

STATE OF NEW MEXICO
COUNTY OF SIERRA
SEVENTH JUDICIAL DISTRICT COURT

PLAINTIFF,

vs.

D-721-CV-_____

DEFENDANT.

APPLICATION FOR TEMPORARY RESTRAINING ORDER
AND PERMANENT INJUNCTION

I am the Plaintiff and I request a temporary RESTRAINING ORDER against the Defendant for these reasons:

1. I live in _____ County, New Mexico
2. The person or persons I want a restraining order against live at this address (you must include address, city and zip code):

3.a. The Plaintiff and Defendant have the following relationship (check all that apply) but this case DOES NOT involve domestic violence:

- a) _____ married or formerly married to each other,
- b) _____ dating or have an intimate relationship now or in the past,
- c) _____ co-parents of a child,
- d) _____ related as parent and child,
- e) _____ related as present or former step-parent and step-child,
- f) _____ related as grandparent and grandchild,
- g) _____ related as present or former step-grandparent and step-grandchild or,
- h) _____ related as present or former parent in law or grandparent in law to the

other

OR

3.b. The Plaintiff and Defendant do not have any relationship as listed above in 3.a.

NOTE: If Plaintiff and Defendant are related in any way as listed in 3.a. AND your case involves domestic violence OR if you allege STALKING or SEXUAL ASSAULT by anyone, regardless of your relationship, request a Petition for Order of Protection from Domestic Abuse.

4. The Defendant has taken the following action(s) that seriously harm me (describe and include the place, date and time): _____

Do not write on the back of this page, add extra pages if needed.

5. I have no adequate remedy at law for the harm threatened by Defendant (such as money damages that I can pursue later) and, if the court doesn't act to stop the Defendant I will suffer the following irreparable harm:

6. I should not have to give security (such as a bond) prior to the issuance of a temporary restraining order because:

The Defendant will not incur any money damages due to the issuance of a restraining order.

Other (Describe): _____

I understand that the Judge may decide that I have to pay a bond or give other security before the issuance of a restraining order. I understand that this security will be used to pay Defendant or any other party for costs and damages as may be incurred or suffered if found to be wrongfully restrained.

PLAINTIFF REQUESTS THE COURT TO ISSUE THE FOLLOWING ORDERS:

- A) A Temporary Restraining order until a hearing can be had on this matter;
- B) A Preliminary Injunction effective until a final decision is made on the merits;
- C) A Permanent Injunction effective until further notice from the Court.

PLAINTIFF SPECIFICALLY REQUESTS THAT THE COURT ORDER THAT:

Defendant does not threaten, harm, alarm or annoy me or my family and household members;

Defendant stays at least _____yards away from me, my residence, my workplace

Defendant stays at least _____yards away from my children's school because of the following reasons_____;

Defendant does not telephone me or contact me in any way;

Defendant does not block me in public places or roads;

I also request that Defendant be ordered not to do the following:_____

PLAINTIFF ALSO REQUESTS that the Defendant pay me back for the costs and expenses incurred in bringing this case and for any other relief that the Court deems proper.

RESPECTFULLY SUBMITTED:

Signature of Plaintiff

Print name

Address

City/State/Zip Code

I, _____, Plaintiff in the above entitled cause, have read the Application for Temporary Restraining Order and Preliminary Injunction, and I state that the contents therein are true and correct to the best of my information and belief under penalty of perjury under the laws of the State of New Mexico.

Signed this _____ day of _____, 20____.

Signature of Plaintiff

STATE OF NEW MEXICO
COUNTY OF SIERRA
SEVENTH JUDICIAL DISTRICT COURT

PLAINTIFF,

vs.

D-721-CV-_____

DEFENDANT.

DEFENDANT INFORMATION SHEET

Name: _____ A/K/A _____

DOB: _____, or approximate age: _____

Height: _____ weight: _____ hair color: _____ eye color: _____

Marks/Tattoos/Scars: _____

Languages Spoken: _____

Mailing address: _____

Physical address: _____

Work location: _____

Home phone: _____ Work phone: _____

Vehicle: _____ License number: _____

Probable location at this time: _____

Most likely time of availability: _____

Please draw a MAP of the home or workplace location in the space below if needed:

RESPECTFULLY SUBMITTED:

Signature of Plaintiff

Print name

Address

City/State/Zip Code

STATE OF NEW MEXICO
COUNTY OF SIERRA
SEVENTH JUDICIAL DISTRICT COURT

PLAINTIFF,

vs.

