

Form 1. Notice of Appeal to the Supreme Court From a Judgment or Order of District Court

No. P-20-103540-E



Electronically Filed
Aug 09 2021 02:41 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

**IN THE EIGHTH JUDICIAL COURT OF THE
STATE OF NEVADA IN AND FOR
THE COUNTY OF CLARK**

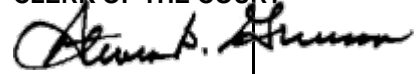
A.B., PLAINTIFF } Christopher William Hisgen
v. }
C.D., DEFENDENT } Christy Kay Sweet

NOTICE OF APPEAL

Notice is hereby given that C.D., defendant above named, hereby appeals to The Supreme Court of Nevada from Order and Affirming Report and Recommendation Admitting Will to Probate and to Issue Letters of Testamentary entered in this action on the 14th day of July, 2021

/s/  

Christy Kay Sweet, *Pro se*
51/68 Moo 6, Cherng-Telay
Thalang, Phuket, Thailand
83110



ASTA

**IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR
THE COUNTY OF CLARK**

In the Matter of:

MARILYN WEEKS,

Deceased.

Case No: P-20-103540-E

Dept No: XXVI

CASE APPEAL STATEMENT

1. Appellant(s): Christy Kay Sweets

2. Judge: Gloria Sturman

3. Appellant(s): Christy Kay Sweets

Counsel:

Christy Kay Sweets
51/68 Moo 6, Cherng-Telay
Thalang, Phuklet, Thailand 83110

4. Respondent (s): Chris Hisgen

Counsel:

Michael A. Olsen, Esq.
10155 W. Twain Ave., Ste 100
Las Vegas, NV 89147

5. Appellant(s)'s Attorney Licensed in Nevada: N/A
Permission Granted: N/A

Respondent(s)'s Attorney Licensed in Nevada: Yes
Permission Granted: N/A

6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: No

7. Appellant Represented by Appointed Counsel On Appeal: N/A

8. Appellant Granted Leave to Proceed in Forma Pauperis**: Yes, August 8, 2021
***Expires 1 year from date filed*

Appellant Filed Application to Proceed in Forma Pauperis: N/A
Date Application(s) filed: N/A

9. Date Commenced in District Court: July 14, 2020

10. Brief Description of the Nature of the Action: Probate

Type of Judgment or Order Being Appealed: Misc. Order

11. Previous Appeal: No

Supreme Court Docket Number(s): N/A

12. Child Custody or Visitation: N/A

13. Possibility of Settlement: Unknown

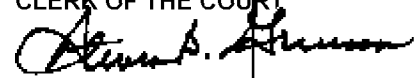
Dated This 6 day of August 2021.

Steven D. Grierson, Clerk of the Court

/s/ Amanda Hampton

Amanda Hampton, Deputy Clerk
200 Lewis Ave
PO Box 551601
Las Vegas, Nevada 89155-1601
(702) 671-0512

cc: Christy Kay Sweets



Christy Kay Sweet,
51/68 Moo 6, Cherng-Telay, Thalang
Phuket, Thailand 83110
(66) 94 807 0376
ChristyKSweet@GMail.com
Defendant, *Pro Se*

EIGHTH DISTRICT COURT

CLARK COUNTY

CHRISTOPHER WILLIAM HISGEN

Plaintiff,

vs.

CHRISTY KAY SWEET

Defendant

Case : P-20-103540-E

Department 26

CERTIFICATE OF MAILING

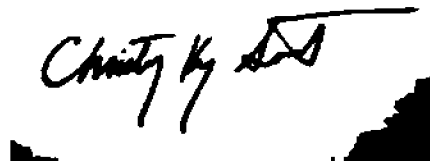
I HEREBY CERTIFY that on the day of 05, August 2021, I have arranged to place a true and correct copy of the following document: Notice of Appeal to Nevada State Supreme Court, in the United States Mail, with first-class postage prepaid, addressed to the following;

Michael A Olsen, Esq., Blackrock Legal, LLC, 10155 West Twain Avenue, Suite 100
Las Vegas, Nevada 89147 and;

Christopher W. Hisgen 3125 Hastings Avenue, Las Vegas, Nevada, 89107

Be it known Kathryn Kimberly Sweet, pursuant to NRS 155.010 (5) has signed A Waiver of Requirement of Notice of Proceedings entered July 07, 2020 by Thomas R. Grover, Esq., attorney for the Plaintiff.

Dated this 06th day of August, 2021.



Defendant, Christy Kay Sweet, *Pro Se*

CERTIFICATE OF MAILING - 1

CASE SUMMARY

CASE NO. P-20-103540-E

In the matter of:
Marilyn Weeks, Deceased

§
§
§
§
§

Location: Department 26
Judicial Officer: Sturman, Gloria
Filed on: 07/14/2020
Cross-Reference Case Number: P103540

CASE INFORMATION

Related Cases

W-20-018921 (Companion Case)

Case Type: Probate - General Administration

Case Flags: Appealed to Supreme Court
Filing Fee Balance Due

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number P-20-103540-E
Court Department 26
Date Assigned 07/14/2020
Judicial Officer Sturman, Gloria

PARTY INFORMATION

Lead Attorneys

Decedent Weeks, Marilyn Sweet

Petitioner Hisgen, Chris

Olsen, Michael A.
Retained
702-855-5658(W)

Objector Sweet, Christy Kay

Pro Se

DATE

EVENTS & ORDERS OF THE COURT

INDEX

EVENTS

07/14/2020



Petition

Filed by: Petitioner Hisgen, Chris

[1] Petition for General Administration of Estate, Appointment of Personal Representative for Letters Testamentary and to Admit Will to Probate

