# How to Steal Your Family Inheritance

[How to Steal Your Family Inheritance](https://app.box.com/s/44h1kd6t06m6rzmgtfxb6atcpkopu8yu) is a three page roadmap detailing the elements and the 5 or 6 steps necessary to seize control (steal) of all of the family trust assets from your siblings. Anita Brunsting actively implemented this roadmap and followed it from step 1 to step 6 only to discover that there are a few more steps the roadmap doesn’t mention.

**The Interception of Generational Asset Transfers**

## The largest Generational Wealth Transfer in Recorded History

1. This story begins with a demographic phenomenon involving a segment of the US population commonly referred to as “baby boomers”. This generation acquired and inherited invested and investable wealth and, according to calculations by Bank of America, Forbes and many others, over the next 30 to 40 years approximately one trillion dollars each year will be transferred from these aging American “baby boomers” to heirs, beneficiaries, charities and taxes.

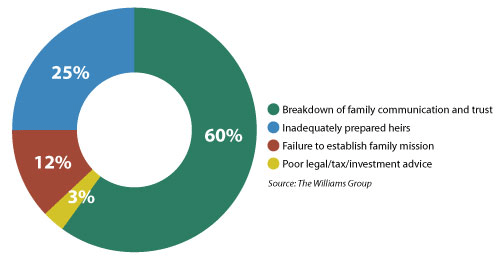
This has been noted by many observers as the largest Generational Wealth Transfer in Recorded History. The enormous amount of preserved value and prosperity involved in generational asset transfers has historically drawn the attention of people who see opportunities to extract some of that wealth for themselves, some of whom are quite honest and offer a quality service for a reasonable fee; most however, offer their services with less than honorable intentions.

In his landmark treatise, An Inquiry into the Nature and Causes of the Wealth of Nations, the Scottish economist Adam Smith observed how difficult it was for families to transition wealth from one generation to the next. He noted, “In commercial countries, therefore, riches, in spite of the most violent regulations of law to prevent their dissipation, very seldom remain long in the same family.” The year was 1776, and in an effort to maintain social order, the British monarchy preferred that wealth remain concentrated in the hands of relatively few aristocratic families, and therefore promulgated a legal structure to encourage stability in that centralization of wealth.

### Failure to Communicate?

In 2002, Roy Williams of the Williams Group[[1]](#footnote-1) published what he called the results of a 25-year survey of 3,250 instances of generational wealth transfer. In his book, Williams concluded that 70% of those transitions failed, where failure was defined as **involuntary loss of control of the assets**. That finding underscores and even quantifies the observation that Smith made centuries ago, but Williams took his analysis a step further and explored the reasons for those failures which he depicts in a pie chart.

## ****The Causes of Failed Wealth Transfer****



Williams attributed only 3% of the failed wealth transitions to poor technical advice. There are plenty of moving parts in tax and estate law, and ambiguities abound as to their interpretation and implementation. And so the legal, insurance, accounting and investing professions spend a great deal of time and money on accreditation and continuing education in order to keep up with those changes and stay current on best practices. Although change is certain to remain a constant when it comes to the right trust structures and transition plans, the “how” of wealth transfer is a relatively settled science – and one that advisors rarely get wrong.

Ninety-seven percent of the failures were attributable to the family itself: due to a lack of a family mission (12%), the inadequate preparation of heirs (25%) or a breakdown of family communication and trust (60%).

According to the report: It is easy to attribute the failure of wealth transfers to today’s ever-changing legal landscape and the complexities that it poses to families with substantial wealth, whether in the form of financial assets, real estate or a family business. Unfortunately, the Williams “Report” appears heavily tainted by a predisposition to financial planner self-promotion, placing too much emphasis on poor family communication as causal when a lack of communication is generally symptomatic or systemic.[[2]](#footnote-2)

Given, that the Williams Report definition of “failure” is “*involuntary loss of control of assets*” and that the “how” of wealth transfer is a relatively settled science, it would follow that the legal and financial complexities of wealth transfers are not key elements in the “failure” and that other factors influence whether or not a family can preserve its wealth across multiple generations. What those other factors are and to whom 70% of generational assets go when control is “involuntarily lost” by the family is not addressed in the report but would seem to hold the answers to causation questions. One point the Report placed emphasis on as causal was conflict within the family.

