

**SMALL ESTATE ADMINISTRATION PROCEEDINGS IN  
THE PROBATE COURT OF RUTHERFORD COUNTY,  
TENNESSEE.**

Estates to be administered under the provisions of Tenn. Code Ann. 30-4-101 et seq. (The Small Estates Act) may be heard by the Probate Judge or the County Clerk. Notice shall be given to all interested parties, including the surviving spouse and next of kin, of the fact the petitioner is filing a petition to be appointed personal representative of the estate under the small estate exemption. If notice is not provided bond may be required. The County Clerk may hear these matters provided the affidavit and all accompanying documents are in proper order, as determined by the County Clerk, and there are no questions of law to be determined. If there is a question of law or if the County Clerk, declines to act upon the affidavit, a hearing on the affidavit may be set on the court docket by the clerk. If bond is to be waived, consent forms executed by the spouse and all next of kin allowing the Affiant to administer the small estate without bond must accompany the affidavit.

**SMALL ESTATE AFFIDAVIT  
REQUIREMENTS**

THERE IS A 45-DAY WAITING PERIOD AFTER THE DATE OF DEATH  
CERTIFIED COPY OF THE DEATH CERTIFICATE.

AFFIDAVIT FROM **ALL** THE HEIRS THAT ARE NOT JOINING IN THE SMALL ESTATE  
AFFIDAVIT.

LIST OF ALL OUTSTANDING DEBTS OWED BY THE DECEASED.

\$50,000.00 LIMITATION AND **NO** REAL PROPERTY.

THERE CAN BE **NO** MINOR HEIRS OF THE DECEASED.

IF BOND IS REQUIRED, SEE INSURANCE COMPANY.

IF THERE IS AN ORIGINAL LAST WILL AND TESTAMENT, IT WILL BE FILED WITH THE  
PROBATE COURT.

**A COURT HEARING IS REQUIRED -  
TO SCHEDULE HEARING WITH JUDGE TOBY GILLEY, CALL 615-217-1138.**  
THE HEARING WILL TAKE PLACE AT THE JUDICIAL CENTER,  
116 W. LYTLE STREET  
COURTROOM 3D  
MURFREESBORO, TN 37130

**THE SMALL ESTATE AFFIDAVIT MUST BE COMPLETED, WITH NOTARIZED  
SIGNATURES, BEFORE THE HEARING.**

DRESS CODE: YOU WILL BE APPEARING BEFORE THE JUDGE, SO PLEASE DRESS  
APPROPRIATELY ( No tank tops, shorts, spaghetti straps, t-shirts with inappropriate writing, flip-  
flops, hats and sunglass must be removed.) **For security purposes, purses or bags of any kind are not  
allowed in the Judicial Center.**

COURT COSTS: \$182.50

AFTER THE HEARING, THE SMALL ESTATE AFFIDAVIT IS FILED AT THE COUNTY  
CLERK'S OFFICE. COURT COSTS ARE PAYABLE TO *RUTHERFORD COUNTY CLERK* IN  
CASH, CHECK OR CREDIT AND/DEBIT CARDS AT THE TIME OF FILING. NOTICE TO  
CREDITORS ARE PAYABLE BY CHECK ONLY.

COUNTY CLERK'S OFFICE  
319 N. MAPLE STREET  
SUITE 121  
MURFREESBORO, TN. 37130  
615-898-7800 ext. 2

Probate Court  
Rutherford County  
Murfreesboro, Tennessee

**AFFIDAVIT FOR SMALL  
ESTATE LIMITED  
LETTER OF AUTHORITY**

Page 1 of 3

Case Number  
PR \_\_\_\_\_

**IN RE:** \_\_\_\_\_, Deceased

The deceased, herein referred to as "Decedent", age \_\_\_\_\_, died on \_\_\_\_\_, \_\_\_\_\_ in \_\_\_\_\_ County, State of Tennessee Decedent's last residence was \_\_\_\_\_ County, Tennessee, as evidenced by a copy of the death certificate which is being filed with this affidavit.

\_\_\_\_\_ The Decedent left no Will.

\_\_\_\_\_ The Decedent left a Will which does not require administration by the Court, but is lodged for safekeeping.

