Probate Forms (No Will)

Honorable Cordilia Montoya
Santa Fe County Probate Judge
Probate Court
142 West Palace Avenue- 3rd Floor
Bokum Building
Santa Fe, New Mexico 87501-2071
Telephone 505-992-1636

Ex-Officio Probate Clerk
Geraldine Salazar, Santa Fe County Clerk
Probate Records Requests
Probate Packets
Probate Filing
Santa Fe County Clerk's Office
102 Grant Avenue
Santa Fe, NM 87501
Telephone: 505-986-6280

Probate Filing Fee $30.00

Fee for Copy of Probate Packet $5.00
or available free of charge online at
http://www.santafecountynm.gov/probate

First Step: Please fill out paperwork up to the STOP sign page. You must bring the ORIGINAL Will and the ORIGINAL Death Certificate with your completed packet to start a probate filing. Turn to the next page for further information.

Probate Forms (No Will) Effective January 1, 2019

Note: You can purchase this Probate Packet from the Clerk's Office for $5.00 or you can download these forms at www.nmcourts.gov/forms.aspx

The "Do-It Yourself Forms" are prepared to assist you to file an uncontested probate case. Each form is self-explanatory, but if you have any questions the answers can be found in the detailed instructions and definitions at the back of this packet. I recommend that you talk to an attorney if you have questions.

FIRST STEP: Look over the Probate Packet and forms. To start the process, make an appointment with the Probate Judge. On the day of your appointment make sure you bring in to the Judge's office a Death Certificate. Have the following forms already filled out as indicated below:

4B-301 Application for informal appointment of Personal Representative (no Will)
4B-303 Order of informal appointment of Personal Representative (no Will)
4B-305 Acceptance of appointment as Personal Representative (Will) (no Will)
4b-306 Letters of Administration (no Will) [do not fill in the date]

Note: Please fill out paperwork up to the STOP sign page:

Pay the $30.00 filing fee at the Santa Fe County Clerk's Office

SECOND STEP: If the Probate Judge approves your application then you will be appointed as the Personal Representative and the probate may begin once you accept your appointment. After you have been appointed as Personal Representative by the Probate Court, then you can fill out the remaining forms in the packet that are applicable to your situation:

4B-401 Notice of informal appointment of Personal Representative [must sent out to heirs within 30 days]
4B-402 Proof of notice [once completed and mailed out, this form must be filed with the Probate Court].
4B-501 Notice to creditors [must mail to all known creditors] AND please note: print in a local newspaper is optional.
4B-601 Inventory [must be prepared within 90 days and must be provided to all interested persons].
4B-602 Accounting [include sufficient information to place the interested party(ies) on notice to all transactions].

THIRD STEP: Pay all valid debts of the estate including any taxes. After the debts are paid, distribute the remaining assets to the heirs. Create an accounting of all assets IN and all assets OUT of the Estate. Distribute the accounting to all heirs. File a closing statement after all assets have been distributed.

4B-701 Verified closing statement of the personal representative [file a closing statement after all assets have been distributed].

1B-301. Probate court forms; short title; limited purpose of forms; cautions regarding use of forms.

A. **Probate forms.** The Probate Court Forms may be used in the probate courts of this state. The forms may be cited by NMRA form number, as Form 4B-___ NMRA. The forms are available on and may be downloaded from the Supreme Court's website. Additional information about the forms may be obtained from your county probate court.

B. **Limited purpose of forms.** The New Mexico Supreme Court has approved the forms for use in probate court by people who are representing themselves in the process. The forms serve a useful, but limited purpose. They will assist you in completing the paperwork necessary to complete most uncontested probate cases. While you also have the option of opening a probate case in district court, the forms are specifically tailored to assist with probate matters in the county probate courts.

C. **Issues not addressed.** The probate forms do not address many issues including the following:

(1) how to collect information regarding the debts, if any, of the decedent;

(2) how to determine if the debts are valid;

(3) what to do if you believe that a debt is not valid;

(4) how to determine what, if any, taxes may be owed by the estate and if you need to get a tax identification number for the estate;

(5) how to locate and collect the assets of the decedent, including payments under insurance policies and retirement accounts;

(6) how to determine who is entitled to the assets of the estate; and

(7) how to correctly transfer these assets to the appropriate people (for example, what type of deed to use to transfer land).

D. **Specific examples of issues not covered by the forms.** You will need to address all issues necessary to complete the probate of the estate that you are handling. For example, many estates have both state and federal tax issues that must be addressed. You must address these issues with the appropriate authorities. Other estates require deeds to transfer property. You must have the appropriate documents prepared to do this and you must record the documents properly.

E. **Role of judge and clerk.** Neither the judge nor the court clerk will assist you with the issues discussed above and other similar kinds of issues. It is your responsibility to determine what needs to be done and take the necessary action.

F. **Seek advice of a lawyer.** Personal representatives may seek the help they need from a lawyer experienced in probate or other appropriate professional during the process. [Approved, effective September 15, 2000; 4B-001 recompiled and amended as 1B-301 by Supreme Court Order No. 18-8300-014, effective for all cases pending or filed on or after December 31, 2018.]

1B-102. Probate definitions.

A. **General.** The following is a list of simplified definitions of certain legal terms that you, as the personal representative, may need to understand in your probate action. Under certain circumstances you may need to understand more than the simplified definitions listed below. In those cases, you may need to consult a lawyer or review the New Mexico law to more fully understand the terms listed below. Section 45-1-201 NMSA 1978 also includes definitions of terms used in the Uniform Probate Code (Probate Code).

"NMSA 1978" refers to the New Mexico Statutes Annotated 1978, which is the official compilation of New Mexico statutory law. The first number listed is the chapter, the second number listed is the article, and the third number is the specific section of law enacted by the Legislature. The Probate Code is published in the NMSA 1978 as Chapter 45 NMSA 1978. "NMRA" refers to the New Mexico Rules Annotated, which contains rules, forms, and jury instructions of the New Mexico courts. Probate forms are included in the NMRA and are also available electronically through the New Mexico Supreme Court website. Additional information may be obtained from your county probate court.

B. **Definitions.** As used in the Probate Court Rules, Rules 1B-101 to 1B-701 NMRA, and the Probate Court Forms, Forms 4B-101 to 4B-1001 NMRA

(1) "accounting" means any written statement that sets forth accurately the assets of an estate, the liabilities of an estate, and the receipts and disbursements for an estate;

(2) "administration of an estate" means to go through the process of managing and settling the estate of a decedent. This usually involves the following four steps:

(a) collecting and valuing the assets of an estate;

(b) paying the family and personal property allowances;

(c) paying the costs and expenses of administration and the valid debts of the estate, including all taxes; and

(d) distributing the remainder of the estate to those who are entitled to it;

(3) "applicant" means a person who makes a written request to the probate court for an informal probate or appointment;

(4) "application" means a written request to the probate court for an informal probate or appointment. If you need more information on an application, *see* Section 45-1-201(A)(2) NMSA 1978;

(5) "beneficiary" is a person who is given a gift (devise) by a will. The Probate Code uses a different word, "devisee," to mean the same thing. The forms use the word "devisee" rather than "beneficiary" because the Probate Code uses "devisee." If you need more information on a beneficiary, *see* Section 45-1-201(A)(4) NMSA 1978;

(6) "bond" means a financial security provided to the court by the personal representative and a bonding company to ensure that the personal representative of the estate faithfully does the job of personal representative. A bond is usually not required in an informal probate proceeding. However, a bond may be required if the will requires it, or if a person with an interest in the estate requests the court to require it and the court orders that a bond be posted. If you need more information on bonds, *see* Sections 45-3-601 and 45-3-603 to 45-3-606 NMSA 1978;

(7) "claim" means a debt of the decedent that can arise before or after the death of the decedent, including the last medical bills and funeral costs;

(8) "claimant," also called "creditor," means a person who is making a claim;

(9) "creditor" means a person to whom a debt is owed. The debt might be owed by the decedent or the estate, also called the "debtor." In order to collect against an estate, the creditor files a "claim";

(10) "decedent" means the person who has died and whose will is being probated or whose estate is being administered;

(11) "descendant" means all of the children, grandchildren, great-grandchildren, etc., of a decedent. If you need more information on a descendant, *see* Section 45-1-201(A)(9) NMSA 1978;

(12) "demand for notice" means a written document filed in the district court where a probate is or should be filed requesting notice of any order or filing pertaining to a decedent's estate. The document must state the name of the decedent, the nature of the filing person's interest in the decedent's estate, and the filing person's address or the address of the filing person's lawyer. You, as the personal representative, filing an action in probate court, must contact the district court clerk in the county where the decedent was domiciled and ask if any person has filed a demand for notice relating to the decedent's estate. If someone has filed a demand for notice, you must send a copy of everything you file and every order the judge signs to the person who has demanded notice. If you need more information on a demand for notice, *see* Section 45-3-204 NMSA 1978;

