

In the Supreme Court of the State of Nevada

IN THE MATTER OF THE CHRISTIAN)
FAMILY TRUST u.a.d. 10/11/16)

Electronically Filed
Jan 10 2019 08:06 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

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SUSAN CHRISTIAN-PAYNE, )  
ROSEMARY KEACH AND )  
RAYMOND CHRISTIAN, JR. )

Appellants, )

Case No.: 75750

-vs- )

ANTHONY L. BARNEY, LTD. and )  
JACQUELINE UTKIN, )

Respondents. )

~~~~~ )  
ANTHONY L. BARNEY, LTD.,)
Cross-Appellant,)

-vs-)

SUSAN CHRISTIAN-PAYNE,)
ROSEMARY KEACH AND)
RAYMOND CHRISTIAN, JR.)

Cross-Respondents,)

and)
JACQUELINE UTKIN,)

Respondent.)

~~~~~ )

**APPELLANT/CROSS-RESPONDENTS' APPENDIX - VOLUME 7b**

*Filed by:*

*/s/ Cary Colt Payne, Esq.*

\_\_\_\_\_  
CARY COLT PAYNE, ESQ.  
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| <i>DATE</i>                      | <i>DOCUMENT</i>                                                                                                                                                         | <i>NUMBERED</i>  |
|----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| <b><i>APPENDIX VOLUME 1:</i></b> |                                                                                                                                                                         |                  |
| 7/13/17                          | Petition to Assume Jurisdiction of Trust; Confirm Trustees; Instructions, etc.                                                                                          | APP-ROA--001-72  |
| 8/17/17                          | Notice of Motion and Motion to Dismiss Pursuant to NRCP 12(b)(1) and NRCP 12 (b)(5)                                                                                     | APP-ROA—73-97    |
| 8/22/17                          | Errata to Notice of Motion and Motion to Dismiss Pursuant to NRCP 12(b)(1) and NRCP 12(b)(5)                                                                            | APP-ROA—98-101   |
| 9/15/17                          | Supplement and Addendum to Petition to Assume Jurisdiction of Trust; confirm Trustees' Instructions, etc. Alternatively to Reform Trust Agreement                       | APP-ROA--102-105 |
| 9/15/17                          | Petitioner's Opposition to Motion to Dismiss                                                                                                                            | APP-ROA--106-115 |
| <b><i>APPENDIX VOLUME 2:</i></b> |                                                                                                                                                                         |                  |
| 10/4/17                          | Reply to Petitioner's Opposition to Motion to Dismiss                                                                                                                   | APP-ROA--116-156 |
| 10/13/17                         | Response to Petition to Assume Jurisdiction of Trust; Confirm Trustees; Insturctions, Etc. and Joinder in Motion to Dismiss Pursuant to NRCP 12(b)(1) and NRCP 12(b)(5) | APP-ROA--157-165 |
| 10/25/17                         | Accounting                                                                                                                                                              | APP-ROA--166-173 |
| 10/25/17                         | Inventory and Record of Value                                                                                                                                           | APP-ROA--174-184 |
| 10/31/17                         | Notice of Entry of Order                                                                                                                                                | APP-ROA--185-193 |

| <i>DATE</i>                       | <i>DOCUMENT</i>                                                                                                                                                                                                                                                                                                             | <i>NUMBERED</i>  |
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| <b><i>APPENDIX VOLUME 3:</i></b>  |                                                                                                                                                                                                                                                                                                                             |                  |
| 11/3/17                           | Joint Petition for Review of Former Trustees Refusal to Provide a Proper Accounting Pursuant to NRS 165.143                                                                                                                                                                                                                 | APP-ROA--194-222 |
| <b><i>APPENDIX VOLUME 4a:</i></b> |                                                                                                                                                                                                                                                                                                                             |                  |
| 11/13/17                          | Joint Objection to Petition Jurisdiction Etc. Part 1                                                                                                                                                                                                                                                                        | APP-ROA--223-298 |
| <b><i>APPENDIX VOLUME 4b:</i></b> |                                                                                                                                                                                                                                                                                                                             |                  |
| 11/13/17                          | Joint Objection to Petition Jurisdiction Etc. Part 2                                                                                                                                                                                                                                                                        | APP-ROA--299-373 |
| <b><i>APPENDIX VOLUME 5:</i></b>  |                                                                                                                                                                                                                                                                                                                             |                  |
| 12/4/17                           | Petitioner's Opposition to Motion for Review/Proper Accounting                                                                                                                                                                                                                                                              | APP-ROA--374-413 |
| 12/14/17                          | Petitioner's Opposition to Joint Counterpetition to Confirm/Breach of Fiduciary Duty, Etc. Request for Discovery                                                                                                                                                                                                            | APP-ROA--414-428 |
| <b><i>APPENDIX VOLUME 6:</i></b>  |                                                                                                                                                                                                                                                                                                                             |                  |
| 12/12/17                          | 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 | APP-ROA--429-452 |

| <i>DATE</i>                       | <i>DOCUMENT</i>                                                                                                                                                             | <i>NUMBERED</i>  |
|-----------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| 1/4/18                            | Notice of Suggestion of Death                                                                                                                                               | APP-ROA--453-454 |
| 1/11/18                           | Opposition to Motion for Compliance, Enforcement Sanctions, Contempt, Etc.; Counterpetition for Distribution and Vacating all Pending Matters and Dismiss Trust Proceedings | APP-ROA--455-508 |
| <b><i>APPENDIX VOLUME 7a:</i></b> |                                                                                                                                                                             |                  |
| 1/26/18                           | Petition to Confirm Successor Trustee Part 1                                                                                                                                | APP-ROA--509-539 |
| <b><i>APPENDIX VOLUME 7b:</i></b> |                                                                                                                                                                             |                  |
| 1/26/18                           | Petition to Confirm Successor Trustee Part 2                                                                                                                                | APP-ROA--540-569 |
| <b><i>APPENDIX VOLUME 8:</i></b>  |                                                                                                                                                                             |                  |
| 2/6/18                            | Amended Notice of Entry-Omnibus Order                                                                                                                                       | APP-ROA--570-576 |
| 2/8/18                            | Petition for Fees and Costs                                                                                                                                                 | APP-ROA--577-659 |
| 2/23/18                           | Notice of Non-Opposition and Limited Joinder to the Petition for Fees and Costs for Anthony L. Barney, LTD                                                                  | APP-ROA--660-663 |
| 2/23/18                           | Opposition to Petition to Confirm Successor Trustee; Counterpetition for Reinstatement of Petitioners                                                                       | APP-ROA--664-735 |
| 3/8/18                            | Monte Reason's Application for Reimbursement of Administrative Expenses                                                                                                     | APP-ROA--736-741 |

