

**4-702. Motion for default judgment.**  
[For use with Rules 2-702 and 3-702 NMRA]

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

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

v.

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

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

**MOTION FOR DEFAULT JUDGMENT**

Plaintiff requests the court to enter a default judgment, and in support of this request, plaintiff states as follows:

The Complaint in the above described case was filed on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Service of a copy of the Summons, Complaint, and Answer form in this case were made on defendant(s) on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

The defendant(s) \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_ (have) (has) failed to appear or to file an Answer or other responsive pleading to the Complaint.

The return of service was filed with this court on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Plaintiff previously has filed or has attached to this motion an affidavit or affirmation regarding the (defendant's) (defendants') military status.<sup>1</sup>

The Plaintiff requests the court to enter judgment for the following damages, costs, and fees:

Damages .....	\$ _____
Attorneys' fees (if allowable) .....	\$ _____
Interest (if allowable) .....	\$ _____
Filing fee .....	\$ _____
Service fee .....	\$ _____
Witness fees .....	\$ _____
Total Judgment .....	\$ _____

\_\_\_\_\_  
Attorney for Plaintiff

If the Plaintiff is not represented by an attorney, the Plaintiff must complete the following affirmation.

I, \_\_\_\_\_, affirm under penalty of perjury under the laws of the State of New Mexico that the statements in this motion are true and correct.

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

\_\_\_\_\_  
Signature of person making affirmation

\_\_\_\_\_  
Printed name of person making affirmation

#### USE NOTE

1. The plaintiff may fulfill this requirement by completing and filing Form 4-702A NMRA.  
[As amended by Supreme Court Order No. 16-8300-019, effective for all cases pending or filed on or after December 31, 2016.]