

4-904A. Post-judgment application for writ of restitution and request for hearing.
[For use in Magistrate, Metropolitan, and District Courts with the
Eviction Prevention and Diversion Program]

STATE OF NEW MEXICO
_____ COURT
_____ COUNTY

_____, Plaintiff(s),

v.

No. _____

_____, Defendant(s).

**POST-JUDGMENT APPLICATION FOR WRIT OF RESTITUTION
AND REQUEST FOR HEARING¹**
(Uniform Owner-Resident Relations Act; Mobile Home Park Act)

Plaintiff, whose name is _____
_____ *(include names of all Plaintiffs, if more than one)*, states
as follows:

1. Plaintiff is an owner, landlord, or authorized representative of management² that has a
(check one of the following)
 Judgment for Restitution under the Uniform Owner-Resident Relations Act;
or
 Judgment for Possession under the Mobile Home Park Act.
2. The Judgment is against Defendant, whose name is _____ *(include names of all Defendants, if more than one)*.
3. Defendant's contact information is as follows *(check one of the following)*:
 Per Plaintiff's good faith search, Defendant's last known contact information is as follows *(include for all Defendants, if more than one)*:
Physical address: _____

Mailing address *(if different)*: _____

Phone number with area code: _____

Email address: _____

 Despite Plaintiff's good faith search, Plaintiff has been unable to determine Defendant's current physical, mailing, or email address or phone number, and Plaintiff states that Plaintiff communicates with Defendant as follows *(include information for all Defendants, if more than one)*:

4. Defendant is a resident of, and remains in possession of, the property identified in Plaintiff's rental agreement with Defendant, located at the following full street address (*include street number and street, name of apartment complex, building, and unit number (if any), city, state, and zip code*):

5. The Judgment is dated: _____.

6. The total amount awarded in the Judgment, including unpaid rent, damages, attorney's fees, costs, and interest, is \$ _____.

7. Since the date of the Judgment, Defendant has accrued the following additional, itemized unpaid rent and/or other charges in the total amount of \$ _____.

(attach an itemized list or insert amounts below for the monthly rent and other charges due through the date of this Application, as may be evidenced by the rental agreement(s))

Itemized charges:

A copy of any relevant rental agreement with Defendant is attached to this application.

(check, if applicable, and complete)

8. Since the Judgment, Plaintiff has received payments from Defendant totaling \$ _____ to address the Judgment.

Since the date of Judgment, Plaintiff has received \$ _____ in total government rental assistance on behalf of the Defendant for the premises listed in Paragraph 4. \$ _____ addressed the Judgment, and \$ _____ was applied for rent due subsequent to the Judgment.

Plaintiff is aware of a pending government rental assistance application made on behalf of Defendant for the premises listed in Paragraph 4 by:

Defendant

Plaintiff

Other (*specify*): _____

9. Plaintiff holds \$ _____ as a damage deposit for Defendant under the rental agreement.

10. The unpaid balance now due from Defendant to Plaintiff, including the amount from Questions 7 and 8 above, is \$ _____.

11. The undersigned certifies that the stay of writs of restitution for nonpayment of rent provided by Supreme Court Order Nos. 20-8500-007 and 20-8500-008 has been lifted by Supreme Court Order No. 22-8500-____ in this judicial district prior to the time and date of this application.¹

12. Plaintiff certifies that Plaintiff has provided, or immediately will provide, a copy of the Resource Information Sheet³ designated for use in this particular Court to

the Defendant, along with this Post-Judgment Application for Writ of Restitution and Request for Hearing.

13. Under Supreme Court Order No. 22-8500-____,¹ Plaintiff seeks a post-judgment writ of restitution and requests a hearing on this application.⁴

Plaintiff (*signature*)

Plaintiff (*print*)

Plaintiff address (*include street number and street, name of apartment complex, building, and unit number (if any), city, state, and zip code*):

Plaintiff telephone number (*include area code*)

Plaintiff email address

AFFIRMATION

(required, unless signed by an active New Mexico attorney)

I SWEAR OR AFFIRM, under penalty of perjury under the laws of the State of New Mexico, that the statements in this application are true and correct to the best of my knowledge.

Plaintiff's signature

Date of signature

USE NOTES

1. Insert the applicable order number. This application is for use only in conjunction with Supreme Court Order No. 22-8500-001, which created a pilot project to implement the Eviction Prevention and Diversion Program ("Program") in the Ninth Judicial District, or Supreme Court Order No. 22-8500-012, which implemented the Program in the remaining judicial districts in phases.

2. See Section 47-8-3 NMSA 1978 (providing definitions for the Uniform Owner-Resident Relations Act); Section 47-8-19(C) NMSA 1978 (addressing owner disclosures under the Uniform Owner-Resident Relations Act and describing who constitutes an owner's agent); Section 47-10-2(A) NMSA 1978 (defining "landlord" and "management" for purposes of the Mobile Home Park Act).

3. Provide the Resource Information Sheet designated for use in the applicable court. For example, separate sheets exist for: (1) unincorporated areas of Bernalillo County; (2) Doña Ana County; and (3) Albuquerque and other parts of the State of New Mexico.

4. This application must be filed in the court that issued the underlying judgment.

[Provisionally adopted by Supreme Court Order No. 22-8300-003, effective for all cases pending or filed on or after February 1, 2022, that are subject to the Eviction Prevention and Diversion Program; as amended by Supreme Court Order No. 22-8300-008, effective for all cases pending or filed on or after April 13, 2022, that are subject to the Eviction Prevention and Diversion Program.]