

District Court Case No: A-23-866672-C

Supreme Court Docket No: 90239

IN THE SUPREME COURT OF THE STATE OF NEVADA

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Mar 25 11:25 AM
Elizabeth A. Brown
Clerk of Supreme Court

CHRISTY KAY SWEET, AN
INDIVIDUAL,
Appellant(s),

vs.

DAVID C. JOHNSON AND RYAN D.
JOHNSON OF JOHNSON & JOHNSON
LAW OFFICES,
Respondent(s),

**RECORD ON APPEAL
VOLUME
2**

ATTORNEY FOR APPELLANT
CHRISTY SWEET, PROPER PERSON
51 / 68 MOO 6, CHERNG-TELAY
THALANG, PHUKET, THAILAND 83110

ATTORNEY FOR RESPONDENT
SHERI M. THOME, ESQ.
6689 LAS VEGAS BLVD., SUITE 200
LAS VEGAS, NV 89119

A-23-866672-C Christy Sweet, Plaintiff(s) vs. Johnson Legal, Defendant(s)

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11 Telephone: (702) 384-2830
12 Fax: (702) 385-3059
13 Attorneys for Christy Kay Sweet

8 DISTRICT COURT

9 CLARK COUNTY, NEVADA

10 In the Matter of the Estate of)	
)	
11)	Case No.: P-20-103540-E
12 MARILYN WEEKS SWEET,)	Dept. No. PC1
)	Date of Hearing: 8/14/2020
13 Deceased.)	Time of Hearing: 9:30 a.m.
)	

14 **OBJECTION TO PETITION FOR GENERAL ADMINISTRATION OF ESTATE,**
15 **APPOINTMENT OF PERSONAL REPRESENTATIVE AND LETTERS TESTAMENTARY**
16 **AND TO ADMIT WILL TO PROBATE**

17 Comes now, **CHRISTY KAY SWEET** ("Sweet"), by and through her attorney **RYAN**
18 **D. JOHNSON, ESQ.** of the firm of Johnson & Johnson PC and files this Objection to
19 Petition for General Administration of Estate, Appointment of Personal Representative
20 and Letters Testamentary and to Admit Will to Probate submitted by **CHRIS HISGEN**
21 ("Hisgen") on or about July 14, 2020 and states the following:

22 I. SUMMARY

23 1. The decedent's Will was executed in the country of Portugal on May 3, 2006. Under
24 Nevada Law, there is no provision for the probate of a Will signed in a foreign country.
25 Therefore, Sweet asserts Hisgen's submission of the Will for probate in the State of Nevada
26 is improper and should be denied.

2. Even if the Will is admitted to Probate in Nevada, this State requires that the witnesses to the execution of the Will sign an Affidavit or Declaration. Since Hisgen's petition did not include any attestations from the subscribing witness, the Will is inadmissible in Nevada.

3. Most importantly, the Decedent in her Will disposed only of her assets situated “in Portugal”. Therefore, even if the Will is admitted to probate in Nevada, the provisions thereof will not effectuate a transfer of any assets of the decedent in the United States.

II. LEGAL ARGUMENTS

10 4. NRS 132.320 provides as follows:

11 "State" means a state of the United States, the District of Columbia,
12 Puerto Rico, the United States Virgin Islands, or any territory or insular
possession subject to the jurisdiction of the United States.

13 5. NRS 133A provides in part that

14 ...“a last will and testament executed outside this State in the manner
15 prescribed by the law, either of the state where executed or of the
16 testator's domicile, shall be deemed to be legally executed, and is of the
same force and effect as if executed in the manner prescribed by the law
of this State.

17 **2. This section must be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it"**

19 6. Sweet asserts there are two (2) types of foreign Wills:

20 a. A Will executed in another State within the United States or territory of the
21 United States

22 b. A Will executed in a country other than the United States

7. The clear language of NRS 133A and NRS 132.320 contemplates the admission of Wills to probate in Nevada only if they are Wills executed in another State within the United States (or its territories) not Wills executed in countries outside the United States. If the legislature had intended for Wills executed in countries outside the United States

1 to be admissible, they would have expressly provided so within this statute. Instead, they
2 outlined their intent to include only United States Wills by including in the statute an
3 effectuating clause making uniform the "law of those states which enact it".

4 8. NRS 133.040 states:

5 **"Valid wills: Requirements of writing, subscription, witnesses and**
6 **attestation. No will executed in this State, except such electronic wills**
7 **or holographic wills as are mentioned in this chapter, is valid unless it**
8 **is in writing and signed by the testator, or by an attending person at the**
9 **testator's express direction, and attested by at least two competent**
10 **witnesses who subscribe their names to the will in the presence of the**
11 **testator".** (emphasis added)

12 9. Sweet contends the Petitioner has submitted the Portugal Will to this court without
13 attestation by the Witnesses as required by law.

14 10. Paragraph 6 of the Decedent's Will states:

15 **"She establishes as universal heir of her goods, rights and actions in**
16 **Portugal, Christopher Williams Hisgen, single, adult, native of**
17 **Washington, DC, United States of America, of American nationality and**
18 **with whom she resides"** (emphasis added)

19 11. Since there are no other provisions for distribution in the Will, any assets situated
20 in Nevada are not subject to the Will and should be distributed according to the laws of
21 intestacy in the State of Nevada.

22

23 CONCLUSION

24 12. The Will executed by the decedent in Portugal on May 3, 2006 cannot be admitted
25 to probate in the State of Nevada because Nevada Law does not provide a process for
26 admission and the Will itself declares that it only controls assets in Portugal.

13 The witnesses to the decedent's Will have not signed and/or submitted written
14 attestations relating to the execution of the document in their presence. Therefore, the
15 Will cannot be admitted to Probate under Nevada Law.

16 14. The Will executed by the Decedent disposes only of assets situated in Portugal.

1 Therefore, the Will has no effect on any assets situated in the State of Nevada.

2

3 WHEREFORE, Sweet requests that the Court:

4 1. Deny admission of the decedent's Will dated May 3, 2006 to probate in the State
5 of Nevada.

6 2. Distribute the assets of the Nevada estate pursuant to the laws of intestacy in the
7 State of Nevada.

8 Dated Aug 11, 2020

9

Respectfully submitted,

10

DocuSigned by:

Ryan D. Johnson, Esq.
F08E908B01A8419

11

RYAN D. JOHNSON, ESQ.

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VERIFICATION*Estate of Marilyn Weeks Sweet*

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The undersigned, under penalties of perjury, hereby declares:

1. That the Declarant hereby submits the foregoing OBJECTION TO PETITION FOR GENERAL ADMINISTRATION OF ESTATE, APPOINTMENT OF PERSONAL REPRESENTATIVE AND LETTERS TESTAMENTARY AND TO ADMIT WILL TO PROBATE.

2. That the Declarant knows the contents of the objection, which the Declarant knows to be true of the Declarant's own knowledge, except as to those matters stated on information and belief, which the Declarant believes to be true.

DocuSigned by:

F9D2C8A3-E184B8
CHRISTY KAY SWEET

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8 DISTRICT COURT

9 CLARK COUNTY, NEVADA

10 In the Matter of the Estate of)

11)
12 **MARILYN WEEKS SWEET,**)

13 Deceased.)

Case No.: P-20-103540-E
Dept. No.: PC1
Date of Hearing: 8/14/2020
Time of Hearing: 9:30 a.m.

14 CERTIFICATE OF MAILING

15 **MONICA GILLINS** hereby certifies that on August 11, 2020, she sent a copy of the
16 OBJECTION TO PETITION FOR GENERAL ADMINISTRATION OF ESTATE,
17 APPOINTMENT OF PERSONAL REPRESENTATIVE AND LETTERS TESTAMENTARY AND
18 TO ADMIT WILL TO PROBATE to the persons named below by the Clark County District
19 Court E-Service filing system:

20 **THOMAS R. GROVER, ESQ.**
21 **MICHAEL A. OLSEN, ESQ.**
22 **KEITH ROUTSONG, ESQ.**
23 **JULIAN CAMPBELL**
24 **CHRISTINE MANNING**
25 **VICKI PYNE**
26 *Attorneys for Chris Hisgen*

DocuSigned by:

Monica Gillins

2020171E306444

MONICA GILLINS

An Employee of JOHNSON & JOHNSON

1 **MONICA GILLINS** hereby certifies that on August 11, 2020, she sent a copy of the
2 OBJECTION TO PETITION FOR GENERAL ADMINISTRATION OF ESTATE,
3 APPOINTMENT OF PERSONAL REPRESENTATIVE AND LETTERS TESTAMENTARY AND
4 TO ADMIT WILL TO PROBATE to the person named below by E-Mail, addressed as
5 follows:

6 **PROBATE COMMISSIONER**

DocuSigned by:
Monica Gillins
2C3D1711E366444

MONICA GILLINS
An Employee of JOHNSON & JOHNSON

10 **LINDEE PARKER** hereby certifies that on 8/11/2020, she sent a copy of the
11 OBJECTION TO PETITION FOR GENERAL ADMINISTRATION OF ESTATE,
12 APPOINTMENT OF PERSONAL REPRESENTATIVE AND LETTERS TESTAMENTARY AND
13 TO ADMIT WILL TO PROBATE to the persons named below by regular U.S. mail,
14 addressed as follows:

15 **KATHRYN KIMBERLY SWEET**
16 NOTICE WAIVED

17 **CHRISTY KAY SWEET**
18 51/68 Moo 6 Cherng-Telay
19 (Layan Beach, Soi 7)
20 Thalang, Phuket
21 Thailand 83110

Lindee H. Parker
LINDEE PARKER
An Employee of JOHNSON & JOHNSON

EXHIBIT “C”

Alvin B. Hanson

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1 This Supplement is brought for the purpose of providing the Court with the
 2 Declaration of MARIA ISABEL SANTOS and Will Translation, attached hereto as
 3 Exhibit C.

4 DATED this 25th day of September 2020

5 BLACKROCK LEGAL, LLC

6
 7 /s/ Thomas R. Grover
 8 MICHAELA OLSEN, ESQ.
 9 Nevada Bar No. 7556
 10 THOMAS R. GROVER, ESQ.
 11 Nevada Bar No. 12987
 12 KENTH D. ROBINSON, ESQ.
 13 Nevada Bar No. 14942
 14 10155 W. Twain Ave., Suite 100
 15 Las Vegas, NV 89147
 16 Attorneys for Chris Hisgen



EXHIBIT 1

DECLARATION OF Drª MARIA ISABEL SANTOS

I, MARIA ISABEL SANTOS am over the age of 18 years old, competent to testify to the following and upon penalty of perjury in the State of Nevada, declare as follows:

1. I am a lawyer duly licensed to practice law in the country of Portugal with the Professional Licence number 5367L at Bar Association.

2. I have examined the Will of Marilyn Weeks Sweet, attached hereto as Exhibit "1".

3. I am fluent in both English and Portuguese.

4. I have translated the Will of Marilyn Weeks Sweet from Portuguese to English. A copy of the translation is attached hereto as Exhibit "2".

5. The Will of Marilyn Weeks Sweet meets the requirements of a will in Portugal. Under Portuguese law, a will is drawn up before a Notary, with the presence of two witness, which certified that is made of free and spontaneous will. The Civil Code defines at the article 2179º: "*is one deed made by own will and revocable any time, by which someone dispose freely of it's assets, after death*". The Will of Marilyn Weeks Sweet meets this criteria because was made voluntarily of her own free will.

6. I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

Dated 28th September 2020.


Drª MARIA ISABEL SANTOS

ISABEL PIRES CRUZ SANTOS
Advogada
CENTRO DE ADO
Tél: 201 224 400 - Fax: 201 371 031
www.isabelpirescruz.com

EXHIBIT 2

PUBLIC WILL

On the day three May two thousand and six, on the Notary in Tavira, in front of me, the Notary, Joaquim Augusto Lucas da Silva, at Rua Vinte e Cinco de Abril, nº 2-C, Tavira, appeared:-----

MARILYN WEEKS SWEET, single, from Georgia, United States of America, american nationality, with address at 6540 Bradley Boulevard, Bethesda Maryland, 20817-3248 United States of America, born on the 12th August nineteen hundred and thirty-five, daughter of Harvey Hobson Weeks and of Pauline Rich Weeks.-----

I checked the identity of the grantor by her passport number 159410567 of 08/12/1998, issued by the competente american authorities.-----

And by her has been declared:-----

That makes this will, being the first one she makes in Portugal, in the following form:-----

Establishes universal heir to all her assets, rights and shares in Portugal, Christopher William Hisgen, single, from Washignton D.C., United States of America, american nationality and with her resident.-----

If he has already died at the time of her death, shall be her heirs, Kathryn Kimberly Sweet, married, with address at Arlington, Virginia, United States of America and Christy Kay Sweet, single, with address at Thailand.-----

So she said and granted.-----

Were witnesses: Maria Isabel Pires Cruz dos Santos, single, from subcouncil of São Sebastião da Pedreira, council of Lisbon, with address at Rua Alexandre Herculano nº 15 in Tavira and Gilda dos Santos Barradas, married, from subcouncil of Sé, council of Faro, with address at Travessa da Fábrica nº 12, Tavira – persons whose identity was verified for my personal knowledge;-----

Stamp duty paid in that act is on the amount of twenty-five euros, point 15.1 of the respective Schedule.-----

Was this will read and explained its contents.-----

Signatures

EXHIBIT “D”

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RPLY

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

In the Matter of the Estate of

Case No.: P-20-103540-E

Dept. No.: 26

MARILYN SWEET WEEKS,

Deceased.

**REPLY IN SUPPORT OF PETITION FOR GENERAL ADMINISTRATION, APPOINTMENT
OF PERSONAL REPRESENTATIVE AND FOR ISSUANCE OF LETTERS
TESTAMENTARY AND TO ADMIT WILL TO PROBATE**

COMES NOW Chris Hisgen (hereafter "Petitioner"), by and through his attorney,
Thomas R. Grover, Esq., of the law firm BLACKROCK LEGAL, LLC., and hereby
submits this *Reply in support of Petition for General Administration, Appointment of
Personal Representative and for Issuance of Letters Testamentary and to Admit Will
to Probate* (hereafter "Reply").

MEMORANDUM OF POINTS AND AUTHORITIES

BACKGROUND

On May 3, 2006, Marilyn Sweet Weeks (hereafter "Decedent") executed her
Testamento Publico (hereafter "Will"). The Will is written in Portuguese. Petitioner
filed his *Petition for General Administration, Appointment of Personal Representative*

-1-

ESTATE OF MARILYN SWEET WEEKS
CASE NO. P-20-103540-E



1 and for Issuance of Letters Testamentary and to Admit Will to Probate (hereafter
 2 "Petition"). The Petition seeks to obtain letters of general administration and to have the
 3 Will admitted to Probate. Because the Will is written in Portuguese, Petitioner obtained
 4 an English translation of the Will and filed it as a supplement to the Petition on
 5 September 23, 2020.

6 Christy Kay Sweet (hereafter "Christy") filed her *Objection to Petition for General*
 7 *Administration, Appointment of Personal Representative and for Issuance of Letters*
 8 *Testamentary and to Admit Will to Probate* (hereafter "Objection"). Christy bases her
 9 Objection on three separate arguments. First, she asserts that there is no process for
 10 admission of a will executed outside the United States. Second, Christy contends that
 11 the Will is not signed by two witnesses. Finally, she argues that the Will does not dispose
 12 of assets in Nevada, but only of assets in Portugal. These contentions can be easily
 13 dismissed. The Nevada Revised Statutes do provide for admission of wills executed
 14 outside the United States. Additionally, the Will is signed by two witnesses and disposes
 15 of more than just any assets in Portugal. As such, this Court should grant the relief
 16 requested in the Petition.
 17

18 LEGAL ARGUMENT

19 UNDER NRS 133A, WILLS EXECUTED OUTSIDE THE UNITED STATES CAN 20 BE ADMITTED TO PROBATE IN NEVADA

21 Christy argues that, "Under Nevada Law, there is no provision for the probate of a
 22 Will signed in a foreign country."¹ This is not accurate. The plain language of NRS 133A
 23 provides for admission to probate of wills executed outside the United States.
 24 Additionally, NRS 133.060(1), a provision discussing the validity of wills executed in
 25 foreign jurisdictions, states the following:
 26
 27
 28

¹ Objection, at pgs. 1:23-24.



1 if in writing and subscribed by the testator, a last will and testament
 2 executed outside the State in the manner prescribed by the law, either of
 3 the state where executed or of the testator's domicile, shall be deemed
 4 to be legally executed, and is of the same force and effect as if executed in
 5 the manner prescribed by the law of this State.²

6 The language of the statute states that a will executed in the testator's domicile is
 7 deemed legally executed. This does not limit admission of wills to probate to only those
 8 executed inside the United States of America. It clearly contemplates the validity of wills
 9 executed wherever the testator was domiciled, inside or outside the United States. The
 10 Nevada Legislature also provided specific requirements for wills executed
 11 internationally.

12 More specifically, in NRS 133A.060, the Legislature provided the requirements
 13 for International Wills. In essence, an International will needs to be in writing, signed in
 14 the presence of two witnesses and signed by the testator.³

15 In this instance, the will is in writing and signed by both the Decedent and two
 16 witnesses. The Will is also signed by a notary. The Will clearly meets the requirements
 17 of wills in Nevada and international wills. If, as Christy suggests, the Legislature did not
 18 intend wills executed outside the United States to be admissible to probate, why are
 19 there clear provisions for international wills? Why does NRS 133A exist? The plain
 20 language of NRS 133.060 (a) also does not limit Wills to those inside the United States,
 21 but to wherever the testator was domiciled at the time. Finally, the *Declaration of Dra.*
 22 *Maria Isabel Santos*, a lawyer licensed to practice in Portugal, states that the Will
 23 "meets the requirements of a will in Portugal."⁴ There is no limit to wills executed
 24 outside the United States and therefore the Will should be admitted to Probate.

27 ² NRS 133.060(a), emphasis added.

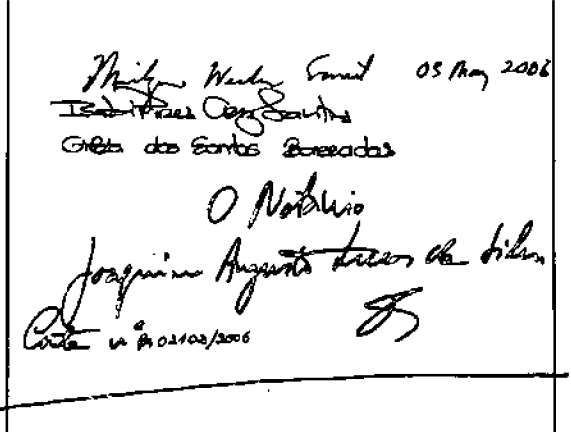
28 ³ See NRS 133A.060(1) - (3).

⁴ See Exhibit 112.

1 THE WILL IS SIGNED BY TWO WITNESSES

2 Next, Christy contends, incorrectly, that the Will was not signed by two witnesses
3 as required by NRS 133.040. However, as noted above, the analysis of a foreign will is
4 under NRS 133A. Specifically, NRS 133A-060(2) requires that, "[t]he testator shall
5 declare in the presence of two witnesses and of a person authorized to act in connection
6 with international wills that the document is the testator's will and that he or she knows
7 the contents thereof. The testator need not inform the witnesses, or the authorized
8 person, of the contents of the will." Clearly, the Will is signed by the Decedent, two
9 witnesses and a notary, satisfying the requirements of NRS 133A-060(A). A screen
10 capture of the signature is page is as follows.

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22 The first signature is the Decedent's. The second signature is signed by a. /s.
23 Maria Pires do Santos and the handwriting is clearly different from that of the
24 Decedent's and the following signatures. The third signature is that of a Ms. Gilda dos
25 Santos Barradas which is again, different from the other signatures. The final signature,
26 labeled O Notario (the notary), is that of the Joaquim dos Santos Barradas, a notary
27 public. Christy's contention that the Will is not signed by two witnesses is clearly not
28



1 time. It is very obviously signed by the Decedent, two other individuals and the notary
 2 public. The *Declaration of Dra. Maria Isabel Santos* also states that the Will was signed
 3 "with the presence of two witnesses."⁵ Therefore, the will should be admitted to probate.

4 Not only is the will admissible under NRS 133A, it is also admissible under the
 5 terms of NRS 133.040 and NRS 133.050(1)-(2). NRS 133.040(1) provides that, "n o
 6 will executed in this State, except such electronic wills or holographic wills as are
 7 mentioned in this chapter, is valid unless it is in writing and signed by the testator, or by
 8 an attending person at the testator's express direction, and attested by at least two
 9 competent witnesses who subscribe their names to the will in the presence of the
 10 testator." As noted above, the Will facially meets this requirement. However, to be
 11 admitted, the witnesses must sign a statement under penalty of perjury that, "that the
 12 testator subscribed the will and declared it to be his or her last will and testament in
 13 their presence; that they thereafter subscribed the will as witnesses in the presence of
 14 the testator and in the presence of each other and at the request of the testator; and that
 15 the testator at the time of the execution of the will, appeared to them to be of full age and
 16 of sound mind and memory." NRS 133.050(2). Filed simultaneously with this Reply are
 17 sworn statements from the witnesses which satisfy this requirement.
 18
 19
 20

21 II. THE WILL ESTABLISHES CHRISTY, THE SPOUSE, AS A
 22 UNIVERSAL HEIR

23 Finally, Christy contends that the Will only disposes of the Decedent's property in
 24 Portugal, and is thus inapplicable to any assets or property outside of Portugal. "Most
 25 importantly, the Decedent in her Will disposed only of her assets situated 'in Portugal'"
 26
 27
 28

⁵ See Exhibit 11.

1 Therefore, even if the Will is admitted to probate in Nevada, the provisions thereof will
 2 not effectuate a transfer of any assets of the decedent in the United States.”⁶

3 The actual quote of the relevant provision is as follows: “She establishes as
 4 universal heir of all her goods, rights, and actions in Portugal, Christopher William
 5 Hisgen, single, adult, native of Washington, DC, United States of America, of American
 6 nationality and with whom she resides.”

7
 8 Christy’s argument fails for at least two reasons.

9 First, the language of the Will purports to establish Petitioner as the **universal**
 10 **heir**.⁷ Merriam-Webster defines “universal” as “including or covering all or a whole
 11 collectively or distributively **without limit or exception**.”⁸ In other words, it
 12 appears that the Decedent desired for the Will to establish Chris as the universal heir of
 13 all her property, which would necessarily be without limit or exception.

14
 15 The term universal heir clearly indicates that the Decedent intended all her
 16 property to pass to Petitioner, without limit or exception. Furthermore, Christy’s
 17 interpretation would leave a logical hole in the will. The Will also provides that, “Should
 18 [Chris] have already died, on the date of her death, Kathryn Kimberly Sweet, married,
 19 resident of Arlington, Virginia, United States of America and Christy Kay Sweet, single,
 20 adult, resident of Thailand, will be her heirs.” Obviously, this provision contains no
 21 language that could be construed as limiting distribution to assets in Portugal. Yet,
 22 Christy would have this Court believe that the clause naming Chris as the “universal
 23 heir” is limited to assets in Portugal, while the residuary clause has no such limitation.
 24 This interpretation would expand distribution of the residuary clause to the full estate,
 25
 26

27
 28 ⁶ Objection, at pg. 2:5-7.

⁷ See **Exhibit “2”**.

⁸ <https://www.merriam-webster.com/dictionary/universal?src=search-dict-hed> Emphasis added.



1 even though Chris would receive only property in Portugal. In short, the “universal
2 heir” would receive a narrow (likely non-existent) estate, while the residuary would be
3 expansive and universal, an absurd result.

4 Second, a plain, straightforward interpretation of “actions in Portugal” recognizes
5 that “in Portugal” modifies only “actions.” Merriam-Webster defines “action,” in a legal
6 context, as “the right to bring or maintain such a legal or judicial proceeding.”⁹ Thus,
7 the Will confers upon Christopher the right to bring or maintain a legal proceeding in
8 Portugal that Marilyn could have brought herself.

10 Furthermore, the disposition of the assets is not at issue under the current
11 Petition. As such, the Will should be admitted to Probate and Letters of General
12 Administration should be issued to Petitioner.

19 CONCLUSION

20 Christy’s arguments that the Nevada Revised Statutes do not create a method for
21 admitting foreign wills to probate is unfounded. The plain language of the statutes
22 indicates otherwise. Her contention that the Will was not signed by two witnesses is also
23 not correct. The Will was signed by Ms. Santos and Ms. Barradas as well as a notary
24 public, Mr. Barradas. Finally, the language of the Will indicates that Petitioner is the
25 universal heir to the Decedent’s estate. Therefore, this Court should admit the Will to
26 probate, issue letters of general administration, and grant the other relief requested in
27

28 ⁹ <https://www.merriam-webster.com/dictionary/action>

1 the *Petition for General Administration, Appointment of Personal Representative and*
 2 *for Issuance of Letters Testamentary and to Admit Will to Probate.*

3 DATED this 9th day of November 2020

4 BLACKROCK LEGAL, LLC

5
 6 /s/ Thomas R. Grover

7 MICHAEL A. OLSEN, ESQ.

8 Nevada Bar No. 7358

9 THOMAS R. GROVER, ESQ.

10 Nevada Bar No. 2387

11 KEITH D. ROLTSONG, ESQ.

12 Nevada Bar No. 14944

13 10155 W. Twain Ave., Suite 100

14 Las Vegas, NV 89147

15 Attorneys for Chris Elger



EXHIBIT 1

DECLARATION OF Drª MARIA ISABEL SANTOS

I, MARIA ISABEL SANTOS am over the age of 18 years old, competent to testify to the following and upon penalty of perjury in the State of Nevada, declare as follows:

1. I am a lawyer duly licensed to practice law in the country of Portugal with the Professional Licence number 5367L at Bar Association.

2. I have examined the Will of Marilyn Weeks Sweet, attached hereto as Exhibit "1".

3. I am fluent in both English and Portuguese.

4. I have translated the Will of Marilyn Weeks Sweet from Portuguese to English. A copy of the translation is attached hereto as Exhibit "2".

5. The Will of Marilyn Weeks Sweet meets the requirements of a will in Portugal. Under Portuguese law, a will is drawn up before a Notary, with the presence of two witness, which certified that is made of free and spontaneous will. The Civil Code defines at the article 2179º: "*is one deed made by own will and revocable any time, by which someone dispose freely of it's assets, after death*". The Will of Marilyn Weeks Sweet meets this criteria because was made voluntarily of her own free will.

6. I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

Dated 28th September 2020.


Drª MARIA ISABEL SANTOS

ISABEL PIRES CRUZ SANTOS
Advogada
CENTRO LEGAL
Tél: 201 822 400 - Fax: 201 371 031
www.centrolegal.pt | info@centrolegal.pt

EXHIBIT 2

PUBLIC WILL

On the day three May two thousand and six, on the Notary in Tavira, in front of me, the Notary, Joaquim Augusto Lucas da Silva, at Rua Vinte e Cinco de Abril, nº 2-C, Tavira, appeared:-----

MARILYN WEEKS SWEET, single, from Georgia, United States of America, american nationality, with address at 6540 Bradley Boulevard, Bethesda Maryland, 20817-3248 United States of America, born on the 12th August nineteen hundred and thirty-five, daughter of Harvey Hobson Weeks and of Pauline Rich Weeks.-----

I checked the identity of the grantor by her passport number 159410567 of 08/12/1998, issued by the competente american authorities.-----

And by her has been declared:-----

That makes this will, being the first one she makes in Portugal, in the following form:-----

Establishes universal heir to all her assets, rights and shares in Portugal, Christopher William Hisgen, single, from Washignton D.C., United States of America, american nationality and with her resident.-----

If he has already died at the time of her death, shall be her heirs, Kathryn Kimberly Sweet, married, with address at Arlington, Virginia, United States of America and Christy Kay Sweet, single, with address at Thailand.-----

So she said and granted.-----

Were witnesses: Maria Isabel Pires Cruz dos Santos, single, from subcouncil of São Sebastião da Pedreira, council of Lisbon, with address at Rua Alexandre Herculano nº 15 in Tavira and Gilda dos Santos Barradas, married, from subcouncil of Sé, council of Faro, with address at Travessa da Fábrica nº 12, Tavira – persons whose identity was verified for my personal knowledge;-----

Stamp duty paid in that act is on the amount of twenty-five euros, point 15.1 of the respective Schedule.-----

Was this will read and explained its contents.-----

Signatures

Joaquim A. Lucas Silva
NOTÁRIO EM TAVIRA

TESTAMENTO PUBLICO

No dia três de Maio de dois mil e seis, perante mim Licenciado Joaquim Augusto Lucas da Silva, Notário titular do alvará do Cartório situado na Rua Vinte e Cinco de Abril, número dois-C, em Tavira, compareceu como outorgante:-----

MARILYN WEEKS SWEET, solteira, maior, natural da Geórgia, Estados Unidos da América, de nacionalidade americana, residente em 6540 Bradley Boulevard, Bethesda Maryland, 20817-3248 Estados Unidos da América, nascida no dia doze de Agosto de mil novecentos e trinta e cinco, filha de Harvey Hobson Weeks e de Pauline Rich Weeks.-----

Verifiquei a identidade da outorgante por exibição do Passaporte número 159410567 de 08/12/1998, emitido pelas autoridades competentes americanas.----

E por ela foi dito:-----

Que faz este seu testamento, sendo o primeiro que faz em Portugal, pela forma seguinte:-----

Institui herdeiro universal de todos os seus bens, direitos e acções em Portugal, Christopher William Hisgen, solteiro, maior, natural de Washington D.C., Estados Unidos da América, de nacionalidade americana e consigo residente.-----

Caso este já tenha falecido à data da sua morte, serão suas herdeiras, Kathryn Kimberly Sweet, casada, residente em Arlington, Virgínia, Estados Unidos da América e Christy Kay Sweet, solteira, maior, residente na Tailândia.--

Assim o disse e outorgou.-----

Foram testemunhas: Maria Isabel Pires Cruz Santos, solteira, maior, natural da freguesia de S. Sebastião da Pedreira, concelho de Lisboa, residente na

Rua Alexandre Herculano, nº. 15, em Tavira e Gilda dos Santos Barradas, casada, natural da freguesia da Sé, concelho de Faro, residente na Travessa da Fábrica, nº. 12, em Tavira; pessoas cuja identidade verifiquei pelo meu conhecimento pessoal.-----

Imposto de selo liquidado nesse acto é no valor de vinte e cinco euros, verba 15.1, da respectiva Tabela.-----

Foi este testamento lido e explicado o seu conteúdo.-----

Miguel Walter Smeit 03 May 2006
~~Isabel dos Santos~~
 Gilda dos Santos Barradas

O Notário
Joaquim Augusto Lucas de Azevedo
Conte n.º 402102/2006 *J*

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1 MICHAEL A. OLSEN, ESQ.
Nevada Bar No. 6076
2 THOMAS R. GROVER, ESQ.
Nevada Bar No. 12387
3 KEITH ROUTSONG
Nevada Bar No. 14944
4 **BLACKROCK LEGAL, LLC**
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7 mike@blackrocklawyers.com
8 tom@blackrocklawyers.com
9 keith@blackrocklawyers.com
Attorneys for Chris Hisgen

**DISTRICT COURT
CLARK COUNTY, NEVADA**

11 In the Matter of the Estate of
12
13 MARILYN SWEET WEEKS,

Case No.: P-20-103540-E
Dept. No.: 26

14 Deceased.
15

DECLARATION OF ISABEL PIRES CRUZ SANTOS

16 I, ISABEL PIRES CRUZ SANTOS, am over the age of 18 years old, competent to
17 testify to the following and upon penalty of perjury in the State of Nevada, declare as
18 follows:
19

- 20 1. On or about May 3, 2006, I witnessed Marilyn Sweet Weeks (hereafter
21 "Testator") execute her last will and testament.
22
- 23 2. A copy of the last will and testament that I witnessed the Testator sign is
24 attached hereto as **Exhibit "1"** (here after "Will").
25
- 26 3. I affixed my signature as a witness to the last will and testament attached
27 hereto as **Exhibit "1"**.
28

1 4. The Testator subscribed the Will and declared it to be her last will and
2 testament in my presence.

3 5. I then subscribed the Will as a witness in the presence of the Testator and
4 in the presence of the other witness, Gilda dos Santos Barradas, at the request of the
5 Testator.
6

7 6. The Testator at the time of the execution of the Will appeared to me to be
8 of full age and of sound mind and memory.

9 7. I declare under penalty of perjury under the law of the State of Nevada
10 that the foregoing is true and correct.
11

12 Dated 12/11/2020.

13
14 
15 ISABEL PIRES CRUZ SANTOS
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EXHIBIT 1

NOTARIADO PORTUGUÊS

Joaquim Augusto Lucas da Silva

NOTÁRIO

em
TAVIRA

CERTIFICA que:

- ☐ É fotocópia _____ que me foi presente para autenticar e contém _____ folhas cujo original exhibe _____ selo branco que a fotocópia não reproduz.
- ☐ É pública forma _____ que extrai do documento que me foi apresentado e contém _____ folhas, cujo original exhibe _____ selo branco que a fotocópia não reproduz.
- ☐ É fotocópia que fiz extrair do Livro de notas para escrituras diversas n.º _____ de folhas _____ a folhas _____, do Cartório sito na Rua 25 de Abril, n.º 2-C, em Tavira, composta de _____ folhas e vai conforme o original e _____
- ☐ É fotocópia que fiz extrair do Livro de notas para escrituras diversas n.º _____ de folhas _____ a folhas _____ do extinto Cartório Notarial de Tavira, composta de _____ folhas e vai conforme ao original e _____
- ☒ É fotocópia que fiz extrair do Livro de Testamentos Públicos e Escrituras de Revogação de Testamentos n.º 2-T de folhas 33 a folhas 33 v.º, do Cartório Notarial sito na Rua 25 de Abril, n.º 2-C, em Tavira, composta de uma folhas e vai conforme ao original.
- ☐ É fotocópia que fiz extrair do Livro de Testamentos Públicos e Escrituras de Revogação de Testamentos n.º _____ a folhas _____ do extinto Cartório Notarial de Tavira, composto de _____ folhas e vai conforme ao original.

