IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

Court of Appeals of New Mexico
Filed 1/27/2026 7:09 AM
Mark Reynolds

Opinion Number: _____

Filing Date: **January 27, 2026**

No. A-1-CA-42290

FELIX VALDEZ and GRACE VALDEZ,

Plaintiffs/Counterdefendants-Appellants,

v.

BOARD OF TRUSTEES OF THE JUAN BAUTISTA VALDEZ LAND GRANT,

Defendant/Intervenor/Counterclaimant-Appellee,

and

JUAN BAUTISTA VALDEZ LAND GRANT, INC.,

Defendant-Appellee,

and

JUAN DURAN JR., URSULA DURAN, ELIZABETH HOLLAND, and LEVI C. VALDEZ,

Defendants.

APPEAL FROM THE DISTRICT COURT OF RIO ARRIBA COUNTY
Kathleen McGarry Ellenwood, District Court Judge

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OPINION

HANISEE, Judge.

{1} This case stems from a quiet title dispute over land that falls within the Juan Bautista Valdez Land Grant in Rio Arriba County, New Mexico. A federal patent from 1913 confirms the "private land claim" to "the [h]eirs, [l]egal [r]epresentatives, and [a]ssigns of Juan Bautista Valdez." Plaintiffs Felix and Grace Valdez sought to quiet title in their favor, claiming they are direct descendants of Juan Bautista Valdez and thus "heirs" in the language of the federal patent. Defendants Juan Bautista Valdez Land Grant, Inc. and Board of Trustees of the Juan Bautista Valdez Land Grant moved for partial summary judgment, claiming that Plaintiffs were seeking to retry matters resolved by the federal patent. The district court agreed, concluded that it lacked jurisdiction, and granted Defendants' motion for partial summary judgment. Despite doing so, however, the district court reached the merits, made findings of fact, and quieted title in Defendants without Defendants requesting it to do so. Plaintiffs appeal, and we reverse.

BACKGROUND

{2} Planning to sell land they believed they owned pursuant to a warranty deed, Plaintiffs discovered a clerical error in need of correction. Plaintiffs therefore

initiated an action to quiet title. Defendant Juan Bautista Valdez Land Grant, Inc.[1] answered the complaint, and later moved for partial summary judgment primarily on the grounds that Plaintiffs were impermissibly seeking to retry a federal patent issued in 1913. The patent confirmed a decree that was issued in response to a lawsuit brought by Juan Bautista Valdez's heirs in the court of private land claims in 1893, which then had congressionally sanctioned authority to examine and settle land grant claims. *See Chavez v. Chavez de Sanchez*, 1893-NMSC-007, ¶ 9, 7 N.M. 58, 32 P. 137. The patent stated: "[T]he private land claim known as the Juan Bautista Valdez Grant, has been duly confirmed to the [h]eirs, [l]egal [r]epresentatives, and [a]ssigns of Juan Bautista Valdez."

{3} In their response, Plaintiffs argued that their intent was for the district court to quiet title based on the patent and on private conveyances that occurred thereafter. Agreeing with Defendants, the district court found that "title to the disputed land was adjudicated" in the decree and patent, that the "patent conveys a common and undivided interest in the heirs, legal representatives and assigns of Juan Bautista Valdez," that neither the decree nor the patent "award[s] title to any individuals or describe[s] any private tracts of land," and that the decree and patent "are conclusive

[1]Plaintiffs brought the complaint against additional defendants, namely, John (Juan) Duran, Jr., Ursula Duran, Elizabeth Holland, and Levi C. Valdez. But these defendants later defaulted and are not included among the defendants referred to in this opinion.

on the question of title to the disputed land." The district court found that "Plaintiffs ha[d] no right of action to try title to the disputed land in this [c]ourt," and that title to the disputed land should thus be quieted in Defendants.

{4} Plaintiffs appeal, contending that the district court erred in its findings. Plaintiffs first argue that they sought interpretation rather than a retrial of the patent and that the district court therefore had jurisdiction to consider their claim to quiet title and assess their chain of title arguments. Second, Plaintiffs point to genuine issues of material facts that they argue should have precluded summary judgment. Among the genuine issues of material fact Plaintiffs mention is chain of title: Plaintiffs argue that the patent granted title to individuals rather than to a community, that—unlike Defendants—they can trace their chain of title back to the patent, and that they are descendants of Juan Bautista Valdez, all entitling them to the disputed land. Plaintiffs contend that the district court erred in failing to resolve their chain of title contentions and not requiring Defendants to prove their own. We address both arguments in turn.

