

## Small Estate Affidavit Guidelines

T.C.A. §30-4-101, et. seq.

**Small Estate Affidavits** are used to administer assets with a total gross value at or below **\$50,000.00**. This **\$50,000.00** excludes interest in any real property.

**FILING FEE:** **\$105.50** / with a Will (Cash or Cashier's Check ONLY)  
**\$100.50** / without a Will (Cash or Cashier's Check ONLY)

**FORMS REQUIRED:** Small Estate Affidavit  
Consent to Serve Without Bond (1 for each Next-of-Kin)  
Original Will (if decedent left a Will)  
Death Certificate (*certified* copy)

**ADDRESS OF CLERK:** Davidson County Probate Court Clerk's Office  
1 Public Square, Room 303  
Nashville, TN 37201

Listed below are the requirements, information and criteria for filing a *Small Estate Affidavit*.

- The total value of all personal property must be **\$50,000.00 or less** and **not** include real property.
- The decedent must have **resided** in Davidson County.
  - If decedent's place of death was in Davidson County but decedent's residence was in another county, the *Affidavit* **must** be filed in the county of residence **not** Davidson County.
- You must wait **forty-five (45) days** from the date of death to file the *Small Estate Affidavit*.
- You must include the decedent's **full name** (as it appears on the Death Certificate) when preparing the *Affidavit*.
- If the decedent left a Will, you must bring the **original Will** to the Clerk's Office.
  - **The Will is not being probated – it is being filed to support the Affidavit.**
- As the Affiant, you must obtain signed and notarized **Consent to Serve Without Bond** forms of all the next-of-kin.
  - If you are unable to obtain **Consent** form(s), you **must** notify the next-of-kin of the hearing date. **[NOTE:** Minor and incompetent individuals **cannot** consent. If the *Small Estate Affidavit* incorporates minors or incompetents, the Court may set a Bond for the value of the personal property sought in the *Affidavit*.]
- You must list any known unpaid debts the decedent had at the time of death. Please list the creditor's name, address and amount of the debt.
  - If the amount of the debt **exceeds** the value of the personal property, you should seek legal advice from an attorney.
  - If you paid for the funeral expenses, you may list yourself as a creditor in order to be reimbursed for that expense (please attach receipts for funeral expenses to the *Affidavit*).
- List the location and value of the property you are trying to gain access to.
- You will be given a hearing date upon filing the *Affidavit*.

**Although the Clerk's Office is authorized to assist Affiants in completing the *Small Estate Affidavit* form, this office is not allowed to give legal advice. If you have any legal questions regarding this process, you should seek legal advice from an attorney.**

**In the Circuit Court of Davidson County, Tennessee  
(Probate Division)**

**SMALL ESTATE AFFIDAVIT  
T.C.A. §30-4-101, et. seq.**

DOCKET NO: \_\_\_\_\_

ESTATE OF: \_\_\_\_\_

Your Affiant, \_\_\_\_\_, would respectfully show unto the Court as follows:

That the deceased, age \_\_\_\_\_, died on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, in \_\_\_\_\_ County, State of Tennessee, and that his/her last residence was:

\_\_\_\_\_  
\_\_\_\_\_

- The decedent left no Will.       The decedent left a Will and the Will has been deposited with the Clerk of this Court, and a copy filed to support this *Affidavit*.

The decedent left the following unpaid debts at the time of his/her death:

<u>CREDITOR</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____

(IF OTHER DEBTS, ATTACH A SEPARATE SHEET)

The decedent died owning the following property (list all personal property which includes *cash, bank accounts, notes receivable, automobiles, stocks and bonds and life insurance payable to the estate, mechanical equipment, household furnishings, etc.*):

**Do Not List Jointly Owned Property**

<u>ITEM</u>	<u>LOCATION / POSSESSION</u>	<u>BANK ACCT #</u> (if applicable)	<u>VALUE</u>
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____

(IF OTHER PERSONAL PROPERTY, ATTACH A SEPARATE SHEET)

TOTAL PERSONAL ESTATE: \$ \_\_\_\_\_

The following are the names and addresses of all next of kin of the deceased:

<u>NAME</u>	<u>ADDRESS</u>	<u>RELATIONSHIP</u>	<u>AGE</u>
_____	_____		
_____	_____		
_____	_____		
_____	_____		
_____	_____		
_____	_____		
_____	_____		
_____	_____		

Your Affiant is willing to collect and preserve all assets for the Estate, pay all creditors and distribute the remainder in accordance with the terms of the Will or according to the laws of descent and distribution of the State of Tennessee, pursuant to *T.C.A. §30-4-101*.

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

\_\_\_\_\_  
[NAME OF AFFIANT]

\_\_\_\_\_  
[ADDRESS]

\_\_\_\_\_  
[CITY] [STATE] [ZIP]

STATE OF TENNESSEE )  
COUNTY OF DAVIDSON )

Personally appeared before me, Notary Public/Deputy Clerk, the said \_\_\_\_\_,  
and after being sworn, deposes and says, subject to the penalty for perjury, that the *Affidavit* is not false or misleading and that s/he is mindful of all the duties imposed upon her/him.

\_\_\_\_\_  
AFFIANT

SWORN TO AND SUBSCRIBED BEFORE ME, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public / Deputy Clerk

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

In the Circuit Court of Davidson County, Tennessee  
(Probate Division)

CONSENT TO SERVE WITHOUT BOND  
\*\*\*\*\*  
SMALL ESTATE

IN THE ESTATE OF:

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

DOCKET NO: \_\_\_\_\_

I, \_\_\_\_\_, beneficiary of the above-referenced estate, do hereby waive my appointment as the Personal Representative/Affiant of this estate and consent to the appointment of \_\_\_\_\_ as Personal Representative/Affiant of the estate, as evidenced by my signature below, whether notarized or signed under penalty of perjury, and I further state to the Court that this appointment shall be **without Surety Bond**.

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

PRINT NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

<p>_____ <b>Signature</b></p> <p>State of _____ County of _____</p> <p>Sworn to and subscribed before me, this _____ day of _____, 20_____.</p> <p>_____ Notary Public / Deputy Clerk My Commission Expires: _____</p>	<b>OR</b>	<p>I certify under penalty of perjury that the foregoing is true and correct.</p> <p>_____ <b>Signature</b></p>
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