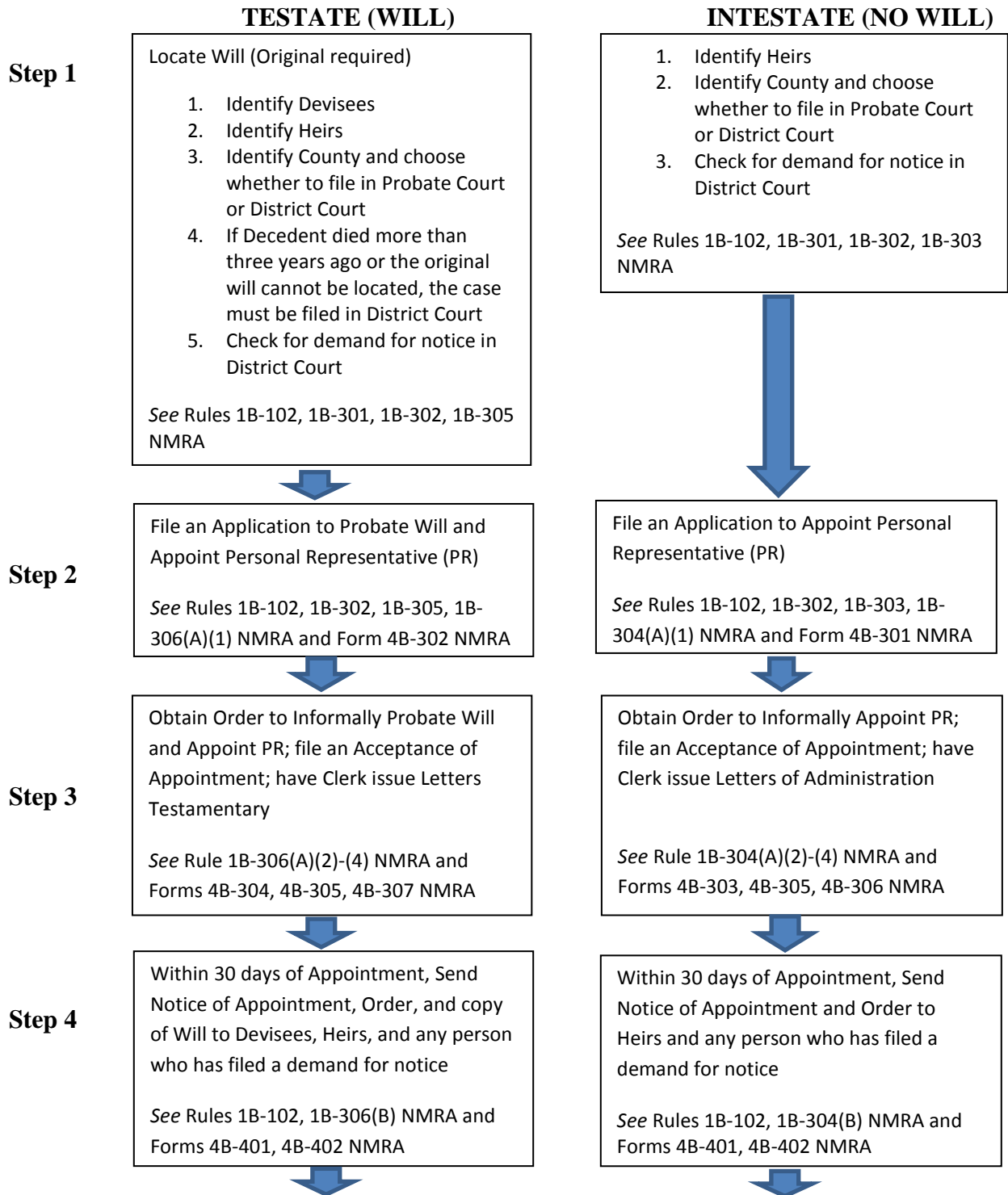


**4B-101. Opening and closing a probate court case (Flow chart).**

**OPENING AND CLOSING A PROBATE COURT CASE**



## TESTATE (WILL)

## INTESTATE (NO WILL)

### Step 5

Decide whether to Notify Creditors  
If Creditors will be notified,  
(a) send notice,  
(b) publish notice, OR  
(c) both  
See Rules 1B-102, 1B-305, 1B-306(C)  
NMRA and Form 4B-501 NMRA

