

DV

PROBATE COURT 4

**DATA ENTRY  
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9/1/2015 4:53:35 PM  
Stan Stanart  
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Harris County

NO. 412,249

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

**APPLICATION FOR AUTHORITY TO RETAIN COUNSEL - MACINTYRE,  
MCCULLOCH, STANFIELD & YOUNG, LLP**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Gregory A. Lester, Temporary Administrator Pending Contest of the Estate of Nelva E. Brunsting, Deceased, ("Applicant"), and files this his Application for Authority to Retain Counsel – MacIntyre, McCulloch, Stanfield & Young, LLP, and in support of such Application, would respectfully show unto the Court the following:

1.

Applicant was appointed Temporary Administrator Pending Contest of the Estate of Nelva E. Brunsting, Deceased, by Order of this Court signed on July 23, 2015. A true and correct copy of the Order Appointing Temporary Administrator Pending Contest is attached hereto as **Exhibit "A."** Applicant qualified by taking the Oath on July 24, 2015 and filing a Bond on July 27, 2015.

2.

Applicant requests permission to retain the services of JILL W. YOUNG, an attorney with the law firm of MACINTYRE, MCCULLOCH, STANFIELD & YOUNG, LLP located in Houston, Harris County, Texas, as well as other members of that firm that specialize in probate litigation. Counsel will represent Mr. Lester in the matters filed herein, which involve the Temporary Administrator Pending Contest and those items enumerated in the Court's Order.

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3.

Applicant wishes to formally retain Counsel on behalf of the Estate. Applicant alleges and believes retaining Counsel for the purpose of representation in the aforementioned Estate is in the best interest of the Estate.

4.

Additionally, Applicant requests the services of MACINTYRE, MCCULLOCH, STANFIELD & YOUNG, LLP to assist Applicant with his fiduciary responsibilities pursuant to the Texas Estates Code and this Court's Order. Applicant believes that it would be in the best interest of the Estate to retain counsel to assist him with such fiduciary responsibilities in the Estate on file herein.

WHEREFORE, PREMISES CONSIDERED, Applicant GREGORY A. LESTER, Temporary Administrator Pending Contest of the Estate of Nelva E. Brunsting, Deceased, requests that this Court allow him to retain the law firm of MACINTYRE, MCCULLOCH, STANFIELD & YOUNG, LLP to represent him in his capacity as Temporary Administrator Pending Contest of the Estate of the Decedent, and for such other and further relief which the Court may deem proper.

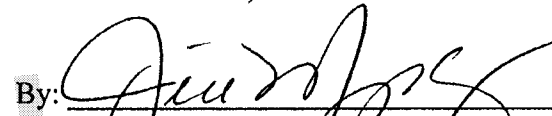
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Respectfully submitted,



GREGORY A. LESTER, TEMPORARY  
ADMINISTRATOR OF THE ESTATE OF  
NELVA E. BRUNSTING, DECEASED

MacINTYRE, McCULLOCH, STANFIELD  
& YOUNG, LLP

By: 

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ATTORNEYS FOR APPLICANT

09022015:1437:P0097

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing instrument was sent by e-mail, e-serve, facsimile, and/or United States certified mail, return receipt requested, on this the 14<sup>th</sup> day of September, 2015, to the following parties:

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JILL W. YOUNG

No. 412,249

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

ORDER APPOINTING TEMPORARY ADMINISTRATOR PENDING CONTEST  
PURSUANT TO TEXAS ESTATES CODE 452.051

On March 23, 2015, the Court heard and approved Carl Henry Brunsting's Application to Resign as Independent Executor. On July 21, 2015 the Court heard and considered CARL HENRY BRUNSTING'S APPLICATION TO RESIGN AS INDEPENDENT EXECUTOR AND CANDACE LOUISE CURTIS' APPLICATION FOR APPOINTMENT AS SUCCESSOR PERSONAL REPRESENTATIVE; Anita Kay Brunsting's OBJECTION TO CANDACE CURTS' APPLICATION FOR APPOINTMENT AS PERSONAL REPRESENTATIVE; AMY RUTH BRUNSTING'S APPLICATION TO BE NAMED SUCCESSOR EXECUTOR, RESPONSE TO CARL BRUNSTING'S APPLICATION TO RESIGN AS INDEPENDENT EXECUTOR AND OBJECTION TO CANDACE CURTIS'S APPLICATION FOR APPOINTMENT AS SUCCESSOR EXECUTOR; Carl Brunsting's OBJECTION TO AMY RUTH BRUNSTING'S APPLICATION TO BE NAMED SUCCESSOR EXECUTOR; and Candace Curtis' RESPONSE TO OBJECTIONS TO APPLICATION FOR APPOINTMENT AND OBJECTION TO AMY BRUNSTINGS APPLICATION FOR APPOINTMENT.

