

IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

Court of Appeals of New Mexico

Filed 8/6/2026 7:46 AM



Mark Reynolds

**MEL A. GORDUYN and
THERESA GORDUYN,**

Plaintiffs-Appellees,

v.

No. A-1-CA-43336

**LAMAR POTTER and
KATHLEEN POTTER,**

Defendants-Appellants.

APPEAL FROM THE DISTRICT COURT OF VALENCIA COUNTY

James Lawrence Sanchez, District Court Judge

Tibo J. Chavez, Jr.

Belen, NM

for Appellees

505 Legal, PC

Kenneth H. Stalter

Albuquerque, NM

for Appellants

MEMORANDUM OPINION

HENDERSON, Judge.

{1} Defendants appeal following the district court's order denying their motion to
enforce the judgment entered on January 26, 2024. [RP 249] We entered a calendar
notice, proposing to reverse. Plaintiffs filed a memorandum in opposition, which we
have duly considered. Unpersuaded by the memorandum in opposition, we reverse.

1 {2} In our calendar notice, we proposed to conclude that Defendants’ motion to
2 enforce the judgment was governed by Rule 1-060(A) NMRA, such motions can be
3 brought at any time, and that the district court erred in denying the motion as
4 untimely. [CN 4] In their memorandum in opposition, Plaintiffs contend that
5 Defendants’ motion does not reference a statute or court rule and that this is required
6 under Rule 1-007(B)(1) NMRA. [MIO 1-3]

7 {3} Rule 1-007(B)(1) states in part: “An application to the court for an order shall
8 be by motion which, unless made during a hearing or trial, shall be made in writing,
9 shall state with particularity the grounds therefor, and shall set forth the relief or
10 order sought.” The plain language of the rule does not require a party to specifically
11 state the statute or rule that their motion is brought under and Plaintiffs provide no
12 other authority concluding that such a failure would constitute reversible error. *See*
13 *Lee v. Lee (In re Adoption of Doe)*, 1984-NMSC-024, ¶ 2, 100 N.M. 764, 676 P.2d
14 1329 (explaining that where arguments are not supported by cited authority, we
15 presume counsel was unable to find supporting authority, will not research authority
16 for counsel, and will not review issues unsupported by authority).

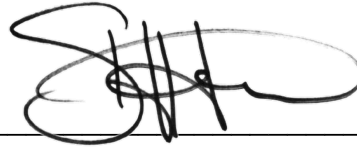
17 {4} Indeed, in *Century Bank v. Hymans*, a case this Court relied on in its calendar
18 notice, this Court held that a movant “need not cite the provision authorizing the
19 motion; the substance of the motion, not its title, controls.” 1995-NMCA-095, ¶ 10,
20 120 N.M. 684, 905 P.2d 722. As we proposed to conclude in the calendar notice, the

1 substance of Defendants’ motion concerned a dispute over the assessment of interest
2 on the judgment. [CN 4] Additionally, Defendants specifically invoked Rule 1-
3 060(A) in their reply brief, the applicability of that rule was directly before the
4 district court, and the district court denied the motion, in part, as untimely under
5 Rule 1-060. [RP 236-42, 249] *See Woolwine v. Furr’s, Inc.*, 1987-NMCA-133, ¶ 20,
6 106 N.M. 492, 745 P.2d 717 (“To preserve an issue for review on appeal, it must
7 appear that appellant fairly invoked a ruling of the trial court on the same grounds
8 argued in the appellate court.”). Consequently, we conclude the district court erred
9 when it found Defendants’ motion was untimely.

10 {5} Plaintiffs’ remaining contentions concern the substance of Defendants’
11 motion, but Plaintiffs also acknowledge that “it should be for the district court to
12 determine whether any clerical mistake was made and if so to make any required
13 adjustment.” [MIO 4] In our calendar notice, we proposed to conclude that
14 addressing Defendants’ contentions regarding the substance of their motion was
15 “unnecessary given our proposed conclusion to reverse the district court’s
16 determination that the motion was untimely.” [CN 5] Defendants did not file any
17 briefing with this Court opposing that proposed conclusion. We therefore decline at
18 this time to address the substance of whether the interest was appropriately
19 calculated on the judgment.

1 {6} Accordingly, and for the reasons stated in our notice of proposed disposition,
2 we reverse and remand to the district court for consideration of the parties'
3 arguments as to the appropriateness of the interest calculation on the judgment.

4 {7} **IT IS SO ORDERED.**

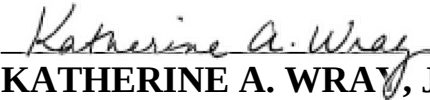


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6 **SHAMMARA H. HENDERSON, Judge**

7 **WE CONCUR:**



8
9 **JENNIFER L. ATTREP, Judge**



10
11 **KATHERINE A. WRAY, Judge**