

Overview - Filing a Will without Administration

General Information:

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

An estate needs to be opened if the decedent owned any assets only in his/her name. If the decedent had no assets OR all assets were owned jointly, OR all assets had been transferred to a trust before decedent died, an estate does not need to be opened.

The decedent’s estate assets would be any and all real estate and personal property (possessions, money, etc.), whether owned alone or in common with others, but does not include property owned jointly, with rights of survivorship.

If real or personal property is held as a “joint tenancy with right of survivorship,” it is not part of the probate estate since title passes at death directly to the surviving joint tenant. The same principle applies to other jointly held property, such as joint bank accounts. The proceeds of a life insurance policy also pass directly to the policy’s named beneficiary, and are not part of the decedent’s probate estate.

Sometimes all assets have been transferred to a trust before a person dies. If any of the decedent’s property is held in a trust, then you may want to consult an attorney to determine whether, or to what extent, the trust is involved in the estate probate process.

Even if there are no assets to probate, but there is a will, you must mail it, with any codicils (amendments to the will), and a certified copy of the death certificate (if it is in your possession) to the Estates Electronic Filing Center within thirty (30) days of the decedent’s date of death. When the will is filed and there are no assets to probate, you should mail with the will a form entitled Notice of Will Filed – No Estate Administration Requested

Other Details:

File the form Notice of Will Filed – No Estate Administration Requested

The original will and a certified copy of the death certificate (if it is in your possession) must be mailed to the Estates Electronic Filing Center.

There is no filing fee.

Other Helpful Resources:

RSA:

RSA 552:2

RSA 552:3

Form(s):

Notice of Will Filed - No Estate Admin Requested **(NHJB-2905-Pe)**

Administering an Estate Booklet

Glossary of Terms

Pamphlet:

Pamphlet – How can I get an Official Copy of a Death Certificate?

What to Expect:

After Notice of Will Filed – No Estate Administration

For Further Information:

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

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Pamphlet – How can I get an Official Copy of a Death Certificate?

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