

CIVIL FORMS

ARTICLE 1 GENERAL PROVISIONS

4-101.

[2-106, 3-106]

STATE OF NEW MEXICO

IN THE _____ COURT
_____ COUNTY

State of New Mexico

v.

No.

NOTICE OF EXCUSAL

(CONSTITUTION OR CODE OF CONDUCT)

The undersigned believes that the impartiality of the
Honorable _____

_____ may reasonably be questioned because:

_____ (set forth specific
facts which prohibit the judge from presiding. The facts must
be grounds for excusal under the New Mexico Constitution or the
Code of Judicial Conduct.)

The undersigned believes that participation of the above-
named judge would be in violation of _____ of the
Code of Judicial Conduct.

Signature of party

[As amended, effective May 1, 1986; November 1, 1995.]

ANNOTATIONS

The 1995 amendment, effective November 1, 1995, rewrote the form.

4-102.

[2-105, 3-105]

STATE OF NEW MEXICO

IN THE _____ COURT

No.

_____ COUNTY

IN THE _____ COURT

_____, Plaintiff
against

_____, Defendant

CERTIFICATE OF EXCUSAL OR RECUSAL

I hereby certify that I have (been excused) (recused myself) from presiding in the above case and ten (10) days have passed since the parties were notified of such recusal or excusal.

The parties have not filed a stipulation agreeing to another judge of the district to hear the case.

It is requested that another judge be designated according to law.

_____, 19_____

.

Judge
Division _____

[As amended, effective May 1, 1986; September 1, 1989; November 1, 1995.]

ANNOTATIONS

The 1995 amendment, effective November 1, 1995, rewrote the form.

4-103.

[2-106, 3-106]

STATE OF NEW MEXICO

IN THE _____ COURT No.

_____ COUNTY
_____, Plaintiff
against
_____, Defendant

NOTICE OF EXCUSAL

The undersigned hereby notifies the court that the Honorable _____ is excused from presiding over the above-captioned case.

_____, 19____ .

(Party or attorney for party)

[As amended, effective May 1, 1986; November 1, 1995.]

ANNOTATIONS

The 1995 amendment, effective November 1, 1995, deleted "he is exercising his right to excuse" preceding "the Honorable" and inserted "is excused".

4-104.

[2-106, 3-106]

STATE OF NEW MEXICO
IN THE _____ COUNTY
_____ COUNTY
_____, Plaintiff
against
_____, Defendant

NOTICE OF RECUSAL

You are notified that I have recused myself from presiding over the above-captioned case. The parties are further notified that if within ten (10) days they do not file with the court a stipulation agreeing to another judge to hear the case, another judge will be assigned to hear the case.

_____, 19____ .

Judge

Division

[Approved, effective October 1, 1987; as amended, effective November 1, 1995.]

ANNOTATIONS

The 1995 amendment, effective November 1, 1995, substituted "You are notified that I have recused myself" for "The undersigned hereby notifies the parties that he is recusing himself", "ten (10) days" for "five (5) days", "file with the court a stipulation agreeing to" for "agree upon", and "another judge will be assigned to hear the case" for "the clerk will request the district court to assign".

ARTICLE 2 COMMENCEMENT OF ACTION

4-201.

[2-201, 3-201]

STATE OF NEW MEXICO
IN THE _____ COURT No.

_____ COUNTY
_____, Plaintiff
against _____, Defendant
_____, Address
_____, City

CIVIL COMPLAINT

1. Plaintiff or defendant resides, or may be found in, or the cause of action arose in this county.

2. Plaintiff claims from Defendant the amount of \$ _____ and also claims interest and court costs.
Plaintiff claims from Defendant personal property of the

value of \$ _____, which is described as follows:

3. Plaintiff's claim arises from the following event or transaction: _____

4. Trial by jury is (not) demanded. (*If a jury is demanded, an additional cost must be paid upon filing.*)

Date

Signed

Name (print)

Address (print)

City, State and Zip Code (print)

Telephone Number

[As amended, effective January 1, 1995.]

ANNOTATIONS

The 1995 amendment, effective January 1, 1995, added the lines for the address of the defendant in the caption.

4-202.

[3-201]

STATE OF NEW MEXICO

IN THE _____ COURT

No. _____

_____ COUNTY
_____, Plaintiff
against _____,
_____, Defendant

CIVIL COMPLAINT

1. Plaintiff or defendant resides, or may be found in, or the cause of action arose in this county.

2. Plaintiff claims from Defendant the amount of \$ _____.
Plaintiff also claims interest and court costs.

Plaintiff claims from Defendant personal property of the value of \$ _____, which is described as follows:

_____ .

3. Plaintiff's claim arises from the following event or transaction: _____

_____ .

4. Trial by jury is (not) demanded. [*If a jury is demanded, an additional cost must be paid upon filing.*]

5. An audio recording of the trial is (not) demanded. [*If you do not request an audio recording, your right to appeal may be limited.*]

_____, 19 _____

Signed

Name [print]

Address [print]

Address

City, State and Zip
Code [print]

City, State and Zip

Telephone Number

Telephone

4-203.

[Magistrate Court - Metropolitan Court]

STATE OF NEW MEXICO

IN THE _____ COURT

No. _____

_____ COUNTY

_____, Plaintiff
against

_____, Defendant

COMPLAINT IN FORCIBLE ENTRY

OR UNLAWFUL DETAINER

Plaintiff says: On the _____ day of _____, 19 _____, he was lawfully possessed or lawfully entitled to the possession of the premises or property described as follows: [*describe with reasonable certainty.*]

_____ and on that date the Defendant unlawfully entered or retained possession of _____

the premises or property, as follows:

_____ .

WHEREFORE, Plaintiff asks that Defendant be removed and that Plaintiff be granted judgment of \$ _____ and court costs.

_____, 19 _____

Signed

Name [print]

Address [print]

Ad

Code [print]

City, State and Zip

phone Number

Tele

4-204.

[2-202, 3-202]

STATE OF NEW MEXICO

_____, Plaintiff

v.

No.

Judge

assigned:

_____, Defendant

CIVIL SUMMONS

TO:

Defendant 1
ADDRESS: _____

GREETINGS:

This summons notifies you that a complaint has been filed against you. A copy of the complaint and an answer form² are attached to this summons. You are required to serve and file an answer to the complaint, or a responsive pleading, within TWENTY (20) DAYS AFTER THE SUMMONS HAS BEEN SERVED ON YOU. You must file the answer or responsive pleading with the clerk of the (Magistrate) (Metropolitan) Court and you must serve a copy of the answer or responsive pleading on the opposing party.

IF YOU DO NOT FILE AND SERVE AN ANSWER OR RESPONSIVE PLEADING WITHIN THE TWENTY (20) DAY PERIOD, A DEFAULT JUDGMENT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER RELIEF DEMANDED IN THE COMPLAINT.

(The following paragraph is for use only if summons issued by the Metropolitan Court.)

IF YOU WANT A TAPE RECORDING OF ANY PROCEEDING, YOU MUST REQUEST IT PRIOR TO THE BEGINNING OF THE PROCEEDING. IF YOU DO NOT ASK FOR A TAPE RECORDING, YOU WILL NOT HAVE A RECORD OF THE PROCEEDINGS TO TAKE TO THE DISTRICT COURT FOR ANY APPEAL.

Your answer must be filed with the court which is located at: _____ (street address of court)

A copy of your answer or responsive pleading must be mailed to: (name and address of plaintiff or plaintiff's attorney)

Name: _____
Address: _____

Clerk

R E T U R N

STATE OF NEW MEXICO)

) ss

COUNTY OF _____)

(complete the following, unless service by sheriff or deputy) 3

I, being sworn, state that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this summons in _____ county on the _____ day of _____, _____, by delivering a copy of this summons, a copy of the complaint and an answer (*indicate below how served*):

(complete if service by sheriff or deputy) 3

I certify that I served this summons in _____ county on the _____ day of _____, _____, by delivering a copy of this summons, a copy of the complaint and an answer form in the following manner:

(person serving summons must check one box and fill in appropriate blanks)

by delivering a copy of this summons, a copy of the complaint and an answer form to the defendant, _____ (*used when defendant receives copy of summons or refuses to receive summons*).

by delivering a copy of this summons, a copy of the complaint and an answer form to _____, a person over fifteen (15) years of age and residing at the usual place of abode of the defendant, _____, located at _____ (*address*). (*used when defendant is not presently at the abode.*)

by posting a copy of the summons, complaint and an answer form in the most public part of the usual place of abode of _____ (*name of defendant*) located at _____ (*address*) (*used if no person found at dwelling house or usual place of abode*).

(If service is by posting a copy of the summons, complaint and an answer form must also be mailed to the person served. The person serving by posting and the person serving by mail must each sign a return. The person mailing must check and complete the certificate of mailing at the end of this summons.)

by delivering a copy of this summons, a copy of the complaint and an answer form to _____, an agent authorized to receive service of process for defendant.

by delivering a copy of this summons, a copy of the complaint and an answer form to _____, (*parent*) (*guardian*) (*custodian*) of defendant (*used when defendant is a minor or an incompetent person*).

[] by delivering a copy of this summons, a copy of the complaint and an answer form to _____ (name of person), _____, (title of person authorized to receive service) (used when defendant is a corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision).

[] by service by mail.

Fees: _____

Signature of person making service

Title (if any)

Subscribed and sworn to
before me this _____
day of _____, _____

Judge, notary or other officer
authorized to administer oaths³

Official title

(To be completed if service is made by posting)⁴

I, being sworn, state that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served a copy of this summons on the _____ day of _____, _____, by mailing first class mail, postage prepaid, a copy of this summons, a copy of the complaint, and an answer form to:

(name of person served)

(address where mailed)

(county)

(city, state and zip code)

Signature of person making service

Title (if any)

Place of mailing

Date
Subscribed and sworn to
before me this _____
day of _____, _____

Judge, notary or other officer
authorized to administer oaths³

Official title

(To be completed if service is made by mail.)⁵

I, being sworn, state that I am over the age of eighteen (18)
years and not a party to this lawsuit, and that I served a copy
of this summons on the _____ day of _____,
by mailing first class mail, postage prepaid, a copy of this
summons, a copy of the complaint, an answer form and two copies
of the notice and acknowledgement and a return envelope, postage
prepaid, addressed to:

_____ (name of person
served)
_____ (address where
mailed)
_____ (county)
_____ (city, state and
zip code)

Signature of person making service

Title (if any)

Place of mailing

Date

Subscribed and sworn to before me
this _____ day of _____,
_____.

Judge, notary or other officer
authorized to administer oaths

Official title³

1. *A separate summons must be used for each defendant.*
2. *An answer form must be attached to the summons at the time of service. For answer forms, see Rules 4-301 and 4-302 NMRA.*
3. *If service is made by the sheriff or a deputy sheriff of a New Mexico county, the signature of the sheriff or deputy need not be notarized.*
4. *For use when service is by posting.*
5. *If service is by mail, Civil Form 4-208 must be completed and mailed with this summons.*

[As amended, effective January 1, 1987; January 1, 1990; July 1, 1990; October 1, 1991; January 1, 1993; May 1, 1994; September 2, 1997.]

ANNOTATIONS

The 1990 amendment, effective July 1, 1990, in the first two paragraphs of the "Return" form substituted "(in said county) (in County)" for "in said county".

The 1991 amendment, effective October 1, 1991, added the space for "Judge assigned" near the beginning of the form and for "abode located at" in two places near the middle.

The 1993 amendment, effective January 1, 1993, in the "Summons", added the second sentence and third and fourth paragraphs, inserted "plaintiff or" near the end, and made stylistic changes.

The 1994 amendment, effective May 1, 1994, added the present third paragraph relating to tape recordings and the instruction parenthetical relating to the Metropolitan Court.

The 1997 amendment, effective September 2, 1997, inserted "Civil" and deleted "The State of New Mexico" in the form heading, substituted "pleading" for "motion" throughout the form, substituted "and an answer form are attached" for "is attached" in the first paragraph, inserted "or responsive pleading" in the fifth paragraph, deleted the former sixth paragraph relating to witness by a magistrate or municipal court judge and substituted "clerk" for "judge" below the signature line at the end of the form, rewrote the return, and made stylistic changes throughout.

4-205.

[2-301, 3-301]

_____ COUNTY

No. _____

IN THE _____ COURT

_____, Interpleader
against

_____, Defendant
and

_____, Defendant

CIVIL COMPLAINT FOR

INTERPLEADER

Interpleader hereby complains against defendants,

_____ and

_____ as follows:

1. Interpleader is

_____ (briefly describe the position of interpleader and the relationship to the defendants);

2. Defendants, on information and belief, are residents of _____ county.

3. Interpleader is presently holding money in the amount of \$ _____. The money held by interpleader belongs to either or both of the defendants.

4. Interpleader is in doubt and cannot safely determine as between the defendants' claims for the money held by interpleader and hereby offers to deliver the money to the court in order that the claims of the defendants may be settled.

WHEREFORE, Interpleader asks that:

1. Defendant

_____ and defendant
_____ be ordered to interplead and settle
between themselves their rights and claims to the money held by
interpleader.

2. Interpleader be discharged from any further liability to
the defendants on account of _____
(set forth relationship of interpleader to defendants).

3. Interpleader also requests court costs and such other
relief as the court deems just and proper.

Signed

Name [print]

Address

_____ City, State
and Zip Code

_____ Tel
ephone Number

[Adopted, effective July 1, 1988.]

4-206.

[1-004]

STATE OF NEW MEXICO
IN THE DISTRICT COURT

_____ JUDICIAL DISTRICT

_____, Plaintiff

against

No.

_____, Defendant

SUMMONS

THE STATE OF NEW MEXICO

TO: _____, Defendant(s)

ADDRESS:

GREETINGS:

You are hereby directed to serve a pleading or motion in response to the complaint within thirty (30) days after service of this summons, and file the same, all as provided by law.

You are notified that, unless you serve and file a responsive pleading or motion, the plaintiff will apply to the court for the relief demanded in the complaint.

Attorney or attorneys for plaintiff:

Address of attorneys for plaintiff:
(or of plaintiff, if no attorney)

WITNESS the Honorable _____, district judge of the _____ judicial district court of the State of New Mexico, and the seal of the district court of _____ County, this _____ day of _____, 19____.

Clerk

By

Deputy

RETURN

STATE OF NEW MEXICO)
) ss.
COUNTY OF _____)

I, being duly sworn, on oath, say that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I

served the within Summons in said County on the _____ day of _____, 19 _____, by delivering a copy thereof, with copy of Complaint attached, in the following manner:

(check one box and fill in appropriate blanks)

to Defendant _____ (used when Defendant receives copy of Summons or refuses to receive Summons)

to _____, a person over fifteen (15) years of age and residing at the usual place of abode of Defendant _____, who at the time of such service was absent therefrom.

by posting a copy of the Summons and Complaint in the most public part of the premises of Defendant _____ (used if no person found at dwelling house or usual place of abode)

to _____, an agent authorized to receive service of process for Defendant _____

to _____, (parent) (guardian) of Defendant _____ (used when Defendant is a minor or an incompetent person)

to _____ (name of person), _____, (title of person authorized to receive service) (used when Defendant is corporation or association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision)

Fees:

Signature of Person

Making Service

T

title (if any)

*Subscribed and sworn to before me this _____ day of _____, 19_____

Judge, Notary or Other Officer
Authorized to Administer Oaths

Official Title

*If service is made by the sheriff or a deputy sheriff of a New Mexico county, the signature of the sheriff or deputy

sheriff need not be notarized.
[Adopted, effective August 1, 1988.]

4-207.

[1-004]

STATE OF NEW MEXICO
IN THE DISTRICT COURT

_____ (JUDICIAL DISTRICT) No.

_____, Plaintiff
against
_____, Defendant

NOTICE AND RECEIPT OF SUMMONS AND COMPLAINT

NOTICE

TO:

ADDRESS:

_____ The enclosed summons and complaint are served pursuant to Rule 1-004 of the New Mexico Rules of Civil Procedure.

You must sign and date the receipt. If you are served on behalf of a corporation, unincorporated association (including a partnership) or other entity, you must indicate under your signature your relationship to that entity. If you are served on behalf of another person and you are authorized to receive process, you must indicate under your signature your position or title.

If you do not complete and return the form to the above court within twenty (20) days, you (or the party on whose behalf you are being served) may be required to pay any expenses incurred in serving a summons and complaint in any other manner permitted by law.

If you do complete and return this form, you (or the party on whose behalf you are being served) must answer the complaint

within thirty (30) days of the date upon which this notice was mailed, which appears below. If you fail to do so, judgment by default may be taken against you for the relief demanded in the complaint.

I declare, under penalty of perjury, that this Notice and Receipt of Summons and Complaint was mailed on the _____ day of _____, 19 ____ .

Signature

_____ Date
of Signature

RECEIPT OF SUMMONS AND COMPLAINT

I received a copy of the summons and complaint in the above-captioned matter at (insert address).

Signature

_____ Relationship to Entity/ Authority
to Receive Service of Process

Date of Signature
[Adopted, effective August 1, 1989.]

4-208.

[2-202, 3-202]

STATE OF NEW MEXICO

_____ COURT No.

_____ (COUNTY)

_____, Plaintiff

v.

_____, Defendant

NOTICE AND ACKNOWLEDGMENT OF RECEIPT OF
SUMMONS AND COMPLAINT

TO:

ADDRESS:

The enclosed summons, complaint, answer form, two copies of this notice and acknowledgment of receipt of summons and a postage prepaid return envelope are served pursuant to the rules of civil procedure.

You must sign and date the receipt. If you are served on behalf of a corporation, unincorporated association (including a partnership) or other entity, you must indicate under your signature your relationship, position or title. If you are served on behalf of another person and you are authorized to receive process, you must indicate under your signature your relationship, position or title.

You must complete and return one copy of the completed form to the sender within twenty (20) days of the date upon which this notice was mailed. This date appears below. If you fail to complete and return this form to the sender within twenty (20) days plus three (3) days for mailing, you may be required to pay any expenses incurred in serving a summons and complaint in any other manner permitted by law. It must be received by the sender within twenty-three (23) days from the date it was mailed to you.

A stamped and addressed envelope has been included with this notice. You may use this envelope to return this form to the sender.

In addition to completing this form and returning it to the sender, you must also answer the complaint and file an answer with the court within twenty-three (23) days from the date this notice was mailed to you. This date appears below. An answer form has been included with this notice for your use. If an answer is not filed with the court a default judgment may be granted for the relief demanded in the complaint.

I declare, under penalty of perjury, that the complaint, an answer form, two copies of this notice and acknowledgment of receipt of summons and complaint and a postage prepaid return envelope were mailed on the _____ day of _____,

_____ from _____ (*place of mailing*).

Signature of person mailing

Date of signature

RECEIPT OF SUMMONS AND COMPLAINT

I received a copy of the summons and complaint.

I understand that a judgment may be entered against me (or the party on whose behalf I received service) if I do not file an answer to the complaint with the court within twenty-three (23) days from the date this notice was mailed to me.

Signature of defendant
or defendant's attorney

Position or title

Date of signature

(To be completed prior to filing
with the clerk of the court.)

Proof of service is required for each party.)

AFFIDAVIT OF SERVICE

I declare under penalty of perjury that a copy of the complaint, an answer form, two copies of this notice and acknowledgment of receipt of summons and complaint and a postage prepaid return envelope were served by mail on the following persons or entities on this _____ day of _____,

_____:

(1) _____
(Name of party)

(Address)

(2) _____

(Name of party)

(Address)

Signature of person mailing pleadings

Date of signature

Subscribed and sworn to

before me this _____

day of _____, _____

Judge, notary or other officer
authorized to administer oaths

Official title

[As amended, effective January 1, 1993; September 2, 1997.]

ANNOTATIONS

The 1993 amendment, effective January 1, 1993, rewrote this form to be consistent with the 1992 amendments to Rules 2-202 and 3-202.

The 1997 amendment, effective September 2, 1997, inserted "Acknowledgement of" in the form heading, increased the time for return of the answer form from 20 days to 23 days to allow three days for mailing and rewrote the form, rewrote the Receipt of Summons and Complaint, and added the Affidavit of Service.

ARTICLE 3 PLEADINGS AND MOTIONS

4-301.

[2-302, 3-302]

STATE OF NEW MEXICO

IN THE _____ COURT

No.

COUNTY

_____, Plaintiff

against

_____, Defendant

ANSWER TO CIVIL COMPLAINT

1. The Plaintiff is not entitled to the amount claimed because:

or

1. The personal property claimed by Plaintiff should not be turned over to Plaintiff because:

2. (If applicable) Defendant asserts the following counterclaim or set-off against Plaintiff:

3. Trial by jury is (not) demanded. (If Plaintiff has already demanded trial by jury, as indicated in the complaint, a jury will be provided automatically and you need not fill in this item. If Plaintiff has not demanded trial by jury, you may do so here, but if you do you must pay an additional cost upon filing this answer.)

Date

Signed

Name (print)

Address (print)

City, State and Zip Code (print)

Telephone number
(This Answer must be filed with the court on or before the
date set in the Summons.)
[As amended, effective January 1, 1995.]

ANNOTATIONS

The 1995 amendment, effective January 1, 1995, rewrote the first alternative Paragraph 1 in the answer.

4-302.

[3-302]

STATE OF NEW MEXICO
IN THE _____ COURT No.

COUNTY

_____, Plaintiff
against

_____, Defendant

ANSWER TO CIVIL COMPLAINT

1. The amount of damages claimed by Plaintiff is not owed
because _____

or

1. The personal property claimed by Plaintiff should not be turned over to Plaintiff because:

2. *[If applicable]* Defendant asserts the following counterclaim or set-off against Plaintiff:

3. Trial by jury is (not) demanded. *[If Plaintiff has already demanded trial by jury, as indicated in the complaint, a jury will be provided automatically and you need not fill in this item. If Plaintiff has not demanded trial by jury, you may do so here, but if you do you must pay an additional cost upon filing this answer.]*

4. An audio recording of the trial is (not) demanded. *[If you do not request an audio recording, your right to appeal may be limited.]*

_____, 19____

Signed

Name [print]

Address [print]

Ad

Code [print]

City, State and Zip

Tel

ephone Number

(This Answer must be filed with the court on or before the date set in the Summons.)

4-303.

[2-303, 3-303]

STATE OF NEW MEXICO

No.

IN THE _____ COURT

COUNTY

_____, Plaintiff

against

_____, Defendant

MOTION FOR JUDGMENT ON THE PLEADINGS

(Plaintiff) (Defendant) asks the court to enter judgment against the other party based on the pleadings on file in this cause for the following damages, costs and fees:

Damages
..... \$ _____
—

Attorney fee (if allowable)
..... \$ _____

Interest (if allowable)
..... \$ _____

Filing fee
..... \$ _____

Service fee
..... \$ _____

Return fee
..... \$ _____

Witness fees
..... \$ _____

Total Judgment
..... \$ _____

_____, 19_____

(Plaintiff) (Defendant)

(A copy of this must be mailed to the other party or the attorney for the other party not less than eight (8) days before the time fixed for the hearing.)

[As amended, effective October 1, 1987.]

4-304.

[2-305, 3-305]

STATE OF NEW MEXICO
IN THE _____ COURT No.

_____ COUNTY
_____, Plaintiff
against
_____, Defendant

STIPULATION OF DISMISSAL

The parties hereby stipulate that this action be dismissed (with) (without) prejudice.

for Plaintiff

Plaintiff or Attorney

for Defendant

Defendant or Attorney

THIS ACTION is dismissed (with) (without) prejudice.

_____, 19_____

Judge

4-305.

[2-305, 3-305]

STATE OF NEW MEXICO
IN THE _____ COURT No.

_____ COUNTY

_____, Plaintiff
against

_____, Defendant

NOTICE OF DISMISSAL OF COMPLAINT

Plaintiff hereby dismisses its complaint without prejudice.

for Plaintiff

Plaintiff or Attorney

THIS ACTION is dismissed without prejudice.

_____,
19_____

Judge

4-306.

[2-305, 3-305]

STATE OF NEW MEXICO

IN THE _____ COURT

No.

_____ COUNTY

_____, Plaintiff
against

_____, Defendant

ORDER DISMISSING ACTION FOR FAILURE TO

PROSECUTE

This action has remained pending for six (6) months from the date of the complaint and the court, at a hearing pursuant to the rules governing procedure in this court, has found that (Plaintiff has failed to take all available steps to bring the matter to trial) (Defendant has failed to take all available steps to bring his counterclaim to trial).

IT IS ORDERED that this action is dismissed without prejudice.

_____,
19 _____

Judge

4-306A.

[General Form for Use in Magistrate or

Metropolitan Court]

STATE OF NEW MEXICO

IN THE _____ COURT

No.

