DV

FILED
8/10/2015 12:00:00 AM
Stan Stanart
County Clerk
Harris County

	NO. 412,249-401	**PROBATE COURT 4**
CANDACE LOUISE CURTIS	§	**IN PROBATE COURT**
Plaintiff,	§	
V.	§	**NUMBER FOUR (4) OF**
ANITA KAY BRUNSTING, ET AL	§	
Defendants.	§	**HARRIS COUNTY, TEXAS**

RESPONSE TO DEFENDANTS' RESPONSE TO CARL HENRY BRUNSTING'S MOTION FOR PROTECTIVE ORDER

The Court has raised very valid issues regarding the questions before it, and has asked to be briefed. Plaintiff Curtis therefore submits the following analysis of the questions raised and, although seemingly complex at first view, the matter is really quite simple. There is only one primary premise and thus the first principles require answer to only one inquiry, which is whether or not the interception and dissemination of the challenged electronic communications was lawful.

Plaintiff will respectfully show that the greater weight of unrebutted presumptions falls in favor of the illegality of the recordings, and that judicial discretion would best be exercised with caution, as the Court cannot allow dissemination without proof of the legality of the recordings without also becoming a principal to the crime of dissemination.[1]

Summary of the Argument

1. The recordings are evidence of illegally intercepted electronic communications, a second degree felony[2] in Texas with a moderate severity level.
2. Illegally intercepted electronic communications may not be received in evidence nor exchanged under the pretext of discovery in any civil action, as unauthorized possession or dissemination of illegally intercepted electronic communications is a second degree felony which, as noted, the Court would be unwise to participate in.

[1] Collins v. Collins, 904 S.W.2d 792 (Tex. App. 1995)
[2] Texas [Penal] Code Annotated Sections 12.33, 12.35, 16.01 (West 1997); 1997 Tex. Gen. Laws 1051; Texas [Civil Practice and Remedies] Code Annotated Sections 123.002, 123.004 (West 1997); Texas Code of Criminal Procedure Annotated Article 18.20 (West 1997).

3. The burden of bringing forth evidence is on the proponents of the legality and admissibility of the recorded wiretap conversations, as the presumption that intercepted electronic communications found in the possession of third parties, meaning persons not privy to the conversations, are presumed unlawful and the burden of showing that the challenged recordings meet one of the statutory exceptions is upon the Defendant disseminators.
4. The Court is without discretion and no agreement is necessary. Under the circumstances here, the Court must issue a protective order, even if only temporary, pending resolution of the issue of whether or not interception and dissemination of the challenged electronic communications was lawful.
5. The attached exhibits in a chronology of relevant events reveals that the recordings are the fruit of an illicit conspiracy targeting Carl and Drina that did not involve Nelva Brunsting and, Defendants' unanimous claims are defeated in their own words uttered at or about the time of the recordings, as hereinafter more fully appears.

Texas Authority on Admissibility

The admissibility of evidence illegally obtained is tempered by Tex.R.Civ.Evid. 402, which provides in pertinent part that, "[a]ll relevant evidence is admissible, except as otherwise provided ... by statute." Consequently, before the recordings can be held to be inadmissible, the Plaintiff(s) must show their exclusion is required under either the federal or state statute. Section 2511(1) of the federal wiretap statute[3] prohibits the use or disclosure of communications by any person except as provided by statute. *Gelbard v. United States,* 408 U.S. 41, 51-52, 92 S.Ct. 2357, 2363, 33 L.Ed.2d 179 (1972) (witness could not be forced to disclose testimony from illegal wiretap to grand jury).

Section 123.002 of the state wiretap statute states that a party has a cause of action against any person who "divulges information" that was obtained by an illegal wiretap. TEX.CIV.PRAC. & REM.CODE § 123.002.

Section 123.004 states that a party whose communication is intercepted may ask the court for an injunction prohibiting the "divulgence or use of information obtained by an interception." TEX. CIV.PRAC. & REM.CODE § 123.004.

[3] Title III of the Omnibus Crime Control and Safe Streets Act of 1968, more commonly known as the "Wiretap Act," is found at 18 U.S.C. §§ 2510-2522.

Although the Texas wiretap statute does not specifically provide for the exclusion of illegally obtained "communications," the provisions for a cause of action for divulging wiretap information and the injunctive remedies provided in section 123.004 are sufficient to rebut the presumption of admissibility under rule 402.

Because the tapes were illegally obtained under the federal and state statutes, the trial court should not allow their dissemination, or admit them into evidence, under the exception provided at Tex.R.Civ.Evid. 402.

The recorded conversations are not admissible because the criminal statute dealing with the use of the intercepted communications criminalizes their dissemination, and the civil statute provides a method to prevent dissemination.

> *To permit such evidence to be introduced at trial when it is illegal to disseminate it would make the court a partner to the illegal conduct the statute seeks to proscribe. Gelbard, 408 U.S. at 51, 92 S.Ct. at 2362-63; Turner, 765 S.W.2d at 470.*

Exceptions

In addition to the numerous governmental or agency exceptions to the general rule, it is not unlawful to intercept any form of wire, oral or electronic communications between others if one of the persons is a party to the communication or one of the parties has given their consent to the interception. Tex. Civ. Prac. & Rem. Code §123.001(2); Tex. Pen. Code§16.02(c)(3)(A); 18 U.S.C §2511(2)(c); Kotrla v. Kotrla, 718 S.W.2d 853, 855 (Tex.. App. - CorpusChristi 1986); See also, Hall v. State, 862 S.W.2d 710(Tex. App. - Beaumont 1993, no writ); Turner v. PV International Corporation , 765 S.W.2d 455, 469-71(Tex. App. - Dallas 1988, writ denied per curiam, 778S.W.2d 865 (Tex. 1989).

Interception, Possession, and Dissemination

The Right to Privacy is the Controlling Presumption

The right to privacy is held in such high esteem that the U.S. Congress and the Texas Legislature have both made it a felony to illegally intercept, possess or disseminate electronic communications. There are very limited exceptions none of which apply here.

The mandatory but rebuttable presumptions are that the participants to these phone conversations had a reasonable expectation of privacy; that the right has been violated and; that the burden of showing the interception of those electronic communications meets one of the statutory exceptions is upon persons who were themselves not a party to the private electronic

communications, but who we find to be in possession of and disseminating the challenged recordings.

Defendants have produced no evidence tending to show that the intercepted electronic communications meet any of the lawful exceptions and the ball is in their court. If the wiretap recordings cannot be shown by the Defendants to meet one of the statutory exceptions, the recordings are prima facia unlawful, regardless of any alleged motives for their interception.

While no more than the foregoing law and fact summary is essential to the disposition of the singular issue before the Court, it seems necessary to address Defendants' unanimously disingenuous assertions and thus Plaintiff does so with the attached Memorandum.

The attached memorandum on the matter of context and color, with attached exhibits, is hereby incorporated by reference as if fully restated herein.

Plaintiff Curtis respectfully submits the following proposed order.

Respectfully submitted,

Candace L. Curtis, *Pro se*
218 Landana Street
American Canyon, California 94503
occurtis@sbcglobal.net
925-759-9020

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has been sent on this 9th day of August 2015, to the following via email:

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attorney-in-fact for Carl Henry Brunsting:

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Houston, Texas 77010
dsmith@craincaton.com

CANDACE L. CURTIS

No. 412,249-401

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

TEMPORARY PROTECTIVE ORDER

On August 3, 2015 the Court heard and considered CARL HENRY BRUNSTING'S MOTION FOR PROTECTIVE ORDER and Defendants' response thereto.

