

MCCLURE V. FERNANDEZ, 1954-NMSC-015, 58 N.M. 132, 266 P.2d 370 (S. Ct. 1954)

**McCLURE
vs.
FERNANDEZ et al.**

No. 5701

SUPREME COURT OF NEW MEXICO

1954-NMSC-015, 58 N.M. 132, 266 P.2d 370

January 26, 1954

Action for specific performance of realty contract and for related relief. The District Court, Colfax County, Fred J. Federici, D.J., entered judgment for plaintiff, and one defendant appealed. The Supreme Court, Seymour, J., held that evidence was sufficient to sustain trial court's finding that plaintiff had actual notice of an unrecorded realty contract.

COUNSEL

Vigil & Adams, Trinidad, Colo., V. A. Doggett, Raton, for appellant.

William P. Kearns, Jr., Raton, for D. A. McClure.

John B. Wright, Raton, for Cristina M. Fernandez.

JUDGES

Seymour, Justice. McGhee, C.J., and Sadler, Compton and Lujan, JJ., concur.

AUTHOR: SEYMOUR

OPINION

{*132} {1} Appeal was from judgment of the district court granting to plaintiff specific performance of a real estate contract and related relief. The single question for review, as stated by appellant, is whether or not there existed substantial evidence to sustain the finding of the trial court to the effect that appellant had actual notice of an unrecorded real estate contract. The record contains ample evidence to sustain the finding. Since the facts of the case require no new or interesting application of the rule of law involved, a statement thereof is omitted.

{2} Judgment of the trial court is affirmed.