

1 ANTHONY L. BARNEY, ESQ.
NV State Bar No. 8366
2 TIFFANY S. BARNEY, ESQ.
NV State Bar No. 9754
3 ZACHARY D. HOLYOAK, ESQ.
4 NV State Bar No. 14217
5 **ANTHONY L. BARNEY, LTD.**
3317 W. Charleston Boulevard, Suite B
6 Las Vegas, NV 89102-1835
Telephone: (702) 438-7878
7 Facsimile: (702) 259-1116
E-Mail: office@anthonybarney.com
8 *Prior Attorneys for Nancy Christian,*
9 *Creditors of the Christian Family Trust*

Electronically Filed
May 17 2018 11:09 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

10 **EIGHTH JUDICIAL DISTRICT COURT**

11 **CLARK COUNTY, NEVADA**

12 In the Matter of the

Case Number: P-17-092512-T

13 THE CHRISTIAN FAMILY TRUST

Dept.: S

14 Dated October 11, 2016

15 **NOTICE OF APPEAL**

16
17 TO: **SUSAN CHRISTIAN-PAYNE, ROSEMARY KEACH, and RAYMOND**
18 **CHRISTIAN JR.**, by and through their attorney Cary C. Payne, Esq., of the Law Office
19 of Cary Colt Payne, CHTD.

20
21 TO: **MONTE REASON**, by and through his attorney, Joseph J. Powell, Esq., of Rushforth,
22 Lee & Kiefer, LLP

23 TO: **JACQUELINE UTKIN**, by and through her attorney, Jerimy Kirschner, Esq. of
24 Kirschner & Associates

25 **PLEASE TAKE NOTICE**, each of you, of the following:

26 **NOTICE IS HEREBY GIVEN** that Anthony L. Barney, Ltd., Creditor of the Christian
27 Family Trust dated October 11, 2016 hereby appeals to the Supreme Court of Nevada or
28

1 appellate court of competent jurisdiction from the Order entered in this action on April 12, 2018,
2 which is an appealable order ordering or authorizing the payment of a debt, claim, devise,
3 guardian's fees or attorney's fees, pursuant to NRS 159.325(5).
4

5 DATED this 8th day of May, 2018.

6 RESPECTFULLY SUBMITTED,

7
8 

9 _____
10 TIFFANY S. BARNEY, ESQ.
11 ANTHONY L. BARNEY, LTD.
12 3317 W. Charleston Blvd., Suite B
13 Las Vegas, Nevada 89102-1835
14 *Attorneys for Anthony L. Barney, Ltd.*
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CERTIFICATE OF SERVICE

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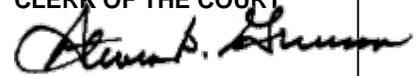
I hereby certify that I am an employee of Anthony L. Barney, Ltd., and not a party to this action. I further certify that on May 9, 2018, I served the foregoing **NOTICE OF APPEAL** through the Eighth Judicial District Court’s electronic filing system, upon the following party(ies):

Cary Colt Payne, Esq.
Law Office of Cary Colt Payne, CHTD.
700 South 8th Street,
Las Vegas, NV 89101
*Attorney for Susan Christian-Payne,
Rosemary Keach, and
Raymond Christian, Jr.*

Joseph J. Powell, Esq.
Rushforth, Lee & Kiefer LLP
1707 Village Center Cir., #150
Las Vegas, NV 89134
*Attorney for Monte Reason, Successor
Trustee*

Jerimy Kirschner, Esq.
5550 Painted Mirage Rd., Suite 320
Las Vegas, NV 89149
*Attorney for Jacqueline Utkin, Successor
Trustee*

____s/ Zachary Holyoak/s_____
Employee of Anthony L. Barney, Ltd.



1 ANTHONY L. BARNEY, ESQ.
NV State Bar No. 8366
2 TIFFANY S. BARNEY, ESQ.
NV State Bar No. 9754
3 ZACHARY D. HOLYOAK, ESQ.
4 NV State Bar No. 14217
5 **ANTHONY L. BARNEY, LTD.**
3317 W. Charleston Boulevard, Suite B
6 Las Vegas, NV 89102-1835
Telephone: (702) 438-7878
7 Facsimile: (702) 259-1116
E-Mail: office@anthonybarney.com
8 *Prior Attorneys for Nancy Christian,*
9 *Creditors of The Christian Family Trust*

10 **EIGHTH JUDICIAL DISTRICT COURT**

11 **CLARK COUNTY, NEVADA**

12 In the Matter of the

Case Number: P-17-092512-T

13 THE CHRISTIAN FAMILY TRUST

Dept.: S

14 Dated October 11, 2016

15 **CASE APPEAL STATEMENT**

16 ANTHONY L. BARNEY, LTD, Creditor of the Christian Family Trust dated October
17 11, 2016 (“Christian Family Trust”), by and through its attorneys of the law office of
18 ANTHONY L. BARNEY, LTD., hereby submits its Case Appeal Statement for its appeal from
19 the Order entered on April 12, 2018, which was served by the Eighth Judicial District Court
20 electronic filing system in the above-mentioned matter, and states as follows:
21
22

- 23 1. **Name of appellant filing this case appeal statement:** Anthony L. Barney, Ltd., Creditor
24 of the Christian Family Trust
25
26 2. **Identify the judge issuing the decision, judgment, or order appealed from:** Honorable
27 Judge Vincent Ochoa of the Eighth Judicial District Court, Family Division, Department S in
28 Clark County, Nevada, issued the Order dated April 12, 2018 from which this appeal is taken.

1 3. **Identify each appellant and the name and address of counsel for each appellant:**

2 A. Anthony L. Barney, Ltd., Judgment Creditor

3 Anthony L. Barney, Esq.
4 **ANTHONY L. BARNEY, LTD.**
5 3317 W. Charleston Blvd., Suite B
6 Las Vegas, NV 89102

7 4. **Identify each respondent and the name and address of appellate counsel, if known, for**
8 **each respondent (if the name of a respondent's appellate counsel is unknown, indicate as**
9 **much and provide the name and address of that respondent's trial counsel):**

10 Appellate Counsel is unknown but Trial Counsel for Respondents are as follows:

11 A. Successor Trustee, Jacqueline Utkin, Respondent

12 Jerimy Kirschner, Esq.
13 **JERIMY KIRSCHNER & ASSOCIATES, LTD. OFFICE**
14 5550 Painted Mirage Rd, #320
15 Las Vegas, NV 89149
16 *Attorney for Jacqueline Utkin*

17 B. Former Trustees, Susan Christian-Payne, Rosemary Keach and Raymond Christian,
18 Jr., Respondents

19 Cary Colt Payne, Esq.
20 **LAW OFFICE OF CARY COLT PAYNE, CHTD.**
21 700 South 8th Street,
22 Las Vegas, NV 89101
23 *Attorney for Susan Christian-Payne,*
Rosemary Keach, and
Raymond Christian, Jr.

24 5. **Indicate whether any attorney identified above in response to question 3 or 4 is not**
25 **licensed to practice law in Nevada and, if so, whether the district court granted that**
26 **attorney permission to appear under SCR 42 (attach a copy of any district court order**
27 **granting such permission):** All attorneys are licensed to practice law in Nevada.
28

- 1 6. **Indicate whether appellant was represented by appointed or retained counsel in the**
2 **district court:** Appellant was represented by retained counsel in district court.
- 3
4 7. **Indicate whether appellant is represented by appointed or retained counsel on appeal:**
5 Appellant is represented by retained counsel on appeal.
- 6 8. **Indicate whether appellant was granted leave to proceed in forma pauperis, and the**
7 **date of entry of the district court order granting such leave:** Appellant was not granted
8 leave to proceed in forma pauperis.
- 9
10 9. **Indicate the date the proceedings commenced in the district court (e.g., date**
11 **complaint, indictment, information, or petition was filed):** The Petition to Assume
12 Jurisdiction of Trust was filed on July 31, 2017.
- 13 10. **Provide a brief description of the nature of the action and result in the district court,**
14 **including the type of judgment or order being appealed and the relief granted by the**
15 **district court:** This trust action arose when the Former Trustees (Susan Christian-Payne,
16 Rosemary Keach and Raymond Christian, Jr., hereinafter “Former Trustees”) were removed
17 from their position as trustees and were replaced with another Successor Trustee by the Trustor,
18 Nancy Christian (“Nancy”), pursuant to the terms of the Christian Family Trust. The Former
19 Trustees filed a petition seeking to prevent their removal as trustees and, thereafter, sequestered
20 trust funds away from Nancy up to and including the day that she died. Unfortunately, the
21 Former Trustees continued to sequester the trust funds away from the newly appointed
22 Successor Trustee, causing the Court to freeze all trust assets. Together with the Successor
23 Trustee, Nancy filed claims against the Former Trustees, including, but not limited to, breach of
24 fiduciary duty, conversion, fraudulent transfers, and undue influence, which have not yet been
25 fully adjudicated.
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1 Anthony L. Barney, Ltd., is a creditor of the trust due to the work performed on behalf of
2 Nancy, the Trustor, to further the terms of the Trust. The Successor Trustee approved the
3 requested fees and costs that were expended on behalf of Nancy. Pursuant to Section 11.1 of the
4 Christian Family Trust, the Successor Trustee had discretion to do so and her exercise of
5 discretion was binding upon all parties.
6

7 Because the trust funds had been frozen, however, Anthony L. Barney, Ltd., was
8 required to petition the court to unfreeze trust funds and release the approved amount of fees
9 and costs. Instead of unfreezing the approved amount of fees and costs, the District Court only
10 unfroze a portion of the fees; thus, causing Anthony L. Barney, Ltd., to remain a creditor and,
11 also, requiring Anthony L. Barney, Ltd., to continue to seek the remaining fees and costs that
12 had already been approved.
13

14 The April 12th Order is an appealable order pursuant to NRS 159.325(5), ordering or
15 authorizing the payment of a debt, claim, devise, guardian's fees or attorney's fees. Herein, all
16 of the attorney's fees for the law office of Anthony L. Barney, Ltd. should have been unfrozen,
17 because the Successor Trustee had approved them and pursuant to the terms of the Christian
18 Family Trust, her decision was binding upon all parties in interest to the Christian Family Trust.
19

20 **11. Indicate whether the case has previously been the subject of an appeal to or original**
21 **writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket**
22 **number of the prior proceeding:** This case has not previously been the subject of an appeal or
23 original writ proceeding.
24

25 **12. Indicate whether this appeal involves child custody or visitation:** This case does not
26 involve child custody or visitation.
27

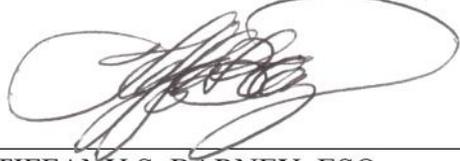
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13. If this is a civil case, indicate whether this appeal involves the possibility of settlement: This appeal does involve the possibility of settlement.

