



State of Tennessee

PUBLIC CHAPTER NO. 665

HOUSE BILL NO. 1362

By Representatives Garrett, Travis, Beck, Terry

Substituted for: Senate Bill No. 888

By Senator Stevens

AN ACT to amend Tennessee Code Annotated, Section 8-21-401; Section 30-4-103, Section 30-4-104 and Section 30-4-101, relative to probate.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 30-4-101, is amended by deleting the section in its entirety and substituting the following:

This chapter is known and may be cited as "The Small Estate Affidavit Limited Letter of Authority Act."

SECTION 2. Tennessee Code Annotated, Section 30-4-103, is amended by deleting the section and substituting instead the following:

Whenever a decedent leaves a small estate, it may be administered in the following manner:

(1)

(A) After the expiration of forty-five (45) days from the date of the decedent's death, as evidenced by the death certificate, provided no petition for the appointment of a personal representative of the decedent has been filed in that period of time and the decedent's estate, one (1) or more of the decedent's competent adult heirs or next of kin, or any creditor proving that the creditor's debt on oath before the court, shall file with the clerk of the court an affidavit, along with a copy of the death certificate, which shall set forth the following:

(i) That the decedent left no will requiring administration by the court having probate jurisdiction in the county where the decedent was domiciled;

(ii) That the decedent had no interest in real property;

(iii) An itemized description and the value of all the decedent's personal property, the names and addresses of all persons known to have possession of any of the decedent's personal property, including all insurance on the decedent's life payable to the decedent's estate;

(iv) A list of unpaid debts left by the decedent and the name and address of each creditor and the amount due to that creditor; and

(v) The name, address, relationship, and age, if a minor, of each heir entitled to receive any of the decedent's personal property, all of whom the affiant must notify of the filing of the affidavit by mailing a copy to their last known address, postage prepaid.

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(B) The form of the affidavit required by this section may be obtained from the clerk, if available, and must disclose that the affiant evidences by signature that, subject to the penalty for perjury:

(i) The affidavit is not false or misleading.

(ii) The affiant is not disqualified from serving because of having been sentenced to imprisonment in a penitentiary as set forth in § 40-20-115 or otherwise;

(iii) The affiant is willing to preserve all personal property of the decedent and cancel all insurance policies that are no longer applicable due to the decedent's death; and

(iv) That the affiant is mindful of all duties imposed upon the affiant by this chapter;

(C) Upon the motion of one (1) or more of the decedent's competent adult heirs or next of kin, or upon its own motion, the court may, in its discretion for good cause shown, reduce the forty-five (45) day period required by subdivision (1)(A);

(D) A competent adult who is not an heir or next of kin of the deceased, is allowed to file for a small estate limited letter of authority by the court if:

(i) All competent adult heirs or next of kin consent in writing to the filing of the affidavit; and

(ii) The person who is filing the affidavit pursuant to this chapter complies with all other provisions of this section, including the bond provisions contained in subdivision (6);

(2) The court shall receive and file the original affidavit as a part of the court's permanent records, shall assign it a number and shall index it as other estates are indexed. The clerk shall deliver one (1) certified copy of the affidavit to the affiant onto which is affixed a clerk's stamp and seal certifying that the affidavit has been filed in the office of the probate court. Additional certified copies of the affidavit may be requested by the affiant at the time of filing the affidavit or any time prior to the affiant's discharge from liability as provided in subdivision (6). An affidavit may be amended to the extent that the aggregate amount does not exceed the statutory small estate limitation;

(3) The clerk shall charge and receive such fees for processing a small estate and additional certified copies as authorized and provided in §§ 8-21-401 and 32-1-112;

(4) The affiant shall make bond payable to the state for the benefit of those entitled with a corporate surety. The amount of the bond shall equal the value of the decedent's estate to be administered under this chapter. However, bond shall not be required of the affiant if:

(A) The affiant or affiants are the sole heirs of the decedent; or

(B) All adult heirs consent in writing;

(5) Formal letters testamentary or letters of administration shall not be issued nor any creditor be allowed to file a claim in a small estate proceeding;

(6) The affiant and the surety on the affiant's bond may be discharged from liability under the bond as follows:

(A) The court may enter an order discharging the affiant and the surety on the affiant's bond after the affiant files, for a decedent dying

before January 1, 2016, either the tax receipt issued pursuant to § 67-8-420 or the certificate issued pursuant to § 67-8-409(f); or

(B) The affiant and the surety on the affiant's bond may wait until the first anniversary of the filing of the affidavit when the court shall automatically discharge them from liability. The small estate affidavit limited letter of authority shall remain open and active until the first anniversary to allow for amendments or conversions to the original affidavit limited letter of authority.

