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REPORTER'S RECORD
VOLUME 1 OF 1 VOLUMES
TRIAL COURT CAUSE NO. 464,101 and 464,101-402

IN THE MATTER OF) IN THE PROBATE COURT
)
)
THE ESTATE OF) NUMBER THREE (3) OF
)
BILLIE NELSON KUHNEL,)
DECEASED) HARRIS COUNTY, TEXAS

* * * * *

REPORTER'S RECORD

(464,101) EMERGENCY MOTION TO DISQUALIFY COUNSEL,
MOTION TO STRIKE; (464,101-402) AND MOTION TO REMOVE
AND APPOINT SUCCESSOR ADMINISTRATOR

* * * * *

September 10, 2026

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DECEASED	)	HARRIS COUNTY, TEXAS

* * * * *

On the 10th day of September, 2026, the following proceedings came on to be held in the above-titled and numbered cause before the Honorable Jason Cox, Judge Presiding, held in Houston, Harris County, Texas.

Proceedings reported by computerized stenotype machine.

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PROCEEDINGS

* * * * *

THE BAILIFF: All rise.

THE COURT: Thank you. You can all be seated.

Let's go on the record.

Mr. Kuhnelt, you are a party. You need to come sit at counsel table.

(Unidentified speaker speaking from the audience.)

THE COURT: I can't understand what you're saying.

UNIDENTIFIED SPEAKER: There are three of us. Three Kuhnelt.

(Unidentified speakers talking over one another.)

THE COURT: Are you represented by counsel?

UNIDENTIFIED SPEAKER: No, sir. We fired him.

THE COURT: All right. Sir, you need to sit down.

All right --

(Mr. Trevino enters the courtroom.)

MR. TREVINO: Sorry, Your Honor.

1 THE COURT: That's all right. Take
2 your seat.

3 All right. First question,
4 Ms. Weelborg, did you file a motion for substitution
5 of counsel and continuance in this case?

6 MS. WEELBORG: I filed a notice of
7 appearance.

8 THE COURT: Could you come forward and
9 take a look at this, please?

10 (At the Bench)

11 THE COURT: If you look at the second
12 page, it appears to be filed by you.

13 MS. WEELBORG: That's not correct.

14 THE COURT: I just wanted to clarify
15 that.

16 MS. WEELBORG: Okay.

17 THE COURT: Okay. Thank you. You can
18 be seated.

19 MS. WEELBORG: Thank you.

20 THE COURT: Yes, Mr. Trevino?

21 MR. TREVINO: I have some concerns,
22 Your Honor. I think the Court has some --

23 THE COURT: Let's hear them.

24 MR. TREVINO: I think my client is
25 being manipulated by multiple people. And my client

1 does not email. I received some emails saying that I
2 was --

3 *THE COURT:* Let's state for record who
4 your client is.

5 *MR. TREVINO:* Your Honor, my client is
6 Kenneth Roy Kuhnel.

7 *THE COURT:* Okay. Is he present today
8 in the courtroom?

9 *MR. TREVINO:* He is, Your Honor. He's
10 right here.

11 *THE COURT:* Now, Mr. Kuhnel, you said
12 you didn't have an attorney. Now, I see somebody
13 telling me that they're your attorney. What's going
14 on?

15 *MR. KENNETH KUHNEL:* This is such a
16 wound up case, dragging on and on, and I'm always in
17 the dark of everything.

18 When I ask questions, I don't get no
19 answers, and I can't control that too much, so I let
20 my son have the estate because --

21 *THE COURT:* You need to not to come any
22 further. You can stay there by the table.

23 *MR. KENNETH KUHNEL:* My mother and
24 father died. And I have my estate here, and I can't
25 compete with oil company estate over here and my

1 hourly wage here. I didn't want them to stack on top
2 of each other, so I give it to my -- Brian, over here,
3 my son, the executorship. And now it's turned all to
4 a -- we waited too long to get lawyers and things, and
5 things rolling, the ball is rolling. She died in 18,
6 so it's been going since then.

7 I don't know what else you want to
8 know.

9 *THE COURT:* Mr. Trevino?

10 *MR. TREVINO:* Your Honor, I believe
11 someone other than my client sent me an email. My
12 client does not email.

13 *THE COURT:* Okay.

14 *MR. TREVINO:* And I think that other
15 person wants me to be out of this case, and I fear
16 people are manipulating my client.

17 There's -- he has a hand injury.
18 Unfortunately, he has some writing -- I'm concerned,
19 Your Honor, about his well being. I'm concerned that
20 he's being manipulated.

21 *THE COURT:* Okay.

22 *MR. TREVINO:* And I don't believe the
23 email that I received was from my client.

