

APN# 1318-15-111-009

Recording Requested by/Mail to:

Name: Hutchison & Steffen PLLC

Address: 10080 W. Alta Dr., Ste. 200

City/State/Zip: Las Vegas, NV 89145

Mail Tax Statements to:

Name: Robert Sickels, Trustee

Address: 1021 Catherine Street

City/State/Zip: Walla Walla, WA 99362

ORDER GRANTING PETITION FOR CONFIRMATION OF SUCCESSOR TRUSTEE, AND TO ASSUME IN REM JURISDICTION OF THE TRUST [NRS 164.010], FOR INCLUSION OF REAL PROPERTY AS TRUST ASSETS [NRS 164.033 et seq.], AND FOR REMOVAL OF THE TRUST FROM CONTINUING JURISDICTION

------(Only use if applicable)-----

The undersigned hereby affirms that the document submitted for recording DOES contain personal information as required by law: (check applicable)

Affidavit of Death – NRS 440.380(1)(A) & NRS 40.525(5)

Judgment – NRS 17.150(4)

Military Discharge – NRS 419.020(2)

Signature

Printed Name

This document is being (re-)recorded to correct document # _____, and is correcting

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FILED

1 Russel J. Geist (9030)
 Jason D. Guinasso (8478)
 2 HUTCHISON & STEFFEN, PLLC Douglas County
 District Court Clerk
 10080 West Alta Drive, Suite 200
 3 Las Vegas, NV 89145
 Phone: (702) 385-2500
 4 FAX: (702) 385-2086
 Attorneys for Robert Sickels,
 5 Successor Trustee

710 DEC 18 PM 4 21
 COURT CLERK
 DEPUTY

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

8 In the Matter of the Administration of the) Case No.: 18-PB-0160
 9 SICKELS FAMILY BYPASS TRUST,) Dept. No.: I
 10 Dated August 15, 1997.)
 11)

12 **ORDER GRANTING PETITION FOR CONFIRMATION OF SUCCESSOR TRUSTEE,**
 13 **AND TO ASSUME *IN REM* JURISDICTION OF THE TRUST [NRS 164.010], FOR**
 14 **INCLUSION OF REAL PROPERTY AS TRUST ASSETS [NRS 164.033 *et seq.*], AND**
 15 **FOR REMOVAL OF THE TRUST FROM CONTINUING JURISDICTION**

16 The verified Petition of Robert Sickels, Successor Trustee of the Sickels Family Bypass
 17 Trust, dated August 15, 1997 ("Petitioner") for Confirmation of Successor Trustee, and to Assume
 18 *In Rem* Jurisdiction of the Trust [NRS 164.010], for Inclusion of Real Property as Trust Assets
 19 [NRS 164.033 *et seq.*], and for Removal of the Trust from Continuing Jurisdiction came on
 20 regularly for hearing on December 18, 2018, with Russel Geist of the law firm of HUTCHISON
 21 & STEFFEN, PLLC appearing for Petitioner and there being no other appearances thereby, the
 22 Court having heard the statements of counsel, having reviewed the Petition and finding no
 23 Objection thereto, and upon review of all papers filed herein, and concluding thereupon proof had
 24 been duly made to the satisfaction of the Court, the Court now finds as follows:

- 24 1. All notices of hearing were duly given as required by law.
 25 2. Charles J. Sickels ("Charles") and Virginia E. Sickels (together with Charles referred
 26 to as the "Settlers"), as settlors and initial Trustees, created the THE CHARLES J. SICKELS AND
 27 VIRGINIA E. SICKELS TRUST AGREEMENT OF 1997 aka THE SICKELS FAMILY TRUST
 28 ("Sickels Family Trust"), dated August 15, 1997. After the Sickels Family Trust was established,

HUTCHISON & STEFFEN
 A PROFESSIONAL LLC
 PECCOLE PROFESSIONAL PARK
 10080 WEST ALTA DRIVE, SUITE 200
 LAS VEGAS, NV 89145

