

1 CODE: 2630
2 Todd L. Torvinen, Esq.
3 Nevada Bar No: 3175
4 232 Court Street
5 Reno, NV 89501
6 (775) 825-6066
7 Attorney for Robin Renwick

8 **IN THE FAMILY DIVISION OF**
9 **THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
10 **IN AND FOR THE COUNTY OF WASHOE**

11 *****

12 ROGER HILLYGUS,

13 Applicant,

14 -vs-

CASE NO: FV13-04189

15 ROBIN RENWICK,

DEPT NO: DM

16 Adverse Party.
_____ /

17 **OBJECTION TO MASTER'S RECOMMENDATION, EXTENDED PROTECTION**
18 **ORDER AGAINST DOMESTIC VIOLENCE, AND**
19 **REQUEST FOR DE NOVO HEARING**

20 COMES NOW the Plaintiff, ROBIN RENWICK, by and through her counsel, Todd
21 L. Torvinen and files this OBJECTION TO MASTER'S RECOMMENDATION,
22 EXTENDED PROTECTION ORDER AGAINST DOMESTIC VIOLENCE AND
23 REQUEST FOR DE NOVO HEARING pursuant to WDCR 32. This OBJECTION is
24 based on the following.

25 Specifically, the Adverse Party, ROBIN RENWICK requests the following:

26 1. That this Court immediately set a de novo hearing to review the Masters
27 recommendation and issuance of TPO.
28

1 2. NOTICE OF INTENT TO SET. In conformity with WDCR 32, counsel will
2 appear to set this matter up on filing and serving a Notice to Set.

3 PRIMARY ISSUES FOR REVIEW

4 On December 24, 2013, ROGER HILLYGUS, Applicant, sought and received a
5 TEMPORARY ORDER FOR PROTECTION AGAINST DOMESTIC VIOLENCE against
6 ROBIN RENWICK, Adverse Party.

7 1. PRIMARY LEGAL ISSUES.

8 1. It appears that the Master granted the TPO at least partly on the basis of
9 specific harassment pursuant to NRS 33.018.1(g), unlawful entry in the other person's
10 residence. The TPO was granted in error because the Applicant does not live at the
11 residence with a common address of 2685 Knob Hill Dr., Reno, NV.
12

13 2. The acts of what is apparently alleged to be harassment by the Respondent on
14 the Applicant are not harassment within the definition of NRS 33.018.1(c).
15

16 2. SPECIFIC FACTUAL OBJECTION.

17 BACKGROUND. Roger Hillygus and Robin Renwick are brother and sister.
18 Their parents, Gene Hillygus and Susan Hillygus are trustees of the Hillygus Family
19 Trust. Gene Hillygus and Susan Hillygus are unfortunately in the later stages of life and
20 each suffers from some level of mental deterioration.

21 The Applicant, Roger Hillygus, is the named Successor Trustee under the
22 Hillygus Family Trust. Without legal right, he moved himself into his parents' residence
23 at 2685 Nob Hill Dr., Reno, NV and assumed the role of Successor Trustee in violation
24 of the terms of the Trust Agreement; and over the objection of his father, Gene Hillygus.
25 Roger Hillygus then began self-serving conduct in order to enhance his own standard of
26 living at the expense of his parents, particularly his father. In addition, he effectively
27 removed his father, Gene Hillygus from his own residence. This is more fully outlined in
28

1 the letter from Stephen C. Moss, Esq. dated January 8, 2014 which is attached hereto
2 as Exhibit 1.

3 Robin Renwick, at most times during the events complained by the Applicant,
4 Roger Hillygus in the TPO application, was simply acting as an agent for her father, and
5 doing his wishes as the legal trustee of the Hillygus Family Trust. In any event, nothing
6 Robin Renwick did could be considered harassment or unlawful entry. The residence at
7 2685 Knob Hill Dr., Reno, NV from which Robin Renwick is excluded is Trust Property,
8 and not the property of the Applicant, Roger Hillygus.

9
10 I. October 1, 2013. Robin Renwick did not threaten Roger Hillygus with “legal and
11 financial hardship.” While waiting outside the law offices of Stephen C. Moss, with her
12 brother, the Applicant, she raised issues with him about breaches of fiduciary duty. That
13 is not harassment. Refusing to remove the name from a bank account is not
14 harassment.

15
16 II. October 2, 2013. Writing a personal check out of the bank account for \$1750 is
17 not harassment. Moreover, the check was authorized by her father, Gene Hillygus, and
18 the Applicant himself, Roger Hillygus, authorized the same by telephone.

19
20 III. October 3 & 4, 2013. The Applicant closing an account has nothing to do with
21 the TPO statute.

22
23 IV. October 17, 2013. The text message complained of by the Applicant was not
24 sent by Robin Renwick. It was sent by her estranged husband. He had knowledge of
25 the fiduciary breaches then being committed by the Applicant, Roger Hillygus.

26
27 V. November 30, 2013. Gene Hillygus, Trustee of the Hillygus Family Trust
28 accompanied the Respondent on this date so that he could remove the items from his
own residence. Gene Hillygus, as the Trustee and effectively the owner of the
residence, along with his daughter, the Respondent were entitled to go into that

1 residence at any time desired and obtain his personal information and papers. That's
2 exactly what they did. This is not an act of harassment or actionable for a TPO.

