Contents

[I. OVERVIEW ANALYSIS 1](#_Toc155511407)

[II. List of Cases related by operative facts and participants 1](#_Toc155511408)

[III. WHAT IS A TRUST? 1](#_Toc155511409)

[The Indenture 1](#_Toc155511410)

[IV. SUBSTANTIVE COMPONENTS 2](#_Toc155511411)

[Separation of Legal and Equitable Title 2](#_Toc155511412)

[Enforceable duties 2](#_Toc155511413)

[V. PREROGATIVE POWERS 2](#_Toc155511414)

[Qualified Beneficiary Designation 2](#_Toc155511415)

[Testamentary Power of Appointment 2](#_Toc155511416)

[The Brunsting Family Living Trust 3](#_Toc155511417)

[VI. TRUST INSTRUMENT AND EVENT CHRONOLOGY 3](#_Toc155511418)

[1996 Family Trust (P.8) Elmer and Nelva Original Co-Trustees Successor Anita (Article IV) 3](#_Toc155511419)

[1997 Irrevocable Life Insurance Trust – Anita only trustee [This trust has been settled] 3](#_Toc155511420)

[1999 Family Trust 1st Amendment (P.66) Elmer and Nelva Original Co-Trustees No change to Article IV successor trustee designation 3](#_Toc155511421)

[2001 Family Trust 2nd Amendment (P.68) Elmer and Nelva Original Co-Trustees No change to Article IV successor trustee designation 4](#_Toc155511422)

[2005 Family Trust Restatement (P.75) Elmer and Nelva Original Co-Trustees Article IV successor trustee designation changed to Carl and Amy Successor Co-Trustees (Anita removed) 4](#_Toc155511423)

[2007 Amendment to the Family Trust Restatement (P.195) Elmer and Nelva Original Co-Trustees Article IV successor trustee designation changed to Carl and Candace Successor Co-Trustees. (Amy removed) 4](#_Toc155511424)

[The memorandum of 6](#_Toc155511425)

[VII. SIGNIFICANT PARTICIPANTS 7](#_Toc155511426)

[A. Trust beneficiary Candace Curtis 7](#_Toc155511427)

[B. Trust Beneficiary Anita Brunsting 7](#_Toc155511428)

[C. Trust Successor Beneficiary Amy Brunsting 8](#_Toc155511429)

[D. Trust Beneficiary Carl Brunsting 8](#_Toc155511430)

[E. 8](#_Toc155511431)

[F. Trust Beneficiary Carole Brunsting 8](#_Toc155511432)

[G. Attorney Darlene Payne-Smith 8](#_Toc155511433)

[H. Estate Planning Attorney Candace Kunz-Freed 8](#_Toc155511434)

[I. Estate Planning Attorney Bernard Lisle Mathews 8](#_Toc155511435)

[J. Estate Planning Attorney’s Malpractice Insurance Company Attorneys with Thompson Coe; Attorney Corey Reed & Attorney Zandra Foley 8](#_Toc155511436)

[K. Attorney Bobbie G. Bayless 9](#_Toc155511437)

[L. Mills Shirley Attorneys George Vie III & Maurene McCutcheon 9](#_Toc155511438)

[M. Attorney Jason Bradley Ostrom 9](#_Toc155511439)

[N. Attorney Stephen Mendel 9](#_Toc155511440)

[O. Attorney Neal Spielman 9](#_Toc155511441)

[P. Attorney Gregory Lester 9](#_Toc155511442)

[Q. Attorney Jill Willard Young 9](#_Toc155511443)

# OVERVIEW ANALYSIS

What I will explain here is a classic example of a color of law confidence game. It is a chronology of a long con[[1]](#footnote-1) with two parts, a front and a back. On the front end we have an estate planning bait and switch in which an ageing American couple is sold an asset protection package. The promises made are that the estate planning law firm’s products and services will avoid guardianship for the benefit of the clients; and avoid probate while facilitating the convenient and trouble free transfer of family generational assets in equal proportions for the heirs.

