The Brunsting Trust Controversy was engineered using an estate planning bait and switch. The mechanics of the method are described in an article titled “[How to steal your family inheritance](http://www.probatemafia.com/Brunsting/How%20to%20steal%20your%20family%20inheritance.pdf)”.

The document outlines a satirical and unethical plan to manipulate a family trust for personal financial gain. Here are the incremental steps described:

1. **Trust Setup**: Establish a family trust with financial and medical components. Position yourself as the primary financial decision-maker while assigning a sibling to handle medical decisions.
2. **Triggering Event**: Wait for a significant event, such as a parent's illness, to activate the trust provisions. Use this distraction to focus on financial matters while the sibling handles medical responsibilities.
3. **Declaration of Incompetence**: Exploit the situation by convincing the sibling to obtain a declaration of mental incompetence for the other parent, under the guise of facilitating medical care.
4. **Trust Revision**: Use the incompetence declaration to rewrite the trust, removing other family members' roles and securing sole control over the assets.
5. **Asset Control**: With the revised trust, take control of the family assets, ensuring other family members are excluded.
6. **Finalization**: Secure the assets and prevent other family members from challenging the changes, leveraging legal representation to solidify your position.

When this template is compared to the series of events it becomes obvious that this was the script followed on the frontend.

## The fish takes the hook thinking to find food but it is the fisher that enjoys the meal

What the “How to steal your family inheritance” article does not mention is that the weak link in the family moral fabric is not the intended beneficiary of the Settlors disloyal estate planning attorney’s betrayal. It will be the colluding attorneys[[1]](#footnote-1) that exploit the controversy, created by the disloyal estate planning attorney’s betrayal, who will benefit and not be the greedy sibling that took the bait. I cannot tell you the agreed convention by which the spoils are divided but there surely is one.

The back end (probate) exploitation is a money cow hostage for ransom scheme where the beneficiaries are held in stasis while the attorneys churn out the hours and demand the attorneys be paid “fealties” from the money cow before any beneficiary receives a benefit. The snag here is called a “[settlement agreement](http://www.probatemafia.com/Brunsting/2023-06-29%20Mendel%20Confidential%20Ransom%20Demand%20Proposal.pdf)” that will not only launder the ransom under the label of “fees for legal services” but will generate more fees by design when the problems written into the contract become the new litigation scheme. In other words: the coerced “settlement agreement” will simply change the argument by opening a new can of worms for the attorneys to argue and bill over. This scheme is not new but remarkably old. The backend was outlined by United States District Judge Kenneth Hoyt at hearing on an application for preliminary [injunction](http://www.probatemafia.com/Brunsting/2013-04-09%20Case%20%204-12-cv-592%20Injunction%20Hearing%20Transcript-Hoyt.pdf) (page 35 lines 13-19 and page 40 lines 9-20) without going into the artifice in detail.

“9 So, I want this resolved within 90 days. And

10 if I have to appoint a trustee or somebody to handle this

11 and get it done, I'll do it. It will cost the estate. And

12 if I find that there has been mischief, it is going to cost

11 individuals. And that will be a separate and distinct

12 hearing.

13 So what I am telling the parties, and I am

14 saying to you and to all those who have ears to hear, that

15 this matter is going to get resolved. It's not going to turn

16 into one of these long, drawn-out episodes like the ones we

17 see on TV that go on for years where lawyers make money and

18 people walk away broke.”

Trust beneficiary, and de jure trustee Candace Curtis, filed her original complaint in the Southern District of Texas on February 27, 2012. We did not know much about the rules and we did not want to be accused of being reactionary so we included everything we had at the time and filed under a Jurat verifying the entire filing as an affidavit sworn to be true before a person authorized to accept an oath. In that 28 page complaint, Candace mentioned Anita and Amy Brunsting wiretapping Nelva’s phone, forgery and Anita’s plot to steal the family trust.

“… coming to grips with the notion that, apparently, behind our backs, Anita had made a concentrated effort to take control of the entire trust, and our individual inheritances, in such a manner that if Carl and l complain about it, she gets to keep it, all the while asserting to others that our Mother made this decision ON HER OWN. I know she did not, because she said so to me on the phone. She took my concern to heart and subsequently sent me a handwritten note saying, again, that it was not true.(P-16, 2 pgs.)”[[2]](#footnote-2)

In the course of the menagerie to follow, the truth of these prescient observations becomes self-authenticating.