If, 97% of the failures were attributable to the family itself, and if, as the report claims, wealth transfer is a relatively settled science, then the question of how animosity within the family plays into the 70% asset loss to non-family interests is properly raised. When I spoke with Roy Williams he didn’t have any data on how 70% of asset transfers were “involuntarily lost” nor to whom the generational asset transfers were “involuntarily lost”. What that means to me logistically is, in order to identify the particular dynamics of a generational asset transfer interception; I have to do my own analysis.

It would necessarily follow that the first logistical problems for any 3rd party intending to intercept generational asset transfers would involve locating family wealth subject to transfer and identification of which asset transfers may be vulnerable to interception. These salient points however, do not answer the question of how one would position oneself to reap the lion’s share of any particular generational asset transfer.

In addressing this issue, I refer to the case in point where it is the trust and estate plan attorneys themselves that locate family generational asset transfers, identify vulnerable assets and set the stage for interception by baiting the weak links in the familial moral fabric and drafting the illicit instruments that create the controversy. Controversy appears to be the key that opens the doors to 3rd party looters. Williams was in the estate planning and asset protection services industry and perhaps this would explain why he attributed only 3% of the failed wealth transitions to poor technical advice.

# Grift of the Brunstings

## An over view of the Case in Point

Candace Curtis, (Candy) is a third party to her parents A/B Trust agreement along with her four siblings, (Carl Brunsting, Carole Brunsting, [Anita Brunsting](https://www.linkedin.com/in/anita-brunsting-9b898291/), and [Amy Brunsting](https://www.facebook.com/trinitytutor/)). That Trust Contract clearly and specifically indicates an intention to benefit these third parties and the grandchildren as remaindermen by implication.

Curtis aging parents, Elmer and Nelva Brunsting, (Elmer and Nelva) created their [original trust](https://app.box.com/s/mqzmqww3tw7567l30cnxmfh72ab7tex1) agreement in 1996. That contract of indenture was purchased as a product and service of Estate Plan Attorney Albert Vacek Jr.

There were two amendments to the 1996 trust, one of which was about Anita’s $100,000 loan.

Elmer and Nelva restated their trust in 2005 and amended it in 2007.

The [2005 Restatement](https://app.box.com/s/spsq4uyg7b6i7bzd2n93jcn8d30mvoqu) superseded and replaced the 1996 trust in its entirety and the major change was that Elmer and Nelva removed Anita’s name from the list of successor trustees. However, they did not change the legal name of the trust and that issue arises as an integral flaw in the matrix along with other deceptive trade practices.

The Brunsting Family Trust could be amended if expressed in a writing signed by both Settlors but would become irrevocable and only subject to amendment by a court of competent jurisdiction at the death of either Settlor. ([Art III p.15 of 102](https://app.box.com/file/454283317120))

The [2007 Amendment](https://app.box.com/s/lauxj5dehih7gx33hfmecdbd1nzv8dg9) removed Amy’s name from the list of successor trustees. The 2007 Amendment was the last trust agreement instrument signed by both Elmer and Nelva and it remains the law of the trust despite what has since been done by the disloyal trust and estate plan attorneys to rupture and disfigure it.

When Elmer and Nelva removed Anita and Amy from the list of successor trustees they did not diminish their beneficial interests in the trust but only removed them from a position from which they could cause injury to themselves and their siblings.

## Betrayal of the Fiduciary Duty of Undivided Loyalty and Fidelity

The Vacek law firm became Vacek & Freed P.L.L.C. when Albert Vacek Jr. entered into partnership with [Houston Attorney Candace Kunz-Freed](https://freedlawyer.com/).

Elmer was declared non compos mentis in June of 2008 and Candace-Kunz-Freed (Freed) and Vacek Staff [Attorney Bernard Lisle Mathews](https://lawyers.justia.com/firm/vacek-freed-pllc-13821) (Mathews) immediately went to work to dismantle the Brunsting trust plan by generating a series of illicit instruments beginning July 1, 2008, that put Vacek & Freeds’ new clients, Anita and Amy Brunsting, in the position of co-trustees, without resort to a court of competent jurisdiction and without regard for the fact that Elmer and Nelva had jointly removed both and that Nelva had no individual power to alter or amend that contract.

# A Passive Aggressive Approach to Fiduciary Theft

## The No Accounting – No Disclosure – No-Contest Clause Fraud

Nelva Brunsting passed on November 11, 2011 and Candy requested an accounting and disclosures.

