



November 19, 2024

Probate Jurisdiction

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,

The University of Tennessee
County Technical Assistance Service
226 Anne Dallas Dudley Boulevard, Suite 400
Nashville, Tennessee 37219
615.532.3555 phone
615.532.3699 fax
www.ctas.tennessee.edu

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Probate Jurisdiction

Private Acts of 1994 Chapter 123

SECTION 1. There is hereby conferred probate jurisdiction on the general sessions court of Dyer County.

SECTION 2. The Probate Court of Dyer County shall at all times be treated and considered as a court of record. Such court shall be in continuous session without the intervention of any term or terms and such court shall be held at such time and during such periods as shall be required to provide for the orderly disposition of all business properly coming before it.

SECTION 3. The Probate Court of Dyer County shall have concurrent jurisdiction, powers and authority with Chancery Courts in all matters relating to wills, administration of decedent's estates, qualification of guardians or conservators, the affairs of minors, incompetents, and others laboring under a disability, as well as all other jurisdiction traditionally exercised by courts with probate jurisdiction.

The authority, powers and jurisdiction conferred by this act shall be coextensive with the boundary lines of such county.

SECTION 4. Appeals from the judgment of the Probate Court of Dyer County arising under this act shall be to the Court of Appeals or to the Supreme Court in the same manner as provided in such cases from the Circuit and Chancery Courts.

SECTION 5. All cases brought in the probate court pursuant to this act shall be according to the form for pleading and practice in the Chancery Court and such cases shall be tried as like cases are tried in the Chancery Court. The Clerk of the probate court shall keep a docket of cases filed and the procedure in each case, and shall enter orders and decrees according to practice and rules of the Chancery Court. The Judge of the Probate Court shall make and cause to be entered on record all such orders and decrees according to the practice and rules now in effect in the Chancery Court.

SECTION 6. The Clerk and Master of Dyer County shall be the Clerk of all matters filed in the Probate Court and all fees received by the Clerk shall continue to be part of the fees of that office. Necessary clerical help for the clerk shall be funded from the county general fund. The Clerk shall make application to the Judge of the Probate Court or to the Chancellor of the Chancery Court for authority to employ such help as is justified. Dyer County shall furnish the Probate Court Clerk adequate office space and equipment for the conduct of the affairs of the office.

SECTION 7. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 8. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Dyer County acting in either regular or special session. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and certified to the Secretary of State.

SECTION 9. For the purpose of approving or rejecting the provisions of this act, it shall take effect upon becoming law, the public welfare requiring it. For all other purposes, it shall take effect on August 1, 1994, the public welfare requiring it.

Passed: February 23, 1994.

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