

# The Probate Mafia and the Brunsting Family Trust

“Our government... teaches the whole people by its example. If the government becomes the lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy.” Justice Louis Brandeis dissenting opinion in the 1927 case of [Olmstead v. United States](#) involving government wiretap recordings obtained without warrant and used as evidence to convict a police lieutenant for bootlegging. The following individuals, attorneys, judges and their “clerks”

- Attorney [Candace Kunz-Freed](#), Texas State Bar No. 24041282
- Attorney Bernard Lyle Matthews III, Texas State Bar No. 13187450
- Attorney Bobbie G. Bayless, Texas State Bar No. 01940600
- Attorney Jason B. Ostrom Texas State Bar No. 24027710, Fed. Id. No. 33680
- Attorney Stephen A Mendel, Texas State Bar No. 13930650
- Attorney Gregory Lester Texas State Bar No. 12235700
- Attorney Neal Spielman, Texas State Bar No. 00794678
- Attorney Jill Willard-Young Texas State Bar No. 00797670
- Attorney Zandra E. Foley, State Bar No. 24032085
- Attorney Cory S Reed, Texas Bar No. 24076640
- County Employee/Appointee (Associate Judge) Clarinda Comstock
- Former Probate Judge Christine Riddle Butts
- Harris County Texas

Before we discuss the probate mafia process, we should point out that not everyone named in this dissertation is a bad guy. There are also good guys but among the bad (named supra), there are no distinctions to be made between principal and accessory. Everyone that participated is a felon that belongs caged and wearing an orange jump suit for the protection of society. They only remain where they are because of the amount of money that passes through the probate mobs clutches. Because money is power and influence, [the legal system has been perverted](#) into a system of organized theft through collusion, coercion and cronyism.

## **Texas Penal Code §§7.01, 7.02, 7.03**

### **TITLE 2. GENERAL PRINCIPLES OF CRIMINAL RESPONSIBILITY**

### **CHAPTER 7. CRIMINAL RESPONSIBILITY FOR CONDUCT OF ANOTHER**

### **SUBCHAPTER A. COMPLICITY**

Sec. 7.01. PARTIES TO OFFENSES. (a) A person is criminally responsible as a party to an offense if the offense is committed by his own conduct, by the conduct of another for which he is criminally responsible, or by both.

(b) Each party to an offense may be charged with commission of the offense.

(c) All traditional distinctions between accomplices and principals are abolished by this section, and each party to an offense may be charged and convicted without

alleging that he acted as a principal or accomplice.

**Sec. 7.02. CRIMINAL RESPONSIBILITY FOR CONDUCT OF ANOTHER.**

(a) A person is criminally responsible for an offense committed by the conduct of another if:

(1) acting with the kind of culpability required for the offense, he causes or aids an innocent or nonresponsible person to engage in conduct prohibited by the definition of the offense;

(2) acting with intent to promote or assist the commission of the offense, he solicits, encourages, directs, aids, or attempts to aid the other person to commit the offense; or

(3) having a legal duty to prevent commission of the offense and acting with intent to promote or assist its commission, he fails to make a reasonable effort to prevent commission of the offense.

(b) If, in the attempt to carry out a conspiracy to commit one felony,

another felony is committed by one of the conspirators, all conspirators are guilty of the felony actually committed, though having no intent to commit it, if the offense was committed in furtherance of the unlawful purpose and was one that should have been anticipated as a result of the carrying out of the conspiracy.

**Texas Penal Code §31.02 Consolidation of Theft Offenses**

Sec. 31.02 Theft as defined in Section 31.03 constitutes a single offense superseding the separate offenses previously known as theft, theft by false pretext, conversion by a bailee, theft from the person, shoplifting, acquisition of property by threat, swindling, swindling by worthless check, embezzlement, extortion, receiving or concealing embezzled property, and receiving or concealing stolen property.

**TEX. PENAL CODE ANN. § 38.12(a)** (West 2016).

**Section 38.12(b)** provides that a person commits an offense if the person “knowingly finances the commission of an offense under Subsection (a),” “invests funds the person knows or believes are intended to further the commission of an offense under Subsection (a),” or “is a professional who knowingly accepts employment within the scope of the person’s license, registration, or certification that results from the solicitation of employment in violation of Subsection (a).” Id. § 38.12(b).

