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**NEW HAMPSHIRE
PROBATE COURT MANUAL**

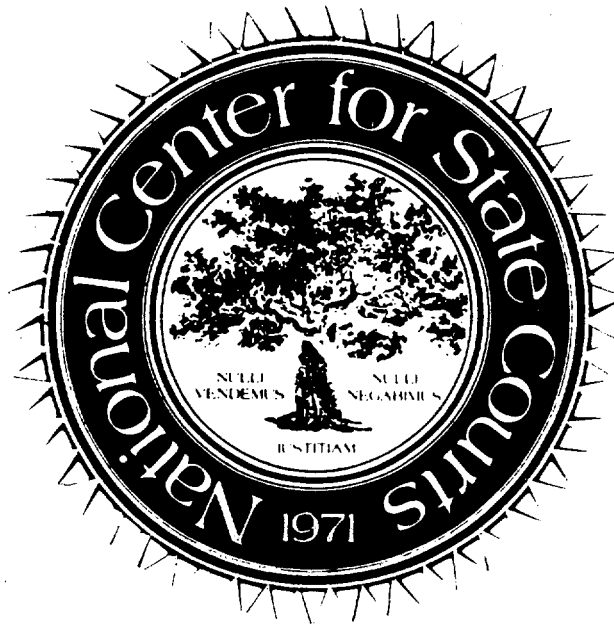
VOLUME II

**NEW HAMPSHIRE
PROBATE COURT MANUAL
VOLUME II**

Not for...

National Center for State Courts

NORTHEASTERN REGIONAL OFFICE
401 Commonwealth Avenue
Boston, Massachusetts 02215
(617) 247-2102



NEW HAMPSHIRE

PROBATE COURT MANUAL

VOLUME II



TABLE OF CONTENTS

VOLUME I

I. GENERAL

Foreword.	i
Acknowledgments	ii
Introduction.	iii
Instructions for Use.	v

II. ADMINISTRATION OF ESTATES

Introduction.	1
-----------------------	---

Wills

List of Forms.	6
Filing of Will	8
Appointment of Executor (or Administrator WWA).	10
Proof of Wills (Common Form)	13
Notice to Legatees	15
Proof of Will (Solemn Form).	15
Filing of Foreign Wills.	16
Sample Forms	18



Administrator Appointed

List of Forms	40
Appointment of Administrator	44
Inventory	49
Petitions and Licenses	51
Rights of Surviving Spouse	56
Account	57
Settlement of Account	60
Termination of Appointment	62
Division of Real Estate	64
Sample Forms	66

Insolvent Estates

List of Forms	128
Petition for Commissioner of Insolvency	129
Hearing on Commissioner's Report	130
Notice to Creditors	130
Appeals	130
Sample Forms	131



Trusts

List of Forms.	136
Appointment of Trustee	137
Inventory.	139
Petitions and Licenses	140
Account.	142
Hearing on Account	142
Termination of Trust	143
Sample Forms	145

VOLUME II

II. ADMINISTRATION OF ESTATES

Conservatorship and Guardianship

List of Forms.	162
Appointment of Conservator	165
Appointment of Guardian.	167
Notice of Appointment.	173
Inventory.	173
Petitions and Licenses	174

Account.	176
Settlement of Account.	177
Appointment of Guardian Ad Litem	178
Settlement of Estate in Insolvent Course	178
Termination of Appointment	179
Sample Forms	181

Negligence of Fiduciary

List of Forms.	214
Petition to Settle Account	215
Probate Bonds and Suits.	215
Negligent Notice Card.	217
Default.	218
Citation	218
Order to Show Cause.	219
Order for Contempt of Court.	219
Bench Warrant.	219
Sample Forms	220



III. FAMILY LAW

Introduction.	230
-----------------------	-----

Voluntary Relinquishment

List of Forms.	235
Relinquishment of Parental Rights.	236
Relinquishment Naming Alleged Father	237
Hearing on Petition for Adoption	238
Sample Forms	239

Termination of Parental Rights

List of Forms.	242
Petition for Termination	243
Hearing on Petition for Termination.	245
Decree on Termination.	245
Appeal	246
Sample Forms	247

Adoption

List of Forms.	248
Petition for Adoption.	249
Hearing on Petition.	251
Final Decree	252



Report of Adoption.	253
Appeal.	253
Sample Forms.	254

Marriage Waivers

List of Forms	258
Marriage Petition	259
Hearing on Petition	259
Sample Form	261

Change of Name

List of Forms	262
Petition for Change of Name	263
Hearing on Petition	263
Sample Form	264

IV. INVOLUNTARY COMMITMENTS

Introduction	265
List of Forms	266
Petition for Involuntary Admission.	267
Appointment of Representative	268
Appointment of Counsel.	268
Appointment of Psychiatrist	269

Notice of Hearing	269
Summary of Procedures	271
Psychiatric Examination	273
Continuance	273
Hearing on Petition	274
Issue of Decree	274
Absolute Discharge	275
Sample Forms	276

V. APPEALS

Introduction	281
List of Forms	283
Petitions	284
Bond	285
Notice	285
To Probate Court	287
Late Appeals	290
Decision by Supreme Court	291



Petition for Jury Trial Filed in Probate Court . 293

Sample Forms 295

VI. GENERAL ADMINISTRATION

Introduction 301

Calendaring

Regular Terms of Court 306

Special Sessions 307

Certification

List of Forms 309

Attested Copies 310

Authenticated Copies 310

Certificates 311

Sample Forms 313

Citation and Notice

List of Forms 326

Petitions 327

Citation to Fiduciary 327

Service of Citation 327



Citation to Interested Parties	3327
Service to Interested Parties	328
Service Outside the State	329
Publication of Notice	329
Notice to Beneficiaries	332
Dispensation of Citation and Notice	333
Certified Mail	333
Cases Requiring No Notice	334
Specific Notice	335
Sample Forms	338

Reports

Change of Name	343
List of Decedents	343
Annual Report to Judicial Council	343
Probate Court Budget	343
Sample Form	344

Record

Statutory Requirements	345
Methods of Recordation	345



Docketing

List of Forms	348
Docket	349
Sample Form	350

Filing

General Index	351
Index to Docket	351
Docket Folder	352
Negligent Cards	352
Wills for Safekeeping	353
Pending Files	353
Maintenance of Files	354

Miscellaneous

Appearance and Withdrawal	355
Sample Form	357
Taxation	358

VII. GLOSSARY	362
-------------------------	-----

VIII. INDEX	369
-----------------------	-----





CONSERVATORSHIP AND GUARDIANSHIP

LIST OF FORMS

FORM	TITLE OF FORM	PAGE
132	Physician's Statement	181
92	Petition for Conservator	182
12-22	Fiduciary Bond	183
47	Letter of Guardianship or Conservatorship	184
105	Petition for Guardian of Minors	185
106	Petition for Inquisition	186
142	Warrant of Inquisition	187
71	Notice of Inquisition by Committee, and Return	188
103	Petition for Guardian of Mentally Incompetent Veteran	189
104	Petition for Guardian of Incompetent Veteran	190
77	Petition	191



CONSERVATORSHIP AND GUARDIANSHIP

LIST OF FORMS

FORM	TITLE OF FORM	PAGE
50	Letter of Guardian Minors	192
50-A	Letter of Guardian Person of Minor	193
144	Petition for Temporary Guardian	194
145	Letter of Appointment of Temporary Guardian	195
44	Inventory of All Fiduciaries	196
112	Petition for License to Sell Goods and Chattels	197
124	Petition for License to Sell or Transfer Stocks and Bonds	198
58	License to Sell Goods and Chattels	199
65	License to Sell or Transfer Stocks and Bonds	200
126	Petition to Sell Real Estate	200
36	Citation on Petition to Sell Real Estate	202



CONSERVATORSHIP AND GUARDIANSHIP
LIST OF FORMS

FORM	TITLE OF FORM	PAGE
111	Petition to Mortgage Real Estate	203
61	License to Sell Real Estate	204
57	License to Mortgage Real Estate	205
2	Conservator's (Guardian's) Account	206
34	Citation	207
136	Receipt	208
102	Petition for Guardian Ad Litem and Agent	209
8	Appointment of Guardian Ad Litem and Agent	210
119	Petition to Terminate Conservatorship (Guardianship)	211
118	Petition to Remove Fiduciary	212
138	Resignation	213



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Administration of Estates
Conservatorship and
Guardianship

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
<u>Appointment of Conservator</u>				NOTE: Upon filing: date-stamp; assign docket number; enter in docket date of filing; complete index card; prepare docket folder.	
"Physician's Statement" and "Petition for Conservator" are filed.	Yes Yes	132 92	RSA464:17 T.O.P. §§18,842	a. Review for completeness. b. Place in pending file for court action. c. Judge acts on petition. d. Judge sets amount of bond.	When a person deems himself unfit to manage his own affairs and petitions the court for a conservator to be appointed, the court may appoint a conser- vator without notice or hearing.
"Fiduciary Bond"	Yes	Com- bined 12-22 Inclu- sive	RSA464:18 T.O.P. \$842	a. Verify that bond has been pro- perly signed, witnessed and seals affixed. b. Judge reviews and acts on bond. c. Enter in docket filing date of bond, amount and name of surety company. d. Record and file in docket folder.	
			165		



Administration of Estates
Conservatorship and
Guardianship

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
"Letter of Conservatorship"	Yes	47	RSA464:20 T.O.P.\$847	a. Judge signs; affix seal of court. b. Record and transmit original to conservator. Sign page 1 on form for authorization and issue to conservator. Enter in docket date of issue and name of conservator. <u>NOTE: Record instruments; update index card; complete negligent card.</u> <u>NOTE: For further procedure, see Notice of Appointment, this section.</u>	
Authorization for Inventory	Yes	44			
			166		



Administration of Estates
 Conservatorship and
 Guardianship

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
<u>Appointment of Guardian</u> Guardian of Minors "Petition for Guardian of Minors"	Yes	105	RSA463:1,3, 4,6 T.O.P. §§15,801, 803n,802, 805,809	<p><u>NOTE:</u> Upon filing, date-stamp; assign docket number; enter in docket date of filing; complete index card; prepare docket folder.</p> <p>a. Place in pending file for court action.</p> <p>b. Judge acts on petition and sets amount of bond.</p> <p>c. Enter in docket date of approval and place in docket folder.</p>	<p>a. A ward, over the age of fourteen, must consent to the petition, and may elect a person as guardian (RSA463:14).</p> <p>b. In the discretion of the court, a bond without sureties may be given if the gross value of the ward's estate does not exceed \$2500 or the guardianship is solely of the person of a minor (T.O.P Ch.19 §782).</p>
			167		



Administration of Estates

Conservatorship and
Guardianship

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
Guardian of Mentally Incompetent "Petition for Inquisition Relative or Friend"	Yes	106	RSA464:1 T.O.P. §822	<p>a. Place in pending file for court action.</p> <p>b. Prepare attested copy of petition and submit to petitioner or attorney who is responsible to give notice.</p> <p>c. File original in pending folder until inquisition report is returned.</p>	<p>b. The ward must receive notice of the inquisition at least 14 days prior thereto and notice of the hearing at least 12 days prior to the hearing.</p>
"Warrant of Inquisition"	Yes	142	RSA464:1 T.O.P. §822	<p>a. Sign and affix seal of court.</p> <p>b. Record and issue warrant to petitioner to submit to Committee on Inquisition; give copy to person over whom guardian to be appointed.</p> <p>c. Enter in docket date of issue.</p> <p>Place in pending file for court action.</p>	<p>Inquisition must be made by three suitable persons. It is within the discretion of the court to determine what persons are suitable.</p>
"Notice of Inquisition by Committee and return"	Yes	71			
Statement by Committee as to mental competence	Yes	142			
			168		



Administration of Estates

Conservatorship and
Guardianship

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
Hearing on "Petition for Inquisition"	Yes	106 (side 2)	RSA464:2 T.O.P. §823	a. Judge examines and acts on petition. b. Give attested copy to ward or attorney or to superinten- dent if ward is a patient. c. Enter in docket date of approval.	
(1) "Petition for Guardian of Mentally Incompetent Person"	Yes	103		a. Place in pending file for court action.	
(2) "Petition for Guardianship of Incompetent Veteran"	Yes	104	RSA465:2, 3, 4	b. Judge acts on petition, naming guardian, and sets amount of bond. c. File in docket folder. d. Enter in docket date of approval.	(2) If the veteran has previously been rated incompetent upon examination by the United States Veteran's Bureau, certificate of the incompetency rating from the veteran's bureau is filed in the court. When the ward is entitled to benefits by or through the United States Veteran's Administration, notice must be given of the filing of all petitions filed by the guardian (RSA465:10).
			169		



Administration of Estates

Conservatorship and
Guardianship

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
Guardian of Spendthrift Complaint (from selectmen or relative) is received	Yes	77 all purpose petition	RSA464:5,6 T.O.P.\$826 petition	<p>a. Schedule for court action.</p> <p>b. Send notice of hearing along with attested copy of petition to all interested parties.</p> <p>c. If, upon examination, person named is determined to be a spendthrift, judge signs petition, naming guardian.</p> <p>d. Issue certified copy of petition to guardian.</p> <p>e. Sign page 1 for authorization on inventory form and issue to guardian.</p> <p>f. Enter in docket name and date of appointment.</p> <p>NOTE: Record all instruments.</p>	<p>b. The register may prepare the correct number of attested copies of the petition with order of notice and issue to the petitioner for distribution to the parties.</p> <p>d. The certified copy serves as the letter of guardianship.</p>
			170		



Administration of Estates
Conservatorship and
Guardianship

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
"Fiduciary Bond"	Yes	Combined 12-22 Inclu- sive	RSA464:18 RSA462:3 T.O.P. §§782, 842	a. Verify that bond has been properly signed, witnessed and seals affixed. b. Judge reviews and acts on bond. c. Enter in docket filing date of approval, amount and name of surety company. d. File in docket folder.	
"Letters of Guardianship"			T.O.P. §787a		
(1) "Letter of Guardianship" (person and estate; mentally incompetent)	Yes	47	RSA462:4 RSA463:18-a T.O.P. §§803n, 812	a. Judge signs; affix seal of court. b. Record and transmit original to guardian. c. Sign authorization (p.1) on inventory form and issue to guardian. d. Enter in docket name and date of appointment.	
(2) "Letter of Guardian Minors" (estate)	Yes	50			
(3) "Letter of Guardian Person of Minor"	Yes	50-A	RSA463:19 T.O.P. §812 REP.		
NOTE: When both parents are living, and one parent petitions for guardianship by a third party, the non-petitioning parent must be notified of the court hearing.					
			171		



Administration of Estates
Conservatorship and
Guardianship

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
Temporary Guardian of Mentally Incompetent (when <u>immediate</u> appointment necessary)	Yes	144	RSA464:4 T.O.P. §822	<p>a. Place in pending file for court action.</p> <p>b. Judge enters decree appointing guardian, stating terms of guardianship.</p>	<p>a. A physician's signature must appear on the form, stating that person is mentally incompetent and unable to petition and select a conservator. Such notice as is necessary is given at the discretion of the court.</p>
"Petition for Temporary Guardian"	Yes	145	RSA464:4 T.O.P. §822	<p>a. Judge signs; fixing date of termination; affix seal of court.</p> <p>b. Record and transmit original to guardian, along with form for inventory (authorization signed by register).</p> <p>c. Enter in docket name and date of appointment.</p>	<p>a. A temporary guardian may serve for a term not to exceed 60 days. Within his term he must submit an inventory as required by the court. An account must be filed within 30 days after termination.</p>
"Letter of Appointment of Temporary Guardian"					



Administration of Estates
Conservatorship and
Guardianship

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
<p><u>NOTE:</u> The following procedures apply to all conservators and guardians.</p> <p><u>Notice of Appointment</u></p> <p><u>"Inventory of all Fiduciaries"</u></p>				<p><u>NOTE:</u> Any non-resident guardian (or one absent from state for one year) must appoint an agent on form 9 (to be submitted to the Probate Office) (RSA462:11).</p> <p>a. Cause notice of appointment of guardian or conservator to be published in newspaper within 15 days of appointment.</p> <p>a. Date-stamp; enter in docket date of filing.</p> <p>b. Place in pending file for court action.</p> <p>c. Judge examines inventory.</p> <p>d. Enter in docket date of acceptance.</p> <p>e. Record and file in docket folder.</p>	
	Yes	44	<p>RSA550:10 RSA464:8 T.O.P.\$827</p> <p>RSA464:18 RSA462:5 T.O.P. SS786,842</p>		<p>The inventory must be filed within 90 days from the date of bond.</p>
			173		



Administration of Estates

Conservatorship and
Guardianship

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
<u>Petitions and Licenses</u>					
Petitions -No Notice Required			T.O.P.\$788		
(1) "Petition for License to Sell Goods and Chattels"	Yes	112	RSA462:12	a. Place in pending file for court action.	A petition for license may be accepted if filed within 6 months of filing the inven- tory. An extension of time may be granted for good cause shown.
(2) "Petition to Sell or Transfer Stocks or Bonds"	Yes	124	RSA464:22 463:20- 22	b. Judge acts on petition.	
(3) Purchase of Remaining Part by Guardian for Ward (real estate)	No		RSA462:24	c. Enter in docket date of approval.	(3) A certified copy of the petition serves as the license.
<u>Licenses</u>			T.O.P.\$787	d. File in docket folder.	
(1) "License to Sell Goods and Chattels"	Yes	58		a. Judge signs; affix seal of court.	
(2) "License to Sell or Transfer Stocks and Bonds by Fiduciary"	Yes	65		b. Record and transmit original to conservator or guardian. c. Enter "license issued" in docket.	
			174		



Administration of Estates

Conservatorship and
Guardianship

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
Petitions Requiring Notice					
(1) "Petition by Guardian or Conservator to Sell Real Estate"	Yes	126	RSA462:13, 16	a. Schedule for court action, sign order of notice.	
"Citation on Petition to Sell Real Estate by Conservator or Guardian"	Yes	36	T.O.P. §§787,788	b. Publish in newspaper.	c. The judge may require an additional bond before issuing a license to sell real estate (462:17).
(2) "Petition to Mortgage Real Estate by Guardian or Conservator"	Yes	111	RSA462:14	c. Judge acts on petition.	(2) c. The judge fixes the mortgage amount, interest and terms upon signing approval of petition.
(3) Petition to Lease Real Estate	No		T.O.P. §787	d. Enter in docket date of approval.	Notice is given to interested parties if directed by the court.
(4) Petition for Purchase of Homestead for Ward	No		RSA462:15		(3) A certified copy of the petition serves as license.
			RSA464:13 464:23-a		(4) Notice is given to interested parties; petitioner must comply with requirements set forth in RSA464:14,15. A certified copy of the petition serves as license.
			T.O.P. §827		
			175		



Administration of Estates
Conservatorship and
Guardianship

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
Licenses					
(1) "License to Sell Real Estate"	Yes	61		a. Judge signs, affix seal of court.	
(2) "License to Mortgage Real Estate"	Yes	57		b. Record and transmit to petitioner.	
				c. Enter in docket "license issued".	
Return of License			T.O.P.\$788		
(1) Sell Real Estate	Yes	61	RSA462:18, 19,20	a. Judge approves and signs.	
(2) Mortgage Real Estate	Yes	57		b. Record and file in docket folder.	
"Conservator's (Guardian's) Account"	Yes	?	RSA462:7, (6),8,9,10, RSA465:9,10	a. Verify completion and accuracy of account.	An attested copy of an account filed by a guardian of an incompetent veteran must be sent at the time of filing to the U.S. Veteran's Bureau branch having jurisdiction in the area of the court (RSA465:9). The U.S. Veteran's Administration may require the guardian to settle his account at any time (RSA465:13).
"Guardian's Conservator's Citation"	Yes	34	T.O.P. \$\$789,791		
			176		



Administration of Estates
Conservatorship and
Guardianship

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
Settlement of Account "Receipt"	Yes	136	RSA462:9 T.O.P.\$789	<p>b. Schedule for court action; give notice by publication unless waived.</p> <p>c. Judge takes testimony of conservator (guardian) and signs on page 3.</p> <p>d. Judge signs on page 1 to allow account.</p> <p>e. Complete summary of account on page 1.</p> <p>f. Enter in docket date of allowance and balance.</p> <p>g. Record; file in docket folder.</p>	<p>b. Notice of the filing of a conservator's account must be sent to the ward by certified mail.</p> <p>The judge may require the fiduciary to verify assets in the estate by presenting to the court bank passbooks, securities and other pertinent evidence.</p>
			177	<p>a. Certify date of filing.</p> <p>b. Enter in docket date filed.</p>	<p>This is completed as evidence that the balance remaining in the account has been paid to the person(s) entitled there- to by the conservator (guardian); receipts must be received before the conservatorship or guardianship may be terminated for any reason.</p>



Administration of Estates

Conservatorship and
Guardianship

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
<u>Appointment of Guardian Ad Litem</u> "Petition for Guardian Ad Litem and Agent"	Yes	102	RSA462:1 T.O.P \$15	a. Date-stamp; enter in docket date of filing. b. Place in pending file for court action. c. Judge enters decree, naming guardian ad litem and agent. a. Judge signs; affix seal of court. b. Transmit to person named.	If the conservator (guardian) fails to file the receipt, the judge may impose a fine as provided in RSA462:10.
<u>"Appointment of Guardian Ad Litem and Agent"</u> <u>Settlement of Estate in Insolvent Course (by guardian of mentally incompetent or spendthrift)</u> Decree of Insolvency	Yes	6	RSA464:10 Prob.R.10 T.O.P.\$828 178		a. The date of hearing for the matter for which the guardian ad litem has been appointed appears on the appointment letter. If judge is satisfied upon representation by guardian that estate is insufficient to dis- charge debts, he may decree that the estate be settled as



Administration of Estates
Conservatorship and
Guardianship

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
<u>Termination of Appointment</u> "Petition to Terminate Conservator- ship (Guardian)"	Yes	119	RSA462:30 RSA464:21 RSA463:18-a T.O.P. SS792,803n, 812,847	<p><u>NOTE:</u> Upon filing, date-stamp; enter date of filing in docket.</p> <p>a. Schedule for court action; sign order of notice; give notice to interested parties.</p> <p>b. Judge acts on petition to terminate conservatorship (guardianship).</p> <p>c. Give certified copy to person discharged of duties.</p> <p>d. Enter date of termination in docket.</p> <p>e. Record and file in docket folder.</p>	<p>insolvent as in the case of insolvent estates of deceased persons. See Administration of Estates, Insolvency.</p> <p>This petition is filed when the cause for granting conserva- torship(guardianship) is removed.</p> <p>a. The attested orders of notices may be forwarded to the petitioner for distribu- tion. The hearing may be scheduled for a special session.</p>
			179		



Administration of Estates
Conservatorship and
Guardianship

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
"Petition to Remove Fiduciary"	Yes	118	RSA462:29 RSA463:8 T.O.P. §§792,809	<p>a. Set court hearing; sign order of notice; give notice to interested parties.</p> <p>b. Judge signs, stating decree.</p> <p>c. Give certified copy to person discharged of duties.</p> <p>d. Enter in docket date of decree.</p> <p>e. Record and file in docket folder.</p>	
"Resignation "	Yes	138	RSA462:31 T.O.P. §792	<p>a. Place in pending file for court action.</p> <p>b. Judge acts on petition.</p> <p>c. Give certified copy to person discharged of duties.</p> <p>d. Enter in docket date of approval.</p> <p>e. Record and file in docket folder.</p>	
<p><u>NOTE:</u> Upon approval of petition for termination, removal of from the last account to the termination, must be filed prior to the discharge of the bond.</p>					180



THE STATE OF NEW HAMPSHIRE

, ss.

COURT OF PROBATE.

PHYSICIAN'S STATEMENT

In re: Conservatorship of
.....

The undersigned hereby certifies that he is a duly licensed physician residing at
..... in said County; that
of in said County is by reason of infirmities of age, or by
other mental or physical disability, unfitted for the management of h affairs with prudence and
understanding.

The undersigned further certifies that the said
is capable of fully understanding the nature and purport of h petition for the appointment of a con-
servator of h property.

Dated at New Hampshire this
day of A. D. 19.....

..... M. D.

No. 181b.....

Re Conservatorship of

.....
Physician's Statement

.....

THE STATE OF NEW HAMPSHIRE

TO THE HONORABLE JUDGE OF PROBATE FOR THE COUNTY OF

Your petitioner, _____ of _____

in said County, respectfully represents that by reason of infirmities of age, or other mental and physical disabilities he deems himself unfitted for the management of his affairs with prudence and understanding and that in his opinion there is occasion for the appointment of a conservator over him, and he

hereby recommends _____

of _____ in said County, as a suitable person for that trust.

Wherefore he prays that letters of conservatorship may be granted to the said _____

_____ accordingly.

Dated the _____ day of _____, A. D. 19____.

Witnesses.

, ss.

COURT OF PROBATE.

At a Court of Probate holden at _____ in said County, on the _____ day of _____, A. D. 19____, upon due consideration of the foregoing petition, it is decreed that the prayer thereof be granted, and that letters of conservatorship issue to the said _____ accordingly.

Judge of Probate.

(This petition must be accompanied by a physician's statement that the petitioner is mentally competent to understand the petition and to select a conservator.)

No. 182b

Petition for
Conservator

Filed day of A. D. 19

Recorded Vol. Page

THE STATE OF NEW HAMPSHIRE

, SS.

COURT OF PROBATE.

KNOW ALL MEN BY THESE PRESENTS

That we, of
in the County of and State of
as principal, and
.....
of in the County of and State of
New Hampshire, as sureties, are holden and bounden unto the Judge of Probate for the County of
..... in the sum of
..... Dollars (\$)
to be paid to said Judge, his successor or successors in office; to the true payment whereof we bind
ourselves, our heirs, executors and administrators, or successors, jointly and severally by these
presents.

Witness our hands and seals this day of
A. D. 19

THE CONDITION OF THIS OBLIGATION is such that if the above bounden principal who is
appointed to a certain trust and office pertaining to the estate of
.....
as appears by a decree of said Court of Probate, shall well and faithfully discharge and perform
said trust and office according to law and upon the conditions set forth in the applicable statutes
of The State of New Hampshire relating thereto; then this obligation shall be void; otherwise
it shall remain in full force and effect.

In the presence of

..... (Seal)
Principal

..... (Seal)

..... (Seal)
Sureties

Approved

.....
Judge of Probate

AFFIDAVIT OF PERSONAL SURETIES

(When authorized by Court)

We, the sureties to the within bond, do severally certify that we are residents of New Hampshire, that we own real property situate in said State, and that the net value of our equity therein, over and above any outstanding lien, encumbrance, personal indebtedness or liability, if any, is sufficient to enable us to honor our joint and several obligation to pay the penal sum thereof.

THE STATE OF NEW HAMPSHIRE,

, SS.

19

Sworn to, before me

Justice of the Peace
Notary Public

No.

Fiduciary Bond
Estate of

Filed:

From

183b q381

THE STATE OF NEW HAMPSHIRE

, ss.

COURT OF PROBATE.

To of in
said County:

guardian

Trusting in your care and fidelity, I do, by these presents, appoint you conservator over
..... of, directing and
empowering you to take care as well of the person (in case of guardianship) and of the estate, both
real and personal, of the said You are immediately to give
public notice of your appointment in some newspaper circulated in said County and post notices thereof
in the town where your said ward resides, and to make and return upon oath, to the Judge of Probate
for said County, within three months next ensuing, a true and perfect inventory of the estate of your
said ward.

You are to improve frugally, and without waste, the estate of your said ward; to apply the annual
profits and income thereof to comfortable maintenance and support, and that of
..... household and family, if any he has; to collect dues, and pay just debts out
of property, in the most economical manner; and in all things protect rights, and see
that he shall suffer no injustice.

You are in all things faithfully, and according to the laws of said State, to discharge and perform
said trust and office over your said ward, and shall annually hereafter unless excused by the Judge of
Probate, and whenever required by said Court, file in the Probate office and render upon oath a true and
just account of your doings, and abide the order of the Court of Probate thereon.

In testimony whereof I have hereunto set my hand and caused the seal of said Court of Probate to
be affixed.

Dated at in said County, the day
of A. D. 19.....

.....
Judge of Probate.

No. 184b
.....

Letter of
Guardianship or
Conservatorship

.....

THE STATE OF NEW HAMPSHIRE

TO THE HONORABLE JUDGE OF PROBATE FOR THE COUNTY OF _____

Respectfully represent _____

of _____ in the County of _____ that there

is occasion for the appointment of a Guardian over the person — estate of following named minors, whose parents are as follows:

Name of father _____ of _____

Name of mother _____ of _____

Name of deceased parent, if any _____

That of said minors the following are under the age of fourteen years:

_____ born _____, A. D. 19____

_____ born _____, A. D. 19____

_____ born _____, A. D. 19____

That of said minors the following are above the age of fourteen years:

_____ born _____, A. D. 19____

_____ born _____, A. D. 19____

That your petitioner _____ is _____

Wherefore, _____ pray that he _____

or some other suitable person may be appointed to that trust and recommends _____

_____ of _____
in said County, as suitable person(s) to take an inventory and make appraisal of the estate of said ward.

Dated the _____ day of _____, A. D., 19____

I We the minor (s) aforesaid being above the age of fourteen years, have elected said _____

_____ to be _____ Guardian.

THE STATE OF NEW HAMPSHIRE

, ss.

