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

2 **THE BANK OF NEW YORK MELLON,**
3 **F/K/A THE BANK OF NEW YORK, as**
4 **Successor in Interest to JPMORGAN**
5 **CHASE BANK, NATIONAL ASSOCIATION,**
6 **As Trustee for RBSGC MORTGAGE LOAN**
7 **TRUST MORTGAGE PASS-THROUGH**
8 **CERTIFICATE, SERIES 2005-RPI,**

9
10 Plaintiff-Appellant,

11 v.

NO. A-1-CA-36317

12 **FRANCISCO JAVIER RODRIGUEZ AND**
13 **JANE DOE RODRIGUEZ, husband and**
14 **wife; PATRICIA ESTRADA, if living; if**
15 **deceased, THE UNKNOWN HEIRS OF**
16 **PATRICIA ESTRADA, DECEASED;**
17 **CITY OF ALBUQUERQUE; ABC Corporations**
18 **I-X, XYZ Partnerships I-X, John Does I-X**
19 **and Jane Does I-X, THE UNKNOWN HEIRS**
20 **AND DEVISEES OF ANY OF THE ABOVE,**
21 **IF DECEASED; OCCUPANTS OF THE PROPERTY,**

22 Defendants-Appellees.

23 **APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY**
24 **Victor S. Lopez, District Judge**

25 McCarthy & Holthus, LLP
26 Karen Weaver

1 Joshua T. Chappell
2 Albuquerque, NM

3 for Appellant

4 Daniel P. Dietz, Assistant City Attorney
5 Albuquerque, NM

6 for Appellee City of Albuquerque

7 **MEMORANDUM OPINION**

8 **VANZI, Chief Judge.**

9 {1} Summary affirmance was proposed for the reasons stated in the notice of
10 proposed summary disposition. No memorandum opposing summary affirmance has
11 been filed and the time for doing so has expired.

12 {2} **AFFIRMED.**

13 {3} **IT IS SO ORDERED.**

14 _____
15 **LINDA M. VANZI, Chief Judge**

16 **WE CONCUR:**

17 _____
18 **STEPHEN G. FRENCH, Judge**

19 _____

1 **DANIEL J. GALLEGOS, Judge**