

CIVIL FORMS

4-001.

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

4-002.

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

4-003.

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

4-004.

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

4-005.

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

4-006.

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

4-007.

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

4-009.

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 1986 SCRA.

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

ARTICLE 1 GENERAL PROVISIONS

4-101.

[2-106, 3-106]

STATE OF NEW MEXICO
IN THE COURT

..... COUNTY
State of New Mexico

v.

No.

.....

PROVISIONAL NOTICE OF PEREMPTORY

EXCUSAL

The undersigned hereby notifies the court that he is exercising his right to excuse the Honorable from presiding over the above-captioned cause.

.....

.....

ture of Party
[As amended, effective May 1, 1986.]

4-102.

[2-105, 3-105]

STATE OF NEW MEXICO
 IN
 THE COURT No.

 COUNTY

 ..., Plaintiff
 against

 ..., Defendant

CERTIFICATE OF EXCUSAL OR RECUSAL

I hereby certify that I am the assigned judge in the above court and cause, but that (by a statement of excusal) (by recusal) I am precluded from presiding in this case; and that although

(check applicable alternative)

[] ten (10) days have passed since the parties were notified of such recusal,

[] five (5) days have passed since the parties were notified of such excusal,

I have received no notice that the parties have agreed upon another judge.

Accordingly, it is respectfully requested that an alternate judge be designated according to law.

.....,
 19

Judge
 Division

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

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 he is exercising his right to excuse the Honorable from presiding over the above-captioned case.

.....,
19
.
(Plaintiff) (Defendant)

[As amended, effective May 1, 1986.]

4-104.

[2-106]

STATE OF NEW MEXICO (COUNTY OF
.....)
(CITY OF
.....)

.....
..., Plaintiff

against

.....
..., Defendant

NOTICE OF RECUSAL

The undersigned hereby notifies the parties that he is recusing himself from presiding over the above captioned case. The parties are further notified that if within five (5) days they do not agree upon another judge to hear the case, the clerk will request the district court to assign another judge.

.....,
19
.. Judge

.....
..... Division

[Adopted, effective October 1, 1987.]

**ARTICLE 2
COMMENCEMENT OF ACTION**

4-201.

[2-201, 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.*]

....., 19 ..
.....

Signed
.....

Name [print]
.....

dress [print] Ad

.....
.....
Code [print] City, State and Zip
.....
.....
Telephone Number Tel

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]

Ad

.....
.....

Code [print]

City, State and Zip

.....
.....

Telephone Number

Tel

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]
.....
dress [print] Ad
.....
..... City, State and Zip
Code [print]
.....
..... Tel
ephone Number

4-204.

[2-202, 3-202]

STATE OF NEW MEXICO
IN THE COURT No.
.....
..... COUNTY Judge assigned:
.....
.....
.....
....., Plaintiff
against
.....
....., Defendant

SUMMONS

THE STATE OF NEW MEXICO

TO:
.....,
Defendant (s)
ADDRESS:
.....
.....

GREETINGS:

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

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

Your answer must be filed with the above named court which is located at:

Street Address of Court:

.....

A copy of your answer must be mailed to the plaintiff or to the plaintiff's attorney.

Name and Address of Plaintiff or Plaintiff's Attorney:

Name:

.....
.....

Address:

.....
...

WITNESS the Honorable, (Magistrate) (Metropolitan Court) Judge of said Court of the State of New Mexico and the Seal of the (Magistrate) (Metropolitan) Court of said County, this ... day of, 19 ..

.....
.....

dge (Clerk) Ju

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 within Summons (in said county) (in County) on the ... day of, 19 ..., by delivering a copy thereof, with copy of Complaint attached, and a form for

Answer, in the following manner:

(check only if service by sheriff or deputy)

[] I certify that I served the within Summons (in said county) (in County) on the ... day of, 19 ..., by delivering a copy thereof, with copy of Complaint attached, and a form for Answer, 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. Abode located at

[] 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). 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).

[] 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

.....

.....

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 need not be notarized.

(If service is by mail, 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.]

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.

4-205.

[2-301, 3-301]

STATE OF NEW MEXICO

.....
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

itle (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

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

.....
.....
.....

Date of Signature

[Adopted, effective August 1, 1989.]

4-208.

[2-202, 3-202]

STATE OF NEW MEXICO
IN THE COURT

.....
(COUNTY) No.

.....
..., Plaintiff
against

.....
..., Defendant

NOTICE AND RECEIPT OF SUMMONS AND COMPLAINT

TO:

.....
.....

ADDRESS:

.....
.....

The enclosed summons and complaint along with a postage prepaid return envelope are served pursuant to the rules of civil procedure for the above court.

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.

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, 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.

I enclose a stamped and addressed envelope for your use.

