

**PANHANDLE PIPE & STEEL, INC. V. SMITHSON, 1969-NMSC-099, 80 N.M. 460, 457  
P.2d 708 (S. Ct. 1969)**

**PANHANDLE PIPE AND STEEL, INC., Plaintiff-Appellant,  
vs.  
FOY SMITHSON and VERA SMITHSON, his wife,  
Defendants-Appellees**

No. 8688

SUPREME COURT OF NEW MEXICO

1969-NMSC-099, 80 N.M. 460, 457 P.2d 708

August 11, 1969

APPEAL FROM THE DISTRICT COURT OF UNION COUNTY, McINTOSH, Judge

**COUNSEL**

EUGENE E. BROCKMAN, Tucumcari, New Mexico, Attorney for Appellant.

KREHBIEL & ALSUP, Clayton, New Mexico, Attorneys for Appellees.

**JUDGES**

WATSON, Justice, wrote the opinion.

WE CONCUR:

M. E. Noble, C.J., Irwin S. Moise, J.

**AUTHOR: WATSON**

**OPINION**

WATSON, Justice.

{1} This is a companion case with Panhandle Pipe and Steel, Inc. v. Rudolph Jesko and Gladys Jesko, 80 N.M. 457, 457 P.2d 705, decided this day. Both cases were tried before Judge McIntosh in the district court of Union County on the same day. The law and the facts are similar. Our decision in the Jesko case would control here.

The judgment of the lower court is affirmed.

{2} IT IS SO ORDERED.

WE CONCUR:

M. E. Noble, C.J., Irwin S. Moise, J.