I. The Estate of Nelva Brunsting

1. Please be advised that there is no "Estate of Nelva Brunsting" as shown by the verified inventory appraisement and list of claims approved by the court on April 5, 2013. It should also be noted that Section 402.001 of the Estates Code prohibited any further filing in that court after the courts order approving the verified inventory appraisement and list of claims unless specifically and explicitly authorized under Title II of the Estates Code. No matter filed as ancillary to the estate cites to any authority that constitutes a specific and explicit provision for action in the probate court by the independent executor.

2. While probate presents an exception to the one final judgment rule, there is no probate having anything to do with this living trust and referring to Elmer's share of the corpus as "the Decedents Trust" does not make it a testamentary trust.

3. The question of statutory probate court jurisdiction is currently pending before the 1st District Court of Appeals and statutory probate court jurisdiction is the only question before the 1st COA. That case is set for submission December 11, 2024. One might want to review Candace Curtis opening brief to get the full flavor of this complete absurdity.

4. The corpus of the Brunsting Family Living Trust does not contain any property belonging to a decedent's estate (see Curtis v. Brunsting 704 F.3d 406) and that is res judicata to which the state court is required to give full faith and credit, U.S. Const. Article IV §1.

5. There is no money or other property in the estate and no administrator to serve with any motions or pleadings. The estate is a necessary party to any proceeding in the probate court and the complete absence of an estate renders the entire probate charade nugatory.

6. Please be further advised that in 2017 the 77th legislature, pursuant to House Bill 689, repealed Government Code 1034(a) which had previously granted the statutory probate courts in Harris County jurisdiction over inter vivos trusts equal to that of the District Court. House Bill 689 makes it clear that, had the probate court acquired jurisdiction over this living trust controversy, it would have been required to transfer the case to the district court immediately upon losing plenary jurisdiction over the estate.

II. Mendel's November 25, 2024 filing

2024-11-25 Co-Trustees 1st Amended Motion for Interim Beneficiary Distribution Attorneys Fees & Expenses.pdf

7. Is an admission that he and his client violated the federal injunction by asserting that more than half a mission dollars in attorney fees were incurred by "the trust" without a court order authorizing attorney fees to be paid from the trust corpus. Mendel never obtained a court order to bill "the trust" for his fees and he cannot do so expose facto. I'm reasonably confident that the agreement to get his fees from the trust is contained in his undisclosed "Retainer Agreement" with Anita Brunsting.

III. Agreed Order drafted by Mendel

8. In item No. 10 Mendel claims that Anita Brunsting should be "reimbursed $10,000" for attorneys' fees advanced by her to the Mendel Law Firm.

9. In item No. 9 Mendel argues that Amy Brunsting should be reimbursed $26,000 for attorneys' fees advanced by her to the Griffin and Mathews Law Firm.

10. What this says to me is that these two law firms have been financing this probate theater charade from the onset and that they have been working in their own interests and not that of

their clients the entire time. This is called barratry, champerty and maintenance and is a violation of Disciplinary Rules of Professional Conduct.

11. Mendel made his appearance in the probate theater November 14, 2014 and Spielman made his appearance December 8, 2014.

IV. The Heinous Extortion Instrument

2024-10-22 Mendel Motion for payment of fees

12. In Mendel's October 22, 2024 "Motion for payment of attorney fees" in the section labeled "prayer" Mendel, at item L., asks the court to "Provide that the transfers/payments set forth in this motion shall be free of any personal asset trusts required by the "Qualified Beneficiary Designation Trusts". There are no Qualified Beneficiary Designation Trusts and there have never been any Qualified Beneficiary Designation Trusts.

