

June 18, 1999

**[NEW MATERIAL]**

1 **4-810**

2 **[2-802, 3-802]**

3 STATE OF NEW MEXICO

4 IN THE \_\_\_\_\_ COURT No. \_\_\_\_\_

5 \_\_\_\_\_ COUNTY

6 \_\_\_\_\_, Plaintiff

7 v.

8 \_\_\_\_\_, Defendant

9

10 \_\_\_\_\_, Garnishee

11

12 **MOTION FOR DEFAULT JUDGMENT AGAINST GARNISHEE**

13 Judgment creditor moves the court to enter a default  
14 judgment against the garnishee.

15

16 The Writ of Garnishment was served on the garnishee on  
17 \_\_\_\_\_ (date) and the return of service of the  
18 writ on the garnishee has been filed with the court.

19

20 The garnishee has not filed an answer or other responsive  
21 pleading with the court nor has the judgment creditor been  
22 served with a responsive pleading.

23

24 The judgment creditor requests the court to set a hearing  
25 on this motion on not less than three (3) days notice to the  
26 garnishee.

27

28

29 Date: \_\_\_\_\_  
30 \_\_\_\_\_  
31 Attorney for plaintiff

31

32 *If the plaintiff is not represented*  
33 *by an attorney, this motion must be*  
34 *sworn to or affirmed by the plaintiff.*

35

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**[NEW MATERIAL]**

1 I, \_\_\_\_\_, upon my oath or affirmation  
2 do solemnly declare or affirm that this motion contains a  
3 complete, accurate statement of the facts to the best of my  
4 knowledge. I understand that if I make a material  
5 misstatement of fact, I may be prosecuted and punished for  
6 perjury.

7  
8  
9 \_\_\_\_\_  
Signature of plaintiff

10  
11 \_\_\_\_\_  
Signature of Judge, Notary or Other  
12 Officer Authorized to Administer Oaths

13  
14 \_\_\_\_\_  
Official title

15  
16  
17  
18 My commission expires:

19  
20 \_\_\_\_\_

21  
22 (SEAL)

23  
24 **CERTIFICATE OF SERVICE**

25  
26 I hereby certify that on this \_\_\_\_ day of \_\_\_\_\_,  
27 \_\_\_\_\_ this motion was

28  
29 [mailed by United States mail, postage prepaid, and  
30 addressed to:

31  
32 Name: \_\_\_\_\_

33  
34 Address: \_\_\_\_\_

35  
36 City, State  
37 and zip code: \_\_\_\_\_]

38  
39 [faxed by \_\_\_\_\_ (name of person who  
40 faxed) to \_\_\_\_\_ (defendant or defendant's  
41 attorney). The transmission was reported as complete and  
42 without error. The time and date of the transmission was  
43 \_\_\_\_\_ (a.m) (p.m) on \_\_\_\_\_ (date).]

44  
45 [e-mailed to \_\_\_\_\_ (name of person who