07/14/2020



Initial Appearance Fee Disclosure

Filed By: Petitioner Hisgen, Chris

[2] Initial Appearance Fee Disclosure

07/14/2020



Notice of Hearing

Filed By: Petitioner Hisgen, Chris

[3] Notice of Hearing

07/16/2020



Clerk's Notice of Hearing

[4] Notice of Hearing

07/17/2020



Certificate of Service

Filed by: Petitioner Hisgen, Chris

[5] Certificate of Service














CASE SUMMARY

CASE NO. P-20-103540-E












08/11/2020	 Initial Appearance Fee Disclosure Filed By: Objector Sweet, Christy Kay <i>[6] Initial Appearance Fee Disclosure Per NRS Chapter 19</i>
08/11/2020	 Objection Filed By: Objector Sweet, Christy Kay <i>[7] Objection to Petition for General Administration of Estate, Appointment of Personal Representative and Letters Testamentary and to Admit Will to Probate</i>
08/11/2020	 Certificate of Mailing Filed By: Objector Sweet, Christy Kay <i>[8] Certificate of Mailing</i>
09/29/2020	 Supplement Filed by: Petitioner Hisgen, Chris <i>[9] First Supplement to Petition for General Administration, Appointment of Personal Representative and for Issuance of Letters Testamentary and to Admit Will to Probate</i>
09/29/2020	 Notice of Hearing Filed By: Petitioner Hisgen, Chris <i>[10] Re-Notice of Hearing</i>
09/29/2020	 Clerk's Notice of Hearing <i>[11] Notice of Hearing</i>
09/29/2020	 Certificate of Service Filed by: Petitioner Hisgen, Chris <i>[12] Certificate of Service</i>
10/14/2020	 Affidavit of Publication Filed By: Petitioner Hisgen, Chris <i>[13] Affidavit of Publication</i>
11/04/2020	 Ex Parte Petition Filed By: Objector Sweet, Christy Kay <i>[14] Ex Parte Petition for Order Authorizing Release of Medical Records</i>
11/12/2020	 Reply Filed by: Petitioner Hisgen, Chris <i>[15] Reply in Support of Petition for General Administration, Appointment of Personal Representative and for Issuance of Letters Testamentary and to Admit Will to Probate</i>
11/12/2020	 Declaration Filed By: Petitioner Hisgen, Chris <i>[16] Declaration of Isabel Pires Cruz Santos</i>
11/12/2020	 Declaration Filed By: Petitioner Hisgen, Chris <i>[17] Declaration of Gilda Dos Santos Barradas</i>
11/12/2020	 Certificate of Service Filed by: Petitioner Hisgen, Chris <i>[18] Certificate of Service</i>

CASE SUMMARY

CASE NO. P-20-103540-E

03/03/2021	 Report and Recommendations <i>[19] Report and Recommendation</i>
03/04/2021	 Notice of Entry Filed By: Petitioner Hisgen, Chris <i>[20] Notice of Entry of Order of Report and Recommendation</i>
03/04/2021	 Certificate of Service Filed by: Petitioner Hisgen, Chris <i>[21] Certificate of Service</i>
03/15/2021	 Objection Filed By: Objector Sweet, Christy Kay <i>[22] Objection to Report and Recommendation</i>
03/16/2021	 Notice of Hearing <i>[23] Instructions for Bluejeans Videoconference</i>
03/17/2021	 Certificate of Mailing Filed By: Objector Sweet, Christy Kay <i>[24] Certificate of Mailing</i>
04/08/2021	 Notice of Hearing <i>[25] Instructions for Bluejeans Videoconference</i>
04/13/2021	 Stipulation and Order Filed by: Petitioner Hisgen, Chris <i>[26] Stipulation and Order to Continue Hearing</i>
05/10/2021	 Opposition Filed By: Petitioner Hisgen, Chris <i>[27] Opposition to Objection to Report and Recommendation</i>
05/10/2021	 Certificate of Service Filed by: Petitioner Hisgen, Chris <i>[28] Certificate of Service</i>
05/13/2021	 Notice of Hearing <i>[29] Instructions for Bluejeans Videoconference</i>
07/14/2021	 Order <i>[30] Order Affirming Report and Recommendation, Admitting Will to Probate and to Issue Letters Testamentary</i>
07/14/2021	 Notice of Entry of Order Filed By: Petitioner Hisgen, Chris <i>[31] Notice of Entry of Order</i>
07/14/2021	 Letters of Administration Electronically Issued/Filed Party: Petitioner Hisgen, Chris <i>[32] Letters Testamentary</i>
07/15/2021	 Certificate of Service

CASE SUMMARY
CASE NO. P-20-103540-E

	<p>Filed by: Petitioner Hisgen, Chris <i>[33] Certificate of Service</i></p>
07/22/2021	<p> Notice to Creditors Filed By: Petitioner Hisgen, Chris <i>[34] Notice to Creditors (90 Day Notice)</i></p>
07/23/2021	<p> Certificate of Service Filed by: Petitioner Hisgen, Chris <i>[35] Certificate of Service</i></p>
07/30/2021	<p> Substitution of Attorney Filed by: Objector Sweet, Christy Kay <i>[36] Substitution of Attorney</i></p>
08/03/2021	<p> Application to Proceed in Forma Pauperis Filed By: Objector Sweet, Christy Kay <i>[37] Application to waiver filing fees for appeal</i></p>
08/04/2021	<p> Notice of Appeal Filed By: Objector Sweet, Christy Kay <i>[38] Notice of Appeal</i></p>
08/04/2021	<p> Change of Address Filed By: Objector Sweet, Christy Kay <i>[39] Change of Address</i></p>
08/06/2021	<p> Certificate of Mailing Filed By: Objector Sweet, Christy Kay <i>Certificate of Mailing</i></p>
08/06/2021	<p> Order to Proceed In Forma Pauperis</p>
08/06/2021	<p> Case Appeal Statement Filed By: Objector Sweet, Christy Kay <i>Case Appeal Statement</i></p>
	<p><u>HEARINGS</u></p>
09/11/2020	<p>Status Check - HM (3:00 AM) (Hearing Master: Yamashita, Wesley) <i>Petition for General Administration of Estate, Appointment of Administrator and for Issuance of Letters of Administration</i></p>
11/13/2020	<p> Petition - HM (9:45 AM) (Hearing Master: Yamashita, Wesley) <i>Petition for General Administration of Estate, Appointment of Personal Representative for Letters Testamentary and to Admit Will to Probate</i></p>
05/20/2021	<p> Objection (10:00 AM) (Judicial Officer: Sturman, Gloria) <i>Objection to PCRR</i></p>