In addition to completing this form and returning it to the sender, the defendant must also answer the complaint and file an answer with the court within twenty (20) days of the date upon which this notice was mailed, which appears below. If an answer is not filed with the court within twenty (20) days, 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

..... 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)

.....
.....

.....
.....

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 (20) days.

..... Signature

..... Date of Signature

[As amended, effective January 1, 1993.]

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.

**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 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.*]

.....
.....

Signed

.....
.....

Name [print]

.....
.....

Address [print]

Ad

.....
.....

Code [print]

City, State and Zip

.....
.....

Telephone Number

Tel

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

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]
.....
.....

City, State and Zip
Code [print]
.....
.....

Telephone Number
Tel

(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
IN THE COURT
No. ...

..... 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
..... \$ _____

(Plaintiff)

(Defen

dant)

(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.

.....

.....
Plaintiff or Attorney
for Plaintiff

.....

.....
Defendant or Attorney
for Defendant

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

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.

.....
.....

Plaintiff or Attorney

for Plaintiff

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 ...

.....
.....

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 ofm. 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 .., atm.

....., 19
..
udge or Clerk J

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.)

[2-501, 3-501]

STATE OF NEW MEXICO

.....
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 m., the following records, papers, documents or other tangible evidence in his possession or available to him (*describe briefly*):

.....
.....

.....
.....

.....
.....

....., 19
.. ..

Judge

(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 ..
.....
udge or Clerk J

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.
.....
.....
eputy Sheriff D

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.

.....
.....
Person

Making Service
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

.....
.....
(Name) (Address) (T
elephone)

**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 ..
..
udge or Clerk J

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.

.....
.....
eputy Sheriff D

**ARTICLE 7
JUDGMENT AND APPEAL**

4-701.

[2-701, 3-701]

STATE OF NEW MEXICO
IN THE
COURT

No. ...

..... COUNTY

.....
..., 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)

....., 19

..

Judge

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.

.....
.....

(Signature

of Plaintiff)

.....
.....

(Signature of Judge,

Notary or Other)

My commission expires:

(SEAL)

Officer Authorized to

Administer Oaths

.....

.....

O

Official Title

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 | \$..... | |
| | Attorney | |
| Fee | \$..... | |
| | 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 ..

.....
y or Attorney

.....
Part

.....
Address

.....
State, Zip Code

.....
City,

4-707.

[2-706, 3-706]

STATE OF NEW MEXICO
IN THE DISTRICT
COURT

No. ...

..... COUNTY

.....
..., Plaintiff

against

.....
..., Defendant

.....
..., Garnishee

NOTICE OF APPEAL

(Plaintiff) (Defendant) hereby appeals the decision of
the court in the above cause.

.....
.....

Signed

.....
.....

Name [print]

.....
.....

Ad

dress [print]

.....
.....

City, State and Zip

Code [print]

.....
.....

Tel

ephone Number

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

Appeal bond is hereby set at

\$..... *

.....
.....

Judge

* If a bond is not approved by the trial court within fifteen (15) days after the filing of the notice of appeal, the collection of the judgment of the trial court may not be stopped. If a supersedeas bond is approved by the trial court, a copy shall be forthwith filed with the District Court.

4-708.

[2-706]

STATE OF NEW MEXICO
IN THE
COURT

No. ...

..... COUNTY

.....
..., Plaintiff
against

.....
..., Defendant

.....
..., Garnishee

TITLE PAGE OF TRANSCRIPT OF CIVIL PROCEEDINGS

1. PLAINTIFF represented
by

Nam

e of Attorney

.....
.....

Address

.....
.....

2. DEFENDANT represented
by
e of Attorney
.....

Nam

Address
.....
.....

3. Attached: (*Please check appropriate boxes.*)
 COMPLAINT
 ANSWER
 OTHER PLEADINGS AND EXHIBITS
 FINAL ORDER OR JUDGMENT (with date of filing noted
thereon)
 RECORD OF HEARING
.....
.....

Judge

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.]

ANNOTATIONS

Compiler's note. - Pursuant to a court order dated May 9, 1991, this form is 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.]

ANNOTATIONS

Compiler's note. - Pursuant to a court order dated May 9, 1991, this form is effective October 1, 1991.

**ARTICLE 8
SPECIAL PROCEEDINGS**

4-801.

[2-801, 3-801]

STATE OF NEW MEXICO
IN THE
COURT

No. ...

..... COUNTY

.....
..., 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 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 an alias or pluries 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 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

(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 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.

4-801A.

[1-065.1]

STATE OF NEW MEXICO
IN THE DISTRICT
COURT

No. ...

..... COUNTY

.....
..., 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
.
udge or Clerk J

(This form may also be issued as an alias or pluries 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 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

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

[Adopted, effective July 1, 1992.]

