

Table of Contents

PROBATE

| | |
|---|----|
| Informal Probate Flowchart..... | 5 |
| Formal Probate | 6 |
| Probate Overview | 7 |
| Subject Matter Jurisdiction..... | 8 |
| Venue | 9 |
| Oath or Affirmation on Filed Documents..... | 9 |
| Demand for Notice..... | 10 |
| Filing Petition for Probate | 11 |
| Notice of Hearing..... | 13 |
| Notice to Creditors | 14 |
| Final Hearing | 15 |
| Records of Informal Probate Proceedings/County Probate..... | 16 |
| Filing of Claims | 17 |
| Deposit of Lifetime Wills | 18 |
| Deposit of Lifetime Will Form..... | 20 |
| Probate of a Foreign Will or Ancillary Probate..... | 22 |
| Foreign Personal Representative | 23 |
| Trust Administration..... | 24 |
| Execution and Levies Prohibited | 24 |

CONSERVATORS AND GUARDIANS

| | |
|---|----|
| Appointment of Guardian Flowchart | 27 |
| Appointment of Guardian/Conservator Overview | 28 |
| Appointment of Guardian for Incapacitated Person..... | 29 |
| Conservator for Minor or Incapacitated Person | 31 |

PROBATE FLOWCHARTS

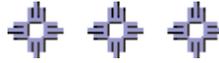
| | |
|--|----|
| Case Initiation/Reopen with Filing Fee | 34 |
| Case Initiation without Filing Fee..... | 35 |
| Attach Parties to Case | 35 |
| Entering a Case..... | 36 |
| Docketing..... | 36 |
| Closing a Case | 37 |
| Docketing Closing Event..... | 37 |

FACTS™ PROCEDURES

| | |
|---|----|
| Case Initiation/Reopen With Filing Fee | 38 |
| Case Initiation/Reopen Without Filing Fee | 48 |
| Attach Parties to Case | 50 |
| Entering a Civil Complaint/Petition | 65 |
| Probate Causes of Action (PB)..... | 68 |
| Guardianship or Conservatorship Causes of Action (PQ) | 69 |

| | |
|----------------------|----|
| Docketing..... | 71 |
| Closing a Case | 74 |

Chapter 1: Probate



In this Chapter:

In this chapter, you will find the clerical procedures for the following:

- **PROBATE CASES**

Definitions:

| |
|--|
| <p>ancillary administration Ancillary administration is when administration is in a state where decedent has property and which is other than where decedent was domiciled.</p> |
| <p>applicant An applicant is the person who files with the court an application asking for the court to take a particular action.</p> |
| <p>beneficiary A beneficiary as it relates to trust beneficiaries, includes a person who has any present or future interest, vested or contingent, and also includes the owner of an interest by assignment or other transfer and, as it relates to a charitable trust, includes any person entitled to enforce the trust.</p> |
| <p>claim A claim may include: a liability (debt) of a decedent or a protected person, funeral expenses and expenses of administration (probate) of estate. A claim does not include estate or inheritance taxes, demands or disputes regarding title of a decedent or protected person to specific assets alleged to be included in the estate.</p> |
| <p>codicil A codicil is an amendment or supplement to a Last Will and Testament.</p> |
| <p>deceased A deceased is a dead person.</p> |
| <p>decedent A decedent is a deceased person.</p> |

devisee

A devisee is the person to whom lands or other real property are devised or given by will.

disallowance of claim

A disallowance of claim is when the personal representative refuses to pay a claim against the estate because they do not feel it is valid.

estate

An estate is the property of the decedent, trust or other persons whose affairs are subject to the Probate Code.

formal proceedings

Formal proceedings are those conducted before the District Court with notice to interested parties.

informal proceedings

Informal proceedings are those conducted without prior notice to interested persons by an officer of the court acting as registrar for probate of will or appointment of personal representative.

interested persons

Interested persons are heirs, devisees, children, spouses, creditors, beneficiaries and any others having a property right in or claim against a trust estate or the estate of a decedent, ward, or protected person which may be affected by the proceeding, persons having priority for appointment as Personal Representative, other fiduciaries representing interested persons. Interested persons are determined case by case.

intestate

Intestate is when a person is said to have died without making a will, or who dies without leaving anything to testify what his/her wishes were with respect to the disposal of his/her property after death.

last will and testament

A last will and testament is a legal declaration of a person's mind as to the manner in which he/she would have his/her property or estate disposed of after his/her death; a written instrument legally executed by which a person makes disposition of his/her estate to take effect after his/her death.

letters

A written communication usually from a court containing a grant (as of a right) or an appointment (usually used in plural).

letters of administration

A letter from a probate court that appoints the addressee the personal representative of an intestate estate.

letters testamentary

A letter from a probate court that appoints or confirms the addressee as the personal representative of a testate estate

minor

A minor is a person who has not reached the age of majority.

personal representative

A personal representative includes an executor, administrator, successor personal representative, special administrator and persons who perform substantially the same function under the law governing their status.

petitioner

A petitioner is one who files with the court a petition asking the court to take a particular action.

probate

Probate is the process of proving in a court of competent jurisdiction (as a district or probate court) that an instrument is the valid last will and testament of a deceased person.

real property

Real property is the land and generally whatever is erected or growing upon or affixed to land.

supervised administration

Supervised administration is when the court has general oversight, superintends or inspects all actions taken by a personal representative.

testate

Having made a valid will.

testator/testatrix

A testator/testatrix is the person who died after having made a will.

trust

A trust includes any express trust, private or charitable, with additions thereto, wherever and however created. It also includes a trust created or determined by judgment or decree under which the trust is to be administered in the manner of an express trust. Trusts exclude other constructive trusts, and it excludes resulting trusts, conservatorships, personal representatives, trust accounts, custodial arrangements including those created under the Uniform Gifts to Minor Act (Section 46-7-1 through 46-7-10 NMSA 1978) business trusts providing for certificates to be issued to beneficiaries, common trust funds, voting trusts, security arrangements, liquidation trusts and trusts for the primary purpose of paying debts, dividends, interest, salaries, wages, profits, pensions or employee benefits of any kind and any arrangement under which a person is nominee or escrowee for another.

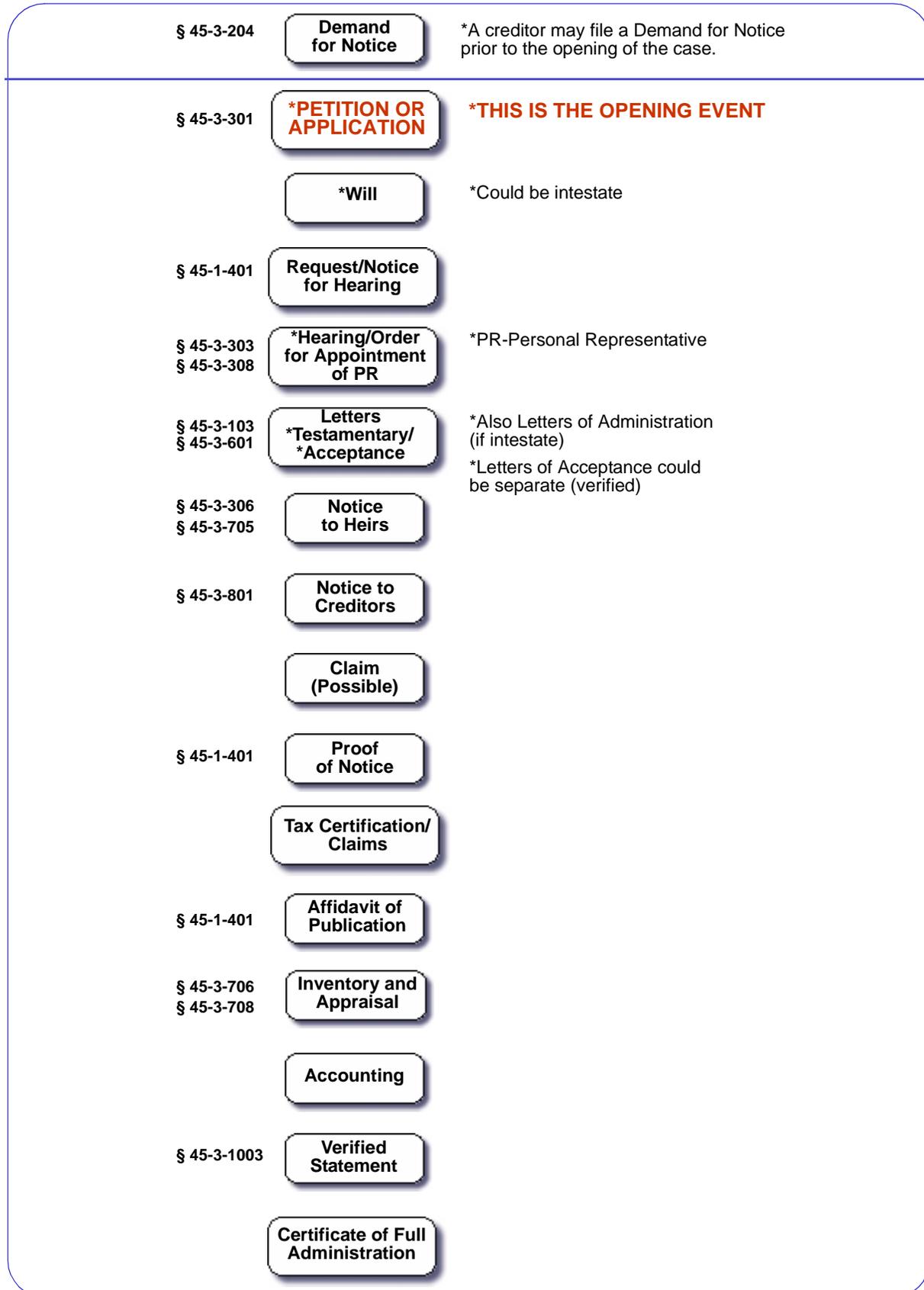
trustee

A trustee is the person holding the property in trust. The person appointed, or required by law, to execute a trust; one in whom an estate, interest, or power vested, under an express or implied agreement to administer or exercised it for the benefit or to the use of another called the cestui que trust.

unsupervised administration

Unsupervised administration is when a personal representative may take actions regarding estate matters without formal supervision of the court.

Section 1-1: Informal Probate Flowchart



Section 1-2: Formal Probate

| | | |
|--------------------------|--|--|
| § 45-3-204 | Demand for Notice | *A creditor may file a Demand for Notice prior to the opening of the case. |
| § 45-3-401 § 45-3-402 | *PETITION OR APPLICATION | *THIS IS THE OPENING EVENT |
| | Will | |
| § 45-3-403 § 45-1-401 | Request/Notice for Hearing | |
| | Affidavit of Publication | |
| | Proof of Notice | |
| § 45-3-405 | *Hearing Order for Appointment of PR | *PR-Personal Representative |
| § 45-3-103 § 45-3-601 | * Letters Testamentary/ Acceptance | *Must be verified |
| | Letters to Heirs | |
| | Notice to Creditors | |
| | Proof of Notice | |
| | Tax Certification/ Claims | |
| § 45-3-706 § 45-3-708 | Inventory and Appraisal | |
| § 45-3-1001 | Accounting | |
| § 45-3-1001 | *Petition for Order of Complete Settlement | * Non-Opening Petition |
| § 45-3-1001 | Scheduled Distribution/Notice (Optional) | |
| | Request for Notice | |
| | Proof/Notice of Publication | |
| § 45-3-1001 | Order of Complete Settlement | |

Section 1-3: Probate Overview



CLERICAL DUTIES | PROBATE OVERVIEW

1. Check probate index or demand for notice file. Demand for Notice may or may not be filed.
2. \$\$\$-Collect fee if required.
 - \$\$\$-Collect filing fee for new case.



CAUTION | DO NOT ACCEPT PERSONAL CHECKS.

- Accept without filing fee, free process order and affidavit.
3. Review pleadings.
 - Check case caption and heading.
 - Verify that the case is in the correct court (district court, not probate court).
 - Check required court documents (for example, Petition or Application, Letters Testamentary or Letters of Administration). This list is not all inclusive.
 4. Open case in **FACTS™**.
 - Initiate a case using the Create New Case and Receipt screen.
 - See [CASE INITIATION/REOPEN WITH FILING FEE](#).
 - Initiate a case using the Case Master screen.
 - See [CASE INITIATION/REOPEN WITHOUT FILING FEE](#).
 - Attach Parties.
 - See [ATTACH PARTIES TO CASE](#).
 - Enter case using the Civil Complaint/Petition screen.
 - See [ENTERING A CIVIL COMPLAINT/PETITION](#).
 5. Docket Events using the Case Docket screen.
 - See [DOCKETING](#).
 6. Close case using the Civil Complaint/Petition screen and add closing descriptive text in the Case Docket screen.
 - See [CLOSING A CASE](#).
 - Add closing descriptive text. See [DOCKETING](#).

