

APN# 1318-10-316-014

Recording Requested by/Mail to:

Name: HERITAGE LAW

Address: 1625 SR-88, STE 304

City/State/Zip: MINDEN, NV 89423

Mail Tax Statements to:

Name: JULIA A. NELSON, TTEE

Address: PO BOX 1430

City/State/Zip: ZEPHYR COVE, NV 89448



SHAWNYNE GARREN, RECORDER

**ORDER CONFIRMING VALIDITY OF TRUST; CONFIRMING TRUSTEE;
AND CONFIRMING ASSET(S) TO TRUST – CERTIFIED COPY**

Title of Document (required)

Please complete the Affirmation Statement below:

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)
- Military Discharge – NRS 419.020 (2)
- Other NRS _____ (state specific law)

-OR-

I the undersigned hereby affirm the attached document, including any exhibits, hereby submitted
for recording does NOT contain the personal information of any person(s). (Per NRS 239B.030)

Signature

DANIELLE CHRISTENSON

Printed Name

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

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APR - 1 2024

Douglas County
District Court Clerk

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2024 APR - 1 PM 1:44

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CLERK

C. WALKER
BY _____ DEPUTY

1 Danielle L. Christenson, Esq.
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8 *Attorney for Petitioner/Successor Trustee ROBERT D. HINSHAW*

9 This document DOES NOT contain personal
10 information, pursuant to NRS 603A.040.

11 IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

12 IN AND FOR THE COUNTY OF DOUGLAS

13 In the Matter of the:

14 Dennis E. Nelson Revocable Trust,
15 dated November 10, 1994,
16 as amended and restated

17 CASE NO.: 2024-PB-00034

18 DEPT. NO.: II

19 **ORDER CONFIRMING VALIDITY OF TRUST; CONFIRMING TRUSTEE; AND CONFIRMING**
20 **ASSET(S) TO TRUST**

21 Petitioner and Successor Trustee ROBERT D. HINSHAW's *Petition for Order Confirming*
22 *Validity of Trust; Confirming Trustee; and Confirming Asset(s) to Trust (hereinafter: "Petition")*
23 came on regularly for hearing this day.

24 In attendance in person was attorney DANIELLE L. CHRISTENSON, ESQ., of
25 **HERITAGE LAW**, counsel for Petitioner and Successor Trustee ROBERT D. HINSHAW.

Upon proof duly made to the satisfaction of the Court, the Court now finds as follows:

1. All notices for hearing have been given in a manner and for a period prescribed by law.
2. The Court has jurisdiction over this matter under Nevada Revised Statutes (N.R.S.) sections 164.015, 164.010, 164.033, and 163.002, because the Trust instrument was created under Nevada law and duly executed by the Grantor/Settlor, Decedent DENNIS E.

1 NELSON, on November 10, 1994, and, furthermore, the trust has continually been domiciled in
2 Douglas County, State of Nevada, since its creation and at the time of the filing of the instant
3 *Petition*.

4 3. Venue is proper in Douglas County, Nevada, pursuant to NRS 164.010 because
5 the administration of the Trust is occurring in this State [NRS 164.010(2)(f)]. A true and correct
6 copy of the operative *Certification of Trust* is attached as **Exhibit 1** to the *Petition* on file herein.

7 4. Name of Decedent, Date and Location of Death: On December 12, 2023,
8 Grantor/Settlor DENNIS E. NELSON died at his home in Zephyr Cove, Douglas County, State
9 of Nevada. Decedent DENNIS E. NELSON, was a resident of Zephyr Cove, Douglas County,
10 State of Nevada, at the time of his death. A redacted color copy of the Decedent's Nevada
11 Death Certificate has previously been submitted to the Court as **Exhibit 2** to the *Petition* on file
12 herein.

13 5. Decedent's Revocable Trust: In 21994 Decedent was the Grantor/Settlor, initial
14 Trustee, and Beneficiary of the *Dennis E. Nelson Revocable Trust, dated November 10, 1994*,
15 and any amendments thereto. A true and correct copy of the Trust, as amended and restated
16 on January 17, 2014, is attached as **Exhibit 3** to the *Petition* on file herein.

