

1 MRCN (PRB)
2 REBECCA L. NORRINGTON
3 10305 BROOM HILL DRIVE
4 LAS VEGAS, NEVADA 89134
5 RLNSIGNATURE@GMAIL.COM
6 (626) 374-8524
7 IN PRO PER

8 EIGHTH JUDICIAL DISTRICT COURT

9 CLARK COUNTY, NEVADA

10
11 In the Matter of the) Case No. P-19-099344-T
12) Dept. No. 5
13 NORRINGTON FAMILY TRUST,) Hearing Dated:
14) Time:
15 Dated November 16, 1993.)

16 BENEFICIARY REBECCA L. NORRINGTON'S MOTION TO RECONSIDER
17 JUDICIAL ORDER DATED MARCH 25, 2022, FOR FIRST AND FINAL ACCOUNT
18 OF THE NORRINGTON FAMILY TRUST, TO CONFIRM DISTRIBUTIONS OF THE
19 NORRINGTON FAMILY TRUST AND TO APPROVE AND CONFIRM SUCCESSOR
20 TRUSTEE FEES AND COSTS

21 Comes now Beneficiary Rebecca L. Norrington's, in the
22 above-captioned cause, moves the Court to Reconsider Its Opinion
23 and Order in this matter dated March 25, 2022. Grounds for this
24 Motion for Judicial Reconsideration are as follows:

25 1. **There's a hearing set on May 20, 2022, to Adjudicate**
Beneficiary Rebecca L. Norrington's Amended Answer to Petition

1 requesting Judicial Review and Ruling to compel compliance with
2 the terms of the Norrington Family Trust, declare the "specific
3 bequest" of the real property located at 2832 Linkview Drive,
4 Las Vegas, Nevada to be invalid and void, request for attorneys'
5 fees and costs and request for all matters pertaining to the
6 Norrington Family Trust be public record, and adjustment of
7 Successor Trustee's fees and costs. (Exhibit 1)

8
9 2. A Judicial Decision and Ruling has not been made in
10 regards to Sean Tanko accused of allegedly acting in bad faith,
11 and negligently drafting a fourth amendment to the Norrington
12 Trust dated August 29, 2016, which included a "special bequest"
13 gifting the family home to Marcelle Norrington's handyman
14 Christian P. Bakke. (Exhibit 2)

15 3. A Judicial Decision and Ruling has not been made in
16 regards to whether or not the **language** of the NORRINGTON FAMILY
17 TRUST dated November 16, 1993, supports Marcelle Norrington
18 having legal ownership of the property located at 2832 Linkview
19 Drive, Las Vegas, Nevada at the time of her death in 2018,
20 and/or at the time of the "special bequest" in 2016. (Exhibit 2)

21 4. A Judicial Decision and Ruling has not been made in
22 regards to the legal *interpretation* of the NORRINGTON FAMILY
23 TRUST. According to Probate attorneys, Alice Denton, Jarien L.
24 Cho and Mark Solomon, (acting as an expert witness)
25

1 reviewed and interpreted the NORRINGTON FAMILY TRUST dated
2 November 16, 1993. All three attorneys came to the same
3 conclusion. According to the language of the NORRINGTON FAMILY
4 TRUST, in which Rebecca L. Norrington alleges Sean Tanko
5 negligently interpreted, Marcelle Norrington did not legally own
6 or have the right to gift the real property located at 2832
7 Linkview Drive, to her handyman Christian P. Bakke. Therefore,
8 Sean Tanko's fourth amendment dated August 29, 2016, is invalid
9 and void. (Exhibit 3)

10
11 5. A Judicial Decision and Ruling has not been made in
12 regards to reimbursing Beneficiary Rebecca L. Norrington
13 \$175,00.00 in attorney, settlement and misc. fees, solely due to
14 Sean Tanko's alleged negligence in interpreting the NORRINGTON
15 FAMILY TRUST. (Exhibit 4)

16 6. A Judicial Decision and Ruling has not been made as to
17 whether or not Sean Tanko, acted negligently and failed to
18 divide the Trust at the time of Ralph Norrington's death.
19 (Exhibit 3, p. 2, p. 7) (Exhibit 8)

20 5. A Judicial Decision and Ruling has not been made on
21 Alice Denton's Petition to Assume Jurisdiction of Trust, To
22 Remove Trustee, To Declare Bequest of Real Property in the
23 Fourth Amendment dated August 29, 2016 to be Void and to Compel
24 Compliance with Terms of the NORRINGTON FAMILY TRUST. (Exhibit 3)
25

1 6. A Judicial Decision and Ruling has not been made whether
2 or not the allocation of the Trust Estate to the Survivor's
3 Trust is expressly limited and restricted: Example: "It is the
4 Deceased Spouse's intent that assets qualifying for the Federal
5 Estate Tax Marital Deduction shall be transferred to the
6 Survivor's Trust only to the otherwise payable by the Deceased
7 Spouse's Estate." (Exhibit 3, p. 7) & (Exhibit 8 [Norrington
8 Family Trust] p. 27)
9

10 7. A Judicial Decision and Ruling has not been made on
11 ownership of the real property located at 2832 Linkview Drive.
12 Beneficiary Rebecca L. Norrington contends ownership was the
13 sole property of married man, Ralph Norrington. (Exhibit 5)

14 8. A Judicial Decision and Ruling has not been made that
15 the real property located at 2832 Linkview Drive, Las Vegas,
16 Nevada was not, nor never could have been allocated to the
17 Survivor's Trust. (Exhibit 3, p. 7)

18 9. A Judicial Decision and Ruling has not been made on the
19 specific bequest of the real property contained in the Fourth
20 Amendment to the Survivor's Trust is invalid and void, because
21 the real property [and its contents] is not an asset of the
22 Survivor's Trust, but rather, is an asset of Trust "B" (the
23 Unified Credit Trust). (Exhibit 3, p. 8)
24

25 10. A Judicial Decision and Ruling has not been made on the
Amendment to the Norrington Family Trust executed by Trustors

1 Ralph and Marcelle on May 4, 2005, specifically bequests 2832
2 Linkview Drive, Las Vegas, Nevada, and its contents to Rebecca
3 Linn Norrington. (Exhibit 6)

4 1. A Judicial Decision and Ruling has not been made to
5 adjust Sean Tanko's fees and costs to \$4,000.00 reflecting the
6 settlement agreement made on February 3, 2022. (Exhibit 7)
7
8
9
10
11

12 Wherefore, Plaintiff prays that this Court will amend its
13 Final Judgment and reconsider its Opinion and Order in this
14 matter and to modify the Order to reflect;

15 1. A Final Order be issued after the hearing scheduled on
16 May 20, 2022, in Chambers.

