

No. 412,249-401

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| IN RE: THE ESTATE OF | § | PROBATE COURT        |
| NELVA E. BRUNSTING,  | § | NUMBER FOUR (4) OF   |
| DECEASED             | § | HARRIS COUNTY, TEXAS |


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**ORDER DENYING PLEAS AND MOTIONS FILED BY CANDACE CURTIS**

On this day, the Court considers the following pleadings filed by Candace Louise Curtis:

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| 8/17/2018  | “Plea in Abatement”  |
| 9/4/2018   | “Addendum to Pleas in Abatement in Reply to Stephen Mendel”  |
| 10/8/2018  | “Nominal Defendant’s Verified First Amended Plea in Abatement”   |
| 10/19/2018 | “Plea to the Jurisdiction”   |
| 2/5/2019   | “Plaintiff Curtis’ Response to Notice of Hearing, Motion for Clarification and to Dismiss; Special Exceptions, Motion in Limine and Memorandum of Points and Authorities in Support” |

The Court, after considering the pleadings on file related to:

- 1) Civil Action No. 4:12-cv-00592 pending in the U.S. District Court for the Southern District of Texas, which was **remanded** to Harris County Probate Court No. 4 at the request of Candace Curtis, resulting in the U.S. District Court case being closed, **remanded** and terminated;
- 2) Cause No. 412,249-402, pending in Harris County Probate Court No. 4, into which the above-referenced U.S. District Court case was **transferred** on February 9, 2015, and in which **Candace Curtis, by and through her counsel**, signed an Agreed Docket Control Order and the March 16, 2015 Agreed Order to Consolidate Cases; 
- 3) Cause No. 412,249-401, pending in Harris County Probate Court No. 4, initiated on April 10, 2013, and through which claims have been asserted by Carl Henry Brunsting,

individually and as Independent Executor of the Estate of Elmer H. Brunsting and Nelva E. Brunsting, naming all beneficiaries of the Estate, and counterclaims asserted by Carole Brunsting against Carl Brunsting, as Executor; and

- 4) Cause No. 2013-05455, filed by Carl Brunsting, as Executor of the Estate of Nelva Brunsting, in the 164<sup>th</sup> Judicial District Court of Harris County, Texas on January 29, 2013 against Candace Kuntz-Freed and Vacek & Freed as the only defendants (the “District Court Case”), which claims are the subject of a separate Order on Motion to Transfer District Court Proceedings to Probate Court No. 4 signed on even date herewith,

finds that subject matter jurisdiction is proper in Harris County Probate Court No. 4 with regard to the Estates of Nelva and Elmer Brunsting as well as the assets contributed to Trusts related to those Estates. The Court also finds that no other court has dominant jurisdiction regarding claims related to these Estates. Therefore, the Pleas in Abatement, the Plea to the Jurisdiction and all other relief requested by the pleadings first enumerated in this Order, filed by Candace Curtis, lack merit and should be, in all things, DENIED.

Signed on the 14 day of February, 2019.



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HONORABLE JAMES HORWITZ  
PRESIDING JUDGE