UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

Candace Louise Curtis, Andrew Curtis, and ACJ., Plaintiffs,

v.

Stephen A. Mendel; Candace Kunz-Freed; Bernard Lyle Mathews III; Neal Spielman; Bobbie G. Bayless; Gregory Lester; Clarinda Comstock; Cory Reed; Bruse Loyd; Jason Ostrom (deceased); Carl H. Brunsting; Anita Kay Brunsting; Amy Ruth Brunsting; Carole Ann Brunsting; Does 1–100, Defendants.

Civil Action No. ____________ **JURY TRIAL DEMANDED**

VERIFIED COMPLAINT FOR DAMAGES, DECLARATORY JUDGMENT, AND INJUNCTIVE RELIEF

Plaintiffs Candace Louise Curtis, Andrew Curtis, and ACJ (collectively, **Plaintiffs**), by and through Candace Louise Curtis appearing pro se, file this Verified Complaint against Defendants and allege as follows.

I. NATURE OF THE ACTION

1. Overview. This action arises from a coordinated, multi-year scheme by a network of attorneys and court officers (the Probate Mafia) who, acting under the color of agency and color of law, manufactured sham trust instruments, prosecuted jurisdictionally void probate proceedings without a single evidentiary hearing, suppressed federal oversight, and extracted trust assets and attorneys' fees for their own enrichment. Plaintiffs bring federal civil RICO claims, civil conspiracy claims in the alternative, claims under 42

U.S.C. § 1983 for deprivation of property under color of law, state law claims for breach of fiduciary duty, fraud, conversion and misapplication of fiduciary property, and requests for declaratory and injunctive relief to void and enjoin enforcement of probate court orders entered without subject-matter jurisdiction. Plaintiffs seek compensatory, treble, punitive, and exemplary damages, disgorgement, restitution, attorneys' fees, costs, and equitable relief including declaratory judgment and injunctive relief.

2. **Core allegations.** Defendants — principally attorneys Stephen A. Mendel, Candace Kunz-Freed, Bernard Lyle Mathews III, Neal Spielman, Bobbie G. Bayless, Gregory Lester, Cory Reed, Bruse Loyd, and others — conspired to (a) draft and circulate forged or illicit trust instruments (including the August 25, 2010 QBD and related documents), (b) file and prosecute litigation in probate courts that lacked subject-matter jurisdiction after inventories were approved, (c) launder extracted funds and attorneys' fees through settlement agreements and purported court orders, and (d) deprive Plaintiffs of property and due process by operating under the color of agency and law. Plaintiffs incorporate and rely on the exhibits and documentary record referenced throughout, including but not limited to Exhibits 1-1 through 5-x and Confidential Exhibits C-1 through C-12.

2. On February 27, 2012, prior to the opening of the probate dockets, Plaintiff Curtis filed a lawsuit in this Court, Curtis v. Brunsting, No. 4:12-cv-592, concerning the administration of the family trust. The district court initially dismissed the case sua sponte, erroneously applying the federal probate exception.
3. The United States Court of Appeals for the Fifth Circuit reversed the dismissal, holding that the probate exception did not apply because a dispute over assets in a Texas inter vivos trust does not interfere with Texas probate proceedings. Curtis v. Brunsting, 704 F.3d 406, 410 (5th Cir. 2013). The case was remanded to this Court.
4. Because the action was originally filed in the southern district of Texas and not a state court, this action is not subject to the Rooker-Feldman doctrine. See Exxon Mobil Corp. v. Saudi Basic Industries Corp. 544 U.S. 280 (2005) • 125 S. Ct. 1517 Decided Mar 30, 2005.
5. Upon remand, this Court entered a **Preliminary Injunction** on April 19, 2013 (Doc. 45), enjoining Defendants from taking certain actions related to the trust. A true and correct copy of this injunction is attached as **Ex 0-3**.
6. Since the improper transfer, the state probate court has created numerous ancillary dockets and, after nearly ten years of stasis, has issued a series of

void orders due to want of subject matter jurisdiction and judicial conflicts identified supra.

II. JURISDICTION AND VENUE

III. PARTIES

Plaintiffs

Candace Louise Curtis — lawful trustee and income beneficiary of the Brunsting Family Living Trust; resident of California.

Andrew Curtis and **ACJ, (**a minor child) — successors in interest to Candace Curtis's trust share; residents of California.

IV. Defendants.

The named defendants include, without limitation:

Stephen A. Mendel — attorney; appeared for Anita Brunsting; alleged to have become the lead conspirator in fee extraction schemes.

Candace Kunz-Freed — estate planning attorney with Vacek & Freed P.L.L.P.; alleged drafter/notary of illicit instruments.

Bernard Lyle Mathews III — estate planning staff attorney with Vacek & Freed P.L.L.P; assisted in drafting illicit instruments and appeared in

TXSD No. 4:12-cv-592 representing Anita and Amy Brunsting using a Green and Mathews law firm name to conceal his conflict of interest.

Neal Spielman — attorney for Amy Brunsting; participated in coordinated poser litigation and fee extractions.

Bobbie G. Bayless — attorney who filed parallel actions in state district and probate courts and coordinated the litigation strategy.

Gregory Lester — appointed Temporary Administrator; produced biased reports favoring defendants.

Clarinda Comstock — probate associate judge; presided over proceedings with undisclosed conflicts.

Cory Reed — defense counsel; represented multiple interests creating conflicts.

Bruse (John Bruster) Loyd — counsel for Carole Brunsting.

Jason Ostrom (deceased) — counsel involved in remand and related actions.

Carl H. Brunsting — former Independent Executor; nominal party used by attorneys; Plaintiffs do not seek damages from Carl for the attorneys' racketeering acts.

Anita Kay Brunsting and **Amy Ruth Brunsting** — alleged co-trustees and beneficiaries; Plaintiffs seek damages for breach of fiduciary duty against Anita and Amy only.

Carole Ann Brunsting — Trust Beneficiary; cooperated with and assisted Anita Kay Brunsting and Amy Ruth Brunsting, participated in the misapplication of fiduciary property and named here for completeness subject to amendment.

Does 1–100 — unknown co-conspirators

All Defendants reside in Texas

Clarification of targets. Plaintiffs allege the attorneys and court officers were the true actors in the enterprise; the siblings Amy, Anita, and Carole are victims of their own moral turpitude and manipulation by counsel. Plaintiffs expressly do not seek damages from Carl for the attorneys' racketeering acts; Plaintiffs seek breach of fiduciary damages against Anita and Amy only.

V. FACTUAL ALLEGATIONS

1. **Trust formation and restatement.** In 1996 Elmer and Nelva Brunsting created the Brunsting Family Living Trust. In 2005 they executed a complete Restatement (the **2005 Restatement**) which required amendments to be in

writing signed by both settlors while both were competent. The 2005 Restatement made the trust irrevocable upon the incapacity or death of a settlor and named successor co-trustees. Article IV of the restatement was amended in 2007 naming Carl and Candace as successor co-trustees. (Ex 1-7)

2. **Irrevocability triggered.** On June 9, 2008, Elmer Brunsting was certified non compos mentis, rendering the trust irrevocable under its terms. Thereafter, Nelva lacked unilateral authority to amend the trust by any means except with the approval of a court of competent jurisdiction.