Section 1-4: Subject Matter Jurisdiction

NMSA 1978, § 45-1-302

| | |
|---|--|
| <p>District Court Jurisdiction</p> | <p>The district court has exclusive original jurisdiction over all subject matter relating to:</p> <ul style="list-style-type: none"> • Formal proceedings with respect to the estates of decedents, including determinations of testacy, appointment of personal representatives, constructions of wills, administration and expenditure of funds of estates, determination of heirs and successors of decedents and distribution and closing of estates; • Estates of missing and protected persons; • Protection of incapacitated persons and minors; and • Trusts. |
| <p>Formal Proceedings</p> | <ul style="list-style-type: none"> • The district court in formal proceedings shall have jurisdiction to determine title to and value of real or personal property as between the estate and any interested person, including strangers to the estate claiming adversely thereto. • The district court has full power to make orders, judgments and decrees and to take all other action necessary and proper to administer justice in matters which come before it. |
| <p>Informal Proceedings</p> | <p>The probate court and the district court have original jurisdiction over informal proceedings for probate of a will or appointment of a personal representative.</p> |

Section 1-5: Venue

NMSA 1978, § 45-1-303

| | |
|-----------------------------|---|
| Venue | Subject to the provisions of Section 3-201 [45-3-201 NMSA 1978], where a proceeding under the Probate Code [this chapter] could be maintained in more than one place in New Mexico, the court in which the proceeding is first commenced has the exclusive right to proceed. |
| Multiple Proceedings | If proceedings concerning the same estate, protected person, ward or trust are commenced in more than one court of New Mexico, the court in which the proceeding was first commenced shall continue to hear the matter, and the other courts shall hold the matter in abeyance until the question of venue is decided, and if the ruling court determines that venue is properly in another court, it shall transfer the proceeding to the other court. |
| Transfer | If a court finds that in the interest of justice a proceeding or a file should be located in another court of New Mexico, the court making the finding may transfer the proceeding or file to the other court. |

Section 1-6: Oath or Affirmation on Filed Documents

NMSA 1978, § 45-1-310

| | |
|------------------------------|--|
| Oaths or Affirmations | Except as otherwise specifically provided in the Probate Code [this chapter] or by rule, every document filed with the court under the code, including applications, petitions and demands for notice, shall be deemed to include an oath, affirmation or statement to the effect that its representations are true as far as the person executing or filing it knows or is informed, and penalties for perjury may follow deliberate falsification therein. |
|------------------------------|--|

Section 1-7: Demand for Notice

NMSA 1978, § 45-3-204

| | |
|--|--|
| Demand for Notice | Any interested person desiring notice of any order or filing pertaining to a decedent's estate may at any time after the death of the decedent file a demand for notice with the clerk of the court in which the proceedings for the decedent's estate are being conducted or in the district court of the county where they would be pending if commenced. |
| Inquiry | A person commencing a proceeding for a decedent's estate in probate court shall inquire of the clerk of the district court for that county whether any demand for notice has been filed prior to commencing a proceeding in the probate court. |
| Form of Demand | The demand for notice shall state the name of the decedent, the nature of the demandant's interest in the estate and the demandant's address or that of his attorney. |
| Mail to Personal Representative | <ul style="list-style-type: none"> • The clerk shall mail a copy of the demand to the personal representative if one has been appointed. • After filing of a demand, no order or filing to which the demand relates shall be made or accepted without notice as prescribed in Section 45-1-401 NMSA 1978 to the demandant or his attorney. |
| Waiver of Notice | The requirement of notice arising from a demand under this provision may be waived in writing by the demandant and shall cease upon the termination of his interest in the estate. |



CLERICAL DUTIES | DEMAND FOR NOTICE

- Follow in-house procedure regarding receipt of Demands for Notice.

Section 1-8: Filing Petition for Probate

An application for informal probate or a petition for formal probate is filed after a death and may include a request for appointment of a personal representative.

Application or Petition

In reviewing the application, the district court judge may determine, among other things, whether:

- Application or petition is complete including oath or affirmation (NMSA 1978, § 45-1-310).
- Applicant or petitioner is an "interested person."
- The court has venue (NMSA 1978, § 45-1-303).
- There is an original and unrevoked will.
- Proper notice has been given.
- Time limit for original probate has not expired.



CLERICAL DUTIES | PETITION FOR PROBATE

1. Check probate index or demand for notice file.
2. Open a case file following procedures for civil cases and assign the case a probate number. Some jurisdictions keep the original will in the file until it is admitted; others keep the will in a separate place until it is admitted.
3. Collect and receipt filing fee.
4. After properly admitted, issue certified copies of letters to the personal representative:

| | |
|---|---|
| <p>Probated Wills NMSA 1978, § 45-1-305</p> | <p>Under NMSA 1978, § 45-1-305, it is necessary to indicate:</p> <ul style="list-style-type: none"> • Whether the decedent was domiciled in New Mexico, • If the probate was formal or informal, and • The names and addresses of any known heirs. <p>This is most easily done by attaching a copy of the application or petition for probate and setting forth the above information to the certified copy of the will.</p> |
| <p>Letters to the Personal Representative NMSA 1978, § 45-1-305</p> | <ul style="list-style-type: none"> • Certified copies of letters testamentary, letters of guardianship, letters of administration or letters of conservatorship must show date of appointment. • Letters are issued upon filing of the order appointing personal representative and acceptance and oath. |

5. Docket case events in case management application.

**CAUTION | LETTERS**

- Letters cannot be issued upon request certifying that letters are still in full force and effect after an estate is closed.
- If other property of an 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 apply as appropriate.
- However, no claim previously barred may be asserted in the subsequent administration. The file must be reopened and a filing fee paid (NMSA 1978, § 45-3-1008).

**SECOND | ADMINISTRATIVE CLOSURE**

Letters remain in effect if the case was closed administratively.

Section 1-9: Notice of Hearing

NMSA 1978, § 45-1-401

| | |
|--------------------------|---|
| Notice | If notice of a hearing on any petition is required, and except for specific notice requirements as otherwise provided, the petitioner shall cause notice of the time and place of hearing of any petition to be given to any person having an interest in the subject of the hearing. Notice shall be given by mailing, service or publication: |
| Notice by Mailing | <ul style="list-style-type: none"> • By mailing a copy thereof at least fourteen (14) days before the time set for the hearing by certified, registered or ordinary first class mail addressed to the person being notified at the post office address given in his demand for notice, if any, or at his office or place of residence, if known; or |

| | |
|--------------------------------|--|
| Notice by Service | <ul style="list-style-type: none"> By service of a copy thereof upon the person being notified in the manner provided by the Rules of Civil Procedure for service of summons and complaint in civil actions; or |
| Notice by Publication | <ul style="list-style-type: none"> If the address or identity of any person is not known and cannot be ascertained with reasonable diligence, by publishing a copy thereof at least once a week for two consecutive weeks, in a newspaper published and having general circulation in the county in which the hearing is to be held or, if there be no newspaper published in such county, then in a newspaper of general circulation in such county, the last publication of which is to be at least ten days before the time set for the hearing. |
| Notice by Other Methods | The court for good cause shown may provide for a different method or time of giving notice for any hearings. |
| Proof of Notice | Proof of the giving of notice shall be made on or before the hearing and filed in the proceeding. |

Section 1-10: Notice to Creditors

NMSA 1978, § 45-3-801

| | |
|----------------------------|---|
| Notice to Creditors | <ul style="list-style-type: none"> A personal representative shall give written notice by mail or other delivery to any known creditor and to any creditor who is reasonably ascertainable by the personal representative within three (3) months after the personal representative's appointment. A personal representative shall notify a creditor to present his claim within two months of the published notice, if given as provided in Subsection B of NMSA 1978, § 45-3-801, or within two (2) months after the mailing or other delivery of the notice, whichever is later, or be forever barred. |
|----------------------------|---|

| | |
|-------------------------------------|---|
| <p>Publication of Notice</p> | <p>A personal representative, within a reasonable time after his appointment, may also publish a notice to creditors once a week for two (2) successive weeks in a newspaper of general circulation in the county announcing the appointment and the personal representative's address and the name of the decedent and notifying creditors of the estate to present their claims within two (2) months after the date of the first publication of the notice or be forever barred.</p> |
| <p>Liability</p> | <p>A personal representative who has proceeded in accordance with Subsection A of NMSA 1978, § 45-3-801 is not liable to a creditor whose claim was not identified or to a successor of the decedent for giving or failing to give notice pursuant to the provisions of this section.</p> |

Section 1-11: Final Hearing

At the hearing, the judge will hear any testimony to resolve the issues.



CLERICAL DUTIES | TRIAL DUTIES

- Follow in-house procedures regarding trial duties.

Section 1-12: Records of Informal Probate Proceedings/County Probate

| | |
|-----------------------------------|--|
| <p>Initial Pleadings</p> | <ul style="list-style-type: none"> • At the time an informal probate proceeding is filed, the probate court shall advise the clerk of the district court in writing of the style of the case and the names and addresses of the party filing the initial pleading and his attorney, if any. • Upon the appointment of a personal representative in an informal proceeding, the probate court shall advise the clerk of the district court in writing of the names and addresses of the personal representative and his attorney, if any. • When the informal probate proceeding is closed, the probate court shall furnish to the clerk of the district court a copy of the docket sheet for said proceeding showing all entries. • The district court shall retain such information as a part of its records. |
| <p>Filing of Documents</p> | <ul style="list-style-type: none"> • After furnishing a copy of the docket sheet, the probate court shall, promptly upon the filing of any document with the probate court, cause to be furnished to the clerk of the district court notice of the type of document so filed and date of filing. • If any such document shall evidence the appointment of a personal representative or any change in the name or address of a personal representative, the notice shall include the name and address of the personal representative, or any change therein. • The clerk of the district court shall enter such information on its copy of the appropriate docket sheet. |



CAUTION | CERTIFIED COPIES

The obligation of the clerk of the district court to issue certified copies is limited to copies of documents actually filed in the district court.

**CLERICAL DUTIES | PROBATE COURT DOCKET SHEETS AND RECORDS**

- Follow in-house procedure for maintaining Probate Court docket sheets and records.

Section 1-13: Filing of Claims

NMSA 1978, § 45-3-804

**TIME LIMIT |**

- If a claim is presented under Subsection A of [NMSA 1978, § 45-3-804](#), no proceeding thereon may be commenced more than **sixty (60) days** after the personal representative has mailed a notice of disallowance.
- However, in the case of a claim which is not presently due or which is contingent or unliquidated, the personal representative may consent to an extension of the **sixty-day (60)** period, or, to avoid injustice, the district court on petition may order an extension of the **sixty-day (60)** period, but in no event shall the extension run beyond the applicable statute of limitations.

Section 1-14: Deposit of Lifetime Wills

NMSA 1978, § 45-2-515

| | |
|--|--|
| | <ul style="list-style-type: none"> • A will may be deposited by the testator or his agent with the clerk of any district court in New Mexico for safekeeping pursuant to rules of that court. • The will shall be kept confidential. • During the testator's lifetime, a deposited will shall be delivered only to him or to a person authorized in writing signed by him to receive the will. • A conservator may be allowed to examine a deposited will of a protected testator under district court procedures designed to maintain the confidential character of the document to the extent possible and to assure that it will be resealed and left on deposit after the examination. • Upon being informed of the testator's death, the district court clerk shall notify any person designated to receive the will and deliver it to him on request, or the court clerk may deliver the will to the appropriate court. |
|--|--|



CLERICAL DUTIES | LIFETIME WILLS

- Follow in-house procedures regarding maintenance of lifetime wills.

_____ JUDICIAL DISTRICT COURT
COUNTY OF _____
STATE OF NEW MEXICO

JOE SMITH,
Petitioner,

VS

NO. _____

TIM LEMASTER,
Respondent,

WARRANT OF EXECUTION

THE STATE OF NEW MEXICO TO THE WARDEN OF THE PENITENTIARY
OF NEW MEXICO.

The Defendant having been convicted of Murder in the First Degree of Jane Doe, and the Court having entered Judgment, Sentence and Commitment thereon adjudging a sentence of Death pursuant to the jury verdict duly received and entered by the Court on the 18th day of March 1996, the jury verdict appealed as required by law to the New Mexico Supreme court and the New Mexico Supreme Court having confirmed the jury verdict and issued the Mandate on the 22nd day of September 1999, remanding the issue to the District Court to carry out the Judgment and Sentence, and there existing no legal reason upon the record herein against execution of the judgment of death.

IT IS THEREFORE ORDERED THAT You, the Warden of the Penitentiary of New Mexico are hereby directed and commanded to execute the Judgment and Sentence of this Court by the administration of lethal injection to said JOE SMITH in accordance with NMSA 1978, § 31-14-11, on the 6th day of November 2001.

DEPOSIT OF LIFETIME WILL FORM

_____ JUDICIAL DISTRICT COURT
 COUNTY OF _____
 STATE OF NEW MEXICO

NO. _____

RECEIPT FOR LAST WILL AND TESTAMENT

TO WHOM IT MAY CONCERN:

On this ___ day of _____, 2001, _____, a document
 purporting to be the LAST WILL AND TESTAMENT of _____,
 was deposited with the Clerk of the District Court of Bernalillo County, New
 Mexico, by _____.

SAID WILL HAS NOT BEEN ADMITTED OR FILED FOR PROBATE,
 BUT HAS BEEN ACCEPTED BY THIS OFFICE FOR INDEXING AND
 SAFEKEEPING.

This will is indexed and retained in the records of the office of the Clerk of the
 _____ Judicial District Court located in _____, New Mexico.

DATED THIS _____ DAY OF _____, 200__.

