

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

IN THE MATTER OF THE  
ESTATE OF THOMAS JOSEPH  
HARRIS, DECEASED.

Case No. 86096

Electronically Filed  
Aug 28 2023 03:39 PM  
Elizabeth A. Brown  
Clerk of Supreme Court

TODD ROBBEN,

Appellant,

vs.

THE ESTATE OF THOMAS  
JOSEPH HARRIS; AND THE  
THOMAS J. HARRIS TRUST,

Respondents.

**RESPONDENTS' APPENDIX**

# Volume 4 - Part 1

Tara Flanagan, as Personal Representative of the Estate of Thomas J.  
Harris and Trustee of the Thomas J. Harris Trust

By and through her Legal Counsel

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Respondents, the Estate of Thomas J. Harris and the Thomas J. Harris Trust, by and through Tara Flanagan, in her capacity as the Personal Representative of the Estate of Thomas J. Harris and Trustee of the Thomas J. Harris Trust by and through her Legal Counsel hereby submits her Appendix in compliance with Nevada Rule of Appellate Procedure 30.

<b>TITLE</b>	<b>DATE</b>	<b>BATE</b>	<b>VOL.</b>
Declaration of Trust Known as the Thomas J. Harris Trust, dated June 12, 2019	6/12/2019	RA 7-42	1
Docketing Statement	2/3/2023	RA 815-825	11
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Last Will & Testament of Thomas Joseph Harris	6/12/2019	RA 1-6	1
Letters Testamentary	4/22/2021	RA 60-61	1
Limited Opposition to Petitioner's Motion for a Decision on the Pleadings; Petitioner's Motion Declining Oral Argument filed by The Estate of Thomas J. Harris and The Thomas J. Harris Trust	12/15/2022	RA 615-620	9
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Minutes of Hearing	1/6/2023	RA 776	10
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Objection to Petitioner Todd Robben's Verified Petition to Invalidate The Thomas J. Harris Will and Trust; Petitioner's Request for Appointment of Counsel Pursuant to NRS 136.200; Emergency Request for Stay of Final Distribution; Peremptory Challenge to Judge Nathan Tod Young filed by The Estate of Thomas J. Harris	12/15/2022	RA 621-708	9
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Order	7/13/2022	RA 253-255	3
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Order Appointing Successor Executor and Issuing Successor Letters Testamentary	7/27/2021	RA 98-101	1
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Order Granting Petition to Confirm First and Final Accounting, Request for Final Distribution, and Request for Payment of Professional's Fees and Costs	6/22/2022	RA 140-147	2
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Order Setting Hearing	11/30/2022	RA 607-608	9
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Order Transferring Case to Department I	7/26/2022	RA 353-354	5
Petition for Appointment of Successor Executor and for Issuance of Successor Letters Testamentary	6/25/2021	RA 67-74	1
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Petitioner Todd Robben's Objection to Respondent's Motion to Dismiss	10/21/2022	RA 471-514	7
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Petitioner, Todd Robben's Notice and Affidavits in Support of the Pre-Existing Olga and Thomas J. Harris Living Trust with Petitioner Named Beneficiary	11/2/2022	RA 580-584	8
Petitioner, Todd Robben's Petition to Invalidate The Thomas J. Harris Will and Trust; Petitioner's Request for Appointment of Counsel Pursuant to NRS 136.200; Emergency Request for Stay of Final Distribution; Peremptory Challenge to Judge Nathan Tod Young filed by The Estate of Thomas J. Harris	7/26/2022	RA 263-352	4

Petitioner's First Amended Reply in Support of Motion to Strike Respondent's Objections, Motion to Dismiss and Motion for Summary Judgment	1/3/2023	RA 768-775	10
Petitioner's Motion for a Decision on the Pleadings; Petitioner's Motion Declining Oral Argument	12/8/2022	RA 609-614	9
Petitioner's Motion to Strike Respondent's Objections, Motion to Dismiss and Motion for Summary Judgment	12/23/2022	RA 717-725	10
Petitioner's Motion to Strike Respondent's Unlawful Surreply	11/7/2022	RA 591-595	8
Petitioner's Notice and Provisional Motion to Strike Respondent's Objections, Motion to Dismiss and Motion for Summary Judgment	1/3/2023	RA 754-767	10
Petitioner's Reply in Support of Emergency Stay Request & Emergency Verified Motion to Reconsider; Request for Clarification; Notice of Non Hearsay Proof of the Thomas Joseph and Olga Harris Living Trust	7/5/2022	RA 233-250	3
Petitioner's Reply in Support of Motion to Strike Respondents Unlawful Surreply	11/21/2022	RA 600-606	9
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Resignation of Trustee and Acceptance by Successor Trustee of the Thomas J. Harris Trust dated June 12, 2019	5/17/2021	RA 62-66	1

Submission of Proposed Order Granting Motion for Summary Judgment; Motion to Dismiss; & Deeming Petitioner a Vexatious Litigant	1/10/2023	RA 800-811	11
The Thomas J. Harris Trust's Motion for Summary Judgment	10/6/2022	RA 460-470	7
The Thomas J. Harris Trust's Objection & Response to Todd Robben's Petition to Invalidate the Trust	12/15/2022	RA 709-716	10
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The Thomas J. Harris Trust's Supplemental Brief to its Motion for Summary Judgment Addressing Fugitive Affidavits Filed by Petitioner Todd Robben	11/4/2022	RA 585-590	8
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Transcript of January 6, 2023 Hearing	1/6/2023	RA 777-799	11
Verified Petition for Letters of Special Administration (NRS 140.010) and for Probate of Will and Issuance of Letters Testamentary (NRS 136.090)	3/10/2021	RA 43-57	1
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JUL 20 2022  
Douglas County  
District Court Clerk  
BOBBIE R. WILLIAMS  
CLERK

BY *[Signature]* DEPUTY

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CLERK

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IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

TODD ROB BEN,

Petitioner

Vs.

THE ESTATE OF THOMAS JOSEPH  
HARRIS; THOMAS J. HARRIS TRUST,

Deceased,

Respondent.

CASE NO.: 2021-PB-00034

PETITIONER TODD ROB BEN'S  
VERIFIED PETITION TO INVALIDATE  
THE THOMAS J. HARRIS WILL AND  
TRUST

PETITIONER'S REQUEST FOR  
APPOINTMENT OF COUNSEL  
PURSUANT TO NRS § 136.200

EMERGENCY REQUEST FOR STAY  
OF FINAL DISTRIBUTION

PEREMPTORY CHALLENGE TO  
JUDGE NATHAN TOD YOUNG

Related Case Number: 2021 PB00034

Dept No:

Hearing Date:

1           Petitioner, Todd Robben, is a creditor of the Thomas J. Harris Trust, and an  
2 interested person<sup>1</sup> pursuant to NRS § 132.185, respectfully requests the Court to  
3 declare the Thomas J. Harris Will and Trust null and void on the grounds of presumed  
4 undue influence by the Petitioner's brother Jeff D. Robben who is now deceased. A  
5 previous will/trust called the Thomas Joseph and Olga Harris Living Trust existed prior  
6 to being eliminated and replaced with the Thomas J. Harris Will and Trust after the  
7 presumed undue influence and undue influence by Jeff D. Robben over Thomas J.  
8 Harris. The Petitioner is the son of Olga Harris and stepson of Thomas J. Harris and  
9 was a beneficiary in the Thomas Joseph and Olga Harris Living Trust.

10           The Petitioner requests the court to take notice and judicial notice of the  
11 attached March 6, 2020 letter from Abigail G. Stephenson, Esq. from Blanchard,  
12 Krasner & French acknowledging the existence of the August 26, 1998 trust known as  
13 the Thomas Joseph and Olga Harris Living Trust. Please see **EXHIBIT A**.

14           Petitioner uses his peremptory challenge to disqualify judge Nathan Tod Young  
15 and requests his case to be heard by the elected Judge in Department 2.

16           The Petitioner is indigent and this Court has granted indigent status to file this  
17 motion without any filing fee in case number 2021 PB00034 .

18           Judge Nathan Tod Young is bias and prejudiced against this Petitioner in case  
19 number 2021 PB00034. Judge Young violated this Petitioner's State and Federal  
20 Constitutional due-process and equal protection rights violated as well as the State  
21 Statutory right to appointed counsel. All Judge Young's orders are null and void since  
22 he is bias against this Petitioner and did not even issue a verbal or written order with a  
23 reason as to his alleged claim that this Petitioner is not an interested person.

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24  
25  
26 <sup>1</sup> Petitioner is named in the Thomas J. Harris Will and Trust as being disinherited. No legal  
27 reason or fact exists to claim the Petitioner is not an interested person otherwise anyone in  
28 Nevada with a presumed undue influence or undue influence claim would never be able to  
petition the courts for probate/redress.



1 Petitioner, Todd Robben, respectfully requests the Court to appoint counsel  
2 pursuant to NRS § 136.200 since the Petitioner is an interested person pursuant to  
3 NRS § 132.185 and a non resident of Douglas County, Nevada. Counsel is requested  
4 to assist the Petitioner file briefs, motions and any amendments to this instant petition  
5 to probate and invalidate the Thomas J. Harris Trust and argue the Petitioner is  
6 entitled to his fair share of the Thomas J. and Olga Harris Living Trust or preferably,  
7 negotiate a settlement with the Respondent so all current beneficiaries still receive  
8 money and the Petitioner is fairly compensated. The Respondent must account and  
9 return all stolen assets from the Thomas J. Harris Trust including the contents of the  
10 safe deposit box, at least one house in Minden and possibly more in Genoa and South  
11 Lake Tahoe. All money, cash, metal (gold, silver, coins, etc.) stocks, bonds, annuities,  
12 401K, IRAs, pensions, crypto currency, etc. **See EXHIBIT B.**

13 The Petitioner asserts the value of the Thomas J. Harris Trust (and former  
14 Thomas J and Olga Harris Living Trust) is worth much more than the estimated  
15 \$600,000.00 value of about \$1.5 million dollars. Based on personal knowledge, the  
16 Petitioner asserts the value may exceed 5 million dollars or way more based early  
17 stock investments in Apple Computer, P G & E and other high performing stocks and  
18 also based on the missing money, cash, metal (gold, silver, coins, etc.) stocks, bonds,  
19 annuities, 401K, IRAs, pensions, crypto currency, etc.

20 Counsel may be better suited to settle the matter than the Petitioner who is  
21 ready to file common law liens on assets against various entities involved including the  
22 Respondents lawyer for the theft and fraud.

23 Petitioner requests a stay of any final distribution of funds to preserve funds to  
24 cover any recovery by the Petitioner and legal costs.

25 The Petitioner has an undisputed *prima facie* case of presumed undue  
26 influence based on the undisputed facts that Jeff D. Robben, the brother of the  
27 Petitioner, was 1: The caretaker of Thomas J. Harris; 2: The Financial advisor for  
28

1 Thomas J. Harris; 3: Helped create the current Thomas J. Harris trust; 4. Had “undue  
2 influence” and “presumed undue influence” of Thomas J. Harris; 5: Jeff D. Robben  
3 influenced Thomas J. Harris to disinherit this Petitioner based on the animus and  
4 vexation of Jeff D. Robben against his brother and allowed Jeff D. Robben to gain  
5 financially.

6 “A rebuttable presumption of undue influence is raised if the testator and the  
7 beneficiary shared a fiduciary relationship, but undue influence may also be proved  
8 without raising this presumption.” *In re Estate of Bethurem*, 313 P. 3d 237, 241 (2013),  
9 at 329. “The essence of a fiduciary or confidential relationship is that the parties do  
10 not deal on equal terms, since the person in whom trust and confidence is reposed  
11 and who accepts that trust and confidence is in a superior position to exert unique  
12 influence over the dependent party.” *Hoopes v. Hammargren*, 725 P. 2d 238, 242  
13 (1986) quoting *Barbara A. v. John G.*, 145 Cal.App.3d 369, 193 Cal.Rptr. 422, 432  
14 (1983).

15 “Once raised, a beneficiary may rebut such a presumption by clear and  
16 convincing evidence.” *Bethurem, supra*, at 241. The highest standard of proof,  
17 “beyond a reasonable doubt,” exists only in criminal litigation. In civil litigation, “clear  
18 and convincing evidence” is the highest evidentiary standard. “Clear and convincing  
19 evidence” is “evidence establishing every factual element to be highly probable, or as  
20 evidence [which] must be so clear as to leave no substantial doubt.” *In re Discipline of*  
21 *Drakulich*, 908 P. 2d 709, 715 (1995)(internal quotations and citations omitted).