| <i>DATE</i>                       | <i>DOCUMENT</i>                                                                                                                           | <i>NUMBERED</i>  |
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| <b><i>APPENDIX VOLUME 9:</i></b>  |                                                                                                                                           |                  |
| 3/9/18                            | Petitioners Combined Opposition to (1) Barney Firm Petition For Fees, Etc. (2) Monte Reason's Application for Reimbursement               | APP-ROA--742-840 |
| <b><i>APPENDIX VOLUME 10:</i></b> |                                                                                                                                           |                  |
| 3/12/18                           | Reply to Opposition to Petition to Confirm Successor Trustee; and Opposition to Counter-Petition for Reinstatement of Petitioners         | APP-ROA--841-848 |
| 3/13/18                           | Response to Opposition to Monte Reason's Application for Reimbursement of Administrative Expenses                                         | APP-ROA--849-863 |
| 3/13/18                           | Reply to Petitioner's Combined Opposition to (1) Barney Firm Petition for Fees, Etc., (2) Monte Reason's Application for Reimbursement    | APP-ROA--864-894 |
| 3/15/18                           | Minutes of Hearing – 4/4/18                                                                                                               | APP-ROA--895-898 |
| 3/29/18                           | Motion (1) to Expunge Lis Pendens and/or Strike Pleading; and (2) for Preliminary Injunction                                              | APP-ROA--899-921 |
| <b><i>APPENDIX VOLUME 11:</i></b> |                                                                                                                                           |                  |
| 3/30/18                           | Petitioner's Supplemental Response to Opposition to Petition for Fees (Barney Firm); Request for Evidentiary Hearing, Reopening Discovery | APP-ROA--922-960 |

| <i>DATE</i>                        | <i>DOCUMENT</i>                                                                                                                                                                                                                                                                                                      | <i>NUMBERED</i>   |
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| <b><i>APPENDIX VOLUME 12:</i></b>  |                                                                                                                                                                                                                                                                                                                      |                   |
| 4/2/18                             | Motion for Turnover of Assets and to Dissolve the Injunction Over Christian Family Trust Assets                                                                                                                                                                                                                      | APP-ROA--961-998  |
| 4/3/18                             | 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 | APP-ROA--999-1036 |
| <b><i>APPENDIX VOLUME 13a:</i></b> |                                                                                                                                                                                                                                                                                                                      |                   |
| 4/4/18                             | Hearing Transcript Part 1                                                                                                                                                                                                                                                                                            | APP-ROA-1037-1061 |
| <b><i>APPENDIX VOLUME 13b:</i></b> |                                                                                                                                                                                                                                                                                                                      |                   |
| 4/4/18                             | Hearing Transcript Part 2                                                                                                                                                                                                                                                                                            | APP-ROA-1062-1186 |
| <b><i>APPENDIX VOLUME 13c:</i></b> |                                                                                                                                                                                                                                                                                                                      |                   |
| 4/4/18                             | Hearing Transcript Part 3                                                                                                                                                                                                                                                                                            | APP-ROA-1087-1111 |
| <b><i>APPENDIX VOLUME 13d:</i></b> |                                                                                                                                                                                                                                                                                                                      |                   |
| 4/4/18                             | Hearing Transcript Part 4                                                                                                                                                                                                                                                                                            | APP-ROA-1112-1134 |

| <i>DATE</i>                        | <i>DOCUMENT</i>                                                                                                                                                                                                                                                                                                          | <i>NUMBERED</i>   |
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| <b><i>APPENDIX VOLUME 14a:</i></b> |                                                                                                                                                                                                                                                                                                                          |                   |
| 4/10/18                            | Motion for (1) Fees Pursuant to NRS 165.148<br>(2) Compliance with and Enforcement of<br>Court Order and Sanctions; (3) for Order<br>to Show Cause Why Former Trustees<br>Should Not be Held in Contempt, and<br>(4) for Extension of Discovery<br>Part 1                                                                | APP-ROA-1135-1279 |
| <b><i>APPENDIX VOLUME 14b:</i></b> |                                                                                                                                                                                                                                                                                                                          |                   |
| 4/10/18                            | Motion for (1) Fees Pursuant to NRS 165.148<br>(2) Compliance with and Enforcement of<br>Court Order and Sanctions; (3) for Order<br>to Show Cause Why Former Trustees<br>Should Not be Held in Contempt, and<br>(4) for Extension of Discovery<br>Part 2                                                                | APP-ROA-1180-1224 |
| <b><i>APPENDIX VOLUME 15:</i></b>  |                                                                                                                                                                                                                                                                                                                          |                   |
| 4/12/18                            | Notice of Entry of Order (Barney Petition Fees)                                                                                                                                                                                                                                                                          | APP-ROA-1225-1232 |
| 4/19/18                            | Petitioner's Combined Opposition to (1) Motion<br>to Turnover Assets and Dissolve Injunction over<br>Trust Assets; (2) Motion to 1. Expunge Lis<br>Pendens and 2. Preliminary Injunction and<br>Countermotion for Distribution/ Termination of Trust;<br>Alternatively for Stay/ Set Bond and Set Evidentiary<br>Hearing | APP-ROA-1233-1254 |
| 4/19/18                            | Opposition to Motion for (1) fees, (2) compliance,<br>(3) for Order to Show Cause and (4) Extension<br>of Discovery, countermotion to Distribute Trust<br>Property (2nd request)                                                                                                                                         | APP-ROA-1255-1292 |

