This case began as an estate planning attorney bait and switch that lead to a money cow hostage ransom, extortion and money laundering scenario perpetrated under the color of law without regard for substantive law, due process of law, or rights in tangible property held in trust for elderly and disabled beneficiaries. Moreover, these participants have robbed the public of countless hours of honest court services by using the state probate court as their racketeering enterprise in the ritualistic theft of family generational asset transfers.

Candace Curtis filed breach of fiduciary in the federal court – thus no Rooker-Feldman.

Federal Case was dismissed sua sponte under the probate exception.

Meanwhile, Attorney Bobbie G. Bayless used a diminished capacity client to obtain letters Testamentary for independent administration of pour-over wills and did depositions before suit in Harris County 80th Judicial District Court.

Federal Case was reversed and remanded as outside the probate exception.

Attorney Bobbie G. Bayless used her diminished capacity client to file malpractice claims against the estate planning grifters in Harris County District Court 164.

Inventory, appraisement and list of claims were approved and pour-over estates dropped from active probate docket.

Candace Curtis obtained a preliminary injunction in SDTX

Bobbie G. Bayless used her diminished capacity client to file non-probate related tort claims in the probate court, involving only the sole devisee trust, and naming all of the other trust beneficiaries as defendants.

Sequestering the estate planning bait and switch grifters in the district Court and trapping all of the trust beneficiaries in the probate court is your first clear indication of fraud. The purpose of a pour-over will into a living trust is to avoid probate.

Special Master was appointed because Anita was unable to account. Special Master performed the accounting requested, filed his report and there was a hearing.

Candace Curtis retained attorney Jason Ostrom

Ostrom immediately impugned his client in a fatal contradiction by filing an amended complaint adding Carl Brunsting as an involuntary plaintiff to Pollute Diversity and obtained an order remanding the federal non-probate case to a probate court from which the case had not been removed. In exchange, Defendants agreed to abide by the federal injunction and all orders entered by the federal Court and on that basis the Court approved the amended complaint and signed the order for remand to the Harris County Probate Court.

Ostrom did not refile in the probate court but instead filed a motion to enter the remand as a transfer.

In the probate court Ostrom filed a motion for a trust distribution of $40,000.00 to pay his fees.

Anita Brunsting responded in December 5, 2013:

*1. Distributions to pay legal-fee creditors are not authorized by the trust and, therefore, the motions must be denied.*

*2. Distributions to pay legal-fee creditors are prohibited by the trust and, therefore, the motions must be denied.*

*3. The Court lacks jurisdiction to decide the distributions for legal-fee creditor issue because there are no allegations of fraud, misconduct, or clear abuse of discretion with respect to Candace's and Carl's request that the trust pay their attorneys' fees.*

*4. If the Court finds the in terrorem clause is enforceable, then Candace and Carl have no right to any distribution from the trust.*

This entire pleading is based upon a presumption that the valid trust instruments have been determined. That would be the first step in the direction of remedy. Dethroning the imposter co-trustees would be next. Dividing the assets by five and distributing shares to the lawful property owners would follow.

2015-01-09: January 9, 2015, in Stephen Mendel’s billing statement [Case 4:22-cv-01129 Document 2-12 Filed on 04/08/22 in TXSD Page 10 of 56] we find the following entry:

“Reviewed correspondence re proposed deposition dates; reviewed file re injunction and problems with the federal court remand or case that was never removed, J. Ostrom nonsuit of injunctive relief, and trust barriers to such injunction.

Mendel's billing statement demonstrates his knowledge that there is a problem with remanding a case that had not been removed.

2015-02-03: February 3, 2015 Carl was deposed by V&F and was clearly of limited capacity. He testified that he had already paid Bayless a quarter of a million dollars.

2015-02-17: February 17, 2015 After Carl’s deposition he resigned as independent executor due to limited capacity and attempted to substitute his wife Drina as his alleged attorney in fact. Carl’s resignation was accepted February 19, 2015.

 2015-02-20: February 20, 2015 with no plaintiff in the -401 case, all of the attorneys signed an Agreed DCO.

2015-05-05: On March 5, 2015 all of the attorneys signed an Agreed Order to consolidate estate of Nelva Brunsting No. 412249-402 (the alleged federal case) with estate of Nelva Brunsting No. 412249-401, and closing the -402 case to further filing.

May 19, 2015 in Neal Spielman’s billing statement [Case 4:22-cv-01129 Document 2-15 Filed on 04/08/22 in TXSD Page 17 of 52] Mr. Spielman notes Anita’s plan to subject Carl to an IME in pursuit of guardianship just like she did to Nelva when Nelva discovered her treachery in working with Candace Kunz-Freed to undermine Elmer and Nelva’s trust agreement.

Then on May 29, 2015 we see a mention that Neal reviewed a “memorandum from counsel regarding possible agreement from Carl's attorney regarding IME in lieu of Motion and hearing”. This appears to be when Bayless, knowing she had no plaintiff, agreed not to prosecute her claims against Anita and Amy and it should also be noted that Bayless dropped the ball on her District court suit against Vacek & Freed and instead, filed a motion to transfer her plaintiff-less District Court action to the probate court.

REWIND:

In Candace Curtis original petition, filed February 27, 2012, she made a number of comments that included (1) Anita’s plan to steal the trust in such a way that if anyone complained she would get to keep it and (2) that Anita and Amy had been wiretapping their mothers’ telephone.

Nothing happened in the probate court during the RICO and subsequent appeal (July 5, 2016 - June 28, 2018) but Mendel has 15 pages of billing for defending himself in the racketeering case and demands that his fees come from the trust as a condition to distributing the assets… (into personal asset trusts that he and his client would remain in control of). Mendel was never awarded any fees in in the RICO case.