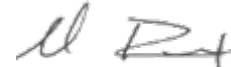


IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

Court of Appeals of New Mexico
Filed 7/16/2026 7:10 AM

**CENTRAL BAPTIST ASSOCIATION
OF NEW MEXICO,**



Mark Reynolds

Plaintiff-Appellee,

v.

No. A-1-CA-43156

BERNADINE BROWN,

Defendant-Appellant,

and

**DEE JUNIOR BROWN, TRUEVINE
BAPTIST CHURCH, a domestic
non-profit corporation, ALL UNKNOWN
CLAIMANTS OF INTERESTS IN THE
PREMISES ADVERSE TO PLAINTIFF,
EMERGE MINISTRIES INTERNATIONAL,
a domestic non-profit corporation, and
BETHANY KAROKI, an individual,**

Defendants.

**APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY
Erin B. O'Connell, District Court Judge**

Rodey, Dickason, Sloan, Akin & Robb, P.A.
Charles R. Hughson
Edward R. Ricco
Albuquerque, NM

for Appellee

Bernadine Brown
Albuquerque, NM

Pro Se Appellant

1 **MEMORANDUM OPINION**

2 **HENDERSON, Judge.**

3 {1} Appellant appeals the district court's order granting partial summary
4 judgment as to Count 1. In our notice of proposed summary disposition, we proposed
5 to affirm. Appellant has filed a memorandum in opposition and a motion for leave
6 to file a supplemental issue, both of which we have duly considered. For the reasons
7 below, Appellant's motion for leave to file a supplemental issue is denied, and
8 because we are not persuaded by Appellant's arguments, we affirm.

9 {2} As we observed in our notice of proposed summary disposition, Appellant has
10 filed a significant number of amended docketing statements and supplements. In
11 reliance on language from Appellant's April 23, 2026, motion for leave to file an
12 amended docketing statement, which indicated that this "[f]ourth ([f]inal,
13 [s]hortened) [d]ocketing [s]tatement is intended to serve as the operative and
14 controlling docketing statement in this matter," we limited our review to the four
15 issues listed in Appellant's fourth amended docketing statement. [04/23/26 Mot.
16 PDF 2; CN 2-3] Thus, in our calendar notice, we proposed to hold the following: the
17 district court addressed and resolved Appellant's numerous challenges to Appellee's
18 lawful corporate authorization to initiate the litigation; [CN 3-5] the 1989 and 1991
19 deeds constituted sufficient evidence to support the district court's determination
20 that Appellee held the reversionary interest and had standing as a real party in

1 interest in the proceedings as a result; [CN 6-7] Appellant’s admissions constituted
2 sufficient evidence to support the district court’s determination that there was a
3 cessation of religious use of the property and/or a lack of association with Appellee
4 that justified the reversion under the terms of the special warranty deed; [CN 7-9]
5 and, Appellant failed to preserve her contentions regarding the “validity of the deed
6 framework” before the district court with regard to “whether the deed was properly
7 executed,” and “whether the restriction is enforceable.” [CN 9-11]

8 {3} In her memorandum in opposition, Appellant continues to challenge:
9 Appellee’s authority to initiate the litigation and Appellee’s ownership of the
10 property interest; [MIO 11-13] the sufficiency of evidence establishing that there
11 was a cessation of religious use of the property and/or a lack of association with
12 Appellee; [MIO 19-29] and whether the 1989 or 1991 deed was the operative deed.
13 [MIO 29-33] The memorandum does not, however, point out any factual or legal
14 error in our notice of proposed summary disposition. Nor does Appellant address
15 our concerns with the lack of support in our case law or the record proper for her
16 contentions. “Our courts have repeatedly held that, in summary calendar cases, the
17 burden is on the party opposing the proposed disposition to clearly point out errors
18 in fact or law.” *Hennessy v. Duryea*, 1998-NMCA-036, ¶ 24, 124 N.M. 754, 955
19 P.2d 683; *see also State v. Mondragon*, 1988-NMCA-027, ¶ 10, 107 N.M. 421, 759
20 P.2d 1003 (stating that “[a] party responding to a summary calendar notice must

1 come forward and specifically point out errors of law and fact,” and the repetition of
2 earlier arguments does not fulfill this requirement), *superseded by statute on other*
3 *grounds as stated in State v. Harris*, 2013-NMCA-031, ¶ 3, 297 P.3d 374. As to
4 these issues, Appellant has not met that burden.