At issue are recordings of intercepted electronic communications between Plaintiff Carl Henry Brunsting and his wife Drina.

After hearing on the merits and reviewing briefs submitted by the parties, the Court is of the opinion that the recordings in point are "Protected Communications" as that term is defined at 18 U.S.C. §§2510(1) & 2510(12) and that a protective order is necessary to protect privacy rights pending disposition of the pending questions at issue.

IT IS THEREFORE ORDERED that any person or entity subject to this Order-including without limitation the parties to this action, their representatives, agents, experts and consultants, all third parties providing discovery in this action, and all other interested persons with actual or constructive notice of this Order -shall adhere to the following terms, upon pain of contempt and any other applicable civil or criminal penalties:

1. No person or entity shall, in response to a request for discovery or subpoena issued in this action, produce any Protected Communication for any third party or person absent further order of this Court.

2. To the extent a Protected Communication is or has already been produced in response to a request for discovery or subpoena issued in this action, any recipient of such production shall (a) immediately surrender any and all documents that contain or

reflect a Protected Communication to real party in interest Carl Henry Brunsting through his Counsel of Record and (b) destroy any copies made of such Protected Communication, as well as any derivative materials that reflect a Protected Communication on any medium of storage whatsoever.

3. Any party to this action that issues a request for discovery or subpoena calling for the production of a Protected Communication shall simultaneously provide the recipient of the discovery request or subpoena with a copy of this Protective Order. To the extent a party to this action has already issued such a request or subpoena, such party shall provide a copy of this Protective Order to the recipient within three (3) business days of the entry of this Order.

4. Any person who receives a request for discovery or subpoena in this action calling for the production of a Protected Communication shall, without revealing the substance or content of a Protected Communication, provide both the issuing party and the Court with a general description of that Protected Communication so that the issuing party can make an application to this Court for production of that Protected Communication, and that Plaintiff Carl Henry Brunsting can respond to that application.

IT IS FURTHER ORDERED that on or before _____, sworn affidavits are to be provided by Defendants Anita Brunsting, Amy Brunsting, and Carole Brunsting, stating any personal knowledge with regard to every recording made since July 1, 2010 within the following categories:

- All audio or video recordings of meetings, conversations, telephone messages, or other communications with Elmer, Nelva, or any of the Brunsting Descendants concerning Brunsting Issues,
- All audio or video recordings of Nelva's execution of any documents.
- All audio or video recordings of evaluations of Nelva's capacity,
- All other audio or video recordings of any Brunsting family member, and
- All investigations made of any Brunsting family member, including any surveillance logs or reports.

The sworn affidavits shall identify every party involved in making the recordings and specify the date, location, and means used to make the recordings, the current location of all original recordings and all copies of all recordings, all parties to whom the contents of recordings have been disclosed, and all uses which have been made of the recordings.

IT IS SO ORDERED!

Signed August, _____, 2015.

_____
Christine Butts, Judge
Harris County Probate Court No. 4

NO. 412,249-401

CANDACE LOUISE CURTIS	§	**IN PROBATE COURT**
	§	
Plaintiff,	§	
	§	
V.	§	**NUMBER FOUR (4) OF**
	§	
ANITA KAY BRUNSTING, ET AL	§	
	§	
Defendants.	§	**HARRIS COUNTY, TEXAS**

MEMORANDUM OF FACTS SUPPORTED BY DEFENDANTS' OWN DISCLOSURES

Plaintiff Candace Louise Curtis respectfully submits for the perusal of the Court this memorandum of facts adding to the inquiry context and color revealing the true nature of the intentions behind the unlawful interception and dissemination of the private electronic communications at issue.

Statement of the Issue

Recordings of private electronic telephone conversations between plaintiff Carl Brunsting and his wife Drina Brunsting have been disseminated to all of the parties to the present lawsuits. These recordings, if any, were requested by Plaintiff Brunsting to be produced by the Defendants in the Petition for Deposition Before Suit filed by Carl Brunsting March 9, 2012, when there were no other parties, however, the recordings were not disclosed until July 5, 2015.

Plaintiff Carl Henry Brunsting, along with his wife and attorney in fact Drina Brunsting, challenged the recordings as the product of the illegal interception of electronic communications, in violation of state and federal wiretap laws, and thus seek protective orders.

In DEFENDANTS' RESPONSE TO CARL HENRY BRUNSTING'S MOTION FOR PROTECTIVE ORDER Defendants unanimously assume the following postures:

1. *It is certainly understandable that Drina has such opposition to the recordings because it proves that Nelva was planning for Drina and Carl's divorce and that Nelva felt Carl's medical condition made him unable to serve as a trustee.*

2. *On information and belief, all audio recordings came from an answering machine which Carl either intentionally set up to record the calls and/or which triggered in accordance with its own operation. Either way, one-if not both-participants had full knowledge that he/she was being recorded.*

3. *Drina provides no evidence that both parties to the conversations did not consent to the recordings, which is a prerequisite to the relief sought.*

A Recital of Known Facts

1. There are known recordings of private phone communications between Carl and Nelva and between Carl and his wife Drina, which are the object of the application for protective order.

2. The recordings were disseminated by Defendant Anita Brunsting, who is not a party to any of the disclosed communications.

3. We have a claim by Carl Henry Brunsting and his wife Drina that the recordings were illegally obtained.

4. We have a unanimous response from all three Defendants asserting upon information and belief that the recordings were legally obtained but answers to interrogatories on the subject indicate that none of them know anything individually.

5. The question of admissibility hinges upon the legality of the interception and dissemination of the communications.

6. A presumption that the right of privacy has been violated is primary and stands unrebutted by competent evidence to the contrary.

7. The burden of proof as to the legality of the acquisition and dissemination of the recordings is on the proponent of the assertions that the recordings were obtained legally and are therefore admissible.

8. The proponent of the legitimacy and admissibility of the recordings objects that declaring the facts necessary to qualify the recordings as legally obtained evidence before dissemination is somehow onerous, but at the same time want carte blanch to disseminate the recordings to persons not privy to the conversations under the auspices of discovery and disclosure.

9. Unless the recordings can be qualified as legally obtained they are inadmissible and cannot be disseminated lawfully.

10. There are questions as to the recordings' origins and Defendants file a joint motion claiming the existence of specific facts while taking no individual responsibility for personal knowledge.

11. Anita Brunsting, through her counsel Brad Featherston, disseminated the recordings and, thus, Anita Brunsting would have at least some personal knowledge regarding the chain of custody and control, and both now share in the culpability and attendant civil liability.

12. Assertions that the recordings were made on an answering machine would indicate personal knowledge by one if not all of the Defendants.

13. An assertion that the recordings were authorized by Carl Brunsting requires evidentiary support from the proponent of the claim, and there has been none.

14. Assertions that Carl Brunsting installed and activated the Answering Machine are inconsistent with the Defendants' emails of the same date of the purchase of the voice recorder showing they were conspiring to get guardianship over Carl.

15. Carl was both incompetent and the proper subject of Defendants' intended guardianship effort or he was competent to install and activate the "Answering Machine" that Defendants insist he made the recordings on. Both of these things cannot be true.