_____ COUNTY

_____, Plaintiff

against

_____, Defendant

ORDER DISMISSING ACTION

This matter having come on for hearing on the motion of the (Plaintiff) (Defendant) in the above styled cause and the court having considered the argument presented, find that the above cause of action should be dismissed (with) (without) prejudice.

IT IS ORDERED that this action is dismissed (with) (without) prejudice.

_____,
19 _____

Judge

[Adopted, effective September 1, 1989.]

4-307.

[2-306, 3-307]

STATE OF NEW MEXICO

_____ COURT

No.

_____ COUNTY

_____, Plaintiff

against

_____, Defendant

NOTICE OF PRETRIAL CONFERENCE

TO: _____, Plaintiff; and

_____, Attorney.

_____, Defendant; and

_____, Attorney.

A pretrial conference will be held in this case on _____, 19_____, at the hour of _____ m., before this court located at _____. At this conference the court will:

(check only applicable alternatives)

- make an order clarifying the pleadings;
- enter such orders as may be desirable to expedite the disposition of the action;
- hold discussions to facilitate the settlement of the case;
- consider the following matters:

The court will also consider such other matters as may aid in the disposition of the case.

The failure of any party to appear at the time and place specified for the pretrial conference may be grounds for entering a default judgment against such party.

YOU ARE ORDERED to appear at the above time and place.

_____, 19_____

J

Judge or Clerk

[As amended, effective September 1, 1989; October 1, 1991.]

ANNOTATIONS

The 1991 amendment, effective October 1, 1991, near the middle of the form, inserted "(check only applicable alternatives)" and added the last three alternatives.

4-308.

[2-301, 3-301]

STATE OF NEW MEXICO

_____ COURT No.

_____ COUNTY

_____, Interpleader
against

_____, Defendant
and

_____, Defendant

ORDER TO INTERPLEAD

The interpleader having filed complaint herein,
IT IS ORDERED that the court take into its trust account \$
_____ which sum represents the total amount interpleader
owes the above named defendants;

IT IS FURTHER ORDERED, that the money paid into the court
trust account shall be retained until further order of the
court;

IT IS FURTHER ORDERED, that the defendants and any other
person who has or claims an interest in or to said money in the
custody of this court shall, and are directed to, interplead in
this action within twenty (20) days from the date this order is
served upon them; and

IT IS FURTHER ORDERED that
_____ (name of interpleader) be and hereby is
discharged from all liability to the defendants on account of
_____ (set forth relationship of interpleader to
defendants).

_____, 19____

Judge

[Adopted, effective July 1, 1988; as amended, effective July
1, 1990.]

ANNOTATIONS

The 1990 amendment, effective July 1, 1990, substituted "twenty (20) days" for "thirty (30) days" in the fourth paragraph.

**ARTICLE 4
PARTIES**

4-401.

[Magistrate Court - Metropolitan Court]

STATE OF NEW MEXICO

IN THE _____ COURT

No.

_____ COUNTY

_____, Plaintiff
against

_____, Defendant

NOTICE OF TRIAL

TO: _____,
Plaintiff; and

_____, Attorney.

_____,
Defendant; and

_____, Attorney.

This action will come on for trial before Judge
_____, at the Magistrate Court located at
_____ on _____ the _____

day of _____, 19_____, at the hour of _____
.m. The failure of any party to appear at the time and place
specified for trial will be ground for entering a default
judgment against him.

The motion

_____ will be heard by the court (immediately before trial)
_____, 19 _____, at _____ .m.

_____,
19 _____

Ju

dge or Clerk

ARTICLE 5 DISCOVERY AND PRETRIAL MATTERS

4-501.

[2-501, 3-501]

STATE OF NEW MEXICO

_____ COURT No.

_____ COUNTY

_____, Plaintiff
against

_____, Defendant

MOTION FOR PRODUCTION

(Plaintiff) (Defendant) asks the court to order that the
other party produce for inspection and copying the following
items of evidence:

[] Request has been made of the other party and the other party has failed to produce the evidence.

[] This inspection and copying is necessary in the preparation for trial of this case because

_____,
19 _____ (Plaintiff)

(Defendant)

(A copy of this must be mailed or delivered to the other party or attorney for the other party.)

4-502.

[2-501, 3-501]

STATE OF NEW MEXICO

IN THE _____ COURT

No.

_____ COUNTY

_____, Plaintiff
against

_____, Defendant

ORDER FOR PRODUCTION

The *(plaintiff)* *(defendant)* demanded production and the court finds that good cause exists for production;

IT IS ORDERED that *(defendant)* *(plaintiff)* produce for inspection and copying at _____ on

_____, 19_____, at the hour of _____
(a.m.) (p.m.), the following records, papers,
documents or other tangible evidence in the (defendant)
(plaintiff)
(describe
briefly): _____

_____, 19_____

Judge
(If you fail to obey this order you may be held in contempt of
this court and punished by fine or imprisonment.)
[As amended, effective January 1, 1996.]

ANNOTATIONS

The 1996 amendment, effective January 1, 1996, made gender neutral changes near the end of the form and substituted the parenthetical at the end for "Willful failure to obey this order shall constitute a contempt of court".

4-503.

[2-502, 3-502]

STATE OF NEW MEXICO

_____ COURT No.

_____ COUNTY

_____, Plaintiff
against

_____, Defendant

SUBPOENA

TO:

YOU ARE ORDERED TO APPEAR before this Court located at

_____, on _____, 19_____, at the
hour of _____ m. and to testify in this action at the
request of (Plaintiff) (Defendant). IF YOU DO NOT APPEAR and
testify you may be held in contempt of Court and punished by
fine or imprisonment.

19_____

J

udge or Clerk

RETURN FOR COMPLETION BY SHERIFF OR DEPUTY

I certify that on the _____ day of _____,
19_____, in said County, I served this subpoena on
_____ by delivering a copy of the subpoena to such
person.

D

eputy Sheriff

RETURN FOR COMPLETION BY OTHER PERSON

MAKING SERVICE

I, being duly sworn, on oath say that I am over the age of
eighteen (18) years and not a party to this lawsuit, and that on
the _____ day of _____, 19_____, in said
County, I served this subpoena on _____ by
delivering a copy of the subpoena to such person.

Making Service _____ Person
SUBSCRIBED AND SWORN to before me this _____ day of
_____, 19____

Other Officer _____ Judge, Notary or
Administer Oaths _____ Authorized to

Fees:
THIS SUBPOENA issued at request of

(Telephone) _____ (Name) (Address)

4-504. Reserved.

4-505.

[1-045]

STATE OF NEW MEXICO
_____ COURT No.
_____ COUNTY
_____, Plaintiff
v.
_____, Defendant

SUBPOENA

SUBPOENA FOR₁
[] APPEARANCE OF PERSON FOR [] DEPOSITION [] TRIAL
[] SUBPOENA FOR DOCUMENTS OR OBJECTS₂
[] INSPECTION OF PREMISES₂

TO: _____

YOU ARE HEREBY COMMANDED TO APPEAR as follows: PLACE:

DATE: _____, _____ TIME: _____

(a.m.) (p.m.) to:

- testify at the taking of a deposition in the above case
- testify at trial
- permit inspection of the following described documents or objects _____

permit the inspection of the premises located at:

_____ (address).

YOU ARE ALSO COMMANDED to bring with you the following document(s) or object(s)

IF YOU DO NOT COMPLY WITH THIS SUBPOENA you may be held in contempt of court and punished by fine or imprisonment.

_____, _____.

Judge, clerk or attorney

RETURN FOR COMPLETION BY SHERIFF OR DEPUTY

I certify that on the _____ day of _____, _____, in _____ County, I served this subpoena on _____ by delivering to the person named a copy of the subpoena, a witness fee in the amount of _____ and mileage in the amount of \$ _____ 3.

Deputy sheriff

RETURN FOR COMPLETION BY OTHER PERSON

MAKING SERVICE

I, being duly sworn, on oath say that I am over the age of eighteen (18) years and not a party to this lawsuit, and that on the _____ day of _____, _____, in _____ County, I served this subpoena on _____

_____ by delivering to the person named a copy of the subpoena, the \$75.00 witness fee and mileage as provided by law in the amount of \$_____3.

Person making service
SUBSCRIBED AND SWORN to before me this _____ day of _____, _____ (date).

Judge, notary or other officer
authorized to administer oaths
THIS SUBPOENA issued by or at request of:

Name of attorney of party

Address

Telephone

CERTIFICATE OF SERVICE BY ATTORNEY4

I certify that I caused a copy of this subpoena to be served on the following persons or entities by (delivery) (mail) on this _____ day of _____, _____:

(1) _____
(Name of party)

(Address)

(2) _____
(Name of party)

(Address)

Attorney

Signature

Date of signature

1. A command to produce evidence or to permit inspection may be joined with a command to appear for a deposition or trial.

2. A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

3. If a person's attendance is commanded one full day's per diem must be tendered with the subpoena, unless the subpoena is issued on behalf of the state or an officer or agency thereof. Mileage must also be tendered at the time of service of the subpoena as provided by the Per Diem and Mileage Act. Payment of per diem and mileage for subpoenas issued by the state is made pursuant to regulations of the Administrative Office of the Courts.

4. To be completed only if the subpoena is commanding production of documents and things or inspection of premises before trial. If the subpoena is commanding production of documents and things or inspection of premises before trial, it must be served on each party in the manner provided by Rule 1-005. If service is by a party, an affidavit of service must be used instead of a certificate of service.

PROTECTION OF PERSONS SUBJECT TO SUBPOENAS

A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

Subject to Subparagraph (2) of Paragraph D below, a person commanded to produce and permit inspection and copying may, within fourteen (14) days after service of the subpoena or before the time specified for compliance if such time is less than fourteen (14) days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the

subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it:

- (1) fails to allow reasonable time for compliance,
- (2) requires a person who is not a party or an officer of a party to travel to a place more than one hundred miles from the place where that person resides, is employed or regularly transacts business in person, except as provided below, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or
- (3) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
- (4) subjects a person to undue burden.

If a subpoena:

- (1) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (2) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (3) requires a person who is not a party or an officer of a party to incur substantial expense to travel,

the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

DUTIES IN RESPONDING TO SUBPOENA

- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (2) When information subject to a subpoena is withheld on a

claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

[Adopted effective January 1, 1998.]

ANNOTATIONS

Effective dates. - Pursuant to a court order dated October 10, 1997, this form is effective on and after January 1, 1998.

ARTICLE 6 TRIALS

4-601.

[2-603, 3-603]

STATE OF NEW MEXICO

IN THE _____ COURT

No.

_____ COUNTY

_____, Plaintiff
against

_____, Defendant

SUBPOENA FOR JURY SERVICE

TO:

YOU ARE ORDERED TO APPEAR before this court located at

_____, on _____

_____, 19_____, at the hour of _____ m. for jury service. IF YOU DO NOT APPEAR and are not excused, you may be held in contempt of court and punished by fine or imprisonment.

_____,
19_____

J

udge or Clerk

RETURN FOR COMPLETION BY SHERIFF OR DEPUTY

I certify that on the _____ day of _____, 19_____, in said county, I served this subpoena on _____ by delivering a copy of the subpoena to such person.

De

puty Sheriff

**ARTICLE 7
JUDGMENT AND APPEAL**

4-701.

[2-701, 3-701]

STATE OF NEW MEXICO
IN THE _____ COURT
_____ COUNTY

No.

_____, Plaintiff

against

_____, Defendant

JUDGMENT

This cause coming on for trial, plaintiff appearing (in person) (and) (by attorney); defendant appearing (in person) (and) (by attorney), and the court, having heard the evidence and argument presented, finds

in favor of plaintiff and against defendant.

in favor of defendant and against plaintiff.

in favor of plaintiff on his complaint and in favor of defendant on his counterclaim/setoff.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED, that (plaintiff) (defendant) recover the following:

Damages \$ _____

Interest to date

(if allowable) \$ _____

Attorney fee

(if allowable) \$ _____

Costs \$ _____

TOTAL JUDGMENT \$ _____

(check if appropriate)

that plaintiff have possession of:
the premises at

(for forcible entry or detainer)

or

the following personal property:

(for replevin actions)

(To be completed if appellant desires to stay execution of judgment)

If this case is appealed and the appellant wishes to stay execution of the judgment the defendant shall file with the (magistrate) (metropolitan) court an appeal bond in the amount of \$ _____.

19_____.
Judge _____

USE NOTE

If a bond secured by personal surety or sureties is

tendered, the bond may be approved only on notice to the appellee. Each personal surety shall be required to show a net worth at least double the amount of the bond. If the judgment is for the recovery of money, the amount of the bond shall be the amount of the judgment remaining unsatisfied, together with costs, attorneys' fees and interest, if any.

[As amended, effective October 1, 1996.]

ANNOTATIONS

The 1996 amendment, effective October 1, 1996, added the final paragraph of the form relating to appeal bond, and added the Use Note.

4-702.

[2-702, 3-702]

STATE OF NEW MEXICO

IN THE _____ COURT

_____ COUNTY

No.

_____, Plaintiff
against

_____, Defendant

MOTION FOR DEFAULT JUDGMENT

Plaintiff requests the court to enter a default judgment and in support of this request, plaintiff states as follows:

[] The Complaint in the above described case was filed on the _____ day of _____, 19____.

[] Service of a copy of Summons, Complaint and Answer form in this case made on defendant(s) on the _____ day of _____, 19____; on the _____ day of _____, 19____; and on the _____ day of _____, 19____.

[] The defendant(s) _____, _____ and _____ (have) (has) not entered an appearance or filed an Answer or other responsive pleading to the Complaint.

[] The return of service was filed with this court on the

_____ day of _____, 19____ .

The Plaintiff requests the court to enter judgment for the following damages, costs and fees:

Damages
.....\$ _____

Attorney fee (if allowable)
.....\$ _____

Interest (if allowable)
.....\$ _____

Filing fee
.....\$ _____

Service fee
.....\$ _____

Return fee
.....\$ _____

Witness fees
.....\$ _____

Total Judgment
.....\$ _____

Attorney
for Plaintiff

If the Plaintiff is not represented by an attorney, this motion must be sworn to by the plaintiff.

I, _____, upon my oath or affirmation do solemnly declare or affirm that this motion contains a complete, accurate statement of the facts to the best of my knowledge. I understand that if I make a material misstatement of fact, I may be

prosecuted and punished for perjury.

of Plaintiff) (Signature

Notary or Other) (Signature of Judge,
My commission expires:
(SEAL) Officer Authorized to
Administer Oaths

ficial Title Of

4-703.

[2-303, 2-702, 3-303, 3-702]

STATE OF NEW MEXICO
IN THE _____ COURT No.

COUNTY

_____, Plaintiff
against

_____, Defendant

DEFAULT JUDGMENT

JUDGMENT ON THE PLEADINGS

This cause coming before the court on motion of (plaintiff)
(defendant) (the court itself) and the court finding it has
jurisdiction and that:

[] Plaintiff appeared (in person) (and) (by attorney) and
defendant failed to appear;

[] Defendant appeared (in person) (and) (by attorney) and

plaintiff failed to appear;

[] There is no genuine issue as to any material fact and that (plaintiff) (defendant) is entitled to a judgment on the pleadings;

[] Defendant failed to answer on or before the appearance date fixed in the summons;

The Court, having heard the evidence and argument presented, finds that service of process was duly made and finds:

[] in favor of plaintiff and against defendant.

[] in favor of defendant and against plaintiff.

[] in favor of plaintiff on his complaint and in favor of defendant on his counterclaim/setoff.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that:

(Plaintiff) (Defendant) recover the following:

| | |
|------------------|----------|
| Damages | \$ _____ |
| Other Damages | \$ _____ |
| Interest to Date | |
| (if allowable) | \$ _____ |
| Attorney Fee | |
| (if allowable) | \$ _____ |
| Costs | \$ _____ |
| TOTAL JUDGMENT | \$ _____ |

(check if appropriate)

[] [Plaintiff] [Defendant] have possession of:

[] the premises at

_____ (for forcible entry or detainer)

or

[] the following personal property:

_____ (for replevin and restitution actions)

Judge
[As amended, effective October 1, 1987; October 1, 1991.]

ANNOTATIONS

The 1991 amendment, effective October 1, 1991, inserted "on motion of (plaintiff) (defendant) (the court itself) and the court finding it has jurisdiction and that:" near the beginning; in the first group of alternatives, deleted "Upon motion of the (plaintiff) (defendant) for a judgment on the pleadings, the court finds that" from the beginning of the third alternative and added the fourth alternative; and in the order, inserted the line for "Other damages" and inserted "[Defendant]" and "and restitution".

4-704.

[2-702, 3-702]

STATE OF NEW MEXICO

IN THE _____ COURT

No.

_____ COUNTY

_____, Plaintiff
against

_____, Defendant

MOTION TO SET ASIDE DEFAULT JUDGMENT

The undersigned asks that the court set aside default judgment dated _____,
19_____, 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:

_____,
19 _____, _____ (Plaintiff)

(Defendant)

(A copy of this must be mailed or delivered to the other party or attorney for the other party.)

4-705.

[2-702, 3-702]

STATE OF NEW MEXICO
IN THE _____ COURT No.

_____ COUNTY
_____, Plaintiff
against
_____, Defendant

ORDER SETTING ASIDE DEFAULT JUDGMENT AND GIVING NOTICE
OF TRIAL DATE

A motion having been made to set aside the default judgment, and the court having held a hearing, finds that Defendant has a defense to present, that good cause has been shown, and that the motion should be granted.

IT IS ORDERED that the default judgment dated _____, 19_____, is set aside, and

Defendant shall file an Answer to the Complaint within

_____ days.

Plaintiff and Defendant are notified that THIS CASE WILL BE TRIED

_____, 19_____, at _____ m. at

_____ and the failure of any party to appear at the time and place set for trial will be ground for default judgment against such party.

_____,
19_____

Judge

4-706.

[2-704, 3-704]

STATE OF NEW MEXICO

IN THE _____ COURT

No.

_____ COUNTY

_____, Plaintiff

against

_____, Defendant

SATISFACTION OF JUDGMENT

Receipt of \$ _____ in (full) (partial) satisfaction of the judgment in this case.

_____, 19_____

Part

y or Attorney

Address

State, Zip Code

City,

4-707.

[1-072, 1-073, 2-706, 3-706]

STATE OF NEW MEXICO
IN THE DISTRICT COURT

Dist. Court No.

_____ JUDICIAL DISTRICT
_____ COUNTY

(Mag.) (Met.) Ct. No.

_____, Plaintiff
(appellant) (appellee)

against

_____, Defendant
(appellant) (appellee)

_____, Garnishee (if
applicable)

NOTICE OF APPEAL

_____ (plaintiff) (defendant)
_____ (other party) appeals to the district court
from the judgment or final order of the (magistrate)
(metropolitan) court entered in the above cause on the
_____ day of _____, 19____.

Signed

Name (print)

Address (*print*)

City, state and zip code (*print*)

Telephone number

(To be completed prior to filing
with the clerk of the district court.

Proof of service is required for each party.)

CERTIFICATE OF SERVICE BY ATTORNEY

I certify that I caused a copy of this notice of appeal to
be served on the following persons or entities by (delivery)
(mail) on this _____ day of _____ ,
19_____ :

(1) _____
(*Name of party*)

(*Address*)

(2) _____
(*Name of party*)

(*Address*)

(Attorney for appellant)

Signature

Date of signature

AFFIDAVIT OF SERVICE OF PARTY

I declare under penalty of perjury that a copy of this
notice of appeal was served on the following persons or entities
by (delivery) (mail) on this _____ day of
_____, 19_____ :

(1) _____
(Name of party)

(Address)

(2) _____
(Name of party)

(Address)

Signature of appellant

Date of signature
Subscribed and sworn to
before me this _____
day of _____, 19_____

Judge, notary or other officer
authorized to administer oaths

Official title

USE NOTES

1. *A copy of the judgment or final order appealed from, showing the date of the judgment or final order, shall be attached to the notice of appeal filed in the district court.*
[As amended, effective January 1, 1996.]

ANNOTATIONS

The 1996 amendment, effective January 1, 1996, rewrote the form, added the certificate of service and affidavit of service, and added the use note.

4-707A.

[1-072, 1-073, 2-706, 3-706]

STATE OF NEW MEXICO
IN THE DISTRICT COURT

Dist. Court No.

JUDICIAL DISTRICT

COUNTY

(Mag.) (Met.) Ct. No.

_____, Plaintiff
(appellant) (appellee)
against
_____, Defendant
(appellant) (appellee)
_____, Garnishee (if
applicable)

APPEAL BOND 1

Appeal bond is hereby set at \$ _____

Judge

USE NOTES

1. If a supersedeas bond is approved by the trial court, a copy of the bond shall be immediately filed with the District Court.

[Adopted, effective January 1, 1996.]

ANNOTATIONS

Effective dates. - Pursuant to a court order dated November 15, 1995, this form is effective January 1, 1996.

4-708.

[2-705, 3-706]

STATE OF NEW MEXICO
IN THE _____ COURT
_____ COUNTY

No.

_____, Plaintiff
against
_____, Defendant

_____, Garnishee

TITLE PAGE OF TRANSCRIPT OF CIVIL PROCEEDINGS

1. _____
Name of plaintiff or plaintiff's attorney

Address of plaintiff or plaintiff's attorney

2. _____
Name of defendant or defendant's attorney

Address of defendant or defendant's attorney

3. Attached: *(Please check appropriate boxes.)*

- COMPLAINT
- ANSWER
- OTHER PAPERS AND PLEADINGS
- JUDGMENT OR FINAL ORDER *(with date of filing)*
- EXHIBITS
- TRANSCRIPT OF THE PROCEEDINGS

Judge

[As amended, effective July 1, 1996.]

ANNOTATIONS

The 1996 amendment, effective for appeals filed after July 1, 1996, rewrote Paragraphs 1 and 2; and in Paragraph 3, substituted "other papers and pleadings" for "other pleadings and exhibits", substituted "judgment or final order *(with date of filing)*" for "final order or judgment (with date of filing noted thereon)", added "exhibits", and substituted "transcript of the proceedings" for "record of the hearing".

4-709.

[2-703, 3-704]

STATE OF NEW MEXICO
IN THE _____ COURT

COUNTY

No.

_____, Plaintiff
against

_____, Defendant

ORDER DECLARING JUDGMENT OF THIS COURT

SATISFIED IN FULL

A motion having been made for an order of this court declaring the judgment in the above case to be satisfied in full and the court being satisfied that notice has been given to the defendant in accordance with the Rules of Civil Procedure and further that the judgment and any post-judgment costs and interest has been paid in full:

[] to the judgment creditor.

[] by deposit with this court of a (money order) (cashier's check) made payable to the administrative office of the courts in an amount equal to the full amount of such judgment, costs and interest.

IT IS ORDERED that the judgment in the above case is satisfied in full.

_____,
19 _____

Judge

[Effective October 1, 1991.]

4-710.

[2-703, 3-704]

STATE OF NEW MEXICO
IN THE _____ COURT

_____ COUNTY

No.

_____, Plaintiff
against

_____, Defendant

ORDER SETTING ASIDE JUDGMENT, ORDER

OR WRIT OF THIS COURT

A motion having been made to set aside the (judgment) (an order _____) (writ _____) entered in the above styled case on the _____, day of _____ 19_____, upon the grounds that such

(judgment) (order) (writ):

[] was entered because of (a) (mistake) (inadvertence) (surprise) (excusable neglect) (fraud).
[] is void because

(set forth the reason the judgment is void)

The court having held a hearing finds that the motion was timely filed and there are good grounds to grant the relief requested.

IT IS ORDERED that the above (judgment) (order) (writ) be set aside.

[It is further ordered that

_____]

(set forth if other proceedings or trial is to be held)

Dated:

_____'

19 _____

Judge
[Effective October 1, 1991.]

ARTICLE 8 SPECIAL PROCEEDINGS

4-801.

[2-801, 3-801]

STATE OF NEW MEXICO

IN THE _____ COURT
_____ COUNTY No.

_____, Plaintiff
_____, Plaintiff's Address
v.
_____, Defendant
_____, Defendant's Address

WRIT OF EXECUTION

THE STATE OF NEW MEXICO to the sheriff or a full-time salaried deputy sheriff of any New Mexico county:

Judgment having been entered in this action, you are ordered to levy against personal property of _____ at _____ in your county, the sum of \$ _____ (which is the judgment and costs to date) plus interest at the rate of _____ % per year from the _____ day of _____, 19 _____ (date of judgment), and your fees thereon, and return this writ to me within sixty (60) days.

19 _____ ,

udge or clerk

J

(This form may also be issued as a second or subsequent writ.)

RETURN

I certify that I carried out this writ of execution, as follows:

(check appropriate box or boxes and fill in blanks)

The writ was served on judgment debtor on _____, 19_____, and

full payment was made

partial payment was made in the amount of \$ _____

No non-exempt personal property of judgment debtor was found on which levy could be made.