Unfortunately, the front end is a setup designed for the location of family generational assets and the creation of controversy leading to the back end exploitation that, when combined, result in 3rd party predator interception of family generational asset transfers. On the front end the Grifters use a variety of artifice to manufacture controversy but the key is to build confidence, while manufacturing a controversy that will not show up until their clients pass and there is no one alive to say “that’s not true”.

A key element in this long con process is the late term creation of illicit instruments altering long standing estate and trust plans. Illicit change instruments play a vital role in creating the controversy exploited by the 3rd party predators on the back end. In order to create controversy on the front end the estate planning Grifter must be able to identify the weak link in the family moral fabric and we will always see selfish, greedy, narcissistic, jealous, envious, spiteful, resentful and other human frailties as overtones. In terms of legal theory none of those conditions is relevant to the question of fiduciary obligations and specific performance and those are matters determined on the basis of contract law.

# [List of Cases](http://www.probatemafia.com/Brunsting/2022-10-30%20List%20of%20CASES.htm) related by operative facts and participants

I’ll link to the document listing the courts this controversy has seen rather than go into detail here but I will return to revisit that chronology in the course of introducing the main characters.

# WHAT IS A TRUST?

A trust is a mechanism used to transfer property. Bradley v. Shaffer, 535 S.W.3d 242, 247 (Tex. App.—Eastland 2017, no pet.); Hallmark v. Port/Cooper-T. Smith Stevedoring Co., 907 S.W.2d 586, 589 (Tex. App.—Corpus Christi 1995, no writ).

## The Indenture

A trust, in property law, is a specific type of private law contract defining a relationship relating to property. Trusts are governed according to the general law of contracts. The trust contract is referred to as an indenture because the “Trustee”, holds a position of fealty “fiduciary obligation” whereas the cestui que, commonly referred to as the “beneficiary” holds a position of right. The trustee holds bare legal title to the Corpus (property) of the trust for the sole purpose of performing the obligations entrusted for the enjoyment of the beneficiary.

The hierarchy of controlling law is the trust indenture, then the trust code. If neither the indenture nor the code addresses the subject, the common law is controlling. The public policy parameters within which trusts must confine their operation are covered in Title 9 of the Texas Property Code, [a/k/a the trust code].

# SUBSTANTIVE COMPONENTS

## Separation of Legal and Equitable Title

In distinguishing trusts from other kinds of legal relationships there are two vital distinctions to be noted. The first is separation of legal and equitable title wherein a fiduciary (loyal and trustworthy) holds the bare legal title to property and the beneficiary (deserving of a windfall) holds the equitable title and right to enjoy the property. The beneficiary is considered the true property owner.

For a trust relationship to exist the separation of legal and equitable title must be maintained, [Texas Property Code § 112.034](http://www.probatemafia.com/Brunsting/Tab%20P%20Title%209%20Texas%20Property%20Code%20112.034%20MERGER.pdf), because when legal and equitable titles are held by the same person merger occurs and either the trust fails or no trust is created. When merger of legal and equitable titles occurs the property is held by the beneficiary in their individual capacity and is not protected by the trust relationship.

## Enforceable duties

The second aspect of a valid trust is the Imposition of enforceable (fiduciary) duties on the holder of legal title. Precatory language is insufficient. The duties of the trustee must be legally enforceable by the beneficiary and not merely moral or ethical. The imposition of affirmative and enforceable duties is called “executing the uses”, which finds origin in King Henry’s Statute of Uses of 1535. If the trustee has no enforceable affirmative obligations to perform for the benefit of the beneficiary, the trust becomes dry and both legal and equitable titles merge in the beneficiary as no trust relationship exists. *See* [*Property Code § 112.032*](http://www.probatemafia.com/Brunsting/Tab%20O%20Title%209%20Texas%20Property%20Code%20112.032%20ACTIVE%20AND%20PASSIVE%20TRUSTS%20-%20STATUTE%20OF%20USES.pdf)*.* This is the framework in which I will explain the bait and switch rupture of the Brunsting Family Living Trust.

