

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE ESTATE OF
ROSE Z. ANDERSON, DECEASED.

No. 58227

DOUGLAS ANDERSON,
Appellant,
vs.
SENIOR GUIDANCE, INC.,
Respondent.

FILED

OCT 09 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Tracie K. Lindeman*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court judgment in a probate action. Eighth Judicial District Court, Clark County; Elissa F. Cadish, Judge.

Appellant Douglas Anderson was appointed trustee of the Rose Z. Anderson Family Trust, which included provision for a special needs trust for appellant's brother. After questions were raised about appellant's handling of the trust, and specifically the special needs trust, the district court required appellant to provide a trust accounting.

The district court found that the trust accounting submitted by appellant was wholly deficient, that appellant failed to provide substantiation for significant claimed expenses, and that appellant was not entitled to the payment of trustee fees as his actions did not benefit the trust or its beneficiaries, but mostly accrued to the benefit of appellant. The district court also found that appellant breached his fiduciary duty both by altogether failing to distribute money that was due


to one of the beneficiaries and by paying himself \$181,425 out of the special needs trust for allegedly providing care for his brother as such payments were contrary to the established purpose of the trust. Accordingly, the district court awarded a judgment against appellant for the amounts he paid himself out of the special needs trust, that he paid himself as administrator of the trust, and that he failed to distribute to one of the beneficiaries. The district court thereafter issued orders authorizing execution on two of appellant's stock accounts to satisfy the judgment. This appeal followed.

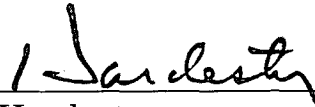
We will overturn a district court's findings of fact only if they are clearly erroneous and not supported by substantial evidence. Gibellini v. Klindt, 110 Nev. 1201, 1204, 885 P.2d 540, 542 (1994); see also NOLM, LLC v. County of Clark, 120 Nev. 736, 739, 100 P.3d 658, 660-61 (2004) (stating that this court gives deference to the district court's factual findings so long as they are not clearly wrong and are supported by substantial evidence); Countrywide Home Loans v. Thitchener, 124 Nev. 725, 739, 192 P.3d 243, 252 (2008) (noting that substantial evidence has been defined as evidence that "a reasonable mind might accept as adequate to support a conclusion") (internal quotations omitted). Here, the district court made detailed findings regarding appellant's breach of his fiduciary duties and his improper distribution of trust assets and assets from the special needs trust. The record supports the district court's findings, showing that appellant, among other improper actions, failed to provide a proper trust accounting, admitted that he paid himself \$7,600 per month in advance to care for his brother, and admitted that he unilaterally chose not to distribute trust assets to one of the beneficiaries.

Accordingly, as we conclude that substantial evidence supports the district court's findings, we

ORDER the judgment of the district court AFFIRMED.¹


_____, J.
Saitta


_____, J.
Pickering


_____, J.
Hardesty

cc: Hon. Elissa F. Cadish, District Judge
Douglas Anderson
Goldsmith & Guymon, P.C.
Eighth District Court Clerk

¹We conclude that all other arguments made in appellant's proper person appeal statement lack merit, and therefore, do not warrant reversal.