5 {4} Additionally, we observe that Appellant appears to introduce new arguments
6 that were not previously included in her fourth amended docketing statement. In our
7 notice, we only addressed the four issues included in Appellant’s fourth amended
8 docketing statement in reliance on her assertion that “[it] is intended to serve as the
9 operative and controlling docketing statement in this matter.” [CN 2] However,
10 Appellant now includes the following additional issues in her memorandum in
11 opposition: Appellee failed to establish a present and superior title when the lawsuit
12 was filed; [MIO 11-13] Rule 1-056(D)(2) NMRA does not permit Appellee to
13 “create missing legal elements” despite Appellant’s failure to file a response to the
14 motion for summary judgment; [MIO 13-16] the district court erred in granting
15 partial summary judgment when Appellee failed to “identify[] the complete trigger,
16 trigger date, religious-use cessation date, association-cessation date, title-
17 termination date, or vesting date”; [MIO 16-19] and Appellee failed to “establish the
18 estate type, termination mechanism, vesting date, or authorized exercise of any
19 required right of entry.” [MIO 33-38]

{5} We note that Appellant has also filed a motion for leave to file a supplemental argument, contending that the “district court’s cumulative short-notice settings, denial of meaningful hearings, unresolved standing and authority objections, lack of findings, and entry of quiet title affecting church-related real property without adequate procedural safeguards” violated Appellant’s due process protections.

[06/25/26 Mot. PDF 1]

{6} New arguments raised in response to a calendar notice are treated as a motion to amend. *See* Rule 12-210(D)(2) NMRA (stating, “[t]he parties shall not argue issues that are not contained in either the docketing statement or the statement of the issues,” but permitting the appellant to move to amend the docketing statement upon good cause shown, which can be combined with a memorandum in opposition). In cases assigned to the summary calendar, this Court will grant a motion to amend the docketing statement to include additional issues if the motion (1) is timely; (2) states all facts material to a consideration of the new issues sought to be raised; (3) explains how the issues were properly preserved or why they may be raised for the first time on appeal; (4) demonstrates just cause by explaining why the issues were not originally raised in the docketing statement; and (5) complies in other respects with the appellate rules. *See State v. Rael*, 1983-NMCA-081, ¶¶ 7-8, 10-11, 14-17, 100 N.M. 193, 668 P.2d 309. This Court will deny motions to amend that raise issues that are not viable, even if they allege fundamental or jurisdictional error. *See State*

1 v. *Moore*, 1989-NMCA-073, ¶¶ 36-51, 109 N.M. 119, 782 P.2d 91, *superseded by*
2 *rule on other grounds as recognized in State v. Salgado*, 1991-NMCA-044, ¶ 2, 112
3 N.M. 537, 817 P.2d 730.

4 {7} Upon review of Appellant’s newly raised issues, as well as her motion to
5 supplement, we conclude that she has not demonstrated that amendment of her
6 docketing statement would be appropriate. We appreciate Appellant’s timely filing
7 of her memorandum in opposition and her attempt to comply with the other
8 provisions of Rule 12-210(D)(2). However, we conclude that Appellant has not
9 demonstrated just cause by explaining why the issues were not originally raised in
10 the fourth amended docketing statement, having previously waived many of the
11 issues through her assertion that the four issues included in her fourth amended
12 docketing statement were the operative appellate issues in this case, and upon which
13 this Court relied. *See id.* [04/23/26 Mot. PDF 2; CN 2-3]

