

# Administrative Office of the Courts

## Supreme Court of New Mexico

Arthur W. Pepin, Director



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Santa Fe, NM 87501

### Judicial Information Division (JID)

**Eviction Prevention and Diversion Program (EPDP)**  
**Uniform Owner-Resident Relations Act (UORRA) and**  
**Mobile Home Park Act (MHPA)**  
**Cases for Nonpayment of Rent**  
**Standard Operating Procedure**  
**Version 1.3.0**

Created: (3/2022)

## EVICITION PREVENTION AND DIVERSION PROGRAM

### COURT / DEPARTMENT / DIVISION AND USER

Portions of this procedure are to be used by Magistrate and Metropolitan Court Judicial Specialists, Leadworkers, Supervisors and Managers.

Portions of this procedure are to be used by the Eviction Prevention and Diversion Program (EPDP) and the Facilitator.

### INTRODUCTION

Per Supreme Court Order No. 22-8500-012, the stays on writs of restitution created by Supreme Court Order No 20-8500-007 and Order No 20-8500-008 were lifted and the Eviction Prevention and Diversion Program (EPDP) was created to assist landlords and tenants in eviction proceedings with rental and relocation assistance applications and processing. It also provides the parties an opportunity to engage in settlement facilitation.

The Supreme Court Order creates two tracks for court cases to follow.

- **Track A:**  
Consists of existing Uniform Owner-Resident Relations Act (UORRA) and Mobile Home Park Act (MHPA) cases in which the Plaintiff has obtained a Judgment for Restitution, a Judgment for Possession, or a Writ of Restitution that has not been executed.
- **Track B:**  
Consists of new or currently pending cases for Uniform Owner-Resident Relations Act (UORRA) and Mobile Home Park Act (MHPA) in which the court has not issued a Judgment for Restitution or a Judgment for Possession.

To qualify for the Eviction Diversion and Prevention Program, the case must be:

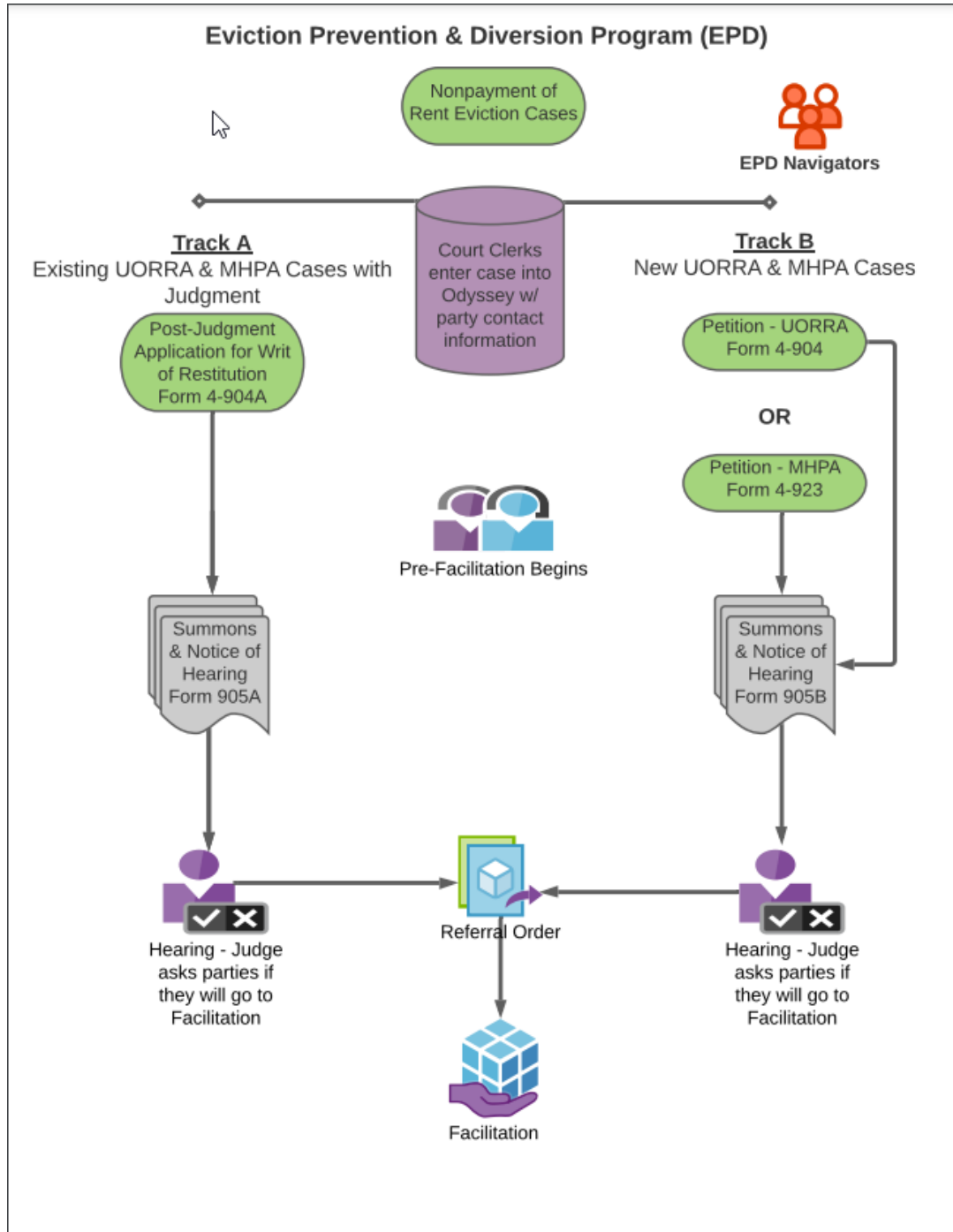
- Landlord Tenant (LT) or Mobile Home Park Act (MP) civil cause of action
- Must involve the issue of Non Payment of Rent
- Must be about a residential property, i.e., not a commercial property
- Both parties must agree to facilitate

This SOP contains procedures for Court and EPDP staff.

Per Supreme Court Order No. 22-8500-012, this program will be expanded statewide and the stay of writs of restitution shall be lifted per the following schedule:

Effective Date	Districts
February 1, 2022	Ninth (Pilot Court per Supreme Court Order No. 22-8500-001)
April 1, 2022	Second, Fifth, Tenth and Twelfth
May 1, 2022	Third, Sixth and Seventh
Jun 1, 2022	First, Fourth and Eighth
Jul 1, 2022	Eleventh and Thirteenth

The following flowchart illustrates the process.



