

HB 238 – AS INTRODUCED

2013 SESSION

13-0537
01/09

HOUSE BILL **238**

AN ACT relative to the disposition of estates valued at less than \$10,000.

SPONSORS: Rep. J. Webb, Rock 6; Rep. Grassie, Straf 11; Rep. Ferrante, Rock 6; Rep. Ulery, Hills 37; Rep. F. Rice, Rock 21; Rep. O'Connor, Rock 6; Rep. Sapareto, Rock 6; Rep. Flanagan, Hills 26; Sen. Bradley, Dist 3; Sen. Rausch, Dist 19

COMMITTEE: Judiciary

ANALYSIS

This bill allows an estate valued at less than \$10,000 in personal property to be administered without a bond, accounting, or inventory of the estate if the administrator of the estate files an affidavit of administration with the probate court.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struck through]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT relative to the disposition of estates valued at less than \$10,000.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Small Estates. Amend RSA 553:32, I to read as follows:

2 I. Notwithstanding any provision of law, whenever a deceased dies testate and the surviving
3 spouse or, if no spouse, an only child is named in the will as the sole beneficiary of the deceased's
4 estate and is appointed to serve as administrator; ~~[or]~~ whenever a deceased dies intestate and the
5 surviving spouse or, if no spouse, an only child is the sole heir of the deceased's estate and is
6 appointed to serve as administrator~~[-]~~; **or if an estate of a person deceased, whether testate or**
7 **intestate, consists entirely of personal property of a gross value not exceeding \$10,000**, there
8 shall be no requirement for an inventory of the estate, no requirement for a bond, and no
9 requirement for an accounting for assets. Administration of the estate shall be completed upon the
10 administrator's filing, and the probate court's approval of an affidavit of administration. Such filing
11 shall occur not less than 6 months nor more than one year after the date of appointment of the
12 administrator. The affidavit of administration shall state that to the best of the knowledge and
13 belief of the administrator there are no outstanding debts or obligations attributable to the
14 deceased's estate and shall list all real estate owned by the decedent at the time of death, including
15 the location, book, and page. If the administrator fails to file the affidavit of administration within
16 the time prescribed above, the administrator is in default. The clerk shall give notice of the default
17 to the administrator by first class mail within 10 days after the default. The clerk shall issue a
18 citation notice in accordance with RSA 554:26-a.

19 2 Small Estates. Amend RSA 553:32, IV to read as follows:

20 IV. A guardian may be appointed as administrator if ~~the~~ **a** ward qualifies under the
21 provisions of this section.

22 3 Effective Date. This act shall take effect January 1, 2014.