Decide whether to Notify Creditors  
If Creditors will be notified,  
(a) send notice,  
(b) publish notice, OR  
(c) both  
See Rules 1B-102, 1B-303, 1B-304(C)  
NMRA and Form 4B-501 NMRA

### Step 6

Collect/Inventory Assets of the Decedent,  
Value Assets (within 3 months of  
appointment), and Determine Debts of  
the Decedent  
  
Inventory does not have to be filed with  
the court  
  
See Rules 1B-305, 1B-306(D) NMRA and  
Form 4B-601 NMRA

Collect/Inventory Assets of the Decedent  
and Value Assets (within 3 months of  
appointment), and Determine Debts of  
the Decedent  
  
Inventory does not have to be filed with  
the court  
  
See Rules 1B-303, 1B-304(D) NMRA and  
Form 4B-601 NMRA

### Step 7

Pay the Family Allowance (\$30,000) and  
Personal Property Allowance (\$15,000) if  
required  
  
See Rules 1B-102, 1B-305, 1B-306(E)  
NMRA

Pay the Family Allowance (\$30,000) and  
Personal Property Allowance (\$15,000) if  
required  
  
See Rules 1B-102, 1B-303, 1B-304(E)  
NMRA

### Step 8

Pay costs and expenses of administration  
  
See Rules 1B-102, 1B-305, 1B-306(F)(1)  
NMRA

Pay costs and expenses of administration  
  
See Rules 1B-102, 1B-303, 1B-304(F)(1)  
NMRA

### Step 9

Pay Creditors or Dispute Claims  
  
See Rules 1B-102, 1B-305, 1B-306(F)(2)-  
(4) NMRA

Pay Creditors or Dispute Claims  
  
See Rules 1B-102, 1B-303, 1B-304(F)(2)-  
(4) NMRA

If you did not deal with Creditors, you  
should wait a year from date of death to  
distribute assets, or you may owe unpaid  
Creditors  
  
See Rule 1B-306(F)(2) NMRA

If you did not deal with Creditors, you  
should wait a year from date of death to  
distribute assets, or you may owe  
unpaid Creditors  
  
See Rule 1B-304(F)(2) NMRA

**Or**

If you published notice to Creditors, sent notice to known Creditors, and paid all Creditors with allowed claims, and if the time for Creditors to make their claims has elapsed, you may distribute assets

*See Rules 1B-305, 1B-306(C)(1) NMRA*

**Or**

If you published notice to Creditors, sent notice to known Creditors, and paid all Creditors with allowed claims, and if the time for Creditors to make their claims has elapsed, you may distribute assets

*See Rules 1B-303, 1B-304(C)(1) NMRA*

**Step 10**

Prepare an Accounting of Administration, which does not have to be filed with the court, send the Accounting to Devises and those who filed a demand for notice, and distribute remaining assets to Devises

*See Rules 1B-102, 1B-306(H)(1) NMRA and Form 4B-602 NMRA*

Prepare an Accounting of Administration, which does not have to be filed with the court, send the Accounting to Heirs and those who filed a demand for notice, and distribute remaining assets to Heirs

*See Rules 1B-102, 1B-304(H)(1) NMRA and Form 4B-602 NMRA*



**Step 11**

Close probate and estate when you meet the requirements in the Verified Statement

*See Rule 1B-306(H)(2), (3) NMRA and Forms 4B-701, 4B-702 NMRA*

Close probate and estate when you meet the requirements in the Verified Statement

*See Rule 1B-304(H)(2), (3) NMRA and Forms 4B-701, 4B-702 NMRA*

[Adopted by Supreme Court Order No. 18-8300-014, effective for all cases pending or filed on or after December 31, 2018.]