Lincoln County Probate Court
300 Central Ave
PO Box 338
Carrizozo, New Mexico 88301
(575) 648-2394 ext 128
cemmons@lincolncountynm.gov

Intestate Forms

(No Will)

4B-301. Application for informal appointment of personal representative (*no will*).
[For use with Rule 1B-304 NMRA]

STATE OF NEW MEXICO
IN THE PROBATE COURT
_____ COUNTY

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

APPLICATION FOR INFORMAL APPOINTMENT OF PERSONAL REPRESENTATIVE (*NO WILL*)[1]

I, _____, state that

1. I had the following relationship with _____, the person who died (*the decedent*), that qualifies me to act as personal representative of the estate of the decedent[1]:

(Choose one)

(Review the priorities for appointment set out in Section 45-3-203(A) NMSA 1978 and Rule 1B-304 NMRA.)

[ ] I am the surviving spouse of the decedent.

[ ] I am one of the heirs of the estate of the decedent.

[ ] I am an interested person, including a creditor of the decedent, and forty-five (45) days have elapsed since the date of death of the decedent.

Because of this relationship, I have an interest in the estate of the decedent, and I am willing to serve as personal representative of the estate of the decedent. I am not disqualified to act as personal representative. I do not know of anyone else who is interested in serving as personal representative who has priority to serve.

(*Check if applicable*)

[ ] Anyone who has equal or higher priority to serve has consented below to my appointment by signing this form.

2. The decedent died on _____ (*date*), at the age of _____. At death, the decedent

(*Choose one*)

[ ] lived in _____ County, New Mexico.

[ ] did not live in New Mexico, but lived in _____ County, State of _____ and owned property in _____ County, New Mexico.

3. I have carefully searched for all of the names and addresses of the decedent's spouse, children, and other heirs [including myself].[2] I have discovered the following information:

Name	Address	Relationship to Decedent	Age (*if minor*)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

4. I have looked carefully and thoroughly for a will of the decedent and did not find one. I believe that the decedent died without a will.

5. A personal representative has not been appointed in New Mexico or anywhere else.

6. I do not know of any other probate action either in New Mexico or anywhere else.

7. (*Choose one*)

[ ] I have checked with the district court clerk about a demand for notice and found no such demand. I have not received, and do not know of, any demand from anyone for notice of any probate or related proceeding.

[ ] I am aware of a demand for notice and have sent the required notice to each person who demanded notice.

8. (*Choose one*)

[ ] The decedent died more than one hundred twenty (120) hours ago and less than three (3) years ago.

[ ] The decedent died more than three (3) years ago, but an informal appointment is necessary to confirm title in the successors to the estate of the decedent.

WHEREFORE, I ask this court to

A. Appoint me as the personal representative of the estate of the decedent;

B. Allow me to serve without posting a bond, in an unsupervised administration;

C. Ask the court clerk to issue Letters of Administration to me; and

D. Order any other relief as this court believes to be appropriate.

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.

_____
Signature of applicant

_____
Printed name

_____
Date

_____
Street address

_____
City, state, and ZIP code

_____
Telephone number (optional)

_____
Email address (optional)

(*If anyone has an equal or higher priority than you for appointment as personal representative, as discussed in the instructions for this form, Step 1, have each sign below to show that person's consent to your serving as personal representative.*)

I consent to the appointment of the personal representative listed above.

Name: _____
Signature: _____
Relationship to decedent: _____
Street address: _____
City, state, and ZIP code: _____

Name: _____
Signature: _____
Relationship to decedent: _____
Street address: _____
City, state, and ZIP code: _____

Name: _____

Signature: _____
Relationship to decedent: _____
Street address: _____
City, state, and ZIP code: _____

Name: _____
Signature: _____
Relationship to decedent: _____
Street address: _____
City, state, and ZIP code: _____

USE NOTE

1. *See* NMSA 1978, Section 45-3-203 for priority among persons seeking appointment as personal representative and NMSA 1978, Section 45-3-301 for informal appointment of a personal representative.

