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SHAWNYNE GARREN, RECORDER

**RECORDING REQUESTED BY:**

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**TITLE OF DOCUMENT**

Order Granting Petition to Set Aside Estate Assets to The Dale Friend Trust /D/ 12/22/2008, Without Administration for an Estate with a Will Directing Distribution of Estate to Nontestamentary Trust (NRS 146.070(1)(b) as amended by AB 318 in the 81<sup>st</sup> Legislative Session (2021)

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See Attached Order

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Douglas County  
District Court Clerk

SCOTT J. WILLIAMS  
CLERK  
*Scott Williams*  
DEPUTY

NINTH JUDICIAL DISTRICT COURT OF NEVADA

DOUGLAS COUNTY

In the Matter of the Estate of:	Case No.	2022-PB-00053
MALCOLM DALE FRIEND A.K.A.	Dept. No.	II
DALE FRIEND.		
Deceased,		

**ORDER GRANTING PETITION TO SET ASIDE ESTATE ASSETS TO THE DALE FRIEND TRUST /D/ 12/22/2008, WITHOUT ADMINISTRATION FOR AN ESTATE WITH A WILL DIRECTING DISTRIBUTION OF THE ESTATE TO NONTESTAMENTARY TRUST (NRS 146.070(1)(b) as amended by AB 318 in the 81st Legislative Session (2021))**

The Petition to Set Aside Estate Assets to the Dale Friend Trust /D/ 12/22/2008, Without Administration for an Estate with a Will Directing Distribution of the Estate to Nontestamentary Trust (the "Petition") came on regularly for hearing on June 6, 2022.

Now therefore, on proof made to the satisfaction of this Court, the Court finds:

1. Petitioners are requesting that the estate property and assets of Malcolm Dale Friend A.K.A. Dale Friend ("Dale Friend" or the "Decedent") that are identified in Exhibit 1 attached to the Petition be set aside to Andrew H. Friend and Stacey M. Friend, Co-Trustees, of the Dale Friend Trust /D/12/22/2008 (the "Dale Friend Trust").
2. Dale Friend, a resident of Zephyr Cove, County of Douglas, State of Nevada, died testate on September 27, 2021, leaving an estate in the State of Nevada.
3. The Court finds that it has jurisdiction over the estate of Dale Friend and the Dale Friend Trust.

///

1           4.     The Petitioners are Andrew H. Friend and Stacey M. Friend who are  
2 named as Co-Personal Representatives under the Decedent's Last Will and Testament  
3 (the "Will") and are also the Co-Trustees of the Dale Friend Trust. Petitioners are adults  
4 who have never been convicted of a felony and would be proper persons to act as  
5 Personal Representatives.

6           5.     That the Decedent was a married man and is survived by his wife, Stacey  
7 M. Friend, and two children, his sons: Andrew H. Friend and Adam D. Friend.

8           6.     The Decedent validly executed a Will dated December 22, 2008, in the  
9 County of Washoe, State of Nevada. The Will was lodged with the Court Clerk on  
10 November 24, 2021. A copy of the Will is attached to the Petition as Exhibit 3. The Will  
11 was signed while the Decedent was competent, with two subscribing witnesses and  
12 with notarization, which provides the proof of the execution and validity of the Will under  
13 NRS 133.040, 133.050 and 133.055.

14           7.     Contemporaneously with the execution of his Will, Dale Friend created  
15 two trusts: The Dale Friend Trust /D/12/22/2008 (the "Dale Friend Trust"); and, he and  
16 his wife, Stacey M. Friend, created the Friend Family Trust /D/12/22/2008 (herein the  
17 "Family Trust"). Both Trusts were executed by Dale Friend as a Settlor and Trustee in  
18 the presence of a Notary Public.

19           8.     A Certification of Trust for the Dale Friend Trust evidencing the Petitioners  
20 as the Co-Trustees is attached to the Petition as Exhibit 4. Pursuant to NRS 164.400  
21 "a trustee may present a certification of trust to any person, in lieu of a copy of any trust  
22 instrument, to establish the existence or terms of the trust."

23           9.     On October 17, 2008, the Friend's entered into a Postnuptial Agreement  
24 which was executed in the County of Washoe, State of Nevada, which outlined terms  
25 related to various aspects of their separate and community assets.

