PETITION FOR SMALL ESTATE INSTRUCTIONS

Tennessee requires that all "Small Estates" are to be filed and governed by the "The Small Estate Probate Act" pursuant to Tennessee Code Annotated §30-4-101, et seq. The instructions and attachments provided herein are given to you as a courtesy from the Clerk and Master. Please be aware that this Office cannot give you legal advice. We will assist you with procedural information and clarification regarding the forms, but this is the only assistance that the Clerks can give you. You are encouraged to consult with an attorney or research the law if you have legal questions.

FILING REQUIREMENTS:

In Tennessee, a "Small Estate" means the probate estate ***does not exceed fifty thousand dollars ($50,000)***. Further, "Property" means ***only personal property, or any interest in personal property***. To qualify for a "Small Estate," the Decedent's estate cannot include real property or any interest in real property.

Note: Prior to filing, forty-five (45) days must have expired from the date of the Decedent's death, as evidenced by the death certificate. (*For good cause shown, the Court may waive the (45) day requirement upon written request*.) The Decedent must be a legal resident of Robertson County, Tennessee and there must be no other pending administration of the Decedent's estate in this court or another court.

To petition for a "Small Estate," the filing fee is $379.50. We accept cash, cashier's check (made payable to Clerk and Master's Office), money order, and debit and credit cards. When using a debit or credit card, there is an additional 3.00% service fee. In the event your petition to open a small estate is denied, there is no refund of the above filing fee. The documents required to open a "Small Estate" are as follows:

- Petition for Limited Letters of Administration/Limited Letters Testamentary of a Small Estate (certified copy of Decedent's death certificate)
- Oath of the Personal Representative form (attached)
- Consent For Personal Representative to Serve Without Bond form (attached)
- Order For Limited Letters of Administration/Limited Letters Testamentary of a Small Estate (attached)

PERSONAL REPRESENTATIVE DUTIES AND RESPONSIBILITIES:

If you are petitioning for a "Small Estate," you are acknowledging and agreeing:

1. To collect and preserve all assets of the estate; pay all creditors and distribute the remainder in accordance with the terms of the Last Will and Testament or according to the laws of descent and distribution of the State of Tennessee.

2. A small estate proceeding **CANNOT** be used to transfer real property; the limited letters issued in a small estate proceeding **DO NOT** empower the personal representative to handle any real estate matters of the Decedent.

3. As personal representative, you (and sureties, if any) will be automatically discharged on the first anniversary of the issuance of limited letters and the small estate proceeding will be automatically closed without further notice to any party.

4. As personal representative, you, will be liable to the Bureau of TennCare if a distribution is made prior to reimbursement to TennCare of all medical assistance owed per T.C.A. §71-5-116.

5. You, as personal representative, are aware of all duties imposed upon the personal representative of a small estate proceeding as provided in The Small Estate Probate Act and any other relevant provisions of Title 30 of the Tennessee Code.

BOND REQUIREMENT: For all "Small Estates," bond will be required, equal to the value of the estate, payable to the Clerk and Master's office. However, bond is not required and may be excused if petitioner(s) are the sole heirs at law/beneficiaries of the small estate or all adult heirs at law and beneficiaries' consent in writing. **(Note: Minors and incompetent (i.e. mentally disabled) adults cannot give consent.)**

ONCE WE RECEIVE YOUR FILING AND PAYMENT OF THE FILING FEE*:*

1. A hearing date will be provided to the petitioner and/or the petitioner's attorney by the Clerk and Master's office. The petitioner must complete the Notice of Hearing form and give notice to all interested parties mentioned within the small estate petition. **(Note: Notice must be given at least seven (7) days before the expected hearing date).**

2. At the hearing, the Chancellor/Clerk and Master will enter an Order either granting or denying the petition. If granted, and after the posting of Bond, Limited Letters of Administration / Limited Letters of Testamentary will be issued to the personal representative and shall remain in effect for one (1) year from the date of appointment. At such time, the personal representative shall be discharged and the estate closed.

3. **If additional information or documentation is needed, you may contact the Clerk and Master's Office at 615-384-5650.**

Disclaimer: The information and forms provided are being offered to you as a courtesy and are not required by law. The Clerk and Master's Office for Robertson County, Tennessee does not give legal advice, other than the advice that you are to seek legal counsel for any questions related with the filing of your petition. In signing the petition and oath, you are providing sworn testimony that the information contained therein is not false, fraudulent, or misleading. Any false, fraudulent, or misleading information contained in the petition could result in criminal and/or contempt charges and that you could be subject to imprisonment, and further that you can be held liable for any misappropriation of funds or failure to pay creditor claims or for failure to properly distribute the personal property in accordance with the law.

