

IN THE CHANCERY COURT FOR HAWKINS COUNTY, TENNESSEE		SMALL ESTATES ACT AFFIDAVIT TCA §§ 30-4-101—30-4-105.		PROBATE DIVISION	
IN THE MATTER OF THE ESTATE OF			AFFIANT		
			DECEASED		
1. Decedent, _____, died on _____, in _____, _____. Age Date County State					
2. Decedent’s legal Tennessee residence on the date of death:					
3. Decedent’s Last Will: (Check one box only) <input type="checkbox"/> Decedent left no Last Will. <input type="checkbox"/> Decedent left a Last Will, an unprobated copy of which is attached to this affidavit as EXHIBIT A.					
4. Decedent left at death the following unpaid debts:					
CREDITOR		ADDRESS		AMOUNT	
				Subtotal	
If other items, attach separate sheet(s).				Subtotal from attached sheet(s)	
				Total	
5. Decedent died owning personal property as follows:		You must include all personal property or any interest in therein, owned by Decedent on the date of death, including insurance on Decedent’s life payable to the estate.			
		Do not list:		(a) insurance on Decedent’s life payable to beneficiaries other than the estate;	
				(b) personal property held jointly with Decedent with right of survivorship.	
This affidavit is not muniment of title for real estate. Tenn. Code Ann. § 30-4-102(4).					
ITEM		LOCATION AND POSSESSION		VALUE	
				Subtotal	
If other items, attach separate sheet(s).				Subtotal from attached sheet(s)	
				Total	

6. Decedent owned the following insurance policies payable to Decedent's estate:		
INSURANCE COMPANY	POLICY NUMBER	FACE VALUE
Subtotal		
If other items, attach separate sheet(s).	Subtotal from attached sheet(s)	
Total		

7. Provide for each devisee, legatee, or heir who may be entitled to any of Decedent's property:			
NAME	AGE	RELATION	ADDRESS/ZIP CODE

I am willing to collect and preserve all assets of this estate, pay all creditors and distribute the remainder according to the terms of the Will or according to the laws of descent and distribution of the State of Tennessee. T.C.A. §§ 30-2-305, 30-4-104(c). I shall file returns and pay the tax on property in this estate as required by title 67, chapter 8, parts 3-5, as now or hereafter amended, revised or recodified. T.C.A. § 30-4-104(d).

SUBJECT TO PENALTY FOR PERJURY, I EVIDENCE BY MY SIGNATURE THE FACTS STATED IN THIS AFFIDAVIT ARE NOT FALSE OR MISLEADING AND ARE TRUE, CORRECT, AND COMPLETE TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT I AM MINDFUL OF MY DUTIES AS IMPOSED UPON ME BY TITLE 30 CHAPTER 4 OF THE TENNESSEE CODE ANNOTATED.

This ____ day of _____, 20____. _____
AFFIANT

ADDRESS PHONE

**CHANCERY COURT OF
HAWKINS COUNTY TENNESSEE** }

Sworn to and subscribed before me this ____ day of _____, 20____.

HOLLY H. JAYNES, CLERK & MASTER

By _____
PROBATE DEPUTY

INSTRUCTIONS FOR SMALL ESTATES ACT AFFIDAVIT

**"Small Estate" means that the value of the personal property
does not exceed \$25,000.00
You cannot transfer title to real estate by a SMALL ESTATE**

- A SMALL ESTATE cannot be opened until 45 days from date of death.
- Complete the **SMALL ESTATES ACT AFFIDAVIT** and bring it with you to court along with a copy of the death certificate. **DO NOT SIGN THE AFFIDAVIT**. If you need help, we will try to help you as best we can without giving legal advice.
- If the Decedent left a last will, you are required to bring the **original** to be deposited without probate with the Clerk to support the Affidavit. A \$5.00 fee is required to file the unprobated, original will. A **copy** of the original will will be attached to the SMALL ESTATES ACT AFFIDAVIT.
- Court Costs for the SMALL ESTATES AFFIDAVIT is \$140.50 (plus \$5 if will is presented).
- If the will excuses bond or if all other heirs sign a waiver of bond, no bond will be required.
- If bond is required, it is the amount of the value of personal property. Bonds can be obtained through Sharits Real Estate (423-272-7108) or Nationwide Insurance (423-272-2100). The cost of the bond depends on the value of the small estate and should be approximately \$100.00.

Probate Court: Hawkins County Courthouse
100 E. Main Street, Suite 316
Rogersville, TN 37857

If you have any questions, please feel free to call us at **423-272-8150**.