

IN THE COURT OF APPEALS OF THE STATE OF NEVADA


IN THE MATTER OF THE ESTATE OF
DORIS GADDELL, DECEASED.

No. 87014-COA

LELAND M. ENGLAND,
Appellant,
vs.
GINGER L. SIMPSON, NYE COUNTY
PUBLIC ADMINISTRATOR,
Respondent.

FILED

AUG 13 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Leland M. England appeals from a district court order approving a first and final accounting and petition for final distribution in an estate matter. Fifth Judicial District Court, Nye County; Kimberly A. Wanker, Judge.¹

Decedent Doris Gaddell was the recipient of Medicaid benefits and previously owned property in Pahrump, Nevada. In 2018, she transferred her real property to her son, Leland, via quitclaim deed for no purchase price and no consideration. Doris passed away in 2020 and following a petition from the Department of Health and Human Services, the district court appointed respondent Ginger L. Simpson, the Public Administrator of Nye County, as administrator of the estate. Through both probate proceedings and a civil action, the estate quieted title to the real property, and eventually sold it to satisfy a Medicaid lien in the amount of \$15,936.68. During those proceedings, Leland also provided the estate with

¹We direct the clerk of this court to amend the caption on this court's docket to conform with the caption on this order.

a cashier's check in the amount of the Medicaid lien in an attempt to prevent the sale of the property. Despite these efforts, Simpson sold the property in 2023.

Simpson petitioned the court to approve her first and final accounting of the estate, which reported that the Medicaid lien had been paid in full, requested that the district court approve her fees for administering the estate and quieting title, and finally, paid the beneficiaries their share of the property. However, because Leland had attempted to sell the property to a third-party buyer in 2021—incurring damages for the estate—she also requested that the court repay that third party from Leland's cashier's check and from his share of the estate. Simpson also requested that Leland's share of the estate should be used to pay her attorney fees and costs from the quiet title action. Thus, while the other beneficiaries would receive \$22,888.32, Leland would only receive \$4,136.35 of his original \$26,419.95 inheritance. Leland failed to file an opposition or otherwise file a written response to the petition and, following a hearing (at which Leland appeared), the district court approved the accounting and signed Simpson's distribution order. Leland now appeals.

This court defers to the district court's findings of fact in probate matters. *Matter of Living Tr. of David Francis Davies III*, 138 Nev., Adv. Op. 89, 522 P.3d 427, 429 (2022). After the filing of a final accounting and a petition for distribution of an estate for which summary administration was ordered, an interested person may “appear and file written objections to the account and contest it.” NRS 150.170(1). “No account may be allowed by the court until it is first proved that the notice required by this chapter has been given, and the order must show that such proof was made to the satisfaction of the court. The order is conclusive

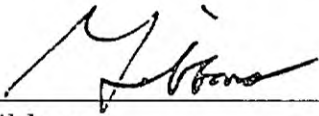
evidence of the fact.” NRS 150.190. If proper notice is provided, no written objections are filed, “and the account is made to appear to the court to be correct and according to law, the court shall allow and confirm the account.” NRS 150.200; *see also* NRS 150.190.

On appeal, Leland argues that the district court abused its discretion when it allowed Simpson to sell the real property to satisfy the Medicaid recovery lien, when he contends that he paid the debt in full. He also argues that he was not served with the final accounting or the petition for final distribution of the estate, and that the distribution was therefore inappropriate. However, Leland failed to file any documents whatsoever in the underlying district court proceeding, including a written objection to the final accounting and petition for distribution. Without such documents, the record indicates that all of Leland’s arguments are improperly raised for the first time on appeal. *See Old Aztec Mine, Inc. v. Brown*, 97 Nev. 49, 52, 623 P.2d 981, 983 (1981) (“A point not urged in the trial court, unless it goes to the jurisdiction of that court, is deemed to have been waived and will not be considered on appeal.”); *Ringle v. Bruton*, 120 Nev. 82, 95, 86 P.3d 1032, 1040 (2004) (“Timely objections also conserve judicial resources. Objections provide the trial court an opportunity to correct any potential prejudice and to avoid a retrial.”).

Moreover, to the extent that Leland may have made oral arguments at the hearing on the petition to approve the first and final accounting, he has failed to provide this court with the transcripts of those proceedings. And “[w]hen an appellant fails to include necessary documentation in the record, we necessarily presume that the missing portion supports the district court’s decision.” *See Cuzze v. Univ. & Cmty.*

Coll. Sys. of Nev., 123 Nev. 598, 603, 172 P.3d 131, 135 (2007).² Given the absence of a transcript from the hearing on the petition, coupled with Leland's failure to file any written oppositions, objections, or requests for relief below, the record before us provides no indication that any of Leland's arguments were raised before the district court, and thus they are not properly before us on appeal. See *Old Aztec*, 97 Nev. at 52, 623 P.2d at 983. As a result, we decline to consider these arguments, and we therefore affirm the district court's order approving the first and final accounting and petition for final distribution.³

It is so ORDERED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

²The supreme court issued a notice to Leland in which it instructed him that appellants who have not been granted in forma pauperis status and have requested a transcript "must file a copy of the transcript in this court" and cited specifically to NRAP 9(b)(1)(B).

³Insofar as the parties raise arguments that are not specifically addressed in this order, we have considered the same and conclude that they do not present a basis for relief.

cc: Hon. Kimberly A. Wanker, District Judge
Leland M. England
JK Nelson Law LLC
Nye County Clerk