



IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE RANDALL  
SCHRADER LIVING TRUST, DATED  
AUGUST 17, 2021

No. 89173

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CHRISTINE BRICKLEY; CHARLIE  
CAMPBELL; THOMAS LAVELLE;  
KAITLIN KUBINCANEK; SARAH  
MOLARIUS, NATURAL GUARDIANS  
FOR W. M. ROBERT NAGY; AND  
MARY ROSE LONEY FOUNDATION,  
INC.,  
Appellants,  
vs.  
SARAH P. LIVINGSTON,  
Respondent.

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*ORDER OF AFFIRMANCE*

This is an appeal from a district court judgment in a trust distribution matter. Eighth Judicial District Court, Clark County; Hon. Gloria Sturman, Judge.

Randall Schrader executed The Randall Schrader Living Trust as sole trustor and trustee in August 2021. He later modified that trust via restatement in February 2022 (the Restated Trust). In March 2022, Schrader closed on a home, the Sharon Lan property, and acquired title in the name of his Restated Trust. Respondent Sarah Livingston, Schrader's partner, contributed \$125,000 toward the purchase price while Schrader paid the balance. The district court found that the couple jointly searched for the home to reside in together and Livingston continues to reside there. The same day the Sharon Lan Property closed, Schrader prepared a handwritten direction to the trustees of the Restated Trust within the blank section of a fillable form document (the Handwritten Instrument). With that instrument, Schrader, in

his own handwriting, instructed the trustees to “grant 100% ownership in the Trust’s property” on Sharon Lan Circle to Livingston, or to a trust which she controls. Schrader signed and dated the form. When Schrader unexpectedly died shortly thereafter, the Handwritten Instrument was found, along with other estate planning documents, in a physical estate planning binder.

A dispute ensued between Livingston, the trust beneficiaries, and the co-trustees regarding the distribution of the Sharon Lan property. The district court found that the Sharon Lan property was a specific bequest under “the valid and enforceable” Handwritten Instrument and that the co-trustees must immediately distribute the property to Livingston free and clear of trust. Certain trust beneficiaries appeal, arguing that the Handwritten Instrument was invalid because it did not comply with the Restated Trust’s amendment requirements, the district court erred in entertaining parol evidence to determine the instrument was valid, the Handwritten Instrument did not function as a holographic will, and the lower court’s order is inconsistent with the judge’s oral ruling at the conclusion of arguments.

Having considered the issues raised on appeal, we affirm. As there is no factual dispute, we review the district court’s interpretation of the Restated Trust de novo. *See Matter of 23 Partners, Trust I*, 138 Nev. 836, 840, 521 P.3d 1190, 1194 (2022).

In holding that formalities should not raise an unnecessary barrier to a testator’s desired estate disposition in the context of self-prepared estate planning materials in *Matter of Living Tr. of David Francis Davies III*, we reiterated that “the long-standing objective of this court [is] to give effect to a testator’s intentions to the greatest extent possible.” 138 Nev. 886, 892, 522 P.3d 427, 432 (2022) (quoting *In re Estate of Melton*, 128 Nev. 34, 51, 272 P.3d 668, 679 (2012)). Here, Schrader’s intent to bequeath the Sharon Lan property

to Livingston was clear, and the Handwritten Instrument so instructing substantially complied with the amendment provisions of the Restated Trust. Whether the admission of parol evidence was appropriate is immaterial, because the Handwritten Instrument itself is the best evidence of the testator's intent. Notably, no party disputes the authenticity of the Handwritten Instrument which Schrader wrote and signed. Because the Handwritten Instrument substantially complied with the Restated Trust's amendment provision, we do not reach the appellants' other arguments.<sup>1</sup> We therefore

ORDER the judgment of the district court AFFIRMED.



Stiglich, J.



Cadish, J.



Lee, J.

cc: Lee Kiefer & Park, LLP  
Maupin, Cox & LeGoy  
Solomon Dwiggin, Freer & Steadman, Ltd.  
Gloria Sturman, District Judge  
Ara H. Shirinian, Settlement Judge  
Eighth Judicial District Court

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<sup>1</sup>Insofar as we have not specifically addressed any of the parties' other arguments, we have considered those arguments and conclude that they lack merit or do not otherwise change the outcome.