

WHAT WERE THE SETTLORS INTENTIONS?

- 2007-06-26 [Questions, allegations surround Texas probate courts](#) - Houston Chronicle
- 2007-06-25 [Nelva email re chronicle](#) and probate court corruption: **that's why we have the trust** (P14052)
- 2007-04-05 [Nelva email to Anita](#) - **Divided Equally**
- 2007-08-03 Nelva email_to Amy - [Candy to be co-trustee](#) - **Divided Equally**
- 2008-03-04 [Nelva email to Candy](#) **Divided Equally** Tuesday March 04 2008
- 2008-04-04 [Nelva emails Candy:](#) **Divided Equally**

INSTRUMENT AND EVENT CHRONOLOGY

The Front End Bait and Switch

- [Vacek sells peace of mind](#) – website 2012-11-27
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- [Original 1996 Family](#) Trust [V&F 000391-451]
 - Successor trustees Anita then Carl then Amy
- [April 30, 1999 Amendment](#) (Anita's \$100k) [V&F 000808]
 - 2001-06-05 [2nd Amendment 1996 trust](#) (testamentary power removed from Article IX) V&F 000865-000874
- [2005 Restatement](#) [V&F 000941-001027] [V&F000262-348]
 - Anita removed from list of successor trustees – beneficial interest unaffected
 - Successor co-trustees Carl & Amy – Candace as alternate.
 - 2006-12-31 Anita has [Nelva email password](#)
 - 2007-04-02 Anita \$2000
 - 2007-04-02 Anita [email showing bias towards Drina](#)
 - 2007-04-05 [Nelva email to Anita](#) - **Divided Equally**
 - 2007-06-26 [Questions, allegations surround Texas probate courts](#) - Houston Chronicle
 - 2007-06-25 [Nelva email re chronicle](#) and probate court. is **why we have the trust** (P14052)
 - 2007-07-05 [Carl replies that the judge and the lawyers that he employs ought to be horse whipped](#) – Lawyer for Alpert... Bobbie G. Bayless and that case is still malingering on.
 - 2007-07-28 Nelva email to Candy re [Amy not stable](#)
 - 2007-08-03 Nelva email_to Amy - [Candy to be co-trustee](#) - **Divided Equally**

- [2007-09-06 Amendment](#) [V&F 000928-929] V&F 252-253
 - **Amy removed** from list of successor co-trustees – beneficial interest unaffected
 - Successor co-trustees Carl & Candace – **Frost Bank Alternate**⁴⁶
 - 2007-09-06 [Nelva email to Carl re IRA'a](#) (P14072)
 - 2007-09-06 Nelva email to Carl [Elmer incompetent](#) & everything in the safe deposit box
 - 2008-04-04 [Nelva emails Candy](#): **Divided Equally**
 - 2008-04-26 [Nelva emails Anita](#) about criticizing Elmer's Investments

THE RUPTURE

June 9, 2008 Elmer is declared [non-compos mentis](#)

- Article III only allowed changes to the trust if signed by both Settlers or approved by a court of competent jurisdiction. This event renders the family trust (the 2005 Agreement as amended in 2007) irrevocable as it pertains to Elmer's share (the B trust).
- None-the-less, instruments were written by V&F beginning a mere two weeks after Elmer was declared NCM, making changes that could not be made. Thus begins the **Grifter's Bait and Switch and the Saga of the Brunsting Frankensuits**
- The improper changes compound exponentially as later improperly drafted instruments are nested upon the earlier improperly drafted instruments.
- 2008-03-04 [Nelva email to Candy](#) **Divided Equally** Tuesday March 04 2008
- **July 1, 2008** [Appointment of Successor Trustee](#) [BRUNSTING005805-5809] [V&F]
 - – signed by Nelva alone
 - Anita Co-Trustee with Carl
 - Not approved by court of competent jurisdiction – cannot apply to irrevocable family or decedent trusts.
 - Never mentions 2005 Restatement
- **July 1, 2008** [Certificates of Trust](#) [V&F 1431-1432]
 - Reinforces improper change to Article IV made with Inst-5 supra
 - Never mentions 2005 Restatement

⁴⁶ This indicates Elmer and Nelva's intention that Anita and Amy not be returned to the successor trustee list. This also reflects a Vacek artifice in that the 3rd party corporate trustee was never consulted before being named and will not serve. The Maxwell trust case is another example.

