



2

WHAT IS A SMALL ESTATE?

Tenn. Code Ann. § 30-4-102(9)



- A "Small estate" means the probate estate of a decedent in which the value of the probate property does not exceed fifty thousand dollars (\$50,000).
- The Small Estate statute does not cover real property! This statute only gives the Personal Representative authority to take receipt of and distribute personal property that is specifically listed in the Petition.

WHAT IS "PROPERTY"	UNDER
THE STATUTE	

- "Property" means only personal property (not real property], or any interest in personal property, owned by the decedent on the date of death that would be subject to probate." <u>Tenn. Code Ann. § 30-4-102(8)</u>.
- Personal property held as tenants by the entirety or jointly with right of survivorship, or personal property payable to a beneficiary other than the decedent's estate <u>does not</u> come under the control of the Personal Representative.



Tenn. Code Ann. § 30-4-102(4-5)

- "Limited letters of administration of a small estate" means limited letters of administration for the decedent's property that restrict the person to whom the limited letters of administration are issued to the property itemized and identified in the petition for the limited letters, which must be attached to and made a part of the limited letters.
- "Limited letters testamentary of a small estate" means limited letters testamentary for the
 decedent's property that restrict the person to whom the limited letters testamentary are
 issued to the property itemized and identified in the petition for the limited letters which
 most be attached to and made a part of the limited letters.

5

WHEN MAY A SMALL ESTATE BE ADMINISTERED?

- 45 days <u>subsequent</u> to the decedent's death. The 45-day waiting period may be waived for "good cause shown." <u>Tenn. Code Ann. § 30-4-103(8).</u>
- The date of death must be verified by the decedent's death certificate.
- And then, only if there has been "no petition for the appointment of a personal
 representative of the decedent's estate has been filed in that period of time for the
 decedent's estate."
- Tenn, Code Ann. § 30-4-103(1).

What is "Good Cause"?

- Substantial reason, one that affords a legal excuse. Legally sufficient ground or reason.
 Black's Law Dictionary, 5th Ed.
- The phrase "good cause" depends upon circumstances of individual case, and finding of its existence lies largely in discretion of officer or court to which decision is committed. Wilson v. Morris, Mo., 369 S.W.2d 402
- Examples: Property likely to be diminished or lost, Convenience, Others?

7

WHO MAY PETITION THE COURT

- Must be "One (1) or more of the decedent's competent adult heirs." <u>Tenn. Code Ann. § 30-4-103(1)(A).</u>
- An heir is defined in <u>Tenn. Code Ann. § 31-1-101</u> as follows: "Heirs" means those persons, including the surviving spouse, who are entitled under the statues of intestate succession to the property of a decedent."
- The Personal Representative named in the decedent's Will.
 <u>Tenn. Code Ann. § 30-4-103(1)(A).</u>
- Note: Unlike a traditional probate, creditors are not able to file a petition or a claim under the Small Estate Probate Act.



8

PETITION CONTENTS FOR LIMITED LETTERS OF ADMINISTRATION

- The "sworn petition with the court containing the information set forth in \$.30-1:
 117(a)(1)-(10). (There is actually 11 items to be considered in Tenn. Code Ann. \$.30-1:
 117(a) appropriation.
- The petition must include an itemized list of the property of the decedent to which the limited letters are to apply, the value of each item of property.
- The identity of each creditor of the decedent, and the amount owing to each identified creditor.