COURT OF PROBATE.

At a Court of Probate holden at _____ in said County,
on the _____ day of _____, A. D. 19____
upon due consideration of the within petition, it is decreed that the prayer thereof be granted and that
letters of guardianship issue to the said _____
accordingly.

Judge of Probate.

No. _____

Petition for Guardian of Minors

Filed _____ day of _____ A. D. 19____

Recorded Vol. _____ Page _____

THE STATE OF NEW HAMPSHIRE

TO THE HONORABLE JUDGE OF PROBATE FOR THE COUNTY OF

Your Petitioner of
in said County; a relative—friend
..... of in said County
respectfully represents that the said is a mentally
incompetent person; wherefore, your petitioner prays that inquisition may be made, and that a guar-
dian may be appointed over the said
agreeably to the laws of the State, and that
..... are suitable persons to make said inquisition.

Dated the day of, A. D. 19.....

, ss.

COURT OF PROBATE

At a Court of Probate holden at in said County, on
the day of, A. D. 19.....

Upon the foregoing petition, it is ordered that inquisition be made accordingly, and that a hear-
ing be had thereon, at a Court of Probate to be holden at
in in said County, on the day of.....
next, and that the petitioner notify the said.....
to appear and show cause, if any he has, why a guardian should not be appointed over h by
giving in hand to the said
or leaving at h usual place of abode, an attested copy of the foregoing petition and this order
thereon, at least twelve days before said day of hearing.

By order of the Court,

Register.

I,, depose and say, that on the
..... day of, A. D. 19....., I gave in hand to—left at
the usual place of abode—the within named
..... an attested copy of the within petition and order thereon.

ss.

..... A. D. 19.....

Subscribed and sworn to by the said

Before me,

Justice of the Peace.

ss.

COURT OF PROBATE

At a Court of Probate holden at _____, in said County, on
the _____ day of _____ A. D. 19_____

The foregoing order of notice having been complied with, and the committee of inquisition
having made their return that they visited the said _____
and made personal examination and careful inquiry into h _____ condition, and that in their opinion
the said _____ is a mentally incompetent
person.

Therefore, upon due consideration being had, it is decreed that said _____
_____ is a mentally incompetent person, and that a guardian
be appointed over h _____ accordingly.

Judge of Probate.

No. _____

Petition for Inquisition

RELATIVE OR FRIEND

Filed _____ day of _____ 19____

THE STATE OF NEW HAMPSHIRE

, SS.

COURT OF PROBATE.

To
..... of in said County,

Whereas, upon petition of
of said a of
..... of said representing that the
said is a mentally incompetent person,
and praying that inquisition be made, and a guardian be appointed over the said
..... it was ordered that inquisition thereof be made;

Therefore, you are hereby required to visit said
and make personal examination and careful inquiry into h condition and examine, under oath,
such witnesses as may be produced before you; and if, in your opinion, the said
..... is a mentally incompetent person, you will
certify the same under your hands.

Before visiting said alleged mentally incompetent person for such examination
due notice to h shall be given.

Hereof fail not, and make return of your doings at a Court of
Probate to be holden at in said County,
on the day of
next.

In testimony whereof, I have hereunto set my hand and caused the seal of the said Court of
Probate to be affixed.

Dated at in said County, the day
of A. D. 19

.....
Judge of Probate.

In compliance with the foregoing warrant, on the day
of after due notice we visited the said
..... and made personal examination and careful inquiry
into h condition, and in our opinion the said
is a mentally incompetent person.

Dated the day of A. D. 19

..... Committee
..... on
..... Inquisition

No. 187b

Warrant of Inquisition

IN CASE OF

Filed day of A.D. 19

THE STATE OF NEW HAMPSHIRE

To of
in the County of

Pursuant to a warrant from the Judge of Probate for said County, a copy of which is hereto annexed, we will make inquisition as therein required, at in
said, on the day
of next, at o'clock in the noon.

Dated the day of A. D. 19

.....
.....
..... } Committee.

188a

I hereby certify that on the day of
A. D. 19... , I left at the usual place of abode of—gave in hand to—the said
..... an attested copy of the warrant of inquisition in said
case and also a notice at what place, day and hour inquisition would be held.

....., ss. A. D. 19

Subscribed and sworn to by the said

Before me,

.....
Justice of the Peace.

No. 188b

Notice of Inquisition
by Committee,
and Return

.....

THE STATE OF NEW HAMPSHIRE

TO THE HONORABLE JUDGE OF PROBATE FOR THE COUNTY OF

Your petitioner
..... of
in said County of respectfully represents that
..... of in said County, has been decreed to
be a mentally incompetent person, and that a guardian should be appointed over h :

That your petitioner is

Your petitioner prays that of in
said County, whose post office address is
or some other suitable person be appointed to that trust, and recommends
..... in said County as suitable person to take an inven-
tory and make appraisal of the estate of said ward.

Dated the day of A. D. 19....

SS.

COURT OF PROBATE.

At a Court of Probate holden at in
said County, on the day of A. D. 19....,
upon due consideration of the foregoing petition, it is decreed that the prayer thereof be granted,
and that letters of guardianship issue to the said accordingly.

.....
Judge of Probate.

No. 189b

Petition for Guardian
of
Mentally Incompetent
Person

Filed Day of A. D. 19

Recorded in Vol.

Page

THE STATE OF NEW HAMPSHIRE

TO THE HONORABLE JUDGE OF PROBATE FOR THE COUNTY OF :

Your petitioner
..... of
in said County of, respectfully represents that
..... of has been rated incompetent
on examination by the United States Veteran's Bureau in accordance with the laws and regulations
governing said Bureau, and that a guardian should be appointed over h.....;

That said was born on the day
of A. D. 19....., and is entitled to receive money by or through said
Veterans' Bureau;

Amount now due \$.....

Amount of probable future payments \$.....

That the names, relationship and place of residence of the nearest relatives are as follows:

.....
.....
.....

That now has the custody of said ward.

Your petitioner recommends of
as a suitable person for guardian and prays that letters of guardianship may be issued to the said
..... accordingly and recommends that
of said County as suitable persons to take an inventory and make appraisal of the estate of said ward.

Dated the day of A. D. 19....

.....
.....

, ss.

COURT OF PROBATE.

At a Court of Probate holden at in
said County, on the day of A. D.,
upon due consideration of the foregoing petition, it is decreed that the prayer thereof be granted, and
that letters of guardianship issue to the said accordingly.

.....
Judge of Probate.

No. 190b
.....

Petition for Guardian
of Incompetent Veteran

.....

THE STATE OF NEW HAMPSHIRE

SS.

COURT OF PROBATE.

TO THE HONORABLE JUDGE OF PROBATE FOR THE COUNTY OF

Your Petitioner () _____

of _____ in said County

respectfully represent () that:



Wherefore, your petitioner () pray ()

Dated the day of, A. D. 19.....

.....
.....

STATE OF NEW HAMPSHIRE, ss.

Then personally appeared the above named
and made oath that the facts alleged in the foregoing by h subscribed are, true, according to the
best of knowledge and belief.

Before me,

.....
Justice of the Peace.

ss.

COURT OF PROBATE.

At a Court of Probate held at in said County
on the day of, A. D. 19.....
upon due consideration of foregoing petition, it is decreed that the prayer thereof be granted and that

.....
Judge of Probate.

No. 191c

Petition

ESTATE OF

Filed day of A. D. 19

Recorded Vol. Page

THE STATE OF NEW HAMPSHIRE

, SS.

COURT OF PROBATE.

To of
in said County.

Whereas, it has been decreed by said Court that a Guardian should be appointed over
.....
.....
.....
.....
.....

of in said County.

Trusting in your care and fidelity, I do by these presents, appoint you Guardian of said minor .
You are to make or cause to be made, a true and perfect inventory of the estate of your said ward ,
and return the same, upon oath, to the Judge of Probate for said County, within three months, next
ensuing, and well and faithfully to perform and discharge that trust and office unto the said minor
in and by all things according to the laws of said State, and shall annually (unless upon petition
you are excused by the Judge of Probate) file in the Probate Office, and whenever required by
said Court, render a true account of your said guardianship upon oath, and all and singular such
estate as shall come to your hands and possession by virtue thereof, and of the proceeds of any
real estate of said minor which you may be authorized to sell by license, and of the profits and
improvements of the same, so far as said laws will charge you therewith; and shall once in three
years settle your account and shall pay over and deliver so much of the said estate as shall be
found remaining upon your account, the same being first examined and allowed by the Judge of
Probate for said County of unto the said minor when shall
arrive at full age, or otherwise, as the said Judge by his decree pursuant to said laws shall limit
and appoint.

In Testimony Whereof, I have hereunto set my hand and caused the seal of the said Court of
Probate to be affixed.

Dated at in said County, the
day of A. D., 19.....

.....
Judge of Probate,

192a

No. . . 192b

Letter of Guardian
Minors

.....

THE STATE OF NEW HAMPSHIRE

SS.

COURT OF PROBATE

To of
..... in said County.

Whereas, it has been decreed by said Court that a guardian should be appointed of the person
of
minor , of
in said County.

Trusting in your care and fidelity, I do by these presents appoint you guardian of the person of
said minor You are to have the custody, control and care of the person (but not of the
property or estate) of your said ward ; and you are in all things well and faithfully, and ac-
cording to the laws of said State, to discharge and perform said trust and office until said minor ..
shall become of full age, or otherwise, as provided by law or by decree of said Court.

In testimony whereof, I have hereunder set my hand and caused the seal of said Court to be af-
fixed.

Dated at in said County, the
..... day of A. D. 19

.....
Judge of Probate

193b
LETTER OF GUARDIAN
PERSON OF MINOR

THE STATE OF NEW HAMPSHIRE

TO THE HONORABLE JUDGE OF PROBATE FOR THE COUNTY OF

Your petitioner of in said County respectfully represents that the welfare of of in said County, who is mentally incompetent, requires the immediate appointment of a temporary guardian of his person and estate.

Wherefore, your petitioner prays that of in said County be appointed temporary guardian as aforesaid for a period of days and recommends of in said County as a suitable person to take an inventory and appraise the estate of said ward.

Dated this day of A. D., 19....

I, the undersigned, hereby certify that I am a duly licensed physician and, in my opinion, the above named is mentally incompetent and unable to petition for and select a conservator.

,ss

COURT OF PROBATE

At a Court of Probate holden at in said County on the day of A. D., 19 , upon consideration of the foregoing petition and the evidence given in support thereof, it is ordered, adjudged and decreed that the said is hereby appointed temporary guardian of the person and estate of the said for a period of days; that said guardian return the inventory of said ward's estate within days and render an account of his guardianship upon termination of his authority. Said guardian also is specifically empowered and directed to

.....
Judge of Probate

No. 194b

Petition for
Temporary Guardian
of

.....

THE STATE OF NEW HAMPSHIRE

, SS.

COURT OF PROBATE

To of in
said County:

Trusting in your care and fidelity, I do, by these presents, appoint you temporary guardian of
..... of in said County
and hereby empower you to take care of the person and estate of said ward.

You are immediately to give notice of your appointment according to the laws of said State; to
return the inventory of said ward's estate within..... days, and to render an account of
your guardianship upon the termination of your authority. You are specifically empowered and di-
rected to
.....

This appointment and your authority hereunder shall terminate days from the
date hereof.

In testimony whereof, I have hereunder set my hand and caused the seal of said Court to be
affixed.

Dated at in said County, the day of
A. D., 19.....

.....
Judge of Probate

195a

No. 195b

Letter of Appointment
of Temporary Guardian
of

.....

THE STATE OF NEW HAMPSHIRE

, SS.

COURT OF PROBATE

To

..... all of in said County.

You are hereby authorized to take an inventory of, and appraise, the estate of of in said County, to be shown to you by who is of said

You are to make a just and impartial appraisal of said estate, according to the best of your judgment, and the same to return under your hands, upon oath to the Judge of Probate for said County, within three months next ensuing, together with this warrant.

Dated the day of A. D.

By order of the Court,

Register.

Inventory of the Estate of in the County of late of , deceased.

TOTAL REAL ESTATE.		\$		
TOTAL PERSONAL ESTATE.		\$		
Household Furniture	\$		Amount brought up	\$
Farming Utensils and Mechanics Tools			Deposited in Savings Institutions	
Stock in Trade			Balance in National Banks	
Provisions and produce			Stocks and Bonds	
Live Stock			Notes	
Wearing Apparel			Book Accounts, and other written evidences of debt	
Miscellaneous Articles			Loose cash on hand	
Amount carried up	\$		Total Personal Estate	

.....

 } *Appraisers.*

 NOTICE. Give name of city or town in which each parcel of real estate is located
book and page where each deed is recorded; or state other source of title.

Whole amount of real estate, \$

PERSONAL ESTATE

[illegible]

196d

No.

Inventory of All
Fiduciaries

Filed day of 19

Vol: Page

Attorney

THE STATE OF NEW HAMPSHIRE

TO THE HONORABLE JUDGE OF PROBATE FOR THE COUNTY OF _____ :

Your petitioner, _____ of _____
 in said County of _____, _____ of the estate of
 _____ of _____ in said
 County, respectfully represents that he unwilling to be charged with the goods and chattels belonging
 to said estate, appraised in the sum of _____
 _____ dollars and _____ cents, and that six months
 have not elapsed since the date of his bond-filing of his inventory.

Wherefore, he prays that he may have license to sell the same at public auction or private sale.

Dated the _____ day of _____, A. D. 19____.

ss.

COURT OF PROBATE.

At a Court of Probate, holden at _____ in
 said County, on the _____ day of _____ A. D. 19____,
 upon due consideration of the foregoing petition, it is decreed that the prayer thereof be granted, and
 that a license issue to the said petitioner accordingly.

Judge of Probate.

(Without good cause shown, no license may be issued to an executor or administrator after six months
 from date of bond or to a guardian or conservator after six months from filing inventory.)

No. 197b

Petition for
License to Sell Goods
and Chattels

ESTATE OF

Filed day of A. D. 19

Recorded Vol. Page

The State of New Hampshire

TO THE HONORABLE JUDGE OF PROBATE FOR THE COUNTY OF

Your petitioner, of
in said County, of the estate of
..... late of in said County, deceased,
respectfully represents that among other assets belonging to the said estate as shown in the inventory
are the following items, to wit:

and that he unwilling to be charged with said
as appraised.

Wherefore he prays that he may be licensed to transfer or sell the same at public or
private sale agreeably to the laws of said State.

Dated the day of A. D. 19

ss.

COURT OF PROBATE.

At a Court of Probate holden at in said County, on the
..... day of A. D., 19.....

Upon the foregoing petition, it is decreed that the prayer thereof be granted, and that license
issue accordingly.

.....
Judge of Probate.

No.....

**Petition for License to
Sell or Transfer
Stocks and Bonds**

By

Filed day of 19.....

THE STATE OF NEW HAMPSHIRE

, ss.

COURT OF PROBATE.

To of the will
..... of the estate
of of in said County:

You are hereby licensed and authorized to sell at public auction or private sale the goods and
chattels of said and appraised in the sum of
..... dollars.

If sale is made at public auction you are directed to publicly advertise such sale in said town of
..... at least seven days before the date thereof.

If you comply with this order, and act with fidelity and impartiality in said sale, you will be
credited with the loss, or charged with the gain upon such sale.

In testimony whereof I have hereunto set my hand and caused the seal of said Court of Probate.

Dated at in said County, the day
of A. D. 19....

.....
Judge of Probate.

No. 199b....

License to Sell Goods
and Chattels

.....

THE STATE OF NEW HAMPSHIRE

SS.

COURT OF PROBATE.

To
of the will
of the estate
of
in said County,
deceased, testate,

You are hereby licensed and authorized to transfer, and/or sell

the same appearing to have been inventoried as a part of the estate of said deceased.

If sold at public auction you are directed to publicly advertise such sale in said town of
..... at least seven days before the date thereof.

If you comply with this order, and act with fidelity and impartiality in such sale, you will be credited with the loss, or charged with the gain upon such sale.

In testimony whereof, I have hereunto set my hand and caused the seal of said Court of Probate to be affixed.

Dated at in said County, the day
of A. D. 19 .

.....
Judge of Probate.

No. ...200b...

License to Sell
or Transfer
Stocks and Bonds
ESTATE

.....

.....

THE STATE OF NEW HAMPSHIRE

TO THE HONORABLE JUDGE OF PROBATE FOR THE COUNTY OF _____ :

Your petitioner of
in said County,
conservator of
respectfully represents that he is guardian of
by the appointment of the Judge of Probate for said County of; that
said ward seized of certain real estate situa-
ted in in said County described as follows:

, ss.

COURT OF PROBATE.

At a Court of Probate holden at in
said County, on the day of A. D. 19....

IT IS ORDERED that a hearing be had on the foregoing petition at a Court of Probate, to be holden
at, in said County, on the
..... day of next; and that the said
petitioner give notice to all persons interested in said estate, by causing a citation upon the said
petition to be published once each week for successive weeks, in the
..... a newspaper printed at.....
in said County, the last publication to be at least seven days before said day of hearing.

By order of the Court:

.....
Register.

, ss.

COURT OF PROBATE.

At a Court of Probate holden at in
said County, on the day of A. D. 19....,
upon due consideration of the foregoing petition, it is decreed that the prayer thereof be granted, and
that a license issue to the said accordingly.

.....
Judge of Probate.

No. 201d.....

Petition by Guardian
or Conservator to Sell
Real Estate

State of New Hampshire

, ss.

COURT OF PROBATE

To of in said
County, and to all others interested therein:

guardian

Whereas,, conservator of said ward, has filed in the Probate Office
for said County, h petition, the original of which is on file in said Court and may be examined by
interested parties, praying for license to real estate of h said ward, des-
cribed in said petition; and open for examination by all parties interested;

You are hereby cited to appear at a Court of Probate to be holden at in
said County, on the day of next, to
show cause, if any you have why the same should not be granted.

guardian

Said conservator is ordered to serve this citation by causing the same to be published once each
week for two successive weeks in the, a newspaper
printed at in said County, the last publication to be at least seven days
before said Court.

Given at in said County, this
day of A. D. 19.....

By order of the Court,

Register.

I,, hereby certify that the foregoing citation was published
once each week for two successive weeks in the said newspaper, and that the last publication
thereof was on the day of A. D. 19.....

, ss.

..... A. D. 19.....

Subscribed and sworn to by the said

Before me,

Justice of the Peace.

No. 202b

**Citation on Petition
To Sell Real Estate**

By Conservator or Guardian

Ret: 19.

(Form 111)

THE STATE OF NEW HAMPSHIRE

TO THE HONORABLE JUDGE OF PROBATE FOR THE COUNTY OF

Your petitioner
of in the County of
respectfully represent that he ^{Conservator} is Guardian of
.....
of in said County; that said ward
seized of certain real estate situated in
in said County, bounded and described as follows:

that said real estate is valued at
dollars; that said ward interest therein is part
thereof; that it is necessary to raise the sum of
dollars for the purpose of
.....
.....

and that the interests of said ward require that said guardian shall have power to mortgage said real
estate to raise said sum of
..... dollars for the purpose aforesaid.

Wherefore he pray that he may have license to mortgage said real estate for the sum
of dollars for the purpose
aforesaid, agreeably to the laws of said State.

Dated the day of A. D. 19

.....
Conservator - Guardian.

SS.

COURT OF PROBATE.

At a Court of Probate holden at in
said County, on the day of A. D. 19....

IT IS ORDERED, that a hearing be had on the foregoing petition at a Court of Probate to be
holden at in said County, on
the day of next, and that the said
petitioner give notice to all persons interested in said estate, by causing a citation upon the said
petition, to be published once each week for successive week, in the
....., a newspaper printed
at in said County, the last publication to be at least seven
days before the said day of hearing.

By order of the Court,

.....
Register.

SS.

COURT OF PROBATE.

At a Court of Probate holden at in
said County, on the day of A. D. 19 ,
upon due consideration of the foregoing petition, it is decreed that the prayer thereof be granted, and
that a license issue to the said
to mortgage said real estate for the sum of
dollars, accordingly.

.....
Judge of Probate.

No. ... 203d.

Petition to Mortgage
Real Estate

BY GUARDIAN OR CONSERVATOR

.....

Filed:

Recorded in Vol.

Page

THE STATE OF NEW HAMPSHIRE

SS.

COURT OF PROBATE.

..... of in said County,
conservator
guardian of of
in said County.

Whereas, at a Court of Probate holden at, in
said County, on the day of the date hereof, upon examination it appears that the sale of the real estate
of your said ward is necessary for support, and will be conducive to in-
terest, license is hereby granted to you to sell at public auction or private sale the real estate of your
said ward , bounded and described as follows:

You are hereby authorized to make, execute and deliver to the purchaser, in due form of law, a good and valid conveyance of all the rights and title of your said ward in the premises.

In testimony whereof, I have hereunto set my hand and caused the seal of the said Court of Probate to be affixed.

Dated at in said County, the day
of A. D. 19....

.....
Judge of Probate.

(Form 61)

TO THE HONORABLE JUDGE OF PROBATE FOR THE COUNTY OF _____ :

I certify that on the _____ day of _____ A. D. 19....
I posted advertisements of the aforesaid sale, at _____ and
at _____ two public places in the _____ of
_____ and at other public places, and I caused a
like advertisement to be published in the _____
a newspaper printed at _____ in said County.

(RETURN OF PUBLIC SALE)

Having taken the prescribed oath, I gave notice as required by law, and on the _____
_____ day of _____, A. D. 19..., at _____ o'clock
in the _____ noon, at _____ in the _____ of
_____ in the County of _____,
the time and place advertised, I sold by public auction _____
to _____ he being the highest bidder, for the
sum of _____ dollars; and I have executed to _____
a deed of said real estate.

Dated the _____ day of _____ A. D. 19....

(RETURN OF PRIVATE SALE)

Having taken the prescribed oath, I sold said real estate at private sale, to _____
_____ for the sum of _____
_____ dollars; and I have executed to _____ a deed thereof.

Dated the _____ day of _____, A. D. 19....

THE STATE OF NEW HAMPSHIRE, _____, SS. _____ A. D. 19....

Subscribed and sworn to by the said _____

Before me,

Justice of the Peace.

Received this _____ day of _____ A. D. 19....
and approved.

Judge of Probate.

No. 204d

License to Sell
Real Estate
by
Guardian-Conservator
ESTATE OF

.....
Filed:

LICENSE

Recorded in Vol.

Page

THE STATE OF NEW HAMPSHIRE

, ss.

COURT OF PROBATE.

To
guardian
conservator of

of

in said County,

of

in said County.

Whereas, at a Court of Probate holden at
hereof, upon examination it appears that your said ward
certain real estate situated in
follows:

in said County, on the day of the date
seized of
in said County, bounded and described as

205b

that it is necessary for the support of your said ward and will be conducive to interest to
raise the sum of _____ dollars, license is hereby
granted to you to mortgage said real estate for the sum of
dollars.

You are hereby authorized to make, execute and deliver to the mortgagee, in due form of law, a
good and valid mortgage of all the rights and title of your said ward in the premises, for said sum of
dollars.

In Testimony Whereof, I have hereunto set my hand and caused the seal of the said Court of Pro-
bate to be affixed.

Dated the _____ day of _____ A. D. 19.....

Judge of Probate.

STATE OF NEW HAMPSHIRE, ss. _____ A. D. 19....

The said _____ personally appearing, took the following oath:
guardian
"I, _____ conservator of

my ward , do solemnly swear, that in executing a mortgage of the estate of my ward for which I
have obtained license, I will use my best judgment and will exert my utmost endeavors that the same
shall be done in such manner as shall be of the greatest advantage to my ward , without any sinister
or selfish views whatever."

Before me,

Justice of the Peace.

TO THE HONORABLE JUDGE OF PROBATE FOR THE COUNTY OF

Dated the _____ day of _____ A. D. 19____

STATE OF NEW HAMPSHIRE

SS.

A. D. 19

Before me,

Justice of the Peace.

day of

A. D. , and

Judge of Probate.

205c

205d

No.

License to Mortgage Real
Estate.

BY CONSERVATOR OR GUARDIAN

.....

(THIS PAGE TO BE FILLED OUT BY THE COURT)

THE STATE OF NEW HAMPSHIRE

SS.

COURT OF PROBATE.

The account of
Conservator for
Guardian of
.....
of in said County.

Said accountant charges with the several amounts received
as per statement herewith: \$
And asks to be allowed for sundry payments and charges, as per statement
herewith: \$
Conservator:
Balance in hands of Guardian: \$

SS.

COURT OF PROBATE.

At a Court of Probate holden at, in said County, on the
day of, A.D., the account having been filed and notice hav-
ing been given to all persons interested therein that said Guardian would exhibit the account of
conservatorship
said guardianship at
this time, and the said account being examined and proved by the oath of the accountant, and the
vouchers required, it is decreed that the same be allowed; and that there is a balance of
dollars
and cents in the hands of said accountant.

Judge of Probate.

The account of Guardian-Conservator of

(Ward)

(Residence)

for the period beginning, 19 and ending, 19

Conservator		
The said Guardian is charged with entire personal estate as per inventory, or balance per last account	as per schedule A	\$
With interest and dividends	as per schedule B	
With cash received from sale of real estate by license	as per schedule C	
With gain on sale of personal estate, including securities	as per schedule D	
With cash received from other sources	as per schedule E	
TOTAL		\$

Said accountant is credited with payments to and for support of said ward	as per schedule 1	\$
With loss on sale of personal estate, including securities, by license	as per schedule 2	
With payment of debts, including taxes	as per schedule 3	
With expenses of administration	as per schedule 4	
With personal services, including commission		
TOTAL		\$

Amount of receipts \$

Amount of expenditures \$

Balance in hands of Guardian Conservator \$

(Form 2)

I certify that as of the end of the accounting period the real and personal estate of said ward consisted of the following assets at inventory or cost value.

.....
Conservator — Guardian.

SS.

..... A. D. 19

Subscribed and sworn to by the said

Before me,

.....
Judge of Probate.

No. 206d

Conservator's
Guardian's

Account

ESTATE OF

Filed day of , A.D. 19.....
Vol. Page

Filed day of , A.D. 19

Citation Published in

Returnable 10

THE STATE OF NEW HAMPSHIRE

, ss.

COURT OF PROBATE.

To _____ of _____

in said County, under the guardianship conservatorship of _____ and all others interested therein:

Whereas said guardian conservator has filed the account of h said guardianship conservatorship in the Probate Office of said County;

You are hereby cited to appear at a Court of Probate to be holden at in said County, on the _____ day of _____ next, to show cause, if any you have, why the same should not be allowed.

Said guardian conservator is ordered to serve this citation by causing the same to be published once each week for two successive weeks in the _____ a newspaper printed at _____ in said County, the last publication to be at least seven days before said Court.

Given at _____ in said County, this _____ day of _____
A.D. 19 _____

By order of the Court,

Register.

I, _____ hereby certify that the foregoing citation was published once each week for two successive weeks in the said newspaper, and that the last publication thereof was on the _____ day of _____ A. D. 19 _____

A. D. 19 _____

Subscribed and sworn to by the said _____

Before me, _____

Justice of the Peace.

No. 207b.....

Guardian's
Conservator's Citation.

.....

(Form 136)

RECEIPT

\$..... 19.....

RECEIVED of, the
of the estate of — will of of in the
County of, the sum of money, personal property or inventory value
thereof, amounting to dollars and
..... cents in full satisfaction of the following:

- ☐ Distributive share of said estate
- ☐ Residuary share under said will
- ☐ Money bequeathed under said will
- ☐ Personal property bequeathed under said will
- ☐ Payments according to terms of trust
- ☐ Distributive share upon termination of trust
- ☐ Balance upon termination of guardianship
- ☐ Balance upon termination of conservatorship

☐ Otherwise for



THE STATE OF NEW HAMPSHIRE

TO THE HONORABLE JUDGE OF PROBATE FOR THE COUNTY OF _____ :

Your petitioner of
in said County, respectfully represents that in the case now pending in the Court of Probate and
in order for hearing, viz:

..... in the estate of
..... late of in said County, deceased,
the following are interested, and are minors or are otherwise incapacitated to take care of their
estates:

.....
that the following adults who reside out of said State of New Hampshire are interested in said
case as heirs-at-law, or in the will of said deceased:

.....
Wherefore, your petitioner prays that of
....., in said County, be appointed Guardian Ad Litem and agent to appear for and
protect the interests of said minors, incapacitated persons and of all those residing out of the
State, and those persons whose residence is unknown.

Dated the day of A. D. 19

, SS.

COURT OF PROBATE.

At a Court of Probate holden at in
said County, on the day of A. D. 19,
upon due consideration of the foregoing petition, it is decreed that the prayer thereof be granted,
and that a letter of appointment as Guardian Ad Litem and agent be issued to the said
..... accordingly.

