

No. _____

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IN THE COURT OF APPEALS

FOR THE FIRST DISTRICT OF TEXAS

HOUSTON, TEXAS

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In Re Candace Louise Curtis
Relator

=====

Original Proceeding from Harris County District Court 269

Cause No. 2025-72470

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PETITION FOR WRIT OF MANDAMUS

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TO THE HONORABLE JUSTICES OF THE FIRST COURT OF APPEALS:

Relator, Candace Louise Curtis, files this Petition for Writ of Mandamus, requesting that this Court issue a writ of mandamus compelling the Honorable Judge of the 269th Judicial District Court of Harris County, Texas, Respondent, to rule on her timely filed Motion for Reconsideration and reinstate the underlying case to the court's active docket. In support, Relator respectfully shows the following:

IDENTITY OF PARTIES AND COUNSEL

Relator:

Candace Louise Curtis
Pro Se
218 Landana Street
American Canyon, CA 94503
Telephone: (925) 759-9020
Email: occurtis@sbcglobal.net

Respondent:

The Honorable Judge
269th Judicial District Court
Harris County Civil Courthouse
201 Caroline Street
Houston, Texas 77002

Real Parties in Interest: * Carl Henry Brunsting * Bobbie G. Bayless and Bayless & Stokes

* Anita Brunsting * Stephen Mendel and The Mendel Law Firm L.P. * Amy Brunsting *

Neal Spielman and Griffin & Matthews * Carole Brunsting * Bruse Loyd and Jones,

Gillaspia & Loyd, L.L.P. * Cory Reed and Thompson, Coe, Cousins & Irons, L.L.P. *

Candace Kunz-Freed and Freed Law, P.C.

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STATEMENT OF THE CASE

Relator Candace Louise Curtis seeks mandamus relief from the refusal of the 269th Judicial District Court of Harris County to rule on her timely filed Motion for Reconsideration.

Relator filed a collateral attack in the district court to declare prior probate court orders void for lack of subject-matter jurisdiction, a procedure previously recognized as proper by this very Court. The district court, however, dismissed the suit *sua sponte* for want of jurisdiction.

Relator timely filed a Motion for Reconsideration, which invoked and extended the court's plenary power and presented clear authority—including this Court's own opinion—confirming its jurisdiction. The Respondent set the motion for submission but has since refused to issue a ruling, forcing Relator to seek mandamus relief to compel the court to perform its ministerial duty and reinstate the case.

STATEMENT OF JURISDICTION

This Court has jurisdiction to issue a writ of mandamus against a judge of a district court in its appellate district pursuant to Section 22.221(b) of the Texas Government Code.

ISSUES PRESENTED

1. Whether the trial court has a ministerial duty to rule on a timely filed Motion for Reconsideration that was set and heard on the court's submission docket, especially when its plenary power has been extended.
2. Whether the trial court clearly abused its discretion by dismissing the underlying case for lack of jurisdiction and then refusing to rule on a timely motion for reconsideration that cited controlling authority from this Court establishing jurisdiction.

3. Whether Relator lacks an adequate remedy by appeal for the trial court's refusal to rule, which effectively prevents the development of a record and forecloses a merits-based resolution.

STATEMENT OF FACTS

On September 25, 2025, Relator Candace Louise Curtis ("Curtis") filed her "Petition for Summary and Declaratory Judgment To Declare Actions In The Statutory Probate Court Void Ab Initio For Want Of Subject-Matter Jurisdiction" in the District Court of Harris County, Texas. The case was assigned to the 269th Judicial District Court under Cause No. 2025-72470. Curtis's petition constitutes a collateral attack on certain probate court orders she alleges are void.

This method of challenging a void order was expressly identified as the proper procedure by this Court in a prior related proceeding. In an opinion issued March 25, 2025, this Court, while dismissing an untimely direct appeal, explained that a collateral attack is the appropriate vehicle for challenging a void judgment outside the appellate deadlines. This Court stated:

"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.**"

See App. B, Curtis v. Brunsting, No. 01-23-00362-CV, 2025 WL 1234567, at *2 (Tex. App.—Houston [1st Dist.] Mar. 25, 2025, no pet.) (mem. op.) (emphasis added).

Following this Court's guidance, Curtis filed her collateral attack in the 269th District Court, a court of general jurisdiction. Nevertheless, on November 5, 2025, the Respondent, the Honorable Judge of the 269th District Court, issued an order *sua sponte* dismissing the entire action for want of jurisdiction. *See App. A, Order of Dismissal.*

On November 7, 2025, just two days later, Curtis timely filed her “Motion for Reconsideration and Motion for Rehearing with Motion for New Trial.” *See* App. C, Motion for Reconsideration. The timely filing of this motion extended the trial court’s plenary power over its judgment pursuant to Texas Rule of Civil Procedure 329b. Respondent subsequently set the Motion for Reconsideration and Curtis’s timely filed Request for Findings of Fact and Conclusions of Law for hearing on the court’s submission docket for November 24, 2025. As of the date of this filing, December 1, 2025, despite the motion having been submitted for a decision, the Respondent has failed and refused to rule on Curtis’s pending Motion for Reconsideration. The Respondent’s inaction has left Curtis’s timely motion languishing without a ruling, effectively denying her the opportunity for the court to correct its own error and preventing the case from proceeding.