17 2. A Final Order be issued reflecting which party **owned** the
18 property on 2832 Linkview Drive, Las Vegas, Nevada, at the time
19 of Marcelle Norrington's death in 2018.

20 3. A Final Order be issued waiving all Successor Trustee
21 fees and reflect Sean Tanko's settlement agreement which accepts
22 \$4,000.00.

23 4. A Final Order be issued granting Beneficiary Rebecca L.
24 Norrington be reimbursed \$175,000.00 in attorney, settlement,
25 and miscellaneous fees.

5. A Final Order be issued to grant all Court filings that pertain to Case NO. P-19-099344-T remain public record.

6. A Final Order be issued that compel Sean Tanko **not be released from liability** or granted harmless from any and all liability associated with the NORRINGTON FAMILY TRUST dated November 16, 1993 unless a settlement agreement is reached.

7. That Sean Tanko be immediately discharged from further responsibilities as Successor Trustee of the NORRINGTON FAMILY TRUST after a settlement agreement has been reached and Norrington funds be distributed within 14 days of settlement agreement.

Dated this 15th day of March 2022.

Rebecca L. Norrington
In Pro Per
10305 Broom Hill Drive
Las Vegas, NV 89134
(626) 374-8524
Email: RLNsignature@gmail.com

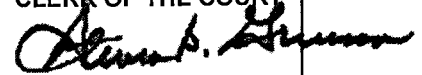
BENEFICIARY REBECCA L. NORRINGTON'S

**MOTION FOR RECONSIDERATION OF
JUDICAL ORDER**

EXHIBIT 1

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Electronically Filed
2/25/2022 9:31 AM
Steven D. Grierson
CLERK OF THE COURT



In the Matter of the Trust of:
Norrington Trust

Case No.: P-19-099344-T

Department 5

NOTICE OF HEARING

Please be advised that the Beneficiary Rebecca L. Norrington's Amended Answer to Petition for First and Final Account of the Norrington Family Trust, to Confirm Distributions of the Norrington Family Trust and to Approve and Confirm Successor Trustee Fees and Costs; Request for Judicial Review and Ruling to Declare the Specific Bequest of Real Property to be Void and to Compel Compliance with Terms of the Norrington Family Trust, Award Attorneys' Fees and Request All Court Filings Pertaining to the Norrington Family Trust be Public Record in the above-entitled matter is set for hearing as follows:

Date: May 20, 2022

Time: Chambers

Location: Chambers
Regional Justice Center
200 Lewis Ave.
Las Vegas, NV 89101

NOTE: Under NEFCR 9(d), if a party is not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, the movant requesting a hearing must serve this notice on the party by traditional means.

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Chaunte Pleasant
Deputy Clerk of the Court

CERTIFICATE OF SERVICE

I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion Rules a copy of this Notice of Hearing was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

By: /s/ Chaunte Pleasant
Deputy Clerk of the Court

BENEFICIARY REBECCA L. NORRINGTON'S

**MOTION FOR RECONSIDERATION OF
JUDICAL ORDER**

EXHIBIT 2

**FOURTH AMENDMENT
TO THE
THE NORRINGTON FAMILY TRUST, Dated November 16, 1993**

This Amendment, dated the 29th day of August, 2016, is made in accordance with Article 8, entitled Right to Change Beneficiary as provided on Page 37 of the Trust dated November 16, 1993.

WITNESSETH;

WHEREAS, RALPH NORRINGTON and MARCELLE D. NORRINGTON, as Trustors, established the within referenced Trust on November 16, 1993; and

WHEREAS, pursuant to the power reserved to MARCELLE D. NORRINGTON, as the Surviving Trustor, she now desires to amend the Survivor's Trust of this Trust Agreement.

NOW, THEREFORE by executing this First Amendment, the Trustor herewith makes the following changes to and modifications of THE NORRINGTON FAMILY TRUST, Dated November 16, 1993.

I.

ARTICLE 11 ALLOCATION AND DISTRIBUTION OF TRUST ASSETS Subsection titled PRIMARY BENEFICIARIES and ALLOCATION OF TRUST ASSETS / REMAINDER of Article 11 shall be modified, and the following shall be inserted in its stead.

PRIMARY BENEFICIARIES

Upon the death of the Surviving Trustor, the Primary Beneficiaries of this Trust are:
Rebecca L. Norrington, David E. Norrington, Nathan Norrington, David E. Norrington, and Christian P. Bakke.

ALLOCATION OF TRUST ASSETS / REMAINDER

Upon the death of the Surviving Trustor, and after the debts and obligations, and provisions of the Trust Estate have been satisfied, including any special retentions and or distributions, the Trustee shall allocate and distribute the remainder of the Trust Estate as

Sean M. Tanko.
Attorney at Law

M. D. N.

follows:

Specific Bequest: The Trustee shall distribute to Christian P. Bakke the Trustor's home located at 2832 Linkview Dr., Las Vegas, NV 89134, providing the Trustor is residing in the Trustor's home at the time of the Trustor's death. The Trustee shall then allocate the remaining balance of the Trust Estate as then constituted to the following Trust beneficiaries in the following respective distribution amounts: to Rebecca L. Norrington, Thirty-Five Percent (35%), to David E. Norrington Thirty-Five Percent (35%), to Nathan Norrington Fifteen Percent (15%) and to Christian Norrington Fifteen Percent (15%) of the net Trust Estate available. All other provisions of the Subsection DISTRIBUTION OF TRUST ASSETS shall be applied to any beneficiary's share who has predeceased the Surviving Trustor.