*Southwest Texas Pathology Associates v. Roosth*, 27 S.W.3d 204, 208 (Tex. App. 2000) (“A third party who knowingly aids and assists in the breach of a fiduciary duty may also be liable. See *Kinzbach Tool Co. v. Corbett-Wallace Corp.*, 160 S.W.2d 509, 514 (Tex. 1942); *Connell*, 889 S.W.2d at 541”)

**Omohundro v. Matthews, 341 S.W.2d 401, 407 (Tex. 1960)**

The abuse of the confidential relation in these cases consists merely in his failure to perform his promise.” 1 Scott on Trusts 253, § 44.2

The opinion also quotes 54 American Jurisprudence 178, § 233:

*“A constructive trust arises where a conveyance is induced on the agreement of a fiduciary or confidant to hold in trust for a reconveyance or other purpose, where the fiduciary or confidential relationship is one upon which the grantor justifiably can and does rely and where the agreement is breached, since the breach of the agreement is an abuse of the confidence, and it is not necessary to establish such a trust to show fraud or intent not to perform the agreement when it was made. The tendency of the courts is to construe the term ‘confidence’ or ‘confidential relationship’ liberally in favor of the confider and against the confidant, for the purpose of raising a constructive trust on a violation or betrayal thereof.”*

The opinion quotes also § 44 of the Restatement of Trusts which is to the same effect. The following from § 194, Comment d., of the Restatement of Restitution is particularly pertinent:

*“Where one person orally undertakes to purchase land on behalf of another, it may be urged that the other cannot enforce a constructive trust because the undertaking is oral and there is no compliance with the provisions of the Statute of Frauds. The answer to this objection is that the other is not enforcing an oral contract, but is enforcing a constructive trust based upon the violation of fiduciary duty.*

\* \* \* \* \* Omohundro v. Matthews, 341 S.W.2d 401, 407 (Tex. 1960)

#### Tex. Pen. Code § 32.45

“(a) For purposes of this section: (1) “Fiduciary” includes: (A) a trustee, guardian, administrator, executor, conservator, and receiver; (B) an attorney in fact or agent appointed under a durable power of attorney as provided by Subtitle P, Title 2, Estates Code; (C) any other person acting in a fiduciary capacity, but not a commercial bailee unless the commercial bailee is a party in a motor fuel sales agreement with a distributor or supplier, as those terms are defined by Section 162.001, Tax Code; and (D) an officer, manager, employee, or agent carrying on fiduciary functions on behalf of a fiduciary. (2) “Misapply” means deal with property contrary to: (A) an agreement under which the fiduciary holds the property; or (B) a law prescribing the custody or disposition of the property. (b) A person commits an offense if he intentionally, knowingly, or recklessly misapplies property he holds as a fiduciary or property of a financial institution in a manner that involves substantial risk of loss to the owner of the property or to a person for whose benefit the property is held. (c) An offense under this section is: (1) a Class C misdemeanor if the value of the property misapplied is less than \$100; (2) a Class B misdemeanor if the value of the property misapplied is \$100 or more but less than \$750; (3) a Class A misdemeanor if the value of the property misapplied is \$750 or more but less than \$2,500; (4) a state jail felony if the value of the property misapplied is \$2,500 or more but less than \$30,000; (5) a felony of the third degree if the value of the property misapplied is \$30,000 or more but less than \$150,000; (6) a felony of the second degree if the value of the property misapplied is \$150,000 or more but less than \$300,000; or (7) a felony of the first degree if the value of the property misapplied is \$300,000 or more. (d) An offense described for purposes of punishment by Subsections (c)(1)-(6) is increased to the next higher category of offense if it is shown on the trial of the offense that the offense was committed against an elderly individual as defined by Section 22.04. (e) With the consent of the appropriate local county or district attorney, the attorney general has concurrent jurisdiction with that consenting local prosecutor to prosecute an offense under this section that involves the state Medicaid program.”

#### Texas Penal Code §32.45 Misapplication of Fiduciary Property in Excess Of \$300,000

This is the objective of the probate mob from the onset.