## RELEVANT DATA STANDARDS

Data Standards were approved by the Supreme Court on May 20, 2020. Using the data standards will result in improved data collection and reporting; improved data quality; improved consistency in case processing; improved court efficiency; and improved ability to establish court staffing needs. Refer to the following data standards for any procedures that may or may not be specifically mentioned in this SOP:

General	Case Specific
1.7.0 Forms	4.1.0 General Civil Data Standards – all sections
1.8.0 Hearings	
1.9.0 Interpreters	
1.13.0 Reopenings	
1.14.0 Reports	
1.15.0 Scanning	
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**DOCKET CODES SPECIFIC TO THE EVICTION PREVENTION & DIVERSION PROGRAM**

Docket Event Code	Description
8013	Eviction Prevention and Diversion Program Referral
8014	Eviction Prevention Post Judgment Application Restitution
8015	Eviction Prevention Notice of Payment
8016	Eviction Prevention Outcome Report
8017	DUE: Eviction Prevention Outcome Report
9567	NTC: Eviction Prevention Stipulation of Dismissal
3065	CLS: Eviction Prevention Order of Dismissal

**FORMS AVAILABLE IN ODYSSEY SPECIFIC TO THE EVICTION PREVENTION & DIVERSION PROGRAM**

Form Number and Name in Odyssey	Description
CV-4-904A EPDP Post Judgment App for Writ of Rest and Request for Hearing (UORRA Mobile Home Park)	Post Judgment Application for Writ of Restitution and Request for Hearing (UORRA; MHPA)
CV-4-904B EPDP Petition by Owner for Restitution (UORRA)	Petition by Owner for Restitution (UORRA)
CV-4-905A EPDP Summons and NOH on Post Judgment App for Writ of Rest (UORRA Mobile Home)	Summons and Notice of Trial on Petition for Writ of Restitution (UORRA; MHPA)
CV-4-905B EPDP Summs and NOH on Pet for Rest or Pet for Term of Tenancy Judgment Poss (UORRA Mobile)	Summons and Notice of Hearing on Petition for Restitution or Petition for Termination of Tenancy and Judgment of Possession (UORRA; MHPA)
CV-4-908A EPDP Order of Referral to Facilitation (UORRA Mobile Home Park Act)	Order of Referral to Facilitation (UORRA; MHPA)
CV-4-908B EPDP Stipulation of Dismiss w Prejudice after Facilitated Settlement Agree (UORRA Mobile)	Stipulation of Dismissal with Prejudice after Facilitated Settlement Agreement (UORRA; MHPA)
CV-4-908C EPDP Notice of Payment (UORRA Mobile Home Park Act)	Notice of Payment (UORRA; MHPA)
CV-4-923A EPDP Pet by Landlord for Term of Tenancy and Judgment Possession (Mobile Home Park Act)	Petition by Landlord for Termination of Tenancy and Judgment (MHPA)

## NAVIGATION AND STEPS

### I. TRACK A: POST-JUDGMENT CASES

**Track A consists of cases where a judgment for restitution, judgment for possession under the mobile home park act or for any writ of restitution for nonpayment of rent:**

- Has been issued on or after March 24, 2020 and before February 1, 2022 and deemed null and void;
- Where the Defendant has a judgment against them, remains in possession of the subject premises; and
- Where the Defendant continues to remain in arrears on rent due under the judgment

For Track A cases, the person who obtained the writ of restitution for nonpayment of rent, or their successor in interest, may file a new, separate post-judgment application for a writ of restitution on or after the effective phase in date for each district.

See the chart in the Introduction section of the SOP for the effective phase in dates for each district per Supreme Court Order No. 22-8500-012.

- 1) After the person who obtained the writ of restitution for nonpayment of rent, or their successor in interest, files a new, separate post-judgment application for a writ of restitution and request for hearing, Form 4-904A.
- 2) **For Court:** Ensure the Post-Judgment Application for Writ of Restitution and Request for Hearing is docketed using Docket Event Code 8014 Eviction Prevention Post Judgment Application Restitution. **Use of this code will automatically place the case back to a Pending status.**

Date	Type and Comment
03/19/2022	<b>Eviction Prevention Post Judgment Application Restitution</b>
01/20/2020	<b>NCJ: JUDGMENT OWNER/ RESIDENT</b> In Favor Of: Plaintiff Plaintiff, Sample Against: Defendant Defendant, Sample
01/20/2020	<b>Decision for the Plaintiff</b>
01/20/2020	<b>EXE: WRIT OF RESTITUTION ISSUED</b> 01/20/2020 <b>Writ of Restitution (Uniform Owner Resident Relations Act)</b>
01/20/2020	<b>ORD: Order Setting Escrow Deposit/Appeal Bond</b>
01/08/2020	<b>RET: SUMMONS SERVED</b>
01/06/2020	<b>SUMMONS ISSUED</b> 01/06/2020 <b>Summons and Notice of Trial (UORRA)</b>
01/06/2020	<b>3 DAY NOTICE OF NON-PAYMENT OF RENT FILED</b>
01/06/2020	<b>7 DAY NOTICE OF NON-COMPLIANCE W/ RENTAL AGREEMENT FILED</b>
01/06/2020	<b>OPN: OWNER RESTITUTION PETITION</b>

- 3) Schedule the “Restitution Trial” for not less than 7 business days from the date of filing and use Form 4-905A, Summons and Notice of Hearing on Post-Judgment Application for Writ of Restitution available in Odyssey. (Courts usually allow 3 days to accomplish service from the date of filing, so you will schedule for 10 business days out from the date of filing.)
- 4) Save.

Find Court Sessions

Case # **M-12-CV-2022-00074** Sample Plaintiff, Plaintiff(s) v. Sample Defendant, Defendant(s)  
Type Landlord Tenant

Type

Comment

Restitution **3** Restitution Trial

Calendars

Show

Priority

From 03/18/2022 To

Start  End  Dur

Resources

Find  Interpreter Required

Session Search Results Previous Next Selected Sessions

Click the Find button to search for court sessions.

Click on a row in the Session Search Results table.

Hearing Flags

Supplemental Hearing Information **4**

Event  Party

Add Next Save Exit

- 5) The service packet shall include all of the following documents for each defendant
  - a) Legible copy of the Summons and Notice of Hearing on Post-Judgment Application for Writ of Restitution;
  - b) Legible copy of the Post-Judgment Application for Writ of Restitution filed by the plaintiff;
  - c) Legible copy of the Judgment for Restitution (UORRA) or the Judgment for Possession (MHPA) against the defendant; and
  - d) Legible copy of the designated Resource Information sheet including information about emergency rental assistance and legal assistance. This document is already included in the Service Packet available in Odyssey.

At the Hearing:

If the case is proceeding in the Metropolitan Court and arises under the Mobile Home Park Act, the judge shall inquire if either party requests that a recording be made of the hearing for use in any subsequent on-record appeal. Clerks should follow their current procedure and add a flag to the case “Request for Recording” and select the party that requested the recording. A comment should be added that the request was submitted in open court or by motion.

At the hearing, if the parties do not agree to participate in the Eviction Prevention and Diversion Program, the court may issue a writ of restitution using Form 4-913 NMRA (Uniform Resident-Owner Relation Act) or Form 4-929 NMRA (Mobile Home Park Act) as applicable. These forms are available in Odyssey.

At the hearing, if the parties agree to participate in the Eviction Prevention and Diversion Program, the judge shall continue the hearing for thirty (30) days and shall refer the parties to the program. Follow instructions for Referring a Case to EPDP available in section IV.