3 The reopening of the US bank account and removing \$3700 was actually
4 authorized by Gene Hillygus. Nevertheless, even if it was not authorized, it is still not
5 grounds for a TPO. Nothing in the TPO statute makes this actionable.

6 VI. December 2, 2013. When the 911 call is placed to the Washoe County
7 Sheriff's Office, Gene Hillygus was with the Applicant and authorized the same.

8 Moreover, this is not harassment. Roger Hillygus was breaching fiduciary duty and
9 converting the personal property of the Trustees, Gene Hillygus and Sue Hillygus, and
10 transferring it to his own personal residence in Dayton, Nevada.

11 VII. December 4, 2013. The two diamond rings were given to the Respondent by
12 her mother, Sue Hillygus. This is not harassment and is not actionable under the TPO
13 statute.

14 VIII. December 19, 2013. The Respondent was simply asking the Applicant,
15 Roger Hillygus, to give her father the keys to the home and the auto that her father
16 requested. Once again, her father, Gene Hillygus, is trustee of the Hillygus Family Trust,
17 and is entitled to these keys. Roger Hillygus, also on this date, was in possession of
18 Gene Hillygus' debit card and used said card for his own personal use rather than to
19 benefit his parents. Roger Hillygus reluctantly returned the card. However, he wouldn't
20 return the keys. This is not actionable under the TPO statute. Robin Hillygus never
21 aggressively blocked Roger Hillygus from leaving Lakeside Manor.

22 IX. December 20, 2013. Gene Hillygus, the father of the Applicant, Roger
23 Hillygus actually told Roger on this date to "get the frick out of my house, and take your
24 dogs too." The Respondent and her father, Gene Hillygus did call the Sheriff's Office.
25 This is because Roger Hillygus was living at the residence illegally and over the
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1 objection of the owner and Trustee, Gene Hillygus. This is not actionable under the TPO
2 statute.

3 Robin Renwick did look through the drawers in the residence, looking for the car
4 and house keys at the express direction of her father, Gene Hillygus, the true owner of
5 the keys. Moreover, Roger Hillygus does not live at this residence, and refused to give
6 his father, Gene Hillygus a key to the house. On December 20, Roger Hillygus informed
7 the Trust attorney, Stephen C. Moss that he would be out of the residence on or before
8 December 22, 2013. This proved to be a false statement because he still there as of this
9 date.
10

11 X. December 23, 2013. Robin Renwick attempted to gain access to the
12 residence on this date. However, she was with the lawful owner of the residence, Gene
13 Hillygus, her father. At this point, Roger Hillygus was unlawfully at the residence. He
14 indicated to trust counsel, Stephen C. Moss that he would be out by this date. This is
15 not actionable under the TPO statute.
16

17 Inappropriate use of an account is not actionable under the TPO statute. This is
18 not true nevertheless.

19 There is no real estate contract. Even if there was, it is still not actionable under
20 the TPO statute.

21 **CONCLUSION:**

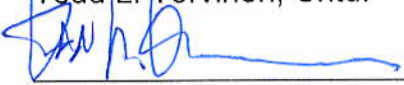
22 The Applicant, Roger Hillygus, is improperly using the TPO statute and was
23 granted a TPO for non-actionable events. This in reality is a case of two declining
24 parents where a familial and specifically brother/sister dysfunction is occurring. The
25 TPO court system is no place for this. The complaint actions do not support issuance of
26 a TPO.
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Based on the foregoing, Adverse Party, ROBIN RENWICK requests that this Court review the Master's Recommendation de novo.

AFFIRMATION PURSUANT TO NRS 239B.030. The undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

DATED THIS 10 day of January, 2014.

The Law Office of
Todd L. Torvinen, Chtd.


Todd L. Torvinen, Esq.

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I certify that I am an employee of the Law Office of
3 Todd L. Torvinen, Chtd., and that on January 10, 2014, I served a copy of the
4 foregoing document(s) on those parties identified below by:

5

6 X	Placing an original or true copy thereof in a sealed envelope, postage prepaid, placed for collection and mailing in the United States Mail, at Reno, Nevada
7	Personal Delivery
8	Telephonic Facsimile at the following numbers:
9	Federal Express or other overnight delivery
10	Reno-Carson Messenger Service
11	Certified Mail Return Receipt Requested

12 addressed to:

13 Roger Hillygus
14 2685 Knob Hill Drive
15 Reno, NV 89506

16 Michael A. Rosenauer, Esq. And via fax: 324-6616
17 510 West Plumb Lane, Suite A
18 Reno, NV 89509

19 Stephen C. Moss, Esq. And via fax: 786-7947
20 9628 Prototype Court
21 Reno, NV 89521

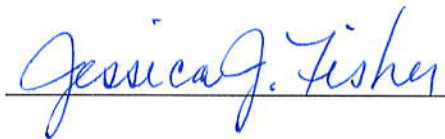
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EXHIBIT INDEX

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Exhibit 1 Letter from Stephen Moss

2 pages