DATED this 8th day of May, 2018.

RESPECTFULLY SUBMITTED,



TIFFANY S. BARNEY, ESQ.
ANTHONY L. BARNEY, LTD.
3317 W. Charleston Blvd., Suite B
Las Vegas, Nevada 89102-1835
Attorneys for Anthony L. Barney, Ltd.

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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Anthony L. Barney, Ltd., and not a party to this action. I further certify that on May 9, 2018 I served the foregoing **CASE APPEAL STATEMENT** through the Eighth Judicial District Court’s electronic filing system, upon the following party(ies):

Cary Colt Payne, Esq.
Law Office of Cary Colt Payne, CHTD.
700 South 8th Street,
Las Vegas, NV 89101
*Attorney for Susan Christian-Payne,
Rosemary Keach, and
Raymond Christian, Jr.*

Joseph J. Powell, Esq.
Rushforth, Lee & Kiefer LLP
1707 Village Center Cir., #150
Las Vegas, NV 89134
*Attorney for Monte Reason, Successor
Trustee*

Jerimy Kirschner, Esq.
5550 Painted Mirage Rd., Suite 320
Las Vegas, NV 89149
*Attorney for Jacqueline Utkin, Successor
Trustee*

____s/ Zachary Holyoak/s_____
Employee of Anthony L. Barney, Ltd.

DEPARTMENT S
CASE SUMMARY
CASE NO. P-17-092512-T

In the Matter of the Trust of:
The Christian Family Trust u.a.d. 10/11/16

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Location: **Department S**
Judicial Officer: **Ochoa, Vincent**
Filed on: **07/31/2017**
Case Number History:
Cross-Reference Case Number: **P092512**
Supreme Court No.: **75750**

CASE INFORMATION

Case Type: **Probate -
Trust/Conservatorships**
Case Flags: **Appealed to Supreme Court**

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number	P-17-092512-T
Court	Department S
Date Assigned	09/01/2017
Judicial Officer	Ochoa, Vincent

PARTY INFORMATION

		<i>Lead Attorneys</i>
Petitioner	Christian Payne, Susan	Payne, Cary C., ESQ <i>Retained</i> 702-383-9010(W)
	Christian, Raymond	Payne, Cary C., ESQ <i>Retained</i> 702-383-9010(W)
	Keach, Rosemary	Payne, Cary C., ESQ <i>Retained</i> 702-383-9010(W)
Trustee	Utkin, Jacqueline	Kirschner, Jerimy L <i>Retained</i> 702-563-4444(W)
Trust	The Christian Family Trust u.a.d. 10/11/16	Payne, Cary C., ESQ <i>Retained</i> 702-383-9010(W)
Other	Christian, Nancy	Barney, Tiffany S. <i>Retained</i> 702-438-7878(W)

DATE

EVENTS & ORDERS OF THE COURT

INDEX

07/31/2017	 Petition to Assume Jurisdiction of Trust Filed by: Petitioner Christian Payne, Susan; Petitioner Keach, Rosemary; Petitioner Christian, Raymond <i>Petition to Assume Jurisdiction of Trust</i>	
07/31/2017	 Initial Appearance Fee Disclosure Filed by: Petitioner Christian Payne, Susan; Petitioner Keach, Rosemary; Petitioner Christian, Raymond <i>Initial Appearance Fee Disclosure</i>	

DEPARTMENT S
CASE SUMMARY
CASE NO. P-17-092512-T

08/01/2017	 Notice of Hearing Filed by: Petitioner Christian Payne, Susan; Petitioner Keach, Rosemary; Petitioner Christian, Raymond <i>Notice of Hearing</i>
08/03/2017	 Certificate of Service Filed by: Petitioner Christian Payne, Susan; Petitioner Keach, Rosemary; Petitioner Christian, Raymond <i>Certificate of Service</i>
08/16/2017	 Notice of Taking Deposition Filed by: Other Christian, Nancy <i>Notice of Taking Deposition</i>
08/17/2017	 Receipt of Copy Filed by: Other Christian, Nancy <i>Receipt Of Copy</i>
08/17/2017	 Motion to Dismiss Filed by: Other Christian, Nancy <i>Notice of Motion and Motion to Dismiss NRCP 12(b)(1) and NRCP 12(b)(5)</i>
08/21/2017	 Notice Filed by: Petitioner Christian Payne, Susan; Petitioner Keach, Rosemary; Petitioner Christian, Raymond <i>Notice of Exercise of Right to Have Hearing Before Probate Court Judge</i>
08/22/2017	 Errata Filed by: Other Christian, Nancy <i>Errata to Notice of Motion and Motion to Dismiss Pursuant to NRCP 12(b)(1) and NRCP 12(b)(5)</i>
08/25/2017	 Petition - HM (9:30 AM) (Hearing Master: Yamashita, Wesley) <i>Petition to Assume Jurisdiction of Trust</i>
08/30/2017	 Order Filed by: Petitioner Christian Payne, Susan; Petitioner Keach, Rosemary; Petitioner Christian, Raymond <i>Order Scheduling Status Check</i>
08/31/2017	 Peremptory Challenge Filed by: Other Christian, Nancy <i>Notice of Peremptory Challenge of Judge</i>
09/01/2017	Motion - HM (9:30 AM) (Hearing Master: Yamashita, Wesley) <i>Motion to Dismiss Pursuant to NRCP 12(b)(1) and NRCP 12(b)(5)</i>
09/01/2017	 Notice of Department Reassignment <i>Notice of Department Reassignment</i>
09/15/2017	 Supplement Filed by: Petitioner Christian Payne, Susan; Petitioner Keach, Rosemary; Petitioner Christian, Raymond <i>Supplement and Addendum to Petition to Assume Jurisdiction of Trust; Confirm Trustees; Instructions, Etc.; Alternatively to Reform Trust Agreement</i>

DEPARTMENT S
CASE SUMMARY
CASE NO. P-17-092512-T

09/15/2017	 Opposition to Motion to Dismiss Filed by: Petitioner Christian Payne, Susan; Petitioner Keach, Rosemary; Petitioner Christian, Raymond <i>Petitioner's Opposition to Motion to Dismiss</i>
09/26/2017	 Notice of Taking Deposition Filed by: Other Christian, Nancy <i>Notice of Taking Depositions</i>
09/28/2017	 Notice of Taking Deposition Filed by: Other Christian, Nancy <i>Notice of Taking Deposition</i>
10/04/2017	 Reply to Opposition Filed by: Other Christian, Nancy <i>Reply to Petitioner's Opposition to Motion to Dismiss</i>
10/13/2017	 Response Filed by: Objector Reason, Monte B. <i>Response to Petition to Assume Jurisdiction of Trust; confirm Trustees; instructions, Etc. And Joinder in Motion to Dismiss Pursuant to NRCP 12(b)(1) and NRCP 12(b)(5)</i>
10/16/2017	 Stipulation and Order Filed by: Objector Reason, Monte <i>Stipulation and Order</i>
10/16/2017	 Notice of Entry of Order Filed by: Objector Reason, Monte <i>Notice of Entry on Stipulation and Order</i>
10/19/2017	 Status Check (2:00 PM) (Judicial Officer: Ochoa, Vincent)
10/25/2017	 Inventory Filed by: Petitioner Christian Payne, Susan <i>Inventory, Record of Value</i>
10/25/2017	 Accounting Filed by: Petitioner Christian Payne, Susan <i>Accounting</i>
10/31/2017	 Decision Filed by: Petitioner Christian Payne, Susan <i>Decision</i>
10/31/2017	 Notice of Entry of Order <i>Notice of Entry of Decision</i>
11/03/2017	 Petition Filed by: Other Christian, Nancy <i>Joint Petition for Review of Former Trustees Refusal to Provide Proper Accounting Pursuant to NRS 165.143</i>
11/03/2017	 Notice of Hearing

DEPARTMENT S
CASE SUMMARY
CASE NO. P-17-092512-T

Filed by: Other Christian, Nancy
Notice of Hearing

11/13/2017

 Objection

Filed by: Other Christian, Nancy; Objector Reason, Monte B.
Joint Objection to Petition to Assume Jurisdiction of Trust; Confirm Trustees; Instructions, Etc. and Joint Counterpetition to Assume Jurisdiction in rem of the Trust, to Confirm Trustee, to find Breach of Fiduciary Duty, Conversion, and Fraud Against Former Trustees, to Invalidate all Transfers to the Former Trustees as the Product of Undue Influence, to Order the Immediate Delivery of all Trust Assets, and to Impose a Constructive Trust

11/14/2017

 Notice

Filed by: Petitioner Christian Payne, Susan
Notice of Blocked Funds, Etc.

