

4-906

[Sections 47-8-42, 47-8-43, 47-8-46 NMSA 1978]

STATE OF NEW MEXICO
COUNTY OF _____
_____ COURT

No. _____.

_____, Plaintiff

v.

_____, Defendant

PETITION BY RESIDENT FOR POSSESSION

(Uniform Owner-Resident Relations Act)

The plaintiff alleges:

1. Plaintiff is lawfully entitled to possession of the premises located at:

_____, New Mexico _____.

2. Plaintiff is entitled to possession of the premises under a rental agreement and the defendant is now in default under the terms of such agreement by excluding plaintiff from the premises or otherwise interfering with plaintiff's right to occupy the premises, as follows:

_____.

3. Defendant owes plaintiff damages as may be determined by the court.

4. Plaintiff delivered written notice of breach of the rental agreement to defendant on _____, _____, *(date)* and defendant has failed to remedy the breach. *(A copy of the notice is attached as Exhibit A.)*

5. Defendant holds \$ _____ of plaintiff's money under the rental agreement.

6. Plaintiff requests separate trials on the issues of restitution and damages.

Plaintiff requests judgment against defendant, as follows:

1. Immediate possession of the premises;

2. Damages as may be determined by the court;
3. Costs of this action;
4. Reasonable attorneys fees;
5. A civil penalty as provided by law;
6. Such other relief as the court may deem reasonable.

Dated: _____

Signed

Name (*print*)

Address (*print*)

City, state and zip code (*print*)

Telephone number

USE NOTE

This petition may be only used for cases in which the resident is excluded from the dwelling unit or the landlord is interfering with the resident's right to occupy the premises. It should not be used when the resident primarily seeks monetary relief. This petition is to be scheduled for hearing within ten (10) days after it is filed.

[Rule 10-406 SCRA 1986; as amended, effective September 2, 1997; March 21, 2005.]