IN THE CHANCERY COURT FOR ROBERTSON COUNTY, TENNESSEE
AT SPRINGFIELD

IN RE: THE ESTATE OF	)	
	)	
_____	)	**DOCKET NO: _____**
DECEDENT	)	**PART: _____**
	)	
_____	)	
PETITIONER	)	

PETITION FOR LIMITED LETTERS OF ADMINISTRATION /
LIMITED LETTERS TESTAMENTARY OF A SMALL ESTATE
per T.C.A §30-4-101, et seq.

COMES NOW, _____, hereinafter referred to as Petitioner, and in accordance with Tennessee Code Annotated § 30-4-101, et seq., "further known as "*The Small Estate Probate Act*," respectfully submits to this Honorable Court the following:

1. The Decedent, _____, hereinafter referred to as "*Decedent*," being a lawful resident of Robertson County, Tennessee, residing at: _____died on _____, 20_____. (*Attached and filed simultaneously herewith is a certified copy of the Decedent's death certificate*).

2. The Petitioner's submits that his/her date of birth is _____ (___ years of age) with a mailing address of _____

   _____

   Phone Number: _____ Email: _____

   Relationship to Decedent: _____ (*spouse, child, parent, sibling, etc*)

3. The Petitioner submits that he/she has no felony or misdemeanor (excluding, if any, minor traffic offenses) convictions, and is not disqualified from serving as Personal Representative of the Decedent's estate because of having been sentenced to imprisonment in a penitentiary as set forth in T.C.A §40-20-115.

4. The Petitioner submits that he/she is permitted to file this Petition, per T.C.A § 30-4-101, et seq:
   - ☐ as a lawful heir at law of the Decedent, as prescribed in T.C.A § 31-2-104;
     OR
   - ☐ being nominated to serve as Personal Representative of the Decedent's Last Will and Testament.

5. The Petitioner submits that:

☐ **The Decedent died intestate (left no Last Will and Testament).** If so, please complete the following:

Initials

☐ **Under penalty of perjury, I hereby swear and affirm that I have made a diligent inquiry into the existence of a Last Will and Testament of the Decedent, and to my knowledge, information and belief the Decedent left no Valid Last Will and Testament.**

Initials

☐ **Under penalty of perjury, I hereby affirm that the Decedent had no interest in, nor owned any interest in any real property (real estate such as a home, land or other contractual interest in any real property)**

OR

☐ **The Decedent died testate (left a Last Will and Testament).** Petitioner is not aware of any instrument revoking the document being offered for probate as the Decedent's Last Will and Testament; Petitioner believes that said instrument is the Decedent's Last Will and Testament; the date of execution of the Last Will and Testament and the names of the attesting witnesses are as stated in the Last Will and Testament (which names are incorporated by reference); and:

- ☐ The original Last Will and Testament is being filed simultaneously herewith along with affidavits of the attesting witnesses.
  OR
- ☐ Petitioner is simultaneously filing a Petition to admit the Last Will and Testament to probate as Muniment of Title per T.C.A §32-2-111.

6. The name, age (if under 18 years), mailing address (if known), and relationship of each heir at law of the Decedent are:

Name	Age	Mailing Address	Relationship	Current Status
				☐ Under 18 ☐ Deceased
				☐ Under 18 ☐ Deceased
				☐ Under 18 ☐ Deceased
				☐ Under 18 ☐ Deceased
				☐ Under 18 ☐ Deceased

(Attach additional pages if necessary)

WILLFUL FAILURE TO DISCLOSE ANY KNOWN HEIRS AT LAW CAN RESULT IN YOU BEING CHARGED WITH AGGRAVATED PERJURY PURSUANT TO T.C.A §39-16-703.

7. If the Decedent left a Last Will and Testament, the name(s), age (if under 18 years), mailing address (if known), and relationship of each beneficiary are as follows:

Name	Age	Address	Relationship

(Attach additional pages if necessary)

8. Petitioner submits that the filing of an inventory and accountings are not required pursuant to T.C.A. § 30-4-101, et seq.

