

**4-909. Judgment for restitution.**

[For use in Metropolitan and District Courts]

[Sections 47-8-33, 47-8-43, 47-8-46, 47-8-48 NMSA 1978]

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

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

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

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

**JUDGMENT FOR RESTITUTION**  
***(Uniform Owner-Resident Relations Act)***<sup>1</sup>

This matter was set for trial on \_\_\_\_\_, \_\_\_\_\_ (*date*). The plaintiff appeared (*in person*) (*and*) (*by attorney* \_\_\_\_\_). The defendant (*did not appear*) (*appeared*) (*in person*) (*and*) (*by attorney* \_\_\_\_\_). Having heard the evidence and argument presented, the court finds in favor of:

☐ the plaintiff.

☐ the defendant.

**IT IS THEREFORE ORDERED:**

1. The premises at: \_\_\_\_\_, New Mexico be restored to (*plaintiff*) (*defendant*);

2. The rental agreement (*is*) (*is not*) terminated;  
(*check, if applicable, and complete*)

☐ Plaintiff shall recover from defendant the following amounts:

Rents	\$ _____
Damages	\$ _____
Attorney's fees	\$ _____
Costs	\$ _____
TOTAL	\$ _____ <sup>2</sup>

(*check, if applicable, and complete*)

☐ A writ of restitution be issued effective  
\_\_\_\_\_, \_\_\_\_\_ (*date*).<sup>3</sup>

(*check, if applicable, and complete*)

[ ] The court further orders \_\_\_\_\_ (*other relief*).  
(*check, if applicable, and complete*)

[ ] A hearing on the issue of damages will be held by this court on  
\_\_\_\_\_, \_\_\_\_\_ (*date*) at \_\_\_\_\_ (*a.m.*) (*p.m.*).<sup>2</sup>

3. If this case is appealed, the (plaintiff) (defendant) shall \_\_\_\_\_  
\_\_\_\_\_.<sup>4</sup>

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

\_\_\_\_\_  
Judge<sup>4</sup>

#### USE NOTES

1. This form may also be used for a mobile home park with less than 12 units. *See* Subsection C of Section 47-10-2 NMSA 1978.

2. Use Civil Form 4-701 if damages are determined at a separate hearing.

3. Insert a date which is not less than three (3) nor more than seven (7) days from the date of filing of the judgment.

4. Section 47-8-47 provides for a stay of execution upon appeal. If the defendant appeals a writ of restitution, the court shall require an escrow to be paid into the court within five (5) days after the notice of appeal is filed to stay the execution. If a money judgment is appealed the court may require a deposit with the court or a supersedeas bond be filed. *See* Section 47-8-47 NMSA 1978 for appeals by the plaintiff.

[Rule 4-909 SCRA 1986; as amended, effective September 2, 1997; January 1, 1999; as amended by Supreme Court Order No. 16-8300-033, effective for all cases pending or filed on or after December 31, 2016.]