1 the Settlers owned a 50% interest in the condominium described as 191 Lake Shore Boulevard,
2 Pinewild Unit No. 60, Zephyr Cove, Nevada (APN 05-212-090) (the "Property Interest"), title of
3 which was vested in the Sickels Family Trust. The other 50% interest in the condominium
4 described as 191 Lake Shore Boulevard, Pinewild Unit No. 60, Zephyr Cove, Nevada (APN 05-
5 212-090) was owned by Adrian D. Coulter, Trustee of the Adrian D. Coulter and Martha S. Coulter
6 Revocable Living Trust Agreement, dated February 11, 2005.

7 3. After the death of Virginia E. Sickels, the Property Interest was transferred pursuant
8 to the administration of the Sickels Family Trust from the Sickels Family Trust to "Charles J.
9 Sickels as Trustee of the SICKELS FAMILY BYPASS TRUST" by a grant deed recorded on April
10 10, 2009, as Document No. 0741172 with the Douglas County Recorder. The SICKELS FAMILY
11 BYPASS TRUST was created as a subtrust of the Sickels Family Trust pursuant to Section 5.3 of
12 Article Five of the Sickels Family Trust.

13 4. Charles and Adrian D. Coulter sought to refinance the condominium described as
14 191 Lake Shore Boulevard, Pinewild Unit No. 60, Zephyr Cove, Nevada (APN 05-212-090) and
15 in order to complete the refinancing, transferred their interests from their respective trusts to
16 themselves individually as joint tenants by a grant, bargain and sale deed recorded on June 16, 2011
17 as Document No. 784897 with the Douglas County Recorder.

18 5. According to the Declaration of Adrian D. Coulter, this 2011 transfer was for loan
19 accommodation purposes and not to change the way in which title was held for either party. After
20 escrow on the refinance closed, Adrian D. Coulter conveyed his 50% interest back to Adrian D.
21 Coulter, Trustee of the Adrian D. Coulter and Martha S. Coulter Revocable Living Trust
22 Agreement, dated February 11, 2005 which severed the joint tenancy created by the previous deed.

23 6. Charles died on or about April 7, 2018 in Alameda County, California.

24 7. Upon the death of Charles, his son, Robert Sickels, assumed the trusteeship as
25 Successor Trustee as provided in the Trust instrument. The jurisdiction of this Court is proper
26 pursuant to NRS 164.010(1) because Charles owned real property in Douglas County, Nevada at
27 the time of his death.

28

1 8. The names, addresses, and ages of Charles' heirs and interested persons to the
2 Trust and Estate are:

<u>Name and address:</u>	<u>Age</u>
SICKELS FAMILY BYPASS TRUST, dated August 15, 1997 Robert Sickels, Trustee c/o HUTCHISON & STEFFEN, PLLC 10080 West Alta Drive, Suite 200 Las Vegas, NV 89145	Revocable Living Trust
Dawn Ackerman 24 Centennial Way San Ramon, CA 94583	Adult/Daughter
Kristen E. Sickels 712 N 34th, Ste. 200 Seattle, WA 98103	Adult/Daughter
Robert C. Sickels c/o HUTCHISON & STEFFEN, PLLC 10080 West Alta Drive, Suite 200 Las Vegas, NV 89145	Adult/Son
Adrian D. Coulter, Trustee Adrian D. Coulter and Martha S. Coulter Revocable Trust Living Trust Agreement c/o Law Office of George C. Kasolas 1190 South Bascom Avenue, Ste. 213 San Jose, CA 95128	Adult/Tenant in Common

18 9. Pursuant to NRS 164.010, it is appropriate to confirm Robert Sickels as the
19 Successor Trustee of the Trust, and that the Court assume jurisdiction of the Trust as a proceeding
20 *in rem*.