SECTION 3. Tennessee Code Annotated, Section 30-4-104, is amended by deleting the section and substituting instead the following:

(a) Every person indebted to the decedent's estate, having possession of any personal property belonging to the estate, or acting as registrar or transfer agent of any shares of stock, bonds, notes, or other evidence of ownership, indebtedness, or right belonging to the decedent's estate must be furnished with a copy of the affidavit by the affiant, duly certified by the clerk of the court. Upon receipt of the copy of affidavit and demand of the affiant, each person furnished with a copy of the affidavit under this subsection (a) shall pay, transfer, and deliver to affiant:

(1) All indebtedness owing by the recipient; and

(2) Other property in possession of or subject to registration or transfer by the recipient.

(b) A person making payment, transfer, or delivery of personal property belonging to a decedent's estate to the affiant pursuant to this chapter is released and discharged from all further liability to the estate and its creditors to the same extent as if the payment, transfer, or delivery were made to the duly appointed, qualified, and acting personal representative of the decedent. The person making the payment, transfer, or delivery shall not be required to see to its application or to inquire into the truth or completeness of any statement in the affidavit.

(c) The decedent's personal property shall be distributed to the decedent's heirs as provided by law. The person to whom payment, transfer, or delivery of any personal property is made by the affiant shall be liable and remain liable, to the extent of the value of the personal property received, to unpaid creditors of the decedent, to anyone who had a prior right to the decedent's personal property, or to any personal representative of the decedent thereafter appointed. If distribution is made prior to payment of all medical assistance owed to TennCare under § 71-5-116, both the affiant and the person to whom payment, transfer, or delivery is made by the affiant shall be liable to TennCare and remain liable, to the extent of the value of the personal property received.

(d) If any person having possession of any of the decedent's personal property, upon receipt of a copy of the affidavit certified by the clerk, refuses to pay, transfer, or deliver the personal property to or at the direction of the affiant:

(1) The personal property may be recovered; or

(2)

(A) Transfer and delivery of the personal property may be compelled in an action brought in any court of competent jurisdiction for that purpose upon proof of the facts required to be stated in the affidavit; and

(B) Costs of the proceeding must be adjudged against the person wrongfully refusing to pay, transfer, or deliver the personal property.

(e) If during the administration of the small estate affidavit limited letter of authority, the affiant or a creditor of the decedent discovers additional assets that exceed the statutory small estate limitation, then the court may allow the small estate affidavit to be converted into probate administration by application of a verified petition pursuant to

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§ 30-1-117 by the affiant or a creditor of the decedent to the court. The affiant is liable for the assets which may have been disposed of under the small estate affidavit limited letter of authority prior to the conversion.

SECTION 4. Tennessee Code Annotated, Section 8-21-401(c)(1), is amended by deleting the language "including giving notice of the opening of the estate to the department of revenue,".

SECTION 5. Tennessee Code Annotated, Section 8-21-401(c)(2), is amended by deleting the language "and giving notice of the opening of the estate to the department of revenue".

SECTION 6 This act takes effect July 1, 2022, the public welfare requiring it.

HOUSE BILL NO. 1362

PASSED: March 3, 2022



CAMERON SEXTON, SPEAKER
HOUSE OF REPRESENTATIVES



RANDY MCNALLY
SPEAKER OF THE SENATE

APPROVED this 18th day of March 2022



BILL LEE, GOVERNOR

**AFFIDAVIT FOR SMALL
ESTATE LIMITED
LETTER OF AUTHORITY**

Case Number

Page 1 of 2

IN RE:

, Deceased

The deceased, herein referred to as "Decedent", age _____, died on _____, _____ in _____ County, State of Tennessee. Decedent's last residence was _____ County, Tennessee, as evidenced by a copy of the death certificate which is being filed with this affidavit.

