

**PROPOSED REVISIONS TO THE CIVIL FORMS
PROPOSAL 2026-011**

March 6, 2026

The Rules of Civil Procedure for State Courts Committee has recommended amendments to Form 4-812 NMRA and the withdrawal of Form 4-811 NMRA for the Supreme Court's consideration.

If you would like to comment on the proposed amendments set forth below before the Court takes final action, you may do so by either submitting a comment electronically through the Supreme Court's website at <https://supremecourt.nmcourts.gov/rules-forms-files/rules-forms/open-for-comment/> or sending your written comments by mail, email, or fax to:

Elizabeth A. Garcia, Chief Clerk of Court
New Mexico Supreme Court
P.O. Box 848
Santa Fe, New Mexico 87504-0848
rules.supremecourt@nmcourts.gov
505-827-4837 (fax)

Your comments must be received by the Clerk on or before April 5, 2026, to be considered by the Court. Please note that any submitted comments may be posted on the Supreme Court's website for public viewing.

[WITHDRAWN]

[4-811. Judgment on writ of garnishment, claim of exemption and order to pay.
[For use with Rule 1-065.2 NMRA]

STATE OF NEW MEXICO
COUNTY OF _____

_____, JUDICIAL DISTRICT
_____, Plaintiff (*Judgment creditor*)

v. _____ No. _____

_____, Defendant (*Judgment debtor*)
_____, Garnishee

**JUDGMENT ON WRIT OF GARNISHMENT, CLAIM OF
EXEMPTION AND ORDER TO PAY**

This matter coming before the court, the court finds:

1. At the time the writ of garnishment was served on the garnishee, the amount of \$ _____ was unpaid and owing to the judgment creditor.

2. As a result of this garnishment proceeding, judgment creditor has spent additional costs and fees of \$ _____.

3. The total amount of judgment and costs to date are \$ _____ plus interest of _____% per year from _____, _____.

4. The garnishee is not an employer of the judgment debtor and has also certified that it has mailed copies of the application for a writ of garnishment; the writ of garnishment; notice of right to claim exemptions and a claim of exemption form and a copy of its answer to the judgment debtor(s) or their attorney of record, if any.

5. The judgment debtor:

has not filed a claim of exemption;

has filed a claim of exemption and the judgment creditor has not disputed the claim of exemption for the following property and such money or property is therefore exempt:

_____;

or

has filed a claim of exemption which has been disputed and after a hearing, the court finds that the following property is exempt from garnishment:

6. The garnishee:

is in default;

is indebted to the judgment debtor in the amount of \$ _____;

is indebted to the judgment debtor for wages;

is not indebted to the judgment debtor;

holds property of the judgment debtor;

does not hold property of the judgment debtor.

7. Pursuant to the Support Enforcement Act, the garnishee:

is withholding \$ _____ of the judgment debtor's income pursuant to a Notice to Withhold Income;

or

is not withholding any income of the judgment debtor pursuant to such a Notice.

8. Pursuant to Section 35-12-16 NMSA 1978, the judgment creditor:

is entitled to additional fees and costs of \$ _____;

or
[] is not entitled to additional fees and costs.

THE COURT ORDERS:

1. ~~Default judgment against garnishee~~

[] The judgment creditor recover from the garnishee the sum of \$ _____, plus _____ percent per annum interest from the date the application was executed, the garnishee having failed to answer the writ;

or

2. ~~Payment of money other than wages~~

[] The judgment creditor recover from the garnishee the sum of \$ _____, which includes _____ percent per annum interest thereon from the date the application was executed to the date the answer was filed, such sum being held by garnishee other than as wages;

or

3. ~~Wage withholding other than child or spousal support~~

[] The judgment being other than for child or spousal support, the judgment creditor recover from the garnishee the sum of \$ _____, plus interest at the original judgment rate, until paid in full, to be deducted from the judgment debtor's wages. The garnishee shall pay the judgment debtor only:

_____ (a) seventy five percent (75%) of judgment debtor's disposable earnings (salary less social security, federal and state tax withholdings, and any other deduction required by law) for any pay period;

OR

_____ (b) an amount each week equal to forty (40) times the federal minimum hourly wage rate;

whichever is greater.