22 Thus, the Respondent must meet a difficult, nearly impossible burden, after the  
23 burden shift. The burden shift occurs when the contesting party establishes the  
24 existence of a fiduciary of confidential relationship. The Respondent cannot overcome  
25 the Petitioner’s undisputed presumed undue influence and undue influence claims  
26 and the Petitioner must prevail on the merits if the court allows the Petitioner his due  
27

1 process as mandated by the Nevada an U.S. Constitutions. This petition is based on  
2 the following points and authority.

3 The Petitioner is pro se and requests the court to consider, and for judicial  
4 economy, he is consolidating multiple motions into this single pleading since  
5 everything is related and the page length may exceed norms or rules. NRCP 1 using  
6 the word "may" is permissible<sup>2</sup> and not mandated by the word "shall".

7 "... the right to file a lawsuit pro se is one of the most important rights under the  
8 constitution and laws." Elmore v. McCammon (1986) 640 F. Supp. 905; "Pro se  
9 pleadings are to be considered without regard to technicality; pro se litigants'  
10 pleadings are not to be held to the same high standards of perfection as lawyers."  
11 Jenkins v. McKeithen, 395 U.S. 411, 421 (1959); Picking v. Pennsylvania R. Co., 151  
12 Fed 2nd 240; Pucket v. Cox, 456 2nd 233; "Pleadings are intended to serve as a  
13 means of arriving at fair and just settlements of controversies between litigants. They  
14 should not raise barriers which prevent the achievement of that end. Proper pleading  
15 is important, but its importance consists in its effectiveness as a means to accomplish  
16 the end of a just judgment." Maty v. Grasselli Chemical Co., 303 U.S. 197 (1938).

## 18 MEMORANDUM OF POINTS & AUTHORITY

### 19 I. INTRODUCTION

20 The Douglas County, Nevada District Court has jurisdiction over this matter  
21 since both Thomas J. Harris and Olga Harris were Douglas County Residents and the  
22 related trusts and safe deposit box all reside in Doulas County, NV.

23 This petitioner is timely. The Petitioner appeared in Douglas County, NV case  
24 number 2021 PB00034 after learning of the existence of the death of Thomas J. Harris  
25

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26 <sup>2</sup> "In statutes, "may" is permissive and "shall" is mandatory unless the statute demands a  
27 different construction to carry out the clear intent of the legislature" Tarango v. State Indus.  
28 Ins. System, 25 P. 3d 175 - Nev: Supreme Court 2001

1 and his will, trust and estate. The Petitioner also learned on his brothers 2020 death  
2 just prior to the May hearing in case number 2021 PB00034.

3 The Petitioner was never informed by the Trustee or anyone else about the  
4 Thomas J. Harris Trust or related probate. This Petitioner is timely since the Petitioner  
5 has been diligently working on resolving the matter upon learning of said Thomas J.  
6 Harris Trust and the death of Jeff D. Robben and the fraud and theft that has occurred  
7 with undisputed assets including a \$450,000.00 home on Pebble Beach Court in  
8 Minden, NV transferred from the Thomas J. Harris Trust into the position of Jeff D.  
9 Robben. The entire contents of the safe deposit box of Thomas J. Harris is not  
10 accounted for along with stocks, cash, gold, annuities, 401K, IRAs, pension,  
11 insurance, etc.

12 Petitioner is also entitled to relief based on the fraud discussed in this petition  
13 and NRCP Rule 60 which allows the court to correct orders based on fraud, etc.,  
14 Petitioner is also entitled to equitable tolling as he has pursued his claim in court upon  
15 learning of the Thomas J. Harris Trust. "undue influence ... is a species of fraud."  
16 Bethurem, supra at 241.

17 For judicial economy, the court may take judicial notice of all the history and  
18 facts related to the Thomas J. Harris and his will, trust and estate are documented in  
19 case number 2021 PB00034 as well as evidence of death i.e. death certificate. The  
20 facts also appear in the filings of this Petitioner as to the presumed undue influence  
21 which is undisputed. Petitioner refers the court to the facts in case number 2021  
22 PB00034 related to the Thomas J. Harris and his will, trust and estate and reiterates  
23 the Petitioner's facts supporting his positions. The court may order the records from  
24 the clerk for judicial economy since the court has a record right there.

25 On June 21<sup>st</sup>, 2022 in case 2021 PB00034 Judge Young denied the Petitioner's  
26 request for counsel on grounds he was not an interested person without explanation  
27 and Judge Young did not allow evidence of the former Thomas J. and Olga Harris  
28

1 Living Trust incorrectly claiming hearsay despite a litany of exceptions to hearsay, non  
2 hearsay and sworn affidavits and sworn testimony. See the record in case 2021  
3 PB00034 the court JAVS video<sup>3</sup>.

## 4 5 **II. JUDGE YOUNG MUST BE DISQUALIFIED**

6 This Petitioner uses his peremptory challenge<sup>4</sup> to disqualify Judge Young from  
7 Department 1. Judge Nathan Tod Young is bias and prejudice against the Petitioner,  
8 Todd Robben, and the Petitioner will not have a fair hearing before Judge Young.

9  
10 "The Due Process Clause of the Fourteenth Amendment establishes a  
11 constitutional floor, not a uniform standard," for a judicial bias claim. Bracy  
12 v. Gramley, 520 U.S. 899, 904, 117 S.Ct. 1793, 138 L.Ed.2d 97 (1997).

13 While most claims of judicial bias are resolved "by common law, statute, or  
14 the professional standards of the bench and bar," the "floor established by  
15 the Due Process Clause clearly requires a 'fair trial in a fair tribunal' before  
16 a judge with no actual bias against the defendant or interest in the  
17 outcome of his particular case." *Id.* at 904-05, 117 S.Ct. 1793 (quoting  
18 Withrow v. Larkin, 421 U.S. 35, 46, 95 S.Ct. 1456, 43 L.Ed.2d 712 (1975)).

19 **The Constitution requires recusal where "the probability of actual**  
20 **bias on the part of the judge or decisionmaker is too high to be**  
21 **constitutionally tolerable."** Withrow, 421 U.S. at 47, 95 S.Ct. 1456. Our  
22 inquiry is objective. Caperton v. A.T. Massey Coal Co., 556 U.S. 868, 881,  
23 129 S.Ct. 2252, 173 L.Ed.2d 1208 (2009). [Footnote omitted.] **We do not**  
24 **ask whether [the judge ] actually harbored subjective bias . *Id.***  
25 **Rather, we ask whether the average judge in her position was likely**  
26 **to be neutral or whether there existed an unconstitutional potential**

27 <sup>3</sup> [https://youtu.be/BPXc\\_05zszA](https://youtu.be/BPXc_05zszA)

28 <sup>4</sup> Nevada SCR Rule 48.1

1 for bias . Id. "Every procedure which would offer a possible  
2 temptation to the average . . . judge to forget the burden of proof  
3 required to convict the defendant, or which might lead him not to  
4 hold the balance nice, clear and true between the State and the  
5 accused, denies the [accused] due process of law." Tumey v. Ohio,  
6 273 U.S. 510, 532, 47 S.Ct. 437, 71 L.Ed. 749 (1927).  
7 [The petitioner] need not prove actual bias to establish a due  
8 process violation, just an intolerable risk of bias . Aetna Life Ins. Co.  
9 v. Lavoie, 475 U.S. 813, 825, 106 S.Ct. 1580, 89 L.Ed.2d 823 (1986); see  
10 also Caperton, 556 U.S. at 883, 129 S.Ct. 2252 ("[T]he Due Process  
11 Clause has been implemented by objective standards that do not  
12 require proof of actual bias .") (citing Lavoie, 475 U.S. at 825, 106 S.Ct.  
13 1580; Mayberry v. Pennsylvania, 400 U.S. 455, 465-66, 91 S.Ct. 499, 27  
14 L.Ed.2d 532 (1971); Tumey, 273 U.S. at 532, 47 S.Ct. 437). Thus, we  
15 must ask "whether 'under a realistic appraisal of psychological  
16 tendencies and human weakness,' the [judge's ] interest 'poses such  
17 a risk of actual bias or prejudgment that the practice must be  
18 forbidden if the guarantee of due process is to be adequately  
19 implemented.'" Caperton, 556 U.S. at 883-84, 129 S.Ct. 2252 (quoting  
20 Withrow, 421 U.S. at 47, 95 S.Ct. 1456). Due process thus mandates a  
21 "stringent rule" that may sometimes require recusal of judges "who  
22 have no actual bias and who would do their very best to weigh the  
23 scales of justice equally" if there exists a "probability of unfairness."  
24 Murchison, 349 U.S. at 136, 75 S.Ct. 623. But this risk of unfairness  
25 has no mechanical or static definition. It "cannot be defined with  
26 precision" because "[c]ircumstances and relationships must be  
27 considered." Id.

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1 A similar situation occurred in California in Barefoot v. Jennings, 456 P. 3d 447  
2 - Cal: Supreme Court 2020.<sup>5</sup>

3 In early November 2019, the California Supreme Court heard oral  
4 arguments in the Barefoot case, and in late January 2020, the California  
5 Supreme Court issued its opinion reversing the Court of Appeal decision.  
6 The California Supreme Court held as follows: "We disagree with the  
7 Court of Appeal, and hold today that the Probate Code grants standing in  
8 Probate Court to individuals who claim that trust amendments eliminating  
9 their beneficiary status arose from incompetence, undue influence or  
10 fraud."

11 California probate Section 17200, subdivision (b)(3) contemplates the  
12 court's determination of "the validity of a trust provision." Plainly, the term  
13 "trust provision" incorporates any amendments to a trust. Section 24,  
14 subdivision (c) defines a "beneficiary" for trust purposes, as "a person who  
15 has any present or future interest, vested or contingent." Assuming  
16 plaintiff's allegations are true, she has a present or future interest, making  
17 her a beneficiary permitted to petition the probate court under section  
18 17200.[vii] (Emphasis added).

19 The California Supreme Court held that with this interpretation, when a  
20 plaintiff claims to be a rightful beneficiary of a trust, if the challenged  
21 amendments are deemed invalid, then the plaintiff has standing to petition  
22 the Probate Court under Section 17200.[viii] The Court added that this  
23 expansive reading of the standing requirement afforded to trust contests  
24 under Section 17200 "not only makes sense as a matter of judicial  
25 economy, but it also recognizes the probate court's inherent power to  
26 decide all incidental issues necessary to carry out its express powers to  
27 supervise the administration of the trust."

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**defines a "beneficiary" for trust purposes, as "a person who has any  
present or future interest, vested or contingent."** Assuming plaintiff's  
allegations are true, **she has a present or future interest**, making her a  
beneficiary permitted to petition the probate court under section 17200.[vii]  
(Emphasis added).

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<sup>5</sup> Source: <https://keystone-law.com/legal-standing-trust-contests/>



1 The Supreme Court held that with this interpretation, when a plaintiff  
2 claims to be a rightful beneficiary of a trust, if the challenged amendments  
3 are deemed invalid, then the plaintiff has standing to petition the Probate  
4 Court under Section 17200.[viii] The Court added that this expansive  
5 reading of the standing requirement afforded to trust contests under  
6 Section 17200 “not only makes sense as a matter of judicial economy, but  
it also recognizes the probate court’s inherent power to decide all  
incidental issues necessary to carry out its express powers to supervise  
the administration of the trust.”

7 The Court cautioned, however, that its ruling in Barefoot did have certain  
8 limitations in its applicability, stating: “Our holding does not allow  
9 individuals with no interest in a trust to bring a claim against the trust.  
10 Instead, we permit those whose well-pleaded allegations show that they  
11 have an interest in a trust — because the amendments purporting to  
12 disinherit them are invalid — to petition the probate court.” Thus, by so  
13 holding, the Supreme Court’s ruling could potentially exclude a Decedent’s  
14 heirs (who were not named as beneficiaries in any prior version of the  
15 Decedent’s estate plan, but who would otherwise have a beneficial  
16 interest through intestate succession in the event the Decedent did not  
17 have a valid estate plan) from filing a Section 17200 contest in Probate  
18 Court. Thus, any such contests currently pending by such heirs in Probate  
19 Court may be subject to attack based on the heirs’ lack of standing.

20 **Accordingly, the effect of the California Supreme Court’s**  
21 **decision was not to limitlessly expand the universe of potential**  
22 **litigants who can bring trust contest claims in the future, but rather,**  
23 **to confirm that Section 17200 can be used by disinherited**  
24 **beneficiaries as it had been in the past,** while leaving open this  
25 unresolved issue concerning a Decedent’s heirs.

26 In this instant case, the Petitioner has a right and property interest to both the  
27 estate and trust which is be materially affected by a decision of a fiduciary or a  
28 decision of the court.