(13) "devise," if used as a noun, means a gift of land (also called "real property") or other assets (also called "personal property") given by a will. If used as a verb, "devise" means to give a gift by a will of land or other assets. If you need more information on a devise, *see* Section 45-1-201(A)(10) NMSA 1978;

(14) "devisee" means a person listed in a will to receive assets from an estate. A common word for "devisee" is "beneficiary." The forms use the word "devisee" rather than "beneficiary" because the Probate Code uses "devisee." If you need more information on a devisee, *see* 45-1-201(A)(11) NMSA 1978;

(15) "distributee" means any person who receives property from a decedent who is not a creditor or purchaser. If you need more information on a distributee, *see* Section 45-1-201(A)(12) NMSA 1978;

(16) "domicile" means the last place the decedent had a true, fixed home, in a permanent establishment to which the decedent intended to return after an absence, and it is the place where the decedent voluntarily fixed his or her home with the intention of making it permanent;

(17) "estate" means all property of the decedent that is subject to the Probate Code. For the purposes of probate, an estate generally does not include property that passes automatically to a listed beneficiary, such as land held as joint tenants, land subject to transfer on death deeds, life insurance proceeds, payable on death accounts, transfer on death accounts, or retirement benefits that have a beneficiary designation. If you need more information on an estate, *see* Section 45-1-201(A)(15) NMSA 1978;

(18) "family allowance" means an allowance of thirty thousand dollars ($30,000) from the decedent's estate to which the decedent's surviving spouse is entitled. If there is no surviving spouse, then the family allowance is payable to the decedent's minor and dependent children. This allowance is exempt from and has priority over all claims against the estate. The family allowance must be paid if the estate has sufficient assets. *See* Section 45-2-402

NMSA 1978;

(19) "fiduciary" includes a person serving as a personal representative, who acts primarily for another person's benefit in matters connected with that role. A fiduciary is held to the highest degree of good faith in performing the duties of the fiduciary. A personal representative is a fiduciary. *See* Section 45-1-201(A)(17) NMSA 1978 for the definition of "fiduciary";

(20) "formal proceeding" means a proceeding that must be conducted before a district court judge with notice to interested persons;

(21) "heirs" means those persons who are entitled to the property of the decedent if the decedent dies intestate. The priority of the people who are entitled to the property is listed in Sections 45-2-101 to 45-2-107 NMSA 1978;

(22) "informal proceeding" means a proceeding commenced before the probate court without prior notice to interested persons for probate of a will or appointment of a personal representative, except as provided in Section 45-3-306 NMSA 1978;

(23) "intestate" means to die

(a) without leaving a will;

(b) without leaving a valid will; or

(c) with an incomplete will;

(24) "notice" or "giving notice" means the process of sending written information to people interested in the estate telling them about events occurring that relate to the estate or administration of the estate. *See also* the specific requirements for notice to creditors in Paragraph (B)(25) below. The courts operate under a principle that people are entitled to "notice and an opportunity to be heard." This means that people are entitled to know what is happening in a case and are then given an opportunity to tell a judge what that person wants the judge to know about a case. When you complete the notice requirements in a case, you have told people about the important events happening in a case. You will meet your notice obligations if you mail a copy of everything that is filed with the court on the same day the document is filed with the court to the correct address for the following:

(a) all the heirs or devisees of an estate;

(b) persons who have or may have an interest in the estate of the decedent;

(c) anyone who asks for notice; and

(d) anyone who has filed a demand for notice.

See Sections 45-3-705, 45-3-306, and 45-3-310 NMSA 1978;

(25) "notice to creditors" or "giving notice to creditors" means notifying creditors that you are in the process of probating the estate. If you choose to give notice to creditors, you may publish notice in the newspaper, deliver written notice by mail or other delivery, or both. *See* Section 45-3-801 NMSA 1978;

(26) "personal representative" means the person appointed by the court to administer the estate as defined in Paragraph (B)(2) above. This person may be called an "executor," an "executrix," or an "administrator" in a will;

(27) "personal property" means property that is not land, real estate, or real property. Examples of personal property include bank accounts, stocks, bonds, insurance policies, pension plans, jewelry, furniture, and motor vehicles. Some personal property may have a designation regarding who receives the property after death (a "beneficiary designation") and is

not governed by a statute of distribution or by a will. A common example is an IRA or pension plan;

(28) "personal property allowance" means an allowance valued at fifteen thousand dollars ($15,000) or less from the decedent's estate in household furniture, automobiles, furnishings, appliances, and personal effects, to which the decedent's surviving spouse is entitled. If the value of such items is less than the personal property allowance of fifteen thousand dollars ($15,000), the value of the personal property allowance shall be paid from other assets to make up any deficiency. If there is no surviving spouse, then the personal property allowance is payable to the decedent's children who are devisees under the will or who are entitled to a share of the estate under Section 45-2-302 NMSA, or if there is no will, the allowance is payable to the decedent's intestate heirs. This allowance is payable in all events, if the estate has sufficient assets remaining after the family allowance has been paid. *See* Section 45-2-403 NMSA 1978;

(29) "probate" technically means the court procedure by which a will is proved to be valid or invalid. Common usage of this term now means all matters relating to the administration of an estate;

(30) "probate case" means a court case originally commenced for one or more of the following purposes:

(a) to informally administer a decedent's estate;

(b) to informally appoint a personal representative or special administrator; or

(c) to provide for proof of authority for a domiciliary foreign personal representative;

(31) "Probate Code" means the Uniform Probate Code, Chapter 45 NMSA 1978;

(32) "real property" includes land, houses, farms, ranches, leases, minerals, water rights, and timber rights;

(33) "revoked," when used with these forms, means a will or other document that the decedent has canceled. If a will is revoked, it has no effect;

(34) "testate" means to die leaving a valid will;

(35) "testator" means someone who has made a will or someone who dies leaving a valid will. A "testatrix" is a female testator, although this term is no longer used in the Probate Code;

(36) "unrevoked," when used in these forms, means a will or other document that the decedent has not canceled;

(37) "venue" means the place where the case should be filed. Generally, the case should be filed in either the probate court or the district court in the county where the decedent was domiciled at the time of death, or, if the decedent did not live in New Mexico, the probate court or the district court in the county where the decedent owned real property. If you need more information on venue, *see* Section 45-3-201 NMSA 1978; and

(38) "will" means a document prepared and executed according to certain formalities that usually describes the distribution of the decedent's probate assets upon death. A will also typically designates a personal representative and may appoint a guardian for minor children. A will is sometimes referred to as "last will and testament." If you need more information on a will, *see* Section 45-1-201(A)(57) NMSA 1978.

[Approved, effective September 15, 2000; 4B-002 recompiled and amended as 1B-102 by Supreme Court Order No. 18-8300-014, effective for all cases pending or filed on or after December 31, 2018.]

4B-301. Application for informal appointment of personal representative (*no will*).
[For use with Rule 1B-304 NMRA]

STATE OF NEW MEXICO
IN THE PROBATE COURT
_____ COUNTY

IN THE MATTER OF THE ESTATE OF No. _____
_____, DECEASED.

APPLICATION FOR INFORMAL
APPOINTMENT OF PERSONAL REPRESENTATIVE
(*NO WILL*)[1]

I, _____, state that

1. I had the following relationship with _____, the person who died (*the decedent*), that qualifies me to act as personal representative of the estate of the decedent[1]:

(Choose one)

(Review the priorities for appointment set out in Section 45-3-203(A) NMSA 1978 and Rule 1B-304 NMRA.)

[ ] I am the surviving spouse of the decedent.

[ ] I am one of the heirs of the estate of the decedent.

[ ] I am an interested person, including a creditor of the decedent, and forty-five (45) days have elapsed since the date of death of the decedent.

Because of this relationship, I have an interest in the estate of the decedent, and I am willing to serve as personal representative of the estate of the decedent. I am not disqualified to act as personal representative. I do not know of anyone else who is interested in serving as personal representative who has priority to serve.

(*Check if applicable*)

[ ] Anyone who has equal or higher priority to serve has consented below to my appointment by signing this form.

2. The decedent died on _____ (*date*), at the age of _____. At death, the decedent

(*Choose one*)

[ ] lived in _____ County, New Mexico.

[ ] did not live in New Mexico, but lived in _____ County, State of _____ and owned property in _____ County, New Mexico.

3. I have carefully searched for all of the names and addresses of the decedent's spouse, children, and other heirs [including myself].[2] I have discovered the following information:

Name	Address	Relationship to Decedent	Age (*if minor*)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

4. I have looked carefully and thoroughly for a will of the decedent and did not find one. I believe that the decedent died without a will.

5. A personal representative has not been appointed in New Mexico or anywhere else.

6. I do not know of any other probate action either in New Mexico or anywhere else.

7. (*Choose one*)

[ ] I have checked with the district court clerk about a demand for notice and found no such demand. I have not received, and do not know of, any demand from anyone for notice of any probate or related proceeding.

[ ] I am aware of a demand for notice and have sent the required notice to each person who demanded notice.

