NO. 412,249-401

CARL HENRY BRUNSTING, § IN PROBATE COURT

INDIVIDUALLY AND AS §

INDEPENDENT EXECUTOR OF THE §

ESTATES OF ELMER H. BRUNSTING §

AND NELVA E. BRUNSTING § NUMBER FOUR (4)

 §

vs. §

§

ANITA KAY BRUNSTING f/k/a § HARRIS COUNTY, TEXAS

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 §

# OBJECTION TO DEFENDANTS MOTION TO LIQUIDATE TRUST PROPERTY

In response to numerous requests by these Defendants, seeking permission to violate a federal injunction, this court has repeatedly requested that these defendants identify the basis for its continuing jurisdiction over the administration of this trust contract. As of this date, June 11, 2024, defendants have intractably refused or otherwise failed to answer this court’s jurisdictional question.

The 412,249-401 action is currently in the 1st District Court of Appeals in Appellate case number: 01-23-00362-CV on the single question of statutory probate court jurisdiction. On February 22, 2024 the 1st District Court of Appeals noticed the parties of intent to dismiss for want of appellate jurisdiction and provided Appellant with 14 days in which to file a supplemental brief demonstrating that the Court of Appeals does have jurisdiction. (Exhibit 1) Appellant filed her supplemental brief on appellate jurisdiction on March 7, 2024 (Exhibit 2).

On June 6, 2024, the 1st District Court of Appeals issued a sua sponte Order directing appellees to reply to appellant’s supplements brief on appellate jurisdiction. (Exhibit 3) The only way appellees can show the appeals court that they do not have jurisdiction is to show, with citation to the record, statutes, rules, and case law, that the statutory probate court has subject matter jurisdiction over the -401 action. Appellees’ reply was due fourteen days from the date of that order.

On June 10, 2024, Appellees filed an unopposed motion with the 1st District Court of Appeals seeking an extension of time to file their response to the Appellants supplemental brief on jurisdiction. (Exhibit 4). On June 10, 2024, the Court of Appeals granted Appellees Motion extending appellees deadline to June 28, 2024 (Exhibit 5).

In appellees motion for extension of time they list numerous reasons for their need for an extension but fail to mention their filing of motions in the probate court where they have also failed to answer the jurisdictional question as requested.

Appellant, de jure trustee Candace Curtis and her heirs objection to defendants motion to liquidate trust property.

Respectfully submitted,

|  |
| --- |
|  |
| Candice L SchwagerSCHWAGER LAW FIRM1417 RAMADA DR.HOUSTON, TEXAS 77062Tel: 832.315.8489Fax: 713.456.2453candiceschwager@icloud.comATTORNEY FOR CANDACE LOUISE CURTIS |

# CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing instrument was forwarded to all known counsel of record and unrepresented parties in the manner required by the Rules on this Tuesday, June 11, 2024.

Bobbie G. Bayless

Attorney for Carl Brunsting

Bayless & Stokes

2931 Ferndale

Houston, Texas 77098

bayless@baylessstokes.com

Neal E. Spielman

Attorney for Defendant Amy Brunsting

Griffin & Matthews

1155 Dairy Ashford, Suite 300

Houston, Texas 77079

nspielman@grifmatlaw.com

Stephen A. Mendel

Attorney for Defendant Anita Brunsting

The Mendel Law Firm, L.P.

1155 Dairy Ashford, Suite 104

Houston, Texas 77079

steve@mendellawfirm.com

Carole Ann Brunsting pro se

5822 Jason

Houston, Texas

cbrunsting@sbcglobal.net

Zandra Foley

Cory S. Reed

Attorneys for Vacek & Freed et al.,

One Riverway, Suite 1400

Houston, Texas 77056

Telephone: (713) 403-8200

Telecopy: (713) 403-8299

Email: zfoley@thompsoncoe.com

Email:creed@thompsoncoe.com