

July 15, 1997

1 4-204

2
3 [2-202, 3-202]

4
5 STATE OF NEW MEXICO

6 _____ COURT

7 _____ COUNTY

8
9
10 _____, Plaintiff

11
12 v.

No. _____

13
14 Judge assigned:
15 _____

16 _____, Defendant

17
18
19 **CIVIL SUMMONS**

20
21 TO: _____, Defendant¹

22
23 ADDRESS: _____

24
25 GREETINGS:

26
27 This summons notifies you that a complaint has been filed
28 against you. A copy of the complaint and an answer form² are
29 attached to this summons. You are required to serve and file
30 an answer to the complaint, or a responsive pleading, within
31 **TWENTY (20) DAYS AFTER THE SUMMONS HAS BEEN SERVED ON YOU.**
32 You must file the answer or responsive pleading with the clerk
33 of the (Magistrate) (Metropolitan) Court and you must serve a
34 copy of the answer or responsive pleading on the opposing
35 party.

36
37 **IF YOU DO NOT FILE AND SERVE AN ANSWER OR RESPONSIVE**
38 **PLEADING WITHIN THE TWENTY (20) DAY PERIOD, A DEFAULT JUDGMENT**
39 **MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER RELIEF**
40 **DEMANDED IN THE COMPLAINT.**

41
42 *(The following paragraph is for use only if summons issued by*
43 *the Metropolitan Court.)*

44
45 **IF YOU WANT A TAPE RECORDING OF ANY PROCEEDING, YOU MUST**
46 **REQUEST IT PRIOR TO THE BEGINNING OF THE PROCEEDING. IF YOU**
47 **DO NOT ASK FOR A TAPE RECORDING, YOU WILL NOT HAVE A RECORD OF**
48 **THE PROCEEDINGS TO TAKE TO THE DISTRICT COURT FOR ANY APPEAL.**

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1 Your answer must be filed with the court which is located
2 at: _____ (street address of court)

3
4 A copy of your answer or responsive pleading must be
5 mailed to: (name and address of plaintiff or plaintiff's
6 attorney)

7
8 Name: _____

9
10 Address: _____
11 _____

12
13 _____
14 Clerk

15
16
17 **R E T U R N**

18
19 STATE OF NEW MEXICO)
20) ss
21 COUNTY OF _____)

22
23 **(complete the following, unless service by sheriff or deputy)³**
24 I, being sworn, state that I am over the age of eighteen (18)
25 years and not a party to this lawsuit, and that I served this
26 summons in _____ county on the ____ day of
27 _____, _____, by delivering a copy of this summons,
28 a copy of the complaint and an answer (indicate below how
29 served):

30
31 **(complete if service by sheriff or deputy)³**
32 I certify that I served this summons in _____
33 county on the ____ day of _____, _____, by
34 delivering a copy of this summons, a copy of the complaint and
35 an answer form in the following manner:

36
37 _____
38 _____
39
40 **(person serving summons must check one box and fill in**
41 **appropriate blanks)**

42
43 [] by delivering a copy of this summons, a copy of the
44 complaint and an answer form to the defendant,
45 _____ (used when defendant receives copy
46 of summons or refuses to receive summons).

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1 [] by delivering a copy of this summons, a copy of the
2 complaint and an answer form to _____, a
3 person over fifteen (15) years of age and residing at the
4 usual place of abode of the defendant, _____,
5 located at _____ (address).
6 (used when defendant is not presently at the abode.)
7

8 [] by posting a copy of the summons, complaint and an answer
9 form in the most public part of the usual place of abode
10 of _____ (name of defendant) located at
11 _____ (address) (used if no person found at
12 dwelling house or usual place of abode).
13

14 (If service is by posting a copy of the summons,
15 complaint and an answer form must also be mailed to
16 the person served. The person serving by posting
17 and the person serving by mail must each sign a
18 return. The person mailing must check and complete
19 the certificate of mailing at the end of this
20 summons.)
21