Registada sob o n.º PAO 2102/2006
Emitida factura n.º 02131

Tavira 03 / 05 / 20 06

O Notário / O Colaborador na delegação

Joaquim A. Lucas Silva
NOTÁRIO EM TAVIRA

TESTAMENTO PUBLICO

No dia três de Maio de dois mil e seis, perante mim Licenciado Joaquim Augusto Lucas da Silva, Notário titular do alvará do Cartório situado na Rua Vinte e Cinco de Abril, número dois-C, em Tavira, compareceu como outorgante:-----

MARILYN WEEKS SWEET, solteira, maior, natural da Geórgia, Estados Unidos da América, de nacionalidade americana, residente em 6540 Bradley Boulevard, Bethesda Maryland, 20817-3248 Estados Unidos da América, nascida no dia doze de Agosto de mil novecentos e trinta e cinco, filha de Harvey Hobson Weeks e de Pauline Rich Weeks.-----

Verifiquei a identidade da outorgante por exibição do Passaporte número 159410567 de 08/12/1998, emitido pelas autoridades competentes americanas.----

E por ela foi dito:-----

Que faz este seu testamento, sendo o primeiro que faz em Portugal, pela forma seguinte:-----

Institui herdeiro universal de todos os seus bens, direitos e acções em Portugal, Christopher William Hisgen, solteiro, maior, natural de Washington D.C., Estados Unidos da América, de nacionalidade americana e consigo residente.-----

Caso este já tenha falecido à data da sua morte, serão suas herdeiras, Kathryn Kimberly Sweet, casada, residente em Arlington, Virgínia, Estados Unidos da América e Christy Kay Sweet, solteira, maior, residente na Tailândia.--

Assim o disse e outorgou.-----

Foram testemunhas: Maria Isabel Pires Cruz Santos, solteira, maior, natural da freguesia de S. Sebastião da Pedreira, concelho de Lisboa, residente na

Rua Alexandre Herculano, nº. 15, em Tavira e Gilda dos Santos Barradas, casada, natural da freguesia da Sé, concelho de Faro, residente na Travessa da Fábrica, nº. 12, em Tavira; pessoas cuja identidade verifiquei pelo meu conhecimento pessoal.-----

Imposto de selo liquidado nesse acto é no valor de vinte e cinco euros, verba 15.1, da respectiva Tabela.-----

Foi este testamento lido e explicado o seu conteúdo.-----

Miguel Walter Smeit 03 May 2006
~~Isabel dos Santos~~
 Gilda dos Santos Barradas

O Notário
Joaquim Augusto Lucas de Azevedo
Conte n.º 402102/2006 *J*

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1 MICHAEL A. OLSEN, ESQ.
Nevada Bar No. 6076
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Nevada Bar No. 12387
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Nevada Bar No. 14944
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5 Las Vegas, NV 89147
6 Telephone: (702) 855-5658
7 mike@blackrocklawyers.com
8 tom@blackrocklawyers.com
9 keith@blackrocklawyers.com
Attorneys for Chris Hisgen

DISTRICT COURT
CLARK COUNTY, NEVADA

11 In the Matter of the Estate of
12
13 MARILYN SWEET WEEKS,
14
15 Deceased.

Case No.: P-20-103540-E
Dept. No.: 26

DECLARATION OF GILDA DOS SANTOS BARRADAS

17 I, GILDA DOS SANTOS BARRADAS, am over the age of 18 years old, competent
18 to testify to the following and upon penalty of perjury in the State of Nevada, declare as
19 follows:
20

21 1. On or about May 3, 2006, I witnessed Marilyn Sweet Weeks (hereafter
22 "Testator") execute her last will and testament.

23 2. A copy of the last will and testament that I witnessed the Testator sign is
24 attached hereto as **Exhibit "1"** (here after "Will").
25

26 3. I affixed my signature as a witness to the last will and testament attached
27 hereto as **Exhibit "1"**.
28

4. The Testator subscribed the Will and declared it to be her last will and testament in my presence.

5. I then subscribed the Will as a witness in the presence of the Testator and in the presence of the other witness, ISABEL PIRES CRUZ SANTOS, at the request of the Testator.

6. The Testator at the time of the execution of the Will appeared to me to be of full age and of sound mind and memory.

7. I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

Dated 12.11.2020

Gilda dos Santos Barradas

EXHIBIT 1

NOTARIADO PORTUGUÊS

Joaquim Augusto Lucas da Silva

NOTÁRIO

em
TAVIRA

CERTIFICA que:

- ☐ É fotocópia _____ que me foi presente para autenticar e contém _____ folhas cujo original exhibe _____ selo branco que a fotocópia não reproduz.
- ☐ É pública forma _____ que extrai do documento que me foi apresentado e contém _____ folhas, cujo original exhibe _____ selo branco que a fotocópia não reproduz.
- ☐ É fotocópia que fiz extrair do Livro de notas para escrituras diversas n.º _____ de folhas _____ a folhas _____, do Cartório sito na Rua 25 de Abril, n.º 2-C, em Tavira, composta de _____ folhas e vai conforme o original e _____
- ☐ É fotocópia que fiz extrair do Livro de notas para escrituras diversas n.º _____ de folhas _____ a folhas _____ do extinto Cartório Notarial de Tavira, composta de _____ folhas e vai conforme ao original e _____
- ☒ É fotocópia que fiz extrair do Livro de Testamentos Públicos e Escrituras de Revogação de Testamentos n.º 2-T de folhas 33 a folhas 33 v.º, do Cartório Notarial sito na Rua 25 de Abril, n.º 2-C, em Tavira, composta de uma folhas e vai conforme ao original.
- ☐ É fotocópia que fiz extrair do Livro de Testamentos Públicos e Escrituras de Revogação de Testamentos n.º _____ a folhas _____ do extinto Cartório Notarial de Tavira, composto de _____ folhas e vai conforme ao original.

Registada sob o n.º PAO 2102/2006
Emitida factura n.º 02131

Tavira 03 / 05 / 20 06

O Notário / O Colaborador na delegação

Joaquim A. Lucas Silva
NOTÁRIO EM TAVIRA

TESTAMENTO PUBLICO

No dia três de Maio de dois mil e seis, perante mim Licenciado Joaquim Augusto Lucas da Silva, Notário titular do alvará do Cartório situado na Rua Vinte e Cinco de Abril, número dois-C, em Tavira, compareceu como outorgante:-----

MARILYN WEEKS SWEET, solteira, maior, natural da Geórgia, Estados Unidos da América, de nacionalidade americana, residente em 6540 Bradley Boulevard, Bethesda Maryland, 20817-3248 Estados Unidos da América, nascida no dia doze de Agosto de mil novecentos e trinta e cinco, filha de Harvey Hobson Weeks e de Pauline Rich Weeks.-----

Verifiquei a identidade da outorgante por exibição do Passaporte número 159410567 de 08/12/1998, emitido pelas autoridades competentes americanas.----

E por ela foi dito:-----

Que faz este seu testamento, sendo o primeiro que faz em Portugal, pela forma seguinte:-----

Institui herdeiro universal de todos os seus bens, direitos e acções em Portugal, Christopher William Hisgen, solteiro, maior, natural de Washington D.C., Estados Unidos da América, de nacionalidade americana e consigo residente.-----

Caso este já tenha falecido à data da sua morte, serão suas herdeiras, Kathryn Kimberly Sweet, casada, residente em Arlington, Virgínia, Estados Unidos da América e Christy Kay Sweet, solteira, maior, residente na Tailândia.--

Assim o disse e outorgou.-----

Foram testemunhas: Maria Isabel Pires Cruz Santos, solteira, maior, natural da freguesia de S. Sebastião da Pedreira, concelho de Lisboa, residente na

Rua Alexandre Herculano, nº. 15, em Tavira e Gilda dos Santos Barradas, casada, natural da freguesia da Sé, concelho de Faro, residente na Travessa da Fábrica, nº. 12, em Tavira; pessoas cuja identidade verifiquei pelo meu conhecimento pessoal.-----

Imposto de selo liquidado nesse acto é no valor de vinte e cinco euros, verba 15.1, da respectiva Tabela.-----

Foi este testamento lido e explicado o seu conteúdo.-----

Miguel Walter Smeit 03 May 2006
~~Isabel dos Santos~~
 Gilda dos Santos Barradas

O Notário
Joaquim Augusto Lucas de Azevedo
Conte n.º 402102/2006 *J*

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Steven D. Emerson

1 CSENY
2 MICHAEL A. OLSEN, ESQ.
3 Nevada Bar No. 6076
4 THOMAS R. CROVER, ESQ.
5 Nevada Bar No. 12387
6 KEITH D. RUTSONG, ESQ.
7 Nevada Bar No. 14944
8 BLACKROCK LEGAL, LLC
9 10155 W. Twain Ave., Suite 100
10 Las Vegas, Nevada 89147
11 Telephone (702) 855-5558
12 Facsimile (702) 855-8248
13 *Attorneys for Chris Higgen*

DISTRICT COURT
CLARK COUNTY, NEVADA

In the Matter of the Estate of

Case No: P-20-103540-E
Dept. No: 25

MARILYN SWEET WEEKS,

Deceased.

CERTIFICATE OF SERVICE

17 I HEREBY CERTIFY that on November 12th, 2020 the REPLY IN SUPPORT OF
18 PETITION FOR GENERAL ADMINISTRATION, APPOINTMENT OF PERSONAL
19 REPRESENTATIVE AND FOR ISSUANCE OF LETTERS TESTAMENTARY AND TO
20 ADMIT WILL TO PROBATE; DECLARATION OF ISABEL FIERES CRUZ SANTOS
21 AND DECLARATION OF GILDA DOS SANTOS BARRADAS was served via electronic
22 service pursuant to Administrative Order 14-2 and NEFCR 9 upon those parties on the master
23 service list including:

24 Thomas Crover	tom@blackrocklawyers.com
25 Michael Olsen	mize@blackrocklawyers.com
26 Christine Manning	christine@blackrocklawyers.com
27 Julian Campbell	julian@blackrocklawyers.com
28 Keith Rutsong	keith@blackrocklawyers.com
29 Vicki Fyne	vicki@blackrocklawyers.com



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Ryan Johnson, Esq.

rdj@johnsonlegal.com

Monica Collins

mjc@johnsonlegal.com

/s/Christina Manning

An Employee of BLACKROCK LEGAL



EXHIBIT “E”

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RAR
MICHAEL A. OLSEN, ESQ.
Nevada Bar No. 6076
THOMAS R. GROVER, ESQ.
Nevada Bar No. 12387
KEITH ROUTSONG
Nevada Bar No. 14944
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Telephone: (702) 855-5658
mike@blackrocklawyers.com
tom@blackrocklawyers.com
keith@blackrocklawyers.com
Attorneys for Chris Hisgen

**DISTRICT COURT
CLARK COUNTY, NEVADA**

In the Matter of the Estate of

Case No.: P-20-103540-E

Dept. No.: 26

MARILYN SWEET WEEKS,

Hearing Date: November 13, 2020

Deceased.

REPORT & RECOMMENDATION

APPEARANCES:

- Thomas R. Grover, Esq. of Blackrock Legal, LLC, on behalf of Chris Hisgen, Petitioner & Surviving Spouse (hereafter "Chris" or "Petitioner").
- Ryan Johnson, Esq. of the law firm of Johnson & Johnson, on behalf of Christy Kay Sweet (hereafter "Christy").

FILINGS:

- *Chris' Petition for General Administration of Estate, Appointment of Personal Representative for Letters Testamentary and to Admit Will to Probate* (hereafter "Petition") filed on or about July 14, 2020.
- *Christy's Objection to Petition for General Administration of Estate, Appointment of Personal Representative and Letters Testamentary and to Admit Will to Probate* (hereafter "Objection") filed on or about August 11, 2020.





- 1 • Chris' *First Supplement to Petition for General Administration, Appointment of Personal Representative and for Issuance of Letters Testamentary and to Admit Will to Probate* (hereafter "First Supplement") filed on or about September 29, 2020.
- 2
- 3
- 4 • Chris' *Reply in support of Petition for General Administration, Appointment of Personal Representative and for Issuance of Letters Testamentary and to Admit Will to Probate* (hereafter "Reply") filed on or
- 5 about November 12, 2020.
- 6
- 7 • *Declaration of Isabel Pires Cruz Santos* (hereafter "Santos Declaration")
- 8 filed on or about November 12, 2020.
- 9 • *Declaration of Gilda Dos Santos Barradas* (hereafter "Barradas Declaration") filed on or about November 12, 2020.

10 **FINDINGS OF FACT**

11 1. Notice of the Petition, hearing on the Petition and aforementioned filings
12 was proper.

13 2. MARILYN SWEET WEEKS (hereafter "Decedent" or "Marilyn") died on
14 February 4th, 2020 in Clark County, Nevada, being at that time a resident of Clark
15 County Nevada.

16 3. At the time of her death, Marilyn was married to Chris.

17 4. Marilyn had two daughters from a previous marriage, Kathryn Kimberly
18 Sweet (hereafter "Kathryn") and Christy Kay Sweet (hereafter "Christy").
19

20 5. The Decedent left a last will and testament (hereafter "Will") dated May 3,
21 2006.

22 6. The will is in Portuguese. However, a translation has been attached to the
23 Petition as **Exhibit "3"**.

24 7. The Will contains the following clause: "She establishes as universal heir
25 of all her goods, rights, and actions in Portugal, Christopher William Hisgen, single,
26 adult, native of Washington, DC, United States of America, of American nationality and
27 with whom she resides." (hereafter "Disposition Clause").
28

8. The Will has signature witnesses from Isabel Pires Cruz Santos (hereafter "Santos") and Gilda dos Santos Barradas (hereafter "Barradas"), and it is notarized by Joaquim Augusto Lucas de Silva.

CHRISTY'S ARGUMENTS AGAINST ADMISSION OF THE WILL

9. In her Objection, Christy argues against admission of the Will for the following reasons:

- a. "Under Nevada Law, there is no provision for the probate of a Will signed in a foreign country. Therefore, Sweet asserts Hisgen's submission of the Will for probate in the State of Nevada is improper and should be denied."¹ (hereafter "Argument One").
- b. "Even if the Will is admitted to Probate in Nevada, this State requires that the witnesses to the execution of the Will sign an Affidavit or Declaration. Since Hisgen's petition did not include any attestations from the subscribing witness, the Will is inadmissible in Nevada."² (hereafter "Argument Two").
- c. "Most importantly, the Decedent in her Will disposed only of her assets situated 'in Portugal.' Therefore, even if the Will is admitted to probate in Nevada, the provisions thereof will not effectuate a transfer of any assets of the decedent in the United States."³ (hereafter "Argument Three").

///

¹ Objection, at pg. 1:24-26.

² Objection, at pg. 2:1-4.

³ Objection, at pg. 2:5-7



CONCLUSIONS OF LAW

I. Argument One Fails Because Wills Executed in Countries Outside the United States May Be Admitted to Probate in Nevada

10. Christy misstates the law in her argument that Nevada law only allows, "the admission of Wills to probate in Nevada only if they are Wills executed in another State within the United States (or its territories) not Wills executed in countries outside the United States."⁴ The undersigned Probate Commissioner notes that this Court has admitted wills executed in other nations, such as Canada for many years.

11. Indeed, Nevada law provides multiple provisions, under which an international will may be admitted to probate. These provisions are independent of one another. That is, even if a will may not be admitted by one provision, it may still be possible for it to be admitted by another.

A. The Will is valid and should be admitted to probate under NRS 133A

12. The Will should be admitted to probate as an international will under NRS 133A. Christy argues that, "Under Nevada Law, there is no provision for the probate of a Will signed in a foreign country."⁵ This is not accurate. The plain language of NRS 133A provides for admission to probate of wills executed outside the United States.

13. More specifically, in NRS 133A.060, the Legislature enumerated requirements for admission of an international will to probate in Nevada. In essence, an international will needs to be in writing, signed in the presence of two witnesses and signed by the testator.⁶

⁴ Objection, at pg. 2:23-25.

⁵ Objection, at pg. 1:23-24.

⁶ See NRS 133A.060(1) – (5).



1 14. In this instance, the will is in writing and signed by both the Decedent and
2 two witnesses. The Will is also signed by a notary. The Will meets the requirements of
3 NRS 133A.060 and may be admitted to probate under that section.

4 **B. The Will is valid and should be admitted to probate under NRS 133**

5 15. Even if the Will is not admitted under NRS 133A as an international will, it
6 may still be admitted under NRS 133. "The invalidity of the will as an international will
7 does not affect its formal validity as a will of another kind." NRS 133A.050(2).

8 16. NRS 133.040(1) provides that, "[n]o will executed in this State, except
9 such electronic wills or holographic wills as are mentioned in this chapter, is valid unless
10 it is in writing and signed by the testator, or by an attending person at the testator's
11 express direction, and attested by at least two competent witnesses who subscribe their
12 names to the will in the presence of the testator."

13 17. The Will facially meets this requirement. However, to be admitted, the
14 witnesses must sign a statement under penalty of perjury that, "that the testator
15 subscribed the will and declared it to be his or her last will and testament in their
16 presence; that they thereafter subscribed the will as witnesses in the presence of the
17 testator and in the presence of each other and at the request of the testator; and that the
18 testator at the time of the execution of the will appeared to them to be of full age and of
19 sound mind and memory." NRS 133.050(2).

20 18. The Santos Declaration and Barradas Declaration, filed after Christy's
21 objection, satisfy this requirement. As such, Argument Two is now moot and fails.
22 Therefore the Will must be admitted to probate pursuant to NRS 133.040.

23 **II. Argument Three Fails Because the Language of the Will Disposes of All**
24 **Estate and Testamentary Assets, Wherever Located, to Chris Hisgen, the**
25 **Surviving Spouse.**



19. In Argument Three, Christy contends that the Will only disposes of the Decedent's property in Portugal, and is thus inapplicable to any assets or property outside of Portugal, such as property in Nevada.

20. Argument Three fails for the following reasons.

A. Probate law favors testacy over intestacy.

21. First, Christy's interpretation would have the effect of placing any property in Nevada, real or personal, into intestacy. "The rule is that a will must be construed according to the intention of the testator, and so as to avoid intestacy."⁷ "The rule of wills construction that favors testacy over intestacy makes courts prefer holding a will absolute, if it is possible to construe questionably conditional language as the testator's motivation to write a will."⁸

22. Christy's interpretation of the Disposition Clause would render all property, real and personal, outside Portugal intestate. This would apply to all Nevada property, real and personal.

23. A plain, straightforward interpretation of "actions in Portugal" recognizes that "in Portugal" modifies only "actions." Merriam-Webster defines "action," in a legal context, as "the right to bring or maintain such a legal or judicial proceeding."⁹ Thus,

⁷ Estate of Baker, 131 Cal. App. 3d. 471 (1982).

⁸ Mason v. Mason, 268 SE 2d. 67, 68 (1980); See also National Bank of Commerce v. Wehrle, 124 W.Va. 268, 20 S.E.2d 112 (1942); Eaton v. Brown, 193 U.S. 411, 24 S.Ct. 487, 48 L.Ed. 730 (1904); In re Desmond's Estate, 35 Cal.Rptr. 737, 223 C.A.2d 211, 1 A.L.R.3d 1043 (1963); Vaught v. Vaught, 247 Ark. 52, 444 S.W.2d 104 (1969); Warren v. Hartnett, 561 S.W.2d 860 (Tex Civ App.1977); Barber v. Barber, 368 Ill. 215, 13 N.E.2d 257 (1938); Watkins v. Watkins' Adm'r., 269 Ky. 246, 106 S.W.2d 975 (1937); Bobblis v. Cupol, 297 Mass. 164, 7 N.E.2d 440 (1937); In re Morrison's Estate, 361 Pa. 419, 65 A.2d 384 (1949); In re Trager's Estate, 413 Ill. 364, 108 N.E.2d 908 (1952);

⁹ <https://www.merriam-webster.com/dictionary/action>



1 the Will confers upon Christopher the right to bring or maintain a legal proceeding in
2 Portugal that Marilyn could have brought herself.

3 24. As Christy's interpretation of the Disposition Clause would create partial
4 intestacy, the Court chooses to construe it in favor of testacy. As such, the Court
5 interprets "in Portugal" as a modifier of "actions" only.
6

7 **B. The plain meaning of "universal heir" favors a broad interpretation of**
8 **the Disposition Clause.**

9 25. Second, the language of the Disposition Clause purports to establish Chris,
10 Marilyn's surviving spouse, as the universal heir. Merriam-Webster defines
11 "universal" as "including or covering all or a whole collectively or distributively
12 without limit or exception."¹⁰ In other words, it appears that the Decedent desired
13 for the Will to establish Chris as the universal heir of all her property, which would
14 necessarily be without limit or exception.
15

16 26. Additionally, the undersigned, *sua sponte*, researched the meaning of
17 "universal heir" in European probate law:

18 The universal nature of the hereditary legal succession in classical Roman law,
19 which held the heir unlimitedly liable for the testator's debts, was based on the
20 mystical idea that the legal identity of the deceased was embodied in the
21 inheritance. At the same time, a distinctive feature of the hereditary legal
22 succession is a one-time transfer (in a single act) to the legal successor of all
23 rights and obligations that are part of the property of the predecessor. Thus, a
24 characteristic feature of the hereditary legal succession is that the universal heir
25 is the direct successor of the testator's property: the inheritance passes from the
26 deceased to the heir not only immediately and simultaneously, but also directly
27 from the testator.¹¹

28 ¹⁰ <https://www.merriam-webster.com/dictionary/universal>; *emphasis added*.

¹¹ Anatoliy Kostuba, HEREDITARY LEGAL SUCCESSION IN THE CIVIL LAW OF UKRAINE: PROBLEMATIC AND THEORETICAL ASPECT, *Journal of the National Academy of Legal Sciences of Ukraine*, National Academy of Legal Sciences of Ukraine, 2019, 26 (3), pp.135-149. ff10.31359/1993-0909-2019-26-3-161ff. fihal-02411634f retrieved from <http://dlib.ual.ro/archives-cuvenet/fihal-02411634f/document>



1 27. This concept clearly contemplates disposition of *all* of the decedent's
2 property directly to the universal heir, without limit or exception.

3
4 28. Furthermore, Christy's interpretation would leave a logical hole in the
5 Will. The Will also provides that, "[s]hould [Chris] have already died, on the date of her
6 death, Kathryn Kimberly Sweet, married, resident of Arlington, Virginia, United States
7 of America and Christy Kay Sweet, single, adult, resident of Thailand, will be her heirs."
8 Obviously, this provision contains no language that could be construed as limiting
9 distribution to assets in Portugal. Yet, Christy would have this Court believe that the
10 clause naming Chris as the "universal heir" is limited to assets in Portugal, while the
11 residuary clause has no such limitation. This interpretation would expand distribution
12 of the residuary clause to the full estate, even though Chris would receive only property
13 in Portugal. In short, the "universal heir" would receive a narrow (likely non-existent)
14 estate, while the residuary would be expansive and universal, an absurd result.
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RECOMMENDATIONS

IT IS THEREFORE RECOMMENDED that last will and testament of Marilyn Sweet Weeks, dated May 3, 2006, be admitted to probate under either NRS 133A.060 or NRS 133.040-050.

IT IS FURTHER RECOMMENDED that the that last will and testament of Marilyn Sweet Weeks, dated May 3, 2006, be interpreted to dispose of the entirety of the Estate to the decedent's surviving spouse, Christopher Hisgen.

DATED: 2/10/2007

By: [Signature]

PROBATE COMMISSIONER

Submitted by:
BLACKROCK LEGAL, LLC

/s/ Thomas R. Grover

THOMAS R. GROVER, ESQ.
Nevada Bar No. 12387
BLACKROCK LEGAL

Approved as to form by:

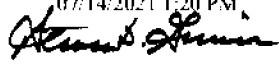
Submitting competing RAR.

RYAN D. JOHNSON, ESQ.
Nevada Bar No. 12790
JOHNSON & JOHNSON LAW OFFICES



EXHIBIT “F”

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07/14/2021 1:20 PM

CLERK OF THE COURT

BLACKROCK
LEGAL

1 **ORDR**
2 MICHAEL A. OLSEN, ESQ.
3 Nevada Bar No. 6076
4 THOMAS R. GROVER, ESQ.
5 Nevada Bar No. 12387
6 KEITH D. ROUTSONG, ESQ.
7 Nevada Bar No. 14944
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13 mike@blackrocklawyers.com
14 tom@blackrocklawyers.com
15 keith@blackrocklawyers.com
16 Attorneys for Chris Hisgen

**DISTRICT COURT
CLARK COUNTY, NEVADA**

In the Matter of the Estate of

MARILYN SWEET WEEKS,

Deceased.

Case No.: P-20-103540-E

Dept. No.: 26

HEARING DATE: 5/30/2021

**ORDER AFFIRMING REPORT AND RECOMMENDATION, ADMITTING
WILL TO PROBATE AND TO ISSUE LETTERS TESTAMENTARY**

Appearances:

- Ryan Johnson of Johnson & Johnson law firm on behalf of objector Christy Kay Sweet.
- Thomas R. Grover of Blackrock Legal on behalf of surviving spouse Christopher Hisgen.

Filings:

- *Report and Recommendation*, March 3, 2021 ("RAR"), **Exhibit "1"**.
- *Objection to Report and Recommendation* ("Objection"), March 15, 2021 filed by Christy Kay Sweet.
- *Opposition to Objection to Report and Recommendation* ("Opposition"), May 10, 2021 filed by Chris Hisgen.

PAGE 1 OF 2
ESTATE OF MARILYN SWEET WEEKS, CASE NO. P-20-103540
ORDER

Case Number: P-20-103540-E

ORDER

The Court, having considered the arguments of counsel in the above referenced filings and, in the hearing on this matter,

ORDERS AND ATTIRMS the REPORT AND RECOMMENDATION attached hereto as Exhibit "A".

THE COURT FURTHER ORDERS that the Last Will and Testament of Marilyn Weeks ("Testamento Publico") dated May 3, 2008 is admitted to probate under General Administration.

THE COURT FURTHER ORDERS that Letters Testamentary shall issue to Christopher Hiegan.

Dated this 14th day of July, 2021



029 75E F479 86D5
Gloria Sturman
District Court Judge

Prepared and submitted by:

BLACK ROCK LEGAL, LLC

/s/ Thomas R. Causer

MICHAEL A. OLSEN, ESQ.

Nevada Bar No. 7856

THOMAS R. GROVES, ESQ.

Nevada Bar No. 12987

KEITH D. RUTSONO, ESQ.

Nevada Bar No. 14944

Attorneys for Chris Hiegan

EXHIBIT 1

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1 **RAR**
2 **MICHAEL A. OLSEN, ESQ.**
3 Nevada Bar No. 6076
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12 mike@blackrocklawyers.com
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15 Attorneys for Chris Hisgen

**DISTRICT COURT
CLARK COUNTY, NEVADA**

12 In the Matter of the Estate of

Case No.: P-20-103540-E

Dept. No.: 26

13 **MARILYN SWEET WEEKS,**

Hearing Date: November 13, 2020

14
15 Deceased.

REPORT & RECOMMENDATION

APPEARANCES:

- Thomas R. Grover, Esq. of Blackrock Legal, LLC, on behalf of Chris Hisgen, Petitioner & Surviving Spouse (hereafter "Chris" or "Petitioner").
- Ryan Johnson, Esq. of the law firm of Johnson & Johnson, on behalf of Christy Kay Sweet (hereafter "Christy").

FILINGS:

- *Chris' Petition for General Administration of Estate, Appointment of Personal Representative for Letters Testamentary and to Admit Will to Probate* (hereafter "Petition") filed on or about July 14, 2020.
- *Christy's Objection to Petition for General Administration of Estate, Appointment of Personal Representative and Letters Testamentary and to Admit Will to Probate* (hereafter "Objection") filed on or about August 11, 2020.



- 1 • Chris' *First Supplement to Petition for General Administration, Appointment of Personal Representative and for Issuance of Letters Testamentary and to Admit Will to Probate* (hereafter "First Supplement") filed on or about September 29, 2020.
- 2
- 3
- 4 • Chris' *Reply in support of Petition for General Administration, Appointment of Personal Representative and for Issuance of Letters Testamentary and to Admit Will to Probate* (hereafter "Reply") filed on or
- 5 about November 12, 2020.
- 6
- 7 • *Declaration of Isabel Pires Cruz Santos* (hereafter "Santos Declaration")
- 8 filed on or about November 12, 2020.
- 9 • *Declaration of Gilda Dos Santos Barradas* (hereafter "Barradas Declaration") filed on or about November 12, 2020.

10 **FINDINGS OF FACT**

11 1. Notice of the Petition, hearing on the Petition and aforementioned filings
12 was proper.

13 2. MARILYN SWEET WEEKS (hereafter "Decedent" or "Marilyn") died on
14 February 4th, 2020 in Clark County, Nevada, being at that time a resident of Clark
15 County Nevada.

16 3. At the time of her death, Marilyn was married to Chris.

17 4. Marilyn had two daughters from a previous marriage, Kathryn Kimberly
18 Sweet (hereafter "Kathryn") and Christy Kay Sweet (hereafter "Christy").
19

20 5. The Decedent left a last will and testament (hereafter "Will") dated May 3,
21 2006.

22 6. The will is in Portuguese. However, a translation has been attached to the
23 Petition as **Exhibit "3"**.

24 7. The Will contains the following clause: "She establishes as universal heir
25 of all her goods, rights, and actions in Portugal, Christopher William Hisgen, single,
26 adult, native of Washington, DC, United States of America, of American nationality and
27 with whom she resides." (hereafter "Disposition Clause").
28

8. The Will has signature witnesses from Isabel Pires Cruz Santos (hereafter "Santos") and Gilda dos Santos Barradas (hereafter "Barradas"), and it is notarized by Joaquim Augusto Lucas de Silva.

CHRISTY'S ARGUMENTS AGAINST ADMISSION OF THE WILL

9. In her Objection, Christy argues against admission of the Will for the following reasons:

- a. "Under Nevada Law, there is no provision for the probate of a Will signed in a foreign country. Therefore, Sweet asserts Hisgen's submission of the Will for probate in the State of Nevada is improper and should be denied."¹ (hereafter "Argument One").
- b. "Even if the Will is admitted to Probate in Nevada, this State requires that the witnesses to the execution of the Will sign an Affidavit or Declaration. Since Hisgen's petition did not include any attestations from the subscribing witness, the Will is inadmissible in Nevada."² (hereafter "Argument Two").
- c. "Most importantly, the Decedent in her Will disposed only of her assets situated 'in Portugal.' Therefore, even if the Will is admitted to probate in Nevada, the provisions thereof will not effectuate a transfer of any assets of the decedent in the United States."³ (hereafter "Argument Three").

///

¹ Objection, at pg. 1:24-26.

² Objection, at pg. 2:1-4.

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CONCLUSIONS OF LAW

I. Argument One Fails Because Wills Executed in Countries Outside the United States May Be Admitted to Probate in Nevada

10. Christy misstates the law in her argument that Nevada law only allows, "the admission of Wills to probate in Nevada only if they are Wills executed in another State within the United States (or its territories) not Wills executed in countries outside the United States."⁴ The undersigned Probate Commissioner notes that this Court has admitted wills executed in other nations, such as Canada for many years.

11. Indeed, Nevada law provides multiple provisions, under which an international will may be admitted to probate. These provisions are independent of one another. That is, even if a will may not be admitted by one provision, it may still be possible for it to be admitted by another.

A. The Will is valid and should be admitted to probate under NRS 133A

12. The Will should be admitted to probate as an international will under NRS 133A. Christy argues that, "Under Nevada Law, there is no provision for the probate of a Will signed in a foreign country."⁵ This is not accurate. The plain language of NRS 133A provides for admission to probate of wills executed outside the United States.

13. More specifically, in NRS 133A.060, the Legislature enumerated requirements for admission of an international will to probate in Nevada. In essence, an international will needs to be in writing, signed in the presence of two witnesses and signed by the testator.⁶

⁴ Objection, at pg. 2:23-25.

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⁶ See NRS 133A.060(1) – (5).



1 14. In this instance, the will is in writing and signed by both the Decedent and
2 two witnesses. The Will is also signed by a notary. The Will meets the requirements of
3 NRS 133A.060 and may be admitted to probate under that section.

4 **B. The Will is valid and should be admitted to probate under NRS 133**

5 15. Even if the Will is not admitted under NRS 133A as an international will, it
6 may still be admitted under NRS 133. "The invalidity of the will as an international will
7 does not affect its formal validity as a will of another kind." NRS 133A.050(2).

8 16. NRS 133.040(1) provides that, "[n]o will executed in this State, except
9 such electronic wills or holographic wills as are mentioned in this chapter, is valid unless
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12 names to the will in the presence of the testator."

13 17. The Will facially meets this requirement. However, to be admitted, the
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15 subscribed the will and declared it to be his or her last will and testament in their
16 presence; that they thereafter subscribed the will as witnesses in the presence of the
17 testator and in the presence of each other and at the request of the testator; and that the
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19 sound mind and memory." NRS 133.050(2).

20 18. The Santos Declaration and Barradas Declaration, filed after Christy's
21 objection, satisfy this requirement. As such, Argument Two is now moot and fails.
22 Therefore the Will must be admitted to probate pursuant to NRS 133.040.

23 **II. Argument Three Fails Because the Language of the Will Disposes of All**
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25 **Surviving Spouse.**



19. In Argument Three, Christy contends that the Will only disposes of the Decedent's property in Portugal, and is thus inapplicable to any assets or property outside of Portugal, such as property in Nevada.

20. Argument Three fails for the following reasons.

A. Probate law favors testacy over intestacy.

21. First, Christy's interpretation would have the effect of placing any property in Nevada, real or personal, into intestacy. "The rule is that a will must be construed according to the intention of the testator, and so as to avoid intestacy."⁷ "The rule of wills construction that favors testacy over intestacy makes courts prefer holding a will absolute, if it is possible to construe questionably conditional language as the testator's motivation to write a will."⁸

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1 the Will confers upon Christopher the right to bring or maintain a legal proceeding in
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6

7 **B. The plain meaning of "universal heir" favors a broad interpretation of**
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15

16 26. Additionally, the undersigned, *sua sponte*, researched the meaning of
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24 characteristic feature of the hereditary legal succession is that the universal heir
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26 deceased to the heir not only immediately and simultaneously, but also directly
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28 ¹⁰ <https://www.merriam-webster.com/dictionary/universal>; *emphasis added*.

¹¹ Anatoliy Kostuba, HEREDITARY LEGAL SUCCESSION IN THE CIVIL LAW OF UKRAINE: PROBLEMATIC AND THEORETICAL ASPECT, *Journal of the National Academy of Legal Sciences of Ukraine*, National Academy of Legal Sciences of Ukraine, 2019, 26 (3), pp.135-149. ff10.31359/1993-0909-2019-26-3-161ff. fihal-02411634f retrieved from <http://dlib.ual.ac.uk/theses/eu/theses/fihal-02411634f/document>



1 27. This concept clearly contemplates disposition of *all* of the decedent's
2 property directly to the universal heir, without limit or exception.

3
4 28. Furthermore, Christy's interpretation would leave a logical hole in the
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7 of America and Christy Kay Sweet, single, adult, resident of Thailand, will be her heirs."
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11 residuary clause has no such limitation. This interpretation would expand distribution
12 of the residuary clause to the full estate, even though Chris would receive only property
13 in Portugal. In short, the "universal heir" would receive a narrow (likely non-existent)
14 estate, while the residuary would be expansive and universal, an absurd result.
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RECOMMENDATIONS

IT IS THEREFORE RECOMMENDED that last will and testament of Marilyn Sweet Weeks, dated May 3, 2006, be admitted to probate under either NRS 133A.060 or NRS 133.040-050.

IT IS FURTHER RECOMMENDED that the that last will and testament of Marilyn Sweet Weeks, dated May 3, 2006, be interpreted to dispose of the entirety of the Estate to the decedent's surviving spouse, Christopher Hisgen.

DATED: 2/10/2007

By: [Signature]

PROBATE COMMISSIONER

Submitted by:
BLACKROCK LEGAL, LLC

/s/ Thomas R. Grover

THOMAS R. GROVER, ESQ.
Nevada Bar No. 12387
BLACKROCK LEGAL

Approved as to form by:

Submitting competing RAR.

RYAN D. JOHNSON, ESQ.
Nevada Bar No. 12790
JOHNSON & JOHNSON LAW OFFICES



EXHIBIT “G”

138 Nev., Advance Opinion **68**

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

IN THE MATTER OF THE ESTATE OF
MARILYN WEEKS SWEET,
DECEASED.

No. 83342-COA

CHRISTY KAY SWEET,
Appellant,
vs.
CHRIS HISGEN,
Respondent.

FILED

OCT 20 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY: [Signature] DEPUTY CLERK

Appeal from a district court order admitting a will to probate.
Eighth Judicial District Court, Clark County; Gloria Sturman, Judge.

Affirmed.

Dickinson Wright PLLC and Kerry E. Kleiman and Michael N. Feder, Las Vegas,
for Appellant.

Blackrock Legal, LLC, and Thomas R. Grover and Michael A. Olsen, Las Vegas,
for Respondent.

BEFORE THE COURT OF APPEALS, GIBBONS, C.J., TAO and BULLA, JJ.