The balance of the judgment debtor's disposable earnings shall be paid over to the judgment creditor each payday until the judgment herein is satisfied, after this balance is first used to pay any prior garnishment. If the wages of the judgment debtor are not subject to garnishment because of the application of the formula set forth above, this order shall continue and shall automatically take effect when the wages of the judgment debtor shall increase to an amount that creates disposable earnings based upon the formula set forth above.

4. ~~Wage withholding for child or spousal support~~

~~[] — **No prior writ or order.** The order or decree being for child or spousal support, the judgment creditor shall recover from the garnishee the sum of \$ _____, plus interest at the original judgment rate, until paid in full, to be deducted from the judgment debtor's wages. The garnishee shall pay the judgment debtor fifty percent (50%) of judgment debtor's disposable earnings (*salary less social security, federal and state tax withholdings, and any other deduction required by law*) for any pay period. If there is no prior garnishment, the balance of the judgment debtor's disposable earnings each payday shall be paid to satisfy this judgment.~~

~~[] — **Prior writ or order.** If there is a prior garnishment (*one that was served on the garnishee prior to the date and time the garnishment in this case was served*), up to fifty percent (50%) of the judgment debtor's disposable earnings each pay period shall be paid as follows:~~

~~first, the amount provided for in the judgment entered on the prior writ of garnishment shall be applied to the prior garnishment. If a judgment has not yet been entered on the prior writ of garnishment, the garnishee shall withhold the amount ordered by the prior writ of garnishment to be applied to the prior writ of garnishment when the judgment is entered;~~

~~next, until all prior writs have been fully satisfied, the remainder of the balance of fifty percent (50%) of the judgment debtor's disposable earnings shall be paid to this judgment creditor to satisfy the child or spousal support order. Upon satisfaction of all prior writs of garnishment, the entire balance of the judgment debtor's disposable earnings shall be applied to satisfy this child or spousal support order judgment. If the wages of the judgment debtor are not subject to garnishment because of the application of the formula set forth above, this order shall continue and shall automatically take effect when the wages of the judgment debtor shall increase to an amount that creates disposable earnings based upon the formula set forth above.~~

~~[] — **Prior child or spousal support writ.** Upon motion of the judgment debtor, this court orders the distribution of the judgment debtor's child or spousal support obligations as follows:~~

~~If the money being withheld pursuant to a notice to withhold income under the Support Enforcement Act exceeds the otherwise garnishable amounts, this garnishment shall continue in effect until the notice to withhold income has been voided, modified, suspended or terminated, at which time the full amount allowed for garnishment shall be paid to the judgment creditor. If the wages being withheld pursuant to a notice to withhold income under the Support Enforcement Act are less than twenty five percent (25%) of the judgment debtor's disposable earnings, the difference between the amount withheld for child or spousal support and the amount equal to twenty five percent (25%) of the judgment debtor's disposable earnings shall be paid to the judgment creditor until the child or spousal support notice to withhold income has been voided, modified, suspended or terminated, at which time the full amount allowed for garnishment shall be paid to the judgment creditor.~~

~~5. — **Money or property other than wages**~~

~~[] — The money or property held by the garnishee is exempt from garnishment and the writ of garnishment in this case is hereby released and discharged; and the garnishee no longer has any obligation to withhold wages, money or property from the judgment debtor on account of that writ.~~

~~[] — The garnishee, having no money or property of the judgment debtor, is discharged and released from the writ of garnishment.~~

~~[] — The garnishee shall turn over to the judgment creditor the property of the judgment debtor shown on Exhibit A attached hereto.~~

6. — Costs and fees

~~[] — The judgment creditor is awarded, in addition to the above amounts, the sum of \$ _____ as additional costs and fees pursuant to Section 35-12-16 NMSA 1978.~~

~~[] — The garnishee shall be reimbursed \$ _____ for its costs and \$ _____ for its attorney fees, the same to be paid by the _____. If paid by the judgment debtor, said sum shall be paid from the first money otherwise payable to the judgment creditor, but shall not reduce the amount the judgment creditor is to be paid, as ordered above.~~

7. — Payments

Payments under this order shall be sent to:

(name of judgment creditor)

(address of judgment creditor)

(city, state and zip code)

Date

Judge]

[As amended, effective June 15, 1986; January 1, 1987; July 1, 1992; January 1, 1996; October 15, 1999; December 3, 2001; withdrawn by Supreme Court Order No. _____, effective for all cases pending or filed on or after _____.]

