

1 **4-227. Plaintiff's certification of pre-filing notice; foreclosure actions.**

2
3 [For use with District Court Rule 1-003.3 NMRA]

4
5 STATE OF NEW MEXICO
6 COUNTY OF _____
7 _____ JUDICIAL DISTRICT COURT

8
9 _____,

10
11 Plaintiff,

12
13 vs.

No. _____

14
15 _____,

16
17 Defendant.

18
19 **PLAINTIFF'S CERTIFICATION OF PRE-FILING NOTICE**

20
21 I, _____ (*name*), _____ (*title*), for

22 Plaintiff certify that on _____ (*date*) Plaintiff provided pre-filing notice to

23 Defendant of the following:

- 24 1. A list and brief description of each of the types of loss mitigation options available to
25 Defendant by the owner or assignee of Defendant's mortgage loan and the actions
26 Defendant must take to be evaluated for such loss mitigation options;
27
28 2. Notification as to whether the loan is federally backed or a government sponsored
29 enterprise (GSE) loan, and if so, who holds the loan;
30
31 3. Contact information for the loan servicer; and
32
33 4. A list of resources, substantially in a form approved by the Supreme Court, that
34 Defendant may contact for assistance.

35
36 I further certify that one of the following has been met (*check one*):

- 37
38 Defendant submitted a complete loss mitigation application, remained delinquent at all
39 times since submitting the application, and the servicer has completed review of the
40 application.
41

CIVIL FORMS
RULE 4-227
[NEW MATERIAL]

Supreme Court Approved
August 2, 2021

- 1 The property securing the mortgage loan is abandoned according to the laws of the State
2 of New Mexico.
3
- 4 The servicer did not receive any communications from Defendant for at least ninety (90)
5 days before the servicer made the first filing for foreclosure and all of the conditions from
6 12 CFR 1024.41(f)(2) were met.
7
- 8 The loan was delinquent for one hundred twenty (120) days or more prior to March 1,
9 2020.
10
- 11 The statute of limitations applicable to the foreclosure action being taken will expire
12 within one hundred twenty (120) days if the Court does not allow the filing of the
13 Foreclosure Complaint. The statute of limitations will expire on _____, ____.
14
15
16
17

18 _____
Signature

19 _____
Printed Name

20 _____
Law Firm Name (*if applicable*)

21 _____
Physical Address

22 _____
Telephone Number

23 _____
E-Mail Address

24 _____
Relationship To Plaintiff

25
26
27
28
29
30
31

32 [Approved by Supreme Court Order No. 21-8300-004, effective for all cases filed on or after
33 September 7, 2021.]