

1 **4-909. Judgment for restitution.**

2
3 [For use in Magistrate, Metropolitan, and District Courts
4 NMSA 1978, Sections 47-8-33, 47-8-43, 47-8-46, 47-8-47, 47-8-48 [~~NMSA 1978~~]]

5
6 STATE OF NEW MEXICO
7 _____ COURT
8 _____ COUNTY

9
10 _____, Plaintiff,
v. No. _____
11 _____, Defendant.

12
13 **JUDGMENT FOR RESTITUTION**
14 **(Uniform Owner-Resident Relations Act)¹**

15
16 This matter was set for trial on _____, _____ (date). The plaintiff appeared
17 (in person) (and) (by attorney _____). The defendant (did not appear) (appeared)
18 (in person) (and) (by attorney _____). Having heard the evidence and argument
19 presented, the court finds in favor of:

- 20
21 the plaintiff.
22 the defendant.

23
24 IT IS THEREFORE ORDERED:

- 25
26 1. The premises at: _____, New
27 Mexico be restored to (plaintiff) (defendant);
28
29 2. The rental agreement (is) (is not) terminated;

30
31 (check, if applicable, and complete)
32 [~~Plaintiff shall recover from defendant~~] Judgment is entered in favor of (plaintiff)
33 (defendant) for the following amounts:

34

Rents	\$ _____
Damages	\$ _____
Attorney's fees	\$ _____
Costs	\$ _____
TOTAL	\$ _____ ²

35 Plus _____ % interest per year until the judgment is paid.³

36
37 (check, if applicable, and complete)
38 A writ of restitution be issued effective _____, _____ (date).^{[3]4}

39
40 (check, if applicable, and complete)

1 [] The court further orders _____ (other relief).

2

3 (check, if applicable, and complete)

4 [] A hearing on the issue of damages will be held by this court on _____,
5 _____ (date) at _____ (a.m.) (p.m.).²

6

7 3. If this case is appealed, [the (plaintiff) (defendant) shall

8

9 _____⁴] and the resident wants to stay the eviction pending appeal, the resident

10 shall pay rent in the manner set forth in NMSA 1978, Section 47-8-47. If the money judgment is

11 appealed, the court sets the appeal bond at \$ _____ (if left blank, the appeal bond is

12 set at zero dollars (\$0)).⁵

13

Dated: _____

Judge⁴

14

15

USE NOTES

16

17 1. This form may also be used for a mobile home park with less than 12
18 units. ~~See [Subsection C of Section 47-10-2 NMSA 1978]~~ NMSA 1978, Section 47-10-2(C).

19 2. Use ~~[Civil]~~ Form 4-701 NMRA if damages are determined at a separate hearing.

20 3. Interest is calculated at the statutory rate set forth in NMSA 1978, Section 56-8-
21 4(A), unless the judgment is rendered on a lease having a different rate of interest.

22 ~~[3-]~~ 4. Insert a date which is not less than three (3) nor more than seven (7) days from the
23 date of filing of the judgment.

24 ~~[4-]~~ 5. Section 47-8-47 provides for a stay of execution upon appeal. If the ~~[defendant]~~
25 resident appeals a writ of restitution, the court shall require an escrow to be paid ~~[into the court]~~ to
26 the owner or into an escrow account with a professional escrow agent within five (5) days after
27 the notice of appeal is filed to stay the execution. If a money judgment is appealed, the court may
28 require a deposit with the court or a supersedeas bond be filed. ~~[See]~~ See Section 47-8-47 [NMSA
29 1978] for appeals by the plaintiff.

30

31 [Rule 4-909 SCRA 1986; as amended, effective September 2, 1997; January 1, 1999; as amended
32 by Supreme Court Order No. 16-8300-033, effective for all cases pending or filed on or after
33 December 31, 2016; as amended by Supreme Court Order No. S-1-RCR-2025-00175, effective
34 for all cases pending or filed on or after December 31, 2025.]