OPINION

By the Court, GIBBONS, C.J.:

In this appeal, we consider whether the district court properly admitted a will to probate that was drafted by or for the decedent in

Portugal and was written in Portuguese, where the decedent was domiciled in Maryland and the pertinent property of the estate at death was a house in Nevada. At issue is whether the will was valid under the Uniform International Wills Act—codified as NRS Chapter 133A—and in particular, whether the will was signed by an “authorized person,” who acts as a supervising witness, under the Act. Alternatively, we address whether a district court may properly admit a will to probate under NRS Chapter 133 if it is not valid under NRS Chapter 133A. Finally, we are asked to interpret the scope of the devise made under the language of the will.

We conclude that the laws of relevant foreign states must be taken into consideration when evaluating the identity of an “authorized person” for the purpose of implementing the Uniform International Wills Act. Additionally, we conclude that the plain and ordinary meaning of the relevant statutes provides for a will to be probated under NRS Chapter 133 if it fails to conform with NRS Chapter 133A. We also conclude that the district court did not err in applying the will at issue here to the decedent’s entire estate and that appellant was not entitled to a will contest during the proceedings below. For the reasons articulated herein, we affirm the district court’s order.

FACTS AND PROCEDURAL HISTORY

In 2006, Marilyn Weeks Sweet, then domiciled in Maryland, executed a will in Tavira, Portugal. The will was written in Portuguese. It was signed and overseen by a notary, and it bore the signatures of two additional witnesses, which were notarized. In 2020, Marilyn died in Nevada. Her estate at the time of her death was comprised of one home in Las Vegas, titled in her name and worth an estimated \$530,085.

Respondent Chris Hisgen, Marilyn’s surviving spouse, filed a petition for general administration of the estate and to admit the will to

probate. Hisgen attached a translation of the will to his petition. The translation was done by Lori Piotrowski and reads as follows, in pertinent part:

[Marilyn Weeks Sweet] establishes as universal heir of all her goods, rights, and actions in Portugal, Christopher William Hisgen,^[1] single, adult, native Washington, DC, United States of America, of American nationality with whom she resides.

Should he have already died, on the date of her death, Kathryn Kimberly Sweet, married, resident of Arlington, Virginia, United States of America and Christy Kay Sweet, single, adult, resident of Thailand, will be her heirs.

Also attached to the petition was a waiver of notice signed by Kathryn Kimberly Sweet, one of Marilyn's daughters.

Appellant Christy Kay Sweet (Sweet), Marilyn's other daughter, filed an objection to Hisgen's petition, arguing that the will could not be probated in Nevada because it was signed in a foreign country. Sweet further argued that the will applied only to property in Portugal and did not include the Nevada home. Hisgen filed a reply in support of his petition, attaching three declarations. One was from a witness, attesting that the individual had witnessed Marilyn execute the will. The other two declarations appear to be from the same person, Isabel Santos—apparently a Portuguese attorney and also a witness to Marilyn's will.² In one declaration, Santos attested that she had witnessed Marilyn execute the

¹In Portuguese, the will reads, in pertinent part, "[Marilyn Weeks Sweet] [i]nstitui herdeiro universal de todos os seus bens, direitos e acções em Portugal, Christopher William Hisgen"

²One of the declarations is titled "Declaration of Isabel Pires Cruz Santos." The other is titled "Declaration of Dr^a Maria Isabel Santos." Both declarations bear the same signature, which reads Isabel Pires Cruz Santos.

will. In the other, Santos attested that the will was valid under Portuguese law. She additionally offered a translation of the will that differed slightly from Piotrowski's translation. The Santos translation reads, in pertinent part, "[Marilyn Weeks Sweet] [e]stablishes universal heir to all her assets, rights and shares in Portugal, Christopher William Hisgen"

Following a hearing, the probate commissioner issued a report and recommendation (R&R) regarding Hisgen's petition. The probate commissioner concluded that the will was a valid international will under NRS Chapter 133A. He alternatively concluded that even if the will was invalid under NRS Chapter 133A, it could nevertheless be probated under NRS 133.040.³ Finally, the probate commissioner concluded that the will applied to the entire estate rather than only property situated in Portugal. The probate commissioner therefore recommended that the will "be admitted to probate under either NRS 133A.060 or NRS 133.040-[,1050]" and "be interpreted to dispose of the entirety of the [e]state to [Hisgen]."

Sweet filed an objection to the commissioner's R&R, and the district court held a hearing where the parties largely repeated the arguments made before the probate commissioner. The only notable difference between the hearings was that there was discussion before the court as to whether the will was valid under NRS 133.080 (foreign execution of wills) and no discussion as to NRS 133.040 (wills executed in Nevada). After the hearing, the district court issued an order affirming the probate

³NRS 133.040 provides the requirements for a valid will executed in Nevada. As discussed below, because the will was undisputedly executed in Portugal rather than Nevada, the district court erred in accepting the portion of the probate commissioner's R&R concluding that the will could be admitted to probate under NRS 133.040, as the applicable provision is NRS 133.080.

commissioner's R&R in its entirety and admitting the will to probate. Sweet timely appealed pursuant to NRS 155.190(2).

ANALYSIS

Sweet raises four primary arguments on appeal. First, she argues the will did not meet the requirements for a valid international will under NRS Chapter 133A, Nevada's codification of the Uniform International Wills Act (UIWA). Second, she argues that the will could not otherwise be probated under NRS Chapter 133—primarily focusing her arguments on NRS 133.080(1) (foreign execution of wills). Third, Sweet argues the will applied only to property located in Portugal. And fourth, she argues, for the first time, that she was entitled to a will contest under NRS Chapter 137. We address each of her arguments in turn.

The district court did not err in ruling that the will was a valid international will under NRS Chapter 133A

Sweet argues the district court erred in ruling that the will was a valid international will under NRS Chapter 133A. She argues the will facially fails to comply with the requirements of that chapter because it lacks the signature of an "authorized person" under NRS 133A.030 (defining "authorized person" as a person admitted to practice law in Nevada or a person empowered to supervise the execution of international wills by the laws of the United States), does not include Marilyn's signature on each page, and does not include a certificate attesting compliance with the UIWA. Hisgen counters that Santos was an "authorized person" for overseeing the execution of Marilyn's will because she is licensed to practice law in Portugal. In the alternative, Hisgen argues that the Portuguese notary was an "authorized person" because "Nevada state law allows for the recognition of a foreign notarial act." He further argues that neither the absence of Marilyn's signature on each page of the will nor the absence of

the certificate of compliance is fatal to the validity of the will under NRS Chapter 133A.

The validity of a will is a question of law we review *de novo*. See *In re Estate of Melton*, 128 Nev. 34, 42, 272 P.3d 668, 673 (2012) (reviewing the validity of a handwritten will *de novo*). Further, “NRS 133A.020 to 133A.100, inclusive, derive from Annex to Convention of October 26, 1973, Providing a Uniform Law on the Form of an International Will. In interpreting and applying this chapter, regard must be given to its international origin and to the need for uniformity in its interpretation.” NRS 133A.110.

At the outset, we note that the UIWA is found in the Annex to the Convention of October 26, 1973, Providing a Uniform Law on the Form of an International Will. Convention Providing a Uniform Law on the Form of an International Will, Resolution, art. I, ¶ 1, October 27, 1973, S. Treaty Doc. No. 99-29 [hereinafter ULIW Convention]. Use of the exact text of the Annex is mandatory in countries using primarily English, French, Russian, or Spanish languages. *Id.* Explanatory Report, S. Treaty Doc. No. 99-29 at 11. While the text may be translated to other languages, like Portuguese, the translators are not permitted to make even “small changes in the presentation or vocabulary of the Uniform Law.” *Id.* Therefore, because of this uniformity, we may properly turn to Nevada’s codification of the UIWA to determine if the will complies with the UIWA while keeping in mind the international origin of the act.

Nevada has adopted and codified the UIWA in NRS Chapter 133A. Within this chapter, the various requirements for a valid international will are established. Some of these requirements are mandatory to ensure the validity of an international will. See NRS 133A.060(2) (stating a will *must* be signed “in the presence of two witnesses

and of a person authorized to act in connection with international wills” (emphasis added)). However, failure to comply with other sections of the chapter are not fatal to the validity of the will. See NRS 133A.070(4) (explaining that a will executed in compliance with NRS 133A.060 “is not invalid merely because it does not comply with” NRS 133A.070(1)’s signature requirement); NRS 133A.090 (“The absence or irregularity of a certificate does not affect the formal validity of a will under [NRS Chapter 133A].”). Thus, even though Marilyn’s will did not have a signature on each page or a certificate attached, these defects are not fatal to its validity. See NRS 133A.070; NRS 133A.090.

We now turn to whether Marilyn’s will complied with the mandatory provisions of NRS 133A.060.⁴ As we noted above, to be valid under NRS 133A.060(2), a will must be signed “in the presence of two witnesses and of a person authorized to act in connection with international wills.” Nevada has defined an “authorized person” as either (1) a person admitted to practice law in Nevada and who is in good standing as an active law practitioner in Nevada, NRS 133A.120, or (2) a person empowered to supervise the execution of international wills “by the laws of the United States, including members of the diplomatic and consular service of the United States designated by Foreign Service Regulations,” NRS 133A.030. Thus, a valid international will executed in Nevada would need to be signed by either a Nevada attorney or someone authorized under the laws of the

⁴The parties only challenge the mandatory provision of NRS 133A.060(2). They do not dispute the other mandatory provisions of NRS 133A.060, so we need not address them. See *Greenlaw v. United States*, 554 U.S. 237, 243 (2008) (“[I]n both civil and criminal cases, in the first instance and on appeal, we follow the principle of party presentation. That is, we rely on the parties to frame the issues for decisions and assign to courts the role of neutral arbiter of matters the parties present.”).

United States to execute international wills. This requirement must be read with the understanding that regard is given to the "international origin" of this statute and the need for international uniformity in interpreting it. *See* NRS 133A.110.

The matter of determining an authorized person to execute a uniform international will is to be decided by each nation. *See* ULIW Convention, Resolution, art. I, ¶ 1, October 27, 1973, S. Treaty Doc. No. 99-29 ("Each Contracting Party may introduce into its law such further provisions as are necessary to give the provisions of the Annex full effect in its territory."); *id.* Resolution, art. II, ¶ 1 ("Each Contracting Party shall implement the provisions of the Annex in its law . . . by designating the persons who, in its territory, shall be authorized to act in connection with international wills."); *id.* Resolution, art. III ("The capacity of the authorized person to act in connection with an international will, if conferred in accordance with the law of a Contracting Party, shall be recognized in the territory of the other Contracting Parties."); *id.* Letter of Submittal, S. Treaty Doc. No. 99-29 at 8 ("Given the differing national practices and traditions with regard to the preparation of wills, the framers of the Convention left it to each individual state becoming party to the Convention to decide whom to delegate as its 'authorized person' . . ."). Therefore, when determining if a purported international will, signed in another country, should be admitted to probate, the district court must first consider if it complied with the UIWA requirements⁵ before turning to the laws of the signatory country to determine if the will was signed by an "authorized person."

⁵Codified in Nevada as NRS Chapter 133A.

Since the will was executed in Portugal, not Nevada, we must turn to Portuguese law to determine who an “authorized person” is. See ULIW Convention, Resolution, art. II, ¶ 1. We note logic and common sense would dictate this course of action. The purpose of an international will would be frustrated if testators were required to anticipate the exact location where their will would be admitted to probate when they created the will and identified an authorized person to sign the will. See S. Treaty Doc. No. 99-29, 31 (“A will shall be valid as regards form, irrespective particularly of the place where it is made, of the location of the assets and of the nationality, domicile or residence of the testator.”).

In the present case, Sweet’s reading of the statute would have required Marilyn, who apparently had no connection to Nevada at the time the will was created, to ignore Portuguese law and Maryland law to comply with Nevada law. This is an absurd requirement to read into the Convention Providing a Uniform Law on the Form of an International Will and NRS Chapter 133A, and we decline to do so. See *Gallagher v. City of Las Vegas*, 114 Nev. 595, 599-600, 959 P.2d 519, 521 (1998) (holding that statutory interpretation “should be in line with what reason and public policy would indicate the legislature intended, and should avoid absurd results”).

At the outset of our analysis of Portuguese law, we note that Portugal signed the Convention Providing a Uniform Law on the Form of an International Will and consented to be bound to the document. U.S. Dep’t of State, Providing a Uniform Law on the Form of an International Will, <https://www.state.gov/wp-content/uploads/2021/08/Wills-status-table-7.26.21.pdf> (official list of signatory countries); Decreto no. 252/75 de 23 de maio [Decree no. 252/75 of 23 May], <https://files.dre.pt/1s/1975/05/11900/07170722.pdf> [<https://perma.cc/LTP6-U5XP>] (Portuguese decree signing on

to the Convention Providing a Uniform Law on the Form of an International Will).⁶ Additionally, an “authorized person” as defined by Portugal will be recognized in Nevada, since the United States has also signed the convention and Nevada has adopted the Annex to the UIWA derived from the Convention. See ULIW Convention, Resolution, art. II, ¶ 1; U.S. Dep’t of State, Providing a Uniform Law on the Form of an International Will, <https://www.state.gov/wp-content/uploads/2021/08/Wills-status-table-7.26.21.pdf> (official list of signatory countries); NRS 133A.110.

A notary is a designated “authorized person” in Portugal. See Decreto-Lei n.º 177/79, de 7 de junho [Decree-Law no. 177/79 of 7 June], art. 1, <https://files.dre.pt/1s/1979/06/13100/12821283.pdf> [<https://perma.cc/6Z9U-83JZ>] (Item 1 provides that each Contracting Party shall determine the persons empowered to deal with matters relating to the international will in its territory. Item 2 determines that Portuguese notaries will be authorized persons.).⁷ Therefore, the signature of Joaquim August Lucas

⁶No official English translation of the source is available. Translation assistance was provided by the Law Library of Congress Global Research Directorate.

⁷No official English translation of the source is available. Translation assistance was provided by the Law Library of Congress Global Research Directorate and Google Translate. Relevant Portuguese text states,

1 — A Convenção Relativa à Lei Uniforme sobre a Forma de Um Testamento Internacional, aprovada para adesão pelo Decreto-Lei n.º 252/75, de 23 de Maio, prevê, no seu artigo II, a designação, por cada Parte Contratante, das pessoas habilitadas a tratar das matérias relativas ao testamento internacional no respectivo território.

2 — Considera-se no presente diploma que tal designação deverá recair sobre os notários e agentes consulares portugueses em serviço no estrangeiro,

de Silva, a notary in Portugal, is the signature of an authorized person in Portugal.⁸ This authorized person's signature must be recognized by Nevada.

Accordingly, we conclude that the will was signed in the presence "of a person authorized to act in connection with international wills." NRS 133A.060(2). Thus, the district court did not err in finding that the will met all the requirements for a uniform international will, although we note the district court did not utilize the proper analysis to arrive at this conclusion.⁹ See *Saavedra-Sandoval v. Wal-Mart Stores, Inc.*, 126 Nev. 592, 599, 245 P.3d 1198, 1202 (2010) (holding that we will affirm the district

já que, nos termos do Código do Notariado, o tratamento daquelas matérias se insere perfeitamente no âmbito da sua competência.

Google Translate translation of the text states,

1 — The Convention on the Uniform Law on the Form of an International Will, approved for accession by Decree-Law no. 252/75, of 23 May, provides, in its article II, for the designation, by each Contracting Party, of the persons authorized to deal with matters relating to the international will in their respective territory.

2 — It is considered in the present diploma that such designation should fall on Portuguese notaries and consular agents in service abroad should be appointed, since, under the terms of the Notary Code, the treatment of those matters falls perfectly within the scope of their competence.

⁸Hisgen does not provide, and we could not find, relevant Portuguese law stating that Santos is an authorized person because she is an attorney in Portugal.

⁹The district court did not look to see who qualified as an "authorized person" in Portugal, probably because the parties did not request it to do so.

court if it reaches the correct result, even if for the wrong reason). Next, we turn to whether the district court erred in alternatively ruling that the will could be probated under NRS Chapter 133.

The district court did not err in alternatively ruling that the will could be admitted to probate under NRS Chapter 133

Sweet argues that the district court erred in concluding that, even if Marilyn's will was not valid under NRS Chapter 133A, it could nevertheless be probated under NRS Chapter 133. She argues that NRS 133.040, relating to wills executed in Nevada, is inapplicable to Marilyn's will because the will was undisputedly executed outside of Nevada. Turning to NRS 133.080(1), foreign execution of wills,¹⁰ Sweet argues that statute should be interpreted to apply to "wills made in other states or wills made in countries that have not adopted the [uniform] [i]nternational [w]ill [requirements]." She argues the district court instead interpreted NRS 133.080(1) to be "a savings clause for international wills that fail to meet the requirements of NRS [Chapter] 133A." This interpretation, according to Sweet, renders NRS 133.080(1)'s "[e]xcept as otherwise provided in chapter 133A" language superfluous.

Hisgen counters that NRS 133A.050(2) indicates that the UIWA was not intended to supplant NRS Chapter 133. He argues the will

¹⁰NRS 133.080(1) states,

Except as otherwise provided in chapter 133A of NRS, if in writing and subscribed by the testator, a last will and testament executed outside this State in the manner prescribed by the law, either of the state where executed or of the testator's domicile, shall be deemed to be legally executed, and is of the same force and effect as if executed in the manner prescribed by the law of this State.

could be admitted to probate under NRS 133.080(1) because it was a valid will in Portugal, where it was executed. He further argues that NRS 133.080(1) allows the will to be probated because it was a valid will in Maryland, where Marilyn was domiciled when the will was executed.

“The construction of a statute is a question of law, which we review de novo.” *Orion Portfolio Servs. 2, LLC v. County of Clark*, 126 Nev. 397, 402, 245 P.3d 527, 531 (2010). Where a statute is clear and unambiguous, we give “effect to the plain and ordinary meaning of the words” without resorting to the rules of statutory construction. *Id.* NRS Chapter 133A defines “international will” as “a will executed in conformity with NRS 133A.050 to 133A.080 inclusive.” NRS 133A.040. However, failure to conform with those provisions “does not affect [the will’s] formal validity as a will of another kind.” NRS 133A.050(2). Nevada deems as legally valid a will executed outside the state, provided it complies with the law “where executed or of the testator’s domicile.” NRS 133.080(1).

NRS 133A.050(2) and NRS 133.080(1) are clear and unambiguous. NRS 133A.050(2) states that the invalidity of a will as an international will—defined as a will that complies with the UIWA—does not affect its validity as a will of another kind. NRS Chapter 133 provides for different types of wills, all of which can be probated in Nevada. *See, e.g.*, NRS 133.040 (requirements for wills executed in Nevada); NRS 133.080 (requirements for foreign wills); NRS 133.085 (requirements for electronic wills); NRS 133.090 (requirements for a holographic will). Reading the two statutes together, there is nothing preventing a will that fails to comply with the UIWA from being admitted to probate under one of the provisions in NRS Chapter 133.

This reading of the statute gives effect to the plain and ordinary meaning of the words in NRS 133A.050(2) and NRS 133.080. *See Orion Portfolio Servs.*, 126 Nev. at 402, 245 P.3d at 531. A plain reading of the statutes does not support Sweet's argument that NRS 133.080 cannot apply to wills executed in countries that have adopted the uniform international will requirements because no language within the statute supports that assertion. Additionally, our reading is supported by the legislative history of NRS Chapter 133A. At an assembly hearing on Senate Bill 141—which would become NRS Chapter 133A—Senator Terry Care testified that “Nevada will recognize a will validly executed in another state and probably would recognize in most instances a will executed in another country.” *Hearing on S.B. 141 Before the Assemb. Comm. on Judiciary*, 75th Leg. Sess. 3 (Nev. 2009). According to Senator Care, a primary purpose of NRS Chapter 133A was to give a Nevadan with property in a foreign country the ability to sign a uniform will as to the disposition of that property “despite any variance with local requirements.” *Id.* The legislative history also addresses the “except as otherwise provided in Chapter 133A of NRS” language from NRS 133.080. That language was added to NRS 133.080 “so if a will is executed in conformity with the requirements of an international will [but] may not meet the requirements of the place where it is made, it can still be a valid international will.” *Hearing on S.B. 141 Before S. Comm. on Judiciary*, 75th Leg. Sess., at 13 (Nev. 2009) (statement of Natalee Binkholder, Deputy Legis. Counsel).

Here, NRS 133.080(1) provides for the will to be probated as a foreign will. Sweet does not dispute Hisgen's argument that the will was valid under Maryland law or that Marilyn was domiciled in Maryland at

the time the will was executed.¹¹ Accordingly, the will could have been properly admitted to probate in Nevada as a will valid in Maryland under NRS 133.080(1). Sweet also did not dispute below that Marilyn's will was legally valid in Portugal,¹² nor does she dispute that the will was executed in Portugal. This provides a second ground upon which the will could have been properly admitted to probate under NRS 133.080(1)—as a valid Portuguese will. In sum, a plain reading of NRS 133A.050(2) in conjunction with NRS 133.080(1) means that a will that fails to comply with the UIWA may nevertheless be probated in Nevada, even if it was executed internationally.

As noted above, the probate commissioner concluded in his R&R that the will could be probated under NRS 133.040 because it “facially” met that section’s requirements. And the district court affirmed the R&R in its entirety. However, NRS 133.040 applies only to wills executed in Nevada. The district court therefore erred in concluding that the will could be

¹¹We consider this lack of response to be a concession by Sweet that Hisgen is correct. See *Ozawa v. Vision Airlines, Inc.*, 125 Nev. 556, 563, 216 P.3d 788, 793 (2009) (treating a party’s failure to respond to an argument as a concession that the argument is meritorious); *Colton v. Murphy*, 71 Nev. 71, 72, 279 P.2d 1036, 1036 (1955) (concluding that when respondents’ argument was not addressed in appellants’ opening brief, and appellants declined to address the argument in a reply brief, “such lack of challenge . . . constitutes a clear concession by appellants that there is merit in respondents’ position”).

¹²On appeal, Sweet appears to challenge the validity of Marilyn’s will under Portuguese law because the will left nothing for her children—something Sweet alleges is required in Portugal. However, Sweet failed to raise this argument, or any other argument challenging the validity of the will under Portuguese law, during the proceedings below and has thereby waived it on appeal. See *Old Aztec Mine, Inc. v. Brown*, 97 Nev. 49, 52, 623 P.2d 981, 983 (1981) (explaining that issues not argued below are “deemed to have been waived and will not be considered on appeal”).

admitted to probate under NRS 133.040. Nevertheless, we affirm the district court's order because, as explained above, the will could have been properly admitted to probate under NRS 133.080(1). See *Saavedra-Sandoval*, 126 Nev. at 599, 245 P.3d at 1202 (providing this court will affirm the district court if it reaches the correct result, even if for the wrong reason). Having concluded that the district court properly admitted Marilyn's will to probate, we now turn to whether the district court properly interpreted the will.

The district court did not err in ruling that the will applied to the entire estate

The record includes two slightly different translations of the will.¹³ The Piotrowski translation, used by the district court, reads, "[Marilyn Weeks Sweet] establishes as universal heir of all her goods, rights, and actions in Portugal, Christopher William Hisgen" The Santos translation reads, "[Marilyn Weeks Sweet] [e]stablishes universal heir to all her assets, rights and shares in Portugal, Christopher William Hisgen" Sweet argues that the modifier "in Portugal" in the will applies to the entire preceding clause, not just "actions" in the Piotrowski translation or "rights and shares" in the Santos translation. She therefore argues that the will applied only to property situated in Portugal. Hisgen counters that wills must be interpreted in such a way as to avoid intestacy.

¹³The district court failed to certify a correct English translation of the will. See NRS 136.210 ("If the will is in a foreign language the court shall certify to a correct translation thereof into English and the certified translation shall be recorded in lieu of the original."). Neither party raises this as an issue on appeal, so we do not need to address it. See *Greenlaw* 554 U.S. at 243 ("[W]e rely on the parties to frame the issues for decisions and assign to courts the role of neutral arbiter of matters the parties present."). We note that the Piotrowski translation was attached to the will admitted to probate and was relied upon by the district court.

He argues that Sweet's interpretation of the will would effectively subject the entire estate to intestacy because the only known asset is situated in Nevada.

Where ambiguity exists in a will, we turn to rules of construction in construing the testatrix's intent. *Lamphear v. Alch*, 277 P.2d 299, 302 (N.M. 1954).¹⁴ "A will is ambiguous if the testator's intent is unclear because words in the will can be given more than one meaning or are in conflict." *In re Estate of Lello*, 50 N.E.3d 110, 113 (Ill. App. Ct. 2016) (quoting *Coussee v. Estate of Efston*, 633 N.E.2d 815, 818 (Ill. App. Ct. 1994)).¹⁵ Here, the modifier "in Portugal" could be read to apply either to

¹⁴See also *In re Estate of Lello*, 50 N.E.3d 110, 120 (Ill. App. Ct. 2016) ("As a rule of construction . . . the presumption against intestacy only comes into play after an ambiguity is found." (quoting *Coussee v. Estate of Efston*, 633 N.E.2d 815, 818 (Ill. App. Ct. 1994))); *Thurmond v. Thurmond*, 228 S.W. 29, 32 (Ky. 1921) ("[The presumption against partial intestacy] can be invoked only to aid the interpretation of a will where the intention of the testator is conveyed in uncertain and ambiguous terms . . ."); *In re Estate of Holbrook*, 166 A.3d 595, 598 (Vt. 2017) ("[W]here both the will and the surrounding circumstances are ambiguous . . . the presumption against intestacy . . . requires that the court construe the will as absolute." (internal quotation marks omitted)); *In re Estate of Hillman*, 363 N.W.2d 588, 590 (Wis. Ct. App. 1985) ("The presumption against intestacy does not apply to the construction of this will because the will is not ambiguous.").

¹⁵See also *In re Estate of Zagar*, 491 N.W.2d 915, 916 (Minn. Ct. App. 1992) ("A will is ambiguous if, on its face, it suggests more than one interpretation."); *In re Estate of Grengs*, 864 N.W.2d 424, 430 (N.D. 2015) ("A will is ambiguous if, after giving effect to each word and phrase, its language is susceptible to more than one reasonable interpretation." (quoting *In re Estate of Eggl*, 783 N.W.2d 36, 40 (N.D. 2010))); *Knopf v. Gray*, 545 S.W.3d 542, 545 (Tex. 2018) ("A will is ambiguous when it is subject to more than one reasonable interpretation or its meaning is simply uncertain.") (per curiam); *In re Estate of Stanton*, 114 P.3d 1246, 1249 (Wy. 2005) ("A will is ambiguous if it is obscure in its meaning, because of indefiniteness of expression, or because a double meaning is present.").

the entire clause preceding it or to only the words immediately preceding it. Because the words of the will can be given more than one meaning, Marilyn's intent is unclear and the will is therefore ambiguous. *See id.* Accordingly, we turn to rules of construction to interpret Marilyn's will to reflect her intent.

"[T]he interpretation of a will is typically subject to our plenary review." *In re Estate of Melton*, 128 Nev. 34, 43, 272 P.3d 668, 673 (2012). "The primary presumption when interpreting or construing a will is that against total or partial intestacy." *In re Foster's Estate*, 82 Nev. 97, 100, 411 P.2d 482, 483 (1966).¹⁶ This presumption against intestacy is particularly strong where a will contains a residuary clause. *Shriner's Hosp. for Crippled Children of Tex. v. Stahl*, 610 S.W.2d 147, 151 (Tex. 1980) ("Where the will contains a residuary clause, the presumption against intestacy is especially strong.").¹⁷ The guideline for interpreting a will is the intention

¹⁶*See also Tsirikos v. Hatton*, 61 Nev. 78, 84, 116 P.2d 189, 192 (1941) ("[W]here the language employed in a will reasonably admits of a construction favorable to testacy, such construction should obtain."); *In re Farelly's Estate*, 4 P.2d 948, 951 (Cal. 1931) ("Of two modes of interpreting a will, that is preferred which will prevent a total intestacy. The same rule has been applied to partial intestacy." (internal quotation marks omitted)).

¹⁷*See also Cahill v. Michael*, 45 N.E.2d 657, 662 (Ill. 1942) ("The presumption against intestacy is strong where there is a residuary clause."); *Medcalf v. Whitely's Adm'x*, 160 S.W.2d 348, 349 (Ky. 1942) ("[T]he presumption against intestacy . . . is particularly strong where the residuary is disposed of . . ."); *In re Glavkee's Estate*, 34 N.W.2d 300, 307 (N.D. 1948) ("The presumption against an intestacy is especially strong where the testator has attempted to insert a general residuary clause in the will."); *Edwards v. Martin*, 169 A. 751, 752 (R.I. 1934) ("There is also the presumption against intestacy, here particularly strong since the residuary clause is the subject of consideration.").

of the testatrix, determined by the meaning of her words. *In re Foster's Estate*, 82 Nev. at 100, 411 P.2d at 484.

Here, the district court did not err in interpreting the will to apply to the entire estate. First, Marilyn designated Hisgen as “universal heir of all her goods, rights, and actions in Portugal.” Universal succession under Roman or civil law referred to the totality of one’s estate. See *Succession*, *Black’s Law Dictionary* (11th ed. 2019) (defining “universal succession” as “[s]uccession to an entire estate of another at death”); George A. Pelletier Jr. & Michael Roy Sonnenreich, *A Comparative Analysis of Civil Law Succession*, 11 Vill. L. Rev. 323, 324-26 (1966) (tracing the concept of universal succession—meaning “succession by an individual to the entirety of the estate, which includes all the rights and duties of the decedent”—back to its roots in Roman law). Accordingly, Marilyn’s use of the term “universal heir” indicates her intent that Hisgen inherit her entire estate. While this is contradicted by the modifier “in Portugal,” the presumption against intestacy overrides the modifier and ensures that Hisgen inherits her entire estate. This means that the modifier only applies to “actions” or “rights and shares.” See *Tsirikos v. Hatton*, 61 Nev. 78, 84, 116 P.2d 189, 192 (1941) (concluding where the language in a will reasonably allows a construction favorable to testacy, that construction should be used). Thus, we give effect to both “universal heir” and “in Portugal” and use the meaning of the words utilized by Sweet to determine her intent. See *In re Foster's Estate*, 82 Nev. at 100, 411 P.2d at 484.

Second, the modifier “in Portugal” is not included in the residuary clause, which instead simply states that Marilyn’s daughters “[would] be her heirs” should Hisgen have predeceased her. As noted above, the inclusion of a general residuary clause strengthens the presumption against intestacy. Therefore, interpreting the will to apply to the entire

estate gives meaning to the use of the words “universal heir” and the omission of any modifier in the residuary clause. *See In re Foster’s Estate*, 82 Nev. at 100, 411 P.2d at 484. This interpretation is also consistent with the presumption against intestacy, *see id.* at 100, 411 P.2d at 483, which in this case—because the only asset in the estate is located in Nevada—would result in total intestacy. Accordingly, the district court did not err in ruling that the will devised property outside of Portugal because the language of the will indicates that Marilyn intended to devise her entire estate and there is a strong presumption against intestacy.

Sweet was not entitled to a will contest

Finally, Sweet argues the district court erred by not holding a will contest as to the validity of the will. She argues the mandatory language of NRS 137.020(2)¹⁸ required a will contest. Hisgen counters that Sweet never requested a will contest during the proceedings below and has therefore waived this argument on appeal. He further argues that NRS 137.010(1) required Sweet to issue citations (notices) before either the probate commissioner or the district court could have ordered a will contest. Her failure to do so, according to Hisgen, deprived the district court of jurisdiction to hold a will contest.

¹⁸NRS 137.020(2) states as follows:

An issue of fact involving the competency of the decedent to make a will, the freedom of the decedent at the time of the execution of the will from duress, menace, fraud or undue influence, the due execution and attestation of the will, or any other question substantially affecting the validity of the will, must be tried by the court unless one of the parties demands a jury.


Here, Sweet was not entitled to a will contest during the proceedings below. As a preliminary matter, Sweet did not argue below that she was entitled to a will contest despite possibly initiating the process by filing her written objection prior to the hearing on Hisgen's petition to probate the will. *See* NRS 137.010(1) (stating who may contest a will and how to initiate the process). Therefore, this argument could be considered waived on appeal. *See Old Aztec Mine*, 97 Nev. at 52, 623 P.2d at 983. Regardless, she concedes that she did not "technically compl[y]" with NRS 137.010(1), which requires, in addition to filing a written objection, personal notice of a will contest to be given by citation to a decedent's heirs and all interested persons. "[F]ailing to issue citations in a will contest deprives the [district] court of personal jurisdiction over the parties denied process." *In re Estate of Black*, 132 Nev. 73, 78, 367 P.3d 416, 419 (2016).¹⁹ Accordingly, here, Sweet's failure to issue any citation for a will contest deprived the district court of jurisdiction over such a contest, and the district court therefore did not err in not holding a will contest.

CONCLUSION


The international scope of the UIWA requires the court to look to the laws of the foreign state where the will was executed to determine the proper identity of an "authorized person." Further, NRS 133A.050(2) and NRS 133.080(1) are clear and unambiguous in allowing a will that fails

¹⁹We note that this requirement is analogous to the demand requirement found in NRS 13.050(1)(a) (providing even if venue is not proper, the proceeding may be held in the improper county unless the defendant demands in writing that the trial be held in the proper county). A motion is not a substitute for a demand. *See New Transit Co. v. Harris Bros. Lumber Co.*, 80 Nev. 465, 468-69, 398 P.2d 133, 134 (1964) (explaining that a motion for a change of venue does not meet the requirement that a written demand for a change of venue be filed).

to comply with the UIWA to be probated in Nevada, even if it was executed in a foreign country, so long as it complies with NRS Chapter 133. Also, the district court did not err in applying the will to the entire estate. Finally, Sweet was not entitled to a will contest during the proceedings below because she did not comply with NRS 137.010(1). Accordingly, we affirm the district court's order.


 Gibbons C.J.

We concur:


 Tao J.

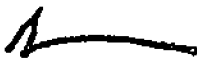

 Bulla J.

EXHIBIT “H”

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE ESTATE OF
MARILYN WEEKS SWEET,
DECEASED.

No. 83342

FILED

JUN 08 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

CHRISTY KAY SWEET,
Appellant,

vs.

KATHRYN SWEET; AND VANESSA
JOHNSON, ADMINISTRATORS OF
THE ESTATE OF MARILYN WEEKS
SWEET,

Respondents.

ORDER DENYING PETITION FOR REVIEW

Review denied. NRAP 40B.

It is so ORDERED.

Stiglich, C.J.
Stiglich

Cadish, J.
Cadish

Pickering, J.
Pickering

Herndon, J.
Herndon

Lee, J.
Lee

Parraguirre, J.
Parraguirre

Bell, J.
Bell

cc: Hon. Gloria Sturman, District Judge
Dickinson Wright PLLC
Law Offices of Brian H. Nelson
Blackrock Legal, LLC
Eighth District Court Clerk

EXHIBIT “I”

DECL
 Sheri M. Thome, Esq.
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 Steve Shevorski
 Nevada Bar No. 8256
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Sheri.Thome@wilsonelser.com
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Attorneys for Defendants David C. Johnson
& Ryan D. Johnson of Johnson & Johnson Law Offices

DISTRICT COURT

CLARK COUNTY, NEVADA

CHRISTY KAY SWEET, an individual,

Plaintiff,

vs.

DAVID C. JOHNSON & RYAN D.
JOHNSON OF JOHNSON & JOHNSON LAW
OFFICES,

Defendants.

Case No. A-23-866672-C
Dept. No.: 13

**DECLARATION OF RYAN JOHNSON,
ESQ. UNDER NEVADA RULE OF CIVIL
PROCEDURE 56(d)**

Defendants, David C. Johnson and Ryan D. Johnson of Johnson & Johnson Law Offices (collectively, "Johnson"), through their counsel, Wilson, Elser, Moskowitz, Edelman & Dicker LLP, submit under NRCP 56(d) the declaration of Ryan D. Johnson, Esq. in opposition to Plaintiff's Motion for Summary Judgment.

