

4-703. Default judgment; judgment on the pleadings.

[For use with Rules 2-303, 2-702, 3-303 and 3-702 NMRA]

STATE OF NEW MEXICO
IN THE _____ COURT
_____ COUNTY

_____, Plaintiff,

v. _____ No. _____

_____, Defendant.

**DEFAULT JUDGMENT
JUDGMENT ON THE PLEADINGS**

This cause coming before the court on motion of (*plaintiff*) (*defendant*) (*the court itself*) and the court finding it has jurisdiction and that:

- Plaintiff appeared (*in person*) (*and*) (*by attorney*) and defendant failed to appear;
- Defendant appeared (*in person*) (*and*) (*by attorney*) and plaintiff failed to appear;
- There is no genuine issue as to any material fact and that (*plaintiff*) (*defendant*) is entitled to a judgment on the pleadings;
- Defendant failed to answer on or before the appearance date fixed in the summons;
- Plaintiff has filed an affidavit or affirmation regarding defendant's military status;¹

The Court, having heard the evidence and argument presented, finds that service of process was duly made and finds:

- in favor of plaintiff and against defendant.
- in favor of defendant and against plaintiff.
- in favor of plaintiff on the complaint and in favor of defendant on the counterclaim/setoff.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that:
(Plaintiff) (Defendant) recover the following:

| | |
|------------------|----------|
| Damages | \$ _____ |
| Other Damages | \$ _____ |
| Interest to Date | \$ _____ |
| (if allowable) | |
| Attorneys' Fees | \$ _____ |
| (if allowable) | |
| Costs | \$ _____ |

TOTAL JUDGMENT \$ _____
(check if appropriate)

[Plaintiff] [Defendant] have possession of:

the premises at

(for forcible entry or detainer)

or

the following personal property:

(for replevin and restitution actions)

Judge

USE NOTES

1. The Servicemembers Civil Relief Act, which provides certain protections to servicemembers against default judgments, applies to any civil action or proceeding in which the defendant has not made an appearance. See 50 U.S.C. § 3931.

[As amended, effective October 1, 1987; October 1, 1991; as amended by Supreme Court Order No. 16-8300-019, effective for all cases pending or filed on or after December 31, 2016.]