14 {8} We further conclude that Appellant’s newly raised issues are not viable. *See*
15 *Moore*, 1989-NMCA-073, ¶¶ 36-51. Appellant’s new issues included in her
16 memorandum in opposition challenge various aspects of the district court’s summary
17 judgment as to the quiet title claim. As the moving party, Appellee established a
18 *prima facie* case for quiet title through the deed exhibits, an affidavit from John
19 Torrison, and Appellant’s statements during a July 2, 2024 hearing. *See Romero v.*
20 *Philip Morris Inc.*, 2010-NMSC-035, ¶ 10, 148 N.M. 713, 242 P.3d 280 (explaining

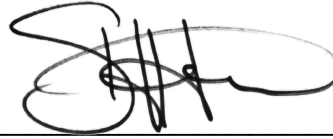
1 that the initial burden in a summary judgment motion may be satisfied by presenting
2 a prima facie case, which typically entails coming forward with evidence sufficient
3 to raise a presumption unless rebutted). [RP 831-33] However, Appellant, as the
4 nonmoving party, did not file a responsive pleading to the motion for summary
5 judgment. [RP 981, 1095] In doing so, Appellant necessarily failed to meet her
6 burden to “establish reasonable doubt as to the existence of a genuine issue of
7 material fact[s]” regarding the validity and currentness of the title, the triggering date
8 of the reversionary interest, the estate type, the vesting date, or a required right to
9 entry—factual disputes she now seeks to include in her appeal. *Buke, LLC v. Cross*
10 *Country Auto Sales, LLC*, 2014-NMCA-078, ¶ 21, 331 P.3d 942 (“Once the
11 summary judgment movant has made a prima facie case, the burden shifts to the
12 non[]movant to establish reasonable doubt as to the existence of a genuine issue of
13 material fact.”); see Rule 1-056(E) (“[A]n adverse party may not rest upon the mere
14 allegations or denials of [the] pleading[s], but [their] response, by affidavits or as
15 otherwise provided in this rule, must set forth specific facts showing that there is a
16 genuine issue for trial.”). As a result, the district court properly relied on Appellee’s
17 undisputed material facts to grant summary judgment on the quiet title claim. See
18 Rule 1-056(D)(2) (“All material facts set forth in the statement of the moving party
19 shall be deemed admitted unless specifically controverted.”); Rule 1-056(E) (“If [a

1 nonmoving party] does not so respond, summary judgment, if appropriate, shall be
2 entered against [them].”).

3 {9} With regard to Appellant’s due process claim, we also conclude that the issue
4 is not viable. Appellant bases her due process claim on the fact that she was self-
5 represented; that the procedure permitted Appellee to obtain quiet title without first
6 establishing, and without findings showing, the legal prerequisites for that
7 extraordinary relief; that the district court erred by failing to enter findings resolving
8 the disputed foundational issues; and that Appellant was prejudiced by the district
9 court’s grant of partial summary judgment on Count 1. [06/25/26 Supp. PDF 2-3]
10 Appellant does not cite to any authority to support her contention that being a self-
11 represented litigant constitutes a due process violation in and of itself. *See State v.*
12 *Ortiz*, 2009-NMCA-092, ¶ 32, 146 N.M. 873, 215 P.3d 811 (refusing to address
13 undeveloped, conclusory arguments that did not appear to be preserved, reasoning
14 that “[a] party cannot throw out legal theories without connecting them to [the law]
15 and any factual support for [application of the law]” (internal quotation marks and
16 citation omitted)). Appellant’s additional contentions, while styled as due process
17 violations, mirror those same substantive challenges to the district court’s summary
18 judgment that have been previously addressed by this Court. We therefore deny
19 Appellant’s motion to amend. *See Rael*, 1983-NMCA-081, ¶ 15.

1 {10} Thus, for the reasons stated herein and in our notice of proposed summary
2 disposition, we affirm the district court's order.

3 {11} **IT IS SO ORDERED.**



4
5 **SHAMMARA H. HENDERSON, Judge**

6 **WE CONCUR:**



7
8 **JACQUELINE R. MEDINA, Chief Judge**



9
10 **JENNIFER L. ATTREP, Judge**