Property seized:

Personal property was taken into custody on _____, 19_____. A written inventory is attached.

Judgment debtor provided bond to retain possession; a copy of the bond is attached.

Date of return: _____

SHERIFF OF

COUNTY, State of New Mexico

By

Deputy or other authorized person

USE NOTES

The sheriff is obligated by law to make timely return.

Only non-exempt property may be seized. The sheriff may not seize any personal clothing, furniture or books or any jewelry unless the total value of all jewelry exceeds \$2500.

[As amended, effective July 1, 1992; January 1, 1995; January 1, 1996.]

ANNOTATIONS

The 1992 amendment, effective July 1, 1992 for use in the magistrate and metropolitan courts, substituted "any New Mexico county" for "said county" and "your County" for "this County" and inserted "or Clerk" in the Writ of Execution and rewrote the Return.

The 1995 amendment, effective January 1, 1995, added the lines for the addresses of the parties in the caption, and deleted "or clerk" following "judge" below the signature line of the writ of execution.

The 1996 amendment, effective January 1, 1996, substituted "a second or subsequent writ" for "an alias or pluries writ" in the parenthetical following the writ form, substituted "non-exempt personal property" for "personal property" in the second alternative in the Return, and added the last paragraph in the use notes.

4-801A.

[1-065.1]

STATE OF NEW MEXICO
IN THE DISTRICT COURT

_____ COUNTY No.

_____, Plaintiff
v.
_____, Defendant

WRIT OF EXECUTION

THE STATE OF NEW MEXICO to the sheriff or a full-time salaried deputy sheriff of any New Mexico county:

Judgment having been entered in this action, you are ordered to levy against property of _____ at _____ in your county, the sum of \$ _____ (*which is the judgment and costs to date*) plus interest at the rate of _____ % per year from the _____ day of _____, 19____ (*date of judgment*), and your fees thereon, and return this writ to me within sixty (60) days.

19 _____ ,
_____ Judge or clerk

(This form may also be issued as a second or subsequent writ.)

RETURN

I certify that I carried out this writ of execution, as follows:

(*check appropriate box or boxes and fill in blanks*)

[] The writ was served on judgment debtor on

_____, 19____, and
[] full payment was made
[] partial payment was made in the amount of

[] No non-exempt property of judgment debtor was found on which levy could be made.

Property seized:

[] I levied upon the following real property

[] Personal property was taken into custody on _____, 19____. A written inventory is attached.

[] Judgment debtor provided bond to retain possession. A copy of the bond is attached.

Date of return: _____
SHERIFF

OF _____
COUNTY, State of New Mexico
By

Deputy or other authorized person

USE NOTE

*(The sheriff is obligated by law to make timely return.)
Only non-exempt property may be seized. The sheriff may not seize any personal clothing, furniture or books or any jewelry unless the total value of all jewelry exceeds \$2500.
[Effective July 1, 1992; January 1, 1996.]*

ANNOTATIONS

The 1996 amendment, effective January 1, 1996, substituted "a second or subsequent writ" for "an alias or pluries writ" in the parenthetical following the writ form, substituted "non-exempt personal property" for "personal property" in the second alternative in the Return, and added the last paragraph in the use notes.

4-802.

[1-065.1, 2-801, 3-801]

STATE OF NEW MEXICO
IN THE _____

COURT

No.

_____ COUNTY
_____, Plaintiff
against _____,
_____, Defendant

WRIT OF EXECUTION IN FORCIBLE ENTRY OR DETAINER

THE STATE OF NEW MEXICO to the sheriff or a full-time salaried deputy sheriff of said County:

Judgment having been entered for the Plaintiff in this action, you are ordered to remove the Defendant from the premises at

_____ and to restore possession of said premises to Plaintiff, without unnecessary delay, and to levy against personal property of the Defendant in this County, the sum of \$ _____ plus interest at the rate of _____ % per year, and your fees thereon, and return this writ to me within thirty (30) days.

_____,
19 _____
Judge

RETURN

I certify that I carried out this writ of execution by removing the Defendant from the premises and restoring possession of the premises to the Plaintiff on the _____ day of _____, 19_____

I certify that I carried out this order to levy, as follows:
(check appropriate box or boxes and fill in blanks)

- The writ was served on judgment debtor on _____, 19_____, and
- full payment was made
- partial payment was made in the amount of \$ _____
- No personal property of judgment debtor was found on which levy could be made.

Property seized:

- Personal property was taken into custody on

_____, 19____; a written inventory is attached.
[] Judgment debtor provided bond to retain possession; a copy of the bond is attached.

Date of return: _____
SHERIFF OF

COUNTY, State of New Mexico
By

Deputy

(The sheriff is obligated by law to make timely return)

[As amended, effective July 1, 1992.]

ANNOTATIONS

The 1992 amendment, effective July 1, 1992 for use in the district, magistrate and metropolitan courts, in the Return, substituted "Property seized:" for "[] Levy and Sale:" near the middle and deleted from near the end, lines relating to date of sale, amount of interest, amount of accrued costs, amount received, and amount paid to judgment creditor.

4-803.

[1-065.1, 2-801, 3-801]

STATE OF NEW MEXICO
IN THE _____ COURT No.

_____ COUNTY
_____, Plaintiff
against
_____, Defendant

CLAIM OF EXEMPTIONS ON EXECUTION

A JUDGMENT HAS BEEN ENTERED AGAINST YOU. ALL OF THE PROPERTY YOU POSSESS MAY BE SEIZED AND SOLD TO PAY THIS JUDGMENT. YOU MUST COMPLETE AND RETURN THIS FORM WITHIN TEN (10) DAYS TO CLAIM ANY STATUTORY EXEMPTION FROM THIS SEIZURE AND SALE.

(check only applicable boxes)

Part I. Homestead exemption

(This part is for use only in the district court.)

[] Judgment debtor owns, leases or is purchasing a dwelling house which judgment debtor occupies and is entitled to hold exempt a homestead in the amount of thirty thousand dollars (\$30,000) under Section 42-10-9 NMSA 1978.

Part II. Exemption in lieu of homestead exemption

(Parts II and III are for use in the district court, magistrate court and metropolitan court.)

[] Judgment debtor is a resident of this state who does not claim a homestead exemption, but claims an exemption of real or personal property in the amount of two thousand dollars (\$2,000) under Section 42-10-10 NMSA 1978. The property claimed to be exempt is as follows:

LIST

PROPERTY **STATED VALUE**

\$ _____

\$ _____

(Attach additional page if necessary)

Part III. Personal property exemptions

Unless the judgment debtor files a written waiver of exemption, the sheriff may not seize the judgment debtor's personal clothing, furniture or books.

In addition to the property claimed or listed as exempt above, the judgment debtor hereby claims the following exemptions:

(check only applicable boxes)

[] personal property worth up to \$500

LIST

ITEMS **STATED VALUE**

\$ _____

(Attach additional page if necessary)

[] tools of the trade worth up to \$1,500.

Occupation of judgment debtor: _____

LIST

ITEMS **STATED VALUE**

\$ _____

(Attach additional page if necessary)

[] one motor vehicle worth up to \$4,000 or that amount of equity in a more valuable vehicle

MAKE, MODEL AND YEAR OF VEHICLE **FAIR MARKET VALUE**

\$ _____
Amount of any lien on vehicle: \$ _____ .

[] jewelry worth up to \$2,500

LIST JEWELRY
ITEMS **STATED VALUE**

\$ _____
(Attach additional page if necessary)

[] medical-health equipment being used for the health of the claimant or a member of the household of the claimant and not in a profession; *(Attach separate sheet setting forth items claimed and the name of the household member and the medical condition of the member.)*

[] pensions or retirement funds;

[] not more than \$5,000 in benefits from a benevolent association of which the judgment debtor is a member;

[] building materials not financed by the judgment creditor in this action as provided by Section 48-2-15 NMSA 1978;

[] a partner's interest in specific partnership property subject to the limitations of Section 54-1-25 NMSA 1978;

[] worker's compensation benefits subject to the limitations of Section 52-1-52 NMSA 1978;

[] occupational health benefits as provided by Section 52-3-37 NMSA 1978;

[] unemployment compensation benefits subject to the limitations of Section 51-1-37 NMSA 1978 for necessities furnished while the debtor was unemployed and child support;

[] public assistance and welfare benefits;

[] cash surrender values and benefits of life insurance contracts;

[] payment from life, accident and health insurance policies or annuity contracts;

[] crime victims' reparation fund payments;

[] fraternal benefit society benefits;

[] the minimum amount of shares necessary for certain cooperative associations subject to the limitations provided by Section 53-4-28 NMSA 1978;

[] the debtor's membership interest in the property of a club or association pursuant to Section 53-10-2 NMSA 1978;

[] oil and gas equipment not financed by the judgment creditor to be used for purposes for which it was purchased as provided by Section 70-4-12 NMSA 1978;

[] a family allowance to a decedent's surviving spouse and children subject to the limitations of Sections 45-2-401 and 45-2-402 NMSA 1978;

THIS LIST MAY NOT BE COMPLETE. YOU MAY CLAIM ANY OTHER EXEMPTION PERMITTED BY LAW BY COMPLETING THE FOLLOWING:

[] other exemption
(specify) _____

I am aware of my exemption rights:

[] I desire to claim my exemption rights

[] I waive my right to claim my exemption rights to the following property

LIST

ITEMS

STATED VALUE

\$ _____

(Attach additional page if necessary)

I understand that by waiving my statutory right to exempt property, this property may be seized and sold.

YOU MUST RETURN A COMPLETED AND SIGNED COPY OF THIS FORM TO THE CLERK OF THE COURT WHOSE ADDRESS IS SHOWN BELOW. YOU MUST ALSO SERVE A COPY ON THE JUDGMENT CREDITOR.

19 _____ ' _____

Signature of

judgment debtor

Return to clerk of the court

Name of court
judgment debtor

Printed name of

Address
address or P.O. box

Street

City, state & zip code
state & zip code

City,

Telephone number

USE NOTE

The judgment creditor may dispute any of the claimed exemptions. If the judgment creditor disputes claimed exemptions and files a request for hearing on the claimed exemptions, the clerk will schedule a hearing on the claimed exemptions.

[As amended, effective January 1, 1986; July 1, 1992; May 1, 1994; January 1, 1996.]

ANNOTATIONS

The 1992 amendment, effective July 1, 1992 for use in the district, magistrate and metropolitan courts, rewrote this form to the extent that a detailed comparison would be impracticable.

The 1994 amendment, effective May 1, 1994, rewrote the paragraph in Part I to increase the amount of the exemption from \$20,000 to \$30,000, and to expand the applicability of the former section exemption.

The 1996 amendment, effective January 1, 1996, added the bold instruction line at the beginning of the form, rewrote Part III, rewrote the bold instruction line at the end of the form, and rewrote the use note.

4-804.

[1-065.1, 2-801, 3-801]

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
_____, 19_____ .

[] 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:

_____ ;

and
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.

19 _____ , _____

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

ANNOTATIONS

The 1992 amendment, effective July 1, 1992 for use in the district, magistrate and metropolitan courts, rewrote this form to the extent that a detailed comparison would be impracticable.

The 1996 amendment, effective January 1, 1996, rewrote Paragraphs 4 and 5 of the findings, and rewrote Paragraphs 2 and 3 of the order.

4-805.

[1-065.2, 2-802, 3-802]

STATE OF NEW MEXICO
IN THE _____ COURT No.

_____ COUNTY
_____, Plaintiff
against _____
_____, Defendant

APPLICATION FOR WRIT OF GARNISHMENT

_____ the judgment creditor,
states:

(1) The judgment creditor has a judgment dated _____ 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 totals \$ _____.

• Payments totaling \$ _____ have been received.
The unpaid balance now due is \$ _____ (*insert this amount on Rule 4-806 as "Balance Due upon Application for Writ"*) plus interest from the date this Application is executed. Under the statute, costs of 10% and fees of up to 10% may be allowed.

The estimated costs would equal \$ _____ ; and the judgment creditor will seek \$ _____ in attorney fees.

(2) Judgment debtor, to my knowledge, does not have sufficient property within New Mexico subject to execution to satisfy the judgment. *(This allegation is not necessary prior to garnishment of funds for child support or alimony obligations.)*

(3) I have reason to believe, and do believe, that the garnishee, _____
(name of garnishee) _____ *(address)*, holds or controls money or personal property which belongs to the judgment debtor or is indebted to the judgment debtor. The money or property held by the garnishee is not exempt from garnishment.

Therefore judgment creditor requests a Writ of Garnishment.

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

(application must be sworn to
unless signed by an attorney)

Subscribed and sworn to before me this _____ day
of _____, 19_____

(seal)

Notary or other officer authorized
to administer oaths

[As amended, effective June 15, 1986; January 1, 1987; July 1,
1992; January 1, 1996.]

ANNOTATIONS

The 1992 amendment, effective July 1, 1992 for use in the district, magistrate and metropolitan courts, in Item (1), substituted "upon Application for Writ" for "per Application"; in Item (2), added the parenthetical at the end; and deleted former Item (4), relating to said garnishee being a commercial bank, savings and loan association, credit union or representative payee.

The 1996 amendment, effective January 1, 1996, deleted "and affidavit" from the form heading, and added the "Affidavit" heading and the parenthetical use note preceding the affidavit form.

4-806.

[1-065.2, 2-802, 3-802]

STATE OF NEW MEXICO

IN THE _____ COURT

No.

_____ COUNTY

_____, Plaintiff
against

_____, Defendant

Garnishee

Address

Balance Due Upon Application for Writ: \$ _____
Includes Interest at _____ %
Through _____ , 19 _____

WRIT OF GARNISHMENT

THE STATE OF NEW MEXICO to _____ ,
garnishee.

_____ is the judgment debtor in this case and
owes the amount set out above to the judgment creditor
_____ whose address is
_____ .

The above judgment creditor believes that you hold or
control money or property which belongs to the judgment debtor.

YOU ARE ORDERED to file a written answer with the
_____ court located at _____ within
twenty (20) days from the day you receive this writ. Your
answer must be under oath and on the attached form (*answer by
garnishee*).

YOU ARE FURTHER ORDERED, as follows:

1. If you owe the judgment debtor any money (other than
wages), or become indebted to the judgment debtor before filing
your answer, you must keep a sufficient amount of that money to
satisfy the judgment and all costs and attorney fees due as a
result of service of this writ and not pay it to the judgment
debtor, unless this court enters an order releasing this writ of
garnishment.

2. If the judgment debtor is an employee of yours, unless the
debt is for child support, you shall pay the judgment debtor
only

A. 75% of the debtor's disposable earnings (salary less
social security, federal and state withholdings, and any other
deduction required by law) for any pay period;

OR

B. an amount each week equal to forty times the federal
minimum hourly wage rate;
whichever is greater.

If the debt is for child support payments, you shall pay the
judgment debtor 50% of the debtor's disposable earnings (*salary
less social security, federal and state withholding*).

Any wages you owe the employee in excess of that amount or
that you may come to owe the employee in excess of that amount
must be kept by you until further order of this court. (*A table
giving equivalent exemptions for pay periods of other than one*

(1) week may be obtained from the Financial Institutions Division of the Regulations and Licensing Department, 725 St. Michaels Drive, Santa Fe, New Mexico 87503.)

3. If you have any property which belongs to the judgment debtor including any rights, credits, bonds, bills, notes, drafts and other rights to property or money which belongs to the judgment debtor or if you acquire any such property, money or rights to property or money before filing your answer, you must keep a sufficient amount of that property to satisfy the existing judgment and costs and not turn it over to the judgment debtor unless the court enters an order releasing the property or money.

4. If you hold property or money belonging to the judgment debtor, within four (4) business days after service of this writ you are to mail or deliver a copy of this writ and the application for writ provided by the judgment creditor. If you hold property or money of the judgment debtor's other than wages, you shall also mail or deliver to the judgment debtor, the attached notice of right to claim exemptions and a copy of the attached claim of exemption forms, to each person identified as a judgment debtor. You shall also send or deliver a copy of your answer to this writ to the judgment debtor and to the judgment creditor.

5. The court will be asked to enter an order awarding \$ _____ for the judgment creditor's costs relative to the service of the writ of garnishment and \$ _____ for judgment creditor's attorney's fees in connection with the writ of garnishment in addition to \$ _____, the "Balance Due Application for Writ".

THIS IS A COURT ORDER. If you fail to file the answer, or if you disobey any of these orders, a judgment may be entered against you for the full amount of the unpaid judgment in this case.

(Seal)

Judge or clerk

RETURN

STATE OF NEW MEXICO)
) ss.
COUNTY OF _____)

RETURN FOR COMPLETION BY SHERIFF OR DEPUTY:

I certify that I served this writ in said county on the _____ day of _____, 19_____, by delivering a copy of the writ, a copy of the application for

writ, a copy of a form for answer by garnishee, a copy of a notice of right to claim exemptions for each judgment debtor and a copy of the claim of exemption form for each judgment debtor to _____ garnishee.

By _____
Name

Title

Fees:

SHERIFF OF _____
COUNTY, State of New Mexico

By _____
Deputy

RETURN FOR COMPLETION BY OTHER PERSON MAKING SERVICE:

I, being duly sworn, on oath, say that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this writ in said county on the _____ day of _____, 19_____, by delivering a copy of the writ, a copy of the application for writ, a copy of a form for answer by garnishee, a copy of a notice of right to claim exemptions for each judgment debtor and a copy of the claim of exemption form for each judgment debtor to _____ garnishee.

By _____
Name

Title

Signature of private person
making service

Subscribed and sworn to before me this
_____ day of _____, 19_____

Judge, notary or other officer
authorized to administer oaths

Official title

[As amended, effective June 15, 1986; January 1, 1987; July 1, 1992; January 1, 1996.]

ANNOTATIONS

The 1992 amendment, effective July 1, 1992 for use in the district, magistrate and metropolitan courts, rewrote this form to the extent that a detailed comparison would be impracticable.

The 1996 amendment, effective January 1, 1996, substituted "unless the court enters an order releasing this writ of garnishment" for "unless this court gives permission" in Paragraph 1, substituted "unless the court enters an order releasing the property or money" for "unless and until this court gives permission" in Paragraph 3, and rewrote Paragraph 4.

4-807.

[1-065.2, 2-802, 3-802]

STATE OF NEW MEXICO
IN THE _____ COURT No.

_____ COUNTY
_____, Plaintiff
against _____, Defendant
_____, Garnishee

ANSWER BY GARNISHEE

In answer to the writ of garnishment, garnishee states:
(complete only applicable parts of this form)

1. Wages

I do not employ the judgment debtor or pay the judgment debtor any wages.

The judgment debtor was my employee but is not any longer. Judgment debtor's employment was ended _____, 19_____, before I was served with the writ of garnishment.

I pay the judgment debtor \$ _____ (per week) (per hour) (per _____) as wages.

GROSS WAGES per pay period \$ _____
Federal income tax F.I.C.A. \$ _____ \$ _____

State income tax \$ _____

Other deduction required by law \$ _____

NET WAGES per pay period \$ _____

75 Percent of net wages per pay
period \$ _____
40 times weekly federal minimum
wage for each week in pay
period
\$ _____

2. Money other than wages

I do not now owe the judgment debtor any money.
 I owe the judgment debtor \$ _____ .
 I did not owe the judgment debtor any money at the time of the service of the writ of garnishment; however, between the date of the service of the writ of garnishment and the date of filing this answer the sum of \$ _____ belonging to the judgment debtor came into my possession.
 On the date of this answer I do not now owe the judgment debtor any money.

3. Property other than money

I have no property of the judgment debtor in my possession and have not received any since receiving the writ of garnishment.
 I have in my possession the following property which belongs to the judgment debtor:
(description) (approximate value)
_____ \$ _
_____ \$ _

4. Wage withholding

(check and complete applicable alternatives)
 I am presently withholding _____ % of the judgment debtor's net disposable earnings pursuant to the Support Enforcement Act. (Attach a copy of order and file it with this answer.)
 I have been served with other writs or orders to withhold wages of the above judgment debtor which have not been satisfied. (If you have been served with other writs of garnishment or court orders to withhold wages of the above judgment debtor, attach and file a copy of each writ or order with this answer.)

5. Money other than wages

I have been served with other writs or orders to withhold money owed to the above judgment debtor which have not yet been satisfied. (Attach a copy of each order and file it with this answer.)

6. Service requirements compliance

[] I have sent the following papers which have been provided to me by the judgment creditor to the judgment debtor:
if wages withheld: a copy of the application for a writ of garnishment; the writ of garnishment; and a copy of this answer have been mailed to each judgment debtor.

if money or property other than wages withheld: a copy of the application for a writ of garnishment; the writ of garnishment; a notice of right to claim exemptions; a claim of exemption form and a copy of this answer have been mailed to each judgment debtor.

[] I am not aware of the location or address of the judgment debtor and therefore am unable to serve the notices set forth in this paragraph.

[] A copy of this answer has been mailed or delivered to the judgment creditor.

7. Attorneys fees

[] The garnishee has incurred \$ _____ in attorney's fees in preparing this answer.

The undersigned, the named garnishee, or an officer, partner or authorized representative of the named garnishee verifies that the foregoing answer by garnishee is true to the best of garnishee's knowledge and belief; that the undersigned is the custodian of the records upon which the answer is based, and that the answer is true and correct based upon these records.

Printed name of person signing

Garnishee
Subscribed and sworn to before
me this _____ day of _____
_____, 19____

Judge, notary or other officer
authorized to administer oaths

[As amended, effective June 15, 1986; January 1, 1987; July 1, 1992; January 1, 1996.]

ANNOTATIONS

Cross-references. - For attorney fees and costs, see 35-12-16 NMSA 1978.

For garnishments, see 35-12-18 NMSA 1978.

For child support withholding, see 40-4A-4.1 NMSA 1978 and 40-4A-6 NMSA 1978.

For duties of payor, see 40-4A-8 NMSA 1978.

For maximum allowable garnishment under federal law, see 15 U.S.C. § 1673.

For student loan requirements, see 20 U.S.C. § 1095a.

The 1992 amendment, effective July 1, 1992 for use in the district, magistrate and metropolitan courts, made a gender neutral substitution in Item 1; rewrote Item 6; added the present Item 7 designation and inserted therein "or delivered" and "and judgment debtor"; and redesignated former Item 7 as present Item 8.

The 1996 amendment, effective January 1, 1996, rewrote the form.

4-808.

[1-065.2, 2-802, 3-802]

STATE OF NEW MEXICO
IN THE _____ COURT No.

_____ COUNTY
_____, Plaintiff
against
_____, Defendant

NOTICE OF RIGHT TO CLAIM EXEMPTIONS (GARNISHMENT)

1. THE JUDGMENT CREDITOR IS GARNISHING YOUR PROPERTY WHICH MAY INCLUDE YOUR BANK ACCOUNT:

A ruling has been made in this case that you owe money to the judgment creditor. The judgment creditor has started to collect that money from your property which may include your bank account.

2. PURPOSE OF THIS NOTICE:

This notice is to tell you that some kinds of property or money may NOT be taken from you even after the court has ruled that you owe the judgment creditor money. These funds or property are protected under federal or state law. Money or property which may not be taken is called "exempt" property. You may claim an exemption by filing with the court a claim of exemption (garnishment) form. There are limits on how much of your wages may be taken. You do not need to file a

claim of exemption form to protect your exempt wages.

Here is a list of some exempt money and property. Other kinds of money or property not listed may also be exempt. YOU MAY WISH TO CONSULT AN ATTORNEY BEFORE COMPLETING AND FILING THIS FORM.

3. PARTIAL LIST OF EXEMPTIONS:

- a. social security benefits (OASDI, SSI);
- b. public assistance benefits (AFDC, welfare, GA);
- c. life, accident or health insurance proceeds;
- d. workers' compensation benefits (part may be garnished for child support);
- e. occupational health benefits;
- f. unemployment compensation benefits subject to the limitations of Section 51-1-37 NMSA 1978;
- g. veterans' benefits;
- h. pensions or retirement funds;
- i. a partner's interest in specific partnership property subject to the limitations of Section 54-1-25 NMSA 1978;
- j. crime victims' reparation fund payments;
- k. a family allowance to a decedent's surviving spouse and children, subject to the limitations of Sections 45-2-401 and 45-2-402 NMSA 1978;
- l. the minimum amount of shares necessary for certain cooperative associations as provided by Section 53-4-28 NMSA 1978;
- m. fraternal benefit society payments;
- n. oil and gas equipment not financed by the judgment creditor to be used for purposes for which it was purchased as provided by Section 70-4-12 NMSA 1978.

