

I. GRIFT OF THE BRUNSTING'S

II. PART 2 THE BACKEND EXPLOITATION

2012

After Nelva's passing, the procedural catalyst for commencing litigation was Anita Brunsting's failure to provide a full, true and complete accounting within 90 days of a request by current trust income beneficiary Candace Curtis. Anita simply failed to provide a mandatory accounting required under [Article XII Section E](#) and waited for the lawsuits so she could play her fraudulent 8/25/2010 QBD "No-Contest" Card. All this encouraging and facilitating performed by the Vacek & Freed law firm to put Anita in control, only opened **the 3rd party door** to looting this family's inheritance.

III. [SDTX No. 4:12-cv-592 Candace Louise Curtis vs Amy Brunsting, Anita Brunsting and Does 1-100](#)

After Nelva passed, Anita failed to properly respond to a request for accounting from her co-beneficiary sister Candace Curtis and Candace was aware that she was in a race to the courthouse. Compelled to sue the alleged Co-Trustees, to obtain an accounting and fiduciary disclosures and to compel specific performance, rather than file her action in a state court Candace Curtis chose to file in the federal court under diversity of citizenship, 28 USC §1332 (a) (1) 28 USC §1332 (b) and 28 USC §1332 (C)

(2).

Vacek & Freed staff attorney Bernard Lisle Mathews III

Anita Brunsting appeared in the Southern District of Texas represented by [Vacek staff attorney Bernard Mathews III](#). Thus, the Vacek law firm appeared representing Anita Brunsting and Amy Brunsting against the co-beneficiaries that had been displaced by the Vacek law firm's own creation of illicit instruments.

The Vacek law firm gave specific assurances that their products and services would [avoid probate and guardianship](#) and yet, the first thing Mathews did was plead the probate exception to federal jurisdiction. Candace federal lawsuit was filed Pro se on 2/27/2012, dismissed sua sponte under the probate exception March 8, 2012 and Candace Curtis promptly filed notice of appeal. In researching the probate exception I found a number of alarming resources, among which were seven hours of Texas Senate Hearings on the judiciary where the problems with their probate courts was the main topic of discussion.

[2006-10-11 791067a October 11 2006 Texas Senate Hearing on Jurisprudence.mp3](#)

[2006-10-11 791067b October 11 2006 Texas Senate Hearing on Jurisprudence.mp3](#)

[2006-10-11 791068a October 11 2006 Texas Senate Hearing on](#)

[Jurisprudence.mp3](#)

[2006-10-11 791068b October 11 2006 Texas Senate Hearing on Jurisprudence.mp3](#)

[2006-10-11 791069a October 11 2006 Texas Senate Hearing on Jurisprudence.mp3](#)

[2006-10-11 791069b October 11 2006 Texas Senate Hearing on Jurisprudence.mp3](#)

[2006-10-11 791070a October 11 2006 Texas Senate Hearing on Jurisprudence.mp3](#)

[2006-10-11 791070b October 11 2006 Texas Senate Hearing on Jurisprudence.mp3](#)

[2006-10-11 791071a October 11 2006 Texas Senate Hearing on Jurisprudence.mp3](#)

[2006-10-11 791071b October 11 2006 Texas Senate Hearing on Jurisprudence.mp3](#)

[2006-10-11 791072a October 11 2006 Texas Senate Hearing on Jurisprudence.mp3](#)

[2006-10-11 791072b October 11 2006 Texas Senate Hearing on Jurisprudence.mp3](#)

[2006-10-11 Robert Alpert Texas Senate Hearing on Jurisprudence.mp3](#)

I also found a treatise titled: “[FIGHTING THE PROBATE MAFIA: A DISSECTION OF THE PROBATE EXCEPTION TO FEDERAL COURT JURISDICTION](#)” and I observed a number of lawsuits [alleging federal civil RICO](#) in the probate courts which I read through and took under advisement. This was also my introduction to the human trafficking industry called [Guardianship Protection](#). Before moving forward I will point out two allegations that attorneys for Defendants Anita Brunsting and Amy Brunsting have since proven.

- (1) Anita’s plan to steal the trust in a way that if Carl or Candace objects, she gets to keep it. (Page 20 para 4) [affidavit page 3 of 13](#)

(2) Wiretapping Nelva's phone. [Affidavit page 7 of 13](#)

Here is the first federal appeal:

IV. [5th Circuit ROA.12-20164](#) (pro se appeal)

2012-06-11 [Appellants Opening Brief](#)

2012-07-16 [Appellees Answer](#)

2012-08-02 [Appellants Reply Brief](#)

5th Cir Jan 9, 2013 – [Curtis v Brunsting 704 F.3d 406](#)

The Fifth Circuit Court of Appeal Reversed and Remanded to SDTX for further Proceedings finding Candace Curtis trust litigation outside the scope of the probate exception to federal jurisdiction.

[SDTX No. 4:12-cv-592 Candace Louise Curtis vs Amy Brunsting, Anita Brunsting and Does 1-100](#)

On April 9, 2013 Candace Curtis, now back in SDTX No. 4:12-CV-592, attended a [hearing on her application for a Preliminary injunction](#). The injunction was issued in open court and a [Memorandum of Preliminary Injunction](#) was issued April 19, 2013. Of particular note was the observation of anomalies with the trust instruments provided by Anita. Anita apparently tried to fool the Honorable Kenneth Hoyt Jr. by mixing parts of the irrevocable life insurance trust (Anita was always the only trustee) with parts of the 2005 restatement and Judge Hoyt noted the inconsistency.

It is important to note a number of factors at this juncture:

- a. Because Candace Curtis filed her pro se complaint for breach of fiduciary in the Southern District of Texas and not a state court, the Rooker-Feldman Doctrine does not apply.

In *Exxon Mobil Corp. v. Saudi Basic Industries Corp.*, 544 U.S. 280, 291-294 (2005) the United States Supreme Court revisited the Rooker-Feldman doctrine after only applying the doctrine in two previous cases.

Held: the Rooker-Feldman doctrine is confined to cases of the kind from which it acquired its name: cases brought by state-court losers complaining of injuries caused by state-court judgments rendered before the federal district court proceedings commenced and inviting district court review and rejection of those judgments. Rooker-Feldman does not otherwise override or supplant preclusion doctrine or augment the circumscribed doctrines allowing federal courts to stay or dismiss proceedings in deference to state-court actions.

- b. Because Candace Curtis obtained a unanimous opinion from the federal Fifth Circuit Court of Appeal in this case, the probate exception does not apply. *Curtis v. Brunsting* 704 F.3d 406 (Jan. 2013)
- c. The one thing stopping the probate mafia, the only thing standing in their way, the one thing they needed to get rid of in order to loot this family trust, is Candace Curtis, federal jurisdiction and that damned [preliminary injunction](#).

It is the federal case and the preliminary injunction that compelled the probate mafia acolytes to engage in Cheshire Cat law gymnastics. Ordinarily, the family would have been robbed under the pretext of “fees for legal services” until there was nothing left to fight over and that would be the case here [if not for Candace Curtis and that damned injunction](#).

Parallel State Court Actions

V. [Harris County Probate Court No. 4 No. 412249](#)

On April 3rd 2012, Elmer's will [[412248](#)] and Nelva's Wills [[412249](#)] were filed in Harris County Probate Court No. 4.

[2012-08-15 App to Probate Will 412249 and Issuance of Letters Testamentary](#)

1. [2012-08-28 PBT-2012-287037 Order Admitting Nelva Will and Issuing letters to Carl](#)

2013

2. [2013-04-05 ORDER approving INVENTORY APPRAISEMENT AND LIST OF CLAIMS](#)

3. [2013-04-04 Certified Drop Order in 412249](#)

The Probate was Over on April 4, 2013 and no further action of any nature could be had in that court with very few exceptions. None of those exceptions apply here.

VI. [Harris County District Court 180](#)

2012-03-09 The day after the federal case was dismissed Houston Attorney Bobbie G. Bayless filed a Petition to take depositions before suit in **Harris County 80th Judicial District Court Cause No. 2012-14538** whereupon she began conducting discovery. [Harris County District Court 164 Cause No. 2013-05455](#)

The Fifth Circuit Court of Appeal Reversed and Remanded Candace Curtis action to SDTX for further Proceedings finding Candace Curtis trust litigation outside the scope of the probate exception to federal jurisdiction.