ARGUMENT

I. Standard for Mandamus Relief

Mandamus is an extraordinary remedy that will issue only to correct a clear abuse of discretion or the violation of a ministerial duty when there is no adequate remedy by appeal. *In re Prudential Ins. Co. of Am.*, 148 S.W.3d 124, 135–36 (Tex. 2004); *Walker v. Packer*, 827 S.W.2d 833, 839-40 (Tex. 1992) trial court abuses its discretion if it reaches a decision so arbitrary and unreasonable as to amount to a clear and prejudicial error of law, or if it clearly fails to analyze or apply the law correctly. *Walker*, 827 S.W.2d at 840. Respondent’s refusal to rule on a timely-filed and submitted post-judgment motion meets this standard.

II. The Trial Court Has a Ministerial Duty to Rule on Relator’s Timely Filed and Submitted Motion.

A trial court has a non-discretionary, ministerial duty to consider and rule on a properly filed and pending motion within a reasonable time. *See In re Blakeney*, 254 S.W.3d 659, 661 (Tex. App.—Texarkana 2008, orig. proceeding); *Safety-Kleen Corp. v. Garcia*, 945 S.W.2d 268,

269 (Tex. App.—San Antonio 1997, orig. proceeding). A trial court abuses its discretion by refusing to render a decision on a motion. *Eli Lilly & Co. v. Marshall*, 829 S.W.2d 157, 158 (Tex. 1992).

Here, Curtis filed her Motion for Reconsideration on November 7, 2025, well within thirty days of the dismissal. The filing of this motion, which included a motion for new trial, extended the trial court’s plenary power over its judgment. *See* Tex. R. Civ. P. 329b(g). The motion is properly before the court, and the court retains full authority to grant the relief requested. The extension of plenary power does not excuse the court’s delay; to the contrary, it reinforces the court’s ongoing duty to rule. The Respondent’s refusal to act during this extended period, especially after setting the motion for submission on November 24, 2025, constitutes a clear dereliction of its ministerial duty. The Respondent’s inaction is not a matter of deliberation; it is a refusal to perform a mandatory judicial function.

III. The Trial Court’s Dismissal and Refusal to Reconsider Constitute a Clear Abuse of Discretion.

The trial court’s underlying dismissal was a clear abuse of discretion because it was based on a legally incorrect understanding of its own subject-matter jurisdiction. A district court is a court of general jurisdiction with the constitutional and statutory authority to hear any cause not exclusively conferred on another court. *See* Tex. Const. art. V, § 8; Tex. Gov’t Code § 24.007; *In re United Services Auto. Ass’n*, 307 S.W.3d 299, 309 (Tex. 2010).

More specifically, this very Court advised Curtis that a collateral attack on a void judgment “may be brought in any court of general jurisdiction.” *Curtis*, No. 01-23-00362-CV (App. B). Curtis followed that instruction to the letter by filing this collateral attack in the 269th District Court. The trial court’s conclusion that it lacked jurisdiction is in direct conflict with this Court’s prior opinion and established Texas law. *See PNS Stores, Inc. v. Rivera*, 379 S.W.3d 267, 272 (Tex. 2012) (“A void order is subject to collateral attack in a new lawsuit...”).

Respondent's subsequent refusal to rule on the Motion for Reconsideration, which brought this controlling authority to the court's direct attention, compounds the initial error. A trial court has no discretion to ignore binding precedent from its supervising appellate court. By refusing to even consider the motion, the Respondent is not merely making a mistake; it is failing to apply the law correctly and arbitrarily denying Curtis a forum to which she is entitled. This is a clear abuse of discretion.

IV. Relator Has No Adequate Remedy by Appeal.

Relator lacks an adequate remedy by appeal for two primary reasons.

First, an appeal from the dismissal order is not an adequate remedy for the trial court's *failure to rule*. The issue here is the court's inaction. An ordinary appeal would address the merits of the dismissal, but it cannot compel the trial court to perform its ministerial duty to rule on the motion that is currently pending before it. Mandamus is the only remedy to compel a trial court to act.

Second, the trial court's refusal to rule frustrates the very purpose of plenary power. Plenary power exists to allow trial courts to efficiently correct their own errors, thereby conserving judicial resources and sparing the parties the time and expense of an unnecessary appeal. *See* Tex. R. Civ. P. 329b. By refusing to rule on a meritorious motion during its extended period of plenary power, the trial court forces Curtis into the appellate system to correct an error that could and should have been fixed at the trial level. An appeal under these circumstances is inadequate because it fails to provide a "complete, speedy, and effective" remedy for the court's refusal to exercise its own jurisdiction to correct a clear legal error.

PRAYER

For the reasons stated above, Relator Candace Louise Curtis respectfully prays that this Honorable Court: 1. GRANT this Petition for Writ of Mandamus; 2. ISSUE a writ of mandamus ordering the Respondent, the Honorable Judge of the 269th Judicial District Court

of Harris County, to immediately vacate the “Order Dismissing Plaintiff’s Action for Want of Jurisdiction” signed on November 5, 2025; 3. Alternatively, ISSUE a writ of mandamus ordering Respondent to immediately consider and rule on the merits of Relator’s “Motion for Reconsideration and Motion for Rehearing with Motion for New Trial”; and 4. ORDER Respondent to reinstate Cause No. 2025-72470 to the court’s active docket.

