

**BANK OF NEW YORK MELLON V. RODRIGUEZ**

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**THE BANK OF NEW YORK MELLON,  
F/K/A THE BANK OF NEW YORK, as  
Successor in Interest to JPMORGAN  
CHASE BANK, NATIONAL ASSOCIATION,  
As Trustee for RBSGC MORTGAGE LOAN  
TRUST MORTGAGE PASS-THROUGH  
CERTIFICATE, SERIES 2005-RPI,  
Plaintiff-Appellant,**

**v.**

**FRANCISCO JAVIER RODRIGUEZ AND  
JANE DOE RODRIGUEZ, husband and  
wife; PATRICIA ESTRADA, if living; if  
deceased, THE UNKNOWN HEIRS OF  
PATRICIA ESTRADA, DECEASED;  
CITY OF ALBUQUERQUE; ABC Corporations  
I-X, XYZ Partnerships I-X, John Does I-X  
and Jane Does I-X, THE UNKNOWN HEIRS  
AND DEVISEES OF ANY OF THE ABOVE,  
IF DECEASED; OCCUPANTS OF THE PROPERTY,  
Defendants-Appellees.**

No. A-1-CA-36317

COURT OF APPEALS OF NEW MEXICO

April 26, 2018

APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY, Victor S. Lopez,  
District Judge

**COUNSEL**

McCarthy & Holthus, LLP, Karen Weaver, Joshua T. Chappell, Albuquerque, NM, for  
Appellant

Daniel P. Dietz, Assistant City Attorney, Albuquerque, NM , for Appellee City of Albuquerque

**JUDGES**

LINDA M. VANZI, Chief Judge. WE CONCUR: STEPHEN G. FRENCH, Judge, DANIEL J. GALLEGOS, Judge

**AUTHOR:** LINDA M. VANZI

**MEMORANDUM OPINION**

**VANZI, Chief Judge.**

{1} Summary affirmance was proposed for the reasons stated in the notice of proposed summary disposition. No memorandum opposing summary affirmance has been filed and the time for doing so has expired.

{2} AFFIRMED.

{3} IT IS SO ORDERED.

**LINDA M. VANZI, Chief Judge**

**WE CONCUR:**

**STEPHEN G. FRENCH, Judge**

**DANIEL J. GALLEGOS, Judge**