

IMPORTANT NOTICE
Concerning Notice To Creditors Form
Recent Legislative Changes

This Probate Court application form packet contains a form for Notice To Creditors, which may be used for newspaper publication. Section 45-3-801 of the New Mexico Statutes which governs creditors' claims was recently amended to make the following changes, effective July 1, 2016:

1. A personal representative previously was allowed to publish a Notice To Creditors once a week for two successive weeks in a newspaper. That requirement now has been changed to publication once a week for three successive weeks.

2. Creditors' claims previously were barred two months after the newspaper publication of the Notice To Creditors. That provision now has been changed to provide for creditors' claims being barred four months after the newspaper publication of the Notice To Creditors.

A copy of the recently amended Section 45-3-801 of the New Mexico Statutes is provided to you with this Notice.

This Probate Court has not yet been provided by the State with new forms providing for the above changes. Therefore, prior to newspaper publication, you will need to make the following change to the enclosed Notice To Creditors form, as follows:

Interlineate the word "two" in the second sentence of the enclosed Notice To Creditors and replace it with the word "four" for the number of months after the date of the first publication of the Notice for creditors' claims to be barred.

PART 8

CREDITORS' CLAIMS

45-3-801. Notice to creditors.

A. A personal representative upon appointment may publish a notice to creditors once a week for three successive weeks in a newspaper of general circulation in the county in which the probate proceeding is pending, announcing the personal representative's appointment and address and notifying creditors of the estate to present their claims within four months after the date of the first publication of the notice or be forever barred.

B. A personal representative may give written notice by mail or other delivery to a creditor, announcing the personal representative's appointment and address and notifying the creditor to present the creditor's claim within four months after the published notice, if given as provided in Subsection A of this section, or within sixty days after the mailing or other delivery of the notice, whichever is later, or be forever barred.

C. The personal representative is not liable to anyone for giving or failing to give notice pursuant to this section.