DATE	FINANCIAL INFORMATION
	<p>Objector Sweet, Christy Kay</p>
	<p>Total Charges 247.00</p>
	<p>Total Payments and Credits 223.00</p>
	<p>Balance Due as of 8/6/2021 24.00</p>

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. P-20-103540-E

Petitioner Hisgen, Chris

Total Charges

537.50

Total Payments and Credits

537.50

Balance Due as of 8/6/2021

0.00

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

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

**CASE NO: P-20-103540-E
Department 26**

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

☐ YES ☒ NO

If yes, complete the other side of this form

PARTY INFORMATION (Please Print)

Plaintiff/Petitioner		Defendant/Respondent/Co-Petitioner/Ward/Decedent	
Last Name: Hisgen		Last Name: Weeks	
First Name: Chris	Middle Name:	First Name: Marilyn	Middle Name: Sweet
Home Address:		Home Address: N/A	
City, State, Zip:		City, State, Zip:	
Mailing Address: 3125 Hastings Ave.		Mailing Address:	
City, State, Zip: Las Vegas, NV 89107		City, State, Zip:	
Phone #: (702) 324-2909	Date of Birth:	Phone #:	Date of Birth:
Attorney Information		Attorney Information	
Name: Thomas Grover, Esq.	Bar No. 12387	Name: Unknown	Bar No:
Address: Blackrock Legal, 10155 W. Twain Avenue, #100		Address:	
City, State, Zip: Las Vegas, NV 89147		City, State, Zip:	
Phone #: (702) 869-6261		Phone #:	

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

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

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

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

Vicki Pyne
Printed Name of Preparer

/s/ Vicki Pyne
Signature of Preparer

07/14/2020
Date

Supply the following information about any other proceeding (check all that apply):

☐ Divorce ☐ Temporary Protective Orders (TPO) ☐ Custody/Child Support

☐ UIFSA/URES A ☐ Paternity ☐ Juvenile Court ☐ Other

Please Print

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

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

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

Children involved in this case (continuation from front page)

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

**THIS INFORMATION IS REQUIRED BY
NRS 3.025, NRS 3.223, NRS 3.227, NRS 3.275,
NRS 125.130, NRS 125.230,
And will be kept in a confidential manner by the Clerk's Office.**

Heather S. Hisgen

CLERK OF THE COURT

ORDR

MICHAEL A. OLSEN, ESQ.

Nevada Bar No. 6076

THOMAS R. GROVER, ESQ.

Nevada Bar No. 12387

KEITH D. ROUTSONG, ESQ.

Nevada Bar No. 14944

BLACKROCK LEGAL, LLC

10155 W. Twain Ave., Suite 100

Las Vegas, NV 89147

Telephone: (702) 855-5658

Facsimile: (702) 869-8243

mike@blackrocklawyers.com

tom@blackrocklawyers.com

keith@blackrocklawyers.com

Attorneys for Chris Hisgen

**DISTRICT COURT
CLARK COUNTY, NEVADA**

In the Matter of the Estate of

MARILYN SWEET WEEKS,

Deceased.

Case No.: P-20-103540-E

Dept. No.: 26

HEARING DATE: 5/30/2021

**ORDER AFFIRMING REPORT AND RECOMMENDATION, ADMITTING
WILL TO PROBATE AND TO ISSUE LETTERS TESTAMENTARY**

Appearances:

- Ryan Johnson of Johnson & Johnson law firm on behalf of objector Christy Kay Sweet.
- Thomas R. Grover of Blackrock Legal on behalf of surviving spouse Christopher Hisgen.

Filings:

- *Report and Recommendation*, March 3, 2021 ("RAR"), **Exhibit "1"**.
- *Objection to Report and Recommendation* ("Objection"), March 15, 2021 filed by Christy Kay Sweet.
- *Opposition to Objection to Report and Recommendation* ("Opposition"), May 10, 2021 filed by Chris Hisgen.



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ORDER

The Court, having considered the arguments of counsel in the above referenced filings and at the hearing on this matter,

ORDERS AND AFFIRMS the REPORT AND RECOMMENDATION attached here to as **Exhibit "1"**.

THE COURT FURTHER ORDERS that the Last Will and Testament of Marilyn Weeks ("Testamento Publico") dated May 3, 2006 is admitted to probate under General Administration.

THE COURT FURTHER ORDERS that Letters Testamentary shall issue to Christopher Hisgen.

Dated this 14th day of July, 2021

A handwritten signature in black ink, appearing to read "G. Sturman", written over a horizontal line.