# PREROGATIVE POWERS

## Qualified Beneficiary Designation

According [Article III](http://www.probatemafia.com/Brunsting/Tab%2062a%20Article%20III%20%20Defendants%20Nov%205%202021%20Motion%20for%20Summary%20J%20Exhibit%20A%20Restatement_Certified.pdf) of the [2005 Restatement](http://www.probatemafia.com/Brunsting/2021-11-05%20Defendant%20Co-trustees%20Exhibit%20A%202005%20Restatement%20p230-316.pdf) to the trust indenture either beneficiary (A or B) could execute a Qualified Beneficiary Designation (QBD) as to their share alone.

## Testamentary Power of Appointment

After the passing of the 1st Settlor to die, the corpus was divided into two separate shares that we refer to for convenience as the Survivors Trust and the Decedents Trust ([Article VII](http://www.probatemafia.com/Brunsting/Tab%2062i%20Article%20VII%20Defendant%20Co-trustees%20Exhibit%20A%202005%20Restatement.pdf) Section D). The trust indenture also provided the Surviving Settlor with a Testamentary Power of Appointment (TPA) ([Article VIII Section C](http://www.probatemafia.com/Brunsting/Tab%2062%20%20Defendants%20Nov%205%202021%20Motion%20for%20Summary%20J%20Exhibit%20A%20Restatement_Certified.pdf)) over the assets in the Decedents Trust.[[2]](#footnote-2)

## [The Brunsting Family Living Trust](http://www.probatemafia.com/Brunsting/2019-06-12%20Exhibit%201%202005%20Restatement%20P849-950.pdf)

Pursuant to [Article III](http://www.probatemafia.com/Brunsting/Tab%2062a%20Article%20III%20%20Defendants%20Nov%205%202021%20Motion%20for%20Summary%20J%20Exhibit%20A%20Restatement_Certified.pdf) changes to the original trust indenture could only be made with the (1), the signature of both settlors or, (2) the approval of a court of competent jurisdiction but would become irrevocable at the passing of the 1st settlor to die.

According to the Defendants, after the incapacity and death of Settlor “A” the remaining settlor continued to serve alone. They also argue that Trustee “B” exercised both powers together in one instrument called “*Qualified Beneficiary Designation and Testamentary Power of Appointment under Living Trust Agreement*”.

This instrument faces insurmountable obstacles beyond forgery, the combining of incompatible powers QBD/TPA without distinction or the fact that it fails to contain the signatures of two disinterested witnesses as required of a testamentary instrument. Most importantly it fails to recognize the vacancy in the office of trustee for beneficiary “B” and, that the plenary exercise of either power by the remaining Settlor would result in the merger of legal and equitable titles thus extinguishing the trust [[Tex. Prop. Code §112.034](http://www.probatemafia.com/Brunsting/Tab%20P%20Title%209%20Texas%20Property%20Code%20112.034%20MERGER.pdf)]. Those changes could only be made with the approval of a court of competent jurisdiction as Settlor “B” had no power to extinguish the trust.

Once Settlor “A” was incapacitated the office of Trustee for Beneficiary “B” was vacant. The exercise of any power to alter the trust, held by remaining Settlor/Trustee/Beneficiary “B”, would require a court of competent jurisdiction to stand in for Trustee “A” in order to validate and approve the proposed changes in order to avoid merger. None of the instruments dated after Elmer’s incapacity (June 9, 2008) were signed by Elmer; none of the instruments dated after Elmer’s incapacity were approved by a court of competent jurisdiction and thus, none of the instruments dated after Elmer’s incapacity can be considered valid as affecting any part of the trust. It’s that simple!

