

**4-204. Civil summons.**

[For use with Rules 2-202 and 3-202 NMRA]

STATE OF NEW MEXICO  
\_\_\_\_\_  
COURT  
\_\_\_\_\_  
COUNTY

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

v.

No. \_\_\_\_\_  
Judge assigned: \_\_\_\_\_

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

**CIVIL SUMMONS**

TO: \_\_\_\_\_, Defendant<sup>1</sup>

ADDRESS: \_\_\_\_\_

GREETINGS: THIS IS A COURT ISSUED SUMMONS.

**A LAWSUIT HAS BEEN FILED AGAINST YOU.** A copy of the lawsuit (complaint) and a response form (answer form)<sup>2</sup> are attached.

**YOU ARE REQUIRED TO FILE A WRITTEN RESPONSE TO THE COMPLAINT WITHIN TWENTY (20) DAYS AFTER THE SUMMONS HAS BEEN SERVED ON YOU.** You must file (in person or by mail) your written response with the court. When you file your response, you must give or mail a copy to the person who signed the complaint.

**IF YOU DO NOT FILE A WRITTEN RESPONSE WITH THE COURT WITHIN THE TWENTY (20) DAY PERIOD, NO COURT DATE WILL BE SET, AND THE COURT MAY ENTER A DEFAULT JUDGMENT AGAINST YOU FOR THE MONEY OR OTHER RELIEF REQUESTED IN THE COMPLAINT. A DEFAULT JUDGMENT MEANS YOU LOSE THE CASE AND YOU OWE THE PLAINTIFF.**

**IF YOU DO NOT FILE A WRITTEN RESPONSE WITH THE COURT, YOU MAY BE GIVING UP ANY DEFENSES YOU MAY HAVE, FOR EXAMPLE, THAT YOU DO NOT OWE THE PLAINTIFF OR THAT TOO MUCH TIME HAS PASSED.**

You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at [www.nmbar.org](http://www.nmbar.org); 1-800-876-6227; or 1-505-797-6066.

You are entitled to a jury trial in most types of lawsuits. To get a jury trial, you must request one in your written response, and you must pay a jury fee when you file your response.

If you need an interpreter, you must ask the court for one in writing.

*(The following paragraph is for use only if summons issued by the Metropolitan Court.)*  
IF YOU WANT A TAPE RECORDING OF ANY PROCEEDING, YOU MUST REQUEST IT BEFORE THE BEGINNING OF THE PROCEEDING. IF YOU DO NOT ASK FOR A TAPE RECORDING, YOU WILL NOT HAVE A RECORD OF THE PROCEEDINGS TO TAKE TO THE DISTRICT COURT FOR ANY APPEAL.

Your answer must be filed with the court, which is located at:  
\_\_\_\_\_ (street address of court).

A copy of your answer or responsive pleading must be mailed to: *(name and address of plaintiff or plaintiff's attorney)*

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_  
Clerk

### RETURN

STATE OF NEW MEXICO            )  
  )ss  
COUNTY OF \_\_\_\_\_)

***(complete the following, unless service by sheriff or deputy)<sup>3</sup>***

I, being sworn, state that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this summons in \_\_\_\_\_ county on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by delivering a copy of this summons, a copy of the complaint, and an answer *(indicate below how served)*:

\_\_\_\_\_  
\_\_\_\_\_

***(complete if service by sheriff or deputy)<sup>3</sup>***

I certify that I served this summons in \_\_\_\_\_ county on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by delivering a copy of this summons, a copy of the complaint, and an answer form in the following manner:

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**(person serving summons must check one box and fill in appropriate blanks)**

- by delivering a copy of this summons, a copy of the complaint, and an answer form to the defendant, \_\_\_\_\_ (used when defendant receives copy of summons or refuses to receive summons).
- by delivering a copy of this summons, a copy of the complaint, and an answer form to \_\_\_\_\_, a person over fifteen (15) years of age and residing at the usual home of the defendant, \_\_\_\_\_, located at \_\_\_\_\_ (address) (used when defendant is not presently at the home).
- by posting a copy of the summons, complaint, and an answer form in the most public part of the usual home of \_\_\_\_\_ (name of defendant) located at \_\_\_\_\_ (address) (used if no person found at home or usual place of residence).

