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NO. 2012-14538

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IN RE: ) IN THE DISTRICT COURT OF  
)  
CARL HENRY BRUNSTING )  
) HARRIS COUNTY, TEXAS  
)  
)  
) 80TH JUDICIAL DISTRICT

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ORAL AND VIDEOTAPED DEPOSITION OF  
CAROLE ANN BRUNSTING  
JULY 6, 2012  
VOLUME 1  
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ORAL AND VIDEOTAPED DEPOSITION OF CAROLE ANN  
BRUNSTING, produced as a witness at the instance of CARL  
HENRY BRUNSTING, and duly sworn, was taken in the  
above-styled and numbered cause on July 6, 2012, from  
9:48 a.m. to 2:27 p.m., before Jeanne C. Pearl, CSR in  
and for the State of Texas, reported by machine  
shorthand, at the offices of Merrill Corporation, 315  
Capitol, Suite 210, Houston, Texas, pursuant to the  
Texas Rules of Civil Procedure.

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A P P E A R A N C E S

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18 Mr. Dennis Beard

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0004

1 THE VIDEOGRAPHER: This is the beginning of  
2 tape number 1 to the deposition of Carole Brunsting.

3 The time is 9:48. We're on the record.

4 CAROLE ANN BRUNSTING,

5 having been first duly sworn, testified as follows:

6 (The time is 9:48 a.m.)

7 EXAMINATION

8 BY MS. BAYLESS:

9 Q. Would you state your name, please?

10 A. Carole Brunsting.

11 Q. Have you ever had your deposition taken before,  
12 Ms. Brunsting?

13 A. No.

14 Q. All right. You understand that this is a  
15 deposition that's being taken in an action filed by your  
16 brother Carl to try and investigate what's gone on with  
17 the family trust. Do you understand that?

18 A. Yes.

19 Q. The -- you're not -- you don't have counsel  
20 here representing you, right?

21 A. I didn't -- wasn't aware I needed one.

22 Q. Well, I'm not saying you need one. I'm just  
23 trying for the record to make it clear --

24 A. No, I don't.

25 Q. -- you're not represented?

0005

1 A. No.

2 Q. Okay. We're going to have some issues if we  
3 talk at the same time. So, let me give you some kind of  
4 ground rules for depositions. The court reporter is  
5 taking down what you say and there's also a videographer  
6 who is recording your image as you speak. But the  
7 record will be a lot clearer if you let me finish my  
8 question before you answer and I'll try to let you  
9 finish your answer before I ask my next question. Okay?

10 A. Okay.

11 Q. And also even though we do have a videographer  
12 and, so, we'll be able to see if you shake your head or  
13 nod your head, it's helpful for the written record if  
14 you say yes or no as opposed to uh-huh or huh-uh which  
15 may be spelled differently or may be confusing. Okay?

16 A. Yes.

17 Q. And even though you might have a tendency just  
18 to nod, if you will try to make verbal responses, that  
19 would be helpful. So, yes or no in response to  
20 questions. Okay?

21 A. Okay.

22 Q. Or whatever the question might be. But if it's  
23 yes or no, please verbalize as opposed to just shaking  
24 your head or nodding your head. Okay?

25 A. Okay.

0006

1 Q. Now, you understand that you're under oath

2 today just as if you were in a courtroom?

3 A. Yes, I do.

4 Q. And, so, the same penalties of perjury apply if  
5 you don't tell the truth. You understand that?

6 A. Yes, I understand that.

7 Q. Okay. Now, you say you've never had your  
8 deposition taken before. Have you ever been involved in  
9 a lawsuit before?

10 A. Not that I recall.

11 Q. Okay. Not a party to a lawsuit?

12 A. Not that I recall, no.

13 Q. Have you ever been a witness in a courtroom as  
14 opposed to in a deposition setting?

15 A. No.

16 Q. What is your educational background?

17 A. I have a Bachelor's degree in accounting.

18 Q. And where did you receive that degree from?

19 A. University of Houston.

20 Q. And when was that?

21 A. I think I graduated in 1989.

22 Q. And do you have any -- are you licensed as a  
23 CPA?

24 A. No, not yet.

25 Q. Is that something you're working toward?

0007

1 A. Yes, I am.

2 Q. Do you anticipate sitting for some type of an  
3 exam?

4 A. I already have sat for one part. I have the  
5 other three I need to sit for.

6 Q. Okay. Do you anticipate doing that -- do you  
7 have dates for doing that as we sit here?

8 A. Within the next year.

9 Q. Okay. And give us, if you would, just a  
10 thumbnail sketch of your employment background.

11 A. I work for Cameron International.

12 Q. And what did you do for them?

13 A. I'm an accountant.

14 Q. You work for them now?

15 A. (Witness nods head.)

16 Q. And have you worked for anybody else before  
17 Cameron?

18 A. Before Cameron I worked for Chase Source.

19 Q. And doing accounting work for them, also?

20 A. Yes.

21 Q. Anybody else?

22 A. Before Chase Source I worked for Cardtronics.  
23 Before Cardtronics I worked for Mattress Firm. Before  
24 Mattress Firm I worked for Compaq, Hewlett-Packard.

25 Q. And always in an accounting capacity?

0008

1 A. Yes.

2 Q. And have you always lived in Houston?

3 A. I was born in Oklahoma.

4 Q. So, how old were you when you moved to Houston?

5 A. 12.

6 Q. And since then you've lived here?

7 A. Yes.

8 Q. And do you have any children?

9 A. No.

10 Q. Have you ever been married?

11 A. Yes.

12 Q. What's the name of your ex-husband?

13 A. Jody Larriviere.

14 Q. And, so, when were you divorced?

15 A. 1985.

16 Q. You have four siblings, right?

17 A. That's correct.

18 Q. And of those four siblings your brother Carl is

19 the only other one that lives in Houston; is that right?

20 A. That's correct.

21 Q. At some point in time your parents became  
22 involved with the law firm for which Al Vacek works.

23 Are you aware of that?

24 A. I'm aware of that.

25 Q. And he prepared or someone in his firm prepared

0009

1 what was called a living trust for your parents. Are

2 you aware of that?

3 A. Yeah, I'm aware of that.

4 Q. And did you have any communications with your  
5 parents about this living trust that was created before

6 it was actually prepared?

7 A. No.

8 Q. How did you come to learn about it?

9 A. I don't know. They just mentioned it at some  
10 time.

11 Q. And did they mention it in a situation in which  
12 you were the only child, their only child that was there  
13 or was this in a family setting?

14 A. I assume it was a family setting.

15 Q. Okay. And what do you recall them saying about  
16 it when they --

17 A. You know what, I really don't even remember.  
18 It's been so long. All I remember is my dad saying that  
19 he went to a seminar or something at church and they  
20 went to this and it was going to protect their assets.

21 And at the time it seems like my parents were -- I don't  
22 even know. Maybe my dad was still, still working. So,  
23 I mean, it really didn't -- it didn't mean a lot to me  
24 at the time. So, I really didn't give it a lot of  
25 thought.

0010

1 Q. Okay.

2 A. It was just something my parents went to a  
3 seminar, hey, this is what we did.

4 Q. At some point in time did it take on a  
5 different importance for you?

6 A. No, it didn't.

7 Q. So, when your dad was still alive, do you know  
8 if there were any changes made to the trust?

9 A. I was never, ever involved with anything having  
10 to do with this trust ever.

11 Q. Okay.

12 A. I wasn't counseled. I wasn't part of it. I  
13 never got involved with it.

14 Q. And, so, who was involved with it?

15 A. I assume whoever my parents wanted to have  
16 involved with it. I was never a trustee, a co-trustee.  
17 My name as far as I know was never on that document.

18 Q. All right. Well, I'm not really talking about  
19 whether you were a trustee or co-trustee. I'm talking  
20 right now about what you might have known?

21 A. I never made it a point to be involved with  
22 anything of my parents' finances.

23 Q. Ever?

24 A. Ever.

25 Q. All right. So, how is it that you came to have

0011

1 a bank account with your mother?

2 A. That was because of Vacek.

3 Q. Okay. What do you mean by that?

4 A. When Anita took over as -- whatever my,  
5 whatever my mother's function was with the trust and  
6 Anita was going to take that over, my role was to take  
7 care of my mother and in order to be able to do that the  
8 bills needed to be paid. And my mother always paid  
9 everything through the trust. Well, they didn't want it  
10 that way anymore. It was Vacek that made the suggestion  
11 that a separate bank account be set up for my mother's  
12 household expenses. And they wanted me to be on there  
13 as a co-signee or co-whatever and I said I did not want  
14 to do that because I never wanted to be connected to  
15 anything financial with my parents, period, period.  
16 And, so --

17 Q. And why is that?

18 A. Because there was always so much -- just -- I  
19 didn't want to be associated with anything financial  
20 with my parents. I didn't. I never had been. I didn't  
21 want to be. So, I -- at that time I just said that I  
22 wasn't going to be involved, period, anymore and I was  
23 just going to walk away because the agreement I had with  
24 my brother was I took care of my dad, Carl was going to  
25 take care of my mother. Because I had -- I mean, I had

0012

1 spent years taking care of my dad and it was Carl's job  
2 to take care of my mother.

3 Q. And it was what?

4 A. It was Carl's job to take care of my mother.

5 Q. All right.

6 A. And then Carl got ill and then I ended up being  
7 involved with both of them.

8 Q. Okay. Involved taking care of your mother?

9 A. Taking care of my mother became my  
10 responsibility.

11 Q. All right.

12 A. As well as Carl, making sure that I could do  
13 what I could to help him as well. So, the only choice I  
14 was left with was taking my mother to go have this bank  
15 account set up so that my mother could continue to make  
16 her -- she could continue to pay her bills.

17 Q. Well, why wasn't Anita going to pay her bills  
18 from the trust?

19 A. I don't know. This was a conversation between  
20 Candace Freed and my sister Anita Brunsting.

21 Q. The conversation about this account that was  
22 set up with you on it?

23 A. Yes.

24 Q. So, you weren't even involved in the  
25 conversation?

0013

1 A. No. Except for my objection that I did not  
2 want to do this.

3 Q. So --

4 A. This was the decision that Candace Freed and  
5 Anita Brunsting came up with. This was not anything  
6 that I thought, hey, this is a great idea, let's just go  
7 off and do this. I had enough of my own -- I didn't  
8 want to be involved with having to also have to make  
9 sure that my mother's bills got paid, but their  
10 suggestion was this was, this was what they suggested.  
11 So, I assume this is something that Candace Freed with  
12 her background and whatever she does for a living, this  
13 was her suggestion and this is how they wanted it to be  
14 set up. So, it was set up this way.

15 Q. Now, when you learned about it, did you learn  
16 about it from Candace Freed or did you learn about it  
17 from Anita?

18 A. If I recall, it seems like I was on a  
19 conversation -- on a phone call with both of them.

20 Q. Okay.

21 A. Because one time at my mother's house I was  
22 over there and I answered the phone and I didn't  
23 recognize the person on the phone. And then I realized  
24 it was Candace Freed and I told her that my concern was  
25 that I was the one in Houston taking care of my mother

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1 and that I didn't need my hands tied with -- my concern  
2 was was that my mother's -- how my mother's finances  
3 were going to be taken care of. And that's -- I think  
4 maybe that is when she said we're going to make the  
5 suggestion that your mother sets up a separate bank  
6 account for the -- for her household expenses.

7 Q. So, that's the first you had heard about this  
8 suggestion?

9 A. Yes.

10 Q. And at that time did she say she was going to  
11 suggest that you be on the account?

12 A. For some reason, yes, they suggested that I be  
13 on the account.

14 Q. And then subsequently did you have a  
15 conversation with Anita or Amy about this?

16 A. I never spoke with Amy about it.

17 Q. Did you have a conversation with Anita about  
18 it?

19 A. Yes.

20 Q. And what was the nature of that conversation?

21 A. That I objected to, I objected to this because  
22 I did not want to be involved with, with this.

23 Q. So, I assume that conversation with Anita  
24 happened very shortly after your conversation with  
25 Candace Freed?

0015

1 A. Uh-huh.

2 Q. Did you talk with your mother about it?

3 A. Yes.

4 Q. And what was -- what did you say to your mother  
5 about it?

6 A. Well, at the time my mother was still paying  
7 all of her own bills, so --

8 Q. Do you recall when this was?

9 A. It seems to me that this entire conversation  
10 started back in maybe September of 2010.

11 Q. Okay. And, so, at that point your mother was  
12 handling the trust and paying her own bills?

13 A. Yes.

14 Q. And paying those bills out of the trust, I  
15 assume?

16 A. As far as I knew that -- I mean, that's when I  
17 found out that she -- I believe it was that she had a  
18 checking account with the trust.

19 Q. Okay. And, so, you had this conversation with  
20 your mother about this and what, what was her feeling  
21 about this separate account?

22 A. She didn't object to it. I mean, it was just,  
23 it was just another bank account. As far as I know, it  
24 was just another bank account for her. The objection I  
25 had was I just didn't want to be associated with

0016

1 anything.

2 Q. And why is that?

3 A. Because certain members of this family can just  
4 be so petty.

5 Q. Okay. So, you were concerned it was going to  
6 cause some kind of controversy?

7 A. Uh-huh.

8 Q. And what would cause that controversy, what you  
9 spent the money on or just that you were spending it? I  
10 mean, what would be the controversy?

11 A. I guess it was just because I had never been



12 involved with any of my parents' finances at all. No.  
13 It is because it was never my responsibility. My  
14 responsibility in my family was to take care of my  
15 parents' health. And I just felt like this is pushing  
16 me into an area that my parents -- they had it spelled  
17 out what the roles were and mine was health, period.  
18 And this was crossing over into financial.

19 Q. Okay.

20 A. And, so, I felt like it was pushing somebody  
21 else's responsibility on to me. That was not my  
22 responsibility.

23 Q. How did they spell out what the  
24 responsibilities were?

25 A. They always made us aware of I assumed Carl was  
0017

1 trustee and then apparently the co-trustee changed from  
2 time to time. But my role was to be I was the one that  
3 was in charge of the -- my parents, any decisions having  
4 to do with anything medical with my parents.

5 Q. And what was the responsibility that Candy had,  
6 that they gave Candy?

7 A. I don't know. I mean, at times I think she was  
8 co-trustee and then she was, then she wasn't.

9 Q. And when you talk about trustee, is that in  
10 your mind a financial responsibility?

11 A. Yes.

12 Q. Okay. And what about Anita, what was her  
13 responsibility?

14 A. See, I really don't know. I just -- all I ever  
15 knew is my parents said, Carole, you're the one that we  
16 really want in charge of our medical decisions all the  
17 way up until, you know, their death. And, so, as far as  
18 I knew I had medical power of attorney and that never  
19 changed. As far as the trust and anything associated  
20 with it, if my parents made any kind of a change that  
21 involved me, I assume they would have talked to me about  
22 it. Because I don't think that ever happened, this  
23 wasn't a conversation I ever really had with them or  
24 ever got involved with.

25 Q. Okay. So, when you said that the  
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1 responsibilities were very clearly outlined, you really  
2 meant your responsibility is --

3 A. Mine.

4 Q. -- taking care of health?

5 A. My responsibility was taking care of my  
6 parents' health.

7 Q. And, so, what exactly did that involve? You've  
8 talked about medical power of attorney?

9 A. That was doctors' appointments, taking my  
10 parents to the doctors' appointments, helping them make  
11 any kind of decisions. Just being involved with  
12 anything with medical care.

13 Q. Did you -- were you also involved in hiring,

14 supervising the caretakers?

15 A. Yes. But they had to meet my mother's approval  
16 and if my mother didn't like them, they didn't stay.

17 Q. Did you choose your parents' doctors or did  
18 they choose their doctors?

19 A. They had their own doctors, but if, if it  
20 became an area of specialty where they didn't have a  
21 doctor, then that's where I would get their doctor  
22 involved. And they gave us choices. Then, you know, we  
23 would -- I did as much research as I possibly could to  
24 try to determine the best doctor for them.

25 Q. At any point in time did you have to exercise a

0019

1 health care power of attorney for either parent?

2 A. I had to sign some things.

3 Q. Okay. Did you ever have to make life-ending  
4 decisions --

5 A. No, I didn't.

6 Q. -- that kind of thing?

7 A. No, I didn't.

8 Q. Now, throughout their lifetimes your parents  
9 made certain payments to their children, right?

10 A. Certain payments, what do you mean?

11 Q. Well, either gifts or loans? For whatever  
12 reason they gave money to their children?

13 A. Uh-huh.

14 Q. Yourself included?

15 A. Uh-huh.

16 Q. And it's my understanding that there was some  
17 type of documentation that your parents kept about what  
18 amounts had been paid to various children. Are you  
19 familiar with that?

20 A. No.

21 Q. So, you never saw any document like that?

22 A. No.

23 Q. Do you know if your parents ever filed gift tax  
24 returns?

25 A. I have no idea.

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1 Q. Did you have anything to do with your parents'  
2 tax reporting at all?

3 A. No.

4 Q. Up to this very day you don't?

5 A. No. My dad, as far as I know, he did all of  
6 his own income tax until I think in 2000 -- when did he  
7 get dementia that was really bad. He had someone at  
8 Chapelwood doing their taxes, but I think this guy was  
9 about as old as my dad. And then my cousin Rich Ridders  
10 took it over from -- at some point.

11 Q. And he lives in Iowa?

12 A. Uh-huh.

13 MS. MCCUTCHEON: I'm sorry, could you say  
14 his name again?

15 THE WITNESS: Rich Ridders, Richard

16 Ridders.

17 Q. (BY MS. BAYLESS) Okay. Getting back to this  
18 bank account again, and I got sidetracked, I apologize,  
19 so once it was decided that the bank account would be  
20 set up, what were the logistics of setting it up? Did  
21 you go to the bank with your mother?

22 A. I had to take my mother to the bank to set it  
23 up, that's correct.

24 Q. And how was it funded?

25 A. It was funded with her Social Security and then

0021

1 I'm assuming that Anita made transfers from the trust  
2 whenever it was necessary.

3 Q. So, you didn't have anything to do with  
4 requesting transfers?

5 A. No. Anita had access to the account on-line.

6 Q. So, did you make any kind of reporting to Anita  
7 at all?

8 A. No.

9 Q. Did you -- you didn't provide any invoices or  
10 anything like that?

11 A. Well, we kept -- if I recall, she, she had some  
12 of my mother's bills transferred so that they could be  
13 paid by the trust so that not so many bills had to be  
14 paid. But, I mean, we kept records of the caregivers'  
15 time and anything that was paid and then that was kept  
16 in a, in a briefcase in my dad's office. And then when  
17 she'd come down, she'd go through the records and take  
18 back with her whatever I guess she felt necessary. But  
19 we didn't shred anything and we kept copies of  
20 everything.

21 Q. Okay. So, you don't have any of those support  
22 records today?

23 A. No. Because it was never my understanding that  
24 I needed to keep anything other than -- like I said,  
25 when -- because really my mother was the one that was

0022

1 signing all the checks. And other than maybe going to  
2 the -- I'm just trying to think. It was used to pay the  
3 caregivers and some of the medical bills and groceries  
4 and gas for the car and things like that. I mean, but  
5 the caregivers filled out -- we had them fill out, what  
6 do you call them, time sheets. So, we had copies of all  
7 of that.

8 Q. So, where do you think those records would be  
9 today?

10 A. I have no idea. When -- after my mother died,  
11 within 24 hours I think my sister was -- most of my  
12 family was there and you had four or five people just  
13 going through the house. And at the time it wasn't  
14 something that I really, you know, gave a lot of thought  
15 to. So, I mean, I really, I really have no idea.

16 Q. Who were these four or five people going  
17 through the house?

18 A. Candy, Amy, Anita. Carl and Drina came over.  
19 For some reason there seemed to be a sense of urgency of  
20 let's clean up the house, let's get rid of everything, I  
21 don't want to see this anymore, mother is not here, I  
22 don't want to see pill bottles, I don't want to see  
23 calendars, I don't want to see this and all of a sudden  
24 stuff just started being thrown in the trash.

25 Q. So, you don't know in terms of records what was  
0023

1 done to preserve records?

2 A. I know that there was a briefcase on a round  
3 table in my dad's office and that's where we put every  
4 single receipt, every single time sheet. Everything was  
5 put in that briefcase. And then, like I said, when  
6 Anita would come in to Houston, she'd go through -- I'm  
7 assuming she'd go through the briefcase. And if  
8 anything came in the mail that we thought it was  
9 something that she needed that was trust related, we  
10 always just kept it there. And then she'd pick it up.

11 Q. How often did she come in to Houston?

12 A. I don't know. Maybe once a month, something  
13 like that.

14 Q. In terms of the personal property that was in  
15 your parents' house when your mother died -- she still  
16 lived in the house, right?

17 A. Uh-huh.

18 Q. What happened to that?

19 A. Everybody pretty much took what they wanted.  
20 And then for some reason there was this real sense of  
21 urgency to get the house sold quickly. And, so, the  
22 house went on the market. The house was sold within the  
23 week. And then I was told I had to get everything out  
24 by I think first it was the end of December. And I told  
25 them, I said, you know, I can't -- where am I supposed

0024

1 to go with all this stuff. Because nobody was giving me  
2 a chance.

3 Q. Would you like to take a break?

4 A. No. Everybody treated it like this was some  
5 kind of business deal. I just wanted time to be able to  
6 go through things to make sure that nothing got thrown  
7 away that I wanted to keep or something that was  
8 important. Because at the time I was really, really  
9 busy at work because we had some key people leave and it  
10 was just a really busy time. That's why I didn't have  
11 time to just drop everything I was doing to do everybody  
12 else's bidding. But I received an e-mail, I think.  
13 Anita called me up and said you need to have everything  
14 out by I think it was the middle of January. And that  
15 was -- no. If I remember, Amy and Anita were going to  
16 come in and help and then they weren't going to come in  
17 and they were coming and then they weren't coming. And  
18 I think Amy came in maybe once and did some painting.  
19 And then it was like you have to get everything out of

20 the house by whatever date it was. And, so, all I could  
21 do was just -- at that point because there was so much  
22 left in the house, all the furniture was there. So, I  
23 had to rent -- we rented a -- we had to rent a moving  
24 truck because some of it was going to be -- all of  
25 Carl's stuff Drina didn't want it. And, so, we loaded  
0025

1 all the stuff up in the truck and then we went to go and  
2 bring it over to -- my parents volunteered for MAM and  
3 that's where they wanted the stuff donated. And, so, we  
4 drove over there and they wouldn't take it because they  
5 had all they could take. And then we went over to  
6 Goodwill and they weren't taking anything, either. So,  
7 nobody took anything. So, I had to go over and rent a  
8 storage facility that was big enough to store all this  
9 stuff.

10 Q. Okay.

11 A. And it was about to pour down rain. And, so,  
12 we just got it all in. I mean, we were -- they were  
13 just packing it in there as fast as they could and they  
14 got everything in there just as it started to rain. And  
15 then -- I mean, this is, this is big stuff that was  
16 supposed to be donated. It's not like I can just throw  
17 it in the back of my car and drive it over there. So, I  
18 mean -- so, it's all still sitting there. So,  
19 everything, everything, every scrap of paper, everything  
20 that was left in that house Tino came and helped me box  
21 it up and we got it all loaded, everything that was left  
22 in the garage. Everything. I had to get everything,  
23 everything that was left out. Everything that was left  
24 in the house I was told to get out and, so, I did.

25 Q. And when you were told to do this, had Anita

0026

1 and Amy come and already gotten whatever they wanted out  
2 of the house?

