

1 **4-805. Application for writ of garnishment.**

2
3 [For use with Rules 1-065.2, 2-802, and 3-802 NMRA]

4
5 STATE OF NEW MEXICO
6 COUNTY OF _____
7 IN THE _____ COURT
8 _____, Plaintiff

9
10 v. _____, Defendant No. _____

11 **APPLICATION FOR WRIT OF GARNISHMENT**

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15 The judgment creditor, _____, states:

- 16
17 (1) The judgment creditor has a judgment dated _____ against the
18 judgment debtor whose name is _____,
19 and whose last known address is _____.
- 20
21 (2) The total amount of the judgment including the principal, interest, costs, and
22 attorney fees awarded by the judgment was \$ _____.
- 23
24 (3) From the date the judgment was filed through the date this Application was signed,
25 additional interest at the rate of _____% totals \$ _____.
26 Judgment creditor has incurred additional costs of \$ _____ and
27 additional attorney fees of \$ _____.
- 28
29 (4) Payments totaling \$ _____ have been received.
- 30
31 (5) The unpaid balance now due is \$ _____ (*Insert this amount on*
32 *[Civil] Form 4-806 NMRA as "Balance Due upon Application for Writ."*) plus
33 interest from the date this Application is filed.
- 34
35 (6) Estimated costs would equal \$ _____ and the judgment creditor
36 will seek \$ _____ in attorney fees.
- 37
38 (7) Judgment debtor, to my knowledge, does not have sufficient property within New
39 Mexico subject to execution to satisfy the judgment. I understand that I have a duty
40 to make a reasonable investigation into the truth of this statement and have done so
41 as follows:¹
42 (*This allegation is not necessary [~~prior to~~] before garnishment of funds for child*
43 *support or alimony obligations.*)

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45 _____,

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_____.

(8) I have reason to believe, and do believe, that the garnishee,
_____ (*name of garnishee*)
_____ (*address*), holds or controls money or
personal property which belongs to the judgment debtor or is indebted to the
judgment debtor.²

(9) The money or property held by the garnishee is not exempt from garnishment.

Therefore, the judgment creditor requests a Writ of Garnishment.

Judgment creditor or attorney for judgment creditor

Judgment creditor's or attorney's name printed

Address of judgment creditor or attorney

City, state, and zip code (*print*)

Telephone number of judgment creditor or attorney

Date of signing

AFFIDAVIT

*(application must be sworn to
unless signed by an attorney)*

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

(seal)

Notary or other officer authorized
to administer oaths

1 ~~[[As amended, effective June 15, 1986; January 1, 1987; July 1, 1992; January 1, 1996; as amended~~
2 ~~by Supreme Court Order No. 09-8300-024, effective September 4, 2009; by Supreme Court Order~~
3 ~~No. 12-8300-030, effective for all cases filed or pending on or after January 7, 2013.]]~~

4
5 USE NOTES
6

7 1. The judgment creditor shall list any steps taken to investigate whether the judgment
8 debtor possesses property within New Mexico subject to execution to satisfy the judgment. A
9 reasonable investigation may be made, for example, by conducting a credit check or by asking the
10 judgment debtor to identify all of the judgment debtor's assets during a court hearing.

11 2. See *Jemko, Inc. v. Liaghat*, 1987-NMCA-069, ¶ 10, 106 N.M. 50, [52,] 738 P.2d
12 922[-925 (Ct. App. 1987)] (providing that a judgment creditor, acting [~~pursuant to~~] under a writ
13 of garnishment, may only seize property belonging to the judgment debtor); *Alcantar v.*
14 *Sanchez*, 2011-NMCA-073, 150 N.M. 146, 257 P.3d 966 (discussing garnishment procedures in
15 the case of joint bank accounts).

16 3. Applications for writs of garnishment or execution are timely if filed “within seven
17 years after the rendition or revival of the judgment” in the case. NMSA 1978, Section 39-1-20
18 (1971). But no writ of garnishment or execution may issue “after fourteen years from the date of
19 the original judgment upon which it is founded.” NMSA 1978, Section 37-1-2 (2021).

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21 ~~[[Adopted by Supreme Court Order No. 12-8300-030, effective for all cases filed or pending on~~
22 ~~or after January 7, 2013.]]~~ [[As amended, effective June 15, 1986; January 1, 1987; July 1, 1992;
23 January 1, 1996; as amended by Supreme Court Order No. 09-8300-024, effective September 4,
24 2009; as amended by Supreme Court Order No. 12-8300-030, effective for all cases filed or
25 pending on or after January 7, 2013; as amended by Supreme Court Order No. S-1-RCR-2024-
26 00107, effective for all cases pending or filed on or after December 31, 2024.]]