

SEVENTH CIRCUIT COURT FOR THE TWENTIETH JUDICIAL DISTRICT
METROPOLITAN NASHVILLE / DAVIDSON COUNTY, TENNESSEE
(EXCLUSIVE PROBATE JURISDICTION)

**SMALL ESTATE PETITION FOR LIMITED LETTERS OF AUTHORITY
FOR ESTATES WITH A WILL**

This petition is to be used to file for an alternative small estate administration of a deceased person's estate pursuant to The Small Estates Act, T.C.A. §§ 30-4-101 *et seq.*

FILING FEES	FORMS REQUIRED	ADDRESS OF CIRCUIT COURT CLERK'S OFFICE
WITH WILL: \$334.50 <u>CASH, CHECK OR CREDIT CARD ONLY!</u>	<ul style="list-style-type: none">• Small Estate Petition• Consents to serve from ALL heirs and beneficiaries under the Will in order to waive bond• Original Will• Death Certificate (certified copy required)	Davidson County Circuit Court Clerk's Office 1 Public Square, Room 302 Nashville, TN 37201

CONSENTS REQUIRED TO BE FILED FOR ALL HEIRS OF THE DECEASED AND BENEFICIARIES UNDER WILL

PLEASE NOTE THAT UNDER The Small Estates Act, T.C.A. §§ 30-4-101 *et seq.* (2023), IT IS REQUIRED TO FILE CONSENTS FROM ALL HEIRS AND BENEFICIARIES IN LIEU OF A BOND REQUIREMENT PRIOR TO LIMITED LETTERS OF AUTHORITY BEING ISSUED

Requirements:

- **VALUE:** Total value of all personal property owned by the deceased at death must be \$50,000 or less. Personal property does not include real estate (such as house or land).
- **RESIDENCE:** The deceased must have resided in Davidson County when he or she died.
- **WAIT PERIOD:** Forty-five (45) days must have passed since the deceased's death. If you urgently need to access property prior to the end of 45 days, file a request in writing with the Court describing the reasons why expedited access is needed.
- **LAST WILL AND TESTAMENT:** You must file the original of the Last Will and Testament with the Clerk.
- **AUTHORITY TO FILE:** In order to have authority to file this petition, you must be an heir at law or have signed consents or be named as the personal representative under the Last Will and Testament.
- **DEATH CERTIFICATE** (Certified Copy Required)
- **NAME OF DECEASED:** You must state the deceased's full LEGAL NAME, not nickname.
- **DATE OF HEARING:** The Clerk will give you the court hearing date when you file the Petition and consents.

PLEASE NOTE...

The clerk's office is authorized by T.C.A. § 30-4-103(1)(B) to assist you in completing this form but is prohibited from giving you legal advice. If you have any legal questions, we urge you to consult an attorney.

NOTICE OF FILING

Notice must be given of this action to all heirs at law and all beneficiaries in the Will. Note that minors and incompetent (i.e., mentally disabled) adults cannot give consent (Consent may be possible through a custodial parent, guardian, conservator or agent under a power of attorney). It is the responsibility of the petitioner to provide a filed copy of the petition for limited letters of authority and proper notice of the hearing date to each heir and beneficiary.

CONSENTS OR BOND NECESSARY

Pursuant to TCA §30-4-103, Regardless of the language of the Will waiving bond, the petitioner for the limited letters shall make the bond payable to the court clerk. The amount of bond must be equal to the value of the deceased's property listed in the Petition. Bond is not required if consents are obtained from all heirs and beneficiaries under the will. Please note bond will need to be secured or consents obtained and filed with the clerk prior to the scheduling of a hearing date in this matter.

FOREIGN LANGUAGE OR SIGN LANGUAGE INTERPRETER

If you need the assistance of an interpreter at the hearing, notify the court clerk or request an interpreter from the trial courts (trialcourts.nashville.gov). Please note there is no charge to the Petitioner for interpretation services.