1. Attorney Bobbie G. Bayless, Texas State Bar No. 01940600, committed fraud when she filed two halves of the same action in separate courts. (filed [in probate](http://www.probatemafia.com/Brunsting/Tab%203a%202013-04-09%20Case%20412249-401%20PBT-2013-115617%20Bayless%20Original%20Petition.pdf) with the intention of interfering with the jurisdiction of the federal court and to protect the bait and switch [estate planning attorneys sequestered in the district court](http://www.probatemafia.com/Brunsting/Tab%2084%202013-01-29%20Bayless%20District%20Court%20Complaint%20against%20Freed.pdf)) You will note the claims are [integrally interrelated](http://www.probatemafia.com/Brunsting/Single%20Nucleus%20of%20Operative%20Facts%20Analysis.pdf).
2. The 412,249-401 action filed in Harris County Probate Court No. 4, five days after the inventory was approved and no further action of any nature could be filed in that court in an independent administration. Tex. Est. Code §402.001
   1. Carl Brunsting is not an heir to either of his parent’s estates and has no Individual standing in probate. The sole devisee of both wills is the trust.
   2. There has been no executor since February 2015 when Carl resigned, which pretty much eliminated the estate as a plaintiff in the -401, -403.
   3. The trustee’s interest in prosecuting the Vacek & Freed attorneys for negligence should be obvious.
   4. If a 3rd party representative were appointed, what interest would the estate have in Carl’s probate court claims? NONE! Everything officially poured over into the trust when the inventory was approved and the probate part in the indepdnet administration ended.
3. No pending probate administration renders transfer of the district court case to probate void. If the 412,249-401 action can find a plaintiff, Dominant Jurisdiction over the 401 subject matter would be in the District Court (with the 1st filed Vacek & Freed malpractice case) and not the probate court. (Tex. Est. Code §34.001, Tex. Gov. Code §25.0021)
4. Assuming statutory probate jurisdiction can be found, independent administration rules control, (See Tex. Est. Code Ann § 32.005 and § 402.001) in which case there is no statutory probate court jurisdiction because Carl did not have standing to file his trust related tort claims there in an independent administration of a pour-over estate after the inventory, appraisement and list of claims had been approved and the probate dropped from the active docket.
5. A holding that the statutory probate court had subject matter jurisdiction will verify that the estate planning attorneys sold products and services under a guarantee that their products and services would avoid probate and either knew it was untrue or did not know it to be true and were either culpable or professionally negligent in making these assurances and the estate planning attorneys are liable for all resulting damages. However, they only acted on the front end. Once controversy has been generated the attorneys in the probate court begin the backend exploitation.
6. In any event Candace federal complaint is not in the probate court and has never been filed in the probate court. All Candace did after firing Ostrom was defend against Anita and Amy’s attacks and try to escape the Go Nowhere Resolve Nothing merry-go-round of probate poser advocacy.
7. A&A’s original counter claims were waived under Rule 97(a) Texas Rules of Civil Procedure as the claims arose out of the same transaction or occurrence that was the subject matter of Curtis claim in the federal court proceeding.
8. The Iowa Farm that is part of the corpus of the Elmer Brunsting trust is beyond the jurisdiction of Texas state courts but the trustees are not and thus control of the farm can be accessed vicariously but not by the probate court.

## Subpoena Deuces Tecum

1. Amy and Anita attorney Retainer Agreements
2. Master of Telephone Recordings, not the redacted excerpts but the entire master (produce the unedited originals)
3. All Three Originals for the 8/25/2010 QBD

Drina Brunsting’s Power of Attorney empowering her to act as Carl‘s attorney in fact after Carl’s resignation due to want of capacity

1. Attorney immunity generally means the exploiters have everything to gain from their collusion and nothing to lose. The key word here is generally! [↑](#footnote-ref-1)
2. Case 4:12-cv-00592 Document 1 Filed in TXSD on 02/27/12 Page 20 of 28, Para 4 [↑](#footnote-ref-2)