

**STATE EX REL. CITIZENS BANK V. FOWLIE, 1977-NMSC-022, 90 N.M. 208, 561
P.2d 481 (S. Ct. 1977)**

**STATE of New Mexico, ex rel. CITIZENS BANK, a New Mexico
banking corporation, Petitioner,
vs.
Hon. Gerald D. FOWLIE, District Judge of the Second
Judicial District of the State of New Mexico,
Respondent.**

No. 11126

SUPREME COURT OF NEW MEXICO

1977-NMSC-022, 90 N.M. 208, 561 P.2d 481

March 22, 1977

Original proceeding on certiorari.

COUNSEL

Olmsted & Cohen Charles D. Olmsted, Santa Fe, for petitioner.

Thomas E. Horn, San Francisco, Cal., Threet, Threet, Glass, King & Maxwell, Martin E. Threet, Albuquerque, Bigbee, Stephenson, Carpenter & Crout, G. Stanley Crout, Paul D. Gerber, Santa Fe, for respondent.

JUDGES

McMANUS, J., wrote the opinion. SOSA and PAYNE, JJ., concur. OMAN, C.J., and EASLEY, J., dissenting.

AUTHOR: MCMANUS

OPINION

DECISION

McMANUS, Justice.

{1} This matter having come before the Court on writ of certiorari directed to the Court of Appeals; the Court having heard argument, examined the pleadings and briefs and being otherwise fully advised in the premises;

{2} The decision of the Court having been that this Court will consider further only matters relating to the correction of the inadvertent, mathematical error contained in the opinion of the Court of Appeals dated July 6, 1976,

{3} IT IS THEREFORE ORDERED, ADJUDGED and DECREED that the Court of Appeals correct its original opinion in **Citizens Bank v. C & H Construction & Paving Co., Inc. et al.**, 89 N.M. 360, 552 P.2d 796 (1976) by ordering the substitution of the sum of \$36,600 for the sum of \$78,998.04 which appears in said opinion at 89 N.M. 368, 552 P.2d 804.

{4} IT IS SO ORDERED.

SOSA and PAYNE, JJ., concur.

OMAN, C.J., and EASLEY, J., dissenting.