3. **Creation of illicit instruments.** Despite irrevocability, Defendants Kunz-Freed and Mathews drafted and notarized a series of post-2008 instruments (including a July 1, 2008 purported appointment and the August 25, 2010 Qualified Beneficiary Designation and Testamentary Power of Appointment) that purported to alter trustee designations and beneficiary rights. Multiple inconsistent signature pages and notarial irregularities appear in the record. These instruments were used as the pretext to seize control of the trust and to intimidate challengers via an in terrorem clause containing corruption of blood.

4. **Sham probate litigation.** After inventories were filed and approved in the probate court on April 4, 2013, the probate court's statutory jurisdiction over

the independent administrations terminated under Texas Estates Code § 402.001. Five days later, April 9, 2013 attorney Bobbie G. Bayless filed a new declaratory action in the same probate court (Cause No. 412,249-401) concerning only the trust. The probate court created multiple ancillary dockets (-402, -403, -404, -405) and entertained litigation despite the absence of jurisdiction and despite prior federal precedent recognizing the trust dispute as outside the probate exception. The probate proceedings were used to launder forged instruments, coerce beneficiaries and extract fiduciary assets from the trust under the label of fees for legal service in a non-existent estate administration.

5. **Remand and jurisdictional manipulation.** Defendants colluded to remand or administratively close and erase federal proceedings and to prosecute the same controversy in probate court, thereby evading federal oversight and the federal injunction that restrained trust transactions pending resolution. Attorneys and court officers coordinated filings, agreed orders, and procedural maneuvers to suppress federal jurisdiction and to create a state-court record favorable to fee extraction.

6. **Retainer agreements and security interests.** Plaintiff is informed by necessary implication and belief that Attorneys Mendel and Spielman

obtained retainer agreements and purported security interests in trust assets to secure payment of fees without prior court approval, in violation of the federal injunction, the trust and trust law. These agreements encumbered trust corpus and the 8/25/2010 QBD was used to coerce settlements and fee payments after twelve years of stasis. (Exhibits C1-C15)

7. **Pattern of racketeering acts.** Defendants engaged in a pattern of predicate acts including but not limited to mail and wire fraud, forgery, obstruction of justice, extortion, money laundering, and misapplication of fiduciary property. These acts were repeated, continuous, and part of an enterprise designed to extract funds from the trust and to shield the conduct from federal review.

8. **Deprivation of property without due process.** Through the enterprise's actions — including void probate orders, coerced settlements, and encumbrances on trust assets — Plaintiffs were deprived of property and procedural due process. Associate Judge Comstock's undisclosed conflicts and the participation of counsel representing multiple interests further tainted the proceedings.

9. **Damages.** As a direct and proximate result of Defendants' conduct, Plaintiffs have suffered and continue to suffer substantial economic loss, diminution of

trust corpus, attorneys' fees and costs, emotional distress, and other damages in an amount to be proven at trial.

VI. THE ENTERPRISE

10. The "Probate Mafia" is an association-in-fact enterprise composed of attorneys and court officers who coordinated litigation across multiple courts to suppress federal jurisdiction, launder forged trust instruments, and extract unearned fees. The enterprise is distinct from its members and operated continuously for over a decade.

11. **Association-in-fact.** Defendants formed an association-in-fact enterprise (the **Probate Mafia**) composed of attorneys, court officers, and other co-conspirators who coordinated to accomplish the unlawful objectives described above. The enterprise had a common purpose, continuity, and an organizational structure sufficient to carry out the scheme.

12. **Distinctness.** The enterprise is distinct from its members. The enterprise's activities — filing sham pleadings, laundering forged instruments, coordinating jurisdictional maneuvers, and extracting fees — were conducted through the members but were separate from any legitimate legal practice.

13. **Continuity.** The enterprise operated continuously for over a decade, with repeated predicate acts culminating in recent overt acts in 2024 and 2025 (including extraction of funds, sale of trust property, and agreed motions for attorneys' fees extracted by way of coercion).

14. This enterprise is far too well known among the general population and among the legal system. Third party interception of family generational asset transfers has a long-standing history reported in Texas newspapers as far back as 1909, spawning seven hours of Texas Senate hearings in 2007 resulting in the restatement of the Probate Code as the Texas Estates Code in 2014. Nothing has changed as the wanton and willful disregard of law in pursuit of staged and choreographed outcome-driven sham proceedings where the attorneys sit around churning out the time and the parties are left with only one avenue of escape, capitulate to the attorney's ransom demands and enter into a settlement agreement that would launder the attorney's misapplication of fiduciary property and exploitation of elderly and disabled beneficiaries under the cleansing label of fees for legal services. (Exhibit C-1 through C-15)

15. Properly addressing this color of law, color of agency organized crime enterprise operating out of state probate courts is a matter of imperative public

importance as the greatest threat to national security is the corruption of justice and American families and their generational asset transfers are under siege from this color of law, color of litigation, organized crime conspiracy.

16. What you will see in the exhibits is as probative as what you will not see.

1. You will see incestuous conflicts of interest, colorable remand, colorable transfers, colorable consolidation, colorable estate administration, independent administration without independence, color of agency, color of litigation, more than ten-years of hostage ransom stasis with only one way out, a profound judicial conflict where the estate planning attorney defendants are represented by the same law firm representing the associate judge in an action ongoing at the same time, violation of the federal injunction and a cabal of attorneys working in concert to achieve unjust self-enrichment at the expense of the lawful beneficiaries.

2. What you will not see in the statutory probate court is subject matter jurisdiction over a living trust. You will not see evidence of an actual evidentiary hearing, a substantive ruling on the declaratory judgment action improperly filed in that court after the participation of the probate court in the independent administration had closed, fiduciary performance, an actual estate to administer, claims against a junk car (the

estate), respect for the federal court rulings that contradict the later probate court actions, due process or respect for beneficiary rights in trust property.

VII. PATTERN OF RACKETEERING ACTIVITY

17. **Predicate acts.** Defendants committed multiple predicate acts in furtherance of the enterprise, including but not limited to:

1. **Mail and wire fraud** (18 U.S.C. §§ 1341, 1343): transmitting forged trust instruments, fraudulent pleadings, retainer agreements, and settlement documents via mail and electronic communications.

2. **Forgery** (state and federal): producing multiple inconsistent signature pages for the August 25, 2010 QBD and other instruments.

3. **Obstruction of justice** (18 U.S.C. § 1503): filing sham actions in courts lacking jurisdiction to interfere with federal proceedings and to evade injunctions.

4. **Extortion and coercion**: using in terrorem clauses and security interests to coerce settlements and fee extractions.

5. **Money laundering**: disguising illicit extractions as attorneys' fees and funneling funds through coerced settlement agreements and closing documents.

6. **Misapplication of fiduciary property** (Tex. Penal Code § 32.45): extracting trust funds and encumbering trust corpus for personal obligations of trustees or their counsel.

7. **Conspiracy against rights** (18 U.S.C. §§ 241, 242): depriving Plaintiffs of property and due process under color of law.

8. **Other state crimes**: Misapplication of Fiduciary, Exploitation, Theft, Exploitation of child, elder and disabled beneficiaries, forgery under Texas Penal Code §§ 31.03, 32.21, 32.45, 32.53, and related statutes.