ANNOTATIONS

Effective dates. - Pursuant to a supreme court order dated April 15, 1992, this form is effective July 1, 1992 for use in the district courts.

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, 2-803, 3-802]

STATE OF NEW MEXICO
IN THE
COURT

No.

..... COUNTY

.....
..., Plaintiff
against

.....
..., Defendant

CLAIM OF EXEMPTIONS ON EXECUTIONS

(check only applicable boxes)

Part I. Homestead exemption

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

[] Judgment debtor is a [] married person, [] widow or widower [] person who is supporting another and is entitled to hold exempt a homestead in the amount of twenty thousand dollars (\$20,000) under Section 42-10-9 NMSA 1978.

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

Part II. Exemption in lieu of homestead exemption

[] 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: (do not list property also being claimed as personal property in the next part of this form.)

PROPERTY
STATED VALUE

..... \$
.....

..... \$
.....

(Attach additional page if necessary)

Part III. Personal property exemptions

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

(check only applicable boxes)

- personal property worth up to \$500;
- tools of the trade worth up to \$1,500;
- a motor vehicle worth up to \$4,000 or that amount of equity in a more valuable vehicle;
- jewelry worth up to \$2,500;
- 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;
- certain 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 Sections 52-1-52;
- occupational health benefits as provided by Section 52-3-37;
- 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;

[] allowances to surviving spouse and children from estate of a deceased estate subject to the limitations of Sections 45-2-401 and 45-2-402 NMSA 1978;

[] other

.....
I am aware of my exemption rights.

[] I desire to claim my exemption rights.

[] I do not desire to claim my exemption rights.

YOU MUST RETURN TWO (2) COMPLETED AND SIGNED COPIES OF THIS FORM TO THE CLERK OF THE COURT WHOSE ADDRESS IS SHOWN BELOW.

....., 19 ...
Return to Clerk of the Court

..... Signature of judgment debtor
Name of court

.....
.....
Address Printed name of judgment debtor

.....
.....
City, State & Zip code Street Address or P.O. box

.....
.....
City, State & Zip Code

.....
.....
Telephone number

(The clerk shall mail to the judgment creditor a copy of the claim of exemption with a list of the property claimed as exempt.)

(If one or more exemptions have been claimed after entry of the judgment, the clerk will schedule a hearing within 10 business days and will mail a copy of this form with the judgment creditor's notice of hearing.)

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

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.

4-804.

[1-065.1, 2-803, 3-802]

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 are \$ 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 three (3) copies of the 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 after hearing,

the court finds that the following property is exempt from execution

.....

.....

.....

.....

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

.....

.....

.....

.....

[] 3. The sheriff may sell the property of the judgment debtor shown on Exhibit A attached hereto except as set forth above.

....., 19

... ..

Judge of the Court

[As amended, effective July 1, 1992.]

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.

4-805.

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

STATE OF NEW MEXICO
IN THE
COURT

No.

..... COUNTY

.....
..., Plaintiff
against

.....
..., Defendant

APPLICATION FOR WRIT OF GARNISHMENT

AND AFFIDAVIT

..... as (attorney for) (plaintiff) (defendant), the judgment creditor, being first duly sworn, 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 Civil Form 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),

address, is indebted to the judgment debtor, and the debt is not exempt from garnishment, or holds personal property belonging to the judgment debtor.

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

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

.....
(seal)
Notary or Other Officer
Authorized to Administer Oaths

.....
.....
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

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

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.

4-806.

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

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

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 gives permission.

2. If the judgment debtor is an employee of yours, unless this court gives permission or 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. Any 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 choses in action or if you acquire any such property 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 and until this court gives permission.

4. If you hold property belonging to the judgment debtor, unless you are an employer of the judgment debtor, within four (4) business days after service of this writ you are to mail a copy of this writ, and the attached Notice of Right to Claim Exemptions and three (3) copies of the attached Claim of Exemption Forms, to each person identified as a judgment debtor. You shall also send 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)
.....

Clerk Designee Judge or

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 thereof, with a copy of a form for Answer by Garnishee, and a copy of a Notice of Right to Claim Exemptions and three (3)

copies 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 thereof, with a copy of a form for Answer by Garnishee, and a copy of a Notice of Right to Claim Exemptions and three (3) copies 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

.....

.....

0

fficial title

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

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.

4-807.

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

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:

1. [] I do not employ the judgment debtor or pay him 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. [] I do not now owe the judgment debtor any money other than wages and have not since receiving the Writ of Garnishment.

[] I owe the judgment debtor \$ other than wages.

[] I did not owe the judgment debtor any money at the time of the service of the Writ of Garnishment.

[] 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. [] I have no property of the judgment debtor in my possession and have not since receiving the Writ of Garnishment.