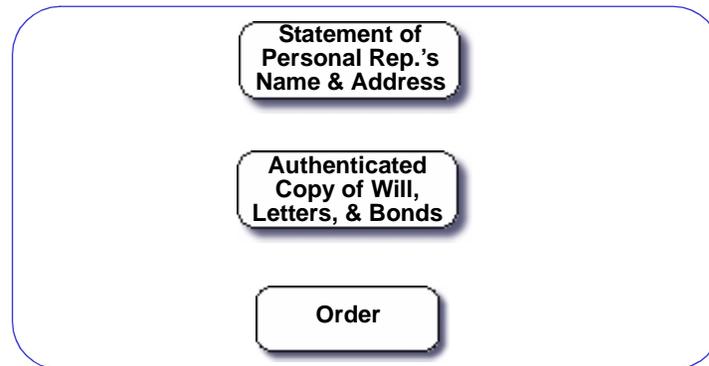
COURT CLERK NAME
 CLERK OF THE DISTRICT COURT

SEAL

BY: _____
 DEPUTY CLERK

Section 1-15: Probate of a Foreign Will or Ancillary Probate

NMSA 1978, §§ 45-3-303 D.-E.



| | |
|----------------------------|--|
| <p>Foreign Will</p> | <p>Informal probate of a will which has been previously probated in another state or foreign country may be granted at any time upon written application by any interested person, together with deposit of an authenticated copy of the will and of the order or statement probating it from the office or court where it was first probated.</p> |
| | <p>A will from a place which does not provide for probate of a will after death and which is not eligible for probate under Subsection A of NMSA 1978, §§ 45-3-303 D.-E., may be probated in New Mexico upon receipt by the probate or the district court of a duly authenticated copy of the will and a duly authenticated certificate of its legal custodian that the copy filed is a true copy and that the will has become operative under the law of the other place.</p> |

Section 1-16: Foreign Personal Representative

NMSA 1978, § 45-4-204

| | |
|---|--|
| <p>Foreign Personal Representative</p> | <p>If no local administration or application or petition is pending in New Mexico, a domiciliary foreign personal representative may file with the court of a county in which property belonging to the decedent is located authenticated copies of his appointment and of any official bond he has given and a statement of the domiciliary foreign personal representative's address.</p> |
| | <p>Upon the filing of an authenticated copy of the will, if any, and an authenticated copy of the domiciliary letters with the court, a foreign personal representative may be granted ancillary letters of administration in formal proceedings in the same manner as provided in Section 3-414 [45-3-414 NMSA 1978] and subject to any bond requirement as provided in Sections 3-603 and 3-604 [45-3-603 and 45-3-604 NMSA 1978].</p> |

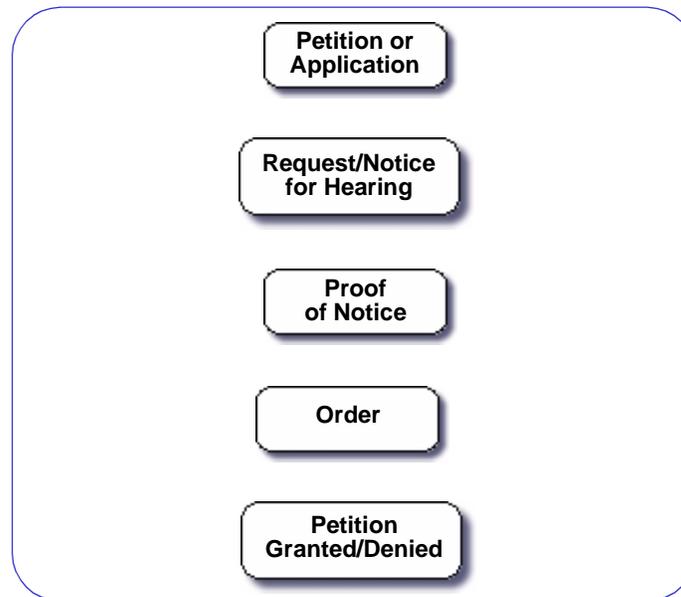


CLERICAL DUTIES | FOREIGN PERSONAL REPRESENTATIVE

1. Receive and file authenticated copies. [NMSA 1978, § 45-4-207](#)
2. Collect and receipt for filing fee.
3. Proceed as in other probate matters.

Section 1-17: Trust Administration

NMSA 1978, §§ 45-7-101 TO -522



CLERICAL DUTIES | TRUSTS

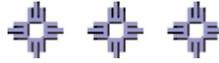
- Follow the procedure for opening a probate case.

Section 1-18: Execution and Levies Prohibited

NMSA 1978, §§ 45-3-812

| | |
|------------------------------------|---|
| <p>Execution and Levies</p> | <p>No execution may issue upon nor may any levy be made against any property of the estate under any judgment against a decedent or a personal representative, but this section shall not be construed to prevent the enforcement of mortgages, pledges or liens upon real or personal property in an appropriate proceeding.</p> |
|------------------------------------|---|

Chapter 2: Conservators and Guardians



In this Chapter:

In this chapter, you will find the clerical procedures for the following:

- [APPOINTING A GUARDIAN](#)
- [APPOINTING A CONSERVATOR](#)

Definitions:

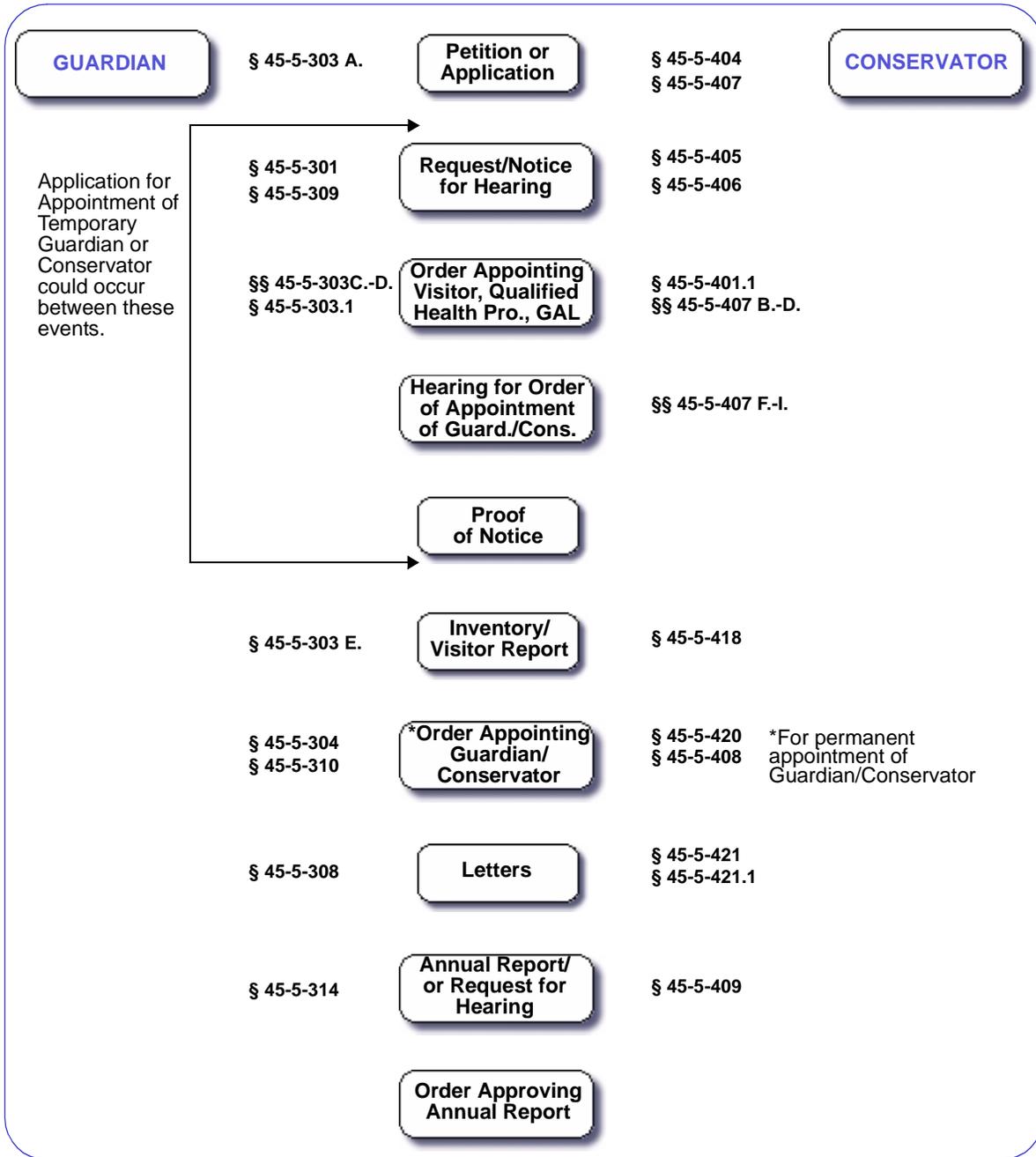
| |
|--|
| <p>Conservator</p> <p>A conservator is a person who is appointed by a court to manage the property or financial affairs or both of an incapacitated person or a minor ward.</p> |
| <p>Guardian</p> <p>A guardian is a person who has qualified to provide for the care, custody or control of the person of a minor or incapacitated person pursuant to testamentary or court appointment, but excludes one who is merely a guardian ad litem.</p> |
| <p>Guardian Ad Litem</p> <p>A guardian ad litem is a person appointed by the district court to represent and protect the interests of a minor or an incapacitated person in connection with litigation or any other court proceeding.</p> |
| <p>Incapacitated Person</p> <p>An incapacitated person is any person who is impaired by reason of mental illness, mental deficiency, physical illness or disability, advanced age, chronic use of drugs, chronic intoxication, or other cause (except minority) to the extent that they lack sufficient understanding or capacity to make or communicate responsible decisions concerning his/her person.</p> |
| <p>Minor</p> <p>A minor is a person who has not reached the age of majority.</p> |
| <p>Qualified Health Care Professional</p> <p>A qualified health care professional is a physician, psychologist, nurse practitioner or other health care practitioner whose training and expertise aid in the assessment of functional impairment.</p> |

Visitor

A visitor is an appointee of the court who has no personal interest in the proceeding and who has been trained or has the expertise to appropriately evaluate the needs of the person who is allegedly incapacitated.

A "visitor" may include, but is not limited to, a psychologist, social worker, developmental incapacity professional, physical and occupational therapist, an educator and a rehabilitation worker.

Section 2-1: Appointment of Guardian Flowchart



CAUTION | REQUEST FOR HEARING

Upon receipt of a Request for Hearing, you must reopen the case in the case management application.

Section 2-2: Appointment of Guardian/Conservator Overview



CLERICAL DUTIES | APPOINTMENT OF GUARDIAN/CONSERVATOR

1. **\$\$\$**-Collect fee if required.
 - **\$\$\$**-Collect filing fee for new case.



CAUTION | DO NOT ACCEPT PERSONAL CHECKS.

- Accept without filing fee, free process order and affidavit.
2. Review pleadings.
 - Check case caption and heading.
 - Verify that the case is in the correct court (district court, not probate court).
 - Check required court documents.
 3. Open case in case management application (**FACTS™**).
 - Initiate a case using the Create New Case and Receipt screen, or
 - See [CASE INITIATION/REOPEN WITH FILING FEE](#).
 - Initiate a case using the Case Master screen.
 - See [CASE INITIATION/REOPEN WITHOUT FILING FEE](#).
 - Attach Parties.
 - See [ATTACH PARTIES TO CASE](#).
 - Enter case using the Civil Complaint/Petition screen.
 - See [ENTERING A CIVIL COMPLAINT/PETITION](#).
 4. Docket Events using the Case Docket screen.
 - See [DOCKETING](#).
 5. Close case using the Civil Complaint/Petition screen and add closing descriptive text in the Case Docket screen.
 - See [CLOSING A CASE](#).
 - Add closing descriptive text. See [DOCKETING](#).

Section 2-3: Appointment of Guardian for Incapacitated Person

NMSA 1978, §§ 45-5-301.1 TO -315

| | |
|---|---|
| <p>General NMSA 1978, § 45-5-303</p> | <ul style="list-style-type: none"> Any interested person may file a petition for the appointment of a person to serve as guardian for an alleged incapacitated person under the Uniform Probate Code [Chapter 45 NMSA 1978]. Unless the alleged incapacitated person has an attorney, the court shall appoint an attorney as a guardian ad litem for him. The guardian ad litem, a court-appointed visitor and a court-appointed doctor who has examined the alleged incapacitated person shall submit their reports to the court. |
| <p>Recording of Proceeding NMSA 1978, §§ 45-5-303 I.</p> | <p>A record of the proceedings shall be made if requested by the alleged incapacitated person or his attorney or when ordered by the court.</p> |
| <p>Public Records NMSA 1978, §§ 45-5-303 I.</p> | <p>Records, reports and evidence submitted to the court or recorded by the court shall be confidential, except that the public shall be granted access to the following information:</p> <ul style="list-style-type: none"> Docket entries, Date of the proceeding, appointment and termination, Duration of the guardianship, and The name and other information necessary to identify the alleged incapacitated person. |
| <p>Confidential Records NMSA 1978, §§ 45-5-303 I.</p> | <p>Notwithstanding NMSA 1978, § 45-5-303 I. stated above, any disclosure of information shall not include any diagnostic information, treatment information or other medical or psychological information.</p> |
| <p>Temporary Guardian NMSA 1978, § 45-5-310</p> | <p>When a petition for guardianship has been filed, but adherence to the procedures set out in this section would cause immediate and irreparable harm to the alleged incapacitated person's physical health, the court may appoint a temporary guardian prior to the final hearing and decision on the petition.</p> |

Closed Hearing

NMSA 1978, §§ 45-5-303 K.-L.

