

PAPA V. GARST, 1952-NMSC-059, 56 N.M. 651, 248 P.2d 209 (S. Ct. 1952)

**In the Matter of the ESTATE of Emilio PAPA, Deceased. Sadie
PAPA, Alice Papa Miner, Sadie Papa choonover, Eva
Papa Rinkle, Stella Papa Storm, Sero Papa,
Henry Papa, Elsie Papa, Dorothy Papa, a
minor,
Petitioners-Objectors-Appellants
vs.
Stephen Q. GARST, Administrator, Estate of Emilio Papa,
deceased, Appellee**

No. 5410

SUPREME COURT OF NEW MEXICO

1952-NMSC-059, 56 N.M. 651, 248 P.2d 209

May 31, 1952

Appeal from District Court, Socorro County; A.W. Marshall, Judge.

COUNSEL

William J. Bingham, Harry D. Robins Albuquerque, for appellants.

William J. Eaton, Socorro, for appellee.

JUDGES

Hensley, District Judge. Lujan, C.J., and Sadler, McGhee, and Compton, JJ., concur.
Coors, J., did not participate.

AUTHOR: HENSLEY

OPINION

{*651} {1} This cause was consolidated for oral argument and submission with Rubalcava v. Garst, 56 N.M. 647, 248 P.2d 207. The controlling issue being identical in both causes, it follows that the judgment of the District Court is erroneous and should be reversed and the cause remanded to the District Court with a direction to set aside its judgment and to proceed further in accordance with the views expressed {*652} in the opinion in Rubalcava v. Garst, 56 N.M. 647, 248 P.2d 207.

{2} It is so ordered.