

4-704. Motion to set aside default judgment.

[For use with Magistrate Court Rule 2-702 NMRA and Metropolitan Court Rule 3-702 NMRA]

STATE OF NEW MEXICO
COUNTY OF _____
_____ COURT

No. _____

_____, Plaintiff

v.

_____, Defendant

MOTION TO SET ASIDE DEFAULT JUDGMENT

The undersigned asks that the court set aside default judgment dated _____, _____, and states:

This motion is filed within thirty (30) days from date of judgment; and
No appeal has been taken from the judgment; and
Undersigned has a defense to present; and
My excuse for being in default is:

_____.

(Plaintiff) (Defendant)

Date: _____

CERTIFICATE OF SERVICE

I hereby certify that on this ____ day of _____, _____ this
_____ (insert paper served, such as "answer" or "notice") was

[mailed by United States first class mail, postage prepaid, and addressed to:

Name: _____

Address: _____

City, State _____

and zip code: _____]

[faxed by _____ (name of person who faxed document) to
_____ (name of recipient) at _____ (telephone
number). The transmission was reported as complete. The time and date of the
transmission was _____ (a.m.) (p.m.) on _____ (date).]

[e-mailed to _____ (*name of party or attorney*) at
_____ (*electronic mail address of recipient*) upon agreement of the party
to accept electronic service. The transmission was reported as complete. The time
and date of the transmission was _____ (a.m.) (p.m.) on
_____ (*date*).]

[delivered to _____ (*Specify how service by delivery was
made. See Use Note 1 for the methods service may be made using this alternative.*)

_____ :
]

Signature of person sending paper

Date of signature

USE NOTES

A copy of this motion must be served on the other party or attorney for the other party.

[As amended by Supreme Court Order No. 05-8300-005, effective March 21, 2005.]