In case number: 2021 PB00034, the Respondent offers no points of authority,  
nor any precedent or case law to support its argument and NRS 132.185 is inapposite  
to the Respondent’s argument. Nether does Judge Young offer any points of authority,  
nor any precedent or case law to support his order ...and the Nevada supreme Court’s

1 order in case 84948. The NRS 132.185 issue was never decided on the merits in any  
2 court and does not preclude adjudication in this case on grounds of *res judicata*.

3 The Nevada Legislature amended NRS 132.185 in 2015SB 185. The  
4 Legislative intent is explained in the SENATE BILL NO. 484—COMMITTEE ON  
5 JUDICIARY CHAPTER 524<sup>6</sup> [Approved: June 10, 2015] AN ACT relating to personal  
6 financial administration; revising provisions relating to the distribution and  
7 administration of the estate of a deceased person; revising provisions governing  
8 certain non-probate transfers; revising provisions relating to the creation and  
9 administration of trusts; providing for the creation and administration of public benefit  
10 trusts; revising the powers that may be exercised by a trustee; revising provisions  
11 relating to directed trusts; revising provisions relating to the jurisdiction of a court in  
12 cases concerning the administration of the estate of a deceased person and the  
13 administration of trusts; and providing other matters properly relating thereto.

14 Legislative Counsel's Digest: Existing law defines the term "interested person"  
15 for the purpose of determining who is entitled to receive notice of, and participate in, a  
16 proceeding relating to the estate of a deceased person. (NRS 132.185) Sections 9  
17 and 11 of this bill amend this definition to include all persons whose interest in an  
18 estate or trust will be materially affected by a decision of a fiduciary or a decision of  
19 the court and that a person's status as an interested person is determined according  
20 to the particular purposes of, and the matter involved in, each proceeding.

21 The previous version stated:

22 NV Rev Stat § 132.185 (2013)

23  
24 1. Interested person includes, without limitation, an heir, devisee, child,  
25 spouse, creditor, settlor, beneficiary and any other person having a  
26 property right in or claim against a trust estate or the estate of a decedent,  
including, without limitation, the Director of the Department of Health and

27 <sup>6</sup> (Added to NRS by 1999, 2252; A 2007, 2395; 2011, 1435; 2015, 3526)  
28 [https://www.leg.state.nv.us/Statutes/78th2015/Stats201532.html#Stats201532\\_CH524](https://www.leg.state.nv.us/Statutes/78th2015/Stats201532.html#Stats201532_CH524)

Human Services in any case in which money is owed to the Department of Health and Human Services as a result of the payment of benefits for Medicaid. The term includes a person having priority for appointment as a personal representative and other fiduciaries representing interested persons. The meaning as it relates to particular persons must be determined according to the particular purposes of, and matter involved in, a proceeding.

2. The term does not include:

(a) After a will has been admitted to probate, an heir, child or spouse who is not a beneficiary of the will, except for purposes of NRS 133.110, 133.160 and 137.080.

(b) A person with regard to a motion, petition or proceeding that does not affect an interest of that person.

(c) A creditor whose claim has not been accepted by the personal representative if the enforcement of the claim of the creditor is barred under the provisions of chapter 11 or 147 of NRS or any other applicable statute of limitation.

(Added to NRS by 1999, 2252; A 2007, 2395; 2011, 1435)

Also, according to NRS 137.010 (1), “the attorney general *or any interested person, including a devisee under a former will*, may contest the will by filing written grounds of opposition to the probate thereof at any time before the hearing of the petition for probate.” Here, the Petitioner is an “*interested person*” and “*a devisee under a former will*” and he is contesting the will/trust. ... by filing written grounds of opposition to the probate thereof at any time before the hearing of the petition for probate.

Additionally, the Petitioner is entitled to declaratory relief including a declaration of rights, status or other legal relations thereunder. Petitioner challenges the validity of the Thomas J. Harris will and trust pursuant to NRS 30.040 Questions of construction or validity of instruments, contracts and statutes:

1. Any person interested under a deed, *written contract* or *other writings constituting a contract*, or whose rights, status or other legal relations are affected by a statute, municipal ordinance, contract or franchise, may have determined any question of construction or validity arising under the instrument, statute, ordinance, contract or franchise and obtain a declaration of rights, status or other legal relations thereunder.

#### IV. NRS CHAPTER 134 IS INAPPOSITE

Webster's dictionary definition of intestate<sup>7</sup> is "having made no valid will". There was is a will and trust called the Thomas J. Harris Trust, and a previous will/trust called the Thomas Joseph and Olga Harris Living Trust. The Petitioner is the son of Olga Harris and stepson of Thomas J. Harris.

Conversely, according to NOLO<sup>8</sup>, “Stepchildren inherit when both spouses die without a will. If you have children from a previous relationship and die without a will and then your spouse later dies without a will, your spouse's property goes to your children. Nev. Rev. Stat. Ann. § 134.210.”

NRS 134.210 states “Vesting of estate if both spouses die intestate. Whenever one spouse dies intestate, leaving heirs, if the other spouse dies intestate after the first spouse, without heirs, leaving property, the estate of the second spouse to die vests in the heirs of the first spouse to die, subject to expenses of administration and payment of legal debts against the estate.”

<sup>7</sup> <https://www.merriam-webster.com/dictionary/intestate>

<sup>8</sup> <https://www.nolo.com/legal-encyclopedia/intestate-succession-nevada.html>

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## V. APPOINTMENT OF ATTORNEY

Petitioner, Todd Robben, requests the Court to appoint counsel in this civil/probate matter for good cause and pursuant to NRS § 136.200 since the Petitioner is an interested person who resides outside the county. The Petitioner, a "non-resident" of Douglas County, Nevada, Petitioner resides in Tuolumne County, California. "being non-residents — Judge Waters appointed appellant Flanagan as their counsel pursuant to NRS 136.200." *Matter of Estate of Herrmann*, 677 P. 2d 594 - Nev: Supreme Court 1984

**NRS136.200 Appointment of attorney to represent minors, unborn members of interested class or nonresidents; retention of other counsel.**

If a will is offered for probate and it appears there are minors or unborn members of a class who are interested, or if it appears there are other interested persons who reside out of the county and are unrepresented, the court may, whether there is a contest or not, appoint an attorney for them.

Petitioner, Todd Robben, the step-son of Thomas J. Harris and son of Olga Harris is an "interested person" pursuant to NRS 132.185 "Interested person" defined. "Interested person" means a person whose right or interest under an estate or trust may be materially affected by a decision of a fiduciary or a decision of the court. The fiduciary or court shall determine who is an interested person according to the particular purposes of, and matter involved in, a proceeding.

The Petitioner is indigent, the court has granted Petitioner indigent status. At the hearing on May 24<sup>th</sup>, 2022 in case 2021 PB00034, the court granted the Petitioner's request for a continuance, "in an abundance of caution", and gave the Petitioner to June 21<sup>st</sup>, 2022 to obtain counsel.

1 On June 21<sup>st</sup>, 2022 in case 2021 PB00034 Judge Young denied the Petitioner's  
2 request for counsel on grounds he was not an interested person without explanation  
3 and Judge Young did not allow evidence of the former Thomas J. and Olga Harris  
4 Living Trust incorrectly claiming hearsay despite a litany of exceptions to hearsay, non  
5 hearsay and sworn affidavits and sworn testimony.

6 **The Nevada Supreme Court has identified NRS 136.200 as a “statutory**  
7 **right”** to appointment of counsel in other types of civil cases. “there is no statutory  
8 right to appointment of counsel for appellate review in this type of civil case as there is  
9 in criminal cases and other types of civil cases. ...NRS 136.200” Casper v. Huber, 456  
10 P. 2d 436 - Nev: Supreme Court 1969

11 This Petitioner requests the Court to grant the request and appoint a reputable  
12 and conflict free attorney “in an abundance of caution”... The Petitioner has an  
13 undisputed *prima facie* case of undue influence and presumed undue influence.

14 “A rebuttable presumption of undue influence is raised if the testator and the  
15 beneficiary shared a fiduciary relationship, but undue influence may also be proved  
16 without raising this presumption.” In re Estate of Bethurem, 313 P. 3d 237, 241 (2013),  
17 at 329. “The essence of a fiduciary or confidential relationship is that the parties do  
18 not deal on equal terms, since the person in whom trust and confidence is reposed  
19 and who accepts that trust and confidence is in a superior position to exert unique  
20 influence over the dependent party.” Hoopes v. Hammargren, 725 P. 2d 238, 242  
21 (1986) quoting Barbara A. v. John G., 145 Cal.App.3d 369, 193 Cal.Rptr. 422, 432  
22 (1983).

23 “Once raised, a beneficiary may rebut such a presumption by clear and  
24 convincing evidence.” Beturem, at 241. The highest standard of proof, “beyond a  
25 reasonable doubt,” exists only in criminal litigation. In civil litigation, “clear and  
26 convincing evidence” is the highest evidentiary standard. “Clear and convincing  
27 evidence” is “evidence establishing every factual element to be highly probable, or as  
28

evidence [which] must be so clear as to leave no substantial doubt." In re Discipline of Drakulich, 908 P. 2d 709, 715 (1995)(internal quotations and citations omitted).

Thus, the Respondent must meet a difficult, nearly impossible burden, after the burden shift. The burden shift occurs when the contesting party establishes the existence of a fiduciary of confidential relationship.

Under NRS 155.097(2), estate planning documents and other beneficiary designations are presumptively invalid as a result of undue influence, fraud or duress under the following circumstances, where the beneficiary:

- is the person who drafted the document or instrument.
- is the caregiver of the person executing the document or instrument.
- "materially participated in formulating the dispositive provisions" of the instrument or document.

In addition to the fact Jeff D. Robben was the caretaker, financial advisor and helped draft the Thomas J. Harris trust, the Petitioner has at least three affidavits to support facts proving Jeff D. Robben influenced Thomas J. Harris to disinherit based on the animus and vexation of Jeff D. Robben. Petitioner indents to include all beneficiaries, administrators and lawyers of the Thomas J. Harris Trust and Thomas J. Harris and Olga Harris Trust. Additionally, the pleading/filings in a federal lawsuit 2:13-cv-00238-MCE-DAD UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA describe the animus and vexation of Jeff D. Robben against his brother, Todd Robben, the Petitioner. The complaint named Jeff D. Robben as one of the defendants and the following facts:

On or about October 18, 2012 Plaintiff Todd Robben was out on bail, which was bonded and insured by defendant Bail Bonds Inc (BBI) of Fallon, Nevada, a Nevada Corporation dba Justin Brothers Bail Bonds, herein "Justin Bros." Defendants Richard Justin is the President and Treasurer, and employee of said Nevada Corporation, Dennis Justin is the employee and agent of Justin Bros. and co-participant in the events complained of herein.

1  
2 On or about the same said date the brother of plaintiff Jeff Robben acting  
3 as an officious intermeddler implored and insisted to his mother (also the  
4 mother of plaintiff) who was assuring the bond to withdraw her assurance  
5 out of a black heart and with the vile intent to vex, annoy, inflict emotional  
6 distress, and injure plaintiff (his own brother) as much as possible;  
7 Defendant Jeff Robben knowingly and falsely asserted that plaintiff was  
8 both suicidal and homicidal to their mother and to defendants Justin Bros.  
9 and Richard and Dennis Justin. This caused plaintiff to lose his bail bond  
10 when his mother withdrew her assurance, at the insistence of officious  
11 intermeddler Defendant Jeff Robben. The said withdrawal off assurance  
12 started a chain reaction where tortfeasors Justin Bros. and their  
13 owner/actors Richard Justin and Dennis Justin, employees and agents of  
14 (BB1)/ Justin Bros. crossed the state line from Carson City, Nevada where  
15 their office is located and entered the state of California, City of South  
16 Lake Tahoe ,went to plaintiff's residence without any legal authority, or  
17 warrant pursuant to California Penal Code Section 847.5, but under color  
18 of state law(either California or Nevada or both) went to plaintiff's home,  
19 broke down his home's front door with brute force, assaulted and battered  
20 plaintiff with a taser gun, shooting him no less than three times with said  
21 device, and beating him. Plaintiff was further brutalized under color of law.  
22 He was handcuffed and brutally taken from his home into unlawful custody  
23 under color of law. Plaintiff never consented to this touching which was  
24 both painful and injurious both physically and mentally to plaintiff.

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Untimely, the federal civil case was dismissed with the Plaintiff settling with the various defendants including Jeff D. Robben with an understanding/contract that the Petitioner was not to be disinherited.