21 10. The Petitioner concurrently petitioned the Court pursuant to NRS 164.015 regarding
22 the internal affairs of the Trust, and more specifically to declare real property intended to be an asset
23 of the Trust as such pursuant to NRS 164.033(1)(b).

24 11. Section 1.1 of Article One of the Trust established that "CHARLES J. SICKELS and
25 VIRGINIA E. SICKELS, husband and wife, of Alameda County, California, ...hereby declare that
26 they hold certain property (the 'trust estate') in trust, to be held, administered, and distributed
27 according to the terms of this instrument." In addition, Section 2.4 of Article Two of the Trust
28

1 states that, "From time to time, the trustee may accept additions to this trust from any source.
2 ...However, the titling of any account, deed, or similar asset in the name of the trustee, as trustee
3 of this trust, or any alternate or successor trustee acting under this instrument, shall be deemed to
4 be a transfer to this trust."

5 12. At his death, Charles owned the Property Interest as a 50% interest as tenant in
6 common in the property more particularly described as:

7 Parcel 1

8 Lot 60, as shown on the official plat of Pinewild Unit No. 2, a Condominium,
9 filed for record in the Office of the County Recorder, Douglas County,
10 Nevada on October 23, as Document No. 69660.

11 Parcel 2

12 The exclusive right to the use and possession of those certain patio areas
13 adjacent to said unit designated as "restricted common area" on the
14 subdivision map referred to in Parcel No. 1 above.

15 Parcel 3

16 An undivided interest as tenants in common in as such interest is set in Book
17 377 at pages 417 through 421 of the real property described on the
18 subdivision map referred to in parcel no. 1 above, defined in the amended
19 declaration of covenants, conditions and restrictions of Pinewild, a
20 condominium project, recorded March 09, 1977 in Book 377 of official
21 records at page 411, as limited common area and thereby allocated to the unit
22 described in Parcel No. 1 above and excepting non-exclusive easements for
23 ingress and egress, utility services, support encroachments, maintenance and
24 repair over the common areas defined and set forth in said declaration of
25 covenants, conditions and restrictions.

26 Parcel 4

27 Non exclusive easements appurtenant to Parcel No. 1 above for ingress and
28 egress, utility services, support encroachments, maintenance and repair over
the common areas defined and set forth in the declaration of covenants,
conditions and restrictions of Pinewild, more particularly described in the
description of Parcel No. 3., above.

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13. The Property Interest had previously been transferred by deed to the Trust. When
Charles Sickels died on April 7, 2018, as the surviving settlor, it was his intention that his Property
Interest be included in the Trust corpus, as evidenced by the Declaration of Adrian D. Coulter,
which was previously filed with the Petition.

14. The records of the Office of the Recorder, Douglas County, Nevada for the Property

1 indicate that there was never a formal recorded conveyance of the Property Interest from Charles
2 to the Trust. The title of the Property Interest in Douglas County is currently titled in the name of
3 Charles J. Sickels alone, and not in the Trust.

4 15. Pursuant to NRS 163.002(1) a trust may be created by "a declaration of the property
5 owner that he or she holds the property as trustee." Other states, including California, which
6 governs "the validity, interpretation, and administration of" the Trust(See, Trust, Article Seven,
7 Section 7.9), have recognized that such declaration is sufficient to create a trust over the property.
8 In *Estate of Heggstad*, (16 Cal. App. 4th 943, 20 Cal. Rptr. 2d. 433), the Court held that property
9 listed on an exhibit to a trust was sufficient to transfer legal title to a revocable living trust. In
10 addition to being directly controlling authority to the Trust, the decision in *Heggstad* has been
11 readily recognized and accepted by the Nevada Courts. In fact, in NRS 164.033, Nevada has
12 codified the *Heggstad* decision in part by specifically giving a trustee the ability to "petition the
13 court to enter an order ...[i]f the trustee has a claim to property and another holds title to or is in
14 possession of the property." NRS 164.033(1)(b).