II.

IN ALL OTHER RESPECTS, this Trust is hereby republished and affirmed.

III.

THIS AMENDMENT is accepted, made, and executed by the Trustor and Trustee in the State of Nevada on the day and year first above written.

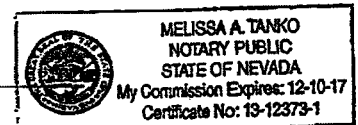
Marcelle D. Norrington
MARCELLE NORRINGTON

STATE OF NEVADA)
) SS.
COUNTY OF CLARK)

On the 29th day of August, 2016, before me, the undersigned Notary Public, personally appeared MARCELL NORRINGTON, known to me to be the person whose name is subscribed to the attached instrument, and acknowledged that she executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Melissa A. Tanko
NOTARY PUBLIC



Sean M. Tanko.
Attorney at Law

M. D. N.

BENEFICIARY REBECCA L. NORRINGTON'S

**MOTION FOR RECONSIDERATION OF
JUDICAL ORDER**

EXHIBIT 3



CASE NO: P-19-099344-T
Department B

PET
Alice S. Denton, Esq.
State Bar No. 008420
Jarien L. Cho, Esq.
State Bar No. 008401
DENTON CHO
411 E. Bonneville Ave., #300
Las Vegas, NV 89101
(702) 384-1723
Attorneys for Petitioner

DISTRICT COURT
CLARK COUNTY, NEVADA

In the Matter of the)	CASE NO.
NORRINGTON FAMILY TRUST)	DEPT. NO.
Dated November 16, 1993)	

**PETITION TO ASSUME JURISDICTION OF TRUST, TO REMOVE TRUSTEE,
TO DECLARE BEQUEST OF REAL PROPERTY IN THE
FOURTH AMENDMENT DATED AUGUST 29, 2016 TO BE VOID AND
TO COMPEL COMPLIANCE WITH TERMS OF TRUST**

Date of Hearing: _____, 2019.

Time of Hearing: 9:30 a.m.

Petitioner REBECCA L. NORRINGTON, by and through her attorneys, Alice S. Denton, Esq. and Jarien L. Cho, Esq., of the law firm of Denton Cho, hereby petitions this Court to (1) assume jurisdiction over the NORRINGTON FAMILY TRUST dated November 16, 1993 ("the Trust"), (2) remove Sean Tanko as Successor Trustee and appoint a neutral person or trust company in his place, (3) declare the specific bequest of the real property located at 2832 Linkview Drive, Las Vegas, Nevada, to Christian Bakke in the Fourth Amendment to the Trust to be void, (4) to compel compliance with the terms of the Trust; and (5) award attorneys' and fees to Petitioner REBECCA L. NORRINGTON.

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JURISDICTIONAL AND FACTUAL ALLEGATIONS

1. On November 16, 1993, Trustors Ralph Norrington ("Ralph") and Marcelle D. Norrington ("Marcelle") created and executed the NORRINGTON FAMILY TRUST, a copy of which is attached hereto as *Exhibit 1* and incorporated herein by this reference (sometimes referred to herein as "the Norrington Trust" or the "Family Trust Agreement").

2. The Norrington Trust was executed in Clark County, Nevada, and provides that the Trust shall be governed by the laws of the State of Nevada. See Exh. 1.

3. The Norrington Trust provides, in pertinent part, as follows:

- a. Separate property shall retain its character as the separate property of the Trustor who transferred the property to the Trust. See Family Trust Agreement, Exh. 1, p. 2.
- b. On the death of the Deceased Spouse, the Trust Estate shall be divided into two Trusts, designated "Trust A" (or the Survivor's Trust) and "Trust B" (or the Unified Credit Trust). See Family Trust Agreement, Exh. 1, p. 26.
- c. The Survivor's Trust is to be funded with his or her separate property, and such assets that would "effect a reduction in the Federal Estate Tax otherwise payable by the Deceased Spouse Estate," and the remainder of the Trust Estate would fund the Decedent's Trust B (Unified Credit Trust) and Trust C (the QTIP). See Family Trust Agreement, Exh. 1, p. 27-31.
- d. The Survivor's Trust remained revocable during the life of the Survivor Trustor, while Trusts B and C became irrevocable. See Family Trust Agreement, Exh. 1, p. 3.

4. On November 16, 1993, Ralph, a married man dealing with his sole and separate property, transferred the real property located at 2832 Linkview Drive, Las Vegas, Nevada, to the Norrington Trust. See copy of Quitclaim Deed dated November 16, 1993 transferring 2832 Linkview Drive, Las Vegas, Nevada, from Ralph Norrington to the Norrington Trust. A copy of the 1993 Deed is attached hereto as *Exhibit 2* and incorporated herein by this reference.

5. On May 4, 2005, pursuant to the powers reserved to them in Article Two, entitled "Trustors' Power to Amend,"¹ Trustors Ralph and Marcelle executed an "Amendment to the

¹ Norrington Family Trust, Article Two, pages 5:
"TRUSTORS' POWER TO AMEND"

1 Norrington Family Trust" which states in pertinent part as follows:

2 *"3. Rebecca Linn Norrington will solely inherit the residence at 2832 linkview*
3 *Drive Las Vegas NV 89134. She will also inherit its' contents."*

4 A copy of the May 4, 2005 Amendment is attached hereto as *Exhibit 3* and incorporated herein
5 by this reference.

6 6. On June 25, 2008, Trustor Ralph Norrington passed away.

7 7. At the time of Trustor Ralph's death, the property of the Norrington Trust
8 consisted of Trustor Ralph's separate property, including the residence at 2832 Linkview Drive,
9 Las Vegas, Nevada, and the community property of the Trustors, and the total value of the trust
10 property was below the federal estate tax exemption.

11 8. After Trustor Ralph's death, Trustor Marcelle failed to divide the assets of the
12 Family Trust into two trust as required by the express language of Family Trust Agreement.