Apparently knowing the only remedy available to a beneficiary for dealing with a rogue fiduciary is to bring an action for judicial relief and, after having attained hostile possession of the office of trustee, Anita and Amy refused or otherwise failed to provide an accounting, failed to produce unprotected trust documents, and began making verbal threats that Candy was going to be disinherited for “challenging the trust” when all she was doing was exercising her rights as an income beneficiary.

Anita and Amy made is clear from the onset that they intended to claim Carl and Candace, by bringing judicial action, had violated the no-contest clause, containing a corruption of blood provision, in the illicit August 25, 2010 QBD instrument that had been drafted for them by the conflicted attorneys after the Family Trust had already become irrevocable under its own terms.

The inside story of steal the family trust is one aspect. The litigation chronology is quite another. Given that obfuscation is a characteristic inherent to any given conspiracy and that discovery occurs in the ordinary course of litigation, it would make sense to continue from there.

# The Litigation Chronology

## Lawsuit 1 – United States District Court – The Honorable Kenneth Hoyt

By the time Nelva passed it was already more than apparent that there were sinister intentions at play and when Anita failed to provide a timely accounting and disclosures Curtis brought suit for breach of fiduciary in the USDC under diversity jurisdiction. [*Candace Louise Curtis vs. Anita and Amy Brunsting and Does 1-100 Case 4:12-cv-00592 Doc 1 Filed in TXSD on 02/27/12*]

When Candy filed suit in the federal court Bernard Mathews made an appearance representing Anita and Amy Brunsting using a “Green and Mathews” letterhead to conceal his extreme conflict of interest as a staff attorney with Vacek & Freed.

## Fifth Circuit Court of Appeals No 12-20164

Candy’s federal lawsuit was dismissed sua sponte under the probate exception to federal diversity jurisdiction on 3/8/2012.

Candy filed an appeal and the Fifth Circuit reversed and remanded January 9, 2013. [*Curtis v Brunsting 704 F.3rd 406*] Breach of fiduciary in the administration of an inter vivos trust is not a probate matter.

# Multiplication and the Birth of Frankensuit

## The Honest Service Fraud Extravaganza –

## Lawsuit No. 2 Estate of Nelva Brunsting

There is only one set of facts and only one court can determine those facts, which is why we have dominant jurisdiction doctrine, Texas Rule of Civil Procedure 97(a) and F.R.C.P. 13.

None-the-less, on January 29, 2013 [Houston Attorney Bobbie G. Bayless](http://www.baylessstokes.com/)  representing executor Carl Brunsting, filed a malpractice suit against Candace Kunz-Freed and Vacek & Freed P.L.L.C. in the Harris County District Court on behalf of the estates of Elmer and Nelva Brunsting. [*District Court of Harris County Texas 2013-05455 / Court: 164*]

## The Injunction

Upon return to the federal court Candy renewed her application for injunctive relief and the application was heard April 9, 2013. At the injunction hearing Amy and Anita’s new attorney, George Vie III, mentioned the related state District Court suit.

The federal court issued a preliminary injunction on April 19, 2013. At conclusion of the April 9, hearing the Court issued the Injunction with constraints delivered verbally. Findings of Fact, Conclusions of Law and Order after Hearing were published on April 19, 2013.[[3]](#footnote-3)

In the Injunctive Order the Court found that Candace had sued her sisters Anita and Amy Brunsting for Breach of fiduciary for failure to disclose trust instruments and failure to provide an accounting. The Court then found that Curtis was a beneficiary; that Anita and Amy were trustees and, that Anita and Amy owed Curtis fiduciary obligations.

The Court further found that Anita had failed to disclose unprotected trust instruments; failed to establish proper books and records; failed to provide a proper accounting and failed to establish and fund individual share accounts as required by the trust instruments:

“Nor is there evidence that the Trustee has established separate trusts for each beneficiary, as required under the Trust, even though more than two years has expired since her appointment”.

The Court also found that Anita claimed to have occupied the office as sole trustee as of December 2010 but had failed to set up proper books and records of account as required by the trust even though more than two years had elapsed.

Amy and Anita were enjoined from spending trust money without Court approval and were ordered to fund the accounts for the beneficiaries with trust income. The remand order binds the state court to all orders entered in the federal court throughout the controversy among these parties.

## Lawsuit No. 3

On April 9, 2013, Attorney Bobbie G. Bayless, (Bayless) knowing there were already related actions pending in two other courts, filed into yet another court.

