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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
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Email: occurtis@sbcgloabal.net
925-759-9020
Plaintiff Pro Se

Certificate of Service

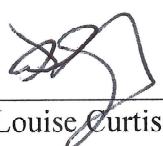
I certify that on November 7, 2025 a true and correct copy of the foregoing Motion for Reconsideration, Rehearing and New Trial was served on all Defendants in accordance with the Texas Rules of Civil Procedure via the electronic filing system and by email as follows:

Respectfully submitted.

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

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
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

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



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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

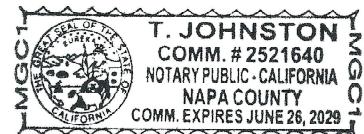
On 11.7.2025 before me, T. Johnston, Notary Public, personally appeared
Candace Louise Curtis

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: _____

Automated Certificate of eService

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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

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