

4-926

[Sections 47-10-9, 47-8-40 and 47-8-41 NMSA 1978] / [1978年新墨西哥州法令注释版 (NMSA) 第 47-10-9、47-8-40 和47-8-41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 POSSESSION

就发还物业的裁决

(Mobile Home Park Act)¹

(活动房园区法令)¹

This matter came on 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

The court further finds that the mobile home: / 本庭还发现该活动房:

- is subject to the security interest of a first lienholder². / 第一置留权持有人拥有抵押保证权益。²
- is not subject to the security interest of a first lienholder. / 第一置留权持有人无抵押担保权益。

IT IS THEREFORE ORDERED: /据此, 本庭命令:

1. The premises located in _____ County, New Mexico at: /位于新墨西哥州 _____ 郡/县的以下物业:

(name of mobile home park) (活动房园区名称)

(mobile home address) (活动房地址)

(mobile home lot or space) (活动房地号或场地)
_____, New Mexico _____ (_____ 新墨西哥州 _____)
be restored to plaintiff; /归还原告;

2. The rental agreement is terminated; /租赁协议终止;

3. (complete applicable) / (填写有关项目)

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 fees /律师费	\$ _____
Costs /诉讼费	\$ _____
TOTAL /总计	\$ _____

[A hearing on the issue of damages will be held by this court on _____, _____ at _____ (a.m.) (p.m.)]³ / 关于损失赔偿的听证将由本庭在 _____ (上午) (下午) _____ 时进行³

4. A writ of restitution be issued effective _____, _____ (date).

/ 由本庭下达财产归还令状, 于 _____, _____ (日期)生效。

(The following paragraph is used if there is a security interest of a first lienholder on the mobile home) /以下段落用于第一置留权持有人对活动房拥有抵押权益的情况)

[5. The plaintiff will promptly serve notice of this judgment on the first lienholder in accordance with civil form 4-928. The cost of removal by the first lienholder shall be paid by the first lienholder.]⁴ / 原告将根据民事表格4-928及时将此判决通知送达第一置留权持有人。移除活动房的成本应由第一置留权持有人支付。

[6. If this case is appealed the (plaintiff) (defendant) shall _____.]⁵ / 如果案件上诉, (原告)(被告)应 _____⁵.

Dated /日期: _____

Judge /法官

USE NOTE/使用说明

1. *Section 47-10-9 NMSA 1978 provides that not less than 48 hours after entry of a notice of judgment (Civil Form 4-926) and upon execution of a writ of restitution (Civil Form 4-929) the sheriff will oversee the removal of a mobile home. /1978年新墨西哥州法典 (NMSA)第47-10-9章规定, 下达判决通知(民事表格 4- 926)后48小时内及执行财产令状(民事表格 4- 929)时, 警长将监督活动房的移除。*
2. *Section 47-10-9 NMSA 1978 provides that prior to issuance of the writ of restitution the court shall make a finding of fact that the mobile home is or is not subject to the security interest of a first lienholder. In those cases where the court finds there is a security agreement on the mobile home, the landlord must give written notice to the first lienholder. See Civil Form 4-928 for notice to lienholder of mobile home judgment. /1978年新墨西哥州法典 (NMSA)第47-10-9章规定, 下达归还令状之前, 法庭应了解活动房是否受第一置留权持有人抵押保证权益限制。在此情况下, 如果法庭发现活动房有抵押担保协议, 则房东必须发给第一置留权持有人书面通知。有关将活动房判决通知第一置留权持有人, 请参见民事表格 4-928。*
3. *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。*
4. *Use this paragraph only if the court finds that the mobile home is subject to a first lien. Notice shall be substantially in the form approved by the Supreme Court. See Civil Form 4-928. / 如果法庭发现该活动房受第一置留权抵押担保, 则使用此段落。通知应主要采用最高法院批准的形式。请见民事表格4-928。*
5. *Section 47-8-47 NMSA 1978 of the Owner-Resident Relations Act 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*

6. *Section 47-8-47 NMSA 1978 for appeals by the plaintiff.*
/1978年新墨西哥州法典 (NMSA)第47-8-47章注释版规定, 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年新墨西哥州法典 (NMSA)第注释版47-8-47章。

[Former Rule 4-921 SCRA 1986; adopted effective November 1, 1995; recompiled as Rule 4-926 NMRA and amended effective September 2, 1997; as amended January 1, 1999.] / [前1986年4-921 SCRA规定; 1995年11月1日转引生效; 重编为新墨西哥州法规注释版 (NMRA) 第4-926条规定并于1997年9月2日修订生效; 1999年1月1日修订。]