11/14/2017

 Notice of Hearing

Filed by: Other Christian, Nancy
Notice of Hearing

11/17/2017

 Receipt of Copy

Filed by: Other Christian, Nancy
Receipt Of Copy

11/20/2017

 Notice

Filed by: Petitioner Christian Payne, Susan
Notice of Exercise of Right to Have Hearing Before Probate Court Judge

12/04/2017

 Opposition to Motion

Filed by: Petitioner Christian Payne, Susan
Petitioner's Opposition to Motion for Review/Proper Accounting

12/08/2017

 **Petition - HM (9:30 AM)** (Hearing Master: Yamashita, Wesley)

Joint Petition for Review of Former Trustees Refusal to Provide Proper Accounting Pursuant to NRS 165.143

12/12/2017

 Notice of Hearing

Notice of Hearing

12/12/2017

 Motion

Filed by: Objector Reason, Monte B.
MOTION FOR COMPLIANCE WITH AND ENFORCEMENT OF COURT ORDER, AND FOR SANCTIONS RELATING THERETO, FOR ORDER TO SHOW CAUSE WHY FORMER TRUSTEES SHOULD NOT BE HELD IN CONTEMPT, FOR ORDER COMPELLING FORMER TRUSTEES TO ACCOUNT, AND FOR ACCESS TO AND INVESTMENT CONTROL OF TRUST FUNDS BELONGING TO THE CHRISTIAN FAMILY TRUST

12/14/2017

 Opposition

Filed by: Petitioner Christian Payne, Susan; Petitioner Keach, Rosemary; Petitioner Christian, Raymond
Petitioner's Opposition to Joint Counterpetition to Confirm/Breach of Fiduciary Duty, Etc., Request for Discovery

12/14/2017

 Notice of Hearing

Filed by: Other Christian, Nancy
Notice of Hearing

DEPARTMENT S
CASE SUMMARY
CASE NO. P-17-092512-T

12/15/2017	<p>CANCELED Petition - HM (9:30 AM) <i>Vacated</i> <i>Joint Objection to Petition to Assume Jurisdiction of Trust; Confirm Trustees; Instructions, Etc. and Joint Counterpetition to Assume Jurisdiction in rem of the Trust, to Confirm Trustee, to find Breach of Fiduciary Duty, Conversion, and Fraud Against Former Trustees, to Invalidate all Transfers to the Former Trustees as the Product of Undue Influence, to Order the Immediate Delivery of all Trust Assets, and to Impose a Constructive Trust</i></p>
12/15/2017	<p> Notice of Hearing Filed by: Other Christian, Nancy <i>Amended Notice of Hearing</i></p>
01/02/2018	<p> Affidavit of Publication Filed by: Trust The Christian Family Trust u.a.d. 10/11/16; Petitioner Christian Payne, Susan; Petitioner Keach, Rosemary; Petitioner Christian, Raymond; Other Christian, Nancy; Objector Reason, Monte; Objector Reason, Monte B. <i>Affidavit of Publication</i></p>
01/04/2018	<p> Notice Filed by: Petitioner Christian Payne, Susan <i>Notice of Suggestion of Death</i></p>
01/04/2018	<p> Notice of Hearing Filed by: Objector Reason, Monte B. <i>NOTICE OF HEARING ON MOTION FOR COMPLIANCE WITH AND ENFORCEMENT OF COURT ORDER, AND FOR SANCTIONS RELATING THERETO, FOR ORDER TO SHOW CAUSE WHY FORMER TRUSTEES SHOULD NOT BE HELD IN CONTEMPT, FOR ORDER COMPELLING FORMER TRUSTEES TO ACCOUNT, AND FOR ACCESS TO AND INVESTMENT CONTROL OF TRUST FUNDS BELONGING TO THE CHRISTIAN FAMILY TRUST</i></p>
01/04/2018	<p> Certificate of Mailing Filed by: Objector Reason, Monte B. <i>Certificate of Mailing</i></p>
01/10/2018	<p> Notice of Lis Pendens Filed by: Petitioner Christian Payne, Susan <i>Notice of Pendency of Action (Lis Pendens)</i></p>
01/10/2018	<p> Certificate of Service Filed by: Petitioner Christian Payne, Susan <i>Certificate of Service</i></p>
01/11/2018	<p> Opposition Filed by: Petitioner Christian Payne, Susan <i>Opposition to Motion for Compliance, Enforcement, Sanctions, Contempt, Etc.; Counterpetition for Distribution and Vacating All Pending Matters and Dismiss Trust Proceedings</i></p>
01/15/2018	<p> Notice of Substitution of Parties Filed By: Trustee Utkin, Jacqueline <i>Notice Of Substitution Of Real Party In Interest</i></p>
01/16/2018	<p> Notice of Substitution of Parties Filed By: Objector Reason, Monte <i>Substitution of Real Party in Interest Pursuant to NRCP 17</i></p>

DEPARTMENT S
CASE SUMMARY
CASE NO. P-17-092512-T

01/17/2018 **Petition** (2:00 PM) (Judicial Officer: Ochoa, Vincent)
Joint Petition for Review of Former Trustees Refusal to Provide Proper Accounting

01/17/2018 **Motion** (2:00 PM) (Judicial Officer: Ochoa, Vincent)
Motion for Compliance with and Enforcement of Court Order, and for Sanctions Relating Thereto, for Order to Show Cause Why Former Trustees Should not be Held in Contempt, for Order Compelling Former Trustees to Account, and for Access to and Investment Control of Trust Funds Belonging to the Christian Family Trust

01/17/2018 **Opposition & Counter-motion** (2:00 PM) (Judicial Officer: Ochoa, Vincent)
Joint Objection to Petition to Assume Jurisdiction of Trust; Confirm Trustees; Instructions, Etc. and Joint Counterpetition to Assume Jurisdiction in rem of the Trust, to Confirm Trustee, to find Breach of Fiduciary Duty, Conversion, and Fraud Against Former Trustees, to Invalidate all Transfers to the Former Trustees as the Product of Undue Influence, to Order the Immediate Delivery of all Trust Assets, and to Impose a Constructive Trust

01/17/2018  **All Pending Motions** (2:00 PM) (Judicial Officer: Ochoa, Vincent)

01/26/2018  **Petition to Confirm**
Filed By: Other Christian, Nancy
Petition To Confirm Successor Trustee

01/30/2018  **Notice of Intent**
Filed By: Trustee Utkin, Jacqueline
Notice of Intent to Appear by Telephone

01/31/2018  **Notice of Hearing**
Filed by: Trustee Utkin, Jacqueline
Notice of Hearing

02/01/2018  **Notice**
Notice of Scheduling Settlement Conference -NSSC

02/05/2018  **Notice of Entry of Order**
Filed by: Trustee Utkin, Jacqueline
Notice of Entry of Order

02/05/2018  **Order**
Filed by: Trustee Utkin, Jacqueline
Omnibus Order

02/05/2018  **Notice**
Filed by: Petitioner Christian Payne, Susan
Notice of Exercise of Right to Have Hearing Before Probate Court Judge

02/06/2018  **Amended Notice of Entry of Order**
Filed By: Trustee Utkin, Jacqueline
Amended Notice of Entry of Order

02/08/2018  **Petition for Fees**
Filed by: Other Christian, Nancy
Petition for Fees and Costs

02/08/2018  **Notice of Hearing**
Filed by: Other Christian, Nancy
Notice of Hearing

DEPARTMENT S
CASE SUMMARY
CASE NO. P-17-092512-T

02/23/2018	 Notice of Non Opposition Filed by: Trustee Utkin, Jacqueline <i>Notice of Non-Opposition and Limited Joinder to the Petition for Fees and Costs for Anthony L Barney, LTD.</i>
02/23/2018	 Opposition and Countermotion Filed by: Petitioner Christian Payne, Susan; Petitioner Keach, Rosemary; Petitioner Christian, Raymond <i>Opposition to Petition to Confirm Successor Trustee; Counterpetition for Reinstatement of Co-Petitioners</i>
03/01/2018	 Order Shortening Time Filed by: Trustee Utkin, Jacqueline <i>Order Shortening Time to Hear Petition to Confirm Successor Trustee</i>
03/01/2018	 Ex Parte Application Filed by: Trustee Utkin, Jacqueline <i>Ex Parte Application for Order Shortening Time to Hear Petition to Confirm Successor Trustee</i>
03/08/2018	 Application Filed by: Objector Reason, Monte B. <i>Monte Reason's Application for Reimbursement of Administrative Expenses</i>
03/09/2018	 Opposition Filed by: Petitioner Christian Payne, Susan; Petitioner Keach, Rosemary; Petitioner Christian, Raymond <i>Petitioners Combined Opposition to (1) Barney Firm Petition tor Fees, Etc. (2) Monte Reason s Application tor Reimbursement</i>
03/12/2018	 Reply to Opposition Filed by: Trustee Utkin, Jacqueline <i>Reply to Opposition to Petition to Confirm Successor Trustee; and Opposition to Counter-Petition for Reinstatement of Co-Petitioners</i>
03/13/2018	 Response Filed by: Objector Reason, Monte B. <i>Response to Opposition to Monte Reason's Application for Reimbursement of Administrative Expenses</i>
03/13/2018	 Reply Filed by: Other Christian, Nancy <i>Reply to Petitioner's Combined Opposition to 1) Barney Firm Petition for Fees, Etc., 2) Monte Reason's Application for Reimbursement</i>
03/15/2018	Petition (2:00 PM) (Judicial Officer: Ochoa, Vincent) <i>Petition To Confirm Successor Trustee</i>
03/15/2018	Opposition & Countermotion (2:00 PM) (Judicial Officer: Ochoa, Vincent) <i>Opposition to Petition to Confirm Successor Trustee; Counterpetition for Reinstatement of Co-Petitioners</i>
03/15/2018	Motion (2:00 PM) (Judicial Officer: Ochoa, Vincent) <i>Monte Reason's Application for Reimbursement of Administrative Expenses on OST</i>
03/15/2018	