[] I have in my possession the following property which belongs to the judgment debtor:

| (description) | (approximate value) |
|---------------|---------------------|
| | \$ |
| | \$ |
| | \$ |
| | \$ |

4. [] I know of no other persons indebted to the judgment debtor.

[] To the best of my knowledge and information, the following persons are indebted to the judgment debtor:

| (Name) | (Address) |
|--------|-----------|
| | |
| | |
| | |
| | |

5. [] I am presently withholding \$ of the

judgment debtor's income pursuant to a Notice to Withhold Income under the Support Enforcement Act of New Mexico. This amount is equal to ... % of the judgment debtor's net disposable earnings.

[] I am not presently withholding any of the judgment debtor's income pursuant to a Notice to Withhold Income under the Support Enforcement Act of New Mexico.

6. [] The above-named garnishee holds money or property other than wages belonging to the judgment debtor named above:

[] A copy of the Application for a Writ of Garnishment; the Writ of Garnishment; a Notice of Right to Claim Exemptions and three (3) copies of the Claim of Exemption Form have been mailed to each judgment debtor who is not an employee.

[] 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.

7. [] A copy of this Answer has been mailed or delivered to the judgment creditor and judgment debtor.

8. [] 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 does herewith verify that he has read the above and foregoing Answer by Garnishee, that he knows the contents thereof, and that the same are true to the best of his knowledge and belief; that he is the custodian of the records upon which such Answer is based, and that said Answer is true and correct based upon said records.

.....
.....
Printed name of
person signing
.....
.....

Garnishee
Subscribed and sworn to before me
this day of
.....
.....

Other Officer
Judge, Notary or
Authorized to

Administer Oaths

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

ANNOTATIONS

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.

4-808.

[1-065.1, 2-803, 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. There are limits on

how much of your wages can be taken. These funds or property are protected under federal or state law. Money or property which may not be taken is called "exempt" property. 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:

- 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. certain 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. allowances to surviving spouse and children from deceased's estate (\$10,000 family allowance and \$3,500 personal property allowance) 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:

Attached are three (3) copies of a form you can use to claim your exemptions. It is called a "Claim of Exemption (Garnishment)" form. You should IMMEDIATELY fill out both copies of the form, and take or mail both copies to the clerk of the court whose address is on the Claim of Exemption Form.

The clerk will give you a date and time for a court hearing. You must go to the 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.

Your money or property will be turned over to the judgment creditor if you do not fill out and return the attached Claim of Exemption Form and go to the court hearing.

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

YOU SHOULD COMPLETE AND RETURN TWO (2) COPIES OF THE CLAIM OF EXEMPTION FORM TO THE CLERK OF THE COURT WITHIN TEN (10) DAYS AFTER SERVICE OF THIS FORM UPON YOU.

YOU MAY ALSO TAKE THIS PAPER TO A LAWYER AT ONCE. A LAWYER CAN ADVISE YOU MORE SPECIFICALLY OF YOUR RIGHTS. IF YOU CAN'T AFFORD ONE, THERE ARE LISTINGS OF LEGAL ASSISTANCE OFFICES AND LEGAL AID OFFICES IN THE YELLOW PAGES OF THE TELEPHONE BOOK UNDER "LAWYERS".

[As amended, effective July 1, 1992.]

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".

4-808A.

[1-065.1, 2-803, 3-802]

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 YOUR PROPERTY

A ruling has been made in this case that you owe money to the plaintiff judgment creditor. The judgment creditor has started to collect that money from your 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 plaintiff judgment creditor money. This property is protected under state law. The property which may not be taken is called "exempt property". 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)

Married persons, widows, widowers and persons who are supporting another person are entitled to hold as exempt property a homestead in the amount of twenty thousand dollars (\$20,000) under Section 42-10-9 NMSA 1978.

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

Part II. Exemption in lieu of homestead exemption

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. state and local government 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 Sections 52-1-52;
- k. occupational health benefits as provided by Section 52-3-37;
- 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. allowances to surviving spouse and children from estate of a deceased estate (\$10,000 family allowance and \$3,500 personal property allowance) 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.

Attached are three (3) copies of a form you can use to claim your exemptions. This form is called a "Claim of Exemption (Execution)" form. YOU MUST COMPLETE AND RETURN TWO (2) COPIES OF THE CLAIM OF EXEMPTION FORM TO THE CLERK OF THE COURT WITHIN TEN (10) DAYS AFTER SERVICE OF THIS NOTICE UPON YOU. YOU MAY ALSO TAKE THIS PAPER TO A LAWYER AT ONCE. A LAWYER CAN ADVISE YOU MORE SPECIFICALLY OF YOUR RIGHTS. IF YOU CANNOT AFFORD A LAWYER, THERE ARE LISTINGS OF LEGAL ASSISTANCE OFFICES AND LEGAL AID OFFICES IN THE YELLOW PAGES OF THE TELEPHONE BOOK UNDER EITHER "ATTORNEYS" or "LAWYERS". The clerk or the judge will give you a date and time for a court hearing on your claim. You must go to the 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 timely complete the Claim of Exemption (Executions) form and attend the hearing, your property will be sold by the sheriff.

