

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEW MEXICO

In re:

Case No.

Debtor(s).

Plaintiff(s),

v.

Adv. Pro. No.

Defendant(s).

APPLICATION FOR WRIT OF GARNISHMENT

The judgment creditor, _____, states:

- (1) The judgment creditor has a judgment dated _____ against the judgment debtor whose name is _____, and whose last known address is _____.
- (2) The total amount of the judgment including the principal, interest, costs, and attorney fees awarded by the judgment was \$_____.
- (3) 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 \$_____.
- (4) Payments totaling \$_____ have been received.
- (5) The unpaid balance now due is \$_____ (*Insert this amount on NM LF 5003-6 as "Balance Due upon Application for Writ."*) plus interest from the date this Application is filed.
- (6) Estimated costs would equal \$_____ and the judgment creditor will seek \$_____ in attorney fees.

(7) 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:¹
(This allegation is not necessary prior to garnishment of funds for child support or alimony obligations.)

(8) 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.²

(9) The money or property held by the garnishee is not exempt from garnishment.

Therefore the judgment creditor requests a Writ of Garnishment.

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 _____, 20__.

Notary or other officer authorized
to administer oaths

(seal)

USE NOTE

1. The judgment creditor shall list any steps taken to investigate whether the judgment debtor possesses property within New Mexico subject to execution to satisfy the judgment. A reasonable investigation may be made, for example, by conducting a credit check or by asking the judgment debtor to identify all of the judgment debtor's assets during a court hearing.

2. *See Jemko v. Liaghat*, 106 N.M. 50, 52, 738 P.2d 922, 925 (Ct. App. 1987) (providing that a judgment creditor, acting pursuant to a writ of garnishment, may only seize property belonging to the judgment debtor); *Alcantar v. Sanchez*, 2011-NMCA-073, 150 N.M. 146, 257 P.3d 966 (discussing garnishment procedures in the case of joint bank accounts).

[The content of this NM LF 5003-6(4-805) matches Form 4-805 NMRA, last amended January 7, 2013.]