

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

Brookfield Funding, LLC, and Vista Pointe Funding, LLC v. Ramey & King Insurance Associates, Inc.

No. 02-25-00201-CV · No. 02-25-00201-CV · Decided December 11, 2025

SUMMARY

The Texas Second Court of Appeals considered a restricted appeal from a no-answer default judgment in favor of Ramey & King Insurance Associates, Inc. The court held that the returns of service were defective because they listed only the citations and did not state that the petitions were served, as required by the Texas Rules of Civil Procedure. The court reversed the default judgment and remanded the case for further proceedings.

CASE DETAILS

COURT	Court of Appeals, Second Appellate District of Texas at Fort Worth
WRITING FOR THE COURT	Brian Walker; Womack; Wallach; Walker
JURISDICTION	Court of Appeals, Second Appellate District of Texas at Fort Worth
DECIDED	December 11, 2025
DOCKET	02-25-00201-CV
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Restricted appeal from a no-answer default judgment entered by the County Court at Law No. 2 of Denton County, Texas.
STANDARD OF REVIEW	In a restricted appeal, the appellant must establish the statutory and procedural requirements for the appeal and show error apparent on the face of the record. The face of the record includes all papers filed in the appeal, including the clerk's and reporter's records. Service of process is reviewed under Texas's strict-compliance doctrine.
PRECEDENTIAL VALUE	Published memorandum opinion of the Texas Court of Appeals, Second Appellate District at Fort Worth.
PARTIES	Brookfield Funding, LLC, Vista Pointe Funding, LLC v. Ramey & King Insurance Associates, Inc.

TOPICS

service of process

default judgment

writ of certiorari

appellate procedure

civil procedure

PRACTICE AREAS

Civil procedure

Appellate procedure

Commercial litigation

QUESTIONS PRESENTED

1. Whether the returns of service established strict compliance with Texas service requirements when they listed only the citation as the document served and did not state that the petition was served.
2. Whether the trial court's no-answer default judgment could stand in a restricted appeal when defective service appeared on the face of the record.
3. Whether the appellate court could consider an email attached to the appellee's brief that was not part of the appellate record or before the trial court.

HOLDINGS

1. The returns of service were defective because they did not state that the petition was served with the citation.
2. The default judgment could not stand because defective service constituted error apparent on the face of the record.
3. The court could not consider the email because it was not part of the appellate record and was not before the trial court when it rendered the default judgment.

KEY QUOTATIONS

“For well over a century the rule has been firmly established in this state that a default judgment cannot withstand direct attack by a defendant who complains that he was not served in strict compliance with applicable requirements.” (at 3)

“Because the returns of service do not state that the petition was served with the citation, they are defective.” (at 4)

“The strict-compliance doctrine considers whether the record shows that the exact procedural requirements are met, not whether the intended party received notice of the lawsuit.” (at 4)

FACTUAL BACKGROUND

Ramey & King sued Brookfield Funding and Vista Pointe Funding for allegedly unpaid insurance-related services, asserting breach-of-contract and sworn-account claims. Citations were issued for both Appellants, and the returns of service listed only the citation under a section labeled "Documents"; neither return stated that the petition was served. Appellants did not answer or appear, and the trial court entered a no-answer default judgment for \$47,062 in damages plus attorney's fees and costs.

PROCEDURAL HISTORY

Ramey & King sued Appellants for breach of contract and suit on sworn account. After Appellants did not answer or otherwise appear, the trial court entered a default judgment awarding Ramey & King \$47,062 in damages, attorney's fees, and costs. Appellants brought a restricted appeal, arguing that the returns of service did not show that the petition was served with the citations.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The case is remanded to the trial court for further proceedings consistent with the opinion.

CASES CITED

- Alexander v. Lynda's Boutique, 134 S.W.3d 845, 848 (Tex. 2004)
- Ex parte E.H., 602 S.W.3d 486, 497 (Tex. 2020)
- Norman Commc'ns v. Tex. Eastman Co., 955 S.W.2d 269, 270 (Tex. 1997)
- Wilson v. Dunn, 800 S.W.2d 833, 836 (Tex. 1990)
- Union Pac. Corp. v. Legg, 49 S.W.3d 72, 78 (Tex. App.—Austin 2001, no pet.)
- Primate Constr., Inc. v. Silver, 884 S.W.2d 151, 152-53 (Tex. 1994)
- In re D.D.J., 136 S.W.3d 305, 309 n.3 (Tex. App.—Fort Worth 2004, no pet.)
- Greystar, LLC v. Adams, 426 S.W.3d 861, 865 (Tex. App.—Dallas 2014, no pet.)
- Tex. Dep't of Pub. Safety v. J.W.M., No. 03-17-00792-CV, 2018 WL 6519696, at *2 (Tex. App.—Austin Dec. 12, 2018, no pet.) (mem. op.)
- Texaco, Inc. v. Cent. Power & Light Co., 925 S.W.2d 586, 590 (Tex. 1996)
- Aew Holding, Inc. v. County of Williamson, No. 01-18-00069-CV, 2019 WL 1119395, at *2 (Tex. App.—Houston [1st Dist.] Mar. 12, 2019, no pet.) (mem. op.)
- Furst v. Smith, 176 S.W.3d 864, 871-72 (Tex. App.—Houston [1st Dist.] 2005, no pet.)