

IN THE DISTRICT COURT OF THE EIGHTH JUDICIAL DISTRICT  
OF THE STATE OF NEW MEXICO SITTING WITHIN AND FOR THE  
COUNTY OF COLFAX

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National Surety Corporation,  
a corporation,

Plaintiff,

vs.

Tom Bressler,

Defendant.

No. 10293

FINAL JUDGMENT

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This cause coming on regularly to be heard before the Honorable Livingston N. Taylor, Judge of the above named court, at Raton, Colfax County, New Mexico, on this 1st day of April, 1940, the plaintiff appearing by its attorneys, Crampton & Robertson, and the defendant failing to appear and making default; and it appearing to the court that on the 28th day of February, 1940, B. H. Mitchell, Sheriff of Colfax County, New Mexico, acting by his duly authorized deputy, Ruben Lopez, made service of the Summons, Complaint, Writ of Replevin, and Affidavit in Replevin herein on the defendant, Tom Bressler, by delivering on said date true copies of the Summons, Complaint, Writ of Replevin, and Affidavit in Replevin, all bound together, personally in Colfax County, New Mexico; and it further appearing to the court that the defendant, Tom Bressler, has wholly failed to appear, answer, move, demur, or otherwise plead herein, all of which more fully appears from the Clerk's Certificate of Nonappearance on file herein; and it further appearing to the court that the said defendant is now in default.

NOW, THEREFORE, upon motion of the plaintiff, it is ordered, adjudged, and decreed by the court that judgment by default be, and the same hereby is, rendered in favor of the plaintiff and against the

defendant, and that the plaintiff's Complaint and the plaintiff's Affidavit in Replevin be, and the same hereby is, taken as confessed by the defendant.

Thereupon, the plaintiff proceeded with the introduction of its evidence, and, the court having considered the evidence and being now in all things fully advised, the court makes the following

#### FINDINGS OF FACT

##### I

That the court has jurisdiction of the parties to and of the subject matter of this action; that the allegations, and each of them, contained in the plaintiff's Complaint and in the plaintiff's Affidavit in Replevin are true.

##### II

That the plaintiff is a corporation created, organized, and existing under and by virtue of the laws of the State of New York and duly authorized to transact business in the State of New Mexico; that the defendant is a resident of Colfax County, New Mexico.

##### III

That the plaintiff is and at all times material hereto has been the absolute owner and entitled to the possession of the following described goods, chattels, and personal property, to-wit:

29 Joints, 774-3/4 feet of 12 $\frac{1}{2}$  inch lapweld casing,  
15 Joints, aggregating 447-3/4 feet of 12 $\frac{1}{2}$  inch seamless casing, all located in or about the so-called Marks well on Section 5, Township 25 North, Range 24 East, in Colfax County, New Mexico, excepting only a small portion thereof consisting of approximately 200 feet which has heretofore been removed from the location of said well.

##### IV

That prior to the institution of this action and at the time of the institution of this action, the defendant wrongfully detained all said property above described from the plaintiff.

##### V

That the plaintiff's right of action accrued within one year prior to the filing of its complaint.

That plaintiff waives its claim for damages on account of the defendant's detention of the property above described.

WHEREFORE, the court concludes as a matter of law that the plaintiff is entitled to the relief prayed for in its Complaint.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED by the court,

1. That the plaintiff have and recover judgment for the recovery of the possession of said property herein above described in Finding of Fact number III hereof, and the plaintiff is adjudged to be the absolute owner thereof and to be entitled to the immediate possession thereof.

2. That the plaintiff have and recover judgment against the defendant for the costs of this action in the sum of \$21.42, for all of which let execution issue forthwith.

Done by the court this 1st day of April, 1940.

*Livingston N. Taylor*

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District Judge.

STATE OF NEW MEXICO )  
 ) ss.  
COUNTY OF COLFAX )

I, Doris O'Brien, Clerk of the District Court of Colfax County, New Mexico, hereby certify that the above and foregoing constitutes a true, perfect, and complete copy of the Final Judgment made and entered by said court in Cause No. 10293, which cause is entitled National Surety Corporation, a corporation, Plaintiff, vs. Tom Bressler, Defendant, which said judgment was filed on the 1st day of April, 1940.

Dated this 11th day of April, 1940.

Doris O'Brien  
Clerk of Said District Court.

By A J Stanley - Deputy