

PROBATE COURT 4

CAUSE NO. 412,249-401

ESTATE OF

NELVA E. BRUNSTING,

DECEASED

IN PROBATE COURT

NUMBER FOUR (4) OF

HARRIS COUNTY, TEXAS

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

IN PROBATE COURT

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;

NUMBER FOUR (4) OF

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;

HARRIS COUNTY, TEXAS

CANDACE LOUISE CURTIS

MOTION FOR WITHDRAWAL OF COUNSEL FOR
ANITA KAY BRUNSTING F/K/A ANITA KAY RILEY
AND AMY RUTH BRUNSTING F/K/A AMY RUTH TSCHIRHART

20004:0000:41020:0002

TO THE HONORABLE JUDGE CHRISTINE BUTTS:

Maureen Kuzik McCutchen, George W. Vie and the law firm of Mills Shirley L.L.P., attorneys of record for ANITA KAY BRUNSTING f/k/a ANITA KAY RILEY and AMY RUTH BRUNSTING f/k/a AMY RUTH TSCHIRHART request permission to withdraw from representation.

1. ANITA KAY BRUNSTING f/k/a ANITA KAY RILEY and AMY RUTH BRUNSTING f/k/a AMY RUTH TSCHIRHART are two of the adult daughters of Elmer H. Brunsting and Nelva E. Brunsting, sisters to Carl Henry Brunsting, and Defendants in this matter.
2. Trial is currently set for March 30, 2015.
3. No hearings are currently set in this matter.
4. ANITA KAY BRUNSTING f/k/a ANITA KAY RILEY and AMY RUTH BRUNSTING f/k/a AMY RUTH TSCHIRHART's expert designation is due on January 2, 2015, and the discovery period ends February 27, 2015.
5. This motion is based on good cause as required by Texas Rule of Civil Procedure and not sought for delay. A conflict has arisen between the parties and the attorneys.
6. ANITA KAY BRUNSTING f/k/a ANITA KAY RILEY and AMY RUTH BRUNSTING f/k/a AMY RUTH TSCHIRHART have been notified in writing via certified mail and regular mail of their right to object to this motion. Notice was provided to ANITA KAY BRUNSTING f/k/a ANITA KAY RILEY and AMY RUTH BRUNSTING f/k/a AMY RUTH TSCHIRHART at their home addresses.
7. ANITA KAY BRUNSTING f/k/a ANITA KAY RILEY's and AMY RUTH BRUNSTING f/k/a AMY RUTH TSCHIRHART's last known addresses are listed on the Certificate of Last Known Address attached as Exhibit A and filed concurrently herewith.

WHEREFORE, Maureen Kuzik McCutchen and any attorneys of Mills Shirley L.L.P. for ANITA KAY BRUNSTING f/k/a ANITA KAY RILEY and AMY RUTH BRUNSTING f/k/a AMY RUTH TSCHIRHART respectfully request that this Court enter an order permitting counsel to withdraw from this cause.

Respectfully submitted,

Mills Shirley L.L.P.

By: 

Maureen Kuzik McCutchen
State Bar No. 00784427
2228 Mechanic, Ste 400
P.O. Box 1943
Galveston, Texas 77553-1943
Phone: (409) 763-2341
Facsimile: (409) 763-2879
mmccutchen@millsshirley.com

*Attorneys for Anita Kay Brunsting and
Amy Ruth 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 9th day of September, 2014.

Bobbie G. Bayless
Bayless & Stokes
2931 Ferndale
Houston, Texas 77098

Jason B. Ostrom
Ostrom /Sain
5020 Montrose Blvd., Suite 310
Houston, TX 77006

Darlene Payne Smith
Crain, Caton & James
Lori A. Walsh
1401 McKinney, Suite 1700
Houston, Texas 77010-4035

Via Certified Mail/RRR
7009 2250 0004 1808 1049
And Regular U.S. Mail
Anita Kay Brunsting f/k/a Anita Kay Riley
203 Bloomingdale Circle
Victoria, TX 77904

Via Certified Mail/RRR
7009 2250 0004 1808 1056
And Regular U.S. Mail
Amy Ruth Brunsting f/k/a Amy Ruth Tschirhart
2582 Country Ledge
New Braunfels, TX 78132

CERTIFICATE OF LAST KNOWN ADDRESSES

I hereby certify that the last known mailing addresses of ANITA KAY BRUNSTING f/k/a ANITA KAY RILEY and AMY RUTH BRUNSTING f/k/a AMY RUTH TSCHIRHART are as follows:

Anita Kay Brunsting f/k/a Anita Kay Riley
203 Bloomingdale Circle
Victoria, TX 77904

Amy Ruth Brunsting f/k/a Amy Ruth Tschirhart
2582 Country Ledge
New Braunfels, TX 78132

Respectfully Submitted,

MILLS SHIRLEY L.L.P.

By: 

Maureen Kuzik McCutchen
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2228 Mechanic, Suite 400
P.O. Box 1943
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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

ORDER GRANTING MOTION FOR WITHDRAWAL OF COUNSEL
FOR ANITA KAY BRUNSTING F/K/A ANITA KAY RILEY
AND AMY RUTH BRUNSTING F/K/A AMY RUTH TSCHIRHART

BOOKED FOR FILE

On this day this Court considered the Motion to Withdraw as Counsel for ANITA KAY BRUNSTING f/k/a ANITA KAY RILEY and AMY RUTH BRUNSTING f/k/a AMY RUTH TSCHIRHART and the Court having considered the Motion, is of the opinion that such Motion should be Granted. It is, accordingly,

ORDERED that Maureen Kuzik McCutchen, and the law firm of Mills Shirley L.L.P., 2228 Mechanic Street, Suite 400, Galveston, Texas 77550, are permitted to withdraw as counsel for ANITA KAY BRUNSTING f/k/a ANITA KAY RILEY and AMY RUTH BRUNSTING f/k/a AMY RUTH TSCHIRHART in this cause.

SIGNED AND ENTERED this the _____ day of _____, 2014.

HONORABLE CHRISTINE BUTTS