

HINDI V. DURAN, 1922-NMSC-048, 28 N.M. 162, 207 P. 1084 (S. Ct. 1922)

**HINDI
vs.
(DURAN, Intervener)**

No. 2701

SUPREME COURT OF NEW MEXICO

1922-NMSC-048, 28 N.M. 162, 207 P. 1084

July 01, 1922

Appeal from District Court, Torrance County; Ed Mechem, Judge.

Action by William Hindi against Dionisio Duran, in which Maria S. Duran intervened. From judgment dismissing attachment, the plaintiff appeals.

SYLLABUS

SYLLABUS BY THE COURT

Evidence examined, and held to sustain finding of trial court.

COUNSEL

Lauglin & Barker, of Santa Fe, for appellant.

W. P. Harris, of Vaughn, for appellee.

JUDGES

Davis, J. Raynolds, C. J., and Parker, J., concur.

AUTHOR: DAVIS

OPINION

{*162} {1} OPINION OF THE COURT A writ of attachment was issued in this case based upon an affidavit charging that the defendant, appellee here, was about fraudulently to dispose of his property, and had fraudulently disposed of his effects, so as to hinder, defraud, and delay his creditors. These allegations were denied by an answer. After hearing the evidence the court entered judgment dismissing the attachment. This appeal was then taken, and the argument is made here that the

uncontradicted proof was sufficient to sustain the allegations of the { *163 } attachment affidavit. We have reviewed the evidence and agree with the trial court that it was not sufficient. The judgment is therefore affirmed; and it is so ordered.