

# INTRODUCTION

We are all too often persuaded to look at earlier times in history characterized as primitive, less sophisticated and unenlightened. Almost all previous cultures are portrayed as superstitious and illiterate peoples dominated by an elite minority, supported and protected by powers of wealth and force. When plague, pestilence, or famine struck, it had to be the Gods wreaking havoc and vengeance on earthly miscreants for failure to abide by spiritual mandates.

Fast-forward in the United States of America, we now have over 100,000 municipal corporations, fictions of law, entities that exists nowhere in the real world, but in the minds of believers, on pieces of paper or in the ones and zeros of computer programs. These imaginary creatures thrive and sustain themselves only because their self-interested minions conduct and enforce a systematic extraction of financial resources from the productive labors of their citizens, while mere mortals are convinced that these fictions are essential for their own safety and security, which justifies the tribute monies each must forfeit for their own protection. These funds are parsed to funnel substantial amounts into investment portfolios that are held aloof from any part of a so-called budget.

This is a central requirement for what is affectionately known as “continuity of government”. But consider Augustine’s cogent observation in the fourth century:

*“a gang is a group of men under the command of a leader, bound by a compact of association, in which the plunder is divided according to an agreed convention. If this villainy wins so many recruits from the ranks of the demoralized that it acquires territory, establishes a base, captures cities and subdues peoples, it then openly arrogates to itself the title of kingdom, which is conferred on it in the eyes of the world, not my the renunciation of aggression, but by the attainment of impunity.”*

In our day groups of men under the command of leaders form corporate organizations, accumulate vast sums of financial resources, invest enough to gain influential or controlling interests in public arenas, and become dominant players in the body politic, thus aligning themselves as co-equals with the interests of government to the extent that state and corporate goals not only become

inseparable, but indistinguishable.

At the dawn of the 21<sup>st</sup> century some 23 empires had come and gone, every one of which expired under military overreach, fiscal recklessness, and internal corruption. Yet even now we are told to believe in the legitimacy and integrity of dominant corporate fictions, when they promise peace and prosperity, if only they would be left untethered to pursue their grand designs.

The future may very well look back at our time with contempt and derision for the people who held dear, superstitions that fomented and encouraged the creation of an otherworldly abstraction, destined to become a monstrosity that compelled whole societies to engage in a mass cannibalism of self-destruction with each preying upon the other.

All that were needed to devolve to such extinction was central control of monies and the ubiquitous corruption of law and justice, by the metastasizing infection of predatory attorneys and judges, a color of law aristocracy wearing the appearance of conducting the public's business.

### **Staged Litigation**

Every year, tens of millions of dollars are stolen in [staged litigation schemes](#) devised with the sole purpose of generating fraudulent bills for alleged attorney's fees. In the process of such schemes unsuspecting and law-obeying citizens are being pulled into a vortex of unnecessary court room drama disguised as legitimate litigation proceedings. The result is financial and emotional devastation for the victims and undeserved riches for the perpetrators.

With violence and corruption widely accepted as an essential part of the American lifestyle and culture, this new, refined, version of common robbery goes largely unpunished, as did lynching for decades. The instances of formal prosecution of predatory attorneys who use staged litigation schemes to make their living are few, as the color of law larcenists hide their thieving behind such doctrines as attorney, judicial and derivative immunities, thus declaring themselves elitists in an above the law aristocracy. Honest attorneys who argue the law and the facts and insist on the proper decorum are sanctioned and their license suspended for being "overzealous", which is a polite way to describe cock blocking the filthy lucre soup train.

Following this introduction is a chronology of just one such case history,

documented by the public record. Before going forward any further I would like to cite to Supreme Court Justice John Brandeis Dissenting Opinion in *Olmstead v. United States*, 277 U.S. 438 (1928)

*(“Decency, security, and liberty alike demand that government officials shall be subjected to the same rules of conduct that are commands to the citizen. In a government of laws, existence of the government will be imperiled if it fails to observe the law scrupulously. Our government is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example. Crime is contagious. If the government becomes a lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy.”)*

*Olmstead v. United States*, 277 U.S. 438 (1928), was reversed by the United States Supreme Court in *Katz v. United States*, 389 U.S. 347 (1967) which has received nothing but negative treatment. In other words, we are told that government is our servant but that our servants are immune from accountability and that government officials shall not be subjected to the same rules of honorable conduct that are commands to their masters, the common citizenry. This is the very definition of [plutocracy](#), where the ignorant masses kiss the hand that slaps them, lick the boots that kicks them, call it the land of the free and the home of the brave and send their children to die in order to impose that same “freedom” on other peoples of the world.

## DISCLAIMER

All, those who are named and pictured in this dissertation are presumed innocent until proven guilty in a court of law (where they are immune from any accountability to their victims). The views and opinions expressed here, are those of the individual witness identified herein<sup>1</sup> and do not necessarily reflect the views of other members of the public. The exhibits are the actual pleadings and Probatemafia.com is a web site inspired by the creatures and events described herein. You can look at the public record as I point to it and you can form your own opinion.

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Frank Scalise and wife with Salvatore Lucania

# What is the Probate Mafia?

In his treatise, "[Fighting the Probate Mafia<sup>2</sup>](#) : A Dissection of the Probate Exception to Federal Court Jurisdiction", 74 S. Cal. L. Rev. 1479 (2001)", cited in *Marshall v. Marshall*, 547 U.S. 293, 308 (2006)<sup>3</sup>, Professor Peter Nicolas does not specifically define the term "probate mafia". In fact, the expression only appears in the title itself.

Searching through state and federal court appellate records the term “probate mafia” only appears in twelve cases. Ten of those cases cite to Professor Nicolas treatise. The 11<sup>th</sup> case, [Curtis v. Kunz-Freed, No. 17-20360 \(5th Cir. June 6, 2018\)](#),<sup>4</sup> uses the term in a substantive context in [an action brought under the federal Racketeer Influenced Corrupt Organization statutes](#).<sup>5</sup> (This case)

The 12<sup>th</sup> case, [Stone v Trump](#)<sup>6</sup> No. 3:20-cv-537 (VAB) UNITED STATES DISTRICT COURT DISTRICT OF CONNECTICUT, also uses the term “probate mafia” in a substantive context referring to the [abduction, robbery and murder of our elders](#)<sup>7</sup> under the glorifying banner of “Guardianship Protection”.

**“Lord, save me from the protectors”.**

Guardianship is an action in rem. In other words people are converted into things on the high seas of commerce (Admiralty on land) and every one of the participating mobsters claim a right to your stuff in reward for services rendered.

The attorneys are not experts in government, but in debauching and corrupting and crippling the Government in the interest of those who pay them their fees. So then they sit, in the legislatures, in the executive offices and on the bench, running the Government in the interest of those who are plundering the people.

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<sup>2</sup> <http://www.probatemafia.com/2002-02-21-fighting-the-probate-mafia/>

<sup>3</sup> The Marshall family is still trapped in Harris County Probate and they will remain trapped there until J. Howard Marshalls’ fortune has been completely consumed by third party predators.

<sup>4</sup> [http://www.probatemafia.com/2018-06-28-no-17-20360\\_united-states-court-of-appeals-for-the-5th-circuit/](http://www.probatemafia.com/2018-06-28-no-17-20360_united-states-court-of-appeals-for-the-5th-circuit/)

<sup>5</sup> [http://www.probatemafia.com/2016-07-05-case-4-16-cv-01969-harris-county-rico\\_complaint-doc-1/](http://www.probatemafia.com/2016-07-05-case-4-16-cv-01969-harris-county-rico_complaint-doc-1/)

<sup>6</sup> <http://www.probatemafia.com/2020-05-11-stone-v-trump/>

<sup>7</sup> <https://www.justice.gov/usao-ndtx/pr/sixteen-individuals-charged-60-million-medicare-fraud-scheme>

Business interests support and finance their attorney handy-men because these attorneys are able to do what the business world wants done. The attorneys have been developed into a class of professional manipulators and wreckers of Government machinery because they are trained from the outset to regard the interests of their clients as of greater moment than the public interest.

A man, to become a good attorney, must have spent his life studying "precedent." What is precedent but the preservation of the status quo, and what is the status quo but the wisdom of yesterday?

*The good attorney is therefore the attorney who is able to preserve the shadow of yesterday and use it to darken the sunlight of today.*

The good attorney, to educate himself, pores over the Common Law of England. When his head is filled with seventeen hundred decisions handed down by judges who lived in the seventeenth century, before the American Colonies found the British rule intolerable, he fills up the chinks of his mind with Blackstone and with Kent's Commentaries. He then studies what the judges (attorneys) of the United States said during the past hundred years, and after that he is considered as prepared to defend the interests of the exploiters of America.

This precedent-fed human being is valuable to the great interests for three reasons: First, because his study of precedent has rendered him incapable of thinking into the future and has thus made him a natural protector of things as they are; Second, because the tradition of property rights inherited from the past can best be preserved through such a class of "dead-hand" experts; Third, because the attorney, under the ethics of his profession, is the only man who can take a bribe and call it a fee.

The real work of the world is done by those who envisage the future and prepare for it. Such ability is the first essential in a statesman, or in any other person who assumes to play a role in the direction of human affairs. The attorney finds it virtually impossible to look ahead for he has been trained to move forward with his eyes over his shoulder and, having endowed impunity upon themselves, no longer regard legal or moral obligations as anything but inconvenience.

## **The Authors Introduction**

When my best friend suffered emotional trauma at the realization that her little sisters had implemented a plan to steal her share of the family trust

inheritance, I gave my word that I would help her defend her rights in that property. That right in pro-per-ty (possession, dominion and control) vested equally in each of the five beneficiaries at the death of their mother on 11/11/2011 and should have been divided by 5 immediately after the passing of the last trust settlor. It should have been a quick easy process but I had no idea of the cesspool of human moral depravity I would be exposing myself to at the time.

Just being forced to have interaction with the kind of seedy hominid garbage identified here, is an outrage to any notion of decency. These predatory creatures are only interested in protecting their own. They don't give a damn about the law or their client. They are only interested in generating an excuse to stuff their pockets, demanding fealty, a.k.a. attorney fees.

### **What is a Trust?**

A trust is a container object. It is a contract of indenture in which legal and equitable titles to the assets placed in trust are separated and where one person (fiduciary) holds legal title to property for the benefit of another, who holds equitable title to enjoy the assets. A trust indenture is different from other contracts by the separation of legal and equitable titles, where the legal title holder hold the title for the benefit of the equitable title holder and the nature of the relationship is fiduciary, where the trustee owes duties to the beneficiary and above all of those duties is the duty of fealty. The trustee owes a duty of undivided loyalty to the beneficiary and the duty of loyalty cannot be waived as the oath of fealty is an inherent element of the indenture.

Trusts began under English feudal law in the 16th Century as a means of avoiding the brutal death taxes imposed on decedent's estates by the crown and the papacy. Trusts were originally referred to as fee-offs. The feoffee to offer, now called "trustee", would accept the appointment to serve as a fiduciary, by swearing an oath of fealty. An oath of fealty, from the Latin "*fidelitas*" (faithfulness), is a pledge of allegiance of one person to another. One interested, can research the history and modernization of oaths and affirmations. [International Law Research; Vol. 9, No. 1; 2020.](http://www.international-law-research.com/vol-9-no-1-2020)<sup>8</sup>

## **THE PROBATE MAFIA**

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<sup>8</sup> <http://www.probatemafia.com/modernising-the-law-on-oaths-affirmations/>

My definition of probate mafia is a “color of law” criminal enterprise run out of state municipal corporation controlled probate courts. It is an industry designed for the few to steal the lifetime acquired and productive wealth of the many. This dissertation is a single case study involving one local, Harris County Texas, Probate Court No. 4, but it can only be distinguished from similar operations conducted in other probate courts in every other such venue, by the familial particulars and the active and passive participants in each individual case. There are many individual cases and they can be told out of every municipal corporate controlled court room in America whether, family law, traffic, civil or criminal. The American political and legal institutions have become little more than a Praetorian Guard for licensed predators.

When longitudinal and cross sectional studies are performed from the public record, a common modus operandi emerges to reveal a pattern of exploitation that utilizes the same artifices and accomplishes the same ends in each theater: Fiduciary Betrayal, Obstruction, evasion, intimidation, defamation, attrition, and collusion, refusal to respect distinctions, disregard for the rules, sanctions and the manufacture of vexatious litigant labels, whether the criterion is met or not, and these are hallmark artifices. No law is allowed to get in the way of this color of law thievery cabal with their bar association issued Letters of Mark.

The probate mafia is a gang. Like the five families of the Cosa Nostra, each operation is a subsidiary of the color of law mob, an association with complete control of access to justice via an exclusive monopoly on agency in America’s judicial theaters and self-endowed impunity. I call them theaters because they are as legitimate as any other day time soap opera or thespian performance. You may as well just call them fleecing grounds and if you want to know how fast they can get to the money, just drop by any traffic court any day of the week and watch the gavel fall Bam \$ Bam \$ Bam \$.

The Brunsting family’s money cow “trust” has been held hostage in a **probate court** with no pending probate for more than eight years. Nothing has been resolved and no distributions have, or will be made, to the mandatory income beneficiaries unless and until they agree to pay a filthy lucre ransom, under the label of “attorney fees” that are not authorized by the published law<sup>9</sup> or the law of

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<sup>9</sup> In economic or game theory, a zero sum game is a situation in which one person or group can gain something only by causing another person or group to lose it. ~ Meriam-Webster.com, Meriam Webster n.d., 9 August 2017. The



the trust.

*In Texas, as a general rule attorney's fees cannot be awarded to a litigant by a court unless either (1) a statute authorizes the award or (2) a contract between the parties authorized the recovery of attorney's fees in the event of a suit brought pursuant to the contract.*

*Pleadings must be clear that attorney's fees are being sought as a result of reliance upon a statute or upon a contract between the parties. After the pleadings are properly filed, the party must introduce admissible evidence regarding the fees and must secure affirmative fact findings by the court or by the jury.*

The hostage takers want the victims to enter into a settlement contract they have no intentions of honoring. They just want to stuff their pockets, wash the ransom as if it was fees for services provided and change the argument from breach of trust to breach of contract.

The case study in point is one I call:

## **GRIFT OF THE BRUNSTING'S**

### ***Artifice: Bait and Switch***

Grift of the Brunsting's is a two part operation best described as a long con. It begins on the front end with an estate planning attorney bait and switch where an estate planning attorney locates vulnerable assets by identifying a weak link in the family moral fabric, betrays the fiduciary duty of undivided loyalty, forms conflicting confidential relationships, cultivates conflicting interests and applies the Divide and Conquer methodology with the objective of cultivating controversy among the stake holders fueling the need for fees. The incremental encroachments follow the “**Hurrah's**” (family crisis events).

Once the estate planning attorneys have fomented litigation on the front end, the predatory attorneys in the exploitation phase break down communications

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attorney fee demands submitted under the “confidentiality provisions of the Texas Evidence Code” is properly defined as extortion as the covert demand itself is not lawful.

among the suckers and take control with the sole intention of manufacturing a demand for fees. As in the case in point the money cow is held hostage for ransom while the real parties are threatened and told the longer they resist the more the fees. The predators have no intention of reaching the merits and no intention of honoring any settlement agreements. The entire point of a settlement agreement is to change the argument so they can generate more fraudulent demands for fees.

To make the topic manageable, I will provide an outline showing the Hurrah's and the actions that followed each as a visual makes it all too obvious. It is what it looks like.