Tenn. Code Ann. § 30-1-117	
1 la l'a saire de distribute de de descripción de de descripción d	
This (death of the originar)	
- (3) The decision's name, upp, it known, date undplace of death, and residence attime of deathy	
, (D) մե բնայ են (Maphilips), ըմե յոնորմ, ջին, մ ելոնայոն, բանկանը բանգանալում որև գրնայանը, ոք պատես հայտնում արև երանայանը անագահայանը անագահայան անագահայանը անագահայանը անագահայան անագահայանը անագահայան անագահայանը անագահայանը անագահայանը անագահայան անագահայանը անագահայան անագահայանը անագահայանը անագահայանը անագահայան անագահայան անագահայան անագահայան անագահայան անագահայան անագահայանը անագահայան անագահայան անագահայան անագահայան անագահայան անագահայան անագահայան անագահայան անագահայան անագ	
(4) A consument that the decard and clear clear chartes or the sym of wat custod if those, and the hamer'd all attenting with ease of the 4 countries of consumers at letter for popular;	
(U) This discument or document after it for problem, but is copy there int, but in what the to be particles;	
107 the nature and relationships principles are undergosperumed the city of recidence of each Planter, produce the contract for those who otherwise would be entitled to the decade only properly under the transpers of accession, and the identification of any more center person under the billing.	officentate
(T) An aisprings the fine tracked value of this exists pube is delicated in a limited in a limited benefits in a limited by the food-union of the first public of the invalved is an incident by a tracking by a tracking the analysis of the invalved is a constraint of the invalved in a constraint of the invalved is a constraint of the invalved in a constraint of the invalved is a constraint of the invalved in a constraint of the invalved is a constraint of the invalved in a co	
(N) If there is and commency whether the decument offered text product evolve or the Flang of any inventory and accounting or whether is an inventor text inventor the relative of the comment of the com	
Dit their is a decimant, restandents to il adoption in disable de sinche de signification in excepcion decimante in a disable for facilitation in the texts, and that has petitione beginning and the facilitation in a disable decimand in the disable decimand in the decimand of the decimand in the decima	offeen's for
(18) The room, age, malky wide on, relationships of the proposed personal representative or having entered the proposed personal representative or the proposed personal representative or the proposed personal representative proposed proposed personal representative personal representative proposed personal representative personal repr	
Ֆ (մոկանային վարումի իրիանի անական արև գործորն անորիները՝ Հորաբանի շիրական արևանի ար	apit
" Teles Tools does 135 - 112"	

IS A BOND REQUIRED Tenn. Code Ann. § 30-4-103(3)(A-C)

- Regardless of the language of the decedent's will waiving bond, the petitioner for the limited letters shall make the bond payable to the clerk of the court for the benefit of those entitled with a corporate surety.
- The amount of the bond must be equal to the value of the decedent's property to be administered under this chapter.
- Bond may be waived if:
- The petitioner or petitioners are the sole heirs of the intestate decedent;
- The petitioner or petitioners are the sole beneficiaries of the testate decedent; or
- All the adult heirs and beneficiaries' consent in writing.



11

WHEN CAN THE BOND BE RELEASED

- The court may enter an order discharging the personal representative and the surety on the
 personal representative's bond after the personal representative files; for a decedent dying before
 lanuary 1, 2016, either the tax receipt issued pursuant to § 67.8-420, or the certificate or
 assessment issued pursuant to § 67.8-409(f). Tem; Code Ann. § 30-4-105(7)(A).
- OR
- The personal representative and the surety on the personal representatives Isond may wait until the
 first anniversary of the issuance of the limited fetters when the court shall automatically discharge
 them from liability. Tenr. Code. Ann. § 30-4-103(7)(B).

NOTICE TO CREDITORS

 "A notice to creditors must not be published, and a creditor is not permitted to file a claim in a small estate probate." <u>Tenn. Code Ann. §</u> 30-4-103(b).



13

Muniment of Title to Real or Personal Property Tenn. Code Ann. § 30-4-103(1)(B)(i)

 The Small Estate Probate Act allows the Personal Representative to file a Petition to Muniment Title to real or personal property pursuant to Tenn. Code Ann. § 32-2-111.



