

1 4-928

2
3 [Section 47-10-9 NMSA 1978]

4
5 STATE OF NEW MEXICO

6 _____ COURT
7 _____ COUNTY

8 No. _____.

9
10
11 _____, Plaintiff

12
13 v.

14 _____, Defendant

15
16
17 NOTICE TO LIENHOLDER
18 OF MOBILE HOME JUDGMENT
19 (Mobile Home Park Act)

20
21
22 To: _____ (lienholder or other security
23 interest)

24
25 You are notified that:

26
27 1. A judgment has been entered against _____
28 (name of defendant) and a writ of restitution will be
29 issued effective _____ (date) to remove the
30 mobile home from the premises located in _____
31 County, New Mexico at:

32
33 _____ (name of mobile home park)
34 _____ (mobile home address)
35 _____ (mobile home lot or space)
36 _____, New Mexico _____.

37
38 Without additional notice to you, the sheriff will serve
39 a writ of restitution on or after 8:00 a.m. on
40 _____ (date) for the removal of the mobile
41 home on or before _____ (date)¹.

42
43 2. You have thirty (30) days from the date of receipt of
44 this notice to pay the rent and charges permitted by law
45 and to advise the landlord in writing whether you intend
46 to pay the rent and other charges under the terms of the
47 rental agreement.

48
49 3. If you want to remove the mobile home at your expense

1 before the date set for removal, you may do so by paying
2 the landlord all rent, utility and other removal costs
3 provided by law. The amount of rent, utility charges and
4 other charges as of _____ (date) is as
5 follows:

6		
7	Rent:	\$ _____
8	Utilities:	\$ _____
9	Removal and storage charges	\$ _____
10	Other _____	\$ _____
11	(explain)	
12	Total due:	\$ _____
13	Daily rent	\$ _____
14		

15 4. The tenant is required to pay rent on _____
16 (day of month) and utilities on _____ (day of
17 month).

19 5. A copy of the lease and the landlord's rules and
20 regulations are attached as Exhibits A and B.

22 6. This notice does not relieve you of complying with other
23 applicable provisions of law relating to the repossession
24 of the mobile home.

26 Date: _____

28 _____
29 Judge

31 **RETURN²**

33 STATE OF NEW MEXICO)
34) ss
35 COUNTY OF _____)

37 (complete if service is by a person
38 other than the sheriff or deputy³)

40 I, being sworn, state that I am over the age of eighteen (18)
41 years and not a party to this lawsuit, and that I served this
42 summons in _____ county on the _____ day of
43 _____, _____ (date), by delivering a copy of
44 this summons and a copy of the notice of judgment with
45 Exhibits A and B attached in the following manner:

47 (check and complete only if service by sheriff or deputy)³

1 I certify that I served this summons in _____
2 county on the ____ day of _____, (date), by
3 delivering a copy of the summons and a copy of the notice of
4 judgment with Exhibits A and B attached in the following
5 manner:

6
7 **(person serving summons must check one of following boxes and**
8 **fill in appropriate blanks)**

9
10 [] by delivering a copy of this summons and a copy of
11 the notice of judgment with Exhibits A and B
12 attached to the defendant _____
13 (used when defendant receives copy of summons or
14 refuses to receive summons).

15
16 [] by delivering a copy of this summons and a copy of
17 the notice of judgment with Exhibits A and B
18 attached to _____, a person over
19 fifteen (15) years of age and residing at the usual
20 place of abode of defendant _____,
21 located at _____ (address) (used when
22 defendant is not presently at the abode).

23
24 [] by posting a copy of the summons and the notice of
25 judgment with Exhibits A and B attached in the most
26 public part of the premises of defendant
27 _____ located at
28 _____ (address) (This
29 alternative is used if no person found at dwelling
30 house or usual place of abode). (If service is by
31 posting a copy of the summons, the notice of
32 judgment with Exhibits A and B attached must also
33 be mailed to the person served. The person serving
34 by posting and the person serving by mail must each
35 sign a return. The person mailing must check and
36 complete the certificate of mailing at the end of
37 this summons.)

38
39 [] by delivering a copy of this summons and a copy of
40 the notice of judgment with Exhibits A and B
41 attached to _____, an agent authorized
42 to receive service of process for defendant.

43
44 [] by delivering a copy of this summons and a copy of
45 the notice of judgment with Exhibits A and B
46 attached to _____, (parent) (guardian)
47 (custodian) of defendant (used when defendant is a

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minor or an incompetent person).

[] by delivering a copy of this summons and a copy of the notice of judgment with Exhibits A and B attached to _____ (*name of person*), _____, (*title of person authorized to receive service*) (*used when defendant is a corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision*).

[] by service by certified mail, return receipt requested.

**CERTIFICATE OF SERVICE BY ATTORNEY
(for service on a party)**

I certify that I caused a copy of this notice to be served on the following persons or entities by (delivery) (mail) (_____) on this ____ day of _____, _____.

(1) _____
(*Name of party*)

(*Address*)

(2) _____
(*Name of party*)

(*Address*)

Attorney for landlord

Signature

Date of signature

USE NOTE

- 1. *A writ of restitution directs the sheriff to restore the premises to the plaintiff.*

1 A copy of the writ need not be served on
2 the lienholder unless the lienholder
3 intervenes as a party.

4
5 2. If the lienholder is a party or has
6 entered an appearance in the proceedings,
7 service may be made in the manner
8 provided by the rules of civil procedure
9 for the service of papers on a party
10 subsequent to service of the original
11 pleading. See, however, Subsection J of
12 Section 47-10-9 NMSA 1978 for statutory
13 notice.

14
15 3. If service is made by the sheriff or a
16 deputy sheriff of a New Mexico county,
17 the signature of the sheriff or deputy
18 need not be notarized. If service is
19 made on a party by an attorney the
20 signature of the attorney need not be
21 notarized.

22
23 [Adopted effective September 2, 1997; as amended effective
24 April 6, 1998.]

25
26 DBD::DB2::st execute failed: [IBM][CLI Driver][DB2/6000]
27 SQL0530N The insert or update value of the FOREIGN KEY
28 "DBUSER.BILLDETAIL.SQL980508102800170" is not equal to any
29 value of the parent key of the parent table. SQLSTATE=23503
30