3 A. Uh-huh.

4 Q. Okay. Tell me what MAM stands for.

5 A. Methodist Area Ministries.

6 Q. Okay. And, so, this stuff is still in the  
7 storage facility you're saying?

8 A. Yes.

9 Q. And is that the storage facility that you  
10 provided the receipt for in your documents?

11 A. Yes. It's my -- there's all my parents --  
12 well, it's not all my parents' furniture because some of  
13 it they did take. But it's two king-size beds. It's  
14 all the bedroom furniture I had. It's two couches.  
15 It's chairs. It's my grandparents' table and chairs  
16 that my sister Amy brought back. It's all of Carl's  
17 stuff. It's all the stuff out of Carl's office for some  
18 reason Drina didn't want. But I have it. I kept it. I  
19 kept it because it belonged to my brother and that's why  
20 I kept it, so...

21 Q. And who is paying for the storage?

22 A. I am.  
23 Q. You're paying the cost of the storage unit?  
24 A. (Witness nods head.)  
25 Q. All right. Then your parents' house was sold,

0027

1 right?  
2 A. Yes.  
3 Q. And were you involved at all in the sale of the  
4 house?  
5 A. No.

6 Q. At some point I know e-mails were sent around  
7 about a car that was your parents' car that your mother  
8 still had when she died. What's the status of that car?

9 A. I have it.

10 Q. Okay. Have you bought it or you just have it?

11 A. I don't know. I was -- we were going to work  
12 something out and then just all hell broke loose and I  
13 have it.

14 Q. So, it's in your possession?

15 A. Yes.

16 Q. Is it drivable?

17 A. Not right now, no.

18 Q. But you have not paid anything for it at this  
19 point?

20 A. No.

21 Q. Now, in 2010 your mother made some changes to  
22 the trust. You're aware of that, right?

23 A. Uh-huh.

24 Q. It would be better if you said yes.

25 A. Yes.

0028

1 Q. Okay. And what -- when did you first find out  
2 that changes had been made?

3 A. I knew that there were some changes that were  
4 being discussed in August.

5 Q. Of 2010?

6 A. Uh-huh.

7 Q. What, what was being discussed?

8 A. About making -- my mother -- it was my  
9 understanding that my mother was going to go and talk  
10 with Vacek about the fact that my brother was so ill.  
11 And, and then the next thing I knew everything changed.

12 Q. Now, you took your parents -- as I understand  
13 it, you took your mother to the doctor?

14 A. Yes.

15 Q. You did not take her to Vacek's office?

16 A. (Witness nods head.)

17 Q. Did you make appointments for her with either  
18 Vacek or Candace Freed or whoever might have been  
19 dealing --

20 A. My mother did that on her own.

21 Q. Was she driving?

22 A. Back then, yeah.

23 Q. So, do you think that she drove herself to the

24 firm or do you know if anybody went with her?

25 A. To this day I don't know the answer to that.

0029

1 All I know is that the day that she went there was the  
2 day she was supposed to go to M.D. Anderson. And at the  
3 last minute that day she cancelled the appointment at  
4 M.D. Anderson. And I told her, I said, if you're going  
5 to do this, mother, you're going to do it yourself  
6 because I had worked so hard to get her in there.

7 Q. That was going to be her first appointment at  
8 M.D. Anderson?

9 A. That was the most important appointment for  
10 her.

11 Q. And, so, she cancelled that and she told you  
12 she was cancelling it so that she could go talk --

13 A. She told me that she was cancelling the  
14 appointment. She didn't tell me why.

15 Q. Did you learn later that that was why?

16 A. I pieced it together myself.

17 Q. And how did you piece it together?

18 A. When I saw the date of her signature on the  
19 document.

20 Q. Okay. And when did you see the document itself  
21 for the first time?

22 A. I don't even remember.

23 Q. When you saw it for the first time, did you  
24 actually read the document?

25 A. Huh-uh.

0030

1 Q. How did you know what changes were made or did  
2 you know what changes were made?

3 A. Anita told me or Anita told me what the  
4 proposed changes were, but then -- I mean, I guess as  
5 far as how the trust document worked and all of that, my  
6 mother had signed and hadn't signed. I wasn't really --  
7 at the time I really wasn't really focused on the trust.

8 What was bothering me -- what was really tearing me up  
9 was the fact that my mother cancelled her appointment at  
10 M.D. Anderson.

11 Q. Okay.

12 A. And the fact that my brother was so ill at the  
13 time. I think he was -- no. He was out of a coma, but  
14 he was still in ICU. So, I wasn't really thinking a lot  
15 about this because I went to see my brother every day  
16 and I wasn't -- this wasn't really something I thought  
17 about.

18 Q. Did Anita visit your brother, do you know?

19 A. A couple of times.

20 Q. When your -- well, when your mother went, did  
21 she say why she -- did she ever tell you why she went to  
22 meet with Vacek's firm about the changes?

23 A. No, no.

24 Q. Was it your impression that the changes that  
25 she wanted to make were changes that she had in mind or

0031

1 were they changes that Anita had in mind?

2 A. No. The impression I got was -- from talking  
3 to my mother was this is what Vacek recommended. As far  
4 as who she picked as the successor on the trust, I'm  
5 assuming that was up to my mother. That was my mother's  
6 decision. But it was my understanding and what was  
7 explained to me was that my mother drove to Vacek and --  
8 at some point my mother went to go see Candace Freed  
9 about the trust and these were the recommendations made  
10 by Candace.

11 Q. And these were recommendations made because of  
12 Carl's illness?

13 A. That's correct.

14 Q. Was there anybody that your mother -- if she  
15 didn't confide in you about financial matters, was there  
16 anybody that she confided in?

17 A. I tell you when it came to finances, my dad  
18 always handled all the finances. And then when he died,  
19 I always assumed that Carl was going to go and help her  
20 with -- she was really struggling with the paperwork of  
21 what to file and things having to do with the trust.  
22 And he was just never there. He wouldn't go. And like  
23 I said, my mother was really, really struggling with  
24 trying to get everything taken care of properly and she  
25 really needed some assistance. And, so, Anita did --

0032

1 Anita had I think the summer off and, so, she started  
2 helping her with it. And I have to admit that's one  
3 area that Anita, she's very detailed and she likes that  
4 kind of stuff. I mean, she's very good at it. And, so,  
5 she started helping my mother with it. And I even asked  
6 my sister Candy if she could help her with it because  
7 Candy was a bookkeeper and she was really good at that  
8 kind of stuff but she didn't have the time, either. But  
9 somebody, somebody, somebody that was tied to that trust  
10 whose name was on that trust needed to help my mother  
11 and assist my mother with getting everything filed  
12 properly and getting it all taken care of because there  
13 was a lot involved with that. And like I said, my dad  
14 had always been the one that took care of that.

15 Q. And, so --

16 A. And we all assumed it was going to be Carl, but  
17 he -- he just never either had the time or he just  
18 wouldn't go over there and help my mother.

19 Q. So, you don't think that he ever did anything  
20 with regard to the trust?

21 A. No.

22 Q. So, you would be surprised to learn that he did  
23 have meetings?

24 A. I know he went to meetings. He went to  
25 meetings. But as far as going over and sitting with my

0033

1 mother and just saying, okay, we need to do -- we need



2 to make sure this is done and this is done and this is  
3 done, no.

4 Q. Okay. And you know that because you discussed  
5 that with your mother?

6 A. Yes, yes, because she was expressing a lot of  
7 frustration. And my mother just didn't have a lot of  
8 patience when it came to that kind of thing, either.  
9 And a lot of it had to be done on-line and she just  
10 really needed some assistance with it. And I never  
11 offered because I was never -- I had never attended a  
12 meeting with Vacek. I didn't know anything about the  
13 trust. I didn't have copies of it. And, so, I didn't  
14 feel like I was in a position to really offer her any  
15 help.

16 Q. Do you know how Amy became involved in the  
17 trust?

18 A. It's my understanding that my parents had her  
19 on there at one time, but then they took her off. And  
20 it's my understanding that my mother made the decision  
21 to put her back on.

22 Q. And how do you have this understanding? What's  
23 the basis of your understanding?

24 A. Because my sister Anita told me.

25 Q. Anita told you?

0034

1 A. Uh-huh.

2 Q. At some point in time did Anita sort of inform  
3 you about what had gone on with the changes to the  
4 trust?

5 A. She made me aware.

6 Q. And was that because you asked her or did she  
7 volunteer to make you aware? How did that come about?

8 A. I was aware that there was, that there were  
9 changes going on with the trust. But as far as the  
10 timeline and when I found out what I found out, I mean,  
11 like I said, it's all -- because of the type of illness  
12 that my mother had and because of the type of illness my  
13 brother had and because my role was medical, I was  
14 really a lot more focused on that. And as far as the  
15 changes in the trust and things like that, I may have  
16 questioned it and I may not have liked the changes they  
17 made, but there really wasn't anything I could do about  
18 it. And at the time it really didn't impact me. Like I  
19 said, my only objection was that I felt like I was  
20 getting pulled into something financial when I was  
21 requested that I set up this bank account for my mother.  
22 It just never sat well with me.

23 Q. What kind of illness did your mother have?

24 A. She had atypical tuberculosis in her lungs  
25 which made it difficult for her to breathe and she had a

0035

1 bile duct tumor.

2 Q. All right. And, so, you said that because of  
3 the nature of her illness you were focused on that.

4 What did you mean by that?

5 A. My mother -- this problem that she had with her  
6 lungs had been diagnosed almost probably 12 years ago  
7 and they had been watching it. And when my parents got  
8 pneumonia back in 2007, this fungus that she had in her  
9 lung started to grow and there really was no real cure  
10 for it. But what she needed to do was take these  
11 antibiotics which she refused to do. And I had been to  
12 several doctors' appointments with her and she just  
13 didn't want to take these antibiotics. And she just  
14 didn't like this doctor, either. So, I found her a  
15 different doctor and we finally found the right doctor  
16 that she liked because it was getting more and more  
17 difficult for her to breathe. And, so, I got oxygen in  
18 the home and that helped out a lot. And, so, I just  
19 kept trying to find the right doctor that could impress  
20 upon my mother that taking antibiotics wasn't that big  
21 of a deal because she thought it was going to make her  
22 really, really sick. And, so, we finally found the  
23 right doctor that she liked that was able to convince  
24 her just to give it a try which she did. And then come  
25 to find out she was able to eventually get off the

0036

1 oxygen.

2 Q. And the breathing problems and the dependence  
3 on the oxygen, did that sometimes make her less lucid  
4 than at other times?

5 A. Huh-uh.

6 Q. All right. So, you don't think she ever had  
7 any difficulty just with carrying out ordinary  
8 functions?

9 A. No.

10 Q. At some point in time you became concerned,  
11 didn't you, that in fact she was being made to sign some  
12 of these documents at -- by Candace Freed at times when  
13 she might not have been realizing what she was doing?

14 MS. FOLEY: Object to form.

15 A. No.

16 Q. (BY MS. BAYLESS) So, you never had that  
17 concern?

18 A. I didn't have any influence over my mother in  
19 that regards. And I may have questioned it. I  
20 really -- there were some things that I questioned, but  
21 once I realized that -- I did question. I questioned  
22 some of the changes. But since I wasn't at the meetings  
23 with Candace Freed and --

24 Q. Why did you question it?

25 MS. FOLEY: Objection, nonresponsive.

0037

1 Q. (BY MS. BAYLESS) Why did you question it?

2 MS. FOLEY: Objection, form.

3 A. Because I was never involved with any of the  
4 meetings prior. And...

5 Q. (BY MS. BAYLESS) Did you ever have a concern

6 that your mother did not understand the nature of the  
7 documents that she had signed?

8 A. No, because it's my understanding that someone  
9 at Vacek had to sit with my mother to make sure that she  
10 was understanding what she was signing.

11 Q. How did you -- how do you have that  
12 understanding?

13 A. Because I had to -- I took my mother one time  
14 to Vacek. There was one visit where I went with my  
15 mother to Vacek and they sat there with her and went  
16 over in great detail everything to make sure that she  
17 understood what she was signing and that she was okay  
18 with everything that she was signing. And that's when I  
19 realized that you don't just walk in there and just sign  
20 a bunch of documents. There's -- there must have been  
21 four or five people in the room. And she took great  
22 care to make sure that my mother really understood  
23 everything. And it's -- like I said, it wasn't just  
24 walking in a room and signing things. And I wasn't --  
25 because I had -- I think that this relationship with

0038

1 Vacek had been going on for, I don't know, since 1995.  
2 And I guess I realized I was starting to look at  
3 everything from a really emotionally charged point of  
4 view at the time because of everything that was going  
5 on. And there were just -- there was so much emotion  
6 tied to all of this. It was coming from my sister Candy  
7 who was angry. It was coming from Drina who was livid.  
8 It was coming from Amy. It was coming from Anita. It  
9 was coming from everywhere. And I just felt like it was  
10 all coming towards me. And I was trying to take all  
11 this information, but I was trying to logically sort  
12 through it all to determine also what was my mother  
13 thinking at the time and then I realized I wasn't in  
14 these meetings with my mother. I wasn't there. And,  
15 so, I was really trying to get my own feelings and  
16 emotions out of it as well as, you know, the anger and  
17 the hurt feelings by my other siblings. And I was  
18 trying to not take sides. But then at the same time  
19 because I was trying to make sure that everything was  
20 really fair, I wanted to make sure that I understood if  
21 anything had happened that I felt wasn't right, but I  
22 just never could find anything. I mean, I just --

23 Q. Okay. I don't even remember what I asked you.

24 A. Well, I mean, but, see, that's the thing is I  
25 was starting to get pulled into an area that I realized

0039

1 I couldn't fix. I couldn't fix this for everybody. I  
2 couldn't fix it for Drina. I couldn't fix it for Candy.  
3 I couldn't fix it for anybody.

4 Q. Well, you've said earlier that you didn't go  
5 with your mother to Vacek's firm and now you said you  
6 went to a meeting with her. What was the meeting that  
7 you went to?

8 A. That was when my mother was going to either --  
9 I'm trying to remember if that was -- that they were  
10 going to -- if they were going to talk to some changes,  
11 talk with Candace about some changes or sign some  
12 changes with some documents.

13 Q. Who else was in the meeting?

14 A. Candace Freed and then there was an older  
15 gentleman there and Tino. I think he went with us. And  
16 I don't know. There might have been one or two other  
17 people in the room.

18 Q. But you don't know what the meeting was about?

19 A. Well, it was -- we took my mother to -- it was  
20 to, I don't know, talk with Candace Freed about signing  
21 some documents or making a change or something like  
22 that.

23 Q. And did you do this because your mother asked  
24 you to or did you do it because Anita asked you to? Who  
25 asked you?

0040

1 A. No. I did it -- my mother asked me to drive  
2 her.

3 Q. Were you present when your mother signed the  
4 medical power of attorney to you?

5 A. No, I don't think so.

6 Q. So, you weren't there for the time when that  
7 was signed which was also the same date as this 8-25-10,  
8 the same date that the big change was made to the trust?

9 A. No, huh-uh. Because that was the day that she  
10 was supposed to be at M.D. Anderson.

11 Q. Okay. So, you're saying that you never had any  
12 concerns about Anita making your mother make changes  
13 that she wasn't wanting to make to these documents?

14 MS. MCCUTCHEN: Objection, form.

15 A. Yeah, I don't -- it was my understanding that  
16 because -- that what prompted this was the fact that my  
17 brother was so ill. And also my mother had been -- I  
18 think that she had been working with Vacek on, on the  
19 changes to the trust document as far as how it was  
20 impacted once my father died. And, so, from my  
21 recollection my mother maybe made a phone call to Vacek  
22 about the fact that my brother was so ill and talked  
23 with Candace Freed about that. And I'm just trying to  
24 recall from any conversations I had with my mother of  
25 that this is what Candace Freed recommended in a case

0041

1 like this with someone that was ill. And there was a  
2 medical -- it was a medical trust. And then if my  
3 brother recovered, that at any point in time she could  
4 make changes to put things back.

5 Q. (BY MS. BAYLESS) That's what your mother told  
6 you?

7 A. Uh-huh.

8 Q. And did she ever show you this medical trust  
9 for your brother?

10 A. No.

11 Q. Let's take just a second. I'm going to have  
12 the court reporter mark some things.

13 (Exhibit 1 marked.)

14 Q. (BY MS. BAYLESS) Okay. I'm going to show  
15 you -- well, first of all, you indicated on the  
16 document, your response to the document request that it  
17 was -- I believe you said it was burdensome to provide  
18 e-mails?

19 A. What do you mean by e-mails? Every e-mail I've  
20 had with my brothers and sisters? I'm not sure. It  
21 wasn't specific enough of what --

22 Q. So, you do have e-mails about the changes in  
23 the trust document?

24 A. But you didn't say that. You just said any  
25 Brunsting family matter. So, is that just for asking,

0042

1 hi, how are you doing or...

2 Q. Had you -- did you read the definitions in the  
3 document request?

4 A. Yeah.

5 Q. Okay. Well, it defined Brunsting matter.

6 A. And, so, anything that I could find that said  
7 anything about the trust, that I did provide. But as  
8 far as any changes -- again, no one ever asked me my  
9 opinion of -- my mother never said, Carole, what do you  
10 think I should do. What are your recommendations.  
11 Nobody asked me that. And that's why I'm not sure where  
12 people think I have any kind of power or say over  
13 anything that was done with this document.

14 Q. I'm going to show you what the court reporter  
15 marked as Exhibit 1. Can you review that document and  
16 see if you recall this e-mail exchange? So, do you  
17 recognize Exhibit 1?

18 A. Yeah, I wrote this.

19 Q. All right. And, so, if you look at page 2 of  
20 that in the e-mail that you sent to your sister on  
21 October 26th, 2010, you -- it's consistent with what  
22 you've been testifying today that you thought that what  
23 your mother intended to do was to make a change so that  
24 she placed Carl's money in a medical trust that she  
25 controlled, right?

0043

1 A. Uh-huh.

2 Q. That's what you've been talking about?

3 A. Uh-huh.

4 MS. FOLEY: Object to form.

5 Q. (BY MS. BAYLESS) Now, you also say that you  
6 are working on a timeline about how your mother had been  
7 pressured to make changes by your sister, sisters Anita  
8 and Amy, right?

9 A. Uh-huh.

10 Q. And you did -- you believe that occurred?

11 A. As time went on I didn't have any proof of it.

12 I mean, it was just -- like I said, this was a really  
13 emotional charged time with everything that was going  
14 on. And I felt like I didn't have any control over  
15 anything.

16 Q. All right. But you believe this to be true  
17 when you wrote it, right?

18 A. No. At the time I was trying to figure -- I  
19 was just really -- I was trying to figure out -- what  
20 was bothering me was the fact that my mother cancelled  
21 her appointment with M.D. Anderson and I was trying to  
22 figure out what would have caused her to do that.

23 Q. Well, you don't say anything about your mother  
24 cancelling her appointment with M.D. Anderson?

25 A. When I said that, I went over the events of

0044

1 what had happened and a timeline of what happened to  
2 make these changes.

3 Q. Look at the top of page 3. You say the closer  
4 Anita comes to taking control the comments to me have  
5 been, I'm assuming these are comments from Anita; is  
6 that right?

7 A. Uh-huh.

8 Q. Is that yes?

9 A. Yes.

10 Q. It is a good thing I am now trustee and not  
11 Carl because you can make more changes to the trust than  
12 you realize. So, Anita said that to you?

13 A. Yes.

14 Q. And that she was going to find a way to fold  
15 Carl's money back into the trust if Carl died before  
16 Trina did -- Drina did. Do you see that?

17 A. Uh-huh.

18 Q. Did she say that to you?

19 A. I don't remember her saying that, but if I  
20 typed it, I guess she did.

21 Q. Well, you were in a meeting, weren't you, where  
22 your mother was asked to sign a change that would have  
23 disinherited Carl's daughter?

24 A. Yeah, but my mother would have called in to  
25 make those changes, though.

0045

1 Q. Well, my question is you were in a meeting  
2 where your mother was going there and was given a  
3 document to sign that would have disinherited Carl's  
4 daughter, right?

5 A. It was that in the event that Carl pre-deceased  
6 my mother.

7 Q. His daughter wouldn't receive anything?

8 A. That's correct, everything would go back into  
9 the trust.

10 Q. And when that was explained to your mother, she  
11 refused to sign it, didn't she?

12 MS. MCCUTCHEN: Objection, form.

13 A. No.

14 Q. (BY MS. BAYLESS) Your mother signed that  
15 document?

16 A. No. She said she wanted to think about it.

17 Q. And you took that document with you when you  
18 left the meeting, didn't you?

19 A. No, I didn't. I told -- no -- that's when my  
20 sister Candy, I said that I didn't remember if we took  
21 that document home to my mother's or what happened to  
22 that document.

23 MS. BAYLESS: Mark that. What's the  
24 number?

25 THE COURT REPORTER: 10.

0046

1 (Exhibit 10 marked)

2 MS. FOLEY: By the way, we didn't get  
3 copies of all the stuff she produced. So, could you  
4 just attach the whole -- do you have like her whole  
5 production because we don't have it?

6 A. No. This is --

7 MS. BAYLESS: Hang on. Hang on. I haven't  
8 asked you a question.

9 MS. FOLEY: I'm thinking if you brought it  
10 all, you could just attach it all to the transcript.

11 MS. BAYLESS: Yeah. Well, I brought my  
12 copy that's marked up. I could e-mail it to you.

13 MS. FOLEY: Okay. That will be good.

14 MS. MCCUTCHEN: Could you Bates stamp it?

15 MS. BAYLESS: You're asking so much.

16 MS. MCCUTCHEN: Would you mind if you  
17 e-mailed it to us and my assistant Bates stamped it?

18 MS. BAYLESS: No. We can Bates stamp it.  
19 That's fine.

20 MS. MCCUTCHEN: She can do a pdf real  
21 easily.

22 MS. BAYLESS: Yeah, that's what we do.

23 That's fine. I just didn't bring an extra -- I brought  
24 a few things that are from it, but I didn't bring the  
25 whole thing. I didn't realize you didn't have it.

0047

1 Q. (BY MS. BAYLESS) Okay. Let me show you what's  
2 been marked as Exhibit 10. You have that in front of  
3 you?

4 A. Uh-huh.

5 Q. This is an e-mail from you to Drina, right?

6 A. This is what Drina wrote to me and I answered  
7 her back.

8 Q. Okay. But this e-mail is from you to Drina?

9 A. Yes.

10 Q. And Drina is Carl's husband -- Carl's wife,  
11 right?

12 A. That's correct.

13 Q. Wait a second. I may have given you the wrong  
14 one.

15 MS. BAYLESS: I gave you guys the wrong

16 one. You can keep it, but it's not Number 10. This is  
17 10.

18 MS. MCCUTCHEN: Thanks.

19 MS. BAYLESS: Did I give you guys two of  
20 that?

21 Q. (BY MS. BAYLESS) Let me see that just a  
22 second. Okay. So, in the e-mail to you from Drina she  
23 asks whether you can give her a copy of the document.  
24 You had told her about the document, right?

25 A. Yes. I told her that when I took mother to  
0048

1 the, to the -- to Vacek.

2 Q. That she had been asked to sign a document?

3 A. No, she hadn't been asked. My mother called in  
4 and made these changes to these -- to the trust.

5 Q. Well, how do you know that?

6 A. Because she told me she did.

7 Q. Your mother told you that she made changes to  
8 the trust herself and you were going to sign those?

9 A. My mother -- because I'm trying to think why I  
10 took my mother and it's because her doctor was in that  
11 very same area and we had an appointment over there  
12 anyway. And, so, I went with my mother to go to Vacek  
13 because she was going to sign some changes that she made  
14 to the trust document.

