**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.1

[ ] The judgment debtor has filed a waiver of the right to claim exemption for the property to be seized and sold.2

[ ] 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 \_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *(seal)*

Notary or other officer authorized

to administer oaths

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.]