

WHITTENBURG V. WHITTENBURG

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**L.P. MCKEE (MACK) WHITTENBURG, as
Independent Co-Executor of the Estate of
Roy R. Whittenburg; LOIS WHITTENBURG
ROWLEY, as Independent Co-Executor of the
Estate of Roy R. Whittenburg; ROY ROBERT
WHITTENBURG, JR., as Co-Trustee of Eighteen
of The Grace and Roy Whittenburg Trusts, Dated
December 30, 1977; LOIS WHITTENBURG
ROWLEY, as Co-Trustee of Eighteen of The
Grace and Roy Whittenburg Trusts, Dated
December 30, 1977,
Plaintiffs-Appellants,
v.
WANDA JEANNE WHITTENBURG,
Defendant-Appellee.**

No. A-1-CA-36825

COURT OF APPEALS OF NEW MEXICO

September 11, 2018

APPEAL FROM THE DISTRICT COURT OF UNION COUNTY, Jeff McElroy, District
Judge

COUNSEL

L. P. McKee (Mack) Whittenburg, Amarillo, TX, Pro Se Appellant

Lois Whittenburg Rowley, Amarillo, TX, Pro Se Appellant

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JUDGES

J. MILES HANISEE, Judge. WE CONCUR: JULIE J. VARGAS, Judge, DANIEL J. GALLEGOS, Judge

AUTHOR: J. MILES HANISEE

MEMORANDUM OPINION

HANISEE, Judge.

{1} Plaintiffs L.P. McKee (Mack) Whittenburg, Lois Whittenburg Rowley, and Roy Robert Whittenburg, Jr., appeal an order of the district court finding them in contempt for their failure to comply with a prior order. This Court's notice of proposed summary disposition proposed to affirm the order of contempt. [CN 9] Defendant has filed a memorandum in support of that proposed summary disposition. [MIS 1] Plaintiffs, however, have made no responsive filing. Instead, Plaintiffs' counsel has filed a motion to withdraw as counsel informing us that he has been "instructed to take no further action" in this appeal. [4-20-2018 MOT 2] And, the time in which to file a memorandum in opposition to our proposed disposition has now passed. We, therefore, affirm the contempt order entered by the district court.

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

J. MILES HANISEE, Judge

WE CONCUR:

JULIE J. VARGAS, Judge

DANIEL J. GALLEGOS, Judge