14

	986
PETITION FOR LIMITED LETTERS FOR A SMALL EXTAIL	Name of control program is a followed by the con
term return	The process can be seen in processing the control of the cont
Nonligente	It is enthropped partitions, more or office costs purple of parties that the foregoing that the softmantion decrease an extended Track in Copy to an advance in the term of the Society and handle
Name of the Second Sec	
To broke	Saltan ear a sales path, is set for self less paid ann against the discreased feature, where shading it personals became to the jung prime on the less of articles of exhabit and make at different to advancing common in the
© The desirate of a T-10 pink common. (a) The desirate of a T-10 pink common persons in one close solvents or charge in desirate complete in prints in the relative C-10 and persons in close or common in the common in the C-10 pink common or the C-10 pink common or the color of the C-10 pink color or the color of the C-10 pink color or the color of the C-10 pink color	100 No.
The same and planes to the subsection of the same and the	AMBRICA The December of the Ministry separal date or dark
And deliverings (research	Codin has Brown Chin
The decides of a TEL man, up. (Code 1), and up about Chance, and observing it may be Consultant on State of the Code of the Co	
And officer and Transfer	000 (000000 DO)
The billings have not represent actions about they be benefit as sold a building of "sold", as soon.	State and company (woman)
This common del committe on or regard to be a conditionary menting rate (CD) (EACH, cong. As there is a Chipment proper, Chipment with a CD and on the condition providing the rate of wall and according to the property proper, Chipment with a CD and on the condition providing the rate of wall and according to the property property Chipment with a CD and on the condition provided to the condition of the condit	The devoked deal receipt to following personality: Coin of persons property, also for devokers (America conservation Add except the polymerous light of personality or deals deposition except devoked in a construction of properties of property in the devokers of coins and Add Tell or and property. Self little to count the position of the devokers of selection.
to describe a refer of to broke, as to some only a set distribution on love in 1981 1 hore.	Total State of Account State one of the Seconds 1984 St.
Section reports to conserved	
+	BOTA TALK do moder can specific and amproving and allowing propriets

State Description Case Number About State Description Case Number Letters Testamestaky of a Small Estate	ORDER FOR LIMITED Con Number	
had been a been	No. of the left	
The control of the co	The control of the latest and the	
TABLES AND		

Be careful of the wording in this part of the statute!



- If the decedent died testate and it is determined that distribution of the small estate pursuant to the
 decedent's will is different than distribution by intestate distribution, and it is desired that the small
 estate be distributed according to the decedent's will, the person named as the personal representativ
 in the decedent's will shall either.
- (i) File a petition for the probate of the decedent's will as a muniment of title to the property of the decedent pursuant to § 32-2-111 and for the issuance of limited letters testamentary of a small estate.
- (ii) File the original of the decedent's will together with affidavits of the attesting winnesses or that filldavits of the two (2) distincteded persons attesting to the decedent's handwriting, if the decedent's will a bolographic, with the clark who shall record the will and affidavits. The recording of the decedent's will and accompanying affidavits is deemed sufficient to probate the

17

DESTRUCTION OR CONCEALMENT OF A WILL IS A FELONY

- Any person who destroys or conceals the last will and testament of a testator, or any codicil, thereto, with intent to prevent the probate thereof or defraud any devisee or legatee, commits a Class E felony. <u>Tenn.</u> <u>Code Ann. § 39-14-131.</u>
- "The custodian of the will cannot remain passive. Either life one named as the executor or anyone else having it in possession or knowing where it is may be summoned to appear before the problet court and required to surrender at or give testimony in regard to fix existence or place of deposit, if the person summoned refuses to produce the will if in this possession, or, if having land the will in fix possession refuses to inform the coint where it is, or refuses to easily, obedience may be compelled by altachment and panishment for contempt, by virtue of the inherent power which the produce court possesses to enforce such orders as may be necessary to give effect to its jurisdiction."
 1. Prichard on the Law of Wilks and Admin of Estuses § 331 (2024).

General Discussion/ Questions	
	ASK ME THE QUESTIONS, Bridge Keeper I'm not Afraid.