I, Ryan D. Johnson, Esq., declare as follows:

1. I am a competent adult, over the age of eighteen (18) years, and have personal knowledge of all facts stated herein. I am an attorney, duly licensed to practice law in the State of Nevada, and a defendant in this action, Case #A-23-866672-C.

2. I have reviewed Plaintiff's Motion for Summary Judgment filed against me, and my Co-Defendants, David C. Johnson, Esq., and the Johnson & Johnson Law Offices.

3. I am also aware of this action's procedural history. Plaintiff has not scheduled an initial discovery conference under NRCP 16.1(b). Given that the parties have not held the initial discovery conference, the parties to this case have also not served their initial disclosures under NRCP 16.1(a) nor have they been able to conduct discovery of any sort.

4. Plaintiff in her Motion for Summary Judgment appears to argue that she would have been entitled to a will contest in the underlying probate case, P-20-103540-E, (the “Probate Case”), which is the subject of her complaint against me, my law partner, and our law firm. While Plaintiff never in her Motion for Summary Judgment describes her legal grounds for contending that she was entitled to a will contest in the Probate Case, even if there was such legal grounds, all Defendants in this action have not had the opportunity to conduct discovery on this issue, let alone the chance to conduct discovery on the alleged factual basis for a will contest in the Probate Case.

5. In addition, Defendants have not had a chance to conduct discovery on any of the allegations, specifically those described as “Deficienc[ies] A-W” in her complaint, nor have Defendants had any opportunity to test the factual basis of Plaintiff’s request in her Motion for Summary Judgment for damages in the amount of \$350,000.

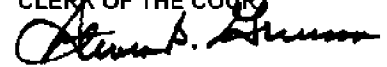
6. Pursuant to NRCP 56(d), the lack of any opportunity to conduct discovery has deprived the Defendants with the chance to present facts that will bolster their opposition to Plaintiff's Motion for Summary Judgment.

7. This Court should deny Plaintiff's Motion for Summary Judgment to permit myself and my Co-Defendants the opportunity to conduct discovery regarding Plaintiff's claim of litigation malpractice against us.

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

DATED this 4th day of October, 2023.

/s/ Ryan D. Johnson, Esq.
Ryan D. Johnson, Esq.



ANS

CHRISTY KAY SWEET
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(66) 94 807 0376
ChristyKSweet@Gmail.com
Self-represented

In The Eighth District Court of Clark County, Nevada

CHRISTY KAY SWEET,
Plaintiff

CASE No. A-23-866672-C

vs.

DEPARTMENT 13

DAVID C. JOHNSON, RYAN JOHNSON,
Of Johnson and Johnson Law Office
Defendants

*Hearing Set for October 23

ANSWER TO OBJECTION TO MOTION FOR SUMMARY JUDGEMENT

FACTS

- 2 1. Marilyn Sweet, my Mother died February 04, 2020 and her USA will was not to be
found.
- 4 2. In July 2020, Mr Christopher Hlsgen, Marilyn's long time boyfriend and husband of
six months before her death submitted a Portuguese *Testamento Publico* executed in 2006
- 6 3. This LAWSUIT against Johnson and Johnson Law office (J&J) filed March 4 2023

4. And was ordered out of ARBITRATION, August 22, 2023

5. Plaintiff filed for SUMMARY JUDGMENT September 20, 2023

6. Defendants filed OBJECTION October 4, 2023

7. This ANSWER is filed within two weeks on October 17, 2023

NOTATION 1 Defendants have made an error in the OBJECTION on page 3 line 18,

referring to the original case as that of Marilyn Weeks, her maiden name and not used

since 1955 - and not Marilyn Sweet. This was the first dirty trick of many by Hisgen's

attorney and in my opinion done so I would not be able to find the original filing of July

2020 in time to object. How could these lawyers three years later make the very same

mistake?

NOTATION 1 Mr Hisgen died January 2023 and his identical 2006 Portuguese will was

entered into Nevada probate P 23-115311 which leaves his estate 'in Portugal' to my sister

and me. That will translation was also altered in a similar fashion to apply in it Nevada also.

Mr Hisgen's estate consists of his debts after fraudulently obtaining a mortgage on Marilyn's

solely owned home in Las Vegas – or so recent filings assert. After paying off the attorneys

and double dipping real estate agents, I have no doubt nothing substantial will be left of

Marilyn's estate.

END FACTS_____

I would please ask the court to be patient with my ignorance in procedural errors if made, as I am unable to participate in "Ask the Lawyer " sessions. The Nevada Bar does not operate a legal help center in Nevada. Instead a private entity The Legal Aid Center of Nevada (LACSN) does. Ms. Elizabeth Siravo of that entity firstly would not allow my participation explaining because I am not a Nevada resident. However the current explanation has it participating attorneys are unable to ' call a foreign country on the phone..." The Court's own online self help center is invaluable, especially with forms and filing codes but it does not explain what question need to be asked. I am at a distinct disadvantage representing myself but have no choice- I can not afford an attorney nor am I likely to find one who will embark on what could be a loss. Ideally this lawsuit will at least be but a step in a long chain of getting the entire ordeal of my mother's death under scrutiny- finally. Yes, the courts give me a voice, but such also requires a willing an open ear to be of any use. So far I am not finding that.

I would also please wonder aloud in interests of following procedure and hopefully it is not impugning if His Honor might need to recuse as His Honor's appointment to Eighth District was by the then Sheriff Lombardo- and to whom I was asking in vain for help in 2020 regarding Mr Hisgen's role in my Mother's death and the LVMD refusing to take my statements. (I should sue him.) J & J would not assist and it seems once made aware, they could not have refused? There is (or was) no way to contact the Sheriff without going through LVMPD phone center gauntlet. I have pages of phone logs of attempts as my email was blocked by LVMPD and so was access to the LVMPD website. Registered letters to both entities were ignored. Naturally a complaint to the Citizen Review Board was

dismissed- with a lie in an email by then acting Director Julie Kraig- “ We do not investigate
2 detectives. “

ARGUMENT

While I point out over 20 deficiencies in the opening complaint , the following are the
most blatant and more than enough to prove my case.

Failure 1 -The original 2006 will translation- from Portuguese to English and certified
4 by the Portuguese attorney Dr. Isabel Santos who both witnessed and translated it and sent
it to Mr Hisgen’s attorneys in September of 2020 as part of her attestation was completely
6 ignored by J & J

Failure 2 - Instead, a 2020 version composed TWO WEEKS after Marilyn’s death was
8 submitted by Mr Hisgen that changed a term and added a comma .

The changed term and added comma took up two pages of an Report and
10 Recommendation by Mr Hisgen to argue it rendered the document ambiguous as to intent
despite plain language it applied ‘in Portugal.’

Failure 3 The material fact Marilyn Sweet co owned a vacation/investment condo in
Portugal with Mr Hisgen purchased in February 2006 **never made it to any filing or hearing**
14 **while Hisgen’s entire case was framed as to why on earth she made a May 2006**
Portuguese will. . Instead , Hisgen’s attorneys inferred UNCOUNTERED that she lived in
16 Portugal- which is **a false narrative** . Even the will states her address at the time was in
Maryland, USA- pertinent under several statutes but never brought up. I will add I am
18 awaiting an RAR from that attorney in the original probate as he asks for his fees - either

he admits his fraud or offers up evidence J & J were incompetent. That RAR was due in August and now another his on his request for fees for the appeal. I shall submit a motion to compel that RAR.

Failure 4 The material fact Portugal has forced inheritance laws to offspring that require a *Testamento Publico* to circumvent was never entered into any filing or hearing- again to bolster the **false narrative** framing of why on earth she made a foreign will.

I should have already and now will assert Mr Hisgen and his attorneys embarked upon a conspiracy to commit fraud which in a best case simply was allowed to occur by the Defendants ostensibly from incompetence. However, I believe the worst case scenario, J & J were in on it.

The Nevada Supreme Court opinion of October 2022 does make clear statements a will contest was not held in a proper manner and matters were not addressed. Seems once representation is deficient there is no remedy but to sue that representation.

Why this was not grounds to grant a Petition for Review was not explained- my opinion another false inference was used that because I am named in Mr Hisgen's identical Portuguse will, no harm to me was ultimately suffered. Not at all true.

The facts of my Mother's ghastly demise and mental incapacity at end of life curtailing her ability to execute a will were never addressed. She had used a UV lamp to 'self-treat' skin cancer on her face and maggots had infested the wounds boring down into her skull – while Hisgen lied to me for months in 2018 to hide it-later in 2019 necessitating removal of skull tissue leaving a huge concave hole in Marilyn's forehead. I tried very hard once J &

J resigned but no one would allow it in probate court. I was not able to get the medical records in either the probate or wrongful death lawsuits.

A wrongful death lawsuit (A- 22 -846565-C) was dismissed as I am ‘ not an heir” I have appealed to the State Supreme Court. I have no doubt Marilyn intended to die intestate to remedy leaving my one sibling Kathryn out of a 2014 will over a political disagreement. It’s why she married Mr Hisgen after decades of refusing. Marilyn graduated from Law School in 1982. She knew any new will made in 2020 under the circumstances of been previously in 2019 declared medically incompetent, and while on cancer and pain drugs- could be easily overturned. My explanation was never heard. Judge Sturman’s statement ‘ n o one knows intestate law..” But Intestate split her estate equitably at 33% each. Intestate is not a sin.

Even later in the appeal, when Judge Sturman also suggested the Portuguese lawyer Isabel Santos , who was also Marilyn’s property attorney, (in Portugal notaries make wills, not lawyers) translated the will, and PRESENT AT THE 2006 signing- be asked to Marilyn’s intent, which could have done in one email. But again, J& J AGAIN FAILED –AND NEVER ASKED- more of the **false narrative gone uncountered** evidence they tanked the case deliberately because after how many deficiencies does incompetence become conspiracy? The elder Mr. Johnson has been in probate law practice for 30 years –the younger for 10 years. I know I don’t believe this was mere incompetence.

J & J were deficient beyond reasonable expectations of competence and it cost me dearly in having the State of Nevada declare my own Mother disinherited me deliberately and had planned to do so at least for the last 7 years of her life, (yet left me in as a Schwab IRA benefactor , another fact never recorded.) I suffered loss of income from a

family fund and lived in poverty for three years selling off personal possessions while

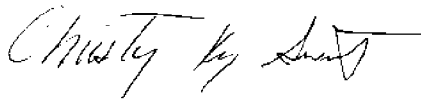
unable to obtain adequate health care. I am still embroiled in the case, going on since

July, 2020. I have submitted *pro se* a Writ of Certiorari to the US Supreme Court. I did get

a response giving me until November 11th to fix the errors.

END of ANSWER _____

This ANSWER is respectfully submitted to the Court, this 17th day of October, 2023



CHRISTY KAY SWEET, Self-represented.

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CSERV

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ChristyKSweet@Gmail.com
Self-represented

In The Eighth District Court of Clark County, Nevada

CHRISTY KAY SWEET,
Plaintiff

Case No. A-23—866672-C

Department 13

vs.

David C. Johnson, Ryan D. Johnson, Johnson Law Office

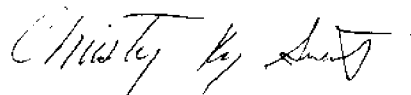
CERTIFICATE OF SERVICE

I certify that on the 17th day of October, 2023 I caused a true and correct copy of the

to person(s) below by the following method (s) pursuant to NRCP 5 (b) and NEFCR 9:
Via E-Service :

EFile Las Vegas EFileLasVegas@WilsonElser.com , Lani U. Maile,
Lani.Maile@WilsonElser.com Angela Rafferty, Angela.Rafferty@WilsonElser.Com Steve
Shevorski, Steve.Shevorski@WilsonElser.com Sheri Tome Sheri.Tome@WilsonElser.com

Signed this 17th day of October, 2023



Christy Kay Sweet *pro se*

51 / 68 Moo 6, Cherg-Telay, Thalang, Phuket, Thailand 83110
(66) 94 807 0376 ChristyKSweet@Gmail.com

ORDD
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Nevada Bar No. 8657
Steve Shevorski
Nevada Bar No. 8256
WILSON, ELSE, MOSKOWITZ,
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Sheri.Thome@wilsonelser.com
Steve.Shevorski@wilsonelser.com
Attorneys for Defendants David C. Johnson
& Ryan D. Johnson of Johnson & Johnson Law Offices

DISTRICT COURT

CLARK COUNTY, NEVADA

CHRISTY KAY SWEET, an individual,

Plaintiff,

vs.

DAVID C. JOHNSON & RYAN D.
JOHNSON OF JOHNSON & JOHNSON LAW
OFFICES,

Defendants.

Case No. A-23-866672-C
Dept. No.: 13

**ORDER DENYING PLAINTIFF'S
MOTION FOR SUMMARY JUDGMENT**

Plaintiff, Christy Kay Sweet ("Sweet"), *pro se*, filed her motion for summary judgment on September 20, 2023. Defendants David C. Johnson & Ryan D. Johnson of Johnson & Johnson Law Offices ("Defendants"), through their counsel, Sheri M. Thome, Esq. and Steve Shevorski of Wilson, Elser, Moskowitz, Edelman, & Dicker, LLP, filed their Opposition on October 4, 2023. Sweet filed her Reply, which she called an "Answer to Objection to Motion for Summary Judgment, on October 17, 2023. The Court scheduled a hearing on Sweet's Motion for Summary Judgment on October 23, 2023. Steve Shevorski appeared for Defendants. Sweet did not appear. Given that Sweet did not appear at the scheduled hearing, the Court deemed Sweet's Motion for Summary Judgment submitted on the briefs and did not hear oral argument. Good cause appearing, the Court made the following order denying Sweet's Motion for Summary Judgment:

1 **FINDINGS OF GENUINE ISSUES OF MATERIAL FACT**

2 **A. The Underlying Matter, *In re Sweet*, 138 Nev. Adv. Opn. 68 (2022)**

3 1. Marilyn Weeks Sweet (“Marilyn”) died on February 4, 2020.

4 2. Marilyn’s husband, Christopher Hisgen (“Hisgen”) filed a petition for general
5 administration of estate, appointment of personal representative for letters testamentary and to admit
6 will to probate on Jul 14, 2020 (“the Probate Matter”).

7 3. Marilyn’s will, which was executed in Portugal and written in Portuguese,
8 accompanied Hisgen’s petition as did a translation of the Will into English.

9 4. Hisgen described the estate’s extent as unknown but comprising at least real property
10 located at 3125 Hasting Avenue, Las Vegas, NV 89107, which had a net value of \$530,085.

11 5. Sweet retained Defendants to represent her in the Probate Case initiated by Hisgen.
12 Defendants, on Sweet’s behalf, filed an objection to Hisgen’s petition, in which Sweet made several
13 procedural arguments and that the correct interpretation of Marilyn’s will was that she intended
14 through her will to only dispose of assets in Portugal, leaving the remainder of her estate to pass to
15 her heirs through the laws of intestacy.

16 6. The Probate Court rejected Sweet’s objection. The District Court affirmed the Probate
17 Court’s report and recommendation.

18 7. After the District Court affirmed the Probate Court’s report and recommendation,
19 Sweet’s engagement of Defendants as her counsel ended.

20 8. Sweet pursued an appeal of the District Court’s ruling to the Nevada Court of Appeals
21 through *pro bono* counsel. The Nevada Court of Appeals affirmed the District Court’s decision in a
22 published opinion, *In re Sweet*, 138 Nev. Adv. Opn. 68 (2022).

23 **B. The Instant Case – Sweet’s Malpractice Action Against Defendants**

24 9. Sweet filed the instant action against Defendants on March 4, 2023.

25 10. Sweet’s Complaint alleges a claim for negligence allegedly arising from Defendants’
26 representation of her before the Probate Court and the District Court in the Probate Matter.

27 11. The parties have not held an early case conference, exchanged their initial disclosures,
28

1 nor has a scheduling order been issued.

2 12. Sweet did not support her Motion for Summary Judgment with any evidence as to any
3 of the elements of her malpractice claim.

4 **CONCLUSIONS OF LAW**

5 13. NRCP 56(c) provides, "[summary judgment] shall be rendered if the pleadings,
6 depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any,
7 show that there is no genuine issue as to any material fact and that the moving party is entitled to
8 judgment as a matter of law." A genuine issue of material fact exists when the evidence is such that
9 a rational trier of fact could return a verdict for the nonmoving party. *Woods v. Safeway*, 121 Nev.
10 724, 731, 121 P.3d 1026, 1031 (2005).

11 14. The Nevada Supreme Court has adopted the federal approach outlined in *Celotex*
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17 15. Since Sweet bears the burden of persuasion at trial, Nevada law requires her to provide
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22 relationship; (2) a duty owed to the client by the attorney to use such skill, prudence, and diligence
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24 undertake; (3) a breach of that duty; (4) the breach being the proximate cause of the client's damages;
25 and (5) actual loss or damage resulting from the negligence. *Sorenson v. Pavlikowski*, 94 Nev. 440,
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27 17. Sweet, as plaintiff, bears the burden of production and persuasion but in her Motion
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1 for Summary Judgment has not provided the Court any admissible evidence or legal authority to
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3 18. The Court is also persuaded by the Declaration of Defendant, Ryan Johnson, Esq.,
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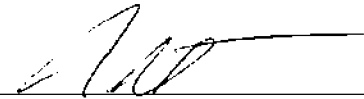
6 **ORDER**

7 Based on the foregoing, **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** as
8 follows:

9 The Court hereby **DENIES** Sweet's Motion for Summary Judgment in all respects.

Dated this 6th day of November, 2023

10 **IT IS SO ORDERED.**



TMB

13 Respectfully Submitted by:

BBD 2DC 0719 2646
Mark R. Denton
District Court Judge

14 **WILSON, ELSER, MOSKOWITZ,**
15 **EDELMAN & DICKER LLP**

16 /s/ Steve Shevorski
17 Sheri M. Thome, Esq.
18 Nevada Bar No. 8657
19 Steve Shevorski
20 Nevada Bar No. 8256
21 6689 Las Vegas Blvd. South, Suite 200
22 Las Vegas, NV 89119

Attorneys for Defendants David C. Johnson
& Ryan D. Johnson of Johnson & Johnson Law Offices

22 Approved as to Form and Content:

23 **CHRISTY KAY SWEET, PRO SE**

24 /s/ Did Not Approve
25 Christy Kay Sweet, Pro Se
26 51/68 Moo 6, Cherng-Telay
27 Thalang, Phuket 83110 Thailand
28 (66) 94-807-0376
ChristyKSweet@gmail.com

Tuer, Mary Ann

From: Shevorski, Steve
Sent: Monday, October 30, 2023 2:25 PM
To: Christy Sweet
Subject: RE: A-23 866672-C - Draft Order Denying Pltf's Motion for Summary Judgment - Please Review and Respond by Next Thursday (Nov. 2)

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Best regards,

Steve

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702.727.1374 (Direct)
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You should NEVER wire money to any bank account that Wilson Elser Moskowitz Edelman & Dicker LLP provides to you either in the body of this or any email or in an attachment without first speaking with the attorney in our office who is handling your transaction. Further, DO NOT accept emailed wire instructions from anyone else without voice verification. Even if an email looks like it has come from this office or someone involved in your transaction, CALL US FIRST AT A NUMBER YOU KNOW TO BE CORRECT FOR THIS OFFICE to verify the information before wiring any money. Failure to do so is at your own risk. Be particularly wary of any request to change wire instructions you have already received.

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One of the arguments to accept a foreign language will was the great mystery of why Marilyn made a Portuguese will.

_____END of Comment _____

Thank you and Regards

--

Christy Sweet
(66) (Inside Thailand, dial 0...) 94 807 0376

Please note, I'm not always online, so the best way to contact me quickly is through mobile calls or text messages to the phone above.



1 **NEOJ**
2 Sheri M. Thome, Esq.
3 Nevada Bar No. 8657
4 Steve Shevorski
5 Nevada Bar No. 8256
6 **WILSON, ELSE, MOSKOWITZ,**
7 **EDELMAN & DICKER LLP**
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10 Telephone: 702.727.1400
11 Facsimile: 702.727.1401
12 Sheri.Thome@wilsonelser.com
13 Steve.Shevorski@wilsonelser.com
14 *Attorneys for Defendants David C. Johnson*
15 *& Ryan D. Johnson of Johnson & Johnson Law Offices*

9 **DISTRICT COURT**
10 **CLARK COUNTY, NEVADA**

11 CHRISTY KAY SWEET, an individual,
12 Plaintiff,

13 vs.

14 DAVID C. JOHNSON & RYAN D.
15 JOHNSON OF JOHNSON & JOHNSON LAW
16 OFFICES,
17 Defendants.

Case No. A-23-866672-C
Dept. No.: 13

**NOTICE OF ENTRY OF ORDER
DENYING PLAINTIFF'S MOTION FOR
SUMMARY JUDGMENT**

17 PLEASE TAKE NOTICE that the Order Denying Plaintiff's Motion for Summary Judgment
18 was filed by the Court on November 6, 2023, a copy of which is attached hereto and incorporated
19 herein by reference.

20 DATED this 14th day of November, 2023.

21
22 WILSON, ELSE, MOSKOWITZ,
23 EDELMAN & DICKER LLP

24 /s/ Steve G. Shevorski

25 Sheri M. Thome, Esq.

26 Nevada Bar No. 8657

27 Steve G. Shevorski, Esq.

28 Nevada Bar No. 8256

6689 Las Vegas Blvd. South, Suite 200

Las Vegas, NV 89119

Attorneys for Defendants David C. Johnson

& Ryan D. Johnson of Johnson & Johnson

Law Offices

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5, I certify that I am an employee of WILSON, ELSER, MOSKOWITZ,
3 EDELMAN & DICKER LLP and that on this 14th day of November, 2023, I served a true and
4 correct copy of the foregoing **NOTICE OF ENTRY OF ORDER DENYING PLAINTIFF'S**
5 **MOTION FOR SUMMARY JUDGMENT** as follows:

- 6 ☐ by placing same to be deposited for mailing in the United States Mail, in a sealed
7 envelope upon which first class postage was prepaid in Las Vegas, Nevada;
- 8 ☒ via electronic means by operation of the Court's electronic filing system, upon each
party in this case who is registered as an electronic case filing user with the Clerk;
- 9 ☐ via hand-delivery to the addressees listed below;
- 10 ☐ via facsimile;
- 11 ☐ by transmitting via email the document listed above to the email address set forth
12 below on this date before 5:00 p.m.

13 Christy Kay Sweet
14 51 / 68 Moo 6, Cherng-Telay
Thalang, Phyket 83110 Thailand
christyksweet@gmail.com
15 *Plaintiff in Pro Se*

16
17 BY: /s/ Mary Ann Tuer
An Employee of
18 WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP
19
20
21
22
23
24
25
26
27
28

ORDD
Sheri M. Thome, Esq.
Nevada Bar No. 8657
Steve Shevorski
Nevada Bar No. 8256
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EDELMAN & DICKER LLP
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**ORDER DENYING PLAINTIFF'S
MOTION FOR SUMMARY JUDGMENT**

Plaintiff, Christy Kay Sweet ("Sweet"), *pro se*, filed her motion for summary judgment on September 20, 2023. Defendants David C. Johnson & Ryan D. Johnson of Johnson & Johnson Law Offices ("Defendants"), through their counsel, Sheri M. Thome, Esq. and Steve Shevorski of Wilson, Elser, Moskowitz, Edelman, & Dicker, LLP, filed their Opposition on October 4, 2023. Sweet filed her Reply, which she called an "Answer to Objection to Motion for Summary Judgment, on October 17, 2023. The Court scheduled a hearing on Sweet's Motion for Summary Judgment on October 23, 2023. Steve Shevorski appeared for Defendants. Sweet did not appear. Given that Sweet did not appear at the scheduled hearing, the Court deemed Sweet's Motion for Summary Judgment submitted on the briefs and did not hear oral argument. Good cause appearing, the Court made the following order denying Sweet's Motion for Summary Judgment:

1 **FINDINGS OF GENUINE ISSUES OF MATERIAL FACT**

2 **A. The Underlying Matter, *In re Sweet*, 138 Nev. Adv. Opn. 68 (2022)**

3 1. Marilyn Weeks Sweet (“Marilyn”) died on February 4, 2020.

4 2. Marilyn’s husband, Christopher Hisgen (“Hisgen”) filed a petition for general
5 administration of estate, appointment of personal representative for letters testamentary and to admit
6 will to probate on Jul 14, 2020 (“the Probate Matter”).

7 3. Marilyn’s will, which was executed in Portugal and written in Portuguese,
8 accompanied Hisgen’s petition as did a translation of the Will into English.

9 4. Hisgen described the estate’s extent as unknown but comprising at least real property
10 located at 3125 Hasting Avenue, Las Vegas, NV 89107, which had a net value of \$530,085.

11 5. Sweet retained Defendants to represent her in the Probate Case initiated by Hisgen.
12 Defendants, on Sweet’s behalf, filed an objection to Hisgen’s petition, in which Sweet made several
13 procedural arguments and that the correct interpretation of Marilyn’s will was that she intended
14 through her will to only dispose of assets in Portugal, leaving the remainder of her estate to pass to
15 her heirs through the laws of intestacy.

16 6. The Probate Court rejected Sweet’s objection. The District Court affirmed the Probate
17 Court’s report and recommendation.

18 7. After the District Court affirmed the Probate Court’s report and recommendation,
19 Sweet’s engagement of Defendants as her counsel ended.

20 8. Sweet pursued an appeal of the District Court’s ruling to the Nevada Court of Appeals
21 through *pro bono* counsel. The Nevada Court of Appeals affirmed the District Court’s decision in a
22 published opinion, *In re Sweet*, 138 Nev. Adv. Opn. 68 (2022).

23 **B. The Instant Case – Sweet’s Malpractice Action Against Defendants**

24 9. Sweet filed the instant action against Defendants on March 4, 2023.

25 10. Sweet’s Complaint alleges a claim for negligence allegedly arising from Defendants’
26 representation of her before the Probate Court and the District Court in the Probate Matter.

27 11. The parties have not held an early case conference, exchanged their initial disclosures,
28

1 nor has a scheduling order been issued.

2 12. Sweet did not support her Motion for Summary Judgment with any evidence as to any
3 of the elements of her malpractice claim.

4 **CONCLUSIONS OF LAW**

5 13. NRCP 56(c) provides, "[summary judgment] shall be rendered if the pleadings,
6 depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any,
7 show that there is no genuine issue as to any material fact and that the moving party is entitled to
8 judgment as a matter of law." A genuine issue of material fact exists when the evidence is such that
9 a rational trier of fact could return a verdict for the nonmoving party. *Woods v. Safeway*, 121 Nev.
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1 for Summary Judgment has not provided the Court any admissible evidence or legal authority to
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5 opportunity to test the factual basis of Sweet's malpractice claim through the discovery process.

6 **ORDER**

7 Based on the foregoing, **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** as
8 follows:

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BBD 2DC 0719 2646
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District Court Judge

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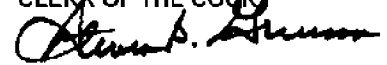
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51 / 68 Moo 6, Cherng-Telay
Thalang, Phuket, THAILAND 83110
(66) 94 807 0376
ChristyKSweet@Gmail.com
Self-represented

In The Eighth District Court of Clark County, Nevada

CHRISTY KAY SWEET,
Plaintiff

Case No. A-23-866672-C

vs.

Department XIII

DAVID C. JOHNSON and RYAN JOHNSON,
Defendants

EARLY CASE CONFERENCE REPORT

2

I reside in Thailand. On December 29, 2023 Defendant 's counsel and I had a short phone call

4

and we agreed until I can determine I can attend hearings and conduct via video conferencing, we
should not set dates for discovery, etc..

6

I tried again to contact many lawyers so as to remedy this, but my inability to pay except on
contingency may be a hindrance.

8

I called staff at Department 13, and was told The Court's video conferencing policy will
change next month (February) so should wait to see what it might be. As of today was notified

10

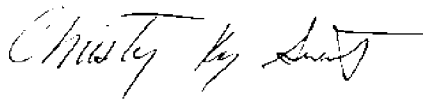
some departments are changing the website used for such video conferencing to Zoom from

BlueJeans but that may have no relevance as to The Court's determination as to grant permission or

12

not. I will submit a motion to appear by video.

Respectfully submitted this 27th day of January, 2024

A handwritten signature in black ink, reading "Christy K. Sweet". The signature is written in a cursive style with a horizontal line extending from the end.

CHRISTY K. SWEET
51/68 Moo 6, Chong-Talay
Thalang, Phuket, Thailand 83110
(66) 94 807 0376
ChristyKSweet@Gmail.com
Self-represented

CSERV

CHRISTY KAY SWEET
51 / 68 Moo 6, Cherg-Telay
Thalang, Phuket, Thailand 83110
(66) 94 807 0376
ChristyKSweet@Gmail.com
Self-represented

In The Eighth District Court of Clark County, Nevada

CHRISTY KAY SWEET,
Plaintiff

Case No. A-23—866672-C

Department 13

vs.

David C. Johnson, Ryan D. Johnson

CERTIFICATE OF SERVICE

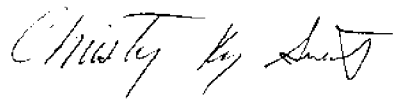
I certify that on the 27th day of January 2024, I caused a true and correct copy of the

Early Case Conference Report (ECC) to person(s) below by the following method (s)
pursuant to NRCP 5 (b) and NEFCR 9:

Via E-Service :

EFile Las Vegas EFileLasVegas@WilsonElser.com, Lani U. Maile,
Lani.Maile@WilsonElser.com Angela Rafferty, Angela.Rafferty@WilsonElser.Com Steve
Shevorski, Steve.Shevorski@WilsonElser.com Sheri Tome Sheri.Tome@WilsonElser.com

Signed this 27th day of January, 2024



Christy Kay Sweet *pro se*
51 / 68 Moo 6, Cherg-Telay
Thalang, Phuket, Thailand 83110
(66) 94 807 0376
ChristyKSweet@Gmail.com
Self-represented



ICCR
Sheri M. Thome, Esq.
Nevada Bar No. 8657
Steve Shevorski, Esq.
Nevada Bar No. 8256
WILSON, ELSE, MOSKOWITZ,
EDELMAN & DICKER LLP
6689 Las Vegas Blvd. South, Suite 200
Las Vegas, NV 89119
Telephone: 702.727.1400
Facsimile: 702.727.1401
Sheri.Thome@wilsonelser.com
Steve.Shevorski@wilsonelser.com
Attorneys for Defendants David C. Johnson
& Ryan D. Johnson of Johnson & Johnson Law Offices

DISTRICT COURT

CLARK COUNTY, NEVADA

CHRISTY KAY SWEET, an individual,

Plaintiff,

Case No. A-23-866672-C
Dept. No.: 13

vs.

**DEFENDANTS' INDIVIDUAL CASE
CONFERENCE REPORT**

DAVID C. JOHNSON & RYAN D.
JOHNSON OF JOHNSON & JOHNSON LAW
OFFICES,

Defendants.

**DISPUTE RESOLUTION
CONFERENCE REQUIRED:**

YES _____ NO X

**SETTLEMENT CONFERENCE
REQUESTED:**

YES _____ NO X

I.

PROCEEDINGS PRIOR TO CASE CONFERENCE REPORT

A. DATE OF FILING OF COMPLAINT:

Plaintiff's Complaint was filed on March 4, 2023.

B. DATE OF FILING OF ANSWER BY EACH DEFENDANT:

Defendants, David C. Johnson and Ryan D. Johnson of Johnson & Johnson Law Offices

(collectively, “Johnson”) filed their Answer to Plaintiff’s Complaint on June 15, 2023.

C. DATE THAT EARLY CASE CONFERENCE WAS HELD AND WHO ATTENDED:

The early case conference was held on December 29, 2023. Steve Shevorski, Esq. attended for Johnson. Ms. Sweet attended on her own behalf acting in pro per.

II.

A BRIEF DESCRIPTION OF THE NATURE OF THE ACTION AND EACH CLAIM FOR RELIEF OR DEFENSE: [16.1(c)(2)(A)]

A. Description of the action:

This matter is a legal malpractice action.

B. Claims for relief:

Professional Negligence/Malpractice

C. Defenses:

The following are Johnson’s defenses:

FIRST AFFIRMATIVE DEFENSE

Plaintiff’s Complaint fails to state a claim against these Answering Defendants upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

The loss, injuries and damages which Plaintiff alleges, if any, were directly and proximately caused by the negligence, carelessness or fault of person beyond the control of the Answering Defendants and for whom these Answering Defendants are no liable or responsible.

THIRD AFFIRMATIVE DEFENSE

The loss, injuries and damages alleged, if any, were directly and proximately caused and/or contributed to by the negligence, carelessness or fault of the Plaintiff.

FOURTH AFFIRMATIVE DEFENSE

Answering Defendants fully performed and discharged all obligations owed to Plaintiff and the injured party, meeting the requisite standard of care applicable.

1 **FIFTH AFFIRMATIVE DEFENSE**

2 The damages sustained by the Plaintiff, if any, were caused by the acts of third persons who
3 are not agents, servants, or employees of these Answering Defendants in any manner or form, and
4 as such, these Answering Defendants are not liable in any manner to the Plaintiff.

5 **SIXTH AFFIRMATIVE DEFENSE**

6 The damages sustained by Plaintiff, if any, were caused by judicial error, which cannot be
7 attributable to the Answering Defendants.

8 **SEVENTH AFFIRMATIVE DEFENSE**

9 Estoppel and/or waiver bar Plaintiff's claims against the Answering Defendants.

10 **III.**

11 **A BRIEF STATEMENT OF WHETHER THE PARTIES DID OR DID NOT CONSIDER**
12 **SETTLEMENT AND WHETHER SETTLEMENT OF THE CASE MAY BE POSSIBLE:**

13 **[16.1(c)(2)(B)]**

14 The parties considered the potential for settlement of the case, but it does not appear possible
15 at this time.

16 **IV.**

17 **LIST OF ALL DOCUMENTS, DATA COMPILATIONS, DAMAGES COMPUTATIONS,**
18 **INSURANCE AGREEMENTS, TANGIBLE THINGS AND OTHER REQUIRED**
19 **INFORMATION IN THE POSSESSION, CUSTODY OR CONTROL OF EACH PARTY**
20 **WHICH WERE IDENTIFIED OR PROVIDED AT THE EARLY CASE CONFERENCE**

21 **OR AS A RESULT THEREOF: [16.1(c)(2)(E), (G), (H)]**

22 **A. Plaintiff:**

23 Unknown.

24 **B. Defendants:**

25 Johnson served their initial disclosures on January 29, 2024.

26

No.	Document Description	Bates Nos.
27 1.	Pleadings from underlying matter styled, <i>In the Matter of the Estate of Marilyn Sweet Weeks</i> , Case No. P-20-103540-E	DEFS000001- DEFS001169

28

No.	Document Description	Bates Nos.
2.	Insurance Policy no. ALPS4016-23 for 07/20/2021-07/20/2022 (premium information redacted)	N/A

V.

**LIST OF PERSONS IDENTIFIED BY EACH PARTY AS LIKELY TO HAVE
INFORMATION DISCOVERABLE UNDER RULE 26(b), INCLUDING IMPEACHMENT
OR REBUTTAL WITNESSES, MEDICAL PROVIDERS AND EXPERTS: [16.1(a)(1)(A)
and 16.1(c)(2)(D), (F), (I)]**

A. Plaintiff:

Unknown.

B. Defendant:

Defendants served their initial disclosures of witnesses and documents on January 29, 2024.