8. (*Choose one*)

[ ] The decedent died more than one hundred twenty (120) hours ago and less than three (3) years ago.

[ ] The decedent died more than three (3) years ago, but an informal appointment is necessary to confirm title in the successors to the estate of the decedent.

WHEREFORE, I ask this court to

A. Appoint me as the personal representative of the estate of the decedent;

B. Allow me to serve without posting a bond, in an unsupervised administration;

C. Ask the court clerk to issue Letters of Administration to me; and

D. Order any other relief as this court believes to be appropriate.

I affirm under penalty of perjury under the laws of the State of New Mexico that all of the above statements are true and correct.

_____
Signature of applicant

_____
Printed name

_____
Date

_____
Street address

_____
City, state, and ZIP code

_____
Telephone number (optional)

_____
Email address (optional)

(*If anyone has an equal or higher priority than you for appointment as personal representative, as discussed in the instructions for this form, Step 1, have each sign below to show that person's consent to your serving as personal representative.*)

I consent to the appointment of the personal representative listed above.

Name: _____
Signature: _____
Relationship to decedent: _____
Street address: _____
City, state, and ZIP code: _____

Name: _____
Signature: _____
Relationship to decedent: _____
Street address: _____
City, state, and ZIP code: _____

Name: _____

Signature: _____
Relationship to decedent: _____
Street address: _____
City, state, and ZIP code: _____

Name: _____
Signature: _____
Relationship to decedent: _____
Street address: _____
City, state, and ZIP code: _____

USE NOTE

1. *See* NMSA 1978, Section 45-3-203 for priority among persons seeking appointment as personal representative and NMSA 1978, Section 45-3-301 for informal appointment of a personal representative.

2. If the applicant is an "heir," as defined in Rule 1B-102 NMRA, use the bracketed language.

[Approved, effective September 15, 2000; as amended by Supreme Court Order No. 07-8300-005, effective March 1, 2007; 4B-101 recompiled and amended as 4B-301 by Supreme Court Order No. 18-8300-014, effective for all cases pending or filed on or after December 31, 2018.]

4B-303. Order of informal appointment of personal representative (*no will*).
[For use with Rule 1B-304 NMRA]

STATE OF NEW MEXICO
IN THE PROBATE COURT
_____ COUNTY

IN THE MATTER OF THE ESTATE OF No. _____
_____, DECEASED.

ORDER OF INFORMAL
APPOINTMENT OF PERSONAL REPRESENTATIVE
(*NO WILL*)

This matter comes before the court on the Application for Informal Appointment of Personal Representative of the estate of the decedent and the court having considered the application, FINDS that

1. The Application for Informal Appointment of Personal Representative is complete;
2. The applicant has affirmed under penalty of perjury under the laws of the State of New Mexico that the statements contained in the application are true and correct;
3. On the basis of the statements in the application, this court has jurisdiction;
4. On the basis of the statements in the application, venue is proper;
5. The applicant has affirmed under penalty of perjury under the laws of the State of New Mexico that after the exercise of reasonable diligence, the applicant is unaware of any unrevoked last will and testament or other testamentary instrument relating to property in this state or under the laws of New Mexico, and the request for the appointment does not relate to any will;
6. On the basis of the statements in the application, the applicant gave notice of the filing of the application to each person demanding notice, if any;
7. It appears from the application that this proceeding was commenced within the time limitations prescribed by the laws of the State of New Mexico;
8. The applicant is an interested person as defined by law, and is not disqualified to serve as personal representative of the estate of the decedent;
9. From the statements in the application, the applicant has priority entitling the applicant to be appointed as personal representative of the estate of the decedent; and
10. According to the application, no other personal representative has been appointed in New Mexico or in any other state.

THEREFORE, THIS COURT ORDERS that

A. The application is granted;
B. The applicant _____ (*name of applicant*) is informally appointed as the personal representative of the estate of the decedent, without bond, in an

unsupervised administration and

C. Letters of Administration shall be issued to the applicant upon the applicant's acceptance of the office of personal representative.

_____
Probate Judge

Submitted by:

_____
Signature of applicant

_____
Printed name

_____
Date

_____
Street address

_____
City, state, and ZIP code

_____
Telephone number (optional)

_____
Email address (optional)

USE NOTE

See NMSA 1978, Section 45-3-308 for proof and findings required prior to appointment of personal representative and NMSA 1978, Section 45-3-307 for informal appointment of personal representative.

[Approved, effective September 15, 2000; as amended by Supreme Court Order No. 07-8300-005, effective March 1, 2007; 4B-103 recompiled and amended as 4B-303 by Supreme Court Order No. 18-8300-014, effective for all cases pending or filed on or after December 31, 2018.]

4B-305. Acceptance of appointment as personal representative (*no will*) (*will*).
[For use with Rules 1B-304 and 1B-306 NMRA]

STATE OF NEW MEXICO
IN THE PROBATE COURT
_____ COUNTY

IN THE MATTER OF THE ESTATE OF No. _____
_____, DECEASED.

ACCEPTANCE OF
APPOINTMENT AS PERSONAL REPRESENTATIVE
(*NO WILL*) (*WILL*)

I, _____, accept the duties of personal representative of the estate of the decedent, and agree to perform the duties of the office to the best of my abilities according to the law.

I affirm under penalty of perjury under the laws of the State of New Mexico that all of the above statements are true and correct.

_____
Signature of applicant

_____
Printed name

_____
Date

_____
Street address

_____
City, state, and ZIP code

_____
Telephone number (optional)

_____
Email address (optional)

USE NOTE

See NMSA 1978, Section 45-3-307 and NMSA 1978, Section 45-3-601 for acceptance of appointment of personal representative.
[Approved, effective September 15, 2000; as amended by Supreme Court Order No. 07-8300-005, effective March 1, 2007; 4B-105 recompiled and amended as 4B-305 by Supreme Court Order No. 18-8300-014, effective for all cases pending or filed on or after December 31, 2018.]

4B-306. Letters of administration (*no will*).
[For use with Rule 1B-304 NMRA]

STATE OF NEW MEXICO
IN THE PROBATE COURT
_____ COUNTY

IN THE MATTER OF THE ESTATE OF No. _____
_____, DECEASED.

LETTERS OF ADMINISTRATION
(*NO WILL*)

TO WHOM IT MAY CONCERN:

Notice is now given that _____ (*name of personal representative*) has been appointed to serve as the personal representative of the estate of _____, and has qualified as the personal representative of the estate of the decedent by filing with the court a statement of acceptance of the duties of that office.

The personal representative has all of the powers and authorities provided by law and specifically, by Section 45-3-715 NMSA 1978.

Issued this ____ day of _____, _____.

Clerk of the Probate Court

By:_____
Deputy Clerk

(*Seal*)

USE NOTE

See NMSA 1978, Section 45-3-103 and NMSA 1978, Section 45-3-601 for issuance of letters.
[Approved, effective September 15, 2000; as amended by Supreme Court Order No. 07-8300-005, effective March 1, 2007; 4B-106 recompiled and amended as 4B-306 by Supreme Court Order No. 18-8300-014, effective for all cases pending or filed on or after December 31, 2018.]

STOP HERE

The remaining documents should not be completed until after the court has appointed YOU as the Personal Representative of the Estate.

Once a case number has been assigned, make sure you use it on all documents you file with the Probate Court.

For return copies by mail, enclose a **self-addressed stamped envelope.**

4B-401. Notice of informal appointment of personal representative.
[For use with Rules 1B-304, 1B-306, and 1B-401 NMRA]

STATE OF NEW MEXICO
IN THE PROBATE COURT
_____ COUNTY

IN THE MATTER OF THE ESTATE OF No. _____
_____, DECEASED.

NOTICE OF INFORMAL APPOINTMENT OF PERSONAL REPRESENTATIVE

YOU ARE HEREBY NOTIFIED THAT

1. This notice is being sent to the heirs [and devisees][1] of the decedent.
2. On _____, _____ (*date*), _____ (*personal representative's name*) was appointed the personal representative of the estate of the decedent in an informal proceeding under the Probate Code.
3. No bond has been filed.
4. All documents relating to the estate of the decedent are on file with the probate court of _____ County. They are available for your inspection.
5. The estate of the decedent is being administered by the personal representative according to the terms of the Probate Code without supervision from the court. You are entitled to information regarding the administration of the estate of the decedent from the personal representative. You may also petition the court in any matter relating to the estate of the decedent, including distribution of assets and expenses of administration.

Dated: _____, _____.

_____
Signature of personal representative

_____
Printed name

_____
Street address

_____
City, state, and ZIP code

_____
Telephone number (optional)

_____
Email address (optional)

USE NOTE

1. If the decedent had a will, use the bracketed language. *See* Rule 1B-102 NMRA for the definition of a "devisee."

2. *See* NMSA 1978, Section 45-3-705 for notice of appointment of personal representative.

