

CHECKLIST FOR SUBMITTING INFORMAL PROBATE (Testate – With Will)

1) Information That Must Be Included in the Application (Form 4B-302)

- Your name and relationship to the deceased person (also called the "decedent")
- Statement of domicile (primary residence of person at the time of their death)
- Names and full mailing addresses (including yourself if you are an heir or devisee)
 - ◆ Current Marital Status i.e. widowed, divorced, etc.
 - ◆ Children; living, deceased children, children of deceased children
 - ◆ Other Heirs (even if they are not entitled to receive anything); named & identified
- Ages of any minor children of the deceased person.
 - ◆ You do not need to list alternate beneficiaries (who would inherit if primary-named beneficiaries have died) unless the primary beneficiary has died.
- Date of decedent's death
- Written consent of anyone with equal or higher priority for appointment as personal representative
- Contact District Court at 505-867-2376 to see if a demand for notice has been filed on the deceased.
- Full signature of applicant with **Sworn Affirmation Under Penalty of Perjury**
- Name, complete address with city, state, & zip code, phone number and e-mail

FAILURE TO PROVIDE ALL REQUIRED INFORMATION MAY DELAY THE PROCESS

You must also submit the following documents at the time of filing the application:

2) Proof of Death (which will be returned to you)

The Court will also accept the following types of proof of death:

- a) Death Certificate;
- b) Letter from the Office of the Medical Investigator;
- c) Letter from Funeral Home; or
- d) Report of Casualty.

All forms must include: Name of Deceased, Date of Birth, Date of Death, Marital Status and Domicile (county deceased lived in)

3) Original Will (due to statutory requirements the original Will shall not be returned to you and will be permanently retained by the Court).

4) Order of Informal Probate of Will and Informal Appointment of Personal

Representative (Form 4B-304)

Signed; name, complete address, telephone number and e-mail address

5) Acceptance of Appointment (Form 4B-305) Sworn Under Penalty of Perjury

Signed; name, complete address, telephone number and e-mail address

6) Letters Testamentary (Form 4B-307)

If you are mailing in your documents to the court please include a self-addressed stamped envelope so that your copies may be returned to you.

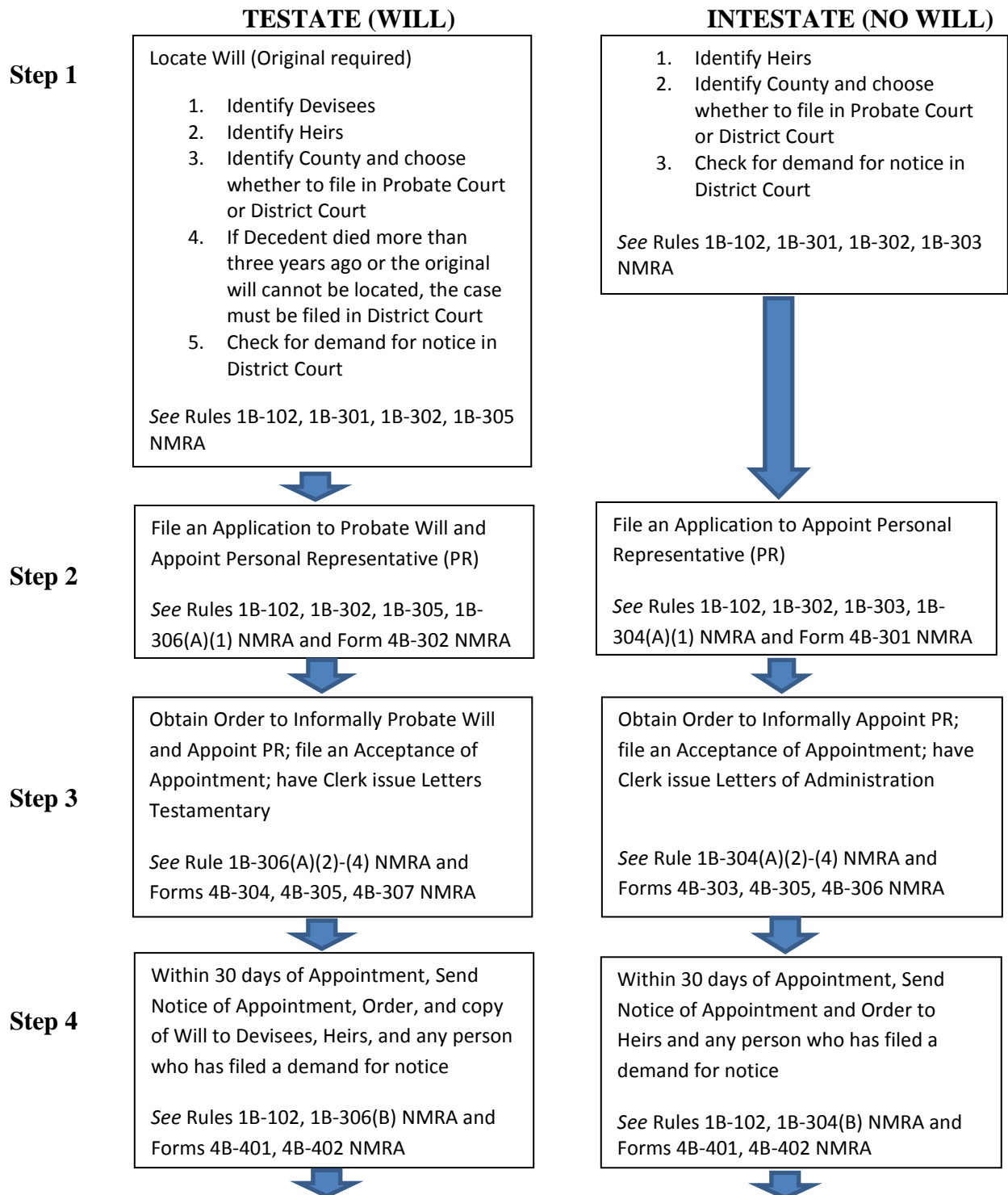
**DO NOT FILL OUT ANY OF THE-OTHER FORMS UNTIL YOU HAVE BEEN APPOINTED AS THE
PERSONAL REPRESENTATIVE**

The original documents (including Original Wills) **WILL NOT BE RETURNED TO YOU**. You should submit the original and at least one set of copies of the forms you are filing so that the court can endorse file stamp your copies for your records. You may want to submit extra copies of the Letters of Administration.

You must submit a \$30.00 docket fee at the time you file the probate documents

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

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Inventory does not have to be filed with
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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

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Personal Property Allowance (\$15,000) if
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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.]