

1 4-905

2
3 [Section 47-8-43 NMSA 1978]

4
5 STATE OF NEW MEXICO

6 _____ COURT
7 _____ COUNTY

8
9 No. _____

10
11 _____, Plaintiff

12
13 v.

14
15 _____, Defendant

16
17
18 **SUMMONS AND NOTICE OF TRIAL**
19 **ON PETITION FOR WRIT OF RESTITUTION**
20 **(Uniform Owner-Resident Relations Act)**

21
22 To: _____, defendant

23
24 Address: _____
25
26 _____, New Mexico _____

27
28 **GREETINGS:**

29
30 You are ordered to appear for trial before the
31 Honorable _____, Judge, Div. _____,
32 located at _____, New Mexico on the _____
33 day of _____, _____ (date), at the hour of ____m.
34 to show cause and present all evidence you may have why the
35 plaintiff's petition for a writ of restitution for the
36 property located at _____ should
37 not be granted and why the plaintiff should not have
38 judgment against you for any back rents or damages you
39 caused to the property, in accordance with the petition
40 filed by the plaintiff in this action, a copy of which is
41 attached.

42
43 Your failure to appear at the time and place specified
44 above may result in the entry of judgment against you in
45 accordance with the petition filed by the plaintiff in this
46 action, a copy of which is attached.

47
48 You may file a written answer and assert any claims you
49 may have prior to the trial.

1 **FOR USE ONLY IN METROPOLITAN COURT CASES**

2 [IF YOU WANT A TAPE RECORDING OF ANY PROCEEDING,
3 YOU MUST REQUEST IT BEFORE THE BEGINNING OF THE
4 PROCEEDING. IF YOU DO NOT ASK FOR A TAPE
5 RECORDING, YOU WILL NOT HAVE A RECORD OF THE
6 PROCEEDINGS TO TAKE TO THE DISTRICT COURT FOR ANY
7 APPEAL.]

8
9 Dated: _____.

10
11 _____
12 Judge

13
14
15 By: _____
16 Clerk

17
18 **THIS IS YOUR NOTICE OF TRIAL**
19 **and will be the only notice**
20 **that you will receive.**

21
22 **RETURN¹**

23
24 STATE OF NEW MEXICO)
25) ss
26 COUNTY OF _____)

27
28 *(complete if service is by a person*
29 *other than the sheriff or deputy)*

30
31 I, being sworn state that I am over the age of eighteen (18)
32 years and not a party to this lawsuit, and that I served
33 this summons in _____ county on the ____ day of
34 _____, ____ (date), by delivering a copy of
35 this summons, a copy of the petition and a copy of the
36 answer form² in the following manner:

37
38 ***(check and complete only if service by sheriff or deputy)³***

39
40 I certify that I served this summons in _____
41 county on the ____ day of _____, (date), by
42 delivering a copy of the summons, a copy of the petition and
43 an answer form² in the following manner:

44
45 ***(person serving summons must check one of following boxes***
46 ***and fill in appropriate blanks)***

47
48 [] by delivering a copy of this summons, a copy of

1 the petition and an answer form to the defendant
2 _____ (used when defendant
3 receives copy of summons or refuses to receive
4 summons).

5
6 [] by delivering a copy of this summons, a copy of
7 the petition and an answer form to
8 _____, a person over fifteen (15)
9 years of age and residing at the usual place of
10 abode of defendant _____, located at
11 _____ (address).
12 (used when defendant is not presently at the
13 abode.).

14
15 [] by posting a copy of the summons, petition and an
16 answer form in the most public part of the
17 premises of defendant _____
18 located at _____
19 (address). (Used if no person found at dwelling
20 house or usual place of abode.) (If service is by
21 posting a copy of the summons, petition and an
22 answer form must also be mailed to the person
23 served. The person serving by posting and the
24 person serving by mail must each sign a return.
25 The person mailing must check and complete the
26 certificate of mailing at the end of this
27 summons.)

28
29 [] by delivering a copy of this summons, a copy of
30 the petition and an answer form to
31 _____, an agent authorized to
32 receive service of process for defendant.

33
34 [] by delivering a copy of this summons, a copy of
35 the complaint and an answer form to
36 _____, (parent) (guardian) (custodian)
37 of defendant (used when defendant is a minor or an
38 incompetent person).

39
40 [] by delivering a copy of this summons, a copy of
41 the petition and an answer form to
42 _____ (name of person),
43 _____, (title of person authorized
44 to receive service) (used when defendant is a
45 corporation or an association subject to a suit
46 under a common name, a land grant board of
47 trustees, the State of New Mexico or any political

1 before me this _____
2 day of _____, _____

3 _____

4 Judge, notary or other officer
5 authorized to administer oaths³

6 _____

7 _____

8 Official title

9

10 *(To be completed if service is made by mail.)⁵*

11

12 I, being sworn, state that I am over the age of eighteen
13 (18) years and not a party to this lawsuit, and that I
14 served a copy of this summons on the ____ day of
15 _____, _____, by mailing first class mail, postage
16 prepaid, a copy of this summons, a copy of the complaint, an
17 answer form and two copies of the notice and acknowledgement
18 and a return envelope, postage prepaid, addressed to:

19

20 _____ *(name of person served)*

21 _____ *(address where mailed)*

22 _____ *(county)*

23 _____ *(city, state and zip code)*

24

25

26 _____
Signature of person making service

27

28 _____

29 Title (if any)

30

31 _____

32 Place of mailing

33

34 _____

35 Date

36

37 Subscribed and sworn to before me
38 this _____ day of _____,
39 _____.

40

41 _____

42 Judge, notary or other officer
43 authorized to administer oaths

44

45 _____

46 Official title³

47

USE NOTES

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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 Rule 4-907 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 service is by posting.*
5. *If service is by mail, Civil Form 4-208 must be completed and mailed with this summons.*

[Former Rule 4-904 SCRA 1986; recompiled as Rule 4-905 NMRA and amended, effective September 2, 1997.]
DBD::DB2::st execute failed: [IBM][CLI Driver][DB2/6000]
SQL0530N The insert or update value of the FOREIGN KEY
"DBUSER.BILLDETAIL.SQL980508102800170" is not equal to any
value of the parent key of the parent table. SQLSTATE=23503