- The court shall determine whether a guardian should be appointed at a closed hearing, unless the incapacitated person requests otherwise.
- The alleged incapacitated person may also request a jury trial.

**TIME LIMIT | ANNUAL REPORT, NMSA 1978, § 45-5-314**

- The guardian of an incapacitated person shall file an annual report with the appointing court within **thirty (30) days** of the anniversary date of the guardian's appointment.
- A copy of the report shall also be submitted to the district judge who appointed the guardian or his successor, to the incapacitated person and to his conservator, if any.

**CLERICAL DUTIES | APPOINTING A GUARDIAN**

1. File and docket petition in sequestered file.
2. Collect filing fee.
3. If appropriate, schedule hearing.
4. Enter court's order. If petition is dismissed, close file.
5. Issue Letters of Guardianship after order of appointment is filed. Letters shall contain:
 - The names, address and telephone number of guardian,
 - The name, address and telephone number of incapacitated person, and
 - The scope of guardianship including the specific legal limitations imposed by the court on the powers of the guardian. [NMSA 1978, § 45-5-308](#)
 - Verified Notice of Acceptance.
6. File annual report received from guardian.



Section 2-4: Conservator for Minor or Incapacitated Person

NMSA 1978, §§ 45-5-401 TO 432

| | |
|--|---|
| <p>General NMSA 1978, § 45-5-407</p> | <ul style="list-style-type: none"> • If the property or financial affairs of a minor or incapacitated adult need to be managed or protected, a conservatorship proceeding may be initiated in the district court where the person to be protected resides. • The procedure follows similar steps as guardianship proceedings. |
| <p>Record of Proceeding NMSA 1978, §§ 45-5-407 M.</p> | <p>A record of the proceedings shall be made if requested by the person to be protected, his attorney or when ordered by the court.</p> |
| <p>Public Records NMSA 1978, §§ 45-5-407 M.</p> | <p>Records, reports and evidence submitted to the court or recorded by the court shall be confidential, except that the public shall be granted access to the following information:</p> <ul style="list-style-type: none"> • Docket entries; • Date of the proceeding, appointment and termination; • Duration of the conservatorship and whether limited or unlimited; • For a limited conservatorship, the nature of the limitation; and • The name and other information necessary to identify the alleged incapacitated person. |
| <p>Confidential Records NMSA 1978, §§ 45-5-407 N.</p> | <p>Notwithstanding NMSA 1978, § 45-5-407 M. stated above, any disclosure of information shall not include any diagnostic information, treatment information or other medical or psychological information.</p> |

Closed Hearing

NMSA 1978, §§ 45-5-407 O.-P.

- The issue of whether a conservator shall be appointed shall be determined by the court at a closed hearing unless the person to be protected requests otherwise.
- Upon request of the petitioner or person to be protected, the court shall schedule a jury trial.

**TIME LIMIT | TEMPORARY CONSERVATOR, NMSA 1978, § 45-5-408**

- A temporary conservator may be appointed by the court upon a finding that serious and irreparable cause to the property and financial interest of the protected person would result if regular procedure were followed.
- The duration of the temporary conservatorship shall not exceed **sixty (60) days**, except that upon order of the court, the temporary conservatorship may be extended for no more than **thirty (30) days**.

Bond

NMSA 1978, §§ 45-5-411(A)(B)

- The court may require a conservator to furnish a bond.
- The court may also require a bond if requested by the Veteran's Administration if it is paying or planning to pay a benefit to the protected person.

Veterans Administration Exemption

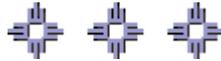
The Veterans Administration and the New Mexico Veteran's Service Commission shall be exempted from NMSA 1978, §§ 45-5-401 to -432.

**TIME LIMIT | INVENTORY, NMSA 1978, § 45-5-418**

Within **ninety (90) days** after his appointment, every conservator shall prepare and file with the appointing court a complete inventory of the estate of the protected person together with his oath or affirmation that it is complete and accurate so far as he is informed.

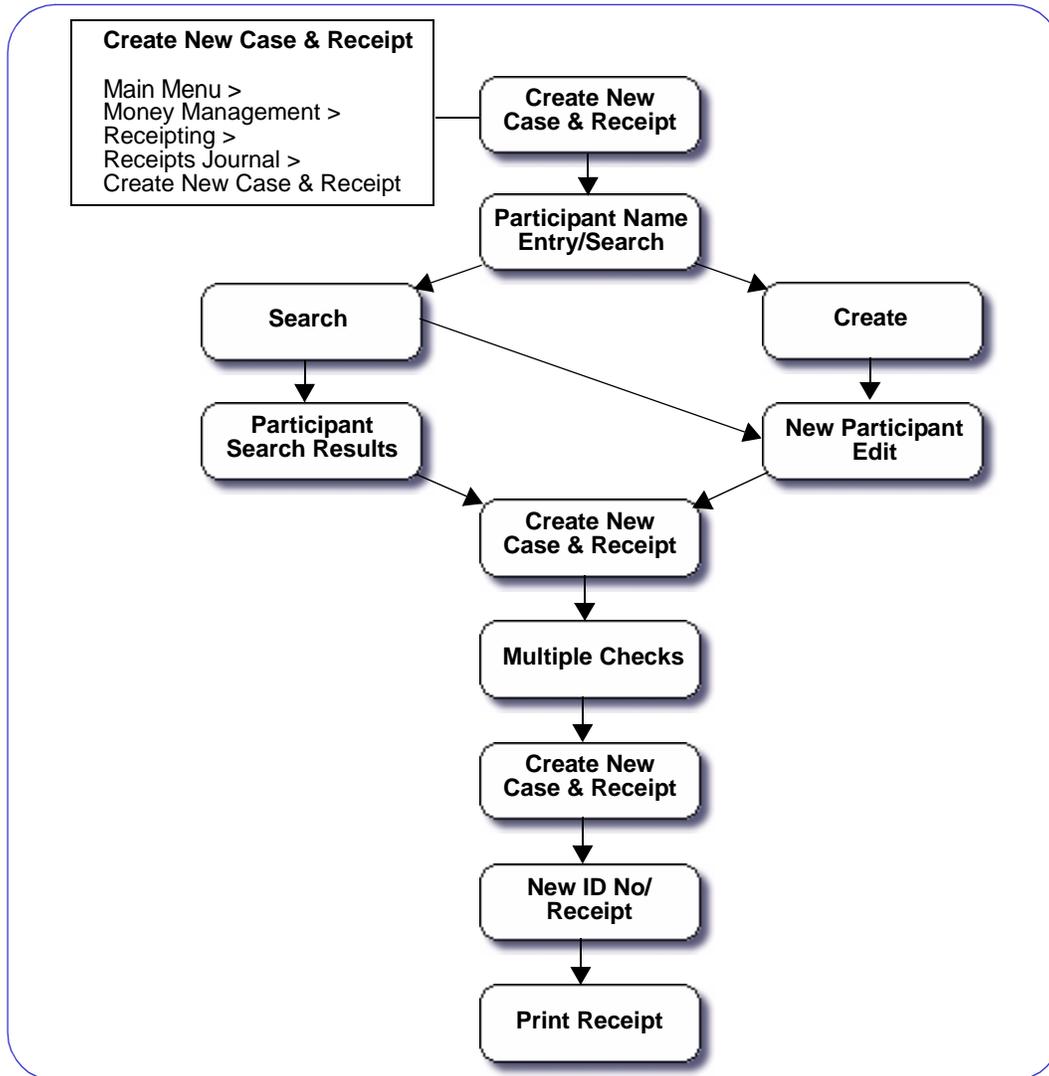
**CLERICAL DUTIES | APPOINTING CONSERVATOR**

1. Docket and file petition in sequestered file.
2. Collect filing fee. Veteran's Administration or other governmental agency is exempt.
3. If appropriate, schedule hearing.
4. Enter court's order. If petition is dismissed, close file.
5. File order and bond from conservator after court has approved.
6. Issue Letters of Conservatorship after acceptance and order is filed [NMSA 1978, § 45-5-421.1](#)
7. File request for notice if presented.
8. File conservator's inventory of estate, statement of account or annual report when received.



Chapter 3: Probate Flowcharts

Section 3-1: Case Initiation/Reopen with Filing Fee



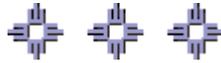
CAUTION | SEARCHING

- Do not create new parties for participants who may already be in the database, for example, GALs or visitors.
- Search for those parties or keep a list of frequently used parties.
- Adding participants who may already be in the database slows it down.



CAUTION | MULTIPLE CHECKS

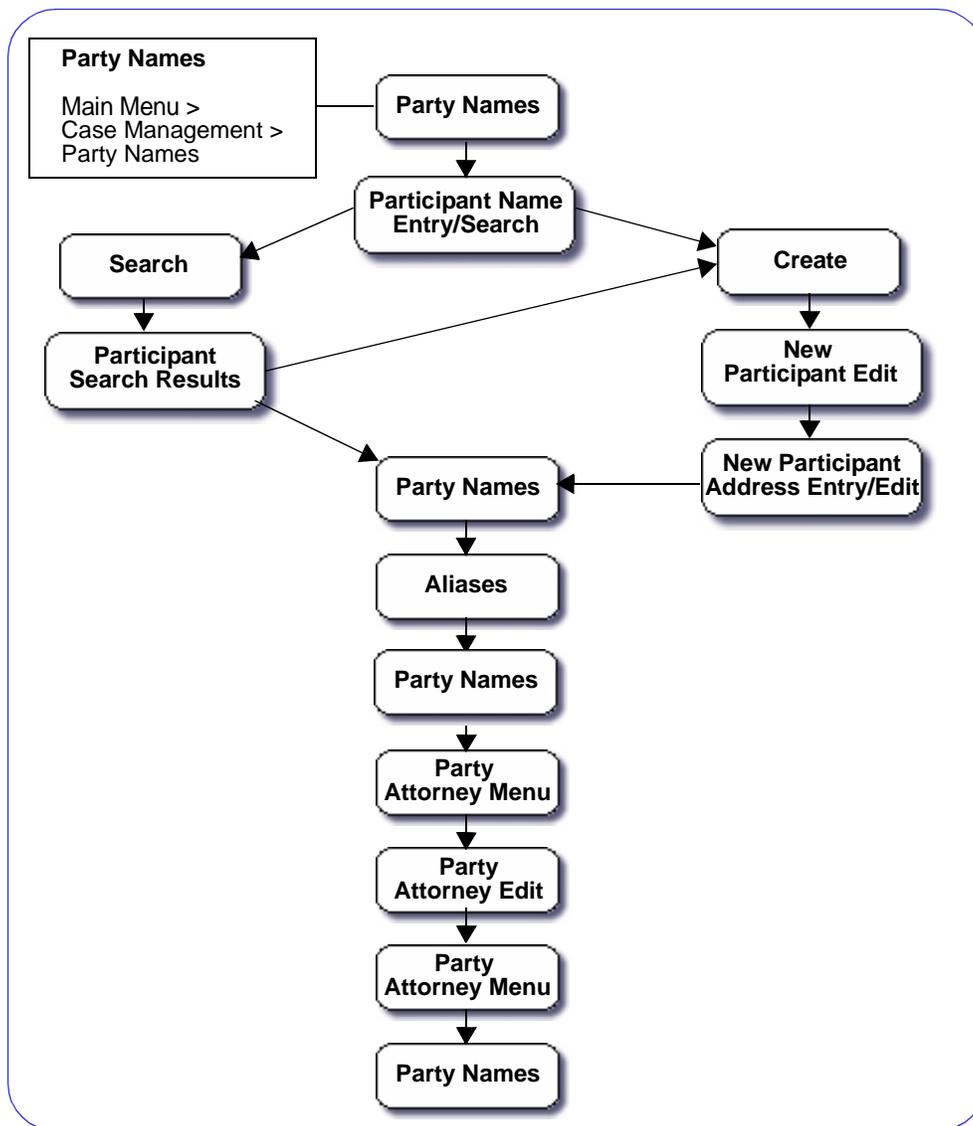
You may receive multiple checks, if the filing fee increases or if someone pays with multiple money orders.

