# Felony Complaint

When endorsed and affixed with a Jurat, this dissertation will constitute a verified affidavit alleging felony violations of Texas Penal Code §§ 31.01, 31.02 (Extortion - theft) Texas Penal Code § 32.45(c)(1)-(7) & § 32.53; to Wit: misapplication of fiduciary property in excess of $300,000.00, held in trust for the benefit of elderly and disabled persons as those terms are defined at Texas Penal Code § 22.04, and Money Laundering Texas Penal Code § 34.02.

The above enumerated crimes are associated with the following facts but are far from all-inclusive as this affidavit also alleges third party aiding and abetting misapplication of fiduciary property, breach of trust, conspiracy, criminal conversion, extortion, forgery, honest services fraud, obstruction of justice and other state and federal felonies, along with relevant civil claims flowing from the same nucleus of operative facts.

“Grift of the Brunsting’s” is an individual case study involving third party interception of a family generational asset transfer. The front end, the making of a controversy, follows a well beaten path (*the script*). The following of that script is documented by a variety of admissions, events and disclosures in an array of multiplied civil actions on the back end (*the Frankensuits*) revealing the implausible reality of a case being remanded from a federal court to a state probate court from which it had not been removed and where it doesn’t belong and then removed to federal court from a state court it was never in is only one aspect. The fact that it was then remanded back to the probate court accompanied by false statements of fact is significant in analyzing the federal courts protection of the probate mafia theft cartel and its operations.

One family and one family trust, holding a mere $3,000,000.00 corpus, and only one nucleus of operative facts have led to the following list of multiplied cases.

SDTX No. 4:12-cv-592

5th Cir. ROA.12-20164

Harris County Probate Court Number Four No. 412248 estate of Elmer H. Brunsting

Harris County Probate Court Number Four No. 412249 estate of Nelva E. Brunsting

5th Cir. Curtis v Brunsting 704 F.3d 406

Harris County 164th Judicial District Court No. 2013-05455

Harris County Probate Court No. 412249-401

Harris County Probate Court No. 412249-402[[1]](#footnote-1)

SDTX No. 4:16-cv-1969

5th Cir. ROA.17-20360

SDTX No. 4:22-1129

5th Cir. ROA.20-20566

Harris County Probate Court No. 412249-403

Harris County Probate Court No. 412249-404

Harris County Probate Court No. 412249-405

Affiant Rik Wayne Munson does hereby state, allege and declare on the bases of personal knowledge, necessary implication, information and belief, that the following fiduciaries have exercised control over fiduciary property inconsistent with the rights of the owner of the property and have committed felony misapplication of fiduciary property by act and/or omission, in violation of the Texas Penal Code and that their attorneys and other have aided and abettred those acts in pursuit of their own unjust enrichment:

Anita Brunsting, 203 Bloomingdale Circle, Victoria, Texas 77904

Stephen Anthony Mendel,

Amy Brunsting, 2582 Country Ledge Drive, New Braunfels, Texas 78132

The front end of this unbelievable series of events follows a routine script called “How to steal your family inheritance”. It is a three-page blog that can be located by title, using any internet browser. Affiant has no personal knowledge regarding its author. The blog article is included in its entirety because the case in point manifests all of the elements and follows the chronology, step for step, as will be seen in the chronology of trust changes following each family crisis event!

Here is the script as it appears on the net:

## “How to steal your family inheritance”

Updated on August 2, 2014

Today I received an email asking if I "Want to legally hijack some major cash today?" Sounds intriguing, but as luck would have it, I just this week discovered an ingenious method of hijacking cash (as well as other assets). Ok, so it's not 100% legal. And it takes a little more than a day. But it's most definitely a hijack.

The idea is brilliant in its simplicity: Steal your own inheritance.

I'd like to take credit for it, I really would. Alas, my brain is not wired for financial intrigue. I don't have a criminal mind.

The beauty of this idea is that even the most diabolically challenged (like me) can pull it off.

##### Step One: The Trust

You will need the following: Two elderly parents, a dishonest attorney, an unsuspecting sibling, and some patience.

First, set up your FAMILY TRUST. There are two components to the trust: financial and medical. Obviously, your interest is in the financial. So as you are sitting with the family and the attorney, "graciously" allow your unsuspecting sibling (US) to be named as the person in charge of medical decisions for your parents. Since parents always want to be fair, they will naturally assign you to the lead financial role. Everyone will be happy. Especially you.