26           10.    The Dale Friend Trust names Andrew Harris Friend and Stacey Morris  
27 Friend, Co-Trustees, upon the death of Dale Friend and they are currently acting as

28     ///

1 Trustees of the Dale Friend Trust. Pursuant to Article Three - Distribution of Estate of  
2 the Will, the Dale Friend Trust was intended to hold Dale Friend's separate property.

3 11. Stacey M. Friend is the acting Trustee of the Friend Family Trust which  
4 holds community property assets of Dale and Stacey Friend.

5 12. Stacey M. Friend, Andrew H. Friend, and Adam D. Friend, the other son  
6 of the Decedent, are the beneficiaries of the Dale Friend Trust.

7 13. In 2021, the Nevada Legislature enacted Assembly Bill No. 318 which  
8 amended NRS 146.070 to add paragraph (b) to subsection 1 which provides:

9 If a decedent's will directs that all or part of the decedent's estate  
10 is to be distributed to the trustee of a nontestamentary trust established  
11 by the decedent and in existence at the decedent's death, the portion of  
12 the estate subject to such direction may be set aside without  
13 administration. Any portion of a decedent's estate set aside to the  
14 nontestamentary trust pursuant to this paragraph is subject to creditors  
15 of the estate unless the petitioner provides proof to the court that the  
16 trustee has published or mailed the requisite notice to such creditors on  
17 behalf of the nontestamentary trust and settlor pursuant to NRS 164.025.

18 14. The Will under Article Three - Distribution of Estate at page 2 provides:

19 After providing for the payments described in Article Two, the  
20 remainder of my estate, which I define as all real and personal property,  
21 wherever situated and whenever acquired by me in which I have any  
22 interest at the time of my death (excluding any property over which I have  
23 a power of appointment at my death), including property in which I have  
24 a reversionary interest, and all property which is not otherwise effectively  
25 disposed of under this Will I give to the Trustee under "The Friend Family  
26 Trust" Dated December 22, 2008, if such property was my community  
27 property, or to the Trustee under the "The Dale Friend Trust" Dated  
28 December 22, 2008, if such property was my sole and separate property.

15 15. The Petitioners have proven to the satisfaction of the Court:

16 A. That the Decedent created the Dale Friend Trust, a  
17 nontestamentary trust, that was established by him and was in existence  
18 at his death;

19 B. That the Will meets the requirements of NRS 146.070(1)(b)  
20 (as amended in 2021) for the Decedent's estate to be set aside to the  
21 Co-Trustees of the Dale Friend Trust without probate administration;

22 C. That the Decedent's Will under Article Three - Distribution  
23 of Estate directs the Decedent's separate property assets be distributed  
24 to the Trustee of the Dale Friend Trust; and,

25 ///

1 D. That the Decedent funded some separate property assets  
2 into the Dale Friend Trust, i.e. an extensive coin collection. However,  
3 some assets that were held as separate property were not funded into  
4 said Trust and that property is set forth in Exhibit 1 - SCHEDULE OF  
5 SEPARATE PROPERTY ASSETS attached hereto and herein  
6 incorporated by reference in this Order.

7 16. Pursuant to NRS 146.070(1)(b), the estate identified in Exhibit 1 -  
8 SCHEDULE OF SEPARATE PROPERTY ASSETS that is the separate property of the  
9 Decedent should be set aside to Andrew H. Friend and Stacey M. Friend, Co-Trustees  
10 of the Dale Friend Trust, without probate administration in accord with the terms of the  
11 Will, and to be administered pursuant to the terms of the Dale Friend Trust.

12 17. The Court further deems it appropriate that this Order approve the  
13 Petitioners' request that in the event there are estate assets that should be  
14 characterized as separate property that are as yet unknown or unidentified, that such  
15 property subsequently discovered and identified by Petitioners as separate property of  
16 the Decedent, be transferred to and titled in the names of Andrew H. Friend and  
17 Stacey M. Friend, Co-Trustees of the Dale Friend Trust.

18 18. The Petitioners have asserted that the creditors of the Decedent are  
19 provided for and that there are no unpaid creditors of the estate. Petitioners further  
20 acknowledge that the Trust is subject to the claims of creditors of the Decedent and  
21 agree as Trustees to pay any valid creditor's claims that may arise related to the  
22 Decedent.

