

1 **2-703. Relief from judgment or order.**

2 A. **Clerical mistakes.** Clerical mistakes and errors in judgments, orders, or other parts
3 of the file [~~and errors therein~~] arising from oversight or omission may be corrected by the
4 magistrate at any time of his own initiative or on the request of any party after such notice to the
5 opposing party, if any, as the magistrate orders. During the pendency of an appeal, [~~such~~] these
6 mistakes may be so corrected before the transcript is filed in the district court, and thereafter while
7 the appeal is pending may be so corrected with leave of the district court.

8 B. **Mistakes; inadvertence; excusable neglect; fraud, etc.** If the judgment has not
9 been filed in the district court, on motion and [~~upon~~] on such terms as are just, the court may relieve
10 a party or his legal representative from a final judgment, order or proceeding for the following
11 reasons:

12 (1) mistake, inadvertence, surprise or excusable neglect;

13 (2) fraud (whether heretofore denominated intrinsic or extrinsic),
14 misrepresentation or other misconduct of an adverse party;

15 (3) the judgment is void;

16 (4) the judgment has been satisfied, released or discharged, or a prior judgment
17 [~~upon~~] on which it is based has been reversed or otherwise vacated; or

18 (5) any other reason justifying relief from the operation of a judgment,
19 including failure of a party who was subject to the provisions of Rule 2-201(E) NMRA to comply
20 with Rules [~~2-201(E)(2)~~] 2-201(E)(1) and 2-401(D) NMRA, and to substantially comply with
21 Form 4-226 NMRA, or to comply with Rules 2-201(E)(2) and 2-401(D), and to substantially
22 comply with Form 4-226A NMRA.

1 A motion filed [~~pursuant to Subparagraph~~] under Subparagraphs (1) or (2) of this paragraph
2 shall be filed not more than one (1) year after the judgment, order or proceeding was entered or
3 taken. A motion under this paragraph does not affect the finality of a judgment or suspend its
4 operation.

5 An order granting or denying relief from a final judgment under this rule may be appealed
6 to the district court in the same manner as other appeals from final judgments of the magistrate
7 court are taken.

8 C. **Satisfied judgments.** [~~Upon~~] On the filing with the court of a motion for an order
9 declaring the judgment to be satisfied and notice to the opposing party, the court may set a hearing
10 to determine if the judgment has been satisfied, released or discharged. The application shall be
11 served [~~upon~~] on the judgment creditor in the manner prescribed by Rule 2-202 NMRA for service
12 of summons and complaint. A hearing on the application shall be held within a reasonable time
13 after the filing of the application. Notice of the hearing shall be mailed to the parties by the clerk
14 of the court. If the judgment creditor fails to appear at [~~such~~] the hearing, a default satisfaction of
15 judgment may be entered [~~upon~~] on:

16 (1) the filing of the return of service or an affidavit that after “diligent search”
17 the judgment creditor could not be located. For purposes of this subparagraph “diligent search”
18 includes, but shall not be limited to an affidavit that:

19 (a) the judgment creditor no longer has a business or residence at the
20 judgment creditor’s last known address as shown in the court file; and

21 (b) the judgment creditor could not be located through a search of
22 telephone and city directories in each county where the judgment creditor was known to have
23 resided or maintained a place of business in this state; and

1 (2) proof of payment of the full amount of ~~[such]~~ the judgment with interest
2 thereon to date of payment, plus post-judgment costs incurred by the judgment creditor which can
3 be determined from the court record or, if the judgment, including any interest and costs has not
4 been paid in full, payment into the court of a money order or cashier's check made payable to the
5 administrative office of the courts. ~~[Upon]~~ On receipt of a money order or cashier's check
6 ~~[pursuant to]~~ under this subparagraph, the administrative office of the courts shall deposit ~~[such]~~
7 the money order or cashier's check in a suspense account in the state treasury. Funds deposited in
8 ~~[such]~~ the account shall be disbursed in accordance with NMSA 1978, Section 39-1-6.2 [~~NMSA~~
9 1978].

