

APPENDIX TO CORRECTED PETITION FOR WRIT OF CERTIORARI

| | <u>DATE</u> | <u>DOCUMENT</u> |
|----|--------------------|--|
| A. | 10/4/18 | Judgment For Decree of Foreclosure and Order of Judicial Foreclosure Sale (2016 Case) |
| B. | 9/22/21 | Decision (NMCA affirming judgment) |
| C. | 3/24/22 | Order (NMSC denying cert.) |
| D. | 5/10/19 | Order Denying Ms. Russo's Motion to Reconsider the Court's Final Judgment (2016 Case) |
| E. | 10/14/21 | Order Denying Motion for Rehearing (NMCA) |
| F. | 6/3/22 | Order (NMSC denying rehearing) |
| G. | 1/6/16 | Order Granting Plaintiff's Expedited Motion to Dismiss Foreclosure Complaint Without Prejudice (2011 Case) |
| H. | 6/18/20 | Appellant's Brief in Chief (NMCA) |
| I. | 8/26/20 | Appellant's Reply Brief (NMCA) |
| J. | 10/7/21 | Appellant's Motion for Rehearing (NMCA) |
| K. | 11/16/21 | Petition for Writ of Certiorari to the New Mexico Court of Appeals (NMSC) |
| L. | 2/4/22 | Proposed Reply to Plaintiff-Respondent's Response in Opposition to Petition for Writ of Certiorari to the New Mexico Court of Appeals (NMSC) |
| M. | 4/8/22 | Petitioner's Motion for Rehearing (NMSC) |

March 24, 2022

NO. S-1-SC-39084

**WELLS FARGO BANK, N.A. as
Trustee on behalf of the Holders of
the HARBORVIEW MORTGAGE
LOAN TRUST MORTGAGE LOAN
PASS-THROUGH CERTIFICATES,
SERIES 2006-12,**

Plaintiff-Respondent,

V.

MARIE C. RUSSO,

Defendant-Petitioner.

ORDER

WHEREAS, this matter came on for consideration by the Court upon petition for writ of certiorari, response and, motion for leave to file reply filed under Rule 12-502 NMRA, and the Court having considered the foregoing and being sufficiently advised, Chief Justice Michael E. Vigil, Justice C. Shannon Bacon, Justice Julie J. Vargas, and Justice Briana H. Zamora concurring, Justice David K. Thomson recused:

NOW, THEREFORE, IT IS ORDERED that the motion for leave to file
reply is DENIED; and

IT IS FURTHER ORDERED that the petition for writ of certiorari is DENIED; and

1 IT IS FURTHER ORDERED that the Court of Appeals may proceed in
2 *Wells Fargo v. Russo*, Ct. App. No. A-1-CA-38260 in accordance with the Rules
3 of Appellate Procedure.

4 IT IS SO ORDERED.



WITNESS, the Honorable Michael E. Vigil, Chief Justice of the Supreme Court of the State of New Mexico, and the seal of said Court this 24th day of March, 2022.

Elizabeth A. Garcia, Clerk of Court
Supreme Court of New Mexico

I CERTIFY AND ATTEST:

A true copy was served on all parties
or their counsel of record on date filed.

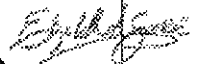
By

A handwritten signature in cursive script, appearing to read "Zaida Abaita", written over a horizontal line.

Deputy Clerk

Zaida Abaita

Clerk of the Supreme Court
of the State of New Mexico



1 **IN THE SUPREME COURT OF THE STATE OF NEW MEXICO**

2 **June 03, 2022**

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4 **NO. S-1-SC-39084**

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8 **WELLS FARGO BANK, N.A. as**
9 **Trustee on behalf of the Holders of**
10 **the HARBORVIEW MORTGAGE**
11 **LOAN TRUST MORTGAGE LOAN**
12 **PASS-THROUGH CERTIFICATES,**
13 **SERIES 2006-12,**

14
15 Plaintiff-Respondent,

16 v.

17
18 **MARIE C. RUSSO,**

19
20 Defendant-Petitioner.

21
22
23 **ORDER**

24 WHEREAS, this matter came on for consideration by the Court upon
25 motion for rehearing following denial of petition for writ of certiorari, and the
26 Court having considered the foregoing and being sufficiently advised; Chief
27 Justice C. Shannon Bacon, Justice Michael E. Vigil, Justice Julie J. Vargas, and
28 Justice Briana H. Zamora concurring, Justice David K. Thomson recused;

29 NOW, THEREFORE, IT IS ORDERED that the motion for rehearing is

1 DENIED.

2 IT IS SO ORDERED.



WITNESS, the Honorable C. Shannon Bacon, Chief Justice of the Supreme Court of the State of New Mexico, and the seal of said Court this 3rd day of June, 2022.

Elizabeth A. Garcia, Clerk of Court
Supreme Court of New Mexico

I CERTIFY AND ATTEST:
A true copy was served on all parties
or their counsel of record on date filed.

Zelda Abate
Clerk of the Supreme Court
of the State of New Mexico

By Zelda Abate
Deputy Clerk

IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

**WELLS FARGO BANK, N.A. as
Trustee on behalf of the Holders of
the HARBORVIEW MORTGAGE
LOAN TRUST MORTGAGE LOAN
PASS-THROUGH CERTIFICATES,
SERIES 2006-12,**

Court of Appeals of New Mexico
Filed 9/22/2021 2:00 PM


Mark Reynolds

Plaintiff-Appellee,

v.

No. A-1-CA-38260

MARIE C. RUSSO,

Defendant-Appellant.

**APPEAL FROM THE DISTRICT COURT OF SANTA FE COUNTY
David K. Thomson, District Judge**

Holland & Hart LLP
Larry J. Montañño
Julia Broggi
Santa Fe, NM

for Appellee

Rachel O. Woods
Albuquerque, NM

for Appellant

DECISION

BOGARDUS, Judge.

{1} Appellant Marie Russo appeals the district court's grant of summary judgment in favor of Appellee Wells Fargo Bank, N.A., as trustee on behalf of the holders of the Harborview Mortgage Loan Trust Mortgage Loan Pass-Through Certificate, Series 2006-12 in a foreclosure action as well as the district court's denial of her motion to reconsider. On appeal, Russo argues (1) the judgment is not a final order, (2) her right to due process was violated, (3) Wells Fargo failed to prove standing, and (4) the original dismissal from the 2011 case corresponding to this matter should be "enforced or reversed."

{2} "[I]t is the appellant's burden to demonstrate, by providing well-supported and clear arguments, that the district court has erred." *Premier Trust of Nev., Inc. v. City of Albuquerque*, 2021-NMCA-004, ¶ 10, ___ P.3d ___. We conclude, after thorough and careful review of the briefing, the authorities cited therein, and the record of both the case before us and the related case, D-101-CV-2011-03167, that Russo has not demonstrated an error on the part of the district court that requires reversal. *See Farmers, Inc., v. Dal Mach. & Fabricating, Inc.*, 1990-NMSC-100, ¶ 8, 111 N.M. 6, 800 P.2d 1063 ("The presumption upon review favors the correctness of the [district] court's actions. Appellant must affirmatively demonstrate its

1 | assertion of error.”). Accordingly, we affirm the district court’s orders granting
2 | summary judgment and denying Russo’s motion for reconsideration.

3 | {3} **IT IS SO ORDERED.**

4 | 
5 | KRISTINA BOGARDUS, Judge

6 | **WE CONCUR:**

7 | 
8 | J. MILES HANISEE, Chief Judge

9 | 
10 | JACQUELINE R. MEDINA, Judge


Mark Reynolds

IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

WELLS FARGO BANK, N.A. as
Trustee on behalf of the Holders of
the HARBORVIEW MORTGAGE
LOAN TRUST MORTGAGE LOAN
PASS-THROUGH CERTIFICATES,
SERIES 2006-12,

Plaintiff-Appellee,

v.

No. A-1-CA-38260

MARIE C. RUSSO,

Defendant-Appellant.

ORDER DENYING MOTION FOR REHEARING

This matter is before the Court upon Appellant's motion for rehearing and brief in support thereof. After due consideration by the original panel, the motion is **DENIED.**


KRISTINA BOGARDUS, Judge

APPENDIX E.

**Additional material
from this filing is
available in the
Clerk's Office.**