

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, who holds the loan;
3. Contact information for the loan servicer; and
4. A list of resources, substantially in a form approved by the Supreme Court, that Defendant may contact for assistance.

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

- Defendant submitted a complete loss mitigation application, remained delinquent at all times since submitting the application, and the servicer has completed review of the application.
- The property securing the mortgage loan is abandoned according to the laws of the State of New Mexico.
- The servicer did not receive any communications from Defendant for at least ninety (90) days before the servicer made the first filing for foreclosure and all of the conditions from 12 CFR 1024.41(f)(2) were met.
- The loan was delinquent for one hundred twenty (120) days or more prior to March 1, 2020.

[] 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 _____.

Signature

Printed Name

Law Firm Name (*if applicable*)

Physical Address

Telephone Number

E-Mail Address

Relationship To Plaintiff

[Adopted by Supreme Court Order No. 21-8300-004, effective for all cases filed on or after September 7, 2021.]