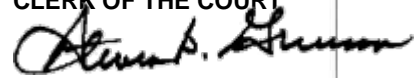
029 75E F479 86D5
Gloria Sturman
District Court Judge

Prepared and submitted by:

BLACKROCK LEGAL, LLC

/s/ Thomas R. Grover
MICHAEL A. OLSEN, ESQ.
Nevada Bar No. 7356
THOMAS R. GROVER, ESQ.
Nevada Bar No. 12387
KEITH D. ROUTSONG, ESQ
Nevada Bar No. 14944
Attorneys for Chris Hisgen

EXHIBIT 1



1 **RAR**
2 MICHAEL A. OLSEN, ESQ.
3 Nevada Bar No. 6076
4 THOMAS R. GROVER, ESQ.
5 Nevada Bar No. 12387
6 KEITH ROUTSONG
7 Nevada Bar No. 14944
8 **BLACKROCK LEGAL, LLC**
9 10155 W. Twain Ave., Suite 100
10 Las Vegas, NV 89147
11 Telephone: (702) 855-5658
12 mike@blackrocklawyers.com
13 tom@blackrocklawyers.com
14 keith@blackrocklawyers.com
15 Attorneys for Chris Hisgen

**DISTRICT COURT
CLARK COUNTY, NEVADA**

12 In the Matter of the Estate of
13
14 MARILYN SWEET WEEKS,
15
16 Deceased.

Case No.: P-20-103540-E
Dept. No.: 26

Hearing Date: November 13, 2020

REPORT & RECOMMENDATION

APPEARANCES:

- Thomas R. Grover, Esq. of Blackrock Legal, LLC, on behalf of Chris Hisgen, Petitioner & Surviving Spouse (hereafter "Chris" or "Petitioner").
- Ryan Johnson, Esq. of the law firm of Johnson & Johnson, on behalf of Christy Kay Sweet (hereafter "Christy").

FILINGS:

- *Chris' Petition for General Administration of Estate, Appointment of Personal Representative for Letters Testamentary and to Admit Will to Probate* (hereafter "Petition") filed on or about July 14, 2020.
- *Christy's Objection to Petition for General Administration of Estate, Appointment of Personal Representative and Letters Testamentary and to Admit Will to Probate* (hereafter "Objection") filed on or about August 11, 2020.

- Chris' *First Supplement to Petition for General Administration, Appointment of Personal Representative and for Issuance of Letters Testamentary and to Admit Will to Probate* (hereafter "First Supplement") filed on or about September 29, 2020.
- Chris' *Reply in support of Petition for General Administration, Appointment of Personal Representative and for Issuance of Letters Testamentary and to Admit Will to Probate* (hereafter "Reply") filed on or about November 12, 2020.
- *Declaration of Isabel Pires Cruz Santos* (hereafter "Santos Declaration") filed on or about November 12, 2020.
- *Declaration of Gilda Dos Santos Barradas* (hereafter "Barradas Declaration") filed on or about November 12, 2020.

FINDINGS OF FACT

1. Notice of the Petition, hearing on the Petition and aforementioned filings was proper.

2. MARILYN SWEET WEEKS (hereafter "Decedent" or "Marilyn") died on February 4th, 2020 in Clark County, Nevada, being at that time a resident of Clark County Nevada.

3. At the time of her death, Marilyn was married to Chris.

4. Marilyn had two daughters from a previous marriage, Kathryn Kimberly Sweet (hereafter "Kathryn") and Christy Kay Sweet (hereafter "Christy").

5. The Decedent left a last will and testament (hereafter "Will") dated May 3, 2006.

6. The will is in Portuguese. However, a translation has been attached to the Petition as **Exhibit "3"**.

7. The Will contains the following clause: "She establishes as universal heir of all her goods, rights, and actions in Portugal, Christopher William Hisgen, single, adult, native of Washington, DC, United States of America, of American nationality and with whom she resides." (hereafter "Disposition Clause").

1 8. The Will has signature witnesses from Isabel Pires Cruz Santos (hereafter
2 “Santos”) and Gilda dos Santos Barradas (hereafter “Barradas”), and it is notarized by
3 Joaquim Augusto Lucas de Silva.

4 **CHRISTY’S ARGUMENTS AGAINST ADMISSION OF THE WILL**

5
6 9. In her Objection, Christy argues against admission of the Will for the
7 following reasons:

- 8 a. “Under Nevada Law, there is no provision for the probate of a Will signed
9 in a foreign country. Therefore, Sweet asserts Hisgen’s submission of the
10 Will for probate in the State of Nevada is improper and should be denied.”¹
11 (hereafter “Argument One”).
- 12
13 b. “Even if the Will is admitted to Probate in Nevada, this State requires that
14 the witnesses to the execution of the Will sign an Affidavit or Declaration.
15 Since Hisgen’s petition did not include any attestations from the
16 subscribing witness, the Will is inadmissible in Nevada.”² (hereafter
17 “Argument Two”).
- 18
19 c. “Most importantly, the Decedent in her Will disposed only of her assets
20 situated ‘in Portugal.’ Therefore, even if the Will is admitted to probate in
21 Nevada, the provisions thereof will not effectuate a transfer of any assets
22 of the decedent in the United States.”³ (hereafter “Argument Three”).

23 ///
24

25
26 ¹ Objection, at pg. 1:24-26.

27 ² Objection, at pg. 2:1-4.

28 ³ Objection, at pg. 2:5-7.

CONCLUSIONS OF LAW

I. Argument One Fails Because Wills Executed in Countries Outside the United States May Be Admitted to Probate in Nevada

10. Christy misstates the law in her argument that Nevada law only allows, “the admission of Wills to probate in Nevada only if they are Wills executed in another State within the United States (or its territories) not Wills executed in countries outside the United States.”⁴ The undersigned Probate Commissioner notes that this Court has admitted wills executed in other nations, such as Canada for many years.

11. Indeed, Nevada law provides multiple provisions, under which an international will may be admitted to probate. These provisions are independent of one another. That is, even if a will may not be admitted by one provision, it may still be possible for it to be admitted by another.

A. The Will is valid and should be admitted to probate under NRS 133A

12. The Will should be admitted to probate as an international will under NRS 133A. Christy argues that, “Under Nevada Law, there is no provision for the probate of a Will signed in a foreign country.”⁵ This is not accurate. The plain language of NRS 133A provides for admission to probate of wills executed outside the United States.