The Decedent died owning an interest in personal property, including all life insurance policies payable to the Decedent's estate, not to exceed the aggregate statutory amount of \$50,000.00 as follows:

Items	Value	Location and Possession
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
Total Value	_____	

The Decedent left the following unpaid debts at death (Attached additional sheet if necessary):

Creditor	Amount	Address
_____	_____	_____
_____	_____	_____
_____	_____	_____

- Bond must be posted in the amount of \$ \_\_\_\_\_.
- Bond is excused:
  - Will lodged for safekeeping excuses affiant from making bond.
  - Affiant is the sole heir or beneficiary of the decedent's estate.
  - Each person who is an heir or beneficiary of the decedent is an adult and has consented to waive the affiant's bond as evidenced by each's signed, acknowledged agreement to 'waive' bond which is filed along with this affidavit.
  - Affiant is a bank excused from bond by TCA §45-2-1005.

The following are the names and addresses of all heirs of the deceased which the affiant(s) is (are) obligated to notify at their last known address (Attach additional heirs on a separate sheet):

Name	Address	Age	Relationship
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Your affiant(s) is(are) willing to collect and preserve all assets of the estate, including the removal of any personal property from a property leased by the decedent and cancellation of insurance policies that are no longer applicable due to the decedent's death.

Your affiant(s) acknowledges that the decedent did not have an interest in any real property.

Your affiant(s) acknowledge liability to TennCare, if applicable, to the extent of the value of the personal property.

Your affiant(s) further acknowledges that the affiant and the sureties, if any, will automatically be discharged on the first anniversary of the filing of the affidavit.

Your affiant(s) further evidences by signature hereto that, subject to penalty of perjury, the information contained herein is not false or misleading and the affiant is not prohibited from filing affidavit because of having been sentenced to imprisonment in a penitentiary as set forth in § 40-20-115 or otherwise. The affiant is aware of and mindful of all duties imposed upon him in Tennessee Code Annotated §30-4-101 et seq.

Date: \_\_\_\_\_

\_\_\_\_\_  
Affiant

Affiant Address: \_\_\_\_\_

\_\_\_\_\_

Sworn to and subscribed before me on \_\_\_\_\_.

My Commission Expires: \_\_\_\_\_.

\_\_\_\_\_  
Clerk or Notary Public

Date: \_\_\_\_\_

\_\_\_\_\_  
Toby Gilley, Judge

I, \_\_\_\_\_, Clerk for the \_\_\_\_\_ Court of \_\_\_\_\_ County, Tennessee, certify that this is a court of record; that this is a true, full and correct copy of the Affidavit for Small Estate Limited Letter of Authority filed in this Court; that this Affidavit is still in full force and effect as of this date; and that the original of this Affidavit is on file in the office of the \_\_\_\_\_ for \_\_\_\_\_ County, Tennessee.

Date: \_\_\_\_\_

\_\_\_\_\_  
Clerk or Deputy Probate Clerk

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Legal Authority: TCA §30-4-101 et seq.  
7/1/2022

Note: Tennessee Code Annotated 30-4-104 states that every person indebted to the decedent's estate, having possession of any personal property belonging to the estate, or acting as registrar or transfer agent of any shares of stock, bonds, notes, or other evidence of ownership, indebtedness, or right belonging to the decedent's estate must be furnished with a copy of the affidavit by the affiant, duly certified by the clerk of the court. Upon receipt of the copy of the affidavit and demand of the affiant, each person furnished with a copy of the affidavit shall pay, transfer, and deliver to the affiant: 1) all indebtedness owing by the recipient and other property in possession of or subject to registration or transfer by the recipient.

IN THE PROBATE COURT OF RUTHERFORD COUNTY,  
TENNESSEE

IN THE MATTER OF

\_\_\_\_\_  
DECEASED

AFFIDAVIT AS TO SMALL ESTATE

The undersigned, \_\_\_\_\_ ("Affiant"),  
pursuant to the provisions of Tennessee Code Annotated 30-4-101; et seq., would respectfully  
state under oath as follows:

A. \_\_\_\_\_ ("Decedent"), age \_\_\_\_\_,  
Died on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and was a resident of Rutherford  
County, Tennessee, at the date of death. The Decedent's address at date of death was: \_\_\_\_\_

B. CHECK APPROPRIATE PROVISION:

\_\_\_\_\_ The Decedent left no Will.

OR

\_\_\_\_\_ The Decedent left a Will and the Will is attached to this Affidavit as Exhibit "A".

C. The name, age address, and relationship of each heir at law or beneficiary entitled to  
receive any of the Decedent's property, including Affiant, are as follows:

<u>Name</u>	<u>Address</u>	<u>Age</u>	<u>Relationship</u>
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_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

D. The following is an itemized description and the value of all the Decedent's property, excluding real estate. The names and addresses of all persons known to have possession of any of the Decedent's property are included. Insurance policies on decedent's life that are payable to the Decedent's estate are also included. Additionally included are: Bank accounts, cash, vehicles, stocks, bonds, equipment, furniture and furnishings, and all other assets of the Decedent. Assets that pass automatically by operation of law, such as joint accounts, are not included here.