Now in this initial Trust document, there is a first position and a second position. Make sure you get the first financial position. Your US will be put in second position on the financial and you will be put in second position on the medical. This is all fair and square and makes the whole thing appear legit. Mom and Dad's future needs are now legally in the capable hands of their two devoted children. There are two decision makers for medical, two for financial. Lovely.

Read this Blog Before Your $ Gets Stolen

 Inheritance Heisters: Thieves with PhDs | A Users Guide to Guilt Free Thievery

##### Step 2: The Setup

The Trust may sit gathering dust for some time. That's to be expected. The provisions of the Trust do not come into play until one of the parents becomes ill or dies. This may take some patience on your part. But trust me, it will be well worth the wait.

Now let's say the "triggering event" is that one parent becomes very sick. For the sake of argument, we will say it's the father. Suddenly the Trust document comes down off the shelf. Time to double check who is really authorized to make decisions for Dad's healthcare. Chances are very good that by this time, Mom is pretty distraught and probably not in the best mental shape to be authorizing "chemical code" or "DNR" decisions with Dad's doctors.

This is where having your unsuspecting sibling (US) as the primary healthcare decision-maker on the Trust comes into play. He will be so focused on doing the right thing medically, that he will not be paying any attention whatsoever to the financial side of things. After all, Mom and Dad still have healthcare benefits to pay for Dad's expenses. They still have income coming in. There's really nothing happening at this point that affects the financial aspect of the Family Trust.

At least, that's what US thinks...

##### Step 3: The Old Switcheroo

While Mom and US are dealing with Dad, you'll be busy in your own way. You'll have several clandestine meetings with your attorney. He or she will give you the high sign when it's time to make your move.

Since it's your own family we're talking about, you will know when the perfect moment arrives. It is imperative to wait until both US and Mom are totally distracted with caring for Dad. Hopefully by this time Dad will be really, really ill. It helps if he needs hospice care, as implementing hospice requires Power of Attorney.

Now assuming your US is like most, he is dead serious about his care-taking duties. He knows hospice is needed. When your lawyer suggests that he (US, not the lawyer) should obtain Power of Attorney, he (US, not the laywer) readily agrees.

However, to make this happen, Mom, who is still listed in the Family Trust, and is not sick or dead yet, needs to be disenfranchised from any and all decision-making power.

How do you accomplish this, you ask? The answer is simple. You get Mom declared mentally incompetent!

##### Step 4: Movin' On Up

If you play this step right you will actually be able to get your US to cooperate as your unwitting accomplice. Have your lawyer tell US that it's a "mere formality" to get Mom declared mentally incompetent. Convince him this formality is necessary for him to get Dad enrolled in hospice.

Your ojbective here is to get US to be the one to obtain the doctor's signature on a form declaring Mom mentally incompetent. Trust me. He will not suspect a thing. He'll do anything/everything he can in the interest of supporting Dad and Mom through this incredibly difficult time.

As soon as you get that signed piece of paper, grab it and run -- don't walk -- to the lawyer's office. You've now got what you need to rewrite the trust in your favor! See how easy that was?

Sing it Queen -- I got a one track mind!

##### Step 5: Grab those Assets

With Dad now on his deathbed, both Mom and US are 100% distracted. They will have no idea what you're masterminding over at the old attorney's office. It will be months before they find out -- and by then it will be too late. Hehe.

So here's how this works:. Now that Dad is out of the picture (figurately for now, literally in a matter of weeks or days), that leaves only Mom to contend with. Oh wait! Remember, we got Mom declared mentally incompetent. So that means that the original trust document is no longer valid. Mom is officially legally incapable of making financial decisions for herself. Luckily, she has you, her faithful Trust executor, to make them for her!

Oh my! And what a conscientious little trust administrator you are! You are so on top of things and so diligent about managing the Family Trust that you don't waste a second. No sirree. The minute you get get that "mental incompetence" declaration signed, you get the lawyer to rewrite any/all sections of the Trust document that don't suit your needs, and off you go!

Money for Nothing

##### Step 6: Laugh all the Way to the Bank

De facto, you are now the only person with any legal claim to the Trust. With the mere stroke of a pen, you've obliterated both Mom and US from the document. Instead of the Family Trust, you could just as well title the revised document **The Bank of Me**.

Now, at some point after Dad kicks, US will probably regain his mental equilibrium. This is not to be confused with Mom -- her mental competency is gone, baby gone. It's signed, sealed and delivered on that scrap of paper her doctor signed. But US will eventually start poking his nose around the finances. You see, being a true caretaker at heart, he's still got a vested interest in making sure Mom's taken care of, now that she's a widow. And that means both physically/emotionally and financially.

