

4-804. Order on claim of exemption and order to pay in execution proceedings.
[For use with Rules 1-065.1, 2-801 and 3-801 NMRA]

STATE OF NEW MEXICO
IN THE _____ COURT No. _____
_____ COUNTY

_____, Plaintiff
against
_____, Defendant

**ORDER ON CLAIM OF EXEMPTION AND ORDER TO PAY
IN EXECUTION PROCEEDINGS**

This matter coming before the court, THE COURT FINDS:

- 1. At the time the writ of execution was served on the judgment debtor, the amount of \$_____ was unpaid and owing to the judgment creditor.
- 2. As a result of this execution proceeding, judgment creditor has spent additional costs of \$_____.
- 3. The total amount of judgment and costs to date is \$_____ plus interest of _____ % per year from _____, _____.
- 4. An affidavit of service or return of service of the writ of execution, a notice of right to claim exemption form, and a claim of exemption form were served on the judgment debtor(s) or their attorney of record, if any.
- 5. The judgment debtor:
 - has not filed a claim of exemption; or
 - has filed a claim of exemption and the judgment creditor has not disputed the claim of exemption for the following property and such property is therefore exempt:

_____;

the following disputed property is not exempt and may be seized and sold by the sheriff

THE COURT ORDERS:

- 1. The judgment creditor is awarded, in addition to the amount of the judgment, the sum of \$_____ as additional costs.
- 2. The following property held by the sheriff is exempt from execution and the writ of execution in this case is hereby released and discharged as to that property:
- 3. The sheriff may seize and sell the property of the judgment debtor except as set forth above.

_____, _____ Judge

[As amended, effective July 1, 1992; January 1, 1996.]