

ESTATE OF NELVA E. BRUNSTING,
DECEASED

IN PROBATE COURT

CARL HENRY BRUNSTING,
INDEPENDENT EXECUTOR OF THE
ESTATES OF ELMER H. BRUNSTING
& NELVA E. BRUNSTING

NUMBER FOUR (4) OF

v.

CANDACE L. KUNZ-FREED &
VACEK & FREED, P.L.L.C.,
F/K/A THE VACEK LAW FIRM, P.L.L.C.

HARRIS COUNTY, TEXAS

ORDER CLARIFYING AND AMENDING PRIOR MEDIATION ORDER

On January 10, 2020, the parties appeared before the Court on the Vacek Defendants, Candace L. Kunz-Freed, and Vacek & Freed, P.L.L.C., "Motion to Appoint a Personal Representative or Administrator" of the Estate of Nelva Brunsting, Deceased. With the exception of Carole Brunsting, who appeared Pro Se, all the other parties appeared through counsel.

For purposes of this Order, the term "Brunsting Parties" means Candace Curtis, Carl Brunsting, Carole Brunsting, Anita Brunsting, and Amy Brunsting, individually and in all other capacities held by them. The term "Vacek Defendants" means Candace L. Kunz-Freed and Vacek & Freek, P.L.L.C. The term "Parties" collectively means the Brunsting Parties and Vacek Defendants.

In addition to the Vacek Defendants' motion, there was a general discussion of the status of other issues.

Based on the arguments of the Parties, it is, therefore, ORDERED as follows:

1. The Parties shall mediate their disputes with the Hon. Mark Davidson, unless an agreement is reached by all Parties as to a different mediator. The mediation shall be scheduled with the mediator within fourteen (14) days from the date this Order is signed, and the mediation shall occur on or before sixty (60) days from the date this Order is signed, unless Judge Davidson's mediation calendar does not have an available date within that time frame, in which event the mediation shall be scheduled as soon as Judge Davidson is available.

2. The Co-Trustees, Anita Brunsting and Amy Brunsting, shall serve as Co-Representatives of the Estate of Nelva Brunsting, Deceased, for purposes of the mediation, to negotiate along with all other Parties in an effort to settle any and/or all claims the parties have or may have with each other, including the Vacek Defendants. Such authority shall include, but not be limited to, any/or all settlements between the Parties on terms and/or conditions as agreed to by all the Parties, as evidenced in writing, including but not limited to, dismissal with prejudice of any/or all claims against the Vacek Defendants.
3. Any settlement by all Parties reached at mediation with the Vacek Defendants shall be binding on every Brunsting Party.
4. If the Parties do not settle all claims against the Vacek Defendants at mediation, the authority of the Co-Trustees to prosecute, defend and/or settle the claims against the Vacek Defendants shall end and the Court will hold a hearing to determine the appointment of a proper person to serve as representative of the Estate of Nelva E. Brunsting to prosecute, defend, and/or settle the claims against the Vacek Defendants.
5. The Court acknowledges that on January 16, 2020, Candace Curtis filed an objection to the Co-Trustees serving as the representatives addressing claims against the Vacek Defendants. If the case is not resolved at mediation, any other objection to the continuation of authority of the Co-Trustees may be filed prior to a hearing on that issue.
6. The Bill of Review filed by Candace Curtis is ABATED pending the conclusion of the mediation, or until further order of the Court.

SIGNED on this the 27 day of February, 2020.



JUDGE PRESIDING
HARRIS COUNTY PROBATE COURT NO. 4