# Vacek & Freed P.L.L.P.

## Attorney Albert Vacek, Jr. –

Vacek is an attorney who sells “Peace of mind” to aging Americans in the form of trust and estate plan instruments.

1. Naming Conventions for the trusts use the name of the trustee and appears to be intended to confuse the present for the past.
2. Modular design and page numbering: Vacek designs his trust instruments in a way that makes falsification and disruption of Vacek designed trust instruments easy.
3. Client has to return to Vacek to divide the family trust assets between survivor and decedents trusts after the passing of the first Settlor
	1. V&F now know what the assets are and where they are located and if a weak link in the familial moral fabric can be identified, these assets are considered vulnerable.
4. Survivor trust is revocable and decedents trust is irrevocable but neither indenture is expressed independently from the Family Trust
5. Vacek gives his clients assurances that his products will avoid guardianship and probate while selling Pour Over Wills as part of his package. The Texas legislature says if the Will is admitted to probate the trust can be sucked into that theater proving that Vacek sells lies.

## Attorney Candace Kunz-Freed – (Freed)

1. Freed betrayed the duty of loyalty that V&F owed to Elmer and Nelva Brunsting, actively engaged in cultivating conflicting interests, ruptured the Brunsting trust, generated fraudulent trust instruments and notarized digital images as if the instruments had been signed in her presence.
2. When Nelva discovered the rupture of the trust she contacted Freed with instructions to change it back to the way it was supposed to be and sent Candace a hand written card saying that what Anita is claiming is not true. The response from Anita, Amy and Freed was to have Nelva subjected to a competency examination.

## Anita Brunsting

1. Anita Brunsting is the youngest of five siblings[[1]](#footnote-1), all of whom are equal share successor beneficiaries to their parents’ inter vivos trusts (The Brunsting Family of Trusts).
2. Anita was initially the only successor trustee (Original 1996 Family Trust) followed by alternates Carl and then Amy.
3. After her 1999 divorce, Anita demonstrated financial incompetence and was constantly dinging her parents for money. After Anita defaulted on her mortgage payments Elmer and Nelva decided to pay off her mortgage to the tune of $100,000.
4. Elmer and Nelva completely removed Anita from being a successor trustee with the 2005 Restatement, naming Carl and Amy to be successor co-trustees with Candace as the alternate.[[2]](#footnote-2)
5. Amy was removed with the 2007 Amendment, which named Carl and Candace as the successor co-trustees.[[3]](#footnote-3)
6. Elmer Brunsting was declared incompetent in 2008.[[4]](#footnote-4)
7. June 15, 2010 "Qualified Beneficiary Designation” authorized by Article III to allow advances on inheritance expectancies (from her share).

# Cultivating Conflicting Interests

1. At some point in time Freed entered into a confidential relationship with Anita Brunsting. After Elmers’ passing on April 1, 2009, Freed assisted Anita in her scheme to steal the family trust to the ultimate injury of all those similarly situated as beneficiaries.

# A Qualifying Event, also known as a HURRAH

1. On July 3, 2010 Brother Carl falls Ill and is in coma. Anita and Amy begin a bonfire of defamations of Carl’s wife Drina Brunstings integrity and it isn’t long before it reverberates through to Candace on the west coast.
2. On July 20, 2010-Candace Kunz-Freed has a phone conference with Anita Brunsting and July 30 Freed’s client notes shows her taking instructions from Anita and not Nelva. \\Candy Trust docs\2015 Current Project\Exhibits\Freed's 7.30.10MtgNotes.V&F687-691.pdf
3. October 6, 2010-Candace Kuntz-Freed has a phone conference with Anita Brunsting. (Freed Interoggs) and on October 6, 2010 Anita emails Freed that Nelva had agreed to resign and appoint her trustee. \\Candy Trust docs\2015 Current Project\Exhibits\Emails\_OCR.pdf

