

TEXAS COURT OF APPEALS, THIRD DISTRICT, AUSTIN

**Almericas Veterans Mortgage Trust v. Village Capital & Investment,
LLC and Brock & Scott, PLLC**

Almericas Veterans Mortgage Trust · No. 03-26-00466-CV · Decided June 12, 2026

SUMMARY

The Texas Court of Appeals for the Third District dismissed the appeal for want of prosecution because the appellant trust was represented by a nonattorney trustee acting pro se. The court held that a trustee may not represent a trust in a representative capacity and that no attorney had filed an amended notice of appeal on the trust's behalf.

CASE DETAILS

COURT	Texas Court of Appeals, Third District, Austin
WRITING FOR THE COURT	Chief Justice Byrne; Justice Rosa Lopez Theofanis; Justice Crump
JURISDICTION	Texas Court of Appeals, Third District, Austin
DECIDED	June 12, 2026
DOCKET	03-26-00466-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	The trust appealed a May 14, 2026 trial-court order through a notice of appeal filed by its pro se trustee. The court of appeals required an attorney representing the trust to file an amended notice of appeal, but no attorney did so.
PRECEDENTIAL VALUE	Published memorandum opinion; precedential status is identified as published in the provided metadata.
PARTIES	Almericas Veterans Mortgage Trust v. Village Capital & Investment, LLC, Brock & Scott, PLLC

TOPICS

[appellate procedure](#) [trusts](#) [civil procedure](#) [trustee duties](#)

PRACTICE AREAS

[appellate procedure](#) [civil procedure](#) [trusts](#) [unauthorized practice of law](#)

QUESTIONS PRESENTED

1. Whether a trustee may represent a trust pro se in an appeal.
2. Whether the appeal should be dismissed when no licensed attorney files an amended notice of appeal on behalf of the trust after the court directs that one be filed.

HOLDINGS

1. A trustee may not appear pro se in a representative capacity on behalf of a trust; the trust must be represented by a licensed attorney.
2. The appeal must be dismissed because the nonattorney trustee could not represent the trust and no attorney filed an amended notice of appeal on the trust's behalf.

KEY QUOTATIONS

“A trustee may not appear pro se in his representative capacity as a trustee.” (at 1)

“Therefore, because a nonattorney trustee cannot represent a trust, and no attorney has filed an amended notice of appeal on behalf of the Almericas Veterans Mortgage Trust, we dismiss this appeal.” (at 2)

FACTUAL BACKGROUND

Almericas Veterans Mortgage Trust appealed a trial-court order through its trustee, Ronnie Dansby, who was not represented by an attorney. The court of appeals informed Dansby that a trustee may not appear pro se in a representative capacity and required an attorney to file an amended notice of appeal. No attorney appeared for the trust, and Dansby continued to assert that he could represent the trust himself.

PROCEDURAL HISTORY

Almericas Veterans Mortgage Trust, through trustee Ronnie Dansby, filed a notice of appeal from an order of the 368th District Court of Williamson County. After notifying Dansby that a trustee may not represent a trust pro se and directing an attorney to file an amended notice of appeal, the court received only Dansby's response asserting his right to proceed pro se. The court dismissed the appeal for want of prosecution under Texas Rule of Appellate Procedure 42.3(b) and (c).

DISPOSITION

dismissed

CASES CITED

- Lorie Bernice Sharpe Tr. v. Phung, 622 S.W.3d 929, 929 (Tex. App.—Austin 2021, no pet.)
- In re Guetersloh, 326 S.W.3d 737, 739-40 (Tex. App.—Amarillo 2010, orig. proceeding)
- Steele v. McDonald, 202 S.W.3d 926, 928 (Tex. App.—Waco 2006, no pet.)
- Jimison v. Mann, 957 S.W.2d 860, 861 (Tex. App.—Amarillo 1997, order) (per curiam)

OPINION

Almericas Veterans Mortgage Trust v. Village Capital & Investment, LLC and Brock & Scott, PLLC

PER CURIAM.

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-26-00466-CV

Almericas Veterans Mortgage Trust, Appellant v. Village Capital & Investment, LLC and Brock & Scott, PLLC, Appellees

FROM THE 368TH DISTRICT COURT OF WILLIAMSON COUNTY

NO. 26-1248-C368,

THE HONORABLE SARAH SOELDNER BRUCHMILLER, JUDGE PRESIDING

MEMORANDUM OPINION

Almericas Veterans Mortgage Trust, by its pro se trustee Ronnie Dansby, filed a notice of appeal from the trial court's May 14, 2026 order against it. After an initial review, we informed Dansby that a trustee or other representative of a trust may not appear pro se in a representative capacity, and therefore, an attorney representing the trust must file an amended notice of appeal to avoid dismissal of this appeal. No attorney has responded on behalf of the Almericas Veterans Mortgage Trust. Dansby filed a response in which he maintained his right to represent the trust pro se. A trustee may not appear pro se in his representative capacity as a trustee. *Lorie Bernice Sharpe Tr. v. Phung*, 622 S.W.3d 929, 929 (Tex. App.—Austin 2021, no pet.); see *In re Guetersloh*, 326 S.W.3d 737, 739–40 (Tex. App.—Amarillo 2010, orig. proceeding) (holding that trustee may not appear pro se in representative capacity as trustee of trust); see also, e.g., *Steele v. McDonald*, 202 S.W.3d 926, 928 (Tex. App.—Waco 2006, no pet.) (holding that independent executor may not appear pro se in representative capacity for estate). Rule 7 of the Texas Rules of Civil Procedure allows a person to represent himself or herself pro se only to litigate rights on his or her own behalf, not to litigate rights in a representative capacity. Tex. R. Civ. P. 7; see *Lorie Bernice Sharpe Tr.*, 622 S.W.3d at 929 (holding that trustee may not appear pro se in representative capacity as trustee of trust). According to Texas law, only a licensed attorney is allowed to represent other parties. See Tex. Gov't Code §§ 81.101–.102 (prohibiting practice of law in Texas unless person is member of state bar); id. §§ 83.001–.006 (prohibiting unlicensed persons from practicing law without a license); see also *Jimison v. Mann*, 957 S.W.2d 860, 861 (Tex. App.—Amarillo 1997, order) (per curiam) (striking documents filed by layperson having no authority to file them on behalf of another). The Texas Legislature has defined the practice of law to include, among other things, “the preparation of a pleading or other document incident to an action.” Tex. Gov't Code § 81.101(a). Consequently, if a nonattorney files documents on behalf of a trust in an appeal, this amounts to the unauthorized practice of law. See *In re Guetersloh*, 326 S.W.3d at 740 (concluding nonattorney's appearance in trial court on behalf of trust amounted to unauthorized practice of law). Therefore, because a nonattorney trustee cannot represent a trust, and no attorney has filed an amended notice of appeal on behalf of the Almericas Veterans Mortgage Trust, we dismiss this

appeal. See Tex. R. App. P. 42.3(b), (c). 2

Rosa Lopez Theofanis, Justice Before Chief Justice Byrne, Justices Theofanis and Crump
Dismissed for Want of Prosecution Filed: June 12, 2026 3

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