The Court finds that the Court has jurisdiction and venue over Decedent's Estate; that it is in the best interest of the Estate that a personal representative be immediately appointed; and that the parties have reached an agreement regarding the appointment of a Temporary Administrator Pending Contest with limited powers, which was announced on the record at said hearing, the terms of which are substantially as follows:

1. GREG LESTER would be a suitable temporary representative, is not disqualified from acting as such, and should be appointed Temporary Administrator

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07222015:1343:PO846



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Pending Contest of this Estate with limited powers to evaluate all claims filed against 1) Candace L. Kunz-Freed and Vacek & Freed, PLLC f/k/a The Vacek Law Firm, PLLC, 2) Anita Kay Brunsting f/k/a Anita Kay Riley, Individually, as attorney-in-fact for Nelva E. Brunsting, and as Successor Trustee of the Brunsting Family Living Trust, the Elmer H. Brunsting Decedent's Trust, the Nelva E. Brunsting Survivor's Trust, the Carl Henry Brunsting Personal Asset Trust and the Anita Kay Brunsting Personal Asset Trust; and 3) Amy Ruth Brunsting f/k/a Amy Ruth Tschirhart, Individually and as Successor Trustee of the Brunsting Family Living Trust, the Elmer H. Brunsting Decedent's Trust, the Nelva E. Brunsting Survivor's Trust, the Carl Henry Brunsting Personal Asset Trust and the Amy Ruth Tschirhart Personal Asset Trust; and 4) Carole Ann Brunsting, Individually and as Trustee of the Carole Ann Brunsting Personal Asset Trust. Greg Lester, Temporary Administrator Pending Contest will report to the Court regarding the merits of these claims on or before the expiration of this Order. This Order shall expire 180 days after the date that it is signed.

2. Amy Brunsting and Anita Brunsting, as the Successor Co-Trustees of the Brunsting Family Living Trust, the Elmer H. Brunsting Decedent's Trust, and the Nelva E. Brunsting Survivor's Trust agree to advance funds to the Estate of Nelva E. Brunsting (the "Estate") to pay all court approved fees and expenses of the Temporary Administrator Pending Contest.

3. The Temporary Administrator Pending Contest has the authority to seek a continuance in the "District Court Case" in which the Estate is a plaintiff, of the hearing on the Motion for Summary Judgment current scheduled for July 31, 2015 and to seek continuance of the October, 2015 trial setting in that matter.

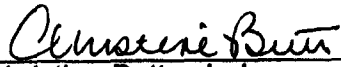
4. Amy Brunsting and Candace Louise Curtis each agree to a qualified declination to serve as Successor Independent Executor of the Estates of Nelva E. Brunsting and Elmer H. Brunsting, pursuant to the respective wills filed in each Estate, during the pendency of the Temporary Administration of this Estate.

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07242015:1343: P0048

IT IS THEREFORE ORDED that Greg Lester is hereby appointed Temporary Administrator Pending Contest of this Estate and shall give a cash Bond in the amount of \$100.00 (On Hundred Dollars), conditioned as required by law; that the Temporary Administration shall continue until the expiration of 180 days after the date of this Order, or as may be further ordered by this court; that the Clerk of this Court shall issue Letters of Temporary Administration when the Temporary Administrator has qualified according to law; and that the Temporary Administrator shall have the powers enumerated by the agreement of the parties as restated above.

Signed July 23, 2015.

  
Christine Butts, Judge  
Harris County Probate Court No. 4



09022015:1497:PO101

NO. 412,249

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

**ORDER GRANTING AUTHORITY TO RETAIN COUNSEL – MACINTYRE, MCCULLOCH, STANFIELD & YOUNG, LLP**

BE IT REMEMBERED that on this day came on for consideration the Application of Gregory A. Lester, Temporary Administrator of the Estate of Nelva E. Brunsting, Deceased, in connection with the Application for Authority to Retain Counsel – MacIntyre, McCulloch, Stanfield & Young, LLP, and the Court finding that due and proper notice of the Application has been given, finds that the Application should in all respects be granted, it is accordingly,

ORDERED, ADJUDGED and DECREED by the Court that Gregory A. Lester, Temporary Administrator of the Estate of Nelva E. Brunsting, Deceased, be and is hereby granted authority to retain JILL W. YOUNG with the law firm of MACINTYRE, MCCULLOCH, STANFIELD & YOUNG, LLP as Counsel for Applicant, to perform such legal services on behalf of the Estate as are necessary and reasonable, including assisting Applicant in carrying out his fiduciary responsibilities.

IT IS FURTHER ORDERED by the Court that GREGORY A. LESTER, Administrator of the of the Estate of Nelva E. Brunsting, Deceased, be and is hereby granted authority to retain the law firm of MACINTYRE, MCCULLOCH, STANFIELD & YOUNG, LLP pursuant to the Texas Estates Code and this Court’s Order.

SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
JUDGE PRESIDING





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APPROVED AS TO FORM:

MACINTYRE MCCULLOCH STANFIELD  
& YOUNG, LLP

By: 

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ATTORNEYS FOR APPLICANT

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