

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.

OPINION

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