On April 10, 2013 Vie noticed the federal court of this other related state court suit [Doc 41] filed by Bayless in Harris County Probate Court No. 4 naming everyone in the federal court case defendants. That suit is styled:

[CARL HENRY BRUNSTING, **individually and as independent executor** of the estates of Elmer H. Brunsting and Nelva E. Brunsting vs. ANITA KAY BRUNSTING f/k/a ANITA KAY RILEY, individually, as attorney-in-fact for Nelva E. Brunsting, and as Successor Trustee of the Brunsting Family Living Trust, the Elmer H. Brunsting Decedent’s Trust, the Nelva E. Brunsting Survivor’s Trust, the Carl Henry Brunsting Personal Asset Trust, and the Anita Kay Brunsting Personal Asset Trust; AMY RUTH BRUNSTING f/k/a AMY RUTH TSCHIRHART, individually and as Successor Trustee of the Brunsting Family Living Trust, the Elmer H. Brunsting Decedent’s Trust, the Nelva E. Brunsting Survivor’s Trust, the Carl Henry Brunsting Personal Asset Trust, and the Amy Ruth Tschirhart Personal Asset Trust; CAROLE ANN BRUNSTING, individually and as Trustee of the Carole Ann Brunsting Personal Asset Trust; and as a nominal defendant only, CANDACE LOUISE CURTIS – Harris County Probate Court No. 4 No. 412249-401]

## Remand and the Vanishing Lawsuit

Curtis was directed by Judge Hoyt to obtain counsel and Curtis retained [Houston Attorney Jason Ostrom](https://www.bizjournals.com/houston/news/2018/06/11/holland-knight-adds-more-lawyers-in-houston.html#i/10937767). Ostrom petitioned the court for leave to amend Curtis complaint in order to pollute diversity and obtained a remand to Harris County Probate Court No. 4 where the suit was assigned No. 412249-402. [*Candace Louise Curtis vs. Anita and Amy Brunsting and Does 1-100* ***No 412249-402****]*

Once in Harris County Probate Court No. 4 there was a mediation that resolved nothing and after that [Ostrom](https://www.texas-probate-attorney.net/attorneys/Jason-Ostrom) abandoned Curtis lawsuit and adopted the style “Estate of Nelva Brunsting No. 412249-402”

Carl resigned the office of executor on February 19, 2015 and on February 20, 2015 Probate Court Judge Christine Butts and all the attorneys signed an agreed docket control order (DCO) in Estate of Nelva Brunsting.

On March 3, 2015, with the office of executor vacant, the probate court judge and all the attorneys signed an agreed Order to consolidate Estate of Nelva Brunsting No. 412249-402 with Estate of Nelva Brunsting No. 412249-401 and closing -402. Thus, Candy’s case was effectively dissolved into Bayless “Estate of Nelva Brunsting 412249-401” where Candy Curtis is a named defendant.

When Curtis fired Jason Ostrom the version of the agreed order to consolidate cases that was signed by judge Butts was removed from the docket. Candy had already obtained [a copy from the clerk by mail.](https://app.box.com/s/znrbifglw4du4r9jiwzit3z9vf7531o8) That copy was an exhibit in the RICO suit.

The February 20, 2015 DCO had a summary judgment deadline of August 3, 2015 but that was wiped from the table at the last moment without notice and converted into a hearing for protective order regarding [**illegal wiretap recordings**](https://app.box.com/s/uaivyolr10xg3hfwit8vic20cvo63ub7) that had been disseminated by U.S. Mail in July. Wiretap recording was mention in Candy’s original federal complaint 2/27/2012.

[When Candy attempted to get a new DCO](https://app.box.com/s/5jbe23yw5hbene5m0o0hddsxv2i48m0h) in place she was confronted with an obvious ex-parte arranged schlemiel presented by Amy Brunstings third attorney, [Neal Spielman](http://grifmatlaw.com/Attorneys/Neal-E-Spielman.html) and threatened with the **No-Contest Clause Fraud** in attempt to redirect to a second mediation.

You might call it litigation but all of this looks like larceny to me and while RICO is a joke to even attempt to plead against attorneys and judges, you don’t get to depose the opposing counsel in a case and we were not going to negotiate with people who use threats and other intimidation methods in place of facts and the law related to those facts, so I drafted a RICO complaint using the guidelines in [Chapter 9 of the DOJ criminal procedures manual](https://www.justice.gov/jm/justice-manual). [*2016-07-05* [*Case 4-16-cv-01969*](https://www.txs.uscourts.gov/node) *Harris County RICO\_Complaint*]

The RICO case was dismissed as frivolous, nonsensical and borderline malicious. We filed an appeal [[No.17-20360](http://www.ca5.uscourts.gov/)] that received the rubber stamp from the Fifth Circuit after the same court had unanimously held the administration of an inter vivos trust was [not a probate matter](https://app.box.com/s/egls44qrd2ey1f51xl34tw8pfkx2qw2q).

