

4-301. Answer to civil complaint.

[For use with Magistrate Court Rule 2-302 NMRA and Metropolitan Court Rule 3-302 NMRA]

STATE OF NEW MEXICO
COUNTY OF _____
_____ COURT

No. _____

_____, Plaintiff

v.

_____, Defendant

ANSWER TO CIVIL COMPLAINT¹

1. The Plaintiff is not entitled to the amount claimed because:

_____.

or

1. The personal property claimed by Plaintiff should not be turned over to Plaintiff because:

_____.

2. *(If applicable)* Defendant asserts the following counterclaim or set-off against Plaintiff:

_____.

3. Trial by jury is (not) demanded. *(If Plaintiff has already demanded trial by jury, as indicated in the complaint, a jury will be provided automatically and you need not fill in this item. If Plaintiff has not demanded trial by jury, you may do so here, but if you do you must pay an additional cost upon filing this answer.)*

Dated: _____

Signed

Name *(print)*

Address *(print)*

City, state and zip code (*print*)

Telephone number

CERTIFICATE OF SERVICE²

I hereby certify that on this ____ day of _____, _____ this
_____ (*insert paper served, such as "answer" or "notice"*) was

[mailed by United States first class mail, postage prepaid, and addressed to:

Name: _____
Address: _____
City, State _____
and zip code: _____]

[faxed by _____ (*name of person who faxed document*) to
_____ (*name of recipient*) at _____ (*telephone number*). The
transmission was reported as complete. The time and date of the transmission was
_____ (a.m.) (p.m.) on _____ (*date*).]

[e-mailed to _____ (*name of party or attorney*) at
_____ (*electronic mail address of recipient*) upon agreement of the party
to accept electronic service. The transmission was reported as complete. The time
and date of the transmission was _____ (a.m.) (p.m.) on
_____ (*date*).]

[delivered to _____ (*Specify how service by delivery was
made. See Use Note 1 for the methods service may be made using this alternative*)
_____:]

Signature of person sending paper

Date of signature

USE NOTES

1. This Answer must be filed with the court on or before the date set in the Summons.
2. This request must be served on all other parties pursuant to Rule 2-203 NMRA or Rule 3-203 NMRA. See also Rule 2-307 NMRA for how motions are presented to the court.

[As amended, effective January 1, 1995; as amended by Supreme Court Order No. 05-8300-005, effective March 21, 2005.]