

4-909A. Judgment for restitution.

[For use in Magistrate Court]
[Sections 47-8-33, 47-8-43, 47-8-46, 47-8-48 NMSA 1978]

STATE OF NEW MEXICO

_____ COURT
_____ COUNTY

_____, Plaintiff,

v. No. _____

_____, Defendant.

JUDGMENT FOR RESTITUTION
(Uniform Owner-Resident Relations Act)¹

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

- the plaintiff.
- the defendant.

IT IS THEREFORE ORDERED:

1. The premises at: _____, New Mexico be restored to (plaintiff) (defendant);

2. The rental agreement (is) (is not) terminated;

(check, if applicable, and complete)

Plaintiff shall recover from defendant the following amounts:

| | |
|-----------------|-----------------------|
| Rents | \$ _____ |
| Damages | \$ _____ |
| Attorneys' fees | \$ _____ |
| Costs | \$ _____ |
| TOTAL | \$ _____ ² |

Plus _____ % interest per year until the judgment is paid.³

(check, if applicable, and complete)

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

(check, if applicable, and complete)

The court further orders _____ (other relief).

3. A hearing on the issue of damages shall be held by this court only upon request for setting.²

4. If this case is appealed and the resident wants to stay the eviction pending appeal, the resident shall pay rent in the manner set forth in Section 47-8-47 NMRA. If the money judgment is appealed, the court sets the appeal bond at \$ _____ (if left blank, the appeal bond is set at zero dollars (\$0)).

Judge

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served on all parties and counsel on _____:

Signature

Title

USE NOTE

1. This form may also be used for a mobile home park with less than 12 units. *See* NMSA 1978, § 47-10-2(C).

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

3. Interest is calculated at the statutory rate set forth in NMSA 1978, Section 56-8-4(A), unless the judgment is rendered on a lease having a different rate of interest.

4. Insert a date which is not less than three (3) nor more than seven (7) days from the date of filing of the judgment.

[Adopted by Supreme Court Order No. 16-8300-033, effective for all cases pending or filed on or after December 31, 2016.]