

COURT OF APPEALS, SECOND APPELLATE DISTRICT OF TEXAS AT FORT WORTH

Jean Michel Szabuniewicz, Individually and in His Capacity as Former Trustee of the Oak Lawn Investment Trust, Oak Lawn General Inc., Oak Lawn Holdings I, L.P., Texas Urban Properties, Ltd., Texas Urban GP, Inc., Oak Lawn Medical Properties, L.P., Willow Park Construction, Inc., and Guaranty Finance Company v. Todd May, in His Capacity as Trustee of the Beverly Trust

No. 02-25-00625-CV (Tex. App.—Fort Worth June 25, 2026) · No. No. 02-25-00625-CV · Decided June 25, 2026

SUMMARY

The court reverses a default judgment in a restricted appeal because the record did not demonstrate strict compliance with Texas requirements governing issuance, service, and return of citation. Defects included missing file marks, service on an individual whose authority to accept service for the entities was not shown, address discrepancies, and inconsistent name spellings. The case was remanded for further proceedings.

CASE DETAILS

COURT	Court of Appeals, Second Appellate District of Texas at Fort Worth
WRITING FOR THE COURT	Dana Womack; Birdwell; Womack; Walker
JURISDICTION	Court of Appeals, Second Appellate District of Texas at Fort Worth
DECIDED	June 25, 2026
DOCKET	No. 02-25-00625-CV
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Restricted appeal from a default judgment entered by the 415th District Court of Parker County, Texas.
STANDARD OF REVIEW	A restricted appeal is a direct attack on the trial court's judgment. The appellant must establish the four restricted-appeal requirements, including error apparent on the face of the record. Service of process in a default-judgment context must strictly comply with the applicable rules, and proper service must be proved rather than presumed.

PRECEDENTIAL VALUE	Published Texas Court of Appeals memorandum opinion
PARTIES	Jean Michel Szabuniewicz, individually and in his capacity as former trustee of the Oak Lawn Investment Trust, Oak Lawn General, Inc., Oak Lawn Holdings I, L.P., Texas Urban Properties, Ltd., Texas Urban GP, Inc., Oak Lawn Medical Properties, L.P., Willow Park Construction, Inc., Guaranty Finance Company v. Todd May, in his capacity as trustee of the Beverly Trust

TOPICS

service of process

default judgment

personal jurisdiction

appellate procedure

civil procedure

PRACTICE AREAS

civil procedure

appellate procedure

trusts

commercial litigation

remedies

QUESTIONS PRESENTED

1. Whether the appellants satisfied the requirements for invoking restricted-appeal jurisdiction.
2. Whether the record affirmatively demonstrated strict compliance with the Texas Rules of Civil Procedure governing issuance, service, and return of citation.
3. Whether defects in the returns of service, including failure to show filing for the required period and failure to show service on an authorized agent, constituted error on the face of the record requiring reversal of the default judgment.

HOLDINGS

1. The appellants satisfied the four requirements for a restricted appeal: they timely filed notice, were parties to the underlying suit, did not participate in the hearing or timely file post-judgment motions, and demonstrated error apparent on the face of the record.
2. The record did not affirmatively demonstrate strict compliance with the rules governing issuance, service, and return of citation. The defects constituted error on the face of the record, so the default judgment could not stand.
3. The default judgment had to be reversed as to all parties because the trial court lacked personal jurisdiction over at least one defendant due to defective service.

KEY QUOTATIONS

“The strict-compliance doctrine considers whether the record shows that the exact procedural requirements are met and not whether the intended party received notice of the lawsuit.” (7)

“No-answer default judgments are disfavored in Texas and cannot be sustained “absent meticulous adherence to service requirements.”” (7)

“The return of service is not a trivial, formulaic document; rather, it is prima facie evidence of proper service.” (8)

“The record must show whether the person served was in fact such an agent for the corporation acting as the registered agent.” (14)

FACTUAL BACKGROUND

May sued Szabuniewicz and several entities, asserting claims including breach of contract, breach of fiduciary duty, conversion, fraud, trust accounting, declaratory relief, and attorney's fees. The petition and requested citations identified Corporate Registered Agent Services, Inc. as the registered agent for most entities and listed particular service addresses. The returns instead reflected delivery to Szabuniewicz at a different address, contained spelling and naming discrepancies, were attached to the motion for default judgment rather than filed with the clerk, and did not show that Szabuniewicz was authorized to accept service for the entities. The trial court entered a default judgment for more than \$7.6 million in damages, attorney's fees, exemplary damages, declaratory relief, and injunctive relief.

