

WELLS FARGO BANK, N.A. V. ANAYA

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**WELLS FARGO BANK, N.A.,
Plaintiff-Appellee,
v.
GILBERT ANAYA and MARY C. ANAYA,
Defendants-Appellants.**

NO. A-1-CA-36228

COURT OF APPEALS OF NEW MEXICO

December 21, 2017

APPEAL FROM THE DISTRICT COURT OF SANTA FE COUNTY, Francis J. Mathew,
District Judge

COUNSEL

McCarthy Holthus, LLP, Joshua T. Chappell, Karen Howden Weaver, Albuquerque, NM,
for Appellee

Gilbert Anaya, Mary C. Anaya, Santa Fe, NM, Pro Se Appellants

JUDGES

LINDA M. VANZI, Chief Judge. WE CONCUR: MICHAEL E. VIGIL, Judge, J. MILES
HANISEE, Judge

AUTHOR: LINDA M. VANZI

MEMORANDUM OPINION

VANZI, Chief Judge.

{1} Defendants Gilbert and Mary C. Anaya appeal from the district court's order granting summary judgment in favor of Plaintiff Wells Fargo Bank, N.A. This Court issued a notice of proposed disposition, proposing to affirm. In response, Plaintiff filed a

memorandum in support of our notice of proposed disposition. Defendants did not file a response. We are therefore not convinced that our proposed disposition is incorrect. See *Hennesy 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.”).

{2} Accordingly, we rely on the reasoning contained in our notice of proposed disposition and affirm.

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

LINDA M. VANZI, Chief Judge

WE CONCUR:

MICHAEL E. VIGIL, Judge

J. MILES HANISEE, Judge