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

2 **IN THE MATTER OF THE ESTATE**
3 **OF HELEN J. CORDOVA a/k/a**
4 **ELENA J. CORDOVA, Deceased,**

Court of Appeals of New Mexico
Filed 1/30/2026 7:34 AM


Mark Reynolds

5 **ALBERT TOM CORDOVA and**
6 **ROBERT TIM CORDOVA**

7 Plaintiffs-Appellants,

8 v. **No. A-1-CA-41742**

9 **LOUIS ORLANDO CORDOVA,**

10 Defendant-Appellee.

11 **APPEAL FROM THE DISTRICT COURT OF SANTA FE COUNTY**
12 **Frank J. Mathew, District Court Judge**

13 Robert Tim Cordova
14 Chimayo, NM
15 Albert Tom Cordova
16 Boulder, Colorado

17 Pro Se Appellants

18 Law Office of Jamison Barkley, LLC
19 Jamison Barkley
20 Santa Fe, NM

21 for Appellee

DISPOSITIONAL ORDER¹

WRAY, Judge.

3 Plaintiffs Albert Tom Cordova and Robert Tim Cordova, self-represented
4 litigants, appeal the district court's dismissal of claims they brought against their
5 brother, Defendant Louis Cordova, in a 2017 probate proceeding related to the death
6 of their mother (Decedent). We affirm.

7 1. After Defendant was appointed personal representative of Decedent's
8 estate and a will was probated, both without objection, Plaintiffs brought a separate
9 civil lawsuit (the civil matter). The complaint in the civil matter alleged "that
10 Defendant unduly influenced Decedent" to (1) revoke a trust agreement with the will
11 that had been probated; and (2) convey several properties that had been in the trust
12 "to herself and to Defendant as co-tenants." *Cordova v. Cordova*, A-1-CA-39120,
13 mem. op. ¶ 2 (N.M. Ct. App. Oct. 10, 2024) (nonprecedential). The district court
14 granted directed verdict in the civil matter, which this Court affirmed on appeal. *Id.*
15 ¶ 3.

16 2. While the civil matter appeal was pending, Plaintiffs returned to the
17 first case, the probate proceeding, and filed a complaint for “[t]orts and [s]upervised
18 [a]dministration” (the 2020 complaint). Defendant moved to dismiss and argued that

¹This case is disposed by nonprecedential dispositional order pursuant to Rule 12-405(B) NMRA.

1 the claims were untimely. The district court granted Defendant's motion and
2 dismissed the 2020 complaint. On appeal, neither party presents an argument about
3 which statutory limitation period applies to the claims. Instead, Plaintiffs contend
4 that the claims should have been heard on the merits, and Defendant argues that the
5 claims were properly dismissed for other reasons.

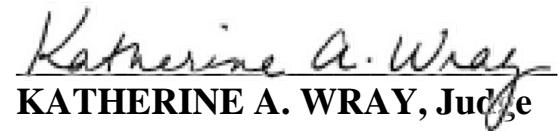
6 3. Plaintiffs' appellate briefing focuses on the factual allegations that
7 support the legal elements of the tort of interference with a prospective inheritance,
8 as outlined in *Peralta v. Peralta*, 2006-NMCA-033, ¶ 8, 139 N.M. 231, 131 P.3d 81,
9 and whether Defendant fraudulently took Decedent's money and property and
10 breached his fiduciary duty to Plaintiffs. Plaintiffs argue that (1) the district court
11 addressed none of these claims from the 2020 complaint in the probate proceeding,
12 (2) the claims were wrongly dismissed in the civil matter, and (3) this Court's
13 opinion in the prior appeal of the civil matter "does not apply to this case as it
14 contains many opinions contrary to [New Mexico] statutes."

15 4. We decline to revisit the issues decided in the civil matter, as Plaintiffs'
16 second and third arguments request us to do. We explained the preclusion doctrines
17 in *Cordova*, A-1-CA-39120, mem. op. ¶¶ 12-13 (holding that Plaintiffs did not
18 explain how their arguments on appeal "undermined, negated, or otherwise
19 adversely impacted" the preclusion doctrines). Applying those principles to the
20 present case, Plaintiff is precluded from relitigating the issues addressed in the civil

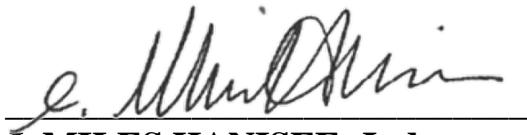
1 matter because “(1) there was a final judgment in an earlier action, (2) the earlier
2 judgment was on the merits, (3) the parties in the two suits are the same, and (4) the
3 cause of action is the same in both suits.” *See Potter v. Pierce*, 2015-NMSC-002,
4 ¶ 10, 342 P.3d 54 (describing claim preclusion).

5 5. Plaintiffs’ remaining arguments attempt to establish the merits of the
6 claims in the 2020 complaint and fault the district court because the claims were not
7 addressed on the merits. But Defendant’s motion to dismiss was based on the statute
8 of limitations, and the district court granted that motion. On appeal, Plaintiffs have
9 the burden to demonstrate why that dismissal was wrong. *See Premier Tr. of Nev.,*
10 *Inc. v. City of Albuquerque*, 2021-NMCA-004, ¶ 10, 482 P.3d 1261 (“In undertaking
11 . . . review [of a motion to dismiss], we accept all well-pled factual allegations as
12 true and resolve all doubts in favor of the sufficiency of the complaint. At the same
13 time, we reiterate that it is the appellant’s burden to demonstrate, by providing well-
14 supported and clear arguments, that the district court has erred.” (alterations, internal
15 quotation marks, and citations omitted)). Plaintiffs do not identify an applicable
16 statute of limitations or explain how the claims brought in the probate proceeding
17 were timely. As a result, we conclude that the district court did not wrongfully grant
18 Plaintiffs’ motion to dismiss the 2020 complaint and affirm.

1 IT IS SO ORDERED.

2 
3 KATHERINE A. WRAY, Judge

4 WE CONCUR:

5 
6 J. MILES HANISEE, Judge

7 
8 GERALD E. BACA, Judge