

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

2 **August 2, 2021**

3 **NO. 21-8500-018**

4 **IN THE MATTER OF THE**
5 **LIFTING OF STAYS OF**
6 **THE ISSUANCE OF WRITS OF**
7 **GARNISHMENT AND EXECUTION IN**
8 **CONSUMER DEBT COLLECTION CASES**

9 **ORDER**

10 WHEREAS, on June 5, 2020, this Court issued Order No. 20-8500-021 to
11 stay the issuance of writs of garnishment and execution in light of the extraordinary
12 circumstances presented by the COVID-19 public health emergency creating
13 obstacles to the safe, fair, and orderly processing of consumer debt collection cases;

14 WHEREAS, the evolving nature of the public health emergency will now
15 permit the New Mexico Judiciary to resume the processing of consumer debt
16 collection cases in a safe, fair, and orderly manner pursuant to a recommended
17 schedule for the gradual lifting of the stay imposed by Order No. 20-8500-021; and

18 WHEREAS, the Court having considered the foregoing and being sufficiently
19 advised, Chief Justice Michael E. Vigil, Justice C. Shannon Bacon, Justice David K.
20 Thomson, and Justice Julie J. Vargas concurring;

21 NOW, THEREFORE, IT IS ORDERED that clerks of court shall
22 recommence issuing new post-judgment writs of garnishment and writs of execution
23 under Rules 1-065.1, 1-065.2, 2-801, 2-802, 3-801 and 3-802 NMRA in consumer

1 debt collection cases, as such cases are defined in Rule 1-009(J)(1) NMRA,
2 according to the following schedule:

3 1. Effective September 1, 2021, for judgments filed on or before
4 December 31, 2016;

5 2. Effective October 1, 2021, for judgments filed on or before December
6 31, 2018;

7 3. Effective November 1, 2021, for judgments filed on or before
8 December 31, 2019;

9 4. Effective January 1, 2022, for judgments filed on or before December
10 31, 2020; and

11 5. Effective February 1, 2022, for all cases, regardless of the date the
12 judgment was filed;

13 IT IS FURTHER ORDERED that any application for writ of garnishment or
14 writ of execution under Rule 1-065.1, 1-065.2, 2-801, 2-802, 3-801 or 3-802 NMRA
15 that was pending in any consumer debt collection case upon the June 8, 2020,
16 effective date of this Court's Order No. 20-8500-021 shall be deemed null and void,
17 but the judgment creditor may file a new, separate application for a writ after the
18 stay is lifted in any such case under the schedule set forth above;

19 IT IS FURTHER ORDERED that any writ of garnishment or writ of
20 execution that was issued in a consumer debt collection case before the June 8, 2020,
21 effective date of this Court's Order No. 20-8500-021 and that was never served shall
22 be deemed null and void, but the judgment creditor may file a new, separate
23 application for a writ after the stay is lifted in any such case under the schedule set

1 forth above;

2 IT IS FURTHER ORDERED that every application for a writ of garnishment
3 or writ of execution filed in a consumer debt collection case between September 1,
4 2021, and January 31, 2022, shall include the following statements and certifications
5 by the judgment creditor's attorney or, if self-represented, the judgment creditor:

6 1. The date of filing of the judgment upon which the writ is sought;

7 2. Certification that the stay imposed by this Court's Order No. 20-8500-
8 021 has been lifted as to such case on or before the date the application is filed; and

9 3. Certification that a copy of a list of resources helpful to consumer
10 debtors, substantially in the form of the list of resources posted on the New Mexico
11 Judiciary website (see also Attachment 1 to this order), was served upon each
12 judgment debtor;

13 IT IS FURTHER ORDERED that applications for writs of garnishment and
14 writs of execution filed under the terms of this order shall be substantially in the
15 form approved by the Supreme Court as Forms 4-805.1 and 4-805.2 NMRA under
16 Order No. 21-8300-005;

17 IT IS FURTHER ORDERED that this order shall not apply to applications
18 for writs of garnishment and writs of execution based on judgments filed on or after
19 December 1, 2021;

20 IT IS FURTHER ORDERED that this order shall not apply to any case to
21 which Order No. 20-8500-021 did not apply; and

22 IT IS FURTHER ORDERED that any provisions in Order No. 20-8500-021
23 that are not modified by the terms of this order shall remain in effect unless otherwise

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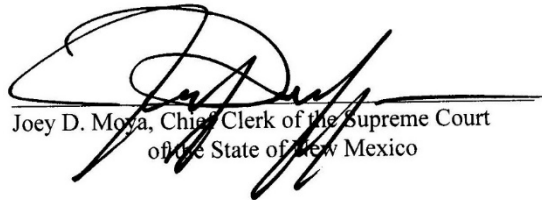
ordered by this Court.

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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 2nd day of August, 2021.



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

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List of Resources for Consumer Debt Collection Cases

New Mexico Legal Aid

Apply online 24/7 at <https://www.newmexicolegalaid.org/node/254/read-you-apply-online>

OR dial 1-833-545-4357 (1-833-LGL-HELP) Monday–Thursday 10 AM-3PM

Consumer Debt and Bankruptcy Virtual Workshop

The virtual workshops occur on the FOURTH WEDNESDAY of each month (except November) at 6 p.m. After the presentation, a one on one free consultation will be given by phone to people that register in advance. To register please call (505) 797-6094.