9. Petitioner submits that notice to creditors is not required pursuant to T.C.A. § 30-4-104(6).

10. Petitioner submits that below is an itemized list of the personal property owned by the Decedent which will be subject to this small estate proceeding and the value of each item of property (the total of which is the estimated of the fair market value of the decedent's estate subject to this small estate proceeding).

The Decedent died owning the following personal property: (*List all personal property. Also list Decedent's financial accounts which did not pass by right of survivorship or pay/transfer on death designation outside of the Decedent's estate. Also list policies of insurance payable to the Decedent's estate.* ***DO NOT*** *list real property.* ***DO NOT*** *list assets that passed outside the Decedent's estate.)*

Items / Financial Accounts / Insurance / Other Personalty	Location/Possession	Bank Account No. (If applicable)	Value ($)
TOTAL VALUE OF THE ESTATE			*$*

(Attach additional pages if necessary)

11. Petitioner submits below the identity of each creditor of the Decedent, and the amount owing to each identified creditor.

The Decedent left the following unpaid debts at death:

Creditor Name / Description of Debt	Address	Amount ($)

(Attach additional pages if necessary)

12. Petitioner submits that bond shall be required pursuant to T.C.A §30-4-103(3) at an amount equal to the value of the Decedent's estate. However, Petitioner requests that bond be waived because:

☐ Petitioner is the sole heirs at law / beneficiary of the Decedent's Estate

OR

☐ All adult heirs at law and beneficiaries have consented in writing waiving that no bond shall be required. **(Each consent has been attached hereto and filed simultaneously herewith)**

The Petitioner acknowledges / agrees as follows:

1. Petitioner is willing to collect and preserve all assets of the estate, pay all creditors and distribute the remainder in accordance with the terms of the Last Will and Testament or according to the laws of descent and distribution of the State of Tennessee.
2. A small estate proceeding **CANNOT** be used to transfer real property; the limited letters issued in a small estate proceeding **DO NOT** empower the personal representative to handle any real estate matters of the Decedent.
3. The personal representative (and sureties, if any) will be automatically discharged on the first anniversary of the issuance of limited letters and the small estate proceeding will automatically close without further notice to any party.
4. The personal representative will be liable to the Bureau of TennCare if a distribution is made prior to reimbursement to TennCare of all medical assistance owed per T.C.A. §71-5-116.
5. Petitioner is aware of all duties imposed upon the personal representative of a small estate proceeding as provided in The Small Estate Probate Act and any other relevant provisions of Title 30 of the Tennessee Code.

WHEREFORE, the Petitioner prays:

1. That Petitioner be allowed to file this Petition pursuant to T.C.A. §30-4-101, et seq.
2. That Petitioner be the appointed Personal Representative of the above estate and that Limited Letters of Administration/Limited Letters of Testamentary be issued.
3. For any such further relief that the law may allow.

I, the undersigned Petitioner, swears and/or affirms, under the penalty of perjury, that the foregoing information is true and correct to the best of my knowledge and belief.

Witnessed my hand this the _____ day of _____, 20_____.

_____
Petitioner
Phone: _____
Email: _____

STATE OF TENNESSEE)
COUNTY OF _____)

SWORN to and **SUBSCRIBED** before me, this the
_____ day of _____, 20____.

_____
Notary Public
Commission Expires: _____ (SEAL)

NOTICE OF HEARING

The above captioned case is set for hearing on the _____ day of _____, 20_____, at _____ A.M./P.M., in the Chancery Court for Robertson County, Tennessee located at 422 W. Court Square, Room 102, Springfield, Tennessee 37172. Said notice is being given to all interested parties at least seven (7) days before the above hearing date.

CERTIFICATE OF SERVICE

I hereby certify that on the _____ day of _____, 20_____ a true and exact copy of the foregoing Petition has been delivered by U.S. Mail, postage prepaid, upon the following persons listed below.