24 *MR. KENNETH KUHNEL:* It was done for me
25 because I do not email, and I'm not up with that

1 modern technology on the phone, operation of a phone.
2 Even though I did work on aircraft and such, that was
3 ages ago. I retired in '03, so anyway...

4 *THE COURT:* All right.

5 *MR. KENNETH KUHNEL:* I didn't get all
6 the information -- he didn't get all of information --

7 *THE COURT:* Thank you, sir. You can be
8 seated.

9 Mr. Murad?

10 *MR. MURAD:* Yes, Your Honor.

11 *THE COURT:* Do you have anything?

12 *MR. MURAD:* Your Honor, I don't see my
13 client here, but I'm here on behalf of Paul Kuhnel.

14 Your Honor, it was my understanding
15 following last week's hearing that we would be here
16 today to talk about final order of removal --

17 *THE COURT:* That's right.

18 *MR. MURAD:* -- for Mr. Brian Kuhnel.

19 *THE COURT:* Brian Kuhnel was given five
20 days to tender his resignation. That was not five
21 business days. That was five days. I have not seen
22 in the record any notice of resignation by Mr. Kuhnel.

23 So Ms. Weelborg, I understand you are
24 now representing Brian Kuhnel; is that correct?

25 *MS. WEELBORG:* That is correct, as of

1 this morning.

2 THE COURT: Okay. Do you have an
3 explanation of why that didn't occur?

4 MS. WEELBORG: We wanted to have a
5 little more time to discuss -- my understanding is
6 that the heirs have come to an agreement, and that was
7 started last week, and I think they all agree.

8 THE COURT: Okay. That's the first I'm
9 hearing of an agreement.

10 Is that your understanding, Mr. Murad?

11 MR. MURAD: Yes, Your Honor. We put on
12 the record in the last couple of hearings that there
13 were draft Rule 11s, but there was still a lot to be
14 sorted out.

15 THE COURT: So it's an agreement for
16 Mr. Brian Kuhnel to step down to have a substitute
17 personnel representative?

18 MR. MURAD: That was the draft,
19 Your Honor. And Mr. Trevino and I talked, and
20 Mr. Fomby and his partner, that never got reduced to a
21 writing. It was still up in the air.

22 And it's my understanding that
23 Mr. Devon Kuhnel objected to that agreement, which is
24 why it was never reduced to a Rule 11 Agreement.

25 THE COURT: Okay. If Devon Kuhnel

1 objects, then we have no agreement.

2 MR. MURAD: Correct, Your Honor.

3 THE COURT: Go ahead, Mr. Trevino.

4 You can be seated, Ms. Weelborg.

5 MR. TREVINO: I think there is maybe a
6 misunderstanding as to what this agreement would be.

7 My understanding is that there is some
8 agreement as to a split of the entire estate, and this
9 is all happening because there is an agreement.

10 I think what counsel is talking about
11 is a Rule 11 Agreement that we talked about. The
12 Court is well aware of that. We mentioned it on the
13 record last week.

14 We just received some documentation
15 learning about where these moneys have gone.
16 Mr. Murad and his firm have subpoenaed those Capital
17 One records. We don't have them.

18 THE COURT: So do we know if there --
19 where the money is or if the money is recoverable?

20 MR. TREVINO: We have an idea,
21 Your Honor. We do. And I don't want to speculate on
22 the record without knowing conclusively. I do believe
23 we know where these moneys have gone.

24 My concern is --

25 THE COURT: I mean, just without

1 getting into too much, are they in a place where they
2 can be recovered by a successor -- a temporary
3 administrator or permanent administrator?

4 *MR. TREVINO:* Some of them, Your Honor.

5 *THE COURT:* Did you have something,
6 Mr. Murad?

7 *MR. MURAD:* It's -- my understanding is
8 similar, Your Honor, is that funds were converted into
9 real estate, and it doesn't it account for all of
10 them. I know of at least \$6 million that were paid
11 into the estate in oil and gas royalties.

12 The real estate just at rough glance
13 and preliminary open records research, we're pegging
14 somewhere between 2 and 3 million, so a far cry from
15 reconstituting the entire estate.

16 But just like Mr. Trevino said, at
17 least the due diligence that my office is working on,
18 there is at least something there.

19 *THE COURT:* Are the oil and gas
20 interest producing?

21 *MR. MURAD:* They are, Your Honor.

22 *THE COURT:* Okay. So what the Court
23 came here to entertain today was the appointment of
24 successor administrators.

25 So from the -- we're going to start by

1 removing Brian Kuhnel as administrator of this estate.

2 MR. KENNETH KUHNEL: Your Honor, I
3 don't like that.

4 THE COURT: It doesn't matter if you
5 like it or not. We can be seated. We don't hear from
6 people in the gallery.

7 He is removed. He's ordered to
8 immediately surrender all letters and take no further
9 actions as administrator of this estate.

