

## Overview – A Person Related to Decedent Without a Will

### **General Information:**

People related to a decedent who did not leave a will may be entitled to inherit even though there was no will. These relatives are known as “heirs at law” and “beneficially interested parties”

“Decedent” is the term used to refer to the person who died.

When the decedent does not have a will, and does not name certain people and organizations to inherit, the court still needs to know the names of certain relatives of the decedent. This is because NH Law provides that these people are entitled to notification that the decedent has died as they might be entitled by law to inherit because the decedent did not have a will.

### **Beneficially Interested Parties and Heirs at Law:**

Certain relatives need to be notified of the decedent’s death because they may be entitled to inherit under NH law if the decedent did not have a will. These relatives are known as “heirs at law”. This makes them “beneficially interested parties”. New Hampshire RSA 561:1 is the law which explains who the heirs at law are. It is quite complicated and you may want to consult with a lawyer if you have questions about it.

When a Petition for Estate Administration is filed by a petitioner, asking the court to open an estate for the decedent, the court notifies all potential beneficiaries letting them know that the decedent died without a will and letting them know they might be entitled to inherit a portion of the decedent’s estate.

An estate case needs to be opened so that the court can appoint an Estate Administrator to gather and protect the decedent’s assets (personal property and real estate) and to oversee payment of debts and distribution of the assets to the correct beneficially interested parties.

### **Timeframes for Distribution of Assets:**

Three months after the Executor is appointed, an Inventory must be filed. An Inventory is a listing of all known estate assets owned by the decedent alone at the time of death. Estate assets include, but are not limited to, bank accounts, real estate, jewelry and vehicles. Persons and entities named to inherit under the Will should receive a copy of the Inventory from the Executor when it is filed with the court.

Every estate must be held open for a minimum of 6 months to allow for anyone with a financial claim against the estate to request payment. Sometimes estates do not have enough assets to pay all estate debts and obligations. When there are not enough assets to pay all debts and obligations of the estate, beneficiaries may not receive anything.

After the estate has been open for 6 months, and all debts and obligations of the estate have been paid, the Executor may distribute the assets and close the estate case. This can be done in one of two ways:

1. The quicker way is to file a Petition for Summary Administration which can be filed with the assents of all beneficiaries, or,
2. The longer way is to file an Accounting. The Accounting must show all assets and transactions relating to assets handled by the Executor.

Some estates are unable to conclude within a year. In cases that are still unresolved a year after opening, the Executor must file an annual Accounting with the court. An Accounting is a report of all the transactions that have taken place during the accounting period (which is usually a one year period). If the estate remains open more than a year, an Accounting must be filed each year the estate remains open.

**Other Details:**

Beneficially interested parties are not required to file any document with the court in order to receive their inheritance. It is the responsibility of the Executor to keep beneficially interested parties informed about the status of the estate case.

Beneficially interested parties may choose to receive electronic copies from the Executor and from the court. Registering into the case is required in order to receive court notices. This is done by signing-up with the electronic filing system.

**Other Helpful Resources:**

RSA:

RSA 561:1

Form(s):

Estate Case - Important Information (**NHJB-3007-Pe**)

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

Inventory of Fiduciary (**NHJB-2125-Pe**)

Executor's/Administrator's Accounting (**NHJB-2117-Pe**)

Administering an Estate Booklet

Glossary of Terms

Pamphlets:

Pamphlet – What is Waiver of Administration?

Pamphlet – Have you considered Summary Administration?

Checklist:

Checklist – Opening an Estate Without a Will (#010e)

What to Expect:

After Petition for Estate Administration

After Inventory

After Motion for Order of Distribution

**For Further Information:**

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