

SMALL ESTATE LIMITED LETTERS OF ADMINISTRATION INFORMATION

T.C.A. 30-4-101 et seq.

Rev. 5/23

Small Estate Limited Letters of Administration are used to administer a small estate left by the decedent. "Small Estate" means the probate estate of the decedent in which the value of the probate property does not exceed fifty thousand dollars (\$50,000.00).

FILING FEE: Without Will - \$100.50
 With Will (Lodged for Safekeeping)- \$105.50

FORMS REQUIRED: Petition and Order for Small Estate Limited Letters of Administration
 Waiver of Bond (1 for each next-of-kin heir of Deceased)
 Original Will
 Certified Copy of Death Certificate - Original (No copy will be accepted)

The total value of all the personal property must be \$50,000.00 or less. (Real property not included)

The decedent must have resided in Johnson County. If the decedent's place of death was in the County but the decedent's residence was in another county, the Petition must be filed in the county of residence, NOT this County.

You must wait forty-five (45) days from the date of death to file the Petition.

You must include the decedent's full name (as it appears on the Death Certificate) when preparing the Petition.

As the Petitioner, you must obtain signed and notarized Waivers of Bond forms from all the next-of-kin heirs. Note: Minor and incompetent individuals cannot consent.

If the Petition incorporates minors or incompetents, the Court may set a Bond for the value of the personal property sought in the Petition. (Please seek legal advice from an attorney)

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 Petition)

List the location and value of the property you are trying to gain access to.

Complete the Petition and bring it with you to the Chancery Court/Probate Division along with the other required documents.

An appointment must be made with the Clerk and Master before the filing of the Petition.

Please call 423-727-7853 for an appointment.

Sherrie Fenner, Clerk & Master
PO Box 196, Mountain City, TN 37683

The Clerk's office is not allowed to give legal advice. If you have any legal questions or need legal advice please consult with a licensed attorney.

Probate Court Johnson County Mountain City Tennessee	PETITION AND ORDER FOR SMALL ESTATE LIMITED LETTERS OF TESTAMENTARY (TESTATE)	Case Number <u>PB# _____</u>
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In the Matter of the Estate of: _____, Deceased
 _____, **Petitioner**

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

 (Decedent Address)

The Decedent left a Will which was dated and signed _____, _____ and an Affidavit of the attesting witnesses has been filed or is attached with the Will,

or

The Decedent left a Holographic Will which was dated and signed _____, _____ and the Affidavits of two (2) disinterested persons attesting to the Decedent's handwriting has been filed or is attached with the Will.

The names of the attesting witnesses or disinterested persons of the Will are:

and

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 (Attach additional property on a separate sheet):

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

Total Value: _____

The Decedent left the following unpaid debts at death (Attach additional debts on a separate sheet):

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

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

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

Your Petitioner is willing to collect and preserve all assets of the estate, including the removal of all of the Decedent's personal property from a leased property or facility of the Decedent as well as the cancellation of all insurance policies that are no longer applicable due to the Decedent's death.

Your Petitioner acknowledges that the Decedent did not have an interest in any real property.

Your Petitioner acknowledges liability to TennCare, if applicable, to the extent of the value of the personal property.

Your Petitioner further acknowledges that the Petitioner and the sureties, if any, will automatically be discharged on the first anniversary of the filing of the Petition.

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

Your Petitioner states that, to their knowledge and belief, the document being offered for probate has not been revoked and that the Petitioner believes that the document being offered for probate is the Decedent's last Will.

I swear that all statements in the Small Estate documents I have executed and provided are true and accurate. I do solemnly swear or affirm that I will faithfully and honestly discharge the duties imposed upon me and as required by law.

Date: _____

Personal Representative

Personal Representative Address

Sworn to and subscribed before me on: _____

My Commission Expires: _____

Notary Public

**** Clerk Will Complete This Section)****

*****Bond Cannot Be Waived by Language in Will***

Bond must be posted in the amount of \$ _____

Bond is excused:

Petitioner is the sole beneficiary of the Decedent's estate.

Each person who is a beneficiary of the Decedent's estate is an adult and each has consented to waive the affiant's bond as evidenced by each beneficiary's signed, acknowledged agreement to 'Waive' bond which is filed along with this affidavit.

ORDER

_____ **Petition is Approved**

_____ **Petition is Denied**

WHEREAS, it appearing that the above-named deceased person left property and debts subject to administration pursuant to the above-referenced statutory provisions, and _____ is hereby authorized to serve in the limited role of Personal Representative.

As such, Limited Letters of Testamentary of a Small Estate are hereby issued to the above-named individual being now therefore empowered to collect and preserve all assets of the estate, remove any personal property from a property leased by the decedent, and cancel any insurance policies no longer applicable due to decedent's death. Said assets are limited to those itemized in this Affidavit. The total value of decedent's property shall not exceed \$50,000.00. There is no real property at issue in this matter, and this limited letter in no way gives any authority to the personal representative to handle any real estate matters of the decedent.

Date: _____

**Sherrie Fenner
Clerk & Master**

I, Sherrie Fenner, Clerk & Master for Johnson, Tennessee, certify that this is a court of record; that this is a true, full and correct copy of the Petition and Order for Small Estate Limited Letters of Testamentary filed in this Court; that this Petition and Order is still in full force and effect as of the date of this issuance; and that the original of this Petition and Order is on file in the office of the Chancery/Probate Court for Johnson County, Tennessee. In witness whereof, I have issued these Limited Letters of Testamentary.

Date: _____

**Sherrie Fenner
Clerk & Master**

WAIVER OF BOND
for
SMALL ESTATE LIMITED LETTER OF ADMINISTRATION

I, _____, state that I am the _____ of
_____, Deceased, and I hereby consent to the
appointment of _____, as the Petitioner of the Estate
and I request that said Petitioner serve without the requirement of making a bond.

Signed:

Address:

Phone: _____

Date: _____

STATE OF _____

COUNTY OF _____

Sworn to and Subscribed before me this _____ day of _____, 20 _____

Notary Public

My Commission Expires

WAIVER OF BOND
for
SMALL ESTATE LIMITED LETTER OF ADMINISTRATION

I, _____, state that I am the _____ of
_____, Deceased, and I hereby consent to the
appointment of _____, as the Petitioner of the Estate
and I request that said Petitioner serve without the requirement of making a bond.

Signed:

Address:

Phone: _____

Date: _____

STATE OF _____

COUNTY OF _____

Sworn to and Subscribed before me this _____ day of _____, 20 _____

Notary Public

My Commission Expires

WAIVER OF BOND
for
SMALL ESTATE LIMITED LETTER OF ADMINISTRATION

I, _____, state that I am the _____ of
_____, Deceased, and I hereby consent to the
appointment of _____, as the Petitioner of the Estate
and I request that said Petitioner serve without the requirement of making a bond.

Signed:

Address:

Phone: _____

Date: _____

STATE OF _____

COUNTY OF _____

Sworn to and Subscribed before me this _____ day of _____, 20 _____

Notary Public

My Commission Expires

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for
SMALL ESTATE LIMITED LETTER OF ADMINISTRATION

I, _____, state that I am the _____ of
_____, Deceased, and I hereby consent to the
appointment of _____, as the Petitioner of the Estate
and I request that said Petitioner serve without the requirement of making a bond.

Signed:

Address:

Phone: _____

Date: _____

STATE OF _____

COUNTY OF _____

Sworn to and Subscribed before me this _____ day of _____, 20 _____

Notary Public

My Commission Expires