

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

Court of Appeals of New Mexico  
Filed 10/30/2024 10:33 AM

2 **JOHN BALL and ANGELA BALL,**



Ramon J. Maestas  
Chief Clerk

3 Plaintiffs-Appellants,

4 v.

**No. A-1-CA-41723**

5 **RONALD RODRIGUEZ,**

6 Defendant-Appellee.

7 **APPEAL FROM THE DISTRICT COURT OF VALENCIA COUNTY**

8 **James L. Sanchez, District Court Judge**

9 John Ball

10 Angela Ball

11 Belen, NM

12 Pro Se Appellants

13 Business Law Southwest, LLC

14 Alicia M. LaPado

15 Albuquerque, NM

16 for Appellee

17 **MEMORANDUM OPINION**

18 **ATTREP, Chief Judge.**

19 {1} Plaintiffs contend on appeal that the district court erred in granting judgment  
20 in favor of Defendant in the amount of \$12,000. In this Court's notice of proposed  
21 disposition, we proposed to summarily affirm. Plaintiffs then filed a memorandum  
22 in opposition, and Defendants filed a memorandum in support, both of which we

1 have duly considered. We remain unpersuaded that Plaintiffs have shown error on  
2 appeal. We therefore affirm the ruling of the district court.

3 {2} Plaintiffs' memorandum in opposition reasserts without elaboration their  
4 claims that the evidence was insufficient to establish the mobile home's fair market  
5 value and that the mobile home was permanently affixed to the property. [MIO 2-3]  
6 However, in our calendar notice, we explained that it was Plaintiffs' duty to provide  
7 this Court with the facts, argument, and information necessary to address and  
8 understand their appellate arguments, and we proposed to affirm based on their  
9 failure to provide this information unless their memorandum in opposition provided  
10 the relevant facts and authority demonstrating error. [CN 3-4] Plaintiffs' response  
11 has not provided the requested information, nor have they asserted any facts, law, or  
12 argument in their memorandum in opposition that persuades this Court that our  
13 notice of proposed disposition was erroneous. *See State v. Mondragon*, 1988-  
14 NMCA-027, ¶ 10, 107 N.M. 421, 759 P.2d 1003 (stating that a party responding to  
15 a summary calendar notice must come forward and specifically point out errors of  
16 law and fact, and the repetition of earlier arguments does not fulfill this requirement),  
17 *superseded by statute on other grounds as stated in State v. Harris*, 2013-NMCA-  
18 031, ¶ 3, 297 P.3d 374; *see also Hennessy v. Duryea*, 1998-NMCA-036, ¶ 24, 124  
19 N.M. 754, 955 P.2d 683 ("Our courts have repeatedly held that, in summary calendar

1 cases, the burden is on the party opposing the proposed disposition to clearly point  
2 out errors in fact or law.”).

3 {3} We recognize that Plaintiffs have attached documents to their memorandum  
4 in opposition that Plaintiffs believe support their claims with regard to the mobile  
5 home’s value and movability. It is unclear from the memorandum in opposition if  
6 these documents were submitted to the district court. However, as we noted in our  
7 notice of proposed disposition, it was for the district court to resolve any conflicts in  
8 the evidence and we will not reweigh the evidence on appeal. [CN 5] *See Las Cruces*  
9 *Pro. Fire Fighters v. City of Las Cruces*, 1997-NMCA-044, ¶ 12, 123 N.M. 329, 940  
10 P.2d 177 (noting that we do not reweigh the evidence or substitute our judgment for  
11 that of the fact-finder). And, if these documents were not submitted to the district  
12 court, we cannot consider them on appeal. *See In re Aaron L.*, 2000-NMCA-024, ¶  
13 27, 128 N.M. 641, 996 P.2d 431 (“This Court will not consider and [parties] should  
14 not refer to matters not of record in their briefs.”); *Jemko, Inc. v. Liaghat*, 1987-  
15 NMCA-069, ¶ 22, 106 N.M. 50, 738 P.2d 922 (“It is improper to attach to a brief  
16 documents which are not part of the record on appeal.”).

17 {4} Plaintiffs’ memorandum in opposition lastly argues that the district judge  
18 “never put in place how we would get title when everything was paid off.” [MIO 3]  
19 We do not understand this claim to raise an independent basis for appeal of the  
20 district court’s judgment. To the extent Plaintiffs do seek to amend their docketing

1 statement to include this issue, we deny any such motion because Plaintiffs do not  
2 allege any injury or controversy at this time that is ripe for review. *See State v.*  
3 *Moore*, 1989-NMCA-073, ¶ 45, 109 N.M. 119, 782 P.2d 91 (“[W]e should deny  
4 motions to amend that raise issues that are not viable.”), *overruled on other grounds*  
5 *by State v. Salgado*, 1991-NMCA-044, ¶ 2, 112 N.M. 537, 817 P.2d 730; *cf. Hall v.*  
6 *Hall*, 1992-NMCA-097, ¶ 38, 114 N.M. 378, 838 P.2d 1995 (noting that a court has  
7 jurisdiction post-judgment to enforce a judgment).

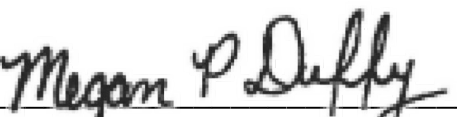
8 {5} Plaintiffs’ have not otherwise asserted any facts, law, or argument in their  
9 memorandum in opposition that persuades this Court that our notice of proposed  
10 disposition was erroneous. *See Mondragon*, 1988-NMCA-027, ¶ 10; *Hennessy*,  
11 1998-NMCA-036, ¶ 24. Accordingly, for the reasons stated in our notice of  
12 proposed disposition and herein, we affirm.

13 {6} **IT IS SO ORDERED.**

14   
15 **JENNIFER L. ATTREP, Chief Judge**

16 **WE CONCUR:**

17   
18 **KRISTINA BOGARDUS, Judge**

19   
20 **MEGAN P. DUFFY, Judge**