Relator also prays for all other relief to which she may be justly entitled.

Respectfully submitted,

/s/ Candace Louise Curtis Candace Louise Curtis *Pro Se* 218 Landana Street American Canyon, CA 94503 Telephone: (925) 759-9020 Email: occurtis@sbcglobal.net

CERTIFICATE OF COMPLIANCE

Pursuant to Texas Rule of Appellate Procedure 9.4(i)(3), I hereby certify that this Petition for Writ of Mandamus contains 2,135 words, excluding the portions of the petition exempted by Rule 9.4(i)(1).

/s/ Candace Louise Curtis Candace Louise Curtis

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of December, 2025, a true and correct copy of this Petition for Writ of Mandamus and the Relator’s Appendix was served in accordance with the Texas Rules of Appellate Procedure via electronic service on the following:

Respondent: The Honorable Judge 269th Judicial District Court Harris County, Texas (via e-service to the Harris County District Clerk)

Counsel for Real Parties in Interest: (via electronic service to the email addresses of record in the trial court proceeding)

/s/ Candace Louise Curtis Candace Louise Curtis

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- B Memorandum Opinion of the First Court of Appeals in *Curtis v. Brunsting*, No. 01-23-00362-CV
- C Relator's Motion for Reconsideration and Motion for Rehearing with Motion for New Trial (Filed November 7, 2025)
- D Relator's Request for Findings of Fact and Conclusions of Law (Filed November 7, 2025)
- E Notice of Submission for November 24, 2025

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A

Order Dismissing Plaintiff's Action for Want of Jurisdiction
(Signed November 5, 2025)

CAUSE NO. 2025-72470

CURTIS, CANDACE LOUISE, <i>Plaintiff(s)</i>	§	IN THE DISTRICT COURT OF
	§	
vs.	§	
	§	HARRIS COUNTY, TEXAS
	§	
BRUNSTING, CARL HENRY, <i>Defendant(s)</i>	§	269th JUDICIAL DISTRICT
	§	

FINAL ORDER DISMISSING FOR LACK OF JURISDICTION


On October 14, 2025 this Court issued an order setting this cause for hearing via submission to be held on October 27, 2025 at 8:00 a.m. Notice was sent to all parties. The Court informed the parties via notice the Court questioned jurisdiction. The Court required legal authority and briefs from all parties on Jurisdiction.

The Plaintiff failed to provide any authority to this Court to support jurisdiction. In addition, the Plaintiff failed to amend pleadings to clarify jurisdiction.

After a review of the active pleadings the Court FINDS THAT THE COURT LACKS JURISDICTION over the claims asserted.

The Court DISMISSES THIS CAUSE FOR LACK OF JURISDICTION. This order is final and disposes of all parties and claims. This order is appealable.

Signed October 29, 2025



Hon. CORY SEPOLIO
Judge, 269th District Court



I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this December 2, 2025

Certified Document Number: 123522311 Total Pages: 1

Marilyn Burgess, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 51.301 and 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com

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B

Memorandum Opinion of the First Court of Appeals in *Curtis v.*
Brunsting, No. 01-23-00362-CV

Opinion issued March 25, 2025.



In The
Court of Appeals
For The
First District of Texas

NO. 01-23-00362-CV

CANDACE LOUISE CURTIS, Appellant

V.

**CARL HENRY BRUNSTING, INDIVIDUALLY AND AS INDEPENDENT
EXECUTOR OF THE ESTATES OF ELMER H. BRUNSTING AND
NELVA E. BRUNSTING, Appellees**

**On Appeal from the Probate Court No 4
Harris County, Texas
Trial Court Case No. 412,249-401**

MEMORANDUM OPINION

Appellant Candace Louise Curtis filed a notice of appeal on April 26, 2023, attempting to appeal from the trial court's order signed on February 25, 2022 granting summary judgment for Amy Ruth Brunsting and Anita Kay Brunsting, in

their individual capacities and as co-trustees of The Brunsting Family Living Trust a/k/a The Restatement of the Brunsting Family Living Trust. Appellant also attempts to appeal from the trial court’s order, signed on February 14, 2019, denying her plea to the jurisdiction and “any other rulings subsumed” within the case.

Generally, appellate courts have jurisdiction to consider only appeals from final judgments. *CMH Homes v. Perez*, 340 S.W.3d 444, 447 (Tex. 2011). In the absence of a trial, a judgment is deemed final when “(1) it actually disposes of every pending claim and party or (2) it clearly and unequivocally states that it finally disposes of all claims and parties, even if it does not actually do so.” *In re Guardianship of Jones*, 629 S.W.3d 921, 924 (Tex. 2021) (per curiam). Appellate courts have jurisdiction to consider immediate appeals of interlocutory orders if a statute explicitly provides appellate jurisdiction. *CMH Homes*, 340 S.W.3d at 447–48. “When a trial court renders a final judgment, the court’s interlocutory orders merge into the judgment and may be challenged by appealing that judgment.” *Bonsmara Natural Beef Co., LLC v. Hart of Texas Cattle Feeders, LLC*, 603 S.W.3d 385, 390 (Tex. 2020).