No worries, however. US can't touch you or Mom's money. He's been summarily written out of the Trust document. That lawyer the whole family worked with to write the original document? Sorry, brother. That lawyer now represents you and only you. Not Mom and not US. YOU are the Trust. They are -- well, they are toast.

One morally bankrupt narcissist is all the estate planning attorney needs to create the family generational asset transfer disruption that opens the door to the seedy probate mafia attorney’s theft charade. As can be seen in the facts of record,[[2]](#footnote-2) the Grift of the Brunstings follows the script ringing every bell and blowing every whistle.

The idea planted in the familial hijackers head (the weak link in the family moral or intellectual fabric) by the Settlors disloyal estate planning attorneys is one of passive aggression. Knowing the beneficiaries would want to know about the trust and would be asking for an accounting, all Anita Brunsting had to do was fail to perform thus leaving the beneficiary with no other option than to bring an action seeking to compel fiduciary performance at which time Anita [*YOU are the Trust*] Brunsting would claim the beneficiary victims had violated a no contest clause, which in the case in point was for the purpose of enlarging her share.

*The difficulty for all of us was coming to grips with the notion that, apparently, behind our backs, Anita had made a concentrated effort to take control of the entire trust, and our individual inheritances,* in such a manner that if Carl and I complain *about it, she gets to keep it,…* Case 4:12-cv-00592 Document 1 Filed in TXSD on 02/27/12 Page 20 of 28 [Para 4]

## The Script

The script involves elderly parents, a weak link in the family moral/intellectual fabric, a dishonest estate planning attorney, some unsuspecting sibling(s) and a little patience. In the case in point we have all of these elements established as a matter of record in a civil action in which there is no right to remain silent and where fiduciaries have a duty to speak. This would explain why the matter will never see a jury trial.

Affiant further states, alleges and declares that the following list of attorneys have aided, abetted, encouraged, facilitated and exploited the foregoing misapplication of fiduciary property, in pursuit of their own unjust enrichment as herein more fully appears.

We begin with the elderly parents disloyal estate planning attorneys.

#### Attorney Candace Kunz-Freed, Texas State Bar No. 24041282 [FREED]

#### Attorney Bernard Lyle Matthews III, Texas State Bar No. 13187450 [MATHEWS]

With Elmer and Nelva Brunsting filling the role of elderly parents and with Anita and Amy Brunsting matching the weak link criteria, the settlor’s disloyal estate planning attorneys had the basic elements for implementing the third party interception of a family generational asset transfer scam. Every step in this story follows the dirty details of “the script” to the letter.

### CONFLICT OF INTEREST

Estate planning attorneys with Vacek & Freed P.L.L.C., Candace Kunz-Freed and Bernard Lyle Matthews III, betrayed the fiduciary duty of undivided loyalty Vacek & Freed P.L.L.C. owed to clients Elmer and Nelva Brunsting, formed a conflicting confidential relationship with Anita Brunsting, and then waited for the “triggering events” to begin implementing their illicit changes to Elmer and Nelva Brunsting’s estate plan. The Estate planning attorneys gave Anita the impression that she would be the beneficiary of her parents estate planning attorneys disloyalty (stealing the family inheritance) when in fact, all Candace Kunz-Freed and Bernard Lyle Matthews III did was create the controversy that would be exploited by the predatory attorneys on the back end. The depraved moral bankrupts in the filthy lucre soup line (probate attorneys) use the vacuous labels; [probate court, probate case, probate matter and probate proceeding](http://www.probatemafia.com/Brunsting/Probate%20case%20matter%20proceeding.pdf) to clothe the nakedness of their color-of-law, theft charade.

### CONFLICTS OF INTEREST

When disenfranchised beneficiary Candace Curtis filed a breach of fiduciary action in the Southern District of Texas [SDTX No 4:12-cv-592] wannabe family inheritance thieves Anita Brunsting and Amy Brunsting appeared represented by their parents disloyal estate planning attorney Bernard Lyle Matthews III, who used a GREEN AND MATHEWS letter head to conceal his conflict of interest. Mathews plead “Probate Exception” to federal jurisdiction knowing the purpose for the estate plan was the avoidance of sham probate court theater.