13. More specifically, in NRS 133A.060, the Legislature enumerated requirements for admission of an international will to probate in Nevada. In essence, an international will needs to be in writing, signed in the presence of two witnesses and signed by the testator.⁶

⁴ Objection, at pg. 2:23-25.

⁵ Objection, at pg. 1:23-24.

⁶ See NRS 133A.060(1) – (5).

1 14. In this instance, the will is in writing and signed by both the Decedent and
2 two witnesses. The Will is also signed by a notary. The Will meets the requirements of
3 NRS 133A.060 and may be admitted to probate under that section.

4 **B. The Will is valid and should be admitted to probate under NRS 133**

5 15. Even if the Will is not admitted under NRS 133A as an international will, it
6 may still be admitted under NRS 133. “The invalidity of the will as an international will
7 does not affect its formal validity as a will of another kind.” NRS 133A.050(2).

8 16. NRS 133.040(1) provides that, “[n]o will executed in this State, except
9 such electronic wills or holographic wills as are mentioned in this chapter, is valid unless
10 it is in writing and signed by the testator, or by an attending person at the testator’s
11 express direction, and attested by at least two competent witnesses who subscribe their
12 names to the will in the presence of the testator.”

13 17. The Will facially meets this requirement. However, to be admitted, the
14 witnesses must sign a statement under penalty of perjury that, “that the testator
15 subscribed the will and declared it to be his or her last will and testament in their
16 presence; that they thereafter subscribed the will as witnesses in the presence of the
17 testator and in the presence of each other and at the request of the testator; and that the
18 testator at the time of the execution of the will appeared to them to be of full age and of
19 sound mind and memory.” NRS 133.050(2).

20 18. The Santos Declaration and Barradas Declaration, filed after Christy’s
21 objection, satisfy this requirement. As such, Argument Two is now moot and fails.
22 Therefore the Will must be admitted to probate pursuant to NRS 133.040.

23 **II. Argument Three Fails Because the Language of the Will Disposes of All**
24 **Estate and Testamentary Assets, Wherever Located, to Chris Hisgen, the**
25 **Surviving Spouse.**
26

1 19. In Argument Three, Christy contends that the Will only disposes of the
2
3 Decedent's property in Portugal, and is thus inapplicable to any assets or property
4 outside of Portugal, such as property in Nevada.

5 20. Argument Three fails for the following reasons.

6 **A. Probate law favors testacy over intestacy.**

7 21. First, Christy's interpretation would have the effect of placing any property
8
9 in Nevada, real or personal, into intestacy. "The rule is that a will must be construed
10 according to the intention of the testator, and so as to avoid intestacy."⁷ "The rule of
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14 22. Christy's interpretation of the Disposition Clause would render all
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16 property, real and personal, outside Portugal intestate. This would apply to all Nevada
17 property, real and personal.

18 23. A plain, straightforward interpretation of "actions in Portugal" recognizes
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20 that "in Portugal" modifies only "actions." Merriam-Webster defines "action," in a legal
21 context, as "the right to bring or maintain such a legal or judicial proceeding."⁹ Thus,

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24 ⁸ Mason v. Mason, 268 SE 2d. 67, 68 (1980); See also National Bank of Commerce v. Wehrle, 124
25 W.Va. 268, 20 S.E.2d 112 (1942); Eaton v. Brown, 193 U.S. 411, 24 S.Ct. 487, 48 L.Ed. 730 (1904); In re
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1 the Will confers upon Christopher the right to bring or maintain a legal proceeding in
2 Portugal that Marilyn could have brought herself.

3 24. As Christy's interpretation of the Disposition Clause would create partial
4 intestacy, the Court chooses to construe it in favor of testacy. As such, the Court
5 interprets "in Portugal" as a modifier of "actions" only.
6

7 **B. The plain meaning of "universal heir" favors a broad interpretation of**
8 **the Disposition Clause.**

9 25. Second, the language of the Disposition Clause purports to establish Chris,
10 Marilyn's surviving spouse, as the **universal heir**. Merriam-Webster defines
11 "universal" as "including or covering all or a whole collectively or distributively
12 **without limit or exception.**"¹⁰ In other words, it appears that the Decedent desired
13 for the Will to establish Chris as the universal heir of all her property, which would
14 necessarily be without limit or exception.
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16 26. Additionally, the undersigned, *sua sponte*, researched the meaning of
17 "universal heir" in European probate law:

18 The universal nature of the hereditary legal succession in classical Roman law,
19 which held the heir unlimitedly liable for the testator's debts, was based on the
20 mystical idea that the legal identity of the deceased was embodied in the
21 inheritance. At the same time, a distinctive feature of the hereditary legal
22 succession is a one-time transfer (in a single act) to the legal successor of all
23 rights and obligations that are part of the property of the predecessor. Thus, a
24 characteristic feature of the hereditary legal succession is that the universal heir
is the direct successor of the testator's property: the inheritance passes from the
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0909-2019-26-3-161ff. fffhal-02411634f retrieved from [https://hal.archives-ouvertes.fr/hal-
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1 27. This concept clearly contemplates disposition of *all* of the decedent's
2 property directly to the universal heir, without limit or exception.

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4 28. Furthermore, Christy's interpretation would leave a logical hole in the
5 Will. The Will also provides that, "[s]hould [Chris] have already died, on the date of her
6 death, Kathryn Kimberly Sweet, married, resident of Arlington, Virginia, United States
7 of America and Christy Kay Sweet, single, adult, resident of Thailand, will be her heirs."
8 Obviously, this provision contains no language that could be construed as limiting
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RECOMMENDATIONS

IT IS THEREFORE RECOMMENDED that last will and testament of Marilyn Sweet Weeks, dated May 3, 2006, be admitted to probate under either NRS 133A.060 or NRS 133.040-050.