SEVENTH CIRCUIT COURT FOR THE TWENTIETH JUDICIAL DISTRICT
METROPOLITAN NASHVILLE / DAVIDSON COUNTY, TENNESSEE
(PROBATE DIVISION)

PROBATE CLERK USE ONLY
SMALL ESTATE ORDER

DOCKET #: _____

IN RE: _____
ESTATE OF: _____

**SMALL ESTATE PETITION FOR LIMITED LETTERS OF AUTHORITY FOR A DECEASED'S
ESTATE WITH A WILL**

(under authority of T.C.A. § 30-4-101 et. seq.)

I, the undersigned Petitioner, do hereby certify and declare the following is true and correct to the best of my belief, knowledge, and information:

1. My full legal name is _____.

2. My mailing address is (include complete address with city/state/zip) _____.

3. I **have not** been convicted of any misdemeanor, felony or served a sentence in a penitentiary.

I **have** been convicted of misdemeanors, felonies or served a sentence in a penitentiary.

Please explain: _____.

My authority to file this Petition for Limited Letters of Testamentary of a Small Estate is:

a. I am an heir at law to the deceased.

My relationship to the deceased is I am his/her _____.

b. All those eligible as an heir at law or beneficiary under the Will have consented in writing for me to serve and I am filing those consents with the clerk.

c. I am named in the deceased's will as the personal representative (executor) of the estate in section _____ of the will.

d. I am filing on behalf of someone (*you must attach the letter of authority that gives you that authority, such as a power of attorney*). Please also check the box indicating why the person you are representing would have authority to serve.

4. The deceased's full legal name was _____.

5. The deceased died on the _____ day of _____, 20____ at age ____.

6. The deceased's primary address was: _____

7. The deceased died in the county of _____ in the state of _____.

8. If outside the U.S., death was in _____

9. THE WILL

PLEASE NOTE YOU WILL NEED TO FILE EITHER THE ORIGINAL OR A COPY OF THE WILL WITH THE CLERK AT THE TIME OF FILING YOUR PETITION FOR LIMITED LETTERS. THE ORIGINAL WILL MUST BE FILED WITH THE CLERK BEFORE LIMITED LETTERS WILL BE GRANTED.

1. The Deceased left a will dated _____
2. The deceased left a codicil (amendment to Will) dated _____ or other testamentary documents.
If so, explain: _____.
3. The Will was properly witnessed by _____ and _____ on (date)

4. The deceased **was not** an owner of an ongoing business or economic enterprise.
The deceased **was** an owner of an ongoing business or economic enterprise. Please describe: _____

CAUTION

PLEASE NOTE IF THE SPECIAL MASTER BELIEVES IT APPROPRIATE, THIS MATTER MAY BE CONTINUED TO THE JUDGE'S DOCKET TO RESOLVE ANY ISSUES RELATED TO THE WILL'S EXECUTION OR VALIDITY.

WE STRONGLY ENCOURAGE YOU TO CONSULT WITH AN ATTORNEY BEFORE FILING A SMALL ESTATE PETITION FOR LIMITED LETTERS WHEN A WILL IS INVOLVED.

10. DEBTS OF THIS ESTATE

- The deceased did NOT have any unpaid debts at the time of death.
- The deceased left the following known debts that were unpaid at time of death
(you may also include the funeral and burial debts):

Creditor Name and Account Number	Creditor's Mailing Address Including City, State and Zip Code	Amount of Debt
		\$ <input type="checkbox"/> NOW PAID
<input type="checkbox"/> This list is continued on a second sheet I've attached.		

11. ASSETS OF THIS ESTATE

The deceased owned real estate (house, land, etc) The deceased did not own real estate.

PLEASE NOTE THE FILING OF A SMALL ESTATE PETITION IS NOT VALID FOR THE TRANSFER OF REAL ESTATE.

_____ By placing my initials here, I certify that the total value of the deceased's personal property (not real estate), as I've specifically listed on the next page, amounts to \$50,000 or less. If I discover that the deceased's assets were more than \$50,000, I will file a petition with the Court to convert this small estate administration to a full estate administration.

_____ By placing my initials here, I confirm that I understand that as Petitioner of limited letters of this Small Estate, I have no authority to claim, transfer, or distribute any assets owned by the deceased that are not listed on the next page. I understand I may amend this Petition if needed but will need a separate court order for it to be effective.

