

STATE OF NEW MEXICO  
COUNTY OF HIDALGO  
SIXTH JUDICIAL DISTRICT

|                                    |   |                           |
|------------------------------------|---|---------------------------|
| STATE OF NEW MEXICO <i>ex rel.</i> | ) | No. D-623-CV 2005-00054   |
| NEW MEXICO STATE ENGINEER,         | ) | Honorable J.C. Robinson   |
|                                    | ) |                           |
| Plaintiff,                         | ) | ANIMAS UNDERGROUND WATER  |
| vs.                                | ) | BASIN ADJUDICATION        |
|                                    | ) |                           |
| ROSETTE, INC., <i>et al.</i> ,     | ) | Subfile No. AUB-004-0002B |
|                                    | ) |                           |
| Respondents.                       | ) |                           |
|                                    | ) |                           |

**AFFIDAVIT IN SUPPORT OF SUBFILE DEFAULT JUDGMENT**

I, the undersigned, attorney for the State of New Mexico, do hereby certify that the court records indicate that service of process ordering the following claimant to appear and respond in the above-titled cause was made by certified mail with return receipt requested:

| <u>Claimant</u>    | <u>Subfile No.</u> | <u>Date of Service</u>                                                                |
|--------------------|--------------------|---------------------------------------------------------------------------------------|
| J O BAR RANCH, LLC | AUB-004-0002B      | Unknown but certified mail card returned and proof of service filed January 14, 2016. |

I further certify that the above-named claimant failed to respond to service of process as ordered.

WHEREFORE, I certify that the above-named claimant is in default.

FURTHER AFFIANT SAYETH NAUGHT.

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

SUSAN C. KERY, upon being duly sworn, under oath, deposes and states: I have read the foregoing and the statements contained therein are true and correct to the best of my knowledge, information and belief.

Susan C. Kery  
SUSAN C. KERY

SUBSCRIBED AND SWORN to before me this 29<sup>th</sup> day of October, 2017.

Susan M. Martaya  
Notary Public



(SEAL)  
My Commission Expires:

4/27/19

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing pleading was served to counsel of record via the Court's Odyssey File & Serve System on October 29, 2017 and the following claimants this 30th day of October, 2017:

J O Bar Ranch, LLC  
P.O. Box 9031  
Playas, NM 88009

/s/Susan C. Kery  
SUSAN C. KERY