16. In the Bates stamped disclosures there is a receipt for a signal activated SONY digital voice recorder purchased four days before the first dated recording on the disseminated CD. When combined with the attached email and other exhibits talking about getting guardianship over Carl, continuing the Private Investigator over the weekend, knowing where Carl and Drina were and what they were doing at that very point in time, and all of these events in the same time period as other documented activities, provides a presumption that the circumstances and intentions surrounding the acquisition of the recordings are not what Defendants claim, as hereinafter more fully appears.

The hierarchy of presumptions is as follows:

1. The participants to a private telephone conversation have a reasonable expectation of privacy against electronic eavesdropping.

2. The waiver of a known right must be a knowing and intelligent act done with sufficient knowledge of the relevant circumstance and likely consequences, and it must be both a voluntary and an overt act.

3. There is no affirmative evidence of such waiver.

4. Unless rebutted the presumption that the recordings were illegally obtained is not only controlling but the prudent course.

The True Context and Color

The only probative value these recordings could possibly have is in the fact of their very existence. Defendants argue that the content of the challenged recordings adds context and color to the events of the time showing that Nelva was preparing for Carl's alleged divorce. As in all other instances Defendants fail to provide anything but claims of Nelva's intentions based upon the strength of the honor and integrity of their word alone.

Despite all the posturing and game playing the evidence will show the Defendants are intractably disingenuous and that they illegally intercepted the private electronic communications as part of a conspiracy to steal the family inheritance. That conspiracy involved attempts to have

Nelva declared incompetent and to gather what they thought would be evidence to support guardianship over Carl.

The evidence will further show Defendants stalked Nelva through her email and banking activities online, in addition to tapping her phone and recording every conversation involving anyone who spoke with Nelva on the phone, including Plaintiff Curtis in California.

Candace Freed took her instructions from ANITA despite her claims it was Nelva who was making the requests for changes to the trust. (Exhibit A)

The October 25, 2010 phone conference called for by Candace Freed excluded Carl and Nelva and was ultimately about having Nelva declared incompetent, which they failed to achieve by mid-November. The "law firm" did not keep an audio recording of that conference.

There is no evidence Nelva even knew of these changes before Plaintiff Curtis' 10/26/2010 phone call, after which Nelva sent Candace her hand written note repudiating the alleged 8/25/2010 QBD.

Defendant Carole Brunsting sent an email about overhearing Nelva's conversation on the phone with Candace Freed. (Exhibit B)

Freed sends a follow up email regarding the failed attempt at getting Nelva declared incompetent on Nov. 17, 2010, apparently referring to this same conversation. (Exhibit C)

Despite Defendant Amy Brunsting's claims of not being involved before Nelva's death, Amy and Anita corresponded with Candace Freed December 23, 2010 and on several other dates prior to Nelva's demise. (Exhibit D)

On March 8, 2011 Anita emails Carole, Amy and Candace bragging about reminding Nelva she was no longer trustee and no longer had access to the trust. (Exhibit E)

March 17, 2011 Tino (Nelva's caregiver) buys a Sony Digital Voice Recorder, (Brunsting 004570) which shows one ICD-PX312 digital voice recorder purchased by Tino at Best Buy in Houston. (Exhibit F)

March 17 and 18, 2011 emails mention the PI and talk about getting guardianship over Carl. (Exhibit G 1-3)

March 21, 2011 is the record date of first wiretap .wav file (received from Brad on CD 7/5/2015) (See Carl Brunsting Petition for Protective Order)

On March 24 and 25, 2011 there are large trust-prohibited transfers of Exxon Mobil and Chevron Stocks labeled as "gifts". (See Report of Special Master)

On March 29, 2011 Amy and Anita communicated with Freed (Exhibit D)

April 22, 2011 is the record date of second .wav file (received from Brad 7/5/2015) (See Carl Brunsting Petition for Protective Order)

Then on May 11, 23 and 25, and on June 14 and 15, there are more large trust-prohibited transfers of Exxon Mobil and Chevron Stocks. (Report of Special Master)

July 27, 2011 Anita corresponds with Freed (Exhibit D)

August 16, 2011 Anita corresponds with Freed (Exhibit D)

September 20, 2011 Amy and Anita correspond with Freed (Exhibit D)

February 27, 2015 is the record date of the third and fourth .wav files (received from Brad 7/5/2015) (See Carl Brunsting Petition for Protective Order), indicating these two recordings had been excerpted from a master storage disk containing even more undisclosed recordings.

There is an overwhelming volume of evidence clearly showing more of the same pernicious intent, but since the matter before the Court is limited to the singular question of the legality of Protected Communications, Plaintiff Curtis will not respond to the plethora of Defendants' extemporaneous expressions of disingenuous, self-serving bias, and otherwise irrelevant assertions.

Respectfully submitted,

Candace L. Curtis, *Pro se*
218 Landana Street
American Canyon, California 94503
occurtis@sbcglobal.net
925-759-9020

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has been sent on this 9th day of August 2015, to the following via email:

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Attorneys for Drina Brunsting as
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CANDACE L. CURTIS

EXHIBIT A

PM TRUST REVIEW MEETING

Signing Date & Time
Wed. Aug. 4th 2pm.
Fee:
Paid: Mail:

Client Name: Brunsting, Nelva

Date: 07/30/10 **Estate Size:** 2 mil±

IRA: Husband - N/A **Wife -**

Current Address/Phone: 13630 Pinerock Hou TX 77079

Date of Trust/Restatement: **Previous Amendments?** Yes.

Subtrust Funding Done previously? Yes. DT & ST.

AMENDMENT: ✓ QBD(PAT)✓ ___ Other ___ Instr Ltr ✓ HCPOA✓
✓ ApptSUCCTee/HIPAA✓ ___ ExTPOA ___ ✓COT ___ ✓POA✓ ___ DIR

Anita Kay Riley & Amy Ruth... Co-tees
or Survivor of Them. Then Most

✓ **Distribution Change (QBD):**

PAT QBD

IF PAT QBD then:

Each beneficiary Trustee of Own Trust: ✓ yes ___ no

except for Carl, Anita & Aimee as Co-tees for Carl
(except they have rt to name Carl as own Succ Tee)
Distribution of PAT: need to

Same as LT except need language
about the last amend (QBD) ltes early distrs.

_____ **Specific Distribution:**

_____ **Ultimate Distribution:**

_____ **HEALTH CARE DOCUMENTS:**

1ST Agent: Carol

2nd Agent: Anita

3rd Amy

IRA TRUST: _____ **yes** _____ **no** For whom? _____ husband _____ wife

Trustees upon disability of Trustor or spouse: _____

Each beneficiary Trustee of own trust? _____ yes _____ no

SS# of Surviving Spouse/Beneficiaries: _____

FUNDING:

Real Estate _____

Which property has NO MORTGAGE? _____

_____ Recording HS Deed

_____ Apply for HS Exemption

Tax-deferred Assets _____

_____ Bank & Brokerage Accounts
_____ Life Insurance
_____ Oil & Gas Interests
_____ Credit Union Accounts
_____ Partnership Interests
_____ CDs
_____ Safe Deposit Box
_____ Stocks and Bonds
_____ Motor Vehicles
_____ Sole Proprietorship Assets
_____ Promissory Notes & Mortgages
_____ Annuities

Additional Documents: _____

NOTES:

Needs new DFPOA -order

Anita

Carol

Amy

Any Name Changes for children? _____ **Any children Predecease?** No.

