

1 **4-808A**

2
3 **[1-065.1, 2-801, 3-801]**

4
5 STATE OF NEW MEXICO

6 IN THE _____ COURT No. _____
7 _____ COUNTY

8
9
10 _____, Plaintiff

11
12 against

13
14 _____, Defendant

15
16
17 **NOTICE OF RIGHT TO CLAIM EXEMPTIONS FROM EXECUTION**

18
19 **1. THE JUDGMENT CREDITOR (IS SEIZING) (HAS A RIGHT TO**
20 **SEIZE)¹ YOUR PROPERTY**

21
22 A ruling has been made in this case that you owe money to
23 the judgment creditor. The judgment creditor may collect
24 that money from seizure and sale of your property.
25 *(Before the judgment creditor has the sheriff seize your*
26 *property, you may have a right to claim exemptions of*
27 *certain property.)*

28
29 **2. PURPOSE OF THIS NOTICE:**

30
31 This notice is to tell you that some kinds of property or
32 money may NOT be taken from you even after the court has
33 ruled that you owe the judgment creditor money. This
34 property is protected under state law. The property
35 which may not be taken is called "exempt property". YOU
36 MUST FILE A CLAIM OF EXEMPTION FORM TO CLAIM ANY EXEMPT
37 PROPERTY. YOU MAY WISH TO CONSULT WITH AN ATTORNEY
38 BEFORE COMPLETING AND FILING THE CLAIM OF EXEMPTION FORM.

39
40 Here is a list of some exempt money and property. Other
41 kinds of money or property not listed may also be exempt.

42
43 **3. PARTIAL LIST OF EXEMPTIONS FROM EXECUTION**

44
45 **Part I. Homestead exemption**

46 *(This exemption may only be used in the*
47 *district court)*

1 A judgment debtor who owns, leases or is purchasing a
2 dwelling occupied by the judgment debtor is entitled to
3 hold as exempt property a homestead in the amount of
4 thirty thousand dollars (\$30,000) under Section 42-10-9
5 NMSA 1978.

6
7
8 **Part II. Exemption in lieu of homestead exemption**

9 *(Parts II and III are for use in the district*
10 *court, magistrate court and metropolitan court)*

11
12 Residents of this state who do not claim a homestead
13 exemption are entitled to an exemption of real or
14 personal property in the amount of two thousand
15 dollars (\$2,000) under Section 42-10-10 NMSA 1978.
16 You may not claim this exemption if you claimed a
17 homestead exemption above.

18
19 **Part III. Personal property exemptions**

20
21 In addition to the property claimed as exempt above,
22 judgment debtors are entitled to claim certain personal
23 property exemptions. Most of those exemptions are listed
24 below.

- 25
26 a. personal property worth up to \$500;
27
28 b. tools of the trade worth up to \$1,500;
29
30 c. a motor vehicle worth up to \$4,000 or that amount of
31 equity in a more valuable vehicle;
32
33 d. jewelry worth up to \$2,500;
34
35 e. clothing, furniture, books and medical-health
36 equipment being used for the health of the claimant
37 or a member of the household of the claimant and not
38 in a profession;
39
40 f. pension or retirement funds;
41
42 g. not more than \$5,000 in benefits from a benevolent
43 association of which the judgment debtor is a
44 member;
45
46 h. building materials not financed by the judgment
47 creditor in this action as provided by Section

1 48-2-15 NMSA 1978;
2

3 i. a partner's interest in specific partnership
4 property subject to the limitations of Section
5 54-1-25 NMSA 1978;
6

7 j. worker's compensation benefits subject to the
8 limitations of Section 52-1-52 NMSA 1978;
9

10 k. occupational health benefits as provided by Section
11 52-3-37 NMSA 1978;
12

13 l. unemployment compensation benefits subject to the
14 limitations of Section 51-1-37 NMSA 1978 for
15 necessities furnished while the debtor was
16 unemployed and child support;
17

18 m. public assistance and welfare benefits;
19

20 n. cash surrender values and benefits of life insurance
21 contracts;
22

23 o. payment from life, accident and health insurance
24 policies or annuity contracts;
25

26 p. crime victims' reparation fund payments;
27

28 q. fraternal benefit society benefits;
29

30 r. the minimum amount of shares necessary for certain
31 cooperative associations subject to the limitations
32 provided by Section 53-4-28 NMSA 1978;
33

34 s. the debtor's membership interest in the property of
35 a club or association pursuant to Section 53-10-2
36 NMSA 1978;
37

38 t. oil and gas equipment not financed by the judgment
39 creditor to be used for purposes for which it was
40 purchased as provided by Section 70-4-12 NMSA 1978;
41

42 u. allowances to surviving spouse and children from
43 estate of a deceased estate subject to the
44 limitations of Sections 45-2-401 and 45-2-402 NMSA
45 1978.
46

47 You may not claim an exemption for personal property

1 which is subject to a security interest under the Uniform
2 Commercial Code given to the judgment creditor.

