

**4-904. Petition by owner for restitution.**

[Sections 47-8-42 and 47-8-46 NMSA 1978]

STATE OF NEW MEXICO  
COUNTY OF DONA ANA  
IN THE MAGISTRATE COURT

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

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

v.

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

**PETITION BY OWNER FOR RESTITUTION**  
*(Uniform Owner-Resident Relations Act)*

The plaintiff alleges:

1. Plaintiff is lawfully entitled to possession of the premises located at<sup>1</sup>:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_, New Mexico \_\_\_\_\_.

2. Defendant entered into possession of the premises under a rental agreement and has breached the terms of the agreement, as follows:

\_\_\_\_\_.

3. Plaintiff gave written notice of  
 termination  
 breach of the rental agreement  
to defendant on \_\_\_\_\_, \_\_\_\_ (date), and defendant has failed to remedy the breach.

A copy of the written notice is attached as Exhibit A.

*(check and complete if applicable)*

4. Defendant is indebted to plaintiff in the sum of \$\_\_\_\_\_ for unpaid rent, plus \$\_\_\_\_\_ rent per day to date of restitution, plus damages as determined by the court.

5. Plaintiff holds \$\_\_\_\_\_ of defendant as a damage deposit 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. Unpaid rent of \$\_\_\_\_\_, plus \$\_\_\_\_\_ per day to date of restitution;
3. Damages as may be determined by the court;
4. Costs of this action;

5. Reasonable attorneys fees;
6. A civil penalty as provided by law;
7. Such other relief as the court may deem reasonable.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Name (*print*)

\_\_\_\_\_  
Address (*print*)

\_\_\_\_\_  
City, state and zip code (*print*)

\_\_\_\_\_  
Telephone number

#### USE NOTES

1. If the leased premises is an apartment, include the name of the apartments and the apartment number.
2. The owner must bring a copy of any written rental agreement to court for the hearing on the petition for restitution.

[Former Rule 4-905 SCRA 1986; recompiled as Rule 4-904 and amended, effective September 2, 1997; April 6, 1998; as amended by Supreme Court Order No. 05-8300-005, effective March 21, 2005.]