**4-904. Petition by owner for restitution.**

[Sections 47-8-42 and 47-8-46 NMSA 1978]

STATE OF NEW MEXICO

COUNTY OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ COURT

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

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Plaintiff

v.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Defendant

**PETITION BY OWNER FOR RESTITUTION**

**(*Uniform Owner-Resident Relations Act*)**

The plaintiff alleges:

1. Plaintiff is lawfully entitled to possession of the premises located at1:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, New Mexico \_\_\_\_\_\_\_.

2. Defendant entered into possession of the premises under a rental agreement and has breached the terms of the agreement, as follows:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

3. Plaintiff gave written notice of

[ ] termination

[ ] breach of the rental agreement

to defendant on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_ (*date*), and defendant has failed to remedy the breach.

A copy of the written notice is attached as Exhibit A.

*(check and complete if applicable)*

[ ] 4. Defendant is indebted to plaintiff in the sum of $\_\_\_\_\_\_\_\_\_\_\_\_\_ for unpaid rent, plus $\_\_\_\_\_\_\_\_\_\_\_\_\_\_ rent per day to date of restitution, plus damages as determined by the court.

[ ] 5. Plaintiff holds $\_\_\_\_\_\_\_\_\_\_\_ of defendant as a damage deposit under the rental agreement.

[ ] 6. Plaintiff requests separate trials on the issues of restitution and damages.

Plaintiff requests judgment against defendant, as follows:

1. Immediate possession of the premises;

2. Unpaid rent of $\_\_\_\_\_\_\_\_\_\_\_\_\_, plus $\_\_\_\_\_\_\_\_\_\_ per day to date of restitution;

3. Damages as may be determined by the court;

4. Costs of this action;

5. Reasonable attorneys fees;

6. A civil penalty as provided by law;

7. Such other relief as the court may deem reasonable.

Dated: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signed

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name *(print)*

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Address *(print)*

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

City, state and zip code *(print)*

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Telephone number

USE NOTES

1. If the leased premises is an apartment, include the name of the apartments and the apartment number.

2. The owner must bring a copy of any written rental agreement to court for the hearing on the petition for restitution.

[Former Rule 4-905 SCRA 1986; recompiled as Rule 4-904 and amended, effective September 2, 1997; April 6, 1998; as amended by Supreme Court Order No. 05-8300-005, effective March 21, 2005.]