[Approved, effective September 15, 2000; as amended by Supreme Court Order No. 07-8300-005, effective March 1, 2007; 4B-201 recompiled and amended as 4B-401 by Supreme Court Order No. 18-8300-014, effective for all cases pending or filed on or after December 31, 2018.]

4B-402. Proof of notice.
[For use with Rules 1B-304, 1B-306, and 1B-401 NMRA]

STATE OF NEW MEXICO
IN THE PROBATE COURT
_____ COUNTY

IN THE MATTER OF THE ESTATE OF No. _____
_____, DECEASED.

PROOF OF NOTICE

I, _____, am the personal representative of the estate of the decedent. I have mailed a copy of the Notice of Informal Appointment of Personal Representative to the following people at the addresses listed below (*list all persons named in the will, if there is a will, and all heirs, even if not named in a will*):

Heirs and devisees

Name	**Address**

People who have demanded notice

Name	**Address**

Dated: _____, _____.

_____
Signature of personal representative

_____
Printed name

_____
Street address

_____
City, state, and ZIP code

_____
Telephone number (optional)

_____
Email address (optional)

USE NOTE

See NMSA 1978, Section 45-3-705 for proof of notice of appointment.

[Approved, effective September 15, 2000; as amended by Supreme Court Order No. 07-8300-005, effective March 1, 2007; 4B-202 recompiled and amended as 4B-402 by Supreme Court Order No. 18-8300-014, effective for all cases pending or filed on or after December 31, 2018.]

4B-501. Notice to creditors by publication and notice to creditors by written notice (mailing or other delivery).
[For use with Rules 1B-304, 1B-306, and 1B-401 NMRA]

STATE OF NEW MEXICO
IN THE PROBATE COURT
_____ COUNTY

IN THE MATTER OF THE ESTATE OF No. _____
_____, DECEASED.

NOTICE TO CREDITORS

NOTICE IS HEREBY GIVEN that the undersigned has been appointed personal representative of the estate of the decedent. All persons having claims against the estate of the decedent are required to present their claims within four (4) months after the date of the first publication of any published notice to creditors or sixty (60) days after the date of mailing or other delivery of this notice, whichever is later, or the claims will be forever barred. Claims must be presented either to the undersigned personal representative at the address listed below, or filed with the Probate Court of _____ County, New Mexico, located at the following address:

_____, _____.

Dated: _____, _____.

_____
Signature of personal representative

_____
Printed name

_____
Address

_____
City, state, and ZIP code

_____
Telephone number (optional)

_____
Email address (optional)

USE NOTE

See NMSA 1978, Sections 45-3-801 to 45-3-803 for notice to creditors provisions.

[Approved, effective September 15, 2000; as amended by Supreme Court Order No. 07-8300-005, effective March 1, 2007; 4B-301 recompiled and amended as 4B-501 by Supreme Court Order No. 18-8300-014, effective for all cases pending or filed on or after December 31, 2018.]

STOP HERE

The remaining documents are the final steps in administering this probate estate. These documents should be completed after all expenses have been paid, all income has been received and all property has been transferred to the heirs or devisees.

Make sure to use the Court Number on all filings.

For return copies by mail, enclose a **self-addressed stamped envelope.**

4B-601. Inventory.
[For use with Rules 1B-304, 1B-306, and 1B-501 NMRA]

STATE OF NEW MEXICO
IN THE PROBATE COURT
_____ COUNTY

IN THE MATTER OF THE ESTATE OF No. _____
_____, DECEASED.

INVENTORY

I, _____, the personal representative of the estate of the decedent, have prepared an inventory of the property of the estate of the decedent.

I am sending a copy of this document to the interested people who have requested it. The inventory is as follows:

Item		**Estimated Value on Date of Death**	**Mortgage or Lien**
1.	_____	$_____	$_____
2.	_____	$_____	$_____
3.	_____	$_____	$_____
4.	_____	$_____	$_____
5.	_____	$_____	$_____
6.	_____	$_____	$_____

_____
Signature of personal representative

_____
Date

_____
Printed name

_____
Street address

_____
City, state, and ZIP code

_____
Telephone number (optional)

_____
Email address (optional)

USE NOTE

See NMSA 1978, Sections 45-3-706 to 45-3-708 for preparation of inventory of property owned by the decedent.

[Approved, effective September 15, 2000; as amended by Supreme Court Order No. 07-8300-005, effective March 1, 2007; 4B-401 recompiled and amended as 4B-601 by Supreme Court Order No. 18-8300-014, effective for all cases pending or filed on or after December 31, 2018.]

4B-602. Accounting.
[For use with Rules 1B-304, 1B-306, and 1B-501 NMRA]

STATE OF NEW MEXICO
IN THE PROBATE COURT
_____ COUNTY

IN THE MATTER OF THE ESTATE OF No. _____
_____, DECEASED.

ACCOUNTING

I, _____, the personal representative of the estate of the decedent, have prepared an accounting of the administration of the estate of the decedent.

I am sending a copy of this document to the distributees whose interests are affected by this accounting. The accounting is as follows:

Cash and Other Assets in the Estate

A.	**Items from Inventory (not sold)**	**Value**
1.	_____	$_____
2.	_____	$_____
3.	_____	$_____
4.	_____	$_____
5.	_____	$_____
6.	_____	$_____

B.	**Items Received Since the Making of Inventory (not sold)**	**Value**
1.	_____	$_____
2.	_____	$_____
3.	_____	$_____
4.	_____	$_____
5.	_____	$_____

C.	**Items Sold**	**Sales Price**	**Sales Expense**	**Net Amount Received**
1.	_____	$_____	$_____	$_____
2.	_____	$_____	$_____	$_____
3.	_____	$_____	$_____	$_____
4.	_____	$_____	$_____	$_____
5.	_____	$_____	$_____	$_____
6.	_____	$_____	$_____	$_____

D. Income Received **Amount**

1. _____ $_____
2. _____ $_____
3. _____ $_____
4. _____ $_____
5. _____ $_____

Total of Cash and Other Assets: $_____

Payments and Distributions

A. Payments to Creditors and for Expenses of Administration **Amount Paid**

1. _____ $_____
2. _____ $_____
3. _____ $_____
4. _____ $_____
5. _____ $_____
6. _____ $_____

B. Distributions to Devisees or Heirs **Value of Distribution**

1. _____ $_____
2. _____ $_____
3. _____ $_____
4. _____ $_____
5. _____ $_____
6. _____ $_____

Total of Payments and Distributions: $_____

(*Total of Cash and Other Assets should equal Total of Payments and Distributions.*)

_____
Signature of personal representative

_____
Printed name

_____
Date

_____
Street address

City, state, and ZIP code

Telephone number (optional)

Email address (optional)

[Approved, effective September 15, 2000; as amended by Supreme Court Order No. 07-8300-005, effective March 1, 2007; 4B-501 recompiled and amended as 4B-602 by Supreme Court Order No. 18-8300-014, effective for all cases pending or filed on or after December 31, 2018.]

4B-701. Verified closing statement of the personal representative.
[For use with Rules 1B-304, 1B-306, and 1B-601 NMRA]

STATE OF NEW MEXICO
IN THE PROBATE COURT
_____ COUNTY

IN THE MATTER OF THE ESTATE OF No. _____
_____, DECEASED.

VERIFIED CLOSING STATEMENT OF THE PERSONAL REPRESENTATIVE

I, _____, state that

1. I am the personal representative of the estate of the decedent;
2. The probate was filed more than six (6) months ago and the time for the presentation of creditor's claims has expired;
3. I have completed my work on the estate of the decedent. In order to do this, I
   A. inventoried and estimated the value in writing of all of the decedent's property and encumbrances on this property;
   B. resolved all claims that were presented to me, either by paying them or otherwise taking care of them;
   C. paid all the expenses of administration;
   D. paid federal and state taxes that were due, including estate tax, inheritance or other death taxes, and income taxes; and
   E. distributed all the remaining assets, including decedent's real property, if any, to the people who were entitled to receive them, taking into account the family and personal property allowances allowed by law. The distributions were in the appropriate amounts;
4. I mailed a copy of this document to anyone entitled to a distribution from the estate of the decedent. I also mailed a copy of the accounting of this estate to anyone entitled to a distribution from this estate whose interests were affected by the accounting;
5. As far as I know, there are no other actions pending in any court; and
6. By this closing statement, I am indicating to the court that I am closing the estate.

I affirm under penalty of perjury under the laws of the State of New Mexico that the above statements are true and correct.

_____
Signature of personal representative

_____
Printed name

_____
Date

_____
Address

City, state, and ZIP code

Telephone number (optional)

Email address (optional)

USE NOTE

WARNING: Do not submit this form to the court until you have completed ALL estate work. Once this form is filed with the court, the personal representative no longer has authority to act on behalf of the decedent's estate.

[Approved, effective September 15, 2000; as amended by Supreme Court Order No. 07-8300-005, effective March 1, 2007; 4B-502 recompiled and amended as 4B-701 by Supreme Court Order No. 18-8300-014, effective for all cases pending or filed on or after December 31, 2018.]