FAILURE TO COMPLETE AND FILE A CLAIM OF EXEMPTION WITHIN TEN (10) DAYS 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, three copies of the Claim of Exemption 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.)

RETURN

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 three (3) copies of a Claim of Exemptions 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 Claims 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 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 need not be notarized.*

[As amended effective January 1, 1993.]

ANNOTATIONS

Effective dates. - Pursuant to a supreme court order dated April 15, 1992, this form is effective on July 1, 1992 for use in the district, magistrate and metropolitan courts.

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".

4-809.

[1-065.1, 2-803, 3-802]

STATE OF NEW MEXICO
IN THE

No.

COURT
..... 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. [] certain pensions and retirement funds;

h. [] crime victims' reparation fund payments;

i. [] allowances to surviving spouse and children from deceased's estate (\$10,000 family allowance and \$3,500 personal property allowance) 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.

Two (2) copies of this form must be returned to the clerk of the court whose address is

.....
.....

A court hearing will be scheduled to consider the above exemptions. At this hearing you must bring evidence supporting each of your claims of exemption.

..... (Date)

.....
.....

judgment debtor

Signature of

.....
.....

judgment debtor

Printed name of

.....
.....

street or P.O. Box

180 Number and

.....
.....

State, Zip Code

City,

.....
.....

telephone number

Tel

(Upon receipt of this form the clerk will schedule a hearing within 10 business days and will mail a copy of this form with the judgment creditor's notice of hearing.)

[As amended, effective July 1, 1992.]

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.

4-810. Withdrawn.

ANNOTATIONS

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

4-811.

[1-065.1]

STATE OF NEW MEXICO
IN THE
COURT No.
..... COUNTY
....., Plaintiff
(Judgment Creditor)
against
....., Defendant
(Judgment Creditor)
.....
..., 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 three (3) copies of the 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; or
[] has filed a claim of exemption and after 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 of New Mexico, 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. 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. 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. 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. The order or decree being 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 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. 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), the balance 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 provided, however, that if no judgment has yet been entered on the prior Writ of Garnishment, the garnishee shall withhold the amount ordered by the Writ of Garnishment to be applied to the prior Writ of Garnishment; next, the remainder of the balance of the judgment debtor's disposable earnings shall be paid to this judgment creditor to satisfy this Judgment. Upon satisfaction of any prior garnishment, the entire balance of the judgment debtor's disposable earnings shall be applied to satisfy this 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.

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

[] 6. The moneys being withheld pursuant to a Notice to Withhold Income under the Support Enforcement Act of New Mexico exceed the otherwise garnishable amounts. Therefore, this garnishment shall be deemed pending, but not collectible 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.

[] 7. The moneys being withheld pursuant to a Notice to Withhold Income under the Support Enforcement Act of New Mexico do not exceed the amounts allowed for garnishment. Therefore, the difference shall be paid to the judgment creditor, 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.

[] 8. The 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.

[] 9. The garnishee, having no property of the judgment debtor, is discharged and released from the Writ of Garnishment.

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

[] 11. 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 of the
.....Court

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

ANNOTATIONS

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.

4-812.

[2-802, 3-801]

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 and three (3) copies of the 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; or
[] has filed a claim of exemption and after 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 of New Mexico, 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 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. 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. 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. 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.

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

[] 5. The moneys being withheld pursuant to a Notice to Withhold Income under the Support Enforcement Act of New Mexico exceed the otherwise garnishable amounts. Therefore, this Garnishment shall be deemed pending, but not collectible 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.

[] 6. The moneys being withheld pursuant to a Notice to Withhold Income under the Support Enforcement Act of New Mexico do not exceed the amounts allowed for garnishment. Therefore, the difference shall be paid to the judgment creditor, 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.

[] 7. The 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.

[] 8. The garnishee, having no property of the judgment debtor, is discharged and released from the Writ of Garnishment.

[] 9. The garnishee shall turn over to the judgment creditor the property of the judgment debtor shown on Exhibit A

attached hereto.

[] 10. 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 of the
.....Court
[As amended, effective July 1, 1992.]

ANNOTATIONS

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.

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.]

ANNOTATIONS

Effective dates. - Pursuant to a court order dated April 15, 1992, this form is effective on July 1, 1992 for use in the district, magistrate and metropolitan courts.

**ARTICLE 9
 STATUTORY PROCEEDINGS**

4-901.