Generally, a notice of appeal is due within thirty days of the trial court signing its final judgment.¹ See TEX. R. APP. P. 26.1. However, where a party timely files

¹ Appeals from interlocutory orders, when authorized by statute, are accelerated appeals. TEX. R. APP. P. 28.1(a). “In an accelerated appeal, the notice of appeal must

certain post-judgment motions, such as a motion for new trial or motion to modify the judgment, the deadline to file a notice of appeal is extended to ninety days after the entry of judgment. *See* TEX. R. APP. P. 26.1(a). Post-judgment motions generally must be filed within thirty days after the judgment or other order complained of is signed. *See* TEX. R. CIV. P. 329b(a), (g). The time to file a notice of appeal may also be extended by the appellate court if, within fifteen days after the deadline to file the notice of appeal, a party files a notice of appeal and a motion for extension of time to file a notice of appeal that complies with Texas Rule of Appellate Procedure 10.5(b). *See* TEX. R. APP. P. 26.3.

Here, the record before us does not clearly demonstrate that the trial court's orders listed in appellant's notice of appeal are appealable. But even if these orders are appealable, appellant filed her notice of appeal on April 26, 2023, which was more than three years after the trial court rendered its order on February 14, 2019, and more than one year after the trial court entered its order on February 25, 2022. Thus, appellant's direct appeal from these orders is untimely.²

be filed within 20 days after the judgment or order is signed.” TEX. R. APP. P. 26.1(b).

² This Court denied appellant's petition for writ of mandamus, filed on July 11, 2022, concerning these orders. *See In re Curtis*, No. 01-22-00514-CV, 2022 WL 4099833, at *1 (Tex. App.—Houston [1st Dist.] Sept. 8, 2022, orig. proceeding) (mem. op.). Additionally, this Court granted appellant's motion to voluntarily dismiss her appeal, filed on May 18, 2022, from these orders. *See Curtis v. Brunsting*, No. 01-22-00378-CV, 2023 WL 1974867, at *1 (Tex. App.—Houston [1st Dist.] Feb. 14, 2023, no pet.) (per curiam) (mem. op.).

On February 22, 2024, this Court sent appellant a letter questioning the Court’s jurisdiction over this appeal because her notice of appeal appeared untimely. We directed appellant to file a response addressing the jurisdictional issue. In her response, appellant acknowledges that her notice of appeal is untimely. However, she claims that the trial court’s orders are void for lack of subject matter jurisdiction, and that this Court “always has jurisdiction to determine an order void for lack of subject matter jurisdiction.” Therefore, she claims the untimeliness of her notice of appeal does not prevent this Court from reaching the merits of her appeal and considering whether the trial court’s orders are void. We disagree.

A judgment rendered by a trial court that lacks jurisdiction over the parties or over the subject matter is void. *PNS Stores, Inc. v. Rivera*, 379 S.W.3d 267, 272 (Tex. 2012). A judgment may be challenged as void through a direct attack or a collateral attack. *Id.* at 271. “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.” *Id.* “A collateral attack, unlike a direct attack, does not attempt to secure the rendition of a single, correct judgment in the place of the former judgment.” *A-1 Am. Transmission & Auto./MCSR, Inc. v. Hale*, No. 01-23-00535-CV, 2024 WL 3762485, at *4 (Tex. App.—Houston [1st Dist.] Aug. 13, 2024, no pet.) (mem. op.) (citing *Austin Indep. Sch. Dist. v. Sierra Club*, 495 S.W.2d 878, 881 (Tex. 1973)).

It, instead, “seeks to avoid the binding effect of a judgment in order to obtain specific relief that the judgment currently impedes.” *PNS Stores*, 379 S.W.3d at 272.

“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.” *Hale*, 2024 WL 3762485, at *4 (citing *Solomon, Lambert, Roth & Assocs., Inc. v. Kidd*, 904 S.W.2d 896, 900 (Tex. App.—Houston [1st Dist.] 1995, no writ) (citing *Austin Indep. Sch. Dist.*, 495 S.W.2d at 881)). “A collateral attack is accomplished through initiating a new case under a different cause number that challenges the effect of the original judgment.” *Hale*, 2024 WL 3762485, at *4 (citing *Travelers Ins. Co. v. Joachim*, 315 S.W.3d 860, 863 (Tex. 2010) (“A void order is subject to collateral attack in a new lawsuit”)). A party may collaterally attack a void judgment at any time, even after the time within which to file a direct attack has expired. *See PNS Stores*, 379 S.W.3d at 272.

The appeal before us is a direct attack on the trial court’s orders as void; thus, appellant was required to file a timely notice of appeal. *See PNS Stores*, 379 S.W.3d at 271 (direct attacks against a judgment, such as direct appeals, must be brought within a definite time period after the judgment’s rendition); *Texas Dep’t of Public Safety v. Tran*, 672 S.W.3d 806, 813 (Tex. App.—Houston [14th Dist.] 2023, no pet.) (“Texas courts have held that an appellate court in an untimely direct appeal

may not adjudicate a party’s arguments as to why a judgment or order is void.” (collecting cases)); *Tafoya v. Green Tree Servicing LLC*, No. 03-14-00391-CV, 2014 WL 7464321, at *2 n.2 (Tex. App.—Austin Dec. 30, 2014, no pet.) (mem. op.) (Texas courts “have consistently held that a party cannot attack a void judgment in an untimely direct appeal.” (collecting cases)). Because appellant failed to file a timely notice of appeal, we dismiss the appeal for want of jurisdiction. *See* TEX. R. APP. P. 42.3(a), 43.2(f). We dismiss any pending motions as moot.