2. If the applicant is an "heir," as defined in Rule 1B-102 NMRA, use the bracketed language.

[Approved, effective September 15, 2000; as amended by Supreme Court Order No. 07-8300-005, effective March 1, 2007; 4B-101 recompiled and amended as 4B-301 by Supreme Court Order No. 18-8300-014, effective for all cases pending or filed on or after December 31, 2018.]

4B-303. Order of informal appointment of personal representative (*no will*).
[For use with Rule 1B-304 NMRA]

STATE OF NEW MEXICO
IN THE PROBATE COURT
_____ COUNTY

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

ORDER OF INFORMAL
APPOINTMENT OF PERSONAL REPRESENTATIVE
(*NO WILL*)

This matter comes before the court on the Application for Informal Appointment of Personal Representative of the estate of the decedent and the court having considered the application, FINDS that

1. The Application for Informal Appointment of Personal Representative is complete;
2. The applicant has affirmed under penalty of perjury under the laws of the State of New Mexico that the statements contained in the application are true and correct;
3. On the basis of the statements in the application, this court has jurisdiction;
4. On the basis of the statements in the application, venue is proper;
5. The applicant has affirmed under penalty of perjury under the laws of the State of New Mexico that after the exercise of reasonable diligence, the applicant is unaware of any unrevoked last will and testament or other testamentary instrument relating to property in this state or under the laws of New Mexico, and the request for the appointment does not relate to any will;
6. On the basis of the statements in the application, the applicant gave notice of the filing of the application to each person demanding notice, if any;
7. It appears from the application that this proceeding was commenced within the time limitations prescribed by the laws of the State of New Mexico;
8. The applicant is an interested person as defined by law, and is not disqualified to serve as personal representative of the estate of the decedent;
9. From the statements in the application, the applicant has priority entitling the applicant to be appointed as personal representative of the estate of the decedent; and
10. According to the application, no other personal representative has been appointed in New Mexico or in any other state.

THEREFORE, THIS COURT ORDERS that

A. The application is granted;
B. The applicant _____ (*name of applicant*) is informally appointed as the personal representative of the estate of the decedent, without bond, in an

unsupervised administration and

C. Letters of Administration shall be issued to the applicant upon the applicant's acceptance of the office of personal representative.

_____

Probate Judge

Submitted by:

_____

Signature of applicant

_____

Printed name

_____

Date

_____

Street address

_____

City, state, and ZIP code

_____

Telephone number (optional)

_____

Email address (optional)

USE NOTE

See NMSA 1978, Section 45-3-308 for proof and findings required prior to appointment of personal representative and NMSA 1978, Section 45-3-307 for informal appointment of personal representative.

[Approved, effective September 15, 2000; as amended by Supreme Court Order No. 07-8300-005, effective March 1, 2007; 4B-103 recompiled and amended as 4B-303 by Supreme Court Order No. 18-8300-014, effective for all cases pending or filed on or after December 31, 2018.]

4B-305. Acceptance of appointment as personal representative (*no will*) (*will*).
[For use with Rules 1B-304 and 1B-306 NMRA]

STATE OF NEW MEXICO
IN THE PROBATE COURT
_____ COUNTY

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

ACCEPTANCE OF
APPOINTMENT AS PERSONAL REPRESENTATIVE
(*NO WILL*) (*WILL*)

I, _____, accept the duties of personal representative of the estate of the decedent, and agree to perform the duties of the office to the best of my abilities according to the law.

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.

_____
Signature of applicant

_____
Printed name

_____
Date

_____
Street address

_____
City, state, and ZIP code

_____
Telephone number (optional)

_____
Email address (optional)

USE NOTE

See NMSA 1978, Section 45-3-307 and NMSA 1978, Section 45-3-601 for acceptance of appointment of personal representative.
[Approved, effective September 15, 2000; as amended by Supreme Court Order No. 07-8300-005, effective March 1, 2007; 4B-105 recompiled and amended as 4B-305 by Supreme Court Order No. 18-8300-014, effective for all cases pending or filed on or after December 31, 2018.]