[§§ 47-8-1 to 47-8-51 NMSA 1978]

THREE-DAY NOTICE OF
 NONPAYMENT OF RENT

(Uniform Owner-Resident Relations Act)

To:
.....
.....
.....
.....
.....

You are hereby notified that you are in noncompliance with the rental agreement concerning the premises at:
.....

.....
.....

by failure to pay rent as due, as follows:
.....
.....
.....

.....
.....

If the due and unpaid rent is not paid within three (3) days from the date of delivery set out below, the rental agreement shall be terminated.

Dated this day of, 19 ..
.....
.....

Owner
Delivered:
Time:
Date:
How:
By:

(Note: Party giving notice should retain two (2) copies for possible court action.)

4-902.

[§§ 47-8-1 to 47-8-51 NMSA 1978]

WITH RENTAL AGREEMENT

(OTHER THAN FAILURE TO PAY RENT)

(Uniform Owner-Resident Relations Act)

To:
.....
.....
.....
.....

You are hereby notified that you are in noncompliance with the rental agreement concerning the premises at:

.....
.....

in that:

.....
.....
.....
.....

If this noncompliance is not corrected within seven (7) days from the date of delivery set out below, the rental agreement shall be terminated.

Dated this day of, 19 ..

.....
.....

(Owne

r) (Resident)

Delivered:

Time:

Date:

How:

.....

By:

(Note: Party giving notice should retain two (2) copies for possible court action.)

4-903.

[§§ 47-8-1 to 47-8-51 NMSA 1978]

THIRTY-DAY NOTICE

TO TERMINATE RENTAL AGREEMENT

(Uniform Owner-Resident Relations Act)

To:
.....
.....
.....
.....

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

.....
.....,
.....

effective the day of, 19 .., 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.

Dated this day of, 19 ..
.....
.....

(Owne

r) (Resident)

Delivered:
Time:
Date:
How:
By:

INSTRUCTIONS TO PARTY GIVING NOTICE:

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

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.

4-904.

[§§ 47-8-1 to 47-8-51 NMSA 1978]

STATE OF NEW MEXICO
IN THE
COURT

No. ...

..... COUNTY

.....
..., Plaintiff
against

.....
..., Defendant

SUMMONS AND NOTICE OF TRIAL

ON PETITION FOR WRIT OF RESTITUTION

(Uniform Owner-Resident Relations Act)

THE STATE OF NEW MEXICO to the Defendant:
YOU ARE ORDERED to appear for trial before the Honorable

.....,
Judge, Div, located at, New Mexico on the
.....day of, 19 .., at the hour of m.
and then and there to show cause and present any and all
evidence, which 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 caused by you 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.

Dated:

.....
.....

Judge

THIS IS YOUR NOTICE

OF TRIAL

By

.....

and will be the only

Clerk

Notice that you will

receive.

CERTIFICATE OF SERVICE BY SHERIFF

I certify that on the day of, 19 .., in said County, I served a copy of this Summons, with a copy of the Petition attached, on the Defendant by

.....
.

.....
.....

method of service) (describe

.....
.....

deputy Sheriff

AFFIDAVIT OF SERVICE BY PRIVATE CITIZEN

STATE OF NEW MEXICO)
) ss.
COUNTY OF)

I the undersigned, being duly sworn, on oath state that I am over the age of eighteen (18) years and that on the ... day of, 19 .., in said County, I served a copy of this Summons, with a copy of the Petition attached, on the Defendant by

.....
.....

(describe
method of service)
.....
.....

Person over 18
Making Service

Subscribed and sworn to before me this day of, 19 .., by

.....
.....

Name of Private Citizen Serving Summons

.....
.....

Notary Public or
Other Officer Authorized

to Take Oaths
My commission expires:

4-905.

[§§ 47-8-1 to 47-8-51 NMSA 1978]

STATE OF NEW MEXICO

IN THE
COURT

No. ...

..... COUNTY

.....
..., Plaintiff
against

.....
..., Defendant

PETITION BY OWNER FOR RESTITUTION
(Uniform Owner-Resident Relations Act)

Comes now the Plaintiff, petitioner herein, and alleges:

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

.....
.....

2. Defendant entered into possession of the above described premises under a rental agreement and is now in default under the terms of such agreement, as follows:

.....
.....

.....
.....

.....
.....

3. Plaintiff delivered written notice of breach of the rental agreement to Defendant on, 19 .., and that Defendant has failed to remedy such breach. (Copy attached as Exhibit A.)

4. Defendant is indebted to Plaintiff in the sum of \$ for unpaid rent, plus \$ rent per day to date of restitution, plus \$ for damage to the premises.

5. Plaintiff holds \$ of Defendant as a damage deposit under the rental agreement.

6. (check if applicable): [] Plaintiff requests separate trials on the issues of restitution and damages. [] Plaintiff demands a jury trial and pays jury fee herewith.

