

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 v. No. _____

14
15 _____,

16
17 Defendant.

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

20
21 I, _____ (name), _____ (title), for Plaintiff
22 certify that on _____ (date) Plaintiff provided pre-filing notice to Defendant of the
23 following:

24
25 1. A list and brief description of each of the types of loss mitigation options available
26 to Defendant by the owner or assignee of Defendant's mortgage loan and the actions Defendant
27 must take to be evaluated for such loss mitigation options;

28
29 2. Notification as to whether the loan is federally backed or a government-sponsored
30 enterprise (GSE) loan, and if so, what federal or GSE-specific relief options are available to
31 Defendant[-who holds the loan];

32
33 3. [~~Contact~~] The name of the entity that holds the loan, and the contact information for
34 the loan servicer; [and]

35
36 4. A list of resources, substantially in a form approved by the Supreme Court, that
37 Defendant may contact for assistance[-]; and

38
39 5. Notice to Defendant of the New Mexico Homeowner Assistance Fund (HAF) and
40 ability to request a stay while applying for HAF.¹

41
42 I further certify that at least one of the following has been met (check all that apply[~~one~~):

43
44 [] Defendant submitted a complete loss mitigation application and the servicer has
45 completed review of the application.[~~;~~] Defendant remained delinquent at all times since submitting

1 the application, and was denied for loan modification or did not accept another loss mitigation
2 offer~~[the servicer has completed review of the application].~~

3
4 The property securing the mortgage loan is abandoned according to the laws of the
5 State of New Mexico.

6
7 ~~—The servicer did not receive any communications from Defendant for at least ninety~~
8 ~~(90) days before the servicer made the first filing for foreclosure and all of the conditions from 12~~
9 ~~CFR 1024.41(f)(2) were met.]~~

10
11 The loan was delinquent for one hundred twenty (120) days prior to the filing of
12 the complaint~~[-or more prior to March 1, 2020].~~

13
14 The statute of limitations applicable to the foreclosure action being taken will expire
15 within one hundred twenty (120) days if the Court does not allow the filing of the Foreclosure
16 Complaint. The statute of limitations will expire on _____.

17
18
19 _____
Signature

20
21 _____
Printed Name

22
23 _____
Law Firm Name (if applicable)

24
25 _____
Physical Address

26
27 _____
Telephone Number

28
29 _____
E-Mail Address

30
31 _____
Relationship To Plaintiff

32
33
34
35
36
37
38
39
40 [Adopted by Supreme Court Order No. 21-8300-004, effective for all cases pending or filed on or
41 after September 7, 2021; as amended by Supreme Court Order No. 22-8300-010, effective for all
42 cases pending or filed on or after May 23, 2022.]

43
44 **USE NOTES**

- 1 1. Paragraph 5 shall expire and be withdrawn from this form on September 30, 2025,
- 2 or upon notification to the Supreme Court of exhaustion of the New Mexico Homeowner
- 3 Assistance Fund (HAF) program funds, whichever is earlier.