| <i>DATE</i>                       | <i>DOCUMENT</i>                                                                                                                                                                                                                                                                                                                 | <i>NUMBERED</i>   |
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| <b><i>APPENDIX VOLUME 16:</i></b> |                                                                                                                                                                                                                                                                                                                                 |                   |
| 5/8/18                            | Response to 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 Opposition to Countermotion or Distribution/Termination of Trust; Alternatively for Stay, Set Bond and Set Evidentiary Hearing               | APP-ROA-1293-1333 |
| 5/11/18                           | Supplement to response to 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 Opposition to Countermotion for Distribution/Termination of Trust; Alternatively for Stay/Set Bond and Set Evidentiary Hearing | APP-ROA-1334-1337 |
| 5/16/18                           | Hearing Transcript                                                                                                                                                                                                                                                                                                              | APP-ROA-1338-1390 |
| <b><i>APPENDIX VOLUME 17:</i></b> |                                                                                                                                                                                                                                                                                                                                 |                   |
| 6/1/18                            | Notice of Entry of Order (Utkin suspension)                                                                                                                                                                                                                                                                                     | APP-ROA-1391-1401 |
| 10/8/18                           | Notice of Entry – Probate Commissioner R&R (Hearing re Utkin removal)                                                                                                                                                                                                                                                           | APP-ROA-1402-1408 |
| 11/13/18                          | Notice of Entry – Order Affirming Probate Commissioner R&R (Utkin removal)                                                                                                                                                                                                                                                      | APP-ROA-1409-1414 |

**10.4 Power to Hold Title in the Name of One Trustee Only.** With regard to the separate property of one Trustor, that Trustor may, at his or her option, be the sole Trustee with regard to title to that property. Upon the death or incapacity of the Trustee in whose name title to that property is held, the Successor Trustee shall assume management of the property.

**10.5 Apply for Government Assistance.** The Trustee shall have the power to deal with governmental agencies. To make applications for, receive and administer any of the following benefits, if applicable: Social Security, Medicare, Medicaid, Supplemental Security Income, In-Home Support Services, and any other government resources and community support services available to the elderly.

**10.6 Catastrophic Health Care Planning.** The Trustee shall have the power to explore and implement planning strategies and options and to plan and accomplish asset preservation in the event a Trustor needs long-term health care and nursing care. Such planning shall include, but is not necessarily limited to, the power and authority to: (1) make home improvements and additions to the Trustors' family residence; (2) pay off, partly or in full, the encumbrance, if any, on the Trustors' family residence; (3) purchase a family residence, if the Trustors do not own one; (4) purchase a more expensive family residence; (5) transfer the family residence to the Trustor-spouse who does not need long-term medical, health, or nursing care; (6) divide community property assets equally between the Trustors; or (7) make gifts of assets for estate planning purposes to the beneficiaries and in the proportions set forth in Article 6.

**10.7 Power of Co-Trustee to Act Alone.** As long as Trustors are also Co-Trustees, either one of the Co-Trustees may act alone with reference to any powers of the Trustee just as if he or she was the sole Trustee. Any person dealing with one of the Trustees shall not have the right to insist on the other Co-Trustee joining in on any transaction.

## **ARTICLE 11**

### **PROTECTION OF AND ACCOUNTING BY TRUSTEES**

11.1 **Protection.** Trustees shall not be liable for any loss or injury to the property at any time held by them hereunder, except only such as may result from their fraud, willful misconduct, or gross negligence. Every election, determination, or other exercise by Trustees of any discretion vested, either expressly or by implication, in 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.

11.2 **Accounting.** Upon the written request delivered or mailed to the Trustees by an income beneficiary hereunder, the Trustees shall render a written statement of the financial status of the Trust. Such statement shall include the receipts and disbursements of the Trust for the period requested or for the period transpired since the last statement and the principal of the Trust at the end of such period. Statements need not be rendered more frequently than annually.

## **ARTICLE 12**

### **EXONERATION OF PERSONS DEALING WITH THE TRUSTEES**

No person dealing with the Trustees shall be obliged to see to the application of any property paid or delivered to them or to inquire into the expediency or propriety of any transaction or the authority of the Trustees to enter into and consummate the same upon such terms as they may deem advisable.

## **ARTICLE 13**

### **HIPAA RELEASE**

If any person's authority under the instrument is dependent upon any determination that a Trustor is unable to properly manage his or her affairs or a determination of his or her incapacity, then any physician, health-care professional, dentist, health plan, hospital, clinic, laboratory, pharmacy or other covered health-care

provider, any insurance company, and any health-care clearinghouse that has provided treatment or services to such Trustor or is otherwise requested by a Trustor's nominated Successor Trustee to determine his or her incapacity, and any other person or entity in possession of any of the Trustor's "protected health information," as contemplated by the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), 42 USC 1320d and 45 CFR 160-164, is hereby authorized and directed to disclose the Trustor's protected health information to the nominated Successor Trustee to the extent necessary, and only to the extent necessary, in order for the nominated Successor Trustee to determine whether an event of incapacity has occurred pursuant to Article 3 hereinabove. This release of authority applies even if that person has not yet been appointed as Successor Trustee. Any limitation on protected health information to be disclosed hereunder shall have no effect upon any rights to such information any other party may have under any other instrument granting access to such information.

## **ARTICLE 14**

### **GENERAL PROVISIONS**

**14.1 Controlling Law.** This Trust Agreement is executed under the laws of the State of Nevada and shall in all respects be administered by the laws of the State of Nevada; provided, however, the Trustees shall have the discretion, exercisable at any later time and from time to time, to administer any trust created hereunder pursuant to the laws of any jurisdiction in which the Trustees, or any of them, may be domiciled, by executing a written instrument acknowledged before a notary public to that effect, and delivered to the then income beneficiaries. If the Trustees exercise the discretion, as above provided, this Trust Agreement shall be administered from that time forth by the laws of the other state or jurisdiction.

**14.2 Spendthrift Provision.** No interest in the principal or income of any trust created under this Trust Instrument shall be anticipated, assigned, encumbered or subjected to creditors' claims or legal process before actual receipt by a beneficiary. This provision shall not apply to a Trustor's interest in the Trust estate. The income and principal of this Trust shall be paid over to the beneficiary at the time and in the manner

provided by the terms of this Trust, and not upon any written or oral order, nor upon any assignment or transfer by the beneficiary, nor by operation of law.