*(If service is by posting, a copy of the summons, complaint, and an answer form must also be mailed to the person served. The person serving by posting and the person serving by mail must each sign a return. The person mailing must check and complete the certificate of mailing at the end of this summons.)*

- by delivering a copy of this summons, a copy of the complaint, and an answer form to \_\_\_\_\_, an agent authorized to receive service of process for defendant.
- by delivering a copy of this summons, a copy of the complaint, and an answer form to \_\_\_\_\_, (parent) (guardian) (custodian) of defendant (used when defendant is a minor or an incompetent person).
- by delivering a copy of this summons, a copy of the complaint, and an answer form to \_\_\_\_\_ (name of person), \_\_\_\_\_, (title of person authorized to receive service) (used when defendant is a corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico, or any political subdivision).
- by service by mail.

Fees: \_\_\_\_\_

\_\_\_\_\_  
Signature of person making service  
\_\_\_\_\_

Subscribed and sworn to  
before me this \_\_\_\_\_  
day of \_\_\_\_\_, \_\_\_\_\_

Title

\_\_\_\_\_  
Judge, notary, or other officer  
authorized to administer oaths<sup>3</sup>

\_\_\_\_\_  
Official title

*(To be completed if service is made by posting)*<sup>4</sup>

I, being sworn, state that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served a copy of this summons on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by mailing first class mail, postage prepaid, a copy of this summons, a copy of the complaint, and an answer form to:

\_\_\_\_\_ *(name of person served)*

\_\_\_\_\_ *(address where mailed)*

\_\_\_\_\_ *(county)*

\_\_\_\_\_ *(city, state, and zip code)*

\_\_\_\_\_  
Signature of person making service

\_\_\_\_\_  
Title

\_\_\_\_\_  
Place of mailing

\_\_\_\_\_  
Date

Subscribed and sworn to  
before me this \_\_\_\_\_  
day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Judge, notary, or other officer  
authorized to administer oaths<sup>3</sup>

\_\_\_\_\_  
Official title

*(To be completed if service is made by mail)*<sup>5</sup>

I, being sworn, state that I am over the age of eighteen (18) years, and that I served a copy of this summons on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by mailing first class mail, postage prepaid, a copy of this summons, a copy of the complaint, an answer form, and two (2) copies of the notice and acknowledgment and a return envelope, postage prepaid, addressed to:

\_\_\_\_\_  
*(name of person served)*

\_\_\_\_\_  
*(address where mailed)*

\_\_\_\_\_  
*(county)*

\_\_\_\_\_  
*(city, state, and zip code)*

\_\_\_\_\_  
Signature of person making service

\_\_\_\_\_  
Title

\_\_\_\_\_  
Place of mailing

\_\_\_\_\_  
Date

Subscribed and sworn to  
before me this \_\_\_\_\_  
day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Judge, notary, or other officer  
authorized to administer oaths<sup>3</sup>

\_\_\_\_\_  
Official title

#### USE NOTES

1. A separate summons must be used for each defendant.

2. An answer form must be attached to the summons at the time of service. For answer forms, see Rules 4-301 and 4-302 NMRA.

3. 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.

4. For use if service is by posting.

5. If service is by mail, Civil Form 4-208 NMRA 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; May 1, 1994; September 2, 1997; as amended by Supreme Court Order No. 16-8300-032, effective for all cases pending or filed on or after December 31, 2016; as amended by Supreme Court Order No. 21-8300-012, effective for all cases pending or filed on or after December 31, 2021.]