

Honorable Josephine Hurtado

Cibola County Probate Judge
700 E. Roosevelt Ave., Suite 50
Grants, New Mexico 87020
505-285-2552 Cell 505-290-2308
Josephine.hurtado@co.cibola.nm.us



PROBATE FORMS (NO WILL) effective 1/1/2019

NOTE: You can purchase this Probate Packet from the County Clerk's office for \$5.00 or you can download these forms at www.nmcourts.gov/forms.aspx

The "Do-it-Yourself forms" are prepared to assist you to file an uncontested probate case. Each form is self-explanatory, but if you have any questions the answers can be found in the detailed instructions and definitions at the back of this packet. I encourage you to talk with an attorney if you have questions.

FIRST STEP: Look over the Probate Packet and forms. To start the process, make an appointment with the Judge (in person or telephonic). On the day you start the process make sure you bring in (or mail in) to the Judge's office a Death Certificate and the following (4) forms already filled out as indicated below:

4B-301 Application for informal appointment of Personal Representative (No Will)	<i>signature required</i>
4B-303 Order of informal appointment of Personal Representative (No Will)	<i>signature required</i>
4B-305 Acceptance of appointment as Personal Representative (Will) (No Will)	<i>signature required</i>
4B-306 Letters of Administration (No Will) [do not fill in the date]	<i>no signature required</i>

Attach a \$30.00 check, cash, or money order for the filing fee. Make payable to Cibola County Clerk.
If Real Estate will be transferred, there will be a \$25.00 fee to file Death Certificate

SECOND STEP: If the Judge approves your application, then you will be appointed as the Personal Representative and the probate may begin once the Clerk has recorded it. After you have been appointed as Personal Representative by the Court, then you can fill out the remaining forms in the packet that are applicable to your situation:

4B-401 Notice of informal appointment of Personal Representative	[must send out to heirs within 30 days]
4B-402 Proof of notice	[this form must be filed with the court after the heirs have been notified]
4B-501 Notice to creditors	[mail to all known creditors (optional)] AND [print in local newspaper (optional)]
4B-601 Inventory	[must be prepared within 90 days and must be provided to all interested persons]
4B-602 Accounting	[include sufficient information to place the interested party on notice to all transactions]

THIRD STEP: Pay all valid debts of the estate including any Taxes. After the debts are paid, distribute the remaining assets to the heirs. Create an accounting of all assets IN and OUT of the estate. Distribute the accounting to all heirs.

4B-701 **Optional** - File a closing statement after all assets have been distributed.

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
 CIBOLA 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 decedent¹:

(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 Aheir,@ 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
 CIBOLA 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.

Josephine Hurtado
Cibola County 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*).

[For use with Rules 1B-304 and 1B-306 NMRA]

STATE OF NEW MEXICO
IN THE PROBATE COURT
 CIBOLA COUNTY

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

**ACCEPTANCE OF
APPOINTMENT AS PERSONAL REPRESENTATIVE
(*NO 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
 CIBOLA 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.]

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
 CIBOLA 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 *Adevisee*.@

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.]