



November 22, 2024

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# Probate Court

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We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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# Probate Court

## Private Acts of 1981 Chapter 106

**SECTION 1.** Chapter 249 of the Private Acts of 1972 is hereby repealed.

**SECTION 2.** Section 1 of Chapter 112 of the Private Acts of 1973 is amended in subsection (g) by deleting the words and punctuation "for the administration of decedents' estates, including the probate of wills, and".

**COMPILER'S NOTE:** Private Acts of 1973, Chapter 112, relating to the powers and duties of the County Executive and referred to in Section 2 above, is reprinted herein under the topic heading, "Administration, County Executive".

**SECTION 3.** All jurisdiction relating to the probate of wills and the administration of estates and related matters heretofore vested concurrently in the County Judge and the Probate Court of Montgomery County is hereby vested in the Chancery Court of Montgomery County in accordance with the general law. The Chancery Court shall have exclusive jurisdiction over the probate of wills and the administration of estates, and all matters relating thereto, heretofore vested concurrently in the County Judge and Probate Court of Montgomery County.

**SECTION 4.** The Clerk and Master shall be authorized and empowered to grant letters of administration and letters testamentary, appoint administrators and executors, receive and adjudicate all claims, probate wills in common form, determine allowances to the surviving spouse and family of the deceased, preside over the assignment of homestead, take and state all accounts and settlements, subject to the approval of the chancellor, direct and approve final distributions, and hear and determine all probate matters whether herein enumerated or not. The Chancellor shall hear all probates in solemn form and may hear such other probate matters as he may deem proper. All action taken by the Clerk and Master shall be subject to review by the Chancellor by simple motion, petition or the filing of exceptions as may be appropriate.

**SECTION 5.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Montgomery County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and certified by him to the Secretary of State.

**SECTION 6.** For the purposes of approving or rejecting the provisions of this Act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 5.

Passed: April 22, 1981.

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