**4-804. Order on claim of exemption and order to pay in execution proceedings.**

[For use with Rules 1-065.1, 2-801 and 3-801 NMRA]

STATE OF NEW MEXICO

IN THE \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ COURT No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ COUNTY

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

against

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

**ORDER ON CLAIM OF EXEMPTION AND ORDER TO PAY**

**IN EXECUTION PROCEEDINGS**

This matter coming before the court, THE COURT FINDS:

 [ ] 1. At the time the writ of execution was served on the judgment debtor, the amount of $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ was unpaid and owing to the judgment creditor.

 [ ] 2. As a result of this execution proceeding, judgment creditor has spent additional costs of $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

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

 [ ] 4. An affidavit of service or return of service of the writ of execution, a notice of right to claim exemption form, and a claim of exemption form were served on the judgment debtor(s) or their attorney of record, if any.

 [ ] 5. The judgment debtor:

 [ ] has not filed a claim of exemption; or

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

 the following disputed property is not exempt and may be seized and sold by the sheriff \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**THE COURT ORDERS:**

 [ ] 1. The judgment creditor is awarded, in addition to the amount of the judgment, the sum of $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ as additional costs.

 [ ] 2. The following property held by the sheriff is exempt from execution and the writ of execution in this case is hereby released and discharged as to that property:

 [ ] 3. The sheriff may seize and sell the property of the judgment debtor except as set forth above.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Judge

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