# TRUST INSTRUMENT AND EVENT CHRONOLOGY

The following hyperlinks are to the documents. The page numbers (P.?) are to the [0 - Front End thru Nelva passing 11-11-2011.pdf](http://www.probatemafia.com/Brunsting/0%20-%20Front%20End%20thru%20Nelva%20passing%2011-11-2011%20.pdf) file where these instruments can all be reviewed.

## [1996 Family Trust](http://www.probatemafia.com/Brunsting/1996%20Original%20Brunsting%20Family%20Living%20Trust%20VF%2000391-00451.pdf) (P.8) Elmer and Nelva Original Co-Trustees Successor Anita (Article IV)

## 1997 [Irrevocable Life Insurance Trust](http://www.probatemafia.com/Brunsting/1997-02-12%20The%20Brunsting%20Family%20Irrevocable%20Life%20Insurance%20Trust%20V%26F%201067-1119.pdf) – Anita only trustee [This trust has been settled]

## 1999 Family Trust [1st Amendment](http://www.probatemafia.com/Brunsting/1999-04-30%20First%20Amendment%20re%20Anita%20100k%20VF%20000808.pdf) (P.66) Elmer and Nelva Original Co-Trustees No change to Article IV successor trustee designation

## 2001 Family Trust [2nd Amendment](http://www.probatemafia.com/Brunsting/2001-06-05%20Second%20Amendment%20to%201996%20Trust%20VF%20000865-000874.pdf) (P.68) Elmer and Nelva Original Co-Trustees No change to Article IV successor trustee designation

## [2005 Family Trust Restatement](http://www.probatemafia.com/Brunsting/2021-11-05%20Defendant%20Co-trustees%20Exhibit%20A%202005%20Restatement%20p230-316.pdf) (P.75) Elmer and Nelva Original Co-Trustees Article IV successor trustee designation changed to Carl and Amy Successor Co-Trustees (Anita removed)

## [2007 Amendment to the Family Trust Restatement](http://www.probatemafia.com/Brunsting/2007%20Amendment%20%20V%26F%20000928%20-%2000929.pdf) (P.195) Elmer and Nelva Original Co-Trustees Article IV successor trustee designation changed to Carl and Candace Successor Co-Trustees. (Amy removed)

This was the last valid change as nothing after this was signed by both settlors, or approved by a court of competent jurisdiction, as required by [Article III](http://www.probatemafia.com/Brunsting/Tab%2062a%20Article%20III%20%20Defendants%20Nov%205%202021%20Motion%20for%20Summary%20J%20Exhibit%20A%20Restatement_Certified.pdf). Creating the initial certificates of trust after Elmer’s passing would follow as a matter of course as those actions were already prescribed by the trust and did not attempt to alter or amend any substantive provisions. However, changes alleged to have been made by Nelva alone would trigger Merger and the trust would fail. [[Tex. Prop. Code 112.034](http://www.probatemafia.com/Brunsting/Tab%20P%20Title%209%20Texas%20Property%20Code%20112.034%20MERGER.pdf)] Nelva had no such authority and, as none of the instruments following Elmer’s incapacity were approved by a court standing in for the absent co-trustee, none can be held valid.

#### JUNE 2008 [ELMER DECLARED NON COMPOS MENTIS](http://www.probatemafia.com/Brunsting/2008-06-09%20Elmer%20Incompetent.pdf)

The law firm that drafted the following instruments is responsible for negligently manufacturing the controversy that the other law firms have attempted to exploit in pursuit of their own unjust enrichment. This appears to be a common frontend/backend Grift scenario facilitating the 3rd party interception of these kinds of family generational asset transfers.