DEPARTMENT S
CASE SUMMARY
CASE NO. P-17-092512-T

-  **All Pending Motions** (2:00 PM) (Judicial Officer: Ochoa, Vincent)
- 03/20/2018  Accounting
Filed by: Petitioner Christian Payne, Susan
Account and Response to Court Hearing/Decision dated 1/17/18, Etc.
- 03/29/2018  Motion
Filed by: Trustee Utkin, Jacqueline
Motion to Expunge Lis Pendens and/or Strike Pleading; and for Preliminary Injunction
- 03/30/2018  Certificate of Service
Filed by: Trustee Utkin, Jacqueline
Certificate of Service for: Bank of America, N.A., Stiefel, Nicolaus & Co., Inc., Nevada State Bank, JPMorgan Chase Holdings, LLC, Bank of America, N.A.
- 03/30/2018 Supplement to Response and Opposition
Filed By: Petitioner Christian Payne, Susan; Petitioner Keach, Rosemary; Petitioner Christian, Raymond
Petitioner's Supplemental Response to Opposition to Petition for Fees (Barney Firm); Request for Evidentiary Hearing and Reopening Discovery
- 03/30/2018  Stricken Document
Partial Strike of Supplement to Response and Opposition per minute order 4/4/18
- 04/02/2018  Certificate of Service
Filed by: Trustee Utkin, Jacqueline
Certificate of Service - Motion to Expunge Lis Pendens and/or Strike Pleading; and for Preliminary Injunction
- 04/02/2018  Motion
Filed by: Trustee Utkin, Jacqueline
Motion for Turnover of Assets and to Dissolve the Injunction over Christian Family Trust Assets
- 04/03/2018  **Settlement Conference** (10:00 AM) (Judicial Officer: Becker, Nancy)
- 04/03/2018  Certificate of Service
Filed by: Trustee Utkin, Jacqueline
Certificate of Service
- 04/03/2018  Certificate of Service
Filed by: Trustee Utkin, Jacqueline
Certificate of Service - SUBPOENAS FOR: SUN CITIES FINANCIALS, WELLS FARGO BANK, N.A., SAM S CLUB, BANK OF AMERICA, N.A., JPMORGAN CHASE HOLDINGS, LLC, NEVADA STATE BANK, STIEFEL, NICOLAUS & CO., INC., U.S. BANK, N.A.
- 04/03/2018  Countermotion
Filed by: Other Christian, Nancy
Countermotion 1) to Strike Petitioner's Supplemental Response to Opposition to Petition for Fees (Barney Firm); Request for Evidentiary Hearing and Reopening Discovery; 2) to Find the Former Trustees to be Vexatious Litigants; and 3) For Sanctions Against Cary Colt Payne Pursuant to NRS 7.085 and EDCR 7.60
- 04/04/2018  **Petition** (2:00 PM) (Judicial Officer: Ochoa, Vincent)
Petition for Fees and Costs

DEPARTMENT S
CASE SUMMARY
CASE NO. P-17-092512-T

- 04/04/2018  Order
Filed by: Trustee Utkin, Jacqueline
Order Granting Petition to Confirm Successor Trustee and Denying Counter-Petition for Reinstatement of Co-Petitioners
- 04/04/2018  Notice of Entry of Order
Filed by: Trustee Utkin, Jacqueline
Notice of Entry of Order for Order Granting Petition to Confirm Successor Trustee and Denying Counter-Petition for Reinstatement of Co-Petitioners
- 04/05/2018  Certificate of Service
Filed by: Trustee Utkin, Jacqueline
Certificate of Service
- 04/06/2018  Certificate of Service
Certificate of Service - Subpoena for Sun Cities Financial Group
- 04/10/2018  Motion
Filed by: Trustee Utkin, Jacqueline
Motion for (1) Fees Pursuant to NRS 165.148 (2) Compliance with and Enforcement of Court Order and Sanctions; (3) for Order to Show Cause Why Former Trustees Should Not be Held in Contempt, and (4) for an Extension of Discovery
- 04/11/2018  Certificate of Service
Filed by: Trustee Utkin, Jacqueline
Certificate of Service for Motion for Fees, Compliance, Order to Show Cause, and Extension of Discovery
- 04/12/2018  Order
Filed by: Trust The Christian Family Trust u.a.d. 10/11/16
Order
- 04/12/2018  Notice of Entry of Order
Filed by: Trust The Christian Family Trust u.a.d. 10/11/16
Notice Of Entry Of Order
- 04/18/2018  Certificate of Service
Filed by: Trustee Utkin, Jacqueline
Certificate of Service
- 04/19/2018  Opposition and Counter-motion
Filed by: Petitioner Christian Payne, Susan
Petitioner s Combined Opposition to: (1) Motion To Turnover Assets And Dissolve Injunction Over Trust Assets; (2) Motion To 1. Expunge Lis Pendens and 2. Preliminary Injunction ; And Counter-motion For Distribution/Termination of Trust; Alternatively For Stay/ Set Bond And Set Evidentiary Hearing
- 04/19/2018  Opposition and Counter-motion
Filed by: Petitioner Christian Payne, Susan
Opposition to Motion for (1) Fees, (2) Compliance, (3) For Order to Show Cause And (4) Extension of Discovery; Counter-motion To Distribute Trust Property (2nd Request)
- 04/20/2018  Certificate of Service
Filed by: Trustee Utkin, Jacqueline

DEPARTMENT S
CASE SUMMARY
CASE NO. P-17-092512-T

Certificate of Service for Subpoena for Sun Cities Financial Group

04/26/2018	 Certificate of Service Filed by: Trustee Utkin, Jacqueline <i>Certificate of Service for JPMorgan Chase Bank and Securities</i>
04/26/2018	 Notice of Appeal Filed by: Petitioner Christian Payne, Susan <i>Notice of Appeal</i>
04/26/2018	 Case Appeal Statement Filed by: Petitioner Christian Payne, Susan <i>Case Appeal Statement</i>
05/07/2018	 Stipulation and Order <i>Stipulation and Order to Continue Hearings</i>
05/08/2018	 Notice of Entry Filed by: Trustee Utkin, Jacqueline <i>Notice of Entry of Order for Stipulation and Order to Continue Hearings</i>
05/08/2018	 Case Appeal Statement Filed by: Other Christian, Nancy <i>Case Appeal Statement</i>
05/08/2018	 Notice of Appeal Filed by: Other Christian, Nancy <i>Notice of Appeal</i>
05/08/2018	 Reply Filed by: Trust The Christian Family Trust u.a.d. 10/11/16; Trustee Utkin, Jacqueline <i>Reply</i>
05/14/2018	Status Check (3:00 PM) (Judicial Officer: Ochoa, Vincent)
05/16/2018	Motion (2:00 PM) (Judicial Officer: Ochoa, Vincent) <i>Motion (1) to Expunge Lis Pendens and/or Strike Pleading and (2) for Preliminary Injunction</i>
05/16/2018	Motion - HM (2:00 PM) (Judicial Officer: Ochoa, Vincent) <i>Motion for Turnover of Assets and to Dissolve the Injunction over Christian Family Trust Assets</i>
05/16/2018	Motion (2:00 PM) (Judicial Officer: Ochoa, Vincent) <i>Motion for (1) Fees Pursuant to NRS 165.148(2) Compliance with and Enforcement of Court Order and Sanctions (3) for Order to Show Cause Why Former Trustees Should not be Held in Contempt and (4) for an Extension of Discovery</i>
05/16/2018	Opposition & Countermotion (2:00 PM) (Judicial Officer: Ochoa, Vincent) <i>Petitioner s Combined Opposition to: (1) Motion To Turnover Assets And Dissolve Injunction Over Trust Assets; (2) Motion To 1. Expunge Lis Pendens and 2. Preliminary Injunction ; And Countermotion For Distribution/Termination of Trust; Alternatively For Stay/ Set Bond And Set Evidentiary Hearing</i>
05/16/2018	Opposition & Countermotion (2:00 PM) (Judicial Officer: Ochoa, Vincent) <i>Opposition to Motion for (1) Fees, (2) Compliance, (3) For Order to Show Cause And (4) Extension of Discovery; Countermotion To Distribute Trust Property (2nd Request)</i>

DATE

FINANCIAL INFORMATION

DEPARTMENT S
CASE SUMMARY
CASE NO. P-17-092512-T

Attorney Barney, Tiffany S.	
Total Charges	12.00
Total Payments and Credits	12.00
Balance Due as of 5/10/2018	0.00
Other Christian, Nancy	
Total Charges	474.00
Total Payments and Credits	474.00
Balance Due as of 5/10/2018	0.00
Petitioner Christian Payne, Susan	
Total Charges	574.50
Total Payments and Credits	574.50
Balance Due as of 5/10/2018	0.00
Petitioner Christian Payne, Susan	
Registry and Trust Account-Probate Balance as of 5/10/2018	500.00

DISTRICT COURT CIVIL COVER SHEET

P-17-092512-T

County, Nevada

Case No.

