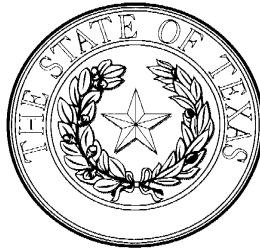


Opinion issued August 13, 2020



In The  
**Court of Appeals**  
For The  
**First District of Texas**

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NO. 01-19-00054-CV

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**DEBORAH TATE, Appellant**

**V.**

**MEISTERWOOD COMMUNITY IMPROVEMENT ASSOCIATION,  
Appellee**

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**On Appeal from the 113th District Court  
Harris County, Texas  
Trial Court Case No. 2017-30933**

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**MEMORANDUM OPINION**

Deborah Tate appeals from the trial court's summary judgment disposing of her claims against Meisterwood Community Improvement Association. We affirm.

## Background

Deborah Tate sued Meisterwood Community Improvement Association (“Meisterwood”) under the Texas Deceptive Trade Practices Act (“DTPA”) and Texas Debt Collection Practices Act (“DCPA”).<sup>\*</sup> Tate was a homeowner in the subdivision where Meisterwood had authority to collect annual association dues. Tate alleged that Meisterwood’s efforts to collect fees were unlawful. Meisterwood moved for traditional and no-evidence summary judgment. In its motion, it argued that:

- Tate had no evidence to support her claims under the DTPA or the DCPA.
- Tate was not a “consumer” as defined by the DTPA or the DCPA.
- Tate could not show she sustained any damages as a result of Meisterwood’s actions.
- Tate’s DCPA claim fails because there is no “consumer debt” at issue and Meisterwood is not a “debt collector” as defined by the DCPA.

Tate responded to Meisterwood’s summary judgment motion, attaching her own affidavit stating that she did not owe Meisterwood any money and that its practices were unfair. She did not specifically address Meisterwood’s summary judgment arguments, and she did not submit additional evidence in response to Meisterwood’s no-evidence summary judgment challenges.

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<sup>\*</sup> Tate also sued the law firm of Sears, Bennet & Gerdes, LLP, but she later voluntarily nonsuited this entity.

The trial court considered the motions and dismissed Tate’s claims with prejudice.

### **Discussion**

On appeal, Tate contends that the trial court erred in granting summary judgment and dismissing her claims with prejudice. She argues that she had standing as a consumer to assert her claims, Meisterwood provided a service under the DTPA, and the money Meisterwood alleges she owes is a consumer debt under the DCPA.

#### **A. Appellate Briefing Requirements**

An appellant’s brief must contain a statement of facts that provides “the facts pertinent to the issues or points presented” and this statement “must be supported by record references.” TEX. R. APP. P. 38.1(g). An appellant’s brief also must contain an argument that provides “a clear and concise argument for the contentions made, with appropriate citations to authorities and to the record.” *Id.* 38.1(i). These requirements are mandatory; a party who does not appropriately cite authority and the record waives his appellate complaint. *Perry v. Cam XV Tr.*, 579 S.W.3d 773, 779 (Tex. App.—Houston [1st Dist.] 2019, no pet.). This court is not obliged to independently review the record, research the law, and make arguments on an appellant’s behalf when she fails to do so. *Eagle Oil & Gas Co. v. Shale Expl. LLC*, 549 S.W.3d 256, 286 (Tex. App.—Houston [1st Dist.] 2018, pet. dism’d); *see also*

*Guimaraes v. Brann*, 562 S.W.3d 521, 538 (Tex. App.—Houston [1st Dist.] 2018, pet. denied).

## **B. Analysis**

Initially, we recognize that Tate is pro se on appeal, but our rules of appellate procedure have specific requirements for briefing, and the law is well-settled that a party proceeding pro se must comply with all applicable rules. *Phillips v. Cullen Park Apts.*, No. 01-18-00156-CV, 2018 WL 6175318, at \*2 (Tex. App.—Houston [1st Dist.] Nov. 27, 2018, no pet.) (mem. op.).

In this appeal, Tate was required to show by citation to authority and to competent summary judgment evidence in the record that the trial court committed reversible error. TEX. R. APP. P. 38(g), (i). Tate relies solely on her pleadings as creating a fact issue. But Tate’s pleadings are not competent summary-judgment evidence and thus cannot defeat the summary judgment motion. *Cardenas v. Bilfinger TEPCO, Inc.*, 527 S.W.3d 391, 401 (Tex. App.—Houston [1st Dist.] 2017, no pet.). We are not obligated to independently review the summary judgment record for fact issues that Tate has not demonstrated through appropriate citations. *Guimaraes*, 562 S.W.3d at 538; *Eagle Oil*, 549 S.W.3d at 286.

We hold that Tate has waived her appellate complaint by failing to comply with Rule 38.1. *See Perry*, 579 S.W.3d at 779. We overrule her sole appellate issue.

## **Conclusion**

We affirm the trial court's judgment.

Peter Kelly  
Justice

Panel consists of Chief Justice Radack and Justices Kelly and Goodman.