

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

DEFENDANTS, AMY RUTH TSCHIRHART AND ANITA KAY BRUNSTING, as purported co-trustees, have filed a Motion to Liquidate Trust Property, urging this Court to violate the Preliminary Injunction, issued by Judge Kenneth Hoyt of the Southern District of Texas, that remains in effect over the Trust(s). This Court has previously acknowledged that said injunction

remains in full force and effect and the Southern District federal court is the only court with the authority to modify the obligations and duties mandated by the 2012 Preliminary Injunction.

Additionally, DEFENDANTS improperly seek to have this Court consider this matter, while well aware that the case is currently on appeal on the issue of subject matter jurisdiction. See Curtis vs. Brunsting, Cause No. 01-23-00362, (1st Cir.).

On February 22, 2024, the First 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).

On February 28, 2024, Mr. Mendel, without notice, filed what he called an Agreed Emergency Motion to sell the family farm and showed up at a status conference in the -403 the following day attempting to argue his motion.

Appellant filed her supplemental brief on appellate jurisdiction on March 7, 2024. On June 6, 2024, the First District Court of Appeals issued a sua sponte Order directing Appellees to reply to Appellant's supplemental brief. (Exhibit 3). On June 10, 2024, Appellees filed an unopposed motion with the Court of Appeals seeking an extension of time to file their response (Exhibit 4) and the Court of Appeals, on the same day, granted Appellees' Motion extending Appellees deadline to June 28, 2024 (Exhibit 5). Also on June 10, 2024, Mr. Mendel filed yet another motion in the probate court seeking permission to distribute \$26,000 in trust assets without identifying the

source of those funds. DEFENDANTS curiously pushed back their appellate deadline to AFTER this probate court hearing, presumably seeking to dodge the jurisdictional issue with this Court.

WHEREFORE, PLAINTIFF, CANDACE LOUISE CURTIS, hereby objects to DEFENDANTS' MOTION TO LIQUIDATE TRUST PROPERTY and requests the court deny the same in all respects, for lack of jurisdiction to do the same.

Respectfully submitted,

Candice L. Schwager

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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 Wednesday, June 26, 2024.

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