1	SENATE BILL 177
2	43rd LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997
3	INTRODUCED BY
4	CISCO MCSORLEY
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10	AN ACT
11	RELATING TO PROBATE; PROVIDING THAT A DECEDENT'S SURVIVING
12	SPOUSE IS ENTITLED TO A PERSONAL PROPERTY ALLOWANCE; AMENDING A
13	SECTION OF THE UNIFORM PROBATE CODE; DECLARING AN EMERGENCY.
14	
15	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:
16	Section 1. Section 45-2-403 NMSA 1978 (being Laws 1993,
17	Chapter 174, Section 21, as amended) is amended to read:
18	"45-2-403. PERSONAL PROPERTY ALLOWANCEIn addition to
19	the family allowance, the decedent's surviving spouse [ <del>who is a</del>
20	devisee under the will] is entitled from the estate to a value,
21	not exceeding ten thousand dollars (\$10,000) in excess of any
22	security interests therein, in household furniture, automobiles,
23	furnishings, appliances and personal effects. If there is no
24	surviving spouse, the decedent's children who are devisees under
25	the will or, if there is no will, who are intestate heirs are

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entitled jointly to the same value. If encumbered chattels are 1 selected and the value in excess of security interests plus that 2 of other exempt property is less than ten thousand dollars 3 (\$10,000) or if there is not ten thousand dollars (\$10,000) 4 worth of exempt property in the estate, the spouse or children 5 are entitled to other assets of the estate, if any, to the 6 extent necessary to make up the ten thousand dollar (\$10,000) 7 Rights to specific property for the family allowance and value. 8 assets needed to make up a deficiency in the property have 9 priority over all claims against the estate, but the right to 10 any assets to make up a deficiency of exempt property abates as 11 necessary to permit earlier payment of the family allowance. 12 These rights are in addition to any benefit or share passing to 13 the surviving spouse or children by intestate succession or by 14 the decedent's will, unless otherwise provided by the decedent 15 in the will or other governing instrument." 16

Section 2. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

- 2 -

<u>Underscored material = new</u> [bracketed material] = delete

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1	FORTY-THIRD LEGISLATURE SB 177/a
2	FIRST SESSION, 1997
3	
4	
5	
6	February 3, 1997
7	
8	Mr. Presi dent:
9	
	Your <b>JUDICIARY COMMITTEE</b> , to whom has been referred
10	Tour <b>UDECTING UDINE TILL</b> , to whom has been referred
11	
12	SENATE BILL 177
13	
14	has had it under consideration and reports same with
15	recommendation that it <b>DO PASS</b> , amended as follows:
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17	
18	1. On page 1, line 21, strike "ten thousand dollars
19	(\$10,000)" and insert in lieu thereof "fifteen thousand dollars
20	(\$15, 000) ".
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22	
22	2. On page 2, lines 3 and 4, strike "ten thousand dollars
	(\$10,000) and insert in lieu there of "fifteen thousand dollars
24	(\$15, 000) ".
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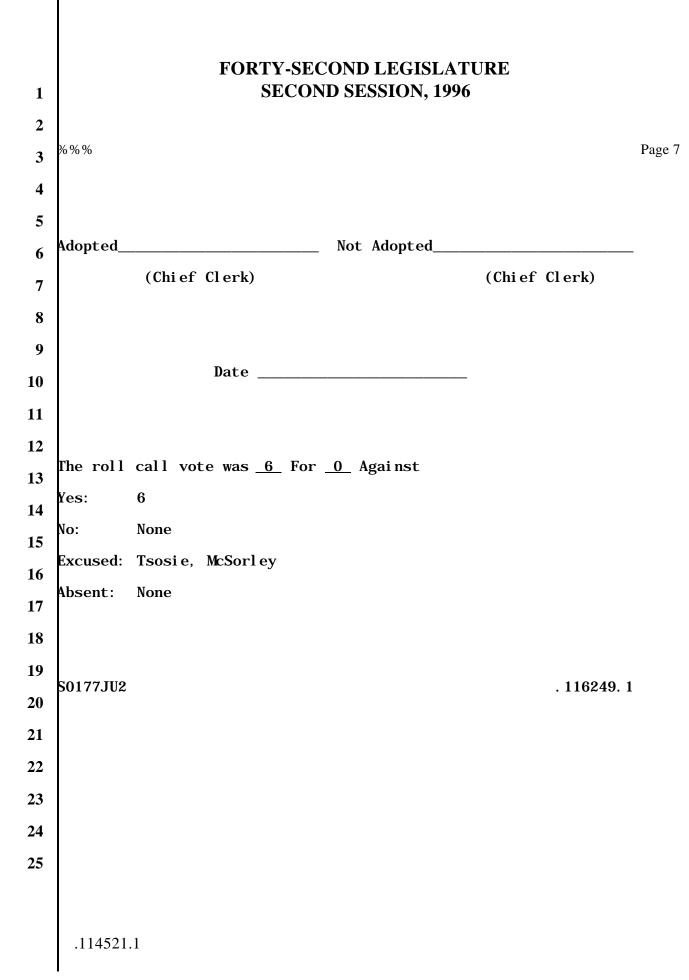
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1		D LEGISLATURE ESSION, 1996	
2			
3	SJC/SB 177	Page	
4	3. On page 2, line 4, strike	"ten thousand dollars	
5	(\$10,000)" and insert in lieu thereof "fifteen thousand dollars		
6	(\$15, 000) ".		
7			
8			
9	4. On page 2, line 7, strike "ten thousand dollars		
10	(\$10,000)" and insert in lieu thereof "fifteen thousand dollars		
11	(\$15, 000) ".		
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16	Re	spectfully submitted,	
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20	 	rnando R. Macias, Chairnan	
21	re	manuo n. Macias, chairman	
22			
23			
24	Adopted No	t Adopted	
25	(Chief Clerk)	(Chief Clerk)	
	.114521.1		

