

**4-810. Motion for default judgment against garnishee.**

[For use with Rules 2-802 and 3-802 NMRA]

STATE OF NEW MEXICO

IN THE \_\_\_\_\_ COURT

No. \_\_\_\_\_

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

v.

\_\_\_\_\_, Defendant  
\_\_\_\_\_, Garnishee

**MOTION FOR DEFAULT JUDGMENT AGAINST GARNISHEE**

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

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

The writ was sent to the judgment debtor's last known address on \_\_\_\_\_ (date). The garnishee has not filed an answer or other responsive pleading with the court nor has the judgment creditor been served with a responsive pleading.

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Attorney for plaintiff

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

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

\_\_\_\_\_  
Signature of plaintiff

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

\_\_\_\_\_  
Official title

My commission expires:

\_\_\_\_\_  
(SEAL)

### **CERTIFICATE OF SERVICE**

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

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

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State  
and zip code: \_\_\_\_\_]

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

[e-mailed by \_\_\_\_\_ (*name of person who transmitted*)  
to \_\_\_\_\_ at \_\_\_\_\_ (*electronic address*  
*of recipient* who agreed to service in this manner. The transmission was successful. The  
time and date of the transmission was \_\_\_\_\_ (a.m.) (p.m.) on  
\_\_\_\_\_ (*date*).]

\_\_\_\_\_  
Signature of attorney

*If this notice was served by a person other than an attorney, the following must also be  
completed and filed with the court:*

### **AFFIDAVIT OF SERVICE**

I declare under penalty of perjury that a copy of this motion was served by [mail]  
[fax] [electronic transmission] as described above on this \_\_\_\_\_ day of  
\_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Signature of person who made service

Subscribed and sworn to before me  
this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Judge, notary or other officer  
authorized to administer oaths

\_\_\_\_\_  
Official title

#### USE NOTES

1. Use this form only for actions filed on or after July 1, 2023.

[Approved, effective August 1, 1999; as amended by Supreme Court Order No. S-1-RCR-2024-00107, effective for all cases pending or filed on or after December 31, 2024.]