9. **Pattern requirement satisfied.** The predicate acts are related, continuous, and pose a threat of ongoing criminal activity. They share common participants, methods, and objectives and thus constitute a pattern of racketeering activity under 18 U.S.C. § 1961(5).

VIII. THEORY OF LIABILITY: COLOR OF AGENCY

Plaintiffs allege that:

1. It was attorney Bobbie G. Bayless, not Carl Brunsting, who filed the January 29, 2013 state court action against the estate planning attorneys and specifically against Candace Kunz-Freed. (Ex 2-7) This was a valid action filed in a court of competent jurisdiction.

2. It was attorney Bobbie G. Bayless, not Carl Brunsting, who filed the second half of the trust case in the probate court after probate jurisdiction had terminated. These two actions share a common nucleus of operative facts. (Ex 3-24) and Bayless admitted this in a motion to transfer the district court action to the probate court theater. (Ex 2-26)

3. It was attorney Ostrom, not Curtis, who colluded with defense counsel to remand the federal case to a court from which it had not been removed and that never had the jurisdiction to receive it.

4. It was attorneys Mendel, Spielman, Bayless, and Loyd, not their clients, who were appointed to settle claims against the estate planning defendants. (Ex 5-1)

5. The agreed settlement actions were not directed by the named parties. They were orchestrated by counsel acting under the color of agency. The clients

were used as shields. The attorneys were the true actors and they were never representing clients in litigation.

IX. ROLE OF EACH DEFENDANT AND CO-CONSPIRATOR

6. This is the story of two aging Americans, Elmer Brunsting and Nelva Brunsting, who wanted to preserve their acquired and inherited wealth for the benefit of their five Issues. Elmer Brunsting and Nelva purchased an estate planning package that included pour over wills and an inter vivos trust for the purpose of protecting themselves from guardianship abduction and protecting their children from the probate exploitation mafia. (Ex 3-44), (Ex 3-6, 3-7, 3-8)

The overarching front-end theory (The Setup)

7. The fish takes the hook thinking to find food but it is the fisher that enjoys the meal. This is a "How to Steal your Family Inheritance" (Ex 1-46) conspiracy that follows a well beaten path. Variations are dictated by the specific dynamics of each family and the sequence of inevitable family crisis events but none-the-less requires certain invariable elements that include a family trust, a weak link in the family moral fabric and a dishonest estate planning attorney. This scenario has all of that and more. It has a front end "setup" and a back end, "exploitation". The front end involves a double bait and switch (B/S).

8. The first B/S involves estate planning attorneys selling the aging settlors "peace of mind", then betraying the fiduciary duty of undivided loyalty, forming a conflicting covert relationship with the weak link in the family moral fabric (Anita Brunsting); then incrementally implementing illicit changes to the settlor's trust agreement following on the heels of each family crisis even and using those events to hand control over to their new client, Anita Brunsting, the weak link in the family moral fabric. These family crises or, "triggering events", are known in the grifter/confidence game world as a "hurrah".

9. The hurrah is the point in the con that creates the opportunity for implementing the next phase. These events are unavoidable as acts of nature that occur in every family over time. It is the exploitation of these family crisis events that form the foundation for implementing each phase in the confident game, a classic long con.

10. Plaintiff will identify these "triggering events" and the changes that follow each, in a memorandum defining the instruments that lawfully contain the settlors trust agreement. The evidence is clear, a matter of public record and the pattern incontrovertible.

Candace Kunz-Freed

11. Candace Kunz-Freed (Freed) betrayed the fiduciary duty of undivided loyalty owed to Elmer and Nelva by forming a conflicting confidential relationship with Anita Brunsting, one of the Brunsting Settlors successor beneficiaries. By abandoning privity with the settlors and entering into a privity relationship with one of the beneficiaries, Freed entered into privity with the entire successor beneficiary class, owing undivided loyalty to each member of that class as a whole.

12. Plaintiffs incorporate by reference all preceding and all subsequent paragraphs and exhibits as if fully set forth herein.

Bernard Lyle Mathews III

13. Bernard Lyle Mathews III (Mathews) was a staff attorney with the Vacek estate planning law firm. (Ex 5-4) It is believed that Mathews assisted Freed in drafting the illicit instruments that disrupted Elmer and Nelva’s trust agreement.

14. When candace Curtis filed a breach of fiduciary action in the Southern District of Texas Bernard Lyle Mathews III appeared representing Anita and Amy Brunsting against beneficiary disenfranchised by his illicitly drafted change instruments, using a Green and Mathews law firm name to conceal his conflict of interest and arguing the trust controversy was subject to the probate exception.

15. All of the attorneys wanted this trust controversy in the probate court, the very forum the estate plan was designed to avoid.

Anita Brunsting

16. Anita Brunsting, (Anita) was the weak link in the family moral fabric. Anita formed a confidential relationship with her parents' estate planning attorney, Candace Kunz-Freed, (Freed) and with encouragement and assistance from Freed, Anita was led to believe that she could steal the family trust assets from her siblings (Ex 3-2) using illicit instruments drafted by the estate planning attorneys. Worse yet, Anita was led to believe that any beneficiary that questioned her acts or failures to act would be disinherited under the in Terrorem clause of the heinous extortion instrument, a forgery (Ex 1-25)[1] called "Qualified Beneficiary Designation and Testamentary Power of Appointment under Living Trust Agreement" a.k.a. the "QBD". This 8/25/2010 instrument portends to have replaced the irrevocable family trust.

17. Anita made one appearance in the TXSD and that was for the application for injunction hearing. Anita never stepped foot into a state court proceeding.

---

[1] Exhibits 1-17, 1-21, 1-22, 1-23

18. On information and belief Anita violated the injunction by signing a retainer agreement granting attorney Stephen Mendel a security interest in the trust to guarantee his fees and by causing litigation to be brought by failing to account to the beneficiary (Ex 1-45) for the purpose of advancing her QBD corruption of blood in Terrorem theory (Ex C-2) and granting attorney Stephen Mendel a security interest in the trust, Anita violated the in Terrorem clause in the 2005 Restatement, (Ex 1-6) Article XI Section C para 1. This also violated the spend thrift provisions and constitutes misapplication of fiduciary property as the trust is not liable for the de facto co-trustees' personal liabilities.

19. A trustee, whether de jure of de facto, is not entitled to reimbursement from the trust for legal expenses resulting from her own misconduct. (Tex. Prop. Code § 101.002).

20. Anita intentionally caused the litigation by failing to establish and maintain books and records of accounts (Ex 2) and failing to provide the beneficiary with a full true and complete accounting, with the intention of enlarging her share using the Forged QBD, only to find herself hostage to attorney Mendel's ever escalating fee ransom. In the end Stephen Mendel and Neal Spielman appear to have walked away with more trust assets than all of the beneficiaries combined.

Bobbie G. Bayless

21. While the federal case was on appeal Attorney Bobbie G. Bayless caused the Brunsting wills to be filed in Harris County Probate Court No. 4, obtained Carl Brunsting's Letters Testamentary for Independent Administration and began taking depositions before suit in Harris County's 80th Judicial District Court.