IT IS FURTHER RECOMMENDED that the that last will and testament of Marilyn Sweet Weeks, dated May 3, 2006, be interpreted to dispose of the entirety of the Estate to the decedent's surviving spouse, Christopher Hisgen.

DATED: 3/02/2021

By: 

PROBATE COMMISSIONER

Submitted by:
BLACKROCK LEGAL, LLC

/s/ Thomas R. Grover

THOMAS R. GROVER, ESQ.
Nevada Bar No. 12387
BLACKROCK LEGAL

Approved as to form by:

Submitting competing RAR.

RYAN D. JOHNSON, ESQ.
Nevada Bar No. 12790
JOHNSON & JOHNSON LAW OFFICES

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 In the matter of:

CASE NO: P-20-103540-E

7 Marilyn Weeks, Deceased

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: 7/14/2021

14 Thomas Grover tom@blackrocklawyers.com

15 Michael Olsen mike@blackrocklawyers.com

16 Ryan Johnson, Esq. rdj@johnsonlegal.com

17 Monica Gillins mlg@johnsonlegal.com

18 Keith Routsong keith@blackrocklawyers.com

19 Christine Manning christine@blackrocklawyers.com

20 Julian Campbell julian@blackrocklawyers.com

21 Vicki Pyne vicki@blackrocklawyers.com

22

23

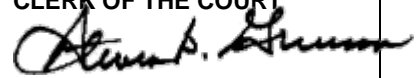
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1 **NEOJ**
2 MICHAEL A. OLSEN, ESQ.
3 Nevada Bar No. 6076
4 THOMAS R. GROVER, ESQ.
5 Nevada Bar No. 12387
6 **BLACKROCK LEGAL, LLC**
7 10155 W. Twain Ave., Suite 100
8 Las Vegas, NV 89147
9 Office: (702) 855-5658
10 Fax: (702) 869-8243
11 *Attorneys for Chris Hisgen*

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

10 In the Matter of the Estate of
11 MARILYN SWEET WEEKS,
12 Deceased.

Case No.: P-20-103540-E
Dept. No.: 26

13 **NOTICE OF ENTRY OF ORDER**

14 PLEASE TAKE NOTICE that an **ORDER AFFIRMING REPORT AND**
15 **RECOMMENDATION, ADMITTING WILL TO PROBATE AND TO ISSUE LETTERS**
16 **TESTAMENTARY** was entered on the Court's record on the 14th day of July 2021, a true and
17 correct copy of which is attached hereto as **EXHIBIT 1**.
18

19 DATED this 14th day of July 2021.
20

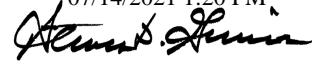
21 **BLACKROCK LEGAL, LLC**

22
23 /s/ Thomas R. Grover, Esq.
24 MICHAEL A. OLSEN, ESQ.
25 Nevada Bar No. 6076
26 THOMAS R. GROVER, ESQ.
27 Nevada Bar No. 12387
28

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Exhibit 1


CLERK OF THE COURT

ORDR

MICHAEL A. OLSEN, ESQ.

Nevada Bar No. 6076

THOMAS R. GROVER, ESQ.

Nevada Bar No. 12387

KEITH D. ROUTSONG, ESQ.

Nevada Bar No. 14944

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Attorneys for Chris Hisgen

**DISTRICT COURT
CLARK COUNTY, NEVADA**

In the Matter of the Estate of

MARILYN SWEET WEEKS,

Deceased.

Case No.: P-20-103540-E

Dept. No.: 26

HEARING DATE: 5/30/2021

**ORDER AFFIRMING REPORT AND RECOMMENDATION, ADMITTING
WILL TO PROBATE AND TO ISSUE LETTERS TESTAMENTARY**

Appearances:

- Ryan Johnson of Johnson & Johnson law firm on behalf of objector Christy Kay Sweet.
- Thomas R. Grover of Blackrock Legal on behalf of surviving spouse Christopher Hisgen.

Filings:

- *Report and Recommendation*, March 3, 2021 ("RAR"), **Exhibit "1"**.
- *Objection to Report and Recommendation* ("Objection"), March 15, 2021 filed by Christy Kay Sweet.
- *Opposition to Objection to Report and Recommendation* ("Opposition"), May 10, 2021 filed by Chris Hisgen.





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ORDER

The Court, having considered the arguments of counsel in the above referenced filings and at the hearing on this matter,

ORDERS AND AFFIRMS the REPORT AND RECOMMENDATION attached here to as **Exhibit "1"**.

THE COURT FURTHER ORDERS that the Last Will and Testament of Marilyn Weeks ("Testamento Publico") dated May 3, 2006 is admitted to probate under General Administration.

THE COURT FURTHER ORDERS that Letters Testamentary shall issue to Christopher Hisgen.

Dated this 14th day of July, 2021

A handwritten signature in black ink, appearing to read "G. Sturman", written over a horizontal line.

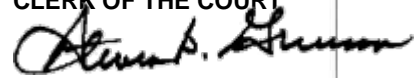
**029 75E F479 86D5
Gloria Sturman
District Court Judge**

Prepared and submitted by:

BLACKROCK LEGAL, LLC

/s/ Thomas R. Grover
MICHAEL A. OLSEN, ESQ.
Nevada Bar No. 7356
THOMAS R. GROVER, ESQ.
Nevada Bar No. 12387
KEITH D. ROUTSONG, ESQ
Nevada Bar No. 14944
Attorneys for Chris Hisgen

EXHIBIT 1



1 **RAR**
2 MICHAEL A. OLSEN, ESQ.
3 Nevada Bar No. 6076
4 THOMAS R. GROVER, ESQ.
5 Nevada Bar No. 12387
6 KEITH ROUTSONG
7 Nevada Bar No. 14944
8 **BLACKROCK LEGAL, LLC**
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11 Telephone: (702) 855-5658
12 mike@blackrocklawyers.com
13 tom@blackrocklawyers.com
14 keith@blackrocklawyers.com
15 Attorneys for Chris Hisgen

**DISTRICT COURT
CLARK COUNTY, NEVADA**

12 In the Matter of the Estate of
13
14 MARILYN SWEET WEEKS,
15
16 Deceased.

Case No.: P-20-103540-E
Dept. No.: 26

Hearing Date: November 13, 2020

REPORT & RECOMMENDATION

APPEARANCES:

- Thomas R. Grover, Esq. of Blackrock Legal, LLC, on behalf of Chris Hisgen, Petitioner & Surviving Spouse (hereafter "Chris" or "Petitioner").
- Ryan Johnson, Esq. of the law firm of Johnson & Johnson, on behalf of Christy Kay Sweet (hereafter "Christy").

FILINGS:

- *Chris' Petition for General Administration of Estate, Appointment of Personal Representative for Letters Testamentary and to Admit Will to Probate* (hereafter "Petition") filed on or about July 14, 2020.
- *Christy's Objection to Petition for General Administration of Estate, Appointment of Personal Representative and Letters Testamentary and to Admit Will to Probate* (hereafter "Objection") filed on or about August 11, 2020.

- 1 • Chris' *First Supplement to Petition for General Administration,*
- 2 *Appointment of Personal Representative and for Issuance of Letters*
- 3 *Testamentary and to Admit Will to Probate* (hereafter "First
- 4 *Supplement*") filed on or about September 29, 2020.
- 5 • Chris' *Reply in support of Petition for General Administration,*
- 6 *Appointment of Personal Representative and for Issuance of Letters*
- 7 *Testamentary and to Admit Will to Probate* (hereafter "Reply") filed on or
- 8 about November 12, 2020.
- 9 • *Declaration of Isabel Pires Cruz Santos* (hereafter "Santos Declaration")
- 10 filed on or about November 12, 2020.
- 11 • *Declaration of Gilda Dos Santos Barradas* (hereafter "Barradas
- 12 *Declaration*") filed on or about November 12, 2020.

13 FINDINGS OF FACT

14 1. Notice of the Petition, hearing on the Petition and aforementioned filings

15 was proper.

16 2. MARILYN SWEET WEEKS (hereafter "Decedent" or "Marilyn") died on

17 February 4th, 2020 in Clark County, Nevada, being at that time a resident of Clark

18 County Nevada.

19 3. At the time of her death, Marilyn was married to Chris.

20 4. Marilyn had two daughters from a previous marriage, Kathryn Kimberly

21 Sweet (hereafter "Kathryn") and Christy Kay Sweet (hereafter "Christy").

22 5. The Decedent left a last will and testament (hereafter "Will") dated May 3,

23 2006.

24 6. The will is in Portuguese. However, a translation has been attached to the

25 Petition as Exhibit "3".

26 7. The Will contains the following clause: "She establishes as universal heir

27 of all her goods, rights, and actions in Portugal, Christopher William Hisgen, single,

28 adult, native of Washington, DC, United States of America, of American nationality and

with whom she resides." (hereafter "Disposition Clause").

1 8. The Will has signature witnesses from Isabel Pires Cruz Santos (hereafter
2 “Santos”) and Gilda dos Santos Barradas (hereafter “Barradas”), and it is notarized by
3 Joaquim Augusto Lucas de Silva.

4 **CHRISTY’S ARGUMENTS AGAINST ADMISSION OF THE WILL**

5
6 9. In her Objection, Christy argues against admission of the Will for the
7 following reasons:

- 8 a. “Under Nevada Law, there is no provision for the probate of a Will signed
9 in a foreign country. Therefore, Sweet asserts Hisgen’s submission of the
10 Will for probate in the State of Nevada is improper and should be denied.”¹
11 (hereafter “Argument One”).
- 12
13 b. “Even if the Will is admitted to Probate in Nevada, this State requires that
14 the witnesses to the execution of the Will sign an Affidavit or Declaration.
15 Since Hisgen’s petition did not include any attestations from the
16 subscribing witness, the Will is inadmissible in Nevada.”² (hereafter
17 “Argument Two”).
- 18
19 c. “Most importantly, the Decedent in her Will disposed only of her assets
20 situated ‘in Portugal.’ Therefore, even if the Will is admitted to probate in
21 Nevada, the provisions thereof will not effectuate a transfer of any assets
22 of the decedent in the United States.”³ (hereafter “Argument Three”).

23 ///
24

25
26 ¹ Objection, at pg. 1:24-26.

27 ² Objection, at pg. 2:1-4.

28 ³ Objection, at pg. 2:5-7.

CONCLUSIONS OF LAW

I. Argument One Fails Because Wills Executed in Countries Outside the United States May Be Admitted to Probate in Nevada

10. Christy misstates the law in her argument that Nevada law only allows, “the admission of Wills to probate in Nevada only if they are Wills executed in another State within the United States (or its territories) not Wills executed in countries outside the United States.”⁴ The undersigned Probate Commissioner notes that this Court has admitted wills executed in other nations, such as Canada for many years.

11. Indeed, Nevada law provides multiple provisions, under which an international will may be admitted to probate. These provisions are independent of one another. That is, even if a will may not be admitted by one provision, it may still be possible for it to be admitted by another.

A. The Will is valid and should be admitted to probate under NRS 133A

12. The Will should be admitted to probate as an international will under NRS 133A. Christy argues that, “Under Nevada Law, there is no provision for the probate of a Will signed in a foreign country.”⁵ This is not accurate. The plain language of NRS 133A provides for admission to probate of wills executed outside the United States.