- **Original 1996 Family Trust** [[V&F 000391-451](#)]
  - **April 30, [1999 Amendment](#)** (Anita's \$100k) [[V&F 000808](#)]
  - **2001-06-05 [Second Amendment](#)** to the 1996 Indenture
  - **2005-01-12 [2005 Restatement](#)**, January 12, 2005 [[V&F 000941-001027](#)] [[V&F000262-348](#)]
  - **2007-09-06 [2007 Amendment](#)**, [[V&F 000928-929](#)] V&F 252-253
- A. Elmer is non-compos mentis June 9, 2008***
1. July 1, 2008 [Appointment of Successor Trustees](#) [BRUNSTING005805-5809]
  2. July 1, 2008 [Certificates of Trust](#) [V&F 1431-1432]
- B. Elmer passed April 1, 2009***
3. February 24, 2010 [Certificates of Trust](#) Family Trust [BRUNSTING005810-5813] and for the Elmer H. Brunsting Decedents Trust.
  4. [June 15, 2010 QBD/TPA](#) [V&F 349-351] (partially valid)
- C. Carl falls ill with encephalitis and is in coma July 3, 2010***
5. August 25, 2010 QBD/TPA [Can before signature](#)
  6. August 25, 2010 QBD/TPA [Signature on the line](#)
  7. August 25, 2010 QBD/TPA [V&F 353-389 ABL] [Signature above the line](#)
  8. August 25, 2010 [Appointment of Successor Trustees](#)

9. August 25, 2010 Certificates of Trust [V&F 000207-251]
  10. October 23, 2010 [Freed](#) holds Phone Conference behind Nelva's Back
- D. October/November 2010 Freed has Nelva subjected to [Competency Evaluation](#)***
11. December 21, 2010 [Resignation](#) of Original Trustee [V&F906-915]
  12. December 21, 2010 Appointment of Successor trustee [V&F240-245 & 906-915]
  13. December 21, 2010 Certificates of Trust [V&F906-915]

#### **14. November 11, 2011 Nelva Brunsting Demise**

Everything appears legitimate up until Elmer was declared Non Compos Mentis. It should be noted that the trust became irrevocable when Elmer could no longer make legal or financial decisions and that is when implementation of the “switch” began. Notwithstanding the trust becoming irrevocable, within two weeks of the first Hurrah (A), [the estate planning Grifters](#) began their incremental alteration of the Settlor's Trust Agreement, inserting their own terms. The first alteration was to return Anita Brunsting to the position of successor trustee, a position from which she had been jointly removed by Elmer and Nelva with the [2005 Restatement](#). (Article IV)

The back end operation is an attorney exploitation scheme and the artifices are consistent with other such cases: attorney betrayal, attorney collusion, attrition, threats, intimidation, defamation, obstruction, avoidance, sanctions, and the fraudulent manufacture of the “vexatious litigant” label for those who stand on their own. The perpetrators hide from accountability using judicial and attorney immunity, the probate exception and the Rooker-Schnooker, not to mention the industries reluctance to expose their brethren to accountability and the overwhelming support of other filthy lucre soup line trough swiller's and municipal corporate employee/appointees.

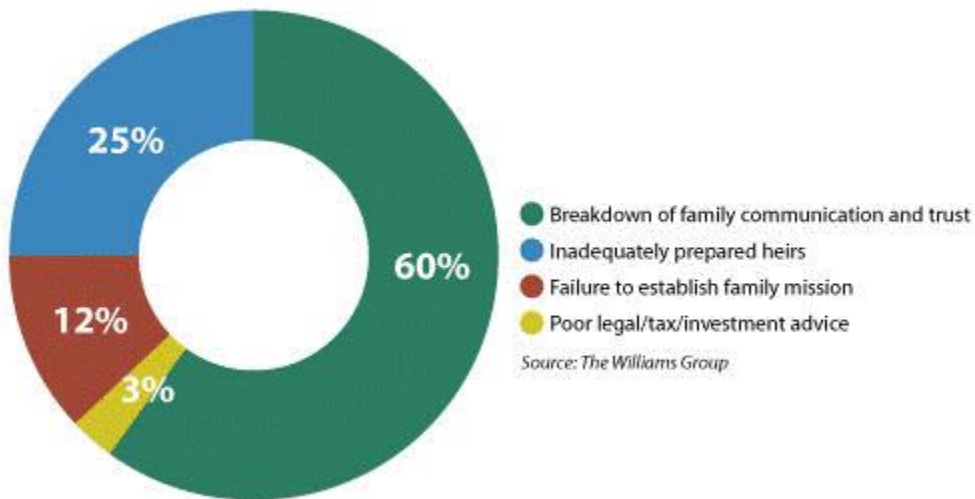
I describe the back end exploitation of the Brunsting family as a Frankensuit because it is a scheme designed to be like a “Medusa/Hydra quagmire” keeping the victims in stasis until all the money has been stolen, under the pretext of fealties for services, a.k.a. FEE'S, where the attorney collusion and incestuous conflicts of interest are only overshadowed by the participants abject moral depravity, absolute disrespect for the rule of law and disdain for the rights of the people who fall victim to the predatory probate scheme. I will define each prop and artifice in context as

they raise their ugly heads and Oh boy do they raise their ugly heads. Pay close attention to "[How to Steal Your Family Inheritance](#)" as that is both the stink bait and the road map for the front end manufacture of trust and estate looting controversy.

## 3rd Party Interception of a Family Generational Asset Transfer

### THE ROAD MAP

- Locate family generational wealth
- Identify vulnerable assets
- Form confidential relationships
- Cultivate conflicting interests



[The Williams Group](#) Report shows 60% of failed family generational wealth transfers directly attributable to the break down in family communications.

### *Find the Money*

Estate Planning Attorneys advertise their services as "[asset protection](#)"

### *Identify vulnerable Assets*

Find a weak link in the family moral fabric, [fuel the greed](#) and selfishness of the weak link and feed the bonfire of any animosity that can be found among the

"Marked Family".

***Form confidential relationships with the weak link***

Betrayal of the estate planning attorney's duty of undivided loyalty, owed to the estate planning client, and convincing the weak link that they can get it all, is the prelude to the final front end phase.

***Create Controversy***

Controversy is the key that opens the door to third party interlopers.

***Break Down Family Communications***

The first accomplishment of an attorney is to break down communications among the suckers. Attorneys do this as a matter of course, acting as if the client/victims have to follow the association rules that the attorneys are bound by, but don't bother to observe. Breaking down communications among the victims puts the third party interlopers in the driver's seat where they can fuel the conflict among the victims by keeping their clients in the dark, manipulating their legal and moral weaknesses, and feeding them a steady diet of horse shit. This is all facilitated by the bar association monopoly on agency in the court system.

## **CHUMMING FOR SUCKERS**

I suspect that the article floating around the web titled "[How to Steal Your Family Inheritance](#)" was probably written by an estate planning Grifter as this is the frontend outline for the case in point. What is most amusing in the case in point is how easy it was for estate planning attorney [Candace Kunz-Freed](#) to convince the morally weak Anita Brunsting that she would be the beneficiary of the estate planning attorney's dishonesty and betrayal of the fiduciary duty of undivided loyalty owed to the actual clients, her parents.

### **The Front End**

In 1996 Elmer Brunsting and his wife Nelva Brunsting created the original Brunsting **Family Living Trust** for their benefit and for the benefit of their five children, Candace, Carl, Carole, Amy and Anita. The trust was part of an estate plan that included **pour-over-wills** and various powers of attorney that Elmer and Nelva purchased as both a product and a service of attorney Albert Vacek Jr., the

Vacek Law Firm. al@vacek.com, 11777 Katy Freeway, Suite 300 South, Houston, Texas 77079

## THE BAIT

### What did Vacek Promise?

The [Vacek Integrated Solution Movie](#) tells you what was advertised. Although Vacek has since closed shop, the Vacek.com web site was captured and saved 108 times between July 19, 2001 and August 26, 2018 and, like many other web sites, can be viewed at specific points in time through the [Wayback Machine](#) at web.archive.org.

### *What were the settlors Intentions?*

*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).*

### AVOID THE PROBATE COURT

1. 2007-06-26 [Questions, allegations surround Texas probate courts](#) - Houston Chronicle
2. 2007-06-25 [Bates P14052] [Nelva email re chronicle](#) and avoiding probate court: ***“That’s why we have the trust”***
3. Carl’s reply was ***“sounds like the judges and the attorneys he employs need to be horse-whipped”***

### TRANSFER THE FAMILY GENERATIONAL WEALTH TO THE ISSUE IN EQUAL PORTIONS WITH AS LITTLE DELAY AND EXPENSE AS POSSIBLE.

1. 2007-04-05 [Nelva email to Anita](#) - Divided Equally
2. 2007-08-03 [Nelva email to Amy](#) - Candy to be co-trustee - Divided Equally
3. 2008-04-04 [Nelva emails Candy](#): Divided Equally
4. 2010-03-08 [Nelva email to Candy](#) Divided Equally

### *What Did Vacek Deliver?*

Elmer Brunsting passed April 1, 2009. Nelva Brunsting passed November 11, 2011. Remainder rights in entrusted property vested equally in each of the five beneficiaries at the passing of the second Settlor, under the private law of the trust and, under the public law of Texas (Tex. Est. Code §101.001).

In more than nine years not one dime from the family trust has been distributed to the income beneficiaries. In fact, the family trust has been held captive in Harris County Probate Court No. 4 without an evidentiary hearing, and without resolving even one substantive issue related to the controversy intentionally created by Vacek & Freed attorneys [Bernard Lilse Mathews III](#), and [Candace Kunz-Freed](#). That controversy has since been multiplied by a host of interlopers, each seeking their own unjust self-enrichment, via participation in concert with the other performers in the mock probate court cinema.

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Vacek & Freed P.L.L.C. associate and staff attorneys

## VALID TRUST INSTRUMENT CHRONOLOGY

1. [Original 1996 Family Trust](#) [V&F 000391-451]
2. April 30, [1999 Amendment](#) (Anita's \$100k) [V&F 000808]
3. 2001-06-05 [Second Amendment to the 1996 Indenture](#)
4. 2005-01-12 [2005 Restatement](#) January 12, 2005 [P230-316, V&F 000941-001027] [V&F000262-348]
5. 2007-09-06 [2007 Amendment](#) [V&F 000928-929] V&F 252-253

As can be seen Elmer and Nelva Brunsting selected Anita Brunsting as the sole successor trustee in the 1996 trust agreement. Elmer and Nelva amended their trust in 1999 to grant a \$100,000.00 advance to Anita Brunsting as an offset to her future expectancy. The original [1996 trust](#) was replaced and superseded in its entirety by the 2005 restatement. The [2005 Restatement](#) removed Defendant Anita

Brunsting from the list of successor trustees, replacing Anita with Amy Brunsting and Carl Brunsting as successor co-trustees.

Elmer and Nelva amended the 2005 restatement in 2007 replacing Article IV in its entirety. Article IV contains the trustee and successor trustee designations. The [2007 Amendment](#) removed Defendant Amy Brunsting from the list of successor co-trustees and added Candace Curtis as successor co-trustee with Carl.

For the first time, the Brunsting trust settlors added a 3rd party, **Frost Bank**, as the alternate successor trustee should both Carl and Candace cease to serve. This is a clear indication that Elmer and Nelva did not want Anita, Carole or Amy to be empowered by or burdened with the obligations of a trustee.

## THE SWITCH

Vacek & Freed attorney [Candace Kunz-Freed](#), along with staff attorney [Bernard Lilse Mathews III](#), betrayed the fiduciary duty of undivided loyalty Vacek & Freed owed to their clients, Elmer and Nelva Brunsting, and formed a conflicting confidential relationship with Anita Brunsting, one of five named beneficiaries of the trust agreement that Elmer and Nelva Brunsting purchased as both a product and a service of Albert Vacek Jr., The Vacek Law Firm.

### *E. June 9, 2008 the 1st "Hurrah", Elmer Declared non compos mentis*

Article III of the [2005 Restatement](#) contains the provisions for altering or amending the Trust and it requires (1) the signature of both settlors or (2) a court of competent jurisdiction. On June 9, 2008 Nelva emailed Anita telling her that three doctors had determined [Elmer was no longer competent](#) to handle financial or legal matters, effectively rendering the trust agreement irrevocable. None-the-less, within two weeks ([July 1, 2008 appointment](#)) the Vacek & Freed P.L.L.C. attorneys implemented their first illicit change to the irrevocable trust, wherein they removed Candace Curtis name from the list of successor co-trustees and replaced her with Anita Brunsting. This put their new client, Anita Brunsting, back in the very position from which Anita had been removed by Elmer and Nelva acting jointly in the [2005 Restatement](#). This "[July 1, 2008 appointment](#)" also removed Candace Curtis from the position Elmer and Nelva had jointly placed her in with the [2007 Amendment](#), the last trust instrument signed by both trust Settlers.



A [July 1, 2008 Certificate of trust](#) appears in the paper work unsigned but it is clear to see from this certificate that the Vacek Team already had plans to change the legal name of the trust and take Elmer's name completely out of it. However, because Elmer was incompetent and not deceased, there was no survivor's trust to change trustee appointments for, and since the successor co-trustees for the family trust had been selected by Elmer and Nelva jointly, the successor co-trustees for the family trust could not be changed by Nelva alone under the terms of Article IV (D) of the restatement. Thus, when Elmer passed on April 1, 2009 the successor co-trustees for the irrevocable Family and Decedent's trusts could only be those named in the [2007 Amendment](#) -- Carl Brunsting and Candace Curtis, with Frost Bank as the alternate. The [July 1, 2008 Certificate of trust](#) is invalid.

#### *F. April 1, 2009, the 2nd "Hurrah", the death of Elmer Brunsting*

An identical certificate to the one not signed on July 1, 2008 appears to have been signed by Nelva alone on [February 24, 2010](#) and the steady encroachment thus continued as the Vacek & Freed Attorneys improper changes to Elmer and Nelva's trust agreement are implemented one incremental alteration at a time, with usurper, "Anita Brunsting" now fraudulently embedded as a successor co-trustee.

[June 15, 2010 QBD/TPA](#) [V&F 349-351]

The **Qualified Beneficiary Designation** is found in [Article III](#) and mentioned in a couple other places of no real significance. Its purpose is to allow an original Settlor to designate a different disposition for **their share** of the trust assets. The **Qualified Beneficiary Designation** (Q.B.D.) only applies to the share of the Settlor that exercised the power. Elmer did not exercise a Q.B.D. and thus, this instrument could only apply to Nelva's share, which is not a big deal since it merely authorized an advance on a future expectancy. It was totally unnecessary to do an accounting in this fashion. Worse yet, this alleged **Qualified Beneficiary Designation** (Q.B.D.) is blended with an alleged **Testamentary Power of Appointment** (T.P.A.)

#### **The Jack in the Box**

The **Testamentary Power of Appointment** (T.P.A.) is alleged to be found in Article IX and claims to empower the Surviving Settlor to change at death what they could not alter in life, an irrevocable A/B trust agreement. This is a convenient way to claim the surviving Settlor made changes (they had no power to

make) without them being available to say "[That's Not True](#)"! This little game only works because of the collusion of the courts. Disposition for Nelva's share (survivors trust share) could be changed, but the disposition of Elmer's share could not.

### ***G. 2010-07-03 the 3rd "Hurrah", Carl falls ill and is in Coma***

BINGO! When Carl fell weak the Vacek & Freed team went to work again, only this time, they outdid themselves. When Carl fell ill and was in a coma, Anita took that as an opportunity to launch a character attack on Carl's wife Drina, thus distracting attention from the changes she and the [Freed](#) crew were making to remove Carl as a successor co-trustee. Candace Kunz-Freed's notes say "[Anita called, Carl has encephalitis, amendment to trust, Anita and Amy to be co-trustees](#)". This family crisis provided the opportunity for the Vacek & Freed team to continue their alteration of Elmer and Nelva's trust agreement and this was where they implemented their alteration of Article IX, found at pages 39-41 of the [2005 Restatement](#).

On August 25, 2010, The Freed and Mathews duo implemented their 2<sup>nd</sup> Q.B.D./T.P.A. with their new successor trustee appointment documents, ½ farm interest transfer and some other nonsense. These instruments complete the dismantling of Elmer and Nelva's trust agreement and guarantees the future litigation.

- 2010-08-25 [Qualified Beneficiary Designation AND Testamentary Power of Appointment](#) under living trust agreement.

After litigation has been initiated, this instrument surfaces bearing [three different signature pages versions](#).

When Nelva discovered the illicit changes she sent Candace Curtis a greeting card and called [Candace Kunz-Freed](#), telling her to "change it back". Candace Freed's reaction to having her betrayal exposed was to force her client, Nelva Brunsting, to submit to the humility of a [competency examination](#).

Anita and Amy Brunsting and their close knit defector, [Candace Kunz-Freed](#), failed in their attempt to have a very lucid Nelva Brunsting declared incompetent. Thus, after disfiguring the Family, Decedent's, and Survivor's trusts with the 8/25/2010 Q.B.D.T.P.A. abomination, they were still not satisfied that the scheme to steal their siblings' inheritance expectancy was fool proof.

## THE CONVERGENCE

The story is that on December 21, 2010 , Anita, Amy, and [Candace Kunz-Freed](#) converged on Nelva in her own home, leaving Nelva no place to retreat, whereupon, Nelva is alleged to have voluntarily signed [resignation](#) papers that gave Anita total control over the assets of the entire Brunsting family of trusts as [sole trustee](#). What is of a particular note is that [the signature of Nelva Brunsting on the resignation document is an image stamp](#), and [the signature of Anita Brunsting accepting the appointment is also a digital image](#) stamp and the notary on the December 21, 2010 instruments was disloyal estate planning attorney Candace Kunz-Freed.

There were also three new **Certificates of Trust** signed on December 21, 2010 (1) [Survivors Trust](#) (2) [The New Family Trust](#) and (3) the [Decedent's Trust](#). Anita Brunsting had now seized sole control of the family trust with Amy Brunsting designated as having been returned to Article IV as Anita's future co-trustee.

