

1 **4-707. Notice of appeal.**

2
3 [For use with Rules 1-072, [~~1-073, 2-706~~] 2-705, and 3-706 NMRA]

4
5 STATE OF NEW MEXICO

6
7 IN THE [DISTRICT] [METROPOLITAN]¹ COURT
8 _____ JUDICIAL DISTRICT
9 _____ COUNTY

Dist. Court No. _____

10
11 (Mag.) (Met.) Ct. No. _____

12
13 _____, Plaintiff

14
15 (appellant) (appellee)

16
17 against

18
19 _____, Defendant

20
21 (appellant) (appellee)

22
23 _____, Garnishee (if applicable)

24
25 **NOTICE OF APPEAL**

26
27 _____ (plaintiff) (defendant) _____ (other party) appeals
28 to the [district court] [Court of Appeals]² from the judgment or final order of the (magistrate)
29 (metropolitan) court entered in the above cause on the _____ day of
30 _____, _____, a copy of which is hereby attached.³

Signed

Name (print)

Address (print)

City, state and zip code (print)

Telephone number

31
32 (To be completed prior to filing
33 with the clerk of the [~~district~~] appellate court.
34 Proof of service is required for each party.)

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CERTIFICATE OF SERVICE BY ATTORNEY

I certify that I caused a copy of this notice of appeal to be served on the following persons or entities by *(delivery)* *(mail)* on this _____ day of _____, _____:

(1) _____
(Name of party)

(Address)

(2) _____
(Name of party)

(Address)

(Attorney for appellant)

Signature

Date of signature

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AFFIDAVIT OF SERVICE OF PARTY

I declare under penalty of perjury that a copy of this notice of appeal was served on the following persons or entities by *(delivery)* *(mail)* on this _____ day of _____, _____:

(1) _____
(Name of party)

(Address)

(2) _____
(Name of party)

(Address)

Signature of appellant

Date of signature

13 Subscribed and sworn to
14 before me this _____
15 day of _____, _____
16 _____

17 Judge, notary or other officer
18 authorized to administer oaths

1 _____
2 Official title

3
4 USE NOTES

5
6 1. Select the name of court in which this Notice of Appeal is filed. NMSA 1978,
7 Section 34-8A-6 was amended in 2019 to provide that the metropolitan court is not a court of
8 record for civil actions brought under the Uniform Owner-Resident Relations Act (UORRA),
9 NMSA 1978, Sections 47-8-1 to -51. Appeals of all civil actions originally brought in the
10 magistrate court and civil actions originally brought in the metropolitan court under the UORRA,
11 are taken by filing this form in the district court within fifteen (15) days of entry of the order
12 appealed from. See Rule 1-072 NMRA; Section 47-8-47. Appeals of civil actions originally
13 brought in metropolitan court that are not under the UORRA, are taken by filing this form in the
14 metropolitan court within thirty (30) days of entry of the order appealed from. See Rule 12-609
15 NMRA.

16 2. Select the name of court to which the appeal is taken. Appeals of all civil actions
17 originally brought in the magistrate court and civil actions originally brought in the metropolitan
18 court under the UORRA are taken to the district court. See Rule 1-072. Appeals of civil actions
19 originally brought in the metropolitan court that are not under the UORRA are taken to the Court
20 of Appeals. See Rule 12-609.

21 3. A copy of the judgment or final order appealed from, showing the date of the
22 judgment or final order, shall be attached to the notice of appeal [~~filed in the district court~~].

23 4. Section 47-8-47 provides for a stay of execution of a writ of restitution pending
24 appeal for cases governed by the UORRA if a resident continues to pay rent on the date rent would
25 otherwise become due. If a writ of restitution has issued, a copy of this notice of appeal should be
26 delivered to the sheriff to whom the writ is directed.

27
28 [As amended, effective January 1, 1996; as amended by Supreme Court Order No. S-1-RCR-2025-
29 00175, effective for all cases filed on or after December 31, 2025.]