Probate Forms (With Will)

Cordilia Montoya
Santa Fe County Probate Judge
Probate Court
142 West Palace Avenue- 3rd Floor
Bokum Building
Santa Fe, New Mexico 87501-2071
505-992-1636

I

Ex-Officio Probate Clerk
Geraldine Salazar, Santa Fe County Clerk
Probate Records Request
Probate Packets
Probate Filing
Santa Fe County Clerk's Office
102 Grant Avenue
Santa Fe, NM 87501
Telephone: 505-986-6280

Probate Filing Fee $30.00

Fee for Copy of Probate Packet $5.00
or available free of charge online at
http://www.santafecountynm.gov/probate

Please fill out paperwork up to the STOP sign.
You must bring the ORIGINAL Will and the ORIGINAL Death Certificate with your completed packet to start a probate filing.

Probate Forms (With Will) Effective January 1, 2019

Note: You can purchase this Probate Packet from the Clerk's Office for $5.00 or you can download these forms at www.nmcourts.gov/forms.aspx

The "Do-It Yourself Forms" are prepared to assist you to file an uncontested probate case. Each form is self-explanatory, but if you have any questions the answers can be found in the detailed instructions and definitions at the back of this packet. I recommend that you talk to an attorney if you have questions.

FIRST STEP: Look over the Probate Packet and forms. To start the process, make an appointment with the Probate Judge. On the day of your appointment make sure you bring in to the Judge's office a Death Certificate. Have the following forms already filled out as indicated below:

4B-302. Application for informal probate of will and for informal appointment of personal
4B-304. Order of informal probate of will and appointment of personal representative (With Will).
4B-305 Acceptance of appointment as Personal Representative (With Will) (no Will)
4B-307. Letters testamentary (With Will).

Note: Please fill out paperwork up to the STOP sign page:

Pay the $30.00 filing fee at the Santa Fe County Clerk's Office

SECOND STEP: If the Probate Judge approves your application then you will be appointed as the Personal Representative and the probate may begin once you accept your appointment. After you have been appointed as Personal Representative by the Probate Court, then you can fill out the remaining forms in the packet that are applicable to your situation:

4B-401 Notice of informal appointment of Personal Representative [must sent out to heirs within 30 days]
4B-402 Proof of notice [once completed and mailed out, this form must be filed with the Probate Court].
4B-501 Notice to creditors [must mail to all known creditors] AND please note: print in a local newspaper is optional.
4B-601 Inventory [must be prepared within 90 days and must be provided to all interested
persons].
4B-602 Accounting [include sufficient information to place the interested party(ies) on notice to all transactions].

THIRD STEP: Pay all valid debts of the estate including any taxes. After the debts are paid, distribute the remaining assets to the heirs. Create an accounting of all assets IN and all assets OUT of the Estate. Distribute the accounting to all heirs. File a closing statement after all assets have been distributed.

4B-701 Verified closing statement of the personal representative [file a closing statement after all assets have been distributed].

1B-301. Probate court forms; short title; limited purpose of forms; cautions regarding use of forms.

A. **Probate forms.** The Probate Court Forms may be used in the probate courts of this state. The forms may be cited by NMRA form number, as Form 4B-___ NMRA. The forms are available on and may be downloaded from the Supreme Court's website. Additional information about the forms may be obtained from your county probate court.

B. **Limited purpose of forms.** The New Mexico Supreme Court has approved the forms for use in probate court by people who are representing themselves in the process. The forms serve a useful, but limited purpose. They will assist you in completing the paperwork necessary to complete most uncontested probate cases. While you also have the option of opening a probate case in district court, the forms are specifically tailored to assist with probate matters in the county probate courts.

C. **Issues not addressed.** The probate forms do not address many issues including the following:

(1) how to collect information regarding the debts, if any, of the decedent;

(2) how to determine if the debts are valid;

(3) what to do if you believe that a debt is not valid;

(4) how to determine what, if any, taxes may be owed by the estate and if you need to get a tax identification number for the estate;

(5) how to locate and collect the assets of the decedent, including payments under insurance policies and retirement accounts;

(6) how to determine who is entitled to the assets of the estate; and

(7) how to correctly transfer these assets to the appropriate people (for example, what type of deed to use to transfer land).

D. **Specific examples of issues not covered by the forms.** You will need to address all issues necessary to complete the probate of the estate that you are handling. For example, many estates have both state and federal tax issues that must be addressed. You must address these issues with the appropriate authorities. Other estates require deeds to transfer property. You must have the appropriate documents prepared to do this and you must record the documents properly.

E. **Role of judge and clerk.** Neither the judge nor the court clerk will assist you with the issues discussed above and other similar kinds of issues. It is your responsibility to determine what needs to be done and take the necessary action.

F. **Seek advice of a lawyer.** Personal representatives may seek the help they need from a lawyer experienced in probate or other appropriate professional during the process. [Approved, effective September 15, 2000; 4B-001 recompiled and amended as 1B-301 by Supreme Court Order No. 18-8300-014, effective for all cases pending or filed on or after December 31, 2018.]

1B-102. Probate definitions.

A. **General.** The following is a list of simplified definitions of certain legal terms that you, as the personal representative, may need to understand in your probate action. Under certain circumstances you may need to understand more than the simplified definitions listed below. In those cases, you may need to consult a lawyer or review the New Mexico law to more fully understand the terms listed below. Section 45-1-201 NMSA 1978 also includes definitions of terms used in the Uniform Probate Code (Probate Code).

"NMSA 1978" refers to the New Mexico Statutes Annotated 1978, which is the official compilation of New Mexico statutory law. The first number listed is the chapter, the second number listed is the article, and the third number is the specific section of law enacted by the Legislature. The Probate Code is published in the NMSA 1978 as Chapter 45 NMSA 1978. "NMRA" refers to the New Mexico Rules Annotated, which contains rules, forms, and jury instructions of the New Mexico courts. Probate forms are included in the NMRA and are also available electronically through the New Mexico Supreme Court website. Additional information may be obtained from your county probate court.

B. **Definitions.** As used in the Probate Court Rules, Rules 1B-101 to 1B-701 NMRA, and the Probate Court Forms, Forms 4B-101 to 4B-1001 NMRA

(1) "accounting" means any written statement that sets forth accurately the assets of an estate, the liabilities of an estate, and the receipts and disbursements for an estate;

(2) "administration of an estate" means to go through the process of managing and settling the estate of a decedent. This usually involves the following four steps:

(a) collecting and valuing the assets of an estate;

(b) paying the family and personal property allowances;

(c) paying the costs and expenses of administration and the valid debts of the estate, including all taxes; and

(d) distributing the remainder of the estate to those who are entitled to it;

(3) "applicant" means a person who makes a written request to the probate court for an informal probate or appointment;

(4) "application" means a written request to the probate court for an informal probate or appointment. If you need more information on an application, *see* Section 45-1-201(A)(2) NMSA 1978;

(5) "beneficiary" is a person who is given a gift (devise) by a will. The Probate Code uses a different word, "devisee," to mean the same thing. The forms use the word "devisee" rather than "beneficiary" because the Probate Code uses "devisee." If you need more information on a beneficiary, *see* Section 45-1-201(A)(4) NMSA 1978;

(6) "bond" means a financial security provided to the court by the personal representative and a bonding company to ensure that the personal representative of the estate faithfully does the job of personal representative. A bond is usually not required in an informal probate proceeding. However, a bond may be required if the will requires it, or if a person with an interest in the estate requests the court to require it and the court orders that a bond be posted. If you need more information on bonds, *see* Sections 45-3-601 and 45-3-603 to 45-3-606 NMSA 1978;

(7) "claim" means a debt of the decedent that can arise before or after the death of the decedent, including the last medical bills and funeral costs;

(8) "claimant," also called "creditor," means a person who is making a claim;

(9) "creditor" means a person to whom a debt is owed. The debt might be owed by the decedent or the estate, also called the "debtor." In order to collect against an estate, the creditor files a "claim";

(10) "decedent" means the person who has died and whose will is being probated or whose estate is being administered;

(11) "descendant" means all of the children, grandchildren, great-grandchildren, etc., of a decedent. If you need more information on a descendant, *see* Section 45-1-201(A)(9) NMSA 1978;

(12) "demand for notice" means a written document filed in the district court where a probate is or should be filed requesting notice of any order or filing pertaining to a decedent's estate. The document must state the name of the decedent, the nature of the filing person's interest in the decedent's estate, and the filing person's address or the address of the filing person's lawyer. You, as the personal representative, filing an action in probate court, must contact the district court clerk in the county where the decedent was domiciled and ask if any person has filed a demand for notice relating to the decedent's estate. If someone has filed a demand for notice, you must send a copy of everything you file and every order the judge signs to the person who has demanded notice. If you need more information on a demand for notice, *see* Section 45-3-204 NMSA 1978;

(13) "devise," if used as a noun, means a gift of land (also called "real property") or other assets (also called "personal property") given by a will. If used as a verb, "devise" means to give a gift by a will of land or other assets. If you need more information on a devise, *see* Section 45-1-201(A)(10) NMSA 1978;

