

# Probate Forms

*WILL*

**Wendy Wallace**

**Probate Judge**

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**(505) 866-2432**

**Valencia County Clerk's Office**

**Main Line: 505-866-2073**



**VALENCIA COUNTY PROBATE COURT  
CHECKLIST FOR SUBMITTING INFORMAL PROBATE  
“With WILL”**

**1. Information that MUST BE included in the application (4B-302)**

- Your name (applicant) and relationship to the deceased person (also called the “decedent”) also to include heir or devisee.
- Statement of domicile (primary residence of person at the time of their death)
- Names and full mailing addresses (**including yourself**, if you are an heir or devisee)
  1. Current marital status e.g., widowed, divorced, etc...
  2. Children; living, deceased children or children of deceased children
  3. Other Heirs (even if they are not entitled to receive anything); named and identified
  4. Devisees (anyone named in the Will, including churches, schools, etc...)
- Ages of any minor children of the deceased person.
  - You do not need to list alternate beneficiaries (who would inherit if primary-named beneficiaries have died) unless the primary beneficiary has died.
- Date of decedent’s death
- Written consent of anyone with equal or higher priority of appointment as personal representative
- Contact District court at (505) 865-4639 to see if a Demand for Notice has been filed on the deceased.
- Name, full address, phone number and email address

**FAILURE TO PROVIDE ALL REQUIRED INFORMATION WILL DELAY THE PROCESS**

You will also need to submit the following documents at the time of filing your application:

**2. Proof of Death (this will be returned to you)**

- The Court will also accept the following types of proof of death:
    - Death Certificate
    - Letter from OMI
    - Letter from Funeral Home
- \*\*\*ALL forms must include: Name of Deceased, Date of Birth, Date of Death, Marital Status and Domicile (county deceased lived in)

**3. Original Will (due to statutory requirements the original Last Will and Testament will NOT be returned to you and will be permanently retained by the Court)**

**4. Order of Informal Probate of Will and Appointment of Personal Representative (4B-304)**

- Signed; name, complete address, telephone number and email address

**5. Acceptance of Appointment (4B-305)**

- Signed; name, complete address, telephone number and email address

**6. Letters of Testamentary (with Will) (4B-307)**

**DO NOT FILL OUT ANY OF THE OTHER FORMS UNTIL YOU HAVE BEEN APPOINTED AS THE PERSONAL REPRESENTATIVE**

The original documents WILL NOT be returned to you.

**You will need to submit a \$30.00 filing fee at the time you file the probate documents.**

Checks can be made out to Valencia County Clerk

The probate court is open Tuesdays from 10am-3pm. You may drop off your completed probate packet to the Valencia County Clerk’s office during their office hours Monday – Friday from 8:00am-4:30pm.



The staff at the County Clerk's office and Probate Court are prohibited from providing **LEGAL ADVICE** or other **LEGAL SERVICES**.\*

This includes, however is not limited to:

1. Assisting customers in filling out forms, other than to provide general information regarding what information is required.
2. Providing any forms other than the NM Supreme Court approved probate forms.
3. Reviewing or interpreting an existing deed, or assisting a customer with what type of deed to use or assisting them with filling out or recording any type of deed or conveyance of property.
4. Explaining court orders from our Court or commenting on proceedings in another Court or before another Judge.
5. Providing personal or legal advice regarding the payment claims against an estate or the distribution of the estate.
6. Engaging in ex-parte \*\* communications with parties to an estate.
7. Providing information or advice on how to proceed with a case or properly administer an estate once a personal representative has been appointed.
8. Determining whether to close a case.

If you require more assistance than we can provide it is highly recommended you seek **competent legal advice**.

Thank you in advance for your understanding.

\*NM Supreme Court rule prohibiting legal advice NMRA 23-113.

\*\*Ex-parte communication is talking to one party to a case outside the presence of the other parties.