10 D. **Filing in district courts.** If the judgment has been filed in the district court
11 ~~[pursuant to]~~ under Paragraph E of Rule 2-803, the motion for an order declaring the judgment
12 satisfied shall be filed in the district court.

13 [As amended, effective July 1, 1990; January 1, 1993; January 1, 1997; as amended by Supreme
14 Court Order No. 20-8300-005, effective for all cases filed on or after December 31, 2020; as
15 amended by Supreme Court Order No. S-1-RCR-2025-00174, effective for all cases pending or
16 filed on or after December 31, 2025.]

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18 _____ **Committee commentary.** — In 2016, the New Mexico Supreme Court
19 approved amendments to Rules 1-009, 1-017, 1-055, and 1-060 NMRA, and created a new civil
20 complaint form for consumer debt claims, Form 4-226 NMRA, for use in the district courts.

21 _____ Paragraph B of this rule was amended in 2020 to provide additional protections to
22 consumers in consumer debt collection cases. *See* Rule 2-201 NMRA, Committee commentary. In
23 addition, Rules 2-201, 2-401, 2-702, 3-201, 3-401, 3-702, and 3-704 NMRA, as well as Form 4-

1 226 [NMRA], were amended in 2020 to align the magistrate and metropolitan court rules for
2 consumer debt claims with the district court rules.

3 _____ *Deutsche Bank Nat'l Trust Co. v. Johnston*, 2016-NMSC-013, ¶ 34, 369 P.3d 1046,
4 provides that a judgment “is not voidable under Rule 1-060(B) due to a lack of prudential
5 standing.” (Emphasis added). Rule 1-060(B)(4) [NMRA] is equivalent to Rule 2-703(B)(3)
6 [NMRA] in providing grounds for relief of a void judgment. The 2020 amendment to Rule 2-
7 703 [NMRA] (adding Subparagraph (B)(5)) provides a ground for relief in consumer debt
8 litigation separate from the relief from voidable judgments under Rule 2-703(B)(3) [NMRA].

9 _____ Rule 2-703(B)(5) [NMRA] now provides that noncompliance with the requirements of
10 Rule 2-201(E)(2) NMRA or Rule 2-401(D) [NMRA], or the failure to substantially comply with
11 Form 4-226 [NMRA], can provide a basis for granting relief from a judgment entered in a case
12 controlled by Rule 2-201(E) [NMRA]. The addition of this language provides a ground for relief,
13 but does not compel the magistrate court to grant relief in every case in which the movant shows
14 noncompliance with these consumer debt provisions. The movant must also demonstrate that it
15 has a meritorious defense. *See Rodriguez v. Conant*, 1987-NMSC-040, ¶ 18, 105 N.M. 746, 737
16 P.2d 527. When the movant meets this requirement, the court may exercise discretion to determine
17 whether intervening equities or other considerations outweigh the desire “that the ultimate result
18 will address the true merits and substantial justice will be done.” *Phelps Dodge Corp. v.*
19 *Guerra*, 1978-NMSC-053, ¶¶ 15, 20, 21, 92 N.M. 47, 582 P.2d 819.

20 _____ In contrast, a motion to void the judgment under Rule 2-703(B)(3) [NMRA] does not
21 permit the trial court to exercise discretion to deny the motion, *Classen v. Classen*, 1995-NMCA-
22 022, ¶¶ 10, 13, 119 N.M. 582, 893 P.2d 478, and does not require proof of a meritorious
23 defense. *Peralta v. Heights Med. Ctr., Inc.*, 485 U.S. 80, 86-87 (1988).

1 Subparagraph (B)(5) of this rule was amended in 2025, based on the Supreme Court’s
2 amendment to Rule 2-201(E), which modified the pleading rules that apply to consumer debt
3 claims and created a separate pleading rule for collection actions pursuing “medical debt” as
4 defined in the Patients’ Debt Collection Protection Act, NMSA 1978, Section 57-32-2(I) (2021).
5 [Adopted by Supreme Court Order No. 20-8300-005[, ~~effective for all cases filed on or~~
6 ~~after December 31, 2020~~]; as amended by Supreme Court Order No. S-1-RCR-2025-00174.]