

4-209. Motion for service by publication.

[For use with District Court Civil Rule 1-004 NMRA]

STATE OF NEW MEXICO
COUNTY OF _____
_____ JUDICIAL DISTRICT
_____, Plaintiff

v. _____ No. _____
_____, Defendant

**MOTION FOR SERVICE
BY PUBLICATION**

_____, the plaintiff states that after diligent inquiry and search efforts, plaintiff has been unable to serve process on the above-named defendant personally and the following diligent efforts were made to locate and serve the above-named defendant personally with a summons and complaint:

(Check each method of service attempted and complete applicable blank spaces.)

- personal service;
- service at the defendant's last known residential address by _____
(name of person attempting service);
- service by mail or courier service pursuant to Paragraph F of Rule 1-004 NMRA;
- service at the defendant's last known business address;
- service at the address listed at the motor vehicle division for the defendant's driver's license;
- service at the address listed in the last telephone directory listing for the following city or county: _____ *(list cities and counties);*
- a search of the records of the following courts _____ *(list courts);*
- _____ *(describe other attempts to locate defendant);*
- contacted the post office for the zip code of the last known address of the defendant and there was no forwarding address;
- _____ *(describe other attempts to locate and serve the defendant).*

I state upon my oath or affirmation that this document and the statements in it are true and correct to the best of my information and belief.

Date: _____ Signature of plaintiff: _____

STATE OF NEW MEXICO)
)
COUNTY OF _____) ss

Signed and sworn to before me this _____ day of _____,
_____.

Notary

CERTIFICATE OF SERVICE

I hereby certify that on this _____ day of _____, _____ this motion was
[mailed by United States mail, postage prepaid, and addressed to:

Name: _____
Address: _____

City, state and zip code: _____]

[faxed by _____ (*name of person who faxed*) to
_____ (*defendant or defendant's attorney*). The transmission was reported
as complete and without error. The time and date of the transmission was _____
(a.m.) (p.m.) on _____ (date).]

[e-mailed by _____ (*name of person who transmitted*) to
_____ at _____ (*electronic address of recipient*) who
agreed to service in this manner. The transmission was successful. The time and date of
the transmission was _____ (a.m.) (p.m.) on _____
(date).]

Signature of attorney

Date of signature

*If this motion was served by a person other than an attorney, the following must also be
completed and filed with the court:*

AFFIDAVIT OF SERVICE

I declare under penalty of perjury that a copy of this motion was served by [mail] [fax]
[electronic transmission] as described above on this _____ day of _____,
_____.

Signature of person who made service
Subscribed and sworn to before me
this _____ day of _____, _____.

Judge, notary or other officer
authorized to administer oaths

Official title

Signature

Date of signature

USE NOTE

This form was prepared for service by publication. It is used in conjunction with Form 4-209A or 4-210B NMRA.

[Provisionally approved, effective August 15, 2003 until August 31, 2004; approved, October 14, 2004.]