

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. LIST OF ALL OUSTANDING DEBTS OWED BY THE DECEASED
7. COSTS:

\$107.50 and additional \$5.00 if there is a will.

\$107.50, and an additional \$5.00 if there is a will. \$100.00 for bond premium for assets up to \$20,000. For quotes on assets over \$20,000.00 you will need to see a bond company representative.
8. WAIVER OF BOND FROM ALL HEIRS IF SEEKING A WAIVER OF BOND
9. COURT HOURS:

MORNING COURT MON – FRI 9:00 – 10:00 AM
10. **COURT COSTS** ARE PAYABLE IN CASH OR CREDIT CARD ONLY AND DUE AT TIME OF FILING
11. **BOND PREMIUMS** ARE PAYABLE IN CASH OR CHECK ONLY AND DUE AT THE TIME OF FILING.
12. 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.)

IN THE PROBATE COURT OF SHELBY COUNTY, TENNESSEE IN THE MATTER OF

DOCKET NO: PR - _____

DECEASED

AFFIDAVIT AS TO SMALL ESTATE

The undersigned, _____ (“Affiant”), pursuant to the provisions of Tennessee Code Annotated § 30-4-101, et seq., would respectfully state under oath as follows:

A. _____ (“Decedent”), age _____, died on the _____ day of _____, _____, and was a resident of Shelby County, Tennessee, at the date of death. The Decedent’s address at date of death was:
_____.

B. CHECK APPROPRIATE PROVISION:

_____ The Decedent left no will; Assets of the estate do not exceed \$50,000.

_____ The Decedent left a will and the will is attached to this Affidavit as Exhibit A; Assets of the estate do not exceed \$50,000.

C. The name, age, address, and relationship of each heir at law or beneficiary entitled to receive any of the Decedent’s property, including Affiant, are as follows:

<u>Name</u>	<u>Address</u>	<u>Age</u>	<u>Relationship</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

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 assets 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	\$ _____

NOTE: Attested copies will have blue stamp on this page.

Total Assets of Probate 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, Bill Morrison, 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_____

BILL MORRISON, CLERK

By _____ D. C.

NOTE: Bond shall be made for the total value of the estate as shown at the top of this page and in D on page 2 of 3, 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.

NOTE: This page should have stamp of Probate Court Clerk's office and initials of Deputy Clerk if official.

**WAIVER OF BOND
FOR SMALL ESTATE AFFIDAVIT**

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