(Assigned by Clerk's Office)

I. Party Information (provide both home and mailing addresses if different)

Plaintiff(s) (name/address/phone): SUSAN CHRISTIAN-PAYNE, ROSEMARY KEACH, RAYMOND KEACH 1704 Double Arch Court., Las Vegas, NV 89128 ; 702-308-6674 2016 Grouse St., Las Vegas, NV 89135; (702) 2714-3864 2848 Bluff Point, Las Vegas, NV 89135; (702) 340-4700	Defendant(s) (name/address/phone): NANCY I. CHRISTIAN
Attorney (name/address/phone): CARY COLT PAYNE, ESQ. (NV BAR 4357) CARY TOLT PAYNE, CHTD. 700 S. EIGHTH STREET, LAS VEGAS, NV 88910 (702) 383-9010	Attorney (name/address/phone): JOSEPH POWELL RUSHFORTH, LEE & KIEFER, LLP 1701 Village Center Circle, Suite 150 Las Vegas, NV 89134

II. Nature of Controversy (please select the one most applicable filing type below)

Civil Case Filing Types

<p>Real Property</p> <p>Landlord/Tenant</p> <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant <p>Title to Property</p> <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property <p>Other Real Property</p> <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	<p>Negligence</p> <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence <p>Malpractice</p> <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	<p>Torts</p> <p>Other Torts</p> <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
<p>Probate</p> <p>Probate (select case type and estate value)</p> <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input checked="" type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate <p>Estate Value</p> <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	<p>Construction Defect & Contract</p> <p>Construction Defect</p> <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect <p>Contract Case</p> <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	<p>Judicial Review/Appeal</p> <p>Judicial Review</p> <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency <p>Nevada State Agency Appeal</p> <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency <p>Appeal Other</p> <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
<p>Civil Writ</p> <p>Civil Writ</p> <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrantum	<p>Other Civil Filing</p> <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ	<p>Other Civil Filing</p> <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters

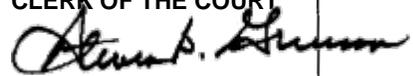
Business Court filings should be filed using the Business Court Civil Coversheet.

7/31/17

Date

Signature of initiating party or representative

See other side for family-related case filings.



1 ANTHONY L. BARNEY, ESQ.
NV State Bar No. 8366
2 TIFFANY S. BARNEY, ESQ.
NV State Bar No. 9754
3 ZACHARY D. HOLYOAK, ESQ.
4 NV State Bar No. 14217
5 **ANTHONY L. BARNEY, LTD.**
3317 W. Charleston Boulevard, Suite B
6 Las Vegas, NV 89102-1835
Telephone: (702) 438-7878
7 Facsimile: (702) 259-1116
E-Mail: office@anthonybarney.com
8 *Prior Attorneys for Nancy Christian,*
9 *Creditors of The Christian Family Trust*

10 **EIGHTH JUDICIAL DISTRICT COURT**

11 **CLARK COUNTY, NEVADA**

12 In the Matter of the

Case Number: P-17-092512-T

13
14 THE CHRISTIAN FAMILY TRUST

Dept.: S

15 Dated October 11, 2016

16
17 **ORDER**

18 This matter came before the above-entitled court on April 4, 2018 at 2:00 p.m. on
19 Anthony L. Barney, Ltd.'s, ("ALB, LTD.," or "Petitioner") Creditor of the Christian Family
20 Trust dated October 11, 2018 ("Trust"), PETITION FOR FEES AND COSTS ("Petition"), and
21 upon the Petitioner's Oral Motion to Strike Exhibit A of the SUPPLEMENTAL RESPONSE
22 TO OPPOSITION TO PETITION FOR FEES (BARNEY FIRM); REQUEST FOR
23 EVIDENTIARY HEARING, AND REOPENING DISCOVERY ("Supplement") filed March
24 30, 2018 by Cary Colt Payne, Esq. on behalf of Susan Christian Payne ("Susan"), Rosemary
25 Keach ("Rosemary"), and Raymond Christian Jr. ("Raymond"). The Petitioner was represented
26 by its attorneys at the Law Office of Anthony L. Barney, Ltd. Jackie Utkin, Successor Trustee
27
28

RECEIVED
APR 10 2018
DEPT. S

1 of the Trust was not present but was represented by her attorney, Jerimy Kirschner, Esq., Monte
2 Reason, former Trustee and beneficiary of the Trust was not present but was represented by his
3 attorney Joseph J. Powell, Esq., Raymond was not present, Susan and Rosemary were present
4 and Raymond, Susan and Rosemary were represented by Cary C. Payne, Esq., After reviewing
5 the pleadings on file in this matter, hearing the oral argument, and reviewing the evidence, the
6 Court hereby makes the following findings of fact and conclusions of law.
7

8 **I. FINDINGS OF FACT**

9 The Court hereby finds the following:

- 10
11 1. The Trust contains broad discretion regarding decisions made by the Trustee with the
12 specific language of the Trust stating:

13 **11.1 Protection.** Trustees shall not be liable for any loss or injury to the property at
14 any time held by them hereunder, except only such as may result from their fraud,
15 willful misconduct, or gross negligence. Every election, determination, or other
16 exercise by Trustees of any discretion vested, either expressly or by implication, in
17 them, pursuant to this Trust Agreement, whether made upon a question actually
raised or implied in their acts and proceedings, shall be conclusive and binding upon
all parties in interest.

- 18 2. The Trust's spendthrift provision does not apply to the trustor's interest in the Trust estate
19 regarding the fees and costs payable to ALB, LTD.
20
21 3. ALB, LTD's request for payment of fees has been approved by the prior Trustee, Monte
22 Reason, and the current Trustee, Jackie Utkin.
23
24 4. The Court has previously ordered that all Trust assets be frozen pending the current
litigation in this matter.
25
26 5. Exhibit A to Susan, Rosemary, and Raymond's Supplement is immaterial and impertinent
27 in this matter.

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II. CONCLUSIONS OF LAW

1. NRS 132.390(c)(8) states in pertinent part “[f]or the purposes of this title, a person is an interested person with respect to:... at trust, if the person:... Is a creditor of the settlor who has a claim which has been accepted by the trustee.”

2. NRCPC 12(f) provides:

Upon motion made by a party before responding to a pleading or, if no responsive pleading is permitted by these rules, upon motion made by a party within 20 days after the service of the pleading upon the party or upon the court’s own initiative at any time, the court may order stricken from any pleading any insufficient defense or any redundant, immaterial, impertinent, or scandalous matter.

III. ORDER

WHEREFORE, the Court hereby orders, adjudges and decrees the following:

1. That within seven (7) days of the entry of this order a certified check in the amount of \$50,000.00 shall be issued by Chase Bank from either or both blocked trust accounts (if funds are insufficient in either account), currently held in the names of Susan Christian-Payne, Rosemary Keach, and Raymond Christian Jr., at Chase Bank, account numbers 000000446556040 and 000003008644816 (a Chase Private Client Savings Account) and shall be delivered to Jackie Utkin as Trustee of the Christian Family Trust;

2. That within seven (7) days of the entry of this order a certified check in the amount of \$3,031.97 representing the costs filed with this Court which were incurred by ALB, LTD., shall be issued by Chase Bank from either or both blocked trust accounts (if funds are insufficient in either account), currently held in the names of Susan Christian-Payne, Rosemary Keach, and Raymond Christian Jr., at Chase Bank, account numbers at Chase Bank, account numbers 000000446556040 and 000003008644816 (a Chase Private Client Savings Account) and shall be delivered to Jackie Utkin as Trustee of the Christian Family Trust;

1 3. That within seven (7) days of receipt of the certified checks for \$50,000.00 and
2 \$3,031.97, Jackie Utkin shall pay \$53,031.97 to ALB, LTD., for payment of attorney's fees and
3 costs; and,

4
5 4. That Exhibit A of the SUPPLEMENTAL RESPONSE TO OPPOSITION TO
6 PETITION FOR FEES (BARNEY FIRM); REQUEST FOR EVIDENTIARY HEARING,
7 AND REOPENING DISCOVERY is hereby stricken from the Nevada Eighth Judicial District
8 Court's record as immaterial and impertinent.

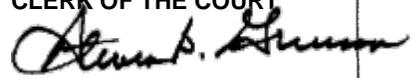
9 IT IS SO ORDERED, ADJUDGED AND DECREED.

10 DATED this 10th day of April 2018. *vo*

Vincent Ochoa
DISTRICT COURT JUDGE *YMC*

14 Respectfully Submitted,
15 ANTHONY L. BARNEY, LTD.

16 *Anthony L. Barney*
17 Anthony L. Barney, Esq.
18 Nevada Bar No. 8366
19 Tiffany S. Barney, Esq.
20 Nevada Bar No. 9754
21 Zachary D. Holyoak, Esq.
22 Nevada Bar No. 14217
23 3317 W. Charleston Blvd., Suite B
24 Las Vegas, NV 89102
25 office@anthonybarney.com
26
27
28



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4 NV State Bar No. 9754
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11 Facsimile: (702) 259-1116
12 E-Mail: office@anthonybarney.com
13 *Prior Attorneys for Nancy Christian*

14 **EIGHTH JUDICIAL DISTRICT COURT**

15 **FAMILY DIVISION**

16 **CLARK COUNTY, NEVADA**

17 In the Matter of the

Case Number: P-17-092512-T
Dept.: S

18 THE CHRISTIAN FAMILY TRUST

19 Dated October 11, 2016

20 **NOTICE OF ENTRY OF ORDER**

21 TO: **SUSAN CHRISTIAN-PAYNE, ROSEMARY KEACH, and RAYMOND**
22 **CHRISTIAN JR.**, by and through their attorney Cary C. Payne, Esq., of the Law Office
23 of Cary Colt Payne, CHTD.