After the RICO appeal we filed a Rule 60 Motion for Vacature in Judge Hoyt’s Court [Doc 115][[4]](#footnote-4) detailing the series of shenanigans in “Estate of Nelva Brunsting” with no executor representing the estate and all the attorneys trying to manipulate their way into becoming creditors of Estate of Nelva Brunsting in effort to create property interests in the trust under the pretext of fees from a probate matter.

## Changing the Guard: Business as Usual in Probate Number 4

After the 2018 elections a new judge was elected to Harris County Probate Court No. 4.

Amy and Anita’s counsel notice intention to depose Harris County District Court Defendants Candace-Kunz-Freed and after hearing the deposition was ordered to go forward.

Plaintiff Curtis [Plea to the Jurisdiction and Pleas in Abatement were denied](https://app.box.com/s/o4w9viqag7qc4bidt3q5f5r4cpvirs82) with the Probate Court declaring it had jurisdiction over the estate and the trusts.

The consolidation of Estate of Nelva Brunsting No. 412249-402 with Estate of Nelva Brunsting No. 412249-401 was allegedly “found in a drawer” by the new clerk and held valid because it was signed by [Judas Ostrom](https://www.bizjournals.com/houston/news/2018/06/11/holland-knight-adds-more-lawyers-in-houston.html#i/10937767). The Court did not comment on the fact that there was no one representing the estate of Nelva Brunsting when the [AGREED ORDER to consolidate Estate of Nelva Brunsting with Estate of Nelva Brunsting](https://app.box.com/s/znrbifglw4du4r9jiwzit3z9vf7531o8) was signed.

The files in 412249-402 were therein ordered to be poured into 412249-401 and the -402 file was ordered to be closed again thus leaving plaintiff Curtis without a lawsuit.

The Harris County District Court Malpractice case was ordered transferred to probate Court 4 to be assigned No. [412249-403](https://app.box.com/s/k7hjqaze1t7t7ha0uec5oegfcp1jm5op).

The deposition of Candace Kunz-Freed was slated for March 20, 2019 and on the 19th while Candy Curtis was in flight, Anita and Amy waived privity and one hundred-forty three pages of internal Vacek and Freed documents were disclosed showing the enormity of Mathews and Freeds’ betrayal of the fiduciary duty owed to Elmer and Nelva, collusion with Anita and Amy and cultivation of conflicting interests among the third party beneficiaries to Elmer and Nelva’s Family Trust Contract Agreement.

The [March 19, 2019 supplemental release](https://app.box.com/s/oto18y0d82uvewb12rd752sa5e1z1d7e) also demonstrated that it was Anita Brunsting who was constantly calling Freed about making changes to “the trust” after Elmer became NCM and even after Nelva passed. There was an irrevocable life insurance trust for which Anita was always the only trustee; this supplemental release reveals that when Nelva passed, Anita was calling Vacek & Freed to find out if there was any way she could get out of paying the beneficiaries the full amount of their benefit.

## Application for Orders to Show Cause USDC So Dist. TX

While Curtis was at the deposition of Freed on March 20, 2019 she filed her Application for Orders to Show Cause seeking enforcement of the federal injunction.

[Amy’s affidavit](https://app.box.com/s/n03bd1xp4r8owyzwmtvh0ltii2lmz2cf) claiming that personal asset trusts had been setup “as is the Case for Candace” was filed in 4:12-cv-592 by Bernard Mathews on March 2012. As of March 20, 2019 there is no evidence that those accounts had been funded buy quite the contrary, there is evidence that they have not.

