

**4-805A. Application for writ of execution.**

[For use with Magistrate Court Rule 2-801 NMRA and Metropolitan Court Rule 3-801 NMRA]

STATE OF NEW MEXICO  
COUNTY OF \_\_\_\_\_  
IN THE \_\_\_\_\_ COURT

\_\_\_\_\_  
Plaintiff

v.

No. \_\_\_\_\_

\_\_\_\_\_  
Defendant

**APPLICATION FOR WRIT OF EXECUTION**

\_\_\_\_\_, the judgment creditor, states:

- (1) The judgment creditor has a judgment dated \_\_\_\_\_  
(*date judgment filed*) against the judgment debtor whose name is  
\_\_\_\_\_, and whose last known address is  
\_\_\_\_\_. The total of the principal, interest, costs and  
attorney's fees awarded by the judgment was \$\_\_\_\_\_.

Since the judgment was entered, additional interest at the judgment rate of  
\_\_\_\_\_ % and costs total \$\_\_\_\_\_.

Payments totaling \$\_\_\_\_\_ have been received.

The unpaid balance now due is \$\_\_\_\_\_ (*insert this amount on Civil  
Form 4-801 NMRA as "Balance Due upon Application for Writ"*) plus interest  
from the date this Application is executed.

The estimated costs would equal \$\_\_\_\_\_ ; and the judgment creditor  
will seek \$\_\_\_\_\_ in attorney fees.

- (2) (*check one of the following*)
- I served the judgment debtor with a notice of right to claim exemptions more than ten (10) days prior to filing this application for writ of execution and the judgment debtor has not filed a claim of exemption for the property to be seized and sold.<sup>1</sup>
- The judgment debtor has filed a waiver of the right to claim exemption for the property to be seized and sold.<sup>2</sup>
- The judgment debtor is not a natural person.

The judgment creditor requests the court to issue a Writ of Execution for non-exempt property for the judgment debt.

\_\_\_\_\_  
Judgment creditor or  
attorney for judgment creditor

\_\_\_\_\_  
Judgment creditor's name printed

\_\_\_\_\_  
Address of judgment creditor

\_\_\_\_\_  
Printed name of person signing for  
judgment creditor

\_\_\_\_\_  
Telephone of judgment creditor

\_\_\_\_\_  
Printed name of judgment creditor's attorney  
(if any)

\_\_\_\_\_  
Mailing address of judgment creditor's attorney  
(number and street or P.O. box)

\_\_\_\_\_  
City, State, zip code

\_\_\_\_\_  
Telephone number of judgment creditor's attorney

#### **AFFIDAVIT**

***(This application must be sworn to unless it is signed by an attorney.)***

I declare under penalty of perjury that the foregoing is true and correct.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_.

\_\_\_\_\_  
Notary or other officer authorized  
to administer oaths

(seal)

#### **USE NOTES**

1. If the judgment debtor is a natural person Civil Form 4-808A NMRA, Notice of Right to Claim Exemptions from Execution, must have been served on the judgment debtor.

2. This alternative may be checked if the judgment debtor filed a waiver of the right to claim exemptions. See Civil Form 4-803, Claim of Exemptions, also contains the waiver form.

[Approved, effective May 15, 2003.]