The Petitioner has the right to challenge the validity of the trust pursuant to NRS 30.040 Questions of construction or validity of instruments, contracts and statutes:

1. Any person interested under a deed, written contract or other writings constituting a contract, or whose rights, status or other legal relations are affected by a statute, municipal ordinance, contract or franchise, may have determined any question of construction or validity arising under the instrument, statute, ordinance, contract or franchise and obtain a declaration of rights, status or other legal relations thereunder.



1           The Petitioner also alleges fraud and the failure of the Thomas J. Harris  
2 trust to notify the Petitioner of any disinheritance or even the death of Thomas J.  
3 Harris and anything related to the will, trust, instruments and probate of the  
4 Thomas J. Harris trust.  
5

6           Since NRCP Rule 60 includes provisions for fraud and other things like  
7 surprises, there is no limiting Petitioner's ability to challenge the validity of the  
8 Thomas J. Harris trust. The Petitioner can successfully render the current  
9 Thomas J. Harris trust null and void to which the original Thomas J. Harris and  
10 Olga Harris Trust would be controlling and to which the Petitioner is a  
11 beneficiary.  
12

13           The Petitioner is interested in pursuing an amicable resolution to this  
14 matter using the court/legal system. The Petitioner feels there is settlement  
15 potential since the facts, and as a matter of law, create a presumption of undue  
16 influence by Jeff D. Robben over Thomas J. Harris to disinherit the Petitioner and  
17 also transfer asserts including the home of Thomas J. Harris in Minden, Nevada  
18 into the name and/or trust/instrument of Jeff D. Robben. The entire contents of a  
19 Wells Fargo safe deposit box in the name of Thomas J. Harris and may include  
20 Olga Harris is missing. Said safe deposit box contained various assets including  
21 stock certificates, property, and other legal documents.  
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24           This Petitioner demands a full accounting and paper trails of all assets of  
25 Thomas J. Harris, Olga Harris and Jeff Robben and any and all trusts and sub-  
26 trusts, shell trusts or corporations, etc.  
27  
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1 This Petitioner's intent is not to have the current beneficiaries of the  
2 Thomas J. Harris trust lose anything. The lawyer for the trust, F. McClure  
3 Wallace, has the authority to encourage the trust manager/trustee to settle the  
4 matter in an amicable fashion.  
5

6 The lawyer, F. McClure Wallace has been unethical in his conduct before  
7 this very court when he denied existence of the Thomas J. Harris and Olga  
8 Harris trust.  
9

10 Since there appears to be evidence and eyewitnesses to these facts, the  
11 Petitioner is starting the process of working with the proper authorities in various  
12 jurisdictions to pursue any and all criminal matters. This includes the Douglas Co.  
13 Sheriff and D.A. Mark Jackson who remembers Todd Robben from a set of previous  
14 false charges:  
15

16 Source: [http://www.nevadaappeal.com/news/crime/10985994-113/robben-](http://www.nevadaappeal.com/news/crime/10985994-113/robben-charges-jackson-carson)  
17 [charges-jackson-carson](http://www.nevadaappeal.com/news/crime/10985994-113/robben-charges-jackson-carson)  
18

19 and  
20

21 [https://www.mtdemocrat.com/news/da-protester-charged-with-trying-to-solicit-](https://www.mtdemocrat.com/news/da-protester-charged-with-trying-to-solicit-murder/comment-page-2/)  
22 [murder/comment-page-2/](https://www.mtdemocrat.com/news/da-protester-charged-with-trying-to-solicit-murder/comment-page-2/)  
23

24 and here  
25

26 [https://www.mtdemocrat.com/news/charges-dropped-da-protester-out-of-](https://www.mtdemocrat.com/news/charges-dropped-da-protester-out-of-prison/)  
27 [prison/](https://www.mtdemocrat.com/news/charges-dropped-da-protester-out-of-prison/)  
28

All charges against South Tahoe resident Ty Robben have now been  
dropped in jailhouse HIT MAN to kill corrupt Carson City Judge Tatro and

Slander/Libel/Internet Stalking by Geoff Dornan  
[gdornan@nevadaappeal.com](mailto:gdornan@nevadaappeal.com)

Douglas County District Attorney Mark Jackson, the special prosecutor named to handle the cases, previously dismissed libel and harassment charges.

He served notice Thursday that he was dropping the charge **Ty Robben AKA "Top Ramen"** (new 'jail name' obtained at the Carson City jailhouse since it sounds like his name) **tried to hire a hit man to kill Justice of the Peace John Tatro.**

Mark Jackson was brought in after the **Carson City DA's office was disqualified** from handling the case.

**"Based on a full and complete review of all the evidence and the existing constitutional, statutory and case law, I filed a notice of dismissal today in the Carson Township Justice Court," Jackson said in a statement.**

He said that means Robben's \$50,000 bail has been lifted, and all pending charges against him have been dismissed. "It is my understanding that Mr. Robben is in the process of being released from the Carson City Jail," Jackson said. Robben stopped by the Tahoe Daily Tribune Friday and said he was hoping to restore his life and family. **He thanked his attorneys for their work to get him released.**

**"Thank you to Mark Jackson for standing up and supporting the U.S. Constitution," Robben said.**

Two weeks ago, Jackson dismissed the other case against Robben, which accused him of libel and stalking and two counts of attempting to intimidate Tatro and his family. He did so stating that Nevada's libel law was "unconstitutionally vague." The stalking charge, he said, simply didn't have enough evidence to support it.

Robben has been battling the state and criminal justice system since he was terminated by the Taxation Department.

He was angry with Tatro for his conviction on charges of disorderly conduct centered on his attempt to — allegedly — serve papers on behalf of a friend on then-NDOT Director Susan Martinovich. Robben said Judge Tatro and Assistant DA Mark "Freddie" Krueger must resign and criminal charges must be filed against Judge Tatro for filing a

1 false report against me. Thank you Douglas County DA Mark Jackson  
2 for respecting the US Constitution and my 1st & 14th Amendment rights in  
3 these matters and the honor to respect the law(s) and look at the facts  
unbiased.

4 Robben also posted a story and photos of an alleged requirement for  
5 Judge Tatro to take a breathalyzer test prior to taking the bench everyday.  
6 Special thanks Attorney Jarrod Hickman and to the entire State of  
7 Nevada Public Defenders office including the folks behind the scenes  
answering my numerous phone calls from jail.

8 Are you aware of the ruling in Times v. Sullivan (1964) which states this, in  
part:

9 As Americans we have a profound national commitment to the principle  
10 that debate on Public Issues should be uninhibited, robust, and wide open.  
11 And that it may well include vehement, caustic, and sometimes  
unpleasantly sharp attacks on government and public officials.

12  
13 Petitioner's brother Jeff D. Ruben was a grifter and all he cared about was  
14 money. At all costs, he defraud and stole money and assets from his mother  
15 Olga Harris, stepdad Thomas J. Harris and his brother Todd Robben the  
16 Petitioner.

17  
18 Going back to the Petitioner's home in South Lake Tahoe (2640 Pinter  
19 Ave.) and the lot behind the house on Fountain Ave. and Petitioner's home in  
20 Carson City at 610 Mary St. Jeff D. Robben influenced both Olga Harris and  
21 Thomas J. Harris to breach contracts and force the sale of these properties.

22  
23 The Petitioner had invested in these properties with his mom and stepdad  
24 and Jeff D.. Ruben had undue influence on both of them forcing the sale, and  
25 making me buy out the Petitioner's mom and step dad's shares at inflated prices  
26 other than were agreed upon prior.

1           Jeff Robben caused strife in Petitioner's life and destroyed relationships  
2 with the Petitioner's mother and stepdad. Later, Jeff D. Robben made false  
3 allegations to the Carson City authorities that Petitioner was suicidal during the  
4 first wave of false arrests and during the divorce with Petitioner's ex-wife JoAnne  
5 R. Michael. It was later established that the Petitioner was not suicidal, but  
6 instead, in fear of being "suicided" or killed by the Carson City and Nevada  
7 government official for exposing massive corruption in the Department of  
8 Taxation where millions of dollars was embezzled and the computer system was  
9 not functioning. The Petitioner was the IT administrator for the State Tax  
10 department and later exposed judicial corruption in the courts.  
11

12           Jeff D. Robben used undue influence and exploited these situations to  
13 damage relationships with the Petitioner's mom, stepdad and ex-wife and son  
14 Jacob.  
15

16           Jeff D. Robben was sailing ships and working as a pilot in the Fort  
17 Lauderdale port in Florida during this timeframe. Jeff D. Robben had a condition  
18 called macular degeneration and his eyesight was failing. Jeff D. Robben tried to  
19 keep this a secret. After Jeff D. Robben caused the Petitioner problems and a  
20 psych evaluation ordered by the Carson City, NV court judge John Tatro. I  
21 passed the psych evaluation and was declared not a threat to myself or others... I  
22 reported Jeff D. Robben to the port authority for sailing ships with macular  
23 degeneration.  
24  
25  
26  
27  
28

1 It appears there was and still is a conspiracy to defraud Petitioner (and the  
2 other beneficiaries) out of vast sums of money. Interestingly, this is a multi-state  
3 problem involving California, Nevada and Washington states. It's understood  
4 Scott Barton is a resident of Washington state. Since this involves interstate  
5 commerce and mail fraud, perhaps the feds will be interested too.  
6

7 With the known conflicts-of-interests between Scott Barton and  
8 Blanchard, Krasner & French working both Jeff Robben's trust/will/instruments  
9 and Thomas J. Harris's trust/will/instruments it appears there is a conspiracy  
10 along with Tara Flannagan and you to cover-up the money trail. Indeed, follow-  
11 the-money... Where is it?  
12

13 The Petitioner has been subject to vexation by the Thomas J. Harris trust  
14 administrator, Tara M. Flanagan who has abuse her position as a California  
15 Superior Court Judge in volition the state judicial ethics & canons to have the  
16 Alameda County authorities attempt to intimate this Petitioner from his legal  
17 rights to pursue his claims and expose the corruption. According to Cal. Judicial  
18 Canon 2: A Judge Shall Avoid Impropriety and the Appearance of Impropriety in  
19 All of the Judge's Activities A. Promoting Public Confidence B. Use of the  
20 Prestige of Judicial Office.  
21  
22

23 According to Cal. Judicial Canon 4: A Judge Shall So Conduct the Judge's  
24 Quasi-Judicial and Extrajudicial Activities as to Minimize the Risk of Conflict with  
25 Judicial Obligations  
26

- 27 A. Extrajudicial Activities in General
- 28 B. Quasi-judicial and Avocational Activities

1 C. Governmental, Civic, or Charitable Activities

2 **D. Financial Activities**

3 **E. Fiduciary Activities**

4 F. Service as Arbitrator or Mediator

5 **G. Practice of Law**

6 **H. Compensation and Reimbursement**

7 There has been a total break-down and failure to communicate by Tara M.  
8 Flanagan, F. McClure Wallace and Scott Barton. Tara M. Flanagan knows of the  
9 fraud and theft conducted by Scott William Barton Cal. State BAR # 160262, a  
10 California lawyer. Pursuant to California Judicial Canon III, D II: (2) Whenever a  
11 judge has personal knowledge that a lawyer has violated any provision of the  
12 Rules of Professional Conduct, the judge shall take appropriate corrective action.

13 "Silence can only be equated with fraud where there is a legal or moral  
14 duty to speak or where an inquiry left unanswered would be intentionally  
15 misleading." United States v. Prudden, 424 F.2d 1021 p. 1032.(5th Cir. 1970),  
16 cert. denied, 400 U.S. 831, 91 S.Ct. 62, 27 L.Ed.2d 62 (1970).

17 In an effort to carry out any litigation in this case, a court appointed lawyer  
18 is requested to act as an intermediary and legal counsel. The Petitioner cannot  
19 be subjected to false claims of harassment or threats to harm anyone. An honest  
20 lawyer will be able to work with the opposing counsel to obtain an amicable  
21 solution and justice for any criminal wrongdoings.

22 In an abundance of caution, and in the interests and furtherance of justice,  
23 the Petitioner has a "statutory right" to counsel in this matter and the Court has  
24 an opportunity to remedy the situation simply by appointing counsel to which any  
25  
26  
27  
28

1 costs, fees, etc can be paid back by the Petitioner upon a successful resolution  
2 and the inclusion of attorneys fees and costs.

3 In good faith, this Petition is holding back evidence, facts and the names  
4 of certain individuals to preserve confidentiality upon the Courts decision on  
5 appointing counsel. Once counsel is appointed, the evidence can be disclosed to  
6 the Respondent's counsel and/or the court.

