

4-909

[ 47-8-33, 47-8-43, 47-8-46, 47-8-48 ] / [ 第 47-8-33, 47-8-43, 47-8-46, 47-8-48 章 ]

STATE OF NEW MEXICO / 新墨西哥州

IN THE \_\_\_\_\_ COURT / 法院

\_\_\_\_\_ COUNTY / 郡/县

No. / 案号 \_\_\_\_\_

\_\_\_\_\_, Plaintiff / 原告

V. / 状告

\_\_\_\_\_, Defendant / 被告

**JUDGMENT FOR RESTITUTION**

归还裁决

(Uniform Owner-Resident Relations Act) <sup>1</sup>

(统一业主 - 住户关系法令) <sup>1</sup>

This matter was set for trial on \_\_\_\_\_, \_\_\_\_\_ (date) the plaintiff appeared (in person) (and) (by attorney \_\_\_\_\_). The defendant (did not appear) (appeared) (in person) (and) (by attorney \_\_\_\_\_). Having heard the evidence and argument presented, the court finds in favor of: / 此案于 \_\_\_\_\_, \_\_\_\_\_ (日期) 开审。原告 (亲自) (及) (由律师 \_\_\_\_\_ 代表) 出庭。被告 (未出庭) (到庭) (亲自) (由律师 \_\_\_\_\_ 代表)。经听取证据及辩论后, 本庭判定以下当事方胜诉:

the plaintiff / 原告

the defendant / 被告

IT IS THEREFORE ORDERED: / 据此, 本庭命令:

1. The premises at:

\_\_\_\_\_

\_\_\_\_\_, New Mexico \_\_\_\_\_

be restored to (plaintiff) (defendant);

位于:

\_\_\_\_\_

\_\_\_\_\_, 新墨西哥州 \_\_\_\_\_

之物业归还 (原告) (被告);

2. The rental agreement (is) (is not) terminated;  
租赁协议 (准予) (不得) 终止;

(check, if applicable, and complete) / (勾选有关选项及填写)

[ ] Plaintiff shall recover from defendant the following amounts: /原告应向被告收取以下金额:

Rents/租金	\$ _____
Damages/损失赔偿	\$ _____
Attorney's fees/律师费	\$ _____
Costs/诉讼费用	\$ _____
TOTAL/总计	\$ _____] <sup>2</sup>

(check, if applicable, and complete / (勾选有关选项及填写)

[ ] A writ of restitution be issued effective \_\_\_\_\_, \_\_\_\_\_  
(date).<sup>3</sup>/下达归还财物令状。自 \_\_\_\_\_, \_\_\_\_\_ (日期) 起生效。<sup>3</sup>

(check, if applicable, and complete) / (勾选有关选项及填写)

[ ] The court further orders \_\_\_\_\_ (other relief). /本庭还下令执行  
\_\_\_\_\_ (其它补偿)。

(check, if applicable, and complete) / (勾选有关选项及填写)

[ ] A hearing on the issue of damages will be held by this court on  
\_\_\_\_\_ (date) at \_\_\_\_\_ (a.m.) (p.m.).<sup>2</sup>/有关损失赔偿  
事宜之听证将由本庭在 \_\_\_\_\_ (日期) (上午) (下午) \_\_\_\_\_ 时  
举行<sup>2</sup>。

3. If this case is appealed, the (plaintiff) (defendant) shall  
\_\_\_\_\_.<sup>4</sup>/如果本案上诉, (原告) (被告) 应  
\_\_\_\_\_.<sup>4</sup>

Dated / (日期): \_\_\_\_\_

\_\_\_\_\_  
Judge<sup>4</sup> / (法官<sup>4</sup>)

### USE NOTES /使用说明

1. This form may also be used for a mobile home park with less than 12 units. See Subsection C of Section 47-10-2 NMSA 1978. /本表也可用于少于12个单位的活动房场地。请参见1978年新墨西哥州法令注释版 (NMSA) 第47-10-2章C节。
2. Use Civil Form 4-701 if damages are determined at a separate hearing. /如果损失赔偿由分开的听证裁定, 请用民事表格 4-701。
3. Insert a date which is not less than three (3) nor more than seven (7) days from the date of filing of the judgment. /此处插入日期, 该日期从裁决作出日期起算不得少于三 (3)天, 也不得多于七 (7)天。
4. Section 47-8-47 NMSA 1978 provides for a stay of execution upon appeal.

*If the defendant appeals a writ of restitution, the court shall require an escrow to be paid into the court within five (5) days after the notice of appeal is filed to stay the execution. If a money judgment is appealed the court may require a deposit with the court or a supersedeas bond be filed. See Section 47-8-47 NMSA 1978 for appeals by the plaintiff. /1978年新墨西哥州法令注释版 (NMSA)第47-8-47章规定，上诉时裁决暂停执行。如果被告上诉财物归还令状，法庭应要求在提出上诉通知暂停执行后五（5）日内向法庭缴纳第三方代管保证金。如果上诉的是金钱裁定，法院可要求向法院交付上诉存款或提交中止判决执行押金。请参阅1978年新墨西哥州法令注释版 (NMSA)第47-8-47章。*

[Rule 4-909 SCRA 1986; as amended, effective September 2, 1997; January 1, 1999.]  
[1986年规定4-909 SCRA; 1977年9月2日修订生效; 1999年1月1日。]