

1 **4-905. Summons and notice of trial on petition for writ of restitution (*Uniform Owner-***  
2 ***Resident Relations Act*).**

3  
4 ~~[NMSA 1978, Section 47-8-43 [NMSA 1978]]~~

5  
6 STATE OF NEW MEXICO

7 \_\_\_\_\_ COURT  
8 \_\_\_\_\_ COUNTY

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

9  
10 \_\_\_\_\_, Plaintiff

11 v.

12 \_\_\_\_\_, Defendant

13  
14 **SUMMONS AND NOTICE OF TRIAL**  
15 **ON PETITION FOR WRIT OF RESTITUTION**  
16 **(*Uniform Owner-Resident Relations Act*)**

17  
18 To: \_\_\_\_\_, defendant

19  
20 Address: \_\_\_\_\_,  
21 \_\_\_\_\_ New Mexico \_\_\_\_\_

22  
23  
24 **GREETINGS:**

25  
26 You are ordered to appear for trial before the Honorable \_\_\_\_\_,  
27 Judge, Div. \_\_\_\_\_, located at \_\_\_\_\_, New Mexico on the  
28 \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ (*date*), at the hour of \_\_\_\_\_ .m. to show cause  
29 and present all evidence you may have why the plaintiff's petition for a writ of restitution for the  
30 property located at \_\_\_\_\_ should not be granted and why the  
31 plaintiff should not have judgment against you for any back rents or damages you caused to the  
32 property, in accordance with the petition filed by the plaintiff in this action, a copy of which is  
33 attached.

34  
35 Your failure to appear at the time and place specified above may result in the entry of  
36 judgment against you in accordance with the petition filed by the plaintiff in this action, a copy of  
37 which is attached.

38  
39 You may file a written answer and assert any claims you may have prior to the trial.

40  
41 ~~**[FOR USE ONLY IN METROPOLITAN COURT CASES**~~

42  
43 ~~[IF YOU WANT A TAPE RECORDING OF ANY PROCEEDING, YOU MUST~~  
44 ~~REQUEST IT BEFORE THE BEGINNING OF THE PROCEEDING. IF YOU DO NOT~~

1 ~~ASK FOR A TAPE RECORDING, YOU WILL NOT HAVE A RECORD OF THE~~  
2 ~~PROCEEDINGS TO TAKE TO THE DISTRICT COURT FOR ANY APPEAL.]]~~

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

\_\_\_\_\_  
Judge

By: \_\_\_\_\_  
Clerk

3 **THIS IS YOUR NOTICE OF TRIAL**  
4 **and will be the only notice**  
5 **that you will receive.**

8 **RETURN<sup>1</sup>**

STATE OF NEW MEXICO )

) ss

COUNTY OF \_\_\_\_\_ )

9  
10 *(complete if service is by a person*  
11 *other than the sheriff or deputy<sup>3</sup>)*

12 I, being sworn state that I am over the age of eighteen (18) years and not a party to this lawsuit,  
13 and that I served this summons in \_\_\_\_\_ county on the \_\_\_\_\_ day  
14 of \_\_\_\_\_, \_\_\_\_\_ (date), by delivering a copy of this summons, a copy of the  
15 petition and a copy of the answer form<sup>2</sup> in the following manner:

16 ***(check and complete only if service by sheriff or deputy)<sup>3</sup>***

17 I certify that I served this summons in \_\_\_\_\_ county on the \_\_\_\_\_  
18 day of \_\_\_\_\_, \_\_\_\_\_ (date), by delivering a copy of the summons, a copy of the  
19 petition and an answer form<sup>2</sup> in the following manner:

20 ***(person serving summons must check one of following boxes and fill in appropriate blanks)***

21  
22 [ ] by delivering a copy of this summons, a copy of the petition and an answer form to the  
23 defendant \_\_\_\_\_ (used when defendant receives copy of summons or refuses to  
24 receive summons).  
25

26 [ ] by delivering a copy of this summons, a copy of the petition and an answer form to  
27 \_\_\_\_\_, a person over fifteen (15) years of age and residing at the usual place of  
28 abode of defendant \_\_\_\_\_, located at  
29 \_\_\_\_\_ (address) (used when defendant is not presently at the  
30 abode).

