

BaylessStokes E-Mail

From: <gwitter@frostbank.com>
To: "Bobbie Bayless" <bayless@baylessstokes.com>
Cc: <wbaker@frostbank.com>; <Mike.Milich@frostbank.com>; <jrobb@frostbank.com>; <smccormick@frostbank.com>
Sent: Friday, March 16, 2012 3:45 PM
Subject: Brunsting pre-litigation discovery

To: Ms. Bobbi Bayless

Hi Bobbi,

As we discussed yesterday, I have been awaiting confirmation that there are no account names in our databases that relate to parties named in your pre-litigation discovery request. I now have confirmation from individuals that have access to such databases that there are None.

In our conversation, I mentioned the only information we have was furnished to us by some of the Brunsting Family; it consists of a copy of the trust agreement and a few brief notes entered by Wayne Baker.

We both agreed that the simplest way to get this evidence in the case is for me to sign an affidavit stating that everything in Frost's possession is appended to the affidavit, essentially entering it as a business record made in the ordinary course of business. If this is okay, please forward the affidavit; after a quick review, we will execute it and return it to you.

Thank you for your cooperation in this matter.

Yours truly,

Gene Witter
Senior Vice President & Trust Officer
The Frost National Bank
P. O. Box 2845
Houston, Texas 77252
Phone: 713/388-7852 FAX: 713/388-7808

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7/31/2013

BaylessStokes E-Mail

From: <gwitter@frostbank.com>
To: "Bobbie Bayless" <bayless@baylessstokes.com>
Sent: Tuesday, March 27, 2012 8:51 PM
Attach: Business Records Affidavit - Frost Bank.pdf
Subject: Re: Brunsting pre-litigation discovery

Hi Bobbie,

I will get the affidavit executed and delivered to you tomorrow.

Thanks,

Gene Witter
Senior Vice President & Trust Officer
The Frost National Bank
P. O. Box 2845
Houston, Texas 77252
Phone: 713/388-7852 FAX: 713/388-7808

"Bobbie Bayless"
<bayless@baylessstokes.com>
To
<gwitter@frostbank.com>
03/17/2012 04:16 PM cc
<wbaker@frostbank.com>,
<Mike.Milich@frostbank.com>,
<jrobb@frostbank.com>,
<smccormick@frostbank.com>
Subject
Re: Brunsting pre-litigation
discovery

Gene--I have attached the draft of the Business Records Affidavit. I think the pages should be numbered, with those numbers being included in the affidavit. There are blanks referring to those page numbers and the total number of pages attached. It also was not clear who would be signing this and what that person's position is with Frost Bank. If you will let me know these things, I can revise this and send you a final version for execution.

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7/31/2013

----- Original Message -----

From: Bobbie Bayless
To: gwitter@frostbank.com
Cc: wbaker@frostbank.com ; Mike.Milich@frostbank.com ; jrobb@frostbank.com
; smccormick@frostbank.com
Sent: Friday, March 16, 2012 3:52 PM
Subject: Re: Brunsting pre-litigation discovery

Thanks so much for the response. I will try to get you an affidavit on Monday.

Bobbie G. Bayless
Bayless & Stokes
2931 Ferndale
Houston, TX 77098
713-522-2224
713-522-2218 (fax)
bayless@baylessstokes.com

----- Original Message -----

From: <gwitter@frostbank.com>
To: "Bobbie Bayless" <bayless@baylessstokes.com>
Cc: <wbaker@frostbank.com>; <Mike.Milich@frostbank.com>; <jrobb@frostbank.com>; <smccormick@frostbank.com>
Sent: Friday, March 16, 2012 3:45 PM
Subject: Brunsting pre-litigation discovery

To: Ms. Bobbi Bayless

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We both agreed that the simplest way to get this evidence in the case is for me to sign an affidavit stating that everything in Frost's possession is appended to the affidavit, essentially entering it as a business record made in the ordinary course of business. If this is okay, please forward

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7/31/2013

the affidavit; after a quick review, we will execute it and return it to you.

Thank you for your cooperation in this matter.

Yours truly.