22. On January 9th 2013 the 5th Circuit, finding Candace suit fell outside the probate exception in a unanimous opinion, reversed and remanded Candace Curtis breach of fiduciary action back to the Southern District of Texas, (Curtis v Brunsting 704 F.3d 406)

23. On January 29, 2013 Bayless filed a professional negligence action against Candace Kunz-Freed and the Vacek estate planning Law Firm in Harris County's 164th Judicial District Court (Ex 4-1) claiming Candace Kunz-Freed assisted Anita and Amy Brunsting in improperly altering their parents trust to seize control.

24. On April 9, 2013, the same day as the injunction hearing in the SDTX (Ex 0-3) and five days after the verified inventory had been approved and further action in the probate court was prohibited under Texas Estates Code 402.001, Bayless filed Declaratory actions in the probate court accusing Anita and Amy

Brunsting of conspiring with Candace Kunz-Freed to improperly alter their parents trust agreements to seize control.

25. Thus, Bayless filed two halves of the same action in two different courts and later filed a motion to snatch the district court case and move it to probate saying she did not see how the cases could be heard under separate roofs. (Ex 4-1a) This leads to the obvious question of why did she file cases involving the same nucleus of operative facts in separate courts?

26. After the federal case was remanded to the probate court it had never been removed from (creating 412249-402) and that did not have the jurisdiction hear it (Texas Government Code § 25.0021), Carl was deposed by Clarinda Comstock's attorney Zandra Foley, in the District Court case (Ex 4-1b).

27. After Carl's deposition Bayless argued the stress of that experience caused Carl to relapse, tainting the deposition, and soon thereafter filed Carl's resignation as Independent Executor (Ex 4-10, 4-11). Three weeks later Bayless and the other attorneys signed an "agreed order to consolidate" Carl with Candace as alleged co-plaintiffs (Ex 4-15). None of this had anything to do with probate. Candace did not refile her federal action in the probate court and Carl had no individual standing as the only devisee named in both settlor's wills was the trust. Nether Carl nor Candace was actually in the probate theater.

28. Bayless participated with Mendel (Anita) and Spielman (Amy) in entering into a Rule 11 Agreement (Ex 4-16) not to prosecute their client's claims against each other and focused entirely on Candace Curtis and evasion of her federal injunction.

29. The day after Carl filed his resignation the attorneys all agreed to a docket control order (Ex 4-17) with a summary judgment setting of August 3, 2015. Bayless participated in using the illegal wiretap recordings as an excuse to evade summary judgment by setting her emergency motion for a protective order regarding those wiretap recordings for the same date and time. (Ex 4-18), That hearing was set for August 3, 2015 (Ex 4-19). No order followed and nothing more was heard about the illegal butt otherwise irrelevant recordings. [The Wiretap CD is labelled "Mendel Law Firm"]

30. It would be six- and one-half years before another DCO was filed by the attorneys (Ex 4-17).

31. "A Rule 11 Agreement was filed December 5, 2021 in which Drina Brunsting, attorney in fact for Carl Brunsting, and the Defendant Co-Trustees agree not to prosecute their claims against each other. [ROA 314-317]

32. On January 5, 2022 Drina Brunsting, alleged attorney in fact for Carl Brunsting individually, moves to sever Carl's claims from those of Candace Curtis, [ROA 318-320] arguing that Candace and Carl have no claims in common. The February 11, 2022 Hearing on Motion to Sever [Reporter's Record Vol 2 of 3] does not specifically identify any issues Carl and Candace have that are not in common, but merely argues that Carl and Candace do not have claims in common and somehow have conflicts of interests that prevent settling the controversy under one roof.

33. On February 25, 2022 at a pretrial conference [Reporter's Record Vol 3 of 3] visiting judge Kathy Stone signed the Defendants proposed Summary Judgment Order [ROA 31-34] concluding that Candace had forfeited her trust property; dismissing her claims against Defendant Co-Trustees Anita Brunsting and Amy Brunsting and stating that Candace, and her share of "the trust", was liable for the Defendant Co-Trustee's attorney fees. There was no hearing and the summary judgment was not rendered [Reporters Record Vol 3 of 3] but the Court did say that Appellant's federal injunction [ROA 258-263] would remain in force and effect.

34. March 11, 2022 an Order Granting Motion to Sever Carl from Candace Curtis was entered, creating ancillary cause No. 412,249-405 as a place

for Drina Brunsting, and the Defendant Co-Trustees to move their no longer being prosecuted tort claims. (Ex 3-2)

35. Bayless argument at this severance hearing (Ex 4-15b) was that Carl and Candace had no claims in common. This is an admission given the fact that nothing of a substantive nature had been resolved since the alleged consolidation (Ex 4-15).

36. After the order granting the motion to server (Ex 4-15c) and moving the -401 to their new -405, Bayless files Carl's nonsuit of formerly alleged co-plaintiff Candace Curtis (Ex 4-15d)

37. Bayless was an integral part of this racketeering conspiracy start to finish. Her solidarity with the defendants' attorneys showing itself in Mendel's Motion to Extend Appellees brief deadline (Ex 1-31 section D). The wrap up agreements shows the attorneys intended "Steal the Asset Transfer" outcome-driven motivation of this scheme from the onset. (Exhibits C-1 through C-14).

38. Making The approved settlement distributions to the attorneys IOLTA accounts also violates the spendthrift provisions of the restatement. (Ex 1-6)

Stephen A. Mendel

39. The Mendel law firm made its appearance as counsel for Defendant Anita Brunsting on November 13, 2014. (Ex 3-71) On information and belief Mendel was in control of the Brunsting Trust money cow after having secured an interest in the trust via his retainer agreement with Anita Brunsting, an agreement that violated the federal injunction, the in Terrorem clause in the 2005 Restatement and gave Mendel a personal interest in endlessly pretending litigation. Mendel became the lead protagonist in the poser advocacy conspiracy. (Ex 1-31)

40. See (Ex 3-5) reference to IME threat of guardianship action against Carl and (Ex 3-5) reference to agreement with Bayless potentially making the IME threat unnecessary.

Neal Spielman

41. Neal Spielman made his appearance as counsel for Defendant Amy Brunsting on December 8, 2014. (Ex 3-73) While excusing separate counsel for the alleged co-trustees as a need in the event of conflicting interests, his real purpose was to duplicate fee extractions while filing everything jointly with Stephen Mendel, with few exceptions such as Spielman's corruption of blood brief (Ex C-2) and the Lester Report (Ex 4-13).

Gregory Lester

42. Greg Lester was appointed Temporary Administrator Pending Contest. His mandate was narrow: evaluate the claims filed against the estate. But there was a problem—there were no claims filed against any estate. The estates had been closed. The inventory approved and the dockets dropped. Under Texas Estates Code § 402.001, no further action could be had in the probate court unless specifically and explicitly authorized in the context of independent administration.

43. Notwithstanding the estate was legally inert, Lester did not report the closure of the estates, the independent administration or the absence of claims. (Ex 1-6, 2-7) He did not question the jurisdictional void. Instead, he spent his time drafting a false report with Neal Spielman—counsel for Defendant Amy Brunsting. The report (Ex 4-13) did not analyze estate liabilities. It didn't assess fiduciary breaches. It didn't even mention the statutory bar to further probate action. It focused almost exclusively on the in terrorem clause in the August 2010 QBD—a document that has been objected to as assuming facts not in evidence; that appears in the court records bearing three distinctly different signature pages with only one notary log entry; whose legitimacy had never been adjudicated and that is illicit in numerous ways including its claim to have amended an irrevocable trust; prohibition on bringing any court action to enforce the obligations of the trustees or interpret the instruments; contains an in terrorem clause containing corruption of

blood provisions and was allegedly signed by Nelva alone. This instrument is invalid in numerous ways all of which will be addressed in the memorandum supporting a declaratory judgment regarding the instruments that express the lawful trust indenture.

