

# Wills and Trusts, Probate and Estates

*Presented by John A. Noble, Esquire*

2 Credit Hours

## Course Outline

Rio  
Grande  
Title

### I. Intestate and Testate Estates

- A. Intestate Estates
  - 1. Definitions
    - a) Heirs
    - b) Issue
    - c) Community Property
    - d) Separate Property
  - 2. Intestate Succession
  - 3. Afterborn Children
  - 4. Adopted Children
  - 5. Children Born Out of Wedlock
- B. Testate Estates
  - 1. New Mexico Statutory Wills
    - a) Competence
    - b) Formalities of Execution Will
  - 2. Holographic Wills
  - 3. Foreign Wills
  - 4. Revocation of Wills
  - 6. Rights of Surviving Spouse
    - a) Family Allowance
    - b) Personal Property Allowance
    - c) Homestead Allowance

### II. Probate of Wills and Administration of Estate

- A. Jurisdiction
- B. Venue
- C. Scope of Probate Code
- D. Informal and Formal Proceedings
  - 1. Informal Probate
  - 2. Formal Probate
- E. Supervised and Unsupervised Administration
- F. Necessity For Probate of Administration

### III. Non-Probate Estates

- A. Joint Tenancies
- B. Trusts
- C. Community Property Homesteads in Small Estates
- D. Affidavit of Heirship

### IV. Liens And Creditor Claims

- A. Creditors of the Decedent
- B. Tax Liens
- C. Judgement Liens