



Agri-Affiliates, \*  
Receiver, \*  
Patsy C. Brown, \*  
Interested Party. \*

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Submitted: April 24, 2000

Filed: May 30, 2000

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Before McMILLIAN, LOKEN, and MORRIS SHEPPARD ARNOLD, Circuit Judges.

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PER CURIAM.

Larry Hoyt appeals from the final judgment entered in the District Court<sup>1</sup> for the District of Nebraska, granting summary judgment to the Farm Service Agency (FSA) in its foreclosure action. For reversal, Hoyt argues that genuine issues of material fact preclude summary judgment. For the reasons discussed below, we affirm the judgment of the district court.

Upon careful review, we conclude summary judgment was proper. The FSA offered un rebutted evidence that Hoyt and others received documented loans which were delinquent and which were secured by a mortgage in favor of FSA on the property against which FSA sought foreclosure. See Fed. R. Civ. P. 56(e) (when motion for summary judgment is made and supported, adverse party may not rest upon mere

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<sup>1</sup>The Honorable Richard G. Kopf, Chief Judge, United States District Court for the District of Nebraska.

allegations or denials of adverse party's pleadings but must set forth by affidavit or otherwise specific facts showing genuine issue for trial); United States v. Kimbell Foods, Inc., 440 U.S. 715, 718 (1979) (while federal law applies, since national rule is unnecessary to protect federal interest underlying FHA loan programs, priority of liens is to be determined under state law); West Town Homeowners Ass'n, Inc. v. Schneider, 435 N.W.2d 645, 648 (Neb. 1989) (requirements for party seeking to foreclose on mortgage). Although Hoyt argues on appeal that his signature does not appear on the loan instruments, he did not raise this argument in opposition to the summary judgment motion. See Dorothy J. v. Little Rock Sch. Dist., 7 F.3d 729, 734 (8th Cir. 1993) (this court does not consider arguments made for first time on appeal).

Hoyt also complains that the district court struck several pleadings from the record, but we conclude the court did not abuse its discretion in doing so: Hoyt executed and filed the pleadings, pro se, on behalf of the borrower corporation of which he was president and on behalf of a trust; however, corporations and trusts cannot appear in federal court without legal representation. See Knoefler v. United Bank, 20 F.3d 347, 348 (8th Cir. 1994) (trust); United States v. Van Stelton, 988 F.2d 70, 70 (8th Cir. 1993) (per curiam) (corporation).

Accordingly, we affirm the judgment of the district court.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.