

CHAPTER 139  
HB 418 – FINAL VERSION

11Mar2015... 0242h

2015 SESSION

15-0105  
09/10

HOUSE BILL            **418**

AN ACT                relative to waiver of rights to devised or inherited real property.

SPONSORS:            Rep. Webb, Rock 6; Rep. Richardson, Coos 4; Rep. Kotowski, Merr 24; Rep. Shaw, Hills 16; Rep. Pantelakos, Rock 25; Rep. Lachance, Hills 8; Rep. Emerick, Rock 21; Rep. Ferrante, Rock 6; Rep. Grenier, Sull 7; Rep. Cardon, Rock 6; Sen. Prescott, Dist 23; Sen. Carson, Dist 14; Sen. Reagan, Dist 17; Sen. Boutin, Dist 16; Sen. Stiles, Dist 24

COMMITTEE:          Judiciary

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AMENDED ANALYSIS

This bill allows a person who is devised or inherits real property to waive his or her rights to such property. The fee charged for filing a waiver document shall not exceed \$5.

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Fifteen*

AN ACT                   relative to waiver of rights to devised or inherited real property.

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

1           139:1 New Section; Waiver of Rights to Devised or Inherited Real Property. Amend RSA 554 by  
2 inserting after section 18-a the following new section:

3           554:18-b Waiver of Rights to Devised or Inherited Real Property. Notwithstanding any right to  
4 disclaim an interest in property as provided for in RSA 563-B, a person who has been devised real  
5 estate by testamentary instrument, or inherited under the laws of intestacy, may waive his or her  
6 rights to the property by filing a written notice of waiver with the court in which the estate  
7 administration is pending that shall include a legal description of the property. The waiving party  
8 shall provide a copy of the waiver to the administrator of the estate and shall record an attested copy  
9 in the registry of deeds in the county in which the real estate is located. Once filed with the court  
10 and recorded at the registry of deeds, the waiver may not be revoked. The effect of the waiver will be  
11 to relinquish the right of the waiving party and his or her heirs and assigns from receiving any and  
12 all right, title, and interest in and to the real estate. The waiving party and his or her heirs and  
13 assigns shall thereafter bear no responsibility or liability related to or arising from the real estate.  
14 The cost to record the waiver in the registry of deeds shall not exceed \$5. A waiver filed after the  
15 final account has been allowed, or the estate administration has been closed by other means, shall  
16 not be effective.

17           139:2 Effective Date. This act shall take effect upon its passage.

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19 Approved: June 12, 2015

20 Effective Date: June 12, 2015