No.	Name/Address/Telephone	Expected Testimony
1.	Christy Kay Sweet 51 / 68 Moo 6, Cherno-Telay Thalang, Phuket 83110 Thailand christyksweet@gmail.com	Ms. Sweet has knowledge of the facts and circumstances arising from the Johnson & Johnson Law Offices' representation of Christy Kay Sweet in Case #P-20-103540-E, her interest as an heir of The Estate of Christopher William Hisgen, and the facts and circumstances of cases she has filed since P-20-103540-E has concluded relating to her putative claim to an intestate share of 1/3 of the Estate of Marilyn Sweet Weeks.
2.	David C. Johnson Johnson & Johnson Law Offices c/o Sheri M. Thome, Esq. Steve Shevorski WILSON, ELSER, MOSKOWITZ, EDELMA & DICKER LLP 6689 Las Vegas Blvd. South, Suite 200 Las Vegas, NV 89119 Telephone: 702.727.1400	Mr. Johnson has knowledge of the facts and circumstances arising from the Johnson & Johnson Law Offices' representation of Christy Kay Sweet in Case #P-20-103540-E.
3.	Ryan D. Johnson Johnson & Johnson Law Offices c/o Sheri M. Thome, Esq. Steve Shevorski WILSON, ELSER, MOSKOWITZ, EDELMA & DICKER LLP 6689 Las Vegas Blvd. South, Suite 200 Las Vegas, NV 89119 Telephone: 702.727.1400	Mr. Johnson has knowledge of the facts and circumstances arising from the Johnson & Johnson Law Offices' representation of Christy Kay Sweet in Case #P-20-103540-E.

No.	Name/Address/Telephone	Expected Testimony
4.	Lori Piotrowski 3478 Driving Range Street Las Vegas, NV 89122 (702) 286-5343	A Las Vegas-based translator who translated a statement Testamento Publico in Case #P-20-103540-E
5.	Kathryn R. Sweet c/o Brian H. Nelson, Esq. 9525 Hillwood Drive, Ste. 140 Las Vegas, NV 89134 (702) 485-4567	Ms. Sweet is the co-administrator of the Estate of Christopher William Hisgen. She has knowledge of the monetary value of Christy K. Sweet's interest as an heir of the Estate of Hisgen. She also has knowledge of a personal loan she issued to William Christopher Hisgen prior to his death.
6.	Vanessa Johnson c/o Brian H. Nelson, Esq. 9525 Hillwood Drive, Ste. 140 Las Vegas, NV 89134 (702) 485-4567	Ms. Johnson is the co-administrator of the Estate of Christopher William Hisgen. She has knowledge of the monetary value of Christy K. Sweet's interest as an heir of the Estate of Hisgen.
7.	Modern Made, LLC Christina Roush, Manager 2211 Bannie Avenue Las Vegas, NV 89102 Telephone Number Unavailable	Ms. Roush, as manager of Modern Made, LLC, has knowledge of the purchase price paid for the real property located at 3125 Hastings Avenue, Las Vegas, NV 89107, Parcel #139-32-403-004.
8.	Dr. Maria Isabel Santos Contact Information Unknown	A Portugal-based translator who translated a statement Testamento Publico in Case #P-20-103540-E
9.	Cross Country Mortgage, LLC c/o Laurel I. Handey, Esq. Aldridge Pite, LLP 9205 W. Russell Road Building 3 Las Vegas, NV 89148 (858) 750-7600	Cross Country Mortgage, LLC has knowledge of loan taken by William Hisgen on or about December 8, 2022, which was secured by a deed of trust on the property located at 3125 Hastings Avenue, Las Vegas, NV 89107, Parcel #139-32-403-004.

VI.

DISCOVERY PLAN [16.1(b)(4)(C) and 16.1(c)(2)]

A. What changes, if any, should be made in the timing, form or requirements for disclosures under 16.1(a):

1. Defendants' view: None.

B. When disclosures under 16.1(a)(1) were made or will be made:

1. Defendants' disclosures were served on January 29, 2024.

C. Subjects on which discovery may be needed:

1. Defendants' view: Liability and Damages

D. A statement identifying any issues about preserving discoverable information
[16.1(c)(2)(J)]:

1. Defendants' view: None

E. Should discovery be conducted in phases or limited to or focused upon particular issues?

1. Defendants' view: No

F. What changes, if any, should be made in limitations on discovery imposed under these rules and what, if any, other limitations should be imposed?

1. Plaintiff's view:

2. Defendants' view: Not applicable.

G. A statement identifying any issues about trade secrets or other confidential information, and whether the parties have agreed upon a confidentiality order or whether a Rule 26(c) motion for protective order will be made [16.1(c)(2)(K)]:

1. Defendants' view: Not applicable.

H. What, if any, other orders should be entered by court under Rule 26(c) or Rule 16(b) and (c):

1. Defendants' view: None

I. Estimated time for trial:

1. Defendants' view: 3-5 days.

VII.

DISCOVERY AND MOTION DATES [16.1(c)(2)(L)-(O)]

A. Dates agreed by the parties:

1. Close of discovery: July 15, 2024

2. Final date to file motions to amend pleadings
or add parties (without a further court order): April 16, 2024

3. Final dates for expert disclosures:

i. initial disclosure: April 6, 2024

ii. rebuttal disclosures: May 16, 2024

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5, I certify that I am an employee of WILSON, ELSER, MOSKOWITZ,
3 EDELMAN & DICKER LLP and that on this 19th day of February, 2024, I served a true and correct
4 copy of the foregoing **DEFENDANTS' INDIVIDUAL CASE CONFERENCE REPORT** as
5 follows:

- 6 ☐ by placing same to be deposited for mailing in the United States Mail, in a sealed
7 envelope upon which first class postage was prepaid in Las Vegas, Nevada;
- 8 ☒ via electronic means by operation of the Court's electronic filing system, upon each
party in this case who is registered as an electronic case filing user with the Clerk;
- 9 ☐ via hand-delivery to the addressees listed below;
- 10 ☐ via facsimile;
- 11 ☐ by transmitting via email the document listed above to the email address set forth
12 below on this date before 5:00 p.m.

13 Christy Kay Sweet
14 51 / 68 Moo 6, Cherng-Telay
Thalang, Phyket 83110 Thailand
Telephone: (66) 94-807-0376
15 christyksweet@gmail.com
Plaintiff in Pro Se

17 BY: /s/ Joyce L. Radden
18 An Employee of
19 WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP
20
21
22
23
24
25
26
27
28



ICCR

CHRISTY KAY SWEET
51 / 68 Moo 6, Cherng-Telay
Thalang, Phuket, Thailand 83110
(66) 94 807 0376
ChristyKSweet@Gmail.com
Self-represented

In The Eighth District Court of Clark County, Nevada

CHRISTY KAY SWEET,
Plaintiff

Case No. A-23-866672-C

vs.

Department XIII

DAVID C. JOHNSON and RYAN JOHNSON,
Defendants

PLAINTIFF'S INDIVIDUAL CASE CONFERENCE REPORT

Settlement Conference requested ----- No

Dispute Resolution Conference Required ----- No

I.

PROCEEDINGS PRIOR TO CASE CONFERENCE REPORT

A. DATE OF FILING OF COMPLAINT:

Plaintiff's Complaint was filed on March 4, 2023

B. DATE OF FILING OF ANSWER BY EACH DEFENDANT:

Defendants, David C. Johnson and Ryan D. Johnson of Johnson & Johnson
Law Offices 28 (collectively, "Johnson") filed their Answer to Plaintiff's
Complaint on June 15, 2023.

C. DATE THAT EARLY CASE CONFERENCE WAS HELD AND WHO

ATTENDED:

The early case conference was held via telephone on December 29, 2023.
Steve Shevorski, Esq. attended for Johnson. Ms. Sweet attended on her own
behalf acting in pro per.

II.

2 A BRIEF DESCRIPTION OF THE NATURE OF THE ACTION AND EACH CLAIM

FOR RELIEF OR DEFENSE: [16.1(c)(2)(A)]

4 A. Description of the action:

This matter is a legal malpractice action.

6 B. Claims for relief:

Professional Negligence/Malpractice

8

III.

10 A BRIEF STATEMENT OF WHETHER THE PARTIES DID OR DID NOT CONSIDER

SETTLEMENT AND WHETHER SETTLEMENT OF THE CASE MAY BE POSSIBLE:

12 Plaintiff offered to discuss settlement but Defendant declined. Plaintiff remains
open to such.

14

IV.

2 LIST OF ALL DOCUMENTS, DATA COMPILATIONS, DAMAGES
COMPUTATIONS, INSURANCE AGREEMENTS, TANGIBLE THINGS AND OTHER
4 REQUIRED INFORMATION IN THE POSSESSION, CUSTODY OR CONTROL OF EACH
PARTY WHICH WERE IDENTIFIED OR PROVIDED AT THE EARLY CASE
6 CONFERENCE OR AS A RESULT THEREOF: [16.1(c)(2)(E), (G), (H)]

A. Plaintiff: 1. Transcripts of two hearings, 2. Email statement from Dr
8 Maria Isabel Santos. 3. Email statement from Lori Pitrowski (Will provide such
immediately to Defendant and apologize it has not been done.)

10 B. Defendants: Johnson served their initial disclosures on January 29,
2024. 26 consisting of the entire court record of case P- 20103540-E and an
12 insurance company receipt.

V.

14
16 LIST OF PERSONS IDENTIFIED BY EACH PARTY AS LIKELY TO HAVE
INFORMATION DISCOVERABLE UNDER RULE 26(b), INCLUDING
18 IMPEACHMENT
OR REBUTTAL WITNESSES, MEDICAL PROVIDERS AND EXPERTS:

[16.1(a)(1)(A) and 16.1(c)(2)(D), (F), (I)]

A. Plaintiff: Identical as to Defendant (please excuse the copy and paste rendering) but adding to No. 8;

Dr Maria Isabel Santos was Marilyn Sweet's property attorney in Portugal. She both translated the original Portuguese language will at the signing in May of 2006 and served as a witness. Contact information is
Isabelpcsantos@hotmail.com I isabelsantos-5367l@adv.oa.pt R. Alexandre Herculano nº 15 / 8800-394 Tavira PORTUGAL (+351 281 322426

B. Defendant:

Defendants served their initial disclosures of witnesses and documents on January

29, 2024. 12

No.	Name/Address/Telephone	Expected Testimony
1.	Christy Kay Sweet 51 / 68 Moo 6, Cherng-Telay Thalang, Phuket 83110 Thailand christyksweet@gmail.com	Ms. Sweet has knowledge of the facts and circumstances arising from the Johnson & Johnson Law Offices' representation of Christy Kay Sweet in Case #P-20-103540-E, her interest as an heir of The Estate of Christopher William Hisgen, and the facts and circumstances of cases she has filed since P-20-103540-E has concluded relating to her putative claim to an intestate share of 1/3 of the Estate of Marilyn Sweet Weeks.
2.	David C. Johnson Johnson & Johnson Law Offices c/o Sheri M. Thome, Esq. Steve Shevorski WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP 6689 Las Vegas Blvd. South, Suite 200 Las Vegas, NV 89119 Telephone: 702.727.1400	Mr. Johnson has knowledge of the facts and circumstances arising from the Johnson & Johnson Law Offices' representation of Christy Kay Sweet in Case #P-20-103540-E.
3.	Ryan D. Johnson Johnson & Johnson Law Offices c/o Sheri M. Thome, Esq. Steve Shevorski WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP 6689 Las Vegas Blvd. South, Suite 200 Las Vegas, NV 89119 Telephone: 702.727.1400	Mr. Johnson has knowledge of the facts and circumstances arising from the Johnson & Johnson Law Offices' representation of Christy Kay Sweet in Case #P-20-103540-E.

No.	Name/Address/Telephone	Expected Testimony
4.	Lori Piotrowski 3478 Driving Range Street Las Vegas, NV 89122 (702) 286-5343	A Las Vegas-based translator who translated a statement Testamento Publico in Case #P-20-103540-E
5.	Kathryn R. Sweet c/o Brian H. Nelson, Esq. 9525 Hillwood Drive, Ste. 140 Las Vegas, NV 89134 (702) 485-4567	Ms. Sweet is the co-administrator of the Estate of Christopher William Hisgen. She has knowledge of the monetary value of Christy K. Sweet's interest as an heir of the Estate of Hisgen. She also has knowledge of a personal loan she issued to William Christopher Hisgen prior to his death.
6.	Vanessa Johnson c/o Brian H. Nelson, Esq. 9525 Hillwood Drive, Ste. 140 Las Vegas, NV 89134 (702) 485-4567	Ms. Johnson is the co-administrator of the Estate of Christopher William Hisgen. She has knowledge of the monetary value of Christy K. Sweet's interest as an heir of the Estate of Hisgen.
7.	Modern Made, LLC Christina Roush, Manager 2211 Bannie Avenue Las Vegas, NV 89102 Telephone Number Unavailable	Ms. Roush, as manager of Modern Made, LLC, has knowledge of the purchase price paid for the real property located at 3125 Hastings Avenue, Las Vegas, NV 89107, Parcel #139-32-403-004.
8.	Dr. Maria Isabel Santos Contact Information Unknown	A Portugal-based translator who translated a statement Testamento Publico in Case #P-20-103540-E
9.	Cross Country Mortgage, LLC c/o Laurel I. Handey, Esq. Aldridge Pite, LLP 9205 W. Russell Road Building 3 Las Vegas, NV 89148 (858) 750-7600	Cross Country Mortgage, LLC has knowledge of loan taken by William Hisgen on or about December 8, 2022, which was secured by a deed of trust on the property located at 3125 Hastings Avenue, Las Vegas, NV 89107, Parcel #139-32-403-004.

2

VI.

DISCOVERY PLAN [16.1(b)(4)(C) and 16.1(c)(2)]

4

A. What changes, if any, should be made in the timing, form or requirements for disclosures under 16.1(a):

6

1. Plaintiff view : None.

B. When disclosures under 16.1(a)(1) were made or will be made:

8

1. Plaintiff disclosures: by February 27 2024.

C. Subjects on which discovery may be needed:

10

1. Plaintiff view: Liability and Damages, conversations between attorneys representing Mr Hisgen, and Defendants.

12

D. A statement identifying any issues about preserving discoverable information [16.1(c)(2)(J)]:

14

1. Plaintiff: None, but I am ignorant of much.

E. Should discovery be conducted in phases or limited to or focused

16

upon particular issues?

1. Plaintiff view: Not informed enough to have a view.

2

4 F. What changes, if any, should be made in limitations on discovery
imposed under these rules and what, if any, other limitations should be
6 imposed?

1. Plaintiff's view: N/A

8 G. A statement identifying any issues about trade secrets or other
confidential information, and whether the parties have agreed upon a
10 confidentiality order or whether a Rule 26(c) motion for protective order
will be made [16.1(c)(2)(K)]:

12 1. Plaintiff view: Not applicable.

H. What, if any, other orders should be entered by court under Rule
14 26(c) or Rule 16 16(b) and (c):

1. Plaintiff view: None

16 I. Estimated time for trial:

1. Plaintiff view: 3-5 days.

2

VII.

DISCOVERY AND MOTION DATES [16.1(c)(2)(L)-(O)]

4

A. Dates agreed by the parties:

1. Close of discovery: July 15, 2024

6

2. Final date to file motions to amend pleadings

or add parties (without a further court order): April 16, 2024

8

3. Final dates for expert disclosures:

i. Initial disclosure: April 6, 2024

10

ii. Rebuttal disclosures: May 16, 2024

4. Final date to file dispositive motions: August 14, 2024

12

VIII.

14

JURY DEMAND [16.1(c)(2)(Q)]

A jury demand has not been filed in this matter.

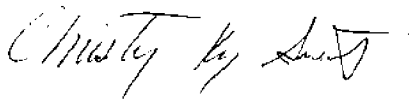
IX.

CERTIFICATION

This report is signed in accordance with rule 26(g)(1) of the Nevada Rules of Civil Procedure. This signature below constitutes a certification that to the best of the signer's knowledge, information and belief, formed after a reasonable inquiry, the disclosures made by the signer are true and correct as of this time.

Plaintiff submits this Individual Case Conference Report as Defendant kindly offered a joint Case Conference but I did not understand several points.

DATED this 20th day of February, 2024.



CHRISTY K. SWEET

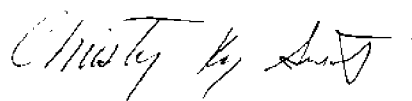
51/68 Moo 6, Cherg-Telay
Thalang, Phuket, Thailand 83110
(66) 94 807 0376
ChristyKSweet@Gmail.com
Self-represented

CERTIFICATE OF SERVICE

I certify that on the 20 day of February 2024 , I caused a true and correct copy of the Individual Case Conference Report of February 20, 2024-
to person(s) below by the following method (s) pursuant to NRCP 5 (b) and NEFCR 9:
via electronic means by operation of the Court's electronic filing system, upon ea party in
this case who is registered as an electronic case filing user with the Clerk;

EFile Las Vegas EFileLasVegas@WilsonElser.com , Lani U. Maile,
Lani.Maile@WilsonElsner.com Angela Rafferty, Angela.Rafferty@WilsonElser.Com Steve
Shevorski, Steve.Shevorski@WilsonElser.com Sheri Tome Sheri.Tome@WilsonElser.com

Signed this 20th day of February, 2024



Christy Kay Sweet *pro se*
51 / 68 Moo 6, Cherng-Telay
Thalang, Phuket, Thailand 83110
(66) 94 807 0376
ChristyKSweet@Gmail.com
Self-represented



SCHTO

DISTRICT COURT

CLARK COUNTY, NEVADA

CHRISTY KAY SWEET,

Plaintiff(s),

vs.

DAVID C. JOHNSON, et al.,

Defendant(s).

CASE NO. A-23-866672-C

DEPT. NO. XIII

**ORDER SETTING CIVIL NON-JURY TRIAL,
CALENDAR CALL, AND DEADLINES FOR MOTIONS;
DISCOVERY SCHEDULING ORDER**

1. A non-jury trial of the above-entitled case is set on a three week stack to begin Tuesday, January 7, 2025 at 9:00 a.m., with a calendar call on Monday, December 16, 2024 at 2:00 p.m.

2. All parties (attorneys and parties in proper person) **MUST** comply with **ALL REQUIREMENTS OF E.D.C.R. 2.67**, except that the date for filing the Pre-Trial Memorandum will be established at the calendar call. As to the Pre-trial Memorandum, counsel should be particularly attentive to their exhibit lists and objections to exhibits, as exhibits not listed or objections not made will not be admitted/allowed over objection based on non-compliance with the Rule's requirements. (Also, it is helpful to the Court when counsel list pertinent pre-trial motions and orders pertaining thereto if it is likely that they will be focused on during trial.)

3. All parties shall complete discovery on or before July 15, 2024.

4. All parties shall file motions to amend pleadings or add parties on or before

1 April 16, 2024.

2 5. All parties shall make initial expert disclosures pursuant to NRCP 16.1(a)(2) on
3 or before April 8, 2024.

4 6. All parties shall make rebuttal expert disclosures pursuant to NRCP 16.1(a)(2)
5 on or before May 16, 2024.

7 7. All parties shall file dispositive motions on or before August 14, 2024.

8 8. Counsel/parties in proper person are also directed to abide by EDCR 2.47
9 concerning the time for filing and noticing motions *in limine*. Except upon a showing of
10 unforeseen extraordinary circumstances, the Court will not shorten time for the hearing of any
11 such motions.

12 9. Miscellaneous.

13
14 Certain dates from your case conference report(s) may have been changed to bring them
15 into compliance with N.R.C.P. 16.1.

16 Unless otherwise directed by the court, all pretrial disclosures and objections thereto shall
17 be in accordance with N.R.C.P. 16.1(a)(3).

18 Motions for extensions of discovery shall be made in accordance with E.D.C.R. 2.35.

19 Unless otherwise ordered, all discovery disputes (except disputes presented at a pre-trial
20 conference or at trial) must first be heard by the Discovery Commissioner. EDCR 2.34.

21
22 **Failure of the designated trial attorney or any party appearing in proper person to**
23 **appear for any scheduled court hearing or conference or to comply with this Order will**
24 **result in any of the following: (1) dismissal of the action and/or claims; (2) striking of**
25 **answer and entry of default judgment; (3) monetary sanctions; (4) vacation of trial date;**
26

1 and/or (5) any other appropriate remedy or sanction. EDCR 7.60; 2.68(c).

2 Counsel are directed to advise the Court promptly when the case settles or is otherwise
3 resolved prior to trial.

4 DATED this 7th day of March, 2024.

5
6
7 

8 MARK R. DENTON
9 DISTRICT JUDGE

10 **CERTIFICATE**

11 I hereby certify that on or about the date filed, this document was e-served or a
12 copy of this document was placed in the attorney's folder in the Clerk's Office or mailed to:

13
14 Christy Kay Sweet
15 51/68 Moo 6, Cherng-Telay
16 Thalang, Phuket, Thailand 83110
17 ChristyKSweet@gmail.com

18 WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER
19 Attn: Steve Shevorski, Esq.

20 /s/ Lorraine Tashiro

21 LORRAINE TASHIRO
22 Judicial Executive Assistant
23 Dept. No. XIII
24
25
26
27
28



EXHS

CHRISTY KAY SWEET
51 / 68 Moo 6, Chong-Telay
Thalang, Phuket, Thailand 83110
(66) 94 807 0376
ChristyKSweet@Gmail.com
Self-represented

In The Eighth District Court of Clark County, Nevada

CHRISTY KAY SWEET,
Plaintiff

Case No. A-23-866672-C

vs.

Department XIII

DAVID C. JOHNSON and RYAN JOHNSON,
Defendants

EXHIBIT APPENDIX

1. Original 2006 will in Portuguese language.
2. Dr. Isabel Santos' 2006 ORIGINAL translation of Portuguese will as provided by Dr Santos in September 2020 (and ignored by my attorneys.)
3. Ms. Lori Piotrowski 2020 translation of Portuguese will.
4. Piotrowski Email "I am not certified in translations"
5. Piotrowski Feb 16, 2020 Certification applies to "Assets IN PORTUGAL"
6. Opposition brief excerpt Nov 12 2020 "Assets are not at issue"
7. Opposition I RAR March 3 2021 "Assets are not at issue" section blanked

EXHIBIT 1 Original Will

102

Joaquim A. Lucas Silva	
NOTÁRIO EM TAVIRA	
27	T
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TESTAMENTO PUBLICO

No dia três de Maio de dois mil e seis, perante mim Licenciado Joaquim Augusto Lucas da Silva, Notário titular do alvará do Cartório situado na Rua Vinte e Cinco de Abril, número dois-C, em Tavira, compareceu como outorgante:-----

MARILYN WEEKS SWEET, solteira, maior, natural da Geórgia, Estados Unidos da América, de nacionalidade americana, residente em 6540 Bradley Boulevard, Bethesda Maryland, 20817-3248 Estados Unidos da América, nascida no dia doze de Agosto de mil novecentos e trinta e cinco, filha de Harvey Hobson Weeks e de Pauline Rich Weeks.-----

Verifiquei a identidade da outorgante por exibição do Passaporte número 159410567 de 08/12/1998, emitido pelas autoridades competentes americanas.----

E por ela foi dito:-----

Que faz este seu testamento, sendo o primeiro que faz em Portugal, pela forma seguinte:-----

Institui herdeiro universal de todos os seus bens, direitos e acções em Portugal, Christopher William Hisgen, solteiro, maior, natural de Washington D.C., Estados Unidos da América, de nacionalidade americana e consigo residente.-----

Caso este já tenha falecido à data da sua morte, serão suas herdeiras, Kathryn Kimberly Sweet, casada, residente em Arlington, Virgínia, Estados Unidos da América e Christy Kay Sweet, solteira, maior, residente na Tailândia.--

Assim o disse e outorgou.-----

Foram testemunhas: Maria Isabel Pires Cruz Santos, solteira, maior, natural da freguesia de S. Sebastião da Pedreira, concelho de Lisboa, residente na

Rua Alexandre Herculano, nº. 15, em Tavira e Gilda dos Santos Barradas, casada,
natural da freguesia da Sé, concelho de Faro, residente na Travessa da Fábrica, nº.
12, em Tavira; pessoas cuja identidade verifiquei pelo meu conhecimento
pessoal.-----

Imposto de selo liquidado nesse acto é no valor de vinte e cinco euros,
verba 15.1, da respectiva Tabela.-----

Foi este testamento lido e explicado o seu conteúdo.-----

Philips Walter Smart 03 May 2006
~~Isabel Maria dos Santos~~
Gilda dos Santos Barradas

O Notário
Joaquim Augusto Lucas de Silva
Conte n.º 1402103/2006 *JS*

EXHIBIT 2 Original 2006 translation by Dr Santos that Marilyn read at the May 3, 2006 signing (she did not read or write in Portuguese)

PUBLIC WILL

On the day three May two thousand and six, on the Notary in Tavira, in front of me, the Notary, Joaquim Augusto Lucas da Silva, at Rua Vinte e Cinco de Abril, nº 2-C, Tavira, appeared:-----

MARILYN WEEKS SWEET, single, from Georgia, United States of America, american nationality, with address at 6540 Bradley Boulevard, Bethesda Maryland, 20817-3248 United States of America, born on the 12th August nineteen hundred and thirty-five, daughter of Harvey Hobson Weeks and of Pauline Rich Weeks.-----

I checked the identity of the grantor by her passport number 159410567 of 08/12/1998, issued by the competente american authorities.-----

And by her has been declared:-----

That makes this will, being the first one she makes in Portugal, in the following form:-----

Establishes universal heir to all her assets, rights and shares in Portugal, Christopher William Hisgen, single, from Washignton [*sic*] D.C., United States of America, american [*sic*] nationality and with her resident.-----

If he has already died at the time of her death, shall be her heirs, Kathryn Kimberly Sweet, married, with address at Arlington, Virginia, United States of America and Christy Kay Sweet, single, with address at Thailand.-----

So she said and granted.-----

Were witnesses: Maria Isabel Pires Cruz dos Santos, single, from subcouncil of São Sebastião da Pedreira, council of Lisbon, with address at Rua Alexandre Herculano nº 15 in Tavira and Gilda dos Santos Barradas, married, from subcouncil of Sé, council of Faro, with address at Travessa da Fábrica nº 12, Tavira – persons whose identity was verified for my personal knowledge;-----

Stamp duty paid in that act is on the amount of twenty-five euros, point 15.1 of the respective Schedule.-----

Was this will read and explained its contents.-----

Signatures

EXHIBIT 3 Piotrowski 2020 Translation



Will Piotrowski 2020
translation.pdf

EXHIBIT 4 Piotrowski email to me stating she is not certified to perform translations



3-H Lori Piotrowski
email Not certified in t

EXHIBIT 5 Piotrowski certification “Will applies to assets in Portugal”



Piotrowski
certification.pdf

EXHIBIT 6 Petitioner Hisgen’s brief excerpt stating “Assets are not at issue..”



Assets page 7.pdf

EXHIBIT 7 Petitioner Hisgen’s March 3 2021 response in appeal leaving a blank where it should have said “assets not an issue.”



March 3 2021 Blanked
portion Assets.pdf

EXHIBIT 8 My email to J & J asking about the blank



Gmail - 11- 12 -21 vs.
03- 02- 21 Brief filing .

EXHIBIT 9 * Transcription uploaded separately due to size

This EXHIBIT APPENDIX submitted respectfully this 15th day of July, 2024

Self Represented

CHRISTY K. SWEET 51/68 Moo 6, Cherng-Telay Thalang, Phuket, Thailand 83110
(66) 94 807 0376 ChristyKSweet@Gmail.com

CSERV

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ChristyKSweet@Gmail.com
Self-represented

In The Eighth District Court of Clark County, Nevada

CHRISTY KAY SWEET,
Plaintiff

Case No. A-23—866672-C

Department 13

vs.

David C. Johnson, Ryan D. Johnson

CERTIFICATE OF SERVICE

I certify that on the 15 day of July 2024 , I caused a true and correct copy of the Exhibit Appendix to person(s) below by the following method (s) pursuant to NRCP 5 (b) and NEFCR 9:

Via E-Service :

EFile Las Vegas EFileLasVegas@WilsonElser.com , Lani U. Maile, Lani.Maile@WilsonElsner.com Angela Rafferty, Angela.Rafferty@WilsonElser.Com Steve Shevorski, Steve.Shevorski@WilsonElser.com Sheri Tome Sheri.Tome@WilsonElser.com

Signed this 15th day of July, 2024



Christy Kay Sweet *pro se*

51 / 68 Moo 6, Cherng-Telay
Thalang, Phuket, Thailand 83110
(66) 94 807 0376 ChristyKSweet@Gmail.com

Joaquim Augusto Silva
NOTARY in Tavira
2-T
33
(Initials)

PUBLIC WILL

On the third day of May of two thousand six, in the presence of Licenciante Joaquim Augusto Lucas da Silva, titular notary of the licensed office located on Twenty-Fifth of April Street (Rua 25 de Abril), number two-C, in Tavira, appeared as the principal:

MARILYN WEEKS SWEET, single, adult, native of Georgia, United States of America, of American nationality, resident of 6540 Bradley Boulevard, Bethesda Maryland, 20817-3248 United States of America, born on the 12th day of August of nineteen hundred thirty-five, daughter of Harvey Hobson Weeks and Pauline Rich Weeks.....

I verified the identity of the principal through a display of Passport number 159410567 from 08/12/1998, issued by the authorized American authorities.....

And by her was said:

.....
.....

That she makes this will, being the first she makes in Portugal, in the following form:

.....

She establishes as universal heir of all her goods, rights, and actions in Portugal, Christopher William Hisgen, single, adult, native of Washington, DC, United States of America, of American nationality and with whom she resides.

.....

Should he have already died, on the date of her death, Kathryn Kimberly Sweet, married, resident of Arlington, Virginia, United States of America and Christy Kay Sweet, single, adult, resident of Thailand, will be her heirs.

Thus she said and authorized.

.....
.....

Witnesses were: Maria Isabel Pires Cruz, Santos, single, adult, native of the parish of S. Sebastião da Pedreira, municipality of Lisbon, resident of

15 Alexandre Herculano Street, in Tavira, and Gilda dos Santos Barradas, married, native of Sé Parish, municipality of Far, resident of 12 Travessa da Fábrica, in Tavira, persons whose identity I verified through personal acquaintance.

.....

Tax for a paid seal on this act is valued at twenty-five euros, sum 15.1, from the respective Table (Schedule of Fees).

This will was read and its contents explained.

.....

(Signatures)

Marilyn Weeks Sweet 03 May 2006

Isabel Pires Cruz Santos


Gilda dos Santos Barradas

The Notary

Joaquim Augusto Lucas de Silva

(illegible) PA02102/2006



Electronically Filed
7/15/2024 8:54 AM
Steven D. Grierson
CLERK OF PRECOUR
Christy Sweet <christyksweet@gmail.com>


Are you certified as a Portuguese translator?

3 messages

Christy Sweet <christyksweet@gmail.com>
To: piotrowskilori@gmail.com

Mon, Jul 26, 2021 at 12:56 AM

Hello

Can I ask please if you are a certified Portuguese translator please?

Thank you

--

Christy Sweet
(66) (Inside Thailand, dial 0...) 94 807 0376

Please note, I'm not always online, so the best way to contact me quickly is through mobile calls or text messages to the phone above.

Lori Piotrowski <piotrowskilori@gmail.com>
To: Christy Sweet <christyksweet@gmail.com>

Mon, Jul 26, 2021 at 4:57 AM

No, I am not certified.
[Quoted text hidden]

Christy Sweet <christyksweet@gmail.com>
To: Lori Piotrowski <piotrowskilori@gmail.com>

Mon, Jul 26, 2021 at 2:53 PM

Ok, thank you.

[Quoted text hidden]



Lori Piotrowski
3478 Driving Range Street
Las Vegas, NV 89122
702-286-5343
piotrowskilori@gmail.com

On February 16, 2020, I translated the attached 3-page document from Portuguese into English. It is a certification of the will of Marilyn Weeks Sweet in which she names Christopher Hisgen as her universal heir for all her goods in Portugal. Should Mr. Hisgen precede her in death, Kathryn Kimberly Sweet and Christy Kay Sweet are named as heirs. Joaquim Augusto Lucas da Silva of Tavira, Portugal, is the licenciante notary.



Lori Piotrowski

Date: 02/16/2020

1 even though Chris would receive only property in Portugal. In short, the “universal
2 heir” would receive a narrow (likely non-existent) estate, while the residuary would be
3 expansive and universal, an absurd result.

4 Second, a plain, straightforward interpretation of “actions in Portugal” recognizes
5 that “in Portugal” modifies only “actions.” Merriam-Webster defines “action,” in a legal
6 context, as “the right to bring or maintain such a legal or judicial proceeding.”⁹ Thus,
7 the Will confers upon Christopher the right to bring or maintain a legal proceeding in
8 Portugal that Marilyn could have brought herself.

9 Furthermore, the disposition of the assets is not at issue under the current
10 Petition. As such, the Will should be admitted to Probate and Letters of General
11 Administration should be issued to Petitioner.
12

13 CONCLUSION

14
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20 Christy’s arguments that the Nevada Revised Statutes do not create a method for
21 admitting foreign wills to probate is unfounded. The plain language of the statutes
22 indicates otherwise. Her contention that the Will was not signed by two witnesses is also
23 not correct. The Will was signed by Ms. Santos and Ms. Barradas as well as a notary
24 public, Mr. Barradas. Finally, the language of the Will indicates that Petitioner is the
25 universal heir to the Decedent’s estate. Therefore, this Court should admit the Will to
26 probate, issue letters of general administration, and grant the other relief requested in
27

28

⁹ <https://www.merriam-webster.com/dictionary/action>



1 27. This concept clearly contemplates disposition of *all* of the decedent's
2
3 property directly to the universal heir, without limit or exception.

4 28. Furthermore, Christy's interpretation would leave a logical hole in the
5 Will. The Will also provides that, "[s]hould [Chris] have already died, on the date of her
6 death, Kathryn Kimberly Sweet, married, resident of Arlington, Virginia, United States
7 of America and Christy Kay Sweet, single, adult, resident of Thailand, will be her heirs."
8 Obviously, this provision contains no language that could be construed as limiting
9 distribution to assets in Portugal. Yet, Christy would have this Court believe that the
10 clause naming Chris as the "universal heir" is limited to assets in Portugal, while the
11 residuary clause has no such limitation. This interpretation would expand distribution
12 of the residuary clause to the full estate, even though Chris would receive only property
13 in Portugal. In short, the "universal heir" would receive a narrow (likely non-existent)
14 estate, while the residuary would be expansive and universal, an absurd result.
15
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21
22
23 **This space intentionally left blank.**
24
25
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Electronically Filed

7/15/2024 9:11 AM

Steven D. Grierson

Christy Sweet <christyksweet@gmail.com>

11- 12 -21 vs. 03- 02- 21 Brief filing discrepancies by Grover or Yamashita?

Ryan Johnson <rdj@johnsonlegal.com>
 To: Christy Sweet <christyksweet@gmail.com>
 Cc: Monica Gillins <mlg@johnsonlegal.com>

Sat, Jul 24, 2021 at 1:27 AM

Christy,

The holding of Yamashita was to admit the will. He also held that the Will controls ALL assets, so that itself would govern the distribution of the assets unfortunately.

Monica,

Can you help Christy get a video of the hearing with Sturman?

Ryan D. Johnson, Esq.

Johnson & Johnson Law Offices

(702) 384-2830

rdj@johnsonlegal.com

www.johnsonlegal.com

1160 N. Town Center Dr., Suite 140, Las Vegas, NV 89144

Schedule a phone appointment with me at this link: <https://calendly.com/ryandjohnsonlegal/20min>

CONFIDENTIAL: This message and any files attached hereto are confidential and may contain privileged material for the sole use of the intended recipient. Any unauthorized review, distribution, disclosure, copying, use, or dissemination, either whole or in part, is strictly prohibited. If you are not the intended recipient of the message, please notify the sender immediately by return e-mail or telephone (702-384-2830), delete the original message including the attachments and destroy all hard copies. If you are the intended recipient, please be aware that e-mail correspondence can be altered electronically. Therefore, the integrity of this communication cannot be guaranteed.

