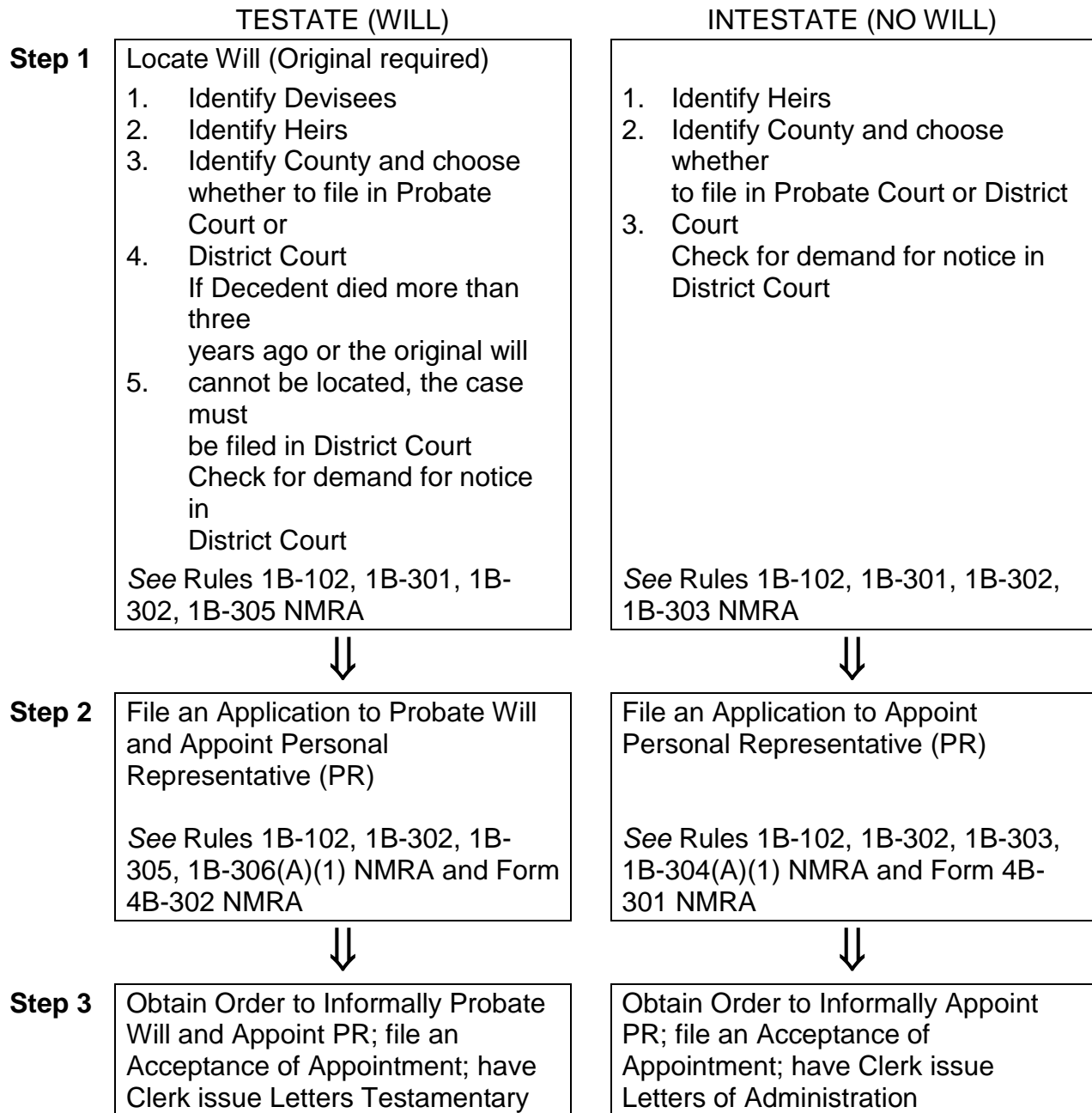


# Probate Court Forms

## ARTICLE 1 Probate Flow Chart

### 4B-101. Opening and closing a probate court case (Flow chart).

#### OPENING AND CLOSING A PROBATE COURT CASE



See Rule 1B-306(A)(2)-(4) NMRA and Forms 4B-304, 4B-305, 4B-307 NMRA



**Step 4**

Within 30 days of Appointment, Send Notice of Appointment, Order, and copy of Will to Devisees, Heirs, and any person who has filed a demand for notice