On **January 29, 2013**, Attorney Bobbie G. Bayless filed a professional negligence action against the estate planning attorneys with Carl Brunsting as “independent executor” of his Parents estates.

VII. [Harris County Probate Court No. 4 Cause No. 412249-401](#)

Letters testamentary for “independent administration” were issued to Carl Brunsting [August 15, 2012](#). Independent Executor Carl Brunsting filed the verified inventory, the [inventory was approved](#) and the [probate was closed](#) April 5, 2013.

"Independent executor" means the personal representative of an estate under independent administration as provided by Chapter 401 and Section 402.001. The term includes an independent administrator.

Tex. Estates Code § 402.001, reads as follows:

"Sec. 402.001. GENERAL SCOPE AND EXERCISE OF POWERS. When an independent administration has been created, and the order appointing an independent executor has been entered by the probate court, and the inventory, appraisement, and list of claims has been filed by the independent executor and approved by the court or an affidavit in lieu of the inventory, appraisement, and list of claims has been filed by the independent executor, as long as the estate is represented by an independent executor, further action of any nature may not be had in the probate court except where this title specifically and explicitly provides for some action in the court."

On April 9, 2013, (the same day a [Preliminary injunction hearing is held in SDTX No. 4:12-cv-592](#)), Attorney Bobbie G. Bayless, using Carl Brunsting as her plaintiff, filed [non-probate related tort claims](#) exclusively related to the Brunsting Family Trust, in Harris County Probate Court No. 4,

nameing all of the beneficiaries of the sole devisee trust, as defendant's.

Thus the question arises: What valid reason did [Attorney Bayless] have for filing two halves of the same integrally related action in two different courts? The cases not only share a common nucleus of operative facts but the first case, professional negligence against the estate planning attorney's, was causative of the second and all of the injuries suffered flow from that original source?

Attorney Bayless filed Carl's tort action in the probate court when no further action could be had in that court and she never even mentions the estates code. Bayless probate court tort suit never invoked the jurisdiction of the statutory probate court. At this juncture it's all theater and after 11 years of being held hostage for ransom in a courtroom theater with no jurisdiction, no evidentiary hearings and no evidence of anything, Attorneys for Defendant's, Anita Brunsting and Amy Brunsting, are filing a [motion for summary judgment](#).

I want you to keep this in mind because Carl resigned the office of "independent executor" [February 19 2015](#) and thus what we have is [summary judgment](#) on counter claims, filed after six years, after no evidentiary hearings, no testimony and no evidence in no court with no

plaintiff and no claims to counter, after the no plaintiff cause was combined with a federal plaintiff case that was not even filed in the probate court.

Cui Bono?

If Attorney Bayless was seeking remedy for her client, why did she file half the case in the District Court, then file a tort action in the probate court involving all of the estate planners victims, as soon as no further action could be had in that court, and then file a motion to transfer the professional negligence case from a court of competent jurisdiction to a court that could not compose itself a court of competent jurisdiction?

Bayless herself tells us why... to get the case [Away from Judge Hoyt](#) because Hoyt was going to settle it and the attorneys would not be allowed to play their staged litigation and wealth extraction games.

"Where the federal case is filed substantially prior to the state case, and significant proceedings have taken place in the federal case, we perceive little, if any, threat to our traditions of comity and federalism. See Moses H. Cone Hosp., 460 U.S. at 21-22, 103 S.Ct. at 940 (fact that substantial proceedings have occurred is a relevant factor to consider in deciding whether to abstain). In fact, by filing a state suit after a federal action has been filed, the state plaintiff can be viewed as attempting to use the state courts to interfere with the jurisdiction of the federal courts. We agree with Royal that if we were to hold that Jackson applied in this scenario, litigants could use Jackson as a sword, rather than a shield, defeating federal jurisdiction merely by filing a state court action. Neither Jackson nor the concerns underlying it mandate such a result." Royal Ins. Co. of America v. Quinn-L Cap. Corp., 3 F.3d 877, 886 (5th Cir. 1993), [cited by](#) Texas Employers' Ins. Ass'n v. Jackson, 862 F.2d 491, 506 (5th Cir. 1988) (en banc) Arroyo v. K-Mart, Inc., 24 F. Supp. 2d 169 (D.P.R. 1998)

Bayless intentions were to prevent remedy and force the victims to agree to “**launder**” the attorneys “**extorted ransom**” under the label of “[fees for legal services](#)” using a **coerced settlement contract**. It is the only topic that has been allowed since this case was smuggled out of the federal court as follows.

Harris County Probate Court No. 4 Cause No. 412249-402

This is alleged to be Candace Curtis federal lawsuit, leaving one to wonder how in the world this non probate case [[Curtis v. Brunsting 704 F.3d 406 \(Jan 2013\)](#)] finds its way from the Southern District of Texas to a state probate court? The answer is shocking. It’s what we call Cheshire Cat Law. It was made to look like it did but it did not because it could not and it doesn’t matter which end of the equation you start at. The federal court cannot remand a case to a court it was not removed from and the state court cannot transfer a case from the federal court to itself.

2014

Enter, Attorney Jason B. Ostrom

Plaintiff Candace Louise Curtis, a California resident, had been pro se in the federal court but at the end of 2013 she was compelled to retain an attorney and had the misfortune of contacting Houston Attorney Jason

Bradley Ostrom Texas State Bar No. 24027710, Fed. Id. No. 33680 (Ostrom). Ostrom filed his appearance January 6, 2014 and Judge Hoyt allowed a \$5000.00 retainer to be paid from the trust for counsel for the plaintiff and a \$5000.00 retainer to be paid from the trust for counsel for defendants.

Rather than litigate his client's claims in his client's choice of forum, where he could not milk the money cow under the pretext of fees for legal services, Ostrom presented the federal court with a [bundle of unopposed motions](#) to Amend Curtis Complaint to add Attorney Bayless client Carl Brunsting, as an involuntary Plaintiff to pollute diversity, with an unopposed motion to "remand" the case to Harris County Probate Court No. 4, a court from which it had not been removed. [[ROA 276-287](#)] and which was to be avoided at all costs. The Southern District Court approved the bundle of unopposed motions on May 15, 2014.

The first thing Ostrom did in the probate court that his clients case was not in, was file a motion for a \$40,000 distribution to pay his fees. Judge Hoyt only allowed \$5000.00 for the attorneys and what Candace Curtis got for her money was a motion to go to where the attorneys could steal from the trust without restraint. As will be shown from the bilking records of some of

the attorneys, Ostrom planned to non-suit the federal [injunction](#) but was fortunately terminated by Candace Cuirtis before he could do any more damage.

Timeline Recap

On May 28, 2014 Ostrom filed the federal remand order in the probate court in “Estate of Nelva Brunsting No. 412,249-401” as a motion to enter a transfer order [[ROA 268](#)] citing jurisdiction pursuant to Texas Estates Code § 32.005, Texas Estates Code § 32.006, and Texas Estates Code § 32.007, none of which specifically apply to independent administration. The Order accepting transfer was signed by the Honorable Christine Butts on June 3, 2014. [[ROA 274, & 302](#)] Rounding out 2014 are three expert witness designations:

2014-12-01 Carole Designation of Darlene Payne-Smith as
[Expert on Attorney Fees](#)

2014-12-02 Darlene Payne Smith Self Declared [Expert on Attorney Fees](#)

2014-12-01 Case 412249-401 PBT-2014-387708 Carl expert
Witness designation Naming Bobbie G. Bayless as [Expert](#)

on Attorney Fees

2015

The June 3, 2014 transfer order is alleged to have created ancillary cause No. 412249-402 but the -402 file wasn't opened until **February 9, 2015**, nearly eight months later. [[ROA 29 para 2](#)] (Maybe someone can explain the gaps in this sequence?)

Resignation of Personal Representative

On or about **February 19, 2015**, [Carl resigned the office of “independent executor”](#), substituting his wife Drina as attorney in fact [[ROA 25-26](#)] and moving to appoint Appellant Candace Curtis as successor Independent Executor.

February 20, 2015, without a personal representative for the “estate of Nelva Brunsting”, an “Agreed Docket Control Order” was signed by the participating attorneys. [[ROA 27-28](#)] An “Agreed Order to Consolidate Cases” [[ROA 289](#)] appears in the record on March 5, 2015, signed by all of the participating attorneys, dissolving “estate of Nelva Brunsting 412249-402” into “estate of Nelva Brunsting 412249-401” and closing the -402 docket to further filing.