None-the-less Judge Hoyt made it clear in the phone conference May 8, 2019, that the federal district court was helpless to uphold its dignity and authority

## List of Offenses to Date

At this juncture we have collusion between successor beneficiaries Anita and Amy and the Settlors Trust and Estate Plan Attorneys Bernard Mathews and Candace Kunz-Freed: This begins the manufacture of controversy…

Usurpation of the Settlors Trust plan and the cultivating of conflicting interests between successor beneficiaries Anita and Amy and successor beneficiaries Candace, Carl and Carole;

fraud on the federal court by Mathews, disingenuously concealing his conflicts of interest, while appearing on behalf of clients for whom Mathews had drafted illicit instruments in betrayal of the original clients and to the injury of successor beneficiaries Candace, Carl and Carole;

fraud on the federal court by Bayless in multiplying the litigation and fraud upon two additional state courts. (Willful Obstruction);

fraud on the federal court by attorney Jason Ostrom using the administrative side of the court to avoid the judicial side of the court in order to get Curtis lawsuit removed from a court of competent jurisdiction;

The April 19, 2013 Injunctive Order is the only substantive finding of fact and conclusion of law after hearing ever entered by any court and the Masters Report that followed the injunction showed self-dealing and misapplication of fiduciary assets by Anita Brunsting;

[Amy’s March 6, 2012 affidavit](https://app.box.com/s/n03bd1xp4r8owyzwmtvh0ltii2lmz2cf) claiming personal asset trusts had been “set up” was sworn to under penalty of perjury and was a false affidavit that remains untrue today;

The continued violation of the affirmative command in the injunction, that income be used to fund those same accounts, is criminal. Income is received twice annually;

[Conversion of Curtis lawsuit](https://app.box.com/s/ugkg3uxzn0xcx70ijiiuimyvo7ui689q) into “Estate of Nelva Brunsting” when the Brunsting Family Trust is the only devisee/legatee and neither Curtis nor any other trust beneficiary has standing in the probate of an estate.

* 1. Illegal Wiretap Recording: File properties in the wiretap recording segments disseminated by mail on CD-Rom in July 2015 indicate that those excerpts were extracted from a master on February 15, 2015.
  2. The reason for the release of these segments of the wiretap recordings remains a mystery other than they were used as an excuse for evasion and no docket control order ever returned.

Not only are we looking at a passive aggressive methodology for fiduciary theft, the no-contest clause Amy, Anita and their attorneys, [Stephen Mendel](https://www.mendellawfirm.com/) and Neal Spielman, are relying on is in a [forged and otherwise fraudulent](https://app.box.com/s/hhd0gh0xcoem6a8bo0x8u45dn40mihry) instrument that contains a corruption of the blood provision. Thus Anita and Amy, by forcing the beneficiary to bring litigation to protect their beneficial interests and then advancing a theory that, if true, would enlarge their share of the trust, have violated paragraph two of the no-contest clause in the 2005 restatement by causing litigation to be brought for purposes of advancing such a theory.

In this equation we have aiding and abetting: malpractice, breach of fiduciary, elder abuse, fraud, conspiracy, forgery, illegal wiretapping, attempted extortion, criminal conversion, misapplication of fiduciary assets, perjury and violation of a federal preliminary injunction in perpetuity.

According to the Honorable Alfred H. Bennett, and the honorable justices of the Fifth Circuit Court of Appeals, It is frivolous, nonsensical and borderline malicious to label what I have just described as racketeering, a.k.a. organized crime. The question thus arises; if this is litigation how is it substantively distinguishable from garden variety group larceny?

## The Law beyond the Law

A fiduciary duty is the highest form of obligation one individual can owe to another under the law. That is because a fiduciary duty does not exist in law but in equity. Equity is the law beyond the law. Law is about social order but equity is about justice, right as distinguishable from wrong. Good luck finding respect for fiduciary obligations in a reprobate court.

Never let a crisis go to waste is a theme we will see throughout this story line. In the Grifter’s confidence game a crisis is known as a “Hurrah” but in the legal arena we call them qualifying events. Qualifying events trigger the next phase in the sting operation and can be used as a road map in the time line. In the context of estate planning one is preparing for the ultimate hurrah, one’s own demise.

The following is a chronological outline of the significant events (A-G) and the instruments drafted (1-15) in relation thereto.

# Instrument and Event Outline

## The Brunsting Trust Chronology

1. [Original 1996 Family Trust](https://app.box.com/s/mqzmqww3tw7567l30cnxmfh72ab7tex1) (V&F 000391-451)

1. [April 30, 1999 Amendment](https://app.box.com/s/45fyenkunhkw8p1n2j0m8ndgja3chgs3) (Anita’s $100k) [V&F 000808]

1. [2005 Restatement](https://app.box.com/s/6k6rzwgsmn68818lallgim2epgckt7py) [P849-950]

1. [2007 Amendment](https://app.box.com/s/lauxj5dehih7gx33hfmecdbd1nzv8dg9) [P444-445] [V&F000928-929]