<u>Items of Property</u>	<u>Location</u>	<u>Value</u>
(If necessary, attach separate sheet)	Total value of Probate Estate	\$ _____

E. The following is a list of unpaid debts left by the Decedent and the name and address of each creditor and the amount due.

<u>Creditor</u>	<u>Address</u>	<u>Amount</u>
(If necessary, attach separate sheet)	Total Debts of Estate	\$ _____

County Clerk, Probate Division

319 N. Maple St.

Murfreesboro, TN 37130

615-898-7798

Lisa Duke Crowell, Clerk

**DISCLAIMER**

This is an acknowledgment that I have been informed by the County Court, Probate Division personnel that they are not authorized to provide legal services or legal advice. I have further been instructed that should I have any questions about the legal document that I am filing, it would be in my best interest to contact an attorney.

I understand and acknowledge that I am responsible for the statements that I make in this legal document, and the same rules apply whether this legal document is filed by an attorney or a person without legal training. Furthermore, I understand and acknowledge that my legal document may not be considered or may be dismissed if my filings do not meet the appropriate legal guidelines.

Filing costs and court fees are assessed and are not refundable regardless of the outcome of my case.

Plaintiff/Petitioner/Movant (print) \_\_\_\_\_

(signature) \_\_\_\_\_

Date: \_\_\_\_\_



F. Affiant elects to give notice to creditors in the manner required on regular administrations.

\_\_\_\_\_ Yes \_\_\_\_\_ No

(If elected, all provisions of Tennessee Code Annotated 30-2-306 through 30-2-321 shall apply)

Affiant evidences by signature hereto, subject to the penalties for perjury, that the statement contained in this Affidavit are true, are neither false nor misleading, and that the Affiant is mindful of all duties imposed by law. Affiant agrees to collect and preserve all assets of the estate and to file tax returns as required by law.

Affiant also agrees to pay or reimburse funeral expenses, administrative expenses, and creditors from the assets of the estate. Furthermore, Affiant agrees to distribute the remainder of the estate in accordance with the decedent's valid Will, or if no Will, then according to the laws of descent and distributions of the State of Tennessee.

Affiant makes oath that the facts contained in the foregoing Affidavit are true and correct to the best of the Affiant's belief.

Sworn to this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Affiant

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone Number

STATE OF TENNESSEE, RUTHERFORD COUNTY

The Affiant personally appeared before me, Lisa Duke Crowell, Clerk of the Probate Court of Rutherford County, Tennessee, after being duly Sworn, stated under oath, that the facts averred in the above affidavit are true to the best of affiant's knowledge, information, and belief.

This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

LISA DUKE CROWELL, CLERK

By \_\_\_\_\_, D.C.

APPROVED:

\_\_\_\_\_  
Hon. Toby Gilley, Judge

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

NOTE: Bond shall be made for the total value of the estate as shown in (D) above, provided however that bond may be waived by a Judge of the Probate Court if all heirs at law request in writing that the bond be waived for the affiant. Since the Will is not being proved and therefore is not admitted to Probate, a waiver requested by the Will cannot be granted.

IN THE PROBATE COURT FOR RUTHERFORD COUNTY  
MURFREESBORO, TENNESSEE

RE: \_\_\_\_\_  
Deceased

Affiant's Oath

I, \_\_\_\_\_, do solemnly swear that I will honestly and  
faithfully discharge the duties required by law for the estate of \_\_\_\_\_,  
According to law, to the best of my knowledge and ability. So help me God.

\_\_\_\_\_  
Affiant

State of Tennessee

County of Rutherford

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public At Large/Deputy Clerk

My Commission Expires: \_\_\_\_\_

(PROBATE DIVISION)

**AFFIDAVIT FROM THE HEIRS &  
CONSENT TO SERVE WITHOUT BOND**

IN THE ESTATE OF:

\_\_\_\_\_ **Deceased**

I, \_\_\_\_\_, beneficiary of the above reference estate do hereby waive my appointment as the Personal Representative of this estate and consent to the appointment of \_\_\_\_\_ as Personal Representative of this estate, and I further state to the court that this appointment shall be **WITHOUT SURETY BOND.**

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Signature: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Commission Expiration Date