7  
8 If the Court decides against appointing counsel, the Petitioner will pursue  
9 this case in pre per. The Petitioner reserves all rights including using extra-  
10 judicial remedies, common law liens, salvage liens and any and all other tools  
11 and resources to accomplish justice and a fair remedy  
12

13  
14 **VI. THOMAS J. HARRIS WILL AND TRUST MUST BE INVALIDATED**

15 If no settlement can be reach by the parties, based on the facts, the law and  
16 admissible evidence argued above, the Thomas J. Harris Trust must be decaled  
17 invalid, null & void and the Thomas Joseph and Olga Harris Living Trust controls.  
18

19 If it turns out the Thomas Joseph and Olga Harris Living Trust is lost or  
20 destroyed, the Petitioner can produce two witnesses, Todd C. Robben and Stephen J.  
21 Robben to attest to the existence and contents of the Thomas Joseph and Olga Harris  
22 Living Trust. A third witness may include Abigail G. Stephenson, Esq since the  
23 Thomas Joseph and Olga Harris Living Trust was addressed by Abigail G.  
24 Stephenson, Esq. dated March 6, 2020 from Blanchard, Krasner & French  
25 acknowledging the existence of the August 26, 1998 trust known as the Thomas  
26 Joseph and Olga Harris Living Trust. Please see **EXHIBIT A**  
27



1 Further research will determine if a copy of the Thomas Joseph and Olga  
2 Harris Living Trust exists. If not, Petitioner can produce two witnesses, Todd C.  
3 Robben and Stephen J. Robben to attest to the existence and contents of the Thomas  
4 Joseph and Olga Harris Living Trust pursuant to [1] NRS 136.240(3) which provides:  
5 No will shall be allowed to be proved as a lost or destroyed will unless the same shall  
6 be proved to have been in existence at the death of the person whose will it is claimed  
7 to be, or be shown to have been fraudulently destroyed in the lifetime of such person,  
8 nor unless its provisions shall be clearly and distinctly proved by at least two credible  
9 witnesses.

10 Todd C. Robben and Stephen J. Robben could have attested under oath that  
11 Olga Harris, the mother of Petitioner Todd C. Robben spoke of the will/trust several  
12 times, including Petitioner's wedding day. The beneficiaries included Thomas J.  
13 Harris's son Todd Harris, note Thomas A. Harris was *not* a beneficiary and  
14 disinherited; Olga Harris's sons Jeff D. Robben and Todd C. Robben. Each was to  
15 receive one third.

16 If the court decides otherwise, the case goes to probate with only two  
17 remaining blood heirs, Thomas. A. Harris and Petitioner, Todd C. Robben.

18 This Petitioner has stated and will state again in simple terms that he desires a  
19 situation either by settlement, or court order, to remedy the matter to include the  
20 Petitioner into to trust with a reasonable percentage and to include a full accounting of  
21 any and all assets, money, expenses, etc. A complete transparent paper trail of the  
22 money trail. Where are the contents of the missing safe deposit box addressed as  
23 "Exhibit "A" to Declaration of Trust by Thomas J. Harris". See EXHIBIT B.

24  
25 **1. Safe Deposit Box:** All of Trustor's right, title and interest in and to all  
26 contents in the safe deposit box located at Wells Fargo Bank in Carson  
27 City, NV, branch office, including but not limited to cash, bonds, stock,  
28 securities, and tangible property therein.

1  
2 **2. Bank Accounts:** All cash, bonds, stock, securities and other property  
3 held with Wells Fargo Bank, including but not limited to account  
4 #####1233.

5 **3. All Other Personal Property:** All of Trustor's right, title, and interest  
6 subject to all liabilities attached thereto in all automobiles, boats, airplanes,  
7 vehicles, trailers, silverware, chinaware, wine, books, pictures, paintings,  
8 works of art, household furniture and furnishings, clothing, jewelry, pets,  
9 assets in digital form for which Trustor is the owner or author, including  
10 without limitation, lists of passwords, user account information, social  
11 media sites, blogs, e-books, and other Web-hoster materials, all digital  
12 albums and videos, websites on which Trustor conducts business  
13 transactions, and all other personal property (together with any insurance  
14 on such property) now owned or acquired later during Trustor's lifetime.

15 It is undisputed that the house in Minden, Nevada on Pebble Beach Court was  
16 transferred into the name of Jeff D. Robben and/or Jeff D. Robben Trust or sub trust.  
17 Said house of Thomas J. Harris was worth approximately \$450,000.00 dollars and the  
18 money should be put back into the Thomas J. Harris Trust to be distributed to the  
19 beneficiaries. There are questions as to another home on April Drive in South Lake  
20 Tahoe worth approximately \$1, 500,000.00 dollars that should have been in the  
21 Thomas J. Harris trust.

22 This Petitioner believes the estate and trust value of the Thomas J. Harris Trust  
23 is grossly undervalued because of the fraud and theft that has occurred to transfer  
24 assets into other accounts to defraud the Thomas J. Harris beneficiaries of millions of  
25 dollars when just the two homes are added back in addition to the missing contents on  
26 the safe deposit box. Furthermore, Petitioner must see all insurance (death and life  
27 insurance payouts), Pension and 401K information in addition to at least the least  
28 twenty years of IRS and state tax returns.

## VII. PETITIONER'S EVIDENCE IS ADMISSIBLE

1  
2 The Petitioner affirmatively asserts his evidence of the previous Thomas J. And  
3 Olga Harris Living Trust is admissible. Judge Nathan Tod Young's refusal to accept  
4 non hearsay relevant evidence and sworn testimony from the Petitioner and his  
5 witnesses on June 21, 2022 is an unconscionable violation of due-process of U.S. 14<sup>th</sup>  
6 Amend. & Nev. Const. Art. 1, Sec 1 & 8(2) and NRS 51.035 "The statement is one  
7 made by a witness while testifying at the trial or hearing."

8 NRS 48.015 "Relevant evidence" defined. As used in this chapter, "relevant  
9 evidence" means evidence having any tendency to make the existence of any fact that  
10 is of consequence to the determination of the action more or less probable than it  
11 would be without the evidence. Also see NRS 48.025:

12  
13 Relevant evidence generally admissible; irrelevant evidence inadmissible:

14  
15 1. All relevant evidence is admissible, except:

16 (a) As otherwise provided by this title;

17 (b) As limited by the Constitution of the United States or of the State  
18 of Nevada; or

19 (c) Where a statute limits the review of an administrative  
20 determination to the record made or evidence offered before that  
21 tribunal.

22 2. Evidence which is not relevant is not admissible.

23 On June 22, 2022 this Petitioner was denied by Judge Young the ability to  
24 email the evidence to Judicial Assistant – Kelly Wagstaff: [kwagstaff@douglas.nv.gov](mailto:kwagstaff@douglas.nv.gov)  
25 or other court clerk, and/or share the screen for an in-camera display of the  
26 confidential evidence.  
27

1 Any transactions and conversations with or actions the Petitioner, Stephen J.  
2 Ruben or others had with Olga Harris is admissible. NRS 48.075 Transactions and  
3 conversations with or actions of deceased person. Evidence is not inadmissible solely  
4 because it is evidence of transactions or conversations with or the actions of a  
5 deceased person.

6 The relevant material evidence proffered by the Petitioner's sworn statement on  
7 the record was not, and is not, "hearsay" as wrongfully stated by Judge Nathan Tod  
8 Young and supported by Nevada statute NRS §§ 51 and controlling case law.

9 NRS 51.035 "Hearsay" defined. "Hearsay" means a statement offered  
10 in evidence to prove the truth of the matter asserted unless:

11 **1. The statement is one made by a witness while testifying at**  
12 **the trial or hearing;**

13 **2. The declarant testifies at the trial or hearing and is subject to**  
14 **cross-examination concerning the statement, and the**  
15 **statement is:**

16 (a) Inconsistent with the declarant's testimony;

17 (b) Consistent with the declarant's testimony and offered to rebut an  
18 express or implied charge against the declarant of recent  
19 fabrication or improper influence or motive;

20 (c) One of identification of a person made soon after perceiving the  
21 person; or

22 (d) A transcript of testimony given under oath at a trial or hearing or  
23 before a grand jury; or

24 **3. The statement is offered against a party and is:**

25 (a) The party's own statement, in either the party's individual or a  
26 representative capacity;

27 (b) A statement of which the party has manifested adoption or belief in  
28 its truth;

1 (c) A statement by a person authorized by the party to make a  
2 statement concerning the subject;

3 (d) A statement by the party's agent or servant concerning a matter  
4 within the scope of the party's agency or employment, made  
5 before the termination of the relationship; or

6 (e) A statement by a coconspirator of a party during the course and in  
7 furtherance of the conspiracy.

8 Even if the Petitioner is wrong, the evidence of the Thomas Joseph and Olga  
9 Harris Living Trust is exempt from Nevada hearsay law pursuant to the following  
10 statutes:

11 NRS 51.075 General exception; other exceptions illustrative.

12 1. A statement is not excluded by the hearsay rule if its nature and  
13 the special circumstances under which it was made offer assurances of  
14 accuracy not likely to be enhanced by calling the declarant as a witness,  
15 even though the declarant is available.

16 NRS 51.105 Then existing mental, emotional or physical condition.

17 1. A statement of the declarant's then existing state of mind,  
18 emotion, sensation or physical condition, such as intent, plan, motive,  
19 design, mental feeling, pain and bodily health, is not inadmissible under  
20 the hearsay rule.

21 2. A statement of memory or belief to prove the fact remembered or  
22 believed is inadmissible under the hearsay rule unless it relates to the  
23 execution, revocation, identification or terms of declarant's will.

24 NRS51.135 Record of regularly conducted activity. A memorandum,  
25 report, record or compilation of data, in any form, of acts, events,  
26 conditions, opinions or diagnoses, made at or near the time by, or from  
27 information transmitted by, a person with knowledge, all in the course of a  
28 regularly conducted activity, as shown by the testimony or affidavit of the  
custodian or other qualified person, is not inadmissible under the hearsay  
rule unless the source of information or the method or circumstances of  
preparation indicate lack of trustworthiness.

1 NRS51.215 Records of documents affecting interest in property. The  
2 record of a document purporting to establish or affect an interest in  
3 property, as proof of the content of the original recorded document and its  
4 execution and delivery by each person by whom it purports to have been  
5 executed, is not inadmissible under the hearsay rule if the record is a  
6 record of a public office and an applicable statute authorized the recording  
7 of documents of that kind in that office.

8 NRS51.225 Statement in document affecting interest in property. A  
9 statement contained in a document purporting to establish or affect an  
10 interest in property is not inadmissible under the hearsay rule if the matter  
11 stated was relevant to the purpose of the document, unless dealings with  
12 the property since the document was made have been inconsistent with  
13 the truth of the statement or the purport of the document.

14 NRS51.235 Statements in ancient documents. Statements in a  
15 document more than 20 years old whose authenticity is established are  
16 not inadmissible under the hearsay rule.

17 NRS 51.315 General exception; other exceptions illustrative.

18 1. A statement is not excluded by the hearsay rule if:

19 (a) Its nature and the special circumstances under which it was made  
20 offer strong assurances of accuracy; and

21 (b) The declarant is unavailable as a witness.

22 2. The provisions of NRS 51.325 to 51.355, inclusive, are illustrative  
23 and not restrictive of the exception provided by this section.

24 In this case, the Petitioner has a letter from Abigail G. Stephenson, Esq. dated  
25 March 6, 2020 from Blanchard, Krasner & French acknowledging the existence of the  
26 August 26, 1998 trust known as the Thomas Joseph and Olga Harris Living Trust.  
27 Please see EXHIBIT A.

28 Ms. Stephenson is a witness and a lawyer and officer of the court. As a  
declarant was unavailable as a witness pursuant to NRS 51.075 and NRS  
51.315(1)(a)(b).

**CONCLUSION**

Even without a lawyer, this Petitioner has provided the facts, evidence and law to support the Thomas J. Trust to be declared null & void based on the undisputed showing of presumed undue influence and undue influence.

If this court insists on additional litigation and hearings or agrees with the Petitioner that a court appointed lawyer from the State Bar pro bono program or the State Supreme Court will help encourage settlement – this court may assign a lawyer.

A stay is requested to preserve funds for any settlements or reimbursements as well as legal costs and any attorney fees.

Respectfully signed under penalty of perjury,



/s/ Todd Robben

July 20, 2022

**CERTIFICATE OF SERVICE**

I, Stephen James Robben, declare under penalty of perjury under the law of the State of Nevada that the following is true and correct copy of the filed document. That on (month) July (day) 20th, 2022, service of the document was made pursuant to NRCP 5(b) by depositing a email to: F. McClure Wallace, counsel for Respondent, mcclure@wallacemillsap.com

DATED this 20th day of July, 2022

Submitted By: /s/ Stephen James Robben



**EXHIBIT A:**

**EXHIBIT A:**

## BLANCHARD, KRASNER & FRENCH

A PROFESSIONAL LAW CORPORATION

ABIGAIL G. STEPHENSON, ESQ.

