

**THIS IS GENERAL INFORMATION ONLY  
FOR LEGAL ADVICE PLEASE CONTACT AN ATTORNEY**

**PROBATE GUIDELINES WITHOUT WILL  
IF DECEASED AFTER 1-1-98**

- 1. DEATH CERTIFICATE**
- 2. PETITION FOR ADMINISTRATION –**
  - (a) Decedent's name, address, date of death, age at death
  - (b) Decedent's heirs, address, age, relationship to decedent
  - (c) Decedent's property (value for Inheritance Tax purpose)
  - (d) Petitioner's name, address, relationship to decedent
- 3. ORDER**
- 4. LETTERS OF ADMINISTRATION**

Letters of administration are issued by the Clerk. These letters give the administrator/administratrix the authority to act on behalf of the deceased. The letters are issued after the Probate Judge has entered the Order for probate.
- 5. NOTICE TO CREDITORS**
  - (a) The Clerk will run the Notice of Creditors in the local paper. This will run in the Mountain Press for a fee of \$31.61. This amount is included in the original probate fee. The Clerk collects this at the time of probate.
  - (b) It is the responsibility of the administrator/admx to contact all creditors and send them a copy of the notice.
  - (c) If a claim is filed against an estate, the Clerk will notify the administrator/admx that a claim has been filed. After the claim has been paid, a receipt needs to be obtained from the creditor for proof of payment and filed with the Clerk. It is the responsibility of the administrator/admx to make sure the receipt is filed.
  - (d) If the estate is valued at less than \$100,000.00 the estate will remain open for four months. This allows four months for a claim to be filed. Filing date ends four months from the date of the first (1<sup>st</sup>) publication.
  - (e) If the estate is valued over \$100,000.00 the estate has to remain open for at least four months.
- 6. INHERITANCE TAX**
  - (a) If the estate is valued at less than \$100,000.00, the Personal Representative's Sworn Statement for Waiver of Filing Tax Return may be signed, which is included in the packet of forms.
  - (b) If the estate is valued at \$100,000.00 up to \$950,000.00 the Short Form Inheritance Tax Return must be filed with the State. The Clerk will furnish the form. Again, you may need to contact an attorney regarding this.
- 7. CLOSING ESTATE**
  - (a) Petition to Close
  - (b) Order to Close
  - (c) Final Accounting-if required
  - (d) Receipts from Heirs and Legatees
  - (e) Inheritance Tax Receipt-if required
  - (f) \$10.00 Closing Fee
  - (g) TennCare Release