_____ The Decedent left no Will.

_____ The Decedent left a Will which does not require administration by the Court, but is lodged for safekeeping.

The Decedent died owning an interest in personal property, including all life insurance policies payable to the Decedent's estate, not to exceed the aggregate statutory amount of \$50,000.00 as follows:

Items	Value	Location and Possession
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
Total Value	_____	

The Decedent left the following unpaid debts at death (Attached additional debts on a separate sheet):

Creditor	Amount	Address
_____	_____	_____
_____	_____	_____
_____	_____	_____

Bond must be posted in the amount of \$ _____.

Bond is excused:

- Will Excuses Affiant from making bond.
- Affiant is the sole beneficiary of the Decedent's estate.
- Each person who is a beneficiary of the Decedent's estate is an adult and each has consented to waive the affiant's bond as evidenced by each beneficiary's signed, acknowledged Agreement to 'Waive' bond which is filed along with this affidavit.
- Affiant is a bank excused from bond by TCA §45-2-1005.

The following are the names and addresses of all heirs of the deceased which the affiant(s) is (are) obligated to notify at their last known address (Attach additional heirs on a separate sheet):

Name	Address	Age	Relationship
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Your affiant(s) is(are) willing to collect and preserve all assets of the estate, including the removal of all of the Decedent's personal property from a leased property or facility of the Decedent as well as the cancellation of all insurance policies that are no longer applicable due to the Decedent's death.

Your affiant(s) acknowledges that the Decedent did not have an interest in any real property.

Your affiant(s) acknowledge liability to TennCare, if applicable, to the extent of the value of the personal property.

Your affiant(s) further acknowledges that the affiant and the sureties, if any, will automatically be discharged on the first anniversary of the filing of the affidavit.

Your affiant(s) further evidences by signature hereto that, subject to penalty of perjury, the information contained herein is not false or misleading and the affiant is not prohibited from filing affidavit because of having been sentenced to imprisonment in a penitentiary as set forth in § 40-20-115 or otherwise. The affiant is aware of and mindful of all duties imposed upon him in Tennessee Code Annotated §30-4-101 et seq.

Date: _____

Affiant

Affiant Address: _____

Sworn to and subscribed before me on _____.

My Commission Expires: _____.

Clerk or Notary Public

I, _____, Clerk for the _____ Court of _____ County, Tennessee, certify that this is a court of record; that this is a true, full and correct copy of the Affidavit for Small Estate Limited Letter of Authority filed in this Court; that this Affidavit is still in full force and effect as of this date; and that the original of this Affidavit is on file in the office of the _____ for _____ County, Tennessee.

Date: _____

Clerk or Deputy Probate Clerk

PUBLIC CHAPTER NO. 84

HOUSE BILL NO. 100

By Representatives Jernigan, Moody, Hazlewood, Todd

Substituted for: Senate Bill No. 167

By Senator Lundberg

AN ACT to amend Tennessee Code Annotated, Title 34, relative to guardianship.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[34-3-104]

SECTION 1. Tennessee Code Annotated, Section 34-3-104, is amended by deleting subdivision (4) and substituting instead the following:

(4) The name, age, mailing address, relationship of the proposed conservator, statement of any felony or misdemeanor conviction of the proposed conservator, and, if the proposed conservator is not the petitioner, a statement signed by the proposed conservator acknowledging awareness of the petition and a willingness to serve. The petition must also include current copies of the following reports on the proposed conservator:

(A) A search of the department of health's registry of persons who have abused, neglected, or misappropriated the property of vulnerable persons, established by title 68, chapter 11, part 10; and

(B) A search of the national sex offender registry maintained by the United States department of justice;

[Effective date 1/1/2022]

SECTION 2. This act takes effect January 1, 2022, the public welfare requiring it.