13. It should be noted that immediately after Candace Curtis fired Jason Ostrom, Mendel et al filed a no-evidence motion arguing that neither Carl nor Candace could show the August 25, 2010 Qualified Beneficiary Designation and Testamentary Power of Appointment Under Living Trust Agreement was invalid. It should be worthy to note that Carl resigned the office of independent executor February 19, 2015 due to want of intellectual capacity and there has been no one to represent the nothing called "estate" ever since. Candace filed her answer to Mendel's No-evidence Motion objecting to the instrument as assuming a fact not in evidence and pointing to the fact that there were three different signature page versions in the record.

14. In our 2016 RICO Case 4:16-cv-01969 Document 1 Filed in TXSD on 07/05/16 at Page 35 of 64 Candace Curtis alleged

CLAIM 24 - State Law Theft/ Hobbs Act Extortion 18 U.S.C. 1951(b)(2) and 2
133. On or about August 25, 2010, and continuing thereafter in the Southern District of Texas and elsewhere within the jurisdiction of the Court, Defendants Candace Freed and Anita Brunsting did unlawfully, knowingly and intentionally further a conspiracy to obstruct, delay and affect, and did attempt to obstruct, delay and affect commerce, and the movement of articles and commodities in such commerce, by extortion under color of official right, as that term is defined in Texas Penal Codes 31.02 and 31.03 and Title 18, United States Code, Section 1951, in that Defendant Candace Freed, with persons both known and unknown to Plaintiffs, did conspire to obtain improper dominion over the assets of the Brunsting family of trusts and the expected property of Plaintiff Curtis, by collaborating to obtain consent induced by the wrongful use of threatened force, violence and fear, in that Defendant Candace Freed did implement the Vacek design in drafting the heinous 8/25/2010 "Qualified Beneficiary Designation and Testamentary Power of Appointment under Living Trust Agreement" (hereinafter the "8/25/2010 QBD" or "Extortion Instrument"). Such instrument was, in fact, used to make threats and to instill fear of economic harm in the victims of the inheritance theft conspiracy, for which the extortion instrument was created, along with other intended illicit purposes as hereinafter more fully appears.

15. As recently as June 30, 2023 in Appellants Opening Brief No. 01-23-00362-CV before the 1st District Court of Appeal in Houston at page 15, Appellant Candace Curtis makes the following claim:

Candace Curtis Termination of Ostrom as Counsel
On March 30, 2015, after data mining to get information on her lawsuit and discovering that Ostrom's actions had impugned her cause in fatal contradictions, federal plaintiff Candace Curtis terminated attorney Jason Ostrom and found herself having to defend against the Defendant Co-Trustees no-evidence motion for summary judgment, filed June 26, 2015 [ROA 346] arguing that Carl and Candace could not prove that Defendant's trust modification instrument, called "Qualified Beneficiary Designation and Exercise of Testamentary Powers of Appointment" [ROA181] dated August 25, 2010, was invalid (8/25/2010 QBD). Appellant answered [ROA 348] with an objection to assuming facts not in evidence and a demand for the Defendant Co-Trustees to produce the instrument and qualify it as evidence. They have not and they will not because they cannot. Summary Judgment hearings suddenly became a hearing on an emergency motion for a protective order, (filed 7/20/2015) [ROA 349] regarding wiretap recordings disseminated by the Mendel law firm via certified mail in early July. [See ROA 238 para 3]

16. Thus, after using the heinous extortion instrument, with its corruption of blood in Terrorem provision, to deprive Candace Curtis and her descendants of their property after having

never met the burden to bring forth evidence, Mendel in section L of his October 22, 2024 "Motion for payment of attorney fees", says the heinous instrument is no longer relevant. However, Mr. Spielman made a point of arguing its applicability June 26, 2024 when asking the probate court for permission to sell the Iowa farm belonging to the Elmer H. Brunsting Trust Corpus. Mendel now says that, because of the sale of the farm, "the trust" now has the funds to pay his fees.