13 9. On March 6, 2014, in accordance with Article 8, entitled Right to Change
14 Beneficiary [of the Survivor's Trust], Trustor Marcelle executed a "First Amendment" to the
15 Survivor's Spouse Trust A - Norrington Family Trust ("Survivor's Trust") which provides in
16 pertinent part as follows:

17 Specific Bequest: *The Trustee shall distribute to Rebecca L. Norrington the*
18 *Trustor's home providing the Trustor is residing in the Trustor's home at the time*
19 *of Trustor's death. The Trustee shall then allocate the remaining balance of the*
20 *Trust Estate as then constituted to the following Trust beneficiaries in the*
21 *following respective distribution amounts: to Rebecca L. Norrington Thirty-Five*
22 *Percent (35%), to David E. Norrington Thirty-Five Percent (35%), to Nathan*
23 *Norrington Fifteen Percent (15%) and to Christian Norrington Fifteen Percent*
24 *(15%) of the net Trust Estate available. All other provisions of the Subsection*
25 DISTRIBUTION OF TRUST ASSETS shall be applied to any beneficiary's share
26 who has predeceased the Surviving Trustor. [Emphasis added.]

27 The document was prepared by Sean M. Tanko, Attorney at Law. A copy of the First
28 Amendment to the Survivor's Trust of the Norrington Family Trust executed on March 6, 2014,
is attached hereto as *Exhibit 4* and incorporated herein by this reference.

10 10. On July 29, 2014, in accordance with Article 8, entitled Right to Change

11 _____
12 The Trustors acting together may at any time during their joint lives amend any of the terms
13 of this Trust by a written document delivered to the Trustees. ..."

1 Beneficiary [of the Survivor's Trust], a Second Amendment to the Survivor's Trust was executed
2 by Trustor Marcelle wherein she nominated Rebecca L. Norrington to serve as Successor Trustee
3 of all trust created therein. The document was prepared by Sean M. Tanko, Attorney at Law. A
4 copy of the Second Amendment to the Norrington Family Trust executed on July 29, 2014, is
5 attached hereto as *Exhibit 5* and incorporated herein by this reference.

6 11. On May 22, 2015, in accordance with Article 8, entitled "Right to Change
7 Beneficiary of the Survivor's Trust," a Third Amendment to the Survivor's Trust was executed
8 by Trustor Marcelle wherein she nominated Sean M. Tanko, Esq., as Successor Trustee, and
9 Rebecca L. Norrington as "second" Successor Trustee. The document was prepared by Sean M.
10 Tanko, Attorney at Law. A copy of the Third Amendment to the Norrington Family Trust
11 executed on May 22, 2015, is attached as *Exhibit 6* and incorporated herein by this reference.

12 12. On August 29, 2016, in accordance with Article 8, entitled "Right to Change
13 Beneficiary" [of the Survivor's Trust], a Fourth Amendment to the Survivor's Trust of the
14 Norrington Family Trust was executed by Trustor Marcelle provides in pertinent part as follows:

15 "Specific Bequest: *The Trustee shall distribute to Christian P. Bakke the*
16 *Trustor's home located at 2832 Linkview Dr., Las Vegas, NV 89134, providing*
17 *the Trustor is residing in the Trustor's home at the time of the Trustor's death...*
[Emphasis added.]

18 The document was prepared by Sean M. Tanko, Attorney at Law. A copy of the Fourth
19 Amendment, executed on August 29, 2016, is attached hereto as *Exhibit 7* and incorporated
20 herein by this reference.

21 13. At the time of the execution of the Fourth Amendment, Marcelle was 87 years of
22 age, did not drive, and was suffering from dementia, hypertensive and arteriosclerotic
23 cardiovascular disease.

24 14. Christian P. Bakke was Marcelle's handy man and, upon information and belief,
25 Marcelle depended on Bakke for transportation, companionship, personal assistance with her
26 finances and daily needs.

27 15. Trustor Marcelle died on October 29, 2018, at the age of 89 years from
28 hypertensive and arteriosclerotic cardiovascular disease. See copy of Death Certificate of

1 Marcelle Norrington attached as *Exhibit 8* and incorporated herein by this reference.

2 16. Marcelle, a widow, was survived by two adult living children, namely, Petitioner
3 Rebecca L. Norrington and David E. Norrington, and no deceased children.

4 17. The names and addresses of Marcelle's heirs and all interested parties are:

5 Ralph Norrington, Jr.
6 216 E. 143 Street
Dalton, IL 60419

7 Rebecca L. Norrington
8 200 Merlot Way
Roseburg, OR 97471

9 David E. Norrington
10 115 W. 111th Street
Los Angeles, CA 90061

11 Nathan Norrington
12 64 W. 108th Street, Apt. 1A
New York, New York 10025

13 Christian Norrington
14 21041 Parthenia Ave., #258
Canoga Park, CA 91304

15 Christian P. Bakke
16 9104 Litchfield
Las Vegas, NV 89134.

17 18. On January 8, 2019, a Certificate of Incumbency was recorded with the Clark
18 County Recorder whereby Sean M. Tanko, Esq. accepted the position of Successor Trustee of the
19 Norrington Family Trust.

20 19. On March 4, 2019, Rebecca L. Norrington made a written demand to Trustee
21 Sean M. Tanko that he comply with the terms of the First Amendment to the Norrington Family
22 Trust executed by Trustors Ralph and Marcelle on May 4, 2005, and transfer to her the real
23 property at 2832 Linkview Drive, Las Vegas, Nevada, together with the contents therein.

24 20. Trustee Sean M. Tanko has refused and continues to refuse to comply with the
25 terms of the First Amendment to the Trust executed by Trustors Ralph and Marcelle on May 4,
26 2005, and has refused to transfer to Rebecca L. Norrington the real property, and the contents
27 thereof, located at 2832 Linkview Drive, Las Vegas, Nevada.

28 21. Jurisdiction of the Norrington Family Trust is appropriate as a matter in *rem*

1 pursuant to NRS 164.010 and 164.015.