Elder abuse:
www.tn.gov/didd/divisions/protections
Sex offender:
www.nsop.gov

PUBLIC CHAPTER NO. 8

HOUSE BILL NO. 106

By Representative Lamberth

Substituted for: Senate Bill No. 18

By Senator Johnson

AN ACT to amend Tennessee Code Annotated, Title 48,

BE IT ENACTED BY THE GENERAL ASSEMBLY TENNESSEE:

[48-17-109]

SECTION 1. Tennessee Code Annotated, Section 4 by deleting the section and substituting the following:

(a) Unless the charter or bylaws provide other guidelines and procedures as the corporation may permit any or all shareholders and proxyholders to attend a regular or special meeting by, and the corporation may conduct a meeting through the use of, any means of remote communication:

(1) The corporation implements reasonable procedures that each person deemed present and permitted to attend a meeting by means of remote communication is a shareholder;

(2) The corporation implements reasonable procedures that give all shareholders and proxyholders a reasonable opportunity to be heard in the meeting and to vote on matters submitted for the meeting including an opportunity to read or hear the proceedings substantially concurrently with the proceedings;

(3) The corporation maintains a record of all communications by remote communication taken by a shareholder or proxyholder that are necessary to the corporation's business.

(b) A shareholder or proxyholder who participates in a meeting by the means described in this section, whether the shareholder or proxyholder is present at a designated place or solely by means of remote communication, shall be deemed to be present in person at the meeting.

[Effective date 4/7/2021]

SECTION 2. This act takes effect upon becoming a law requiring it.

PUBLIC CHAPTER NO. 305**SENATE BILL NO. 1440****By Akbari**

Substituted for: House Bill No. 581

By Ragan

AN ACT to amend Tennessee Code Annotated, Title 34, relative to guardianships and conservatorships.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

[34-1-106]

SECTION 1. Tennessee Code Annotated, Section 34-1-106(b), is amended by deleting the subsection and substituting:

The petitioner shall give notice to the closest relative of the respondent required to be named in the petition and to the person, if any, having care or custody of the respondent, institution, or residential provider with whom the respondent is living by certified mail or personal service in accordance with the Tennessee Rules of Civil Procedure. If, after reasonable effort, a postal address cannot be ascertained, a notification may be published in a newspaper of general circulation in the county where the petition is filed, or if there is no newspaper of general circulation published in the county, notice may be posted at the county courthouse, except where such petitions are filed by or on behalf of a regional mental health institute owned and operated by the department of mental health and substance abuse services or by or on behalf of the department of intellectual and developmental disabilities pertaining to an individual receiving home- and community-based waiver services or intermediate care facility/intellectual disability (ICF/I0) services.

[34-1-108]

SECTION 2. Tennessee Code Annotated, Section 34-1-108(c)(3), is amended by adding the following sentence at the end of the subdivision:

(If, after reasonable effort, a postal address cannot be ascertained, a notification may be published in a newspaper of general circulation in the county where the petition is filed, or if there is no newspaper of general circulation published in the county, notice may be posted at the county courthouse, except where such petitions are filed by or on behalf of a regional mental health institute owned and operated by the department of mental health and substance abuse services or by or on behalf of the department of intellectual and developmental disabilities pertaining to an individual receiving home- and community-based waiver services or intermediate care facility/intellectual disability (ICF/I0) services.

PUBLIC CHAPTER NO. 305 (cont'd)

[34-3-105]

SECTION 3. Tennessee Code Annotated, Section 34-3-105, is amended by adding the following as a new subsection (f):

(f) Reports and documents prepared under this section are confidential and are not open for inspection by the public. However, this section does not:

(1) Limit the respondent or the respondent's agent or attorney from having access to any such reports or documents about the respondent; or

(2) Prohibit an investigative body from accessing any such reports or documents as authorized or required by law.

[34-3-106]

SECTION 4. Tennessee Code Annotated, Section 34-3-106(6), is amended by deleting the subdivision and substituting instead the following:

(6) Request a protective order placing under seal the respondent's financial information and any health information not otherwise protected by § 34-3-105(f).

[34-1-114]

SECTION 5. Tennessee Code Annotated, Section 34-1-114, is amended by adding the following language as a new subsection:

(c) Notwithstanding subsections (a) and (b), the petitioner is responsible for the court costs necessary for initiating proceedings, including filing fees and costs associated with required notices and publication. At any point in the proceedings, in the court's discretion, such costs may be charged according to subsection (a) and the petitioner may be reimbursed.

[34-1-105, 34-1-108, 34-3-105, 34-3-106, 34-1-114]

SECTION 6. Any court forms that do not comply with this act may be used until current supplies are exhausted and new forms prepared.

[Effective date 5/4/2021]

SECTION 7. This act takes effect upon becoming a law, the public welfare requiring it.