## II. TRACK B: NEW CASES

**WHEN OPENING A NEW LANDLORD TENANT CASE OR MOBILE HOME PARK CASE FOLLOW PROCEDURES FOR PREPARING A SUMMONS PACKET USING FORM 4-905B SUMMONS AND NOTICE OF HEARING ON PETITION FOR RESTITUTION OR PETITION FOR TERMINATION OF TENANCY AND JUDGMENT OF POSSESSION.**

- 1) The service packet shall include all the following documents for each defendant
  - a) Legible copy of the Summons and Notice of Hearing on Petition for Restitution or Possession Form 4-905B Summons and Notice of Hearing on Petition for Restitution or Petition for Termination of Tenancy and Judgment of Possession (UORRA; MHPA);
  - b) Legible copy of the designated Resource Information sheet including information about emergency rental assistance and legal assistance. This document is already included in the Service Packet available in Odyssey.
- 2) At time of Restitution trial if parties agree to facilitate refer to section IV of SOP, Referring a case to EPDP.
- 3) If parties do not agree to facilitation, the judge will proceed with the Restitution trial.

### III. TRACK B: PENDING CASES

**THESE ARE PENDING CASES THAT DO NOT HAVE A JUDGMENT. THESE CASES MAY HAVE PREVIOUSLY HAD A SUMMONS PACKET CREATED, HOWEVER, THE SUPREME COURT ORDER INSTRUCTS THAT A SUMMONS AND NOTICE OF HEARING BE SERVED ON THE DEFENDANT BY HAND DELIVERY OR POSTING AND MAILING, USING FORM 4-905B NMRA SUMMONS AND NOTICE OF HEARING ON PETITION FOR RESTITUTION OR PETITION FOR TERMINATION OF TENANCY AND JUDGMENT OF POSSESSION. THIS MEANS SOME CASES MAY HAVE TWO SETS OF SUMMONS.**

- 1) The service packet shall include all the following documents for each defendant
  - a) Legible copy of the Summons and Notice of Hearing on Petition for Restitution or Possession;
  - b) Legible copy of the designated Resource Information sheet including information about emergency rental assistance and legal assistance. This document is already included in the Service Packet available in Odyssey.
- 2) At time of Restitution trial if parties agree to facilitate refer to section IV of SOP, Referring a case to EPDP.
- 3) If parties do not agree to facilitation, the judge will proceed with the Restitution trial.

## IV. REFERRING CASES TO EPDP AFTER RESTITUTION TRIAL AND IF PARTIES AGREE TO FACILITATE

- 1) Refer case to EPDP Facilitation. Create Order of Referral using Form CV-4-908A (available in Odyssey).

The screenshot displays the Odyssey case management interface. The main window shows a case titled "Sample Plaintiff, Plaintiff(s) v. Sample Defendant, Defendant(s)" with a type of "Landlord Tenant". The "Events" tab is active, showing a list of events from 03/19/2022 to 03/25/2022. A "Select Document" dialog box is open, displaying a search for "epdp" and a list of 8 results. A blue circle with the number "1" and an arrow points to the document "CV-4-908A-EPDP ORDER OF REFERRAL TO FACILITATION (UORRA MOBILE HOME PARK ACT)".

Date	Type and Comment
03/25/2022	Restitution Trial (Judicial Officer: Vander Dussen, Janemarie A.)
03/20/2022	RET: SUMMONS SERVED
03/19/2022	SUMMONS ISSUED
03/19/2022	Summons and Notice of Trial (UORRA)
03/19/2022	3 DAY NOTICE OF NON-PAYMENT OF RENT FILED
03/19/2022	
03/19/2022	

Info	Name	Type	Owner
	02/01/2022 CV-4-9048-EPDP PETITION BY OWNER FOR RESTITUTION (UORRA)		
	3. CV-4-905A-EPDP SUMMONS AND NOH ON POST JUDGEMENT APP FOR WRIT OF REST (UORRA MOBILE HOME)	CIVIL FORM WITHO	Jennifer Vallejos
	02/01/2022 CV-4-905A-EPDP SUMMONS AND NOH ON POST JUDGEMENT APP FOR WRI...		
	4. CV-4-905B-EPDP SUMMS AND NOH ON PET FOR REST OR PET FOR TERM OF TENANCY JUDGEMENT POSS(UORRA MOBILE)	CIVIL FORM WITHO	Jennifer Vallejos
	02/01/2022 CV-4-905B-EPDP SUMMS AND NOH ON PET FOR REST OR PET FOR TERM O...		
	5. CV-4-908A-EPDP ORDER OF REFERRAL TO FACILITATION (UORRA MOBILE HOME PARK ACT)	CIVIL FORM WITHO	Jennifer Vallejos
	02/01/2022 CV-4-908A-EPDP ORDER OF REFERRAL TO FACILITATION (UORRA MOBILE H...		

- 2) Docket using event code 8013: Eviction Prevention and Diversion Program Referral.

Sample Plaintiff, Plaintiff(s) v. Sample Defendant, Defendant(s)	
Type Landlord Tenant	
Events <span style="float: right;">Previ</span>	
Date	Type and Comment
04/05/2022	<b>Eviction Prevention and Diversion Program Referral</b> ← 2
04/05/2022	Restitution Trial (Judicial Officer: Burns, F. Shaun)
03/22/2022	<b>RET: SUMMONS SERVED</b>
03/22/2022	<b>SUMMONS ISSUED</b>
03/22/2022	Summons and Notice of Trial (UORRA)
03/22/2022	<b>3 DAY NOTICE OF NON-PAYMENT OF RENT FILED</b>
03/22/2022	<b>7 DAY NOTICE OF NON-COMPLIANCE W/ RENTAL AGREEMENT FILED</b>
03/22/2022	<b>OPN: OWNER RESTITUTION PETITION</b>

- 3) Schedule a hearing in Odyssey
  - a) Use the Facilitation Hearing type
  - b) Schedule the hearing at least 2 weeks out to allow for a facilitator to be appointed, but no more than 30 days from the Restitution Trial. Allow 2 hours for the Facilitation.
  - c) Resource should be (Your Court) EPDP Facilitation.