TELEPHONE: (775) 384-0022  
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5470 KIETZE LANE, SUITE 200  
RENO, NEVADA 89511

ALAN W. FRENCH  
(Deceased)

ADMITTED IN:  
California and Nevada

March 6, 2020

**VIA U.S. PRIORITY MAIL/DELIVERY CONFIRMATION REQUESTED**

Mr. Thomas Anthony Harris  
P.O. Box 364  
Santa Cruz, CA 95061

Re: Estate and Trust of Thomas J. Harris  
Our File No.: 8269-020

Dear Mr. Harris:

Please accept our condolences on the death of Thomas J. Harris ("Thomas"). As you may know, Thomas' wife Olga Harris predeceased him on March 23, 2019. As part of Thomas' and Olga's estate plan, they created a trust known as the Thomas Joseph and Olga Harris Living Trust dated August 26, 1998 (the "Thomas and Olga Harris Trust"). After Olga's death, Thomas terminated the Thomas and Olga Harris Trust, and established a new living trust called the Thomas J. Harris Trust on June 12, 2019. All of the remaining property of the Thomas and Olga Harris Trust was transferred to the Thomas J. Harris Trust (hereafter, the "Trust") on June 12, 2019. A copy of the Trust which includes all of the terms of the Trust as they pertain to you is enclosed for your information. Also enclosed is a copy of Thomas' Last Will and Testament naming the Trust as the sole beneficiary of his Estate, and a Trustee's Notice pursuant to Nevada Revised Statutes § 164.021. The purpose of this letter is to make you aware of the existence of the Trust, the specific gift intended for you from the Trust, and to explain briefly the process of trust administration.

Under NRS Section 164.021, a Trustee may serve a notification to beneficiaries, heirs, or other interested persons when a trust becomes irrevocable by reason of the death of the person who created the trust (the "settlor" or "trustor"). You are receiving the enclosed notice because Thomas, either personally or in honor of Olga (or both), named you as a beneficiary of the Trust.

Pursuant to Paragraph A-4(a) of the Trust, the specific gift intended for you from the Trust is seventeen and one-half percent (17.5%) of the remaining Trust property after paying all of Thomas' just debts, medical expenses, taxes, and other costs of administration of his Estate and the Trust. *Please bear in mind distribution of this gift is subject to availability of funds after all such expenses have been ascertained and satisfied.*

Jeff D. Robben ("Jeff") is the successor trustee of the Trust. As Trustee, Jeff has authority to manage the Trust, make investment decisions, distribute property, and otherwise deal with the Trust's property in accordance with the terms of the Trust. The Trustee is also responsible for keeping financial records and filing tax returns for the Trust. Jeff is working diligently to satisfy the terms of the Trust. These efforts generally take several months or even years before a trust is

in a position to distribute property to its beneficiaries. Please be patient as this work is being done. *To assist the Trustee in fulfilling his duties, please complete the enclosed IRS Form W-9 and return it to the undersigned in the postage-paid envelope provided.*

The Trust's property consists mainly of the Trust's beneficial interest in an annuity. At this time, I am unable to provide you an estimate of the funds you may receive from the residual Trust estate. Paragraph B-42 of Schedule B of the Trust provides, "The Trustee shall account to the beneficiaries periodically and, if requested by a beneficiary, at least annually." Please take note the Trustee intends to provide the first accounting to the beneficiaries in January 2021, for the period commencing with Thomas' date of death on December 30, 2019 (the date upon which Jeff became the Trustee), and ending December 30, 2020. The Trustee would like you to be aware that each beneficiary of the Trust will receive a Schedule K-1 commencing with tax year 2020, which will be prepared by the Trust's CPA and mailed directly to the beneficiaries, and which you will, in turn, need to provide to your own tax professionals for your own income tax returns.

The law firm of Blanchard, Krasner & French, APC, represents the Trustee and not the beneficiaries. Thus, we cannot give you legal advice concerning your interest as a beneficiary. If you have any questions concerning your rights and interests with respect to the Trust, please consult your own attorney.

Sincerely,



Abigail G. Stephenson, Esq.  
for Blanchard, Krasner & French

AGS:mew  
Enclosures  
cc: Jeff D. Robben, Trustee

**EXHIBIT B:**

**EXHIBIT B:**

EXHIBIT "A"  
TO  
DECLARATION OF TRUST

I, THOMAS JOSEPH HARRIS, as Trustor and Trustee, declare the following property is my separate property, is hereby assigned to this trust, and shall constitute the property of the THOMAS J. HARRIS TRUST:

1. Safe Deposit Box:

All of Trustor's right, title and interest in and to all contents in the safe deposit box located at Wells Fargo Bank, in the Carson City, NV, branch office, including but not limited to cash, bonds, stock, securities, and tangible property therein.

2. Bank Accounts:

All cash, bonds, stock, securities, and other property held with Wells Fargo Bank, including but not limited to account [REDACTED] 1233.

3. All Other Personal Property:

All of Trustor's right, title, and interest subject to all liabilities attached thereto in all automobiles, boats, airplanes, vehicles, trailers, silverware, chinaware, wine, books, pictures, paintings, works of art, household furniture and furnishings, clothing, jewelry, pets, assets in digital form for which Trustor is the owner or author, including without limitation, lists of passwords, user account information, social media sites, blogs, e-books, and other Web-hosted materials, all digital albums and videos, websites on which Trustor conducts business transactions, and all other personal property (together with any insurance on such property) now owned or acquired later during Trustor's lifetime.

  
THOMAS JOSEPH HARRIS, Trustor and Trustee

**EXHIBIT C:**

**EXHIBIT C:**

NOTIFICATION BY TRUSTEE UNDER  
NEVADA REVISED STATUTES SECTION 164.021

Pursuant to Nevada law, you are hereby provided with notice of the following information regarding the Thomas J. Harris Trust (the "Trust"):

1. The name of the Trustor of the Trust is: Thomas Joseph Harris.
2. The Trust was created on June 12, 2019; and it was neither amended nor revoked prior to Thomas J. Harris' date of death on December 30, 2019.
3. The name, address, and telephone number of the duly appointed and acting successor Trustee of the Trust is:

Jeff Dewey Robben  
1051 Pebble Beach Court  
Minden, NV 89423  
Tel. (775) 790-4744

Please address correspondence relating to the Trust to the Trustee's attorneys at the following address:

Blanchard, Krasner & French  
c/o Abigail G. Stephenson, Esq.  
5470 Kietze Lane, Suite 200  
Reno, NV 89511  
Tel: (775) 384-0022  
Fax: (775) 236-0901

4. The principal place of administration of the Trust is:  
1051 Pebble Beach Court  
Minden, NV 89423
5. Pursuant to NRS Section 164.021(2)(c), the Trustee has enclosed for your information a redacted copy of the entire Trust instrument, which includes all provisions of the Trust pertaining to your interest in the Trust. The unredacted terms are the only terms which you are entitled to receive.

**WARNING: YOU MAY NOT BRING AN ACTION TO CONTEST THE TRUST MORE THAN 120 DAYS FROM THE DATE THIS NOTIFICATION BY THE TRUSTEE IS SERVED UPON YOU.**

Date: March 3<sup>rd</sup>, 2020

  
\_\_\_\_\_  
Jeff Dewey Robben, Trustee





# BLANCHARD, KRASNER & FRENCH

A PROFESSIONAL LAW CORPORATION

ABIGAIL G. STEPHENSON, ESQ.

TELEPHONE: (775) 384-0022  
FACSIMILE: (775) 236-0901  
E-MAIL: [astephenson@bkflaw.com](mailto:astephenson@bkflaw.com)  
WEB: <http://www.bkflaw.com>

5470 KIETZE LANE, SUITE 200  
RENO, NEVADA 89511

ALAN W. FRENCH  
(Deceased)

ADMITTED IN:  
California and Nevada

March 6, 2020

**VIA U.S. PRIORITY MAIL/DELIVERY CONFIRMATION REQUESTED**

Mr. Thomas Anthony Harris  
P.O. Box 364  
Santa Cruz, CA 95061

Re: Estate and Trust of Thomas J. Harris  
Our File No.: 8269-020

Dear Mr. Harris:

Please accept our condolences on the death of Thomas J. Harris ("Thomas"). As you may know, Thomas' wife Olga Harris predeceased him on March 23, 2019. As part of Thomas' and Olga's estate plan, they created a trust known as the Thomas Joseph and Olga Harris Living Trust dated August 26, 1998 (the "Thomas and Olga Harris Trust"). After Olga's death, Thomas terminated the Thomas and Olga Harris Trust, and established a new living trust called the Thomas J. Harris Trust on June 12, 2019. All of the remaining property of the Thomas and Olga Harris Trust was transferred to the Thomas J. Harris Trust (hereafter, the "Trust") on June 12, 2019. A copy of the Trust which includes all of the terms of the Trust as they pertain to you is enclosed for your information. Also enclosed is a copy of Thomas' Last Will and Testament naming the Trust as the sole beneficiary of his Estate, and a Trustee's Notice pursuant to Nevada Revised Statutes § 164.021. The purpose of this letter is to make you aware of the existence of the Trust, the specific gift intended for you from the Trust, and to explain briefly the process of trust administration.

Under NRS Section 164.021, a Trustee may serve a notification to beneficiaries, heirs, or other interested persons when a trust becomes irrevocable by reason of the death of the person who created the trust (the "settlor" or "trustor"). You are receiving the enclosed notice because Thomas, either personally or in honor of Olga (or both), named you as a beneficiary of the Trust.

Pursuant to Paragraph A-4(a) of the Trust, the specific gift intended for you from the Trust is seventeen and one-half percent (17.5%) of the remaining Trust property after paying all of Thomas' just debts, medical expenses, taxes, and other costs of administration of his Estate and the Trust. *Please bear in mind distribution of this gift is subject to availability of funds after all such expenses have been ascertained and satisfied.*

Jeff D. Robben ("Jeff") is the successor trustee of the Trust. As Trustee, Jeff has authority to manage the Trust, make investment decisions, distribute property, and otherwise deal with the Trust's property in accordance with the terms of the Trust. The Trustee is also responsible for keeping financial records and filing tax returns for the Trust. Jeff is working diligently to satisfy the terms of the Trust. These efforts generally take several months or even years before a trust is



in a position to distribute property to its beneficiaries. Please be patient as this work is being done. *To assist the Trustee in fulfilling his duties, please complete the enclosed IRS Form W-9 and return it to the undersigned in the postage-paid envelope provided.*

The Trust's property consists mainly of the Trust's beneficial interest in an annuity. At this time, I am unable to provide you an estimate of the funds you may receive from the residual Trust estate. Paragraph B-42 of Schedule B of the Trust provides, "The Trustee shall account to the beneficiaries periodically and, if requested by a beneficiary, at least annually." Please take note the Trustee intends to provide the first accounting to the beneficiaries in January 2021, for the period commencing with Thomas' date of death on December 30, 2019 (the date upon which Jeff became the Trustee), and ending December 30, 2020. The Trustee would like you to be aware that each beneficiary of the Trust will receive a Schedule K-1 commencing with tax year 2020, which will be prepared by the Trust's CPA and mailed directly to the beneficiaries, and which you will, in turn, need to provide to your own tax professionals for your own income tax returns.

The law firm of Blanchard, Krasner & French, APC, represents the Trustee and not the beneficiaries. Thus, we cannot give you legal advice concerning your interest as a beneficiary. If you have any questions concerning your rights and interests with respect to the Trust, please consult your own attorney.

Sincerely,

A handwritten signature in cursive script, reading "Abigail G. Stephenson", followed by a long horizontal flourish line.

Abigail G. Stephenson, Esq.  
for Blanchard, Krasner & French

AGS:mew  
Enclosures  
cc: Jeff D. Robben, Trustee



**LAST WILL AND TESTAMENT**

**OF**

**THOMAS JOSEPH HARRIS**

I, THOMAS JOSEPH HARRIS, being of sound mind and memory, declare this to be my Will, and I revoke all other Wills and Codicils previously made by me.

ARTICLE ONE: DECLARATIONS

1.1 Family Declarations. I am a widower, formerly married to OLGA HARRIS (deceased March 23, 2019). I was previously married to MARLENE HARRIS (deceased April 22, 1972), and have two (2) adult children of my first marriage whose names and dates of birth are:

THOMAS ANTHONY HARRIS, born August 20, 1958; and  
TODD EDWARD HARRIS, born May 15, 1960 (deceased with no children).