# The Jack-in-the-Box

1. A Jack-in-the-box is an artifice that is intended to pop up after the death of the surviving Founder when there is no one left to say “That’s Not True”. It generally comes in the form of an alleged testamentary power or other changes made in secret.
2. This cat got out of the bag: October 23, 2010 Candy receives her first copy of the August 25, 2010 "Qualified Beneficiary Designation and Exercise Of Testamentary Powers Of Appointment Under Living Trust Agreement”
3. It appears that in July of 2010 Freed told Nelva that she needed all of the original trust instruments and that Nelva had removed them from the safety deposit box in reply. Nelva emailed Carl at how relieved she was after she had returned them to the safety deposit box. Nelva also said that she didn’t know why Freed had wanted all the originals.
4. While in her possession, Freed altered Article IX of the 2005 Restatement titled “Administration of the Decedents Trust” by inserting a Testamentary Power of Appointment clause that required the addition of an extra page.
5. This was facilitated by the composite design of the instruments themselves as each Article has an independent numbering scheme. Article I is numbered pages 1-1, 1-2 etc. and Article III pages are numbered 3-1, 3-2, etc.
6. Article IX originally contained only pages 9-1 and 9-2. Freed only had to remove page 9-2 and replaced it with pages 9-2 and 9-3, in order to insert the Testamentary Power of Appointment clause. The next page, 10-1, remained unchanged and the previous page, 9-1, was also unaffected.[[5]](#footnote-5)
7. Freed then combined the Qualified Beneficiary Designation from Article III[[6]](#footnote-6) with the Testamentary Power of Appointment[[7]](#footnote-7) from Article IX producing the August 25, 2010 “*Qualified Beneficiary Designation and Testamentary Power of Appointment under Living Trust Agreement*” (8/25/2010 QBD or 8/25/2010 QBD/TPA)
8. This instrument combines incompatible powers:
	1. Combined Article III QBD (applicable to Survivors Revocable Trust) with the inserted TPA (allegedly Applicable to Decedents Irrevocable Trust) producing a result greater than the sum total of the parts and assailing the family of trusts in contradictions, guaranteeing that its beneficiaries would become embroiled in controversy.
	2. Freed’s 8/25/2010 QBD/TPA ignores the fact that Nelva exercised her QBD in June 2010 and does not revoke that exercise, Fails to distinguish the exercise of the Article III QBD from the exercise of the Article IX TPA, fails to indicate which sections of the QBD/TPA contain the QBD and what sections contain the TPA or what sections of the survivor’s trust were amended or what provisions of the irrevocable decedent’s trust were amended.
	3. Freed also notarized this instrument or something else but this instrument appears with several variations of the signature page, none of which appear to be photo copies of a wet signed original.