### Find Court Sessions

Case # **M-12-CV-2022-00074**

Type **Facilitation Hearing**

Comment

Location **Curry County Magistrate Court in Clovis**

Calendars  Calendar Groups

Calendars

Show **All Search Results**

Sample Plaintiff, Plaintiff(s) v. Sample Defendant, Defendant(s)

Type Landlord Tenant

Priority

From **03/30/2022** To

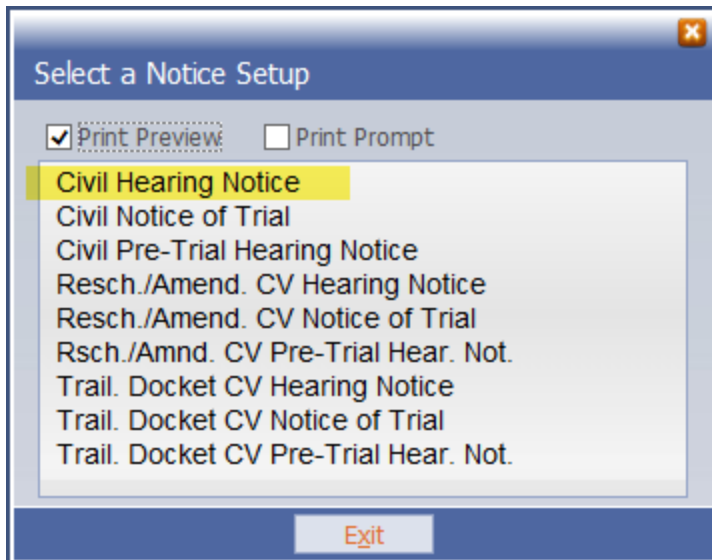
Start  End  Dur

Resources **Clovis Magistrate EPDP Facilitation**

Interpreter Required

Session Search Results	Previous	Next	Selected Sessions
1 0%	<b>03/30/2022</b>	<b>9:00 AM - 11:00 AM</b>	Curry County Magist L/T Facilitation No Judicial Officer or Clovis Magistrate EP

- 4) Create the Notice of Hearing using Odyssey Form M-NTC-4-113 (Civil Hearing Notice)
  - a) the Google Meets link and phone number will automatically merge onto the notice.  
**A Service Desk Ticket must be submitted to have this configured for your court**



STATE OF NEW MEXICO  
CURRY COUNTY MAGISTRATE COURT IN CLOVIS

**FILED IN  
CURRY COUNTY  
March 23, 2022  
MAGISTRATE COURT  
IN CLOVIS**

**Sample Plaintiff, Plaintiff(s)**  
v.  
**Sample Defendant, Defendant(s)**

No. M-12-CV-2022-00074

**NOTICE OF FACILITATION HEARING**

TO:  
Plaintiff: Sample Plaintiff  
Plaintiff Attorney: Sample Plaintiff  
Defendant: Sample Defendant  
Defendant Attorney: Sample Defendant

NOTICE IS HEREBY GIVEN that a Facilitation Hearing in this case has been set as follows:

**Date of Hearing: Wednesday, March 30, 2022**  
**Time of Hearing: 9:00 AM**  
**Place of Hearing: Join with Google Meet  
meet.google.com/buw-qrtn-ntz  
(US) +1 617-675-4444 PIN: 462 697 861 3263#**  
**Matter to be Heard:**

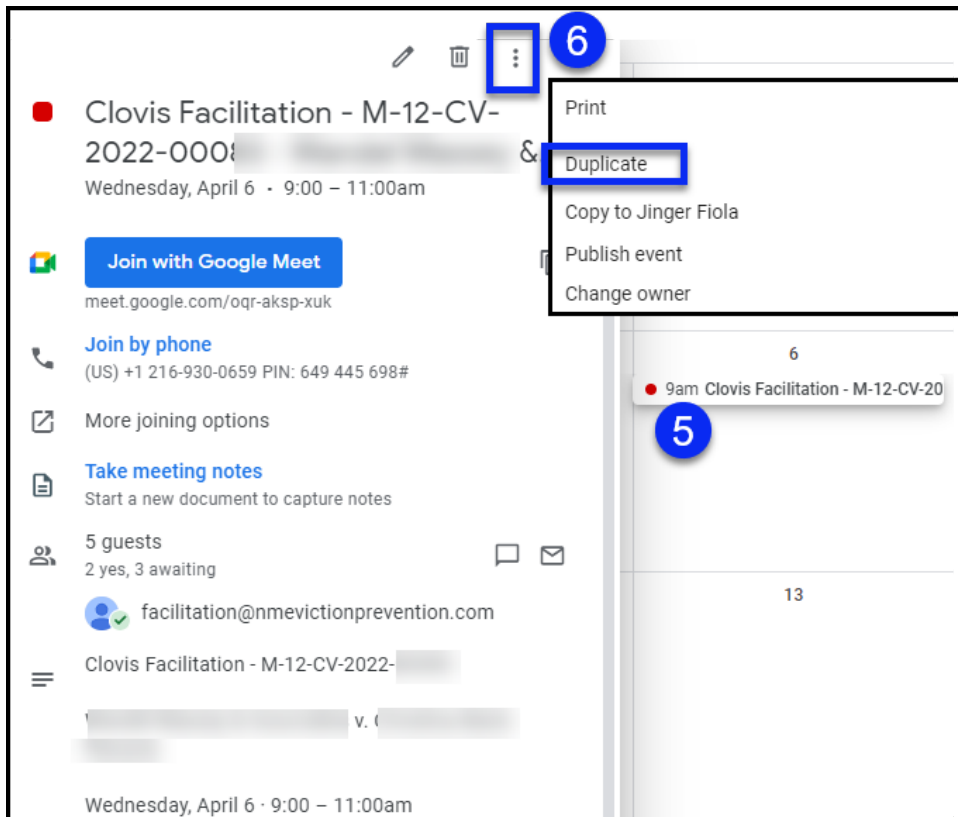
Jinger Fiola, Clerk

Please notify the clerk of the court of the nature of any disability at least five (5) days before any hearing, so appropriate accommodations can be made.

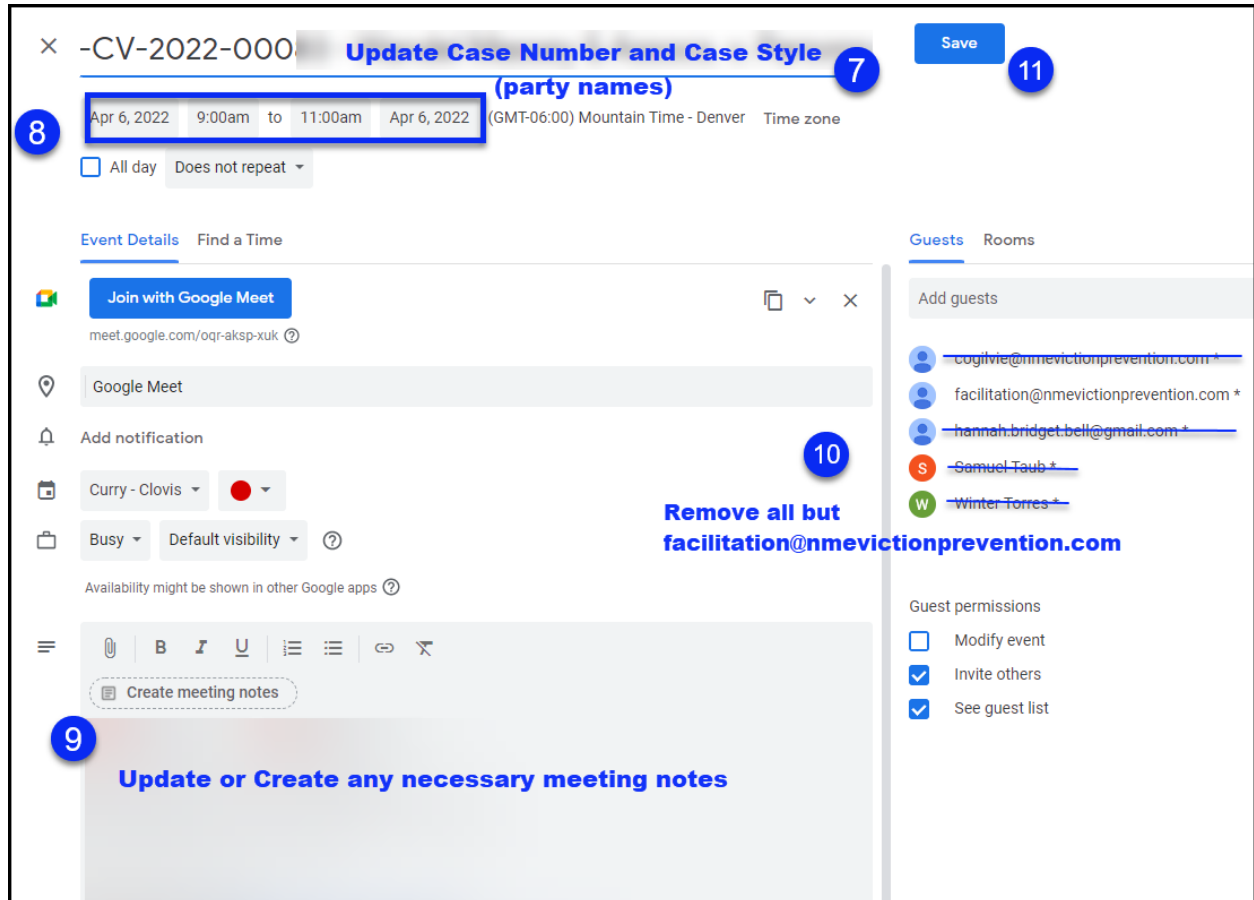
Once the hearing is scheduled in Odyssey, navigate to the Facilitation Calendar for your court