See Rules 1B-102, 1B-306(B) NMRA and Forms 4B-401, 4B-402 NMRA



**Step 5**

Decide whether to Notify Creditors  
If Creditors will be notified,  
(a) send notice,  
(b) publish notice, OR  
(c) both

See Rules 1B-102, 1B-305, 1B-306(C) NMRA and Form 4B-501 NMRA



**Step 6**

Collect/Inventory Assets of the Decedent, Value Assets (within 3 months of appointment), and Determine Debts of the Decedent

Inventory does not have to be filed with the court

See Rules 1B-305, 1B-306(D) NMRA and Form 4B-601 NMRA



**Step 7**

Pay the Family Allowance (\$30,000) and Personal Property Allowance (\$15,000) if required

See Rule 1B-304(A)(2)-(4) NMRA and Forms 4B-303, 4B-305, 4B-306 NMRA



Within 30 days of Appointment, Send Notice of Appointment and Order to Heirs and any person who has filed a demand for notice

See Rules 1B-102, 1B-304(B) NMRA and Forms 4B-401, 4B-402 NMRA



Decide whether to Notify Creditors  
If Creditors will be notified,  
(a) send notice,  
(b) publish notice, OR  
(c) both

See Rules 1B-102, 1B-303, 1B-304(C) NMRA and Form 4B-501 NMRA



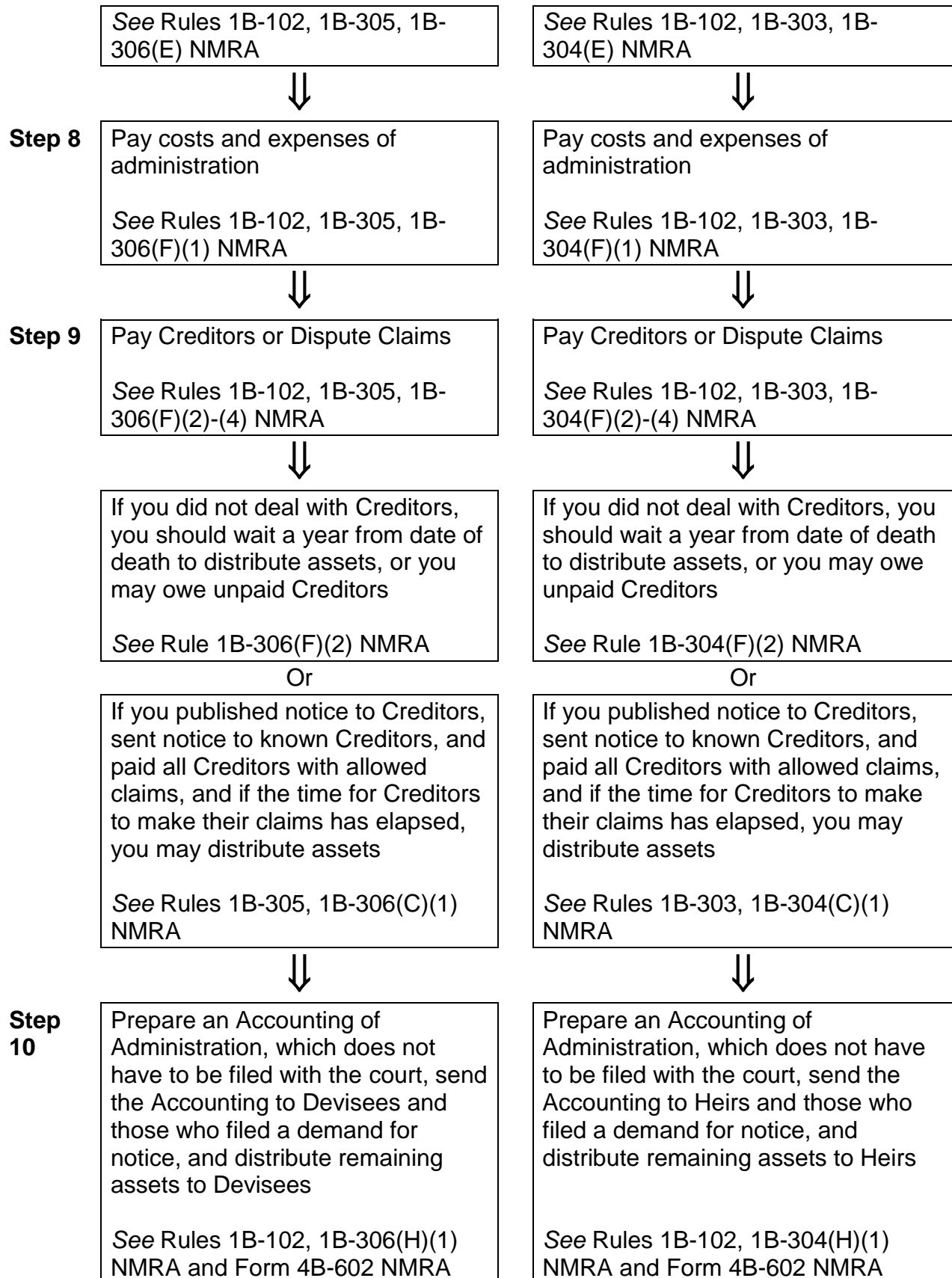
Collect/Inventory Assets of the Decedent and Value Assets (within 3 months of appointment), and Determine Debts of the Decedent

