

1 **4-924. Summons and notice of trial on petition for termination of tenancy (*Mobile Home***  
2 ***Park Act*).**

3  
4 [NMSA 1978, Sections 47-10-4 and 47-8-43 [~~NMSA 1978~~]]

5  
6 STATE OF NEW MEXICO

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

9  
10 No. \_\_\_\_\_

11  
12 \_\_\_\_\_, Plaintiff

13 v.

14 \_\_\_\_\_, Defendant

15  
16 **SUMMONS**  
17 **AND NOTICE OF TRIAL ON**  
18 **PETITION FOR TERMINATION OF TENANCY**  
19 **(*Mobile Home Park Act*)**

20  
21 To: \_\_\_\_\_, defendant

22  
23 Address: \_\_\_\_\_  
24 \_\_\_\_\_, New Mexico \_\_\_\_\_

25  
26 You are notified that an action has been filed to terminate the rental agreement or lease of  
27 a mobile home space located in \_\_\_\_\_ County, New Mexico at:

28  
29 \_\_\_\_\_ (*name of mobile home park*)  
30 \_\_\_\_\_ (*mobile home address*)  
31 \_\_\_\_\_ (*mobile home lot or space*)  
32 \_\_\_\_\_, New Mexico \_\_\_\_\_.

33  
34 You are ordered to appear for trial before the Honorable \_\_\_\_\_,  
35 Judge, Div. \_\_\_\_\_, located at \_\_\_\_\_, New Mexico on the \_\_\_\_\_ day  
36 of \_\_\_\_\_, \_\_\_\_\_, at the hour of \_\_\_\_\_ .m. to show cause and present all evidence  
37 you may have why the tenancy should not be terminated.<sup>1</sup>

38  
39 Your failure to appear at the time and place specified above may result in the entry of  
40 judgment against you in accordance with the petition filed by the plaintiff in this action, a copy of  
41 which is attached.

42  
43 You may file a written answer and assert any claims you may have prior to the trial.

44  
45 **~~FOR USE ONLY IN METROPOLITAN COURT CASES~~**

46

~~IF YOU WANT A TAPE RECORDING OF ANY PROCEEDING, YOU MUST REQUEST IT BEFORE THE BEGINNING OF THE PROCEEDING. IF YOU DO NOT ASK FOR A TAPE RECORDING, YOU WILL NOT HAVE A RECORD OF THE PROCEEDINGS TO TAKE TO THE DISTRICT COURT FOR ANY APPEAL.]~~

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

\_\_\_\_\_  
Judge

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

Clerk

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

**RETURN<sup>2</sup>**

STATE OF NEW MEXICO )  
 ) ss  
COUNTY OF \_\_\_\_\_ )

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

I, being sworn state that I am over the age of eighteen (18) years and not a party to this lawsuit,  
and that I served this summons in \_\_\_\_\_ county on the \_\_\_\_\_ day of  
\_\_\_\_\_, \_\_\_\_\_ (date), by delivering a copy of this summons, a copy of the petition  
and a copy of the answer form<sup>4</sup> in the following manner:

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

I certify that I served this summons in \_\_\_\_\_ county on the \_\_\_\_\_ day of  
\_\_\_\_\_, (date), by delivering a copy of the summons, a copy of the petition and an  
answer form in the following manner:

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

by delivering a copy of this summons, a copy of the petition and an answer form to the  
defendant \_\_\_\_\_ (used when defendant receives copy of summons or refuses to  
receive summons).

by delivering a copy of this summons, a copy of the petition and an answer form to  
\_\_\_\_\_, a person over fifteen (15) years of age and residing at the usual

1 place of abode of defendant \_\_\_\_\_, located at  
2 \_\_\_\_\_ (address) (used when defendant is not presently at the  
3 abode).

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

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

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

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

25  
26  by service by mail.

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

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

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

27 Subscribed and sworn to  
28 before me this \_\_\_\_\_  
29 day of \_\_\_\_\_, \_\_\_\_\_

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

33 \_\_\_\_\_  
34 Official title  
35 (To be completed if service is made by posting)<sup>5</sup>

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

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

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

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

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

\_\_\_\_\_  
Date

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

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

12 Official title  
13 *(To be completed if service is made by mail.)<sup>6</sup>*

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

19 \_\_\_\_\_  
20 \_\_\_\_\_ *(name of person served)*  
21 \_\_\_\_\_ *(address where mailed)*  
22 \_\_\_\_\_ *(county)*  
23 \_\_\_\_\_ *(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>

9  
10 USE NOTES

11  
12 1. The trial setting must be not less than seven (7) nor more than ten (10) days after  
13 service of this summons. *See* NMSA 1978, Section 47-8-43 [~~NMSA 1978~~].

14 2. A separate summons must be used for each defendant.

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. An answer form must be attached to the summons at the time of service. *See* [~~Rule~~]  
18 Form 4-925 NMRA for answer to petition for termination of tenancy.

19 5. For use when service is by posting. *See* NMSA 1978, Section 47-10-4 [~~NMSA~~  
20 ~~1978~~] for service by posting under the Mobile Home Park Act. This form requires service by mail  
21 in addition to posting.

22 6. If service is by mail, [~~Civil~~] Form 4-208 NMRA must be completed and mailed  
23 with this summons.

24  
25 [Adopted, effective September 2, 1997; as amended by Supreme Court Order No. S-1-RCR-2025-  
26 00175, effective for all cases pending or filed on or after December 31, 2025.]