The question here is whether the closed probate of an estate with no assets and a tort suit with no plaintiff can be consolidated with the case of a plaintiff whose case is not in the probate court? This question of course, presupposes the probate court had jurisdiction over the living trust controversy to begin with. It did not.

Candace Curtis Termination of Ostrom as Counsel

On March 30, 2015, after data mining to get information on her lawsuit and discovering that Ostrom's actions had impugned her cause in fatal contradictions, federal plaintiff Candace Curtis terminated attorney Jason Ostrom and found herself having to defend against the Defendant Co-Trustees no-evidence motion for summary judgment, filed June 26, 2015 [[ROA 346](#)]. This Motion is arguing that Carl and Candace could not prove that Defendant's illicit trust modification instrument, called "*Qualified Beneficiary Designation and Exercise of Testamentary Powers of Appointment under Living Trust Agreement*" [[ROA181](#)] dated August 25, 2010 (8/25/2010 QBD), is invalid.

The alleged August 25, 2010 "*Qualified Beneficiary Designation and Exercise of Testamentary Powers of Appointment under Living Trust Agreement*" (QBD/TPA) is a digital stamp **FORGERY** and [all three](#)

[signature page versions](#) contain a different signature and the seal of [estate planning attorney/notary Candace Kunz-Freed](#). Oh, how convenient.

Candace Curtis answered [\[ROA 348\]](#) *Defendants No-Evidence Motion* with an objection to assuming facts not in evidence and a demand for the Defendant Co-Trustees to produce the instrument and qualify it as evidence. They have not and they will not because they cannot. See [Appellants Opening Brief on Appeal 17-20360](#) in the RICO case Page 10 para 2.

The attorneys August 3, 2015 summary judgment hearings suddenly became a hearing on an emergency motion for a protective order, (filed 7/20/2015) [\[ROA 349\]](#) regarding **illegal wiretap recordings** disseminated by the Mendel law firm via certified mail in early July. *[See [ROA 238 para 3\]](#)*

Where is Candace Curtis Lawsuit?

The first problem confronting the pro se federal plaintiff Candace Curtis at this juncture was: “Where is my lawsuit”? Candace Curtis was named a nominal defendant in the tort suit Carl Brunsting filed in the probate court [\[ROA 5-24\]](#) and “*Candace Louise Curtis vs Anita Brunsting, Amy Brunsting and Does 1-100*” (SDTX No. 4:12-cv-592) [\[ROA 219-247\]](#) is not the estate of Nelva Brunsting by any number, label or description and

is simply not there. To make matters worse, "*Texas probate jurisdiction is, to say the least, somewhat complex.*" *Shell Cortez Pipeline Co. v. Shores*, 127 S.W.3d 286, 292 (Tex. App.-Fort Worth 2004, no pet.) (citing *Palmer v. Coble Wall Tr. Co.*, 851 S.W.2d 178, 180 n.3 (Tex. 1992)).

The Defendants immediately began making **disinheritance threats** and filing pleadings as if Candace Curtis' lawsuit was in the probate court and somehow blended with Carl's action and that they were challenging "the trust". The question of what instruments define the trust and which instruments are illicit, **has never seen a hearing and has never been ruled upon** even though the Memorandum of [Preliminary Injunction](#) identifies problems with Anita's attempt to fool the court with her mix and match of instruments.

Candace Curtis' federal lawsuit is not a probate proceeding or a matter related to a probate proceeding, [\[ROA 248-255\]](#) was not removed from, returned to, transferred to, or refiled in the probate court and thus, is not in the probate court and has not been consolidated with Carl's plaintiff less 412249-401 action [\[ROA 289\]](#) or any other action in the probate court as there is no estate for any action to have been filed ancillary to. This is Cheshire Cat Law. It looks like there are court proceedings but as a matter of

law, where there is no court there can be no court proceedings.

- June 3, 2014 Order accepting transfer of the federal case signed [[ROA 274, & 302](#)]
- February 3, 2015 [Carl was deposed by Vacek & Freed](#) in the District Court CAUSE NO. 2013-05455 164th Judicial District Court. (Audio & Video) JOB NO. 177755 US LEGAL SUPPORT 713-653-7100 **Carl testified that he had already paid attorney Bayless \$225,000.00**
- February 9, 2015 “[estate of Nelva Brunsting No. 412249-402](#)” was opened [[ROA 29 para 2](#)]
- February 12, 2015 Carl is alleged to have given Drina POA (Not in probate records)
- February 17, 2015 [Carl resigns and files substitution](#) of Drina as attorney in fact [[ROA 25-26](#)]
- February 20, 2015 An [Agreed Docket Control Order](#) was signed [[ROA 27-28](#)]
- March 9, 2015 an “[agreed order to consolidate](#) “estate of Nelva Brunsting No. 412249-402” with “estate of Nelva Brunsting No. 412249-401” was signed, closing the -402 file. [[ROA 289](#)]

The [Remand order](#)” was accepted in Probate Court No. 4 as a transfer and the first thing Ostrom did was file a [motion for a \\$40,000.00 Distribution from the trust to pay his fees](#). This is the reason Ostrom wanted out of the federal court. He could not get Judge Hoyt to allow the attorneys to loot the Brunsting family trust and this is the same reason attorney Bayless wanted the case away from Judge Hoyt.

Stephen mendel, representing trust property thief Anita Brunsting, filed an [objection to Ostroms motion for distribution](#) arguing:

"I. Summary of the Argument

- 1. Distributions to pay legal-fee creditors are not authorized by the trust and, therefore, the motions must be denied.*
- 2. Distributions to pay legal-fee creditors are prohibited by the trust and, therefore, the motions must be denied.*
- 3. The Court lacks jurisdiction to decide the distributions for legal-fee creditor issue because there are no allegations of fraud, misconduct, or clear abuse of discretion with respect to Candace's and Carl's request that the trust pay their attorneys' fees.*
- 4. If the Court finds the in terrorem clause is enforceable, then Candace and Carl have no right to any distribution from the trust."*

On February 17, [2015 Independent Executor Carl Brunsting resigned](#) leaving the office of independent executor vacant. Three days later, February 20, 2015, all of the probate mafia attorneys signed an agreed docket control order in Carl's "Estate of Nelva Brunsting 412249-401", no assets, no administrator, no in rem probate jurisdiction.

Three weeks later the case, fraudulently converted into "[Estate of Nelva Brunsting No. 412249-402](#)", was Dissolved into *Estate of Nelva Brunsting No. 412249-401*, which is the case filed improperly in the probate court by Carl Brunsting both individually and as "independent" executor April 9, 2013.

When Bayless filed Carl's suit in probate court, in an independent administration, of a pour-over estate, five days after the inventory had been approved, he failed to plead probate court jurisdiction as it applies to

independent administration and thus, no matter what it was staged to look like, nothing actually happened in Carl's April 9, 2013 probate court action because there was no court. Where there is no court, there is no litigation and there can be no immunity for the participating attorney fraudsters.

On June 26, 2015 Defendants' new attorneys in Probate Court No. 4 filed a [No-Evidence Motion for Partial Summary Judgment](#) claiming that Carl and Candace could provide is no evidence that their 8/25/2010 QBD is invalid. They try to shift the burden of showing their 8/25/2010 QBD is invalid but they are putting the cart before the horse. Candace Curtis, unable to find her lawsuit, feeling compelled to defend herself from the attack of the probate thugs, filed her answer objecting to assuming facts and demanded that the Defendants produce all three originals and qualify them as evidence.

The instrument is still not in evidence and the defendants have not and will not attempt to introduce the thing and attempt to qualify it as evidence in a proper court proceeding because they cannot. Even if it wasn't a forgery, it is still not a valid trust instrument on numerous grounds.