1. July 1, 2008 Certificate of Trust alleged to have been signed by Nelva alone (P.203)
2. July 1, 2008 Appointment of Successor trustees alleged to have been signed by Nelva alone (P.205)

#### APRIL 1, 2009 ELMER BRUNSTING PASSED

1. Feb. 24, 2010 Certificate of Survivor’s Trust alleged to have been signed by Nelva alone (P.210)
2. Feb. 24, 2010 Certificate of Decedent’s Trust alleged to have been signed by Nelva alone (P.212)
3. February 24, 2010 General warrantee deed re 13360 Pinerock alleged to have been signed by Nelva alone (P.349)
4. June 15, 2010 QBD/TPA (P239) alleged to have been signed by Nelva alone

#### JULY 30, 2010 CARL IS IN COMA

Anita is Telling Candace Kunz-Freed to: “[Change the Trust](http://www.probatemafia.com/Brunsting/EXHIBIT%20U%20-%202010-07-30%20Freed%20Notes-Anita%20called-change%20the%20trust%20PBT-2015-258999-2.pdf)”. Candace Kunz-Freed in concert with Bernard Lisle Mathews had already created instruments that improperly named Anita Brunsting as successor trustee in 2008 that they kept secret.

1. [August 25, 2010 QBD/TPA](http://www.probatemafia.com/Brunsting/2010-08-25%20P156-192%208-25-10%20QBD%20Above%20the%20Line.pdf) alleged to have been signed by Nelva alone
2. August 25, 2010 QBD/TPA [Appointment of Successor Trustees](http://www.probatemafia.com/Brunsting/2010-08-25%20Appointment%20of%20Successor%20Trustee%20P1016-1020.pdf) alleged to have been signed by Nelva alone
3. August 25, 2010 Certificate of Family Trust ([P.249](http://www.probatemafia.com/Brunsting/0%20-%20Front%20End%20thru%20Nelva%20passing%2011-11-2011%20.pdf)) Notary Stamp March 27, 2011 alleged to have been signed by Nelva alone
4. August 25, 2010 Certificate of Decedents Trust ([P.251](http://www.probatemafia.com/Brunsting/0%20-%20Front%20End%20thru%20Nelva%20passing%2011-11-2011%20.pdf)) successor trustee designation Anita Kay Brunsting and Amy Ruth Tschirhart alleged to have been signed by Nelva alone
5. August 25, 2010 Certificate of Survivors Trust ([P.253](http://www.probatemafia.com/Brunsting/0%20-%20Front%20End%20thru%20Nelva%20passing%2011-11-2011%20.pdf)) successor trustee designation Anita Kay Brunsting and Amy Ruth Tschirhart alleged to have been signed by Nelva alone
6. August 25, 2010 Certificate of Family Trust ([P.255](http://www.probatemafia.com/Brunsting/0%20-%20Front%20End%20thru%20Nelva%20passing%2011-11-2011%20.pdf)) alleged to have been signed by Nelva alone - successor trustee designations Anita Kay Brunsting and Amy Ruth Tschirhart
7. August 25, 2010 Certificate of Decedents Trust ([P.257](http://www.probatemafia.com/Brunsting/0%20-%20Front%20End%20thru%20Nelva%20passing%2011-11-2011%20.pdf)) alleged to have been signed by Nelva alone - successor trustee designation Anita Kay Brunsting and Amy Ruth Tschirhart
8. August 25, 2010 Certificate of Survivors Trust ([P.259](http://www.probatemafia.com/Brunsting/0%20-%20Front%20End%20thru%20Nelva%20passing%2011-11-2011%20.pdf)) alleged to have been signed by Nelva alone - successor trustee designation Anita Kay Brunsting and Amy Ruth Tschirhart
9. December 21, 2010 Certificate of Decedents Trust ([P.291](http://www.probatemafia.com/Brunsting/0%20-%20Front%20End%20thru%20Nelva%20passing%2011-11-2011%20.pdf)) Anita Brunsting Trustee with Amy as Successor (Signed by Anita)
10. December 21, 2010 Certificate of Family Trust ([P.294](http://www.probatemafia.com/Brunsting/0%20-%20Front%20End%20thru%20Nelva%20passing%2011-11-2011%20.pdf)) Anita Brunsting Trustee with Amy as Successor (Signed by Anita)
11. December 21, 2010 Certificate of Survivors Trust([P.297](http://www.probatemafia.com/Brunsting/0%20-%20Front%20End%20thru%20Nelva%20passing%2011-11-2011%20.pdf)) Anita Brunsting Trustee with Amy as Successor (Signed by Anita)
12. December 21, 2010 Appointment of Successor Trustees ([P.301](http://www.probatemafia.com/Brunsting/0%20-%20Front%20End%20thru%20Nelva%20passing%2011-11-2011%20.pdf)) alleged to have been signed by Nelva alone
13. December 21, 2010 Resignation of Original Trustee ([P.307](http://www.probatemafia.com/Brunsting/0%20-%20Front%20End%20thru%20Nelva%20passing%2011-11-2011%20.pdf)) alleged to have been signed by Nelva alone
14. Another Barrage of illicit instruments ([P.319](http://www.probatemafia.com/Brunsting/0%20-%20Front%20End%20thru%20Nelva%20passing%2011-11-2011%20.pdf)) is followed by changes to all of the trust accounts.