D-721-CV-_____

DEFENDANT.

TEMPORARY RESTRAINING ORDER

THIS MATTER, came before the Court upon Application and the Court, being fully advised, FINDS:

1. Immediate and irreparable injury will result to the Plaintiff if a restraining order is not issued immediately as requested by Plaintiff.
2. No notice need be given to Defendant as required by the Rules of Civil Procedure.
3. There are good grounds to show a preliminary injunction may be needed in this case
4. This order shall be effective for a period of ten (10) days unless extended or modified.

IT IS THEREFORE ORDERED that:

_____ Defendant not threaten, harm, alarm or annoy Plaintiff

_____ Defendant not threaten harm, alarm or annoy Plaintiff or Plaintiff's family and household as named here: _____

_____ Defendant stay at least _____ yards away from Plaintiff and from Plaintiff's residence, workplace

_____ Defendant stay at least _____ yards away from Plaintiff's children's school.

_____ Defendant not telephone Plaintiff or contact Plaintiff in any way, either directly or through others;

_____Further Defendant is ordered not to do the following:_____

IT IS FURTHER ORDERED that Defendant appear and show cause before the Court why the Temporary Restraining order should not be extended or a preliminary injunction issued as Plaintiff's requests by appearing before the Court at the Sierra County Courthouse, located at 311 N. Date Street, Truth or Consequences, N.M. as follows:

Date of hearing:_____

Time of hearing:_____

In the Courtroom of the Honorable_____

DISTRICT JUDGE

Date issued: _____

STATE OF NEW MEXICO
COUNTY OF SIERRA
SEVENTH JUDICIAL DISTRICT COURT

PLAINTIFF,

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DEFENDANT.

ORDER ON PLAINTIFF'S GIVING OF SECURITY

THIS MATTER, came before the Court upon the Plaintiff's Application for a Temporary Restraining Order and Permanent Injunction. The Court, being fully advised FINDS and ORDERS that:

Prior to the issuance of a Temporary Restraining Order herein, Plaintiff shall give security in the amount of _____, said amount to be paid into the Court registry or by securing a bond in the same amount. Said security is for the payment of such costs and damages as may be incurred or suffered by any party who is found to have been wrongfully enjoined or restrained.

The giving of security by the Plaintiff is waived because neither the Defendant nor any other party will incur any money damages due to the issuance of a restraining order.

The giving of security by the Plaintiff is waived because:

DISTRICT COURT JUDGE

INSTRUCTIONS TO GET A RESTRAINING ORDER
SEVENTH JUDICIAL DISTRICT
(SOCORRO, SIERRA, TORRANCE AND CATRON COUNTIES)

A “restraining order”/injunction is an order that stops somebody from doing something before it happens.

There are very strict requirements to get a restraining order/injunction:

1. The harm you are claiming is very serious and likely to continue if the Court doesn’t get involved AND
2. There is no other way to remedy the problem such as seeking money damages at another time AND
3. If you are wrong, you are prepared to pay the other side the amount of their damages including their costs and attorney’s fees.

If you meet the 3 requirements above, you may apply for a restraining order/injunction:

Step 1: Fill in the Application for Temporary Restraining Order and Preliminary Injunction and sign the application before a Notary Public. Please understand the Court Clerks are NOT allowed to give you legal advice or tell you what to say in your application. Make at least two (2) copies.

Step 2: File the Application with the Clerk of the Court and pay the filing fee of \$132.00. If you are indigent you may also submit an application for free process. The application for free process may take several days and may not be granted. The Clerk accepts cash, cashier’s check, money order or attorney’s check.

Step 3: The Clerk will automatically assign a Judge to your case. The Clerk will take your application and proposed order to the Judge’s office. You must wait for the Judge to review the application and sign the order. The Clerk can tell you whether to wait at the Courthouse or to call in later to check on whether the order is ready.

