

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

2   **March 26, 2020**

3                   **NO. 20-8500-008**

4                   **IN THE MATTER OF**  
5                   **THE STAY OF WRITS OF RESTITUTION**  
6                   **ISSUED UNDER THE MOBILE HOME PARK ACT**  
7                   **DURING THE COVID-19 PUBLIC HEALTH EMERGENCY**

8   **ORDER**  
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10                   WHEREAS, this Court recognized in Order No. 20-8500-007, which stayed  
11 the execution of certain writs of restitution under the Uniform Owner-Resident  
12 Relations Act, that the Court must exercise its equitable powers and power of  
13 superintending control over pleading and practice in the New Mexico Judiciary in  
14 response to the extraordinary circumstances presented by the current public health  
15 crisis by balancing the need for imminent evictions in some circumstances with the  
16 current directives from public health authorities that emphasize the need for New  
17 Mexicans to avoid unnecessary contact with one another and remain in their homes  
18 to the greatest extent possible during the current public health emergency; and

19                   WHEREAS, in light of the foregoing, and the Court being sufficiently  
20 advised, Chief Justice Judith K. Nakamura, Justice Barbara J. Vigil, Justice  
21 Michael E. Vigil, Justice C. Shannon Bacon, and Justice David K. Thomson  
22 concurring;

1           NOW, THEREFORE, IT IS ORDERED that, effective for all writs of  
2 restitution issued on or after March 24, 2020, judges presiding in eviction  
3 proceedings arising under the Mobile Home Park Act shall stay the execution of  
4 writs of restitution issued for non-payment of rent only under NMSA 1978,  
5 Section 47-10-9(A) (1997), in accordance with the terms of this order;

6           IT IS FURTHER ORDERED that, effective March 24, 2020, judges  
7 presiding in eviction proceedings arising under the Mobile Home Park Act shall  
8 stay the removal of the mobile home from the mobile home park or foreclosing  
9 upon the mobile home pursuant to NMSA 1978, Sections 47-10-9(D) or (I) (1997);

10           IT IS FURTHER ORDERED that, to stay the execution of a writ of  
11 restitution for nonpayment of rent, the judge presiding in the case must be satisfied  
12 that resident has demonstrated by a preponderance of the evidence a current  
13 inability to pay the monthly rent established by the rental agreement;

14           IT IS FURTHER ORDERED that any stay of the execution of a writ of  
15 restitution under the terms of this order shall also serve as a stay of all applicable  
16 deadlines for appealing the writ of restitution;

17           IT IS FURTHER ORDERED that all other provisions of the Mobile Home  
18 Park Act shall remain unaffected by the terms of this order; and

19           IT IS FURTHER ORDERED that this order shall remain in effect until

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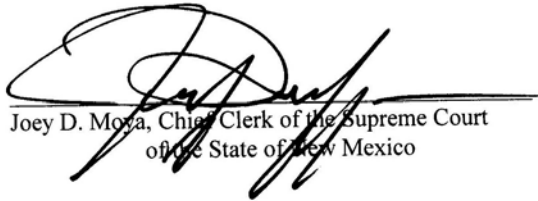
amended or withdrawn by future order of the Court.

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IT IS SO ORDERED.



WITNESS, the Honorable Judith K. Nakamura, Chief Justice of the Supreme Court of the State of New Mexico, and the seal of said Court this 26th day of March, 2020.



Joey D. Moya, Chief Clerk of the Supreme Court  
of the State of New Mexico

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