

4-209B

[District Court Civil Rule 1-004]

STATE OF NEW MEXICO

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

\_\_\_\_\_ JUDICIAL DISTRICT

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

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

v.

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

**ORDER FOR SERVICE OF PROCESS  
BY PUBLICATION IN A NEWSPAPER  
(guardianship proceedings)<sup>1</sup>**

Petitioner has filed a motion requesting that the court approve service of process upon \_\_\_\_\_ (name of each person to be served) by publication in a newspaper of general circulation.

The court finds that the petitioner has made diligent efforts to make personal service, but has not been able to complete service of process. The last known address of \_\_\_\_\_ (name of person to be served) is \_\_\_\_\_.

The court further finds that the newspaper of general circulation in this county is \_\_\_\_\_ (name of newspaper) [and that this newspaper is most likely to give the defendant notice of the pendency of the action]<sup>2</sup> [and in the county of \_\_\_\_\_, State of \_\_\_\_\_, a newspaper most likely to give notice of the pendency of this proceeding to the person to be served is: \_\_\_\_\_ (name of newspaper)].

THEREFORE, IT IS HEREBY ORDERED that the petitioner serve process on \_\_\_\_\_ by publication once a week for three consecutive weeks in the \_\_\_\_\_ (newspaper) [and once a week for three consecutive weeks in \_\_\_\_\_ (newspaper) in \_\_\_\_\_ (county)]<sup>1</sup>. The [plaintiff] [petitioner] shall file a proof of service with a copy of the affidavit of publication when service has been completed.

The notice shall include a statement that the action involves the guardianship of \_\_\_\_\_ (name of child), born \_\_\_\_\_ (date) to \_\_\_\_\_ (mother's name).

Dated this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

**USE NOTE**

1. This form is used in guardianship proceedings.
2. Use applicable alternative. Unless the newspaper of general circulation in the county where the action is pending is most likely to give notice of the pendency of the action to the person to be served, the notice must also be published in a newspaper of general circulation in the county where the person to be served is most likely to get notice.

[Provisionally approved, effective August 15, 2003 until August 31, 2004; approved, October 14, 2004.]