

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

AFFIDAVIT OF SUCCESSOR IN INTEREST TO _____ (NAME OF DECEDENT)

_____ (NAME OF UNDERSIGNED), the Affiant herein, having being
duly sworn, states upon oath:

1. The Affiant is the successor of _____ (NAME OF DECEDENT), Social Security Number _____, now deceased.
2. The value of the entire estate of the decedent, wherever located, less liens and encumbrances, does not exceed thirty thousand dollars (\$30,000.00).
3. Thirty (30) days have elapsed since the death of the decedent.
4. No application or petition for the appointment of a personal representative is pending or has been granted in any jurisdiction.
5. Pursuant to 45-3-1201(A) NMSA 1978, _____ (NAME OF UNDERSIGNED) as successor of the decedent, is entitled to the payment of any sums of money due and owing to the decedent, to the delivery of all tangible personal property belonging to the decedent and in the possession of another, and to the delivery of all instruments evidencing a debt, obligation, stock, or chose in action belonging to the decedent.

SIGNATURE OF AFFIANT

_____ (NAME OF AFFIANT), being first duly sworn, states on oath, that all of the representations in this affidavit are true as far as Affiant knows or is informed, and that such affidavit is true, accurate, and complete to the best of Affiant's knowledge and belief.

SIGNATURE OF AFFIANT

SUBSCRIBED AND SWORN TO before me this ____ day of _____, 20__, by _____, the Affiant herein.

Notary Public

My Commission Expires:

45-3-1008. Subsequent administration.

If other property of the estate is discovered after an estate has been settled and the personal representative discharged, or after one year after a closing statement has been filed, the district court, upon petition of any interested person and upon notice as it directs, may appoint the same or a successor personal representative to administer the subsequently discovered estate. If a new appointment is made, unless the district court orders otherwise, the provisions of the Probate Code [this chapter] apply as appropriate. However, no claim previously barred may be asserted in the subsequent administration.

History: 1953 Comp., § 32A-3-1008, enacted by Laws 1975, ch. 257, § 3-1008.

45-3-1201. Collection of personal property by affidavit.

A. Thirty days after the death of a decedent, any person indebted to the decedent or having possession of tangible personal property or an instrument evidencing a debt, obligation, stock or chose in action belonging to the decedent shall make payment of the indebtedness or deliver the tangible personal property or an instrument evidencing a debt, obligation, stock or chose in action to a person claiming to be the successor of the decedent upon being presented an affidavit made by or on behalf of the successor stating that:

- (1) the value of the entire estate, wherever located, less liens and encumbrances, does not exceed thirty thousand dollars (\$30,000);
- (2) thirty days have elapsed since the death of the decedent;
- (3) no application or petition for the appointment of a personal representative is pending or has been granted in any jurisdiction; and
- (4) the claiming successor is entitled to payment or delivery of the property.

B. A transfer agent of any security shall change the registered ownership on the books of a corporation from the decedent to the successor or successors upon the presentation of an affidavit as provided in Subsection A of this section.

C. The affidavit made pursuant to this section may not be used to perfect title to real estate.

History: 1953 Comp., § 32A-3-1201, enacted by Laws 1975, ch. 257, § 3-1201; 1983, ch. 194, § 8; 1995, ch. 210, § 48.

45-3-1202. Effect of affidavit.

The person paying, delivering, transferring or issuing personal property or the evidence thereof pursuant to affidavit is discharged and released to the same extent as if he dealt with a personal representative of the decedent. He is not required to see to the application of the personal property or evidence thereof or to inquire into the truth of any statement in the affidavit. If any person to whom an affidavit is delivered refuses to pay, deliver, transfer or issue any personal property or evidence thereof, it may be recovered or its payment, delivery, transfer or issuance compelled upon proof of their right in a proceeding brought for the purpose by or on behalf of the persons entitled thereto. Any person to whom payment, delivery, transfer or issuance is made is answerable and accountable therefor to any personal representative of the estate or to any other person having a superior right.