#### Texas Penal Code Section 32.46 – Fraudulent Securing of Document Execution

This is related to the convergence on Nelva in her home leaving her nowhere to retreat, after having had her subjected to a competency evaluation, knowing that guardianship was Nelva’s worst fear, they forced her to sign resignation and appointment instruments under duress.

#### Texas Penal Code Section 32.47 – Fraudulent Destruction, Removal, Or Concealment of Writing

Where is this heinous August 25, 2010 Qualified Beneficiary Designation and testamentary Power of Appointment under Living Trust Agreement they have been using to threaten the disenfranchised beneficiaries in effort to extort a “settlement agreement contract” (the next leg in the bait and switch sting).

### [Texas Penal Code Section 32.48](#) – Simulating Legal Process

The Brunsting trust controversy is not a [probate matter, a probate case or a probate proceeding](#), as those terms are defined by the Texas Estates Code and there is no “estate” to administer as that term is defined by the Texas Estates Code.

### [Texas Penal Code 32.53](#) – Exploitation of Child, Elderly Individual, Or Disabled Individual

## A Few Distinctions

Probate is an action in rem. A will is a testamentary instrument and a trust created under a will is a testamentary trust. An estate is a container object formed by operation of law, that is used to hold the decedent’s personal property while claims of rights to the property are resolved. People either have a will or they die intestate. In theory, if you have a will your worldly assets would be distributed according to your wishes and if you pass without a will your worldly assets would be distributed according to the laws of intestate succession.

Testamentary trusts are to be distinguished from living trusts which are not testamentary instruments but contracts among the living that either continue until an event or date certain or terminate by the occurrence of an event or upon a date certain. Actions against trustees are actions in personam.

A living trust is a contract that is distinguishable from other forms of contract by the separation of legal and equitable titles to property. A trust is a special relationship wherein legal title to assets are given to one (trustee) by the Settlor/Founder or Grantor, to be held in trust for the benefit of another (beneficiary) who holds equitable title to the property and the right to enjoy the property. The beneficiary is considered the true owner of the property. The trustee position is fiduciary and obligatory and cannot be compelled but must be accepted voluntarily.

However, separation of legal and equitable titles are only two legs of a proverbial three-legged stool. The third leg involves active and passive trusts and the Statute of Uses. The obligations of the trustee must be affirmative and not merely nominal and enforceable against the trustee by the beneficiary or the trust becomes passive and both legal and equitable titles merge in the beneficiary.

For a trust to exist (1) legal and (2) equitable titles must remain separate AND (3) the trustee’s obligations to the beneficiary must be affirmative and enforceable by the beneficiary. If the obligations of the trustee are not active or enforceable against the trustee the trust collapses and both legal and equitable titles merge in the beneficiary. It necessarily follows that (1) Either the trustee has affirmative duties to perform for the benefit of the beneficiary and they are in breach of those obligations or, (2) they do not have affirmative fiduciary duties to perform for the benefit of the beneficiary and they are in wrongful possession of the beneficiary’s property if they do not transfer it to or as directed by the beneficiary. In either event the beneficiary does not forfeit their property interests by bringing judicial action to protect beneficial interests in property and compel specific fiduciary performance but that would none-the-less be the passive aggressive thesis here.

Elmer and Nelva Brunsting had a son and four daughters they wanted to benefit from their lifetime of inherited and acquired wealth. Their concerns were quite simply to transfer their assets to their five adult children in equal proportions at their passing and, to minimize taxes while [avoiding guardianship and probate](#). In order to accomplish this purpose they retained the assistance of [estate planning attorney Albert Vacek Jr.](#) who gave [specific assurances](#) that [his products and services](#) would accomplish these purposes. With the assistance of Albert Vacek Jr. The Brunsting's created an estate plan that included pour-over-wills [\[1\]](#), [\[2\]](#) and a [living trust](#). Vacek also had other attorneys working for his firm and at some point he added attorney Candace Kunz-Freed and changed the name of the firm to [Vacek & Freed](#).

