

STATE OF NEW MEXICO  
COUNTY OF BERNALILLO  
IN THE METROPOLITAN COURT

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

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

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

**APPLICATION FOR WRIT OF GARNISHMENT  
(MEDICAL DEBT JUDGMENT)**

The judgment creditor, \_\_\_\_\_, states:

- (1) The underlying judgment is based on a cause of action to recover judgment for medical debt under the Patients' Debt Collection Protection Act, NMSA 1978, Section 57-32-1 to 57-32-10.
- (2) The judgment creditor has a judgment dated \_\_\_\_\_ against the judgment debtor whose name is \_\_\_\_\_, and whose last known address is \_\_\_\_\_.
- (3) The total amount of the judgment including the principal, interest, costs, and attorney fees awarded by the judgment was \$\_\_\_\_\_.
- (4) From the date the judgment was filed through the date this Application was signed, additional interest at the rate of \_\_\_\_\_% totals \$\_\_\_\_\_. Judgment creditor has incurred additional costs of \$\_\_\_\_\_ and additional attorney fees of \$\_\_\_\_\_.
- (5) Payments totaling \$\_\_\_\_\_ have been received.
- (6) The unpaid balance now due is \$\_\_\_\_\_ (*Insert this amount on Form 4-806 NMRA as "Balance Due On Application for Writ."*) plus interest from the date this Application is filed.
- (7) Estimated costs would equal \$\_\_\_\_\_ and the judgment creditor will seek \$\_\_\_\_\_ in attorney fees.
- (8) Judgment debtor, to my knowledge, does not have sufficient property within New Mexico subject to execution to satisfy the judgment. I understand that I have a duty to make a reasonable investigation into the truth of this statement and have done so as follows:<sup>1</sup>

*(This allegation is not necessary before garnishment of funds for child support or alimony obligations.)*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

(9) I have reason to believe, and do believe, that the garnishee, \_\_\_\_\_ (*name of garnishee*),  
\_\_\_\_\_ (*address*), holds or controls money or personal property which belongs to the judgment debtor or is indebted to the judgment debtor.<sup>2</sup>

(10) The money or property held by the garnishee is not exempt from garnishment because:  
(*check one*)

In compliance with NMSA 1978, Section 57-32-4, and 13.10.39.9 NMAC, judgment creditor has determined that the judgment debtor is not now an indigent patient as defined in NMSA 1978, Section 57-32-2(G);

or

Judgment creditor has determined the judgment debtor is not now indigent based on information and belief, and was unable to determine otherwise due to the noncooperation by the judgment debtor. In compliance with 13.10.39.9(A)(b) NMAC, judgment creditor affirms that it made at least three documented efforts to contact the judgment debtor as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(11) Therefore, the judgment creditor requests a Writ of Garnishment.

(12) On issuance of a Writ of Garnishment, judgment creditor will promptly serve the judgment debtor and the garnishee a copy of the application for writ of garnishment and the writ of garnishment, and also shall serve the judgment debtor with the following forms:

- (a) a notice of right to claim exemptions;<sup>3</sup>
- (b) a claim of exemptions on garnishment;<sup>4</sup> and
- (c) a copy of the current Attestation of Indigency form promulgated by the New Mexico Office of the Superintendent of Insurance.<sup>5</sup>

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

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

\_\_\_\_\_  
Address of judgment creditor or attorney

\_\_\_\_\_  
City, state, and zip code (*print*)

\_\_\_\_\_  
Telephone number of judgment creditor or attorney

\_\_\_\_\_  
Date of signing

**AFFIDAVIT**

*(application must be sworn to  
unless signed by an attorney)*

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

*(seal)*

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