

4-805A. Application for writ of execution.

[For use with Magistrate Court Rule 2-801 NMRA
and Metropolitan Court Rule 3-801 NMRA]

STATE OF NEW MEXICO

COUNTY OF _____

IN THE _____ COURT

Plaintiff

v. No. _____

Defendant

APPLICATION FOR WRIT OF EXECUTION

_____, the judgment creditor, states:

(1) The judgment creditor has a judgment dated _____ (*date judgment filed*) 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 total \$_____.

Payments totaling \$_____ have been received.

The unpaid balance now due is \$_____ (*insert this amount on Form 4-801 NMRA as "Balance Due upon Application for Writ"*) plus interest from the date this Application is executed.

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

(2) (*check one of the following*)

☐ I served the judgment debtor with a notice of right to claim exemptions more than ten (10) days before filing this application for writ of execution and the judgment debtor has not filed a claim of exemption for the property to be seized and sold.¹

☐ The judgment debtor has filed a waiver of the right to claim exemption for the property to be seized and sold.²

☐ The judgment debtor is not a natural person.

The judgment creditor requests the court to issue a Writ of Execution for non-exempt property for the judgment debt.

Judgment creditor or attorney for
judgment creditor

Judgment creditor's name printed

Address of judgment creditor

Printed name of person signing for
judgment creditor

Telephone of judgment creditor

Printed name of judgment creditor's attorney
(if any)

Mailing address of judgment creditor's attorney
(number and street or P.O. box)

City, State, zip code

Telephone number of judgment creditor's attorney

AFFIDAVIT

(This application must be sworn to unless it is signed by an attorney.)

I declare under penalty of perjury that the foregoing is true and correct.

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

(seal)

Notary or other officer authorized
to administer oaths

USE NOTES

1. If the judgment debtor is a natural person, Form 4-808A NMRA, Notice of Right to Claim Exemptions from Execution, must have been served on the judgment debtor.

2. This alternative may be checked if the judgment debtor filed a waiver of the right to claim exemptions. See Form 4-803 NMRA, Claim of Exemptions on Execution, which also contains the waiver form.

3. Applications for writs of garnishment or execution are timely if filed “within seven years after the rendition or revival of the judgment” in the case. NMSA 1978, Section 39-1-20 (1971). But no writ of garnishment or execution may issue “after fourteen years from the date of the original judgment upon which it is founded.” NMSA 1978, Section 37-1-2 (2021).

[Approved, effective May 15, 2003; as amended by Supreme Court Order No. S-1-RCR-2024-00107, effective for all cases pending or filed on or after December 31, 2024.]