

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE ANNA
MARIE GAULE LIVING TRUST

No. 37482

THOMAS GAULE,
Appellant,

vs.

FIRST SECURITY TRUST COMPANY
OF NEVADA, AND MARK
DRESCHLER, PRESIDENT,
Respondents.

FILED

SEP 12 2002

JANE TILLEY BLOOM
CLERK OF SUPREME COURT

J. Richards

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court order denying a motion to remove a trustee from an inter vivos trust. A beneficiary or co-trustee may maintain a proceeding to remove a trustee under NRS 163.115(1)(e) if the trustee commits or threatens to commit a breach of the trust. Additionally, a trustee may be removed if the trustee violates the provisions of NRS 163.010 to NRS 163.200. The decision of whether to remove a trustee is within the district court's sound discretion.¹

We conclude that the district court did not abuse its discretion in denying appellant Thomas Gaule's motion to remove respondent First Security Trust Company of Nevada as trustee. The record does not establish that First Security committed or threatened to commit a breach

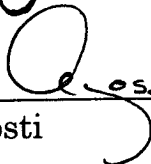
¹See In re Estate of Ehlers, 911 P.2d 1017, 1023 (Wash. Ct. App. 1996); Matter of Estate of Malone, 597 P.2d 1049 (Colo. Ct. App. 1979).

of the trust, or violated any provision of NRS 163.010 to NRS 163.200.
Accordingly, we affirm the district court's order.

It is so ORDERED.


_____, J.
Rose


_____, J.
Young


_____, J.
Agosti

cc: Hon. Mark W. Gibbons, District Judge
Jolley Urga Wirth & Woodbury
Thomas Gaule
Clark County Clerk