DISCUSSION

A. Standard of Review

{5} "We review the district court's grant of summary judgment de novo . . . view[ing] the facts in a light most favorable to the party opposing summary judgment and draw[ing] all reasonable inferences in support of a trial on the merits."

Freeman v. Fairchild, 2018-NMSC-023, ¶ 14, 416 P.3d 264 (internal quotation marks and citations omitted). We first address whether the district court erred by finding it lacked jurisdiction. We then address whether genuine issues of material fact existed and should have precluded summary judgment.

B. The District Court Has Jurisdiction to Interpret Federal Patents

{6} The Treaty of Guadalupe Hidalgo, which both ceded western lands held by Mexico to the United States and guaranteed respect for existing property rights, "was not self-executing, and Congress established different adjudication systems, by which Mexican landowners were required to demonstrate the legitimacy of their claims under Spanish and Mexican law to have their rights confirmed by the United States." *Montoya v. Tecolote Land Grant ex rel. Tecolote Bd. of Trs.*, 2008-NMCA-014, ¶ 4, 143 N.M. 413, 176 P.3d 1145. Among the executing systems established by Congress was the Act of July 22, 1854 ("An Act to establish the offices of Surveyor-General of New Mexico, Kansas, and Nebraska"), ch. 103, § 8, 10 Stat. 308 (1854), whereby the appointed surveyor general would "conduct administrative proceedings to determine the status of land grant claims," including the "origin, nature, character, and size of . . . land grant[s]." *Tecolote Land Grant ex rel. Tecolote Bd. of Trs.*, 2008-NMCA-014, ¶¶ 6, 21. After such proceedings were conducted, the surveyor general would recommend land grants to Congress for confirmation, and if Congress agreed with the recommendations, it would issue what was known as a

patent. *Id.* ¶ 10. Patents confirmed title in the individuals or communities determined by the surveyor general and were "confirmatory," "final," and "conclusive." *Id.* ¶ 24 (internal quotation marks and citation omitted). This meant that courts were not permitted to "go behind [the patent] and determine the character or nature of the grant from the antecedent documents." *Id.* (internal quotation marks and citation omitted). In other words, with this confirmation system in place, courts were barred from retrying title, or going behind patents to reanalyze rightful ownership in response to disgruntled plaintiffs claiming title from Mexican or other sources that existed prior to the patent. Once Congress had spoken, in the form of a confirmatory patent, courts lost jurisdiction to weigh antecedent land grants and Congress's "action was conclusive and binding on the court." *Id.* ¶ 23 (internal quotation marks and citation omitted).

{7} Although their scope is limited, courts are still permitted to make a "determination simply of the meaning of the act of Congress confirming the grant." *H. N. D. Land Co. v. Suazo*, 1940-NMSC-061, ¶ 21, 44 N.M. 547, 105 P.2d 744; *Tecolote Land Grant ex rel. Tecolote Bd. of Trs.*, 2008-NMCA-014, ¶ 23 (same). So, while courts do not have jurisdiction to decide "the meaning, effect or validity" of land grants or other antecedent documents to patents, they *can* look at the meaning of the patent itself, as is shown by cases interpreting postpatent chains of title. *See H. N. D. Land Co.*, 1940-NMSC-061, ¶ 21; *Tecolote Land Grant ex rel. Tecolote*

Bd. of Trs., 2008-NMCA-014, ¶ 24; *Martinez v. Mundy*, 1956-NMSC-037, ¶¶ 7-8, 61 N.M. 87, 295 P.2d 209 (recognizing the validity of a patent in its analysis of chain of title documents issued after the patent), *overruled on other grounds by Evans Fin. Corp. v. Strasser*, 1983-NMSC-053, ¶ 11, 99 N.M. 788, 664 P.2d 986; *Caranta v. Pioneer Home Improvements, Inc.*, 1970-NMSC-030, ¶¶ 3, 6, 81 N.M. 393, 467 P.2d 719 (same).

{8} We read Plaintiffs' complaint as a request for the district court to quiet title by interpreting the language of the patent, rather than a collateral attack on or a request to go behind a patent. We therefore disagree with the district court's finding that Plaintiffs did not "seek title based on any interpretation of the patent." We explain.

