

SMALL ESTATE AFFIDAVIT
REQUIREMENTS

A COURT HEARING IS REQUIRED

TO SCHEDULE A HEARING WITH JUDGE TOBY GILLEY, CALL 615-217-1138

THE HEARING WILL TAKE PLACE AT:

THE RUTHERFORD COUNTY JUDICIAL CENTER
116 WEST LYTTLE STREET
COURTROOM 3D
MURFREESBORO, TN 37130

DRESS CODE: YOU WILL BE APPEARING BEFORE THE JUDGE, SO PLEASE DRESS APPROPRIATELY (No tank tops, shorts, spaghetti straps, flip flops or clothing with inappropriate writing or designs. Hats and sunglasses must be removed before entering the Courtroom)

SECURITY: For security purposes, **NO purses or bags of any kind will be permitted inside the Judicial Center**

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

YOU MUST PROVIDE A CERTIFIED COPY OF THE DEATH CERTIFICATE.

YOU MUST INCLUDE AFFIDAVIT(S) FROM **ALL** THE HEIRS THAT ARE NOT JOINING IN THE SMALL ESTATE AFFIDAVIT.

YOU MUST LIST ALL OUTSTANDING DEBTS OWED BY THE DECEASED.

ALL COMBINED ASSETS ARE LIMITED TO NO MORE THAN \$50,000.00

THE DECEDENT MUST **NOT** HAVE OWNED **ANY** REAL PROPERTY AT THE TIME OF THEIR DEATH.

THERE CAN BE **NO** MINOR (*UNDER 18 YEARS OF AGE*) HEIRS OF THE DECEDENT.

IF BOND IS REQUIRED, SEE INSURANCE COMPANY.

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

COURT COSTS: **\$182.50**

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

RUTHERFORD COUNTY CLERK'S OFFICE
319 NORTH MAPLE STREET
SUITE 121
MURFREESBORO, TN 37130
(615)898-7800 EXT. 2

Rutherford County Clerk
Probate Division
319 N. Maple Street
Murfreesboro, TN 37130
(615) 898-7800 ext. 2

DISCLAIMER

This is an acknowledgment that I have been informed by the Rutherford County Clerk, 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 the legal document, and the same rules apply whether this legal document is filed by an attorney or 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.

I understand and acknowledge that the filing costs and court fees are assessed and are not refundable regardless of the outcome of my case.

Affiant/Petitioner/Movant (print) _____

(signature) _____

Date: _____

Probate Court
Rutherford County
Murfreesboro, Tennessee

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

Case Number
PR _____

IN RE: _____, Deceased

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

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
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Please check this box if you are attaching a separate sheet with additional assets.

Total Value: _____

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

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

Please check this box if you are attaching a separate sheet with additional creditors.

Total: _____

Does the Affiant elect 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)

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
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Please check this box if you are attaching a separate sheet with additional heirs.

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

- 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.

APPROVED this _____ day of _____, 20_____.

 Hon. Toby Gilley, Judge

I, Lisa Duke Crowell, Clerk for the Probate Court of Rutherford 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 County Clerk for Rutherford County, Tennessee.

Date: _____

 Clerk or Deputy Probate Clerk

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.