

9-309. Judgment of default on bond.

[For use with District Court Rule 5-406 NMRA,
Magistrate Court Rule 6-406 NMRA,
Metropolitan Court Rule 7-406 NMRA and
Municipal Court Rule 8-406 NMRA]

STATE OF NEW MEXICO
[COUNTY OF _____]
[CITY OF _____]
_____ COURT

[STATE OF NEW MEXICO]
[COUNTY OF _____]
[CITY OF _____]

v.

No. _____

_____, Defendant
[and
_____, (surety)]

JUDGMENT OF DEFAULT ON BOND

This matter having come before this court for a hearing,
THE COURT FINDS:

(check applicable alternative)

- [] The defendant previously signed an unsecured appearance bond, agreeing to appear in court as required and promising to pay \$_____ to the court for a failure to appear;
- [] The defendant previously signed a secured appearance bond in the full amount of \$_____, secured by a deposit in cash of 10% of the full amount, agreeing to appear in court as required, and promising to forfeit the cash deposit and pay the remaining 90% of the bond to the court for a failure to appear;
- [] The defendant or the defendant’s unpaid surety previously signed a secured appearance bond in the full amount of \$_____, secured by the pledging of real property, agreeing that the defendant will appear in court as required, and promising to forfeit the full amount of the bond to the court for a failure to appear;
- [] The defendant previously signed a secured appearance bond in the full amount of \$_____, secured by a deposit in cash of 100% of the full amount, agreeing to appear in court as required, and promising to forfeit the full amount of the bond to the court for a failure to appear.
- [] The defendant’s surety, a licensed bail bondsman, previously signed a surety bond in the full amount of \$_____, agreeing to ensure the defendant’s appearance in court as required, and promising to forfeit the full amount of the bond to the court for a failure to

appear;

The defendant failed to appear in the _____ Court on _____ (date) at _____ (time), as required;

This court served a Notice of Forfeiture and Hearing on the clerk of the court, forfeiting the defendant's bond more than thirty (30) days prior to this hearing;

The clerk of the court mailed to the defendant and the above named surety, if any, the Notice of Forfeiture and Hearing regarding whether a judgment of default should be entered on the forfeited bond;

The forfeited bond has not been set aside, the defendant has not been surrendered into custody, and good cause has not been shown why a judgment of default should not be entered.

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that judgment in the following amount is hereby entered against the defendant and the above named surety, if any:

[] \$ _____, which is the full amount of the bond.

[] \$ _____, which is a percentage of the full amount of the bond.

IT IS FURTHER ORDERED that if the defendant has a surety, the defendant and the surety are jointly and severally liable for the payment of this judgment.

IT IS FURTHER ORDERED that if the full amount of this judgment is not paid into this court within ten (10) days after entry of this order, action may be taken to enforce this judgment against the defendant and the above named surety, if any.

IT IS FURTHER ORDERED that if this judgment is not paid within ten (10) days, the above named surety, if any, shall not execute any new bonds until the full amount of this judgment is paid.

IT IS FURTHER ORDERED that if this judgment is entered against a licensed bail bondsman and this judgment is not paid within ten (10) days, a copy of the judgment shall be mailed by the clerk of the court to the superintendent of insurance.

Judge

USE NOTE

1. If the court is entering a judgment of default on more than one bond, the court should issue a separate judgment form for each bond.

[Effective October 1, 1987; as amended, effective August 1, 1989; as amended by Supreme Court Order 07-8300-29, effective December 10, 2007; as amended by Supreme Court Order No. 17-8300-005, effective for all cases pending or filed on or after July 1, 2017.]