

AFFIDAVIT OF SURVIVING SPOUSE

OF _____

_____, the affiant herein, having duly sworn, states upon oath:

1. _____ died on _____ more than six months prior to the execution of this affidavit as shown on the certified copy of the decedent's death certificate attached hereto as EXHIBIT A.
2. Affiant and the decedent were at the time of the death of the decedent married and owned their homestead, as defined in Section 45-3-1205 (C) NMSA (1978), as community property. The full value of this property as assessed for property taxation purposes does not exceed five hundred thousand dollars (\$500,000). A copy of the deed with legal description of the homestead is attached hereto as EXHIBIT B.
3. But for the homestead, the decedent's estate need not be subject to any judicial probate proceeding either in district court or probate court.
4. No application or petition for appointment of a personal representative or for admittance of a will to probate is pending or has been granted in any jurisdiction.
5. Funeral expenses, expenses of last illness and all unsecured debts of the decedent have been paid.
6. Affiant is the surviving spouse of the decedent and is entitled to title to the homestead by intestate succession as provided in Section 45-2-102 NMSA (1978) or by devise under a valid Last Will and Testament of the decedent, the original of which is attached hereto as EXHIBIT C.

