

NO. 2012-14538

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

ORAL AND VIDEOTAPED DEPOSITION OF
CAROLE ANN BRUNSTING
JULY 6, 2012
VOLUME 1

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.

APPEARANCES

FOR CARL HENRY BRUNSTING:

Ms. Bobbie G. Bayless
BAYLESS & STOKES
2931 Ferndale
Houston, Texas 77098
Phone: 713-522-2224
E-mail: bayless@baylessstokes.com
teague@baylessstokes.com

FOR AMY BRUNSTING AND ANITA BRUNSTING:

Ms. Maureen Kuzik McCutchen
MILLS SHIRLEY, LLP
2228 Mechanic Street, Suite 400
P.O. Box 1943 (77553)
Galveston, Texas 77550
Phone: 409-763-2341
E-mail: mmccutchen@millsshirley.com

FOR VACEK & FREED:

Ms. Zandra E. Foley
THOMPSON COE COUSINS & IRONS, LLP
One Riverway, Suite 1600
Houston, Texas 77056
Phone: 713-403-8200
E-mail: zfoley@thompsoncoe.com

THE VIDEO TECHNICIAN:

Mr. Dennis Beard

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

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

CAROLE ANN BRUNSTING,

having been first duly sworn, testified as follows:

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

EXAMINATION

BY MS. BAYLESS:

Q. Would you state your name, please?

A. Carole Brunsting.

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

A. No.

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

A. Yes.

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

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

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

A. No, I don't.

Q. -- you're not represented?

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Table with 2 columns: INDEX, PAGE. Includes Appearance, Index, CAROLE ANN BRUNSTING Examination by Ms. Bayless, Signature and Changes, Reporter's Certificate.

EXHIBITS

Table with 3 columns: NO., DESCRIPTION, PAGE. Lists exhibits 1 through 12 with descriptions and page numbers.

A. No.

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

A. Okay.

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

A. Yes.

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

A. Okay.

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

A. Okay.

1 Q. Now, you understand that you're under oath
 2 today just as if you were in a courtroom?
 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?

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?

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

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.

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

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?

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

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

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?

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

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

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

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

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 Rikkers
 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 Rikkers, Richard
 16 Rikkers.
 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

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.

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

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

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

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

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

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,

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.

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.

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.

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

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 --

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

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?

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

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

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.

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

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

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

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?

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 I 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,

1 hi, how are you doing or...

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

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.

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

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.

1 (Exhibit 10 marked)
 2 MS. FOLEY: By the way, we didn't get
 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.

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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

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

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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

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

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.)

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?

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

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

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

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

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.

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

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.

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

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

1 document itself, the August document?
 2 A. My mother explained that she had spoken with
 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 --

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.

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

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.

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

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 I, 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.

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

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

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
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

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

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?

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

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

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.

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.

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

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

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.

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

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.

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

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

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 --

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

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

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.

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

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

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

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.

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?

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

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

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.

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

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

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 --

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.

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

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

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
 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

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?

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.

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

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.

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?

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?

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

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

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

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

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

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

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.

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

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 bullying. 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

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
 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

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

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

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.

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?

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?

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

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.

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

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.

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

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.

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

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.

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

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 --

1 descendants. So, that's any of your siblings. You have
2 e-mails from your siblings about these things, right?

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?

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.

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

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

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

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

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

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.

1 Q. For that account?
 2 A. Uh-huh.
 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

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...

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

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?

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

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

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

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

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

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.

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.

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,

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...

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

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?

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

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

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

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.

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

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

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 --

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

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

1 June 15th, 2011 there's the Exxon shares that we talked
2 about that were distributed to you?

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.

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 Rikkers 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 Rikkers 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

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

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

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 got

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

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.

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
 PAGE LINE CHANGE REASON
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1 NO. 2012-14538
 2 IN RE:) IN THE DISTRICT COURT OF
)
 3 CARL HENRY BRUNSTING)
) HARRIS COUNTY, TEXAS
 4)
)
 5) 80TH JUDICIAL DISTRICT
 6
 7

REPORTER'S CERTIFICATION
 DEPOSITION OF CAROLE ANN BRUNSTING
 JULY 6, 2012

8
 9
 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,

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
 25

1 the following includes counsel for all parties of
 2 record:
 3 Ms. Bobbie G. Bayless, Attorney for Carl Henry
 Brunsting;
 4 Ms. Maureen Kuzik McCutchen, Attorney for Anita
 Brunsting and Amy Brunsting;
 5 Ms. Zandra E. Foley, Attorney for Vacek & Freed.
 6 I further certify that I am neither counsel for,
 7 related to, nor employed by any of the parties or
 8 attorneys in the action in which this proceeding was
 9 taken, and further that I am not financially or
 10 otherwise interested in the outcome of the action.
 11 Further certification requirements pursuant to Rule
 12 203 of TRCP will be certified to after they have
 13 occurred.
 14 Certified to by me this 11th day of July, 2012.
 15
 16
 17

 Jeanne C. Pearl, Texas CSR 456
 Expiration Date: 12/31/12
 Firm Registration No. 210
 MERRILL LEGAL SOLUTIONS
 315 Capitol Street, Suite 210
 Houston, Texas 77002
 Phone: 713-426-0400

FURTHER CERTIFICATION UNDER RULE 203 TRCP

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
Firm Registration No. 210
MERRILL LEGAL SOLUTIONS
315 Capitol Street, Suite 210
Houston, Texas 77002
Phone: 713-426-0400