PROCEDURAL HISTORY

Todd May sued the appellants and obtained a no-answer default judgment awarding jointly and severally damages, attorney's fees, exemplary damages, declaratory relief, and permanent injunctive relief. The appellants did not answer, appear, or file post-judgment motions, and then filed a restricted appeal. The court of appeals addressed only the service-of-process issue, reversed the default judgment as to all parties, and remanded for further proceedings.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The trial court must conduct further proceedings after reversal of the default judgment.

CASES CITED

- Aero at Sp. Z.O.O. v. Gartman, 469 S.W.3d 314, 315 (Tex. App.—Fort Worth 2015, no pet.)
- Alexander v. Lynda's Boutique, 134 S.W.3d 845, 848 (Tex. 2004)
- Ex parte E.H., 602 S.W.3d 486, 496-97 (Tex. 2020)
- Wilson v. Dunn, 800 S.W.2d 833, 836-37 (Tex. 1990)
- World Env't, L.L.C. v. Wolfpack Env't, L.L.C., No. 01-08-00561-CV, 2009 WL 618697, at *2 (Tex. App.—Houston [1st Dist.] Mar. 12, 2009, no pet.)
- Huffman Asset Mgmt., LLC v. Colter, No. 24-0205, 2026 WL 1500963, at *5 (Tex. May 29, 2026)
- Brookfield Funding, LLC v. Ramey & King Ins. Assocs., Inc., No. 02-25-00201-CV, 2025 WL 3558965, at *2 (Tex. App.—Fort Worth Dec. 11, 2025, no pet.)
- Spanton v. Bellah, 612 S.W.3d 314, 316 (Tex. 2020)

- Shamrock Enters., LLC v. Top Notch Movers, LLC, 728 S.W.3d 693, 695-99 (Tex. 2026)
- Midstate Env't Servs., LP v. Peterson, 435 S.W.3d 287, 289-91 (Tex. App.—Waco 2014, no pet.)
- Norman Commc'ns v. Tex. Eastman Co., 955 S.W.2d 269, 270 (Tex. 1997)
- Mingus v. Claiborne, No. 02-25-00361-CV, 2025 WL 3560109, at *2 (Tex. App.—Fort Worth Dec. 11, 2025, no pet.)
- Reliq Health Techs., Inc. v. Resurgence Partners, LLC, No. 02-23-00211-CV, 2023 WL 8467376, at *2 (Tex. App.—Fort Worth Dec. 7, 2023, no pet.)
- Nartha Hosp. Grp., L.P. v. Shanks, No. 02-24-00465-CV, 2025 WL 2087933, at *4 (Tex. App.—Fort Worth July 24, 2025, no pet.)
- Hall v. Mansfield Indep. Sch. Dist., No. 02-24-00201-CV, 2024 WL 5162468, at *3 (Tex. App.—Fort Worth Dec. 19, 2024, no pet.)
- Inlog, Inc. v. Ryder Truck Rental, Inc., No. 02-19-00283-CV, 2020 WL 1887846, at *2 (Tex. App.—Fort Worth Apr. 16, 2020, no pet.)
- JD Auto Corp. v. Bell, 697 S.W.3d 441, 452 (Tex. App.—El Paso 2024, no pet.)
- WWLC Inv., L.P. v. Miraki, 624 S.W.3d 796, 799-800 (Tex. 2021)
- Bellaire Kingtown, LLC v. Alegria Dental Care, PLLC, No. 14-24-00192-CV, 2025 WL 3551775, at *3 (Tex. App.—Houston [14th Dist.] Dec. 11, 2025, no pet.)
- Greystar, LLC v. Adams, 426 S.W.3d 861, 867-68 (Tex. App.—Dallas 2014, no pet.)
- Reed Elsevier, Inc. v. Carrollton-Farmers Branch Indep. Sch. Dist., 180 S.W.3d 903, 905 (Tex. App.—Dallas 2005, pet. denied)
- Pharmakinetics Labs., Inc. v. Katz, 717 S.W.2d 704, 706 (Tex. App.—San Antonio 1986, no writ)
- Turbo Rests., LLC v. Reid's Refrigeration Inc., 657 S.W.3d 490, 498 (Tex. App.—El Paso 2022, no pet.)
- Hubicki v. Festina, 226 S.W.3d 405, 408 (Tex. 2007)
- Lytle v. Cunningham, 261 S.W.3d 837, 841 (Tex. App.—Dallas 2008, no pet.)
- Worldwide Ventures, LP v. 3600 SC I, LLC, No. 03-16-00539-CV, 2018 WL 828965, at *2 (Tex. App.—Austin Feb. 7, 2018, no pet.)

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