4. HOW TO PROTECT EXEMPT PROPERTY:

A "claim of exemption (garnishment)" form is attached for you to complete and file with the court. YOU MUST COMPLETE AND RETURN THE ATTACHED CLAIM OF EXEMPTIONS (GARNISHMENT) FORM TO THE CLERK OF THE COURT WITHIN TEN (10) DAYS AFTER SERVICE OF THIS NOTICE UPON YOU. YOU MUST ALSO SERVE A COPY OF THE COMPLETED AND SIGNED CLAIM OF EXEMPTIONS (GARNISHMENT) FORM ON THE JUDGMENT CREDITOR AND ON THE GARNISHEE.

If the judgment creditor disputes a claimed exemption, the clerk or the judge will notify you of the date and time for a court hearing on your claim. You must go to that hearing and explain why your money or property is exempt. You must bring to the hearing any proof that your money or property is exempt.

If you do not complete and file the claim of exemptions (garnishment) form within ten (10) days and attend the hearing, your money or property may be turned over to the judgment creditor.

DO NOT FILE THE CLAIM OF EXEMPTION FORM TO PROTECT ONLY WAGES.

YOU SHOULD COMPLETE AND RETURN THE CLAIM OF EXEMPTION FORM TO THE CLERK OF THE COURT WITHIN TEN (10) DAYS AFTER SERVICE OF THIS FORM UPON YOU. MAKE A COPY OF THE COMPLETED FORM FOR YOUR RECORDS AND SERVE A COPY ON THE JUDGMENT CREDITOR AND ON THE GARNISHEE.

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

ANNOTATIONS

The 1992 amendment, effective July 1, 1992 for use in the district, magistrate and metropolitan courts, added the reference to Rule 1-065.1 at the beginning, rewrote Items 3(e), 3(f), and 3(h), added Items 3(i) to 3(n), and, near the beginning of Item 4, substituted "three (3) copies" for "two (2) copies".

The 1996 amendment, effective January 1, 1996, in Paragraph 2, deleted the former second sentence in the first paragraph which read: "There are limits on how much of your wages can be taken", added the last sentence of the first paragraph, and added the last sentence of the second paragraph; and rewrote Paragraph 4.

4-808A.

[1-065.1, 2-801, 3-801]

STATE OF NEW MEXICO
IN THE _____ COURT No.

_____ COUNTY
_____, Plaintiff
against _____
_____, Defendant

NOTICE OF RIGHT TO CLAIM EXEMPTIONS FROM EXECUTION

1. THE JUDGMENT CREDITOR (IS SEIZING) (HAS A RIGHT TO SEIZE) 1 YOUR PROPERTY

A ruling has been made in this case that you owe money to the judgment creditor. The judgment creditor may collect that money from seizure and sale of your property. *(Before the judgment creditor has the sheriff seize your property, you may have a right to claim exemptions of certain property.)*

2. PURPOSE OF THIS NOTICE:

This notice is to tell you that some kinds of property or money may NOT be taken from you even after the court has ruled that you owe the judgment creditor money. This property is

protected under state law. The property which may not be taken is called "exempt property". YOU MUST FILE A CLAIM OF EXEMPTION FORM TO CLAIM ANY EXEMPT PROPERTY. YOU MAY WISH TO CONSULT WITH AN ATTORNEY BEFORE COMPLETING AND FILING THE CLAIM OF EXEMPTION FORM.

Here is a list of some exempt money and property. Other kinds of money or property not listed may also be exempt.

3. PARTIAL LIST OF EXEMPTIONS FROM EXECUTION

Part I. Homestead exemption

(This exemption may only be used in the district court.)

A judgment debtor who owns, leases or is purchasing a dwelling occupied by the judgment debtor is entitled to hold as exempt property a homestead in the amount of thirty thousand dollars (\$30,000) under Section 42-10-9 NMSA 1978.

Part II. Exemption in lieu of homestead exemption

(Parts II and III are for use in the district court, magistrate court and metropolitan court.)

Residents of this state who do not claim a homestead exemption are entitled to an exemption of real or personal property in the amount of two thousand dollars (\$2,000) under Section 42-10-10 NMSA 1978. You may not claim this exemption if you claimed a homestead exemption above.

Part III. Personal property exemptions

In addition to the property claimed as exempt above, judgment debtors are entitled to claim certain personal property exemptions. Most of those exemptions are listed below.

- a. personal property worth up to \$500;
- b. tools of the trade worth up to \$1,500;
- c. a motor vehicle worth up to \$4,000 or that amount of equity in a more valuable vehicle;
- d. jewelry worth up to \$2,500;
- e. clothing, furniture, books and medical-health equipment being used for the health of the claimant or a member of the household of the claimant and not in a profession;
- f. pension or retirement funds;
- g. not more than \$5,000 in benefits from a benevolent association of which the judgment debtor is a member;
- h. building materials not financed by the judgment creditor in this action as provided by Section 48-2-15 NMSA 1978;
- i. a partner's interest in specific partnership property subject to the limitations of Section 54-1-25 NMSA 1978;
- j. worker's compensation benefits subject to the limitations of Section 52-1-52 NMSA 1978;
- k. occupational health benefits as provided by Section 52-3-37 NMSA 1978;
- l. unemployment compensation benefits subject to the limitations of Section 51-1-37 NMSA 1978 for necessities

- furnished while the debtor was unemployed and child support;
- m. public assistance and welfare benefits;
 - n. cash surrender values and benefits of life insurance contracts;
 - o. payment from life, accident and health insurance policies or annuity contracts;
 - p. crime victims' reparation fund payments;
 - q. fraternal benefit society benefits;
 - r. the minimum amount of shares necessary for certain cooperative associations subject to the limitations provided by Section 53-4-28 NMSA 1978;
 - s. the debtor's membership interest in the property of a club or association pursuant to Section 53-10-2 NMSA 1978;
 - t. oil and gas equipment not financed by the judgment creditor to be used for purposes for which it was purchased as provided by Section 70-4-12 NMSA 1978;
 - u. a family allowance to a decedent's surviving spouse and children, subject to the limitations of Sections 45-2-401 and 45-2-402 NMSA 1978.

You may not claim an exemption for personal property which is subject to a security interest under the Uniform Commercial Code given to the judgment creditor.

4. HOW TO PROTECT EXEMPT PROPERTY.

The sheriff may not seize your personal clothing, furniture and books or any jewelry unless the total value of all jewelry is more than \$2500. For other property, you must claim an exemption or it may be seized and sold. A claim of exemptions on execution form is attached for you to complete and file with the court.

YOU MUST COMPLETE AND RETURN THE ATTACHED CLAIM OF EXEMPTIONS ON EXECUTION FORM TO THE CLERK OF THE COURT WITHIN TEN (10) DAYS AFTER SERVICE OF THIS NOTICE UPON YOU. YOU MUST ALSO SERVE A COPY OF THE COMPLETED AND SIGNED CLAIM OF EXEMPTIONS ON EXECUTION FORM ON THE JUDGMENT CREDITOR.

If the judgment creditor disputes a claimed exemption, the clerk or the judge will notify you of the date and time for a court hearing on your claim. You must go to that hearing and explain why your money or property is exempt. You must bring to the hearing any proof that your money or property is exempt.

If you do not complete and file the claim of exemptions on execution form within ten (10) days and attend the hearing, your property may be seized and sold by the sheriff.

FAILURE TO COMPLETE AND FILE A CLAIM OF EXEMPTIONS ON EXECUTION FORM WITHIN TEN (10) DAYS AND SERVE A COPY ON THE JUDGMENT CREDITOR WILL RESULT IN THE LOSS OF YOUR RIGHT TO CLAIM AN EXEMPTION.

(The following proof of service may be used ONLY if

the judgment debtor has entered an appearance in the case.)

AFFIDAVIT OF SERVICE

I declare, under penalty of perjury, that this notice, a claim of exemptions on execution form and a copy of the judgment in the above cause of action were mailed on the _____ day of _____, 19_____ from _____ (street address or post office branch) in _____, New Mexico.

Signature

Date of signature

(If the judgment debtor has not entered an appearance, personal service of this notice must be made on the judgment debtor and the following Return of Service must be completed and filed with the court.)

R E T U R N

STATE OF NEW MEXICO)
) ss
COUNTY OF _____)

(check one box and fill in appropriate blanks)

[] I, being duly sworn, on oath, say that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served the notice of right to claim exemptions (executions) and a claim of exemptions on execution form (in said county) (in _____ County) on the _____ day of _____, 19_____, by delivering a copy thereof, with copy of the judgment attached, in the following manner:

(check only if service by sheriff or deputy)

[] I certify that I served the Notice of Right to Claim Exemptions (Execution) (in said county) (in _____ County) on the _____ day of _____, 19_____, by delivering a copy thereof, with copy of judgment attached in the following manner:

(check one box and fill in appropriate blanks)

to defendant _____
 to _____, a person over fifteen (15) years of age and residing at the usual place of abode of defendant _____, who at the time of such service was absent therefrom. Abode located at _____.

by posting a copy of the Notice of Right to Claim Exemptions in the most public part of the premises of defendant _____ (used if no person found at dwelling house or usual place of abode).
Abode located at _____.

to _____, an agent authorized to receive service of process for defendant _____.

to _____, (parent) (guardian) of defendant _____ (used when defendant is a minor or an incompetent person).

after due diligence I was unable to serve this notice.

Fees: _____

Signature of person making service

Title (if any)

Subscribed and sworn² to
before me this _____
day of _____, 19_____

Judge, notary or other officer
authorized to administer oaths

Official title

USE NOTE

¹ Strike out the inapplicable alternative.

² If service is made by the sheriff or a deputy sheriff of a New Mexico county, the signature of the sheriff or deputy need not be notarized.

[As amended effective January 1, 1993; May 1, 1994; January 1, 1996.]

ANNOTATIONS

The 1993 amendment, effective January 1, 1993, deleted "(clerk) (judge)" adjacent to the signature line in the "Notice of Right to Claim Exemptions from Execution".

The 1994 amendment, effective May 1, 1994, amended the heading of the first paragraph to add "(HAS A RIGHT TO SEIZE)1", to change "plaintiff" to "judgment creditor", to rewrite the second sentence and to add the last sentence of the paragraph; amended paragraph 3, Part I to increase the exemption from \$20,000 to \$30,000 and to substitute "A judgment debtor who owns, leases or is purchasing a dwelling occupied by the judgment debtor is" for "Married persons, widows, widowers and persons who are supporting another person".

The 1996 amendment, effective January 1, 1996, added the last sentence in Paragraph 2, deleted "state and local" preceding "pension" in Paragraph f of Part III, rewrote Paragraph 4, and substituted "a claim of exemptions on execution form" for "three copies of the claim of exemption form" in the Affidavit for Service form and in the first alternative in the Return form.

4-809.

[1-065.2, 2-802, 3-802]

STATE OF NEW MEXICO
 IN THE _____ COURT No.
 _____ COUNTY
 _____ , Plaintiff
 against _____ , Defendant
 _____ , Garnishee

CLAIM OF EXEMPTION FROM GARNISHMENT

Judgment debtor claims the following exemptions:
(check box next to exemption)

- a. social security benefits (OASDI, SSI);
- b. public assistance benefits (AFDC, welfare, GA);
- c. life, accident or health insurance proceeds;
- d. workers' compensation awards;

- e. [] unemployment compensation benefits;
- f. [] veterans' benefits;
- g. [] pensions and retirement funds;
- h. [] crime victims' reparation fund payments;
- i. [] allowances to surviving spouse and children from deceased's estate subject to the limitations of Sections 45-2-401 and 45-2-402 NMSA 1978;
- j. [] the minimum amount of shares necessary for certain non-profit cooperative associations as provided by Section 53-4-28 NMSA 1978;
- k. [] fraternal benefit society payments as provided by Section 59A-44-18 NMSA 1978.

A completed and signed copy of this form must be returned to the Clerk of the Court whose address is

A completed and signed copy of the claim of exemption form shall be served on the judgment creditor and the garnishee named above. If the judgment creditor disputes a claimed exemption, a court hearing will be scheduled to consider the disputed exemptions. At this hearing you must bring evidence supporting each of your claims of exemption.

| | |
|------|---------------------------------|
| | |
| Date | Signature of judgment debtor |
| | Printed name of judgment debtor |
| | Number and street or P.O. box |
| | City, state, zip code |
| | Telephone number |

[As amended, effective July 1, 1992; January 1, 1995; January 1, 1996.]

ANNOTATIONS

The 1992 amendment, effective July 1, 1992 for use in the district, magistrate and metropolitan courts, inserted "from" in the heading, rewrote Item g, added Items h to k, added the two sentences preceding the signature lines, and added the parenthetical at the end.

The 1996 amendment, effective January 1, 1996, near the end of the form, substituted "A completed and signed copy" for "Two (2) copies", inserted "A completed and signed copy of the claim of exemption form shall be served on the judgment creditor and the garnishee named above. If the judgment creditor disputes a claimed exemption", substituted "the disputed exemptions" for "the above exemptions", and deleted the former parenthetical use note relating to scheduling a hearing within 10 business days.

4-810. Withdrawn.

ANNOTATIONS

Withdrawals. - Pursuant to a supreme court order dated April 15, 1992, this form, providing the certificate of notice of garnishment, is withdrawn, effective on and after July 1, 1992.

4-810A.

[1-065.1, 1-065.2, 2-801, 2-802, 3-801, 3-802]

STATE OF NEW MEXICO

IN THE _____ COURT

_____ COUNTY

_____, Plaintiff
v. _____ No.

_____, Defendant

NOTICE OF DISPUTE AND REQUEST FOR HEARING¹

1. Assigned Judge: _____

2. [Execution proceeding] [Garnishment proceeding]²

The judgment [creditor disputes the following claimed exemptions] [debtor disputes the following]² and requests a hearing be held on this dispute

_____ Judgment creditor or attorney
(Requesting party shall attach a separate sheet listing the name, firm, capacity, address, and telephone number of each party entitled to notice and a stamped, addressed, plain (without return address) envelope for each party entitled to notice.)

NOTICE OF HEARING

A hearing is scheduled on the [disputed claims of exemption] [dispute]2 described above before the Honorable _____, at the _____ court located at _____ on _____ the _____ day of _____, 19_____, at the hour of _____ .m.
19_____'
_____ Judge _____

USE NOTES

1. A hearing must be held within 10 business days of the filing of this form. The clerk will file the request for hearing and endorse the copy for the assigned judge. The court shall give notice of the hearing on the disputed claim of exemption by mailing a copy of this form to the judgment debtor, judgment creditor and the garnishee, if any.)

2. Use applicable alternative.

[Adopted, effective January 1, 1996.]

ANNOTATIONS

Effective dates. - Pursuant to a court order dated November 6, 1995, this form is effective January 1, 1996.

4-811.

[1-065.2]

STATE OF NEW MEXICO

IN THE _____ COURT

No.

_____ COUNTY

_____, Plaintiff
(Judgment creditor)
v.
_____, Defendant
(Judgment debtor)
_____, Garnishee

JUDGMENT ON WRIT OF GARNISHMENT, CLAIM OF
EXEMPTION AND ORDER TO PAY

This matter coming before the court, the court finds:

[] 1. At the time the writ of garnishment was served on the garnishee, the amount of \$_____ was unpaid and owing to the judgment creditor.

[] 2. As a result of this garnishment proceeding, judgment creditor has spent additional costs and fees of \$_____.

[] 3. The total amount of judgment and costs to date are \$_____ plus interest of _____ % per year from _____, 19_____.

[] 4. The garnishee is not an employer of the judgment debtor and has also certified that it has mailed copies of the application for a writ of garnishment; the writ of garnishment; notice of right to claim exemptions and a claim of exemption form and a copy of its answer to the judgment debtor(s) or their attorney of record, if any.

[] 5. The judgment debtor:

[] has not filed a claim of exemption;

[] has filed a claim of exemption and the judgment creditor has not disputed the claim of exemption for the following property and such money or property is therefore exempt:

_____;
or
[] has filed a claim of exemption which has been disputed and after a hearing, the court finds that the following property is exempt from garnishment:

6. The garnishee:
 is in default;
 is indebted to the judgment debtor in the amount of
\$ _____ ;
 is indebted to the judgment debtor for wages;
 is not indebted to the judgment debtor;
 holds property of the judgment debtor;
 does not hold property of the judgment debtor.

7. Pursuant to the Support Enforcement Act, the garnishee:
 is withholding \$ _____ of the judgment debtor's income pursuant to a Notice to Withhold Income;
or
 is not withholding any income of the judgment debtor pursuant to such a Notice.

8. Pursuant to Section 35-12-16 NMSA 1978, the judgment creditor:
 is entitled to additional fees and costs of
\$ _____ ;
or
 is not entitled to additional fees and costs.

THE COURT ORDERS:

1. Default judgment against garnishee

The judgment creditor recover from the garnishee the sum of \$ _____ , plus 15% per annum interest from the date the application was executed, the garnishee having failed to answer the writ; or

2. Payment of money other than wages

The judgment creditor recover from the garnishee the sum of \$ _____ , which includes _____ % per annum interest thereon from the date the application was executed to the date the answer was filed, such sum being held by garnishee other than as wages;
or

3. Wage withholding other than child support

The judgment being other than for child support, the judgment creditor recover from the garnishee the sum of \$ _____ , plus interest at the original judgment rate, until paid in full, to be deducted from the judgment debtor's wages.

The garnishee shall pay the judgment debtor only:

(a) 75% of judgment debtor's disposable earnings (*salary less social security, federal and state tax withholdings, and any other deduction required by law*) for any pay period;

OR

(b) any amount each week equal to forty times the federal minimum hourly wage rate;

whichever is greater.

The balance of the judgment debtor's disposable earnings shall be paid over to the judgment creditor each payday until the judgment herein is satisfied, after this balance is first used to pay any prior garnishment. If the wages of the judgment debtor are not subject to garnishment because of the application of the formula set forth above, this order shall continue and shall automatically take effect when the wages of the judgment debtor shall increase to an amount which creates disposable earnings based upon the formula set forth above.

4. Wage withholding for child support

No prior writ or order. The order or decree being for child support, the judgment creditor shall recover from the garnishee the sum of \$ _____, plus interest at the original judgment rate, until paid in full, to be deducted from the judgment debtor's wages. The garnishee shall pay the judgment debtor 50% of judgment debtor's disposable earnings (salary less social security, federal and state tax withholdings, and any other deduction required by law) for any pay period. If there is no prior garnishment, the balance of the judgment debtor's disposable earnings each payday shall be paid to satisfy this judgment.

Prior writ or order. If there is a prior garnishment (one that was served on the garnishee prior to the date and time the garnishment in this case was served), up to fifty percent (50%) of the judgment debtor's disposable earnings each pay period shall be paid as follows:

first, the amount provided for in the judgment entered on the prior writ of garnishment shall be applied to the prior garnishment. If a judgment has not yet been entered on the prior writ of garnishment, the garnishee shall withhold the amount ordered by the prior writ of garnishment to be applied to the prior writ of garnishment when the judgment is entered;

next, until all prior writs have been fully satisfied the remainder of the balance of fifty percent (50%) of the judgment debtor's disposable earnings, shall be paid to this judgment creditor to satisfy the child support order. Upon satisfaction of all prior writs of garnishment, the entire balance of the judgment debtor's disposable earnings shall be applied to satisfy this child support order judgment. If the wages of the judgment debtor are not subject to garnishment because of the application of the formula set forth above, this order shall continue and shall automatically take effect when the wages of the judgment debtor shall increase to an amount which creates disposable earnings based upon the formula set forth above.

Prior child support writ. Upon motion of the judgment debtor, this court orders the distribution of the judgment

debtor's child support obligations as follows:

If the moneys being withheld pursuant to a notice to withhold income under the Support Enforcement Act exceed the otherwise garnishable amounts this garnishment shall continue in effect until the notice to withhold income has been voided, modified, suspended or terminated, at which time the full amount allowed for garnishment shall be paid to the judgment creditor.

If the wages being withheld pursuant to a notice to withhold income under the Support Enforcement Act are less than twenty-five percent (25%) of the judgment debtor's disposable earnings, the difference between the amount withheld for child support and the amount equal to twenty-five percent (25%) of the judgment debtor's disposable earnings, shall be paid to the judgment creditor, until the child support notice to withhold income has been voided, modified, suspended or terminated, at which time the full amount allowed for garnishment shall be paid to the judgment creditor.

5. Money or property other than wages

The money or property held by the garnishee is exempt from garnishment and the writ of garnishment in this case is hereby released and discharged; and the garnishee no longer has any obligation to withhold wages, money or property from the judgment debtor on account of that writ.

The garnishee, having no money or property of the judgment debtor, is discharged and released from the writ of garnishment.

The garnishee shall turn over to the judgment creditor the property of the judgment debtor shown on Exhibit A attached hereto.

6. Costs and fees

The judgment creditor is awarded, in addition to the above amounts, the sum of \$ _____ as additional costs and fees pursuant to Section 35-12-16 NMSA 1978.

The garnishee shall be reimbursed \$ _____ for its costs and \$ _____ for its attorney's fee, the same to be paid by the _____. If paid by the judgment debtor said sum shall be paid from the first moneys otherwise payable to the judgment creditor but shall not reduce the amount the judgment creditor is to be paid, as ordered above.

Judge
[As amended, effective June 15, 1986; January 1, 1987; July 1, 1992; January 1, 1996.]

ANNOTATIONS

Cross-references. - For attorney fees and costs, see 35-12-16 NMSA 1978.

For garnishments, see 35-12-18 NMSA 1978.

For support enforcement, see Chapter 40, Article 4A NMSA 1978.

For maximum allowable garnishment under federal law, see 15 U.S.C. § 1673.

For student loan requirements, see 20 U.S.C. § 1095a.

The 1992 amendment, effective July 1, 1992 for use in the district courts, deleted former Finding 4, relating to certification in writing by the judgment creditor that the latter had mailed copies of specified items; redesignated former Findings 5 to 9 as present Findings 4 to 8; rewrote present Finding 4; deleted "Civil Form" preceding "Garnishment" at the fifth occurrence of that word in the fourth sentence of Order 4; and made several gender neutral substitutions.

The 1996 amendment, effective January 1, 1996, in the findings, substituted "a claim of exemption" for "three copies of the claim of exemption" in Paragraph 4, and added the second alternative in Paragraph 5 and inserted "which has been disputed" in the third alternative in Paragraph 5; and in the order, rewrote former Paragraphs 4 through 11 as Paragraphs 4 through 6.

4-812.

[2-802, 3-802]

STATE OF NEW MEXICO
IN THE _____ COURT No.

_____ COUNTY
_____, Plaintiff
(Judgment Creditor)
against
_____, Defendant
(Judgment Debtor)

_____, Garnishee

JUDGMENT ON WRIT OF GARNISHMENT, CLAIM OF
EXEMPTION AND ORDER TO PAY

This matter coming before the court, the court finds:

1. At the time the writ of garnishment was served on the garnishee, the amount of \$_____ was unpaid and owing to the judgment creditor.

2. As a result of this garnishment proceeding, judgment creditor has spent additional costs and fees of \$_____.

3. The total amount of judgment and costs to date are \$_____ plus interest of _____ % per year from _____, 19_____.

4. The garnishee is not an employer of the judgment debtor and has certified that it has mailed copies of the application for a writ of garnishment; the writ of garnishment; a notice of right to claim exemptions; a claim of exemption form and a copy of its answer to the judgment debtor(s) or their attorney of record, if any.

5. The judgment debtor:

has not filed a claim of exemption;

has filed a claim of exemption and the judgment creditor has not disputed the claim of exemption for the following property and such money or property is therefore exempt:

_____ ; or
 has filed a claim of exemption which has been disputed and after hearing, the court finds that the following property is exempt from garnishment

has not filed a claim of exemption; or

6. The garnishee:

is in default;

is indebted to the judgment debtor in the amount of \$_____ ;

is indebted to the judgment debtor for wages;

is not indebted to the judgment debtor;

holds property of the judgment debtor;

does not hold property of the judgment debtor.

7. Pursuant to the Support Enforcement Act, the

garnishee:

is withholding \$ _____ of the judgment debtor's income pursuant to a notice to withhold income; or

is not withholding any income of the judgment debtor pursuant to such a Notice.

8. Pursuant to Section 35-12-16 NMSA 1978, the judgment creditor:

is entitled to additional fees and costs of \$ _____ ; or

is not entitled to additional fees and costs.

THE COURT ORDERS:

1. **Default judgment against garnishee**

The judgment creditor recover from the garnishee the sum of \$ _____ , plus 15% per annum interest from the date the application was executed, the garnishee having failed to answer the writ;

or

2. **Payment of money other than wages**

The judgment creditor recover from the garnishee the sum of \$ _____ , which includes _____ % per annum interest thereon from the date the application was executed to the date the answer was filed, such sum being held by garnishee other than as wages;

or

3. **Wage withholding other than child support**

The judgment being other than for child support, the judgment creditor recover from the garnishee the sum of \$ _____ , plus interest at the original judgment rate, until paid in full, to be deducted from the judgment debtor's wages.