[Elmer Brunsting passed April 1, 2009](#) and [Nelva Brunsting passed November 11, 2011](#). In theory, Elmer and Nelva did everything correctly as, under the law, all right, title and interest in their bounty vested equally in their five progeny, via the family trust, at the passing of Nelva Brunsting on November 11, 2011. Nevertheless, ten years after the passing of the second settlor, when property rights vested in the five-successor beneficiary's, not one dime from the Brunsting Trust had been transferred to any of the trust beneficiaries with one only exception when Carole Brunsting received \$100,000.00. Her [January 24, 2022](#) argument for enjoying her beneficial interests is heart warming.

## Can't buy a Thrill

Did I mention that in more than eight years there were no evidentiary hearings in the probate court? Did I mention that trust beneficiary Candace Curtis couldn't buy an evidentiary hearing in the probate court? Did I mention how many times she complained about not being able to get an evidentiary hearing in the probate court?

Can't get a hearing [2016-08-03 Case 4-12-cv-00592 Doc 115 Rule 60 Motion Pages 9-10](#); Can't get a hearing 2016-12-15 – CA H-16-1969 Transcript [Preliminary hearing RICO Page 46](#); Can't get a hearing 2017-08-13 Appellants Opening Brief on Appeal RICO No. 17-20360 [Pages 33-34](#); Can't get a hearing 2017-09-26 [RICO – Appellee Brief Binder](#) Pages 20-21; Can't get a hearing 2017-12-02 – Appellants Reply Brief on Appeal [17-20360 Page 15](#); Can't get a hearing 2017-12-02 – Appellants Reply Brief on Appeal [17-20360 Page 29](#); Can't get a hearing 2018-09-05 [Responses to Defendants Motions to Dismiss](#) Combined Page 73; Can't get a hearing 2021-01-03 2<sup>nd</sup> Rule 60 Motion to vacate the remand [ROA 20-20566 Page 1014](#); Can't get a hearing 2021-04-19 [Appellees Record Excerpts Page 168](#); Can't get a hearing 2022-01-06 412249-401 [Carole Emergency Motion Hearing Transcript Page 30](#); Can't get a hearing 2022-07-12 01-22-00514-cv [Mandamus Record Index Page 1700](#).

## Order for Summary Judgment?

On [February 25, 2022 an Order for Summary Judgment](#) adjudging Brunsting family trust beneficiary Candace Curtis to have “**forfeited her property interests**” and dismissing all claims against the alleged co-trustees was signed by surprise visiting judge Kathleen Stone **without an evidentiary hearing being allowed in more than nine years** of being held hostage for ransom in a probate court with nothing to probate.

Here is the kind of “hearings” you get in probate. May 24, 2021 “scheduling conference” then there is the November 4, 2021 status conference; and then there is the February 11, 2022 Hearing on Bayless motion to Sever Carl from Candace and a February 25, 2022 Hearing Transcript re sanctions where the “summary Judgment” order was signed by Kathy Stone, a judge the case had never seen before and then there is a March 31, 2022 Pretiral conference where Judge Horwitz acts conveniently ignorant of the sham “disinheritance” proceeding from February 25, 2022 where Judge Stone says she was going to sign the order because Judge Horwitz said he was going to sign the order. That’s a hell of an excuse for a stranger to enter summary judgement when there have been no evidentiary hearings and thus, there is nothing in evidence but the sham litigation record itself and summary judgment is only appropriate where there are no facts in dispute and the moving p[arty is entitled to judgment as a matter of law. Good luck find the law here. This was a death penalty sanctions hearing based upon the August 25, 2010 QBD with the corruption of blood provisions, that is not in evidence, or as a sanction for refusing to treat the probate court like the court it pretends to be, but more likely Candace refusal to capitulate to ransom demands and insistence upon a public trial. The jury trial she asked for ten years earlier [when she filed her lawsuit on February 27, 2012](#).

***A trust is a mechanism used to transfer property.*** *Bradley v. Shaffer*, 535 S.W.3d 242, 247 (Tex. App.—Eastland 2017, no pet.); *Hallmark v. Port/Cooper-T. Smith Stevedoring Co.*, 907 S.W.2d 586, 589 (Tex. App.—Corpus Christi 1995, no writ).