# Misapplication of Fiduciary

1. After having maneuvered her way into sole control over the trust assets, Anita Brunsting began secretly transferring assets to herself.
	1. **March 24, 2011 Exxon** Account #C0009467769 shares 1908, transferred into an account in the name of ANITA BRUNSTING, allegedly as trustee. March 2012, 583 shares a difference of **1325 shares**
	2. **March 24, 2011** **Exxon** Mobil Acct.# C0009467777, there were 2101.968469 shares transferred into an account in the name of ANITA BRUNSTING allegedly as trustee. (Listed under Decedents Trust) In March of 2012 there are 835.910671 shares, the difference is **1266.057798 shares**. It is shown as value 3/24/2011 of $173,895.85 and in March of 2012 $72,256.12. The difference as shown is **$101,639.73**
	3. **March 25, 2011 Chevron** Acct.# 124921356678… 706.0888 shares transferred to Anita Brunsting allegedly as trustee. Value December 2010 was $75,396.16 and the value March 2012 was $19,012.88 a difference of **$56,383.28** even though the value of the stock had risen. March 25, 2011 there were 706.0888 shares and in March 2012 there were 172.4055 shares, a difference of **533.4055 shares.**
	4. **March 25, 2011** **Chevron** Account #125175509293 transferred into an account in the name of ANITA BRUNSTING and no change in share count.
2. March 27, 2011 Certificate of Trust referring to joint revocable living trust & Certificate of Trust for the Elmer H Brunsting Decedents Trust & Certificate of Trust for the Nelva E Brunsting Survivors Trust. 6pgs
3. March 29, 2011 Amy & Anita meet with Freed
4. **April 22, 2011** record date of .wav file of illegal Wiretap recordings received on CD-ROM via certified mail from Attorney Bradley Featherston 7/5/2015)
	1. **May 11, 2011** 1120 shares of Exxon Mobil Acct.# C0009467777 distributed to Amy Brunsting.
	2. **May 23 & 25, 2011** Carole emails videos of Carl in hospital to herself, Amy & Anita from her android
	3. **June 14, 2011** 135 shares Chevron survivors trust to Anita. (That would be **Chevron** Acct.# 124921356678 and explains part of the 533.4055 shares missing from schedule B.
	4. **June 14, 2011** 540 shares **Chevron** Acct.# 124921356678 to Anita for her children, listed as gifts. This explains the rest.
	5. **June 15, 2011** 1325 shares **Exxon** Account #C0009467769 from the Decedents trust distributed to Carole. **Not even the lawful co-trustees had the power to do this under the terms of the BFLT.**
	6. On June 15, 2011 Candace Curtis received 160 shares of Exxon stock in an account previously established in her name. Exxon Mobil Acct.# C0009467777. 1266.057798 shares missing in schedule B, 1120 Amy 160 Candy = 1280??? What’s up with that?
5. Nelva Brunsting Passed November 11, 2011.

## Anita Brunsting and Amy Brunsting

## Anita Kay Brunsting

akbrunsting@suddenlink.net

203 Bloomingdale Circle

Victoria, TX 77904

## Amy Ruth Brunsting

at.home3@yahoo.com

2582 Country Ledge New Braunfels, TX 78132

While Amy hasn’t directly participated in Anita’s shenanigans she has gone along none-the-less and has been the one to jump up in court and claim ignorance and innocence while Anita remains silent

## Attorney Bernard Lyle Mathews III

1. The first lawsuit filed after Freed’s betrayal and manufacture of disrupting estate plan instruments was *Candace Louise Curtis vs Anita and Amy Brunsting 4:12-cv-592 filed TXSD February 27, 2012.*
2. **V & F** - Vacek & Freed P.L.L.P staff attorney Bernard Mathews entered the case on the side of Anita and Amy Brunsting against the other three (disenfranchised) Brunsting trust beneficiaries, disguising his conflict of interest under the law firm label of “Green and Mathews”.
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## Attorney Bobbie G. Bayless

1. Bayless filed living trust related lawsuits against co-conspirators in two separate state courts, knowing the Trust controversy was already in the custody of a federal court and that only one court can have dominant jurisdiction over that controversy.
2. Bayless filed a living trust related lawsuit in the Harris County Probate knowing the Fifth Circuit Court of Appeals had already declared that the Brunsting trust was not subject to probate administration
3. Bayless participated in the conversion of Curtis lawsuit into her sham probate matter and the conversion of de jure plaintiff Curtis into a nominal defendant, (a mere bystander).
4. Bayless made herself an accessory to illegal wiretapping when she participated in using those recordings as an excuse to avoid Summary Judgement hearings.
5. Bayless is making herself an accessory to forgery, attempting to shift the burden of proving the invalidity of forged instruments onto her client, by arguing its content when it is not even in evidence and cannot be qualified as evidence.
6. Bayless not only filed trust related claims in two state courts that could not assume jurisdiction, she filed in the probate court after filing in the District court and then moved to have the district court case transferred to probate.

