

APN # 1418-27-811-005

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DOUGLAS COUNTY, NV **2017-903385**
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**Order Assuming Jurisdiction of Trust and appointment to Fill Vacancy
of Trustee**

(Title of Document)

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I, the undersigned, hereby affirm that the attached document, including any exhibits, hereby submitted for recording does not contain the social security number of any person or persons.
(Per NRS 239B.030)

-OR-

I, the undersigned, hereby affirm that the attached document, including any exhibits, hereby submitted for recording does contain the social security number of a person or persons as required by law: (state specific law).

Kris Thorson
SIGNATURE

Escrow Assistant
TITLE

Kris Thorson
Print Signature

This page added to provide additional information required by NRS 111.312 Sections 1-2 and NRS 239B.030 Section 4.

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(Additional recording fee applies)

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2/12
1 Case No. 16-PB-0012

2 Department No. 1

3 The undersigned affirms that this document does
4 not contain any person(s) personal information.

5
6 **IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
7 **IN AND FOR THE COUNTY OF DOUGLAS**

8 In Re the Matter of the:
9 JOHN EDWARD JERGENS 1993
10 SEPARATE PROPERTY TRUST

ORDER ASSUMING JURISDICTION
OF TRUST AND APPOINTMENT TO
FILL VACANCY OF TRUSTEE

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Alling & Jillson, Ltd.
Post Office Box 3390 ◊ 276 Kingsbury Grade
Lake Tahoe, Nevada 89449
PH (775) 588-6676 ◊ FX (775) 588-1970

Petitioner, Darcie Collins, having filed her Verified Petition for Assumption of Jurisdiction of Trust and Appointment to Fill Vacancy of Trustee pursuant to NRS 164.010; 164.045; 153.100 and this matter coming on regularly for hearing this day, and due notice of said hearing having been proved and the Court having reviewed the evidence, read the papers on file herein, and good cause appearing, the Court does hereby find as follows:

FINDINGS OF FACT

1. Trust. John Edward Jergens ("Mr. Jergens") established the Trust, as Trustor and Trustee, on October 6, 1993. During Mr. Jergens' lifetime the Trust was revocable and amendable by Mr. Jergens. Mr. Jergens amended and restated the Trust in its entirety on January 26, 1995, and subsequently amended the Trust by First Amendment dated August 12, 1998, by Second Amendment dated August 10, 1999, by Third Amendment dated November 16, 1999 and by Fourth Amendment dated July 10, 2006.

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**ORDER ASSUMING JURISDICTION OF TRUST AND APPOINTMENT TO FILL
VACANCY OF TRUSTEE**

1 2. Successor Trustee Provisions. Pursuant to Paragraph 6.3 of the Trust, in the
2 event Mr. Jergens was unable to serve as Trustee, Manya Bertram ("Ms. Bertram") or her
3 appointee shall serve as successor Trustee. If Ms. Bertram was unable to serve and does not
4 name a successor, then Carter Omens ("Mr. Omens") is named as successor Trustee. If Mr.
5 Omens was unable to serve, then Laurie Martin Minger ("Ms. Minger") was named as
6 successor Trustee; however, the Fourth Amendment provides that the Trustor eliminates the
7 name of Ms. Minger "from appointment or service as a fiduciary or in any other capacity under
8 the terms of the Trust." If none of the individuals named in Paragraph 6.3 of the Trust able and
9 willing to serve, the Trust did not provide a practical method of appointing a trustee.

11 3. Trustees. Mr. Jergens served as Trustee of the Trust until his death in Douglas
12 County, Nevada on March 4, 2016. Ms. Bertram died on November 21, 2015, and did not
13 name a successor Trustee. Pursuant to the terms of the Trust, Mr. Omens became successor
14 Trustee of the Trust upon Mr. Jergens' death. Mr. Omens died suddenly on May 28, 2016.
15 Since the date of Mr. Omens' death, there has been a vacancy in the office of Trustee.

17 5. Trust Assets. The Trust consists of a variety of complicated assets, including
18 an apartment building in Los Angeles County, a residence located in Cave Rock, Nevada,
19 numerous investment and bank accounts, tangible personal property and domesticated animals.

20 6. Need to Fill Vacancy of Trustee: It has been almost four (4) months since Mr.
21 Omens' death. The vacancy needs to be filled to file a Petition for Instructions to determine the
22 beneficiaries of the Trust and such potential beneficiaries' respective interests in the Trust and
23 to communicate with the numerous beneficiaries who are unsure of whether they have an
24 interest in the Trust and have no point of contact. Further, the appointment of a permanent
25 Trustee/Co-Trustees is necessary to administer the Trust and carry out the intent of Mr. Jergens.