If a trust is a mechanism used to transfer property, it should be more than obvious that Elmer and Nelva intended to convey their property and, in examining [the trust agreement](#), it becomes apparent that Elmer and Nelva intended to convey property to their five issues in equal proportions ([Art X Section A](#)) at the passing of the last Settlor to die, Articles [VIII D](#) & [IX D](#) respectively

That was 11 years ago. There is no evidence that the alleged co-trustees ever intended to distribute the trust assets among the siblings. They thought they would be the beneficiary’s of their parents estate planning attorney’s betrayal only to discover themselves hostage to their own attorneys fee ransom demands.

The pivotal question here is obvious.

*If Elmer and Nelva did everything correctly, as advertised by their estate planning attorneys, why, after nearly ten years, have the income beneficiaries (the true property owners) received nothing from the corpus or income of the family trust as the Settlers intended?*

The answer is Color of law Organized Crime a/k/a the probate mafia, thieves with PhD’s, tomb raiders, grave robbers.

## ALL OF THE MONEY IN THE WORLD

Everyone dies sometime and when they do, they abandon all of their stuff. If all of the money in the world passes through probate and gets stolen by the probate mob (shielding their organized larceny under their own judicial doctrines of immunity), how do people protect their family



generational asset transfers from being hijacked? That really is the question as a legitimate legal system is supposed to provide remedy. Where does remedy lie?

According to history and as documented here, there is no remedy to be found in the court system and all of your estate plan instruments should be drafted in plain language and absolutely must exclude any meddling interference or fee demands by attorneys, probate judges or other third parties. Where money is concerned there is no such thing as a neutral 3rd party.

## The Marks

Elmer H. Brunsting, trust Settlor/Beneficiary and Original Co-trustee, and Nelva E Brunsting, trust Settlor/Beneficiary and Original Co-trustee, had a son and four daughters.

Candace Curtis successor beneficiary

Carole Brunsting successor beneficiary

Carl Brunsting successor beneficiary

Amy Brunsting successor beneficiary

Anita Brunsting successor beneficiary

This is a two part sting, otherwise known as a long con. It begins on the front end with an estate planning attorney bait and switch that follows a general script titled “[How to steal your family inheritance](#)”.

We have the aging parents, the trust, the weak links in the family moral fabric, the disloyal estate planning attorneys and the family crisis events that provide the opportunity to implement the “[How to steal your family inheritance](#)” plan.

What the disloyal estate planning attorneys do not tell the inheritance thief is what happens after their efforts culminate in controversy on the front end and that it will be followed on the back end by an exploitation, attrition, money cow hostage ransom and extortion extravaganza run entirely by and for attorneys. If you listen to the attorneys they are entitled to feast from the money cow before anyone else. I didn't see that in “[the trust](#)” but I did see mention that fees could be paid for specific purposes, none of which have been performed by these attorneys or their clients.

Judge Kenneth Hoyt Jr. – United States District Court Southern District of Texas

Participants – Good, Bad, Ugly, & Caught in the Middle

## The Good

In discussing the Good, the Bad and the Ugly, one must give credit where credit is due and that includes accolades for **opposing counsel** that exhibit integrity by their actions. Mr. George Vie III meets that description.



Mr. George Vie III

Feldman & Feldman  
3355 W Alabama St #1220, Houston, TX 77098  
george.vie@feldman.law  
p 713-820-6902 f 713-986-9472

*George Vie is an appellate litigation attorney with three decades of experience. He has been Board Certified in Civil Appellate Law by the Texas Board of Legal Specialization for more than 27 years. George focuses his practice on appellate work, federal civil law, and governmental litigation.*

Mr Vie made his initial appearance for purposes of answering Candace Curtis appeal to the federal Fifth Circuit. That appeal was decided in Candace Curtis favor and the unanimous opinion is published, [Curtis v Brunsting 704. F.3d 406.](#)

After the case was returned to the Southern District of Texas Mr. Vie continued to represent imposter Co-Trustees Anita Brunsting and Amy Brunsting. Mr. Vie filed honest and truthful pleadings and made a genuine effort at resolving and settling the trust but was unable to obtain the cooperation of his clients.