## The Qualifying Event Illicit Instrument Series

1. Elmer is Declared non-compos mentis June 9, 2008

1. [July 1, 2008 Appointment](https://app.box.com/s/77pq2lm48y70dv2e5zec85bb9hixjz8e) [BRUNSTING005805-5809]

1. [July 1, 2008 Certificate of Trust](https://app.box.com/s/4htoy33jv78e83znfb29edvb87dbvpvh) [V&F 1431-1432]
2. Elmer passed April 1, 2009

1. [February 24, 2010 Certificate of Trust Family Trust](https://app.box.com/s/yfx1fm4nw3tw04mh263tpuuoviq0c6b9) [BRUNSTING005810-5813]

1. [February 24, 2010 Certificate of Trust for the Elmer H. Brunsting Decedents Trust](https://app.box.com/s/ymqscps49w84grxdp3ac9yo565ararcw)

1. [June 15, 2010 QBD/TPA](https://app.box.com/s/m9liocfxdgc70poxlxj0k9rognj5aoak) [V&F 349-351]
2. Carl falls ill with encephalitis and is in coma July 3, 2010

1. [August 25, 2010 QBD/TPA](https://app.box.com/s/a9rgz3xafwdy0hc1k4kw02vlln1mc8qm) [V&F 353-389 ABL]

1. [August 25, 2010 Appointment of Successor Trustees](https://app.box.com/s/h5spbcxj94xg205eh46oqmgop4q2gnon)

1. [August 25, 2010 Certificates of Trust](https://app.box.com/s/lqjk80zy0wxkzikzqoy0rkk1nl2kiqno) [V&F 000207-251]
2. October 23, 2010 Phone Conference
3. October/November 2010 Competency Evaluation
4. Assault on Nelva at Home

1. [December 21, 2010 Resignation of Original Trustee](https://app.box.com/s/rb1g7u3r96s3tt5hkkte763z0it15rbm) [V&F 000207-251] [V&F906-915]
2. [December 21, 2010 Appointment of Successor trustee](https://app.box.com/s/te7blb3f028zjdn7t4n0ov1nhmbga2jy) (P447-452) [V&F240-245 & 906-915]
3. [December 21, 2010 Certificates of Trust](https://app.box.com/s/enei9azubcsedrzd2bzgt1rxj8kau4j0) [V&F 000207-251]
4. November 11, 2011 The Demise of Nelva Brunsting

## Deceptive Artifices

1. PAGE NUMBERING: The first noticeable aspect is in the composite nature of the design. Article I begins with page number 1-1 and Article II begins with page number 2-1 etc. The trust instruments themselves are not really reliable because of this structural anomaly and flaws in the chain of custody and control and one of the reasons I say that is an artifice I call the “Oh but not really” clause (Better known as the bait and switch).
2. QUALIFIED BENEFICIARY DESIGNATION AND TESTAMENTARY POWER OF APPOINTMENT: The Oh, but not really clause is the groundwork for an artifice known as a Jack-in-the-Box. It is supposed to “pop up” after the last settlor die’s when there is no one left to say “That’s not true”.
3. Nelva’s [forged signature](https://app.box.com/s/hhd0gh0xcoem6a8bo0x8u45dn40mihry) on the August 25, 2010 QBD is a bait and switch maneuver called the “In-and-In” and it’s one of the six optional steps in a confidence game that works roughly the same as explained in “[How to Steal your Family Inheritance](https://app.box.com/s/44h1kd6t06m6rzmgtfxb6atcpkopu8yu)”. The point of getting one of the Marks hands dirty is to get inside help and forestall a squeal when double-crossed as in the case in point.

I made reference to the Defendants attorneys making threats and those are the no-contest clause threats, based upon an oxymoron, a farraginous blend of incompatible powers without distinctions that arise from changes that could not be made, which I cover in the trust [chronology detail](https://app.box.com/s/2vsd2aa3xtebncotg19pqvq0ssd5p9l5). It is also a compulsory counter claim waived pursuant to FRCP §13 and Tx.Cd.Civ.Pro. §97(a) as it wasn’t raised in the Defendants answer in any state or federal court.

