

4-901A. Three (3)-day notice of substantial violation of rental agreement (*Uniform Owner-Resident Relations Act*).

[Section 47-8-33 NMSA 1978]

**THREE (3)-DAY NOTICE OF SUBSTANTIAL VIOLATION
OF RENTAL AGREEMENT
(*Uniform Owner-Resident Relations Act*)**

To: _____
and all other occupants

Address: _____ Unit: _____
_____, New Mexico _____

You are notified that you, or someone with your consent, has substantially violated the rental agreement or separate agreement about the premises at:¹

_____, New Mexico _____
in that on or about _____, _____ (*date*), you, or someone with your consent, did the following:

This conduct occurred on or within three hundred (300) feet of the premises and includes (*check all that apply*):

- possession, use, sale, distribution, or manufacture of a controlled substance, other than misdemeanor possession and use;
- unlawful use of a deadly weapon;
- unlawful action causing serious physical harm to another person;
- sexual assault or sexual molestation of another person;
- entry into the dwelling unit or vehicle of another person without that person's permission and with intent to commit theft or assault;
- theft or attempted theft of the property of another person by use or threatened use of force; or
- intentional or reckless damage to property in excess of one thousand dollars (\$1,000.00).

As a result of this conduct, the owner of the premises may terminate the rental agreement three (3) days from the date of service set out below.

You cannot be evicted from your home without a court order. This notice does not mean that you must leave your home without the opportunity to first go to court to challenge the owner's termination of the rental agreement.

The owner may file in court to evict you for a substantial violation of the rental agreement. You have the right to challenge the termination of the rental agreement by

going to the court hearing to respond to the owner's claims and tell your side of the story. If you do not go to the court hearing, the court may enter a judgment against you and issue a court order evicting you from your home.

Dated this _____ day of _____, _____.

(Owner) (Agent)

Service of notice:²

- personally delivered to resident
- posted and mailed certified mail, return receipt requested
- mailed by certified mail, return receipt requested

Delivered Posted:

Time: _____

Date: _____

By:³ _____

Mailed:

Time: _____

Date: _____

By:³ _____

USE NOTES

1. If the leased premises is an apartment, include the name of the apartments and the apartment number. This form may also be used for a mobile home park with less than twelve (12) units. See NMSA 1978, § 47-10-2(C) (1997).

2. If this notice is personally delivered to the resident, mailing or posting is not required. If posted, mailing by certified mail is also required by this form. A posted notice must be affixed to a door by taping all sides or placing it in a fixture or receptacle designed for notices. See NMSA 1978, § 47-8-13(D) (1995).

The party giving notice should retain two (2) copies for possible court action.

3. Set forth the name of the person delivering, posting, or mailing the notice.

[Adopted, effective September 2, 1997; as amended, effective October 15, 1999; as amended by Supreme Court Order No. 20-8300-018, effective December 31, 2020.]