15 Q. All right. And did she tell you what those  
16 changes were before you went there?

17 A. Yeah, we had discussed it.

18 Q. What did she tell you those changes were?

19 A. Was -- that the concern at the time was  
20 everybody in the family was worried about what was going  
21 to happen to my brother. And because my brother had  
22 been staying with my mother at the time and just because  
23 of everything that my mother was aware of and everything  
24 that she was hearing, she was getting concerned that --  
25 I guess just given Drina's behavior, that she apparently

0049

1 had called and talked with Vacek about making some  
2 changes that in the event that Carl pre-deceased her,  
3 that the money would go back into the trust.

4 Q. So, did she say to you that she wanted to be  
5 certain that Marta, Carl's daughter, didn't receive  
6 anything?

7 A. She never specifically said that to me, no.

8 Q. And, in fact, that's not what she was intending  
9 with the changes, was it?

10 MS. FOLEY: Objection, form.

11 A. I don't know. I mean, I don't know. I don't  
12 know. Because the thing that you're leaving out was the  
13 fact that -- the fact -- the thing that you're leaving  
14 out in this is Drina's behavior.

15 Q. (BY MS. BAYLESS) Well, my question to you has  
16 to do with the changes that your mother wanted to make?

17 A. But as far as the changes that my mother wanted



18 to make and whatever changes she called in to Vacek,  
19 those were here -- that was her decision, not mine.

20 Q. And you -- and, so, what you know about that  
21 you know from your conversation with her?

22 A. Yes.

23 Q. You weren't involved in the conversation with  
24 Vacek, right?

25 A. Was I involved with the conversation with

0050

1 Vacek, no.

2 Q. Okay.

3 A. No.

4 Q. So --

5 A. I took my mother to an appointment there at  
6 Vacek and then they went over everything with her again  
7 and --

8 Q. And that's when she said she didn't want to  
9 sign it?

10 MS. FOLEY: Objection, form.

11 A. She said that she wanted to think about it.

12 Q. (BY MS. BAYLESS) All right. And, so, she  
13 didn't sign it?

14 A. She didn't sign it.

15 Q. And as far as you know, she never signed it,  
16 did she?

17 A. Not as far as I'm aware of, no.

18 Q. Did you have any conversations with anybody in  
19 Vacek's office at any time about any of this separately  
20 from your mother?

21 A. No.

22 Q. Okay. Now, at some point in October of 2010 a  
23 conference call was arranged by Vacek's office?

24 A. Uh-huh.

25 Q. Was that before or after this meeting that you

0051

1 took your mother to?

2 A. It was before.

3 Q. Okay. And do you -- did you participate in the  
4 conference call once it finally happened?

5 A. Briefly.

6 Q. Who else participated in the conference call?

7 A. Candy, Amy, Anita and myself.

8 Q. So, your mother didn't participate?

9 A. No.

10 Q. Do you know why that is?

11 A. I have no idea. In fact, that's why I didn't  
12 want to participate because I couldn't figure out what  
13 the point of the call was. And first my mother was  
14 going to be on and then she wasn't going to be on.  
15 Because it was never made clear what this conversation  
16 was about.

17 Q. Did you ask what it was about?

18 A. I did. I think you have it in the e-mail.

19 Q. Okay. And did you at some point talk to your

20 mother about this conference call?

21 A. No, because I asked Vacek what it was about.

22 Q. Was he in the conference call?

23 A. Or Freed, no, Candace Freed. I always think  
24 her last name is Vacek.

25 Q. Okay. You asked her?

0052

1 A. I asked Candace Freed -- I wasn't getting  
2 anywhere with Summer and, so, that's I think when  
3 Candace Freed sent the e-mail saying it was to discuss  
4 changes or something like that.

5 Q. When you were on the call itself, did you ask  
6 what the call was about?

7 A. No.

8 MS. BAYLESS: Okay. Let's mark this.

9 (Exhibit 11 marked.)

10 MS. BAYLESS: So, this is going to be 11.

11 Q. (BY MS. BAYLESS) Okay. You're looking now at  
12 what's been marked as Exhibit 11 and that is the -- a  
13 copy of the e-mails that you produced that you marked  
14 with the 16A down at the bottom that relate to this  
15 conference call. So, you first started hearing about  
16 this on October 13th; is that right?

17 A. Right.

18 Q. That's the first e-mail about it?

19 A. Uh-huh.

20 Q. And did you ever -- after you learned that this  
21 was being set up, did you ever talk with your mother  
22 about whether she was going to be participating?

23 A. I don't remember if I did or not.

24 Q. Or what it was about or anything?

25 A. (Witness nods head.)

0053

1 Q. Is that a no?

2 A. No.

3 Q. Now, I notice if you go over to -- there  
4 were -- this thing you alluded to before where you were  
5 wanting to know what it was about, if you look on the  
6 second page of these e-mails, Summer Peoples, I assume  
7 that's somebody who works for Candace Freed?

8 A. Uh-huh.

9 Q. Said that the meeting is to discuss changes to  
10 your mother's trust?

11 A. Uh-huh.

12 Q. And that if you don't participate, you won't  
13 have anything to say about the changes that will be  
14 made?

15 A. Right.

16 Q. And did you ever inquire what impact you could  
17 have on the changes that were going to be made?

18 A. Yes, I did. I spoke with Candace Freed about  
19 it.

20 Q. On the phone?

21 A. Yes.

22 Q. All right. Before this conference call? So,  
23 in a separate telephone conference?

24 A. Uh-huh.

25 Q. And what -- tell us what you said to her and  
0054

1 what she said to you.

2 A. Well, I really -- I mean, like I said, at the  
3 time it was just a phone call. So, I'm not really sure  
4 if I remember everything about it or not. I was just  
5 trying to figure out was there any point in me being on  
6 this call or not. What power did I have and basically  
7 it was just a formality in my -- in my opinion that's  
8 what I was left with, it was just a formality.

9 Q. Did she say what changes they were talking  
10 about?

11 A. It was to transition -- because my mother  
12 wanted to resign as trustee.

13 Q. Had your mother told you that?

14 A. Yeah, she was really sick and tired of being  
15 badgered by everybody.

16 Q. Who was badgering her?

17 A. Drina, Candy. Just -- she just felt like  
18 she -- she was just kind of -- she just didn't want to  
19 have to deal with it anymore.

20 Q. Okay. So, did you talk with Anita about her  
21 wanting to resign as trustee?

22 A. No.

23 Q. Did she tell you that she wanted Anita to take  
24 over as trustee?

25 A. I think my mother was really okay with Anita  
0055

1 taking over as trustee. She was comfortable. She -- my  
2 mother held Anita in high regard, in other words. She  
3 always did because Anita did -- Anita was very close to  
4 my parents and they had great, they had great respect  
5 for her. And like I said, she -- I think that as far as  
6 I know, that she was always involved with her on the  
7 trust in some way. So, I know that they held her in  
8 high regard as far as that went.

9 Q. Okay. But, so, did your mother tell you  
10 that -- I'm sorry, did you talk with Anita about the  
11 fact that she was going to be taking over as trustee?

12 A. Yeah, we talked about it.

13 Q. Before she actually -- before your mother  
14 actually resigned?

15 A. Yeah.

16 Q. And, so, you didn't have any problem with that,  
17 either?

18 A. I didn't have a problem with Anita taking over.  
19 My problem was Amy being co-trustee.

20 Q. And why would that be a problem?

21 A. Because I told Anita that she wasn't thick-  
22 skinned enough. And that -- I felt that they really --  
23 I had friends that had been trustees before and that it

24 wasn't a job she should take lightly. And I just felt  
25 between the two of them neither of them had enough  
0056

1 accounting skills to know exactly what was involved in  
2 being a trustee.

3 Q. Neither Anita or Amy?

4 A. I didn't understand that combination.

5 Q. Okay. Because they didn't have accounting  
6 skills or because --

7 A. I just felt that neither one of them had a  
8 business background at all.

9 Q. So --

10 A. That was my personal opinion. My personal  
11 opinion was I was looking at it from a completely  
12 selfish point of view of they were going to start making  
13 all the decisions going forward. And like I said, I  
14 didn't necessary have a problem with Anita. I really  
15 didn't have a problem with Anita. It was the fact that  
16 my problem was with Amy.

17 Q. Did you talk with your mother about that?

18 A. Yeah, I did.

19 Q. And what was her response?

20 A. She said, well, do you want me to put you on  
21 there? And I said I just didn't want -- I didn't know  
22 how this was going to impede my ability to take care of  
23 my mother because I was the one in Houston. And at the  
24 time I didn't know what that meant. If my mother is  
25 giving over all the financial control, then how are her  
0057

1 bills going to be paid, how are things going to be done,  
2 how are decisions going to be made.

3 Q. But by this time you already had the account  
4 that you signed on?

5 A. No, I did not.

6 Q. You didn't have it by then?

7 A. No.

8 Q. Okay. So, is that part maybe of why that  
9 account got set up because of your concerns about that?

10 A. Possibly.

11 Q. So, this conference call happened in October of  
12 2010 and it was -- your understanding was it was to be  
13 about your mother resigning as trustee?

14 A. Yes.

15 Q. And is that what it ended up being about?

16 A. From what I can recall, it was just Candace  
17 Freed saying that as you know your mother is going to  
18 resign and that Anita was going to be taking over and  
19 does anybody have any concerns. And my only concern was  
20 that I wanted to make sure that my brother was taken  
21 care of and that if my mother -- I just wanted to make  
22 sure that my -- I wanted to make sure that my brother  
23 was taken care of and that if money was needed to help  
24 him as far as the caregivers and things like that, that  
25 that was available.

0058

1 Q. Did you bring that up in the conference call?

2 A. Yes, I did.

3 Q. And what was said?

4 A. That the only thing that I remember was Amy  
5 saying that, well, Drina needs to just get a job to help  
6 support Carl.

7 Q. Okay.

8 A. And, you know, that she needed to consider  
9 going back to work and that we couldn't expect mother to  
10 take care of them, not take care of all of their  
11 financial needs.

12 Q. And this was Amy that said this?

13 A. Yes. That's the only one I remember was...

14 Q. And as I understand it, no member of Carl's  
15 family, his immediate family like Drina or his daughter  
16 was invited to participate in this conference call. Is  
17 that your understanding?

18 A. Yes.

19 Q. Do you know why that is?

20 A. No. I asked. I mean, later I -- that, that  
21 bothered me that -- I asked about it and what I was told  
22 was that because Carl couldn't participate he wasn't  
23 invited. But, again, this is -- this was just something  
24 I was invited to be on. So, I didn't have control over  
25 any of this. And this is where I just feel like -- I

0059

1 felt like everybody that was unhappy was trying to push  
2 the control, push everything to me. Carole, fix it, fix  
3 it, fix it, fix it, fix it, fix it, fix it. And, so,  
4 the thing is where I was just begging anybody to come  
5 and please help me, no one would. And -- but I'm just  
6 somebody that tries to fix everything, so...

7 Q. Now, why did you think this conference call was  
8 a tool to ask you to fix things?

9 A. Because originally we thought that maybe this  
10 conference call was going to be really the ability to be  
11 able to discuss things but then we realized it was  
12 really nothing more than just a formality of Anita is  
13 taking over as trustee and that's what's going to  
14 happen. Does anybody have any concerns. And, so,  
15 that's when I realized this is all this was and it was  
16 really just a complete waste of my time.

17 Q. And, so, you left the call before it was  
18 finished?

19 A. I hung up, yeah.

20 Q. And that was because of what you just said, you  
21 thought it was a waste of time?

22 A. No. It was because, because I was the one who  
23 was here with my brother and I was the one that saw him  
24 everyday. I just wanted to make sure that he always had  
25 a caregiver with him.

0060

1 Q. So, you didn't think his interests were being

2 considered in this conference call. Is that a fair  
3 statement?

4 A. Yes.

5 Q. And that bothered you?

6 A. Yes.

7 Q. And it didn't seem to bother anyone else on the  
8 call?

9 MS. FOLEY: Objection, form.

10 A. I don't know.

11 Q. (BY MS. BAYLESS) Did anybody else express  
12 concern about that other than you in the call?

13 A. Candy said she did, but by then I was off the  
14 call.

15 Q. She told you later that she did?

16 A. Yeah.

17 Q. Now, after that call at some point in time you  
18 even thought in terms of hiring an attorney to look into  
19 the problems, right?

20 A. No. I was just -- Candy and Drina were so  
21 upset by the changes made and they wouldn't drop it.  
22 They just kept on and kept on and kept on and kept on.  
23 And, so, a friend of mine works for a law firm and I  
24 sent him the documents. He reviewed them and he said  
25 everything looks fine to me what's been done. He said I

0061

1 don't see that anything -- I don't see any problems  
2 here.

3 Q. Now, at that point in time Candy and Drina  
4 didn't even know about all these changes that had been  
5 made in August, right?

6 A. They must have.

7 Q. Why do you say that?

8 A. Because by the time we had this call in August  
9 or in -- by the time this call took place --

10 Q. This call took place in October?

11 A. Uh-huh.

12 Q. And the document that made the changes in the  
13 way in which the trust was set up was August 25th?

14 A. Right.

15 Q. So, at the time you had this conference call  
16 did you know about all the changes that had been made in  
17 August?

18 A. I don't remember.

19 Q. So, you don't know whether they had --

20 A. I'm assuming they had because -- god, Candy  
21 went over these documents so many times that you'd think  
22 I'd have it memorized by now. But I don't remember.

23 Q. You don't remember when that happened?

24 A. Huh-uh.

25 Q. Do you remember how you learned about that

0062

1 document itself, the August document?

2 A. My mother explained that she had spoken with  
3 Candace Freed and that Candace had recommended that when

4 somebody is like in Carl's situation, that she  
5 recommended this medical trust. And that way he would  
6 always have money to be taken care of for the rest of  
7 his life in the event that he didn't fully recover. And  
8 then as far as Candy, I don't know if she ever really  
9 mentioned that one or not. Most of the concern at the  
10 time was really my brother.

11 (Exhibit 2 marked)

12 Q. (BY MS. BAYLESS) Okay. I show you what's been  
13 marked Exhibit 2. Now, you said you talked to an  
14 attorney and he said everything was fine and you didn't  
15 have any real problems with it, right?

16 A. I didn't pay him. He just did this -- it was a  
17 cursory check for free.

18 Q. All right. So, looking at this e-mail, this is  
19 an e-mail that you sent to Candy, your sister, on  
20 October 28th, right?

21 A. Uh-huh.

22 Q. And there are some -- it's an e-mail string  
23 actually, but the last one is October 28th. And you say  
24 that this attorney called you --

25 A. Oh, wait. This is --

0063

1 Q. -- and said Anita had no right to remove Carl  
2 as trustee, right?

3 A. I'm trying to think because I went on-line -- I  
4 went on-line to try and find an attorney and I think  
5 there was that attorney that I spoke with. But then,  
6 like I said, then later I went to a friend of mine that  
7 worked for a law firm that actually did this for a  
8 living.

9 Q. Okay. Well, the point is here you are -- you  
10 seem to be excited about an attorney having told you  
11 that what Anita had -- it's based on what Anita had  
12 done, not your mother, but Anita, that it was something  
13 that had been done improperly, right?

14 A. Uh-huh.

15 Q. Now, if you go back to page 3 of the document,  
16 there is another e-mail that you sent -- well, there are  
17 actually two e-mails, the first one being at the very  
18 bottom of page 3 where you talk about situations that  
19 cause you to question the competency of a family member.  
20 You see that?

21 A. Uh-huh.

22 Q. When an elderly person suddenly changes a will  
23 or trust in a manner that is significantly different  
24 from all previous wills or trusts which could result in  
25 will litigation if not appropriately handled during the

0064

1 elder's life, so, did you believe that applied to this  
2 situation?

3 A. After talking with Candy, I started to question  
4 if maybe I was just being gullible or what because, like  
5 I said, I was trying to look at both sides of

6 everything. And...

7 Q. Okay. And then it goes on to talk about a  
8 family member has suspicion that the elderly person is  
9 being unduly influenced by others and you say  
10 specifically that Anita is unduly influencing mother and  
11 now Amy has piled on. Mother never would have made  
12 these changes on her own. They were -- this was all  
13 done by the hand of Anita who put herself in charge of  
14 everything. So, that was based upon what you had seen?  
15 That was your feeling at the time?

16 A. I mean, yeah, at the time it probably was.

17 Q. Okay. Then if you go to page 3 again, the  
18 e-mail above that that is again from you to Candy talks  
19 about motives for having a family member declared  
20 incompetent. And you say in the last paragraph of that,  
21 she was temporarily incompetent when she was low on  
22 oxygen and if they made her walk to Candace's office, I  
23 know for a fact her levels were low because Dr. White  
24 joked about it. What are you referring to there?

25 A. I don't even remember this.

0065

1 Q. She did not understand what she was signing  
2 because she was too short of breath and I can prove  
3 that?

4 A. I don't know. Again, this was all just -- part  
5 of this was just me being mad.

6 Q. Well, I understand. I'm just trying to find  
7 out --

8 A. You know, I'm just being mad. This is just a  
9 bunch of family crap going back and forth. So...

10 Q. Well, okay. So, when you said she did not  
11 understand what she was signing because she was too  
12 short of breath and I can prove that, do you have proof  
13 of that or not?

14 A. No.

15 Q. What -- do you know what you were thinking at  
16 the time you wrote it that you had that you can prove  
17 it? Did it have something to do with Tino?

18 A. I don't know. I'm just trying to think back  
19 that far. I don't think I wrote this.

20 Q. Okay. Which one?

21 A. This.

22 Q. You'll have to tell me what this is.

23 A. On page 3 of 4.

24 Q. Okay. What part do you think you didn't write?

25 A. This last part.

0066

1 Q. Okay. This last -- you have to define what  
2 this last part is. Tell me which e-mail we're talking  
3 about and which paragraph. Or are we talking about the  
4 whole paragraph?

5 A. I mean, I don't know. I'd have to go back and  
6 see if I even still have this or not.

7 Q. So, is there some procedure that you have where



8 you can go and find out if this is --

9 A. Yeah, because like I said...

10 Q. What makes you think you didn't write it?

11 A. Because I wouldn't have typed that Candace has  
12 to know that she F-asterisk-asterisk-asterisk-E-D up.

13 Q. Okay. You just think that's something you've  
14 never written?

15 A. Not that I recall.

16 Q. Well, you know we can get these documents  
17 directly from the Internet service provider if we need  
18 to to verify this information. What do -- what would  
19 you do to verify whether this is actually an e-mail from  
20 you?

21 A. I'd have to see if I still even have this  
22 e-mail.

23 Q. Okay. Well, what we'll do is we will leave a  
24 line in the deposition and when you read it, you can  
25 write in whether you verified this e-mail or whether you

0067

1 couldn't locate this e-mail. Okay? Can we have that  
2 agreement? Are you listening to me?

3

4 A. I am. But I'm just reading this part of this  
5 doesn't even appear like it's my writing style. So,  
6 that's why I'm kind of questioning parts of this  
7 document.

8 Q. Okay. Well, we will have the court reporter  
9 make a copy of this Exhibit 2 for you when you leave  
10 today.

11 A. I tend to not write in bold like that. So, and  
12 maybe I just don't remember it. I don't -- I may not  
13 remember it.

14 Q. Okay. We will have a copy of this made for you  
15 and you can take it with you and see if you can verify  
16 that. And then when you have the transcript of the  
17 deposition, you need to tell us whether this is -- you  
18 have been able to determine that you wrote this e-mail  
19 or whether you couldn't determine that you wrote the  
20 e-mail.

21 A. Right.

22 Q. Okay? And is there anything else about this  
23 document that you don't think you might have written  
24 when it's attributed to an e-mail from you?

25 A. Like I said, I mean, I just -- maybe I wrote

0068

1 this, but I just don't remember because, like I said,  
2 part of this just doesn't appear to be my writing style.

3 Q. All right. On the first page where it says,  
4 the last paragraph, look at the last paragraph, so I  
5 think the real issue may be that Anita went about  
6 removing Carl while he was only ill and still alive and  
7 she knew that was not necessary but wanted to make the  
8 changes while he could do nothing about it?

9 A. I don't think that I wrote that.

10 Q. You don't think you wrote that, either?

11 A. No.

12 Q. All right. Well, we'll put Exhibit 2 aside and  
13 you can research that for us. It's certainly not one  
14 that you provided, but then you didn't provide Exhibit  
15 1, either. You haven't provided any of these e-mails,  
16 but that's because you weren't sure what e-mails I was  
17 asking for?

18 A. Right.

19 Q. Okay. So, now that you understand that I'm  
20 asking for any e-mail communications that might have  
21 related to these changes in the trust, can you go  
22 back -- do you have e-mails that you can go back and  
23 review and provide?

24 A. I can see what I have. I mean, I have -- I'll  
25 have to see what I still have.

0069

1 Q. Okay. Have you had the same e-mail address  
2 during this entire time period?

3 A. Yes.

4 Q. Okay. So, this cbrunsting@sbcglobal.net?

5 A. Uh-huh.

6 Q. That's been your e-mail address the whole time?

7 A. Uh-huh. Yes.

8 (Exhibit 3 marked)

9 Q. (BY MS. BAYLESS) Okay. Let me show you what's  
10 been marked as Exhibit, Exhibit 3.

11 MS. FOLEY: So, where are these other  
12 documents coming from if they didn't come from her?

13 MS. BAYLESS: They're coming from me.

14 MS. MCCUTCHEN: What number was this?

15 MS. BAYLESS: This is 3.

16 Q. (BY MS. BAYLESS) Now, at some point in time --  
17 before we talk about Exhibit 3, at some point in time  
18 you had access to your mother's e-mail account, right?

19 A. Just briefly.

20 Q. Okay. And you copied your mother's e-mail  
21 account, her sent and her received documents?

22 A. Uh-huh.

23 Q. And you shared those with Candy, didn't you?

24 A. Candy was the one that told me how to get them.

25 Q. Okay. So, you took whatever steps, you put

0070

1 them -- did you put them on a CD or a flash drive?

2 A. No. I just copied the ones that I -- I was  
3 just wanting some of my relatives' e-mail addresses.

4 Q. Okay. Well, so, but you copied e-mails that  
5 actually were received by your mother and sent by your  
6 mother, right?

7 A. Well, no, because Candy showed me how to log in  
8 so that I could copy it all over. But once I got  
9 everything I needed, I mean, I didn't keep everything.  
10 I just got what --

11 Q. Okay. But you gave it to Candy, right?

12 A. Oh, as Candy was walking me through the steps  
13 to do it, I went ahead and gave her all the information  
14 at the same time so that she could go ahead and just --  
15 that's when she went ahead and copied everything as  
16 well.

17 Q. Okay. And how was that done? Was that put on  
18 a CD or was that -- do you remember?

19 A. I don't know. I just -- Candy showed me how to  
20 do it and all of a sudden everything got copied over.  
21 But like I said, I didn't -- I got what I wanted and I  
22 was done.

23 Q. Okay. And these e-mails that we've been  
24 reviewing, these Exhibits 1, 2 and there are some others  
25 here, 3, these are e-mail exchanges that you had with

0071

1 Candy?

2 A. What are?

3 Q. These documents that we've been looking at?

4 A. Oh, these, yeah.

5 Q. Okay. And you recall having these e-mails --  
6 having e-mail exchanges with Candy about these changes  
7 after that conference call, right?