Wherefore, Plaintiff prays for judgment against Defendant, as follows:

1. Immediate possession of the premises:

.....
.....
.....

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

3. The sum of \$ for damage to the premises.

4. Costs of this action.

5. Such other and further relief as the court may deem just and reasonable.

Dated:
.....

Signed

.....
.....

Name [print]

.....
.....

Address [print]

.....
.....

Code [print]

City, State and Zip

.....
.....
Telephone Number Tel

4-906.

[§§ 47-8-1 to 47-8-51 NMSA 1978]

STATE OF NEW MEXICO
IN THE
COURT

No

..... COUNTY

.....
..., Plaintiff
against

.....
..., Defendant

PETITION BY RESIDENT FOR RELIEF

(Uniform Owner-Resident Relations Act)

Comes now the Plaintiff, petitioner herein, and alleges:

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

.....
.....

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

.....

.....
.....

.....
.....

3. Defendant owes to Plaintiff the sum of \$ as damages.

4. Plaintiff delivered written notice of breach of the rental agreement to Defendant on, 19 .., and that Defendant has failed to remedy such breach. (Copy attached as Exhibit A.)

5. Defendant holds \$ of Plaintiff' s money under the rental agreement.

6. (*check if applicable*): [] Plaintiff requests separate trials on the issues of restitution and damages. [] Plaintiff demands a jury trial and pays jury fee herewith.

Wherefore, Plaintiff prays for 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. The sum of \$ as damages.

4. Costs of this action.

5. Such other and further relief as the court may deem just and reasonable.

Dated:
.....

Signed

.....
.....

Name [print]
.....
Address [print] Ad
.....
Code [print] City, State and Zip
.....
.....
Telephone Number Tel

4-907.

[47-8-1 to 47-8-51 NMSA 1978]

STATE OF NEW MEXICO
IN THE
COURT

No.

..... COUNTY
.....
..., Plaintiff
against
.....
..., Defendant

ANSWER BY RESIDENT TO PETITION FOR RESTITUTION

(Uniform Owner-Resident Relations Act)

1. Defendant is not in default 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. (check if applicable): [] Defendant requests separate trials on the issues of restitution and damages. [] Defendant demands a jury trial on the issue of damages and pays jury fee herewith.

.....
.....

Signed

.....
.....

Name [print]

.....
.....

Address [print]

Ad

.....
.....
Code [print] City, State and Zip
.....
.....
Telephone Number Tel
[As amended, effective August 1, 1992; January 1, 1993.]

ANNOTATIONS

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

4-908.

[47-8-1 to 47-8-51 NMSA 1978]

STATE OF NEW MEXICO
IN THE
COURT

No.

..... COUNTY

.....
..., Plaintiff
against

.....
..., Defendant

ANSWER BY OWNER TO PETITION BY RESIDENT

(Uniform Owner-Resident Relations 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:

.....
.....

.....
.....

5. (check if applicable): [] Defendant requests separate trials on the issues of restitution and damages. [] Defendant demands a jury trial on the issue of damages and pays jury fee herewith.

.....
.....

Signed

.....
.....

Name [print]

.....
.....

Ad

dress [print]

 City, State and Zip

Code [print]

 Tel

ophone Number
 [As amended, effective August 1, 1992; January 1, 1993.]

ANNOTATIONS

The 1993 amendment, effective January 1, 1993, substituted "owed" for "due" in Item 3 and inserted "on the issue of damages" in Item 5.

4-909.

[§§ 47-8-1 to 47-8-51 NMSA 1978]

STATE OF NEW MEXICO
 IN THE
 COURT No

..... COUNTY

.....
 ..., Plaintiff
 against

.....
 ..., Defendant

JUDGMENT

(Uniform Owner-Resident Relations Act)

This cause came on for trial on, 19 ..; 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

STATE OF NEW MEXICO
IN THE
COURT

No

..... COUNTY

.....
..., Plaintiff
against

.....
..., Defendant

JUDGMENT FOR DAMAGES - DEFAULT

(Uniform Owner-Resident Relations Act)

This cause came on for trial on, 19 ...

[] The Plaintiff appeared (in person) (and) (by attorney)
and the Defendant appeared not.

[] The Defendant appeared (in person) (and) (by attorney)
and the Plaintiff appeared not.

Having heard the evidence and argument presented, the court
finds (in favor of the Plaintiff) (in favor of the Defendant).

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the
(Plaintiff) (Defendant) recover the following amounts:

Rents \$.....
.....

Damages \$.....
.....

Attorney's
Fees \$.....

Costs \$.....
.....

TOTAL
JUDGMENT \$.....

Date:, 19
.....

Judge

4-911.