**IF THIS STORY HAS A HEROINE IT WOULD BE:**

Attorney Candice Leonard Schwager





## Honest Attorney Fighting Against a Deck Stacked with Corruption

Candice Leonard Schwager  
Texas Bar No. 24005603  
The Schwager Law Firm  
2210 Village Dale Ave  
Houston, Texas 77059  
(Tel): 832-315-8489  
candiceschwager@icloud.com  
<http://www.schwagerfirm.com>

We mentioned earlier that no evidentiary hearings could be obtained in the probate court but we never mentioned how this family trust came to be held hostage in a probate court, after already having been held to contain no property belonging to a decedents estate in the federal 5th Circuit. The Brunsting trust controversy is not a [probate matter, a probate case or a probate proceeding](#), as those terms are defined by the Texas Estates Code and there is no “estate” to administer as that term is defined by the Texas Estates Code.

It’s difficult to explain why this Attorney should be considered a heroine without the context in which that conclusion would arise. It was well understood where this group of moral bankrupts were headed as this is an old tired story that has been told repeatedly by endless victims. We filed Racketeer Influenced Corrupt Organization allegations in 2016, long before they got to where they thought they were headed. (Which is where they are now).

The probate mafia line of defense under RICO has traditionally been judicial and attorney immunity, and two other judicially created doctrines: Rooker-Feldman and the probate exception. First by filing our claims in the federal court and not the state court we eliminated the Rooker-Schnooker and after visiting the federal Fifth Circuit Court of Appeal at the onset. It should also be noted that judicial and attorney immunity are doctrines applicable to legitimate petitioning and judicial activities. They are not doctrines applicable to crime unless vacuous labels have replaced substance and indeed they have.

## The Bad

## Candace Kunz-Freed

Attorney Candace Kunz-Freed  
9545 Katy Fwy Ste 400  
Houston, TX 77024  
(713) 467-1060  
Bar Card Number: 24041282  
TX License Date: 11/06/2003  
[Freedlawyer.com](http://Freedlawyer.com)



### Candace L. Kunz-Freed

I have been practicing since 2004 in the West Houston area. Since 2007, my practice has been exclusively in the Estate Planning and Administration area. I am committed to excellence in my approach to client concerns and needs. I am married to Certified Public Accountant, Corky Freed, and have identical twin daughters, Cameron and Bailey. I enjoy golf, volunteering and Scrapbooking. I served as a Board member of St. Elizabeth Ann Seton Catholic School from 2010 to 2015 and served as President from 2011-2015.



**Attorney**

### **Candace Kunz-Freed – Estate Planning Bait and switch Grifter**

[Candice Kunz-Freed](#) was a named Defendant in the professional malpractice case filed in [Harris County District Court](#) [No 2013-05455/164] by attorney [Bobbie G. Bayless](#) representing a diminished capacity Carl Brunsting as Independent Executor for the estates of Elmer and Nelva Brunsting without standing as Ad Litem, which would be required to represent an incapacitated client but even then an individual with diminished capacity could not serve as a fiduciary.

[Carl resigned the office of independent executor on February 19, 2015](#) due to want of capacity, leaving this professional negligence lawsuit without a plaintiff. No successor “independent executor” has ever been appointed and after more than seven years the alleged lawsuit remains without a plaintiff.

This case was “[snatched](#)” out of the district court and transferred to probate where it was assigned case number 412249-403 and where it has remained without a plaintiff ever since. The most important thing Freed testified to at her deposition was that she couldn’t pass the State Board Certification exam for estate planning and probate law if she tried. Page 141. This racketeering criminal continues to advertise “the Pursuit of Excellence”

# Candace L. Kunz-Freed

Attorney and Counselor at Law



## A Pursuit of Excellence

The law firm is devoted to providing professional and compassionate service to meet the Client's Estate Planning and Administration needs. A well designed estate plan can provide peace of mind that the Client's wishes are known and can be carried out efficiently. The law office is conveniently located in West Houston, between Bunker Hill and Echo Lane on the south side of I-10/ Katy Freeway.