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(c) A disclaimer under this section is effective as to another fiduciary if the disclaimer so provides and the fiduciary disclaiming has the authority to bind the estate, trust, or other person for whom the fiduciary is acting.

2019.

History.
Acts 2019, ch. 340, § 2.

Effective Dates.
Acts 2019, ch. 340, § 20. May 10, 2019.

31-7-112. Delivery or filing.

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(a) As used in this section, "beneficiary designation" means an instrument, other than an instrument creating a trust, naming the beneficiary of:

2019.

- (1) An annuity or insurance policy;
- (2) An account with a designation for payment on death;
- (3) A security registered in beneficiary form;
- (4) A pension, profit-sharing, retirement, or other employment-related benefit plan; or
- (5) Any other nonprobate transfer at death.

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(b) Subject to subdivision (c)(1), delivery of a disclaimer may be affected by personal delivery, first-class mail, or any other method likely to result in its receipt.

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(c) In the case of an interest created under the law of intestate succession or an interest created by will, other than an interest in a testamentary trust:

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(1) A disclaimer must be delivered to the personal representative of the decedent's estate; or

* (2) If no personal representative is then serving, the disclaimer must be filed with a court having jurisdiction to appoint the personal representative.

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(d) In the case of an interest in a testamentary trust:

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(1) A disclaimer must be delivered to the trustee then serving;

(2) If no trustee is then serving, the disclaimer must be delivered to the personal representative of the decedent's estate; or

(3) If no trustee is then serving and no personal representative is then serving, the disclaimer must be filed with a court having jurisdiction to enforce the trust.

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(e) In the case of an interest in an inter vivos trust:

(1) A disclaimer must be delivered to the trustee then serving;

(2) If no trustee is then serving, the disclaimer must be filed with a court having jurisdiction to enforce the trust; or

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(3) If the disclaimer is made before the time the instrument creating the trust becomes irrevocable, the disclaimer must be delivered to the settlor of a revocable trust or the transferor of the interest.

9.

(f) In the case of an interest created by a beneficiary designation that is disclaimed before the designation becomes irrevocable, the disclaimer must be delivered to the person making the beneficiary designation.

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(g) In the case of an interest created by a beneficiary designation which is disclaimed after the designation becomes irrevocable:

(1) The disclaimer of an interest in personal property must be delivered to the person obligated to distribute the interest; and

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(2) The disclaimer of an interest in real property must be recorded in the office of the county register's office of the county where the real property that

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2010 Tennessee Code

Title 32 - Wills

Chapter 5 - Administration Upon Foreign Wills

32-5-107 - Authentication.

32-5-107. Authentication.

Any copy of a will from another state, District of Columbia or territory shall be authenticated in the manner prescribed by 28 U.S.C. §§ 1738 and 1739.

[Code 1858, § 2186 (deriv. Acts 1843-1844, ch. 187, § 1); Shan., § 3918; mod. Code 1932, § 8119; modified; impl. am. Acts 1972, ch. 565, § 1; T.C.A. (orig. ed.), § 32-507.]

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28 U.S. Code § 1738 - State and Territorial statutes and judicial proceedings; full faith and credit

U.S. Code Notes

The Acts of the legislature of any State, Territory, or Possession of the United States, or copies thereof, shall be authenticated by affixing the seal of such State, Territory or Possession thereto.

The records and judicial proceedings of any court of any such State, Territory or Possession, or copies thereof, shall be proved or admitted in other courts within the United States and its Territories and Possessions by the attestation of the clerk and seal of the court annexed, if a seal exists, together with a certificate of a judge of the court that the said attestation is in proper form.

Such Acts, records and judicial proceedings or copies thereof, so authenticated, shall have the same full faith and credit in every court within the United States and its Territories and Possessions as they have by law or usage in the courts of such State, Territory or Possession from which they are taken.

(June 25, 1948, ch. 646, 62 Stat. 947.)

28 U.S. Code § 1739 - State and Territorial nonjudicial records; full faith and credit

U.S. Code Notes

All nonjudicial records or books kept in any public office of any State, Territory, or Possession of the United States, or copies thereof, shall be proved or admitted in any court or office in any other State, Territory, or Possession by the attestation of the custodian of such records or books, and the seal of his office annexed, if there be a seal, together with a certificate of a judge of a court of record of the county, parish, or district in which such office may be kept, or of the Governor, or secretary of state, the chancellor or keeper of the great seal, of the State, Territory, or Possession that the said attestation is in due form and by the proper officers.

