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ALABAMA COURT OF CIVIL APPEALS

SPECIAL TERM, 2026

CL-2026-0376

John P. Schuessler

v.

Wesley Schuessler II, as trustee of the GATMA Trust for John P.
Schuessler

Appeal from Lee Circuit Court
(CV-26-72)

MOORE, Presiding Judge.

John P. Schuessler ("John") appeals from a judgment entered by the Lee Circuit Court ("the circuit court") dismissing his appeal from a judgment entered by the Lee District Court ("the district court") denying

a Rule 60(b)(4), Ala. R. Civ. P., motion. We reverse the circuit court's judgment and remand the case with instructions.

Pertinent Background

In July 2012, John commenced a civil action in the district court seeking \$9,250 from Wesley Schuessler II ("Wesley"). John's Form C-88 complaint named Wesley as the defendant without identifying him as a trustee or otherwise indicating that he was being sued in a representative capacity. On December 13, 2012, John and Wesley executed a mediated settlement agreement; the mediated settlement agreement identified the defendant as "Wesley Schuessler." On that same date, the district court entered a consent judgment that approved, adopted, and incorporated the mediated settlement agreement. The caption of the consent judgment identified the defendant as "Wesley Schuessler II," without a trustee designation.

In April 2014, John and "Wesley Schuessler, II, Trustee," jointly moved the district court to clarify that the 2012 mediated settlement agreement and the resulting consent judgment concerned Wesley's handling of money as "trustee of the trust for John P. Schuessler" and

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that John had intended to sue Wesley only in his capacity as trustee of the GATMA Trust for John P. Schuessler ("the trust"), not individually. John supported the joint motion with an affidavit stating that he had sued Wesley in his capacity as trustee of the trust, not in his individual capacity, and that he was releasing any past, present, or future claims against Wesley in his individual capacity relating to the matter. On April 7, 2014, the district court entered an order that provided:

"The Clerk shall amend the electronic file in this matter to reflect that the Defendant's true name is 'Wesley Schuessler II, as the Trustee of the GATMA Trust for John P. Schuessler.'

"This Court's December 13, 2012 Consent Judgment and the related Mediation Settlement Agreement apply to Defendant 'Wesley Schuessler II, as the Trustee of the GATMA Trust for John P. Schuessler,' and they do not apply to Wesley Schuessler II, individually.

"All claims against ... Wesley Schuessler II are hereby DISMISSED WITH PREJUDICE."

(Capitalization in original.)

On March 5, 2026, John filed in the district court a document titled "Request for Simple Explanation of the Case Request for **ANY FORMAL RESPONSE** in Basic Human Decency." (Bold typeface, underlining, and

italics in original.) In that document, John, among other things, referenced Rule 60(b)(4), asserted that the 2012 consent judgment and the 2014 order entered by the district court were void for lack of subject-matter jurisdiction, and raised additional allegations concerning fraud, concealment, and an ex parte communication that "the defendant" allegedly had with the district-court judge in or after 2018.

On March 6, 2026, the district court entered an order stating:

"[John's] recent Motion is hereby DENIED.

"[John] filed this lawsuit in this [c]ourt in 2012. That was his choice. Then, in 2012, [John] and the Defendant reached a mutually agreed-upon, written settlement, which they both signed. (See doc. #12). That was also his choice. The [c]ourt adopted the written agreement of the parties. (See doc. #10). [John] has spent the last 13 years trying to set aside the settlement and/or relitigate this matter before the [c]ourt. Additionally, the Defendant subsequently raised a host of issues that were not before the [c]ourt at the time on the 2012 settlement agreement.

"The [c]ourt will not re-open or re-litigate a 13 year old settlement of a \$9,250.00 dispute in this District Court case. If [John] is not satisfied with the settlement, then it is too late. He agreed to the settlement, and he is stuck with it. If new conflicts, issues, or disputes have arisen, then [John] is free to file a new lawsuit in the appropriate court. If [John] believes that this [c]ourt never had jurisdiction in the first place, then he does not need an Order to set aside this [c]ourt's Consent Judgment. He only needs to file a new lawsuit in the [c]ourt

that he believes has proper jurisdiction. (Of course, that creates a question about why [John] chose to file a lawsuit in this [c]ourt if he believes this [c]ourt never had jurisdiction.)

"[John's] Motion is denied.

"Additionally, by Orders dated April 7 and April 8, 2014 (docs. #14 and #16), the [c]ourt re-named the Defendant (at the request of both parties). The Defendant's proper name is:

"Wesley Schuessler II, as the Trustee of the GATMA Trust for John P. Schuessler.

"The [c]ourt previously ordered the [c]lerk to change the Defendant's name in the electronic file, but the [c]lerk failed to do so. By this Order, the [c]ourt is ordering the [c]lerk to do so once again. The Defendant's proper name for the purposes of this litigation is 'Wesley Schuessler II, as the Trustee of the GATMA Trust for John P. Schuessler,' and the [c]lerk shall adjust the electronic file accordingly. (The [c]ourt has already made the adjustment in the style of this Order.)"

