

Instructions for completing
Motion and License to Mortgage Real Estate
(NHJB-2134-P)

Form use: This form is used to ask the court to license the fiduciary to mortgage the deceased's or ward's real estate for a variety of reasons.

Top part of form

- COURT NAME:** Enter the name of the county probate court where the document will be filed. (example: Belknap County Probate Court; Rockingham County Probate Court).
- CASE NAME:** Enter the name of the deceased. (example: Estate of John Q. Adams or Estate of Susan Jones).
- CASE NUMBER:** Leave blank if not yet assigned by court OR fill in case number if it is known.

Numbered part of form

1. Petitioner Name is the name of the person filing the petition. Enter that person's name, telephone number and complete mailing address with zip code.
2. If you have an attorney helping you with this case, enter that attorney's name, telephone number, complete mailing address with zip code and NH Bar Identification number.
3. Enter the street address of the property, the percent owned by the deceased or the ward, followed by the County where the deed is filed and that county's book and page number of the deed. List that same information for each piece of property in question. In addition, you must attach a copy of the legal description which is usually a copy of the description page from the deed.
4. Enter the value of the real estate to be mortgaged.
5. Enter the amount of money to be raised through mortgaging the property. Then check off all the boxes which describe why the fiduciary must raise the money.
6. This question is intended to give information about the mortgage to be obtained. Enter the amount of the mortgage, the interest rate for the mortgage loan, followed by the terms of the loan, such as the repayment period.
7. List the resources which will be used to pay the mortgage, such as estate income or other sources of funds.
8. For deceased's estates, interested parties must consent to the motion to mortgage real estate . If assents (form NHJB-2121-P) have been obtained, check off the "yes" box and attach them to the motion. If not, check the "no" box and obtain the assents. Assents for guardianships and conservatorships may be filed instead of requiring notice and hearing on the motion to mortgage real estate.

Signature Section

The sentence prior to the signature section indicates that the person filing this document has provided copies to all attorneys, parties and persons beneficially interested in the case.

This form must be signed in the presence of a Notary Public or Justice of the Peace.

They will complete the section immediately following your signature. You will sign the form on the **Petitioner Signature** line, and date it in the appropriate space to the left. If there are two petitioners, both petitioners must sign and date the form.

Order and License

This section will be completed by the judge once the document is filed with the court and reviewed in detail by the judge.

Review the completed form for accuracy prior to filing it with the court. If completing this form on-line, some fields may be filled in automatically based on entries in other fields. If more space is needed for any question, please attach additional sheets of paper.