

IN THE COURT OF APPEALS OF THE STATE OF NEVADA


SIERRA ROYAL MHP, LLC, D/B/A  
SIERRA ROYAL VILLAGE,  
Appellant,  
vs.  
JEFFREY VEASLEY,  
Respondent.

No. 85372-COA

**FILED**

OCT 19 2023

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT

BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Sierra Royal MHP, LLC, appeals from a judgment following a jury trial. Second Judicial District Court, Washoe County; David A. Hardy, Judge.

On March 10, 2020, Eleanor Teets passed away intestate in Washoe County.<sup>1</sup> The Washoe County Public Administrator's Office determined that Rose Klesh, Teets's aunt, was Teets's next of kin, and was therefore entitled to inherit Teets's estate. Teets's personal property included a mobile home,<sup>2</sup> which she kept at Sierra Royal Village (Sierra), a mobile home park in Sparks. Klesh expressed her intent to abandon the mobile home. Because of past due fees and rent owed by Teets to Sierra, and Klesh's lack of interest in the mobile home, Sierra set out to sell the mobile home at auction and posted a notice of sale in the local newspaper.

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<sup>1</sup>We do not recount the facts except as necessary to our disposition.

<sup>2</sup>Under Nevada law, mobile homes are considered personal property unless they are legally reclassified as real property. See NRS 361.244 (explaining when mobile and manufactured homes may be reclassified as real property); *Cirac v. Lander County*, 95 Nev. 723, 729, 602 P.2d 1012, 1016 (1979) (referring to a mobile home as personal property). In the present case, Teets did not reclassify the mobile home as real property prior to Klesh's inheritance.

Jeffrey Veasley, a licensed mobile home salesperson in Nevada, saw Sierra's notice of sale and decided to investigate the home's ownership in an effort to purchase the mobile home directly from the owner. Veasley's investigation led him to Klesh, who agreed to sell him the home for \$500. To effectuate the sale, Veasley had Klesh sign several documents, including a TL-106 Affidavit of Entitlement, which, in conjunction with NRS 146.080(1), effectuated Klesh's inheritance of Teets's estate, outside of probate proceedings.<sup>3</sup> Veasley then purchased the mobile home for \$500 and Klesh signed a TL-100 transfer of ownership form, which transferred her interest in the mobile home to Veasley. Following the purchase, Veasley approached Sierra's management to pay off any outstanding fees or rent to avoid the upcoming sale of the mobile home at auction pursuant to NRS 108.320.<sup>4</sup> Sierra informed Veasley that it would not accept his payment and

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<sup>3</sup>As pertinent here, NRS 146.080(1) provides:

[A] person who has a right to succeed to the property of the decedent pursuant to the laws of succession for a decedent who died intestate . . . may, 40 days after the death of the decedent, *without procuring letters of administration or awaiting the probate of the will* . . . receive the property of the decedent . . . with an affidavit showing the right of the affiant . . . to receive the money or property or to have the evidence transferred.

(Emphasis added.)

<sup>4</sup>As pertinent here, NRS 108.320 provides:

At any time before the . . . mobile home . . . is so sold or before a certificate of title to an abandoned recreational vehicle is issued pursuant to NRS 482.262, any person claiming a right of property or possession therein may pay the lien claimant the

intended to proceed with the auction. Veasley attended the auction but did not place the winning bid. The mobile home was sold at the auction to another bidder, refurbished, and sold for more than \$100,000.