If the certificate is given by a judge, it shall be further authenticated by the clerk or prothonotary of the court, who shall certify, under his hand and the seal of his office, that such judge is duly commissioned and qualified; or, if given by such Governor, secretary, chancellor, or keeper of the great seal, it shall be under the great seal of the State, Territory, or Possession in which it is made.

Such records or books, or copies thereof, so authenticated, shall have the same full faith and credit in every court and office within the United States and its Territories and Possessions as they have by law or usage in the courts or offices of the State, Territory, or Possession from which they are taken.

(June 25, 1948, ch. 646, 62 Stat. 947.)

not otherwise provided for, twelve dollars (\$12.00);

(8) For issuing summons, subpoenas, citations, writs and notices, including copies of process when required by law, other than initial process, six dollars (\$6.00);

(9) For filing any document not otherwise provided for in probate court, seven dollars (\$7.00); and

(10) For filing, reviewing, recording annual or interim settlement or accounting and entering order approving settlement only, forty dollars (\$40.00).

(d) Fees in Criminal Cases in Courts of Record.

(1) Unless otherwise provided in this section, court clerks in criminal cases in courts of record shall charge a standard court cost of three hundred dollars (\$300). This fee shall apply per case per defendant.

(2) The clerk shall charge a fee of one hundred dollars (\$100) for proceedings related to a violation of probation, any post-judgment actions, or expungements.

(3) The clerk shall charge a fee of seventy-five dollars (\$75.00) for criminal contempt actions, including criminal contempt proceedings in civil courts, for failure to appear, requests for bonding company release from final forfeiture, requests to reinstate a driver license, and requests for relief.

(4) Reimbursement from the state shall be limited to the fees as currently allowed by law.

(e) Fees for Proceedings in Juvenile Court.

(1) Unless otherwise provided in this section, court clerks in juvenile proceedings shall charge a standard court cost of one hundred dollars (\$100). This fee shall apply to all juvenile proceedings not otherwise designated, including, but not limited to, requests to establish support or nonsupport, proceedings related to parentage, paternity cases, and legitimations.

(2) For requests for modification of child support, the clerk shall charge a fee of seventy-five dollars (\$75.00).

(3) In the following actions, the clerk of the juvenile court shall charge a fee of forty-two dollars (\$42.00): juvenile traffic cases, consent orders, diversion and nonjudicial disposition of juvenile cases, voluntary motions to grant custody, marriage waivers, attachment pro corpus, and bench warrants.

(4) In the following actions, the clerk of the juvenile court shall charge a fee of twenty-five dollars (\$25.00): restricted licenses, drug screenings, entering order of appeal and taking appeal bond, entering judgment from appellate court, entering order allowing rehearing, and special pleas.

(5) In the following actions, the clerk of the juvenile court shall charge a fee of sixty-two dollars (\$62.00): delinquency and unruly cases, and felony and misdemeanor cases in juvenile court.

(f) Actions in general sessions court.

(1) General sessions civil filing fee, forty-two dollars (\$42.00). Unless otherwise provided elsewhere in this section, court clerks in civil cases in general sessions court shall charge a standard filing fee of forty-two dollars (\$42.00). This fee is intended to cover all initial court clerk's costs for initiating a civil proceeding in general sessions court, including, but not

LINCOLN COUNTY CHANCERY COURT
REBECCA N. BARTLETT
CLERK & MASTER
112 Main Avenue South
Room B-109
Fayetteville, TN 37334
Phone: (931) 433-1482
Fax: (931) 433-9313

J. B. Cox, Chancellor
Seventeenth Judicial District
P.O. Box 713
Fayetteville, TN 37334

Deputies:
Derek Farley
Lisa Pigg
Lynn Hudson
Brandy Roland

REQUEST FOR PROBATE INFORMATION

To Whom It May Concern:

The Clerk and Master's Office charges for filing a Request for Probate Information per T.C.A. 8-21-401(c)(9) as well as .50 cent per page for copies pursuant to T.C.A. code 8-21-401(i)(4). Requests can be mailed along with \$7.00 per request (or name) to the Clerk and Master's address above or can be faxed to 931-433-9313. Payment can be made by telephone using a credit card with the fees for that transaction being determined by the amount charged. Upon receiving request and payment of fees, the Court will fulfill the request with the information in as timely a manner as possible. Please include in your request as much information as possible the deceased individual.

