Administrative Office of the Courts

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Contact: Barry Massey, public information officer
bmassey@nmcourts.gov
505-827-4805
505-470-3436

Supreme Court orders trial in case alleging undue influence in transfer of real estate

SANTA FE – The state Supreme Court ordered a trial in a real estate dispute in which an elderly man's daughter alleges that ownership of 1,900 acres in Socorro County was transferred to her brother because of his undue influence over their father.

In a unanimous opinion, the Court concluded that when a party alleges that a conveyance was done through undue influence, the legal presumption that "a duly executed conveyance is valid," by itself, is not sufficient to obtain a summary judgement defeating that claim.

In 2015, Alvino Contreras appears to have transferred title to some of his property to his son, Bobby Contreas. Alvino's daughter, Linda Contreras Ridlington, filed a lawsuit seeking to invalidate the property transfers, alleging the son obtained them by exerting undue influence over their father. The district court ruled in favor of the son based on the presumption that the deeds were valid without considering the merits of the daughter's undue influence claim. The justices overturned a split decision by the Court of Appeals that had affirmed the district court in Socorro County.

In an opinion by Justice David K. Thomson, the Court found that the son failed to meet the required burden of evidence in favor of summary judgment by simply producing deeds that met the statutory requirements for conveying property to him.

"In addition to Daughter raising allegations of duress and coercion in her complaint, Son admitted that he prepared the deeds himself, that the conveyances were 'given' to him without consideration, and that he and Father 'have all their lives had a close and open relationship, and lived next door to one another.' The district court also had record of the fact that Father was declared legally incapacitated approximately one year after conveyance of the deeds," the Court wrote. "All of these facts directly implicate the elements of undue influence. Therefore, to prevail on summary judgment, Son had the burden of addressing the allegations of undue influence."

The Court concluded that "the presumption of the deeds' validity on its own did not negate Daughter's claims of undue influence."

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To read the decision in *Ridlington v. Contreras*, No. S-1-SC-38328, please visit the New Mexico Compilation Commission's website using the following link:

https://nmonesource.com/nmos/nmsc/en/item/514444/index.do