

STATE OF NEW HAMPSHIRE
CIRCUIT COURT – Probate Division

PROCEDURE BULLETIN 7

The Appointment of Temporary Administrators Pursuant to RSA 553:20-a

This procedure bulletin is prepared for informational purposes in processing case files. It is not intended to provide parties with legal advice.

RSA 553:20-a allows for the appointment of a temporary administrator to determine what assets, if any, are contained within a decedent's estate. This procedure bulletin sets forth the process to implement this statute.

1. To seek temporary administration, a Petition for Temporary Administration – Assets and Medical Records (NHJB-2768-Pe) will be electronically filed in the county where the decedent resided at the time of death or if the decedent was not a resident of this state, in the county where the decedent's assets are believed to be located. This petition shall include an explanation of why the petitioner has standing to determine what assets are contained in the estate. In addition, the petitioner will file with the court:
 - a. A certified copy of the decedent's death certificate if not already on file.
 - b. The decedent's last will and testament, if available and not already filed. If the petitioner is not the named executor in the decedent's will, then a declination form from that person may also be required at the judge's discretion.
 - c. An appointment of resident agent form (NHJB-2120-Pe) when the individual to be appointed is not a resident of New Hampshire.
2. No entry fee, bond or appraiser will be required.
3. If the petition is granted, the court will issue a certificate of *Appointment of Temporary Administrator* describing the specific duties and responsibilities of such person. The certificate should include the following language:

Temporary administrator has the authority to inventory estate assets and shall have the authority to take possession of the will, wearing apparel,

Bibles, family pictures, photographs, or other personal items of sentimental rather than intrinsic value. The temporary administrator shall not have the authority to take possession of any assets with intrinsic value.

4. Temporary administrators will, within 60 days (unless otherwise ordered by the judge), electronically file a Temporary Administration 60 Day Report form (NHJB-2558-Pe).

If the 60 day report form is not filed within 60 days of the appointment of the temporary administrator, the court will either close the case with no further action or will issue an Order to Show Cause, in the judge's discretion.

5. If the 60 day report discloses there are assets, the court will process the matter in the ordinary course for estate administration when a petition for estate administration is filed along with the appropriate filing fee. Electronic Filing Staff will use the same case #, change the case subtype and process as appropriate for estate administration.
6. If the 60 day report discloses there are no assets, the matter will be closed.

_____/s/David D. King
Administrative Judge of Circuit Court

History:

Revised 11/13/2018

Revised January 15, 2016

Revised December 1, 2008

Revised August 1, 2007

Effective August 1, 2001

Formerly Procedure Bulletin 1997-05, Issued 6/1/97

See also:

Probate Court Administrative Order 7 relative to Estates Opened Solely to Pursue a Cause of Action

Probate Court Administrative Order 13 relative to Obtaining a Decedent's Medical Records