.....
Judge of Probate.

No. 209b

Petition for Guardian Ad
Litem and Agent

IN CASE OF

.....

.....

.....

Filed day of A.D. 193 .
Recorded in Vol.

Page
Appointment

THE STATE OF NEW HAMPSHIRE

, SS.

COURT OF PROBATE.

To of
in said County

Whereas, there is now pending in said Court in the estate of
..... late of in said County, deceased.

and whereas

are interested in said matter.

Therefore, trusting in your fidelity and ability, I do hereby appoint you guardian ad litem and
agent to act for and protect the interest of the said

at the hearing on said matter.

Said matter will be considered at a Court of Probate to be holden at
in said County, on the day of, A. D. 19
at o'clock in the noon.

IN TESTIMONY WHEREOF I have hereunto set my hand and caused the seal of the said
Court of Probate to be affixed.

Dated at in said County, the day
of A. D. 19

.....
Judge of Probate.

No. 210b
.....

Appointment of
Guardian Ad Litem
and Agent.

ESTATE OF

.....

.....

Granted:	Page
Recorded in Vol.	

THE STATE OF NEW HAMPSHIRE

TO THE HONORABLE JUDGE OF PROBATE FOR THE COUNTY OF

Your petitioner of

.....
in said County, respectfully represents that at a Court of Probate holden at

in said County, on the day of A. D. 19 ... it was

decreed that of

..... conservator
..... in said County, was appointed your petitioner's guardian over h and

took upon h self that trust, and still holds and exercises authority as such.

Your petitioner further represents and believes that conservatorship
the cause for which such guardianship
was granted has ceased or is removed, so as to render it unnecessary to continue the same.

Wherefore he prays that said appointment may be revoked or terminated.

Dated the day of A. D. 19
.....

SS.

COURT OF PROBATE.

At a Court of Probate holden at in said County, on the
..... day of A. D. 19.....

IT IS ORDERED, that a hearing be had on the foregoing petition, at a Court of Probate to be
holden at in said County, on the
..... day of next, and that the petitioner
notify the said
to appear at said time and place and show cause, if any he ha why the prayer of said petition
should not be granted, by giving in hand to the said
or leaving at usual place of abode, an attested copy of the foregoing petition and
this order thereon, as least twelve days before said Court.

By order of the Court,

.....
Register.

I,, depose and say, that on the
..... day of A. D. 19...., I gave in hand to—
left at the usual place of abode of—the within named
.....
an attested copy of the within petition and order thereon.

THE STATE OF NEW HAMPSHIRE,

SS.

..... A. D. 19....

Subscribed and sworn to by the said

Before me,

.....
Justice of the Peace.

DECREE

SS.

COURT OF PROBATE.

At a Court of Probate holden at in said County, on
the day of, A. D. 19, upon due
consideration of the foregoing petition, the order of notice having been complied with, and the
parties having appeared and been heard, it appears that the cause for which said Guardianship
Conservatorship
was granted has ceased to exist and that it is unnecessary to continue said Guardianship;
Conservatorship;
therefore it is decreed that the same be terminated—revoked.

.....
Judge of Probate.

No. 211d
.....

Petition to Terminate
Conservatorship
Guardianship
of

.....

Filed day of A.D. 198
Recorded in Vol.
Page

THE STATE OF NEW HAMPSHIRE

TO THE HONORABLE JUDGE OF PROBATE FOR THE COUNTY OF _____ :

Your petitioner _____ of _____
in said County, respectfully represent that he is _____
of the estate of _____ late of _____
in said County, deceased; that at a Court of Probate holden at _____
in said County, on the _____ day of _____ A.D. 19 _____
_____ was duly appointed _____
_____ and took upon h self that trust;
and that by the reason of _____

the said _____ has become unfitted for
that trust, and unsafe to be entrusted therewith.

Wherefore, he pray that the appointment of _____
_____ may be revoked.

Dated this _____ day of _____ A.D. 19 _____



(Form 118)

, ss.

COURT OF PROBATE

At a Court of Probate holden at

in said County, on the

day of

A. D. 19

IT IS ORDERED, that a hearing be had on the foregoing petition, at a Court of Probate to be holden at

in said County, on the

day of

next, and that the petitioner

notify the said

to appear at said time and place and show cause, if any he ha why the prayer of said petition should not be granted, by giving in hand to the said

or leaving at usual place of abode, an attested copy of the foregoing petition and this order thereon, at least twelve days before said Court.

By order of the Court,

Register.

I, , depose and say, that on the

day of

A. D. 19 , I gave in hand to—

left at the usual place of abode or—the within named

an attested copy of the within petition and order thereon.

, ss.

A. D. 19

Subscribed and sworn to by the said

Before me,

Justice of the Peace.

ss.

COURT OF PROBATE

At a Court of Probate holden at

in said County, on

the

day of

, A. D. 19 , upon due

consideration of the foregoing petition, it is decreed that

Judge of Probate

No. 212c

Petition to Remove
Fiduciary

ESTATE OF

THE STATE OF NEW HAMPSHIRE

TO THE HONORABLE JUDGE OF PROBATE FOR THE COUNTY OF

Your petitioner of

..... in said County,

respectfully represents that at a Court of Probate holden at

in said County, on the day of, A. D. 19 ..,

he was appointed

and took upon himself that trust, and that it is inconvenient for him any longer to hold or attempt to discharge said trust because

Wherefore, he resigns said trust and prays that his resignation may be accepted and that some suitable person may be appointed in his place.

Dated the day of, A. D. 19

ss.

COURT OF PROBATE.

At a Court of Probate holden at in
said County, on the day of, A. D., 19 ..,
upon due consideration of the foregoing petition, no sufficient objection thereto being made and the
same appearing reasonable and proper, it is decreed that the resignation of the said
..... be accepted.

.....
Judge of Probate.

No. ...213b...

RESIGNATION

ESTATE OF

.....

Filed day of A. D. 19

Recorded in Vol.

Page

NEGLIGENCE
LIST OF FORMS

FORM	TITLE OF FORM	PAGE
129	Petition for Fiduciary to Settle Account	220
125	Petition to Furnish New Bond	221
109	Petition to Sue on Bond	222
146	Bond to Sue on Fiduciary's Bond	223
(No #)	Negligence Notice Card	224
(No #)	Default on Inventory	225
(No #)	Default on Account	225
(No #)	Citation - Failure to File Inventory/Account	226
(No #)	Order to Show Cause	227
(No #)	Order for Contempt of Court	228
(No #)	Bench Warrant	229



Administration of Estates
Negligence of Fiduciary

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
"Petition for Fiduciary to Settle Account"	Yes	129	T.O.P. §491	<p>a. Schedule for court action; sign order of notice; execute notice by personal service or certified mail.</p> <p>b. Judge enters decree and signs.</p> <p>NOTE: Upon filing of following documents: date-stamp; enter in docket date of filing.</p>	a. See Citation and Notice.
Probate Bonds and Suits Thereon					
"Petition...to Furnish New Bond"	Yes	125	<p>RSA565:5</p> <p>T.O.P. §532</p>	<p>a. Schedule for court action; sign order of notice.</p> <p>b. Give attested copy of petition with date of hearing to person named in petition by certified mail or by personal service by delivering to abode.</p> <p>c. Upon filing of a new and satisfactory bond, judge may decree that surety may be discharged from further responsibility on former bond.</p>	b. See Citation and Notice section.
			215		



CASE REFERENCE NO. _____

Administration of Estates
Negligence of Fiduciary

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
"Petition to Sue on Bond"	Yes	109	RSA565:6 T.O.P. §541, 542, 543	<p>a. Schedule for court action.</p> <p>b. Send by certified mail attested copy of petition to fiduciary, attorney of record, bond company.</p> <p>c. Judge sets amount of bond.</p> <p>d. Upon filing of bond, properly witnessed and sealed, judge issues decree, authorizing suit to be brought on bond.</p> <p>e. Include decree on bond form 146.</p>	b. The court in its discretion may proceed without notice in making orders for suits upon bonds (RSA550:4).
"Bond to Sue on Fiduciary's Bond"	Yes	146	RSA565:6 T.O.P. §§115, 543	<p>a. Judge prepares writs including date and place of hearing; name and residence of every person at whose request order is made; brief statement of claim intended to be recovered.</p> <p>b. Issue copy of writ to all interested parties.</p>	
Issuance of Writ	No		RSA565:7 T.O.P. §545		
			216		



Administration of Estates
Negligence of Fiduciary

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
Judgment			RSA565:10 T.O.P \$547	<p>a. Upon examination of claims, judge renders judgment.</p> <p>b. Enter date of judgment in docket.</p> <p>NOTE: Record all documents before filing in docket folder.</p>	
NOTE: When a fiduciary has failed to file a document (inventory, account) within the statutory time requirement, the following procedure is followed. The negligent card should be completed at the time of appointment of the Fiduciary. See Administration of Estates, Wills (Appointment of Executor).					
Negligent Notice Card				<p>a. Complete card, including the following information: docket#, filing due dates for inventory and account, name and address of fiduciary and attorney, whether estate taxable, name of surety company.</p> <p>b. When notice is given by any of the procedures below, make notation on card of date when notice was sent.</p>	<p>a. This card should be established at the time of appointment of fiduciary.</p> <p>b. See Filing section for further information regarding negligent card.</p>



CASE REFERENCE NO. _____

Administration of Estates
Negligence of Fiduciary

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
<u>Default</u>					
Inventory	Yes	no#	RSA550:2 T.O.P.\$83	<p>a. Sign notice of default</p> <p>b. Send to either fiduciary, his attorney, or both.</p> <p>c. Enter the date of default on the negligent card.</p>	<p>No standard, numbered form has been established for use in negligence. Each court has developed its own. Selected sample forms appear at the end of this section.</p> <p>If the inventory or a petition for extension is filed, no further action is taken upon the fiduciary until the extension period has passed.</p> <p>Each Register may develop a method to easily identify dates for default and citations sent, such as use of different colors ink (black, default; red, citation).</p> <p>A month's grace period beyond the statutory requirement is given before notice of default is sent to allow the fiduciary to file the inventory (account).</p>
Account	Yes	no#	RSA550:2 T.O.P.\$83	<p>a. Sign notice of default.</p> <p>b. Send to: fiduciary (attorney).</p> <p>c. Enter date of default on the negligent card.</p>	
<u>Citation</u>	Yes	no#		<p>a. Complete and sign form which orders appearance in court.</p> <p>b. Send by certified mail to fiduciary(the original) and attorney(a copy).</p> <p>c. Enter date of citation on negligent card.</p>	
			218		



CASE REFERENCE NO. _____

Administration of Estates
Negligence of Fiduciary

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
<u>Order to Show Cause</u>	Yes	no#		<p>a. Complete and sign form, setting date for appearance of fiduciary (attorney) to show cause why papers have not been filed.</p> <p>b. Enter date of order on negligent card.</p> <p>c. Send by certified mail to the fiduciary and the attorney.</p>	<p>a. The judge may request that both the fiduciary and the attorney appear, especially when there has been little cooperation between the fiduciary and the attorney.</p>
<u>Order for Contempt of Court</u>	Yes	no#		<p>a. Complete form.</p> <p>b. Judge signs.</p> <p>c. Give to Sheriff for personal service, or send by certified mail to fiduciary. Send a copy to the attorney.</p>	
<u>Bench Warrant</u>	Yes	no#	219	<p>The County Sheriff who makes personal service of the warrant to the fiduciary brings him to the court.</p>	<p>A bench warrant may be served only upon an in-state fiduciary. An out-of-state fiduciary should be bonded for the full amount to encourage prompt filing of required documents.</p>



THE STATE OF NEW HAMPSHIRE

TO THE HONORABLE JUDGE OF PROBATE FOR THE COUNTY OF _____ :

Your petitioner
of in said County,
respectfully represents that at a Court of Probate holden at in
said County, on the day of A. D. 19....
..... of
in said County, was duly appointed of the estate of
..... late of
in said County, deceased, and took upon that trust by giving bond
agreeably to the laws of said State; that more than years have elapsed
since the appointment of to said trust;
that the said has neglected,
and still unreasonably neglects, to settle account of said administration;
and that your petitioner is
heir at law to the estate of said deceased.

Wherefore he prays that the said
may be cited to settle account of said administration
agreeably to said laws.

Dated the day of, A. D. 19....

, ss.

COURT OF PROBATE.

At a Court of Probate holden at

said County, on the day of A. D. 19....

It is ordered, that a hearing be had on the foregoing petition, at a Court of Probate to be holden at

.....in said County, on the
day of next, and that the petitioner notify the said

.....
to appear at said time and place and show cause, if any he ha , why the prayer of said petition
should not be granted, by giving in hand to the said

....., in
or leaving at usual place of abode, an attested copy of the foregoing peti-
tion and this order thereon, at least twelve days before said Court.

By order of the Court,

.....
Register.

I,, depose and say
that on the day of A. D. 19....,
I gave in hand to—left at the usual place of abode of—the within named

.....
an attested copy of the within petition and order thereon.

STATE OF NEW HAMPSHIRE, , ss. A. D. 19....

Subscribed and sworn to by the said

Before me,

.....
Justice of the Peace.

, ss.

COURT OF PROBATE.

At a Court of Probate holden at, in

said County, on the day of, A. D. 19....,
upon due consideration of the foregoing petition, it is decreed that the prayer thereof be granted, and

that

.....
Judge of Probate.

No.

**Petition for Fiduciary
to Settle Account**

ESTATE OF

.....



THE STATE OF NEW HAMPSHIRE

To the Honorable Judge of Probate for the County of _____ :

Your petitioner, _____
of _____ in said County, respectfully represents that
at a Court of Probate holden at _____, in said County, on the
_____ day of _____ A. D. 19 _____,
_____ of _____
in said County, was duly appointed _____
_____ late of said _____, and gave bond for the faithful discharge of said trust;
that your petitioner signed said bond as one of the sureties; that the other suret _____ on said bond
are _____
and that your petitioner is _____ unwilling any longer to remain liable as
_____ suret _____ as aforesaid.

Wherefore he prays that said _____
may be required to furnish a new bond, and that _____
may be discharged from further responsibility upon said bond, agreeably to the laws of said State.

Dated the _____ day of _____, A. D. 19 _____.

, SS.

COURT OF PROBATE.

At a Court of Probate holden at _____, in said County, on the
_____ day of _____, A. D. 19 _____.

IT IS ORDERED, that a hearing be had on the foregoing petition, at a Court of Probate to
be holden at _____, in said County, on the _____
day of _____ next, and that the petitioner notify the said

_____ to appear at said time and place and show cause, if any he ha _____, why the prayer of said pe-
tition should not be granted, by giving in hand to the said _____

_____ or leaving at _____ usual place of abode, an attested copy of the foregoing petition and this order
thereon, at least twelve days before said Court.

By order of the Court,

Register.

I, depose and say, that on the
..... day of, A. D. 19 .., I gave in hand
to—left at the usual place of abode of—the within named
.....
an attested copy of the within petition and order thereon.

.....
THE STATE OF NEW HAMPSHIRE

, SS., A. D. 19 ..

Subscribed and sworn to by the said

Before me,

.....
Justice of the Peace.

THE STATE OF NEW HAMPSHIRE

, SS.

COURT OF PROBATE.

At a Court of Probate holden at in said County, on the
..... day of A. D. 19 ..

Notice having been given, agreeably to the foregoing order, and the said
..... having appeared and filed a new
and satisfactory bond for the faithful discharge of his said trust as
it is decreed that said
be and he hereby.....discharged from all further responsibility as suret for said
.....

.....
Judge of Probate.

No.

**Petition for Executor ,
Administrator , Guardian,
Conservator, or Trustee
to Furnish New Bond**

CASE OF

Filed.....day of.....A. D. 19 ..

(Form 125)



THE STATE OF NEW HAMPSHIRE

TO THE HONORABLE JUDGE OF PROBATE FOR THE COUNTY OF _____ :

Your petitioner, _____ of _____
in said County of _____ respectively represents that he is
interested in the estate of _____ late
of _____ in said County, deceased, as _____
_____ ; that at a Court of Probate holden at _____
in said County, on the _____ day of _____ A. D. 19....
_____ was duly appointed _____ and gave bond
with _____ as
sureties, for the faithful discharge of said trust; that said representative illegally _____

Wherefore, your petitioner prays that he may be authorized to bring an action at law upon the
bond of said _____ in
the name of the Judge of Probate for said County, to recover the damages sustained by the said illegal
act of the said _____

Dated the _____ day of _____, A. D. 19 _____ :

, ss.

COURT OF PROBATE.

At a Court of Probate holden at _____, in said
County, on the _____ day of _____, A. D. 19...., upon
due consideration of the foregoing petition, it is decreed that the prayer thereof be granted, and that
the said _____ be authorized
to bring a suit at law on the bond of _____
mentioned therein, in the name of the Judge of Probate for said County, for the recovery of any and
all damages sustained by reason of the illegal act, if any, of the said _____

Judge of Probate.

No. 222b
.....

Petition to Sue on Bond

ESTATE OF

.....

THE STATE OF NEW HAMPSHIRE

KNOW ALL MEN BY THESE PRESENTS

That we, of in
the County of and State of New Hampshire, as principal, and
.....
.....
and State of New Hampshire, as sureties, are holden and bound unto the Judge of Probate for the
County of, in the sum of
dollars to be paid to the said Judge, his successor or successors in said office; to the true payment
whereof we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly
by these presents, sealed with our seals, and dated the day of
....., A. D. 19....

At a Court of Probate holden at, in said County, on the
..... day of, A. D. 19....., the Judge of
Probate for said County, upon the petition of said, granted
an order to said to put in suit the bond of
..... as
.....
in said County, given to said Judge of Probate for the penal sum of
dollars, signed by said
dated the day of, A. D. 191 ,
the condition of which was the faithful
.....

Now if the said shall diligently prosecute said suit
and shall pay all costs which may be adjudged against him therein, then this obligation shall be void;
otherwise it shall remain in full force.

*Signed, sealed and delivered
in presence of*

.....
.....
.....

AFFIDAVIT OF PERSONAL SURETIES
(When authorized by Court)

We, the sureties to the within bond, do severally certify that we are residents of New Hampshire, that we own real property situate in said State, and that the net value of our equity therein, over and above any outstanding lien, encumbrance, personal indebtedness or liability, if any, is sufficient to enable us to honor our joint and several obligation to pay the penal sum thereof.

.....

.....

STATE OF NEW HAMPSHIRE

, ss.

..... 19...

Sworn to, before me

.....

Justice of the Peace
Notary Public

No.

Bond to Sue on
Fiduciary's Bond
ESTATE OF

NEGLIGENT NOTICE CARD

				Estate No. _____
Dates for Notices:	Month	Day	Year	Notices Mailed
Inventory				
Account				
Remarks:				



DEFAULT

The State of New Hampshire

INVENTORY

, ss.

Court of Probate.

197....

To:—

ADDRESS

ESTATE OF

You are hereby notified that you have failed to file the inventory in the above estate. (RSA 548: 5a)

This inventory should have been filed in the Office of the Register of Probate on 197....

If you fail to file said inventory within thirty (30) days after receipt of this notice, the Judge of Probate may issue a citation for you to appear before him in accordance with RSA 550:2

Register of Probate

225

The State of New Hampshire

ACCOUNT

, ss.

Court of Probate.

197....

To:—

ADDRESS

ESTATE OF

You are hereby notified that you have failed to file the account in the above estate. (RSA 548: 5a)

This account should have been filed in the Office of the Register of Probate on 197....

If you fail to file said account within (30) days after receipt of this notice, the Judge of Probate may issue a citation for you to appear before him in accordance with RSA 550: 2.

Register of Probate



CITATION

The State of New Hampshire

PROBATE COURT FOR THE COUNTY OF

Judge

Register

19

TO:— Administrator-Executor-
Trustee-Guardian-Conservator

ADDRESS

ESTATE OF late of

Inasmuch as you have not complied with a notice sent you under date of
19 to file an Inventory-Account in the above Estate within 30 days;

YOU ARE HEREBY CITED, pursuant to RSA 550:2, to appear before this Court on
19 at which is to be held at
..... to show cause if any you have why said Inventory-Account has not been filed.

HEREOF, FAIL NOT:

PROBATE COURT FOR THE COUNTY OF

By
Judge of Probate.



THE STATE OF NEW HAMPSHIRE

, ss.

COURT OF PROBATE

Order to Show Cause

In re: Estate of

It is hereby ordered that

of

appear before the Probate Court at , New Hampshire on

at 1:30 P.M. then and there to show cause, if

any he has, why he should not be adjudged in contempt and

punished accordingly for his failure and neglect to appear

before the Court on Monday, at 1:30 P.M.,

as ordered by the Court and to show cause why he has failed

and neglected to

in the above entitled estate.

Per order of the Court

Reg. of Probate

Dated:



THE STATE OF NEW HAMPSHIRE

, SS.

PROBATE COURT

In re: Estate of

ORDER FOR CONTEMPT OF COURT

The Court having ordered

of

to appear in Court and show cause for

his failure and neglect to

Said

having failed to respond as ordered by

the Court it is hereby

ORDERED, ADJUDGED and DECREED

that said is guilty of contempt of this Court by having wilfully disobeyed the orders of said Court and it is therefore ordered that he be committed to the custody of the Sheriff of County, to be by him imprisoned and kept in close confinement in the County Jail at there to remain in custody until he purges himself of contempt or is discharged according to law by payment of the following charges, costs and penalties.

Judge of Probate

Dated:



THE STATE OF NEW HAMPSHIRE

, SS.

COURT OF PROBATE

BENCH WARRANT
(RSA 597:37)

To the Sheriff of any County in this State, or his Deputy or any
Police Officer of any City or Town within the State:

WHEREAS: _____ OF _____
in the County of _____ was ordered on the _____
day of _____, 19____, to appear before the Judge of Probate
Court on the _____ day of _____, 19____, and
whereas he has defaulted in his appearance and is in violation of
this Court's order.

WE COMMAND YOU, therefore, to take the respondent _____
_____ if he be found in your precinct, and to bring him
before the Probate Court in the County of _____, to show cause
why his default should not be found to be contempt of the Court's
order.

Dated the _____ day of _____, 19____.

Judge of Probate

SS. _____, 19____.

I have arrested _____ and now have
him before the Probate Court, as commanded.

Name of Officer

Title of Officer



FAMILY Law

INTRODUCTION

FAMILY LAW

The family law section is comprised of 5 major elements: Voluntary Relinquishments, Termination of Parental Rights, Adoption, Marriage Waivers, and Change of Name.

The rights of a parent with reference to a child, including the parental right to control the child, or to withhold consent to an adoption may be relinquished and the relationship of parent and child terminated in or prior to an adoption proceeding (RSA 170-B:8(I)). The relinquishment may be made by one parent without affecting the relationship of the other parent to the child. Application for Relinquishment must be made to the Division of Welfare or a licensed child placement agency (RSA 170-B:8(II)), and the relinquishment form signed in the presence of the Judge or his designee. If an unwed mother relinquishes her rights to the child and names the natural father either on the form (82B) or in an affidavit, the court taking the relinquishment must notify the alleged (putative) father of his right to claim or disclaim paternity and that he must return the form enclosed (82D) within 30 days of the date of notice. Failure to return the form claiming paternity results



in the termination of his rights.

Involuntary termination of parental rights through the judicial process provides all parties involved with a means of protecting and safeguarding their rights. The law is primarily concerned with providing for the best interest of the child and, whenever possible, preserving the family life of the parties involved.

The description which follows outlines the process for terminating the rights of a parent. Usually a petition for termination is not filed with the court until all efforts to obtain voluntary relinquishment have failed. Since the child's rights must be protected, the judge will appoint a guardian ad litem to represent the interest of the child (RSA 170-C:8). The court must notify interested parties of the hearing on termination by personal service, registered mail, or by publication in a newspaper, according to statutory requirements. In addition to notification, the court must provide a guardian ad litem for an alleged incompetent parent (RSA 170-C:7,8). The hearing is held in closed court and only those persons whose presence is requested may be admitted (RSA 170-C:10). The Judge makes his decree after studying reports,



examinations or studies and listening to all evidence presented by both sides. The party aggrieved by the court's decision must file for appeal within 30 days of the decree.

Adoption of a child or an adult provides him with an undisturbed relationship with the parents from and after the date of adoption (RSA 170-B:1(III)). The adoption procedure is initiated by a petition for adoption filed by the adoptive parent with the court. If the adoption is through an agency, copies of the birth certificate, preliminary investigative report and all required consents must be filed with the petition. Notification of the filing of the petition for adoption, as well as a copy of the petition, must be sent in all cases to the Division of Welfare, even when the Division of Welfare is not the licensed child placement agency giving the child up for adoption. The court must notify the adoptive parents, the natural parents (provided that termination has not been granted by court action or voluntary relinquishment), the child's guardian and guardian ad litem (RSA 170-B:13 (I)).

The hearing and all adoption records are confidential. The court will admit only those persons having a personal interest in the adoption or whose presence is necessary to present evidence. The Judge will review all the reports and



may make an interlocutory decree granting adoption. The interlocutory decree may not become final until the adopted person has lived in the adoptive home for at least 6 months from placement or for at least 6 months after the Division of Welfare or the court has been informed of the custody of the minor by the petitioner, and the Division of Welfare or a licensed child placement agency has had an opportunity to observe or investigate the adoptive home (RSA 170-B:15 (III b)). The court may issue a final decree of adoption where the petitioner or the petitioner's spouse is a natural parent of the child to be adopted (RSA 170-B:15 (III b)). Within seven days after the final decree has been entered, the Register shall send to the town clerk of the town of birth of the adopted person, the director of the Division of Welfare, and the Bureau of Vital Statistics a report of the adoption (RSA 170-B:18). Form V.S.37 is provided for such reports.

Marriage waivers may be petitioned for and upon approval by the Judge of Probate, a person(s) may receive permission to: waive the minimum age requirement; waive the 5 day waiting period; or, in very rare cases, waive the blood test. Once approval has been given by the Judge, a certificate or attested copy of the petition is given to the petitioner to be presented to the clerk



for the town in which the marriage is to take place.

A petition for change of name must be accompanied by the petitioner's birth certificate. The Judge may grant approval for the change of name at the hearing.





VOLUNTARY RELINQUISHMENT

LIST OF FORMS

FORM	TITLE OF FORM	PAGE
82B	Relinquishment of Parental Rights	239
82C	Notice to Alleged Father	240
82d	Notice of Intent to Claim Paternity	241



CASE REFERENCE NO. _____

Family Law

Voluntary Relinquishment

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
Voluntary Relinquishment "Relinquishment of Parental Rights Over (Name)"	Yes	82B	RSAL70-B:8 T.O.P.\$2123	a. Review completed form. b. Person relinquishing rights to child must sign form in the presence and with the approval of the judge or his designee.	The parental right to control the child or to withhold consent to an adoption may be relinquished and the relationship of parent and child terminated in or prior to an adoption proceeding. Relinquishment cannot occur within 72 hours of birth. Relinquishments shall be executed in all adoptions through and to an agency. Forms (82B) are supplied by the Probate Court (Prob.R.5). c. There is at present no specified place on form 82B for the signature of consent. When consent is required, the register makes a notation for this consent on the form and provides space for signatures.
			RSAL70-B:8 III T.O.P.\$2123	c. Consent may be required from the parents or guardian of a minor parent. d. Judge or designee acts on petition and signs if approved. e. Date-stamp; assign docket number; enter in docket date of filing and approval; complete index card; prepare docket folder.	
			236		



CASE REFERENCE NO. _____

Family Law

Voluntary Relinquishment

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
<p><u>Voluntary Relinquishment Naming Alleged Father</u></p> <p>NOTE: The register in the county where relinquishment is filed must give notice to the alleged (putative) father when the unwed mother has named him as the natural father. On either an affidavit or the relinquishment form) and when he has not relinquished his rights to the child by signing form 82B in the presence and with the approval of the court (RSA 170-B:5 (I,d)). (Laws of 1975 Ch. 280.)</p>	Yes	82B		f. Send copy to agency.	Either an attested or certified copy may be sent.
"Notice to Alleged Father"	Yes	82C	<p>RSA170B:5</p> <p>T.O.P. \$2123</p>	<p>a. Complete "Notice to Alleged Father" and enclose a blank form "Notice of Intent to Claim Paternity" and send both to the alleged father by certified mail, return receipt requested, at his last known address.</p> <p>b. When personal service has been ordered, prepare an affidavit to be signed after completion of service.</p> <p>c. File the return receipt and/or the personal service affidavit in the pending file under the child's name, along with all other papers relating to the case.</p>	<p>a. According to Amended RSA170-B:5 (I,d), the alleged father has the right to disclaim paternity. At present there is no form for this purpose; it is suggested that form 82D be redrafted to include a disclaimer.</p> <p>b. If the alleged father's whereabouts are known by the court, the judge may order personal service of the notice. The sheriff will be called on to serve the notice. No form exists at this time for this purpose. A standard "return of service" form would eliminate the preparation of an affidavit by the register each time the need occurs.</p>



CASE REFERENCE NO. _____

Family Law

Voluntary Relinquishment

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
"Notice of Intent to Claim Paternity" (or Notice of Intent to Disclaim) is filed with Register.	Yes	82D	RSA170-B:5 T.O.P. §2123	a. Notify the petitioner for adoption, the petitioner's attorney or the agency involved upon receipt of the form claiming paternity. b. Record all instruments; place in docket folder.	The alleged father must complete, sign and return the notice within 30 days of the date of the notice. In setting the hearing date on a petition for adoption, sufficient time (at least 30 days) must be allowed for the alleged father to claim or disclaim paternity.
Hearing on "Petition for Adoption"	Yes	82	RSA170-B:15 T.O.P. §2123	See Adoption Section.	
			238		



The State of New Hampshire

COUNTY PROBATE COURT

Relinquishment of Parental Rights

I,, a resident of
in the County of and State of
born at on the day of A.D. 19....
do hereby affirm that,, a child born of (wed) (unwed)
parents, was born at in the County of,
and State of, on the day of A.D. 19....;
that the natural (father) (mother) of said child is
of whose mailing address is
....., and I am the natural (father) (mother) of said child.