17 6. Decedent Intended His Undivided One-Half (1/2) Interest in the Marital Residence
18 To Be Included in the Initial Funding of the Trust and To Be Administered As Part of His
19 Revocable Trust After His Death: By virtue of the following provisions in the Trust and/or
20 document(s) that follow, Petitioner and Successor Trustee ROBERT D. HINSHAW, alleges that
21 the Decedent desired to have his undivided one-half (1/2) interest in the marital residence
22 administered pursuant to the terms of the Trust:

23 a) By statement of intent contained in the Decedent's Trust on Page 6 of 14,
24 at Section Seven, "Special Provisions Regarding Grantor's Principal Residence," of Article III,
25 "DISPOSITION OF TRUST PROPERTY AFTER GRANTOR'S DEATH," which states:

1 I anticipate that at my death if my wife, JULIA A. NELSON, survives me,
2 all or a part of my interest in the principal residence in which my wife and
3 I reside at the time of my death will become part of a trust established
4 under this trust instrument. If so, during my wife's lifetime the Trustee is
5 directed as follows with respect to my interest in such residence and any
6 other interest in a residence purchased by the Trustee as provided in this
7 Section:

8 **A. Retention and Use of Residence.** The Trustee, in the Trustee's
9 discretion, may retain the interest in the residence in trust and permit my
10 wife to use and occupy the residence rent free.

11 **B. Payment of Expenses of Residence.** The Trustee shall pay out of
12 the trust that percentage of all expenses incurred in connection with the
13 carrying, upkeep, maintenance and repair of the residence including,
14 without limitation, all mortgage payments, taxes, assessments, utilities,
15 insurance and repairs, which is equal to the trust's percentage ownership
16 of the residence.

17 ...

18 b) By the terms of the Decedent's *Will of Dennis E. Nelson*, dated January
19 17, 2014. A true and correct copy of Decedent's *Will of Dennis E. Nelson*, dated January 17,
20 2014, is attached hereto as **Exhibit 4** to the *Petition* on file herein, and states, in relevant part:

21 **ARTICLE I**
22 **DISPOSITION OF ESTATE**

23 ...

24 **B. Gift of Residuary Estate.** I give my residuary estate, being all
25 of my real and personal property, wherever located, not otherwise
effectively disposed of, but without exercising any power of
appointment over property which I may have, to the Trustee acting
under that revocable trust agreement previously executed on the 10th day
of November, 1996, by me as Grantor, to be added to and disposed of as
part of the trusts created under the provisions of that trust instrument,
including any amendments to it in effect at the time of my death.

...

...

7. Currently Acting Trustee: Petitioner herein, ROBERT D. HINSHAW, is the
currently acting Successor Trustee/Trustee of the *Dennis E. Nelson Revocable Trust*, dated

1 November 10, 1994, and any amendments thereto, and now desires to have Decedent's
2 undivided one-half (1/2) interest in the marital residence known as and located at 628 Zephyr
3 Heights, Zephyr Cove, Douglas County, Nevada 89448, APN: 1318-10-316-014, assigned,
4 transferred, conveyed, distributed, delivered, and confirmed to him as the Trustee of the *Dennis*
5 *E. Nelson Revocable Trust, dated November 10, 1994*, and any amendments thereto, and as an
6 undisputed asset of the *Dennis E. Nelson Revocable Trust, dated November 10, 1994*, and any
7 amendments thereto.

8 The legal description for APN: 1318-10-316-014, known as and located at 628 Zephyr
9 Heights Dr., Zephyr Cove, Douglas County, Nevada 89448, is as follows:

10 Lot 14, Block E, as shown on the map of Zephyr Heights Subdivision No. 5, filed
11 in the Office of the County Recorder of Douglas County, Nevada on June 6, 1955.

12 **ACCORDINGLY, THE COURT HEREBY FINDS** as follows:

13 8. N.R.S. 164.015 authorizes a trustee to bring a petition "...concerning the
14 administration and distribution of trusts, . . .including petitions. . .for a ruling that property not
15 formally titled in the name of a trust, or its trustee constitutes trust property pursuant to NRS
16 163.002."

17 9. An authorized method of creating a trust is by "[a] declaration by the owner of the
18 property that he or she or another person holds the property as trustee." N.R.S. 163.002(1)(a).

19 10. A declaration pursuant to NRS 163.002(1)(a) "...may include a schedule or list of
20 trust assets that is signed by the owner of the property or that is incorporated by reference into
21 a document that is signed by the owner of the property."

22 11. Here, Grantor/Settlor and initial Trustee, Decedent DENNIS E. NELSON, created
23 a revocable living trust when he executed the Trust and declared himself Trustee. Clearly,
24 Decedent engaged in an authorized method of creating a Nevada trust under N.R.S.
25 163.002(1)(a) when he created the Trust.

