

**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)<sup>1</sup>**

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 \$ \_\_\_\_\_<sup>2</sup>

Plus \_\_\_\_\_ % interest per year until the judgment is paid.<sup>3</sup>

(check, if applicable, and complete)

A writ of restitution be issued effective \_\_\_\_\_, \_\_\_\_\_ (date).<sup>4</sup>

(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.<sup>2</sup>

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 NOTES

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.]