If Yes, who: _____

FEES:

QUOTED: $ _____ **(Plus Expenses)**

AMOUNT REC'D: None **DATE:** _____

BALANCE DUE: _____

DOCUBANK? _____

Cost Pat QBD 1200.
Hipaa Pkg 250 - med POA
D.F.P.O.A 150.-
Appl. of Succ TEE
New Card.

Courtesy discount $150.-
Cy

Anita - called

Carl has ensephleytes/ amendments to trust

Anita + Aimee as Co-Tees

Change list under ME

Carol
Anita
Aimee

Financial P.O.a

Anita
Carol
Aimee

Amend to trust /PAT's w/ Aimee to be Co-tees. Anita

to correct Supp Needs to

Sp needs?

From: Anita Brunsting
To: Candace Freed
Sent: 10/6/2010 8:19:06 PM
Subject: Brunsting Family Trust

Candace,

I spoke to mom tonight and she agreed to resign as trustee and appoint me as trustee. I told her that you would be contacting her to re-explain things and make sure she understood what was happening.

If you have any questions, my cell is 361-550-7132.

Thanks,
Anita

EXHIBIT B

From: Carole Brunsting <cbrunsting@sbcglobal.net>
Sent: Thursday, October 28, 2010 9:00 AM
To: Candace Curtis
Subject: Re: One more

Candy,
The more I think about this the whole key is Carl. When I was listening to Mother's call with Candance, Mother told Candace that Carl was trustee, not Anita and was not following the changes Candane was telling her she had made to have Carl removed.. Legally, I wonder if what Candace did was right without consulting Carl or his power of attonery since Carl has always been present at all meetings.

--- On **Thu, 10/28/10, Candace Curtis <*occurtis@sbcglobal.net*>** wrote:

From: Candace Curtis <occurtis@sbcglobal.net>
Subject: Re: One more
To: "Carole Brunsting" <cbrunsting@sbcglobal.net>
Date: Thursday, October 28, 2010, 10:34 AM

Candace DOES know she fucked up. That's why she had such a nasty attitude towards both you and I. Anita is smug and Amy plays dumb.

I hope Carl goes home today! If he does I hope the sun is shining. 10 minutes smiling into the sunshine + coffee + the Beatles = a sharper, happy Carl. I have a strong feeling that he will recover in leaps and bounds ALL ON HIS OWN, with support from his wife and family. The fact that Daddy is looking over us gives me strength. I can feel him stronger than ever before.

My suggestion is that when Dr. White finds Mother competent the following should happen:

1. You need to complete your time-line to demonstrate that due to various factors (badgering, low oxygen, Carl's illness, her illness, pneumonia, general stress and worry due to all of this), Mother was incompetent and under extreme duress when she signed everything she signed, particularly the Power of Attorney. We can compose a letter to Candace for Mother to sign, demanding that she wants to have papers drawn up to revoke anything she agreed to between the first of July and now.

2. As Mother gathers strength over the next few weeks she will go to her MD Anderson appointments, etc. and move towards treatment and recovery. I want to stress nutrition, adequate good sleep, and stress-free living.

3. In the meantime she can sell what she needs to, to pay for Robert or Tino or whoever Drina needs to assist her with Carl (if she even needs someone - Carl may recover a lot in a few weeks at home). The cost will be minimal compared to the $100k shithead got to buy her house.

Going forward, Mother will have to tell Candace IN WRITING what she wants done with the trust. You can help her compose the letters. There can be no question when it's in writing. You can assist Mother in reviewing the paperwork before she signs (at home - at her leisure), to make sure all her wishes have been incorporated. This should never be done under the pressure and duress she was subjected to. Mother can take as much time as she needs to read and understand that everything will be as she wants it to be.

The fair and equitable solution in my mind is:

Make all five of us successor co-trustees and require a majority to make any change whatsoever. Then, if Mother steps down there will be no shenanigans. Everything will be transparent and we'll all know everything everyone else knows. That way when Anita wants to sell the farm, or move away from Edward Jones, she can put it up for a vote among us. All five of us are intelligent people and none of us can honestly say we have NEVER made a wrong choice in our lives. This way Mother will be at peace to live out her life, and she will die knowing that she has not pitted one against the other, or given control of one over the other, or played favorites, or been bullied into doing something she didn't really want to do, or would not have done in the first place.

Now this may go AGAINST the norm, or what Candace and her ilk would recommend, but fuck them. They are attorneys who get paid to do what their clients want them to do and they love having to draw up documents. Fees, fees, fees, $$$$$$$$$$$$$

If Anita succeeds in her agenda and becomes trustee, we should have her competency tested just to show her what it feels like. If everything stays the way it is right now, that's the first thing I'm going to do when the day comes that she's in charge of me. Na, Na, Na, Na, Na, Na.

Love you,

C

From: Carole Brunsting <cbrunsting@sbcglobal.net>
To: occurtis@sbcglobal.net
Sent: Wed, October 27, 2010 9:32:06 PM
Subject: One more

And do not overlook an exploration of the family's motives in requesting a competency evaluation, she cautioned. Do family members have reason for wanting their oddly behaving relative to be declared incompetent?

This is from an article about not rushing to declare and elderly person incompetent.
Mother passes the smell test and I have to make sure Tino does not let her out of the house without her clothes being ironed and SEE!!! MOTHER MADE THE APPOINTMENT TO GET HER HAIR DONE!!! CANDY THAT IS IT!!! MOTHER DOES CARE ABOUT HER APPEARANCE!! She will not go out without her makeup one and I have to get her a nail file all the time. Mother also called Edward Jones on her own and sold $10K so she would have enough money to live on.

She was temporarily incompetent when she was to low on oxygen and if they made her walk to Candace's offic I know for a fact her levels were to low because Dr. White joked about it. Tino did not take her so she had to walk from the parking lot to the office. She did not understand what she was signing because she was to short o breath and I can prove that. Candane has to know she F***ed up.

--- On **Wed, 10/27/10, Carole Brunsting** ***<cbrunsting@sbcglobal.net>*** wrote:

From: Carole Brunsting <cbrunsting@sbcglobal.net>
Subject: Found this
To: occurtis@sbcglobal.net

Date: Wednesday, October 27, 2010, 10:38 PM

There are any number of situations that may cause you to question the competency of a family member to make sound life decisions, such as when:

- An elderly person suddenly changes a will or trust in a manner that is significantly different from all previous wills or trusts, which could result in will litigation if not appropriately handled during the elder's life.
- A family member has suspicion that the elderly person is being unduly influenced by others

Anita is unduly influencing Mother and now Amy has piled on. Mother never would have made these changes on her own. This was all done by the hand of Anita who put herself in charge of everything.

EXHIBIT C

Subject: Fw: Nelva Brunsting
From: Candace Curtis <occurtis@sbcglobal.net>
Date: 3/11/2015 6:24 PM
To: Rik Munson <blowintough@att.net>

On Wednesday, November 17, 2010 2:38 PM, Candace Freed <candace@vacek.com> wrote:

Amy and Family, Thank you for the update on your mom, Nelva Brunsting. The purpose of the conference call and the suggestion that Ms. Brunsting be evaluated was based solely on conversations that I had with Ms. Brunsting and to let you all know that I had concerns based on those conversations. If she has been evaluated by her physician and you as a family are comfortable with his or her diagnosis, then you have addressed the concerns that I had. I appreciate your letting me know the opinion of the doctor. I hope your mom is doing well and she continues to improve.