15 16. Charles' 50% interest in the property known as 191 Lake Shore Boulevard, Pinewild
16 Unit No. 60, Zephyr Cove, Nevada (APN 05-212-090), the title of which is vested in Charles J.
17 Sickels alone, was specifically intended to remain in the Trust but was removed for loan
18 accommodation purposes with the intention to transfer the Property Interest back to the Trust. The
19 surviving settlor, Charles J. Sickels, intended to include the Property Interest as part of the Trust
20 despite his failure to subsequently transfer the assets by deed or by other assignment or title change,
21 as evidenced by the Declaration of Adrian D. Coulter. It is appropriate to issue an Order of this
22 Court transferring the 50% interest in the Nevada real property known as 191 Lake Shore
23 Boulevard, Pinewild Unit No. 60, Zephyr Cove, Nevada (APN 05-212-090) to the SICKELS
24 FAMILY BYPASS TRUST, dated August 15, 1997, pursuant to the holding in *Heggstad* and
25 pursuant to NRS 164.033(1)(b).

26 **THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that Robert
27 Sickels is confirmed as Trustee of the SICKELS FAMILY BYPASS TRUST, dated August 15,

28

1 1997, pursuant to 164.010 and that this Court hereby takes *in rem* jurisdiction over the Trust
2 pursuant to NRS 164.010;

3 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that surviving settlor
4 Charles J. Sickels intended for the property described as 191 Lake Shore Boulevard, Pinewild Unit
5 No. 60, Zephyr Cove, Nevada (APN 05-212-090), be included as an asset of the SICKELS
6 FAMILY BYPASS TRUST prior to his death;

7 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that title to Charles J.
8 Sickels' 50% interest in the real property described as 191 Lake Shore Boulevard, Pinewild Unit
9 No. 60, Zephyr Cove, Nevada (APN 05-212-090), and more particularly described as:

10 Parcel 1

11 Lot 60, as shown on the official plat of Pinewild Unit No. 2, a
12 Condominium, filed for record in the Office of the County Recorder,
Douglas County, Nevada on October 23, as Document No. 69660.

13 Parcel 2

14 The exclusive right to the use and possession of those certain patio
15 areas adjacent to said unit designated as "restricted common area" on
16 the subdivision map referred to in Parcel No. 1 above.

17 Parcel 3

18 An undivided interest as tenants in common in as such interest is set
19 in Book 377 at pages 417 through 421 of the real property described
20 on the subdivision map referred to in parcel no. 1 above, defined in
21 the amended declaration of covenants, conditions and restrictions of
22 Pinewild, a condominium project, recorded March 09, 1977 in Book
23 377 of official records at page 411, as limited common area and
24 thereby allocated to the unit described in Parcel No. 1 above and
25 excepting non-exclusive easements for ingress and egress, utility
26 services, support encroachments, maintenance and repair over the
27 common areas defined and set forth in said declaration of covenants,
28 conditions and restrictions.

Parcel 4

Non exclusive easements appurtenant to Parcel No. 1 above for
ingress and egress, utility services, support encroachments,
maintenance and repair over the common areas defined and set forth
in the declaration of covenants, conditions and restrictions of
Pinewild, more particularly described in the description of Parcel No.
3., above.

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be recognized as an asset of The SICKELS FAMILY BYPASS TRUST, dated August 15, 1997,

1 pursuant to NRS 164.033(1)(b) and the Declaration of Adrian D. Coulter;
2 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that upon recording of this
3 Order, title to Charles J. Sickels' 50% interest in the real property described as 191 Lake Shore
4 Boulevard, Pinewild Unit No. 60, Zephyr Cove, Nevada (APN 05-212-090) and more particularly
5 described as:

6 Parcel 1

7 Lot 60, as shown on the official plat of Pinewild Unit No. 2, a
8 Condominium, filed for record in the Office of the County Recorder,
9 Douglas County, Nevada on October 23, as Document No. 69660.

