

THE STATE OF NEW HAMPSHIRE  
JUDICIAL BRANCH  
NH CIRCUIT COURT  
www.courts.state.nh.us

INSTRUCTIONS FOR FILING A PETITION TO ATTACH

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One way to enforce payment is to ask the court to “attach” property belonging to the defendant. You may file a Petition to Attach along with your initial pleading. Refer to RSA 503:3. Court forms may be found at: [www.courts.state.nh.us](http://www.courts.state.nh.us)

**Definitions:**

**Attachment** - A document/process requiring Court action by which the plaintiff places a lien upon real or personal property of the defendant. There are two ways to obtain an attachment:

- **Petition to Attach with Notice (NHJB-2316-DPe)** - In this instance, the plaintiff files the Petition to Attach with the court but does not request the court to take action on the Petition until the defendant has been notified and has had a chance to respond.
- **Petition to Attach without Notice (Ex Parte) (NHJB-2181-DPe)** - In this case the plaintiff files the Petition with the court but requests that the court take action before the defendant is notified. It is the plaintiff's burden to show the court why the defendant should not first be notified of the request for the attachment. Ex parte relief is often called "extraordinary" relief because it is done without notice to the other party which is not favored.

**Petition to Attach form**

If you choose to file a Petition to Attach with your initial pleading, you may complete the form separately. Complete the court name, case name (your name vs. defendant's name). A case number will be applied by the court. In the box below “the Plaintiff requests permission to make the following attachments”, complete the name of the defendant(s), the book and page number of real estate (if any) or other property to be attached. Complete the dollar amount in the column on the right for each property item. Following the paragraph: “In support of this petition, the Plaintiff/Petitioner certifies that he/she believes there is a reasonable likelihood that the Plaintiff/Petitioner will recover the amount stated above, including interest and costs, in the amount of \$\_\_\_\_”, complete the amount you are seeking. Print the form and appear before a Justice of the Peace or Notary with your photo identification. After the form is notarized, scan and upload the Petition to Attach form to your case on the e-Filing system.

If you are filing a **Petition to Attach without Notice (Ex Parte) (NHJB-2181-DPe)**, you must appear at the court. You must also pay an additional fee. If the petition is granted, the clerk will provide you a copy of the Court's order and instructions to contact the sheriff's department for service on the defendant. You will then pay the sheriff's service fee. This fee varies based on travel distance and the number of attempts required to serve the defendant.

If you are filing a **Petition to Attach with Notice (NHJB-2316-DPe)**, after you submit the claim and petition with the court, you will receive notification and instructions from the clerk to contact the sheriff regarding payment of the sheriff's service fee. This fee varies based on travel distance and the number of attempts required to serve the defendant. If the defendant objects to the Petition to Attach, the clerk will schedule a hearing within 14 days and you will be notified. If the defendant does not object to the Petition to Attach by the required date, you will receive notice of the Court's ruling with further instructions.