

Instructions for completing
**Motion and License to Sell Real Estate
To Pay Demands**
(NHJB-2136-P)

Form use. This form is used when the estate executor or administrator wants to obtain a license to sell the deceased's property in order to pay any estate debts or claims against the estate.

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.

Numbered part of form

1. Fiduciary is the person responsible for administering the estate of the deceased. Enter that person's name, telephone number and complete mailing address with zip code. If there are two fiduciaries, enter the second name, telephone number and complete mailing address in the spaces provided.
2. If you have an attorney helping you with this case, enter the attorney's name, telephone number, complete mailing address and NH Bar Identification number.
3. In this section, under "Property Location" enter the street address of the property, including town or city. Under "County", enter the name of the County Registry of Deeds where the real estate is registered, followed by the book and page reference number used in that county. You must also attach a legal description of the property, usually a copy of the description page of the deed.
4. This section is a summary of the debts of the estate and the assets available in the estate.

In the first section under "**Debts**", on line "A." enter the total amount of the debts of the estate including any amounts to be paid as specified in the will. Attach a separate listing to show the details of the amount shown. Do not include debts for the items specified in "B", "C" and "D". For those specific debts, enter the amount of the debt if it has not been paid. **TOTAL ESTATE DEBTS** and enter the amount in the box provided.

In the "**Assets**" section, on line "A" enter the personal property amount listed on the inventory form filed with the court (AOC-044-003). On line "B", enter all the income earned on the personal property listed on the inventory and other income earned. On line "C", enter the total amount of personal property that was not listed on the inventory. **TOTAL ESTATE ASSETS** and enter the amount in the box provided.

TOTAL DEFICIT is the difference between the amount of money the estate has to pay its debts (assets) and the debts owed. Subtract the "Total Estate Assets" from the "Total Estate Debts" and enter it in the "Total Deficit" box provided.

5. This paragraph is an oath required under NH law before a license to sell real estate can be issued to an executor or administrator of an estate. In the space provided at the beginning of the oath, enter the name or names of the persons signing as fiduciary (executor or administrator).

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 **FIDUCIARY SIGNATURE** line, and date it in the appropriate space to the left. If there are two fiduciaries, both must sign and date the form. **This form must be signed in the presence of Notary Public or Justice of the Peace** who will complete the section immediately following your signature.

Assents section

Before issuing a license to sell real estate, NH law requires the executor or administrator to obtain the consent (assent) of the surviving spouse of the deceased, if any. If there is no surviving spouse, but there are minor children, the executor or administrator must obtain the consent (assent) of the guardian of the minor children, if any.

The first paragraph should be completed, signed and dated by the surviving spouse if there is one. If there is no surviving spouse, but there are minor children of the deceased, the second paragraph should be completed, signed and dated by the guardian of the minor children.

Order and License

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.