From: Bobbie Bayless [mailto:bayless@baylessstokes.com]
Sent: Tuesday, October 09, 2018 12:50 PM
To: Comstock, Clarinda (Probate Courts); Steve Mendel; nspielman@grifmatlaw.com; Carole Brunsting; Candace Curtis
Subject: RE: 412249-401 Estate Of Nelva Brunsting

As far as I am concerned, the Court can consider my Motion for Partial Summary Judgment without further argument. It is a pretty straightforward motion, so I am willing to allow the court to proceed without a further hearing.

[illegible]

From: Comstock, Clarinda (Probate Courts) [mailto:Clarinda.Comstock@prob.hctx.net]
Sent: Monday, October 08, 2018 3:53 PM
To: Steve Mendel; Bobbie Bayless; nspielman@grifmatlaw.com; Carole Brunsting; Candace Curtis
Subject: 412249-401 Estate Of Nelva Brunsting

Judge Butts believes she is ready to consider the Motion for Summary Judgment which was continued at the last hearing.
Although a hearing on a motion for summary judgment is not required, she would like to give the parties the opportunity for oral argument, if desired.
The following dates may be available for an oral hearing on this Motion, assuming a courtroom can be made available:

Oct. 24th at 11am
Oct. 29th at 2:30pm
Nov. 19th at 2:30pm

Please respond to this email no later than the end of the day Thursday, Oct. 11th to advise whether you wish to have an oral hearing of the Motion for Partial Summary Judgment.
An oral hearing will be set on one of these dates should any party request a hearing.

References: <f439c4b810284d228df22829b8446d3e@NN-DC-LW-MAIL07.naturalnetworks.us>
MIME-Version: 1.0
Content-Type: multipart/alternative; boundary="----=_Part_220940_2124324878.1539114843704"
X-Mailer: WebService/1.1.12512 YahooMailNeo Mozilla/5.0 (Windows NT 6.3; Win64; x64; rv:62.(
Content-Length: 30186

----- Forwarded Message -----
From: Steve Mendel <steve@mendellawfirm.com>
To: "Comstock, Clarinda (Probate Courts)" <Clarinda.Comstock@prob.hctx.net>; Bobbie Bayless <bayless@baylessstokes.com>; "nspielman@grifmatlaw.com" <nspielman@grifmatlaw.com>; Carole Brunsting <cbrunsting@sbcglobal.net>; Candace Curtis <occurtis@sbcglobal.net>
Sent: Tuesday, October 9, 2018 12:37 PM
Subject: 412249-401 Estate Of Nelva Brunsting

Dear Judge Comstock:

As you may recall, our office represents Co-Trustee Anita Brunsting, and Neal Spielman represents Co-Trustee Amy Brunsting. This correspondence represents a joint response as between myself and Mr. Spielman, on behalf of our respective clients.

First, the Co-Trustees want an oral hearing regarding Carl Brunsting's motion for summary judgment.

Second, we would remind the court that it was discussed at the last hearing that certain discovery was important, including, but not limited to, evidence as to capacity and the academics of why the QBD was created, enforceable, and does not violate the trust provisions that predate the QBD, as referenced in Carl Brunsting's motion.

In this regard, we believe the following discovery needs to occur before Carl Brunsting's motion is set for an oral hearing:

1. Depose Candice Kuntz-Freed, and/or appropriate representatives of Vacek & Freed.

2. Greg Lester, the temporary administrator. However, if the parties will agree that Mr. Lester's report is admissible, then we see no need to depose Mr. Lester at this time. By admissible we mean, a waiver of all objections as to authenticity and hearsay. Notwithstanding the admissibility of the report, every party reserves the right to challenge, in whole or in part, the opinions and/or conclusions set forth in Mr. Lester's report.

3. Candace Curtis, who asserts that Nelva Brunsting lacked capacity.

4. Carole Brunsting who we understand had a reasonable degree of interaction with Nelva Brunsting and would have facts that relate to the capacity issue.

While there is other discovery that may be appropriate as to the foregoing issues, at present we believe the foregoing depositions are the minimum necessary to be completed before there is a hearing on Carl Brunsting's motion.

Further, we do not see any of the proposed dates as allowing sufficient time to complete the foregoing depositions. We, therefore, urge the court to issue a docket control order as to the entirety of the case, or at least an order that the foregoing named witnesses make themselves available for deposition between now and November 30, 2018.

Last, but not least, we will be filing motions that include, but are not necessarily be limited to:

A. Obtain two different types of appraisals for the Iowa farm. One appraisal is for the value of the farm without regard to any division of the farm. The other appraisal would seek values if the farm was divided as equally as possible among the beneficiaries. The appraisals would assist with settlement negotiations among the parties.