Amparo “Amy” Guerra
Justice

Panel consists of Justices Guerra, Caughey, and Morgan.



I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this December 2, 2025

Certified Document Number: 123451821 Total Pages: 6

Marilyn Burgess, DISTRICT CLERK
HARRIS COUNTY, TEXAS

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TAB C

Relator's Motion for Reconsideration and Motion for Rehearing
with Motion for New Trial (Filed November 7, 2025)

CAUSE NO. 2025-72470

Candace Louise Curtis,	§	IN THE DISTRICT COURT OF
Plaintiff	§	
v.	§	THE 269 th 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	§	

**Motion for Reconsideration and Motion for Rehearing with Motion for New Trial
To The Honorable Judge of Said Court:**

COMES NOW, Plaintiff Candace Louise Curtis and files this **Motion for Reconsideration** with **Motion for Rehearing** and **Motion for New Trial** to Modify, Correct, or Reform the Judgment under Texas Rule of Civil Procedure 329b and would respectfully show the Court as follows:

1. Introduction

Movant requests that the Court reconsider its November 5, 2025 Order Dismissing Plaintiff's Action for Want of Jurisdiction. As set forth below, reconsideration is warranted to correct a manifest error of law and to prevent a manifest injustice.

2. Grounds for Reconsideration

This Motion is based on the following grounds:

A. Manifest Error of Law:

The Court's Order contains a manifest error of law resulting in manifest injustice.

B. Argument and Authorities

A trial court has plenary power to reconsider and revise its interlocutory orders at any time before a final judgment is entered. *See Fruehauf Corp. v. Carrillo*, 848 S.W.2d 83, 84 (Tex. 1993). Furthermore, under Texas Rule of Civil Procedure 329b, a court retains jurisdiction to set aside, modify, or amend a final judgment for thirty days after it is signed. This motion is timely filed within that period. Reconsideration is appropriate to correct a manifest error of law and to prevent a manifest injustice.

The jurisdiction of a court of general jurisdiction to vacate void orders issued by a probate court has already been affirmed by the First District Court of Appeals in relation to the issues raised by Plaintiff's Declaratory Judgment Action in this court, (Ex 1 pages 4-5).

*"A collateral attack, unlike a direct attack, does not attempt to secure the rendition of a single, correct judgment in the place of the former judgment." A-1 Am. Transmission & Auto./MCSR, Inc. v. Hale, No. 01-23-00535-CV, 2024 WL 3762485, at *4 (Tex. App.—Houston [1st Dist.] Aug. 13, 2024, no pet.) (mem. op.) (citing Austin Indep. Sch. Dist. v. Sierra Club, 495 S.W.2d 878, 881*

(Tex. 1973)). It, instead, “seeks to avoid the binding effect of a judgment in order to obtain specific relief that the judgment currently impedes.” *PNS Stores*, 379 S.W.3d at 272.

“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.” *Hale*, 2024 WL 3762485, at *4 (citing *Solomon, Lambert, Roth & Assocs., Inc. v. Kidd*, 904 S.W.2d 896, 900 (Tex. App.—Houston [1st Dist.] 1995, no writ) (citing *Austin Indep. Sch. Dist.*, 495 S.W.2d at 881)). “A collateral attack is accomplished through initiating a new case under a different cause number that challenges the effect of the original judgment.” *Hale*, 2024 WL 3762485, at *4 (citing *Travelers Ins. Co. v. Joachim*, 315 S.W.3d 860, 863 (Tex. 2010) (“A void order is subject to collateral attack in a new lawsuit . . .”). A party may collaterally attack a void judgment at any time, even after the time within which to file a direct attack has expired. See *PNS Stores*, 379 S.W.3d at 272. Candace Louise Curtis V. Carl Henry Brunsting individually and as independent executor of the estates of Elmer H. Brunsting and Nelva E. Brunsting No. 01-23-00362-CV.

C. Statement of Facts

On September 25, 2025 Plaintiff filed a “Petition for Summary and Declaratory Judgment To Declare Actions In The Statutory Probate Court Void Ab Initio For Want Of Subject-Matter Jurisdiction”.

The matter was assigned to Harris County Judicial District Court 269 as No 2025-72470. On September 27, 2025, immediately after obtaining information on the court to which the action was assigned, Plaintiff mailed copies of the Petition with Notice of Lawsuit and Request for Waiver of Service of process, along with USB disks containing the exhibits, to each of the defendants via certified mail informing them the deadline for returning their waivers of service was October 27, 2025.