4B-306. Letters of administration (*no will*).
[For use with Rule 1B-304 NMRA]

STATE OF NEW MEXICO
IN THE PROBATE COURT
_____ COUNTY

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

LETTERS OF ADMINISTRATION
(*NO WILL*)

TO WHOM IT MAY CONCERN:

Notice is now given that _____ (*name of personal representative*) has been appointed to serve as the personal representative of the estate of _____, and has qualified as the personal representative of the estate of the decedent by filing with the court a statement of acceptance of the duties of that office.

The personal representative has all of the powers and authorities provided by law and specifically, by Section 45-3-715 NMSA 1978.

Issued this ____ day of _____, _____.

Clerk of the Probate Court

By:_____
Deputy Clerk

(*Seal*)

USE NOTE

See NMSA 1978, Section 45-3-103 and NMSA 1978, Section 45-3-601 for issuance of letters.
[Approved, effective September 15, 2000; as amended by Supreme Court Order No. 07-8300-005, effective March 1, 2007; 4B-106 recompiled and amended as 4B-306 by Supreme Court Order No. 18-8300-014, effective for all cases pending or filed on or after December 31, 2018.]

STOP HERE

DO NOT complete the remaining documents until the Court has appointed you as Personal Representative of the Estate

4B-401. Notice of informal appointment of personal representative.
[For use with Rules 1B-304, 1B-306, and 1B-401 NMRA]

STATE OF NEW MEXICO
IN THE PROBATE COURT
_____ COUNTY

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

NOTICE OF INFORMAL APPOINTMENT OF PERSONAL REPRESENTATIVE

YOU ARE HEREBY NOTIFIED THAT

1. This notice is being sent to the heirs [and devisees][1] of the decedent.
2. On _____, _____ (*date*), _____ (*personal representative's name*) was appointed the personal representative of the estate of the decedent in an informal proceeding under the Probate Code.
3. No bond has been filed.
4. All documents relating to the estate of the decedent are on file with the probate court of _____ County. They are available for your inspection.
5. The estate of the decedent is being administered by the personal representative according to the terms of the Probate Code without supervision from the court. You are entitled to information regarding the administration of the estate of the decedent from the personal representative. You may also petition the court in any matter relating to the estate of the decedent, including distribution of assets and expenses of administration.

Dated: _____, _____.

_____
Signature of personal representative

_____
Printed name

_____
Street address

_____
City, state, and ZIP code

_____
Telephone number (optional)

_____
Email address (optional)

USE NOTE

1. If the decedent had a will, use the bracketed language. *See* Rule 1B-102 NMRA for the definition of a "devisee."

2. *See* NMSA 1978, Section 45-3-705 for notice of appointment of personal representative.

[Approved, effective September 15, 2000; as amended by Supreme Court Order No. 07-8300-005, effective March 1, 2007; 4B-201 recompiled and amended as 4B-401 by Supreme Court Order No. 18-8300-014, effective for all cases pending or filed on or after December 31, 2018.]

4B-402. Proof of notice.
[For use with Rules 1B-304, 1B-306, and 1B-401 NMRA]

STATE OF NEW MEXICO
IN THE PROBATE COURT
_____ COUNTY

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

PROOF OF NOTICE

I, _____, am the personal representative of the estate of the decedent. I have mailed a copy of the Notice of Informal Appointment of Personal Representative to the following people at the addresses listed below (*list all persons named in the will, if there is a will, and all heirs, even if not named in a will*):

Heirs and devisees

Name	**Address**
_____	_____
_____	_____
_____	_____
_____	_____

People who have demanded notice

Name	**Address**
_____	_____
_____	_____
_____	_____
_____	_____

Dated: _____, _____.

_____
Signature of personal representative

_____
Printed name

_____

Street address

_____

City, state, and ZIP code

_____

Telephone number (optional)

_____

Email address (optional)

USE NOTE

See NMSA 1978, Section 45-3-705 for proof of notice of appointment.

[Approved, effective September 15, 2000; as amended by Supreme Court Order No. 07-8300-005, effective March 1, 2007; 4B-202 recompiled and amended as 4B-402 by Supreme Court Order No. 18-8300-014, effective for all cases pending or filed on or after December 31, 2018.]

