

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

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

No. 03-26-00461-CV (Tex. App.—Austin June 12, 2026) · No. 03-26-00461-CV · Decided June 12, 2026

SUMMARY

The Texas Court of Appeals, Third District, dismissed the appeal for want of prosecution after the pro se trustee of a trust failed to obtain counsel and file an amended notice of appeal. The court held that a trustee may not represent a trust pro se and that a nonattorney’s filing of documents on behalf of a trust constitutes unauthorized practice of law.

CASE DETAILS

COURT	Texas Court of Appeals, Third District, at Austin
WRITING FOR THE COURT	Rosa Lopez Theofanis; Chief Justice Byrne; Justice Rosa Lopez Theofanis; Justice Crump
JURISDICTION	Texas Court of Appeals, Third District, Austin
DECIDED	June 12, 2026
DOCKET	03-26-00461-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	The trust appealed a May 4, 2026 trial-court order through a notice of appeal filed by its pro se trustee. The court of appeals notified the trustee that a trust may not appear through a nonattorney representative and required an attorney to file an amended notice of appeal; no attorney did so and the trustee filed no response in this appeal.
PRECEDENTIAL VALUE	Published memorandum opinion
PARTIES	Almericas Veterans Mortgage Trust v. Brock & Scott, PLLC, Village Capital & Investment, LLC

TOPICS

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

PRACTICE AREAS

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; a licensed attorney must represent the trust.
2. The appeal must be dismissed for want of prosecution when no attorney files the required amended notice of appeal on behalf of the trust and the trustee does not respond.

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 filed a notice of appeal through its trustee, Ronnie Dansby, who was acting without counsel. The appellate court determined that Dansby could not represent the trust in a representative capacity, notified him that an attorney needed to file an amended notice of appeal, and received no attorney filing or response in this appeal.

PROCEDURAL HISTORY

The appeal arose from an order of the 368th District Court of Williamson County. After initial review, the court of appeals informed the trust that its trustee could not represent the trust pro se and that an attorney needed to file an amended notice of appeal to avoid dismissal. Because no attorney filed an amended notice and the trustee did not respond, the court dismissed the appeal for want of prosecution.

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

PER CURIAM.

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN NO. 03-26-00461-CV Almericas Veterans Mortgage Trust, Appellant v. Brock & Scott, PLLC and Village Capital & Investment, LLC, 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 4, 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 has not filed a response into this cause.

1 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 1 Dansby filed a response into a related appeal 03-26-00466-CV, in which he maintained his right to represent the trust pro se. 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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