8 A. Yes.

9 Q. You just don't know for sure if some of this  
10 content you remember?

11 A. Right. Some of this content I don't remember.

12 Q. All right. Look at Exhibit 3. The first  
13 paragraph, this is an e-mail again from you to Candy and  
14 it says -- this is about the last sentence of the first  
15 paragraph, says this is about Anita and her sick desire  
16 to control all, right?

17 A. Uh-huh.

18 Q. And did -- at that time after that conference  
19 call did you think that Anita was trying to control the  
20 situation?

21 A. Anita was making comments that were making me  
22 nervous. And, again, I'll go back to the fact that this  
23 is what I didn't understand. You didn't ask me that  
24 question, so I won't answer that.

25 Q. I'm sorry? What did you just -- I'm sorry?

0072

1 What things were -- what was Anita saying that was  
2 making you nervous?

3 A. The things that made me nervous personally were  
4 that she was questioning the investments being made by  
5 Edward Jones and that she wasn't really confident with  
6 what they were doing. And the thing that was making me  
7 really nervous as well was that back in 2006 -- I'm  
8 sorry, not 2006. I'm sorry. In 2009 after my father  
9 died Carl wanted my mother to sell the farm and  
10 distribute my father's side of the inheritance and --  
11 because I knew my brother really needed money. And I  
12 felt it was a big mistake to sell the family farm  
13 because it was real estate and it was going to continue

14 to go up in value and I knew my mother was making income  
15 off of it. And, so, my brother was trying to solicit  
16 help in getting my mother to sell the farm. So, he was  
17 really putting a lot of pressure on my mom to sell the  
18 farm. I mean, really putting a lot of pressure on her.  
19 And he asked me how I felt about it and I said it was a  
20 big mistake. And we -- he knew how I felt about that.  
21 I didn't want to sell the family farm. And but he  
22 talked to Anita about it and Anita agreed with him that  
23 it was time to sell the farm. And, so, they both tried  
24 to influence my mother to sell that farm. And I knew  
25 that they -- I felt like they had just about pushed my

0073

1 mother to the point of where she was going to agree with  
2 them to do it. And that was a bit distressing to me  
3 because that farm had been in the family over a hundred  
4 years and I knew how my father felt about it. But it  
5 also bothered me that my brother was trying to force my  
6 mother into distributing my dad's side of the  
7 inheritance and that would mean selling the family farm  
8 and distributing it. And, so, I finally -- I let them  
9 both know how I didn't agree with them, but nobody  
10 really cared how I felt. And, so, they both kind of  
11 just kept trying to get my mother to sell it, sell it,  
12 sell it. And my mother was kind of going down the path.  
13 And one day I went over there and I asked her, I said,  
14 mother, do you want to sell the farm? And she said, no,  
15 I don't. And I said, well, then don't and, so, she  
16 didn't. Well, because Anita had been let's sell the  
17 farm and because I felt like pretty much the rest of the  
18 family, Amy, Anita, Carl and Candy, they were in more of  
19 a position to where they really needed cash, all of  
20 them, I felt like that was going to cause -- it didn't  
21 matter who was on the trust. It really didn't matter.  
22 And that was the reason I wanted to be on there was  
23 because I felt like I didn't want people on that trust  
24 that were making decisions because they were trying to  
25 get cash in their pocket as quickly as they could. It

0074

1 really needed to be somebody that was going to be  
2 logical and making the best decisions financially and  
3 not based on the fact that you need the money to put  
4 your kids through college, remodel your house, give your  
5 daughter money to buy a house or just whatever. So, it  
6 concerned me that we now had Amy and Anita both on there  
7 and I felt that they both, too, were in a position where  
8 they're going to have to put their kids through college  
9 and that they were both going to just say we need to  
10 sell this farm and, once again, I had no say in it.  
11 Well, it was my inheritance as well. So, that's -- that  
12 was my concern.

13 Q. So, you're saying you wanted to be a trustee?  
14 Is that what you're saying now?

15 A. I felt it would have been wise to put me on

16 there, yes.

17 Q. Okay. So, when you said you didn't want to  
18 have anything to do with the financial stuff as we -- as  
19 you said in the rest of this deposition, that's just not  
20 true? You wanted to be on the trust?

21 A. Only if my parents put me on there.

22 Q. Okay. But, so, you weren't trying to avoid  
23 being involved in the trust; you actually wanted to be  
24 on the trust?

25 A. If my parents -- if my parents would have put

0075

1 me on there, I would have been involved on the trust,  
2 yes.

3 Q. And you thought it would be better to have you  
4 on the trust than Amy and Anita?

5 A. No. Having Amy -- having Anita on the trust  
6 but I would have liked to have been on the trust because  
7 I'm the one with the accounting background because the  
8 further we got into this from about 2009 on, that's when  
9 I became more aware of the financial situations of my  
10 siblings.

11 THE VIDEOGRAPHER: Five minutes on tape,  
12 ma'am.

13 Q. (BY MS. BAYLESS) All right. Look at page 2 of  
14 Exhibit 3. You see in the middle of the page there  
15 where it says it's an e-mail from you to Candy?

16 A. Uh-huh.

17 Q. And it says the more I think about this the  
18 whole key is Carl?

19 A. Uh-huh.

20 Q. When I was listening to mother's call with  
21 Candace, mother told Candace that Carl was trustee, not  
22 Anita and was not following the changes Candace was  
23 telling her she had made to have Carl removed. You see  
24 that?

25 A. I don't remember that.

0076

1 Q. Well, so, you -- did you overhear a telephone  
2 conference that your mother had with Candace Freed?

3 A. Yeah, I did. And that was the phone call when  
4 I told Candace that I was on the phone and I remember  
5 expressing to her my concern of the changes that were  
6 going to be made. And if all the power was taken away  
7 from my mother, then how were her bills going to be paid  
8 and things like that.

9 Q. Okay. So, in that conversation that you --  
10 where you heard your mother's end of it, she didn't seem  
11 to understand that Carl had been removed as trustee?

12 MS. FOLEY: Objection.

13 A. I don't remember that part.

14 Q. (BY MS. BAYLESS) All right. Do you have some  
15 reason to believe this is not an e-mail from you?

16 A. I mean, I may have said this, but this I don't  
17 remember. I just don't remember it.

18 Q. As we sit here today?  
19 A. I don't remember this, no.  
20 Q. You say legally I wonder if what Candace did  
21 was right without consulting Carl or his power of  
22 attorney since Carl has always been present at all  
23 meetings. Do you remember saying that?  
24 A. No. Because, again, this -- no, I don't  
25 remember that, either.

0077

1 Q. Okay. Do you remember ever having any concerns  
2 about all this having been done behind Carl's back?

3 A. The opinion that I expressed was -- I was just  
4 questioning why this was -- but this was just me  
5 wondering, too. I mean, this is just me wondering out  
6 loud. And I wasn't present at these meetings and all  
7 this. And it's just in my own personal opinion I didn't  
8 know if Candace ever verified my brother's illness or  
9 anything like that. That was just me thinking out loud  
10 at the time.

11 (Exhibit 4 marked)

12 Q. (BY MS. BAYLESS) Let me show you Exhibit 4.

13 MS. FOLEY: Where did this one come from?

14 MS. BAYLESS: This is from me. And when I  
15 say me, it's from Candy.

16 MS. FOLEY: Okay.

17 MS. MCCUTCHEN: Do you represent Candy?

18 MS. BAYLESS: No. I accept information  
19 from anybody who will give it to me.

20 Q. (BY MS. BAYLESS) All right. Looking at  
21 Exhibit 4, this is another e-mail string between you and  
22 Candy. And you say in the second paragraph of your  
23 e-mail on the first page, I do think that Candace and  
24 Amy broke some laws and, yes, I think Anita is trying to  
25 cover up that the hundred thousand comes out of her

0078

1 inheritance. And I will keep digging through paperwork  
2 this weekend until I find the agreement that spells that  
3 out?

4 A. I don't know what that is.

5 Q. Do you recall --

6 A. I don't know what hundred thousand this is.

7 Q. Okay. You don't recall a hundred thousand  
8 being given to Amy or Anita?

9 A. Oh, if it's the hundred thousand that daddy  
10 gave her for her house.

11 Q. Well, I don't know. Do you recall that?

12 A. I don't know. I'm just...

13 Q. Do you recall somebody being given a hundred  
14 thousand?

15 A. Anita was given a hundred thousand dollars when  
16 she got divorced.

17 MS. BAYLESS: Okay. We need to change the  
18 tape.

19 THE VIDEOGRAPHER: 11:38, we're off the

20 record.

21 (Break taken from 11:38 a.m. to 11:51 a.m.)

22 THE VIDEOGRAPHER: This is the beginning of  
23 tape number 2 to the deposition of Carole Brunsting.

24 The time is 11:51, we're on the record.

25 (Exhibit 12 marked)

0079

1 Q. (BY MS. BAYLESS) Okay. You've been handed  
2 what's been marked Exhibit 12. We were talking right  
3 before the break about the second paragraph of Exhibit 4  
4 which talks about the hundred thousand dollars. The  
5 comment in the e-mail from you to Candace which says  
6 I think Anita is trying to cover up the hundred  
7 thousand -- that the hundred thousand comes out of her  
8 inheritance. Okay? So, if you look at Exhibit 12, this  
9 is from the accounting that Anita and Amy provided which  
10 has -- this is Schedule F from that accounting and it's  
11 supposed to be amounts that were paid to the various  
12 children. Included in that is amounts paid to Anita and  
13 I don't see anything in here about -- do you see  
14 anything in this schedule about a hundred thousand  
15 dollars being paid to Anita.

16 A. I don't know. I've never seen this schedule.

17 Q. You didn't get a copy?

18 A. I never opened it.

19 Q. All right. Well, this is Exhibit F from that  
20 accounting that was e-mailed to everyone. So, you  
21 believe that a hundred thousand dollars was paid to  
22 Anita?

23 A. I know that when my sister Anita got divorced  
24 from her husband Vance Riley, my father was so concerned  
25 about my sister Anita and her two children, Katie and

0080

1 Luke, that he paid off her home.

2 Q. And that was about a hundred thousand?

3 A. Yes.

4 Q. Do you recall when that was? Your father was  
5 still alive, obviously?

6 A. I don't know. I don't remember the year. Luke  
7 was five.

8 Q. Okay. So, do you know any reason why Anita  
9 wouldn't have put that amount on this list as something  
10 that was paid when your mother and father were trustees?

11 A. No.

12 Q. You know for sure that was paid, though?

13 A. My father told us all that he was going to do  
14 that because he never wanted her to be without a home.

15 Q. So, do you recall having some recollection of  
16 that in October of 2010, that that might have been some  
17 motivation for why Anita --

18 A. That's why this makes no sense to me because  
19 that was never considered an inheritance.

20 Q. What was it considered?

21 A. That my father was making sure that my sister

22 always had a home.

23 Q. So, do you know whether he considered it a gift  
24 or a loan or what?

25 A. A gift.

0081

1 Q. Okay. That's something that your father said  
2 to you?

3 A. Well, he told us all that he was paying off her  
4 home.

5 Q. So, you just presumed that was as a gift?

6 A. That's how my father was. He would just do  
7 things spontaneously like that. If somebody -- but this  
8 one he told us about. He let us know, he said this is  
9 happening to Anita, I feel very strongly and he wanted  
10 to make sure that her -- that she and her children  
11 always had a home to live in.

12 Q. Did your father give Anita so much money that  
13 she wouldn't remember a hundred thousand dollars?

14 A. I don't know that he gave it to her. I don't  
15 know how it all -- I don't know how that transaction  
16 worked.

17 Q. Okay. But a hundred thousand dollar payment  
18 from your father would seem significant to me. Do you  
19 know of any reason why Anita wouldn't be remembering  
20 that?

21 A. No.

22 Q. Okay. If you look at page 2, you have received  
23 an e-mail from an attorney, I guess, Kevin Prendergast,  
24 is that an attorney?

25 A. Yeah, this was just somebody I found on-line.

0082

1 Yeah, because Candy wouldn't drop this. And, so, she  
2 didn't have the money to spend on an attorney, so I went  
3 on-line and I found this guy just to see if he could be  
4 of some help. And then later on I realized that this  
5 guy was just somebody that was just wanting to -- he was  
6 just a fly-by-night attorney and I realized that I  
7 couldn't put a grain of salt into anything that this  
8 person was telling me.

9 Q. And how did you come to realize that?

10 A. Because that's when I was talking to a friend  
11 of mine and she said, Carole, why don't you just -- my  
12 husband works for a law firm, there's somebody in his  
13 firm, that is what he does for a living is trusts and  
14 estates, go to him, not this guy that you found on-line.

15 Q. So, you didn't find anything in particular  
16 about this guy different; you just found somebody else  
17 you wanted to talk to?

18 A. Yeah. I mean, I didn't know this guy from  
19 anybody. He was just somebody on-line. And that's when  
20 I realized that he was just probably trying to inflame a  
21 situation in hopes that he was going to get some  
22 business. And that he kind of kept pestering me and I  
23 finally told him I don't need your help and then he



24 finally went away. But I went and I sent the trust  
25 documents to my friend's attorney. He did it free of  
0083

1 charge.

2 Q. Who was that?

3 A. I don't even remember. But I told Candy, I  
4 said, I'm not the one questioning anything here. But  
5 I'll do my best to see what I can find out because, like  
6 I said, I'm just trying -- I was trying to -- they were  
7 my siblings and it was very hard to say, you know what,  
8 I'm just going to only help you or just help you or just  
9 help you. I wanted to make sure that if there was  
10 anything that was not correct, they would have kept  
11 things right and fair. And, so, I checked it out with  
12 this attorney and I came back and I told Candy and Drina  
13 that according to him, and I can go find his name if he  
14 even remembers me, I did send him an e-mail with the  
15 trust documents, I believe they were the ones from back  
16 in August, he said I don't see where anything, there's  
17 anything wrong with what was done here. And he said  
18 this all makes sense. I've seen it before. Somebody  
19 has been sick, you put your stuff in a medical power of  
20 attorney. You know, as far as what your mother did with  
21 your sister, that's her decision. And he said I don't  
22 see anything wrong here. And he said if after your  
23 mother passes away, if they want to go and try and sue  
24 for -- to be able to control their own money, he said  
25 they can. But he said I don't see anything legally --

0084

1 that anything wrong -- anything has been legally done  
2 wrong here. And at that point I realized that I was  
3 getting swept up in the emotions of Candy and Drina and  
4 Amy and Anita and everybody and I was just getting swept  
5 up and I was getting carried away. And I realized I  
6 needed to stop and back out because this was not my  
7 fight.

8 Q. Okay. I'm going to ask that the court reporter  
9 leave another blank in the deposition and if you can  
10 find the name of the attorney that you consulted, if  
11 you'd fill that in.

12 A. Uh-huh.

13  
14 Q. Okay? Now, at some point in time do you know  
15 whether your mother had some competency evaluation?

16 A. Yes.

17 Q. When was that?

18 A. 2011 sometime, maybe between November and the  
19 end of the year.

20 Q. And how did that come about?

21 A. I heard that it was taking place and I even  
22 discussed it with Drina. I probably have an e-mail  
23 somewhere maybe if I kept it, I don't know, that they  
24 were trying to get my mother declared incompetent. And  
25 I knew -- I talked to my mother about it and she said

0085

1 that she felt she was competent, but she felt like she  
2 didn't have any choice but to go. And but because I was  
3 in charge of my mother's health care, I wanted to be  
4 there. And --

5 Q. Now, this was after the October conference  
6 call?

7 A. Yes.

8 Q. Okay. And who -- where did you go for this?

9 A. I went -- I found out -- I actually called the  
10 doctor's office and I said when is this appointment  
11 taking place because they didn't tell me. And I called  
12 the doctor's office and they told me. And I was there  
13 on time and they said, oh, no, I'm sorry, it's been  
14 rescheduled for 12:00, not 10:00. So, again, I took  
15 time off work. And, so, I went over to my mother's  
16 house and Amy was there with her two children. And her  
17 two children are like Aunt Carole is here, Aunt Carole  
18 is here. So, then Amy is like what are you doing here.  
19 And I said, well, mother is going to the doctor, I'm  
20 going to make sure I'm here. She said, well, you don't  
21 need to be here, you need to leave. And I said this is  
22 a doctor's appointment, I'm staying. So, my mother was  
23 in the -- she was getting dressed. And, so, I went in  
24 to go and talk to her and Amy tried to block me from  
25 doing it. But I was just going to go tell my mother

0086

1 that they had moved -- no. It must have been November  
2 because I went to go tell her that Carl had gone home or  
3 that Carl had been -- he had moved somewhere. So, I  
4 don't know if it was when he got moved out of TIRR or he  
5 got moved from the Agility. I don't know. It was -- he  
6 got moved somewhere. So, I went to go tell her you  
7 don't have to bother going by there because he's not  
8 there anymore. And that's all I was trying to tell her.  
9 I wasn't trying to influence her in any way. So, then I  
10 just sat in the chair and I waited for my mother to get  
11 finished getting ready. I sat in the chair. My mother  
12 finished getting ready. She was sitting in her chair  
13 putting her shoes on. She asked for her oxygen to be  
14 turned on. I got up. I walked across to go turn on the  
15 machine. At the same time Amy turned into me and shoved  
16 me into the bookcase. And I flipped on the oxygen and  
17 Amy told me that I pushed her and that I needed to  
18 leave. And I said I'm not leaving. So, she said she  
19 was going to call the police. So, I handed her the  
20 phone, I said go ahead. She called the police, said the  
21 police were coming. And I sat there and she said  
22 they're on their way, Carole. And I said, okay, fine.  
23 I said I'm not leaving, Amy, I'm not leaving. So,  
24 anyway, it was time -- we finally had to leave for the  
25 appointment. So, Amy loaded my mother up, I got in my

0087

1 car. I drove over there. We sat there. The whole time

2 Amy was calling somebody back and forth and back and  
3 forth and back and forth but I was not leaving.

4 Q. Which doctor did you --

5 A. Dr. White.

6 Q. Okay.

7 A. We went to go see Dr. White. And Amy tried to  
8 just paint a picture of my mother that I didn't feel was  
9 realistic. But Dr. White had been my mother's doctor  
10 for -- since we had moved to Houston. Because I didn't  
11 want him to be influenced in any way one way or the  
12 other. He talked to my mother and his words were, he  
13 said, it just depends. He said for one person that's  
14 never met your mother they may think that she's  
15 incompetent, he said, but I think it just depends on  
16 what time of the day you might be speaking with her. If  
17 it's early, early in the morning maybe when she just  
18 wakes up, possibly. But he said that I don't find her  
19 to be incompetent.

20 Q. So, was it your impression that Amy and Anita  
21 were trying to --

22 A. I never -- I didn't -- this is, this is why I  
23 didn't want the two of them together.

24 Q. Okay. Because?

25 A. Because I never knew what influence Amy had.

0088

1 That's why I didn't understand how did she get on there.  
2 How. I don't understand. Anita, I didn't have a  
3 problem with Anita. I never had a problem with Anita.  
4 I never understood Amy.

5 Q. But, so, was it your impression that -- let's  
6 leave it at Amy. Was it your impression that Amy wanted  
7 the doctor to find your mother incompetent?

8 A. That's, that's the impression I was left with.  
9 And I'm like where are you going with this, where are  
10 you going with this because -- and besides that I knew  
11 Dr. White wasn't going to declare my mother incompetent  
12 because we had discussed this with my father. And he  
13 said this is for a court of law to determine. He said I  
14 don't get involved with these cases.

15 Q. Could this have had anything to do with the  
16 fact that your mother had inquired about changing the  
17 trust back to the way it had been before?

18 A. If she wanted to do that, I had no idea that  
19 she had asked. I had no idea.

20 Q. So, you don't know --

21 A. I have no idea.

22 Q. -- where the incompetency was coming from?

23 A. I had no idea. I just knew that -- I asked my  
24 mother, I said how do you feel about this? And she  
25 said -- like I said, she said, well, I think I just have

0089

1 to go along with this, Carole, I think I have to go.  
2 And, so, I didn't know if somebody -- I didn't know if  
3 somebody at Vacek had called my mother. I didn't know.

4 And, so, but I made sure that I was going to be there.  
5 It was a doctor's appointment. I was going to be there.

6 Q. So, do you know whether Anita was involved in  
7 this competency evaluation?

8 A. No, I have no idea. I don't know who booked  
9 the appointment. I don't know who scheduled the  
10 appointment. All I know is I caught wind that it was  
11 going to happen and I called Dr. White's office and they  
12 told me when it was going to happen and I made sure I  
13 was there.

14 Q. And was that the only thing that happened in  
15 that doctor's appointment?

16 A. Well, when we left, I talked to Dr. White and I  
17 said it's up to you as to what you say, but I said would  
18 you please make the recommendation that -- he said --  
19 no. What he said I'll tell you a story. He said  
20 when -- that his two brothers got in a fight one day and  
21 his mother made a change to the will or the trust or  
22 whatever that completely cut both brothers out and all  
23 the money went to their kids. And he said, so, I know  
24 how these things work. And but he said that was  
25 completely up to my mother as far as what she wanted to

0090

1 do. And, so, then we walked out and I told him, I said,  
2 you know, as far as what recommendation you make to  
3 them, that's completely up to you. But -- and that's  
4 when he said something about sometimes it's just best  
5 for it to go to a neutral third-party. And I said,  
6 well, if you have that option, could you please make  
7 that recommendation that this just gets turned over to a  
8 neutral third-party because this is getting too  
9 complicated with my brother who couldn't serve anyway.  
10 There no way. To this day he couldn't take over as  
11 trustee. So, that's -- and then, like I said, as far as  
12 Anita's capabilities, Anita has a conscience, she does,  
13 and if she does something wrong, I feel like she will  
14 own up to it later and -- or not later but, I mean, I  
15 feel like she will question enough to question has she  
16 done something wrong. Amy, on the other hand, I don't  
17 necessarily have the best relationship with her and  
18 she's been somewhat estranged from the family. But then  
19 again, also, too, I'm not aware of -- she wasn't just my  
20 mother. She was Amy's mother, Anita's mother, Carl's  
21 mother, Candy's mother. She had a relationship with all  
22 of them that I wasn't always privy to. So, I don't know  
23 what went on. And that's when the caregiver one day, he  
24 said, Carole, you need to realize she's not just your  
25 mother. And that's when it occurred to me that I

0091

1 thought, oh, my god, you're right. She's got a -- she  
2 can have a separate relationship with all of us and we  
3 may not always know each other's business. So, I  
4 thought, you know, that makes perfect sense. When he --  
5 it was like a slap in the face when Tino told me that.

6 And I thought, you know, I need to stop being such a --  
7 I need to get my nose out of all this business because  
8 this isn't my business, it's my mother's business. And  
9 it was my parents' business, not mine. So, that's when  
10 I just tried to just step out of this because I realized  
11 I was getting drawn into something that wasn't of my own  
12 making.

13 Q. So, were there any other competency evaluations  
14 that you know of other than that?

15 A. No.

16 Q. And did you ever have any other conversations  
17 with Dr. White at later appointments or anything about  
18 the --

19 A. No, because he retired.

20 Q. But, so, you never had another conversation?

21 A. No, I never did.

22 Q. And I take it that your mother never told you  
23 about any earlier competency evaluations, if she had  
24 them?

25 A. Huh-uh.

0092

1 Q. You didn't know about them?

2 A. Huh-uh.

3 Q. And you found about this one because your  
4 mother told you about it?

5 A. I'm trying to think of how -- I think my mother  
6 did tell me about this one, yes.

7 Q. Okay.

8 A. And that's when I called Dr. White's office to  
9 verify it.

10 Q. Okay. Let me see the exhibits you have in  
11 front of you, please.

12 A. (Witness complies.)

13 Q. Okay.

14 MS. BAYLESS: You don't have any marked  
15 there, right? Let's go off the record for just a  
16 second.

17 THE VIDEOGRAPHER: 12:10, we're off the  
18 record.

19 (Break taken from 12:10 p.m. to 12:12 p.m.)