1  
2  by posting a copy of the summons, petition and an answer form in the most public part of  
3 the premises of defendant \_\_\_\_\_ located at  
4 \_\_\_\_\_ (address). (Used if no person found at dwelling house or  
5 usual place of abode.) (If service is by posting a copy of the summons, petition and an answer form  
6 must also be mailed to the person served. The person serving by posting and the person serving  
7 by mail must each sign a return. The person mailing must check and complete the certificate of  
8 mailing at the end of this summons.)  
9

10  by delivering a copy of this summons, a copy of the petition and an answer form to  
11 \_\_\_\_\_, an agent authorized to receive service of process for defendant.  
12

13  by delivering a copy of this summons, a copy of the complaint and an answer form to  
14 \_\_\_\_\_, (parent) (guardian) (custodian) of defendant (used when defendant  
15 is a minor or an incompetent person).  
16

17  by delivering a copy of this summons, a copy of the petition and an answer form to  
18 \_\_\_\_\_ (name of person), \_\_\_\_\_, (title of person  
19 authorized to receive service) (used when defendant is a corporation or an association subject to  
20 a suit under a common name, a land grant board of trustees, the State of New Mexico or any  
21 political subdivision).  
22

23  by service by mail.

Fees: \_\_\_\_\_

\_\_\_\_\_  
Signature of person making service

\_\_\_\_\_  
Title (if any)

24  
25 Subscribed and sworn to  
26 before me this \_\_\_\_\_  
27 day of \_\_\_\_\_, \_\_\_\_\_  
28 \_\_\_\_\_

29 Judge, notary or other officer  
30 authorized to administer oaths<sup>3</sup>  
31 \_\_\_\_\_

32 Official title  
33 (To be completed if service is made by posting)<sup>4</sup>

34 I, being sworn, state that I am over the age of eighteen (18) years and not a party to this lawsuit,  
35 and that I served a copy of this summons on the \_\_\_\_\_ day of \_\_\_\_\_,  
36 by mailing first class mail, postage prepaid, a copy of this summons, a copy of the complaint,  
37 and an answer form to:

1 \_\_\_\_\_  
2 \_\_\_\_\_ *(name of person served)*  
3 \_\_\_\_\_ *(address where mailed)*  
4 \_\_\_\_\_ *(county)*  
5 \_\_\_\_\_ *(city, state and zip code)*

\_\_\_\_\_  
Signature of person making service

\_\_\_\_\_  
Title *(if any)*

\_\_\_\_\_  
Place of mailing

\_\_\_\_\_  
Date

6  
7 Subscribed and sworn to before me  
8 this \_\_\_\_\_ day of \_\_\_\_\_,  
9 \_\_\_\_\_.

10 \_\_\_\_\_  
11 Judge, notary or other officer  
12 authorized to administer oaths<sup>3</sup>

13 \_\_\_\_\_  
14 Official title  
15 *(To be completed if service is made by mail.)<sup>5</sup>*

16 I, being sworn, state that I am over the age of eighteen (18) years and not a party to this lawsuit,  
17 and that I served a copy of this summons on the \_\_\_\_\_ day of \_\_\_\_\_,  
18 by mailing first class mail, postage prepaid, a copy of this summons, a copy of the complaint, an  
19 answer form and two copies of the notice and acknowledgement and a return envelope, postage  
20 prepaid, addressed to:

21 \_\_\_\_\_  
22 \_\_\_\_\_ *(name of person served)*  
23 \_\_\_\_\_ *(address where mailed)*  
24 \_\_\_\_\_ *(county)*  
25 \_\_\_\_\_ *(city, state and zip code)*

\_\_\_\_\_  
Signature of person making service

\_\_\_\_\_  
Title *(if any)*

\_\_\_\_\_  
Place of mailing

\_\_\_\_\_  
Date

1 Subscribed and sworn to before me  
2 this \_\_\_\_\_ day of \_\_\_\_\_,  
3 \_\_\_\_\_.

4 \_\_\_\_\_  
5 Judge, notary or other officer  
6 authorized to administer oaths

7 \_\_\_\_\_  
8 Official title<sup>3</sup>

10 USE NOTES

- 11
- 12 1. A separate summons must be used for each defendant.
  - 13 2. An answer form must be attached to the summons at the time of service. For answer  
14 forms, [~~see~~ see Rule 4-907 NMRA.
  - 15 3. If service is made by the sheriff or a deputy sheriff of a New Mexico county, the  
16 signature of the sheriff or deputy need not be notarized.
  - 17 4. For use when service is by posting.
  - 18 5. If service is by mail, [~~Civil~~] Form 4-208 NMRA must be completed and mailed  
19 with this summons.

20  
21 [Former Rule 4-904 SCRA 1986; recompiled as Rule 4-905 NMRA and amended, effective  
22 September 2, 1997; as amended by Supreme Court Order No. S-1-RCR-2025-00175, effective for  
23 all cases pending or filed on or after December 31, 2025.]