

PETITION FOR LIMITED LETTERS FOR A SMALL ESTATE GUIDELINES

T.C.A. §30-4-101, et. seq.

Limited Letters are used to administer assets with a total gross value at or below \$50,000.00.

FILING FEE: \$367.00 (Cash, Check or *Credit Card)
* Credit Card will add a 3% fee

FORMS REQUIRED: Petition for Limited Letters for a Small Estate
Order for Limited Letters
Consent to Serve Without Bond Form (1 for each Next-of-Kin)
Original Will (if decedent left a Will)
Copy of the Death Certificate
TennCare Request for Release of Estate Recovery Claim
(TennCare Release is only required if the decedent was 55 or older)

ADDRESS OF CLERK: Wilson County Probate Court Clerk's Office
134 South College Street
Lebanon, TN 37087
615-466-5311

Listed below are the requirements, information and criteria for filing a Petition for Limited Letters:

The total value of all of the personal property must be \$50,000.00 or less and not include real property.

The decedent must have **resided** in Wilson County. If the decedent's place of death was in Wilson County but the decedent's residence was in another county, the Petition must be filed in the county of residence **not** Wilson County.

You must wait forty-five (45) days from the date of death to file the Petition for Limited Letters. (If the 45 day waiting period has not passed, the Judge must waive the waiting period.)

You must include the decedent's full name (as it appears on the Death Certificate) when preparing the Petition.

If the decedent left a Will, you must bring the **original Will** to the Clerk's Office.

As the Petitioner, you must obtain signed and notarized (or signed under penalty of perjury) **Consent to Serve Without Bond** forms of all the next-of-kin. If you are unable to obtain Consent form(s), you must notify the next-of-kin of the hearing date. **NOTE:** Minor and incompetent individuals cannot consent. If the Petition incorporates minors or incompetents, the Court may set a Bond for the value of the personal property sought in the Petition.

You must list any known unpaid debts the decedent had at the time of death. Please list the creditor's name, address and amount of the debt.

If the amount of the debt exceeds the value of the personal property, you should seek legal advice from an attorney.

List the location and value of the assets you are trying to gain access to.

Although the Clerk's Office is authorized to assist in completing the Petition for Limited Letters for a Small Estate 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.

To obtain an EIN number go to <https://sa.www4.irs.gov/modiein/individual/index.jsp>

PROBATE COURT FOR
WILSON COUNTY AT
LEBANON, TENNESSEE

PETITION FOR LIMITED LETTERS FOR A SMALL ESTATE

CASE NUMBER

In the Matter of the Estate of: _____

Deceased

Personal Representative

Petitioner's name is _____, and address is _____

Petitioner is: An adult heir of the decedent **OR** nominated to serve as Personal Representative of the decedent's Last Will & Testament. Petitioner has no felony or misdemeanor (excluding, if any, minor traffic offences) convictions, and is not disqualified from serving as Personal Representative of the decedent's estate because of having been sentenced to imprisonment in a penitentiary as set forth in TCA § 40-20-115 or otherwise. Petitioner request that Limited Letters be issued and hereby states the following in support of this Petition:

The decedent, _____, age _____.

Died on _____, in _____ County, Tennessee.

The decedent's residence at the time of death was _____.

- The decedent left no Will (died intestate). **OR**
- The decedent left a Will (died testate); petitioner is not aware of any instrument revoking the document being offered for probate as the decedent's Will and petitioner believes said instrument is the decedent's last Will; the date of execution of the Will and the names of the attesting witnesses are as stated in the Will (which names are incorporated by reference); and:
 - The original Will is being filed simultaneously herewith along with affidavits of the attesting witnesses. **OR**
 - Petitioner is simultaneously filing a Petition to admit the Will to probate as muniment of title per T.C.A. 32-2-111.

The name, age (if under 18), mailing address (if known), and relationship of each heir at law of the decedent are:

Name	Age	Address	Relationship

Attach additional pages if necessary.

If the decedent left a Will, name, age (if under 18), mailing address (if known), and relationship of each Will beneficiary are:

Name	Age	Address	Relationship

Attach additional pages if necessary.

