1. Pour-Over Wills, Living Trust, Independent Administration
2. Estate Planning Bait and Switch – (How to Steal your Family Inheritance)
   1. Forms conflicting confidential relationship with weak link in family moral fabric
   2. Waits for Hurrah’s (family crisis events) to begin implementing illicit changes
   3. Facilitates and encourages weak links while guaranteeing controversy (the 3rd party keys)
3. Pro se Action to enforce trust ongoing in federal court (SDTX) Weak links represented by Settlors Estate Planning Attorneys
4. Attorney Bayless Pour-Over Wills recorded in probate court, Wills accepted and Letters for Independent Administration issued
5. Attorney Bayless Depositions before suit conducted
6. Pro se Action 5th Circuit rules case outside probate exception
7. Attorney Bayless files professional Negligence claims against Estate Planning Attorneys in state District Court
8. Attorney Bayless - Verified Inventory, Appraisement and list of claims filed in probate court and approved by court (independent administration closed)
9. Pro se Action Injunction issued in SDTX
10. Attorney Bayless files tort suit in state probate court (estate of Nelva Brunsting 412249-401) exclusively interrelated to the trust issues in SDTX and interrelated to professional Negligence claims against Estate Planning Attorneys pending in the Harris County District Court
    1. If Bayless wanted relief for her client, why did she file independent executor tort claims in the probate court after the inventory had been approved and no further action could be had in that court in an independent administration?
11. Divide and conquer:
    1. If Bayless wanted relief for her client why did she file two halves of the same lawsuit in separate courts?
    2. Why did Bayless file two halves of the same lawsuit in separate state courts when there was a related action pending in the federal court?
    3. If Bayless wanted relief for her client, why did she file a motion to move the District court case, from a court of competent jurisdiction, to a probate court with no jurisdiction to hear it?
12. SDTX Pro se retains Attorney Ostrom
13. Ostroms colludes with Bayless and the weak links 2nd set of attorneys and obtains an unopposed order to “remand” the federal non-probate case to the state probate court
14. State probate court accepts remand by issuing a transfer order
15. SDTX Case converted into “estate of Nelva Brunsting 412249-402” in Harris County Probate
16. Independent executor resigns due to lack of capacity
17. “Estate of Nelva Brunsting 412249-402” dissolved into “estate of Nelva Brunsting 412249-401” and -402 is closed to further filing. There is no estate, no executor and no probate court jurisdiction.

Attorney Fees?

1. Candace Kunz-Freed
2. Bernard Mathews
3. Special Master $50,000 To assemble books and records of accounts, a duty that Anita failed to perform
4. Timothy Million $
5. Mendel $537,000 March 5, 2021 Defendants submit an accounting in preparation for settlement negotiations
6. Bayless $225,000 Carl's Deposition Feb. 3, 2015
7. Spielman $38,500
8. Lester $19,907.40
9. Young $10,620
10. Ostrom $5,000
11. Vie $5000
12. $300,000 Excess Taxes from failure to distribute
13. 2/27/2012 Candace Curtis pro se: sued Co-Trustees Anita and Amy Brunsting in the Southern District of Texas for breach of fiduciary involving a family living trust.

Bayless:

1. 4/09/2013 Carl sued Co-Trustees Anita and Amy Brunsting for breach of fiduciary in Harris County Probate Court No. 4

2014 Candace Curtis retains attorney Jason Ostrom:

Ostrom:

1. 5/22/2014 Curtis federal lawsuit was made to look as if it had been remanded to Harris County Probate Court No. 4 from which it had not been removed.

Mendel/Spielman:

11/04/2019

1. Anita and Amy file original counter claims against Carl and Candace claiming that, by suing the Co-Trustees, Carl and Candace triggered trust forfeiture provisions and were not entitled to receive anything from the trust.
2. Bayless (Carl) entered into a Rule 11 agreement with Mendel/Spielman (Anita/Amy) on December 5, 2021 in which they agree not to prosecute their summary judgment claims:[[1]](#footnote-1)

BAYLESS:

Plaintiff Carl Brunsting requests that the Court **not** rule on the portion of his July 9, 2015 motion for partial summary judgment, which relates to the issue of:

“disbursements in 2011 of Exxon Mobil stock and Chevron stock were improper distributions for which Anita, as the trustee making the disbursements is liable, and for which the beneficiaries who received benefits from those distributions are also liable pursuant to TEX. PROP. CODE §114.031, including through an offset of the applicable beneficiary’s liability against that beneficiary’s remaining interest in the trust estate.”