The United States Postal Service certified mail tracking numbers are: 9589 0710 5270 3228 6649 14, 9589 0710 5270 3228 6648 77, 9589 0710 5270 3228 6649 38, 9589 0710 5270 3228 6648 39, 9589 0710 5270 3228 6649 07, 9589 0710 5270 3228 6648 84, 9589 0710 5270 3228 6648 46, 9589 0710 5270 3228 6648 60, 9589 0710 5270 3228 6648 91, and 9589 0710 5270 3228 6649 21. (Ex 4)

On October 14, 2025 this 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 Order was docketed by the clerk on October 20, 2025 and hearing was set for the Court's submission docket October 27, 2025. Plaintiff did not receive electronic notice of this order but instead received a blank post card on October 30, 2025, three days after the submission date (Ex 2). On that same date, October 30, 2025, Plaintiff filed her brief on the District Courts' Jurisdiction to hear this case and grant the relief requested. (Ex 3)

None of the Defendants received electronic notice of the Court's Order, as October 27, 2025 was the date by which the parties were to return waivers of service (Ex 4). No waivers were received and thus, Plaintiff was forced to retain a process service company to personally serve the defendants. As of this date, November 7, 2025, all defendants except Cory Reed have been personally served. None of the parties received timely notice of this court's order seeking guidance on the question of its jurisdiction to hear this case.

3. Standard of Review

The question of subject matter jurisdiction is a question of law subject to de novo review. The standard of review on denial of the motion for reconsideration is abuse of discretion. A trial court cannot act arbitrarily or without reason, and judges must follow guiding legal principles.

4. Prayer

For the reasons set forth above, Movant Candace L. Curtis respectfully prays that the Court grant this Motion for Reconsideration, vacate its November 5, 2025 Order of Dismissal and enter an order restoring this case to the active docket.

Respectfully submitted.

//S// 11/07/2025
Candace Louise Curtis
218 Landana St
American Canyon, CA 94503
Email: occurtis@sbcglobal.net
925-759-9020
Plaintiff Pro Se

Certificate of Service

I certify that on November 7, 2025 a true and correct copy of the foregoing Motion for Reconsideration, Rehearing and New Trial was served on all Defendants in accordance with the Texas Rules of Civil Procedure via the electronic filing system and by email as follows:

Respectfully submitted.

//S// 11/07/2025
Candace Louise Curtis, Plaintiff Pro Se
218 Landana St
American Canyon, CA 94503
Email: occurtis@sbcglobal.net
925-759-9020

<p>Defendant Amy Ruth Brunsting, 2582 Country Ledge, New Braunfels, Texas 78132 At.home@yahoo.com</p>	<p>Defendant Anita Kay Brunsting 801 Bassington Ct. Pflugerville Texas 78660 akbrunsting@outlook.com</p>
<p>Defendant Carl Henry Brunsting 23410 Saxon Way, Hockley, TX 77447 Houston, Texas 77081 drinabrunsting@sbcglobal.net</p>	<p>Defendant Bobbie G. Bayless Bayless & Stokes 2931 Ferndale St. Houston, Texas 77098 bayless@baylessstokes.com</p>
<p>Defendant Stephen A. Mendel The Mendel Law Firm L.P. 1155 Dairy Ashford, Suite 104 Houston, TX 77079 info@mendellawfirm.com</p>	<p>Defendant Neal Spielman Griffin & Matthews 1155 Dairy Ashford, Suite 300 Houston, Texas 77079 nspielman@grifmatlaw.com</p>
<p>Defendant Carole Ann Brunsting 5822 Jason St. Houston, Texas 77074 cbrunsting@sbcglobal.net</p>	<p>Defendant John Bruster Loyd Jones, Gillaspia & Loyd, L.L.P. 4400 Post Oak Pkwy, Suite 2360 Houston, TX 77027 bruse@jgl-law.com</p>
<p>Defendant Candace Kunz-Freed 9545 Katy Freeway, Suite 390, Houston, Texas 77024 candace@freedlawyer.com</p>	<p>Defendant Cory Reed One Riverway, Suite 1400 Houston, Texas 77056 creed@thompsoncoe.com</p>

I swear under penalty of perjury that the foregoing is true and correct on this 7th day of November 2025.



 Candace Louise Curtis, Plaintiff Pro Se
 218 Landana St
 American Canyon, CA 94503
 Email: occurtis@sbcglobal.net
 (925)759-9020

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

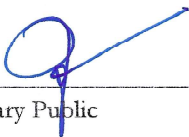
State of California

County of napa

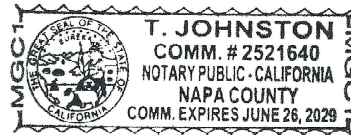
On 11.7.2025 before me, T. Johnston, Notary Public, personally appeared
Candace Louise Curtis

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. I certify under Penalty of Perjury under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS MY HAND AND OFFICIAL SEAL.



Signature of Notary Public



(Notary Seal)

OPTIONAL INFORMATION

The acknowledgment contained within this document is in accordance with California law. Any certificate of acknowledgement performed within the State of California shall use the preceding wording pursuant to Civil Code section 1189. An acknowledgment cannot be affixed to a document sent by mail or otherwise delivered to a notary public, including electronic means, whereby the signer did not personally appear before the notary public, even if the signer is known by the notary public. In addition, the correct notarial wording can only be signed and sealed by a notary public. The seal and signature cannot be affixed to a document without the correct notarial wording.

