and SET matter for Evidentiary Hearing.

Mr. Kirschner to prepare the order confirming jurisdiction and pass by Mr. Jolley.

12/4/20 STATUS CHECK: DISCOVERY

4/14/21 9:00 AM EVIDENTIARY HEARING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate -
Trust/Conservatorships**

COURT MINUTES

December 03, 2020

P-20-103183-T In the Matter of the Trust of:
The Duckworth Family Trust

December 03, 2020 9:30 AM Objection - Probate

HEARD BY: Sturman, Gloria

COURTROOM: RJC Courtroom 10D

COURT CLERK: Grecia Snow

RECORDER: Kerry Esparza

REPORTER:

PARTIES

PRESENT:	Brickfield, Elizabeth	Attorney
	Jolley, R. G.	Attorney
	Kassity, Tara E.	Beneficiary
	Kirschner, Jerimy L	Attorney
	Wakayama, Liane K.	Attorney

JOURNAL ENTRIES

- Arguments by counsel regarding whether or not there was an error of law in the Discovery Commissioner's Report and Recommendation. COURT FINDS that the Commissioner's findings were not erroneous. COURT ORDERED, Objection DENIED to raise issue with respect to the burden of proof in motion practice prior to the Evidentiary hearing. Mr. Jolley to prepare the order. Colloquy regarding the accounting.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate -
Trust/Conservatorships**

COURT MINUTES

December 04, 2020

P-20-103183-T In the Matter of the Trust of:
The Duckworth Family Trust

December 04, 2020 9:45 AM All Pending Motions - HM

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

COURT CLERK: Jill Chambers

RECORDER:

REPORTER:

PARTIES

PRESENT:	Brickfield, Elizabeth	Attorney
	Duckworth, Cary	Trustee
	Jolley, R. G.	Attorney
	Kirschner, Jerimy L	Attorney
	Wakayama, Liane K.	Attorney

JOURNAL ENTRIES

- STATUS CHECK...MOTION FOR A PROTECTIVE ORDER AND FOR ATTORNEY FEES AND COSTS....JOINDER TO MOTION FOR A PROTECTIVE ORDER AND FOR ATTORNEY FEES AND COSTS

Commissioner advised counsel that there were 13 discovery requests/proposed subpoenas and welcomed argument by counsel. Argument by counsel.

COMMISSIONER RECOMMENDED, attorney subpoenas are to be limited to those matters related to the trust only; counsel may issue subpoenas and it will be up to Ms. Hurtek or anyone to object as to privilege; the issues need to be narrowed down to dates closer to the execution instead of a blanket request.

As to medical, COMMISSIONER RECOMMENDED, subpoenas for records but must also be tied down to a date closer to which the date of the execution of the documents in question. Mr. Kirschner

requested that he be able to go back 4 months prior to correspondence in 2016 in order to show the impairment in cognition. Commissioner advised that 2 - 3 months before the email would be allowed.

As to the financials, Mr. Kirschner argued as to personal finances. COMMISSIONER RECOMMENDED, anything with regards to the trusts accounts is proper, but Mr. Duckworth's personal finances are not without a specific demand.

Mr. Kirschner to prepare the Report and Recommendation.



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

JERIMY L. KIRSCHNER, ESQ.
5550 PAINTED MIRAGE RD., SUITE 320
LAS VEGAS, NV 89149

DATE: January 4, 2021
CASE: P-20-103183-T

RE CASE: In the Matter of the Trust of: THE DUCKWORTH FAMILY TRUST, Dated March 12, 2015

NOTICE OF APPEAL FILED: December 31, 2020

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

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

- ☒ **\$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)****
 - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☐ **\$24 – District Court Filing Fee (Make Check Payable to the District Court)****
- ☒ **\$500 – Cost Bond on Appeal (Make Check Payable to the District Court)****
 - NRAP 7: Bond For Costs On Appeal in Civil Cases
 - *Previously paid Bonds are not transferable between appeals without an order of the District Court.*
- ☒ **Case Appeal Statement**
 - NRAP 3 (a)(1), Form 2
- ☐ **Order**
- ☐ **Notice of Entry of Order**

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

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

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

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

Certification of Copy

State of Nevada }
County of Clark } SS:

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

NOTICE OF APPEAL; DISTRICT COURT DOCKET ENTRIES; ORDER DENYING OBJECTION TO PROBATE COMMISSIONER'S REPORT AND RECOMMENDATIONS; NOTICE OF ENTRY OF ORDER DENYING OBJECTION TO PROBATE COMMISSIONER'S REPORT AND RECOMMENDATIONS; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

In the Matter of the Trust of:

THE DUCKWORTH FAMILY TRUST, Dated
March 12, 2015,

Case No: P-20-103183-T

Dept No: XXVI

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 4 day of January 2021.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk