

IN THE SUPREME COURT OF THE STATE OF NEVADA

INDICATE FULL CAPTION:

IN THE MATTER OF THE
ADMINISTRATION OF THE SSJ'S ISSUE
TRUST.

IN THE MATTER OF THE
ADMINISTRATION OF THE SAMUEL S.
JAKSICK, JR. FAMILY TRUST.

No. 85927

Electronically Filed
Jan 30 2023 05:16 PM

DOCKETING Elizabeth A. Brown
CIVIL APPEALS Clerk of Supreme Court

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, identifying issues on appeal, assessing presumptive assignment to the Court of Appeals under NRAP 17, scheduling cases for oral argument and settlement conferences, classifying cases for expedited treatment and assignment to the Court of Appeals, and compiling statistical information.

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 fill out the statement completely or to file it in a timely manner constitutes 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 Second Department 15

County Washoe Judge Hon. David A. Hardy

District Ct. Case No. PR17-00445 / PR17-00446

2. Attorney filing this docketing statement:

Attorney Adam Hosmer-Henner Telephone (775) 788-2000

Firm McDonald Carano LLP

Address 100 W. Liberty Street
Reno, NV 89501

Client(s) Stanley Jaksick

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

3. Attorney(s) representing respondents(s):

Attorney Cecilia Lee Telephone (775) 324-1011

Firm Fletcher & Lee

Address 448 Ridge Street
Reno, NV 89501

Client(s) James S. Proctor, CPA, CFE, CVA, CFF

Attorney Elizabeth A. Fletcher Telephone (775) 324-1011

Firm Fletcher & Lee

Address 448 Ridge Street
Reno, NV 89501

Client(s) James S. Proctor, CPA, CFE, CVA, CFF

(List additional counsel on separate sheet if necessary)

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

- | | |
|---|---|
| <input type="checkbox"/> Judgment after bench trial | <input type="checkbox"/> Dismissal: |
| <input type="checkbox"/> Judgment after jury verdict | <input type="checkbox"/> Lack of jurisdiction |
| <input type="checkbox"/> Summary judgment | <input type="checkbox"/> Failure to state a claim |
| <input type="checkbox"/> Default judgment | <input type="checkbox"/> Failure to prosecute |
| <input type="checkbox"/> Grant/Denial of NRCP 60(b) relief | <input type="checkbox"/> Other (specify): _____ |
| <input type="checkbox"/> Grant/Denial of injunction | <input type="checkbox"/> Divorce Decree: |
| <input type="checkbox"/> Grant/Denial of declaratory relief | <input type="checkbox"/> Original <input type="checkbox"/> Modification |
| <input type="checkbox"/> Review of agency determination | <input checked="" type="checkbox"/> Other disposition (specify): <u>NRS 155.190 Order</u> |

5. Does this appeal raise issues concerning any of the following?

- ☐ Child Custody
- ☐ Venue
- ☐ Termination of parental rights

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:

In the Matter of the Administration of the SSJ's Issue Trust; Case No. 81470 - Affirmed

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:

N/A

8. Nature of the action. Briefly describe the nature of the action and the result below:

This matter proceeded to a bench and jury trial in which a beneficiary sought to remove the existing trustees of the Samuel S. Jaksick, Jr. Family Trust, but this request for relief was rejected and then these results were affirmed on appeal. Nevertheless, after the effective conclusion of the litigation in this action, the district court still removed Todd Jaksick and Stanley Jaksick as co-trustees of the Family Trust and appointed James S. Proctor as a Temporary Trustee on February 25, 2021. The Temporary Trustee then retained Cecilia Lee, Esq. of Fletcher & Lee as counsel who has requested that her firm's fees be paid by the Family Trust. On December 9, 2022, the district court granted a fee application from Cecilia Lee, Esq. and ordered that these fees were payable in full and "prior to payment of fees incurred on behalf of the co-trustees prior to the appointment of the Temporary Trustee and in connection with the appeal." Order Granting Third Application for Approval and Payment of Compensation to Fletcher & Lee, 2. There is no basis in the Family Trust, in statute, or in law for prioritizing the payment of fees to counsel for the Temporary Trustee and the fees incurred were not reasonable, necessary, or beneficial to the Family Trust.

9. Issues on appeal. State concisely the principal issue(s) in this appeal (attach separate sheets as necessary):

- 1.) Whether the attorney's fees incurred by counsel for the Temporary Trustee are entitled to priority payment from the Samuel S. Jaksick, Jr. Family Trust despite the absence of any language in the Trust, statutory authority, or adequate factual finding supporting the higher priority?
- 2.) Whether the attorney's fees incurred by counsel for the Temporary Trustee are reasonable and are a proper obligation of the Trust?

10. Pending proceedings in this court raising the same or similar issues. If you are aware of any proceedings presently pending before this court which raises the same or similar issues raised in this appeal, list the case name and docket numbers and identify the same or similar issue 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

☐ Yes

☐ No

If not, explain:

12. Other issues. Does this appeal involve any of the following issues?

☐ Reversal of well-settled Nevada precedent (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. Assignment to the Court of Appeals or retention in the Supreme Court. Briefly set forth whether the matter is presumptively retained by the Supreme Court or assigned to the Court of Appeals under NRAP 17, and cite the subparagraph(s) of the Rule under which the matter falls. If appellant believes that the Supreme Court should retain the case despite its presumptive assignment to the Court of Appeals, identify the specific issue(s) or circumstance(s) that warrant retaining the case, and include an explanation of their importance or significance:

This matter would be presumptively assigned to the Court of Appeals as it involves a trust matter in which the corpus of the trust now has a value of less than \$5,430,000; however, retention by the Supreme Court may be appropriate given that it previously heard and decided in Case No. 81470.

14. Trial. If this action proceeded to trial, how many days did the trial last? _____

Was it a bench or jury trial? _____

15. 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?

N/A

TIMELINESS OF NOTICE OF APPEAL

16. Date of entry of written judgment or order appealed from December 9, 2022

If no written judgment or order was filed in the district court, explain the basis for seeking appellate review:

17. Date written notice of entry of judgment or order was served December 12, 2022

Was service by:

☐ Delivery

☒ Mail/electronic/fax

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

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

☐ NRCP 50(b) Date of filing _____

☐ NRCP 52(b) Date of filing _____

☐ NRCP 59 Date of filing _____

NOTE: Motions made pursuant to NRCP 60 or motions for rehearing or reconsideration may toll the time for filing a notice of appeal. See AA Primo Builders v. Washington, 126 Nev. ____, 245 P.3d 1190 (2010).

(b) Date of entry of written order resolving tolling motion _____

(c) Date written notice of entry of order resolving tolling motion was served _____

Was service by:

☐ Delivery

☐ Mail

19. Date notice of appeal filed January 5, 2023

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

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

NRAP 4(a)(1); NRS 155.190(1)

SUBSTANTIVE APPEALABILITY

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

(a)

- | | |
|--|---------------------------------------|
| <input checked="" type="checkbox"/> NRAP 3A(b)(1) | <input type="checkbox"/> NRS 38.205 |
| <input type="checkbox"/> NRAP 3A(b)(2) | <input type="checkbox"/> NRS 233B.150 |
| <input type="checkbox"/> NRAP 3A(b)(3) | <input type="checkbox"/> NRS 703.376 |
| <input checked="" type="checkbox"/> Other (specify) <u>NRS 155.190</u> | |
-

(b) Explain how each authority provides a basis for appeal from the judgment or order: NRS 164.005 provides that the provisions of NRS Chapter 155 apply to proceedings related to trusts and appeals from orders entered in trust cases are generally governed by NRS 155.190. Specifically, NRS 155.190(1)(j) permits an immediate appeal to be taken after an order "[d]irecting or allowing the payment of a debt, claim, devise or attorney's fee" and NRS 155.190(1)(h) allows for an immediate appeal of an order "[i]nstructing . . . a trustee."

22. List all parties involved in the action or consolidated actions in the district court:

(a) Parties:

Stanley Jaksick

James S. Proctor, CPA, CFE, CVA, CFF

Kevin Riley

Todd B. Jaksick

Michael S. Kimmel

Wendy A. Jaksick

(b) 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:

The only parties who participated in the briefing of this specific issue were Stanley Jaksick and James S. Proctor.

23. Give a brief description (3 to 5 words) of each party's separate claims, counterclaims, cross-claims, or third-party claims and the date of formal disposition of each claim.

The Temporary Trustee has attempted to obtain priority for the payment of his counsel's attorney's fees to the detriment of other creditors of the Family Trust, including the attorneys representing the former co-trustees of the Family Trust.

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 or consolidated actions below?

☐ Yes

☒ No

25. If you answered "No" to question 24, complete the following:

(a) Specify the claims remaining pending below:

There are technically no pending claims below except for the ongoing, judicially-supervised administration of the Family Trust, but the Order was immediately and independently appealable under NRS 155.190(1).

(b) Specify the parties remaining below:

All of the above-listed parties technically remain in the case below.

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

☐ Yes

☒ No

(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

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)):

The Order is immediately and independently appealable under NRS 155.190(1).

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 motion(s)
- 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

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.

Stanley Jaksick
Name of appellant

Adam Hosmer-Henner
Name of counsel of record

Jan 30, 2023
Date

/s/ Adam Hosmer-Henner
Signature of counsel of record

Nevada, Washoe County
State and county where signed

CERTIFICATE OF SERVICE

I certify that on the 30 day of January, 2023, I served a copy of this completed docketing statement upon all counsel of record:

- ☐ By personally serving it upon him/her; or
- ☒ By mailing it by first class mail with sufficient postage prepaid to the following address(es): (NOTE: If all names and addresses cannot fit below, please list names below and attach a separate sheet with the addresses.)

Cecilia Lee, Attorney for James S. Proctor, CPA, CFE, CVA, CFF
Elizabeth A. Fletcher, Attorney for James S. Proctor, CPA, CFE, CVA, CFF
Donal A. Lattin, Attorney for Todd Jaksick, Kevin Riley and Michael Kimmel
Carolyn K. Renner, Attorney for Todd Jaksick, Kevin Riley and Michael Kimmel
Zachary E. Johnson, Attorney for Wendy Jaksick
R. Kevin Spencer, Attorney for Wendy Jaksick
Kent R. Robison, Attorney for Todd Jaksick
Mark J. Connot, Attorney for Wendy Jaksick
David Wasick, Settlement Judge

Dated this 30th day of January, 2023

/s/ Pamela Miller
Signature

ATTACHMENT TO CERTIFICATE OF SERVICE

Cecilia Lee, Esq., Nev. Bar No. 3344
Elizabeth Fletcher, Esq., Nev. Bar No. 10082
Fletcher & Lee
448 Ridge Street
Reno, Nevada 89501
Attorneys for James S. Proctor, CPA, CFE, CVA, CFF

Donald A. Lattin
Carolyn K. Renner
Maupin, Cox, Legoy
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Reno, Nevada 89519
Attorneys for Todd Jaksick, Kevin Riley and Michael Kimmel

Kent Robison
Robison, Sharp, Sullivan & Brust
71 Washington Street
Reno, Nevada 89503
Attorneys for Todd Jaksick

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R. Kevin Spencer
Zachary E. Johnson
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500 N. Akard Street, Suite 2150
Dallas, TX 75201
Attorneys for Wendy Jaksick

David Wasick
P.O. Box 568
Glenbrook, NV 89413
Settlement Judge

EXHIBIT A

CODE: 1230
FLETCHER & LEE
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Nevada Bar No. 10082
Cecilia Lee, Esq.
Nevada Bar No. 3344
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Attorneys for Trustee James S. Proctor, CPA, CFE, CVA, CFF

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

In the Matter of the Administration of the
SSJ'S ISSUE TRUST.

Case No. PR17-00445

Dept. No. 15

In the Matter of the Administration of the
SAMUEL S. JAKSICK, JR. FAMILY TRUST.

CONSOLIDATED

Case No. PR17-00446

Dept No. 15

**THIRD INTERIM APPLICATION FOR APPROVAL AND PAYMENT OF
COMPENSATION TO FLETCHER & LEE**

James S. Proctor, CPA, CFE, CVA, CFF, in his capacity as the duly appointed Temporary Trustee of the Samuel S. Jaksick, Jr. Family Trust (the "Trustee"), by and through his attorneys of record, Cecilia Lee, Esq. and Elizabeth Fletcher, Esq., FLETCHER & LEE, hereby applies to the Court for an order approving and authorizing payment of compensation of attorney's fees to Fletcher & Lee in the amount of \$90,630.00 and \$477.00 in costs, for a total of \$91,107.00.

In support of this Application, the Trustee respectfully submits the attached Declaration of Cecilia Lee (the "Lee Declaration"), Exhibit 1, the Fletcher & Lee Statements, Exhibit 2, a Summary Sheet, Exhibit 3, a breakdown of fees and costs, Exhibit 4, and a proposed order, Exhibit 5. The Trustee further requests that the Court take judicial notice of the papers and pleadings on

1 file in these jointly consolidated cases. The Trustee respectfully represents as follows:

2 1. According to The Samuel S. Jaksick, Jr. Family Trust Agreement (as Restated)
3 executed by Samuel S. Jaksick, Jr. on June 29, 2006 (the “Family Trust” or the “Trust”), the
4 Trustee is authorized to employ attorneys and the “expense of employment of such personnel is to
5 be a proper expense of the trust and not of the Trustee personally.” Id. Article IV, ¶(K)(17). The
6 Trustee “may consult legal counsel chosen by the Trustee on any matter relating to the
7 administration of the trust, including, but not limited to, the Trustee’s fiduciary duties and
8 responsibilities with respect to the Trust. All of the fees and expenses incurred as a result of such
9 consultations are to be charged as an expense of the trust and are not to reduce the Trustee’s
10 compensation.” Id., p. 33, Article IV, ¶(M).

11 2. In previous Orders, the Court has ordered the Family Trust to pay for 100% of the
12 fees incurred by its attorneys in representing the trustees and that the fees shall be treated as general
13 trust administration expenses. See Order After Equitable Trial entered March 12, 2020, pp. 17, 21
14 ¶(a), 22 ¶(e); see also Order Resolving Submitted Matters entered June 10, 2020, pp. 4-5. The
15 Trustee understands that former co-trustees did not formally seek approval of attorneys’ fees and
16 costs for their trustee defense before paying counsel, suggesting that prior court approval may not
17 be required for the current Trustee to pay his own lawyers. However, the Trustee submits this
18 Application for approval by the Court in the interests of transparency and in fulfillment of his role
19 as an independent and objective Court-appointed Trustee.

20 3. The Trustee was appointed by the Order Appointing Temporary Trustee
21 (“Appointment Order”) entered by the Court on February 25, 2021. In that order, the Court held

22 From February 18, 2021, until further order of this Court, Todd and Stanley
23 Jaksick are not entitled to trustee fees or reimbursement or payment from
24 the Family Trust for professional fees, including attorney’s fees related to
25 this litigation or the Family Trust, with the exception of attorney’s fees
26 related to the appeal in this matter (case No. 81470) currently pending in
27 the Nevada Supreme Court. This Order is not intended [sic] disrupt the
28 appellate proceedings, the relationships between the trustee and their
attorneys, the payment of attorney’s fees from the Family Trust for the
appellate proceedings, or the payment of legal fees or other professional
expenses for Todd and Stanley that were incurred prior to February 18,
2021. The Temporary Trustee may recommend the payment of attorney’s

1 fees to the trustees' trust attorneys if the fees were incurred to effect the
2 orderly and efficient transition of trust administration from the Co-Trustees
3 to the Temporary Trustee.

4 Appointment Order, p. 2, ll. 11-22.

5 4. On July 8, 2021, the Court entered the Order Granting Application to Appoint
6 Counsel, approving Fletcher & Lee as counsel for the Temporary Trustee, *nunc pro tunc*, effective
7 as of June 8, 2021.

8 5. All professional services for which allowance of compensation is requested in this
9 Third Application for Approval and Payment of Compensation to Fletcher & Lee (the
10 "Application") were performed by Fletcher & Lee on behalf of, and at the request of, the Trustee.
11 The terms of employment to which the Trustee has agreed, subject to the approval of this Court,
12 are that the Trustee will compensate Fletcher & Lee on an hourly basis as follows:

Cecilia Lee, Esq.	\$500.00/hour, reduced to \$450.00/hour for this case
Elizabeth Fletcher, Esq.	\$400.00/hour, reduced to \$350.00/hour for this case
Law Clerks	\$250.00/hour
Paralegals	\$195.00/hour

15 6. The source of compensation will be the Family Trust. No retainers were paid in
16 this case. The only entity seeking compensation in this Application is Fletcher & Lee. A
17 description of services performed by Fletcher & Lee is included in the Statements attached hereto
18 as Exhibit 2 and incorporated herein by reference. A Summary Sheet is attached hereto as Exhibit
19 3.

20 7. The period covered in this Application is May 1, 2022, through September 30,
21 2022. During this four-month time period, 161.60 hours were expended by Ms. Lee at an hourly
22 rate of \$450.00 per hour; .70 hours were expended by Ms. Fletcher at an hourly rate of \$350.00
23 per hour; 30.10 hours were expended by law clerks at an hourly rate of \$250.00 per hour; .10 hours
24 were expended by paralegals at an hourly rate of \$0.00; and 52 hours were expended by the firm's
25 paralegals, Elizabeth Dendary and Jackie Mead, at an hourly rate of \$195.00 per hour for
26 professional services rendered on behalf of the Trustee. The total amount of fees sought is
27 \$90,630.00.

28 8. The effective rate of billing for attorneys is \$449.57 per hour. The overall effective

1 hourly rate is \$370.67 per hour.

2 9. The costs incurred on behalf of the Trustee total \$477.00. A breakdown of the fees
3 and costs is attached hereto as Exhibit 4.

4 10. A copy of the proposed Order granting this Application is attached as Exhibit 5.

5 11. In summary, the services performed during the period covered by this Application
6 are as follows: Counsel for the Trustee corresponded with Nik Palmer, Esq., counsel for Duck
7 Flat LLC, regarding the Duck Flat sale and additional funds to be collected on behalf of Duck Flat
8 arising from that sale. Counsel drafted a letter to the purchaser to demand documents relating to
9 the additional funds that the purchaser had refused to provide to Mr. Palmer. As a result of these
10 efforts, the purchaser paid the balance that was owed and the Trustee collected approximately
11 \$125,000 as the Trust's share of the proceeds.

12 Counsel for the Trustee conferred with the Trustee and counsel for the former trustees and
13 for the former trustees in their individual capacity regarding documentation of attorneys' fees that
14 may be owed by the Trust. Counsel further reviewed and analyzed documents produced by the
15 parties' counsel and corresponded with counsel regarding the same. Counsel spoke to Correen B.
16 Drake at Maupin Cox & Legoy, to address the Trustee's attempts to obtain the necessary
17 information, namely, fees and costs incurred, amounts paid and resulting balance for each billing
18 period and for each billing matter for which the firm would seek payment from the Family Trust,
19 including Trust Administration Matter 17454.000 that the Trustee became aware of based on
20 information provided by Kevin Riley. Ms. Drake explained that to provide the underlying invoices
21 would require a significant amount of work to redact for privilege, as a result of which she and
22 undersigned counsel explored alternative reports that could be provided that would convey the
23 necessary information. Ms. Drake then transmitted an Account Receivable Journal along with the
24 three invoices from January 1, 2021 to June 1, 2022. As a result of this information, counsel and
25 the Trustee were able to confirm the amounts the Trust owes to Maupin Cox & Legoy.

26 The Trustee requested information on the amounts the Trust owes or is claimed to owe on
27 behalf of Stan Jaksick in a letter to Attorney Hosmer-Henner dated October 19, 2021. The
28 responses arrived over a seven month time period beginning at the end of December 2021 through

1 July 2022. In early July, with incomplete responses still outstanding, counsel prepared a detailed
2 letter outlining all of the documents that had been received in response to the Trustee's request
3 and when. In response to that letter, counsel received further information that, although not
4 complete copies of all invoices, satisfied at least the inquiry of what had been billed, what had
5 been paid and by whom. The Trustee also received report of all time entries. Even though some
6 were redacted, this information finally allowed the Trustee to confirm the amounts McDonald
7 Carano had billed for representing Stan as a trustee and in his individual capacity.

8 A similar October 19, 2021 request was also made of the Robison Sharp firm, who
9 represented Todd in his individual capacity in the litigation and the appeal. The Robison firm
10 promptly and completely responded to all inquiries with copies of their invoices on all their billing
11 matters.

12 Finally, counsel for the Trustee obtained updated billing records from Phil Kreitlein, Esq.,
13 who represented Stan in his capacity as a former trustee in the litigation. As a result, the Trustee
14 has what appears to be a complete understanding of the liabilities asserted against the Family Trust
15 in connection with the litigation and the appeal.

16 In the aftermath of the consummation of the TIC transaction, the Trustee's intention was
17 to seek Court-approval to satisfy the fees incurred by the Family Trust to defend the former trustees
18 in the litigation and appeal and to pay, in part, the fees incurred by Stan and Todd for their
19 individual representation pursuant to the January 31, 2019 Settlement Agreement. This intention
20 was memorialized in the Application to Authorize Payment to Robison, Sharp, Sullivan & Brust;
21 Maupin Cox Legoy; McDonald Carano; and Spencer & Johnson to request authority to pay (1)
22 attorney's fees in the amount of \$50,000.00 to each of the law firms of Robison, Sharp, Sullivan
23 & Brust ("Robison"); Maupin Cox Legoy ("Maupin Cox"); McDonald Carano ("McDonald"); and
24 to Wendy Jaksick's counsel of record, Fox Rothschild and Spencer & Johnson, in care of Spencer
25 & Johnson; and for other relief. Counsel subsequently conferred with counsel for Todd Jaksick,
26 Stan Jaksick and former trustees Mike Kimmel, Kevin Riley and Todd Jaksick, who objected to
27 the Application on the ground that the Supreme Court had not decided the appeal from the
28 Amended Judgment, the disposition of which could alter the Trust's liability to pay Spencer &

1 Johnson. The Trustee withdrew the Application as a result of these objections.

2 Despite this withdrawal, the Trustee remained committed to beginning to satisfy the fees
3 and intended to bring a second motion as soon as he had received advice on the taxes consequences
4 of the TIC transaction. The Trustee has been in consistent communication with Kevin Riley, the
5 CPA for the Trust, but the analysis of the taxes is not complete. Of particular issue is whether the
6 fees for representing the former trustees and for representing Stan and Todd individually are
7 subject to being deducted as capitalized expenses. It bears emphasis that the Trustee has
8 consistently taken the position that he will follow this Court's orders, including the Amended
9 Judgment that is has been affirmed on appeal. Those orders confirm that the fees incurred for
10 representing the former trustees in that capacity are administrative expenses of the estate, as is the
11 Family Trust's proportionate liability to pay \$300,000 to Wendy's lawyers as an administrative
12 expense. The tax analysis affects payment in three primary ways: first, the Family Trust must pay
13 the taxes as a first priority expense and the Trustee must plan for that eventuality. Second, if
14 analysis concludes that even the fees incurred in representing Stan and Todd individually are
15 capitalized expenses that may reduce the tax burden of the Trust, that conclusion may affect both
16 the timing and the priority of payment of those fees; and third, it is unclear whether the Family
17 Trust has sufficient resources (or will obtain sufficient resources) to pay all other creditor claims.

18 Accordingly, the Joint Motion for Fees to Robison, Sharp, Sullivan & Brust; Maupin Cox
19 Legoy; and McDonald Carano; and Report on Outstanding Issues Regarding Trust Liability in
20 response to the Joint Motion for Fees to Robison, Sharp, Sullivan & Brust; Maupin Cox Legoy;
21 and McDonald Carano (the "Joint Motion") was premature because the tax analysis remains
22 incomplete. As a result, the Trustee wanted the Court to have a thorough and objective review of
23 the issues relating to the fees that were sought in the Joint Motion. This included summarizing the
24 amounts the Trustee has been able to confirm are supported by invoices or other documentation
25 from each firm, summarizing the various orders this Court has entered relating to the fees, and the
26 effect of the Settlement Agreement on the issues of timing of payment for personal representation
27 and the priority of such payment. Counsel for the Trustee prepared, filed and served a Partial
28 Opposition to Joint Motion for Fees to Robison, Sharp, Sullivan & Brust; Maupin Cox Legoy; and

1 McDonald Carano; and Report on Outstanding Issues Regarding Trust Liability in response to the
2 Joint Motion for Fees to Robison, Sharp, Sullivan & Brust; Maupin Cox Legoy; and McDonald
3 Carano to address these issues.

4 Thereafter, counsel for the Trustee prepared, filed and served a Stipulation Between
5 Trustee and Maupin Cox Legoy Regarding Joint Motion for Fees to Robison, Sharp, Sullivan &
6 Brust; Maupin Cox Legoy; and McDonald Carano, which was amended and submitted to the Court
7 for decision.

8 Counsel for the Trustee also worked with the Trustee on his Trustee's Fourth Interim Status
9 Report, and made suggested revisions and comments to that document. Counsel filed and served
10 the Trustee's Fourth Interim Status Report on September 1, 2022. Counsel prepared and filed the
11 pleadings to ask the Court to set the Status Report for hearing along with the Joint Motion and the
12 Trustee's Partial Opposition thereto. The Court set that hearing for September 26, 2022. Counsel
13 for the Trustee prepared for and attended the hearing on the Trustee's Fourth Interim Status Report
14 and Joint Motion.

15 Counsel for the Trustee conferred with the Trustee regarding Todd Jaksick's proposal to
16 purchase assets from the Family Trust and analyzed assertions of potential offsets to the purchase
17 price based on the Settlement Agreement or Indemnity Agreement. Counsel for the Trustee set,
18 prepared for and attended a meeting with Todd Jaksick and Kent Robison to discuss Todd's
19 proposal, the Trustee's questions about certain transactions and to request limited documents to
20 address those questions.

21 12. On the basis of the time expended, the nature, extent and value of the service, and
22 the costs of comparable services in matters other than a probate case, the Trustee believes the
23 compensation sought by Fletcher & Lee is reasonable, the services were necessary, and the services
24 were beneficial to the Trustee's performance of his Court-appointed duties. Lee Declaration. The
25 rates charged by Fletcher & Lee are within the prevailing rates for such services in the Reno
26 community and are reasonable. Id.

27 13. No agreement or understanding exists between Fletcher & Lee and any other person
28 or entity for the sharing of the compensation sought in this Application.

1 14. There have been two prior awards of compensation to Fletcher & Lee as counsel
2 for the Trustee in this case. On January 5, 2022, the Court entered the Order Granting First
3 Application for Approval and Payment of Compensation to Fletcher & Lee (the “First Fee Order”)
4 whereby Fletcher & Lee was awarded compensation in the amount of \$61,753.50 to be paid by the
5 Family Trust as a first priority obligation along with the Trustee’s fees. The Trustee was
6 authorized to pay Fletcher & Lee an amount that is *in pari passu* with the overall attorneys’ fees
7 billed by and paid to counsel representing the co-trustees through the appointment of the
8 Temporary Trustee in an amount up to 76 percent of Fletcher & Lee’s fees. Id. Pursuant to the
9 First Fee Order, the Trustee paid \$46,932.66 to Fletcher & Lee.

10 On May 25, 2022, the Court entered the Order Granting Second Application for Approval
11 and Payment of Compensation to Fletcher & Lee (the “Second Fee Order”) whereby Fletcher &
12 Lee was awarded compensation in the amount of \$166,420.85 to be paid by the Family Trust as a
13 first priority obligation along with the Trustee’s fees. The Trustee was further authorized to pay
14 Fletcher & Lee the unpaid balance from the First Fee Order in the amount of \$14,820.84.

15 15. The Trustee has reviewed and approved this Application.

16 Based on the foregoing, the Trustee requests that the Court enter an order (1) approving an
17 award to Fletcher & Lee of \$91,107.00 for compensation, of which \$90,630.00 represents
18 professional services rendered and \$477.00 represents expenses incurred; (2) finding the award of
19 compensation in the amount of \$91,107.00 to Fletcher & Lee as reasonable, necessary and
20 beneficial; and (3) consistent with the Appointment Order, authorizing the Trustee to immediately
21 pay the approved compensation.

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AFFIRMATION

Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding document does not contain the personal information of any person.

DATED this 18th day of November, 2022.

FLETCHER & LEE

/s/ Cecilia Lee, Esq.
CECILIA LEE, ESQ.

REVIEWED AND APPROVED

/s/ James S. Proctor
JAMES S. PROCTOR, CPA, CFE, CVA, CFF

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCp 5(b), I certify under penalty of perjury that I am an employee of Fletcher
3 & Lee, 448 Ridge Street, Reno, Nevada 89501, and that on the 18th day of November, 2022, I
4 served a true and correct copy of the **THIRD APPLICATION FOR APPROVAL AND**
5 **PAYMENT OF COMPENSATION TO FLETCHER & LEE** on the parties set forth below by:

6 X Service by eFlex:

7 DONALD ALBERT LATTIN, ESQ. for MICHAEL S. KIMMEL, KEVIN RILEY,
8 TODD B. JAKSICK
9 KENT RICHARD ROBISON, ESQ. for SAMMY SUPERCUB, LLC, SERIES A,
10 DUCK LAKE RANCH LLC, TODD B. JAKSICK, INCLINE TSS, LTD.
11 HANNAH E. WINSTON, ESQ. for SAMMY SUPERCUB, LLC, SERIES A,
12 DUCK LAKE RANCH LLC, TODD B. JAKSICK, INCLINE TSS, LTD.
13 MARK J. CONNOT, ESQ, for WENDY A. JAKSICK
14 JAMES PROCTOR
15 ADAM HOSMER-HENNER, ESQ. for STANLEY JAKSICK
16 PHILIP L. KREITLEIN, ESQ. for STANLEY JAKSICK, SAMUEL S. JAKSICK,
17 JR. FAMILY TRUST
18 JOHN A. COLLIER, ESQ. for LUKE JAKSICK
19 CAROLYN K. RENNER, ESQ. for MICHAEL S. KIMMEL, KEVIN RILEY,
20 TODD B. JAKSICK
21 STEPHEN C. MOSS, ESQ. for STANLEY JAKSICK, SAMUEL S. JAKSICK,
22 JR. FAMILY TRUST
23 SARAH FERGUSON, ESQ. for STANLEY JAKSICK, SSJ'S ISSUE TRUST,
24 SAMUEL S. JAKSICK, JR. FAMILY TRUST

25 X Service by electronic mail:

26 ZACHARY JOHNSON, ESQ. for WENDY A. JAKSICK –
27 zach@dallasprobate.com
28 R. KEVIN SPENCER, ESQ. for WENDY A. JAKSICK –
kevin@dallasprobate.com
ALEXI JAKSICK FIELDS – alexijaksickfields@yahoo.com
JULIA GOLD, ESQ., counsel for the estate of Wendy A. Jaksick –
julia@juliagoldlaw.com

29 A copy of this Certificate of Service has been electronically served to all parties or their
30 lawyer. This document does not contain the personal information of any person as defined by
31 NRS 603A.040.

32 /s/ Elizabeth Dendary, CP
33 ELIZABETH DENDARY, CP
34 Certified Paralegal

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INDEX OF EXHIBITS

Exhibit	Description	Number of Pages
1	Declaration of Cecilia Lee	2 pages
2	Fletcher & Lee Billing Statements	35 pages
3	Summary Sheet	2 pages
4	Breakdown of Fees	1 page
5	Proposed Order Granting Application	2 pages

EXHIBIT 1

EXHIBIT 1

CODE: 1520
FLETCHER & LEE
Elizabeth Fletcher, Esq.
Nevada Bar No. 10082
Cecilia Lee, Esq.
Nevada Bar No. 3344
448 Ridge Street
Reno, Nevada 89501
Telephone: 775.324.1011
Email: efletcher@fletcherlawgroup.com
Email: clee@fletcherlawgroup.com

Attorneys for Temporary Trustee James S. Proctor, CPA, CFE, CVA, CFF

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

In the Matter of the Administration of the
SSJ'S ISSUE TRUST.

Case No. PR17-00445

Dept. No. 15

In the Matter of the Administration of the
SAMUEL S. JAKSICK, JR. FAMILY TRUST.

CONSOLIDATED

Case No. PR17-00446

Dept No. 15

DECLARATION OF CECILIA LEE, ESQ.

I, Cecilia Lee, Esq., do hereby depose and say under the applicable penalties of perjury:

1. I am over the age of 18 years, am mentally competent and have personal knowledge of the matters set forth in this declaration. If called upon as a witness, I could and would competently testify to these matters. I make this declaration in support of the Third Application for Approval and Payment of Compensation to Fletcher & Lee ("Third Fee Application"). All capitalized terms in this declaration shall have the same meaning as set forth in the Third Fee Application.

2. I am admitted to the practice of law in the states of Oregon and Nevada, and have been so admitted since 1986 and 1987, respectively. I practice law with Fletcher & Lee.

3. I represent James S. Proctor as the Court-appointed Temporary Trustee of the Samuel S. Jaksick, Jr. Family Trust.

4. On the basis of the time expended, the nature, extent and value of the service, and the costs of comparable services in matters other than a probate case, I believe the compensation sought by Fletcher & Lee is reasonable, the services were necessary, and the services were beneficial to the Trustee's performance of his Court-appointed duties.

5. The rates charged by Fletcher & Lee are within the prevailing rates for such services in the Reno community and are reasonable.

DATED this 18th day of November, 2022.

/s/ Cecilia Lee, Esq.
CECILIA LEE, ESQ.

EXHIBIT 2

EXHIBIT 2



Invoice submitted to:

Invoice #: 12128

VIA MAIL AND EMAIL: James S. Proctor, CPA, CFE, CVA, CFF
Meridian Advantage
200 Ridge St., Suite 240
Reno, NV 89501

May 31, 2022

In Reference To: SSJ's Issue Trust
Samuel S. Jaksick, Jr. Family Trust
Consolidated Case No. PR17-00445
Second Judicial District Court, Washoe County, Nevada

Professional Services

			Hrs/Rate	Amount
5/1/2022	CL	Services Review email from Kent Robison regarding the Duck Flat sale. Draft email to client regarding the same.	0.15 450.00/hr	67.50
5/2/2022	ED	Services Finish first draft of application to pay law firms. Prepare exhibits thereto. Send email to Attorney Lee regarding same.	1.60 195.00/hr	312.00
	CL	Services Telephone call with Trustee regarding pending matters, including check on Duck Flat sale, status of water consultant's work,	0.20 450.00/hr	90.00
	CL	Services Review and respond to email from Kent Robison regarding status of application to pay attorneys' fees. Draft email to parties involved in Duck Flat regarding status of the check, request instructions and an estimate of amount to be paid to the Trust. Review email from Mr. Robison with status of Todd's proposal.	0.40 450.00/hr	180.00
	CL	Services Review Supreme Court order setting oral argument. Calendar the oral argument for informational purposes.	0.30 450.00/hr	135.00
	ED	Services Meet with Attorney Lee; discuss strategy for application to authorize payment of attorney's fees law firms.	0.50 195.00/hr	97.50
	CL	Services Attend conference call with Trustee, Wendy Jaksick and Zach Spencer regarding assets of the trust and water rights. Follow up call with the Trustee regarding the same. Confer with Ms. Dendary regarding setting up a drop box for documents.	0.90 450.00/hr	405.00

			<u>Hrs/Rate</u>	<u>Amount</u>
5/2/2022	CL	Services Review and revise first draft of application to approve payment of fees to law firms. Confer with Ms. Dendary throughout the day regarding the same.	2.25 450.00/hr	1,012.50
	CL	Services Review and respond to email from Trustee regarding conservation easements and transfers of the water rights.	0.20 450.00/hr	90.00
5/3/2022	ED	Services Revise second interim application for approval and payment of compensation to Fletcher & Lee and related documents to include April 2022 invoice. Send email to Attorney Lee regarding same.	0.30 195.00/hr	58.50
	CL	Services Review and respond to email from Nik Palmer regarding the Duck Flat payment. Review and revise as necessary letter to Mr. Palmer regarding the same; transmit.	0.40 450.00/hr	180.00
	ED	Services Work with Attorney Lee to finalize draft of application to pay law firms for Trustee's review.	0.50 195.00/hr	97.50
	CL	Services Complete revisions to the first draft of the application to pay the attorneys' fees to four firms. Revise F&L Second Fee application to account for the April invoice. Draft email to Trustee regarding the same; request review and approval.	2.50 450.00/hr	1,125.00
	ED	Services Draft cover letter to Nik Palmer, Esq. regarding Duck Flat Ranch check received from Silver Star Ranch and Dan Douglass. Send draft letter to Attorney Lee; receive approval from Attorney Lee. Print letter and scan same with check; save to client file; forward same to Trustee. Arrange for hand delivery to Nik Palmer, Esq.	0.40 195.00/hr	78.00
5/4/2022	ED	Services Receive approval from Attorney Lee. Finalize second fee application and all exhibits thereto.	0.30 195.00/hr	58.50
	ED	Services Receive approval from Attorney Lee. Draft my declaration in support of application to pay law firms. Draft Attorney Lee's declaration in support of application to pay law firms. Draft proposed order. Send email to Attorney Lee regarding same.	1.60 195.00/hr	312.00
	CL	Services Review and make final revisions to the Application to pay the four law firms, the two supporting declarations, and the proposed order. Review the exhibits to be filed with the Application. Arrange for filing and service, and instructions on calendaring the notice period and LDTF opposition.	1.25 450.00/hr	562.50

		<u>Hrs/Rate</u>	<u>Amount</u>
5/4/2022	CL Services Review and make final revisions to the Second Fee Application of F&L, supporting declaration, proposed order and other exhibits. Arrange for filing and service. Instructions on calendaring the notice period and LDTF oppositions.	1.25 450.00/hr	562.50
5/5/2022	ED Services Phone call with Attorney Lee; discuss strategy for filing applications and receive filing approval to file same. Submit application to authorize payment to 4 law firms with exhibits to Court for filing; save submission confirmation to client file. Receive filing notice from Court; download and save the application and exhibits to client file. Submit the second fee application for Fletcher & Lee with exhibits to Court for filing; save submission confirmation to client file. Receive filing notice from Court; download and save the application and exhibits to client file. Serve both applications via email to Zach Johnson, Kevin Spencer, and Alexi Jaksick Fields. Review NRCP 5 and 6 and WDCR 12 with Attorney Lee regarding opposition deadline.	0.80 195.00/hr	156.00
	ED Services Phone call with Attorney Lee to discuss letters to counsel requesting additional information on fees and costs; receive assignments.	0.20 195.00/hr	39.00
	ED Services Review application to authorize payment to 4 law firms. Review spreadsheet reflecting analysis of documents received to-date regarding McDonald Carano's fees and costs for various billing matters. Draft letter to Adam Hosmer-Henner requesting additional information and documents as outlined therein.	0.20 195.00/hr	39.00
	ED Services Review application to authorize payment to 4 law firms. Draft letter to Don Lattin requesting additional information and documents as outlined therein.	0.30 195.00/hr	58.50
	CL Services Review and revise letter to Don Lattin requesting additional documents regarding his firm's fees. Finalize and transmit.	0.25 450.00/hr	112.50
	CL Services Review and revise letter to Adam Hosmer-Henner requesting additional documents regarding his firm's fees. Finalize and transmit.	0.25 450.00/hr	112.50
	ED Services Receive revised letters from Attorney Lee with approval to send same. Serve letter on Adam Hosmer-Henner via email. Serve letter on Don Lattin via email. Forward letters to Trustee.	0.10 195.00/hr	19.50
	CL Services Review and respond to email from Kent Robison regarding Todd's proposal on purchase of Trust property.	0.10 450.00/hr	45.00

		<u>Hrs/Rate</u>	<u>Amount</u>
5/5/2022	CL Services Review emails from Adam Hosmer-Henner and from counsel for Todd Jaksick. Draft email to Trustee regarding the same; recommendations. Correspond further by email with the Trustee. Forward email from Mr. Hosmer-Henner.	0.50 450.00/hr	225.00
5/6/2022	CL Services Telephone call with client regarding strategy in connection with the emails from counsel about the fee applications. Prepare draft email in response for Trustee's review and comment.	0.75 450.00/hr	337.50
	CL Services Review email from Trustee to Todd Jaksick regarding getting SJ Ranch off the AgCredit loan. Draft email to Kent Robison regarding the same; request that he ask his client to sign and return the paperwork to AgCredit to save the Trust money. Forward email to the Trustee.	0.20 450.00/hr	90.00
	CL Services Review and respond to email from Trustee regarding additional strategy for a hearing on the fee applications. Review Trustee's suggested revisions to the draft email to counsel; incorporate those revisions and transmit to counsel and the Trustee.	0.35 450.00/hr	157.50
5/10/2022	CL Services Conference call with Kent Robison and Don Lattin regarding the Application to pay the four law firms. Review orders and prior analyses in response to their position. Lengthy telephone call with trustee regarding the same; recommendations; discuss other outstanding issues and strategy.	3.10 450.00/hr	1,395.00
	CL Services Review and respond to email from Dan Douglass regarding his request for a release from Duck Flat for the payment on the subsequent sale of the ranch. Review his response; forward to Trustee.	0.25 450.00/hr	112.50
	CL Services Telephone call with Kent Robison regarding trustee's decision to withdraw the application to pay the law firms; he is unhappy with that because he wants to get paid; discuss the appeal.	0.20 450.00/hr	90.00
	ED Services Meet with Attorney Lee; discuss status of current matters; receive approval to submit notice of withdrawal of application to authorize payment to law firms to Court. Review court filing codes and apply correct code to notice of withdrawal. Submit same to Court for filing; save submission confirmation to client file. Receive filing notice from Court; download and save filed notice of withdrawal to client file. Serve same via email to Zach Johnson, Kevin Spencer, and Alexi Jaksick Fields.	0.30 195.00/hr	58.50
	ED Services Meet with Attorney Lee; review fees and costs analysis.	0.40 195.00/hr	78.00

			<u>Hrs/Rate</u>	<u>Amount</u>
5/10/2022	CL	Services Prepare Notice of Withdrawal of application to pay the four law firms. Arrange for filing and service.	0.50 450.00/hr	225.00
	CL	Services Work on draft letter for Trustee to Mr. Hosmer-Henner. Confer with Ms. Dendary regarding the information we have received on the billing matter for Stan individually.	0.75 450.00/hr	337.50
	CL	Services Review and respond to email from Trustee regarding the AgCredit loan and strategy to get it paid off.	0.10 450.00/hr	45.00
5/11/2022	ED	Services Review and revise letter as drafted by Attorney Lee for the Trustee.	0.10 195.00/hr	19.50
	CL	Services Review revisions by Ms. Dendary to draft letter to counsel; make further revisions. Draft email to Trustee regarding the same; request review and comment; recommendations.	0.80 450.00/hr	360.00
	CL	Services Continue analysis of attorneys' fees claimed by McDonald Carano; prepare lengthy memo to the Trustee regarding the same; documents required and why they are needed; recommendations and strategy.	3.50 450.00/hr	1,575.00
5/16/2022	ED	Services Meet with Attorney Lee and Paralegal Mead; discuss outstanding issues and strategy for same.	1.50 195.00/hr	292.50
	JM	Services Meet with Attorney Lee and Paralegal Dendary; discuss outstanding issues and strategy for same.	1.50 195.00/hr	292.50
	CL	Services Meet with paralegals to discuss pending issues to be resolved; strategy.	1.50 450.00/hr	675.00
	CL	Services Review email from Phil Kreitlein. Instruction to paralegal regarding follow up on the documents he provided. Review our spreadsheets regarding Mr. Kreitlein's firm. Draft email to him in response; forward to the Trustee.	0.40 450.00/hr	180.00
5/17/2022	ED	Services Meet with Attorney Lee; discuss legal fees of Maupin, Cox & Legoy.	0.30 195.00/hr	58.50
	CL	Services Sign on to Supreme Court's video live streaming; telephone call with the Clerk's office regarding status of the live streaming; receive instructions on listening to audio of the oral argument because live streaming is not available.	0.50 450.00/hr	225.00

			<u>Hrs/Rate</u>	<u>Amount</u>
5/17/2022	CL	Services Review reports and analyze known liability of the Family Trust to Maupin firm, variables and unknowns, effect of Court's orders and information not provided; draft report to Trustee regarding the same.	3.40 450.00/hr	1,530.00
	ED	Services Review lengthy email from Attorney Lee to Trustee regarding attorney fees of Maupin, Cox & Legoy. Briefly discuss same with Attorney Lee. Reply to all recipients accordingly.	0.10 195.00/hr	19.50
	CL	Services Review reports on RSSB fees and costs, correspondence regarding indemnification amounts; verify these against the billing records; prepare calculations.	1.25 450.00/hr	562.50
	CL	Services Listen to audio recording of oral argument in Supreme Court.	0.75 450.00/hr	337.50
5/18/2022	CL	Services Prepare draft email to the Trustee analyzing the RSSB fees and the Trust's potential liability for the same.	0.90 450.00/hr	405.00
	ED	Services Receive and review email from Attorney Lee as drafted to Trustee analyzing Robison law firm invoices; compare information to spreadsheet of my analysis of same; respond accordingly.	0.20 195.00/hr	39.00
	CL	Services Review email from Wendy Jaksick regarding status of documents. Draft email to Trustee regarding the same; review his emails with Zach Johnson.	0.20 450.00/hr	90.00
	ED	Services Meet with Attorney Lee; review fees and costs billed by Robison law firm and analyses of same.	0.50 195.00/hr	97.50
	CL	Services Confer with Ms. Dendary regarding details of my email to the Trustee on the RSSB fees; revise draft email to the Trustee and transmit.	1.25 450.00/hr	562.50
	CL	Services Draft email to Trustee regarding the Supreme Court oral argument.	0.30 450.00/hr	135.00
5/23/2022	CL	Services Lengthy call Trustee regarding trust liability on attorneys' fees, outstanding issues, effect of the appeal, strategy.	1.25 450.00/hr	562.50
5/24/2022	CL	Services Confirm that no oppositions were filed to F&L Second Fee Application. Review and revise draft of Request for Submission of Order. Review and revise as necessary the proposed Order; finalize for submission to Judge Hardy's chambers. Instructions for filing and service of the	0.50 450.00/hr	225.00

		<u>Hrs/Rate</u>	<u>Amount</u>
	request for submission and lodging the order with Ms. Mansfield.		
5/24/2022	CL Services Prepare substantially revised letter to Adam Hosmer-Henner with requests for documents related to fees claimed by Stan as a liability of the Family trust. Draft email to the Trustee regarding the same; request review and comment.	1.25 450.00/hr	562.50
	CL Services Review May 5 letter to Don Lattin and confirm contents against what I discussed with the Trustee on May 23 and my analysis. Draft email to Trustee regarding the same; prepare draft email response to Mr. Lattin for Trustee's review and comment.	0.75 450.00/hr	337.50
	CL Services Review trustee's suggestions regarding correspondence to counsel for the trustees. Revise letter to Mr. Hosmer-Henner; finalize and transmit. Revise draft email to Mr. Lattin; finalize and transmit. Forward emails to the Trustee. Correspond further with the Trustee regarding follow up; calendar the follow up date.	1.35 450.00/hr	607.50
	CL Services Review correspondence from Bill Peterson with another demand to pay the Jackrabbit capital call and his letter regarding the same. Draft email to Trustee regarding the same; recommendations.	0.25 450.00/hr	112.50
	JM Services Draft Request for Submission of Second Application for Approval of Payment of Compensation to Fletcher & Lee; confer with C. Lee regarding review of same; efile same with Court; save file-stamped copy to client file.	0.30 195.00/hr	58.50
	JM Services Review draft letter to Adam Hosmer-Henner; confer with C. Lee regarding changes thereto; finalize for C. Lee to send to Mr. Hosmer-Henner.	0.20 195.00/hr	39.00
	JM Services Draft and send email to Court and all parties regarding Order Approving Application for Approval and Payment of Compensation to Fletcher & Lee with Word version, pursuant to Court's requirements.	0.10 195.00/hr	19.50
5/25/2022	JM Services Review Order Approving Second Application for Compensation to Fletcher & Lee signed by Court; draft Notice of Entry of same.	0.20 195.00/hr	39.00
	JM Services Efile Notice of Entry of Order Granting Second Application for Approval and Payment of Compensation to Fletcher & Lee; serve specific parties via email.	0.20 195.00/hr	39.00
	CL Services Review and revise as necessary notice of entry of order granting Second Application of F&L for fees; arrange for filing and service; draft	0.50 450.00/hr	225.00

			<u>Hrs/Rate</u>	<u>Amount</u>
		email to Trustee regarding the same.		
5/31/2022	CL	Services Review email from Kent Robison regarding Todd's proposal. Review Trustee's response. Draft email in response to Mr. Robison regarding the same.	0.20 450.00/hr	90.00
	CL	Services Confer with paralegal regarding documents she is beginning to receive from Wendy Jaksick; instructions on file storage, transmission to Trustee and Andy Robinson; initial summary review.	0.30 450.00/hr	135.00
	CL	Services Correspond further by email with Kent Robison regarding Todd's proposal. Draft email to the Trustee regarding the same.	0.20 450.00/hr	90.00
	CL	Services Review email from Trustee with the spreadsheet of entities and values he received from Todd Jaksick at the beginning of his appointment. Correspond by email with the Trustee regarding status of proposal promised from Todd Jaksick but not received. Review email from Kent Robison regarding the same; forward the proposal to the Trustee. Review the proposal and compare to Todd's original spreadsheet.	1.00 450.00/hr	450.00
	JM	Services Confer with C. Lee regarding review of documents from Wendy Jaksick and providing same to Trustee Proctor.	0.10 195.00/hr	19.50
	CL	Services Draft follow up email to Don Lattin regarding response to my correspondence of May 24; correspond with him further by email; forward to the Trustee.	0.20 450.00/hr	90.00
	CL	Services Draft email to Adam Hosmer-Henner regarding follow up on my correspondence dated May 24, 2022.	0.10 450.00/hr	45.00
	JM	Services Download all documents received from Wendy Jaksick, save to client file, confer with C. Lee regarding notes from Wendy Jaksick; email copies of same to Trustee Proctor.	0.30 195.00/hr	58.50
	CL	Services Review documents from Wendy Jaksick regarding water rights. Lengthy meeting with the Trustee regarding the same; Todd's proposal; strategy.	2.50 450.00/hr	1,125.00
For professional services rendered			55.30	\$21,544.50

VIA MAIL AND EMAIL: James S. Proctor, CPA, CFE, CVA, CFF
 Invoice #: 12128

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Additional Charges :

			<u>Qty/Price</u>	<u>Amount</u>
5/3/2022	ED	Delivery Fee	1	3.00
		Deliver Silver Star Ranch check payable to Duck Flat Ranch to Nik Palmer, Esq.	3.00	
	EF	Copies	1	0.20
		Copies	0.20	
Total additional charges				\$3.20
Total amount of this bill				\$21,547.70
Previous balance				\$181,241.69
Accounts receivable transactions				
6/1/2022	Payment - Thank You. Check No. 7146			(\$14,828.84)
6/1/2022	Payment - Thank You. Check No. 7147			(\$166,420.85)
Total payments and adjustments				(\$181,249.69)
Balance due				\$21,539.70

Timekeeper Summary

<u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
Cecilia Lee, Esq.	42.20	450.00	\$18,990.00
Elizabeth Dendary, CP	10.20	195.00	\$1,989.00
Jackie Mead	2.90	195.00	\$565.50



Invoice submitted to:

Invoice #: 12155

VIA MAIL AND EMAIL: James S. Proctor, CPA, CFE, CVA, CFF
Meridian Advantage
PO Box 1469
Reno, NV 89505

June 30, 2022

In Reference To: SSJ's Issue Trust
Samuel S. Jaksick, Jr. Family Trust
Consolidated Case No. PR17-00445
Second Judicial District Court, Washoe County, Nevada

Professional Services

			Hrs/Rate	Amount
6/6/2022	CL	Services Review emails from Adam Hosmer-Henner regarding status of response to requests for documents regarding the McDonald Carano attorneys' fees that may be owed by the Trust. Draft email in response. Forward to the Trustee.	0.20 450.00/hr	90.00
	CL	Services Review emails from Correen Drake at Maupin Cox; draft email in response.	0.20 450.00/hr	90.00
	CL	Services Review attachments to email from Correen Drake; compare to the documents we have already received.	0.25 450.00/hr	112.50
	JM	Services Download numerous files received from Wendy Jaksick and save notes sent by Ms. Jaksick with corresponding documents.	0.60 195.00/hr	117.00
6/9/2022	CL	Services Telephone call with Correen Drake at Maupin Cox regarding the documents and information we need to determine the amount of fees owed to the firm; develop a list of items she is going to provide to me and questions she needs to resolve with Mr. Lattin.	0.50 450.00/hr	225.00
	CL	Services Review and respond to email from Mr. Hosmer-Henner regarding response to my correspondence requesting documents on his firm's attorneys' fees. Review the documents he provided. Outline the effect of these documents on our analysis.	0.40 450.00/hr	180.00
	JM	Services Review documents received from Wendy Jaksick on June 6, 2022; combine deeds and convert to PDF; save native files into folder; convert and save Wendy Jaksick's notes on each deed; draft and send email to	0.60 195.00/hr	117.00

			<u>Hrs/Rate</u>	<u>Amount</u>
		Attorney Lee regarding review of documents.		
6/10/2022	CL	Services Review and respond to email from Correen Drake regarding additional documents delivered by her office.	0.10 450.00/hr	45.00
	CL	Services Review and respond to email from Trustee regarding status of communications with Todd; my work on solving the attorneys fees liability of the Trust.	0.20 450.00/hr	90.00
6/13/2022	CL	Services Review and revise draft of the notice of change of mailing address for the Trustee. Arrange for filing and service.	0.30 450.00/hr	135.00
	JM	Services Draft Notice of Change of Mailing Address of Temporary Trustee.	0.20 195.00/hr	39.00
	JM	Services Efile Notice of Change of Mailing Address of Temporary Trustee; save to client file; email copy of same to client; email service list.	0.20 195.00/hr	39.00
	JM	Services Scan all billing documents and notes from Don Lattin and save to client file.	0.20 195.00/hr	39.00
6/20/2022	CL	Services Review emails from the Trustee on Last Chance payment, correspondence with Zach Johnson requesting copy of the Todd Jaksick deposition; correspondence with Kevin Riley regarding tax planning. Respond as necessary.	0.30 450.00/hr	135.00
6/21/2022	CL	Services Review email from Trustee and amended claim form to County for refund of back taxes. Review records and prior emails on this issue. Draft email to Trustee regarding the same; recommendations.	0.50 450.00/hr	225.00
	CL	Services Telephone call with the Trustee regarding current status of issues; instructions regarding further follow up from me.	0.40 450.00/hr	180.00
	CL	Services Review files for what we requested and what we received from Adam Hosmer-Henner. Draft email to him to follow up, as requested by the Trustee. Draft email to the Trustee regarding the same.	0.25 450.00/hr	112.50
6/22/2022	CL	Services Review email from Kent Robison and attached Order of Affirmance and spreadsheet of what Todd claims is owed to him. Draft email to the Trustee regarding the same.	0.50 450.00/hr	225.00

		<u>Hrs/Rate</u>	<u>Amount</u>
6/24/2022	CL Services Correspond by email with the Trustee regarding issues arising from the Supreme Court decision.	0.20 450.00/hr	90.00
6/27/2022	CL Services Review email from Mr. Hosmer-Henner; review the attached second engagement letter; draft email to counsel in response; draft email to Trustee regarding the same.	0.40 450.00/hr	180.00
	CL Services Draft email to the Trustee regarding analysis of the claims of Todd against the Trust and what may have been released in the Settlement Agreement. Review comparison of the two engagement letters from McDonald Carano.	0.25 450.00/hr	112.50
	CL Services Review documents produced by Don Lattin's office that were sent after my call with Correen Drake. Draft follow up email to Ms. Drake.	1.00 450.00/hr	450.00
	CL Services Review and respond to email from Trustee regarding documents we have received from Adam Hosmer-Henner.	0.20 450.00/hr	90.00
	CL Services Correspond by email with the Trustee regarding questions from Correen Drake. Draft email to Ms. Drake.	0.25 450.00/hr	112.50
	JM Services Review two separate engagement letters from Stan Jaksick; OCR PDF'd engagement letters; prepare comparison of two engagement letters; confer with C. Lee regarding differences in two engagement letters.	0.30 195.00/hr	58.50
6/28/2022	CL Services Prepare email to Trustee regarding outstanding issues.	0.20 450.00/hr	90.00
6/29/2022	CL Services Telephone call with Trustee regarding multiple issues; strategy.	1.40 450.00/hr	630.00
6/30/2022	CL Services Review and respond to email from trustee regarding treatment of the capital calls in the priority of payment.	0.20 450.00/hr	90.00
	CL Services Review and respond to email from Trustee regarding copies of the Trust documents for the USDA.	0.20 450.00/hr	90.00
	CL Services Review email from the Trustee regarding tax rebate form on Incline Village property. Review the instructions on co-ownership and history of the property transfers. Draft email to Trustee regarding the same; recommendations.	0.25 450.00/hr	112.50

VIA MAIL AND EMAIL: James S. Proctor, CPA, CFE, CVA, CFF
Invoice #: 12155

	<u>Hours</u>	<u>Amount</u>
For professional services rendered	10.75	\$4,302.00
Previous balance		\$21,539.70
Balance due		<u><u>\$25,841.70</u></u>

Timekeeper Summary			
Name	Hours	Rate	Amount
Cecilia Lee, Esq.	8.65	450.00	\$3,892.50
Jackie Mead	2.10	195.00	\$409.50



Invoice submitted to:

Invoice #: 12181

VIA MAIL AND EMAIL: James S. Proctor, CPA, CFE, CVA, CFF
Meridian Advantage
PO Box 1469
Reno, NV 89505

July 31, 2022

In Reference To: SSJ's Issue Trust
Samuel S. Jaksick, Jr. Family Trust
Consolidated Case No. PR17-00445
Second Judicial District Court, Washoe County, Nevada

Professional Services

			Hrs/Rate	Amount
7/5/2022	CL	Services Confer with paralegal regarding follow up on documents the Trustee has requested us to locate.	0.30 450.00/hr	135.00
	JM	Services Confer with C. Lee regarding subtrusts research in trial exhibits.	0.20 195.00/hr	39.00
7/7/2022	CL	Services Review emails between the Trustee and Zach Johnson; review Trustee's report on status of his investigation of water rights.	0.30 450.00/hr	135.00
7/8/2022	CL	Services Prepare comprehensive letter to Adam Hosmer-Henner regarding information his office has provided and what is still needed to analyze the attorneys' fees the Trust may owe on behalf of Stan Jaksick. Work on the exhibits to the letter; finalize and transmit, forward to the Trustee.	1.75 450.00/hr	787.50
7/12/2022	EF	Services Receive and respond to email from James Proctor regarding Incline Village property refund request	0.20 350.00/hr	70.00
7/13/2022	JM	Services Save Grandchildren Trust documents to client folder; draft and send email to C. Lee regarding same.	0.10 195.00/hr	19.50
7/18/2022	CL	Services Review multiple emails between the Trustee and parties, from counsel to me and from the Trustee during the week I was out of the office. Respond as necessary.	1.25 450.00/hr	562.50
	CL	Services Review email from Mr. Hosmer-Henner with his additional responses to Trustee's requests for documents to substantiate the attorneys' fees Stan seeks to have paid from the Trust. Analyze the attached documents; outline list of issues and discrepancies to resolve. Review	2.00 450.00/hr	900.00

			<u>Hrs/Rate</u>	<u>Amount</u>
		documents from the Trustee regarding the same; confirm that we have all of these documents. Prepare for call with the Trustee tomorrow by going over the issues we need to cover; review notes from last call and the to-do list we developed.		
7/19/2022	CL	Services Lengthy call with Trustee regarding outstanding issues, water rights investigation, priorities, status report and other matters.	0.90 450.00/hr	405.00
	CL	Services Lengthy second telephone call with Trustee regarding plan of action on outstanding issues.	0.50 450.00/hr	225.00
	CL	Services Draft email to Kent Robison in response to is request to discuss the Supreme Court decision and Todd's list of indemnification expenses.	0.20 450.00/hr	90.00
7/22/2022	CL	Services Review the pleadings from the Supreme Court filed in the State Court.	0.30 450.00/hr	135.00
7/25/2022	CL	Services Confer with Ms. Dendary regarding overview of what has transpired while she was on maternity leave.	0.40 450.00/hr	180.00
7/26/2022	ED	Services Meet with Attorney Lee; discuss status of documents received from law firms and review of each needed; receive assignments.	0.60 195.00/hr	117.00
	CL	Services Analyze Todd Jaksick's spreadsheet of claims against the Trust against the cited portions of the Settlement Agreement and the cited portions of the Trust Financial Statements. Meet with paralegal Dendary regarding the analysis of information we received from the various law firms; strategy in response to motion for fees filed today; priority research. Draft email to the Trustee on the fee application filed by counsel. Review and analyze the application; calendar the opposition due date. Confer with Ms. Dendary on strategy in response to the application.	3.50 450.00/hr	1,575.00
	CL	Services Review file for analysis of priority scheme, analysis of Settlement Agreement. Draft email to Trustee regarding the same. Research Nevada statutes on priority.	2.00 450.00/hr	900.00
7/27/2022	CL	Services Lengthy call with Trustee regarding issues raised in the joint application for fees. Review and respond as necessary to further emails from the Trustee regarding the opposition to the application; news that Wendy Jaksick has died.	0.75 450.00/hr	337.50
For professional services rendered			15.25	\$6,613.00
Previous balance				\$25,841.70

VIA MAIL AND EMAIL: James S. Proctor, CPA, CFE, CVA, CFF
Invoice #: 12181

	Amount
Balance due	\$32,454.70

Timekeeper Summary			
Name	Hours	Rate	Amount
Cecilia Lee, Esq.	14.15	450.00	\$6,367.50
Elizabeth Dendary, CP	0.60	195.00	\$117.00
Elizabeth Fletcher, Esq.	0.20	350.00	\$70.00
Jackie Mead	0.30	195.00	\$58.50



Invoice submitted to:

Invoice #: 12209

VIA MAIL AND EMAIL: James S. Proctor, CPA, CFE, CVA, CFF
Meridian Advantage
PO Box 1469
Reno, NV 89505

August 31, 2022

In Reference To: SSJ's Issue Trust
Samuel S. Jaksick, Jr. Family Trust
Consolidated Case No. PR17-00445
Second Judicial District Court, Washoe County, Nevada

Professional Services

			Hrs/Rate	Amount
8/1/2022	ED	Services Meet with Attorney Lee to discuss strategy regarding response to motion for attorney's fees.	0.20 195.00/hr	39.00
	CL	Services Continue research and analysis for opposition to the joint application for fees.	3.50 450.00/hr	1,575.00
8/2/2022	CL	Services Continue work on objection to joint application for payment of attorneys' fees.	6.00 450.00/hr	2,700.00
	CL	Services Correspond by email with the Trustee throughout the day regarding various issues, visit to White Pine Lumber, potential leads on interested parties to purchase assets, extension of time to respond to the joint fee application. Draft email to counsel for the law firms to request the extension; forward to Trustee. Draft email to Spencer & Johnson regarding the same; request information on who to serve for Wendy's estate. Review and respond to email from Kent Robison. Review emails between counsel for Lake-Ridge Shores HOA and the Trustee regarding deed corrections.	1.00 450.00/hr	450.00
8/3/2022	ED	Services Meet with Attorney Lee to discuss status of opposition to motion for attorney's fees and additional information and research needed.	0.50 195.00/hr	97.50
	CL	Services Continue work on drafting opposition to joint motion for payment of fees and costs.	5.90 450.00/hr	2,655.00
8/4/2022	ED	Services Work throughout the day on reviewing and analyzing the documentation received from Adam Hosmer-Henner. Meet with Attorney Lee to discuss	3.40 195.00/hr	663.00

		<u>Hrs/Rate</u>	<u>Amount</u>
	same and strategy for further analysis.		
8/4/2022	CL Services Telephone call with client regarding status of opposition; his visit to White Pine; strategy. Confer several times with Ms. Dendary regarding compilation of information received from counsel while she was on maternity leave; strategy for the opposition. Correspond further by email with Trustee regarding his call with Stan Jaksick; instructions to locate certain documents; strategy.	1.70 450.00/hr	765.00
8/5/2022	CL Services Review and respond to email from Zach Johnson regarding the Joint Motion filed by the law firms; at his request, provide a copy because the Motion was never served on him; forward to Trustee with recommendations. Review email from Trustee to Sheila Van Duyne regarding corrective deeds for Lake-Ridge entity; draft email to Trustee in response in answer to the Trustee's questions. Correspond further with the Trustee regarding these issues.	0.70 450.00/hr	315.00
	ED Services Continue reviewing and analyzing information received from Adam Hosmer-Henner relating to attorney fees and costs charged by McDonald Carano to Stan Jaksick on multiple matters. Compare information to information previously received and analyzed.	3.70 195.00/hr	721.50
	CL Services Continue work on draft of opposition to Joint Motion for Fees.	3.50 450.00/hr	1,575.00
	ED Services Review joint motion for fees and supporting declarations. Compare motion with information provided by law firms. Create lengthy notes of analysis of same for further discussion with Attorney Lee.	2.20 195.00/hr	429.00
	ED Services Phone conference with Attorney Lee to discuss in general terms my review of the joint motion for fees and strategy for response thereto.	0.50 195.00/hr	97.50
	CL Services Confer with Ms. Dendary regarding her analysis of the documents we have received from the law firms; discuss strategy.	0.50 450.00/hr	225.00
8/8/2022	ED Services Meet with Attorney Lee. Outline analysis of documents received from McDonald Carano relating to attorney fees and costs billed for representation of Stan Jaksick individually and as co-trustee of the Family Trust. Discuss strategy for response to joint motion for payment of fees.	1.00 195.00/hr	195.00
	CL Services Confer with Ms. Dendary regarding details of analysis of McDonald Carano documents and the Joint Fee Application, RSSB and MCL; go over draft of summary for McDonald Carano to include in the Trustee's response. Draft email to Kent Robison to request missing invoices; clarification of his consent to extension of time. Draft email to the	2.75 450.00/hr	1,237.50

			<u>Hrs/Rate</u>	<u>Amount</u>
		Trustee regarding summaries of the fees, other issues we will need to discuss. Correspond further by Kent Robison. Telephone call with Trustee regarding strategy.		
8/8/2022	ED	Services Create chart summarizing attorney fees and costs billed by McDonald Carano in its two billing matters.	0.40 195.00/hr	78.00
	ED	Services Meet with Attorney Lee. Review chart created for McDonald Carano attorney fees and costs; finalize same. Outline analysis of documents received from Maupin Cox Legoy relating to attorney fees and costs billed for representation of co-trustees of the Family Trust. Discuss strategy for response to joint motion for payment of fees.	1.10 195.00/hr	214.50
	ED	Services Create chart of outlining the attorneys fees and costs billed by Maupin Cox Legoy for various matters, payments thereof, and outstanding balances. Discuss same with Attorney Lee.	0.40 195.00/hr	78.00
8/9/2022	CL	Services Review 4 orders for return of appeal bond to various appellants. Instructions to paralegal to follow up on this and enter credit if the appeal costs for MCL and McDonald Carano included the cost bonds for those two firms.	0.25 450.00/hr	112.50
	ED	Services Review additional billing statements received from Kent Robison's firm to corroborate the amounts listed in the joint motion for fees and declaration in support thereof. Update spreadsheet of fees billed to Todd Jaksick in the Family Trust matter. Briefly discuss same with Attorney Lee. Review email from Attorney Lee to Heidi Cohen; send follow up email with clarification of request.	0.50 195.00/hr	97.50
	CL	Services Review email from Trustee regarding the corrective deeds being requested by Lake-Ridge HOA; review the underlying deeds that were signed by Sam Jaksick. Draft email to Trustee regarding the same; recommendations.	0.25 450.00/hr	112.50
	CL	Services Meet with Ms. Dendary regarding questions about the invoices received on 8/8 from RSSB. Draft email to Heidi Cohen regarding the same.	0.30 450.00/hr	135.00
	CL	Services Continue work on draft opposition to Joint Motion for Fees. Work with Ms. Dendary throughout the day on the charts and her declaration.	2.75 450.00/hr	1,237.50
	ED	Services Draft lengthy declaration in support of opposition to joint motion for fees outlining analysis conducted. Various discussions with Attorney Lee regarding charts and strategy for opposition.	4.50 195.00/hr	877.50

		<u>Hrs/Rate</u>	<u>Amount</u>
8/10/2022	ED Services Receive additional invoices from Heidi Cohen; save same to client file. Review invoices and analyze same; add to spreadsheet. Update declaration and include charts from spreadsheet. Discuss same with Attorney Lee.	1.60 195.00/hr	312.00
	ED Services Meet with Attorney Lee; discuss strategy for responding to joint motion for fees and various alternatives to a formal opposition.	0.70 195.00/hr	136.50
	CL Services Review and respond to numerous emails from Kent Robison regarding the analysis of attorneys' fees. Lengthy telephone call with Mr. Robison regarding the same; confer with Ms. Dendary regarding strategy, means to get to resolution of issues.	2.25 450.00/hr	1,012.50
	CL Services Revise draft opposition/position paper to Joint Motion to incorporate instructions from trustee. Draft email to Trustee regarding the same; request review, comment and strategy.	2.75 450.00/hr	1,237.50
	CL Services Review additional emails from Adam Hosmer-Henner and from Don Lattin regarding trustee's fees and F&L fees. Telephone call from Zach Johnson regarding Mr. Lattin's email. Telephone call with the Trustee regarding my call with Kent Robison; discuss strategy and plan of approach.	0.60 450.00/hr	270.00
	ED Services Assist Attorney Lee in finalizing draft of opposition for submission to Trustee.	0.50 195.00/hr	97.50
8/11/2022	CL Services Review Trustee's comments to the draft pleading. Lengthy telephone call with the Trustee to go over the proposals, his suggested revisions, strategy; response to Mr. Lattin's email from yesterday.	1.25 450.00/hr	562.50
	CL Services Incorporate Trustee's recommended revisions to the Opposition; revise the charts to include return of appellate cost bonds; review and revise draft Dendary Declaration; prepare Proctor Declaration and my declaration. Prepare list of exhibits. Correspond by email with the Trustee regarding the same; confer with Ms. Dendary regarding the same.	4.00 450.00/hr	1,800.00
	CL Services Review and respond to email from Don Lattin regarding Jim's latest billing invoice and his questions and comments about various entries.	0.30 450.00/hr	135.00
	CL Services Review and respond to email from Adam Hosmer-Henner regarding his assertions that my requests for his billing records were made after the May 5 application to pay his firm \$50,000 in interim compensation; and his assertion that his fees have been presented multiple times and	0.30 450.00/hr	135.00

		<u>Hrs/Rate</u>	<u>Amount</u>
	already approved by the Court, both of which are not supported by the record.		
8/11/2022	ED Services Review Attorney Lee's revisions to my declaration in support of partial opposition to joint motion for fees. Review Trustee's revisions to same. Review numerous emails between Trustee and Attorney Lee regarding revisions to opposition and supporting declarations. Send email to Attorney Lee regarding revisions and strategy for finalizing same.	1.50 195.00/hr	292.50
	ED Services Receive list of exhibits to partial opposition to joint motion for fees from Attorney Lee. Prepare exhibits and save same to client file. Send email to Attorney Lee regarding same.	0.20 195.00/hr	39.00
8/12/2022	CL Services Review and respond to numerous emails from the Trustee regarding his questions, comments and suggestions for the brief and declarations. Revise the Opposition and declarations to incorporate the revisions; double check the figures; finalize all pleadings. Review the exhibits. Instructions to paralegal Dendary for filing and service.	3.40 450.00/hr	1,530.00
	ED Services Work with Attorney Lee to finalize partial opposition to joint motion for fees. Proofread same and make minor typographical changes. Confirm numbers therein match spreadsheets of analysis of attorney's fees and my supporting declaration. Phone call with Attorney Lee to discuss two modifications to brief. Receive filing approval from Attorney Lee. Finalize exhibits thereto. Submit the partial opposition and exhibits to Court for filing. Receive filing notice from Court (one hour wait time - not billed); download and save partial opposition with exhibits to client file. Reduce file size and serve same via email to Zach Johnson, Kevin Spencer, and Alexi Jaksick Fields. Forward filed partial opposition to Trustee.	3.00 195.00/hr	585.00
8/15/2022	CL Services Review email from the Trustee and supporting portions of the 2021 financial statements on Lake-Ridge. Draft email to Trustee in response; recommendations.	0.20 450.00/hr	90.00
	CL Services Review email from trustee and planning list of next steps; draft email in response.	0.20 450.00/hr	90.00
	CL Services Confer with Ms. Dendary on report to prepare in response to Mr. Hosmer-Henner's demand; review the report; draft email to the Trustee regarding the same.	0.20 450.00/hr	90.00
	CL Services Review Nevada statutes on revoked corporations and dissolved corporations; review NV SOS information on Lake-Ridge; draft email to Trustee regarding Nevada law and recommendations on how to	1.25 450.00/hr	562.50

			<u>Hrs/Rate</u>	<u>Amount</u>
		proceed.		
8/15/2022	CL	Services Lengthy telephone call with the Trustee regarding pending issues, strategy, plan of action. Follow up with Ms. Dendary on certain items.	1.10 450.00/hr	495.00
8/16/2022	CL	Services Telephone call from Don Lattin regarding resolution of the Joint Motion with respect to his firm. Review and respond to email from him regarding the same. Review and respond to email from the Trustee regarding his fees; draft email in response; report on my call with Mr. Lattin.	0.50 450.00/hr	225.00
	CL	Services Prepare email to Adam Hosmer-Henner in response to his demand for a report of fees and costs incurred by F&L and by the trustee; provide a copy of the Fletcher & Lee report.	0.10 450.00/hr	45.00
	CL	Services Draft email to counsel regarding a proposed resolution of the Trustee's partial opposition. Forward to the Trustee.	0.20 450.00/hr	90.00
	CL	Services Confer with Ms. Dendary regarding documents we have received from the Trustee on Kreitlin fees and Kimmel invoices. Review and respond to emails from Kent Robison and from Adam Hosmer-Henner regarding resolution of the Joint Motion. Forward to the Trustee.	0.50 450.00/hr	225.00
	ED	Services Review information received from Phil Kreitlein in May 2022. Review information from Trustee regarding the Kreitlein firm. Compare information to that received from Kevin Riley and reviewed previously. Confirmed information is all the same and consists of the exact same invoices and as such, the analysis does not change. Meet with Attorney Lee and discuss same.	0.60 195.00/hr	117.00
	CL	Services Prepare draft proposed stipulation and order with Maupin Cox Legoy. Draft email to Mr. Lattin regarding the same. Forward to Trustee.	1.00 450.00/hr	450.00
	CL	Services Telephone calls with Kent Robison and conference call with him and Adam Hosmer-Henner. Review and respond to emails from the Trustee regarding the same; strategy. Lengthy call with the Trustee regarding the issues raised by counsel; discuss his assessment of water rights and information provided by Don Lattin. Review follow up email from Mr. Hosmer-Henner; draft email to Trustee regarding the same; recommendations.	1.90 450.00/hr	855.00
	CL	Services Confer with Ms. Dendary on her analysis of the Kreitlein attorneys' fees owed by the Trust.	0.20 450.00/hr	90.00

		<u>Hrs/Rate</u>	<u>Amount</u>
8/17/2022	CL Services Review and respond to email from Don Lattin approving the stipulated order. Prepare Notice of submission of proposed Stipulation and Order. Draft email to Mr. Lattin regarding the same. Draft email to paralegal regarding instructions on filing and submission.	0.50 450.00/hr	225.00
	CL Services Review and respond to email from the Trustee regarding his next status report and detailed information about fees and costs.	0.20 450.00/hr	90.00
	CL Services Review email from Sheila Van Duyne regarding the corrected deeds for Lake-Ridge; review further correspondence between the Trustee and Ms. Van Duyne regarding the same.	0.15 450.00/hr	67.50
	CL Services Review email from Trustee regarding request for extension of time for filing a reply brief. Draft email to Adam Hosmer-Henner and other counsel regarding the same; set forth the Trustee's position regarding stipulations he enters into; request the basis for MC and RSSB position.	0.30 450.00/hr	135.00
	CL Services Review emails between Todd Jaksick and NRCS/USDA regarding effect of Wendy's death, and Trustee's response. Review further correspondence from NRCS.	0.30 450.00/hr	135.00
	CL Services Review and respond to email from Adam Hosmer-Henner requesting a stipulated order to pay the uncontested fees to his firm. Forward to the Trustee.	0.20 450.00/hr	90.00
	CL Services Calendar extended deadline for MC and RSSB to file reply briefs to Joint Motion.	0.20 450.00/hr	90.00
	CL Services Draft email to Spencer & Johnson regarding a stipulated order to get them paid. Forward to Trustee. Correspond further with Kevin Spencer to answer his questions. Forward to the Trustee.	0.40 450.00/hr	180.00
8/18/2022	ED Services Phone call with Attorney Lee; receive filing approval. Submit notice of proposed stipulated order with Maupin Cox Legoy etc. to Court for filing; save submission confirmation to client file. Receive filing notification from Court; download and save filed notice and exhibit to client file. Serve notice with exhibit to Zach Johnson, Kevin Spencer, and Alexi Jaksick Fields via email. Forward same to Trustee.	0.20 195.00/hr	39.00
8/19/2022	ED Services Review email from Sheila Mansfield. Send email to Ms. Mansfield and all parties with Word version of proposed stipulated order. Exchange emails with Attorney Lee regarding same.	0.20 195.00/hr	39.00

		<u>Hrs/Rate</u>	<u>Amount</u>
8/23/2022	CL Services Review numerous emails regarding the stipulated order with MCL; review the Court's Order; calendar the deadlines. Correspond by email with Don Lattin regarding the same. Telephone call with Mr. Lattin regarding the same; procedure and timing. Prepare separate stipulation between the Trustee and MCL; draft email to Mr. Lattin regarding the same; request his review and signature.	1.60 450.00/hr	720.00
	CL Services Review numerous emails between the Trustee and Kevin Riley regarding corporate documents; instructions to paralegal regarding the same.	0.30 450.00/hr	135.00
	ED Services Review emails between Trustee and Attorney Lee. Save documents forwarded by Trustee as received from Kevin Riley to client file.	0.10 195.00/hr	19.50
	CL Services Receive executed stipulation from Don Lattin. Prepare fully executed copy; arrange for filing with the Court and service. Calendar the ten days for opposition based on today's filing date.	0.30 450.00/hr	135.00
	ED Services Receive filing approval from Attorney Lee. Submit stipulation between Trustee and Maupin Cox Legoy regarding joint motion for fees to Court for filing. Receive filing notification from Court; download and save filed stipulation to client file. Serve filed stipulation via email to Zach Johnson, Kevin Spencer, and Alexi Jaksick Fields.	0.20 195.00/hr	39.00
	CL Services Lengthy call with the Trustee regarding legal proceedings currently pending; his status report; conversation with Kevin Riley and tax issues, relationship of taxes to the payment of fees for trustees' personal representation; position with respect to Todd's offer and information from Stan on value of Buckhorn; response to Dallas lawyers to get agreement from them on Trustee's proposal; approach to resolve allocation of liability between Issue Trust and Family Trust; information that Jack Rabbit may redeem Wendy's interest, she owes debt to the Trust.	2.00 450.00/hr	900.00
	CL Services Review research on priority of payment, proportionate payment and Trust terms regarding priority. Review and respond to email from Adam Hosmer-Henner regarding his demand to be relieved of disgorgement and being discharged.	0.50 450.00/hr	225.00
8/24/2022	CL Services Order transcript of the August 5, 2021 hearing pursuant to Trustee's instruction.	0.30 450.00/hr	135.00
	CL Services Review multiple drafts of correspondence from the Trustee to Todd Jaksick regarding questions about his proposal to purchase assets. Review the draft proposal from Todd on particular terms. Draft email in	0.50 450.00/hr	225.00

			<u>Hrs/Rate</u>	<u>Amount</u>
		response with suggested revisions to the Trustee. Review Trustee's email in response.		
8/24/2022	CL	Services Review multiple drafts of proposed email to Stan Jaksick regarding property sale of Buckhorn; review Stan's August 24 email to the Trustee regarding potential sale of the ranch as a whole; draft email to the Trustee with suggested revisions to his correspondence to Stan.	0.30 450.00/hr	135.00
	CL	Services Review follow up email from the Trustee to Kevin Riley regarding the documents Mr. Riley requested and other aspects of tax analysis.	0.10 450.00/hr	45.00
	CL	Services Draft follow up email to Dallas lawyers regarding resolution of payment of their fees.	0.10 450.00/hr	45.00
	ED	Services Receive direction from Attorney Lee to order transcript of August 5, 2021 status hearing. Contact Mikki Merkouris to obtain clarification on court reporter for August 5 hearing. Exchange emails with Litigation Services; order transcript.	0.20 195.00/hr	39.00
	CL	Services Review Stan Jaksick's objection to the Trustee's stipulation with Maupin Cox. Draft email to Trustee regarding the same; recommendations. Telephone call with Trustee regarding the same; strategy.	0.50 450.00/hr	225.00
	CL	Services Draft email in response to Mr. Hosmer-Henner's regarding payment of McDonald Carano fees. Forward to the Trustee with recommendations.	0.20 450.00/hr	90.00
	CL	Services Draft email to Don Lattin regarding allocation with the Issue Trust. Forward to the Trustee.	0.20 450.00/hr	90.00
	CL	Services Confer with paralegal Dendary regarding chart for Trustee's status report.	0.20 450.00/hr	90.00
8/25/2022	ED	Services Meet with Attorney Lee; receive assignment to create chart of our firm's fees and costs and payments received. (8/24/2022) Review invoices and payments; create chart. Send same via email to Trustee.	0.40 195.00/hr	78.00
	ED	Services Review and response to email from Trustee regarding firm fees and costs. Compute additional calculations for Trustee.	0.20 195.00/hr	39.00
8/29/2022	CL	Services Review and respond to email from the Trustee regarding his revised correspondence to Todd. Review Stan's response to Trustee's email and information about change of ownership of Buckhorn; review and	0.30 450.00/hr	135.00

			<u>Hrs/Rate</u>	<u>Amount</u>
		respond to Trustee's email regarding the same.		
8/29/2022	CL	Services Telephone call with the Trustee regarding his status report and the follow up on issues raised by Stan regarding sale of the other assets.	0.30 450.00/hr	135.00
	CL	Services Review and make revisions to Fourth Status Report; review F&L invoices for calculation of amount devoted to the Mana deal and amount devoted to addressing Stan's responses to requests for information. Draft email to Trustee regarding the same.	3.00 450.00/hr	1,350.00
	ED	Services Assist Attorney Lee in calculating selected time frames of fees for Trustee's status report.	0.20 195.00/hr	39.00
	CL	Services Telephone call with Don Lattin regarding the allocation between the Family Trust and Issue Trust of the liabilities created by the Amended Judgment.	0.20 450.00/hr	90.00
	CL	Services Correspond by email regarding my revisions to the status report and clarification of Mana fees.	0.10 450.00/hr	45.00
8/30/2022	ED	Services Receive transcript of August 5, 2021 status hearing from Litigation Services; save same to client file. Discuss transcript with Attorney Lee. Send condensed transcript via email to Trustee. Process invoice for payment.	0.10 195.00/hr	19.50
	CL	Services Review and respond to numerous emails from the Trustee regarding specific portions of the Fourth Status Report; make revisions and recommendations. Review the latest version of the report and make further revisions; draft email to the Trustee in response to his questions; make recommendations.	1.50 450.00/hr	675.00
	CL	Services Review and respond to email from Trustee regarding his communication with Ross di Lipkau; update on my communications with Don Lattin, Kent Robison and David Rigdon.	0.20 450.00/hr	90.00
	CL	Services Brief call with David Rigdon regarding his work on water rights for Buckhorn Land; he will get permission from his client to discuss further with me and call me back. Follow up call from Mr. Ridgon to discuss the water rights at Buckhorn. Draft email to Trustee regarding the same.	0.50 450.00/hr	225.00
For professional services rendered			95.05	\$35,556.00
Previous balance				\$32,454.70

VIA MAIL AND EMAIL: James S. Proctor, CPA, CFE, CVA, CFF
Invoice #: 12209

	<u>Amount</u>
Balance due	<u><u>\$68,010.70</u></u>

Timekeeper Summary			
Name	Hours	Rate	Amount
Cecilia Lee, Esq.	66.75	450.00	\$30,037.50
Elizabeth Dendary, CP	28.30	195.00	\$5,518.50



Invoice submitted to:

Invoice #: 12240

VIA MAIL AND EMAIL: James S. Proctor, CPA, CFE, CVA, CFF
Meridian Advantage
PO Box 1469
Reno, NV 89505

September 30, 2022

In Reference To: SSJ's Issue Trust
Samuel S. Jaksick, Jr. Family Trust
Consolidated Case No. PR17-00445
Second Judicial District Court, Washoe County, Nevada

Professional Services

		Hrs/Rate	Amount
9/1/2022	CL Services Review and respond as necessary to emails from the Trustee regarding property still owned by Duck Flat Ranch; his status report; objections to the stipulation with Don Lattin.	0.20 450.00/hr	90.00
	CL Services Review and make final editing revisions to the Trustee's fourth status report. Correspond by email with the Trustee regarding the same. Prepare pleading to file with the report; arrange for filing and service.	1.00 450.00/hr	450.00
	ED Services Receive filing approval from Attorney Lee. Submit Trustee's fourth interim status report to Court for filing; save submission confirmation to client file. Receive filing notification from Court; download and save filed status report to client file. Serve status report via email to Zach Johnson, Kevin Spencer, and Alexi Jaksick Fields. Forward same to Trustee.	0.20 195.00/hr	39.00
9/2/2022	CL Services Review emails from Kent Robison and Heidi Cohen regarding the billings from RSSB. Draft emails in response. Review email from Mr. Robison clarifying the terms of our understanding about the Joint Motion for Fees; draft email in response.	0.40 450.00/hr	180.00
	CL Services Lengthy call with the Trustee regarding my call with David Rigdon and other pending issues; discuss strategy. Draft email summarizing the information I received from Mr. Rigdon to the Trustee.	1.20 450.00/hr	540.00
9/4/2022	CL Services Review reply to the Trustee's Partial Opposition to the Joint Motion for Fees filed on behalf of Stan Jaksick.	0.30 450.00/hr	135.00

		<u>Hrs/Rate</u>	<u>Amount</u>
9/6/2022	ED Services Meet with Attorney Lee and discuss Stan Jaksick's reply brief. Review co-trustee settlement agreement of August 2019.	0.20 195.00/hr	39.00
	CL Services Confer with Ms. Dendary regarding the reference to payment of fees by the Family Trust in Stan's Reply brief; review the two trustees' agreements to understand and explain the context. Review email from Kent Robison regarding Stan's reply brief; draft email to the Trustee regarding the same.	0.30 450.00/hr	135.00
	CL Services Telephone call with the Trustee regarding strategy in response to the Reply brief filed on behalf of Stan on September 2. Prepare reply to objection to the MCL stipulation; Lee Declaration and exhibit; and proposed order. Draft email to Don Lattin regarding the same; request review and comment.	1.75 450.00/hr	787.50
	ED Services Skim invoices provided by Heidi Cohem; save same to client file; compare to statements previously received and analyzed. Send email to Attorney Lee regarding same.	0.10 195.00/hr	19.50
	CL Services Upon receipt of email from Don Lattin approving the Reply and the proposed order, review and make final editing of the reply; instructions and arrange for filing and service. Review draft of request for submission; and notice of the proposed order; instructions and arrange for filing and service.	1.00 450.00/hr	450.00
	CL Services Review and revise motion to set Trustee's Fourth Status Report for hearing. Review and revise as necessary the proposed order. Arrange for filing and service.	0.40 450.00/hr	180.00
	ED Services Meet with Attorney Lee; discuss filings to be submitted today. Finalize reply brief and exhibits thereto. Finalize notice of submission of proposed order and exhibit thereto. Finalize request for submission. Receive filing approval from Attorney Lee. Submit reply brief with exhibits to Court for filing. Submit notice of submission of proposed order to Court for filing. Receive filing notification from Court; download and save filed notice to client file. Submit request for submission to Court for filing. Receive filing notification from Court; download and save filed request to client file.	0.50 195.00/hr	97.50
	ED Services Draft motion for hearing on Trustee's fourth interim status report. Draft proposed order. Discuss same with Attorney Lee. Receive filing approval. Submit the motion for hearing on Trustee's fourth interim status report with exhibit to Court for filing. Receive filing notification from Court; download and save to client file the filed motion. Serve via email the reply brief, notice of submission of proposed order, request for submission, and motion for hearing to Zach Johnson,	0.60 195.00/hr	117.00

			<u>Hrs/Rate</u>	<u>Amount</u>
		Kevin Spencer, and Alexi Jaksick Fields. Send email to Sheila Mansfield with Word versions of proposed orders.		
9/7/2022	CL	Services Review and respond to email from Phil Kreitlein regarding procedure for getting his balance paid. Forward to the Trustee.	0.20 450.00/hr	90.00
	CL	Services Review and respond to email from Kent Robison regarding payment of fees to his firm. Forward to the Trustee.	0.20 450.00/hr	90.00
	TC	Services Meet with Cecilia Lee regarding status of case.	0.50 250.00/hr	125.00
	CL	Services Confer with Ms. Ciardella regarding pending issues and strategy.	0.90 450.00/hr	405.00
	TC	Services Review Partial Objection to Motion for fees, Motion to Sell TIC Interest, and Status Report.	3.60 250.00/hr	900.00
9/8/2022	CL	Services Review numerous emails between Ms. Mansfield and counsel for the parties regarding the setting of a hearing date. Review email from Trustee regarding the same; confirm the date from the list he had given me in August. Draft email in response to the Trustee. Correspond further by email with the Trustee. Correspond by email with Ms. Mansfield regarding the same; respond to her request for the names of parties who have not responded.	0.50 450.00/hr	225.00
9/9/2022	TC	Services Review agreements dated August 29, 2019 and January 31, 2019.	0.50 250.00/hr	125.00
	CL	Services Review email from Ms. Mansfield regarding hearing date and time. Review the Court's order setting the hearing. Calendar the hearing date and time. Review "notice" filed by Mr. Robison. Draft email to the Trustee regarding the hearing and Mr. Robison's pleading; recommendations.	1.00 450.00/hr	450.00
	TC	Services Review settlement agreement and analyze pending issues.	3.20 250.00/hr	800.00
9/12/2022	TC	Services Review status reports in aid of preparation for September 26, 2022 hearing.	4.00 250.00/hr	1,000.00
	TC	Services Receive and review email from Jim Proctor; forward to Elizabeth Fletcher for guidance.	0.20 250.00/hr	50.00
	EF	Services Receive and review emails from Cecilia Lee and Jim Proctor; email to Jim Proctor regarding strategy related to Reply filed by Kent Robison;	0.30 350.00/hr	105.00

			<u>Hrs/Rate</u>	<u>Amount</u>
		draft and send email to Kent Robison regarding Reply Brief; forward to James Proctor		
9/13/2022	TC	Services Review charts and pleadings related to attorneys' fees in preparation of September 26, 2022 hearing.	2.60 250.00/hr	650.00
9/14/2022	TC	Services Complete review of filings related to attorneys' fees in preparation of September 26, 2022 hearing.	0.60 250.00/hr	150.00
9/15/2022	ED	Services Phone call with Attorney Lee regarding Kent Robison's deadline outlined in his notice as filed with the Court. Draft and send email to Attorney Fletcher, Taryn Ciardella, and Trustee regarding same.	0.10 195.00/hr	19.50
	TC	Services Continue to review filings related to attorneys' fees in preparation of September 26, 2022 hearing.	1.20 250.00/hr	300.00
	EF	Services Receive and respond to emails from Elizabeth Dendary and James Proctor regarding status of briefing	0.20 350.00/hr	70.00
9/19/2022	CL	Services Review emails between the Trustee and our office from week of September 12; confer with Ms. Dendary regarding the threatened "reply" brief from Mr. Robison (9-15); respond to the Trustee's emails as necessary.	0.90 450.00/hr	405.00
	CL	Services Lengthy call with Trustee regarding tax issues and resolution; disposition of remaining property and his visit to Buckhorn Ranch; strategy.	1.00 450.00/hr	450.00
	ED	Services Meet with Attorney Lee; discuss strategy for meeting with Trustee.	0.10 195.00/hr	19.50
9/20/2022	ED	Services Review email from Trustee. Respond with copies of spreadsheets as requested, in advance of meeting.	0.10 195.00/hr	19.50
	ED	Services Prepare printed copies of documents for meeting with Trustee.	0.20 195.00/hr	39.00
	ED	Services Meet with Trustee, Attorney Lee and Taryn Ciardella. Review each spreadsheet analyzing the fees and costs and payments received for (1) Kreitlein Leeder Moss; (2) Maupin Cox Legoy; (3) McDonald Carano; and (4) Robison Sharp Sullivan & Brust. Discuss these fees and costs regarding the Family Trust agreement, amended judgment, and trustees's January 2019 and August 2019 agreements. Discuss strategy for September 26 hearing. Receive additional assignments	2.30 195.00/hr	448.50

		<u>Hrs/Rate</u>	<u>Amount</u>
	regarding same.		
9/20/2022	TC Services Meeting with Jim Proctor, Cecilia Lee, and Liz Dendary to discuss strategy for September 26, 2022 Hearing.	2.10 250.00/hr	525.00
	ED Services Exchange emails with Trustee as follow-up to meeting.	0.10 195.00/hr	NO CHARGE
	CL Services Begin preparation for upcoming hearing. Lengthy meeting with Trustee, Ms. Dendary, Ms. Ciardella regarding the multiple issues surrounding the attorneys' fees; preparation for hearing; strategy.	3.50 450.00/hr	1,575.00
9/21/2022	CL Services Correspond by email with Don Lattin regarding arranging for payment on the stipulation that is pending court approval.	0.25 450.00/hr	112.50
	TC Services Meeting with Jim Proctor and Cecilia Lee.	1.30 250.00/hr	325.00
	TC Services Telephone call to Sheila Mansfield in Judge Hardy's chambers regarding logistics of September 26, 2022 hearing.	0.20 250.00/hr	50.00
	CL Services Meeting with Trustee and Taryn Ciardella regarding information from water rights expert, due diligence on Todd's offer, options for disposition of remaining trust assets; he approves request from Don Lattin for delivery of checks in satisfaction of the stipulation.	1.50 450.00/hr	675.00
	CL Services Follow up with Mr. Lattin regarding my meeting with the Trustee. Draft email to the Trustee with the figures for the checks to Maupin Cox. Draft email to Mr. Lattin regarding the same.	0.30 450.00/hr	135.00
	CL Services Draft email to Kent Robison regarding proposed meeting to discuss Todd's offer to purchase assets.	0.10 450.00/hr	45.00
	CL Services Correspond by email with the Trustee regarding strategy; confer with Ms. Ciardella regarding the same.	0.20 450.00/hr	90.00
9/22/2022	CL Services Review and respond to email from Don Lattin regarding effectuating the parties' stipulation; forward to Trustee.	0.20 450.00/hr	90.00
	CL Services Review email from Kent Robison. Review and respond to emails from the Trustee regarding the meeting with Todd and emails from Jessica Clayton regarding the same. Draft email to Mr. Robison to	0.30 450.00/hr	135.00

			<u>Hrs/Rate</u>	<u>Amount</u>
		confirm the date, time and location of the meeting.		
9/22/2022	CL	Services Review email from Trustee and attached Chase brochure on the Winnemucca Ranch area. Draft email to Trustee in response; recommendations.	0.20 450.00/hr	90.00
	TC	Services Review appraisal comparison spreadsheet in preparation of September 26, 2022 hearing.	0.20 250.00/hr	50.00
	TC	Services Review Trustee's status reports in preparation of September 26, 2022 hearing.	2.00 250.00/hr	500.00
	TC	Services Follow-up telephone call to Sheila Mansfield in Judge Hardy's chambers regarding logistics of September 26, 2022 hearing.	0.10 250.00/hr	25.00
	TC	Services Draft Third Interim Fee Application.	1.30 250.00/hr	325.00
9/23/2022	TC	Services Continue drafting Third Interim Fee Application; email to Cecilia Lee regarding same.	2.30 250.00/hr	575.00
9/26/2022	CL	Services Draft email to Ms. Mansfield with a second copy of the proposed Order granting the stipulation between the Trustee and MCL, with the referenced Exhibit 1 to the order. Review relevant pleadings in preparation for the hearings. Outline arguments. Attend hearings. Confer briefly with the Trustee after the hearings.	6.10 450.00/hr	2,745.00
	CL	Services Confer with Ms. Dendary regarding lack of access to monthly accountings and client's responses to inquiries about the same; instructions on how to proceed.	0.20 450.00/hr	90.00
	ED	Services Attend status hearing and hearing on joint motion for fees. Take detailed notes.	2.10 195.00/hr	409.50
	TC	Services Attend hearing on Joint Motion for Payment of Attorneys' Fees and Trustee's Fourth Status Report.	2.00 250.00/hr	500.00
9/27/2022	ED	Services Meet with Trustee, Attorney Lee, and Taryn Ciardella. Discuss yesterday's hearing and strategy generally.	0.20 195.00/hr	39.00
	CL	Services Review email from the Trustee regarding Todd's proposal; review the documents and spreadsheets attached to email. Meet with the Trustee in preparation for discussion with Todd and Kent Robison.	3.00 450.00/hr	1,350.00

			<u>Hrs/Rate</u>	<u>Amount</u>
		Attend meeting. Confer with the Trustee afterward to discuss strategy; terms of counteroffer.		
9/27/2022	ED	Services Meet with Attorney Lee; discuss meeting with Todd Jaksick and his counsel and strategy for next steps in matter.	0.60 195.00/hr	117.00
	CL	Services Review email from Adam Hosmer-Henner regarding his requests for payment of fees. Draft email to Trustee regarding the same; recommendations. Draft email to counsel in response to Mr. Hosmer-Henner's email.	0.25 450.00/hr	112.50
	CL	Services Confer with Ms. Dendary regarding outcome of meeting with Todd and Kent Robison; discuss tax issues. Draft email to Trustee regarding taxes for Todd's proposal. Correspond further by email with the Trustee regarding the same; additional questions.	0.50 450.00/hr	225.00
	CL	Services Review Todd's reply brief filed yesterday and request for submission. Review court's minutes from the September 26 hearings. Confer with paralegal and law clerk regarding one aspect of the minutes.	0.25 450.00/hr	112.50
	TC	Services Attend hearing on Joint Motion to Award Attorneys' Fees and Trustee's Fourth Interim Status Report.	2.20 250.00/hr	550.00
	CL	Services Review and revise first draft of Third Interim Fee Application.	0.80 450.00/hr	360.00
9/28/2022	CL	Services Review email from Trustee regarding his most recent call with Stan Jaksick.	0.10 450.00/hr	45.00
	CL	Services Review email from Don Lattin and copy of order of indemnification. Draft email in response. Draft email to Trustee regarding follow up on issues from earlier this week.	0.25 450.00/hr	112.50
	CL	Services Telephone call with Don Lattin to discuss further the resolution of payment of attorneys' fees. Draft email to Trustee regarding the same; recommendations and strategy.	0.50 450.00/hr	225.00
9/29/2022	ED	Services Review Attorney Lee's email to Trustee. Review Court's minutes from September 26 hearing. Respond to Attorney Lee's email with copy of my notes from hearing.	0.20 195.00/hr	39.00

		<u>Hrs/Rate</u>	<u>Amount</u>
9/29/2022	CL Services Confer with paralegal and law clerk regarding a transcript from September 26 hearing; instructions to order the transcript.	0.10 450.00/hr	45.00
	ED Services Receive approval and instructions from Attorney Lee. Send email to Litigation Services ordering a copy of the transcript of the September 26 hearing.	0.10 195.00/hr	19.50
For professional services rendered		68.15	\$22,614.50
Additional Charges :			
		<u>Qty/Price</u>	
9/6/2022	ED Advanced Client Costs Sunshine Litigation - Transcript of Status Hearing held August 5, 2021	1 473.80	473.80
Total additional charges			\$473.80
Total amount of this bill			\$23,088.30
Previous balance			\$68,010.70
Balance due			\$91,099.00

Timekeeper Summary			
Name	Hours	Rate	Amount
Cecilia Lee, Esq.	29.85	450.00	\$13,432.50
Elizabeth Dendary, CP	7.60	195.00	\$1,482.00
Elizabeth Dendary, CP	0.10	0.00	\$0.00
Elizabeth Fletcher, Esq.	0.50	350.00	\$175.00
Taryn Ciardella	30.10	250.00	\$7,525.00

EXHIBIT 3

EXHIBIT 3

CODE: 1230
FLETCHER & LEE
Elizabeth Fletcher, Esq.
Nevada Bar No. 10082
Cecilia Lee, Esq.
Nevada Bar No. 3344
448 Ridge Street
Reno, Nevada 89501
Telephone: 775.324.1011
Email: efletcher@fletcherlawgroup.com
Email: clee@fletcherlawgroup.com

Attorneys for Trustee James S. Proctor, CPA, CFE, CVA, CFF

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

In the Matter of the Administration of the
SSJ'S ISSUE TRUST.

Case No. PR17-00445

Dept. No. 15

In the Matter of the Administration of the
SAMUEL S. JAKSICK, JR. FAMILY TRUST.

CONSOLIDATED

Case No. PR17-00446

Dept No. 15

SUMMARY SHEET IN SUPPORT OF
THIRD APPLICATION FOR APPROVAL AND PAYMENT OF
COMPENSATION TO FLETCHER & LEE

ROLE IN THIS CASE: COUNSEL FOR TRUSTEE
JAMES S. PROCTOR, CPA, CFE, CVA, CFF

CURRENT APPLICATION:

Fees requested: \$90,630.00

Hours billed: 161.60 Cecilia Lee, Esq. - \$450.00/hour
.70 Elizabeth Fletcher, Esq. - \$350.00/hour
30.10 Law Clerks - \$250.00/hour
52.00 Paralegals - \$195.00/hour
.10 Paralegals - \$ 0.00/hour

Overall attorney rate: \$449.57/hour
Overall effective rate: \$370.67/hour
Expenses requested: \$477.00

Photocopies	\$.20
Delivery Charges	\$ 3.00
Transcripts	\$ 473.80

PREVIOUS AWARDS OF FEES AND EXPENSES:

There have been two prior awards of compensation to Fletcher & Lee as counsel for the Trustee in this case. On January 5, 2022, the Court entered the Order Granting First Application for Approval and Payment of Compensation to Fletcher & Lee (the “First Fee Order”) whereby Fletcher & Lee was awarded compensation in the amount of \$61,753.50 to be paid by the Family Trust as a first priority obligation along with the Trustee’s fees. The Trustee was authorized to pay Fletcher & Lee an amount that is *in pari passu* with the overall attorneys’ fees billed by and paid to counsel representing the co-trustees through the appointment of the Temporary Trustee in an amount up to 76 percent of Fletcher & Lee’s fees. Id. Pursuant to the First Fee Order, the Trustee paid \$46,932.66 to Fletcher & Lee. The unpaid balance of the professional fees awarded in the First Fee Order is \$14,820.84.

On May 25, 2022, the Court entered the Order Granting Second Application for Approval and Payment of Compensation to Fletcher & Lee (the “Second Fee Order”) whereby Fletcher & Lee was awarded compensation in the amount of \$166,420.85 to be paid by the Family Trust as a first priority obligation along with the Trustee’s fees. The Trustee was further authorized to pay Fletcher & Lee the unpaid balance from the First Fee Order in the amount of \$14,820.84.

EXHIBIT 4

EXHIBIT 4

Fee/Cost Breakdown for FLETCHER LEE
Application for Approval and Payment of Fees and Costs to FLETCHER LEE
Consolidated Case Nos. PR17-00445 and PR17-00446

Fees:

Invoice Date	Fees	Costs	CL/\$450	EF/\$350	TC/\$250	ED/\$0	ED/\$195	JM/\$195
5/31/2022	\$ 21,544.50	\$ 3.20	42.20	0.00	0.00	0.00	10.20	2.90
6/30/2022	\$ 4,302.00	\$ -	8.65	0.00	0.00	0.00	0.00	2.10
7/31/2022	\$ 6,613.00	\$ -	14.15	0.20	0.00	0.00	0.60	0.30
8/31/2022	\$ 35,556.00	\$ -	66.75	0.00	0.00	0.00	28.30	0.00
9/30/2022	\$ 22,614.50	\$ 473.80	29.85	0.50	30.10	0.10	7.60	0.00
TOTAL:	\$ 90,630.00	\$ 477.00	161.60	0.70	30.10	0.10	46.70	5.30

Timekeeper	Hours	Hourly Rate	Fees
CL	161.60	\$ 450.00	\$ 72,720.00
EF	0.70	\$ 350.00	\$ 245.00
TC	30.10	\$ 250.00	\$ 7,525.00
ED	46.70	\$ 195.00	\$ 9,106.50
ED	0.10	\$ -	\$ -
JM	5.30	\$ 195.00	\$ 1,033.50
	244.50	TOTAL:	\$ 90,630.00

Overall Attorney Rate: \$	449.57
Overall Effective Rate: \$	370.67

Costs:

Invoice Date	Copies	Delivery Charges	Transcripts
5/31/2022	\$ 0.20	\$ 3.00	\$ -
6/30/2022	\$ -	\$ -	\$ -
7/31/2022	\$ -	\$ -	\$ -
8/31/2022	\$ -	\$ -	\$ -

EXHIBIT 5

EXHIBIT 5

CODE: 3060

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

In the Matter of the Administration of the
SSJ'S ISSUE TRUST.

In the Matter of the Administration of the
SAMUEL S. JAKSICK, JR. FAMILY TRUST.

Case No. PR17-00445

Dept. No. 15

CONSOLIDATED

Case No. PR17-00446

Dept No. 15

ORDER GRANTING
THIRD APPLICATION FOR APPROVAL AND PAYMENT OF
COMPENSATION TO FLETCHER & LEE

This matter came before the Court on the Third Application for Approval and Payment of Compensation to FLETCHER & LEE (the "Application"), filed by James S. Proctor, CPA, CFE, CVA, CFF, in his capacity as the appointed Trustee of the Jaksick Family Trust (the "Trustee").

The Court considered the Application, any oppositions thereto, and any replies. The Court finds that it has jurisdiction to enter an order granting the Application. The Court finds that notice of the Application was properly served on all parties. The Court finds that the fees incurred on behalf of the Trustee by Fletcher & Lee for the period May 1, 2022, through September 30, 2022

1 in the amount of \$90,630.00 and the expenses in the amount of \$477.00 are reasonable, necessary
2 and beneficial to the Family Trust. The Court finds that cause exists to approve the payment of
3 these fees and costs in full, subject to the Temporary Trustee's discretion, and prior to payment of
4 fees incurred on behalf of the co-trustees prior to the appointment of the Temporary Trustee and
5 in connection with the appeal.

6 WHEREFORE, good cause appearing,

7 IT IS HEREBY ORDERED that the Application is GRANTED and that Fletcher & Lee is
8 awarded compensation in the amount of \$91,107.00, of which \$90,630.00 represents professional
9 services rendered and \$477.00 represents expenses incurred, and the Trustee is authorized to pay
10 the same on behalf of the Family Trust as a first priority obligation along with the Trustee's fees.

11 DATED this _____ day of _____, 2022.

12 **IT IS SO ORDERED.**

13 _____
14 DISTRICT JUDGE

15
16 Submitted by:

17 FLETCHER & LEE

18 /s/ Cecilia Lee, Esq.
19 CECILIA LEE, ESQ.

EXHIBIT B

Adam Hosmer-Henner, Esq. (NSBN 12779)
McDONALD CARANO LLP
100 West Liberty Street, Tenth Floor
Reno, Nevada 89501
(775) 788-2000
ahosmerhenner@mcdonaldcarano.com

Attorney for Stanley Jaksick

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

In the Matter of the Administration of the
SSJ'S ISSUE TRUST,

Case No.: PR17-00445

Dept. No.: 15

CONSOLIDATED

In the Matter of the Administration of the
SAMUEL S. JAKSICK, JR. FAMILY
TRUST.

Case No.: PR17-00446

Dept No.: 15

**RESPONSE TO THIRD INTERIM APPLICATION FOR APPROVAL AND PAYMENT
OF COMPENSATION TO FLETCHER & LEE**

Stanley Jaksick, by and through his counsel, Adam Hosmer-Henner of McDonald Carano, hereby responds to the Third Interim Application for Approval and Payment of Compensation to Fletcher & Lee ("Application").

First, counsel for the Temporary Trustee presented and persuaded the Court to pay fees to their firm on an *in pari passu* basis with each firm owed funds receiving a proportional share of the unpaid balance. The application abandons this principle and now only seeks to obtain payment for the law firm of Fletcher & Lee. There is no basis whatsoever, in statute or in the Trust document, to pay this firm on a higher priority the other firms who have provided services to the Trust. On this basis, Stanley Jaksick objects to any disproportionate and preferential basis to Fletcher & Lee.

Second, the Application seeks \$7,525.00 in fees for Taryn Ciardella. Ms. Ciardella is not identified as an attorney or a paralegal. A review of the State Bar of Nevada website did not identify Ms. Ciardella as a licensed attorney in Nevada. The Trust should not be responsible for

1 the overhead or staffing costs of this law firm as it does not appear that these fees were incurred
2 by a licensed professional.

3 Third, this Court appointed the Temporary Trustee based on his represented skill and
4 expertise in administering trusts. The counsel for the Temporary Trustee was appointed on the
5 same day that an application was made, without briefing or input from any party and without
6 consideration of alternatives or of the relevant skill and experience of counsel. To the extent that
7 the fees for the counsel for the Temporary Trustee are now greatly outstripping the fees for the
8 Temporary Trustee, it is respectfully requested that the Court exercise appropriate supervision of
9 these fees to ensure that the Temporary Trustee and his counsel are performing their appropriate
10 roles in relation to the purposes of their appointments.

11 ***AFFIRMATION PURSUANT TO NRS 239B.030***

12 The undersigned does hereby affirm that the preceding document does not contain the
13 social security number of any person.

14 Dated: December 6, 2022.

15 McDONALD CARANO LLP

16 By: /s/ Adam Hosmer-Henner
17 Adam Hosmer-Henner, Esq. (NSBN 12779)
18 100 West. Liberty Street, Tenth Floor
19 Reno, Nevada 89501
20 (775) 788-2000

21 *Attorney for Stanley Jaksick*
22
23
24
25
26
27
28

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I hereby certify that I am an employee of McDONALD
3 CARANO LLP and that on December 6, 2022, I certify that I electronically filed the foregoing
4 with the Clerk of the Court by using the ECF system which served the following parties
5 electronically:

6 Donald Lattin, Esq.
7 Robert LeGoy, Esq.
8 Brian C. McQuaid, Esq.
9 Carolyn Renner, Esq.
Maupin Cox & LeGoy
4785 Caughlin Parkway
Reno, NV 89519

Kent Robison, Esq.
Therese M. Shanks, Esq.
Robison, Sharp, Sullivan & Brust
71 Washington Street
Reno, NV 89503

10 Mark J. Connot, Esq.
11 Fox Rothschild, LLP
12 1980 Festival Plaza Drive, #700
Las Vegas, NV 89135

Philip L. Kreitlein, Esq.
Kreitlein Law Group, Ltd.
1575 Delucchi Lane, Suite 101
Reno, NV 89502

13 R. Kevin Spencer, Esq.
14 Zachary E. Johnson, Esq.
15 Brendan P. Harvell, Esq.
16 Spencer, Johnson & Harvell, PLLC
500 N. Akard St., Suite 2150
Dallas, TX 75201

17 The following parties have been served by electronic mail:

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23
24 /s/ Caitlin Pagni

25 An Employee of McDonald Carano LLP

26 4886-2153-3999, v. 3
27
28

EXHIBIT C

CODE: 3795
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Attorneys for Temporary Trustee James S. Proctor, CPA, CFE, CVA, CFF

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

In the Matter of the Administration of the
SSJ'S ISSUE TRUST.

Case No. PR17-00445

Dept. No. 15

In the Matter of the Administration of the
SAMUEL S. JAKSICK, JR. FAMILY TRUST.

CONSOLIDATED

Case No. PR17-00446

Dept No. 15

**REPLY TO RESPONSE OF STAN JAKSICK TO
MOTION TO APPROVE PURCHASE AND SALE AGREEMENT AND
TO SELL PERSONAL PROPERTY OF THE TRUST**

James S. Proctor, CPA, CFE, CVA, CFF, in his capacity as the duly appointed Temporary Trustee of the Jaksick Family Trust ("Trustee"), by and through his attorneys of record, Cecilia Lee, Esq. and Elizabeth Fletcher, Esq., Fletcher & Lee, submits this reply to the Response to Motion to Approve Purchase and Sale Agreement and to Sell Personal Property of the Trust ("Response"), filed on behalf of Stan Jaksick ("Stan"). The Trustee submits the following brief, the Reply Declaration of James S. Proctor ("Proctor Reply Declaration"), the Declaration of

1 Randall Venturacci (the “Venturacci Declaration”), and the attached Exhibit 3.¹

2 The evidence submitted with the Motion to Approve Purchase and Sale Agreement and to
3 Sell Personal Property of the Trust (the “Sale Motion”), the Proctor Reply Declaration and the
4 Venturacci Declaration make abundantly clear that the Purchase and Sale Agreement (“PSA”) is
5 not only the most advantageous deal to the Trust - it is the only deal available. The delay Stan
6 appears to seek in his Response is both unnecessary and directly harmful to the Trust. This is so
7 because the Trustee is in the process of preparing a proposal to present to the Court for the payment
8 by year end of a substantial portion of the attorneys’ fees owed to the prior counsel for the former
9 trustees, to Wendy Jaksick’s lawyers in Dallas, and to the attorneys who represented Stan and
10 Todd in their individual capacities in the litigations. That proposal will be steeply discounted in
11 the event the Sale Motion is not granted at the hearing, because the Trustee will have to withhold
12 cash sufficient to maintain and administer the Trust without the sale of the Assets to Todd. Because
13 no other buyers for the Assets have come forth throughout this process, the Trustee has no
14 assurance that the Assets would be sold at any time in the near future. Any delay in disposition of
15 the Sale Motion is thus directly harmful to the Family Trust. Proctor Reply Declaration, ¶ 16.

16 **I. The Unopposed Sale Motion Should Be Granted.**

17 The Sale Motion should be granted in its entirety because (1) it is supported by the
18 Declaration of James S. Proctor (the “Proctor Declaration”), Exhibit 3 to Sale Motion, which
19 overwhelmingly establishes the proper exercise of the Trustee’s business judgment in entering into
20 the PSA; (2) there is no other alternative for the sale of the Assets and any delay to accommodate
21 Stan is harmful to the Trust; and (3) no objection to Sale Motion has been timely filed and served.

22 In its title and content, the Response is not an opposition to the Sale Motion. The Response
23 does not object to a single piece of evidence submitted in support of the Sale Motion. The
24 Response is not supported by any evidence. The Response does not challenge the Trustee’s
25 exercise of his business judgment in submitting the Sale Motion and the PSA. The Response does
26 not challenge a single term of the PSA. Instead, the Response attempts to cast doubt on isolated

27
28 ¹ Capitalized terms have the same meaning as set forth in the Sale Motion.

1 aspects of the Sale Motion – without actually objecting to the Sale Motion – and, in doing so,
2 ignores the overwhelming evidence filed in support of the Sale Motion and the transactions as a
3 whole.

4 The evidence before the Court, to which no party has objected, establishes the propriety of
5 the PSA and granting the Sale Motion. In the absence of any objection, the Sale Motion should
6 be granted and the Response overruled. The Response fails to raise a single point of which Stan
7 was not already fully aware or that the Trustee has not already considered and addressed. The
8 Response seeks delay, which is contrary to the interests of the Trust.

9 **II. The Process to Approve the Sale Motion is Appropriate.**

10 Stan's first contention is that the process by which the Trustee has asked the Court to
11 approve the Sale Motion is wrong because it is not the same as that employed in the Toiyabe
12 Investment Co. ("TIC") transaction. There is no reason the two processes should be the same,
13 particularly where the two transactions are dissimilar in almost every respect. Stan – a party to the
14 TIC transaction - knows this. The TIC transaction involved the Trust's indirect ownership in real
15 property, which was owned by Montreux Development Group, LLC, an entity Stan controlled.²
16 The real property was located in the Montreux residential development, a high-end residential area
17 located in Reno with fully developed infrastructure such as roads, water, sewer and utilities. The
18 current Sale Motion involves interests in entities that own real property located in rural northern
19 Washoe County, the largest of which is Buckhorn Land & Livestock, Co. (also an entity in which
20 Stan owns a 20 percent membership). Buckhorn has inadequate roads, no utilities and no prospect
21 of acquiring these benefits without the expenditure of tens of millions of dollars. Proctor
22 Declaration, Exhibit 1 to Sale Motion, p. 3, ¶ 13. Although Buckhorn is in the sphere of influence
23 of the City of Reno, there is no guarantee that property located approximately 40 miles north of

24
25 ² At page 4 of the Response, Stan harkens back to the Petition for Appointment of Custodian the
26 Trustee was forced to file in early 2022 to wrest control of Montreux Development Group from
27 Stan, who refused to proceed with the TIC transaction unless the Trustee agreed to such onerous
28 terms as paying all of Stan's taxes. The Court is amply aware of these circumstances, including
the Trustee's need for a Court order compelling Stan to provide information about TIC and
Montreux Development and the \$3 million proceeds of sale of real property Stan had previously
unaccounted for. No such circumstances exist in the current Sale Motion.

1 Reno would be incorporated into the City and approved for development. Proctor Reply
2 Declaration, ¶ 3. Stan ignores the evidence that any buyer would be required to invest close to one
3 hundred million dollars in infrastructure in order to develop land in the form of roads, power, and
4 sewer. Id. Stan ignores the evidence of limitations of the underlying water rights. Id.; Declaration
5 of Cecilia Lee, Exhibit 7 to Sale Motion. Stan ignores the effect of the conservation easements
6 encumbering property owned by Buckhorn and by White Pine that limit the use of the real
7 property. Proctor Declaration, p. 2, ¶ 12.

8 Although the Trustee requested that the TIC transaction be subject to overbids, the detailed
9 overbid procedure that was utilized in the TIC transaction for qualification of bidders and bid
10 increases, as set forth in the Notice of Hearing on Motion to Approve Purchase and Sale
11 Agreements, To Sell Personal Property of the Trust and Notice of Bidding Procedures, filed with
12 the Court on March 28, 2022, was required by the purchaser. Proctor Reply Declaration. The
13 PSA at issue here is also subject to overbid, just without the detailed procedures the purchaser
14 required in the TIC transaction. PSA, ¶ 4(a), Exhibit 1 to Sale Motion. Even the Order Shortening
15 Time on the pending Sale Motion was vastly different from the TIC transaction, where the sale
16 motion was filed on March 25, 2022, just one week before the hearing and the order shortening
17 time was entered on March 28, 2022, a mere four days before the April 1, 2022 hearing. Here, the
18 Order Shortening Time gave parties in interest *more* than the 14 days' notice provided by Local
19 Rule, by extending the opposition due date from December 2, 2022 to December 6, 2022 and
20 setting a hearing 20 days after the Sale Motion was filed.

21 The Response also questions whether the assets at issue were marketed for sale, but Stan
22 already has the answer from the Sale Motion. The Trustee plainly testified that there are no other
23 buyers who have expressed interest in buying the Trust's membership interests and stock. Proctor
24 Declaration, p. 2, ¶ 10.

25 The Response asserts that no information has been provided regarding valuation of the
26 underlying real property, but this is disingenuous because Stan already has all of this information.
27 The most recent Financial Statements prepared by Kevin Riley dated as of February 26, 2021
28 repeatedly refer to two valuations of all of the real property in Washoe County in which the Trust

1 has an indirect interest – including both the Montreux lots and the agricultural land owned by the
2 four entities being sold in the current PSA. These valuations were prepared by Lee Smith and by
3 Dan Leck. Indisputably, Stan has had those two valuations at least since the negotiation of the
4 TIC transaction. Proctor Reply Declaration, ¶ 13.

5 Stan should not be heard to complain that the Sale Motion did not provide him with a copy
6 of the Smith and Leck appraisals that were already in his possession. In the unlikely event Stan
7 forgot that he had these documents, he could have simply asked for them, as did his niece, Alexi
8 Fields. Upon receipt of inquiries about the Sale Motion from Ms. Fields, the Trustee transmitted
9 to her the Leck and Smith appraisals on November 30, 2022. He followed up with an Appraisal
10 Comparison and analysis in an email dated December 5, 2022, a copy of which is attached hereto
11 with the referenced attachments as Exhibit 3. Proctor Reply Declaration. Ms. Fields did not file
12 an objection to the Sale Motion.

13 **III. Duck Flat and BBB Values Reported on Financial Statements Do Not Reflect**
14 **Minority or Marketability Discounts.**

15 Stan next observes that the allocation of the Purchase Price in the PSA for the Duck Flat
16 and BBB memberships differs from what is reflected in the most recent Financial Statements.
17 Significantly, the Financial Statements do not reflect appropriate discounts for minority
18 memberships or for lack of marketability, which are explained at length in the Trustee's Second
19 Status Report filed on July 28, 2021. Proctor Reply Declaration, ¶ 12; Exhibit 3 to the Reply.
20 Again, if Stan did not understand the contents of the Financial Statements or the application of the
21 discounts, all he had to do was take Ms. Fields' lead and ask.

22 **IV. White Pine's Account Payable to the Trust is Properly Reflected in the PSA.**

23 Stan correctly observes that White Pine owes the Family Trust \$750,000 from a loan the
24 Family Trust made. Response, pp. 3-4. This debt is appropriately addressed in the PSA, which
25 provides:

26 Seller will convert any and all debt owed by White Pine to the
27 Family Trust to capital prior to the Closing Date to minimize to the
28 greatest extent possible any potential tax consequences to either
Party.

1 Exhibit 3 to Sale Motion, ¶ 3. The conversion of debt to equity increases the Trust's basis in the
2 White Pine stock for appropriate tax advantage to the Trust. Otherwise, the Trust may be subject
3 to forgiveness of indebtedness income tax on what is an uncollectible debt from White Pine. White
4 Pine is reflected on the Trust's February 26, 2021 Financial Statements with a value of zero
5 because the liabilities exceed the liquidation value of the assets. Proctor Reply Declaration, ¶ 12;
6 Note 4 (pdf p. 24) on the Trust's February 26, 2021 Financial Statements.

7 **V. Buckhorn's Allocated Price is Appropriate.**

8 In the January 31, 2019 Settlement Agreement, Stan gave Todd an option to purchase
9 Stan's 20 percent membership in Buckhorn for \$1,050,000. Stan fails to mention that this option
10 is referred to on page 2 of the Recitals to the PSA and, even more importantly, that the Settlement
11 Agreement provides for payment of the option price by 2025. Response, p. 4. While the grant of
12 the option is some indication of value, it is not an arithmetic calculation for the value of Trust's 25
13 percent membership in Buckhorn for several reasons. The option was negotiated in 2019 and
14 payable over six years, in contrast to the PSA which was negotiated in 2022 and will be
15 consummated no later than six months from date of approval in 2023. The option could not reflect
16 the current economic or other conditions that did not exist in 2019. It was negotiated as part of a
17 larger settlement between the brothers, the terms of which included transfers of assets between
18 them and assumption of liabilities by the Trust. The Trustee was not a party to the Settlement
19 Agreement.

20 Undeterred by these realities, Stan complains that the Trustee explains the difference
21 between Stan's option price and the allocated purchase price for the Trust's membership with a
22 marketability discount. Response, p. 4. Once again, Stan ignores all of the factors outlined in the
23 Proctor Declaration that bear on the marketability of a minority interest in agricultural land in
24 northern Washoe County that is without good access roads, without utilities, without adequate
25 water, and that is subject to perpetual conservation easements that drastically affect use. Taken as
26 a whole, the evidence before the Court more than adequately establishes the allocated purchase
27 price for the Trust's membership in Buckhorn.

28 Finally, the Trustee fully vetted the listing prices for the Buckhorn property by Drakulich

1 Commercial Properties and by Chase Johnson. Neither firm considered such crucial factors as the
2 perpetual conservation easements recorded against some of Buckhorn's property, the cost of
3 necessary infrastructure, the lack of available water or the Smith or Leck appraisals. No buyer for
4 Buckhorn's property has come forward at any price, much less in the ranges of what the realtors
5 included in brochures or PowerPoint presentations. Proctor Reply Declaration, ¶ 4-8.

6 **VI. Conclusion**

7 The Sale Motion presents the only prospect for a sale of the Assets. Delay in entry of an
8 order approving the Sale Motion accomplishes nothing of value for the Trust and, instead, directly
9 harms the Trust. The Trustee respectfully asks the Court to grant the Sale Motion in its entirety.

10 **AFFIRMATION**

11 **Pursuant to NRS 239B.030**

12 The undersigned does hereby affirm that the preceding document does not contain the
13 personal information of any person.

14 DATED this 7th day of December, 2022.

15 FLETCHER & LEE

16 /s/ Cecilia Lee, Esq.
17 CECILIA LEE, ESQ.

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCp 5(b), I certify under penalty of perjury that I am an employee of Fletcher
3 & Lee, 448 Ridge Street, Reno, Nevada 89501, and that on this 7th day of December, 2022, I
4 served the Reply to Response of Stan Jaksick to Motion to Approve Purchase and Sale Agreement
5 and to Sell Personal Property of the Trust on the parties set forth below by:

6 X Service by electronic mail:

7 DONALD ALBERT LATTIN, ESQ. for MICHAEL S. KIMMEL, KEVIN RILEY,
TODD B. JAKSICK
8 KENT RICHARD ROBISON, ESQ. for SAMMY SUPERCUB, LLC, SERIES A,
DUCK LAKE RANCH LLC, TODD B. JAKSICK, INCLINE TSS, LTD.
9 HANNAH E. WINSTON, ESQ. for SAMMY SUPERCUB, LLC, SERIES A,
DUCK LAKE RANCH LLC, TODD B. JAKSICK, INCLINE TSS, LTD.
10 MARK J. CONNOT, ESQ. for WENDY A. JAKSICK
JAMES PROCTOR
11 ADAM HOSMER-HENNER, ESQ. for STANLEY JAKSICK
PHILIP L. KREITLEIN, ESQ. for STANLEY JAKSICK, SAMUEL S. JAKSICK,
12 JR. FAMILY TRUST
JOHN A. COLLIER, ESQ. for LUKE JAKSICK
13 CAROLYN K. RENNER, ESQ. for MICHAEL S. KIMMEL, KEVIN RILEY,
TODD B. JAKSICK
14 STEPHEN C. MOSS, ESQ. for STANLEY JAKSICK, SAMUEL S. JAKSICK,
JR. FAMILY TRUST
15 SARAH FERGUSON, ESQ. for STANLEY JAKSICK, SSJ'S ISSUE TRUST,
SAMUEL S. JAKSICK, JR. FAMILY TRUST

16 X Service by electronic mail:

17 ZACHARY JOHNSON, ESQ. for WENDY A. JAKSICK –
18 zach@dallasprobate.com
R. KEVIN SPENCER, ESQ. for WENDY A. JAKSICK –
19 kevin@dallasprobate.com
ALEXI JAKSICK FIELDS – alexifields@yahoo.com
20 RANDALL VENTURACCI – rlv52@hotmail.com

21 A copy of this Certificate of Service has been electronically served to all parties or their
22 lawyer. This document does not contain the personal information of any person as defined by
23 NRS 603A.040.

24
25 /s/ Elizabeth Dendary, CP
26 ELIZABETH DENDARY, CP
27 Certified Paralegal
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INDEX OF EXHIBITS

Exhibit	Description	Number of Pages
1	Reply Declaration of James S. Proctor	4 pages
2	Declaration of Randall Venturacci	3 pages
3	Email dated December 5, 2022 from James S. Proctor to Alexi Fields, with attachments	16 pages

EXHIBIT 1

EXHIBIT 1

CODE: 1520
FLETCHER & LEE
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Attorneys for Temporary Trustee James S. Proctor, CPA, CFE, CVA, CFF

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

In the Matter of the Administration of the
SSJ'S ISSUE TRUST.

Case No. PR17-00445

Dept. No. 15

In the Matter of the Administration of the
SAMUEL S. JAKSICK, JR. FAMILY TRUST.

CONSOLIDATED

Case No. PR17-00446

Dept No. 15

DECLARATION OF JAMES S. PROCTOR

I, James S. Proctor, being first duly sworn, do hereby depose and say:

1. I am over the age of 18 years, am mentally competent and have personal knowledge of the matters set forth in this declaration. If called upon as a witness, I could and would competently testify to these matters. I make this declaration in support of the Reply in Support of Motion to Approve Purchase and Sale Agreement and to Sell Personal Property of the Trust ("Reply"). All capitalized terms in this declaration shall have the same meaning as set forth in the Reply.

2. I am the duly appointed Temporary Trustee of the Jaksick Family Trust.

3. The real property at issue in the Toiyabe Investment Co. ("TIC") sale included a

1 remote interest in approximately 32 or 33 developable custom, high-end residential lots in
2 Montreux, a private golf course community, located between Reno and Lake Tahoe. This property
3 was owned by Montreux Development Group, LLC, which was owned by TIC with an
4 approximate 96 percent membership and by Stan Jaksick (“Stan”) for an approximate 4 percent
5 membership and for which Stan was the manager. This is vastly different from the remote land at
6 issue in the current Sale Motion, which lacks infrastructure and I have been told would cost close
7 to one hundred million dollars or more to develop in the form of roads, power, sewer and water.
8 Although Buckhorn is in the sphere of influence of the City of Reno, there is no guarantee that
9 property located approximately 40 miles outside of Reno would be incorporated into the City and
10 approved for development.

11 4. As part of my due diligence, I spoke with Arlo Stockham about the Assets, who
12 informed me that he has a long history of involvement in the Jaksick family interests. I also spoke
13 with two realtors who put together materials relating to Buckhorn. First, Drakulich Commercial
14 Properties prepared a PowerPoint presentation that reflected a listing price of \$15 million.
15 Drakulich Commercial Properties represented to me that they have had a lengthy history with the
16 Jaksick Family.

17 5. I also spoke with Chase Johnson, who prepared two brochures – one had a listing
18 price of \$17.2 million and the second had a listing price of \$25 million. Chase met with Randy
19 Venturacci and Stan Jaksick and had an off-market approach with no basis for the valuation.

20 6. Neither set of materials contained a formal analysis of the development costs.
21 Neither evaluated the infrastructure or any effect of the conservation easements. Neither
22 considered the lack of availability of water. Further, neither was aware of the real estate appraisals
23 of property performed by Lee Smith and by Dan Leck.

24 7. Chase continued to correspond with Stan regarding Buckhorn through August
25 2022; however, no buyer for the property has been identified.

26 8. When I told Brian Drakulich of Drakulich Commercial Properties the value of \$25
27 million on one of the Chase brochures, he immediately commented that he did not think that
28 number was reasonable. Brian Drakulich further commented that the buyer had to be someone

1 substantial who would buy and hold it.

2 9. The current market, including higher interest rates, costs of development, the
3 ongoing litigation, and the water rights issues are aspects that affect the land's marketability and
4 listing price.

5 10. The sale price of the Trust's interest in the Assets includes Discounts for Lack of
6 Control ("DLOC," minority interest), and Discounts for Lack of Marketability ("DLOM"). These
7 discounts are customary and must be considered as part of any valuation of closely held entities. A
8 discussion of discounts was included in the Trustee's First Status Report filed July 28, 2021, which
9 is incorporated fully herein by reference. The relevant portion of my First Status Report is attached
10 to the Reply To Response Of Stan Jaksick To Motion To Approve Purchase And Sale Agreement
11 And To Sell Personal Property Of The Trust (the "Reply") as part of Exhibit 3.

12 11. As a point of reference, the Trust's ownership position in Toiyabe Investment
13 Company, a subchapter S corporation, was sold with a combined discount of approximately 40%.

14 12. The minority ownership that the Trust holds in Buckhorn, BBB and Duck Flat is
15 subject to discount for DLOC & DLOM, and again is customary in sales of closely held business
16 entities. This is similar to what happened with the sale of the Trust's ownership in Toiyabe
17 Investment Company. The Financial Statements for the Family Trust report undiscounted values
18 for BBB and Duck Flat based on information supplied by the former trustees. The conversion of
19 White Pine's debt to the Family Trust of \$750,000 to equity increases the Trust's basis in the White
20 Pine stock for appropriate tax advantage to the Trust. Otherwise, the Trust may be subject to
21 forgiveness of indebtedness income tax on what is an uncollectible debt from White Pine. White
22 Pine is reflected at Note 4 (pdf p. 24) on the Trust's February 26, 2021 Financial Statements with
23 a value of zero because the liabilities exceed the liquidation value of the assets.

24 13. Stanley Jaksick is in possession of the Lee Smith and Dan Leck appraisals of the
25 properties in which the Trust held and holds a remote interest, as he relied heavily on them
26 throughout the negotiations of the sale of the Trust's interest in Toiyabe Investment Co. Each
27 appraisal was of the lots in Montreux and the agricultural land located in northern Washoe County,
28 some of which is owned by Buckhorn, BBB, Duck Flat and by White Pine.

14. Although I requested that the TIC transaction be subject to overbids, the detailed overbid procedure that was utilized in the TIC transaction for qualification of bidders and bid increases, as set forth in the Notice of Hearing on Motion to Approve Purchase and Sale Agreements, To Sell Personal Property of the Trust and Notice of Bidding Procedures, filed with the Court on March 28, 2022, was required by the purchaser.

15. My counsel and I received inquiry from Alexi Fields, the daughter of Wendy Jaksick, about the Sale Motion. We attempted to engage in a conference call with her, which she cancelled due to time constraints at her job. I therefore sent her documents, including the Leck and Smith appraisals on November 30, 2022. I followed up with her by email dated December 5, 2022 with an Appraisal Comparison and analysis and information about minority discounts and marketability discounts. A true and correct copy of my December 5, 2022 email to Ms. Fields and the referenced attachments is attached to the Reply as Exhibit 3.

16. Based on my consultation with Kevin Riley, CPA, I am in the process of preparing a proposal to present to the Court for the payment of attorneys' fees owed to the prior counsel for the former trustees, to Wendy Jaksick's lawyers in Dallas, and to the attorneys who represented Stan and Todd in their individual capacities in the litigations. That proposal will be steeply discounted in the event the Sale Motion is not granted at the hearing, because I will have to withhold cash sufficient to maintain and administer the Trust without the sale of the Assets to Todd. Because no other buyers for the Assets have come forth throughout this process, I have no assurance that the Assets would be sold at any time in the near future. Any delay in disposition of the Sale Motion is thus directly harmful to the Family Trust.

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

DATED this 7th day of December, 2022.

/s/ James S. Proctor
JAMES S. PROCTOR

EXHIBIT 2

EXHIBIT 2

1 CODE: 1520
2 FLETCHER & LEE
3 Elizabeth Fletcher, Esq.
4 Nevada Bar No. 10082
5 Cecilia Lee, Esq.
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7 448 Ridge Street
8 Reno, Nevada 89501
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10 Email: efletcher@fletcherlawgroup.com
11 Email: clee@fletcherlawgroup.com
12 Attorneys for Trustee James S. Proctor, CPA, CFE, CVA, CFF

13 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
14
15 IN AND FOR THE COUNTY OF WASHOE

16 In the Matter of the Administration of the	Case No. PR17-00445
17 SSJ'S ISSUE TRUST.	Dept. No. 15
18 In the Matter of the Administration of the	CONSOLIDATED
19 SAMUEL S. JAKSICK, JR. FAMILY TRUST.	Case No. PR17-00446
	Dept No. 15

20 **DECLARATION OF RANDALL VENTURACCI.**

21 I, Randall Venturacci, do hereby depose and say under the applicable penalties of perjury:

22 1. I am over the age of 18 years, am mentally competent and have personal knowledge
23 of the matters set forth in this declaration. If called upon as a witness, I could and would
24 competently testify to these matters. I make this declaration in support of the Reply to Opposition
25 to Motion to Approve Purchase and Sale Agreement and to Sell Personal Property of the Trust
26 ("Reply"). All capitalized terms in this declaration shall have the same meaning as set forth in the
27 Motion to Approve Purchase and Sale Agreement and to Sell Personal Property of the Trust
28 ("Motion").

2. Along with Todd Jaksick ("Todd") and Stan Jaksick, I am a co-manager of

1 Buckhorn Land & Livestock, LLC ("Buckhorn"). I have been a 25 percent member of Buckhorn
2 for seventeen years.

3 3. Approximately one year ago, Todd and I met in person with six national and local
4 developers to discuss the development and potential sale of Buckhorn. Stan Jaksick and I met with
5 a local real estate firm who supposedly had an interested party. We did not receive a single call
6 back from any of these meetings except for the real estate firm who wanted to list the property for
7 sale. I shared this information with Trustee James Proctor.

8 4. The real property owned by Buckhorn is accessible by roads that are not in good
9 condition and that Washoe County does not maintain. There is inadequate water for any
10 development, and water would need to be purchased and imported to support development. The
11 property lacks power, a sewer treatment facility and gas. The cost of building infrastructure would
12 be in the tens of millions of dollars and would take several decades. In order to develop and have
13 access to the property, a road from U.S. Highway 395 near Doyle, California would need to be
14 built. No such project has been announced.

15 5. Todd and I have also talked to individuals about purchasing the Family Trust's 25
16 percent membership in Buckhorn. Not a single person has expressed any interest. I shared this
17 information with Trustee Proctor.

18 6. Buckhorn owns approximately 7,000 acres of ranch land in northern Washoe
19 County, against which two Warranty Easement Deeds have been recorded in favor of Acquiring
20 Agency Natural Resources Conservation Service (NRCS), United States Department of
21 Agriculture, on behalf of Grantee United States Of America, by and through the Commodity Credit
22 Corporation.

23 7. These are conservation easements that NCRS is currently interpreting as requiring
24 its approval for any use of water at Buckhorn, including any use on the 6,300 acres that are not
25 subject to the easements. This has drastically affected our ability to build wells, improve
26 reservoirs, even if the proposed use is miles away from the 700 acres on which the easements are
27 recorded. This current restrictive interpretation affects any development of the ranch, including
28 as a cattle grazing enterprise. Because the NCRS is requiring that we cut back on cattle grazing,

1 existing meadows are becoming overgrown and are being negatively affected. NCRS has made
2 its current position apparent in multiple meetings I have attended with its personnel. Todd has
3 attended many of these meetings; co-member Stan Jaksick has attended less than a dozen. I have
4 been informed that if Buckhorn were to sue NCRS, the landowner may be liable for the
5 government's legal fees as well as its own.

6 8. I believe the price Todd has offered to pay for the Family Trust's 25 percent
7 membership in Buckhorn is inflated. My interest in Buckhorn is to be involved in ranching and to
8 have access to the outdoor activities that are available at the ranch – hunting, fishing, camping and
9 the like. The deal that is presently before the Court includes my participation with Todd to
10 purchase the Buckhorn membership. If the Court does not approve this proposal, I will not
11 participate further at this price and any future price that I would be interested in will be
12 significantly discounted, at least up to 50 percent.

13 I declare under penalty of perjury that the foregoing is true and correct.

14 DATED this 7th day of December, 2022.

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17 RANDALL VENTURACCI
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EXHIBIT 3

EXHIBIT 3

Elizabeth Dendary

Subject: FW: Additional recap
Attachments: Appraisal Comparison.pdf; 1st Status discount excerpts.pdf

From: James S Proctor <jsp@madvantage.com>
Sent: Monday, December 5, 2022 12:33 PM
To: alexifields@yahoo.com
Cc: Cecilia Lee <clee@fletcherlawgroup.com>
Subject: Additional recap

Dear Ms. Fields,

In addition to the two appraisals that I previously sent you, attached please find a recap of the two appraisals. You will note that the comparison is before discounts applied to valuations for Discounts for Lack of Control (DLOC, minority interest), and Discount for Lack of Marketability (DLOM). These discounts are customary and must be considered as part of any valuation of closely held entities. I have included as attachments to this email the discussion of discounts that were included in the Trustee's First Status Report to the Court in July 2021. It should be noted that the two appraisals were prepared by two different appraisers whose approaches may have differed.

As a point of reference, the Trust's ownership position in Toiyabe Investment Company (TIC, an S corporation) was sold with a combined discount of approximately 40%. In the event you are not aware, TIC was owned 50% by the Trust (your uncle Stan owned the other 50%) and that entity (TIC) owned 95.06% interest in Montreux Development Group (MXDG) which owned lots in the Montreux area. The minority ownership that the Trust holds in the entities is subject to discount for DLOC & DLOM, and again is customary in sales of closely held business entities. This is similarly what happened with the sale of the Trust's ownership in TIC. The TIC interest was sold after Court approval in April 2022.

If you determine that you need to discuss this or have questions and need to schedule a telephone conference with Ms. Lee and myself, please let us know.

Sincerely,

Jim Proctor, CPA, CFE, CFF
CVA (Emeritus)
jsp@MAdvantage.com
Meridian Advantage
Forensic Accounting-Litigation Support-Exit Planning
PO Box 1469
Reno, NV. 89505
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*Please note the
address has changed*

*Meridian Adv
PO Box 1469
Reno, NV 89505*

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Samuel S. Jaksick, Jr. Family Trust Appraisal Comparison

Property Description	Acres	Parcel Number	% of Ownership	Appraised Value				Effective Date of Appraisal		Legal Owner
				Lee B. Smith	Value based on Ownership %	Daniel A. Leck & Associates	Value based on Ownership %	Lee B. Smith	Daniel A. Leck & Associates	
Grazing parcel 9 miles west of Eagleville, California	155.640	066-170-08 *	Sold	\$ 58,000		\$ 58,000		4/23/2020	4/23/2020	SJ Ranch, LLC
Duck Flat, Northern Washoe County	120.000	066-070-38	49%	\$ 34,000	\$ 16,660	\$ 60,000	\$ 29,400	4/23/2020	4/23/2020	Duck Flat Ranch, LLC 50% & Estell Ranches 50%
Duck Flat, Northern Washoe County	80.000	066-090-25	49%	\$ 32,000	\$ 15,680	\$ 48,000	\$ 23,520	4/23/2020	4/23/2020	Duck Flat Ranch, LLC
Chester Lyons Spring, Northern Washoe County	40.000	066-180-16	49%	\$ 16,000	\$ 7,840	\$ 16,000	\$ 7,840	4/23/2020	4/23/2020	Duck Flat Ranch, LLC
Winnemucca Ranch	6,999.610	108 parcels	25%	\$ 1,720,000	\$ 430,000	\$ 4,000,000	\$ 1,000,000	4/2/2020	4/2/2020	Buckhorn Land and Livestock, LLC
East Alluvial of the Granite Mountain Range	160.000	071-211-68	49%	\$ 125,000	\$ 61,250	\$ 160,000	\$ 78,400	4/23/2020	4/23/2020	BBB Investments, LLC
Duck Flat, Washoe County	3,431.010	13 parcels	100%	\$ 330,000	\$ 330,000	\$ 800,000	\$ 800,000	4/23/2020	4/23/2020	White Pine Lumber Company
Appraised values before any discounts for DLOM or DLOC				\$ 2,257,000	\$ 861,430	\$ 5,084,000	\$ 1,939,160			

* sold before appointment of Temporary Trustee

It should be noted that additional time is needed for analysis of the related party transactions to ensure that they have been adequately recorded on both parties' general ledgers. Of note is the presence of significant liabilities owed by entities that the trust has total equity interest and that the related liabilities to those entities drive valuations lower when in fact the Trust would simply be paying itself. It is believed that some of those liabilities should be eliminated in order to obtain a more relevant valuation.

NORTHERN WASHOE COUNTY INVESTMENTS:

As outlined above there are other entities, primarily located in northern Washoe County that are reported as Trust assets. Among them are: Buckhorn Land & Livestock, Duck Flat Ranch, LLC, Basecamp, LLC, Gerlach Green Energy LLC, SJ Ranch LLC, BBB Investments, LLC, and possible others. I refer to these as Northern Washoe County Investments. As outlined, the Trust's ownership interests in some entities are partial interests. Some of the entities have outstanding capital calls that need to be analyzed further. The underlying real property assets have been appraised, but any mineral rights, easements and water rights have not been considered. To do so could be significantly expensive. I haven't researched the costs of water rights valuation work, but based upon past experience it has been expensive and the results in a report can take months to complete, and sometimes depends upon the cooperation of the State's Water Commissioner's Office. The value may be in those types of intangible assets rather than just the underlying land values. There has been limited analysis, and additional analysis is necessary. However, regardless of the analyses, it may be that the parties, and or the Court needs to decide whether to continue with additional analysis and incurring high professional fees to value the intangible assets in those entities.

I understand the Trust is a Co-Borrower on American Ag Credit debt. Other Co-Borrowers are some of the aforementioned entities. An approximate \$126,000 payment is due in September 2021. The 2020 payment was not paid. The Trust is exploring options to either pay the obligation, partially pay the obligation or not pay the obligation. This is continuing.

PURCHASE OFFER

In May 2021, the Trustee received an offer to purchase a 50% interest in the Toiyabe Investment Co. (Toiyabe) for \$2,038,000. This entity, in turn, owns 95.6% of Montreux Development Group (MXDG) which in turn owns approximately 32 or 33 developable custom, high-end residential lots in Montreux, a private golf course community, located between Reno and Lake Tahoe.

Stan has estimated the value of Toiyabe at \$2.5 million while Todd has estimated the value at \$3.5 million. An independent appraisal performed by Daniel Leck, MAI, appraises the lot values owned by MXDG as of October 28, 2020, at \$7.22 Million.

Some of the law firms involved in this matter represent developers or those in the industry. It would be appropriate for the firms to contact potential purchasers and refer them to the Trustee.

This Status Report is not intended to discuss the Purchase Offer; only to inform the parties to the existence of such. After a hearing on the Trustee's Motion to Set Hearing and Motion for Instructions – Property Sale, and the Court determines as to how the Trustee is to proceed, further

information on the Purchase Offer, and any others will be forthcoming, including, but not limited to solicitations, marketing, discounts, overbid process and qualified buyers.

It should be reiterated that the value of a 50% ownership interest in Toiyabe is not as a controlling interest; a 50% interest lacks certain control prerogatives, including (**Appendix A**):

- Election of officers and directors
- Policy and strategy changes.
- Management compensation decisions.
- Disposition/acquisition of assets.
- Capital structure actions.
- Dividend/ distribution policy.
- Operating Agreement or Bylaw or Partnership (LLC) Agreement revisions.

Consequently, any valuation of Toiyabe needs be as a minority interest, based upon lack of control. A willing buyer contemplating the purchase of a minority interest investment from a willing seller would consider these disadvantages arising from a lack of control. Therefore, regardless of a company's entity value on a control basis, one would not expect a willing buyer to purchase a minority interest investment except at a discount from its pro-rata share of the company's overall entity value.

The same willing buyer of a minority interest would also give consideration to the distribution of the company's remaining ownership interest. An investor would be expected to place a relatively higher value on a minority interest in a company that has no single controlling shareholder, and a relatively lower value on the identical minority interest in a company with a single shareholder who controls a voting majority of the company's shares. Toiyabe's other owner is Stan.

Therefore, a minority discount needs to be considered when valuing the Toiyabe purchase offer.

In addition to lack of control there is also a distinct lack of marketability (**Appendix B**). The concept of marketability deals with the liquidity of an asset; in other words, how quickly and with what certainty the asset can be converted into cash at the owner's discretion. Investors prefer liquidity. An investment is worth more if it is readily marketable.

A discount for lack of marketability is distinct and separate from a minority interest discount. A minority interest discount is measured in terms of the relative degree of control a minority owner has over the operation of the company, whereas marketability deals with the liquidity of an ownership interest, or how quickly and easily it can be converted to cash. Control and marketability concepts are related in a way. After discounting a minority interest for its lack of control, it is still usually much harder to sell a minority interest than to sell a controlling interest in a closely held business.

Consequently, in addition to the lack of control discount, there should be the additional discount for lack of marketability when evaluating the value of the 50% interest in Toiyabe.

CONCLUSION

Because of the short time period of the Trusteeship thus far, this Report is preliminary and in accordance with the Order, subsequent reports will be filed with the Court to further inform it of the progress and status. The Trustee may seek additional direction from the Court when a more accurate and relevant valuation of the Trust's ownership interests has been determined. The Trustee is continuing to identify questions and areas of concern, and perform analysis.

This report is limited due to the financial condition of the Trust. A decision needs be made as to whether the parties want to incur the additional fees and costs for additional analyses and to consider the length of time to complete such.

In order to limit the costs and fees of the Trusteeship this First Status Report is abridged and abbreviated, but the Trustee is available to the Court for any additional questions or comments. The Trustee will continue to inform the Court as to the progress and status of the Trusteeship.

Respectfully Submitted,
MERIDIAN ADVANTAGE



James S. Proctor, CPA, CFE, CVA, CFF
As Temporary Trustee for the Samuel S. Jaksick, Jr Family Trust

July 26, 2021

JAMES S. PROCTOR, CPA, CFE, CVA, CFF
MERIDIAN ADVANTAGE

EDUCATION & CERTIFICATIONS

BS, University of Nevada, Reno
CPA, Certified Public Accountant in Nevada
CFE, Certified Fraud Examiner
CVA, Certified Valuation Analyst
CFF, Certified in Financial Forensics

EXPERIENCE

Mr. Proctor has over 30 years of business consulting and litigation related experience. He is the former managing partner of a long-time Reno, Nevada Certified Public Accounting firm where, in addition to business consulting, tax and financial statement related services, he performed many litigation support services. These services included forensic accounting investigations, divorce analysis, expert witness testimony, court appointed examiner, court appointed receiver, and business valuation assignments. Mr. Proctor also served as a United States Bankruptcy Trustee where he administered bankruptcy cases under Chapter 11 and Chapter 7. He has operated businesses in financial distress as a trustee, searched for hidden assets, investigated fraudulent transfers, preferential transfers, and testified accordingly when called upon. He also has directed and conducted debtor examinations. Jim has worked in the gaming industry and has in depth knowledge of gaming operations. Early in his career he worked with the international accounting firm of Grant Thornton. Jim has also been active in the Nevada Society of CPAs, has served as the Chairman of the Professional Ethics Committee, and has received the Outstanding Community Service Award.

In addition to his **CPA** certification, Mr. Proctor is a Certified Fraud Examiner (**CFE**), Certified Valuation Analyst (**CVA**) and Certified in Financial Forensics (**CFF**).

PROFESSIONAL ASSOCIATIONS

American Institute of Certified Public Accountants
Nevada Society of Certified Public Accountants
Association of Certified Fraud Examiners, lifetime member
National Association of Certified Valuation Analysts
Northern Nevada Chapter of the ACFE
Washoe County Bar Association

OTHER ASSOCIATIONS

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Chamber of Commerce, Leadership Reno
Washoe Legal Services, Treasurer
Northern Nevada International Center, Treasurer
City of Reno Financial Advisory Board

APPENDIX A

A more detailed explanation of discounts and premiums is presented below to assist the reader. Revenue Rulings, Court Decisions (primarily through the US Tax Court and the Chancery Court of Delaware), and professional standards require valuations of ownership interests in business enterprises consider three approaches, the asset approach, the income approach, and the market approach. Discounts and premiums must also be considered.

Minority Discount

A minority interest (or Discount for Lack of Control) discount reflects a minority investor's lack of certain control prerogatives, including:

- Election of officers and directors.
- Policy and strategy changes.
- Management compensation decisions.
- Disposition/acquisition of assets.
- Capital structure actions.
- Distribution policy.
- Corporate charter/bylaw or Partnership Agreement revisions.

Lack of control is one of the factors that must be addressed. Even if a public market existed for closely held company interests, the inability to control the underlying assets will depress the value of the minority interest. This is because the amount an investor would willingly pay for a minority interest is related to the expected control of the investment. This control factor can be demonstrated as follows: a 55%, 45% distribution of stock between two shareholders implies no control for the shareholder of the 45% interest. However, a 48%, 48%, 4% distribution among three shareholders implies no control for the 4% shareholder but does imply extra value associated with a swing vote power. Similarly, if two shareholders own 50% each, no one shareholder has complete control.

A willing buyer contemplating the purchase of a minority interest investment from a willing seller would consider these disadvantages arising from a lack of control. Therefore, regardless of a company's entity value on a control basis, one would not expect a willing buyer to purchase a minority interest investment except at a discount from its pro-rata share of the company's overall entity value.

The same willing buyer of a minority interest would also give consideration to the distribution of the company's remaining stock. An investor would be expected to place a relatively higher value on a minority interest in a company that has no single controlling shareholder, and a relatively lower value on the identical minority interest in a company with a single shareholder who controls a voting majority of the company's shares.

The most widely recognized and accepted approach to the quantification of discounts for lack of control (a minority interest) is to examine empirical evidence of control price premiums paid in public market transactions. Mathematically, a price premium (control premium) can be converted to a discount for a lack of control using the following formula:

$$\text{Discount for lack of control} = 1 - \left[\frac{1}{1 + \text{premium}} \right]$$

Following is a description of three widely followed services that publish data on control premiums.

Mergerstat Review: The thousands of daily transactions on the stock exchanges are minority interest transactions. Each year, a controlling interest in a few hundred of these public companies is purchased. In approximately 85% of the cases, the prices paid for the stock of these companies represent a premium over the market price at which the stock previously traded as a minority interest. *Mergerstat Review* is published annually by FactSet Mergerstat, LLC, which summarizes overall control premium/minority discount data for transactions from 1980 through present. It indicates that the median control premium paid has averaged approximately 33%, and the implied median minority interest discount has averaged approximately 24%. However, the premiums paid are, in reality, acquisition premiums paid for control, synergy, overpayment, and other factors. Therefore, a typical control premium is usually less than the acquisition premium reflected in the Mergerstat data.

Mergerstat/BVR Control Premium Study: This study also annually publishes control premiums. Unlike most published materials on control premiums, this study includes in its data the public company takeover transactions that occur at a discount (rather than a premium) from their previously traded prices. In fact, over 15% of takeovers occur at a discount. Inclusion of these transactions yields results that more accurately reflect the spectrum of reality and tend to lower both mean and median computations of premiums. Between 1998 and present, this study found implied discounts due to lack of control fell between 14% and 25%.

Mergerstat/BVR Control Premium Study Advanced Search Results: This service is a web-based tool used to quantify minority discounts and control premiums by SIC code. The searchable database contains over 5,000 transactions dating back to 1998.

APPENDIX B

Marketability Discount

The concept of marketability deals with the liquidity of an asset; in other words, how quickly and with what certainty the asset can be converted into cash at the owner's discretion. Investors prefer liquidity. An investment is worth more if it is readily marketable.

A discount for lack of marketability is distinct and separate from a minority interest discount. A minority interest discount is measured in terms of the relative degree of control a minority owner has over the operation of the company, whereas marketability deals with the liquidity of an ownership interest, or how quickly and easily it can be converted to cash. Control and marketability concepts are related in a way. After discounting a minority interest for its lack of control, it is still usually much harder to sell a minority interest than to sell a controlling interest in a closely held business. A 1982 estate tax decision, *Estate of Woodbury G. Andrews*, 79 TC 938 (1982), discussed the distinction as follows:

...two conceptually distinct discounts are involved here, one for lack of marketability and the other for lack of control. The minority shareholder discount is designed to reflect the decreased value of shares that do not convey control of a closely held corporation. The lack of marketability discount, on the other hand, is designed to reflect the fact that there is no ready market for shares in a closely held corporation. Although there may be some overlap between these two discounts in that lack of control may reduce marketability, it should be borne in mind that even controlling shares in a nonpublic corporation suffer from lack of marketability because of the absence of a ready private placement market and the fact that flotation costs would have to be incurred if the corporation were to publicly offer its stock.

Therefore, it is not uncommon to find it necessary to apply both a minority interest discount and a discount for lack of marketability to the same business enterprise.

There is a valid, conceptual basis for applying a discount for lack of marketability to a controlling interest in a private, closely held company – the market for entire companies is less liquid than the public stock markets. In the appraisal process, consideration must also be given to the specific facts and circumstances of the case. However, some transactional discount is usually appropriate when valuing a controlling, non-marketable interest in a hypothetical transaction, including consideration of broker fees and legal fees that may enter into the final discount percentage.

A number of studies in the last 35 years have attempted to determine average levels of discounts for lack of marketability, including restricted stock studies and initial public offerings (IPO) studies.

Restricted stocks are identical in all respects to the freely traded stocks of public companies except that they are restricted from trading on the open market for a certain time period. Marketability is the only difference between a restricted stock and its freely traded counterpart. Several studies have therefore attempted to find differences in the price at which restricted stock transactions take place compared with open market transactions in the same stock on the same date. Over the years during the various studies, the Securities and Exchange Commission (SEC) has eased its restrictions on the length of time such stocks must be held, the way in which they are sold, and the amount that can be sold at any one time. These changes have tended to increase the liquidity of restricted stocks and lower the observed marketability discounts. Other changes in the limited

market for restricted stocks have had similar effects, including a reduction of the maximum settlement period from five days to three days, an increase of puts, calls, and other derivative securities on many more stocks, a reduction of commissions due to the introduction of discount brokers, and a reduction of the average spreads between the bid and asked prices due to the replacement of the fractional quotation system with the decimal quotation system. Average discounts on sales of restricted stock relative to their public market trading price have been trending down from as high as 45% in the late 70s and early 80s to the low 20 and mid-teen percentages in the late 1990s. The studies indicate that marketability discounts on restricted stocks can be used to estimate a marketability discount for a closely held company. However, restricted stocks are only restricted from public trading for a limited period of time. Therefore, discounts for lack of marketability for closely held stocks, for which no public market is established, would be greater than discounts for lack of marketability for restricted stocks. The results of restricted stock studies are shown below:

Restricted Stock Studies	Average Marketability Discount
SEC Institutional Investor Study	26%
SEC Non-reporting OTC	33%
Milton Gelman	33%
Robert Trout	34%
Robert Moroney	36%
J. Michael Maher	35%
Standard Research Consultants	45%
Willamette Management	31%
William Silber	34%
FMV Opinions	23%
FMV Restricted Stock Study	22%
Management Planning, Inc.	27%
Bruce Johnson	20%
Columbia Financial Advisors	21%
Columbia Financial Advisors	13%

IPO studies are based on transactions in closely held stocks compared to subsequent transactions in the same stocks in IPOs. Three independent but similar studies are those of John Emory, Willamette Management Associates, and Valuation Advisors, the results of which are shown below.

IPO Studies	Average Marketability Discount
Emory (formerly with Robert W. Baird & Company)	46%
Willamette Management	39%
Valuation Advisors	25% - 66%

The Emory studies included comparisons of prices of IPO transactions and transactions occurring within five months earlier on common stock and stock options. Insider transactions were not eliminated. If more than one transaction occurred during the five-month period, only the initial transaction was included in the study. In comparing the transaction prices at IPO versus pre-IPO, no adjustments were made for changes in earnings or price indexes that may have occurred during the five-month period. The average marketability discount was 46%.

The Willamette studies include transactions in common stock, excluding stock options, which occurred during the three-year period prior to the IPO and excluded any insider transactions, leaving only arm's length transactions. Discounts were adjusted for changes in the company's earnings and industry price/earnings multiples between the private stock transaction and the IPO. The average marketability discount was 39%.

The Valuation Advisors studies include all transactions within two years of the IPO, including transactions in common stock, convertible preferred stock, and stock options. The database includes data on over 3,000 transactions, with 15 data points for each transaction, such as company sales and operating profit. The study also breaks down the number of transactions by length of time that the private transaction occurred prior to the IPO as follows:

90 days	25%
180 days	36%
270 days	50%
1 year	61%
2 years	66%

The studies suggest that substantial discounts for lack of marketability are often required when valuing a closely held company, and that the discount may average between 35% and 45%, in the absence of special circumstances that would reduce the discount. It is generally understood that discounts for lack of marketability for closely held stock should be greater than discounts for restricted stock since closely held stock have no established market. Therefore, the IPO studies provide a better benchmark or baseline in the quantification of a marketability discount for a private closely-held company.

Both the IRS and the courts have been receptive to the restricted stock and IPO studies in quantifying discounts for lack of marketability as average starting bases from which to adjust upward or downward for company specific factors in determining an appropriate discount for lack of marketability. In *Mandelbaum v. Commissioner*, TC Memo 1995-255 (1995), the court cited the following factors that might cause a marketability discount to be higher or lower than benchmark averages:

1. Financial statement analysis.
2. Dividend policy.
3. Nature of the company, its history, its position in the industry, and its economic outlook.
4. The company's management.
5. Amount of control in the transferred shares.
6. Restrictions on transferability of the stock.
7. Holding period for the stock.
8. Company's redemption policy.
9. Costs associated with a public offering.

Courts are increasingly persuaded that data from databases on companies that have characteristics similar to the subject company are appropriate in quantifying marketability discounts. For example, size and profitability are factors proven to impact the magnitude of the discount, while industry does not have much effect.

The Company is a non-public entity with no established trading market that bears a resemblance to the pre-IPO studies. The studies above, both for restricted stock and pre-IPO, would suggest consideration be given to a marketability discount in the 35% to 45% range. However, the discount may be adjusted to consider the following factors that a prospective hypothetical buyer would consider when establishing a purchase price.

- Most of non-traded businesses are small family-owned and run operations.
- Small businesses run greater risks of failure.
- Small businesses are affected more often with poor liquidity.
- There is a greatly reduced pool of potential buyers for these business interests.
- It is difficult and time consuming to liquidate such a business interest.
- Compared to a publicly traded business interest, a discount must be offered to attract buyers.

Another source to consider is the body of Tax Court decisions related to marketability discounts. These decisions are based on disputes between the Internal Revenue Service and the owner of the stock in question. Overall, the discount for lack of marketability coming from the Tax Courts falls in the range of 10% to 40%, with an average of 28%. However, in a benchmark case (*Mandelbaum v. Commissioner*), Judge David Laro determined that the discount should fall in the 30% to 45% range with adjustments above or below these amounts based on individual company circumstances. These cases are subject to the specific facts set forth therein. However, they do provide some guidance to appraisers. A number of cases that suggest amounts of appropriate marketability discounts are:

Saltzman v. Commissioner	24%
Lauder v. Commissioner	40%
Mandelbaum v. Commissioner	30%
Frank v. Commissioner	30%
Trenchard v. Commissioner	40%
Thompson v. Commissioner	35%
Barudin v. Commissioner	26%
Kosman v. Commissioner	15%
Barge v. Commissioner	10%
Davis v. Commissioner	35%
Weinberg v. Commissioner	20%
Janda v. Commissioner	40%
Magnin v. Commissioner	35%
Bailey v. Commissioner	27%
Heck v. Commissioner	25%
Mitchell v. Commissioner	35%
Green v. Commissioner	35%
Hess v. Commissioner	25%
Lappo v. Commissioner	24%
McCord v. Commissioner	20%
Peracchio v. Commissioner	25%

Thompson v. Commissioner	30%
Jelke v. Commissioner	15%
Huber v. Commissioner	50%
Robertson v. U.S.	13%
Litchfield v. Commissioner	25%
Litchfield v. Commissioner	20%

The discounts in these cases are unique to the particular set of facts under consideration and are not a form of market evidence. Court decisions are generally subjective decisions of a specific court in a specific case. It is the appraiser's responsibility to apply correct methodology, whether supported by court decisions or not. However, court cases provide guidance to appraisers because they indicate when an appraisal result may bear a heavier burden of proof because the position is outside the range of prior court decisions.

It is also important to consider company specific factors that might cause a marketability discount to be higher or lower than benchmark averages. The factors to consider are outlined above.

Although lack of control is an analysis unto itself, the ownership block must be considered when assessing a marketability discount. It is more difficult to market a small block of stock in a closely held corporation versus a control interest. Hypothetical buyers are more willing to acquire a business for the ability to control outcomes.

EXHIBIT D

CODE: 3060

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

In the Matter of the Administration of the SSJ'S ISSUE TRUST.	Case No. PR17-00445 Dept. No. 15
In the Matter of the Administration of the SAMUEL S. JAKSICK, JR. FAMILY TRUST.	CONSOLIDATED Case No. PR17-00446 Dept No. 15

ORDER GRANTING
THIRD APPLICATION FOR APPROVAL AND PAYMENT OF
COMPENSATION TO FLETCHER & LEE

This matter came before the Court on the Third Application for Approval and Payment of Compensation to FLETCHER & LEE (the "Application"), filed by James S. Proctor, CPA, CFE, CVA, CFF, in his capacity as the appointed Trustee of the Jaksick Family Trust (the "Trustee").

The Court considered the Application, any oppositions thereto, and any replies. The Court finds that it has jurisdiction to enter an order granting the Application. The Court finds that notice of the Application was properly served on all parties. The Court finds that the fees incurred on behalf of the Trustee by Fletcher & Lee for the period May 1, 2022, through September 30, 2022

1 in the amount of \$90,630.00 and the expenses in the amount of \$477.00 are reasonable, necessary
2 and beneficial to the Family Trust. The Court finds that the fees incurred by the Trustee for his
3 services and those of his counsel are distinguishable from those incurred by the former trustees
4 who had individual interests at stake. The Court finds that cause exists to approve the payment of
5 these fees and costs in full, subject to the Temporary Trustee's discretion, and prior to payment of
6 fees incurred on behalf of the co-trustees prior to the appointment of the Temporary Trustee and
7 in connection with the appeal.

8 WHEREFORE, good cause appearing,

9 IT IS HEREBY ORDERED that the Application is GRANTED, and that Fletcher & Lee
10 is awarded compensation in the amount of \$91,107.00, of which \$90,630.00 represents
11 professional services rendered and \$477.00 represents expenses incurred, and the Trustee is
12 authorized to pay the same on behalf of the Family Trust as a first priority obligation along with
13 the Trustee's fees.

14 DATED this 9th day of December, 2022.

15 IT IS SO ORDERED.

16 
17 DISTRICT JUDGE
18

19 Submitted by:

20 FLETCHER & LEE

21 /s/ Cecilia Lee, Esq.
22 CECILIA LEE, ESQ.
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CODE: 2540
FLETCHER & LEE
Elizabeth Fletcher, Esq.
Nevada Bar No. 10082
Cecilia Lee, Esq.
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Email: efletcher@fletcherlawgroup.com
Email: clee@fletcherlawgroup.com

Attorneys for Temporary Trustee James S. Proctor, CPA, CFE, CVA, CFF

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

In the Matter of the Administration of the
SSJ'S ISSUE TRUST.

Case No. PR17-00445

Dept. No. 15

In the Matter of the Administration of the
SAMUEL S. JAKSICK, JR. FAMILY TRUST.

CONSOLIDATED

Case No. PR17-00446

Dept No. 15

**NOTICE OF ENTRY OF ORDER GRANTING THIRD APPLICATION FOR
APPROVAL AND PAYMENT OF COMPENSATION TO FLETCHER & LEE**

PLEASE TAKE NOTICE that on December 9, 2022, the Order Granting Third Application
for Approval and Payment of Compensation to Fletcher & Lee (the "Order") was entered in the
above-captioned matter. A copy of the Order is attached hereto as Exhibit 1.

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AFFIRMATION

Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding document does not contain the personal information of any person.

DATED this 12th day of December, 2022.

FLETCHER & LEE

/s/ Cecilia Lee, Esq.
ELIZABETH FLETCHER, ESQ.
CECILIA LEE, ESQ.

CERTIFICATE OF SERVICE

Pursuant to NRCp 5(b), I certify under penalty of perjury that I am an employee of Fletcher & Lee, 448 Ridge Street, Reno, Nevada 89501, and that on this 12th day of December, 2022, I served the Notice of Entry of Order Granting Third Application for Approval and Payment of Compensation to Fletcher & Lee on the parties set forth below by:

 X Service by eFlex:

DONALD ALBERT LATTIN, ESQ. for MICHAEL S. KIMMEL, KEVIN RILEY,
TODD B. JAKSICK
KENT RICHARD ROBISON, ESQ. for SAMMY SUPERCUB, LLC, SERIES A,
DUCK LAKE RANCH LLC, TODD B. JAKSICK, INCLINE TSS, LTD.
HANNAH E. WINSTON, ESQ. for SAMMY SUPERCUB, LLC, SERIES A,
DUCK LAKE RANCH LLC, TODD B. JAKSICK, INCLINE TSS, LTD.
MARK J. CONNOT, ESQ. for WENDY A. JAKSICK
JAMES PROCTOR
ADAM HOSMER-HENNER, ESQ. for STANLEY JAKSICK
PHILIP L. KREITLEIN, ESQ. for STANLEY JAKSICK, SAMUEL S. JAKSICK,
JR. FAMILY TRUST
JOHN A. COLLIER, ESQ. for LUKE JAKSICK
CAROLYN K. RENNER, ESQ. for MICHAEL S. KIMMEL, KEVIN RILEY,
TODD B. JAKSICK
STEPHEN C. MOSS, ESQ. for STANLEY JAKSICK, SAMUEL S. JAKSICK,
JR. FAMILY TRUST

 X Service by electronic mail:

ZACHARY JOHNSON, ESQ. for WENDY A. JAKSICK –
zach@dallasprobate.com
R. KEVIN SPENCER, ESQ. for WENDY A. JAKSICK –
kevin@dallasprobate.com
ALEXI JAKSICK FIELDS – alexifields@yahoo.com
RANDALL VENTURACCI – rlv52@hotmail.com

A copy of this Certificate of Service has been electronically served to all parties or their lawyer. This document does not contain the personal information of any person as defined by NRS 603A.040.

/s/ Elizabeth Dendary, CP
ELIZABETH DENDARY, CP
Certified Paralegal

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INDEX OF EXHIBITS

Exhibit	Description	Number of Pages
1	Order Granting Third Application for Approval and Payment of Compensation to Fletcher & Lee	2 pages

FILED
Electronically
PR17-00445
2022-12-12 09:18:19 AM
Alicia L. Lerud
Clerk of the Court
Transaction # 9403857

EXHIBIT 1

EXHIBIT 1

CODE: 3060

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

In the Matter of the Administration of the
SSJ'S ISSUE TRUST.
In the Matter of the Administration of the
SAMUEL S. JAKSICK, JR. FAMILY TRUST.

Case No. PR17-00445

Dept. No. 15

CONSOLIDATED

Case No. PR17-00446

Dept No. 15

ORDER GRANTING
THIRD APPLICATION FOR APPROVAL AND PAYMENT OF
COMPENSATION TO FLETCHER & LEE

This matter came before the Court on the Third Application for Approval and Payment of Compensation to FLETCHER & LEE (the "Application"), filed by James S. Proctor, CPA, CFE, CVA, CFF, in his capacity as the appointed Trustee of the Jaksick Family Trust (the "Trustee").

The Court considered the Application, any oppositions thereto, and any replies. The Court finds that it has jurisdiction to enter an order granting the Application. The Court finds that notice of the Application was properly served on all parties. The Court finds that the fees incurred on behalf of the Trustee by Fletcher & Lee for the period May 1, 2022, through September 30, 2022

1 in the amount of \$90,630.00 and the expenses in the amount of \$477.00 are reasonable, necessary
2 and beneficial to the Family Trust. The Court finds that the fees incurred by the Trustee for his
3 services and those of his counsel are distinguishable from those incurred by the former trustees
4 who had individual interests at stake. The Court finds that cause exists to approve the payment of
5 these fees and costs in full, subject to the Temporary Trustee's discretion, and prior to payment of
6 fees incurred on behalf of the co-trustees prior to the appointment of the Temporary Trustee and
7 in connection with the appeal.

8 WHEREFORE, good cause appearing,

9 IT IS HEREBY ORDERED that the Application is GRANTED, and that Fletcher & Lee
10 is awarded compensation in the amount of \$91,107.00, of which \$90,630.00 represents
11 professional services rendered and \$477.00 represents expenses incurred, and the Trustee is
12 authorized to pay the same on behalf of the Family Trust as a first priority obligation along with
13 the Trustee's fees.

14 DATED this 9th day of December, 2022.

15 IT IS SO ORDERED.

16 
17 DISTRICT JUDGE
18

19 Submitted by:

20 FLETCHER & LEE

21 /s/ Cecilia Lee, Esq.
22 CECILIA LEE, ESQ.
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