

WILLS

FREQUENTLY ASKED QUESTIONS

Can I write my own will?

Yes, people can write their own wills in New Hampshire. Under New Hampshire law everyone at least 18 years of age and married persons under that age, who are of sound mind, may dispose of their property by their last will in writing. In order for a will or codicil (amendment to the will) to be valid under New Hampshire law, it must comply with the requirements of the law. For instance, the will must be in writing, signed by the person whose will it is, and signed by two or more credible witnesses who must swear that the person's signature is genuine. The court does not provide standard forms for writing a will.

When someone dies, do I need to file the will or do anything in the probate division if everything is already in my name?

Even if there are no assets, if a will exists for the deceased person, the person named in the will as executor, or the person holding the original will, must file the will, any codicils (amendments to the will) and a certified death certificate with the court within thirty (30) days of the date of death. If real or personal property is held in "joint tenancy with rights of survivorship," it is not part of the probate estate since ownership passes at death directly to the surviving joint tenant.

What happens if there is no will?

If there are assets to distribute, an estate should be opened.

See Checklist – Opening an Estate Without a Will (#010e) for the required forms and filing fee.

What happens if you are not a relative, but the family asked you to open the estate?

If there is a will, the executor named in the will should open the estate. If that person cannot or will not open the estate, anyone may petition the court to open the estate. If the person died without a will, the law says thirty (30) days from the date of death, anyone may petition to open an estate.

Where can I get forms for a living will?

The court does not provide forms for living wills. You can request a form for a living will at the New Hampshire Hospital Association, 125 Airport Road,

Concord, NH 03301, or call (603) 225-0900 or you may obtain one online at

http://www.healthynh.com/images/PDFfiles/advance-directives/2017_ACPG_Final.pdf.