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CONCLUSIONS OF LAW

7. Jurisdiction and Venue. Mr. Jergens died a resident of Douglas County, in the State of Nevada; the Trust owns real property and personal property located in Douglas County, in the State of Nevada and thus part of the administration of this Trust will occur in the State of Nevada. Therefore, pursuant to NRS 164.045(4)(a), and (d), there exists a clear and sufficient nexus between the Trust and the State of Nevada and this court may and therefore does assume jurisdiction of this Trust pursuant to this Petition under NRS 164.010.

8. Appointment to Fill Vacancy of Trustees: The Petitioner nominated Matthew A. Gray and Randolph A. Magnin to serve as successor Co-Trustees, to serve without bond, with full authority under the Independent Administration of Estates Act, and any other powers granted pursuant to the Trust and Nevada law. Due to the deaths of the appointed Trustees, there is no person named who has priority of appointment. Mr. Magnin and Mr. Gray are qualified to act as Co-Trustees of the Trust and each has consented to act as such.

9. Notice. The names and addresses of the beneficiaries and potential beneficiaries of the Trust are:

<u>Name</u>	<u>Address</u>	<u>Phone Number</u>	<u>E-mail Address</u>
Darcie Collins	2608 Lake Tahoe Blvd South Lake Tahoe, CA 96150	805-637-6995	dgoodmonster@gmail.com
Sean Allen McArthur (aka Sean Alan McArthur)	108 Regatta Dr. New Richmond, OH 45157	Unknown	Unknown
James Allen McArthur (aka James Alan McArthur)	6 Ashwood Pl. Amelia, OH 45102	Unknown	Unknown

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1	Jeffrey Phillips	1116 Lappland Drive Idleyld Park, OR 97447	541-326-1921	halfkidjeff@hotmail.com
2				
3		P.O. Box 1244		
4	Erica Hutson	Diamond Springs, CA 95619	530-409-9259	grrreric@yahoo.com
5				
6	Attorney	Office of the Attorney	775-684-1100	Unknown
7	General of	General		
8	Nevada	100 North Carson Street Carson City, NV 89701		
9				
10	Tara Thomas	1116 Lappland Drive Idleyld Park, OR 97447	541-671-8252	Unknown
11				
12	Bryan Phillips	5808 Havenercrest Drive Klamath Falls, OR 97603	541-331-6555	Unknown
13				
14	Mindy Smith	P.O. Box 1488 Hanalei, HI 96714	808-652-3223	Unknown
15				
16	UCLA Kidney	1001 Westwood Blvd	310-825-6836	Unknown
17	Transplant	Los Angeles, CA 90024		
18	Center			
19	Make-A-Wish	4742 N. 25 th Street, Suite 400	602-279-9474	Unknown
20	Foundation	Phoenix, AZ 85016		
21	St. Jude	262 Danny Thomas Place	800-822-6344	Unknown
22	Children's	Memphis, TN 38105		
23	Research			
24	Hospital			
25	The Humane	2100 L St., NW	202-452-1100	Unknown
26	Society	Washington, DC 20037		
27	///			
28	///			

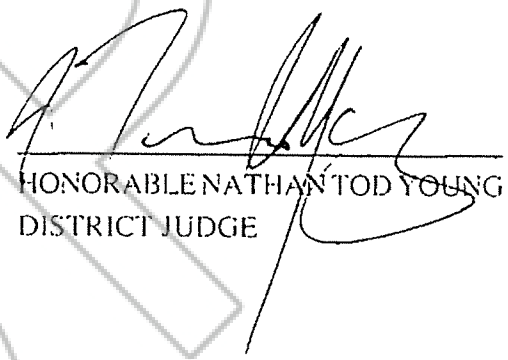
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1 IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

2 1. There is clear and sufficient nexus between the Trust and this State and therefor
3 this Court assumes Jurisdiction over the administration of the Trust pursuant to NRS 164.010
4 and NRS 164.045(3), (4)(a.), and (d); and

5
6 2. Pursuant to NRS 153.100, Matthew A. Gray and Randolph A. Magnin are
7 appointed as Co-Trustees of the Trust, to serve without the requirement of bond and to serve
8 with all powers granted to the Trustee(s) of the Trust as defined by the terms of the Trust,
9 effective immediately.

10 DATED this 16 day of October, 2016

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HONORABLE NATHAN TOD YOUNG
DISTRICT JUDGE

CERTIFIED COPY

The document to which this certificate is attached is a full, true and correct copy of the original in file and of record in my office.

DATE August 28, 2017
BOBBIE R. WILLIAMS Clerk of Court
of the State of Nevada, in and for the County of Douglas,
By M. Gray Deputy