These changes can only be justified by the abuse of the trust language regarding the resignation of an original Settlor and total disregard for such distinctions as "irrevocable". The family trust became irrevocable after Elmer's incompetency certification June 9, 2008, which was prior to the myriad of improper changes, as an A/B trust requiring both Founders' signatures to effect any changes, could not be changed by the settlor. The only alternative was for Nelva to ask a Court of Competent Jurisdiction to stand in for Elmer and approve of the proposed changes. That didn't happen and "equity" presumes that which should have been done to have been done. The only valid trust instruments are the [2005 Restatement](#) as amended in [2007](#).

Let's take it a step deeper and [look at digital](#) forgery. Nelva's signature on the resignation document exhibits I've seen (pdf's) appear as digital stamps and not photo copies of wet signed instruments.

- [Resignation](#)
- [Appointment of Successor Trustees](#)
- [Certificate of Trust](#)
- QBD with the [signature above the line](#)
- QBD with the [Signature on the line](#)
- 1. QBD with [CAN](#) before the Signature
- 2. QBD [signature page versions binder](#)

## *H. 2011-11-11 the Fourth Hurrah, the passing of Nelva Brunsting*

### **THE BACK END EXPLOITATION**

This is the point in [How to Steal Your Family Inheritance](#) where Anita Brunsting, little miss "steal the family trust", is supposed to laugh all the way to the bank. Let's see how that pans out.

*The fish takes the hook thinking to find food but it is the fisherman that enjoys the meal.*

I had been overhearing conversations and was well aware of the overtones and the emotional animosity created by Anita, Amy and Candace Kunz-Freed as a diversion while their illicit takeover was being planned and executed. Candy had already asked for copies of trust documents and had received enough to know there was a problem. Candy already had Nelva's hand written note saying [That's Not True](#), you will get your share! While she had reservations, her concern was for her mother. Candy did not want to exacerbate the stress Nelva had already been forced to endure.

I met Nelva Brunsting shortly before her passing. Candy and I were in Houston because I was doing a guest performance at Reliant Stadium with the late and legendary [Braille Blues Daddy Bryan Lee](#). I recall Nelva sighing under her breath as she said "*all the fighting*". I didn't grasp the significance then, but I do now.

#### **The Passive Aggressive "In Terrorem" Invocation**

I had been overhearing phone conversations between Candace and her sister Carole while all of the A&A shenanigans were going on. When Nelva passed it had already become clear [what Anita had in mind](#) and when Candy asked for an accounting the grape vine had it that A&A were laughing and saying Candace was going to get "*disinherited for challenging the trust*". This was the point where Candy broke into tears and, unable to comfort her, I finally said she would have to sue them. When she said, "*How am I going to do that? I can't afford to hire an attorney?*" I said, "*I'll help you with the paperwork.*" That was when a little voice inside my head said "*Was that my voice I just heard?*"

Candy worked at an office in the day time while I did my best to research and write a breach of fiduciary action for the federal court. We would discuss my

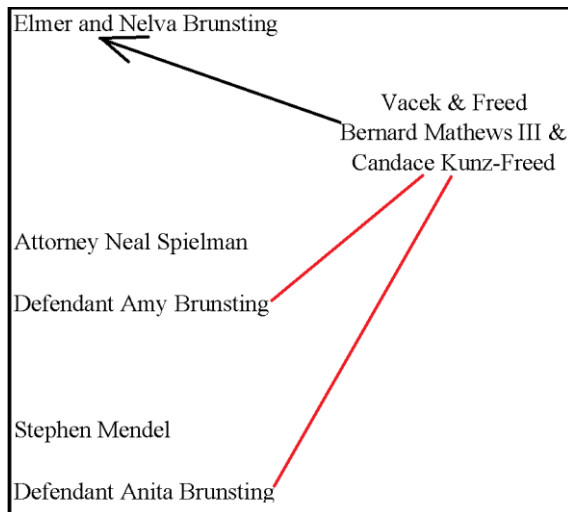
progress at the end of each day as we were both learning at the same time.

## 2012

### THE BRUNSTING FRANKENSUITS

*February 27, 2012 Southern District of Texas*

We filed Candy's lawsuit into the United States District Court for the Southern District of Texas, Houston Division, styled: [Candace Louise Curtis vs. Anita Brunsting, Amy Brunsting and Does 1-100 No. 4:12-cv-592](#). We didn't know much about the topic and rather than risk appearing reactionary, we put everything we had on the table out front. All of our [suspicions and conclusions about Anita's plan to steal the family trust](#) have been verified by the record at this juncture.



#### ***Conflicting Interests Diagram 1***

On March 6, 2012 Vacek & Freed staff attorney Bernard Mathews,<sup>10</sup> appearing under the letterhead “*Green and Mathews*”, filed a motion for an emergency order accompanied by a false affidavit signed and verified by Defendant Amy Brunsting. Defendants Anita and Amy Brunsting were initially represented by Bernard Lisle Mathews III in the federal court (Mathews).

In summary, Vacek and Freed Attorneys Candace Kunz-Freed and [Bernard](#)

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<sup>10</sup> This is an example of the conflicts of interest cultivated by the V&F attorneys.

[Lilse Mathews III](#) betrayed the fiduciary duty of undivided loyalty owed to clients Elmer and Nelva Brunsting, and formed a conflicting confidential relationship with Anita and Amy Brunsting, two of the five intended beneficiaries of Elmer and Nelva's trust agreement. When sued in the Southern District of Texas, Anita and Amy Brunsting appeared represented by the apparent author of the illicit instruments, Vacek & Freed P.L.L.C. [staff attorney Bernard Lisle Mathews III](#).

Mathews appeared using a "[Green and Mathews](#)" law firm label to conceal his direct conflict of interest and his blatant violation of the [Disciplinary Rules of Professional Conduct](#). Thus, after betraying their client's, Elmer and Nelva Brunsting, forming conflicting relationships with Anita & Amy Brunsting and fomenting controversy, the Vacek Team takes sides with their **new clients** against Candy Curtis, one of the three trust beneficiary's disenfranchised by the Vacek & Freed P.L.L.C. estate planning attorney's betrayal of the fiduciary duty of loyalty owed to Elmer and Nelva Brunsting.

## **THROWING AMY UNDER THE BUS**

The collusion between estate planning attorney [Candace Kunz-Freed](#) and Anita Brunsting, the weak link in the family moral fabric, was all on [Candace Kunz-Freed](#) and her proclamation that Anita Brunsting had become sole trustee over everything, despite the fact that Article IV could not be amended to affect Elmer's irrevocable trust share. Worse yet, the Vacek & Freed QBD/TPA authorized the disloyalty of self-dealing with the notion that anyone who objects to the trustees conduct would be "challenging the trust" when that had already been accomplished and was now being exacerbated.

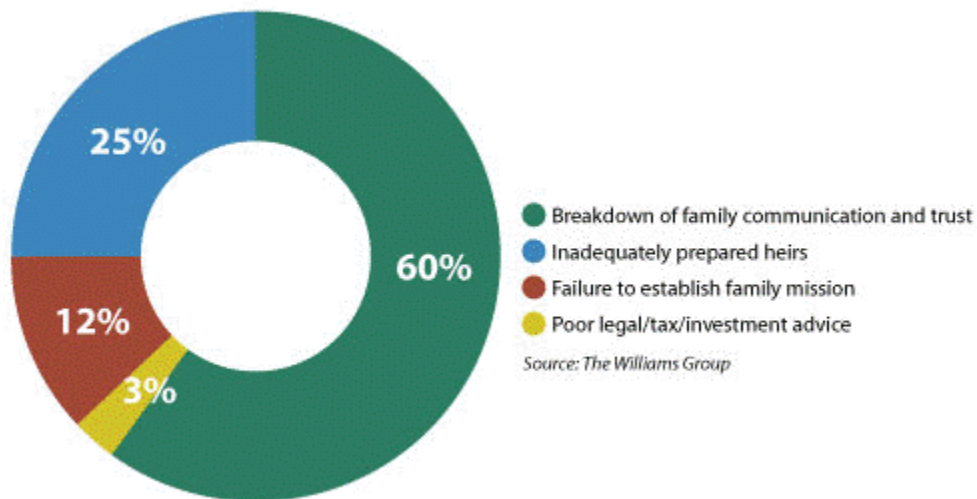
Amy had no accountability for Anita's misapplications of fiduciary, (beginning on December 21, 2010) and all Amy had to do to protect herself when litigation began was to file an exception to the previous trustee conduct. None-the-less, the Freed & Mathews duo threw Amy under the bus when they wrote a letter to Frost Bank from Co-trustee Amy Brunsting, (acceptance of the appointment by conduct), and when they filed a [false affidavit](#) into the Southern District of Texas in Amy's name, making claims of the existence of trust shares that remain unfulfilled after more than nine years.

What we will discover as this dissertation of the record continues is that the Williams Report diagram of causes, only scratched the surface layer, a.k.a. the result. Once we dig under the surface we find that the 12% attributed to failure to establish family mission has 0% application to the facts of this case, where the

settlers had pour-over-wills with the living trust as the sole devisee.

We can also see that the 3% attributed to poor Legal, Tax and Investment Advice can be 100% attributed to estate planning attorney disloyalty. The 25% attributed to "inadequately prepared heirs" can also be blamed on the estate planning attorneys as none of the Brunsting family had been schooled on the probate mafia bait and switch, what it means when a trust becomes irrevocable, why a pour-over-will avoids probate or that little miss "steal the family trust" does not laugh for very long.

Lastly, the Victim Family was never told that the 60% breakdown in communications can be pinned on estate planning attorney creation of controversy, fueling of emotions and the introduction of other attorneys into the dispute.



Insert attorney = instant break down in communication among the real parties in interest.

### ***March 8, 2012 Dismissal re; the probate exception***

The federal suit was dismissed sua sponte under the probate exception to federal court jurisdiction on March 8, 2012. [There's a probate exception?] This was the first time I had ever heard of the probate exception but I had heard that a pour-over-will in combination with a living trust was supposed to avoid probate. "How" is another question? However, this dismissal event leads to researching different questions and the drafting my first federal appeal. **\$10,000**

### ***Federal Fifth Circuit Court of Appeal No.12-20164***

June 11, 2012 [Appellants Opening Brief](#)

July 16, 2012 [Appellees Brief](#)

August 2, 2012 [Appellants Reply Brief](#)

## **Parallel Texas State Court Activity**

### ***March 9, 2012 Petition to take depositions before suit***

On March 9, 2012, [Attorney Bobbie G. Bayless](#), representing Carl Brunsting, filed a [Petition to Take Depositions before suit](#) No. 2012-14-538 in Harris County's 80th Judicial District Court.

[Attorney Bobbie G. Bayless](#)

State Bar No. 01940600

2931 Ferndale

Houston, Texas 77098

Telephone: (713) 522-2224

Telecopier: (713) 522-2218

bayless@baylessstokes.com



Ma Barker may be the best representation of personality type available at press as no photo of Attorney Bobbie G. Bayless was located on her website or the bar association web site.

On the first appeal to the 5th Circuit Anita and Amy Brunsting were represented by Mr. George William Vie III of Mills Shirley, L.L.P.

Mr. George William Vie III

State Bar No. 20579310

Mills Shirley, L.L.P.

1021 Main Street

Suite 1950

Houston, TX 77002-0000



This complaint is not against Mr. George Vie III as George conducted himself properly before attorney Jason Ostrom entered the picture and ended our open line of communications with Mr. Vie.

### **[Fifth Circuit Court of Appeal No. 12-20164](#)**

- June 11, 2012 [Appellants Opening Brief](#) on Appeal to the 5th Circuit
- 2012-07-16 [Brief of Defendants-Appellees](#)
- 2012-07-07 On July 7, 2012 [attorney Bobbie G. Bayless](#) deposed Carole Brunsting and not Anita or Amy nor [Candace Kunz-Freed](#)! How curious. [Candace Freed was deposed](#) by the attorneys for Defendants Anita and Amy Brunsting on March 19, 2019. Oh but we are still at 2012 in our story.
- 2012-08-02 [Appellant's filed their Reply Brief](#) on Appeal to the 5th Circuit
- On August 15, 2012 [attorney Bobbie G. Bayless](#), representing Carl Brunsting, filed an [Application for probate of will and issuance of Letters Testamentary](#) in Harris County Probate Court No. 4
- On August 28, 2012, the wills were admitted and [Letters for Independent Administration](#) of the estates of Elmer and Nelva Brunsting were issued to Carl Brunsting by Probate Court No. 4 of Harris County Texas. PBT-2012-287037
- On or about December 11, 2012, I sent a certified mail request to [Candace Kunz-Freed](#) asking for her notary log for August 25, 2012 and December 21, 2012. Certified Mail #7012 2210 0000 1342 6586

On December 19, 2012, I received a disingenuous reply from Notary Freed and on December 26, 2012, I sent a second certified mail request to Mz. Freed for the same notary records as previously requested. There are some anomalies with the notary records of Candace Kunz-Freed that I haven't thought about in a while, as today is Monday, June 14, 2021, and a lot of murky water has flowed under the bridge since then but, going through my pragmatic chronology of events for this dissertation in hindsight, some noted improprieties and logical inconsistencies loom rather large. I may perhaps revisit this issue.

While waiting for an answer from the federal 5th Circuit we were doing some reading and of a particular interest was the October 11 2006, Hearing of the Texas Senate on Jurisprudence. The [Texas State Senate Video Archive](#) information is available to John Q. Public. There are 13 mp3's of this hearing spanning a several hours and some of the names mentioned will also arise in similar context in this individual case study. Here are links to the the mp3 audio files in order.

1. 2006-10-11 [791067a](#)
2. 2006-10-11 [791067b](#)
3. 2006-10-11 [791068a](#)
4. 2006-10-11 [791068b](#)
5. 2006-10-11 [791069a](#)
6. 2006-10-11 [791069b](#)
7. 2006-10-11 [791070a](#)
8. 2006-10-11 [791070b](#)
9. 2006-10-11 [791071a](#)
10. 2006-10-11 [791071b](#)
11. 2006-10-11 [791072a](#)
12. 2006-10-11 [791072b](#)
13. 2006-10-11 Testimony of [Robert Alpert](#)

One should also include a few articles from History:

- [The Houston Post Fri Aug 9 1901](#)
- [The Houston Post Thu Feb 19 1903](#)
- [The Houston Post Sun Feb 21 1904](#)
- [The Galveston Daily News Thu Oct 13 1949](#)
- [The Baytown Sun Tue Jun 12 1962](#)
- [The Courier Gazette Fri Jun 15 1962](#)
- [Abilene Reporter News Thu Jun 21 1962](#)
- [The Corsicana Daily Sun](#) Thursday February 14, 1963
- [The Bay Town Sun](#) Monday January 27, 1964
- [The Eagle](#) Wednesday February 17, 1965
- [Abilene Reporter](#) Saturday September 24, 1977
- The last Article I will place in this list is a family obituary from the [Austin Weekly Statesman September 22, 1887](#)
- There are other links I should include with this brief research section: NASGA – [National Association to Stop Guardianship Abuse](#) as each of the [victims](#) have a story that deserves to be heard.
- [Americans Against Abusive Probate Guardianships](#)
- There are many suits, innumerable victims and untold stories all the product of law having been replaced by judicial fiat and an association of non-productive predators having attained impunity<sup>11</sup> by and through their associations...

**We hold these truths to be self-evident**

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<sup>11</sup> Letters of Marque and Reprisal in a covert war on individual rights and freedom

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, -- That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.

Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed.

But when a long train of abuses and usurpation's, pursuing invariably the same Object, evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.

However, we find among us today a group of men bound by a compact of association that has declared its members above accountability to the same laws that govern others. By proclaiming an exclusive right to agency in the people's courts and their members immune from public accountability this association of men has taken over our judiciary, corrupted our institutions of government and declared themselves more equal than others.

By these means associations of Barristers from state to state have overthrown the safeguards long ago established to protect the peoples Safety and Happiness and replaced our systems of justice with their own self-protecting doctrines. By declaring a monopoly on agency in the people's institutions of public justice these non-productive "associations of barristers" have subjected the productive citizens to predatory schemes designed to deprive an entire society of the productive wealth of each and every generation.

As a direct result of this monopoly on access to justice the ordinary people have suffered a long train of abuses and usurpation's, all pursuing invariably the same object of despoiling the productive wealth of the working men and women of this nation for the enrichment of a select few.

By declaring their members immune from accountability this aristocracy of barristers have deprived the people of any meaningful right to petition for redress of grievance, they have deprived the people of due process, they have deprived the people of the right to liberty and to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures. This association of predators, having declared themselves above our laws, have continuously evinced a design to reduce the non-association members of the public trust to absolute despotism and even devour their own for overt opposition to their Aristocratic Plutocracy.

