

4-209B. Order for service of process by publication in a newspaper (guardianship proceedings).

[For use with District Court Civil Rule 1-004 NMRA]

STATE OF NEW MEXICO

COUNTY OF _____
_____ JUDICIAL DISTRICT

_____, Plaintiff

v.

No. _____

_____, Defendant

**ORDER FOR SERVICE OF PROCESS
BY PUBLICATION IN A NEWSPAPER
(guardianship proceedings)¹**

Petitioner has filed a motion requesting that the court approve service of process upon _____ (*name of each person to be served*) by publication in a newspaper of general circulation.

The court finds that the petitioner has made diligent efforts to make personal service, but has not been able to complete service of process. The last known address of _____ (*name of person to be served*) is _____.

The court further finds that the newspaper of general circulation in this county is _____ (*name of newspaper*) [and that this newspaper is most likely to give the defendant notice of the pendency of the action]² [and in the county of _____, State of _____, a newspaper most likely to give notice of the pendency of this proceeding to the person to be served is: _____ (*name of newspaper*)].

THEREFORE, IT IS HEREBY ORDERED that the petitioner serve process on _____ by publication once a week for three consecutive weeks in the _____ (*newspaper*) [and once a week for three consecutive weeks in _____ (*newspaper*) in _____ (*county*)].¹ The [plaintiff] [petitioner] shall file a proof of service with a copy of the affidavit of publication when service has been completed.

The notice shall include a statement that the action involves the guardianship of _____ (*name of child*), born _____ (*date*) to _____ (*mother's name*).

Dated this _____ day of _____, _____

District Judge

USE NOTES

1. This form is used in guardianship proceedings.
2. Use applicable alternative. Unless the newspaper of general circulation in the county where the action is pending is most likely to give notice of the pendency of the action to the person to be served, the notice must also be published in a newspaper of general circulation in the county where the person to be served is most likely to get notice.

[Provisionally approved, effective August 15, 2003 until August 31, 2004; approved, October 14, 2004.]