

1 **4-226. Civil complaint provisions; consumer debt claims.**

2

3 [For use with District Court Rule 1-009(J) NMRA, Magistrate Court Rule 2-201(E)
4 NMRA, and Metropolitan Court Rule 3-201(E) NMRA]

5

6 In addition to the requirements set forth in the New Mexico Rules of Civil
7 Procedure, a pleading asserting a claim subject to Rule 1-009(J) NMRA, Rule 2-201(E)
8 NMRA, or Rule 3-201(E) NMRA shall include, at a minimum, the following provisions:

9

10 STATE OF NEW MEXICO

11

12 COUNTY OF _____

13

14 _____ JUDICIAL DISTRICT/MAGISTRATE
15 COURT/METROPOLITAN COURT

16

17 _____, Plaintiff,

18

19 v. No. _____

20

21 _____, Defendant,

22

23 **CIVIL COMPLAINT**

24

25 ____ (a) The full name and address of the Defendant is as follows: _____

26

27 _____

28

29 (b) The last two (2) digits of the Defendant's social security number, contained
30 in the original creditor's records are as follows: _____

31

32 _____

33

34 (c) If the Plaintiff does not provide the social security number above, Plaintiff
35 states, with specificity, that the basis on which it was determined that the named Defendant
36 is the debtor on the debt is as follows: _____

36

37 _____

37

38

39 ____ [] The Plaintiff in this action IS the original creditor; OR

40

1 [] The Plaintiff IS NOT the original creditor and the name and address under
2 which the original creditor did business with the Defendant is as follows:

3 _____
4 _____

5
6 ___ The last four (4) digits of the Defendant's account number, used by the original
7 creditor as of the date of default are as follows: _____

8
9 ___ The balance due at the time of default is as follows: _____

10
11
12 ___ (a) The total amount of the debt claimed is \$ _____, itemized
13 as follows:

14 Principal amount due: _____

15 Interest: _____

16 Other charges, fees, and expenses (specified individually): _____

17
18
19 The itemization of the amount of the debt claimed set forth above does not include attorney
20 fees and court costs.

21
22 (b) The basis for each of the itemized charges, fees, or expenses is as follows:

23 _____
24 _____
25 _____

26
27 ___ The date of last payment made by Defendant is as follows: _____

28
29 ___ Plaintiff states, consistent with Rule 1-011 NMRA, Rule 2-301 NMRA, or Rule 3-
30 301 NMRA, that the applicable statute of limitations on this claim has not run.

31
32 ___ The name and address of the current owner of this debt is as follows: _____

33 _____
34 _____

35
36
37 ___ Plaintiff [] IS or [] IS NOT a collection agency. If the Plaintiff is a collection
38 agency:

39
40 (a) the name and address of the collection agency is as follows:

1 _____
2 _____

3
4 (b) The New Mexico license number for the collection agency is as follows:
5 _____

6
7 (c) The specific facts demonstrating that the collection agency is the real party
8 in interest are as follows: _____
9 _____
10 _____

11
12 ___ The original or copy of any instrument of writing on which the action is
13 founded IS attached as Exhibit A. *See* Rule 1-009(J)(2) NMRA, Rule 2-201(E)(2) NMRA,
14 or Rule 3-201(E)(2) NMRA.

15
16 The original or copy of any instrument of writing on which the action is
17 founded IS NOT attached. The reason the instrument of writing is not attached is as
18 follows:
19 _____

20
21 ___ Plaintiff alleges entitlement to enforce the debt but is not the original
22 creditor. Plaintiff has attached an affidavit showing the chain of title or assignment of the
23 debt. *See* Rule 1-017(E)(2) NMRA, Rule 2-401(D)(2) NMRA, or Rule 3-401(D)(2)
24 NMRA.

25
26 ___ Plaintiff also seeks court costs and the following additional relief as specified:
27 _____
28 _____

29
30 WHEREFORE, Plaintiff demands judgment in the amount of \$_____, and costs
31 [and attorney fees] and such further relief as the court deems proper.

32

33 _____
34 Date Signature

35

36 _____
37 Name (print)

38

39 _____
40 Address (print)

1
2
3
4
5
6
7
8
9

City, State, and Zip Code (print)

Telephone Number

USE NOTE

10 Rule 1-008(A)(3) NMRA bars asking for damages in any specific amount “unless
11 it is a necessary allegation of the complaint.” Rule 1-054(C) NMRA bars default judgments
12 exceeding the amount stated in the demand for judgment. Consistent with Rule 1-008(A)(3)
13 and Rule 1-054(C), and in order to provide notice to the defendant of the consequences of
14 a default judgment, the demand for judgment in a specific amount is here made a necessary
15 part of the complaint.

16
17 [Adopted by Supreme Court Order No. 16-8300-031, effective for all cases pending or
18 filed on or after July 1, 2017; as amended by Supreme Court Order No. 20-8300-005,
19 effective for all cases filed on or after December 31, 2020.]