

4-913A. Order setting escrow deposit/appeal bond (Uniform Owner-Resident Relations Act).

[Section 47-8-47 NMSA 1978]

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

_____, Plaintiff,

v.

No. _____

_____, Defendant.

ORDER SETTING ESCROW DEPOSIT/APPEAL BOND
(Uniform Owner-Resident Relations Act)

THIS MATTER having come before the Court and a Judgment having been entered, and the Court being otherwise fully advised in the premises,

[] IT IS ORDERED that if the case is appealed and the Appellant(s), the tenant(s)/resident(s), wishes to stay eviction from the property, within five (5) days of filing the Notice of Appeal¹ with the District Court, the Appellant(s) must pay in cash or cashier's check \$_____ (representing an amount equal to the rental amount that shall come due following the Judgment through the end of the rental period from _____ to _____) to the owner or deposit that amount into an escrow account with a professional escrow agent. In addition, the Appellant shall continue to pay \$_____ (representing the monthly rent established in the rental agreement) to the owner or deposit into an escrow account with a professional escrow agent on the ____ day of each month beginning _____ and continuing until the Appeal is decided or the Appellant vacated the property, whichever occurs first.

[] IT IS ORDERED that if the case is appealed and the Appellant(s), the tenant(s)/resident(s), wishes to stay collection of the monetary amounts other than rent (such as late fees, damages, etc.) due under the Judgment, the Appellant(s) shall file with the Court an Appeal Bond in the amount of \$_____ (in addition to the above described amounts).

IT IS FURTHER ORDERED that the parties are to follow the procedures set forth in Section 47-8-47 NMSA 1978, a copy of which is attached hereto, during the pendency of the Appeal or except as otherwise ordered by the Appellate Court.

NOTICE: IT IS THE RESPONSIBILITY OF THE DEFENDANT/APPELLANT TO ENSURE THAT THE COURT IS NOTIFIED IN WRITING THAT MONEY HAS BEEN DEPOSITED WITH AN ESCROW AGENT OR THE PLAINTIFF WITHIN THE TIME ALLOWED BY LAW. FAILURE TO GIVE THE COURT NOTICE WITHIN FIVE (5) DAYS OF THE DEPOSIT MAY RESULT IN A WRIT OF RESTITUTION (EVICTION)

BEING ISSUED BY THE COURT.

Judge

I certify that a copy of the foregoing Order was
mailed/hand delivered to _____
on _____.

Clerk

USE NOTES

1. Upon filing the Notice of Appeal with the District Court, the Appellant must promptly file a copy of the Notice of Appeal that has been endorsed by the Clerk of the District Court with the Magistrate or Metropolitan Court, together with a copy of the receipt of payment of the docket fee.

[Adopted by Supreme Court Order No. 13-8300-027, effective for all cases pending or filed on or after December 31, 2013.]