	FORTY-SECOND LEGISLATURE	
1	SECOND SESSION, 1996	
2	SJC/SB 177	Dago 5
3		Page 5
4	Date	
5		
6	The well coll wate was 6 Few 0 Against	
/	Fhe roll call vote was <u>6</u> For <u>0</u> Against	
ð	Yes: 6	
9	No: None	
10	Excused: Tsosie, McSorley	
11	Absent: None	
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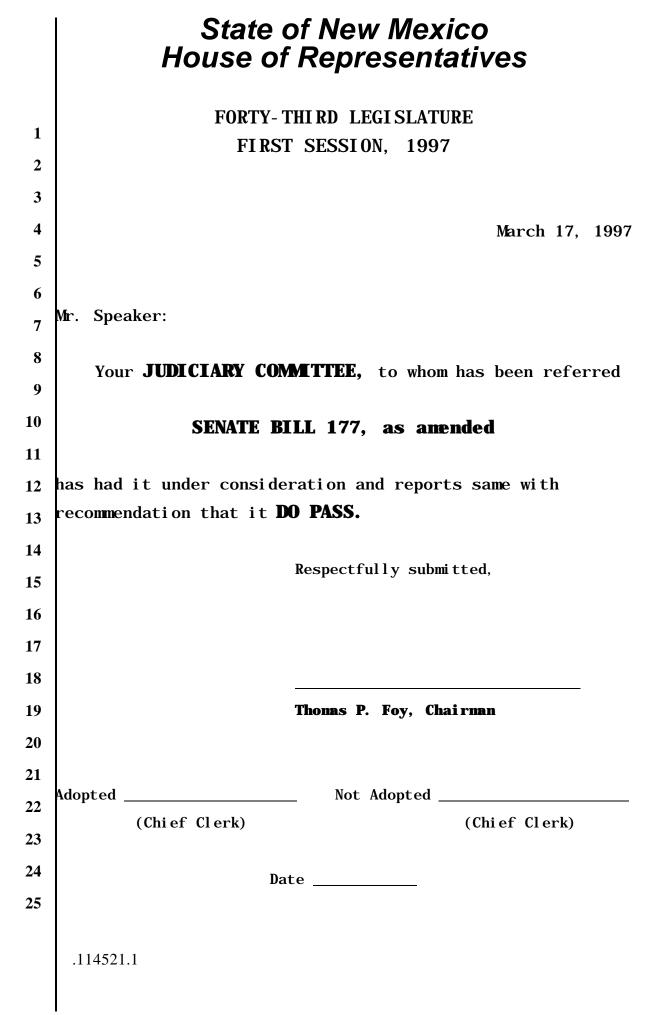
1	FORTY-THIRD LEGISLATURE SB 177/a		
1			
2 3	FIRST SESSION, 1997		
4			
5			
6	February 12, 1997		
7			
8	Mr. President:		
9			
10	Your <b>JUDICIARY COMMITTEE</b> , to whom has been referred		
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12	SENATE BILL 177, as anended		
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14	has had it under consideration and reports same with recommendation that it <b>DO PASS</b> , amended as follows:		
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16			
17	1. On page 1, lines 24 and 25, strike "who are devisees under		
18	the will or, if there is no will, who are intestate heirs".		
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21	Respectfully submitted,		
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	Fernando R. Macias, Chairman		
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	State of New Mexico		
	House of Representatives		
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3	FORTY-THIRD LEGI SLATURE		
4			
5	FIRST SESSION, 1997		
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7			
8	March 17, 1997		
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10			
11	Mr. Speaker:		
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13	Your <b>JUDICIARY COMMITTEE</b> , to whom has been referred		
14	SENATE BILL 177, as anended		
15			
	has had it under consideration and reports same with recommendation that it <b>DO PASS.</b>		
18			
19	Respectfully submitted,		
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22			
23 24	Thomas P. Foy, Chairman		
24 25			
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		FORTY-THIRD LEGIS FIRST SESSION,	
1			Page
1 2	Adopted	Not Adop	oted
2 3		(Chief Clerk)	(Chief Clerk)
3 4			
<b>-</b> 5		Date	—
6 7	The roll Yes:	call vote was 7 For 1 Against	
7 8	nes: No:		
8 9		Alwin, King, Rios, Sanchez, Ste	ewart
9 10	Absent:	None	
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12	M:∖S0177		
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		FORTY-THIRD LEGISLATURE FIRST SESSION, 1997	
		FIRST SESSION, 1337	
1			Page 11
	The roll	call vote was <u>7</u> For <u>1</u> Against	
	Yes:	7	
	No:	Vaughn	
=		Alwin, King, Rios, Sanchez, Stewart	
6	Absent:	None	
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	M:∖S0177		
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