#### NELVA BRUNSTING PASSED NOVEMBER 11, 2011

This has thus far been a simple chronology of the front end flim flam invariably leading to controversy and intended to be followed by feigned litigation schemes exploiting the front end by manufacturing fees for legal services and as shown in the case in point, and holding the family of trust beneficiaries hostage to ransom demands while resolving nothing of substance relating to the controversy among the real parties in interest.

Let’s begin with the absence of a Declaratory Judgment defining the valid trust instruments. It is as easy as I just explained it. The last valid trust instruments, [2005 Restatement](http://www.probatemafia.com/Brunsting/2021-11-05%20Defendant%20Co-trustees%20Exhibit%20A%202005%20Restatement%20p230-316.pdf) and [2007 Amendment](http://www.probatemafia.com/Brunsting/2007%20Amendment%20%20V%26F%20000928%20-%2000929.pdf), named Carl and Candace as the co-trustees. After Elmer’s June 9, 2008 Certification of incapacity Nelva could not make any changes without a court of competent jurisdiction standing in for Elmer in order to avoid merger of legal and equitable titles. [[Tex. Prop. Code 112.034](http://www.probatemafia.com/Brunsting/Tab%20P%20Title%209%20Texas%20Property%20Code%20112.034%20MERGER.pdf)] None-the-less numerous illicit change instruments were created by the Vacek law firm between the incapacity of Elmer Brunsting June 9, 2008, the passing of Elmer Brunsting April 1, 2009 and the passing of Nelva Brunsting on November 11, 2011. Carl and Candace are the de jure Successor Co-Trustees as a matter of law and this is all a matter of an often reteated routine.

The memorandum of [preliminary injunction](http://www.probatemafia.com/Brunsting/%5B6%5D%202013-04-19%20Case%20%204-12-cv-592%20Doc%2045%20Preliminary%20Federal%20Injunction.pdf) found anomilies with the instruments Anita presented as “the trust”. Anita had attempted to blend portions of the 1997 Irrevocable Life Insurance trust with portions of the 2005 Restatement when these are completely separate and distinct having no connection what-so-ever. The 1997 Irrevocable Life Insurance trust had already been settled.

[Article XII E](http://www.probatemafia.com/Brunsting/Tab%2062g%20%20Article%20XII%20E.pdf) required at least bi-annual accounting which Anita was unable to perform resulting in the [appointment of a Special Master](http://www.probatemafia.com/Brunsting/2013-05-09%20Case%204-12-cv-592%20%5BDoc%2055%5D%20Order%20Appointing%20West%20-%20Special%20Master.pdf) to assemble books and records of accounts. That report showed numerous improprieties by Anita Brunsting including [self-dealing and unequal distributions](http://www.probatemafia.com/Brunsting/%5B8%5D%202013-08-08%20Case%20%204-12-cv-592%20Doc%2062%20Report%20of%20Special%20Master.pdf) that had not been revealed to Carl or Candace.

