



July 22, 2024

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

Court Costs

Public Acts of 1971 Chapter 153

WHEREAS, The cost of administrating the probate matters in the various counties has greatly increased in the last few years, and

WHEREAS, It is therefore necessary to set a schedule of charges which more accurately reflect the cost of administrating probate matters,

SECTION 1. That all counties having a population of not less than 350,000 and not more than 600,000, according to the Federal census of 1970, or any subsequent Federal census, shall adopt the following schedule of fees to defray the cost of administering probate matters, and the Clerks of the various courts shall charge and account for as court costs, the following:

Item

- (1) For filing petition, entering order, recording bond, issuing two (2) letters of administration in intestacy cases, and notifying Commissioner of Finance and Taxation \$15.00
- (2) For filing petition for probate of will and entering order, without issuing letters testamentary or letters of administration c.t.a. \$10.00
- (3) For filing petition to probate will of three (3) pages or less in length, entering order, issuing two (2) letters testamentary when bond is waived, recording will, and notifying Commissioner of Finance and Taxation \$20.00
- (4) For filing petition to probate will of more than three (3) pages in length, entering order, issuing two (2) letters testamentary when bond is waived, recording will, and notifying Commissioner of Finance and Taxation \$20.00 plus \$1.00 for each additional page of will in excess of three (3) pages
- (5) For filing petition to probate will of three (3) pages or less in length, entering order, issuing two (2) letters testamentary or letters of administration c.t.a., recording bond, and notifying Commissioner of Finance and Taxation \$21.00
- (6) For filing petition to probate will of more than three (3) pages in length, entering order, issuing two (2) letters testamentary or letters of administration c.t.a., recording bond, and notifying Commissioner of Finance and Taxation \$21.00 plus a \$1.00 for each additional page of will in excess of three (3) pages
- (7) For filing petition to probate foreign will of three (3) pages and entering order without issuing letters testamentary of administration c.t.a. \$20.00
- (8) For filing petition to probate foreign will of three (3) pages or less in length, entering order, issuing two (2) letters testamentary when bond is waived, recording will, and notifying Commissioner of Finance and Taxation \$30.00
- (9) For filing petition to probate foreign will of more than three (3) pages in length, entering order, issuing two (2) letters testamentary when bond is waived, recording will, and notifying Commissioner of Finance and Taxation \$30.00 Plus \$1.00 for each additional page of will in excess of three (3) pages
- (10) For filing petition for letters of guardianship or conservatorship, entering an order, and issuing certificate of guardianship or conservatorship, where no process issued \$15.00
- (11) For filing petition for letters of guardianship or conservatorship, issuing process and cost bond, entering order, and issuing certificate of guardianship or conservatorship. (Sheriff's fee \$5.00 additional) \$18.00
- (12) For filing petition for removal of disabilities of minority and entering order \$9.00
- (13) For filing petition for removal of disabilities of insanity, filing affidavits and entering order \$10.00
- (14) For filing petition for allowing year's support to widows and entering all orders and reports \$8.00
- (15) For filing petition to legitimate persons, entering order, and forwarding certificates to Tennessee Department of Vital Statistics \$10.00