The deceased owned the following items of personal property. Please include those items owned jointly, but not those items owned jointly with a right of survivorship or owned as tenants by the entirety. Also include any life insurance policies payable to the deceased or his/her estate.

#	Type of Asset	Description	Amount
	<i>Please list general category, such as Checking Account, Car, Household furnishings, etc.</i>	<i>Please be specific... include company name; account numbers; year, Make, Model and VIN numbers for vehicles; numbers identifying the instrument, check, or policy, date of note. Please also note location of asset.</i>	<i>If unknown, give best estimate. When estimated, write "Est." before amount.</i>
1			\$
2			\$
3			\$
4			\$
5			\$
6			\$
<input type="checkbox"/> This list is continued on a second sheet I've attached.			
TOTAL ASSETS (Fair Market Estate):			

12. HEIRS AT LAW CERTIFICATION

a) Did the deceased have a **SPOUSE** that was living at the time of deceased's death? i.e. deceased got married and they never got a legal divorce YES NO

b) Did the deceased have a **CHILD, GRANDCHILD, GREAT GRANDCHILD, or GREAT-GREAT GRANDCHILD** living at the time of deceased's death?
include adopted children but do *NOT* include step-children YES NO

IF YOU CHECKED YES, WRITE THESE NAMES IN THE BOX ON THE NEXT PAGE: WRITE THE SPOUSE'S NAME IF YOU CHECKED YES TO (a) ABOVE, AND IF YOU CHECKED YES FOR (b) WRITE THESE NAMES:

CHILDREN: list only if alive when deceased died.

GRANDCHILDREN: list only if alive when deceased died AND that grandchild's parent was a child of deceased who died before deceased.

GREAT-GRANDCHILDREN: list only if alive when deceased died, AND

1) that great-grandchild's parent was a grandchild of the deceased but died before deceased AND

2) that great-grandchild's grandparent was a child of deceased but died before deceased (if a great-grandchild would have been an heir but died before deceased, that person's children would be heirs if living when deceased died, and so-on.)

THESE WILL BE THE ONLY HEIRS AT LAW - DO NOT CONTINUE ON THIS PAGE.

IF YOU CHECKED NO IN BOTH BOXES ABOVE:

c) Did the deceased have a **PARENT** living at the time of his/her death? YES NO

IF YOU CHECKED YES, WRITE THE NAMES OF THE PARENTS LIVING AT THE TIME OF THE DECEASED'S DEATH IN THE BOX ON THE NEXT PAGE.

THESE WILL BE THE ONLY HEIRS AT LAW - DO NOT CONTINUE ON THIS PAGE.

IF YOU CHECKED NO IN ALL BOXES ABOVE:

d) Did the deceased have a **SIBLING (BROTHER/SISTER), or a descendant of the sibling (NIECES/NEPHEWS, GREAT-NIECES/GREAT-NEPHEWS, etc.)** living at the time of his/her death? YES NO

IF YOU CHECKED YES, WRITE THESE NAMES IN THE BOX ON THE NEXT PAGE:

BROTHER OR SISTER: list only if alive when deceased died.

A NIECE OR NEPHEW: list only if alive when deceased died AND that niece/nephew's parent was a brother or sister of deceased and died before deceased.

GREAT-NIECE/GREAT NEPHEW: list only if alive when deceased died, AND

1) that great-niece/great nephew's parent was a niece or nephew of the deceased but died before deceased AND

2) that great-niece/nephew's grandparent was a brother or sister of deceased but died before deceased

(if a great-niece/nephew would have been an heir but died before deceased, that person's children would be heirs if living when deceased died, and so-on.)

THESE WILL BE THE ONLY HEIRS AT LAW.

IF YOU CHECKED NO IN ALL BOXES ON THE LAST PAGE:

e) Did the deceased have a **MATERNAL GRANDPARENT** (mother's side of the family) living at the time of his/her death? YES NO

f) Did the deceased have a **PATERNAL GRANDPARENT** (father's side of the family) living at the time of his/her death? YES NO

STEP ONE: IF YOU CHECKED YES TO BOTH: WRITE THE GRANDPARENTS' NAMES LIVING WHEN DECEASED DIED IN THE BOX BELOW. THOSE ARE THE ONLY HEIRS AT LAW. GO TO NEXT PAGE.