## 2013

### **January 9, 2013 Federal 5th Circuit Court of Appeal**

“The circuit court found the case was outside the scope of the probate exception under the first step of the inquiry because the trust was not property within the custody of the probate court. Because the assets in a living or inter vivos trust were not property of the estate at the time of decedent's death, having been transferred to the trust years before, the trust was not in the custody of the probate court and as such the probate exception was inapplicable to disputes concerning administration of the trust.”

“The record also indicated that there would be no probate of the trust's assets upon the death of the surviving spouse. Finding no evidence that the trust was subject to the ongoing probate proceedings, the case fell outside the scope of the probate exception. The district court below erred in dismissing the case for lack of subject-matter jurisdiction.” This opinion is published: [Curtis v Brunsting 704 F.3d 406](#), 412 (Jan 9, 2013)

### **January 29, 2013 Harris County District Court 164**

While *Curtis v Brunsting* was in transit between the federal 5th Circuit and the Southern District of Texas (No. 4:12-cv-592) [attorney Bobbie G. Bayless](#), representing Carl Brunsting, filed legal malpractice claims against Vacek & Freed et al., the Brunsting's estate planning attorneys, in [Harris County District Court 164 No. 2013-05455 \(Jan 29, 2013\)](#), Styled:

"Carl Henry Brunsting, Independent Executor of the Estates of Elmer H.

Brunsting and Nelva E. Brunsting vs Candace L. Kunz-Freed and Vacek & Freed P.L.L.C. f/k/a, The Vacek Law Firm, P.L.L.C."

Representing the Vacek & Freed estate planning "bait and switch Grifter" Defendants in Bayless fatally flawed District Court suit are [Attorneys Zandra E. Foley](#) and [Cory S. Reed](#) of [Thompson, Coe](#), Cousins and Irons:

Zandra E. Foley	Cory S Reed
State Bar No. 24032085	Texas Bar No. 24076640
Thompson Coe Cousins Irons	S.D. Tex. No. 1187109
One Riverway, Ste. 1600	Thompson Coe Cousins Irons
Houston, TX 77056	One Riverway, Ste. 1600
Via E-mail:	Houston, TX 77056
<a href="mailto:zfoley@thompsoncoe.com">zfoley@thompsoncoe.com</a>	Via E-mail:
	<a href="mailto:creed@thompsoncoe.com">creed@thompsoncoe.com</a>

Thompson, Coe attorneys representing estate planning Defendant Candace Kunz-Freed and Vacek & Freed P.L.L.C., f/k/a The Vacek Law Firm

There are a number of reasons why I call this the beginning of the "**Brunsting Frankensuits**". The first reasons are the pour-over-wills. There are no estates.

### **What is a pour-Over?**

In simple terms a trust is basically a container object, to wit a legal fiction created for the purpose of holding assets. There are two kinds, "inter vivos", which are private law contracts created for the living, and "testamentary", which are created by will or by operation of law at the death of someone of legal age, having the capacity to own property. When someone dies their property forms a testamentary trust, commonly referred to as the "decedent's estate".

If you die without a will and there is any "ARGUMENT" over rights in the property you leave behind, the assets vest according to the laws of "intestate succession". If you die with a Will and there is "ARGUMENT" over rights in property, the assets vest according to the Will, (in theory and according to law). Manifest reality often tells a different story, as shown by the case in point.

If you die without owning anything, there is nothing to form an estate around. In other words, if there is no property there is nothing to place into the

container called the "decedent's estate". These attorneys will refer to the **trust corpus** as "the trust estate" and while that may be technically correct, that expression is used for the purpose of generating confusion and ignoring the distinction between the trust corpus and the probate estate. That is especially true where, as here, there is no estate to probate.

***Artifice: Ignore Distinctions, the Label Game!***

Rights in assets devised (gifted) to any recipient (devisee) by Will, vest immediately in the designated recipient (the devisee) at the death of the Testator (decedent with a will). **The sole devisee of both Brunsting Wills is the living trust.** The purpose for a pour-over-will is unified administration under the terms of the trust without having to duplicate those terms in the will. In other words, where there is a pour-over, no testamentary trust (estate) container is created as rights in assets immediately vest in the trustees for the trust. Thus, where there is a pour-over, THERE IS NO ESTATE TO ADMINISTER, there is only a trust.

Tex. Est. Code § 22.029 PROBATE MATTER; PROBATE PROCEEDINGS; PROCEEDING IN PROBATE; PROCEEDINGS FOR PROBATE. The terms "probate matter," "probate proceedings," "proceeding in probate," and "proceedings for probate" are synonymous and include a matter or proceeding relating to a decedent's estate.

"Estate" means a decedent's property (Tex. Est. Code § 22.012). "Personal property" (Tex. Est. Code § 22.028) includes an interest in: (1) goods; (2) money; (3) a chose in action; (4) an evidence of debt; and (5) a real chattel."

*"the estate is an "indispensable party" to any proceeding in the probate court. The estate's presence is required for the determination of any proceeding that is ancillary or pendent to an estate." Goodman v. Summit at West Rim, Ltd., 952 S.W.2d 930, 933 (Tex. App. 1997) Smith's Inc. v. Sheffield No. 03-02-00109-CV (Tex. App. Jan. 30, 2003), Johnson v. Johnson, No. 04-19-00500-CV (Tex. App. Jan. 15, 2020)*

[Attorney Bobbie G. Bayless](#), knew or should have known that this malpractice claim was a survivors action that should have been properly brought in the name of Carl Henry Brunsting as the Decedent's Personal Representative, as a beneficiary of the trust affected or as a co-trustee for the trust but not as the executor of an estate that was never created. It may appear to be a meaningless

distinction but, in the law, there are no meaningless distinctions and as we proceed, one will realize how big this little failure to distinguish becomes. This is a survival suit not an action brought by the trustee of a testamentary trust. Carl is a co-trustee for the sole devisee, a living trust, and also a beneficiary of the living trust and, as we will see, these distinctions turn on substantive definitions, not labels.

Either there was a pour-over or there is an estate. These concepts are mutually exclusive and you can have one or the other but not both. Once the wills were "admitted" unchallenged, the pour-over, that actually occurred simultaneous with the passing of each testator, was binding upon the whole world and no longer subject to direct or collateral attack.

Trusts are either created for the living (inter vivos) or at death (testamentary) and the labels we apply are simply descriptions used to define the specific nature of the container object and the particular law that governs the various kinds of legal fictions we are talking about.

Decedents estates in Texas are container objects defined and administered under the [Texas Estates Code](#) whereas, inter vivos trusts are container objects created by private contract, within the boundaries of public policy, as defined by Title IX of the **Texas Property Code**. Using labels such as "Estate of John Doe" or "Estate of Jane Doe" does not create a container object holding a decedents property. It is property itself that forms the container object called "estate".

I have personal knowledge that [Attorney Bobbie G. Bayless](#) knew that the Brunsting inter vivos trust, the object of her state court suits, was in the custody of a federal court when she filed her District Court Suit in the name of the Executor of an estate that does not exist. Moreover, Bayless fractured her malpractice claims with claims for:

*"negligent misrepresentation, negligence per se, deceptive trade practices, conversion, fraud, commercial bribery, breaches of their fiduciary duties, as well as aiding and abetting, assisting and encouraging repeated breaches of fiduciary duty. Alternatively, a conspiracy existed between Defendants and the Current Trustees for that unlawful purpose."*

I have since formed the opinion that [Attorney Bobbie G. Bayless](#), Modus Operandi is of the conflict engineering variety. Her fractured malpractice claims lead nowhere as they are mutually exclusive. Bayless M.O. appears to be the

manufacture of "legal imbroglios" by scheme and artifice that include but are not limited to **challenging wills by proxy**. By the time we get a little further in our story you will share that personal knowledge and the opinion that flows from that knowledge.

## **Etymology**

*Borrowed from [Italian imbroglio](#) (“[tangle](#), [entanglement](#), [muddle](#)”) ([im-](#), alternative form of [in-](#) (“[prefix forming verbs denoting derivation](#)”) + [broglio](#) (“[confusion](#); [intrigue](#), [fraud](#), [rigging](#), [stuffing](#)”); see also [imbrogliare](#) (“[to tangle](#)”)), cognate with and probably from an earlier form of [French embrouiller](#) (“[to embroil](#), [muddle](#)”) ([em-](#) (“[em-](#)”), a form of [en-](#) (“[en-](#), [prefix meaning ‘caused’](#)”) + [brouiller](#) (“[to confuse](#), [mix up](#)”)).*

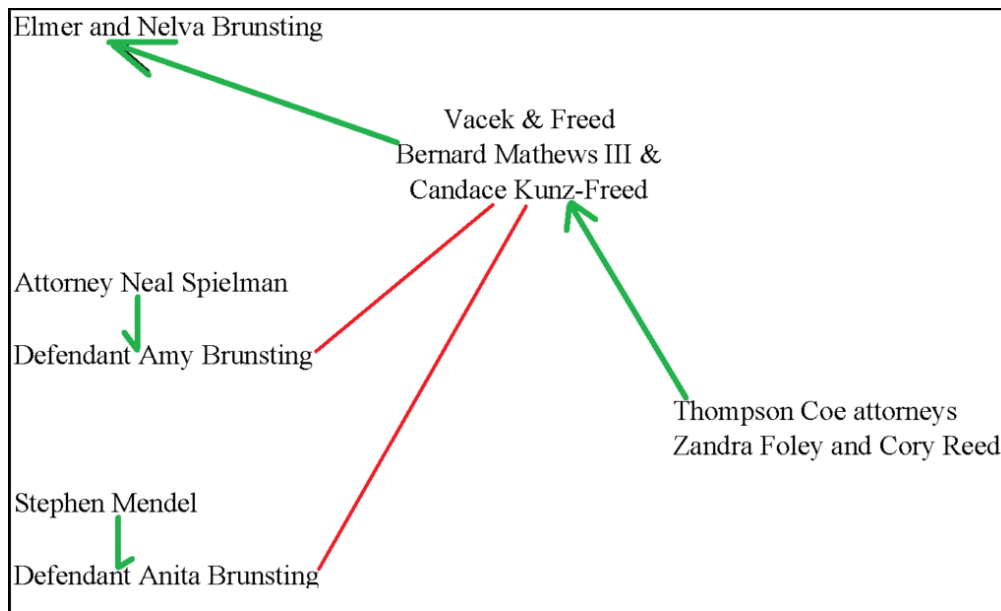
By manufacturing Legal Imbroglios I am referring to what historically was referred to as [Barratry, Champerty and Maintenance](#). The ordinary meaning of Barratry is vexatious incitement to litigation and if you watch carefully we will see the psycho-emotional disorder identified by the [American Psychiatric Association](#) in the DSM5 under the clinical label of "Projection".

### ***Psychological Projection***

Projection is the blaming of one's impulses, qualities and actions on others. Psychological projection is a defense mechanism in which the ego defends itself against unconscious impulses or qualities by denying their existence in themselves and attributing them to others. For example, a bully may project his or her own feelings of vulnerability onto the target, or a person who is confused may project feelings of confusion and inadequacy onto other people.

Let's take a quick look at the conflicts relationships. This chart continues to grow as the fiduciary relationships are defined and the conflicts identified.





Vacek had fiduciary obligations to Elmer and Nelva Brunsting. They breached the fiduciary duty of undivided loyalty when Freed formed a conflicting confidential relationship with Anita Brunsting and Amy Brunsting.

The Thompson Coe attorney's representation of Vacek & Freed aligns them with Mendel and Spielman and their clients and there was obvious collusion between the Thompson Coe attorneys and Bayless, as there is no other way to explain filing fractured malpractice claims against the bait and switch grifters in the District Court and tort claims against all the family trust beneficiaries in the probate court.

Both actions were designed to fail and it should also be noted here that the same Thompson Coe attorney's represented probate court associate judge Clarinda Comstock in [Johnson v Dixel](#). They never mention that conflict and these are all violations of the [Disciplinary Rules of Professional Conduct](#).

## CLOSING THE ESTATE

On April 4, 2013 [Attorney Bobbie G. Bayless](#) submitted the Inventory, Appraisal and List of Claims for both Elmer and Nelva's "estate". Orders Approving the Inventories [412248]-[412249], and [Drop Orders](#) were issued on April 5, 2013 acknowledging the completion of the pour-over procedure and thus, closing the "Independent Administration" of the pour-over.

**Southern District of Texas No. 4:12-cv-592**

On return to the Southern District of Texas, Plaintiff Candace Curtis renewed her previous application for preliminary injunction. Hearing was had **April 9, 2013** and injunction issued.

On April 10, 2013 Defendants' Counsel, George Vie III, filed [notice of a lawsuit](#) brought in the state probate court by [Bobbie G. Bayless](#), attorney for Carl Brunsting, in which Carl names all of his sisters defendants, including federal Plaintiff Candace Curtis. This is a will challenge by proxy, a major artifice of the probate mob as will be demonstrated when we examine each of the participants individual histories.

**[Read a Brunsting Will](#)**. What does it say?

*"I give, devise and bequeath all of my property and estate, real, personal or mixed, wherever situated, to my revocable living trust"*

*"I direct that no action be required in the county or probate court in relation to the settlement of my estate other than the probate and recording of my Will and the return of an inventory, appraisement and list of claims as required by law."*

What part of this did [Attorney Bobby G. Bayless](#) not understand when she filed her non-probate related tort claims, under the Texas Civil Practices and Remedies Code, in a probate court AFTER the recording of the Pour-Over-Will, and AFTER the return of an "[inventory, appraisement and list of claims](#)" had been approved and the docket closed?

Carl had no standing to bring any further action in the probate court as Independent Executor and no individual standing to file anything in the probate court without a pending probate as will be shown.

**Artifice: NEVER THE TWAIN SHALL MEET**

***April 9, 2013 Harris County Probate Court No. 4, Cause No. 41229-401***

Attorney Bobbie G. Bayless filed Tort suits against all trust beneficiaries in Harris County Probate Court, [ROA.20-20566.613](#); under Chapter 37 Texas Civil Practice and Remedies Code and Chapter 115 of the Property Code, [ROA.20-20566.617](#); thus separating the estate planning attorneys, from their victims.

*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*

**WHAT VALID MOTIVE COULD ATTORNEY BOBBIE G. BAYLESS HAVE FOR FILING TWO SEPARATE SUITS IN TWO DIFFERENT COURTS WITH A PRIOR SUIT PENDING IN THE FEDERAL COURT WHEN THERE CAN BE ONLY ONE NUCLEUS OF OPERATIVE FACTS COMMON TO ALL THREE ACTIONS?**

[p.5¶7](#); *“Plaintiff brings this cause of action pursuant to Chapters 37 of the Texas Civil Practice and Remedies Code and Chapter 115 of the Texas Property Code.”*

[p.6¶8](#); *“Venue in this cause is in Harris County, Texas, pursuant to Tex. Civ. Prac. & Rem. Code §15.002(a)(1) because all, or substantially all, of the acts giving rise to Plaintiffs claims occurred in Harris County, Texas.”*

Bayless “non-probate claims” include Breach of Fiduciary Duty, Failure to Account, Conversion, Negligence, Tortuous Interference with Inheritance, Constructive Trust, Civil Conspiracy, Fraudulent Concealment and requests for disclosures and injunction.

Bayless fails to include in her "venue" statement that none of these tort claims invoke the jurisdiction of a probate court or that the mandatory venue provisions of Tex. Civ. Prac. & Rem. Code Ann. §15.017 places original and

exclusive jurisdiction over these tort claims in the District Court, as Bayless (the author of the probate charade) proved in [\*In re Hannah\*, 431 S.W.3d 801, 807-08 \(Tex. App.—Houston \[14th Dist.\] 2014\)](#)

#### **April 19, 2013 Southern District of Texas No. 4:12-cv-592**

Meanwhile, back in the **Southern District of Texas** Honorable United States District Judge Kenneth Hoyt issued Findings of Fact, Conclusions of Law after hearing and [Memorandum of Preliminary Injunction](#).<sup>12</sup>

The Findings of Fact and Conclusions of Law are rather telling. Judge Hoyt found that Amy and Anita claimed to be trustees and owed fiduciary duties to Curtis, that Anita had failed to establish books and records of accounts even though more than two years had passed since her appointment and found inconsistencies with the copies of instruments Anita submitted as “the trust”.

The Southern District Court thereafter issued an [order appointing a Special Master](#) to perform a limited accounting of trust assets and transactions for the period in which Anita claims to have been trustee, December 21, 2010. The [Report of Special Master](#)<sup>13</sup> was filed August 8, 2013 and was followed by a **September 3, 2013 HEARING**.<sup>14</sup>

The Report of Special Master showed Anita had secretly co-mingled and self-dealt while failing to keep accurate books and records of accounts. Like the train of defective instruments generated in the wake of every “Hurrah”, these facts were not divulged at their inception. That is a breach of the affirmative duty of full and complete disclosure. These facts, and the myriad of disturbing instruments, were only revealed under the force of judicial process, brought to bear after Nelva’s death on November 11, 2011.

