

APPENDIX V

IN THE PROBATE COURT FOR DAVIDSON COUNTY, TENNESSEE

IN RE: ORDER AMENDING PROCEDURE FOR PROBATE MATTERS

AMENDMENT TO RULE 39.03

Due to confusion caused by the variety of ways petitioners are providing the information required in a petition to admit a testamentary instrument to probate as required by Rule 39.03(a), the Court finds that it would be beneficial to clarify the rule to require that certain pertinent information be set forth in separate paragraphs. It is, therefore, Ordered that Rule 39.03(a) is amended to read as follows:

Rule 39.03 - Estates of Decedents:

1. Petitions to Probate Wills, Codicils and other Testamentary Instruments:

A verified Petition to probate a will, codicil, other testamentary instrument or to administer an intestate estate shall set forth such information as is required by statute and these Rules.

a. Furthermore, in a petition to probate a will, codicil or other testamentary instrument, the petition shall specify in two separately numbered paragraphs (emphasis added) the names, and if known, addresses and relationships of:

- 1) all legatees and devisees under the testamentary instrument(s), and
- 2) the next of kin/heirs at law who would inherit from the decedent if there were no will, including the surviving spouse (even though not named in the will).

b. Furthermore, in an intestate estate, the petition shall specify the names, and if known, addresses and relationships of the next of kin/heirs at law, including specifically the surviving spouse.

The value of real and personal property to be administered need not be stated if bond is expressly waived and the named executor or alternate executor is willing to serve.

This order shall take effect immediately.

Dated: May 17, 2004.

Randy Kennedy, Judge