

STATE OF NEW MEXICO  
COUNTY OF \_\_\_\_\_  
\_\_\_\_\_ JUDICIAL DISTRICT COURT

\_\_\_\_\_ ,

Plaintiff,

v.

No. D-\_\_\_\_-CV-\_\_\_\_-\_\_\_\_\_

\_\_\_\_\_ ,

Defendant(s).

**AFFIDAVIT**

I, \_\_\_\_\_, being of full age hereby depose and state the following facts that I was a witness to:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Further affiant sayeth naught.

\_\_\_\_\_

Signature

Sworn and signed before me this \_\_\_\_\_ day of \_\_\_\_\_ 2014.

\_\_\_\_\_

Notary Public

My commission expires: \_\_\_\_\_

## DO NOT FILE—INSTRUCTIONS PAGE

Disclaimer: The contents of this *pro se* Affidavit and instructions do not constitute legal advice. Foreclosure is a complicated area of law and it is strongly recommended that you contact a licensed NM attorney for advice about your specific case.

If you are not represented by an attorney you have the option of filing a Response and Affidavit for yourself or *pro se*. You normally have 18 days after being served with the Motion for Summary Judgment to file your Response and Affidavit. Failing to file a Response and Affidavit within the specified time period could result in a judgment being entered against you, so it is important that you file a Response and Affidavit in a timely manner.

Filling out the Response form:

1. Hand-write or type all of the information at the top of the first page of the Response (called the caption) exactly as it is written on the first page of the Complaint, being sure to notate the appropriate court, plaintiff and defendant names, and case number.
2. Write in information on the blank lines of the Affidavit with facts that you have personal knowledge of that support the genuine issues of material fact that you include in your Response to Plaintiff's Motion for Summary Judgment.
3. The Affidavit needs to be signed in front of a notary public. There are notary publics at many banks, insurance offices, court houses, and legal offices. **Do not sign the affidavit until you are in front of the notary public with your valid photo identification.**
4. You should make two copies of the Affidavit and take the original and two copies to the District Court Clerk to file along with the Response to Plaintiff's Motion for Summary Judgment. The Clerk will keep the original Response and Affidavit and return the two copies to you. Mail a copy of the Affidavit and the Response to the attorney for the Plaintiff and keep a copy for your records.
5. When the Court schedules a hearing on the Motion for Summary Judgment, you should attend the hearing and explain your side of the case to the Judge.