Step 4: As soon as the order is ready, the Clerk will file it, and you must pick up your endorsed copies at the Clerk’s office.

Step 5: Serve the other person the endorsed Application for Temporary Restraining Order, Preliminary Injunction, the endorsed Temporary Restraining Order and Summons.

Anyone who is over 18 years of age and who is not a party to the case may serve the papers. That means the Plaintiff CANNOT serve the papers. The Sheriff’s Offices or a professional process server can serve the papers but they usually charge a fee. If the Court has granted the Plaintiff Free Process, the Sheriff will serve the papers for free (within New Mexico).

Step 6: Get proof of service. The person who performed the service fills out the Return of Service and you must file the Return of Service with the Clerk of Court. It is your responsibility to follow up with law enforcement regarding the service of your documents before your hearing. The Judge must have a copy of the Return of Service at the time of the hearing.

Step 7: Attend the hearing at the date and time set and bring evidence such as witnesses or documents and be prepared to prove your claim in court.

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COUNTY OF SIERRA
SEVENTH JUDICIAL DISTRICT COURT

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PRELIMINARY INJUNCTION

THIS MATTER, having come before the Court on its Temporary Restraining Order, and the Court having considered the pleadings and having heard the testimony and being otherwise advised, **FINDS**:

1. This Court has jurisdiction over the parties and subject matter of this action.
2. Irreparable injury will result to the Plaintiff if a preliminary injunction and restraining order is not issued.
3. Plaintiff has no adequate remedy at law.
4. The burden on Defendant is reasonable under the circumstances.

WHEREFORE, IT IS ORDERED that the Temporary Restraining Order issued in this case be and is continued in full force and effect until a final decision on the merits, or until further notice of this court.

DISTRICT JUDGE

Copies to Both Parties

4-206. Summons

[For use with District Court Civil Rule 1-004 NMRA]

SUMMONS	
District Court: Seventh Judicial District Court Sierra County, New Mexico Court Clerk Address: P.O. Box 3009 311 N. Date Street T or C, NM 87901 Court Telephone Number: (575) 894-7167	Case Number: D-721-CV- _____ Judge: _____
Plaintiff(s): _____ v. Defendant(s): _____	Defendant Name: _____ Address: _____ _____

TO THE ABOVE NAMED DEFENDANT(S): Take notice that

1. A lawsuit has been filed against you. A copy of the lawsuit is attached. The Court issued this Summons.
2. You must respond to this lawsuit in writing. You must file your written response with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA) The Court's address is listed above.
3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person who signed the lawsuit.
4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.
5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.
6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at www.nmbar.org; 1-800-876-6227; or 1-505-797-6066.

Dated at T or C, New Mexico, this ____ day of _____, 20__.

MARY E. MORA
CLERK OF COURT

Attorney for Petitioner or
Petitioner pro se

By: _____
Deputy

Name:
Address:
Telephone No.:
Fax No.:
Email Address:

THIS SUMMONS IS ISSUED PURSUANT TO RULE 1-004 NMRA OF THE NEW MEXICO RULES OF CIVIL PROCEDURE FOR DISTRICT COURTS.

corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision).

Fees: _____

Signature of person making service

Title (*if any*)

Subscribed and sworn to before me this _____ day of _____, _____.²

Judge, notary or other officer
authorized to administer oaths

Official title

USE NOTE

1. Unless otherwise ordered by the court, this return is not to be filed with the court prior to service of the summons and complaint on the defendant.
2. If service is made by the sheriff or a deputy sheriff of a New Mexico county, the signature of the sheriff or deputy sheriff need not be notarized.

[Adopted effective August 1, 1988; as amended by Supreme Court Order 05-8300-01, effective March 1, 2005; by Supreme Court Order 07-8300-16, effective August 1, 2007; by Supreme Court Order No. 12-8300-026, effective for all cases filed or pending on or after January 7, 2013; as amended by Supreme Court Order No. 13-8300-022, effective for all cases pending or filed on or after December 31, 2013; as amended by Supreme Court Order No. 14-8300-017, effective for all cases pending or filed on or after December 31, 2014.]