20 THE VIDEOGRAPHER: 12:12, we're on the  
21 record.

22 (Exhibit 5 marked)

23 Q. (BY MS. BAYLESS) Okay. I show you what's been  
24 marked Exhibit 5. Is that an e-mail that you wrote to  
25 Drina?

0093

1 A. Yeah, this is the one I told you that I wrote  
2 to her that she was going in -- they were --

3 MS. MCCUTCHEN: Can we look at that real  
4 quick before you ask some more questions?

5 MS. BAYLESS: Sure. Sure. I don't know  
6 why that's the only, it's the only copy I have. I think  
7 I may have handed you -- let's go off the record again,

8 Dennis. Sorry.

9 THE VIDEOGRAPHER: 12:13, we're off the  
10 record.

11 (Break taken from 12:13 p.m. to 12:13 p.m.)

12 THE VIDEOGRAPHER: 12:13, we're on the  
13 record.

14 Q. (BY MS. BAYLESS) All right. So, in Exhibit 5  
15 you make reference to being threatened by -- taking care  
16 of your mother but being threatened by A and A which I  
17 assume is Amy and Anita?

18 A. Uh-huh.

19 Q. And I sense that you have some animosity toward  
20 Drina from earlier testimony. Is that a fair statement?

21 A. It's not animosity. It's just I guess in the  
22 end I realized that I was just being used by all of  
23 them. I guess I was just trying to make sure that -- I  
24 saw Drina's behavior towards my brother.

25 Q. And what are you referring to when you say

0094

1 that?

2 A. The way she treated him when he was so sick.

3 Q. Are you saying she treated him well or bad?

4 A. Bad.

5 Q. And where did you observe this?

6 A. I observed this in conversations that she was  
7 having with him when he was at TIRR and conversations  
8 when he was at my mother's house and when I had to go up  
9 to the hospital at St. Luke's. And that's -- this is  
10 just -- this is so complicated because I just felt like  
11 rather than focusing the attention on mother and Carl,  
12 this kept getting -- the focus just kept going towards  
13 the money, the money, the money. And because no one was  
14 here but me, I saw my mother and I saw Carl. And Candy,  
15 Amy and Anita, it was difficult for them to see what I  
16 was seeing because they weren't there and they wouldn't  
17 come and I couldn't get anybody to come and help. And  
18 Drina wasn't helping the situation because I felt like  
19 she was using Carl as a pawn. And, so, I had to be  
20 really careful not to make her mad. I had to be really  
21 careful not to make her mad because if she got mad, he'd  
22 be taken away and I wouldn't see him. And I was getting  
23 really, really worried because in my personal opinion,  
24 this is my personal opinion, I'm not a doctor, I  
25 questioned the decisions she was making towards his care

0095

1 from the very beginning. And I don't know if she just  
2 was -- I was trying not to judge her, but she was very  
3 difficult to have a conversation with because it would  
4 just turn into her just shrieking at you for 30 minutes  
5 and how much she hated this family. She hated this  
6 family and how we were destroying her life. And I'm  
7 thinking, Drina, this isn't about you, this is about  
8 Carl and let's just get him well.

9 Q. When is the last time you saw Carl?

10 A. At my mother's funeral. And then I was  
11 supposed to go over to see them because I wanted to make  
12 sure Carl got this clock because it was on the list.  
13 And even though they came to the house and looked at  
14 everything, Drina said that's okay, I don't want it.  
15 And I said, no, if Carl was in his right mind, he would  
16 have wanted this clock. And, so, as much as I would  
17 have liked to have had it, I took it over there. And I  
18 said that reindeer that Carl took, I said it actually  
19 sat on that clock. So, the two go together. And then  
20 Drina wrote to me, she said you can have that clock if  
21 you want to come over and get it. And I was like okay.  
22 Well, I was busy. And that's when I got the e-mail from  
23 Drina. That's when apparently this statement was sent  
24 out which I never opened. And I got an e-mail from  
25 Drina saying you need to take that document and you need

0096

1 to take the list I gave you of all the assets and you  
2 need to make sure that everything is there. And I think  
3 I was sick that week and I was really, really busy at  
4 work and I just couldn't, I couldn't do it. I couldn't  
5 do it. I didn't know what I did with her document. I  
6 had all this stuff from mother and daddy's house. I had  
7 all this stuff. And Candy was involved and she was  
8 jumping in and I couldn't do it. So, I got an e-mail  
9 from Drina saying don't you love your brother or  
10 something like that and if you can't get this done, then  
11 just stay the hell out of our lives. And, so, I stopped  
12 contact at that point. But that was typical of her.  
13 And, so, I just -- I wanted to try and be as much help  
14 to them as I possibly could. At the same time this was  
15 really the first insight I had to their marriage. I  
16 really hadn't been that involved with being around them  
17 to that extent, not like this. And, so, I was trying --  
18 it was very difficult not to try and judge because I  
19 didn't know that much about -- I just felt like I  
20 stepped into their lives.

21 Q. Did you at some point tell other members of  
22 your family that Drina was planning to divorce Carl?

23 A. Yes.

24 Q. Why did you do that?

25 A. Because she told me that several times.

0097

1 Q. When did she tell you that?

2 A. Several times. She told me that when -- I got  
3 a call one night in December and she said that she  
4 couldn't take it anymore. And that Carl had pushed her  
5 or something like that and that she couldn't get up and  
6 she had hurt her back. And, so, I drove over there. I  
7 had just gone to bed. I got dressed and I drove over  
8 there. And she was in pain. I think she was laying on  
9 the floor or something. Anyway, because I could tell I  
10 couldn't handle the situation I called Tino. I knew I  
11 was going to need another person because Carl was

12 sitting on the floor and he was just sitting there. And  
13 I said what happened? And she said I've tried, I've  
14 told him to stay in bed, I've told him to stay in bed  
15 and he wants to get up. And what I later found out she  
16 was on the couch and Carl was trying to come in and  
17 comfort her and she had taken his walker away. And he  
18 was trying to get out of bed, he was trying to get out  
19 of bed and he couldn't. He was too weak and he fell. I  
20 mean, he just landed on the floor. So, I got Carl  
21 sitting on the floor. I got her laying on the floor. I  
22 couldn't be in two -- I couldn't leave Carl, but I  
23 needed to take her. She said she needed to go to the  
24 emergency room. And I couldn't, I couldn't leave Carl.  
25 So, I called Tino. He came over. And that's when she  
0098

1 started saying, she said, Carole, I can't do this  
2 anymore, I can't do this anymore. She said I'm going to  
3 divorce your brother. I'm probably going to divorce  
4 your brother. And I said, Drina, I understand. I said  
5 I've researched this and I know the statistics on how  
6 hard this is on somebody. And I said I'm not judging  
7 you. I said this family isn't going to judge you. I  
8 understand if you can't do this. I understand. So, I  
9 take Drina to Kelsey-Seybold and I stay there with her  
10 and she's examined. And then Tino took Carl over to my  
11 mom's house. And I think this was on a Wednesday night.  
12 And, so, anyway, the next day Drina was supposed to go  
13 back to the orthopedic doctor. And, so, I took off from  
14 work, but I couldn't be off -- I couldn't -- I was  
15 trying to get Drina to Kelsey-Seybold and I was trying  
16 to get -- Carl was so weak at that point and he couldn't  
17 keep -- everything he tried to eat it came back out.  
18 And she said that he was just being belligerent and  
19 that, you know, he just didn't want, he didn't want to  
20 get better. And you couldn't ask her, you know, well,  
21 are you taking him to a doctor? What is -- then you  
22 would just get this, here it would come, just spewing  
23 out. And I would stand there and just take it. And in  
24 the meantime I'm watching my brother just deteriorate.  
25 So, the next morning I went over -- they sent Drina --

0099

1 they sent her home with muscle relaxers, I think. We  
2 went by the pharmacy, went by Walgreen's pharmacy,  
3 picked all that up. Sent her home. I called Tino and  
4 he said Carl is fine. They had him in bed. So, then  
5 the next morning I take Drina to -- I dropped her off at  
6 Kelsey-Seybold, but I had to get Carl over to Dr. Jane.  
7 So, I couldn't be in two places at one time. So, I --  
8 so, Marta came and picked up Drina. And, so -- maybe I  
9 had to go back to work. I can't remember if I had to  
10 get back to work. But, anyway, I couldn't pick her up  
11 for some reason. And, so, Drina called me later that  
12 day and said that the orthopedic doctor told her that  
13 she didn't need surgery, she needed a psychiatrist. And



14 that Marta picked her up and drove her home. And she  
15 said -- even Marta said, mother, I'm tired of you being  
16 a drama queen and I can't take this anymore. And she  
17 said she got so mad that she just got out of the car and  
18 walked home. So, Drina wanted to stay in bed and --

19 Q. Let me -- my question was about why you told  
20 other family members?

21 A. This is -- I'm getting to it.

22 Q. Okay.

23 A. I'm getting there.

24 Q. All right. All right.

25 A. I'm getting there.

0100

1 Q. All right.

2 A. So, then we get Carl. So, then I -- she wants  
3 to be alone. So, I'm like fine. So, I take Carl who  
4 can't stand at that point. I tried to get him on a  
5 bathroom scale because I saw more of my brother than I  
6 ever intended to. But I saw him without his shirt. He  
7 had nothing on but his underwear because the caregiver  
8 had him in -- and he was a rack of bones, I mean just a  
9 rack of bones. Hip bones sticking out, just all of his  
10 bones. At that point I got him over to Dr. Jane and  
11 they tried to get a weight on him and they couldn't.  
12 And they were trying to make suggestions of what we  
13 could feed him and things like that. And everything  
14 would just -- if you tried to give him a sandwich,  
15 anything, it would just come back out, just come back  
16 out. So, we -- that Saturday I -- Carl was getting so  
17 ill that I took him to the emergency room. The  
18 emergency room said he had pneumonia and they checked  
19 him in the hospital and that's when we found out that  
20 his weight was down to 119 pounds. And that's kind of  
21 what started the whole him staying at my mother's. But  
22 that's what started him staying at my mother's for a  
23 period of time. And then -- but then Drina would get --  
24 she'd get angry and then she'd take him back home and we  
25 wouldn't see him for awhile. But then she could only

0101

1 really take care of Carl for just so long because he was  
2 a lot of work to take care of because he had so many  
3 issues. And, so, I'd get the call to go over there and  
4 usually I'd always have Tino with me. But the  
5 conversation was more and more towards, Carole, I've  
6 gone to an attorney, I've gone to an attorney, I'm  
7 divorcing your brother, I'm divorcing your brother. And  
8 when Tino called me one day and said that Drina had been  
9 over to the house and she walked out with these papers  
10 and she goes thanks a lot for signing this, Carl. And  
11 she's waving it in the air. And, so, we didn't know if  
12 that was divorce papers. We didn't know. But we  
13 thought why would she make such a big show out of these  
14 papers. And, so, she told us on several occasions  
15 that -- I mean, and Tino has heard it that she was

16 divorcing him. She said I just can't take this anymore,  
17 I can't take this anymore. So, I went over. I was  
18 getting really, really concerned because at one point  
19 when I took -- and I know I hop all over the place in my  
20 conversations, but you know what, that's just me -- was  
21 when I took Drina -- that night I came to pick Drina up,  
22 she kept saying I'm just going to kill myself, I'm just  
23 going to kill myself. And, so, that concerned me. So,  
24 I went over to their daughter's house. And I said,  
25 Marta, I said I feel like I'm obligated to tell you that

0102

1 your mother said that she feels like she's going to kill  
2 herself. So, I really feel like you need to or somebody  
3 needs to maybe suggest counseling. And she said, oh, my  
4 god, Carole, whatever you do don't ever mention that to  
5 her. Don't ever mention that to her. And I said, well,  
6 Marta, I said, this isn't really my place to step in. I  
7 mean, this isn't my place. You're her daughter. She  
8 said, Carole, I'm to the point I can't take this  
9 anymore. My mother tries to use me as a sounding board.  
10 And she said I've got a little baby. And she said I've  
11 accepted the fact that my father might just die. She  
12 said I've accepted that. She said what can I do. She  
13 said I can't take care of him. And she said, she said  
14 but I just keep telling my mother make a decision. If  
15 you want to divorce him, divorce him. If you don't,  
16 don't. But make a decision. Do something but stop all  
17 this. She said I can't keep being her sounding board.  
18 I can't. So, anyway, so, I assumed that she was  
19 intending to divorce him since she said several times  
20 that she had been to an attorney. So, so, that's when  
21 this all -- this is when the whole dynamics of all of  
22 this started to change because we're thinking she's,  
23 okay, she's going to divorce him, where is he going to  
24 go, is he going to live with me, is he going to live at  
25 mother's, where is he going to live. Because we're

0103

1 thinking, okay, she's going to divorce him. And I would  
2 try and talk to her about it and she just -- there was  
3 always just this rage. And, so, I was always trying to  
4 kind of -- I could only deal with what she told me and  
5 what she told me was she was divorcing him. And, so, we  
6 were trying to make plans in that direction. And that's  
7 when, like I said, the situation was always so volatile,  
8 dynamic in a way that I never knew what I was dealing  
9 with. And but what I wanted to always make sure of was  
10 that I always knew that Carl was -- if he needed  
11 anything and I tried to make sure that Drina if she  
12 needed something, please call me. But I understood. I  
13 wasn't judging her. That if you can't put up with this,  
14 this is a lot to put up with. I mean, he was chewing  
15 his clothes. He was -- I mean, he -- the neurologist  
16 told us, and she was standing right there, that on a  
17 scale of 1 to 10, 10 being the worst, my brother's brain

18 damage was a 7. And, so, this was a lot for someone to  
19 just feel like you could just personally take this on.  
20 And I never understood why she kept pulling him out of  
21 facilities because he really needed skilled help.

22 And --

23 Q. Let me ask you this: Do you know whether  
24 anybody ever followed your sister-in-law, had your  
25 sister-in-law followed?

0104

1 A. Yes.

2 Q. And who was that?

3 A. I don't remember the name of the company.

4 Q. But who, who hired them to follow her?

5 A. Well, it was -- I can't really remember how  
6 that all came about. But I think Candy was always where  
7 is Carl, where is Carl, where is Carl, where is Carl  
8 and -- because she was always worried about him from  
9 afar. And we hadn't heard from them in a while. And my  
10 mother hadn't heard from him. No one had heard from  
11 them. And, so, we were starting to get a bit concerned.  
12 And Candy used to work for a company that did  
13 investigations and her husband works for a company, they  
14 do insurance investigations and that's when she said you  
15 can just call Owen and Owen can recommend someone. And,  
16 so, that was all during the time about the divorce.  
17 And, so, that's when we were just trying to find out was  
18 she making plans to divorce him, was this all just --  
19 was there anything behind what she was saying, was there  
20 any truth behind what she was saying or was this -- or  
21 what. So...

22 Q. So, you had someone follow her?

23 A. Uh-huh.

24 Q. And who paid for that?

25 A. The trust.

0105

1 Q. So, who was involved in the decision to have  
2 her followed?

3 A. It was a decision that involved -- primarily I  
4 think it was just my mother and Anita and I think -- and  
5 Candy at the time because, like I said, that's where the  
6 contact came from was through her husband.

7 Q. So, how did you know that it happened?

8 A. Because I was aware of it as well.

9 Q. I mean, you knew they had made the decision to  
10 do that?

11 A. Uh-huh.

12 Q. And do you know whether any surveillance  
13 devices were placed on either Drina or Carl's vehicles?

14 A. Yeah, I think he put one on somebody's car.

15 Q. This investigator?

16 A. Uh-huh.

17 Q. Is that part of some report or how do you know  
18 what he did?

19 A. I think he, he followed her or he -- I guess

20 they had a tracking device or something like that and  
21 then he would just write the addresses down of the areas  
22 where she was or where she took him or whatever.

23 Q. So, did he provide a report of what he did?

24 A. I'm trying to remember if he -- if it was a  
25 printed report or -- because all I remember was this guy  
0106

1 seemed to be involved with a lot of other cases at the  
2 time and that was really his preference was because he  
3 was -- he just said that was the more inexpensive way to  
4 go because when you just sat there and watched somebody,  
5 it was really, really expensive. And, so, it was at his  
6 suggestion that this might be the better way if you  
7 wanted to just track somebody for maybe about a week or  
8 so.

9 Q. And did he tell you whether he thought that was  
10 legal or not?

11 A. He said that everything he did was legal.

12 Q. And how long did this go on where --

13 A. I think it was maybe about a week.

14 Q. About a week?

15 A. Uh-huh.

16 Q. And from that were any conclusions reached from  
17 that surveillance?

18 A. Based on a couple of locations it was -- it  
19 appeared that, you know -- with the type of tracking he  
20 was doing because it wasn't -- you couldn't tell that  
21 somebody was going to an exact location, in a way it was  
22 just pointless. I knew it was -- to have somebody --  
23 otherwise, to have somebody, you'd have to have somebody  
24 following or tailing them and that was just -- I guess  
25 that was just too expensive.

0107

1 Q. And were you involved in the decision to stop  
2 the surveillance?

3 A. I think at that point -- I'm just trying to  
4 remember what happened back then. It seemed like no  
5 good information was being found out. It was just too  
6 difficult. There wasn't -- you couldn't tell anything.

7 Q. And did anyone ever tell Drina or Carl about  
8 the surveillance? Well, let me back up. Did you ever  
9 tell Drina or Carl?

10 A. No.

11 Q. Do you know whether anyone else did?

12 A. No, I don't know.

13 Q. Did your mother ever tell them?

14 A. She may have. I don't know.

15 (Exhibit 6 marked)

16 Q. (BY MS. BAYLESS) I show you Exhibit 6. This  
17 is an e-mail from you to Drina in December, e-mail  
18 exchange in December of 2011. And is this the clock  
19 that you're talking about?

20 A. Yes.

21 Q. You said you have a mover going to the house on

22 Saturday?

23 A. Right.

24 Q. To get furniture out of the house and I assume  
25 that's the furniture you moved to the storage facility?

0108

1 And, so, you refer also to Carl's office stuff?

2 A. Right.

3 Q. Now, why was that in your mother's house?

4 A. Because Drina made the decision to shut down  
5 Carl's office in, I don't know, November or December of  
6 last year or of 2010 and she needed a place to go with  
7 everything. She moved some of her stuff to her garage,  
8 but she didn't have any place to go with the rest of his  
9 things out of his office. And, so, she had the guys  
10 bring it in -- it was all upstairs at my mother's house.

11 Q. All right. Looking at the second page of  
12 Exhibit 6, you say that the clock that the reindeer was  
13 sitting on was one of the things that Carl asked for.  
14 There was actually a request made by your mother and  
15 sort of a list circulated, right, about what people  
16 wanted. Where is that list today, do you know?

17 A. I have no idea.

18 Q. When is the last time you saw it?

19 A. I saw it when everybody was sitting around the  
20 kitchen table at my mother's house after she died.  
21 Candy was there, Amy, Anita were both there. I was  
22 there. And it was in a folder and I could kind of see  
23 it but I couldn't really see it.

24 Q. Do you know if anyone made any attempt to  
25 follow that list other than yourself?

0109

1 A. Candy was trying to. But, also, too, this is  
2 the only thing that really irritates me a little bit  
3 about Candy is Candy -- everything needed to always go  
4 through me with Candy. And she kind of burned her  
5 bridges with Drina which meant she burned it with Carl.  
6 And I guess this is the thing about my family that's  
7 difficult for me to understand is if you've messed up,  
8 then pick up the phone and call the person and say  
9 you're sorry and try and mend it and fix it and be  
10 sincere. And Candy messed up and rather than just  
11 picking up the phone and trying to fix the problem, it  
12 was always, well, Carole, what can you do, what can you  
13 do. So, Candy desperately wanted to see Carl at my  
14 mom's funeral. And I said, well, let me see what I can  
15 do. And, so, I went over and I talked to Drina and I  
16 said, look, you know, Candy is sorry for what she did  
17 and she'd really like it if you and Carl would come over  
18 to my mom's house. I mean, Amy and Anita will be gone  
19 and she'd really like to see you. So, they kind of made  
20 up at the funeral. And then after Amy and Anita left  
21 they came over. And Candy was just so overcome with,  
22 oh, my brother is back in my life, yea, thank you, thank  
23 you, thank you. And then that's when all of a sudden

24 she went to the extreme of she just wanted to give Carl  
25 everything in the house. I mean, just here, just take

0110

1 it all. And I was like but, Candy, you can't do that,  
2 either. And you got to put some boundaries here of --  
3 you know, at that point she just was like just you see  
4 something in this house, just take it, just take  
5 everything. And I was just like, well, whatever, if  
6 they want to take it. And, so, they -- but Drina said  
7 honestly, she said, Carole, we've got enough stuff. And  
8 I said, well, I do know that there were things on the  
9 list and one of the things was a bookcase and Drina said  
10 honestly, Carole, I just don't need anymore stuff. And  
11 I said, well, I want you to know these are the things  
12 that Carl said he wanted. And I said, so, so, I will  
13 keep any of these things for you if you want. She says,  
14 no, don't worry about it. And I said, well, no, I will,  
15 I will keep them. I will keep them, you know, because  
16 in the event that, you know, he realizes one day that,  
17 hey, where is this, where is this, where is this. So, I  
18 wasn't there when Carl and Drina -- because I gave Carl  
19 and Drina keys to the house, I said here's your set.  
20 And they came over. I don't think anybody -- I think  
21 everybody was gone at that point. And we figured out a  
22 way for them to get the bookcase. And, so, they took  
23 the bookcase. And they took another glass case. And  
24 they came over the next day and they took, I don't know,  
25 they took a little table and a chair, I mean not a

0111

1 chair, a rug and a lamp and Drina told me the things  
2 that they took. And it was just mostly just like  
3 furniture and that kind of stuff. But I still knew the  
4 things that Carl would have wanted. Were they things  
5 that I wanted, yeah, I really wanted them, too, but, you  
6 know, he had his name beside them. And I was like, you  
7 know, that's fine. I just -- I really -- they were just  
8 things. They were just things. And I realized after my  
9 mom died, I thought, you know, this is just stuff. And,  
10 so, I told Drina that -- one of the things they took was  
11 a little reindeer and that little reindeer always sat on  
12 top of that clock in my grandmother's house. Always.  
13 And it always sat there. And I told her, I said, you  
14 know, she said Carl wants that -- wanted that reindeer.  
15 I said, okay, but this clock always went with it. And,  
16 so, I brought the clock over and I said, here, this  
17 clock goes with that reindeer. And she said, well,  
18 we'll just keep it for you. And I said, no, that's  
19 fine. I said Carl wanted it. So, I brought it over and  
20 then I told her the other things, too, that if you ever  
21 wanted just to let me know. But she said, no, she said  
22 we've got enough stuff. So, I just let it go at that.

23 Q. There were some bonds that your mother was  
24 keeping in the house, weren't there?

25 A. Uh-huh. She would pull bonds out and then

0112

1 that's how she would fund things.

2 Q. And there were some still there when she died,  
3 right?

4 A. There was -- I came across them, yes.

5 Q. And where are those bonds?

6 A. Those are somewhere in an envelope somewhere in  
7 a storage, I mean, somewhere -- with all of the -- I put  
8 them in an envelope somewhere in the office and with  
9 everything that was being gone through and being thrown  
10 away, I lost track of them.