## Grift of the Brunstings – The Case in Point

**E**lmer and Nelva Brunsting had a son and four daughters they wanted to benefit from their lifetime of inherited and acquired wealth. Their concerns were quite simply to transfer their assets to their five progeny in equal proportions at their passing, minimizing taxes and avoiding the guardianship and probate. In order to accomplish this purpose they retained the assistance of estate planning attorney Albert Vacek Jr. who gave specific assurances that his products and services would accomplish these purposes. What the script is pointing at as “triggering events” are family crisis events that Grifters refer to as a “Hurrah”. The script calls them triggering events because they initiate the next phase in the sting. We see this script triggering with item five in the following trust chronology.

## Relevant Trust History and Effect

1. 1996 Family Trust – Settlors Co-Trustees - Anita sole successor trustee [Divide by 2 at the passing of the first settlor – Divide by 5 at the passing of the last settlor]
2. 1999 Irrevocable Life Insurance Trust - Anita sole trustee [Divide by 5 and distribute at the passing of the last settlor]
3. 2005 Restatement – Settlors Co-Trustees – Anita removed from Article IV – Carl and Amy successor Co-Trustees with Candace as the alternate - [Divide by 2 at the passing of the first settlor – Divide by 5 at the passing of the last settlor]
4. 2007 Amendment – Settlors Co-Trustees – Amy removed from Article IV – Carl and Candace successor Co-Trustees with Frost Bank as the alternate - [Divide by 2 at the passing of the first settlor – Divide by 5 at the passing of the last settlor]
5. June 9, 2008 Elmer declared N.C.M. - Family Trust becomes irrevocable and all changes require approval from Court of Competent Jurisdiction.
6. July 1, 2008 Amendment to Article IV – Anita and Carl successor Co-Trustees with Candace as the alternate. This Instrument does not meet the Article III criterion for alterations and is invalid in its entirety.
7. April 1, 2009 Elmer Brunsting passes and the passing of a Settlor was a qualifying event that triggered the separation of assets into two resulting trusts. The Decedents Irrevocable Trust [DIT] and the Survivors Revocable Trust [SRT].
8. August 25, 2010 Amendment to Article IV - Anita and Amy successor Co-Trustees with Frost Bank as the alternate – Carl Removed
9. August 25, 2010 Nelva’s Qualified Beneficiary Designation - - [Divide by 5 at the passing of the last settlor] Anita, Amy & Carole trustees of their own 1/5 share – Anita & Amy Co-Trustees for Carl and Candace Shares. If valid, this QBD could only apply to Nelva’s share.
10. November 2010 failed attempt to get Nelva declared incompetent
11. December 21, 2010 Nelva forced to resign and Anita takes sole control.
12. November 11, 2011, the passing of Nelva Brunsting, was a qualifying event that triggered the obligation to separate trust assets into five shares. November 11, 2011 is a focal point.

Elmer was declared Non Compos mentis [5] and within two weeks [6] illicit changes began to be implemented by the estate and switch grifters. According to the trust code the incapacity of a settlor was an event triggering the requirement that any changes would require approval from a court of competent jurisdiction. No changes were ever approved before the fact.

Elmer Brunsting passed April 1, 2009, and Nelva Brunsting passed November 11, 2011. In theory, Elmer and Nelva did everything correctly as, under the law, all right, title and interest in their bounty vested equally in their five progeny, via the family trust, at the passing of Nelva Brunsting on November 11, 2011. Nevertheless, today is February 5, 2022 and in nearly ten years, not one dime from the Brunsting Trust has been transferred to any of the trust beneficiaries.

There is a great deal to say about the front end bait and switch derived from disclosures and privilege logs but for now all that is needed is the simple fact that after Nelva’s passing, the procedural catalyst for commencing a legal dispute was Anita Brunsting’s failure to account within 90 days of a request by current trust income beneficiary Candace Curtis. It soon became clear that something was untoward and judging from the nature of the questions Candace Curtis was getting from Drina Brunsting (Carl’s wife), that she had hired an attorney and it was also clear that we were in a race to the court house.

# United States District Court SDTX No. 4-12-cv-00592

On February 27, 2012, income beneficiary Candace Curtis (Curtis) filed a breach of fiduciary action into the United States District Court for the Southern District of Texas seeking accounting and fiduciary disclosures. In her initial filing Curtis made three relevant observations:

Case 4:12-cv-00592 Document 1 Filed in TXSD on 02/27/12 Page 3 of 28

9. Defendant(s) Anita Brunsting and Amy Brunsting acting individually and severally as co-trustees for the Trust have exercised all of the powers of trustees while refusing or otherwise failing to meet their first obligation under that power, to provide full, accurate, complete and timely accounting to the beneficiaries, to provide copies of material documents or other information relating to administration of the Trust, and to provide notice to all beneficiaries and successor beneficiaries of proposed changes to the trust that may tend to affect their beneficial interests.