It is clear to see from the [Report of Special Master](#),<sup>15</sup> and [the hearing](#)<sup>16</sup> that followed, that Anita, as sole trustee de facto, had failed to establish books and

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<sup>12</sup> I believe that it is this preliminary injunction that has prevented the “players’ from looting the trust into extinction under the pretext of fees.

<sup>13</sup> <http://www.probatemafia.com/2013-08-08-case-4-12-cv-592-doc-62-report-of-special-master/>

<sup>14</sup> <http://www.probatemafia.com/2013-09-03-case-4-12-cv-592-doc-84-transcript-hearing-on-masters-report-2/>

<sup>15</sup> <http://www.probatemafia.com/2013-08-08-case-4-12-cv-592-doc-62-report-of-special-master/>

<sup>16</sup> <http://www.probatemafia.com/2013-09-03-case-4-12-cv-592-doc-84-transcript-hearing-on-masters-report-2/>

records of accounts; had made substantial, unreported distributions to herself, Amy and Carole and had even paid \$40,000 in personal credit card obligations directly out of the trust checking account. When forced to report and account, she thought to **excuse her unreported self-dealing transactions** as "trustee compensation" and "gifts". I won't bother to grind this creature's nose in her own moral depravity without further invitation as this page is about the probate mafia but let it suffice to say that Anita K. Brunsting, 203 Bloomingdale Circle, Victoria, Texas 77904, was the inspiration for Rik Munson's addition of the term [Stupulous](#)<sup>17</sup> to the Urban Dictionary.

### **August 15, 2013 Hannah v Hatcher**

August 15, 2013 Bayless filed **Julie Hannah v David Lee Hatcher No. 201348071-7** in Harris County District Court 125 claiming tortuous interference with inheritance expectancy, slander, and conspiracy. This is only five months after filing tort claims in "Estate of Nelva Brunsting" in Harris County Probate Court No. 4, Cause No. 41229-401.

As in Hannah, Attorney Bobbie G. Bayless filed her "Brunsting Trust" action in [Harris County Probate Court No. 4](#)<sup>18</sup> under Chapter 37 Texas Civil Practice and Remedies Code and Chapter 115 of the Property Code, knowing the trustees were under the jurisdiction of the Southern District of Texas; that there was no estate pending administration and; that actions ancillary to an estate administration not only require an estate to be ancillary to but, must be brought under one of the enabling statutes: (Tex. Est. Code Ann. §§ 21.006, 32.001(a), 33.002, 33.052, 33.101) and not the Texas Civil Practices and Remedies Code. See [Mortensen v. Villegas](#)<sup>19</sup> *No. 08-19-00080-CV Court of Appeals Eighth District Of Texas El Paso, Decided Feb 1, 2021 doing an analysis of [In re Hannah, 431 S.W.3d 801, 807-08](#)*<sup>20</sup> (Tex. App.—Houston [14th Dist.] 2014, orig. proceeding) - **Attorney Bobbie G. Bayless for Relator Julie Hannah.**<sup>21</sup> See also [Hawes v Peden](#).<sup>22</sup> ([Hawes v. Peden, No. 06-19-00053-CV \(Tex. App. Dec. 16, 2019\)](#))<sup>23</sup>

### **September 20, 2013 Hatcher's Plea to the Jurisdiction**

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<sup>17</sup> <https://www.urbandictionary.com/define.php?term=stupulous>

<sup>18</sup> <http://www.probatemafia.com/2013-04-09-case-412249-401-pbt-2013-115617-bayless-original-petition/>

<sup>19</sup> <http://www.probatemafia.com/feb-1-2021-mortensen-v-villegas/>

<sup>20</sup> <http://www.probatemafia.com/in-re-hannah/>

<sup>21</sup> <http://www.probatemafia.com/2014-02-11-hannah-petition-for-writ-of-mandamus-filed/>

<sup>22</sup> <http://www.probatemafia.com/dec-16-2019-hawes-v-peden/>

<sup>23</sup> <https://casetext.com/case/hawes-v-peden?q=&p=1&tab=keyword&jxs=tx&sort=relevance&type=case>

September 20, 2013 Robert Alan Hatcher filed his plea to the jurisdiction in *Hannah* arguing that Bayless/Hannah suit was a probate matter and the Harris County District Court agreed and ordered the matter transferred to the County Court at law sitting in probate.

## **YOU'RE NOT IN KANSAS ANY MORE DOROTHY**

### **Search Warrant Served October 1<sup>st</sup>, 2013**

I was swept off the playing table as part of a covert operation that included coma and chemically enhanced interrogation while a search warrant [signed by a petty thief](#)<sup>24</sup> was executed on my home by the Napa County Special Investigation Gestapo. The [return on that warrant](#)<sup>25</sup> revealed there was no probable cause, nothing was seized and no one was arrested. Not only did they put me in a coma and flat line me several times, it happened when Candy Curtis had to appear in the federal court in Houston without being able to be briefed and, in result, she was ordered to retain the assistance of counsel.

I had a great deal of difficulty regaining my cognitive functioning after the drug saturation at John Muir Concord followed by open heart surgery in Napa, but in order to avoid having Candy's case dismissed for failure to comply with the Court's order under federal Rule of Civil Procedure 41(a) I felt compelled to look for an attorney in Houston. The first thing I noted was an air of reluctance from any "high powered", reputable and well established law firms I spoke with.

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<sup>24</sup> <http://www.probatemafia.com/2017-07-17-napa-judge-stepping-down-after-censure-for-theft/>

<sup>25</sup> [http://www.probatemafia.com/return-on-search-warrant\\_napa/](http://www.probatemafia.com/return-on-search-warrant_napa/)

## 2014

Unfortunately the only attorney I located that was willing to take the case was an extremely low morals slob named: JASON BRADLEY OSTROM

Jason B. Ostrom  
Texas Bar #2402771 0  
Fed. Id. #33680  
Ostrom Morris PLLC  
6363 Woodway, Ste 300  
Houston, TX 77057  
jason@ostrommorris.com



### Jason Ostrom

1. Aiding and abetting trust busting
  - a. Removed trust suit from an honorable court to the reprobate cabal using a “[bundle of unopposed motions](#)” and an “[Unopposed Motion to Remand](#) to Harris County Probate Court No. 4.
  - b. Once the prize was captured and brought before the admiralty sitting in rem (a.k.a. probate court) Ostrom filed a “[Motion to enter a transfer order](#)”.

Let’s get the facts straight. “Remand” means to return. It is a post removal procedure. Transfer on the other hand is from one court to another court of the same species like probate to probate or district to district but not from a federal court to a state court. **OSTROMS ACTS WERE FRAUDLENT FROM START TO FINISH.**

The Remand procedures, 28 U.S.C. § 1367(c) or § 1447, and the Transfer Procedure, 28 U.S.C. § 1407, are not synonymous. In fact, they are not even similar. The question is not whether you can make a word mean so many different things; “*the question is who will be the master?*”

### ***Reprobate Theater***

Ostrom’s first official act was to amend plaintiff Curtis complaint to add Carl Brunsting as an involuntary plaintiff, claiming to pollute diversity jurisdiction to facilitate a remand to Harris County Probate Court No. 4.

Ostrom never even bothered to file an appearance in the probate court but pretended to amend the federal complaint filing Candace Curtis alleged [Second Amended Complaint](#) as “**Estate of Nelva Brunsting**” and not “*Candace Louise Curtis vs. Anita and Amy Brunsting and Does 1-100*”, as that lawsuit is properly styled. Ostrom also plead that a very lucid Nelva Brunsting lacked competence and moved for a distribution from the trust as if his client, a very competent and self-sufficient Candace Curtis, were a special needs dependent that had always been reliant on upon her parents for support. Ostrom consulted with his client only once and the rest he did on his own initiative.

*Candace Louise Curtis vs. Anita and Amy Brunsting and Does 1-100* is NOT the estate of Nelva Brunsting and cannot be converted into a “Probate Matter”. Let’s regress a moment to review the time line.

**February 27, 2012 SDTX**

**January 9<sup>th</sup> 2013 5<sup>th</sup> Circuit - Curtis v Brunsting 704 F.3d 406**

**January 29<sup>th</sup> 2013 Bayless District Court action**

**April 9, 2013 Bayless Probate Court action**

Construction of Trust and Suit for Declaratory Judgement, Demand for Trust Accounting, Breach of Fiduciary Duties, Conversion, Negligence, Tortuous Interference with Inheritance, Constructive Trust, Civil Conspiracy, Fraudulent Concealment with prejudgment interest and Request for Attorney’s Fees pursuant to Chapters 37 of the Texas Civil Practice and Remedies Code and Chapter 115 of the Texas Property Code.

**Attorney Bobbie G. Bayless, In re Hannah**

**February 11, 2014**

Attorney Bobbie G. Bayless filed a [Petition for Writ of Mandamus](#) in the 14<sup>th</sup> District Court of Appeals, pursuant to Section 15.0642 of the Texas Civil Practice and Remedies Code, presenting as her sole issue whether the trial court violated the **mandatory venue provision** in Section 15.017 of the Civil Practice and Remedies Code by transferring Relator's suit to the County Court at Law of Aransas County, arguing that tortuous interference with inheritance, slander, and conspiracy were general tort claims and not probate matters or matters relating to a probate proceeding because they were claims brought under the Texas Civil



Practice and Remedies Code seeking damages from the defendants individually and not claims brought under the [Texas Estates Code](#) seeking remedy from the assets belonging to a decedents estate. If this is true in Hannah v Hatcher, it is also true in “estate of Nelva Brunsting”.

### **May 9, 2014**

SDTX Ostrom submits his bundle of **unopposed motions** to the **Honorable** Kenneth Hoyt Jr. seeking to “remand” the federal suit to Poser Pretense Theater, a.k.a. the probate court.

### **May 13, 2014**

The Texas 14th Court of Appeals agreed with Attorney Bobbie G. Bayless argument and sent Julie Hannah back to Harris County’s 125th Judicial District Court. *In re Hannah*, 431 S.W.3d 801, 807-08 (Tex. App.—Houston [14th Dist.] 2014, orig. proceeding) (citing TEX. EST. CODE ANN. §§ 21.006, 32.001(a), 33.002, 33.052, 33.101).

Bobbie G. Bayless [Petition for Writ of Mandamus](#) and the Texas 14th District Court of Appeals agreement [In re Hannah, 431 S.W.3d 801, 807-08](#), prove the lawsuit Attorney Bobbie G. Bayless filed in Harris County Probate Court No. 4 in Estate of Nelva Brunsting Case no. 412249-401 was a pour-over-will challenge in a case in which there was no estate for her client to represent. None-the-less, Bayless continued to take Carl and Drina Brunsting’s money as if they did have a lawsuit pending in a state court. They do not and the complete absence of a determination on any substantive issue in any state court is just cumulative evidence.

I have already told more than I knew about probate law in Texas while this theft charade was being played by the probate mafia thugs.

### **May 15, 2014 Southern District of Texas [Dkt 112]**

Trial Court relies on Attorney Jason Bradley Ostrom’s materially false representations and signs the **UNOPPOSED Order for Remand** to Harris County Probate Court 4 for “consolidation with the claims pending there”.

### **May 28, 2014**

Attorney Jason Bradley Ostrom filed a [Motion to Enter Transfer Order](#) in

Harris County Probate Court No. 4.



It's alive, it's a live... It's alive!

There is nothing more difficult than trying to figure out a complex multilayered deception while the scheme is being played out against you and, at this point in time, I was recovering from my torture ordeal and subsequent heart surgery and was still trying to recover my cognitive functions.

**June 6, 2014**

***No. 412249-402***

The Docket shows that the -402 matter was initiated on February 9, 2015 with a Notice of filing of Plaintiff Candace Louise Curtis' Original Petition and Notice of filing of Injunction and Report of Special Master. Plaintiff's Original Petition reveals a filing date of February 27, 2012 in the United States District Court for the Southern District of Texas, Houston Division. However, the 412249-402 Docket fails to show how the matter arrived in the probate court.

On March 16, 2015, there is an Order that all pleadings filed under or assigned to Cause Number 412249-402 be moved into Cause Number 412249-401. The next entry in the -402 docket is dated October 8, 2018 when Plaintiff Curtis filed a Plea in Abatement and the final entry is a Notice of Appearance by Attorney Candice Schwager for Candace Louise Curtis filed November 19, 2019.

On review of the various docket records it comes to the Court's attention that a "Motion to Enter Transfer Order" was filed in 412249-401 on June 5, 2015 pursuant to Texas Estates Code Sections 32.005, 32.006 and 32.007. Attached as an exhibit to the motion is an Order of the United States District Court for the Southern District of Texas, Houston Division, granting Plaintiff's "Motion to Remand" signed on the 15<sup>th</sup> day of May 2014.

The core matter, No. 412249, closed on April 5, 2013. The next entry is a June 6, 2014 Order granting Plaintiff's motion to remand but the 412249-402 docket record was not opened until eight months later, February 9, 2015, which was four months before the "[Motion to Enter Transfer Order](#)" was filed in 412249-401. The March 9, 2015 "Agreed Order to Consolidate Cases" was filed three months before the motion to enter a transfer order was filed and only one month after the docket was opened.

The record reveals no evidence of a removal and, thus, the notion of a remand is improper on its face. The record also does not support the theory of a transfer from any other probate court. Moreover, this Agreed Order to Consolidate was filed after the Independent executor resigned and does not appear to follow any of the established rules governing the consolidation of cases. None of the pleadings, other than the -404 action, use stacked title pages as prescribed by the local rules, but simply refer to all of the actions as "Estate of Nelva Brunsting" 412249-401.

#### **September 18, 2014**

PBT Defendant's Attorneys at "Mills Shirley" withdraw from all Brunsting related matters.

#### **October 17, 2014**

PBT Bayless files Carl's 2nd Application for letters; PBT-2014-339026 & PBT-2014-339027

#### **November 14, 2014**

PBT [Stephen Mendel](#) filed Notice of Appearance for Anita Kay Brunsting in the probate court.



Attorney Stephen A Mendel  
Texas State Bar No. 13930650  
The Mendel Law Firm, L.P.  
1155 Dairy Ashford, Ste. 104 Houston, TX 77079  
e-mail: [steve@mendellawfirm.com](mailto:steve@mendellawfirm.com)

**December 2, 2014**

PBT Attorney Darlene Payne-Smith files self-designation as expert on fees.



Attorney Neal Spielman  
Texas State Bar No. 00794678  
Griffin & Matthews  
1155 Dairy Ashford, Suite 300  
Houston, Texas 77079

**December 8, 2014**

Attorney Neal Spielman ([Griffin and Matthews](#)) filed Notice of Appearance

for Amy Brunsting.

## **December 9, 2014 Hearing**

[December 9, 2014 Hearing Transcript](#)

# **2015**

## **January 15, 2015**

Munson reports chemically assisted interrogation to FBI San Francisco office.

## **February 15, 2015 Hearing**

[February 15, 2015 Hearing Transcript](#) see Judge Hoyt's statements on page 54 regarding distributions of income to avoid excess tax liabilities.

## **February 19, 2015**

PBT Attorney Bobbie G. Bayless filed [Carl Brunsting's resignation from the office of independent executor](#) due to self-declared diminished capacity.

*"the estate is an "indispensable party" to any proceeding in the probate court. The estate's presence is required for the determination of any proceeding that is ancillary or pendent to an estate."* [Goodman v. Summit at West Rim, Ltd.](#), 952 S.W.2d 930, 933 (Tex. App. 1997) [Smith's Inc. v. Sheffield](#) No. 03-02-00109-CV (Tex. App. Jan. 30, 2003), [Johnson v. Johnson](#), No. 04-19-00500-CV (Tex. App. Jan. 15, 2020)

### ***Indispensable***

*"Indispensable", (adjective) absolutely necessary, essential, or requisite. If you say that someone or something is **indispensable**, you mean that they are absolutely essential and other people or things cannot function without them.* [Collins English Dictionary](#)

A decedent's Estate cannot be present without a representative to provide the capacity to participate. Under the Texas Estates Code a probate court can only

appoint a successor to an Independent Administrator that has ceased to serve if there is something that remains unexecuted under the will. What could possibly remain unexecuted under a pour-over-will after it has been recorded and the inventory approved?

