

Overview - Opening an Estate to Sell NH Real Estate

General Information:

When a person who is NOT a New Hampshire resident dies owning real estate located in New Hampshire, in order to sell the real estate, an estate case needs to be opened in New Hampshire. This must be done to prove the sale of the real estate to the new owners and to notify the town or city where the real estate is located that the property was sold.

NOTE: If the real estate is being transferred (not sold), and the decedent had a will probated in another state, an estate in New Hampshire does not need to be opened in order to transfer (not sell) the real estate. In that situation, the Executor/Administrator would file a Petition to File and Record Authenticated Copy of Will and Probate – No Administration.

Requirements for Opening an Estate to Sell Real Estate

The requirements for opening an estate to sell real estate in New Hampshire depend on whether the decedent had a probate estate opened in his or her home state and also depends on whether the decedent had a will.

If an estate is opened in decedent's home state WITH a will:

If there is an estate administration **with a will** in the decedent's home state the Executor of that estate will file in New Hampshire:

1. Petition for Estate Administration
2. The Authenticated Will and Probate document from decedent's home state
3. Appointment of Resident Agent used when Executor is not a resident of NH.
4. Notice to Towns and Cities, pursuant to RSA 554:18-a

The Authenticated Will and Probate is obtained from the probate court in decedent's home state. It consists of copies of the will with any codicils and other documents from the home state probate court. It must be mailed to the Estates Electronic Filing Center.

If an estate is opened in decedent's home state WITHOUT a will:

If there is an estate administration in the decedent's home state **without a will**, the Administrator of that estate will file in New Hampshire:

1. Petition for Estate Administration
2. Appointment of Resident Agent used when the Administrator is not a resident of NH.
3. Notice to Towns and Cities, pursuant to RSA 554:18-a

If no estate is opened in decedent's home state (with or without a will):

Whether the decedent had a will, or not, if there is no estate administration opened in the decedent's home state, any interested party would file in New Hampshire:

Petition for Estate Administration

In each of the above situations, after the estate administration has been opened in New Hampshire, the sale can be handled through that estate.

Other Helpful Resources:

RSA:

RSA 554:18-a

Forms(s):

Petition for Estate Administration (**NHJB-2145-Pe**)

Appointment of Resident Agent (**NHJB-2120-Pe**)

Notice to Towns and Cities (**NHJB-2142-Pe**)

Administering an Estate Booklet

Glossary of Terms

Checklist:

Checklist – Opening an Estate of a Foreign Will for Full Administration To Sell Real Estate
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For Further Information:

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