

4-906A. Complaint by resident for return of deposit (*Uniform Owner-Resident Relations Act*).

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

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

No. _____

_____, Plaintiff

v.

_____, Defendant

COMPLAINT BY RESIDENT FOR RETURN OF DEPOSIT¹
(*Uniform Owner-Resident Relations Act*)

The plaintiff alleges:

1. Plaintiff entered into a rental agreement with Defendant for property located at

_____, New Mexico _____.
2. As part of the rental agreement, plaintiff delivered to defendant one or more deposits totaling \$_____.
3. Plaintiff vacated the above premises on _____ (*date*), and defendant retained all of part of plaintiff's deposit.
4. Defendant

(*check one*)

- mailed written notice to plaintiff of the amounts deducted from plaintiff's deposit within thirty (30) days after the date plaintiff vacated the premises or the date the rental agreement terminated. A copy of the notice is attached as Exhibit A of this complaint.
 - did not mail written notice to plaintiff of the amounts deducted from plaintiff's deposit within thirty days of the date plaintiff vacated the premises or the date the rental agreement terminated.
5. Defendant kept the following amount of the deposit: \$_____.
 6. Plaintiff is asking for the return of the following amount: \$_____.

Plaintiff requests judgment against defendant, as follows:

1. Damages as may be determined by the court;
2. Costs of this action;
3. Reasonable attorneys fees;
4. A civil penalty if provided by law²;
5. 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. This form is used for cases in which the resident is claiming a return of deposit. A complaint for return of deposit is not required to be heard within ten (10) days.

2. See Paragraph E of Section 47-8-18 NMSA 1978 for civil penalty.

[Approved by Supreme Court Order No. 05-8300-005, effective March 21, 2005.]