

4B-101. Application for informal appointment of personal representative (no will).

STATE OF NEW MEXICO
IN THE PROBATE COURT
SAN MIGUEL COUNTY

No. _____

IN THE MATTER OF THE ESTATE OF
_____, 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;

(Choose one. Note: Review the priorities for appointment set out in the instructions to this form, step 1, Probate Form 4B-012 NMRA.)

I am the surviving spouse of the decedent; or

I am one of the heirs of the estate; or

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, and I am willing to serve as personal representative of the decedent's estate. 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)

(a) lived in _____ County, New Mexico or

(b) 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]. 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; or

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.

WHEREFORE, I ask this court to:

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

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 such other relief as this court believes to be appropriate

Signature of applicant

Printed name

Street address

City, state and zip code

Telephone number

STATE OF NEW MEXICO)
)ss.
COUNTY OF _____)

I, _____, am the applicant. I state, upon oath, that the application, and the statements in it, are true and correct as far as I know and believe.

Signature of applicant

SIGNED AND SWORN TO before me this ____ day of _____, _____ by _____.

Notary Public

(Seal)

My commission expires:

(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* Section 45-3-203 NMSA 1978 for priority among persons seeking appointment as personal representative and Section 45-3-301 NMSA 1978 for informal appointment of a personal representative.
2. If the applicant is an "heir", as defined in 4B-002 NMRA, use the bracketed language.

[Approved, effective September 15, 2000; as amended by Supreme Court Order No. 07-8300-05, effective March 1, 2007.]