# SIGNIFICANT PARTICIPANTS

### Trust beneficiary Candace Curtis

Candace is the eldest of five successor beneficiaries to her parents A/B trust. Candace is the only sibling that lives outside of Texas and after figuring out what Anita was up to, Candace requested an accounting and when Anita was unable to provide an accounting Candace filed suit in Southern District of Texas seeking an accounting and fiduciary disclosures.

### Trust Beneficiary Anita Brunsting

As previously noted, in the original 1996 trust agreement Elmer and Nelva were the Original Co-Trustees with Anita (Article IV) as the sole successor. However, Anita kept returning to the well needing more and more money until Elmer and Nelva removed Anita as successor trustee, replacing her with the [2005 Restatement](http://www.probatemafia.com/Brunsting/2021-11-05%20Defendant%20Co-trustees%20Exhibit%20A%202005%20Restatement%20p230-316.pdf) naming Carl and Amy as successor co-trustees.

I won’t play the psychologist or attempt to identify the factors but I will point out what was [stated on page 20 of 28](http://www.probatemafia.com/Brunsting/2012%2002%2027%20QBD%20Conspiracy%20in%20Curtis%20Affidavit.pdf) in Candace original petition for relief No.4:12-cv-592 filed in the Southern District of Texas by Candace Curtis February 27, 2012.

The difficulty for all of us was coming to grips with the notion that, apparently, behind our backs, Anita had made a concentrated effort to take control of the entire trust, and our individual inheritances, in such a manner that if Carl and I complain about it, she gets to keep it, all the while asserting to others that our Mother made this decision ON HER OWN. I know she did not, because she said so to me on the phone. She took my concern to heart and subsequently sent me a handwritten note saying, again, that it was not true.(P-16, 2 pgs.)

It is [abundantly clear in hindsight](http://www.probatemafia.com/Brunsting/Tab%2076%202021-11-05%20Co-Trustees%27%20Motion%20for%20Summary%20Judgment.pdf) that Anita planned to steal the family trust shares of siblings Carl and Candace by causing litigation to be brought so she could advance a theory that, if assumed as true, would enlarge her interest in the trust; as clearly prohibited by [Article XI Section C of the 2005 Restatement](http://www.probatemafia.com/Brunsting/2021-11-05%20Defendant%20Co-trustees%20Exhibit%20A%202005%20Restatement%20p230-316.pdf) (p.70). That theory would claim that suing the imposter trustee without her permission would trigger forfeiture and using the corruption of blood provisions in the [8/25/2010 QBD/TPA](http://www.probatemafia.com/Brunsting/2010-08-25%20P156-192%208-25-10%20QBD%20Above%20the%20Line.pdf) to keep the beneficiary’s successors from receiving what Elmer and Nelva would have intended and enlarging her share by reducing the total number of beneficial interests. The very theory that the beneficiary suing the trustee to compel performance triggers forfeiture is ludicrous. Article XII Section B states as follows:

Notwithstanding anything to the contrary in this agreement, the Trustee shall not exercise any power in a manner inconsistent with the beneficiaries' right to the beneficial enjoyment of the trust property in accordance with the general principles of the law of trusts. [Brunsting trust Article XII Section B](http://www.probatemafia.com/Brunsting/2005%20Restatement%20Living%20Trust%202005_from%20AnitaOct%2023_2010.pdf) (copy of Restatement received from Anita Brunsting October 23, 2010)

Thus, even if Anita were a de jure trustee, advancing such a theory would exceed her power as a trustee and easily interpreted as just one more challenge to the settlors trust.

