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

**No. A-1-CA-38677**

**STATE FARM FIRE AND CASUALTY  
COMPANY, a wholly owned subsidiary  
of State Farm Mutual Automobile Insurance,**

Plaintiff-Appellee,

v.

**PATRICK SMITHGEE d/b/a  
SMITHGEE CONSTRUCTION,**

Defendant-Appellant.

**APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY  
Victor S. Lopez, District Judge**

Faber and Brand, LLC  
Jonathan L. Shoener  
Colombia, MO

for Appellee

Clayton E. Crowley  
Albuquerque, NM

for Appellant

**MEMORANDUM OPINION**

**HANISEE, Chief Judge.**

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

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

**J. MILES HANISEE, Chief Judge**

**WE CONCUR:**

**JENNIFER L. ATTREP, Judge**

**MEGAN P. DUFFY, Judge**