44. The “report” itself reads like a defense brief. It echoed Spielman’s arguments. It validated the Co-Trustees’ position. It treated Curtis’s challenges as violations, not inquiries. And it did so under the seal of neutrality.

45. After enduring years of stasis and threats and seeing where the attorney’s conspiracy was headed, Curtis accused them all of racketeering. (TXSD No. 4:16-cv-1969) While she did not have the necessary facts to support her claims then, she certainly does now! All of the facts are a matter of public record and cannot be disputed. It was all a sham from the front-end bait and switch to the back-end exploitation in a theater completely lacking subject matter jurisdiction; in an action filed for the specific purpose of interfering with federal jurisdiction, evading a federal injunction and foreclosing remedy for the real parties in interest, all in pursuit of unjust self-enrichment.

46. When Lester appeared in TXSD No. 4:16-cv-1969, he wasn’t neutral. He was represented by attorney Jason Ostrom. The Temporary Administrator had lawyered up with Plaintiff Curtis back stabbing former attorney, not to defend his

involvement in an estate administration but to defend himself for his own wrong doing. Even Ostrom argued the claims arose from a probate matter (Ex 4-14h).

47. Lester's cover was to evaluate claims against the estate. He did not disclose that no claims existed (Ex 1-6, 2-7). He collaborated with Neal Spielman Ex 4-14) counsel for a named defendant, to produce a report that supported defendant's position. The report focused on enforcing a contested QBD rather than assessing estate obligations.

Clarinda Comstock

48. Associate judge Clarinda Comstock is not an elected public official but an employee of the County of Harris appointed to the position of associate judge by statutory probate court judge Christine Butts.

49. Statutory Probate Court Judge Christine Butts, as a co-defendant in Johnson v. Dexel et al, (Ex 4-5) was well aware of Comstock's' conflict of interest but simply chose to remain silent where there was a duty to speak.

50. Statutory Probate Court Judge Christine Butts only made one appearance in the probate court before handing everything over to associate judge Clarinda Comstock.

51. At hearing March 9, 2016 Candace Curtis was interrupted by Clarinda Comstock saying "*I'm sorry Ms. Curtis, I know you came all the way from California but my time is short today and I wanted to hear from Mr. Spielman*." (Ex 3-33) This comment does not appear in the transcript of the proceedings.

52. Attorney Spielman jumped out onto the probate theater stage waiving papers in the air and the 1st thing out of his mouth was "*If you read what Greg Lester wrote there might not be a divide by five*".

53. At the end of the staged and choreographed "hearing" Comstock said Greg Lester was at that hearing in case anyone had questions for him. Nobody was given notice that Greg Lester would be at that hearing on the question of transferring the district court case to probate. It was obvious at that point there was something seedy going on with the court and the attorneys in harmony.

54. Clarinda Comstock's judicial conflict of interest wasn't known to Candace Curtis until 2023 when she discovered that in 2019 the Honorable federal judge Lee H. Rosenthal had published an opinion on independent administration in Johnston v. Dexel et al. (Ex 3-52). In reading that opinion the conflict of interest became clear. Comstock had the same attorneys in Dexel that estate planning grifter Candace Kunz-Freed had in Brunsting and both cases were ongoing within the same time frame.

Cory Reed

55. Thompson Coe Attorney Cory Reed, counsel for the Brunsting estate planning attorneys in Bayless malpractice case, knew there was no probate court jurisdiction and that the District Court was the state court of dominant jurisdiction (Ex 3-68). Thompson Coe Attorney Cory Reed was also aware of his conflict of interest as he was also representing Clarinda Comstock, Associate Judge in the probate court, in the case of Johnston v. Dexel Cause No. CV1611219 in the 253rd Judicial District Court of Liberty County (Ex 24. 24-1, 24-2) and in the Southern District of Texas CIVIL ACTION NO. H-16-3215 (Ex 3-52) ongoing at the same time. Cory Reed continued to milk the diminishing malpractice award moneys by appearing in the probate theater for numerous "status conference" when there was no plaintiff in the matter and hadn't been a plaintiff since Carl's resignation as independent executor due to diminished capacity in February 2015.

John Bruster Loyd (Bruse)

56. John Bruster Loyd was a Johnny Come Lately to the probate charade. Retained by Carole Brunsting after Carole terminated the services of attorney Darlene Payne-Smith. Loyd objected to the extorted settlement agreement on behalf of Carole but apparently participated in agreements allowing the closing events to move forward. These coerced settlements were perpetrated after Candace Curtis was made an example of for her resistance, for accusing the probate

mobsters of racketeering, for obtaining the federal injunction blocking the attorney's immediate access to the money cow and for her insistence on following the law and the law of the trust (Ex 3-2), (3-3). It is difficult to say that Mr. Loyd had any real involvement in the attorney conspiracy or that he could have altered the course. He did make his clients objection to the attorneys coerced agreements a matter of record.

Carl Henry Brunsting

57. Nominal Defendant Carl Henry Brunsting is a victim of his own attorney's misconduct. Bayless used Carl's name under the color of agency and later used Carl's wife Drina as alleged attorney in fact for Carl in order to perpetuate her self-interested agenda.

X. FULL FACTUAL ALLEGATIONS

Plaintiffs incorporate by reference all preceding paragraphs and exhibits as if fully set forth herein.

58. While the fraudulently filed case in the probate court was brought under the declaratory judgment act regarding the Brunsting family Living Trust, no declaratory judgment was ever entered and no evidentiary hearings were ever held. All the attorneys worked in concert with the court to assure there would be no substantive resolution and that the only remedy available to the real parties in

interest would be to enter into the money laundering settlement contract drafted by the attorneys for their own benefit.

XI. THE TRUST CHRONOLOGY AND THE SCHEME TO SEIZE CONTROL

59. The foundation of the defendants' scheme was the creation and laundering of forged and illicit trust instruments designed to seize control of the Brunsting Family Living Trust from its lawful trustees and generate controversy. The creation of controversy is the key that opens the door to third party predators. In this case controversy was manufactured by the estate planning attorneys betrayal of the fiduciary duty of undivided loyalty owed to their clients, trust settlors Elmer and Nelva Brunsting, forming a covert conflicting relationship with Anita Brunsting, the weak link in the family moral fabric, then manipulating Anita into thinking she could steal her siblings trust property interests and manufacturing illicit instruments altering the settlors trust agreement in the wake of each family crisis event. Those events included Elmer's intellectual incapacity, Elmer's passing, Carl's illness and coma and a failed attempt at having Nelva declared incompetent followed by undue influence in order to coerce Nelva to resign and appoint Anita as her successor.

