

**Sumner County Chancery Court
Clerk & Master's Office
100 Public Square, Room 400
Gallatin, TN 37066
615-451-6036**

Affidavit of Small Estate Instructions:

Decedent must have lived in Sumner County for a minimum of six months.

Total Estate Value must be under \$50,000.00 (Excludes Real Property).

If there is any real property in the Decedent's name only, **you are not allowed** to file an Affidavit of Small Estate.

Original Will **must** be filed with the Small Estate. The will is not being probated, it has to be filed and retained by the Court to support the Affidavit.

There is a 45-day waiting period from the date of death for a Small Estate to be heard. You may request the waiting period to be waived for good cause by filing a letter outlining the specific reasons. This is reviewed and determined by the Clerk and Master based on state statute.

All Heirs and Beneficiaries under the Will **must** be listed on the Affidavit with complete mailing addresses. All Heirs and Beneficiaries under the will receive notice of your filing.

You must sign in front of a Court Clerk, a Notary or under Penalty of Perjury.

Filing Fee is \$150.50 – Pay by Cash, Money Order, Cashier's Check, or Business Check, made payable to Sumner County Chancery Court. Credit/Debit Cards are accepted with a 3% convenience fee assessed. **NO PERSONAL CHECKS**

If Affiant(s) lives out of state, a Nonresident Fiduciary must be filed with the State of Tennessee, before Estate is heard. The Non-resident Certificate you receive from the State of Tennessee must be filed with Court. Copy of application is attached.

The Clerk and Master will hear the Affidavit of Small Estate by-phone due to COVID-19 two (2) weeks from your filing date (45-day waiting period applied.)

Your Affiant(s) is willing to collect and preserve all assets of the Estate, pay all creditors and distribute the remainder in accordance with the terms of the Will or according to the laws of descent and distribution of the State of Tennessee, pursuant to T.C.A. Title 30 Chapter 4.

This _____ day of _____, 20_____

Name of Affiant(s)

Address

Telephone Number(s)

email address

**STATE OF TENNESSEE
COUNTY OF SUMNER**

I, _____, do solemnly swear or affirm that the Affidavit is not false or misleading and I am mindful of all the duties imposed upon me and that I will honestly and faithfully execute the duties of **PERSONAL REPRESENTATIVE OF THE ESTATE OF** _____, according to the laws of the state of Tennessee to the best of my knowledge and ability, so help me God; and that all statements in the petition about the representative are true and accurate and that I am not disqualified from serving as the Personal Representative because of having been sentenced to imprisonment in a penitentiary as set forth in T.C.A. § 40-20-115 or otherwise.

<p>_____ Signature</p> <p>State of _____</p> <p>County of _____</p> <p>Sworn to and subscribed before me, this _____ day of _____, 20_____.</p> <p>_____ Notary Public / Deputy Clerk</p> <p>My Commission Expires: _____</p>	OR	<p>I certify under penalty of perjury that the foregoing is true and correct.</p> <p>_____ Signature</p>
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THIS MATTER IS SET TO BE HEARD ON _____ OF _____, _____ AT _____ IN THE SUMNER COUNTY CHANCERY COURT, 100 PUBLIC SQUARE, 4th FLOOR CLERK'S OFFICE, GALLATIN, TN 37066.

AGENT APPOINTMENT BY NONRESIDENT FIDUCIARY (SS-4512)



Business Services Division
Tre Hargett, Secretary of State
State of Tennessee
312 Rosa L. Parks Ave., 6th Fl.
Nashville, TN 37243
(615) 741-2286

Filing Fee \$10.00

For Office Use Only

The undersigned, a nonresident person, bank or trust company, wishing to act as a fiduciary in the State of Tennessee in conformity with the laws thereof, hereby appoints the Secretary of State of the State of Tennessee as the undersigned's agent for service of process pursuant to T.C.A. § 35-50-107.

All process in any suit or proceeding against the undersigned may be served upon the Tennessee Secretary of State in any action or proceeding relating to any trust, estate or matter within this State in respect of which the undersigned is acting in a fiduciary capacity.