I hereby relinquish to all my
(Name of Agency)
parental rights in said child, including the rights of care, custody, and control of said child, the
right to consent to the adoption of said child and any right to receive notice of any hearing on any
petition for adoption of said child.

I understand that this relinquishment may not be withdrawn unless it shall have been ob-
tained by fraud or duress and that this relinquishment shall become irrevocable after entry of the
final decree of adoption of said child.

Dated this day of, A.D. 19

Witness

Parent

STATE OF NEW HAMPSHIRE

ss.

Personally appeared the above-named
known to me (or satisfactorily proven) to be the said
and subscribed this relinquishment of parental rights in my presence, and acknowledged it to be
..... free act and deed, before me:

Judge of Probate - Designated Person

I hereby approve this relinquishment.

(date)

Judge of Probate County of

NOTE: Relinquishment must be signed by the parent in the presence and with the approval of the Court of
the County, or a person designated by said Court, in which the parent or parents reside. If consenting
parent is under age 18, consent of his or her parents will be required unless excused by the Court.

239b

No.

Relinquishment of
Parental Rights Over

Filed day of A.D. 19....

FROM

.....

.....

THE STATE OF NEW HAMPSHIRE

COUNTY PROBATE COURT

Notice to Alleged Father

To:
(name)

.....
(street)

.....
(city & state)

Pursuant to RSA 170 B:5 (d), you are hereby notified that you have been named the alleged father of

....., born on
(date)

in
(city & state)

If you intend to claim paternity of this child, you must complete, sign, and return the attached form of Notice of Intent to Claim Paternity to the Probate Court of County, New Hampshire, within thirty (30) days of the date of this Notice.

Your failure to file said Notice within said time will result in a forfeiture of all your parental rights regarding this child, and said child may be placed for adoption without your consent and without further notice to you.

Dated this day of A.D. 19.....

By Order of the Court

.....
Register

No. 240b

Notice to Alleged Father

Filed day of A.D. 19.....

THE STATE OF NEW HAMPSHIRE

COUNTY PROBATE COURT

Notice of Intent To Claim Paternity

I, a resident of
in the County of and State of
do hereby file my intent to claim paternity of, born
A.D. 19..... in
(city & state)

I am aware that by filing such an intent I do hereby claim all my rights to said child and object to the adoption of said child.

.....
(date)

.....
Signature

STATE OF

..... ss.

..... A.D. 19.....

Personally appeared the above-named
and acknowledged the foregoing instrument to be his voluntary act and deed.

Before me,

..... (Seal)
Notary Public — Justice of the Peace

My Commission expires

No. 241b

Notice of Intent
To Claim Paternity

.....
Filed day of A.D. 19

TERMINATION
PARENTAL RIGHTS

TERMINATION OF PARENTAL RIGHTS

LIST OF FORMS

FORM	TITLE OF FORM	PAGE
82E	Petition Termination of Parental Rights	247

Family Law

Termination of Parental Rights

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
"Petition Termination of Parental Rights" is filed.	Yes	82E	RSA170C:4 T.O.P.S2201	a. Review petition. b. Date stamp; assign docket number; enter in docket date of filing; complete index card; prepare docket folder. c. Place petition in pending file for court action.	Involuntary relinquishment is sought only when efforts to obtain voluntary relinquishment have failed. Whenever possible, the parent-child relationship should be terminated only when adoption of that child is being contemplated (RSA170-C:1). A petition for adoption may be filed with the Register, but not entertained by the court, until a decree of termination has been entered.
			243		



Family Law

Termination of Parental Rights

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
Appointment of a Guardian ad litem	Yes	82E	RSAL70-C:8 T.O.P.\$2201	<p>a. The judge reviews the petition for termination of parental rights and appoints a guardian ad litem for the child, as well as for an alleged incompetent parent.</p> <p>b. Complete and sign notice of the appointment of the guardian ad litem on the "Petition Termination of Parental Rights."</p>	<p>a. The judge may request that an investigation be undertaken by the guardian ad litem.</p> <p>The petition informs the parents of the right to counsel; when the parents are unable to afford counsel, they must so notify the court within 10 days of receipt of petition; the court will then appoint counsel to them without cost.</p>
Notification of Hearing on Petition of Termination	Yes	82E	RSAL70C:7 T.O.P.\$2201	<p>a. Set time and place of hearing.</p> <p>b. Fill out and sign order of notice on petition.</p> <p>c. Prepare certified copies of the petition for each person to be notified.</p>	



Family Law

Termination of Parental Rights

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
<u>Hearing on Petition for Termination of Parental Rights</u>	No			<p>d. Give copies to petitioner for distribution.</p> <p>e. Notify welfare department or another authorized agency to prepare a written social study report to be received by the court prior to the hearing.</p>	<p>d. Notice is given to parents whose rights may be terminated: (a) by personal service; (b) by certified mail to last known address (when impractical to personally serve notice) or (c) by publication in newspaper (RSA170-C:7) or both (b) and (c). All other parties are given notice by regular mail at their last known address (See Citation and Notice Section).</p>
	No		<p>RSA170-C:10 T.O.P. §2201</p>	<p>The judge reviews the evidence and any materials pertaining to the case. Witnesses may be called and cross examined.</p>	<p>The court may employ a stenographer to record any contested hearing (RSA547:31).</p>
<u>Decree on Petition</u>	No		<p>RSA170-C:11 T.O.P. §2201</p>	<p>a. If the judge finds sufficient grounds for termination, he writes his decree on the petition, appointing as guardian the division of welfare or another approved agency or the parent whose rights were not terminated and fixing responsibility for financial support of the child.</p>	<p>If the court finds grounds to terminate both parents' rights to the child, it may appoint the division of welfare or other authorized agency as guardian (RSA170-C:11 (II)).</p> <p>The parent-child relationship may be terminated with respect to one parent without affecting the relationship between the child and the other parent (RSA170-C:11 (III)).</p>
			245		



Termination of Parental Rights

CASE REFERENCE NO.:

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
Appeal	Yes	6	RSA170-C:15 RSA567:2 T.O.P. SS135,138, 1036,2201	b. Judge makes decree. NOTE: If termination of parental rights is not granted, the judge may order support from the parent for the child and place him in the care of the division of welfare or another authorized agency (RSA170-C:11 (IV)). c. Record instruments. Place in docket folder. See section on Appeals.	The decree must include the findings upon which it is based, including findings pertaining to the court's jurisdiction (RSA170-C:11(I)). The parent(s) whose rights have been terminated have thirty (30) days in which to appeal the decree of termination.
			246		



THE STATE OF NEW HAMPSHIRE

Petition For Termination of Parental Rights

TO THE HONORABLE JUDGE OF PROBATE FOR THE COUNTY OF

Your petitioner, _____ of _____,
in the County of _____, represents that he/she/it is the _____
(relationship to child)
of _____, minor, male/female born _____ A.D. 19____,
in _____ in the County of _____ and State of _____,
said minor's residence being _____, and is the child of the
following parents:

Father _____ of _____ d.o.b. _____
(address)
Mother _____ of _____ d.o.b. _____
(address)

(If either parent is a minor, complete the following where it pertains)

Maternal father _____ of _____
(address)
Maternal mother _____ of _____
(address)
Paternal father _____ of _____
(address)
Paternal mother _____ of _____
(address)
That _____ of _____
(address)

is the person having custody/guardianship/acting in loco parentis or the organization or authorized agency
having legal custody or providing care for said child.

That the Court has jurisdiction because _____ is present in
(child)
this State and _____ resides in said County.
(child/parent)

That your petitioner respectfully represents that there are sufficient grounds for the termination of par-
ental rights of _____ and _____
over _____ pursuant to R.S.A. 170:5, in that _____

Wherefore your petitioner prays that the parental rights of
..... over be terminated and that custody or
guardianship of said be transferred to
..... of

Dated the day of, A.D. 19.....

STATE OF NEW HAMPSHIRE

ss.

..... A.D. 19.....

Personally appeared the above-named, and made oath that the
foregoing statements by made are true according to best knowledge and
belief: Before me,

.....
Justice of the Peace
Notary Public

247b

DECREE

At a Court of Probate holden at in said County, on the day of
..... A.D. 19....., upon due consideration of the written petition and after hear-
ing the evidence submitted, the Court finds pursuant to RSA 170-C:5 that there are sufficient grounds to
terminate the parental rights of

In so determining, the following disposition is made:

- ☐ New Hampshire Division of Welfare
☐ Child and Family Services of New Hampshire is hereby appointed
☐ New Hampshire Catholic Charities
guardian of the person of the child -- and legal custody is vested in that agency.

..... Parent, is entitled to the sole legal custody of said child.
(name)

It is further ordered that is financially
responsible for the support of

.....
Judge of Probate

ORDER OF NOTICE

ss.

Upon the foregoing petition: It is Ordered that a hearing be holden at
....., in said County, at o'clock in the noon, on the
..... day of, next, and that the said petitioner notify the
said:

..... (name)	..... (relationship)	of .....	..... (address)
.....	.....	of .....	.....
.....	.....	of .....	.....
.....	.....	of .....	.....
.....	.....	of .....	.....
.....	.....	of .....	.....

to appear and show cause if any he ha why the prayer of said petition should not be granted, by
giving in hand or leaving at the place of abode of each of said parties, a certified copy of the foregoing
petition and this Order thereon, at least days before said day of hearing.

By order of the Court:

.....
Register of Probate

RETURN OF SERVICE

STATE OF

....., ss.

In compliance with the Order of the Court on the day of
A.D. 19....., I gave notice to the within named by
(giving in hand) (leaving at the abode of)
..... (name and address)
....., a copy of the original petition and order of notice thereon
with notice of appointment of a guardian ad litem and statement of parental rights thereon, attested as
such by, Register of Probate of the County of of
which the within is a true copy.

.....
Deputy Sheriff

Note: If service made at abode, give address or description of abode.

STATEMENT OF RIGHTS OF PARENTS

You are hereby notified that you have a right to be represented by an attorney. If you desire an attorney, you should retain one before the date set for hearing. If you are financially unable to employ an attorney, you must notify the Court within ten (10) days, and the Court will appoint an attorney without cost to you.

NOTICE OF APPOINTMENT OF GUARDIAN AD LITEM

You are hereby notified that the Court has appointed
..... of, Guardian
Ad Litem to represent the interests of
(name of child)

.....
Register of Probate

No.

Petition Termination
Parental Rights

Filed day of A.D. 19.....

ADOPTION
LIST OF FORMS

FORM	TITLE OF FORM	PAGE
82	Petition for Adoption	254
82A	Consent to Adoption	255
82B	Relinquishment of Parental Rights	256
v.s. 37	Report to Town or City Clerk Relative to an Adoption	257

1



CASE REFERENCE NO. _____

Family Law

Adoption

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
Petition for Adoption "Petition for Adoption" is filed with Register.	Yes	82	RSAL70-B:12 T.O.P.\$2123	<p>a. Review petition to see that first page has been properly completed and signed by petitioners, and that a certified copy of the birth certificate is included.</p> <p>b. Date-stamp, assign docket number; enter in docket date of filing; complete index card (with name prior to adoption); prepare docket folder.</p> <p>c. Place in pending file for court action.</p>	<p>The adoption agency or adoptive parents must file the "Petition for Adoption" within 30 days of the child's being placed in the adoptive parents' home. A petition may be filed at a later date by leave of court (RSAL70-B:12(I)).</p> <p>A petition for the adoption of a related child or an adult does not have to be filed within the 30-day period.</p>
"Consent to Adoption" is filed.	Yes	82A 82	RSAL70-B:5 T.O.P.\$2123	<p>a. Review petition and/or consent form to make certain all required consents have been obtained.</p> <p>b. Enter in docket date of filing.</p> <p>c. File with petition.</p>	<p>Consent(s) must accompany the petition (RSAL70B:12,II). The consent to adopt may be given in writing on the Petition. If the court does not want the parent or guardian of child to know who the petitioners are, consent may be taken on a separate form (82A). A minor over the age of 12 must consent to the adoption; his consent may be taken on page 2 of petition.</p>
			249		



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Family Law

Adoption

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
Attested copy of "Relinquishment of Parental Rights Over (Name)" is filed.	Yes	82B	RSA170-B:8 T.O.P.\$2123	a. Enter in docket date of filing. b. File with petition.	The relinquishment form(s) has been received from the district office of the Division of Welfare or private agency.
Preliminary report on the adoptive parents and the child is filed.			RSA170-B:14 T.O.P.\$2123	a. Enter in docket date of filing. b. File with petition.	This report, prepared by the agency investigators, must be filed within 60 days of the filing of the petition. The court may waive the investigation when the petitioner (or spouse) is a natural parent of the child (RSA170B:14 (III)).
			250		



Family Law

Adoption

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
Notice of hearing on Petition	No		<p>RSAL70-B:13 T.O.P. §2123</p> <p>a. After a petition for adoption has been filed, set a time and place for hearing on the petition.</p> <p>b. At least seven days before the date of hearing, send notice of the hearing as well as an attested copy of the petition to the Division of Welfare.</p>		
<p>Hearing on the Petition</p> <p>Interlocutory Decree</p>			<p>RSAL70-B:15 Prob.R.23</p> <p>T.O.P. §2123</p> <p>a. At the hearing the judge determines whether the proper consents have been obtained or excused and whether the adoption is in the best interest of the individual to be adopted.</p> <p>b. If so, the judge signs an interlocutory decree and sets the date for the final decree.</p> <p>c. Enter in docket date of decree.</p> <p>251</p>	<p>The judge may continue the case from time to time to permit further observation, investigation or consideration of any facts or circumstances affecting the granting of the petition.</p> <p>The court may enter a final decree without an interlocutory decree when the petitioner or the petitioner's spouse is a natural parent of the child (RSAL70-B:15a).</p>	



CASE REFERENCE NO. _____

Family Law
Adoption

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
<u>Final Decree</u>	Yes	82	RSAL70-B:20 T.O.P.\$2123	<p>a. Before a final decree is issued, the judge reviews the final investigative report.</p> <p>b. Judge makes the final decree.</p> <p>c. Enter in docket date of decree.</p> <p>d. Complete index card with name after adoption (if name has been changed).</p> <p>e. Record all documents (except confidential reports) and file them in docket folder.</p>	<p>The decree cannot become final until the minor has lived in the adoptive home for at least six months. During the six-month period, the agency prepares its final investigative report, based on its observation of the child in the home (RSAL70B:15 b).</p> <p>All adoption proceedings and all records pertaining to the adoption must be kept confidential. These records must be filed separately from all other Probate Court records and are open to inspection only upon written approval of the court (RSAL70-B:19).</p>
			252		



CASE REFERENCE NO. _____

Family Law

Adoption

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
<u>Report of Adoption</u>	Yes	v.s. 37	RSA170-B:18 T.O.P. §2123	<p>a. Complete confidential report v.s. 37.</p> <p>b. Send one copy of report to: 1) Clerk in town of adopted child's birth 2) Bureau of Vital Statistics 3) Department of Welfare</p> <p>c. Place copy in docket folder. See section on Appeals.</p>	<p>(v.s.- Vital Statistics)</p> <p>b. If adopted child was born out of state, the copy for the town clerk is forwarded along with the copy for vital statistics to the Bureau of Vital Statistics, 61 S. Spring St., Concord, N.H. 03301</p>
<u>Appeal</u>	Yes	6	RSA567:2 T.O.P. §§135,138, 1036		
			253		



THE STATE OF NEW HAMPSHIRE

In the Matter of the adoption of _____,
(Natural name of child)

TO THE HONORABLE JUDGE OF PROBATE FOR THE COUNTY OF _____

Your Petitioner(s) _____, born _____ A. D. 19____
and _____, born _____ A. D. 19____
of _____ in the County of _____, in the State of New
Hampshire respectfully represent that they have been residents of _____ in the
County of _____ in said State, for _____ years, and were married at _____
State of _____ on _____ A. D. 19____

That _____, a child, now residing at _____
in the County of _____, was born at _____
on the _____ day of _____ A. D. 19____, of (unwed) (married) parent(s),
namely: _____ of _____, born _____ A. D. 19____
(Name)
whose mailing address is _____, and
_____ of _____, born _____ A. D. 19____
(Name)
whose mailing address is _____

That your petitioner(s) (is) (are) _____
(relationship to child)

That on the _____ day of _____ A. D. 19____, said child was placed
in their home by _____ and that Petitioners were
(Name of Agency or Person)

granted custody on _____ A. D. 19____ by _____ Court;
that they are desirous of adopting and becoming parents of said child as their own and of a change
of its name; that they are of sufficient ability to bring up said child and have suitable facilities and
resources to provide for the nurture, care and education of said child; that it is fit and proper that
such adoption should take effect;

Wherefore they pray that such adoption may be decreed, and that the name of said child be
changed to _____

Dated the _____ day of _____ A. D. 19____

STATE OF NEW HAMPSHIRE _____, SS.

Then personally appeared _____
and made oath that the facts alleged in the foregoing by _____ subscribed are true,
according to the best of _____ knowledge and belief.

Before me,

Justice of the Peace — Notary Public

A certified copy (long form) of the child's birth record and all required consents must be filed with
this petition.

..... and
respectfully represent that they are
(relationship to child such as legal or natural, mother, father, guardian, spouse, etc.)

of and that (he) (she) (they) hereby give full consent to the adoption of said child and a change of its name agreeably to the prayer of said petition.

I, voluntarily, do hereby execute this consent, understanding that I do so without the knowledge of the name or other identification of the adopting parents. I understand that my consent cannot be withdrawn after entry of the interlocutory decree of adoption of said child unless it shall have been obtained by fraud or duress and this consent is irrevocable after the final decree of adoption of said child.

..... has not
(Name) (relationship to child)
consented to this petition but his/her consent is not legally required because

Dated the day of A. D. 19.....

STATE OF NEW HAMPSHIRE

....., SS.

Personally appeared the above-named
....., known to me (or satisfactorily proven) to be the said
....., and subscribed this consent in my
presence, and acknowledged it to be free act and deed, before me:

.....
Judge of Probate County of Sullivan

.....
Justice of the Peace — Notary Public

I, the child mentioned in the foregoing
Petition, over 12 years of age, hereby give my full consent to the adoption and change of name as
set forth therein.

Dated the day of A. D. 19.....

Signed in the presence of

..... County Probate Court:

.....
Judge of Probate

If consenting parent is under age 18, consent of his or her parents will be required unless excused
by the Court.

INTERLOCUTORY DECREE

SS.

COURT OF PROBATE.

At a Court of Probate holden at in said County, on the
..... day of A. D. 19....., upon due consideration of the fore-
going petition after hearing thereon and the report of

having been duly filed, the Court finds that the required consents have been obtained or excused and
that the adoption is in the best interest of said child and it is hereby decreed that the petition for
adoption is hereby granted and said child shall be to all legal intents and purposes the child of the
petitioners, that the name of said child shall be

..... agreeably to said petition.

This is an interlocutory decree and shall not become final until

It is further ordered that:

.....
Judge of Probate

The foregoing interlocutory decree was made final on

.....
Judge of Probate

No. 254d.....

Petition For Adoption of

by

and

Filed day of A.D. 19

FINAL DECREE of Adoption

Granted

Temporary custody for

Granted

Recorded in Vol.

Pages

V. S. 37—Town Clerk
Mailed

V. S. 37—N. H. Registrar of Vital Statistics
Mailed

Report to N. H. Dept. of Public Welfare at
Concord

The State of New Hampshire

Consent to Adoption

I, a resident of
in the County of and State of
born at on the day of
A.D. 19, respectfully represent that I am the of
(guardian) (father) (mother)
a minor, born in County of State of
on the day of A.D. 19; and that I hereby give
my full consent to the adoption of said child and a change of its name.

I, voluntarily, do hereby execute this consent, understanding that I do so without the know-
ledge of the name or other identification of the adopting parents. I understand that my consent can-
not be withdrawn after entry of the interlocutory decree of adoption of said child unless it shall
have been obtained by fraud or duress and that this consent is irrevocable after the final decree
of adoption of said child.

We, and
parents of the above-named, hereby join in this consent.

Dated this day of, A.D. 19

..... (Signature)	..... (relationship)
..... (Signature)	..... (relationship)
..... (Signature)	..... (relationship)

STATE OF NEW HAMPSHIRE

ss.

Personally appeared the above-named

known to me (or satisfactorily proven) and acknowledged the foregoing to be free act
and deed, before me:

.....
Judge of Probate County of

.....
Justice of the Peace — Notary Public

255b

No.

Consent to Adoption of

Filed day of A.D. 19

FROM

.....

.....

THE STATE OF NEW HAMPSHIRE
COUNTY PROBATE COURT

I, _____ a resident of _____
in the County of _____ and State of _____,
born at _____ on the _____ day of _____,
A.D. 19_____, do hereby affirm that, _____, a child born of (wed) (unwed)
parents, was born at _____, in the County of _____, and State
of _____, on the _____ day of _____ A.D.
19_____; that the natural (father) (mother) of said child is _____
of _____ whose mailing address is _____
_____, and I am the natural (father) (mother) of said child.

I hereby relinquish to _____ all my
(Name of Agency)
parental rights in said child, including the rights of care, custody, and control of said child, the
right to consent to the adoption of said child and any right to receive notice of any hearing on
any petition for adoption of said child.

I understand that this relinquishment may not be withdrawn unless it shall have been
obtained by fraud or duress and that this relinquishment shall become irrevocable after entry of
the final decree of adoption of said child.

Dated this _____ day of _____ A.D. 19_____.

Witness

Parent

STATE OF NEW HAMPSHIRE
, ss.

Personally appeared the above-named _____,
known to me (or satisfactorily proven) to be the said _____,
and subscribed this relinquishment of parental rights in my presence, and acknowledged it to be
free act and deed, before me:

Judge of Probate County of Grafton

I hereby approve this relinquishment.

(date)

Judge of Probate County of Grafton

NOTE: Relinquishment must be signed by the parent in the presence and with the approval of the Court of the County,
or a person designated by said Court, in which the parent or parents reside. If consenting parent is under age 18,
consent of his or her parents will be required unless excused by the Court.

256b

.....

Relinquishment of Parental
Rights Over

.....

Recorded:

Attested copy to:

State of New Hampshire
DEPARTMENT OF HEALTH AND WELFARE
DIVISION OF PUBLIC HEALTH SERVICES
BUREAU OF VITAL STATISTICS
CONCORD

Confidential Report to Town or City Clerk Relative to An Adoption.

Part I: To identify birth record.

1. Actual name of child before adoption

2. Date of birth

3. Place of birth

4. Full name of natural father

5. Maiden name of natural mother

Part II: Information concerning name of child by adoption and facts relative to the adoptive parents
Items 2 through 12 (c) must refer to the facts existing at time of birth of child.

1. Full name of child, by adoption

2. Full name of adoptive father

3. Color

3.(a) Date of birth

4. Place of Residence

5. Birthplace

6. Occupation

7. Full maiden name of adoptive mother

8. Color

8.(a) Date of birth

9. Birthplace

10. Occupation

11. Residence: (a) State

(b) County

(c) City or Town

(d) Street No. (If rural, give location)

12. Children born to this adoptive mother:

(a) How many other children of this mother were living at the time of this child's birth?

(b) How many other children were born alive but were dead at the time of this child's birth?

(c) How many children were born dead at the time of this child's birth?

13. We request that birth record be amended. Yes ☐ No ☐

Personal signatures of one or both adopting parents and present mailing address.

Part III: Certification of a Court of Competent Jurisdiction.

On the day of, 19....., the Court
of County in the State of

..... presiding, passed a decree of adoption in the case of the child
(Name of Judge or Justice)

and parents described above, recorded in Vol., Page, Record No.

Signed and sealed by
(Judge, Register, Clerk)

Date 19.....

SEAL

Date:

1. Report sent to town clerk of 19.....

2. Report sent to Division of Public Welfare 19.....

3. Report sent to New Hampshire Bureau of Vital Statistics 19.....

Part IV:

1. Date received by town or city clerk

2. Date new record made

3. Signed

Clerk of

MARGIN RESERVED FOR BINDING
Write Plainly with Unfading Ink—This is a permanent Record

FORM V. S. 37
11-75-AM



MARRIAGE
WAIVERS

1

MARRIAGE WAIVERS
LIST OF FORMS

FORM	TITLE OF FORM	PAGE
113	Marriage Petition	261

CASE REFERENCE NO. _____

Family Law

Marriage Waivers

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
<p>"Marriage Petition" is filed with Register</p> <p>1. Waive Age Requirement</p> <p>2. Waive 5-day Waiting Period</p> <p>3. Waive Blood Test</p>	Yes	113	<p>RSA457:6</p> <p>RSA457:27</p> <p>RSA457:27</p> <p>T.O.P.</p> <p>§§18,18n</p>	<p>a. Verify completion of form.</p> <p>b. Inform petitioner(s) of date and place of hearing.</p> <p>c. Date-stamp; assign docket number; enter in docket date of filing; complete index card (one for each petitioner); prepare docket folder.</p> <p>d. File in pending file for court action.</p>	<p>A special session, for which there is a \$10 fee, may be requested and granted. See section on Calendaring.</p> <p>All minors must have parental consent before a marriage waiver may be granted. The judge may require the personal appearance of the minor's parents. The court in its discretion may require a doctor's certificate of pregnancy.</p> <p>(1) One of the petitioners must be a resident of New Hampshire. The petitioners must file in the Probate Court located in the county in which one of them resides.</p> <p>(2, 3) The petition must be granted in the same county in which the marriage is to take place.</p>
<p>Hearing on Petition</p>			<p>RSA457:7</p>	<p>a. Judge acts on petition.</p> <p>b. Prepare certification for petitioner to deliver to town clerk.</p>	<p>b. RSA457:7 does not specify how notice should be given or by whom. The register may send</p>
					259



Family Law

Marriage Waivers

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
				c. Enter in docket date granted. d. Record; file in docket folder.	to the town clerk either a certified copy of the petition or a certificate stating that the petition has been granted.
			260		



THE STATE OF NEW HAMPSHIRE

TO THE HONORABLE JUDGE OF PROBATE FOR THE COUNTY OF

Your Petitioners, and

..... respectfully represent that

he is a resident of, born on the day of 19

she is a resident of, born on the day of 19

and that good or special cause exists rendering their marriage desirable.

Wherefore, they pray () that permission to contract said marriage be granted;

() that the five days' notice required by law be waived;

() that the blood test required by law be waived.

We, the undersigned, hereby join in this petition and respectfully represent that the foregoing allegations are true; that we have custody of the said parties who are below the age of consent, and hereby consent to the said marriage.

.....
Parents or Guardian

.....
Parents or Guardian

SS.

COURT OF PROBATE.

At a Court of Probate holden at in said County on the

..... day of, 19, the foregoing petition having been filed and the parties having been heard; it is found that sufficient cause exists for granting the prayer thereof; and it is decreed () that permission to contract said marriage be granted;

() that the five days' notice required by law be waived;

() that the blood test required by law be waived.

.....
Judge of Probate.

No. 261b.....

MARRIAGE PETITION

.....

.....

Filed day of A.D. 19....

CHANGE OF
NAME



CHANGE OF NAME
LIST OF FORMS

FORM	TITLE OF FORM	PAGE
87	Petition for Change of Name	264

1

2

3

4

CASE REFERENCE NO. _____

Family Law

Change of Name

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
"Petition for Change of Name"	Yes	87	RSA547:7 T.O.P. §18	<p>a. Verify completion of form.</p> <p>b. Date-stamp; assign docket number; enter in docket date of filing; complete index card (with name prior to change); prepare docket folder.</p> <p>c. Place in pending file for court action.</p>	<p>a. A birth certificate must accompany the petition. Both the maiden and married names of the petitioner's mother should appear on the petition.</p> <p>The court may, at its discretion, deny petitions for change of name when it is done to create the impression that an adoption has been granted.</p> <p>c. A minor's name cannot be changed without the consent of both parents, if living. If only one parent petitions the court, the judge may require that the other parent be notified of the petition and date of hearing.</p> <p>a. Appearance of petitioner at hearing is in discretion of court.</p>
Hearing on Petition	No			<p>a. Judge acts on petition.</p> <p>b. Enter in docket date granted.</p> <p>c. Record; file in docket folder. Complete and issue certificate to petitioner.</p> <p>d. Complete index card showing changed name.</p>	<p>c. The petitioner is responsible for having the change of name recorded with the town clerk.</p> <p>See Certificate Section for sample form.</p>

NOTE: Each January and July the registrar is required to send a list to registrar of vital the names changed during the previous six month period (RSA548:13).