23 19. The Petitioners request:

24 A. That the proceeds in any accounts held by a bank, credit  
25 union, financial institution, asset management group or other third party  
26 company or person, or any other personal or real property held in the  
27 name of Malcolm Dale Friend or Dale Friend or, as otherwise identified  
28 as separate property, including the assets identified in Exhibit 1 attached  
to this Order, be paid or transferred to Stacey M. Friend and Andrew H.  
Friend, Co-Trustees of the Dale Friend Trust;

B. That any federal, state or local government agency or  
department of the State of Nevada, including but not limited to, any  
county recorder, assessor, Department of Motor Vehicles, or the Social  
Security Administration, and/or any bank, financial institution, corporation,  
company, insurance provider, medical care provider or other legal entity  
or person having in their possession any and all property of the Decedent

1 be ordered to provide information to Stacey M. Friend and/or Andrew H.  
2 Friend, Co-Trustees, regarding the Decedent and Decedent's accounts  
3 and to further comply with any transfer of or change in ownership, or any  
4 request or directive of a like kind or similar nature made by Stacey M.  
5 Friend and/or Andrew H. Friend, Co-Trustees, in order to facilitate the  
6 transfer of the Decedent's property to the Dale Friend Trust; and,

7 C. That they be granted the authority as Co-Trustees to  
8 execute any and all documents, including but not limited to, deeds, titles,  
9 including to real estate and motor vehicles, evidences of ownership,  
10 contracts, beneficiary claims, etc., in order to facilitate the distribution of  
11 the Decedent's property to the Dale Friend Trust pursuant to the terms  
12 of the Will and any order of the Court.

13 20. Sandra G. Lawrence of the law firm of Dyer Lawrence, LLP is entitled to  
14 reimbursement for applicable attorney's fees and costs of administration related to this  
15 proceeding.

16 21. Petitioners have agreed to pay attorney's fees and costs and pay the  
17 creditors of the Decedent which will be paid from either (1) the proceeds of the estate  
18 distributed to Petitioners as Co-Trustees of the Dale Friend Trust or (2) assets already  
19 titled in the Dale Friend Trust or the Friend Family Trust, as applicable. The Petitioners  
20 agree to be responsible for paying such fees, costs and for the creditors of the  
21 Decedent and/or Trust who provide proof that the debt is owed and in accordance with  
22 the terms of any order of the Court, prior to the distribution of assets to the beneficiaries  
23 of the respective Trusts.

24 22. Notice of this proceeding has been given as required by NRS 146.070(11)  
25 and NRS 155.010.

26 23. That no person appeared to contest the Petition.

27 Therefore, the Court having found that the facts alleged in the Petition are true  
28 enters the following order:

IT IS HEREBY ORDERED:

1. The Decedent, Malcolm Dale Friend A.K.A. Dale Friend, or any other  
name by which he may be known, validly executed a Will that directs his estate that is  
characterized as separate property is to be distributed to Andrew H. Friend and Stacey  
M. Friend, Co-Trustees of the Dale Friend Trust /D/12/22/2008 that he established prior

1 to his death, and, therefore, his estate is subject to being set aside without  
2 administration pursuant to NRS 146.070(1)(b).

3 2. That all the property identified in Exhibit 1 - SCHEDULE OF SEPARATE  
4 PROPERTY ASSETS attached hereto and incorporated herein by reference to this  
5 Order is Ordered set aside to, transferred to, or titled in the names of Andrew H. Friend  
6 and Stacey M. Friend, Co-Trustees, of the Dale Friend Trust /D/12/22/2008.

7 3. That any and all separate property assets or assets otherwise solely titled  
8 in the name of Malcolm Dale Friend A.K.A. Dale Friend not identified in Exhibit 1 hereto  
9 are hereby set aside to, transferred to, or titled in the names of Andrew H. Friend and  
10 Stacey M. Friend, Co-Trustees of the Dale Friend Trust /D/12/22/2008 without probate  
11 administration.

12 4. That Petitioners Andrew H. Friend and Stacey M. Friend, Co-Trustees,  
13 are granted the authority to execute any and all documents, including but not limited  
14 to, any deeds, titles, including to real estate and motor vehicles, evidences of  
15 ownership, change in account ownership, contracts, and beneficiary claims on accounts  
16 held in the name of Decedent or any other name by which he may be known with a  
17 credit union, bank, financial institution, other third party company, or person, not  
18 otherwise transferring under a payable on death or beneficiary designation, in order to  
19 effectuate the transfer, change in ownership, payment to, or directive of a like kind of  
20 all proceeds, to the Dale Friend Trust, to include the property identified in Exhibit 1 to  
21 this Order and to include any unknown or after discovered real or personal property,  
22 unto Andrew H. Friend and Stacey M. Friend, Co-Trustees of the Dale Friend Trust for  
23 distribution pursuant to the terms of said Trust.