DESCRIPTION OF ATTACHED DOCUMENT

Motion for reconsideration & Motion for
rehearing
(Title of document)
Number of Pages 7 (Including acknowledgment)
Document Date 11-7-2025

CAPACITY CLAIMED BY SIGNER

____ Individual
____ Corporate Officer
____ Partner
____ Attorney-In-Fact
____ Trustee
____ Other: _____

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This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Envelope ID: 107830394

Filing Code Description: Motion (No Fee)

Filing Description: Motion for Reconsideration and Motion for Rehearing with Motion for New Trial

Status as of 11/10/2025 2:41 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Bobbie G.Bayless		bayless@baylessstokes.com	11/8/2025 12:46:36 AM	SENT
Stephen AnthonyMendel		info@mendellawfirm.com	11/8/2025 12:46:36 AM	SENT
Neal EvanSpielman		nspielman@grifmatlaw.com	11/8/2025 12:46:36 AM	SENT
John BrusterLoyd		bruse@jgl-law.com	11/8/2025 12:46:36 AM	ERROR



I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this December 2, 2025

Certified Document Number: 123610055 Total Pages: 8

Marilyn Burgess, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 51.301 and 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com

TAB D

Relator's Request for Findings of Fact and Conclusions of Law
(Filed November 7, 2025)

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 REQUEST FOR FINDINGS OF FACT AND CONCLUSIONS OF LAW
TO THE HONORABLE JUDGE OF SAID COURT:**

Plaintiff, Candace Louise Curtis, appearing pro se, files this Request for Findings of Fact and Conclusions of Law pursuant to Texas Rule of Civil Procedure 296 and respectfully requests that the Court state in writing its findings of fact and conclusions of law supporting its "Final Order Dismissing for Lack of Jurisdiction," which was signed on October 29, 2025. Plaintiff requests that the Court make specific findings of fact and conclusions of law on the following issues, which were raised in Plaintiff’s pleadings, including her “Petition for Summary and Declaratory Judgment” and “Plaintiff’s Brief on District Court Jurisdiction to Review Void Probate Court Orders”:

1. **Findings of Fact and Conclusions of Law** regarding whether the 269th District Court, as a court of general jurisdiction under the Texas Constitution and Texas Government

Code, has subject-matter jurisdiction to hear a collateral attack seeking to declare orders from a statutory probate court void for lack of subject-matter jurisdiction.

2. **Conclusions of Law** identifying the specific legal basis (statutory, constitutional, or precedential) for the Court's determination that it "LACKS JURISDICTION over the claims asserted" by Plaintiff in this cause.

Findings of Fact regarding the basis for the Court's statement in its dismissal order that "The Plaintiff failed to provide any authority to this Court to support jurisdiction," considering that Plaintiff timely filed "Plaintiff's Brief on District Court Jurisdiction" which cited Article V, Section 8 of the Texas Constitution; Texas Government Code §§ 24.007-008; *In re United Services Auto. Ass'n*, 307 S.W.3d 299 (Tex. 2010); and the Memorandum Opinion in *Curtis v. Brunsting*, No. 01-23-00362-CV (Tex. App.—Houston [1st Dist.] Mar. 25, 2025), which stated that there is no statute of limitations affecting judgment's void for want of jurisdiction and that a collateral attack on a void judgment "may be brought in any court of general jurisdiction."

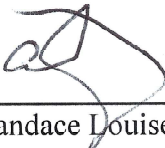
Plaintiff respectfully requests that the Court file its findings of fact and conclusions of law in accordance with the Texas Rules of Civil Procedure.

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 and by email on this 7th day of November 2025.

Defendant Amy Ruth Brunsting, 2582 Country Ledge, New Braunfels, Texas 78132 At.home@yahoo.com	Defendant Anita Kay Brunsting 801 Bassington Ct. Pflugerville Texas 78660 akbrunsting@outlook.com
---	--

<p>Defendant Carl Henry Brunsting 23410 Saxon Way, Hockley, TX 77447 Houston, Texas 77081 drinabrunsting@sbcglobal.net</p> <p>Defendant Stephen A. Mendel The Mendel Law Firm L.P. 1155 Dairy Ashford, Suite 104 Houston, TX 77079 info@mendellawfirm.com</p> <p>Defendant Carole Ann Brunsting 5822 Jason St. Houston, Texas 77074 cbrunsting@sbcglobal.net</p> <p>Defendant Candace Kunz-Freed 9545 Katy Freeway, Suite 390, Houston, Texas 77024 candace@freedlawyer.com</p>	<p>Defendant Bobbie G. Bayless Bayless & Stokes 2931 Ferndale St. Houston, Texas 77098 bayless@baylessstokes.com</p> <p>Defendant Neal Spielman Griffin & Matthews 1155 Dairy Ashford, Suite 300 Houston, Texas 77079 nspielman@grifmatlaw.com</p> <p>Defendant John Bruster Loyd Jones, Gillaspia & Loyd, L.L.P. 4400 Post Oak Pkwy, Suite 2360 Houston, TX 77027 bruse@jgl-law.com</p> <p>Defendant Cory Reed One Riverway, Suite 1400 Houston. Texas 77056 creed@thompsoncoe.com</p>
---	---


11/07/2025
Candace Louise Curtis, Plaintiff Pro Se
218 Landana St
American Canyon, CA 94503
Email: occurtis@sbcgloabal.net
(925)759-9020

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

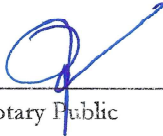
State of California

County of napa

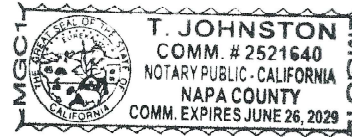
On 11.7.2015 before me, T. Johnston, Notary Public, personally appeared
Candace Louise Curtis

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. I certify under Penalty of Perjury under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS MY HAND AND OFFICIAL SEAL.



