

4-923

[Sections 47-8-35, 47-10-4 to 47-10-6 and 47-10-9 NMSA 1978]

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

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

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

v.

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

**PETITION BY LANDLORD FOR  
TERMINATION OF TENANCY AND  
JUDGMENT OF POSSESSION  
(Mobile Home Park Act)**

The plaintiff alleges:

1. Plaintiff is lawfully entitled to possession of the premises located at<sup>1</sup>:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_, New Mexico \_\_\_\_\_.

2. Defendant entered into possession of the premises under a rental agreement and has breached the terms of the agreement as follows<sup>2</sup>:

\_\_\_\_\_  
\_\_\_\_\_.

A copy of the rental agreement is attached as Exhibit A.

3. The mobile home (is) (is not) subject to the security interest of a first lienholder.

*(If there is a first lien, complete the following.)*

The lienholder is \_\_\_\_\_ and the address of the lienholder is

\_\_\_\_\_  
\_\_\_\_\_.

4. Plaintiff gave written:

notice of non-payment of rent and the defendant has failed to pay all amounts owed;

(thirty) (sixty)<sup>3</sup> day notice to quit on \_\_\_\_\_, \_\_\_\_\_  
(date), and defendant has failed to vacate the premises.

A copy of the written notice is attached as Exhibit B.

*(check and complete if applicable)*

5. The amount of rent and utilities owed is as follows:

Unpaid rent	\$ _____
Rent per day until the mobile home is moved from the premises	\$ _____
Late fee	\$ _____
Utilities	\$ _____
Other _____ (explain)	\$ _____
Total due:	\$ _____

6. Plaintiff holds \$ \_\_\_\_\_ of defendant as a damage deposit under the rental agreement.

7. Plaintiff requests separate trials on the issues of termination and damages.

Plaintiff requests judgment against defendant, as follows:

1. Immediate [removal of the mobile home from the premises] [possession of the above described premises];
2. Unpaid rent of \$ \_\_\_\_\_ plus \$ \_\_\_\_\_ per day to date of restitution;
3. Damages as may be determined by the court;
4. Costs of this action;
5. Reasonable attorney fees;
6. Such other relief as the court may deem reasonable.

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

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Name (*print*)

\_\_\_\_\_  
Address (*print*)

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City, state and zip code (*print*)

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Telephone number

***USE NOTE***

1. *Section 47-10-4 NMSA 1978 provides that the property description is deemed legally sufficient if it states the name of the landlord or of the mobile home park, the mailing address of the property, the location or space number upon which the mobile home is situated and the county in which the mobile home is situated.*
2. *The reasons for termination are set forth in Sections 47-10-5 and 47-10-6 NMSA 1978. One of these reasons must be described for termination.*
3. *Sixty days notice is required if the mobile home is a multisection mobile home. See Subsection C of Section 47-10-4 NMSA 1978.*

[Adopted effective September 2, 1997.]