10 Now, whether or not I'm going to
11 appoint Mr. Trevino and Mr. Murad as co-temporary
12 administrators -- that's the other issue that's
13 pending before the Court -- it sounded like everybody
14 was in agreement the last time we were here except for
15 Devon Kuhnel.

16 So Mr. Kuhnel, here is your opportunity
17 to tell the Court why you think they shouldn't be
18 appointed as co-temporary administrators of this
19 estate.

20 MR. DEVON KUHNEL: I think it would be
21 a conflict of interest because Michael Trevino, he
22 works for the same people that Brian --

23 THE COURT: Not anymore.

24 MR. DEVON KUHNEL: Yeah, not anymore.

25 Yeah. I just -- I mean, he got the

1 interest of his client -- well, I don't know if he's
2 his client anymore because it sounds like he just
3 fired him -- but they don't got the interest out for
4 the estate or the beneficiaries. They have got the
5 interest out for themselves, so I think that would be
6 a conflict of interest for myself. And I would want a
7 neutral person that's not in the party and been in the
8 case pretty much.

9 *THE COURT:* So I saw that you filed
10 your objection. And I saw attached as one of your
11 exhibits to the objection a confidential Bar complaint
12 that was filed against Mr. Trevino, and I would like
13 to know where you obtained that Bar complaint?

14 *MR. DEVON KUHNEL:* Online when I
15 searched his name up.

16 *THE COURT:* You obtained the Bar
17 complaint online?

18 *MR. DEVON KUHNEL:* Yes. I searched it
19 did.

20 *THE COURT:* Where online did you obtain
21 that?

22 *MR. DEVON KUHNEL:* I just searched up
23 his name.

24 *THE COURT:* You didn't obtain it from
25 the person who filed the Bar complaint originally?

1 MR. DEVON KUHNEL: No.

2 THE COURT: All right. I haven't made
3 a decision about whether or not I'm going to appoint
4 one or both of you.

5 Right now, Mr. Trevino, given the
6 status of your attorney-client relationship, it
7 doesn't seem like that might be advisable.

8 MR. TREVINO: I agree with you, Your
9 Honor.

10 THE COURT: In fact, it sounds like
11 your client might need a guardian ad litem.

12 MR. TREVINO: Is my concern,
13 Your Honor.

14 And I think if -- so we're making a
15 record, I am uncertain as to whether I have been
16 terminated or not. As was stated on the record
17 earlier, someone else sent me an email other than my
18 client about terminating my services at the same time
19 where an agreement was being made without anyone's
20 knowledge, Your Honor.

21 So I think these individuals were here
22 on Tuesday. Don't know everything that transpired,
23 but apparently, some things did transpire on Tuesday,
24 and there was some confusion about what was happening.

25 But I agree with, Your Honor. If I'm

1 terminated, I certainly don't need to be involved in
2 this.

3 My main concern is my fiduciary
4 responsibility to my client, and I have major
5 concerns, Your Honor.

6 *THE COURT:* Mr. Fomby, I haven't heard
7 from you yet.

8 *MR. FOMBY:* Yes.

9 *THE COURT:* Remind me again, who do you
10 represent again?

11 *MR. FOMBY:* Well, Your Honor, as of
12 today, it was my understanding that I represented
13 Brian Kuhnel. I got an email today saying that I was
14 terminated.

15 I have been trying to talk to him for a
16 week now; hasn't responded to me so this is the first
17 time I've talked to him since then.

18 I have no problem with withdrawing and
19 having an attorney step in for me because I, quite
20 frankly, if he wants to hire someone else, that's fine
21 with me.

22 *THE COURT:* Okay.

23 *MR. TREVINO:* Same sentiment, Your
24 Honor. If my client wants to hire someone else,
25 that's fine.

1 My concern, Your Honor, is does he know
2 what he's agreeing to, does he know what's happening
3 here in court today, or what he has allegedly agreed
4 to in terms of a settlement?

5 *THE COURT:* Mr. Murad, did you have
6 anything further?

7 *MR. MURAD:* Nothing with respect to
8 these discussions, Your Honor.

9 But if I may backtrack for just a
10 minute. There is so many levels of confusion. But as
11 to the removal, Your Honor, we -- my firm, my client's
12 motion was in the 402. I've got a proposed order
13 there.

14 And then as to the matter of appointing
15 successor for temporary pending contest, I filed this
16 morning in the base case. So just to try to clarify,
17 there is proposed orders for both.

18 *THE COURT:* Okay. Thank you.

19 Ms. Weelborg?

20 *MS. WEELBORG:* Well, I'm new, so I
21 can't address all the issues.