The undersigned agrees that any process against the undersigned, which is served upon the Tennessee Secretary of State, shall be of the same legal force and validity as if served on the undersigned.

It is understood that this appointment shall continue for as long as any liability shall remain outstanding against the undersigned pertaining to any such matters.

1. The specific trust, estate or person for which the undersigned has been appointed as fiduciary is:

2. The street address (including zip code) of the undersigned (to which all copies of legal process should be addressed) is:

Address: _____

City: _____ State: _____ Zip Code: _____

Note: Pursuant to T.C.A. § 10-7-503, all information on this form is public record.

Executed this _____ day of _____, 20 ____.

Name (Printed or Typed)

Signature

HOW AND WHERE CAN I OBTAIN MY NONRESIDENT FIDUCIARY?

COUNTER SERVICE

Customers may obtain nonresident fiduciary services in person during regular business hours (8:00 a.m. until 4:30 p.m. (CST) Monday - Friday). The Division is located on the 6th floor of the William R. Snodgrass Tower, 312 Eighth Avenue North, Nashville, TN.

MAILING ADDRESS

State of Tennessee
Department of State
Division of Business Services
Nonresident Fiduciary Unit
312 Eighth Avenue North
6th Floor, Wm. R. Snodgrass Tower
Nashville, TN 37243

TELEPHONE NUMBER

For other assistance on nonresident fiduciaries, please contact us at:

(615) 741-0531

E-MAIL ADDRESS

Business.Services@state.tn.us

FAX NUMBER

(615) 741-7310

WHAT IS A NONRESIDENT FIDUCIARY?

- A nonresident fiduciary is a person who does not reside in Tennessee, or a bank or trust company not authorized to do business in Tennessee, that is appointed by will, deed, trust agreement, court order or otherwise to serve as trustee of a corporate or personal trust, personal representative of an estate, guardian, conservator for an incompetent person, guardian for a minor or in any other fiduciary capacity.
- Only certain types of individuals, banks or trust companies may serve as nonresident fiduciaries. Please consult Tennessee Code Annotated, Section 35-50-107 for a complete listing of qualified persons or entities.

WHAT MUST A NONRESIDENT FIDUCIARY FILE WITH THE TENNESSEE SECRETARY OF STATE?

- A nonresident person, bank or trust company cannot serve in a fiduciary capacity in Tennessee unless and until it has appointed in writing the Tennessee Secretary of State as its agent for service of process. This appointment authorizes the Secretary of State to receive and to forward to the nonresident fiduciary by registered or certified mail all process in any action or proceeding relating to any trust, estate or matter within this State in which the person, bank or trust company is serving as fiduciary.

- The appointment document submitted to the Secretary of State must contain the following items:

1. The name of the specific trust, estate, or person for which the fiduciary has been appointed;
2. The name and out-of-state street address (including zip code) of the fiduciary;
3. A statement clearly designating the Tennessee Secretary of State as agent for service of process;
4. An original signature of the nonresident person or the representative of the bank or trust company (or a certified copy of the signed appointment document); and
5. The date the document is signed.

- The appointment document need not be in affidavit form or notarized.

- The appointment document must be accompanied by a filing fee of \$10.00. Please make checks or money orders payable to the Tennessee Secretary of State.

- The appointment document and filing fee should be submitted by mail or in person (no faxes) to the Tennessee Department of State, Division of Business Services, Nonresident Fiduciary Section (see address and location information below).

- An appointment document received by the Division of Business Services, regardless of the method of delivery, is endorsed upon receipt with a date and time stamp. This date and time become the official filing date and time if the document is accepted for filing.

- An appointment document accepted for filing by the Division of Business Services is microfilmed and information concerning the appointment is entered into the Division's nonresident fiduciary database.

- An appointment document accepted for filing by the Division of Business Services is returned to the submitter. A letter of acknowledgment and a receipt is provided as documentation of the filing and the receipt of the filing fee.