

PEPPEL, GRICE & PALAZZOLO, P.C.

ATTORNEYS AND COUNSELLORS
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TOM P. MITCHELL
1913 - 2003
BARBARA D. MacINTOSH
(Retired)

CLIENT'S GUIDE TO OPENING AN ESTATE IN PROBATE COURT- SHELBY COUNTY, TENNESSEE

I. EMERGENCY ISSUES

1. Burial/ Funeral expenses?
 - a. If you need access to bank accounts/safe deposit box, an emergency motion for access to funds may be necessary.
2. Minor children?
 - a. If minor children, consider temporary and permanent guardianships.
3. Real property?
 - a. Any relatives currently living in property owned by the Decedent? If so, need to consider the disposition of the property.
 - b. Any mortgages or other liens owed on real and personal property (i.e. house, cars, etc.)? If so, would need to contact lienholders as soon as possible to notify of death. Also, need to find the value of the mortgage and, possibly, get an appraisal of the house.

II. FIRST STEPS IN ASSISTING PROBATE ATTORNEY IN OPENING AN ESTATE

1. Start a list of all property and debt owned and owed by the decedent (and spouse), or as many as you can think of.
2. Look for any important documents, such as wills, trust agreements, etc.
3. If you do not know where you start, a tax return provides a great start in your search for assets of the decedent.¹

III. COSTS ASSOCIATED WITH ADMINISTRATION

1. Court costs- \$99.50 (cost of filing + one (1) copy of Letter of Administration)
2. Bond premium²- approximately \$125.00
3. Attorney's Fees

¹ The attorney can get prior tax returns from the Internal Revenue Service if you are unable to locate any.

² This cost could be avoided if all heirs/beneficiaries sign a Waiver of Bond and agree to the filing.

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CLIENT QUESTIONNAIRE- SMALL ESTATE ³

PART I - PERSONAL DATA

NAME of DECEASED: _____
Alias Names (if any): _____
Street Address: _____
City, State: _____ Zip Code: _____
Date of Birth: _____ Date of Death: _____
Place of Birth: _____
Social Security Number: _____
Was Decedent a U.S. citizen? Yes: ____ No: ____
If naturalized U.S. citizen, Date and Place of Naturalization: _____
Medical history/Diagnosis: _____
Did the Decedent have a Will? Yes: ____ No: ____

NAME of PROPOSED ADMINISTRATOR: _____
Street Address: _____
City and State: _____ Zip Code: _____
Home #: _____ Cell #: _____
Work #: _____ Fax #: _____
Social Security Number: _____ E-mail: _____
Date of Birth: _____
Relationship to Deceased: _____
Owe debt to Deceased? ____
Convicted of any felonies or crimes involving dishonesty? ____
Filed bankruptcy? If so, when? ____
Name of Employer: _____ Position: _____
Emergency Contact: Name: _____ Telephone Number: _____
Address: _____
Will all of the heirs agree to your filing a Small Estate Affidavit or Muniment of Title?
Yes: ____ No: ____

PART II - BENEFICIARIES or HEIRS AT LAW

NAME of DECEASED'S SPOUSE: _____
Street Address: _____
City and State: _____ Zip Code: _____

³ A small estate is defined as "the estate of a decedent in which the value of the property does not exceed fifty thousand dollars (\$50,000)." This amount DOES NOT include real property.

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Home #: _____ Cell #: _____
Work #: _____ Fax #: _____
E-mail: _____ Pgr #: _____
Date of Birth: _____
Social Security Number: _____
Date and place of marriage: _____
Status of Spouse: ____ Living ____ Deceased ____ Under Conservatorship

CHILDREN'S INFORMATION:

Name	Living	Age	Birthdate	Minor ⁴	Address
_____	Yes/No	____	_____	Yes/No	_____
_____	Yes/No	____	_____	Yes/No	_____
_____	Yes/No	____	_____	Yes/No	_____
_____	Yes/No	____	_____	Yes/No	_____
_____	Yes/No	____	_____	Yes/No	_____
_____	Yes/No	____	_____	Yes/No	_____

For each child, state the name of the child's other parent, if not decedent's surviving spouse or partner. _____

How were you referred to our firm? _____

⁴ A minor child is one who is under the age of 18.

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PART III- ASSETS OF THE ESTATE

Please list the values of the decedent's assets, if known.

	Address/Account Number/Name of Holding Institution	Value	Is Asset Co-Owned
Real Estate: Home			Yes No
Real Estate: Other			Yes No
Stocks/Bonds/Mutual Funds			Yes No
Checking Account			Yes No
Savings Account			Yes No
CDs/Money Market			Yes No
IRAs and 401k/403(b)			Yes No
Vehicles			Yes No
Household furniture			Yes No
Life insurance			Yes No
Prepaid burial and funeral plans			Yes No
Firearms/Art/Gold			Yes No
TOTAL VALUE			

***** Note that if the value of all property, not including real estate, exceeds \$50,000, then a Small Estate Affidavit may not be an option. Please discuss in more detail with the attorney.**

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PART IV- DEBTS OF THE ESTATE

Please list the values of the decedent's debt, if known.

Name of Creditor	Account No.	Amount Owed	Secured/Unsecured	Have you contacted them/they contacted you?	
				Yes	No
				Yes	No
				Yes	No
				Yes	No
				Yes	No
				Yes	No
				Yes	No
				Yes	No
				Yes	No
				Yes	No

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PART V- DETAILS OF REAL PROPERTY OWNED

REAL PROPERTY					
Address	Mortgage Amount Owed	Owners	Do you have the deed?		
			Yes	No	
			Yes	No	
			Yes	No	
			Yes	No	
			Yes	No	