VIII. ILLEGAL WIRETAP RECORDINGS

The Agreed [Docket Control Order](#), [that all of the attorneys signed the day after the [resignation](#) of the "independent executor" had been accepted]

had a deadline of August 3, 2015 for hearing dispositive motions. On or about July 1, 2015 Candace Curtis received a CD, via certified mail with signature required, containing illegally obtained wiretap recordings sent from Anita's counsel, Brad Featherston of the Mendel Law Firm. [Candace mentioned he Defendants wiretapping of Nelva's phone in her original complaint.](#)

Evasion and Obstruction in a Court Room Theater

On July 7, 2015 Carl Brunsting filed an **Emergency** [Motion for Protective Order](#) regarding the illegally obtained wiretap recordings. On July 9, 2015 Carl Brunsting filed a [motion for partial summary judgment](#) focusing on improper financial transactions, but did not respond to [Defendants' no-evidence motion](#). On July 13, 2015 Attorneys for Drina Brunsting (Carl's alleged attorney in fact) and the Defendants each filed notices setting hearing on their dispositive motions for August 3, 2015. ([Mendel](#) / [Bayless](#)) Later in the day on July 13, 2015 Plaintiff Curtis filed her [answer to Defendants' no-evidence motion](#), with a motion and **demand to produce evidence**, demanding Defendants produce the archetypes of the three alleged 8/25/2010 QBD's and qualify "them" as evidence. **They have not and they will not because they cannot.**

On July 22, 2015, while Plaintiff Curtis was in flight home to California, Carl Brunsting's counsel, Bobbie Bayless, arranged with Defendants' counsel to remove the summary judgment motions from the August 3, 2015 calendar and replaced that with hearing on an [emergency motion for protective order](#) regarding the wiretap recordings. [No witnesses were called](#) and no order after hearing followed. We wouldn't see another [Docket Control Order](#) until June 2021, after more than six years of continued attorney posing and posturing as if there were actual litigation. It seemed like every time we traveled to Houston from California to have a meaningful hearing it was always converted into a "status conference" where everything was discussed except the thing set for hearing. In twelve years of being held hostage in a fake probate proceeding not one evidentiary hearing was held and not even one admission into evidence was accomplished.

Rather than appoint Candace Curtis as the lawful successor executor to Carl Brunsting, the probate mob played their little "temporary administrator game" and on July 24, 2015 Attorney Gregory lester was [appointed temporary administrator for the estate of Nelva Brunsting](#) for the sole purpose of evaluating the "claims" pending in the case.

Not knowing anything about probate and following [Bayless motion to](#)

[transfer the District Court case to the probate court](#), February 9, 2015
[Candace filed a motion to transfer](#) the District Court case to the probate court followed by Mendel and Spielman's motion to transfer the District Court case to the probate court. A hearing was scheduled for March 9, 2016 on the motions to transfer the District Court Case to the probate court. Instead of hearing the transfer motions what we got was a [staged intimidation charade](#) orchestrated by probate court Associate Judge Clarinda Comstock who, along with probate Court Judge Christine Butts, was a defendant in [Johnston v Dixel](#) where Comstock was represented by the same Thompson Coe attorneys (Zandra Foley and Corey Reed) that were representing the Brunsting estate planning Grifters in the District Court with no plaintiff.

2016

Racketeer Influenced Corrupt Organization

We still don't know much about probate at this juncture but having suffered the expense of traveling to Houston on three separate occasions to attend "HEARINGS" in the probate court only to be greeted with some kind of staged performance called "status conference", it was abundantly

apparent that something didn't smell right.

After the Remand/transfer charade; the conversion labeled "agreed order to consolidate" vanishing from the probate docket; the absence of a record of the proceeding in which this agreed order was discussed and agreed upon; the docket tampering (infra); the threats and ransom demands never committed to paper; the wiretap recordings used to eliminate the "[agreed docket control order](#)"; the [Fraud Lester report](#) and the amateurish intimidation performance put on by Neal Spielman on [March 9, 2016](#) in cooperation with the rest of the associates; the estate planning attorneys sequestered in the District Court with no plaintiff; The estate planning attorneys represented by the same law firm representing Probate Court Associate Judge Clarinda Comstock, a remand that was not a remand, a transfer that was not a transfer, an independent administration of an estate with no assets and no representative, docket and transcript anomalies; and inability to get a meaningful hearing... it became clear that we were in a hostage ransom extortion and attrition crisis. The question confronting Candace Curtis and I this entire time was remedy. What do you do when all the attorneys are working together to fleece their clients?

After reading the horror stories of so many others it was obvious

where the “associates” were headed and that a number of clearly defined obstacles were before us. Like a silver bullet for a werewolf or witch, a wooden stake for a vampire, kryptonite for Superman, there has to be a simple answer to this very complex question, requiring a multidisciplinary approach that includes game theory, case study and the martial arts.

The problem with an Aikido opponent is getting them to commit to a position they have to defend. You do not have an opportunity to depose opposing counsel and they are accustomed to being “immune” from accountability for injuries suffered by their non-client victims.

“If you know the enemy and know yourself, you need not fear the result of a hundred battles. If you know yourself but not the enemy, for every victory gained you will also suffer a defeat. If you know neither the enemy nor yourself, you will succumb in every battle.” - Sun Tzu, the Art of War

After reading so many other RICO complaints, the defendants answers were always the same: a F.R.C.P. Rule 12 Motion to dismiss arguing:

1. Disgruntled Litigants seeking vengeance for being on the losing end of fully litigated state court determinations
2. Immunity
3. Probate Exception
4. Rooker-Feldman Doctrine

Unable to get an evidentiary hearing, unable to locate Candace Lawsuit, no Docket Control Order in place, No plaintiff with standing... [We](#)

[knew where they were going](#) and rather waiting until after they arrived at their destination, when we would be called “*disgruntled litigants seeking vengeance for being on the losing end of fully litigated state court determinations*” we filed racketeering claims out front. The point was to force the attorneys and the court to assume a position they would have to defend. They all lied claiming “[probate case, probate matter and probate proceeding](#)”. There was [never any probate court jurisdiction](#) over this trust controversy! [[Exhibits](#)]

Anita and Amy’s briefs were ghost written as if they were pro se and while the [fee statement Stephen Mendel filed](#) in the SDTX claims the RICO case ([7/5/2016-6/28/2018](#)) was not included, Mendel has fifteen pages of fees during that period, when nothing happened in the probate court at all.

IX. [Curtis et al., vs. Kunz-Freed et al., SDTX No. 4:16-cv-1969](#)
On July 5, 2016, we filed honest services fraud allegations under the RICO statutes and, although not well written and not yet having full proof of facts, the case was properly dismissed for failure to state a claim. However, it served its purpose of forcing the “probate mafia” attorneys to assume a position they would then have to defend and **every one of them lied, including attorneys for the Judge and the Associate Judge!**

Case 4-16-cv-01969 July 5, 2016 – May 16, 2017

Probate Case

Anita Brunsting Doc 30 p.1

Amy Brunsting Doc 35, p.1 (Ghost written)

Steven Mendel Doc 36 p2, 6

County Attorneys for Judges Butts & Comstock Doc 53, p2, 16, 30 Former Judge Christine Butts is board certified in estate planning and probate law in Texas and she never ruled on a single dispositive issue, not even on jurisdiction.

Jason Ostrom Doc 78 p.1

Gregory Lester Doc 83 p.1

Darlene Payne Smith Doc 84 p.9, 10, 13, 14, 16, 17

Probate Proceeding

Vacek & Freed Doc 20, p.4, 6, 7

Bobbie G. Bayless, Doc 23, p.2, 3

Neal Spielman Doc 40, p.3

County Attorneys for Judges Butts & Comstock Doc 53, p3, 4, 7, 15, 29 Former Judge Christine Butts is board certified in estate planning and probate law in Texas and she never ruled on a single dispositive issue, not even on jurisdiction.

Darlene Payne Smith Doc 84, p.8, 10

Probate Matter

Neal Spielman Doc39, p1, 2 - Doc 40, p.1, 2, 3

County Attorneys for Judges Butts & Comstock Doc 53, p.18 - Doc 79 p.9, 10, 13, 14, 16, 17

Jill Young Doc 25, p.3 At page 12 Doc 25 Jill Young asks for sanctions against the RICO Plaintiff's as if it was the pro se that manufactured this sham probate litigation.

*Here, Plaintiffs' Complaint resorts to concocting conspiracy theories and hypothesizing the existence of shadow organizations engaging in "poser advocacy" through a cabal of probate mafiosos. Other courts in this Circuit have held that almost identical allegations made by pro se litigants should be dismissed and were sanctionable. See Whitehead v. White & Case, LLP, 12-CV-0399, 2012 WL 1795151, at *2 (W.D. La. Apr. 19, 2012), report and recommendation adopted, 12-CV-0399, 2012 WL 1795148 (W.D. La. May 16, 2012) (dismissing a pro se plaintiff's conspiracy claims against judges, magistrate judges, attorneys and law firms, as "frivolous and vexatious" and sanctioning the pro se plaintiff). Plaintiffs' allegations are fanciful, fantastic, and delusional—at best. They also appear to constitute an attempt by Plaintiffs to seek revenge for being on the losing end of trust and estate determinations that were already fully litigated in Texas state court. (can you say Liar?)*

That brief was filed September 15, 2016 and today is Sunday, May 19, 2024. I dare you to find anything fully litigated or even introduced into evidence in a state court with one exception: The federal [preliminary injunction filed in the 151st District Court](#) and authenticated as a final judgement under the Uniform Enforcement of Foreign Judgments Act. All Jill Young's attorney did to answer this RICO complaint was cut and paste, right down to the "Zanyism" spiel put on by attorney Mr. Rafe A. Schaefer at the preliminary hearing. I read [Sheshtawy](#), [Peterson](#), [Dexel](#), [Chalupowski](#), and far too many other reprobate horror stories to list.