Please let me know if I can be any further assistance.

Very truly Yours,

Candace L. Kunz-Freed
Attorney at Law

Vacek & Freed, PLLC
14800 St. Mary's Lane, Suite 230
Houston, Texas 77079
Phone: 281.531.5800
Toll-Free: 800.229.3002
Fax: 281.531.5885
E-mail: candace@vacek.com
www.vacek.com

We have moved! Our new office address is as shown above. We are one exit west of our old office building. Exit Dairy Ashford. Turn south on Dairy Ashford. St. Mary's Lane is a side street one block south of I-10 Katy Freeway. Turn west on St. Mary's Lane. Our building is in the northwest corner of the four-way stop.

EXHIBIT D

DEFENDANTS' PRIVILEGE LOG

Bates No.	Date	Author	Recipient	Document	Subject	Privilege
V&F ① 002054 - V&F 002057	1/27/11	Candace L. Kuntz-Freed	Anita Kay Brunsting	Correspondence	Attorney communications to client regarding representation.	Attorney-Client Communication
V&F ② 002058 - V&F 002060	7/27/11	Candace L. Kuntz-Freed	Anita Kay Brunsting	Correspondence	Attorney communications to client regarding representation.	Attorney-Client Communication
V&F ③ 002061 - V&F 002066	12/08/11	Candace L. Kuntz-Freed	Anita Kay Brunsting and Amy Ruth Brunsting	Correspondence	Attorney communications to client regarding representation.	Attorney-Client Communication
V&F ④ 002067 - V&F 002070	12/23/10	Vacek & Freed, PLLC	Anita Kay Brunsting and Amy Ruth Brunsting	Statement	Attorney communications to client regarding attorneys' fees.	Attorney-Client Communication Attorney Work Product
V&F ⑤ 002071 - V&F 002072	3/29/11	Vacek & Freed, PLLC	Anita Kay Brunsting and Amy Ruth Brunsting	Statement	Attorney communications to client regarding attorneys' fees.	Attorney-Client Communication Attorney Work Product

Bates No.	Date	Author	Recipient	Document Type	Subject	Privilege
V&F 002073 - V&F 002075 (6)	9/20/11	Vacek & Freed, PLLC	Anita Kay Brunsting and Amy Ruth Brunsting	Statement	Attorney communications to client regarding attorneys' fees.	Attorney-Client Communication Attorney Work Product
V&F 002076 (7)	11/29/11	Vacek & Freed, PLLC	Anita Kay Brunsting and Amy Ruth Brunsting	Statement	Attorney communications to client regarding attorneys' fees.	Attorney-Client Communication Attorney Work Product
V&F 002077 - V&F 002078 (8)	12/28/11	Vacek & Freed, PLLC	Anita Kay Brunsting and Amy Ruth Brunsting	Statement	Attorney communications to client regarding attorneys' fees.	Attorney-Client Communication Attorney Work Product
V&F 002079 (9)	1/12/12	Vacek & Freed, PLLC	Anita Kay Brunsting and Amy Ruth Brunsting	Statement	Attorney communications to client regarding attorneys' fees.	Attorney-Client Communication Attorney Work Product
V&F 0020890 (10)	1/31/12	Vacek & Freed, PLLC	Anita Kay Brunsting and Amy Ruth Brunsting	Statement	Attorney communications to client regarding attorneys' fees.	Attorney-Client Communication Attorney Work Product

Bates No.	Date	Author	Recipient	Document Type	Subject	Privilege
V&F 002081 (11)	2/14/12	Vacek & Freed, PLLC	Anita Kay Brunsting and Amy Ruth Brunsting	Statement	Attorney communications to client regarding attorneys' fees.	Attorney-Client Communication Attorney Work Product
V&F (12) 002082 - V&F 002085	2/14/12	Vacek & Freed, PLLC	Anita Kay Brunsting and Amy Ruth Brunsting	Statement	Attorney communications to client regarding attorneys' fees.	Attorney-Client Communication Attorney Work Product
V&F (13) 002086 - V&F 002089	3/20/12	Vacek & Freed, PLLC	Anita Kay Brunsting and Amy Ruth Brunsting	Statement	Attorney communications to client regarding attorneys' fees.	Attorney-Client Communication Attorney Work Product
V&F (14) 002090 - V&F 002093	3/29/12	Vacek & Freed, PLLC	Anita Kay Brunsting and Amy Ruth Brunsting	Statement	Attorney communications to client regarding attorneys' fees.	Attorney-Client Communication Attorney Work Product
V&F (15) 002094	4/12/12	Vacek & Freed, PLLC	Anita Kay Brunsting and Amy Ruth Brunsting	Statement	Attorney communications to client regarding attorneys' fees.	Attorney-Client Communication Attorney Work Product

Log No.	Date	Author	Recipient	Document Type	Subject	Privilege
V&F 002095 - V&F 002096 (16)	1/24/11	Anita Brunsting	Candace L. Kunz-Freed	Email	Email string between attorney and client regarding stock valuation.	Attorney-Client Communication
V&F 002097 (17)	1/27/11	Summer Peoples	Anita Kay Brunsting	Correspondence	Attorney communications to client regarding representation.	Attorney-Client Communication
V&F 002098 (18)	7/27/11	Summer Peoples	Anita Kay Brunsting	Correspondence	Attorney communications to client regarding representation.	Attorney-Client Communication
V&F 002099 (19)	8/16/11	Candace L. Kunz-Freed	Anita Kay Brunsting	Email	Attorney communications to client regarding representation.	Attorney-Client Communication
V&F 002100 (20)	12/8/11	Summer Peoples	Anita Kay Brunsting and Amy Ruth Brunsting	Correspondence	Attorney communications to client regarding representation.	Attorney-Client Communication
V&F 002101 - V&F 002102 (21)	12/20/11	Candace L. Kuntz-Freed	Anita Kay Brunsting	Email	Email string between attorney and client regarding life insurance proceeds.	Attorney-Client Communication
V&F 002103 - V&F 002104 (22)	12/20/11	Candace L. Kuntz-Freed	Anita Kay Brunsting	Email	Email string between attorney and client regarding life insurance proceeds.	Attorney-Client Communication

Privilege Log No.	Date	Author	Recipient	Document Type	Subject	Privilege
V&F 002105 - V&F 002106 (23)	12/28/11	Summer Peoples	Anita Kay Brunsting and Amy Ruth Brunsting	Email	Attorney communications to client regarding attorneys' fees.	Attorney-Client Communication Attorney Work Product
V&F 002107 (24)	1/03/12	Anita Kay Brunsting	Candace L. Kunz-Freed and Amy Ruth Brunsting	Email	Communication between attorney and client regarding title of the Buick.	Attorney-Client Communication
V&F 002108 (25)	1/05/12	Summer Peoples	Anita Kay Brunsting and Amy Ruth Brunsting	Correspondence	Attorney communications to client regarding Trust Information Sheets.	Attorney-Client Communication
V&F 002109 - V&F 002112 (26)	1/09/12	Candace L. Kuntz-Freed	Anita Kay Brunsting and Amy Ruth Brunsting	Email	Email string between attorney and client regarding distribution of trust funds.	Attorney-Client Communication
V&F 002113 - V&F 002114 (27)	1/22/12	Candace L. Kunz-Freed	Anita Kay Brunsting	Email	Email string between attorney and client regarding notice to beneficiaries.	Attorney-Client Communication
V&F 002115 - V&F 002116 (28)	1/23/12	Candace L. Kunz-Freed	Anita Kay Brunsting	Email	Email string between attorney and client regarding notice to beneficiaries.	Attorney-Client Communication