Case 4:12-cv-00592 Document 1 Filed in TXSD on 02/27/12 Page 19 of 28 [para 3]

They alleged having taped, in person, conversations between Mother and others, taped telephone conversations between Mother and others, and video of the behavior and actions of others in Mother's house.

Case 4:12-cv-00592 Document 1 Filed in TXSD on 02/27/12 Page 20 of 28 [Para 4]

The difficulty for all of us was coming to grips with the notion that, apparently, behind our backs, Anita had made a concentrated effort to take control of the entire trust, and our individual inheritances, in such a manner that if Carl and l complain about it, she gets to keep it,…

The federal Court dismissed the case sua sponte under the probate exception to federal court jurisdiction on March 8, 2012 and Candace Curtis filed notice of appeal.

# United States Court of Appeal for the Fifth Circuit ROA.12-20164:

In her opening brief, in the first 5th Circuit Appeal, trust beneficiary Candace Curtis made another relevant observation.

2012-06-11 Appellants Opening Brief on appeal: 5th Cir.ROA.12-20164 [p.14 para 3]

All of the information necessary to the protection of Plaintiff’s rights and beneficial interest is uniquely in the possession and under the control of Defendants.

## Curtis v Brunsting 704 F.3d 406, 412 (Jan 9, 2013)

 “Plaintiff, the beneficiary of a trust, sued defendant co-trustees of the trust, for breach of fiduciary duty, extrinsic fraud, constructive fraud, and intentional infliction of emotional distress. The United States District Court for the Southern District of Texas dismissed the case for lack of subject matter jurisdiction, concluding that the case fell within the probate exception to federal diversity jurisdiction. The beneficiary appealed.”

 “The circuit court found that the case was outside the scope of the probate exception under the first step of the inquiry because the trust was not property within the custody of the probate court. Because the assets in a living or inter vivos trust were not property of the estate at the time of decedent's death, having been transferred to the trust years before, the trust was not in the custody of the probate court and as such the probate exception was inapplicable to disputes concerning administration of the trust...”

 “…The record also indicated that there would be no probate of the trust's assets upon the death of the surviving spouse. Finding no evidence that the trust was subject to the ongoing probate proceedings, the case fell outside the scope of the probate exception. The district court below erred in dismissing the case for lack of subject-matter jurisdiction.” Harris County Texas Judicial District Court 164 No. 2013-05455

#### Attorney Bobbie G. Bayless, Texas State Bar No. 01940600 [BAYLESS]

[Mr. Imbroglio] On January 29, 2013, while the federal tort suit was in transit back to the Southern District of Texas, Attorney Bobbie G. Bayless, (BAYLESS) filed legal malpractice claims against the Brunsting’s estate planning attorneys in Harris County Texas Judicial District Court 164 No. 2013-05455 representing Appellant’s brother, Carl Brunsting as “*Independent Executor for the estates of Elmer and Nelva Brunsting*”.[[3]](#footnote-3) No findings of fact or conclusions of law have ever been entered in that matter. BAYLESS resigned her “independent executor” client (Carl Brunsting) due to lack of intellectual capacity February 19, 2015. The Harris County Texas Judicial District Court 164 No. 2013-05455 action has not had a plaintiff since February 19, 2015, if it ever did. The case was later ordered transferred to the probate court where it remains without a plaintiff. Nonetheless, the Malpractice Insurance company attorneys [Foley and Reed, infra] continue to milk the malpractice money cow by attending hearings in the probate court that are nothing but sham status conferences where the topic of the initial setting never reaches the discussion due to later settings shoved into the same hearing time and date and the court’s control of the dialog.

# USDC SDTX 4:12-cv-592 - Preliminary Injunction

After returning to the Southern District of Texas Candace Curtis reapplied for a preliminary injunction [ROA.20-20566.577-586]. Hearing was had April 9, 2013 [ROA.17-20360.1044-1097] and injunction issued. [ROA.20-20566.1038-1042] memorandum of injunction was issued April 19, 2013. [4:12-cv-592 Dkt 45]

1. Curtis v Brunsting 704 F.3d 406, 412 (Jan 9, 2013)
2. Memorandum of preliminary injunction, published April 19, 2013. [ROA.20-20566.639-643][[4]](#footnote-4)
3. A Special Master was appointed May 9, 2013 [ROA.20-20566.744-746]. The Report of Special Master was filed Aug. 8, 2013 [ROA.20-20566.775-812] and hearing was had September 3, 2013.