**14.3 Perpetuities Savings Clause.** Notwithstanding anything to the contrary contained in this Trust agreement, the Trusts created herein, unless earlier terminated according to the terms of this Trust agreement, shall all terminate one (1) day less than three hundred and sixty-five (365) years after the execution date of this Trust. Upon such termination each Trust shall forthwith be distributed to the Beneficiaries of such Trust; provided however, that if no Beneficiary is then living, such property shall be distributed to those persons so designated in said Trust, as therein provided. Notwithstanding the foregoing, in the event any Trust created hereunder should be controlled and governed by the laws of any state which state has modified or repealed the common law Rule Against Perpetuities, then such modified Rule Against Perpetuities shall apply to such Trust, and if the Rule Against Perpetuities shall have been repealed by the law of the governing state, then termination of any Trusts hereunder pursuant to the common law Rule Against Perpetuities shall not apply to any Trust which is, as a result, not subject to any such Rule Against Perpetuities, and all other references throughout this Trust Agreement to termination of any Trust hereunder pursuant to any applicable Rule Against Perpetuities shall not be applicable to such Trust or Trusts.

**14.4 No-Contest Provision.** The Trustors specifically desire that this Trust Agreement and these Trusts created herein be administered and distributed without litigation or dispute of any kind. If any beneficiary of these trusts or any other person, whether stranger, relative, or heir, or any legatee or devisee under the Last Will and Testament of either of the Trustors or the successors-in-interest of any such persons, including the Trustors' estates under the intestate laws of the State of Nevada or any other state lawfully or indirectly, singly or in conjunction with another person, seek or establish to assert any claim or claims to the assets of these Trusts established herein, or attach, oppose or seek to set aside the administration and distribution of the Trusts, or to invalidate, impair or set aside its provisions, or to have the same or any part thereof declared null and void or diminished, or to defeat or change any part of the

provisions of the Trusts established herein, then in any and all of the above-mentioned cases and events, such person or persons shall receive One Dollar (\$1.00), and no more, in lieu or any interest in the assets of the trusts or interest in income or principal.

**14.5 Provision for Others.** The Trustors have, except as otherwise expressly provided in this Trust Agreement, intentionally and with full knowledge declined to provide for any and all of their heirs or other persons who may claim an interest in their respective estates or in these Trusts.

**14.6 Severability.** In the event any clause, provision or provisions of this Trust Agreement prove to be or be adjudged invalid or void for any reason, then such invalid or void clause, provision or provisions shall not affect the whole of this instrument, but the balance of the provisions hereof shall remain operative and shall be carried into effect insofar as legally possible.

**14.7 Distribution of Small Trust.** If the Trustee, in the Trustee's absolute discretion, determines that the amount held in Trust is not large enough to be administered in Trust on an economical basis, then the Trustee may distribute the Trust assets free of Trust to those persons then entitled to receive the same

**14.8 Headings.** The various clause headings used herein are for convenience of reference only and constitute no part of this Trust Agreement.

**14.9 More Than One Original.** This Trust Agreement may be executed in any number of copies and each shall constitute an original of one and the same instrument.

**14.10 Interpretation.** Whenever it shall be necessary to interpret this Trust, the masculine, feminine and neuter personal pronouns shall be construed interchangeably, and the singular shall include the plural and the singular.

**14.11 Definitions.** The following words are defined as follows:

- (a) **"Principal" and "Income"**. Except as otherwise specifically provided in this Trust Agreement, the determination of all matters with respect to what is principal and income of the Trust estate and the apportionment and allocation of receipts and expenses thereon

shall be governed by the provisions of Nevada's Revised Uniform Principal and Income Act, as it may be amended from time to time and so long as such Act does not conflict with any provision of this instrument. Notwithstanding such Act, no allowance for depreciation shall be charged against income or net income payable to any beneficiary.

- (b) **"Education"**. Whenever provision is made in this Trust Indenture for payment for the "education" of a beneficiary, the term "education" shall be construed to include technical or trade schooling, college or postgraduate study, so long as pursued to advantage by the beneficiary at an institution of the beneficiary's choice and in determining payments to be made for such college or post-graduate education, the Trustees shall take into consideration the beneficiary's related living and traveling expenses to the extent that they are reasonable.
- (c) **"Child, Children, Descendants or Issue"**. As used in this instrument, the term "descendants" or "issue" of a person means all of that person's lineal descendants of all generations. The terms "child, children, descendants or issue" include adopted persons, but do not include a step-child or step-grandchild, unless that person is entitled to inherit as a legally adopted person.
- (d) **"Tangible Personal Property"**. As used in this instrument, the term "tangible personal property" shall not include money, evidences of indebtedness, documents of title, securities and property used in a trade or business.

EXECUTED in Clark County, Nevada, on October 11, 2016.

TRUSTORS:

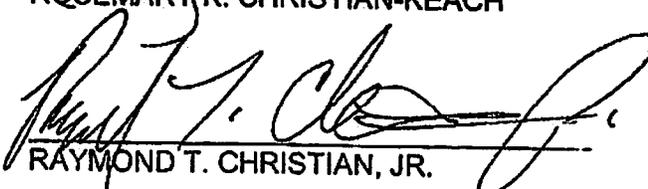
  
RAYMOND T. CHRISTIAN

  
NANCY I. CHRISTIAN

**ACCEPTANCE BY TRUSTEES**

We certify that we have read the foregoing Declaration of Trust and understand the terms and conditions upon which the Trust estate is to be held, managed, and disposed of by us as Trustees. We accept the Declaration of Trust in all particulars and acknowledge receipt of the Trust property.

  
ROSEMARY K. CHRISTIAN-KEACH

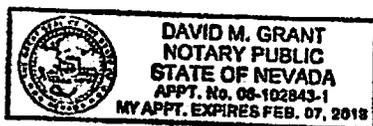
  
RAYMOND T. CHRISTIAN, JR.

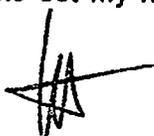
  
SUSAN G. CHRISTIAN-PAYNE

STATE OF NEVADA        )  
                                  ) ss.  
COUNTY OF CLARK     )

On October 11, 2016, before me, the undersigned, a Notary Public in and for said County of Clark, State of Nevada, personally appeared RAYMOND T. CHRISTIAN and NANCY I. CHRISTIAN, personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacity, and that by their signatures on the instrument, the persons or the entity upon behalf of which the persons acted, executed the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year in this document first above written.

