

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 District Court Jurisdiction to Review Void Probate Court Orders

On October 14, 2025 the Court issued a sua sponte Order Setting Hearing on Jurisdiction to which all parties were to file briefs, responses, replies and any other instrument or memorandum providing the court with guidance on the issue of jurisdiction before the submission date.

The hearing was apparently set for the Court’s submission docket October 27, 2025. Plaintiff did not receive electronic notice of this order and now files her reply brief with memorandum and exhibits on the jurisdiction of the District Court to vacate or set aside void orders issued by the statutory probate court.

Plaintiff filed untimely appeal to the Court of Appeals for the First District of Texas that was denied (Ex -1) because a direct attack must be timely filed. However, the First District Court

of Appeals **in this case**, recognized that a void judgment could be attacked at any time and explains the reasoning “*Because a collateral attack does not seek rendition of a new judgment to correct the judgment under attack, but merely seeks to show that the original judgment is void, such an action may be brought in any court of general jurisdiction.*”

The Statutory probate Court is a court of limited jurisdiction, TEX. GOV'T CODE § 25.0021. The District Court is a court of general jurisdiction, Texas Government Code §§ 24.007-008, In re United Services Auto. Ass'n 307 S.W.3d 299 (Tex. 2010).

Texas Government Code §§ 24.007-008

Sec. 24.007. JURISDICTION. (a) The district court has the jurisdiction provided by Article V, Section 8, of the Texas Constitution.

(b) district court has original jurisdiction of a civil matter in which the amount in controversy is more than \$500, exclusive of interest.

Sec. 24.008. OTHER JURISDICTION. The district court may hear and determine any cause that is cognizable by courts of law or equity and may grant any relief that could be granted by either courts of law or equity.

269th Judicial District Court has the jurisdiction to vacate or set aside the Orders entered in the statutory probate court for want of jurisdiction on any and all of the five key legal arguments presented in Plaintiff's petition.

1. Jurisdiction Terminated by Statute

- Under Texas Estates Code § 402.001, once the inventory is approved in an independent administration, the probate court's authority ends—unless a specific statutory exception applies.
- The inventories for both Elmer and Nelva Brunsting's estates were approved on April 4, 2013. The trust dispute was filed five days later, making all subsequent actions void ab initio.

2. Trust Dispute ≠ Probate Matter

- The Brunsting Family Living Trust was an inter vivos trust, fully funded and separate from the probate estates.
- The Fifth Circuit in *Curtis v. Brunsting*, 704 F.3d 406 (2013), held that trust assets are not subject to probate and that federal jurisdiction was proper—undermining the probate court’s claim to authority.

3. No Statutory Exception Applies

- The probate court’s continued involvement was not authorized under any of the narrow exceptions listed in the Estates Code (e.g., executor bond, family allowance, rejected claims).
- The independent executors April 9, 2013 Petition for Declaratory Judgment fails to even mention the probate or estates code and clearly fails to cite any of the narrow exceptions required under Estates Code §402.001 or the former probate code §145(h).
- The trust dispute was not “incident to an estate” because the estates were closed and had no assets.

4. District Court Had Dominant Jurisdiction

- The malpractice claim involving the same facts was filed in District Court on January 29, 2013—before the probate court’s April 9, 2013 filing.
- Under Texas law, the first court to acquire jurisdiction has exclusive control. The probate court should have abated or dismissed the later action but a judicial conflict of interest prevented any legitimacy at all from entering into the probate arena.

5. Additional Grounds for Void Orders

- **Statute of Limitations:** Claims related to Elmer’s estate were filed more than four years after his death.
- **Judicial Conflict of Interest:** Associate Judge Clarinda Comstock was represented by the same firm as a party in the case—violating due process and requiring recusal.

Please be advised that October 27th 2025, was the deadline for Defendants to return their waivers of service and that none of the Defendants have met their obligation to reduce the costs of litigation and will need to be formally served.

Respectfully submitted.

/S/ 10/30/2025

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Plaintiff Pro Se

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Void Probate Court Orders

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