# Bobbie G. Bayless

1. Bobbie Bayless represents co-plaintiff Carl Brunsting.
2. **No. 4:12-CV-00592; Candace Louise Curtis v. Anita Kay Brunsting and Amy Ruth Brunsting filed TXSD:**
3. February 27, 2012 Plaintiff Candace Curtis filed a breach of fiduciary suit in the Southern District of Texas under diversity jurisdiction seeking an accounting and fiduciary disclosures and alleging constructive fraud;
4. March 8, 2012 Plaintiff Curtis Cause, No. 4:12-CV-00592, was dismissed sua sponte under the probate exception to federal diversity jurisdiction and plaintiff Curtis timely filed notice of appeal.
5. **Harris County 164th Judicial District Court #2012 14538**
6. March 9, 2012 Bobbie Bayless filed a petition to take depositions before suit.

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1. **Curtis v Brunsting 710 F.3d 406**
2. January 9, 2013 the Fifth Circuit Court of Appeals issued unanimous opinion in 12–20164 ordering reversal and remand of the sua sponte dismissal in Cause No. 4:12-CV-00592.
3. **Carl Brunsting and the Estate of Nelva Brunsting**
4. January 29, 2013 Bayless filed Carl Henry Brunsting Individually and as Executor for the Estate of Nelva Brunsting v. Candace Freed & Vacek & Freed; 164TH Judicial District Court of Harris County, TX.

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1. April 9, 2013, Candace Louise Curtis v. Anita Kay Brunsting and Amy Ruth Brunsting No. 4:12-CV-00592; The Honorable Judge Kenneth Hoyt issued an injunction.
2. April 9, 2013, Bayless filed Harris County Probate Case No. 412249-401 Carl Henry Brunsting individually and as Executor for the Estate of Nelva Brunsting v. Anita Kay Brunsting, Amy Ruth Brunsting and Carole Anne Brunsting and naming Plaintiff Curtis a “Nominal Defendant”.
3. July 13, 2015
4. July 15, 2015
5. July 22, 2015
6. August 3, 2015…

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1. As can be seen from the civil outline, Bobbie Bayless acted behind plaintiff Curtis pretty much mimicking her activity and waiting for an opportunity to seize control of the litigation.
2. At this point there was a little incident covered in the rule 60 motion whereby plaintiff Curtis was not able to be assisted and that’s where Jason Ostram enters the picture.

# Attorney Jason Ostrom

1. Attorney Jason Ostrom betrayed the fiduciary duty of loyalty he owed to his client, Candace Curtis, by polluting diversity in order to secure a remand to a probate court. Once in probate Ostrom actively engaged in converting Curtis v Brunsting into estate of Nelva Brunsting and eventually dissolving his client’s lawsuit into Bayless “probate matter”.

## Jason Ostrom

1. Aiding and abetting trust busting
	1. Removed trust suit from an honorable court to the cabal
	2. Plead a very lucid Nelva Brunsting lacked competence
	3. Plead a very competent and self-sufficient Candace Curtis as if she were a special needs dependent who had always been dependent upon her parents for support.
	4. Acted in secret to amend complaint, to consolidate with Bayless and to file alleged Second Amended Complaint as “Estate of Nelva Brunsting” in attempt to eliminate the distinction between the trust and the estate.
2. Ostrom’s first official act was to amend plaintiff Curtis complaint to add Carl Brunsting as an involuntary plaintiff and polluting diversity jurisdiction to facilitate a remand to Harris County Probate Court.
3. Once in the Harris County Probate Court Ostram consolidated the cases, in secret, on a verbal motion made at a previous hearing, without notice to and in direct opposition to orders from Curtis and then filed an alleged 2nd amended complaint using the heading of the Estate of Nelva Brunsting. Curtis v Brunsting is NOT the estate of Nelva Brunsting and cannot be converted into a “Probate Matter”
4. Ostrom represented his client to the probate court as if she was a special needs case requiring constant support from her parents which is nothing but 100% unadulterated steer manure manufactured as part of the record on doublecross.