5) Click into one of the hearings

6) Click on the 3 dots in the upper right corner and select Duplicate





- 7) Update the case number and case style (party names)
- 8) Update the date and time of the Facilitation Hearing
- 9) Create or update any necessary meeting notes
- 10) Remove all email addresses except [facilitation@nmevictionprevention.com](mailto:facilitation@nmevictionprevention.com)
- 11) Save





- 12) Using the U.S. mail, provide the parties with
  - a) Notice of Facilitation; and
  - b) Order of Referral to Facilitation.
- 13) Email the (1) case pleadings; (2) Order of Referral to Facilitation; and (3) Notice of Facilitation to [facilitation@nmevictionprevention.com](mailto:facilitation@nmevictionprevention.com).
- 14) Scan the Notice of Facilitation to the Facilitation Hearing in the Events Tab
- 15) Docket 8017 DUE: Eviction Prevention Outcome Report. Set Due date 30 days from Referral to EPDP.

Date	Type and Comment
05/02/2022	Facilitation Hearing
04/05/2022	DUE: Eviction Prevention Outcome Report Due: 05/05/2022
04/05/2022	Eviction Prevention and Diversion Program Referral
04/05/2022	Restitution Trial (Judicial Officer: Burns, F. Shaun)
03/22/2022	RET: SUMMONS SERVED
03/22/2022	SUMMONS ISSUED 03/22/2022 Summons and Notice of Trial (UORRA)
03/22/2022	3 DAY NOTICE OF NON-PAYMENT OF RENT FILED
03/22/2022	7 DAY NOTICE OF NON-COMPLIANCE W/ RENTAL AGREEMENT FILED
03/22/2022	OPN: OWNER RESTITUTION PETITION

- a) The court may, upon its own motion or upon a party's motion, allow an extension of time to complete facilitation. If this happens,
  - i) Enter the Complete date on the original DUE event. Use the date of the Order extending deadline as the completion date.
  - ii) Docket a second Due event of 8017 DUE: Eviction Prevention Outcome Report with the new deadline as the due date.

Sample Plaintiff, Plaintiff(s) v. Sample Defendant, Defendant(s)	
Type Landlord Tenant	
Events	
Date	Type and Comment
04/04/2022	<b>Facilitation Hearing</b> 1
04/01/2022	<b>MED: Order for Extension of Time - Mediation</b> Order extending deadline for EDPD Facilitat
04/01/2022	<b>DUE: Eviction Prevention Outcome Report</b>  Due: 05/15/2022
03/25/2022	<b>Eviction Prevention Post Judgment Application Restitution</b>
03/25/2022	<b>DUE: Eviction Prevention Outcome Report</b> Ext on Granted on courts own motion Due: 04/25/2022 Completed: 04/01/2022 
03/25/2022	<b>Restitution Trial (Judicial Officer: Vander Dussen, Janemarie A.)</b>
03/20/2022	<b>RET: SUMMONS SERVED</b>
03/19/2022	<b>SUMMONS ISSUED</b>
03/19/2022	<b>Summons and Notice of Trial (UORRA)</b>
03/19/2022	<b>3 DAY NOTICE OF NON-PAYMENT OF RENT FILED</b>
03/19/2022	<b>7 DAY NOTICE OF NON-COMPLIANCE W/ RENTAL AGREEMENT FILED</b>
03/19/2022	<b>OPN: OWNER RESTITUTION PETITION</b>

- 16) **FOR EPDP:** EPDP will use this appointment/invite to secure a Facilitator.
  - a) EPDP staff may appear on the invite for notification purposes, but EPDP staff will not attend Facilitations.
- 17) **FOR COURT:** Once the Outcome report is filed, docket using code 8016; Eviction Prevention Outcome Report. Indicate in the comment whether the facilitation was successful or unsuccessful.
- 18) Complete the Due date on the DUE: Eviction Prevention Report with the filing date of the Outcome Report.

Sample Plaintiff, Plaintiff(s) v. Sample Defendant, Defendant(s)	
Type Landlord Tenant	
Events	
Date	Type and Comment
05/02/2022	<b>Eviction Prevention Outcome Report</b> Unsuccessful Facilitation 
05/02/2022	<b>Mediation Hearing (Judicial Officer: Burns, F. Shaun)</b>
04/05/2022	<b>DUE: Eviction Prevention Outcome Report</b>  Due: 05/05/2022 Completed: 05/02/2022
04/05/2022	<b>Eviction Prevention and Diversion Program Referral</b>
04/05/2022	<b>Restitution Trial (Judicial Officer: Burns, F. Shaun)</b>
03/22/2022	<b>RET: SUMMONS SERVED</b>
03/22/2022	<b>SUMMONS ISSUED</b>
03/22/2022	<b>Summons and Notice of Trial (UORRA)</b>
03/22/2022	<b>3 DAY NOTICE OF NON-PAYMENT OF RENT FILED</b>
03/22/2022	<b>7 DAY NOTICE OF NON-COMPLIANCE W/ RENTAL AGREEMENT FILED</b>
03/22/2022	<b>OPN: OWNER RESTITUTION PETITION</b>

Outcome reports should also be filed if either party does not participate in the Facilitation or if the Parties do not settle in 30 days.

