

1 **4-805.2. Application for writ of execution in consumer debt collection case.**

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 Plaintiff

11
12 v. No. _____

13
14 _____,
15 Defendant

16
17 **APPLICATION FOR WRIT OF EXECUTION**

18
19 _____, the judgment creditor, states:

20
21 (1) The judgment creditor has a judgment dated _____ (*date*
22 *judgment filed*) against the judgment debtor whose name is
23 _____, and whose last known address is
24 _____. The total of the principal, interest, costs, and attorney's
25 fees awarded by the judgment was \$_____.

26
27 Since the judgment was entered, additional interest at the judgment rate of
28 _____% and costs total \$_____.

29
30 Payments totaling \$_____ have been received.

31
32 The unpaid balance now due is \$_____ (*insert this amount on Civil Form 4-*
33 *801 NMRA as "Balance Due upon Application for Writ"*), plus interest from the
34 date this Application is executed.

35
36 The estimated costs would equal \$_____; and the judgment creditor will seek
37 \$_____ in attorney fees.

38
39 (2) (*check one of the following*)
40

**CIVIL FORMS
4-805.2
[NEW MATERIAL]**

**Supreme Court Approved
August 2, 2021**

1 I served the judgment debtor with a notice of right to claim exemptions more
2 than ten (10) days prior to filing this application for writ of execution and
3 the judgment debtor has not filed a claim of exemption for the property to
4 be seized and sold.¹

5
6 The judgment debtor has filed a waiver of the right to claim exemption for
7 the property to be seized and sold.²

8
9 The judgment debtor is not a natural person.

10
11 (3) The undersigned certifies that on _____, a true and correct copy of the
12 List of Resources (as defined in Supreme Court Order No. 21-8500-018) was sent to each
13 individual consumer judgment debtor for whom a Writ is sought at each individual
14 consumer judgment debtor's last known address.

15
16 (4) The undersigned further certifies that although this is a consumer debt collection
17 case, the stay of issuance of writs of execution provided by Supreme Court Order No. 20-
18 8500-021 has been lifted by Supreme Court Order No. 21-8500-018, as applicable to this
19 case, prior to the date of this Application.

20
21 The judgment creditor requests the court to issue a Writ of Execution for non-
22 exempt property for the judgment debt.

23
24
25 _____
26 Judgment creditor or
27 attorney for judgment creditor

28
29 _____
30 Judgment creditor's name printed

31
32 _____
33 Address of judgment creditor

34
35 _____
36 Printed name of person signing for
37 judgment creditor

38
39 _____
Telephone of judgment creditor

1
2
3 _____
4 Printed name of judgment creditor's attorney
5 (if any)

6
7 _____
8 Mailing address of judgment creditor's attorney
9 (number and street or P.O. box)

10
11 _____
12 City, State, zip code

13
14 _____
15 Telephone number of judgment creditor's attorney

16 **AFFIDAVIT**

17
18 *(This application must be sworn to unless it is signed by an attorney.)*

19
20 I declare under penalty of perjury that the foregoing is true and correct.

21
22 Subscribed and sworn to before me this _____ day of _____,
23 _____.

24
25 _____ (seal)
26 Notary or other officer authorized
27 to administer oaths

28
29 **USE NOTES**

30
31 1. If the judgment debtor is a natural person, Civil Form 4-808A NMRA,
32 Notice of Right to Claim Exemptions from Execution, must have been served on the
33 judgment debtor.

34
35 2. This alternative may be checked if the judgment debtor filed a waiver of the
36 right to claim exemptions. See Civil Form 4-803, Claim of Exemptions, also contains the
37 waiver form.

38

CIVIL FORMS
4-805.2
[NEW MATERIAL]

Supreme Court Approved
August 2, 2021

- 1 [Adopted by Supreme Court Order No. 21-8300-005, effective for a limited time from
- 2 September 1, 2021, to January 31, 2022.]