

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE JORDAN
DANA FRASIER FAMILY TRUST

No. 87572

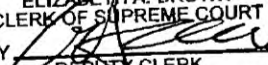
AMY FRASIER WILSON,
Appellant,

vs.

U.S. BANK WEALTH MANAGEMENT;
BRADLEY L. FRASIER, M.D.;
STANLEY H. BROWN, JR.; CHAPMAN
UNIVERSITY; TEMPLE BETH
SHALOM; IRVINE COMMUNITY
ALLIANCE FUND; ASPCA; ST. JUDE
CHILDREN'S RESEARCH HOSPITAL;
NORI FRASIER; SARA CADY;
DANIELLE FRASIER AROESTE;
ELIOT CADY; ELISSA CADY;
BRENDAN FRASIER; AND PREMIER
TRUST, INC.,
Respondents.

FILED

FEB 14 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from two district court orders approving, in part, a settlement agreement in a trust dispute. Second Judicial District Court, Washoe County; Tammy Riggs, Judge.

Appellant Amy Frasier Wilson and respondents Bradley L. Frasier, M.D. (Brad) and Nori Frasier are the adult children of Jordan and Dinny Frasier. The Frasier's created the Jordan Dana Frasier Family Trust (the Family Trust), which generally allowed each of the children to receive an equal one-third share of the Family Trust after both Frasier's died. The Family Trust directed Brad and Nori to receive their shares free of trust, but required Amy's share to be held in a spendthrift trust or, if needed, a special needs trust. When Jordan passed away in 2014, the Family Trust

divided into two subtrusts—the Survivor’s Trust and the Tax Exemption Trust. Dinny amended the Survivor’s Trust to disinherit Brad and Nori, and later further amended the Survivor’s Trust to also disinherit Amy, leaving the entirety of the Survivor’s Trust to various charities (respondents Chapman University, Temple Beth Shalom of Orange County, Inc., Irvine Community Alliance Fund, American Society for Prevention of Cruelty to Animals, and St. Jude Children’s Research Hospital (collectively, the Charities)). Amy challenged the later amendments disinheriting her, and we reversed because the district court approved those amendments without first determining whether Dinny had the requisite capacity to make the amendments.¹ *Matter of Jordan Dana Frasier Family Tr.*, 136 Nev. 486, 493-94, 471 P.3d 742, 747-48 (2020). On remand, Amy, Dinny’s Estate, and the Charities entered into a settlement agreement (the 2023 Settlement), which sought to liquidate, distribute, and terminate the Survivor’s Trust. The 2023 Settlement also sought to amend the Tax Exemption Trust to allow Amy to receive her share free of trust. The district court approved the 2023 Settlement as it pertained to the Survivor’s Trust, but declined to approve the proposed amendment to the Tax Exemption Trust. Amy appeals.

Amy first argues that the district court erred by not approving the proposed amendment to the Tax Exemption Trust. *See Matter of W.N. Connell & Marjorie T. Connell Living Tr., dated May 18, 1972*, 134 Nev. 613, 616, 426 P.3d 599, 602 (2018) (generally reviewing matters of statutory interpretation and trust construction de novo). “A trust may be modified,

¹Dinny passed away during the pendency of that appeal and respondent Stanley H. Brown, Jr. was substituted in as the special administrator of her estate (Dinny’s Estate).


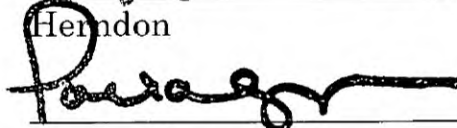
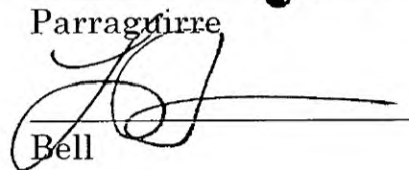
without regard to its original purpose, if . . . all beneficiaries consent.” *Matter of Frei Irrevocable Tr. Dated October 29, 1996*, 133 Nev. 50, 53, 390 P.3d 646, 650 (2017). Although “[a] spendthrift clause, in and of itself, does not prevent modification” of a trust, all beneficiaries whose interests will be prejudiced by a modification must consent. *Id.* at 54, 390 P.3d 650.

Here, the district court denied the request to amend the Tax Exemption Trust because not all of the beneficiaries of that trust participated in the negotiations leading to the 2023 Settlement. *See* NRS 164.942(1) (requiring a nonjudicial settlement agreement to be signed by all indispensable parties), (5) (defining an indispensable party as including any interested party as defined by NRS 132.185); NRS 132.185 (defining an “interested party” as “a person whose right or interest under an estate or trust may be materially affected by a decision of . . . the court”); *see also* California Probate Code § 15403(a) (authorizing trust modification if all beneficiaries of the trust consent). Given that the result would be the same under either Nevada or California law, we decline to reach respondent U.S. Bank’s argument that the district court erred by applying Nevada law. The Family Trust provides that upon Amy’s death, any remaining proceeds in her trust “shall be distributed to [Jordan and Dinny’s] then living grandchildren and great grandchildren.” As set forth above, the only parties to the 2023 Settlement were Amy, Dinny’s Estate, and the Charities. No other members of the Frasier family participated in the 2023 settlement discussions. Because allowing Amy to receive her share free of trust would materially affect the interests of other members of the Frasier family, we conclude that the district court did not err in refusing to approve the portion of the 2023 Settlement pertaining to the Tax Exemption Trust. Thus, we

affirm the district court's order approving in part and denying in part the petition to approve the 2023 Settlement.

Amy also challenges the district court's order that all personal property contained in Dinny's residence shall be deemed assets of the Tax Exemption Trust, with the exception of a 2007 Cadillac and an electric golf cart. The district court found that these latter items were personal property belonging to the Survivor's Trust and should be distributed to Amy free of trust in accordance with the terms of the 2023 Settlement. Because the record contains evidence that only the 2007 Cadillac and the electric golf cart were listed as personal property belonging to the Survivor's Trust, we conclude the district court's decision concerning the remaining personal property being deemed assets of the Tax Exemption Trust is supported by substantial evidence. *Matter of Frei Irrevocable Tr.*, 133 Nev. at 52, 390 P.3d at 649 (explaining that we defer to a district court's factual findings in a probate matter unless they are unsupported by substantial evidence). Accordingly, we deny Amy's challenge to the portion of the district court's order awarding all personal property in Dinny's residence to the Tax Exemption Trust.² Based on the foregoing, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Herndon

_____, J.
Parraguirre

_____, J.
Bell

²We have considered Amy's other arguments and determine they do not warrant the relief sought.

cc: Hon. Tammy Riggs, District Judge
Solomon Dwiggin, Freer & Steadman, Ltd.
Bradley L. Frasier, M.D.
Brendan Frasier
Danielle Frasier Aroeste
Eliot Cady
Elissa Cady
Robertson, Johnson, Miller & Williamson
Nori Frasier
Patricia C. Halstead
Wallace & Millsap LLC
Law Offices of Ryan J. Earl
Sara Cady
Washoe District Court Clerk