

4-803. Claim of exemptions on execution.

[For use with District, Magistrate, and
Metropolitan Court Rules of Civil Procedure
1-065.1, 2-801, and 3-801 NMRA]

STATE OF NEW MEXICO

COUNTY OF _____

[_____ JUDICIAL DISTRICT COURT]

[_____ COURT]

_____, Plaintiff

v.

No. _____

_____, Defendant

CLAIM OF EXEMPTIONS ON EXECUTION

**A JUDGMENT HAS BEEN ENTERED AGAINST YOU. ALL OF THE PROPERTY
YOU POSSESS MAY BE SEIZED AND SOLD TO PAY THIS JUDGMENT. YOU
MUST COMPLETE AND RETURN THIS FORM WITHIN TEN (10) DAYS TO CLAIM
ANY STATUTORY EXEMPTION FROM THIS SEIZURE AND SALE.**

(check only applicable boxes)

Part I. Homestead exemption

(This part is for use only in the district court)

[] Judgment debtor owns, leases, or is purchasing a dwelling house which
judgment debtor occupies and is entitled to hold exempt a homestead in
the amount of one hundred fifty thousand dollars (\$150,000) under
Section 42-10-9 NMSA 1978.

Part II. Exemption in lieu of homestead exemption

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

[] Judgment debtor is a resident of this state who does not claim a
homestead exemption, but claims an exemption of real or personal
property in the amount of fifteen thousand dollars (\$15,000) under Section
42-10-10 NMSA 1978. The property claimed to be exempt is as follows:

LIST PROPERTY

STATED VALUE

_____ \$ _____

_____ \$ _____
(Attach additional page if necessary)

Part III. Personal property exemptions

Unless the judgment debtor files a written waiver of exemption, the sheriff may not seize the judgment debtor's personal clothing, furniture, or books.

In addition to the property claimed or listed as exempt above, the judgment debtor hereby claims the following exemptions:

(check only applicable boxes)

- [] household goods and furnishings, worth up to seventy-five thousand dollars (\$75,000) in the aggregate:

LIST ITEMS

STATED VALUE

\$ _____
(Attach additional page if necessary)

- [] tools of the trade worth up to fifteen thousand dollars (\$15,000) in the aggregate:
Occupation of judgment debtor: _____

LIST ITEMS

STATED VALUE

\$ _____
(Attach additional page if necessary)

- [] motor vehicles worth up to ten thousand dollars (\$10,000) or that amount of equity in a more valuable vehicle:

MAKE, MODEL, AND YEAR OF VEHICLES

FAIR MARKET VALUES

\$ _____

Amount of any lien on vehicles: \$ _____.

- [] jewelry worth up to five thousand dollars (\$5,000) in the aggregate:

LIST JEWELRY ITEMS

STATED VALUE

\$ _____
(Attach additional page if necessary)

- [] works of art worth up to two thousand five hundred dollars (\$2,500) in the aggregate:

LIST WORKS OF ART

STATED VALUE

(Attach additional page if necessary)

\$_____

- ☐ medical-health equipment being used for the health of the claimant or a member of the household of the claimant and not in a profession; *(Attach separate sheet setting forth items claimed and the name of the household member and the medical condition of the member.)*
- ☐ interest in or proceeds from a pension, individual retirement account, annuity, profit-sharing plan, and any other retirement account;
- ☐ social security benefits;
- ☐ veteran's benefits;
- ☐ not more than fifty thousand dollars (\$50,000) in benefits from a benevolent association of which the judgment debtor is a member;
- ☐ building materials not financed by the judgment creditor in this action as provided by Section 48-2-15 NMSA 1978;
- ☐ worker's compensation benefits subject to the limitations of Section 52-1-52;
- ☐ occupational health benefits as provided by Section 52-3-37 NMSA 1978;
- ☐ unemployment compensation benefits;
- ☐ alimony, family, or domestic support or separate maintenance to the extent reasonably necessary for the support of the person or any dependent of the person;
- ☐ public benefits such as medicaid, medicare, food stamps, or other aid from a government public assistance program;
- ☐ refundable federal and state tax credits;
- ☐ exempt wages as defined by Section 35-12-7 NMSA 1978;
- ☐ any stimulus payment held by or payable to the person or the person's dependents in any form;
- ☐ cash surrender values and benefits of life insurance contracts;
- ☐ payment from life, accident, and health insurance policies or annuity contracts;
- ☐ crime victims' reparation fund payments;

- ☐ fraternal benefit society benefits;
- ☐ the minimum amount of shares necessary for certain cooperative associations subject to the limitations provided by Section 53-4-28 NMSA 1978;
- ☐ the debtor's membership interest in the property of a club or association under Section 53-10-2 NMSA 1978;
- ☐ oil and gas equipment not financed by the judgment creditor to be used for purposes for which it was purchased as provided by Section 70-4-12 NMSA 1978;
- ☐ allowances to surviving spouse and children from estate of a deceased estate subject to the limitations of Sections 45-2-401 and 45-2-402 NMSA 1978;
- ☐ an individual retirement account that would qualify for tax exemptions under 26 U.S.C. Section 408 or any similar individual retirement account;
- ☐ an educational savings account that would qualify for tax exemptions under 26 U.S.C. Section 529 or any similar educational savings account;
- ☐ a health savings account that would qualify for tax exemptions under 26 U.S.C. Section 223 or any similar health savings account;
- ☐ funds held in a depository or investment account, not otherwise exempt, worth up to two thousand four hundred dollars (\$2,400);
- ☐ interests in personal property worth up to fifteen thousand dollars (\$15,000), tangible or intangible, not otherwise specified in this subsection, including any deposits in financial or investments accounts or personal property that exceeds the monetary limits set forth in this section;

LIST INTERESTS IN PERSONAL PROPERTY

STATED VALUE

_____ \$ _____

(Attach additional page if necessary)

THIS LIST MAY NOT BE COMPLETE. YOU MAY CLAIM ANY OTHER EXEMPTION PERMITTED BY LAW BY COMPLETING THE FOLLOWING:

- ☐ other exemption *(specify)*

_____.

I am aware of my exemption rights:

- ☐ I desire to claim my exemption rights

[] I waive my right to claim my exemption rights to the following property

LIST ITEMS

STATED VALUE

\$ _____

(Attach additional page if necessary)

I understand that by waiving my statutory right to exempt property, this property may be seized and sold.

YOU MUST RETURN A COMPLETED AND SIGNED COPY OF THIS FORM TO THE CLERK OF THE COURT WHOSE ADDRESS IS SHOWN BELOW. YOU MUST ALSO SERVE A COPY ON THE JUDGMENT CREDITOR.

_____, _____

Signature of judgment debtor

Return to clerk of the court

Name of court

Printed name of judgment debtor

Address

Street address or P.O. box

City, state, & zip code

City, state, & zip code

Telephone number

USE NOTES

1. The judgment creditor may dispute any of the claimed exemptions. If the judgment creditor disputes claimed exemptions and files a request for hearing on the claimed exemptions, the clerk will schedule a hearing on the claimed exemptions.

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

[As amended, effective January 1, 1986; July 1, 1992; May 1, 1994; January 1, 1996; as amended by Supreme Court Order No. 09-8300-005, effective May 6, 2009; 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.]