

1 **4-805C. Application for writ of execution (medical debt judgment).**

2
3 [For use with Rules 1-065.1, 2-801, and 3-801 NMRA]

4
5 STATE OF NEW MEXICO
6 COUNTY OF _____
7 IN THE _____ COURT
8

9
10 _____
11 Plaintiff

12 v. No. _____

13
14 _____
15 Defendant

16
17 **APPLICATION FOR WRIT OF EXECUTION (MEDICAL DEBT JUDGMENT)**

18
19 _____, the judgment creditor, states:

20
21 (1) The underlying judgment is based on a cause of action to recover judgment for medical
22 debt under the Patients' Debt Collection Protection Act, NMSA 1978, Section 57-32-1 to 57-32-
23 10.

24
25 (2) The judgment creditor has a judgment dated _____ (*date*
26 *judgment filed*) against the judgment debtor whose name is _____, and
27 whose last known address is _____. The total of the principal, interest,
28 costs, and attorney's fees awarded by the judgment was \$ _____.
29 Since the judgment was entered, additional interest at the judgment rate of _____% and
30 costs total \$ _____.
31 Payments totaling \$ _____ have been received.
32 The unpaid balance now due is \$ _____ plus interest from the date this Application is
33 executed.
34 The estimated costs would equal \$ _____; and the judgment creditor will seek
35 \$ _____ in attorney fees.

36
37
38 (3) (*check one of the following*)

39
40 [] In compliance with NMSA 1978, Section 57-32-4 and 13.10.39.9 NMAC, judgment
41 creditor has determined that the judgment debtor is not now an indigent patient as defined
42 in NMSA 1978, Section 57-32-2(G);
43 OR
44

1 [] Judgment creditor has determined the judgment debtor is not now indigent based on
2 information and belief, and was unable to determine otherwise due to the noncooperation
3 by the judgment debtor. In compliance with 13.10.39.9(A)(b) NMAC, judgment creditor
4 affirms that it made at least three documented efforts to contact the judgment debtor as
5 follows:

6 _____
7 _____
8 _____

9
10 (4) The judgment debtor is a natural person, and no later than ten (10) days before filing this
11 application for writ of execution:

12
13 [] I served the judgment debtor with:

14
15 (a) a notice of right to claim exemptions;¹

16
17 (b) a claim of exemptions on execution;² and

18
19 (c) a copy of the current Attestation of Indigency form promulgated by the New Mexico
20 Superintendent of Insurance;³

21
22 AND (*check one of the following*)

23
24 [] Within ten (10) days after service of the documents listed in Paragraph 4, the
25 judgment debtor has filed an Attestation of Indigency form or other proof of
26 indigency, or a claim of exemption(s) for the property to be seized and sold, and
27 has served a copy on the judgment creditor. The judgment creditor disputes the
28 judgment debtor's assertion of indigency or claimed exemption(s) and requests a
29 hearing be held on this dispute.

30
31 or

32
33 [] Within ten (10) days after service of the documents listed in Paragraph 4, the
34 judgment debtor has not requested a determination of indigency or filed a claim of
35 exemption for the property to be seized and sold. The judgment creditor requests
36 the court to issue a Writ of Execution for the non-exempt property for the judgment
37 debt.

38
39 _____
40 Judgment creditor or
41 attorney for judgment creditor

42
43 _____
44 Judgment creditor's name printed
45 _____

1 Address of judgment creditor
2
3
4 _____
5 Printed name of person signing for judgment
6 creditor
7
8 _____
9 Telephone of judgment creditor
10
11
12 _____
13 Printed name of judgment creditor's attorney
14 (if any)
15 _____
16 Mailing address of judgment creditor's attorney
17 (number and street or P.O. box)
18 _____
19 City, State, zip code
20 _____
21 Telephone number of judgment creditor's attorney
22

23 **AFFIDAVIT**

24
25 *(This application must be sworn to unless it is signed by an attorney.)*

26
27 I declare under penalty of perjury that the foregoing is true and correct.

28 Subscribed and sworn to before me this _____ day of _____, _____.

29
30 (seal)

31 _____
32 Notary or other officer authorized
33 to administer oaths
34

35 **USE NOTES**

36
37 1. Form 4-808A NMRA, Notice of Right to Claim Exemptions from Execution, must
38 have been served on the judgment debtor.

39 2. Form 4-803 NMRA, Claim of Exemptions on Execution, must have been served on
40 the judgment debtor.

41 3. The current Attestation of Indigency form, which must have been served on the
42 judgment debtor, may be found via the link on the Office of Superintendent of Insurance's Patients
43 Debt Collection Protection Act webpage at [https://www.osi.state.nm.us/pages/misc/patients-debt-](https://www.osi.state.nm.us/pages/misc/patients-debt-collection-protection-act)
44 [collection-protection-act](https://www.osi.state.nm.us/pages/misc/patients-debt-collection-protection-act).
45

- 1 [Adopted by Supreme Court Order No. S-1-RCR-2025-00174, effective for all cases pending or
- 2 filed on or after December 31, 2025.]