The following heirs and/or persons entitled to inherit from the decedent are under a disability (if "none", so state): _____

Attach additional pages if necessary.

Filing of inventory and accountings are not required by law in a small estate proceeding under TCA § 30-4-101, et seq.

An itemized list of the personal property of the decedent which will be subject to this small estate proceeding, the value of each item of property (the total of which is the estimated of the fair market value of the decedent's estate subject to this small estate proceeding), the identity of each creditor of the decedent, and the amount owing to each identified creditor are shown on Exhibit A hereto.

- Bond is required in the amount of \$ _____ (value of the decedent's estate subject to this small estate proceeding) **OR**
- Bond is waived because:
 - Petitioner is the sole beneficiary of the decedent's estate. **OR**
 - All adult heirs and beneficiaries of the decedent's estate have consent in writings (filed simultaneously herewith). **OR**
 - Affiant is a bank excused from bond by TCA § 45-2-1005.

PROBATE COURT FOR WILSON COUNTY AT LEBANON, TENNESSEE	CONSENT TO SERVE WITHOUT BOND	CASE NUMBER <hr style="border: 0; border-top: 1px solid black;"/>
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In the Matter of the Estate of: _____

Deceased _____

Personal Representative _____

WITHOUT A WILL (*or with a Will that does not name a living or willing person to serve as Executor)

I, _____, beneficiary of the above-referenced estate, do hereby waive my appointment as the Personal Representative of this estate and consent to the appointment of _____ and _____ as Personal Representatives of the estate, as evidenced by my signature below, whether notarized or signed under penalty of perjury, and I further state to the Court that this appointment shall be **without Surety Bond**.

WITH A WILL

I, _____, beneficiary of the above-referenced estate, do hereby waive the requirement of bond in the administration of the Small Estate by the Personal Representative named as the Executor in the Will.

This _____ day of _____, 20____.

Print Name: _____

Address: _____

<p style="text-align: center;">_____ Signature</p> <p>State of _____ 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 style="text-align: center;">_____ Signature</p>
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Division of
TennCare

RFR PROCESSING UNIT
310 GREAT CIRCLE ROAD, 3W
NASHVILLE, TN 37243
Phone: (615) 741-0636, Fax (615) 413-1941
Email: RFR.TENNCARE@TN.GOV

REQUEST FOR RELEASE

INCLUDE A DEATH CERTIFICATE WITH READABLE SOCIAL SECURITY NUMBER

Deceased Person's Name¹

First _____ Middle _____ Last _____

Person Submitting Request

Name: _____

Street Address: _____

City _____ State _____ Zip Code _____

Phone: _____ Email: _____

Information About Probate Court Case

Has a probate court case been filed? If yes, check the box and fill out the rest of this section.

County the case was filed in: _____ Date Filed: _____

Case Number: _____

Request that TennCare Waive or Delay Recovery of Claim

Are you asking TennCare to waive (drop) or delay recovery of its claim? If yes, check any boxes that apply. See the instructions at the bottom of this page for the other documents you must send us with this page.

Deceased is survived by a child under 21² Deceased had long-term care insurance³

Deceased is survived by a child that the Social Security Administration has determined to be blind or permanently and totally disabled.⁴

Deceased is survived by a spouse Surviving spouse's full name: _____

Surviving Spouse's Social Security Number: _____

Information about Trust⁵

Is the deceased the beneficiary of a trust with a Medicaid payback provision?⁵ If yes, check this box and list the trustee's contact information below. Please provide a copy of the trust.

Name: _____

Street Address: _____

City _____ State _____ Zip Code _____

Phone: _____ Email: _____

INSTRUCTIONS:

¹ Email, mail or fax this completed page and a legible copy of the deceased's death certificate with Social Security Number unredacted to the RFR Processing Unit.

² If the deceased is survived by a child under 21, also send a copy of the child's birth certificate.

³ If the deceased had long-term care insurance, also send a copy of the policy documents.

⁴ If the deceased was survived by a blind or disabled child, also send a copy of the child's birth certificate and the determination/award letter from the Social Security Administration.

⁵ If the deceased is the beneficiary of a trust with a Medicaid payback plan, also send a copy of the trust.