



RESOLUTION 2019-13

Supporting SJR8 to Transfer Jurisdiction of the Roosevelt County Probate Court to the Roosevelt County State Magistrate or District Court

WHEREAS, during the 2019 New Mexico legislative session, the New Mexico Legislature is considering a Joint Resolution to allow for voters to authorize each County Commission the option to consider closure of the probate court of the County and to transfer the jurisdiction of that probate court to the State Magistrate or District Court if approved by the New Mexico Supreme Court and subject to the approval of registered voters in the next general or special election; and,

WHEREAS, the existing Roosevelt County Probate Court is a Court of limited jurisdiction in civil cases in which the matter in controversy shall not exceed a value of three thousand dollars (\$3,000.00) exclusive of interest and costs, and a Court which generally has no jurisdiction over any matter except uncontested informal probates; and,

WHEREAS, the Roosevelt County Probate Court received a total of thirty-three (33) filings in the calendar year of 2016, thirty-nine (39) filings in the calendar year 2017, and twenty-nine (29) filings in the calendar year of 2018; and,

WHEREAS, the Probate Judge is paid an annual salary of \$20,024.00 and has an annual budget of \$31,540.00; and,

WHEREAS, the Roosevelt County Magistrate or District Court would not be unduly burdened by the transfer and adjudication of the limited numbers of informal probates that are currently being adjudicated in the Roosevelt County Probate Court as the matters typically involve uncomplicated matters submitted on approved forms by pro-se litigants. The Roosevelt County Magistrate or District Court have sufficient personnel, legal expertise, and budget to efficiently and effectively handle the additional case load; and,

WHEREAS, it is in the public interest for the Roosevelt County Commission to consider such changes as will positively affect the County budget without impacting or affecting services for Roosevelt County citizens, but would rather streamline access for citizens and minimize confusion; and the County would be able to work on any probate case issues directly with the District Court Chief Judge; and local judges would still handle local probate cases; and Magistrate and District Court Judges are elected, thus voters would still select the Judges who decide on probate cases.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Roosevelt County, New Mexico that the Roosevelt County Commission hereby **supports** the adoption of Senate Joint Resolution 8 which proposes to amend Article 6 §23 of the Constitution of New Mexico to allow the Legislature to propose to voters that County Commissions be granted the option to transfer Probate Jurisdiction to a State Magistrate or District Court upon approval of the New Mexico Supreme Court and upon approval of the registered voters of New Mexico at the next special or general election.

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Stephanie Hicks, Roosevelt Co. Clk., Roosevelt, NM



PASSED, APPROVED, and ADOPTED this 5th day of March, 2019.

ATTEST:

Stephanie Hicks
Stephanie Hicks, Roosevelt County Clerk

**BODY OF COUNTY COMMISSIONERS
ROOSEVELT COUNTY, NEW MEXICO**

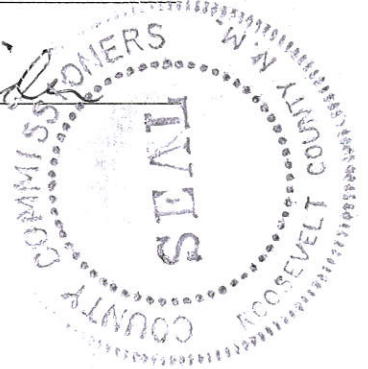
Shane Lee
Lewis (Shane) Lee, Chairman – District III

Absent
Matthew Hunton, Vice Chairman – District II

Dennis Lopez
Dennis Lopez – District I

Tina Dixon
Tina Dixon – District IV

Paul Grider
Paul Grider – District V



sdh