3
4 **4. HOW TO PROTECT EXEMPT PROPERTY.**

5
6 The sheriff may not seize your personal clothing,
7 furniture and books or any jewelry unless the total value
8 of all jewelry is more than \$2500. For other property,
9 you must claim an exemption or it may be seized and sold.
10 A claim of exemptions on execution form is attached for
11 you to complete and file with the court.
12

13
14 **YOU MUST COMPLETE AND RETURN THE ATTACHED CLAIM OF**
15 **EXEMPTIONS ON EXECUTION FORM TO THE CLERK OF THE COURT**
16 **WITHIN TEN (10) DAYS AFTER SERVICE OF THIS NOTICE UPON**
17 **YOU. YOU MUST ALSO SERVE A COPY OF THE COMPLETED AND**
18 **SIGNED CLAIM OF EXEMPTIONS ON EXECUTION FORM ON THE**
19 **JUDGMENT CREDITOR.**
20

21 If the judgment creditor disputes a claimed exemption,
22 the clerk or the judge will notify you of the date and
23 time for a court hearing on your claim. You must go to
24 that hearing and explain why your money or property is
25 exempt. You must bring to the hearing any proof that
26 your money or property is exempt.
27

28 If you do not complete and file the claim of exemptions
29 on execution form within ten (10) days and attend the
30 hearing, your property may be seized and sold by the
31 sheriff.
32

33 **FAILURE TO COMPLETE AND FILE A CLAIM OF EXEMPTIONS ON**
34 **EXECUTION FORM WITHIN TEN (10) DAYS AND SERVE A COPY ON THE**
35 **JUDGMENT CREDITOR WILL RESULT IN THE LOSS OF YOUR RIGHT TO**
36 **CLAIM AN EXEMPTION.**
37

38 *(The following proof of service may be*
39 *used ONLY if the judgment debtor has*
40 *entered an appearance in the case.)*
41

42 **AFFIDAVIT OF SERVICE**

43
44 I declare, under penalty of perjury, that this notice, a
45 claim of exemptions on execution form and a copy of the
46 judgment in the above cause of action were mailed on the _____
47 day of _____, 19____ from _____
48 (street address or post office branch) in _____,

1 New Mexico.
2
3

4 _____
Signature
5

6 _____
Date of signature
7

8
9 (If the judgment debtor has not entered an
10 appearance, personal service of this
11 notice must be made on the judgment debtor
12 and the following Return of Service must
13 be completed and filed with the court.)
14

15 **R E T U R N**

16 STATE OF NEW MEXICO)
17) ss
18)
19 COUNTY OF _____)
20

21 (check one box and fill in appropriate blanks)
22

23 [] I, being duly sworn, on oath, say that I am over the age
24 of eighteen (18) years and not a party to this lawsuit,
25 and that I served the notice of right to claim exemptions
26 (executions) and a claim of exemptions on execution form
27 (in said county) (in _____ County) on the
28 ____ day of _____, 19____, by
29 delivering a copy thereof, with copy of the judgment
30 attached, in the following manner: _____
31 _____
32

33 (check only if service by sheriff or deputy)
34

35 [] I certify that I served the Notice of Right to Claims
36 Exemptions (Execution) (in said county) (in
37 _____ County) on the ____ day of
38 _____, 19____, by delivering a copy
39 thereof, with copy of judgment attached in the following
40 manner: _____
41 _____
42

43 (check one box and fill in appropriate blanks)
44

45 [] to defendant _____
46

47 [] to _____, a person over fifteen (15)

1 years of age and residing at the usual place of abode of
2 defendant _____, who at the time of
3 such service was absent therefrom. Abode located at
4 _____.

5
6 [] by posting a copy of the Notice of Right to Claim
7 Exemptions in the most public part of the premises of
8 defendant _____ (*used if no person*
9 *found at dwelling house or usual place of abode*). Abode
10 located at _____.

11
12 [] to _____, an agent authorized to receive
13 service of process for defendant _____.

14
15 [] to _____, (parent) (guardian) of
16 defendant _____ (*used when defendant is a*
17 *minor or an incompetent person*).

18
19
20 [] after due diligence I was unable to serve this notice.
21

22
23 Fees: _____
24

25
26 _____
27 Signature of person making service

28
29 _____
30 Title (if any)

31
32
33 Subscribed and sworn² to
34 before me this _____
35 day of _____, 19____
36 _____

37 Judge, notary or other officer
38 authorized to administer oaths
39

40 _____
41 Official title

42
43 **USE NOTE**

44
45 1 *Strike out the inapplicable alternative.*

46
47 2 *If service is made by the sheriff or a deputy*

1 *sheriff of a New Mexico county, the signature of the*
2 *sheriff or deputy need not be notarized.*

3
4 [As amended effective January 1, 1993; May 1, 1994; January 1,
5 1996.]

6 DBD::DB2::st execute failed: [IBM][CLI Driver][DB2/6000]
7 SQL0530N The insert or update value of the FOREIGN KEY
8 "DBUSER.BILLDETAIL.SQL980508102800170" is not equal to any
9 value of the parent key of the parent table. SQLSTATE=23503

10