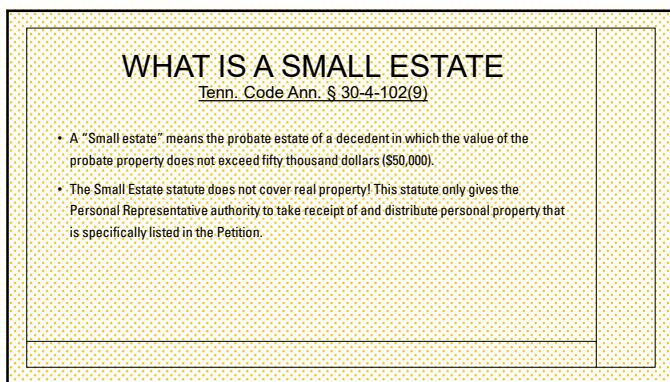
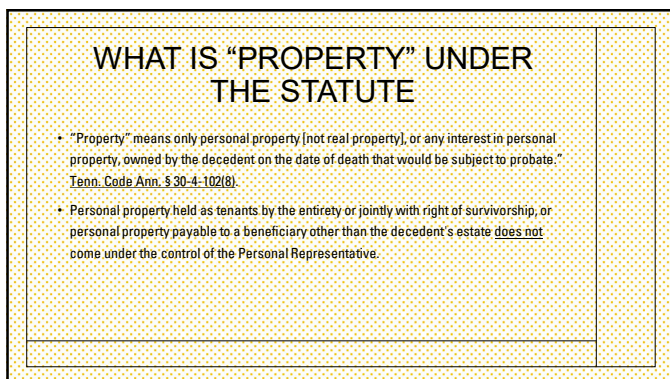




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3

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 must be attached to and made a part of the limited letters.

4

WHEN MAY A SMALL ESTATE BE ADMINISTERED?

- 45 days subsequent to the decedent's death. The 45-day waiting period may be waived for "good cause shown." Tenn. Code Ann. § 30-4-103(8).
- 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).

5

WHO MAY PETITION THE COURT

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

6

8

9

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 January 1, 2016, either the tax receipt issued pursuant to § 67-8-420, or the certificate or assessment issued pursuant to § 67-8-409(f). Tenn. Code Ann. § 30-4-103(7)(A).
- OR
- The personal representative and the surety on the personal representative's bond may wait until the first anniversary of the issuance of the limited letters when the court shall automatically discharge them from liability. Tenn. Code Ann. § 30-4-103(7)(B).

10

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." Tenn. Code Ann. § 30-4-103(6).

11

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.

12

PETITION FOR LIMITED LETTERS FOR A SMALL ESTATE		Case Number
In the State of New York, County of _____		
<p>Section 1: Petitioner's Information</p> <p>Name of Petitioner: _____ Address: _____ City: _____ State: _____ Zip: _____ Date of Birth: _____ Date of Petition: _____</p>		
<p>Section 2: Decedent's Information</p> <p>Name of Decedent: _____ Address: _____ City: _____ State: _____ Zip: _____ Date of Birth: _____ Date of Death: _____</p>		
<p>Section 3: Assets and Liabilities</p> <p>Assets: _____ Liabilities: _____</p>		
<p>Section 4: Declaration</p> <p>I, the undersigned, being a resident of the County of _____ and State of New York, do hereby certify that the foregoing is a true and correct statement of the assets and liabilities of the decedent as of the date of death.</p> <p>Signature: _____ Date: _____</p>		
<p>Section 5: Court's Findings</p> <p>The Court finds that the decedent was a resident of the County of _____ and State of New York at the time of death.</p> <p>The Court finds that the decedent was a decedent of a small estate as defined in Section 32-2.1 of the Surrogate's Court Procedure Act.</p> <p>The Court finds that the decedent was a decedent of a small estate as defined in Section 32-2.1 of the Surrogate's Court Procedure Act.</p>		
<p>Section 6: Court's Order</p> <p>ORDERED, that the petition be and it is so ordered.</p> <p>Given under the Great Seal of the State of New York, at the City of New York, this _____ day of _____, 20____.</p> <p>Surrogate: _____</p>		

13

LIMITED LETTERS OF ADMINISTRATION/LIMITED LETTERS TESTAMENTARY OF A SMALL ESTATE		Case Number
In the State of New York, County of _____		
<p>Section 1: Petitioner's Information</p> <p>Name of Petitioner: _____ Address: _____ City: _____ State: _____ Zip: _____ Date of Birth: _____ Date of Petition: _____</p>		
<p>Section 2: Decedent's Information</p> <p>Name of Decedent: _____ Address: _____ City: _____ State: _____ Zip: _____ Date of Birth: _____ Date of Death: _____</p>		
<p>Section 3: Assets and Liabilities</p> <p>Assets: _____ Liabilities: _____</p>		
<p>Section 4: Declaration</p> <p>I, the undersigned, being a resident of the County of _____ and State of New York, do hereby certify that the foregoing is a true and correct statement of the assets and liabilities of the decedent as of the date of death.</p> <p>Signature: _____ Date: _____</p>		
<p>Section 5: Court's Findings</p> <p>The Court finds that the decedent was a resident of the County of _____ and State of New York at the time of death.</p> <p>The Court finds that the decedent was a decedent of a small estate as defined in Section 32-2.1 of the Surrogate's Court Procedure Act.</p> <p>The Court finds that the decedent was a decedent of a small estate as defined in Section 32-2.1 of the Surrogate's Court Procedure Act.</p>		
<p>Section 6: Court's Order</p> <p>ORDERED, that the petition be and it is so ordered.</p> <p>Given under the Great Seal of the State of New York, at the City of New York, this _____ day of _____, 20____.</p> <p>Surrogate: _____</p>		

14

Be careful of the wording in this part of the statute!	
<p>• 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 representative in the decedent's will shall either:</p> <p>• (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 § 32-2.1(1) and for the issuance of limited letters testamentary of a small estate; or</p> <p>• (ii) File the original of the decedent's will together with affidavits of the attesting witnesses or the affidavits of the two (2) disinterested persons attesting to the decedent's handwriting, if the decedent's will is holographic, with the clerk who shall record the will and affidavits. The recording of the decedent's will and accompanying affidavits is deemed sufficient to probate the decedent's will for the purposes of this chapter.</p>	

15

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. Tenn. Code Ann. § 39-14-131.
- "The custodian of the will cannot remain passive. Either the one named as the executor or anyone else having it in possession or knowing where it is may be summoned to appear before the probate court and required to surrender it or give testimony in regard to its existence or place of deposit. If the person summoned refuses to produce the will if in his possession, or, if having had the will in his possession, refuses to inform the court where it is, or refuses to testify, obedience may be compelled by attachment and punishment for contempt, by virtue of the inherent power which the probate court possesses to enforce such orders as may be necessary to give effect to its jurisdiction."
1 Pritchard on the Law of Wills and Admin of Estates § 331 (2024).