Inventory does not have to be filed with the court

See Rules 1B-303, 1B-304(D) NMRA and Form 4B-601 NMRA



Pay the Family Allowance (\$30,000) and Personal Property Allowance (\$15,000) if required





**Step  
11**

Close probate and estate when you meet the requirements in the Verified Statement

See Rule 1B-306(H)(2), (3) NMRA and Forms 4B-701, 4B-702 NMRA



Close probate and estate when you meet the requirements in the Verified Statement

See Rule 1B-304(H)(2), (3) NMRA and Forms 4B-701, 4B-702 NMRA

[Adopted by Supreme Court Order No. 18-8300-014, effective for all cases pending or filed on or after December 31, 2018.]

## **ARTICLE 2**

### **Application for Free Process and Affidavit of Indigency**

#### **4B-201. Affidavit of poverty and indigency.**

[For use with Rules 1B-303 and 1B-305 NMRA]

STATE OF NEW MEXICO

IN THE PROBATE COURT

\_\_\_\_\_ COUNTY

IN THE MATTER OF THE ESTATE OF

No. \_\_\_\_\_

\_\_\_\_\_, DECEASED.

#### **AFFIDAVIT OF POVERTY AND INDIGENCY**

I, the applicant, state that

A. I wish to start an action in the probate court of \_\_\_\_\_ County, New Mexico;

B. The estate of the decedent does not have enough funds to pay the costs of the action because the estate only has the following assets (list assets):

---

---

WHEREFORE, I ask that I not have to pay the costs of this action, including the filing fee.

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)

[Approved, effective September 15, 2000; as amended by Supreme Court Order No. 07-8300-005, effective March 1, 2007; 4B-601 recompiled and amended as 4B-201 by Supreme Court Order No. 18-8300-014, effective for all cases pending or filed on or after December 31, 2018.]

### ANNOTATIONS

**The 2018 amendment**, approved by Supreme Court Order No. 18-8300-014, effective December 31, 2018, required the applicant to affirm under penalty of perjury that the applicant's statements are true and correct, removed the provision requiring the applicant to sign and date the form in the presence of a notary, and made certain technical changes; added "[For use with Rules 1B-303 and 1B-305 NMRA]"; added the affirmation provision preceding the signature line, and removed the notarization portion of the form.

**Recompilations.** — Former Form 4B-601 NMRA, relating to affidavit of poverty and indigency, was recompiled and amended as 4B-201 NMRA, effective for all cases pending or filed on or after December 31, 2018.

**4B-202. Order allowing free process.**

[For use with Rules 1B-303 and 1B-305 NMRA]

STATE OF NEW MEXICO

IN THE PROBATE COURT

\_\_\_\_\_ COUNTY

IN THE MATTER OF THE ESTATE OF

No. \_\_\_\_\_

\_\_\_\_\_, DECEASED.

**ORDER ALLOWING FREE PROCESS**

The court, having read the Affidavit of Poverty and Indigency and having considered the application, FINDS that the applicant is entitled to free process.

IT IS THEREFORE ORDERED THAT

The applicant shall not pay any of the costs associated with the process of this action in this court. The applicant shall pay any costs associated with publishing notice to creditors if the applicant chooses to publish.

\_\_\_\_\_  
Probate Judge

Submitted by:

\_\_\_\_\_  
Signature of applicant

\_\_\_\_\_  
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-602 recompiled and amended as 4B-202 by Supreme Court Order No. 18-8300-014, effective for all cases pending or filed on or after December 31, 2018.]

### ANNOTATIONS

**The 2018 amendment**, approved by Supreme Court Order No. 18-8300-014, effective December 31, 2018, added “[For use with Rules 1B-303 and 1B-305 NMRA]”.

**Recompilations.** — Former Form 4B-602 NMRA, relating to order allowing free process, was recompiled and amended as 4B-202 NMRA, effective for all cases pending or filed on or after December 31, 2018.