I have two (2) adult stepchildren from my marriage to OLGA HARRIS (aka OLGA ROBBEN), whose names and dates of birth are:

JEFF DEWEY ROBBEN, born September 12, 1964; and  
TODD CHRISTIAN ROBBEN, born April 16, 1969.

No other child has ever been born to or adopted by me.

1.2 Declaration of Citizenship. I am a citizen of the United States of America.

1.3 Declaration of Testamentary Intent. I want this Will to dispose of all property and assets I am entitled to dispose of by Will. This Will is not an exercise of any power of appointment retained by me or granted to me by Will or trust instrument.

ARTICLE TWO: DISPOSITION OF ESTATE

2.1 Gift to Trust. Except as otherwise provided herein, I give my entire estate, including all lapsed and failed legacies and devises, to the Trustee of the THOMAS J. HARRIS TRUST, established under Declaration of Trust dated June 12, 2019 (the "THOMAS J. HARRIS TRUST"), of which I am the Trustor and the initial Trustee. My estate shall be held, administered and distributed as provided in the THOMAS J. HARRIS TRUST, as it may be amended according to its terms.

2.2 Tangible Personal Property. I give all of my jewelry, clothing, household furniture and furnishings, personal automobiles and other tangible articles of a personal nature, or my interest in any such property, not otherwise specifically disposed of by this Will or in any other

manner, together with any insurance on the property, to the Trustee of the THOMAS J. HARRIS TRUST, to be held, administered and distributed as provided for in the THOMAS J. HARRIS TRUST, as it may be amended according to its terms.

2.3 Residue. I give the residue of my estate, including all lapsed and failed legacies and devises, to the Trustee of the THOMAS J. HARRIS TRUST. The residue of my estate shall be held, administered and distributed as provided for in the THOMAS J. HARRIS TRUST, as it may be amended according to its terms. Should the THOMAS J. HARRIS TRUST not exist or be determined to be invalid, the residue of my estate shall be administered pursuant to the terms of the THOMAS J. HARRIS TRUST as last amended immediately prior to its non-existence or determination of invalidity. If for any reason the disposition made in this Section 2.3 is not operative or is invalid, or if the trust referred to in this Section 2.3 has failed or has been revoked, then I hereby incorporate herein by reference the terms of the above-described instrument on the date of the execution of this Will, without giving effect to any subsequent amendments thereto; and I give the residue of my estate to the Trustee(s) named therein for said trust, in trust, to be held, administered, and distributed as therein provided.

#### ARTICLE THREE: DEATH TAXES AND EXPENSES

3.1 Death Taxes. All Death Taxes attributable to assets in my probate estate shall be charged and paid as provided in the THOMAS J. HARRIS TRUST.

3.2 Other Expenses. All debts, funeral, and administrative expenses shall be charged and paid as provided in the THOMAS J. HARRIS TRUST.

#### ARTICLE FOUR: NOMINATION OF EXECUTOR

4.1 Nomination of Executor. I nominate the following in the indicated order of priority as the Executor of this Will:

- 1st: JEFF D. ROBBEN;
- 2nd: SCOTT BARTON;
- 3rd: TARA FLANAGAN;
- 4th: LAURIE DUNN.

Vacancies in the executorship shall be filled by following the above order of priority. The term "Executor" herein shall include any personal representative or representatives of my estate.

4.2 No Bond Required. I direct that no bond shall be required of any individual Executor appointed in accordance with this Article, whether such person acts alone or as a Co-Executor.

#### ARTICLE FIVE: EXECUTOR'S POWERS

5.1 General Powers. My Executor shall have all powers now or hereafter conferred upon executors by law. Additionally, I specifically authorize my Executor to lease, encumber or sell assets of my estate, and to hold, manage and operate any asset or business belonging to my estate, at the risk of my estate as a whole. My Executor may exercise these powers even though my Executor, in his or her individual capacity, has an interest as a partner, shareholder, creditor or otherwise in any such asset or business. My Executor is also authorized to borrow funds and to invest my estate's assets as my Executor deems proper, exercising the judgment and care that persons of prudence, discretion and intelligence would exercise under the circumstances then prevailing in regard to the permanent disposition of their assets, considering probable income and safety of their capital. My Executor may prosecute, defend, contest or otherwise litigate legal actions or other proceedings for the protection or benefit of the estate; pay, compromise, release, adjust, or submit to arbitration any debt, claim or controversy; and insure the estate against any risk, and the Executor against any liability with respect to third persons. My Executor may employ and compensate from the estate accountants, lawyers, investment and tax advisors, agents, and others to aid or assist in the management, administration and protection of the estate.

5.2 GST Exemption. I authorize my Executor to allocate or not allocate my Generation-Skipping Transfer ("GST") Tax exemption, in whole or in part, pursuant to section 2631(a) of the Internal Revenue Code of 1986, as it may be amended from time to time, or pursuant to the provisions of any federal or state statute of similar import that may be in force at the time of my death, to any property with respect to which I am the transferor—including, without limitation, any property transferred by me during my life as to which I did not make such an allocation—as my Executor shall determine, without any obligation to make such allocation equally or pro rata to such property.

5.3 Distribution Powers. Whenever my Executor is required, pursuant to the provisions of this Will, to divide the assets in my estate into shares for the purpose of distribution, my Executor may, in my Executor's discretion, make the division and distribution in undivided interests, in kind, or partly in money and partly in kind, prorata or nonprorata. My Executor may sell such assets as my Executor deems proper to make the division or distribution.

#### ARTICLE SIX: GENERAL PROVISIONS

6.1 Disinheritance Clause. Except as otherwise provided for in this Will, I have intentionally failed to provide for my heirs, specifically including but not limited to any former spouse (or estate of a deceased former spouse), my stepson, TODD C. ROBBEN, and any child, stepchild, foster child, grandchild or other heir of mine not mentioned by name or provided for in this Will.

6.2 No-Contest Clause. If any devisee, legatee or heir of mine, or any person claiming under any of them, (i) contests this Will, (ii) institutes any legal proceeding that attacks or seeks to impair or invalidate any of the provisions of this Will or the distribution of my estate according to this Will, (iii) seeks to obtain an adjudication in any court challenging a transfer of property concerning any trust established under this document on the grounds it was not the transferor's property at the time of the transfer, or (iv) conspires with or voluntarily assists

anyone attempting to do any of the things just mentioned, I disinherit that person and all gifts, legacies and devises given to him or her under this Will shall be forfeited and shall augment proportionately the shares of my estate going under this Will to those devisees and legatees of mine who did not participate in such acts or proceedings. If all of my devisees and legatees participate in such acts or proceedings, I give my entire estate to my heirs as determined under Nevada's laws of intestate succession, excluding all contestants and persons conspiring with or voluntarily assisting them.

6.3 No Interest. No interest shall be paid on any cash gift or bequest under this Will.

6.4 Definitions. As used in this Will, unless the context clearly indicates otherwise:

"Child" or "Children" includes any child born to or adopted by me as a minor child after I signed this Will.

"Code" refers to the Internal Revenue Code of 1986, as amended, and its successors. References to a specific section of the Code include future amendments, and successors, to it.

"Death Taxes" includes all federal or state estate, inheritance, or other succession taxes payable because of my death, but does not include (i) any federal or state generation-skipping transfer taxes or (ii) any additional tax that may be assessed under Code section 2032A(c).

"Executor" includes Co-Executor.

"Will" includes any Codicil to it.

6.5 Gender and Number. The masculine, feminine and neuter gender, and the singular and plural number, each include the other(s), unless the context indicates otherwise.

6.6 Headings. The headings in this Will are for convenience only and do not in any way limit or amplify the terms of the Will.

6.7 No Contracts. I have not entered into any contract to make wills nor any contract not to revoke a will.

SIGNATURE

This Will is signed by me on June 12, 2019, at Reno, Nevada.

  
THOMAS JOSEPH HARRIS



ATTESTATION

On this date, THOMAS JOSEPH HARRIS signed this document and declared it to be his Will, in our presence; and we, at his request and in his presence, and in the presence of each other, signed as witnesses below. Each of us observed the signing of this Will by THOMAS JOSEPH HARRIS and by each other subscribing witness and knows that each signature is the true signature of the person whose name was signed.

Each of us is a competent witness and resides at the address set forth below. We are acquainted with THOMAS JOSEPH HARRIS, and he is now more than eighteen (18) years of age. To the best of our knowledge, THOMAS JOSEPH HARRIS is of sound mind at this time and is not acting under duress, menace, fraud, misrepresentation or undue influence.

Each of us declares under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct, and that each of us signed below on June 12, 2019, at Reno, Nevada.

Margaret A. Stephen  
Witness 1

Residing at 10325 Culiaca Pass Trl.

Reno, NV 89521

S. Smith  
Witness 2

Residing at 850 Arrow Creek Pkwy #10602

Reno, NV 89511

[Signature]  
Witness 3

Residing at 895 Pinebrook Road

Reno NV 89502

NEVADA REVISED STATUTE 133.050 AFFIDAVIT

STATE OF NEVADA       )  
                                      ) ss.  
WASHOE COUNTY        )

THEN AND THERE personally appeared Abigail Stephenson,  
Stephanie Small, and Steven Silva, who do  
hereby swear, under penalty of perjury, that the assertions of this affidavit are true:

That they witnessed the execution of the foregoing Will of the Testator, THOMAS JOSEPH HARRIS; that the Testator subscribed the Will and declared it to be his Last Will and Testament in their presence; and that they thereafter subscribed the Will as witnesses in the presence of the Testator and in the presence of each other and at the request of the Testator; and that the Testator at the time of the execution of the Will appeared to them to be of full age and of sound mind and memory, and that they make this affidavit at the request of the Testator.

Abigail Stephenson  
Witness 1  
Stephanie Small  
Witness 2  
Steven Silva  
Witness 3

On June 12, 2019, personally appeared before me, a notary public, the above individuals, personally known (or proved) to me to be the persons whose names are subscribed to the above instrument, who acknowledged that they executed the above instrument.



Barbara A. Spagna  
NOTARY PUBLIC

**DECLARATION OF TRUST**  
**KNOWN AS THE**  
**THOMAS J. HARRIS TRUST,**  
**DATED JUNE 12, 2019**

This DECLARATION OF TRUST is entered into this 12th day of June, 2019, by THOMAS JOSEPH HARRIS as Trustor, and delivered to and received by THOMAS JOSEPH HARRIS as Trustee.

TRUST ASSETS

THOMAS JOSEPH HARRIS ("Trustor") hereby declares he as Trustee ("Trustee") now holds in trust the property and assets described in Exhibit "A" attached hereto and all other property hereafter received. The interest now and hereafter received by the Trustee in such property, together with all property now or hereafter subject to this trust, shall constitute the trust estate of the THOMAS J. HARRIS TRUST, which is the trust established under this document, and shall be held, managed, and distributed as hereinafter provided.

All property and assets now or hereafter transferred into this trust shall be held by the Trustee in the following manner:

THOMAS JOSEPH HARRIS, AS TRUSTEE OF THE THOMAS J.  
HARRIS TRUST, U/D/T (UNDER DECLARATION OF TRUST)  
DATED JUNE 12, 2019, WHEREIN THOMAS JOSEPH HARRIS IS  
TRUSTOR, OR ANY SUCCESSOR TRUSTEE THEREUNDER.

TRUST DISTRIBUTION

The Trustee shall apply and distribute the net income and principal of the trust established under this document as set forth in the attached Schedule A, which is incorporated herein by this reference.

TRUST ADMINISTRATION

The Trustor, the Trustee(s), and the beneficiaries of each trust established under this document shall have the powers, rights, duties, and obligations (and are subject to all the provisions) set forth in the attached Schedules B and C, which are incorporated herein by this reference.

SUCCESSOR TRUSTEES

If the original Trustee fails, ceases, or otherwise is unable to serve, the following individuals are nominated to serve as the successor Trustee of all trusts created hereunder, in the order of priority indicated: (1) JEFF DEWEY ROBBEN; (2) SCOTT BARTON; (3) TARA FLANAGAN; (4) LAURIE DUNN. Thereafter, whenever there is a vacancy in the trusteeship of any trust established under this document, a majority of the adult beneficiaries then entitled to

receive income of the Trust may nominate and appoint a successor trustee. If a majority of the adult beneficiaries then entitled to receive income of the Trust are unwilling or unable to appoint a successor trustee, or if for any other reason there is ever a complete vacancy in the trusteeship of any trust established under this document, the successor trustee shall be the person or institution (or both) appointed by a court of competent jurisdiction.

