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

2 **AEI NET LEASE INCOME & GROWTH**
3 **FUND XX, Limited Partnership; GLENN**
4 **FRESE, Successor Trustee of the Simcoe**
5 **Trust; HIGHGROVE CONSULTING**
6 **AGENCY, INC.; and JOAN KOLLER,**
7 **Trustee of the Joan Koller Trust,**

8
9 **Plaintiffs-Appellees,**

10 **v.**

No. A-1-CA-36796

11 **MARK A. BENSON, Trustee of the Mark**
12 **A. Benson Living Trust,**

13 **Defendant-Appellant.**

14 **APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY**
15 **Nancy Jean Franchini, District Judge**

16 Leslie McCarthy Apodaca
17 Albuquerque, NM.

18 for Appellees

19 Fuqua Law & Policy, PC
20 Scott Fuqua
21 Santa Fe, NM

22 for Appellant

1 **MEMORANDUM OPINION**

2 **VIGIL, Judge.**

3 {1} Summary affirmance was proposed for the reasons stated in the notice of
4 proposed summary disposition. No memorandum opposing summary affirmance has
5 been filed and the time for doing so has expired.

6 {2} **AFFIRMED.**

7 {3} **IT IS SO ORDERED.**

8 _____
9 **MICHAEL E. VIGIL, Judge**

10 **WE CONCUR:**

11 _____
12 **LINDA M. VANZI, Chief Judge**

13 _____
14 **DANIEL J. GALLEGOS, Judge**