

**SOLAR VILLA APARTMENTS V. WASHBURN**

This memorandum opinion was not selected for publication in the New Mexico Appellate Reports. Please see Rule 12-405 NMRA for restrictions on the citation of unpublished memorandum opinions. Please also note that this electronic memorandum opinion may contain computer-generated errors or other deviations from the official paper version filed by the Court of Appeals and does not include the filing date.

**SOLAR VILLA APARTMENTS,**  
Plaintiff-Appellee,  
v.  
**ANA WASHBURN,**  
Defendant-Appellant.

No. 33,602

COURT OF APPEALS OF NEW MEXICO

June 24, 2014

APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY, Beatrice J.  
Brickhouse, District Judge

**COUNSEL**

Solar Villa Apartments, Chris Baca/Agent, Albuquerque, NM, Pro Se Appellee

Ana Washburn, Albuquerque, NM, Pro Se Appellant

**JUDGES**

J. MILES HANISEE, Judge. WE CONCUR: RODERICK T. KENNEDY, Chief Judge,  
LINDA M. VANZI, Judge

**AUTHOR:** J. MILES HANISEE

**MEMORANDUM OPINION**

**HANISEE, Judge.**

{1} Ana Washburn, a self-represented litigant (Defendant) appeals from the district court's memorandum opinion and order affirming the metropolitan court's judgment for restitution in favor of Solar Villa Apartments (Plaintiff) in which Defendant's rental agreement was terminated and Defendant was ordered to pay Plaintiff \$159.50 in

prorated rent and costs. [RP 12] The calendar notice proposed summary reversal on the basis that the metropolitan court legally erred in disregarding Defendant's retaliation defense to Plaintiff's action for possession.

**{2}** Plaintiff has failed to file a memorandum in opposition to the proposed disposition and the time for doing so has passed. Defendant has filed a memorandum in support of the proposed disposition.

**{3}** For the reasons set forth in this Court's calendar notice, we reverse the district court's memorandum opinion and order and the metropolitan court judgment for restitution. We remand to the metropolitan court for a hearing on and due consideration of Defendant's owner retaliation defense, including, if the retaliation defense has merit, whether the eviction proceedings should be stayed pending completion of the discriminatory practices investigation.

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

**J. MILES HANISEE, Judge**

**WE CONCUR:**

**RODERICK T. KENNEDY, Chief Judge**

**LINDA M. VANZI, Judge**