

**4-227. Plaintiff's certification of pre-filing notice; foreclosure actions.**

[For use with District Court Rule 1-003.3 NMRA]

STATE OF NEW MEXICO

COUNTY OF \_\_\_\_\_  
\_\_\_\_\_ JUDICIAL DISTRICT COURT

\_\_\_\_\_, Plaintiff,

v.

No. \_\_\_\_\_

\_\_\_\_\_, Defendant.

**PLAINTIFF'S CERTIFICATION OF PRE-FILING NOTICE**

I, \_\_\_\_\_ (*name*), \_\_\_\_\_ (*title*), for Plaintiff certify that on \_\_\_\_\_ (*date*) Plaintiff provided pre-filing notice to Defendant of the following:

1. A list and brief description of each of the types of loss mitigation options available to Defendant by the owner or assignee of Defendant's mortgage loan and the actions Defendant must take to be evaluated for such loss mitigation options;
2. Notification as to whether the loan is federally backed or a government-sponsored enterprise (GSE) loan, and if so, what federal or GSE-specific relief options are available to Defendant;
3. The name of the entity that holds the loan, and the contact information for the loan servicer;
4. A list of resources, substantially in a form approved by the Supreme Court, that Defendant may contact for assistance; and
5. Notice to Defendant of the New Mexico Homeowner Assistance Fund (HAF) and ability to request a stay while applying for HAF.<sup>1</sup>

I further certify that at least one of the following has been met (*check all that apply*):

- Defendant submitted a complete loss mitigation application and the servicer has completed review of the application. Defendant remained delinquent at all times since submitting the application, and was denied for loan modification or did not accept another loss mitigation offer.
- The property securing the mortgage loan is abandoned according to the laws of the State of New Mexico.
- The loan was delinquent for one hundred twenty (120) days prior to the filing of the complaint.
- The statute of limitations applicable to the foreclosure action being taken will expire within one hundred twenty (120) days if the Court does not allow the filing of the Foreclosure Complaint. The statute of limitations will expire on \_\_\_\_\_.

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Signature

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Printed Name

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Law Firm Name (*if applicable*)

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Physical Address

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Telephone Number

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E-Mail Address

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Relationship To Plaintiff

#### USE NOTES

1. Paragraph 5 shall expire and be withdrawn from this form on September 30, 2025, or upon notification to the Supreme Court of exhaustion of the New Mexico Homeowner Assistance Fund (HAF) program funds, whichever is earlier.

[Adopted by Supreme Court Order No. 21-8300-004, effective for all cases pending or filed on or after September 7, 2021; as amended by Supreme Court Order No. 22-8300-010, effective for all cases pending or filed on or after May 23, 2022.]