

United States Courts
Southern District of Texas
FILED

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Nathan Ochsner, Clerk of Court

EXHIBIT E

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County Clerk
Harris County

CAUSE NO. 412,249-401

PROBATE COURT 4

IN RE: ESTATE OF

NELVA E. BRUNSTING,
DECEASED

IN THE PROBATE COURT

NUMBER FOUR (4) OF
HARRIS COUNTY, TEXASMOTION TO ENTER TRANSFER ORDER

TO THE HONORABLE COURT:

Comes Now, Plaintiff, Candace Louise Curtis and files this Motion to Enter Transfer Order, and in support thereof would respectfully show as follows:

I. BACKGROUND

Plaintiff filed an Original Petition in the Federal Court for the Southern District of Texas against Defendants Anita Brunsting and Amy Brunsting as Co-Trustees of the Brunsting Family Trust. She subsequently sought and was granted leave to amend her pleading to include necessary parties Carl Brunsting, Executor of the Estate of Nelva Brunsting, Deceased and Carole Brunsting. Although necessary, the addition of these two new parties destroyed federal diversity jurisdiction. Because similar issues of fact and law are currently pending before this Court, the Federal Court entered an order remanding Plaintiff's Federal Case to this Court. *See Ex. A, Order of Remand.*

II. TRANSFER

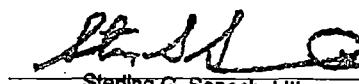
Pursuant to Texas Estates Code Sections 32.005, 32.006 and 32.007, this Court has jurisdiction over the parties and the claims alleged in Plaintiff's First Amended Petition. Accordingly, Plaintiff requests that this Court enter an order accepting the Order of Remand entered by the Federal Court and transfer to itself the pleadings and orders filed and entered in Federal Cause Number 4:12-CV-00592, *Candace Louise Curtis v. Anita Kay Brunsting et al.*

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Diane Trautman, County Clerk
Harris County, Texas



Deputy

 CON:458969|10191039


06052014:0759:PO098

III. PRAYER

WHEREFORE, Plaintiff respectfully requests that the Court (a) accept the Order of Remand entered by the Federal Court and transfer to itself the pleadings and orders filed and entered in Federal Cause Number 4:12-CV-00592, *Candace Louise Curtis v. Anita Kay Brunsting et al.*, and (b) grant such other and further relief that the Court deems just and appropriate.

Respectfully Submitted,

OSTROM/Sain
A Limited Liability Partnership

BY:

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Attorneys for Plaintiff

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Diane Trautman, County Clerk
Harris County, Texas



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Sterling G. Senechal III



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06052014:0759:PO059

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument was served in accordance with Texas Rule of Civil Procedure 21a on the following on the 28 day of May, 2014:

Ms. Bobbie Bayless
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Ms. Darlene Payne Smith
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Jason B. Ostrom

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Diane Trautman, County Clerk
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Sterling G. Senechal III

Deputy

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Case 4:12-cv-00592 Document 112 Filed in TXSD on 05/15/14 Page 1 of 2

06052014:0759:PO100

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

CANDACE LOUISE CURTIS, *et al.*,
Plaintiffs,
VS.
ANITA KAY BRUNSTING, *et al.*,
Defendants.

CIVIL ACTION NO. 4:12-CV-592

ORDER GRANTING PLAINTIFF'S MOTION TO REMAND

The matter before the Court is the Plaintiff's Motion to Remand. Plaintiff seeks remand of the case to state court on substantive and procedural grounds including a lack of complete diversity between the parties and the existence of similar questions of law and fact currently pending before Harris County Probate Court Number Four under Cause Number 412,249. The Court finds that the remand should be GRANTED.

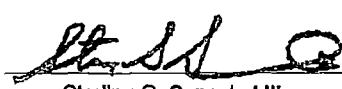
The Court finds that Plaintiff originally filed her Petition against Defendants Anita Brunsting and Amy Brunsting as Co-Trustees of the Brunsting Family Trust and that diversity jurisdiction existed between Plaintiff and Defendants. Plaintiff has sought and been granted leave to file her First Amended Petition, in which she has named additional necessary parties including Carl Brunsting, individually and as Executor of the Estate of Nelva Brunsting and Carole Ann Brunsting, which has destroyed diversity jurisdiction. Plaintiff's First Amended Petition also alleges questions of law and fact similar to those currently pending in Harris County Probate Court Number Four under Cause Number 412,249, and that the possibility of inconsistent judgments exists if these questions of law and fact are not decided simultaneously. The Court further finds that no parties are opposed to this remand and that no parties have filed any objection thereto.

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Exhibit A

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Harris County, Texas


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Case 4:12-cv-00592 Document 112 Filed in TXSD on 05/15/14 Page 2 of 2

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It is, therefore, ORDERED that this case shall be and hereby is remanded to Harris County Probate Court Number Four, to be consolidated with the cause pending under Cause Number 412,429.

It is further, ORDERED that all Orders rendered by this Court shall carry the same force and effect through the remand that they would have had if a remand had not been ordered.

SIGNED on this 15th day of May, 2014.


Kenneth M. Hoyt
United States District Judge

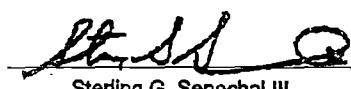
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Diane Trautman, County Clerk
Harris County, Texas


Sterling G. Senechal III

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PROBATE COURT 4

06052014:0759:PO102

CAUSE NO. 412,249-401

IN RE: ESTATE OF

NELVA E. BRUNSTING,
DECEASED

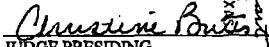
IN THE PROBATE COURT

NUMBER FOUR (4) OF
HARRIS COUNTY, TEXASORDER OF TRANSFER

On this day came to be considered the Motion to Enter Transfer Order filed by Plaintiff Candace Curtis, seeking to have this Court accept the Order to Remand entered by the Federal Court for the Southern District of Texas and transfer to itself the pleadings and orders filed and entered in Federal Cause Number 4:12-CV-00592, *Candace Louise Curtis v. Anita Kay Brunsting et al.* The Court is of the opinion that it has jurisdiction over the parties and claims pending under Cause Number 4:12-CV-00592 finds that the Motion to Enter Transfer Order should be granted. It is, therefore,

ORDERED that the Order of Remand entered by the Federal Court for the Southern District of Texas in Federal Cause Number 4:12-CV-00592, *Candace Louise Curtis v. Anita Kay Brunsting et al.*, is hereby accepted. It is further,

ORDERED that the pleadings and orders filed and entered in Federal Cause Number 4:12-CV-00592, *Candace Louise Curtis v. Anita Kay Brunsting et al.*, be and hereby are transferred to this Court to be held under Cause Number 412,249-401.

SIGNED on this 3 day of June, 2014.

JUDGE PRESIDING

 FILED
 JUN 4 2014
 CLERK
 HARRIS COUNTY COURT AT LAW NO. 4
 TEXAS

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Harris County, Texas


Deputy

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APPROVED AS TO FORM:

OSTROM/SAIN
A Limited Liability Partnership

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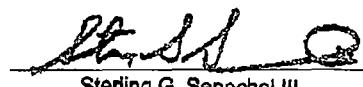
Attorneys for Plaintiff

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