The garnishee shall pay the judgment debtor only

(a) 75% of his disposable earnings (*salary less social security, federal and state tax withholdings, and any other deduction required by law*) for any pay period;

OR

(b) any amount each week equal to forty times the federal minimum hourly wage rate;

whichever is greater.

The balance of the judgment debtor's disposable earnings shall be paid over to the judgment creditor each payday until the judgment herein is satisfied, after this balance is first used to pay any prior garnishment. If the wages of the judgment debtor are not subject to garnishment because of the application of the formula set forth above, this order shall continue and shall automatically take effect when the wages of the judgment debtor shall increase to an amount which creates disposable earnings based upon the formula set forth above.

If the moneys being withheld pursuant to a notice to withhold income under the Support Enforcement Act exceed the otherwise garnishable amounts, this garnishment shall continue in effect until the notice to withhold income has been voided, modified, suspended or terminated, at which time the full amount allowed for garnishment shall be paid to the judgment creditor.

If the wages being withheld pursuant to a notice to withhold income under the Support Enforcement Act are less than twenty-five percent (25%) of the judgment debtor's disposable earnings, the difference between the amount withheld for child support and the amount equal to twenty-five percent (25%) of the judgment debtor's disposable earnings shall be paid to the judgment creditor, until the child support notice to withhold income has been voided, modified, suspended or terminated, at which time the full amount allowed for garnishment shall be paid to the judgment creditor.

4. **Money or property other than wages**

The money or property held by the garnishee is exempt from garnishment and the writ of garnishment in this case is hereby released and discharged; and the garnishee no longer has any obligation to withhold wages, money or property from the judgment debtor on account of that writ.

The garnishee, having no money or property of the judgment debtor, is discharged and released from the writ of garnishment.

The garnishee shall turn over to the judgment creditor the property of the judgment debtor shown on Exhibit A attached hereto.

5. **Costs and fees**

The judgment creditor is awarded, in addition to the above amounts, the sum of \$_____ as additional costs and fees pursuant to Section 35-12-16 NMSA 1978.

The garnishee shall be reimbursed \$_____ for its costs and \$_____ for its attorney's fee the same to be paid by the _____. If paid by the judgment debtor said sum shall be paid from the first moneys otherwise payable to the judgment creditor but shall not reduce the amount the judgment creditor is to be paid, as ordered above.

19 _____ , _____

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

ANNOTATIONS

Cross-references. - For attorney fees and costs, see 35-12-16 NMSA 1978.

For garnishments, see 35-12-18 NMSA 1978.

For support enforcement, see Chapter 40, Article 4A NMSA 1978.

For maximum allowable garnishment under federal law, see 15 U.S.C. § 1673.

For student loan requirements, see 20 U.S.C. § 1095a.

The 1992 amendment, effective July 1, 1992 for use in the magistrate and metropolitan courts, deleted former Finding 4, relating to certification by the judgment creditor that the latter had mailed copies of specified items; redesignated former Findings 5 to 9 as present Findings 4 to 8; and rewrote present Finding 4.

The 1996 amendment, effective January 1, 1996, in the findings, substituted "a claim of exemption" for "three copies of the claim of exemption" in Paragraph 4, and added the second alternative in Paragraph 5 and inserted "which has been disputed in the third alternative in Paragraph 5; and in the order, rewrote former Paragraphs 4 through 10 as Paragraphs 4 and 5.

4-813.

[1-065.1, 2-802, 3-801]

STATE OF NEW MEXICO

IN THE _____ COURT

No.

_____ COUNTY

_____, Plaintiff

against

_____, Defendant

_____, Garnishee

DEFAULT JUDGMENT AGAINST GARNISHEE

This action was heard by the court. The court finds that the Garnishee is in default for failure to answer.

THE COURT ORDERS that the Judgment Creditor recover

\$ _____ from the Garnishee, together with interest from the date hereof.

_____,
19 _____

Judge
[As amended, effective June 15, 1986.]

4-814.

[1-065.1, 2-802, 3-801]

STATE OF NEW MEXICO
IN THE _____ COURT No.

_____ COUNTY

_____, Plaintiff
against

_____, Defendant

_____, Garnishee

RELEASE OF GARNISHMENT

The WRIT OF GARNISHMENT in this case is hereby released and discharged; and the Garnishee no longer has any obligation to withhold wages, money or property from the Judgment Debtor on account of that writ.

_____,
19 _____

Judge

4-815.

[1-065.1, 2-801, 3-801]

STATE OF NEW MEXICO

IN THE _____ COURT

No. _____

_____ COUNTY

_____, Plaintiff

v.

_____, Defendant

SHERIFF'S REPORT OF SALE OF SEIZED PROPERTY

Description of property sold:

(inventory may be attached)

Date of sale: _____

Date of judgment _____

Interest rate ____ %

Amount of judgment \$ _____

Amount of interest since date of judgment \$ _____

Amount of accrued costs since date of judgment \$ _____

Amount of sheriff's costs \$ _____

Total amount received from sale \$ _____

Amount paid to judgment creditor \$ _____

Date of return: _____

SHERIFF OF

_____ COUNTY, State of New Mexico

By

Deputy or other authorized person

(The Sheriff is obligated by law to make timely return)

[Adopted, effective July 1, 1992.]

4-820.

[1-094.1]

CERTIFICATE OF DEAN OF _____ SCHOOL OF
LAW

I hereby certify that I am the dean of the _____ School of Law and that this school of law is an American Bar Association accredited law school that complies with the current standards of the American Bar Association regarding field placement programs.

I further certify that

_____ (*name of student*) is a regularly enrolled student of the above-named law school who has received a passing grade in law school courses aggregating thirty (30) or more semester hours or their equivalent.

I further certify that the above-named student is participating in a clinical law program and will receive law school credit hours for work performed in the State of New Mexico under the direction or supervision of _____ (*name of supervising attorney or judge*), a member of the State Bar of New Mexico who has been admitted to practice law for a period of five or more years. This law school credit will be earned during the period beginning _____ and ending _____. (*Set forth beginning and ending dates of program not to exceed a four-month period.*)

I further certify that the above-named law student meets the academic and moral standards required of a student in good standing at this institution.

_____, 19

Dean

[Adopted, effective January 1, 1995.]

ANNOTATIONS

Effective dates. - Pursuant to a court order dated September 19, 1994, this form is effective on and after January 1, 1995.

4-821.

[1-094, 1-094.1]

STATE OF NEW MEXICO

IN THE DISTRICT COURT

_____ JUDICIAL DISTRICT

_____, Plaintiff
against _____ No.

_____, Defendant

ORDER APPROVING CLINICAL LAW STUDENT APPEARANCE¹

_____, a qualified supervising attorney participating in a clinical law program of the _____ School of Law, which meets the requirements of (Rule 1-094) (Rule 1-094.1) of the Rules of Civil Procedure for the District Courts has requested that _____, a law student enrolled in a qualified clinical law program, be permitted to participate in this matter as authorized by (Rule 1-094) (Rule 1-094.1).

It is hereby ordered that the above-named law student may participate in this case as authorized by (Rule 1-094) (Rule 1-094.1).

Date _____ D
District Judge

[Adopted, effective January 1, 1995.]

¹ If the clinical law student is enrolled in an out-of-state law school, the certificate of the dean of the law school must be filed with this order. See Rule 4-820.

ANNOTATIONS

Effective dates. - Pursuant to a court order dated September 19, 1994, this form is effective on and after January 1, 1995.

4-830.

[1-075]

STATE OF NEW MEXICO
IN THE DISTRICT COURT

_____ JUDICIAL DISTRICT

_____, Petitioner
v. _____ No.

_____, Respondent

WRIT OF CERTIORARI

To: _____
(name of administrative agency)

The court has reviewed the petition for writ of certiorari filed in the above-styled case and finds:

1. That the court has jurisdiction over _____
(name of administrative agency).

2. That the petitioner does not have a statutory right to an appeal or review from orders or decisions of the above administrative agency;

3. That the petition makes a prima facie showing that the petitioner may be entitled to the relief sought by the petition.

IT IS THEREFORE ORDERED that the petition for writ of certiorari in the above case be and hereby is granted.

IT IS FURTHER ORDERED that _____ (name of administrative agency) prepare and file with this court within thirty (30) days after the date of service of this writ on _____ (name of administrative agency) the record on appeal in compliance with Paragraph F of Rule 1-075 of the Rules of Civil Procedure for the District Courts.

IT IS FURTHER ORDERED that the review in this case shall proceed in compliance with Rule 1-075 of the Rules of Civil Procedure for the District Courts.

District judge

Dated: _____

CERTIFICATE OF SERVICE

I certify that I caused a copy of this writ of certiorari to be served on the following persons or entities by (delivery) (certified mail, postage prepaid) on this _____ day of _____, 19____ :

(1) _____
(Name of administrative agency)

(Address)

(2) _____
(Name of party)

(Address)

(3) _____
(Name of party)

(Address)

(Petitioner) (Attorney for petitioner)

AFFIDAVIT OF SERVICE OF PARTY

I declare under penalty of perjury that I caused a copy of this writ of certiorari to be served on the following persons or entities by (delivery) (certified mail, postage prepaid) on this _____ day of _____, 19____ :

(1) _____
(Name of administrative agency)

(Address)

(2) _____
(Name of party)

(Address)

(3) _____
(Name of party)

(Address)

(Petitioner)

[Adopted, effective January 1, 1996.]

ANNOTATIONS

Effective dates. - Pursuant to a court order dated November 15, 1995, this form is effective January 1, 1996.

ARTICLE 9 STATUTORY PROCEEDINGS

4-901.

[Section 47-8-33 NMSA 1978]

THREE-DAY NOTICE OF

NONPAYMENT OF RENT¹

(Uniform Owner-Resident Relations Act)

To: _____

Address: _____

_____, New Mexico

You are notified that you are not in compliance with the rental agreement or separate agreement concerning the premises at²:

_____, New Mexico _____

by failure to pay as follows:

Rent: \$ _____

Late fee: \$ _____

Utilities: \$ _____

Other _____ \$ _____

(explain)

Total due: \$ _____

If the rent is not paid within three (3) days from the date of

delivery set out below, the rental agreement shall be terminated.

Payment will be accepted only by:

cash money order

cashiers or certified check personal check

Dated this _____ day of _____, _____.

(Owner) (Agent)

Service of notice3:

personally delivered to resident

posted and mailed certified mail, return receipt requested

mailed certified mail, return receipt requested

mailed

Delivered posted:

Mailed:

Time: _____

Time: _____

Date: _____

Date: _____

By4: _____

By4: _____

USE NOTE

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

2. If the leased premises is an apartment set forth the name of the apartments and the apartment number. This form may also be used for a mobile home park with less than 12 units. See Subsection C of Section 47-10-2 NMSA 1978.

3. If this notice is personally delivered to the resident, mailing or posting is not required. If mailed certified mail, return receipt requested, posting is not required. A posted notice must be affixed to a door by taping all sides or by placing it in a fixture or receptacle designed for notices. See Section 47-8-13 NMSA 1978.

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

[As amended, effective September 2, 1997.]

ANNOTATIONS

The 1997 amendment, effective September 2, 1997, deleted "rent as due" following "failure to pay" and added the entries for the different charges, added the payment method choices, rewrote the service certification, added Use Notes 2 through 4, and made stylistic changes throughout.

4-901A.

[Section 47-8-33 NMSA 1978]

THREE-DAY NOTICE OF SUBSTANTIAL VIOLATION

OF RENTAL AGREEMENT

(Uniform Owner-Resident Relations Act)

To: _____

_____ and all other occupants

Address: _____

_____, New Mexico

You are notified that you, or someone on the premises with your consent, has substantially violated the rental agreement, separate agreement or the Uniform Owner-Resident Relations Act concerning the premises at:

_____, New Mexico

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

This conduct *(check applicable)*:

is considered a felony under the Controlled Substances Act;

involves a deadly weapon and is considered a felony under the Criminal Code;

is considered assault with intent to commit a violent

felony, murder, criminal sexual penetration, robbery or burglary under the Criminal Code; or

[] is considered criminal damage to property and a felony under the Criminal Code.

As a result of this conduct, the rental agreement shall terminate three (3) days from the date of service set forth below. You must vacate the premises no later than _____ (date). Failure to vacate by this date will result in a legal action being filed against you.

Dated this _____ day of _____, _____.

(Owner) (Agent)

Service of notice2:

[] personally delivered to resident

[] posted and mailed certified mail, return receipt requested

[] mailed by certified mail certified mail, return receipt requested

[] Delivered [] posted

Mailed:

Time: _____

Time: _____

Date: _____

Date: _____

By3: _____

By3: _____

USE NOTE

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 12 units. See Subsection C of Section 47-10-2 NMSA 1978.

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 Paragraph D of Section 47-8-13 NMSA 1978.

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.]

ANNOTATIONS

Effective dates. - Pursuant to a court order dated June 16, 1997, this form is effective on and after September 2, 1997.

4-902.

[Sections 47-8-27.1, 47-8-33, 47-8-37 NMSA 1978]

SEVEN-DAY NOTICE OF NONCOMPLIANCE

WITH RENTAL AGREEMENT

(OTHER THAN FAILURE TO PAY RENT) 1

(Uniform Owner-Resident Relations Act)

To: _____

Address: _____

_____, New Mexico

You are notified that you are not in compliance with the rental agreement or separate agreement concerning the premises at2:

_____, New

Mexico _____ in that on or about _____, _____ (date), the following noncompliance occurred:

(describe the noncompliance specifically and in detail.

Attach additional pages if necessary.)

[] **First notice.** If this noncompliance is not corrected within seven (7) days from the date of delivery set out below, the rental agreement shall be terminated and you shall be required to vacate the premises. Regardless of whether this noncompliance is corrected, if a second material noncompliance with the rental agreement or any separate agreement occurs within six (6) months of this initial noncompliance, the rental agreement will be terminated.

[] **Second notice.** You were given previous notice of noncompliance on _____ (date). Therefore you have been in material noncompliance twice or more within a six month period. As a result the rental agreement shall terminate seven (7) days from the date of delivery set out below. You must vacate the premises no later than _____ (date). Failure to vacate by this date will result in a legal action against you.

Dated this _____ day of _____, _____.

(Owner) (Agent) (Resident)

Service of notice3:

[] personally delivered to resident
[] posted and mailed certified mail, return receipt requested
[] mailed certified mail, return receipt requested
[] Delivered [] posted: Mailed:
Time: _____ Time: _____
Date: _____ Date: _____
By4: _____ By4: _____

USE NOTE

1. The party giving notice should retain two (2) copies for possible court action. If this form is used by the resident some modifications will be necessary.
2. If 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 12 units. See Subsection C of Section 47-10-2 NMSA 1978.
3. If this notice is personally delivered to the resident, mailing or posting is not required. If posted it must also be mailed by certified mail, return receipt requested. If

mailed by certified mail, return receipt requested, posting is not required. A posted notice must be affixed to a door by taping all sides or by placing it in a fixture or receptacle designed for notices. See Section 47-8-13 NMSA 1978.

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

[As amended, effective September 2, 1997.]

ANNOTATIONS

The 1997 amendment, effective September 2, 1997, inserted "or separate agreement" near the beginning, inserted the entry for when the noncompliance occurred, designated the exist language as "First Notice" and added the language at the end of the First Notice beginning "and you shall be", added the second notice, added "(Agent)" below the signature line, rewrote the certification of service, added the last sentence in Use Note 1, added Use Notes 2 through 4, and made stylistic changes throughout.

4-903.

[Sections 47-8-33, 47-8-37 NMSA 1978]

THIRTY-DAY NOTICE¹

TO TERMINATE RENTAL AGREEMENT

(Uniform Owner-Resident Relations Act)

To: _____

Address: _____

_____, New Mexico

You are notified that the undersigned terminates the rental agreement concerning the premises at²:

_____, New

Mexico _____

effective _____, _____ (date), and the premises are to be restored to the owner on that date. Prepaid rent and damage deposit, if any, will be dealt with in accordance with the Uniform Owner-Resident Relations Act and any agreement between the parties. Failure to vacate by this date will result in a legal action being filed against you.

Dated this _____ day of _____, _____.

(Owner) (Agent) (Resident)

Service of notice3:

[] personally delivered to resident

[] posted and mailed certified mail, return receipt

requested

[] mailed by certified mail, return receipt requested

[] Delivered [] posted

Mailed:

Time: _____

Time: _____

Date: _____

Date: _____

By4: _____

By4: _____

USE NOTES

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

This form may also be used for a mobile home park with less than 12 units. See Subsection C of Section 47-10-2 NMSA 1978.

If the residency is week-to-week, strike the words "Thirty-Day" in the title to this form, and insert the words "One-Week".

If the residency is month-to-month, the thirty (30) day notice must be given at least thirty (30) days before the periodic rental date; for example, if the rent is due on the 1st, the notice must be given at least thirty (30) days before the 1st.

2. If the leased premises is an apartment set forth the name of the apartments and the apartment number.

3. If this notice is personally delivered to the resident, mailing or posting is not required. If posted, it must also be mailed certified mail, return receipt requested. If mailed, posting is not required. A posted notice must be affixed to a door by taping all sides or by placing it in a fixture or

receptacle designed for notices. See Section 47-8-13 NMSA 1978.
4. Set forth the name of the person delivering,
posting or mailing the notice.

[As amended, effective September 2, 1997.]

ANNOTATIONS

The 1997 amendment, effective September 2, 1997, added "Failure to vacate by this date will result in a legal action being filed against you", inserted "(Agent)" below the signature line, rewrote the certification of service, added Use Notes 2 through 4, and made stylistic changes throughout.

4-904.

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

| | | |
|---------------------|--------|-------------|
| STATE OF NEW MEXICO | | |
| _____ | COURT | No. |
| _____ | | |
| _____ | COUNTY | |
| _____ | | , 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 at:

_____, New Mexico

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

A copy of the rental agreement is attached as Exhibit A.

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 B.
(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;
(check only if applicable)
- [] 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 NOTE

1. *If the leased premises is an apartment set forth the name of the apartments and the apartment number.*

[Former Rule 4-905 SCRA 1986; recompiled as Rule 4-904 and amended, effective September 2, 1997.]

ANNOTATIONS

The 1997 amendment, effective September 2, 1997, recompiled this form, which was formerly compiled as Rule 4-905 NMRA; in the allegations, substituted "has breached" for "is now in default under" and added "A copy of the rental agreement is attached as Exhibit A" in Paragraph 2, substituted "gave" for "delivered" and added "termination" in Paragraph 3, substituted "damages as determined by the court" for a blank for specific amount for damage to the premises in Paragraph 4, and deleted former Paragraph 7 relating to demand for a jury trial; in the prayer for relief, substituted "damages as determined by the court" for a blank for specific amount for damage to the premises in Paragraph 3, added Paragraphs 5 and 6, and redesignated former Paragraph 5 as paragraph 7; and made stylistic changes throughout.

Recompilations. - Former Rule 4-904 NMRA, relating to summons and notice of trial on petition for writ restitution, has been recompiled as Rule 4-905 NMRA, effective September 2, 1997.

4-905.

[Section 47-8-43 NMSA 1978]

STATE OF NEW MEXICO

COURT
COUNTY

No.

_____, Plaintiff
v.
_____, Defendant

SUMMONS AND NOTICE OF TRIAL

ON PETITION FOR WRIT OF RESTITUTION

(Uniform Owner-Resident Relations Act)

To: _____
_____, defendant
Address: _____

_____, New Mexico _____

GREETINGS:

You are ordered to appear for trial before the Honorable _____, Judge, Div. _____, located at _____, New Mexico on the _____ day of _____, _____ (date), at the hour of _____ .m. to show cause and present all evidence you may have why the plaintiff's petition for a writ of restitution for the property located at _____ should not be granted and why the plaintiff should not have judgment against you for any back rents or damages you caused to the property, in accordance with the petition filed by the plaintiff in this action, a copy of which is attached.

Your failure to appear at the time and place specified above may result in the entry of judgment against you in accordance with the petition filed by the plaintiff in this action, a copy of which is attached.

You may file a written answer and assert any claims you may have prior to the trial.

FOR USE ONLY IN METROPOLITAN COURT CASES

[IF YOU WANT A TAPE RECORDING OF ANY PROCEEDING, YOU MUST REQUEST IT BEFORE THE BEGINNING OF THE PROCEEDING. IF YOU DO NOT ASK FOR A TAPE RECORDING, YOU WILL NOT HAVE A RECORD OF THE PROCEEDINGS TO TAKE TO THE DISTRICT COURT FOR ANY APPEAL.]

Dated: _____.

Judge
By:

Clerk

**THIS IS YOUR NOTICE OF TRIAL
and will be the only notice
that you will receive.**

RETURN1

STATE OF NEW MEXICO)

) ss

COUNTY OF _____)

(complete if service is by a person other than the sheriff or deputy 3)

I, being sworn state that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this summons in _____ county on the _____ day of _____, _____ (date), by delivering a copy of this summons, a copy of the petition and a copy of the answer form2 in the following manner:

(check and complete only if service by sheriff or deputy)3

I certify that I served this summons in _____ county on the _____ day of _____, _____ (date), by delivering a copy of the summons, a copy of the petition and an answer form2 in the following manner:

(person serving summons must check one of following boxes and fill in appropriate blanks)

[] by delivering a copy of this summons, a copy of the petition and an answer form to the defendant _____ *(used when defendant receives copy of summons or refuses to receive summons).*

[] by delivering a copy of this summons, a copy of the petition and an answer form to _____, a person over fifteen (15) years of age and residing at the usual place of abode of defendant _____, located at _____ (address) *(used when defendant is not presently at the abode).*

[] by posting a copy of the summons, petition and an answer form in the most public part of the premises of defendant _____ located at _____ (address). *(Used if no person found at dwelling house or usual place of abode.) (If service is by posting a copy of the summons, petition and an answer form must also be mailed to the person served. The person serving by posting and the person serving by mail must each sign a return. The person mailing must check and complete the certificate of mailing at the end of this summons.)*

[] by delivering a copy of this summons, a copy of the petition and an answer form to _____, an agent authorized to receive service of process for defendant.

[] by delivering a copy of this summons, a copy of the complaint and an answer form to _____, (parent) (guardian) (custodian) of defendant *(used when*

defendant is a minor or an incompetent person).

[] by delivering a copy of this summons, a copy of the petition and an answer form to _____ (name of person), _____, (title of person authorized to receive service) (used when defendant is a corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision).

[] by service by mail.

Fees: _____

Signature of person making service

Title (if any)

Subscribed and sworn to
before me this _____
day of _____, _____

Judge, notary or other officer
authorized to administer oaths³

Official title

(To be completed if service is made by posting)⁴

I, being sworn, state that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served a copy of this summons on the _____ day of _____, _____, by mailing first class mail, postage prepaid, a copy of this summons, a copy of the complaint, and an answer form to:

(name of person served)

(address where mailed)

(county)

(city, state and zip code)

Signature of person making service

Title (if any)

Place of mailing

Date
Subscribed and sworn to before me
this _____ day of _____,
_____.

Judge, notary or other officer
authorized to administer oaths³

Official title

(To be completed if service is made by mail.)⁵

I, being sworn, state that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served a copy of this summons on the _____ day of _____, _____, by mailing first class mail, postage prepaid, a copy of this summons, a copy of the complaint, an answer form and two copies of the notice and acknowledgement and a return envelope, postage prepaid, addressed to:

_____ (name of person
served)
_____ (address where
mailed)
_____ (county)
_____ (city, state and
zip code)

Signature of person making service

Title (if any)

Place of mailing

Date
Subscribed and sworn to before me
this _____ day of _____,
_____.

Judge, notary or other officer
authorized to administer oaths

Official title³

USE NOTES

1. *A separate summons must be used for each defendant.*
2. *An answer form must be attached to the summons at the time of service. For answer forms, see Rule 4-907 NMRA.*
3. *If service is made by the sheriff or a deputy sheriff of a New Mexico county, the signature of the sheriff or deputy need not be notarized.*
4. *For use when service is by posting.*
5. *If service is by mail, Civil Form 4-208 must be completed and mailed with this summons.*

[Former Rule 4-904 SCRA 1986; recompiled as Rule 4-905 NMRA and amended, effective September 2, 1997.]

ANNOTATIONS

The 1997 amendment, effective September 2, 1997, recompiled this form, which was formerly compiled as Rule 4-904 NMRA, added the blanks for the name and address of the defendant, added the provisions relating to recording of the proceeding in metropolitan court cases, deleted the former certificate of service by sheriff and the affidavit of service by private citizen and added the return of service, added the use notes, and made stylistic changes throughout.

Recompilations. - Former Rule 4-905 NMRA, relating to petition by owner for restitution, has been recompiled as Rule 4-904 NMRA, effective September 2, 1997.

4-906.

[Sections 47-8-42, 47-8-43, 47-8-46 NMSA 1978]

STATE OF NEW MEXICO

_____ COURT
 _____ COUNTY

No.