## Attorney Neal Spielman

1. Spielman took the lead role March 9, 2015 in efforts to intimidate Curtis into going to another pointless mediation. Comstock was clearly a party to that game thinking that she could threaten and intimidate when they all knew the probate court had no jurisdiction over the trust controversy.
2. One may think that knowing the court lacks jurisdiction and that any adverse rulings will be reversed on appeal would be appropriate for a defense attorney as ultimately his client would win the contest. However, the administration of justice demands resolution of a controversy on the merits and, while the defense attorney is gaming the system for a win and posing as a litigator, he is perpetrating a fraud on the court and squandering judicial and other court resources belonging to the people of Texas, for his own benefit. That’s conversion and in a case like Brunsting, it amounts to aiding and abetting crime.

## Attorney Bradley Featherston

## Attorney Stephen A. Mendel

## Attorney Darlene Payne Smith

## Attorney Gregory Lester

## Attorney Jill Young

## Jill Willard Young

## Probate Judge Christine Riddle Butts

What did Butts do as her part in the racketeering conspiracy? She refused to exercise the powers of the office on behalf of the public trust, she deprived the plaintiff’s the right to be heard. She allowed the attorneys to hold the Brunsting trust hostage for their fee ransoms as if the trust and the Estate of Nelva Brunsting were indistinguishable.

## Harris County Employee Clarinda Comstock, Associate Judge Probate Court FOUR (4)

Clarinda Comstock seemed to be running the show as we didn’t see Christine Butts after the Gregory Lester fiasco.

Clarinda Comstock demonstrated her collusion on March 9, 2016 when she interrupted Plaintiff Candace Curtis who had traveled all the way from California in order to hear from local attorney Neal Spielman. Comstock later said that the court appointed temporary administrator, Gregory Lester, was there in case anyone had questions for him.

 Comstock had stated that the reason for interrupting Ms. Curtis was that her time was short and she wanted to hear from Mr. Spielman which would also indicate that Mr. Lester was not there in case someone had questions. Certainly no one had mentioned that Mr. Lester would be there in case someone had questions. And clearly, Mr. Spielman’s schpeel had been arranged ex parte as there is no particular reason why Comstock would want to hear from Spielman in particular but to really get the feel for this whole little sham, ambush hearing, one needs to read the March 9, 2016 transcript.

## Court Reporter Toni Biamonte

# Plausible Deniability

1. Everyone who signed the conversion agreement is a participant. The plausible exception for the Judges is that, due to the case load, they rely on the officers of the Court. So, while it looks like Ostrom and Bayless played funny and duped the Court, plausible deniability vanished with the RICO and we will see what Judge Butts does now that a plea in abatement and Plea to the Jurisdiction have been filed.

Willie Jo Mills was kidnapped under the pretext of guardianship protection and died in a facility while her third request for a due process hearing fell upon Christine Butts judicially deaf ears.

Chumming for the weak link

Cultivating conflicting interests

Illicit instrument drafted, 3 signature pages, one notary log entry and Nelva letter saying “that’s not true”

The Trust structure setup for The Article IX bait and switch

# The RICO Lawsuit

## A Question of Remedy?

Is our best remedy in the racketeer influenced corrupt organization statutes? Given that the persons responsible for this concerted effort, to hold the Brunsting trusts hostage in the probate court for attorney fee ransoms with nothing of substance being resolved, are all judges and attorneys clothed in doctrines of immunity, and given the facts of the case, it seems that the RICO statutes might be the only available remedy. However, that is not the case, not even remotely. The treble damages of RICO are more trouble than they are worth. The big money is in exemplary damages and you don’t get those with RICO. So why the RICO suit? The answer is simple, and not.

The simple answer is the *elimination of plausible deniability*.

Everyone has assumed a position they must now defend. Can they?

In their motions to dismiss the RICO claims the defendants argued that Plaintiffs were “*disgruntled litigants seeking vengeance for being on the losing end of fully litigated state court determinations*.” As previously stated, Petitioners couldn’t get an evidentiary hearing that might have produced a fully litigated state court determination, even though they made the traditional good faith effort to do so.

