

Instructions for completing
Motion to Prove Will by Deposition
(NHJB-2130-P)

Form Use. This form is used to ask the court to appoint a notary public to act as a commissioner to take the deposition of a witness to the execution of a will or codicil. It is used when none of the witness to the will or codicil can appear in court to answer questions about what happened when the will or codicil was originally signed by the deceased. See related form "Deposition in Proof of Will" (NHJB-2124-P).

Top part of form

- COURT NAME:** Enter the name of the county probate court where the document will be filed. (example: Belknap County Probate Court; Rockingham County Probate Court).
- CASE NAME:** Enter the name of the deceased. (example: Estate of John Q. Adams or Estate of Susan Jones).
- CASE NUMBER:** Leave blank if not yet assigned by court OR fill in case number if it is known.

Main part of form

1. Petitioner Name is the name of the person filing the motion. Fill in that person's name, telephone number and complete mailing address with zip code. If there are co-petitioners, the second person's name, telephone number and address information should be included.
2. If you have an attorney helping you with this case, enter that attorney's name, telephone number, complete mailing address with zip code and NH Bar Identification number.
3. Deceased name is the name of the person who died. Also fill in that person's date of death and the city or town of their last legal residence.
4. Fill in the name of the witness who will appear before the Commissioner/Notary Public, along with the witness' complete mailing address with zip code.
5. Fill in the name of other persons who witnessed the signing of the will.
6. Give the reasons the witnesses cannot appear in court.

Paragraph prior to signature

"**The petitioner requests that**" should be followed on the first blank line by the name of the notary public to be named commissioner, and on the second blank line by their mailing address including zip code. On the third blank line, explain why the named witness is being deposed.

Signature Section

The sentence prior to the signature section indicates that the person filing this document has provided copies to all attorneys, parties and persons beneficially interested in the case. Sign the form on the **PETITIONER SIGNATURE** line, and date it in the appropriate space to the left. If there are two petitioners, both must sign and date the form.

Order

This section will be completed by the judge once the document is filed with the court and reviewed in detail by the judge.

Review the completed form for accuracy prior to filing it with the court. If completing this form on-line, some fields may be filled in automatically based on entries in other fields. If more space is needed for any question, please attach additional sheets of paper.