



NM SUPREME COURT
Administrative Office of the Courts
Judicial Information Division

Foreclosure Cases in District Court

Supreme Court Order No. 21-8300

Effective September 7, 2021

- New Rules Adopted

- Rule 1-003.3 NMRA
- Rule 1-054.2 NMRA

- New Forms adopted

- Civil form 4-227
- Civil form 4-712

Rule 1-003.3 NMRA

- A Certification of Pre-filing Notice, Form 4-227 NMRA, must be submitted with any complaint initiating a foreclosure action.
- The clerk shall **NOT** accept for filing a foreclosure complaint that is not submitted with the certification.
- New event code: *1900 - Foreclosure: Certification of Pre-Filing Notice* shall be utilized to capture Form 4-227 NMRA, Plaintiff's Certification of Pre-Filing Notice.

4-227. Plaintiff's certification of pre-filing notice; foreclosure actions. (Effective September 1, 2021.)

[For use with District Court Rule 1-003.3 NMRA]

STATE OF NEW MEXICO

COUNTY OF JUDICIAL DISTRICT COURT

Plaintiff,

vs. No. _____

Defendant.]

PLAINTIFF'S CERTIFICATION OF PRE-FILING NOTICE

I, _____ (name), _____ (title),
for Plaintiff certify that on _____ (date) Plaintiff provided pre-filing notice to
Defendant of the following:

1. A list and brief description of each of the types of loss mitigation options available to Defendant by the owner or assignee of Defendant's mortgage loan and the actions Defendant must take to be evaluated for such loss mitigation options;
2. Notification as to whether the loan is federally backed or a government sponsored enterprise (GSE) loan, and if so, who holds the loan;
3. Contact information for the loan servicer; and
4. A list of resources, substantially in a form approved by the Supreme Court, that Defendant may contact for assistance.

I further certify that one of the following has been met (check one):

- Defendant submitted a complete loss mitigation application, remained delinquent at all times since submitting the application, and the servicer has completed review of the application.
- The property securing the mortgage loan is abandoned according to the laws of the State of New Mexico.

The servicer did not receive any communications from Defendant for at least ninety (90) days before the servicer made the first filing for foreclosure and all of the conditions from 12 CFR 1024.41(f)(2) were met.

The loan was delinquent for one hundred twenty (120) days or more prior to March 1, 2020.

The statute of limitations applicable to the foreclosure action being taken will expire within one hundred twenty (120) days if the Court does not allow the filing of the Foreclosure Complaint. The statute of limitations will expire on _____.

+

Signature

Printed Name

Law Firm Name (if applicable)

Physical Address

Telephone Number

E-Mail Address

Relationship To Plaintiff

[Approved by Supreme Court Order No. 21-8300-004, effective for all cases filed on or after September 7, 2021.]

Rule 1-054.2 NMRA

- Before an entry of judgment, a Certification Concerning Loan Modification and/or Loss Mitigation Negotiations, Form 4-712 NMRA, must be filed.
- Certificate as to the State of the Record (CSOR)
 - If the Plaintiff is seeking a default judgment in a foreclosure case, the clerk must ensure that Form 4-712 NMRA has been filed with the court prior to issuing the CSOR.
- New event code: 1901 - *Foreclosure: Cert Absence Loan Mod / Loss Mitigation Neg* shall be utilized to capture Form 4-712 NMRA, Plaintiff's Certification of the Absence of Loan Modification and/or Loss Mitigation Negotiation.

4-712. Plaintiff's certification of absence of loan modification and loss mitigation negotiations in foreclosure actions. (Effective September 7, 2021.)

[For use with District Court Rule [1-054.2](#) NMRA]

STATE OF NEW MEXICO

COUNTY OF _____
_____ JUDICIAL DISTRICT COURT

Plaintiff,

vs. No. _____

Defendant.

PLAINTIFF'S CERTIFICATION OF THE ABSENCE OF LOAN MODIFICATION AND/OR LOSS MITIGATION NEGOTIATIONS

I, _____, duly authorized agent for Plaintiff certify that on _____ Plaintiff provided pre-filing notice to Defendant of the following:

1. Neither Plaintiff nor any affiliate or agent of Plaintiff is currently engaged in any loan modification negotiations with Defendant or Defendant's agents.
2. Neither Plaintiff nor any affiliate or agent of Plaintiff is currently engaged in any loss mitigation negotiations with Defendant or Defendant's agents.
3. Plaintiff or its affiliate or agent has solicited and attempted to engage Defendant homeowner in loan modification negotiations pre-foreclosure.

Plaintiff or its affiliate or agent has solicited and attempted to engage Defendant homeowner in loss mitigation negotiations pre-foreclosure.

Company Name

Signature

Printed Name

Title

Address

[Approved by Supreme Court Order No. 21-5300-004, effective for all cases filed on or after September 7, 2021.]