2 II.

3 LEGAL ARGUMENT

4 A. This Court Has the Authority to Assume Jurisdiction of the Norrington
5 Family Trust.

6 22. NRS 153.031(1) provides that a trustee or beneficiary of a trust may petition the
7 court regarding any aspect of the affairs of the trust, including, among others : "... (d)
8 Determining the validity of a provision of the trust; (e) Ascertaining beneficiaries and
9 determining to whom property is to pass or be delivered upon final or partial termination of the
10 trust, to the extent not provided in the trust instrument; ... (k) Appointing or removing a trustee;
11 ... (g) Compelling compliance with the terms of the trust or other applicable law."

12 23. NRS 164.010(1) provides that the district court of the county in which any trustee
13 resides at the time of the filing of a petition shall assume jurisdiction of the trust in rem.

14 24. NRS 164.010(2)(c) further provides that a trust is domiciled in Nevada if the trust
15 owns an interest in real property in Nevada.

16 25. NRS 164.015 further authorizes this Court to assume jurisdiction over a trust to
17 remove a trustee²:

18 26. Article Twelve of the Norrington Family Trust Agreement provides that Nevada
19 law shall govern the validity, construction, interpretation, and administration of the Norrington
20 Family Trust. See Family Trust Agreement, Exh. 1, p. 58.

21 27. The Norrington Family Trust owns the real property located at 2832 Linkview
22 Dr., Las Vegas, NV 89134.

23
24 ²The court has exclusive jurisdiction of proceedings initiated by the petition of an interested
25 person concerning the internal affairs of a nontestamentary trust, including a revocable living trust
26 while the settlor is still living if the court determines that the settlor cannot adequately protect his
27 own interests or if the interested person shows that the settlor is incompetent or susceptible to undue
28 influence. Proceedings which may be maintained under this section are those concerning the
administration and distribution of trusts, the declaration of rights and the determination of other
matters involving trustees and beneficiaries of trusts....

1
2 28. Sean M. Tanko, the currently acting Successor Trustee, resides within the County
3 of Clark, State of Nevada.

4 29. Petitioner hereby petitions this Court to assume jurisdiction of then Norrington
5 Family Trust.

6 B. The Specific Bequest of 2832 Linkview Drive, Las Vegas set forth in the
7 August 29, 2016 Fourth Amendment to Survivor's Trust is invalid and void.

8 30. The Norrington Family Trust required that, upon the death of the first Trustor to
9 die, the Trust Estate be divided in two separate Trusts, Trust "A" (the Survivor's Trust) and Trust
10 "B" (the Unified Credit Trust -- QTIP). See Exh. 1, p. 26-27.

11 31. The Survivor's Trust was to be funded with the Survivor's separate property and
12 "[t]he minimum dollar amount necessary as a marital deduction to eliminate (or to reduce to the
13 extent possible" any Federal Estate Tax and Generation Skipping Tax at the death of the
14 Deceased Spouse..." See Exh. 1, p. 27.

15 32. The allocation of the Trust Estate to the Survivor's Trust is expressly limited and
16 restricted:

17 "It is the Deceased Spouse's intent that assets qualifying for the Federal Estate
18 Tax Marital Deduction shall be transferred to the Survivor's Trust only to the
19 extent that such transfer would effect a reduction in the Federal Estate Tax
otherwise payable by the Deceased Spouse's Estate."

20 33. On June 28, 2008, Trustor Ralph Norrington passed away.

21 34. There was no Federal Estate Tax payable by the Deceased Spouse's Estate.

22 35. The real property located at 2832 Linkview Drive of Las Vegas was not the
23 separate property of Trustor Marcelle. See *Exhibit 9*, Grant Bargain Sale Deed dated September
24 14, 1989.

25 36. The real property located at 2832 Linkview Drive, Las Vegas, Nevada was not, nor
26 never could have been, allocated to the Survivor's Trust.

27 37. The Amendment to the Norrington Family Trust executed by Trustors Ralph and
28 Marcelle on May 4, 2005, specifically bequests 2832 Linkview Drive, Las Vegas, Nevada, and its

1 contents, to Rebecca Linn Norrington. See *Exhibit 3* hereto.

2 38. The Fourth Amendment to the Norrington Family Trust allegedly executed by
3 Trustor Marcelle on August 26, 2016, was made in accordance with Article 8, entitled "Right to
4 Change Beneficiary" of Trust "A" (the Survivor's Trust).

5 39. The specific bequest of the real property contained in the Fourth Amendment to the
6 Survivor's Trust is invalid and void, because the real property [and its contents] is not an asset of
7 the Survivor's Trust, but rather, is an asset of Trust "B" (the Unified Credit Trust).

8 40. Therefore, the real property located at 2832 Linkview Drive, Las Vegas, Nevada
9 should be transferred to Petitioner Rebecca Linn Norrington in accordance with the Amendment
10 to the Trust executed by Trustors Ralph and Marcelle on May 4, 2005, and the specific bequest of
11 such real property to Christian P. Bakke in the Fourth Amendment to the Survivor's Trust should
12 be declared void.

13 **C. Specific Bequest of 2832 Linkview Drive, Las Vegas set forth in the August 29,**
14 **2016 Fourth Amendment to Survivor's Trust Should Be Declared to be Void Because It Is a**
15 **Product of Undue Influence And Duress.**

16 41. "Where the alleged donor lacks such mental vigor as to enable him to protect
17 himself against imposition [of undue influence and/or duress], the burden of proof shifts to the
18 alleged donee to prove by clear and satisfactory evidence that the gift was freely and voluntarily
19 made by the donor." Ross v. Giacomo, 97 Nev. 550(1981).

20 42. In the present case, Marcelle lacked mental vigor enabling her to protect herself
21 against Christian Bakke's ("Bakke") exertion of duress and undue influence. At the time of the
22 execution of the Fourth Amendment, Marcelle was 87 years of age, did not drive, and was
23 suffering from hypertensive and arteriosclerotic cardiovascular disease. She was in a weakened
24 mental and physical condition, and vulnerable to the influence and control of Bakke.

25 43. Moreover, as Bakke was Marcelle's handyman and Marcelle depended on Bakke
26 for transportation, shopping, finances and personal assistance, Bakke had ample opportunity to
27 exert undue influence and control upon Marcelle.
28

1 44. A presumption of undue influence arises when:

2 (a) There was a confidential relationship between the testator and the beneficiary (the
3 testator placed an unusual amount of confidence in the beneficiary and relied on the
4 beneficiary).

