

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.]

ANNOTATIONS

The 2018 amendment, approved by Supreme Court Order No. 18-8300-014, effective December 31, 2018, made certain non-substantive language changes; in Paragraph B, after “probate cases”, added the remainder of the paragraph; and in Paragraph C, replaced “deceased person”, with “decedent” throughout the paragraph.

Recompilations. — Former Form 4B-001 NMRA, relating to probate court forms, short title, limited purpose of forms, cautions regarding use of these forms, was recompiled and amended as 1B-301 NMRA, effective for all cases pending or filed on or after December 31, 2018.