

Hondo land grant cases remain unresolved

By J.R. Logan

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Several cases over a deed filed by the Arroyo Hondo Land Grant Board of Trustees more than two years ago continue to crawl through the courts, including a criminal case against board member Lawrence Ort'z.

The warranty deed, filed in October 2010, lays claim to 20,000 acres inside the historic Arroyo Hondo Land Grant. The deed has essentially clouded title to all properties within the grant and continues to hold up real estate transactions.

Members of the Hondo board insist the deed represents their legitimate claim to the Spanish grant as heirs of the original settlers. Attorneys representing landowners and national title companies counter that the board does not have a right to private property within the grant and are asking that a judge invalidate the deed.

In November 2011, a grand jury indicted Lawrence Ortiz on one count of forgery and one count of attempted fraud. A trial in that case was scheduled last month, but Judge Andria Cooper vacated the case after she lost the General Election to opponent Jeff McElroy. According to the case docket, a pre-trial conference with McElroy took place Monday (Dec. 10), but no new trial date has yet been set.

In addition to the criminal case, a slew of civil cases have been filed with the hopes of erasing the deed and clearing the cloud.

A federal case brought by three national title insurers was thrown out by a judge earlier this year after she determined that the title companies did not have standing to bring a complaint. Judge. M. Christian Armijo wrote in her decision that a case should instead be brought by individual property owners.

In October, attorneys for the title companies re-filed the suit in district court in Taos, this time including two individuals who own property in the grant. No hearings are yet scheduled in that case.

In addition, Taos attorney Eliu Romero is representing three property owners in a case filed in September. A hearing in that case was scheduled for Nov. 28.

Romero represented the town of Taos in a separate suit that successfully invalidated another deed filed by the board representing the Cristòbal de la Serna Land Grant. In that case, the board acquiesced to the deed being struck down. In April 2011, a sister of two Hondo grant

board members filed a quiet title suit asking a judge to remove the cloud from a small property gifted to her by her father — the same man who's name appeared on the deed.

Judge John Paternoster ruled in October in favor of the sister, removing the cloud from her property. But Paternoster did not strike the entire deed, saying at a hearing that such an act would be beyond his judicial authority and could be in violation of the Hondo board's right to free speech.

At that hearing, attorney Santiago Juárez — who is representing the board — told the judge the deed was filed as a “ceremonial” act to give notice to property owners of the board's existence. Juárez said the board acknowledged that it did not have a claim to all property within the grant, but he said it was up to individual property owners to prove that they had clear title.

Land grants have long been a flashpoint for controversy in New Mexico. Hispano rights advocates claim that legitimate grant heirs were swindled out of millions of acres of land by speculators and the federal government in the century following the invasion of the U.S. Army into Mexican territory in the mid-1800s.

In the early 2000s, New Mexico's congressional delegation called for an investigation into the grievances, which in turn resulted in federal reports that concluded that the U.S. met the terms of its 1848 treaty with Mexico. Land grant advocates denounce the findings and have continued to lobby for recognition of centuries-old claims.