If there is a decedent's [estate](#) to administer, [what's in it?](#)

[Texas Estates Code Sec. 32.001](#)

GENERAL PROBATE COURT JURISDICTION; APPEALS.

(a) All probate proceedings must be filed and heard in a court exercising original probate jurisdiction. The court exercising original probate jurisdiction also has

jurisdiction of all matters related to the probate proceeding as specified in Section 31.002 for that type of court.

(b) A probate court may exercise pendent and ancillary jurisdiction as necessary to promote judicial efficiency and economy.

(c) A final order issued by a probate court is appealable to the court of appeals.

(d) The administration of the estate of a decedent, from the filing of the application for probate and administration, or for administration, until the decree of final distribution and the discharge of the last personal representative, shall be considered as one proceeding for purposes of jurisdiction. The entire proceeding is a proceeding in rem.

Alongside the “**VexatiousLitigant**” ruse used to stuff a rag in the victims mouth, a leading artifice in the probate mafia game after a completed theft is “**Disgruntled Litigants seeking vengeance for being on the losing end of fully litigated state court determinations**”. This is an invocation of the Rooker-Feldman Doctrine that bars federal court review of state court proceedings. As previously stated. The Rooker-Feldmen Doctrine does not apply to Candace Curtis federal court lawsuit and the federal [injunction remains in force](#). In Exxon Mobil Corp. v. Saudi Basic Industries Corp., 544 U.S. 280, 291-294 (2005) the United States Supreme Court revisited the Rooker-Feldman doctrine after only applying the doctrine in two previous cases.

Held: the Rooker-Feldman doctrine is confined to cases of the kind from which it acquired its name: cases brought by state-court losers complaining of injuries caused by state-court judgments rendered before the federal district court proceedings commenced and inviting district court review and rejection of those judgments. Rooker-Feldman does not otherwise override or supplant preclusion doctrine or augment the circumscribed doctrines allowing federal courts to stay or dismiss proceedings in deference to state-court actions. [Here, Plaintiffs make](#)

similar allegations against the parties, attorneys, and judges in Probate Court No. 4. And as in Sheshtawy, the allegations are frivolous, because they are too fanciful, fantastic, and delusional to state a valid claim for relief.

The Brunsting Trust RICO action was properly dismissed for failure to state a claim but that is no shame for a pro se that is pleading one of the most difficult claims in the federal criminal arsenal, against predatory attorneys who specialize in sham litigation in the probate theater. We filed notice of appeal anyway as building a record is one of the essentials in any case study styled methodology and again, they all lied. Texas has a rather long history of this shameful abuse of our legal system and whatever descriptive expressions may have been used they were found in other such cases and [Jill Young is no stranger to being a defendant](#) accused of this kind of wrong doing. In fact, while the RICO case was before Judge Bennett Clarinda Comstock and Judge Butts were before Judge Rosenthal with Probate Mafia Associate Judge Comstock being represented by Cory Reed and Zandra Foley, the same attorneys representing [estate planning Grifter Candace Kunz-Freed](#), the same attorney that ruptured the Brunsting Trust the instant it could not be amended under the terms of the trust itself.

X. [Contradictions and Fatal Conflicts of Interest](#)

Let's talk about fanciful, fantastic, and delusional. This would be a good place to note that Bayless named Candace a "Nominal Defendant" in

[Carl's probate court action](#) and this becomes an issue when we talk about Carl as (1) involuntary plaintiff and [pollution of diversity](#), (2) [consolidation](#), (3) severance and (4) [non-suit](#).

1. [How does a cross plaintiff pollute diversity?](#)
2. [How does a plaintiff consolidate his claims with those of his defendant?](#)
 - a. Who was representing the estate on March 9, 2016 when all the attorneys signed their "[Agreed Order to Consolidate Cases](#)"? Carl's probate court case has no plaintiff with standing and Candace Curtis federal case is not even in that theater.
 - b. [How did Candace Louise Curtis vs Anita Brunsting, Amy Brunsting and Does 1-100 become "estate of Nelva Brunsting"?](#)
 - c.
3. [Nothing substantive has been resolved and nothing has been entered into evidence as there have been no evidentiary hearings in nearly ten years.](#)
 - a. [On what ground were Carl and Candace consolidated if they have no claims in common?](#)
 - b. [Where is the transcript of the "hearing" in which this Agreed Order to Consolidate Cases was made? \[See Docket Tampering *infra*\]](#)

Lester/Ostrom /Bayless

Ostrom's REMAND ruse to get out of Judge Hoyts court, where his fees would be limited, and into the probate court where he immediately

asked for \$40,000 was clearly motivated by self-interest. When we look at the history of the “Bayless and Ostrom” tag team in cases like [Lesikar v. Moon](#), 237 S.W.3d 361 (Tex. App. 2007), we begin to see a pattern coming fully into view. When Fraud Lester showed up as a Defendant in the RICO action represented by Candace Curtis former attorney Jason Ostrom, the stench of collusion was stifling.

Trust beneficiary Candace Curtis couldn't buy an evidentiary hearing in Harris County Probate Theater Number Four (4)

The denial of evidentiary hearings and entry of rulings and orders without evidence along with death penalty sanctions to the real party in interest, based upon a myriad of frauds, is common in these color-of-law organized crime theft enterprises.

Anytime a hearing was actually scheduled it would become a dog pile as all the attorneys suddenly wanted their issues heard at the same time on the same date and every “hearing” became a “status conference” where the issue at issue was never addressed. . One cannot prove a negative but by specific negative averance one can shift the burden of bringing forth affirmative evidence to prove the fact at issue. Candice Curtis complained numerous times about not being able to get an evidentiary hearing in the

probate court. Title 42 U.S.C. § 1983.

2016-2017

No Evidentiary Hearings

Cannot get a hearing [2016-08-03 Case 4-12-cv-00592 Doc 115](#) Rule 60 Motion Pages 9-10;

Cannot get a hearing 2016-12-15 - CA H-16-1969 Transcript [Preliminary hearing RICO](#) Page 46;

Cannot get a hearing 2017-08-13 Appellants Opening Brief on Appeal RICO No. 17-20360 [Pages 33-34](#);

Cannot get a hearing 2017-09-26 [RICO - Appellee Brief Binder](#) Pages 20-21;

Cannot get a hearing 2017-12-02 - Appellants Reply Brief on Appeal [17-20360 Page 15](#);

Cannot get a hearing 2017-12-02 - Appellants Reply Brief on Appeal [17-20360 Page 29](#);

Cannot get a hearing 2018-09-05 [Responses to Defendants Motions to Dismiss](#) Combined Page 73;

Cannot get a hearing 2021-01-03 2nd Rule 60 Motion to vacate the remand [ROA 20-20566 Page 1014](#);

Cannot get a hearing 2021-04-19 [Appellees Record Excerpts Page 168](#);

Cannot get a hearing 2022-01-06 412249-401 [Carole Emergency Motion Hearing Transcript Page 30](#);

Cannot get a hearing 2022-07-12 01-22-00514-cv [Mandamus Record Index Page 1700](#).

