

CAUSE NO. 412,249-401

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

CARL HENRY BRUNSTING, et al	§
	§
V.	§
	§
ANITA KAY BRUNSTING, et al	§

**REMAINING BENEFICIARY CAROLE A. BRUNSTING’S RESPONSE IN
OPPOSITION TO CO-TRUSTEES’ MOTION FOR AN INTERIM DISBURSEMENT**

Remaining Beneficiary Carole A. Brunsting’s (“Beneficiary Carole”) files this her response in opposition to the Co-Trustees’ Motion for An Interim Disbursement to the Remaining Beneficiaries and Payment of the Co-Trustees Attorneys’ Fees and Expenses and respectfully shows the Court as follows:

To proceed with disbursement discussions, a current certified accounting of the trust is required before any more funds are distributed.

On Dec. 5, 2022, Judge Comstock ordered that a current, certified accounting of the condition of the trust and estate assets be provided. To date it has never been received by this beneficiary and she suspects it has never been done.

The most recent bank documents the beneficiaries received were from June 2024, but there is a notable gap in documentation from Oct 2023 to May 2024 that requires completion.

Beneficiary Carole questions the urgency of this requested distribution given the fact that the Trust has been forced to pay over \$125K in income tax because the funds were never distributed. Less than one-third of the farm income will be distributed so if capital gains tax were really an issue the full amount of the farm sale would be distributed to each beneficiary before the end of the year.

Regarding legal fees, Mr. Mendel and Mr. Spielman made the decision to extend credit to their clients, Beneficiaries Anita and Amy, who did have to pay previous attorneys that were not willing to take the case on a credit basis.

Despite the agreed-upon legal fees in Feb 2022, Beneficiary Carole withholds consent for payment pending resolution of the ongoing appeal. Due to judicial changes in the appeals court resulting from the recent election, the trust distribution outcome may be subject to revision, and it is best to wait to avoid potential future legal issues. Pending the appeal's outcome, distributions should be deferred. Beneficiary Carole believes that exceptions may be considered for beneficiaries with demonstrated urgent needs.

For the reasons stated above, Beneficiary Carole requests that the Court not allow any distributions going forward.

Respectfully submitted,

JONES, GILLASPIA & LOYD, L.L.P.

By: /s/ Bruse Loyd
John Bruster "Bruse" Loyd
State Bar No. 24009032
bruse@jgl-law.com
4400 Post Oak Parkway, Suite 2360
Houston, Texas 77027
(713) 225-9000
(713) 225-6126 – Fax

**ATTORNEYS FOR
BENEFICIARY
CAROLE A. BRUNSTRING**

CERTIFICATE OF SERVICE

This is to certify that, pursuant to the provisions of Texas Rule of Civil Procedure 21a, a true and correct copy of the foregoing document is being served upon all counsel of record on November _____, 2024.

/s/ John Bruster Loyd
John Bruster Loyd