### Trust Successor Beneficiary Amy Brunsting

[Anita seized control](http://www.probatemafia.com/Brunsting/2010-10-06%20Anita%20email%20to%20Freed%20working%20on%20Nelva%20Resignation.pdf) away from Nelva in December 2010 and Amy was not to become successor co-trustee until after Nelva’s passing. Amy has attempted to divorce herself by giving Anita her POA for conducting trust business as she has never had control of the money. Anita seized control working with Kunz-Freed and has never divided the Survivors and Decedents trusts into five separate shares, one for each successor beneficiary, or terminated the Survivors and Decedents trusts and have never distributed trust income to the five trust beneficiaries incurring extreme tax injuries for that failure. Amy filed a false affidavit in the Southern District of Texas No. 4:12-cv-592 on March 6, 2012 [[Doc 10-1](http://www.probatemafia.com/Brunsting/2012-03-06%20Doc%2010-1%20Affidavit%20of%20Amy%20Brunsting.pdf)] stating that five separate shares had been set up for the beneficiary but those have never manifest.

### Estate Planning Attorney Candace Kunz-Freed Vacek Law firm representing Elmer and Nelva Brunsting and also representing Anita and Amy Brunsting

Freed notes July 30, 2010 Anita called “[Change the Trust](http://www.probatemafia.com/Brunsting/EXHIBIT%20U%20-%202010-07-30%20Freed%20Notes-Anita%20called-change%20the%20trust%20PBT-2015-258999-2.pdf)”

### Estate Planning Attorney Bernard Lisle Mathews Vacek Law firm representing Elmer and Nelva Brunsting and then representing Anita and Amy Brunsting under the law firm name Green & Mathews

### Trust Beneficiary Carl Brunsting

Carl is one of five beneficiaries to his parents A/B trust. Carl is named as a successor co-trustee with his sister Candace in the [2007 Amendment](http://www.probatemafia.com/Brunsting/2007%20Amendment%20%20V%26F%20000928%20-%2000929.pdf), the last instrument signed by both trust settlors. Carl suffered catastrophic illness leaving him in coma in early July 2010. It was at this juncture that Anita in concert with Candace Kunz-Freed made their most heinous intentions obvious with their [continued series of illicit change instruments](http://www.probatemafia.com/Brunsting/Grift%20of%20the%20Brunstings_Front%20to%20Back.htm).

### Attorney Bobbie G. Bayless for Carl Brunsting

### Trust Beneficiary Carole Brunsting

### Attorney Darlene Payne-Smith for Carole Brunsting

###

### Estate Planning Attorney’s Malpractice Insurance Company Attorneys with Thompson Coe; Attorney Corey Reed & Attorney Zandra Foley

### Mills Shirley Attorneys George Vie III & Maurene McCutcheon

### Attorney Jason Bradley Ostrom

### Attorney Stephen Mendel

### Attorney Neal Spielman

### Attorney Gregory Lester

### Attorney Jill Willard Young

1. #  long con

	1. an elaborate confidence game that develops in several stages over an extended period of time wherein the con man or swindler gains the victim’s trust, often bypassing small profits with the goal of reaping a much larger payout in the final maneuver: The key to pulling off a long con is giving your marks the illusion of control while you and your team manipulate their choices. [↑](#footnote-ref-1)
2. I dispute the existence of this testamentary power both in substance and in its very appearance in the trust. In substance the exercise of this power would result in merger and the trust would fail. The Testamentary Power of Appointment provision appears to have been inserted into the indenture using the sleight of hand the trust was designed to facilitate. Page 9-2 was removed and replaced with pages 9-2 and 9-3. The preceding page remained 9-1 and the following page remained 10-1. However, there can be no power to change at death what one could not alter in life and this alleged QBD/TPA not only mixes the QBD and TPA powers in one instrument without distinguishing one from the other, it fails to contain the signatures of two disinterested witnesses as required of a testamentary instrument. [↑](#footnote-ref-2)