(16) For filing petition for change of name, and entering order	\$10.00	
(17) For filing inventory and recording same in Inventory Record Book	\$3.00	Plus \$1.00 for each additional page in excess of three (3) pages
(18) For entering each order upon the minutes not otherwise provided for	\$2.00	Plus \$1.00 for each additional page in excess of One (1) page
(19) For filing petition for habeas corpus, filing cost bond, issuing process, and entering order (Sheriff's fee \$5.00 additional)	\$10.00	
(20) For filing and recording annual settlement of guardians, conservators, administrators and executors, and entering order approving same	\$7.50	Plus \$1.00 for each additional page in excess of Three (3) pages
(21) For entering orders increasing bonds of guardians conservators, ex- ecutors and administrators	\$5.00	Plus \$1.00 for each additional page in excess of three (3) pages
(22) For entering orders increasing bonds of guardians, conservators, ex- ecutors and administrators	\$5.00	
(23) For issuing each additional copy of letters of administration, testamen- tary, guardianship and conservatorships	\$2.00	
(24) For each certificate issued, except under Acts of Congress	\$1.00	
(25) For issuing supplemental certificates showing letters to be in force	\$2.00	
(26) For issuing Acts of Congress certificates	\$3.00	
(27) For making certified copies of documents of three pages or less	\$3.00	for each additional page .50
(28) For filing and docketing claims against decedent's estate, each claim, except claim for funeral bill and legal notice to creditors	.50	
(29) For filing exceptions to claims against estates, mailing notices and en- tering Orders	\$5.00	
(30) For issuing any notice to guardians, conservators, executors and ad- ministrators to take and state their accounts as provided by law	\$3.00	
(31) For filing petition for delayed or corrected birth certificate, and entering order	\$6.00	
(32) For filing petition and cost bond in causes involving sale of real estate	\$5.00	
(33) For filing each answer in such causes	\$1.00	
(34) For filing each report in such causes	\$2.00	Plus \$1.00 for addi- tional pages in ex- cess of one (1) page
(35) For issuing summons and entering return in such causes	\$3.00	
(36) For entering orders pro confesso or judgment by default in such causes	\$3.00	
(37) For issuing and entering order of publication in such causes	\$3.00	
(38) For filing each amended petition in such causes	\$2.00	
(39) For entering order appointing guardian ad litem in such causes	\$2.50	
(40) For filing and entering final order in each of such causes	\$3.00	Plus \$1.00 for each additional page in excess of Two (2) pages
(41) Commissions on funds paid into court in causes involving sale of real estate.	\$21.50 on first \$1,000.00 and one- half of one per cent (½%) on balance	
(42) Commissions on proceeds of the sale of real estate when sale made by the clerk	Five per cent (5%) on first \$6,000.00 of sale price, plus one per cent (1%) of the bal- ance	
(43) For filing and docketing Commitment proceedings under the provisions of Section 33-604 Tennessee Code Annotated, entering and enrolling	\$10.00	

order appointed counsel for the individual, when necessary and order of commitment to mental Hospital

(44) For filing and docketing petition or complaint for encroachment \$5.00

SECTION 2. That the provisions of this Act are declared to be severable and if any of its sections, provisions, sentences, clauses, words, phrases, or parts be held unconstitutional, void and/or invalid, the remainder of this Act shall continue in full force and effect, it being the legislative intent, now hereby declared, that this Act would have been adopted even if such unconstitutional, void and/or invalid matter had not been included therein.

SECTION 3. That notwithstanding the provisions of any other law or laws on this subject, should there be a conflict between the provisions of this Act and some other Act on this same subject, it is hereby declared the legislative intent that the provisions of this Act shall be controlling, notwithstanding the provisions of the other Act, since they are hereby expressly repealed and superseded.

SECTION 4. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: May 4, 1971.

Chancery Jurisdiction

Private Acts of 1974 Chapter 366

SECTION 1. That the Probate Court of Davidson County, in addition to the jurisdiction heretofore vested in it by statute, shall have and exercise all the jurisdiction now or hereafter conferred upon the Chancery Court of Davidson County.

SECTION 2. That in the exercise of the jurisdiction conferred upon it hereunder, the Probate Court and the Judge thereof shall be subject to and bound by all the statutes and rules and applicable to the Chancery Court of Davidson County. Causes which may be filed in or transferred to the Chancery Court of Davidson County may be assigned to said Probate Court in the same manner in which causes are assigned to the several Parts of the Chancery Court of Davidson County.

SECTION 3. That the Clerk and Master of the Chancery Court of Davidson County shall act as Clerk and Master for said Probate Court in all matters pertaining to the jurisdiction conferred upon said Probate Court by this Act.

SECTION 4. That all laws or parts of laws, public or private, in conflict with the provisions with this Act are hereby repealed.

SECTION 5. That this Act shall have no effect unless it is approved by a two-thirds' vote of the Metropolitan County Council of Nashville and Davidson County. Its approval or non-approval shall be proclaimed by the Presiding Officer of the Council and certified by him to the Secretary of State.

SECTION 6. That for the purpose of approving this Act as provided in Section 5, it shall take effect upon becoming a law, but other provisions of the Act shall be effective only upon being approved as provided in Section 5.

Passed: March 28, 1974.

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