

1 **4-204. Civil summons.**
2
3 [For use with Rules 2-202 and 3-202 NMRA]

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

8
9 _____, Plaintiff,

10
11 v. No. _____
12 Judge assigned: _____

13
14 _____, Defendant,

15
16 **CIVIL SUMMONS**

17
18 TO: _____, Defendant¹

19
20 ADDRESS: _____

21
22 GREETINGS: THIS IS A COURT ISSUED SUMMONS.

23
24 **A LAWSUIT HAS BEEN FILED AGAINST YOU.** A copy of the lawsuit (complaint)
25 and a response form (answer form)² are attached.

26
27 **YOU ARE REQUIRED TO FILE A WRITTEN RESPONSE** TO THE COMPLAINT
28 WITHIN TWENTY (20) DAYS AFTER THE SUMMONS HAS BEEN SERVED ON
29 YOU. You must file (in person or by mail) your written response with the court. When you
30 file your response, you must give or mail a copy to the person who signed the complaint.

31
32 **IF YOU DO NOT FILE A WRITTEN RESPONSE WITH THE COURT** WITHIN
33 THE TWENTY (20) DAY PERIOD, NO COURT DATE WILL BE SET, AND THE
34 COURT MAY ENTER A DEFAULT JUDGMENT AGAINST YOU FOR THE MONEY
35 OR OTHER RELIEF REQUESTED IN THE COMPLAINT. A DEFAULT JUDGMENT
36 MEANS **YOU LOSE THE CASE AND YOU OWE THE PLAINTIFF.**

37
38 **IF YOU DO NOT FILE A WRITTEN RESPONSE WITH THE COURT,** YOU MAY
39 BE GIVING UP ANY DEFENSES YOU MAY HAVE, FOR EXAMPLE, THAT YOU
40 DO NOT OWE THE PLAINTIFF OR THAT TOO MUCH TIME HAS PASSED.

41

1 You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help
2 finding a lawyer at www.nmbar.org; [~~1-800-876-6657~~] 1-800-876-6227; or 1-505-797-
3 6066.

4
5 You are entitled to a jury trial in most types of lawsuits. To get a jury trial, you must request
6 one in your written response, and you must pay a jury fee when you file your response.

7
8 If you need an interpreter, you must ask the court for one in writing.

9
10 *(The following paragraph is for use only if summons issued by the Metropolitan Court.)*
11 IF YOU WANT A TAPE RECORDING OF ANY PROCEEDING, YOU MUST
12 REQUEST IT [~~PRIOR TO~~] BEFORE THE BEGINNING OF THE PROCEEDING. IF
13 YOU DO NOT ASK FOR A TAPE RECORDING, YOU WILL NOT HAVE A RECORD
14 OF THE PROCEEDINGS TO TAKE TO THE DISTRICT COURT FOR ANY APPEAL.

15
16 Your answer must be filed with the court, which is located at:
17 _____ *(street address of court).*

18
19 A copy of your answer or responsive pleading must be mailed to: *(name and address of*
20 *plaintiff or plaintiff's attorney)*

21
22 Name: _____

23
24 Address: _____

25
26
27 _____
28 Clerk

29 **RETURN**

30
31 STATE OF NEW MEXICO)
32) ss
33 COUNTY OF _____)

34
35 ***(complete the following, unless service by sheriff or deputy)***³
36 I, being sworn, state that I am over the age of eighteen (18) years and not a party to this
37 lawsuit, and that I served this summons in _____ county on the
38 _____ day of _____, _____, by delivering a copy of this
39 summons, a copy of the complaint, and an answer *(indicate below how served):*
40 _____

1 _____
2 _____

3 **(complete if service by sheriff or deputy)³**

4 I certify that I served this summons in _____ county on the _____
5 day of _____, _____, by delivering a copy of this summons, a copy of
6 the complaint, and an answer form in the following manner:

7 _____
8 _____
9 _____

10 **(person serving summons must check one box and fill in appropriate blanks)**

11 by delivering a copy of this summons, a copy of the complaint, and an answer form
12 to the defendant, _____ (used when defendant receives copy of
13 summons or refuses to receive summons).