XII. The Original Trust and Lawful Amendments.

60. In 1996, Elmer and Nelva Brunsting created the Brunsting Family Living Trust. In 2005, they executed a complete Restatement of the trust. The 2005 Restatement contained a critical provision in Article III, Section B:

> *"This trust declaration may be amended by us in whole or in part in a writing signed by both of us for so long as we both shall live."*

61. Article III, Section B further stated that upon the death of either settlor, the trust would become irrevocable.

62. On September 6, 2007, Elmer and Nelva jointly executed the last valid amendment to the trust, which named their children Carl Brunsting and Candace Curtis as the successor co-trustees. (Ex 1-7)

63. **The Trust Became Irrevocable**. On June 9, 2008 when Elmer Brunsting was certified non compos mentis. (Ex 1-8) From this date forward, the trust became irrevocable and could not be lawfully amended without an order from a court of competent jurisdiction, as the requirement of a writing "signed by both of us" could no longer be met. Nelva Brunsting had no unilateral power to amend the trust and whatever individual prerogatives she may have had could no longer be exercised without the approval of a court of competent jurisdiction.

64. T**he Creation of Illicit Instruments.** Despite the trust's irrevocable status, Defendant Candace Kunz-Freed, with the assistance of Bernard Mathews,

began drafting a series of illicit instruments immediately following Elmer's incapacity. These instruments, created at the behest of Anita Brunsting, (Ex 1-16) were designed to remove the lawfully appointed successor trustees and install Anita and Amy Brunsting in their place. This included a purported "Appointment" dated July 1, 2008.

65. **The Heinous Extortion Instrument**. The centerpiece of the fraud is the "Qualified Beneficiary Designation and Testamentary Power of Appointment" (QBD) dated August 25, 2010. This instrument was an invalid attempt to amend an irrevocable trust. More egregiously, it is a forgery. In various court filings, at least three different versions of the QBD's signature page have been produced (Ex. 1-17 to Ex. 1-25), each with distinct inconsistencies. These three instruments bear Defendant Candace Kunz-Freed's notary seal but there is only one entry and without proper witnesses for a testamentary instrument. The purpose of the forged QBD was to create a pretext for Anita and Amy Brunsting to assert control over the trust and to introduce an in terrorem clause to intimidate other beneficiaries from challenging their actions. All subsequent actions by the enterprise were predicated on the false legitimacy of these forged and illicit documents.

66. The August 25, 2010 QBD/TPA has been objected to as assuming a fact not in evidence (Ex 2-8). The defendants have not produced them in attempt to

explain away the anomalies and qualify them as evidence and they will not because they cannot.

67. **Sham Litigation in Courts Without Jurisdiction**. A central component of the racketeering enterprise was the use of state probate courts as a venue to interfere with federal jurisdiction, evade a federal injunction, launder forged and otherwise illicit trust instruments and extract valuable consideration under the label of fees, despite a complete absence of subject-matter jurisdiction, due process or specific performance.

68. **Termination of Probate Jurisdiction**. The estates of Elmer and Nelva Brunsting were administered via independent administration (Ex 1-3, 2-3) of pour-over wills (Ex 1-2, 1-1b) in Harris County Statutory Probate Court No. 4. On April 4, 2013, the probate court approved the inventories for both estates (Ex 1-4, 2-4) and entered orders closing the dockets (Ex 1-5, 2-6). Under Texas Estates Code § 402.001, the approval of the inventories in an independent administration terminates the probate court's jurisdiction over the matter, except for a few narrow, statutorily defined actions, none of which apply here. From that moment, the probate court was statutorily barred from taking any further action.

69. **Filing of Void Ancillary Proceedings.** Five days later, on April 9, 2013, attorney Bobbie G. Bayless, acting under the color of agency for Carl

Brunsting, filed a new lawsuit (Ex 3-1) concerning the trust in the very same probate court (Cause No. 412,249-401). This act-initiated years of sham litigation. The probate court went on to create multiple ancillary dockets (-402, -403, -404, -405), all of which were void ab initio for lack of jurisdiction.

70. Violation of Federal Precedent. The defendants' choice of a jurisdictionally improper forum was a direct contradiction of federal appellate precedent in this case. In Curtis v. Brunsting, 704 F.3d 406 (5th Cir. 2013), the Fifth Circuit explicitly held that this trust dispute falls outside the probate exception to federal jurisdiction because "property contained in a Texas inter vivos trust is not subject to administration in probate court." The defendants ignored this binding authority and proceeded with their sham litigation, using the probate court as a theater to generate fees and obtain orders they knew were void. This conduct constitutes a core predicate act (Misapplication of fiduciary property: Texas Penal Code 32.45) in the "Color of Litigation Racketeering" scheme.

71. Financial Harm and Unlawful Extraction of Trust Assets. The primary objective of the defendants' racketeering enterprise was to convert the assets of the Brunsting Family Living Trust for their own enrichment, principally through the fraudulent extraction of attorneys' fees by intimidation, hostage ransom and acting as if the trust corpus was a decedents estate. See (Final docs C-1 thru C-15)

72. Value of the Trust Estate. The Brunsting Family Living Trust holds assets valued at approximately $5,015,161.45. These assets, intended for the Brunsting children, became the target of the enterprise.

73. Unlawful Extraction of Attorneys' Fees. Through the sham probate litigation, the enterprise manufactured a basis to claim exorbitant legal fees from the trust. Filings from 2024 reveal that the enterprise sought to extract at least $969,927.95 in attorneys' fees and expenses. This includes $665,289.82 for the Mendel Law Firm (Anita's counsel) and $267,738.13 for Griffin & Matthews (Amy's counsel). On December 3, 2024, the probate court, acting without jurisdiction, authorized an interim payment of $680,000 in fees to these firms. These payments represent a direct financial injury to Plaintiffs and the Trust, as they were for legal services rendered in proceedings that were void from their inception.

74. Liquidation of Trust Assets to Fund the Scheme. The defendants took concrete steps to liquidate trust assets to fund their fee extraction scheme. Motions were filed in 2024 to authorize the sale of the family's Iowa farm, which generated approximately $2.6 million in net proceeds. These funds were then used to make the unlawful fee payments and other distributions ordered by the jurisdictionally-defective probate court. The financial timeline demonstrates a clear pattern: create

sham litigation, liquidate assets, and then pay themselves from the proceeds. This conduct constitutes the misapplication of fiduciary property and is a direct result of the RICO conspiracy.

XIII. SUPPRESSION OF FEDERAL OVERSIGHT AND VIOLATION OF FEDERAL INJUNCTIONS

75. Despite his client having successfully gone to the Fifth Circuit pro se and obtaining a unanimous opinion that the Brunsting inter vivos trust controversy did not implicate the probate exception and despite the fact that his client had obtained an injunction to preserve and protect the trust assets from deteriorating, Attorney Jason Ostrom colluded with Anita and Amy Brunsting's defense counsel to remand the federal case to a court that never had the case, never had the jurisdiction to receive it and lacked the jurisdiction to hear it. From this point forward the attorneys in the probate theater would claim what Ostrom had done under the color of agency, the federal Plaintiff had done this to herself.

76. Defendants repeatedly violated the preliminary injunction issued in SDTX Case No. 4:12-cv-00592 (Ex 3-30), using proceedings improperly filed in state probate court to undermine federal jurisdiction, launder forged instruments and suppress federal oversight. Mendel's confidential ransom demand (Ex. 3-66) and fee applications (Ex. 3-11) demonstrate the enterprise's intent to extract unearned fees from the trust corpus.