5 (b) The beneficiary was active in procuring, drafting or executing the will (instrument
6 for testamentary transfer).

7 (c) The will (testamentary instrument) unnaturally favors the beneficiary.

8 In re Jane Tiffany Living Trust 2001, 177 P.3d 1060 (2008).

9 45. The Supreme Court of Nevada states in Perry v. Jordan, 111 Nev. 943, 947, 900
10 P.2d 335, 337-38(1995) that confidential relations "... exist when one party gains the confidence
11 of the other and purports to act or advise with the other's interests in mind; it may exist although
12 there is no fiduciary relationship; it is particularly likely to exist when there is a family
13 relationship or one of friendship." Id.

14 46. Upon information and belief, as a result of the undue influence and duress
15 imposed on Marcelle by Bakkee, Marcelle's free will was overcome, and if not for the undue
16 influence and/or duress, Marcelle would not have bequested 2832 Linkview Drive, Las Vegas,
17 Nevada to Bakke.

18 47. The specific bequest of 2832 Linkview Drive, Las Vegas, Nevada to Bakke
19 contained in the Fourth Amendment to the Survivor Trust was a product of Bakke's imposition of
20 undue influence and duress and, therefore, should be declared to be void.

21 **D. Specific Bequest of 2832 Linkview Drive, Las Vegas set forth in the August 29,**
22 **2016 Fourth Amendment to Survivor's Trust Is Invalid and Void as Marcelle Lacked the**
23 **Competency and Capacity to Execute Such Legal Instruments.**

24 48. As early as October, 2007, Marcelle was diagnosed with early dementia and found
25 to be "overwhelmed with health and personal problems." In the years and months preceding the
26 execution of the August 29, 2016 Amendment, Marcelle experienced and suffered from a
27 multitude of physical and mental ailments, including, but not limited to, congestive heart failure,
28 dyslipidemia, hypertension, and chronic renal insufficiency.

49. Due to the physical and mental health problems which Marcelle suffered in August of 2016, Marcelle was incompetent and lacked the capacity to execute such legal instrument and understand the terms thereof.

50. If not for Marcelle's incompetence and lack of capacity, she would not have made the specific bequest of 2832 Linkview Drive, Las Vegas, Nevada to Bakke.

51. By virtue of Marcelle's incompetence and lack of capacity, the specific bequest of 2832 Linkview Drive, Las Vegas, Nevada to Bakke contained in the Fourth Amendment to the Survivor's Trust is invalid and void.

E. Specific Bequest of 2832 Linkview Drive, Las Vegas set forth in the August 29, 2016 Fourth Amendment to Survivor's Trust Is Void Under NRS 155.097(2).

52. NRS 155.097(2) provides as follows:

2. Except as otherwise provided in subsection 4 and NRS 155.0975, a transfer is presumed to be void if the transfer is to a transferee who is:

- (a) The person who drafted the transfer instrument;
- (b) A caregiver of the transferor who is a dependent adult;
- (c) A person who materially participated in formulating the dispositive provisions of the transfer instrument or paid for the drafting of the transfer instrument; or
- (d) ...

53. NRS 155.0955 includes a "trust" as a "transfer instrument."

54. NRS 155.0935 provides "'caregiver' means a person who provides health or social services to a dependent adult for remuneration other than a donative transfer pursuant to this chapter or the reimbursement of expenses."

55. "Dependent adult" means a person who at the time of executing a transfer instrument is 18 years or older and is (a) unable, without assistance, to provide properly for his or her personal needs for physical health, food, clothing or shelter; or (b) has difficulty managing his or her own financial resources without assistance or resisting fraud or undue influence. NRS 155.0937.

56. NRS 155.0939 defines "health and social services" to be "services provided to a dependent adult because of his or her condition, including, without

1 limitation, the administration of medicine, medical testing, wound care, assistance with
2 hygiene, companionship, housekeeping, shopping, cooking, or assistance with finances."

3 57. Upon information and belief, on August 29, 2016, Marcelle was 87 years
4 of age, and was dependent upon Bakke for health and social services, including, but not
5 limited to, (a) transportation to appointments and shopping, (b) for companionship and
6 assistance with the upkeep of her home and housekeeping, and/or (c) for assistance with
7 her finances.

8 58. Pursuant to NRS 155.097(2), the specific bequest of 2832 Linkview Drive,
9 Las Vegas, Nevada to Bakke contained in the Fourth Amendment to the Survivor Trust of
10 the Norrington Family Trust is void.

11 **F. Specific Bequest of 2832 Linkview Drive, Las Vegas set forth in the**
12 **August 29, 2016 Fourth Amendment to Survivor's Trust Is Void Due to Mistake in**
13 **Execution.**

14 59. At the time of the execution of August 29, 2016 Fourth Amendment to
15 Survivor's Trust, Marcelle mistakenly believed that 2832 Linkview Drive, Las Vegas,
16 Nevada was an asset of the Survivor's Trust of the Norrington Family Trust, when it was an
17 asset of the Decedent's Trust B [Unified Credit Trust] and/or Marital Qualified Terminable
18 Interest Property Trust [QTIP].

19 60. If not for this mistake, Marcelle would not have made the specific bequest of
20 2832 Linkview Drive, Las Vegas, Nevada to Bakke in the Fourth Amendment to the
21 Survivor's Trust.

22 61. As a result of Marcelle's mistake, this Court should find and decree the
23 specific bequest of 2832 Linkview Drive, Las Vegas, Nevada to Bakke in the Fourth
24 Amendment to the Survivor's Trust to be invalid and void.

25 **G. Sean M. Tanko Should Be Removed As Successor Trustee of the**
26 **Norrington Family Trust Because of an Actual and Present Conflict of Interest.**

27 62. Because of Sean M. Tanko's breach of trust and his actual and present conflict
28 of interest as a proponent of the specific bequest of 2832 Linkview Drive, Las Vegas,

1 Nevada to Christian Bakke, his continued service as the successor trustee of the Norrington
2 Family Trust is an actual and present conflict with Petitioner Rebecca L. Norrington's
3 interests and rights under the Trust, and, therefore, Petitioner requests the Court to remove
4 Sean M. Tanko as Trustee and appoint a neutral person or trust company in his place.

