

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
IN THE METROPOLITAN COURT

_____,
Plaintiff,

v. Case No. _____

_____,
Defendant.

APPLICATION FOR WRIT OF EXECUTION (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 _____ (*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 total \$_____.

Payments totaling \$_____ have been received.

The unpaid balance now due is \$_____ plus interest from the date this Application is executed.

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

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

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:

(4) The judgment debtor is a natural person, and no later than ten (10) days before filing this application for writ of execution:

I served the judgment debtor with:

a. a notice of right to claim exemptions;¹

(b) a claim of exemptions on execution;² and

(c) a copy of the current Attestation of Indigency form promulgated by the New Mexico Superintendent of Insurance;³

AND (*check one of the following*)

Within ten (10) days after service of the documents listed in Paragraph 4, the judgment debtor has filed an Attestation of Indigency form or other proof of indigency, or a claim of exemption(s) for the property to be seized and sold, and has served a copy on the judgment creditor. The judgment creditor disputes the judgment debtor's assertion of indigency or claimed exemption(s) and requests a hearing be held on this dispute.

or

Within ten (10) days after service of the documents listed in Paragraph 4, the judgment debtor has not requested a determination of indigency or filed a claim of exemption for the property to be seized and sold. The judgment creditor requests the court to issue a Writ of Execution for the 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 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 NOTES

1. Form 4-808A NMRA, Notice of Right to Claim Exemptions from Execution, must have been served on the judgment debtor.
2. Form 4-803 NMRA, Claim of Exemptions on Execution, must have been served on the judgment debtor.
3. The current Attestation of Indigency form, which must have been served on the judgment debtor, may be found via the link on the Office of Superintendent of Insurance's Patients Debt Collection Protection Act webpage at <https://www.osi.state.nm.us/pages/misc/patients-debt-collection-protection-act>.