Petitioner filed a breach of fiduciary action under diversity jurisdiction in the Southern District of Texas February 27, 2012. On March 6, 2012 Defendant Amy Brunsting filed an affidavit [Dkt 10-1] claiming the allegations were totally meritless. She also claimed they:

* are attempting to liquidate for distribution to the heirs is a residence located at 13639 Pinerock Lane, Houston, Texas 77079
* Petitioner’s action was dismissed sua sponte March 8, 2012 under the probate exception, then reversed and remanded for further proceedings January 9, 2013, *Curtis vs. Brunsting 704 F.3d 406*.
* Upon return to the SDTX Petitioner reapplied for preliminary injunction. Hearing was had April 9, 2013, the preliminary injunction was issued [Dkt 45], a Special Master was appointed [Dkt 55], a report [Dkt 62] prepared and hearing had. These were the last actual events in the case.
* The house in Houston was sold but no assets have been distributed.
* Defendants were ordered to make their alleged “personal asset trusts” real by depositing income into an appropriate account for the beneficiary. They have refused or otherwise failed to do so.
* They have refused to perform a single affirmative fiduciary act and will only account when forced.

## Forgery

Instruments [making improper changes](http://www.probatemafia.com/2010-08-25-qbd-signature-page-2020-05-08-2/) to inter vivos trusts [alleged to have been signed](https://secureservercdn.net/166.62.115.136/qjz.b61.myftpupload.com/wp-content/uploads/2020/08/2010-12-21-RESIGNATION-OF-ORIGINAL-TRUSTEE-VF-000207-251-VF-906-915.mp4?time=1597069763) by Nelva Brunsting [were not signed by Nelva Brunsting](https://secureservercdn.net/166.62.115.136/qjz.b61.myftpupload.com/wp-content/uploads/2020/08/2010-12-21-P447-452-Appointment-of-Successor-Trustees.mp4?time=1597069763) and attempt to make improper changes to irrevocable instruments in any event.

## Wiretapping

[Hearing Transcript](http://www.probatemafia.com/wp-admin/post.php?post=1004&action=edit)

According to the file properties, the excerpts disseminated via U.S. Mail were extracted from a larger master disk on or about February 15, 2015. The Independent Executor resigned February 19, 2015.

Without the participation of an estate there can be no proceedings in the probate court. The significance of the wiretap recordings is the suggestion of stalking.

## Misapplication of fiduciary (Theft)

## Fraud

## Extortion

This is the “agree to pay attorney fees or get disinherited” steer manure.

## Obstruction

Seven years in a probate court without addressing even one necessary fact question.

## Conversion

## Abuse of Process

*See*[387 F. Supp. at 711-14](https://casetext.com/case/hyde-construction-co-inc-v-koehring-company-co#p711) and cases cited therein. **Abuse of process** is defined in Mississippi jurisprudence as "the intentional use of legal process for an improper purpose incompatible with the lawful function of the process by one with an ulterior motive in doing so, and with resulting damages." Malicious prosecution is said to be "the initiation of unsuccessful civil or criminal judicial proceedings with malice and without probable cause and with resulting damage."

*Dunn v. Koehring Co.*, 546 F.2d 1193, 1199 n.19 (5th Cir. 1977)

## Malicious Prosecution

**Malicious prosecution** is said to be "the initiation of unsuccessful civil or criminal judicial proceedings with malice and without probable cause and with resulting damage." The district court pointed out the major differences between the two actions: (1) it is necessary that the prosecution or action has ended before a suit for malicious prosecution may be brought while there is no such requirement for abuse of process; (2) malicious prosecution is based on the issuance of process while abuse of process is concerned with the use of the process; (3) the element of probable cause is necessary in malicious prosecution and irrelevant in abuse of process. The court below also noted the similarities of the two actions: (1) in both the defendant must have acted with an intent not in accord with the proper purpose of invoking the judicial process; (2) in both intent may be inferred, and (3) the same act may give rise to a cause of action under both tests.

*Dunn v. Koehring Co.*, 546 F.2d 1193, 1199 n.19 (5th Cir. 1977)

1. <http://www.thewilliamsgroup.org/> The Williams Group, 1443 N. El Camino Real Suite A, San Clemente, CA 92672 Telephone 949-940-9140 [↑](#footnote-ref-1)
2. Secrecy is a red flag. When a fiduciary has a duty to speak but remains silent, that silence is indicative of immoral intentions and that would explain deteriorating levels of familial trust. Ass to communication, add an attorney and you have that breakdown as a matter of course. [↑](#footnote-ref-2)
3. 2013-04-19 Case 4-12-cv-592 Doc 45 Preliminary Federal Injunction [↑](#footnote-ref-3)
4. 2016-07-05 Case 4-16-cv-01969 Harris County RICO\_Complaint [↑](#footnote-ref-4)