22 [] by delivering a copy of this summons, a copy of the
23 complaint and an answer form to _____, an
24 agent authorized to receive service of process for
25 defendant.
26

27 [] by delivering a copy of this summons, a copy of the
28 complaint and an answer form to _____, (parent)
29 (guardian) (custodian) of defendant (used when defendant
30 is a minor or an incompetent person).
31

32 [] by delivering a copy of this summons, a copy of the
33 complaint and an answer form to _____
34 (name of person), _____, (title of person
35 authorized to receive service) (used when defendant is a
36 corporation or an association subject to a suit under a
37 common name, a land grant board of trustees, the State of
38 New Mexico or any political subdivision).
39

40 [] by service by mail.
41

42 Fees: _____
43
44

45 _____
46 Signature of person making service

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1 _____
2 Title (if any)

3
4 Subscribed and sworn to
5 before me this _____
6 day of _____, _____

7 _____
8 Judge, notary or other officer
9 authorized to administer oaths³

10
11 _____
12 Official title

13
14 *(To be completed if service is made by posting)*⁴

15
16 I, being sworn, state that I am over the age of eighteen (18)
17 years and not a party to this lawsuit, and that I served a
18 copy of this summons on the ____ day of _____,
19 _____, by mailing first class mail, postage prepaid, a copy of
20 this summons, a copy of the complaint, and an answer form to:

21
22 _____ *(name of person served)*

23
24 _____ *(address where mailed)*

25
26 _____ *(county)*

27
28 _____ *(city, state and zip code)*

29
30
31 _____
32 Signature of person making service

33
34 _____
35 Title (if any)

36
37 _____
38 Place of mailing

39
40 _____
41 Date

42
43 Subscribed and sworn to
44 before me this _____
45 day of _____, _____

46 _____

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1 Judge, notary or other officer
2 authorized to administer oaths³

3
4 _____
5 Official title

6
7 *(To be completed if service is made by mail.)*⁵

8
9 I, being sworn, state that I am over the age of eighteen (18)
10 years and not a party to this lawsuit, and that I served a
11 copy of this summons on the ____ day of _____,
12 _____, by mailing first class mail, postage prepaid, a copy of
13 this summons, a copy of the complaint, an answer form and two
14 copies of the notice and acknowledgement and a return
15 envelope, postage prepaid, addressed to:

16
17 _____ *(name of person served)*
18 _____ *(address where mailed)*
19 _____ *(county)*
20 _____ *(city, state and zip code)*

21
22
23 _____
24 Signature of person making service

25
26 _____
27 Title (if any)

28
29 _____
30 Place of mailing

31
32 _____
33 Date

34
35 Subscribed and sworn to before me
36 this ____ day of _____,
37 _____.

38
39 _____
40 Judge, notary or other officer
41 authorized to administer oaths

42
43 _____
44 Official title³

45
46 **USE NOTES**

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- 1 1. *A separate summons must be used for each*
2 *defendant.*
- 3
- 4 2. *An answer form must be attached to the*
5 *summons at the time of service. For*
6 *answer forms, see Rules 4-301 and 4-302*
7 *NMRA.*
- 8
- 9 3. *If service is made by the sheriff or a*
10 *deputy sheriff of a New Mexico county,*
11 *the signature of the sheriff or deputy*
12 *need not be notarized.*
- 13
- 14 4. *For use when service is by posting.*
- 15
- 16 5. *If service is by mail, Civil Form 4-208*
17 *must be completed and mailed with this*
18 *summons.*
- 19

20 [As amended, effective January 1, 1987; January 1, 1990; July
21 1, 1990; October 1, 1991; January 1, 1993; May 1, 1994;
22 September 2, 1997.]

23 DBD::DB2::st execute failed: [IBM][CLI Driver][DB2/6000]
24 SQL0530N The insert or update value of the FOREIGN KEY
25 "DBUSER.BILLDETAIL.SQL980508102800170" is not equal to any
26 value of the parent key of the parent table. SQLSTATE=23503
27