MENDEL/SPIELMAN

“Defendant & Co-Trustee Anita Brunsting and Defendant & Co-Trustee Amy Brunsting request that the Court **not** rule on any portion of the Co-Trustees Motion for Summary Judgment, filed on November 5, 2021, to the extent that the motion relates in whole or in part to Plaintiff Carl Brunsting. Rather, the Court should construe the motion for summary judgment as filed solely against Candace Louise Curtis.”

Defendant & Co-Trustee Anita Brunsting and Defendant & Co-Trustee Amy Brunsting’s Motion for Summary Judgment against Candace was granted. Candace Curtis claims against the Defendant & Co-Trustees were dismissed, Candace was held to have forfeited her property interests and that Defendant & Co-Trustee Anita Brunsting and Defendant & Co-Trustee Amy Brunsting’s attorney fees (Mendel/Spielman) would be paid from the trust.

Candace filed an appeal challenging subject matter jurisdiction in the probate court based upon a line of cases analyzing the relevant statutes. That line of cases begins with Bayless: “In re Hannah”

## What is the view from attorney Bayless shoes?

The problem with Bayless view is twofold.

Bayless doesn’t have a client with standing but when she did, and before she filed related claims in the probate court, Bayless filed an action involving this trust in the 164th Judicial District Court and that is the state court with Dominant Jurisdiction.

The 164th Judicial District Court action is sitting in the probate court (412249-403) without a plaintiff and will have to be sent back

Candace will need to return to the SDTX to enforce the injunction and vacate Ostroms amended complaint and remand orders. (We need to go from there because of the 4 years limitations – this is the only court with original jurisdiction and the only court that can enforce its preliminary injunction)

## What is the view from Bayless clients’ shoes?

If the probate court has jurisdiction over a trust, that is independent from its probate jurisdiction, Carl remains fucked because the message from the co-trustee camp is “if you object you forfeit” because you don’t have permission to object.

A Curtis win would mean a clean slate for Carl in suing A&A in the District Court with a negligence suit against Bayless (exploitation of the elderly and disabled is also a Crime)

## What is the view from attorney Mendel/Spielman’s shoes?

If the probate court has jurisdiction Mendel/Spielman get their fees from the money cow hostage, it will remain under their control and the beneficiaries will be paying them fees in perpetuity. In other words, Mendel & Spielman will have successfully made themselves beneficiaries.

If the probate court does not have jurisdiction, Mendel/Spielman do not get their fees from the trust and are subject to suit by their clients’ for negligence. If their retainer agreement says they get paid from the trust, they violated the injunction from inception and are accountable.

## What is the view from Mendel/Spielman’s clients’ shoes?

If the probate court does not have jurisdiction Carl does not have a law suit in any court. Candace, Carl and Carole have a clean slate for suing A&A in the District Court. The injunction would be enforced in the federal court and that looks like jail for some.

If the probate court has jurisdiction, Carl does not have a law suit, Candy is disinherited, and the attorneys get upwards of $1,000.000.00. The attorney fees come off the top. Nothing has been divided or distributed to the beneficiaries and it will cost more and more in attorney’s fees in order to divide the assets into separate trusts. Nothing more will go to Carl or Carole and if they object, they forfeit their property rights just like Candace and the attorneys get paid for aiding and abetting this misapplication of fiduciary scheme under an extracted contract to launder filthy lucre under the label of fees for legal services.

I think we have established that the claims Carl Brunsting filed against Vacek & Freed share a common nucleus of operative facts with the claims filed by Carl Brunsting in the probate court. It necessarily follows that dominant jurisdiction is in the 164th District Court.

If a 3rd party were appointed to act as a personal representative, the estate’s interest in prosecuting the claims against Vacek & Freed would be obvious (the source of funds necessary to prosecute the claims would not be).

If a 3rd party were appointed to act as a personal representative what interest, if any, would the estate have in the claims filed by Carl in the probate court?

## There is no estate, there is only a trust

The estate planning Defendants are aligned with the Defendant Cotrustee/beneficiaries

Trust beneficiaries Candace, Carl and Carole are the victims in regards to both actions.

Candace should be appointed Executrix in order to prosecute the Vacek & Freed case so that the plaintiff cases can proceed in harmony with Carl and Carole’s interests.

2. A proper judicial declaration on the validity of certain instruments would be dispositive as would the master recordings and the Co-Trustees retainer agreements with their counsel.

1. This agreement was actually entered into in May of 2015 but only made public in December of 2021 [↑](#footnote-ref-1)