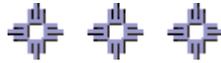


Section 3-2: Case Initiation without Filing Fee

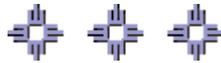
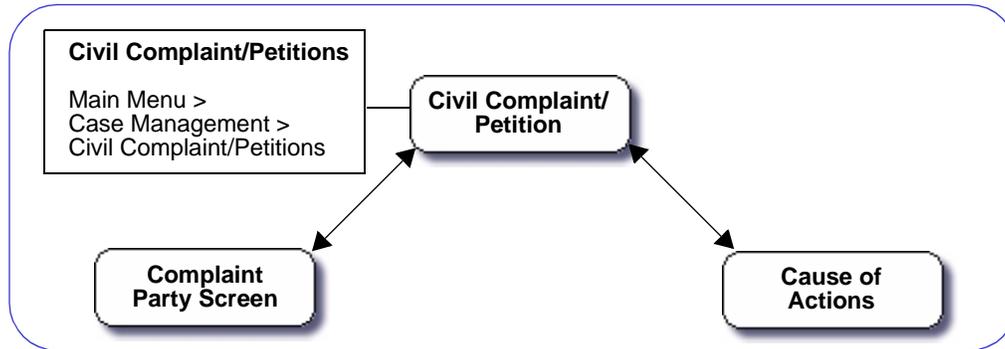


Section 3-3: Attach Parties to Case





Section 3-4: Entering a Case



Section 3-5: Docketing

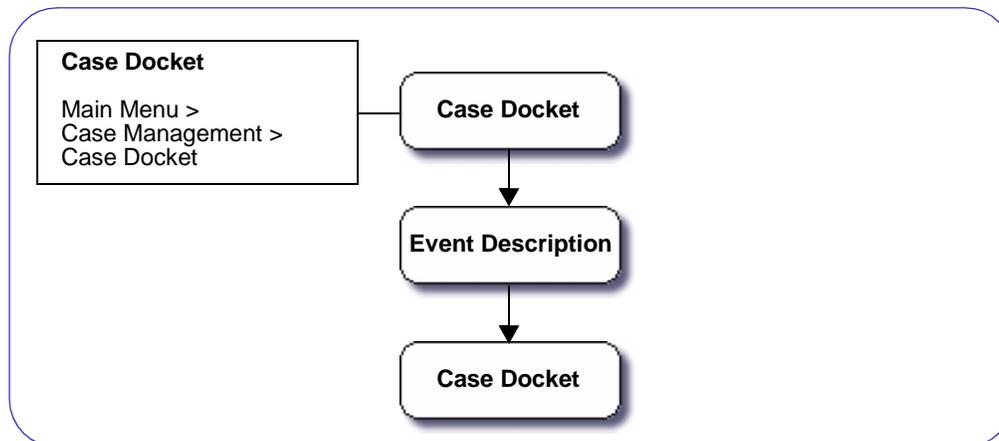


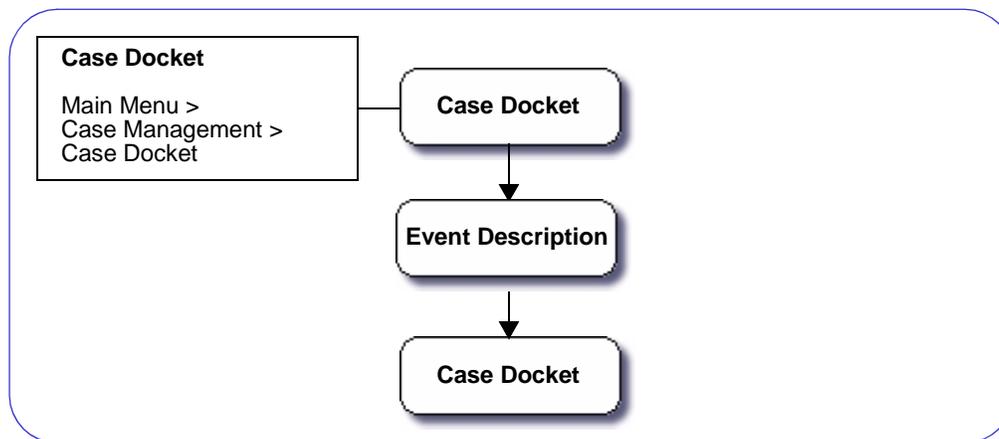
Figure 3-5: Docketing



Section 3-6: Closing a Case



Section 3-7: Docketing Closing Event



Chapter 4: FACTS™ Procedures

Section 4-1: Case Initiation/Reopen With Filing Fee

- **MAIN MENU >**
- **MONEY MANAGEMENT >**
- **RECEIPTING >**
- **RECEIPTS JOURNAL >**
- **CREATE NEW CASE & RECEIPT.** The Create New Case & Receipt screen will appear. (FIGURE: 4-1.1)

Figure 4-1.1: Create New Case & Receipt

| FIELD NAMES | INSTRUCTIONS |
|---|---|
| Crt (Default-D for District) | |
| Loc (Default-four digit location code, for example, 0101) | |
| Cat | Enter case category, PB or PQ. |
| Case No. | <ul style="list-style-type: none"> • If this is a new case, ENTER through this field. • A message box will appear that asks if the user would like to create a new case. • Press ENTER or click OK. • If this is a reopening, enter the appropriate case number. |

| FIELD NAMES | INSTRUCTIONS |
|-------------------|--|
| Case Title | <ul style="list-style-type: none"> Enter Case Title (RE SMITH BROOKE). Press ENTER. |

| Crt | Loc | Cat | Case No. | Case Title | Type | J. Area | Jdg | Party | Num | Part. ID |
|-----|------|-----|----------|-----------------|------|---------|-----|-------|-----|----------|
| D | 0307 | PB | | RE SMITH BROOKE | PBE | | | PT | 001 | |
| | | | | | | | | | | |
| | | | | | | | | | | |

Figure 4-1.2: Create New Case & Receipt

| | |
|-------------|--------------------------------------|
| Type | Enter Case Type from the list below. |
|-------------|--------------------------------------|

| TYPE | DESCRIPTION |
|------------|--------------------------------|
| PBE | Probate Estates |
| PPP | Probate Protective Proceedings |
| PSM | Probate Miscellaneous |

| | |
|-----------------|---|
| J. Area. | |
| Jdg. | FACTS™ randomly assigns a judge. |
| Party | <ul style="list-style-type: none"> Enter Party Type (generally new cases will be PT for Petitioner or AP for Applicant). |
| Num | FACTS™ assigns Party Number. |
| PART ID. | <ul style="list-style-type: none"> Press ENTER. The Participant Name Entry /Search screen will pop-up. (FIGURE: 4-1.3) |

Figure 4-1.3: Participant Name Entry / Search

| | |
|----------------|--|
| Person? | <ul style="list-style-type: none"> • If the Participant is a person, enter Y. • If the Participant is a business or governmental entity, enter N. • If the participant is a person, the cursor will move to the last name field. • If not, the cursor will move to the Full field. |
|----------------|--|



CAUTION | NO PUNCTUATION

- Do not enter punctuation of any kind when entering names.
- If a last name reads O'Neil, enter ONEIL.

| | |
|------------------------|---|
| Last: | Enter the person's last name . |
| First: | Enter the person's first name . |
| Middle: | Enter the person's middle name |
| Suffix: | This field supports the entry of suffixes such as: JR, SR, III, MD, PHD, etc. |
| Identification: | Enter through this field. |
| Date of Birth: | Optional |

| | |
|----------------------|--|
| Full | <ul style="list-style-type: none"> If the Participant is not a person, the cursor will automatically move to this field so you can enter the name of the business or state agency. If the Participant is a person, FACTS™ will populate this field from the name data entered above. |
| Search Button | Tab past this field. |
| Create Button | <ul style="list-style-type: none"> For PB/PQ cases, click this button. When this button is clicked, the New Participant Edit screen will pop-up. (FIGURE: 4-1.4) |

Figure 4-1.4: New Participant Edit



CAUTION | POPULATED DATA

- Please note that the data entered on the Participant Name Entry/Search screen will appear on this screen.
- Enter through the fields that are already populated.

Person:

- If the Participant is a person, enter **Y**.
- If the Participant is a business or governmental entity, enter **N**.

| | |
|----------------|--|
| Last: | <ul style="list-style-type: none"> Enter the person's last name. Press ENTER. |
| First | <ul style="list-style-type: none"> Enter the person's first name. Press ENTER. |
| Middle: | <ul style="list-style-type: none"> Enter the person's middle name. Press ENTER. |
| Suffix: | <ul style="list-style-type: none"> This field supports the entry of suffixes such as: JR, SR, III, MD, PHD, etc. Press ENTER. |



CAUTION | DO NOT PUNCTUATE: "JR" NOT "JR."

| | |
|------------------------|--|
| Continue Button | <ul style="list-style-type: none"> Click on the CONTINUE button to create a new Participant ID. The user will be taken back up a level to the Create New Case & Receipt screen. FACTS™ will return the cursor to the Part. ID field in the Create New Case & Receipt screen. (FIGURE: 4-1.5) |
|------------------------|--|

| Crt | Loc | Cat | Case No. | Part. ID | Party Name | Event | Event Code / Description |
|-----|------|-----|----------|----------|--------------|-------|----------------------------|
| D | 0307 | PB | | | SMITH JORDAN | 184 | PHT: CIVIL FILING W/ ARBIT |
| | | | | | | | |
| | | | | | | | |

Figure 4-1.5: Create New Case & Receipt

| | |
|-------------------------------|---|
| Part. ID. | Tab through this field to populate. |
| Party Name | This field will default to the name of the participant that you entered. |
| Event | Enter the event payment code for a new case filing fee. |
| Event Code/Description | FACTS™ will automatically populate this field with a description of the above event code. |

| Crt | Loc | Cat | Case No. | Amount | Assess Event | Assessment | Stat | Stat. Date | FType | File Date |
|-----|------|-----|----------|--------|--------------|------------|------|------------|-------|------------|
| D | 0307 | PB | | .00 | 284 | \$122.00 | PH | 03-25-2002 | N | 03-25-2002 |
| | | | | | | | | | | |
| | | | | | | | | | | |

Figure 4-1.6: Create New Case & Receipt

| | |
|---|---|
| # Units | |
| Amount | <ul style="list-style-type: none"> FACTS™ will enter default amount based on the event code you entered above. Press ENTER. |
| Assess Event | |
| Assessment | |
| Stat. (Default PN) | |
| Stat. Date (Default current date) | |
| FType (Default N) | |
| File Date (Default current date) | <ul style="list-style-type: none"> F6: Press F6 and the cursor will move to the Receipt Date field of the screen. F5: If the party is paying another fee, for example, a jury fee, then press F5 to add this event on the line provided. |

**CAUTION | F7 TO DELETE EXTRA LINE**

- It is easy to press **ENTER** too many times and to find the cursor on the next line.
- If this happens, press **F7** and you will delete the **extra line**.

Figure 4-1.7: Create New Case & Receipt

| | |
|---|---|
| Receipt Date (Default-current date) | ENTER through this field. |
| Pay from Suspense | ENTER through this field. |
| Payor Part ID. | <ul style="list-style-type: none"> When appropriate, delete Petitioner ID, input Attorney Participant ID. To make the receipt out to the Petitioner, tab twice through this field. |

**CAUTION | ATTORNEY PARTICIPANT ID**

- Please use the **Attorney Participant ID** number.
- Do not use the **Attorney Code** number.
- You will enter inaccurate information (someone else's Participant ID) if you use the attorney code number in this field.

Memo Text

Enter appropriate text for your district.

**CAUTION | NO TEXT WRAPPING**

- The text does not wrap to the next line.
- Press **ENTER** to go to the next line.

| | |
|---------------------|---|
| Check Amount | <ul style="list-style-type: none"> • Enter amount of check. • If this field becomes populated, the cursor will skip to the Check Number field. • Otherwise, the cursor will advance to the Credit Card field. • Press ENTER. |
| Check Number | <ul style="list-style-type: none"> • This field has two parts, the check type and the check number. • The check number part of the field can fit traveler's checks and money order numbers. • The choices for check type are as follows: |

**CAUTION | PERSONAL CHECKS ARE NOT ACCEPTED IN NEW MEXICO DISTRICT COURTS.**

| | |
|----|------------------|
| B | Business Check |
| CC | Cashier's Check |
| MO | Money Order |
| PO | Postal Order |
| TC | Traveler's Check |

| | |
|--------------------------|--|
| More Checks (Y/N) | <ul style="list-style-type: none"> • If you have more checks, enter Y for yes. • The Multiple Checks screen will pop-up. (FIGURE: 4-1.8) • You can then enter up to four more checks. |
|--------------------------|--|

Figure 4-1.8: Multiple Checks

| Crt | Loc | Cat | Case No. | Amount | Assess Event | Assessment | Stat | Stat. Date | FType | File Date |
|-----|------|-----|-----------|--------|--------------|------------|------|------------|-------|------------|
| D | 0307 | PB | 009900001 | .00 | 284 | \$122.00 | PN | 03-25-2002 | N | 03-25-2002 |

Case: RE SMITH BROOKE PROBATE ESTATES Total: \$122.00
 Judge: ROBERT E ROBLES Receipt Date: 03-25-2002

Pay From Suspense?(Y/N): N Suspense Account ID:
 Suspense Amount: Requestor:

Payor Part. ID: 24344 Edit LAW OFFICE OF PERKAL & JONES
 Attorney Address
 1012 LOMAS NW
 ALBUQUERQUE, NM 87102-1945

Memo Text:

Check Amount: \$122.00 Check Number: B 1234 More Checks (Y/N)?: N
 Credit Card: \$0.00 Authorization:
 Cash Amount: \$0.00
 Other Amount: Change: \$0.00
 Deputy ID: 381 Register: 1 Receipt Number: A 000006704

Figure 4-1.9: Create New Case & Receipt

| | |
|-----------------------|---|
| Credit Card | Not used at this time. |
| Authorization | |
| Cash Amount | Enter the amount of cash collected. |
| Deputy ID | This will default to the Deputy ID of the user who is currently logged on the computer. |
| Register | Enter the number of the register that you are using. |
| Receipt Number | <ul style="list-style-type: none"> The receipt number field has two parts. In the first box, enter the appropriate receipt prefix (this indicates the bank account where the money will go) and In the second box, FACTS™ will assign a number to the receipt. |

Completing the Create a New Case & Receipt Screen

- Upon entry of the receipt prefix, FACTS™ randomly assigns:
- A **new case number** when appropriate,
 - A **judge**, ([FIGURE: 4-1.10](#))
 - A new **Participant ID number** (if the party is a new participant),
 - A **receipt number**, ([FIGURE: 4-1.11](#))
 - Click **OK**.