On Jul 22, 2021, 7:20 PM -0700, Christy Sweet <christyksweet@gmail.com>, wrote:

Ryan

Forgive me but a question please- I am reading through Mr Grover's extensive deflections and misdirections (he's quite good at it,) I note the Nov 12 2020 filing Inventory Appraisals Record of Value..

Page 7 Lines 4 - 13 Grover writes:

Blah blah *Furthermore, the disposition of the assets is not at issue under the current petition*

But all those lines are omitted in the March 02 2021 filing where Yamashita disposes all assets to Hisgen. See screen shots below. That sentence completely changes the entire case- as in my initial hunch they were using the Portuguese will to get Hisgen appointed Administrator only- evolved into giving him the entire estate. Seems Grover was not asking for that - but then the omission cleared the way for Yamashita

to do just that as he signs right below the omission ? Or am I just dreaming of easy Rule 60 dismissals ?

Can you please give me a link or a copy of the video of Sturman declaring her feelings.

And the emails entered into a record where I am "accusing Hisgen of murder"..? (really just assisting a suicide, it was the nursing aid that used the term murder re the last day of Mother's life..)

The 11 12 2020 filing

<Nov 12 2020 Not disposition of assets ...png>

and the 03 02 2021 omitting that extremely relevant sentence

[Quoted text hidden]



1 RTRAN

2
3
4
5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

7
8 In the matter of:

9 MARILYN WEEKS,

10 Deceased.

CASE#: P-20-103540-E

DEPT. XXVI

11
12
13 BEFORE THE HONORABLE GLORIA J. STURMAN,
14 DISTRICT COURT JUDGE
15 THURSDAY, DECEMBER 2, 2021

16 **RECORDER'S TRANSCRIPT OF HEARING:**
17 **MOTION TO SET ASIDE ORDER,**
JUDGMENT AND/OR DEFAULT

18 APPEARANCES:

19
20 For Christopher Hisgen, [All appearances by Bluejeans]
21 Petitioner: THOMAS R. GROVER, ESQ.

22 For Christy Sweet,
23 Respondent: PRO SE

24
25 RECORDED BY: KERRY ESPARZA, COURT RECORDER

1 LAS VEGAS, NEVADA; THURSDAY, DECEMBER 2, 2021

2 [Case called at 10:23 a.m.]

3 THE COURT: ...3540 -- 103540.

4 MR. GROVER: Good morning, Your Honor, Thomas Grover
5 on behalf of Chris Hisgen, the personal representative and surviving
6 spouse.

7 THE COURT: Thank you.

8 MS. SWEET: And I'm Christy Sweet representing myself,
9 Marilyn Sweet's daughter.

10 THE COURT: Okay, thanks.

11 MS. SWEET: Can you see me?

12 THE COURT: Procedurally this matter -- it seems -- it's kind of
13 in a odd procedural posture. There is an appeal. As far as I can tell,
14 there's an appeal pending at the Supreme Court. That it appears to be
15 related to the same order that is the request to set aside the order in, in
16 this motion.

17 It's sort of -- it's done in the context of a Motion to Set Aside as
18 a, as opposed to a Reconsideration. So it is a Motion to Set Aside the
19 Order, I believe it was a July 14th; this was the date? In which was --

20 MS. SWEET: That's correct.

21 THE COURT: -- which was a Report and Recommendation.
22 And it appears that that's already been appealed to the Supreme Court.

23 MS. SWEET: That is correct, Your Honor.

24 THE COURT: Okay. So then where --

25 MS. SWEET: I have done so myself.

1 THE COURT: -- then why was this motion filed? Am I
2 missing something? If you've already appealed this to the Supreme
3 Court, why do we have this motion?

4 MS. SWEET: Because I guess I didn't know any better, and I
5 saw that the letters of testamentary were being issued. And I was
6 wondering why that was. If I had appealed, it seemed to me that
7 everything should be put on hold.

8 THE COURT: Okay.

9 MS. SWEET: I guess I was wrong.

10 THE COURT: All right.

11 MS. SWEET: Have the letters been issued?

12 THE COURT: All right. Thanks very much.

13 MS. SWEET: It was issued under the wrong name, I know
14 that. And that they asked to have them issued under the corrected
15 name, and was that done? Does Mr. Hisgen have the letters of
16 testamentary under Marilyn Sweet's name at this point? I don't know.

17 THE COURT: Okay. All right. Thanks. All right. So then
18 what you're looking for here with the Motion to Set Aside the Report &
19 Recommendation and the order approving it is, you're actually seeking
20 to do what? To have those letters withheld –

21 MS. SWEET: Just –

22 THE COURT: -- or, or what?

23 MS. SWEET: If they have been issued, yes, to have them
24 revert. I understood that they had been issued in the wrong name.
25 They used my mother's maiden name on the case for some reason.

1 And these letters were initially issued in that name, Weeks, Marilyn
2 Sweet Weeks.

3 And then they had to ask for them to be reissued under
4 Marilyn Weeks Sweet, her correct name. And I'm not clear on if that
5 was ever done or not. I don't think you issued that order and I became
6 concerned. I obviously didn't know any better and couldn't get any
7 counsel.

8 I'm not a Nevada resident. I can't participate in the Ask A
9 Lawyer Programs. I got no counsel whatsoever. So I'm on my own, and
10 I'm just wondering: How do I stop these letters being issued? Because
11 I, I haven't appealed to the Supreme Court. It seems to me these letters
12 should be put on hold. Everything should be put on hold until that
13 appeal is heard.

14 THE COURT: Okay. Thank you.

15 MS. SWEET: I do have a lawyer for –

16 THE COURT: Thank you very much. All right. Thank you.

17 MS. SWEET: -- that appeal. Yes.

18 THE COURT: All right. Thanks very much, thank you, okay.
19 So yeah – Mr. Grover, now that we've clarified the request.

20 Mr. Grover: Right. Well, there's – I think the Court has honed
21 in on the issue here, and that is the request to set, set aside the order as
22 the same order that's subject to the appeal. There isn't really a basis
23 given to do that to the extent there are arguments in the motion. These
24 are all arguments that either were previously argued both in front of Your
25 Honor and Commissioner Yamashita or certainly could have been.

1 I don't see any basis under Rule 60 for it. You know, there
2 was an error in the caption that was corrected some months ago. In
3 terms of a stay, which I think was what Ms. Sweet is asking for, that's
4 not in front of the Court right now.

5 And so, the administration of the estate has certainly
6 proceeded in that regard as the order that admitted the word "probate" is
7 an appealable order and a final order --

8 THE COURT: And so --

9 MR. GROVER: -- so.

10 THE COURT: -- you know, just procedurally that once that
11 appeal, appealable order has been appealed, it divests this Court of
12 jurisdiction over that issue, because that issue's on appeal. And this is
13 not one of those --

14 MR. GROVER: That's correct.

15 THE COURT: -- that it requires this Court to first deny it in
16 order to be appealable. It's just -- it's appealed. And it is an appealable
17 order. It is on appeal and that's the remedy is the -- is the appeal that
18 has been filed, that is, that is the remedy. And I -- I believe has divested
19 this Court of jurisdiction to take another look at this.

20 There is a process whereby if, if asked by the Supreme Court,
21 this Court can give an advisory opinion and say, "Would I, if --
22 hypothetically speaking, if a certain result comes from the, the appeal,
23 would you do such and such, a Heggstad Petition in other words, but
24 that's not what this is.

25 This isn't asking this Court: Would you take a certain action if

1 the Supreme Court acts in a certain way? This is just an appeal of an
2 order, so it's already on appeal. And so, you know, I, Ms. Sweet if that's
3 – if that's the request, then I – there's nothing I can do at this point. The
4 order that you are – have appealed to the Supreme Court was a final
5 and appealable order. You've appealed it to the Supreme Court so it's
6 before the Supreme Court.

7 I, I can't – that's now their – that's now their case. I can't
8 interfere in that while that's going on at the Court of Appeals absent a
9 different kind of a petition. It's not this one. This isn't the type of request
10 that the Court's allowed to change an order that's already on appeal.
11 That's essentially what you're asking me to do is to change an order
12 that's already on appeal, and that I can't do. The way you've done this,
13 it's not something I can do anyway.

14 So, at this point, you have pursued the remedy that you have
15 which is to appeal for the Supreme Court, and that appeal is pending.
16 So that's, that's really where this action is.

17 MS. SWEET: May I ask a question, Your Honor, please.

18 THE COURT: You, you can ask. I can't give legal advice but
19 I can tell – talk to you about procedure.

20 MS. SWEET: I'm just not clear, have the letters of
21 testamentary been issued to Mr. Hisgen under the corrected name:
22 Marilyn Sweet? I'm not clear if they have or not.

23 MR. GROVER: I'll represent to the Court –

24 MS. SWEET: They were?

25 THE COURT: Yeah, they were. They were.

1 MR. GROVER: -- that they have.

2 THE COURT: It's dated August 27th.

3 MR. GROVER: Right.

4 THE COURT: Yeah, it's dated August 27th.

5 MS. SWEET: Okay, so why did not my appeal which was
6 done within 30 days of that July 14th decision, that order of yours. I did
7 appeal within 30 days, but it did not stop the letters being issued.

8 THE COURT: Right, because --

9 MS. SWEET: I suppose I did something wrong?

10 THE COURT: No, I, I think that --

11 MS. SWEET: I did ask my former attorney what to do, and he
12 told me to ask for a set aside which is what I thought I did.

13 THE COURT: Okay. So, and so he's -- here's the problem.
14 Because the way this is addressed, this specifically referenced this July
15 14th order and --

16 MS. SWEET: Yes.

17 THE COURT: -- and so that's kind of my problem here is that
18 the order was, was issued, and you appealed that decision. So the --
19 what happened after that, it wasn't stayed. It, it was -- it's just on appeal;
20 it's on appeal.

21 MS. SWEET: Uh-huh. Okay.

22 THE COURT: Okay. And so, it's, it's in front of the Supreme
23 Court. Like I said,

24 "If there's something else, some other approach you
25 wish to take. I mean, if you believe that the order to correct

1 the caption was inappropriate, you know, I don't know. But
2 specifically this July 14th order, that's, that's the one that's on
3 appeal. And so, that's, that's the issue that was addressed
4 here. And because it's already on appeal, then there's
5 nothing, at this point, that I can do about the July 14th order.
6 That's on appeal with the Supreme Court."

7 This procedural issue of correcting the caption is – like I said,
8 "There was nothing staying taking any other action, so it
9 was – it's just the decision itself is on appeal. So that's where
10 it is."

11 So I'm going to have to deny this request, because it appears
12 to me that the exact same order that this request for relief under Rule 60
13 was filed, that same order has already been appealed. And because it's
14 already been appealed, then that divests the Court of jurisdiction to look
15 at that July 14th order.

16 Your concern is that there were –

17 MS. SWEET: What about –

18 THE COURT: -- some subsequent action was taken; that's a
19 different question, and that's not what's in this order, in your -- in your
20 motion here. Your concern is about something else.

21 MS. SWEET: Okay.

22 THE COURT: And so, and so the, the way this is written, I
23 can only deal with what's before me. And what's before me is July 14th,
24 July 14th is on appeal. So like I said,

25 "If there's something else that you're concerned about

that's a different issue that's, you know, that's not what's here before me, so I can't – I can't deal with it."

MS. SWEET: Okay, live and learn.

THE COURT: Okay. Thanks so much.

MS. SWEET: My first mistake.

THE COURT: You bet. All right.

MS. SWEET: Thank you.

THE COURT: Thank you. And so we're – it's just denied given the fact that it appears from the Petition that the Petition relates specifically to the exact same issue that is on, on appeal currently; therefore, this Court doesn't have jurisdiction to address July, July 14th Order. Okay, thanks very much.

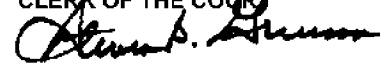
MR. GROVER: I'll, I'll put that together Your Honor.

THE COURT: I appreciate it. Thank you.

[Hearing concluded at 10:34 a.m.]

ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.

Kerry Esparza
Court Recorder/Transcriber



DSST

CHRISTY KAY SWEET
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Self-represented

In The Eighth District Court of Clark County, Nevada

CHRISTY KAY SWEET,
Plaintiff

Case No. A-23-866672-C

vs.

Department XIII

DAVID C. JOHNSON and RYAN JOHNSON,
Defendants

DISCLOSURE STATEMENT

- 2 I intend to show that Johnson and Johnson Legal were negligent at best, complicit at worst. Mr
David Johnson has 30 years of probate experience in Las Vegas and Mr Ryan Johnson some 11 years.
- 4 How they allegedly forgot to conduct a will contest is a question that needs answering.
- They made initial claims that foreign wills could not be entered into probate- a complete fallacy
- 6 They failed to notice the original translation provided by Dr Santos as read by Marilyn Sweet at
the May 3 2006 signing.
- 8 Additionally failed to notice that 2020 translation made two weeks after Marilyn's death, by
the uncertified translator in Las Vegas was altered- a comma added and a term changed.
- 10 Opposition argued extensively those changes rendered the will applicable in Nevada.

2 They failed to assure the 2020 translation was certified – it never was in violation of the law.

They let the probate commissioner conduct a thirteen minute hearing to suffice as a will contest.

4 They failed to ensure “certificates” were issued in order to conduct a will contest – by trial as
the law states must happen.

6 They would not assist me in getting law enforcement to consider my statements regarding my
mother’s ghastly demise and death and Chris Hisgen’s role in that death- which may have rendered
8 him ineligible as an heir.

They failed to notify the court Marilyn co owned property in Portugal (with Chris Hisgen) and in
10 fact opposition made the case no property outside USA existed.

Instead my mother’s Las Vegas home has been sold off to pay the lawyers and now a realty
12 company “Compass” which has been investigated for prior sleazy practices will take commissions for
both selling and buying when the home was sold at a court conducted auction.

14 My Mother was a wealthy woman, now her cash, home, art, jewelry, gold coins and personal
items I can recall from childhood have evaporated and I was disinherited through fraud

16 Christopher Hisgen died in January 2023 Much has been made of the fact I was in his
Portuguese will – which was altered identically by my sister Kathy K Sweet as the estate
18 administrator, (cutting out his rightful heir, his niece Frances Hisgen)

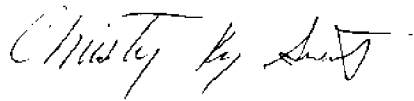
However Hisgen was able to obtain a mortgage FRAUDULENTLY on Marilyn’s solely owned home
20 worth about 600, 000 at that time, and so now the estate is a fraction of what it was. I have no
doubt the legion of lawyers – at times 9 people were listed on the case- will suck the entire estate
22 dry to bare bones because that’s how it works in Las Vegas Probate Court.

2 That case is P-20-103540-E still ongoing I have made a claim of fraud and a hearing is to be
held on August 8, 2024.

4 I am attempting to sue former Probate Commissioner Wesley Yamashita, for violating my rights
to due process and equal protection- US District Court of Nevada, 2:23-cv-008886-CDS-DJA. After
6 two send backs for amendments, I am still awaiting to see if it is accepted.

This Disclosure Statement was made available to the lawyers for Johnson and Johnson Legal on
8 July 15, 2024.

10 Respectfully submitted this 15th day of July 2024



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2 **CSERV**

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10
12 In The Eighth District Court of Clark County, Nevada

14 CHRISTY KAY SWEET,
Plaintiff

Case No. A-23—866672-C

Department 13

16 vs.

18 David C. Johnson, Ryan D. Johnson

CERTIFICATE OF SERVICE

I certify that on the 15th day of July 2024 , I caused a true and correct copy of the DISCLOSURE STATEMENT to person(s) below by the following method (s) pursuant to NRCP 5 (b) and NEFCR 9:
Via E-Service :

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& Ryan D. Johnson of Johnson & Johnson Law Offices

DISTRICT COURT

CLARK COUNTY, NEVADA

CHRISTY KAY SWEET, an individual,

Plaintiff,

Case No. A-23-866672-C
Dept. No.: 13

vs.

DAVID C. JOHNSON & RYAN D.
JOHNSON OF JOHNSON & JOHNSON LAW
OFFICES,

Defendants.

**DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT ON ALL
CAUSES OF ACTION IN PLAINTIFF'S
COMPLAINT PURSUANT TO NRCP 56**

HEARING REQUESTED

Defendant David C. Johnson & Ryan D. Johnson of Johnson & Johnson Law Offices
("Defendants"), through their counsel, Sheri M. Thome, Esq. and Nicholas F. Adams, Esq., of
Wilson, Elser, Moskowitz, Edelman, & Dicker, LLP, file this motion for summary judgment under
Nevada Rule of Civil Procedure 56(a) on all causes of action that Plaintiff, Christy Kay Sweet
("Plaintiff") alleged in her complaint.

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 This Court should grant Defendants' motion for summary judgment. Plaintiff's case is a
4 litigation malpractice action arising from a probate case, P-20-103540-E ("the Probate Case"). In
5 the Probate Case, the probate judge rejected Plaintiff's argument that her late mother, Marilyn Sweet
6 Weeks ("the Testator"), intended to die partially intestate, under which circumstance Plaintiff
7 alleges she would have inherited a third of Testator's estate consisting of real property located in
8 Nevada under Nevada's intestacy laws. This Court should grant summary judgment to the
9 Defendants for three reasons.

10 **First**, though she bears the burden of production and persuasion as the party that initiated this
11 lawsuit, Plaintiff never made and disclosed her initial disclosures and also never disclosed any
12 evidence during discovery thereafter to support her complaint's allegations on liability and damages.
13 **Second**, Plaintiff has also not disclosed an expert to establish the Defendants' alleged breach of the
14 standard of care. *Allyn v. McDonald*, 112 Nev. 68, 910 P.2d 263, 266 (1996). **Third**, even setting
15 aside Plaintiff's lack of participation, evidence, and expert testimony, Plaintiff's cause of action is
16 barred by judgmental immunity, which prevents a dissatisfied client from using tort law to second-
17 guess her attorney for not pursuing legal strategies that in the attorney's discretion were not
18 advisable. Necessarily then, this Court should grant summary judgment to the Defendants.

19 **II. STATEMENT OF UNDISPUTED MATERIAL FACTS**

20 **A. The Underlying Probate Case**

21 The Testator died on February 4, 2020. **Ex. A** at MSJ-0008.¹ Her husband, Christopher
22 Hisgen ("Hisgen") launched the Probate Case by petitioning for general administration of estate,
23 appointment of personal representative for letters testamentary, and to admit will to probate on July
24 14, 2020. **Ex. A, supra**. The Testator's will, which was executed in Portugal in 2006 and written in
25 Portuguese ("the 2006 Will"), accompanied Hisgen's petition as did a translation of the 2006 Will
26 into English. *Id.* at MSJ-0010-17. Hisgen described the estate's extent as unknown but comprising

27
28 ¹ This Court can take judicial notice of **Exhibits A through H** under NRS 47.130(2)(b) because they are public filings
in the judicial system of the State of Nevada and subject to ready and accurate determination.

1 at least real property located at 3125 Hasting Avenue, Las Vegas, NV 89107, which had a net value
2 of \$530,085. *Id.* at 2:24-3:9.

3 Plaintiff retained Defendants to represent her in the Probate Case initiated by Hisgen.
4 Defendants, on Plaintiff's behalf, filed an objection to Hisgen's petition. **Ex. B.** Defendants argued
5 that the 2006 Will could not be admitted to probate since it was executed in Portugal and lacked
6 attestation from two witnesses. *Id.* at MSJ-0034:23-35:4. Defendants also argued that, even if the
7 Testator's 2006 Will were admitted to probate, the correct interpretation of it demonstrated that she
8 intended by it to only devise her assets in Portugal, and not her assets located in Nevada or anywhere
9 else. *Id.* at MSJ-0035:5-7.

10 Hisgen supplemented his petition on September 29, 2020. **Ex. C.** Hisgen's supplemented
11 contained a declaration of Portuguese lawyer, Maria Isabel Santos, and her translation of Marilyn
12 Weeks' will. *Id.* Hisgen then filed his reply, which contained the declarations of two witnesses to
13 the Testator execution of the 2006 Will. **Ex. D.**

14 The probate court agreed with Hisgen. After listening to oral argument during a November
15 13, 2020 hearing, the probate court issued a report and recommendation. **Ex. E.** The probate court
16 determined that the 2006 Will was a valid international will because it was in writing, notarized,
17 and subscribed by two witnesses. *Id.* The probate court also conducted a thorough analysis of the
18 2006 Will's text. He determined that will should be interpreted in favor of full testacy, rather than
19 partial intestacy, as Plaintiff had sought through her alternative interpretation. *Id.* The district court
20 affirmed the probate court's report and recommendation. **Ex. F.**

21 Plaintiff appealed the district court's decision to the Nevada Court of Appeals after retaining
22 pro bono counsel. The Nevada Court of Appeals affirmed the district court's decision in a published
23 opinion, *In re Estate of Weeks*, 138 Nev. Adv. Opn. 68 (2022). **Ex. G.** Plaintiff petitioned for
24 rehearing with the Nevada Supreme Court, but the court denied her request. **Ex. H.**

25 **B. Plaintiff Sues Defendants for Legal Malpractice in the Probate Case**

26 Plaintiff filed her complaint against Defendants on March 4, 2023. *See* Compl. Plaintiff
27 alleges that Defendants breached the duty of care in the Probate Case. *Id.* at ¶1. Her sole claim is
28

1 for legal malpractice in the Probate Case. *Id.* at ¶3.

2 Plaintiff retained Defendants to represent her in the Probate Case. *Id.* at ¶7. Defendants filed
3 an objection to the 2006 Will in the Probate Case. *Id.* at ¶3. The Probate Commissioner overruled
4 Plaintiff's objection and admitted the 2006 Will to probate. *Id.* at ¶¶1 and 8. Defendants on
5 Plaintiff's behalf sought review of the Probate Commissioner's decision; however, the District
6 Court affirmed the Probate Commissioner. *Id.* at ¶1. Plaintiff retained *pro bono* counsel to represent
7 her before the Nevada Court of Appeals, but that court also affirmed the Probate Commissioner. *Id.*

8 Plaintiff makes several allegations of errors of legal strategy against Defendants relating to
9 their representation of her in the Probate Case. Specifically, she alleges that Defendants failed to
10 argue that Hisgen never deposited the original will with the court clerk. *Id.* at ¶10. She then argues
11 that Defendants failed to argue in the initial objection to the 2006 Will that it lacked a signature
12 from an authorized person as that term is used in NRS §§133A.030 and 060. *Id.* at ¶11. Next, she
13 argues that Defendants failed to argue that Portuguese law should have applied to both the
14 construction and enforcement of the 2006 Will. *Id.* at ¶13. She also argues that the copy of the 2006
15 Will submitted to the Probate Court lacked compliance with NRS 133A.070 because it lacked
16 signatures on both pages and each page was not numbered. *Id.* at ¶18. She also argues that the 2006
17 Will did not comply with NRS 133.080 because it did not use the phrase "Last Will and Testament."
18 *Id.* at ¶¶25-26. Plaintiff contends that Defendants failed to counter Hisgen's legal argument that
19 courts should avoid intestacy at all costs. *Id.* at ¶30. And lastly, Plaintiff contends that Defendants
20 should have petitioned for a will contest. *Id.* at ¶¶31-32.

21 She then makes several factual allegations regarding alleged evidence that Defendants should
22 have offered relating to the Testator's intent. She argues that Defendants failed to seek to admit
23 evidence of the Testator's legal education, which Plaintiff contends would have revealed her intent
24 to die partially intestate and have the 2006 Will only apply to her assets in Portugal. *Id.* at ¶14. She
25 alleges that Defendants failed to challenge the copy of the 2006 Will provided to the Probate Court
26 as inaccurate given that the 2006 Will says it is "one page" but Hisgen submitted a two-page copy.
27 *Id.* at ¶17. She next argues that Defendants did not object to the two translations of the 2006 Will
28

1 offered by Hisgen to the Probate Court. *Id.* at ¶¶19-22. She then argues that Defendants should have
2 sought to enter evidence regarding the phrase “universal heir” under Portuguese law. *Id.* at ¶¶23-
3 24.

4 C. Procedural History of the Instant Action

5 This Court denied Plaintiff’s motion for summary judgment on November 6, 2023. **Ex. I.**
6 Defendants served their initial disclosures on January 29, 2024. **Ex. J.** Defendants identified and
7 produced the pleadings and papers from the Probate Case and their insurance policy. *Id.* at MSJ-
8 0122:6-10. Defendants filed their individual case conference report on February 19, 2024. **Ex. K.**
9 Defendants noted that they had not received Plaintiff’s initial disclosures. *Id.* at MSJ-0126:22-23.

10 Plaintiff filed an individual case conference report on February 20, 2024. **Ex. L.** She wrote
11 as follows regarding her document that she identified:

12 Plaintiff: 1. Transcripts of two hearings, 2. Email statement from Dr Maria Isabel
13 Santos. 3. Email statement from Lori Pitrowski (Will provide such immediately to
Defendant and apologize it has not been done.)

14 *Id.* at MJS-0135:6-10. To date, Plaintiff has not made her initial disclosures nor produced any
15 documents.

16 The Court issued a scheduling order on March 7, 2024. **Ex. M.** Discovery closed on July 15,
17 2024. *Id.* at MSJ-0143:25-26.

18 III. LEGAL STANDARDS

19 NRCP 56(c) provides, “[summary judgment] shall be rendered if the pleadings, depositions,
20 answers to interrogatories, and admissions on file, together with the affidavits, if any, show that
21 there is no genuine issue as to any material fact and that the moving party is entitled to judgment as
22 a matter of law.” A genuine issue of material fact exists when the evidence is such that a rational
23 trier of fact could return a verdict for the nonmoving party. *Woods v. Safeway*, 121 Nev. 724, 731,
24 121 P.3d 1026, 1031 (2005). When deciding whether summary judgment is appropriate, the court
25 must view all evidence in the light most favorable to the non-moving party and accept all properly
26 supported evidence, factual allegations, and reasonable inferences favorable to the non-moving
27 party as true. *C. Nicholas Pereos, Ltd. v. Bank of Am.*, 131 Nev. Adv. Op. 44, 352 P.3d 1133, 1136
28

(2015); *NGA No. 2 Ltd. Liab. Co. v. Rains*, 113 Nev. 1151, 1157, 946 P.2d 163, 167 (1997).

The Nevada Supreme Court has adopted the federal approach outlined in *Celotex Corp. v. Catrett*, 477 U.S. 317 (1986), with respect to burdens of proof and persuasion in summary judgment proceedings. *See Cuzze*, 123 Nev. at 602, 172 P.3d at 134. The party moving for summary judgment must meet his or her initial burden of production and show there is no genuine issue of material fact. *Id.* "The manner in which each party may satisfy its burden of production depends on which party will bear the burden of persuasion on the challenged claim at trial." *Id.*

If, as is the circumstance here, the burden of persuasion at trial will rest on the nonmoving party, "the party moving for summary judgment may satisfy the burden of production by either (1) submitting evidence that negates an essential element of the nonmoving party's claim, or (2) pointing out that there is an absence of evidence to support the nonmoving party's case." *Id.* After the moving party meets his or her initial burden of production, the opposing party "must transcend the pleadings and by affidavit or other admissible evidence, introduce specific facts that show a genuine issue of material fact." *Id.*

IV. LEGAL ARGUMENT

Plaintiff's sole claim in her complaint is for negligence based on her theory of Defendants' alleged litigation malpractice in the Probate Case. The required elements of a legal malpractice claim are: (1) an attorney-client relationship; (2) a duty owed to the client by the attorney to use such skill, prudence, and diligence as lawyers of ordinary skill and capacity possess in exercising and performing the tasks which they undertake; (3) a breach of that duty; (4) the breach being the proximate cause of the client's damages; and (5) actual loss or damage resulting from the negligence. *Sorenson v. Pavlikowski*, 94 Nev. 440, 443, 581 P.2d 851, 853 (1978). In short, the first four elements concern liability and the last element concerns actual damages. The absence of evidence to support any of these elements means that summary judgment is warranted against Plaintiff's claims for legal malpractice. *See e.g., Butler v. Bayer*, 123 Nev. 450, 461, 168 P.3d 1055, 1063 (2007) (establishing that summary judgment is appropriate in a negligence action where no duty exists).

1 **A. Plaintiff Lacks Evidence to Support the Liability and Damages Elements**
2 **of Her Legal Malpractice Claim**

3 Plaintiff never provided her initial disclosures under Nevada law. Nevada Rule of Civil
4 Procedure 16.1 mandated that she do so. NRCP 16.1(a)(1)(C). That rule provides that a party “must”
5 make initial disclosures. Plaintiff never did so.

6 Plaintiff’s individual case conference report is no substitute for her failure to make and
7 disclose initial disclosures. First, Plaintiff has never disclosed the two unidentified transcripts, the
8 alleged email from Dr. Santos, nor the alleged email from Lori Pitrowski. **Ex. L**, *supra*, at MSJ-
9 0135:6-10. Second, Plaintiff never specified her categories of damages nor described her
10 computation of damages. *Id.* Necessarily then, Plaintiff cannot meet her burden of proof and
11 persuasion in this case.

12 Because this is a legal malpractice case, Plaintiff cannot rely solely on the underlying record
13 from the Probate Case to meet her burdens of proof and persuasion. Litigation malpractice actions
14 have a dual nature. A litigation malpractice plaintiff must prove a “case-within-the-case,” which
15 means plaintiffs must demonstrate that absent the attorney’s malpractice they would have been
16 successful in the underlying matter. *Contreras v. Am. Family Mut. Ins. Co.*, 135 F. Supp. 3d 1208,
17 1222 (D. Nev. 2015). Their nature is two-fold because discovery necessarily includes (1) underlying
18 matter’s facts but also (2) the counterfactual, i.e., facts showing that the underlying matter would
19 have had a more favorable outcome had the malpractice not occurred. *Charles Reinhart Co. v.*
20 *Winiemko*, 444 Mich. 579, 513 N.W.2d 773 (1994) (“the client seeking recovery from his attorney
21 is faced with the difficult task of proving two cases within a single proceeding.”).

22 Here, because Plaintiff has provided no evidence, she necessarily cannot meet her burden of
23 production and persuasion that the Probate Case would have had a different outcome had alleged
24 malpractice not occurred. For example, Plaintiff has identified, but not produced, undated emails
25 from Lori Pitrowski and Dr. Maria Isabel Santos. **Ex. L**, *supra*. Plaintiff never produced evidence
26 demonstrating that she provided these emails to Defendants during the Probate Case nor that these
27 emails would have been admissible in that proceeding and would have changed the outcome of the
28

1 Probate Case. Given the absence of this evidence, Plaintiff cannot meet her burden of production
2 and persuasion regarding legal malpractice liability.

3 Plaintiff has the same problem of lack of evidence to support the essential element of actual
4 damages. *Sorenson*, 94 Nev. at 443, 581 P.2d at 853. Litigation malpractice damages are not
5 “actual” unless they follow the negligent act to a legal certainty. *Marshak v. Ballesteros*, 72
6 Cal.App.4th 1514, 1518 (Cal. Ct. App. 1999). The essential element of actual damages can only
7 be demonstrated by a malpractice plaintiff showing that “careful management of a lawsuit would
8 have resulted in a favorable judgment and collection thereof because there is no damage in the
9 absence of these latter elements.” *Wise v. DLA Piper LLP*, 220 Cal.App.4th 1180, 1190 (Cal. Ct.
10 App. 2013) (italics in original). Far from being a legal certainty, Plaintiff’s damages are rank
11 speculation given that she never categorized them, never computed them, and never provided
12 any evidence of them.

13 **B. Plaintiff Lacks a Required Duty of Care Legal Malpractice Expert**

14 This Court should grant summary judgment to Defendants because of Plaintiff’s failure to
15 disclose a duty of care expert. Generally, a plaintiff must produce expert testimony to establish the
16 professional standard of care and an attorney’s breach of that standard. *Boesiger v. Desert Appr.,*
17 *LLC*, 135 Nev. 192, 195, 444 P.3d 436, 439 (2019); *Allyn*, 112 Nev. at 71, 910 P.2d at 266. The
18 exception to this rule is where the “breach of care or lack thereof is so obvious that it may be
19 determined by the court as a matter of law or is within the ordinary knowledge and experience of
20 laymen.” *Allyn*, 112 Nev. at 71-72, 910 P.2d at 266.

21 Here, Plaintiff never made any disclosures, let alone of a duty of care expert. Necessarily
22 then, summary judgment is warranted unless an exception to the mandatory expert disclosure rule
23 applies here. This case does not fit within the exception.

24 Plaintiff cannot demonstrate that Defendants made any error concerning the alleged failure
25 to disclose and use evidence in the Probate Case. Here, she has never disclosed any evidence in this
26 case, which she has demonstrated actually existed, but was not used, in the Probate Case. Therefore,
27 Plaintiff lacks evidence in this case necessary to meet her case-within-a-case burden, let alone
28

1 evidence, which makes legal malpractice so obvious that the general rule of expert testimony is
2 excused.

3 Plaintiff's allegations regarding alleged evidentiary errors made by Defendants are also
4 unavailing considering Nevada law concerning wills. First, Nevada law's primary presumption is
5 against construing a will to create either partial or full intestacy. *In re Estate of Chong*, 111 Nev.
6 1404, 1407, 906 P.2d 710, 712-13 (1995). Second, the testator's intent, absent strong extrinsic
7 evidence, is to be construed from the plain meaning of the terms in the will. Third, Nevada courts
8 do not vary a will's terms to conform to true testamentary intent. *In re Estate of Meredith*, 105 Nev.
9 689, 691, 782 P.2d 1313, 1315 (1989). From these principles, Plaintiff's allegations concerning the
10 Testator's subjective intent that would allegedly show what she *meant* to say in her 2006 Will are
11 irrelevant. Rather, what matters is what she *did* say in her 2006 Will. Necessarily then, it is far from
12 obvious that the probate court would have construed the 2006 Will according to what Plaintiff
13 contends was the Testator's unexpressed, subjective intent in favor of partial intestacy, as opposed
14 to applying entrenched Nevada law that abhors partial intestacy.

15 Plaintiff also cannot show that Defendants failed to make any obvious legal argument that
16 would have made any difference. Plaintiff contends that Defendants should have moved for a will
17 contest under NRS 137.010. Compl., ¶¶2, 34, and 40 (incorrectly labeled paragraph 32 on page 17).
18 But Plaintiff never explains why it was an obvious legal error to not request one. There were, in
19 fact, no grounds for a will contest in the Probate Case, let alone obvious ones. Nevada law provides
20 that interested persons may seek to contest the admission of a will to probate. NRS 137.010(1). But
21 then explains that the will must be admitted to probate:

22 If the court is satisfied upon the proof taken when heard by the court, or by the verdict
23 of a jury if a jury is had, that the will was duly executed by the testator, who was at the
24 time of sound and disposing mind and not under duress, menace, undue influence or
fraudulent representation, the court, by order in writing, shall admit the will to probate.

25 NRS 137.060. There was no evidence in the Probate Case, or this case, that the Testator executed
26 the 2006 Will under duress, menace, undue influence, or fraudulent representation nor were there
27 any questions as the substantive validity of the will. *See e.g.*, NRS 137.020(2).

1 Plaintiff also cannot show that the Defendants alleged failure to argue certain aspects of
2 foreign law were obvious legal errors either. Plaintiff alleged in her complaint that Defendants
3 should have cited to the interpretation the term “universal heir” in the 2006 Will from civil law
4 countries. Compl., ¶¶23-24. Next, she argues that the law of Portugal should have been applied to
5 because of their forced inheritance laws. *Id.* at ¶13. However, Plaintiff lacks any legal authority to
6 demonstrate that the failure to argue either issue is an obvious legal error. Moreover, she was
7 required in this case, but failed to, provide notice that she intended to argue any issue of foreign
8 law. *See* NRCP 44.1.