B. Allocation of funds to pay for court reporters and videographers for the foregoing depositions.

Very truly yours,
Stephen A. Mendel

The Mendel Law Firm, L.P.
1155 Dairy Ashford, Suite 104
Houston, TX 77079
O: 281-759-3213
F: 281-759-3214
[illegible]

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From: Steve Mendel
Sent: Tuesday, October 09, 2018 1:52 PM
To: 'Bobbie Bayless'; Comstock, Clarinda (Probate Courts); nspielman@grifmatlaw.com; Carole Brunsting; Candace Curtis
Subject: RE: 412249-401 Estate Of Nelva Brunsting

Judge Comstock:

Mr. Spielman and I will be sending a joint response within the hour.

Very truly yours,
Stephen A. Mendel

The Mendel Law Firm, L.P.
1155 Dairy Ashford, Suite 104
Houston, TX 77079
O: 281-759-3213
F: 281-759-3214
[illegible]

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RE: 412249-401 Estate Of Nelva Brunsting / Farm Appraisal

From: Neal Spielman (nspielman@grifmatlaw.com)

To: occurtis@sbcglobal.net; steve@mendellawfirm.com; cbrunsting@sbcglobal.net; bayless@baylessstokes.com

Cc: tim@mendellawfirm.com

Date: Thursday, October 11, 2018, 2:28 PM PDT

Dear Candace –

It is my opinion that your refusal to participate in these discussions is extremely detrimental to everyone, yourself included.

Settlement discussions whether informal, via e-mails and such, or formal, via mediation, present a way for parties to look past certain aspects on which there is strong disagreement (such as your position that this dispute is improperly before the Probate Court) and try to build consensus on the substantive issues, rather than the procedural ones.

Said another way, if the 5 siblings can agree on matters such as sale or partition of the Farm, equalization of disputed monetary issues such as the stock transfers, etc., does it really matter who is correct insofar as reference to an "Estate" or a "Trust" are concerned, or whether Jason Ostrom was authorized to have the dispute moved to Probate Court while serving as your attorney of record? The substantive issues (sale, partition, distributions, etc.) are those that would be addressed via settlement discussions/mediation even if the case had not made its way to Probate Court from Federal Court. For purposes of settlement discussions, the Probate Court/Federal Court debate and the Estate/Trust nomenclature among other procedural topics are irrelevant issues that can be put aside for later, and argued to conclusion if agreement cannot be reached.

I encourage you to re-think both your response to Steve's proposal below, and your overall refusal to participate in settlement discussions at mediation, or otherwise.

Neal E. Spielman
Griffin & Matthews
1155 Dairy Ashford, Suite 300
Houston, Texas 77079
281-870-1124 - telephone
281-870-1647 - telefax
nspielman@grifmatlaw.com

Please take a moment to visit our website at **www.grifmatlaw.com**

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To comply with IRS regulations, we advise you that any discussion of Federal tax issues in this e-mail was not intended or written to be used, and cannot be used by you (i) to avoid penalties imposed under the Internal Revenue Code or (ii) to promote, market or recommend to another party any transaction or matter addressed herein.

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If you are not one of the addressees on this e-mail, the information contained in this e-mail is not intended for you, and please delete this e-mail immediately.
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From: Candace Curtis [mailto:occurtis@sbcglobal.net]
Sent: Thursday, October 11, 2018 3:52 PM
To: Steve Mendel <steve@mendellawfirm.com>; Carole Brunsting <cbrunsting@sbcglobal.net>; Bobbie Bayless <bayless@baylessstokes.com>; nspielman@grifmatlaw.com
Cc: Tim Jadloski <tim@mendellawfirm.com>
Subject: Re: 412249-401 Estate Of Nelva Brunsting / Farm Appraisal

All -

The farm is in the Decedent's Trust. I refuse to discuss the Trusts in any context that includes the Estate of Nelva Brunsting.

Candace

From: Steve Mendel <steve@mendellawfirm.com>
To: Carole Brunsting <cbrunsting@sbcglobal.net>; Bobbie Bayless <bayless@baylessstokes.com>; "nspielman@grifmatlaw.com" <nspielman@grifmatlaw.com>; Candace Curtis <occurtis@sbcglobal.net>
Cc: Tim Jadloski <tim@mendellawfirm.com>
Sent: Thursday, October 11, 2018 1:27 PM
Subject: 412249-401 Estate Of Nelva Brunsting / Farm Appraisal

To All:

Please confirm there is no opposition to an appraisal of the farm. We believe same is needed for settlement discussions. The fees are:

1. $950.00 (+/-) to appraise the entire farm; plus an additional

2. $1,950.00 (+/-) to appraise the value of the farm into five (5) shares. The appraiser would be requested to make the market values as equal as possible, by taking into account acreage may vary because of various factors, such as road access, farmable v. nonfarmable land, water resources, etc.

Please respond by noon, Friday, October 12, 2018.

Very truly yours,

Stephen A. Mendel

The Mendel Law Firm, L.P.

1155 Dairy Ashford, Suite 104

Houston, TX 77079

O: 281-759-3213

F: 281-759-3214

steve@mendellawfirm.com

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