{9} To begin, the district court was correct that the law governing federal patents prohibits land claimants from "looking behind" a patent to show a competing title. *See Bustamante v. Sena*, 1978-NMSC-067, ¶ 8, 92 N.M. 72, 582 P.2d 1285 ("Further, a patent . . . constitutes an implied finding of every fact which is made a prerequisite to its issue; and . . . a court cannot go behind it and look to the antecedent proceedings on which it is founded."). The district court is likewise correct that once a valid patent is issued, no claimant may bring an action to retry title. *See St. Louis Smelting & Refining Co. v. Kemp*, 104 U.S. 636, 640 (1881). But the district court misperceived that such is what Plaintiffs were trying to do. Rather than asking the

district court to look behind the patent, Plaintiffs asked the court to quiet title in light of the plain language of the patent and documents issued after the patent, documents that Plaintiffs argue establish the ensuing chain of title. While the former effort is barred by New Mexico and federal precedent, the latter is permissible. The district court confused the two and was mistaken in its finding that it lacked jurisdiction.

{10} Plaintiffs emphasized their intent to quiet title rather than retry the patent in their response to Defendants' motion for partial summary judgment, in their own motion for summary judgment, and on appeal. Defendants likewise acknowledged in the pleadings their own understanding that interpretation, rather than looking behind the patent, was Plaintiffs' intent. That Plaintiffs included documents predating the patent in this case does not mean that Plaintiffs are asking the court to retry the patent. Rather, as Plaintiffs explained, Plaintiffs presented evidence of the history of the land grant to support one of their arguments: that the patent was issued to individuals and not a community. By including some pre-1913 documents, Plaintiffs sought to aid the court in interpreting the language of the patent in their request to quiet title, not to challenge the patent. For these reasons, we reverse the district court's finding that Plaintiffs sought to retry title and therefore that the district court lacked jurisdiction. To be clear, we hold that Plaintiffs requested the district court to quiet title by interpreting the 1913 patent and subsequent, not

antecedent, events relevant to the property at issue and that the district court has jurisdiction to do so.

C. Summary Judgment Was Premature

{11} Having held that the district court has jurisdiction to consider and resolve Plaintiffs' request to interpret the 1913 patent and to quiet title in their favor, we remand to the district court. We hold that the district court's finding that it lacked jurisdiction prevented it from comprehensively determining the issue of whether genuine issues of material fact existed, and we therefore cannot affirm its order reaching the merits and view its findings as in need of a second look. Because the district court addressed several of the merits despite believing it lacked jurisdiction, however, we offer additional guidance for the district court to consider on remand.

{12} "In determining whether summary judgment should be granted, the court should view the matters presented in a light most favorable to support the right of trial on the merits." *Blauwkamp v. Univ. of N.M. Hosp.*, 1992-NMCA-048, ¶ 34, 114 N.M. 228, 836 P.2d 1249. A district court "is not to weigh the evidence . . . and decide an issue of fact; the court must decide only whether a material issue of fact exists. If one does exist, then the cause must proceed to a trial on the merits." *Cebolleta Land Grant, ex rel. Bd. of Trs. of Cebolleta Land Grant v. Romero*, 1982-NMSC-043, ¶ 13, 98 N.M. 1, 644 P.2d 515. Furthermore, "[w]hen the facts before

the court are reasonably susceptible to different inferences, summary judgment is improper." *Blauwkamp*, 1992-NMCA-048, ¶ 34.

{13} Here, parties dispute two major issues: first, the meaning of the 1913 patent and whether such embodied individual, private ownership; and second, whether either party can trace their chain of title back to the federal patent. Our review of the pleadings on which the district court relied suggests that genuine issues of material fact regarding both disputes may preclude summary judgment had the district court assumed jurisdiction and examined the issues more comprehensively.

{14} First, the meaning of the 1913 patent is heavily disputed by both parties, calling into question the district court's findings as to its interpretation—findings, we note, that are problematic largely because they were reached despite a supposed lack of jurisdiction. For one, the district court, while acknowledging its lack of jurisdiction, nonetheless found that the patent conveys a "tenancy in common or a joint tenancy," as though the two were interchangeable. The language of the patent, however, lacks any terminology designating the land grant as a joint tenancy. *See* NMSA 1978, § 47-1-36 (1971) (explaining that it must be "expressly declared in the will or conveyance to be a joint tenancy"); *see also* NMSA 1978, § 47-1-15 (1851-1852) ("All interest in any real estate, either granted or bequeathed to two or more persons other than executors or trustees, shall be held in common, unless it be clearly expressed in said grant or bequest that it shall be held by both parties."). Therefore,

we can only make sense of the first finding, that the patent conveys a tenancy in common. We nonetheless remand the issue to the district court for a more in-depth analysis to determine whether the patent conveyed a tenancy in common.