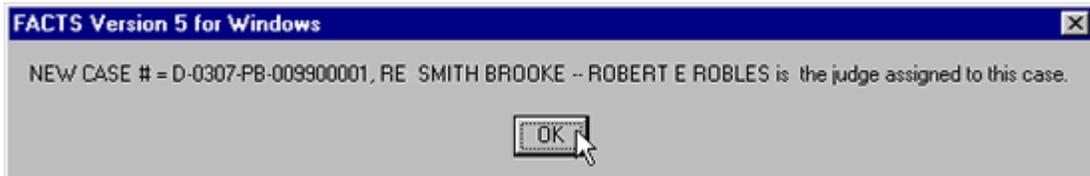


Figure 4-1.10: Case Number and Judge Assignment

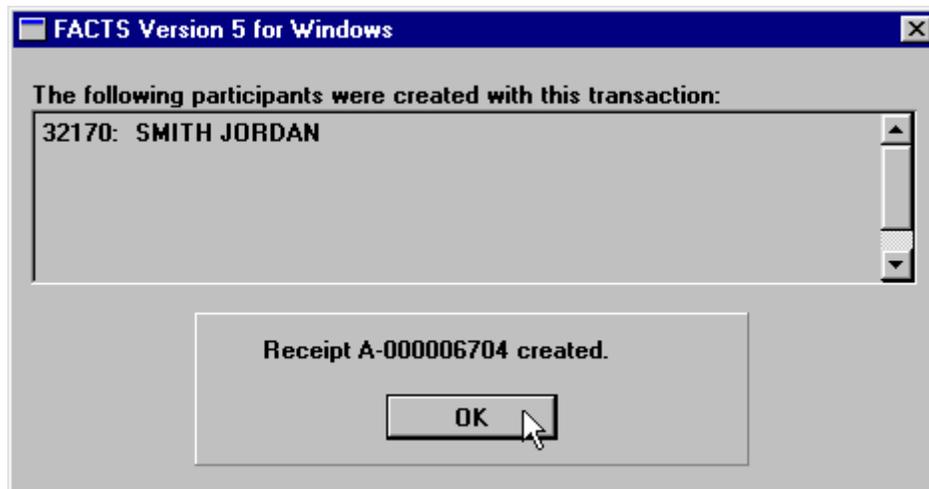


Figure 4-1.11:

Completing the Create a New Case & Receipt Screen

- FACTS™ gives the user the option of printing the receipt, and saves **ALL** the data.

PRINTER DIALOG BOX

- Click the **PRINT** button.
- Click **OK** or press **ENTER**.



Section 4-2: Case Initiation/Reopen Without Filing Fee

Initiating a new case **WITHOUT** a filing fee.

- **MAIN MENU** >
- **CASE MANAGEMENT** >
- **CASE MASTER.** The Case Master screen will appear. (FIGURE: 4-2.1)

Figure 4-2.1: Case Master

| FIELD NAME | INSTRUCTIONS |
|--|--|
| Case Number: | FACTS™ will enter default Court and Location Codes. |
| Court (Default-D for District) | |
| Location (Default-four digit location code, for example, 0101) | |
| Category | <ul style="list-style-type: none"> • Enter case category, PB or PQ. • Press ENTER. |
| Number | <ul style="list-style-type: none"> • FACTS™ will ask: “Do you want to enter a new Case?” • Press ENTER or • Click on YES to indicate that you want to add a new case. |
| Case Status: (Default PN for Pending) | Press ENTER . |

| FIELD NAME | INSTRUCTIONS (CONTINUED) |
|--|--|
| Status Date: (Default-current date) | <ul style="list-style-type: none"> • Press ENTER or • Delete and enter appropriate date. |
| Type of Filing (Default N for New) | Press ENTER . |
| Filing Date: (Default to current date) | <ul style="list-style-type: none"> • Press ENTER or • Delete and enter file stamp date. |
| Title | <ul style="list-style-type: none"> • Enter Case Title from opening pleading (RE SMITH JORDAN). • Press ENTER. |
| Case Type | Enter appropriate Case Type from the list below: |

| | |
|------------|-----------------------------|
| PBE | Probate Estates |
| PPP | Probate Protective Services |
| PSM | Probate Miscellaneous |

| | |
|------------------------------|---|
| Jurisdiction Area: | |
| Sealed/Expunged Case? | If the case category is PQ, enter Y for yes. |
| Save Button | <ul style="list-style-type: none"> • Click button or press ENTER. • Mouse click on SAVE button. • The system will generate new case number and assign a judge; • Screen prompt will show case number and judge assignment; press ENTER key to save data. • A message box will appear that states data has been saved. • Press ENTER or click OK. |



Section 4-3: Attach Parties to Case

After the case has been initiated, the **PARTY NAMES** screen will automatically pop-up or can be accessed by making the following menu choices:

- **MAIN MENU >**
- **CASE MANAGEMENT >**
- **PARTY NAMES.** The Party Names screen will appear. (FIGURE: 4-3.1)

Figure 4-3.1: Party Names

| FIELD NAMES | INSTRUCTIONS |
|--|---|
| Case Number: (Default-last case number, if coming from the Case Master screen) | If you are beginning a new session or need to enter data from a different case, enter the Category and Number for the case. |
| Court (Default-D for District) | |
| Location (Default-four digit location code, for example, 0101) | |
| Category | Enter category, PB or PQ. |
| Number | Enter case number. |
| Party Type: | Enter appropriate party type from the list below and press ENTER . |

| | | | |
|-----------|----------------------|-----------|-------------------------|
| CD | Counter Defendant | IT | Interested Party |
| CE | Contestee | MC | Matter of the Child |
| CL | Counter Claimant | PR | Personal Representative |
| CO | Will Contestor | PT | Petitioner |
| CP | Counter Plaintiff | QH | Qualified Health Expert |
| CS | Conservator | RC | Receiver |
| DC | Deceased | RE | In the Matter of |
| EX | Expert Witness | RS | Respondent |
| GC | Guardian Conservator | SF | Settlement Facilitator |
| GD | Guardian | VS | Visitor |
| GL | Guardian Ad Litem | XW | Rule 706 Witness |
| GP | Grandparent | | |


CAUTION | PARTY TYPE CE AND IT

You must indicate the attorney(s) of record for party types, CE (contestee) and IT (interested party).

| | |
|---|---|
| Party No.: | FACTS™ will assign party number. |
| Party Status | <ul style="list-style-type: none"> Enter “A” (active) and press ENTER. |
| Party Date (Default-current date) | <ul style="list-style-type: none"> ENTER through or delete and type correct date. Press ENTER. |
| Participant ID: | <ul style="list-style-type: none"> In this field, enter the Participant ID number and tab. If the user does not have a Participant ID Number for the participant, press ENTER and the Party Name / Entry screen will pop-up. (FIGURE: 4-3.2) |

Figure 4-3.2: Party Name Entry / Search



CAUTION | POPULATED DATA

Please note that the data you enter in the Participant Name / Entry Search screen will appear on the New Participant Edit screen.



CAUTION | NO PUNCTUATION

- Do not enter punctuation of any kind when entering names.
- If a last name reads O'Neil, enter ONEIL.

| | |
|----------------|--|
| Person? | <ul style="list-style-type: none"> • Enter Y, if the Participant is a person. • Enter N, if the Participant is a business or governmental entity. • If the participant is a person, the cursor will move to the last name field, • If not, the cursor will move to the Full field. |
| Last: | <ul style="list-style-type: none"> • Enter the person's last name. • Press ENTER. |
| First: | <ul style="list-style-type: none"> • Enter the person's first name. • Press ENTER. |

| | |
|------------------------|--|
| Middle: | <ul style="list-style-type: none"> • Enter the person's middle name. • Press ENTER. |
| Suffix: | <ul style="list-style-type: none"> • This field supports the entry of suffixes such as: JR, SR, III, MD, PHD, etc. • Enter the suffix and press ENTER or • Press ENTER. |
| Identification: | Enter through this field. |
| Date of Birth: | Optional |
| Full | <ul style="list-style-type: none"> • If the Participant is not a person, the cursor will automatically move to this field so you can enter the name of the business or state agency. • If the Participant is a person, FACTS™ will populate this field from the name data entered above. |
| Search Button | Do not use this field. |
| Create Button | <ul style="list-style-type: none"> • For PB/PQ cases, click this button. • When this button is clicked, the New Participant Edit screen will pop-up. (FIGURE: 4-3.3) |

Figure 4-3.3: New Participant Edit

**CAUTION | POPULATED DATA**

- Please note that the data you entered on the Participant Name / Entry Search screen will appear on this screen in the appropriate fields and does not need to be reentered.
- You may **ENTER** through the fields already populated (filled-in).

| | |
|----------------|--|
| Person: | <ul style="list-style-type: none"> • Enter Y if the Participant is a person. • Enter N if the Participant is a business or governmental entity. |
| Last: | <ul style="list-style-type: none"> • Enter the person's last name. • Press ENTER. |
| First: | <ul style="list-style-type: none"> • Enter the person's first name. • Press ENTER. |
| Middle: | <ul style="list-style-type: none"> • Enter the person's middle name. • Press ENTER. |
| Suffix: | <ul style="list-style-type: none"> • This field supports the entry of suffixes such as: JR, SR, III, MD, PHD, etc. • Enter the suffix and press ENTER or • Press ENTER. |
| DOB: | Enter Date of Birth if available. |

| | |
|-----------------------------|--|
| Sex: | Enter F for female or M for male if the data is available. |
| SSN: | Enter the participant’s social security number if available. |
| Drivers License No.: | Enter the participant’s driver’s license number if available. |

Figure 4-3.4: New Participant Edit

| | |
|-------------------------------------|--|
| Correspondence Address Type: | <ul style="list-style-type: none"> • Enter appropriate Correspondence Address Type from the list below. • PT (Party Address) is the most frequent choice. • This indicates the address where notices are sent. |
|-------------------------------------|--|

CAUTION | CORRESPONDENCE ADDRESS TYPE
DO NOT leave this field blank or any notices that are generated will not have addresses.

| CODE | DESCRIPTION | CODE | DESCRIPTION |
|-----------|------------------|-----------|--------------------|
| AG | Attorney Address | HO | Home Address |
| BU | Business Address | PT | Party Address |
| EM | Employer Address | RL | Relative’s Address |

| | |
|------------------------------------|---|
| Delivery Method: | |
| Current Address Edit Button | <ul style="list-style-type: none"> • Click on the EDIT button to type address information. • The New Participant Address Entry / Edit will pop-up. (FIGURE: 4-3.5) |


CAUTION | CURRENT ADDRESS

Please note the information indicated under Current Address is where notices get mailed.

Figure 4-3.5: New Participant Address Entry / Edit


CAUTION | INFORMATION ON CHILDREN IS ALWAYS DESIGNATED AS RESTRICTED.

| | |
|------------------------|--|
| Restricted: | Enter Y for yes, or N for no. |
| Line 1:/Line 2: | <ul style="list-style-type: none"> Enter the Participant's street address. Press ENTER. |
| City: | <ul style="list-style-type: none"> Enter the Participant's city. Press ENTER. |
| State: | <ul style="list-style-type: none"> Enter the Participant's state. Press ENTER. |
| Zip Code: | <ul style="list-style-type: none"> Enter the Participant's zip code. Press ENTER. |
| Business Phone: | <ul style="list-style-type: none"> Enter the Participant's Business Phone, if available. Press ENTER. |

| | |
|------------------------|--|
| Current From: | Press ENTER twice. |
| Entry Date: | |
| Continue Button | <ul style="list-style-type: none"> Click on the CONTINUE button. FACTS™ will return you to the New Participant Edit screen. (FIGURE: 4-3.6) |

The screenshot shows a software interface for editing a participant's address. At the top, there are labels for "Address Information:", "Correspondence Address Type:", and "Delivery Method:". Below these are two dropdown menus: "PT Party Address" and "P Postal Service". A large text area labeled "Current Address" contains the text "1244 PRINCETON NE ALBUQUERQUE, NM 87106". To the right of this text area is an "Edit" button. At the bottom right of the screen is a "Continue" button.

Figure 4-3.6: New Participant Edit Screen

| | |
|------------------------|--|
| Continue Button | <ul style="list-style-type: none"> Click on the CONTINUE button. FACTS™ will return you to the Party Names screen. (FIGURE:) |
|------------------------|--|

The screenshot shows a "Party Names" screen for a participant named SMITH BROOKE. At the top, it says "Participant ID: -----" with an "Edit" button and the name "SMITH BROOKE". Below this are several fields: "Person?" with a checked "Y" box, "Last Name: SMITH", "First: BROOKE", "Middle:", and "Suffix:". The "Full Name:" field displays "SMITH BROOKE". There are fields for "Birth Date:", "Height:" (in feet and inches), "Sex:", "Weight:" (in lbs), "Origin:", "Eye:", "Hair:", "Ending Date:", "Driver License:", "State:", "Date of Death:", "Filing Address:" (with "PT 1" selected), "Alias Name?" (with "N" selected), "Attorney?" (with "Y" selected), and "Military?". At the bottom, there are fields for "In Custody?", "Security Required?", "Restricted?" (with "N" selected), and "Interpreter:". A "Save" button is at the bottom center, and the text "This is a new party" is at the bottom right.