- 2008-07-10 email Nelva to Carl Say, I have a better handle on all this trust stuff now except for the really technical language but *that's what the lawyer is supposed to help you with* - everything in safety deposit box [Candy Houston travel](#) to be paid for

Elmer passed April 1, 2009

2010

- February 24, 2010 [Certificate of Trust Family Trust](#) [BRUNSTING005810-5813]
 - – signed by Nelva alone
 - Nests improprieties from July 1, 2008
 - Never mentions 2005 Restatement
- February 24, 2010 [Certificate of Trust](#) for the Elmer H. Brunsting Decedents Trust
 - – signed by Nelva alone
 - Nests improprieties from July 1, 2008
 - Never mentions 2005 Restatement
 - 2010-03-08 Nelva email_to Candy Divided Equally Monday March 08 2010
- [June 15, 2010 QBD/TPA](#) [V&F 349-351]
 - This is the first appearance of the TPA - a deceptive trade practice artifice – This will require further comment⁴⁷ but on the surface, testamentary provisions do not belong in inter vivos instruments.
 - Never mentions 2005 Restatement
 - Makes no distinctions between trusts affected

July 3, 2010 Carl falls ill with encephalitis and is in coma

- 2010-07-30 Freed's Notes-Anita called - [Change the Trust](#) PBT-2015-258999-2

FORGERY AND FRAUD

- [August 25, 2010 QBD/TPA](#) [V&F 353-389] Signature above the Line
 - [August 25, 2010 QBD/TPA](#) Signature Preceded by “Can”
 - [August 25, 2010 QBD](#) Signature on the Line
 -
 - **This is a piece of work.** It combines incompatible powers without distinctions thinking to produce a result greater than the sum total of its parts. In reality it's a wholesale ransacking of what was already disfigured and, as mentioned earlier, this Deceptive Trade Practice Artifice will require further discussion. That discussion will follow. The fact is, its indefensible...

⁴⁷ The TPA is a Jack-in-the-Box artifice smuggled in as an “Oh but not really clause”. The QBD/TPA combination multiplies the deception by adding another layer.

- An obvious question is: How did Candy's name get onto this document when there is absolutely no mention in Freed's notes? Why is Candy's name on it?
- – signed by Nelva alone
- Not approved by court of competent jurisdiction
- Nests previous improprieties
- Never mentions 2005 Restatement
- August 25, 2010 [Appointment of Successor Trustees](#)
 - – signed by Nelva alone
 - Not approved by court of competent jurisdiction
 - Nests previous improprieties
 - Never mentions 2005 Restatement
- August 25, 2010 [Certificates of Trust](#) [V&F 000207-251]
 - – signed by Nelva alone
 - Not approved by court of competent jurisdiction
 - Nests previous improprieties
 - Never mentions 2005 Restatement
- 2010-10-06 [Anita email to Freed](#) Working on Nelva's resignation"
- 2010-10-13 [Summer Peoples re phone conference](#)

October 23, 2010 Phone Conference - Nelva excluded

- 2010-10-25 [Candy to Carole A&A will do anything they can](#) to cut everyone else out
- 2010-10-25 [Freed's Notes from 10.25.10 Phone Conference](#) CC.V&F479-483
- 2010-10-26 [Anita Pressuring Nelva to Resign](#) and everything secret
- 2010-10-26 Candy email to Carole [Mom says she did no such thing](#)
- 2010-10-28 Exhibit [Carole email overhearing Nelva on phone with Freed](#)

October/November 2010 Competency Evaluation

- 2010-11-1 [Nelva Hand Written](#) Note to Candy – Note **Anita's story not true. Anita is not in control – you will get your share!**
- 2010-11-17 [Freed Email re having Nelva subjected to competency evaluation](#)
- **December 21, 2010** [Resignation of Original Trustee](#) [V&F906-915]
- December 21, 2010 [Appointment of Successor trustee](#) [V&F240-245 & 906-915]
- December 21, 2010 Certificates of Trust [V&F906-915]
- 2010-12-21 [Certificate of Trust Decedent](#) V&F 000232 - 234
- 2010-12-21 [Certificate of trust for the NEW family trust](#) V&F 000237 – 239