# Harris County Texas Probate Court No. 4 Cause No. 412249-401

On April 10, 2013 Defendants’ Counsel, George Vie III, in 4:12-cv-592 filed notice of a lawsuit brought in the state probate court [ROA.20-20566.610] April 9, 2013 by Bobbie G. Bayless, attorney for Carl Brunsting (**individually and as executor**), in which Carl names all of his sisters defendants including federal Plaintiff Candace Curtis. [ROA.20-20566.613-633]

BAYLESS knew her probate court filing was fraudulent, not merely because her client lacked the intellectual capacity to sue or be sued, but because she knew her tort claims had no business in a probate court where there was no pending estate administration. She also obtained letters testamentary for an “independent administration” of pour-over-wills and filed her non-probate tort claims four days after the pour-over estates had closed. See In re Hannah 431 S.W.3d 801 (Tex. App. May 13, 2014); Narvaez v. Powell 564 S.W.3d 49 (Tex. App. Jul 13, 2018); In re Estate of Hallmark 629 S.W.3d 433 (Tex. App. Aug 31, 2020); Mortensen v. Villegas 630 S.W.3d 355 (Tex. App. Feb 1, 2021) and cases cited.

Incestuous[[5]](#footnote-5) conflicts of interest among the participants.

#### Attorney George Vie III

$5000.00 was paid from the trust to Attorney George Vie III[[6]](#footnote-6), did not act in any untoward manner but conducted himself honestly and professionally.

#### Attorney Jason B. Ostrom Texas State Bar No. 24027710, Fed. Id. No. 33680 [OSTROM]

$5000.00 was paid to Attorney Jason B. Ostrom.[[7]](#footnote-7) Ostrom double crossed his client after she went to great lengths to avoid the reprobate court, Ostrom caused his client’s federal case to vanish and helped attorney Bobbie G. Bayless manufacture a hostage ransom imbroglio in the probate theater where law will not be allowed to interfere with filthy lucre operations.

#### Attorney Candace Kunz-Freed – Bait And Switch Estate Planning Grifter

#### Attorney Stephen A Mendel, Texas State Bar No. 13930650 [MENDEL]

#### Attorney Neal Spielman, Texas State Bar No. 00794678 [SPIELMAN]

#### Attorney Gregory Lester Texas State Bar No. 12235700 [FRAUD LESTER]

Fraud Lester, Temporary Administrator for the non-existent “Estate of Nelva Brunsting”, accepted an appointment for the limited purpose of evaluating the “claims” pending in the case. What are the claims in the case? THERE ARE NO ESTATE RELATED CLAIMS!

Texas Estates Code Sec. 22.005. CLAIMS. "Claims" includes:

(1) liabilities of a decedent that survive the decedent's death, including taxes, regardless of whether the liabilities arise in contract or tort or otherwise;

(2) funeral expenses;

(3) the expense of a tombstone;

(4) expenses of administration;

(5) estate and inheritance taxes; and

(6) debts due such estates.

Added by Acts 2009, 81st Leg., R.S., Ch. 680 (H.B. 2502), Sec. 1, eff. January 1, 2014.

Fraud Lester failed to identify a single “claim” related to the alleged “estate” of Nelva Brunsting.

Tex. Est. Code Sec. 22.012. ESTATE. "Estate" means a decedent's property, as

that property:

(1) exists originally and as the property changes in form by sale, reinvestment, or otherwise;

(2) is augmented by any accretions and other additions to the property, including any property to be distributed to the decedent's representative by the trustee of a trust that terminates on the decedent's death, and substitutions for the property; and

(3) is diminished by any decreases in or distributions from the property.

Fraud Lester never mentioned the decedents’ pour-over-wills; never identified the living trust as the sole devisee; never mentioned the inventory appraisement and list of claims, never mentioned the docket or the fact that the pour over was complete and the probate closed before non-probate claims were even filed in the probate court.

Instead Fraud Lester ran straight to the in Terrorem clause in the (alleged) August 25, 2010 “*Qualified Beneficiary Designation and Testamentary Power of Appointment under Living Trust Agreement*”, (8/25/2010 QBD) containing the public policy offending corruption of blood provisions. This instrument is not in evidence, is a forgery that cannot be qualified as evidence and even if they could produce a wet signed original, or even one of the three signature page versions, the instrument is void on its face for the absence of two disinterested witness signatures required of “testamentary” instruments. Oh, but let’s not burden ourselves with law. After all, attorneys and judges are above the law.