In November 2020, Veasley filed a complaint against Sierra alleging conversion and unjust enrichment.<sup>5</sup> At some point during the litigation, two women came forward claiming to be Teets's half-sisters and arguing that Klesh was not the rightful heir to Teets's estate, which voided the sale of the mobile home to Veasley.<sup>6</sup> It appears from the record that Sierra, in a motion for summary judgment, submitted the affidavits of Teets's alleged half-sisters to support its position that Klesh was not the rightful heir of Teets's mobile home, and therefore, she could not have sold any interest in the home to Veasley. As such, Sierra argued that summary judgment in Sierra's favor was appropriate because Veasley had no rights or title to the mobile home when Sierra auctioned it to a third party. See *M.C. Multi-Fam. Dev., LLC v. Crestdale Assocs., Ltd.*, 124 Nev. 901, 910, 193 P.3d 536, 542 (2008) (stating that conversion is "a distinct act of

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amount necessary to satisfy the lien claimant's lien and to pay the reasonable expenses and liabilities incurred in serving notices and advertising and preparing for the sale up to the time of such payment. The lien claimant *shall deliver the . . . mobile home . . . to the person making the payment if the person is entitled to the possession of the property on payment of the charges thereon.*

(Emphasis added.)

<sup>5</sup>Veasley also brought a claim for financial exploitation of seniors but dismissed this claim prior to trial.

<sup>6</sup>From the record, it appears that the half-sisters requested notice of all proceedings related to Teets's estate, but it is unclear whether probate proceedings were initiated by the sisters, and the record before us is sparse as to the extent of the sisters' involvement in the civil suit below.

dominion wrongfully exerted over another's personal property in denial of, or inconsistent with his title or rights therein or in derogation, exclusion, or defiance of such title or right" (internal quotation marks and emphasis omitted)). The district court denied Sierra's summary judgment motion, and the case proceeded to trial. A jury ultimately found in favor of Veasley on both claims, and the district court entered judgment for Veasley for \$164,134.21. This appeal followed.

On appeal, Sierra's sole contention is that the district court lacked subject matter jurisdiction over Veasley's claims. Specifically, Sierra argues that because the alleged half-sisters disputed Klesh's inheritance of Teets's personal property, Veasley's claims against Sierra resulting from the wrongful sale of the home should have been transferred to the probate commissioner under Washoe District Court Rule (WDCR) 57.3(1) for resolution. Sierra argues that because the district court did not have subject matter jurisdiction over Veasley's suit, the judgment entered by the district court in Veasley's favor was void, and this court should set it aside.

Conversely, Veasley contends that his purchase of the mobile home was outside of probate, and therefore the district court was not required to have transferred his claims to the probate commissioner. Further, Veasley argues that his suit against Sierra for conversion and unjust enrichment did not pertain to the distribution of Teets's estate to the heirs, thus his claims against Sierra did not involve probate proceedings. We agree with Veasley and therefore affirm.

"Subject matter jurisdiction is 'the court's authority to render a judgment in a particular category of case.'" *Landreth v. Malek*, 127 Nev. 175, 183, 251 P.3d 163, 168 (2011) (quoting *J.C.W. ex rel. Webb v. Wyciskalla*, 275 S.W.3d 249, 253 (Mo. 2009)). We review "a district court's decision regarding subject matter jurisdiction de novo." *Am. First Fed.*

*Credit Union v. Soro*, 131 Nev. 737, 739, 359 P.3d 105, 106 (2015). “[I]f the district court lacks subject matter jurisdiction, the judgment is rendered void.” *Landreth*, 127 Nev. at 179, 251 P.3d at 166.

Generally, Nevada district courts have subject matter jurisdiction over all claims with an amount in controversy exceeding \$15,000, including probate proceedings. Nev. Const. art. 6, § 6; NRS 4.370; NRS 136.010 (stating that “[j]urisdiction of the settlement of the estate of a decedent may be assumed in the district court of any county” where the estate is located or where the decedent resided at death). Probate proceedings are “legal proceeding[s] in which the court has jurisdiction to administer, pay out and distribute the assets of a decedent to the persons entitled to them.” NRS 132.275. In Washoe County, under WDCR 57.3(1), “all probate . . . proceedings under Title 12 and chapters 162 through 167 of Title 13 of the NRS” are automatically referred to the probate commissioner.

