

# STATE OF NEW HAMPSHIRE

## PROBATE COURT

### ADMINISTRATIVE ORDER 7

#### Estates Opened To Pursue a Cause of Action

Estates opened to pursue a cause of action may contain no other assets while the underlying legal action is pending. Under such circumstances, an administrator may file a motion to postpone the requirement to file: a surety bond, an inventory and accounts. However, if the cause of action is a wrongful death suit or other tort claim in which the estate is the named plaintiff, courts shall collect the publication fee up front and publish in accordance with court policy. While the underlying action is pending, the administrator shall file an annual status report as required in Probate Court Rule 101.

If the underlying legal action is dismissed or fails to recover any assets for the probate estate, within 30 days the administrator shall file a motion to close the estate without an inventory or an accounting, stating that no assets were received and no assets were disbursed.

When the administrator becomes aware that assets will be received as a result of the underlying action, the administrator shall, prior to taking possession of any such assets, file a motion with the court stating the source and amount of such funds to be received and requesting permission from the court for authority to take possession of these funds. The administrator shall also pay the difference in the filing fee if the value of the estate exceeds \$25,000. The court may require a surety bond, an inventory and may set a date for an account.

Nothing in this Administrative Order limits the court's authority to make other orders as it deems appropriate.

David D. King  
Administrative Judge of Probate Court

History:

Revised December 14, 2009

Revised August 1, 2007

Effective August 1, 2001

Formerly Administrative Order 2000-01, Issued 1/30/00

See also:

Probate Court Administrative Order 13 and Probate Court Procedure Bulletin 7