4B-501. Notice to creditors by publication and notice to creditors by written notice (mailing or other delivery).
[For use with Rules 1B-304, 1B-306, and 1B-401 NMRA]

STATE OF NEW MEXICO
IN THE PROBATE COURT
_____ COUNTY

IN THE MATTER OF THE ESTATE OF
_____, DECEASED.

No. _____

NOTICE TO CREDITORS

NOTICE IS HEREBY GIVEN that the undersigned has been appointed personal representative of the estate of the decedent. All persons having claims against the estate of the decedent are required to present their claims within four (4) months after the date of the first publication of any published notice to creditors or sixty (60) days after the date of mailing or other delivery of this notice, whichever is later, or the claims will be forever barred. Claims must be presented either to the undersigned personal representative at the address listed below, or filed with the Probate Court of _____ County, New Mexico, located at the following address:

_____, _____.

Dated: _____, _____.

_____
Signature of personal representative

_____
Printed name

_____
Address

_____
City, state, and ZIP code

_____
Telephone number (optional)

_____
Email address (optional)

USE NOTE

See NMSA 1978, Sections 45-3-801 to 45-3-803 for notice to creditors provisions.

[Approved, effective September 15, 2000; as amended by Supreme Court Order No. 07-8300-005, effective March 1, 2007; 4B-301 recompiled and amended as 4B-501 by Supreme Court Order No. 18-8300-014, effective for all cases pending or filed on or after December 31, 2018.]

4B-503. Withdrawn.

Withdrawals. - Pursuant to Supreme Court Order No. 18-8300-014, 4B-503 NMRA, relating to application for certificate of full administration, was withdrawn effective for all cases pending or filed on or after December 31.

4B-504. Withdrawn.

Withdrawals. - Pursuant to Supreme Court Order No. 18-8300-014, 4B-504 NMRA, relating to certificate of full administration and release of property lien, was withdrawn effective for all cases pending or filed on or after December 31, 2018.

4B-601. Inventory.
[For use with Rules 1B-304, 1B-306, and 1B-501 NMRA]

STATE OF NEW MEXICO
IN THE PROBATE COURT
_____ COUNTY

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

INVENTORY

I, _____, the personal representative of the estate of the decedent, have prepared an inventory of the property of the estate of the decedent.

I am sending a copy of this document to the interested people who have requested it. The inventory is as follows:

Item		**Estimated Value on Date of Death**	**Mortgage or Lien**
1.	_____	$_____	$_____
2.	_____	$_____	$_____
3.	_____	$_____	$_____
4.	_____	$_____	$_____
5.	_____	$_____	$_____
6.	_____	$_____	$_____

_____
Signature of personal representative

_____
Date

_____
Printed name

_____
Street address

_____
City, state, and ZIP code

_____
Telephone number (optional)

_____
Email address (optional)

USE NOTE

See NMSA 1978, Sections 45-3-706 to 45-3-708 for preparation of inventory of property owned by the decedent.

[Approved, effective September 15, 2000; as amended by Supreme Court Order No. 07-8300-005, effective March 1, 2007; 4B-401 recompiled and amended as 4B-601 by Supreme Court Order No. 18-8300-014, effective for all cases pending or filed on or after December 31, 2018.]

4B-602. Accounting.
[For use with Rules 1B-304, 1B-306, and 1B-501 NMRA]

STATE OF NEW MEXICO
IN THE PROBATE COURT
_____ COUNTY

IN THE MATTER OF THE ESTATE OF
_____, DECEASED.

No. _____

ACCOUNTING

I, _____, the personal representative of the estate of the decedent, have prepared an accounting of the administration of the estate of the decedent.

