**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 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.]