

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

IN THE MATTER OF THE
GUARDIANSHIP OF THE PERSON
AND ESTATE OF SUSAN HILLYGUS,
DOB: MARCH 6, 1939, AN ADULT.

ROGER HILLYGUS,
Appellant,

vs.

ROBIN RENWICK; AND KAYCEE
ZUSMAN,
Respondents.

IN THE MATTER OF THE HILLYGUS,
FAMILY TRUST DATED AUGUST 17,
1993.

ROGER HILLYGUS,
Appellant,

vs.

ROBIN RENWICK; AND KAYCEE
ZUSMAN,
Respondents.¹

No. 72175

FILED

SEP 21 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

No. 72176

ORDER OF AFFIRMANCE

¹On April 24, 2018, Roger filed a "Motion to Amend Caption in the Consolidated Cases of Susan Hillygus Trust and Revise Caption to Include the Hillygus Family Trust Restated and as Amended Dated, August 17, 1993 and the Guardianship of Susan Hillygus 72175 & 72176." To the extent that motion seeks to correct the caption of these consolidated appeals to accurately reflect that the orders appealed from were entered and appealed from in both the guardianship and trust matter, we grant the motion and therefore direct the clerk of the court to amend the caption of this case to conform to the caption on this order. To the extent that the motion sought any other relief, it is denied.

In these consolidated appeals, Roger Hillygus appeals from orders granting petitions and denying an NRCP 59 motion in related guardianship and trust actions. Second Judicial District Court, Family Court Division, Washoe County; Frances Doherty, Judge.²

Respondent Robin Renwick filed petitions seeking, in relevant part, approval to place her mother Susan Hillygus in Stone Valley Alzheimer's Care Facility; to sell Susan's residence, which was property held in trust; and to replace Susan's privately retained attorney with Washoe Legal Services. After a hearing on the petitions and over Roger's opposition, the district court granted the petitions. Roger then filed an NRCP 59 motion which the district court denied. This appeal followed.

As an initial matter, Roger challenges the jurisdiction of the district court, apparently regarding the trust action. Roger contends that the district court could not take jurisdiction over the trust because his father, who was a settlor and trustee of the trust, was not of sufficient mental capacity at the time he filed the petition requesting the court to take jurisdiction. However, the record reveals that Roger, who was the successor trustee at the time, stipulated to the court taking jurisdiction over the trust through his counsel. Therefore, the district court properly took jurisdiction over the trust pursuant to NRS 164.010(1) either based upon the original petition by Roger's father, a settlor/trustee, or upon the consent of Roger, the successor trustee at the time.

Next, with respect to the petitions requesting placement of Susan at Stone Valley, sale of her residence, and replacement of her

²To the extent respondents raise issues regarding the timeliness of the appeal, we conclude it was timely due to the timely filing of Roger's NRCP 59 motion. See NRAP 4(a)(4).

privately retained attorney, the district court heard testimony from the co-guardians and the trustee, and had a report and received input from the guardian ad litem during the hearing. Based upon the hearing, the petitions and relevant pleadings and papers on file, the district court determined that, under the circumstances, placement at Stone Valley was the least restrictive placement that was both necessary to meet Susan's needs and financially feasible. The district court further concluded that the sale of Susan's home was necessary to assist with the costs of care. Additionally, the court determined that Susan's private counsel had not maintained contact or communication with Susan sufficient to be indicative of an attorney-client relationship and therefore appointed Washoe Legal Services to represent her interests.


Our review of the arguments and the record before us on appeal reveal no impropriety or abuse of discretion in the district court's above-noted findings and its order approving placement of Susan at Stone Valley, sale of her residence, and replacement of her privately retained attorney. *See In re Guardianship of N.M.*, 131 Nev. 751, 754, 358 P.3d 216, 218 (2015) (stating, in the context of a guardianship matter, that a district court's factual findings are reviewed for an abuse of discretion); *Hannam v. Brown*, 114 Nev. 350, 362, 956 P.2d 794, 802 (1998) (applying an abuse of discretion standard of review for a district court's order regarding distribution or administration of trust funds); *see generally* NRS 159 (governing guardianship of adults); NRS 164 (governing the administration of trusts). We therefore affirm that order.³


³To the extent that the district court may have relied upon guardianship law when it should have relied upon the trust document and trust law in the decision approving the sale of property held by the trust,

Lastly, turning to Roger's motion for relief under NRCP 59, orders denying NRCP 59 relief are reviewed for an abuse of discretion. See *Pizarro-Ortega v. Cervantes-Lopez*, 133 Nev. ___, ___, 396 P.3d 783, 786 (2017); *AA Primo Builders, LLC v. Washington*, 126 Nev. 578, 589, 245 P.3d 1190, 1197 (2010). And our review of the arguments and record before us reveal no abuse of discretion in the district court's denial of NRCP 59 relief as Roger did not establish a basis for such relief. Thus, we affirm the order denying Roger's motion for NRCP 59 relief.

It is so ORDERED.⁴


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

that decision is still supported by the record and the controlling authority, and the court will affirm a district court order "if it reached the correct result, albeit for different reasons." *Rosenstein v. Steele*, 103 Nev. 571, 575, 747 P.2d 230, 233 (1987).

⁴Roger presented a myriad of issues on appeal but failed to provide cogent argument regarding the same and as such, to the extent his arguments are not addressed here, we need not address these remaining issues. See *Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (declining to consider issues that are not supported by cogent argument). Additionally, to the extent Roger raises other arguments and/or presents other requests for relief both in his briefs and in other filings, we have considered them and conclude they do not provide a basis for relief.

cc: Hon. Frances Doherty, District Judge, Family Court Division
Roger Hillygus
Todd L. Torvinen
Washoe District Court Clerk