

4B-801. Proof of authority.

[For use with Rule 1B-201 NMRA]

STATE OF NEW MEXICO
COUNTY OF _____
PROBATE COURT

IN THE MATTER OF THE ESTATE OF
_____, DECEASED No. _____

PROOF OF AUTHORITY

I, _____, domiciliary personal representative of the estate of the decedent (including a tribal court appointee designated by a tribal court or the Bureau of Indian Affairs), make the following statements and filings with the court so that I, as the personal representative, may exercise all the powers of a local personal representative for the estate of the decedent, as provided in Section 45-4-205 NMSA 1978, over assets located in _____ County, State of New Mexico.

1. _____, deceased, was domiciled in _____ County, State of _____, at the time of death on _____.

2. The decedent died (*choose one*) [testate] [intestate].

3. By its order dated _____, the court in _____ County, State of _____, opened the estate of the decedent in Case No. _____ and appointed me (*choose one*) [personal representative] [tribal court appointee] of the estate of the decedent. An authenticated copy of the (*choose one*) [order] [tribal appointment] appointing me as (*choose one*) [personal representative] [tribal court appointee] is filed with this Proof of Authority.

4. I, the domiciliary foreign personal representative, was appointed and served (*choose one*) [with] [without] bond as (*choose one*) [personal representative] [tribal court appointee] of the estate of the decedent. An authenticated copy of the bond (if applicable) is filed with this Proof of Authority.

5. (*Choose one*) [Letters of Administration] [Letters Testamentary] [equivalent indicia of authority from a tribal court or the Bureau of Indian Affairs] was/were issued on _____. An authenticated copy of the (*choose one*) [Letters of Administration] [Letters Testamentary] [equivalent indicia of authority from a tribal court or the Bureau of Indian Affairs] is filed with this Proof of Authority.

6. My address is _____.

7. No local administration or application or petition for a local administration is pending in the State of New Mexico.

I affirm under penalty of perjury under the laws of the State of New Mexico that all of the above statements are true and correct.

Domiciled foreign personal representative (*including a tribal court appointee*)
(*signature*)

Printed name

Date

Address

City, state, and ZIP Code

Telephone number (*optional*)

Email address (*optional*)

[Adopted by Supreme Court Order No. 18-8300-014, effective for all cases pending or filed on or after December 31, 2018; as amended by Supreme Court Order No. 21-8300-019, effective for all cases pending or filed on or after December 31, 2021.]

**4B-802. Certificate acknowledging receipt
of documents related to proof of authority.**
[For use with Rule 1B-201 NMRA]

STATE OF NEW MEXICO
COUNTY OF _____
PROBATE COURT

IN THE MATTER OF THE ESTATE OF

_____, DECEASED. No. _____

**CERTIFICATE ACKNOWLEDGING RECEIPT OF DOCUMENTS
RELATED TO PROOF OF AUTHORITY**

I, _____, Probate Judge of _____ County, acknowledge receipt of the following documents related to proof of authority under Section 45-4-204 NMSA 1978, in the above-captioned cause:

1. Authenticated copies of documents related to the appointment of the domiciliary foreign personal representative (including a tribal court appointee designated by a tribal court or the Bureau of Indian Affairs), and any official bond given; and
2. A statement of the domiciliary foreign personal representative's address.

In accordance with Section 45-4-205 NMSA 1978, a domiciliary foreign personal representative (including a tribal court appointee) who has complied with Section 45-4-204 NMSA 1978 may, for assets in New Mexico, exercise all powers of a local personal representative and may maintain actions and proceedings in New Mexico subject to any conditions imposed on nonresident parties generally.

Witness my hand and seal of the Probate Court on _____, _____.

(Seal)

County Probate Judge

[Adopted by Supreme Court Order No. 18-8300-014, effective for all cases pending or filed on or after December 31, 2018; as amended by Supreme Court Order No. 21-8300-019, effective for all cases pending or filed on or after December 31, 2021.]