5 63. Because Sean M. Tanko prepared the Fourth Amendment to the Survivor
6 Trust of the Norrington Family Trust, Mr. Tanko will be called as a witness in this matter,
7 and his interest as the preparer of such documents will present a actual and present conflict
8 with Petitioner's Rebecca L. Norrington's interest and rights under the Trust and, therefore,
9 Petitioner requests the Court remove Sean M. Tanko as Trustee and appoint a neutral person
10 or trust company in his place.

11 **H. Petitioner Rebecca L. Norrington is Entitled to Attorneys' Fees and**
12 **Costs Pursuant to NRS 155.097.**

13 64. NRS 155.097(1) provides as follows:

14 Regardless of when a transfer instrument is made, to the extent the court finds that
15 a transfer was the product of fraud, duress or undue influence, the transfer is void and
16 each transferee who is found responsible for the fraud, duress or undue influence
shall bear the costs of the proceedings, including, without limitation, reasonable
attorney's fees.

17 65. The specific bequest of 2832 Linkview Drive, Las Vegas, Nevada to Christian
18 Bakke in the Fourth Amendment to the Survivor's Trust was the product of undue influence
19 and duress and, therefore, void.

20 66. Pursuant to NRS 155.097(1), Bakke should bear the attorneys' fees and costs
21 of this proceeding.

22 **III.**

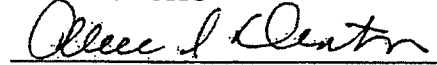
23 **CONCLUSION**

24 For the foregoing reasons, Petitioner REBECCA L. NORRINGTON respectfully
25 requests this Court to (1) assume jurisdiction over the NORRINGTON FAMILY TRUST
26 dated November 16, 1993, (2) remove Sean M. Tanko as Successor Trustee and appoint a
27 neutral person or trust company in his place, (3) declare the specific bequest of 2832
28 Linkview Drive, Las Vegas, Nevada, to Christian Bakke contained in the Fourth Amendment

1 to the Survivor Trust of the Norrington Family executed on August 29, 2016, to be void, (4)
2 order distribution of 2832 Linkview Drive, Las Vegas, Nevada, and its contents, to
3 REBECCA L. NORRINGTON, in accordance with the First Amendment to the Norrington
4 Family Trust executed by Trustors Ralph and Marcelle Norrington, and (5) award attorneys'
5 and fees to Petitioner REBECCA L. NORRINGTON.

6 DATED this 17 day of May, 2019.

7 DENTON CHO

8 

9 Alice S. Denton, Esq.

10 Nevada State Bar 8420

11 Jarien L. Cho, Esq.

12 State Bar No. 008401

13 411 E. Bonneville Avenue, Suite 300

14 Las Vegas, NV 89101

15 (702) 384-1723

16 Attorneys for Petitioner

BENEFICIARY REBECCA L. NORRINGTON'S

**MOTION FOR RECONSIDERATION OF
JUDICAL ORDER**

EXHIBIT 4

DENTON CHO

Car Accidents • Work Accidents • Probate • Wills Trusts Estates • Business & Corporate Law • Family Law

December 3, 2019

Rebecca Norrington
200 Merlot Way
Roseburg, OR 97471

Re: Norrington Family Trust

Calculation of Contingency Fees

2832 Linkview Drive, Las Vegas, Nevada	\$327,687.00
Contents of 2832 Linkview Drive, Las Vegas	<u>17,923.50</u>
Total Value	\$345,610.50
<i>Adjustment for Offer of Judgment</i>	<u>- 40,000.00</u>
Net Recovery	\$305,687.00
Fee - "Forty Percent (40%) of the Gross Recovery"	\$122,244.20 ¹
Costs Advanced:	\$ 2,620.50
Total Fees and Costs	\$125,364.70

adjusted - \$120,000 -

Alice S. Denton || Marianne Y. Denton || Jarien L. Cho
¹Referral Fee to Jonathan Reed, Esq. \$24,448.84
Phone: 702-384-1723 || Fax: 702-384-8018 || E. Bonneville Ave., Ste. 300, Las Vegas, NV 89101
Net Fee to Alice S. Denton, Esq. \$97,195.36

www.dentoncho.com

**BENEFICIARY REBECCA L. NORRINGTON'S
MOTION FOR RECONSIDERATION OF
JUDICAL ORDER**

EXHIBIT 5

Order No. 3 4 1 2 2 9 0 0 2 0Escrow No. LV 697138 SUN

WHEN RECORDED, MAIL TO:
RALPH NORRINGTON
2832 LINKVIEW DRIVE
LAS VEGAS, NEVADA 89134

RPT. \$ 161.15

PARCEL NUMBER 350-230-004

(WOP)

Space above this line for recorder's use

GRANT, BARGAIN and SALE DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

DEL WEBB COMMUNITIES INC., AN ARIZONA CORPORATION, FORMERLY KNOWN AS,
DEL E. WEBB COMMUNITIES INC., AN ARIZONA CORPORATION

do(es) hereby GRANT, BARGAIN and SELL to

RALPH NORRINGTON, a married man as his sole and separate property

the real property situate in the County of CLARK, State of
Nevada, described as follows:

PARCEL I:

LOT SIXTY-FOUR (64)

IN BLOCK NINE (9)

OF SUN CITY SUMMERLIN UNIT NO. 12, AS SHOWN BY MAP THEREOF ON FILE
IN BOOK 42 OF PLATS, PAGE 90, IN THE OFFICE OF THE COUNTY RECORDER
CLARK COUNTY, NEVADA.

PARCEL II:

TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS OVER AND ACROSS
COMMON AREA LOT A, B, AND C.

SUBJECT TO:

- 1) General and special taxes for fiscal year 1989-90.
- 2) Rights, right of way, reservations, restrictions, conditions, and easements now of record, if any.

TOGETHER with all tenements, hereditaments and appurtenances, including
easements and water rights, if any, thereto belonging or appertaining,
and any reversions, remainders, rents, issues or profits thereof.