9 Plaintiff’s arguments regarding foreign law are also irrelevant. Nevada precedent confirms
10 that Nevada law applies to the construction and validity of the 2006 Will because Marilyn’s sole
11 asset at the time of her death was real property located in Nevada. *In re Estate of Prestie*, 122 Nev.
12 807, 812, 138 P.3d 520, 522-23 (2006). Nevada precedent keeps faith with “[t]he great weight of
13 authority in this country ‘holds that the law of the situs governs the interpretation and effect of a
14 will of realty.’” *Craig v. Carrigo*, 121 S.W.3d 154 (Ark. 2003) (citing Luther L. McDougal et al.
15 *American Conflicts Law* §184, at 659 (5th Ed. 2001); *see also Restatement (Second) of Conflict of*
16 *Laws* §240 (1971).

17 Plaintiff’s allegation that the translations of the 2006 Will were not certified also miss the
18 mark. Plaintiff does not cite to any language in NRS 136.210 showing that the lack of a certified
19 translation of a foreign will affects its validity as a will. *See* NRS 136.210. Moreover, even if
20 Plaintiff’s argument regarding NRS 136.210 had merit (it doesn’t), she abandoned her putative
21 malpractice case on that issue by failing to pursue it on appeal. *Hewitt v. Allen*, 118 Nev. 216, 224,
22 43 P.3d 345, 350 (2002).

23 C. Judgmental Immunity Applies to Bar Plaintiff’s Malpractice Claim

24 No attorney can guaranty that a judge will not disagree with their evaluation. The
25 “professional judgment” or “judgmental immunity” defense to legal malpractice is universal in this
26 context.² The rule holds that a lawyer’s tactical strategy crafting a defense is protected by the rule

27 ² The rule of judgmental immunity is universally recognized. *See e.g., Air Turbine Technology, Inc. v. Quarles &*
28 *Brady*, 165 So.3d 816 (FL 2015) (decision by lawyer not to call an expert in federal court was good faith tactical decision

1 of judgmental immunity. There is a well-known reported decision, *Denzer v. Rouse*, 180 NW2d 521
2 (Wisconsin 1970), where the Court explained the rule:

3 Certainly, an attorney is not called upon to predict unfailingly how a court will interpret
4 a document or deed twenty some years later. A successfully asserted claim of legal
5 malpractice needs more than the fact, standing alone, that a trial or appellate court
6 interpreted a document differently than the lawyer or his client presumed they would.
A lawyer would need a crystal ball, along with his library, to be able to guarantee that
no judge, anytime, anywhere, would disagree with his judgment or evaluation of a
situation.

7 *See also*, 7 Am Jur 2d *Attorneys at Law* § 199 (2024).³ Stated another way, lawyers do not guarantee
8 the best possible outcome for their clients, and an adverse result for the client alone does not support
9 a claim for legal malpractice.

10 Here, the tactic deployed by Defendants are entirely a matter of discretion, which Plaintiff
11 now attempts to use tort law to second-guess. Defendants cannot be faulted for the Probate Court's
12 interpretation of the 2006 Will. Nor could they be faulted for not requesting a will contest
13 considering there were certainly no grounds to request one under NRS 137.020(2) or NRS 137.060.
14 The rule of judgmental immunity provides Defendants with a complete defense.

15
16
17 protected by attorney judgmental rule); *Smith v. McLaughlin*, 769 S.E.2d 7 (VA 2015) (Attorney not liable for
18 malpractice challenging advice to settle where the advice based on an unsettled proposition of law); *Clark County Fire*
19 *District No. 5 v. Bullivant Houser Bailey PC*, 324 P.3d 723 (Washington 2014) (Rule recognized); *Blanks v. Seyfarth*
20 *Shaw*, 171 Cal.App.4th 336 (Cal. 2009) (California recognition of the rule); *Biomet Inc. v. Finnegan Henderson LLP*,
21 967 A.2d 662, 668 (D.C. App. 2009) ("The law is not static, it ever-evolves and changes and so '[b]ecause of those
22 concerns, the rule that an attorney is not liable for an error of judgment on an unsettled proposition of law is universally
23 recognized.'"); *Estate of Mitchell v. Dougherty*, 644 N.W.2d 391 (Michigan 2002) (Lawyer's decision not to pursue
24 claims against one of several potential defendants protected under attorney judgment rule); *Cellucci v. Bronstein*, 649
A.2d 1333 (New Jersey 1994) (Attorney's decision not to pursue 3rd party accident claim protected as a matter of
attorney judgment); *Williams v. Beckham & McAliley*, 582 So.2d 1206 (Florida 1991) (Attorney not liable for legal
malpractice in failing to pursue underlying automobile negligence claim he determined was not viable); *Elliott v.*
Videan, 791 P.2d 639 (Arizona 1989) (Rule recognized); *Woodruff v. Tomlin*, 616 F.2d 924, 930 (6th Cir. 1980)
("[T]here can be no liability for acts and omissions by an attorney in the conduct of litigation which are based on an
honest exercise of professional judgment. This is a sound rule. Without the attorney judgment rule, every losing litigant
would be able to sue his attorney if he could find another attorney who, with the advantage of hindsight, is willing to
second guess the decisions of the first attorney.")

25 ³ "[W]hile obligated to perform with all reasonable diligence, attorneys cannot be faulted for not being perfect. Legal
representation is a series of challenges and problems requiring judgment calls at every juncture along the way, and in
this kind of activity, mistakes are inevitable and perfection is impossible. . . .

26 If an attorney acts in good faith and in an honest belief that his or her acts and advice are well founded and in the best
27 interest of the client, the attorney is not liable for a mere error of judgment. Under the doctrine of "judgmental
immunity," there can be no liability for acts and omissions by an attorney in the conduct of litigation which are based
28 on an honest exercise of professional judgment. Thus, an informed judgment on the part of counsel, even if subsequently
proved erroneous, is not negligence" (footnotes omitted.)

1
2 **V. CONCLUSION**

3 For these reasons, this Court should grant Defendants' Motion for Summary Judgment.

4 DATED this 14th day of August, 2024.

5 WILSON, ELSER, MOSKOWITZ,
6 EDELMAN & DICKER LLP

7 /s/ Nicholas F. Adams, Esq.

8 Sheri M. Thome, Esq.

9 Nevada Bar No. 8657

Nicholas F. Adams, Esq.

10 Nevada Bar No. 14813

6689 Las Vegas Blvd. South, Suite 200

Las Vegas, NV 89119

11 *Attorneys for Defendants David C. Johnson*

12 *& Ryan D. Johnson of Johnson & Johnson*

13 *Law Offices*
14
15
16
17
18
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20
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1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5, I certify that I am an employee of WILSON, ELSER, MOSKOWITZ,
3 EDELMAN & DICKER LLP and that on this 14th day of August, 2024, I served a true and correct
4 copy of the foregoing **DEFENDANTS' MOTION FOR SUMMARY JUDGMENT ON ALL**
5 **CAUSES OF ACTION IN PLAINTIFF'S COMPLAINT PURSUANT TO NRCP 56** as
6 follows:

- 7 ☐ by placing same to be deposited for mailing in the United States Mail, in a sealed
8 envelope upon which first class postage was prepaid in Las Vegas, Nevada;
- 9 ☒ via electronic means by operation of the Court's electronic filing system, upon each
party in this case who is registered as an electronic case filing user with the Clerk;
- 10 ☐ via hand-delivery to the addressees listed below;
- 11 ☐ via facsimile;
- 12 ☐ by transmitting via email the document listed above to the email address set forth
13 below on this date before 5:00 p.m.

14 Christy Kay Sweet
15 51 / 68 Moo 6, Cherng-Telay
16 Thalang, Phyket 83110 Thailand
christyksweet@gmail.com
Plaintiff in Pro Se

17 BY: /s/ Kelly Mayes
18 An Employee of WILSON, ELSER, MOSKOWITZ, EDELMAN &
19 DICKER LLP



1 **APEN**
2 Sheri M. Thome, Esq.
3 Nevada Bar No. 008657
4 Nicholas F. Adams, Esq.
5 Nevada Bar No. 014813
6 **WILSON, ELSE, MOSKOWITZ,**
7 **EDELMAN & DICKER LLP**
8 6689 Las Vegas Blvd. South, Suite 200
9 Las Vegas, NV 89119
10 Telephone: 702.727.1400
11 Facsimile: 702.727.1401
12 Sheri.Thome@wilsonelser.com
13 Nicholas.Adams@wilsonelser.com
14 *Attorneys for Defendants*
15 *David C. Johnson & Ryan D. Johnson*
16 *of Johnson & Johnson Law Offices*

10 **DISTRICT COURT**
11 **CLARK COUNTY, NEVADA**

11 CHRISTY KAY SWEET, an individual,
12
13 Plaintiff,

14 vs.

15 DAVID C. JOHNSON & RYAN D.
16 JOHNSON OF JOHNSON & JOHNSON LAW
17 OFFICES,
18 Defendants.

Case No. A-23-866672-C
Dept. No.: 13

**APPENDIX OF EXHIBITS IN SUPPORT
OF DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT ON ALL
CAUSES OF ACTION IN PLAINTIFF'S
COMPLAINT PURSUANT TO NRCP 56**

18 Defendants, David C. Johnson and Ryan D. Johnson of Johnson & Johnson Law Offices
19 (collectively, "Johnson"), by and through their attorneys of record, Wilson, Elser, Moskowitz,
20 Edelman & Dicker LLP, hereby submits an Appendix of Exhibits in Support of Defendants' Motion
21 for Summary Judgment On All Causes Of Action in Plaintiff's Complaint Pursuant to NRCP 56.

22 ///

23 ///

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25 ///

26 ///

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28 ///

TABLE OF CONTENTS

Exhibit	Description	Bates Nos.
A.	Petition for General Administration of Estate, Appointment of Personal Representative for Letters Testamentary and to Admit Will to Probate, dated 07/14/2020	MSJ-0001-MSJ-0033
B.	Objection to Petition for General Administration of Estate, Appointment of Personal Representative and Letters Testamentary and to Admit Will to Probate, dated 08/11/2020	MSJ-0034-MSJ-0038
C.	First Supplement to Petition for General Administration, Appointment of Personal Representative and for Issuance of Letters Testamentary and to Admit Will to Probate, dated 09/29/2020	MSJ-0039-MSJ-0044
D.	Reply in Support of Petition for General Administration, Appointment of Personal Representative and for Issuance of Letters Testamentary and to Admit Will to Probate, dated 11/12/2020	MSJ-0045-MSJ-0070
E.	Report & Recommendation, dated 03/03/2021	MSJ-0071-MSJ-0079
F.	Order Affirming Report and Recommendation, Admitting Will to Probate and to Issue Letters Testamentary, dated 07/14/2021	MSJ-0080-MSJ-0091
G.	138 Nev. Advance Opinion 68, dated 10/20/2022	MSJ-0092-MSJ-0113
H.	Order Denying Petition for Review, dated 06/08/2023	MSJ-0114-MSJ-0115
I.	Order Denying Plaintiff's Motion for Summary Judgment, dated 11/06/2023	MSJ-0116-MSJ-0119
J.	Defendants' Initial Disclosure of Witnesses and Documents, dated 01/29/2024	MSJ-0120-MSJ-0123
K.	Defendants' Individual Case Conference Report, dated 02/19/2024	MSJ-0124-MSJ-0131
L.	Plaintiff's Individual Case Conference Report, dated 02/20/2024	MSJ-0132-MSJ-0142
M.	Order Setting Civil Non-Jury Trial, Calendar Call, and Deadlines for Motions; Discovery Scheduling Order, dated 03/07/2024	MSJ-0143-MSJ-0145

DATED this 14th day of August, 2024.

WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER LLP

/s/ Nicholas F. Adams

Sheri M. Thome, Esq.

Nevada Bar No. 008657

Nicholas F. Adams, Esq.

Nevada Bar No. 014813

6689 Las Vegas Blvd. South, Suite 200

Las Vegas, NV 89119

Attorneys for Defendants David C. Johnson

& Ryan D. Johnson of Johnson & Johnson

Law Offices

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5, I certify that I am an employee of WILSON, ELSER, MOSKOWITZ,
3 EDELMAN & DICKER LLP and that on this 14th day of August, 2024, I served a true and correct
4 copy of the foregoing **APPENDIX OF EXHIBITS IN SUPPORT OF DEFENDANTS'**
5 **MOTION FOR SUMMARY JUDGMENT ON ALL CAUSES OF ACTION IN**
6 **PLAINTIFF'S COMPLAINT PURSUANT TO NRCP 56** as follows:

- 7 ☐ by placing same to be deposited for mailing in the United States Mail, in a sealed
8 envelope upon which first class postage was prepaid in Las Vegas, Nevada;
- 9 ☒ via electronic means by operation of the Court's electronic filing system, upon each
party in this case who is registered as an electronic case filing user with the Clerk;
- 10 ☐ via hand-delivery to the addressees listed below;
- 11 ☐ via facsimile;
- 12 ☐ by transmitting via email the document listed above to the email address set forth
13 below on this date before 5:00 p.m.

14 Christy Kay Sweet
15 51 / 68 Moo 6, Cherng-Telay
16 Thalang, Phyket 83110 Thailand
christyksweet@gmail.com
Plaintiff in Pro Se

17
18 BY: /s/
19 An Employee of
20 WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP
21
22
23
24
25
26
27
28

EXHIBIT A

Electronically Filed
7/14/2020 1:31 PM
Steven D. Grierson
CLERK OF THE COURT



PET

MICHAEL A. OLSEN, ESQ.

Nevada Bar No: 6076

THOMAS R. GROVER, ESQ.

Nevada Bar No. 12387

BLACKROCK LEGAL, LLC

10155 W. Twain Ave., Suite 100

Las Vegas, NV 89147

Telephone (702) 855-5658

Facsimile (702) 869-8243

mike@blackrocklawyers.com

tom@blackrocklawyers.com

Attorneys for Chris Hisgen

CASE NO: P-20-103540-E
Department 26

**DISTRICT COURT
CLARK COUNTY, NEVADA**

In the Matter of the Estate of

MARILYN SWEET WEEKS

Deceased.

Case No.

Dept. PC-1

HEARING REQUESTED

**PETITION FOR GENERAL ADMINISTRATION OF ESTATE, APPOINTMENT OF PERSONAL
REPRESENTATIVE for LETTERS TESTAMENTARY and to ADMIT WILL TO PROBATE**

COMES NOW, PETITIONER Chris Hisgen (hereafter "Petitioner"), by and through his attorney, Thomas R. Grover, Esq. of the Law firm BLACKROCK LEGAL, LLC, and hereby petitions this Court for an order appointing Petitioner as Personal Representative of the Estate of MARILYN SWEET WEEKS (hereafter "Decedent") and for general administration, and to admit will to probate and in support hereof, respectfully represents to this Court as follows:

///

///

Page 1 of 6

Petition for General Administration of Estate, Appointment of Personal Representative, for Letters Testamentary and to Admit Will to Probate
Estate of Marilyn Sweet Weeks

MSJ-0001

438

DEFS000004



FACTS

1. Decedent, MARILYN SWEET WEEKS died on Febraury 4th, 2020 in Clark County, Nevada, being at that time a resident of Clark County Nevada. Death Certificate, **Exhibit "1"**.

2. Decedent left a last will and testament naming Chris Hisgen as her personal representative, **Exhibit "2"**.

3. The will has been translated from portuguese to english by Lori Piotrowski on February 16, 2020 and certifies its contents, **Exhibit "3"**.

4. Kathryn Kimberly Sweet has requested her address be kept off record and has agreed to waive receipt of service in this case, **Exhibit "4"**.

5. The name and address of the Decedent's heirs and devisees is as follows:

<u>Name</u>	<u>Relationship to decedent</u>
Chris Hisgen 3125 Hastings Avenue, Las Vegas, NV 89107	Spouse
Kathryn Kimberly Sweet Address withheld	Child, over 18
Christy Kay Sweet 51/68 Moo 6 Cherng-Telay (Layan Beach, Soi 7) Thalang, Phuket Thailand 83110	Child, over 18

6. The extent of the Decedent's estate is unknown, however, upon information and belief, Decedent left real property located at 3125 Hastings Avenue, Las Vegas, NV 89107 APN: 139-32-403-004 (hereafter "Subject Property") as **Exhibit "5"**. Zillow.com estimates the value of the Subject Property to be \$530,085.00.

Page 2 of 6

Petition for General Administration of Estate, Appointment of Personal Representative, for Letters Testamentary
and to Admit Will to Probate
Estate of Marilyn Sweet Weeks

7. Thus, the Estate consists of the following real and personal property:

	Asset Value	Amount of Encumbrance	Estate' s Inter est	Net Value of Estate's Interest
A. <u>Real Property</u> 3125 Hastings Avenue, Las Vegas, NV 89107 APN: 139-32-403-004	\$530,085.00	\$0	100%	\$530,085.00
TOTAL				\$530,085.00

8. There are no other known assets or debts of the Decedent at this time.

9. Petitioner is a resident of Clark County, Nevada, of legal age, has never been convicted of a felony, and is otherwise qualified and willing to serve as Personal Representative.

10. The Decedents Estate consists of real property which may be in excess of \$300,000.00.

11. Petitioner requests that, in lieu of the requirement of a bond, to the extent that he recovers any assets belonging to the estate, that such assets be deposited into the BLACKROCK LEGAL, LLC Client Trust Account, pending administration of the estate.

LEGAL ARGUMENT

A. THIS COURT SHOULD APPOINT CHRIS HISGEN AS PERSONAL REPRESENTATIVE

12. NRS 138.010 directs that the court shall issue letters of administration to a personal representative named in the will. Decedent's will names Chris Hisgen as her selected

1 personal representative.¹ Additionally as per NRS 139.010, Petitioner is over the age of majority
2 and has never been convicted of a felony.

3 13. Letters of Administration should issue to Petitioner to administer the Estate and
4 any potential bank accounts or safety deposit boxes owned by the Decedent.
5

6 **B. THE DECEDENT'S WILL SHOULD BE ADMITTED TO PROBATE**

7 In Nevada, a Last Will & Testament is valid if "it is in writing and signed by the
8 testator, or by an attending person at the testator's express direction, and attested by at
9 least two competent witnesses who subscribe their names to the will in the presence of
10 the testator." NRS 133.040.

11 The will, Exhibit 2, meets the requirements set forth in NRS 133.040 and should
12 be admitted to probate.
13

14 **CONCLUSION**

15 WHEREFORE, Petitioner prays:

- 16 a. That this Court admit the Last Will & Testament of Marilyn Weeks,
17 Exhibit 2, to probate; and,
18
19 b. That this Court enter an Order appointing CHRIS HISGEN, Personal
20 Representative of the Estate of MARILYN SWEET WEEKS; and,
21
22 c. That Letters Testamentary be issued to CHRIS HISGEN to serve as
23 Personal Representative without bond; and,
24
25
26

27 ¹ See Exhibit "2".

1 d. That the Letters Testamentary contain a directive that in the event that
2 estate assets are liquidated, the proceeds be placed in the BLACKROCK LEGAL CLIENT
3 TRUST ACCOUNT.

4 e. That Chris Hisgen be granted authority to investigate any and all safety
5 deposit boxes or bank accounts in the name of MARILYN SWEET WEEKS; and
6

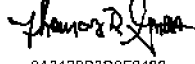
7 f. That Petitioner be granted all of the powers of a Personal Representative
8 contained in NRS Chapter 140;

9 g. For such other and further relief as the Court deems appropriate.

10 DATED: 7/13/2020
11 _____

12 BLACKROCK LEGAL

DocuSigned by:

13 

8A3139B3D8F9480...

14 MICHAEL A. OLSEN, ESQ.

15 Nevada Bar No. 7356

16 THOMAS R. GROVER, ESQ.

17 Nevada Bar No. 12387

18 Attorneys for Chris Hisgen



VERIFICATION

Chris Hisgen, under penalties of perjury, being first duly sworn deposes and states that he is a Petitioner named in the **Petition for General Administration of Estate, Appointment of Personal Representative, for Letters Testamentary and to Admit Will to Probate** and knows the contents thereof; that the petition is true of his own knowledge, except as to those matters stated on information and belief, and that as to those matters he believes them to be true.

Dated: 7/13/2020 _____

DocuSigned by:
Christopher William Hisgen
D92EC745E537490...
Chris Hisgen _____



EXHIBIT “1”

STATE OF NEVADA

CERTIFICATION OF VITAL RECORD

DEPARTMENT OF HEALTH AND HUMAN SERVICES DIVISION OF PUBLIC AND BEHAVIORAL HEALTH VITAL STATISTICS CERTIFICATE OF DEATH

CASE FILE NO. 4128315

2020002909

STATE FILE NUMBER

TYPE OR
PRINT IN
PERMANENT
BLACK INK

DECEDENT

IF DEATH
OCCURRED IN
INSTITUTION SEE
HANGBOOK
REGARDING
COMPLETION OF
RESIDENCE
ITEMS

PARENTS

DISPOSITION

TRADE CALL

CERTIFIER

REGISTRAR

CAUSE OF
DEATH

CONDITIONS IF
ANY WHICH
GAVE RISE TO
IMMEDIATE
CAUSE
STATING THE
UNDERLYING
CAUSE LAST

1a. DECEASED NAME (FIRST, MIDDLE, LAST, SUFFIX) Marilyn Weeks SWEET		2. DATE OF DEATH (Mo/Day/Year) February 04, 2020		3a. COUNTY OF DEATH Clark	
3b. CITY, TOWN, OR LOCATION OF DEATH Las Vegas		3c. HOSPITAL OR OTHER INSTITUTION - Name (If not either, give street or University Medical Center		3d. If Hosp or Inst indicate DOA/OP/Emer. Rm. Inpatient (Specify) Emergency Room / Outpatient	
5. RACE (Specify) White		6. Hispanic Origin? Specify No - Non-Hispanic		7a. AGE - Last birthday (Years) 84	
9a. STATE OF BIRTH (If not US/CA, name country) Georgia		9b. CITIZEN OF WHAT COUNTRY United States		10. EDUCATION 19	
13. SOCIAL SECURITY NUMBER [REDACTED]		14a. USUAL OCCUPATION (Give Kind of Work Done During Most of Software Security Engineer		14b. KIND OF BUSINESS OR INDUSTRY Computer Network Security	
15a. RESIDENCE - STATE Nevada		15b. COUNTY Clark		15c. CITY, TOWN OR LOCATION Las Vegas	
15d. STREET AND NUMBER 3125 Hastings Avenue		15e. INSIDE CITY LIMITS (Specify Yes or No) Yes		8. DATE OF BIRTH (Mo/Day/Yr) August 12, 1935	
16. FATHER/PARENT - NAME (First Middle Last Suffix) Harvey WEEKS			17. MOTHER/PARENT - NAME (First Middle Last Suffix) Pauline RICKS		
18a. INFORMANT - NAME (Type or Print) Christopher W. HISGEN		18b. MAILING ADDRESS (Street or R.F.D. No, City or Town, State, Zip) 3125 Hastings Avenue Las Vegas, Nevada 89107			
19a. BURIAL, CREMATION, REMOVAL, OTHER (Specify) Cremation		19b. CEMETERY OR CREMATORY - NAME Paradise Valley Crematory		19c. LOCATION City or Town State Las Vegas Nevada 89119	
20a. FUNERAL DIRECTOR - SIGNATURE (Or Person Acting as Such) JAYE MACPHERSON		20b. FUNERAL DIRECTOR LICENSE NUMBER FD202		20c. NAME AND ADDRESS OF FACILITY Davis Funeral Home - Rainbow 1401 S Rainbow Blvd Las Vegas NV 89146	
21a. To the best of my knowledge, death occurred at the time, date and place and due to the cause(s) stated. (Signature & Title) JOHN D MCCOURT MD					
21b. DATE SIGNED (Mo/Day/Yr) February 13, 2020		21c. HOUR OF DEATH 19:33		22a. On the basis of examination and/or investigation, in my opinion, death occurred at the time, date and place and due to the cause(s) stated. (Signature & Title)	
21d. NAME OF ATTENDING PHYSICIAN IF OTHER THAN CERTIFIER (Type or Print)		22b. DATE SIGNED (Mo/Day/Yr)		22c. HOUR OF DEATH	
23a. NAME AND ADDRESS OF CERTIFIER (PHYSICIAN, ATTENDING PHYSICIAN, MEDICAL EXAMINER, OR CORONER) (Type or Print) John D McCourt MD 901 Rancho Ln Las Vegas, NV 89106		23b. LICENSE NUMBER 7075		24c. DEATH DUE TO COMMUNICABLE DISEASE YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
24a. REGISTRAR (Signature) NANCY BARRY		24b. DATE RECEIVED BY REGISTRAR (Mo/Day/Yr) February 14, 2020		24d. DESCRIBE HOW INJURY OCCURRED	
25. IMMEDIATE CAUSE (ENTER ONLY ONE CAUSE PER LINE FOR (a), (b), AND (c)) PART I (a) Cardiac Arrest DUE TO, OR AS A CONSEQUENCE OF: (b) Unknown Etiology DUE TO, OR AS A CONSEQUENCE OF: (c) DUE TO, OR AS A CONSEQUENCE OF: (d) 		26. AUTOPSY (Specify Yes or No) No		27. WAS CASE REFERRED TO CORONER (Specify Yes or No) Yes	
28a. ACC., SUICIDE, HOMICIDE, UNDET. OR PENDING INVEST. (Specify)		28b. DATE OF INJURY (Mo/Day/Yr)		28c. HOUR OF INJURY	
28d. PLACE OF INJURY - At home, farm, street, factory, office building, etc. (Specify)		28e. LOCATION STREET OR R.F.D. No.		28f. CITY OR TOWN	
28g. INJURY AT WORK (Specify Yes or No)		28h. STATE		28i. ANY ALTERATION OR ERASURE VOID. THIS CERTIFICATE	

STATE REGISTRAR

VRS-Rev-201205239

"CERTIFIED TO BE A TRUE AND CORRECT COPY OF THE DOCUMENT ON FILE WITH THE REGISTRAR OF VITAL STATISTICS, STATE OF NEVADA." This copy was issued by the Southern Nevada Health District from State certified documents authorized by the State Board of Health pursuant to NRS 440.175.

DATE ISSUED:

FEB 25 2020

Registrar of Vital Statistics

By: *Christopher W. Hisgen*
SOUTHERN NEVADA HEALTH DISTRICT • P.O. Box 3902 • Las Vegas, NV 89127 • 702-759-1010 • Tax ID # 88-016 573



MSJ-0008

EXHIBIT “2”

101

Joaquim A. Lucas Silva	
NOTÁRIO EM TAVIRA	
23	T
33	
4	

TESTAMENTO PUBLICO

No dia três de Maio de dois mil e seis, perante mim Licenciado Joaquim Augusto Lucas da Silva, Notário titular do alvará do Cartório situado na Rua Vinte e Cinco de Abril, número dois-C, em Tavira, compareceu como outorgante:-----

MARILYN WEEKS SWEET, solteira, maior, natural da Geórgia, Estados Unidos da América, de nacionalidade americana, residente em 6540 Bradley Boulevard, Bethesda Maryland, 20817-3248 Estados Unidos da América, nascida no dia doze de Agosto de mil novecentos e trinta e cinco, filha de Harvey Hobson Weeks e de Pauline Rich Weeks.-----

Verifiquei a identidade da outorgante por exibição do Passaporte número 159410567 de 08/12/1998, emitido pelas autoridades competentes americanas.----

E por ela foi dito:-----

Que faz este seu testamento, sendo o primeiro que faz em Portugal, pela forma seguinte:-----

Institui herdeiro universal de todos os seus bens, direitos e acções em Portugal, Christopher William Hisgen, solteiro, maior, natural de Washington D.C., Estados Unidos da América, de nacionalidade americana e consigo residente.-----

Caso este já tenha falecido à data da sua morte, serão suas herdeiras, Kathryn Kimberly Sweet, casada, residente em Arlington, Virgínia, Estados Unidos da América e Christy Kay Sweet, solteira, maior, residente na Tailândia.--

Assim o disse e outorgou.-----

Foram testemunhas: Maria Isabel Pires Cruz Santos, solteira, maior, natural da freguesia de S. Sebastião da Pedreira, concelho de Lisboa, residente na

Rua Alexandre Herculano, nº. 15, em Tavira e Gilda dos Santos Barradas, casada, natural da freguesia da Sé, concelho de Faro, residente na Travessa da Fábrica, nº. 12, em Tavira; pessoas cuja identidade verifiquei pelo meu conhecimento pessoal.-----

Imposto de selo liquidado nesse acto é no valor de vinte e cinco euros, verba 15.1, da respectiva Tabela.-----

Foi este testamento lido e explicado o seu conteúdo.-----

Philipe Walter Smit 03 May 2006
Gilda dos Santos Barradas

O Notário
Joaquim Augusto Lucas de Siqueira
Conte n.º 02103/2006

Joaquim A. Lucas Silva
NOTARY in Tavira
2-T
33
(Initials)

PUBLIC WILL

On the third day of May of two thousand six, in the presence of Licenciado Joaquim Augusto Lucas da Silva, titular notary of the licensed office located on Twenty-Fifth of April Street (Rua 25 de Abril), number two-C, in Tavira, appeared as the principal:

MARILYN WEEKS SWEET, single, adult, native of Georgia, United States of America, of American nationality, resident of 6540 Bradley Boulevard, Bethesda Maryland, 20817-3248 United States of America, born on the 12th day of August of nineteen hundred thirty-five, daughter of Harvey Hobson Weeks and Pauline Rich Weeks.....

I verified the identity of the principal through a display of Passport number 159410567 from 08/12/1998, issued by the authorized American authorities.....

And by her was said:

.....
.....

That she makes this will, being the first she makes in Portugal, in the following form:

.....

She establishes as universal heir of all her goods, rights, and actions in Portugal, Christopher William Hisgen, single, adult, native of Washington, DC, United States of America, of American nationality and with whom she resides.

.....

Should he have already died, on the date of her death, Kathryn Kimberly Sweet, married, resident of Arlington, Virginia, United States of America and Christy Kay Sweet, single, adult, resident of Thailand, will be her heirs.

Thus she said and authorized.

.....
.....

Witnesses were: Maria Isabel Pires Cruz, Santos, single, adult, native of the parish of S. Sebastião da Pedreira, municipality of Lisbon, resident of

15 Alexandre Herculano Street, in Tavira, and Gilda dos Santos Barradas, married, native of Sé Parish, municipality of Far, resident of 12 Travessa da Fábrica, in Tavira, persons whose identity I verified through personal acquaintance.

.....

Tax for a paid seal on this act is valued at twenty-five euros, sum 15.1, from the respective Table (Schedule of Fees).

This will was read and its contents explained.

.....

(Signatures)

Marilyn Weeks Sweet 03 May 2006

Isabel Pires Cruz Santos

Gilda dos Santos Barradas

The Notary

Joaquim Augusto Lucas de Silva

(illegible) PA02102/2006

Office of Portuguese Notary
Joaquim Augusto Lucas da Silva
Notary
in Tavira

CERTIFIES that:

___ This is a photocopy _____ that was presented to me to authenticate and it contains _____ pages whose original exhibits _____ official seal that the photocopy doesn't reproduce.

___ This public form _____ that I extracted from the document that was presented to me and it contains _____ pages whose original exhibits _____ official seal that the photocopy doesn't reproduce.

___ This is a photocopy that I extracted from the Book of notes (register or annotations of legal documents) for various legal documents numbering from _____ page to _____ page, of the Notary Office located at Rua 25 de Abril, #2-C, em Tavira, comprises _____ pages and conforms to the original and _____.

XX This is a photocopy that I extracted from the Book of Public Wills and Writings of the Revocation of Wills #2-T of pages 33 to 33v, of the Notary Office located at Rua 25 de Abril, #2-C, in Tavira, comprises one page(s) and conforms to the original.

___ This is a photocopy that I extracted from the Book of Public Wills and Writings of the Revocation of Wills numbering from _____ to page(s) _____ of the defunct Notary Office of Tavira, comprises _____ pages and conforms to the original.

Registered under number PAO2102/2006
Receipt Issued #02131

Tavira 03/05/2006
Notary/Delegated Collaborator
(signature)

Rua 25 de Abril, No. 2-C, 8800-427 Tavira – Telephones 281328043 – 281322987 – FAX 281326656

NOTARIADO PORTUGUÊS

Joaquim Augusto Lucas da Silva

NOTÁRIO

em
TAVIRA

CERTIFICA que:

- ☐ É fotocópia _____ que me foi presente para autenticar e contém _____ folhas cujo original exhibe _____ selo branco que a fotocópia não reproduz.
- ☐ É pública forma _____ que extrai do documento que me foi apresentado e contém _____ folhas, cujo original exhibe _____ selo branco que a fotocópia não reproduz.
- ☐ É fotocópia que fiz extrair do Livro de notas para escrituras diversas n.º _____ de folhas _____ a folhas _____, do Cartório sito na Rua 25 de Abril, n.º 2-C, em Tavira, composta de _____ folhas e vai conforme o original e _____
- ☐ É fotocópia que fiz extrair do Livro de notas para escrituras diversas n.º _____ de folhas _____ a folhas _____ do extinto Cartório Notarial de Tavira, composta de _____ folhas e vai conforme ao original e _____
- ☒ É fotocópia que fiz extrair do Livro de Testamentos Públicos e Escrituras de Revogação de Testamentos n.º 2-T de folhas 33 a folhas 33 v.º, do Cartório Notarial sito na Rua 25 de Abril, n.º 2-C, em Tavira, composta de uma folhas e vai conforme ao original.
- ☐ É fotocópia que fiz extrair do Livro de Testamentos Públicos e Escrituras de Revogação de Testamentos n.º _____ a folhas _____ do extinto Cartório Notarial de Tavira, composto de _____ folhas e vai conforme ao original.

Registada sob o n.º PAO 2102/2006

Emitida factura n.º 02131

Tavira 03 / 05 / 20 06

O Notário / O Colaborador por delegação

EXHIBIT “3”

Lori Piotrowski
3478 Driving Range Street
Las Vegas, NV 89122
702-286-5343
piotrowskilori@gmail.com

On February 16, 2020, I translated the attached 3-page document from Portuguese into English. It is a certification of the will of Marilyn Weeks Sweet in which she names Christopher Hisgen as her universal heir for all her goods in Portugal. Should Mr. Hisgen precede her in death, Kathryn Kimberly Sweet and Christy Kay Sweet are named as heirs. Joaquim Augusto Lucas da Silva of Tavira, Portugal, is the licenciate notary.



Lori Piotrowski

Date: 02/16/2020

EXHIBIT “4”

WAIV

MICHAEL A. OLSEN, ESQ.

Nevada Bar No. 6076

THOMAS R. GROVER, ESQ.

Nevada Bar No. 12387

KEITH D. ROUTSONG, ESQ.

Nevada Bar No. 14944

BLACKROCK LEGAL

10155 W. Twain Ave., Suite 100

Las Vegas, NV 89147

Telephone (702) 855-5658

Facsimile (702) 869-8243

mike@blackrocklawyers.comtom@blackrocklawyers.comkeith@blackrocklawyers.com*Attorneys for Chris Hisgen***DISTRICT COURT****CLARK COUNTY, NEVADA**

In the Matter of the Estate of

MARILYN SWEET WEEKS

Deceased.

Case No:

Dept. PC-1

WAIVER OF REQUIREMENT OF NOTICE OF PROCEEDINGS

Pursuant to NRS 155.010(5), the undersigned Kathryn Kimberly Sweet, hereby waives the requirement of notice for all filings in the above titled case.

DATED this ⁷ day of July 2020.

DocuSigned by:

Kathryn Kimberly Sweet

C1D72F97EBA84F6...

Kathryn Kimberly Sweet

Respectfully submitted by:

/s/Thomas R. Grover, Esq.

MICHAEL A. OLSEN, ESQ.

Nevada Bar No. 6076

THOMAS R. GROVER, ESQ.

