

## **WILLS - FREQUENTLY ASKED QUESTIONS**

### **Can I write my own will?**

Yes, people can write their own wills in New Hampshire. Under New Hampshire law everyone at least 18 years of age and married persons under that age, who are of sane mind, may dispose of their property by their last will in writing. In order for a will or codicil to be valid under New Hampshire law, it must comply with the requirements of the law. For instance, the will must be in writing, signed by the person whose will it is, and signed by two or more credible witnesses who must swear that the person's signature is genuine. The court does not provide standard forms for writing a will.

### **When someone dies, do I need to file the will or do anything in the probate court if everything is already in my name?**

Even if there are no assets, if a will exists for the deceased person, the person named in the will as executor, or the person holding the original will, must file the will, any codicils and a certified death certificate with the Probate Court within thirty (30) days of the date of death. If real or personal property is held as a "joint tenancy with rights of survivorship," it is not part of the probate estate since the title passes at death directly to the surviving joint tenant.

### **How long do creditors have to file a claim against the estate?**

The estate must remain open for at least six (6) months from the date of executor's appointment to allow creditors to present claims. If all claims have been paid, the estate may be closed and either a motion for summary administration or a final account must be filed after six months.

### **What happens if there is no will?**

If there are assets to distribute, an estate should be opened. See [checklist 010e](#), Opening an Estate without a Will, for the required forms and filing fee.

### **What happens if you are not a relative, but the family asked you to open the estate?**

If there is a will, the executor named should open the estate. If that person cannot or will not open the estate, anyone may open the estate. If the person died without a will, the law says thirty (30) days from the date of death, anyone may petition to open an estate.

### **How do I get a copy of documents in a case file?**

Call the Information Center at 1-855-212-1234. There is a specific form to complete and a fee. A copy of will costs \$.50 cents per page and an additional \$10.00 if you need a certified copy. All other documents in the estate file are also \$.50 cents per page.

### **Where can I get forms for a living will?**

The court does not provide forms for living wills. You can request a form for a living will at the New Hampshire Hospital Association, 125 Airport Road, Concord, NH 03301, or call (603) 225-0900.