77. Mendel's later filed fee claims (Ex 5-2) demonstrates not only the illicit scheme to extract value from the inter vivos trust under the color of probate administration but that his retainer agreement with alleged co-trustee Anita Brunsting violated the federal injunction (Ex 3-30) by granting Mendel a security interest in the family trust money cow to assure payment of his fees.

78. Mendel and Spielman ultimately coerced agreement to sell the Brunsting Trust's Iowa farm to pay the ransom (Ex C-1) and in the process admitted there was no money in the estate. (C-1a)

XIV. FIDUCIARY BREACHES AND EXPLOITATION OF VULNERABLE BENEFICIARIES

79. Plaintiffs Candace Curtis, Andrew Curtis, and Andrew Curtis Jr. are lawful beneficiaries and successors in interest. Their rights were systematically denied through forged instruments and sham proceedings. Every attempt Curtis made to return to the Southern District of Texas was met with attorneys claims of probate case, probate matter, probate proceedings and probate court when none of those things were true.

80. Carl Brunsting, a disabled co-trustee, was exploited through unauthorized appointments and character attacks during periods of incapacity. The enterprise's conduct constitutes misapplication of fiduciary property (Tex. Penal

Code § 32.45), exploitation of disabled individuals (§ 32.53), conspiracy against rights (18 U.S.C. §§ 241, 242), money laundering using extortion based on the in Terrorem clause in the illicit 8/25/210 QBD instrument that claims to have amended an irrevocable trust and prohibits the beneficiaries from bringing any action to compel fiduciary performance or protect beneficial property interests. (Ex 3-61, 3-62)

XV. PATTERN OF RACKETEERING ACTIVITY

81. The enterprise committed at least two predicate acts within a ten-year period, including:

- Mail and wire fraud (18 U.S.C. §§ 1341, 1343)
- Obstruction of justice (18 U.S.C. § 1503)
- Forgery (18 U.S.C. § 495)
- Fraudulent securing of document execution (Tex. Penal Code § 32.46)
- Poser advocacy (Color of Agency)
- Want of Statutory Probate Jurisdiction (Color of Litigation)
- Abuse of Process
- Honest Services Fraud

- No estate to administer (Ex 1-4), (Ex 2-4) and
- No "claims" against the estate(Ex 1-6), (Ex 2-7)
- No evidentiary hearings (see folder "Can't Get a Hearing")

- Breach of fiduciary duty and common law fraud

XVI. HARM TO PLAINTIFFS

82. Plaintiffs have suffered the loss of their beneficial interests, depletion of trust assets, denial of due process, defamation of their character and emotional distress.

83. The trust corpus has been unlawfully diverted to pay attorneys' fees for litigation that was never lawfully initiated or adjudicated. Plaintiffs seek declaratory and injunctive relief, compensatory and treble damages, and attorneys' fees and costs.

XVII. CLAIMS FOR RELIEF

COUNT I RICO Violation 18 U.S.C. §§ 1962(c) and 1964(c)

(Against Mendel, Kunz-Freed, Mathews, Spielman, Bayless, Reed, Loyd, and Does 1–100)

18. Plaintiffs reallege and incorporate paragraphs 1–23.

19. Defendants, through the enterprise, conducted and participated, directly and indirectly, in the conduct of the enterprise's affairs through a pattern of racketeering activity in violation of 18 U.S.C. § 1962(c).

20. Plaintiffs were injured in their business and property by reason of the RICO violations and are entitled to treble damages, costs, and reasonable attorneys' fees under 18 U.S.C. § 1964(c).

21. **Prayer.** Plaintiffs seek treble damages, disgorgement of ill-gotten gains, prejudgment and post judgment interest, costs, and attorneys' fees.

COUNT II RICO Conspiracy 18 U.S.C. § 1962(d)

(Against all RICO Defendants)

22. Plaintiffs reallege and incorporate paragraphs 1–27.

23. Defendants conspired to violate 18 U.S.C. § 1962(c) by agreeing to participate in the enterprise's pattern of racketeering activity and by committing overt acts in furtherance of the conspiracy.

24. Plaintiffs were injured by the conspiracy and seek relief under 18 U.S.C. § 1964(c).

COUNT III Civil Conspiracy (Alternative Theory)

(Against all Defendants)

25. Plaintiffs reallege and incorporate paragraphs 1–30.

26. In the alternative to RICO, Defendants formed a combination of two or more persons with a meeting of the minds to accomplish an unlawful purpose — to circumvent federal jurisdiction, to launder forged instruments, and to extract trust assets and attorneys' fees by unlawful means.

27. Defendants committed overt acts in furtherance of the conspiracy, causing Plaintiffs to suffer damages.

28. **Prayer.** Plaintiffs seek compensatory and exemplary damages, attorneys' fees, and costs.

COUNT IV Deprivation of Civil Rights Under Color of Law 42 U.S.C. § 1983

(Against Clarinda Comstock, Cory Reed, and other state actors acting under color of law)

29. Plaintiffs reallege and incorporate paragraphs 1–34.

30. Defendants acting under color of state law, including Associate Judge Clarinda Comstock and attorneys who acted as de facto state actors, deprived Plaintiffs of property and procedural due process guaranteed by the Fourteenth Amendment by presiding over or facilitating proceedings in a court lacking subject-matter jurisdiction, failing to disclose conflicts, and enforcing void orders.

31. Plaintiffs suffered the loss of property interests, impairment of trust administration, and other damages as a direct and proximate result.

32. **Prayer.** Plaintiffs seek compensatory and punitive damages, declaratory relief, injunctive relief, attorneys' fees under 42 U.S.C. § 1988, and costs.

COUNT V Declaratory Judgment and Voidness of Probate Orders 28 U.S.C. §§ 2201, 1651

(Against all Defendants)

33. Plaintiffs reallege and incorporate paragraphs 1–38.

34. An actual controversy exists regarding the validity and enforceability of orders and judgments entered by Harris County Statutory Probate Court No. 4 in Causes 412,249-401, -402, -403, -404, and -405, which were entered after inventories were approved and after the probate court's jurisdiction terminated under Texas Estates Code § 402.001.

35. Pursuant to the Declaratory Judgment Act and the All-Writs Act, Plaintiffs request a declaration that the probate court lacked subject-matter jurisdiction over the ancillary proceedings and that all orders, judgments, and settlement agreements arising from those proceedings are void ab initio.

36. **Prayer.** Plaintiffs seek declaratory relief, an order vacating and setting aside the void probate orders, and an injunction prohibiting enforcement of any such

orders or settlement agreements (including those authorizing attorneys' fees to be paid from trust corpus).

COUNT VI Declaratory Judgment to Define Lawful Trust Instruments

37. Pursuant to the Declaratory Judgment Act, 28 U.S.C. § 2201, Plaintiff asks the court to define the lawful trust instruments

38. Plaintiff incorporates the allegations in the preceding paragraphs.

39. A central and ongoing dispute between the parties concerns the identification of the true and lawful governing instruments of the Brunsting Family Living Trust.

40. As held by the Fifth Circuit in this matter, this dispute is a classic trust administration controversy, not a probate matter. *Curtis*, 704 F.3d at 410. Texas Property Code § 115.001(a) grants district courts original and exclusive jurisdiction over proceedings concerning trusts, including actions to interpret trust instruments.