Dated 9-14-89

DEL WEBB COMMUNITIES INC., AN ARIZONA
CORPORATION, FORMERLY KNOWN AS,
DEL E. WEBB COMMUNITIES INC.,
AN ARIZONA CORPORATION

BY: Leroy C. Hanneman, Jr.

LEROY C. HANNEMAN, JR.
SK, VICE PRESIDENT

STATE OF NEVADA)

: ss.

County of CLARK)

On 9-14-89 personally
appeared before me, a Notary Public,
Leroy C. Hanneman, Jr.

who acknowledged that he executed



NOTARY PUBLIC
STATE OF NEVADA
County of Clark
S. M. Cummings
My Appointment Expires April 20 1990

BENEFICIARY REBECCA L. NORRINGTON'S

**MOTION FOR RECONSIDERATION OF
JUDICIAL ORDER**

EXHIBIT 6

ORIGINAL

AMENDMENT TO THE NORRINGTON FAMILY TRUST

u/a/d November 16, 1993.

This purpose of this amendment is to change the NORRINGTON FAMILY TRUST, u/a/d November 16, 1993, in the following manner according to the terms of The original Trust in Article 1, pg 5 - Trustors Power to Amend and Article 3, pg 11 - Successor Trustee. This amendment to the original Trust is as follows:

1. The Successor Trustee is Rebecca Linn Norrington ss#565-78-0220
If Rebecca Linn Norrington is incapacitated and unable to serve, then Nathan Mallory Norrington-Herr ss#610-32-0948 will replace her.
2. Ralph Norrington Jr. will receive a total inheritance of one \$1.00 dollar.
3. Rebecca Linn Norrington will solely inherit the residence at 2832 linkview Drive Las Vegas, NV 89134. She will also inherit its contents.
4. Nathan Mallory Norrington-Herr will solely inherit the Toyota Avalon Automobile.
5. Rebecca Linn Norrington and David Emerson Norrington split 50/50 the balance Assets of the Trust

The Trustors hereby approve this Amendment to the NORRINGTON FAMILY TRUST, u/a/d November 16, 1993, in all particulars and request that the Trustees Sign on this date: May 4 2005

TRUSTORS:

Ralph Norrington
RALPH NORRINGTON

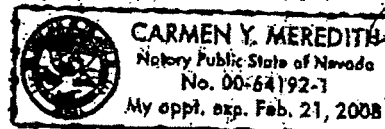
Marcelle D. Norrington
MARCELLE D. NORRINGTON

TRUSTEE

Ralph Norrington
RALPH NORRINGTON

Marcelle D. Norrington
MARCELLE D. NORRINGTON

(State of Nevada
ss: (
(County of Clark



On this date May 4, 2005, before me, a Notary Public in and for Said State Personally appeared RALPH NORRINGTON and MARCELLE NORRINGTON, Grantors/Trustors, personally known to me (or proved to me on the basis of satisfactory Evidence) to be persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities and that by their signatures on the instrument, the persons or the entities upon behalf of which the persons acted, executed the instrument.

County of Clark
This instrument was acknowledged before me on 5-4-05 by
in had for RALPH NORRINGTON +
MARCELLE D. NORRINGTON
Carmen Y. Meredith
(Signature of Notary Public)

BENEFICIARY REBECCA L. NORRINGTON'S

**MOTION FOR RECONSIDERATION OF
JUDICIAL ORDER**

EXHIBIT 7

From: Sean Tanko sean@seantankolaw.com
Subject: RE: Upcoming hearing
Date: February 3, 2022 at 10:05 AM
To: Rebecca L. Norrington rinsignature@gmail.com



Rebecca,

Thank you for responding with your offer. I am willing to reduce my trustee fees to a flat fee of \$4,000.00. I will make distributions to the beneficiaries within 14 days of a settlement between us. I am confident in defending my position against your claim of malpractice as you have indicated. I also feel confident there are other claims I may assert for statements that you have made against myself and my office. I am willing to forgo any of those claims providing you and I can settle our differences and you still willing to remove or respond to those statements you have published on yelp.

I am not accepting an offer by you to reimburse you for fees you paid to your separate counsel to assist you in recovering your interest in the home. I understand how you see that I may have some culpability here on the Amendment that granted you an interest in the home and contents of the home. My defense to your claims still stand, I did not know the amendment existed at the time of my advice to your mother. You have stated on the record that you had the amendment given to you by your father. If a client is not forthcoming with this information at the time of consultation, the Attorney can't be expected to know otherwise the document ever existed and advise the client accordingly. I also know we still may differ on this position and we may have to settle this point when you file your malpractice case.

I would like to settle the matter and get your final funds to you and not have to plead to the court that your funds should be held in abeyance with the Court until we resolve of your claims and my counterclaims against you. I see the position of future litigation between us to be a complete waste of our time and resources.

Regardless of your response today, I think we have a couple of options for tomorrow's hearing.

Option one would be for us to argue back and forth on our points. I think the temporary commissioner will instruct us to settle your

malpractice claims with your newly filed suit. I don't think there will be a decision tomorrow about the final distribution. I could be wrong on this point.

Option two would be for us to agree to take the matter to the district court judge who has this case assigned to them. This option would place on a future calendared date that I think will be about 4-6 weeks down the calendar for the district court judge.

Option three would be for us to continue this current petition a week or two for us to continue our negotiation process. I think the temporary commissioner will likely set the matter out 2 or 3 weeks. This is my best guess

Let me know your thoughts on my counteroffer. If you need time beyond tomorrow, we could let the court know this fact and proceed under option three.

Regards,

Sean

Sean M. Tanko, Esq.

PLEASE NOTE OUR OFFICE HAS MOVED!

*Law Office of Sean M. Tanko, Ltd.
8530 Del Webb Boulevard
Las Vegas, NV 89134
Phone 702-463-8700
Facsimile 702-463-8701*

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BENEFICIARY REBECCA L. NORRINGTON'S

**MOTION FOR RECONSIDERATION OF
JUDICIAL ORDER**

EXHIBIT 8