

# Information Center

## New Hampshire Circuit Court

### FILING AN EQUITY PETITION

#### Items listed below are needed to start this type case:

- A petition in an equity matter can involve different matters. Examples are petition for partition, common law spouse, declaratory judgment, breach of duty as fiduciary, quiet title, power of attorney, charitable uses and trusts, deviation from terms of trust.
- There is no specific form to use and the formatting of the petition must be in accordance with Probate Court Rule 118. This is a paper case filing.

#### How much will this cost?

- The filing fee is \$250.00

#### Other information

- The Petitioner is responsible for filing an original and two copies for each Respondent.
- The Return Day is always the first Tuesday of the month, at least 45 days from the date of issuance of the Orders of Notice. NOTE: This is not a hearing date.

Probate Court Rules 118-125 are on the website:

Rules of the Circuit Court of the State of New Hampshire -- Probate Division

#### What happens next?

- The court will process the petition and issue an Order of Notice for each Respondent. The packet is mailed to the Petitioner (can be picked up at the court) for service. Refer to the Order of Notice for the specific method for service – Generally orders of notice on equity cases are served by in hand/abode service by a sheriff's department or agencies responsible for civil service. If previously approved by the court, the documents can be served by certified mail return receipt restricted delivery or by publication.
- Once the respondents have been served, the Return of Service form is returned to the court.
- The return date will be on the Order of Notice, which tells the Respondent(s) when they need to file an appearance, answer/response to the equity petition
- There is no specific form to use when filing an answer or response.
- A Structuring Conference will be scheduled by the court. This will establish dates to exchange certain documents and discuss mediation.

If you have further questions please call the Information Center at 1-855-212-1234.

**Forms and Instructions are available at any NH Circuit Court – Probate Division  
or at**

[www.courts.state.nh.us/probate](http://www.courts.state.nh.us/probate)