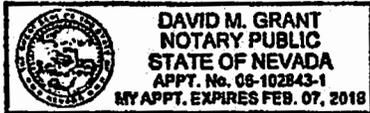


  
\_\_\_\_\_  
NOTARY PUBLIC

STATE OF NEVADA        )  
                                  )ss.  
COUNTY OF CLARK        )

On October 11, 2016, before me, the undersigned, a Notary Public in and for said County of Clark, State of Nevada, personally appeared ROSEMARY K. CHRISTIAN-KEACH, personally known to me (or 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 she executed the same in her authorized capacity, and that by her signature on the instrument, the person, or the entity upon behalf of which the person acted, executed the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year in this certificate first above written.



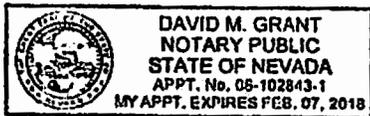
A handwritten signature in black ink, appearing to be "DMG", written over a horizontal line.

NOTARY PUBLIC

STATE OF NEVADA        )  
                                  )ss.  
COUNTY OF CLARK        )

On October 11, 2016, before me, the undersigned, a Notary Public in and for said County of Clark, State of Nevada, personally appeared RAYMOND T. CHRISTIAN, JR., personally known to me (or 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.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year in this certificate first above written.



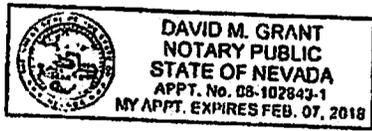
A handwritten signature in black ink, appearing to be "DMG", written over a horizontal line.

NOTARY PUBLIC

STATE OF NEVADA     )  
                                  )ss.  
COUNTY OF CLARK    )

On October 11, 2016, before me, the undersigned, a Notary Public in and for said County of Clark, State of Nevada, personally appeared SUSAN G. CHRISTIAN-PAYNE, personally known to me (or 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 she executed the same in her authorized capacity, and that by her signature on the instrument, the person, or the entity upon behalf of which the person acted, executed the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year in this certificate first above written.



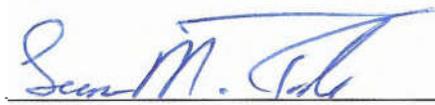
A handwritten signature in black ink, consisting of a stylized 'D' and 'G' followed by a horizontal line.

\_\_\_\_\_  
NOTARY PUBLIC

# EXHIBIT 2

I, Sean M. Tanko, Esq., have reviewed the Modification and Designation of Trustee and Successor Trustee ("Instrument") and have counseled my client, Nancy Christian, on the nature and consequences of the change in Trustee to Monte Brian Reason and, thereafter, Wells Fargo Bank contained in the Instrument. I am disassociated from the interests of Nancy Christian to the extent that I am in a position to advise my client independently, impartially and confidentially as to the consequences and effect of the Instrument. On the basis of this counsel, I conclude that the Instrument that others might deem invalid pursuant to NRS 155.097 are valid because the Instrument is not the product of fraud, duress or undue influence.

DATED this 6<sup>th</sup> day of June, 2017.



Sean M. Tanko, Esq.  
Nevada State Bar No. 8904

# EXHIBIT 3

**RECORDING REQUESTED BY:**

Anthony L. Barney, Ltd.  
3317 W. Charleston Blvd, Suite B  
Las Vegas, NV 89102

**Mail recorded declaration to:**

Nancy Christian, Trustor of the Christian Family Trust  
dated October 11, 2016  
304 Orland St., #39  
Las Vegas, NV 89107

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**MODIFICATION AND DESIGNATION OF TRUSTEE AND  
SUCCESSOR TRUSTEE**

**LET IT BE KNOWN THAT:**

I, Nancy Christian, Trustor of the Christian Family Trust dated October 11, 2016 (hereinafter "Trustor"), do hereby certify, designate, and declare as follows:

1. I am the Trustor of the Christian Family Trust dated October 11, 2016 ("Trust") as stated in Declaration of the Trust Agreement.

2. Pursuant to Section 9.3 of the Trust, the Trustor has the power to change the Trustee or Successor Trustee of the Trust by an instrument in writing signed by the surviving Trustor and delivered to the Trustee.

3. I hereby revoke all of my prior designations of Trustees of the Trust that were created, filed, recorded and/or executed prior to this date in whatever form they may exist (e.g. written, oral, by affidavit, by declaration or otherwise).

4. In accordance with Section 9.3 of the Trust, I now hereby designate the following individual(s) to serve as current Trustee and/or Successor Trustee of the Trust in the following order:

- 1) MONTE BRIAN REASON; otherwise,
- 2) WELLS FARGO BANK.

5. MONTE BRIAN REASON, as designated Trustee shall be empowered to act pursuant to the Trust provisions and, if appropriate, filing with the Recorder of each county in which Trust real property is located a Certificate of Incumbency or similar instrument thereto. The Certificate of Incumbency shall contain a statement setting forth

the circumstances and Trust provisions that entitle the Trustee to act and a declaration that the successor trustee agrees to be bound by the terms of the Trust and agrees to perform the duties of the trustee as required therein and by law.

6. In the event that MONTE BRIAN REASON is unable or unwilling to serve as the designated Trustee, then WELLS FARGO BANK, as designated Successor Trustee shall be empowered to act pursuant to the Trust provisions and, if appropriate, filing with the Recorder of each county in which Trust real property is located a Certificate of Incumbency or similar instrument thereto. The Certificate of Incumbency shall contain a statement setting forth the circumstances and Trust provisions that entitle the Trustee to act and a declaration that the successor trustee agrees to be bound by the terms of the Trust and agrees to perform the duties of the trustee as required therein and by law.

7. The "Certificate of Incumbency" may be titled something else (such as "Affidavit of Successor Trustee" or "Certificate of Acceptance of Trusteeship") and may be in such form as is appropriate under the circumstances and in the jurisdiction or jurisdictions in which it may be used. It shall reference this Modification and Designation of Trustee and Successor Trustee.