Gene Witter
Senior Vice President & Trust Officer
The Frost National Bank
P. O. Box 2845
Houston, Texas 77252
Phone: 713/388-7852 FAX: 713/388-7808(See attached file: Business Records
Affidavit - Frost Bank.pdf)

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7/31/2013

NO. 2012-14538

IN RE: CARL HENRY BRUNSTING

§
§
§
§
§

IN THE DISTRICT COURT OF
HARRIS COUNTY, TEXAS
80th JUDICIAL DISTRICT

BUSINESS RECORDS AFFIDAVIT
OF THE FROST NATIONAL BANK, N.A.

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, personally appeared _____
who, being duly sworn, deposed as follows:

My name is _____. I am of sound mind, capable of making this affidavit,
and personally acquainted with the facts herein stated.

I am a _____ at The Frost National Bank, NA (the "Bank") and in that
position I am a custodian of records for the Bank. Attached hereto are records from the
Bank's files which have been marked with page numbers 1 through _____. These said
_____ pages of records have been kept by the Bank in the regular course of business, and it
was the regular course of business of the Bank for an employee or representative of the Bank
with knowledge of the act or event recorded to make the record or to transmit information
thereof to be included in such record; and the record was made at the time or reasonably soon
thereafter. The records attached hereto are exact duplicates of the originals found in the
Bank's files.

AFFIANT

SUBSCRIBED AND SWORN TO before me, on this _____ day of _____, 2012,
to certify which witness my hand and seal of office.

Notary Public, in and for the
State of TEXAS
Printed Name _____
My Commission Expires _____

BaylessStokes E-Mail

From: <gwitter@frostbank.com>
To: "Bobbie Bayless" <bayless@baylessstokes.com>
Sent: Thursday, March 29, 2012 11:02 AM
Subject: Discovery Affidavit-Brunsting pre-litigation discovery

Dear Bobbie,

I am having this delivered to you today.

Gene Witter
Senior Vice President & Trust Officer
The Frost National Bank
P. O. Box 2845
Houston, Texas 77252
Phone: 713/388-7852 FAX: 713/388-7808

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7/31/2013

BaylessStokes E-Mail

From: <shannon@hutchesonbowers.com>
To: "Bobbie Bayless" <bayless@baylessstokes.com>
Sent: Tuesday, March 20, 2012 9:45 PM
Subject: Re: Carl Brunsting Petition
Hi Bobbie,

Been a crazy few days back. Will give you a call tomorrow to discuss.

Thanks,
Shannon

On Mar 14, 2012, at 6:06 PM, "Bobbie Bayless" <bayless@baylessstokes.com> wrote:

> Sounds good.
>
> ----- Original Message -----
> From: <shannon@hutchesonbowers.com>
> To: "Bobbie Bayless" <bayless@baylessstokes.com>
> Sent: Wednesday, March 14, 2012 5:31 PM
> Subject: Re: Carl Brunsting Petition
>
>
> Thanks, Bobbie. I'm in Big Bend and have limited reception. Will call you
> early next week to discuss.
>
> Shannon
>
> Sent from my iPhone
>
> On Mar 14, 2012, at 1:14 PM, "Bobbie Bayless" <bayless@baylessstokes.com>
> wrote:
>
>> Per your request, here is the petition which was included in the package
>> sent to the Suhendras. There are a bunch of documents requested from
>> other parties, but none are requested of the Suhendras. So if you didn't
>> get the petition, you must have gotten stuff that didn't even pertain to
>> them.
>>
>> We are trying to determine the circumstances surrounding some changes made
>> to a trust by Nelva Brunsting before her death. Nelva was the neighbor of
>> the Suhendras until her death on 11/11/11, and I understand they had a
>> good relationship with her. I represent Nelva's son, who is the executor
>> named in Nelva's will. We are exploring issues concerning Nelva's
>> capacity, whether the actions taken were in keeping with her wishes, etc.,
>> etc.
>>
>> It will be easier to fill you in by way of a phone conversation, but this
>> can probably wait until you get back in your office from Spring Break.
>> Just let me know if we need to arrange a time to talk before then.
>> <Petition to Take Depositions Before Suit.pdf>
>

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