

4-704.

**[For use with Magistrate Court Rule 2-702 NMRA
and Metropolitan Court Rule 3-702 NMRA]**

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

No. _____

_____, Plaintiff

v.

_____, Defendant

MOTION TO SET ASIDE DEFAULT JUDGMENT

The undersigned asks that the court set aside default judgment dated _____, _____, and states:

This motion is filed within thirty (30) days from date of judgment; and

No appeal has been taken from the judgment; and

Undersigned has a defense to present; and

My excuse for being in default is:

_____.

(Plaintiff) (Defendant)

Date: _____

CERTIFICATE OF SERVICE¹

I hereby certify that on this ____ day of _____, _____ this _____
(insert paper served, such as "answer" or "notice") was

[mailed by United States first class mail, postage prepaid, and addressed to:

Name: _____

Address: _____

City, State
and zip code: _____]

[faxed by _____ (*name of person who faxed document*) to
_____ (*name of recipient*) at _____ (*telephone number*).
The transmission was reported as complete. The time and date of the transmission was
_____ (a.m.) (p.m.) on _____ (*date*).]

[e-mailed to _____ (*name of party or attorney*) at _____
(*electronic mail address of recipient*) upon agreement of the party to accept electronic
service. The transmission was reported as complete. The time and date of the transmission
was _____ (p.m.) (a.m.) on _____ (*date*).]

[delivered to _____ (*Specify how service by delivery was made.*
See Use Note 1 for the methods service may be made using this alternative.)
_____:]

Signature of person sending paper

Date of signature

USE NOTE

1. A copy of this motion must be served on the other party or attorney for the other party.

[As amended, effective March 21, 2005.]