It is recommended to run a daily Event Listing Report for 8017 DUE: Eviction Prevention Outcome Report to find any cases that are not completed. See the SOP for General Information about Odyssey Reports to schedule a recurring report.

It is recommended to schedule a Presentment Hearing with the EPDP to ensure cases are processed on a timely basis. Notice for the Presentment Hearing should go to all parties and EPDP. Once the Outcome Report has been filed, the Presentment Hearing can be easily vacated. Check with your court to determine what your local procedures are in this situation.

## V. STEPS IF A CASE HAS NOT SETTLED THROUGH THE EPDP

If an Outcome report is filed that indicates Facilitation was unsuccessful, the Court should schedule the case for a Restitution Trial

Outcome reports should also be filed if either party does not participate in the Facilitation or if the Parties do not settle in 30 days.

It is recommended to run a daily Event Listing Report for 8017 DUE: Eviction Prevention Outcome Report to find any cases that are not completed. See the SOP for General Information about Odyssey Reports to schedule a recurring report.

It is recommended to schedule a Presentment Hearing with the EPDP to ensure cases are processed on a timely basis. Once the Outcome Report has been filed, the Presentment Hearing can be easily vacated. Check with your court to determine what your local procedures are in this situation.

## VI. STEPS AFTER CASE HAS SETTLED THROUGH THE EPDP

- 1) **For Facilitator/EPDP:** If the Parties reach a settlement, the Facilitator will notify the EPDP. All forms referenced are available in Odyssey.
  - a) The Facilitator will fill out an Outcome Report and provide it to EPDP.
    - i) EPDP will provide the Outcome Report to the court within 3 business days.
- 2) The EPDP will collect signatures on Form 4-908B, Stipulation of Dismissal with Prejudice after Facilitated Settlement Agreement via Adobe Sign, first from the Plaintiff, and then from the Defendant.
  - a) Only the Parties will maintain copies of any Facilitated Settlement Agreement.
- 3) EPDP will confirm any Department of Finance payment is paid properly and document this on Form 4-908C, Notice of Payment.
- 4) Upon this payment confirmation, a New Mexico licensed attorney with EPDP will submit the following forms to the court through File & Serve:

Title of Pleading	Description in File & Serve
Stipulation of Dismissal (Form 4-908B)	NTC: Eviction Prevention Stipulation of Dismissal
Notice of Payment (Form 4-908C)	Eviction Prevention Notice of Payment
Order of Dismissal with Prejudice (Form-908D)	CLS: Eviction Prevention Order of Dismissal

5) **For Court:** Always ACCEPT the following pleadings through File & Serve and ensure the correct docket code has been selected:

Docket Code & Description	Title of Pleading
9567 NTC: Eviction Prevention Stipulation of Dismissal	Stipulation of Dismissal (Form 4-908B)
8015 Eviction Prevention Notice of Payment	Notice of Payment (Form 4-908C)
3065 CLS: Eviction Prevention Order of Dismissal	Order of Dismissal with Prejudice (Form-4-908D)

- 6) The docket event 3065 CLS: Eviction Prevention Order of Dismissal will automatically close the case. Complete the Judgment portion on the Disposition Tab.
- a) Select Stipulated Dismissal/Mediation
  - b) Add file date of Order of Dismissal
  - c) Ensure the correct judge is defaulted
  - d) Place check mark on all outstanding causes
  - e) Right click your mouse in the lower portion of the component to get the option to “Delete Component” and click on it.

The screenshot shows the 'Add Judgment' form with the following fields and callouts:

- a**: Type dropdown menu set to 'Stipulated Dismissal/Mediation'
- b**: Date field set to '03/22/2022'
- c**: Judge dropdown menu set to 'Burns, F. Shaun'
- d**: Causes list with 'Landlord Tenant (Resident)' checked
- e**: 'Delete Component' button over the 'In Favor Of' field
- Other fields include: Rents, Damages, Other Damages, Interest to Date, Attorney Fees, Costs, Total \$, Appeal Amounts, Post Judgment, Eviction, Eviction Address, and Describe Replevin Property.
- Buttons at the bottom: Save, Exit

f) Once the judgment component is deleted, click on save.

The screenshot shows the 'Add Judgment' form after a component has been deleted. The fields are:

- Type: Stipulated Dismissal/Mediation
- Date: 03/22/2022
- Judge: Burns, F. Shaun
- Does not affect aging clock: Does not affect aging clock
- Causes: Landlord Tenant (Resident) (checked)
- Judgment: [Empty field] Add
- Buttons at the bottom: Save, Exit

Callout **f** points to the 'Save' button.

## VII. SUPREME COURT ORDER

1                   **IN THE SUPREME COURT OF THE STATE OF NEW MEXICO**

2   **March 16, 2022**

3  
4           **NO. 22-8500-012**

5  
6           **IN THE MATTER OF LIFTING THE STAY**  
7           **OF WRITS OF RESTITUTION**  
8           **ISSUED UNDER THE UNIFORM**  
9           **OWNER-RESIDENT RELATIONS ACT**  
10          **AND THE MOBILE HOME PARK ACT**  
11          **DURING THE COVID-19**  
12          **PUBLIC HEALTH EMERGENCY**

13  
14  
15   ORDER

16  
17           WHEREAS, in Order No. 20-8500-007 and Order No. 20-8500-008, this  
18 Court recognized the need to exercise its equitable powers and power of  
19 superintending control over pleading and practice in the New Mexico Judiciary in  
20 response to the extraordinary circumstances presented by the onset of the COVID-  
21 19 public health emergency by balancing the need for imminent evictions in some  
22 circumstances with the directives from public health authorities that emphasized the  
23 need for New Mexicans to avoid unnecessary contact with one another and remain  
24 in their homes to the greatest extent possible during the COVID-19 public health  
25 emergency;

1           WHEREAS, Order No. 20-8500-007, issued March 24, 2020, stayed the  
2 execution of writs of restitution issued for the nonpayment of rent under the Uniform  
3 Owner-Resident Relations Act, NMSA 1978, Section 47-8-46(A) (1995);

4           WHEREAS, Order No. 20-8500-008, issued March 26, 2020, stayed the  
5 execution of writs of restitution issued for nonpayment of rent under the Mobile  
6 Home Park Act, NMSA 1978, Section 47-10-9(A) (1997);

7           WHEREAS, any stay of the execution of a writ of restitution under the terms  
8 of Order No. 20-8500-007 or Order No. 20-8500-008 also served to stay all  
9 applicable deadlines for appealing the writ of restitution;

10           WHEREAS, the Court launched its statewide Eviction Prevention and  
11 Diversion Program via an initial pilot in the Ninth Judicial District, which began on  
12 February 1, 2022;

13           WHEREAS, the Court believes it most prudent to expand the Eviction  
14 Prevention and Diversion Program to all judicial districts in New Mexico via a  
15 phased approach; and

16           WHEREAS, in light of the foregoing, and the Court being sufficiently  
17 advised, Chief Justice Michael E. Vigil, Justice C. Shannon Bacon, Justice David K.  
18 Thomson, Justice Julie J. Vargas, and Justice Briana H. Zamora concurring;