11 Q. Do you know how much there was in bonds?

12 A. I think we went through it and it was maybe  
13 about \$5,000 to the best of what we could figure out.  
14 But it was, it was all stuff that was destined for the  
15 trash. And that's what was concerning me was that  
16 things were getting thrown out of the house too fast and  
17 people weren't going through anything to determine what  
18 was of value and what was actually junk. And I realized  
19 that everybody is having to come in from out of town but  
20 my parents lived in this house for 45 years and you  
21 couldn't just be going through stuff and just calling  
22 everything trash. But also mingled through all of my  
23 parents' things -- well, Carl when he was at my mom's,  
24 he wrote all the time. And you never knew where he was  
25 going to have stuck things. And, so, that's why I just

0113

1 really, really, really wanted to keep those things that  
2 he had written on. And, also, too, there was just  
3 little notes that your parents write, just little things  
4 that -- so, I started -- I was going through the trash  
5 and that's when I came across those and then that's when  
6 I came across just a lot of other mementos. And, so --

7 Q. Okay. But the bonds that were worth money,  
8 what happened to those?

9 A. I put those in a packet. There was like an  
10 accordion folder and I put them in there. And I put  
11 them in the office, but then I'm not really sure what  
12 happened to them after that.

13 Q. So, for all you know they're in the storage  
14 facility that you have?

15 A. I don't know if they're in the storage  
16 facility. I don't know if they've been thrown away. I  
17 mean, I don't know.

18 Q. But you don't have them?

19 A. Not that I know of, no.

20 (Exhibit 7 marked)

21 Q. (BY MS. BAYLESS) I show you Exhibit 7. This  
22 is an e-mail from you to Drina and Candy?

23 A. Uh-huh.

24 Q. December 18th, 2011, so it says -- in the first  
25 paragraph you say something occurred to me this

0114

1 afternoon now that we're looking at the timeline of how

2 this all happened. What timeline are you talking about?

3 A. I was just trying -- I think it was at that  
4 time that's when I realized that my mother had gone in  
5 to sign the changes at Vacek on the day that she  
6 cancelled her appointment with M.D. Anderson.

7 Q. But, so, was there a specific timeline or is  
8 this just dates in your head? What timeline are you  
9 referring --

10 A. It's just dates in my head.

11 Q. And then in the second paragraph you say Anita  
12 is the one that contacted the lawyer originally. Are  
13 you talking about Vacek or Candace Freed?

14 A. Yeah.

15 Q. And then told mother what to tell the attorney.  
16 I know this because I caught her in so many lies. Who  
17 did you catch in so many lies?

18 A. When I was trying to talk to Anita -- what  
19 happened back then was I -- it was still bothering me  
20 that -- of how Amy got on there as co-trustee. And I  
21 just felt like she wasn't really being honest about it.

22 Q. Okay. But who wasn't being honest about it?  
23 Amy, Anita?

24 A. Anita.

25 Q. Anita, okay. So, you really didn't -- I take

0115

1 it from your testimony you didn't really talk to Amy  
2 that much about the trust other than that meeting or  
3 that time you encountered her over the competency stuff?

4 A. Yeah. No. Amy, any time I encountered Amy she  
5 was usually threatening in some manner, so...

6 Q. Okay. Threatening you personally?

7 A. Uh-huh.

8 Q. So, to the extent you've had conversations  
9 about the trust or these changes, you've had them with  
10 Anita?

11 A. (Witness nods head.)

12 Q. Yes?

13 A. Yes.

14 Q. And, so, when you say -- so, that's how you  
15 know when you say in this paragraph, I know this because  
16 I caught her in so many lies, you're talking about Anita  
17 being the one that had lied?

18 A. Yes.

19 Q. Yes. And why do -- give me an example of  
20 Anita's lies. What had she lied to you about?

21 A. I felt like she wasn't really being honest with  
22 me as far as -- I just felt like I never really got a  
23 really good explanation of how -- I never got a good  
24 explanation of why it was necessary to make changes to  
25 the trust.

0116

1 Q. Okay. And does this e-mail at all help you  
2 remember that you didn't find out about those changes  
3 until after your mother died?



4 A. What, the changes for...

5 Q. The changes that your mother had made to the  
6 trust, did you know the details of that before she died?

7 A. I knew that in August she put Carl's money in a  
8 medical trust and that she put Candy's money in a  
9 personal asset trust or whatever it's called. And then  
10 in December Anita took over as trustee. That's what I  
11 know.

12 Q. But you knew all of those things when they  
13 happened or you learned about them after the fact?

14 A. I learned about them -- after, it would be  
15 after -- well, I mean, the conversation with Candace was  
16 to let us know that Anita was taking over as trustee in  
17 December.

18 Q. Conference call?

19 A. Yes.

20 Q. Okay. So, you knew about that before it  
21 happened?

22 A. Yes. But the others, no, that would have been  
23 after the fact.

24 Q. Okay. Okay. The last paragraph in this e-mail  
25 of December 18th you say this was all Anita's doing and  
0117

1 the fact that neither Carl nor Drina were contacted --  
2 was contacted to at least make sure mother was correct  
3 in her facts about Carl being ill cannot be right?

4 A. Well, and that's what, that's what -- it  
5 bothered me that -- but then I didn't know the law that  
6 they weren't contacted.

7 Q. All right. The last sentence in your e-mail  
8 says the lawyer was doing everything Anita told her to  
9 do and was bullying mother in the process. I assume  
10 that's supposed to be bullying. It says bulling. Is  
11 that supposed to be bullying?

12 A. Uh-huh.

13 Q. And, so, what had been -- what's the basis for  
14 that sentence that she was taking direction from Anita  
15 and bullying your mother?

16 A. The only thing that I can -- well, but they  
17 didn't win this, I did. My mother was willing -- as  
18 soon as Carl could speak he got on the phone and started  
19 asking my mother for money and they needed some money.  
20 And, so, my mother agreed to give them \$25,000. So, but  
21 what Amy and Anita wanted was, again, this was their  
22 personal preference, and they wanted Drina to go to my  
23 mother and let my mother pay medical bills directly and  
24 help her that way because my mother was willing to help.  
25 But she couldn't just be an open bank account. And that  
0118

1 may or may not have been the wise thing to do. But my  
2 mother agreed to give Carl and Drina \$25,000. So, this  
3 was during TIRR. Is this TIRR? Yeah, this is TIRR.  
4 Because I was visiting with Carl one day and Drina was  
5 there and I was getting ready to leave and Carl goes,

6 Carole, don't go, don't go. And I stayed and I said  
7 what's the matter. And he said, Carole, you got to make  
8 sure we get that money. You got to make sure we get  
9 that money. And I said are you talking about the  
10 25,000? And he said yeah. And I said, well, Carl,  
11 mother is going to give it to you. You can call her and  
12 tell her, I mean, and ask her. And he did. I got  
13 mother on the phone and she's like, well, yeah. And I  
14 said, Carl, would it make you feel better if I went over  
15 and got it. And he said yeah. And I said okay. So, I  
16 drove over and I sat with my mother. And I'm sure that  
17 Drina -- Tino can tell you about this conversation, but  
18 I told my mother, I said that if this is what you want  
19 to do, then this is, you know, then this is what you  
20 need to do. So, Amy and Anita wanted -- they wanted my  
21 mother to pay medical bills directly. My mother was  
22 just willing to give them a check for \$25,000. So, I  
23 took the check and I drove it over to Drina that night  
24 and she was very appreciative and I dropped it off.  
25 Well, the next day Drina called and said that my mother

0119

1 had made it for 25, not 25,000. So, she went over and  
2 collected another check from my mom and deposited it.  
3 Well, my mother had called Edward Jones and they usually  
4 would just sell something and just deposit the money  
5 into her account. And but my mother didn't check her  
6 statement to make sure the money was there and plus my  
7 mother usually always had \$25,000 in her account. But,  
8 anyway, so, Drina got the check and she deposited it.  
9 Well, unfortunately the funds hadn't been deposited into  
10 my mom's account, so the check bounced. And, so, as  
11 soon as I heard that, I made the check good because I  
12 was concerned about what bills Carl and Drina might be  
13 paying. So, I made sure the check was covered. And I  
14 said, no, Drina, don't worry, I've covered the check.  
15 If you -- if anything bounced, let me know. Well,  
16 nothing bounced, but I did cover the check. And Amy and  
17 Anita did get upset about that.

18 Q. That you covered the check?

19 A. Yes.

20 Q. Were they upset in general about money being  
21 given to Carl and Drina?

22 A. They were upset about the method in which money  
23 was being given to Carl and Drina because it was never  
24 really clear as far as -- Carl didn't have disability  
25 insurance, he didn't have any -- he didn't set himself

0120

1 up to be covered with such a catastrophic event. He  
2 just -- he had nothing. I mean, he just -- it didn't  
3 seem like there was anything there on a safety net. So,  
4 and it was very difficult in dealing with Drina. It was  
5 difficult to understand did you want my mother to pay.  
6 And she said, well, your mother said that she would, she  
7 would, she would I think help with the medical bills or

8 something. But it was hard to know if she was expecting  
9 my mother to cover all the bills or pay for everything.  
10 I mean, I don't know. But my mother was paying for all  
11 the caregivers for my brother and, so, she covered that  
12 expense. And then she gave them the check for 25,000.  
13 And then beyond that my mother tried to meet with Drina  
14 one time to say I'll help you, but why don't you just  
15 bring me your medical bills and let me pay those. Well,  
16 Drina didn't like that and she got really offended by  
17 it. And it kind of upset my mother. Because I remember  
18 she called me and she said, well, I thought your mother  
19 was going to help with this. And I said, well, she  
20 will. And she goes, well, she said she didn't have the  
21 money. And I said, well, you got to give her a second  
22 to think, I mean, what she's got. I mean, she's got her  
23 checking account and then she's got to sell stuff, so  
24 you got to give her a second. But you can't just --  
25 with Drina it was just like this is what I want, give it  
0121

1 to me or I'm just going to blow apart. And, so, that's  
2 what made it very difficult to deal with her because you  
3 wanted to help but it just seemed like if you didn't do  
4 it her way, then she was just going to blow up. And  
5 then I started to realize that's how she controlled my  
6 brother this entire time is if she didn't get what she  
7 wanted, she just would blow up and she'd take something  
8 away from you just like she could take away my brother.  
9 And, so, I realized that because I knew they needed  
10 help, I was going to try and continue to do anything I  
11 could but I was limited to a point because there was  
12 only so much I could do. And, so, I did my best to try  
13 and stay involved pretty much with everybody's life, but  
14 after awhile it just...

15 Q. At some point in time did you receive a  
16 distribution of Exxon stock from your parents' estate?

17 A. Yes.

18 Q. When did that happen?

19 A. I think it happened in June.

20 Q. Of what year?

21 A. 2011.

22 Q. So, your mother was still alive?

23 A. Yes.

24 Q. And did you ask for this distribution?

25 A. No. It was at her suggestion.

0122

1 Q. At your mother's suggestion?

2 A. Yes.

3 Q. Did you talk with your mother directly about  
4 it?

5 A. Yes.

6 Q. And do you know the details of who got what?

7 A. Of who got what with what?

8 Q. Who got stock other than yourself?

9 A. No.

10 Q. Do you know if anybody other than yourself got  
11 stock?

12 A. I know Candy got stock because she told me she  
13 did.

14 Q. Okay. Do you know about whether anybody else  
15 got --

16 A. No, I don't.

17 Q. How much did you get?

18 A. I got 1300 shares.

19 Q. Which is -- what was the value at that time?

20 A. I want to say at the time when I checked it, it  
21 was about 88,000.

22 Q. Do you know whether everybody who got shares  
23 got the same amount?

24 A. I have no idea.

25 Q. You don't even know how much Candy got?

0123

1 A. No.

2 Q. Do you know that Carl didn't get any?

3 A. No.

4 Q. You don't know that?

5 A. No, I didn't know.

6 Q. Did some -- do you know whether grandchildren  
7 got some?

8 A. No.

9 Q. And who made the -- who handled the  
10 arrangements for the distribution of that Exxon stock?

11 A. Anita.

12 Q. And what did she -- what dealings did you have  
13 with Anita about it?

14 A. She just called me and said that mother wanted  
15 to make a gift to me. My mother had talked to me about  
16 it.

17 Q. And then Anita called you after that?

18 A. And said that this was what she was going to  
19 do. And I was like okay. And then I got something from  
20 Exxon, but actually I didn't even open it until almost  
21 September.

22 Q. And have you ever had a distribution of Chevron  
23 shares?

24 A. No.

25 Q. Now, in June of 2000 -- did you say 2010?

0124

1 A. '11.

2 Q. Oh, 2011, okay. So, at that point your mother  
3 was no longer the trustee of the trust?

4 A. No.

5 Q. Anita was. And was the stock held by the  
6 trust, do you know?

7 A. As far as I know.

8 Q. Did your mother or Anita tell you why this  
9 distribution was being made?

10 A. Yes, my mother did, yeah.

11 Q. What did she say?

12 A. Because she appreciated my help over the years.

13 Q. So, from that --

14 A. And she said that at the time, too, it was --  
15 there was a concern about Carl, that if, you know, if  
16 they were getting divorced. And I was just trying to  
17 finish my house and, so, it was just sort of a concern  
18 of that. And just the fact that I had helped mother and  
19 daddy over the years, then it was just kind of her way  
20 of saying thank you.

21 Q. So, from that you had the impression that you  
22 were the only one getting a distribution?

23 A. I mean, that I was aware from talking with my  
24 mother, but I didn't really get involved with any other  
25 conversation my mother had. She didn't discuss that

0125

1 with me.

2 Q. So, what would the fact that Carl and Drina  
3 might be getting a divorce have to do with you getting a  
4 distribution of Exxon stock?

5 A. Because at the time my -- because at the time  
6 we were, we were concerned about if Carl was going to  
7 come live with me because Marta said she couldn't take  
8 care of him. And, so, I was going to just try and  
9 finish my house. But then my mother and I also talked  
10 about that. Mostly it was just because I had helped  
11 take care of my parents for the past two years.

12 Q. But, so, the way in which Carl and Drina's  
13 potential divorce figured into it was that Carl might be  
14 living with you at some point?

15 A. Possibly.

16 Q. Now, under the provisions of the trust you're  
17 supposed to become your own trustee unlike Carl and  
18 Candy. Have you been given trust assets?

19 A. No.

20 Q. Has anything been set up with your trust that  
21 you know of?

22 A. Not that I know of.

23 Q. Have you met with anybody about setting up your  
24 separate trust?

25 A. Huh-uh.

0126

1 Q. Is that a no?

2 A. No, I haven't.

3 Q. Has anybody tried to meet with you about that,  
4 tried to schedule an appointment about that?

5 A. No.

6 Q. Did you ever have a conversation with anybody  
7 at Candace Freed's office or Vacek's office about that?

8 A. Other than they sent me some documents to fill  
9 out as far as upon my death or if I became incompetent  
10 who manages my -- I never really understood the document  
11 I filled out, but apparently it was something that  
12 needed to be filled out.

13 Q. And this was after your mother died?

14 A. Uh-huh. It was in, it was in -- because Amy  
15 called me up and said you're holding this up, send in  
16 your documents. And I was like, well, okay. And I  
17 opened it up and it was something about if you become  
18 incompetent, list three people. If you die, list three  
19 people. And I thought, well, this seems kind of odd  
20 because it seems like this is something that would be  
21 covered if I had a will.

22 Q. And did she say what you were holding up?

23 A. I assumed it was the trust moving forward. I  
24 wasn't really sure. But I just thought, well, I'm  
25 sorry, I don't want to hold anything up. So, I went

0127

1 ahead and stopped and filled it out and sent it in. And  
2 to this date nothing has happened.

3 Q. Do you recall when that was?

4 A. Sometime in January.

5 Q. January of this year?

6 A. Uh-huh.

7 (Exhibit 8 marked)

8 Q. (BY MS. BAYLESS) 2012. Okay. Look at Exhibit  
9 8. This is an e-mail from you to Drina December 28th of  
10 2011 where you're questioning Amy and Anita's right to  
11 sell assets without telling anyone?

12 A. Right.

13 Q. And you seem to specifically be referring to  
14 the car and the house?

15 A. Right.

16 Q. And, so, at that point I assume you had not  
17 been given any information about assets or their value?

18 A. Right.

19 Q. They talk about the car will be sold by the end  
20 of the week. Were they planning to sell the car to  
21 somebody other than you?

22 A. Well, they were planning on selling the car  
23 to -- I don't know. Amy was going to take it up to New  
24 Braunfels and use a guy up there to sell it. I didn't  
25 want it sold because it was really the last possession.

0128

1 Since the house was being sold so quickly, it was the  
2 last possession I had that actually I could sit in that  
3 kind of smelled like my parents. And that's what I  
4 mean, nobody gave me any time to grieve through any of  
5 this. It was like just do it. And I was like, you  
6 know, fine. It was just like just rip the bandage off  
7 and just -- and, so, anyway, I just really wanted to  
8 hang on to the car just a little bit longer. But then I  
9 realized I'm not losing that, I'm going to lose this  
10 fight, too. So, it's like fine, just go ahead and sell  
11 it. So, so they came to pick up the car and I don't  
12 know why it didn't get picked up. But then something --  
13 somehow the car ended up over at my house and then the  
14 car wouldn't start and that's when we realized that the  
15 car doesn't start anymore.

16 Q. Okay. But in this e-mail they're talking about  
17 selling the car to someone else?

18 A. Yeah. Amy was going to sell it to -- she had a  
19 place up in New Braunfels that she was going to sell the  
20 car. And then that never happened. And then Anita was  
21 just going to take it over to CarMax and sell it.

22 Q. And in the last paragraph you talk about them  
23 working under a cloak of secrecy. So, that implies to  
24 me that you were trying to get information from them and  
25 they weren't giving you information. Is that a fair

0129

1 statement?

2 MS. MCCUTCHEN: Objection, form.

3 A. I don't know because -- I'm questioning this  
4 paragraph. Maybe my memory is just so bad, but some of  
5 this doesn't seem like it's my style of writing. But  
6 maybe it is. I don't know. That sounds like, more like  
7 my sister Candy.

8 Q. (BY MS. BAYLESS) Well, I mean, this is an  
9 e-mail. Maybe when you write e-mails to Candy you sound  
10 like Candy?

11 A. No, I don't.

12 Q. Okay. Well --

13 A. But, I mean, yeah, I know because I wrote to  
14 Drina. I was trying to keep, I was trying to keep Carl  
15 and Drina informed of any changes because I needed them  
16 to know how anything impacted their life. And, so, I  
17 was really just trying to keep them informed. Like I  
18 said, I was the one that gave them the keys to the house  
19 and I was the one that told them of the change to the  
20 documents. I mean, I was really trying to keep them  
21 informed.

22 Q. So, but this last paragraph --

23 A. That, I don't -- I'll have to go back again.  
24 I'll check my e-mails because that doesn't sound like  
25 me.

0130

1 Q. Did you receive a copy of the trust that --

2 A. I received about four or five pages. But, see,  
3 I never went through anything, so that's why when it  
4 says the names are crossed off and the guts of the thing  
5 is missing, I don't know what the guts is. Where is the  
6 rest of the trust, I wouldn't have cared. So, that's  
7 why I'm saying if I wrote this, I don't remember this  
8 last paragraph. That I don't remember. But I do  
9 remember this because I know that I said that they were  
10 sell -- I was concerned because they were selling  
11 everything so quickly and it was freaking me out.

12 Q. Okay. Do you believe that what they have done  
13 with the trust they have done in secrecy?

14 MS. MCCUTCHEN: Objection, form.

15 A. As far as I know, they were -- because I've  
16 been -- the only thing, too, is because I have been not  
17 heavily influenced. But my sister Candy would call me

18 daily and read the law to me just ad nauseam for two  
19 hours over and over and over and over and over and she  
20 would just send me e-mails. She was inundating me with  
21 all this stuff. And I thought, wow, I didn't realize  
22 all this. I just thought they had to divide things five  
23 ways and we were done. And, so, then I thought, wow, I  
24 didn't know we were supposed to do all this. So, it was  
25 my understanding. And then I would call Anita and I'd

0131

1 say, well, according to Candy it's supposed to be like  
2 this. And but then according to Anita she was doing  
3 everything that Vacek was telling her she could do. So,  
4 I was trying to, I was trying to keep both sides  
5 informed of what the other one was doing.

6 Q. (BY MS. BAYLESS) Okay. My question was do you  
7 believe they've been doing it in secrecy?

8 A. I don't know because nothing has been done.

9 Q. That you know of?

10 A. That I know of.

11 Q. And, so, no distribution that you know of has  
12 been made to an account that's just for your benefit?

13 A. No, I have nothing.

14 Q. And you haven't gone to any financial  
15 institution and set up any account?

16 A. (Witness nods head.)

17 Q. And you haven't given permission for any -- you  
18 have to say no.

19 A. No.

20 Q. And you haven't given permission for anyone to  
21 do that on your behalf, right?

22 A. No. I don't know why I would.

23 (Exhibit 9 marked)

24 Q. (BY MS. BAYLESS) I show you Exhibit 9.

25 MS. BAYLESS: Let's go off the record for

0132

1 one second.

2 A. I already looked at this one.

3 THE VIDEOGRAPHER: 1:08, we're off the  
4 record.

5 (Lunch taken from 1:08 p.m. to 1:33 p.m.)

6 THE VIDEOGRAPHER: This is the beginning of  
7 tape number 3 to the deposition of Carole Brunsting.

8 The time is 1:33, we're on the record.

9 Q. (BY MS. BAYLESS) Did Anita have access to your  
10 mother's e-mail account?

11 A. She may have. I don't know.

12 Q. How about Amy?

13 A. I don't know with her, either. Because my  
14 mother would have problems with her account and she'd  
15 ask for help. So, there's always a possibility.

16 Q. Look at Exhibit 11 which is in front of you.

17 A. That's 9.

18 MS. MCCUTCHEN: I thought that was 9.

19 MS. BAYLESS: Well, I gave both of you 9.



20 MS. MCCUTCHEN: The responses?

21 MS. BAYLESS: Yes.

22 MS. MCCUTCHEN: I thought that was 9

23 because I already have an 11.

24 MS. BAYLESS: No, that's not 11.

25 MS. MCCUTCHEN: Yes, it is.

0133

1 MS. BAYLESS: Oh, it is 11? Oh, I'm sorry,  
2 right. 9.

3 Q. (BY MS. BAYLESS) Look at Exhibit 9. I'm  
4 sorry. Right. So, this is going to be 9. Now, this is  
5 the document request -- response to the document request  
6 that you sent with the documents that you did send. And  
7 I just want to go through some of these categories and  
8 make certain that if we have agreements that you're  
9 going to try to find other documents, we know what they  
10 are. Okay? So, for example, when I said in number 6  
11 all correspondence or communications including e-mails  
12 from either Elmer or Nelva to any of the descendants  
13 concerning Brunsting issues, I believe you didn't  
14 understand that that related to these trust issues?

15 A. But as far as me having anything from my  
16 parents about trust issues, I don't have anything.

17 Q. Okay.

18 A. They never sent me anything by e-mail or  
19 written or anything having to do with anything trust  
20 related.

21 Q. All right. And then how about from other  
22 third-parties?

23 A. What, as far as like Vacek?

24 Q. Let's go back to 6. This is to or from Elmer  
25 or Nelva or any of the Brunsting defendants --

0134

1 descendants. So, that's any of your siblings. You have  
2 e-mails from your siblings about these things, right?

3 A. Uh-huh.

4 Q. Okay. So, you're going to go back and see what  
5 e-mails you have from any of your siblings about these  
6 trust issues?