4-812. Judgment on writ of garnishment, claim of exemption, and order to pay.

[For use with Rules 1-065.2, 2-802 and 3-802 NMRA]

STATE OF NEW MEXICO
COUNTY OF _____

IN THE [DISTRICT] [MAGISTRATE] [METROPOLITAN] COURT

_____, Plaintiff (*Judgment Creditor*),

v. No. _____

_____, Defendant (*Judgment Debtor*).

_____, Garnishee.

JUDGMENT ON WRIT OF GARNISHMENT, CLAIM OF EXEMPTION, AND ORDER TO PAY

This matter coming before the court, the court finds:

1. The judgment creditor, _____, has a judgment dated _____ against the judgment debtor, _____.
2. The total amount of the judgment including the principal, interest, costs, and attorney fees awarded by the judgment was \$_____.
3. From the date the judgment was filed through the date this Application was signed, additional interest at the rate of _____% totals \$_____. Judgment creditor has incurred additional costs of \$_____ and additional attorney fees of \$_____. Payments totaling \$_____ have been received.
4. The unpaid balance now due is \$_____ plus interest from the date this Application is filed. Interest at _____% shall continue to accrue on any outstanding balance until the judgment is fully paid
5. The judgment debtor:
 - has not filed a claim of exemption;
 - has filed a claim of exemption, which was not disputed. Therefore, the property or money shown on the claim of exemption is exempt;
 - has filed a claim of exemption that has been disputed and after hearing, the court finds that the following property is not exempt from garnishment:
_____;
6. The garnishee:
 - is in default;
 - is indebted to the judgment debtor for wages;
 - is indebted to the judgment debtor in the amount of \$_____;
 - is not indebted to the judgment debtor;
 - holds property of the judgment debtor;

does not hold property of the judgment debtor.

7. The garnishee:

is garnishing wages, and has certified that it has mailed copies of the application for a writ of garnishment; the writ of garnishment; and a copy of its answer to the judgment debtor(s) or their attorney of record, if any.

is garnishing property or money other than wages, and has certified that it has mailed copies of the application for a writ of garnishment; the writ of garnishment; a notice of right to claim exemptions; a claim of exemption form; and a copy of its answer to the judgment debtor(s) or their attorney of record, if any.

8. Under the Support Enforcement Act, the garnishee:

is withholding \$_____ of the judgment debtor's income under a notice to withhold income.

THE COURT ORDERS:

1. **Default judgment against garnishee**

The garnishee having failed to answer the writ, the judgment creditor shall recover from the garnishee the sum of \$_____ plus interest at _____% per year from the date this judgment is filed.

2. **Payment of money other than wages**

The judgment creditor shall recover from the garnishee the sum of \$_____ plus interest at _____% per year from the date this judgment is filed, [~~such~~] this sum being held by garnishee other than as wages.

3. **Wage withholding other than child or spousal support**

The judgment being other than for child or spousal support, the judgment creditor shall recover from the garnishee the sum of \$_____, plus interest at _____% per year from the date this judgment is filed, until paid in full, to be deducted from the judgment debtor's wages.

~~[The garnishee SHALL PAY THE JUDGMENT DEBTOR, whichever amount is greater, one of the following: -]~~ **THE HIGHER OF THE FOLLOWING AMOUNTS IS EXEMPT FROM GARNISHMENT:**

- (a) seventy-five percent (75%) of the judgment debtor's disposable earnings for any pay period; **OR**
- (b) an amount each week equal to forty (40) times the highest applicable minimum hourly wage rate at the place the wages were earned. A table giving equivalent exemptions for pay periods of other than one week may be obtained from the director of the financial institutions division of the regulation and licensing department.