14
15 by delivering a copy of this summons, a copy of the complaint, and an answer form
16 to _____, a person over fifteen (15) years of age and residing at
17 the usual home of the defendant, _____, located at
18 _____ (address)[-] (used when defendant is not presently at the
19 [~~home~~] home).

20
21 by posting a copy of the summons, complaint, and an answer form in the most
22 public part of the usual home of _____ (name of defendant)
23 located at _____ (address) (used if no person found at home or
24 usual place of residence).

25
26 *(If service is by posting, a copy of the summons, complaint, and an answer form*
27 *must also be mailed to the person served. The person serving by posting and the*
28 *person serving by mail must each sign a return. The person mailing must check and*
29 *complete the certificate of mailing at the end of this summons.)*

30
31 by delivering a copy of this summons, a copy of the complaint, and an answer form
32 to _____, an agent authorized to receive service of process for
33 defendant.

34
35 by delivering a copy of this summons, a copy of the complaint, and an answer form
36 to _____, (parent) (guardian) (custodian) of defendant (used
37 when defendant is a minor or an incompetent person).

38
39 by delivering a copy of this summons, a copy of the complaint, and an answer form
40 to _____ (name of person), _____, (title of

1 *person authorized to receive service) (used when defendant is a corporation or an*
2 *association subject to a suit under a common name, a land grant board of trustees,*
3 *the State of New Mexico, or any political subdivision).*

4
5 [] by service by mail.

6
7 Fees: _____

8
9 _____
Signature of person making service

10
11 _____
Title [(if any)]

12 Subscribed and sworn to
13 before me this _____
14 day of _____, _____

15
16 _____
17 Judge, notary, or other officer
18 authorized to administer oaths³

19
20 _____
21 Official title

22
23 *(To be completed if service is made by posting)*⁴

24 I, being sworn, state that I am over the age of eighteen (18) years and not a party to this
25 lawsuit, and that I served a copy of this summons on the _____ day of
26 _____, _____, by mailing first class mail, postage prepaid, a copy of
27 this summons, a copy of the complaint, and an answer form to:

28
29 _____ *(name of person served)*

30
31 _____ *(address where mailed)*

32
33 _____ *(county)*

34
35 _____ *(city, state, and zip code)*

36
37
38
39 _____
Signature of person making service

40

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9 Subscribed and sworn to
10 before me this _____
11 day of _____, _____
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13 _____
14 Judge, notary, or other officer
15 authorized to administer oaths³
16
17 _____
18 Official title
19
20 *(To be completed if service is made by [mail.] mail)*⁵
21 I, being sworn, state that I am over the age of eighteen (18) years [~~and not a party to this~~
22 ~~lawsuit~~], and that I served a copy of this summons on the _____ day of
23 _____, _____, by mailing first class mail, postage prepaid, a copy of
24 this summons, a copy of the complaint, an answer form, and two (2) copies of the notice
25 and acknowledgment and a return envelope, postage prepaid, addressed to:
26
27 _____ *(name of person served)*
28
29 _____ *(address where mailed)*
30
31 _____ *(county)*
32
33 _____ *(city, state, and zip code)*
34
35
36 _____
37 Signature of person making service
38
39 _____
40 Title [~~(if any)~~]

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Place of mailing

Date

Subscribed and sworn to
before me this _____
day of _____, _____[~~7~~]

Judge, notary₂ or other officer
authorized to administer oaths³

Official title[³]

USE NOTES

1. A separate summons must be used for each defendant.
2. An answer form must be attached to the summons at the time of service. For answer forms, *see* Rules 4-301 and 4-302 NMRA.
3. If service is made by the sheriff or a deputy sheriff of a New Mexico county, the signature of the sheriff or deputy need not be notarized.
4. For use [~~when~~] if service is by posting.
5. If service is by mail, Civil Form 4-208 NMRA must be completed and mailed with this summons.

[As amended, effective January 1, 1987; January 1, 1990; July 1, 1990; October 1, 1991; January 1, 1993; May 1, 1994; September 2, 1997; as amended by Supreme Court Order No. 16-8300-032, effective for all cases pending or filed on or after December 31, 2016; as amended by Supreme Court Order No. 21-8300-012, effective for all cases pending or filed on or after December 31, 2021.]