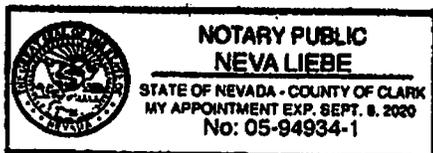
8. Pursuant to NRS 53.045, I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

Executed this 6-12-17 day of June, 2017.

Nancy Christian  
Nancy Christian, Trustor of the Christian Family Trust dated October 11, 2016

STATE OF NEVADA                    }  
                                                  }ss.  
COUNTY OF CLARK                }

This instrument was subscribed to, sworn to, and acknowledged before me on the 12<sup>th</sup> of June, 2017 by Nancy Christian, Trustor of the Christian Family Trust dated October 11, 2016.



Neva Liebe  
NOTARY PUBLIC

# EXHIBIT 4

RECORDING REQUESTED BY and  
when recorded, mail to:  
The Rushforth Firm, Ltd.  
P. O. Box 371655  
Las Vegas, NV 89137-1655

SPACE ABOVE THIS LINE FOR RECORDER'S USE

## CERTIFICATE OF INCUMBENCY

### *AFFIDAVIT OF INCUMBENT TRUSTEE OF THE CHRISTIAN FAMILY TRUST*

MONTE REASON, under penalties of perjury, does hereby certify and says that:

1. On October 11, 2016, **NANCY CHRISTIAN**, also known as **NANCY I. CHRISTIAN**, established, along with her late husband, **RAYMOND T. CHRISTIAN**, also known as **RAYMOND T. CHRISTIAN, SR.**, a revocable Trust entitled the "CHRISTIAN FAMILY TRUST" (the "Trust").
2. Under the terms of said Trust, **ROSEMARY K. CHRISTIAN-KEACH**, **RAYMOND T. CHRISTIAN, JR.**, and **SUSAN G. CHRISTIAN-PAYNE**, were designated as co-Trustees. However, the surviving Trustor, **NANCY CHRISTIAN** retains the power to remove any or all trustees and appoint a replacement trustee, which she has done.
3. Section 9.3 of the Trust, titled "Power to Change Trustee" provides for the following:  
  
*During the joint lifetime of the Trustors, Trustors may change the Trustee or Successor Trustee of this Trust by an instrument in writing, signed by both Trustors, and delivered to the Trustee. In the event that either Trustor should become incapacitated, the other Trustor shall retain the power to change the Trustee of this Trust by an instrument in writing, signed by such Trustor and delivered to the Trustee. After the death of the first Trustor to die, the surviving Trustor shall have the power to change the Trustee or Successor Trustee of the Trust by an instrument in writing signed by the surviving Trustor and delivered to the Trustee.*
4. In accordance with the right afforded to her under Section 9.3 of the Trust, **NANCY CHRISTIAN** executed a "Modification and Designation of Trustee and Successor Trustee" on June 12, 2017 in which she expressly removed the then serving co-trustees



# EXHIBIT 5

DECLINATION TO ACT AS SUCCESSOR TRUSTEE

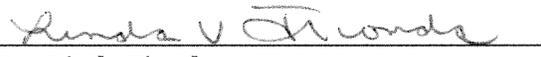
The Christian Family Trust, established on October 11, 2016 (the "Trust"), was modified and amended by the surviving Trustor, Nancy Christian, on June 12, 2017 in accordance with section 9.3 of the Trust. On that date, Nancy Christian executed the "Modification and Designation of Trustee and Successor Trustee" ("Modification") in which she removed and replaced the then serving trustees, and all designated successor trustees, with Monte Brian Reason. In so doing, she also named Wells Fargo Bank to serve as a successor trustee in the event that Monte Brian Reason, at any time, is no longer willing or able to continue to act as the trustee.

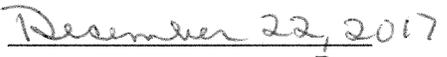
Specifically, the Modification provides, in relevant part, as follows:

*6. In the event that MONTE BRIAN REASON is unable or unwilling to serve as the designated Trustee, then WELLS FARGO BANK, as designated Successor Trustee shall be empowered to act pursuant to the Trust provisions and, if appropriate, filing with the Recorder of each county in which Trust real property is located a Certificate of Incumbency or similar instrument thereto. The Certificate of Incumbency shall contain a statement setting forth the circumstances and Trust provisions that entitle the Trustee to act and a declaration that the successor trustee agrees to be bound by the terms of the Trust and agrees to perform the duties of the trustee as required therein and bylaw.*

Wells Fargo Bank hereby respectfully declines to serve as the successor trustee of the Trust.

WELLS FARGO BANK, N.A.

  
By: Linda Fionda,  
Vice President, Risk Manager

  
Date

# EXHIBIT 6

## **RESIGNATION OF TRUSTEE AND NOMINATION OF SUCCESSOR TRUST**

The undersigned, MONTE BRIAN REASON, hereby declares that:

1. Raymond T. Christian and Nancy I. Christian established the "Christian Family Trust" on October 11, 2016 (the "Trust").
2. On June 12, 2017, as the surviving Trustor, Nancy I. Christian ("Nancy") executed a "Modification and Designation of Trustee and Successor Trustee" ("Modification").
3. Under the Modification, Nancy exercised her right under section 9.3 of the Trust to remove the then current serving co-trustees of the Trust and designated me, Monte Brian Reason, to serve as the Trustee of the Trust. Under the Modification, Nancy also designated Wells Fargo Bank to serve as the successor trustee of the Trust I ever chose not to serve as the Trustee.
4. I confirmed my acceptance of Nancy's nomination and designation on June 21, 2017 by executing a "Certificate of Incumbency".
5. I have served as the Trustee of the Trust since such date.
6. I have come to the decision that I no longer wish to serve as the Trustee of the Trust provided that the person I have named as my successor should choose to replace me in such capacity.
7. Section 8.1 of the Trust provides, in pertinent part, as follows:

*8.1 Successor Trustee. In the event of the death or incapacity of any current Trustee, the remaining Trustees shall act as Co-Trustees or sole Trustee, as the case may be. In determining the incapacity of any Trustee serving hereunder, the guidelines set forth in Section 3.1 may be followed. If no Successor Trustee is designated to act in the event of the death, incapacity or resignation of the Trustee then acting, or no Successor Trustee accepts the office, the Trustee then acting may appoint a Successor Trustee.*
8. Section 8.5 of the Trust provides as follows:

*8.5 Resignation of Trustee. Any Trustee at any time serving hereunder may resign as Trustee by delivering to Trustors, during their lifetimes and thereafter to any Trustee hereunder, or to any beneficiary hereunder if for any reason there shall be no Trustee then serving hereunder, an instrument in writing signed by the resigning Trustee.*
9. Through my counsel, I have asked Wells Fargo Bank, N.A. if they would choose to serve in my place should I decide to step down and resign from serving as the Trustee of the Trust. In reply, Wells Fargo Bank, N.A. has indicated that they have no desire to serve as a trustee of the Trust, as evidenced by their "Declination to Act as Successor Trustee", dated December 22, 2017, which is attached hereto.
10. Due to the decision of Wells Fargo Bank, N.A. to decline to serve as trustee of the Trust, pursuant to the terms of the Trust, specifically section 8.1, I have the power to designate a substitute trustee, and as such I hereby designate Jacqueline Utkin to serve as the trustee of the Trust, my replacement.

11. Therefore, in accordance with section 8.5 of the Trust, I hereby announce my resignation as Trustee of the Trust, which shall be effective upon the acceptance by Jacqueline Utkin after she has executed a certificate of incumbency in which she agrees to accept the trusteeship for the Trust.

DATED January 4, 2018

  
\_\_\_\_\_  
MONTE BRIAN REASON

# EXHIBIT 7

RECORDING REQUESTED BY and  
when recorded, mail to:  
Jerimy Kirschner & Associates, PLLC  
5550 Painted Mirage Rd. Suite 320  
Las Vegas, NV 89149

SPACE ABOVE THIS LINE FOR RECORDER'S USE

## CERTIFICATE OF INCUMBENCY

### *AFFIDAVIT OF INCUMBENT TRUSTEE OF THE CHRISTIAN FAMILY TRUST*

JACQUELINE UTKIN, under penalties of perjury, does hereby certify and says that:

1. On October 11, 2016, **NANCY CHRISTIAN**, also known as **NANCY I. CHRISTIAN**, established, along with her late husband, **RAYMOND T. CHRISTIAN**, also known as **RAYMOND T. CHRISTIAN, SR.**, a revocable Trust entitled the "CHRISTIAN FAMILY TRUST" (the "Trust").
2. Under the terms of said Trust, **ROSEMARY K. CHRISTIAN-KEACH**, **RAYMOND T. CHRISTIAN, JR.**, and **SUSAN G. CHRISTIAN-PAYNE**, were designated as co-Trustees. However, the surviving Trustor, **NANCY CHRISTIAN** retains the power to remove any or all trustees and appoint a replacement trustee, which she has done.
3. Section 9.3 of the Trust, titled "Power to Change Trustee" provides for the following:

*During the joint lifetime of the Trustors, Trustors may change the Trustee or Successor Trustee of this Trust by an instrument in writing, signed by both Trustors, and delivered to the Trustee. In the event that either Trustor should become incapacitated, the other Trustor shall retain the power to change the Trustee of Successor Trustee of this Trust by an instrument in writing, signed by such Trustor and delivered to the Trustee. After the death of the first Trustor to die, the surviving Trustor shall have the power to change the Trustee or Successor Trustee of the Trust by an instrument in writing signed by the surviving Trustor and delivered to the Trustee.*

4. In accordance with the right afforded to her under Section 9.3 of the Trust, **NANCY CHRISTIAN** executed a “Modification and Designation of Trustee and Successor Trustee” on June 12, 2017 in which she expressly removed the then serving co-trustees **ROSEMARY K. CHRISTIAN-KEACH, RAYMOND T. CHRISTIAN, JR.,** and **SUSANG. CHRISTIAN-PAYNE.** In their place, **NANCY CHRISTIAN** designated **MONTE BRIAN REASON** to serve as trustee of the Trust
5. **MONTE BRIAN REASON** has sought to resign as the Trustee of the Trust.
6. Pursuant to the “Modification and Designation of Trustee and Successor Trustee” (“Modification” ) executed June 12, 2017 by the then surviving Trustor, Nancy Christen, **MONTE BRIAN REASON** sought to designate Wells Fargo Bank as the successor trustee based on the Modification specifically stating, in relevant part,:
  6. *In the event that MONTE BRIAN REASON is unable or unwilling to serve as the designated Trustee, then WELLS FARGO BANK, as designated Successor Trustee shall be empowered to act pursuant to the Trust provisions and, if appropriate, filing with the Recorder of each county in which Trust real property is located a Certificate of Incumbency or similar instrument thereto. The Certificate of Incumbency shall contain a statement setting forth the circumstances and Trust provisions that entitle the Trustee to act and a declaration that the successor trustee agrees to be bound by the terms of the Trust and agrees to perform the duties of the trustee as required therein and bylaw.*
7. Wells Fargo Bank declined the appointment, and has executed a Declination to Act as Successor Trustee which is attached to this Certificate of Incumbency.
8. Thereafter, and pursuant to Section 9.3 and Section 8.1 of the Trust, **MONTE BRIAN REASON** has nominated **JACQUELINE UTKIN** to serve as the successor trustee, and has done through his Resignation Of Trustee And Nomination Of Successor Trust, which is attached to this Certificate of incumbency.
9. **JACQUELINE UTKIN** has agreed to accept the appointment as successor trustee.
10. Therefore, pursuant to the terms of the Trust, **JACQUELINE UTKIN** is the designated Trustee. By signing this certificate, **JACQUELINE UTKIN** agrees to serve as Trustee, accept the duties and responsibilities thereof, and agrees to be bound by the terms of the Trust.
11. The Trustee has, among other powers, the power to sell, exchange, lease, and otherwise engage in transactions involving Trust assets as the Trustees deem appropriate. The Trustee has the power to make all types of investments without limitation.



# EXHIBIT 8

RECORDING REQUESTED BY and  
when recorded, mail to:  
Jeremy Kirschner & Associates, PLLC  
5550 Painted Mirage Rd. Suite 320  
Las Vegas, NV 89149

SPACE ABOVE THIS LINE FOR RECORDER'S USE

## CERTIFICATE OF INCUMBENCY

### *AFFIDAVIT OF INCUMBENT TRUSTEE OF THE CHRISTIAN FAMILY TRUST*

JACQUELINE UTKIN, under penalties of perjury, does hereby certify and says that:

1. On October 11, 2016, NANCY CHRISTIAN, also known as NANCY I. CHRISTIAN, established, along with her late husband, RAYMOND T. CHRISTIAN, also known as RAYMOND T. CHRISTIAN, SR., a revocable Trust entitled the "CHRISTIAN FAMILY TRUST" (the "Trust").
2. Under the terms of said Trust, ROSEMARY K. CHRISTIAN-KEACH, RAYMOND T. CHRISTIAN, JR., and SUSAN G. CHRISTIAN-PAYNE, were designated as co-Trustees. However, the surviving Trustor, NANCY CHRISTIAN retains the power to remove any or all trustees and appoint a replacement trustee, which she has done.
3. Section 9.3 of the Trust, titled "Power to Change Trustee" provides for the following:

*During the joint lifetime of the Trustors, Trustors may change the Trustee or Successor Trustee of this Trust by an instrument in writing, signed by both Trustors, and delivered to the Trustee. In the event that either Trustor should become incapacitated, the other Trustor shall retain the power to change the Trustee or Successor Trustee of this Trust by an instrument in writing, signed by such Trustor and delivered to the Trustee. After the death of the first Trustor to die, the surviving Trustor shall have the power to change the Trustee or Successor Trustee of the Trust by an instrument in writing signed by the surviving Trustor and delivered to the Trustee.*

4. In accordance with the right afforded to her under Section 9.3 of the Trust, **NANCY CHRISTIAN** executed a "Modification and Designation of Trustee and Successor Trustee" on June 12, 2017 in which she expressly removed the then serving co-trustees **ROSEMARY K. CHRISTIAN-KEACH**, **RAYMOND T. CHRISTIAN, JR.**, and **SUSANG. CHRISTIAN-PAYNE**. In their place, **NANCY CHRISTIAN** designated **MONTE BRIAN REASON** to serve as trustee of the Trust
5. **MONTE BRIAN REASON** has sought to resign as the Trustee of the Trust.
6. Pursuant to the "Modification and Designation of Trustee and Successor Trustee" ("Modification" ) executed June 12, 2017 by the then surviving Trustor, Nancy Christen, **MONTE BRIAN REASON** sought to designate Wells Fargo Bank as the successor trustee based on the Modification specifically stating, in relevant part:

*6. In the event that MONTE BRIAN REASON is unable or unwilling to serve as the designated Trustee, then WELLS FARGO BANK, as designated Successor Trustee shall be empowered to act pursuant to the Trust provisions and, if appropriate, filing with the Recorder of each county in which Trust real property is located a Certificate of Incumbency or similar instrument thereto. The Certificate of Incumbency shall contain a statement setting forth the circumstances and Trust provisions that entitle the Trustee to act and a declaration that the successor trustee agrees to be bound by the terms of the Trust and agrees to perform the duties of the trustee as required therein and bylaw.*
7. Wells Fargo Bank declined the appointment, and has executed a Declination to Act as Successor Trustee which is attached to this Certificate of Incumbency.
8. Thereafter, and pursuant to Section 9.3 and Section 8.1 of the Trust, **MONTE BRIAN REASON** has nominated **JACQUELINE UTKIN** to serve as the successor trustee, and has done through his Resignation Of Trustee And Nomination Of Successor Trust, which is attached to this Certificate of incumbency.
9. **JACQUELINE UTKIN** has agreed to accept the appointment as successor trustee.
10. Therefore, pursuant to the terms of the Trust, **JACQUELINE UTKIN** is the designated Trustee. By signing this certificate, **JACQUELINE UTKIN** agrees to serve as Trustee, accept the duties and responsibilities thereof, and agrees to be bound by the terms of the Trust.
11. The Trustee has, among other powers, the power to sell, exchange, lease, and otherwise engage in transactions involving Trust assets as the Trustees deem appropriate. The Trustee has the power to make all types of investments without limitation.

12. For purposes of the federal Health Insurance Portability and Accountability Act of 1996 and related regulations (42 USC § 1320d and 45 CFR §§ 160-164) ("HIPAA"), the undersigned does hereby designate appoint each co-trustee (if any) and each successor Trustee designated in accordance with the terms hereof (even prior to serving in that office) as his or her "personal representative", with full authority to receive private, privileged, protected, or personal health information related to the Trustee or co-trustee's health and/or incapacity and to divulge such information as necessary to accomplish the purposes of the Trust. The undersigned acknowledges that any Trustee or co-Trustee who fails to authorize the release of private, privileged, protected, or personal health information related to the Trustee or co-trustee's health and/or incapacity upon the request of a co-trustee or of a successor Trustee or co-trustee) or who fails to divulge such information as necessary to accomplish the purposes of the Trust shall cease to be the Trustee or a co-trustee.
  
13. The trust instrument provides that no person dealing with the Trust is obligated to inquire as to the powers of the Trustees or to inquire as to how the Trustees apply any funds delivered to the Trustees.

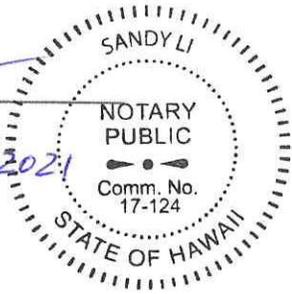
DATED Jan. 16, 2018

*Jacqueline Utkin*  
 JACQUELINE UTKIN

STATE OF \_\_\_\_\_ }  
 COUNTY OF \_\_\_\_\_ } ss.

This instrument was acknowledged before me on January 16, 2018, by JACQUELINE UTKIN.

*Sandy Li*  
 NOTARY PUBLIC  
 Expiration: June 04, 2021



Doc Date: 10/11/16 # Pages: 3  
 Notary Name: Sandy Li FIRST Circuit  
 Doc. Description: Certificate of Incumbency (Stamp or Seal)  
*Sandy Li* 1/16/18  
 Notary Signature Date