41. Plaintiff seeks a declaratory judgment identifying the 2005 Restatement of the Brunsting Family Living Trust, and any subsequent valid amendments thereto, as the sole and exclusive governing instruments of the trust.

COUNT VII Breach of Fiduciary Duty (Against Anita Brunsting and Amy Brunsting)

42. Plaintiffs reallege and incorporate paragraphs 1–42.

43. Anita and Amy, as alleged co-trustees or de facto trustees, owed fiduciary duties of loyalty, care, and full accounting to the trust and its beneficiaries.

44. Anita and Amy breached those duties by (a) participating in or accepting the benefits of forged instruments; (b) failing to maintain books and records; (c) granting security interests in trust corpus to counsel without court approval; and (d) causing litigation and encumbrances that depleted trust assets.

45. Plaintiffs suffered damages as a direct and proximate result.

46. **Prayer.** Plaintiffs seek compensatory damages, equitable relief including constructive trust and disgorgement, attorneys' fees, and costs.

COUNT VIII Fraud, Forgery, and Deceptive Practices (Against Kunz-Freed, Mathews, Bayless, and Others)

47. Plaintiffs reallege and incorporate paragraphs 1–47.

48. Defendants knowingly prepared, notarized, and circulated forged or materially false trust instruments (including the QBD) and used those instruments to mislead courts, beneficiaries, and third parties.

49. Plaintiffs reasonably relied on the integrity of the valid trust instruments and court processes and were harmed by the fraudulent conduct.

50. **Prayer.** Plaintiffs seek actual and punitive damages, rescission of fraudulent instruments, and attorneys' fees.

COUNT VIII Conversion and Misapplication of Fiduciary Property (Against Attorneys and Trustee Defendants)

51. Plaintiffs reallege and incorporate paragraphs 1–53.

52. Defendants converted trust assets and misapplied fiduciary property in excess of statutory thresholds by extracting fees, encumbering corpus, and diverting assets for personal or third-party benefit.

53. **Prayer.** Plaintiffs seek compensatory damages, statutory penalties where applicable, restitution, and attorneys' fees.

COUNT IX Abuse of Process and Unjust Enrichment

54. Plaintiffs reallege and incorporate paragraphs 1–54.

55. Defendants abused judicial process by initiating and maintaining litigation in a court lacking jurisdiction for the purpose of extracting fees and coercing settlements. Defendants have been unjustly enriched by the proceeds of their wrongful conduct.

56. **Prayer.** Plaintiffs seek disgorgement, restitution, and equitable relief.

Count X Honest Services Fraud 18 U.S.C. §1346

57. Plaintiff incorporates the allegations in the preceding paragraphs.

58. Defendant attorneys operated their fiduciary asset theft

COUNT XI: Nondischargeability of Damages Under 11 U.S.C. § 523

59. Plaintiff incorporates the allegations in the preceding paragraphs.

60. The damages sought by Plaintiff in Counts One through Five arise from Defendants' acts of fraud, breach of fiduciary duty, and civil conspiracy. These actions constitute false pretenses, false representations, actual fraud, and willful and malicious injury to Plaintiff and her property.

61. As established in the litigation history, including the facts underlying the Fifth Circuit's decision in Curtis v. Brunsting, 704 F.3d 406 (5th Cir. 2013), Defendants' conduct was undertaken with fraudulent intent. Under 11 U.S.C. § 523(a)(2)(A), debts obtained by "false pretenses, a false representation, or actual fraud" are not dischargeable in bankruptcy. See In re Cottrell, 641 B.R. 22 (Bankr. D. Conn. 2022).

62. Furthermore, the Defendants' breach of their fiduciary duties and their conspiracy to circumvent a federal court order constitute a "willful and

malicious injury" under 11 U.S.C. § 523(a)(6). Such conduct, undertaken with the intent to cause harm, renders the resulting debt nondischargeable. See Viener v. Jacobs (In Re Jacobs), 381 B.R. 128 (E.D. Pa. 2008) (holding that debts arising from breach of fiduciary duty and fraud can be nondischargeable as a willful and malicious injury).

63. Accordingly, any judgment for damages awarded to Plaintiff in this action is not subject to discharge in any subsequent bankruptcy proceeding filed by any Defendant.

XVIII. REQUEST FOR RELIEF PERTAINING TO EXHIBITS AND EVIDENCE

64. Plaintiffs will rely on documentary exhibits and evidence already compiled and referenced in prior filings, including but not limited to Exhibits 1-1 through 1-47, 2- 5-x and Confidential Exhibits **C-1 through C-12**, and other exhibits identified in the operative record. Plaintiff requests leave to file a consolidated exhibit index and to lodge the exhibits with the Court in accordance with local rules.

XIX. PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that the Court enter judgment in their favor and against Defendants as follows:

A. **RICO Relief** — Award treble damages and disgorgement under 18 U.S.C. § 1964(c), together with costs and reasonable attorneys' fees;

B. **Compensatory Damages** — Award compensatory damages for all state and federal claims in an amount to be proven at trial;

C. **Punitive and Exemplary Damages** — Award punitive damages where permitted by law;

D. **Declaratory Relief** — Declare that Harris County Statutory Probate Court No. 4 lacked subject-matter jurisdiction over Causes 412,249-401 through -405 and that all orders, judgments, and settlement agreements arising therefrom are void ab initio;

E. **Injunctive Relief** — Permanently enjoin Defendants and all persons acting in concert from enforcing or attempting to enforce any void probate orders or settlement agreements and from encumbering, transferring, or disposing of trust assets without prior approval of this Court;

F. **Equitable Relief** — Impose constructive trust, disgorgement, restitution, and other equitable remedies to restore trust assets and prevent unjust enrichment;

G. **Civil Sanctions** — Fed. R. Civ. P. 11, 28 U.S.C. § 1927

H. **Attorneys' Fees and Costs** — Award Plaintiffs reasonable attorneys' fees, costs, and expenses under applicable statutes and common law;

I. **Prejudgment and Post judgment Interest** — Award prejudgment and post judgment interest as allowed by law; and

J. **Other Relief** — Grant such other and further relief as the Court deems just and proper.

XX. JURY DEMAND

Plaintiffs demand a trial by jury on all claims so triable.

XXI. VERIFICATION

I, **Candace Louise Curtis**, declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge, information, and belief.

Dated: _____________, 20__.

Respectfully submitted,

Candace Louise Curtis Plaintiff Pro Se 218 Landana Street American Canyon, CA 94503 (925) 759-9020 occurtis@sbcgloabal.net

On behalf of Plaintiffs Candace Louise Curtis, Andrew Curtis, and A C J, a minor child.

CERTIFICATE OF SERVICE

I certify that upon acceptance for filing and the assignment of a case number I will send notice of suit and request to waiver service of process to each named defendant with a self-addressed stamped envelope together with the consolidated exhibit index (to follow), on all named Defendants in accordance with the Federal Rules of Civil Procedure and local rules.

Dated: ____________, 20__.

Candace Louise Curtis

Exhibits: Plaintiffs will file and lodge with the Court a consolidated Exhibit Index with separate memorandums in support of each count and claim for relief with the following exhibits referenced in this Complaint: Exhibits 1-1 through 5-x; Confidential Exhibits **C-1 through C-15**; and other documents cited in the operative record.