7 A. About the trust issues being -- just because  
8 the word trust is in there? I mean, that's what I mean,  
9 I don't understand. Is it --

10 Q. Well, we can limit it to the issues relating to  
11 the changes. So, after your father died, any issues --  
12 any e-mails after your father died about the trust?

13 A. The only e-mails I would have after my father  
14 died between the time my father died in August of 2010  
15 would be when Carl and Anita were trying to pressure my  
16 mom into selling the farm. But --

17 Q. Whatever you have --

18 A. Okay.

19 Q. -- I'm asking you to find.

20 A. Okay. And that was -- I mean, I don't know if  
21 you consider that a trust issue or not. But that's up

22 until when, up in August. But...

23 Q. And then you had e-mails after August relating  
24 to the changes in the trust and that kind of thing,  
25 right?

0135

1 A. I'd have to go back and see what I might have.

2 But...

3 Q. Okay. So, that's what you're agreeing to do is  
4 go back and see what e-mails you might have among your  
5 family members after your father died relating to trust  
6 or let's just say financial issues?

7 A. Right.

8 Q. And to your knowledge were there ever any  
9 recordings made of meetings with your parents or your  
10 siblings, any tape recordings or video recordings?

11 A. Of -- no.

12 Q. And do you know whether the conference call  
13 that was in October of 2010 was recorded?

14 A. I have no idea.

15 Q. You weren't told that it was?

16 A. Huh-uh.

17 Q. Is that a no?

18 A. If I was, I didn't remember.

19 Q. And looking at number 13, you say none in your  
20 possession. This is the investigation?

21 A. Right.

22 Q. And surveillance logs. Do you know who would  
23 have that? Who would be the person most likely to have  
24 that?

25 A. Maybe Anita.

0136

1 Q. Do you know whether a -- looking at number 15,  
2 do you know whether a written evaluation was done about  
3 the capacity issue?

4 A. Not to my knowledge.

5 Q. You've never seen one?

6 A. No.

7 Q. In response to number 24 you said overly broad.  
8 Why is 24 overly broad in your mind?

9 A. I guess it's just which issues, just trust  
10 related issues or just talking amongst ourselves or --

11 Q. Well, let's just call it financial --

12 A. Okay.

13 Q. -- issues. And, so, if you have that  
14 definition of financial issues, are there documents you  
15 think you have relating to that in response to 24?

16 A. I can go back and look, but about the only  
17 person that e-mailed me was Candy. And it seems like  
18 she's probably already printed off everything she has,  
19 so -- because otherwise I tended to pick up the phone  
20 and just call everybody. I wasn't really big on  
21 e-mailing everybody.

22 Q. Why didn't you ever open the accounting that  
23 was sent by Bernard Matthews?

24 A. Because I never wanted to know. I felt like it  
25 was none of my business what my parents did or didn't  
0137

1 do.

2 Q. Well, how are you going to ever know what's in  
3 your trust?

4 A. I just figured -- I always saved to make sure I  
5 always had money to take care of myself. So, I figured  
6 anything I got beyond that I was grateful for. And  
7 really the only thing I ever cared about was the farm  
8 and I hated to see it being treated like it didn't  
9 matter because I -- it mattered to me just because of  
10 the history of the farm. I used to spend a lot of time  
11 up there. And, so, like I said, when -- I just never, I  
12 never lived my life counting on getting anything from  
13 anybody else. I mean, I didn't know what money my  
14 parents were going to have to use for their care. And  
15 the way my mother's doctor was talking there was a  
16 possibility she could live another possibly two years  
17 depending on the growth of the cancer. So, I figured  
18 that there's a good chance that she could have burned  
19 through at least everything she had on her side. And,  
20 so, that's why when she, you know, she gave me the gift  
21 of the hundred thousand dollars or for the 1300 shares  
22 of stock, I mean, I was grateful for that. But I was  
23 just -- I was grateful for whatever I got. And, so --  
24 and, plus, I really didn't want to know. My parents  
25 didn't really share that with everybody as far as what  
0138

1 they gave or what they didn't give. And I just  
2 really -- I didn't want -- I already -- I had seen so  
3 much hateful behavior that it was enough to the fact  
4 that my mom died. And when she died -- I had spent a  
5 lot of time with the caregivers and they were gone. And  
6 then with all the fighting going back and forth of my  
7 siblings, they were gone. And I figured, you know, with  
8 Drina telling me to get the hell out of their lives, my  
9 brother was gone. So -- and then the way the house got  
10 sold so fast. So, anyway, I just figured, you know,  
11 whatever was in that document I just wasn't really in a  
12 frame of mind to really deal with it at the moment.  
13 It's like how much do you want to just dump on a person.

14 Q. You know there's information in there about the  
15 farm, right?

16 A. I don't know what's in there.

17 Q. Okay.

18 A. I just didn't want to know because after seeing  
19 all the e-mails especially from my sister Candy, I mean,  
20 god, she called me up everyday and go on and on and that  
21 she didn't care if my sisters went to prison, she didn't  
22 care what happened to their kids. And I'm like, oh, my  
23 god, I was just like really, it's come to this. And I  
24 found out that Drina had been talking to friends of my  
25 parents and, so, it's going all through Chapelwood

0139

1 Methodist. And I'm like really? So, at that point I  
2 just really -- I figured there wasn't anything I could  
3 do about it anyway. And everybody in this family seems  
4 to hate each other. So, I was just really trying -- I  
5 wasn't trying to take sides.

6 Q. So, you don't really know whether there -- you  
7 don't have an opinion whether the information in there  
8 is accurate or supported or anything?

9 A. I have no idea.

10 Q. And you didn't -- you weren't asked to provide  
11 any information for it?

12 A. No.

13 Q. For the accounting? And you've never been  
14 asked to give Anita any information about that account  
15 that you were on with your mother?

16 A. She asked me if I had the bank statements, but  
17 the bank statements went to my mother.

18 Q. Okay. But you weren't asked to provide any  
19 other backup for that account?

20 A. No. She said to get the statements. I told  
21 her to get them herself.

22 Q. And do you know whether -- well, do you know  
23 how it was determined when money would be put in the  
24 account?

25 A. Usually the caregivers would go to the bank and

0140

1 say I tried to cash my check. There was no money in  
2 there. And, so, sometimes I -- there were a couple of  
3 times I covered it.

4 Q. So, if a caregiver went to the bank and said  
5 there was no money in there, did you contact Anita?

6 A. Well, they kind of knew to where they would  
7 just send her a text or they'd let me know and I'd send  
8 her a text and she'd go in and fund the account.

9 Q. So, nobody was really keeping up with what the  
10 balance of the account was?

11 A. No. Well, I mean, I'm assuming that she was,  
12 but I wasn't. I mean, I didn't, I didn't have any  
13 reason to.

14 Q. And who is she? I'm assuming --

15 A. Anita.

16 Q. And you don't know how it was determined how  
17 much would be put in?

18 A. The caregivers were staying at my mother's  
19 house 24 hours a day. And then for awhile some of the  
20 household bills were paid out of the account. For  
21 awhile the Blue Bonnet bill might have been paid and  
22 then some of the medical expense because all the medical  
23 expenses -- all the medical bills were still coming to  
24 mother's house. And, so, those had to be paid. And,  
25 so -- and sometimes Tino would sit down with my mom and

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1 they'd go ahead and just sit there and pay everything.

2 And, so, they'd pay some bills. And like the Wilchester  
3 fund thing, I think that was 750 bucks. And, so, I  
4 mean, there were still bills coming to the house. And  
5 my mother never got out of being involved with her  
6 finances because she always wanted to know what money  
7 she had. And she always -- the mail always went to my  
8 mother. She always wanted to go through the mail. And,  
9 so, my mother would go through the mail and then they'd  
10 take the bills and they'd put them to the side. And  
11 like I said, then usually about once a week or something  
12 like that we'd sit down and we'd pay the bills that were  
13 there. And then my mother paid the caregivers. And  
14 then it was just used for, like I said, just groceries  
15 and gas. Then when Carl was staying with my mom, the  
16 food bill got pretty high because he was living there  
17 and he ate a lot more than my mom. Plus, then Tino  
18 started to have to go -- he was having to go out a lot  
19 and pick up food. And, so, I mean, it did go up a bit  
20 then. But, otherwise -- I mean, I think the Social --  
21 like I said, the Social Security check was deposited  
22 there, but then she'd make deposits every now and then  
23 in that account.

24 Q. Did you have a debit card?

25 A. Yes.

0142

1 Q. For that account?

2 A. Uh-huh.

3 Q. And did you use that debit card?

4 A. Yes.

5 Q. What kinds of things did you use that debit  
6 card for?

7 A. Gas and groceries.

8 Q. And did you have a charge card of your mother's  
9 that you had access to?

10 A. No.

11 Q. Did you ever -- have you ever had any  
12 conversations with Anita about the trustees' fees that  
13 she charged?

14 A. No.

15 Q. Do you know what they are?

16 A. No.

17 Q. Did you ever have a conversation with your  
18 mother about the fact that Anita would be charging  
19 trustees' fees?

20 A. No.

21 Q. I assume the same is true with Amy, you don't  
22 know anything about trustees' fees?

23 A. No.

24 Q. If you have any records or anything that you  
25 removed from your parents' house, I'm assuming you kept

0143

1 everything that you removed?

2 A. Yeah, if it came down to -- because pretty much  
3 when Amy and Anita came, I assume that they removed what

4 wanted to remove and anything that was left, if we felt  
5 it was -- my parents pretty much shredded everything.  
6 They shredded documents that had their name on it. So,  
7 anything that they left behind -- I'm just trying to  
8 think. There really wasn't anything left behind unless  
9 it was in my dad's office. They just didn't like their  
10 names to be in the trash. So, we made sure like any  
11 publications, anything like that was removed and we  
12 threw the magazines and all that kind of stuff away.  
13 But, I mean, all the family portraits, all the family  
14 pictures, those are all gone. And pretty much anything,  
15 any financial document that was of any value was gone.

16 Q. And by gone you mean --

17 A. I mean when I packed up the house, there was --  
18 I'm trying to think if there was anything left. Because  
19 anything financial was pretty much in my dad's office  
20 and I can't think of anything other than -- he also kept  
21 the -- that's what it was, it was the -- I'm trying to  
22 think what we packed up in there. It was so much. And  
23 it was all of his slides of their trips. And then also  
24 he kept all of his genealogy, all of his genealogy work  
25 was there and all that was left behind. But my sister

0144

1 Candy wanted it, so I boxed it all up. And I haven't  
2 sent it to her yet. But all that genealogy stuff was  
3 all in there. So, I took it all out of there because we  
4 were going to donate the desk. And, so, I took  
5 everything out of there. And all the genealogy stuff  
6 was still there. But, I mean, I don't recall coming  
7 across anything that was -- at that point everybody  
8 could have cared less if I donated everything or threw  
9 it away.

10 Q. Okay. But if you kept something -- if you took  
11 something, you still have it in storage or wherever?  
12 You haven't thrown the stuff away that you removed?

13 A. No. Everything is packed in there so tightly  
14 that -- and, plus, I tried to go through everything in  
15 there. But I'm pulling things out, but I got to put it  
16 all back. And all I'm finding is like books and  
17 encyclopedias. I kept, I kept their encyclopedias. I  
18 kept all my mother's old books. I kept some magazines  
19 and things like that. But, I mean, I haven't come  
20 across anything that I would call a financial document  
21 that I can think of.

22 Q. All right. Did you remove anything from your  
23 parents' safe deposit box?

24 A. No, no. I took a video of what was in there,  
25 but...

0145

1 Q. When did you take this video?

2 A. I don't even remember when I did that.

3 Q. Was your mother still alive?

4 A. I think she was.

5 Q. So, where is this video?

6 A. I think I took it on maybe a phone or two  
7 prior. But it was -- there were some coins in there and  
8 there was coins and then some wedding rings and then a  
9 couple of watches.

10 Q. There weren't any shares certificates, stock  
11 certificates?

12 A. Oh, I mean, I was just -- it was just -- that  
13 was the only stuff because I hadn't seen my grand-  
14 father's watch and my great-grandfather's watch. And,  
15 so, it was just his watches and then all those coins.

16 Q. And do you know where those items are that were  
17 in the safe deposit box?

18 A. It's my understanding that they're in another  
19 safety deposit box either in Victoria or New Braunfels.

20 Q. In Victoria what?

21 A. Or New Braunfels.

22 Q. So, as far as you know everything was removed  
23 and taken to another bank?

24 A. Uh-huh.

25 Q. And did Anita do that or did Amy do that?

0146

1 A. I'm not sure which one. I kind of lost track  
2 after awhile of who was doing what.

3 Q. Do you know when they did that?

4 A. Because they said I could have the safety  
5 deposit box because they had paid for it another year.  
6 But then they took everything out. But then I've never  
7 used it. So, I'm thinking maybe, I don't know, January  
8 or February.

9 Q. So, the box is in your name now?

10 A. No. It's in my -- it's got to still be in the  
11 name of the trust, but I never had anything to put in  
12 there.

13 Q. But you're a signatory on it?

14 A. I don't know. I don't know if I am or not. I  
15 don't know.

16 Q. You haven't tried to access it?

17 A. Huh-uh.

18 Q. And you didn't go to the bank and sign  
19 something that would allow you to access it?

20 A. Not that I can remember, no.

21 Q. Who -- do you know who used to have access to  
22 it when your mother was alive?

23 A. My parents had access to it.

24 Q. Okay. Anybody else?

25 A. I'm assuming at some point Carl must have, but

0147

1 I don't know.

2 Q. Do you know whether Anita had access to it?

3 A. I'm assuming that maybe my mother put her on  
4 there, but that's an assumption.

5 Q. Do you know whether your mother ever tried to  
6 reverse the changes that she had made to the trust?

7 A. Not to my knowledge. But my mother, the more

8 time I spent with her. And this was the case of my  
9 father as well, the more I spent time with my parents I  
10 got to know them a little bit better. And my mother  
11 tried to make everybody happy and it was sometimes  
12 difficult for her to actually do what she wanted to do.  
13 And, so, it was kind of hard to know sometimes what she  
14 really -- what her intentions were. And that's why I  
15 really feel like the only person, the only person, and  
16 this is where I pin my hopes, is the only person I think  
17 really knows what my mom wanted is Candace Freed. And I  
18 honestly believe that because I have to, I have to in my  
19 heart believe that Candace knew my mom well enough to  
20 know. Because after I went with my mom and I saw her  
21 with my mother and she was so painstaking in the way  
22 that she said I need to make sure you have thought  
23 through every- thing, everything. And my mom had some  
24 questions and that's when, I can't think of that man, I  
25 guess that's Vacek, came in the room because there was  
0148

1 concern about my brother and his care and things like  
2 that. And perhaps maybe my mother called in, she  
3 didn't, she didn't explain what she wanted. I don't  
4 know. But when I saw the time that they took to spend  
5 the time with my mother, that's when I realized you  
6 don't just walk in there and just say is this what you  
7 wanted, okay, fine, thanks. And I -- there's some  
8 things I don't agree with what Vacek did, but then when  
9 I saw the time that they spent with her and let her go  
10 off and think about this and all of that, I finally just  
11 tried to accept it that this is just -- this was what my  
12 mother wanted. But like I said, since I wasn't in the  
13 meetings and Candace Freed was, I have to think that  
14 she's the one that has the answers to all of this  
15 because I wasn't there. I wasn't there.

16 Q. And, well, the meeting that you're talking  
17 about where you were there, this is the one where she  
18 didn't sign the documents, she wanted to think about it?

19 A. Right. But then, too, I don't think that --  
20 like I said, when they went over what was there, I think  
21 the point of confusion was I don't know that my mother  
22 may have necessarily -- I think what she was trying to  
23 do was make sure that my brother was really taken care  
24 of. Because I remember when Vacek came in, he said  
25 that -- he was explaining what the medical trust was and  
0149

1 how that's set aside so there would always be money  
2 there to take care of my brother. I mean, I don't, I  
3 don't -- like I said, I really don't know what my  
4 mother's intentions were. But she didn't sign the  
5 document. She didn't. So, and that's when I realized  
6 that as thoroughly as Candace Freed was going through  
7 the document with her, it wasn't, it wasn't executed.  
8 And that's why I tried to tell my sister Candy, too,  
9 that, Candy, I don't believe that Candace Freed was -- I



10 just have to believe at this point that Candace Freed  
11 wasn't careless and she was the only one that was there  
12 with my mom. I think she was the only one, the only  
13 one. And I just feel like she had to have a reading of  
14 my mother. I don't know. I don't know.

15 Q. Okay. My question was --

16 A. Sorry.

17 Q. -- when had your mother ever tried to reverse  
18 the changes that she made?

19 A. Was I aware of that?

20 Q. Yeah, that you know of?

21 A. No. I know that Carl and Drina kept calling my  
22 mother saying that they wanted to come by and pick her  
23 up and take her to the lawyer's office and get her to  
24 change it. And that was a constant. And because my  
25 mother had a recorder on her phone and I listened to

0150

1 some of the voicemails. And they were calling on a  
2 regular basis saying we're going to come over and get  
3 you today, we're going to come over and get you today  
4 and take you to -- and, so, my mother may have said --  
5 she was really bad at saying -- it was very hard for her  
6 with Carl and Drina to make them understand that -- the  
7 impression I was left with was that -- see, this is just  
8 so complicated because the other part, too, was in front  
9 of my mother Carl would be talking to his wife looking  
10 at my mother going, yeah, she doesn't look very good,  
11 she's only got about three months to live. And all this  
12 was going on in front of my mother. So, this was -- she  
13 was having to -- she was struggling with all of that and  
14 she was just struggling with so much. And, so --

15 Q. Where is this recording of the voicemails?

16 A. That's -- I mean, that was just what was on the  
17 phone. But the phone, I don't even know if that's  
18 around anymore.

19 Q. Okay. So, you don't know that that exists  
20 anymore?

21 A. No.

22 Q. So, you don't know whether she actually made an  
23 attempt to reverse any of those changes?

24 A. Not that I'm aware of because I know that Tino  
25 did call me one time and said that Carl and Drina are on

0151

1 their way over to take my mother to the lawyer's office.  
2 So, I assumed that maybe they were planning on taking my  
3 mother at that point. But that was -- there was no  
4 planned appointment. There was no planned anything.  
5 They just thought they could come pick up my mother and  
6 drive her over there and that wasn't the case. I mean,  
7 that just wasn't the case.

8 Q. Did you have -- well, if Tino and Robert, is  
9 that the other caregiver?

10 A. Uh-huh. There's Katrina and Michael, too. And  
11 Shameka.

12 Q. So, they were there 24 hours a day?  
13 A. Yes.  
14 Q. Somebody, one of them or two of them?  
15 A. One.  
16 Q. So, they would have knowledge about what was  
17 going on when you weren't there?  
18 A. Uh-huh.  
19 Q. Have you talked with them recently about this?  
20 A. No, not recently.  
21 Q. Do you still have communications with them?  
22 A. Somewhat Tino, but not Katrina or Shameka or  
23 Michael or Robert, really.  
24 Q. When is the last time you talked to Tino?  
25 A. It's probably been at least maybe a month ago.

0152

1 He let me know that he had been deposed, but he's  
2 working full-time for another gentleman now. So, he's  
3 pretty busy with that.  
4 Q. When is the last time you talked to Anita?  
5 A. Anita, maybe -- what's today, Friday? Maybe  
6 Monday or Sunday.  
7 Q. July 2nd?  
8 A. Yeah.  
9 Q. And what were you talking with her about?  
10 A. She had gotten something and she was asking me  
11 if I had got a copy of something.  
12 Q. Did you talk about this deposition with her?  
13 A. Well, she knew I had to come here on the 6th,  
14 but I think it was -- oh, I know. I had called her  
15 because all I had was a P.O. box for sending the  
16 documents to her attorney and I was wanting a street  
17 address. But I already sent them. I already went to  
18 the post office and sent them to the P.O. box. I just  
19 sent it priority mail. Because when I sent, when I sent  
20 the stuff overnight to you, I was going to send them  
21 overnight to you but all I had was a P.O. box. So, I  
22 couldn't. So, I was trying to get everything sent to  
23 you and but all I had was a P.O. box. And so, anyway,  
24 but she gave me the street address, but I had already  
25 sent it priority mail to the P.O. box.

0153

1 Q. So, did you and Anita discuss any of the areas  
2 that you might be testifying about in your deposition?  
3 A. No.  
4 Q. When is the last time you talked to Amy?  
5 A. I haven't talked to Amy since the funeral.  
6 Q. And when is the last time you talked to Drina?  
7 A. The last time I spoke with her was the last --  
8 the last communication I had with Drina was when she  
9 told me to stay the hell out of their lives. That was  
10 in January.  
11 Q. And when is the last time you spoke with Marta?  
12 A. Funeral. Well, no, wait. Yeah, Drina, that  
13 would have been right because that would have been --

14 that was January. That was January, uh-huh.

15 Q. When is the last time you spoke with Candy?

16 A. January. That was when she sent all those  
17 e-mails to me and I was trying to figure out why she was  
18 being so hateful and ugly and sending all this hate mail  
19 to me. And that's when I told her please call me, stop  
20 sending all these e-mails and if you have something to  
21 say to me, say it to my face and not through e-mail. I  
22 finally called her and I said what do you -- what is  
23 this. And that's when she accused me of having this  
24 secret bank account with mother that money was being  
25 funneled into that I was getting. And but, like I said,

0154

1 I never opened the documents, so I didn't know what she  
2 was talking about. She said you didn't look at the  
3 document? And I said I've never opened it, Candy. And  
4 she said why not? And I said because I don't want to  
5 know. I just...

6 Q. So, then that conversation must have been in  
7 April, not January?

8 A. Was it? Was it April? I don't remember when  
9 she sent this out.

10 Q. It's whenever the accounting --

11 A. Oh, it's whenever that went out. Okay. That's  
12 when it went out. Because, like I said, the  
13 conversations with Candy were always about sexual things  
14 that were going to happen to people and people being  
15 thrown in jail and not caring about what happened to Ann  
16 and Jack and she really didn't care. And all the wind-  
17 fall that everybody was going to get and all of that.  
18 And I just -- you know, and I told her I said right or  
19 wrong, Candy, we're still siblings and, you know, if  
20 something has been done wrong, we can make it right.  
21 But, anyway, she just was taking this to such an extreme  
22 that that's when I realized that it just seemed like  
23 this whole thing was getting out of hand. And, no, I  
24 didn't know everything. Maybe I didn't know everything  
25 that was going on, so...

0155

1 Q. Do you maintain a calendar of any type?

2 A. Me?

3 Q. Yes.

4 A. No.

5 Q. Well, how would you keep up with when you were  
6 going to take you mother to a doctor's appointment?

7 A. Oh, for my mother? Oh, I thought you meant me  
8 personally.

9 Q. Of any kind?

10 A. Oh, no, we had a calendar of my mother, for my  
11 mother, yes. We had one at the house.

12 Q. That you didn't take with you?

13 A. Oh, no. That got thrown in the trash the day  
14 she died.

15 Q. No. I mean, how would you keep up with it when

16 you were having to make it?

17 A. Oh, because I was over there all the time.

18 Q. Okay.

19 A. And I made the appointments and, so, I carried  
20 the little cards around with me with the appointment  
21 times.

22 Q. So, you don't maintain a calendar of your own  
23 appointments anywhere?

24 A. No.

25 Q. How do you keep up with it?

0156

1 A. In my head.

2 Q. Now, we've talked about the August, 2010 change  
3 where the structure of the trust was changed. There was  
4 also a change in June of 2010, an amendment that related  
5 to advances. Are you familiar with that?

