

4A-311. Affidavit as to Respondent's failure to plead or otherwise defend (*domestic relations actions*).

STATE OF NEW MEXICO
COUNTY OF DONA ANA
THIRD JUDICIAL DISTRICT

_____,
Petitioner,

No. _____

_____,
Respondent.

**AFFIDAVIT AS TO RESPONDENT'S
FAILURE TO PLEAD OR OTHERWISE DEFEND
(*domestic relations actions*)¹**

Petitioner affirms under penalty of perjury under the laws of the State of New Mexico that the following statements are true and correct:

(1) I am the Petitioner, and I submit this Affidavit to show that Respondent has failed to file an answer or otherwise respond to the Petition for Dissolution of Marriage that I filed on _____.

(2) Respondent was served as follows (*choose and complete one*):

As shown by the Affidavit of Service filed on _____,
Respondent was personally served on _____.

(*Or*)

As shown by the Affidavit of Publication filed on _____,
Respondent was served by publication.

(3) Respondent has not filed an answer, motion, or otherwise responded, and more than thirty (30) days have passed since Respondent was served with the Summons and Petition for Dissolution of Marriage.

(4) Upon information and belief, Respondent is not in the military service of the United States and is not an infant or incompetent person.

YES (*required*) I have attached a certificate verifying Respondent's active duty status.²

WHEREFORE, Petitioner asks the Clerk of this Court to certify Respondent's Default.

Signature of party

Name (*printed*)

Mailing address

City, state, and zip code (*print*)

Telephone number

VERIFICATION

I, _____, affirm under penalty of perjury under the laws of the State of New Mexico that I am the Petitioner in the above-entitled cause, and I know and understand that the contents contained in the above Affidavit are true to the best of my knowledge and belief.

Signature of Petitioner

Date

USE NOTES

1. This form may be used anywhere in this state to request the clerk of the court to issue a certificate as to the state of the record (Form 4A-312 NMRA) in a domestic relations action.

2. This affidavit must include a certificate verifying the respondent's active duty status, which you can obtain online at <https://scra.dmdc.osd.mil/scra>.

[Approved by Supreme Court Order No. 13-8300-010, effective for all pleadings and papers filed on or after May 31, 2013, in all cases pending or filed on or after May 31, 2013; as amended by Supreme Court No. 14-8300-011, effective for all pleadings and papers filed on or after December 31, 2014, in all cases filed or pending on or after December 31, 2014.]