Thank you very much.

Name of Decedent: _____

Information requested: _____

Contact Information: Name _____

Office _____

Phone _____

Method of Payment: Check or Credit Card

Special Instructions: _____

PUBLIC CHAPTER NO. 301**SENATE BILL NO. 566****By Bowling, Yager**

Substituted for: House Bill No. 676

By Garrett, Tim Hicks, Hazlewood, Todd

AN ACT to amend Tennessee Code Annotated, Title 26, Chapter 2, Part 3,
relative to homestead exemptions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF
TENNESSEE:

[26-2-301]

SECTION 1. Tennessee Code Annotated, Section 26-2-301(a), is amended by deleting the language "five thousand dollars (\$5,000)" wherever it appears and substituting instead "thirty-five thousand dollars (\$35,000)", and by deleting "seven thousand five hundred dollars (\$7,500)" and substituting instead "fifty-two thousand five hundred dollars (\$52,500)".

[26-2-301]

SECTION 2. Tennessee Code Annotated, Section 26-2-301, is amended by deleting subsections (e) and (f).

[26-2-304]

SECTION 3. Tennessee Code Annotated, Section 26-2-304, is amended by deleting the language "five thousand dollars (\$5,000)" and substituting instead "thirty-five thousand dollars (\$35,000)".

[26-2-309]

SECTION 4. Tennessee Code Annotated, Section 26-2-309, is amended by deleting the language "five thousand dollars (\$5,000)" wherever it appears and substituting instead "thirty-five thousand dollars (\$35,000)".

[Effective date 1/1/2022]

SECTION 5. This act takes effect January 1, 2022, the public welfare requiring it.

(6) months from the date of filing if the garnishee has failed to answer or remit funds for such later filed writ.

(c) Nothing in this section shall be construed to affect the date of attachment or the status of any underlying statutory or common law lien rights of any later filed writ of garnishment.

History.

Acts 2000, ch. 856, § 1.

26-2-225. Notifying judgment creditor of new employment.

(a) A judgment debtor whose salaries, wages or other compensation are subject to a garnishment shall notify the judgment creditor who filed the writ of garnishment within ten (10) days, as computed in § 1-3-102, of obtaining any new employment. Notice to the judgment creditor shall be by certified mail and shall include the name, address and telephone number of the new employer. A judgment debtor who fails to provide notice of new employment in compliance with this section is in contempt of court and, upon the court making a determination of contempt, may be punished the same as contempt of court in a judicial proceeding. For purposes of a determination of contempt the debtor's notification of new employment to the judgment creditor shall be considered timely sent if mailed less than ten (10) days from the date of obtaining new employment.

(b) Any fees imposed by the clerk or any other party on the transfer of garnishment to the debtor's new employment shall be imposed on the debtor by adding the amount to the debt to be collected.

History.

Acts 2013, ch. 187, § 1.

which enacted this section, shall apply to all garnishments filed after July 1, 2013.

Compiler's Notes.

Acts 2013, ch. 187, § 2 provided that the act,

PART 3

HOMESTEAD EXEMPTIONS

26-2-301. Basic exemption.

(a) An individual, whether a head of family or not, shall be entitled to a homestead exemption upon real property which is owned by the individual and used by the individual or the individual's spouse or dependent, as a principal place of residence. The aggregate value of such homestead exemption shall not exceed five thousand dollars (\$5,000); provided, individuals who jointly own and use real property as their principal place of residence shall be entitled to homestead exemptions, the aggregate value of which exemptions combined shall not exceed seven thousand five hundred dollars (\$7,500), which shall be divided equally among them in the event the homestead exemptions are claimed in the same proceeding; provided, if only one (1) of the joint owners of real property used as their principal place of residence is involved in the proceeding wherein homestead exemption is claimed, then the individual's homestead exemption shall be five thousand dollars (\$5,000). The homestead