

CAUSE NO. 2025-72470

Candace Louise Curtis,	§	IN THE DISTRICT COURT OF
Plaintiff	§	
v.	§	THE 269th JUDICIAL DISTRICT
	§	
Carl Henry Brunsting,	§	HARRIS COUNTY, TEXAS
Bobbie G. Bayless (and law Firm)	§	
Anita Brunsting	§	
Stephen Mendel (and law Firm)	§	
Amy Brunsting	§	
Neal Spielman (and law Firm)	§	
Carole Brunsting	§	
Bruse Loyd (and law Firm)	§	
Cory Reed (and law Firm)	§	
Candace Kunz-Freed (and law Firm)	§	
Defendants	§	

PLAINTIFF'S BRIEF ON VOID ORDERS AND JUDGMENTS

The Texas Supreme Court of Texas “In re United Services Auto. Ass'n 307 S.W.3d 299 (Tex. 2010)” provided a very detailed opinion on the complexities of jurisdiction in Texas courts and the consequences that result from failure to properly interpret the relevant authorities stating:

*“Recourse must be had first to the Constitution, second to the general statutes establishing jurisdiction for that level of court, third to the specific statute authorizing the establishment of the particular *304 court in question, fourth to statutes creating other courts in the same county (whose jurisdictional provisions may affect the court in question), and fifth to statutes dealing with specific subject matters”.*

The Court also noted: “A judgment is void if rendered by a court without subject matter jurisdiction” citing to Mapco, Inc. v. Forrest, 795 S.W.2d 700, 703 (Tex. 1990).

VOID JUDGEMENTS

A judgment is void only when it is apparent that the court rendering judgment "had no jurisdiction of the parties, no jurisdiction of the subject matter, no jurisdiction to enter the judgment, or no capacity to act as a court." *Browning v. Placke*, 698 S.W.2d 362, 363 (Tex. 1985). Errors other than lack of jurisdiction render the judgment merely voidable and must be attacked within prescribed time limits. *Cook v. Cameron*, 733 S.W.2d 137, 140 (Tex. 1987), *Bayoud v. Bayoud* 797 S.W.2d 304 (Tex. App. 1990)

Voidable orders are readily appealable and must be attacked directly, but void orders may be circumvented by collateral attack or remedied by mandamus. *Mapco, Inc. v. Forrest*, 795 S.W.2d 700, 703 (Tex. 1990) (original proceeding); *Sanchez v. Hester*, 911 S.W.2d 173, 176 (Tex. App.-Corpus Christi 1995, orig. proceeding). A judgment is void if it is apparent that the court rendering the judgment had no jurisdiction of the parties, no jurisdiction of the subject matter, no jurisdiction to render the judgment, or no capacity to act as a court. *Mapco*, 795 S.W.2d at 703. All errors other than jurisdictional deficiencies render the judgment merely voidable, and such errors must be corrected on direct attack. *Browning v. Placke*, 698 S.W.2d 362, 363 (Tex. 1985). *Gutman v. De Giulio*, No. 05-20-00735-CV, at *8 (Tex. App. Feb. 25, 2022)

“A court's precision in discussing the judgment as void or voidable is important in order to avoid engendering confusion when the distinction is material. Thus, regardless of when the challenge is asserted, if a party challenges a judgment as void, the first inquiry should necessarily be whether the alleged defect renders the judgment void or merely voidable.”

A direct attack—such as an appeal, a motion for new trial, or a bill of review—attempts to correct, amend, modify or vacate a judgment and must be brought within a definite time period

after the judgment's rendition. A void judgment, on the other hand, can be collaterally attacked at any time. *PNS Stores, Inc. v. Rivera ex rel. Rivera*, 379 S.W.3d 267, 272 n.8 (Tex. 2012)

It is well settled that a litigant may attack a void judgment directly or collaterally, but a voidable judgment may only be attacked directly. *Hagen v. Hagen* 282 S.W.3d 899, 902 (Tex.2009) "Where a court rendering judgment does not have jurisdiction, the judgment is void and cannot operate as res judicata; it neither binds, bars, nor Estops anyone." 34 Tex.Jur.2d, Sec. 467, page 514. *Kohls v. Kohls* 461 S.W.2d 455 (Tex. Civ. App. 1970).

"The law is well settled that a void judgment is a nullity that may be attacked at any time." (citation omitted)); Restatement (Second) of Judgments § 65 cmt. b." *Mitchell v. MAP Res.*, 649 S.W.3d 180, 196 n.15 (Tex. 2022). "A formal judgment rendered by a court without jurisdiction of the subject-matter is void, and may be attacked at any time in any manner." *Rone v. Marti*, 244 S.W. 639, 640 (Tex. Civ. App. 1922).

Where a court rendering judgment does not have jurisdiction, the judgment is void and cannot operate as res judicata; it neither binds, bars, nor Estops anyone. 34 Tex.Jur.2d, Sec. 467, page 514. Dews v. Floyd 413 S.W.2d 800 (Tex. Civ. App. 1967) Kohls v. Kohls 461 S.W.2d 455 (Tex. Civ. App. 1970).

Voidable judgments are subject to latches and limitations while void judgments are barred by neither. *"A judgment void upon its face is subject to an attack at any time, regardless of the statute of limitation."* *Newsom v. State* 236 S.W. 228 (Tex. Civ. App. 1922).

Conclusion

'Although a void judgment may be attacked directly, as well as collaterally, there is no necessity for doing so; it need not be vacated or set aside; it may be simply ignored. And when some right is asserted under the judgment, its invalidity may be pointed out by anyone in any kind of proceeding, in any court, and at any time.' 34 Tex.Jur.2d, § 260, p. 170, and cases cited. *Boyd*

v. Gillman Film Corp. 447 S.W.2d 759 (Tex. Civ. App. 1969).

Plaintiff in this proceeding claims the right to have the complete absence of subject matter jurisdiction in the 412,249-401 action, all probate court proceedings had thereunder, and all probate court actions in 412,248 had after the approval of the inventory, appraisal and list of claims, declared void ab initio for want of subject matter jurisdiction in this court, in this proceeding at this time and neither doctrines of laches nor statutes of limitations apply to judgments void for want of subject matter jurisdiction. There is no bar to this court granting the relief requested.

Respectfully submitted.

/S/ 11/11/2025

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Plaintiff Pro Se

Certificate of Service

I certify that a true and correct copy of the foregoing instrument was served on the following parties via the court's electronic filing system on this 11th day of November 2025.

Defendant Amy Ruth Brunsting, 2582 Country Ledge, New Braunfels, Texas 78132 At.home3@yahoo.com	Defendant Anita Kay Brunsting 801 Bassington Ct. Pflugerville Texas 78660 akbrunsting@outlook.com
Defendant Carl Henry Brunsting 23410 Saxon Way,	Defendant Bobbie G. Bayless Bayless & Stokes

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