Stasis by Design

2016-07-05 Case 4-16-cv-01969 [Doc 1 Harris County RICO Complaint](#).pdf Page 26, 34,

2016-05-07 Case 4-12-cv-00592 [Doc 115 Petition for Rule 60\(b\)\(6\) Relief](#) Final Page 8

2016-08-03 Case 4-12-cv-00592 Rule 60 115 Filed TXSD.pdf

2016-12-15 - CA H-16-1969 [Transcript Preliminary hearing RICO](#).pdf

2016-12-29 [Mendel email to Carole](#) Distribution Denied - Injunction Liquidity and Incurred Debt.pdf

2020-01-16 plaintiff [Candace Louise Curtis answer to defendant Amy Brunsting's and defendant Anita Brunstings original counterclaim](#).pdf

2021-02-11 Appellants opening brief on appeal 20-20566.pdf [ROA 20-20566 (1)(2)(3)]

2021-04-19 Appellees Record Excerpts.pdf

2021-10-15 Plaintiff Candace Louise Curtis Answer to Defendants Counter Claims.pdf

2022-07-10 Curtis Petition for Writ of Mandamus.pdf

Eleven years later, not one evidentiary hearing has been held and not one witness has testified in open court. None-the-less, the attorneys for the family inheritance thieves filed a motion for [summary judgment](#) where **they say** [their own fiduciary disclosures in the SDTX are “hearsay”](#). This is an **admission of fraud!** The fact that they are relying on [a known forgery](#), that has been objected to as assuming a fact not in evidence, that is illicit on its face as attempting to amend an irrevocable trust, in a court with no jurisdiction in a case with no plaintiff, is worthy of note.

The Heinous Extortion Instrument

Enter into an agreement to launder the extorted ransom as fees for legal services or else, *if you read what **fraudulent administrator** Gregory Lester wrote, “[there](#)*

[might not be a divide by 5](#)”. (Attorney Neal Spielman at the March 9, 2016 ambush hearing that was supposed to be on motions to transfer the District Court case to the Probate Court.

2016-07-05 Case 4-16-cv-01969 Doc 1 [Harris County RICO Complaint](#) P.36, 37

2016-09-21 Case 4116-cv-01969 Dkt 35 [Amy Rule 12\(b\)\(6\) Motion to Dismiss](#)

2016-09-27 Case 4-16-cv-01969 DKT 33 [Plaintiff Reply to Vacek and Freed Rule 12 Motions](#)

2018-09-05 [Responses to Defendants Motions to Dismiss](#)

They have not attempted to qualify the 8/25/2010 QBD as evidence and they will not because they cannot. Even if they could, it is not worth the paper it is printed on as a matter of law. The Heinous Extortion Instrument, illicitly attempting to erase and replace an irrevocable trust, is a forgery, three forgeries accompanied by a tampered Notary log. The Record clearly shows 3 distinctly different “true and correct copies” of the 8/25/2010 QBD, all bearing (1) the likeness of Nelva signature, (2) a Candace Freed signature, and (3) the image of Freed’s notary seal, but the three “true and correct copies” do not share the same image of Nelva’s signature.

- In [Anita’s 156 page objection filed December 5, 2014](#) the QBD appears at pdf pages 97 through 132 with signature page 37 at p134 bearing bates stamp P229. ([Exhibit B 1, P.22](#))
- On Page 1, Mendel argues that “the trust” does not authorize distributions to pay attorney fee creditors and that the trust prohibits distributions to pay attorney fee creditors.
- By their own admission Anita and Amy Brunsting’s November 5, 2011 [Motion for Summary Judgment](#) claiming Mendel and Spielman’s attorney fees come from Candace Curtis share of the trust,

is a challenge to the settlors intentions.

- Using the corruption of blood provisions in the Heinous Extortion Instruments (Signature [Version 1](#), Signature [Version 2](#), Signature [Version 3](#) and the [Notary Log](#)) this proves that Anita caused litigation to be brought ([failure to account Article XII Section E](#)) for the purpose of advancing a theory that, if true, would enlarge her share. This is a clear violation of the in Terrorem Clause in Article XI Section C of the [2005 Restatement](#).
- We also have to look at the [injunction](#). Anita Brunsting and Amy Brunsting and their attorneys Stephen Mendel and Neal Spielman violated the preliminary injunction by contracting to pay attorney fees from the trust corpus.
- In Carole's 133 page objection filed in base Case [No. 412249] February 17, 2015, the QBD appears at pdf pages 97 through 133 with signature page 37 appearing at p133 bearing Bates stamp P192. ([Exhibit B 2, P.23](#))

*OBJECTION TO PLAINTIFF'S APPLICATION FOR PARTIAL DISTRIBUTION FILED IN
BASE DOCKET BY REQUEST OF CARLINDA COMSTOCK PROBATE COURT 4 Film
code number PBT-2015-55734*

- Curtis original federal court complaint, affidavit and exhibits were made a part of the probate court record on February 9, 2015. In the [601 page](#) notice document the August 25, 2010 "Qualified Beneficiary Designation and Testamentary Power of Appointment under Living Trust Agreement" (QBD) appears at pdf pages 552 through 588 with signature page 37 at p588. ([Exhibit B 3, P.24](#))

It is odd that Carole's 133 page objection and this 601 page notice would be filed in the base probate record in February of 2015 when the verified inventory was approved April 5, 2013, the probate docket closed, and no further action of any nature could be had in that court after that except where Title II of the estates code specifically and explicitly provides for some action in the probate court. ([Texas Estates Code § 402.001](#))

Independent Executor is defined by [Tex. Estates Code § 22.017](#) as follows:

"Independent executor" means the personal representative of an estate under independent administration as provided by Chapter 401 and Section 402.001. The term includes an independent administrator.

Tex. Estates Code § 402.001, reads as follows:

"Sec. 402.001. GENERAL SCOPE AND EXERCISE OF POWERS. When an independent administration has been created, and the order appointing an independent executor has been entered by the probate court, and the inventory, appraisement, and list of claims has been filed by the independent executor and approved by the court or an affidavit in lieu of the inventory, appraisement, and list of claims has been filed by the independent executor, as long as the estate is represented by an independent executor, further action of any nature may not be had in the probate court except where this title specifically and explicitly provides for some action in the court."

The tort claims attorney Bayless filed in the probate court after the inventory had been approved and the probate closed, using her disabled client Carl Brunsting as “independent executor”, never even mentions the estates code.

XI. [Curtis et al., vs. Kunz-Freed et al., SDTX No. 4:16-cv-1969](#)

An honest services fraud case brought under the racketeer influenced corrupt organization statutes filed July 5, 2016: dismissed for failure to state a claim. The point of this exercise was to force the participants to assume a position they would later have to defend. They all pled [Probate Case, Probate Matter and Probate Proceeding, including the probate judges.](#)

2018

5th Circuit ROA.17-20360

2018-06-28 No. 17-20360_ United States Court of Appeals for the 5th Circuit

- Affirmed for lack of a sufficient statement of supporting facts June 28, 2018. We have those facts now.

Mr. Mendel will have fun [explaining his “fealties”](#) (filed April 8, 2022 as an alleged disclosure in Judge Rosenthal’s Court). This statement has never been filed in any other court and while it says it does not include the RICO, there are 15 pages of billing entries between July 5, 2016 and May 16, 2017 and there were [no proceedings in the probate theater](#) that entire time. Moreover, he used it to fool Judge Rosenthal into believing his lie that Candace Curtis sued her sisters in the probate theater. [Attorney Stephen Anthony Mendel](#) is a thief, a fraud and a liar.

The Litigation Charade continued in the probate theater after the 5th Circuit Court of Appeal upheld the dismissal of our RICO complaint, but it served its purpose. All of the Defendants Lied claiming probate case, probate matter and probate proceedings... probate, probate probate. [There is no estate to probate](#). Nobody wants that used car and it certainly doesn’t justify a million dollars in attorney fees.

All the Attorneys are Experts on Attorney Fees

- 2014-12-01 Carole Designation of Darlene Payne-Smith as [Expert on Attorney Fees](#)
- 2014-12-01 Case 412249-401 PBT-2014-387708 Carl expert Witness designation Naming Bobbie G. Bayless as [Expert on Attorney Fees](#)
- 2015-07-01 Amy expert witness Designation names [Neal Spielman Expert on Attorney Fees](#)
- 2015-07-01 Anita expert witness Designation names [Stephen Anthony Mendel Expert on Attorney fees](#)
- One would think this was a lawsuit over attorney fees as that has been the only topic since Candace Curtis lawsuit was smuggled out of the SDTX.

Probate Case

[Anita Brunsting Doc 30 p.1](#)

[Amy Brunsting Doc 35, p.1 \(Ghost written\)](#)

[Steven Mendel Doc 36 p2, 6](#)

[County Attorneys for Judges Butts & Comstock Doc 53, p2, 16, 30](#) Former Judge Christine Butts is board certified in estate planning and probate law in Texas and she never ruled on a single dispositive issue, not even on jurisdiction.

