

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

\_\_\_\_\_,  
Plaintiff,

v. No. D-\_\_\_\_\_

\_\_\_\_\_,  
Defendant(s).

**DEFENDANT’S OBJECTIONS TO REPORT OF SPECIAL MASTER**

COMES NOW, Defendant(s) \_\_\_\_\_ *pro se* and respectfully request the court to consider his/her objections pursuant to NMRA 1-053(E)(2) to the Special Master’s Report. Defendant states his objections as follows:

1. The New Mexico Supreme Court has found that there are “two instances in which equity will intervene to set aside a judicial sale where the price, compared with the value of the property sold, is inadequate. The first is when the disparity is so great as to shock the court's conscience. ...The second instance in which the sale may be vacated on the ground of price inadequacy is when, in addition to the inadequate price, there are circumstances which would make it inequitable to allow the sale to stand.” *Armstrong v. Csurilla*, 1991-NMSC-081, ¶¶ 39-40, 112 N.M. 579, 817 P.2d 1221.
2. The sale price of the home for \$\_\_\_\_\_ and the current value of the property is \$\_\_\_\_\_ as stated by \_\_\_\_\_ a realtor or appraiser (*circle one*) with \_\_\_\_\_ (*company*). The auction sale price of \$\_\_\_\_\_ then is \_\_\_\_% of the value of the property.

3. The proposed order approving the Special Master's Report identifies a deficiency judgment against the defendant(s) in the amount of \$\_\_\_\_\_.

*(Check any and all that apply below and describe on the lines provided)*

4. \_\_\_\_\_ There are other circumstances which make it inequitable to allow the sale to stand:

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5. \_\_\_\_\_ The required thirty-day publication of Notice of Sale was done improperly because:

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6. \_\_\_\_\_ Defendant(s) is low income and the sole source of income is from \_\_\_\_\_ and he/she has no ability to repay the deficiency amount indicated in the Special Master's Report.

7. The sale price of the house versus the value has caused a disparity that is so great as to shock the court's conscience and/or the sale price was inadequate and given the circumstances it is inequitable to allow the sale and resulting deficiency judgment to stand.

WHEREFORE, the Defendant respectfully requests that the court:

1. Vacate the sale of the property and/or;
2. Eliminate the amount of the deficiency judgment against defendants, and
3. Such other relief as the Court deems proper.

Respectfully submitted,

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (printed)

\_\_\_\_\_  
Mailing address

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Telephone number

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (printed)

\_\_\_\_\_  
Mailing address

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Telephone number

**Certificate of Service**

I hereby certify that a copy of this Answer was mailed/faxed/hand-delivered (circle one) to the attorney for the Plaintiff on \_\_\_\_\_.  
month/day/year

\_\_\_\_\_  
Signature

## DO NOT FILE—INSTRUCTIONS PAGE

Disclaimer: The contents of this *pro se* Objection 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 an Objection to a Special Master's Report for yourself or *pro se*. You normally only have **10 days** after being served with the Notice of Filing of the Special Master Report to file your Objections with the Court.

Filling out the Objections form:

1. Hand-write or type all of the information at the top of the first page of the Objections (called the caption) exactly as it is written on the first page of any of the other filed documents in the case, being sure to include the appropriate court, plaintiff and defendant names, and case number.
2. Fill in all blanks in paragraphs 2 and 3. Put a check mark next to paragraphs 4, 5, and 6 if they apply to your situation and then write in an explanation on the blank lines as appropriate in your situation.
3. Review your Objections for errors. If everything is correct you should sign your Objections and state your full mailing address and telephone number.
4. There is a Certificate of Service prepared at the bottom of your Objections for your use. This certificate is a statement that you have mailed a copy of your Objections to the Plaintiff's attorney. You should be sure to sign and date the Certificate of Service and mail out the copy of the Objections on the date indicated on the certificate.

Once complete make two copies of the *pro se* Objections and take the original and two copies to the district court clerk's office for filing. There is no fee to file the document but they will charge for copies if you need them. The Clerk will stamp all three documents. The Clerk will keep the original and return the two copies to you. Remember you **must** mail one of the copies to the attorney for the Plaintiff (company that owns your loan) and keep one for your records.