(14) "devisee" means a person listed in a will to receive assets from an estate. A common word for "devisee" is "beneficiary." The forms use the word "devisee" rather than "beneficiary" because the Probate Code uses "devisee." If you need more information on a devisee, *see* 45-1-201(A)(11) NMSA 1978;

(15) "distributee" means any person who receives property from a decedent who is not a creditor or purchaser. If you need more information on a distributee, *see* Section 45-1-201(A)(12) NMSA 1978;

(16) "domicile" means the last place the decedent had a true, fixed home, in a permanent establishment to which the decedent intended to return after an absence, and it is the place where the decedent voluntarily fixed his or her home with the intention of making it permanent;

(17) "estate" means all property of the decedent that is subject to the Probate Code. For the purposes of probate, an estate generally does not include property that passes automatically to a listed beneficiary, such as land held as joint tenants, land subject to transfer on death deeds, life insurance proceeds, payable on death accounts, transfer on death accounts, or retirement benefits that have a beneficiary designation. If you need more information on an estate, *see* Section 45-1-201(A)(15) NMSA 1978;

(18) "family allowance" means an allowance of thirty thousand dollars ($30,000) from the decedent's estate to which the decedent's surviving spouse is entitled. If there is no surviving spouse, then the family allowance is payable to the decedent's minor and dependent children. This allowance is exempt from and has priority over all claims against the estate. The family allowance must be paid if the estate has sufficient assets. *See* Section 45-2-402

NMSA 1978;

(19) "fiduciary" includes a person serving as a personal representative, who acts primarily for another person's benefit in matters connected with that role. A fiduciary is held to the highest degree of good faith in performing the duties of the fiduciary. A personal representative is a fiduciary. *See* Section 45-1-201(A)(17) NMSA 1978 for the definition of "fiduciary";

(20) "formal proceeding" means a proceeding that must be conducted before a district court judge with notice to interested persons;

(21) "heirs" means those persons who are entitled to the property of the decedent if the decedent dies intestate. The priority of the people who are entitled to the property is listed in Sections 45-2-101 to 45-2-107 NMSA 1978;

(22) "informal proceeding" means a proceeding commenced before the probate court without prior notice to interested persons for probate of a will or appointment of a personal representative, except as provided in Section 45-3-306 NMSA 1978;

(23) "intestate" means to die

(a) without leaving a will;

(b) without leaving a valid will; or

(c) with an incomplete will;

(24) "notice" or "giving notice" means the process of sending written information to people interested in the estate telling them about events occurring that relate to the estate or administration of the estate. *See also* the specific requirements for notice to creditors in Paragraph (B)(25) below. The courts operate under a principle that people are entitled to "notice and an opportunity to be heard." This means that people are entitled to know what is happening in a case and are then given an opportunity to tell a judge what that person wants the judge to know about a case. When you complete the notice requirements in a case, you have told people about the important events happening in a case. You will meet your notice obligations if you mail a copy of everything that is filed with the court on the same day the document is filed with the court to the correct address for the following:

(a) all the heirs or devisees of an estate;

(b) persons who have or may have an interest in the estate of the decedent;

(c) anyone who asks for notice; and

(d) anyone who has filed a demand for notice.

See Sections 45-3-705, 45-3-306, and 45-3-310 NMSA 1978;

(25) "notice to creditors" or "giving notice to creditors" means notifying creditors that you are in the process of probating the estate. If you choose to give notice to creditors, you may publish notice in the newspaper, deliver written notice by mail or other delivery, or both. *See* Section 45-3-801 NMSA 1978;

(26) "personal representative" means the person appointed by the court to administer the estate as defined in Paragraph (B)(2) above. This person may be called an "executor," an "executrix," or an "administrator" in a will;

(27) "personal property" means property that is not land, real estate, or real property. Examples of personal property include bank accounts, stocks, bonds, insurance policies, pension plans, jewelry, furniture, and motor vehicles. Some personal property may have a designation regarding who receives the property after death (a "beneficiary designation") and is

not governed by a statute of distribution or by a will. A common example is an IRA or pension plan;

(28) "personal property allowance" means an allowance valued at fifteen thousand dollars ($15,000) or less from the decedent's estate in household furniture, automobiles, furnishings, appliances, and personal effects, to which the decedent's surviving spouse is entitled. If the value of such items is less than the personal property allowance of fifteen thousand dollars ($15,000), the value of the personal property allowance shall be paid from other assets to make up any deficiency. If there is no surviving spouse, then the personal property allowance is payable to the decedent's children who are devisees under the will or who are entitled to a share of the estate under Section 45-2-302 NMSA, or if there is no will, the allowance is payable to the decedent's intestate heirs. This allowance is payable in all events, if the estate has sufficient assets remaining after the family allowance has been paid. *See* Section 45-2-403 NMSA 1978;

(29) "probate" technically means the court procedure by which a will is proved to be valid or invalid. Common usage of this term now means all matters relating to the administration of an estate;

(30) "probate case" means a court case originally commenced for one or more of the following purposes:

(a) to informally administer a decedent's estate;

(b) to informally appoint a personal representative or special administrator; or

(c) to provide for proof of authority for a domiciliary foreign personal representative;

(31) "Probate Code" means the Uniform Probate Code, Chapter 45 NMSA 1978;

(32) "real property" includes land, houses, farms, ranches, leases, minerals, water rights, and timber rights;

(33) "revoked," when used with these forms, means a will or other document that the decedent has canceled. If a will is revoked, it has no effect;

(34) "testate" means to die leaving a valid will;

(35) "testator" means someone who has made a will or someone who dies leaving a valid will. A "testatrix" is a female testator, although this term is no longer used in the Probate Code;

(36) "unrevoked," when used in these forms, means a will or other document that the decedent has not canceled;

(37) "venue" means the place where the case should be filed. Generally, the case should be filed in either the probate court or the district court in the county where the decedent was domiciled at the time of death, or, if the decedent did not live in New Mexico, the probate court or the district court in the county where the decedent owned real property. If you need more information on venue, *see* Section 45-3-201 NMSA 1978; and

(38) "will" means a document prepared and executed according to certain formalities that usually describes the distribution of the decedent's probate assets upon death. A will also typically designates a personal representative and may appoint a guardian for minor children. A will is sometimes referred to as "last will and testament." If you need more information on a will, *see* Section 45-1-201(A)(57) NMSA 1978.

[Approved, effective September 15, 2000; 4B-002 recompiled and amended as 1B-102 by Supreme Court Order No. 18-8300-014, effective for all cases pending or filed on or after December 31, 2018.]

4B-302. Application for informal probate of will and for informal appointment of personal representative (*will*).
[For use with Rule 1B-306 NMRA]

STATE OF NEW MEXICO
IN THE PROBATE COURT
_____ COUNTY

IN THE MATTER OF THE ESTATE OF No. _____
_____, DECEASED.

APPLICATION FOR INFORMAL
PROBATE OF WILL
AND FOR INFORMAL APPOINTMENT OF PERSONAL REPRESENTATIVE
(*WILL*)[1]

I, _____, state that

1. I had the following relationship with _____, the person who died (*the decedent*), that qualifies me to act as personal representative of the estate of the decedent[1]:

(*Choose one*)

(*Review the priorities for appointment set out in Section 45-3-203(A) NMSA 1978 and Rule 1B-306 NMRA.*)

[ ] I have been nominated in the will of the decedent.

[ ] I am the surviving spouse of the decedent and am listed in the will as a devisee.

[ ] I am one of the devisees of the estate of the decedent as listed in the will.

[ ] I am the surviving spouse of the decedent, but am not listed in the will as a devisee.

[ ] I am one of the heirs of the estate of the decedent, but am not listed in the will as a devisee.

[ ] I am an interested person, including a creditor of the decedent, and forty-five (45) days have elapsed since the date of death of the decedent.

Because of this relationship, I have an interest in the estate of the decedent, and I am willing to serve as personal representative of the estate of the decedent. I am not disqualified to act as personal representative. I do not know of anyone else who is interested in serving as

personal representative who has priority to serve.

2. The decedent died on _____ (*date*), at the age of _____. At death, the decedent

(*Choose one*)

[ ] lived in _____ County, New Mexico.

[ ] did not live in New Mexico, but lived in _____ County, State of _____ and owned property in _____ County, New Mexico.

3. I am filing the original of the will of the decedent, dated _____, at the same time I am filing this application. I believe that this is the current and correct will.

4. The following is a list of the devisees named in the will, [including myself][2], together with a list of the decedent's spouse, children, and heirs who may not be named in the will, if any:

Name	Address	Relationship To Decedent	Age (*if minor*)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

5. I believe that this will has been validly executed.

6. I have carefully searched for a document that revokes this will and have not found such a document.

7. A personal representative has not been appointed in New Mexico or anywhere else.

8. I do not know of any other probate action either in New Mexico or anywhere else.

9. (*Choose one*)

[ ] I have checked with the district court clerk about a demand for notice and found no such demand. I have not received, and do not know of, any demand from anyone for notice of any probate or related proceeding.