ATTORNEY Gregory Lester “*Temporary Administrator for the Estate of Nelva Brunsting*” was paid $19,907.40 out of the family trust. His billing statement shows that he spent nearly all of his time with Neal Spielman, counsel for Defendant, “imposter” Co-Trustee Amy Brunsting. The Order was to pay Lester from the “estate”, an estate that does not have a representative or a corpus. Instead the Fake Co-Trustees had no problem misapplying fiduciary property from the trust to reward Fraud Lester for his collusion.

#### Attorney Jill Willard-Young Texas State Bar No. 00797670 [YOUNG]

Additional participants include but are not limited to the estate planning attorneys’ malpractice insurance company attorneys who milk the malpractice insurance money cow when what we are looking at is clearly fraud and collusion and not professional negligence. The malpractice insurance company attorneys are guilty of stealing from the insurance coverage.

#### Attorney Zandra E. Foley, State Bar No. 24032085

#### Attorney Cory S Reed, Texas Bar No. 24076640

#### Harris County Texas Probate Court No. 4

#### County Employee/Appointee (Associate Judge) Clarinda Comstock

The unelected county employee called “associate judge” appears to be the lynchpin (the coordinator of the grift) in the County’s reprobate theater.

The primary objective of the Probate Mafia is the theft of family generational wealth. The methods are all directly related to revenue streams. One of the primary schemes is the theft of family generational wealth by abduction. This horrific script involves the abuse of language by giving abduction, robbery and hospice processing homicide the glorifying label of GUADIANSHIP PROTECTION.

Let’s look at the driving issue from a management perspective:

## How Will We Care for Aging Baby Boomers?

Historically, the age distribution of the population has looked like a pyramid. The bottom largest section was children, the middle, slightly smaller section was working adults, and the top of the pyramid was seniors. This worked out well, because the younger population was able to financially support and care for the much smaller older segment.

We no longer have that pyramid. In most countries, the population distribution now looks like a light bulb, with a narrow base of children, a bulbous segment of adults, and a narrowing but still very large segment of older adults.

Part of the equation is the fact that life spans have gotten longer, which is wonderful. But the funds to support this aging population — through social security and Medicare in the U.S., for example — are dwindling, as the payer base is shrinking dramatically.

County of Harris

201 Caroline St. ste 460, Houston, TX 77002-1901

713 274-8600

D-U-N-S number: 072206378

JUDICIARY COURTS OF THE STATE OF TEXAS

1115 Congress St ste 257, Houston, TX 77002-1928

713 755-6234

D-U-N-S number: **618149231**

### CONFLICT OF INTEREST - ASSOCIATE JUDGE CLARINDA COMSTOCK

The estate (grifters) attorneys from Vacek & Freed P.L.L.C. are represented by Thompson Coe attorneys Cory Reed and Zandra Foley.

Thompson Coe attorneys Cory Reed and Zandra Foley also represented Harris County Probate Court No. 4’s County employee/appointee ASSOCIATE JUDGE CLARINDA COMSTOCK in Johnston v Dexel et al. (Judge Butts was also a Defendant in that case) Case 4:16-cv-03215 Filed on 11/01/16 in TXSD.

#### Harris County

Harris County Texas provides the promiscuous forum, along with county clerks and other county employees and appointees. It also appears that there is a rather unsavory political cooperation between state and federal courts when it comes to the theft of family generational asset transfers via color of law organized crime scheme’s hiding behind the appearance of litigation.

#### Attorney Tamorah Christine Butts Texas State Bar No. 24004222

This individual has disgraced the judicial office by aiding and abetting a cabal of criminals, members of the barristers association, in their commission of a series of organized crime offenses including Color of Law Fraud, Conversion, Extortion, Forgery, Misapplication of fiduciary property held for the benefit of an elderly person. [Aiding and abetting an organized crime industry devoted to the interception (theft) of family generational asset transfers].

#### Attorney Clarinda Comstock, Texas State Bar No. 00790492, Harris County employee/appointee: associate judge Harris County Probate Court No. 4

Clarinda Comstock was a Defendant in a wrongful death action involving Willie Jo Mills.

#### Attorney James Horwitz (JUDGE - elected public officer)

This individual, like his predecessor Christine Butts, has disgraced the judicial office by aiding and abetting a cabal of criminals, members of the barristers association, in their commission of a series of organized crime offenses including Color of Law Fraud, Conversion, Extortion, Forgery, Misapplication of fiduciary property held for the benefit of an elderly person. [Aiding and abetting an organized crime industry devoted to the interception (theft) of family generational asset transfers].