## ARTICLE 3

### Commencement of a Probate Proceeding

#### **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)<sup>1</sup>**

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<sup>1</sup>:

(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].<sup>2</sup> 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 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-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.]

### ANNOTATIONS

**The 2018 amendment**, approved by Supreme Court Order No. 18-8300-014, effective December 31, 2018, required the applicant to affirm under penalty of perjury that the applicant's statements are true and correct, removed the provision requiring the applicant to sign and date the form in the presence of a notary, made certain technical changes, and revised the Use Note; added "[For use with Rule 1B-304 NMRA]", after "*Review the priorities for appointment set out in*", deleted "*the instruction to this form, step 1, Probate Form 4B-012*" and added "*Section 45-3-203(A) NMSA 1978 and Rule 1B-304*", after each occurrence of "estate", added "of the decedent", added the affirmation provision preceding the signature line, and removed the notarization portion of the form; in the Use Note, in Paragraph 2, after "defined in", changed "4B-002" to "Rule 1B-102".

**Recompilations.** — Former Form 4B-101 NMRA, relating to application for informal appointment of personal representative (*no will*), was recompiled and amended as 4B-301 NMRA, 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*)<sup>1</sup>**

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<sup>1</sup>:

(*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]<sup>2</sup>, 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 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.]

## ANNOTATIONS

**The 2018 amendment**, approved by Supreme Court Order No. 18-8300-014, effective December 31, 2018, required the applicant to affirm under penalty of perjury that the applicant's statements are true and correct, removed the provision requiring the applicant to sign and date the form in the presence of a notary, and made certain technical changes; added "[For use with Rule 1B-306 NMRA]", after "*Review the priorities for appointment set out in*", deleted "*the instruction to this form, step 1, Probate Form 4B-022*" and added "*Section 45-3-203(A) NMSA 1978 and Rule 1B-306*", after each occurrence of "estate", added "of the decedent", added the affirmation provision preceding the signature line, and removed the notarization portion of the form.

**Withdrawals.** — Pursuant to Supreme Court Order No. 18-8300-014, former 4B-302 NMRA, relating to notice to creditors, was withdrawn effective for all cases pending or filed on or after December 31, 2018.

**Recompilations.** — Former Form 4B-102 NMRA, relating to application for informal probate of will and for informal appointment of personal representative (*will*), was recompiled and amended as 4B-302 NMRA, 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 NOTES

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.]

#### ANNOTATIONS

**The 2018 amendment**, approved by Supreme Court Order No. 18-8300-014, effective December 31, 2018, required the applicant to affirm under penalty of perjury that the applicant's statements are true and correct, and made certain technical changes; added "[For use with Rule 1B-304 NMRA]"; in Finding 2, after "applicant has", deleted "made oath or affirmation" and added "affirmed under penalty of perjury under the laws of the State of New Mexico, and after "application are true", deleted "to the best of the applicant's knowledge and belief" and added "are correct", and in Finding 5, after "applicant has", deleted "made oath or affirmation" and added "affirmed under penalty of perjury under the laws of the State of New Mexico".

**Recompilations.** — Former Form 4B-103 NMRA, relating to order of informal appointment of personal representative (*no will*), was recompiled and amended as 4B-303 NMRA, 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 NOTES

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.]

## ANNOTATIONS

**The 2018 amendment**, approved by Supreme Court Order No. 18-8300-014, effective December 31, 2018, required the applicant to affirm under penalty of perjury that the applicant's statements are true and correct, and made certain technical changes; added "[For use with Rule 1B-306 NMRA]", in Finding 2, after "The applicant has", deleted "made oath or affirmation" and added "affirmed under penalty of perjury under the laws of the State of New Mexico, and after "application are true", deleted "to the best of the applicant's knowledge and belief" and added "and correct".

**Recompilations.** — Former Form 4B-104 NMRA, relating to order of informal probate of will and appointment of personal representative (*will*), was recompiled and amended as 4B-304 NMRA, 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 NOTES

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.]

#### ANNOTATIONS

**The 2018 amendment**, approved by Supreme Court Order No. 18-8300-014, effective December 31, 2018, required the applicant to affirm under penalty of perjury that the applicant's statements are true and correct, removed the provision requiring the applicant to sign and date the form in the presence of a notary, and made certain technical changes; added "[For use with Rules 1B-304 and 1B-306 NMRA]", added the

affirmation provision preceding the signature line, and removed the notarization portion of the form.