13. More specifically, in NRS 133A.060, the Legislature enumerated requirements for admission of an international will to probate in Nevada. In essence, an international will needs to be in writing, signed in the presence of two witnesses and signed by the testator.⁶

⁴ Objection, at pg. 2:23-25.

⁵ Objection, at pg. 1:23-24.

⁶ See NRS 133A.060(1) – (5).

1 14. In this instance, the will is in writing and signed by both the Decedent and
2 two witnesses. The Will is also signed by a notary. The Will meets the requirements of
3 NRS 133A.060 and may be admitted to probate under that section.

4 **B. The Will is valid and should be admitted to probate under NRS 133**

5 15. Even if the Will is not admitted under NRS 133A as an international will, it
6 may still be admitted under NRS 133. “The invalidity of the will as an international will
7 does not affect its formal validity as a will of another kind.” NRS 133A.050(2).
8

9 16. NRS 133.040(1) provides that, “[n]o will executed in this State, except
10 such electronic wills or holographic wills as are mentioned in this chapter, is valid unless
11 it is in writing and signed by the testator, or by an attending person at the testator’s
12 express direction, and attested by at least two competent witnesses who subscribe their
13 names to the will in the presence of the testator.”
14

15 17. The Will facially meets this requirement. However, to be admitted, the
16 witnesses must sign a statement under penalty of perjury that, “that the testator
17 subscribed the will and declared it to be his or her last will and testament in their
18 presence; that they thereafter subscribed the will as witnesses in the presence of the
19 testator and in the presence of each other and at the request of the testator; and that the
20 testator at the time of the execution of the will appeared to them to be of full age and of
21 sound mind and memory.” NRS 133.050(2).
22

23 18. The Santos Declaration and Barradas Declaration, filed after Christy’s
24 objection, satisfy this requirement. As such, Argument Two is now moot and fails.
25 Therefore the Will must be admitted to probate pursuant to NRS 133.040.
26

27 **II. Argument Three Fails Because the Language of the Will Disposes of All**
28 **Estate and Testamentary Assets, Wherever Located, to Chris Hisgen, the**
 Surviving Spouse.

1 19. In Argument Three, Christy contends that the Will only disposes of the
2
3 Decedent's property in Portugal, and is thus inapplicable to any assets or property
4 outside of Portugal, such as property in Nevada.

5 20. Argument Three fails for the following reasons.

6 **A. Probate law favors testacy over intestacy.**

7 21. First, Christy's interpretation would have the effect of placing any property
8
9 in Nevada, real or personal, into intestacy. "The rule is that a will must be construed
10 according to the intention of the testator, and so as to avoid intestacy."⁷ "The rule of
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1 27. This concept clearly contemplates disposition of *all* of the decedent's
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RECOMMENDATIONS

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DATED: 3/02/2021

By: 
PROBATE COMMISSIONER

Submitted by:
BLACKROCK LEGAL, LLC

/s/ Thomas R. Grover

THOMAS R. GROVER, ESQ.
Nevada Bar No. 12387
BLACKROCK LEGAL

Approved as to form by:

Submitting competing RAR.

RYAN D. JOHNSON, ESQ.
Nevada Bar No. 12790
JOHNSON & JOHNSON LAW OFFICES

1 **CSERV**

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CASE NO: P-20-103540-E

7 Marilyn Weeks, Deceased

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24
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26
27
28

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate - General
Administration**

COURT MINUTES

November 13, 2020

P-20-103540-E	In the matter of: Marilyn Weeks, Deceased
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November 13, 2020 9:45 AM Petition - HM

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

COURT CLERK: Jill Chambers

RECORDER:

REPORTER:

PARTIES

PRESENT:	Grover, Thomas R	Attorney
	Johnson, Ryan D, ESQ	Attorney

JOURNAL ENTRIES

- The Commissioner noted that foreign Wills are admissible in the US leaving the question how is it written changes anything. Argument by counsel. COMMISSIONER RECOMMENDED, Will ADMITTED as it meets the requirements of rule 133.

Colloquy regarding the modifier. COMMISSIONER FURTHER RECOMMENDED, Mr. Hisben APPOINTED AS Special Administrator with General Powers to do notice to creditors, BOND WAIVED and ALL ASSETS are to be held within attorney's trust account.

Mr. Grover to prepare the order and the Report and Recommendation.

pending ex parte petition for medical records

Mr. Grover made a record of emails from Mr. Johnson's client accusing his client of murdering his wife and requested the ex parte petition for medical records be separate if that is something Mr. Johnson would like to pursue. Commissioner agreed.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate - General
Administration**

COURT MINUTES

May 20, 2021

P-20-103540-E	In the matter of: Marilyn Weeks, Deceased
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May 20, 2021 10:00 AM Objection

HEARD BY: Sturman, Gloria **COURTROOM:** RJC Courtroom 10D

COURT CLERK: Natalie Ortega

RECORDER: Kerry Esparza

REPORTER:

PARTIES

PRESENT:	Grover, Thomas R	Attorney
	Johnson, Ryan D, ESQ	Attorney

JOURNAL ENTRIES

- Arguments by counsel regarding the merits of the Objection to the PCCR. COURT ORDERED, Objection DENIED. COURT FINDS there was all a question of law. This Court did not see an error of law as to the Discovery Commissioner's Report and Recommendation. The Discovery Commissioner was correct in interpretation and what the legislator intended.

Certification of Copy

State of Nevada }
County of Clark } SS:

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

NOTICE OF APPEAL; CASE APPEAL STATEMENT; CERTIFICATE OF MAILING; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER AFFIRMING REPORT AND RECOMMENDATION, ADMITTING WILL TO PROBATE AND TO ISSUE LETTERS TESTAMENTARY; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES

In the Matter of:

MARILYN WEEKS,

Deceased.

Case No: P-20-103540-E

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 6 day of August 2021.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk