

e-Filing in

New Hampshire Circuit Court

COMPLAINT FOR WRIT OF REPLEVIN

- Electronic filing is mandatory for the civil process unless you request and receive an exception to e-Filing. Click here for Instructions about the e-Filing Exception process.
- Use caution when filing confidential information. See e-Filing Rules 11 and 12 and the Instructions for the Filing of Confidential Information.

How do I access e-Filing?

If you are working with an attorney, s/he will guide you on the next steps. If you are going to represent yourself in this action, go to the court's website: www.courts.state.nh.us, select the Electronic Services icon and then select the option for a self-represented party.

1. Click "E-File Here" to enter the e-filing application.
2. Click Sign up and follow the prompts. Save your password in a safe place.
3. After you sign up and login, click start now, next to *Civil Complaint – Start a New Case*.
4. At Where to File, select the county name and location where you want to file. Click next.
5. Follow the instructions and prompts on the screen to complete the filing.

General information:

- A complaint for a writ of replevin may be filed in the District Division of the Circuit Court. The complaint may only seek the return of personal property (as opposed to real estate) and the value of the property cannot exceed the jurisdiction of the Circuit Court (\$25,000).
- You must file at a court that has jurisdiction over the town where you or the defendant resides, or in certain instances, where the property is located.
- The electronic filing process will take you through the steps to file your complaint for writ of replevin. The complaint calls for you to indicate your ownership or entitlement to possession of the property, the manner in which the other party is detaining the property, the manner in which the defendant came into its possession of the property, a description of the property, a statement of its value, whether it is exempt from execution (the listing of property which is exempt from execution can be found at RSA 511:2) and the name and address of any known lienholder.
- You may file a request for an ex parte writ of replevin if the defendant came into possession of the property by theft, if the property is a negotiable instrument or credit card, or if the property is perishable or is in immediate danger of destruction, serious harm, concealment or removal from the state or or sale to an innocent purchaser and the other party has threatened to remove the property from the state or sell it to an innocent purchaser. You may be required to file an affidavit if you allege any of the foregoing.

Forms listed below are needed to start this action:

- Complaint for Writ of Replevin (NHJB-3068-De)
- Appearance (NHJB-2391-DFPe)
- Motion for Ex Parte Issuance of Writ of Replevin (NHJB-3069-De) *Optional- if seeking a writ of replevin ex parte.*
- Military Service Statement (NHJB-2200-DFPe) *Optional- may be filed at entry or any time prior to entry of judgment. Required when filing against an individual.*
- You will be required to attach a copy of any written instrument upon which you claim to own the property in question.

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Other items that may be needed:

- Photo identification is required if you want court staff to take your oath on any court filing.

Information needed to fill out the writ:

- Mailing addresses for yourself and the defendant.
- If suing a business* the name of a corporate officer or registered agent who can be responsible for accepting court paperwork for the business. This information can be obtained by calling the Secretary of State's Office at 271-3246.
- An explanation of the basis for the complaint.

How much will this cost?

- The complaint for writ of replevin filing fee is **\$195.00**.

What happens next?

- The court will issue an order directed to the defendant to show cause why the property should not be returned to you and a hearing will be set. The hearing will be set to take place between 10 and 20 days from the issuance of the order.
- The order will indicate how service upon the defendant is to be made, whether by certified mail or by Sheriff and it will be sent to you to effect service.
- The order will be e-mailed to you along with any other paperwork for service upon the defendant. You will print the service documents and have them served upon the defendant in the manner directed by the Court (by certified mail or by Sheriff).
- Whichever method is indicated, you must have the defendant served immediately and file proof of that service with the court.
- The defendant may file affidavits on his/her behalf pending the hearing and may file a bond to keep the property if the court allows that.
- Failure of either party to appear at a scheduled court hearing may result in adverse consequences to that party and may include dismissal or default judgment.
- If the court issues a writ of replevin in your favor prior to a final determination of the case, you may be required to obtain a bond for filing with the court. A bond can be obtained by contacting an insurance company.

**If you have questions regarding this process, please contact the Information Center at
1-855-212-1234.**

**BE SURE TO NOTIFY THE COURT IF YOUR ADDRESS AND EMAIL ADDRESS CHANGES.
FAILURE TO DO SO COULD RESULT IN THE ISSUANCE OF ORDERS AGAINST YOU OR
WITHOUT YOUR INPUT.**