[§§ 47-8-1 to 47-8-51 NMSA 1978]

STATE OF NEW MEXICO
IN THE
COURT

No

..... COUNTY

.....
..., Plaintiff
against

.....
..., Defendant

JUDGMENT FOR DAMAGES - APPEARANCE

(Uniform Owner-Resident Relations Act)

This cause came on for trial on, 19 .., on the issue of damages subsequent to restitution or a judgment in restitution. The Plaintiff appeared (in person) (and) (by attorney), the Defendant appeared (in person) (and) (by attorney). Having heard the evidence and argument presented, the court finds:

- [] In favor of the Plaintiff and against the Defendant.
- [] In favor of the Defendant and against the Plaintiff.
- [] In favor of the Plaintiff on his complaint and in favor of the Defendant on his counterclaim/setoff.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the (Plaintiff) (Defendant) recover from the (Defendant) (Plaintiff) the following amounts:

Rents \$.....

.....

Damages \$.....

.....

Attorney's Fees \$.....

.....

Costs \$.....

.....

TOTAL JUDGMENT \$.....

Date:, 19

Judge
 (Note: To be used in case of separate trials on issues of
 restitution and damages.)

4-912.

[§§ 47-8-1 to 47-8-51 NMSA 1978]

STATE OF NEW MEXICO
 IN THE No

..... COUNTY

.....
 ..., Plaintiff
 against

.....

..., Defendant

JUDGMENT FOR RESTITUTION

RESERVING QUESTION OF DAMAGES

(Uniform Owner-Resident Relations Act)

This cause came on for trial on, 19 .., on the issue of restitution and not on the issue of damages. The Plaintiff appeared (in person) (and) (by attorney); the Defendant (did not appear) (appeared) (in person) (and) (by attorney). Having heard the evidence and arguments presented, the court finds in favor of the (Plaintiff) (Defendant) and against the (Plaintiff) (Defendant).

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

- 1. The rental agreement between the parties is terminated;
2. The premises described in the petition are restored to the Plaintiff;
3. The (Plaintiff) (Defendant) is awarded \$ costs and \$ attorney's fees from the (Defendant) (Plaintiff).

IT IS FURTHER ORDERED that the court retains jurisdiction of the parties and the subject matter to determine all issues of damages and any other issues remaining in this case; and such other matters will come before the court after the (filing of this Judgment) (Defendant has returned the possession of the premises to the Plaintiff).

4. The ... day of, 19 .., be set for hearing on the issue of damages;

5. A Writ of Restitution be issued effective the day of, 19 ..

Dated:
.....

Judge

4-913.

STATE OF NEW MEXICO
IN THE
COURT

No

..... COUNTY

.....
..., Plaintiff
against

.....
..., Defendant

WRIT OF RESTITUTION

AND WRIT OF EXECUTION

(Uniform Owner-Resident Relations Act)

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, on the day of, 19 .., and further
that you levy against personal property of the Defendant,
wherever the same may be found in the county, the sum of \$
..... and your fees thereon, and that you return this writ
to me within thirty (30) days.

Dated:, 19

.....

Judge

RETURN ON WRIT OF RESTITUTION

AND EXECUTION

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 the ... day
of, 19 ...

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.

[] No personal property of Judgment Debtor was found on
which levy could be made.

[] Levy and Sale:

[] 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 sale:

Amount of interest since date of
judgment \$.....

Amount of accrued costs since date of
judgment \$.....

Total amount received from
sale \$.....

Amount paid to Judgment
Creditor \$.....

Date of return:

.....
.....

Deputy Sheriff
.....County
y, New Mexico

Sheriff or

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

4-914.

[§§ 47-8-1 to 47-8-51 NMSA 1978]

STATE OF NEW MEXICO
IN THE
COURT

No

..... COUNTY

.....
..., Plaintiff
against

.....
..., Defendant

WRIT OF RESTITUTION

(Uniform Owner-Resident Relations Act)

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 to remove the Defendant from the premises at and to restore possession of said premises to Plaintiff on the ... day of, 19 .., and that you return this writ to me.

Dated:, 19

.....

Judge

RETURN ON WRIT OF RESTITUTION

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 the day of, 19 ...

Date of return:

.....
.....

deputy sheriff
..... Sheriff or
.....Count
y, New Mexico

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

[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

.....
.....

City, State and Zip Code [print]

City, State and Zip

.....
.....

Telephone Number

Tel

Dated:

.....

[Effective January 1, 1993.]

ANNOTATIONS

Effective dates. - Pursuant to a supreme court order dated August 14, 1992, this rule is 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 ofCounty 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.
.....
My commission expires:
[Effective January 1, 1993.]

ANNOTATIONS

Effective dates. - Pursuant to a supreme court order dated August 14, 1992, this rule is effective January 1, 1993.

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 | SCRA 1986 |
|-------------|-----------|
| 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 |

| ----- SCRA 1986 | 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 |