I am sending a copy of this document to the distributees whose interests are affected by this accounting. The accounting is as follows:

Cash and Other Assets in the Estate

A.	**Items from Inventory (not sold)**	**Value**
1.	_____	$_____
2.	_____	$_____
3.	_____	$_____
4.	_____	$_____
5.	_____	$_____
6.	_____	$_____

B.	**Items Received Since the Making of Inventory (not sold)**	**Value**
1.	_____	$_____
2.	_____	$_____
3.	_____	$_____
4.	_____	$_____
5.	_____	$_____

C.	**Items Sold**	**Sales Price**	**Sales Expense**	**Net Amount Received**
1.	_____	$_____	$_____	$_____
2.	_____	$_____	$_____	$_____
3.	_____	$_____	$_____	$_____
4.	_____	$_____	$_____	$_____
5.	_____	$_____	$_____	$_____
6.	_____	$_____	$_____	$_____

D. Income Received **Amount**

1. _____ $_____
2. _____ $_____
3. _____ $_____
4. _____ $_____
5. _____ $_____

Total of Cash and Other Assets: $_____

Payments and Distributions

A. Payments to Creditors and for Expenses of Administration **Amount Paid**

1. _____ $_____
2. _____ $_____
3. _____ $_____
4. _____ $_____
5. _____ $_____
6. _____ $_____

B. Distributions to Devisees or Heirs **Value of Distribution**

1. _____ $_____
2. _____ $_____
3. _____ $_____
4. _____ $_____
5. _____ $_____
6. _____ $_____

Total of Payments and Distributions: $_____

(*Total of Cash and Other Assets should equal Total of Payments and Distributions.*)

_____

Signature of personal representative

_____

Printed name

_____

Date

_____

Street address

City, state, and ZIP code

Telephone number (optional)

Email address (optional)

[Approved, effective September 15, 2000; as amended by Supreme Court Order No. 07-8300-005, effective March 1, 2007; 4B-501 recompiled and amended as 4B-602 by Supreme Court Order No. 18-8300-014, effective for all cases pending or filed on or after December 31, 2018.]

STOP HERE

DO NOT complete the following documents until you have fulfilled your duties as Personal Representative of the Estate And are ready to close the estate.

Cannot be filed before 6 months from date appointed as Personal Representative

4B-701. Verified closing statement of the personal representative.
[For use with Rules 1B-304, 1B-306, and 1B-601 NMRA]

STATE OF NEW MEXICO
IN THE PROBATE COURT
_____ COUNTY

IN THE MATTER OF THE ESTATE OF
_____, DECEASED.

No. _____

VERIFIED CLOSING STATEMENT OF THE PERSONAL REPRESENTATIVE

I, _____, state that

1. I am the personal representative of the estate of the decedent;
2. The probate was filed more than six (6) months ago and the time for the presentation of creditor's claims has expired;
3. I have completed my work on the estate of the decedent. In order to do this, I
   A. inventoried and estimated the value in writing of all of the decedent's property and encumbrances on this property;
   B. resolved all claims that were presented to me, either by paying them or otherwise taking care of them;
   C. paid all the expenses of administration;
   D. paid federal and state taxes that were due, including estate tax, inheritance or other death taxes, and income taxes; and
   E. distributed all the remaining assets, including decedent's real property, if any, to the people who were entitled to receive them, taking into account the family and personal property allowances allowed by law. The distributions were in the appropriate amounts;
4. I mailed a copy of this document to anyone entitled to a distribution from the estate of the decedent. I also mailed a copy of the accounting of this estate to anyone entitled to a distribution from this estate whose interests were affected by the accounting;
5. As far as I know, there are no other actions pending in any court; and
6. By this closing statement, I am indicating to the court that I am closing the estate.

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

_____
Signature of personal representative

_____
Printed name

_____
Date

_____
Address

City, state, and ZIP code

Telephone number (optional)

Email address (optional)

USE NOTE

WARNING: Do not submit this form to the court until you have completed ALL estate work. Once this form is filed with the court, the personal representative no longer has authority to act on behalf of the decedent's estate.

[Approved, effective September 15, 2000; as amended by Supreme Court Order No. 07-8300-005, effective March 1, 2007; 4B-502 recompiled and amended as 4B-701 by Supreme Court Order No. 18-8300-014, effective for all cases pending or filed on or after December 31, 2018.]