[ ] I am aware of a demand for notice and have sent the required notice to each person who demanded notice.

10. The decedent died more than one hundred twenty (120) hours ago. It has not been more than three (3) years since the decedent's death.

WHEREFORE, I ask this court to

A. Enter an order informally probating the will of the decedent;

B. Appoint me as the personal representative of the estate of the decedent;

C. Allow me to serve without posting a bond, in an unsupervised administration;

D. Ask the court clerk to issue Letters Testamentary to me; and

E. Order any other relief as this court believes to be appropriate.

I affirm under penalty of perjury under the laws of the State of New Mexico that all of the above statements are true and correct.

_____
Signature of applicant

_____
Printed name

_____
Date

_____
Street address

_____
City, state, and ZIP code

_____
Telephone number (optional)

_____
Email address (optional)

(If anyone has an equal or higher priority than you for appointment as personal representative, as discussed in Rule 1B-306 NMRA, Step 1, have each sign below to show that person's consent to your serving as personal representative.)

I consent to the appointment of the personal representative listed above.

Name: _____
Signature: _____
Relationship to decedent: _____
Street address: _____

City, state, and ZIP code: _____

Name: _____
Signature: _____
Relationship to decedent: _____
Street address: _____
City, state, and ZIP code: _____

Name: _____
Signature: _____
Relationship to decedent: _____
Street address: _____
City, state, and ZIP code: _____

USE NOTE

1. *See* NMSA 1978, Section 45-3-203 for priority among persons seeking appointment as personal representative and NMSA 1978, Section 45-3-301 for informal appointment of a personal representative.

2. If the applicant is an "heir," as defined in Rule 1B-102 NMRA, use the bracketed language.

[Approved, effective September 15, 2000; as amended by Supreme Court Order No. 07-8300-005, effective March 1, 2007; 4B-102 recompiled and amended as 4B-302 by Supreme Court Order No. 18-8300-014, effective for all cases pending or filed on or after December 31, 2018.]

4B-304. Order of informal probate of will and appointment of personal representative (*will*).
[For use with Rule 1B-306 NMRA]

STATE OF NEW MEXICO
IN THE PROBATE COURT
_____ COUNTY

IN THE MATTER OF THE ESTATE OF No. _____
_____, DECEASED.

ORDER OF INFORMAL PROBATE OF WILL AND APPOINTMENT OF PERSONAL REPRESENTATIVE (*WILL*)

This matter comes before the court on the application for informal probate of the will of the decedent and for informal appointment as personal representative of the estate of the decedent. The court having considered the application, FINDS that

1. The Application for Informal Probate of Will and for Informal Appointment of Personal Representative is complete;
2. The applicant has affirmed under penalty of perjury under the laws of the State of New Mexico that the statements contained in the application are true and correct;
3. On the basis of the statements in the application, this court has jurisdiction;
4. On the basis of the statements in the application, this court has venue;
5. An original, duly executed, and apparently unrevoked will of the decedent is in the possession of this court;
6. On the basis of the statements in the application, the applicant gave notice of the filing of the application to each person demanding notice, if any;
7. It appears from the application that this proceeding was commenced within the limitations prescribed by the laws of the State of New Mexico;
8. The applicant is an interested person as defined by law, and is not disqualified to serve as personal representative of the estate of the decedent;
9. From the statements in the application and from the contents of the will, the applicant has priority entitling the applicant to be appointed as personal representative of the estate of the decedent; and
10. According to the application, no other personal representative has been appointed in New Mexico or in any other state.

THEREFORE, THIS COURT ORDERS that

A. The application is granted;
B. The will of the decedent is informally probated;
C. The applicant _____ (*name of applicant*) is informally appointed as the personal representative of the estate of the decedent, without bond, in an

unsupervised administration; and

D. Letters Testamentary shall be issued to the applicant upon the applicant's acceptance of the office of personal representative.

_____
Probate Judge

Submitted by:

_____
Signature of applicant

_____
Printed name

_____
Date

_____
Street address

_____
City, state, and ZIP code

_____
Telephone number (optional)

_____
Email address (optional)

USE NOTE

See NMSA 1978, Section 45-3-308 for proof and findings required prior to appointment of personal representative and NMSA 1978, Section 45-3-307 for informal appointment of personal representative.

[Approved, effective September 15, 2000; as amended by Supreme Court Order No. 07-8300-005, effective March 1, 2007; 4B-104 recompiled and amended as 4B-304 by Supreme Court Order No. 18-8300-014, effective for all cases pending or filed on or after December 31, 2018.]

4B-305. Acceptance of appointment as personal representative (*no will*) (*will*).
[For use with Rules 1B-304 and 1B-306 NMRA]

STATE OF NEW MEXICO
IN THE PROBATE COURT
_____ COUNTY

IN THE MATTER OF THE ESTATE OF No. _____
_____, DECEASED.

ACCEPTANCE OF
APPOINTMENT AS PERSONAL REPRESENTATIVE
(*NO WILL*) (*WILL*)

I, _____, accept the duties of personal representative of the estate of the decedent, and agree to perform the duties of the office to the best of my abilities according to the law.

I affirm under penalty of perjury under the laws of the State of New Mexico that all of the above statements are true and correct.

_____
Signature of applicant

_____
Printed name

_____
Date

_____
Street address

_____
City, state, and ZIP code

_____
Telephone number (optional)

_____
Email address (optional)

USE NOTE

See NMSA 1978, Section 45-3-307 and NMSA 1978, Section 45-3-601 for acceptance of appointment of personal representative.
[Approved, effective September 15, 2000; as amended by Supreme Court Order No. 07-8300-005, effective March 1, 2007; 4B-105 recompiled and amended as 4B-305 by Supreme Court Order No. 18-8300-014, effective for all cases pending or filed on or after December 31, 2018.]

4B-307. Letters testamentary (*will*).
[For use with Rule 1B-306 NMRA]

STATE OF NEW MEXICO
IN THE PROBATE COURT
_____ COUNTY

IN THE MATTER OF THE ESTATE OF No. _____
_____, DECEASED.

LETTERS TESTAMENTARY
(*WILL*)

TO WHOM IT MAY CONCERN:

Notice is now given that _____ (*name of personal representative*) has been appointed to serve as the personal representative of the estate of _____, and has qualified as the personal representative of the estate of the decedent by filing with the court a statement of acceptance of the duties of that office.

The personal representative has all of the powers and authorities provided by law and specifically, by Section 45-3-715 NMSA 1978.

Issued this ____ day of _____, _____.

Clerk of the Probate Court

By:_____
Deputy Clerk

(*Seal*)

USE NOTE

See NMSA 1978, Section 45-3-103 and NMSA 1978, Section 45-3-601 for issuance of letters.
[Approved, effective September 15, 2000; as amended by Supreme Court Order No. 07-8300-005, effective March 1, 2007; 4B-107 recompiled and amended as 4B-307 by Supreme Court Order No. 18-8300-014, effective for all cases pending or filed on or after December 31, 2018.]

STOP HERE

The remaining documents should not be completed until after the court has appointed YOU as the Personal Representative of the Estate.

Once a case number has been assigned, make sure you use it on all documents you file with the Probate Court.

For return copies by mail, enclose a **self-addressed stamped envelope.**

4B-401. Notice of informal appointment of personal representative.
[For use with Rules 1B-304, 1B-306, and 1B-401 NMRA]

STATE OF NEW MEXICO
IN THE PROBATE COURT
_____ COUNTY

IN THE MATTER OF THE ESTATE OF No. _____
_____, DECEASED.

NOTICE OF INFORMAL APPOINTMENT OF PERSONAL REPRESENTATIVE

YOU ARE HEREBY NOTIFIED THAT

1. This notice is being sent to the heirs [and devisees][1] of the decedent.
2. On _____, _____ (*date*), _____ (*personal representative's name*) was appointed the personal representative of the estate of the decedent in an informal proceeding under the Probate Code.
3. No bond has been filed.
4. All documents relating to the estate of the decedent are on file with the probate court of _____ County. They are available for your inspection.
5. The estate of the decedent is being administered by the personal representative according to the terms of the Probate Code without supervision from the court. You are entitled to information regarding the administration of the estate of the decedent from the personal representative. You may also petition the court in any matter relating to the estate of the decedent, including distribution of assets and expenses of administration.

Dated: _____, _____.

_____
Signature of personal representative

_____
Printed name

_____
Street address

_____
City, state, and ZIP code

_____
Telephone number (optional)

_____
Email address (optional)

USE NOTE

1. If the decedent had a will, use the bracketed language. *See* Rule 1B-102 NMRA for the definition of a "devisee."

2. *See* NMSA 1978, Section 45-3-705 for notice of appointment of personal representative.

