

**DATA-ENTRY
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CAUSE NO. 412,249-401

PROBATE COURT 4

ESTATE OF § IN PROBATE COURT
NELVA E. BRUNSTING, §
DECEASED § NUMBER FOUR (4) OF
§ HARRIS COUNTY, TEXAS
§

CARL HENRY BRUNSTING, § IN PROBATE COURT
Individually and as Independent Executor of §
the Estates of Elmer H. Brunsting and Nelva §
E. Brunsting §

v. §

ANITA KAY BRUNSTING f/k/a ANITA § NUMBER FOUR (4) OF
KAY RILEY, Individually, as Attorney-in- §
Fact for Nelva E. Brunsting, and as Successor §
Trustee of the Brunsting Family Living Trust, §
the Elmer H. Brunsting Decedent's Trust, the §
Nelva E. Brunsting Survivor's Trust, the Carl §
Henry Brunsting Personal Asset Trust, and §
the Anita Kay Brunsting Personal Asset §
Trust; §
AMY RUTH BRUNSTING f/k/a AMY RUTH §
TSCHIRHART, Individually and as Successor §
Trustee of the Brunsting Family Living Trust, §
the Elmer H. Brunsting Decedent's Trust, the §
Nelva E. Brunsting Survivor's Trust, the Carl §
Henry Brunsting Personal Asset Trust, and §
the Amy Ruth Tschirhart Personal Asset §
Trust; §
CAROLE ANN BRUNSTING, Individually §
and as Trustee of the Carole Ann Brunsting §
Personal Asset Trust; and as nominal §
Defendant only; §
CANDACE LOUISE CURTIS § HARRIS COUNTY, TEXAS
§

**AGREED MOTION TO DISTRIBUTE FUNDS FROM THE ELMER H. BRUNSTING
DECEDENT'S TRUST AND THE NELVA F. BRUNSTING SURVIVOR'S TRUST TO PAY
MEDIATOR'S FEE**

TO THE HONORABLE JUDGE:

CARL HENRY BRUNSTING, ANITA KAY BRUNSTING f/k/a ANITA KAY RILEY, AMY
RUTH BRUNSTING f/k/a AMY RUTH TSCHIRHART, CAROLE ANN BRUNSTING, and
CANDACE LOUISE CURTIS file this "Agreed Motion to Distribute Funds from the Elmer H. Brunsting

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COPY

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COUNTY CLERK
HARRIS COUNTY, TEXAS
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Decedent's Trust and the Nelva F. Brunsting Survivor's Trust to Pay Mediator's Fee" and show as follows:

BACKGROUND

1. Elmer H. Brunsting and Nelva E. Brunsting had five children, CARL HENRY BRUNSTING, ANITA KAY BRUNSTING f/k/a ANITA KAY RILEY, AMY RUTH BRUNSTING f/k/a AMY RUTH TSCHIRHART, CAROLE ANN BRUNSTING, and CANDACE LOUISE CURTIS.
2. Elmer and Nelva created the Brunsting Family Trust in 1996 and amended the trust in 2005. Elmer and Nelva were the initial trustees.
3. Elmer died in April of 2009, and Nelva served as sole trustee.
4. Sometime after Elmer's death, the Brunsting Family Trust was divided into two trusts, the Elmer H. Brunsting Decedent's Trust and the Nelva F. Brunsting Survivor's Trust.
5. Elmer died in April of 2009, and Nelva served as sole trustee until her resignation on December 21, 2010. Anita began serving as Trustee.
6. Nelva died in November of 2011. Upon the death of Nelva, Amy was appointed to serve as co-Trustee with Anita.
7. Candy filed suit in federal court against Amy and Anita on February 27, 2012 in Federal Cause Number 4:12-CV-00592, *Candace Louise Curtis v. Anita Kay Brunsting, et. al.*
8. Judge Hoyt entered an order prohibiting the distribution of trust assets without a court order.
9. Carl filed this suit in April of 2013.
10. Pursuant to Candy's request, on May 15, 2014, Judge Hoyt entered an order transferring the federal matter to this Court to be held under Cause Number 412,249.
11. The federal order prohibiting the distribution of trust assets without a court order remains in effect.
12. The parties agreed to mediate this matter with William Miller of Andrews Kurth LLP on August 14, 2014.
13. Miller's mediation fee for a nine hour mediation is \$6,500.

RELIEF REQUESTED

14. The parties agree that the \$6,500 fees should be paid as follows: one-half from the Elmer H. Brunsting Decedent's Trust - Bank of America Checking acct: xxxxxxxx3536 and one-half from the Nelva F. Brunsting Survivor's Trust - Bank of America Checking acct: xxxxxxxx3523.
15. The parties agree that should the mediator require an additional fee to extend the mediation, if all parties agree in writing to any additional fees, such additional fees should be paid one-half from the trusts as noted in the paragraph above.