_____.
 _____, Plaintiff
 v.
 _____, Defendant

PETITION BY RESIDENT FOR RELIEF

(Uniform Owner-Resident Relations Act)

The plaintiff alleges:

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

_____, New Mexico _____.

2. Defendant let plaintiff have possession of the premises under a rental agreement and the defendant is now in default under the terms of such agreement, as follows:

_____.

3. Defendant owes plaintiff damages as may be determined by the court.

4. Plaintiff delivered written notice of breach of the rental agreement to defendant on _____, _____, (date) and defendant has failed to remedy the breach. (A copy of the notice is attached as Exhibit A.)

5. Defendant holds \$ _____ of plaintiff's money 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. The return of \$ _____ of the plaintiff's money being held by the defendant;
3. Damages as may be determined by the court;
4. Costs of this action;

5. Reasonable attorneys fees;
(check only if applicable)

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

[Rule 4-906 SCRA 1986; as amended, effective September 2, 1997.]

ANNOTATIONS

The 1997 amendment, effective September 2, 1997, in the allegations, substituted "damages as may be determined by the court" for a blank for specific amount in Paragraph 3, and deleted former Paragraph 7 relating to demand for jury trial; in the prayer for relief, substituted "damages as may be determined by the court" for a blank for specific amount in Paragraph 3, added Paragraphs 5 and 6, and redesignated former Paragraph 5 as Paragraph 7; and made stylistic changes throughout.

4-907.

[Sections 47-8-37, 47-8-40 to 47-8-43, 47-8-46 NMSA 1978]

STATE OF NEW MEXICO

COURT No.

COUNTY
_____, Plaintiff

v.

_____, Defendant

ANSWER TO PETITION FOR RESTITUTION

(Uniform Owner-Resident Relations Act)

1. Defendant should not have to vacate the premises because:

_____.

2. The amount of rent claimed by the plaintiff in this action is not owed because:

_____.

3. The damages claimed by the plaintiff in this action are not owed to the plaintiff because:

_____.

4. The defendant asserts the following counterclaim or setoff against the plaintiff:

_____.

5. Defendant requests separate trials on the issues of restitution and damages.

_____ Signed

_____ Name *(print)*

Address (*print*)

City, state and zip code (*print*)

Telephone number

[Rule 4-907 SCRA 1986; as amended, effective August 1, 1992; January 1, 1993; September 2, 1997.]

ANNOTATIONS

The 1993 amendment, effective January 1, 1993, inserted "on the issue of damages" in Item 5.

The 1997 amendment, effective September 2, 1997, substituted "should not have to vacate the premises" for "is not in default" in Paragraph 1, rewrote Paragraph 5 to delete language relating to demand for jury trial, and made stylistic changes throughout.

4-908. Withdrawn.

ANNOTATIONS

Withdrawals. - Pursuant to a court order dated June 16, 1997, this form, relating to answer by owner to petition by resident, is withdrawn effective on and after September 2, 1997. For present comparable provisions, see Rule 4-907 NMRA.

4-909.

[Sections 47-8-33, 47-8-43, 47-8-46, 47-8-48 NMSA 1978]

STATE OF NEW MEXICO

COURT
COUNTY

No.

_____, Plaintiff
v.
_____, Defendant

JUDGMENT FOR RESTITUTION

(Uniform Owner-Resident Relations Act)1

This matter came on for trial on _____, _____ (date) the plaintiff appeared (in person) (and) (by attorney _____). The defendant (did not appear) (appeared) (in person) (and) (by attorney _____). Having heard the evidence and argument presented, the court finds in favor of:

- [] the plaintiff
[] the defendant.

IT IS THEREFORE ORDERED:

1. The premises at:

_____, New Mexico _____

be restored to [plaintiff] [defendant];

[2. The rental agreement is terminated;]

[3. Plaintiff shall recover from defendant the following amounts:

Table with 2 columns: Item, Amount. Rows: Rents, Damages, Attorney's fees, Costs, TOTAL. Includes dollar signs and blank lines for amounts.

[4. A writ of restitution be issued effective _____, _____ (date).]

[5. The court further orders _____ (other relief).]

[6. A hearing on the issue of damages will be held by this court on _____, _____ (date) at _____ (a.m.) (p.m.).]2

[7. If this case is appealed the (plaintiff) (defendant) shall _____.]3

Dated: _____

Judge

USE NOTE

1. *This form may also be used for a mobile home park with less than 12 units. See Subsection C of Section 47-10-2 NMSA 1978.*

2. *Use Civil Form 4-701 if damages are determined at a separate hearing.*

3. *Section 47-8-47 NMSA 1978 provides for a stay of execution upon appeal. If the defendant appeals a writ of restitution, the court shall require an escrow to be paid into the court within five (5) days after the notice of appeal is filed to stay the execution. If a money judgment is appealed the court may require a deposit with the court or a supersedeas bond be filed. See Section 47-8-47 NMSA 1978 for appeals by the plaintiff.*

[Rule 4-909 SCRA 1986; as amended, effective September 2, 1997.]

ANNOTATIONS

The 1997 amendment, effective September 2, 1997, added "for restitution" in the heading, deleted "and against the plaintiff" following "court finds in favor of the plaintiff" and added the alternative for finding for the defendant, added "[defendant]" in Paragraph 1 of the order, substituted "terminated" for "forfeited" in Paragraph 2, added Paragraphs 5, 6, and 7, and added the use notes.

4-910. Withdrawn.

ANNOTATIONS

Withdrawals. - Pursuant to a court order dated June 16, 1997, this form, relating to judgment for damages on default, is withdrawn effective on and after September 2, 1997. For present comparable provisions, see Rule 4-703 NMRA.

4-911. Withdrawn.

ANNOTATIONS

Withdrawals. - Pursuant to a court order dated June 16, 1997, this form, relating to judgment for damages on appearance by the parties, is withdrawn effective on and after September 2, 1997. For present comparable provisions, see Rule 4-701 NMRA.

4-912. Withdrawn.

ANNOTATIONS

Withdrawals. - Pursuant to a court order dated June 16, 1997, this form, relating to judgment for restitution reserving question of damages, is withdrawn effective on and after September 2, 1997. For present comparable provisions, see Rule 4-909 NMRA.

4-913.

[Section 47-8-46 NMSA 1978]

STATE OF NEW MEXICO

COURT
COUNTY

No.

_____, Plaintiff
v.
_____, Defendant

WRIT OF RESTITUTION

(Restitution to owner)

(Uniform Owner-Resident Relations Act)

THE STATE OF NEW MEXICO to the sheriff or a full-time salaried deputy sheriff of the above county:

Judgment having been entered for the plaintiff in this action, you are ordered to remove the defendant from the premises at _____ and to restore possession of the premises to plaintiff, on or before _____ (date)¹.

You are ordered to return this writ to this court immediately after its execution.

Dated: _____,

Judge _____

RETURN ON WRIT OF RESTITUTION²

I certify that I carried out this writ of restitution by removing the defendant from the premises and restoring possession of the premises to the plaintiff on _____, _____ (date).

Date of return: _____
Sheriff of _____

County, State of New Mexico
By _____

Sheriff or deputy sheriff

USE NOTES

- 1. Section 47-8-46 NMSA 1978 requires service not earlier than three (3) days nor later than seven (7) days after entry of the judgment.
- 2. The sheriff is obligated by law to make timely return.

[Rule 4-913 SCRA 1986; as amended, effective September 2, 1997.]

ANNOTATIONS

The 1997 amendment, effective September 2, 1997, deleted "and writ of execution" from the heading, inserted "(Restitution to owner)" following the heading, deleted language directing the sheriff to execute the writ, deleted "and execution" following "restitution" in the return heading and deleted language relating to the return of the execution, added Use Note 1 and designated the existing use note as Use Note 2, and made stylistic changes throughout.

4-914.

[Section 47-8-46 NMSA 1978]

STATE OF NEW MEXICO

COURT
COUNTY

No. _____

_____, Plaintiff, resident
v.
_____, Defendant, owner

WRIT OF RESTITUTION

(Uniform Owner-Resident Relations Act)

(Restitution to resident)

THE STATE OF NEW MEXICO to the sheriff or a full-time salaried deputy sheriff of the above county:

Judgment having been entered for the plaintiff, resident, in this action, you are to restore possession of the premises to _____ on the _____ day of _____, _____ (date).

You are to ordered to return this writ to the court by _____, _____ (date).

Date:

_____ Judge

Time: _____ (a.m.) (p.m.)

RETURN ON WRIT OF RESTITUTION

I certify that I carried out this writ of restitution by restoring possession of the premises to _____ on the _____ day of _____, _____ (date) at _____ (a.m.) (p.m.)

Date of return: _____

Sheriff of

County, State of New Mexico

By

Sheriff or deputy sheriff

(The sheriff is obligated by law to make timely return.)

[As amended, effective September 2, 1997.]

ANNOTATIONS

The 1997 amendment, effective September 2, 1997, added "(Restitution to resident)" following the heading, and rewrote the form to delete language relating to removing the defendant from the premises and made stylistic changes throughout.

4-915.

[35-11-1 to 35-11-3 NMSA 1978]

STATE OF NEW MEXICO
IN THE _____
COURT No. _____

_____ COUNTY
_____, Plaintiff
against
_____, Defendant

PETITION FOR POST-JUDGMENT WRIT OF REPLEVIN

Comes now the Plaintiff, petitioner herein, and alleges:

1. Plaintiff has a judgment against the Defendant in this matter dated _____, 19_____, with a present value including post-judgment costs and accrued interest totaling \$_____, the terms of which include Plaintiff's right to recover following personal property

_____ (attach exhibit if necessary)

2. Plaintiff believes that the property may be found at _____ which is within the jurisdiction of this court;

3. This court has jurisdiction to issue a writ of replevin returning to Plaintiff the property described;

4. The specific facts upon which a writ of replevin is requested are that Plaintiff holds a valid, unsatisfied judgment against Defendant, declaring that property formerly in the possession of Plaintiff has been wrongfully taken or retained by

Defendant and Defendant refuses to return it to Plaintiff or pay the judgment amount;

WHEREFORE Plaintiff prays for an order of this court requiring the sheriff of _____ county to take possession of the property and return it to the Plaintiff.

Signed

Name [print]

Address [print]

Ad

Code [print]

City, State and Zip

Telephone Number

Tel

Dated: ____

[Effective January 1, 1993.]

4-916.

[2-202, 3-202]

STATE OF NEW MEXICO
IN THE _____
COURT No. _____

_____ COUNTY
_____, Plaintiff
against _____
_____, Defendant

POST-JUDGMENT WRIT OF REPLEVIN

THIS MATTER having come before the court on the petition of the Plaintiff herein for a Writ of Replevin ordering the sheriff of _____ County to seize property for the benefit of Plaintiff; and the Court finding that the petition is well taken and should be granted;

NOW THEREFORE the Sheriff of _____ County is hereby ordered to seize and to return to the Plaintiff the property described in the Petition (Exhibit "A") attached hereto wherever it may be found within the State of New Mexico.

 Judge

RETURN OF WRIT OF REPLEVIN

I certify that I served this Writ of Replevin as follows:
 _____ No personal property listed in the writ was found.
 _____ Personal property as specified in the Writ was recovered on _____, 19_____, and returned to the Plaintiff. A written inventory is attached.
 Date of return: _____

 Sheriff

County
 STATE OF NEW MEXICO)
) ss.
 COUNTY OF _____)
 Subscribed and sworn to before me this _____ day of _____, 19_____, by _____, personally known to me.

 Notary Public or Other Officer Authorized to Take Oaths
 My commission expires: _____
 [Effective January 1, 1993.]

4-921.

[Sections 47-10-3 and 47-10-6 NMSA 1978]

THREE-DAY NOTICE OF
NONPAYMENT OF RENT1
(Mobile Home Park Act)

To: _____

Address: _____

_____, New Mexico

You are notified that you have failed to pay rent as required by the agreement or separate agreement for a mobile home located in _____ County, New Mexico at:

_____ (name of mobile home park)

_____ (mobile home address)

_____ (mobile home lot or space)

_____, New Mexico

The amount of rent and utilities owed is as follows:

Rent: \$ _____
Late fee: \$ _____
Utilities: \$ _____
Other _____ \$ _____
(explain)
Total due: \$ _____

If the total shown above is not paid within three (3) days from the date of delivery set out below, the rental agreement is terminated.

Payment will be accepted only by:

cash money order
 cashiers or certified check personal check

Dated this _____ day of _____, _____.

(owner, manager or agent)

Service of notice2:

personally delivered to resident

[] posted on the mobile home on _____ (date) and mailed certified mail, return receipt requested

| | | |
|---------------|-------------|-------------|
| [] Delivered | [] posted: | Mailed: |
| Time: _____ | | Time: _____ |
| _____ | | _____ |
| Date: _____ | | Date: _____ |
| _____ | | _____ |
| By3: _____ | | By3: _____ |
| _____ | | _____ |

USE NOTE

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

2. Section 47-10-3 NMSA 1978 provides that service of a notice to quit shall be served by delivering the notice to the tenant personally or by posting the notice at the main entrance of the mobile home and sending a copy to the tenant by certified mail, return receipt requested. If this notice is personally delivered to the resident, mailing or posting is not required. The date of posting must be included on the posted notice and on the copy mailed to the mobile home tenant.

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

[Adopted, effective September 2, 1997.]

ANNOTATIONS

Recompilations. - Former Rule 4-921 NMRA, relating to notice of judgment, has been recompiled as Rule 4-927 NMRA, effective September 2, 1997.

Effective dates. - Pursuant to a court order dated September 12, 1995, this form is effective November 1, 1995.

Pursuant to a court order dated June 16, 1997, this form is effective on and after September 2, 1997.

4-922.

[Section 47-10-3 NMSA 1978]

[THIRTY-DAY NOTICE]

[SIXTY-DAY NOTICE] 1

TO QUIT 2

(Mobile Home Park Act)

To: _____

Address: _____

_____ County, New Mexico

You are notified that the undersigned terminates the rental agreement for a mobile home located in _____ County, New Mexico at:

_____ (name of mobile home park)

_____ (mobile home address)

_____ (mobile home lot or space)

_____, New Mexico

effective _____, _____ (date).

You are to remove your mobile home from the premises by _____, _____ 1. This notice of termination is given for the following reasons 3:

Failure to vacate by this date will result in a legal action being filed against you.

Dated this _____ day of _____, _____.

_____ (owner) (manager) (agent)

Service of notice 4:

[] personally delivered to resident

[] posted on the mobile home on _____ (date) and mailed certified mail, return receipt requested

[] Delivered [] posted: Mailed:

Time: _____ Time: _____

Date: _____

Date: _____

By5: _____

By5: _____

USE NOTES

1. See Section 47-10-3 NMSA 1978. The tenant must be given a period of not less than thirty days from the end of the rental period during which the termination notice was served to remove any mobile home from the premises. If the mobile home is a multisection mobile home and the tenant is the owner of the mobile home, the tenant must be given sixty (60) days from the end of the rental period to move the mobile home from the premises. However, if the multisection mobile home is being leased to or occupied by a person other than its owner a thirty-day notice is all that is required.

2. Use Civil Form 4-921 if termination is for non-payment of rent.

3. Set forth the reason for termination of the tenancy and the date, place and circumstances of any acts allegedly justifying the termination. See Section 47-10-5 NMSA 1978 for the reasons a mobile home park tenancy may be terminated.

4. Section 47-10-3 NMSA 1978 provides that service of a notice to quit shall be served by delivering the notice to the tenant personally or by posting the notice at the main entrance of the mobile home and sending a copy to the tenant by certified mail, return receipt requested. If this notice is personally delivered to the resident, mailing or posting is not required. The date of posting must be included on the posted notice and on the copy mailed to the mobile home tenant.

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

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

[Adopted, effective September 2, 1997.]

ANNOTATIONS

Recompilations. - Former Rule 4-922 NMRA, relating to judgment, was recompiled as Rule 4-927 NMRA, effective September 2, 1997.

Effective dates. - Pursuant to a court order dated September 12, 1995, this form is effective November 1, 1995.

Pursuant to a court order dated June 16, 1997, this form is effective on and after September 2, 1997.

4-923.

[Sections 47-8-35, 47-10-4 to 47-10-6 and 47-10-9 NMSA 1978]

STATE OF NEW MEXICO

COURT
COUNTY

No.

_____, Plaintiff
v.
_____, Defendant

PETITION BY LANDLORD FOR
TERMINATION OF TENANCY AND
JUDGMENT OF POSSESSION
(*Mobile Home Park 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 follows2:

A copy of the rental agreement is attached as Exhibit A.

3. The mobile home (is) (is not) subject to the security interest of a first lienholder.

(If there is a first lien, complete the following.)

The lienholder is _____ and the address of the lienholder is _____.

4. Plaintiff gave written:

notice of non-payment of rent and the defendant has failed to pay all amounts owed;

(thirty) (sixty) 3 day notice to quit on _____, _____ (date), and defendant has failed to vacate the premises.

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

(check and complete if applicable)

5. The amount of rent and utilities owed is as follows:

Unpaid rent \$ _____

Rent per day until the mobile home is moved from the premises \$ _____

Late fee \$ _____

Utilities \$ _____

Other _____

(explain) \$ _____

Total due: \$ _____

6. Plaintiff holds \$ _____ of defendant as a damage deposit under the rental agreement.

7. Plaintiff requests separate trials on the issues of termination and damages.

Plaintiff requests judgment against defendant, as follows:

1. Immediate [removal of the mobile home from the premises] [possession of the above described 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 attorney fees;

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

Dated: _____

Signed

Name (print)

Address (print)

City, state and zip code (print)

Telephone number

USE NOTE

1. Section 47-10-4 NMSA 1978 provides that the property description is deemed legally sufficient if it states the name of the landlord or of the mobile home park, the mailing address of the property, the location or space number upon which the mobile home is situated and the county in which the mobile home is situated.

2. The reasons for termination are set forth in Sections 47-10-5 and 47-10-6 NMSA 1978. One of these reasons must be described for termination.

3. Sixty days notice is required if the mobile home is a multisection mobile home. See Subsection C of Section 47-10-4 NMSA 1978.

[Adopted, effective September 2, 1997.]

ANNOTATIONS

Effective dates. - Pursuant to a court order dated June 16, 1997, this form is effective on and after September 2, 1997.

4-924.

[Sections 47-10-4 and 47-8-43 NMSA 1978]

STATE OF NEW MEXICO

COURT

COUNTY

No.

_____, Plaintiff
v.
_____, Defendant

SUMMONS

AND NOTICE OF TRIAL ON

PETITION FOR TERMINATION OF TENANCY

(Mobile Home Park Act)

To: _____
_____, defendant
Address: _____

_____, New Mexico

You are notified that an action has been filed to terminate the rental agreement or lease of a mobile home space located in _____ County, New Mexico at:

_____ (name of mobile home park)

_____ (mobile home address)

_____ (mobile home lot or space)

_____, New Mexico

You are ordered to appear for trial before the Honorable _____, Judge, Div. _____, located at _____, New Mexico on the _____ day of _____, _____, at the hour of _____ .m. to show cause and present all evidence you may have why the tenancy should not be terminated.¹

Your failure to appear at the time and place specified above may result in the entry of judgment against you in accordance with the petition filed by the plaintiff in this action, a copy of which is attached.

You may file a written answer and assert any claims you may have prior to the trial.

FOR USE ONLY IN METROPOLITAN COURT CASES

[IF YOU WANT A TAPE RECORDING OF ANY PROCEEDING, YOU MUST REQUEST IT BEFORE THE BEGINNING OF THE PROCEEDING. IF YOU DO NOT ASK FOR A TAPE RECORDING, YOU WILL NOT HAVE A RECORD OF THE PROCEEDINGS TO TAKE TO THE DISTRICT COURT FOR ANY APPEAL.]

Dated: _____.

Judge
By: _____

Clerk

**THIS IS YOUR NOTICE OF TRIAL
and will be the only notice
that you will receive.**

RETURN2

STATE OF NEW MEXICO)
) ss

COUNTY OF _____)
(complete if service is by a person
other than the sheriff or deputy 3)

I, being sworn state that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this summons in _____ county on the _____ day of _____, _____ (date), by delivering a copy of this summons, a copy of the petition and a copy of the answer form4 in the following manner:

(check and complete only if service by sheriff or deputy)3

I certify that I served this summons in _____ county on the _____ day of _____, (date), by delivering a copy of the summons, a copy of the petition and an answer form in the following manner:

(person serving summons must check one of following boxes and fill in appropriate blanks)

[] by delivering a copy of this summons, a copy of the petition and an answer form to the defendant _____ (used when defendant receives copy of summons or refuses to receive summons).

[] by delivering a copy of this summons, a copy of the petition and an answer form to _____, a person over fifteen (15) years of age and residing at the usual place of abode of defendant _____, located at _____ (address) (used when defendant is not presently at the abode).

[] by posting a copy of the summons, petition and an answer form in the most public part of the premises of defendant _____ located at

_____ (address). (used if no person found at dwelling house or usual place of abode.) (If service is by posting a copy of the summons, petition and an answer form must also be mailed to the person served. The person serving by posting and the person serving by mail must each sign a return. The person mailing must check and complete the certificate of mailing at the end of this summons.)

[] by delivering a copy of this summons, a copy of the petition and an answer form to _____, an agent authorized to receive service of process for defendant.

[] by delivering a copy of this summons, a copy of the complaint and an answer form to _____, (parent) (guardian) (custodian) of defendant (used when defendant is a minor or an incompetent person).

[] by delivering a copy of this summons, a copy of the petition and an answer form to _____ (name of person), _____, (title of person authorized to receive service) (used when defendant is a corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision).

[] by service by mail.

Fees: _____

Signature of person making service

Title (if any)

Subscribed and sworn to
before me this _____
day of _____, _____

Judge, notary or other officer
authorized to administer oaths³

Official title

(To be completed if service is made by posting)⁵

I, being sworn, state that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served a copy of this summons on the _____ day of _____, _____, by mailing first class mail, postage prepaid, a copy of this summons, a copy of the complaint, and an answer form to:

_____ (name of person

served)

mailed) _____ (address where

_____ (county)
_____ (city, state and
zip code)

Signature of person making service

Title (if any)

Place of mailing

Date
Subscribed and sworn to
before me this _____
day of _____, _____

Judge, notary or other officer
authorized to administer oaths³

Official title
(To be completed if service is made by mail.)⁶

I, being sworn, state that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served a copy of this summons on the _____ day of _____, _____, by mailing first class mail, postage prepaid, a copy of this summons, a copy of the complaint, an answer form and two copies of the notice and acknowledgement and a return envelope, postage prepaid, addressed to:

served) _____ (name of person

mailed) _____ (address where

_____ (county)
_____ (city, state and
zip code)

Signature of person making service

Title (if any)

Place of mailing

Date

Subscribed and sworn to before me
this _____ day of _____,
_____.

Judge, notary or other officer
authorized to administer oaths

Official title3

USE NOTES

1. *The trial setting must be not less than seven (7) nor more than ten (10) days after service of this summons. See Section 47-8-43 NMSA 1978.*

2. *A separate summons must be used for each defendant.*

3. *If service is made by the sheriff or a deputy sheriff of a New Mexico county, the signature of the sheriff or deputy need not be notarized.*

4. *An answer form must be attached to the summons at the time of service. See Rule 4-925 NMRA for answer to petition for termination of tenancy.*

5. *For use when service is by posting. See Section 47-10-4 NMSA 1978 for service by posting under the Mobile Home Park Act. This form requires service by mail in addition to posting.*

6. *If service is by mail, Civil Form 4-208 must be completed and mailed with this summons.*

[Adopted, effective September 2, 1997.]

ANNOTATIONS

Effective dates. - Pursuant to a court order dated June 16, 1997, this form is effective on and after September 2, 1997.

4-925.

[Sections 47-8-30, 47-8-41 to 47-8-43, 47-8-46 NMSA 1978]

STATE OF NEW MEXICO

COURT
COUNTY

No.

_____, Plaintiff
v.
_____, Defendant

ANSWER

TO PETITION FOR TERMINATION OF TENANCY

(Mobile Home Park Act)

1. Defendant is not in default because:

_____.

2. The amount of rent that the plaintiff states is owed is not correct because:

_____.

3. The damages claimed by the plaintiff are not owed to the plaintiff because:

_____.

4. The defendant asserts the following counterclaim or setoff against the plaintiff:

_____.

(check if applicable)

5. [] Defendant requests separate trials on the issues of restitution and damages.

_____ Signed

_____ Name (print)

_____ Address (print)

_____ City, state and zip code (print)

_____ Telephone number

[Adopted, effective September 2, 1997.]

ANNOTATIONS

Effective dates. - Pursuant to a court order dated June 16, 1997, this form is effective on and after September 2, 1997.