“Disposable earnings” means that part of the defendant’s wage or salary remaining after deducting the amounts that are required by law to be withheld. “Highest applicable minimum hourly wage rate” means the highest federal, state, or local minimum hourly wage rate for an eight-hour day or a forty-hour week. It is immaterial whether you are exempt under federal, state, or local law from paying the highest applicable minimum hourly wage rate.

If the wages of the judgment debtor are not enough to garnish because of the application of the formula set forth above, DO NOT WITHHOLD WAGES. If there are disposable earnings based on the formula set forth above, [F]the remaining balance of the judgment debtor’s disposable earnings shall be paid over to the judgment creditor each payday until the judgment herein is paid in full. [If the wages of the judgment debtor are not enough to garnish because of the application of the formula set forth above,] [†]This order shall continue and shall automatically take effect when the wages of the judgment debtor shall increase to an amount that creates disposable earnings based on the formula set forth above. Exempt amounts should be calculated with each pay-period.

If wages are being withheld under a notice to withhold income under the Support Enforcement Act, this garnishment shall continue in effect until the notice to withhold income has been voided, modified, suspended or terminated, at which time the full amount allowed for garnishment shall be paid to the judgment creditor.

If the wages are being withheld under a notice to withhold income under the Support Enforcement Act, but are less than twenty-five percent (25%) of the judgment debtor’s disposable earnings, the difference between the amount withheld for child or spousal support and the amount equal to twenty-five percent (25%) of the judgment debtor's disposable earnings shall be paid to the judgment creditor until the child or spousal support notice to withhold income has been voided,

modified, suspended, or terminated, at which time the full amount allowed for this garnishment shall be paid to the judgment creditor.

If wages are being withheld under a prior garnishment and/or a prior demand warrant for unpaid taxes, the prior garnishment and/or prior demand warrant shall be paid first and on full payment of the prior garnishment and/or prior demand warrant, the full amount allowed for this garnishment shall be paid to the judgment creditor.

4. **Money or property other than wages**

The money or property held by the garnishee is exempt from garnishment and the writ of garnishment in this case is hereby released and discharged; and the garnishee no longer has any obligation to withhold wages, money, or property from the judgment debtor on account of that writ.

The garnishee, having no money or property of the judgment debtor, is discharged and released from the writ of garnishment.

The garnishee shall turn over to the judgment creditor the property of the judgment debtor shown on Exhibit A attached hereto.

5. **Costs and fees of garnishee**

The garnishee shall be reimbursed \$_____ for its costs and \$_____ for its attorney fees to be paid by the _____. If paid by the judgment debtor, the sum shall be paid from the first money otherwise payable to the judgment creditor but shall not reduce the amount due the judgment creditor as determined above.

6. **Payments**

Payments under this order shall be sent to:

(name of judgment creditor)

(address of judgment creditor)

(city, state, and zip code)

(phone number of judgment creditor)

Date

Judge

USE NOTES

1. See *Jemko, Inc. v. Liaghat*, 1987-NMCA-069, ¶ 10, 106 N.M. 50, 738 P.2d 922 (providing that a judgment creditor, acting under a writ of garnishment, may only seize property belonging to the judgment debtor); *Alcantar v. Sanchez*, 2011-NMCA-073, 150 N.M. 146, 257 P.3d 966 (discussing garnishment procedures in the case of joint bank accounts).

2. Use this form only for actions filed on or after July 1, 2023.

[As amended, effective July 1, 1992; January 1, 1996; December 3, 2001; by Supreme Court Order No. 12-8300-030, effective for all cases filed or pending on or after January 7, 2013; as amended by Supreme Court Order No. S-1-RCR-2024-00107, effective for all cases pending or filed on or after December 31, 2024; as amended by Supreme Court Order No. _____, effective for all cases pending or filed on or after _____.]