10 Parcel 2

11 The exclusive right to the use and possession of those certain patio
12 areas adjacent to said unit designated as "restricted common area" on
13 the subdivision map referred to in Parcel No. 1 above.

14 Parcel 3

15 An undivided interest as tenants in common in as such interest is set
16 in Book 377 at pages 417 through 421 of the real property described
17 on the subdivision map referred to in parcel no. 1 above, defined in
18 the amended declaration of covenants, conditions and restrictions of
19 Pinewild, a condominium project, recorded March 09, 1977 in Book
20 377 of official records at page 411, as limited common area and
21 thereby allocated to the unit described in Parcel No. 1 above and
22 excepting non-exclusive easements for ingress and egress, utility
23 services, support encroachments, maintenance and repair over the
24 common areas defined and set forth in said declaration of covenants,
25 conditions and restrictions.

26 Parcel 4

27 Non exclusive easements appurtenant to Parcel No. 1 above for
28 ingress and egress, utility services, support encroachments,
29 maintenance and repair over the common areas defined and set forth
30 in the declaration of covenants, conditions and restrictions of
31 Pinewild, more particularly described in the description of Parcel No.
32 3., above.

APN 05-212-090

be transferred to the SICKELS FAMILY BYPASS TRUST, dated August 15, 1997;

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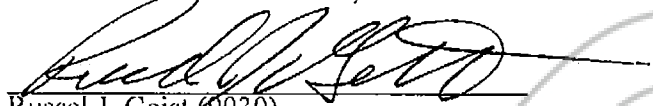
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IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the SICKELS FAMILY BYPASS TRUST, dated August 15, 1997, shall be removed from the continued jurisdiction of the Court.

DATED December 18, 2018.

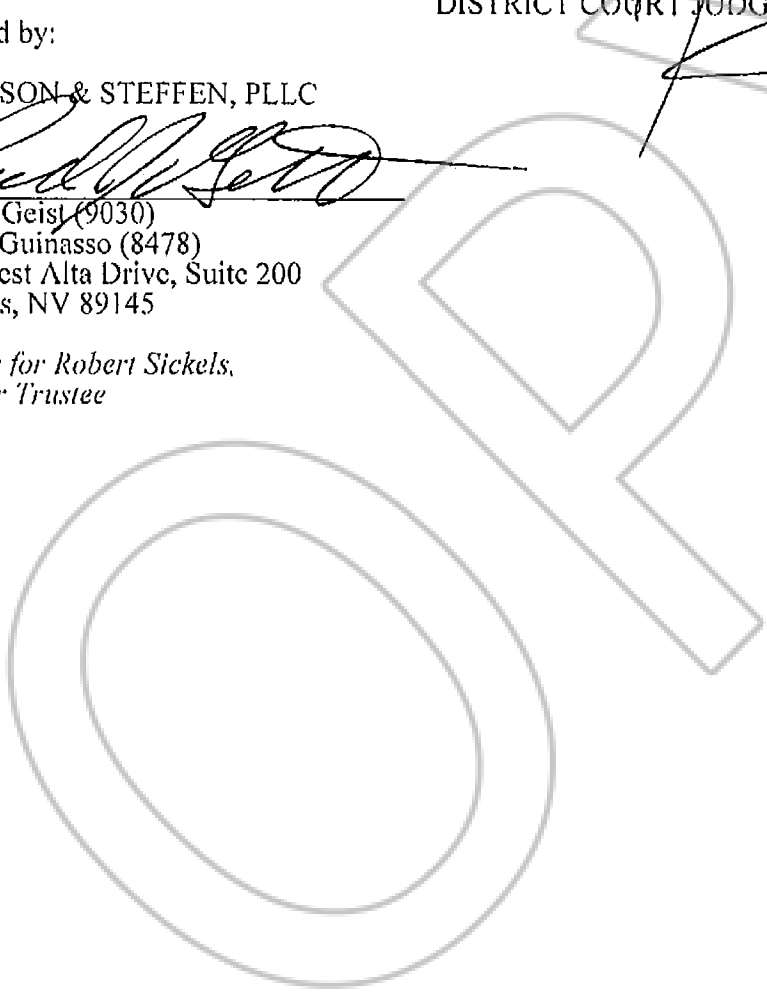

DISTRICT COURT JUDGE

Submitted by:
HUTCHISON & STEFFEN, PLLC


Russel J. Geisl (9030)
Jason D. Guinasso (8478)
10080 West Alta Drive, Suite 200
Las Vegas, NV 89145

