

1 **4-227. Plaintiff's certification of pre-filing notice; foreclosure actions.**

2
3 [For use with District Court Rule 1-003.3 NMRA]

4
5 STATE OF NEW MEXICO
6 COUNTY OF _____
7 _____ JUDICIAL DISTRICT COURT

8
9 _____,

10
11 Plaintiff,

12
13 v. No. _____

14
15 _____,

16
17 Defendant.

18
19 **PLAINTIFF'S CERTIFICATION OF PRE-FILING NOTICE**

20
21 I, _____ (*name*), _____ (*title*), for Plaintiff
22 certify that on _____ (*date*) Plaintiff provided pre-filing notice to Defendant of the
23 following:

24
25 1. A list and brief description of each of the types of loss mitigation options available
26 to Defendant by the owner or assignee of Defendant's mortgage loan and the actions Defendant
27 must take to be evaluated for such loss mitigation options;

28
29 2. Notification as to whether the loan is federally backed or a government-sponsored
30 enterprise (GSE) loan, and if so, what federal or GSE-specific relief options are available to
31 Defendant;

32
33 3. The name of the entity that holds the loan, and the contact information for the loan
34 servicer; and

35
36 4. A list of resources, substantially in a form approved by the Supreme Court, that
37 Defendant may contact for assistance. [~~;~~ ~~and~~

38
39 ~~5. Notice to Defendant of the New Mexico Homeowner Assistance Fund (HAF) and~~
40 ~~ability to request a stay while applying for HAF.⁺]~~

41
42 I further certify that at least one of the following has been met (*check all that apply*):

43
44 [] Defendant submitted a complete loss mitigation application and the servicer has
45 completed review of the application. Defendant remained delinquent at all times since submitting

1 the application, and was denied for loan modification or did not accept another loss mitigation
2 offer.

3
4 The property securing the mortgage loan is abandoned according to the laws of the
5 State of New Mexico.

6
7 The loan was delinquent for one hundred twenty (120) days prior to the filing of
8 the complaint.

9
10 The statute of limitations applicable to the foreclosure action being taken will expire
11 within one hundred twenty (120) days if the Court does not allow the filing of the Foreclosure
12 Complaint. The statute of limitations will expire on _____.

13
14
15 _____
Signature

16
17
18 _____
Printed Name

19
20
21 _____
Law Firm Name (*if applicable*)

22
23
24 _____
Physical Address

25
26
27 _____
Telephone Number

28
29
30 _____
E-Mail Address

31
32
33 _____
Relationship To Plaintiff

34
35 [USE NOTES

36 ~~1. Paragraph 5 shall expire and be withdrawn from this form on September 30, 2025,~~
37 ~~or upon notification to the Supreme Court of exhaustion of the New Mexico Homeowner~~
38 ~~Assistance Fund (HAF) program funds, whichever is earlier.]~~
39

40 [Adopted by Supreme Court Order No. 21-8300-004, effective for all cases pending or filed on or
41 after September 7, 2021; as amended by Supreme Court Order No. 22-8300-010, effective for all
42 cases pending or filed on or after May 23, 2022; as amended by Supreme Court Order No. S-1-
43 RCR-2024-00080, effective for all cases pending or filed on or after December 31, 2024.]