[Approved, effective September 15, 2000; as amended by Supreme Court Order No. 07-8300-005, effective March 1, 2007; 4B-201 recompiled and amended as 4B-401 by Supreme Court Order No. 18-8300-014, effective for all cases pending or filed on or after December 31, 2018.]

4B-402. Proof of notice.
[For use with Rules 1B-304, 1B-306, and 1B-401 NMRA]

STATE OF NEW MEXICO
IN THE PROBATE COURT
_____ COUNTY

IN THE MATTER OF THE ESTATE OF No. _____
_____, DECEASED.

PROOF OF NOTICE

I, _____, am the personal representative of the estate of the decedent. I have mailed a copy of the Notice of Informal Appointment of Personal Representative to the following people at the addresses listed below (*list all persons named in the will, if there is a will, and all heirs, even if not named in a will*):

Heirs and devisees

Name	**Address**

People who have demanded notice

Name	**Address**

Dated: _____, _____.

_____
Signature of personal representative

_____
Printed name

_____
Street address

_____
City, state, and ZIP code

_____
Telephone number (optional)

_____
Email address (optional)

USE NOTE

See NMSA 1978, Section 45-3-705 for proof of notice of appointment.

[Approved, effective September 15, 2000; as amended by Supreme Court Order No. 07-8300-005, effective March 1, 2007; 4B-202 recompiled and amended as 4B-402 by Supreme Court Order No. 18-8300-014, effective for all cases pending or filed on or after December 31, 2018.]

4B-501. Notice to creditors by publication and notice to creditors by written notice (mailing or other delivery).
[For use with Rules 1B-304, 1B-306, and 1B-401 NMRA]

STATE OF NEW MEXICO
IN THE PROBATE COURT
_____ COUNTY

IN THE MATTER OF THE ESTATE OF No. _____
_____, DECEASED.

NOTICE TO CREDITORS

NOTICE IS HEREBY GIVEN that the undersigned has been appointed personal representative of the estate of the decedent. All persons having claims against the estate of the decedent are required to present their claims within four (4) months after the date of the first publication of any published notice to creditors or sixty (60) days after the date of mailing or other delivery of this notice, whichever is later, or the claims will be forever barred. Claims must be presented either to the undersigned personal representative at the address listed below, or filed with the Probate Court of _____ County, New Mexico, located at the following address:

_____, _____.

Dated: _____, _____.

_____
Signature of personal representative

_____
Printed name

_____
Address

_____
City, state, and ZIP code

_____
Telephone number (optional)

_____
Email address (optional)

USE NOTE

See NMSA 1978, Sections 45-3-801 to 45-3-803 for notice to creditors provisions.

[Approved, effective September 15, 2000; as amended by Supreme Court Order No. 07-8300-005, effective March 1, 2007; 4B-301 recompiled and amended as 4B-501 by Supreme Court Order No. 18-8300-014, effective for all cases pending or filed on or after December 31, 2018.]

STOP HERE

The remaining documents are the final steps in administering this probate estate. These documents should be completed after all expenses have been paid, all income has been received and all property has been transferred to the heirs or devisees.

Make sure to use the Court Number on all filings.

For return copies by mail, enclose a **self-addressed stamped envelope.**

4B-601. Inventory.
[For use with Rules 1B-304, 1B-306, and 1B-501 NMRA]

STATE OF NEW MEXICO
IN THE PROBATE COURT
_____ COUNTY

IN THE MATTER OF THE ESTATE OF No. _____
_____, DECEASED.

INVENTORY

I, _____, the personal representative of the estate of the decedent, have prepared an inventory of the property of the estate of the decedent.

I am sending a copy of this document to the interested people who have requested it. The inventory is as follows:

Item		**Estimated Value on Date of Death**	**Mortgage or Lien**
1.	_____	$_____	$_____
2.	_____	$_____	$_____
3.	_____	$_____	$_____
4.	_____	$_____	$_____
5.	_____	$_____	$_____
6.	_____	$_____	$_____

_____
Signature of personal representative

_____
Date

_____
Printed name

_____
Street address

_____
City, state, and ZIP code

_____
Telephone number (optional)

_____
Email address (optional)

USE NOTE

See NMSA 1978, Sections 45-3-706 to 45-3-708 for preparation of inventory of property owned by the decedent.

[Approved, effective September 15, 2000; as amended by Supreme Court Order No. 07-8300-005, effective March 1, 2007; 4B-401 recompiled and amended as 4B-601 by Supreme Court Order No. 18-8300-014, effective for all cases pending or filed on or after December 31, 2018.]

4B-602. Accounting.
[For use with Rules 1B-304, 1B-306, and 1B-501 NMRA]

STATE OF NEW MEXICO
IN THE PROBATE COURT
_____ COUNTY

IN THE MATTER OF THE ESTATE OF
_____, DECEASED.

No. _____

ACCOUNTING

I, _____, the personal representative of the estate of the decedent, have prepared an accounting of the administration of the estate of the decedent.

I am sending a copy of this document to the distributees whose interests are affected by this accounting. The accounting is as follows:

Cash and Other Assets in the Estate

A.	**Items from Inventory (not sold)**	**Value**
1.	_____	$_____
2.	_____	$_____
3.	_____	$_____
4.	_____	$_____
5.	_____	$_____
6.	_____	$_____

B.	**Items Received Since the Making of Inventory (not sold)**	**Value**
1.	_____	$_____
2.	_____	$_____
3.	_____	$_____
4.	_____	$_____
5.	_____	$_____

C.	**Items Sold**	**Sales Price**	**Sales Expense**	**Net Amount Received**
1.	_____	$_____	$_____	$_____
2.	_____	$_____	$_____	$_____
3.	_____	$_____	$_____	$_____
4.	_____	$_____	$_____	$_____
5.	_____	$_____	$_____	$_____
6.	_____	$_____	$_____	$_____

D. Income Received **Amount**

1. _____ $_____
2. _____ $_____
3. _____ $_____
4. _____ $_____
5. _____ $_____

Total of Cash and Other Assets: $_____

Payments and Distributions

A. Payments to Creditors and for Expenses of Administration **Amount Paid**

1. _____ $_____
2. _____ $_____
3. _____ $_____
4. _____ $_____
5. _____ $_____
6. _____ $_____

B. Distributions to Devisees or Heirs **Value of Distribution**

1. _____ $_____
2. _____ $_____
3. _____ $_____
4. _____ $_____
5. _____ $_____
6. _____ $_____

Total of Payments and Distributions: $_____

(*Total of Cash and Other Assets should equal Total of Payments and Distributions.*)

_____
Signature of personal representative

_____
Printed name

_____
Date

_____
Street address

City, state, and ZIP code

Telephone number (optional)

Email address (optional)

[Approved, effective September 15, 2000; as amended by Supreme Court Order No. 07-8300-005, effective March 1, 2007; 4B-501 recompiled and amended as 4B-602 by Supreme Court Order No. 18-8300-014, effective for all cases pending or filed on or after December 31, 2018.]

4B-701. Verified closing statement of the personal representative.
[For use with Rules 1B-304, 1B-306, and 1B-601 NMRA]

STATE OF NEW MEXICO
IN THE PROBATE COURT
_____ COUNTY

IN THE MATTER OF THE ESTATE OF No. _____
_____, DECEASED.

VERIFIED CLOSING STATEMENT OF THE PERSONAL REPRESENTATIVE

I, _____, state that

1. I am the personal representative of the estate of the decedent;
2. The probate was filed more than six (6) months ago and the time for the presentation of creditor's claims has expired;
3. I have completed my work on the estate of the decedent. In order to do this, I
   A. inventoried and estimated the value in writing of all of the decedent's property and encumbrances on this property;
   B. resolved all claims that were presented to me, either by paying them or otherwise taking care of them;
   C. paid all the expenses of administration;
   D. paid federal and state taxes that were due, including estate tax, inheritance or other death taxes, and income taxes; and
   E. distributed all the remaining assets, including decedent's real property, if any, to the people who were entitled to receive them, taking into account the family and personal property allowances allowed by law. The distributions were in the appropriate amounts;
4. I mailed a copy of this document to anyone entitled to a distribution from the estate of the decedent. I also mailed a copy of the accounting of this estate to anyone entitled to a distribution from this estate whose interests were affected by the accounting;
5. As far as I know, there are no other actions pending in any court; and
6. By this closing statement, I am indicating to the court that I am closing the estate.

I affirm under penalty of perjury under the laws of the State of New Mexico that the above statements are true and correct.

_____
Signature of personal representative

_____
Printed name

_____
Date

_____
Address

City, state, and ZIP code

Telephone number (optional)

Email address (optional)

USE NOTE

WARNING: Do not submit this form to the court until you have completed ALL estate work. Once this form is filed with the court, the personal representative no longer has authority to act on behalf of the decedent's estate.

[Approved, effective September 15, 2000; as amended by Supreme Court Order No. 07-8300-005, effective March 1, 2007; 4B-502 recompiled and amended as 4B-701 by Supreme Court Order No. 18-8300-014, effective for all cases pending or filed on or after December 31, 2018.]