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IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

No. A-1-CA-39922

**IN THE MATTER OF THE ESTATE
OF JOE T. BARELA, Deceased,**

MICHELE NAVARRETTE,

Petitioner-Appellant,

v.

**LORRAINE B. POHL, Personal
Representative,**

Respondent-Appellee.

**APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY
Denise Barela Shepherd, District Judge**

NM Trust and Probate Law Firm, LLC
Monica A. Davis
Albuquerque, NM

for Appellant

Dory-Garduño Law Firm, LLC
James E. Dory
Albuquerque, NM

for Appellee

MEMORANDUM OPINION

HANISEE, Chief Judge.

{1} Petitioner appeals the district court's opinion and order, entered June 28, 2021. [RP 133] We entered a notice of proposed disposition, proposing to affirm. Petitioner filed a memorandum in opposition and Respondent filed a memorandum in support,

both of which we have duly considered. Unpersuaded that the district court committed reversible error, we affirm.

{2} Our notice of proposed disposition proposed to affirm based on our proposals that the district court did not err by: (1) refusing to reconsider the October 2020 order as to the validity of the will, (2) determining Petitioner's claims were barred by res judicata, and (3) determining that the prior order was a formal testacy order. [CN 5-7] In her memorandum in opposition, Petitioner continues to maintain, based on the same theories, that her claims were not barred because the district court had not yet ruled on the final distribution of the estate. [MIO 7] The arguments contained in Petitioner's memorandum in opposition do not sufficiently address the specific concerns this Court identified in our notice of proposed disposition, do not persuade us that this Court's proposed summary disposition was in error, and do not otherwise impact our analysis or our disposition of this case.

{3} Therefore, we affirm for the reasons stated in our notice of proposed disposition. See *Hennessey v. Duryea*, 1998-NMCA-036, ¶ 24, 124 N.M. 754, 955 P.2d 683 ("Our courts have repeatedly held that, in summary calendar cases, the burden is on the party opposing the proposed disposition to clearly point out errors in fact or law."); see also *State v. Mondragon*, 1988-NMCA-027, ¶ 10, 107 N.M. 421, 759 P.2d 1003 (stating that the repetition of earlier arguments does not fulfill this requirement), *superseded by statute on other grounds as stated in State v. Harris*, 2013-NMCA-031, ¶ 3, 297 P.3d 374.

{4} IT IS SO ORDERED.

J. MILES HANISEE, Chief Judge

WE CONCUR:

ZACHARY A. IVES, Judge

JANE B. YOHALEM, Judge