Nevada Bar No. 12387

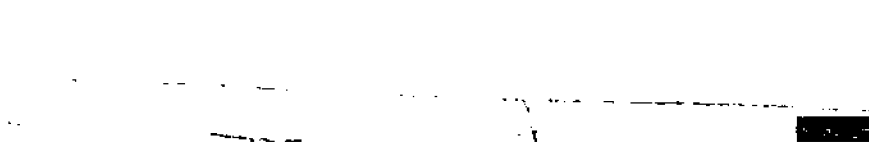
KEITH D. ROUTSONG, ESQ.

Nevada Bar No. 14944

EXHIBIT “5”

[♥ SAVE](#)
[■ SHARE](#)
[MORE ▾](#)
[X CLOSE](#)

Las Vegas, NV



3125 Hastings Ave Las Vegas, NV 89107

4 beds · 3 baths ·
2,816 sqft

3125 Hastings Ave, Las Vegas, NV is a single family home that contains 2,816 sq ft and was built in 1959. It contains 4 bedrooms and 3 bathrooms. This home last sold for \$425,217 in April 2009. The Zestimate for this house is \$530,085, which has increased by \$5,749 in the last 30 days. The Rent Zestimate for this home is \$2,399/mo, which has decreased by \$19/mo in the last 30 days.

WHAT I LOVE ABOUT THE HOME

High ceilings made of wood in living area. The neighborhood (Alta historic) is great: quiet and lovely.

Facts and Features



Type
Single
Family



Year Built
1959



Heating
Forced air

OFF MARKET

Zestimate®:

\$530,085

Rent

Zestimate®:

\$2,399 /mo

Est. refi payment: \$



Get current rate

Home Shoppers are Waiting

Ask an agent about market conditions in your neighborhood.

Your name

Phone

misschris0107@gmail.com

I own this home and would like to ask an agent about selling 3125 Hastings Ave, Las Vegas, NV 89107.

Or call 702-710-3623 for more info

Nearby Similar Sales

SOLD: \$543,000

Sold on 02/13/20

4 bds, 3 ba, 2,632 sqft

720 Kenny Way, Las Vegas, NV 89107

SOLD: \$555,000

Sold on 02/05/20

3 bds, 3 ba, 3,297 sqft

3000 Ashby Ave, Las Vegas, NV 89102

SOLD: \$577,500

Sold on 01/15/20

5 bds, 4 ba, 3,131 sqft

817 Lacy Ln, Las Vegas, NV 89107

SOLD: \$565,000

Sold on 09/27/19

4 bds, 3 ba, 3,716 sqft

3037 Palomino Ln, Las Vegas, NV 89107

SOLD: \$542,000

Sold on 02/18/20

4 bds, 4 ba, 2,999 sqft

2711 Ashby Ave, Las Vegas, NV 89102

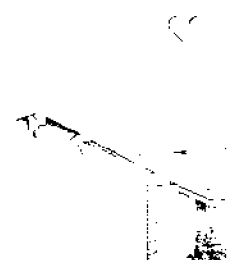
For Sale
Listed by:



3 ba 2,522 sqft



3 ba 2,331 sqft



3 ba 2,207 sqft



[♥ SAVE](#)
[■ SHARE](#)
[MORE ▾](#)
[X CLOSE](#)

2 ba 2,501 sqft

3125 Hastings Ave Las Vegas, NV 89107

4 beds · 3 baths ·
2,816 sqft

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Facts and Features



Type
Single
Family



Year Built
1959



Heating
Forced air

OFF MARKET

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\$530,085

Rent

Zestimate®:

\$2,399 /mo

Est. refi payment: \$



Get current ra

Home Shoppers are Waiting

Ask an agent about market conditions in your neighborhood.

Your name

Phone

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Nearby Similar Sales

SOLD: \$543,000

Sold on 02/13/20

4 bds, 3 ba, 2,632 sqft

720 Kenny Way, Las Vegas, NV 89107

SOLD: \$555,000

Sold on 02/05/20

3 bds, 3 ba, 3,297 sqft

3000 Ashby Ave, Las Vegas, NV 89102

SOLD: \$577,500

Sold on 01/15/20

5 bds, 4 ba, 3,131 sqft

817 Lucy Ln, Las Vegas, NV 89107

SOLD: \$565,000

Sold on 09/27/19

4 bds, 3 ba, 3,716 sqft

3037 Palomino Ln, Las Vegas, NV 89107

SOLD: \$542,000

Sold on 02/18/20

4 bds, 4 ba, 2,999 sqft

2711 Ashby Ave, Las Vegas, NV 89102



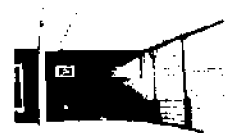
4 ba 4,897 sqft



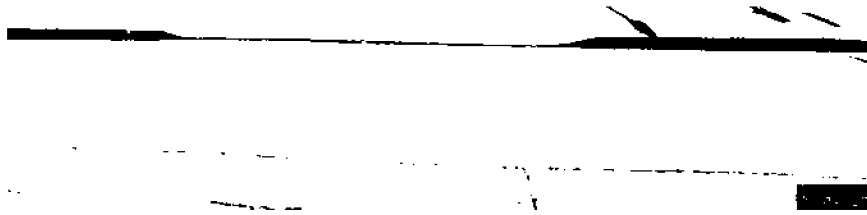
4 ba 3,744 sqft



2 ba 1,675 sqft



MSJ-0022 2 ba 1,200 sqft

[♥ SAVE](#)
[■ SHARE](#)
[MORE ▾](#)
[X CLOSE](#)

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Facts and Features



Type
Single
Family



Year Built
1959



Heating
Forced air

OFF MARKET
Zestimate®:
\$530,085
Rent
Zestimate®:
\$2,399 /mo

Est. refi payment: \$
 Get current rate

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Phone

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Or call 702-710-3623 for more info

Nearby Similar Sales

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4 bds, 3 ba, 2,632 sqft
720 Kenny Way, Las Vegas, NV 89107

SOLD: \$555,000

Sold on 02/05/20
3 bds, 3 ba, 3,297 sqft
3000 Ashby Ave, Las Vegas, NV 89102

SOLD: \$577,500

Sold on 01/15/20
5 bds, 4 ba, 3,131 sqft
817 Lucy Ln, Las Vegas, NV 89107

SOLD: \$565,000

Sold on 09/27/19
4 bds, 3 ba, 3,716 sqft
3037 Palomino Ln, Las Vegas, NV 89107

SOLD: \$542,000

Sold on 02/18/20
4 bds, 4 ba, 2,999 sqft
2711 Ashby Ave, Las Vegas, NV 89102

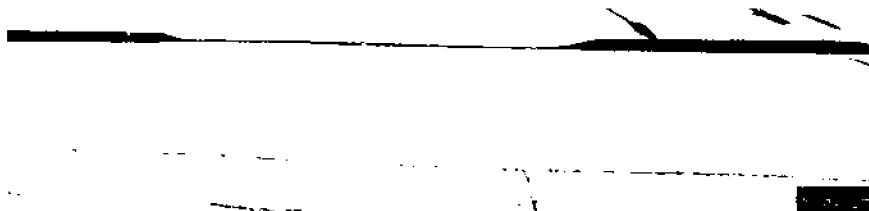


2 ba · 1,315 sqft

3 ba · 1,663 sqft

2 ba · 1,956 sqft

2 ba · 1,222 sqft

[♥ SAVE](#)
[■ SHARE](#)
[MORE ▾](#)
[X CLOSE](#)

3125 Hastings Ave Las Vegas, NV 89107

4 beds · 3 baths ·
2,816 sqft

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WHAT I LOVE ABOUT THE HOME

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Facts and Features



Type
Single
Family



Year Built
1959



Heating
Forced air

OFF MARKET

Zestimate®:

\$530,085

Rent

Zestimate®:

\$2,399 /mo

Est. refi payment: \$

Get current ra

Home Shoppers are Waiting

Ask an agent about market conditions in your neighborhood.

Your name

Phone

misschris0107@gmail.com

I own this home and would like to ask an agent about selling 3125 Hastings Ave, Las Vegas, NV 89107.

Or call 702-710-3623 for more info

Nearby Similar Sales

SOLD: \$543,000

Sold on 02/13/20

4 bds, 3 ba, 2,632 sqft

720 Kenny Way, Las Vegas, NV 89107

SOLD: \$555,000

Sold on 02/05/20

3 bds, 3 ba, 3,297 sqft

3000 Ashby Ave, Las Vegas, NV 89102

SOLD: \$577,500

Sold on 01/15/20

5 bds, 4 ba, 3,131 sqft

817 Lucy Ln, Las Vegas, NV 89107

SOLD: \$565,000

Sold on 09/27/19

4 bds, 3 ba, 3,716 sqft

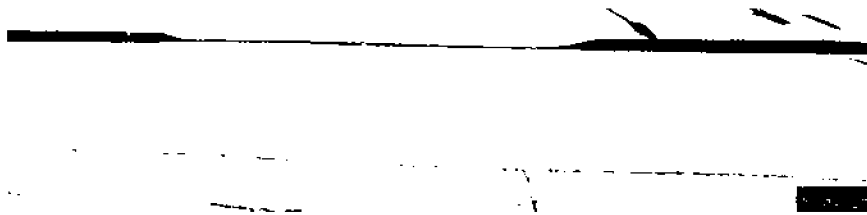
3037 Palomino Ln, Las Vegas, NV 89107

SOLD: \$542,000

Sold on 02/18/20

4 bds, 4 ba, 2,999 sqft

2711 Ashby Ave, Las Vegas, NV 89102

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[■ SHARE](#)
[MORE ▾](#)
[X CLOSE](#)

2 ba 1,354 sqft

3125 Hastings Ave Las Vegas, NV 89107

OFF MARKET
Zestimate®:
\$530,085

Rent
Zestimate®:
\$2,399 /mo

Est. refi payment: \$

Get current ra

Home Shoppers are Waiting

Ask an agent about market
conditions in your neighborhood.

4 beds · 3 baths ·
2,816 sqft

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WHAT I LOVE ABOUT THE HOME

High ceilings made of wood in living area. The neighborhood (Alta historic) is great: quiet and lovely.

Facts and Features



Type
Single
Family



Year
Built
1959



Heating
Forced air

Your name

Phone

misschris0107@gmail.com

I own this home and would like to ask
an agent about selling 3125 Hastings
Ave, Las Vegas, NV 89107.

2 ba 1,180 sqft
9101

Or call 702-710-3623 for more info

Nearby Similar Sales

2 ba 1,657 sqft

SOLD: \$543,000

Sold on 02/13/20
4 bds, 3 ba, 2,632 sqft
720 Kenny Way, Las Vegas, NV 89107

SOLD: \$555,000

Sold on 02/05/20
3 bds, 3 ba, 3,297 sqft
3000 Ashby Ave, Las Vegas, NV 89102

SOLD: \$577,500

Sold on 01/15/20
5 bds, 4 ba, 3,131 sqft
817 Lacy Ln, Las Vegas, NV 89107

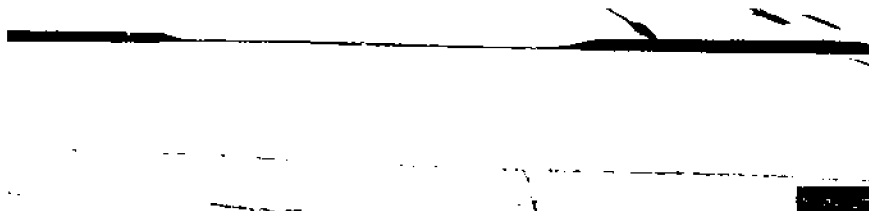
3 ba 2,709 sqft

SOLD: \$565,000

Sold on 09/27/19
4 bds, 3 ba, 3,716 sqft
3037 Palomino Ln, Las Vegas, NV 89107

SOLD: \$542,000

Sold on 02/18/20
4 bds, 4 ba, 2,999 sqft
2711 Ashby Ave, Las Vegas, NV 89102

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5 ba · 4,440 sqft

3125 Hastings Ave Las Vegas, NV 89107

4 beds · 3 baths ·
2,816 sqft

3125 Hastings Ave, Las Vegas, NV is a single family home that contains 2,816 sq ft and was built in 1959. It contains 4 bedrooms and 3 bathrooms. This home last sold for \$425,217 in April 2009. The Zestimate for this house is \$530,085, which has increased by \$5,749 in the last 30 days. The Rent Zestimate for this home is \$2,399/mo, which has decreased by \$19/mo in the last 30 days.

WHAT I LOVE ABOUT THE HOME

High ceilings made of wood in living area. The neighborhood (Alta historic) is great: quiet and lovely.

Facts and Features



Type
Single
Family



Year Built
1959



Heating
Forced air

OFF MARKET

Zestimate®:

\$530,085

Rent

Zestimate®:

\$2,399 /mo

Est. refi payment: \$

Get current rate

Home Shoppers are Waiting

Ask an agent about market conditions in your neighborhood.

3 bd · 1 ba · 600 sqft
39

Your name

Phone

misschris0107@gmail.com

I own this home and would like to ask an agent about selling 3125 Hastings Ave, Las Vegas, NV 89107.

Or call 702-710-3623 for more info

3 bd · 2 ba · 995 sqft
145

Nearby Similar Sales

SOLD: \$543,000

Sold on 02/13/20

4 bds, 3 ba, 2,632 sqft

720 Kenny Way, Las Vegas, NV 89107

SOLD: \$555,000

Sold on 02/05/20

3 bds, 3 ba, 3,297 sqft

3000 Ashby Ave, Las Vegas, NV 89102

SOLD: \$577,500

Sold on 01/15/20

5 bds, 4 ba, 3,131 sqft

817 Lucy Ln, Las Vegas, NV 89107

2 ba · 1,798 sqft

SOLD: \$565,000

Sold on 09/27/19

4 bds, 3 ba, 3,716 sqft

3037 Palomino Ln, Las Vegas, NV 89107

SOLD: \$542,000

Sold on 02/18/20

4 bds, 4 ba, 2,999 sqft

2711 Ashby Ave, Las Vegas, NV 89102

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[■ SHARE](#)
[MORE ▾](#)
[X CLOSE](#)

2 ba 1,056 sqft

3146

3125 Hastings Ave Las Vegas, NV 89107

4 beds · 3 baths ·
2,816 sqft

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WHAT I LOVE ABOUT THE HOME

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Facts and Features



Type
Single
Family



Year Built
1959



Heating
Forced air

OFF MARKET

Zestimate®:

\$530,085

Rent

Zestimate®:

\$2,399 /mo

Est. refi payment: \$



Get current ra

Home Shoppers are Waiting

Ask an agent about market conditions in your neighborhood.

5 ba 4,327 sqft

Your name

Phone

misschris0107@gmail.com

I own this home and would like to ask an agent about selling 3125 Hastings Ave, Las Vegas, NV 89107.

1 ba 1,741 sqft

Or call 702-710-3623 for more info

Nearby Similar Sales

SOLD: \$543,000

Sold on 02/13/20

4 bds, 3 ba, 2,632 sqft

720 Kenny Way, Las Vegas, NV 89107

SOLD: \$555,000

Sold on 02/05/20

3 bds, 3 ba, 3,297 sqft

3000 Ashby Ave, Las Vegas, NV 89102

2 ba 1,768 sqft

SOLD: \$577,500

Sold on 01/15/20

5 bds, 4 ba, 3,131 sqft

817 Lucy Ln, Las Vegas, NV 89107

SOLD: \$565,000

Sold on 09/27/19

4 bds, 3 ba, 3,716 sqft

3037 Palomino Ln, Las Vegas, NV 89107

SOLD: \$542,000

Sold on 02/18/20

4 bds, 4 ba, 2,999 sqft

2711 Ashby Ave, Las Vegas, NV 89102

2 ba 1,419 sqft

[♥ SAVE](#)
[■ SHARE](#)
[MORE ▾](#)
[✕ CLOSE](#)

3125 Hastings Ave Las Vegas, NV 89107

4 beds · 3 baths ·
2,816 sqft

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Facts and Features



Type
Single
Family



Year Built
1959



Heating
Forced air

OFF MARKET

Zestimate®:

\$530,085

Rent

Zestimate®:

\$2,399 /mo

Est. refi payment: \$

Get current rate

Home Shoppers are Waiting

3 ba · 1,827 sqft

Ask an agent about market conditions in your neighborhood.

Your name

Phone

misschris0107@gmail.com

I own this home and would like to ask an agent about selling 3125 Hastings Ave, Las Vegas, NV 89107.

3 ba · 2,052 sqft

Or call 702-710-3623 for more info

Nearby Similar Sales

SOLD: \$543,000

Sold on 02/13/20

4 bds, 3 ba, 2,632 sqft

720 Kenny Way, Las Vegas, NV 89107

ds · 2 ba · 986 sqft

SOLD: \$555,000

Sold on 02/05/20

3 bds, 3 ba, 3,297 sqft

3000 Ashby Ave, Las Vegas, NV 89102

SOLD: \$577,500

Sold on 01/15/20

5 bds, 4 ba, 3,131 sqft

817 Lucy Ln, Las Vegas, NV 89107

SOLD: \$565,000

Sold on 09/27/19

4 bds, 3 ba, 3,716 sqft

3037 Palomino Ln, Las Vegas, NV 89107

2 ba · 1,071 sqft
3101

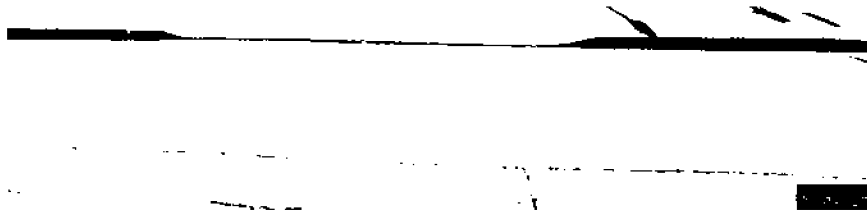
SOLD: \$542,000

Sold on 02/18/20

4 bds, 4 ba, 2,999 sqft

2711 Ashby Ave, Las Vegas, NV 89102

MSJ-0028

[♥ SAVE](#)
[■ SHARE](#)
[MORE ▾](#)
[✕ CLOSE](#)

3125 Hastings Ave Las Vegas, NV 89107

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2,816 sqft

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Family



Year Built
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Heating
Forced air

OFF MARKET
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\$530,085

Rent
Zestimate®:
\$2,399 /mo

Est. refi payment: \$
Get current rate

Home Shoppers are Waiting

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Your name

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SOLD: \$565,000

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3037 Palomino Ln, Las Vegas, NV 89107

SOLD: \$542,000

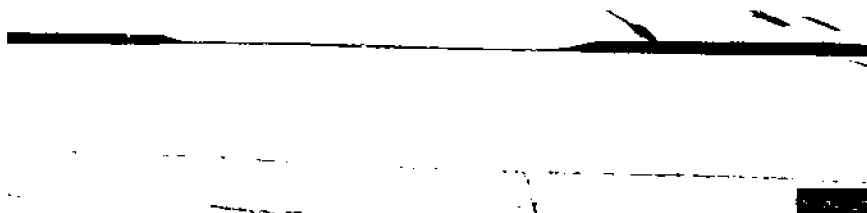
Sold on 02/18/20
4 bds, 4 ba, 2,999 sqft
2711 Ashby Ave, Las Vegas, NV 89102

2 ba · 1,100 sqft

3 bd · 2 ba · 814 sqft

2 ba · 1,828 sqft

5 ba · 3,117 sqft

[♥ SAVE](#)
[■ SHARE](#)
[MORE ▾](#)
[✕ CLOSE](#)

2 ba · 1,050 sqft

3125 Hastings Ave Las Vegas, NV 89107

OFF MARKET

Zestimate®:

\$530,085

Rent

Zestimate®:

\$2,399 /mo

Est. refi payment: \$



Get current ra

Home Shoppers are Waiting

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Facts and Features



Type
Single
Family



Year
Built
1959



Heating
Forced air

Your name

Phone

misschris0107@gmail.com

I own this home and would like to ask
an agent about selling 3125 Hastings
Ave, Las Vegas, NV 89107.

Or call 702-710-3623 for more info

2 ba · 2,475 sqft

Nearby Similar Sales

SOLD: \$543,000

Sold on 02/13/20

4 bds, 3 ba, 2,632 sqft

720 Kenny Way, Las Vegas, NV 89107

SOLD: \$555,000

Sold on 02/05/20

3 bds, 3 ba, 3,297 sqft

3000 Ashby Ave, Las Vegas, NV 89102

SOLD: \$577,500

Sold on 01/15/20

5 bds, 4 ba, 3,131 sqft

817 Lucy Ln, Las Vegas, NV 89107

SOLD: \$565,000

Sold on 09/27/19

4 bds, 3 ba, 3,716 sqft

3037 Palomino Ln, Las Vegas, NV 89107

SOLD: \$542,000

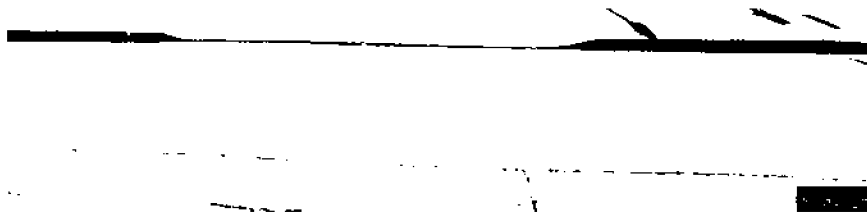
Sold on 02/18/20

4 bds, 4 ba, 2,999 sqft

2711 Ashby Ave, Las Vegas, NV 89102

2 ba · 1,034 sqft

ngs hit the

[♥ SAVE](#)
[■ SHARE](#)
[MORE ▾](#)
[X CLOSE](#)

3125 Hastings Ave Las Vegas, NV 89107

4 beds · 3 baths ·
2,816 sqft

3125 Hastings Ave, Las Vegas, NV is a single family home that contains 2,816 sq ft and was built in 1959. It contains 4 bedrooms and 3 bathrooms. This home last sold for \$425,217 in April 2009. The Zestimate for this house is \$530,085, which has increased by \$5,749 in the last 30 days. The Rent Zestimate for this home is \$2,399/mo, which has decreased by \$19/mo in the last 30 days.

WHAT I LOVE ABOUT THE HOME

High ceilings made of wood in living area. The neighborhood (Alta historic) is great: quiet and lovely.

Facts and Features



Type
Single
Family



Year Built
1959



Heating
Forced air

OFF MARKET
Zestimate®:
\$530,085

Rent
Zestimate®:
\$2,399 /mo

Est. refi payment: \$
Get current rate

Home Shoppers are Waiting

Ask an agent about market conditions in your neighborhood.

Your name

Phone

misschris0107@gmail.com

I own this home and would like to ask an agent about selling 3125 Hastings Ave, Las Vegas, NV 89107.

Or call 702-710-3623 for more info

Nearby Similar Sales

SOLD: \$543,000

Sold on 02/13/20
4 bds, 3 ba, 2,632 sqft
720 Kenny Way, Las Vegas, NV 89107

SOLD: \$555,000

Sold on 02/05/20
3 bds, 3 ba, 3,297 sqft
3000 Ashby Ave, Las Vegas, NV 89102

SOLD: \$577,500

Sold on 01/15/20
5 bds, 4 ba, 3,131 sqft
817 Lucy Ln, Las Vegas, NV 89107

SOLD: \$565,000

Sold on 09/27/19
4 bds, 3 ba, 3,716 sqft
3037 Palomino Ln, Las Vegas, NV 89107

SOLD: \$542,000

Sold on 02/18/20
4 bds, 4 ba, 2,999 sqft
2711 Ashby Ave, Las Vegas, NV 89102

Briana Johnson, Assessor

REAL PROPERTY PARCEL RECORD

[Click Here for a Print Friendly Version](#)

Assessor Map	Aerial View	Building Sketch	Ownership History	Neighborhood Sales	New Search
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GENERAL INFORMATION	
PARCEL NO.	139-32-403-004
OWNER AND MAILING ADDRESS	SWEET MARILYN WEEKS 848 N RAINBOW # 2408 LAS VEGAS NV 89107-1103
LOCATION ADDRESS CITY/UNINCORPORATED TOWN	3125 HASTINGS AVE LAS VEGAS
ASSESSOR DESCRIPTION	PT SW4 SW4 SEC 32 20 61
RECORDED DOCUMENT NO.	* 20090508:03135
RECORDED DATE	May 8 2009
VESTING	NS

*Note: Only documents from September 15, 1999 through present are available for viewing.

ASSESSMENT INFORMATION AND VALUE EXCLUDED FROM PARTIAL ABATEMENT	
TAX DISTRICT	200
APPRAISAL YEAR	2019
FISCAL YEAR	2020-21
SUPPLEMENTAL IMPROVEMENT VALUE	0
INCREMENTAL LAND	0
INCREMENTAL IMPROVEMENTS	0

REAL PROPERTY ASSESSED VALUE		
FISCAL YEAR	2019-20	2020-21
LAND	56000	46725
IMPROVEMENTS	29021	30090
PERSONAL PROPERTY	0	0
EXEMPT	0	0
GROSS ASSESSED (SUBTOTAL)	85021	76815
TAXABLE LAND+IMP (SUBTOTAL)	242917	219471
COMMON ELEMENT ALLOCATION ASSD	0	0
TOTAL ASSESSED VALUE	85021	76815
TOTAL TAXABLE VALUE	242917	219471


MSJ-0032

[Click here for Treasurer Information regarding real property taxes.](#)

[Click here for Flood Control Information.](#)

ESTIMATED LOT SIZE AND APPRAISAL INFORMATION	
ESTIMATED SIZE	0.51 Acres
ORIGINAL CONST. YEAR	1959
LAST SALE PRICE MONTH/YEAR SALE TYPE	158000 4/2009 F - Foreclosure
LAND USE	20.110 - Single Family Residential
DWELLING UNITS	1

PRIMARY RESIDENTIAL STRUCTURE					
1ST FLOOR SQ. FT.	2816	CASITA SQ. FT.	0	ADDN/CONV	YES
2ND FLOOR SQ. FT.	0	CARPORT SQ. FT.	0	POOL	NO
3RD FLOOR SQ. FT.	0	STYLE	One Story	SPA	NO
UNFINISHED BASEMENT SQ. FT.	0	BEDROOMS	3	TYPE OF CONSTRUCTION	Masonry-CB/CBS, HV Stone
FINISHED BASEMENT SQ. FT.	0	BATHROOMS	3 FULL	ROOF TYPE	Built-Up
BASEMENT GARAGE SQ. FT.	0	FIREPLACE	1		
TOTAL GARAGE SQ. FT.	0				

ASSESSORMAP VIEWING GUIDELINES	
MAP	139324
	<p>In order to view the Assessor map you must have Adobe Reader installed on your computer system.</p> <p>If you do not have the Reader it can be downloaded from the Adobe site by clicking the following button. Once you have downloaded and installed the Reader from the Adobe site, it is not necessary to perform the download a second time to access the maps.</p> 

v 2.0.0

NOTE: THIS RECORD IS FOR ASSESSMENT USE ONLY. NO LIABILITY IS ASSUMED AS TO THE ACCURACY OF THE DATA DELINEATED HEREON.

EXHIBIT B



OBJ
DAVID C. JOHNSON, ESQ.
Nevada Bar No. 5380
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RYAN D. JOHNSON, ESQ.
Nevada Bar No. 12790
Email: rdj@johnsonlegal.com
JOHNSON & JOHNSON
1160 N. Town Center Drive, Suite 140
Las Vegas, Nevada 89101
Telephone: (702) 384-2830
Fax: (702) 385-3059
Attorneys for Christy Kay Sweet

DISTRICT COURT

CLARK COUNTY, NEVADA

In the Matter of the Estate of)

MARILYN WEEKS SWEET,)

Deceased.)

Case No.: P-20-103540-E

Dept. No. PC1

Date of Hearing: 8/14/2020

Time of Hearing: 9:30 a.m.

**OBJECTION TO PETITION FOR GENERAL ADMINISTRATION OF ESTATE,
APPOINTMENT OF PERSONAL REPRESENTATIVE AND LETTERS TESTAMENTARY
AND TO ADMIT WILL TO PROBATE**

Comes now, **CHRISTY KAY SWEET** ("Sweet"), by and through her attorney **RYAN D. JOHNSON, ESQ.** of the firm of Johnson & Johnson PC and files this Objection to Petition for General Administration of Estate, Appointment of Personal Representative and Letters Testamentary and to Admit Will to Probate submitted by **CHRIS HISGEN** ("Hisgen") on or about July 14, 2020 and states the following:

I. SUMMARY

1. The decedent's Will was executed in the country of Portugal on May 3, 2006. Under Nevada Law, there is no provision for the probate of a Will signed in a foreign country. Therefore, Sweet asserts Hisgen's submission of the Will for probate in the State of Nevada is improper and should be denied.

2. Even if the Will is admitted to Probate in Nevada, this State requires that the witnesses to the execution of the Will sign an Affidavit or Declaration. Since Hisgen's petition did not include any attestations from the subscribing witness, the Will is inadmissible in Nevada.

3. Most importantly, the Decedent in her Will disposed only of her assets situated “in Portugal”. Therefore, even if the Will is admitted to probate in Nevada, the provisions thereof will not effectuate a transfer of any assets of the decedent in the United States.

II. LEGAL ARGUMENTS

4. NRS 132.320 provides as follows:

“State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

5. NRS 133A provides in part that

...“a last will and testament executed outside this State in the manner prescribed by the law, either of the state where executed or of the testator’s domicile, shall be deemed to be legally executed, and is of the same force and effect as if executed in the manner prescribed by the law of this State.

2.This section must be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it"

6. Sweet asserts there are two (2) types of foreign Wills:

a. A Will executed in another State within the United States or territory of the United States

b. A Will executed in a country other than the United States

7. The clear language of NRS 133A and NRS 132.320 contemplates the admission of Wills to probate in Nevada only if they are Wills executed in another State within the United States (or its territories) not Wills executed in countries outside the United States. If the legislature had intended for Wills executed in countries outside the United States

1 to be admissible, they would have expressly provided so within this statute. Instead, they
2 outlined their intent to include only United States Wills by including in the statute an
3 effectuating clause making uniform the “law of those states which enact it”.

4 8. NRS 133.040 states:

5 **“Valid wills: Requirements of writing, subscription, witnesses and**
6 **attestation. No will executed in this State, except such electronic wills**
7 **or holographic wills as are mentioned in this chapter, is valid unless it**
8 **is in writing and signed by the testator, or by an attending person at the**
9 **testator’s express direction, and attested by at least two competent**
10 **witnesses who subscribe their names to the will in the presence of the**
11 **testator”.** (emphasis added)

12 9. Sweet contends the Petitioner has submitted the Portugal Will to this court without
13 attestation by the Witnesses as required by law.

14 10. Paragraph 6 of the Decedent’s Will states:

15 **“She establishes as universal heir of her goods, rights and actions in**
16 **Portugal, Christopher Williams Hisgen, single, adult, native of**
17 **Washington, DC, United States of America, of American nationality and**
18 **with whom she resides”** (emphasis added)

19 11. Since there are no other provisions for distribution in the Will, any assets situated
20 in Nevada are not subject to the Will and should be distributed according to the laws of
21 intestacy in the State of Nevada.

22 CONCLUSION

23 12. The Will executed by the decedent in Portugal on May 3, 2006 cannot be admitted
24 to probate in the State of Nevada because Nevada Law does not provide a process for
25 admission and the Will itself declares that it only controls assets in Portugal.

26 13. The witnesses to the decedent’s Will have not signed and/or submitted written
attestations relating to the execution of the document in their presence. Therefore, the
Will cannot be admitted to Probate under Nevada Law.

14. The Will executed by the Decedent disposes only of assets situated in Portugal.

1 Therefore, the Will has no effect on any assets situated in the State of Nevada.

2
3 WHEREFORE, Sweet requests that the Court:

- 4 1. Deny admission of the decedent's Will dated May 3, 2006 to probate in the State
5 of Nevada.
6 2. Distribute the assets of the Nevada estate pursuant to the laws of intestacy in the
7 State of Nevada.

8 Dated Aug 11, 2020

9 Respectfully submitted,

10 DocuSigned by:
11 *Ryan D. Johnson, Esq.*
12 F08E608B01A8419
13 **RYAN D. JOHNSON, ESQ.**
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VERIFICATION
Estate of Marilyn Weeks Sweet

The undersigned, under penalties of perjury, hereby declares:

1. That the Declarant hereby submits the foregoing OBJECTION TO PETITION FOR GENERAL ADMINISTRATION OF ESTATE, APPOINTMENT OF PERSONAL REPRESENTATIVE AND LETTERS TESTAMENTARY AND TO ADMIT WILL TO PROBATE.

2. That the Declarant knows the contents of the objection, which the Declarant knows to be true of the Declarant's own knowledge, except as to those matters stated on information and belief, which the Declarant believes to be true.

DocuSigned by:

F9D2C8A3FE184B8

CHRISTY KAY SWEET

EXHIBIT C



SUPP
MICHAEL A. OLSEN, ESQ.
Nevada Bar No. 6076
THOMAS R. GROVER, ESQ.
Nevada Bar No. 12387
KEITH ROUTSONG
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keith@blackrocklawyers.com
Attorneys for Chris Hisgen

**DISTRICT COURT
CLARK COUNTY, NEVADA**

In the Matter of the Estate of

MARILYN SWEET WEEKS,

Deceased.

Case No.: P-20-103540-E
Dept. No.: 26

**FIRST SUPPLEMENT TO PETITION FOR GENERAL ADMINISTRATION,
APPOINTMENT OF PERSONAL REPRESENTATIVE AND FOR ISSUANCE
OF LETTERS TESTAMENTARY AND TO ADMIT WILL TO PROBATE**

COMES NOW Petitioner, Chris Hisgen, by and through his attorney, Thomas R. Grover, Esq., of the law firm BLACKROCK LEGAL, LLC., and hereby submits this *First Supplement to Petition for General Administration, Appointment of Personal Representative and for Issuance of Letters Testamentary and to Admit Will to Probate* (hereafter "Supplement").

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-1-

ESTATE OF MARILYN SWEET WEEKS
CASE NO. P-20-103540-E

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EXHIBIT 1

BLACKROCK
L E G A L

DEFS000055

EXHIBIT 2

PUBLIC WILL

On the day three May two thousand and six, on the Notary in Tavira, in front of me, the Notary, Joaquim Augusto Lucas da Silva, at Rua Vinte e Cinco de Abril, nº 2-C, Tavira, appeared:-----

MARILYN WEEKS SWEET, single, from Georgia, United States of America, american nationality, with address at 6540 Bradley Boulevard, Bethesda Maryland, 20817-3248 United States of America, born on the 12th August nineteen hundred and thirty-five, daughter of Harvey Hobson Weeks and of Pauline Rich Weeks.-----

I checked the identity of the grantor by her passport number 159410567 of 08/12/1998, issued by the competente american authorities.-----

And by her has been declared:-----

That makes this will, being the first one she makes in Portugal, in the following form:-----

Establishes universal heir to all her assets, rights and shares in Portugal, Christopher William Hisgen, single, from Washignton D.C., United States of America, american nationality and with her resident.-----

If he has already died at the time of her death, shall be her heirs, Kathryn Kimberly Sweet, married, with address at Arlington, Virginia, United States of America and Christy Kay Sweet, single, with address at Thailand.-----

So she said and granted.-----

Were witnesses: Maria Isabel Pires Cruz dos Santos, single, from subcouncil of São Sebastião da Pedreira, council of Lisbon, with address at Rua Alexandre Herculano nº 15 in Tavira and Gilda dos Santos Barradas, married, from subcouncil of Sé, council of Faro, with address at Travessa da Fábrica nº 12, Tavira – persons whose identity was verified for my personal knowledge;-----

Stamp duty paid in that act is on the amount of twenty-five euros, point 15.1 of the respective Schedule.-----

Was this will read and explained its contents.-----

Signatures

EXHIBIT D

**PLEADING
CONTINUES
IN NEXT
VOLUME**