

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 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 “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.]