{15} The district court next seemingly operated under the belief that a tenancy in common is incompatible with individual ownership. This is incorrect. Rather, if property is "common land" of a land grant, then individuals who can show that they are valid heirs "may hold the property as tenants in common" with other entities, such as "the Board of Trustees." *Cebolleta Land Grant, ex rel. Bd. of Trs. of Cebolleta Land Grant*, 1982-NMSC-043, ¶ 10. In general, "[t]enants in common hold distinct titles," meaning that each owner is "solely and severally seized of a share." *Bankers Tr. Co. v. Woodall*, 2006-NMCA-129, ¶ 14, 140 N.M. 567, 144 P.3d 126 (internal quotation marks and citation omitted). "All the valid heirs to the land grant are considered to hold title as tenants in common." *Apodaca v. Tome Land & Improvement Co. (NSL)*, 1978-NMSC-018, ¶ 21, 91 N.M. 591, 577 P.2d 1237. We take this law to mean that if the 1913 patent did indeed grant a tenancy in common, which we leave for the district court to decide, such does not prohibit Plaintiffs from private ownership of the disputed land, as long as they can trace their title back to the federal patent. Further, "we see nothing in the language of the patent . . . to indicate any intention that there should be any restraint upon alienation." *L Bar Cattle Co. v. Bd. of Trs. of Town of Cebolleta Land Grant*, 1941-NMSC-057, ¶ 12,

46 N.M. 26, 120 P.2d 432. Thus, the various conveyances made since the patent are not invalidated by the patent's potential designation of the land as a common tenancy.

{16} As to the second central issue in district court, whether each party could trace their title back to the federal patent, we observe that the language of the patent specifies Juan Bautista Valdez and his heirs, legal representatives, and assigns as predecessors in interest. Plaintiffs claim they can trace their chain of title back to the patent and show they are direct descendants of Juan Bautista Valdez, thus qualifying them as "his heirs" under the language of the patent. While Defendants argue that Plaintiffs are not explicitly named in the patent and thus have no title and that Defendants' title is superior because it stems from the federal patent, Plaintiffs noted how Defendants provided little to no support that their chain of title could be traced to the language of the patent. Defendants cited law that "[i]t is fundamental that a patent is the highest evidence of title," *see Bustamante*, 1978-NMSC-067, ¶ 8 (internal quotation marks and citation omitted), and that the party that can trace its title back to the federal patent holds superior title. *See Bd. of Cnty. Comm'rs, Luna Cnty. v. Ogden*, 1994-NMCA-010, ¶ 20, 117 N.M. 181, 870 P.2d 143. But Plaintiffs essentially argued that there was a missing link between Defendants and the plain language of the patent; we agree that careful consideration of the evidence on remand might bear this out. Indeed, Defendants' claim that the federal patent conveyed title

to them as predecessor in interest must be established by evidence in order to succeed on summary judgment.

{17} In our view, a careful consideration of evidence on remand may reveal disputes of material fact that are genuine and warrant a trial on the merits, keeping in mind that a "party seeking to quiet title . . . must recover upon the strength of [their] own title and not on the claimed weakness of [their] adversary." *Martinez v. Martinez*, 1997-NMCA-096, ¶ 12, 123 N.M. 816, 945 P.2d 1034. This means that even if Plaintiffs fail to trace their chain of title to the patent, or, put another way, prove their strength of title, title will not automatically default to Defendants but must first be proven in its own right. *See id.* (explaining that the defendants have "the burden of proof to establish the validity of their claim of ownership in the disputed property"); *Frost v. Markham*, 1974-NMSC-046, ¶ 12, 86 N.M. 261, 522 P.2d 808 ("[T]itle in appellees does not follow absent proof of better title in themselves."). While the district court remains free on remand to consider motions for summary judgment, including Plaintiffs', it must do so applying the patent at issue and in light of events related to the property's chain of title in ensuing years.

D. The District Court Erred by Granting Relief Beyond That Requested

{18} We briefly remind the district court that its order responded to pleadings wherein Plaintiffs, not Defendants, were seeking to quiet title. Thus the district court erred by going beyond the relief requested and quieting title in Defendants. *See* Rule

1-056 NMRA (where a party seeking recovery must move for relief and show that no genuine issue of material fact exists and that they are entitled to a judgment as a matter of law).

CONCLUSION

{19} We hold that the district court erred in its finding that Plaintiffs sought a retrial of the patent rather than an interpretation thereof, and its ensuing finding that it lacked jurisdiction. We also hold that the district court erred in granting summary judgment under circumstances and evidence that did not as yet establish the absence of genuine issues of material fact. Finally, we hold that the district court erred in granting relief that was not requested and quieting title in Defendants. We reverse and remand for a trial on the merits.

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

J. MILES HANISEE, Judge

WE CONCUR:

JANE B. YOHALEM, Judge

GERALD E. BACA, Judge