

SUPREME COURT OF NEW HAMPSHIRE

In re Estate of Jack Michael Bergquist

166 N.H. 531 (2014) · No. 2012-754 · Decided August 8, 2014

SUMMARY

The New Hampshire Supreme Court held that a judgment creditor is entitled as a matter of law to continuing post-judgment interest until a money judgment is paid in full, even when the original judgment and a periodic payment order are silent regarding such interest. The court further held that an order for periodic payments under RSA 524:6-a does not fix the total amount due or eliminate the creditor’s right to statutory post-judgment interest, and that the claim was not barred by res judicata. The court reversed and remanded the probate division’s judgment.

CASE DETAILS

COURT	Supreme Court of New Hampshire
WRITING FOR THE COURT	Lynn, J.; Dalianis, C.J.; Conboy, J.; Bassett, J.
JURISDICTION	New Hampshire
DECIDED	August 8, 2014
DOCKET	2012-754
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The petitioner, a judgment creditor, appealed the Lancaster Probate Division's order allowing its claim against the estate for the remaining principal balance but excluding statutory continuing post-judgment interest.
STANDARD OF REVIEW	Questions of law, including the applicability of res judicata, are reviewed de novo.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of New Hampshire.
PARTIES	Eddie Nash & Sons, Inc. v. Estate of Jack Michael Bergquist

TOPICS

- probate procedure
- creditor claims
- res judicata
- statutory interpretation
- estate administration

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether a judgment creditor is entitled to continuing statutory post-judgment interest when the original judgment and subsequent periodic payment order do not expressly award that interest.
2. Whether the creditor's claim for post-judgment interest against the estate is barred by res judicata.
3. Whether an order for periodic payments under RSA 524:6-a fixes the amount due or otherwise eliminates the creditor's right to continuing statutory post-judgment interest.

HOLDINGS

1. A plaintiff awarded a money judgment is entitled as a matter of law to continuing post-judgment interest until the judgment is paid in full, regardless of whether the plaintiff requested the interest in the trial court or whether the judgment expressly awarded it.
2. The creditor's claim against the estate for post-judgment interest is not barred by res judicata because it seeks to enforce an existing right under the prior judgment rather than assert the same cause of action again.
3. An order for periodic payments under RSA 524:6-a does not fix the amount due, alter the parties' substantive rights, or eliminate the judgment creditor's right to continuing statutory post-judgment interest.

KEY QUOTATIONS

“A plaintiff awarded a money judgment is entitled to continuing post-judgment interest on the judgment as a matter of law until payment is made in full, regardless of whether the plaintiff made a request for such interest in the trial court or whether the court’s order explicitly awarded such interest.”

“Therefore, an order for payments under RSA 524:6-a does not affect the rights of either party; rather, it authorizes a defendant to pay a judgment in periodic payments rather than one lump sum.”

“We therefore hold that the payment of continuing post-judgment interest is required by a periodic payment order entered under RSA 524:6-a.”

FACTUAL BACKGROUND

Eddie Nash & Sons obtained a February 2002 default judgment for \$5,136.99 against Jack Michael Bergquist for money owed under an agreement to purchase logging equipment. In 2003, the district court ordered monthly payments of \$50 under RSA 524:6-a and listed the total due as \$5,394.26, without expressly addressing continuing post-judgment interest. Bergquist made payments until his death in 2011, after which the petitioner filed an estate claim for the remaining judgment balance plus statutory post-judgment interest. The probate division allowed the remaining \$544.21 but denied the interest claim.

PROCEDURAL HISTORY

Eddie Nash & Sons obtained a 2002 default judgment against Jack Michael Bergquist arising from the purchase of logging equipment. In 2003, the district court entered an order for periodic payments under RSA 524:6-a. After Bergquist died, the petitioner filed a creditor's claim against his estate for the remaining judgment balance plus statutory post-judgment interest. The probate division allowed \$544.21 but excluded post-judgment interest, and the New Hampshire Supreme Court reversed and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remanded for further proceedings consistent with the opinion, including consideration of the petitioner's claim for statutory continuing post-judgment interest.

CASES CITED

- Nault v. N & L Dev. Co., 146 N.H. 35 (2001)
- Lombard v. Company, 78 N.H. 280 (1916)
- Appeal of Morrissey, 165 N.H. 87 (2013)
- Hansa Consult of N. Am. v. Hansaconsult Ingenieurgesellschaft, 163 N.H. 46 (2011)
- Morgenroth & Assocs. v. State, 126 N.H. 266 (1985)
- Sheedy v. Merrimack Cty. Super. Ct., 128 N.H. 51 (1986)
- Quality Carpets v. Carter, 133 N.H. 887 (1991)
- In the Matter of Liquidation of Home Ins. Co., 166 N.H. ___, 89 A.3d 165 (2014)

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