- Absent an "indispensable party"
- Absent a representative for the "indispensable party"

*“A person who sues or is sued in his official capacity is, in contemplation of the law, regarded as a person distinct from the same person in his individual capacity and is a stranger to his rights or liabilities as an individual. It is equally true that a person in his individual capacity is a stranger to his rights and liabilities as a fiduciary or in a representative capacity.”* *Elizondo v. Nat. Res.’s Conservation Comm’n*, 974 S.W.2d 928, 931 (Tex. App.—Austin 1998, no pet.), quoting *Alexander v. Todman*, 361 F.2d 744, 746 (3d Cir. 1966)

Attorney Bobbie G. Bayless [Petition for Writ of Mandamus](#) and the Texas 14th Court of Appeals May 13, 2014 agreement in [In re Hannah, 431 S.W.3d 801, 807-08](#) prove that the lawsuit Attorney Bobbie G. Bayless filed in Harris County Probate Court No. 4 Case no. 412249-401 was a will challenge in a case in which there was no estate for her client to represent. None-the-less, Bayless continues to take Carl and Drina Brunsting’s money as if they did have a lawsuit pending in a state court. They do not and the complete absence of a determination on any substantive issue in any state court is just cumulative evidence.

I have already told more than I knew about probate law in Texas when this theft charade was being played by professional Barratrists.

## **February 20, 2015**

The day after the “Independent Executor” resigned, Attorney Bobbie G. Bayless substituted Drina Brunsting as alleged "Attorney in Fact" for Carl individually and the participants all signed an [Agreed Docket Control Order](#) in 412249-401 [ROA.17-20360.1472] dissolving the federal tort suit into the non-probate action Bayless filed in the probate court.

## **March 5, 2015 Agreed Order to Consolidate Cases**

in effort to dissolve the federal case altogether.

**March 5, 2015 [Agreed Order to Consolidate](#)**

PBT With no estate and no executor, an Agreed Order to Consolidate Cases appeared in the record signed by all the attorneys and Judge Butts.

, dissolving Plaintiff Curtis lawsuit into Bayless pretended lawsuit and closing 412,249-402. (Dkt 57-1, 57-2) [ROA.17-20360.2667] and [ROA.17-20360.2672].

**March 25, 2015**

PBT [email from Judge Butts to the Attorney's](#) re; getting into the Trust!

**March 28, 2015**

Jason Ostrom was terminated immediately upon Curtis discovery of that conversion.

**April 8, 2015**

PBT Jason Ostrom is officially no longer counsel of record for Candace Curtis in Probate Court 4. Candy is not yet aware that Ostrom never filed an appearance in Probate Court 4. The fact that her federal court lawsuit was not to be found in the probate court and that she was only allowed to file in -401 was very disabling because -402, her alleged case file, had been closed by agreement between the mock probate participants and no legitimate proceedings were even possible.

**May 18, 2015**

Bayless [moved to dismiss her \*Julie Hannah suit\*](#) with prejudice. Thus, after winning her petition for mandamus Bayless returned to Harris County's 125th Judicial District Court and immediately filed a non-suit dismissing Hannah's

claims. The explanation for that is easy.

If everything Bayless claimed was true, the decedents will was tainted. However, Bayless did not participate in the probate proceedings and did not mount a direct will challenge in the County Court at Law of Aransas County where the Will was held valid. As the validity of the will was *res judicata*, Bayless had no choice but to file a non-suit to Hannah's tort claims because they were nothing but a will challenge by proxy. Challenging the will by proxy is the same artifice Bayless used when she filed tort claims in Harris County Probate Court No. 4 under the Texas Civil Practices and Remedies Code, after the recording of the will, after the approval of an inventory and the closing of the docket and in direct violation of the express directives in Wills that had already been held valid.

### **Let's revisit the Brunsting Wills**

*"I direct that no action be required in the county or probate court in relation to the settlement of my estate other than the probate and recording of my Will and the return of an inventory, appraisement and list of claims as required by law."*

**June 26, 2015**

PBT Defendants, ANITA AND AMY BRUNSTING, filed a **No-Evidence Motion for Partial Summary Judgment** claiming there is no evidence that their precious August 25, 2010 [Qualified Beneficiary Designation \(Q.B.D.\) and Testamentary Power of Appointment under Living Trust Agreement](#) is invalid, PBT-2015-208305. I have already explained that you cannot alter, amend or change an irrevocable trust by the abuse of language and the disregard for fundamental distinctions in definitions of the terms we use to define the legal theories we are talking about. The most heinous part of this passive aggressive to contest scheme is corruption of the blood, which can only serve to enlarge the villain beneficiaries share, and that **is** a violation of the In Terrorem Clause.

### ***Wiretap Recordings Arrive Certified Mail from Mendel Law Firm***

July 5, 2015, Munson received a CD-ROM via certified mail from Bradley Featherston of the Mendel Law Firm, addressed to Candace Curtis. Properties of the audio files on the disk revealed that the included segments had been extracted from a larger master recording on or about February 15, 2015, just four days before Carl's resignation as executor.



## July 7, 2015

Attorney Bobbie G. Bayless<sup>26</sup> filed a Motion for Protective Order regarding the illegal wiretap recordings disseminated via certified U.S. Mail by the Mendel Law Firm.

## July 9, 2015

PBT Bayless filed Drina's Motion for Partial Summary Judgment<sup>27</sup> focusing on improper financial transactions in 412249-401 PBT-2015-225037, without amending her pleading style to reflect that Carl was no longer executor.<sup>28</sup>

July 10, 2015, Bayless filed her **Third Supplement** to Plaintiff's First Amended Complaint<sup>29</sup>, also without amending her pleading style to reflect that Carl was no longer executor.

## July 13, 2015

Both Drina Brunsting<sup>30</sup> (Bayless) and the Defendants filed Notice of Hearing<sup>31</sup> setting the date for their respective summary Judgement motions for August 3, 2015 at 11:00 AM in 412249-401, PBT-2015-226432.

Then, later in the day on July 13, 2015, Plaintiff Curtis filed an answer to Defendants no-evidence motion with motion and demand to produce evidence,<sup>32</sup> demanding that Defendants be ordered to produce the ORIGINAL WET SIGNED heinous 8/25/2010 QBD instrument and qualify it as evidence. They cannot! As you will recall, the February 20, 2015 Agreed Docket Control Order<sup>33</sup> has Dispositive and Summary Judgment Motions not subject to interlocutory appeal to be heard by August 3, 2015 with the discovery period ending August 4, 2015.

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<sup>26</sup> Representing Drina Brunsting as alleged attorney-in-fact for Carl Henry Brunsting

<sup>27</sup> <http://www.probatemafia.com/2015-07-09-case-412249-401-carls-petition-for-partial-summary-judgment-pbt-2015-225037-3/>

<sup>28</sup> 412249-401 7/9/ CARL HENRY BRUNSTING MOTION FOR PARTIAL SUMMARY JUDGMENT PBT-2015-225037

<sup>29</sup> Representing Drina Brunsting as attorney-in-fact for Carl Henry Brunsting, individually

<sup>30</sup> <http://www.probatemafia.com/2015-07-13-case-412249-401-pbt-2015-227302-bayless-notice-of-hearing-august-3-2015-4/>

<sup>31</sup> <http://www.probatemafia.com/2015-07-13-case-412249-401-pbt-2015-226432-notice-of-hearing-on-no-evidence-motion-2015-07-13-4/>

<sup>32</sup> <http://www.probatemafia.com/2015-07-13-case-412249-401-curtis-response-to-no-evidence-motion-pbt-2015-227757-2/>

<sup>33</sup> <http://www.probatemafia.com/2015-02-20-case-412249-401-agreed-docket-control-order/>

## [July 14, 2015 Bayless Motion to Transfer](#)<sup>34</sup>

Fresh from her Mandamus win in Hannah, proving none of her tort claims invoke the jurisdiction of a probate court, Bayless filed a Motion to Transfer her Vacek & Freed case from Harris County's 125th Judicial District Court to Probate Court No. 4. That appeared to make sense to the uninitiated, whereas filing two halves of the same action in different state courts did not. However, digging a little deeper we see that there is no plaintiff in Bayless malpractice suit against the Vacek & Freed estate planning grifters in Harris County's 125th Judicial District Court.

Another DCO wasn't issued until July 2021 and no successor independent executor appointment or ruling had been issued in all that time.

### **ENTER GREGORY LESTER**

**July 21, 2015 HEARING:** the parties agreed to appointment of Greg Lester as Temporary Administrator, recommended by Judge Butts, for the purpose of evaluating the claims. Once having learned probate law in Texas and reading the local rules you find that the clerk is required to maintain a "claims docket" with a list of he claims, when due, date that interest begins or began to accrue and some other academic input. Judge Christine Butts is Board Certified in estate planning and probate law and she knew there were no decedent's estates and that there were no in rem "claims" when she participated in this sham appointment.

On **July 20, 2015** Bayless filed Drina's Motion for Protective Order PBT-2015-235874. This eliminated the "[Agreed Docket Control Order](#)"<sup>35</sup> signed by judge Butts and all the attorneys immediately after the resignation of the diminished capacity "independent executor".

Attorney Jason Ostrom, allegedly representing Candace Curtis, signed the conversion agreement and the agreed DCO without even filing an appearance in the probate court.

**On July 22, 2015 while Curtis was inflight home to California the August 3, 2015 hearing on dispositive motions were removed from calendar**

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<sup>34</sup> <http://www.probatemafia.com/2015-07-14-case-412249-401-pbt-2015-228888-bayless-motion-to-transfer-dist-case-to-probate/>

<sup>35</sup> <http://www.probatemafia.com/2015-02-20-case-412249-401-agreed-docket-control-order/>

without notice to or consent from Plaintiff Curtis. Defendants removed their no-evidence motion for partial summary judgment and Curtis Answer, Motion and Demand to Produce Evidence (Tex. Ev. Cd. §§1002, 1003) from Calendar and the August 3, 2015 summary Judgment hearings became a hearing on Drina Brunsting's application for a protective order regarding [illegal wiretap recordings](#)<sup>36</sup> that had been disseminated by certified mail in July 2015.

These recordings were illegally obtained and one has to wonder under what authority a probate court can hear a motion to suppress illegally obtained wiretap recordings. Here's the [Texas Estates Code](#) maybe you can find the legislative delegation of authority for a statutory probate court to hear a motion involving wiretap recordings.

### **August 3, 2015 Wiretap Hearing**

August 3, 2015 [Hearing transcript](#) re wiretap recordings in Harris County Probate Court No. 4.

**September 1, 2015** [Jill Willard Young](#) filed an application for Temporary Administrator Greg Lester to retain her as counsel on behalf of the ESTATE. She obtained a hearing in only 9 days.

<http://www.probatemafia.com/jill-young-chris-hanslik/>

Jill Willard-Young

**Bar Card Number:** 00797670

**TX License Date:** 11/01/1996

Litigation - Trusts and Estates

Website: <http://www.boyarmiller.com>

Location:

2925 Richmond Avenue, 14th Floor

Houston, TX 77098

There was a September 10, 2015 hearing on Greg Lester's Motion to retain Jill Young as Attorney Gregory Lester's' attorney (**NO Transcript**). Jill Willard-Young, was one of the cut and paste defendants. Her answer included the Rooker-Feldman Schnooker calling the RICO plaintiff's "*Disgruntled litigants seeking vengeance for being on the losing end of fully litigated state court determinations*".

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<sup>36</sup> <http://www.probatemafia.com/brunsting-5836/>

This piece of bar club card carrying filth was also the first to use the expression “vexatious” in her diatribe. She is also the poster girl that inspired the expression “Filthy Lucre Soup Line whore”.

## 2016

On January 14, 2016 Temporary Administrator Greg Lester filed a fraudulent report with the court talking about the Brunsting trust Controversy, never once mentioning the “Will”, Inventory, Claims, or Estates Codes and never addresses the question of probate jurisdiction. (He refers to the Report of Special master but never identifies the federal case it came from.

On January 25, 2016 Plaintiff Curtis filed a Motion for Summary Judgement and emailed a request for setting to judge Comstock asking to have all the dispositive motions reset for hearing.

A Hearing was set for March 9, 2016, (called “Status Conference”) on the motion to reset Dispositive Motions and for hearing on Curtis application to snatch the District Court Case. (**Zandra Foley represents the Vacek & Freed Defendants in the Harris County District Court while also representing Clarinda Comstock in the federal court in the Calkins suit**).

March 9, 2016 was an express display of the collusion, conspiracy and denial of both substantive and procedural due process and that was all we needed to see. (See Transcript)

Probate court refused to set hearings on dispositive motions and called the setting conference a “Status Conference” which is clearly the code word for an “Honest Services Scheme” designed to avoid substantive resolution. We see this in the Willie Jo Mills Transcripts and the chronological history of the refusal to set due process hearings.

### **Federal Civil RICO**

On July 5, 2016 Plaintiff’s Curtis and Munson filed a [Racketeer Influenced Corrupt Organization Complaint](#) against 16 criminal defendants.

### **PROBATE MAFIA DEFENDANTS**

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**Clarinda Comstock Esq.**  
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**Tamorah Christine Butts**  
Former Judge Harris County Probate court No. 4  
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8777 W Rayford Rd  
Spring, TX 77389-5192  
Board Certified in Estate Planning and Probate Law in Texas

Anita Brunsting and her silent partner Amy Brunsting  
Contract court reporter Toni Biamonte

We should have included Zandra E. Foley, State Bar No. 24032085  
and  
Cory S Reed, Texas Bar No. 24076640  
S.D. Tex. No. 1187109  
Thompson Coe Cousins Irons  
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Houston, TX 77056  
Via E-mail: creed@thompsoncoe.com

This list includes all 11 attorneys, the two Probate Court Judges, a Court reporter, and would be familial thieves Anita Brunsting and Amy Brunsting and Does 1-100. Each of the named Defendants filed Motions to Dismiss and they all claimed the RICO claims arose from a “Probate Case”, “Probate Matter”, or “Probate Proceeding”. In other words, they all lied.

There is no probate and these claims arise in the context of the color of law hijacking of a family trust that has been held hostage for ransom in a pretended probate proceeding for three years (that has now turned into more than eight years) without a single “probate claim” and without a single substantive ruling on any dispositive issues, beginning with which trust instruments are valid and controlling. How can this posing and posturing be called litigation?

Where did I first see the expression probate mafia? I read it in a 2002 treatise while researching the probate exception for Candy’s first 5<sup>th</sup> Circuit appeal.

**2002-02-21 [FIGHTING THE PROBATE MAFIA](#)**

Where did I learn about what the probate mafia is? Harris County Probate Court No. 4 and all the cases filed in federal court seeking remedy that were treated exactly the same. In fact, if you ready the brief’s you discover that some defendants didn’t even bother to correct the name of the judge or the court in their copy and paste from earlier cases in which they were also defendants.

## **THE RICO DEPOSITION RECORDS**

**[Pages 1-1673 from 2017-06-27 ROA.17-20360 Curtis v Kunz-Freed](#)**



Conclusion: licensed profiteers operate their criminal racket under the protection of their membership in the Barristers aristocracy.

LIES, DECEIT, FASLEHOODS AND FBRICATIONS, MENDACITIES, DECEPTIONS, DEFAMATIONS, DENIGARATIONS, ABSTRACT NOUNS, VACCUOUS LABELS AND DOCTRINES OF IMPUNITY

***The “Immunity Defendants” that pled “Probate Case”***

Steven Mendel Doc 36 p.2, ROA.17-20360.2304¶2.4; p.6 ROA.17-20360.2308¶3.10, 3.12;

Jason Ostrom Doc 78 p.1, ROA.17-20360.2869¶1;

County Attorneys for Judges Butts & Comstock Doc 53 p.15, ROA.17-20360.2613¶2; p.29, ROA.17-20360.2627¶3;

Gregory Lester Doc 83 p.1, ROA.17-20360.2908¶2;

Darlene Payne Smith Doc 84 p.2¶1,2; p.3 ROA.17-20360.2949¶1,6; ROA.17-20360.2952¶1,3; p.7, ROA.17-20360.2953¶3; p.9, ROA.17-20360.2955¶3; p.10, ROA.17-20360.2956¶2;

***The “Immunity Defendants” that pled “Probate Proceeding”***

Vacek & Freed Doc 20, ROA.17-20360.153; p.4, 6, 7

Bobbie G. Bayless, Doc 23, p.2, ROA.17-20360.175¶1, fn.1; “The action in the Harris County Probate Court involves disputes concerning a trust created by the parents of the five Brunsting siblings.” ROA.17-20360.176, ¶4, fn3;¶

Neal Spielman Doc 40, p.3, ROA.17-20360.2335;

County Attorneys for Judges Butts & Comstock Doc 53 p.2, ROA.17-20360.2600¶2; p3, ROA.17-20360.2601¶2; p.6, ROA.17-20360.2604¶2; p.14 ROA.17-20360.2612¶3; p.28, ROA.17-20360.2626¶1;

Darlene Payne Smith Doc 84, ROA.17-20360.2940; p.8, 10

*The “Immunity Defendants” that pled “Probate Matter”*

Jill Young Doc 25, ROA.17-20360.181; p.3

Neal Spielman Doc39, ROA.17-20360.2328; p1, 2 - Doc 40, ROA.17-20360.2335; p.1, 2, 3

County Attorneys for Judges Butts & Comstock Doc 53, ROA.17-20360.2598; p.18 - Doc 79 ROA.17-20360.2894; Doc 63, p.1, ROA.17-20360.2286¶2;

**BOTTOM LINE: THEY ALL LIED ABOUT A MATERIAL FACT. THERE IS NO PROBATE CASE, PROBATE MATTER OR PROBATE PROCEEDING AND NONE OF THEM WILL BE HELD TO ANSWER FOR THEIR CRIMES IN ANY COURT IN THE UNITED STATES OF AMERICA.**

This is the “freedom” the U.S. Military is exporting to places like Iran, Iraq and Afghanistan after doing the same for places like Japan, Korea, Germany and other places, now fetid stink holes of American plutocracy.

