

## **OVERVIEW OF STEPS FOR INFORMAL PROBATE**

### **New Mexico Rules Annotated 1B-301 & 1B305**

#### **There are essentially the following eight steps to an informal probate:**

- (1) file an application to start the process and have the will probated and the court appoint you as personal representative;
- (2) within thirty days of your appointment send out notice to the decedent's devisees and heirs that the will has been probated, that you have been appointed as personal representative, and that a probate action is in process;
- (3) during the first year following the decedent's death, if you want to shorten the time period that creditors have to make claims, you may notify creditors that you are in the process of probating the estate by publishing a notice in the newspaper or mailing or delivering written notice to creditors. You may also choose to notify creditors by both means, publishing and providing written notice;
- (4) gather, value, and list the assets of the estate and determine the debts of the estate;
- (5) distribute the family and personal property allowances;
- (6) pay the costs and expenses of administration and the valid debts of the estate, including all taxes;
- (7) distribute the remaining assets of the estate to the devisees of the estate listed in the decedent's will; and
- (8) close the estate and probate action.

***ADDITIONAL EXPLANATIONS AND SPECIFIC INSTRUCTIONS ARE PROVIDED IN NMSA Chapter 45.***