

STATE OF NEW MEXICO  
COUNTY OF BERNALILLO  
IN THE METROPOLITAN COURT

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

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

\_\_\_\_\_,  
Defendant.

**APPLICATION FOR WRIT OF EXECUTION**

\_\_\_\_\_ the judgment creditor, states:

(1) The judgment creditor has a judgment dated \_\_\_\_\_ (*date judgment filed*) against the judgment debtor whose name is \_\_\_\_\_, and whose last known address is \_\_\_\_\_. The total of the principal, interest, costs and attorney's fees awarded by the judgment was \$\_\_\_\_\_.

Since the judgment was entered, additional interest at the judgment rate of \_\_\_\_\_% and costs totals \$\_\_\_\_\_.

Payments totaling \$\_\_\_\_\_ have been received.

The unpaid balance now due is \$\_\_\_\_\_ (*insert this amount on Civil Form 4-801 as "Balance Due upon Application for Writ"*) plus interest from the date this Application is executed.

The estimated costs would equal \$\_\_\_\_\_; and the judgment creditor will seek \$\_\_\_\_\_ in attorney fees.

(2) (*check one of the following*)

- I served the judgment debtor with a notice of right to claim exemptions more than ten (10) days prior to filing this application for writ of execution and the judgment debtor has not filed a claim of exemption for the property to be seized and sold.<sup>1</sup>
- The judgment debtor has filed a waiver of the right to claim exemption for the property to be seized and sold.<sup>2</sup>
- The judgment debtor is not a natural person.

The judgment creditor requests the court to issue a Writ of Execution for non-exempt property for the judgment debt.

\_\_\_\_\_  
Judgment creditor or attorney for judgment creditor

\_\_\_\_\_  
Judgment creditor's name printed

\_\_\_\_\_  
Address of judgment creditor

\_\_\_\_\_  
Printed name of person signing for judgment creditor

\_\_\_\_\_  
Telephone number of judgment creditor

\_\_\_\_\_  
Printed name of judgment creditor's attorney (if any)

\_\_\_\_\_  
Mailing address of judgment creditor's attorney (number and street or P.O. box)

\_\_\_\_\_  
City, State, zip code

\_\_\_\_\_  
Telephone number of judgment creditor's attorney

### AFFIDAVIT

*(This application must be sworn to unless it is signed by an Attorney.)*

I declare under penalty of perjury that the foregoing is true and correct.

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

(seal)

\_\_\_\_\_  
Notary or other officer authorized to administer oaths

#### USE NOTE

1. *If the judgment debtor is a natural person Civil Form 4-808A NMRA, Notice of Right to Claim Exemptions from Execution must have been served on the judgment debtor.*
2. *This alternative may be checked if the judgment debtor filed a waiver of the right to claim exemptions. See Civil Form 4-803, Claim of Exemptions, also contains the waiver form.*