IN THE 31ST JUDICIAL DISTRICT OF TENNESSEE
WARREN COUNTY CHANCERY COURT

In re: _____, deceased Case No. _____-PA
Social Security Number _____

_____
Affiant

T.C.A. § 30-4-103 AFFIDAVIT

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

1. _____ ("Decedent"), age _____, died on _____, while a resident of Warren County, Tennessee, leaving only a Small Estate as defined by law, the personal assets as defined by T.C.A. § 30-4-102 (5) being less than $50,000.00. The gross assets, for inheritance tax purposes, do not exceed $100,000.00, and Decedent never made any taxable lifetime gifts.

   A. _____ Decedent left no will.
   _____ Decedent left a will. A copy is filed herewith.
   B. ____ Decedent owned no real estate.
   _____ Decedent owned real estate valued at $_____.
   C. The information below, regarding CREDITORS, ASSETS, HEIRS AND BENEFICIARIES is complete and accurate, to the best of my knowledge, information and belief.

2. I know of no reason that the 45-day waiting period should be observed. Subject to penalty of perjury, this affidavit is not false or misleading, and I am mindful of all duties imposed by T.C.A. Title 30 Chapter 4.

The decedent died owning the following property which does not exceed $50,000: (List all personal property which includes cash, bank accounts, notes receivable, automobiles, stocks and bonds, and life insurance payable to the estate, mechanical equipment, household furnishings, etc. Do not list jointly owned property.)

Asset	Value	Name and address of person in possession

(If other personal property, attach separate sheet.)

TOTAL PERSONAL ESTATE: $ _____

The decedent died owning the following real estate:

Description	Value

(List street address, map and parcel number, and state improvements. If vacant land, state acreage.) NOTE: By definition under T.C.A. § 30-4-102(4), real property is not taken into account in arriving at the $50,000.00 limitation. This Affidavit does **NOT** transfer real property. This real property will pass to the heirs at law of the decedent pursuant to T.C.A. § 31-2-103 and 31-2-104.

The following are the names and addresses of all heirs of the deceased and/or devisees and legatees under his/her will:

Name	Age	Relationship	Address

All the above are legally competent unless otherwise noted.

The total value of the property subject to the Small Estate Procedure for which bond must be posted is $_____.

OR

Bond is excused for the following reason (check one):

_____ Decedent's Will excuses the 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 attached as collective Exhibit B.
_____ Affiant is a bank excused from bond by T.C.A. § 45-2-1005.

The estimated Gross Estate for Tennessee Inheritance Tax purposes is $_____.
Check one:

_____ A Tennessee Inheritance Tax Return is required to be filed with the Tennessee Department of Revenue.
_____ The Tennessee Inheritance Tax Return is waived as the estimated gross estate for Tennessee Inheritance Tax purposes is less than $100,000 and the decedent made no gifts during life to any donee in an amount exceeding the applicable Tennessee Gift Tax Annual Exclusion [T.C.A. § 67-8-409(g)].

Check One:

_____ Neither the decedent or his/her spouse, if predeceasing him/her, were enrolled in TennCare during his/her life.

_____ The decedent or decedent's spouse, if predeceasing him/her, was enrolled in TennCare and Affiant will request a Request for Release of Estate Recovery Cost Claim as required by T.C.A. § 71-5-116(c)(2).

The decedent left the following unpaid debts at the time of his/her death:

Creditor name and Address	Amount

(If other debts, attach a separate sheet.)

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, pursuant to T.C.A. § 30-4-101.

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 the _____ day of _____, 20_____.

_____
Affiant

_____

_____
Address

_____
Telephone Number

STATE OF TENNESSEE, COUNTY OF WARREN

The Affiant personally appeared before me, Myra D. Mara, Clerk and Master of Warren 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_____.

_____
Clerk and Master

BOND WAIVER T.C.A. §30-1-201

I agree that no bond should be required of the Affiant for the faithful and proper management of this estate, and I WAIVE THE FILING OF BOND WHICH IS OTHERWISE REQUIRED BY LAW.

_____ _____

No clerk or assistant shall be liable as a result of services rendered to the affiant in good faith in completing the affidavit based upon information furnished by the affiant.

SMALL ESTATE AFFIDAVIT GUIDELINES
T.C.A. § 30-4-101, et seq.

Small Estate Affidavits are used to administer assets with a total gross value at or below $50,000. This $50,000 excludes interest in any real property.

FILING FEE:	$103.00 (no will) $108.00 (with will)
FORMS REQUIRED:	Small Estate Affidavit form Original Will (if decedent left a will) Copy of death certificate AND Consent to Serve Without Bond form (1 for each next of kin) OR Bond equal to total amount of estate
ADDRESS OF CLERK:	Warren County Clerk & Master 111 South Court Square, Suite 105 McMinnville, TN 37110

Listed below are the requirements, information, and criteria for filing a Small Estate Affidavit:

- The total value of all the personal property must be $50,000 or less and not include real property.
- The decedent must have resided in Warren County.
- You must wait forty-five (45) days from the date of death to file the Small Estate Affidavit.
- You must include the decedent's full name when preparing the Affidavit.
- If the decedent left a will, you must bring the original will to the Clerk's office. **The will is NOT being probated.** It is being filed to support the Affidavit.
- As the Affiant, you must obtain signed and notarized Consent to Serve Without Bond forms of all the next of kin. If you are unable to obtain the form(s), you must post bond equal to the amount of the estate. Minor and incompetent individuals cannot consent.
- You must list any known unpaid debts the decedent had at the time of death. List the creditors name, address, and amount of debt. If the amount of debt exceeds the value of the property, you should seek legal advice from an attorney.
- List the location and value of the property you are trying to gain access to.
- You will be given two hearing dates upon filing the Affidavit:
    - First hearing date: initial appearance to obtain certified copies of Affidavit.
    - Second hearing date: to report to the Court the status of the estate.

Although the Clerk's Office is authorized to assist Affiants in completing the Small Estate Affidavit form, this office is not allowed to give legal advice. If you have any legal questions regarding this process, you should seek legal advice from an attorney.