THE STATE OF NEW HAMPSHIRE

TO THE HONORABLE JUDGE OF PROBATE FOR THE COUNTY OF

Your petitioner of
in said County, respectfully represents that for the following reasons, to-wit:

.....
.....
.....

he desires to change h name to that of

agreeably to the laws of said State; that he now resides in
in said County, and has resided there for years past; that he was
born in on the
day of A.D. 19, and that the names of h parents are

Wherefore your petitioner prays that h name be changed accordingly.

Dated the day of A.D. 19

SS.

COURT OF PROBATE.

At a Court of Probate holden at in
said County, on the day of A. D. 19,
upon due consideration of the foregoing petition, it is decreed that the prayer thereof be granted,
and that the name of
be changed to that of

Judge of Probate.

No. ...264b....

Petition for
Change of Name
OF

.....
TO THAT OF

.....
Filed day of A.D. 19 ...

Vol. Page

.....
(Form 87)

INTRODUCTION

INVOLUNTARY COMMITMENT

Any responsible person may petition for a hearing on the issue of the need for admission for in-patient treatment on an involuntary basis of another individual due to mental illness (RSA 135-B:28).

The respondent must be notified once a petition for involuntary admission has been filed with the court. Counsel and a representative, when not designated in the petition, must be appointed for the respondent. A psychiatrist is also authorized by the court to examine the respondent and to prepare a report to be filed with the court prior to the date of hearing. Once the proper papers have been filed and notice of the hearing has been given to all appropriate parties, the court issues an order at the hearing on the petition. All court proceedings on involuntary commitment are recorded so that transcripts may be made available in case of appeal.

The statutory requirements for processing an involuntary commitment are stringent to expedite case processing. The time limitations require the Register and Judge to have a clear understanding of each step of the procedure to insure maximum efficiency.



INVOLUNTARY COMMITMENT
LIST OF FORMS

FORM	TITLE OF FORM	PAGE
(No #)	Petition for Involuntary Commitment	276
(No #)	Appointment of Representative	277
(No #)	Appointment of Counsel	278
(No #)	Appointment of Psychiatrist	279
(No #)	Notice of Hearing/Continuance	280



Involuntary Commitments

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
"Petition for Involuntary Commitment" (Admission) is filed.	Yes	N.H. State Hospital Form	RSA135-B:28	<p>a. Review petition for completeness.</p> <p>b. Date-stamp; assign docket number; enter in docket date of filing; complete index card; prepare docket folder.</p> <p>c. Place in pending file for court action.</p>	<p>a. Any responsible person may file a petition for involuntary admission (RSA135-B:27). The petition must include the name of the person to be admitted, his last known address, reason for admission pursuant to RSA135-B:26, the name and address of the representative (defined in RSA135-B:2(XVII)) and the name and addresses of any witnesses.</p>
"Certificate of Examination" (filed with petition and to be completed within 5 days of filing)				<p>a. Date-stamp; verify filing of "Certificate of Examination".</p> <p>b. Enter in docket date of filing.</p>	<p>a. If the person to be admitted is at the state hospital under voluntary admission or emergency diagnostic detention, a certificate of the examining physician, if completed within 5 days of filing, may be used in lieu of Certificate of Examination.</p>



CASE REFERENCE NO. _____

Involuntary Commitments

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
<u>Appointment of Representative</u>	Yes	No#	RSAL35-B:29	c. Affix certificate of examination to petition. d. Set date for hearing to be held within 10 working days of receipt of notification. See Appointment of Counsel below	d. The register coordinates scheduling the hearing, obtaining counsel and sending notice, and recommends to the court the date of hearing. For definition of representative see RSAL35-B:2(XVII).
<u>Appointment of Counsel</u>	Yes	No#	RSAL35-B:5, 6, 135-B:35	a. Upon direction by judge, complete form; include day and place of hearing.	a. If the person to be committed does not have an attorney and cannot afford one, counsel will be appointed. The use of county bar lists or N.H. legal assistance for assigning counsel is discretionary with the court. Regardless of the system, a clearly defined procedure for obtaining counsel should be developed in each court. Upon filing and approval by the register, all bills from assigned counsel should be forwarded to the business office of the Division of Mental Health.
			268	b. Judge signs form: place original in pending file with other case-related documents.	



CASE REFERENCE NO. _____

Involuntary Commitments

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
<u>Appointment of Psychiatrist</u>				c. Within two days of filing of the petition send by regular mail to the person named as counsel: an attested copy of the notice, one copy of the petition for Involuntary Admission" and one copy of the "Certificate of Examination."	c. This form serves both as notice for the hearing and as proof of appointment as counsel.
	Yes	No#		a. Upon direction by judge, complete form; include day and place of hearing. b. Judge signs form; place original in pending file. c. Within two (2) days of filing of the petition, send by regular mail to the appointed psychiatrist: an attested copy of the notice, one copy of the "Petition for Involuntary Admission" and one copy of the "Certificate of Examination" (or certificate of examining physician at state hospital).	Certificate of examining physician at state hospital may be used instead. a. A list of psychiatrists within the county should be maintained for reference.
	Yes	No#	RSA135-B:7	a. Complete order of notice, signed by judge.	c. This form serves both as notice for the hearing and as proof of appointment as psychiatrist for respondent.
<u>Notice of Hearing</u>			269		



Involuntary Commitments

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
				<p>b. Within two (d) days of filing of petition, send by regular mail (1) to respondent (patient) the order of notice, two attested copies of the "Petition for Involuntary Admission" and one copy of the "Certificate of Examination" and (2) to both his representative and his attorney; the order of notice, an attested copy of the petition and the affixed "Certificate of Examination" (or certificate of examining physician at state hospital).</p> <p>c. Send an attested copy of the petition (on which hearing date appears) to: state's attorney, petitioner and state hospital (if person to be committed is a patient).</p>	<p>Separate order of notice forms are completed for the representative and respondent.</p>

NOTE: It is recommended that the judge sign the "Appointment of Counsel", "Appointment of Psychiatrist", and "Notice of Hearing" (to representative and respondent) forms at the same time to eliminate unnecessary duplication. All originals should be retained by the court and duly attested copies forwarded to the parties.

Involuntary Commitments

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
<p>NOTE: To eliminate duplicate mailing preparation prior to the hearing, the following procedure is recommended for processing all involuntary commitments.</p> <p><u>Summary of Procedures</u></p>				<p>that maximum amount of time is available for processing all</p> <ol style="list-style-type: none"> Date-stamp and review petition and physician's certificate for completeness. Schedule hearing date within the ten (10) day limit. If person to be admitted is indigent, have counsel appointed. The judge's signature is crucial at this stage as the notice also serves as the appointment letter. Judge signs and appoints psychiatrist. Judge signs orders of notice. 	



CASE REFERENCE NO. _____

Involuntary Commitments

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS																																				
			RSA135-B:7	<p>Send the following number of orders of notice and attested copies of petition:</p> <table><tr><td></td><td>Notice</td><td>Petition</td></tr><tr><td>Patient</td><td>1</td><td>2</td></tr><tr><td>Representative</td><td>1</td><td>1</td></tr><tr><td>Psychiatrist</td><td>1</td><td>1</td></tr><tr><td>Attorney</td><td>1</td><td>1</td></tr><tr><td>(non-indigent)</td><td></td><td></td></tr><tr><td>Attorney</td><td>1</td><td>1</td></tr><tr><td>(indigent)</td><td></td><td></td></tr><tr><td>State's Attorney</td><td></td><td>1</td></tr><tr><td>Petitioner</td><td></td><td>1</td></tr><tr><td>State Hospital</td><td></td><td>1</td></tr><tr><td>(if the patient is in hospital)</td><td></td><td></td></tr></table>		Notice	Petition	Patient	1	2	Representative	1	1	Psychiatrist	1	1	Attorney	1	1	(non-indigent)			Attorney	1	1	(indigent)			State's Attorney		1	Petitioner		1	State Hospital		1	(if the patient is in hospital)			<p>The "Certificate of Examination" should be included with the attested copies of the petition when mailed.</p> <p>The sequence of events from the filing of the petition through distribution of notices and petitions should be completed within two days of the filing of the petition, so that all required information can be mailed to the person to be admitted within the two-day time limit for mailing the petition.</p>
	Notice	Petition																																							
Patient	1	2																																							
Representative	1	1																																							
Psychiatrist	1	1																																							
Attorney	1	1																																							
(non-indigent)																																									
Attorney	1	1																																							
(indigent)																																									
State's Attorney		1																																							
Petitioner		1																																							
State Hospital		1																																							
(if the patient is in hospital)																																									
			272																																						

CASE REFERENCE NO. _____

Involuntary Commitments

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
<u>Psychiatric Examination is filed</u>	No		RSAL35-B:32 33	<p>a. Date-stamp; enter in docket date of filing.</p> <p>b. Prepare two (2) copies of the report to be made available to the person to be admitted, and to his representative or attorney.</p>	<p>A psychiatric evaluation must be completed and the report filed by the psychiatrist on or prior to the date of the hearing.</p> <p>a. Copies are furnished to the state hospital (if the person to be committed is a patient), and to the representative of the attorney general.</p>
<u>"Continuance" is filed</u>	Yes	No#	RSAL35-B:34	<p>a. Date-stamp and place in pending file for court action.</p> <p>b. Judge makes determination on continuance.</p> <p>c. If continuance granted, set new court hearing date (approved by judge).</p> <p>d. Complete and sign form setting forth new date of hearing.</p> <p>e. Send by regular mail to all parties who received order of notice upon filing of petition.</p>	<p>Either party may file a petition for continuance for good cause shown.</p>



CASE REFERENCE NO. _____

Involuntary Commitments

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
<u>Hearing on Petition</u>					
Record of Proceeding			RSA135-B:35	<p>a. Tape recording or stenographic record of the audio portions of the hearing shall be made to serve as the basis for an appeal.</p> <p>a. The recording shall be retained by the court for two (2) years or until a discharge is granted.</p> <p>a. Transcripts should not be requested unless an appeal is filed.</p>	<p>Upon receipt and approval by the register, all bills for appointed counsel, psychiatrists stenographic services, transcripts and bills from acting judges should be forwarded to the business office of the State Division of Mental Health, 105 Pleasant Street, Concord, New Hampshire.</p> <p>Once a case has been completed the docket card and docket folder should be retained in a separate file, so that cases can be scheduled for review.</p>
Retention of Record					
Transcripts					
<u>Issue of Decree</u>			RSA135-B:37	<p>a. The judge enters the decree on the original petition or a separate form.</p> <p>b. Send by regular mail an attested copy of the decree to all parties receiving an "order of notice".</p> <p>c. File decree and update docket card indicating the decree of the court.</p>	



CASE REFERENCE NO. _____

Involuntary Commitments

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
NOTE: A court order for involuntary commitment held prior to the renewal of any such order			is valid (RSA135-B: 38).	for a maximum of two years. A judicial hearing must be	
<u>Absolute Discharge is filed</u>	No		RSA135-B:39	<p>a. Upon filing of the written notice, placenotice in docket folder.</p> <p>b. Update docket card, indicating date of the discharge.</p> <p>c. Record all instruments and file in docket folder.</p>	<p>When a person committed to a facility pursuant to RSA135-B:26-41 is granted an "absolute discharge", the administrator of that facility must notify the court which issued the original order of commitment of the discharge.</p>
			275		



THE STATE OF NEW HAMPSHIRE

To the Honorable Judge of Probate for the County of _____

Your Petitioner _____

of _____ in said county, respectfully
(Street) (City or Town)

represents that _____

of _____
(Street) (City or Town)

in said county needs to be admitted for in-patient treatment to the _____ on

an involuntary basis due to mental illness.

Your Petitioner further represents as follows:

That _____ of _____
(Street)
_____ in said county is the representative of the said _____
(City or Town)

276a

That it is believed that said _____ is in such mental condition as

a result of mental illness as to create a potentially serious likelihood of danger to himself or to others because he committed the

following acts or actions:

276b

That the following named persons are witnesses to said acts or actions:

_____ of _____
(Street) (City or Town)

_____ of _____
(Street) (City or Town)

That the certificate of the examining physician is herewith attached.

Wherefore your petitioner prays that a hearing be held to determine whether the said _____

shall be committed for in-patient treatment on an involuntary basis.

Dated the _____ day of _____ 19 _____

Signed in the presence of

(Witness)

(Petitioner)

ss:

Court of Probate

The Court of Probate at _____ in said County having received the foregoing petition on the _____

day of _____ 19 _____, hereby orders that a hearing be held on said petition on the _____

day of _____ 19 _____ and further orders that the said _____

make himself available for a psychiatric examination by _____

_____ prior to the said date of such hearing.

Judge of Probate

ss:

Court of Probate

The Court of Probate at _____ in said County, upon due consideration of the foregoing petition and

the written report of the examining psychiatrist, after hearing, hereby orders that the said _____

be _____

Judge of Probate

(The foregoing order of the court shall be valid for no longer than two years).

135-B:28

7/1/73

276d
Petition for Involuntary Commitment

Hearing: 19

Filed 19

THE STATE OF NEW HAMPSHIRE

SS.

COURT OF PROBATE

In Re:

To:

This Will Notify you that a petition has been filed in the
Probate Court for the involuntary admission of the above
named _____ to the New Hampshire
Hospital, _____ New Hampshire

You, as h _____ representative, are hereby notified that a hear-
ing on said petition will be held at the Probate Court,
County Court House, _____, New Hampshire on
the _____ day of _____ A.D.
at _____

Pursuant to New Hampshire Revised Statute Annotated, 135B:7
you, as h _____ representative, are also hereby notified that the
said _____ has the right to be represented by
legal counsel at said hearing and of his right to have legal
counsel appointed for him if he is indigent.

Pursuant to R.S.A. 135B:30, a copy of said petition for in-
voluntary admission is enclosed herewith.

Dated this _____ day of _____ A.D.

Judge of Probate

Representative

THE STATE OF NEW HAMPSHIRE

, ss.

Court of Probate

In re:

To:

A petition having been filed in said Court pursuant to RSA 135B for the involuntary admission of the said to New Hampshire Hospital; and a hearing having been scheduled in said Court on said petition on

and whereas it appears to said Court that the said is indigent and unable to pay for counsel, the Court hereby appoints you as legal counsel for the said in these proceedings pursuant to RSA 135B:6.

Dated this

day of

A.D.

Judge of Probate

Counsel



THE STATE OF NEW HAMPSHIRE

,SS.

COURT OF PROBATE

In re:

To:

Pursuant to New Hampshire Revised Statutes Annotated 135B:32 the Court hereby designates you as the psychiatrist to examine the above-named _____, who is presently at New Hampshire Hospital.

Your report must be filed with the Court not later than _____, the _____ day of _____, A.D. _____ at _____ in the _____; the date and time scheduled for a hearing on the Petition for involuntary admission of the said _____ to the New Hampshire Hospital.

Your report must include the information and conform to the provisions of RSA 135B:32.

Dated the _____ day of _____, A.D. _____.

Judge of Probate

Psychiatrist



THE STATE OF NEW HAMPSHIRE

, SS.

COURT OF PROBATE

RE: INVOLUNTARY ADMISSION.

YOU ARE HEREBY NOTIFIED that the hearing on the Petition for
the Involuntary Admission of _____
to the New Hampshire State Hospital is scheduled for _____

in the Probate Court, _____ County Court House, _____, New
Hampshire.

This hearing has been continued from _____

BY ORDER OF THE COURT

Register of Probate



INTRODUCTION

APPEALS

Appeals from Probate Court are governed by the New Hampshire Constitution (Art.) 76., New Hampshire RSA 567A:1-12 and are elaborated in New Hampshire Practice Probate Law, Ch. 6, § 131-151. All appeals are presented to the Probate Court and heard in the Supreme Court.

An appeal from decree of Probate Court is initiated by any party in interest adversely affected by the final decree. The aggrieved party or parties must file a petition with the Probate Court, along with an appropriate bond, within thirty days of the final decree (RSA 567:2,3). The petition for appeal must contain a statement setting forth all reasons for appeal; no matters not stated in the petition may be heard. Any amendments to the statement must be made only for the purpose of clarifying for the appellee what has been set forth in the petition.

It is the Judge's responsibility to set the appropriate amount of bond with sufficient sureties (RSA 21:25-a). In lieu of sureties the appellant may deposit with the Register money or a certified check in the amount of bond required (RSA 567:3). Should the Supreme Court make an award against the appellant, the amount of bond will be used to cover the cost of prosecuting the appeal.

Having examined and approved the petition and properly completed bond, the Judge will sign the order of notice giving the date and place of hearing on appeal.

It is the Register's responsibility to cause notice of the hearing to be published in the newspaper according to statutory requirements (RSA 550:10), and to forward attested copies of appeal papers to the Clerk of the Supreme Court.



APPEALS

LIST OF FORMS

FORM	TITLE OF FORM	PAGE
6A	Appeal From Decree of Court	295
5	Appeal From Commissioner's Report by Heir	296
4	Appeal From Commissioner's Report by Creditor Declaration and Order	297
6B	Bond on Appeal	298
15	Bond on Appeal by Creditor or Heir	299
(No #)	Order on Appeal	300



CASE REFERENCE NO. _____

Appeals

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
NOTE: All causes of marriage, divorce and alimony; and probate shall be heard and tried by the Superior Court until the legislature shall by law make other provisions (Art. 76, N.H. Constitution).					
<u>Petitions</u>					
"Appeal from Decree of Court"	Yes	6A	RSA567:1	a. Date-stamp; enter in docket date of filing.	Any persons aggrieved by a decree, order, appointment, grant or denial of the judge may file an appeal.
"Appeal from Commissioner's Report by Heir or Administrator"	Yes	5	RSA558		Appeals from decisions of commissioners of insolvent estates shall continue to be governed by RSA558 after Chapter 395 becomes effective (RSA567-A:12).
"Appeal from Commissioner's Report by Creditor, Declaration and Order"	Yes	4			Appeals are taken only on final decrees.
					The appellant has 30 days from time of decision to file the petition for appeal and bond (RSA567-A:2,3).
				b. Judge reviews form for completeness, and sets amount of bond.	b. Statement on appeal must contain sufficient information and detail on the part of the appellant so appellee may answer.
			284		



DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
Whenever any notice of appeal is filed pursuant to the provision of RSA 567-A, the Register shall give notice thereof forthwith to all interested parties by registered or certified mail, return receipt requested, or to their attorneys of record by regular mail (R35).					Whenever any question of law is to be transferred to the Supreme Court, on appeal, counsel shall seasonably file all papers relating to the question with the Register of Probate, and shall send copies of all papers to opposing counsel. The appeal shall be filed on the appropriate probate form, 6A, to be furnished by the Register (R36).
Bond					
"Bond on Appeal"	Yes	6B	RSA567:3 T.O.P. Ch.6 §139	Judge checks bond for sufficient sureties.	Bond must be submitted before approval on appeal can be given by judge. The amount of bond may be set by the judge at the time of the final decree from which an appeal is being taken.
			285		



CASE REFERENCE NO. _____

Appeals

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
"Bond on Appeal by Creditor or Heir" Money in amount of bond may be deposited with Register.	Yes	15		Give receipt of deposit to appellant (or other depositor).	Objections to a bill of exceptions or proposed reserve case must be made in writing within ten (10) days after the filing thereof.
<u>Notice</u> Order on Appeal	Yes	(example form)		a. Judge signs order of notice and sets date for action by Superior Court. b. Make order of notice by publication. c. Update docket. d. Record all instruments. e. File originals in docket folder with all other papers.	Notice shall be immediately given of the appeal, of the return day and of court at which it will be entered and presented, by publication or personal service as the judge may order.
			286		



Appeals

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
<p><u>To Probate Court</u></p> <p>Inheritance Valuation Appeals</p>				<p>f. Forward attested copies to Supreme Court.</p> <p>Executor or Beneficiary aggrieved by determination of value of fractional successive interests by the Director of the Inheritance Tax Division of the Department of Revenue Administration may appeal to Probate Court having jurisdiction of the Estate of the Decedent.</p>	<p>a. Appeal must be filed within thirty (30) days of the notice of the determination of value.</p> <p>b. The court's determination of value on the appeal is subject to appeal on questions of law.</p>
			<p>RSA 86:14 T.O.P. §2027 §2024</p>		
			287		



Appeals

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
Inheritance Tax Assessment Appeals			RSA 86:47 T.O.P. §2024 §2027	An executor, administrator, trustee, grantor or donee, aggrieved by assessment of any tax by the Director of the Inheritance Tax Division of the Department of Revenue Administration may appeal to the Probate Court having jurisdiction of the Estate of the Decedent.	a. Appeal must be filed within thirty (30) days of the notice of assessment. b. The Probate Court, subject to appeal on questions of law, hears and determines all questions relative to the Tax.
Jurisdiction of the Superior Court			RSA 477:43	The jurisdiction of the Probate Court in relation to trusts and authority relating to the sale, mortgage or conveyance of real estate subject to remainder or reversion is subject to appeal on questions of law.	
			RSA 491:7 (Supp.)	Appellate jurisdiction of the Superior Court on Probate matters has been removed; the Superior Court jurisdiction now extends to factual issues certified by the Probate Court to the Superior Court for jury trials.	
			288		



Appeals

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
<u>Bond</u> "Bond on Appeal"			RSA 547-A:3 T.O.P. §139	Amount and sufficiency of bond is determined.	<p>Within time for claiming an appeal bond as to prosecution of appeal with effect and to pay all costs awarded against him by the Supreme Court is required.</p> <p>Bond may be executed for appellant by attorney entering notice of appeal.</p> <p>In lieu of sureties appellant may deposit</p> <ul style="list-style-type: none"> a. money b. certified check <p>with Register of Probate equal to amount of required bond.</p>
			289		



Appeals

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
Report of Findings and Rulings			RSA 567-A:4	Judge of Probate having entered finding must, on request of any party entitled to appear therefrom made before the entry of such decision, report the material facts found by him and his rulings of law.	All requests for findings and rulings and written memorandum of law must be submitted to the Judge of Probate at close of evidence, unless ordered otherwise for good cause shown.
<u>Late Appeals</u>			RSA 567-A:5	a. Verify that Petition sets forth appellant's interest, reasons for appealing, causes of delay. b. Date-stamp; enter in docket date of filing. c. Issue order of notice signed by judge. d. Publish notice in newspaper, last publication to be at least 30 days before date of hearing. e. Serve notice in person or by mail to interested parties at direction of judge.	The findings of fact of the Judge of Probate are final unless plainly erroneous. Any person aggrieved by decision, prevented from appealing within 30 days through mistake, accident or misfortune (not from neglect) may petition Probate Court at any time within one year thereafter.
Petition filed for Late Appeal			RSA 567-A:5		



DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
Allowance of Late Appeal			RSA 567-A:6	Judge will allow appeal provided that petitioner has not unreasonably neglected to appeal and that important questions of law are involved. Judge may allow appeal, with or without terms in his discretion. Judge may require appellant to give security for such costs as may be awarded against him by Supreme Court.	
Effect of Appeal			RSA 567-A:7 RSA 553:20	Judge may, if interests of estate require, appoint special administrator.	All proceedings shall be stayed pending determination of the appeal by the Supreme Court. Decision of Probate Judge, when affirmed and unaltered by Supreme Court on Appeal, is considered to have been in force from the time made by the Probate Judge.
<u>Decision by Supreme Court</u> Supreme Court decision to Remand			RSA 567-A:8	The Supreme Court may, on appeal remand the case for further proceedings in the Probate Court.	
			291		



Appeals

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
Appeal from decree, order, appointment, grant or denial (not strictly interlocutory action of the Probate Court)			RSA 567-A:1		Within 30 days of entry, appeal may be taken as of right to the Supreme Court on questions of law.
Appeal filed in Probate Court.	6A		RSA 567-A:2	a. Date-stamp; enter in docket date of filing.	Notice of appeal must 1. Be signed by person appealing or his attorney. 2. Specify the interest of the person appealing. 3. State the reasons for the appeal.
				b. Notice must immediately be given in such form and manner and to such persons as the Judge of Probate orders.	The form and contents of the case on appeal and the procedure for the preparation and filing of the case in the Supreme Court shall be governed by the rules of practice made by the probate judges under RSA 547:33. Probate Rules 38, 39, and 40 should be consulted regarding additional procedural requirements (re: transcripts, apportionment of costs).
			292		



Appeals

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
Costs on Appeal			RSA 567-A:9	If decision of Probate Judge is reversed or altered on appeal, Supreme Court clerk shall allow appellants his costs accruing in Supreme Court and certify costs to Probate Court.	
Petition for Jury Trial filed in <u>Probate Court</u>			RSA 567-A: 10	a. Date-stamp; enter date of filing in docket b. Notify all interested parties of date of hearing. RSA 567-A:10 states that Probate Court shall <u>promptly</u> act on petition. Court shall grant petition.	Any interested person, in any proceeding before Probate Court involving material facts which are in dispute, may petition the court to certify issues of fact to the Superior Court for same county for ascertainment by jury trial. Petition shall be made within time limits prescribed by rule promulgated by judge of Probate under RSA 547:33.
1. Relating to validity of instrument purporting to be will where material facts in dispute			RSA 567-A: 10		
2. Other proceedings in which fact material to the cause is disputed			RSA 567-A: 10	In court's discretion to grant petition.	
Petition is granted			RSA 567-A: 10	a. Form of jury issues shall be framed and settled in Probate Court.	
			293		



Appeals

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
Findings of the Jury			RSA 567-A: 11	<p>b. Probate Court may direct time within which petitioner is to enter certified copies of issues and other material papers in the Superior Court.</p> <p>c. All further proceedings in Probate Court shall be suspended pending determination of issues of fact or any related issues of law.</p> <p>d. Probate Court may appoint special administrator under RSA 553:20.</p> <p>Clerk of Superior Court shall transmit to Probate Court, within 10 days after issues of fact have been finally disposed of, a certificate showing final disposition.</p>	<p>If such papers are not entered, Probate Court may discharge order for jury trial of issues.</p>
			294		



and herein sets forth and assigns the following reasons for said appeal:

295b

Dated theday ofA.D. 19

.....

THE STATE OF NEW HAMPSHIRE

TO THE HONORABLE JUDGE OF PROBATE FOR THE COUNTY OF

:

Your petitioner
.....of.....
in said County, respectfully represents that he is heir-at-law of.....
.....late of.....
in said County, deceased, and interested therein; that at a Court of Probate
holden atin said County on the.....
day of.....A.D. 19 it was decreed that.....

that he is interested in the Estate of.....
because

and that he aggrieved by said decree, and claims an appeal therefrom to
the Supreme Court

THE STATE OF NEW HAMPSHIRE

, ss.

COURT OF PROBATE

At a Court of Probate holden at in
said County, on the day of, A. D. 19....

It is Ordered that the said
.....notify the said
.....
of h said appeal by causing him to be served with an attested copy of the foregoing petition and this
order thereon within.....days from ths date, and make return of h doings herein
at Court of Probate to be holden at in said County, on the.....day of
.....next.

By the order of the Court,

.....
Register.

I, depose and say that on the
.....day of....., A. D. 19 , I gave in hand to—left at the usual place of abode
of—the within namedan attested
copy of the within petition and order thereon.

....., ss

.....A. D. 19 .

Subscribed and sworn to by the said.....

Before me,

.....
Justice of the Peace.

THE STATE OF NEW HAMPSHIRE

TO THE HONORABLE JUDGE OF PROBATE FOR THE COUNTY OF _____ :

Your petitioner
of in said County of, respectfully
represents that he is an heir-at-law of the estate of — administrat.... of the estate of
....., late of in said
County, deceased, decreed to be administered as insolvent; that
..... of
in said County
presented a claim for allowance against the estate of said deceased to
.....the commissioner thereon, being
.....
.....
.....
amounting to the sum of
..... dollars (\$) which claim was allowed
in full or in part by said commissioner, whose report thereon has been made and duly accepted;
that your petitioner believes said claim to be unfounded and unjust, that it ought not in any part to
have been allowed and that he is dissatisfied with the allowance thereof.

Wherefore he claims an appeal therefrom to the Superior Court next to be holden for said
County, and prays that said
.....
may be notified of this appeal, and that he may file h declaration upon h said claim and prosecute
the same agreeably to the laws of said State.

Dated theday of....., A. D. 19 ..

