

OVERVIEW OF SIGNIFICANT CHANGES FOR E-FILING ESTATES

PROCESS CHANGES

a. Changes from Current Paper Process:

- Most case processing and judicial decision making will occur centrally.
- Preliminary and non-evidentiary hearings may be conducted telephonically or by video-conference with the central office. Evidentiary hearings will be conducted at the local courts.
- All* estate filings will be submitted electronically.
 - This applies to new estates from the day of go-live forward; existing paper cases shall remain in paper.
 - There is an exception process to the mandate of electronic filing outlined in the NH Circuit Court Electronic Filing Rules.
 - * Original wills/codicils and authenticated copies of wills, death certificates and corporate surety bonds will **not** be electronically filed. These will be mailed to the Estates Electronic Filing Center.
 - * Proposed trial exhibits will **not** be filed electronically. Continue filing trial exhibits in paper according to any pre-trial orders.
- There is no requirement for a separate Fiduciary Bond form if the estate is under \$25,000 in value. Petitioner acknowledges fiduciary duty on the Petition for Estate Administration.
- There will be a single publication fee for all 10 probate division locations. (\$30.00.) The publication fee will be part of the filing fee at case initiation.
- Central staff will send a copy of the *case initiation petition* to all beneficially interested parties (persons and entities named to inherit in the will) and heirs at law (relatives of the decedent) at the beginning of the case. Beneficially interested parties will be notified by the court that they may electronically file into the case if they want to participate or receive electronic notices. Instructions will be included in the initial court mailing. NOTE: In cases where there is a will, the decedent's heirs at law are not beneficially interested therefore, by law, they are not parties to the case. In cases without a will, the heirs at law are beneficially interested and are parties to the case.
 - FURTHER NOTE: Pleadings filed any time *after the case initiation petition* may be served electronically through the e-filing system upon all registered filers in the case to comply with court rules regarding sending copies to all beneficially interested parties. However, all beneficially interested parties who have not registered into the e-filing system who are entitled to receive copies of pleadings must be mailed/delivered paper copies by the filer. The court will not send any paper copies to the unregistered beneficially interested parties after the initial copy of the case initiation pleading.
- The form entitled Notice to Surviving Spouse, Legatees, Heirs at Law and Return of Notice is generally no longer necessary because the court will have sent a copy of the Petition for Estate Administration to all parties at case initiation.

- There is no longer a need for a separate Petition to Record Authenticated Copy of Will and Probate when a Petition for Estate Administration is also being filed because an option to record is now included on the Petition for Estate Administration form. However, when real estate is being transferred (instead of sold) and there is no estate administration necessary, the stand alone Petition to Record Authenticated Copy of Will and Probate is available.
- The Petition for Small Estate Administration has been phased out. A Petition for Estate Administration will be used instead.
- The forms entitled Legatees and Devisees – Estate With Will and Heirs at Law – Estate Without Will are no longer necessary. The Petition for Estate Administration includes sections for this information. However, when other beneficiaries or heirs are later located, use the modified forms entitled Persons or Entities to Inherit Under Will or Persons Entitled to Inherit - No Will.
- Several forms that had oaths or affidavits have been changed to statements under penalty of perjury.

b. Changes from Current Electronic Process:

- Lawyers may use the self-represented application (TurboCourt) to prepare the Inventory and Account forms. However, if the TurboCourt application is used, these completed forms must be saved and uploaded as usual into the lawyer application (File and Serve).
- Caution in Co-Fiduciary Situations -- Certain estate forms may not be signed electronically by one registered filer on behalf of other signers. These forms must be physically signed by the additional signers (no /s/ is allowed). These forms are listed below:
 - i. Petition for Estate Administration
 - ii. Inventory of Fiduciary
 - iii. Motion for Summary Administration
 - iv. Waiver of Full Administration Statement To Close Estate
 - v. Motion to Determine that an Estate is Insolvent
 - vi. Motion for Distribution of Insolvent Estate
 - vii. Statement of Executor/Administrator Regarding Distribution of Insolvent Estate
 - viii. Executor's / Administrator's Accounting

FORMS – These are the significant changes. Other minor modifications have been made to almost every estate related form to comply with the NH Circuit Court Electronic Filing Rules.

Modified Forms

- Petition for Estate Administration
- Persons Entitled to Inherit - No Will
- Persons or Entities to Inherit Under Will
- Petition of Nursing Home Administrator
- Petition of Guardian To Pay Debts and Dispose of Deceased Ward's Funds

- Petition to File and Record Authenticated Copy of Will and Probate - No Administration
- Petition to Prove Validity of Will
- Executor's/Administrator's Accounting

New Forms

- Petition for Temporary Administration to Determine Assets or Obtain Medical Records
- Notice of Will Filed - No Estate Administration Requested
- Estate Case: Important Information
- Notice to Creditor
- Notice of Exhibit(s)

Although proposed exhibits are not to be electronically filed, this Notice is electronically filed to indicate that paper exhibits are being exchanged/filed.

FEES

E-Filing Fee -- There will be a \$20.00 additional fee with each case initiation pleading that currently has a filing fee. This is incorporated into the filing fee and not charged separately.

Publication Fee – There is a statewide fee of \$30.00 when publication is necessary. This is incorporated into the filing fee and not charged separately.

PUBLIC ACCESS

Lobby computers will be available for accessing electronically filed estate cases. Electronically filed estate cases will include public documents. The case summary for older estate cases will continue to be accessible.