Name: _____
Address: _____
_____

Name: _____
Address: _____
_____

Name: _____
Address: _____
_____

Name: _____
Address: _____
_____

Name: _____
Address: _____
_____

Name: _____
Address: _____
_____

_____
Signature

_____
Date

(ATTACH ADDITIONAL PAGES IF NECESSARY)

IN THE CHANCERY COURT FOR ROBERTSON COUNTY, TENNESSEE
AT SPRINGFIELD

IN RE: THE ESTATE OF	**)**	
	)	
_____	**)**	**DOCKET NO: _____**
DECEDENT	**)**	**PART: _____**

PERSONAL REPRESENTATIVE OATH

In accordance with T.C.A. §30-4-101 et seq., I, _____, do hereby solemnly swear or affirm that I will honestly and faithfully perform the duties as Personal Representative in the above referenced estate to the best of my ability and knowledge, and I do hereby solemnly swear or affirm that all statements in the Petition about me are true and accurate and I am not disqualified because of having been sentenced to imprisonment in a penitentiary as set forth in T.C.A. §40-20-115 or otherwise.

SO HELP ME GOD.

This_____ day of _____, 20 _____.

PRINT NAME: _____

ADDRESS: _____
_____
_____

I certify under penalty of perjury that the foregoing is true and correct

OR

STATE OF: _____
COUNTY OF: _____

Sworn to and subscribed before me this _____ day of _____, 20____.

_____
Signature

Notary Public_____
My Commission Expires: _____

IN THE CHANCERY COURT FOR ROBERTSON COUNTY, TENNESSEE
AT SPRINGFIELD

IN RE: THE ESTATE OF	)	
	)	
_____	)	**DOCKET NO: _____**
DECEDENT	)	**PART: _____**
	)	

CONSENT FOR PERSONAL REPRESENTATIVE TO SERVE WITHOUT BOND
PER T.C.A. §30-4-103(3)(C)

I,_____,
an heir at law/beneficiary to the above referenced estate, as evidenced by my underlying signature, whether notarized or signed under the penalty of perjury, do hereby waive any appointment to serve as the Personal Representative of this estate and do hereby consent that _____ be appointed, by the Court, as said Personal Representative. Further, I request that no bond be required by the Personal Representative as set forth in T.C.A. §30-4-103(3(C).

This_____ day of _____, 20 _____.

PRINT NAME: _____

ADDRESS: _____
_____
_____

I certify under penalty of perjury that the foregoing is true and correct

_____
Signature

OR

STATE OF: _____
COUNTY OF: _____

Sworn to and subscribed before me this _____ day of _____, 20____.

***Notary Public*_____**
My Commission Expires: _____

IN THE CHANCERY COURT FOR ROBERTSON COUNTY, TENNESSEE
AT SPRINGFIELD

IN RE: THE ESTATE OF	)	
	)	
_____	)	**DOCKET NO: _____**
DECEDENT	)	**PART: _____**
	)	

ORDER FOR LIMITED LETTERS OF ADMINISTRATION /
LIMITED LETTERS TESTAMENTARY OF A SMALL ESTATE
per T.C.A §30-4-101, et seq.

IT APPEARING TO THE COURT, that on the _____ day of _____, 20_____, the above Petitioner sought application through this Honorable Court requesting that the above estate be opened for administration pursuant to T.C.A §30-4-101, et seq, and that Limited Letters of Administration/Limited Letters of Testamentary of a Small Estate be issued.

As such, and based upon the sworn petition filed in this cause, together with the record as a whole, the Court makes the following findings of fact and conclusions of law:

1. This is a Court of Record;
2. The above-named Decedent, being a lawful resident of Robertson County, died on the date listed within the sworn petition filed in this cause;
3. That venue and jurisdiction are proper with this Court;
4. That the Decedent left an estate which needs to be administered;
5. That, based upon the contents stated within the sworn petition, it appears that the Decedent's estate qualifies for administration pursuant to Title 30, Chapter 4 of Tennessee Code Annotated.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the above-named Petitioner shall be named the Personal Representative of the Decedent's Estate and that the Clerk of the Court shall issue Limited Letters of Administration / Limited Letters of Testamentary, pursuant to Title 30, Chapter 4 of Tennessee Code Annotated. Further, it is so ordered that, prior to said Limited Letters being issued, Bond:

☐ shall be required and set in the amount of $ _____.
☐ shall not be required pursuant to T.C.A §30-4-103(3)

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that in accordance with T.C.A §30-4-103(7)(B), that after the first anniversary, the Limited Letters of Administration/Limited Letters of Testamentary issued in this cause shall automatically terminate and the Personal Representative and his/her surety shall be discharged from liability.

ENTERED this the _____ day of _____, 20_____.

_____
CHANCELLOR / CLERK AND MASTER