Bates No.	Date	Author	Recipient	Document	Subject	Privilege
V&F 002117 - V&F 002118 (29)	1/23/12	Anita Kay Brunsting	Candace L. Kunz-Freed and Amy Ruth Brunsting	Email	Email string between attorney and client regarding trust accounting.	Attorney-Client Communication
V&F 002119 - V&F 002121 (30)	1/24/12	Anita Kay Brunsting	Candace L. Kunz-Freed and Amy Ruth Brunsting	Email	Email string between attorney and client regarding trust documents.	Attorney-Client Communication
V&F 002122 - V&F 002123 (31)	1/24/12	Anita Kay Brunsting	Candace L. Kunz-Freed and Amy Ruth Brunsting	Email	Email string between attorney and client regarding trust accounting.	Attorney-Client Communication
V&F 002124 - V&F 002125 (32)	1/31/12	Anita Kay Brunsting	Candace L. Kunz-Freed and Amy Ruth Brunsting	Email	Email string between attorney and client regarding Farmland LLC.	Attorney-Client Communication
V&F 002126 - V&F 002127 (33)	1/31/12	Summer Peoples	Anita Kay Brunsting and Amy Ruth Brunsting	Email	Attorney communications to client regarding attorneys' fees.	Attorney-Client Communication Attorney Work Product
V&F 002128 (34)	2/14/12	Summer Peoples	Anita Kay Brunsting and Amy Ruth Brunsting	Email	Attorney communications to client regarding attorneys' fees.	Attorney-Client Communication Attorney Work Product

Bates No.	Date	Author	Recipient	Document	Subject	Privilege
V&F 002129 (35)	2/15/12	Summer Peoples	Anita Kay Brunsting and Amy Ruth Brunsting	Correspondence	Attorney communications to client regarding estate planning documents.	Attorney-Client Communication
V&F 002130 - V&F 002132 (36)	2/28/12	Candace L. Kunz-Freed	Anita Kay Brunsting, Amy Ruth Brunsting, and Summer Peoples	Email	Attorney communications to client regarding promissory note.	Attorney-Client Communication Attorney Work Product
V&F 002133 - V&F 002139 (37)	3/02/12	Candace L. Kunz-Freed	Anita Kay Brunsting, Amy Ruth Brunsting, and Bernard Mathews	Email	Attorney communications to client regarding trust value report.	Attorney-Client Communication Attorney Work Product
V&F 002140 - V&F 002142 (38)	3/06/12	Amy Ruth Brunsting	Candace L. Kunz-Freed	Email	Communication between attorney and client regarding promissory note.	Attorney-Client Communication Attorney Work Product
V&F 002143 - V&F 002148 (39)	3/14/12	Anita Kay Brunsting	Candace L. Kunz-Freed and Amy Ruth Brunsting	Email	Communication between attorney and client regarding promissory note.	Attorney-Client Communication Attorney Work Product

Bates No.	Date	Author	Recipient	Description	Subject	Privilege
V&F 002149 (40)	3/20/12	Summer Peoples	Amy Ruth Brunsting, Anita Kay Brunsting, and Chip Mathews	Email	Attorney communications to client regarding request for wills.	Attorney-Client Communication
V&F 002150 - V&F 002151 (41)	3/20/13	Summer Peoples	Anita Kay Brunsting and Amy Ruth Brunsting	Email	Attorney communications to client regarding attorneys' fees.	Attorney-Client Communication Attorney Work Product
V&F 002152 (42)	3/22/12	Anita Kay Brunsting	Candace L. Kunz-Freed, Chip Mathews, and Amy Ruth Brunsting	Email	Attorney communications to client regarding December of 2011 accounting.	Attorney-Client Communication
V&F 002153 (43)	3/22/12	Anita Kay Brunsting	Candace L. Kunz-Freed	Email	Attorney communications to client regarding accounting.	Attorney-Client Communication
V&F 002154 - V&F 002155 (44)	3/27/12	Anita Kay Brunsting	Chip Mathews, Amy Brunsting, Candace L. Kunz-Freed	Email	Email string between attorney and client regarding accounting.	Attorney-Client Communication
V&F 002156 - V&F 002158 (45)	3/28/12	Candace L. Kunz-Freed	Anita Kay Brunsting, Amy Brunsting, and Chip Mathews	Email	Email string between attorney and client regarding asset lists.	Attorney-Client Communication

Bates No.	Date	Author	Recipient	Document	Subject	Privilege
V&F 002159 (46)	3/28/12	Candace L. Kunz-Freed	Anita Kay Brunsting, Amy Brunsting, and Bernard Mathews	Email	Attorney communications to client regarding asset lists.	Attorney-Client Communication
V&F 002160 - V&F 002161 (47)	3/29/12	Anita Kay Brunsting	Candace L. Kunz-Freed	Email	Email string between attorney and client regarding assets and expenses.	Attorney-Client Communication Attorney Work Product
V&F 002162 - V&F 002163 (48)	3/29/12	Summer Peoples	Anita Kay Brunsting and Amy Ruth Brunsting	Email	Attorney communications to client regarding attorneys' fees.	Attorney-Client Communication Attorney Work Product
V&F 002164 - V&F 002166 (49)	3/30/12	Candace L. Kunz-Freed	Anita Kay Brunsting, Amy Ruth Brunsting, and Bernard Mathews	Email	Email string between attorney and client regarding asset list.	Attorney-Client Communication
V&F 002167 (50)	4/12/12	Summer Peoples	Anita Kay Brunsting and Amy Ruth Brunsting	Email	Attorney communications to client regarding attorneys' fees.	Attorney-Client Communication Attorney Work Product

Bates No.	Date	Author	Recipients	Document	Subject	Privilege
V&F 002168 - V&F 002183 (51)		Candace L. Kunz-Freed		Chart	Attorney notes/history of representation	Attorney-Client Communication Attorney Work Product
V&F 002184 - V&F 002191 (52)	11/22/11			Document	Authorization for Release of Protected Health Information	Attorney Work Product
V&F 002192 (53)	11/22/11			Document	Authorization for Release of Information	Attorney Work Product

EXHIBIT E

From: Candace Curtis (occurtis@sbcglobal.net)
To: occurtis@sbcglobal.net;
Date: Sat, February 18, 2012 11:29:12 AM
Cc:
Subject: Fw: New Development

----- Forwarded Message ----
From: Anita Brunsting <akbrunsting@suddenlink.net>
To: Candace Curtis <occurtis@sbcglobal.net>; Amy <at.home3@yahoo.com>; Carole Brunsting <cbrunsting@sbcglobal.net>
Sent: Tue, March 8, 2011 7:15:32 PM
Subject: RE: New Development

I got the same TM from Tino. I hesitate to promise them anything in writing about money. Rather than a monthly payment, I would rather grant them a certain amount each year, but only through the direct payment of their bills - for example; mom could gift Carl $13,000/year, but only if they send me the bill statements to pay directly, and only for bills for living/medical expenses - when the trust has paid $13,000 in bills for the year, that's the end of the money for that year. We could ask them to sign for this money against his inheritance, but then we'd have another form that we'd have to get them to sign (probably notarized), and as we don't know if she's had Carl declared incompetent, the validity of any form he signs might be questionable.

