

Administrative Office of the Courts

Appendix 87

Supreme Court of New Mexico

Arthur W. Pepin, Director
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Magistrate Court Division



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September 12, 2007

Chief Clerk
Magistrate Court
1234 ABC Street
Somewhere, New Mexico 88000

RE: NOTE: To be Used if INSERT COMPANY NAME is Destroying the Records

Dear Chief Clerk:

Per notification from Field Services Staff in the Fiscal Division regarding the status of your court bonds and outstanding checks, you are hereby authorized to destroy all records listed below for the Magistrate Court in Somewhere, New Mexico. Please make sure the following conditions have been met before destroying the records. All audit reports thru Fiscal Year 2004 have been released.

Under the *Records Retention and Disposition Schedule for the New Mexico Magistrate Court, SRC Rule 93-08*, the following records may be destroyed:

Item 1.17.218.121, Criminal Case Files (excluding DWI files), maybe destroyed for inclusive dates thru June 30, 2004. Please check your cash bond record for outstanding bonds. Retention for these records is one (1) year after case dismissed, entry of judgement or final order, provided audit report has been released and all conditions of judgement have been met. Criminal case files with outstanding bonds are considered pending cases and cannot be destroyed. Verify that a dismissal, entry of judgement or final order has been entered, and all conditions of judgment have been met. If a complaint has been filed, issuance of a search warrant requires the creation of a case file and docket card. If no complaint filed, search warrant shall be destroyed one year after the date the warrant was issued. If citations are filed, a docket number shall be issued and a case file created. DWI files cannot be destroyed.

Item 1.17.218.131, Civil Case Files, may be destroyed for inclusive dates thru June 30, 2004. Retention for these records is one (1) year after case dismissed or until satisfaction of judgement, provided audit report has been released. Please verify that a dismissal or satisfaction of judgement has been entered, and the case has been closed. If no satisfaction has been filed, the civil case file must be kept open fourteen (14) years from the judgement date unless judgement is revived; then seven (7) years after the revival date. If no action has been taken within fourteen (14) years after the judgement, you may proceed to destroy for inclusive dates thru June 30, 1991.

Permission is hereby granted to destroy all the above mentioned records for the Magistrate Court.

Additionally, note that destruction of the above approved items should take place within 90-days from the date of this authorization letter, August 18, 2005. The enclosed Notice of Destruction Form should be returned to this office within 30-days from the date of your actual destruction of records.

Sincerely,

Lydia Romero, Assistant Director
Fiscal Services Division