22 But from what I've learned from my
23 client is that -- well, he did want to step down, but
24 I understand that you already made that ruling
25 decision --

1 THE COURT: I appreciate that. But he
2 had five days to do it, and all he had to do was file
3 a resignation.

4 MS. WEELBORG: I understand that.

5 THE COURT: Okay.

6 MS. WEELBORG: We would like to discuss
7 with the other parties, whoever the attorneys may be
8 at this point, to --

9 THE COURT: I don't know who has the
10 authority to act on behalf of anybody at this point.

11 MS. WEELBORG: Right. So to determine,
12 like, the successor --

13 THE COURT: Okay.

14 MS. WEELBORG: -- we would be
15 interested in coming to an agreement on that.

16 THE COURT: Okay. Yes, sir?

17 MR. TREVINO: Sorry to interrupt,
18 Your Honor.

19 We filed a motion to strike a motion to
20 seal. At this point, Your Honor, I'm not sure whether
21 I can pursue that or not based on the status of my
22 engagement with my client. It is set on the record
23 today.

24 THE COURT: I'm going to *sua sponte*
25 strike that exhibit to the objection --

1 MR. TREVINO: Okay. Thank you.

2 THE COURT: -- from the record.

3 I think this case needs a third-party
4 temporary administrator pending contest that can deal
5 with the Court and is not attached to any party so
6 that they are truly independent.

7 Y'all can take your time and visit with
8 each other out here in the courtroom or in the ready
9 rooms, if you would like. If there is an issue you
10 would like me to return on, I can do that.

11 But the purpose of setting the bond,
12 I'm going to set the bond at -- the original amount we
13 thought was \$8 million, but now we think it's down to
14 three?

15 MR. MURAD: Value of real property so
16 far discovered, Your Honor.

17 THE COURT: Okay. So 3 million in real
18 property.

19 What do we have in liquid assets?

20 MR. MURAD: As of July 31st -- and I
21 can present it as an exhibit -- but 23,000 in the -- I
22 have the exact numbers, \$23,673.50 in the estate bank
23 account.

24 THE COURT: Okay. I'll set an
25 appropriate bond.

1 And I will remind the Kuhnel family
2 that if I have to appoint a third-party temporary
3 administrator pending contest, which it appears I have
4 to do, they will be paid from the estate, which means
5 they will be selling property to make sure that their
6 fees are paid. So it is in everybody's best interest
7 to cooperate and resolve this among themselves so you
8 don't have to keep coming to Court and spending money.

9 All right. We're in recess. If you
10 need me for a ruling, I can come back.

11 MR. FOMBY: Regarding my -- me being --
12 representing Brian Kuhnel, I would like to withdraw or
13 substitute another counsel.

14 I can file a formal motion, but since
15 we are here, I think that might be helpful.

16 THE COURT: Why don't you visit with
17 Ms. Weelborg, and we'll go from there.

18 MR. TREVINO: Judge, I know we're not
19 on the record --

20 THE COURT: We are on the record.

21 MR. TREVINO: We are on the record.
22 Sorry.

23 I will reurge my concerns that I had at
24 the beginning of this hearing. I'm going to have some
25 conversations and see if I feel differently. At this

1 point, I think it's worth looking into.

2 *THE COURT:* Okay.

3 *MR. MURAD:* And Your Honor, just a
4 question for everybody's edification. Can we expect
5 to see by tomorrow morning a signed order on the
6 removal?

7 *THE COURT:* On the removal, you may see
8 it by the end of the day.

9 *MR. MURAD:* Okay.

10 *THE COURT:* I've got to visit with some
11 attorneys to see who might be willing to take this
12 on --

13 *MR. MURAD:* Okay.

14 *THE COURT:* -- as far as the successor.

15 *MR. MURAD:* Thank you, Your Honor.

16 *THE COURT:* Okay. All right. Y'all
17 can visit.

18 *THE BAILIFF:* All rise.

19 *(Recess taken)*

20 *(Conclusion of proceedings)*

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25

1 STATE OF TEXAS

2 COUNTY OF HARRIS

3 I, ROBIN KULHANEK DAY, Official Court Reporter
4 in and for the Probate Court No. 3 of Harris County,
5 state of Texas, do hereby certify that the above and
6 foregoing contains a true and correct transcription
7 of all portions of evidence and other proceedings
8 requested in writing by counsel for the parties to be
9 included in this volume of the Reporter's Record in
10 the above-styled and numbered cause, all of which
11 occurred in open court or in chambers and were
12 reported by me.

13 I further certify that this Reporter's Record of
14 the proceedings truly and correctly reflects the
15 exhibits, if any, offered by the respective parties.

16 I further certify that the total cost for the
17 preparation of this Reporter's Record is \$175.00 and
18 was paid/will be paid by Devon Kuhnel, Pro Se.

19 Signed the 15th day of September, 2026.

20 /s/Robin Kulhanek Day
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