I do like the idea of a letter telling Drina that she may have no contact w/ mom (physical, verbal, visual, phone or electronic means) and she is not to enter mom's house. She can bring Carl to visit mom, but she must remain outside the house - any violation of this letter will be considered harassment and the police will be called if she does not comply. I would also like to add in the letter that Carl's inheritance will be put into a Personal Asset Trust for his care and living expenses - I think this information might be enough to tip her hand.

I would also like to ask Candace, what this letter would do for us legally - like if we did end up calling the police would the letter lend any credence to our case?

I won't do anything until we can come upon an agreement as what to do - I can also write this letter in the role of mom's power of attorney (which she signed last year).

I spoke w/ mom about the whole situation; she listens to reason and can understand our concerns for Carl, and will sign the changes to the trust next week. I have been very forthright in explaining the changes in the trust to her, and that they would be done in order to minimize any pathway that Drina might have to Carl's money. The changes are not to penalize Carl, but to ensure the money goes for his care. I told her to "just say No" to Carl or Drina if they brought up the trust or money and to refer them to me. I reminded her that she isn't trustee anymore and doesn't have access to the trust accounts - she seems fine w/ everything, and expressed no desire to put Carl back on as a trustee. I told her that in the event she did that, that it would not be fair to the rest of us, as we would end up having to deal w/ Drina, not Carl. Mom begrudgingly admits to knowledge of the unpleasantness of this whole situation and Drina's past behavior since Carl has been ill, but I think she is really naive regarding the lengths to which Drina may go through to get Carl's inheritance.

P-9

EXHIBIT F

TIME SHEET

Employee Name: Faustino Vaquera **Title:**

Week: March 15 — March 19

Date	Start Time	End Time	Regular Hrs.	Total Hrs.
3-15 Tues	8:30 am	12:00 am	15.30	
3-16, Wed	12:00 am	2:00 pm	14	
↓	4:00 pm	12:00 am	8	
3-17, Thur	12:00 am	9:30 am	9:30	
3-[redacted]	6:30 pm	12:00 am	5:30	
3-18 [redacted] Fri	12:00 am	6:00 pm	18	
	WEEKLY TOTALS:		70 ½	

Employee Signature: [signature] **Date:** 3-18

Supervisor Signature: **Date:**

70.5
x 15.00
= 1057.50

Groceries & Food = 126.26

Best Buy Digital Voice Recorder 64.94

191.20

Total = 1248.70

directly or indirectly by the products listed on this receipt.

THE SHACK THANKS YOU.

RADIOSHACK 01-8020
Kroger Plaza Sc
14356 Memorial Dr
Houston, TX 77079-6704
(281) 496-9429

Order: 057553 03/17/2011 08:14P Term #002

Helped By: 001 (MAR)
Entered By. 001 (MAR)

4200223 3' 1/8' M-M PATCH CABLE 1 8.39

Subtotal 8.39
Tax 8.25% 0.69
Total 9.08

Credit Card 9.08

Change Due 0.00

Acct# xxxxxxxxxxx0307 M
Card Type VI
Tran# 12687148
Auth# 161235 9.08
Host Captured Y

The card holder identified hereon may apply the total amount shown on this receipt to the appropriate account to be paid according to its current terms.

I agree to pay above total according to card issuer agreement.

Your name, address and the original sales receipt are required for all refunds. Sales and returns are subject to the terms and conditions identified on the back.

Shop online 24/7 at
www.radioshack.com

WELCOME TO BEST BUY #216
HOUSTON, TX 77024
(713)647-6004

Keep your receipt!

Val #: 0422-1046-6045-3089

0216 003 2499 03/17/11 18:22 00005044

1792142 ICDPX312 59.99
ICDPX312 DIGITAL VOICE RECORD
ITEM TAX 4.95
6094193 RZ SILVER 0.00 N
REWARD ZONE PREMIER SILVER
MEMBER ID 0329918420

SUBTOTAL 59.99
SALES TAX AMOUNT 4.95
TOTAL 64.94

xxxxxxxxxxx4030 DEBIT 64.94
FAUSTINO VAQUERA JR
APPROVAL 132943
REFERENCE NUMBER: 0216003

ALEX,
THANKS FOR SHOPPING AT BEST BUY TODAY!
YOUR REWARD ZONE BALANCE AS OF 03/08/11
POSTED POINTS: 153
Go to MyRZ.com FOR MORE INFO

Congratulations! As an added benefit of being a Reward Zone program Premier Silver member, you may return eligible products up to 45 days from purchase date.

Dear Valued Customer,

EXHIBIT G

From: Amy Tschirhart <at.home3@yahoo.com>
Sent: Wednesday, August 18, 2010 12:58 PM
To: Anita Brunsting; Carole Brunsting; Candy Curtis
Subject: CPA's advice

Hi,

I talked to the CPA who does my taxes today and asked her what she would recommend. She told me that Drina should talk to an attorney who specializes in debt created by medical bills. Medical bill debt is treated differently than other debt. I did a quick check on the internet and there are several in Houston.

She said that creditors cannot touch Drina's house or cars. She also recommended not paying any of the medical bills right now. She said to wait until the dust settles, then talk with each company about a payment plan, possibly as little as $10 a month. She told me that in all likelihood, they would eventually write off her debt as a loss. She said Drina should definitely not touch any retirement or inheritance, or borrow anything against them.

I called Drina today and told her what Darlene said. She said her father had been telling her the same things. I tried to emphasize that she should not be paying any bills right now, but I don't know if she really understood why. She is overly concerned with her credit score rating. Darlene said that is not that important because they own their house and cars and are not as reliant on credit compared to younger people.

Anyhow, I know that Drina is in a hard spot right now, but I honestly think that keeping her from accessing *any* of Carl's inheritance would be in her best interest. It would be a waste to spend it on medical bills and they will need the money in the future. I don't think that is going to sit well with Drina because she's going to see it as us being tight-fisted with the money. I strongly suggest that if any of us talk to her, we do it as nicely as we can. Acknowledge that the debt is so huge it is unpayable in her lifetime. Encourage her to seek a professional to find the best way to deal with it. Remind her that we want the best for her and Carl in their future and that we are thinking of their best interests.

Love,
Amy

From: Carole Brunsting <cbrunsting@sbcglobal.net>
Sent: Friday, March 18, 2011 11:59 AM
To: Anita Brunsting; Amy Tschirhart; Candace Curtis
Subject: Re: atty for guardianship

I think that Drina has always projected her own family issues onto ours. She was completely distanced from her own family until a year ago when her brother passed away and now she is talks about the relationship with her dad like they have been close forever which has not been the case.

