

YOUR CREDIT, INC. V. MACGREGOR

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**YOUR CREDIT, INC.,
Plaintiff-Appellee,
v.
KATHLEEN MACGREGOR,
Defendant-Appellant.**

NO. 34,606

COURT OF APPEALS OF NEW MEXICO

September 3, 2015

APPEAL FROM THE DISTRICT COURT OF VALENCIA COUNTY, James Lawrence
Sanchez, District Judge

COUNSEL

Barnett Law Firm, Jennifer Rodriguez Rodgers, Albuquerque, NM, for Appellee

Kathleen S. MacGregor, Albuquerque, NM, Pro Se Appellant

JUDGES

MICHAEL E. VIGIL, Chief Judge. WE CONCUR: TIMOTHY L. GARCIA, Judge, J.
MILES HANISEE, Judge

AUTHOR: MICHAEL E. VIGIL

MEMORANDUM OPINION

VIGIL, Chief Judge.

{1} Appellant Kathleen MacGregor (Borrower) raises a number of issues relating to the central challenge that the district court erred in ruling that Appellee Your Credit, Inc. (Lender) is entitled to judgment in its favor based Borrower's loan default. [RP 46] Our

notice proposed to reverse; Borrower filed a memorandum in support, and Lender filed no response.

{2} For the reasons detailed in our notice, we reverse the judgment against Borrower, and remand to the district court with instructions that Lender, as restitution, be required to reimburse Borrower all the money she paid Lender minus the principal plus a 15 percent default interest rate. See *B & B Investment Group*, 2014-NMSC-024, ¶¶ 46-51, 329 P.3d 658 (requiring the defendants to refund all money collected by the defendants on their signature loans in excess of 15 percent of the loan principal as restitution for their unconscionable trade practices).

{3} IT IS SO ORDERED.

MICHAEL E. VIGIL, Chief Judge

WE CONCUR:

TIMOTHY L. GARCIA, Judge

J. MILES HANISEE, Judge