19           NOW, THEREFORE, IT IS ORDERED that the Eviction Prevention and  
20 Diversion program shall be expanded statewide, and the stay of writs of restitution

1 shall be lifted in accordance with the provisions of this order and the following  
2 schedule:

- 3 1. Effective April 1, 2022, the Eviction Prevention and Diversion Program  
4 shall begin and the stay of writs of restitution shall be lifted in the Second,  
5 Fifth, Tenth, and Twelfth Judicial Districts.
- 6 2. Effective May 1, 2022, the Eviction Prevention and Diversion Program  
7 shall begin and the stay of writs of restitution shall be lifted in the Third,  
8 Sixth, and Seventh Judicial Districts.
- 9 3. Effective June 1, 2022, the Eviction Prevention and Diversion Program  
10 shall begin and the stay of writs of restitution shall be lifted in the First,  
11 Fourth, and Eighth Judicial Districts.
- 12 4. Effective July 1, 2022, the Eviction Prevention and Diversion Program  
13 shall begin and the stay of writs of restitution shall be lifted in the Eleventh  
14 and Thirteenth Judicial Districts.

15 IT IS FURTHER ORDERED that any writ of restitution issued in any judicial  
16 district on or after March 24, 2020, for nonpayment of rent, in proceedings arising  
17 under the Uniform Owner-Resident Relations Act or the Mobile Home Park Act,  
18 that has not been executed before the scheduled phase-in date designated above for  
19 the judicial district in which the writ was issued, shall be deemed null and void, but  
20 a person who obtained the writ of restitution for nonpayment of rent, or the person's

1 successor in interest, may file a new, separate post-judgment application for a writ  
2 of restitution on or after the phase-in date for the appropriate judicial district;

3 IT IS FURTHER ORDERED that, pursuant to the phase-in schedule above,  
4 judges in all judicial districts presiding in eviction proceedings that arise under the  
5 Uniform Owner-Resident Relations Act or the Mobile Home Park Act for  
6 nonpayment of rent shall recommence issuing writs of restitution for nonpayment of  
7 rent in accordance with the terms of this order;

8 IT IS FURTHER ORDERED that the stay of applicable deadlines for appeal  
9 of a judgment for possession or restitution in all judicial districts is hereby LIFTED  
10 in each judicial district on the phase-in date for that judicial district;

11 IT IS FURTHER ORDERED that the district, metropolitan, and magistrate  
12 courts in all judicial districts shall issue writs of restitution for nonpayment of rent  
13 only in accordance with the following procedures:

14 **Track A. Plaintiff Has Obtained a Judgment for Restitution, a Judgment**  
15 **for Possession, or a Writ of Restitution That Has Not Been Executed.**

16  
17 ***I. Post-Judgment Application for Writ of Restitution.*** A plaintiff who  
18 has a judgment for restitution, judgment for possession, or writ of restitution that has  
19 not been executed and who seeks to evict a defendant for nonpayment of rent under  
20 the Uniform Owner-Resident Relations Act or the Mobile Home Park Act must  
21 recommence the eviction proceeding(s) using Form 4-904A NMRA, Post-Judgment  
22 Application for Writ of Restitution, if the following conditions are met:

- 1 (a) a court in any district except the Ninth Judicial District has issued:
- 2 (i) a Judgment for Restitution under the Uniform Owner-  
3 Resident Relations Act (see Forms 4-909 and 4-909A NMRA for  
4 metropolitan/district courts and magistrate courts, respectively) for nonpayment of  
5 rent;
- 6 (ii) a Judgment for Possession under the Mobile Home Park  
7 Act (see Form 4-926 NMRA) for nonpayment of rent; or
- 8 (iii) a Writ of Restitution for nonpayment of rent under either  
9 the Uniform Owner-Resident Relations Act or the Mobile Home Park Act that has  
10 not been executed before the applicable phase-in date;
- 11 (b) the judgment or any writ of restitution was issued on or after  
12 March 24, 2020, and before the applicable phase-in date;
- 13 (c) the defendant against whom the court has entered judgment  
14 remains in possession of the subject premises; and
- 15 (d) the defendant continues to be in arrears on rent due under the  
16 judgment.

17 In cases in the Ninth Judicial District where a judgment for restitution,  
18 judgment for possession, or a non-executed writ of restitution was issued on or after  
19 February 1, 2022, the plaintiff does not need to follow the procedures set forth for  
20 Track A and may proceed with the statutory procedures for eviction. In cases in the

1 Ninth Judicial District where a judgment for restitution, judgment for possession, or  
2 a non-executed writ of restitution was issued between March 24, 2020, and February  
3 1, 2022, the plaintiff must follow the procedures set forth for Track A.

4 **2. *Summons and Notice of Hearing on Post-Judgment Application for***  
5 ***Writ of Restitution.*** The court shall promptly schedule a hearing on the post-  
6 judgment application for writ of restitution. Notice of hearing shall be provided  
7 using Form 4-905A NMRA, Summons and Notice of Hearing on Post-Judgment  
8 Application for Writ of Restitution.

9 **3. *Service of Notice of Hearing.***

10 (a) The plaintiff shall compile a service packet that includes all of  
11 the following documents for each defendant:

12 (i) a legible copy of the Summons and Notice of Hearing on  
13 Post-Judgment Application for Writ of Restitution issued by the court;

14 (ii) a legible copy of the Post-Judgment Application for Writ  
15 of Restitution filed by the plaintiff;

16 (iii) a legible copy of the Judgment for Restitution (Uniform  
17 Owner-Resident Relations Act) or the Judgment for Possession (Mobile Home Park  
18 Act) against the defendant; and

1 (iv) a legible copy of the designated Resource Information  
2 Sheet provided by the court, including information about emergency rental  
3 assistance and legal assistance.

4 (b) The plaintiff shall serve each defendant with the full service  
5 packet at least seven (7) calendar days before the hearing. (Rule 1-006(A)(1) NMRA  
6 applies for time calculation.) The plaintiff shall serve by hand delivery or by posting  
7 and mailing, in accordance with NMSA 1978, Section 47-8-13(D). The person(s)  
8 who served the packet shall (each) complete the appropriate return of service and  
9 the certificate of mailing, if applicable, at the bottom of the summons and notice of  
10 hearing, and the plaintiff shall file the original summons and notice of hearing with  
11 each completed return of service in the court prior to the hearing date.