## 2017

February 27, 2017 marks the fifth anniversary of the filing of Curtis v Brunsting in the Southern District of Texas.

### **PETTY THIEF IN A BLACK ROBE**

2017-07-17 Napa Superior Court Judge [Michael Williams stepping down after exposure for petty theft](#). This is the Napa County Superior Court Judge that issued a [warrant to search my home](#), without cause, while I was being subjected to pharmacologically assisted interrogation and torture at John Muir Medical Center in Concord California. The return on that warrant demonstrates the complete absence of evidence to justify the fishing raid on my home (and my mind) by armed paramilitary predators in the employ of the local municipal corporation. This was not the first “unwarranted” assault on my home nor the last. The criminal thugs have been here with and without warrant on far too many occasions and never once found an actual excuse for their threat to the lives and safety of the people in this household.

### **FRAUD LESTER THIEF LESTER**

2017-11-08 Order to [Pay Greg Lester](#) \$19,800.00 and Order to [Pay Jill Young](#) \$10,620.00 from the estate (to be loaned from trust). *Why would funds to pay the “Temporary Administrator” of a decedent’s estate need to be borrowed from a living trust if there was a testamentary trust estate?* THERE IS NO TESTAMENTARY TRUST CALLED “ESTATE OF NELVA BRUNSTING.” In fact, Gregory Lester’s request for fees shows he spent most of his time with Neal Spielman, his time sheet fails to match Jill young’s time sheet for the periods in which they allegedly met. The Lester “Report” fails to mentions the wills, fails to identify the trust as the sole devisee, fails to mention any assets that would form the container object called the decedents estate and fails to identify a single claim against the non-existent estate but runs straight to the QBD/TPA extortion document, created after the trust became irrevocable, and raising the No-Contest clause containing the corruption of blood provisions. That would be one of the following:

August 25, 2010 QBD/TPA [Can before signature](#)

August 25, 2010 QBD/TPA [Signature on the line](#)

August 25, 2010 QBD/TPA [V&F 353-389 ABL] [Signature above the line](#)

Have I shown the videos I made of my examination of the documents presented as evidence of the [Resignation of Original Trustee](#) Nelva Brunsting and the [Appointment of Successor Trustee](#) Anita Brunsting? Maybe this would be a good time to review Nelva saying "[That's Not True](#)" in her own hand.

## 2018

February 27, 2018 marks the sixth anniversary of the filing of Curtis v Brunsting in the Southern District of Texas.

### Probate Sham Proceedings

2018-06-28 No. 17-20360\_United States Court of Appeals Opinion on RICO  
2018-07-31 Bayless Notice of Hearing-Motion for Partial Summary Judgment.pdf  
2018-08-17 Curtis Plea in Abatement.pdf  
2018-08-27 Affdvt of S. Mendel.pdf  
2018-08-28 Ds' Jnt Mtn fr Cntunce re Ptl-MSJ.pdf  
2018-08-28 Ds' Notice of Hearing re Mtn for Continunce.pdf  
2018-08-28 Proposed Orer for continuance.pdf  
2018-08-29 Resp to C. Brunsting's Partial MSJ.pdf  
2018-09-04 Addendum to Plea in Abatement.pdf  
2018-09-04 **Bayless** Response and Opposition to Candace Louise Curtis' Plea in Abatement.pdf  
2018-09-04 Exhibit 1\_2015-03-09 Case 412249-401 PBT-2015-76288 Agreed Order to Consolidate cases.pdf  
2018-09-04 Proposed order denying Continuance.pdf  
2018-09-04 Proposed order sustaining objection to SJ evidence.pdf  
2018-09-04 Response to Motion for Continuance.pdf  
2018-09-04 Objection to Response to Motion for Partial Summary Judgment.pdf  
2018-09-05 Bayless Exhibit 1.pdf  
2018-09-05 Bayless Exhibit 2.pdf  
2018-09-05 Bayless Exhibit 3.pdf  
2018-09-05 Bayless Exhibit 4.pdf  
2018-09-05 Bayless Proposed order denying Continuance.pdf  
2018-09-05 Bayless Proposed order denying Plea in Abatement.pdf

2018-09-05 Bayless Proposed order sustaining objection to SJ evidence.pdf  
2018-09-05 Bayless Response to Abatement.zip  
2018-09-05 Bayless Response to Motion for Continuance.pdf  
2018-09-05 Bayless Response to Plea in Abatement.pdf  
2018-09-05 Brunsting Transcript of Hearing.pdf  
2018-09-05 Brunsting Transcript of Hearing\_Markup.pdf  
2018-09-05 Exh A - Temp Admin Rpt.pdf  
2018-09-05 Objection to Response to Motion for Partial Summary Judgment.pdf  
2018-09-05 Plaintiff reply to Anita and Amy Brunsting Rule 12(b)(6) Motions Doc  
45.pdf  
2018-09-05 Responses to Defendants Motions to Dismiss Combined.pdf  
2018-09-07 DCO Redline.pdf  
2018-09-07 DCO.pdf  
2018-09-11 Scan of Check for 2018-09-05 transcript.pdf  
2018-09-11 Mailing label for 9-05-2018 Transcript.pdf  
2018-09-14 Docket Control Order 6 email Carole.pdf  
2018-09-15 Docket Control Order email Me to Mendel to Me.pdf  
2018-09-20 Order for Continuance.pdf  
2018-10-08 Verified Plea in Abatement.pdf  
2018-10-09 Mendel email.pdf  
2018-10-12 email from Spielman to Comstock.pdf  
2018-10-19 Plea to the Jurisdiction.pdf  
2018-10-23 Martha Stewart and Plausible Deniability.pdf  
2018-11-27 Mendel Notice of Deposition of Candace Kunz-Freed.pdf  
2018-11-30 Freed's Mtn to Quash and Mtn Protect Order.pdf  
2018-11-30 Freed's Proposed Order Mtn to Quash and Mtn Protect Order.pdf  
2018-12-18 Anita Brunsting's Mtn to Cmpl-1.pdf

## 2019

2019-01-24 Hearing Transcript – [Motion to Compel Deposition](#) of Kunz-Freed

2019-03-19 [Kunz-Freed, Candace, Deposition Transcript](#) Condensed, 3-20-19

2019-05-15 A. Brunstings Mtn. for Sanctions

February 27, 2019 marks the seventh anniversary of the filing of Curtis v Brunsting in the Southern District of Texas.

Nothing happened in the probate forum during all of the RICO proceedings but as soon as the appeals court affirmed the dismissal, the filthy lucre soup line acolytes returned to their extortion and obstruction extravaganza in the reprobate theater with renewed enthusiasm.

From the June 2018 decision onward the probate mafia thugs waved the RICO flag in the air as if proof that the pro se was frivolous and nonsensical and this is where they began brandishing the word “vexatious” as cornerstone of their sham probate theater. (the term first arose in Jill Willard-Young’s motion to dismiss the RICO case 4:16-cv-1969, a cut and paste from a prior suit alleging “disgruntled litigants seeking vengeance for being on the losing end of fully litigated state court determinations – there are none)

2019-05-15 Affidavit of Atty Neal Spielman Brunstings Mtn. for Sanctions\_Ex\_5

2019-06-28 [Hearing Transcript](#) on Motion for Sanctions

2019-07-07 Memorandum re Appointment of Administrator

2019-07-23 Signed ORDER Regarding Sanctions

Issuing Sanctions below the Review Threshold

Manufacturing a Vexatious Litigant Label

2019-10-16 Kunz-Freed's M' Appoint Personal Rep.

2019-10-18 Kunz-Freed files NOH on Motion to Appoint

2019-11-04 Response to Mtn. to Appoint

### November 4, 2019

**Passive Aggressive:** Anita failed to perform the mandatory duties of a

trustee under the terms of any trust and after ignoring all obligations for more than eight years the completely untrustworthy Co-Defendant Co-Trustee's [claim the victims of their theft charade violated a no-contest clause](#) by bringing suit just to get an accounting and disclosures when the beneficiary was forced to file suit just to get an over-due accounting and affirmative fiduciary disclosures.

After eight years of thumbing their nose at any and all fiduciary obligations and having their mercenary attorneys threaten their co-beneficiary victims, and after incurring over \$280,000 in excess taxes liabilities as a direct result of refusing to distribute the income to the mandatory income beneficiaries, sleazy attorneys [Stephen Mendel](#) and [Neal Spielman](#) have the audacity to file “original counter claims” alleging the beneficiaries that had to file suit to enforce their rights against rogues seeking to steal their property, had [violated a no contest provision](#).

*“a number of different terms, conditions and instructions to be implemented and followed by the trustees and beneficiaries. Included among these terms, conditions and instructions were rules intended for the "protection of beneficial interests", including without limitation rules dictating that the Founders' instructions were not to be contested.”*

Amy and Anita further claim that:

*“Carl and Curtis have taken actions” that trigger the forfeiture provisions, and that “Carl and Curtis' actions” in triggering the forfeiture provisions were without just cause and were not in good faith and that “By their actions”, Carl and Curtis have forfeited their interests in the trust.*

This is the same vague general language used throughout their dialog. As one can see in the blabber, the “original counter claims” fail to define, identify or state what the “*number of different terms, conditions and instructions*” are and fails to specifically define, identify or state what “*actions taken*” invoke what “*in Terrorem provisions*” in what instruments and presupposes illegal changes made to an irrevocable trust using questionably authentic instruments and otherwise void instruments are valid.

In a theater where no law will be allowed to interfere with the attorney looting of family generational asset transfers this may well be the manifest reality. Of course, the In Terrorem clause they are talking about includes corruption of

blood, a concept long **advertised as condemned by our law**. In other words, it is an artifice, designed to steal, drafted after changes could no longer be made that is now being used in effort to intimidate the victims into submitting to the filthy lucre ransom demands. It's actually worse than that. They want the victims to enter into a settlement agreement. If the beneficiaries of a living trust agreement (A/B trust contract of indenture) cannot enforce the trust contract, what is to make them believe they can enforce a settlement contract? Didn't I already say DUH?

Oh yea, the best part is that the proposed "settlement agreement" has no provision for the bait and switch Estate Planning Grifters or the phony probate theater actors to pay damages but has all of the attorney fees paid from trust assets in violation of the in Terrorem clause in the [2005 Restatement](#). [Article 11 page 11-1] (pdf page 57)

### ***THERE IS NO STATUTORY PROBATE COURT JURIDICTION***

An estate is a container object. An estate is a legal fiction created to hold a decedents property. An estate (container object) can only be created where there is property (stuff) for the container object to contain. The only property shown on the inventory is a used car with a Blue book value less than \$1000 and that poured-over into the trust when the inventory was approved, and the probate closed. That was five days before Bayless filed her non-probate related tort claims in the wrong court.

2019-11-19 Bill of Review

The Privity and Texas Attorney Immunity Doctrines are regularly used as shields for the criminal racketeering alleged in the RICO complaint. When coupled with the probate exception and Rooker-Feldman, the suckers don't stand a chance.

**December 16, 2019**

[Hawes v Peden](#). ([Hawes v. Peden, No. 06-19-00053-CV \(Tex. App. Dec. 16, 2019\)](#) citing [In re Hannah](#). [6 page opinion]

Inmate Roger Hawes filed suit in the district court seeking relief that would be paid from the estate of his recently deceased attorney. The court held the relief



sought, if awarded, would come from the decedent's estate and was thus a matter related to a pending probate proceeding, **over which the statutory probate court had exclusive jurisdiction.** (see [Mortensen v. Villegas](#) [12 pages] citing [In re Hannah](#) for an equal and opposite view)

Mortensen filed tort claims in the probate court after the probate had closed. Mortensen's claims were against the defendant's individually and the relief sought, if awarded, would come from the defendants individually and not from a decedent's estate, **placing exclusive jurisdiction in the district court.**

What I am showing is that the author of the Brunsting probate court charade, was also the author of the winning Petition for Writ of Mandamus in Hannah and that these three cases clearly show, without question or confusion, that the claims attorney Bobbie G. Bayless filed in Harris County Probate Court No. 4, under the Texas Civil Practices and Remedies Code, April 9, 2013, were filed in a court with no jurisdiction.

#### ***412,249 Estate of Nelva Brunsting, Harris County Probate Court No. 4***

This probate action was [closed on April 5, 2013](#) and never reopened. There are no pending claims related to the settlement, partition, or distribution of this estate and all limitations periods for reopening the closed estate have long since expired.

Let's look at the [nature of the claims and the relief sought](#) in Bayless **Brunsting Probate Frankensuit:**

#### ***[412,249-401](#) Plaintiff Carl Brunsting Individually and as Independent Executor***

- 1) Construction of Trust and Suit for Declaratory Judgement,
- 2) Demand for Trust Accounting,
- 3) Breach of Fiduciary Duties,
- 4) Conversion,
- 5) Negligence,
- 6) Tortuous Interference with Inheritance,
- 7) Constructive Trust,
- 8) Civil Conspiracy,

9) Fraudulent Concealment

10) Prejudgment Interest

11) Attorney's Fees pursuant to Chapters 37 of the Texas Civil Practice and Remedies Code and Chapter 115 of the Texas Property Code.

There are no claims related to the settlement, partition, or distribution of a decedent's estate. Damages, if awarded, would be satisfied from defendant's individual assets and distribution of living trust assets rather than from estate property and thus, these claims are not related to any probate proceeding.

*In re Hannah, 431 S.W.3d 801, 809-810 (Tex. App.— Houston [14th Dist.] 2014, orig. proceeding)*

*(because suit sought damages which would be satisfied from defendant's individual assets rather than from estate property, claims were not related to probate proceeding); see Narvaez, 564 S.W.3d at 56*

*(holding that nature of claims and relief sought are to be examined when determining probate court jurisdiction), Hawes v. Peden, No. 06-19-00053-CV (Tex. App. Dec. 16, 2019), Mortensen v. Villegas, No. 08-19-00080-CV (Tex. App. Feb. 1, 2021)*

***412,249-401 Defendants Anita and Amy Brunsting's Original Counter Claims***

Defendants' counter claims are of three types (1) In Terrorem (2) Bad Faith and (3) entitlement to fees and costs.

12) One or more of the causes of action asserted and/or declarations sought by Carl trigger forfeiture provisions.

13) One or more of the causes of action asserted and/or declarations sought by Candace trigger forfeiture provisions.

14) One or more of the motions, responses, and/or replies filed by Carl trigger forfeiture provisions;

15) One or more of the motions, responses, and/or replies filed by Curtis trigger the Forfeiture provisions;

16) Carl did not have just cause to bring the action, and it was not brought in good faith;

- 17) Curtis did not have just cause to bring the action, and it was not brought in good faith;
- 18) Carl has forfeited his interest, and thus his interest passes as if he has predeceased the Founders;
- 19) Curtis has forfeited her interest, and thus her interest passes as if she has predeceased the Founders;
- 20) If Carl has not forfeited his interest via asserting any of the identified claims, and is or becomes entitled to receive any interest in the Founders' estate, then Amy's and Anita's expenses in defending against Carl's claims are to be charged against his interest dollar for-dollar;
- 21) If Curtis has not forfeited her interest via asserting any of the identified claims, and is or becomes entitled to receive any interest in the Founders' estate, then Amy's and Anita's expenses in defending against Curtis' claims are to be charged against her interest dollar-for-dollar;
- 22) All expenses incurred by Amy and Anita to legally defend against or otherwise resist the contest or attack by Carl and/or Curtis are to be paid from the Trust as expenses of administration.

Not only are these claims vague and overly broad, but Defendants “Original Counter Claims”, filed November 4, 2019, are compulsory counter claims that Defendant’s waived under Texas Rule of Civil Procedure § 97(a) when they were not included in Defendants original answers. None of these claims seek damages from a decedent’s estate. Damages, if awarded, would be satisfied from redistribution of living trust assets, rather than from estate property and thus, these claims are not related to any probate proceeding.

Moreover, they violate the in Terrorem clause in the [2005 Restatement](#). [Article 11 page 11-1] (pdf page 57). Anita caused this litigation by failing to provide a mandatory accounting and now seeks to use the corruption of blood and in Terrorem clauses in a trust challenging instrument to enlarge her share, which is exactly an action prohibited by the no-contest clause. Do you see clinical projection in any of this? Do you see pathologically twisted mindsets in any of this predatory behavior?