IF YOU CHECKED YES TO ONE AND NO IN THE OTHER ONE: WRITE THE NAME(S) OF THE LIVING GRANDPARENT(S) AT DECEASED DEATH IN THE BOX BELOW AND PROCEED TO STEP TWO BELOW.

IF YOU CHECKED NO TO BOTH, PROCEED TO STEP TWO BELOW.

STEP TWO: WRITE THESE NAMES IN THE BOX BELOW ONLY IF ALL BOXES ON PRECEDING PAGE WHERE CHECKED "NO" AND AT LEAST ONE BOX ABOVE IS CHECKED "NO":

AUNT OR UNCLE: list only if alive when deceased died AND both parents of that aunt or uncle died before deceased.

COUSIN: list only if alive when deceased died AND

- 1) that cousin's parent was an aunt or uncle of the deceased but died before deceased &
- 2) that cousin's grandparents were also grandparents of the deceased and BOTH died before deceased
(if a cousin would have been an heir but died before deceased, that person's children would be heirs if living when deceased died, and so-on.)

13. THE HEIRS AT LAW

Name	Complete Mailing Address Including City, State and Zip Code E-MAIL ADDRESS IF KNOWN	Relationship to Deceased	Current Status
			<input type="checkbox"/> UNDER 18 <input type="checkbox"/> NOW DECEASED <input type="checkbox"/> Consent filed for Waiver of Bond
			<input type="checkbox"/> UNDER 18 <input type="checkbox"/> NOW DECEASED <input type="checkbox"/> Consent filed for Waiver of Bond
			<input type="checkbox"/> UNDER 18 <input type="checkbox"/> NOW DECEASED <input type="checkbox"/> Consent filed for Waiver of Bond
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<input type="checkbox"/> This list is continued on a second sheet I've attached.			

14. BENEFICIARIES OF THE WILL

List those names that were left property in the Will.

Name	Complete Mailing Address Including City State and Zip Code EMAIL ADDRESS IF KNOWN	Relationship to Deceased	Current Status
			<input type="checkbox"/> UNDER 18 <input type="checkbox"/> NOW DECEASED <input type="checkbox"/> Consent filed for Waiver of Bond
			<input type="checkbox"/> UNDER 18 <input type="checkbox"/> NOW DECEASED <input type="checkbox"/> Consent filed for Waiver of Bond
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			<input type="checkbox"/> UNDER 18 <input type="checkbox"/> NOW DECEASED <input type="checkbox"/> Consent filed for Waiver of Bond
<input type="checkbox"/> This list is continued on a second sheet I've attached.			

_____ By placing my initials here, I confirm that to the Court that as Petitioner of this Small Estate, I have provided a copy of this Small Estate Petition and Notice of Hearing to all heirs of the deceased and beneficiaries of the Deceased's Will in accordance with the Davidson County Probate practice.

OATH

I AFFIRM UNDER OATH THAT EVERYTHING ON THIS PETITION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND I UNDERSTAND I MAY BE SUBJECT TO THE PENALTY OF PERJURY FOR A FALSE OR MISLEADING PETITION. I AM WILLING TO COLLECT AND PRESERVE ALL ASSETS, PAY ALL CREDITORS, AND DISTRIBUTE AS PROVIDED BY THE WILL. I AM REQUESTING PROBATE OF THE TESTAMENTARY DOCUMENT(S) PRESENTED AND THE LIMITED LETTERS OF AUTHORITY TO ADMINISTER ONLY THE ASSETS IDENTIFIED IN THIS PETITION.

YOUR SIGNATURE:	X:	PHONE #: _____
		EMAIL ADDRESS: _____

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 of perjury,
that the Petition is not false or misleading and that the Petitioner is mindful
of all duties imposed upon her or him.

SWORN AND SUBSCRIBED BEFORE ME, THIS _____ DAY OF _____, 20 ____.

NOTARY PUBLIC/ DEPUTY CLERK <input checked="" type="checkbox"/>	COMMISSION EXPIRES:
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