1 12. On the same date of his execution of his Trust, Decedent DENNIS E. NELSON,
2 executed his *Will of Dennis E. Nelson* dated October 12, 2021, which constitutes a “pour-over”
3 Will and directs the disposition of the Decedent’s estate to the “...then-acting Trustee(s) of my
4 Trust, of which I am a Grantor, known as the *Dennis E. Nelson Revocable Trust, dated November*
5 *10, 1994, and any amendments thereto...*”

6 Under these circumstances, Decedent’s undivided one-half interest in Decedent’s
7 residence known as and located at 628 Zephyr Heights Dr., Zephyr Cove, Douglas County,
8 Nevada 89448, APN: 1318-10-316-014, is properly assigned, transferred, conveyed,
9 distributed, delivered, and confirmed to Petitioner ROBERT D. HINSHAW, ESQ. as the Trustee
10 of the *Dennis E. Nelson Revocable Trust, dated November 10, 1994, and any amendments*
11 *thereto, as an asset(s) of the Dennis E. Nelson Revocable Trust, dated November 10, 1994, and*
12 *any amendments thereto, so that Petitioner ROBERT D. HINSHAW, ESQ., Successor Trustee*
13 *of the Dennis E. Nelson Revocable Trust, can marshal, secure, manage, and administer per the*
14 *terms of the trust, the subject undivided one-half interest in the real property.*

15 **GOOD CAUSE APPEARING, IT IS HEREBY ORDERED, ADJUDGED AND**
16 **DECREED** as follows:

17 A. The Court finds that the proper parties have received sufficient notice under
18 N.R.S. 164.033(4)(a) and (4)(b);

19 B. The Court finds that N.R.S. 164.015 authorizes a trustee to bring a petition
20 “...concerning the administration and distribution of trusts, . . . including petitions. . .for a ruling
21 that property not formally titled in the name of a trust, or its trustee constitutes trust property
22 pursuant to N.R.S. 163.002.”

23 C. The Court finds that venue is proper in Douglas County, Nevada, pursuant to NRS
24 164.010 as the administration of the Trust is occurring in this State, and Decedent DENNIS E.
25 NELSON was a resident of Douglas County, Nevada, at the time of his death;

1 D. The Court confirms the *Dennis E. Nelson Revocable Trust*, dated November 10,
2 1994, and any amendments thereto, was a validly created Nevada trust under NRS 163.002;

3 E. The Court confirms Petitioner ROBERT D. HINSHAW as the Successor
4 Trustee/Trustee of the *Dennis E. Nelson Revocable Trust*, dated November 10, 1994, and any
5 amendments thereto;

6 F. The Court finds that Decedent's undivided one-half interest in Decedent's
7 residence known as and located at 628 Zephyr Heights Dr., Zephyr Cove, Douglas County,
8 Nevada 89410, APN: 1318-10-316-014, is confirmed as an asset of the Trust and is properly
9 assigned, transferred, conveyed, distributed, delivered, and confirmed to Petitioner ROBERT D.
10 HINSHAW as Successor Trustee of the *Dennis E. Nelson Revocable Trust*, dated November 10,
11 1994, and any amendments thereto, so that Petitioner ROBERT D. HINSHAW, ESQ., Successor
12 Trustee of the *Dennis E. Nelson Revocable Trust*, dated November 10, 1994, and any
13 amendments thereto, can marshal, secure, manage, and administer per the terms of the trust,
14 the Decedent's undivided one-half interest in the subject real property known as and located at
15 628 Zephyr Heights Dr., Zephyr Cove, Douglas County, Nevada 89448, APN: 1318-10-316-
16 014.

17 The legal description for APN: 1318-10-316-014, known as and located at 628 Zephyr
18 Heights Dr., Zephyr Cove, Douglas County, Nevada 89448, is as follows:

19 ...
20 ...
21 ...
22 ...
23 ...
24 ...
25 ...

1 Lot 14, Block E, as shown on the map of Zephyr Heights Subdivision No. 5, filed
2 in the Office of the County Recorder of Douglas County, Nevada on June 6, 1955.

3 **IT IS SO ORDERED.**

4 **DATED:** April, 2024.

5 

6 **HON. THOMAS W. GREGORY.**
7 **DISTRICT JUDGE**

8
9
10
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14
15 Submitted by:

16 **HERITAGE LAW**

17
18 By: 

19 **DANIELLE L. CHRISTENSON, ESQ.**

20 **SBN 4295**

21 *Attorney for Petitioner/Successor Trustee ROBERT D. HINSHAW*

COPY

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 April 1, 2024

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

By *C. Vala* Deputy