In this case, the district court had subject matter jurisdiction over Veasley’s civil suit against Sierra because his claims of conversion and unjust enrichment were not probate proceedings subject to WDCR 57.3(1). Although Veasley purchased personal property originally from Teets’s estate, he did so after it was distributed to her sole heir—Klesh—pursuant to statute. Specifically, in this case, Klesh received the personal property of Teets’s estate—the mobile home—without going through probate proceedings by submitting a TL-106 Affidavit of Entitlement. *See* NRS 146.080(1) (effectuating transfer of decedent’s property to the affiant “without procuring letters of administration or awaiting . . . probate”). Once Klesh filed the affidavit, Veasley was “entitled to rely upon [the] information” therein—that Klesh had the right to sell the mobile home—when he purchased the home. *See* NRS 146.080(4). Thus, in sum, as contemplated by NRS 146.080, Klesh filed a TL-106 Affidavit of Entitlement

and received Teets's mobile home outside of probate. Then, after executing the TL-100 transfer of ownership form, Klesh effectively sold and transferred her ownership interest in the mobile home to Veasley.

Thereafter, Veasley brought civil claims of conversion and unjust enrichment against Sierra because it did not allow him to pay off outstanding fees and rent to stop Sierra's sale of the mobile home as he was permitted to do under NRS 108.320 (allowing any individual claiming ownership of a mobile home to pay off outstanding liens on the home to prevent the lienholder's sale of the home). *See M.C. Multi-Fam. Dev.*, 124 Nev. at 910, 193 P.3d at 542 (2008) (stating that conversion is a wrongful act of dominion exerted over the property of another); *Nautilus Ins. Co. v. Access Med., LLC*, 137 Nev. 96, 101, 482 P.3d 683, 688 (2021) (explaining that unjust enrichment is the inequitable retention of a benefit from another).

Accordingly, Veasley's civil claims against Sierra were not probate proceedings because they did not require the district court to "administer, pay out [or] distribute the assets of a decedent." *See* NRS 132.275.<sup>7</sup> Rather, Veasley's suit was two steps removed from the mobile

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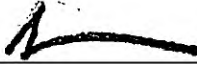
<sup>7</sup>While we acknowledge that the half-sisters' challenges to the distribution of Teets's estate to Klesh may have been brought as separate probate proceedings, *see Bergeron v. Loeb*, 100 Nev. 54, 57, 675 P.2d 397, 399-400 (1984) (explaining that the purpose of Title 12 of the NRS is prompt administration of estates), neither the half-sisters nor Klesh were parties to the present civil case Veasley initiated against Sierra for conversion and unjust enrichment. And Sierra has failed to offer any cogent argument to support why at the time Klesh executed the Affidavit of Entitlement to Teets's mobile home, Veasley did not have the right to rely on it and purchase the home from her. *See Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (explaining that this court need not consider an appellant's argument that is not cogently argued or lacks the support of relevant authority).

home's distribution from Teets's estate. The first step was the distribution of the ownership of the mobile home to Klesh upon her execution of the TL-106 Affidavit of Entitlement. The second step was the sale of the mobile home to Veasley upon his and Klesh's execution of the TL-100 form affirming the ownership and sale of personal property. Thus, we conclude that the district court did not err in exercising subject matter jurisdiction over Veasley's civil claims against Sierra as the mobile home was sold outside of probate, and therefore, the civil claims brought by Veasley arising out of the sale were not subject to probate proceedings.<sup>8</sup>

Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Bulla

  
\_\_\_\_\_, J.  
Westbrook

cc: Hon. David A. Hardy, District Judge  
Jonathan L. Andrews, Settlement Judge  
Bruce R. Mundy  
Van Duyne Law Group  
Washoe District Court Clerk

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<sup>8</sup>Insofar as the parties have raised any other arguments that are not specifically addressed in this order, we have considered the same and conclude that they either do not present a basis for relief or need not be reached given the disposition of this appeal.