**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 decedent1:

(*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 decedents spouse, children, and heirs who may not be named in the will, if any:

Name Address Relationship Age

To Decedent (*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 decedents 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 persons 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 NOTES

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.]