

4-704.

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

STATE OF NEW MEXICO  
COUNTY OF \_\_\_\_\_  
\_\_\_\_\_ 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 SERVICE<sup>1</sup>**

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.]