THEREFORE, CARL HENRY BRUNSTING, ANITA KAY BRUNSTING f/k/a ANITA KAY RILEY, AMY RUTH BRUNSTING f/k/a AMY RUTH TSCHIRHART, CAROLE ANN BRUNSTING, and CANDACE LOUISE CURTIS, request this Court permit Trustees to pay Andrews Kurth LLP's mediation fee of \$6,500 plus any agreed upon mediation fee.

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ESTATE OF §
NELVA E. BRUNSTING, §
DECEASED §
§
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Individually and as Independent Executor of §
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E. Brunsting §
v. §
ANITA KAY BRUNSTING f/k/a ANITA §
KAY RILEY, Individually, as Attorney-in- §
Fact for Nelva E. Brunsting, and as Successor §
Trustee of the Brunsting Family Living Trust, §
the Elmer H. Brunsting Decedent's Trust, the §
Nelva E. Brunsting Survivor's Trust, the Carl §
Henry Brunsting Personal Asset Trust, and §
the Anita Kay Brunsting Personal Asset §
Trust; §
AMY RUTH BRUNSTING f/k/a AMY RUTH §
TSCHIRHART, Individually and as Successor §
Trustee of the Brunsting Family Living Trust, §
the Elmer H. Brunsting Decedent's Trust, the §
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Trust; §
CAROLE ANN BRUNSTING, Individually §
and as Trustee of the Carole Ann Brunsting §
Personal Asset Trust; and as nominal §
Defendant only; §
CANDACE LOUISE CURTIS §
HARRIS COUNTY, TEXAS

**ORDER APPROVING AGREED MOTION TO DISTRIBUTE FUNDS FROM THE ~~MOTION~~
~~TO DISTRIBUTE FUNDS FROM THE~~ ELMER H. BRUNSTING DECEDENT'S TRUST AND
THE NELVA F. BRUNSTING SURVIVOR'S TRUST TO PAY MEDIATOR'S FEE**

Before the Court is CARL HENRY BRUNSTING, ANITA KAY BRUNSTING f/k/a ANITA
KAY RILEY, AMY RUTH BRUNSTING f/k/a AMY RUTH TSCHIRHART, CAROLE ANN
BRUNSTING, and CANDACE LOUISE CURTIS' "Agreed Motion to Distribute Funds from the Elmer
H. Brunsting Decedent's Trust and the Nelva F. Brunsting Survivor's Trust to Pay Mediator's Fee"

09062014:1002:PO167

It is, therefore, ORDERED that the Trustees have authority to pay, and shall pay, the following:

- Andrews Kurth LLP mediation fee of \$6,500.00; and
- any additional Andrews Kurth LLP mediation fees agreed to in writing by CARL HENRY BRUNSTING, ANITA KAY BRUNSTING f/k/a ANITA KAY RILEY, AMY RUTH BRUNSTING f/k/a AMY RUTH TSCHIRHART, CAROLE ANN BRUNSTING, and CANDACE LOUISE CURTIS.

One half of the fees shall be paid out of the Elmer H. Brunsting Decedent's Trust - Bank of America Checking acct: xxxxxxxx3536 and one-half out of the Nelva F. Brunsting Survivor's Trust - Bank of America Checking acct: xxxxxxxx3523.

SIGNED on this 4 day of August 2014.

Cristine Pontes
Presiding Judge

Respectfully submitted,

Mills Shirley L.L.P.

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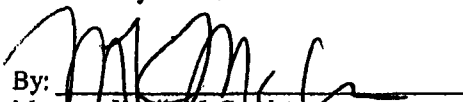
Attorneys for Carole Ann Brunsting

CERTIFICATE OF SERVICE

By my signature above, I hereby certify that a true and correct copy of this document has been sent in the appropriate manner to all known counsel of record on this the ____ day of July, 2014.

Respectfully submitted,

Mills Shirley L.L.P.

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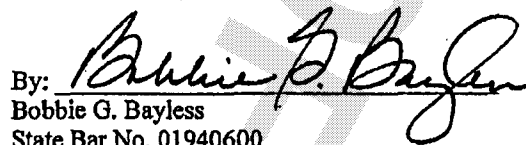
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CERTIFICATE OF SERVICE

By my signature above, I hereby certify that a true and correct copy of this document has been sent in the appropriate manner to all known counsel of record on this the 30 day of July, 2014.