**Recompilations.** — Former Form 4B-105 NMRA, relating to acceptance of appointment as personal representative (*will*) (*no will*), was recompiled and amended as 4B-305 NMRA, 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 NOTES

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.]

### ANNOTATIONS

**The 2018 amendment**, approved by Supreme Court Order No. 18-8300-014, effective December 31, 2018, added “[For use with Rule 1B-304 NMRA]”.

**Recompilations.** — Former Form 4B-106 NMRA, relating to letters of administration (*no will*), was recompiled and amended as 4B-306 NMRA, 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 NOTES

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.]

#### ANNOTATIONS

**The 2018 amendment**, approved by Supreme Court Order No. 18-8300-014, effective December 31, 2018, added “[For use with Rule 1B-306 NMRA]”.

**Recompilations.** — Former Form 4B-107 NMRA, relating to letters testamentary (*will*), was recompiled and amended as 4B-307 NMRA, effective for all cases pending or filed on or after December 31, 2018.

## ARTICLE 4

### Notice to Heirs, Devisees, and Any Person Filing a Demand for Notice

#### 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]<sup>1</sup> 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 NOTES**

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.]

### ANNOTATIONS

**The 2018 amendment**, approved by Supreme Court Order No. 18-8300-014, effective December 31, 2018, made certain technical changes, and revised the Use Note; added “[For use with Rules 1B-304, 1B-306, and 1B-401 NMRA]”; and in the Use Note, added new Use Note 1 and redesignated the former undesignated use note as Use Note 2.

**Recompilations.** — Former Form 4B-201 NMRA, relating to notice of informal appointment of personal representative, was recompiled and amended as 4B-401 NMRA, 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 NOTES**

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.]

**ANNOTATIONS**

**The 2018 amendment**, approved by Supreme Court Order No. 18-8300-014, effective December 31, 2018, made certain technical changes; added “[For use with Rules 1B-304, 1B-306, and 1B-401 NMRA]”.

**Recompilations.** — Former Form 4B-202 NMRA, relating to proof of notice, was recompiled and amended as 4B-402 NMRA, effective for all cases pending or filed on or after December 31, 2018.

## **ARTICLE 5**

### **Notice to Creditors**

#### **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 NOTES

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.]

### ANNOTATIONS

**The 2018 amendment**, approved by Supreme Court Order No. 18-8300-014, effective December 31, 2018, expanded the time within which creditors must present their claims against the decedent's estate, and made certain technical changes; after "Notice to", deleted "known", and after "creditors", added "by publication and notice to creditors by written notice (mailing or other delivery)"; in the title of the form, after "NOTICE TO", deleted "KNOWN"; after "present their claims within", changed "two (2)" to "four (4)", and after "notice to creditors or", added "sixty (60) days after".

**Recompilations.** — Former Form 4B-301 NMRA, relating to notice to known creditors, was recompiled and amended as 4B-501 NMRA, effective for all cases pending or filed on or after December 31, 2018.

## ARTICLE 6

### Inventories and Accountings

#### 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  
\_\_\_\_\_, DECEASED.

No. \_\_\_\_\_

### 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 NOTES

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.]

### ANNOTATIONS

**The 2018 amendment**, approved by Supreme Court Order No. 18-8300-014, effective December 31, 2018, added “[For use with Rules 1B-304, 1B-306, and 1B-501 NMRA]”.

**Recompilations.** — Former Form 4B-401 NMRA, relating to inventory, was recompiled and amended as 4B-601 NMRA, 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.]

## ANNOTATIONS

**The 2018 amendment**, approved by Supreme Court Order No. 18-8300-014, effective December 31, 2018, added “[For use with Rules 1B-304, 1B-306, and 1B-501 NMRA]”.

**Recompilations.** — Former Form 4B-501 NMRA, relating to accounting, was recompiled and amended as 4B-602 NMRA, effective for all cases pending or filed on or after December 31, 2018.

## ARTICLE 7

### Closing a Probate Proceeding

#### **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 NOTES

**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.]

#### ANNOTATIONS

**The 2018 amendment**, approved by Supreme Court Order No. 18-8300-014, effective December 31, 2018, expanded the time within which creditors may make claims against the estate of the decedent, required the applicant to affirm under penalty of perjury that the applicant's statements are true and correct, removed the provision requiring the applicant to sign and date the form in the presence of a notary, and made certain technical changes; after "Verified", added "closing"; and added "[For use with Rules 1B-304, 1B-306, and 1B-601 NMRA]", in the title of the form, after "VERIFIED", added "CLOSING"; in Paragraph 2, after "more than", changed "three (3)" to "six (6)", added the affirmation provision preceding the signature line, and removed the notarization portion of the form.