24 TO: **MONTE REASON**, by and through his attorney, Joseph J. Powell, Esq., of Rushforth,
25 Lee & Kiefer, LLP

26 TO: **JACQUELINE UTKIN**, by and through her attorney, Jerimy Kirschner, Esq. of
27 Kirschner & Associates

28 TO: **CHRISTOPHER A. CHRISTIAN**

TO: **TOMMY L. CHRISTIAN**

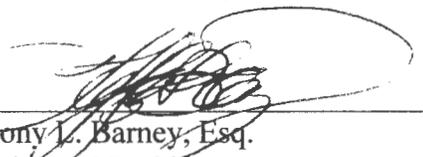
PLEASE TAKE NOTICE, each of you, of the following:

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An Order was entered and filed on April 12th, 2018 in the above entitled matter. A copy of said Order is attached hereto and incorporated herein as Exhibit 1.

Respectfully Submitted,
ANTHONY L. BARNEY, LTD.



Anthony L. Barney, Esq.
Nevada Bar No. 8366
Tiffany S. Barney, Esq.
Nevada Bar No. 9754
3317 W. Charleston Blvd., Suite B
Las Vegas, NV 89102-1835
(702) 438-7878
Attorneys for Nancy Christian, Trustor

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Anthony L. Barney, Ltd., and not a party to this action. I further certify that on April 12, 2018 I served the foregoing **NOTICE OF ENTRY OF ORDER** via regular mail and/or electronic service through the Eighth Judicial District Court's electronic filing system, upon the following party(ies):

Cary Colt Payne, Esq.
Law Office of Cary Colt Payne, CHTD.
700 South 8th Street,
Las Vegas, NV 89101
*Attorney for Susan Christian-Payne,
Rosemary Keach, and
Raymond Christian, Jr.*

Joseph J. Powell, Esq.
Rushforth, Lee & Kiefer LLP
1707 Village Center Cir., #150
Las Vegas, NV 89134
*Attorney for Monte Reason, Successor
Trustee*

Jerimy Kirschner, Esq.
5550 Painted Mirage Rd., Suite 320
Las Vegas, NV 89149
*Attorney for Jacqueline Utkin, Successor
Trustee*

_____/s/ Zachary Holyoak/s_____
Employee of Anthony L. Barney, Ltd.

EXHIBIT 1



1 ANTHONY L. BARNEY, ESQ.
NV State Bar No. 8366
2 TIFFANY S. BARNEY, ESQ.
NV State Bar No. 9754
3 ZACHARY D. HOLYOAK, ESQ.
NV State Bar No. 14217
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5 Las Vegas, NV 89102-1835
6 Telephone: (702) 438-7878
7 Facsimile: (702) 259-1116
8 E-Mail: office@anthonybarney.com
9 *Prior Attorneys for Nancy Christian,
Creditors of The Christian Family Trust*

10 EIGHTH JUDICIAL DISTRICT COURT

11 CLARK COUNTY, NEVADA

12 In the Matter of the

Case Number: P-17-092512-T

13 THE CHRISTIAN FAMILY TRUST

Dept.: S

14 Dated October 11, 2016

15 **ORDER**

16
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18 This matter came before the above-entitled court on April 4, 2018 at 2:00 p.m. on
19 Anthony L. Barney, Ltd.'s, ("ALB, LTD.," or "Petitioner") Creditor of the Christian Family
20 Trust dated October 11, 2018 ("Trust"), PETITION FOR FEES AND COSTS ("Petition"), and
21 upon the Petitioner's Oral Motion to Strike Exhibit A of the SUPPLEMENTAL RESPONSE
22 TO OPPOSITION TO PETITION FOR FEES (BARNEY FIRM); REQUEST FOR
23 EVIDENTIARY HEARING, AND REOPENING DISCOVERY ("Supplement") filed March
24 30, 2018 by Cary Colt Payne, Esq. on behalf of Susan Christian Payne ("Susan"), Rosemary
25 Keach ("Rosemary"), and Raymond Christian Jr. ("Raymond"). The Petitioner was represented
26 by its attorneys at the Law Office of Anthony L. Barney, Ltd. Jackie Utkin, Successor Trustee
27
28

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1 of the Trust was not present but was represented by her attorney, Jerimy Kirschner, Esq., Monte
2 Reason, former Trustee and beneficiary of the Trust was not present but was represented by his
3 attorney Joseph J. Powell, Esq., Raymond was not present, Susan and Rosemary were present
4 and Raymond, Susan and Rosemary were represented by Cary C. Payne, Esq., After reviewing
5 the pleadings on file in this matter, hearing the oral argument, and reviewing the evidence, the
6 Court hereby makes the following findings of fact and conclusions of law.
7

8 **I. FINDINGS OF FACT**

9 The Court hereby finds the following:

- 10
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13 **11.1 Protection.** Trustees shall not be liable for any loss or injury to the property at
14 any time held by them hereunder, except only such as may result from their fraud,
15 willful misconduct, or gross negligence. Every election, determination, or other
16 exercise by Trustees of any discretion vested, either expressly or by implication, in
17 them, pursuant to this Trust Agreement, whether made upon a question actually
raised or implied in their acts and proceedings, shall be conclusive and binding upon
all parties in interest.

- 18 2. The Trust's spendthrift provision does not apply to the trustor's interest in the Trust estate
19 regarding the fees and costs payable to ALB, LTD.
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21 3. ALB, LTD's request for payment of fees has been approved by the prior Trustee, Monte
22 Reason, and the current Trustee, Jackie Utkin.
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24 4. The Court has previously ordered that all Trust assets be frozen pending the current
litigation in this matter.
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26 5. Exhibit A to Susan, Rosemary, and Raymond's Supplement is immaterial and impertinent
27 in this matter.

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II. CONCLUSIONS OF LAW

1. NRS 132.390(c)(8) states in pertinent part “[f]or the purposes of this title, a person is an interested person with respect to:... at trust, if the person:... Is a creditor of the settlor who has a claim which has been accepted by the trustee.”

2. NRCP 12(f) provides:

Upon motion made by a party before responding to a pleading or, if no responsive pleading is permitted by these rules, upon motion made by a party within 20 days after the service of the pleading upon the party or upon the court’s own initiative at any time, the court may order stricken from any pleading any insufficient defense or any redundant, immaterial, impertinent, or scandalous matter.

III. ORDER

WHEREFORE, the Court hereby orders, adjudges and decrees the following:

1. That within seven (7) days of the entry of this order a certified check in the amount of \$50,000.00 shall be issued by Chase Bank from either or both blocked trust accounts (if funds are insufficient in either account), currently held in the names of Susan Christian-Payne, Rosemary Keach, and Raymond Christian Jr., at Chase Bank, account numbers 000000446556040 and 000003008644816 (a Chase Private Client Savings Account) and shall be delivered to Jackie Utkin as Trustee of the Christian Family Trust;

2. That within seven (7) days of the entry of this order a certified check in the amount of \$3,031.97 representing the costs filed with this Court which were incurred by ALB, LTD., shall be issued by Chase Bank from either or both blocked trust accounts (if funds are insufficient in either account), currently held in the names of Susan Christian-Payne, Rosemary Keach, and Raymond Christian Jr., at Chase Bank, account numbers at Chase Bank, account numbers 000000446556040 and 000003008644816 (a Chase Private Client Savings Account) and shall be delivered to Jackie Utkin as Trustee of the Christian Family Trust;

1 3. That within seven (7) days of receipt of the certified checks for \$50,000.00 and
2 \$3,031.97, Jackie Utkin shall pay \$53,031.97 to ALB, LTD., for payment of attorney's fees and
3 costs; and,

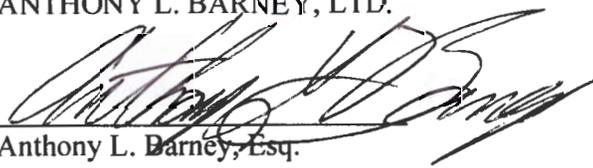
4
5 4. That Exhibit A of the SUPPLEMENTAL RESPONSE TO OPPOSITION TO
6 PETITION FOR FEES (BARNEY FIRM); REQUEST FOR EVIDENTIARY HEARING,
7 AND REOPENING DISCOVERY is hereby stricken from the Nevada Eighth Judicial District
8 Court's record as immaterial and impertinent.

9 IT IS SO ORDERED, ADJUDGED AND DECREED.

10 DATED this 10th day of April 2018. *vo*

Vincent Ochoa
11
12
13 DISTRICT COURT JUDGE *me*

14 Respectfully Submitted,
15 ANTHONY L. BARNEY, LTD.

16 
17 Anthony L. Barney, Esq.
18 Nevada Bar No. 8366
19 Tiffany S. Barney, Esq.
20 Nevada Bar No. 9754
21 Zachary D. Holyoak, Esq.
22 Nevada Bar No. 14217
23 3317 W. Charleston Blvd., Suite B
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26
27
28

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate -
Trust/Conservatorships**

COURT MINUTES

August 25, 2017

P-17-092512-T

In the Matter of the Trust of:
The Christian Family Trust u.a.d. 10/11/16

August 25, 2017 9:30 AM Petition - HM

HEARD BY: Yamashita, Wesley

COURTROOM: RJC Courtroom 14C

COURT CLERK: Sharon Chun

PARTIES:

Jacqueline Utkin, Trustee, not present	Jerimy Kirschner, Attorney, not present
Monte Reason, Objector, not present	
Monte Reason, Objector, not present	
Nancy Christian, Other, not present	Tiffany Barney, Attorney, not present
Raymond Christian, Petitioner, not present	Cary Payne, Attorney, present
Rosemary Keach, Petitioner, not present	Cary Payne, Attorney, present
Susan Christian Payne, Petitioner, not present	Cary Payne, Attorney, present
The Christian Family Trust u.a.d. 10/11/16, Trust, not present	Cary Payne, Attorney, present

JOURNAL ENTRIES

- Petition to Assume Jurisdiction of Trust

Per Notice of Exercise of Right To Have Hearing Before Probate Court Judge, Filed 8/21/17,
COMMISSIONER RECOMMENDED, MATTER REFERRED TO JUDGE STURMAN.