*Attorneys for Robert Sickels,
Successor Trustee*

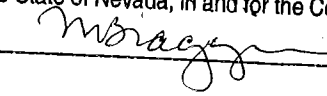
HUTCHISON & STEFFEN
A PROFESSIONAL LLC
RECOCLE PROFESSIONAL PARK
10080 WEST ALTA DRIVE, SUITE 200
LAS VEGAS, NV 89145



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 January 9, 2018
BOBBIE R WILLIAMS Clerk of Court
of the State of Nevada, in and for the County of Douglas,

- & By  Deputy

STATE OF NEVADA DECLARATION OF VALUE

1. Assessor Parcel Number(s)

- a) 1318-15-111-009
- b) _____
- c) _____
- d) _____

FOR RECORDER'S OPTIONAL USE ONLY	
Document/Instrument #:	_____
Book:	_____ Page: _____
Date of Recording:	_____
Notes:	_____

2. Type of Property:

- a) ___ Vacant Land
- b) ___ Single Fam. Res.
- c) Condo/Twnhse
- d) ___ 2-4 Plex
- e) ___ Apt. Bldg
- f) ___ Comm'l/Ind'l
- g) ___ Agricultural
- h) ___ Mobile Home
- i) ___ Other _____

3. Total Value /Sales Price of Property:

\$ _____

Deed in Lieu of Foreclosure Only (value of property)

Transfer Tax Value:

\$ _____

Real Property Transfer Tax Due:

\$ 0.00

4. If Exemption Claimed:

a. Transfer Tax Exemption per NRS 375.090, Section 3

b. Explain Reason for Exemption: Deed recorded pursuant to December 13, 2018 order of the Ninth Judicial District Court of Nevada, Douglas County, recognizing the true status of ownership of the real property wherein the court "ORDERED, ADJUDGED AND DECREED that title to [the real property] be recognized as an asset of The SICKELS FAMILY BYPASS TRUST, dated August 15, 1997, pursuant to NRS 164.033(1)(b) and the Declaration of Adrian D. Coulter."

5. Partial Interest: Percentage being transferred: 50%

The undersigned declares and acknowledges, under penalty of perjury, pursuant to NRS. 375.060 and NRS 375.110, that the information provided is correct to the best of their information and belief, and can be supported by documentation if called upon to substantiate the information provided herein. Furthermore, the parties agree, the disallowance of any claimed exemption, or other determination of additional tax due, may result in a penalty of 10% of the tax due plus interest at 1% per month. Pursuant to NRS 375.030, the Buyer and Seller shall be jointly and severally liable for any additional amount owed.

Signature: [Signature] Capacity: Attorney

Signature: _____ Capacity: Grantor

SELLER (GRANTOR) INFORMATION
(REQUIRED)

Print Name: Charles J. Sickels
Address: 3925 W. Las Positas Blvd.
City/State: Pleasanton, CA 94588

BUYER (GRANTEE) INFORMATION
(REQUIRED)

Print Name: Sickels Family Bypass Trust
Robert Sickels, Trustee
Address: 1021 Catherine Street
City/State: Walla Walla, WA 99362

COMPANY/PERSON REQUESTING RECORDING (required if not seller or buyer)

Print Name: Hutchison & Steffen, LLC
Address: 10080 West Alta Drive, Suite 200
City, State, Zip: Las Vegas, Nevada 89145
(AS A PUBLIC RECORD, THIS FORM MAY BE RECORDED)