

1 **4-810. Motion for default judgment against garnishee.**

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

4
5 STATE OF NEW MEXICO

6
7 IN THE _____ COURT

No. _____

8
9 _____ COUNTY

10 _____, Plaintiff

11 v.

12 _____, Defendant

13 _____, Garnishee

14
15 **MOTION FOR DEFAULT JUDGMENT AGAINST GARNISHEE**

16
17 Judgment creditor moves the court to enter a default judgment against the garnishee.

18
19 The Writ of Garnishment was served on the garnishee on _____ (*date*) and the return
20 of service of the writ on the garnishee has been filed with the court.

21
22 The writ was sent to the judgment debtor's last known address on _____ (*date*).
23 The garnishee has not filed an answer or other responsive pleading with the court nor has the
24 judgment creditor been served with a responsive pleading.

25
26 The judgment creditor requests the court to set a hearing on this motion on not less than
27 three (3) days notice to the garnishee.

28
29
30 _____
31 Date

Attorney for plaintiff

32
33 *If the plaintiff is not represented*
34 *by an attorney, this motion must be*
35 *sworn to or affirmed by the plaintiff.*

36
37 I, _____, upon my oath or affirmation do solemnly declare
38 or affirm that this motion contains a complete, accurate statement of the facts to the best of my
39 knowledge. I understand that if I make a material misstatement of fact, I may be prosecuted and
40 punished for perjury.

41
42
43 _____
44 Signature of plaintiff
45
46 _____

Signature of Judge, Notary or Other
Officer Authorized to Administer
Oaths

Official title

My commission expires:

(SEAL)

CERTIFICATE OF SERVICE

I hereby certify that on this _____ day of _____, _____, this
motion was

[mailed by United States mail, postage prepaid, and addressed to:

Name: _____

Address: _____

City, State
and zip code: _____]

[faxed by _____ (name of person who faxed) to
_____ (defendant or defendant's attorney). The transmission was
reported as complete and without error. The time and date of the transmission was _____
(a.m.) (p.m.) on _____ (date).]

[e-mailed by _____ (name of person who transmitted) to
_____ at _____ (electronic address of
recipient) who agreed to service in this manner. The transmission was successful. The time and
date of the transmission was _____ (a.m.) (p.m.) on _____ (date).]

Signature of attorney

*If this notice was served by a person other than an attorney, the following must also be completed
and filed with the court:*

AFFIDAVIT OF SERVICE

I declare under penalty of perjury that a copy of this motion was served by [mail] [fax]
[electronic transmission] as described above on this _____ day of _____, _____.

1 _____
2 Signature of person who made service

3
4 Subscribed and sworn to before me
5 this _____ day of _____, _____.

6 _____
7 Judge, notary or other officer
8 authorized to administer oaths

9 _____
10 Official title

11
12 USE NOTE

13
14 1. Use this form only for actions filed on or after July 1, 2023.

15
16 [Approved, effective August 1, 1999; as amended by Supreme Court Order No. S-1-RCR-2024-
17 00107, effective for all cases pending or filed on or after December 31, 2024.]