AFFIDAVIT OF PERSONAL SURETIES
(When authorized by Court)

We, the sureties to the within bond, do severally certify that we are residents of New Hampshire, that we own real property situate in said State, and that the net value of our equity therein, over and above any outstanding lien, encumbrance, personal indebtedness or liability, if any, is sufficient to enable us to honor our joint and several obligation to pay the penal sum thereof.

.....

.....

STATE OF NEW HAMPSHIRE

, ss. 19...

Sworn to, before me

.....

Justice of the Peace
Notary Public

No.....

Appeal from
Commissioner's Report
by Heir or
Administrator

ESTATE OF

.....

THE STATE OF NEW HAMPSHIRE

KNOW ALL MEN BY THESE PRESENTS,

That we of in
the County of and State of
as principal, and
.....
and State of New Hampshire, as sureties, are holden and bound unto the Judge of Probate for the
County of, in the sum of dollars, to be paid
to the said Judge, his successor or successors in said office; to the true payment whereof we bind our-
selves, our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed
with our seals, and dated the day of A D.

THE CONDITION OF THIS OBLIGATION is such that if the above bounden
..... who has appealed to the Superior Court from a decision of
....., commissioner upon the estate of
....., late of, in said County, deceased,
.....
.....
shall diligently prosecute appeal, and pay all such costs as shall be awarded against
..... by the Superior Court, then this obligation shall be void; otherwise it shall remain
in full force.

In the presence of

..... (Seal)
..... (Seal)
..... (Seal)

THE STATE OF NEW HAMPSHIRE

DECLARATION

, ss.

COURT OF PROBATE.

..... of
in said County, appellant, complains against
administrat of the estate of, late
of said.....deceased, in a plea of the case for that the said
..... at said on
the day of, A. D. then in full life, being indebted to
said in the
sum of dollars cents,

then and there, in consideration thereof, promised the said
to pay h the same on demand. Yet, though requested, the said
..... never paid the same in h life time, nor has
....., the said administrat of said
paid the same since the decease of said but neglects
so to do to the damage of the said as he say ,
the sum of dollars.

Dated the.....day of....., A. D.

THE STATE OF NEW HAMPSHIRE

TO THE HONORABLE JUDGE OF PROBATE FOR THE COUNTY OF

Your petitioner.
of, in said County, respectfully represents that at a Court of Pro-
bate holden at in said County, on the day of
A. D. , was duly appointed administrat
of the estate of
late of in said County, deceased; that at a Court of Probate
holden at in said County said estate was decreed to be administered
as insolvent and
of in said County was appointed commissioner to examine and
allow the claims of the creditors against the same; that on the day and at the place appointed and noti-
fied by said commissioner for the discharge of his said duties, your petitioner, being a creditor of said
estate, appeared before said commissioner and exhibited claim against said estate for allowance,
being

that said commissioner, after examining the same, and hearing the evidence offered by your petitioner
in support thereof,

and made report of his doings therein, which report was duly accepted at a Court of Probate holden
at in said County, on the day of
..... A. D. 19 ..

Wherefore your petitioner, being dissatisfied with the decision of said commissioner, claims an ap-
peal therefrom to the Superior Court for said County, such appeal to be entered therein in accordance
with the order of notice, and herewith files the following declaration upon said claim in proper form,
and prays that administrat of the estate of said
..... may be notified thereof, agreeably to the laws of said
State.

Dated the day of A. D.

No. 297d

Appeal from
Commissioner's Report
by Creditor
Declaration and Order

ESTATE OF

THE STATE OF NEW HAMPSHIRE

At a Court of Probate holden at in said County, on the
..... day of A. D. 19

Whereas, a creditor of the estate of
....., late of in
said County, deceased, has filed h petition in said Court claiming an appeal from the decision of ...
..... the commissioner of said estate upon h said claim, and
also filed in said Court h declaration upon h said claim:

Therefore, it is hereby ordered that the said
give notice to of said estate of the appeal,
of the return day and of the Court at which the appeal will be entered by giving h in hand, or leav-
ing at h usual place of abode, an attested copy of said petition and declaration, together with this
order thereon, at least twelve days before the return day, and that the appeal be entered at the next
subsequent return day consistent with this twelve-day requirement for service.

By order of the Court,

.....
Register.

I, depose and say, that on the
..... day of A. D. 19 , I gave in hand to—left at the usual place
of abode of—the within named ,
an attested copy of the foregoing complaint and declaration and order thereon.

.....
, ss.

..... A. D.

Subscribed and sworn to by the said.....

Before me,

.....
Justice of the Peace.

No. 298b.....

NOTICE OF APPEAL

to

SUPREME COURT

ESTATE OF

.....

THE STATE OF NEW HAMPSHIRE

KNOW ALL MEN BY THESE PRESENTS,

That we.....of.....
in the County of and State of
as principal, and
.....
and State of New Hampshire, as sureties, are holden and bound unto the Judge of
Probate for the County of , in the sum of
.....dollars, (\$) to be paid to the said Judge,
his successor or successors in said office, to the true payment whereof we bind
ourselves, our heirs, executors and administrators, jointly and severally, firmly
by these presents. Sealed with our seals, and dated the.....day
of.....A. D. 19.....

THE CONDITION OF THIS OBLIGATION is such, that whereas the said.....
.....has appealed to the Supreme Court from the decree
of the Judge of Probate at a Probate Court holden at in
said County, on theday ofA. D. 19

Now if the said.....shall prosecute
h said appeal with effect and pay all such costs as shall be awarded
against h by the Supreme Court, then this obligation shall be void; other-
wise it shall remain in full force.

In the presence of

.....(Seal)
.....(Seal)
.....(Seal)

300b

File No.

Docket No.

ORDER ON APPEAL.

Estate

Micro

Atty:

STATE OF NEW HAMPSHIRE—

, ss.

Probate Court at, _____ 19____.

IT IS ORDERED that the above named _____

_____ immediately give notice of the foregoing appeal and that the same will be entered and prosecuted at the Superior Court, next to be holden at _____ in and

for said County, on the _____ Tuesday of _____ A.D. 19____,

by causing a certified copy of said appeal and of this order thereon (to be published

_____ weeks successively in the _____ a newspaper published

at _____ in said County) to be given in hand to, or left at the usual abode

of _____

Judge of Probate.

THE STATE OF NEW HAMPSHIRE

KNOW ALL MEN BY THESE PRESENTS,

That we of in
the County of and State of
as principal, and
.....
and State of New Hampshire, as sureties, are holden and bound unto the Judge of Probate for the
County of, in the sum of dollars, to be paid
to the said Judge, his successor or successors in said office; to the true payment whereof we bind our-
selves, our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed
with our seals, and dated the day of A D.

THE CONDITION OF THIS OBLIGATION is such that if the above bounden
..... who has appealed to the Superior Court from a decision of
....., commissioner upon the estate of
....., late of, in said County, deceased,
.....
.....
shall diligently prosecute appeal, and pay all such costs as shall be awarded against
..... by the Superior Court, then this obligation shall be void; otherwise it shall remain
in full force.

In the presence of

.....	..... (Seal)
.....	..... (Seal)
.....	..... (Seal)

AFFIDAVIT OF PERSONAL SURETIES
(When authorized by Court)

We, the sureties to the within bond, do severally certify that we are residents of New Hampshire, that we own real property situate in said State, and that the net value of our equity therein, over and above any outstanding lien, encumbrance, personal indebtedness or liability, if any, is sufficient to enable us to honor our joint and several obligation to pay the penal sum thereof.

.....

.....

STATE OF NEW HAMPSHIRE

, ss. 19...

Sworn to, before me

.....

Justice of the Peace
Notary Public

No.

Bond on Appeal
By Creditor or Heir

GENERAL ADMINISTRATION

INTRODUCTION

GENERAL ADMINISTRATION

The Register of Probate bears a significant responsibility for seeing that matters are processed through the Probate Court in as efficient a manner as possible. To fulfill this obligation, he must coordinate the activities of, and develop rapport with, many people, including the Judge of Probate, the deputy and other Probate staff, attorneys, fiduciaries, newspaper personnel, state and county personnel, and the public. It is the public which responds to favorable performance by re-electing the Register for another two-year term.

The Register must inform the court of all proceedings pending before the court and furnish the information necessary to make the decree. Whenever the Judge excuses himself for reason of interest or otherwise, the Register, with the approval of the Judge, must arrange for another Judge to sit. It is important that the Register be informed of all business transacted by the court so that appropriate notations of the proceedings may be made for entry in the docket (RSA 547:27).

The bulk of the Register's work comes prior to, and after, the court session. Rapport with attorneys is important, for their cooperation is necessary for the proper completion and filing of documents with the court. Matters which are incomplete should not be scheduled for court action.



By statute (RSA 548:8), the Register must furnish all blanks and stationery for doing the business of the court. He may not, however, act as counsel or advocate in any proceeding to be brought before the court, nor act as appraiser or commissioner for any estate under administration in the court (RSA 548:25).

Once matters have been properly presented for court action, the Register assigns them to a particular court session (regular or special). As outlined in the calendaring section, certain cases, such as termination and contested matters, are scheduled for special sessions. Other matters may be presented in a special session in the discretion of the court. The Register may not suggest or encourage the postponement of an uncontested matter to a special session (RSA 547:25).

One of the most crucial duties of the Register is to cause notice to be given to interested parties, or to other parties required by statute, of the date and place of hearing. When notice is required, regardless of form, the Register must make certain that it has been given according to the statutory time requirements. Although most forms state that the petitioner (or legal representative, by inference) gives notice, it has been the practice in most counties that the Register execute notice.



When a decree, as in a contested matter, has not been made at the hearing, the Register should receive the decision rendered by the court so that notice of the decree may be made to interested parties.

Recordation of all matters (except confidential reports, as in adoption or involuntary admission) is required by statute (RSA 548:5). Technological advancements have at least removed the necessity for copying records long-hand. Three methods are now available: typing from the original onto a blank form of the same number, photocopying the original, or microfilming. The use of microfilm for recordation has become more widespread (RSA 548:5). Not only is microfilm economical in terms of space but it is less susceptible to deterioration by the effects of time and frequent handling. Efforts should be made to train the public to use the viewing equipment.

The Registry of Probate is often called upon to make copies of documents upon requests from attorneys, petitioners, agencies and the public. For this reason it is particularly important that all documents be quickly and easily located.

By statute RSA 548:4 the Register must maintain a docket and an index (open to public inspection) to all matters to come before the court. A separate docket and index kept in a secure place open only to probate staff



must be kept for confidential matters (adoption). The index should serve as a quick locator to the storage place of documents; the docket should cross reference all instruments, except correspondence, contained in the docket folders.

Security of records is important. By statute RSA 548:6, records, when not in use, should be kept in a vault open only to authorized personnel. When all records are in space accessible to the public, care should be taken so that records do not disappear from the court. When the Register or another officer is not present, the office must be locked. Theft has not been a problem; Registers are indeed conscious of their custodial duties. The Register must keep personal custody of the seal of his office (RSA 548:3) to prevent tampering with records.

The Register is also required by statute (RSA 548:7,7-a,13) to furnish reports as outlined in a following section.

Procedures for docketing and filing will, understandably, vary with each county, dependent upon such factors as the court's workload, space availability and staff size. What may be most efficient for one court may not work at all in another. The important factors are the accessibility and



organization of all records. Included in the sections which follow are the procedures currently in use by the registries and some comments for improvement of office efficiency.



Calendering

General Administration
Calendaring

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
<u>Regular Terms of Court</u>			RSA549:1-11 T.O.P. \$81	Regular sessions of court for each county are held in accordance with the statute.	
Scheduling of documents for court approval				<p>a. As papers are presented to the court, examine for completeness and accuracy. When papers are incomplete, inform the petitioner or attorney so that they may be completed before being presented for court action.</p> <p>Where several papers must be presented concurrently, check that all papers are in before assigning the case to a court session.</p>	<p>It is important that all papers be checked for completeness prior to the court session so that court time is not wasted.</p> <p>When notice is required, statutory requirements must be fulfilled before the matter may be acted upon by the court.</p>
Calendar for court session				<p>The register should prepare a list of all cases to come before the court at each session.</p> <p>List cases alphabetically by last name of attorney or other representative so that quick reference is facilitated.</p>	For special sessions, indicate on sheet whether fee has been paid.



General Administration

Calendar

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
Court Session				<p>Include item of business before the court; names of petitioners, or name of estate; name of representative in court.</p> <p>Cases are presented to the court in the order in which the attorney (or other representative) signs in with the court.</p> <p>The register, or another member of the probate staff should be in attendance at each court session to present papers to the judge, to make appropriate notations of procedure in court, and to make certain that judge places signature on form when approval has been granted.</p> <p>The schedule for special sessions is determined by the judge.</p>	<p>Contested hearings should be held during regular sessions only when time permits.</p>
<p><u>Special Sessions</u></p> <p>Scheduling special sessions</p>			<p>RSA547:23 T.O.P. \$51</p> <p>307</p>	<p>A special session may be requested of the register by the petitioner. The register should confer with the judge to determine the time and place of the special session.</p> <p>When a special session has been requested, and the judge in his county is unable to hold the session, the register may ask another judge to hold the session provided the register receives permission (whenever possible) of the judge in his county (RSA547:18-a).</p> <p>A special session fee must be paid to the judge.</p>	



General Administration

Calendaring

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
				<p>Certain cases are always presented for special sessions:</p> <ul style="list-style-type: none"> a. Termination of parental rights b. Contested matters c. Involved accounts d. Involuntary commitment <p>Cases where personal appearance has been ordered by the court are often scheduled for special sessions (e.g., removal of fiduciary, probate of will (solemn form), relinquishments).</p> <p>The register should carefully review contested matters in advance with attorneys to determine probable amount of time needed at hearing, complexity of issues, whether a stenographer is needed, and so forth.</p>	<p>A court hearing on any adoption matter is confidential (RSA170:B,19(1)).</p> <p>A stenographer may be presented at any contested hearing if requested by judge or counsel (RSA547:31).</p> <p>Parties should be warned that the responsibility for requesting a stenographer rests with the parties and that the register should be informed of this request 14 days in advance. A list of stenographers should be kept by the register.</p>
			308		



CERTIFICATION

LIST OF FORMS

FORM	TITLE OF FORM	PAGE
(No #)	Authenticated Copy	313
27	Certificate of Judge as to Register	314
28	Certificate of Register as to Judge	315
24	Certificate of Appointment	316
26	Certificate of Copies	317
(No #)	Deposit of Will - Envelope and Receipt	318
(No #)	Certificate of Deposit of Will	319
85-3	Certificate of License to Sell or Transfer Securities and Certificate of Appointment	320
78-145	Certificate to Sell or Transfer Personal Estate	321
23	Certificate of Adoption	322
25	Certificate of Change of Name	323
(No #)	Certificate of Allowance of Record Foreign Will and Probate	324
29	Certificate for Surety Company	325



General Administration

Certification

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
<u>Attested Copies</u>				Sign to attest that annexed papers are true copies of the originals.	
<u>Authenticated Copies</u>				<p>a. Complete form.</p> <p>b. Sign and affix seal of court.</p> <p>c. Affix form to documents to be sent.</p> <p>a. Judge signs.</p> <p>b. Affix to documents.</p> <p>a. Sign and affix seal of court.</p> <p>b. Affix to documents.</p>	<p>Any copy of a will sent out of state may be authenticated upon request.</p> <p>For an authenticated copy, a colored seal imprinted with the seal of the court and a ribbon are affixed to the copies to be sent out.</p>
Authenticated (Exemplified) Copies of will, proof of will, bond, letters testamentary	Yes	no #			
"Certificate of Judge as to Registrar"	Yes	27			
"Certificate of Registrar as to Judge"	Yes	28			
			310		



General Administration

Certification

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
<u>Certificates</u>					
"Certificate of Appointment"	Yes	24 or 145		a. Sign and affix seal of court. b. Send to requestor.	Form 24 is used when the appointment of the fiduciary is still in force; when the fiduciary's appointment has been terminated, modify form to reflect termination.
"Certificate of Copies"	Yes	26 or 146		a. Sign and affix seal of court. b. Attach to papers requested.	
"Certificate of Deposit of Will"	Yes	no#	RSA551:18 T.O.P. \$985	a. Complete, sign and affix seal of court. b. Give to depositor of "will for safekeeping".	a. Seal of court is not required by statute. If will is withdrawn at any time, the certificate of deposit is returned to the court.
			311		



Certification

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
"Certificate of License to Sell or Transfer Securities and Certificate of Appointment"	Yes	85-3		a. Sign and affix seal of court.	
"Certificate to Sell or Transfer Personal Estate"	Yes	78- 145		b. Forward to requestor.	
"Certificate of Adoption"	Yes	23			
"Certificate of Change of Name"	Yes	25			
"Certificate of Allowance of Record" (Foreign Will and Probate)	Yes	no #			
"Certificate for Surety Company"	Yes	29		a. Sign and affix seal of court. b. Mail to attorney or fiduciary as notification that the final account of the fiduciary has been allowed and that no balance remains.	b. Receipts for all legacies and/or distributive shares must have been received before a certificate may be issued.
			212		



(Form 23)

The State of New Hampshire

, ss.

COURT OF PROBATE.

At a Court of Probate holden at in said County on the day
of, 19... a male child born on the day of 19
was adopted by and
of in said County and said child's name was changed to
.....

A record of said adoption and change of name has been duly entered in the Docket of the Court
of Probate for said County under No.

Given under my hand and seal of said Court this day of 19....

.....
Register

322b

No.

Certificate of Adoption

.....

THE STATE OF NEW HAMPSHIRE

, ss.

COURT OF PROBATE.

At a Court of Probate holden at in
said County, on the day of A. D. 19....

Upon the petition of of
in said County, praying to have h name changed to that of
it was ordered and decreed that the name of the said
be changed to in accordance with the laws of the State
of New Hampshire.

A record of said change of name has been duly entered in the docket of the Court of Probate for
said County, under and recorded in Volume Page

Given under my hand and seal of said Court at, in
said County, this day of A. D. 19....

.....
Register.

323b

No.

**Certificate of Change
of Name**

.....

THE STATE OF NEW HAMPSHIRE

SS.

COURT OF PROBATE.

I, _____, Register of the Court of Probate, within and for said
County of _____, hereby certify that at a Court of Probate holden at _____
in said County, on the _____ day of _____
A. D. 19____;

of _____, in said County of _____

w. _____ duly appointed and commissioned _____

That the said _____ accepted said trust, and
gave bond for the faithful performance thereof, as required by the laws of said State; and that
said appointment has never been revoked, but remains in full force as by the records of said
Court appears.

Given under my hand and the seal of said Court at _____ in said County,
this _____ day of _____, A. D. 19____

Register.

(This Certificate cannot be reproduced.)

316b

CERTIFICATE

- of -

APPOINTMENT

THE STATE OF NEW HAMPSHIRE

, ss.

COURT OF PROBATE.

CERTIFICATE OF JUDGE AS TO REGISTER

I,, Judge of the Court of Probate within and for said County of, hereby certify that, whose signature is affixed to the annexed certificate and attestation, is the Register and proper certifying officer of said Court, and has, by law, the custody of the seal and all the records, books, documents, and papers of or appertaining to said Court, and that said certificate and attestation are in due form, and entitled to full faith and credit.

IN WITNESS WHEREOF, I have hereunto set my hand this day of A. D. 19

.....
Judge of Probate

314b

No.

Certificate of Judge
as to Register

.....

THE STATE OF NEW HAMPSHIRE

, ss.

COURT OF PROBATE.

CERTIFICATE OF REGISTER AS TO JUDGE

I,....., Register of the Court of Probate for said County of
.....
having by law the custody of the seal and all the records, books, documents; and papers of or appertain-
ing to the said Court of Probate, hereby certify that.....
....., whose signature is affixed to the an-
nexed certificate, is the sole Presiding Judge of said Court, duly commissioned and qualified, and that
his said certificate is in due form, and entitled to full faith and credit, and the said signature is genuine.

Given under my hand and seal of said Court of in said County, thisday of
.....A. D. 19

.....
Register of Probate

No. 315b

Certificate of Register
as to Judge

.....

THE STATE OF NEW HAMPSHIRE

_____, ss.

COURT OF PROBATE

CERTIFICATE FOR SURETY COMPANY

In the matter of the estate of _____, late of
_____ in said County, deceased:

This Certifies That on the _____ day of _____ A. D. 19....
the account of _____ as _____
of the _____ of the said deceased, after due hearing, was approved by
this Court; and that the said _____ has made return under
oath that all the money and properties in _____ hands for payment and distribution, as by said
account and receipts subsequently filed appears, have been by _____ paid over and distributed.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of the said Court at
_____ in said County, this _____ day of
_____ A. D. 19....

Register of Probate

325b

No.

Certificate for

Surety Company

.....

STATE OF NEW HAMPSHIRE

COURT OF PROBATE

1. The last will and testament of
late of in said County, deceased, testate.
2. The petition to said Court for the probate of said will and decree of Probate thereon.
3. The bond filed in said Court by said Execut.....
4. The Letter testamentary issued to said Execut..... (of record only.)

of said Court this _____ day of _____ A. D. 19 _____

313a

313b

Authenticated

Copy

DEPOSIT OF WILL - ENVELOPE AND RECEIPT

STATE OF NEW HAMPSHIRE

County of

PROBATE OFFICE,

19

RECEIVED of

said to contain the last Will and Testament of One Dollar and a sealed package

of
"During the lifetime of the testat, such Will shall be delivered
only to the testat, or in accordance with his order in writing duly proved by the oath of a sub-
scribing witness"; and after the death of the testat to be delivered to

the execut named therein.

REGISTER.

STATE OF NEW HAMPSHIRE

County of

PROBATE OFFICE,

19

RECEIVED of

said to contain the last Will and Testament of One Dollar and a sealed package

of
"During the lifetime of the testat, such Will shall be delivered
only to the testat, or in accordance with his order in writing duly proved by the oath of a sub-
scribing witness"; and after the death of the testat to be delivered to

the execut named therein.

REGISTER.



THE STATE OF NEW HAMPSHIRE

, SS.

COURT OF PROBATE.

I, _____, Register of the Court of Probate for said County of _____, having by law the custody of the seal and all the records, books, documents and papers of or appertaining to the said Court of Probate, hereby certify the paper _____ hereunto annexed to be true cop of paper appertaining to said Court, and on file of record in the office of said Court, to-wit:

Given under my hand and the seal of said Court at _____ in said County, this _____ day of _____, A. D., 19 _____

Register.

317b

CERTIFICATE OF COPIES

Form 26

The State of New Hampshire---

ss.

CERTIFICATE OF DEPOSIT OF WILL

This is to CERTIFY that agreeably to the provisions of Chapter 551 The Revised Laws of New Hampshire Annotated 1955, on the day of the date hereof

..... of
in said County, has deposited h..... will for safe-keeping in the office of the Register of Probate for said County of and has paid the Register a fee of one dollar therefor. Said will has been enclosed in a sealed wrapper, has inscribed upon it the name and residence of the testat..... the day when, and the person by whom it was deposited, and the name of a person to whom the will is to be delivered after the death of the testat....., and has been entered upon the index kept for such purpose.

During the life time of the testat..... said will shall be delivered only to h....., or in accordance with h..... order in writing, duly proved by the oath of a subscribing witness. After the death of the testat..... it shall be delivered to the person named in the endorsement, if he demands it.

If the will is not called for by the person, if any, named in the endorsement, it shall be publicly opened at the first Probate Court held after notice of the testat.....'s death.

Witness my hand and the seal of said Court at , in said County, this
..... day of A. D.

..... *Register of Probate.*



THE STATE OF NEW HAMPSHIRE

, SS.

COURT OF PROBATE

I, _____, Register of the Court of Probate, within and for said
County of _____, having by law the custody of the seal and all the records, books, documents
and papers of or appertaining to the said Court of Probate, hereby certify that at a Court of Probate
holden at _____ said County, on the _____ day of _____,
A. D. _____ of

_____ in _____ County of _____
of the estate of _____
late of _____ in _____ County of _____
w _____ licensed and authorized by said Court of Probate to sell, assign or transfer the following
securities, to wit:

I further certify that it appears by the records of said Court that said license is now in full
force;

I further certify that said _____
gave bond for the faithful performance of _____ trust, as required by the laws of said State;
and that _____ appointment has never been revoked, but remains in full force as by
the records of said Court appears.

Given under my hand and seal of said Court at _____ in said County, this
_____ day of _____ A. D. 19____

Register

320b

**Certificate of License
to Sell or Transfer
Securities**

**and
Certificate of
Appointment**

THE STATE OF NEW HAMPSHIRE

, SS.

COURT OF PROBATE.

I, _____, Register of the Court of Probate, within and for said County of _____, having by law the custody of the seal and all the records, books, documents and papers of or appertaining to the said Court of Probate, hereby certify that at a Court

of Probate holden at _____ in said County, on the _____ day of _____, A. D. _____,

of _____ in said County of _____

of the estate of

late of _____ in said County of _____, deceased, w

licensed and authorized by said Court of Probate to sell at public auction or private sale, assign and/or transfer the following securities, to-wit:

I further certify that it appears by the records of said Court that said license is now in full force.

I further certify that said _____ accepted _____ trust, and gave bond for the faithful performance thereof, as required by the laws of said State; and that _____ appointment has never been revoked, but remains in full force as by the records of said Court appears.

Given under my hand and the seal of said Court at _____, in said County, this _____ day of _____, A. D. 19 _____.

Register.

321b

CERTIFICATE TO SELL OR TRANSFER
PERSONAL ESTATE

Estate of

(Form 78-145)

THE STATE OF NEW HAMPSHIRE

, SS.

COURT OF PROBATE.

I, _____, Register of the Court of Probate for said
County of _____, having by law the custody of the seal and all the records, books, documents,
and papers of or appertaining to the said Court of Probate, hereby certify that at a Court of
Probate holden at _____ in said County, on the _____ day of
_____, A.D. 19____, in the estate of
_____ late of _____, in the County of _____
and _____,

the petition to file and record authenticated copy of will and probate thereof was granted; and that
the Judge of Probate for the said County of _____ ordered and decreed that said copy of will
and probate thereof be filed and recorded in the Probate Office for this said County.

I further certify that the said copy of Will and petition has been recorded in the
County Registry of Probate, Vol. _____, Page _____, and I further certify
that the said copy of the Probate of said Will has been recorded in the _____ County Registry of
Probate, Vol. _____, Page _____.

Given under my hand and the seal of said Court at _____, in said County,
this _____ day of _____, A.D. 19____.

.....
Register.