(Bold typeface, capitalization, and underlining in original.)

On March 20, 2026, John filed a notice of appeal to the circuit court. The notice expressly identified the order appealed from as the order denying his "03/05/26 postjudgment motion (Rule 60(b)(4) in substance)." On March 31, 2026, the circuit court, sua sponte, entered an order dismissing the appeal; that order stated, in pertinent part: "[John] filed a Notice of Appeal From District Court to Circuit Court concerning case

number DV 2012-308[;] that case was concluded in 2012. This [c]ourt lacks jurisdiction to consider the underlying appeal." John filed a timely notice of appeal to this court.

Preliminary Matter

John properly named Wesley Schuessler II, as trustee of the GATMA Trust for John P. Schuessler, as the appellee. Wesley, a former attorney, signed the appellee's brief, and we assume he filed the brief in his capacity as trustee. In Pipes v. Weyerhaeuser Co., 328 So. 3d 282 (Ala. Civ. App. 2020), we held that a nonattorney pro se party could not file a notice of appeal on behalf of a trust because that filing would amount to the unauthorized practice of law. However, we declined to address whether a trustee could file a notice of appeal. We now hold that a nonattorney trustee who is not the beneficiary of the trust is not authorized to practice law by filing appellate-court documents on behalf of the trust. See Elm Children's Educ. Tr. v. Wells Fargo Bank, N.A., 468 S.W.3d 529, 533 (Tenn. Ct. App. 2014), and Lorie Bernice Sharpe Tr. v. Phung, 622 S.W.3d 929, 929-30 (Tex. App. 2021). Thus, the brief filed by

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Wesley is considered a legal nullity, and we do not consider it. See Franklin v. Max Fed. Credit Union, 168 So. 3d 83 (Ala. Civ. App. 2014).

Issue

The sole issue is whether the circuit court erred in dismissing John's appeal from the district court's March 6, 2026, order for a lack of appellate jurisdiction.

Standard of Review

We review a judgment dismissing an appeal for an alleged lack of subject-matter jurisdiction de novo. See Smith v. Alabama Dep't of Lab., 226 So. 3d 183, 185 (Ala. Civ. App. 2016).

Discussion

With a few exceptions not applicable to this case, "all appeals from final judgments of the district court shall be to the circuit court for trial de novo." Ala. Code 1975, § 12-12-71. An order denying a Rule 60(b) motion seeking relief from a final judgment is a final judgment that independently supports an appeal. Glenn v. City of Wetumpka, 410 So. 3d 1135, 1137-38 (Ala. Civ. App. 2024). On March 5, 2026, John filed in the district court a motion seeking relief from the 2012 consent judgment

and the 2014 order amending that judgment, arguing various theories cognizable under Rule 60(b), most notably that the consent judgment and the order amending the consent judgment had been procured by fraud, see Rule 60(b)(3), and that the consent judgment and the order amending that judgment were void for lack of subject-matter jurisdiction, see Rule 60(b)(4). Although not labeled as such, that motion was filed pursuant to Rule 60(b). See Ex parte Lang, 500 So. 2d 3, 4 (Ala. 1986) (construing a motion as a Rule 60(b) motion based on its substance); see also M.M. v. K.J.Z., 249 So. 3d 1144, 1147 (Ala. Civ. App. 2017). Thus, the district-court order denying that motion was a final judgment that was appealable to the circuit court.

In its order dismissing the appeal, the circuit court concluded that the district-court case had concluded in 2012 and that it lacked jurisdiction for that reason. Presumably, the circuit court reasoned that it lacked appellate jurisdiction over the 2012 consent judgment because any appeal from that judgment would have had to have been filed within 14 days of the entry of that judgment. See Ala. Code 1975, § 12-12-70. However, an appeal from an order denying a Rule 60(b) motion presents

only the propriety of the denial of the Rule 60(b) motion and not the merits of the underlying judgment to which the Rule 60(b) motion is directed. We thus conclude that the circuit court erred by dismissing John's appeal because the case from which the appeal arose had been concluded in 2012.

Conclusion

We reverse the circuit court's judgment and remand the case to the circuit court with instructions that it vacate its judgment dismissing John's appeal and that it adjudicate John's Rule 60(b)(4) motion. To the extent that John requests in his reply brief that this court direct the circuit court to permit him to amend or supplement his Rule 60(b)(4) motion before it adjudicates his motion on remand, we decline to do so. We leave that matter for the circuit court to address. See Walker v. Eubanks, 424 So. 2d 631, 633 (Ala. Civ. App. 1982) (recognizing that, after an appeal from a district-court order denying a Rule 60(b) motion, the motion may be amended in the circuit court, subject to the limitations applicable in a de novo proceeding).

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REVERSED AND REMANDED WITH INSTRUCTIONS.

Edwards, Hanson, Fridy, and Bowden, JJ., concur.