**Recompilations.** — Former Form 4B-502 NMRA, relating to verified statement of the personal representative, was recompiled and amended as 4B-701 NMRA, effective for all cases pending or filed on or after December 31, 2018.

**4B-702. Verified small estate 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 SMALL ESTATE CLOSING STATEMENT OF THE PERSONAL REPRESENTATIVE**

I, \_\_\_\_\_, state that

1. I am the personal representative of the estate of the decedent;
2. 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. determined to the best of my knowledge that the value of the entire estate, less liens and encumbrances, does not exceed the family allowance, personal property allowance, costs and expenses of administration, reasonable necessary medical and hospital expenses of the last illness of the decedent, and reasonable funeral expenses; and
  - C. 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;
3. I mailed a copy of this document to anyone entitled to a distribution from the estate and to all creditors or other claimants of whom I am aware whose claims are neither paid nor barred. 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;

4. As far as I know, there are no other actions pending in any court; and

5. By this closing statement, I am indicating to the court that I am closing the estate of the decedent.

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 NOTES

**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.

[Adopted by Supreme Court Order No. 18-8300-014, effective for all cases pending or filed on or after December 31, 2018.]

## **ARTICLE 8**

### **Proff of Authority**

**4B-801. Proof of authority.**

[For use with Rule 1B-201 NMRA]

STATE OF NEW MEXICO

COUNTY OF \_\_\_\_\_

PROBATE COURT

IN THE MATTER OF THE ESTATE OF \_\_\_\_\_ No. \_\_\_\_\_

### PROOF OF AUTHORITY

I, \_\_\_\_\_, domiciliary personal representative of the estate of the decedent, make the following statements and filings with the court so that I, as the personal representative, may exercise all the powers of a local personal representative for the estate of the decedent, as provided in Section 45-4-205 NMSA 1978, over assets located in \_\_\_\_\_ County, State of New Mexico.

1. \_\_\_\_\_, deceased, was domiciled in \_\_\_\_\_ County, State of \_\_\_\_\_, at the time of death on \_\_\_\_\_.

2. The decedent died (*choose one*) [testate] [intestate].

3. By its order dated \_\_\_\_\_, the court in \_\_\_\_\_, County, State of \_\_\_\_\_, opened the estate of the decedent in Case No. \_\_\_\_\_ and appointed me personal representative of the estate of the decedent. An authenticated copy of the order appointing me as personal representative is filed with this Proof of Authority.

4. I, the domiciliary foreign personal representative, was appointed and served (*choose one*) [with] [without] bond as personal representative of the estate of the decedent. An authenticated copy of the bond (if applicable) is filed with this Proof of Authority.

5. (*Choose one*) [Letters of Administration] [Letters Testamentary] were issued on \_\_\_\_\_. An authenticated copy of the (*choose one*) [Letters of Administration] [Letters Testamentary] is filed with this Proof of Authority.

6. My address is \_\_\_\_\_.

7. No local administration of application or petition for a local administration is pending in the State of New Mexico.

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.

\_\_\_\_\_  
Domiciled foreign personal representative  
(signature)

\_\_\_\_\_  
Printed name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, state, and ZIP Code

\_\_\_\_\_  
Telephone number (optional)

\_\_\_\_\_  
Email address (optional)

[Adopted by Supreme Court Order No. 18-8300-014, effective for all cases pending or filed on or after December 31, 2018.]

**4B-802. Certificate acknowledging receipt of documents related to proof of authority.**

[For use with Rule 1B-201 NMRA]

STATE OF NEW MEXICO

COUNTY OF \_\_\_\_\_

PROBATE COURT

IN THE MATTER OF THE ESTATE OF

No. \_\_\_\_\_

\_\_\_\_\_, DECEASED.

**CERTIFICATE ACKNOWLEDGING RECEIPT OF DOCUMENTS  
RELATED TO PROOF OF AUTHORITY**

I, \_\_\_\_\_, Probate Judge of \_\_\_\_\_ County,  
acknowledge receipt of the following documents related to proof of authority under  
Section 45-2-204 NMSA 1978, in the above-captioned cause:



1. Authenticated copies of documents related to the appointment of the domiciliary foreign personal representative, and of official bond given, if any; and

2. A statement of the domiciliary foreign personal representative's address.

In accordance with Section 45-4-205 NMSA 1978, a domiciliary foreign personal representative who has complied with Section 45-4-204 NMSA 1978 may exercise as to assets in New Mexico all powers of a local personal representative and may maintain actions and proceedings in New Mexico subject to any conditions imposed upon nonresident parties generally.