## 2020

February 27, 2020 marks the eighth anniversary of the filing of Curtis v Brunsting in the Southern District of Texas and almost six years since Curtis fired sleaze bag Ostrom. Not one dispositive motion has been ruled upon in that theater in all this time.

2020-07-02 Freed files NOH – re Mtn to Appoint Personal Rep or Admin.

2020-08-04 Response to Freed's Motion to Appoint Personal Representative

2020-07-01 Instruction letter to passive trustees [see the [Statute of Uses](#) of 1535] a passive trust collapses because both legal and equitable titles merge in the cestui que (a.k.a. beneficiary). The alleged co-trustees of a passive trust have no authority but to distribute the assets to, or as directed, by the beneficiary. Anita and Amy Brunsting and their filthy lucre mercenaries have no standing to make any counter offers. Oh, but let's not burden ourselves with the law.

## 2021

### **Fifth Circuit ROA 20-20566**

[Part 1 2021-01-03 ROA 20-20566](#)<sup>37</sup>

[Part 2 2021-01-03 ROA 20-20566](#)<sup>38</sup>

[Part 3 2021-01-03 ROA 20-20566](#)<sup>39</sup>

*February 1, 2021*

[Mortensen v. Villegas](#) No. 08-19-00080-CV Court of Appeals Eighth District Of Texas El Paso, Texas doing an analysis of **In re Hannah**... In order to

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<sup>37</sup> [http://www.probatemafia.com/part-1\\_2021-01-03-roa-20-20566/](http://www.probatemafia.com/part-1_2021-01-03-roa-20-20566/)

<sup>38</sup> [http://www.probatemafia.com/part-2\\_2021-01-03-roa-20-20566/](http://www.probatemafia.com/part-2_2021-01-03-roa-20-20566/)

<sup>39</sup> [http://www.probatemafia.com/part-3\\_2021-01-03-roa-20-20566/](http://www.probatemafia.com/part-3_2021-01-03-roa-20-20566/)

invoke the jurisdiction of a statutory probate court action must be brought under one of the enabling statutes. (Tex. Est. Code Ann. §§ 21.006, 32.001(a), 33.002, 33.052, 33.101)

*Finally, a probate court may also exercise pendent and ancillary jurisdiction as necessary to promote judicial efficiency and economy. TEX. EST. CODE ANN. § 32.001(b). Yet for a probate court to have such authority to exercise jurisdiction over matters incident to an estate, it is axiomatic that there must necessarily be a probate proceeding then pending in such court. Frost Nat'l Bank, 315 S.W.3d at 506; Narvaez, 564 S.W.3d at 57. Mortensen v. Villegas No. 08-19-00080-CV Court of Appeals Eighth District Of Texas El Paso, Texas Decided Feb 1, 2021*

**February 9, 2021 Appellant Candace Curtis [Opening Brief](#) in ROA.20-20566.**

### ***February 27, 2021 YEAR IX***

February 27, 2021 marks the ninth anniversary of the filing of Curtis v Brunsting in the Southern District of Texas.

### ***March 5, 2021 Extraction Proposal***

Alleged co-trustee Anita Brunsting provides a [proposed settlement accounting](#) under the auspice of a Texas Evidence Code § 408, thinking to make their extortion demand “confidential”. There is no ongoing litigation and the demand for attorney fees, not authorized by statute or contract, is extortion, which falls under the fraud/crime exception to the notion of confidentiality. This is not an offer to settle. It is a ransom demand! Settling the trust does not settle the damages.

### **March 29, 2021 Co-Trustees’ Counter Offer Proposal**

On March 29, 2021 the Defendants attorneys sent an alleged [Counter Offer Proposal](#) in which they fail to claim confidentiality and in which they demand \$537,000 in attorney fees, to be paid by the bait and switch estate planning attorney victims, from the beneficiaries’ shares of the family money cow trust. This so-called counter-offer is a direct challenge to the spend thrift provisions in the 2005 restatement.

*“It is settled law that a trustee is not entitled to expenses related to litigation resulting from the fault of the trustee. See **duPont v . S. Nat'l Bank** , [575 F.Supp. 849, 864](#) (S.D. Tex. 1983), modified, [771 F.2d 874](#) (5th Cir. 1985). ” *Goughnour v. Patterson*, No. 12-17-00234-CV, at \*25-26 (Tex. App. Mar. 5, 2019)*

**April 9, 2021 Marks Year 8 in Probate**

*April 19, 2021 [Appellees Brief](#) in 20-20566*

*April 28, 2021 [Appellants Reply Brief](#) in 20-20566*

**June 10, 2021 DCO vs the previous February 20, 2015 DCO**

DCO issued June 10, 2021	Previous DCO issued February 20, 2015
8/6/2021 Rule 166a(i) Motions may not be filed before this date	6/1/2015 Rule 166a(i) Motions may not be filed before this date (6 yrs. 2 mo's)
	2021-07-19 Bill of Review Submission
	<u>2015-03-12 Case 412249 Amy's Application to Be Appointed Executrix</u>  <u>Amy filed an Application to be appointed representative of Nelva's Estate with her Response to Carl's Resignation and Ostrom's Application to appoint Candace.</u>
pending	<u>2015-06-26 Defendant Amy Brunsting and Defendant Anita Brunsting "No Evidence Motion for Partial Summary Judgment"</u>
pending	<u>2015-07-08, Case 412249-401 Carl Brunsting Motion for Partial Summary Judgment</u>
pending	<u>2015-07-13, Case 412249-401, Candace Curtis Response to No-evidence Motion with Demand to Produce Evidence PBT-2015-227757.</u>
Hearing had and no order issued	<u>2015-07-20 Case 412249-401 Drina Brunsting individual Motion For Protective Order – re Wiretap Recordings</u>
This was the end of the 1 <sup>st</sup> DCO	Hearing was had August 3, 2015 on Drina Brunstings individual Motion For Protective Order – re Wiretap Recordings. No finding of fact, conclusions of law and order after hearing has yet been issued.

	<p>This motion remains pending after hearing. This charade was apparently intended to produce nothing which is exactly what it appears to have produced. Once having been used to dissolve the only docket control order ever entered in the case the “emergency” was no longer useful.</p>
	<p>2015-07-20 HC Dist Ct 164 Def estate planning attorneys file Response to Vacancy of Party with Motion to Abate &amp; Sanctions. Case is now in Harris county probate Court No. 4 No. 412249-403 with no plaintiff.</p>
	<p><u>2016-01-25</u> Candace Curtis’ Motion for Partial Summary Judgment. Candace Curtis unwillingly participated in the mock dispositive motions parade with her Motion for Partial Summary Judgment.</p>
	<p>2020-08-04 Drina's Reply to Defendants' Response to Motion for Partial Summary Judgment.</p>
	<p>2019-06-2019 412249, 412249-401 Candace Curtis Petition for declaratory Judgement. RESPONSE TO THE FIDUCIARY’S APPLICATION FOR THE BENEFICIARY TO BE HELD IN CONTEMPT FOR SEEKING TO ENFORCE THE INJUNCTION COMMANDING THE TRUSTEE TO PERFORM A FIDUCIARY DUTY OWED TO THE BENEFICIARY WITH PETITION FOR PARTIAL SUMMARY OR DECLARATORY JUDGMENT</p>
	<p>2015-05-27 Vacek &amp; Freed Defendants Motion for Summary Judgment</p> <p>Case 65561098 HC District Ct 164 the Vacek &amp; Freed Defendants Motion for Traditional and No-Evidence Summary Judgment. Filed in District Court with no Plaintiff to answer as independent executor Carl Brunsting resigned Feb. 19, 2015 and no replacement has been appointed.</p>
	<p>District Court Case dragged and dropped to create probate case No. 412249-403</p>

	2019-01-25 DEFENDANTS' MOTION TO DISMISS FOR WANT OF PROSECUTION
	2019-07-07 Memorandum re Appointment of Administrator  2019-10-16 Kunz-Freed's M' Appoint Personal Rep.  2019-10-18 Kunz-Freed files NOH on Motion to Appoint  2019-11-04 Response to Mtn. to Appoint
	2019-11-22 412249-404 Statutory Bill of Review. Jurisdiction is a fundamental question that must be settled at the onset. There is no estate, there is no probate, there is no executor, and there are no pleadings invoking the jurisdiction of a statutory probate court. Gov't Code 25.0021
	2020-07-02 Freed files NOH – re Mtn to Appoint Personal Rep or Admin.  2020-08-04 Response to Freed's Motion to Appoint Personal Representative.
10/15/2021 PLEADINGS: All amendments and supplements must be filed by this date	8/4/2015 PLEADINGS: All amendments and supplements must be filed by this date
11/5/2021 Experts for parties seeking affirmative relief	7/1/2015 Experts for parties seeking affirmative relief
11/19/2021 All other experts	8/1/2015 All other experts
12/31/2021 Dispositive Motions or Pleas subject to interlocutory appeal must be heard by this date	8/3/2015 Dispositive Motions or Pleas subject to interlocutory appeal must be heard by this date
1/14/2022 Challenges to Expert Testimony	9/1/2015
02/07/2022 Summary Judgment motions not subject to an interlocutory appeal must be heard by this date	8/3/2015 Challenges to Expert Testimony
2/14/2022 Discovery Period Ends	8/4/2015 Discovery Period Ends



2/21/2022 by Noon JOINT PRE-TRIAL ORDER. Parties shall provide to the Court, by fax, email, or delivery to our offices, a copy of the signed Agreed Joint Pretrial Order by this date. Parties shall bring the original Agreed Joint Pretrial Order to the Pretrial Conference.	9/4/2015 by Noon JOINT PRE-TRIAL ORDER. Parties shall provide to the Court, by fax, email, or delivery to our offices, a copy of the signed Agreed Joint Pretrial Order by this date. Parties shall bring the original Agreed Joint Pretrial Order to the Pretrial Conference.
02/24/2022, at 10 a.m. PRETRIAL CONFERENCE.	9/11/2015
04/04/2022 at 9:00 a.m. TRIAL	9/14-18/2015

Vacek advertised his products as “asset protection” and claimed his products and services would protect you from “*people who want to take what you have*”. Vacek also gave specific assurances that his products and service would avoid probate and guardianship.

**Who are these “people who want to take what you have”?**

1. Family Trust Co-beneficiaries Anita Brunsting and Amy Brunsting
2. Vacek associate Candace Kunz-Freed, Texas State Bar Number: 24041282
3. Vacek associate Bernard Lyle Matthews III, Texas State Bar Number: 13187450
4. Attorney Bobbie G. Bayless, State Bar No. 01940600
5. Attorney Jason B. Ostrom, Texas Bar #2402771 0 Fed. Id. #33680
6. Attorney Stephen A. Mendel, Texas State Bar No. 13930650
7. Attorney Neal Spielman, Texas State Bar No. 00794678
8. Attorney Darlene Payne Smith , State Bar No. 18643525
9. Attorney Gregory Lester, State Bar No. 12235700
10. Attorney Jill Willard-Young, State Bar Card Number: 00797670
11. By and through: Harris County Texas et al.,
  - a. Clarinda Comstock Esq. Associate Judge (County employee/appointee) Texas Bar Card Number: 00790492
  - b. Tamorah Christine Butts, Former Judge Harris County Probate Court No. 4, Texas Bar Card Number: 24004222. Board Certified in Estate Planning and Probate Law in Texas.
  - c. Laura Beckman Hedge, Assistant County Attorney Texas State Bar No. 00790288, Federal Bar No. 23243

Why did Vacek associate Candace Kunz-Freed have Vacek’s client, Nelva Brunsting, subjected to a [competency evaluation](#) if not to have her declared incompetent so the predators could loot the family trust using the Guardianship protection racket?

Why have the cestui que’ of the Brunsting family trust had their property held hostage in Harris County Probate Court No. 4, for more than eight years without a single dispositive issue being ruled upon?

If this is not an estate planning attorney bait and switch fed money cow hostage / ransom scheme, what is it?

*June 21, 2021 [Opinion of the 5th Circuit](#)*

In the Opinion of the 5th Circuit in 20-20566 the circuit court ruled that Curtis amended complaint, denied for failure to include a certificate of conference, added Carl thus polluting diversity, and that the district court should have dismissed for want of jurisdiction. What the Circuit court fails to mention is that the amended complaint was brought under federal question and not diversity. Don't tell me that was an inadvertent oversight and not deliberate political positioning.

Thus, by act or omission the federal courts have aided and abetted the probate mafia charade and shown they are flaccid against state actors in respecting their own [unanimous opinion](#). Thus, this living trust, the sole devisee of the settlors wills, containing only non-probate assets has been held hostage for ransom in a probate court with no pending probate.

Returning to the Probate Charade [Attorney Stephen Mendel](#) insists on setting a trial date and putting a docket control order in place. Our response was to file a [request for submission](#) of the Bill of Review challenging jurisdiction.

On July 4, 2021 Attorney Bayless files her [reply to the bill](#).

The attorney that made an appearance after the RICO, when the slime bag attorneys returned to reprobate theater talking smack about a “vexatious litigant” thinking to fraudulently manufacture a label that would gag their intended victim

[Our answer](#)

If it's not RICO and it's not probate litigation what is it? Three hundred years go the difference between a profiteer and a pirate was the fact that one predator, the profiteer, was licensed with "[Letters of Marque](#)" while the pirate predator was not licensed to seize any prize at all. In today's United States of America, Letters of Marque are issued by the Barristers Associations and the members call themselves lawyers when in fact they are not lawyers but attorners that also call themselves "attorneys".

### **Definition of *Attorn***

*[intransitive verb](#)*

*: to agree to be tenant to a new owner or landlord of the same property*

Attornment, in English real property law, is the acknowledgment of a new lord by the tenant on the alienation of land. Under the feudal system, the relations of landlord and tenant were to a certain extent reciprocal. So it was considered unreasonable to the tenant to subject him to a new lord without his own approval, and it thus came about that alienation could not take place without the consent of the tenant. Attornment was also extended to all cases of lessees for life or for years. The necessity for attornment was abolished by an act of 1705.

### **ABANDONING OUR YACHT**

What were we doing before being so rudely interrupted? We were [building a trimaran](#) yacht, a project that we [had to abandon](#) when time, energy and resources needed to be redirected to defending Candy's interests, assets that she needed to complete our three party planned projects. It's been a war of attrition.

1. SDTX Houston 4:12-cv-592
  2. 5th Cir. ROA.12-20164
  3. Harris County District Court 164 by Atty Bobbie G. Bayless
  4. Harris County Probate Court No. 4 by Atty Bobbie G. Bayless
  5. SDTX Houston 4:16-cv-1969
  6. 5th Cir. ROA.17-20360
  7. SDTX Houston 4:12-cv-592 Rule 60
  8. 5th Cir ROA.20-20566
- 

A district court cannot exercise supplemental jurisdiction "over claims by plaintiffs against persons made parties under Rule 14, 19, 20, or 24 . . . when exercising supplemental jurisdiction over such claims would be inconsistent with the jurisdictional requirements of" 28 U.S. § 1332," the statutory grant of diversity jurisdiction. [28 U.S.C. § 1367\(b\)](#). Davis is not a "plaintiff" under [§ 1367\(b\)](#) because "'plaintiff' in § 1367(b) refers to the original plaintiff in the action—not to a defendant that happens also to be a counter-plaintiff, cross-plaintiff, or third-party plaintiff." *State Nat'l Ins. Co. v. Yates*, [391 F.3d 577, 579-80](#) (5th Cir. 2004). Because United Property has alleged complete diversity of the parties' citizenship and over \$75,000 in controversy, the court has subject-matter jurisdiction under § 1332. *United Prop. & Cas. Ins. Co. v. Davis*, CIVIL ACTION No. H-18-3227, at \*4 (S.D. Tex. Apr. 25, 2019)

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As the Defendant's attorneys make clear, the morally bankrupt probate mafia acolytes refuse to recognize fundamental distinctions. Look at the defendant's attorney comment that Remand and Transfer are generally synonymous and arrive at the same destination regardless of how they are used to construct a legal proposition. [Case 4:12-cv-00592 Document 131 Filed on 08/13/20 in TXSD Page 17 of 25, [ROA.20-20566.2774](#)¶3(a)] This refusal to recognize the boundaries of order is quite troubling.

Both state court lawsuits authored by [Attorney Bobbie G. Bayless](#) and the law firm of [Bayless and Stokes](#), were fatally flawed from inception. In short,

because the wills pour-over, there is no estate to represent and Carl had nothing to execute under the wills when these claims were filed. Further, Carl, as an individual beneficiary of a living trust, had no individual standing to bring exclusively living trust related claims in a probate court, as ancillary to an already closed and completed pour-over.