

4-810. Motion for default judgment against garnishee.

[For use with Rules 2-802 and 3-802 NMRA]

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

No. _____

_____, Plaintiff

v.

_____, Defendant

_____, Garnishee

MOTION FOR DEFAULT JUDGMENT AGAINST GARNISHEE

Judgment creditor moves the court to enter a default judgment against the garnishee.

The Writ of Garnishment was served on the garnishee on _____ (date) and the return of service of the writ on the garnishee has been filed with the court.

The garnishee has not filed an answer or other responsive pleading with the court nor has the judgment creditor been served with a responsive pleading.

The judgment creditor requests the court to set a hearing on this motion on not less than three (3) days notice to the garnishee.

Date

Attorney for plaintiff

*If the plaintiff is not represented
by an attorney, this motion must be
sworn to or affirmed by the plaintiff.*

I, _____, upon my oath or affirmation do solemnly declare or affirm that this motion contains a complete, accurate statement of the facts to the best of my knowledge. I understand that if I make a material misstatement of fact, I may be prosecuted and punished for perjury.

Signature of plaintiff

Signature of Judge, Notary or Other
Officer Authorized to Administer Oaths

Official title

My commission expires:

(SEAL)

CERTIFICATE OF SERVICE

I hereby certify that on this _____ day of _____, _____, this motion was

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

Name: _____
Address: _____
City, State
and zip code: _____]

[faxed by _____ (*name of person who faxed*) to _____
(*defendant or defendant's attorney*). The transmission was reported as complete and without
error. The time and date of the transmission was _____ (a.m.) (p.m.) on _____
(*date*).]

[e-mailed by _____ (*name of person who transmitted*) to
_____ at _____ (*electronic address of
recipient*) who agreed to service in this manner. The transmission was successful. The time
and date of the transmission was _____ (a.m.) (p.m.) on _____
(*date*).]

Signature of attorney

*If this notice was served by a person other than an attorney, the following must also be
completed and filed with the court:*

AFFIDAVIT OF SERVICE

I declare under penalty of perjury that a copy of this motion was served by [mail] [fax]
[electronic transmission] as described above on this _____ day of _____,
_____.

Signature of person who made service

Subscribed and sworn to before me
this _____ day of _____, _____.

Judge, notary or other officer
authorized to administer oaths

Official title
[Approved, effective August 1, 1999.]