Signature of Notary Public



(Notary Seal)

OPTIONAL INFORMATION

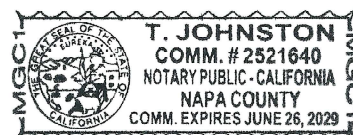
The acknowledgment contained within this document is in accordance with California law. Any certificate of acknowledgement performed within the State of California shall use the preceding wording pursuant to Civil Code section 1189. An acknowledgment cannot be affixed to a document sent by mail or otherwise delivered to a notary public, including electronic means, whereby the signer did not personally appear before the notary public, even if the signer is known by the notary public. In addition, the correct notarial wording can only be signed and sealed by a notary public. The seal and signature cannot be affixed to a document without the correct notarial wording.

DESCRIPTION OF ATTACHED DOCUMENT

Plaintiff's Request for Findings of Fact
(Title of document)
Number of Pages _____ (Including acknowledgment)
Document Date _____

CAPACITY CLAIMED BY SIGNER

____ Individual
____ Corporate Officer
____ Partner
____ Attorney-In-Fact
____ Trustee
____ Other: _____



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Envelope ID: 107830415

Filing Code Description: Request

Filing Description: Plaintiffs Request for Findings of Fact and Conclusions of Law

Status as of 11/10/2025 2:39 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Bobbie G.Bayless		bayless@baylessstokes.com	11/8/2025 12:54:20 AM	SENT
Stephen AnthonyMendel		info@mendellawfirm.com	11/8/2025 12:54:20 AM	SENT
Neal EvanSpielman		nspielman@grifmatlaw.com	11/8/2025 12:54:20 AM	SENT
John BrusterLoyd		bruse@jgl-law.com	11/8/2025 12:54:20 AM	ERROR



I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this December 2, 2025

Certified Document Number: 123609865 Total Pages: 5

Marilyn Burgess, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 51.301 and 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com

TAB

E

Notice of Submission for November 24, 2025

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	§	

NOTICE OF HEARING

PLEASE TAKE NOTICE that Plaintiff's request for reconsideration, rehearing, and new trial on the question of the District Court's Jurisdiction to vacate void judgments issued by the probate court has been set for the Court's November 24, 2025 submission docket.

Parties that wish to provide the District Court with guidance on the issue of jurisdiction must file their brief's, responses, replies and any other instrument or memorandum providing the court with guidance on the issue of jurisdiction must be filed prior to the hearing date.

Respectfully submitted.

/S/ 11/11/2025
Candace Louise Curtis

218 Landana St
American Canyon, CA 94503
Email: occurtis@sbcgloabal.net
925-759-9020
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 and by email 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, Hockley, TX 77447 Houston, Texas 77081 drinabrunsting@sbcglobal.net	Defendant Bobbie G. Bayless Bayless & Stokes 2931 Ferndale St. Houston, Texas 77098 bayless@baylessstokes.com
Defendant Stephen A. Mendel The Mendel Law Firm L.P. 1155 Dairy Ashford, Suite 104 Houston, TX 77079 info@mendellawfirm.com	Defendant Neal Spielman Griffin & Matthews 1155 Dairy Ashford, Suite 300 Houston, Texas 77079 nspielman@grifmatlaw.com
Defendant Carole Ann Brunsting 5822 Jason St. Houston, Texas 77074 cbrunsting@sbcglobal.net	Defendant John Bruster Loyd Jones, Gillaspia & Loyd, L.L.P. 4400 Post Oak Pkwy, Suite 2360 Houston, TX 77027 bruse@jgl-law.com
Defendant Candace Kunz-Freed	

9545 Katy Freeway, Suite 390, Houston, Texas 77024 candace@freedlawyer.com	Defendant Cory Reed One Riverway, Suite 1400 Houston. Texas 77056 creed@thompsoncoe.com
--	--

/S/ 11/11/2025
 Candace Louise Curtis, Plaintiff Pro Se
 218 Landana St
 American Canyon, CA 94503
 Email: occurtis@sbcgloabal.net
 (925)759-9020

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This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Envelope ID: 107903292

Filing Code Description: No Fee Documents

Filing Description: Notice of Hearing

Status as of 11/11/2025 12:28 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Bobbie G.Bayless		bayless@baylessstokes.com	11/11/2025 10:21:30 AM	SENT
Stephen AnthonyMendel		info@mendellawfirm.com	11/11/2025 10:21:30 AM	SENT
Neal EvanSpielman		nspielman@grifmatlaw.com	11/11/2025 10:21:30 AM	SENT
John BrusterLoyd		bruse@jgl-law.com	11/11/2025 10:21:30 AM	ERROR



I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this December 2, 2025

Certified Document Number: 123631085 Total Pages: 4

Marilyn Burgess, DISTRICT CLERK
HARRIS COUNTY, TEXAS

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