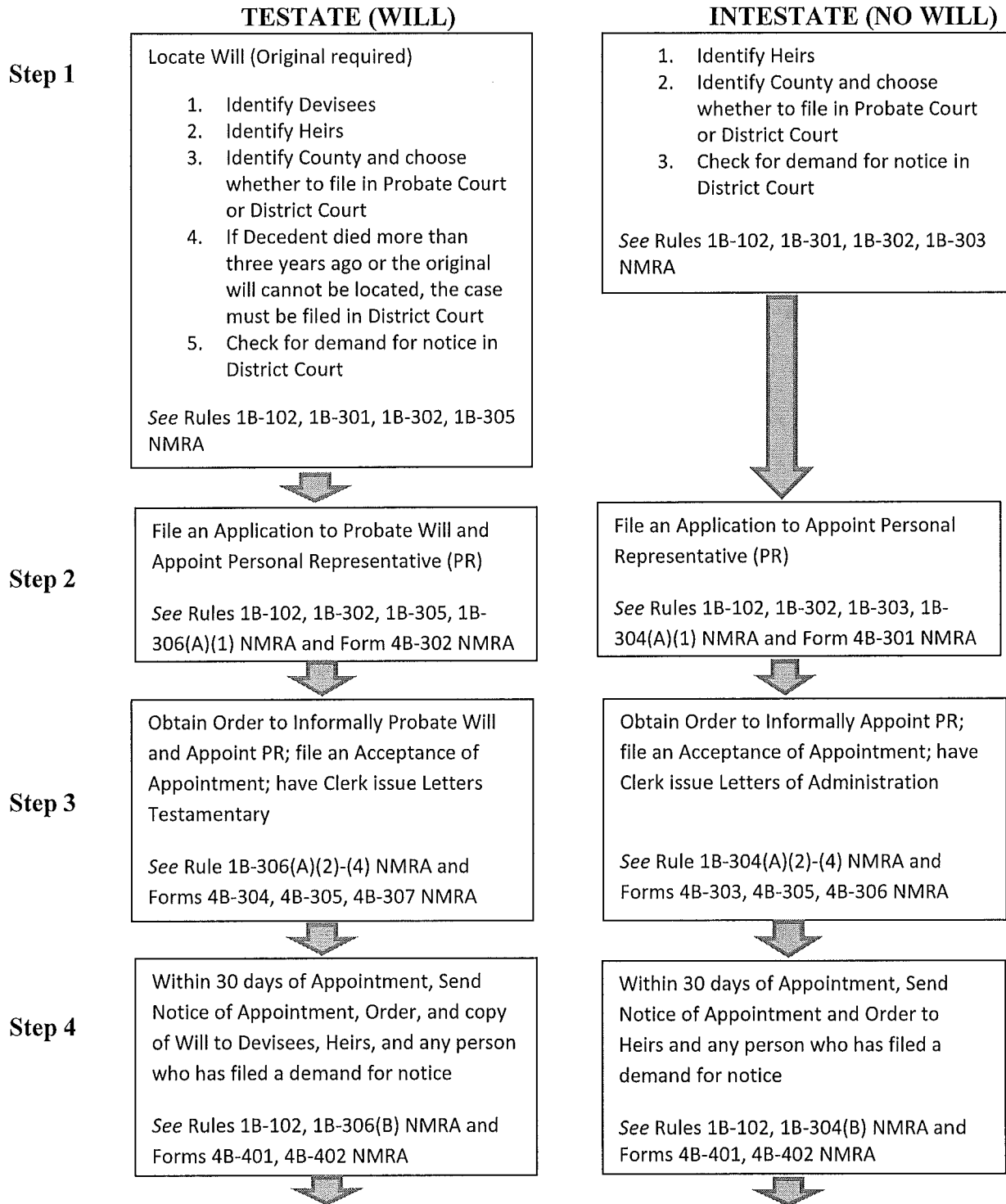


4B-101. Opening and closing a probate court case (Flow chart).

OPENING AND CLOSING A PROBATE COURT CASE



TESTATE (WILL)

INTESTATE (NO WILL)

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

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

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

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

Step 7

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

See Rules 1B-102, 1B-305, 1B-306(E)
NMRA

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

See Rules 1B-102, 1B-303, 1B-304(E)
NMRA

Step 8

Pay costs and expenses of administration

See Rules 1B-102, 1B-305, 1B-306(F)(1)
NMRA

Pay costs and expenses of administration

See Rules 1B-102, 1B-303, 1B-304(F)(1)
NMRA

Step 9

Pay Creditors or Dispute Claims

See Rules 1B-102, 1B-305, 1B-306(F)(2)-
(4) NMRA

Pay Creditors or Dispute Claims

See Rules 1B-102, 1B-303, 1B-304(F)(2)-
(4) NMRA

If you did not deal with Creditors, you
should wait a year from date of death to
distribute assets, or you may owe unpaid
Creditors

See Rule 1B-306(F)(2) NMRA

If you did not deal with Creditors, you
should wait a year from date of death to
distribute assets, or you may owe
unpaid Creditors

See Rule 1B-304(F)(2) NMRA

Or

If you published notice to Creditors, sent notice to known Creditors, and paid all Creditors with allowed claims, and if the time for Creditors to make their claims has elapsed, you may distribute assets

See Rules 1B-305, 1B-306(C)(1) NMRA

Or

If you published notice to Creditors, sent notice to known Creditors, and paid all Creditors with allowed claims, and if the time for Creditors to make their claims has elapsed, you may distribute assets

See Rules 1B-303, 1B-304(C)(1) NMRA

Step 10

Prepare an Accounting of Administration, which does not have to be filed with the court, send the Accounting to Devisees and those who filed a demand for notice, and distribute remaining assets to Devisees

See Rules 1B-102, 1B-306(H)(1) NMRA and Form 4B-602 NMRA

Prepare an Accounting of Administration, which does not have to be filed with the court, send the Accounting to Heirs and those who filed a demand for notice, and distribute remaining assets to Heirs

See Rules 1B-102, 1B-304(H)(1) NMRA and Form 4B-602 NMRA

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.]

If legal advice is needed you can contact:
New Mexico State Bar @ 505-797-6066,
Legal Aid @ 505-243-7871,

or

Law Access New Mexico @ 505-998-4529
for free or low cost legal advice