12 **4. Hearing Procedure.** The court shall conduct the hearing on the Post-  
13 Judgment Application for Writ of Restitution as follows:

14 (a) if the case is proceeding in the Metropolitan Court and arises  
15 under the Mobile Home Park Act, the judge shall inquire if either party requests that  
16 a recording be made of the hearing for use in any subsequent on-record appeal;

17 (b) the judge shall inform the parties that funding is available under  
18 the emergency rental assistance program to pay the following:

19 (i) rent and utilities, including back rent that is owed under  
20 the judgment;

1                   (ii) unpaid rent that has accrued after the date of judgment;  
2 and  
3                   (iii) up to three (3) months of future rent, with the possibility  
4 of additional future rent, upon requalification, so long as the overall total amount of  
5 rental assistance does not exceed eighteen (18) months; and  
6                   (iv) moving costs, if an eviction occurs;  
7           (c) the judge shall ask the parties whether they will participate in the  
8 Eviction Prevention and Diversion Program for the purpose of obtaining funding  
9 that will preserve the defendant's tenancy, prevent eviction, and compensate the  
10 owner, landlord, or management;  
11           (d) if both parties do not agree to participate in the Eviction  
12 Prevention and Diversion Program, then, after conducting a hearing on the merits of  
13 the application for writ, using Form 4-913 NMRA (Uniform Resident-Owner  
14 Relations Act) or Form 4-929 NMRA (Mobile Home Park Act), as applicable, the  
15 court may issue a writ of restitution; and  
16           (e) if both parties agree to participate in the Eviction Prevention and  
17 Diversion Program, the judge shall continue the hearing for thirty (30) days and shall  
18 refer the parties to the program. If the parties reach a settlement by the end of the  
19 thirty (30)-day period, the parties shall submit a stipulated order of dismissal with  
20 prejudice to the court, and the court shall dismiss the case with prejudice. On motion

1 of a party or on the court's own motion, the court may enter an order extending the  
2 thirty (30)-day continuance for a reasonable amount of time, not to exceed an  
3 additional thirty (30) days. If the parties do not reach a settlement, the court shall  
4 resume the hearing and may issue a writ of restitution using Form 4-913 NMRA  
5 (Uniform Resident-Owner Relations Act) or Form 4-929 NMRA (Mobile Home  
6 Park Act), as applicable.

7 **Track B. The Court Has Not Issued a Judgment for Restitution or a**  
8 **Judgment for Possession.**

9  
10 *Additional Procedures Required; Eviction Prevention and Diversion*  
11 *Program.* If an owner, landlord, or authorized management representative in any  
12 judicial district seeks to evict a resident for nonpayment of rent under the Uniform  
13 Owner-Resident Relations Act or the Mobile Home Park Act, and such owner,  
14 landlord, or authorized management representative has not obtained a court  
15 judgment before the applicable phase-in date for the Eviction Prevention and  
16 Diversion Program, then the owner, landlord, or authorized management  
17 representative may commence or proceed with the statutory process for eviction.  
18 Eviction proceedings shall comply with the statutory requirements set forth in the  
19 Uniform Owner-Resident Relations Act or Mobile Home Park Act, as applicable,  
20 subject to the following additional procedures prior to the issuance of a writ of  
21 restitution for nonpayment of rent:

1           (a) ***Service of Initial Notice.*** The owner, landlord, or authorized  
2 management representative shall include, with the initial notice to the resident, a  
3 legible copy of the designated Resource Information Sheet provided by the court,  
4 including information about emergency rental assistance and legal assistance.

5           (b) ***Service of Summons and Notice of Hearing.*** If a case is already  
6 pending or a new case is filed, the court may proceed with the case, but before any  
7 hearing in the case, the owner, landlord, or authorized management representative  
8 shall serve each defendant with a summons and notice of hearing by hand delivery  
9 or posting and mailing, using Form 4-905B NMRA, Summons and Notice of  
10 Hearing on Petition for Restitution or Possession, along with a legible copy of the  
11 designated Resource Information Sheet provided by the court, including information  
12 about emergency rental assistance and legal assistance.

13           (c) ***Hearing and Trial Procedure.*** The court shall conduct any  
14 hearing or trial so as to include the following:

15                   (i) if the case is proceeding in the Metropolitan Court and  
16 arises under the Mobile Home Park Act, the judge shall inquire if either party  
17 requests that a recording be made of the hearing for use in any subsequent on-record  
18 appeal;

19                   (ii) the judge shall inform the parties that funding is available  
20 under the emergency rental assistance program to pay the following:

- 1 (A) rent and utilities owed, including back rent;
- 2 (B) up to three (3) months of future rent, with the  
3 possibility of additional future rent, upon requalification, so long as the overall total  
4 amount of rental assistance does not exceed eighteen (18) months; and
- 5 (C) moving costs, if an eviction occurs;
- 6 (iii) the judge shall ask the parties whether they will participate  
7 in the Eviction Prevention and Diversion Program for the purpose of obtaining  
8 funding that will preserve the defendant's tenancy, prevent eviction, and compensate  
9 the owner, landlord, or management;
- 10 (iv) if both parties do not agree to participate in the Eviction  
11 Prevention and Diversion Program, then, after conducting a hearing on the merits of  
12 the application for writ, using Form 4-913 NMRA (Uniform Resident-Owner  
13 Relations Act) or Form 4-929 NMRA (Mobile Home Park Act), as applicable, the  
14 court may issue a writ of restitution; and
- 15 (v) if both parties agree to participate in the Eviction  
16 Prevention and Diversion Program, the judge shall continue the hearing for thirty  
17 (30) days and shall refer the parties to the program. If the parties reach a settlement  
18 by the end of the thirty (30)-day period, the parties shall submit a stipulated order of  
19 dismissal with prejudice to the court, and the court shall dismiss the case with  
20 prejudice. On motion of a party or on the court's own motion, the court may enter

1 an order extending the thirty (30)-day continuance for a reasonable amount of time,  
2 not to exceed an additional thirty (30) days. If the parties do not reach a settlement,  
3 the court shall resume the proceeding and may enter a judgment and issue a writ of  
4 restitution for nonpayment of rent in accordance with law;

5 IT IS FURTHER ORDERED that **nothing in this Order shall abrogate any**  
6 **discretion that the court might otherwise have to fashion an equitable remedy**  
7 **other than a writ of restitution;** and

8 IT IS FURTHER ORDERED that this order shall become effective on **April**  
9 **1, 2022**, and shall remain in effect until further order of this Court.

10 IT IS SO ORDERED.



WITNESS, the Honorable Michael E. Vigil, Chief Justice of the Supreme Court of the State of New Mexico, and the seal of said Court this 16th day of March, 2022.

Sally A. Paez, Acting Clerk of Court  
Supreme Court of New Mexico

A handwritten signature in black ink that reads "Sally A. Paez".

Sally A. Paez, Acting Chief Clerk of the Supreme Court  
of the State of New Mexico

11

## RESOURCE LIST

### APPLY FOR RENT ASSISTANCE

RESIDENTS OF THE CITY  
OF ALBUQUERQUE

[www.renthelpnm.org](http://www.renthelpnm.org)  
or 3-1-1



RESIDENTS OF BERNALILLO  
COUNTY OUTSIDE  
ALBUQUERQUE  
CITY LIMITS

[www.bernco.gov/RENT](http://www.bernco.gov/RENT)  
or 1-505-468-1279

FOR RESIDENTS OF  
DOÑA ANA COUNTY

[www.donaanacounty.org/rent-utilities-  
assistance](http://www.donaanacounty.org/rent-utilities-assistance)  
or 1-575-525-5898



ALL NEW MEXICO RESIDENTS

[www.renthelpnm.org](http://www.renthelpnm.org)  
or 1-833-485-1334



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