24 5. That any federal, state or local government agency or department of the  
25 State of Nevada, including but not limited to, any county recorder, assessor,  
26 Department of Motor Vehicles or the Social Security Administration, and/or any bank,  
27 financial institution, corporation, company, insurance provider, medical care provider  
28 or other legal entity or person having in their possession any and all real or personal

1 property of Decedent be ordered to provide information to Petitioners Andrew H. Friend  
2 and Stacey M. Friend, Co-Trustees regarding the Decedent and Decedent's accounts  
3 and to further comply with any transfer of or change in ownership, or any request or  
4 directive of a like kind or similar nature made by Andrew H. Friend and Stacey M.  
5 Friend, Co-Trustees, in order to effectuate the transfer of the Decedent's assets and  
6 property to said Co-Trustees of the Dale Friend Trust for distribution pursuant to the  
7 terms of said Trust.

8 6. That Petitioners Andrew H. Friend and Stacey M. Friend, Co-Trustees,  
9 have agreed and are authorized to pay any reasonable attorney's fees and costs  
10 related to the administration of the estate, to pay any claims or debts of Decedent or  
11 the Trust verified through appropriate receipts, invoices or claims as being owed from  
12 either (1) the proceeds of the estate distributed to the Co-Trustees or (2) assets held  
13 in the Dale Friend and Friend Family Trust prior to any distribution of the estate assets  
14 to the Trust beneficiaries.

15 7. The Court retains jurisdiction over this matter in the event that additional  
16 orders are necessary.

17 Affirmation: I, the undersigned, hereby affirm that this document submitted for  
18 filing does not contain a Social Security Number.

19 Dated: June 6, 2022.

20   
21 DISTRICT JUDGE

22 SUBMITTED BY:

23 DYER LAWRENCE, LLP

24   
25 Sandra G. Lawrence  
26 NV State Bar No. 2737  
27 2805 Mountain Street  
28 Carson City, NV 89703  
(775) 885-1896  
slawrence@dyerlawrence.com  
Attorney for Petitioners



EXHIBIT 1

SCHEDULE OF SEPARATE PROPERTY ASSETS

DALE FRIEND TRUST /D/12/22/2008

A. Financial Accounts:

1. Command Brokerage WT  
Account No. xxxx-5810 Appx. Value \$68,000.00
2. Command WT  
Account No. xxxx-6413 Appx. Value \$37,000.00

B. Oil & Gas Royalties:

1. Pioneer Natural Resources  
777 Hidden Ridge Irving, TX 75038  
3617 N. Big Spring St., Midland, TX 79705  
Tax ID #75-2516853  
(432) 571-5260
2. Apache Corp.  
2000 Post Oak Blvd., Suite 100, Houston, TX 77056-4400  
Tax ID # 41-0747868  
ownerrelations@apachecorp.com  
(800) 272 2434
3. Texas Petroleum Investment Co.  
5850 San Felipe Blvd., Suite 250, Houston, TX 77057  
Tax ID # 76-0289681  
(713) 789-9225
4. Grizzly Natural Gas LLC  
5847 San Felipe Blvd., Suite #3000  
Tax ID # 20-1951004  
revownerinquiry@grizzlyenergyllc.com  
(832) 377-2243  
2020 royalty \$137.80
5. XTO Energy Inc.  
2107 Research Forest Dr.  
LOC 125  
The Woodlands, TX 77380  
Tax ID #75-2347769  
Revenue\_Inquiry@exxonmobil.com  
(866) 886-2613
6. Sunoco Partners Mktg & Term  
PO Box 4933, Houston, TX 77210  
Tax ID #3-3102655  
(713) 989-4900

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7. Revolution Resources  
1421 E.45th St., Shawnee, OK 74804  
(405) 878-7358

8. Superior Pipeline Co., LLC  
PO Box 702500, Tulsa, OK 74170-2500  
(918) 477-4419  
Tax ID # 20-1541158

**C. Other:**

Any unknown or after discovered real or personal property held in the name of Malcolm Dale Friend A.K.A. Dale Friend.

**COPIES**

**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 9, 2022

BOBBIE R. WILLIAMS Clerk of Court  
of the State of Nevada, in and for the County of Douglas,

By W. W. Adams Deputy