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1 **IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO**

2 **WELLS FARGO BANK, N.A.,**

3 Plaintiff-Appellee,

4 v.

NO. 34,608

5 **NADIA MONTOYA,**

6 Defendant-Appellant.

7 and

8 **PORFIRIO MONTOYA a/k/a**

9 **PORFIRIO J. MONTOYA and**

10 **TOSCANA AT CABEZON**

11 **HOMEOWNERS ASSOCIATION,**

12 **INC.,**

13 Defendants.

14 **APPEAL FROM THE DISTRICT COURT OF SANDOVAL COUNTY**

15 **John F. Davis, District Judge**

16 Joshua R. Simms, P.C.

17 Joshua R. Simms

18 Albuquerque, NM

19 for Appellant

20 McCarthy & Holthus, LLP

21 Jeannette M. Whittaker

1 Andrew Yarrington
2 Albuquerque, NM
3 for Appellee

4 **MEMORANDUM OPINION**

5 **VIGIL, Judge.**

6 {1} Summary affirmance was proposed for the reasons stated in the notice of
7 proposed summary disposition. No memorandum opposing summary affirmance has
8 been filed and the time for doing so has expired.

9 {2} **AFFIRMED.**

10 {3} **IT IS SO ORDERED.**

11
12

MICHAEL E. VIGIL, Chief Judge

13 **WE CONCUR:**

14
15

JAMES J. WECHSLER, Judge

16
17

TIMOTHY L. GARCIA, Judge