CLERK'S NOTE: The Referral To District Court Judge has been prepared and distributed to Judge Sturman's Chambers for setting of status check and notification to counsels. /sc

INTERIM CONDITIONS:

PRINT DATE:	05/10/2018	Page 1 of 15	Minutes Date:	August 25, 2017
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FUTURE HEARINGS:

PRINT DATE:	05/10/2018	Page 2 of 15	Minutes Date:	August 25, 2017
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Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate -
Trust/Conservatorships**

COURT MINUTES

September 01, 2017

P-17-092512-T

In the Matter of the Trust of:
The Christian Family Trust u.a.d. 10/11/16

**September 01,
2017**

9:30 AM

Motion - HM

HEARD BY: Yamashita, Wesley

COURTROOM: RJC Courtroom 14C; RJC
Courtroom 14C

COURT CLERK: Sharon Chun

PARTIES:

Jacqueline Utkin, Trustee, not present	Jerimy Kirschner, Attorney, not present
Monte Reason, Objector, not present	
Monte Reason, Objector, not present	
Nancy Christian, Other, not present	Tiffany Barney, Attorney, not present
Raymond Christian, Petitioner, not present	Cary Payne, Attorney, not present
Rosemary Keach, Petitioner, not present	Cary Payne, Attorney, not present
Susan Christian Payne, Petitioner, not present	Cary Payne, Attorney, not present
The Christian Family Trust u.a.d. 10/11/16, Trust, not present	Cary Payne, Attorney, not present

JOURNAL ENTRIES

- Prior to the time set for hearing, COMMISSIONER RECOMMENDED, matter taken OFF CALENDAR; subject to renote.

INTERIM CONDITIONS:

FUTURE HEARINGS:

PRINT DATE:	05/10/2018	Page 3 of 15	Minutes Date:	August 25, 2017
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**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate -
Trust/Conservatorships**

COURT MINUTES

October 19, 2017

P-17-092512-T

In the Matter of the Trust of:
The Christian Family Trust u.a.d. 10/11/16

October 19, 2017 2:00 PM Status Check

HEARD BY: Ochoa, Vincent

COURTROOM: RJC Courtroom 10A

COURT CLERK: Valerie Marsden

PARTIES:

Jacqueline Utkin, Trustee, not present	Jeremy Kirschner, Attorney, not present
Monte Reason, Objector, not present	
Monte Reason, Objector, not present	
Nancy Christian, Other, not present	Tiffany Barney, Attorney, present
Raymond Christian, Petitioner, not present	Cary Payne, Attorney, present
Rosemary Keach, Petitioner, not present	Cary Payne, Attorney, present
Susan Christian Payne, Petitioner, present	Cary Payne, Attorney, present
The Christian Family Trust u.a.d. 10/11/16, Trust, not present	Cary Payne, Attorney, present

JOURNAL ENTRIES

- STATUS CHECK

Atty Zachary Holyoak, Bar #14217, also present on behalf of Nancy Christian.

Atty Joey Powell, Bar #8875, present on behalf of Monte Reason.

Court noted, Nancy Christian replaced the original Trustees with Monte Reason June 12, 2017.

Arguments by Counsel.

COURT ORDERED, the matter of Jurisdiction is taken UNDER ADVISEMENT. A Decision will be issued within one (1) week. Atty Barney and Atty Holyoak shall have ten (10) days from the Court's

PRINT DATE:	05/10/2018	Page 4 of 15	Minutes Date:	August 25, 2017
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Decision to file a substantive responsive pleading.

INTERIM CONDITIONS:

FUTURE HEARINGS:

PRINT DATE:	05/10/2018	Page 5 of 15	Minutes Date:	August 25, 2017
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**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate -
Trust/Conservatorships**

COURT MINUTES

December 08, 2017

P-17-092512-T

In the Matter of the Trust of:
The Christian Family Trust u.a.d. 10/11/16

December 08, 2017 9:30 AM Petition - HM

HEARD BY: Yamashita, Wesley

COURTROOM: RJC Courtroom 15C

COURT CLERK: Sharon Chun; Natalie Ortega

PARTIES:

Jacqueline Utkin, Trustee, not present	Jerimy Kirschner, Attorney, not present
Monte Reason, Objector, not present	
Monte Reason, Objector, not present	
Nancy Christian, Other, not present	Tiffany Barney, Attorney, not present
Raymond Christian, Petitioner, not present	Cary Payne, Attorney, not present
Rosemary Keach, Petitioner, not present	Cary Payne, Attorney, not present
Susan Christian Payne, Petitioner, not present	Cary Payne, Attorney, not present
The Christian Family Trust u.a.d. 10/11/16, Trust, not present	Cary Payne, Attorney, not present

JOURNAL ENTRIES

- Joint Petition for Review of Former Trustees Refusal to Provide Proper Accounting Pursuant to NRS 165.143

Mr. Holyoak stated he has spoken to Mr. Joey Powell about this. This matter should have been placed on Probate Judge Ochoa's calendar instead of this one.

COMMISSIONER ADVISED this will be referred back to Judge Ochoa and they will be contacted by his Chambers as to a hearing date. Upon the Clerk s inquiry Mr. Holyoak confirmed the whole case is requested to be transferred.

CLERK'S NOTE: The Clerk noted that when a referral to the Probate Judge is requested, it is to be designated as to whether the instant petition or the whole case should be referred. That should

PRINT DATE:	05/10/2018	Page 6 of 15	Minutes Date:	August 25, 2017
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resolve any future confusion as to calendaring.

The "Referral To District Court Judge" Ochoa has been completed and delivered to Judge Ochoa's Chambers for calendar setting and notification to all counsels.

INTERIM CONDITIONS:

FUTURE HEARINGS:

PRINT DATE:	05/10/2018	Page 7 of 15	Minutes Date:	August 25, 2017
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**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate -
Trust/Conservatorships**

COURT MINUTES

January 17, 2018

P-17-092512-T

In the Matter of the Trust of:
The Christian Family Trust u.a.d. 10/11/16

January 17, 2018

2:00 PM

All Pending Motions

HEARD BY: Ochoa, Vincent

COURTROOM: RJC Courtroom 10A

COURT CLERK: Yvette Clayton

PARTIES:

Jacqueline Utkin, Trustee, not present	Jeremy Kirschner, Attorney, present
Monte Reason, Objector, not present	
Monte Reason, Objector, not present	
Nancy Christian, Other, not present	Tiffany Barney, Attorney, not present
Raymond Christian, Petitioner, not present	Cary Payne, Attorney, present
Rosemary Keach, Petitioner, present	Cary Payne, Attorney, present
Susan Christian Payne, Petitioner, present	Cary Payne, Attorney, present
The Christian Family Trust u.a.d. 10/11/16, Trust, not present	Cary Payne, Attorney, present

JOURNAL ENTRIES

- MOTION FOR COMPLIANCE WITH AND ENFORCEMENT OF COURT ORDER AND FOR SANCTIONS RELATING THERETO, FOR ORDER TO SHOW CAUSE WHY FORMER TRUSTEES SHOULD NOT BE HELD IN CONTEMPT, FOR ORDER COMPELLING FORMER TRUSTEES TO ACCOUNT, AND FOR ACCESS TO AND INVESTMENT CONTROL OF TRUST FUNDS BELONGING TO THE CHRISTIAN FAMILY TRUST...JOINT PETITION FOR REVIEW OF FORMER TRUSTEES REFUSAL TO PROVIDE PROPER ACCOUNTING...JOINT OBJECT TO PETITION TO ASSUME JURISDICTION OF TRUST; CONFIRM TRUSTEES; INSTRUCTIONS, ETC. AND JOINT COUNTERPETITION TO ASSUME JURISDICTION IN RE OF THE TRUST, TO CONFIRM TRUSTEE, TO FIND BREACH OF FIDUCIARY DUTY, CONVERSION , AND FRAUD AGAINST FORMER TRUSTEES, TO INVALIDATE ALL TRANSFERS TO THE FORMER TRUSTEES AS THE PRODUCT OF UNDUE INFLUENCE, TO ORDER THE IMMEDIATE DELIVERY OF ALL TRUST ASSETS, AND TO IMPOSE A CONSTRUCTIVE TRUST

PRINT DATE:	05/10/2018	Page 8 of 15	Minutes Date:	August 25, 2017
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Joseph Powell appeared for Monte Reason.
Atty Zachary Holyoak, Bar #14217.

Mr. Kirschner stated they have accepted appointment of successor trustee and requested the Court ratified the successor trustee. Mr. Payne objected. Mr. Powell stated his client executed a resignation.

Discussion regarding the trust.

Mr. Payne indicated there was two (2) real-estate properties, one here and one in California.

Mr. Kirschner stated there was a house and is subject to utilities liens and he requested money to be release to preserved the house.

Mr. Kirschner and Mr. Payne addressed Bluff Point home in Las Vegas. Mr. Payne requested his client re-occupy the house.