17. Oddly enough, in 2024-06-26 Defendant Co-trustees Notice of the Status of Curtis Appeal they make it clear that the matter is in the court of appeals and not in the probate court at all and hammers away at the corruption of blood facade. But that doesn't seem to stop them from filing motions in the probate theater and persistently asking for leave to extract filthy lucre. I realize that probate is an exception to the one final judgment rules but this trust controversy isn't a probate matter at all as the trust corpus does not hold any assets belonging to a decedents estate.

V. More Fraud

18. Candace Curtis retained Attorney Jason Ostrom in the Southern District of Texas. Ostrom deceptively manipulated the administrative side of the federal court to obtain an unopposed order of remand to the probate court from which the case had not been removed and that Curtis as a pro se went to the 5th Circuit to avoid, Curtis v Brunsting 704 F.3d 406 (Jan 2013). The 1st thing Ostrom did in the probate court was file a motion for a $40,000 distribution from the trust to pay his fees.

Judicial Admissions

19. Mendel's December 5, 2014 Answer is a judicial admission that he and his client are challenging "the trust".

> *"Summary of the Argument*
>
> *1. Distributions to pay legal-fee creditors are not authorized by the trust and, therefore, the motions must be denied.*
>
> *2. Distributions to pay legal-fee creditors are prohibited by the trust and, therefore, the motions must be denied.*
>
> *3. The Court lacks jurisdiction to decide the distributions for legal-fee creditor issue because there are no allegations of fraud, misconduct, or clear abuse of discretion with respect to Candace's and Carl's request that the trust pay their attorneys' fees.*
>
> *4. If the Court finds the in terrorem clause is enforceable, then Candace and Carl have no right to any distribution from the trust."*

20. The vagaries here are "the trust" and "the in Terrorem clause". The -401 action was filed under the declaratory judgment act and after holding this family and their property hostage in a probate B-movie theater for more than a decade, the participating attorneys cannot show a declaratory judgment defining the instruments that contain the indenture they refer as "the trust".

21. What Mendel doesn't mention is that the federal court injunction orders that no new business could be entered into without prior court approval. Mendel did not have court permission to incur fees against "the trust".

22. If you read my affidavit, in the first nine pages I make it clear that the 2005 Restatement as Amended in 2007 are the instruments that comprise the Brunsting Family Trust Indenture. Candace Curtis not only has a published 5th Circuit opinion in her favor and a federal injunction prohibiting the attorneys from looting the trust corpus but she is the trustee and not Amy Brunsting nor Anita Brunsting. Candace also refused to capitulate to Mendel's Ransom/launder/control in perpetuity charade, despite all the defamations and all the threats

23. After more than a decade held hostage in Probate Theater with no jurisdiction and no evidentiary hearings, summary judgment was entered at a pre-trial scheduling conference just out of the blue. We withdrew our notice of appeal for the specific purpose of limiting the Courts review to the single question of subject matter jurisdiction while avoiding attorney Stephen Anthony Mendel's conflictineering enterprise from clouding the only issue that matters. Georgia Attorney Millard Farmer was disbarred for Mendel's style of conduct and Mendel should be disbarred as well.

> *In 2011, Husband filed a petition in Coweta Superior Court to modify the parties' child custody arrangement, and Wife again retained Farmer. Throughout his representation in the custody litigation, Farmer employed litigation tactics that he himself referred to as "Conflictineering," the purpose of which was to disrupt the judicial process to the point that either the court or the opposing party would simply capitulate for the sake of restoring order. In furtherance of this strategy, Farmer filed repeated frivolous motions and pursued baseless appeals, ultimately yielding more than 500 filings in the case, and routinely made ad hominem attacks against parties, the trial judge and court staff, and participants who took positions contrary to those of his client. See, e.g., Murphy v. Murphy , 328 Ga. App. 767, 773-774, 759 S.E.2d 909 (2014) (imposing frivolous appeal penalties on Farmer and his client).* <u>*In re Farmer, 835 S.E.2d 629 (Ga. 2019*</u>*)*

24.