## Attorney Bernard Lisle Mathews III



The Mathews Law Firm  
Texas state Bar No. 13187450  
TX License Date: 10/30/1981  
Primary Practice Location: Houston , Texas  
4008 Louetta Rd PMB 261  
Spring, TX 77388-4405

When Candy Curtis realized her sisters Anita Brunsting and Amy Brunsting actually intended to steal her share of the family trust, she had to file an action asking for judicial assistance in protecting her rights and compelling fiduciary performance. When Candace Curtis filed her action in the Southern District of Texas [SDTX No 4:12-cv-592] imposter Co-Trustees Anita Brunsting and Amy Brunsting appeared [represented by their parents' disloyal estate planning](#)

[attorney Bernard Lyle Matthews III](#), using a GREEN AND MATHEWS letterhead to conceal his conflict of interest.

Elmer and Nelva's purpose for establishing the Brunsting trust was the avoidance of probate and guardianship and the first thing Vacek estate planning [staff attorney Bernard Lisle Mathews III](#) did was plead the "[Probate Exception](#)" to federal jurisdiction. (see [Docket entry 14](#)). This of course, was long after disloyal estate planning attorney [Candace Kunz-Freed had Nelva Brunsting subjected to a competency evaluation](#) in effort to aid and abet her new client, Anita Brunsting" in seizing control of the family trust. Remember Step 4 in "[How to steal your family inheritance](#)"?

Freed had her associate "Summer Peoples" set up a [phone conference](#) with "Nelva and her children". However, Neither Nelva nor Carl were on that phone conference. Candy called Nelva after that conference and when Candy told Nelva about the heinous 8/25/2010 Q.B.D. putting Anita in charge of Candace and Carl's shares Nelva stated that she did no such thing. Nelva followed that conversation with a hand written note saying "[that's not true](#)". The next thing we hear is an email from Carole overhearing Nelva on the phone telling Kunz-Freed to "[Change it back](#)". Anita, Amy and [Candace Kunz-Freed's](#) response was to have Nelva subjected to a [competency evaluation](#).

Attorney Jason Bradley Ostrom

Attorney Bobbie G. Bayless

Attorney Zandra Foley

Attorney Cory Reed

Attorney Christine Riddle Butts Judge – Harris County Probate Court No. 4 – elected

Clarinda Comstock – Associate Judge Probate Court No. 4 – County Employee – Appointee

Attorney Gregory Lester

Attorney Jill Willard Young

Alfred H. Bennett – Judge, United States District Court Southern District of Texas

Attorney STEPHEN A. MENDEL Texas State Bar No. 13930650

Attorney NEAL E. SPIELMAN Texas State Bar No. 00794678

Attorney James Horwitz – Judge for Probate Court No. 4 – elected

Attorney John Bruster Loyd

Assistant Attorney General of Texas Leslie J. Friedlander

The Objective

Front End

Estate Planning Bait and Switch

Estate Planning bait and switch

The Back

Exploitation

The Offenses both Public [Crime] and Private [Tort]

Fraud, everything it implies as a general category of scienter tainting the entire affair.

Breach of fiduciary

Duty of Loyalty / Conflicts of Interest

Duty of Impartiality

Duty to carry out the obligations defined by the trust instrument

Duty to distribute income to, or for the benefit of, the beneficiaries to avoid excess taxes

Misapplication of Fiduciary Property by both act and omission Texas Penal Code § 32.45

Misapplication of Fiduciary Property held for the benefit of an elderly person by both act and omission – Texas Penal Code § 32.53

Forgery

Fraudulent Destruction, Removal, Or Concealment of Writing – Texas Penal Code § 32.47 –

Wiretap– telephone [wiretap](#) referred to in Candace Curtis original federal complaint and [proven by her attorneys](#) when they released copies of those recordings [[Brunsting5838.wav](#)] and [[Brunsting5839.wav](#)] via certified mail and [used as an excuse](#) to avoid [dispositive motions hearings](#). Another docket control order would not be entered for another 6 ½ years and even then the case would never see a trial or even an evidentiary hearing.

Stalking [eavesdropping on Nelva's emails](#). We suspected this by the reactions from Houston every time Candace asked her mother about the trust on the phone or in an email.

Extortion/Intimidation (front end) Texas Penal Code § 32.46 – Fraudulent Securing of Document Execution

Extortion/Intimidation (Hostage Ransom demands coupled with disinheritance threats)

Conversion

Theft of Personage

Obstruction of Justice

Denial of Due Process

[admin's Blog!](#)

Proudly powered by [WordPress](#)