#### Attorney Kathy Stone (Judge)

4:12-cv-592 Rule 60 Motion to vacate “remand Order” dismissed, Affirmed 5th Cir. 20-20566

**Dispositive allegations should also be noted from the onset. Anita Brunsting is not now, nor has she ever been, a trustee for Elmer’s share of the family trust, nor has she ever performed a fiduciary act for the benefit of the other beneficiaries, nor did she disclose her self-distributions to Plaintiff’s Carl and Candace, nor did she equalize the distributions she failed to disclose. Quite the contrary, Anita Brunsting colluded with the settlor’s disloyal estate planning attorneys**[[8]](#footnote-8) **to seize control of the trusts’ assets [**[7](http://www.probatemafia.com/2010-07-30-freed-notes-anita-called-change-the-trust-pbt-2015-258999-2-2/)**] and has not divided the assets according to the settlors’ intentions. It doesn’t appear that Anita ever intended to divide the assets according to the settlors’ intentions as everything in the record suggests she gave preference to her own intentions.**

Estate Planning Attorney Bait and Switch

1. Find the Money
	1. Sell “Peace of Mind” to ageing parents by telling them what they want to hear
2. Locate weak link in family moral fabric
3. Follow the Hurrah’s

## Imbroglio Manufacturing

1. Court that will not rule on any substantive or dispositive issues. [Family Held Hostage for Ransom]
2. No Docket Control Order respected by the club, two in 8 years and no evidentiary hearings or rulings. (Except on the emergency motion for protective order regarding wiretap recordings disseminated via certified mail)
3. Attorneys spinning hamster wheels to generate fees
4. Mediation (4x’s) where the only topic is fees
5. Rising Attorney Fees Intimidation (the longer it takes, the more it will cost.)
6. In Terrorem threats (AGREE to give us a % off the top or we take it all.)
7. Sanctions (more intimidation and attrition)
8. Vexatious Litigant (Gagging)
9. Probate Exception (Federal Policy not to interfere with Local Mob Operations)
10. Rooker-Feldman (Federal Policy not to interfere with Local Mob Operations)
11. Younger Abstention (Federal Policy not to interfere with Local Mob Operations)
12. Flip Flop state and federal Courts of Appeal – No change in law – going either way without regard for precedent or controlling law or even their own prior opinion in the same case by simply adopting and assuming a fictional set of facts not supported by the record.
13. Supreme Courts with selective hearing disability and narrow attention spans.
14. Cheshire Cat Law
	1. References to hearings had and for which there are no transcripts?
	2. First you see it in the docket and then you don’t
15. Humpty Dumpty Law (“*When I say a word it means what I say it means, nothing more and nothing less*”) Abuse of legal terms: ignoring legal definitions and distinctions is the name of the game.

## Malpractice Insurance Money Cow

1. The Estate Planning Bait and Switch Grifter’s attorneys suck up the malpractice milk for their part in it while the Bait and Switch Grifter’s continue trolling for suckers. (in this case they are first isolated in a different court from the suckers and only imported after there is “officially” no longer a plaintiff (in this case) or the matter simply nonsuited in BAYLESS style manual.)

## Settlement Agreement

1. The “Settlement Agreement” is an extraction agreement, a Lindberg baby.
	1. Launders extorted ransom monies by settlement contract agreeing to call it “legal fees and expenses”
	2. Changes the Argument from breach of trust to breach of contract… same game different name. (fishermen call it chumming)
1. [SDTX No. 4:12-cv-592 after remand to a court it was not removed from due to pollution of diversity that had not been polluted. [↑](#footnote-ref-1)
2. See October 15, 2021 Addendum of Candace Curtis. [↑](#footnote-ref-2)
3. [ROA.20-20566.2205-2206] [↑](#footnote-ref-3)
4. [ROA.17.20360.1103-1107] Memorandum of preliminary injunction [↑](#footnote-ref-4)
5. Incestuous: being so close or intimate as to prevent proper functioning. In the case in point, this is a reference to the nature of the relationship between the color of law organized crime participants. [↑](#footnote-ref-5)
6. Score: Attorneys $5000 Trust Beneficiary’s $0 [↑](#footnote-ref-6)
7. Score: Attorneys $10,000 Trust Beneficiary’s $0 [↑](#footnote-ref-7)
8. Attorney Candace Kunz-Freed, Texas State Bar No. 24041282 and Attorney Bernard Lyle Matthews III, Texas State Bar No. 13187450 [↑](#footnote-ref-8)