4-926.

[Sections 47-10-9, 47-8-40 and 47-8-41 NMSA 1978]

STATE OF NEW MEXICO

_____ COURT No.

_____ .

_____ COUNTY

_____, Plaintiff

v.

_____, Defendant

JUDGMENT FOR POSSESSION

(Mobile Home Park Act) 1

This matter came on for trial on _____, _____
(date). The plaintiff appeared (in person) (and) (by attorney
_____). The defendant (did not appear) (appeared)
(in person) (and) (by attorney _____). Having heard
the evidence and argument presented, the court finds in favor
of:

- [] the plaintiff
- [] the defendant.

The court further finds that the mobile home
[] is subject to the security interest of a first
lienholder2.

[] is not subject to the security agreement of a first
lienholder.

IT IS THEREFORE ORDERED:

1. The premises located in _____ County, New
Mexico at:

*(name of mobile
home park)*

*(mobile home
address)*

*(mobile home lot or
space)*
_____, New Mexico _____
be restored to plaintiff;

2. The rental agreement is terminated;

3. *(complete applicable alternative)*

Plaintiff shall recover from defendant the following amounts:

| | | |
|---------------|----|-------|
| Rents | \$ | _____ |
| Damages | \$ | _____ |
| Attorney fees | \$ | _____ |
| Costs | \$ | _____ |
| TOTAL | \$ | _____ |

[A hearing on the issue of damages will be held by this court
on _____, _____ at _____ (a.m.) (p.m.)]3

4. A writ of restitution be issued effective
_____, _____ (date).
*(The following paragraph is used if there is a security
interest of a first lienholder on the mobile home)*

[5. The plaintiff will promptly serve notice on the first
lienholder that the first lienholder may pay the rent and
charges due in accordance with the defendant's lease within
thirty (30) days of receipt of the notice or upon payment of the

rent and charges owed remove the mobile home. The cost of removal by the first lienholder shall be paid by the first lienholder.]⁴

[6. If this case is appealed the (plaintiff) (defendant) shall _____.]⁵

Dated:

Judge

USE NOTE

1. Section 47-10-9 NMSA 1978 provides that not less than 48 hours after entry of a notice of judgment (Civil Form 4-926) and upon execution of a writ of restitution (Civil Form 4-929) the sheriff will oversee the removal of a mobile home.

2. Section 47-10-9 NMSA 1978 provides that prior to issuance of the writ of restitution the court shall make a finding of fact that the mobile home is or is not subject to the security interest of a first lienholder. In those cases where the court finds there is a security agreement on the mobile home, the landlord must give written notice to the first lienholder. See Civil Form 4-928 for notice to lienholder of mobile home judgment.

3. Use Civil Form 4-701 if damages are determined at a separate hearing.

4. Use this paragraph only if the court finds that the mobile home is subject to a first lien. Notice shall be substantially in the form approved by the Supreme Court. See Civil Form 4-928.

5. Section 47-8-47 NMSA 1978 of the Owner-Resident Relations Act provides for a stay of execution upon appeal. If the defendant appeals a writ of restitution, the court shall require an escrow to be paid into the court within five (5) days after the notice of appeal is filed to stay the execution. If a money judgment is appealed the court may require a deposit with the court or a supersedeas bond be filed. See Section 47-8-47 NMSA 1978 for appeals by the plaintiff.

[Former Rule 4-921 SCRA 1986; adopted effective November 1, 1995; recompiled as Rule 4-926 NMRA and amended effective September 2, 1997.]

ANNOTATIONS

The 1997 amendment, effective September 2, 1997, recompiled this form, which was formerly compiled as Rule 4-921 NMRA, and rewrote the form to the extent that a detailed comparison would be impracticable.

4-927.

[Section 47-10-9 NMSA 1978]

STATE OF NEW MEXICO

COURT
COUNTY

No.

_____, Plaintiff
v.
_____, Defendant

NOTICE OF JUDGMENT

(Mobile Home Park Act)

To: _____ *(mobile home owner)*

You are notified that:

1. A judgment has been entered against you and a writ of restitution will be issued effective _____ *(date)*. Without additional notice to you, the sheriff will serve a writ of restitution on or after 8:00 a.m. on _____ *(date)*.

2. You are to prepare the mobile home for removal from the premises by removing the skirting, disconnecting utilities, attaching tires and otherwise making the mobile home safe and ready for highway travel. Your mobile home should be removed or ready for removal by the date and time specified in paragraph one of this notice.

3. If your mobile home is not removed from the landlord's land by the date and time specified in paragraph 1 of this notice, the landlord and sheriff shall have the right to take possession of your mobile home for purposes of removal and storage. If you have a property interest in the mobile home it is your responsibility to prevent weather damage to the mobile home.

4. You may be held responsible for utility charges, rents and reasonable removal and storage charges. Those charges constitute

a lien on your mobile home. Any person who claims the mobile home will owe that sum to the person who paid it.

Date: _____

Judge

[Former Rule 4-921 SCRA 1986; adopted effective November 1, 1995; recompiled as Rule 4-927 NMRA and amended effective September 2, 1997.]

ANNOTATIONS

The 1997 amendment, effective September 2, 1997, recompiled this form, which was formerly compiled as Rule 4-922 NMRA, and rewrote the form.

4-928.

[Section 47-10-9 NMSA 1978]

STATE OF NEW MEXICO

COURT

COUNTY

No.

_____.
_____, Plaintiff
v.
_____, Defendant

NOTICE TO LIENHOLDER

OF MOBILE HOME JUDGMENT

(Mobile Home Park Act)

To: _____ *(lienholder or other security interest)*

You are notified that:

1. A judgment has been entered against _____
(name of defendant) and a writ of restitution will be issued effective _____ *(date)* to remove the mobile home from the premises located in _____ County, New Mexico at:

_____ *(name of mobile*

home park)

address)

or space)

(mobile home

(mobile home lot

_____, New Mexico

Without additional notice to you, the sheriff will serve a writ of restitution on or after 8:00 a.m. on _____ (date) for the removal of the mobile home on or before _____ (date)1.

2. You have thirty (30) days from the date of receipt of this notice to pay the rent and charges accrued to the date of this notice and to advise the landlord in writing whether you intend to pay the rent and other charges under the terms of the rental agreement.

3. If you want to remove the mobile home at your expense before the date set for removal, you may do so by paying the landlord all rent, utility and other removal costs permitted by law. The amount of rent, utility charges and other charges as of _____ (date) is as follows:

| | |
|-----------------------------|----------|
| Rent: | \$ _____ |
| Utilities: | \$ _____ |
| Removal and storage charges | \$ _____ |
| Other _____ | \$ _____ |
| (explain) | |
| Total due: | \$ _____ |
| Daily rent | \$ _____ |

4. The tenant is required to pay rent on _____ (day of month) and utilities on _____ (day of month).

5. A copy of the lease and the landlord's rules and regulations are attached as Exhibits A and B.

6. This notice does not relieve you of complying with other applicable provisions of law relating to the repossession of the mobile home.

Date: _____

Judge

RETURN2

STATE OF NEW MEXICO)

) ss

COUNTY OF _____)

(complete if service is by a person other than the sheriff or deputy 3)

I, being sworn, state that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this summons in _____ county on the _____ day of _____, _____ (date), by delivering a copy of this summons and a copy of the notice of judgment with Exhibits A and B attached in the following manner:

(check and complete only if service by sheriff or deputy) 3

I certify that I served this summons in _____ county on the _____ day of _____, _____ (date), by delivering a copy of the summons and a copy of the notice of judgment with Exhibits A and B attached in the following manner:

(person serving summons must check one of following boxes and fill in appropriate blanks)

by delivering a copy of this summons and a copy of the notice of judgment with Exhibits A and B attached to the defendant _____ *(used when defendant receives copy of summons or refuses to receive summons).*

by delivering a copy of this summons and a copy of the notice of judgment with Exhibits A and B attached to _____, a person over fifteen (15) years of age and residing at the usual place of abode of defendant _____, located at _____ *(address) (used when defendant is not presently at the abode).*

by posting a copy of the summons and the notice of judgment with Exhibits A and B attached in the most public part of the premises of defendant _____ located at _____ *(address). (used if no person found at dwelling house or usual place of abode.) (If service is by posting a copy of the summons, the notice of judgment with Exhibits A and B attached must also be mailed to the person served. The person serving by posting and the person serving by mail must each sign a return. The person mailing must check and complete the certificate of mailing at the end of this summons.)*

by delivering a copy of this summons and a copy of the notice of judgment with Exhibits A and B attached to _____, an agent authorized to receive service of process for defendant.

by delivering a copy of this summons and a copy of the notice of judgment with Exhibits A and B attached to

_____, (parent) (guardian) (custodian) of defendant (used when defendant is a minor or an incompetent person).

[] by delivering a copy of this summons and a copy of the notice of judgment with Exhibits A and B attached to _____ (name of person), _____, (title of person authorized to receive service) (used when defendant is a corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision).

[] by service by certified mail, return receipt requested.

CERTIFICATE OF SERVICE BY ATTORNEY

(for service on a party)

I certify that I caused a copy of this notice to be served on the following persons or entities by (delivery) (mail) (_____) on this _____ day of _____, _____ (complete applicable part of "How Served" below):

(1) _____
(Name of party)

(Address)

(2) _____
(Name of party)

(Address)

Attorney for landlord

Signature

Date of signature

USE NOTE

1. A writ of restitution directs the sheriff to restore the premises on a specified date not less than three nor more than seven days after entry of the judgment. A copy of the writ need not be served on the lienholder unless the lienholder intervenes as a party.

2. If the lienholder is a party or has entered an appearance in the proceedings, service may be made in the manner provided by the rules of civil procedure for the service of papers on a party subsequent to service of the original pleading. See, however, Subsection J of Section 47-10-9 NMSA 1978 for statutory notice.

3. If service is made by the sheriff or a deputy sheriff of a New Mexico county, the signature of the sheriff or deputy need not be notarized. If service is made on a party by an attorney the signature of the attorney need not be notarized.

[Adopted, effective September 2, 1997.]

ANNOTATIONS

Effective dates. - Pursuant to a court order dated June 16, 1997, this form is effective on and after September 2, 1997.

4-929.

[Sections 47-10-9 and 47-8-46 NMSA 1978]

STATE OF NEW MEXICO

COURT
COUNTY

No.

_____, Plaintiff
v.
_____, Defendant

WRIT OF RESTITUTION

(Mobile Home Park Act)

THE STATE OF NEW MEXICO to the sheriff or a full-time salaried deputy sheriff of the above county:

Judgment having been entered for the plaintiff, you are ordered to remove the tenant and to take possession of the following mobile home on or before _____ (date)1:

(name of mobile home park)

(mobile home

address)

_____ (mobile home lot or
space)

_____, New Mexico

_____ for the purpose of storage.

You are ordered to return this writ to this court by

_____.
Dated: _____,

Judge _____

RETURN ON WRIT OF RESTITUTION2

I certify that I carried out this writ of restitution by removing the defendant from the mobile home located at _____ and restoring possession of the premises to _____ on _____, _____ at _____ (a.m.) (p.m.). The mobile home is now located at _____ (address).

Date of return: _____
Sheriff of _____

County, State of New Mexico
By _____

Sheriff or deputy sheriff

USE NOTES

1. Section 47-8-46 requires service of the writ of restitution on a specified date not less than three nor more than seven days after entry of judgment.
2. The sheriff is obligated by law to make timely return.

[Adopted, effective September 2, 1997.]

ANNOTATIONS

Effective dates. - Pursuant to a court order dated June 16, 1997, this form is effective on and after September 2, 1997.

TABLE OF CORRESPONDING FORMS

The first table below reflects the disposition of the former Civil Forms. The left-hand column contains the former form number, and the right-hand column contains the corresponding present Civil Form.

The second table below reflects the antecedent provisions in the former Civil Forms (right-hand column) of the present Civil Forms (left-hand column).

| Former Form | NMRA |
|-------------|-------|
| 1.00 | 4-201 |
| 1.01 | 4-203 |
| 1.02 | 4-204 |
| 1.03 | 4-301 |
| 1.04 | 4-202 |
| 1.05 | 4-302 |
| 2.00 | 4-304 |
| 2.01 | 4-305 |
| 2.02 | 4-306 |
| 3.00 | 4-501 |
| 3.01 | 4-502 |
| 3.02 | 4-307 |
| 3.03 | 4-401 |
| 4.00 | 4-503 |
| 4.01 | 4-601 |
| 5.00 | 4-103 |
| 5.01 | 4-102 |
| 5.02 | 4-101 |
| 6.00 | 4-701 |
| 6.01 | 4-703 |
| 6.02 | 4-704 |
| 6.03 | 4-705 |
| 6.04 | 4-706 |
| 6.05 | 4-303 |
| 6.06 | 4-702 |
| 7.00 | 4-801 |
| 7.01 | 4-802 |
| 7.02 | 4-803 |
| 7.03 | 4-804 |
| 8.00 | 4-805 |
| 8.01 | 4-806 |
| 8.02 | 4-807 |

| | |
|-------|-------|
| 8.03 | 4-812 |
| 8.03A | 4-811 |
| 8.04 | 4-813 |
| 8.05 | 4-814 |
| 8.06 | 4-808 |
| 8.07 | 4-809 |
| 8.08 | 4-810 |
| 9.00 | 4-707 |
| 9.01 | 4-708 |
| 10.00 | 4-901 |
| 10.01 | 4-902 |
| 10.02 | 4-903 |
| 10.03 | 4-904 |
| 10.04 | 4-905 |
| 10.05 | 4-906 |
| 10.06 | 4-907 |
| 10.07 | 4-908 |
| 10.08 | 4-909 |
| 10.09 | 4-910 |
| 10.10 | 4-911 |
| 10.11 | 4-912 |
| 10.12 | 4-913 |
| 10.13 | 4-914 |

| NMRA | Former Form |
|-------|-------------|
| 4-101 | 5.02 |
| 4-102 | 5.01 |
| 4-103 | 5.00 |
| 4-104 | None |
| 4-201 | 1.00 |
| 4-202 | 1.04 |
| 4-203 | 1.01 |
| 4-204 | 1.02 |
| 4-205 | None |
| 4-206 | None |
| 4-207 | None |
| 4-208 | None |
| 4-301 | 1.03 |
| 4-302 | 1.05 |
| 4-303 | 6.05 |
| 4-304 | 2.00 |
| 4-305 | 2.01 |
| 4-306 | 2.02 |

| | |
|--------|-------|
| 4-306A | None |
| 4-307 | 3.02 |
| 4-308 | None |
| 4-401 | 3.03 |
| 4-501 | 3.00 |
| 4-502 | 3.01 |
| 4-503 | 4.00 |
| 4-601 | 4.01 |
| 4-701 | 6.00 |
| 4-702 | 6.06 |
| 4-703 | 6.01 |
| 4-704 | 6.02 |
| 4-705 | 6.03 |
| 4-706 | 6.04 |
| 4-707 | 9.00 |
| 4-708 | 9.01 |
| 4-709 | None |
| 4-710 | None |
| 4-801 | 7.00 |
| 4-802 | 7.01 |
| 4-803 | 7.02 |
| 4-804 | 7.03 |
| 4-805 | 8.00 |
| 4-806 | 8.01 |
| 4-807 | 8.02 |
| 4-808 | 8.06 |
| 4-809 | 8.07 |
| 4-810 | 8.08 |
| 4-811 | 8.03A |
| 4-812 | 8.03 |
| 4-813 | 8.04 |
| 4-814 | 8.05 |
| 4-901 | 10.00 |
| 4-902 | 10.01 |
| 4-903 | 10.02 |
| 4-904 | 10.03 |
| 4-905 | 10.04 |
| 4-906 | 10.05 |
| 4-907 | 10.06 |
| 4-908 | 10.07 |
| 4-909 | 10.08 |
| 4-910 | 10.09 |
| 4-911 | 10.10 |
| 4-912 | 10.11 |
| 4-913 | 10.12 |
| 4-914 | 10.13 |

NMRA

IN THE SUPREME COURT OF THE STATE OF NEW MEXICO
IN THE MATTER OF THE REVISION AND ADOPTION :
OF CIVIL AND CRIMINAL FORMS FOR THE DISTRICT :
COURTS AND COURTS OF LIMITED
JURISDICTION : 8000 Misc.

This matter coming on for the consideration by the court,
and the court being sufficiently advised, Mr. Chief Justice
Payne, Mr. Senior Justice Sosa, Mr. Justice Federici, Mr.
Justice Riordan and Mr. Justice Stowers concurring:

NOW, THEREFORE, IT IS ORDERED that the following Civil Form
6.06 be and the same is hereby approved for use in the
Magistrate and Metropolitan Courts;

IT IS FURTHER ORDERED that Criminal Form 4.24 be and the
same is hereby approved for use in the District Courts;

IT IS FURTHER ORDERED that Criminal Form 6.60 be and the
same is hereby approved for use in the District, Magistrate and
Metropolitan Courts;

IT IS FURTHER ORDERED the approval of the above forms shall
be effective for all cases filed in the above courts on or after
October 1, 1983;

IT IS FURTHER ORDERED that the clerk of the court be and she
hereby is authorized and directed to give notice of the approval
of the above described orders by publishing the same in the NMSA
1978.

DONE at Santa Fe, New Mexico this 25th day of April, 1983.

/s/ H. VERN PAYNE
Chief Justice
/s/ DAN SOSA, JR.
Senior Justice
/s/ WILLIAM R. FEDERICI
Justice
/s/ WILLIAM RIORDAN
Justice
/s/ HARRY E. STOWERS, JR.
Justice

NMRA

IN THE SUPREME COURT OF THE
STATE OF NEW MEXICO
IN THE MATTER OF THE ADOPTION AND :

AMENDMENT OF CIVIL AND CRIMINAL
FORMS : 8000 Misc.
FOR THE DISTRICT COURT AND :
COURTS OF LIMITED JURISDICTION :

This matter coming on for consideration by the court and the court being sufficiently advised, Chief Justice Federici, Senior Justice Sosa, Justice Riordan, Justice Stowers, and Justice Walters concurring:

NOW, THEREFORE, IT IS ORDERED that Civil Form 2.02 is hereby amended;

IT IS FURTHER ORDERED that the following forms be and are hereby adopted: Civil Forms 1.04 and 1.05;

IT IS FURTHER ORDERED that the amendment and adoption of the above forms shall be effective on or after October 1, 1984;

IT IS FURTHER ORDERED that the clerk of the court is hereby authorized and directed to give notice of these amendments and adoptions by publishing the same in the NMSA 1978.

DONE at Santa Fe, New Mexico this 4th day of April, 1984.

/s/ WILLIAM R. FEDERICI

Chief Justice

/s/ DAN SOSA, JR.

Senior Justice

/s/ WILLIAM RIORDAN

Justice

/s/ HARRY E. STOWERS, JR.

Justice

/s/ MARY C. WALTERS

Justice

NMRA

IN THE SUPREME COURT OF THE
STATE OF NEW MEXICO

IN THE MATTER OF THE AMENDMENT OF :
CIVIL FORMS 4-303 AND 4-703 :
AND : 8000 Misc.

THE APPROVAL OF FORM 4-104 :

This matter coming on for consideration by the court and the court being sufficiently advised, Chief Justice Scarborough, Senior Justice Sosa, Justice Stowers, Justice Walters and Justice Ransom concurring:

NOW, THEREFORE, IT IS ORDERED that the amendment of Civil Forms 4-303 and 4-703 and the adoption of Civil Form 4-104 be and the same is hereby approved;

IT IS FURTHER ORDERED that the above amendment of Civil

Forms 4-303 and 4-703 and the adoption of Civil Form 4-104 shall be effective for cases filed on or after October 1, 1987;

IT IS FURTHER ORDERED that the clerk of the court is hereby authorized and directed to give notice of the amendment and adoption of the above forms by publishing the same in the News and Views and in the 1986 SCRA.

DONE at Santa Fe, New Mexico this 17th day of August, 1987.

/s/ TONY SCARBOROUGH
Chief Justice

/s/ DAN SOSA, JR.
Senior Justice

/s/ HARRY E. STOWERS, JR.
Justice

/s/ MARY C. WALTERS
Justice

/s/ RICHARD E. RANSOM
Justice

NMRA

IN THE SUPREME COURT OF THE
STATE OF NEW MEXICO

IN THE MATTER OF THE ADOPTION OF _____ :

CIVIL FORMS 4-205 AND 4-
308 _____ : 8000 Misc.

This matter coming on for consideration by the court and the court being sufficiently advised, Chief Justice Scarborough, Senior Justice Sosa, Justice Stowers, Justice Walters and Justice Ransom concurring:

NOW, THEREFORE, IT IS ORDERED that the adoption of Civil Forms 4-205 and 4-308 be and the same is hereby approved;

IT IS FURTHER ORDERED that the above approval of Civil Forms 4-205 and 4-308 shall be effective for cases filed on or after July 1, 1988;

IT IS FURTHER ORDERED that the clerk of the court is hereby authorized and directed to give notice of the approval of the above forms by publishing the same in the 1986 SCRA.

DONE at Santa Fe, New Mexico this 26th day of May, 1988.

/s/ TONY SCARBOROUGH
Chief Justice

/s/ DAN SOSA, JR.
Senior Justice

/s/ HARRY E. STOWERS, JR.
Justice

/s/ MARY C. WALTERS

Justice
/s/ RICHARD E. RANSOM
Justice

NMRA

IN THE SUPREME COURT OF THE
STATE OF NEW MEXICO

IN THE MATTER OF THE ADOPTION OF :
CIVIL FORM 4- :
206 : 8000 Misc.

This matter coming on for consideration by the court and the court being sufficiently advised, Chief Justice Scarborough, Senior Justice Sosa, Justice Stowers, Justice Walters and Justice Ransom concurring:

NOW, THEREFORE, IT IS ORDERED that the adoption of Civil Form 4-206 be and the same is hereby approved;

IT IS FURTHER ORDERED that the above approval of Civil Form 4-206 shall be effective for cases filed on or after August 1, 1988;

IT IS FURTHER ORDERED that the clerk of the court is hereby authorized and directed to give notice of the approval of the above forms by publishing the same in the Bar Bulletin and the 1986 SCRA.

DONE at Santa Fe, New Mexico this 1st day of June, 1988.

/s/ TONY SCARBOROUGH
Chief Justice
/s/ DAN SOSA, JR.
Senior Justice
/s/ HARRY E. STOWERS, JR.
Justice
/s/ MARY C. WALTERS
Justice
/s/ RICHARD E. RANSOM
Justice

NMRA

IN THE SUPREME COURT OF THE
STATE OF NEW MEXICO

IN THE MATTER OF THE ADOPTION AND :
AMENDMENT OF CIVIL :
FORMS : 8000 Misc.

This matter coming on for consideration by the court and the court being sufficiently advised, Chief Justice Sosa, Justice Stowers, Justice Scarborough, Justice Ransom and Justice Baca concurring:

NOW, THEREFORE, IT IS ORDERED that the amendment of Civil Forms 4-102, 4-204 and 4-307 be and the same is hereby approved;

IT IS FURTHER ORDERED that the adoption of Civil Forms 4-208 and 4-306A be and the same is hereby approved;

IT IS FURTHER ORDERED that the above approval of Civil Forms 4-102, 4-306A and 4-307 shall be effective for cases filed on or after September 1, 1989;

IT IS FURTHER ORDERED that the above approval of Civil Forms 4-204 and 4-208 shall be effective for cases filed on or after January 1, 1990;

IT IS FURTHER ORDERED that the clerk of the court is hereby authorized and directed to give notice of the approval of the above forms by publishing the same in the 1986 SCRA.

DONE at Santa Fe, New Mexico this 16th day of May, 1989.

/s/ DAN SOSA, JR.

Chief Justice

/s/ HARRY E. STOWERS, JR.

Justice

/s/ TONY SCARBOROUGH

Justice

/s/ RICHARD E. RANSOM

Justice

/s/ JOSEPH F. BACA

Justice

NMRA

IN THE SUPREME COURT OF THE
STATE OF NEW MEXICO

IN THE MATTER OF THE ADOPTION :
OF CIVIL FORM 4-
207 :

8000 Misc.

This matter coming on for consideration by the court and the court being sufficiently advised, Chief Justice Sosa, Justice Stowers, Justice Scarborough, Justice Ransom and Justice Baca concurring:

NOW, THEREFORE, IT IS ORDERED that the adoption of Civil Form 4-207 be and the same is hereby approved;

IT IS FURTHER ORDERED that the above approval of Civil Form 4-207 shall be effective for cases filed on or after August 1, 1989;

IT IS FURTHER ORDERED that the clerk of the court is hereby authorized and directed to give notice of the approval of the above forms by publishing the same in the 1986 SCRA.

DONE at Santa Fe, New Mexico this 31st day of May, 1989.

