

4-928

[Section 47-10-9 NMSA 1978]

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

No. _____.

_____, Plaintiff

v.

_____, Defendant

NOTICE TO LIENHOLDER
OF MOBILE HOME JUDGMENT
(*Mobile Home Park Act*)

To: _____ (*lienholder or other security interest*)

You are notified that:

1. A judgment has been entered against _____ (*name of defendant*) and a writ of restitution will be issued effective _____ (*date*) to remove the mobile home from the premises located in _____ County, New Mexico at:

_____ (*name of mobile home park*)
 _____ (*mobile home address*)
 _____ (*mobile home lot or space*)
 _____, New Mexico _____.

Without additional notice to you, the sheriff will serve a writ of restitution on or after 8:00 a.m. on _____ (*date*) for the removal of the mobile home on or before _____ (*date*)¹.

2. You have thirty (30) days from the date of receipt of this notice to pay the rent and charges permitted by law and to advise the landlord in writing whether you intend to pay the rent and other charges under the terms of the rental agreement.
3. If you want to remove the mobile home at your expense before the date set for removal, you may do so by paying the landlord all rent, utility and other removal costs provided by law. The amount of rent, utility charges and other charges as of _____ (*date*) is as follows:

Rent: \$ _____
Utilities: \$ _____
Removal and storage charges \$ _____
Other _____ \$ _____
(*explain*)
Total due: \$ _____
Daily rent \$ _____

- The tenant is required to pay rent on _____ (*day of month*) and utilities on _____ (*day of month*).
- A copy of the lease and the landlord's rules and regulations are attached as Exhibits A and B.
- This notice does not relieve you of complying with other applicable provisions of law relating to the repossession of the mobile home.

Date: _____

Judge

RETURN²

STATE OF NEW MEXICO)
) ss
COUNTY OF _____)

(*complete if service is by a person
other than the sheriff or deputy³*)

I, being sworn, state that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this summons in _____ county on the ____ day of _____, _____ (*date*), by delivering a copy of this summons and a copy of the notice of judgment with Exhibits A and B attached in the following manner:

(*check and complete only if service by sheriff or deputy*)³

I certify that I served this summons in _____ county on the ____ day of _____, (*date*), by delivering a copy of the summons and a copy of the notice of judgment with Exhibits A and B attached in the following manner:

(*person serving summons must check one of following boxes and fill in appropriate blanks*)

- [] by delivering a copy of this summons and a copy of the notice of judgment with Exhibits A and B attached to _____
(used when defendant receives copy of summons or refuses to receive summons).

- [] by delivering a copy of this summons and a copy of the notice of judgment with Exhibits A and B attached to _____, a person over fifteen (15) years of age and residing at the usual place of abode of defendant _____, located at _____ *(address) (used when defendant is not presently at the abode).*

- [] by posting a copy of the summons and the notice of judgment with Exhibits A and B attached in the most public part of the premises of defendant _____ located at _____ *(address) (This alternative is used if no person found at dwelling house or usual place of abode). (If service is by posting a copy of the summons, the notice of judgment with Exhibits A and B attached must also be mailed to the person served. The person serving by posting and the person serving by mail must each sign a return. The person mailing must check and complete the certificate of mailing at the end of this summons.)*

- [] by delivering a copy of this summons and a copy of the notice of judgment with Exhibits A and B attached to _____, an agent authorized to receive service of process for defendant.

- [] by delivering a copy of this summons and a copy of the notice of judgment with Exhibits A and B attached to _____, *(parent) (guardian) (custodian)* of defendant *(used when defendant is a minor or an incompetent person).*

- [] by delivering a copy of this summons and a copy of the notice of judgment with Exhibits A and B attached to _____ *(name of person),* _____, *(title of person authorized to receive service) (used when defendant is a corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision).*

- [] by service by certified mail, return receipt requested.

CERTIFICATE OF SERVICE BY ATTORNEY
(for service on a party)

I certify that I caused a copy of this notice to be served on the following persons or entities by (delivery) (mail) (_____) on this ____ day of _____, _____.

(1) _____
(Name of party)

(Address)

(2) _____
(Name of party)

(Address)

Attorney for landlord

Signature

Date of signature

USE NOTE

1. *A writ of restitution directs the sheriff to restore the premises to the plaintiff. A copy of the writ need not be served on the lienholder unless the lienholder intervenes as a party.*
2. *If the lienholder is a party or has entered an appearance in the proceedings, service may be made in the manner provided by the rules of civil procedure for the service of papers on a party subsequent to service of the original pleading. See, however, Subsection J of Section 47-10-9 NMSA 1978 for statutory notice.*
3. *If service is made by the sheriff or a deputy sheriff of a New Mexico county, the signature of the sheriff or deputy need not be notarized. If service is made on a party by an attorney the signature of the attorney need not be notarized.*

[Adopted effective September 2, 1997; as amended effective April 6, 1998.]