Any designation of a successor trustee may be, or may include, the person making the designation. Any designation of a successor trustee must be set forth in a document signed by the person making the designation and delivered to the trustee, if there is one, or otherwise delivered to the next successor trustee. If more than one such designation is made, the one made nearest to the creation of the vacancy to be filled shall control.

Despite the foregoing, while Trustor is living, the Trustor may appoint an additional person(s) or institution, or both, as a Co-Trustee or successor Trustee or Co-Trustee of any trust established under this document. Such appointment must be made by giving written notice of the appointment to each Trustee then serving. In addition, the Trustor may remove any additional Co-Trustee he so appointed. Such removal must be made by giving written notice of the removal to each Trustee serving at the time of such removal.

Whenever an individual or corporation is acting as sole Trustee, whether pending appointment of a Co-Trustee or otherwise, such Trustee shall have full powers with respect to the management, investment and distribution of the trust estate, including final distribution of the trust estate upon the trust's termination.

SIGNATURE

As the Trustor and initial Trustee, I have signed this Declaration of Trust on June 12, 2019, at Reno, Nevada.

  
THOMAS JOSEPH HARRIS

NOTARY ACKNOWLEDGMENT

STATE OF NEVADA       )  
                                  ) ss.  
COUNTY OF WASHOE    )

On June 12, 2019, before me, Barbara A. Spagna, Notary Public, personally appeared **THOMAS JOSEPH HARRIS**, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity and that by his signature on the instrument, the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of Nevada that the forgoing paragraph is true and correct.

WITNESS my hand and official seal.

Barbara A. Spagna  
Signature of Notary



EXHIBIT "A"  
TO  
DECLARATION OF TRUST

I, THOMAS JOSEPH HARRIS, as Trustor and Trustee, declare the following property is my separate property, is hereby assigned to this trust, and shall constitute the property of the THOMAS J. HARRIS TRUST:

1. Safe Deposit Box:

All of Trustor's right, title and interest in and to all contents in the safe deposit box located at Wells Fargo Bank, in the Carson City, NV, branch office, including but not limited to cash, bonds, stock, securities, and tangible property therein.

2. Bank Accounts:

All cash, bonds, stock, securities, and other property held with Wells Fargo Bank, including but not limited to account [REDACTED] 1233.

3. All Other Personal Property:

All of Trustor's right, title, and interest subject to all liabilities attached thereto in all automobiles, boats, airplanes, vehicles, trailers, silverware, chinaware, wine, books, pictures, paintings, works of art, household furniture and furnishings, clothing, jewelry, pets, assets in digital form for which Trustor is the owner or author, including without limitation, lists of passwords, user account information, social media sites, blogs, e-books, and other Web-hosted materials, all digital albums and videos, websites on which Trustor conducts business transactions, and all other personal property (together with any insurance on such property) now owned or acquired later during Trustor's lifetime.

  
THOMAS JOSEPH HARRIS, Trustor and Trustee

SCHEDULE A  
DISTRIBUTION OF TRUST  
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## SCHEDULE A

### DISTRIBUTION OF TRUST

The Trustee shall apply and distribute the net income and principal of the trusts created under this document as follows:

A-1. Income Distribution. To the extent income is distributable, net income shall be distributed in monthly or other convenient installments, but at least annually, to or for the benefit of the person or persons entitled to receive such net income.

A-2. Distributions During Life of Trustor. During the life of the Trustor, the Trustee shall pay the net income of the trust estate to Trustor or pursuant to Trustor's written directions which are delivered to Trustee, from time to time. In addition, Trustee shall pay to Trustor or pursuant to the directions of Trustor as much of the principal of the trust estate as Trustor may direct in a writing that is delivered to Trustee. Notwithstanding the foregoing, while the Trustor is living and serving as Trustee, oral instructions or requests are sufficient. For such periods as Trustee determines that Trustor is physically or mentally unable to direct Trustee, Trustee shall pay to or for the benefit of Trustor as much of the net income and principal of the trust estate as Trustee in Trustee's discretion deems reasonably necessary for the comfortable support, health, and welfare of Trustor. Such discretion shall be liberally applied with a view to maintain the lifestyle of the Trustor existing at the time he became physically or mentally unable to direct the Trustee. Any net income not distributed during such periods shall be accumulated and added to the principal of the trust estate.

A-3. Payments at Death of Trustor. Upon the death of the Trustor, the Trustee may pay out of income or principal (other than principal from any qualified plan or individual retirement account, unless such payments are made before September 30 of the year after the death of the Trustor, in which case, principal from any qualified plan or individual retirement account may be used) any part or all of the tax and other expenses as set forth in Paragraph C-1 of Schedule C of this Trust that are attributable to the trust estate of the THOMAS J. HARRIS TRUST, to the extent these obligations are not paid or responsibility for their payment assumed by some other person or estate.

A-4. Specific Gifts Following the Trustor's Death. After the Trustor's death, and after making any payments required by the preceding paragraphs, the Trustee shall divide, allocate and distribute the remaining trust estate as set forth below, outright and free of trust except where otherwise specified:

a. Seventeen and One-Half Percent (17.5%) to my son, THOMAS ANTHONY HARRIS, if he is then living. If THOMAS ANTHONY HARRIS predeceases all or any portion of this gift, such gift shall lapse and fail in its entirety, and shall be added to and augment the trust estate, to be distributed pursuant to Paragraph A-4(dd) below;



dd. Any lapsed gift for a designated beneficiary in Paragraphs A-4(a) through (cc) above who predeceases distribution (a "Lapsed Gift") shall be added to and augment pro rata the gifts for the then living beneficiaries designated in Paragraphs A-4(a)-(cc) above. Any Lapsed Gift(s) which cannot be distributed under the foregoing terms shall be distributed under the contingent disposition provisions in Paragraph A-6 below.

A-5. Distribution of Personal Effects. Despite any contrary provision of this document, following the Trustor's death if the Trustee holds or receives any automobile, boat, household furniture, works of art, collections, furnishings, clothing, jewelry, coins, silver, books, or other effects of a personal nature, the Trustee shall distribute such property to (or hold it for the use of) JEFF D. ROBBEN and THOMAS ANTHONY HARRIS, in equal shares as they may agree or as the Trustee shall determine if they cannot agree (or all to the survivor of them, if only one is then living). If both JEFF D. ROBBEN and THOMAS ANTHONY HARRIS predecease or disclaim any one or more of items of Trustor's tangible personal property, this gift shall lapse and fail in its entirety, and the Trustee may liquidate the personal effects, insofar as practical, and the net proceeds shall be added to and augment the remaining trust estate for distribution pursuant to

SCHEDULE A – PAGE 5

Declaration of Trust: The Thomas J. Harris Trust dated June 12, 2019

Paragraph A-4 above. If any effect of a personal nature is not saleable or is of nominal value, in the Trustee's sole and absolute discretion, the Trustee may donate, give to any named beneficiary under Paragraph A-4 of this Trust, or abandon such item(s) of property, as the Trustee deems best.

A-6. Contingent Disposition. Any portion of the trust not disposed of pursuant to the foregoing provisions shall be distributed outright and free of trust among the then-living beneficiaries designated in Paragraphs A-4(a) through A-4(cc) of this Trust, in the proportions stated therein. Any portion of the trust not disposed of pursuant to the foregoing provisions shall be distributed outright and free of trust to the Trustor's legal heirs, excluding TODD C. ROBBEN, as a remainder interest and not by way of reversion. The identity and respective shares of those heirs shall be determined in all respects as though the death of the Trustor had occurred immediately following the happening of the event requiring that distribution, and according to Nevada's laws of intestate succession then in force relating to the succession of separate property not received from a previously deceased spouse, parent or grandparent. The identity and the respective shares of those heirs shall be determined by the Trustee, and those determinations shall be conclusive on all heirs and other persons interested in the trust. The Trustee shall not be liable for any errors or omissions in making those determinations.

A-7. Definition of Education. Whenever provision is made in this trust for payment for the education of a beneficiary, the term "education" shall be construed to include education at a private primary or secondary institution, and vocational, college and postgraduate study, so long as pursued to advantage by the beneficiary as a full-time student at an institution of the choice of the beneficiary. In determining payments to be made for such education, Trustee shall take into consideration the beneficiary's related living expenses, if any, to the extent that they are reasonable. The term "education" shall also be construed to include athletic, musical, artistic or other special activities so long as seriously pursued to advantage by the beneficiary in a recognized program of the choice of the beneficiary.

A-8. Spendthrift Provision. No interest in the principal or income of this Trust shall be anticipated, assigned, encumbered, or subjected to a creditor's claim or other legal process, including bankruptcy, before actual receipt by the beneficiaries. If the creditor or bankruptcy trustee of any beneficiary who is entitled to any distribution from this Trust attempts by any means to subject to the satisfaction of such creditor's or bankruptcy claim that beneficiary's interest in any distribution, then notwithstanding any other provisions in this instrument, until the release of the writ of attachment or garnishment or termination of such other legal process, the distribution set aside for such beneficiary shall be disposed of as follows:

(a) Distributions Limited to Health, Education, Maintenance, or Support: The Trustee shall pay to or apply for the benefit of such beneficiary all sums the Trustee determines to be necessary for the reasonable health, education, maintenance, or support of the beneficiary according to his or her accustomed mode of life; and

(b) Remainder Added to Principal: The portion of the distribution the Trustee determines to exceed the amount for the support, maintenance, health, or education shall instead in the Trustee's discretion either be added to and become principal in whole or in part or be paid to or applied for the benefit of the other beneficiary then entitled to receive payments from any trust established under this instrument, in proportion to their respective interests in the trust estate.

#### SCHEDULE A – PAGE 6

A-9. Release of Powers. Notwithstanding the spendthrift provision contained in the immediately preceding Paragraph or any other language in this Declaration of Trust, any power created by this Declaration of Trust may be disclaimed, released or restricted in scope, whether that power is expressly granted in this Declaration of Trust or is implied by law. Any such power may be released to the extent and in the manner prescribed by Nevada Revised Statutes 120.100–120.350 (the Uniform Disclaimer of Property Interests Act) as it exists at the time that this trust is executed. Any disclaimed or released power shall pass to and be exercised by the independent individual or corporate trustee next appointed herein.

A-10. The Trustee May Terminate Trust. If after the death of the Trustor, in the Trustee's discretion, the Trustee determines the total value of the property held in trust pursuant to this instrument is sufficiently small that the administration thereof is no longer economically desirable, the cost of administration is disproportionate to the value of the assets, or the continuation of the trust is no longer in the best interests of all of the current and future beneficiaries of the trust, the Trustee may terminate such trust. Upon termination as herein provided, the Trustee shall distribute the property of that trust to the person or persons who are then entitled to receive the income from that trust in the proportion that such persons are then entitled to receive the income, insofar as such distribution is specified in the trust, otherwise the Trustee shall distribute such trust equally to such persons.

A-11. Maximum Duration of Trust. The trusts created hereunder shall be perpetual to the fullest extent permitted by Nevada law. If any trust created hereunder is deemed to be subject to the law of a jurisdiction that has a rule against perpetuities or similar rule which limits the period during which property can be held in trust, then such trust (other than a trust created by the exercise of a general power of appointment, as defined in §2041 of the Internal Revenue Code conferred hereunder which exercise commences a new rule against perpetuities period under the law of such jurisdiction) shall terminate in all events upon the expiration of the longest period that property may be held in trust under this Trust under the law of such jurisdiction (including any applicable period in gross, such as 21 years, 90 years or 365 years); provided, however, that if the jurisdiction has a rule against perpetuities or similar rule which applies only to certain types of property, such as real property, the provisions of this Paragraph shall apply only to such property. Upon such termination, the balance of any trust so terminated shall be distributed to the income beneficiaries of that trust who are then living in the proportions in which they are, at the time of termination, entitled to receive income. However, if the rights to income are not then fixed by the terms of that trust, distribution under this Paragraph shall be made, by right of representation, to such issue of the Trustor's who are then living and are entitled or authorized in Trustee's discretion to receive income payments, or, if there are no such issue of the Trustor, in equal shares to those beneficiaries who are then entitled or authorized in Trustee's discretion to receive trust payments.

A-12. Disinheritance Clause. Except as otherwise provided in this Trust, the Trustor has intentionally and with full knowledge failed to provide for the Trustor's heirs, specifically including but not limited to any former spouse (or estate of a deceased former spouse), Trustor's stepson, TODD CHRISTIAN ROBBEN, and all legal and alleged heirs, children, stepchildren, adopted children, parents, foster parents, and all persons of any degree of relationship whatsoever, including said individuals who are not in being at the date of execution of this Trust or who are adopted by the Trustor after this Trust is executed.

[END OF SCHEDULE A]

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