Figure 4-3.7: Party Names

| | |
|------------------------|--|
| Participant ID: | <ul style="list-style-type: none"> Tab twice. As a result of tabbing, FACTS™ will fill in the name and personal information fields. Enter through these fields or fill in the information if available. |
|------------------------|--|

| | |
|-----------------------------------|---|
| Date of Death | When entering the decedent, enter the date of death (if available). |
| Filing Address Edit Button | <ul style="list-style-type: none"> If you have already entered the Participant Address, tab past this button or If you want to edit the address or enter an address, click this button and the New Participant Address Entry/Edit screen will pop-up. Follow the directions above to enter data. |
| Alias Name? Edit Button | <ul style="list-style-type: none"> If answer is no, then tab past this button. If answer is yes, then click the button and the Party Aliases screen will pop-up. (FIGURE: 4-3.8) |

Figure 4-3.8: Party Aliases

| | |
|---|--|
| | Press the F2 key to add a new alias. |
| Doing Business As? (Default-N for No) | <ul style="list-style-type: none"> If the answer is yes, enter Y and the cursor will move to the Full Name field. If the answer is no, the cursor will move to the Last Name field. |
| Last Name: | <ul style="list-style-type: none"> Enter the alias last name. Press ENTER. |
| First Name: | <ul style="list-style-type: none"> Enter the alias first name. Press ENTER. |

| | |
|------------------------------|--|
| Middle Name: | <ul style="list-style-type: none"> Enter the alias middle name if there is one. Press ENTER. |
| Suffix: | <ul style="list-style-type: none"> Enter the alias suffix if there is one. Press ENTER. |
| Full | <ul style="list-style-type: none"> If the alias is a person, this field will populate automatically. If you entered Y in the “Doing Business As” field, enter the name of the business. Press ENTER. |
| Birth Date | <ul style="list-style-type: none"> Enter the alias birth date if one exists. Press ENTER. |
| SSN: | <ul style="list-style-type: none"> Enter the alias social security number if one exists. Press ENTER. |
| Driver’s License No.: | <ul style="list-style-type: none"> Enter the alias driver’s license number if one exists. Press ENTER. |
| State: | <ul style="list-style-type: none"> Enter the state of the alias driver’s license number if available. Press ENTER. |
| Alias Type | <ul style="list-style-type: none"> Enter the appropriate code from the following table. Press ENTER. |

| CODE | TYPE | DESCRIPTION |
|------|------|-------------------|
| A | AKA | Also known as |
| F | FKA | Formerly known as |
| N | NKA | Now known as |
| O | OBO | On behalf of |

Participant ID:

| Alias Name | Alias Type | DBA | DOB |
|---------------|------------|-----|-----|
| SAMSON BROOKE | F.K.A. | N | |
| | | | |
| | | | |
| | | | |

Doing Business As? N Last Name:

First: Middle: Suffix:

Full:

Birth Date: SSN:

Driver License No.: State:

Alias Type: F F.K.A.

Figure 4-3.9: Party Aliases

| | |
|----------------------------|--|
| Done Editing Button | <ul style="list-style-type: none"> Click on the DONE EDITING button when you have entered ALL the data for that alias. Verify that the data entered on the grid is correct. Press F2 to enter another alias. |
| Save Alias Button | <ul style="list-style-type: none"> Click the SAVE ALIASES button to save the data. You will return to the Party Names screen. (FIGURE: 4-3.10) |

Figure 4-3.10: Party Names

| | |
|--------------------------------|--|
| Alias Name? Edit Button | Tab past this button |
| Attorney? Edit Button | <ul style="list-style-type: none"> To add an attorney for this party, click this button. The Party Attorney Menu screen will pop-up. (FIGURE: 4-3.11) |

Figure 4-3.11: Party Attorney Menu

| | |
|----------------------------|--|
| Party Attorney Edit | <ul style="list-style-type: none"> Click this button to enter a party attorney. The Party Attorney Edit screen will pop-up. (FIGURE: 4-3.12) |
|----------------------------|--|

Party Attorney Edit

Case Data

Case Number: D 0307 PB 0009900002 RE SMITH JORDAN

Party Type: PT

Party Number: 1 SMITH BROOKE

Attorney Data

Attorney Code: F1414 RHODES HIERONYMUS JONES TUCKER

Attorney Type:

Attorney Status:

Attorney Inactive (Y/N)? N Party/Attorney Status Date: 03-29-2002

Contact Attorney (Y/N)? Y

This is a new case

Figure 4-3.12: Party Attorney Edit

| | |
|---------------|--|
| Case Number | You MUST ENTER through this field. |
| Party Type | You MUST ENTER through this field. |
| Party Number | You MUST ENTER through this field. |
| Attorney Code | <ul style="list-style-type: none"> Enter attorney code and press ENTER or, Press F1 for the Attorney Select look-up table. (FIGURE: 4-3.13) |

Attorney Select

Attorney Starting Code:

Name to Search For: JONES

| Attorney Code | Name | Bin No. |
|---------------|--------------------------------|---------|
| F1411 | JONES DAY REAVIS & POGUE | |
| F1414 | RHODES HIERONYMUS JONES TUCKER | |
| SDJW | S. DOUG JONES WITT, A.D.A. | 061298 |
| T0013 | BRUCE JONES | |

Figure 4-3.13: Attorney Select

TIP | FASTER SEARCHING

- Tab through the **ATTORNEY STARTING CODE** field.
- Type the attorney's last name in the **NAME TO SEARCH FOR:** field and press **ENTER**.
- Highlight the appropriate attorney with the arrow keys and press **ENTER**.
- You will return to the party Attorney Edit screen. (FIGURE: 4-3.14)

Attorney Data

Attorney Code:

Attorney Type:

Attorney Status:

Attorney Inactive (Y/N)? Party/Attorney Status Date:

Contact Attorney (Y/N)?

This is a new case

Figure 4-3.14: Party Attorney Edit

| | |
|--------------------------------------|--|
| Attorney Type: | |
| Attorney Inactive (Y/N)? | |
| Party/Attorney Status Date. | |
| Contact Attorney (Y/N)? | <ul style="list-style-type: none"> • Enter Y if notices are to be sent to this attorney or • N if nothing is to be sent to this attorney. |
| Press Enter Key | <ul style="list-style-type: none"> • Press ENTER, while cursor is in the Contact Attorney field to save the data on this screen. • A message box will pop-up that says: "GOOD JOB. DATA SAVED." |
| Enter Other Attorneys | To enter another attorney, press the ESC key once to be taken to the top of the screen. |
| Go Back to Party Names Screen | <ul style="list-style-type: none"> • To exit the Attorney Names screen, press the ESC key twice. You will return to the Party Attorney Menu screen. • To close this screen, press the ESC key or click on the "X" in the upper right-hand corner. You will return to the Party Names screen. (FIGURE: 4-3.15) |


CAUTION | ESCAPE (ESC) KEY

- Do not press the **ESC** key four times in a row from the Party Attorney Edit screen.
- You will lose the data you entered on the Party Names screen.

Figure 4-3.15: Party Names

| | |
|------------------------------|---|
| Attorney Edit? Button | Tab past this button to continue. |
| Restricted? | If this is a PQ case, enter Y for yes in this field. |
| Save Button | Tab to SAVE button and click button to save and to properly attach data. |



Section 4-4: Entering a Civil Complaint/Petition

The Civil Complaint/Petition screen is used to open and close civil complaints.

- **MAIN MENU** >
- **CASE MANAGEMENT** >
- **CIVIL COMPLAINT/PETITIONS**. The following screen will appear: (FIGURE: 4-4.1)

The screenshot shows a software window titled "Civil Complaint/Petitions". At the top, there is a header bar with the title and standard window controls. Below the header, the main area contains several input fields and buttons. The "Case Number" field is split into four sub-fields: "D", "0307", "PB", and "0009900002", followed by "RE SMITH JORDAN". Other fields include "Complaint Date" (03-29-2002), "Complaint Sequence" (01), "Complaint Event Code" (1500) with a dropdown menu showing "OPN: APPLICATION", "Jury(Y/N)" (N), "Identify Party(s) on the event comments? (Y/N)" (Y), "Party? (Y/N)" (Y), "Cause of Actions? (Y/N)" (Y), "Relief Code(s)? (Y/N)" (N), "Disposition Code" (empty), "Date" (--), "Disposition/Judgment Event" (empty), and "Judgment Code(s)? (Y/N)" (empty). At the bottom, there are "Save" and "Related Cases" buttons, and a status bar showing "Updated By At 0 : :".

Figure 4-4.1: Civil Complaint/Petitions

| FIELDS | INSTRUCTIONS |
|--|---|
| Case Number: (Default last case number) | <ul style="list-style-type: none"> • FACTS™ will enter default Court and Location Codes. • If you are beginning a new session or need to enter data from a different case, fill in each of the four subfields as follows: |
| Court (Default-D for District) | |
| Location (Default-four digit location code, for example, 0101) | |
| Category | <ul style="list-style-type: none"> • Enter case category, PB or PQ. • Press ENTER. |
| Complaint Date (Default-current date) | <ul style="list-style-type: none"> • Enter file stamp date. • Press ENTER. |

| FIELDS | INSTRUCTIONS |
|-----------------------------|--|
| Complaint Sequence | <ul style="list-style-type: none"> Type in the sequence number (how many complaints on this case). If you ENTER through, the number will default. |
| Complaint Event Code | Type in the opening or reopening event code from the list below: |

| | DESCRIPTION | CODE | DESCRIPTION |
|-------------|-------------------------|-------------|---|
| 1500 | OPN: Application | 2507 | RPN: Petition to Reopen |
| 1501 | OPN: Change of Venue | 2509 | RPN: Reopen Fee/Paid |
| 1508 | OPN: Misc/Other Open | 2502 | RPN: Mandate/Reopen |
| 1509 | OPN: Motion (MTN) | 2506 | RPN: Order to Reopen |
| 1512 | OPN: Order to Open | 2511 | RPN: Reopen/Misc/Other |
| 1513 | OPN: Petition | 2512 | RPN: Reopen No Fee Required |
| 1515 | OPN: Proof of Authority | 2515 | RPN: Notice of Appeal |
| | | 2518 | RPN: Motion to Dismiss Protective Order |


CAUTION | REOPENING PLEADING

The pleading that reopens a PQ case should be an Order to Appoint Alternate Guardian/Conservator or a Petition to Dissolve Guardianship.

| | |
|---|---|
| Jury | Enter N for no. |
| Identify Parties on the event comments? (Y/N): | Enter Y for yes. |
| Party: | <ul style="list-style-type: none"> Enter Y for yes and press ENTER. The Complaint Party Screen will pop-up. (FIGURE: 4-4.2) Complete the following screen as directed below. |

Case: D 0307 PB 0009900002 RE SMITH JORDAN

Case Type: PBE PROBATE ESTATES

Complaint Event: 15000PN: APPLICATION

Identify Party(s) on the Event comments (Y/N)? Y

| Ty | Nbr | Plaintiff Party Name |
|----|-----|----------------------|
| PT | 1 | SMITH BROOKE |
| | | |
| | | |
| | | |

| Ty | Nbr | Defendant Party Name |
|----|-----|----------------------|
| | | |
| | | |
| | | |
| | | |

This is a new record

Figure 4-4.2: Complaint Party Screen

Complaint Party Screen
(Default-any parties already entered.)

- Verify that the parties are correct.
- If you have any missing parties, exit this screen.
- Go to **CASE MANAGEMENT > PARTY NAMES** and enter missing parties.

Identify Party(s) on the event comments? (Y/N): Y

Party? (Y/N): Y

Cause of Actions? (Y/N): Y

Relief Code(s)? (Y/N): N

Disposition Code:

Date:

Disposition/Judgment Event:

Judgment Code(s)? (Y/N):

Updated By At 0 : :

Figure 4-4.3: Civil Complaint/Petitions

Cause of Actions: (Y/N)

- Enter Y for yes.
- The Cause of Actions screen will appear. (FIGURE: 4-4.4)

Cause of Actions

Case: D 0307PB 0009900002 RE SMITH JORDAN

Case Type: PBEPROBATE ESTATES
 Complaint Event: 15000PN: APPLICATION
 Event Date: 03-29-2002
 Sequence: 01

Cause of Actions sequence: 0001 Cause of Actions: PWI WILL INFORMAL

Contested: Yes No
 Jury: Yes No

Disposition Code:
 Disposition Date: -- --
 Disposition Event Code:

| PT | No | Plaintiff Party Name |
|----|-----|----------------------|
| PT | 001 | SMITH BROOKE |
| | | |
| | | |
| | | |

| PT | No | Defendant Party Name |
|----|----|----------------------|
| | | |
| | | |
| | | |
| | | |

Updated By At

Figure 4-4.4: Cause of Actions

Cause of Action

- Press F1 to look up code or type in the correct code.

