

CHANCERY COURT
PROBATE DIVISION
FOR JOHNSON COUNTY, TENNESSEE

**SMALL ESTATE PETITION FOR LIMITED LETTERS OF AUTHORITY
FOR ESTATES WITHOUT 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.*

FORMS REQUIRED

- Small Estate Petition
- Consents to serve from ALL heirs in order to waive bond
- Death Certificate (certified copy required)

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

**CONSENTS REQUIRED TO BE FILED FOR ALL HEIRS
OF THE DECEASED PERSON**

**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 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 property (such as house or land).**
- **RESIDENCE:** The deceased must have resided in JOHNSON County when he or she died.
- **WAIT PERIOD:** Forty-five (45) days must have passed since 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.
- **AUTHORITY TO FILE:** In order to have authority to file this petition, you must be an heir at law or have signed consents.
- **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, if required, when you file the Petition and consents.
- **Filing Fee:** \$334.50 – Required at time of filing
- **An appointment must be made with the Clerk and Master's to file this form.**
- **Please call 423-727-7853 to schedule appointment.**

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, regardless of age or capacity. 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.

CONSENTS OR BOND NECESSARY

Pursuant to TCA §30-4-103, the petitioner for the limited letters of authority 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. 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. Please note there is no charge to the Petitioner for interpretation services.

CHANCERY COURT
PROBATE DIVISION
FOR JOHNSON COUNTY, TENNESSEE

PROBATE CLERK USE ONLY
SMALL ESTATE ORDER

DOCKET #: _____

IN RE
ESTATE OF: _____

PETITIONER: _____

**SMALL ESTATE PETITION FOR LIMITED LETTERS OF AUTHORITY
FOR A DECEASED ESTATE WITHOUT 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) _____.

My email address is: _____.

3. I **have** / **have not** (circle one) been convicted of any misdemeanors, felonies or served a sentence in a penitentiary.

If you circled "**I have**" above, please explain:

_____.

4. My authority to file this Petition for Limited Letters of Administration of a Small Estate is (**check ONE**):

- ☐ 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 have consented in writing for me to serve and I am filing those consents with the clerk.
- ☐ c. 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.

5. The deceased's full legal name was _____.
6. The deceased died on the _____ day of _____, 20____ at age _____.
7. The deceased's primary address was: _____.
8. The deceased died in the county of _____ in the state of _____.
9. If outside the U.S., death was in _____.
10. The deceased **was / was not** (circle one) an owner of an ongoing business or economic enterprise. If yes, please describe: _____.

_____ **By placing my initials here, I confirm that a thorough search for a Will of the deceased person occurred, and that no Will was found.**

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"/> 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.

If you checked the first box above ("The deceased owned real estate") – **STOP!** The Small Estate Petition is not valid for the transfer of real estate. You must file a petition with the Court to convert this small estate to a full 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, 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 understand that I have no authority to claim, transfer, or distribute any assets owned by the deceased that are not listed. I understand that I may amend this Petition if needed, but I 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. 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			\$

☐ 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 PAGE 6: 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 DECEASED'S DEATH IN THE BOX ON PAGE 6.

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 PAGE 6:

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 on Page 6. 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 on Page 6 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 on Page 6 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. Also add Email address, if known	Relationship to Decedent	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
			<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 I have provided a complete copy of this Small Estate Petition and Notice of Hearing to all heirs of the deceased.

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 TO THE HEIRS. I AM REQUESTING LIMITED LETTERS OF AUTHORITY TO ADMINISTER ONLY THE ASSETS IDENTIFIED IN THIS PETITION.

YOUR SIGNATURE:	X:	PHONE #:
		EMAIL ADDRESS:

STATE OF TENNESSEE
COUNTY OF _____

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 X	COMMISSION EXPIRES:
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In the Chancery Court - Probate Division - Johnson County, Tennessee

CONSENT TO APPOINTMENT OF PERSONAL REPRESENTATIVE
WITHOUT BOND OR NOTICE OF HEARING

IN THE ESTATE OF:

Deceased

DOCKET NO:

I am one or more of the following *[select all that apply]*:

____ Adult beneficiary of the deceased person.

____ Heir at law of the deceased person.

____ Power of attorney for an adult beneficiary of this estate whose name is _____
[attach copy of power of attorney].

____ Conservator of an adult beneficiary of this estate whose name is _____
[attach conservatorship order or letters of conservatorship].

____ Guardian of a minor beneficiary of this estate whose name is _____
[attach guardianship order or letters of guardianship].

____ Custodian of a minor beneficiary of this estate whose name is _____
[attach court order].

____ Parent of a minor beneficiary of this estate whose name is _____
[attach copy of birth certificate].

☐ I consent to the appointment of _____ as the Personal Representative of the estate, or

☐ I DO NOT consent to the appointment of _____ as the Personal Representative of the estate.

☐ I do not require the Personal Representative to obtain a bond.

☐ I do not require notice of a hearing on this matter.

This _____ day of _____, 20 _____.

PRINT NAME: _____

ADDRESS: _____

Signature

State of _____
County of _____

Sworn to and subscribed before me, this _____
day of _____, 20 _____.

Notary Public / Deputy Clerk

My Commission Expires: _____

OR

I certify under penalty of perjury that the foregoing is true and correct.

Signature

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County of _____

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