COURT ORDERED, as follows:

Court will take Jurisdiction of the trust.

Mr. Payne shall transfer the money from his trust account into an interest bearing account and it shall be FROZEN within SEVEN (7) banking days and it shall be title in the name of the trust. Once the account is open Mr. Payne shall provide the other attorneys with the account numbers and the amount that was transferred within TWO (2) weeks.

The amount of \$5,000.00 shall be release to pay for whatever property needs to be saved and any bills that needs to be paid, not for administrative expenses or attorney's fees. Mr. Kirschner shall be responsible for the accounting of the \$5,000.00. There shall be no money release without a Petition to the Court.

Mr Kirschner shall write a letter to Mr. Payne requesting what accountings is needed.

The Bluff Point home shall not be sold. Mr. Payne and his clients shall make arrangement to go to the Bluff Point home and remove their property and pictures shall be taken of items in dispute for future litigations.

Mr. Payne shall prepare an Accounting which will include the California property and substantiation of the documents and send the information to Mr. Kirschner within 45 days.

After Mr. Payne submit his accounting, Mr. Powell shall do an accounting within 15 days.

Mr. Payne clients shall be responsible for the California property and paying the bills for California

PRINT DATE:	05/10/2018	Page 9 of 15	Minutes Date:	August 25, 2017
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property. Mr. Payne clients shall keep an accounting of the rent collection and the bills.

The home shall not be sold.

Discovery shall be done within 90 days.

Mr. Holyoak shall file a Petition for his Attorney's Fees.

The Order shall reflect the substitution of attorneys.

The Court's Judicial Assistant shall set a Settlement Conference with Justice Becker.

Mr. Kirshcner shall prepare the Order and circulate to the other attorneys in the case.

INTERIM CONDITIONS:

FUTURE HEARINGS:

PRINT DATE:	05/10/2018	Page 10 of 15	Minutes Date:	August 25, 2017
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**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate -
Trust/Conservatorships**

COURT MINUTES

March 15, 2018

P-17-092512-T

In the Matter of the Trust of:
The Christian Family Trust u.a.d. 10/11/16

March 15, 2018

2:00 PM

All Pending Motions

HEARD BY: Ochoa, Vincent

COURTROOM: RJC Courtroom 10A

COURT CLERK: Yvette Clayton

PARTIES:

Jacqueline Utkin, Trustee, not present	Jerimy Kirschner, Attorney, present
Monte Reason, Objector, not present	
Monte Reason, Objector, not present	
Nancy Christian, Other, not present	Tiffany Barney, Attorney, not present
Raymond Christian, Petitioner, not present	Cary Payne, Attorney, present
Rosemary Keach, Petitioner, not present	Cary Payne, Attorney, present
Susan Christian Payne, Petitioner, not present	Cary Payne, Attorney, present
The Christian Family Trust u.a.d. 10/11/16, Trust, not present	Cary Payne, Attorney, present

JOURNAL ENTRIES

- PETITION TO CONFIRM SUCCESSOR TRUSTEE...OPPOSITION TO PETITION TO CONFIRM SUCCESSOR TRUSTEE; COUNTER PETITION FOR REINSTATEMENT OF CO-PETITIONERS...MONTE REASON'S APPLICATION FOR REIMBURSEMENT OF ADMINISTRATIVE EXPENSES ON OST

Anthony Barney bar # 8366 present
Joseph Powell appeared for Monte Reason.
Atty Zachary Holyoak, Bar #14217.

Mr. Kirshner stated this hearing was to confirm Jacqueline Utkin as successor Trustee and fees.

Arguments by Mr. Kirschner and Mr. Payne regarding the Successor Trustee.

PRINT DATE:	05/10/2018	Page 11 of 15	Minutes Date:	August 25, 2017
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Mr. Payne presented documents that Mr. Barney prepared.

Arguments by Mr. Payne regarding the Ein #.

Mr. Payne addressed the key to the house.

COURT ORDERED, as follows:

The Petition to confirm the Successor Trustee Jacqueline Utkin is GRANTED.

Ein # shall be provided within SEVEN (7) days.

The accounting still has to be provided to Mr. Kirshner.

Prior Order is still in effect regarding the blocked trust account.

No Attorney fees shall be awarded until the final decision on whether Monti Reason was the trustee.

Settlement Conference STANDS on 4/3/18 at 10.00 AM.

INTERIM CONDITIONS:

FUTURE HEARINGS:

PRINT DATE:	05/10/2018	Page 12 of 15	Minutes Date:	August 25, 2017
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**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate -
Trust/Conservatorships**

COURT MINUTES

April 03, 2018

P-17-092512-T

In the Matter of the Trust of:
The Christian Family Trust u.a.d. 10/11/16

April 03, 2018

10:00 AM

Settlement Conference

HEARD BY: Becker, Nancy

COURTROOM:

COURT CLERK: Sherri Estes

PARTIES:

Jacqueline Utkin, Trustee, not present	Jerimy Kirschner, Attorney, not present
Monte Reason, Objector, not present	
Monte Reason, Objector, not present	
Nancy Christian, Other, not present	Tiffany Barney, Attorney, not present
Raymond Christian, Petitioner, not present	Cary Payne, Attorney, not present
Rosemary Keach, Petitioner, not present	Cary Payne, Attorney, not present
Susan Christian Payne, Petitioner, not present	Cary Payne, Attorney, not present
The Christian Family Trust u.a.d. 10/11/16, Trust, not present	Cary Payne, Attorney, not present

JOURNAL ENTRIES

- COURT NOTES there was NO agreement reached.

COURT ORDERED all future dates STAND.

INTERIM CONDITIONS:

FUTURE HEARINGS:

PRINT DATE:	05/10/2018	Page 13 of 15	Minutes Date:	August 25, 2017
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**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate -
Trust/Conservatorships**

COURT MINUTES

April 04, 2018

P-17-092512-T

In the Matter of the Trust of:
The Christian Family Trust u.a.d. 10/11/16

April 04, 2018

2:00 PM

Petition

HEARD BY: Ochoa, Vincent

COURTROOM: RJC Courtroom 10A

COURT CLERK: Yvette Clayton

PARTIES:

Jacqueline Utkin, Trustee, not present	Jerimy Kirschner, Attorney, present
Monte Reason, Objector, not present	
Monte Reason, Objector, not present	
Nancy Christian, Other, not present	Tiffany Barney, Attorney, not present
Raymond Christian, Petitioner, not present	Cary Payne, Attorney, present
Rosemary Keach, Petitioner, present	Cary Payne, Attorney, present
Susan Christian Payne, Petitioner, present	Cary Payne, Attorney, present
The Christian Family Trust u.a.d. 10/11/16, Trust, not present	Cary Payne, Attorney, present

JOURNAL ENTRIES

- PETITION FOR FEES AND COSTS
Anthony Barney bar # 8366 present.
Joseph Powell appeared for Monte Reason.
Atty Zachary Holyoak, bar #14217.

Mr. Kirschner addressed the inventory and accounting in which the accounting was incorrect. Mr. Kirschner stated within the last 14 days the estate was worth \$950,000.00. Discussion regarding the trust. Mr. Powell made statements regarding the trust and the house. Court suggested a neutral trustee. Mr. Kirschner requested an Evidentiary Hearing and an Order to Show Cause set within 60 days for information. Mr. Payne objected to the Order to Show Cause. Mr. Payne addressed the Voyer account.

PRINT DATE:	05/10/2018	Page 14 of 15	Minutes Date:	August 25, 2017
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Mr. Barney addressed his fees, to be paid and to be out of the case. Further both trustee approved his fees. Court was concerned about Mr. Barney fees being high. Arguments by Mr. Barney and Mr. Payne regarding his fees. Mr. Barney requested Judge Potter's order be stricken.

Discussion on how Mr. Barney will get his check.

Mr. Powell addressed his motion.

COURT ORDERED, as follows:

Mr. Kirschner shall prepare the Order to Show Cause for all counsel review.

Court will review Mr. Powell's Motion.

The supplemental to response filed on 3/30/18, Page 28-29 (Judge Potter's Order) shall be stricken from the file.

Mr. Barney is awarded \$50,000 in attorney's fees plus 100% of the Cost from the blocked account for Mr. Barney to be paid. Mr. Barney shall be out of the case within ONE (1) week.

The Motion set on 5/2/18 shall be moved to 5/14/18 at 3:00 PM to be heard with the other motion.

INTERIM CONDITIONS:

FUTURE HEARINGS:

PRINT DATE:	05/10/2018	Page 15 of 15	Minutes Date:	August 25, 2017
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EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE
NOTICE OF DEFICIENCY
ON APPEAL TO NEVADA SUPREME COURT

ANTHONY L. BARNEY, ESQ.
3317 W. CHARLESTON BLVD., STE B
LAS VEGAS, NV 89102

DATE: May 10, 2018
CASE: P-17-092512-T

RE CASE: In the Matter of the Trust of: THE CHRISTIAN FAMILY TRUST U.A.D. 10/11/16

NOTICE OF APPEAL FILED: May 8, 2018

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

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

- \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)**
 - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- \$24 – District Court Filing Fee (Make Check Payable to the District Court)**
- \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)**
 - NRAP 7: Bond For Costs On Appeal in Civil Cases
- Case Appeal Statement
 - NRAP 3 (a)(1), Form 2
- Order
- Notice of Entry of Order

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

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

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

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

Certification of Copy

State of Nevada }
County of Clark } SS:

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

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVERSHEET; ORDER; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

In the Matter of the Trust of:

THE CHRISTIAN FAMILY TRUST U.A.D.
10/11/16

Case No: P-17-092512-T

Dept No: S

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 10 day of May 2018.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk

