

State of New Mexico
County of Sandoval
Thirteenth Judicial District

Kenneth and Kathleen DeHoff,
Appellants

vs.

No. D-1329-CV-2023-1382

Linda Gallegos in her role as Sandoval County Assessor
Appellee

Motion to address Failure to File the Record per NMRA 1-074(H)

This motion is of a timely, tactical nature. Appellants have not received the record that is required to prepare their statement of the issues. Appellants received a transmittal letter Oct 5 stating the transmission occurred to Appellees and the court September 27th and filed September 29th. Appellants are aware of the record's existence within the court but it has not been filed with Appellants per NMRA 1-005.

NMRA 1-074(H) states H.Record on appeal. Unless a different period is provided by law, within thirty (30) days after the filing of the notice of appeal with the agency pursuant to Paragraph C of this rule, the agency shall number consecutively and bind the pages of the record on appeal taken in the proceedings and file it in accordance with Rule 1-005 NMRA.

Appellants question the obvious implications to filing with the court and not with the Appellant – Appellant has a 30 day window in which to submit their statement of the issues and this delay may cause us to miss that deadline.

On our own initiative we retrieved a copy of the record from Cheryl Thorp at PTD and have identified to her that Appellant's evidence, originally two-sided, only has every other page included. Cheryl is aware of the issue and is working to resubmit the corrected record with both sides of our evidence included.

Appellant requests from the court their 30 day timeline from transmission of the record to be based on the proper transmission per NMRA 1-005, not September 27th.

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