

4B-001. Probate court forms; short title; limited purpose of forms; cautions regarding use of these forms.

A. **Probate forms.** These forms may be used in the probate courts of this state. These forms may be cited by NMRA form number, as Probate Form 4B-____. These forms are available in word processing format in the Supreme Court's web site. A law librarian can assist you in how to access and download copies of these forms.

B. **Limited purpose of forms.** The New Mexico Supreme Court has approved these 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.

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 deceased person;
- (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 deceased person, 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 these forms.** You will need to address all issues necessary to complete the probate of the estate that you are working on. 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 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 an attorney.** Personal representatives may get the help they need from an attorney experienced in probate or other appropriate professional during the process.

[Approved, effective September 15, 2000.]