

PAPA EX REL. PAPA V. GARST, 1952-NMSC-058, 56 N.M. 651, 248 P.2d 209 (S. Ct. 1952)

**Sadie PAPA, Executrix Estate of Victor Papa, deceased, and
Dorothy Papa, a minor, by her next friend, Sadie
Papa, Plaintiffs-Appellants**

vs.

**Stephen Q. GARST, Administrator, Estate of Emilio Papa,
deceased, National Surety Company, New York, New
York, by R. L. Baldwin, Attorney in Fact, and
Margarita Rubalcava, Defendants-Appellees**

No. 5435

SUPREME COURT OF NEW MEXICO

1952-NMSC-058, 56 N.M. 651, 248 P.2d 209

May 31, 1952

COUNSEL

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

William J. Eaton, Socorro, for appellees.

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 in the opinion in Rubalcava v. Garst, 56 N.M. 647, 248 P.2d 207.

{2} It is so ordered.