/s/ DAN SOSA, JR.
Chief Justice
/s/ HARRY E. STOWERS, JR.
Justice
/s/ TONY SCARBOROUGH
Justice
/s/ RICHARD E. RANSOM
Justice
/s/ JOSEPH F. BACA
Justice

NMRA

IN THE SUPREME COURT OF THE
STATE OF NEW MEXICO

IN THE MATTER OF THE AMENDMENT :
OF CIVIL

FORMS : 8000
Misc.

This matter coming on for consideration by the court and the court being sufficiently advised, Chief Justice Sosa, Justice Ransom, Justice Baca, Justice Montgomery and Justice Wilson concurring:

NOW, THEREFORE, IT IS ORDERED that the amendment of Civil Forms 4-204 and 4-308 be and the same is hereby approved;

IT IS FURTHER ORDERED that the above amendments of the Civil Forms shall be effective July 1, 1990;

IT IS FURTHER ORDERED that the clerk of the court is hereby authorized and directed to give notice of the above amendments of the Civil Forms by publishing the same in the 1986 SCRA.

DONE at Santa Fe, New Mexico this 14th day of February, 1990.

/s/ DAN SOSA, JR.
Chief Justice
/s/ RICHARD E. RANSOM
Justice
/s/ JOSEPH F. BACA
Justice
/s/ SETH D. MONTGOMERY
Justice

/s/ KENNETH B. WILSON
Justice

NMRA

IN THE SUPREME COURT OF THE
STATE OF NEW MEXICO

IN THE MATTER OF THE AMENDMENT :
OF CIVIL

FORMS : 8000
Misc.

This matter coming on for consideration by the court and the court being sufficiently advised, Chief Justice Sosa, Justice Ransom, Justice Baca, Justice Montgomery and Justice Franchini concurring:

NOW, THEREFORE, IT IS ORDERED that the amendment of Civil Forms 4-204, 4-307 and 4-703 be and the same are hereby amended;

IT IS FURTHER ORDERED that new Civil Forms 4-709 and 4-710 be and the same are hereby approved;

IT IS FURTHER ORDERED that the above amendment and approval of new Civil Forms shall be effective October 1, 1991;

IT IS FURTHER ORDERED that the clerk of the court is hereby authorized and directed to give notice of the above amendments of the Civil Forms by publishing the same in the 1986 SCRA.

DONE at Santa Fe, New Mexico this 9th day of May, 1991.

/s/ DAN SOSA, JR.

Chief Justice

/s/ RICHARD E. RANSOM

Justice

/s/ JOSEPH F. BACA

Justice

/s/ SETH D. MONTGOMERY

Justice

/s/ GENE E. FRANCHINI

Justice

NMRA

IN THE SUPREME COURT OF THE
STATE OF NEW MEXICO

IN THE MATTER OF THE AMENDMENT :
WITHDRAWAL AND APPROVAL

OF : 8000 Misc.

CIVIL FORMS

:

This matter coming on for consideration by the court and the court being sufficiently advised, Chief Justice Ransom, Justice Baca, Justice Montgomery, Justice Franchini and Justice Frost concurring:

NOW, THEREFORE, IT IS ORDERED that Civil Forms 4-801, 4-802, 4-803, 4-804, 4-805, 4-806, 4-807, 4-808, 4-809, 4-811 and 4-812 be and the same are hereby amended;

IT IS FURTHER ORDERED that new Civil Forms 4-801A, 4-808A and 4-815 be and the same are hereby approved;

IT IS FURTHER ORDERED that Civil Form 4-810 be and the same is hereby withdrawn;

IT IS FURTHER ORDERED that amended Civil Forms 4-801 and 4-812 be and the same are hereby approved for use in the Magistrate and Metropolitan Courts;

IT IS FURTHER ORDERED that the amended and new Civil Forms 4-801A, 4-811 be and the same are hereby approved for use in the District Courts;

IT IS FURTHER ORDERED that amended and new Civil Forms 4-802, 4-803, 4-804, 4-805, 4-806, 4-807, 4-808, 4-808A, 4-809 and 4-815 be and the same are hereby approved for use in the District, Magistrate and Metropolitan Courts;

IT IS FURTHER ORDERED that the above amendment, withdrawal and approval of new Civil Forms shall be effective on and after July 1, 1992;

IT IS FURTHER ORDERED that the clerk of the court is hereby authorized and directed to give notice of the above amendments of the Civil Forms by publishing the same in the Bar Bulletin and in the SCRA 1986.

DONE at Santa Fe, New Mexico this 15th day of April, 1992.

/s/ RICHARD E. RANSOM
Chief Justice

/s/ JOSEPH F. BACA
Justice

/s/ SETH D. MONTGOMERY
Justice

/s/ GENE E. FRANCHINI
Justice

/s/ STANLEY F. FROST
Justice

NMRA

IN THE SUPREME COURT OF THE
STATE OF NEW MEXICO

IN THE MATTER OF THE AMENDMENT :
AND APPROVAL OF CIVIL :
FORMS : 8000 Misc.

This matter coming on for consideration by the court and the court being sufficiently advised, Chief Justice Ransom, Justice Baca, Justice Montgomery, Justice Franchini and Justice Frost concurring;

NOW, THEREFORE, IT IS ORDERED that Civil Forms 4-204, 4-208, 4-808A, 4-907 and 4-908 be and the same are hereby amended;

IT IS FURTHER ORDERED that new Civil Forms 4-915 and 4-916 be and the same are hereby approved;

IT IS FURTHER ORDERED that the amended and new Civil Forms be and the same are hereby approved for use in the Magistrate and Metropolitan Courts;

IT IS FURTHER ORDERED that the above amendment and approval of Civil Forms shall be effective for cases filed in the Magistrate and Metropolitan Courts on and after January 1, 1993;

IT IS FURTHER ORDERED that the clerk of the court is hereby authorized and directed to give notice of the above amendments of the Civil Forms by publishing the same in the Bar Bulletin and in the SCRA 1986.

DONE at Santa Fe, New Mexico this 14th day of August, 1992.

/s/ RICHARD E. RANSOM

Chief Justice

/s/ JOSEPH F. BACA

Justice

/s/ SETH D. MONTGOMERY

Justice

/s/ GENE E. FRANCHINI

Justice

/s/ STANLEY F. FROST

Justice

NMRA

IN THE SUPREME COURT OF THE
STATE OF NEW MEXICO
NO. 94-8300
IN THE MATTER OF THE
AMENDMENT OF THE CIVIL
FORMS

This matter coming on for consideration by the Court and the Court being sufficiently advised, Chief Justice Ransom, Justice Baca, Justice Montgomery, Justice Franchini and Justice Frost concurring;

NOW, THEREFORE, IT IS ORDERED that Civil Forms 4-204, 4-803 and 4-808A be and the same hereby are amended;

IT IS FURTHER ORDERED that the above amendments of the Civil Forms shall be effective on and after May 1, 1994;

IT IS FURTHER ORDERED that the Clerk of the Court is hereby authorized and directed to give notice of the above amendments of the Civil Forms by publishing the same in the Bar Bulletin and in the SCRA 1986.

DONE at Santa Fe, New Mexico this 17th day of February, 1994.

/s/ RICHARD E. RANSOM
Chief Justice

/s/ JOSEPH F. BACA
Justice

/s/ SETH D. MONTGOMERY
Justice

/s/ GENE E. FRANCHINI
Justice

/s/ STANLEY F. FROST
Justice

NMRA

IN THE SUPREME COURT OF THE
STATE OF NEW MEXICO

NO. 94-8300

IN THE MATTER OF THE ADOPTION OF
CIVIL FORMS 4-820 AND 4-821

This matter coming on for consideration by the Court and the Court being sufficiently advised, Chief Justice Montgomery, Justice Ransom, Justice Baca, Justice Franchini and Justice Frost concurring:

NOW, THEREFORE, IT IS ORDERED Civil Forms 4-820 and 4-821 be and the same hereby are adopted;

IT IS FURTHER ORDERED that the adoption of the above Civil Forms shall be effective on and after January 1, 1995;

IT IS FURTHER ORDERED that the Clerk of the Court is hereby authorized and directed to give notice of the adoption of the above Civil Forms by publishing the same in the Bar Bulletin and in the SCRA 1986.

DONE at Santa Fe, New Mexico this 19th day of September, 1994.

/s/ SETH D. MONTGOMERY
Chief Justice

/s/ RICHARD E. RANSOM

Justice
/s/ JOSEPH F. BACA
Justice
/s/ GENE E. FRANCHINI
Justice
/s/ STANLEY F. FROST
Justice

NMRA

IN THE SUPREME COURT OF THE
STATE OF NEW MEXICO

NO. 94-8300

IN THE MATTER OF THE AMENDMENT
OF CIVIL FORMS 4-201, 4-301 AND 4-801

This matter coming on for consideration by the Court and the Court being sufficiently advised, Chief Justice Seth D. Montgomery, Justice Richard E. Ransom, Justice Joseph F. Baca, Justice Gene E. Franchini and Justice Stanley F. Frost concurring;

NOW, THEREFORE, IT IS ORDERED that Civil Forms 4-201, 4-301 and 4-801 be and the same hereby are amended;

IT IS FURTHER ORDERED that amended Civil Forms 4-201, 4-301 and 4-801 shall be effective on and after January 1, 1995;

IT IS FURTHER ORDERED that the Clerk of the Court is hereby authorized and directed to give notice of the above amendments of the Civil Forms by publishing the same in the Bar Bulletin and SCRA 1986.

DONE at Santa Fe, New Mexico this 30th day of September, 1994.

/s/ SETH D. MONTGOMERY
Chief Justice
/s/ RICHARD E. RANSOM
Justice
/s/ JOSEPH F. BACA
Justice
/s/ GENE E. FRANCHINI
Justice
/s/ STANLEY F. FROST
Justice

NMRA

IN THE SUPREME COURT OF THE STATE OF NEW MEXICO
NO. 95-8300
IN THE MATTER OF THE AMENDMENT OF
THE CIVIL FORMS FOR COURTS OF
LIMITED JURISDICTION

ORDER

This matter coming on for consideration by the Court upon recommendation of the Courts of Limited Jurisdiction Rules Committee, and the Court being sufficiently advised, Chief Justice Joseph F. Baca, Justice Richard E. Ransom, Justice Gene E. Franchini, Justice Stanley F. Frost, and Justice Pamela B. Minzner concurring;

NOW, THEREFORE, IT IS ORDERED that Civil Forms 4-101, 4-102, 4-103, 4-104, 4-921, and 4-922 for the Courts of Limited Jurisdiction be and the same hereby is approved;

IT IS FURTHER ORDERED that the above amendment of the Civil Forms for the Courts of Limited Jurisdiction shall be effective November 1, 1995;

IT IS FURTHER ORDERED that the Clerk of the Court hereby is authorized and directed to give notice of the amendment of the Civil Forms for Courts of Limited Jurisdiction by publishing the same in the Bar Bulletin and in the SCRA 1986.

DONE at Santa Fe, New Mexico this 12th day of September, 1995.

/s/ JOSEPH F. BACA
Chief Justice
/s/ RICHARD E. RANSOM
Justice
/s/ GENE E. FRANCHINI
Justice
/s/ STANLEY F. FROST
Justice
/s/ PAMELA B. MINZNER
Justice

NMRA

IN THE SUPREME COURT OF THE
STATE OF NEW MEXICO
No. 95-8300
IN THE MATTER OF AMENDMENT AND
ADOPTION OF CIVIL FORMS FOR USE
IN THE DISTRICT, MAGISTRATE AND

METROPOLITAN COURTS

ORDER

This matter coming on for consideration by the Court, upon recommendation of the Rules of Civil Procedure for the District Courts Committee and the Courts of Limited Jurisdiction Committee to adopt amendments to Civil Forms 4-801, 4-801A, 4-803, 4-804, 4-805, 4-806, 4-807, 4-808, 4-808A, 4-809, 4-811 and 4-812 and to approve new Civil Form 4-810A of the Civil Forms, and the Court being sufficiently advised, Chief Justice Joseph F. Baca, Justice Richard E. Ransom, Justice Gene E. Franchini, Justice Stanley F. Frost, and Justice Pamela B. Minzner concurring;

NOW, THEREFORE, IT IS ORDERED that the amendment Civil Forms 4-801A, 4-803, 4-804, 4-805, 4-806, 4-807, 4-808, 4-808A, 4-809 and 4-811 of the Civil Forms are hereby approved for use in the District Courts, Civil Forms 4-801, 4-803, 4-804, 4-806, 4-807, 4-808, 4-808A, 4-809 and 4-812 of the Civil Forms are hereby approved for use in the Magistrate and Metropolitan Courts and new Civil Form 4-810A is hereby approved for use in the District, Magistrate and Metropolitan Courts;

IT IS FURTHER ORDERED that the amendment and adoption of the above-referenced Civil Forms shall be effective for cases filed on and after January 1, 1996;

IT IS FURTHER ORDERED that the Clerk of the Court hereby is authorized and directed to give notice of the above-referenced amendments to the Civil Forms by publishing the same in the Bar Bulletin and in the SCRA 1986.

DONE at Santa Fe, New Mexico this 6th day of November, 1995.

/s/ JOSEPH F. BACA

Chief Justice

/s/ RICHARD E. RANSOM

Justice

/s/ GENE E. FRANCHINI

Justice

/s/ STANLEY F. FROST

Justice

/s/ PAMELA B. MINZNER

Justice

NMRA

IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

No. 95-8300

IN THE MATTER OF THE
AMENDMENT OF THE CIVIL
FORM 4-502

ORDER

This matter coming on for consideration by the Court, upon recommendation of the Courts of Limited Jurisdiction Committee to amend Civil Form 4-502, and the Court being sufficiently advised, Chief Justice Joseph F. Baca, Justice Richard E. Ransom, Justice Gene E. Franchini, Justice Stanley F. Frost, and Justice Pamela B. Minzner concurring;

NOW, THEREFORE, IT IS ORDERED that the amendment of Civil Form 4-502 be and the same hereby is approved;

IT IS FURTHER ORDERED that the amendment of Civil Form 4-502 shall be effective on and after January 1, 1996;

IT IS FURTHER ORDERED that the Clerk of the Court hereby is authorized and directed to give notice of the above amendment of the Civil Forms by publishing the same in the Bar Bulletin and in the SCRA 1986.

DONE at Santa Fe, New Mexico this 6th day of November, 1995.

/s/ JOSEPH F. BACA
Chief Justice
/s/ RICHARD E. RANSOM
Justice
/s/ GENE E. FRANCHINI
Justice
/s/ STANLEY F. FROST
Justice
/s/ PAMELA B. MINZNER
Justice

NMRA

IN THE SUPREME COURT OF THE STATE OF NEW MEXICO
No. 95-8300
IN THE MATTER OF AMENDMENTS
OF RULES 1-072, 1-073, 1-074,
1-075, 1-076, 1-077, AND 1-081, AND
FORMS 4-707, 4-707A, AND 4-830 OF
THE RULES OF CIVIL PROCEDURE
FOR THE DISTRICT COURTS

ORDER

This matter coming on for consideration by the Court, upon recommendation of the Rules of Civil Procedure for the District Courts Committee to adopt amendments to Rules 1-072, 1-073, 1-074, 1-075, 1-076, 1-077 and 1-081 and Forms 4-707, 4-707A and 4-830 of the Rules of Civil Procedure for the District Courts, and the Court being sufficiently advised, Chief Justice Joseph F. Baca, Justice Richard E. Ransom, Justice Gene E. Franchini, Justice Stanley F. Frost, and Justice Pamela B. Minzner concurring;

NOW, THEREFORE, IT IS ORDERED that the amendments of the Rules 1-072, 1-073, 1-074, 1-075, 1-076, 1-077, and 1-081, and Forms 4-707, 4-707A, and 4-830 of the Rules of Civil Procedure for the District Courts are hereby approved;

IT IS FURTHER ORDERED that the amendments of Rules 1-072, 1-073, 1-074, 1-075, 1-076, 1-077, and 1-081, and Forms 4-707, 4-707A, and 4-830 of the Rules of Civil Procedure for the District Courts shall be effective for appeals and writs filed on and after January 1, 1996;

IT IS FURTHER ORDERED that the Clerk of the Court hereby is authorized and directed to give notice of the amendments of the above rules and forms by publishing the same in the Bar Bulletin and in the SCRA 1986.

DONE at Santa Fe, New Mexico this 15th day of November, 1995.

/s/ JOSEPH F. BACA
Chief Justice
/s/ RICHARD E. RANSOM
Justice
/s/ GENE E. FRANCHINI
Justice
/s/ STANLEY F. FROST
Justice
/s/ PAMELA B. MINZNER
Justice

NMRA

IN THE SUPREME COURT OF THE STATE OF NEW MEXICO
NO. 96-8300

IN THE MATTER OF THE AMENDMENTS OF RULES
2-705, 3-706, 3-708, AND FORM 4-708 AND
THE WITHDRAWAL OF RULES 3-707 3-709, 3-710,
3-711, AND 3-712 OF THE MAGISTRATE COURT AND
METROPOLITAN COURT RULES GOVERNING APPEALS
IN CIVIL CASES TO THE DISTRICT COURT

ORDER

This matter coming on for consideration by the Court upon the recommendation of the Courts of Limited Jurisdiction Rules Committee to adopt amendments to Rules 2-705, 3-706, 3-708 and Form 4-708, and to withdraw Rules 3-707, 3-709, 3-710, 3-711, and 3-712, and the Court being sufficiently advised, Chief Justice Stanley F. Frost, Justice Richard E. Ransom, Justice Joseph F. Baca, Justice Gene E. Franchini, and Justice Pamela B. Minzner concurring:

NOW, THEREFORE, IT IS ORDERED that the amendments of Rules 2-705, 3-706, 3-708, and Form 4-708 of the Magistrate Court and Metropolitan Court rules governing appeals in civil cases to the District Court hereby are approved;

IT IS FURTHER ORDERED that the withdrawal of Rules 3-707, 3-709, 3-710, 3-711, and 3-712, hereby is approved and effective July 1, 1996;

IT IS FURTHER ORDERED that the amendments of Rules 2-705, 3-706, 3-708, and Form 4-708 shall be effective for appeals filed on and after July 1, 1996;

IT IS FURTHER ORDERED that the Clerk of the Court is hereby authorized and directed to give notice of the adoption of the above-referenced rules by publishing the same in the Bar Bulletin and in the SCRA 1986.

DONE at Santa Fe, New Mexico this 18th day of April, 1996.

/s/ Stanley F. Frost
Chief Justice
/s/ Richard E. Ransom
Justice
/s/ Joseph F. Baca
Justice
/s/ Gene E. Franchini
Justice
/s/ Pamela B. Minzner
Justice

NMRA

IN THE SUPREME COURT OF THE STATE OF NEW MEXICO
NO. 96-8300
IN THE MATTER OF THE AMENDMENT OF
CIVIL FORM 4-701

ORDER

This matter coming on for consideration by the Court upon recommendation of the Courts of Limited Jurisdiction Rules Committee to adopt amendments to Form 4-701, and the Court being sufficiently advised, Chief Justice Joseph F. Baca, Justice Richard E. Ransom, Justice Gene E. Franchini, Justice Pamela B. Minzner, and Justice Dan A. McKinnon, III, concurring;

NOW, THEREFORE, IT IS ORDERED that Rule 4-701 of the Rules of Courts of Limited Jurisdiction be and the same hereby is amended;

IT IS FURTHER ORDERED that the above amendment of the rule shall be effective for cases filed in the Magistrate, Metropolitan, and Municipal Courts on and after October 1, 1996;

IT IS FURTHER ORDERED that the Clerk of the Court hereby is authorized and directed to give notice of the amendment of the rule by publishing the same in the Bar Bulletin and NMRA.

DONE at Santa Fe, New Mexico, this 26th day of August, 1996.

/s/ JOSEPH F. BACA
Chief Justice
/s/ RICHARD E. RANSOM
Justice
/s/ GENE E. FRANCHINI
Justice
/s/ PAMELA B. MINZNER
Justice
/s/ DAN A. MCKINNON, III
Justice

NMRA

IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

NO. 97-8300

IN THE MATTER OF THE AMENDMENTS

OF LANDLORD-TENANT FORMS OF THE RULES

FOR THE COURTS OF LIMITED JURISDICTION

ORDER

WHEREAS, this matter came on for consideration by the Court upon the recommendation of the Courts of Limited Jurisdiction Rules Committee, and the Court being sufficiently advised, Chief Justice Gene E. Franchini, Justice Joseph F. Baca, Justice Pamela B. Minzner, Justice Patricio M. Serna, and Justice Dan A. McKinnon, III, concurring:

NOW, THEREFORE, IT IS ORDERED that the amendments of

Landlord-Tenant Forms 4-901, 4-901A, 4-902, 4-903, 4-904, 4-905, 4-906, 4-907, 4-908, 4-909, 4-910, 4-911, 4-912, 4-913, 4-914, 4-921, 4-922, 4-923, 4-924, 4-925, 4-926, 4-927, 4-928, and 4-929 of the Rules for Courts of Limited Jurisdiction hereby are approved;

IT IS FURTHER ORDERED that the amendments of the above-referenced forms shall be effective on and after September 2, 1997;

IT IS FURTHER ORDERED that the Clerk of the Court hereby is authorized and directed to give notice of the amendments of the above-referenced forms by publishing the same in the Bar Bulletin and NMRA.

DONE at Santa Fe, New Mexico, this 16th day of June, 1997.

/s/ GENE E. FRANCHINI
Chief Justice

/s/ JOSEPH F. BACA
Justice

/s/ PAMELA B. MINZNER
Justice

/s/ PATRICIO M. SERNA
Justice

/s/ DAN A. MCKINNON, III
Justice

NMRA

IN THE SUPREME COURT OF THE STATE OF NEW MEXICO
NO. 97-8300
IN THE MATTER OF THE AMENDMENTS OF
CIVIL FORMS 4-204 AND 4-208 FOR SUMMONS
IN THE COURTS OF LIMITED JURISDICTION

ORDER

WHEREAS, this matter came on for consideration by the Court upon the recommendation of the Courts of Limited Jurisdiction Rules Committee, and the Court being sufficiently advised, Chief Justice Gene E. Franchini, Justice Joseph F. Baca, Justice Pamela B. Minzner, Justice Patricio M. Serna, and Justice Dan A. McKinnon, III, concurring:

NOW, THEREFORE, IT IS ORDERED that the amendments of the Civil Forms 4-204 and 4-208 for Summons for Courts of Limited Jurisdiction hereby are approved;

IT IS FURTHER ORDERED that the amendments of the above-referenced forms shall be effective on and after September 2,

1997;

IT IS FURTHER ORDERED that the Clerk of the Court hereby is authorized and directed to give notice of the amendments of the above-referenced forms by publishing the same in the Bar Bulletin and NMRA.

DONE at Santa Fe, New Mexico, this 15th day of July, 1997.

/s/ GENE E. FRANCHINI
Chief Justice

/s/ JOSEPH F. BACA
Justice

/s/ PAMELA B. MINZNER
Justice

/s/ PATRICIO M. SERNA
Justice

/s/ DAN A. MCKINNON, III
Justice

NMRA

IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

NO. 97-8300

IN THE MATTER OF THE AMENDMENT OF

RULES 1-005, 1-026, 1-034, 1-037,

1-045, 1-053.2 and 1-100 and

FORM 4-505 NMRA OF THE RULES OF

CIVIL PROCEDURE FOR THE DISTRICT COURTS

ORDER

WHEREAS, this matter came on for consideration by the Court upon the recommendation of the Rules of Civil Procedure for the District Courts Committee, and the Court being sufficiently advised, Chief Justice Gene E. Franchini, Justice Joseph F. Baca, Justice Pamela B. Minzner, Justice Patricio M. Serna, and Justice Dan A. McKinnon, III, concurring;

NOW, THEREFORE, IT IS ORDERED that the amendment of Rules 1-005, 1-026, 1-034, 1-037, 1-045, 1-053.2, and 1-100 and Form 4-505 of the Rules of Civil Procedure for the District Courts hereby is approved;

IT IS FURTHER ORDERED that the amendment of Rules 1-005, 1-026, 1-034, 1-037, 1-045, 1-053.2, and 1-100 and Form 4-505 of the Rules of Civil Procedure for the District Courts shall be effective on and after January 1, 1998;

IT IS FURTHER ORDERED that the Clerk of the Court hereby is authorized and directed to give notice of the amendment of the

above rules by publishing the same in the Bar Bulletin and NMRA.
DONE at Santa Fe, New Mexico, this 10th day of October,
1997.

/s/ GENE E. FRANCHINI
Chief Justice
/s/ JOSEPH F. BACA
Justice
/s/ PAMELA B. MINZNER
Justice
/s/ PATRICIO M. SERNA
Justice
/s/ DAN A. McKINNON, III
Justice