



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

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Probate Court

Dear Reader:

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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 1967-68 Chapter 391

SECTION 1. That there is hereby created a Court, effective May 1, 1968, for Monroe County, Tennessee, to have probate jurisdiction coextensive with the boundary lines of said County, and to be known as the Probate Court of Monroe County, Tennessee.

SECTION 2. That the Judge of the General Sessions Court of Monroe County, Tennessee, upon his being elected and qualified as judge of the General Sessions Court shall also be Judge of the Probate Court of Monroe County, Tennessee, and the present General Sessions Judge of Monroe County, Tennessee, shall be and is hereby designated to serve as such Probate Judge until his successor is duly elected and qualified under the terms and provisions of this Act.

SECTION 3. That the Probate Court of Monroe County shall not have term days, but shall have one term, beginning on the first Monday of each year and lasting throughout that year. Process shall be returnable and pleadings shall be served and filed in accordance with the Tennessee Rules of Civil Procedure.

As amended by: Private Acts of 1984, Chapter 204

SECTION 4. That the Probate Court of Monroe County, Tennessee, shall have and exercise all the jurisdiction of the County Court in all matters relating to wills; administration of decedents' estates, including the sale of decedents' land for the payment of debts; qualification of guardians; partition of land cases, both by sale and in kind; the affairs of minors, incompetents, and others laboring under a disability. The said probate court is vested with all jurisdiction heretofore vested in or exercised by the county court by any statute whatsoever with the exception of those powers and jurisdiction which are vested in the juvenile court for Monroe County, Tennessee, and the legislative powers of said county court. The additional jurisdiction hereby vested in the probate court include, but are not limited to, workers' compensation and changes of name. Nothing in this act shall be construed to divest the county executive of his jurisdiction and authority as fiscal and financial agent of said county, or of any other jurisdiction and authority conferred upon him by law. Appeals from the judgment of said court in all cases formerly cognizable by the county court of Monroe County shall be as now provided by law for cases originating in the county court. The County Judge of Monroe County upon the creation and establishment of the Probate Court is divested of all common law and statutory jurisdiction in the matter enumerated above, to the end that he (County Judge) shall serve primarily as the fiscal officer and Juvenile Judge of said county, preside over the Quarterly County Court at its regular and special meetings, and exercise all other jurisdiction and powers heretofore vested in him except those for which he has been divested above. When this Act becomes effective, all matters within the jurisdiction divested from the County Court and vested in the Probate Court by this Act pending in the County Court on said date shall be completed by the Probate Court except as otherwise prevented by the general law of this State, the same as if these matters had originated in the Probate Court, and all process in these matters returnable to the County Court shall be returned to the Probate Court.

As amended by: Private Acts of 1984, Chapter 204

SECTION 5.

(a) Effective September 1, 1990, the clerk and master of Monroe County shall be the clerk of the probate court and all fees received by him as clerk of the probate court shall be a part of the fees of the clerk and master's office.

(b) All probate records and other documents pertaining to probate matters in the possession of the Monroe County clerk shall be transferred to the office of the clerk and master of Monroe County no later than August 31, 1990.

As amended by: Private Acts of 1990, Chapter 158

SECTION 6. That prior to June 1, 1982, and prior to June 1 octennially thereafter, the salary of the Probate Judge shall be set by the County Court at an amount not to exceed seven thousand dollars (\$7,000.00) per annum, which shall not be effective prior to September 1, 1982, nor prior to September 1 octennially thereafter following the setting of such salary as provided herein, and which shall not be increased or decreased during the term of office of such judge.

As amended by: Private Acts of 1982, Chapter 358

SECTION 7. That the Judge of the Probate Court of Monroe County, Tennessee, shall take and subscribe to the same oath provided by law for the General Sessions Judge and possess the same qualifications.

SECTION 8. That this Act shall be void and of no effect unless the same shall be approved by a two-thirds vote of the Quarterly County Court of Monroe County, Tennessee, on or before May 1, 1968. The action of the Quarterly County Court hereon shall be proclaimed by the presiding officer of said county and certified

by said officer to the Secretary of State.

SECTION 9. That this Act shall take effect for the purpose of validating the same from and after its passage and for all other purposes on May 1, 1968, the public welfare requiring it.

Passed: March 18, 1968.

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