

## SMALL ESTATE AFFIDAVIT INSTRUCTIONS AND REQUIREMENTS

1. THERE IS A 45-DAY WAITING PERIOD AFTER THE DATE OF DEATH
2. \$50,000.00 LIMITATION. REAL PROPERTY IS NOT TO BE INCLUDED
3. CERTIFIED COPY OF THE DEATH CERTIFICATE
4. ORIGINAL LAST WILL & TESTAMENT (If Decedent had a Will)
5. PROOF OF ASSET WITH DOLLAR AMOUNT (i.e. Bank Statement, Blue Book value print-out, correspondence from Insurance Co., etc.)
6. WAIVER OF BOND FROM ALL HEIRS (If there is no bond required)
7. LIST OF ALL OUSTANDING DEBTS OWED BY THE DECEASED
8. BOND IS AUTOMATICALLY REQUIRED IF ASSETS ARE OVER \$25,000.00 **AND/OR** IF THERE ARE ANY MINOR HEIRS.
9. COURT COSTS:  
  
\$94.50 if bond IS waived additional \$5.00 if there is a will.  
  
\$94.50 PLUS \$125.00 (for bond premium) if bond IS NOT waived. NOTE: The \$125 bond premium is for assets up to \$18,000.00. For quotes on assets over \$18,000.00 you will need to see the bond company representative. There is a credit check performed on all bond applicants without an attorney. *The bond company representative is NOT in the clerk's office on Tuesdays.*
10. COURT HOURS:  
  
MORNING COURT      MON – FRI 9:00 – 10:00 AM
11. **COURT COSTS** ARE PAYABLE IN CASH OR CREDIT CARD ONLY AND DUE AT TIME OF FILING
12. **BOND PREMIUMS** ARE PAYABLE IN CASH OR CHECK ONLY AND DUE AT THE TIME OF FILING.
13. DRESS CODE: YOU MAY BE APPEARING BEFORE THE JUDGE, SO PLEASE DRESS APPROPRIATELY. (NO TANK TOPS, SHORTS, SPAGHETTI STRAPS OR T-SHIRTS WITH INAPPROPRIATE WRITING. HATS AND SUNGLASSES MUST BE REMOVED, ETC.)



D. The following is an itemized description and the value of all the Decedent's property, excluding real estate. The names and addresses of all persons known to have possession of any of the Decedent's property are included. Insurance policies on decedent's life that are payable to the Decedent's estate are also included. Additionally included are: bank accounts, cash, vehicles, stocks, bonds, equipment, furniture and furnishings, and all other assets of the Decedent. Assets that pass automatically by operation of law, such as joint accounts are not included here.

<u>Items of Property</u>	<u>Location</u>	<u>Value</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
(If necessary, attach separate sheet)	Total value of Probate Estate	\$ _____

E. The following is a list of unpaid debts left by the Decedent and the name and address of each creditor and the amount due.

<u>Creditor</u>	<u>Address</u>	<u>Amount</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
(If other debts, attach separate sheet)	Total Debts of Estate	\$ _____

Affiant evidences by signature hereto, subject to the penalties for perjury, that the statements contained in this Affidavit are true, are neither false nor misleading, and that the Affiant is mindful of all duties imposed by law. Affiant agrees to collect and preserve all assets of the estate and to file tax returns as required by law. Affiant also agrees to pay or reimburse funeral expenses, administration expenses, and creditors from the assets of the estate. Furthermore, Affiant agrees to distribute the remainder of the estate in accordance with the decedent's valid will, or if no will, then according to the laws of descent and distribution of the State of Tennessee.

Affiant makes oath that the facts contained in the foregoing Affidavit are true and correct to the best of the Affiant's belief.

Sworn to this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Affiant

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone No.

**COUNTY OF SHELBY, STATE OF TENNESSEE**

The Affiant personally appeared before me, Paul Boyd, Clerk of the Probate Court of Shelby County, Tennessee, after being duly sworn, stated under oath, that the facts averred in the above affidavit are true to the best of Affiant's knowledge, information and belief.

This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

**PAUL BOYD, CLERK**

By \_\_\_\_\_ D. C.

**NOTE:** Bond shall be made for the total value of the estate as shown in C above, provided however that bond may be waived by a Judge of the Probate Court if all heirs at law request in writing that the bond be waived for the affiant. Since the will is not being proved and therefore is not admitted to Probate, a waiver requested by the will cannot be granted.

**WAIVER OF BOND  
FOR SMALL ESTATE AFFIDAVIT**

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I, \_\_\_\_\_, state that I am the \_\_\_\_\_ of  
\_\_\_\_\_, Deceased, and I hereby consent to the appointment  
of \_\_\_\_\_, as the Affiant of the Estate and I request that said Affiant  
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