

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

2 **IN THE MATTER OF THE ESTATE OF**  
3 **EVELYN CHAVEZ, Deceased,**

Court of Appeals of New Mexico  
Filed 3/14/2023 10:18 AM

4 **DAVID A. CARABAJAL,**



Mark Reynolds

5 Petitioner-Appellant,

6 v.

**No. A-1-CA-40051**

7 **VINCENT D. CHAVEZ,**

8 Respondent-Appellee.

9 **APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY**

10 **Benjamin Chavez, District Court Judge**

11 David A. Carabajal

12 Albuquerque, NM

13 Pro Se Appellant

14 Dylan P. Lutey

15 Albuquerque, NM

16 for Appellee

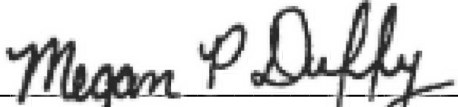
17 **MEMORANDUM OPINION**

18 **DUFFY, Judge.**


19 {1} Petitioner appeals from the district court's order granting informal  
20 appointment of a personal representative in this probate proceeding. We issued a  
21 calendar notice proposing to affirm. Petitioner has filed a memorandum in  
22 opposition, which we have duly considered. Unpersuaded, we affirm.

1 {2} Petitioner continues to challenge the district court’s appointment of the  
2 decedent’s son as personal representative arguing that because he paid the property  
3 taxes and maintained the estate, he should be appointed as personal representative.  
4 [DS 3; MIO 1] Specifically, Petitioner states that “the [d]istrict [c]ourt didn’t  
5 consider [his] position in the case of the [e]state,” and that “the [e]state should come  
6 back to [him] as written on the Warranty Deed (Joint Tenants).” [MIO 1] Petitioner,  
7 however, has not asserted any new facts and does not challenge our understanding  
8 of the evidence presented or identify any particular legal error in our proposed  
9 analysis. *See Hennessy v. Duryea*, 1998-NMCA-036, ¶ 24, 124 N.M. 754, 955 P.2d  
10 683 (“Our courts have repeatedly held that, in summary calendar cases, the burden  
11 is on the party opposing the proposed disposition to clearly point out errors in fact  
12 or law.”); *State v. Mondragon*, 1988-NMCA-027, ¶ 10, 107 N.M. 421, 759 P.2d  
13 1003 (stating that “[a] party responding to a summary calendar notice must come  
14 forward and specifically point out errors of law and fact” and the repetition of earlier  
15 arguments does not fulfill this requirement), *superseded by statute on other grounds*  
16 *as stated in State v. Harris*, 2013-NMCA-031, ¶ 3, 297 P.3d 374. Accordingly, we  
17 are unpersuaded that our notice of proposed disposition was erroneous and affirm  
18 for the reasons stated therein. [CN 2-3]

1 {3} IT IS SO ORDERED.

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3 \_\_\_\_\_  
MEGAN P. DUFFY, Judge

4 WE CONCUR:

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6 \_\_\_\_\_  
J. MILES HANISEE, Judge

7   
8 \_\_\_\_\_  
GERALD E. BACA, Judge