

**A C CATTLE V. PORTALES NATIONAL BANK**

This memorandum opinion was not selected for publication in the New Mexico Reports. Please see Rule 12-405 NMRA for restrictions on the citation of unpublished memorandum opinions. Please also note that this electronic memorandum opinion may contain computer-generated errors or other deviations from the official paper version filed by the Court of Appeals and does not include the filing date.

**A.C. CATTLE CO., a New Mexico corporation,  
Plaintiff/Counterdefendant-Appellant,**

**vs.**

**PORTALES NATIONAL BANK,  
a division of the James Polk Stone National Bank,  
and BARRY STONE, an individual,  
Defendants/Counterplaintiffs-Appellees,**

**and**

**PORTALES NATIONAL BANK and BARRY STONE,  
Third-Party Plaintiffs,**

**vs.**

**ALVA CARTER, JR., as personal representative of the  
Estate of Alva Carter, Sr., deceased,**

**ALAN CARTER, an individual,**

**ALVA CARTER, JR., an individual,**

**CARTER'S MILK FACTORY, INC., a New Mexico corporation,**

**SLOPING HILLS DAIRY, LLC, a New Mexico limited liability company,**

**P.V.N.G.M., LLC, a New Mexico limited liability company,**

**A.C. MOTORS, LLC, a New Mexico limited liability company,**

**and P.V.N.F., LLC, d/b/a Big Valley Auto, a New Mexico limited liability company,  
Third-Party Defendants.**

NO. 31,610

COURT OF APPEALS OF NEW MEXICO

April 2, 2012

APPEAL FROM THE DISTRICT COURT OF ROOSEVELT COUNTY, Drew D. Tatum,  
District Judge

**COUNSEL**

Martin E. Threet & Associates, Martin E. Threet, Albuquerque, NM, for Appellee

Doerr and Kndson, P.A., Stephen E. Doerr, Portales, NM, for Appellants

## **JUDGES**

TIMOTHY L. GARCIA, Judge. WE CONCUR: CELIA FOY CASTILLO, Chief Judge,  
JAMES J. WECHSLER, Judge

**AUTHOR:** TIMOTHY L. GARCIA

## **MEMORANDUM OPINION**

**GARCIA, Judge.**

Summary affirmance was proposed for the reason stated in the notice of proposed disposition. No memorandum opposing summary affirmance has been filed, and the time for doing so has expired.

Affirmed.

**IT IS SO ORDERED.**

**TIMOTHY L. GARCIA, Judge**

**WE CONCUR:**

**CELIA FOY CASTILLO, Chief Judge**

**JAMES J. WECHSLER, Judge**