[Jason Ostrom Doc 78 p.1](#)

[Gregory Lester Doc 83 p.1](#)

[Darlene Payne Smith Doc 84 p.9, 10, 13, 14, 16, 17](#)

Probate Proceeding

[Vacek & Freed Doc 20, p.4, 6, 7](#)

[Bobbie G. Bayless, Doc 23, p.2, 3](#)

[Neal Spielman Doc 40, p.3](#)

[County Attorneys for Judges Butts & Comstock Doc 53, p3, 4, 7, 15, 29](#) Former Judge Christine Butts is board certified in estate planning and probate law in Texas and she never ruled on a single dispositive issue, not even on jurisdiction.

[Darlene Payne Smith Doc 84, p.8, 10](#)

Probate Matter

[Neal Spielman Doc39, p1, 2 - Doc 40, p.1, 2, 3](#)

[County Attorneys for Judges Butts & Comstock Doc 53, p.18 - Doc 79 p.9, 10, 13, 14, 16, 17](#)

[Jill Young Doc 25, p.3](#)

[2018-07-31 Bayless Notice of Hearing-Motion for Partial Summary Judgment](#) Just like every other hearing this “status conference” will not involve evidence and nothing will be ruled upon. Attorney Bayless filed this fraudulent probate case under the Declaratory Judgment Act. After twelve years there is not even a ruling on the issues I resolved in the first 20 pages of Part 1 of this dissertation involving what instruments define the trust indenture.

[2018-08-17 Plea in Abatement](#)

[2018-09-05 412249-401 Transcript of Hearing Bayless MOTION FOR PARTIAL SUMMARY JUDGMENT](#)

[2018-09-05 Estate of Nelva E Brunsting Transcript of Hearing](#)

[2018-09-05 Responses to Defendants Motions to Dismiss Combined](#)

[2018-11-18 412249 Notice of Appearance Candice Schwager](#)

[2018-12-18 A. Brunsting's Mtn to Cmpl-1](#)

[Registration of Foreign Judgment, Submission ID: 43704956](#)

2019

The Honorable James Horwitz takes office as the Presiding Magistrate for Harris County

Probate Court No. 4

Judge Christine Butts never ruled on anything and so Judge Horwitz was been left with a mess. The first thing Stephen Mendel wanted to do was cry about being accused of racketeering, in effort to convince the new judge that Candace Curtis was a “Vexatious Litigant”, a label that would prevent any filing by the victim without permission from the court.

[2019 01 28 emails re consolidation order.pdf](#)

[2019 Local Rules of Harris Co Probate Court I0207.pdf](#)

[2019-01-02 Debbie Valdez RE JAMES HOROWITZ PROBATE COURT 4.pdf](#)

[2019-01-04 email Comstock to Carol Consolidation never happened.pdf](#) [2019-01-04 Fw_ Case 412249-401 No Consolidation Order in File.pdf](#)

[2019-01-16 A. Brunsting's Resp to Mtn to Quash.pdf](#)

[AMY BRUNSTING'S REPLY TO KUNZ-FREED'S RESPONSE to Brunstings Response to Motion to Compel-1.pdf](#)

[2019-01-24 412249-401 Estate of Nelva E Brunsting Hearing Transcript.pdf](#)
[412249-401 Hearing Transcript MOTION TO COMPEL THE DEPOSITION.pdf](#)

[2019-01-24 Hearing Transcript.pdf](#)

[Judge Horwitz Order for Depositions.pdf](#) [2019-01-25 eFiling for Texas - Envelope Receipt.pdf](#)

[Motion for Order to Make More Definite and Certain.pdf](#)

[2019-01-25 Proposed Order to Make More Definite and Certain.pdf](#)

[2019-01-27 Kunz-Freed Motion to Dismiss the District Court suit for Want of Prosecution.PDF](#)

[2019-01-27 Motion to Dismiss for Want of Prosecution.NOH.PDF](#)

[Motion to Dismiss for Want of Prosecution.Proposed Order.PDF](#)

[2019-01-27 Motion to Dismiss for Want of ProsecutionExA.pdf](#)

[A. Brunsting's Mtn fr Appraisal.pdf](#)

[2019-01-28 A. Brunsting's Mtn fr Appraisal_2.pdf](#)

[2019-01-28 email Bayless Fw_ 412,249-401 Agreed Order to Consolidate Cases found rolling around in a drawer.pdf](#)

[2019-01-28 email Bayless Fw_ 412,249-401 Brunsting Estate - Agreed Order to Consolidate Cases.pdf](#)

[2019-01-28 email Carol and comstock Fw_ \[Ext\] Fw_ Case 412249-401.pdf](#)

[2019-01-28 email Carole and Clarinda re consolidation.pdf](#)

[2019-01-28 email Comstock to Carol Consolidation never happened.pdf](#)

[2019-01-28 email Comstock to Carole Consolidation never happened.pdf](#)

[2019-01-28 Ord Grntng A. Brunsting's Mtn fr Appraisal.pdf](#)

[A. Brunsting's Mtn to Join.pdf](#)

[2019-01-29 Defendants Motion for Clarification and Motion to Dismiss.pdf](#)

[2019-01-29 Exhibit A to Motion for Clarification and Motion to Dismiss.pdf](#)

[2019-01-29 Exhibit A-1 to Motion for Clarification and Motion to Dismiss.pdf](#)

[2019-01-29 Exhibit A-2 to Motion for Clarification and Motion to Dismiss.pdf](#)

[2019-01-29 Exhibit A-3 to Motion for Clarification and Motion to Dismiss.pdf](#)

[2019-01-29 Exhibit A-4 to Motion for Clarification and Motion to Dismiss.pdf](#)

[2019-01-29 Exhibit A-5 to Motion for Clarification and Motion to Dismiss.pdf](#)

[2019-01-29 Notice of Hearing - Motion for Clarification and Motion to Dismiss.pdf](#)

[2019-01-31 SRP9D38.pdf](#)

[2019-02-01 Curtis Exhibits.zip](#)

[2019-02-01 E10_ 2016-03-09 Case 412249-401 March 9, 2016 Hearing Transcript.pdf](#)

[2019-02-01 E1_ Application for Order to Show Cause.pdf](#)

[2019-02-01 E8_ 2016-12-29 Mendel email to Carole Distribution Injunction Liquidity and Incurred Debt.pdf](#)

[2019-02-01 E9_ 2015-08-03 Case 412249-401 Hearing Transcript - Wiretap.pdf](#)

[2019-02-01 October 2018 No-contest clause emails.pdf](#)

[2019-02-03 Candace Louise Curtis Special Exceptions Motion in Limine - 402.pdf](#)

[2019-02-03 Proposed Order Plea to the jurisdiction.pdf](#)

[2019-02-03 E10_ 2016-03-09 Case 412249-401 March 9, 2016 Hearing Transcript.pdf](#)

[2019-02-03 E11_ 2013-11-1 Hannah - Bayless Plea to the Jurisdiction.pdf](#)

[2019-02-03 E12_ October 2018 No-contest clause emails.pdf](#)

[2019-02-03 E1_ 2019-02-01 Application for Order to Show Cause.pdf](#)

[2019-02-03 E2_ Case 412-cv-592 Curtis Original Federal Complaint 2012-02-27.pdf](#)

[2019-02-03 E4_ 2013-04-09 Case 412249-401 PBT-2013-115617 Bayless Original Petition 2013-04-09.pdf](#)

[2019-02-03 E5_ 2015-03-05 Case 412249-401 PBT-2015-76288 Agreed Order to Consolidate cases.pdf](#)

[2019-02-03 E6_ 2013-01-29 Case 2013-05455 District Court Complaint against Freed.pdf](#)

[2019-02-03 E8_ 2016-12-29 Mendel email to Carole Distribution Injunction Liquidity and Incurred Debt.pdf](#)

[2019-02-03 E9_ 2015-08-03 Case 412249-401 Hearing Transcript - Wiretap.pdf](#)

[eFiling for Texas - Envelope Summary.pdf](#)

[2019-02-04 E11_ 2014-05-13 IN RE_ Julie HANNAH.pdf](#)

[eFiling for Texas - Envelope Summary.pdf](#)

[2019-02-04 eFiling for Texas.pdf](#)

[2019-02-04 Freed's Rsps to Amy's Mtn for Clarification.pdf](#)

[2019-02-05 Amy Brunsting's Reply to Curtis's Response.pdf](#)

[2019-02-05 Bayless Response to Motion for Clarification.pdf](#)

