



## Case Summaries

### January 16, 2026

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#### DECIDED CASES

***Shamrock Enters., LLC v. Top Notch Movers, LLC*, \_\_\_ S.W.3d \_\_\_ (Tex. Jan. 16, 2026) [24-0581]**

This restricted appeal challenges a no-answer default judgment based on defective service of process.

Texas-based Top Notch Movers sued Alabama-based Shamrock Enterprises for failing to pay for moving services provided in Alabama and Louisiana. Top Notch requested substituted service of process on the Texas Secretary of State under the Business Organizations Code, alleging Shamrock failed to maintain a registered agent for service in Texas. Top Notch's filings identified the address in the citation as Shamrock's "principal office" and "last known address." The Secretary certified he forwarded service to Shamrock at that address but it was returned with the notation "Return to Sender, Vacant, Unable to Forward." Shamrock never appeared, and the default judgment, which was mailed to Shamrock at the same address, was similarly returned as undeliverable. On restricted appeal, the court of appeals affirmed, finding no error apparent on the face of the record.

The Supreme Court unanimously reversed and vacated the judgment. Without deciding whether Shamrock was amenable to substituted service under the cited statute, the Court held that the default judgment was improper because the record did not reflect that process was forwarded to the address the statute required—the defendant's "most recent address on file with the secretary of state." The Secretary's certification was conclusive only as to the facts stated therein. The lower courts erred in presuming the forwarding address was the one the statute required when nothing in the record or certification indicated that it was. No presumptions in favor of valid service are entertained following a no-answer default judgment.

Chief Justice Blacklock wrote separately to note that the default judgment would also be improper even if the statute had been followed. Top Notch knew the service address was ineffective and had other contact information for Shamrock, but the record did not indicate Top Notch took any steps to notify Shamrock about the lawsuit after the initial

service effort failed. If it were necessary to reach the issue, he would hold that our Constitutions prohibit rendition of a default judgment when the plaintiff could have taken further reasonable and nonburdensome steps to provide actual notice of a lawsuit but failed to do so.