

**IN RE ESTATE OF STEVENS**

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**IN THE MATTER OF THE ESTATE OF  
JOSEPHINE A.G. STEVENS, deceased,**  
and concerning  
**ELISA MCDOWELL,**  
Petitioner-Appellee,  
v.  
**LOUELLA GALBISO, JOSEPHINE  
(GALBISO) MARTINEZ, MARY JANE  
GALBISO, and SYDNEY (ISABEL  
GALBISO) ASCHERT,**  
Respondents-Appellants.

NO. 32,356

COURT OF APPEALS OF NEW MEXICO

July 24, 2014

APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY, C. Shannon  
Bacon, District Judge

**COUNSEL**

Lakins Law Firm, P.C., Charles N. Lakins, Albuquerque, NM, for Appellee

Law Office of Frederick C. Roesti, Frederick C. Roesti, San Francisco, CA, Miguel  
Campos, Albuquerque, NM, for Appellants

**JUDGES**

JONATHAN B. SUTIN, Judge. WE CONCUR: RODERICK T. KENNEDY, Chief Judge,  
TIMOTHY L. GARCIA, Judge

**AUTHOR:** JONATHAN B. SUTIN

**MEMORANDUM OPINION**

**SUTIN, Judge.**

{1} We need not set out background facts given that this is a memorandum opinion and the parties are well acquainted with the facts. In addition, we do not set out or discuss the arguments and authorities of the parties. We have reviewed the briefs and those parts of the record that are pertinent to the parties' arguments. Despite Appellants' counsel's plentiful failures to follow our Rules of Appellate Procedure and despite Appellants' and their counsel's unwarranted, vexatious, and excessive document filings and presentations in the district court and this Court, we are ruling on Appellants' appellate points.

{2} We hold that Appellants' appeals from the four orders entered on May 16, 2012, are untimely. The appeals from those orders are dismissed with prejudice.

{3} We hold that Appellants' appeal from the June 26, 2012, order was one day late. Appellants have not shown that the tardy filing was because of court clerk error. Nevertheless, the issue is sufficiently cloudy for this Court to give Appellants the benefit of the doubt that we have in regard to the timeliness of the appeal, and we address Appellants' appeal point relating to the June 26, 2012, order.

{4} From our review of the record and the briefs, including arguments and authorities, we conclude and hold that the district court did not err or in any manner abuse its discretion in making the determinations contained in the court's June 26, 2012, order. We are persuaded by the arguments and authorities set out in Appellee's answer brief.

{5} In conclusion, Appellants' appeals from the orders entered on May 16, 2012, are dismissed as untimely. We affirm the district court's order entered on June 26, 2012.

{6} **IT IS SO ORDERED.**

**JONATHAN B. SUTIN, Judge**

**WE CONCUR:**

**RODERICK T. KENNEDY, Chief Judge**

**TIMOTHY L. GARCIA, Judge**