6 A. No.

7 Q. Did your mother ever talk with you about  
8 whether payments that had been made to her children were  
9 going to be treated as loans or gifts or advances  
10 against their inheritance?

11 A. No.

12 Q. Did she ever tell you that she had made an  
13 amendment so that advances could be documented?

14 A. I know that she talked about -- Candy was  
15 always coming to her for money. And it was -- she was  
16 kind of getting tired of it. And, so, I think that's  
17 when she called Candace Freed and she suggested that it  
18 would be going against her inheritance. Because I  
19 remember I talked with Carl about that as well when I  
20 found that out because he really needed money. He  
21 really did. And he was really, really wanting to get  
22 some money from my mother. And I just told him, I said,  
23 Carl, go talk to her, just go talk to her and he  
24 wouldn't. And I told him, I said, well, because mother  
25 had said that she -- I think she had gotten some money

0157

1 for Candy but it was going against her inheritance  
2 because Candy always seemed to be getting into some kind  
3 of financial difficulty and she was always going to my  
4 mother for money. And then I told Carl, I said, well,  
5 Carl, why don't you just do what Candy did. I mean,  
6 just do that, just talk to mother about that. And he  
7 just -- he wouldn't. He -- or not that I -- he may  
8 have, but not to my knowledge that he did because I  
9 guess that's when -- no, because then he got sick July  
10 2nd of 2010. And, so, he never had the opportunity.

11 Q. So, you think that --

12 MS. MCCUTCHEN: I'm sorry, I didn't hear  
13 the date.

14 THE WITNESS: July 2nd, 2010.

15 Q. (BY MS. BAYLESS) So, the -- you think that the  
16 amendment concerning advances was because of Candy's  
17 request for money?

18 A. Yes.

19 Q. Which had been, already been going on?

20 A. Well, because she seemed to always be coming --  
21 my mother was just -- my mother was getting -- my mother  
22 didn't understand Candy's lifestyle anymore because her  
23 two grown sons were still living at the condo basically  
24 and Candy and Owen were supposed to be getting divorced.  
25 But then she didn't. And then she would -- she met this

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1 guy on Craig's List and then they took off for Europe.  
2 And, so, my mother just had a real problem giving her  
3 money anymore. And she would say those things to her  
4 because Candy would repeat it back to me. And my mother  
5 was really getting frustrated. My mother even called  
6 Candy's mother-in-law and they talked about it. And,  
7 so, my mother, she didn't blame Candy but my mother felt  
8 that Owen probably left because of the fact that her  
9 grown sons were still living at home and it was becoming  
10 a burden and a hardship. And, so, she was reluctant to  
11 just keep giving Candy money. But Candy's opinion of  
12 this was, well, that's what mother and daddy are there  
13 for. And I'm like no. And, you know, and then Candy --  
14 my mother gave, I think my mother gave Candy money to  
15 get divorced but instead next thing we know she's taking  
16 off for Europe. And, so, my mother was -- like I said,  
17 my mother -- you really just had to spend time with her  
18 to realize my mother knew a lot more that was going on  
19 than she would ever let on. Even people at the church  
20 when I was talking about it, they said your mother never  
21 said an unkind word about anybody. And that's just kind  
22 of how she was. But in the end, like I said, I have to  
23 believe that she confided or that she did what was in  
24 her heart and that's where I have to believe that the  
25 answers lie with Vacek. And that's -- I may not like

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1 her -- we all might not like what happened, but I don't  
2 know. I wish I could be of more help and I'm trying,  
3 but there's just -- there's so many facets to what  
4 happened here. And, anyway, I probably didn't even  
5 answer your question again.

6 Q. Are you familiar with the situation in which  
7 Anita filed some kind of complaint about -- against Amy  
8 with Child Protective Services?

9 A. I remember she talked about it, yes.

10 Q. Okay. What happened there?

11 A. Amy, Amy was getting divorced from Wayne and it  
12 was -- it seemed like it was kind of a -- I really  
13 wasn't involved with it because I just hadn't really  
14 spoken to Amy in years. But from what I could hear --  
15 from what I could understand was there had been a lot  
16 going on in Amy's marriage and, you know, my mother was  
17 just extremely worried about her. Extremely. I mean,  
18 she was -- she went to Dr. White to talk about Amy she  
19 was that concerned about her. And Amy just kind of shut

20 everybody out. And Anita mentioned that she was going  
21 to call Adult Protective Services, not Adult Protective  
22 Services, Child Protective Services just to make sure  
23 that everything was okay there. I mean, if she did it,  
24 I don't know. If she didn't, I don't know that, either.

25 Q. So, you don't know of any controversy over  
0160

1 that?

2 A. Oh, no, no, no. There was nothing -- like I  
3 said, she talked about it. But as far as if she did it  
4 or didn't do it, no, I don't know.

5 Q. Okay. Look at this Exhibit 12. And, again,  
6 this is the schedule that came with the accounting that  
7 you haven't opened. So, before today you hadn't seen  
8 this document, right?

9 A. Right.

10 Q. If you turn to page 2 -- backing up for one  
11 second before I ask you this question, did you ever see  
12 any documentation at your mother's house about advances  
13 like this change that she made to the trust that allowed  
14 her to document advances? Did you ever see any notes  
15 around the house about Candy's request for money after  
16 that being advances or anything like that?

17 A. No. I remember my mother talked to me about  
18 it, that that's what they did. She -- when something  
19 was really bothering my mother, then she talked to me  
20 about it and then I knew that it was really bothering  
21 her. If she brought it up and talked to me about it, it  
22 was bugging her. And that was bothering her because she  
23 hated to see Candy and Owen get divorced and she was  
24 being told at the time that's what the money was for.  
25 And she was hopeful that they were going to reconcile.

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1 So, she did speak with me quite -- in fact, she spoke  
2 quite a bit about that on a regular basis. That  
3 bothered her that they were getting divorced.

4 Q. But you didn't see any documents that she  
5 created about those amounts that were paid to Candy or  
6 anybody else for that matter?

7 A. No.

8 Q. No? Okay. Looking at Exhibit 12 on page 2,  
9 there's a -- in the middle of the page there there are  
10 amounts that supposedly were paid to you by your  
11 parents --

12 A. Right.

13 Q. -- while your mother and/or your father were  
14 still the trustees of the trust?

15 A. That's correct.

16 Q. Do you agree with these amounts?

17 A. Yes, but they're not labeled what they are.

18 Q. Okay. What were they?

19 A. And my father fell and broke both of his wrists  
20 and he was becoming hard -- it was becoming burdensome  
21 for my mother to take care of him because he was a big

22 man. And she was becoming very homebound. So, I had  
23 the opportunity to leave my job, not opportunity, but I  
24 quit my job at Hewlett-Packard to go and help my  
25 parents. And I told my mother the only way I could do  
0162

1 it was if they wanted to pay me as a caregiver because  
2 my mother, I had tried to convince her to just to please  
3 hire somebody to help you take care of daddy so that you  
4 can go and do other things. Because she used to be so  
5 involved with MAM and the church and all these other  
6 things and she was just becoming so homebound that it  
7 was really starting to have an effect on her. So, I  
8 told her that if you won't, if you won't hire somebody  
9 else, then would you be comfortable if I came in and I  
10 stayed with daddy so that you could go off and volunteer  
11 at MAM and you could go to church and you could do your  
12 activities. And, so, she agreed to that. And, so, but  
13 over a period of -- I started working for them in  
14 October of 2005 and I would go over there maybe 20 to  
15 30 hours a week. And I would stay with my dad and then  
16 I helped him with all the doctors' appointments. And  
17 we'd go out to eat and things such as that. And my  
18 mother went back to MAM and she took a Latin class at  
19 church. And she played some golf, just things, just  
20 things like that. But then over time I noticed that my  
21 mother -- my dad wasn't a burden to my mother. My  
22 mother was so devoted to my father and that's where she  
23 wanted to be. So, in 2006, in February, 2006 or March,  
24 2006 I realized that my mother wanted to be with my  
25 father and my father was not a burden to my mother. My  
0163

1 mother was devoted to my father. And because Carl used  
2 to say that mother will finally have a life when daddy  
3 is dead and I told him I said daddy is mother's life.  
4 And that's -- I don't think he could ever understand  
5 that. So, anyway -- so, in March, 2006 I started  
6 looking for another job. And I just thought it was  
7 going to take me months and months and months and as it  
8 turns out it only took me -- I got the job offer in May,  
9 I think. So, I went back to work because I just felt  
10 like there was no point in my mother paying me for -- by  
11 then my father was a lot more mobile and he was able to  
12 get himself up and he was able to do more and I thought  
13 there's no point in me helping you anymore. I was also  
14 selling eBay at the time so I could supplement my own  
15 income. And I enjoyed the time I spent with my dad.  
16 That's when I finally -- I got to really know my father  
17 so much better there and my mother. And I can tell you  
18 more about what made them happy and they talked about  
19 all their children. And I learned so much about my  
20 parents. So, anyway, I went back to work. That's when  
21 I went back to work for Mattress Firm and I stopped  
22 working for them. So, that's when I was working for my  
23 parents.

24 Q. So, you're saying that the payments from 2010  
25 and 2005 through --  
0164

1 A. 2005, yeah, everything from 2005, 2006 I was  
2 working for my parents. And then there was also one  
3 time when they gave me a loan, but I paid that back.

4 Q. Okay. So, do you see that amount on here  
5 anywhere?

6 A. See, without knowing what these checks were  
7 for, it's hard for me to know.

8 Q. Do you remember how much the loan was that you  
9 paid back?

10 A. I want to say it was for maybe about 2,000 or  
11 2500.

12 Q. Okay.

13 A. But like I said, my mother usually put notes on  
14 her checks.

15 Q. There -- these payments here in 2010, do you  
16 know what those were for? One is for 7,000?

17 A. Yeah, that's when -- because I had been laid  
18 off from my job at Chase Source and my mother said I  
19 want to help you. And, so, she wrote me a -- she said I  
20 just gave the same to your sister Candy and she said I  
21 want to do the same for you. And, so, she gave me a  
22 check for \$7,000 because I didn't think I was going to  
23 be able to find a job right away but as it turns out, I  
24 did. And, so, that was -- she gave me that. And then  
25 the thousand was -- what was that. I don't know what  
0165

1 that's for. I'd have to see the notes.

2 Q. All right. And then I see on October, 2010  
3 there's \$20,000 and there's a note out to the right that  
4 says original intent to take against inheritance but no  
5 letter documentation found to date. Will be treated as  
6 a gift. Do you know what that's about?

7 A. That's when I was trying to get some work  
8 finished on my house. And, so, my mother got me a check  
9 for 20,000. And that was supposed to be going against  
10 the inheritance, I don't know.

11 Q. Did you even know that that was the case?

12 A. No.

13 Q. So, do you know -- have any idea why anybody  
14 else would have thought that was the case?

15 A. Well, Candy said it's because there was an  
16 amendment that was made and now everything goes against  
17 that.

18 Q. Candy, your sister?

19 A. Yes.

20 Q. But, so, your mother never said that to you,  
21 that it was going against your inheritance?

22 A. No.

23 Q. And you never signed anything that said it was?

24 A. No.

25 Q. Okay. On the third page of Exhibit 12 there on



0166

1 June 15th, 2011 there's the Exxon shares that we talked  
2 about that were distributed to you?

3 A. Uh-huh.

4 Q. And that says to pay off or fix house. So,  
5 that's something different from this 20,000?

6 A. Right.

7 Q. And you don't have any knowledge that that was  
8 supposed to go against your inheritance or anything?

9 A. Oh, no, huh-uh.

10 Q. In fact, you think it wasn't?

11 A. No, it wasn't. I know it wasn't. I know it  
12 wasn't. Because my mother and I had been talking and  
13 she just -- she felt that because I had stayed in  
14 Houston and stayed devoted to my parents when she knew  
15 that I loved spending time with my horses and things  
16 like that, that because I had put all that off, she  
17 wanted to make it possible for me to either in the event  
18 that Carl ever needed a place to live, and I'm not  
19 saying that he was or wasn't, but at the time of the  
20 conversations I was having with my mother because my  
21 mother was hearing these conversations between Carl and  
22 Drina on a daily basis as well as me. But in the event,  
23 even so, she appreciated my help and my time and wanted  
24 to make it possible for me to, you know, have a nice  
25 house or put money towards a house or just whatever.

0167

1 Q. I noticed that other people who got shares of  
2 stock at that same, in that same time period got much  
3 less. Like you got 1325 shares, other people got 135  
4 shares. Did she talk with you about what amount she was  
5 going to give to --

6 A. She asked me just to come up with a list of  
7 what I thought, of what I thought it might take and, so,  
8 I did. And she said, well, that's what daddy gave to  
9 Anita. So, I mean, that's -- but I left that up to  
10 them. But Anita called me and said that mother had  
11 talked to her about it. I said, look, Anita, I don't  
12 want there ever to be anything that's going to come back  
13 to say that there was any funny business or anything  
14 like that. So, are you sure that -- I mean, I don't  
15 want this to ever come back as a problem. And, so, I  
16 asked her, I said are you sure that there's any  
17 documentation, I mean, that everything is fine with  
18 this. And she said she had talked with Vacek and she  
19 had talked with Rich Rikkens and everything. So --  
20 because I didn't want there ever to be an issue that  
21 this was going to be a problem.

22 Q. And why would she talk to Rich Rikkens about  
23 it?

24 A. I don't know. As far as -- I don't know. She  
25 mentioned his name. Maybe she was talking to him about

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1 farm stuff and things like that. But it just seemed

2 like that's -- those are the two people she talked to.

3 Q. Okay. And in terms of the farm, do you know  
4 the status of the farm?

5 A. All I know with the farm is it's been  
6 appraised. And I keep hearing that because of a change  
7 that was made that my father should -- well, that  
8 something about how the trust is all set up now, that  
9 makes it harder to parcel it or something like that.  
10 And because there just seems to be so much fighting back  
11 and forth, that this person doesn't want to stay  
12 involved because of that person. And I just keep trying  
13 to make them all understand that it's real estate. This  
14 is probably the best investment you're going to have.  
15 And I hate to see that. And I said before you decide to  
16 sell your farm land, please put some research into can  
17 you take this money and let it grow at the rate that the  
18 farm land is growing because my brother was pushing my  
19 mother to sell it for \$6,000 and right now that land is  
20 probably worth \$15,000 an acre. So, I can't sway  
21 anybody one way or the other, but I'm just -- my -- from  
22 my concern -- my concern is that the one thing I wanted  
23 to hang on to the most which was farm land, it's going  
24 to be forced to be sold which is a huge, huge mistake  
25 just because everybody is so busy fighting back and  
0169

1 forth and they won't talk to each other. They won't --  
2 they will not talk to each other. And that's what I  
3 don't understand is we all grew up in the same house,  
4 why we can't just all sit in a room and put all this  
5 garbage to the side. And I was like, Anita, if you did  
6 something you were sorry for, put it on the table. Amy,  
7 just put all this baggage aside and just sit here. But  
8 instead it's just all this snarking back and forth, back  
9 and forth, back and forth. And I realized I got  
10 sucked -- I get sucked into it. But -- and it's hard  
11 for me to not go, oh, I'm so, sorry, oh, I'm so sorry,  
12 oh, I'm so sorry, I'm sorry, I'm sorry until the point  
13 of where now everybody hates me. So, I don't know what  
14 to do.

15 Q. But -- okay. I think my question was about the  
16 farm. So, is it on the market?

17 A. No. It better not be.

18 Q. And is it leased?

19 A. Yes, it is.

20 Q. And do you know what the income is?

21 A. As far as I know, it is -- it just went up  
22 recently. Memory, it went from -- oh, wait, it's  
23 changed because my mother used to have it rented at 225  
24 an acre, I think, but then there was a bonus paid at the  
25 end. Where now it's a flat rate of 300, 350 a month or  
0170

1 an acre. So, I think the income per year ends up being  
2 about \$55,000.

3 Q. And do you know when that's paid and to whom

4 it's paid?

5 A. Well, in the past half was paid in March  
6 because my mother would get a check in March and then  
7 she'd usually get one in September and October. And --  
8 because my father had it sharecropped, but I -- my  
9 mother changed it to just a flat lease. And, so, she'd  
10 get a check in March and then when they'd bring the  
11 crops in September, Octoberish, then we'd get the other  
12 half.

13 Q. And, so, as far as you know, that's still being  
14 paid now?

15 A. Yeah. And then -- I mean, even the bonus check  
16 for 2011 should be floating around somewhere.

17 Q. And have you received any portion of that?

18 A. No. And I've asked about it, but...

19 Q. What have you been told?

20 A. That nothing has been distributed.

21 Q. Nothing has been -- that something has been  
22 received, but nothing has been distributed?

23 A. Right. And that's just like with the income  
24 for the house, is it earning interest, is it -- that's  
25 what I don't understand. There was this big push to get

0171

1 to sell the house, okay, well, great, now where is the  
2 money? Is it getting interest, is it -- where is it? I  
3 don't know.

4 Q. Okay. Well, once you have the bank records, if  
5 you would let me know that. And it may not be necessary  
6 to get back -- it depends on what's in the bank records.  
7 But once you have the bank records, if you would get  
8 those to us and then we can determine whether we need to  
9 come back for another session to talk about the bank  
10 records at least as far as I'm concerned. These people  
11 may have some questions. But that's all I have.

12 A. I can tell you what's in there. It's paying  
13 the caregivers, it's paying medical bills, it's -- I  
14 bought some clothes for my mom when she got bigger. And  
15 there's Lands End, there's J.P. -- J.C. Penney's. And  
16 then there's two charges in there where I bought \$300  
17 worth of Depends for Carl and my mother. And then I had  
18 to pay the caregivers I think it was 12 or \$1300 because  
19 there was no money in the account or something. But I  
20 paid that back. And there's two charges in there of  
21 mine that are personal, but it equals exactly what I  
22 paid. So, there's the only two personal charges in  
23 there. Otherwise, everything else is food, caregivers,  
24 gas, medical bills and any other bills that Tino had my  
25 mother pay.

0172

1 Q. What were the two personal charges?

2 A. They were -- I think they're both to a vet  
3 clinic.

4 Q. I'm sorry?

5 A. A vet clinic, a veterinarian clinic.

6 Q. And why were they in there?

7 A. Because I wanted to be paid back for what I had  
8 paid because I had to pay Tino and Robert one day  
9 because there was no money in the account.

10 Q. So, you made -- you charged those things to  
11 offset --

12 A. Yes, yes, but I let her know I was doing that  
13 because I had paid them I think it was almost like  
14 \$1300. And I had paid -- I had purchased 300, \$350  
15 worth of Depends and other medical things for my brother  
16 and my mother. And that was my out-of-pocket.

17 Q. All right. Well, when you have the bank  
18 records, please let us know so we can deal with those.  
19 And, also, if you find these additional e-mails.

20 A. I'll look. And then I'm going to verify some  
21 of these other things on here because, like I said, I  
22 just --

23 Q. That's fine.

24 A. I don't remember writing that, but I'm not  
25 saying I did or didn't. But I just don't remember some

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1 of this being on there.

2 Q. Okay. I would appreciate it if you would  
3 verify. Okay.

4 MS. BAYLESS: So, for now until we have the  
5 bank records, that's pass the witness.

6 MS. FOLEY: No questions.

7 MS. MCCUTCHEN: No questions.

8 THE VIDEOGRAPHER: 2:27, we're off the  
9 record.

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1 CHANGES AND SIGNATURE

2 WITNESS NAME: CAROLE ANN BRUNSTING DATE: JULY 6, 2012

3 PAGE LINE CHANGE REASON

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0175

1 I, CAROLE ANN BRUNSTING, have read the  
2 foregoing deposition and hereby affix my signature that  
3 same is true and correct, except as noted above.  
4

5 \_\_\_\_\_  
6 CAROLE ANN BRUNSTING

7 THE STATE OF \_\_\_\_\_ )  
8 COUNTY OF \_\_\_\_\_ )  
9

10 Before me, \_\_\_\_\_, on this day  
11 personally appeared CAROLE ANN BRUNSTING, known to me  
12 (or proved to me under oath or through  
13 \_\_\_\_\_) (description of identity  
14 card or other document)) to be the person whose name is  
15 subscribed to the foregoing instrument and acknowledged  
16 to me that they executed the same for the purposes and  
17 consideration therein expressed.

18 Given under my hand and seal of office this  
19 \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
20

21  
22 \_\_\_\_\_  
23 NOTARY PUBLIC IN AND FOR  
THE STATE OF \_\_\_\_\_  
COMMISSION EXPIRES: \_\_\_\_\_  
24

0176

1 NO. 2012-14538  
2 IN RE: \_\_\_\_\_ ) IN THE DISTRICT COURT OF  
3 \_\_\_\_\_ )  
CARL HENRY BRUNSTING )  
\_\_\_\_\_ ) HARRIS COUNTY, TEXAS

4 )  
5 )  
6 ) 80TH JUDICIAL DISTRICT

7 REPORTER'S CERTIFICATION  
8 DEPOSITION OF CAROLE ANN BRUNSTING  
9 JULY 6, 2012

10 I, Jeanne C. Pearl, Certified Shorthand Reporter in  
11 and for the State of Texas, hereby certify to the  
12 following:

13 That the witness, CAROLE ANN BRUNSTING, was duly  
14 sworn by the officer and that the transcript of the oral  
15 deposition is a true record of the testimony given by  
16 the witness;

17 That the deposition transcript was submitted on  
18 \_\_\_\_\_ to the witness or to the attorney  
19 for the witness for examination, signature and return to  
20 me by \_\_\_\_\_;

21 That the amount of time used by each party at the  
22 deposition is as follows:

23 Ms. Bobbie G. Bayless - 3 HOURS:59 MINUTE(S)

24 That pursuant to information given to the  
25 Deposition officer at the time said testimony was taken,

0177

1 the following includes counsel for all parties of  
2 record:

3 Ms. Bobbie G. Bayless, Attorney for Carl Henry  
4 Brunsting;

5 Ms. Maureen Kuzik McCutchen, Attorney for Anita  
6 Brunsting and Amy Brunsting;

7 Ms. Zandra E. Foley, Attorney for Vacek & Freed.

8 I further certify that I am neither counsel for,  
9 related to, nor employed by any of the parties or  
10 attorneys in the action in which this proceeding was  
11 taken, and further that I am not financially or  
12 otherwise interested in the outcome of the action.

13 Further certification requirements pursuant to Rule  
14 203 of TRCP will be certified to after they have  
15 occurred.

16 Certified to by me this 11th day of July, 2012.

17 \_\_\_\_\_  
18 Jeanne C. Pearl, Texas CSR 456  
19 Expiration Date: 12/31/12  
20 Firm Registration No. 210  
21 MERRILL LEGAL SOLUTIONS  
22 315 Capitol Street, Suite 210  
23 Houston, Texas 77002  
Phone: 713-426-0400

24  
25  
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1 FURTHER CERTIFICATION UNDER RULE 203 TRCP

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The original deposition was/was not returned to the deposition officer on \_\_\_\_\_;

If returned, the attached Changes and Signature page contains any changes and the reasons therefor;

If returned, the original deposition was delivered to \_\_\_\_\_, Custodial Attorney;

That \$\_\_\_\_\_ is the deposition officer's charges to CARL HENRY BRUNSTING for preparing the original deposition transcript and any copies of exhibits;

That the deposition was delivered in accordance with Rule 203.3, and that a copy of this certificate was served on all parties shown herein on and filed with the Clerk.

Certified to by me this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Jeanne C. Pearl, Texas CSR 456  
Expiration Date: 12/31/12  
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25