Witness my hand and seal of the Probate Court on \_\_\_\_\_,  
\_\_\_\_\_.

\_\_\_\_\_  
County Probate Judge

(Seal)

[Adopted by Supreme Court Order No. 18-8300-014, effective for all cases pending or filed on or after December 31, 2018.]

## **ARTICLE 9**

### **Special Administration**

#### **4B-901. Application for informal appointment of special administrator.**

[For use with Rule 1B-201 NMRA]

STATE OF NEW MEXICO

COUNTY OF \_\_\_\_\_

PROBATE COURT

IN THE MATTER OF THE ESTATE OF

\_\_\_\_\_, DECEASED                      No. \_\_\_\_\_

#### **APPLICATION FOR INFORMAL APPOINTMENT OF SPECIAL ADMINISTRATOR**

I, \_\_\_\_\_, state that

1. \_\_\_\_\_, the decedent, died on \_\_\_\_\_ at the age of \_\_\_\_\_. At death, the decedent lived in \_\_\_\_\_ County, New Mexico. A probate action has not been filed anywhere in New Mexico.

2. I had the following relationship with \_\_\_\_\_, decedent:

I am the surviving spouse.

I am one of the heirs of the estate.

I am an interested person because I am \_\_\_\_\_ to the decedent.

3. A special administrator is necessary prior to appointment of a general personal representative to protect the estate of the decedent.

4. I am qualified to be appointed special administrator for the sole purpose of collecting and managing the assets of the estate of the decedent, preserving them, and accounting for and delivering the assets to the personal representative upon appointment.

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

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, state, and ZIP Code

\_\_\_\_\_  
Telephone number (optional)

\_\_\_\_\_  
Email address (optional)

[Adopted by Supreme Court Order No. 18-8300-014, effective for all cases pending or filed on or after December 31, 2018.]

**4B-902. Order appointing special administrator.**

[For use with Rule 1B-201 NMRA]

STATE OF NEW MEXICO

COUNTY OF \_\_\_\_\_

PROBATE COURT

IN THE MATTER OF THE ESTATE OF

\_\_\_\_\_, DECEASED                      No. \_\_\_\_\_

**ORDER APPOINTING SPECIAL ADMINISTRATOR**

Upon the application of \_\_\_\_\_, a person known to be interested in the estate of the decedent, for the appointment of a special administrator pending the appointment of a general personal representative, and upon good cause shown, the court finds that a special administrator should be appointed to secure and protect the estate of the decedent.

IT IS, THEREFORE, ORDERED that \_\_\_\_\_ is hereby appointed special administrator of the estate of the decedent, to collect and manage the assets of the estate, to preserve them, to account for and deliver the assets to the general personal representative upon appointment by the court, and until further order of the court.

The court shall issue Letters of Special Administration upon the applicant's acceptance of the office of special administrator.

Witness my hand and seal of the probate court on \_\_\_\_\_,  
\_\_\_\_\_.

\_\_\_\_\_  
County Probate Judge

*(Seal)*

Submitted by:

\_\_\_\_\_  
Signature of applicant

\_\_\_\_\_  
Printed name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Street address

\_\_\_\_\_  
City, state, and ZIP code

\_\_\_\_\_  
Telephone number (optional)

\_\_\_\_\_  
Email address (optional)

[Adopted by Supreme Court Order No. 18-8300-014, effective for all cases pending or filed on or after December 31, 2018.]

**4B-903. Acceptance for appointment of special administrator.**

[For use with Rule 1B-201 NMRA]

STATE OF NEW MEXICO

COUNTY OF \_\_\_\_\_

PROBATE COURT

IN THE MATTER OF THE ESTATE OF

\_\_\_\_\_, DECEASED                      No. \_\_\_\_\_

**ACCEPTANCE FOR APPOINTMENT  
OF SPECIAL ADMINISTRATOR**

I, \_\_\_\_\_, accept the duties of special administrator of the estate of the decedent and agree to collect and manage the assets of the estate of the decedent, preserve them, and account for and deliver the assets to the general personal representative upon appointment.

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

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, state, and ZIP code

\_\_\_\_\_  
Telephone number (optional)

\_\_\_\_\_  
Email address (optional)

[Adopted by Supreme Court Order No. 18-8300-014, effective for all cases pending or filed on or after December 31, 2018.]