She must have had some very bad things happen to her in her childhood and slowly but surely she twisted Carl's mind to go along with everything she did and said. I think you are right that this will have to play itself out to see what she does. She has been waiting for the day she and Carl get the "big" trust payout and then it will be see you later chumps!

--- On **Fri, 3/18/11, Candace Curtis <*occurtis@sbcglobal.net*>** wrote:

From: Candace Curtis <occurtis@sbcglobal.net>
Subject: Re: atty for guardianship
To: "Anita Brunsting" <akbrunsting@suddenlink.net>, "Carole Brunsting" <cbrunsting@sbcglobal.net>, "Amy Tschirhart" <at.home3@yahoo.com>
Date: Friday, March 18, 2011, 1:49 PM

The Brunsting family has never been very demonstrative of their love for one another, but I chalk that up to being Dutch. What I cannot seem to wrap my arms around is the extreme coldness of Drina and Marta. They have always been limp when hugged and hugging is one of the best things in the world. One power hug and all my cares fly out the window. I believe it must be a genetic brain chemical imbalance in Drina's family. She has spent her life with Carl trying to distance HIM from his family and turn him into a cold fish like her. How did she ever get pregnant in the first place? Maybe we should try to get some DNA from Marta and Carl and do a paternity test. Wouldn't it be something if he wasn't her father?????????? LOL

Frankly, as long as the trust is safe, we should probably just let nature take its course and sooner or later we will get Carl out of their clutches and into ours. He might be pissed off for awhile, but I have some small faith that once he can reason better he will see that we only seek what is best for him in the long run BECAUSE WE LOVE HIM. Once he is able to reason and be reasoned with, and has regained some control of his life, if he chooses to go back to his moron wife and their moron spawn, I will mourn him as if he were dead. Until such time I will assume that, somehow, at some point in his recovery, he will realize how miserable the bitch has made his life. He might see that all she has ever cared about is money and how to avoid having to go out and earn some.

If asked, Carl would probably say no to coming out here to live with us, even though it might be the very best thing for him. He should never feel like he has been "dumped" on anyone. I think he would have a lot more stimulation out here. He does love the Bay Area and after a short time he might gain some real incentive to get well.

From: Anita Brunsting <akbrunsting@suddenlink.net>
To: Carole Brunsting <cbrunsting@sbcglobal.net>; Candace Curtis <occurtis@sbcglobal.net>; Amy Tschirhart <at.home3@yahoo.com>

Sent: Fri, March 18, 2011 8:59:24 AM
Subject: atty for guardianship

Ok, I think I may have found an atty who could handle the guardianship issue. She was recommended to me by the Burgower firm that Amy's lawyer had given her - the Burgower firm does not do guardianship cases. This atty's name is Ellen Yarrell; her offices are in the Galleria area; she charges an initial consult fee of $350 for 1 hr of her time, and probably requires an retainer of $2000. Her paralegal (Elizabeth) said that she's handled cases like this before (where an impaired person has been divorced by their spouse). I asked about the expense and she said that Yarrell could give us a better idea after the consult and it depends on whether the guardianship would be contested (so that depends on whether we fight Drina now, or wait to see if she'll divorce him and then we're facing Marta (if she pursues it)). I got the feeling that "expensive" meant more like $50,000 not $1 million.

I thought of another plus on our side if Drina divorces him - Drina will probably expect him to come live w/ mother - so if he's w/ us and not his daughter that lends more credence to our side for guardianship (possession is 9/10's of the law?).

I also talked to mom last night and told her what was going on. I asked her if she was ok w/ using her money to pay for Carl's legal fees and of course she said yes.

From: Carole Brunsting <cbrunsting@sbcglobal.net>
Sent: Friday, March 18, 2011 8:41 AM
To: Anita Brunsting; Amy Tschirhart; Candace Curtis
Subject: Re: guardianship assessment form

They are there right now according to the PI. And Michael took him on Wednesday.

--- On **Fri, 3/18/11, Candace Curtis <*occurtis@sbcglobal.net*>** wrote:

From: Candace Curtis <occurtis@sbcglobal.net>
Subject: Re: guardianship assessment form
To: "Anita Brunsting" <akbrunsting@suddenlink.net>, "Carole Brunsting" <cbrunsting@sbcglobal.net>, "Amy Tschirhart" <at.home3@yahoo.com>
Date: Friday, March 18, 2011, 10:33 AM

Do you know if he went to therapy at all this week?

From: Anita Brunsting <akbrunsting@suddenlink.net>
To: Candace Curtis <occurtis@sbcglobal.net>; Carole Brunsting <cbrunsting@sbcglobal.net>; Amy Tschirhart <at.home3@yahoo.com>
Sent: Fri, March 18, 2011 8:26:05 AM
Subject: RE: guardianship assessment form

we're continuing the pi over the weekend or unless it looks like she's headed toward Beaumont - will also use him through next week. $750 is for the lawyer's (Cole) initial consult not a dr. If she divorces him then someone needs to sue for guardianship - Marta would be considered next in line by the law, but if she doesn't sue for it then I don't think she'd be considered. If Drina gets him to sign divorce papers that give him any less than 50% of their assets then a guardian can countersue her to recover those.

From: Candace Curtis [mailto:occurtis@sbcglobal.net]
Sent: Friday, March 18, 2011 10:20 AM
To: Anita Brunsting; Carole Brunsting; Amy Tschirhart
Subject: Re: guardianship assessment form

$750 an hour FOR WHAT? The woman is abusing him and negligent in his care. Have they been out even one time this week? Last I heard, Monday and Tuesday there was no activity other than a visit from Marta. APS said that once they confirmed she was following doctor's orders, they closed the case. If the instructions were 3 times a week and he hasn't been, or only goes once or twice, SHE IS NEGLIGENT, and they better reopen it or start a new one. Let me know if you want me to call.

Any doctor who has seen Carl would most likely say NO to all of the questions. I would, just based on past phone conversations with Carl.

What if Drina files for divorce? Would that be abandonment? Would the trust even be an issue if SHE divorces him?

If I could have anything I wanted for Carl, I would have him assessed by the neuropsychologists at the place I found in Houston. I don't know if he could handle long periods of testing, but he has got to get some cognitive brain function back OR HE WILL NEVER EVEN BECOME CLOSE TO WHOLE AGAIN. It's a good sign that his behavior has improved, but is it because she beats him with a stick and mentally assaults him to get him to act right?

Maybe guardianship is the wrong approach. Maybe we should go after Drina and have her declared incompetent to care for him, or criminally negligent for not obtaining proper rehabilitation. There has to be a reason why she doesn't want her husband of almost 30 years to recover.

Let me know if he will be staying at Mother's again over the weekend. If so, we might want to extend the PI over the weekend so we can see what the hell she does. The more "evidence" we can amass, the better.

Love you guys,

C

From: Anita Brunsting <akbrunsting@suddenlink.net>
To: Carole Brunsting <cbrunsting@sbcglobal.net>; Candace Curtis <occurtis@sbcglobal.net>; Amy Tschirhart <at.home3@yahoo.com>
Sent: Thu, March 17, 2011 2:18:05 PM
Subject: guardianship assessment form

Just thought you'd find this interesting, this is the form that we'd have to have a physician use to assess Carl and possible a MHMR psychologist as well. I just thought it would give you an idea as to what they're looking for - Carl definitely fits the bill -

Just fyi, you may have already known this.

Anita