PROBATE CAUSES OF ACTION (PB)

| | |
|------------|--|
| PEM | Estates Miscellaneous |
| PIA | Intestate Ancillary |
| PIN | Intestate Adjudication of Intestacy |
| PNF | Formal, No Will Petition for Determination of Heirship |
| PNI | Informal, No Will Petition for Appointment of Special Administrator |
| PWA | Will Ancillary |
| PWF | Will Informal |
| PWI | Will Informal |

GUARDIANSHIP OR CONSERVATORSHIP CAUSES OF ACTION (PQ)

| | |
|------------|--------------------------------------|
| PBA | Conservator and Guardian Adult |
| PBM | Conservator and Guardian Minor |
| PCA | Conservator Adult |
| PCM | Conservator Minor |
| PGA | Guardian Adult |
| PGM | Guardian Minor |
| PKG | * Kinship/Guardianship |
| PPM | Protective Proceedings Miscellaneous |



CAUTION | * KINSHIP/GUARDIANSHIP ACT

- Use the code PKG, when it has been added to the cause of action table for Kinship/Guardianship cases.
- The Petition or Application will state the reason for filing as the Kinship/Guardianship Act.
- Until the code is added, use any of the above causes of action which are applicable.

| | |
|---|---|
| Contested (Default No) | |
| Jury | |
| Disposition code | |
| Disposition Date | |
| Disposition Event Code | |
| Plaintiff Party Name: (Default-any plaintiff data already entered.) | <ul style="list-style-type: none"> • The cursor will rest in the PT field and flash. • Press the F1 key and a list of parties will pop-up. • Highlight the correct choice with the arrow keys and press ENTER. • Press F3 to move cursor to the PT field on the Defendant Party Name side. |
| Defendant Party Name: | |

- Press **CTRL T** to save and press **ENTER**.
- A message will appear stating that the data has been saved.
- Close this screen by clicking on the “**X**” in the upper right hand corner or by pressing the **ESC** key.
- You will return to the Civil Complaint/Petition screen. (FIGURE: 4-4.5)

The screenshot shows a window titled "Civil Complaint/Petitions". At the top, there are several input fields: "Case Number: D 0307 PB 0009900002 RE SMITH JORDAN". Below this, there are several rows of labels and input fields: "Complaint Date: 03-29-2002", "Complaint Sequence: 01", "Complaint Event Code: 1500 OPN: APPLICATION", "Jury(Y/N): N", "Identify Party(s) on the event comments? (Y/N): Y", "Party? (Y/N): Y", "Cause of Actions? (Y/N): Y", "Relief Code(s)? (Y/N): N", "Disposition Code: [empty]", "Date: - -", "Disposition/Judgment Event: [empty]", "Judgment Code(s)? (Y/N): [empty]". At the bottom, there are two buttons: "Save" and "Related Cases". In the bottom right corner, there is a status bar that says "Updated By At 0 : :".

Figure 4-4.5: Civil Complaint/Petition

Save Button

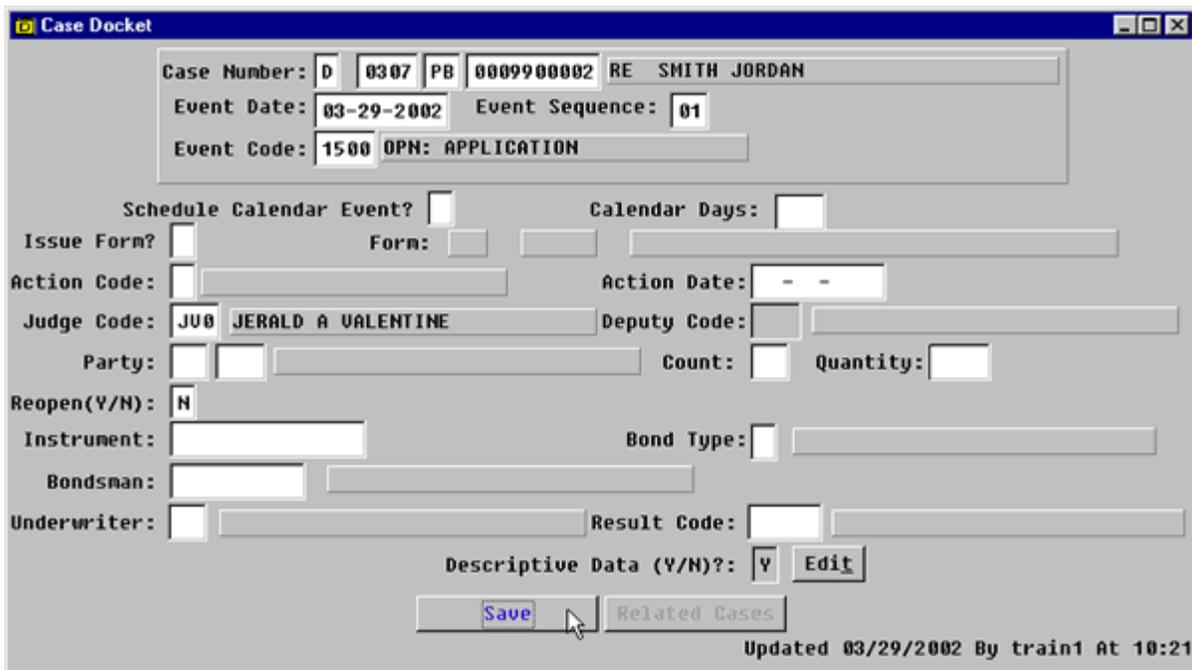
- Tab past the Cause of Actions? field.
- Click on the **SAVE** button.



Section 4-5: Docketing

Use the Case Docket screen to record events that occur in a case. These events record the progression of a case.

- **MAIN MENU** >
- **CASE MANAGEMENT** >
- **CASE DOCKET.** The Case Docket screen will appear. (FIGURE: 4-5.1) or
- Click on the **CASE DOCKET** button  on the toolbar at the top of the screen.



The screenshot shows the 'Case Docket' window with the following fields and values:

- Case Number: D 0307 PB 0009900002 RE SMITH JORDAN
- Event Date: 03-29-2002 Event Sequence: 01
- Event Code: 1500 OPN: APPLICATION
- Schedule Calendar Event? Calendar Days:
- Issue Form? Form:
- Action Code: Action Date: --
- Judge Code: J00 JERALD A VALENTINE Deputy Code:
- Party: Count: Quantity:
- Reopen(Y/N): N
- Instrument: Bond Type:
- Bondsman:
- Underwriter: Result Code:
- Descriptive Data (Y/N)?: Y
-
- Updated 03/29/2002 By train1 At 10:21

Figure 4-5.1: Case Docket

| FIELD NAMES | INSTRUCTIONS |
|--|---|
| Case Number: | FACTS™ will enter default Court and Location Codes. |
| Court (Default-D for District) | |
| Location (Default-four digit location code, for example, 0101) | |
| Category | Enter category, PB or PQ. |
| Number | Enter case number. |
| Event Date (Default-current date) | Enter file stamp date. |

| FIELD NAMES | INSTRUCTIONS |
|--|--|
| Event Sequence | <ul style="list-style-type: none"> This field will default to the next sequence number. Verify that the sequence number is correct or Press F1 to select the correct sequence number and press ENTER. |
| Event Code | Enter appropriate event code. |
| Schedule Calendar Event? | |
| Calendar Days: | |
| Issue Form: | |
| Action Code: | FACTS™ will input a default value based on the event code you entered. |
| Action Date: | |
| Judge Code: (Default-Assigned Judge) | <ul style="list-style-type: none"> If another judge presided over the event, delete assigned judge, and Enter correct judge. |
| Deputy Code: (Default-User login) | |
| Party | Enter Party type and number if appropriate. Press ENTER button. |
| Enter through other Fields | |
| Descriptive Data: | <ul style="list-style-type: none"> Click on the EDIT button. The Event Description screen will pop-up. (FIGURE: 4-5.2) |

Event Description

Case Details

Case Number: D 0307 PB 0009900002 Event Date: 03-29-2002

Event Seq: 01 Event Code: 1500 OPN: APPLICATION

Standard Description Code:

Comments

APPLICATION FOR INFORMAL PROBATE OF WILL AND FOR INFORMAL APPOINTMENT OF PERSONAL REPRESENTATIVE

Figure 4-5.2: Event Description



CAUTION | THE TEXT DOES NOT WRAP TO THE NEXT LINE. PRESS ENTER TO GO TO THE NEXT LINE.

- **ENTER** until you reach the comments field and type in descriptive text.
- After the message box appears, press **CTRL T** to save.
- Press **ENTER** or click **OK** to exit out.
- You will return to the Case Docket screen. (FIGURE: 4-5.3)

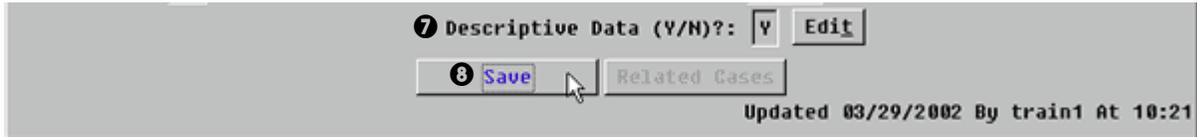


Figure 4-5.3: Case Docket

| | |
|--------------------|---|
| Save Button | <ul style="list-style-type: none"> • Click on the SAVE button at the bottom of the screen. (FIGURE: 4-5.3) |
| Message Box | <ul style="list-style-type: none"> • Click OK or press ENTER button to get the message box to disappear. |

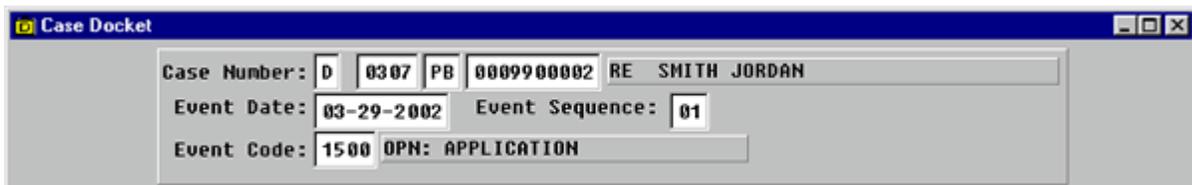


Figure 4-5.4: Case Docket

| | |
|--------------------|--|
| Event Date: | <ul style="list-style-type: none"> • The cursor will return to the event date field. (FIGURE: 4-5.4) • Shift tab to the case number to docket another event or • Shift tab twice to docket to another case or • To exit the screen, click on the “X” in the upper right-hand corner. |
|--------------------|--|



Section 4-6: Closing a Case

The Civil Complaint/Petitions screen is used to open and close petitions.

- **MAIN MENU** >
- **CASE MANAGEMENT** >
- **CIVIL COMPLAINT/PETITIONS**. The Civil Complaints/Petition screen will appear. (FIGURE: 4-6.1)

The screenshot shows a software window titled "Civil Complaint/Petitions". The interface includes several input fields and buttons. At the top, there are fields for "Case Number" (D 307 PB 9900002) and "RE SMITH JORDAN". Below this, there are fields for "Complaint Date" (03-29-2002), "Complaint Sequence" (1), "Complaint Event Code" (1500 OPN: APPLICATION), and "Jury(Y/N)" (N). A section titled "Identify Party(s) on the event comments? (Y/N):" has a "Y" selected. Below that are fields for "Party? (Y/N)", "Cause of Actions? (Y/N)", and "Relief Code(s)? (Y/N)", all currently empty. The "Disposition Code" is set to "PG PETITION GRANTED" with a "Date" of "03-29-2002". The "Disposition/Judgment Event" is "3556 CLS: VERIFIED STATEMENT/CERTIF" and "Judgment Code(s)? (Y/N)" is "N". At the bottom, there are "Save" and "Related Cases" buttons.

Figure 4-6.1: Civil Complaint/Petitions

| FIELD NAMES | INSTRUCTIONS |
|--|--|
| Case Number: (Default last case number) | Enter the appropriate case number. |
| Complaint Date (Default-current date) | Enter the file stamp date of the opening pleading. |
| Complaint Sequence (Default-next complaint sequence) | Delete the number and enter the appropriate number. |
| Complaint Event Code | FACTS™ will populate this field with the appropriate opening event code. |
| Jury | |
| Identify Parties on the event comments? (Y/N): | |

| FIELD NAMES | INSTRUCTIONS |
|-------------------------------|---|
| Party: | |
| Cause of Actions (Y/N) | |
| Relief Code(s)? (Y/N) | |
| Disposition Code | Enter the disposition code from the list below or press F1 for a lookup table. |

| | | | |
|-----------|-------------------|-----------|------------------|
| DF | Default | PD | Petition Denied |
| DS | Dismissed | PG | Petition Granted |
| OD | Other Disposition | | |

| | |
|------------------------------------|---|
| Date: | Enter file stamp date of the closing pleading. |
| Disposition/Judgment Event: | Enter the appropriate disposition event code from the list below. |

| | | | |
|-------------|-----------------------------|-------------|--|
| 3500 | CLS: Administrative Closure | 3557 | CLS: Void Entered in Error |
| 3502 | CLS: Notice of Bankruptcy | 3558 | CLS: Withdrawn/Close |
| 3504 | CLS: Close Miscellaneous | 3559 | CLS: Order Petition/Motion Denied |
| 3544 | CLS: Order of Consolidation | 3560 | CLS: Order Petition/Motion Granted |
| 3550 | CLS: Order/Order to Close | 3587 | CLS: Order Appointing Guardian/Conservator |

| | |
|--------------------------------|------------------------|
| Judgment Code(s)? (Y/N) | Enter N for no. |
|--------------------------------|------------------------|

| | | |
|-----------------------------|------------|--------------------------------|
| Disposition Code: | PG | PETITION GRANTED |
| Date: | 03-29-2002 | |
| Disposition/Judgment Event: | 3556 | CLS: VERIFIED STATEMENT/CERTIF |
| Judgment Code(s)? (Y/N): | N | |
| | Save | Related Cases |

Figure 4-6.2: Civil Complaints/Petitions

| | |
|--|--|
| Saving the Civil Complaints Petition Screen | Click on the SAVE button. |
| Descriptive Text | Return to the Case Docket screen and add descriptive text to the closing event code. |