Defendants violate Rule 11 in making these claims and the Courts violate rule 12(b)(6) in believing them over Plaintiffs.

 In their motions to dismiss the RICO claims the defendants also argued that the suit arose from a “*Probate Matter*” which they described as “a bitter dispute between five siblings over the administration of their parent’s estate”.

The will of Nelva Brunsting shows this assertion to be patently false as none of the siblings are devisees to the estate. This example of refusal to distinguish between assets in the inter vivos trust and assets belonging to a decedent at the time of death is only one of the artifices regularly used by participants in this particular scheme. Another example of this particular artifice occurred while the inter vivos trust related RICO matter was on appeal.

The probate court issued an order to pay Gregory Lester and his attorney Jill Willard Young from assets belonging to the estate of Nelva Brunsting. Checks totally nearly $30,000 were subsequently written by Anita Brunsting who is neither heir nor executor and not a custodian of estate property. The checks were written against trust assets, not from property belonging to the estate of Nelva Brunsting.

## INTERCEPTION OF GENERATIONAL ASSET TRANSFERS

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 that stability of wealth.

**A Failure to Communicate?**

In 2002, Roy Williams of the Williams Group[[8]](#footnote-8) published the results of a 25-year survey of 3,250 instances of generational wealth transfer. He 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 the analysis a step further and explored the reasons for those failures.

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

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*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.

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, as the report claims, wealth transfer is a relatively settled science, then how does animosity within the family play into the 70% asset loss to non-family interests?

When I spoke with the late Roy Williams I backed him into a corner with a single question. If 70% of the assets fail to transfer to intended heirs and beneficiaries, because of involuntary loss of control of the assets... to whom do those assets involuntarily go and how do they involuntarily get there?

## The Breakdown of Family Communication and Trust

The Williams report chart, as seen above, attributes 60% of the cause to a breakdown in family communication and trust and those would seem to go hand in hand. One possibility is when a familial fiduciary goes bad and refuses to distribute, disclose or account, and otherwise remains silent where there is a duty to speak, it generally signals dishonorable intentions and the victims of the malfeasance are forced to seek remedy through the courts.

Few are well versed in law and must seek the services of an attorney as no one else can help them in court. Once an attorney is involved, the family can no longer communicate directly with that family member and are required to communicate only through the respective family member’s attorney. If more family members retain attorneys, more third party interests interject themselves, resulting in less communication between the family and less motivation for the third party attorneys to resolve anything.

So, in order to intercept generational asset transfers, if the third party interlopers are to obtain the lion’s share of those familial assets, it appears that the creation of a controversy; the breaking down of communications between the real parties in interest; and removal of control over the assets, would be essential elements in the scheme.

1. Candace, Carl, Carole, Amy and Anita [↑](#footnote-ref-1)
2. Anita schemed to regain control of the trust from that point forward as can be seen as a general theme throughout. [↑](#footnote-ref-2)
3. July 28, 2007 Nelva email to Candy re being trustee with Carl because Amy is not stable enough [↑](#footnote-ref-3)
4. July 1, 2008 Appointment of Successor Trustees naming Anita with Carl surfaces 6/25/2015 in Anita’s disclosures [↑](#footnote-ref-4)
5. If you fan the bottom of the trust instrument the page numbers dance all over the bottom of the page. This and the numbering scheme are sure fire tell-tales. [↑](#footnote-ref-5)
6. Qualified Beneficiary Designation “QBD” applies only to the share of the Founder who exercises it [↑](#footnote-ref-6)
7. Article IX is titled “Administering the Decedents Trust” and is a power allegedly belonging to the surviving founder. [↑](#footnote-ref-7)
8. <http://www.thewilliamsgroup.org/> The Williams Group, 1443 N. El Camino Real Suite A, San Clemente, CA 92672 Telephone 949-940-9140 [↑](#footnote-ref-8)