[2019-02-07 Docket Sheet in 412249 Web Inquiry.pdf](#)

[2019-02-07 Docket Sheet in 412249-401 Web Inquiry.pdf](#)

[2019-02-07 Docket Sheet in 412249-402 Web Inquiry.pdf](#)

[2019-02-08 Ntc of Hrg re Apprsl.pdf](#)

[2019-02-14 Ntc of Depo - C. Kunz-Freed.pdf](#)

[2019-02-14.ORD DENYING PLEAS & MTNS_with highlights.pdf](#)

[2019-02-14.ORD ON MTN TO TRANS DIST CT PROCEEDINGS TO CT 4.pdf](#)

[2019-02-14.ORDER DENYING PLEAS & MTNS.pdf](#)

[2019-02-22 Notice of Dep Tx Rule Ev 503 \(d\).pdf](#)

[2019-02-22 Objection to Farm Appraisal Demand for Accounting.pdf](#)

[2019-02-26 Cory Reed RE_ Estate of Nelva E. Brunsting and](#)

[confidentiality.pdf](#)
[2019-02-26 Privilege Waiver.pdf](#)
[2019-03-01 Anita and Amy Brunsting's Joint 503 Brief.pdf](#)
[Brunsting - Freed's Brief on Privilege - Exhibit B.pdf](#)
[2019-03-01 Brunsting - Freed's Brief on Privilege.pdf](#)
[Bernard Vacek & Freed, PLLC, Houston, TX - Justia Law Firm Directory.pdf](#)
[2019-03-04 Johnston v. Dexel.pdf](#)
[2019-03-05 Brunsting - Ntc of Filing Privilege Log.pdf](#) [2019-03-07 appraisal order-1.pdf](#)
[2019-03-14 Johnston v. Dexel \(S.D. Tex. Mar. 14, 2019\).pdf](#) [2019-03-19 1st Supplemental Response to Subpoena.pdf](#)
[2019-03-19 412249-401 Kunz-Freed, Candace, Deposition Transcript Condensed, 3-20-19.pdf](#) [2019-03-19 Kunz-Freed, Candace, Deposition Transcript Condensed, 3-20-19.pdf](#)
[Supplemental production 1_2.pdf](#) [2019-03-19 Supplemental production 2.pdf](#)
[2019-03-19 Supplemental production.pdf](#)
[Application for Order to Show Cause.pdf](#) [2019-03-20 C. Kunz-Freed Depo Part 1 \(Condensed\).pdf](#)
[2019-03-20 Curtis application for Order to Show Cause.pdf](#) [2019-03-29 Fwd Freed's Privilege Log Docs emails.pdf](#) [2019-04-12 Affidavit of Candace Curtis 4-12-cv-592.pdf](#)
Harris County Probate Court No. 4 Cause No. 412249-403

This is case #3 supra, Harris County District Court 164 Cause No. 2013-05455 [ordered transferred to Harris County Probate Court No. 4](#) on April 4, 2019, without a pending probate administration to be ancillary to and, where it remains without a plaintiff.

2020

Filed with Harris District Clerk on June 12, 2020, domesticating the federal [preliminary injunction](#). The Foreign Judgment was not challenged by the respondents within 30 days as required and thus, the Foreign Judgment became a final judgement on July 12, 2020.

2021

2021-11-05 [Candace Curtis Expert Witness](#) Designates all of the other parties previously designated experts, as her witnesses.

2022

2022-07-05 [Harris County Probate Court No. 4 Cause No. 412249-404](#)

A statutory Bill of Review constituting a direct attack on the Probate Courts Order denying Candace Curtis Plea to the Jurisdiction.

[Harris County Probate Court No. 4 Cause No. 412249-405](#)

This case was created March 11, 2022 by an order severing Carl

Brunsting from the 412249-401 lawsuit Carl Brunsting filed in the probate court April 9, 2013, [No. 412249-401], leaving Candace Curtis as the sole defendant with alleged Co-Trustee Defendants Amy Brunsting and Anita Brunsting and their attorneys Stephen Mendel and Neal Spielman as the only remaining Plaintiff's in the lawsuit Carl Brunsting filed the same day as the preliminary injunction hearing in the Southern District of Texas.

[Texas First District Court of Appeal No. 01-22-00378-CV](#)

(Appeal Withdrawn) The clerk will not compile a record from more than one case number. This would explain why the attorneys create a mess with multiple case file numbers when there is only one family and one family trust at issue.

[Texas First District Court of Appeal No. 01-22-00513-cv](#)

- 2022-07-10 [Petition for Writ of Mandamus](#) ([denied with no explanation](#))

December 5, 2021 [Rule 11 Agreement](#) among the attorneys for the Original Plaintiff and original Defendants agreeing not to prosecute the Defendants alleged counter claims against Carl.

March 11, 2022 [order severing the claims](#) of Carl Brunsting from those of Candace Curtis as if there had been a consolidation of cases in the probate court when in fact there were no cases properly filed in the probate court.

[Carl Brunstings' March 18, 2022 Nonsuit of Candace Curtis](#) and a

[February 25, 2022 Order for Summary Judgement,](#)

XII. [SDTX No. 4:22-cv-1129](#)

After the attorney remand fraud, the case consolidation fraud, the lengthy litigation pretention, the Rule 11 Agreement collusion, the Motion to Sever and the Non-suit of the severed plaintiff charade, Candace Curtis filed a Notice of Removal to the federal court. This SDTX case was created April 7, 2022 by Notice of Removal of the alleged Co-Trustees' counterclaims to the Southern District of Texas.

Judge Rosenthal remanded to the probate court saying [Curtis sued her siblings in the probate court.](#) This misstatement of facts was a result of Attorney Stephen Mendel lying to Judge Rosenthal and [using his fee statement cover](#) to claim Candace Curtis was a "vexatious litigant" that "*sued her siblings in the probate court.*"

"In Reference

To:

C.A. No. 412249 & 412249-401; *Candace Curtis v. Anita Brunsting, Et Al*; In Probate Court No. 4, Harris County, Texas.

C.A. No. 412249 & 412249-402; *Candace Curtis v. Anita Brunsting, Et Al - Plea in Abatement*; In Probate Court No. 4, Harris County, Texas.

C.A. No. 412249 & 412249-403; *Carl Henry Brunsting, Executor of the Estates of Elmer H. Brunsting & Nelva E. Brunsting; v. Candace L. Kunz-Greed & Vacek & Freed, PLLC*; In Probate Court No. 4, Harris County, Texas (transfer of C.A. 2013-05455 from the 164th District Court, Harris County, Texas)."

Stephen Anthony Mendel Texas State Bar No. 13930650, is a liar and a

fraud!

On page 1 Mendel lies about who filed suit in the probate court in 412,249-401. Curtis did not sue her siblings in the probate court. [Curtis sued Anita and Amy in the Southern District of Texas](#). More than a year before Carl's 412,249-401 action was filed in the probate court.

XIII. Court Of Appeals for the First District of Texas Houston [No. 01-23-00362-CV](#)
Candace Curtis [Notice of Appeal](#)

Appellants [Opening Brief](#)

Appellants [Appendix of Exhibits](#)

Then, in Appellees pleadings before the 1st District Court of Appeal they made it rather clear that they were colluding together against the federal plaintiff they had defrauded with their fake probate/consolidation/summary judgement/severance charade.

2023-07-27 Agreed [Motion to Extend Appellee Deadline](#)

2023-08-31 Appellees opposed [2nd Motion to extend time](#) for filing
Appellee Brief

When they finally filed their answer it was nothing but an ad hominem rant

2023-10-02 [Appellees Brief](#)

2023-11-01 [Appellants reply brief](#) nails the lid on the appellees game coffin but leaves a way out. The Appeal is a dead ringer but *it becomes moot if at any point there ceases to be a controversy among the parties >>> \$\$\$.*

They just have to get the wind blowing in the right direction.

The Brunsting trust controversy is not a probate matter, a probate case or a probate proceeding and there is no estate administration for all of these fraudulently manufactured cases to have been filed ancillary too.

Elmer Brunsting [[412248](#)] and Nelva Brunsting [[412249](#)] had pour-over-wills and a [living trust](#). The wills provided for independent administration. Elmer's estate [inventory](#) does not contain any tangible property other than ½ of a 1970's used car and Nelva's estate [inventory](#) does not contain any tangible property other than ½ of a 1970's used car. Nothing else in either inventory provides a basis for probate's in rem jurisdiction