324b

CERTIFICATE OF
ALLOWANCE
OF RECORD OF

Foreign Will and Probate

CITATION AND NOTICE

LIST OF FORMS

FORM	TITLE OF FORM	PAGE
(No #)	Original - Notice to Interested Parties	338
(No #)	For Service - Notice to Interested Parties	339
75	Order of Notice by Personal Service	340
76	Order of Notice by Publication	341
195	Citation on Petition	342

General Administration

Citation and Notice

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
<u>Petitions</u>	Yes	See list of forms	RSA550:1 T.O.P. \$81	a. All proceedings in the Court of Probate begin with a petition to the court.	All forms are provided by the Register (Probate Court Rule 5).
<u>Citation to Fiduciary</u>			RSA550:2 T.O.P. \$83	a. Judge may issue on his own motion a citation to a fiduciary, requiring the fiduciary to appear before the court concerning any matters related to his trust within the jurisdiction of the Probate Court.	Any expenses incurred in preparing the citation or its service are charged against the estate, and may be deducted from any fee or other compensation due the fiduciary.
<u>Service of Citation</u>			RSA550:3 T.O.P. \$83	a. Make service by registered mail return receipt.	Certified mail may also be used when a receipt is required (see end of this section).
<u>Citation to Interested Parties</u>			RSA550:5 T.O.P. \$84	a. When notice is required, issue Citation or Order of Notice to all interested parties. Include in the Notice the day and place of the hearing.	The parties may have an opportunity to be heard if there is cause.
			327		



General Administration
Citation and Notice

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
Notice to interested parties of special session (contested matters)					
"Original"	Yes	no#		a. Schedule for court action; complete and sign form, to be retained in Probate Office.	
"For Service"	Yes	no#		b. Send attested copy of "Original" (signed by Register), along with attested copy of petition by certified mail to interested parties.	
Notice of Decree	No		Prob.R.28	a. Notify interested parties (or counsel) that decree has been entered. b. Record notification.	This applies to contested matters. Notice not necessary when decree announced at con- clusion of hearing.
<u>Service to Interested Parties</u>					
"Order of Notice by Personal Service"	Yes	75	RSA550:6 T.O.P. §84	a. Sign order of notice. b. Attach to certified copy of petition. c. Serve by giving in person or by leaving at abode at least 12 days before hearing.	
			328		



General Administration
Citation and Notice

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
Service Outside the State (To persons residing outside the state or to widows, (widowers), heirs, de- visees, legatees, creditors or interested persons in an estate)			RSA550:7 T.O.P. §84	a. Make service of every citation or order of notice by (1) per- sonal service, or (2) leaving at the residence a certified copy of the notice or citation, or (3) by publication of the order of notice or citation.	Service should be made at least 12 days prior to the hearing.
NOTE: In addition to the notice prescribed in may order personal notice, notice sent by mail				previous sections, the judge in his discretion or publication in a newspaper printed elsewhere (RSA550:8).	
Publication of Notice in Newspaper			RSA21:32 RSA550:10 Prob.R.6	a. Cause notice to be published one day in each of two successive weeks in a newspaper which cir- culates in the town or city in which the person whose estate involved last resided.	
Selection of a Newspaper			RSA550:10 Prob.R.6	a. Register may select the newspaper.	
			T.O.P. §§183, 827, 842	b. Newspaper selected must be printed in the English language	
"Order by Notice of Publication" or "Citation on Petition"	Yes Yes	76 195		a. Complete form and send to newspaper. b. File in docket folder the affidavit of publication.	b. Publication may be made in a newspaper other than an English language paper, provided publica- tion is in addition to that of an English language newspaper and not in lieu of.
			329		



General Administration
Citation and Notice

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
Schedule of Publication in Newspaper			RSA550:10 Prob. R.6	<p>a. First publication shall be at least <u>14</u> days prior to the day the proceeding for which notice is sent takes place.</p> <p>b. Second publication shall be at least <u>7</u> days before the day or thing of which notice is given</p>	
Publication of Information for More Than One Estate			RSA550:10 T.O.P. §§183, 827, 842	<p>a. Publication of information pertaining to more than one estate may be made in one notice, provided, however, that each separate subject matter (such as the appointment of a fiduciary, a hearing on an account, a hearing on a license to sell real estate, or any other designated subject matter) has a specific designation within each notice.</p>	
Evidence of Publication			330	<p>a. A ledger should be kept of all notices for publication by newspaper.</p>	



CASE REFERENCE NO. _____

General Administration
Citation and Notice

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
Payment for Publication of Notice			<p> RSA550:10 T.O.P. §§183, 327 842 </p>	<p> b. A copy of the citation sent to the newspaper should be included. When the newspaper clipping (evidence of publication) is received by the court, check the clipping against the publication and file clipping either in ledger or in docket folder, or a file for that purpose. The ledger might be divided into sections: Fiduciary notice Petitions Accounts Each notation should include the docket number, reason for publication, with particulars, and whether publication fee has been paid. a. Determine payment for each notice. b. Procure payment for notice from fiduciary in advance when possible. </p>	<p> a. Payment for publication of notice is an allowable expense on the fiduciary's account. b. When payment is not received in advance, the Register should forward a bill to fiduciary for payment. </p>
			331		



General Administration

Citation and Notice

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
Notice to Beneficiaries (Of filing of account)			RSA550:11 T.O.P. §84	<p>a. Notice may be given by the Register or executor, administrator, trustee, conservator or guardian of an estate.</p> <p>b. Notice must be sent by registered mail, return receipt to the last known address of all beneficially interested parties.</p>	<p>b. A person is deemed to be beneficially interested in an account if:</p> <ol style="list-style-type: none">1. he is an heir or distributee of an intestate estate and the account has been filed by the administrator or2. he is a residuary legatee under a will and the account has been filed by the executor or administrator with will annexed, or3. he is a ward and the account has been filed by his guardian or conservator, or4. he is a beneficiary having a vested interest in a trust and the account has been filed by the trustee, or5. he is the attorney general in estates involving charitable trusts (RSA550:12).
			332		



General Administration

Citation and Notice

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
				<p>c. The notice must contain:</p> <ol style="list-style-type: none"> 1. a statement that the account has been filed, and, if the account is to be settled, the date when such account becomes returnable, 2. a statement to the individual that he or she may obtain a copy of the account by paying the statutory fee to the Register. 	
<u>Dispensation of Citation and Notice</u>			RSA550:13 T.O.P. §84	<p>NOTE: The citation and notice required to be given to any person in any proceeding may be dispensed with upon written assent by such person to such proceeding or upon his written waiver of such citation and notice. A duly appointed guardian ad litem may assent or waive citation and notice.</p>	
<u>Certified Mail</u>			RSA21:32-a	<p>Whenever notice is sent by certified mail, notation should be made:</p> <ol style="list-style-type: none"> (1) in book for this purpose, issued by post office; certified number, addressee, address. (2) On list for use in Probate Office: name of addressee, name of estate, docket number, return date. Check off against return receipts, which are then filed in docket folder. 	<p>The words "Registered mail" may mean either registered or certified mail (RSA21:32-a). Certified mail is generally used; registered mail is used when mail is sent out of the United States.</p>
			333		



General Administration

Citation and Notice

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
<u>Cases Requiring No Notice</u>			RSA550:4 T.O.P. §83	<p>The giving of notice is discretionary with the court in the following cases.</p> <ol style="list-style-type: none"> 1. Probate of wills (common form) 2. Appointment of: <ol style="list-style-type: none"> a) person entitled to such trust (executor) (or person by him named as administrator). b) appraisers of estates c) commissioners of insolvent estates d) guardians of minors e) trustees named in wills 3. Licensing <ol style="list-style-type: none"> a) sale of personal estate b) sale of real estate with written consent of heirs at law (devisees) or when less than \$500 in value c) mortgage of real estate, pursuant to RSA554:30-35 4. Granting allowances to widows 5. Assigning of homestead right 6. Making orders for suits upon probate bonds 7. Change of name 	
			334		



General Administration
Citation and Notice

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
<p>Specific Notice</p> <p>Notice to Registry of Deeds in Different County</p>				<p>8. Allowing payment of up to \$500 for perpetual care and monuments.</p> <p>9. On accounting filed by guardian who is a parent of or a person standing in loco parentis to a minor having his home with such guardian.</p> <p>NOTE: This section is not intended to be all-inclusive, but is rather a quick reference. These notices have been included in the appropriate section.</p>	
			<p>RSA548:7-a T.O.P. §63</p>	<p>When the Petition for Administration, Inventory, or any other instrument of an estate, is filed in the Probate Office and the estate contains real estate located in another county: within fifteen (15) days of filing of instrument, notify the Register of Deeds in the county where the real estate is located of the name and date of death of the decedent.</p>	<p>The real estate report contained in the petition for administration may serve as notification to the Register of Deeds.</p>
			335		



CASE REFERENCE NO. _____

General Administration

Citation and Notice

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
<p>Notice to Director of Inheritance Tax Division</p> <p>Address: State House Annex P.O. Box 64 Concord, N.H. 03301</p>			<p>T.O.P. 2015 RSA86:18 RSA86:22 RSA86:25 RSA86:21 RSA86:25 RSA86:24 T.O.P. S2015 RSA465:9, 10,11,12</p>	<p>Send by mail one copy of</p> <ol style="list-style-type: none"> 1. List of heirs and legatees (101,101-A) 2. Report of gifts and transfers (101-B) 3. Will containing taxable legacies 4. Inventory and appraisal (when any part of estate taxable) 5. Account within 7 days of filing. <p>Notify of failure of fiduciary to file inventory and appraisal.</p> <p>Notify of filing of:</p> <ol style="list-style-type: none"> 1. Account of guardian of incompetent veteran. 2. Petition for: appointment of guardian; support; leave to expend funds; license to purchase or sell real estate; compensation of guardian exceeding 5% of income of ward; payment of funds of ward for support of any person other than ward, spouse, minor children, removal of guardian. <p>With 7 days of filing, send copy of petition for adoption of minors.</p>	<p>The Director of Inheritance Taxes may notify Register to furnish additional information or may inform that required copies need not be sent.</p> <p>See Negligence section.</p> <p>Notice must be given when the ward is entitled to benefits payable by or through the U.S. Veteran's Administration (RSA465:10).</p>
<p>Notice to Bureau of Veteran's Administration</p> <p>Address: 497 Silver Street Manchester, N.H. 03103</p>			<p>T.O.P. SS2091, 2092 REP.</p>		
<p>Notice to Department of Health and Welfare</p> <p>Address: Att.Barbara Hanus 8 Loudon Road Concord, N.H. 03301</p>			<p>RSA461:2 336</p>		



CASE REFERENCE NO. _____

General Administration
Citation and Notice

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
<p>Notice to Director of Charitable Trusts</p> <p>Address: Office of Attorney General State House Annex Concord, N.H. 03301</p> <p>Notice to Bank Commissioner</p> <p>Address: 97 N. Main Street Concord, N.H. 03301</p>			<p>RSA550:11, 12</p> <p>T.O.P. §84</p> <p>RSA564:4</p> <p>T.O.P. §884</p>	<p>a. Send copy of proved will containing charitable trust</p> <p>b. Send notice of filing of account by trustee</p> <p>Notify when trust company or national bank has been appointed trustee.</p>	
			337		



342b

Citation on Petition

ESTATE OF

.....

.....

Ret. day of A. D. 19 ..

(Form 195)

(Form 195)

THE STATE OF NEW HAMPSHIRE

, SS.

COURT OF PROBATE.

Citation on Petition by

To

WHEREAS, of in said
County, has filed in the Probate Office for said County, h petition, the original of which
is on file in said Court and may be examined by interested parties, praying,

You are hereby cited to appear at a Court of Probate to be holden at,
in said County, on the day of
next, to show cause, if any you have, why the same should not be granted.

Said is ordered to serve this citation by causing
the same to be published once each week for successive weeks in
....., a newspaper printed at
in said County, the last publication to be at least seven days before said Court.

Given at, in said County, this
day of, A. D. 19

By order of the Court,

Register.

I,, hereby certify that the foregoing citation was
published once each week for successive weeks in the said newspaper, and that the last
publication thereof was on the day of, A. D. 19

THE STATE OF NEW HAMPSHIRE, , ss.

....., A. D. 19

Subscribed and sworn to by the said

Before me,

Justice of the Peace.

341b
No.

**Order of Notice
By Publication**

ESTATE OF

.....

THE STATE OF NEW HAMPSHIRE

, ss.

COURT OF PROBATE.

To

WHEREAS,

..... of in said
County, has filed in the Probate Office for said County, h petition, the original of which
is on file in said Court and may be examined by interested parties, praying,

You are hereby cited to appear at a Court of Probate to be holden at
in said County, on the day of
next, to show cause, if any you have, why the same should not be granted.

Said is ordered to serve this citation by causing
the same to be published once each week for successive weeks in
....., a newspaper printed at
in said County, the last publication to be at least seven days before said Court.

Given at, in said County, this
day of, A. D. 19 .

By order of the Court,

Register.

I,, hereby certify that the foregoing citation was
published once each week for successive weeks in the said newspaper, and that the last publi-
cation thereof was on the day of, A. D. 19 ,

,ss

Subscribed and sworn to by the said
Before me,

Justice of the Peace.

No. 340b

Est. of

**ORDER OF NOTICE, PERSONAL
SERVICE**

THE STATE OF NEW HAMPSHIRE

, SS.

COURT OF PROBATE.

A. D. 19 ..

Upon the foregoing Petition: It is ORDERED that a hearing be had at a Court of Probate to be holden at .., in said County, .. on the .. day of .. next, .. and that the said petitioner .. notify the said ..

to appear and show cause, if any he ha why the prayer of said petition should not be granted, by giving in hand to said ..

or leaving, at h usual place of abode, a certified copy of the foregoing petition and this order thereon, at least twelve days before said day of hearing.

By order of the Court,

Register of Probate.

I hereby certify that notice has been given in compliance with the within order.

I, .., depose and say, that on the .. day of .. A. D. 19 .., I gave in hand to— left at usual place of abode of—the within named .. a certified copy of the within petition and order thereon.

THE STATE OF NEW HAMPSHIRE, .., SS.

A. D. 19 ..

Subscribed and sworn to by the said ..

Before me,

Justice of the Peace.

, SS.

COURT OF PROBATE.

At a Court of Probate holden at .. in said County, on the .. day of .., A. D. 19 .., upon due consideration of the foregoing petition, it is decreed that the prayer thereof be granted, and that ..

Judge of Probate.

339b

FOR SERVICE

File No. Docket No.

Estate of

Late of

Filed

Order Personal

Returnable at

THE STATE OF NEW HAMPSHIRE

COUNTY, SS:

IN THE PROBATE COURT

The foregoing Petition
having been filed in the Registry of Probate, in and for said County, this
day of A.D. 19 ..

IT IS ORDERED that a hearing be had thereon at a Court of Probate to be holden at
in said County, on the Tuesday of next,
at ten o'clock A.M.; and that the Petitioner notify the said

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to appear at said Court, and show cause, if any he ha why the prayer of
said Petition should not be granted, by causing a certified copy of the foregoing
petition and of this order to be sent by Certified mail, return receipt to the
last known address of the said.....

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at least twelve days prior to said Court.

By order of the Judge,

, Register of Probate.

A true copy of the original petition and of the original order thereon.

Attest:

..... Register of Probate.

338b

ORIGINAL

File No. Docket No.

Estate of

late of

Filed

Order Personal

Returnable at

.....
.....

THE STATE OF NEW HAMPSHIRE

COUNTY, SS:

IN THE PROBATE COURT

The foregoing Petition
having been filed in the Registry of Probate, in and for said County, this
day of A.D. 19 ..

IT IS ORDERED that a hearing be had thereon at a Court of Probate to be holden at
in said County, on the Tuesday of next,
at ten o'clock A.M.; and that the Petitioner notify the said

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to appear at said Court, and show cause, if any he ha why the prayer of
said Petition should not be granted, by causing a certified copy of the foregoing
petition and of this order to be sent by Certified mail, return receipt to the
abode of the said.....

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at least twelve days prior to said Court.

By order of the Judge,

..... Register of Probate.

General Administration

Reports

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
<u>Change of Name</u>			RSA548:13 T.O.P. §63	Twice a year in January and July, forward to the Bureau of Vital Statistics; a full and correct list of all changes of names made by the judge of probate since the last return.	Those changes of names due to adoption must also be included.
<u>List of Decedents</u>			RSA548:7 T.O.P. §63	Between April 1st and 5th of each year, furnish to the town selectmen and assessors of each city or town a list of decedents who had resided or owned real estate in town or city, and whose estate was entered for probate during the preceding tax year.	A sample form has been included following this section.
<u>Annual Report to Judicial Council</u>			RSA547:34	On or before September 1st, prepare and file a report of the work of the court and Register for the preceding year ending June 30th.	The reporting forms are issued to the Registers by the Judicial Council.
<u>Probate Court Budget</u>				Prepare upon request of County Commissioner.	
			343		



REAL ESTATE REPORT

THE STATE OF NEW HAMPSHIRE

, ss

PROBATE COURT

TO THECOUNTY REGISTER OF DEEDS

Pursuant to N.H. R.S.A. 548:7a

Notice is hereby given that on an instrument
pertaining to real estate located in
was filed in this office by
(Recording fee chargeable to above)

Address

Name of deceased

Date of Death

Dated:

.....
Register of Probate

Notification card sent to Register of Deeds

Please detach and return

ESTATE OF:

DOCKET NO.:

COUNTY RECORDS

RECEIVED:

RECORDED:

EXAMINED:

.....
Register of Deeds

Notification card returned to Register of Probate



Record

CASE REFERENCE NO. _____

General Administration

Record

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
<u>Statutory Requirements</u>			RSA 548:5	Register must record: 1) amount of footing of each class of property as specified in the inventory; 2) all wills and their probate; 3) all proceedings with regard to real estate; 4) all accounts settled; 5) all orders, decisions, and appointments from which an appeal may be made.	
<u>Methods of Recordation</u>			T.O.P. \$62		
Duplicate copy			RSA 548:6 T.O.P.\$62	The register may make a duplicate of any paper filed by typing the same information on the appropriate blank form or by making a photocopy.	The duplicate copy should be stored in a vault other than in the probate office.
Microfilm				a. As papers are filed with the court and/or presented for court action, they should be microfilmed.	
Active cases ("daily work")			345		

General Administration

Record

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
Inactive cases				<p>b. Process film; check for completeness of record.</p> <p>c. Establish jacket for each docket number. Include name, item of business, docket number.</p> <p>d. View film; locate corresponding jacket, insert appropriate film in jacket.</p> <p>e. File jacket in sequential order by docket number.</p>	<p>c. Jacketing enables one to view all documents pertaining to a case at one time and provides an up-to-date picture of the progress of the case.</p> <p>Once action on case has been completed, all documents of the case are again micro-filmed, processed, edited, and a duplicate made. (See procedure for inactive cases.)</p> <p>RSA 548:5 states that the register may, in addition or in lieu thereof, photograph and preserve on microfilm all matters required to be recorded.</p> <p>It is especially important that old records, even though they have previously been recorded in books for that purpose, be microfilmed in order to preserve their present condition. The public should view the microfilm rather than handle original documents.</p>
				<p>a. Check each folder and arrange papers in proper sequential order.</p> <p>b. Unfold, repair when necessary.</p> <p>c. Microfilm; return original to docket folder.</p>	
			346		



General Administration

Record

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
				<p>d. Make arrangements for film to be processed and developed.</p> <p>e. Proofread film.</p> <p>f. Label and store in appropriate place.</p> <p>g. Have duplicate of edited film made.</p> <p>h. Spotcheck; send to location for storage.</p> <p>i. If office copy of film is lost or destroyed, recall duplicate film from security storage so that another original may be made.</p>	<p>h. In this way the duplicate film will be available to recreate the file in case fire or other loss occurs within the probate registry.</p> <p>i. The security storage area has a list of probate personnel authorized to request the film; a password must be used for film to be forwarded.</p>



Docketing

DOCKETING

LIST OF FORMS

FORM	TITLE OF FORM	PAGE
(No #)	Docket/Index Card	350



General Administration

Docketing

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
<u>Docket</u>				<p>For all matters brought to the attention of the probate office, prepare a docket sheet (card). A separate page for each case should be prepared. The heading should include: name, residence, item of business, docket number. Each entry should include: instrument filed, date of filing; court action; and date of approval; name of judge, name of attorney, address, (also agent, if appointed), name of fiduciary, address, for account, and balance remaining, for bond, amount of bond and name of surety company. Set up an alphabetical index in docket by first letter of last name.</p>	<p>The docket should contain an entry for all items, except correspondence, so that it is a complete record of all papers filed and contained in the docket folder as well as a record of any court action thereon.</p> <p>A sample docket card (which may also serve as the index) has been included in this section.</p>
<p>Note: A separate confidential docket must be maintained for all adoption matters. (RSA 461:11). A separate confidential docket is maintained in some counties for marriage waivers and involuntary commitments, although not required by statute.</p>					
					349



DOCKET/INDEX CARD

	RECORD	FILED	GRANTED OR ISSUED	ACCEPTED APPROVED ALLOWED
PET. FOR				
PET. FOR APPRAISER				
\$ BOND				
\$ BOND				
REAL ESTATE REPORT				
LEGACY TAX STATEMENT				
LETTER & WARRANT				
INVENTORY REAL PER				
PET. TO SELL REAL ESTATE				
CITATION				
EVIDENCE OF PUB.				
LICENSE				
PET. TO SELL S. & B.				
LICENSE				
EVI. OF PUB.				
EVI. OF POST				
APPT. OF AGENT				
PET. TO SELL C. & C.				
LICENSE				
ACCOUNT				
PET. TO FILE AUTH. COPY				
CITATION				
ASSENT OF ATTORNEY-GEN.				
WILL				
WILL & PROBATE				
PET. TO CHANGE NAME				
APPEAL				
COMMISSIONER'S NOTICE				
COMMISSIONER'S REPORT				
LETTER & WARRANT				
LEGACY TAX RECEIPT				
CLERK OF NOTICE OF LEGATEES				
APPEARANCE				
ACCOUNT				
CITATION				
EVID. OF PUB.				
PET. TO REDUCE BOND				
RELEASE OF D & H				
EVID. OF NOTICE				
INVENTORY				
FINAL ACCOUNT				
CITATION				
EVID. OF PUBLICATION				
RECEIPTS				
CITATION				
EVID. OF NOTICE				
PET. TO REOPEN				
PET. TO TERMINATE				
RESIGNATION				
PET. FOR DEC. PRO. TO PROVE WILL				
COMMISSIONER				
DEPOSITION				
PET. FOR INQUISITION				
EVI. OF NOTICE				
WARRANT OF INQUISITION				
REPORT				
DECLARATION				

NAME

ADDRESS

NUMBER

Filing

General Administration

Filing

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
<u>General Index</u>				<p>a. Cards are filed alphabetically by last name and include:</p> <ul style="list-style-type: none"> (1) name (last, first) (2) docket number (3) type of proceeding (4) how recorded (5) location of recorded instruments 	<p>Index cards relating to adoption must be kept in a secure place, accessible only to authorized Probate Court personnel.</p>
<u>Index to Docket</u>			<p>RSA548:4 T.O.P. \$62</p>	<p>a. An alphabetical index located at the beginning of the volume should be maintained for each volume in which the docket is maintained.</p> <p>b. Assign the next consecutive number (docket number) to each matter to come before the court.</p> <p>c. Create a file folder using the same number assigned to the docket.</p>	<p>a. In at least one county the docket and index are included on the same card.</p> <p>b. When the petitioner has previously received a docket number for a different matter assign same docket number.</p>
			351		

General Administration

Filing

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
<u>Docket Folder</u>				<p>a. File all papers involving a matter before the court in a docket folder.</p> <p>b. Note on file folders the documents contained in each folder in the order in which they are filed.</p> <p>c. File folders in assigned number sequence.</p> <p>a. File in chronological order by month of date due and within each month by docket number.</p>	<p>All papers should be recorded prior to being placed in folder. See Record Section.</p> <p>a. The docket folder may be a pre-printed envelope.</p> <p>b. The docket might also reflect in what order the papers appear in the docket folder.</p> <p>c. The docket number should be immediately visible.</p>
<u>Negligent Cards</u>					<p>The negligent card should serve as a quick reference for probate personnel. Each Register should develop a code by which due dates, dates of notice, and filing of late documents are immediately visible (e.g., a sliding plastic tab, color-coded by type of notice, might be used to indicate date due).</p>



General Administration

Filing

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
<u>Wills for Safekeeping</u>				<p>a. File alphabetically by last name of testator.</p> <p>b. Maintain index to all wills filed for safekeeping alphabetically by last name of testator.</p>	
<u>Pending Files</u>				<p>File by nature of action alphabetically by last name of the most readily identifiable person or party to the action.</p>	<p>All papers received by court which are insufficiently or incorrectly completed should be kept separately. The Register should see that they have been properly completed before assigning them to a court session.</p>
2. Documents awaiting court action				File alphabetically by attorney or representative in court.	
3. Documents awaiting recordation				File by docket number.	
4. Documents recorded in duplicate awaiting filing in docket folder.				File by docket number.	
			353		



General Administration

Filing

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
<u>Maintenance of Files</u>				<p>Care should be taken to ensure proper return of the folder to the files after use.</p> <p>When possible, only probate personnel should access the files to withdraw and replace records requested by others.</p> <p>The filing drawer should be set up such that it is immediately noticeable when a folder is missing.</p> <p>The placement of sliding tabs on the folder facilitates observation that a folder is missing. For example, the filing pattern might consist of groups of three folders: the first having the tab at the left, the second at the middle, the third at the right. Each succeeding group in the drawer would follow this pattern. Of course, other rational arrangements are possible.</p>	



CASE REFERENCE NO. _____

General Administration

Miscellaneous

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
Appearance and Withdrawal Appearance	Yes	7	Prob.R.2	<p>a. Upon filing of completed form: date-stamp, enter in docket date of filing..</p> <p>b. File in docket folder; make notation on folder that appearance entered.</p> <p>c. When notice to petitioner (attorney) required, send notice and make notation that notice was sent.</p> <p>d. When appearance is a change in attorneys rather than the addition of an attorney, enter new name on delinquent card.</p>	<p>A sample form is included following this section.</p> <p>a. When an heir wishes to retain counsel, he requests that his attorney enter an appearance.</p> <p>An attorney not a member of the N.H. bar may not be allowed to enter appearance except on motion.</p>
Withdrawal	Yes	7	<p>RSA550:9</p> <p>T.O.P. \$84</p> <p>Prob.R.2</p>	<p>a. Upon filing of completed form: date-stamp, enter in docket date of filing.</p>	<p>c. Written notice of appearance at court hearing with intent to contest or object must be received by the court at least two days prior to hearing (Prob.R.4).</p> <p>Once an appearance has been entered in a contested matter, the case may not be scheduled for hearing without notification of the contesting parties who have filed appearances.</p>
			355		



CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
				b. File in docket folder. c. Remove attorney's name from delinquent card and docket folder.	
			356		



General Administration

Miscellaneous

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
<u>Taxation</u> Information to Fiduciaries				<p>a. Upon request, give copy to fiduciary of information sheet relating to computation of taxes (supplied by Division of Inheritance Taxes).</p> <p>a. When estate is taxable, give notice within 30 days after the expiration of three months of the failure of a fiduciary to file the inventory and appraisal with the court.</p> <p>b. Send by mail:</p> <p>(1) List of Heirs (101(A))</p> <p>(2) Report of Gifts and Transfers (101-B)</p> <p>(3) Copy of will containing taxable legacies, within 30 days of filing.</p>	<p>Register should make notation in both docket and on negligent card that estate is taxable (according to RSA86:6).</p> <p>(1), (2). The fiduciary (or counsel) may forward these directly to the Division of Inheritance Taxes.</p> <p>Failure of the executor or administrator to comply with requirements of RSA86:18-22 serves as grounds for his removal (RSA86:23). See Administration of Estates, Termination.</p>
Notice to Director of Inheritance Taxes			<p>RSA86:24</p> <p>T.O.P.</p> <p>§2015</p> <p>RSA86:25, 26</p> <p>RSA86:18</p> <p>RSA86:22</p> <p>T.O.P.</p> <p>§§2014, 2015</p>		
			358		



CASE REFERENCE NO. _____

359



General Administration

Miscellaneous

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
Petition for Abatement of Tax			RSA86:16 T.O.P. §§2021, 2029	a. Date-stamp; enter in docket date of filing. b. Following examination by the court and determination that petitioner meets qualifications set out in RSA86:16, forward petition to Director of Inheritance Taxes.	
Appointment of Administrator on Petition by the State			RSA86:35 T.O.P. §§181, 2018	Follow procedure for appointment of administrator (See Administration of Estates, Administrator Appointed).	When a will disposing of estate liable to tax is not offered for probate, or appli- cation for administration is not made within 4 months of date of death, the Director of Inheritance Taxes may request the Probate Court to appoint an administrator (RSA86:35).
Suspension of Payment of Tax			RSA86:55 T.O.P. §2027	Notify Director of Inheritance Taxes when payment has been suspended by the court to await disposition of a claim if the court has ordered the fiduciary to retain funds to satisfy such claim.	
			360		



General Administration
Miscellaneous

CASE REFERENCE NO. _____

DESCRIPTION	FORM	NO.	STATUTE OR RULE	PROCEDURE	COMMENTS
Refusal or Neglect by Legatee or Devisee to Pay Tax			RSA86:62 T.O.P. \$2034	The court may authorize the fiduciary to sell property (personal or real) upon non- payment of tax assessed for specific bequest.	
Authority to Sell Real Estate to Pay Tax			RSA86:66 T.O.P. \$2034	The court may authorize a fiduciary to sell real estate for the payment of tax in the same manner as it may author- ize sale for payment of debts.	
			361		



THE STATE OF NEW HAMPSHIRE

, ss.

COURT OF PROBATE

Docket No.

IN THE MATTER OF

.....
(state full docket title such as "Estate of", "Adoption of" etc.

.....
(last domicile or residence of decedent, ward, etc.)

WITHDRAWAL

To the Register of Probate:

our
In the above-entitled matter please withdraw my appearance for

..... of

..... of

..... of

Dated this day of A. D. 19 ..

.....
Attorney(s)

I certify that I (mailed) (delivered) to
opposing counsel, a copy of the above withdrawal.

357b

THE STATE OF NEW HAMPSHIRE

, ss.

COURT OF PROBATE.

Docket No.

IN THE MATTER OF

.....
(state full docket title such as "Estate of", "Adoption of" etc.

.....
(last domicile or residence of decedent, ward, etc.)

APPEARANCE

To the Register of Probate:

In the above-entitled matter please enter ^{my}_{our} appearance for

..... of

..... of

..... of

who claims(s) an interest therein in ^{his - her}_{their} capacity as

.....

.....
(state whether as heir, legatee, devisee, beneficiary, creditor, etc.)

the nature of ^{his - her}_{their} claim(s) being as follows:

Dated this day of A. D. 19

.....
Attorney(s)

I certify that I (mailed) (delivered) to
opposing counsel, a copy of the above appearance.

.....

GLOSSARY

Account - A detailed statement in writing of the debts, credits, receipts and payments between parties, arising out of contracts or some fiduciary relation.

Administrator - Person to whom the court has granted authority to administer the estate of a deceased person.

Administration of Estates - Supervision by an executor or administrator.

Administration d.b.n. - Administration granted for the purpose of administering those goods of a deceased person not administered by the former executor or administrator.
d.b.n.w.w.a. - Administration granted when an executor dies leaving a part of the estate unadministered.

Adoption - The act of one who takes another's child into his own family, treating him as his own, and giving him all the rights, privileges and duties of his own child and heir.

Affidavit - A written statement declaring certain facts to be true and confirmed by the oath of the person making the statement (which oath is taken before an officer having authority to administer it).

Agent - One authorized by appointed fiduciary to receive notice of claims against the estate and service of process against him as fiduciary.

Alleged - (father) claimed; asserted; person named by mother as natural father.

Ancillary Administration - Administration, auxiliary and subordinate to administration at place of a decedent's domicile, taken out in any foreign state or country where assets are locally situated, merely for the purpose of collecting such assets and paying debts there.

Appeal - A complaint to a higher court asserting commission of an error of law in a trial, proceeding before a lower court, or sentence of a lower court, seeking rectification of the lower court's error.

Appeal Bond - The bond given on taking an appeal, by which the appellant and his sureties are bound to pay damages and costs if he fails to prosecute his appeal with effect.

Appearance - A coming into court as a party to a suit.

Appellant - A party who takes an appeal from one court or jurisdiction to another.

Appraiser - A person appointed by competent authority to make an appraisal, to ascertain and state the true value of goods or real estate.

Assignment - A transfer by one person or corporation to a second person or corporation of the former's interest in property.

Attestation - The act of witnessing an instrument in writing at the request of the party making the same, and subscribing it as a witness.

Attested Copy - One which has been examined and compared with the original, with a certificate or memorandum of its correctness, signed by the person(s) who has (have) examined it.

Authentication - (1) Act or mode of giving authority or legal authenticity to a record or other written instrument, or a certified copy thereof, so as to render it legally admissible in evidence. (2) Attestation made by proper officer of the court by which he certifies that a record is in due form of law, and that the person who certifies it is the officer appointed so to do.



Bench Warrant - An order issued by the court "from the bench" for the arrest of a person.

Beneficiary - One for whose benefit a trust is created; a person having the enjoyment of property of which a trustee, executor, etc., has the legal possession.

Bequeath - To give personal property by will to another.

Bond - A certificate or evidence of a debt.

Certificate - A statement written and signed which is by law made evidence of the truth of the facts; states for all or for certain purposes.

Certified Copy - A copy of a document or record, signed and certified as a true copy by the officer to whose custody the original is entrusted.

Certify - To testify in writing; to make known or establish as a fact.

Charitable Trust - Trusts designed for the benefit of a class or the public generally.

Chattels - All property except real property; personal property.

Citation - A writ issued by the court commanding person named therein to appear on a date named and do something therein mentioned, or show cause why he should not.

Claim - Asserted but unadjudicated obligation.

Codicil - An addition to a will. A codicil may explain, modify, add to, subtract from, qualify, alter, restrain or revoke provisions in will.

Commission - An authority or writ issuing from a court, in relation to a cause before it directing and authorizing person(s) named to do some act or exercise some special function; usually to take the depositions of witnesses.

Concurrent - At the same time, running together.

Consecutive - Successive; succeeding on another in regular order.

Conservator - A person appointed by the Probate Court to have the charge of the estate of a person incapable of managing his affairs.

Contempt - A willful disregard of the authority of a court of justice or legislative body, or disobedience to its lawful orders.

Continuance - Adjournment or postponement of an action pending in a court to a subsequent day of the same or another term.

Contract - Agreement between two or more parties in which minds of parties meet and concur in understanding of terms.

Conveyance - Transfer of legal title to land.

Convey - To pass or transmit the title to property from one to another.

Creditor - A person to whom a debt is owing by another person.

Custody - As applied to parental rights over children, embraces the sum of such rights with respect to the rearing of a child, including its care.

Decedent - A deceased person, especially one who has lately died.

Decree - A term whose meaning parallels "judgment" in a civil case. The judgments of certain specialized tribunals (particularly courts of equity and of admiralty) are called "decrees."



Default - Omission, neglect or failure of any party to fulfill a duty, observe a promise, discharge an obligation, or perform an agreement.

Dedimus potestatem - Commission to take testimony.

Deposition - Testimony of witness taken upon interrogatories by commissioners authorized by the court, reduced to writing and duly authenticated, to be used in hearing of action by court (to prove will).

Devisee - Person to whom land or other real property is devised or given by will.

Distribution - Apportionment and division, under authority of a court, of the remainder of the estate of an intestate, after payment of the debts and charges, among those who are legally entitled to share in the same.

Docket - A book containing an entry in brief of all the important acts done in court in the conduct of each case, from its inception to its conclusion.

Domicile - That place where a man has his true, fixed, and permanent home and principal establishment and to which whenever he is absent he has the intention of returning.

Equity - A specialized body of jurisprudence chiefly specializing in fashioning a remedy for injustice where the payment of money damages will not prove to be adequate compensation.

Estate - The whole of the property owned by anyone, including realty as well as personalty.

Evidence - Any species of proof, or probative matter legally presented at the trial of an issue, by the act of the parties and through the medium of witnesses, records, documents, concrete objects, etc., for the purpose of inducing belief in the minds of the court or jury as to their contention.

Executor - Person designated by testator to carry out the directions and requests in his will and to dispose of his property according to the testamentary provisions after his decease.

Exemplification - See authentication.

Fee - A charge fixed by laws for service of public officers or for a privilege under government control.

Fiduciary - A person having duty, created by his undertaking, to act primarily for another's benefit in matters connected with such undertaking.

Fine - A sum of money imposed upon a person(s) as a form of punishment.

Foreign Will - Will of person not domiciled within state at time of death.

Good Cause - Substantial reason, one that affords a legal excuse.

Guardian - A guardian is a person lawfully invested with the power, and charged with the duty, of taking care of the person, and managing the property and rights of another person, who, for some peculiarity of status, or defect of age, understanding, or self-control, is considered incapable of administering his own affairs.

Guardian Ad Litem - A person appointed by a court of justice to prosecute or defend for a minor in any suit to which he may be a party.

Hearing - Proceeding of relative formality, generally public, with definite issues of fact or of law to be tried, in which parties proceeded against have a right to be heard.

Heir (testate) - One who inherits property (real or personal). (intestate) - Person appointed by law to succeed to the estate.

Homestead - A homestead set apart by the court for the use of a surviving spouse and the minor children out of the common property, or out of the real estate belonging to the deceased.

Incompetent Person - The phrase "incompetent person," "incompetent" or "mentally incompetent" shall be construed to mean or refer to any person, whether insane or not, who by reason of old age, disease, weakness of mind, or other cause, is unable, unassisted, properly to manage and take care of himself or his property and by reason thereof is likely to be deceived or imposed upon by artful or designing persons.

Index - A book containing references alphabetically arranged to the contents of a series or collection of volumes.

Indigent - Poor or needy.

Inheritance - That which is derived from an ancestor, or as a legacy, or which is transmissible to an heir or offspring.

Inquisition - Inquiry or inquest; instrument of writing on which a decision is made.

Insolvency - Condition of a person (or estate) unable to pay debts.

Instrument - A written document; a formal or legal document in writing.

Interlocutory Decree - A provisional or preliminary decree, which directs some further proceedings preparatory to the final decree.

Intestacy - State or condition of dying without having made a valid will.

Intestate - Without making a will.

Inventory - Detailed list of articles of property within the estate with their estimated or accrual values.

Jurisdiction - The competency of a particular court to hear a particular matter, measured by the kind of action involved, the subject matter of the action, the parties involved, or the like.

Legacy - A disposition of personal property by will.

Legatee - Person to whom a legacy is given.

Letter - A written instrument containing or attesting the grant of some power, authority or right.

Letters of Administration - Instrument by which administrator(trix) authorized by the Probate Court to have the charge and administration of the goods and chattels of an intestate

Letters of Conservatorship - The instrument by which a person appointed to take care of the person and property or person or property of an adult person who by reason of advanced age, illness, injury, mental weakness, intemperance, addiction to drugs or other disability, or other cause is unable to properly care for himself or for his property.

Letters of Guardianship - A commission placing ward's property in the care of officer of court as custodian.

Letters Testamentary - Formal instrument of authority and appointment given to an executor by the Probate Court, empowering him to enter upon the discharge of his office as executor.

Mental Incompetency - Established when there is found to exist an essential privation of reasoning faculties, or when a person is incapable of understanding and acting with discretion in the ordinary affairs of life.

Minor - An infant or person who is under the age of legal competence (under 21 years of age).

Motion - A written or oral request to a court for a ruling of law during the course of legal proceedings.



Natural Parent - A father or mother related by blood.

Negligence - Breach of a legal duty to perform acts which, by virtue of authority vested in person, one is required to perform.

Notice - Legal Notice. Such notification as is legally deemed reasonable to apprise the person to whom it is addressed of the initiation of legal proceedings against him or of some matter relating to legal proceedings to which he is a party.

Oath - Any form of attestation by which a person signifies that he is bound in conscience to perform an act faithfully and truthfully.

Order - A command or direction authoritatively given.

Parties - The persons who take part in the performance of an act, or who are directly interested in any affair, contract, or conveyance, or who are actively concerned in the prosecution or defense of any legal proceeding.

Partition - The division of the effects of the succession among all the co-heirs according to their respective rights.

Paternity - State or condition of a father; the relationship of a father.

Personal Service (of notice) - made by delivering it to the person named in person.

Personalty - Personal property; movable property; chattels.

Petition - A written application to the court requesting the court to exercise its authority in the redress of some wrong or requesting from the court some favor, privilege or license.

Probate - Act or process of proving a will.

Probate Bond - One required by law to be given to the Probate Court or judge as incidental to proceedings in given courts, such as the bonds of executors, administrators and guardians.

Probate Code - The body or system of law relating to all matters of which Probate Courts have jurisdiction.

Probate Jurisdiction - The exercise of the power of a Probate Court, which includes the establishment of wills, settlement of decedents' estates, supervision of guardianship of infants, control of their property, allotment of dower, and other powers pertaining to such subjects.

Proceeding - The name given the whole of the judicial business relating to a given case or controversy before a court.

Proof of Will (probate of will) - Establishment of existence of valid will.

Real Property (realty) - Land and structures erected on land and so attached to the land as to become part of it.

Receipt - Written acknowledgment of payment received.

Record - A written account of some act, transaction or action, drawn up under authority of law, by a proper officer, and designed to remain as permanent evidence of the matters to which it relates.

Release - Giving up of a right, claim or privilege, as of release of dower, curtesy or homestead.

Relinquishment - To surrender some right or thing.

Residuary Legatee - Person to whom a testator bequeaths the residue of his personal estate, after the payment of such other legacies as are specifically mentioned in the will.



Resignation - Formal renouncement or relinquishment of an office.

Return - Act of delivering back to the court a writ, notice or other paper which person required to serve or execute, with a brief account of his doings, time and mode of service or execution or failure to accomplish it, as the case may be.

Satisfactory Evidence - Such evidence as is adequate to justify the court in adopting the conclusion in support of that to which it is addressed (as in proof of a will).

Seal of Court - A particular sign, made to attest in the most formal manner, the execution of an instrument.

Service - The delivery of a writ, notice, injunction, etc., by an authorized person, or in some instances by certified mail, officially notifying that person of some action or proceeding in which he is concerned.

Show Cause - An order, decree, execution to appear as directed, and present to the court such reasons and considerations as one has to offer why it should not be confirmed, take effect, be executed or as the case may be.

Special Administration - Authority to administer upon some few particular effects of decedent as opposed to authority to administer his whole.

Spendthrift - Every person who is liable to be put under guardianship on account of excessive drinking, gaming, idleness or debauchery; one who lavishes or wastes his estate so as to expose himself or family to want or suffering, or expose the town to charge or expense for the support of himself or family.

Subscribing Witness - One who witnesses or attests the signature of a party to an instrument and in testimony thereof signs his own name to the document.

Surety - One who binds himself for the payment of a sum of money, or for the performance of some duty or promise for another.

Surety Company - A company usually incorporated whose business is to assume the responsibility of a surety on a probate bond in consideration of a fee proportioned to the amount of the security required.

Termination - To put an end to; to make to cease; to end.

Testament - See Will.

Testate - One who dies leaving a will.

Testator - One who makes or had made a will; one who dies leaving a will.

Testimony - Evidence given by a competent witness under oath or affirmation.

Title - Legal recognition of the ownership of property, perhaps evidenced by a document having legal force.

Transcript - An official copy of certain proceedings in a court.

True Copy - Does not mean an absolutely exact copy, but means the copy should be so true that anybody can understand it; it may contain an error or omission.

Trust - A right of property, real or personal, held by one party for the benefit of another.

Trustee - A person appointed, or required by law to execute a trust; one in whom an estate, interest or power is vested, under an express or implied agreement to administer or exercise it for the benefit or to the use of another.

Waiver - The voluntary relinquishment of a known right.

Ward - A person, especially an infant, placed by authority of law under the care of a guardian.



Warrant - A written order issued and signed by a magistrate, directed to a peace officer or some other person specially named, and commanding him to arrest the body of a person named in it, who is accused of an offense.

Will (testament) - Legal declaration of a person's wishes as to the disposition of his property (real and personal) to be performed or to take effect after his death.

W.W.A. - With will annexed.



Index

SECTION INDEX

ADMINISTRATION OF ESTATES

Administrator Appointed

- Accounts, p. 57-62
 - Account of Voluntary Administrator, p. 44
 - Affidavit Notice, p. 60
 - Citation on, p. 59
 - Extension, p. 57
 - Filing of, p. 59
 - Hearing, p. 60
 - Notice of Filing, p. 59
 - Private Claim, p. 58
 - Citation on, p. 58
 - Settlement, p. 60-62
 - Citation, p. 60
 - Decree of Distribution, p. 60
 - Payment to State Treasurer. p. 62
 - Receipts, p. 61
 - Parents for Minor, p. 61
- Administrator, generally, p. 44-48
 - Appointment, p. 44-48
 - Administrator de bonis non, p. 46
 - Administrator on Estate of Person Not Heard of, p. 46
 - Agent, p. 48
 - Special Administrator, p. 45
 - Voluntary Administrator, p. 44
 - Termination, p. 62-63
- Appraisers, p. 49
- Bond of Fiduciary, p. 47
- Compromise, p. 51, 53
- License, p. 53
- Petition, p. 51
- Division of Real Estate, p. 64-65
- Assign Real Estate, p. 65
 - Notice by Committee, p. 65
 - Petition, p. 65
 - Warrant, p. 65



Executor, generally, p. 49-63
 Appointment, see Administrator, this index
 Termination, p. 62-63
Fiduciaries
 Bond, p. 47
 Inventory, p. 49-50
 Foreign Fiduciary
 Petition by, to Sell/Dispose, p. 54
 Forms, p. 66-127
 List of Forms, p. 40-43
 Goods and Chattels
 License, p. 52
 Petition, p. 51
Granting Administration, p. 48
 Authorization for Inventory, p. 48
 Letters, p. 48
 Administration Intestate, p. 48
 Special Administration, p. 48
Hearing on Account, p. 60
Inheritance Tax, see also Reports
 Notice to, p. 44, 50
 Copies to, p. 44, 50, 59
Inventory, p. 49-50
 Appraisers, p. 49
 Authorization, p. 48
 Fiduciaries, p. 49
Joint Tenancies, see Reports this index, p. 47
Legacy and Succession Tax, p. 47
Letters of Appointment, p. 48
 Administration, p. 48
 Special Administration, p. 48
Licenses, generally, p. 52-53, 55
 Petition to Amend, p. 53
 Return, p. 55
Monuments, p. 54
 Perpetual Care, Petition, p. 54
MortgageReal Estate, p. 51
 License, p. 51
 Petition, p. 51



Notice

- Beneficiaries, p. 60
- Committee (to assign Real), p. 65
- Decree of Distribution, p. 60
- Director of Inheritance Tax, p. 59
- Filing Accounts, p. 59
- Petitions Requiring, p. 53-54
- Partnership, see Compromise
- Petitions, see Forms
 - Administration, p. 44
 - Notice on, p. 46
 - Without Notice, p. 51
- Real Estate
 - Convey by Contract, p. 54, 55
 - Sell
 - Bar Rights, p. 54, 55
 - Intended by Will, p. 54, 55
 - Pay Demands, p. 53, 55
 - With Consent, p. 51, 52

Reports

- Inventory of all Fiduciaries, p. 49
- Legacy and Succession Tax, p. 47
- Real Estate, p. 46
- Report of Gifts, Transfer and Joint Tenancies, p. 47
- Rights of Surviving Spouse, p. 56-57
 - Allowance to Widow, p. 56
 - Release of Dower, p. 57
 - Release and Waiver, p. 56
- Settlement of Account, p. 60-62
 - Citation, p. 60
 - Decree of Distribution, p. 60
 - Receipts, p. 61
 - Parents for Minor, p. 61
- Statement of Condition, p. 53
- Stocks and Bonds
 - License, p. 52
 - Petition, p. 51



Termination of Appointment, p. 62-63
Certificate for Surety Company, p. 62
Removal of Fiduciary, p. 63
Resignation, p. 63
Timber and Wood
License, p. 55
Petition, p. 54
Voluntary Administration, p. 44
Estate Less Than \$500, p. 44
Estate \$500 to \$2000, p. 44
Warrant
Assign Real Estate, p. 65
Partition Real Estate, p. 65

Conservatorship and Guardianship, generally, p. 165-180

Account, p. 176
Settlement of, p. 178
Appointment of
Conservator, p. 165
Guardian, p. 167-173
Guardian Ad Litem, p. 178
Authorization for Inventory, p. 171
Bond of Fiduciary
Conservator, p. 165
Guardian, p. 171
Citations
Filing of Account, p. 176
Sell Real Estate, p. 175
Complaint Against Spendthrift, p. 170
Fiduciary Bond, see Bond of Fiduciary
Forms, p. 181-213
List of Forms, p. 162
Incompetent, see Mental Incompetent
Inquisition
Hearing on, p. 169
Notice by Committee, p. 168
Warrant, p. 168
Insolvency
Decree of, p. 178
Inventory, p. 173
Authorization, p. 171



Letters of Appointment

Conservatorship, p. 166
Guardian Minors, p. 171
Guardian Persons of Minor, p. 171
Guardianship (Person and Estate), p. 171
Temporary Guardian, p. 172

Licenses, p. 174, 176

Mortgage Real Estate, p. 176
Return of, p. 176
Sell Goods and Chattels, p. 174
Sell or Transfer Stocks and Bonds, p. 174
Sell Real Estate, p. 176
Time for Filing, p. 174

Mentally Incompetent, p. 168-169
Guardian of, p. 168-169
Veteran, p. 172

Notice

Appointment, p. 173
Inquisition by Committee, p. 168
U.S. Veteran's Bureau, p. 169
Petitions Requiring, p. 175

Petitions

Conservator, p. 165
Guardian Ad Litem and Agent, p. 178
Guardian

Incompetent Veteran, p. 169
Mental Incompetent, p. 169
Minors, p. 167
Spendthrift, p. 170
Temporary, p. 172
Real Estate

Lease Real Estate, p. 175
Mortgage Real Estate, p. 175
Purchase of Homestead for Ward, p. 175
Purchase Remaining Part (Real Estate), p. 174
Sell Real Estate, p. 175

Remove Fiduciary, p. 180
Sell or Transfer Stocks and Bonds, p. 174
Termination, p. 179

Physician's Statement, p. 165

Receipt, see Settlement of Account



Removal of Fiduciary, p. 180
Resignation, p. 180
Return of License, p. 176
Settlement of Account, p. 177
Settlement of Estate (Insolvent Course), p. 178
Statements
 Committee as to Mental Competence, p. 168
 Physician's, p. 165
Termination of Appointment, p. 179-180
 Petition, p. 179
Remove Fiduciary, p. 180
Resignation, p. 180

Insolvent Estates

Appeals, p. 130
Commissioner of Insolvency, p. 129
 Citation, p. 129
 Notice and Return, p. 129
 Petition for, p. 129
 Report, p. 129-130
 Warrant, p. 129
Creditors, Notice to, p. 130
Disallowance of Claim, Notice of, p. 130
Extension of Time, p. 130
Hearing on Commissioner's Report, p. 130
Notices
 Commissioner's, p. 129
 Creditors, to, p. 130
Schedule of Debts, p. 129
Statement of Condition, p. 129

Negligence of Fiduciary, generally, p. 215-219

Bench Warrant, p. 219
Bonds
 New Bond, Petition, p. 215
 Sue on Bond, Petition, p. 216
Citation, p. 218
Default, p. 218
 Account, p. 218
Inventory, p. 218



Judgment, p. 217
Negligent Notice Card, p. 217
Orders
Contempt of Court, p. 219
Show Cause, p. 219
Petitions
Fiduciary to Settle Account, p. 215
Furnish New Bond, p. 215
Sue on Bond, p. 216
Settlement of Account, p. 215
Suits on Bond, p. 215-217
Writ, p. 216
Issuance, p. 216

Trusts, generally, p. 136-161

Account of Trustee, p. 142-143
Filing, p. 142
Hearing on, p. 142-143
Notice of Filing, p. 142
Citation on, p. 142
Charitable Trusts, p. 142
Appointment, generally, p. 137-;39
Agent, p. 139
Authorization for Inventory, p. 138
Bond of Fiduciary, p. 138
Declination, p. 137
Notice, p. 139
Petition for Trustee, p. 137
Named in Will, p. 137
Not Named in Will, p. 137
Trustee's Letter, p. 138
Forms, p. 145-161
List of, p. 136
Inventory, p. 138-139
Authorization for, p. 138
Letter of Appointment, p.
Trustee's Letter, p. 138
Licenses, generally, p. 141
Return of License, p. 141



Notice

Director of Charitable Trusts, p. 142
Petition for Trustee Not Named in Will, p. 137
Petitions, generally, p. 140-141
Notice Required, p. 141
Without Notice, p. 140
Real Estate
Lease

License, p. 141
Petition, p. 141

Mortgage,

License, p. 141
Petition, p. 141

Purchase Fractional Part

Petition, p. 141

Sell

License, p. 141
Petition, p. 141

Stocks and Bonds

License, p. 140
Petition, p. 140

Termination of Trust, generally, p. 143-144

Removal, p. 144
Resignation, p. 143
Termination, p. 143

Wills, generally, p. 6-39

Appointment of Administrator, p. 10-12

Administrator de bonis non (WWA), p. 10
Administrator WWA, p. 10
Agent, p. 11
Ancillary Administrator, p. 17
Executor, p. 10

Bond of Fiduciary, p. 11

Declination, p. 11

Deposit of Will, p. 8-9

Certificate of, p. 8

Foreign Wills, p. 16



- Citation, p. 16
- Petition, p. 16
- Forms, p. 18-39
- List of, p. 6-7
- Letters
 - Administration de bonis non, p. 12
 - Administration WWA, p. 12
 - Testamentary
 - Administration, p. 12
 - Ancillary Administration, p. 17
- List of Heirs, p. 11
- Notice
 - Appointment of Fiduciary, p. 12
 - Creditors (Press List), p. 12
 - Director of Charitable Trusts, p. 14
 - Director of Inheritance Tax Division, p. 14
 - Legatees, p. 15
- Petitions
 - Administration de bonis non, p. 10
 - Ancillary Administration WWA, p. 17
 - Dedimus Potestatem in Proof of Will, p. 13
 - Executor or Administrator WWA, p. 10
 - File Foreign Wills, p. 16
 - Re-examine Probate of Will, p. 15
 - Codicia p. 13
 - Common Form, p. 13-15
 - Without Administration, p. 13
- Deposition, p. 13
- Legatees
 - Notice, p. 15
 - Return of Notice, p. 15
- Notice
 - Legatees
 - Notice to, p. 15
 - Return, p. 15
 - Satisfactory Evidence, p. 14
 - Solemn Form, p. 15
- Reports
 - Gifts, Transfers and Joint Tenancies, p. 11

1



Legacy and Succession Tax (List of Heirs), p. 11
Real Estate (different county), p. 10
Wills for Safekeeping, p. 8-9
 Deposit, p. 8
 Entry of, p. 8
 Withdrawal of Will, p. 9
Real Estate
 Card, p. 12
 Report of Executor (Administrator), p. 10
 Notice to Registry of Deeds, p. 10
Stenographers, p. 15

FAMILY LAW

Adoption, generally, p. 248-253

Confidentiality of, p. 252
Consents to Adoption, p. 249
Decrees

 Interlocutory, p. 251

 Final, p. 252

Forms, p. 254-257

 List of, p. 248

Hearing on Petition, p. 251

Notice of Hearing, p. 251

Petitions

 Adoption, p. 249

Reports

Agency Investigations

 Preliminary, p. 250

 Final, p. 252

Vital Statistics, p. 253



Change of Name

Birth Certificate, p. 263
Certificate of, p. 263
Forms, p. 264
 List of, p. 262
Hearing, p. 263
Petition, p. 263
Report to Vital Statistics, p. 263

Marriage Waivers

Consents, p. 259
Forms, p. 260
 List of, p. 258
Hearing, p. 259
Jurisdiction, p. 259
Petition, p. 259
Residency Requirements, p. 259
Waivers
 Age, p. 259
 Blood Test, p. 259
 Waiting Period, p. 259

Termination of Parental Rights, generally, p. 243-246

Appeal, p. 246
 See Appeal section
Decree on Petition, p. 245
Forms, p. 247
 List of, p. 242
Guardian Ad Litem, p. 244
Hearing on Petition, p. 245
Notification of Hearing, p. 244
Petition for, p. 243
Social Study, p. 245

Voluntary Relinquishment, generally, p. 236-238

Consent, p. 236

Forms, p. 239

List of, p. 237

Notice

Alleged Father, p. 236

Claim or Disclaim Paternity, p. 236

Relinquishment

Naming Natural Father, p. 237

INVOLUNTARY COMMITMENTS, generally, p. 267-280

Admission, Petition, p. 267

Appointment of

Counsel, p. 268

Psychiatrist, p. 269

Representative, p. 268

Certificate of Examination, p. 267

Continuance, p. 273

Decree, p. 274

Discharge, Absolute, p. 275

Examination

Psychiatric, p. 273

Forms, p. 276-280

List of, p. 266

Hearing, p. 274

Retention of Record, p. 274

Record of Proceeding, p. 274

Transcripts, p. 274

Notice of Hearing, p. 269

Petition

Commitment, p. 267

Psychiatric Examination, p. 273

Summary of Procedures, p. 271-272

APPEALS, generally, p. 281-300

Appeals from

Commissioner's Report, p. 284

Decree of Court, p. 284

Bonds, p. 285

Deposit of money with Register, p. 286

Forms, p. 295-300

List of, p. 283

Notice, p. 286

Order, p. 286

GENERAL ADMINISTRATION

Calendaring, generally, p. 306-308

Contested Matters, p. 307, 308

Stenographic Services, p. 308

Court Session, p. 306-307

Terms

Regular, p. 306

Special, p. 307-308

Scheduling

Regular Sessions, p. 306

Special Sessions, p. 307-308

Certification, generally, p. 309-312

Attested Copies, p. 310

Authenticated Copies, p. 310

Judge as to Register, p. 310

Register as to Judge, p. 310

Certificates of

Adoption, p. 312

Allowance of Record, p. 312

Appointment, p. 312

Change of Name, p. 312

Copies, p. 311

Deposit of Will, p. 311
License to Sell or Transfer Securities, p. 312
Sell or Transfer Personal Estate, p.312
Surety Company, p. 312
Forms, p. 312
List of, p. 309

Citation and Notice, p. 326-362

Account, filing of

Notice to Beneficiaries, p.332
Certified Mail, p. 333
Citation on or to

Contested Matters, p. 328
Fiduciary, p. 327
Interested Parties, p. 327, 328
Petitions, p. 327
Dispensation of, p. 333
Forms, p. 338-342

List of, p. 326

Notice on

Cases Requiring No Notice, p. 334
Contested Matters, p. 328
Decree, p. 328

Filing of Account

Summary, p. 335-336

Publication, p. 329-331

Citation on, p. 329
Evidence of, p. 330
Multiple Listing, p. 330
Newspaper Selection, p. 329
Payment for, p. 331
Schedule of, p. 330

Service

of Citation, p. 327
to Interested Parties, p. 327
Outside the State, p. 329
Specific Notice, p. 335-336

Bank Commissioner, p. 337
Charitable Trusts, p. 337
Health and Welfare, p. 336
Register of Deeds, p. 335
Veteran's Administration, p. 336



Docketing, generally, p. 348-350

Filing, p. 351-354

Docket

Folder, p. 352
Index, p. 351

Files

Maintenance of, p. 354
Pending, p. 353

Index

Docket, p. 351
General, p. 351
Negligent Cards, p. 352
Wills for Safekeeping, p. 353

Miscellaneous

Appearance, p. 355
Form, p. 357
Taxation, p. 358-361
Withdrawal, p. 355-356

Record

Microfilm, p. 345-346
Active Cases, p. 345
Inactive Cases, p. 346
Recordation, p. 345
Methods of, p. 345
Statutory Requirements, p. 345

Reports

Annual to Judicial Council, p. 343
Budget, p. 343
Change of Name, p. 343
Decedents, List of, p. 343
Forms, p. 344