**4B-904. Letters of special administration.**

[For use with Rule 1B-201 NMRA]

STATE OF NEW MEXICO

COUNTY OF \_\_\_\_\_

PROBATE COURT

IN THE MATTER OF THE ESTATE OF

\_\_\_\_\_, DECEASED                      No. \_\_\_\_\_

**LETTERS OF SPECIAL ADMINISTRATION**

**TO WHOM IT MAY CONCERN:**

Notice is now given that \_\_\_\_\_ has been appointed to serve as the special administrator of the estate of the decedent, and has qualified as the estate of the decedent's special administrator by filing with the court a statement of acceptance of the duties of that office.

The special administrator shall have the limited power to collect and manage the assets of the estate of the decedent, preserve them, and account for and deliver the assets to the general personal representative upon appointment.

Issued this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

(Seal)

\_\_\_\_\_  
Clerk of the Probate Court

By: \_\_\_\_\_  
Deputy Clerk

[Adopted by Supreme Court Order No. 18-8300-014, effective for all cases pending or filed on or after December 31, 2018.]

## **ARTICLE 10**

### **Transfer**

#### **4B-1001. Order transferring case from probate court to district court.**

[For use with Rules 1B-101 and 1B-701 NMRA]

STATE OF NEW MEXICO

COUNTY OF \_\_\_\_\_

PROBATE COURT

IN THE MATTER OF THE ESTATE OF

\_\_\_\_\_, DECEASED                      No. \_\_\_\_\_

#### **ORDER TRANSFERRING CASE FROM PROBATE COURT TO DISTRICT COURT**

The probate court hereby transfers the above-captioned matter to the district court for the following reason(s):

The probate court judge has declined the application for informal probate of a will under Section 45-3-305 NMSA 1978.

The probate court judge has declined the application for informal appointment of a personal representative under Section 45-3-309 NMSA 1978.

[ ] The probate court judge has declined to act due to a conflict of interest.

[ ] An evidentiary hearing may be required.

A general description of the issue presented is as follows: \_\_\_\_\_

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

IT IS, THEREFORE, ORDERED that the case in the matter of the Estate of \_\_\_\_\_, Deceased, Probate Court No. \_\_\_\_\_ filed in the probate court of \_\_\_\_\_ County, be transferred to the \_\_\_\_\_ (insert number of the district court, such as Second, Thirteenth, etc.) Judicial District Court for \_\_\_\_\_ County, New Mexico, for further proceedings.

IT IS FURTHER ORDERED that \_\_\_\_\_ shall pay any filing fee required by the district court.

Witness my hand and seal of the Probate Court on \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
County Probate Judge

(Seal)

[Adopted by Supreme Court Order No. 18-8300-014, effective for all cases pending or filed on or after December 31, 2018.]

**ANNOTATIONS**

Table of Corresponding Forms

The table below lists the former form number and the corresponding new number, and the new form number and the corresponding former form number pursuant to Supreme Court Order No. 18-8300-014.

Former Form No.	Corresponding New Form No.	New Form No.	Corresponding Former Form No.
4B-001	Recomp. as 1B-301	4B-101	New
4B-002	Recomp. as 1B-102	4B-201	4B-601
4B-003	Recomp. as 1B-302	4B-202	4B-602
4B-011	Recomp. as 1B-303	4B-301	4B-101
4B-012	Recomp. as 1B-304	4B-302	4B-102
4B-021	Recomp. as 1B-305	4B-303	4B-103
4B-022	Recomp. as 1B-306	4B-304	4B-104
4B-101	Recomp. as 4B-301	4B-305	4B-105
4B-102	Recomp. as 4B-302	4B-306	4B-106
4B-103	Recomp. as 4B-303	4B-307	4B-107
4B-104	Recomp. as 4B-304	4B-401	4B-201
4B-105	Recomp. as 4B-305	4B-402	4B-202
4B-106	Recomp. as 4B-306	4B-501	4B-301
4B-107	Recomp. as 4B-307	4B-601	4B-401
4B-201	Recomp. as 4B-401	4B-602	4B-501
4B-202	Recomp. as 4B-402	4B-701	4B-502
4B-301	Recomp. as 4B-501	4B-702	New
4B-302	Withdrawn	4B-801	New
4B-401	Recomp. as 4B-601	4B-802	New
4B-501	Recomp. as 4B-602	4B-901	New
4B-502	Recomp. as 4B-701	4B-902	New
4B-503	Withdrawn	4B-903	New
4B-504	Withdrawn	4B-904	New
4B-601	Recomp. as 4B-201	4B-1001	New
4B-602	Recomp. as 4B-202		