

STATE OF LOUISIANA  
COURT OF APPEAL, SECOND CIRCUIT  
430 Fannin Street  
Shreveport, LA 71101  
(318) 227-3700

WILMINGTON SAVINGS FUND SOCIETY,  
FSB, NOT IN ITS INDIVIDUAL CAPACITY  
BUT SOLELY AS TRUSTEE FOR RESIDENTIAL  
MORTGAGE AGGREGATION TRUST

No. 56,222-CA

VERSUS

Appealed from  
Ouachita Parish  
No. 2024-0814

B&W ENTERPRISES

Before COX, STEPHENS, and ROBINSON, JJ.

**ORDER**

This appeal of an order directing the issuance of a writ of seizure and sale was taken by Emily B. Winston and Carolyn Benjamin, who are not licensed attorneys, in a representative capacity on behalf of B&W Enterprises. A partnership is a separate and distinct legal entity from its membership. La. C.C. art. 2801. Such an entity may be represented by a non-lawyer only in certain circumstances. La. R.S. 37:212, concerning the unauthorized practice of law, provides, in part:

**C. Nothing in this Section shall prohibit any partnership, corporation, or other legal entity from asserting or defending any claim, not exceeding five thousand dollars, on its own behalf in the courts of limited jurisdiction or on its own behalf through a duly authorized partner, shareholder, officer, employee, or duly authorized agent or representative. No partnership, corporation, or other entity may assert any claim on behalf of another entity, or any claim assigned to it.**

Because the record does not demonstrate that Emily B. Winston or Carolyn Benjamin are authorized to represent B&W Enterprises pursuant to La. R.S. 37:212(C), the motion for appeal filed by Emily B. Winston and Carolyn Benjamin, as well as the subsequent order granting the motion, “is of no legal effect.” *Deal v. Lexing-Powell*, 36,168 (La. App. 2 Cir. 8/16/02), 824 So. 2d 541; *Torregano v. Imperium Builders South, LLC*, 16-0644 (La. App. 4 Cir. 2/15/17), 212 So. 3d 638. Accordingly, this appeal is hereby dismissed.

Shreveport, Louisiana, this 13 day of December, 2024.

JSC JMS JLR

FILED: December 13, 2024

Stacy Jensen

DEPUTY CLERK