

HSBC BANK USA V. CHANDHOK

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**HSBC BANK USA, NATIONAL
ASSOCIATION AS TRUSTEE
FOR SEQUOIA MORTGAGE TRUST
2007-4, MORTGAGE PASS-THROUGH
CERTIFICATES,
Plaintiff-Appellee,
v.
PAUL CHANDHOK,
Defendant-Appellant.**

NO. A-1-CA-36651

COURT OF APPEALS OF NEW MEXICO

March 19, 2018

APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY, Alan Malott,
District Judge

COUNSEL

Rose L. Brand & Associates, P.C., Eraina M. Edwards, Albuquerque, NM, for Appellee

Paul Chandhok, Albuquerque, NM, Pro Se Appellant

JUDGES

LINDA M. VANZI, Chief Judge. WE CONCUR: M. MONICA ZAMORA, Judge, EMIL J. KIEHNE, Judge

AUTHOR: LINDA M. VANZI

MEMORANDUM OPINION

VANZI, Chief Judge.

{1} Defendant Paul Chandhok appeals from the district court's order denying his motion to vacate judgment. [RP 222-32; 233-35] In response to Defendant's docketing statement, we proposed to affirm. Defendant has filed a memorandum in opposition (MIO). After due consideration, we are unpersuaded and therefore affirm.

{2} In his MIO, Defendant almost exclusively restates the arguments from his docketing statement. We will not revisit those arguments or restate principles of law we articulated in our calendar notice, but instead address what we perceive as newly presented. Defendant appears to argue in his MIO that we should treat his "Motion to Vacate Judgment" as a motion asserting the "defense of failure to state a claim upon which relief can be granted," [MIO 9 ¶ 15] and analyze it under Rule 1-012 NMRA. [MIO 9 ¶¶ 14-15] We disagree, but regardless, Defendant has not addressed our proposed conclusion that Plaintiff HSBC Bank USA, National Association as Trustee for Sequoia Mortgage Trust 2007-4, Mortgage Pass-Through Certificates (the Bank) has met our standing requirements. Again, the record supports the conclusion of the district court that, at the time the complaint was filed, the Bank had possession of the mortgage note, which was indorsed in blank. [RP 197-8 ¶ 5; RP 12]

{3} For the reasons stated in our notice of proposed summary disposition and above, we affirm the order of the district court denying Defendant's motion to vacate.

{4} IT IS SO ORDERED.

LINDA M. VANZI, Chief Judge

WE CONCUR:

M. MONICA ZAMORA, Judge

EMIL J. KIEHNE, Judge